

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 Tuesday, October 18, 2016

4:15 PM Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- 1. Parking Policy Discussion (4:45 PM)**
- 2. Wayzata Community Sailing Center Improvements (5:15 PM or immediately following)**
- 3. Telecom Relocation Update (5:45 PM or immediately following)**
- 4. CIP Discussion (6:15 PM or immediately following)**

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.									
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								3
a.	Approval of City Council Workshop Meeting Minutes of October 4, 2016 and City Council Regular Meeting Minutes of October 4, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Mediacom Quarterly Customer Service Report								
e.	Police Activity Report								
f.	Building Activity Report								
g.	Approval of Second Reading of Ordinance #764 Floodplain Ordinance Amendment								
h.	Approval of Resolution No. 39-2016 - Adopting Municipal Fees for 2017								
i.	Approval of Resolution No. 41-2016 for Pflaum Home at 630 Bushaway Road								
j.	Approval of Final Plat for UUCM @ 2030 Wayzata Blvd. E.								
6	Public Hearing								
a.	PUBLIC HEARING on Special Assessment Roll for Unpaid False Alarm Charges & Delinquent Utility Bills and CONSIDER APPROVAL of Resolution No. 40-2016 to Approve Special Assessment Roll	Dahl							148
7	New Business								
a.	Update on Bushaway Landscaping	Kelly							
b.	Consider Resolution No. 44-2016 Approving Transfer of Mill Street Parking Lot from Wayzata Housing and Redevelopment Authority	Dahl							151
c.	Consider Resolution No. 42-2016 for Mill St Parking Ramp Design Review	Thomson							157
d.	Consider Resolution No. 43-2016 for PUD Amendment for Enclave Development	Thomson							227
8	City Manager's Report and Discussion Items								
9	Public Forum (as necessary)								
10	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 - November 1 & 15, 2016
- Planning Commission - November 7 & 21, 2016

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WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
October 4, 2016

5:00 PM 2017 Budgets for Enterprise Funds, Fee Schedule, CIP's

Mayor Willcox called the workshop meeting to order at 5:00 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Senior Accountant Ovshak, Liquor Store General Manager Castellano, Bar & Grill General Manager Pietrini, Motor Vehicle Manager Heider, Director of Public Service Dudinsky, and Contracted Finance Director McDonald.

Mr. McDonald reviewed the 2017 preliminary enterprise fund budgets.

Mr. Heider asked the council their opinion regarding their vision for the future of the Motor Vehicle Department. He stated there is opportunity for growth but the current office space would have to be expanded. Mr. Dahl indicated this would be something that should be discussed during the next strategic planning session.

The group discussed the cable television budget, which shows an unbalanced budget. Concerns of future funding was discussed due to subscriber fees declining.

Mr. Dudinsky discussed the water, sewer and storm water budgets. The results of the water rate study provided a recommended 1.5 percent water rate increase. It was determined that a 3 percent rate increase was necessary to balance the budget. Mr. Dudinsky reviewed the recommended 3 percent rate increase for the sewer budget due to the Met Council sewer service charges. Mr. Dudinsky reviewed the recommended 3 percent rate increase for the stormwater budget due to the stormwater pond maintenance necessary in the upcoming years.

Mr. Pietrini discussed the Bar & Grill's flat budget. He stated the restaurant's sales are down due to competition, however, net profit has increased. He indicated he has found ways to cut costs to offset the decrease in sales, but anticipates cost cutting measures can only go so far.

Mr. Castellano indicated that he has focused on creating a wine store destination image for the liquor store, which has been successful. He recommended a 3 percent increase for all revenues and most expenditures.

Ms. Ovshak reviewed the 2017 fee schedule and reiterated the water, sewer, and stormwater rates reflect a 3 percent increase. She explained that the WAC and SAC fees reflect a recommended 5 percent increase, and a 50 cent increase on the recycling/organics charge due to the costs of the organics program. Ms. Ovshak reviewed the added tree replacement fee in lieu of tree replacement, which had been approved by Council Resolution earlier in 2016. Ms. Ovshak indicated there is a recommended \$49 increase to the dangerous dog registration fee. The group discussed the fee schedule in detail and had no changes. Mrs. Anderson asked why a flat increase was not done across the board and asked if staff had looked at each line item. Ms. Ovshak indicated that all departments had reviewed their line items on the fee schedule.

Mr. Baasen, Parks and Trails Board Executive Board Chair, reviewed the goals and objectives of the Parks and Trails Board. Members of the Parks and Trails Board reported on specific projects which they would like the Council to approve. Ms. Showalter discussed Klapprich Park playground equipment replacement. Ms. Babcock discussed the creation of a little beach with a removable dock on Arlington Circle. Mr. McWethy discussed platform tennis courts that can be used year round. Mr. Baasen discussed upgrading the portable bathrooms near The Depot building. Mr. Purdy discussed having a Sunday concert series at Klapprich Park. Ms. Cunningham discussed the installation of three bike repair

1 stations. The group indicated general support for all items except the bike repair stations, which they
2 believed the installation may be the responsibility of the Three Rivers Park District.

3
4 Time did not permit the discussion of the Capital Improvement Plan, which will be discussed at a future
5 workshop meeting.

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7 Dahl indicated that the 2017 enterprise fund budgets would be tweaked for Council approval in
8 December.

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10 The workshop meeting was adjourned at 7:00 pm.

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12 Respectfully submitted,

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16 Becky Malone
17 Deputy City Clerk

DRAFT

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WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
October 4, 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. Anderson 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 2017 Budgets for Enterprise Funds, Fee Schedule, and CIP's.

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

a. Wayzata Library Update

Gwen Wasmund with the Wayzata Library, reported on programs, classes, and resources offered at the Wayzata library.

Mr. Mullin inquired how many people use the Wayzata Library and how it compares to other libraries in the surrounding area. Ms. Wasmund stated they are busier than the library in Long Lake and less busy than the Ridgedale Library.

Mrs. Anderson asked if there is a plan to incorporate more computers for internet users. Ms. Wasmund stated they have fewer computers since they remodeled.

Mayor Willcox inquired about the Friends of the Library. Ms. Wasmund commented it is a group of volunteers that fundraises and provides programs for the library.

Mr. Tyacke inquired about programming for kids. Ms. Wasmund responded there are story times, book clubs, literacy education, and teaching parents how to read with kids.

AGENDA ITEM 4. New Agenda Items.

Mr. Mullin stated a youth nonprofit requested to meet with the Council regarding pull tabs and requested it be added to an upcoming Workshop agenda. The Council agreed.

AGENDA ITEM 5. Consent Agenda.

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

- 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 No. 761 Opting-Out of Temporary Healthcare Dwelling Units Statute
- f. Approval of Second Reading of Ordinance No. 762 Amending Institutional Zoning District
- g. Approval of Scope of Services with UrbanWorks, Inc. for Facilitation of Special Services District (Mobility District)

The motion carried 5/0.

AGENDA ITEM 6. New Business.

- a. **Consider Resolution No. 37-2016 Dissolution of Communications Advisory Board**

1 City Manager Dahl reported in response to Council discussion at the September 6 Workshop
2 meeting, the City Attorney has drafted a resolution to dissolve the Communications Advisory
3 Board.

4 Mr. Dahl reported on the history, role and accomplishments of the Communications
5 Advisory Board as well as the future goals for City communications. The hiring of a
6 Communications Specialist now takes the place of the Communications Advisory Board.

7 Mr. Dahl thanked all the current and previous members of the Board.

8 Mr. Tyacke asked who the Communications Specialist reports to. Mr. Dahl stated they
9 report to him.

10 Mrs. Anderson acknowledged everyone who worked on projects that were assigned to
11 them as well as Mary Bader’s efforts to formulate the Communications Board.

12 Mr. Willcox commented the Board did a great job, got the job done, and that is why they
13 are no longer needed.

14 Mr. Mullin stated he would have preferred this Board stay together. He hopes one of the
15 first things to be addressed by a task force is the special service district and the opportunity to
16 pool dollars to promote Wayzata. The primary reason for dissolving the Board was not a lack of a
17 quorum for the group.

18 City Attorney Schelzel referred to page 48 of the meeting packet, final paragraph, and
19 stated no final report is needed and the Date of Dissolution is October 4, 2016.

20 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution No. 37-
21 2016 to Dissolve Communications Advisory Board, as amended. The motion carried 5/0.

22
23 **b. Consider Resolution No. 38-2016 Beacon Five Project at 529 Indian Mound E**

24 Director of Planning and Building Thomson reported Beacon Five, LLC and R.E.C. Inc.
25 have applied to construct a three-story building with five residential condominium units and 600
26 square feet of office space on the first floor. The proposed building would have a 5,445 square
27 foot footprint on a 10,897 square foot lot. The application requests include a PUD General Plan of
28 Development and Design Review with the following deviations: 1) Street level landscaped
29 courtyards and outdoor seating areas; 2) Building recession for third story; 3) Roof Color; and, 4)
30 Exterior building materials. The Planning Commission recommends approval of this application.

31 Mr. Tyacke inquired about on-site parking, lack of replacement trees in the concept plan,
32 and the step back with the second and third stories. Mr. Thomson responded based on the small
33 size of the office space and the peak usage of residential and office uses, the required number of
34 parking spaces is ten. The site does not have a lot of room for additional plantings and the
35 conditions of all the trees will be assessed during the final permit review. Regarding the step
36 backs, there was not a detailed design review with the PUD concept plan application. The
37 Planning Commission recommended approval of the design deviation for the reduced step backs
38 because the building itself is set back from the property line. The second and third stories are then
39 set back as well and meet the massing principle of the design standards. The comments of
40 residents at the public hearing were related to parking.

41 At the request of Mrs. Anderson, Mr. Thomson explained a special fund will be set up for
42 tree planting in the community from the fee-in-lieu of tree replacement.

43 Mrs. Anderson inquired about the building height, the front façade, and the signage
44 allowance for the potential business. Mr. Thomson responded the building height maximum is 35
45 feet and the applicant is requesting 37.4 feet, which includes the parapet. The surrounding
46 buildings are around 39 feet in height. The signage for the business would be minimal and could
47 not be more than 15 percent of the building elevation of the tenant.

48 Mr. Mullin inquired what the in-lieu-of fee amount would be. Mr. Thomson responded it
49 would be around \$20,000.

50 Mr. Tyacke asked who owns the land between Beacon Five and Garrison Landing and
51 stated he would like to see some trees in that area. Mr. Thomson responded the proposed building

1 is 10 feet from the property line and the land west of the site is part of the Garrison Landing
2 project.

3 Mr. Willcox inquired about the building height, the removal of a sidewalk, the roof color,
4 and the fiber cement used on the building. Mr. Thomson responded the sidewalk to be removed is
5 near the parking lot of the Keller Williams building on the northeast corner. Regarding the roof
6 color, the zoning requirements with building height would be the same for other buildings in the
7 area and this building has parapets on it to block any views of the roof. A darker color roof will
8 recede and requests for lighter roofs are increasing. The cement fiber board on the front of the
9 building is an allowable material because it is high quality and durable, and its location on the
10 building staff thought made sense from a design perspective.

11 Tim Whitten, Whitten Associates, 4159 Heatherston Place, commented they did their best
12 to reduce the height of the building. With a flat roof, a darker color causes it to break down more
13 quickly and that is why they are proposing a lighter color. It cannot be seen by Garrison Landing
14 and they will probably be at the same height as Keller Williams. It is a rubber membrane and is
15 not reflective. With the building access and slope, a bench is not possible. They could include one
16 in another area, if needed. The cement board will be painted and decorative, and is only being
17 used where there are bay windows. The building is set back 22 feet from the front property line,
18 so the third floor step back is less of a concern. The office signage will be minimal and could be
19 made a condition to keep it that way. They are willing to work with staff and the Garrison
20 Landing property owner to discuss the addition of trees. The proposed building design is the same
21 as what was introduced in the PUD concept plan application.

22 Mr. Tyacke recommended a condition be added for the applicant to work with staff and
23 the Garrison Landing property owner to discuss the addition of trees along the shared property
24 line.

25 Mrs. Anderson stated the design is improved given the limitations of the lot, and supports
26 it. She suggested the applicant get creative with some kind of seating, but it is not a deal breaker.
27 The design is positive and of high enough quality that matches what is in the neighborhood, but
28 she appreciates the detail that was talked about with the cement board. The height has been
29 reduced and given the topography, underground parking, and surrounding buildings, it should be
30 allowed. The step backs should not be an issue since the entire building is set back off the
31 property line. The roof color is fine since no one can see it and she suggested the Planning
32 Commission update the design standards regarding roof color.

33 Mr. Willcox and Mrs. McCarthy stated they agree with Mrs. Anderson and support the
34 application.

35 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution No. 38-
36 2016 approving PUD General Plan of Development and Project Design for a PUD development
37 at Beacon Five Project at 529 Indian Mound East, with an added condition that the applicant
38 work with the developer of Garrison Landing to plant more trees along the west side of the
39 property. The motion carried 5/0.

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41 **c. Consider First Reading of Ordinance #764 Floodplain Ordinance Amendment**

42 Director of Planning and Building Thomson reported the Federal Management Agency
43 (FEMA) issued a Letter of Final Determination (LFD) that stated the Flood Insurance Rate Maps
44 (FIRMs) for the City and the Hennepin County Flood Insurance Study are complete and will
45 become effective November 4, 2016. In order to continue the City's eligibility in the National
46 Flood Insurance Program (NFIP), the City is required to adopt floodplain management
47 regulations that meet the NFIP regulations.

48 Mr. Thomson reported staff has drafted amendments to Section 801.02.2-Definitions and
49 Section 801.93-Floodplain Regulations of the Zoning Ordinance related to the City's floodplain
50 regulations.

1 Mrs. McCarthy inquired if there are any changes from the previous floodplain map and
2 the updated one. Mr. Thomson said there is one area of change where a floodplain area was
3 reduced.

4 Mr. Thomson reported on the changes made to the ordinance:

- 5 • Purpose statements were updated to include: a) compliance with the National Flood
6 Insurance Program; and b) preserve the natural characteristics and functions of the
7 watercourses and floodplains.
- 8 • Adopts new FEMA floodplain maps
- 9 • Manufactured homes, manufactured home parks, and recreational vehicle parks or
10 campgrounds would be prohibited within the floodplain
- 11 • Construction activities in the floodplain that require an administrative floodplain use
12 permit would be expanded to include: a) construction of a dam, fence, or on-site septic
13 system; b) relocation or alteration of a watercourse, including new or replacement
14 culverts or bridges, unless the Minnesota DNR has approved a public water works
15 permit; and c) any other type of development not specifically mentioned in the ordinance.
- 16 • Variance criteria would be added for any variance requests in the floodplain overlay
17 district. The proposed variance criteria include reference to “exceptional hardship” even
18 though the State variance statute includes a “practical difficulties” standard. The
19 proposed language is required verbatim in order to meet FEMA requirements.
- 20 • Additional provisions added pertaining to non-conformities in the floodplain include: a)
21 If the cumulative cost of improvements or additions to a non-conforming structure
22 exceeds 50% of its market value, the entire structure would be subject to the floodplain
23 ordinance requirements; b) If a non-conforming use or use of a non-conforming structure
24 is discontinued for more than one year, any future use must conform to the floodplain
25 ordinance requirements; c) If any non-conformity is substantially damaged, it may only
26 be reconstructed in conformance with the floodplain ordinance requirements; d) If any
27 non-conforming use or structure experiences repetitive loss, it may only be reconstructed
28 in conformance with the floodplain ordinance requirements; and e) Any substantial
29 improvement to a non-conforming structure would be subject to the floodplain ordinance
30 requirements.

31 Mr. Thomson reported after DNR review, the City received a conditional Letter of
32 Approval requesting the following changes be made: 1) the addition of a definition for “Flood
33 Insurance Rate Map”; and, 2) the addition of requirement to Subdivision Section (801.93.8) that
34 applies to subdivisions in flood prone areas.

35 Mrs. McCarthy commented the property owners affected by these changes should be
36 notified by the City.

37 Mr. Thomson stated this ordinance applies only to the portion of someone’s property that
38 is in the floodplain.

39 Mr. Mullin clarified this allows someone the ability to make a claim against the pooled
40 resources and is useful if a person chooses to take out a preventative policy. It does not mean that
41 every homeowner in the floodplain area will see a change to their insurance. It is an issue
42 between the property owner and their insurance company.

43 Mr. Tyacke inquired who would be overseeing the permitting process and administration.
44 City Attorney Schelzel stated it would be City Manager Dahl.

45 Mr. Schelzel advised the draft ordinance amendment that would be used is the one that is
46 in the paper packet.

47 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt the first reading of
48 Ordinance No. 764 amending Section 2 (Rules and Regulations) and Section 93 (Floodplain
49 Regulations) of the City Code Chapter 801 (Zoning Ordinance) regarding the City’s Floodplain
50 Regulations. The motion carried 5/0.

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

3 **a. Highway 12 Construction**

4 City Manager Dahl advised work on the median will begin on October 17 and take three weeks.

5
6 **b. Bushaway Landscaping Open House**

7 City Manager Dahl advised there will be an open house on October 13 at 6:30 p.m. to review the
8 progress of the Landscape Committee.

9 Mrs. Anderson stated SRF will be there to answer questions and the installation will
10 begin on April 22, 2017, and include volunteers from Cargill and Great River Greening for their
11 annual Volunteer Day.

12
13 **c. Council Reports/Updates**

14 Mr. Mullin commented October is “Be Pink Wayzata” month.

15 Mr. Mullin recognized the Thomas Shaver family during this difficult time.

16
17 Mr. Willcox announced the Fire Department is looking for additional volunteer firefighters and
18 announced the following events:

- 19 • Pull-It will take place on October 15
20 • Boo Blast will take place on October 29, 2016
21 • Person of the Year Luncheon will take place on October 13
22 • Bushaway Bridge will open on November 1

23
24 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

25 There were no comments.

26
27 **AGENDA ITEM 9. Adjournment.**

28 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
29 business, Mayor Willcox adjourned the meeting at 8:34 p.m.

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31 Respectfully submitted,

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35 Becky Malone
36 Deputy City Clerk

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

***Check Detail Register©**

September 2016 to October 2016

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	103765	10/4/2016	ARTISAN BEER COMPANY		
E 640-47000-253	Beer For Resale		\$549.15	3123798	BEER
E 640-48000-253	Beer For Resale		\$270.00	3126519	BEER
E 640-47000-253	Beer For Resale		\$162.25	3126610	BEER
E 640-47000-253	Beer For Resale		\$236.25	3128081	BEER
E 640-48000-253	Beer For Resale		\$270.00	3129401	BEER
E 640-48000-253	Beer For Resale		(\$120.00)	357378	BEER
E 640-47000-253	Beer For Resale		(\$56.96)	357709	BEER
E 640-47000-253	Beer For Resale		(\$6.66)	357710	BEER
E 640-48000-253	Beer For Resale		(\$60.00)	359596	BEER
	Total ARTISAN BEER COMPANY		\$1,244.03		
Paid Chk#	103766	10/4/2016	AUSTIN, ANDY		
E 640-48000-341	General Promotions		\$200.00	10/20/16	BAR MUSIC 10/20/16
	Total AUSTIN, ANDY		\$200.00		
Paid Chk#	103767	10/4/2016	BAUHAUS BREW LABS		
E 640-47000-253	Beer For Resale		\$269.50	10637	BEER
E 640-47000-253	Beer For Resale		\$139.50	11059	BEER
	Total BAUHAUS BREW LABS		\$409.00		
Paid Chk#	103768	10/4/2016	BELLBOY BAR SUPPLY CORP.		
E 640-47000-251	Liquor For Resale		\$929.50	55375100	LIQUOR
E 640-47000-259	Freight		\$14.96	55375100	FREIGHT
E 640-47000-251	Liquor For Resale		\$6,379.25	55583700	LIQUOR
E 640-47000-259	Freight		\$58.90	55583700	FREIGHT
E 640-47000-256	MISC.MDSE.RESALE		\$440.70	6693400	CIGARS
E 640-47000-210	Operating Supplies (GENERAL)		\$91.92	94608700	SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)		\$72.13	94661200	SUPPLIES
E 640-47000-259	Freight		\$6.60	94680200	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$82.25	94680200	MISC.MDSE.
E 640-47000-210	Operating Supplies (GENERAL)		\$269.89	94680200	SUPPLIES
	Total BELLBOY BAR SUPPLY CORP.		\$8,346.10		
Paid Chk#	103769	10/4/2016	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$62.00	311898	MISC.MIX
E 640-47000-254	Soft Drinks/Mix For Resale		\$23.53	316697	MISC.MIX
E 640-47000-254	Soft Drinks/Mix For Resale		\$58.75	317703	MISC.MIX
E 640-47000-253	Beer For Resale		\$340.60	317704	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$78.80	318928	MISC.MIX
E 640-47000-253	Beer For Resale		\$150.80	318929	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$26.53	320118	MISC.MIX
E 640-47000-253	Beer For Resale		\$81.34	320119	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$113.20	321299	MISC.MIX
E 640-47000-253	Beer For Resale		\$283.34	321300	BEER
	Total BERNICK'S WINE		\$1,218.89		
Paid Chk#	103770	10/4/2016	BOURGET IMPORTS		
E 640-47000-252	Wine For Resale		\$537.19	136484	WINE
E 640-47000-259	Freight		\$6.00	136484	FREIGHT
	Total BOURGET IMPORTS		\$543.19		
Paid Chk#	103771	10/4/2016	BREAKTHRU BEVERAGE		
E 640-47000-251	Liquor For Resale		\$2,684.83	1080525969	LIQUOR
E 640-47000-259	Freight		\$20.30	1080525969	FREIGHT
E 640-47000-252	Wine For Resale		\$3,160.00	1080525970	WINE
E 640-47000-259	Freight		\$22.47	1080525970	FREIGHT

***Check Detail Register©**

September 2016 to October 2016

		Check Amt	Invoice	Comment
E 640-47000-251	Liquor For Resale	\$40.00	1080529162	LIQUOR
E 640-47000-252	Wine For Resale	\$72.00	1080529162	WINE
E 640-47000-259	Freight	\$1.69	1080529162	FREIGHT
E 640-47000-259	Freight	\$18.12	1080529163	FREIGHT
E 640-47000-252	Wine For Resale	\$936.00	1080529163	WINE
E 640-47000-259	Freight	\$19.45	1080529214	FREIGHT
E 640-47000-251	Liquor For Resale	\$2,269.99	1080529214	LIQUOR
E 640-48000-252	Wine For Resale	\$187.25	1080529245	WINE
E 640-48000-252	Wine For Resale	\$221.00	1080532398	WINE
E 640-48000-251	Liquor For Resale	\$221.39	1080532398	LIQUOR
E 640-47000-259	Freight	\$1.45	1080532413	FREIGHT
E 640-47000-252	Wine For Resale	\$72.00	1080532413	WINE
E 640-47000-252	Wine For Resale	\$110.92	1080532484	WINE
E 640-47000-259	Freight	\$1.45	1080532484	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,371.28	1080532485	LIQUOR
E 640-47000-259	Freight	\$12.08	1080532485	FREIGHT
E 640-47000-251	Liquor For Resale	(\$234.00)	2080147894	LIQUOR
Total BREAKTHRU BEVERAGE		\$11,209.67		

Paid Chk#	10/4/2016	BREAKTHRY BEVERAGE BEER		
E 640-47000-253	Beer For Resale	\$298.45	1090610079	BEER
E 640-47000-253	Beer For Resale	\$47.60	1090610080	BEER
E 640-47000-253	Beer For Resale	\$3,128.43	1090612852	BEER
E 640-47000-253	Beer For Resale	\$23.80	1090612853	BEER
E 640-47000-253	Beer For Resale	\$128.00	1090612854	BEER
E 640-47000-253	Beer For Resale	\$2,893.70	1090615748	BEER
E 640-47000-253	Beer For Resale	\$99.00	1090615749	BEER
E 640-47000-253	Beer For Resale	\$23.80	1090615750	BEER
E 640-47000-253	Beer For Resale	\$189.00	1090615791	BEER
E 640-47000-253	Beer For Resale	\$2,293.85	1090618603	BEER
E 640-47000-253	Beer For Resale	\$21.55	1090618604	BEER
E 640-48000-253	Beer For Resale	\$497.00	1090618629	BEER
Total BREAKTHRY BEVERAGE BEER		\$9,644.18		

Paid Chk#	10/4/2016	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)	\$94.41	5006251729	FIRST AID SUPPLIES
Total CINTAS CORPORATION		\$94.41		

Paid Chk#	10/4/2016	CLEAR RIVER BEVERAGE CO.		
E 640-47000-253	Beer For Resale	\$240.00	69-845	BEER
Total CLEAR RIVER BEVERAGE CO.		\$240.00		

Paid Chk#	10/4/2016	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale	\$147.48	3601200879	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale	\$103.76	3601200970	MISC.BEV.
Total COCA-COLA		\$251.24		

Paid Chk#	10/4/2016	COZZINI BROS., INC.		
E 640-48500-415	Other Equipment Rentals	\$52.03	C3087224	KNIFE EXCHANGE
Total COZZINI BROS., INC.		\$52.03		

Paid Chk#	10/4/2016	DAHLHEIMER DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale	\$757.50	1214192	BEER
E 640-47000-253	Beer For Resale	\$784.57	1217259	BEER
E 640-47000-253	Beer For Resale	\$457.50	1217320	BEER
E 640-48000-253	Beer For Resale	\$90.00	1217321	BEER
E 640-48000-253	Beer For Resale	\$150.00	1217383	BEER
E 640-47000-253	Beer For Resale	\$638.20	132626	BEER

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September 2016 to October 2016

		Check Amt	Invoice	Comment	
Total DAHLHEIMER DISTRIBUTING CO.		\$2,877.77			
Paid Chk#	103778	10/4/2016	DENNYS 5TH AVENUE BAKERY		
E 640-48500-255	FOOD	Ingredients For Resale	\$216.83	626582	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$63.22	627174	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$70.62	627815	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$166.44	627949	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$71.59	628801	FOOD
Total DENNYS 5TH AVENUE BAKERY		\$588.70			
Paid Chk#	103779	10/4/2016	DMX MUSIC - MINNEAPOLIS		
E 640-48000-415	Other Equipment Rentals		\$103.67	52736799	BAR MUSIC
Total DMX MUSIC - MINNEAPOLIS		\$103.67			
Paid Chk#	103780	10/4/2016	DOMACE VINO		
E 640-47000-259	Freight		\$2.00	12138	FREIGHT
E 640-47000-252	Wine For Resale		\$264.00	12138	WINE
Total DOMACE VINO		\$266.00			
Paid Chk#	103781	10/4/2016	ENKI BREWING COMPANY		
E 640-48000-253	Beer For Resale		\$5.00	6277	BEER
Total ENKI BREWING COMPANY		\$5.00			
Paid Chk#	103782	10/4/2016	G & K SERVICES		
E 640-48500-217	Uniforms		\$217.30	1013103417	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$78.90	1013103417	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$196.37	1013114579	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$74.31	1013114579	KITCHEN UNIFORMS & SUPPLIES
Total G & K SERVICES		\$566.88			
Paid Chk#	103783	10/4/2016	GRAPE BEGINNINGS, INC.		
E 640-47000-259	Freight		\$11.25	10401	FREIGHT
E 640-47000-252	Wine For Resale		\$715.00	10401	WINE
E 640-47000-251	Liquor For Resale		\$251.00	9938	LIQUOR
E 640-47000-252	Wine For Resale		\$1,040.00	9938	WINE
Total GRAPE BEGINNINGS, INC.		\$2,017.25			
Paid Chk#	103784	10/4/2016	HOHENSTEINS INC.		
E 640-47000-253	Beer For Resale		\$610.00	850781	BEER
Total HOHENSTEINS INC.		\$610.00			
Paid Chk#	103785	10/4/2016	HOLIDAY		
E 640-47000-210	Operating Supplies (GENERAL)		\$59.40		FUEL
Total HOLIDAY		\$59.40			
Paid Chk#	103786	10/4/2016	JJ TAYLOR DISTRIBUTING OF MN		
E 640-48000-253	Beer For Resale		\$125.00	2552821	BEER
E 640-47000-253	Beer For Resale		\$1,647.95	2576832	BEER
E 640-47000-253	Beer For Resale		\$2,135.04	2576866	BEER
E 640-47000-253	Beer For Resale		\$4,586.85	2576892	BEER
E 640-47000-253	Beer For Resale		\$2,603.21	2576935	BEER
E 640-48000-253	Beer For Resale		\$885.00	2591521	BEER
E 640-48000-253	Beer For Resale		\$136.90	2591522	BEER
E 640-48000-253	Beer For Resale		\$511.00	2600432	BEER
Total JJ TAYLOR DISTRIBUTING OF MN		\$12,630.95			
Paid Chk#	103787	10/4/2016	JOHNSON BROS.-ST.PAUL		
E 640-47000-259	Freight		\$14.64	5538408	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,229.15	5538408	LIQUOR

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September 2016 to October 2016

			Check Amt	Invoice	Comment
E 640-47000-252	Wine For Resale		\$1,212.05	5538409	WINE
E 640-47000-259	Freight		\$22.06	5538409	FREIGHT
E 640-47000-259	Freight		\$1.22	5538565	FREIGHT
E 640-47000-252	Wine For Resale		\$80.00	5538565	WINE
E 640-47000-251	Liquor For Resale		\$1,439.46	5539683	LIQUOR
E 640-47000-259	Freight		\$9.24	5539683	FREIGHT
E 640-47000-259	Freight		\$8.54	5543775	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,641.39	5543775	LIQUOR
E 640-47000-252	Wine For Resale		\$1,019.00	5543776	WINE
E 640-47000-259	Freight		\$15.86	5543776	FREIGHT
E 640-47000-259	Freight		\$7.63	5545110	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,398.82	5545110	LIQUOR
E 640-47000-251	Liquor For Resale		\$702.58	5549224	LIQUOR
E 640-47000-259	Freight		\$6.52	5549224	FREIGHT
E 640-47000-259	Freight		\$65.89	5549225	FREIGHT
E 640-47000-252	Wine For Resale		\$4,299.10	5549225	WINE
E 640-47000-259	Freight		\$11.92	5550633	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,069.91	5550633	LIQUOR
E 640-47000-259	Freight		\$1.22	5550634	FREIGHT
Total JOHNSON BROS.-ST.PAUL			\$15,256.20		
<hr/>					
Paid Chk#	103788	10/4/2016	JOHNSON, WILLIAM		
E 640-48000-341	General Promotions		\$200.00	10/13/16	BAR MUSIC 10/13/16
Total JOHNSON, WILLIAM			\$200.00		
<hr/>					
Paid Chk#	103789	10/4/2016	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$162.35	000419124	FOOD
Total KARLSBURGER FOODS, INC.			\$162.35		
<hr/>					
Paid Chk#	103790	10/4/2016	KRAUTH, MAX		
E 640-48000-341	General Promotions		\$300.00	10/6/16	BAR MUSIC 10/6/16
Total KRAUTH, MAX			\$300.00		
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Paid Chk#	103791	10/4/2016	LIBATION PROJECT		
E 640-47000-252	Wine For Resale		\$240.00	5545	WINE
E 640-47000-259	Freight		\$1.50	5545	FREIGHT
E 640-47000-252	Wine For Resale		\$240.00	5693	WINE
E 640-47000-259	Freight		\$1.50	5693	FREIGHT
Total LIBATION PROJECT			\$483.00		
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Paid Chk#	103792	10/4/2016	LOCHER BROS., INC.		
E 640-48000-253	Beer For Resale		\$165.00	4347	BEER
Total LOCHER BROS., INC.			\$165.00		
<hr/>					
Paid Chk#	103793	10/4/2016	LTD BREWING, LLC		
E 640-47000-253	Beer For Resale		\$264.00	1100	BEER
Total LTD BREWING, LLC			\$264.00		
<hr/>					
Paid Chk#	103794	10/4/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$720.30	224445	CIGARETTES
E 640-47000-256	MISC.MDSE.RESALE		\$818.62	224779	CIGARETTES
Total M.AMUNDSON LLP			\$1,538.92		
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Paid Chk#	103795	10/4/2016	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-252	Wine For Resale		\$798.00	20020143	WINE
E 640-47000-259	Freight		\$7.50	20020143	WINE
tal MARGRON SKOGLUND WINE IMPORTS			\$805.50		
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Paid Chk#	103796	10/4/2016	NETWORK BUSINESS SUPPLIES		

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September 2016 to October 2016

			Check Amt	Invoice	Comment
E 640-48000-210	Operating Supplies (GENERAL)		\$638.07	00103922	SUPPLIES
Total	NETWORK BUSINESS SUPPLIES		\$638.07		
Paid Chk#	103797	10/4/2016	NEW FRANCE WINE COMPANY		
E 640-47000-259	Freight		\$30.00	113378	FREIGHT
E 640-47000-252	Wine For Resale		\$1,280.00	113378	WINE
Total	NEW FRANCE WINE COMPANY		\$1,310.00		
Paid Chk#	103798	10/4/2016	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		\$476.25	847164	FOOD
E 640-48000-251	Liquor For Resale		\$15.20	847164	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$463.00	847300	FOOD
E 640-48000-251	Liquor For Resale		\$12.95	847300	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$687.85	847621	FOOD
E 640-48000-251	Liquor For Resale		\$7.60	847621	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$606.65	847749	FOOD
E 640-48000-251	Liquor For Resale		\$31.45	847749	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$903.95	848079	FOOD
E 640-48000-251	Liquor For Resale		\$66.10	848079	LIQUOR
Total	NORTHWESTERN FRUIT COMPANY		\$3,271.00		
Paid Chk#	103799	10/4/2016	PAUSTIS & SONS		
E 640-47000-259	Freight		\$8.75	8562143	FREIGHT
E 640-47000-252	Wine For Resale		\$441.60	8562143	WINE
E 640-47000-252	Wine For Resale		\$1,957.40	8562952	WINE
E 640-47000-259	Freight		\$20.00	8562952	FREIGHT
E 640-47000-252	Wine For Resale		\$956.36	8563807	WINE
E 640-47000-259	Freight		\$10.50	8563807	FREIGHT
Total	PAUSTIS & SONS		\$3,394.61		
Paid Chk#	103800	10/4/2016	PHILLIPS WINES & SPIRITS		
E 640-47000-259	Freight		\$5.09	2041003	FREIGHT
E 640-47000-251	Liquor For Resale		\$772.30	2041003	LIQUOR
E 640-47000-252	Wine For Resale		\$2,780.75	2041004	WINE
E 640-47000-259	Freight		\$28.27	2041004	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,149.38	2044676	LIQUOR
E 640-47000-259	Freight		\$13.63	2044676	FREIGHT
E 640-47000-252	Wine For Resale		\$1,331.70	2044677	WINE
E 640-47000-259	Freight		\$17.08	2044677	FREIGHT
E 640-48000-251	Liquor For Resale		\$600.03	2046545	LIQUOR
E 640-47000-251	Liquor For Resale		\$72.50	2048340	LIQUOR
E 640-47000-259	Freight		\$1.22	2048340	FREIGHT
E 640-47000-252	Wine For Resale		\$2,101.70	2048341	WINE
E 640-47000-259	Freight		\$21.66	2048341	FREIGHT
E 640-47000-252	Wine For Resale		(\$627.66)	246383	WINE
E 640-47000-252	Wine For Resale		(\$50.22)	246557	WINE
Total	PHILLIPS WINES & SPIRITS		\$8,217.43		
Paid Chk#	103801	10/4/2016	PLUNKETT S PEST CONTROL		
E 640-48000-409	Maint services & Improv		\$120.41	5526471	SERVICE
Total	PLUNKETT S PEST CONTROL		\$120.41		
Paid Chk#	103802	10/4/2016	QUALITY SERVICE, INC.		
E 640-48500-404	Repairs/Maint - Machin/Equip		\$856.20	31947	BROILER REPAIRS
E 640-48500-404	Repairs/Maint - Machin/Equip		\$305.19	31952	OVEN REPAIRS
E 640-48500-404	Repairs/Maint - Machin/Equip		\$232.55	31961	BROILER REPAIRS
Total	QUALITY SERVICE, INC.		\$1,393.94		

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September 2016 to October 2016

			Check Amt	Invoice	Comment
Paid Chk#	103803	10/4/2016	RED BULL DISTRIBUTION COMPANY		
E 640-47000-254	Soft Drinks/Mix For Resale		\$209.00	19504291	MISC.BEV.
Total RED BULL DISTRIBUTION COMPANY			\$209.00		
Paid Chk#	103804	10/4/2016	ROOTSTOCK WINE COMPANY		
E 640-47000-252	Wine For Resale		\$591.96	16-8478	WINE
E 640-47000-259	Freight		\$4.50	16-8478	FREIGHT
Total ROOTSTOCK WINE COMPANY			\$596.46		
Paid Chk#	103805	10/4/2016	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale		\$183.60	2046954	ICE
E 640-47000-254	Soft Drinks/Mix For Resale		\$44.90	2050312	ICE
Total SHAMROCK GROUP			\$228.50		
Paid Chk#	103806	10/4/2016	SOUTHERN GLAZER'S OF MN		
E 640-47000-251	Liquor For Resale		\$1,948.32	1453047	LIQUOR
E 640-47000-259	Freight		\$12.59	1453047	FREIGHT
E 640-47000-259	Freight		\$2.56	1453048	FREIGHT
E 640-47000-251	Liquor For Resale		\$422.90	1453048	LIQUOR
E 640-47000-259	Freight		\$0.11	1453049	FREIGHT
E 640-47000-259	Freight		\$12.80	1453050	FREIGHT
E 640-47000-252	Wine For Resale		\$672.00	1453050	WINE
E 640-47000-259	Freight		\$1.28	1453051	FREIGHT
E 640-47000-251	Liquor For Resale		\$216.00	1453051	LIQUOR
E 640-47000-259	Freight		\$28.59	1455600	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,817.89	1455600	LIQUOR
E 640-47000-251	Liquor For Resale		\$135.00	1455601	LIQUOR
E 640-47000-259	Freight		\$1.28	1455601	FREIGHT
E 640-47000-259	Freight		\$7.68	1455602	FREIGHT
E 640-47000-252	Wine For Resale		\$1,980.00	1455602	WINE
E 640-47000-254	Soft Drinks/Mix For Resale		\$54.00	1455603	MISC.BEV.
E 640-47000-259	Freight		\$2.56	1455603	FREIGHT
E 640-47000-259	Freight		\$52.36	1455604	FREIGHT
E 640-47000-252	Wine For Resale		\$3,014.51	1455604	WINE
Total SOUTHERN GLAZER'S OF MN			\$12,382.43		
Paid Chk#	103807	10/4/2016	STARY, MARK		
E 640-48000-341	General Promotions		\$300.00	10/27/16	BAR MUSIC 10/27/16
Total STARY, MARK			\$300.00		
Paid Chk#	103808	10/4/2016	STRATEGIC EQUIPMENT AND		
E 640-48000-210	Operating Supplies (GENERAL)		\$129.52	2718641	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$55.31	2718642	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$153.93	2718644	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$200.81	2718645	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$216.77	2718645	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$56.78	2718645	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$46.93	2723218	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$254.37	2723220	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$26.39	2723220	PROMO FOOD
E 640-48000-210	Operating Supplies (GENERAL)		\$195.41	2723220	BAR SUPPLIES
Total STRATEGIC EQUIPMENT AND			\$1,336.22		
Paid Chk#	103809	10/4/2016	SUNBURST CHEMICALS, INC.		
E 640-48500-210	Operating Supplies (GENERAL)		\$366.15	373596	KITCHEN SUPPLIES
E 640-48500-415	Other Equipment Rentals		\$92.37	8676	DISH WASHER LEASE
Total SUNBURST CHEMICALS, INC.			\$458.52		

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September 2016 to October 2016

			Check Amt	Invoice	Comment
Paid Chk#	103810	10/4/2016	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv		\$115.00	334842	BEER LINES CLEANED
E 640-48000-409	Maint services & Improv		\$115.00	939223	BEER LINES CLEANED
Total T.D. ANDERSON INC.			\$230.00		
Paid Chk#	103811	10/4/2016	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$1,896.74	1140423	BEER
E 640-47000-253	Beer For Resale		\$78.45	1143744	BEER
E 640-47000-253	Beer For Resale		\$1,944.01	1143825	BEER
E 640-48000-253	Beer For Resale		\$630.00	1144291	BEER
E 640-47000-253	Beer For Resale		\$39.30	1147602	BEER
E 640-47000-253	Beer For Resale		\$1,608.68	1147669	BEER
E 640-48000-253	Beer For Resale		\$40.00	1148135	BEER
E 640-47000-253	Beer For Resale		\$20.45	1151095	BEER
Total THORPE DISTRIBUTING CO.			\$6,257.63		
Paid Chk#	103812	10/4/2016	TRUE BRANDS		
E 640-47000-254	Soft Drinks/Mix For Resale		\$33.28	147451	MISC.MDSE.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale		\$154.31	153267	MISC.MDSE.RESALE
E 640-47000-259	Freight		\$18.52	153267	FREIGHT
Total TRUE BRANDS			\$206.11		
Paid Chk#	103813	10/4/2016	TRUSTED EMPLOYEES		
E 640-48000-306	Personnel Expense		\$80.00	09201612035S	BACKGROUND CHECK SERVICE
E 640-47000-306	Personnel Expense		\$20.00	09201612035S	BACKGROUND CHECK SERVICE
Total TRUSTED EMPLOYEES			\$100.00		
Paid Chk#	103814	10/4/2016	ULTRA-CHEM IN.C		
E 640-48000-409	Maint services & Improv		\$281.64	1173587	SUPPLIES
Total ULTRA-CHEM IN.C			\$281.64		
Paid Chk#	103815	10/4/2016	US FOODS		
E 640-48500-255	FOODIngredients For Resale		\$53.55	3391597	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$47.49)	3427431	FOOD
E 640-48500-255	FOODIngredients For Resale		\$233.68	3561381	FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,083.52	3561384	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$293.28	3561384	MISC.BEV.
E 640-48500-210	Operating Supplies (GENERAL)		\$99.14	3561384	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$37.39	3561384	PROMO FOOD
E 640-48000-251	Liquor For Resale		\$78.68	3561384	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$291.97	3562815	FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,625.05	3597668	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$62.59	3597668	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks		\$19.30	3597668	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		\$83.13	3612114	FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,262.03	3647012	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$46.05)	3647012	FOOD
E 640-48500-255	FOODIngredients For Resale		\$225.51	3695990	FOOD
E 640-48500-255	FOODIngredients For Resale		\$3,515.71	3695992	FOOD
E 640-48000-251	Liquor For Resale		\$63.14	3695992	LIQUOR
E 640-48000-254	Soft Drinks/Mix For Resale		\$142.43	3695992	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks		\$56.69	3695992	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		\$2,974.85	3738639	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale		\$80.91	3738639	MISC.BEV.
E 640-48500-255	FOODIngredients For Resale		\$2,945.15	3784346	FOOD
E 640-48500-255	FOODIngredients For Resale		\$50.40	3792989	FOOD
Total US FOODS			\$20,184.56		

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September 2016 to October 2016

		Check Amt	Invoice	Comment
Paid Chk# 103816 10/4/2016 VIKING AUTOMATIC SPRINKLER CO.				
E 640-47000-401	Repairs/Maint Buildings	\$540.00	SP012395	ANNUAL INSPECTION
Total VIKING AUTOMATIC SPRINKLER CO.		\$540.00		
Paid Chk# 103817 10/4/2016 VINOCOPIA				
E 640-47000-252	Wine For Resale	\$120.00	0161137	WINE
E 640-47000-254	Soft Drinks/Mix For Resale	\$120.00	0161137	MISC.BEV.
E 640-47000-259	Freight	\$14.00	0161137	FREIGHT
Total VINOCOPIA		\$254.00		
Paid Chk# 103818 10/4/2016 WINE COMPANY				
E 640-47000-252	Wine For Resale	\$4,920.67	14015	WINE
E 640-47000-259	Freight	\$46.20	14015	FREIGHT
Total WINE COMPANY		\$4,966.87		
Paid Chk# 103819 10/4/2016 WINE MERCHANT				
E 640-47000-252	Wine For Resale	\$168.00	7097873	WINE
E 640-47000-259	Freight	\$2.44	7097873	FREIGHT
E 640-47000-252	Wine For Resale	(\$0.61)	709849	WINE
E 640-47000-252	Wine For Resale	(\$241.22)	709850	WINE
E 640-47000-252	Wine For Resale	\$1,664.00	7098585	WINE
E 640-47000-259	Freight	\$9.76	7098585	FREIGHT
E 640-48000-252	Wine For Resale	\$386.88	7099563	WINE
E 640-47000-259	Freight	\$14.03	7099630	FREIGHT
E 640-47000-252	Wine For Resale	\$2,424.48	7099630	WINE
E 640-47000-252	Wine For Resale	\$900.00	7100533	WINE
E 640-47000-259	Freight	\$6.10	7100533	FREIGHT
E 640-48000-252	Wine For Resale	\$382.88	7100753	WINE
E 640-47000-252	Wine For Resale	\$2,546.06	7100784	WINE
E 640-47000-259	Freight	\$21.35	7100784	FREIGHT
Total WINE MERCHANT		\$8,284.15		
Paid Chk# 103820 10/11/2016 AEM FINANCIAL SOLUTIONS				
E 101-41500-301	Auditing and Acct g Services	\$4,583.33	372755	FINANCE DIRECTOR SERVICES
Total AEM FINANCIAL SOLUTIONS		\$4,583.33		
Paid Chk# 103821 10/11/2016 AIRTECH				
E 437-40000-404	Repairs/Maint - Machin/Equip	\$210.00	27267	LIBRARY REPAIRS
Total AIRTECH		\$210.00		
Paid Chk# 103822 10/11/2016 ALLEGRA PRINT & IMAGING				
E 101-42100-350	Printing & Publishing	\$201.35	116458	PD SUPPLIES
Total ALLEGRA PRINT & IMAGING		\$201.35		
Paid Chk# 103823 10/11/2016 CEMENT RAISING INC				
E 408-40000-402	Sidewalk Replacement	\$4,980.00	9/28/16	SIDEWALK REPAIRS
Total CEMENT RAISING INC		\$4,980.00		
Paid Chk# 103824 10/11/2016 CEMSTONE PRODUCTS CO.				
E 404-40000-309	Contractual Services	\$311.11	295546	WAYFINDING
Total CEMSTONE PRODUCTS CO.		\$311.11		
Paid Chk# 103825 10/11/2016 CENTERPOINT ENERGY				
E 610-40000-383	Fuel, oil and natural gas	\$23.81		SERVICE
E 640-47000-383	Fuel, oil and natural gas	\$145.38		SERVICE
E 640-48000-383	Fuel, oil and natural gas	\$581.50		SERVICE
E 101-42200-383	Fuel, oil and natural gas	\$54.00		SERVICE
E 101-41940-383	Fuel, oil and natural gas	\$10.73		SERVICE

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September 2016 to October 2016

			Check Amt	Invoice	Comment
E 101-41940-383	Fuel, oil and natural gas		\$415.47		SERVICE
	Total CENTERPOINT ENERGY		\$1,230.89		
<hr/>					
Paid Chk# 103826	10/11/2016	DIRECTV			
E 640-48000-415	Other Equipment Rentals		\$319.54	29547893495	SERVICE
	Total DIRECTV		\$319.54		
<hr/>					
Paid Chk# 103827	10/11/2016	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$92.00	412193	BOARD VACANCIES
E 101-41500-350	Printing & Publishing		\$46.00	412194	DELINQUENT BILLS
E 101-41500-350	Printing & Publishing		\$63.25	412195	HRA PROPERTY TRANSFER
E 101-41500-350	Printing & Publishing		\$51.75	412196	ORDINANCE 760 - ZONING MAP
	Total ECM PUBLISHERS, INC.		\$253.00		
<hr/>					
Paid Chk# 103828	10/11/2016	EMERGENCY AUTOMOTIVE			
E 409-42100-550	Vehicles		\$495.86	25127	NEW SQUAD BUILD
	Total EMERGENCY AUTOMOTIVE		\$495.86		
<hr/>					
Paid Chk# 103829	10/11/2016	EMERGENCY RESPONSE SOLUTIONS			
E 610-40000-242	Well & F.P. Equipment		\$139.78	7220	WTP#2 PARTS
	Total EMERGENCY RESPONSE SOLUTIONS		\$139.78		
<hr/>					
Paid Chk# 103830	10/11/2016	EMERYS TREE SERVICE, INC.			
E 404-40000-227	Plantings		\$5,125.00	20960	TREES
	Total EMERYS TREE SERVICE, INC.		\$5,125.00		
<hr/>					
Paid Chk# 103831	10/11/2016	EMPLOYEE DATA FORMS			
E 101-41500-200	Office Supplies (GENERAL)		\$36.75	17-30437	PAYROLL SUPPLIES
	Total EMPLOYEE DATA FORMS		\$36.75		
<hr/>					
Paid Chk# 103832	10/11/2016	FERGUSON ENTERPRISES, INC.			
E 610-40000-242	Well & F.P. Equipment		\$359.20	4277983	PARTS
E 610-40000-242	Well & F.P. Equipment		\$37.54	4278890	PARTS
	Total FERGUSON ENTERPRISES, INC.		\$396.74		
<hr/>					
Paid Chk# 103833	10/11/2016	FERNANDEZ, NICHOLE			
E 101-42100-331	Mileage & Expense Account		\$123.92	REIMB.	MILEAGE & PARKING
	Total FERNANDEZ, NICHOLE		\$123.92		
<hr/>					
Paid Chk# 103834	10/11/2016	FLEXIBLE PIPE TOOL COMPANY			
E 620-40000-225	Repair & Maint - System		\$496.00	20452	PARTS
	Total FLEXIBLE PIPE TOOL COMPANY		\$496.00		
<hr/>					
Paid Chk# 103835	10/11/2016	FORMS & SYSTEMS OF MINNESOTA			
E 101-42100-350	Printing & Publishing		\$60.31	149870	PD SUPPLIES
	Total FORMS & SYSTEMS OF MINNESOTA		\$60.31		
<hr/>					
Paid Chk# 103836	10/11/2016	GOPHER STATE ONE CALL			
E 620-40000-313	Permit Fees/Gopher State		\$197.10	6090796	UTILITY LOCATES
E 610-40000-313	Permit Fees/Gopher State		\$197.10	6090796	UTILITY LOCATES
	Total GOPHER STATE ONE CALL		\$394.20		
<hr/>					
Paid Chk# 103837	10/11/2016	GRAINGER, INC.			
E 610-40000-242	Well & F.P. Equipment		\$224.40	9228238243	PARTS
E 610-40000-242	Well & F.P. Equipment		\$42.48	9232593765	PARTS
	Total GRAINGER, INC.		\$266.88		
<hr/>					
Paid Chk# 103838	10/11/2016	HENN.CNTY.ACCTG.SERVICES			
E 101-42120-308	Prisoner Care		\$445.40	1000081993	PRISONER PROCESSING

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September 2016 to October 2016

			Check Amt	Invoice	Comment
Total HENN.CNTY.ACCTG.SERVICES			\$445.40		
Paid Chk#	103839	10/11/2016	HENNEPIN COUNTY TREASURER		
	G 650-20818	Garbage Sales Tax	\$1,410.36	9%	REFUSE T 9% REFUSE TAX - SEPT.2016
Total HENNEPIN COUNTY TREASURER			\$1,410.36		
Paid Chk#	103840	10/11/2016	HOLIDAY		
	E 101-42100-212	Motor Fuels	\$26.97		PD FUEL
Total HOLIDAY			\$26.97		
Paid Chk#	103841	10/11/2016	HOME DEPOT		
	E 101-43100-210	Operating Supplies (GENERAL)	\$341.88		SUPPLIES
Total HOME DEPOT			\$341.88		
Paid Chk#	103842	10/11/2016	INTEGRATED FIRE & SECURITY		
	E 101-41940-404	Repairs/Maint - Machin/Equip	\$1,379.33	1221	FIRE ALARM REPAIRS
Total INTEGRATED FIRE & SECURITY			\$1,379.33		
Paid Chk#	103843	10/11/2016	KIRVIDA FIRE, INC.		
	E 101-42200-241	Safety equip/testings	\$250.00	5789	ANNUAL TESTING
	E 101-42200-241	Safety equip/testings	\$250.00	5790	ANNUAL TESTING
	E 101-42200-241	Safety equip/testings	\$250.00	5791	ANNUAL TESTING
	E 101-42200-241	Safety equip/testings	\$250.00	5792	ANNUAL TESTING
Total KIRVIDA FIRE, INC.			\$1,000.00		
Paid Chk#	103844	10/11/2016	LEXISNEXIS RISK DATA		
	E 101-42100-309	Contractual Services	\$33.00	121455020160	PD SERVICE
Total LEXISNEXIS RISK DATA			\$33.00		
Paid Chk#	103845	10/11/2016	LOFFLER COMPANIES, INC.		
	E 101-41500-311	Data Processing	\$2,870.00	2341073	NETWORK SUPPORT
Total LOFFLER COMPANIES, INC.			\$2,870.00		
Paid Chk#	103846	10/11/2016	LONG LAKE TRU VALUE		
	E 620-40000-224	Repair & Maint - Motor Equip	\$58.26		SUPPLIES
	E 101-41940-210	Operating Supplies (GENERAL)	\$16.48		SUPPLIES
	E 610-40000-242	Well & F.P. Equipment	\$163.22		SUPPLIES
	E 101-45200-210	Operating Supplies (GENERAL)	\$29.23		SUPPLIES
	E 101-42200-210	Operating Supplies (GENERAL)	\$39.94		SUPPLIES
	E 101-42100-210	Operating Supplies (GENERAL)	\$35.97		SUPPLIES
	E 101-43100-210	Operating Supplies (GENERAL)	\$10.98		SUPPLIES
Total LONG LAKE TRU VALUE			\$354.08		
Paid Chk#	103847	10/11/2016	LORD FLETCHER'S		
	R 101-00000-32120	Health	\$82.00	REFUND	EVENT FOOD LICENSE REFUND
Total LORD FLETCHER'S			\$82.00		
Paid Chk#	103848	10/11/2016	MANSFIELD OIL COMPANY		
	E 101-49200-212	Motor Fuels	\$1,344.78	767965	FUEL
Total MANSFIELD OIL COMPANY			\$1,344.78		
Paid Chk#	103849	10/11/2016	MARCO		
	E 630-40000-404	Repairs/Maint - Machin/Equip	\$166.04	INV3657729	MV COPIER
Total MARCO			\$166.04		
Paid Chk#	103850	10/11/2016	MCCARTHY, TIMOTHY		
	E 101-42100-331	Mileage & Expense Account	\$20.89	REIMB.	MILEAGE & MEAL
Total MCCARTHY, TIMOTHY			\$20.89		

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September 2016 to October 2016

			Check Amt	Invoice	Comment
Paid Chk#	103851	10/11/2016	METERING & TECHNOLOGY SOLUTION		
	G 610-14100	Inventory of Material/Supply	\$1,860.00	7333	WATER METERS
	G 620-14100	Inventory of Material/Supply	\$1,860.00	7333	WATER METERS
	Total	METERING & TECHNOLOGY SOLUTION	\$3,720.00		
Paid Chk#	103852	10/11/2016	METRO SALES INC.		
	E 101-42100-200	Office Supplies (GENERAL)	\$61.50	INV624669	PD COPIER SUPPLIES
	Total	METRO SALES INC.	\$61.50		
Paid Chk#	103853	10/11/2016	METROPOLITAN COUNCIL		
	E 620-40000-386	Other Utilities	\$37,744.23	0001060087	SERVICE
	Total	METROPOLITAN COUNCIL	\$37,744.23		
Paid Chk#	103854	10/11/2016	MINNETONKA BARGEMAN		
	E 233-40000-309	Contractual Services	\$300.00	1479	REMOVE SWIM BOUYIS
	Total	MINNETONKA BARGEMAN	\$300.00		
Paid Chk#	103855	10/11/2016	MN BUREAU OF CRIMINAL APPREHEN		
	E 101-42100-434	Training and schools	\$65.00	22257	TRAINING
	Total	MN BUREAU OF CRIMINAL APPREHEN	\$65.00		
Paid Chk#	103856	10/11/2016	MN BUREAU OF CRIMINAL APPREHEN		
	E 101-42100-323	Radio Units	\$270.00	00000370292	PD RADIO ACCESS
	Total	MN BUREAU OF CRIMINAL APPREHEN	\$270.00		
Paid Chk#	103857	10/11/2016	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#	103858	10/11/2016	NAPA AUTO PARTS-LONG LAKE		
	E 620-40000-224	Repair & Maint - Motor Equip	\$10.99	336094	PARTS
	Total	NAPA AUTO PARTS-LONG LAKE	\$10.99		
Paid Chk#	103859	10/11/2016	NATIONAL DEVELOPMENT COUNCIL		
	E 101-41500-433	Dues, Licensing & Seminars	\$1,125.00	3344417	CONF.REGISTRATION - DAHL
	Total	NATIONAL DEVELOPMENT COUNCIL	\$1,125.00		
Paid Chk#	103860	10/11/2016	NITRO GREEN		
	E 101-45200-316	Weed Control	\$2,780.00	121060919	LAWN & TREE TREATMENTS
	Total	NITRO GREEN	\$2,780.00		
Paid Chk#	103861	10/11/2016	OFFICE DEPOT		
	E 101-41500-200	Office Supplies (GENERAL)	\$300.03	866770127001	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$28.99	866770127002	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$9.99	866770127003	SUPPLIES
	E 101-41500-200	Office Supplies (GENERAL)	\$58.17	866770956001	SUPPLIES
	Total	OFFICE DEPOT	\$397.18		
Paid Chk#	103862	10/11/2016	OTTEN BROTHERS		
	E 101-45200-210	Operating Supplies (GENERAL)	\$8.99	1-1465303	SUPPLIES
	Total	OTTEN BROTHERS	\$8.99		
Paid Chk#	103863	10/11/2016	PLANT & FLANGED EQUIPMENT CO.		
	E 610-40000-242	Well & F.P. Equipment	\$1,336.31	0068025	PARTS
	Total	PLANT & FLANGED EQUIPMENT CO.	\$1,336.31		
Paid Chk#	103864	10/11/2016	RISVOLD, MICHAEL		
	E 101-42100-217	Uniforms	\$82.97	REIMB.	UNIFORM SHIRTS
	E 101-42100-331	Mileage & Expense Account	\$6.95	REIMB.	MTG.MEAL
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September 2016 to October 2016

		Check Amt	Invoice	Comment
Total RISVOLD, MICHAEL		\$89.92		
Paid Chk#	103865	10/11/2016	ROAD MACHINERY & SUPPLIES	
E	101-43100-220	Repair/Maint Supply (GENERAL)	\$47.94	S14893 SUPPLIES
Total ROAD MACHINERY & SUPPLIES		\$47.94		
Paid Chk#	103866	10/11/2016	SILENT KNIGHT SECURITY GROUP	
E	101-41940-401	Repairs/Maint Buildings	\$144.00	00095549 DEPOT MONITORING
Total SILENT KNIGHT SECURITY GROUP		\$144.00		
Paid Chk#	103867	10/11/2016	SOUTH METRO PUBLIC SAFETY	
E	101-42200-434	Training and schools	\$1,500.00	9359 FD TRAINING
Total SOUTH METRO PUBLIC SAFETY		\$1,500.00		
Paid Chk#	103868	10/11/2016	STANTEC CONSULTING SERVICES	
G	101-20310	Escrow	\$392.50	1104915 WETLAND DELINEATION
E	670-40000-302	Consultants	\$2,879.25	1104916 WETLAND BANK
E	610-49100-302	Consultants	\$2,475.50	1104917 WELL #3 & 5
E	610-49100-302	Consultants	\$7,018.85	1104918 WTP#2
Total STANTEC CONSULTING SERVICES		\$12,766.10		
Paid Chk#	103869	10/11/2016	STREICHER S	
E	101-42100-499	Miscellaneous	\$290.60	I1227004 PD SUPPLIES
E	101-42100-217	Uniforms	\$64.99	I1227207 PD UNIFORMS
E	101-42100-434	Training and schools	\$10.99	I1227333 TRAINING SUPPLIES
E	101-42100-434	Training and schools	\$75.97	I1227337 TRAINING SUPPLIES
Total STREICHER S		\$442.55		
Paid Chk#	103870	10/11/2016	TEGRA GROUP, INC.	
E	401-40000-309	Contractual Services	\$7,684.00	368.0416 PARKING RAMP
Total TEGRA GROUP, INC.		\$7,684.00		
Paid Chk#	103871	10/11/2016	THOMSON, JEFFREY	
E	101-41910-433	Dues, Licensing & Seminars	\$398.90	REIMB. CONF.MILEAGE & HOTEL
Total THOMSON, JEFFREY		\$398.90		
Paid Chk#	103872	10/11/2016	TIME SAVER	
E	101-41100-302	Consultants	\$473.00	M22423 MTG.MINUTES
Total TIME SAVER		\$473.00		
Paid Chk#	103873	10/11/2016	UPS STORE	
E	101-41100-493	Volunteer program	\$66.20	1049 VOLUNTEER DINNER INVITES
Total UPS STORE		\$66.20		
Paid Chk#	103874	10/11/2016	US BANK	
E	315-40000-621	Fiscal Agent s Fees	\$450.00	4414474 BOND AGENT
E	610-49100-621	Fiscal Agent s Fees	\$450.00	4414475 BOND AGENT
E	620-49100-621	Fiscal Agent s Fees	\$450.00	4414476 BOND AGENT
E	310-40000-621	Fiscal Agent s Fees	\$450.00	4419777 BOND AGENT
Total US BANK		\$1,800.00		
Paid Chk#	103875	10/11/2016	USA BLUE BOOK	
E	620-40000-241	Safety equip/testings	\$35.95	064996 SUPPLIES
E	610-40000-241	Safety equip/testings	\$35.95	064996 SUPPLIES
E	101-45203-220	Repair/Maint Supply (GENERAL)	\$764.27	064996 SUPPLIES
Total USA BLUE BOOK		\$836.17		
Paid Chk#	103876	10/11/2016	USA SAFETY SUPPLY CORP	
E	101-45200-241	Safety equip/testings	\$116.13	110534 RAINSUITS

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September 2016 to October 2016

			Check Amt	Invoice	Comment
Total USA SAFETY SUPPLY CORP			\$116.13		
Paid Chk# 103877	10/11/2016	VALLEY-RICH CO., INC.			
E 610-49100-309	Contractual Services		\$278,511.22	WATERMAIN	2016 WATERMAIN PROJECT
Total VALLEY-RICH CO., INC.			\$278,511.22		
Paid Chk# 103878	10/11/2016	VANDERHEIDEN, ROBERT			
E 101-42100-331	Mileage & Expense Account		\$46.59	REIMB.	MILEAGE & MEAL
Total VANDERHEIDEN, ROBERT			\$46.59		
Paid Chk# 103879	10/11/2016	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.67	9772311498	FD SERVICE
Total VERIZON WIRELESS			\$12.67		
Paid Chk# 103880	10/11/2016	VERIZON WIRELESS			
E 101-42100-323	Radio Units		\$200.07	9771884188	PD SERVICE
Total VERIZON WIRELESS			\$200.07		
Paid Chk# 103881	10/11/2016	VILLAGE CHEVROLET			
G 630-20300	Deposits Payable		\$608.75	CVR REFUND	CVR REFUND
Total VILLAGE CHEVROLET			\$608.75		
Paid Chk# 103882	10/11/2016	WAYZATA CHAMBER OF COMMERCE			
E 640-48000-341	General Promotions		\$6,882.73	JJ HILL 2016	JJ HILL DAY MUNI CONTRIBUTION
Total WAYZATA CHAMBER OF COMMERCE			\$6,882.73		
Paid Chk# 103883	10/11/2016	WAYZATA FIRE RELIEF ASSOC.			
E 101-42200-438	Payment to Fire Relief 2% Aid		\$68,435.84	2016	2016 2% STATE AID & CITY CONTRIBUTION
E 101-42200-437	Payments to Organizations		\$45,675.00	2016	2016 2% STATE AID & CITY CONTRIBUTION
Total WAYZATA FIRE RELIEF ASSOC.			\$114,110.84		
Paid Chk# 103884	10/11/2016	WIDMER CONSTRUCTION LLC			
R 101-00000-34190	Charges for Services/Gen Gov		(\$650.00)	REFUND	DEGRADATION FEE
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT REFUND
Total WIDMER CONSTRUCTION LLC			\$369.00		
Paid Chk# 103885	10/11/2016	XCEL ENERGY			
E 101-41940-381	Electric Utilities		\$5,591.19		SERVICE
E 101-41940-381	Electric Utilities		\$11.42		SERVICE
E 620-40000-381	Electric Utilities		\$664.57		SERVICE
E 640-48000-381	Electric Utilities		\$3,380.54		SERVICE
E 640-47000-381	Electric Utilities		\$1,448.80		SERVICE
E 101-42200-381	Electric Utilities		\$358.06		SERVICE
E 101-45203-381	Electric Utilities		\$436.10		SERVICE
E 610-40000-381	Electric Utilities		\$6,698.40		SERVICE
Total XCEL ENERGY			\$18,589.08		
10100 Anchor Bank			\$670,364.33		

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September 2016 to October 2016

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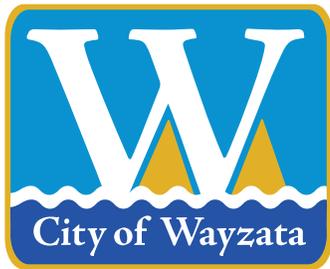
Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$143,929.73
233 LAKFRONT IMPROVE	\$300.00
310 SUPERIOR/LAKE REALIGNMENT	\$450.00
315 BIG WOODS	\$450.00
401 PERM IMPROVEMENT	\$7,684.00
404 PARK AND TRAIL CIP	\$5,436.11
408 GENERAL CIP	\$4,980.00
409 EQUIP REVOLVING	\$495.86
437 LIBRARY/COMM.ROOM CIP	\$210.00
610 WATER FUND	\$299,573.76
620 SEWER FUND	\$41,517.10
630 MOTOR VEHICLE	\$774.79
640 LIQUOR	\$160,273.37
650 SOLID WASTE	\$1,410.36
670 STORMWATER	\$2,879.25
	<hr/>
	\$670,364.33

10/18/2016

THE FOLLOWING 2016 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

Special Event/Itinerant Food License Lord Fletcher's Walleye Wagon at Wayzata Brew Works on 10/14/16	
Lord Fletcher's Walley Wagon	Spring Park, MN
Special Event/Itinerant Food License Tiki Tim's LLC at Wayzata Brew Works on 10/14 & 10/15	
Tiki Tim's LLC	Rush City, MN
2016 Gas Fitter's License	
Matrix HVAC	Rogers, MN
2017 Seasonal Outdoor Sidewalk Café License	
Caribou Coffee #103	Wayzata, MN
Starbucks Coffee Company #2440	Wayzata, MN



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: October 12, 2016
TO: Mayor and Council Members
FROM: Jeffrey Dahl, City Manager
Kristin Classey, Communications Specialist
SUBJECT: Mediacom Cable Update—3rd Quarter

Update

In July, Staff met with the City's franchise attorney to discuss customer service issues with Mediacom and how the City can leverage the Franchise Agreement to improve service. From the meeting, staff updated the City's online form (revised attached) for Mediacom Service Issues during the week of July 21. Staff continues to forward all of the completed online submissions of the complaint form to Mediacom and monitoring the service completion. If any franchise terms aren't met, then the City will issue a franchise violation letter as a way to leverage improved service to Wayzata residents who are customers of Mediacom.

In August, the City sent a letter to CenturyLink to express interest in cable television services for the City. CenturyLink replied to the City that Wayzata "would not be overlooked," as they would look at their 2017 expansion plans in the Twin Cities metropolitan area. In September, they started building out their Prism infrastructure in the community.

Request of Quarterly Report

The City of Wayzata and Mediacom Minnesota LLC ("Mediacom") are parties to a Cable Television Franchise Ordinance, which became effective on or about August 14, 2015. The Franchise at Sections 7.4(c) and 7.5(b) allows the City authority to request that Mediacom provide quarterly customer service reports that demonstrate Franchise compliance with the terms of the Franchise.

A letter was sent to Mediacom at the end of August 2016 giving a 30-day notice to Mediacom the City's request for records and the right to inspect in time for the October 18 meeting packet submission deadline. As of the date of this memo, a quarterly report from Mediacom wasn't submitted in time for publication of the council packet deadline. Mediacom has failed to provide the City the report for inspection; Staff will send Mediacom a franchise violation letter.

Attached is a copy of the spreadsheet report of the "Unresolved Mediacom Technical and Service Issues" entered into the web form available on wayzata.org from the 3rd quarter.



Form Center

Reporting Unresolved Mediacom Technical and Service Issues in Wayzata

First Name*

Last Name*

Email Address

Daytime Phone Number*

Alternate Telephone Number

Service Address*

City*

Zip*

Are you currently a Mediacom subscriber?*

Please check yes or no.

- Yes
 No

If yes, what services do you have with Mediacom?*

Please check all boxes that apply.

- Cable TV
 Internet
 Phone

What is the general nature of your complaint?*

Please check the box that applies.

- | | |
|---------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Cable Service Rate or Cost | <input type="checkbox"/> General Inquiry |
| <input type="checkbox"/> Technical Problem | <input type="checkbox"/> Equipment |
| <input type="checkbox"/> Billing Concern | <input type="checkbox"/> Service Response Time |
| <input type="checkbox"/> Programming Concern | <input type="checkbox"/> Installation |
| <input type="checkbox"/> Customer Service | <input type="checkbox"/> Technical Quality/Outages |
| <input type="checkbox"/> Unburied Cable/ Property Issue | <input type="checkbox"/> Other |

When was the first time you contacted Mediacom about the issue?*

Please provide specific details regarding your concern:*

State what is the technical/customer service issue you are experiencing. Include any dates of a timeline of when you noticed the issue, when you first contacted Mediacom and any follow up calls you have made to request service.

What is your requested resolution? (if any)

ID	Submission Date	Address	What is your technical/customer service issue that you are experiencing?	When was the first time you contacted Mediacom?	What is your requested resolution? (if any)	Are you currently a Mediacom subscriber?	If yes, what services do you have with Mediacom?	What is the general nature of your complaint?	Resolved?
258	7/11/2016 8:28	350 Superior Boulevard #266	Jeff Dahl is familiar but right now neither Cable nor Wi-Fi work adequately in Quayside. My cable is currently down. They refuse to fix the issues.	7/11/2016 8:00	Wi-Fi and Cable need to work consistently and adequately.				Ongoing issue-- several emails from Tenant who is not Mediacom Customer--this is a Building Management Issue.
259	7/11/2016 9:33	816 Park Street E	Phone call notes: Internet Outage has been going on since the storm and she has been in contact with Mediacom twice. Never scheduled an appointment with customer--has given credit but no solution for internet connection. Needs internet connection for business. previous service issues has been with service--lack of service or slow internet speed. when the technicians have been to her house they have told her they haven't been well trained and couldn't help her on services in the past. this is a reoccurring problem and systemic problem with Mediacom. It isn't the techs fault they aren't trained, it goes higher up that.	7/6/2016 11:00	Restore services				8-15-16 issues still intermittent, 8/18/16 Mediacom contacted customer for appointment on 8/19/16

269	7/21/2016 17:11	622 Gardner St E	<p>I have had string of problems over the last 3 weeks with Mediacom. My original service appointment with Mediacom was scheduled for July 1 to initiate service. The technician was 30 minutes and when he arrived he said he could not install the service because the service wire from the street to our house was corroded and therefore he could not install the service. He informed me that Mediacom would come to our house within 1 week to replace the cable and subsequently install service. The promised week passed and no Mediacom rep came to replace the cable. I called Mediacom to followup and was told that rather than be installed within 1 week as promised by the first technician, it would actually take an additional two weeks and that the new line would be buried no later than July 22nd (3 weeks from my original appointment). I called Mediacom again today (July 21) to followup on the bury to confirm that the company would be coming by no later than tomorrow (July 22), the date of their revised promise. The representative I spoke with informed me that in fact all of the other Mediacom reps I had been dealing with were lying to me because it actually takes the company 40 days to bury a new cable. He also said that in the interim, Mediacom would send out a rep to setup my service as they didn't actually need to replace the cable to get us service. He said the installation would take place on July 28th (4 weeks after the first technician went to my house and said he couldn't install the service). When I asked why, if that is true, did the first technician not simply install the service, the rep could not explain. After I pointed out the strangeness of this sequence of events and asked to speak with a manager, the rep did not connect me with a manager, but said that he would try and have a service person to my house tomorrow to install the service. My experience over the last three weeks with Mediacom has been terrible. They have repeatedly lied to me, changed their story multiple times and have been generally unpleasant to deal with.</p>	7/1/2016 12:00	I would like Mediacom to stop lying to me.	Yes	Cable TV, internet, Phone	Unburied Cable/Property Issue	7/25/2016
273	7/26/2016 10:17	16116 Holdridge Rd W	<p>Cable laying on the ground on my property. Cable is attached to the pole by our home, but is not attached to the pole where it belongs in the back of my property.</p>	July 5, 2016	Pick up the cable and attach it the way it is supposed to be. It has almost been a month.	Yes	Cable TV, internet, Phone	Problem, Customer Service, Unburied Cable/Property Issue, Equipment, Service Response Time, Technical	

274	7/27/2016 11:09	15600 Holdridge Road East	<p>I called Mediacom because our phone lines were not working and internet was spotting. Mediacom said it would be at least a week before the could come out and look at issue. I explained to Mediacom that we have a special needs child at home and it is imperative that our home has a working landline. Mediacom said the best they could do was a week out.</p> <p>Mediacom came out the evening of June 6 to correct the issue. They only made things worse. The tech took a look at our equipment, the cable and hookups. He said we have a bad buried cable that needs to be replaced. We no longer had a working cable connection; Therefore no cable, no internet and no phone.</p> <p>The tech attempted to place a temporary cable that did not fix the issue. He and his supervisor were not able to provide a temporary solution nor were they able to give an ETA when a new cable would be provided.</p> <p>June 10th I cancelled my subscription with Mediacom. They did not contact me regarding a fix to the issue, nor did they provide any remediation for the inconvenience. I switched to centurylink because no resolution was provided by Mediacom.</p> <p>Mediacom sent my a bill for \$205.09 that said it was due by 07/23/16. I called Mediacom regarding the bill (should have roughly a \$71 dollar credit) and to complain that they have not removed the temporary orange cable in my yard.</p> <p>It is now July 27, I still have the orange cable in my yard, no check for the credit Mediacom owes. I am also concerned that I was paying for high speed internet access and not receiving the services that I was paying for because there was a bad cable that went to my home.</p>	<p>First week of June 2016</p>	<p>I am requesting Mediacom to remove their cable from my yard, pay me the credit that is owed and possibly a difference credit for the speed internet and regular.</p>	<p>Yes</p>	<p>Cable TV,Internet</p>	<p>Technical Problem, Technical Quality/Outages</p>	<p>8/3/2016</p>
276	8/4/2016 11:45	585 locust hills drive	<p>Cable tv and internet isn't working. Called and couldn't get a hold of anyone at Mediacom--generic message so he couldn't set up an appointment or report his problem.</p>	<p>Morning of August 4, 2016</p>	<p>restore service</p>	<p>Yes</p>	<p>Cable TV,Internet</p>	<p>Customer Service, Unburied Cable/Property Issue,Service</p>	<p>area power outage restored</p>
279	8/16/2016 11:52	145 Wooddale Avenue	<p>Excavation just started on the lot next to our house today and the workers cut thru our cable at @ 9:15 am (Tuesday, 8/16), leaving us without internet, tv or phone access. I work at home 50% of the time and my husband works at home 1-2 days/week. Mediacom said they cannot fix the issue until Sunday. 8/21, which is completely unacceptable.</p> <p>Our cable and internet have been down since that Sept. 23st.</p> <p>I have spent over two hours trouble shooting with the Mediacom bot (auto phone) and also live technician via phone.</p> <p>I was dumbfounded to hear that the next available technician could not or will not be dispatched until Sunday September 11????? Unacceptable</p> <p>What can be done about rectifying this situation, this type of response seems to be commonplace in response to the constituents of wayzata and also their elected officials. I also plan on filing a complaint on the city of wayzata website.</p>	<p>8/16/2016</p>	<p>Repair the cable today. We have work to do!</p>	<p>Yes</p>	<p>Cable TV,Internet,Phone</p>	<p>Technical Problem,Customer Service,Service Response Time</p>	<p>8/17/2016</p>
283	9/4/2016 8:20	215 Chicago Ave N	<p>I have spent over two hours trouble shooting with the Mediacom bot (auto phone) and also live technician via phone.</p> <p>I was dumbfounded to hear that the next available technician could not or will not be dispatched until Sunday September 11????? Unacceptable</p> <p>What can be done about rectifying this situation, this type of response seems to be commonplace in response to the constituents of wayzata and also their elected officials. I also plan on filing a complaint on the city of wayzata website.</p>	<p>Thursday Sept 1</p>	<p>send a tech out to resolve the problem 10 turnaround is UNACCEPTABLE</p>	<p>Yes</p>	<p>Internet</p>	<p>Billing Concern,Customer Service,Installation,Other</p>	<p>9/6/2016</p>

<p>287</p>	<p>9/14/2016 10:44</p>	<p>155 Gleason Lake Road #510</p>	<p>I contacted Mediacom on 9/12/16 and spoke to Miranda about having internet service only at the Gleason Lake address. She quoted me a fee of \$34.95 for monthly service without a contract. I commented that this was more than the \$29.95 I am paying for service at another address. She said the price had gone up. She set up a service appointment for 9/14/16 at 8:30 am to set up the internet, and quoted me payment due on 9/14 of \$59.96. This consisted of \$34.95 first month's service, \$10 installation, \$11.33 (on-third installation fee) and \$3 in taxes.</p> <p>As I have had tremendous difficulty in the past with service appointments being kept by Mediacom (I could write a book on that) I called Mediacom at 9pm on 9/13/16 to confirm my appointment. During that call I was told I did have an appointment scheduled on 9/14 at 8:30am, to install internet and phone. I said I did not order phone and did not want phone. She said I would owe \$71 for the service appointment, I said I was quoted \$59.96. She would not waver on having to install internet and phone for \$71. If I wanted internet only, I would have to re-schedule. It makes no sense to me that they can install internet and phone on 9/14, but not internet only. I was irate and cancelled the service appointment.</p> <p>On 9/14/16, I received a call from the Mediacom technician that he was at the apartment installing phone and internet. Again I was irate. Not only did I not order phone service, but I cancelled the appointment and the technician still showed up. I told him to not install anything and go away.</p>	<p>9/13/2016</p>	<p>I want other internet and cable options in Wayzata. Mediacom is clearly not interested or even paying attention to customer service. I would love to say I'd like Mediacom to install cable only, but that would mean I have to deal with them on an on-going basis and my</p>	<p>Yes</p>	<p>Cable TV, Internet</p>	<p>Technical Problem, Customer Service, Technical Quality/Outages</p>	<p>9/14/2016--customer call was reviewed and customer didn't write down wrong date and phone was not mentioned during the initial discussion, but was part of the recap of package.</p> <p>Ongoing issue-- several emails from Tenant who is NOT Mediacom Customer--this is a Building Management Issue.</p>
<p>general form completed</p>	<p>9/21/2016 11:12</p>	<p>350 Superior Boulevard #266</p>	<p>Wi-Fi and Cable for the Downtown area businesses and residents is not adequate or consistently working. The past several weeks it has been EXTREMELY bad. Zachary Raskovich was in my unit June 29 with a promise to fix the connection to our building. He had done zero since that and does not respond. He has lied and told the City and his Superiors at Mediacom that I wouldn't allow him access to my unit. He not only has been in my unit at least twice both times he was here over 2 1/2 hours. I have evidence that he was here as he signed an unwarranted bill that he was to take care of and DID NOT for over 3 months. He took a picture of that bill on my coffee table and sent it to me in an email. I had a witness to him being here at the end of June. I have emails where he responds "Please stop" yet has not and has no intention of fixing our issues for the local businesses but specifically the residents at Quayside. Westport Properties is our Manager and has spoken with Jeffrey Dahl. We were originally told to have one person as the voice representing us but now have been told we need to all file complaints. I have spoken to Lund's Byerly's who has no removed their iPad's to order food, The District Fresh, Mumi, Liquor Store, and Brew Works who all struggle with our Mediacom connection. It has effected our businesses and is imperative to our success. Jeffrey Dahl is aware of the scope and magnitude of our issues. The franchise agreement that is currently being enforced is not taking place for any of us even with upgraded service. Their equipment is not up to date nor is their connection adequate to handle this area.</p>						

290	9/24/2016 10:08	350 Superior Blvd	Cable inadequate since move-in June 2015. Service slow and often unavailable. Have to try multiple times to get on line if I turn my computer off. Presbyterian Homes isn't getting it fixed..	summer 2015	Pres Homes tells its residents (including me) that this inadequate wifi is a city-wide problem. Resolution: fix it!	Yes	Cable TV, internet, Phone	Technical Problem, Customer Service	Tenant is NOT Mediacom Customer--9-26-2016 Mediacom explained to tenant that this is a Building Management issue regarding their WIFI.
292	9/28/2016 9:07	322 Bushaway Road	They can't get someone out there until Sunday. Plus when she was calling yesterday the automotive system said it couldn't process. Right now she has televisions that do not work and can't get someone out there until Sunday. Also getting internet error saying that it isn't connecting to the Tivo boxes.	9/27/2016	Earlier appointment				forwarded to Mediacom Gov Rep 9/28/16--no update provided

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – SEPTEMBER, 2016**

DWI **Reported:** 09-30-2016 2320
46 year old male from Maple Grove arrested for driving while under the influence of alcohol. Tested .18
Addresses Involved
Central Ave & Highway 12, Wayzata, MN 55391
Names Involved
(Arrested) Olson, Cody Matthew (Age:46)

Domestic **Reported:** 09-29-2016 1843
Report of a verbal domestic. All parties were advised.
Addresses Involved
100 block of Peavey Lane, Wayzata, MN 55391

Unwanted Person **Reported:** 09-29-2016 1632
Unwanted female who would not leave. Female left prior to officers arrival.
Addresses Involved
100 block of Central Ave, Wayzata, MN 55391

Fraud **Reported:** 09-29-2016 1443
Report of an attempted scam while selling an item through Craig's List. No loss.
Addresses Involved
500 block of Maple Square, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 09-29-2016 1054
Report of damage to several windows. Unknown loss at this time.
Addresses Involved
1900 block of Wayzata Blvd W, Long Lake, MN 55356

Theft from Vehicle **Reported:** 09-27-2016 1345
Theft of license plate from a vehicle. Loss \$61.
Addresses Involved
500 block of Willow Drive N, Long Lake, MN 55356

Damage to Property - Criminal **Reported:** 09-27-2016 1038
Report of a vehicle doing burnouts and causing damage to the grass. Loss \$100.
Addresses Involved
2000 block of Daniels St, Long Lake, MN 55356

Harassment **Reported:** 09-26-2016 1725
Report of harassing communications.
Addresses Involved
100 block of Broadway Ave N, Wayzata, MN 55391

Domestic Assault **Reported:** 09-26-2016 1551
Report of a domestic assault.
Addresses Involved
100 block of Glenbrook Rd N, Wayzata, MN 55391

Utility/Public Works Issue **Reported:** 09-26-2016 1007
Report of a hit gas line. Gas company responded along with police and fire.
Addresses Involved
300 block of Hampton St S, Wayzata, MN 55391

Domestic Assault **Reported:** 09-25-2016 2207
Report of a domestic assault.
Addresses Involved
200 block of Glenmoor Lane, Long Lake, MN 55356

Disturbance **Reported:** 09-25-2016 1811
Loud music complaint. Business had a permit.
Addresses Involved
1300 block of Wayzata Blvd W, Long Lake, MN 55356

Unwanted Person **Reported:** 09-25-2016 1432
Report of an unwanted person. Male agreed to leave voluntarily.
Addresses Involved
100 block of Grand Ave, Wayzata, MN 55391

Fireworks **Reported:** 09-24-2016 2200
Noise complaint. Advised of fireworks display currently going on.
Addresses Involved
100 block of Peavey Lane, Wayzata, MN 55391

Disturbance **Reported:** 09-24-2016 2059
Complaint of loud music. There was a function going on nearby. Advised.
Addresses Involved
500 block of Indian Mound, Wayzata, MN 55391

Suspicious **Reported:** 09-24-2016 1603
Originally reported as a burglary in progress. Officers located the male, who was the boyfriend sneaking into his girlfriend's window without the parent's knowledge. The male was asked to leave.
Addresses Involved
100 block of Grand Ave S, Wayzata, MN 55391 USA

Damage to Property - Criminal **Reported:** 09-24-2016 0902
Report of graffiti under the overpass. Public Works notified. Unknown loss at this time.
Addresses Involved
Hwy 12 & Willow, Long Lake, MN

Theft **Reported:** 09-23-2016 1108
Report of a theft of patio items. Loss \$2600.
Addresses Involved
600 block of Ferndale Rd W, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-21-2016 1722
Report of a burglary. Loss \$200.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Fraud **Reported:** 09-20-2016 1641
Report of fraudulent checks being used on an account. Loss \$4500.
Addresses Involved
1200 block of Wayzata Blvd E, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-20-2016 1200
Report of a burglary in which jewelry was taken. Unknown loss at this time.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Fire **Reported:** 09-20-2016 1143
Report of a smoldering ash pile from a neighbor's bonfire from the night before.
Long Lake Fire Department watered down the pile.
Addresses Involved
300 block of Charles St, Long Lake, MN 55356

Suspicious **Reported:** 09-20-2016 0835
Report of a suspicious male carrying a backpack and pacing back and forth
in the lobby. Male was a technician there to make a repair.
Addresses Involved
900 block of Wayzata Blvd E, Wayzata, MN 55391

Disturbance **Reported:** 09-20-2016 0146
Report of a disturbance. Parties appeared to be drinking and were advised to keep it down.
Addresses Involved
200 block of Central Ave N, Wayzata, MN 55391

Disturbance **Reported:** 09-20-2016 0020
Report of hearing two males fighting. Area checked, unable to locate.
Addresses Involved
700 block of Mill St, Wayzata, MN 55391

Domestic **Reported:** 09-19-2016 2025
Report of a verbal domestic. Parties were advised.
Addresses Involved
900 block of Wayzata Blvd E, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-19-2016 1036
Residential burglary. Unknown loss at this time.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Alcohol **Reported:** 09-18-2016 0111
Report of a person drinking alcohol in the parking lot. Party was transported
to the hospital for evaluation.
Addresses Involved
600 block of Wayzata Blvd E, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 09-17-2016 1751
Report of a vehicle being keyed. Loss approximately \$500.
Addresses Involved
300 block of Brown Rd N, Long Lake, MN 55356

Burglary-Residential **Reported:** 09-17-2016 1330
Residential burglary. Unknown loss at this time.
Addresses Involved
100 block of Promenade Ave, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-17-2016 0745
Residential burglary. Loss \$600.
Addresses Involved
800 block of Lake St E, Wayzata, MN 55391

Disorderly Conduct **Reported:** 09-16-2016 1715

Juvenile cited for disorderly conduct and littering.

Addresses Involved

200 block of Lake St, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-16-2016 1614

Residential burglary. Loss approximately \$350.

Addresses Involved

100 block of Promenade Ave, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-15-2016 1556

Report of a burglary. Unknown loss at this time.

Addresses Involved

100 block of Promenade Ave, Wayzata, MN 55391

Unwanted Person **Reported:** 09-15-2016 1245

Unwanted male returned and starting arguing with staff. Male was advised and voluntarily left.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Unwanted Person **Reported:** 09-15-2016 1222

Report of an unwanted customer. Male left prior to officer arrival.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Disturbance **Reported:** 09-14-2016 2150

Report of a two males having a loud dispute. One male was transported to a family member's house.

Addresses Involved

600 block of Wayzata Blvd E, Wayzata, MN 55391

Suspicious **Reported:** 09-14-2016 1506

Suspicious male sitting in a vehicle in the parking lot for a long period of time.

Male was waiting for his family who were at a nearby business.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Fire **Reported:** 09-12-2016 1716

Unattended bonfire. Fire was extinguished.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Suspicious **Reported:** 09-12-2016 1347

Suspicious male in the backyard of a residence. Male was a new

assessor for the City of Wayzata. Unfounded.

Addresses Involved

700 block of Park St, Wayzata, MN 55391

Suspicious **Reported:** 09-12-2016 1332

Report of an attempted phone scam. Caller attempted to obtain bank

information. No loss at this time.

Addresses Involved

Broadway Ave & Rice St, Wayzata, MN 55391

Suspicious**Reported:** 09-12-2016 0753

Caller reported a suspicious person talking with children at the bus stop. Officers spoke with to the party who was helping a friend get their children off to school. Unfounded.

Addresses Involved

100 block of Grand Ave, Wayzata, MN 55391

Alcohol**Reported:** 09-11-2016 2038

Report of an intoxicated party who passed out inside the business. Transported to the hospital.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Theft**Reported:** 09-11-2016 1500

Report of a theft of an oven rake. Loss \$75.

Addresses Involved

600 block of Lake St E, Wayzata, MN 55391

Welfare Check**Reported:** 09-10-2016 1942

Report of a male who fell off a bicycle and was possibly intoxicated. Male declined medical attention and was transported home.

Addresses Involved

Bushaway Rd & Locust Hills, Wayzata, MN 55391

DWI**Reported:** 09-10-2016 1820

47 year old male from Hopkins arrested for driving while under the influence. Tested .26

Addresses Involved

700 block of Lake St E, Wayzata, MN

Names Involved

(Arrested) Erickson, Troy Dennis (Age:47)

Assault**Reported:** 09-10-2016 1620

Report of one person pushing another person during a dispute. This case is under investigation.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Burglary-Residential**Reported:** 09-10-2016 1503

Residential burglary. Golf clubs stolen from the garage. Loss \$1050.00

Addresses Involved

1100 block of Hollybrook Dr, Wayzata, MN 55391

Order Violation**Reported:** 09-09-2016 2025

29 year old female from White Bear Lake arrested for violating a domestic abuse no contact order.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Names Involved

(Arrested) Hennessey, Erin Marie (Age:29)

Suspicious**Reported:** 09-09-2016 1715

Report of two unattended backpacks in the bushes. School supplies were located in the backpacks.

Addresses Involved

Barry Ave & Lake St, Wayzata, MN 55391

Theft**Reported:** 09-08-2016 2221

Report of a theft of services. Loss \$24.50

Addresses Involved

700 block of Mill St, Wayzata, MN 55391

Theft from Vehicle **Reported:** 09-08-2016 1058
Report of a theft from vehicle. Loss approximately \$40.
Addresses Involved
1400 block of Wayzata Blvd E, Wayzata, MN 55391

Fleeing **Reported:** 09-08-2016 0329
46 year old male from Plymouth arrested for fleeing police on foot and receiving stolen property.
Addresses Involved
Ferndale Rd N & Luce Line Trail, Wayzata, MN
Names Involved
(Arrested) Evans, James Edward (Age:46)

Theft from Vehicle **Reported:** 09-07-2016 0842
Report of a theft of a laptop computer from a vehicle. Loss \$900.
Addresses Involved
700 block of Lake St E, Wayzata, MN 55391

Burglary-Residential **Reported:** 09-06-2016 1905
Report of a residential burglary. Loss in excess of \$50,000.
Addresses Involved
700 block of Widsten Circle, Wayzata, MN 55391

Theft **Reported:** 09-06-2016 1623
Report of identity theft.
Addresses Involved
100 block of Edgewood Court, Wayzata, MN 55391

Theft **Reported:** 09-06-2016 0912
Report of a theft of jewelry. Loss \$5915.
Addresses Involved
1600 block of Crosby Rd, Wayzata, MN 55391

Fire **Reported:** 09-05-2016 2027
Report of a car fire. Extinguished by Wayzata Fire.
Addresses Involved
100 block of Central Ave S, Wayzata, MN 55391

Unwanted Person **Reported:** 09-05-2016 0918
Report of an unwanted party. Party agreed to leave.
Addresses Involved
200 block of Glenmoor Lane, Long Lake, MN 55356

Damage to Property - Criminal **Reported:** 09-04-2016 0955
Report of damage to a mailbox. Loss \$500.
Addresses Involved
500 block of Far Hill Rd, Wayzata, MN 55391

Disturbance **Reported:** 09-03-2016 2357
Loud music complaint. Homeowner was advised and turned music down.
Addresses Involved
400 block of Highcroft Rd, Wayzata, MN 55391

Disturbance **Reported:** 09-03-2016 2028
Loud music complaint. Resident was advised and turned down the music.
Addresses Involved
1700 block of Crosby Rd, Wayzata, MN 55391

Theft **Reported:** 09-03-2016 1620
Report of a theft of mail. Unknown loss at this time.
Addresses Involved
200 block of Ferndale Rd S, Wayzata, MN 55391

Fleeing **Reported:** 09-02-2016 2248
Juveniles kicked over a sign and fled on foot. Juveniles were released to parents.
Addresses Involved
700 block of Mill St E, Wayzata, MN 55391

Damage to Property - Criminal **Reported:** 09-02-2016 1418
Report of a vehicle being keyed. Unknown loss at this time.
Addresses Involved
1100 block of Wayzata Blvd E, Wayzata, MN 55391

Theft **Reported:** 09-02-2016 1230
Report of a theft over \$1000. 70 year old male from Maple Grove was arrested. Stolen item was recovered.
Addresses Involved
1100 block of Wayzata Blvd E, Wayzata, MN 55391
Names Involved
(Arrested) Frank, Jeffrey Frederic (Age:70)

Warrant **Reported:** 09-01-2016 2031
45 year old female from Wayzata arrested on an outstanding warrant.
Addresses Involved
200 block of Central Ave N, Wayzata, MN 55391
Names Involved
(Arrested) Schewe, Noel Katherine (Age:45)

Theft **Reported:** 09-01-2016 1158
Report of an attempted theft. Approximately \$100 worth of stolen product was recovered.
Addresses Involved
1100 block of Wayzata Blvd E, Wayzata, MN 55391

DWI **Reported:** 09-01-2016 0036
Male arrested for DWI. Tested .07. Citation for driving after suspension and released.
Addresses Involved
Brown Rd & Wayzata Blvd, Long Lake, MN 55356

TRAFFIC – SEPTEMBER, 2016

CITATIONS	136
WRITTEN WARNINGS	11
VERBAL WARNINGS	98

Description	Sep 2016
MISSING PERSON	3
MISSING ANIMAL	4
MISSING/LOST PROPERTY	3
FOUND ANIMAL	1
FOUND PROPERTY	7
ABANDONED VEHICLE	1
RECOVERED STOLEN PROPERTY	1
OTHER ACCIDENTS	1
PIMV	2
PI INVOLVING BICYCLE/PED	1
PDMV	6
H & R PDMV	8
PDMV & DEER	1
Other Fire/Smoke	1
Vehicle Fire	1
FIRE ALARM	7
GAS LEAK/SMELL	1
HAZ ROAD CONDITION	8
RR Crossing Hazard	5
SUDDEN DEATH	1
OTHER MEDICAL	36
Medical Alarm	1
DETOX PATIENT	2
WELFARE CHECK	29
INFO REC'D	17
VERBAL DOMESTIC	3
CIVIL MATTER	4
Trespass Warn/Order	1
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	20
RECEIVE COURT ORDER/OFP	1
SUSPICION	44
OPEN DOOR/WINDOW	1
SCAM/FRAUD ATTEMPT	2
FIREWORKS COMPL	2
MISC. JUVENILE PROBLEM	5
DRIVING/TRAFFIC COMPLAINT	29
PARKING COMPL	11
HOUSE/BUSINESS CHECKS	16
RECORD CHECKS	13
OTHER PERMITS	1
FIREARM PERMIT	5
HC SHERIFFS PERMIT TO CARRY	2
Solicitor Permit	1
PARKING PERMIT	5
PUBLIC NUISANCE - Verbal Warning	1
BURNING VIOLATION	1
ANIMAL COMPLAINT/CHECK	12
DISPATCH ANIMAL	1
DOG LICENSE ISSUED	1
PATROL REQUEST	2
POLICE ESCORT/STAND-BY	1

ADULT PROTECTION ASSIST	3
FINGERPRINTS	3
ASSIST CHILD PROTECTION	2
MOTORIST ASSIST/STALL	11
UTILITY PROBLEM	3
PUBLIC ASSIST	25
LOCKOUT	9
BUSINESS ALARM	9
HOME ALARM	15
911 HANG-UP	10
ASSIST OTHER DEPT	15
WARRANT/ATTEMPT/ARREST	3
TRAFFIC CONTROL / DIRECT ENFORCEMENT	6
TERR THREATS-THRT CRM VIOL-NO WEAP-ADLT-FAM	1
ASLT-DOMESTIC-FE-INFLT BODLY HRM-HNDS-ADLT-FAM	1
DOM ASLT-MS-FEAR BODILY HARM-HANDS-AD-FAM	1
BURG 1-OCC RES NO FRC-D-UN WEAP-COM THEFT	1
BURG 2-UNOCC RES NO FRC-U-UNK WEAP-COM THEFT	6
BURG 2-OCC BUILDING NOFRC-N-UNK WEAP-UNK	1
BURG 3-UNOCC RES FRC-D-UNK WEAP-COM THEFT	1
FORGERY-FE-OTH ACT-CHK-OV 2500-PER	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	2
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	1
ESC-MS-FLEE AN OFFICER OTHER THAN MTR VEH	2
CRM AGST FM-FE-DEPRV VUL ADULT-SUBST BOD HARM	1
TRAF-AC-GM-2ND DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
JUVENILE USE OF TOBACCO	1
LIQUOR - MISREPRESENTING AGE-MINOR	1
JUVENILE-RUNAWAY	1
DISTURB PEACE-FE-VIOL DOM ABUSE NO CONTACT	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	2
DISTURB PEACE-MS-HARRASSING COMMUNICATIONS	1
DISTURB PEAC-MS-VIOL DOM ABUSE NO CONTACT ORD	1
PROP DAMAGE-GM-PRIVATE-OTHER INTENT	1
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	4
PROP DAMAGE-MS-PUBLIC-OTHER INTENT	1
STLN PROP-MS-RECEIVE-OTH PROP 500 OR LESS	1
THEFT-OVER 5000DLRS FE-BLDG-OTHER PROPERTY	1
THEFT-1001-5000 DLRS FE-BLDG-OTHER PROPERTY	1
THEFT-1001-5000 DLRS FE-YARDS-OTHER PROPERTY	1
THEFT-501-1000 DLRS GM-VEHICLE-OTHER	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	1
THEFT-500 OR LESS MS-YARDS-OTH PROP	1
THEFT-500 OR LESS MS-MTR VEHICLE-MONEY	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-500 OR LESS MS-OTHER-SERVICES	1
THEFT-1000 OR LESS FE-MAIL-OTHER PROPERTY	1
THEFT-UNK LVL-IDENTITY THEFT-UNK LOSS	1
CRIM AGNST ADM JUST-MS-GIVE FLSE NAM POL	1

	2014	2015	2016 June	2016 July	2016 August	2016 Sept	2016
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	197	259	14	18	17	23	156
PROJECT VALUE	\$71,316,194.31	\$50,380,054.75	\$2,216,062.00	\$1,813,184.52	\$5,720,625.68	\$1,769,380.00	\$55,991,573.05
BUILDING PERMIT FEE	\$398,821.84	\$329,932.64	\$16,002.00	\$10,189.25	\$34,395.75	\$16,775.50	\$294,915.50
PLAN CHECK FEE	\$239,736.80	\$181,911.71	\$9,229.39	\$2,726.36	\$20,956.03	\$9,308.65	\$173,871.00

EXTERIOR REPAIR

NUMBER OF PERMITS	69	98	11	7	9	47	94
PROJECT VALUE	\$868,852.35	\$1,566,840.36	\$282,790.00	\$236,323.49	\$158,605.00	\$1,359,822.00	\$2,346,625.49
PERMIT FEE	\$15,457.53	\$24,942.50	\$ 4,071.50	\$ 2,906.25	\$ 2,600.50	\$ 21,025.50	\$35,825.75

MECHANICAL

NUMBER OF PERMITS	213	228	11	15	16	19	131
PROJECT VALUE	\$6,434,508.61	\$3,391,980.96	130,924.00	251,778.00	1,864,345.50	201,982.75	\$3,557,060.73
PERMIT FEE	\$108,666.50	\$62,881.44	2,618.48	4,413.56	28,601.09	3,808.31	\$59,805.60

PLUMBING

NUMBER OF PERMITS	193	240	12	12	11	19	132
PROJECT VALUE	\$4,316,761.00	\$1,895,967.76	\$75,939.00	\$90,617.00	\$182,368.00	\$140,663.00	\$2,539,641.88
PERMIT FEE	\$75,280.16	\$38,015.46	\$1,618.78	\$1,871.68	\$3,506.76	\$2,909.88	\$43,928.51

TOTAL # OF PERMITS	672	825	48	52	53	108	513
TOTAL INCOME	\$837,962.83	\$637,683.75	\$33,540.15	\$22,107.10	\$90,060.13	\$53,827.84	\$608,346.36

NUMBER OF INSPECTIONS

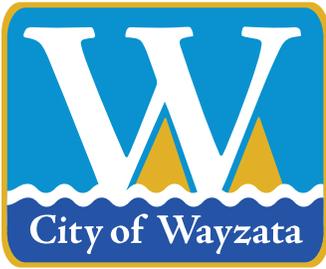
BUILDING	1081	1087	104	35	74	57	565
EXTERIOR	88	150	24	19	7	9	78
HVAC	491	466	62	29	20	22	270
PLUMBING	414	508	51	27	27	20	255
OTHER	4	5	0	0	0	0	3
TOTAL # OF INSPECTIONS	2078	2216	241	110	128	108	1171

RENTAL HOUSING INSPECTIONS

INSPECTIONS	119	119	9	2	9	0	95
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EROSION CONTROL INSPECTIONS

INSPECTIONS	286	165					
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City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: October 14, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Floodplain Ordinance Amendment

Introduction

On October 4, 2016, the City Council adopted the first reading of an ordinance amending the zoning ordinance regarding the City's floodplain regulations. 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. 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.

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 Sec. 2 of Ch. 801 of City Code. The definition of "Flood Related" in 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 Sec. 93 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

Floodplain 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.
4. 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.~~
5. 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.
6. Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
7. 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.
8. Flood Insurance Rate Map (FIRM): An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
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.~~
9. ~~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.~~
10. 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.

- ~~110.~~ Flood-proofing: 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.
- ~~121.~~ 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.
12. 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.
13. 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."
14. 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.
- ~~135.~~ 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 floodplain ~~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.~~
- ~~164.~~ 100One Hundred -Year FloodFloodplain: 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.
- ~~175.~~ 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.
18. 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."

196. 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.

~~1720.~~ 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 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.~~

21. 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.

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

23. 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.

~~1824.~~ 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.

25. 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.

26. 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 (FF)
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 properly 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. A 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.
5. If a subdivision proposal is in a flood prone area, any such proposal must be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - c. Adequate drainage is provided to reduce exposure of flood hazard.
6. If a proposed building site is in a flood prone area, all new construction and substantial improvements must be:

- a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Constructed with materials and utility equipment resistant to flood damage;
- c. Constructed by methods and practices that minimize flood damage; and
- d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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. Flood-proofing 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 flood-proofed.
- 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. Flood-proofing 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 flood-proofing 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 flood-proofing techniques (i.e., FP1 thru FP4 flood-proofing 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,

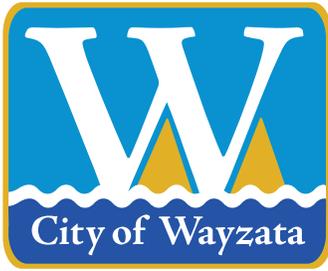
depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

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 overlay 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.



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: October 13, 2016
TO: The Honorable Mayor and Members of City Council
FROM: Jeffrey Dahl, City Manager
SUBJECT: Consider Resolution Adopting Municipal Fees for 2017

Update

Attached is a draft Resolution No. 39-2016 Adopting Municipal Fees for 2017. Typically, in the Fall the City approves its updated fee schedule in order to ensure all documents and communication pieces are update in time by January 1 of the following year for the up and coming fiscal year.

The fee schedule was discussed at the October 4, 2016 City Council Work Shop. As discussed at the Work Shop, the only significant changes are 3% increase for Water, Sewer, and Storm Sewer rates as well as a \$0.50 increase in the monthly organics recycling charge for Garbage Service.

Recommendation

Staff recommends adopting the attached Resolution No. 39-2016 as the proposed 2017 Fee Schedule will help to ensure that there is enough revenue to cover expenses.

City Council Action Requested

Make a motion to approve the attached Resolution that would Adopt the Municipal Fees for 2017.

RESOLUTION NO. 39-2016

RESOLUTION ADOPTING MUNICIPAL FEES FOR 2017

WHEREAS, the City Council of Wayzata, Minnesota has adopted a Code of Ordinances, and

WHEREAS, the Code of Ordinance provides that fees are adopted by reference and are as established by City Council Resolution; and

WHEREAS, it is the desire of the City Council of Wayzata, Minnesota to establish such municipal fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota that the attached fee schedule (Attachment A) is approved.

Adopted by the City Council of the City of Wayzata this 18th day of October, 2016.

Mayor Kenneth Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 18, 2016.

Deputy City Clerk Becky Malone

SEAL

**CITY OF WAYZATA - 2017
FEE SCHEDULE**

Adopted
Resolution #

Water usage increase: 3%
Sewer usage increase: 0%
Storm water usage increase: 0%
Garbage/Recy/Organic increase: 0%
all others

DESCRIPTION	2014		2015		2016		2017	
	structure change	approx 0% +rounded	structure change	approx 2% +rounded	structure change	0.00%	structure change	0.00%
WATER SYSTEM				2%		0%		0%
Water connection fee (on bldg. permit)/WAC	\$	1,974.00	\$	2,014.00	\$	2,014.00	\$	2,115.00
Water connection/tap outside City/WAC	\$	2,122.00	\$	2,165.00	\$	2,165.00	\$	2,273.00
Water connection charge, East Holdridge (price is set @ \$4,191) + WAC	\$	4,191.00	\$	4,191.00	\$	4,191.00	\$	4,191.00
Water meter inspection	\$	51.00	\$	52.00	\$	52.00	\$	52.00
Water connection inspection/water disconnect inspection	\$	102.00	\$	104.00	\$	104.00	\$	104.00
Temporary water disconnect	\$	51.00	\$	52.00	\$	52.00	\$	52.00
Permanent water disconnect	\$	102.00	\$	104.00	\$	104.00	\$	104.00
Lawn sprinkler system inspection	\$	51.00	\$	52.00	\$	52.00	\$	52.00
Water Usage Charges (monthly utility bill)								
Starting in 2013 a fixed monthly water meter fee will replace the base charge								
Water meter fixed monthly fee based on meter size								
3/4" water meter	\$	8.14	\$	8.38	\$	8.63	\$	8.89
1" water meter	\$	11.40	\$	11.73	\$	12.08	\$	12.44
1 1/2" water meter	\$	14.65	\$	15.07	\$	15.53	\$	16.00
2" water meter	\$	23.61	\$	24.30	\$	25.03	\$	25.78
3" water meter	\$	89.54	\$	92.15	\$	94.93	\$	97.78
4" water meter	\$	113.96	\$	117.29	\$	120.82	\$	124.45
(Base means they always pay the base charge plus they pay consumption)								
(Minimum means the least they pay is the minimum x the number of units). The remaining consumption is still divided by the # of units and each unit is subject to paying tiered rates.)								
Water residential monthly rate base charge								
Water residential monthly rate 0-3,400 gallons (per thousand gallons)								
Water residential/multi res/non city monthly rate 0-6,000 gallons (per thousand gallons)	\$	1.65	\$	1.70	\$	1.75	\$	1.80
Water residential monthly rate over 3, 400 gallons (per thousand gallons)								
Water residential/multi res/non city monthly rate over 6,000 gallons (per thousand gallons)	\$	2.06	\$	2.12	\$	2.18	\$	2.25
Water multi-unit residential monthly rate minimum charge								
Water multi-unit residential monthly rate 0-4,300 gallons (per thousand gallons)								
Water multi-unit residential monthly rate over 4,300 gallons (per 1,000 gallons)								
Water commercial & multi-unit commercial monthly rate minimum charge								
Water commercial & multi-unit commercial monthly rate 0-5,400 gallons (per 1,000 gal)								
Water commercial & multi-unit commercial monthly rate over 5,400 gal (per 1,000 gal)								
Water commercial non-City monthly rate minimum charge								
Water commercial non-City monthly rate 0-5,400 gallons (per 1,000 gallons)								
Water commercial non-City monthly rate over 5,400 gallons (per 1,000 gallons)								

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

all others

approx 0% +rounded

2014

approx 2% +rounded

2015

0.00%

0.00%

0.00%

DESCRIPTION

	2014	2015	2016	2017
Water residential non-City monthly rate minimum charge				
Water residential non-City monthly rate 0-3,400 gallons (per thousand gallons)				
Water residential non-City monthly rate over 3,400 gallons (per thousand gallons)				
Water commercial monthly rate minimum charge				
Water commercial monthly rate 0-16,000 gallons (per thousand gallons)				
Water commercial monthly rate up to 25,000 gallons (per thousand gallons)	\$ 1.65	\$ 1.70	\$ 1.75	\$ 1.80
Water commercial monthly rate over 16,000 (per thousand gallons)				
Water commercial monthly rate over 25,000 gallons (per thousand gallons)	\$ 1.80	\$ 1.85	\$ 1.91	\$ 1.97
Water institutional monthly rate up to 100,000 gallons (per thousand gallons)	\$ 1.65	\$ 1.70	\$ 1.75	\$ 1.80
Water institutional monthly rate over 100,000 gallons (per thousand gallons)	\$ 2.06	\$ 2.12	\$ 2.18	\$ 2.25
Water sprinkling monthly rate 1-3,400 gallons (per thousand gallons)				
Water sprinkling monthly rate over 3,400 gallons (per thousand gallons)				
Water sprinkling monthly rate up to 30,000 gallons (per thousand gallons)	\$ 2.06	\$ 2.12	\$ 2.18	\$ 2.25
Water sprinkling monthly rate over 30,000 gallons (per thousand gallons)	\$ 2.58	\$ 2.66	\$ 2.74	\$ 2.82
Water sprinkling monthly rate base charge				
Water sprinkling monthly rate 0-3,400 gallons (per thousand gallons)				
Water sprinkling monthly rate base charge (per thousand gallons)				
WATER METER PRICES-NEW ACCOUNTS				
Model 25 & 35 (the fee shown includes the water meter fee and the sales tax fee)	Based on vendor \$ 514.92	Based on vendor \$ 529.94	Based on vendor \$ 536.38	Based on vendor \$ 590.01
Model 70 (the fee shown includes the water meter fee and the sales tax fee)	\$ 686.56	\$ 705.87	\$ 718.71	\$ 761.65
Model 120 (the fee shown includes the water meter fee and the sales tax fee)	\$ 1,111.37	\$ 1,144.62	\$ 1,158.57	\$ 1,201.48
Model 170 (the fee shown includes the water meter fee and the sales tax fee)	\$ 1,454.65	\$ 1,497.56	\$ 1,523.31	\$ 1,609.13
Model 200 (the fee shown includes the water meter fee and the sales tax fee)	\$ 1,952.41	\$ 2,010.33	\$ 2,038.23	\$ 2,091.86
Model 450 (the fee shown includes the water meter fee and the sales tax fee)	\$ 2,166.96	\$ 2,231.32	\$ 2,252.78	\$ 2,306.41
2" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 3,930.56	\$ 4,125.80	\$ 3,556.17	\$ 3,665.59
3" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 3,692.94	\$ 3,877.13	\$ 3,920.91	\$ 4,030.32
4" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 5,972.54	\$ 6,269.79	\$ 6,291.68	\$ 6,419.34
WATER METER PRICES-SPRINKLING ACCOUNTS				
Model 25 & 35 (the fee shown includes the water meter fee and the sales tax fee)	\$ 283.21	\$ 291.47	\$ 295.01	\$ 324.51
Model 70 (the fee shown includes the water meter fee and the sales tax fee)	\$ 377.61	\$ 388.23	\$ 395.31	\$ 418.91
Model 120 (the fee shown includes the water meter fee and the sales tax fee)	\$ 611.25	\$ 629.54	\$ 637.21	\$ 660.81
Model 170 (the fee shown includes the water meter fee and the sales tax fee)	\$ 800.06	\$ 823.66	\$ 837.82	\$ 885.02
Model 200 (the fee shown includes the water meter fee and the sales tax fee)	\$ 1,073.82	\$ 1,105.68	\$ 1,121.02	\$ 1,150.52

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase: 3%
 Sewer usage increase: 3%
 Storm water usage increase: 0%
 Garbage/Recy/Organic increase: 0%
 structure change + 3%
 structure change 3%
 structure change 0%
 structure change 0%
 structure change 0%
 structure change 0%
 structure change 0.00%
 structure change 0.00%

2014 2015 2016 2017

DESCRIPTION

DESCRIPTION	2014	2015	2016	2017
Model 450 (the fee shown includes the water meter fee and the sales tax fee)	\$ 1,191.83	\$ 1,227.23	\$ 1,239.03	\$ 1,268.53
2" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 2,161.81	\$ 2,269.19	\$ 2,301.05	\$ 2,371.85
3" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 2,389.55	\$ 2,508.73	\$ 2,537.05	\$ 2,607.86
4" Compound (the fee shown includes the water meter fee and the sales tax fee)	\$ 3,864.58	\$ 4,056.93	\$ 4,071.09	\$ 4,153.69
SEWER SYSTEM				
M.C.E.S. SAC (rate set by Metropolitan Council)	\$ 2,485.00	\$ 2,485.00	\$ 2,485.00	\$ 2,485.00
Sewer connection charge (on bldg. permit)/SAC	\$ 590.00	\$ 602.00	\$ 602.00	\$ 632.00
Sewer connection inspection/sewer disconnect inspection	\$ 102.00	\$ 104.00	\$ 104.00	\$ 104.00
Sewer Usage Charges (monthly utility bill)				
Sewer residential monthly rate base charge	\$ 10.52	\$ 10.35	\$ 10.19	\$ 10.33
Sewer residential monthly rate 0-3,400 gallons (per thousand gallons)	\$ 2.80	\$ 3.22	\$ 3.63	\$ 4.16
Sewer residential monthly rate over 3,400 gallons (per thousand gallons)	\$ 4.89	\$ 4.60	\$ 4.32	\$ 4.16
Sewer multi-unit residential monthly rate base charge	\$ 10.52	\$ 10.35	\$ 10.19	\$ 10.33
Sewer multi-unit residential monthly rate 1-3,400 gallons (per thousand gallons)	\$ 2.80	\$ 3.22	\$ 3.63	\$ 4.16
Sewer multi-unit residential monthly rate over 3,400 gallons (per thousand gallons)	\$ 4.89	\$ 4.60	\$ 4.32	\$ 4.16
Sewer multi-unit commercial monthly rate base charge	\$ 4.01	\$ 6.02	\$ 8.02	\$ 10.33
Sewer multi-unit commercial monthly rate 0-999999 gallons (per thousand gallons)	\$ 4.72	\$ 4.49	\$ 4.27	\$ 4.16
Sewer multi-unit commercial monthly rate over 3,400 gallons (per thousand gallons)	\$ 4.72	\$ 4.49	\$ 4.27	\$ 4.16
Sewer multi-unit residential monthly rate minimum charge	\$ -	\$ -	\$ -	\$ -
Sewer multi-unit residential monthly rate 1-unlimited (per thousand gallons)	\$ -	\$ -	\$ -	\$ -
Sewer multi-unit commercial monthly rate minimum charge	\$ -	\$ -	\$ -	\$ -
Sewer multi-unit commercial monthly rate 0-3,700 gallons (per 1,000 gallons)	\$ -	\$ -	\$ -	\$ -
Sewer multi-unit commercial monthly rate over 3,700 gallons (per 1,000 gallons)	\$ -	\$ -	\$ -	\$ -
Sewer commercial non-City monthly rate minimum charge	\$ -	\$ -	\$ -	\$ -
Sewer commercial non-City monthly rate 0-3,700 gallons (per 1,000 gallons)	\$ -	\$ -	\$ -	\$ -
Sewer commercial non-City monthly rate over 3,700 gallons (per 1,000 gallons)	\$ -	\$ -	\$ -	\$ -
Sewer commercial monthly rate base charge	\$ 4.01	\$ 6.02	\$ 8.02	\$ 10.33
Sewer commercial monthly rate 0-999999 gallons (per 1,000 gallons)	\$ 4.72	\$ 4.49	\$ 4.27	\$ 4.16
Sewer commercial monthly rate over 3,300 gallons (per 1,000 gallons)	\$ 4.72	\$ 4.49	\$ 4.27	\$ 4.16
Sewer pipe in monthly rate base charge	\$ 31.80	\$ 31.80	\$ 31.80	\$ 32.75
STORM WATER				
Storm water connection inspection	\$ 82.00	\$ 83.65	\$ 83.65	\$ 83.65

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3.00%
3%
0%
0%

3%
0%
0%
0%

3%
0%
0%
0%

3%
0%
0%
0%

all others

3%
0%
0%
0%

3%
0%
0%
0%

3%
0%
0%
0%

3%
0%
0%
0%

3.00%
3%
0%
0%

DESCRIPTION

	2014	2015	2016	2017
	structure change	structure change	structure change	structure change + 3%
	approx 0% +rounded	approx 2% +rounded	0.00%	0.00%
	2014	2015	2016	2017
Storm water utility (REF) charges (monthly utility bill) (1 acre=43,560 sq. ft.)				
Residential base charge for up to 14,520 sq ft	\$ 5.14	\$ 5.14	\$ 5.14	\$ 5.29
+ rate per square ft. for any amount over 14,520 sq feet	\$ 0.00008793	\$ 0.00008793	\$ 0.00008793	\$ 0.00009057
Multiple, Institutional - rate per square foot	\$ 0.00105648	\$ 0.00105648	\$ 0.00105648	\$ 0.00108818
(The Multiple, Institutional rate per acre fee)	\$ 46.02	\$ 46.02	\$ 46.02	\$ 47.40
Commercial - rate per square foot	\$ 0.00176076	\$ 0.00176076	\$ 0.00176076	\$ 0.00181358
(The Commercial rate per acre fee)	\$ 76.70	\$ 76.70	\$ 76.70	\$ 79.00
Undeveloped - rate per square foot	\$ 0.00008793	\$ 0.00008793	\$ 0.00008793	\$ 0.00009057
(The Undeveloped rate per acre fee)	\$ 3.84	\$ 3.84	\$ 3.84	\$ 3.95
School - rate per square foot	\$ 0.000440457	\$ 0.000440457	\$ 0.000440457	\$ 0.00045367
(The School rate per acre fee)	\$ 19.20	\$ 19.20	\$ 19.20	\$ 19.76
GARBAGE MONTHLY RATES, RESIDENTIAL				
Sticker service	\$ 3.00	\$ 3.00	\$ 3.00	\$ 3.00
1 can (35 gal) weekly	\$ 7.64	\$ 7.64	\$ 7.64	\$ 7.64
2 can (65 gal) weekly	\$ 12.80	\$ 12.80	\$ 12.80	\$ 12.80
3 can (95 gal) weekly	\$ 17.74	\$ 17.74	\$ 17.74	\$ 17.74
4 can (2-65 gal) weekly	\$ 26.97	\$ 26.97	\$ 26.97	\$ 26.97
5 can (65 & 95 gal) weekly	\$ 31.69	\$ 31.69	\$ 31.69	\$ 31.69
6 can (2-95 gal) weekly	\$ 36.20	\$ 36.20	\$ 36.20	\$ 36.20
7 can weekly	\$ 45.66	\$ 45.66	\$ 45.66	\$ 45.66
8 can weekly	\$ 55.31	\$ 55.31	\$ 55.31	\$ 55.31
9 can weekly	\$ 64.33	\$ 64.33	\$ 64.33	\$ 64.33
10 can weekly	\$ 73.57	\$ 73.57	\$ 73.57	\$ 73.57
12 can weekly	\$ 91.82	\$ 91.82	\$ 91.82	\$ 91.82
Drive up service weekly	\$ 10.31	\$ 11.50	\$ 11.50	\$ 11.50
GARBAGE MONTHLY TAX, RESIDENTIAL (18.75%)				
Base/Sticker Service	\$ -	\$ -	\$ -	\$ -
1 can (35 gal) weekly	\$ 1.44	\$ 1.44	\$ 1.44	\$ 1.44
2 can (65 gal) weekly	\$ 2.40	\$ 2.40	\$ 2.40	\$ 2.40
3 can (95 gal) weekly	\$ 3.33	\$ 3.33	\$ 3.33	\$ 3.33
4 can (2-65 gal) weekly	\$ 5.06	\$ 5.06	\$ 5.06	\$ 5.06
5 can (65 & 95 gal) weekly	\$ 5.95	\$ 5.95	\$ 5.95	\$ 5.95
6 can (2-95 gal) weekly	\$ 6.79	\$ 6.79	\$ 6.79	\$ 6.79
7 can weekly	\$ 8.56	\$ 8.56	\$ 8.56	\$ 8.56
8 can weekly	\$ 10.37	\$ 10.37	\$ 10.37	\$ 10.37
9 can weekly	\$ 12.07	\$ 12.07	\$ 12.07	\$ 12.07
10 can weekly	\$ 13.79	\$ 13.79	\$ 13.79	\$ 13.79
12 can weekly	\$ 17.22	\$ 17.22	\$ 17.22	\$ 17.22
Drive up service weekly	\$ 1.93	\$ 2.16	\$ 2.16	\$ 2.16

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change approx 0% +rounded 2014 8.00 \$ 3% structure change approx 2% +rounded 2015 8.00 \$ 3% structure change 0.00% 2016 8.00 \$ 3.00% structure change + 3% 2017 8.50 \$

DESCRIPTION

DESCRIPTION	2014	2015	2016	2017
RECYCLING/ORGANICS MONTHLY FEE, RESIDENTIAL				
GARBAGE EVERY OTHER WEEK MONTHLY RATES				
1 can (35 gal)	\$ 3.35	\$ 3.35	\$ 3.35	\$ 3.35
2 can (65 gal)	\$ 5.50	\$ 5.50	\$ 5.50	\$ 5.50
3 can (95 gal)	\$ 7.64	\$ 7.64	\$ 7.64	\$ 7.64
Drive up service every other week fee	\$ 5.15	\$ 5.75	\$ 5.75	\$ 5.75
GARBAGE EVERY OTHER WEEK MONTHLY TAX (18.75%)				
1 can (35 gal)	\$ 0.63	\$ 0.63	\$ 0.63	\$ 0.63
2 can (65 gal)	\$ 1.03	\$ 1.03	\$ 1.03	\$ 1.03
3 can (95 gal)	\$ 1.44	\$ 1.44	\$ 1.44	\$ 1.44
Drive up service every other week fee	\$ 0.97	\$ 1.08	\$ 1.08	\$ 1.08
STREETS				
Permit Application for Construction Activity on Public Right-Of-Way				
Street Excavation Fee	\$ 134.00	\$ 137.00	\$ 137.00	\$ 137.00
Street Excavation Inspection Fee	\$ 82.00	\$ 84.00	\$ 84.00	\$ 84.00
Road Restoration Fees by City				
Asphalt/SF	\$ 22.00	\$ 23.00	\$ 23.00	\$ 23.00
Concrete/SF	\$ 22.00	\$ 23.00	\$ 23.00	\$ 23.00
Heavy-duty asphalt/SF	\$ 27.00	\$ 28.00	\$ 28.00	\$ 28.00
Minimum deposit	\$ 999.00	\$ 1,019.00	\$ 1,019.00	\$ 1,019.00
Street degradation fee per SF	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00
Street vacation (escrow at cost)	\$ 391.00	\$ 399.00	\$ 399.00	\$ 399.00
Driveway right-of-way permit	\$ 46.00	\$ 47.00	\$ 47.00	\$ 47.00
Right-of-way encroachment permit/agreement (fee to cover legal fees, recording fees & staff time)	\$ 798.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
PUBLIC WORKS MISC.				
Application to Co-locate Telecommunications Equip. On City Property				
Permit Fee	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Escrow	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Dumpster Placement on City Right-Of-Way				
Application Fee	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Damage Deposit	\$ 1,000.00	\$ 1,020.00	\$ 1,020.00	\$ 1,020.00
Right-of-Way Telecommunications Agreement				
Annual Registration	\$ 400.00	\$ 408.00	\$ 408.00	\$ 408.00
Application Fee (for original application)	\$ 380.00	\$ 388.00	\$ 388.00	\$ 388.00
Wetland Delineation Review				
Permit Fee	\$ 160.00	\$ 163.00	\$ 163.00	\$ 163.00
Escrow (based on consultant fee)	\$ 530.00	\$ 545.00	\$ 545.00	\$ 545.00
Each Temporary no parking "Police Order" sign, including Lath	\$ 8.00	\$ 8.00	\$ 2.00	\$ 2.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase: 3%
 Sewer usage increase: 3%
 Storm water usage increase: 0%
 Garbage/Recy/Organic increase: 0%
 structure change + 3%
 structure change 3%
 structure change 0%
 structure change 0%
 structure change 0%
 structure change 0%
 structure change 0.00%
 structure change 0.00%

all others 2014 2015 2016 2017

DESCRIPTION

	2014	2015	2016	2017
Public Works Contractual Services, per hour	\$ 60.00	\$ 61.00	\$ 61.00	\$ 61.00
Special Event Permit Fee - Local applicant	\$ 211.00			
Events on City Property - Level 1 (other than City Parks) 20-50 participants			\$ 150.00	\$ 150.00
Events on City Property - Level 2 50-500 participants			\$ 250.00	\$ 250.00
Events on City Property - Level 3 over 500 participants			\$ 1,500.00	\$ 1,500.00
Wayzata Chamber of Commerce Annual Community Events - Level 3a over 500 participants			\$ 600.00	\$ 600.00
Event on Private & City Property under 500 participants			\$ 200.00	\$ 200.00
Event on Private Property (meets any Step 1 requirements)			\$ 100.00	\$ 100.00
Event in City Parks			\$ 150.00	\$ 150.00
Athletic Event that Use City Streets & Public Parking Lots Under 200 participants			\$ 250.00	\$ 250.00
Athletic Event that Use City Streets & Public Parking Lots Over 200 participants			\$ 500.00	\$ 500.00
Street and/or Sidewalk Closures			\$ 250.00	\$ 250.00
Parades			\$ 500.00	\$ 500.00
Special Event Permit Fee - Non-Local applicant				
Events on City Property - Level 1 (other than City Parks) 20-50 participants			\$ 200.00	\$ 200.00
Events on City Property - Level 2 50-500 participants			\$ 500.00	\$ 500.00
Events on City Property - Level 3 over 500 participants			\$ 3,000.00	\$ 3,000.00
Event on Private & City Property under 500 participants			n/a	n/a
Event on Private Property (meets any Step 1 requirements)			n/a	n/a
Event in City Parks			n/a	n/a
Athletic Event that Use City Streets & Public Parking Lots Under 200 participants			\$ 500.00	\$ 500.00
Athletic Event that Use City Streets & Public Parking Lots Over 200 participants			\$ 1,000.00	\$ 1,000.00
Street and/or Sidewalk Closures			\$ 500.00	\$ 500.00
Parades			\$ 1,000.00	\$ 1,000.00
Warning House Rental:				
Public Agencies, civic groups, non-profit organizations, residents, etc			no charge for City Government, Private or Public School	no charge for City Government, Private or Public School
Deposit: damage/cleaning deposit required for each event			\$80/day \$500/annual	\$80/day \$500/annual
PUBLIC WORKS-CEMETERY				
Cemetery burial easement - Resident (full and cremain lots)	\$ 1,061.00	\$ 1,082.00	\$ 1,082.00	\$ 1,082.00
Cemetery burial easement - Infant	\$ 427.00	\$ 436.00	\$ 436.00	\$ 436.00
Cemetery grave open/close	\$ 850.00	\$ 867.00	\$ 867.00	\$ 867.00
+ Additional for openings when frost	\$ 216.00	\$ 221.00	\$ 221.00	\$ 221.00
+ Additional for weekends/holidays	\$ 294.00	\$ 300.00	\$ 300.00	\$ 300.00
Cremain opening/close	\$ 479.00	\$ 489.00	\$ 489.00	\$ 489.00
+ Additional for cremain openings when frost	\$ 98.00	\$ 100.00	\$ 100.00	\$ 100.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3.00%
3%
0%
0%

structure change + 3%
structure change
0%
0%

3%
0%
0%

structure change
0%
0%

all others

approx 0% +rounded
approx 2% +rounded

2014
2015
2016
2017

DESCRIPTION

	2014	2015	2016	2017
+ Additional for weekends/holidays	\$ 294.00	\$ 300.00	\$ 300.00	\$ 300.00
ELECTRIC SERVICE FRANCHISE FEE RATES-MONTHLY (amend by resolution)				
Residential Class	\$ 2.06	\$ 2.06	\$ 2.06	\$ 2.06
Small Commercial & Industrial, Non-Demand Class	\$ 4.64	\$ 4.64	\$ 4.64	\$ 4.64
Small Commercial & Industrial, Demand Class	\$ 4.64	\$ 4.64	\$ 4.64	\$ 4.64
Large Commercial & Industrial Class	\$ 15.45	\$ 15.45	\$ 15.45	\$ 15.45
Public Street Lighting Class	\$ 1.03	\$ 1.03	\$ 1.03	\$ 1.03
Municipal Pumping, Non-Demand Class	\$ 1.03	\$ 1.03	\$ 1.03	\$ 1.03
Municipal Pumping, Demand Class	\$ 1.03	\$ 1.03	\$ 1.03	\$ 1.03
ADMINISTRATION-ENVIRONMENTAL HEALTH				
Food Class A (supper clubs, sit-down, drive-in, delivery, take-out, restaurant, or similar facility.)	\$ 783.00	\$ 799.00	\$ 799.00	\$ 799.00
Food Class C (grocery, meat market, bakery, deli, rental kitchen, limited food service, or similar facility.)	\$ 618.00	\$ 630.00	\$ 630.00	\$ 630.00
Food Cart	\$ 494.00	\$ 504.00	\$ 504.00	\$ 504.00
Class E (limited grocery)	\$ -			
Potentially Hazardous Foods	\$ 314.00	\$ 320.00	\$ 320.00	\$ 320.00
Non-Potentially Hazardous Foods	\$ 273.00	\$ 278.00	\$ 278.00	\$ 278.00
Class G (prepackaged, non-perishable, candy or coffee (no refrigeration needed))	\$ 165.00	\$ 168.00	\$ 168.00	\$ 168.00
Additional Facility	\$ 216.00	\$ 220.00	\$ 220.00	\$ 220.00
School Kitchen	\$ 639.00	\$ 652.00	\$ 652.00	\$ 652.00
Pre-school/Daycares				
Full Service	\$ 639.00	\$ 652.00	\$ 652.00	\$ 652.00
Limited Service (Non-Potentially Hazardous Foods)	\$ 314.00	\$ 320.00	\$ 320.00	\$ 320.00
Church Kitchen	\$ 170.00	\$ 173.00	\$ 173.00	\$ 173.00
Food Vehicle	\$ 149.00	\$ 152.00	\$ 152.00	\$ 152.00
Special Event Food Stand				
First Day	\$ 80.00	\$ 82.00	\$ 82.00	\$ 82.00
Each Additional Day	\$ 35.00	\$ 36.00	\$ 36.00	\$ 36.00
Each day-existing license holder	\$ 35.00	\$ 36.00	\$ 36.00	\$ 36.00
Maximum-each license	\$ 185.00	\$ 189.00	\$ 189.00	\$ 189.00
Special Event Food Stand (Pre-packaged non-potentially hazardous food)				
First Day	\$ 30.00	\$ 31.00	\$ 31.00	\$ 31.00
Each Additional Day	\$ 30.00	\$ 31.00	\$ 31.00	\$ 31.00
Each day-existing license holder	\$ 30.00	\$ 31.00	\$ 31.00	\$ 31.00
Maximum-each license	\$ 185.00	\$ 189.00	\$ 189.00	\$ 189.00
Seasonal Temporary Food Stand (can be disassembled & moved)	\$ 397.00	\$ 405.00	\$ 405.00	\$ 405.00
Seasonal Permanent Food Stand (permanent stand or building)	\$ 397.00	\$ 405.00	\$ 405.00	\$ 405.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change
0% structure change
0% structure change
0% structure change

approx 0% +rounded
approx 2% +rounded
approx 0% +rounded

2014

2015

2016

2017

DESCRIPTION

	2014	2015	2016	2017
Lodging - Hotel, Motel, Lodging House or Boarding House				
Base Fee	\$ 206.00	\$ 210.00	\$ 210.00	\$ -
Per Room	\$ 6.00	\$ 6.00	\$ 6.00	\$ 6.00
Public Swimming Pool				
Indoor	\$ 464.00	\$ 473.00	\$ 473.00	\$ 473.00
Outdoor	\$ 371.00	\$ 378.00	\$ 378.00	\$ 378.00
Additional Pool	\$ 263.00	\$ 268.00	\$ 268.00	\$ 268.00
Message Establishment Plan Review				
Message Services				
Message Business License	\$ 6,288.00	\$ 6,414.00	\$ 6,414.00	\$ 6,414.00
Message Personal License	\$ 1,277.00	\$ 1,303.00	\$ 1,303.00	\$ 1,303.00
Message Background Check/Investigation Fee	\$ 1,277.00	\$ 1,303.00	\$ 1,303.00	\$ 1,303.00
Therapeutic Massage Business	\$ 82.00	\$ 84.00	\$ 84.00	\$ 84.00
Therapeutic Massage Personal	\$ 57.00	\$ 58.00	\$ 58.00	\$ 58.00
Therapeutic Massage Background Check/Investigation Fee	\$ 72.00	\$ 73.00	\$ 73.00	\$ 73.00
Re-inspection Fees (for all Environmental Health Services):				
2nd follow-up is 25% of the license fee				
3 or more follow-ups are 50% of the license fee for each follow-up				
Plan Reviews				
New Establishments	100% of license fee			
Remodel	50% of license fee			
ADMINISTRATION-LIQUOR/CLUB/WINE/3.2% MALT LIQUOR (BEER) LICENSES				
Annual on-sale club intoxicating liquor license (fee per statute):				
Under 200 members (fee set by statute)	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
201-500 members (fee set by statute)	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
501-1,000 members (fee set by statute)	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00
1,001-2,000 members (fee set by statute)	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00
2,001-4,000 members (fee set by statute)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
4,001-6,000 members (fee set by statute)	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Over 6,000 members (fee set by statute)	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Annual Sunday on-sale club intoxicating liquor license (fee set by statute)	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Annual on-sale intoxicating liquor license (other than club license)	\$ 10,300.00	\$ 10,300.00	\$ 10,300.00	\$ 10,300.00
Annual Sunday on-sale intoxicating liquor license (fee set by statute)	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Annual on-sale wine license (set by statute-\$2,000 max)	\$ 1,290.00	\$ 1,290.00	\$ 1,290.00	\$ 1,290.00
Annual on-sale 3.2% malt liquor (beer) license	\$ 515.00	\$ 515.00	\$ 515.00	\$ 515.00
Annual off-sale 3.2% malt liquor (beer) license	\$ 103.00	\$ 103.00	\$ 103.00	\$ 103.00
Annual Micro-Brewery Taproom Liquor License (on-sale)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Annual Sunday Micro-Brewery Taproom Liquor License (on-sale)	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Annual Micro-Brewery Off-Sale Malt Liquor License (off-sale Growler sales set by Statute)	\$ 240.00	\$ 240.00	\$ 240.00	\$ 240.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change approx 0% +rounded 2014 3% structure change approx 2% +rounded 2015 3% structure change 0.00% 2016 3.00% structure change + 3% 2017

all others

DESCRIPTION

DESCRIPTION	2014	2015	2016	2017
Annual Sunday Micro-Brewery Off-Sale Malt Liquor License (off-sale Growler sales)	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Annual Brewpub	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Annual Micro-Winery (samples only)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Annual Micro-Distillery Liquor License (samples only)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Background check/investigation fee for all Liquor license types (set by statute)	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
Temporary consumption and display permit, one-day permit (fee set by statute)	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Temporary on-sale liquor license (all types) one-day license	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00
Liquor license violations, all types:				
Fine: 1st Offense within 24 months	\$ 500.00	\$ 750.00	\$ 750.00	\$ 750.00
Fine: 2nd Offense within 24 months	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
Fine: 3rd Offense within 24 months-fine and one additional check within 90 days	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Fine: 4th Offense within 24 mo. -fine & 7-day suspension & add'l check within 90 days(\$2,000 max per statute 340A.415)	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Fine: 5th Offense within 24 mo. -fine and license revocation (\$2,000 max per statute 340A.415)	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Shaded areas: Rates set by statute and we therefore cannot change fee.				
ADMINISTRATION-MISCELLANEOUS LICENSES				
Amusement and Recreation Establishments (pool hall, billiard hall, bowling alley, shooting gallery)	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Car Wash	\$ 72.00	\$ 73.00	\$ 73.00	\$ 73.00
Christmas Tree Sales Lots	\$ 62.00	\$ 63.00	\$ 63.00	\$ 63.00
Games of Skill and Juke Boxes (each.)	\$ 60.00	\$ 61.00	\$ 61.00	\$ 61.00
Gas Fitter's License	\$ 62.00	\$ 63.00	\$ 63.00	\$ 63.00
Gasoline Filling Station or Wholesale Oil or Gasoline Storage Facility plus per pumping station	\$ 72.00	\$ 73.00	\$ 73.00	\$ 73.00
Peddlers, Solicitors and Transient Merchant License application	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00
Seasonal Outdoor Sidewalk Café License (as part of CUP)	\$ 170.00	\$ 173.00	\$ 173.00	\$ 173.00
Temporary Right of Way Encroachment	\$ 144.00	\$ 147.00	\$ 147.00	\$ 147.00
Shows, Exhibits and Races (public show, caravan, carnival, circus, motion picture, theatrical or other performance, or exhibition; bicycle, foot or other similar race)	\$ 100 (N/C if Special Event Permit fees paid)	\$ 102 (N/C if Special Event Permit fees paid)	\$ 102 (N/C if Special Event Permit fees paid)	\$ 102 (N/C if Special Event Permit fees paid)
Sound Cars and Equipment (sound car, loud speaker, or other sound equipment)	\$ 60.00	\$ 61.00	\$ 61.00	\$ 61.00
Tobacco products	\$ 124.00	\$ 126.00	\$ 126.00	\$ 126.00
Cigar only tobacco products	\$ 67.00	\$ 68.00	\$ 68.00	\$ 68.00
Tobacco products/cigar only tobacco products penalties:				
Fine for 1st Offense within 2 yrs (Fee set by Ord)-fine and/or 1 day suspension	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Fine for 2nd Offense within 2 yrs (fee set by Ord)-fine and/or 2 days suspension	\$ 250.00	\$ 255.00	\$ 255.00	\$ 255.00
Fine for 3rd Offense within 2 yrs (fee set by Ord)-fine and/or 3 days suspension	\$ 500.00	\$ 510.00	\$ 510.00	\$ 510.00
Fine for 4 or More Offenses (fee set by Ord)-fine and/or license revocation	\$ 1,000.00	\$ 1,020.00	\$ 1,020.00	\$ 1,020.00
Tree Removal and Treatment Contractor License	\$ 67.00	\$ 68.00	\$ 68.00	\$ 68.00
Tree Removal Permit & Inspection	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change
0% structure change
0% structure change
0% structure change

all others approx 0% + rounded

approx 2% + rounded

3% structure change

3.00% structure change + 3%

DESCRIPTION

	2014	2015	2016	2017
Vehicles for Hire Ordinance				
Vehicles for Hire Company License	\$ 88.00	\$ 90.00	\$ 90.00	\$ -
Vehicles for Hire Per Vehicle Fee	\$ 36.00	\$ 37.00	\$ 37.00	\$ 90.00
Vehicles for Hire Background Check Fee Each Owner	\$ 41.00	\$ 42.00	\$ 42.00	\$ 37.00
Vehicles for Hire Background Check Fee Each Driver	\$ 41.00	\$ 42.00	\$ 42.00	\$ 42.00
COMMUNITY ROOM RENTAL				
Class A: Any event directly related to the operation or administration of City government such as City Council, City Commissions, City Boards, City Departments, etc.	no charge	no charge	no charge	no charge
Class B: Events conducted by the following <u>Wayzata based</u> groups:	\$50.00 + \$10 per hr after the 1st hour	\$50.00 + \$10 per hr after the 1st hour	\$50.00 + \$10 per hr after the 1st hour	\$50.00 + \$10 per hr after the 1st hour
Public agencies, civic groups, non-profit organizations or resident groups	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit
Class C: City resident rentals for private parties or meetings	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit
Class D: Wayzata based business use	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit	\$250 fee + \$250 deposit
Set up and take down options for Classes B, C & D	\$25 per person/per hour (PW Dept.)	\$25 per person/per hour (PW Dept.)	\$61 per person/per hour (PW Dept.) based on page 6 "contractual services"	\$61 per person/per hour (PW Dept.) based on page 6 "contractual services"
Additional fees/rates will be charged for after hours, holidays & weekends				
Security: 3 hour Police Department minimum	\$80.00 per hour	\$80.00 per hour	\$82.00 per hour based on page 16 "contractual services"	\$82.00 per hour based on page 16 "contractual services"
Equipment Rental Fees: Must be pre-approved by City Manager - call for current rates				
ADMINISTRATION-MUNICIPAL BOAT SLIPS/BEACH				
Outer lagoon	\$ 1,788.00	\$ 1,788.00	\$ 1,788.00	\$ 1,788.00
Inner lagoon	\$ 1,430.00	\$ 1,430.00	\$ 1,430.00	\$ 1,430.00
Rowboats	\$ 402.00	\$ 402.00	no rowboat slips	no rowboat slips
Canoe rack (non-resident fees are double)	\$ 72.00	\$ 72.00	\$ 72.00	\$ 72.00
Charter boats annual permit	\$ 1,936.00	\$ 1,936.00	\$ 1,936.00	\$ 1,936.00
Charter boats temporary one day permit (1 pickup, 1 drop off)	\$ 330.00	\$ 330.00	\$ 330.00	\$ 330.00
"Museum of Lake Minnetonka" charter boat "Minnehaha" (50% of annual permit)	\$ 968.00	\$ 968.00	\$ 968.00	\$ 968.00
Beach parking permit (non-resident)	\$ 36.00	n/a - residents only	n/a - residents only	n/a - residents only
BUILDING DEPARTMENT				
Rental Dwelling Licenses				
1 unit (single family home, condominium or owner occupied duplex)	\$ 65.00	\$ 66.00	\$ 66.00	\$ 66.00
2 units	\$ 95.00	\$ 97.00	\$ 97.00	\$ 97.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3.00%
3%
0%
0%

structure change + 3%
structure change
structure change

3%
0%
0%

structure change
0%
0%

3%
0%
0%

structure change
0%
0%

3%
0%
0%

structure change
0%
0%

3%
0%
0%

structure change + 3%
3%
0%
0%

all others

approx 2% +rounded

approx 0% +rounded

approx 0% +rounded

approx 2% +rounded

0.00%

0.00%

0.00%

0.00%

DESCRIPTION

	2014	2015	2016	2017
3 units	\$ 120.00	\$ 122.00	\$ 122.00	\$ 122.00
4 units	\$ 152.00	\$ 155.00	\$ 155.00	\$ 155.00
5 units or more	\$115 + \$15 per unit	\$117 + \$15 per unit	\$117 + \$15 per unit	\$117 + \$15 per unit
Re-inspection Fee (2nd re-inspection and subsequent follow-up)	\$ 90.00	\$ 92.00	\$ 92.00	\$ 92.00
Late Application Fee		Shall be equal to the underlying charge	Shall be equal to the underlying charge	Shall be equal to the underlying charge
Each failure to appear for a reinspection	\$ 90.00	\$ 92.00	\$ 92.00	\$ 92.00
Failure to give notice of property transfer	\$ 64.00	\$ 65.00	\$ 65.00	\$ 65.00
Investigation fee for each occupied, unlicensed rental unit	\$232 per unit	\$237 per unit	\$237 per unit	\$237 per unit
Required re-inspection after license suspended or revoked	\$ 173.00	\$ 176.00	\$ 176.00	\$ 176.00
Reinstating an expired, revoked, or suspended license	\$ 572.00	\$ 583.00	\$ 583.00	\$ 583.00
Additional copy of rental license	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00
Additional copy of correction orders	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00
Building, plumbing and HVAC permit fees - see attached schedule				

ENGINEERING DEPARTMENT

Land Disturbance Permit Fees				
50 cubic yards or less	\$ 31.00	\$ 31.00	\$ 31.00	\$ 31.00
51 - 100 cubic yards	\$ 46.00	\$ 46.00	\$ 46.00	\$ 46.00
101 to 1,000 cubic yards				
fee for the first 100 cubic yards	\$ 46.00	\$ 46.00	\$ 46.00	\$ 46.00
+ this fee for each additional 100 cubic yards or fraction thereof	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
1,001 to 10,000 cubic yards				
fee for the first 1,000 cubic yards	\$ 227.00	\$ 227.00	\$ 227.00	\$ 227.00
+ this fee for each additional 1,000 cubic yards or fraction thereof	\$ 17.00	\$ 17.00	\$ 17.00	\$ 17.00
10,001 to 100,000 cubic yards or more				
fee for the first 10,000 cubic yards or fraction thereof	\$ 380.00	\$ 380.00	\$ 380.00	\$ 380.00
+ this fee for each additional 10,000 cubic yards or fraction thereof	\$ 76.00	\$ 76.00	\$ 76.00	\$ 76.00
100,001 cubic yards or more				
fee for the first 100,000 cubic yards	\$ 1,061.00	\$ 1,061.00	\$ 1,061.00	\$ 1,061.00
+ this fee for each additional 10,000 cubic yards or fraction thereof	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00
Plan Review Fee (when required)				
50 cubic yards or less (no fee)				
51 cubic yards or more	40 % of permit fee			
Topo copies per file				
	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00
FIRE DEPARTMENT				
Fire Personnel hourly services	\$ 61.00	\$ 61.00	\$ 61.00	\$ 61.00
Aerial Ladder - per hour	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3.00%
3%
0%
0%

3%
0%
0%
0%

3%
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3%
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3.00%
3%
0%
0%

all others

approx 2% +rounded

approx 0% +rounded

approx 0% +rounded

approx 0% +rounded

approx 2% +rounded

0.00%
0.00%

DESCRIPTION

	2014	2015	2016	2017
Engine/Pumper - per hour		\$ 300.00	\$ 300.00	\$ 300.00
Heavy Rescue - per hour		\$ 150.00	\$ 150.00	\$ 150.00
Tanker - per hour		\$ 175.00	\$ 175.00	\$ 175.00
Utility Vehicle - per hour		\$ 100.00	\$ 100.00	\$ 100.00
Boat - per hour		\$ 150.00	\$ 150.00	\$ 150.00
Fireworks Inspection		\$61 (N/C if Special Event Permit fees paid)	\$ 150.00	\$ 150.00
Temporary Membrane Structure (Tent)	\$80 for the first structure; \$20 for each additional structure on the same premises and for the same event	\$80 for the first structure; \$20 for each additional structure on the same premises and for the same event	\$80 for the first structure; \$20 for each additional structure on the same premises and for the same event	\$80 for the first structure; \$20 for each additional structure on the same premises and for the same event
Underground Tank Removal	\$ 103.00	\$ 105.00	\$ 105.00	\$ 105.00
PLANNING DEPARTMENT				
Comprehensive Plan (printed copy)	no longer printed	no longer printed	no longer printed	no longer printed
Comprehensive Plan (CD)	\$ 40.00	\$ 41.00	\$ 41.00	\$ 41.00
Design Standards (printed copy)	no longer printed	no longer printed	no longer printed	no longer printed
Design Standards (CD)	\$ 41.00	\$ 42.00	\$ 42.00	\$ 42.00
Fence Permit Application Fee	\$ 72.00	\$ 73.00	\$ 73.00	\$ 73.00
Sign Permit Fee - permanent	\$1 per sq.ft. / minimum of \$50.00			
Sign Permit Fee - temporary	\$ 57.00	\$ 58.00	\$ 58.00	\$ 58.00
Tree Replacement - fee-in-lieu of tree replacement				\$150/claiper inch, or the City's actual cost to implement a tree replacement plan that has been approved by the City Forester
Zoning Ordinance (printed copy)	no longer printed	no longer printed	no longer printed	no longer printed
Zoning Ordinance (CD)	\$ 40.00	\$ 41.00	\$ 41.00	\$ 41.00
PLANNING DEPARTMENT-DEVELOPMENT APPLICATION FEES & ESCROW				
Subdivision				
Preliminary Plat Minor (less than 3 lots) application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Preliminary Plat Minor (less than 3 lots) escrow (application fee also due)	\$ 2,000.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00
Preliminary Plat Major (4-15 lots) application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase: 3%
 Sewer usage increase: 0%
 Storm water usage increase: 0%
 Garbage/Recy/Organic increase: 0%

all others 2014 2015 2016 2017
 structure change approx 0% +rounded approx 2% +rounded structure change structure change + 3%

DESCRIPTION

	2014	2015	2016	2017
+ Preliminary Plat Major (4-15 lots) escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Preliminary Plat Major (15-30 lots)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Preliminary Plat Major (15-30 lots) escrow (application fee also due)	\$ 5,000.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
Preliminary Plat Major (over 30 lots) application fee (escrow also due)	\$ 561.00	\$ 572.00	\$ 572.00	\$ 572.00
+ Preliminary Plat Major (over 30 lots) escrow (application fee also due)	\$7,000 and up	\$7,140 and up	\$7,140 and up	\$7,140 and up
Major with street application fee (escrow also due)	\$561 + \$12/lot	\$572 + \$12/lot	\$572 + \$12/lot	\$572 + \$12/lot
+ Major with street escrow (application fee also due)	\$7,000 and up	\$7,140 and up	\$7,140 and up	\$7,140 and up
Final Plat application fee (escrow also due)	same as prelim plat			
+ Final Plat escrow (application fee also due)	\$ 2,000.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00
Planned Unit Development				
Concept Plan application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Concept Plan escrow (application fee also due)	project specific	project specific	project specific	project specific
General Plan application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ General Plan escrow (application fee also due)	project specific	project specific	project specific	project specific
Amendments - Minor (no structure change) application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Amendments - Minor (no structure change) escrow (application fee also due)	\$ 5,000.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
Amendments - Major (structure change) application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Amendments -Major (structure change) escrow (application fee also due)	\$7,000 and up	\$7,140 and up	\$7,140 and up	\$7,140 and up
Conditional Use Permit				
Commercial and multi family minor (only use and parking) appl. fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Commercial & multi family minor (only use and parking) escrow (appl. fee also due)	\$ 4,000.00	\$ 4,080.00	\$ 4,080.00	\$ 4,080.00
Commercial and multi family major (structural) application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Commercial & multi family major (structural) escrow (appl. fee also due)	\$ 5,000.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
Residential single family application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Residential single family escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Variance				
Commercial and multi family minor (only use and parking) application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+Comm. & multi family minor (only use and parking) escrow fee (appl. fee also due)	\$ 4,000.00	\$ 4,080.00	\$ 4,080.00	\$ 4,080.00
Commercial and multi family major (structural) application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Comm. & multi family major (structural) escrow (appl. fee also due)	\$ 5,000.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00
Residential single family application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Residential single family escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Street Vacation application fee (escrow also due)				
Street Vacation escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Zoning Ordinance Amendment				
Text application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Text escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Map application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Map escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change approx 0% +rounded 2014 3% structure change approx 2% +rounded 2015 3% structure change 0.00% 2016 3.00% structure change + 3% 2017

DESCRIPTION

DESCRIPTION	2014	2015	2016	2017
Comprehensive Plan Amendment application fee (escrow also due)	\$ 335.00	\$ 342.00	\$ 342.00	\$ 342.00
+ Comprehensive Plan Amendment escrow (application fee also due)	\$ 3,000.00	\$ 3,060.00	\$ 3,060.00	\$ 3,060.00
Design Review				
+ Façade changes only application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ Façade changes only escrow (application fee also due)	\$ 2,000.00	\$ 2,040.00	\$ 2,040.00	\$ 2,040.00
New Structure or addition application fee (escrow also due)	\$ 283.00	\$ 289.00	\$ 289.00	\$ 289.00
+ New Structure or addition escrow (application fee also due)	\$ 3,500.00	\$ 3,570.00	\$ 3,570.00	\$ 3,570.00
Application for Extension of Development Approvals	\$ 165.00	\$ 169.00	\$ 169.00	\$ 169.00
Project specific escrow amounts require a minimum deposit (shown) at the actual time of submittal. The total cost is determined by the size, location and complexity of the project and additional funds may be required.	\$ 10,300.00	\$ 10,506.00	\$ 10,506.00	\$ 10,506.00
POLICE DEPARTMENT-ADMINISTRATIVE OFFENSES				
Offense Description (Code/Statute Section)	Penalty	Penalty	Penalty	Penalty
Administrative Citation				
Failure to respond (105.05)	Shall be equal to the underlying charge			
Traffic/Vehicle - Violations/Administrative Offenses				
Exhibition driving (301.10)	\$ 65.00	\$ 66.00	\$ 66.00	\$ 66.00
Parking - General No Parking Zones / Limited Time Zones (302.02)	\$ 32.00	\$ 33.00	\$ 33.00	\$ 33.00
Parking without permit (310.03A)	\$ 32.00	\$ 33.00	\$ 33.00	\$ 33.00
Parking after hours (310.03C)	\$ 32.00	\$ 33.00	\$ 33.00	\$ 33.00
Restricted parking-snow removal (303.01A)	\$ 40.00	\$ 41.00	\$ 41.00	\$ 41.00
No possession of driver's license (171.08)	\$ 60.00	\$ 61.00	\$ 61.00	\$ 61.00
Failure to change DL address (171.11)	\$ 60.00	\$ 61.00	\$ 61.00	\$ 61.00
Recreational Vehicle permit (729)	\$ 75.00	\$ 77.00	\$ 77.00	\$ 77.00
Municipal Docks - Violations/Administrative Offenses				
Boat parking by permit (lagoon) (301.01)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Charter boat permit violation (318.02)(includes 1 day permit fee & penalty)	\$ 660.00	\$ 673.00	\$ 673.00	\$ 673.00
Charter boat liquor violation (318.06)	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Violation of posted notice (318.07C)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Animal Administrative - Violations/Administrative Offenses				
Animal license required (92.20)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Dog at large (impound) (92.01(1)(a))	\$ 55.00	\$ 56.00	\$ 56.00	\$ 56.00
Dog at large 2nd violation or wknd (92.01(1)(a))	\$ 85.00	\$ 87.00	\$ 87.00	\$ 87.00
Barking dog (92.01(1)(c))	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Kennel license required (92.36(A))	\$ 75.00	\$ 77.00	\$ 77.00	\$ 77.00
Public Nuisance - Violations/Administrative Offenses				

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3% structure change
0% structure change
0% structure change
0% structure change

3.00% structure change + 3%
3% structure change
0% structure change
0% structure change

all others

DESCRIPTION	2014	2015	2016	2017
Fireworks possession or sale (624.21)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Junk vehicle (709.02)	\$ 75.00	\$ 77.00	\$ 77.00	\$ 77.00
Vehicle for sale prohibited (302.10)	\$ 75.00	\$ 77.00	\$ 77.00	\$ 77.00
General nuisance (701)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Discharge of firearm (704.03)	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Skateboard violation (719.00)	\$ 25.00	\$ 26.00	\$ 26.00	\$ 26.00
Shoplifting (712.02)	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Unnecessary noises (708.02)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Unnecessary noises - radio over 50' (708.03(B))	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Construction 1800-0700 w/o permit (708.03(E))	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Liquor/Beer consumption in public (714.02)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Liquor/Beer possession in public (714.03)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Food establishments - Violations/Administrative Offenses				
Failure to comply (603.04.c)	\$ 150.00	\$ 153.00	\$ 153.00	\$ 153.00
Recreational Fire - Violations/Administrative Offenses				
Open Burning (707)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Park Violations/Administrative Offenses				
Hours of operation (309.01)	\$ 25.00	\$ 26.00	\$ 26.00	\$ 26.00
Liquor possession/consumption (309.02)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Sign Violations/Administrative Offenses				
Violation of general provisions (811)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Curfew Violations/Administrative Offenses				
Curfew 14 and under (711.01)	\$ 40.00	\$ 41.00	\$ 41.00	\$ 41.00
Curfew 15-17 (711.02)	\$ 40.00	\$ 41.00	\$ 41.00	\$ 41.00
Loitering (715.01)	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
Rental Dwelling Licenses - Violations/Administrative Offenses				
Operating without a license (150.78)	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Wayzata Property Maintenance Code (803.02(E)) -Violations/Administrative Offenses				
Zoning Violations	\$ 50.00	\$ 51.00	\$ 51.00	\$ 51.00
	Initial Violation: \$300 for property being used for the furtherance of a commercial venture; \$100 for any other property, not being used in furtherance of a commercial venture.	Initial Violation: \$306 for property being used for the furtherance of a commercial venture; \$102 for any other property, not being used in furtherance of a commercial venture.	Initial Violation: \$306 for property being used for the furtherance of a commercial venture; \$102 for any other property, not being used in furtherance of a commercial venture.	Initial Violation: \$306 for property being used for the furtherance of a commercial venture; \$102 for any other property, not being used in furtherance of a commercial venture.

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:
Sewer usage increase:
Storm water usage increase:
Garbage/Recy/Organic increase:

3.00%
3%
0%
0%

structure change + 3%
structure change
0%
0%

3%
0%
0%

structure change
0%
0%

all others approx 0% +rounded 2014 approx 2% +rounded 2015 0.00% 2016 0.00% 2017

DESCRIPTION

DESCRIPTION	2014	2015	2016	2017
POLICE DEPARTMENT-MISC.				
Animal Control -				
Dangerous Dog Registration	\$ 50.00	\$ 51.00	\$ 51.00	\$ 100.00
Impound release fee, first time	\$ 70.00	\$ 71.00	\$ 71.00	\$ 71.00
Impound release fee, each additional time and weekends	\$ 100.00	\$ 102.00	\$ 102.00	\$ 102.00
Dog License Fee, each \$20 or with 2 year renewal period \$30	\$ 30.00	\$ 31.00	\$ 31.00	\$ 31.00
Kennel License Fee (3 or more dogs over 6 months of age)	\$ 65.00	\$ 66.00	\$ 66.00	\$ 66.00
False Alarms				
First 3 per calendar year	No charge	No charge	No charge	No charge
Fourth per calendar year	\$ 125.00	\$ 128.00	\$ 128.00	\$ 128.00
Next 5th through 10th / per incident	\$ 265.00	\$ 270.00	\$ 270.00	\$ 270.00
Over 10 per calendar year / per incident	\$ 520.00	\$ 530.00	\$ 530.00	\$ 530.00
Fingerprinting services per card	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00
Police Contractual Services, per hour	\$ 80.00	\$ 82.00	\$ 82.00	\$ 82.00
Police reports per page (set by statute)	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.25
OTHER FEES				
As-built, etc.	actual cost + 10%			
Certified Copies (+ copying or related charges)	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00
Copies-black & white per 8 1/2" x 11" per page (100 or fewer)	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.25
Copies-black & white per 11"x17"per page (100 or fewer)	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.25
Copies-color per 8 1/2" x 11"per page	\$ 0.60	\$ 0.75	\$ 0.75	\$ 0.75
Copies-color per 11"x17" per page	\$ 1.20	\$ 1.25	\$ 1.25	\$ 1.25
Notarization Fee (set by statute)	\$ 1.00	\$ 1.00	\$ 5.00	\$ 5.00
Special assessment searches	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00
Tape duplication-Audio and Video (DVD) program aired >1.5 yrs ago	\$ 35.00	\$ 36.00	\$ 36.00	\$ 36.00
Tape duplication-Audio and Video (DVD) program aired 1.5 yrs ago or less	\$ 20.00	\$ 20.00	\$ 20.00	\$ 20.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

Adopted

Resolution #

Water usage increase:	3%				3%				3.00%
Sewer usage increase:	0%	structure change			0%	structure change			3%
Storm water usage increase:	0%				0%				0%
Garbage/Recy/Organic increase:	0%				0%				0%
all others	approx 0% +rounded				approx 2% +rounded				0.00%
	2014				2015				2016
									2017

DESCRIPTION

For all sections, please note: If additional fees are required to cover costs incurred by the City, the City Manager has the right to require payment for additional expenses. Such expenses may include (but are not limited to) personnel costs, fees for consultants, legal assistance and other professionals, along with other overhead costs.

**CITY OF WAYZATA - 2017
FEE SCHEDULE**

Adopted
Resolution #

DESCRIPTION

Water usage increase: 3% structure change 3.00%
 Sewer usage increase: 0% structure change 0%
 Storm water usage increase: 0% structure change 0%
 Garbage/Recy/Organic increase: 0% structure change 0%
 all others approx 0% +rounded approx 2% +rounded 0.00%
 2014 2015 2016 2017

City of Wayzata

PERMIT FEE SCHEDULE - 2017

Building / Demolition / Fire Suppression / Fire Alarm Permits

(Based on Valuation)

TOTAL VALUATION	FEES
\$1.00 to \$500.00	\$25.00
\$501 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.25 for each additional \$100.00 or fraction thereof, to and including \$2000.00
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00 plus \$14.75 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00 plus \$10.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00 plus \$7.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,456.75 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,956.75 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof

Additional fees when applicable:

- Plan review = 65 % of permit fee
- Plan review of residential interior remodel = 35% of permit fee
- Plan review of similar plans = 25% of permit fee
- State surcharge = .0005 of valuation (50 cent minimum fee)
- City SAC fee = \$602.00
- MCES SAC fee \$2485.00
- City WAC fee \$2014.00

CITY OF WAYZATA - 2017

FEE SCHEDULE

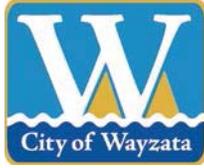
Adopted
Resolution #

Water usage increase:	3%	3%	3%	3.00%
Sewer usage increase:	0%	0%	0%	0%
Storm water usage increase:	0%	0%	0%	0%
Garbage/Recy/Organic increase:	0%	0%	0%	0%
all others	approx 0% +rounded	approx 2% +rounded	0.00%	0.00%
	2014	2015	2016	2017

DESCRIPTION

Valuation:

Building permit fees are based on value of the improvement when the project is completed. Our fee tables are based on the total cost of all construction activity for the project including material and labor; and should reflect electrical, gas, mechanical and plumbing costs. Labor estimates must be included even if you are doing the work yourself. Valuations can be compared to approximate square footage costs and will be adjusted if the valuation provided appears to be in error.



**Planning Report
City Council
October 18, 2016**

Project Name: Pflaum Home
Applicant Peter Pflaum
Addresses of Request: 630 Bushaway Rd
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: December 16, 2016

Development Application

Introduction

The property owner, Peter Pflaum is proposing to demolish the existing house and construct a new house on the property at 630 Bushaway Rd. The proposal requires multiple variances and conditional use permit.

Property Information

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

Address	PID	Owner
630 Bushaway Rd	08-117-22-23-0008	Peter Pflaum

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

Current zoning:	R-1A/Low Density Single Family Estate District
Comp plan designation:	Estate Single Family

Project Location

The property is located on the east side of Bushaway along Grays Bay.

Map 1: Project Location



Application Requests

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

- A. Variances from the R-1A zoning district requirements: The proposed project requires multiple variances from the requirements of the R-1A zoning district. The requested variances include:
 - 1. Front yard setback variance from 45 feet to 11.8 feet
 - 2. Rear yard setback variance from 50 feet to 14.7 feet
 - 3. Lot coverage variance from 10% to 18.3%
 - 4. Impervious surface variance from 20% to 29.6%

- B. Variances from the Shoreland overlay district requirements: The proposed project requires a shoreland setback variance from 75 feet to 14.7 feet. district.

- C. Conditional Use Permit for a fence: The applicant is proposing to construct a six-foot tall stone wall along the front of the property. Fences located in the front yard that are greater than 50 percent solid matter and exceed 42 inches in height require a conditional use permit.

- D. Conditional Use Permit for non-conforming lot size and lot width: The R-1A zoning district includes a minimum lot size of 80,000 square feet and a minimum lot width of 200 feet. The existing lot has a non-conforming lot size of 10,144 square feet and a non-conforming lot width of 158 feet. The City's non-conforming use ordinance states that approval for the construction of a single-family dwelling on a lot that does not meet the minimum lot area and width requirements may be requested as a Conditional Use Permit.

Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family homes	R-1A/Low Density Single Family Estate District	Estate Single Family
East	Lake Minnetonka	N/A	N/A
South	Lake Minnetonka	N/A	N/A
West	Single-family homes	R-1A/Low Density Single Family Estate District	Estate Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on September 8, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on September 9, 2016.

Analysis of Application

Proposed Plan

The applicant is proposing to construct a new house on the property. The proposed house would be two stories in height, and would not include a basement. The proposed house would be 2,476 square feet in size, and would include a two car attached garage. In addition, there would be a open porch on the front of the house, and a pervious paver patio on the lakeside. The exterior building materials consist of wood shingles and board and batten siding.

Proposed Fence

The applicant is proposing to construct a wall along the front of the property. The proposed wall would be located partially in the right-of-way of Bushaway Road and partially on the subject property. The wall would be six feet in height with seven-foot columns, and would be clad in stone similar to the wall on the other side of Bushaway Road. Hennepin County controls the Bushaway Road right-of-way, and has reviewed the proposed wall location. The County has indicated after their preliminary review that they approve the fence encroachment into the right-of-way. The homeowner would be responsible for obtaining all required permits and encroachment agreements with the County prior to starting construction.

The City's zoning regulations for fences apply to the wall. The fence requirements allow a fence with a maximum height of 42-inches and a maximum opacity of 50 percent within the front yard. The applicant has requested a conditional use permit for the

proposed wall provided it would be six feet in height with seven-foot columns, and would be 100 percent opaque.

Zoning

	R-1A Requirements	Shoreland Requirements	Proposed	Existing Conditions
Front yard setback	45 ft. (min)	None	11.8 ft.*	21 ft.***
Side yard setback	20 ft. (min)	None	20 ft.	26.8 ft.
Rear yard setback	50 ft. (min)	None	14.7 ft.*	14.7 ft.***
Shoreland setback	None	75 ft. (min)	14.7 ft.*	14.7 ft.***
Lot coverage	10% (max.)	None	18.2%*	12.0%***
Impervious surface	20% (max.)	25% 75% with stormwater management 100% with shoreland impact plan/CUP	29.6%*	24.6%***
Building height	40 ft. (max.)	35 ft. (max.)	33 ft. to roof peek	-
Lot area	80,000 sq. ft. (min.)	10,000 sq. ft. (min.)	10,144 sq. ft.**	-
Lot width	200 ft. (min)	75 ft. (min.)	158 ft.**	-

*variance requested

**conditional use permit requested

***existing non-conformity

Lot Area Calculation

The proposed plans include three alternate methods of calculating the area of the lot. City staff has review the zoning ordinance and determined that the definition of lot area and lot lines excludes public right-of-way. As such, the area of the property that is included in the legal description, but is encumbered by right of way for County Road 101, has been excluded from the lot area calculation.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the development application at its meeting on September 19, 2016. One person appeared at the public hearing in support of the project. After discussing the application, the Planning Commission asked the applicant to provide additional information regarding the justification for the requested variances, and to clarify the height of the stone wall that is being proposed in the front yard.

On October 3, 2016, the Planning Commission reviewed the additional material requested, and voted six in favor and zero opposed to adopt a Report and Recommendation of approval for the development application.

Applicable Code Provisions for Review

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Shoreland Variances: Section 801.91.20 states that variances may be granted by the City Council in accordance with Section 801.05 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
- E. Shall constitute a hardship as defined in Section 801.05 of this Ordinance.
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.

Conditional Use Permit for a Fence: City Code Section 801.18.1.F.2 outlines the following standards for evaluating fence conditional use permits:

- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
- B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
- C. The provisions of Section 801.04.2.G of this Ordinance are considered and satisfactorily met.

Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.

- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Action Steps

Adopt the draft Resolution No. 41-2016 which approves variances and conditional use permits for a new residence at 630 Bushaway Road.

Attachments

- Attachment A: Proposed Plans
- Attachment B: Draft September 19, 2016 Planning Commission Meeting Minutes
- Attachment C: Draft October 3, 2016 Planning Commission Meeting Minutes
- Attachment D: Planning Commission Report and Recommendation
- Attachment E: Draft Resolution No. 41-2016

Description of Request:

VARIANCES AND/OR CONDITIONAL USE PERMITS AS
REQUIRED TO REDEVELOP 630 BUSHAWAY ROAD,
A SUBSTANTIALLY NON-CONFORMING LEGAL LOT OF
RECORD, TO A REASONABLE LAND USE FOR A NEW
SMALL RESIDENCE AND GARAGE.

(SEE ATTACHED ADDITIONAL DESCRIPTION.)

Applicant may attach other letter sized materials.

Additional Information:

Payment of Fees

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

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

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

Complete / Incomplete Applications

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

Description of Request:

THE EXISTING HOME IS DETERIORATED TO THE NEED FOR REPLACEMENT. THE PROPOSED HOME IS, FOR THE MOST PART, IN A SIMILAR LOCATION TO THE EXISTING, WITH A 2 CAR ATTACHED GARAGE AND 3 BEDROOM AT A SECOND FLOOR. APPEARANCE IS A 1 1/2 STORY TRADITIONAL COTTAGE.

THE SITE IS LEGALLY NON-CONFORMING IN ALMOST EVERYWAY POSSIBLE RELATIVE TO PRESENT DAY ZONING CONTROLS.

ZONING IS PRESENTLY "LOW DENSITY SINGLE FAMILY ESTATE DISTRICT." THIS REQUIRES A 2 ACRE MINIMUM SITE AREA. 630 BUSHAWAY SITE AREAS ARE:

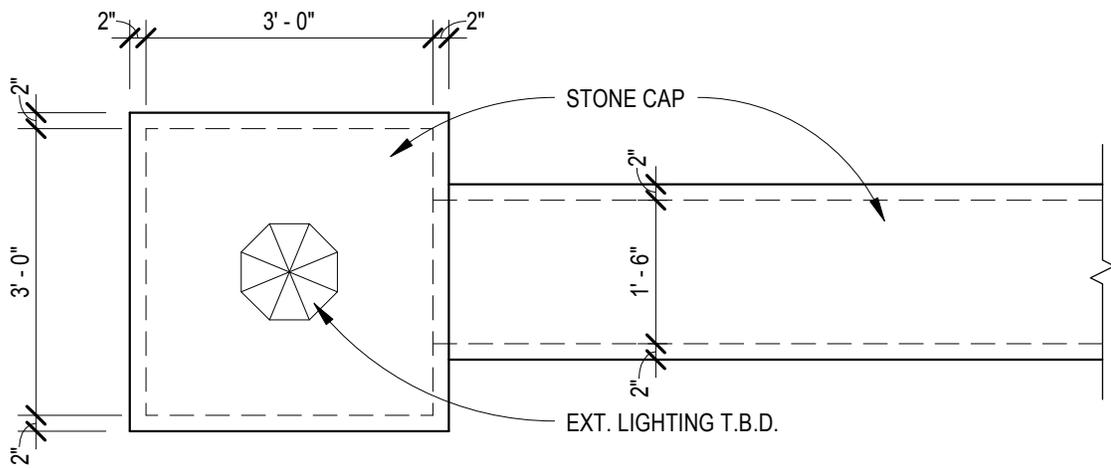
20,769 SF. GROSS AREA OR 23.8% OF REQ.

13,269 SF, W/O ROAD & PATH OR 15.2% OF REQ.

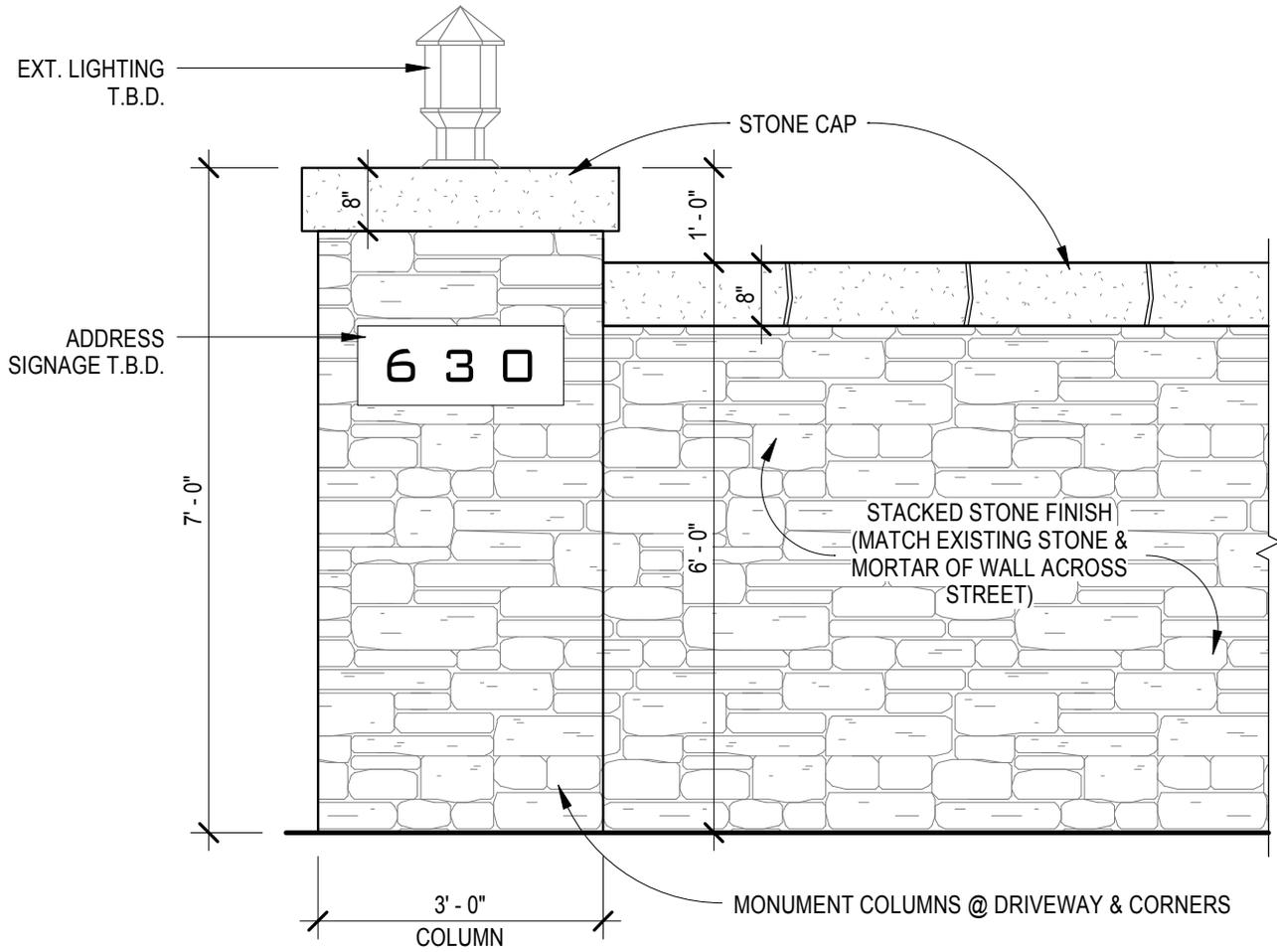
10,144 SF R.O.W. TO 929.4 OR 11.6% OF REQ.

ALL PRACTICAL DIFFICULTIES WITH THIS SITE RELATE BACK TO ZONING CONDITIONS FOR A 2 ACRE ESTATE APPLIED TO A PROPERTY THAT IS 11.6% OF THE SIZE THAT THE APPLICABLE ZONING CONTROLS ARE BEING APPLIED TO.

SEE STAFF ANALYSIS FOR ALL VARIANCE & C.U.P. REQUEST NECESSARY.



PLAN VIEW



ELEVATION VIEW

PFLAUM - PROPOSED STONE WALL DETAIL

1/2" = 1'-0"

- A1 PROPOSED SITE PLAN
- A2 SITE PLAN - HATCHES CALC METHOD 1
- A3 SITE PLAN - HATCHES CALC METHOD 2
- A4 SITE PLAN - HATCHES CALC METHOD 3
- A5 SITE PLAN - HATCHES CALC METHOD 4
- A6 SITE PLAN - HATCHES CALC METHOD 5
- A7 SITE PLAN - HATCHES CALC METHOD 6
- A8 SITE PLAN - HATCHES CALC METHOD 7
- A9 SITE PLAN - HATCHES CALC METHOD 8
- A10 SITE PLAN - HATCHES CALC METHOD 9
- A11 SITE PLAN - HATCHES CALC METHOD 10
- A12 SITE PLAN - HATCHES CALC METHOD 11
- A13 SITE PLAN - HATCHES CALC METHOD 12
- A14 SITE PLAN - HATCHES CALC METHOD 13
- A15 SITE PLAN - HATCHES CALC METHOD 14
- A16 SITE PLAN - HATCHES CALC METHOD 15
- A17 SITE PLAN - HATCHES CALC METHOD 16
- A18 SITE PLAN - HATCHES CALC METHOD 17
- A19 SITE PLAN - HATCHES CALC METHOD 18
- A20 SITE PLAN - HATCHES CALC METHOD 19
- A21 SITE PLAN - HATCHES CALC METHOD 20
- A22 SITE PLAN - HATCHES CALC METHOD 21
- A23 SITE PLAN - HATCHES CALC METHOD 22
- A24 SITE PLAN - HATCHES CALC METHOD 23
- A25 SITE PLAN - HATCHES CALC METHOD 24
- A26 SITE PLAN - HATCHES CALC METHOD 25
- A27 SITE PLAN - HATCHES CALC METHOD 26
- A28 SITE PLAN - HATCHES CALC METHOD 27
- A29 SITE PLAN - HATCHES CALC METHOD 28
- A30 SITE PLAN - HATCHES CALC METHOD 29
- A31 SITE PLAN - HATCHES CALC METHOD 30
- A32 SITE PLAN - HATCHES CALC METHOD 31
- A33 SITE PLAN - HATCHES CALC METHOD 32
- A34 SITE PLAN - HATCHES CALC METHOD 33
- A35 SITE PLAN - HATCHES CALC METHOD 34
- A36 SITE PLAN - HATCHES CALC METHOD 35
- A37 SITE PLAN - HATCHES CALC METHOD 36
- A38 SITE PLAN - HATCHES CALC METHOD 37
- A39 SITE PLAN - HATCHES CALC METHOD 38
- A40 SITE PLAN - HATCHES CALC METHOD 39
- A41 SITE PLAN - HATCHES CALC METHOD 40
- A42 SITE PLAN - HATCHES CALC METHOD 41
- A43 SITE PLAN - HATCHES CALC METHOD 42
- A44 SITE PLAN - HATCHES CALC METHOD 43
- A45 SITE PLAN - HATCHES CALC METHOD 44
- A46 SITE PLAN - HATCHES CALC METHOD 45
- A47 SITE PLAN - HATCHES CALC METHOD 46
- A48 SITE PLAN - HATCHES CALC METHOD 47
- A49 SITE PLAN - HATCHES CALC METHOD 48
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- A57 SITE PLAN - HATCHES CALC METHOD 56
- A58 SITE PLAN - HATCHES CALC METHOD 57
- A59 SITE PLAN - HATCHES CALC METHOD 58
- A60 SITE PLAN - HATCHES CALC METHOD 59
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- A64 SITE PLAN - HATCHES CALC METHOD 63
- A65 SITE PLAN - HATCHES CALC METHOD 64
- A66 SITE PLAN - HATCHES CALC METHOD 65
- A67 SITE PLAN - HATCHES CALC METHOD 66
- A68 SITE PLAN - HATCHES CALC METHOD 67
- A69 SITE PLAN - HATCHES CALC METHOD 68
- A70 SITE PLAN - HATCHES CALC METHOD 69
- A71 SITE PLAN - HATCHES CALC METHOD 70
- A72 SITE PLAN - HATCHES CALC METHOD 71
- A73 SITE PLAN - HATCHES CALC METHOD 72
- A74 SITE PLAN - HATCHES CALC METHOD 73
- A75 SITE PLAN - HATCHES CALC METHOD 74
- A76 SITE PLAN - HATCHES CALC METHOD 75
- A77 SITE PLAN - HATCHES CALC METHOD 76
- A78 SITE PLAN - HATCHES CALC METHOD 77
- A79 SITE PLAN - HATCHES CALC METHOD 78
- A80 SITE PLAN - HATCHES CALC METHOD 79
- A81 SITE PLAN - HATCHES CALC METHOD 80
- A82 SITE PLAN - HATCHES CALC METHOD 81
- A83 SITE PLAN - HATCHES CALC METHOD 82
- A84 SITE PLAN - HATCHES CALC METHOD 83
- A85 SITE PLAN - HATCHES CALC METHOD 84
- A86 SITE PLAN - HATCHES CALC METHOD 85
- A87 SITE PLAN - HATCHES CALC METHOD 86
- A88 SITE PLAN - HATCHES CALC METHOD 87
- A89 SITE PLAN - HATCHES CALC METHOD 88
- A90 SITE PLAN - HATCHES CALC METHOD 89
- A91 SITE PLAN - HATCHES CALC METHOD 90
- A92 SITE PLAN - HATCHES CALC METHOD 91
- A93 SITE PLAN - HATCHES CALC METHOD 92
- A94 SITE PLAN - HATCHES CALC METHOD 93
- A95 SITE PLAN - HATCHES CALC METHOD 94
- A96 SITE PLAN - HATCHES CALC METHOD 95
- A97 SITE PLAN - HATCHES CALC METHOD 96
- A98 SITE PLAN - HATCHES CALC METHOD 97
- A99 SITE PLAN - HATCHES CALC METHOD 98
- A100 SITE PLAN - HATCHES CALC METHOD 99
- A101 SITE PLAN - HATCHES CALC METHOD 100

PROJECT TEAM
ARCHITECT: SHARRATT DESIGN & CO. LLC
CONTACT: JANE SHARRATT

STRUCTURAL ENGINEER
TBD.

GENERAL CONTRACTOR
TBD.

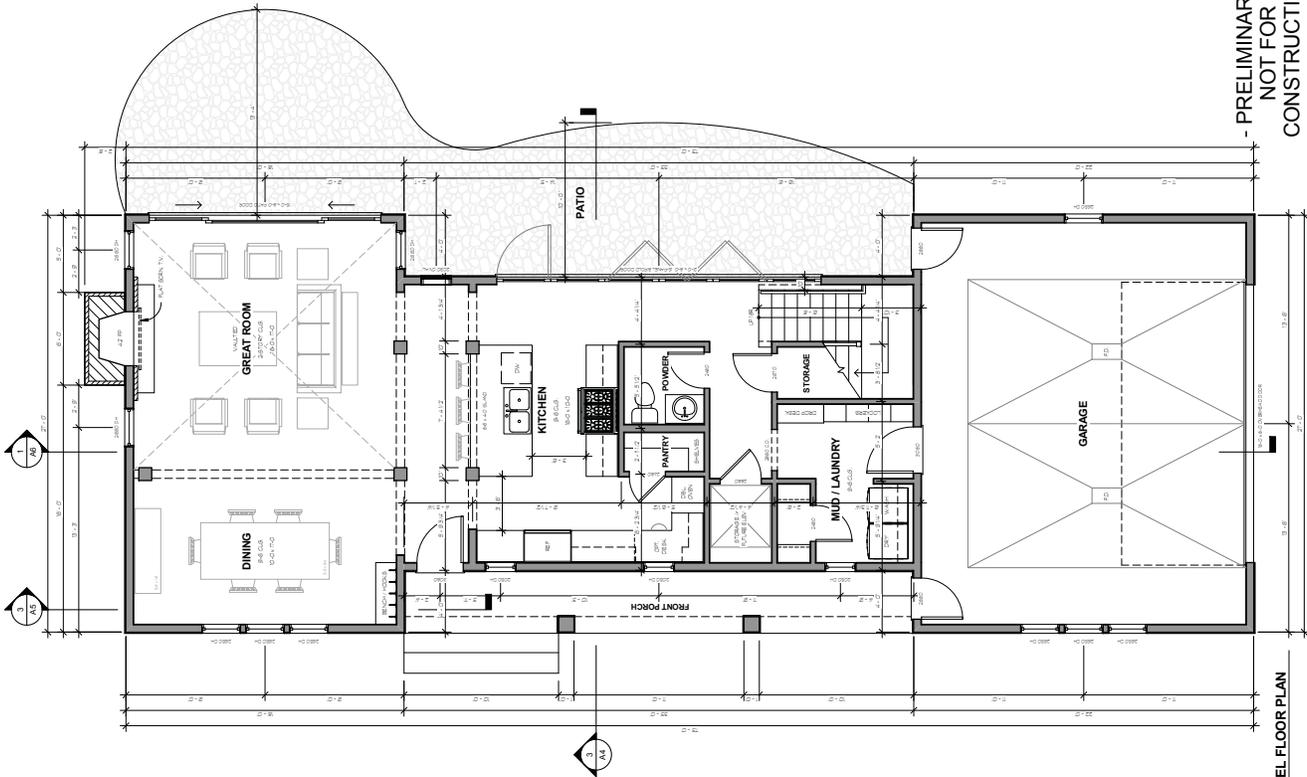
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ISSUE DATE	NOV 18 2016
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NO. OF SETS USED	1
NO. OF SETS AVAILABLE	1
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NO. OF SETS IN STORAGE	0
NO. OF SETS IN USE	0
NO. OF SETS IN ARCHIVE	0
NO. OF SETS IN OFFICE	0
NO. OF SETS IN FIELD	0
NO. OF SETS IN PROJECT	0
NO. OF SETS IN TOTAL	1

PFLAUM HOME
830 BUSHAWAY ROAD
WAYZATA, MN

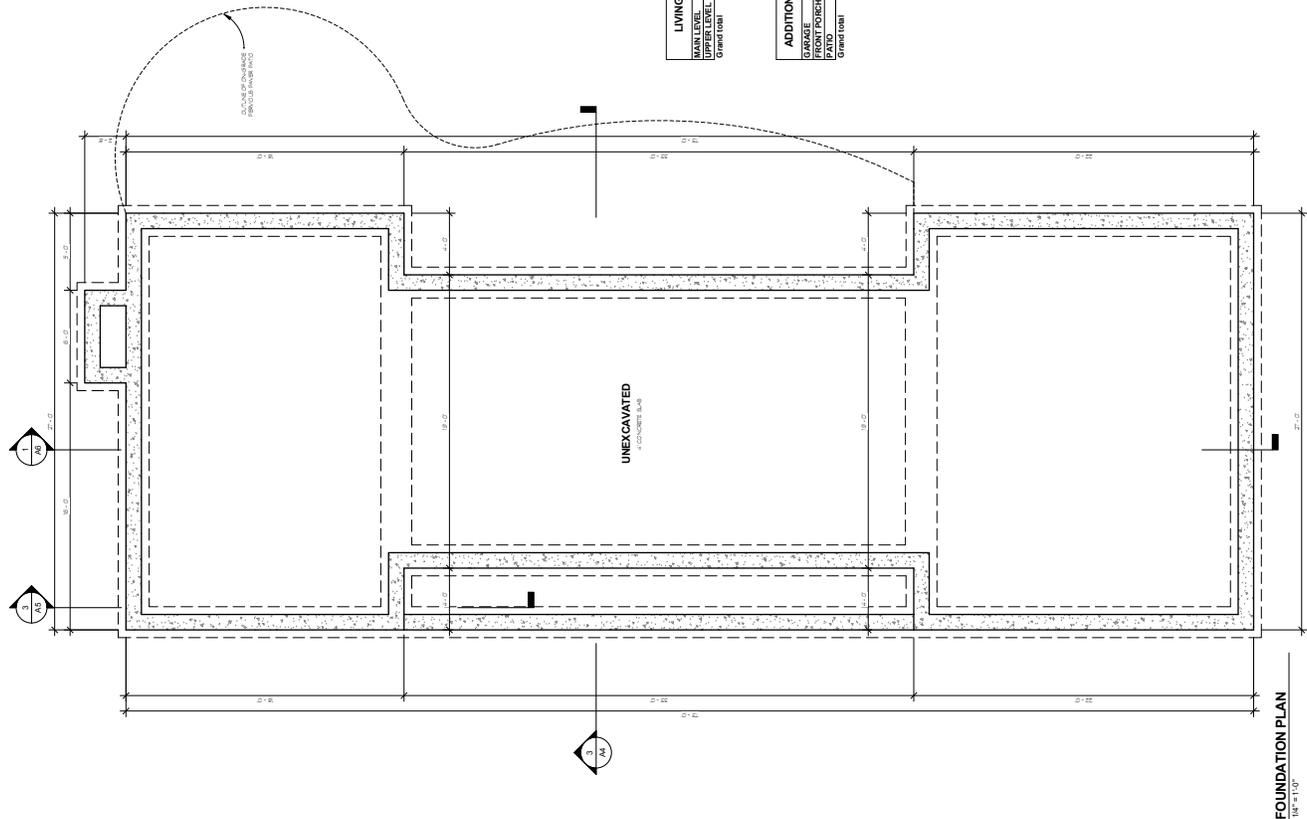
SHEET A2 NUMBER

PROPOSED NEW CONSTRUCTION OF THE



- PRELIMINARY -
NOT FOR
CONSTRUCTION

MAIN LEVEL FLOOR PLAN
1/8" = 1'-0"



FOUNDATION PLAN
1/8" = 1'-0"

LIVING SPACE

MAIN LEVEL	1132 SF
UPPER LEVEL	1322 SF
PATIO	2476 SF
Grand Total	2730 SF

ADDITIONAL SPACE

GARAGE	985 SF
FRONT PORCH	1322 SF
PATIO	899 SF
Grand Total	2206 SF



464 SECOND STREET
SUITE 100
BUSHAWAY, MN 55331
PHONE 953-470-9790
FAX 953-407-4607
WWW.SHARRATTD.COM

SHEET INDEX

- A1 PROPOSED SITE PLAN
- A1.1 SITE PLAN - HATCHED PER CALC METHOD 1
- A1.2 SITE PLAN - HATCHED PER CALC METHOD 2
- A1.3 SITE PLAN - HATCHED PER CALC METHOD 3
- A2 PROPOSED FOUNDATION PLAN
- A3 PROPOSED FOUNDATION PLAN & ROOF PLAN
- A4 EXTERIOR ELEVATIONS & BUILDING SECTION
- A5 INTERIOR ELEVATIONS & BUILDING SECTION
- A6 BUILDING SECTION

PROJECT TEAM

ARCHITECT: SHARRATT DESIGN & CO. LLC
CONTACT: INE SHARRATT

STRUCTURAL ENGINEER

T.B.D.

GENERAL CONTRACTOR

T.B.D.

ISSUED FOR

ISSUE DATE	DESCRIPTION	BY	CHKD
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SHEET INDEX

- A1 PROPOSED SITE PLAN
- A1.1 SHEET PLAN - HATCH COVER CALC METHOD 1
- A1.2 SHEET PLAN - HATCH COVER CALC METHOD 2
- A1.3 SHEET PLAN - HATCH COVER CALC METHOD 3
- A1.4 SHEET PLAN - HATCH COVER CALC METHOD 4
- A2 PROPOSED ELEVATIONS & BUILDING SECTION
- A2.1 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.2 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.3 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.4 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.5 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.6 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.7 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.8 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.9 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.10 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.11 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.12 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.13 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.14 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.15 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.16 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.17 EXTERIOR ELEVATIONS & BUILDING SECTION
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- A2.35 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.36 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.37 EXTERIOR ELEVATIONS & BUILDING SECTION
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- A2.99 EXTERIOR ELEVATIONS & BUILDING SECTION
- A2.100 EXTERIOR ELEVATIONS & BUILDING SECTION

PROJECT TEAM

ARCHITECT: SHARRATT DESIGN & CO. LLC
CONTACT: MIKE SHARRATT

STRUCTURAL ENGINEER

TBD.

GENERAL CONTRACTOR

TBD.

ISSUED FOR

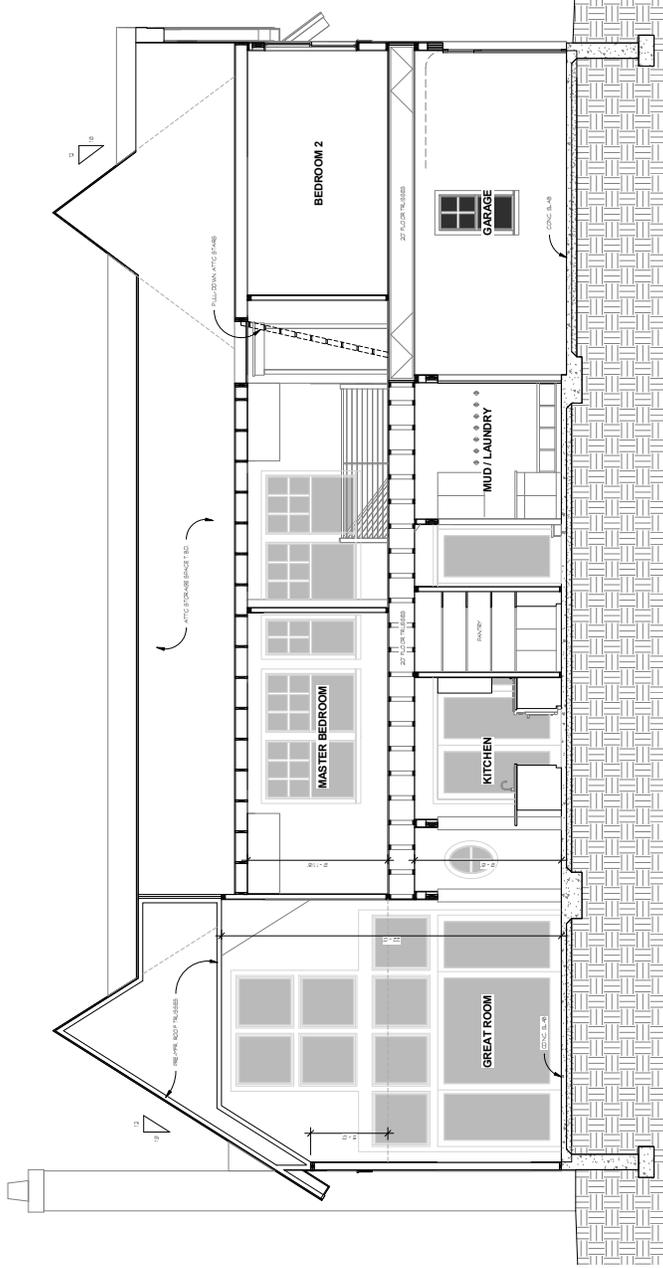
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09/10/18	REVISION		
09/10/18	PERMIT SET	X	
09/10/18	BD SET		
09/10/18	STRUCTURAL COORD	X	
09/10/18	REVIEW SET	X	
09/10/18	PROGRAM SET	X	
09/10/18	MECHANICAL		
09/10/18	ELECTRICAL		
09/10/18	PLUMBING		
09/10/18	PAINT		
09/10/18	LANDSCAPE		
09/10/18	OTHER		

PROPOSED NEW CONSTRUCTION OF THE

PFLAUM HOME
630 BUSHAWAY ROAD
WAYZATA, MN

SHEET **A6** NUMBER

- PRELIMINARY -
NOT FOR
CONSTRUCTION



1. BUILDING SECTION 3
1/8" = 1'-0"

1 Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to direct staff to
2 prepare a Planning Commission Report and Recommendation recommending approval of the
3 Design for the Mill Street Parking Ramp with the two (2) deviations specified for accent and
4 principle materials subject to the condition the City explore enhanced landscaping and increased
5 caliper of replacement trees. The motion failed 2-ayes, 2 nays (Young, Iverson).
6

7 City Attorney Schelzel stated although the Commission did not adopt a report, information on
8 the discussion and the vote will be provided to the City Council.
9

10 Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to recommend to
11 the City Council consider having a partial roof on the parking ramp, based on comments from
12 the community. The motion failed 2-ayes, 2 nays (Young, Iverson).
13

14 The Commission recessed at 7:24 p.m.
15

16 The Commissioner reconvened at 7:29 p.m.
17

18 **b.) Pflaum Home – 630 Bushaway Road**

19 **i. Variance and CUP**
20

21 Director of Planning and Building Thomson stated the applicant and property owner, Peter
22 Pflaum, is proposing to demolish the existing house and construct a new house on the property at
23 630 Bushaway Road. As part of the submitted development application, the applicant is
24 requesting approval of variances from the R-1A zoning district requirements for the front yard
25 setback, rear yard setback, lot coverage, and impervious surface, variances from the Shoreland
26 Overlay District requirements for shoreland setbacks, a Conditional Use Permit (CUP) for a
27 fence, and a CUP for non-conforming lot size and lot width. The proposed house would be 2-
28 stories in height and would not include a basement. The City's zoning regulations for fences
29 require a maximum height of 42-inches and a maximum opacity of 50 percent within the front
30 yard. The applicant is proposing to construct a 5-foot fence clad in stone. Mr. Thomson
31 explained the Non-Conforming Use Ordinance. The existing lot and building are non-
32 conforming for lot size, lot width, building setbacks, lot coverage, and impervious surface.
33 Under state statute, the owner would be allowed to repair, maintain, improve and/or replace the
34 building, but any expansion or redevelopment is subject to the current ordinance requirements.
35 Hennepin County controls the Bushaway Road right-of-way, and has reviewed the proposed wall
36 location. The County has indicated after preliminary review that they would approve the
37 encroachment into the right-of-way. The homeowner would be responsible for obtaining all
38 required permits and encroachment agreements with the County prior to starting construction.
39

40 Commissioner Young asked what the overall impacts were for the proposed project compared to
41 the existing building.
42

43 Mr. Thomson stated the shoreland setback would be the same. Staff would look at the other
44 setbacks and provide this information to the Commission.
45

1 Commissioner Gruber stated the Variance Ordinance requires that an application for a variance
2 set forth reasons that the variance is justified under the criteria of the ordinance in order to make
3 reasonable use of the land, structure, or building. She asked if the applicant had provided a
4 written narrative outlining why they were asking for a variance.

5
6 Mr. Thomson that there may be a narrative with the original application, but there is not one
7 included in the materials presented at this time.

8
9 Commissioner Gonzalez stated the neighbor to the north had received approval from the City for
10 a 6-foot fence then went to the County and got approval for a 10-foot fence. She asked what
11 would prevent the applicant from going to the County to get approval for a taller fence.

12
13 Mr. Kelly stated the County did not have anything to do with any modification to that project if
14 there had been any modifications. He clarified because the proposed fence was in the County
15 right-of-way the City has the purview to approve the materials, height and opaqueness but the
16 location within that right-of-way is subject to the approval of the County.

17
18 Mr. Thomson stated if there was a resolution of approval, it would specify what fence is being
19 approved. If the fence is not constructed in accordance with the approval, then the City can
20 demand it be modified to be in compliance with the approval.

21
22 Commissioner Gonzalez asked what materials would be used for the patio.

23
24 Mr. Thomson stated the patio in noted on the plans as being made from pervious pavers.

25
26 The Applicant, Mr. Peter Pflaum, Breezy Point Road, provided background on the property. He
27 stated the structure of the existing home is in poor condition and it was not constructed to keep
28 out the noise from Bushaway Road. He had met with all of the surrounding neighbors and they
29 had requested the buffer between the properties be maintained. He explained the additional size
30 of the home would be the size of a double garage or a net difference of 42 square feet and the
31 key to making this property livable would be the proposed stone wall. The wall would provide
32 safety, noise protection, and buffering the lights from the traffic on Bushaway road and they
33 would be requesting a 6-foot fence rather than a 5-foot fence. He explained their property line
34 was in the middle of the road and the County has an easement over this portion. This makes it
35 difficult to meet setbacks. He explained the way the hardcover is calculated makes if a hardship
36 to meet the hard surface coverage requirements. They did include as much for pervious pavers
37 as possible to assist in mitigation. The new home would not be any closer to the lake as it is
38 currently.

39
40 Commissioner Gonzalez asked if the two trees to the right of the garage would be removed.

41
42 Mr. Pflaum stated the foot print is similar to the existing foot print and only one (1) tree would
43 be removed and they would be planting 7-8-foot arborvitae behind the stone fence.

44
45 Commissioner Gonzalez asked Mr. Pflaum what the height of the fence would be because he had
46 mentioned different heights in his presentation.

1
2 Mr. Pflaum stated the written material and application is for a 5-foot fence but after discussions
3 with his neighbor, he had decided that they would like to construct a 6-foot fence with columns
4 that would be a foot taller. They may come back to request a taller fence if this is not adequate
5 to reduce the noise from Bushaway road.

6
7 Commissioner Gonzalez asked what the plans were for landscaping along the lake shore to
8 prevent runoff into the lake.

9
10 Mr. Pflaum stated there is riprap and they have not prepared a landscape plan at this time. There
11 is a rain garden along the edge of the driveway to filter any runoff from the driveway.

12
13 Commissioner Gruber asked what mitigation would be required from the Lake Minnetonka
14 Watershed District during construction to protect the lake during the construction.

15
16 Applicant's architect, Mr. Mike Sharratt, 464 2nd Street, Excelsior, stated they would have silt
17 fence along the shoreline just above the riprap. They would not be digging a basement for the
18 proposed home. There is some bad soil on the property so they would be going to a grade beam
19 system to hold up the foundation and this would be less invasive.

20
21 Chair Iverson asked where the contractors would park during the project.

22
23 Mr. Pflaum stated there is space for 8-10 vehicles on the site, and they would have to coordinate
24 the delivery of materials.

25
26 Commissioner Gonzalez stated the code stated no permit shall be issued until a shoreland impact
27 plan has been submitted. She asked if this had been included.

28
29 Mr. Thomson stated the shoreland impact plan is the accumulation of the documents in the
30 packet that was presented to the Commission, including the storm water management plans, the
31 grading plan, erosion control plan, and the building height diagram.

32
33 Chair Iverson opened the public hearing at 9:10 p.m.

34
35 Mr. David Whiting, 1800 Crosby Road and 611 Bushaway Road, Wayzata, said he supports the
36 project. It is a difficult property and this plan works with the aesthetics of the neighborhood. He
37 is concerned about the safety of the residents in the neighborhood, so it is important to have a
38 wall. The walkway also presents some issues that the wall would protect them from.

39
40 There being no one else wishing to speak, Chair Iverson closed the public hearing at 9:12 p.m.

41
42 Commissioner Young stated he liked the project, but he would like to know what the proposed
43 impacts would be compared to what currently exists on the property. He would like to also have
44 the application reflect what the applicant is requesting for the height of the fence before he made
45 a decision.

46

1 Commissioner Gruber stated she had some concerns about the number of variances that were
2 being requested, but Mr. Pflaum's presentation did address these concerns. The diagrams he
3 presented showed how little displacement there would be with the new home versus what is
4 currently there and also assisted in understanding what was being proposed. She stated she
5 would like to have the applicant address specifically why he is requesting each variance in one
6 report. She is not prepared to make a decision on this request at this time.

7
8 Commissioner Gonzalez stated she usually votes against recommending variances unless they
9 are justified and there is no way that this particular property can meet the requirements of the
10 code. The City allowed construction of home on this site, and this application meets the
11 requirements for a variance. She wants to make sure that the applicant is doing everything
12 necessary to protect the lake. The house is close to the main road and it would be justified to
13 recommend a fence height taller than what the code allows, but the applicant needs to provide
14 the information on the height being requested.

15
16 Chair Iverson stated the property does present a hardship, and this was expressed during the
17 applicant's presentation. It would be important to know prior to approval to know what the
18 height of the fence would be.

19
20 Mr. Pflaum stated he would request a 6-foot fence with 7-foot columns.

21
22 City Attorney Schelzel stated the Commission could direct staff to prepare and bring back a draft
23 report and recommendation for the next meeting along with the additional information requested.

24
25 Commissioner Young made a motion, seconded by Commissioner Gruber, to direct staff to
26 prepare a report and recommendation for approval of the variances from the R-1A Zoning
27 District requirements for front yard setback, rear yard setback, lot coverage, and impervious
28 surface variance with appropriate findings, the variances from the Shoreland Overlay District
29 requirements for shoreland setback with appropriate findings, Conditional Use Permit for non-
30 conforming lot size and lot width, and Conditional Use Permit for a fence at 630 Bushaway Road
31 and provide the additional information requested, including a written narrative on the hardships
32 and a comparison of the current and proposed homes to be reviewed at the next Planning
33 Commission meeting. The motion carried unanimously.

34
35 **c.) Enclave at Crossdale – 202-217 Byrondale Ave N**
36 **i. PUD Amendment**

37
38 Director of Planning and Building Thomson stated the property owner, Crossdale Development,
39 LLC is requesting to amend previously approved PUD concept and general plans for the Enclave
40 at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment
41 would remove a portion of the public trail which runs along the south side of the cul-de-sac and
42 connects from Byrondale Avenue to Central Avenue. The PUD Ordinance requires common
43 private or public open space and facilities and such complementary structures and improvements
44 as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD. The
45 PUD Ordinance allows for dedication to the public where a community-wide use is anticipated
46 and the City Council agrees to accept the donation. The public trail was included in the PUD to

1 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to adopt the
2 draft Report and Recommendation of Approval of Design of Mill Street Parking Ramp as
3 presented. The motion carried 4 ayes and 2 nays (Iverson and Young).
4

5 **b.) Pflaum Home – 630 Bushaway Road**

6 **i. Variance and CUP**
7

8 Director of Planning and Building Thomson stated the property owner, Peter Pflaum, is
9 proposing to demolish the existing house and construct a new house on the property at 630
10 Bushaway Road. As part of the submitted development application, the applicant is requesting
11 approval of the variances from the R-1A zoning district requirements for the front yard setback,
12 rear yard setback, lot coverage, and impervious surface, variances from the Shoreland Overlay
13 District requirements for shoreland setbacks, a Conditional Use Permit (CUP) for a fence, and a
14 CUP for non-conforming lot size and lot width. The Planning Commission reviewed the
15 development application and held a public hearing at its September 19 meeting. After discussion
16 the Planning Commission asked the applicant to provide additional information regarding the
17 justification for the requested variances, and to clarify the height of the stone wall that is being
18 proposed in the front yard. The Planning Commission also directed staff to prepare a Planning
19 Commission Report and Recommendation recommending approval of the development
20 application.
21

22 Commissioner Flannigan asked if the CUP was approved if they could include a condition that
23 the fence height is a maximum of 6-feet.
24

25 Mr. Thomson stated the Commission could make a condition that the maximum fence height is
26 6-feet, but this is already defined in the fence CUP in the Draft Report and Recommendation.
27

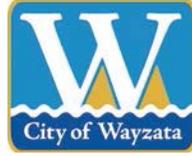
28 Commissioner Young made a motion, seconded by Commissioner Gruber, to adopt the Planning
29 Commission Report and Recommendation of approval of Variances and Conditional Use Permits
30 for a new residence at 630 Bushaway Road as presented. The motion carried unanimously.
31

32 Commissioner Gonzalez stated this particular property fits the requirements for variances
33 because it could not be put to a reasonable use without the variances and CUP, and what they are
34 proposing to build does meet the standards of the City.
35

36 **c.) Enclave at Crossdale – 202-217 Byrondale Ave N**

37 **i. PUD Amendment**
38

39 Director of Planning and Building Thomson stated the property owner, Crossdale Development,
40 LLC, is proposing to amend previously approved PUD concept and general plans for the Enclave
41 at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment
42 would remove a portion of the public trail which runs along the south side of the cul-de-sac and
43 connects from Byrondale Avenue to Central Avenue. The Planning Commission reviewed the
44 development application and held a public hearing at its meeting on September 19. The
45 Commission discussion indicated varying opinions on whether the Commission should
46 recommend approval of the PUD amendment. After discussing the application, the Planning



WAYZATA PLANNING COMMISSION

October 3, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF VARIANCES AND CONDITIONAL USE PERMITS FOR A NEW RESIDENCE AT 630 BUSHAWAY ROAD

SUMMARY OF RECOMMENDATION

Approval* of Variances from the R-1A Zoning District standards
Approval* of Variance from the Shoreland Overlay District Setback standard
Approval* of Conditional Use Permit for Fence
Approval* of Conditional Use Permit for Non-conforming Lot size and width

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Peter Pflaum (the “Applicant”) has submitted a development application (the “Application”) requesting zoning approvals to remove an existing non-conforming house and construct a new house (the “Project”) on the property at 630 Bushaway Road (the “Property”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
- A. Variances from the R-1A zoning District Standards: The Project requires the following variances from the standards of the R-1A Zoning District (the “R-1A Variances”):
 1. Front yard setback variance from 45 feet to 11.8 feet
 2. Rear yard setback variance from 50 feet to 14.7 feet
 3. Lot coverage variance from 10% to 18.2%
 4. Impervious surface variance from 20% to 29.6%
 - B. Variances from the Shoreland Overlay District Setback Standard: The Project requires a setback variance to 14.7 feet from the 75 feet setback required in the Shoreland Overlay District. (the “Shoreland Variance”).

- C. Conditional Use Permit for Fence: The Project would include the construction of a six-foot tall stone wall with seven-foot tall columns along the front of the Property. Fences located in the front yard that are greater than 50 percent solid matter and exceed 42 inches in height require a conditional use permit. (the "Fence CUP").
- D. Conditional Use Permit for Non-conforming Lot: The R-1A Zoning District includes a minimum lot size of 80,000 square feet and a minimum lot width of 200 feet. The existing lot on the Property has a non-conforming lot size of 10,144 square feet, and a non-conforming lot width of 158 feet. Approval of the construction of a single-family dwelling that does not meet the minimum lot area and width requirements may be permitted as a conditional use. (the "Non-conforming Lot CUP").

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

630 Bushaway Rd	08-117-22-23-0008	Peter Pflaum
-----------------	-------------------	--------------

1.4 Land Use. The Property is located on the shore of Lake Minnetonka, between the Lake and Bushaway Road. The Property and adjacent properties are zoned R-1A/Low Density Single Family Estate District and guided Estate Single Family under the Wayzata Comprehensive Plan.

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on September 8, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on September 9, 2016. The public hearing on the Application was held at the September 19, 2016 Planning Commission meeting.

Section 2. STANDARDS

2.1 Variance Standards (Sec. 801.05.1.C). The criteria for granting a variance from the standards of the Zoning Ordinance are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:

- (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
- (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
- (iii) the variance, if granted, will not alter the essential character of the locality.

- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.2 Shoreland Setback Variance (Sec. 801.91.20). Variances may be granted by the City Council in accordance with Section 801.05 of the Zoning Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas (some of which are superseded by applicable provisions of state law and City Code):

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.

- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Shall constitute a hardship as defined in Section 801.05 of the Zoning Ordinance.
 - F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.
- 2.3 Fences Allowed by Conditional Use Permit (Sec. 801.18.F). Special fencing arrangements may be approved as a conditional use permit by the City. Fences allowed by conditional use permit include fences consisting of greater than fifty (50) percent solid matter in front of the rear building line up to the front property line and not exceeding a height of eight (8) feet. Standards for evaluating fence conditional use permits are as follows:
- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
 - B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
 - C. The provisions of Section 801.04.2.F of the Zoning Ordinance are considered and satisfactorily met, which requires City Council to consider possible adverse effects of the proposed conditional use. Their 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 compatibility with present and future uses of the area.
 - 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - 4. The propose use's effect on the area in which it is proposed.
 - 5. The proposed use's impact upon property values in the area in which it is developed.

6. Traffic generated by the proposed use is 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.
- 2.4 Non-conforming Lot CUP (Sec. 801.15.B.6.a). Legal non-conforming residential lots that are being redeveloped, where the measurements of such lot's area and width do not comply with subsection (B) (6) (a) (i) of Sec. 801.15 of the Zoning Ordinance, may be approved for the construction of a single family dwelling pursuant to a conditional use permit, subject to and regulated by Section 801.04 of the Zoning Ordinance for CUPs.

Section 3. FINDINGS

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

- 3.1 R-1A Variances. The R-1A Variances do not change the current single family residential use. The R-1A Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.
- A. The Property's legal nonconforming lot area and lot depth are substandard for the R-1A District, and narrowly positioned between a busy roadway and Lake Minnetonka, which create practical difficulties in complying with the R-1A zoning district requirements.
 - B. The R-1A Variances requested are reasonable, due to circumstances driven by the existing lot layout and a desire to preserve and significantly enhance the existing character of the Property, and if granted would not alter the essential character of the locality.
 - C. The practical difficulties necessitating the R-1A Variances are not economic in nature. The existing layout of the Property and a desire to preserve the character of the property are significant factors in the practical difficulty with meeting the ordinance requirements.
 - D. The proposed uses for the Property are permitted within the R-1A District.
 - E. The conditions for granting approval of the R-1A Variances listed below in Section 4 of this Report should be considered by City Council.

- F. The Applicant has provided the reasons that the R-1A Variances are justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.
- 3.2 Shoreland Setback Variance (Sec. 801.91.20). The following conditions are met for the setback requested in the Shoreland Variance (the "Setback"):
- A. The conditions of Section 801.05 of the Zoning Ordinance have been met as noted in Sec. 3.1 of this Report. The conditions of Section 801.91.20 of the Zoning Ordinance are also satisfactorily met:
1. This is an extraordinary case and in the public interest, given the legal non-conforming lot on the edge of Lake Minnetonka at the entrance to the City of Wayzata from the South.
 2. The Setback will not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.
 3. The Setback is based upon a specific need or circumstance which is unique to the Property in question and will not set a precedent which is contrary to the intent of the Zoning Ordinance.
 4. A shoreland impact plan has been submitted and approved as required and set forth in Section 801.91.19 of the Zoning Ordinance.
- 3.3 Fence CUP. The proposed fence (the "Fence") is of the type allowed by conditional use permit, and it meets the following standards:
- A. The Fence placement, height and design does not create a safety hazard with regard to, from or on a public street or roadway, including Bushaway Road.
- B. The Fence placement, height and design does not create a safety problem or negatively affect adjoining properties or use, including the adjacent trail and residential properties.
- C. The provisions of Section 801.04.2.F of the Zoning Ordinance are met, and the possible adverse effects of the proposed conditional use have been considered. The Fence CUP should be issued based on the following factors:
1. The Fence does not contravene any specific policies or provisions of the official City Comprehensive Plan.
 2. The Fence is compatible with present and future uses of the area, in which there are similar fences.

3. The Fence conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The Fence will not have a negative effect on the area in which it is proposed.
5. The Fence will not have a negative impact upon property values in the area in which it is installed.
6. The Fence will not generate any traffic.
7. The Fence will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.4 Non-conforming Lot CUP. The proposed construction and use of a single family dwelling on the Property (the "Proposed Use"), which is non-conforming in terms of lot size and width, would meet the criteria for a conditional use permit, subject to and regulated by Section 801.04 of the Zoning Ordinance for CUPs.

1. The Proposed Use complies with the specific policies or provisions of the official City Comprehensive Plan.
2. The Proposed Use is compatible with present and future uses of the area, in which there are similar residential uses.
3. The Proposed Use conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.) except those for which a variance or CUP is being requested.
4. The Proposed Use will not have a negative effect on the area in which it is proposed, as the residential use will remain unchanged.
5. The Proposed Use will not have a negative impact upon property values in the area and may have a positive impact given the significant investment on redevelopment and improvements to the Property.
6. The Proposed Use will not generate any traffic above the current residential use.
7. The Proposed Use will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of all requests of the Application listed in Section 1.2 of this Report, subject to the following conditions:
- A. The Applicant must submit a proposed landscaping plan for review by City staff. The landscaping plan must meet the tree replacement requirements in City Code Section 801.36.8.
 - B. The Applicant must enter into a Stormwater Maintenance Agreement with the City that covers design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which must be recorded against the Property.
 - C. The City Engineer's approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
 - D. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
 - E. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

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

Voting In Favor: Flannigan, Gonzalez, Gruber, Iverson, Murray, Young

Voting Against: None

Abstaining: None

Absent: Gnos

DRAFT RESOLUTION NO. 41-2016

**RESOLUTION APPROVING VARIANCES AND CONDITIONAL USE PERMITS FOR A
NEW RESIDENCE AT 630 BUSHAWAY ROAD**

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

Section 1. BACKGROUND

- 1.1 Project. Peter Pflaum (the “Applicant”) has submitted a development application (the “Application”) requesting zoning approvals to remove an existing non-conforming house and construct a new house (the “Project”) on the property at 630 Bushaway Road (the “Property”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
- A. Variances from the R-1A zoning District Standards: The Project requires the following variances from the standards of the R-1A Zoning District (the “R-1A Variances”):
 - 1. Front yard setback variance from 45 feet to 11.8 feet
 - 2. Rear yard setback variance from 50 feet to 14.7 feet
 - 3. Lot coverage variance from 10% to 18.3%
 - 4. Impervious surface variance from 20% to 29.6%
 - B. Variances from the Shoreland Overlay District Setback Standard: The Project requires a setback variance to 14.7 feet from the 75 feet setback required in the Shoreland Overlay District. (the “Shoreland Variance”).
 - C. Conditional Use Permit for Fence: The Project would include the construction of a six-foot tall stone wall with seven foot tall columns along the front of the Property. Fences located in the front yard that are greater than 50 percent solid matter and exceed 42 inches in height require a conditional use permit. (the “Fence CUP”).
 - D. Conditional Use Permit for Non-conforming Lot: The R-1A Zoning District includes a minimum lot size of 80,000 square feet and a minimum lot width of 200 feet. The existing lot on the Property has a non-conforming lot size of 10,144 square feet, and a non-conforming lot width of 158 feet. Approval of the construction of a single-family dwelling on a lot that does not meet the minimum lot area and width requirements may be permitted as a conditional use. (the “Non-conforming Lot CUP”).

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

630 Bushaway Rd	08-117-22-23-0008	Peter Pflaum
-----------------	-------------------	--------------

- 1.4 Land Use. The Property is located on the shore of Lake Minnetonka, between the Lake and Bushaway Road. The Property and adjacent properties are zoned R-1A/Low Density Single Family Estate District and guided Estate Single Family under the Wayzata Comprehensive Plan.
- 1.5 Public Hearing and Planning Commission Action. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on September 8, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on September 9, 2016. The public hearing on the Application was held at the September 19, 2016 Planning Commission meeting. At its October 3, 2016 meeting, the Planning Commission adopted a Planning Commission Report and Recommendation recommending approval of the Design as requested, with certain conditions, on a vote of six (6) in favor and zero (0) opposed.

Section 2. STANDARDS

- 2.1 Variance Standards (Sec. 801.05.1.C). The criteria for granting a variance from the standards of the Zoning Ordinance are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
 - H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.
- 2.2 Shoreland Setback Variance (Sec. 801.91.20). Variances from the standards of the Shoreland Overlay District may be granted by the City Council in accordance with Section 801.05 of the Zoning Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas (some of which are superseded by applicable provisions of state law and City Code):
- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
 - B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
 - C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
 - D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
 - E. Shall constitute a hardship as defined in Section 801.05 of the Zoning Ordinance.
 - F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they

deem necessary to insure compliance with the purpose and intent of this Section.

- 2.3 Fences Allowed by Conditional Use Permit (Sec. 801.18.F). Special fencing arrangements for fences that do not meet the basic criteria of the Zoning Ordinance may be approved in some cases as a conditional use permit. Fences allowed by conditional use permit include fences consisting of greater than fifty (50) percent solid matter in front of the rear building line up to the front property line and not exceeding a height of eight (8) feet. Standards for evaluating fence conditional use permits are as follows:
- A. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
 - B. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
 - C. The provisions of Section 801.04.2.F of the Zoning Ordinance are considered and satisfactorily met, which requires City Council to consider possible adverse effects of the proposed conditional use. Their 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 compatibility with present and future uses of the area.
 - 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - 4. The propose use's effect on the area in which it is proposed.
 - 5. The proposed use's impact upon property values in the area in which it is developed.
 - 6. Traffic generated by the proposed use is 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.
- 2.4 Non-conforming Lot CUP (Sec. 801.15.B.6.a). Legal non-conforming residential lots that are being redeveloped, where the measurements of such lot's area and width do not comply with subsection (B) (6) (a) (i) of Sec. 801.15 of the Zoning

Ordinance, may be approved for the construction of a single family dwelling pursuant to a conditional use permit, subject to and regulated by Section 801.04 of the Zoning Ordinance for CUPs.

Section 3. FINDINGS

The City Council of the City of Wayzata finds that the Applicant's requests for the approvals outlined in Section 1.2 of this Resolution meets 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 Report and Recommendation of the Planning Commission):

- 3.1 R-1A Variances. The R-1A Variances do not change the current single family residential use. The R-1A Variances requested are in harmony with the general purposes and intent of the Ordinance and are consistent with the Comprehensive Plan.
- A. The Property's legal nonconforming lot area and lot depth are substandard for the R-1A District, and narrowly positioned between a busy roadway and Lake Minnetonka, which create practical difficulties in complying with the R-1A zoning district requirements.
 - B. The R-1A Variances requested are reasonable, due to circumstances driven by the existing lot layout and a desire to preserve and significantly enhance the existing character of the Property, and if granted would not alter the essential character of the locality.
 - C. The practical difficulties necessitating the R-1A Variances are not economic in nature. The existing layout of the Property and a desire to preserve the character of the property are significant factors in the practical difficulty with meeting the ordinance requirements.
 - C. The proposed uses for the Property are permitted within the R-1A District.
 - E. The Applicant has provided the reasons that the R-1A Variances are justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.
- 3.2 Shoreland Setback Variance (Sec. 801.91.9.D.3). The following conditions are met for the setback requested in the Shoreland Variance (the "Setback"):
- A. The conditions of Section 801.05 of the Zoning Ordinance have been met as noted in Sec. 3.1 of this Resolution. The conditions of Section 801.91.20 of the Zoning Ordinance are also satisfactorily met:

1. This is an extraordinary case and in the public interest, given the legal non-conforming lot on the edge of Lake Minnetonka at the entrance to the City of Wayzata from the South.
2. The Setback will not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.
3. The Setback is based upon a specific need or circumstance which is unique to the Property in question and will not set a precedent which is contrary to the intent of the Zoning Ordinance.
4. A shoreland impact plan has been submitted and approved as required and set forth in Section 801.91.19 of the Zoning Ordinance.

3.3 Fence CUP. The proposed fence (the "Fence") is of the type allowed by conditional use permit, and it meets the following standards:

- A. The Fence placement, height and design does not create a safety hazard with regard to, from or on a public street or roadway, including Bushaway Road.
- B. The Fence placement, height and design does not create a safety problem or negatively affect adjoining properties or use, including the adjacent trail and residential properties.
- C. The provisions of Section 801.04.2.F of the Zoning Ordinance are met, and the possible adverse effects of the proposed conditional use have been considered. The Fence CUP should be issued based on the following factors:
 1. The Fence does not contravene any specific policies or provisions of the official City Comprehensive Plan.
 2. The Fence is compatible with present and future uses of the area, in which there are similar fences.
 3. The Fence conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 4. The Fence will not have a negative effect on the area in which it is proposed.
 5. The Fence will not have a negative impact upon property values in the area in which it is installed.
 6. The Fence will not generate any traffic.

7. The Fence will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.
- 3.4 Non-conforming Lot CUP. The proposed construction and use of a single family dwelling on the Property (the "Proposed Use"), which is non-conforming in terms of lot size and width, would meet the criteria for a conditional use permit, subject to and regulated by Section 801.04 of the Zoning Ordinance for CUPs.
1. The Proposed Use complies with the specific policies or provisions of the official City Comprehensive Plan.
 2. The Proposed Use is compatible with present and future uses of the area, in which there are similar residential uses.
 3. The Proposed Use conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.) except those for which a variance or CUP is being requested.
 4. The Proposed Use will not have a negative effect on the area in which it is proposed, as the residential use will remain unchanged.
 5. The Proposed Use will not have a negative impact upon property values in the area and may have a positive impact given the significant investment on redevelopment and improvements to the Property.
 6. The Proposed Use will not generate any traffic above the current residential use.
 7. The Proposed Use will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. CITY COUNCIL ACTION

Based on the findings referenced and set forth in this Resolution, all requests of the Application listed in Section 1.2 of this Resolution, are hereby **APPROVED**, subject to the following conditions:

- A. The Applicant must submit a proposed landscaping plan for review by City staff. The landscaping plan must meet the tree replacement requirements in City Code Section 801.36.8.

- B. The Applicant must enter into a Stormwater Maintenance Agreement with the City that covers design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which must be recorded against the Property.
- C. The City Engineer’s approval must be secured for a grading plan, prior to any construction work on the Property so that land disruption is minimized.
- D. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- E. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 18th 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:

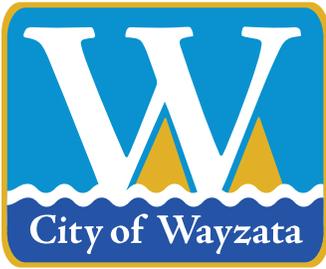
Absent:

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

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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: October 14, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Final Plat – Unitarian Universalist Church of Minnetonka

Background Information

On June 7, 2016 the City Council adopted Resolution No. 15-2016, which approved the development application for the Unitarian Universalist Church of Minnetonka (UUCM). The development application included a preliminary plat subdivision to combine the two properties owned by the church, and subdivide the eastern portion of the lot for use as a single-family residential property.

UUCM has submitted the final plat application for the subdivision. City staff has reviewed the draft final plat and determined that there have been no changes to the subdivision since the City Council approved the preliminary plat. In addition, the City attorney's office has reviewed the draft final plat and determined the plat is in order.

City Council Action

City staff recommends the City Council approve the final plat of Unitarian Universalist Church of Minnetonka at 2030 Wayzata Blvd E based on the findings that the final plat complies with City Code Section 805.15 and is consistent with the preliminary plat subdivision approved by the City Council in Resolution No. 15-2016, with the condition that the property owner comply with all conditions outlined in Resolution No. 15-2016.

RESOLUTION NO. 15-2016

RESOLUTION APPROVING PROJECT DESIGN, PUD AMENDMENT, SUBDIVISION/PRELIMINARY PLAT, ZONING AMENDMENT, COMPREHENSIVE PLAN AMENDMENT AND VARIANCES FOR 2030 WAYZATA BLVD E

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

Section 1. BACKGROUND

- 1.1 Summary. Locus Architects and property owner Unitarian Universalist Church of Minnetonka (UUCM) (the "Applicant") have submitted an application and related materials and documentation (the "Application") for the construction of a new church building and associated parking at 2030 Wayzata Blvd E and adjacent property (the "Project"). The Application includes a request to combine the 2030 Wayzata Blvd E property (Parcel A) with the parcel to the east (Parcel B) as depicted on Attachment C, and subdivide a portion of that east parcel into a single-family residential property.
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Design: The Applicant is requesting approval of the Project design, as shown in Attachment A, (the "Design") under the Wayzata Design Standards (City Code Section 801.09, including deviations from the Design Standards that pertain to (i) primary exterior building materials; and (ii) roof color (the "Deviations").
 - B. PUD Amendment: The Applicant is requesting approval of an amendment to its previously approved PUD Plan, as shown in Attachment B (the "PUD Amendment"). As the proposed PUD site plan varies from the plan that was approved by the City Council as part of a 2012 PUD approval, an amendment is required under City Code Section 801.33.
 - C. Subdivision and Preliminary Plat: The Applicant is requesting approval of a preliminary plat that reflects a combination of Parcel A and Parcel B, and a subdivision of the easterly portion of Parcel B into a separate lot for use as a single-family home, as shown on Attachment C (the "Subdivision and Preliminary Plat").
 - D. Zoning of Parcel B: Parcel B does not currently have a zoning designation under the Official Zoning Map of the City. The Applicant is requesting a zoning of the westerly portion of Parcel B to PUD/Planned Unit Development

and R-1/Low Density Single Family Residential District for the easterly portion of Parcel B as shown on Attachment D (the "Zoning Amendment").

- E. Comprehensive Plan Land Use Designation for Parcel B: Parcel B does not currently have a land use designation in the City's Comprehensive Plan Land Use Map. The Applicant is requesting an amendment to the Comprehensive Plan to designate the westerly part of Parcel B as Institutional/Public, and the easterly part of Parcel B as One Acre Single Family in the Comp Plan's Land Use Map, all as shown on Attachment E (the "Comp Plan Amendment").
- F. Variances for R-1 Lot: The R-1 zoning district requires a minimum lot area of 40,000 square feet, and a minimum lot depth of 150 feet. The proposed R-1 residential lot would have a lot area of 30,603 square feet and a lot depth of 124 feet. Thus, the Applicant is requesting variances from the minimum lot area and minimum lot depth requirements for the proposed residential lot (collectively, the "Variances").

1.3 Property Description. The address, property identification numbers and owner of the property involved in the Project (the "Property") are:

Parcel	Address	PID	Property Owner
A	2030 Wayzata Blvd E	05-117-22-41-0012	Unitarian Universalist Church of Minnetonka
B	No assigned address	No assigned PID	Unitarian Universalist Church of Minnetonka

1.4 Land Use. The land use designations for the Property are:

Parcel	Current zoning	Comp Plan Land Use Designation
A	Planned Unit Development (PUD)	Institutional/Public
B	No zoning designation	No land use designation

1.5 Settlement Agreement. Land uses on the Property are subject to a settlement agreement between the City and UUCM that imposes certain terms and conditions on the Applicant and the City of Wayzata with respect to the Property and land use requests related to the Property (the "Settlement Agreement"). These include:

- A. Review Phases. The Settlement Agreement outlines a three phase review process for the Project:
 - 1. Comprehensive Plan Amendment, Rezoning, PUD and Site Plan Review: The first phase, which was completed in 2012, was the review and approval via Ordinance No. 734 and City Council Resolution No. 62-2012 of (1) an amendment to the Comprehensive Plan land use designation for the 2030 Wayzata Blvd E property from One Acre Single Family to Institutional/Public, (2) Rezoning that

property from R-1 to PUD/Planned Unit Development, (3) Concept Plan and General Plan Stage PUD approval, and (4) Site Plan Review.

2. Design Review and Subdivision: The second and current phase is for (1) Design Review of the plans for the new church building, and (2) Subdivision/Plat review and approval to combine the 2030 Wayzata Blvd E property with the adjacent parcel(s).
 3. Final Stage PUD: The third and final phase is for Final Plan Stage PUD, which is to be reviewed by City staff prior to the start of construction to ensure that the building permit plans conform to the PUD Concept and General Plan approved by the City Council.
- B. Review Standards. The Settlement Agreement requires that the City process the PUD Application, the Subdivision/Plat review and Final Stage PUD according to the terms of the Settlement Agreement and the City's ordinary and normal practices for such applications. Approval of the PUD Application does not except UUCM from obtaining all permits or approvals required by City Code and by other jurisdictions, and paying all associated fees.
- C. Use Restriction. The Settlement Agreement limits the use of the Property, including, without limitation, the outlot Parcel B, to a Church, including uses that are customarily incidental to a Church, including: a) gatherings or meetings of members of the community or of a community or non-profit organizations or groups; and b) charitable activities or services associated with a religious body.
- 1.6 Public Hearing and Planning Commission Action. Notice of a public hearing on the Application at the March 21, 2016 Planning Commission Meeting was published in the *Wayzata Sun Sailor* on March 10, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on March 10, 2016. The Planning Commission reviewed the Application and held a Public Hearing on March 21, 2016. The Planning Commission also reviewed the Application on April 4, 2016 and April 18, 2016. The Planning Commission adopted a Planning Commission Report and Recommendation recommending approval of all requests in the Application, with certain conditions, except a requested Design Standard deviation for the primary exterior building material on a vote of four (4) in favor and one (1) opposed.

Section 2. STANDARDS

- 2.1 Design Standards (Section 801.09). All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The relevant design standards applicable to the Project are included in the Planning Report and Recommendation. Deviations from the Design Standards

may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.2 PUD Amendment (Section 801.33).

- A. Process. Any deviation or modification from the terms or conditions of an approved PUD or any alteration in a project for which a PUD has been approved shall require an amendment of the original PUD. The same application and hearing procedure for an amendment of a PUD shall be followed as was followed with respect to the applicant's Concept Plan.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These are:
 1. Health Safety and Welfare; Intent and Purpose of PUDs. 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.
- 2.3 Preliminary Plat (Section 805.14.E). Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat reflecting the lot combination or subdivision. Its judgment shall be based upon, but not limited to, the following factors:

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

All proposed subdivisions must conform with the Design Standards of the Subdivision Ordinance, including the lot area and sizes established by the City Zoning Ordinance. Sec. 805.23-28. The R-1 zoning district requires a minimum lot area of 40,000 square feet, and a minimum lot depth of 150 feet.

- 2.4 Zoning Ordinance Amendment (Section 801.03.2.F). In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's conformity with present and future land uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property value in the area in which it is proposed.
 - F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- 2.5 Comprehensive Plan Amendment (Minn. Stat. Sec. 462.355, subd. 2 and 3). The City's Planning Commission may recommend to the City Council an amendment to the City's comprehensive plan, or City Council may propose amendments to Planning Commission by resolution submitted to the Planning Commission. Before adopting an amendment to the Plan, the Planning Commission must hold at least one public hearing on the proposed amendment. Except for amendments to permit affordable housing development, a resolution to amend a comprehensive plan must be approved by a two-thirds vote of all of the members.
- A. Institutional Facilities – 2030 Comprehensive Plan Policies. The City of Wayzata has a number of schools, churches and other institutional uses in areas throughout the community. These institutions are viewed as a positive aspect of the community that serves the good of its residents. Many of these institutional uses are located in or adjacent to established residential neighborhoods. Institutional facilities create impacts and add activity to an area resulting in parking or increased traffic that is not characteristic of

residential neighborhoods. Wayzata needs to plan for facility expansion and potential redevelopment of institutional property to ensure proper preservation of land use compatibility, including:

- Accomplish transitions between differing types of land uses in an orderly fashion to minimize negative impacts on adjoining development.
- Establish sufficient setback requirements for new or expanding institutional development to assure adequate separation of differing land uses.
- Develop all institutional uses according to high levels of design, which are sensitive to the mass and scale of the existing surrounding neighborhood.
- Adequately screen, landscape and buffer institutional facilities to minimize the impact on surrounding uses and enhance the neighborhood and community in which they are located.

2.6 Zoning Ordinance Variance (Section 801.05.1.C). The criteria for granting a variance from the Zoning Ordinance standards are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.

- F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

The City Council of the City of Wayzata finds that the Application requests outlined in Section 1.2 of this Resolution meet the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

- 3.1 Project Design. The Project meets the Design Standards of City Code Section 801.09, including the Deviations requested in the Application and identified in the Design Critique.
 - A. Exterior Building Materials Deviation. The negative impact of the proposed exterior appearance of metal siding is outweighed by the overall positive effect of the Project in the area in which it is proposed, and greater conformity with the environmentally positive policies of the Comprehensive Plan, and the policies behind the Zoning Ordinance, that seek to promote the incorporation of sustainable design approaches.
 - B. Roof Color Deviation. The minimal negative impact, if any, of the proposed white roof is outweighed by the overall positive effect of the Project in the area in which it is proposed, and greater conformity with the environmentally positive policies of the Comprehensive Plan, and the policies behind the Zoning Ordinance, that seek to promote the incorporation of sustainable design approaches and "green" roofs.
- 3.2 PUD Amendment. The PUD Amendment requested in the Application meets the applicable standards set forth above in this Report. The only changes to the previously approved PUD that are being requested involve changes to the footprint of the building and parking lots, and associated grading and tree removal.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and generally conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance and the terms of the Settlement Agreement. The change in building and parking lot footprints over the previously approved plan would reduce the footprint of the building and parking lot areas and lessen some of the impact to the trees and natural features of the Property.
- B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.2 of this Report.
1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by the Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan, as amended under the Application.
 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.
 5. Landscaping. The Application includes a detailed plan that considers the natural features of the site, architectural characteristics of the proposed structure, and overall scheme of the PUD.
 6. Health, Safety, and Welfare. Provided the recommended conditions of approval with respect to lighting and proof of parking for future expansion of the parking lot are considered and met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.
- 3.3 Subdivision and Preliminary Plat. Subject to granting the Zoning Amendment, Comprehensive Plan Amendment and Variances requested in the Application, the Preliminary Plat meets the applicable standards of the Subdivision Ordinance:
1. The proposed subdivision reflected in the Preliminary Plat is consistent with the Wayzata Comprehensive Plan, as amended in connection with the Application.

2. The building pad on the PUD lot that results from the proposed subdivision reflected in the Preliminary Plat is sensitive to areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation and scenic points on the Property. The impact of the building pad on the residential lot that results from the proposed subdivision reflected in the Preliminary Plat on sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets is not known at this time.
3. The location of the PUD building pad that results from the subdivision and its selection relates well to natural topography and seeks to minimize filing or grading. The location of the residential building pad that results from the subdivision or lot combination and their selection as they relate to natural topography to minimize filing or grading is not known at this time.
4. Existing stands of significant trees will be retained where possible, and the building pad that results from the proposed subdivision, on the PUD lot will be sensitively integrated into existing trees. With respect to the residential parcel, the extent to which existing stands of significant trees will be retained where possible is not known at this time, nor whether the building pads that result from the proposed subdivision on the residential parcel will be sensitively integrated into existing trees.
5. The creation of the new lots will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. The new residential lot will fit into the existing neighborhood and be a return to the use that pre-existed the taking of the property for the improvements to Highway 12.
6. The design of the proposed PUD lot, building pad and site layout will respond to and be reflective of the surrounding area. The design of the proposed residential lot will respond to and be reflective of the surrounding lots and neighborhood character; it is not known at this time whether the building pad and the site layout will do so.
7. The lot size that results from the subdivision proposed in the Preliminary Plat will not be dissimilar from adjacent lots or lots found in the surrounding neighborhood. With respect to the residential lot, several lots in the surrounding neighborhood, including an adjacent lot, are of similar substandard depth and area.
8. The building proposed for the PUD lot is being reviewed under the PUD process and Design Standards, and meets the standards of the Subdivision Ordinances. It is not known at this time whether the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on the

residential lot will be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The standards and review process of Section 9 of the Wayzata Zoning Ordinance would not be applicable to the residential lot.
10. The PUD lot and building pad will confirm with all performance standards contained herein. With approval of the Variances requested in the Application, the proposed residential lot layout would conform with all performance standards contained herein; it is not known at this time whether the building pad will do so.
11. The proposed subdivision in the Preliminary Plat will not tend to or actually depreciate the values of neighboring properties in the area.
12. The proposed subdivision in the Preliminary Plat will be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

The creation of a new residential lot from Parcel B conflicts with the terms of the Settlement Agreement the City has with UUCM, which calls for the combination of Parcel A and Parcel B, and for such combined new parcel to be used only for purposes related to a church. Thus, approval of the Preliminary Plat requested should be conditioned upon an amendment to the Settlement Agreement allowing such use.

3.4 Zoning Ordinance Amendment. The Zoning Amendment requested for zoning both the westerly portion of Parcel B to PUD/Planned Unit Development and the requested zoning of R-1/Low Density Single Family Residential District for the easterly portion of Parcel B meet the standards of the Zoning Ordinance.

1. The Zoning Amendment would not allow a use that would contravene any specific policies and provisions of the official City Comprehensive Plan, as amended pursuant to the Application.
2. The Zoning Amendment would only allow uses that conform to land use designations, as amended pursuant to the Application.
3. The Zoning Amendment would not allow uses that do not conform with the performance standards contained in the Zoning Ordinance (parking, loading, noise, etc.).
4. The Zoning Amendment would not allow uses that would have a negative impact on the areas in which they are proposed, as such uses are regulated as a PUD and the residential portion under the zoning district for the area.

5. The Zoning Amendment will not negatively impact property values in the City.
6. The Zoning Amendment will not allow any use that would have a negative impact traffic generation in the City.
7. The Zoning Amendment will not allow a use that would negatively impact existing public services and facilities.

With respect to the easterly portion of Parcel B: The residential zoning designation conflicts with the terms of the Settlement Agreement the City has with UUCM, which calls for the combination of Parcel A and Parcel B, and for such combined new parcel to be used only for purposes related to a church. Approval of the Zoning Amendment requested should be conditioned upon an amendment to the Settlement Agreement allowing such zoning and use.

3.5 Comprehensive Plan Amendment. Guiding the westerly portion of Parcel B Institutional/Public would to be consistent with the Comp Plan designation for adjacent Parcel A and the terms of the Settlement Agreement. Guiding the easterly portion of Parcel B residential will also best accomplish the goals of the Comp Plan with respect to Institutional Facilities located adjacent to established residential neighborhoods, and provide an orderly transition between the differing types of land uses that will minimize the impact and enhance the surrounding neighborhood. Because the residential guiding would be in conflict with the Settlement Agreement, any approval in this regard should be conditioned upon an amendment to the Settlement Agreement allowing such guidance and use.

3.6 Lot Area and Depth Variances.

- A. The Variances requested in the Application are: (i) in harmony with the general purposes and intent of the Zoning Ordinance; and (ii) consistent with the Comprehensive Plan, as the foregoing are amended by the Application.
- B. The Applicant has established that there are practical difficulties in complying with this Ordinance, in that (i) the proposed lot is reasonable in relation to other lots of similar dimensions in the immediate area and neighborhood; (ii) depth and area are largely factors of a taking by the state related to highway improvements; (iii) the creation of a residential lot would be a reversion to a previous use and not alter the essential character of the surrounding neighborhood.
- C. Economic considerations alone are not a factor in the request for the Variances.
- E. The Variances are not use variances.

Section 4. CITY COUNCIL ACTION

Based on the findings referenced and set forth in this Resolution, the City Council of Wayzata, Minnesota takes the following action:

- 4.1 Design Review. The Design of the Project, as depicted in the Application and attached hereto as Attachment A, is hereby **APPROVED**, including the requested Deviations.
- 4.2 PUD Amendment. The PUD Amendment, as depicted in the Application and attached hereto as Attachment B, is hereby **APPROVED**, subject to the following conditions:
 - A. The Project must be constructed in compliance with the Architectural Plans included as Attachment A and Civil Engineering Plans included as Attachment B.
 - B. The one-way drive lanes in front of the building on the Property must be a minimum of 18 feet in width, in accordance with the requirements of the State Fire Code.
 - C. All exterior lighting, including parking lot lighting and artificially illuminated signs, but not including security or safety lighting, must be turned off whenever the Property is not in use.
 - D. The Applicant may install the future parking lot shown on the Architectural Site Plan in Attachment A if the Applicant can demonstrate to the City that there is a need for the parking spaces to meet the actual parking demands for the use of the Property.
 - E. The Applicant must pay the City for all expenses, including consultant, expert, legal, and planning fees, incurred by the City for review of the Application.
 - F. The Applicant address and meet all conditions of approval listed in City Council Resolution No. 62-2012 that have not yet been met, namely:
 1. The Applicant shall submit a Project and Development Agreement, in a form acceptable to the City Attorney, is entered into between the Applicant and the City to address matters related to the Project, including, but not limited to:
 - a. Project Performance and Development Timeline
 - b. Stormwater Facilities Maintenance

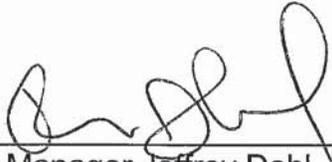
- c. Conditions of approval and PUD standards outlined in this Resolution.
2. The Applicant shall record the Development Agreement with the appropriate officials at Hennepin County.
- 4.3 Subdivision and Preliminary Plat. The Subdivision and Preliminary Plat attached hereto as Attachment C is **APPROVED** subject to (i) the Zoning, Comprehensive Plan Amendment and Variances requested in the Application being in full force and effect; (ii) the Settlement Agreement being amended by the parties to be consistent with the action taken in this Resolution, in a form acceptable to the City Attorney and the Applicant's attorney; and (iii) a future finding of the City Council that any new residence built on the new residential lot conforms with the standards of the Wayzata Subdivision and Zoning Ordinances. To that end, prior to submitting a building permit application to the City for construction of a new house on the residential lot, the owner of the lot must submit preliminary house plans for review by the Planning Commission and approval by City Council for compliance with the applicable standards of the Wayzata Subdivision and Zoning Ordinances.
- 4.4 Zoning Amendment. The Zoning Amendment reflected on Attachment D is hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.
- 4.5 Comp Plan Amendment. The Comprehensive Plan Amendment reflected on Attachment E is hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.
- 4.6 Variances. The Variances requested in the Application are hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.

Adopted by the Wayzata City Council this 7th day of June, 2016.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Anderson

Seconded by: Mullin

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

Voted against: Willcox

Abstained: None

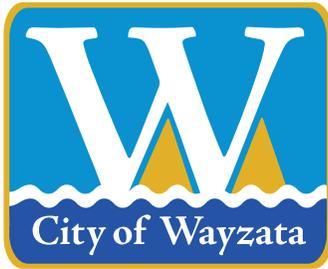
Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 7, 2016.



Becky Malone, Deputy City Clerk
SEAL



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: October 13, 2016

TO: The Honorable Mayor and Members of the City Council

FROM: Jeffrey Dahl, City Manager

Re: Public Hearing and Approval of Resolution Certifying to the County Auditor Assessments for Unpaid Utility Bill and False Alarm Charges

Update

The attached list of delinquent utility bill charges and unpaid false alarm charges are more than thirty days past due and have remain unpaid despite attempts at collection. In order to ensure the City has enough time to get the assessment roll to the County for taxes payable in 2017, action must be made this time of year.

In order to cover City costs, a service fee of \$35 will be applied to each account and these charges shall bear an interest rate of five percent (5%).

Recommendation

After the Public Hearing at which all interested persons have had the opportunity to be heard on this matter, staff recommends approval of Resolution No. 40-2016 certifying the assessment roll to the Auditor of Hennepin County for extension on the tax rolls against each property in the same manner as real estate taxes.

City Council Action Requested

Motion to Open/Close Public Hearing and motion to consider approval of Resolution No. 40-2016.

RESOLUTION NO. 40-2016

RESOLUTION CERTIFYING TO THE COUNTY AUDITOR ASSESSMENTS FOR UNPAID DELINQUENT UTILITY BILL CHARGES AND UNPAID FALSE ALARM CHARGES

WHEREAS, the attached list of delinquent utility bill charges and unpaid false alarm charges have heretofore been levied pursuant to applicable ordinances of the City of Wayzata; and

WHEREAS, the attached list charges are more than thirty days past due and have remained unpaid despite attempts at collection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the attached list is made apart hereof and that the fees and charges contained therein are made a lien and assessment upon the premises served and benefiting by such services.

BE IT FURTHER RESOLVED that the City Manager is hereby directed to certify the attached assessments, which includes a \$35.00 service fee per account, to the Auditor of Hennepin County for extension on the tax rolls against the designated premises in the same manner as real estate taxes, for collection by the County Treasurer and payment upon collection to the City of Wayzata, at an interest rate of five percent (5%).

Adopted by the Wayzata City Council this 18th day of October 2016.

Kenneth 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:

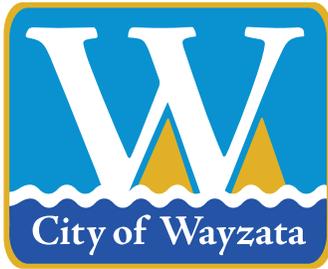
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 18, 2016.

Becky Malone, Deputy City Clerk

SEAL

**2016 UNPAID
DELINQUENT UTILITY BILLS AND FALSE ALARM CHARGES**

Balance	Admin Fee	Total Bal Due	PIDS	Serv Address	Reason	Levy #
\$668.00	\$35.00	\$703.00	01-117-23-43-0001	460 PEAVEY RD	False Alarm Charges	
\$42.36	\$35.00	\$77.36	05-117-22-22-0124	440 PONDRIDGE CIR	Utility Bill	
\$933.17	\$35.00	\$968.17	05-117-22-33-0022	305/307 RENO ST	Utility Bill	
\$926.08	\$35.00	\$961.08	06-117-22-41-0056	1040/1042 CIRCLE DR E	Utility Bill	
\$930.68	\$35.00	\$965.68	06-117-22-41-0072	1066 CIRCLE DR E	Utility Bill	
\$476.74	\$35.00	\$511.74	06-117-22-41-0041	309 WISE AVE S	Utility Bill	
\$192.73	\$35.00	\$227.73	31-118-22-44-0053	637 HARMONY CIR	Utility Bill	
\$965.50	\$35.00	\$1,000.50	06-117-22-14-0054	129 BENTON AVE N	Utility Bill	
\$699.08	\$35.00	\$734.08	04-117-22-32-0029	1613 HOLDRIDGE TER	Utility Bill	
\$249.06	\$35.00	\$284.06	06-117-22-24-0107	214 MINNETONKA AVE S	Utility Bill	
\$760.29	\$35.00	\$795.29	06-117-22-13-0057	117 BROADWAY AVE N	Utility Bill	
\$1,527.38	\$35.00	\$1,562.38	06-117-22-24-0079	233 WALKER AVE N	Utility Bill	
\$900.33	\$35.00	\$935.33	06-117-22-12-0025	245 WALKER AVE N	Utility Bill	
\$1,114.45	\$35.00	\$1,149.45	06-117-22-13-0025	314 BROADWAY AVE N	Utility Bill	
\$999.44	\$35.00	\$1,034.44	06-117-22-14-0041	219 GLENBROOK RD N	Utility Bill	
\$967.42	\$35.00	\$1,002.42	06-117-22-14-0038	243 GLENBROOK RD N	Utility Bill	
\$321.63	\$35.00	\$356.63	05-117-22-22-0111	408 PONDRIDGE CIR	Utility Bill	
\$1,140.45	\$35.00	\$1,175.45	05-117-22-22-0117	420 PONDRIDGE CIR	Utility Bill	
\$638.67	\$35.00	\$673.67	05-117-22-22-0121	434 PONDRIDGE CIR	Utility Bill	
\$726.36	\$35.00	\$761.36	01-117-23-43-0001	460 PEAVEY RD	Utility Bill	
\$2,073.03	\$35.00	\$2,108.03	12-117-23-12-0032	308 FERNDALE RD W	Utility Bill	
\$592.25	\$35.00	\$627.25	06-117-22-21-0008	559 MAPLE SQUARE	Utility Bill	
\$948.56	\$35.00	\$983.56	06-117-22-12-0052	615 RIDGEVIEW DRE	Utility Bill	
\$831.99	\$35.00	\$866.99	06-117-22-12-0051	631 RIDGEVIEW DRE	Utility Bill	
\$512.63	\$35.00	\$547.63	06-117-22-12-0049	661 RIDGEVIEW DRE	Utility Bill	
\$439.71	\$35.00	\$474.71	31-118-22-43-0039	450 FAR HILL RD	Utility Bill	
\$294.43	\$35.00	\$329.43	01-117-23-14-0038	365 LAKE ST W	Utility Bill	
\$20,872.42	\$945.00	\$21,817.42				



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: October 13, 2016

TO: The Honorable Mayor and Members of City Council

FROM: Jeffrey Dahl, City Manager

SUBJECT: Consider Adoption of Resolution 44-2016 Accepting Transfer of Mill Street Property to City for the Public Parking Ramp

Update

At its October 13, 2016 meeting, the HRA held a public hearing, received no public comments, and unanimously approved a resolution to transfer their Mill Street Parking Property to the City for purposes of building a parking ramp. Please see the attached memo from the HRA Meeting for more history on the property and the projected timeline moving forward.

Background

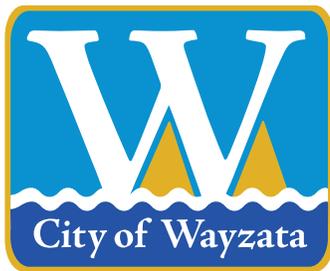
Since the HRA's adoption of the Central Area Redevelopment Plan for downtown Wayzata over three decades ago, the area to the east of Broadway at Mill Street has been planned for public parking. Since 2000, this area has specifically been planned for a public parking ramp. In recent previous discussions, the HRA concluded that the City was better positioned to own and operate the ramp, and therefore, directed staff to initiate the property transfer process.

Staff Recommendation

The City will need to own the property by the time financing is secured for the parking ramp. In order to ensure the property is transferred in time, staff recommends approval of the attached resolution.

City Council Action Requested

Motion to adopt the attached Resolution 44-2016 Transfer of Mill Street Property to the City for Public Parking Ramp.



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

Chair:
Tom Shaver

Commissioners:
Dr. David McGill
Barry Petit
Roger Wothe
Bob Ambrose

Executive Director:
Jeffrey Dahl

DATE: October 13, 2016

TO: Chairman Shaver and Commission Members

FROM: Jeffrey Dahl, Executive Director

SUBJECT: Consider Public Hearing and Transfer of Mill Street Parking Lot Property to City

Update

At its September Meeting, the HRA directed staff to publish notice for a Public Hearing on Oct 13 to consider transfer of the Mill Street Parking Lot Property to the City. Please see the attached memorandum from the City Attorney regarding the transfer process and history of the property between the City and the HRA.

History

In 2001, the HRA purchased the Mill Street Parking Lot from the City at a price of \$1,955,000 for the purposes of providing more public parking spaces for downtown businesses. The property was previously utilized for parking, and before that even, served as the home for Public Works.

Timeline

While a lot has been done for the design and planning of the ramp, the following critical steps are either underway or need to be completed over the next several months:

- Early October---City solicits bids to construct parking ramp
- October 13---HRA transfers property to City
- October 18---City accepts property from HRA and approves planning application for parking ramp
- Late October---City reviews bids and awards contract to build parking ramp
- Early November---Contractor commences construction of ramp
- Mid November---City calls for public hearing for bond sale
- Late November/Early December---HRA pledges tax increment for G.O. TIF Bonds
- Late December/Early January---City holds bond sale and awards bond
- Late May---Construction of ramp is completed

Recommendation

Because the City is coordinating efforts to build, operate, and maintain a parking structure that would add more than 200 additional spaces, staff recommends adopting the attached resolution. The use that the City is proposing is consistent with the HRA's vision and previously approved planning documents.

Action Steps

1. Make a motion to open the public hearing, hear all comments, and close the public hearing.

2. Make a motion to approve the attached Resolution that would authorize the transfer of the property to the City, at no cost, for the purposes of building a public parking ramp and fulfilling the objective of the HRA redevelopment plan for the property.

RESOLUTION NO. 44-2016

RESOLUTION ON TRANSFER OF MILL STREET PROPERTY TO CITY
FOR PUBLIC PARKING RAMP

WHEREAS, the Housing and Redevelopment Authority in and for the City of Wayzata (hereinafter “HRA”) and the City Council for the City of Wayzata (hereinafter “City”) have approved the Central Area Redevelopment District (CARD) Redevelopment Plan, initially adopted in 1977 and subsequently amended from time to time, most recently 2001; and,

WHEREAS, the CARD Redevelopment Plan has long called for the construction and operation of a public parking ramp on HRA-owned property on Mill Street, between Broadway Street and Superior Boulevard, as further described on the attached Exhibit A (the “Mill Street Property”); and,

WHEREAS, the City has approved plans to construct a new public parking ramp on the Mill Street Property (the “Parking Ramp Plans”); and,

WHEREAS, the HRA has reviewed the Parking Ramp Plans and found that they are reasonable and within the overall guidelines for redevelopment of the CARD, and would fulfill the objective of the CARD Redevelopment Plan for a parking facility on the Mill Street Property; and,

WHEREAS, pursuant to Minnesota Statutes §469.029, the HRA held a duly noticed meeting and public hearing on the transfer of the Mill Street Property from the HRA to the City, and adopted a resolution to transfer the Mill Street Property from the HRA to the City by deed at no cost, with the terms and conditions set forth in the CARD Redevelopment Plan and the Parking Ramp Plans, and authorized the acting Chair and the Director of the HRA to execute the necessary documents and effectuate the transfer of the Mill Street Property to the City pursuant to the terms and restrictions provided said approval resolution.

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

1. The City of Wayzata accepts the transfer by deed of the Mill Street Property to the City at no cost, with the terms and conditions set forth in the CARD Redevelopment Plan and the Parking Ramp Plans; and,
2. The Mayor and City Manager are hereby authorized to execute the necessary documents and effectuate the transfer of the Mill Street Property to the City pursuant to the terms and restrictions provided herein.

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

Mayor Kenneth 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

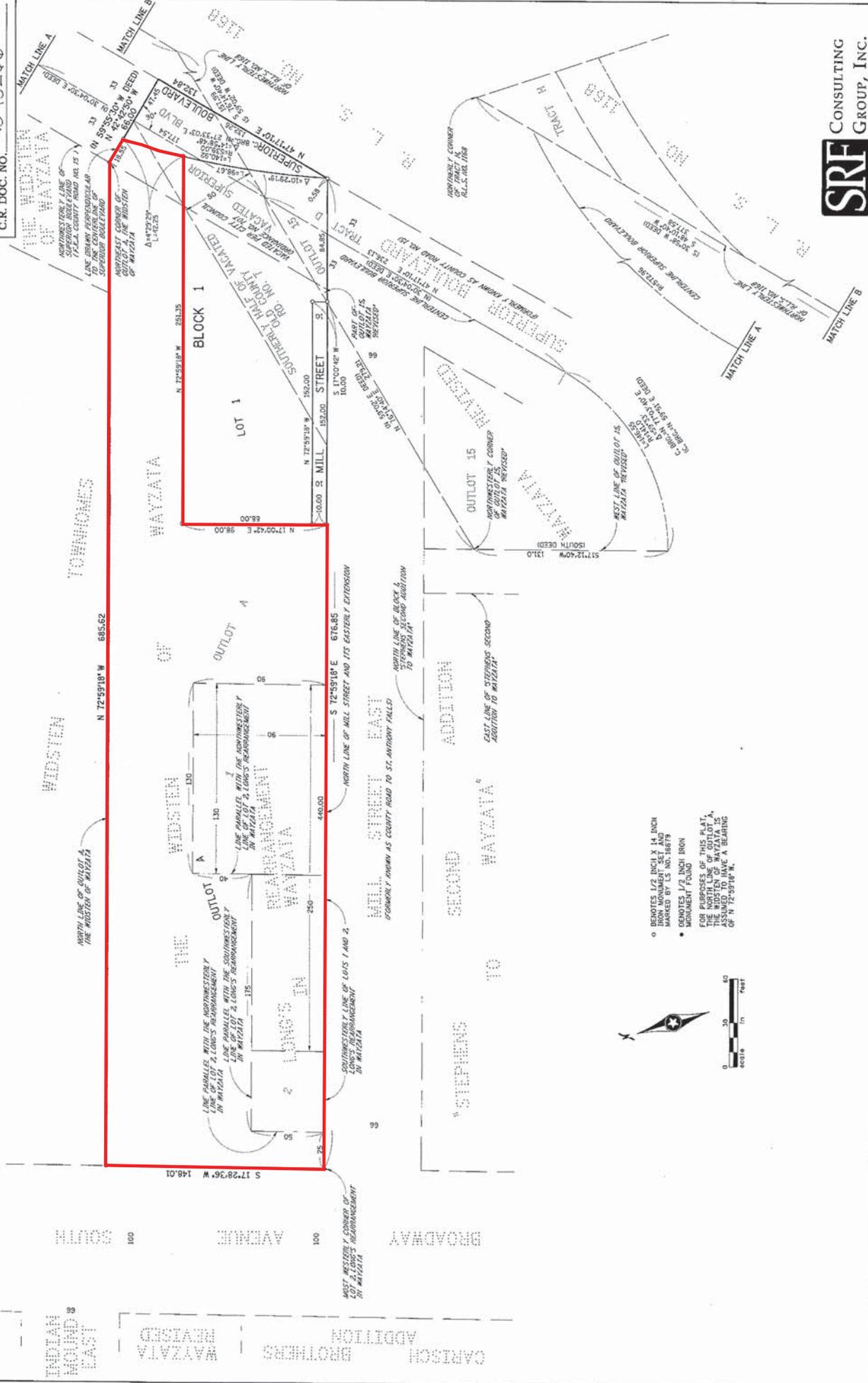
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Exhibits:

Exhibit A (the “Mill Street Property”)

WAYZATA MILL STREET ADDITION

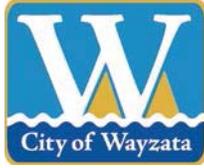
R.T. DOC. NO. 4812406
C.R. DOC. NO. 95915266



- o DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET AND MARKED BY LS NO. 56175
 - DENOTES 7/8 INCH IRON MONUMENT SET
- FOR REFERENCE OF THIS PLAT, THE NORTH LINE OF OUTLOT A, THE WIDSTEN OF WAYZATA IS A BEARING OF N 72°59'18" W.



FILE # 21406



**Planning Report
City Council
October 18, 2016**

Project Name: Mill Street Parking Ramp
Applicant City of Wayzata
Addresses of Request: 725 Mill St E
Prepared by: Jeff Thomson, Director of Planning and Building

Development Application

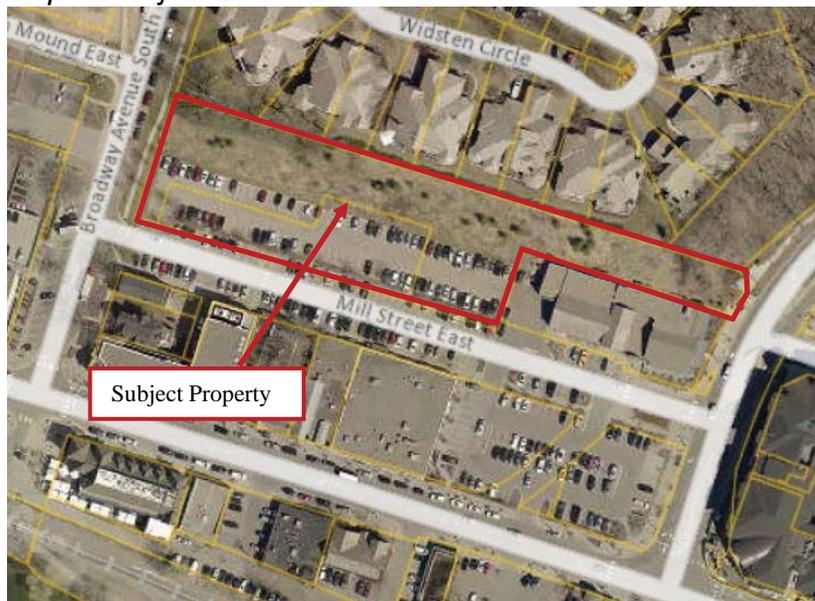
Introduction

The City of Wayzata is proposing to construct a public parking ramp at 725 Mill Street E. The proposed parking ramp would consist of one level of parking at grade, with one level of structured parking above. The parking ramp and surface parking stalls along Mill Street would provide a total of 385 parking spaces. The proposed plans also include a partial roof over the second level as an add-on alternative to the plans.

Property Information

The property is located along the north side of Mill Street:

Map 1: Project Location



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

Current zoning:	INS/Institutional
Comp plan designation:	Institutional/Public
Total site area:	1.79 acres

Application Requests

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

- A. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.

Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Widsten Townhomes	PUD/Planned Unit Development	Medium Density Multiple Family
East	Wayzata Wine & Spirits, Bar & Grill	C-4B/Central Business District	Central Business District
South	Mill Street	City right-of-way	N/A
West	Broadway Avenue	City right-of-way	N/A

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on September 8, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on September 9, 2016.

Background Information

Over the past several years, the City has been working on the development and design of a public parking ramp along Mill Street in downtown Wayzata. In November 2015, the City Council directed staff to proceed with architectural and engineering services for a parking ramp in the Mill Street location. The motion made by the council included a grade plus two level parking ramp with direction for staff to explore design options to address scale and massing of the structure, as well as for a roof and amenities that would screen the parking ramp from a visual perspective as viewed from the neighborhood to the north.

In January 2016, the City Council hired HGA Architects with Walker Parking Consultants as a subcontractor, and appointed a steering committee to work through a pre-design process with HGA and Walker, and make recommendations to the City

Council on the design of the parking ramp. The steering committee consists of two council members, a representative from the HRA, and three community members. The pre-design process also included a public open house.

In April 2016, the City Council finalized the pre-design for the ramp and approved a contract with HGA to move into the final design of the ramp. The pre-design report included a preferred design of a grade plus one level parking ramp with approximately 390 parking stalls. The pre-design also included five options for the exterior design of the ramp, and four options for a roof. The roof options included: no roof, fabric roof, green roof, or a solar roof.

City staff, HGA, and the steering committee continued to meet to review, discuss, and further refine the design of the ramp through the schematic design process. In July 2016, the City Council accepted the schematic design of the parking ramp, and directed staff to move forward with a bid for the base ramp (grade plus one level) with an add-on alternative for a partial roof.

Analysis of Application

Proposed Parking Ramp

The proposed parking ramp would consist of one level of parking at grade and one level of structured parking above. The ramp would contain a total of 305 parking spaces, which includes 10 motorcycle parking stalls. The existing surface parking lot within Mill Street would be maintained and would contain 80 parking stalls, for a total parking count of 385 stalls.

Vehicle access to the lower level of the parking ramp would be from two entrances/exits along the south side of the ramp along Mill Street. Vehicle access to the upper level would be via a new curb-cut directly from Broadway Avenue. Both levels of the ramp consist of two bays of angled parking with a one-way circulation pattern. There would be no internal vehicular connection between the two parking levels. Pedestrian access would be provided adjacent to all vehicle entrances/exits. An additional pedestrian access would be provided mid-ramp to provide a connection to the existing walkway to Lake Street through the 701 Lake St building. A new raised walkway and crosswalk would be provided between the ramp and the walkway entrance.

The attached Design Critique provides additional information about the specific project elements.

Plan Alternatives

The proposed plans include a roof as an add-on alternative to the base ramp. The proposed roof would cover half of the upper parking level. The architect has completed a study that determined a half roof would screen most of the upper level from the residential townhomes located behind the ramp on the bluff. Since the roof is included as a bid-alternate, the plans also include three additional alternatives that could be constructed if the City Council decides not to construct the roof. The first additional bid

alternate includes an enhanced landscaping plan along the north side of the parking ramp to provide year-round screening of the upper level. The second bid alternate is a portal structure that would be constructed over the vehicle entrance from Broadway to provide an enhanced building elevation from Broadway and to partially screen the upper level from the public street. The third alternative is an enhanced treatment of the face of the retaining wall that would be visible above the second level of the ramp.

Zoning

The Property is currently zoned INS/Institutional. At its meeting on October 4, 2016, the City Council adopted the second reading of an ordinance amending the Institutional zoning district to provide zoning standards for public parking ramps. The following table outlines the zoning standards for the Institutional zoning district and the shoreland overlay district:

	INS Zoning	Shoreland Overlay District	Proposed Project
Minimum Site Area	1 acre	N/A	1.79 acres
Setbacks	North: 20 ft. East: 0 ft. South: 0 ft. West: 0 ft.	N/A	North: 22 ft. East: 20 ft. South: 0 ft. West: 0 ft.
Lot Coverage	60% max.	N/A	60%
Impervious Surface	N/A	25% 75% with stormwater management 100% with shoreland impact plan/CUP	66%

Design Review

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

- Exterior building materials: The exterior materials of the proposed building would consist of brick, wood, concrete and metal. Brick and wood are permitted primary building materials. Concrete and metal are not allowable primary building materials, and would comprise 4% of the west elevation, 27% of the south elevation and 7% of the east elevation.

Stormwater Management

Stormwater management for the site would be provided by an underground stormwater treatment structure. The drainage from the parking ramp and reconstructed parking lot would be directed to the underground stormwater chamber, which would provide

treatment and volume control of the stormwater prior to being discharged in into the public storm sewer system.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the development application at its meeting on September 19, 2016. There were four commissions present at the meeting, and a motion to recommend approval of the project failed with two votes in favor and two votes opposed. Staff prepared a draft Report and Recommendation for the Planning Commission's consideration at its meeting on October 3rd. The Planning Commission voted four in favor and two opposed to adopt the Report and Recommendation of approval for the development application.

Applicable Code Provisions for Review

Design Standards City Code §801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the "Design Standards" or the "Standards". The purpose of the Design Standards is to shape the City's physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:

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

A deviation from any section of the Design Standards shall require a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

- A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
- C. The positive effect of the project on the area in which the project is proposed.
- D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.

- E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
- F. A national, state or local historic designation.
- G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Action Steps

Adopt draft Resolution No. 42-2016 which approves the design of the Mill Street parking ramp at 725 Mill Street East.

Attachments

- Attachment A: Proposed Plans
- Attachment B: Design Review Critique
- Attachment C: Draft September 19, 2016 Planning Commission Meeting Minutes
- Attachment D: Draft October 3, 2016 Planning Commission Meeting Minutes
- Attachment E: Planning Commission Report and Recommendation
- Attachment F: Draft Resolution No. 42-2016



WALKER
PARKING CONSULTANTS

CITY OF WAYZATA

MILL STREET PARKING STRUCTURE

Planning Commission Meeting

September 19, 2016

Design Presentation

Site Aerial



Design Presentation

Schematic Design Options | May 2016 – September 2016

CLADDING OPTIONS (18 May 2016)



Option A



Option B



Option C

MATERIAL / COLOR OPTIONS (1 June 2016)



Buff Brick



Charcoal Brick



Red Brick

Design Presentation

Schematic Design Options | May 2016 – September 2016

ROOF OPTIONS (1 June 2016)



Base Ramp



Partial Trellis



Solar PV Array



Green Roof



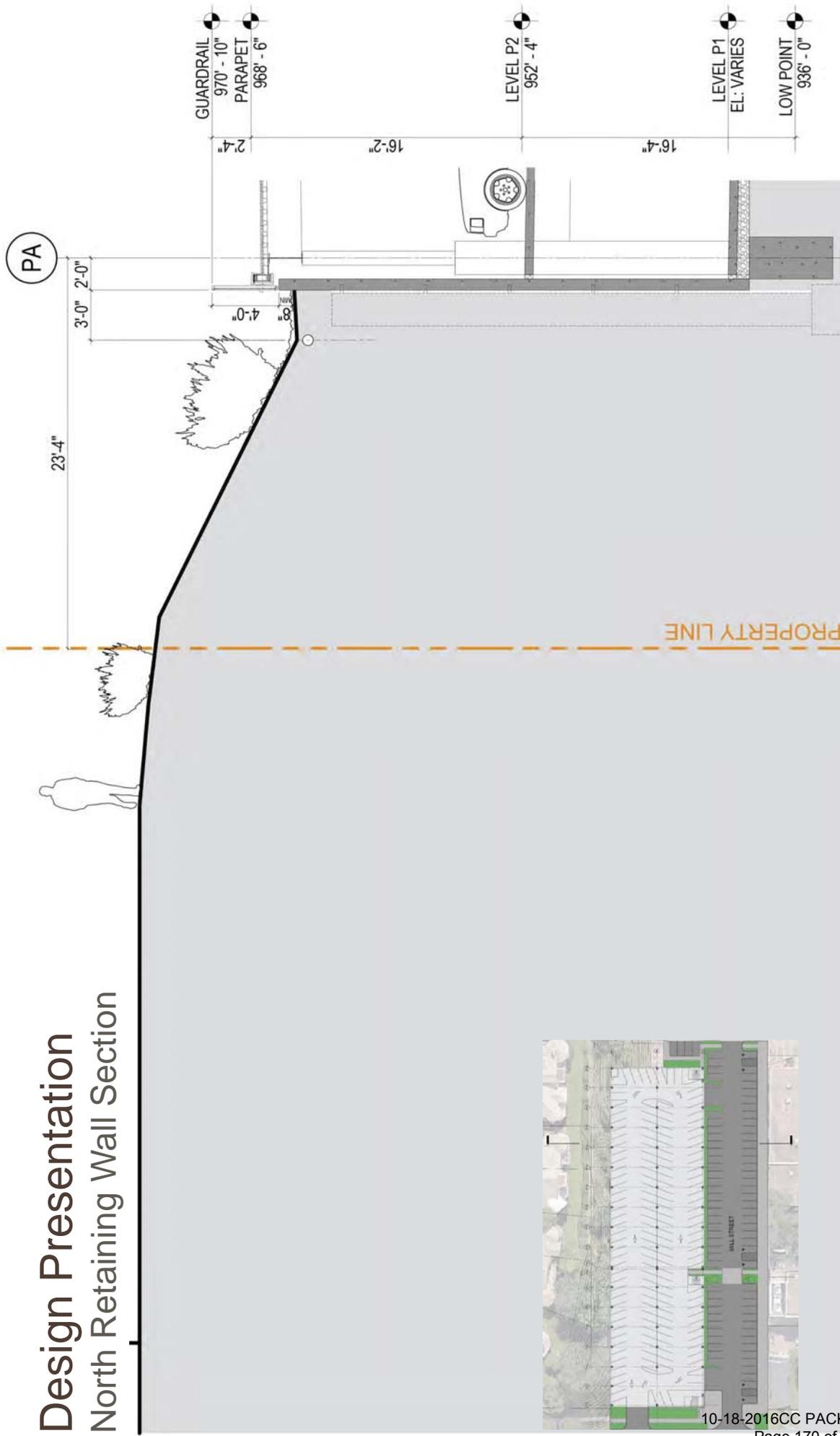
Full Trellis



Ballasted Roof

Design Presentation

North Retaining Wall Section



Design Presentation Southwest Aerial (Base Ramp)



Design Presentation

Mill Street West Entry (Base Ramp)



Design Presentation Broadway Entry (Base Ramp)



Design Presentation
Southwest Aerial (With Roof)



Design Presentation
Mill Street West Entry (With Roof)



Design Presentation Broadway Entry (With Roof)



Exterior Materials

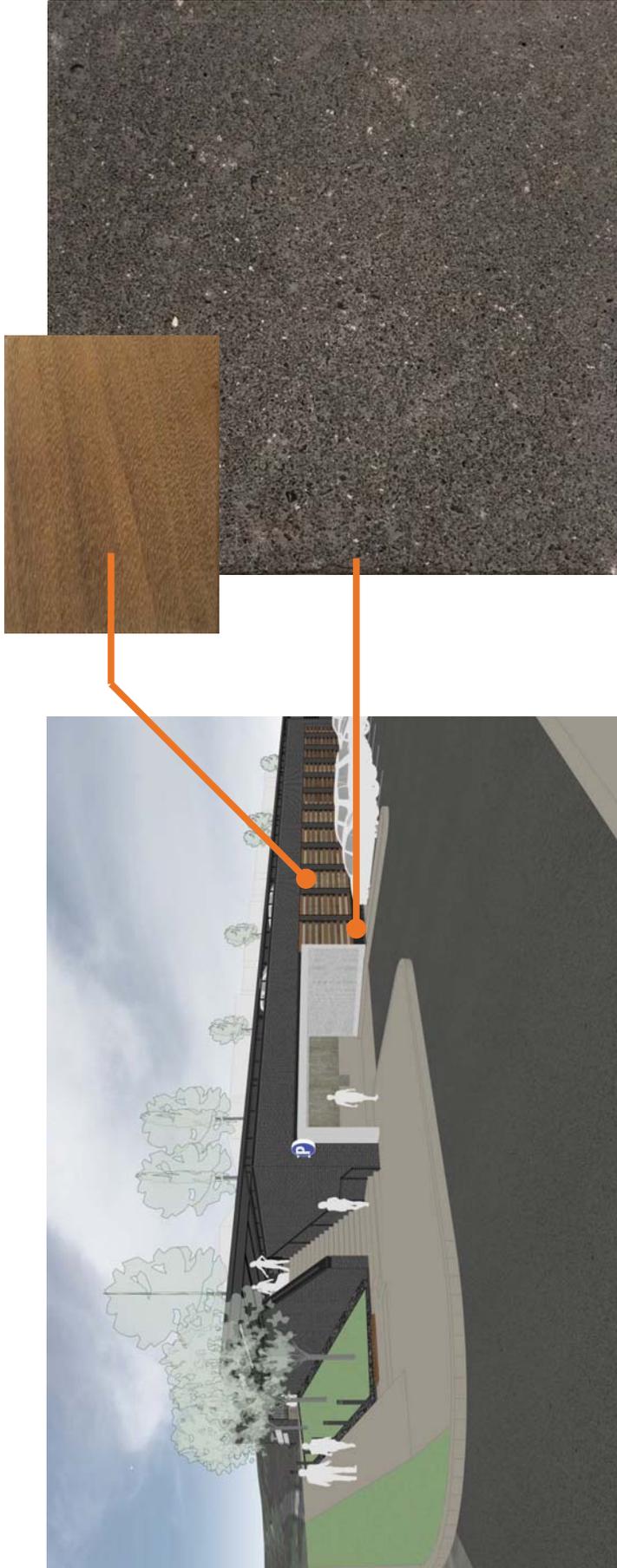
Exterior Materials

Brick – Manganese Ironspot



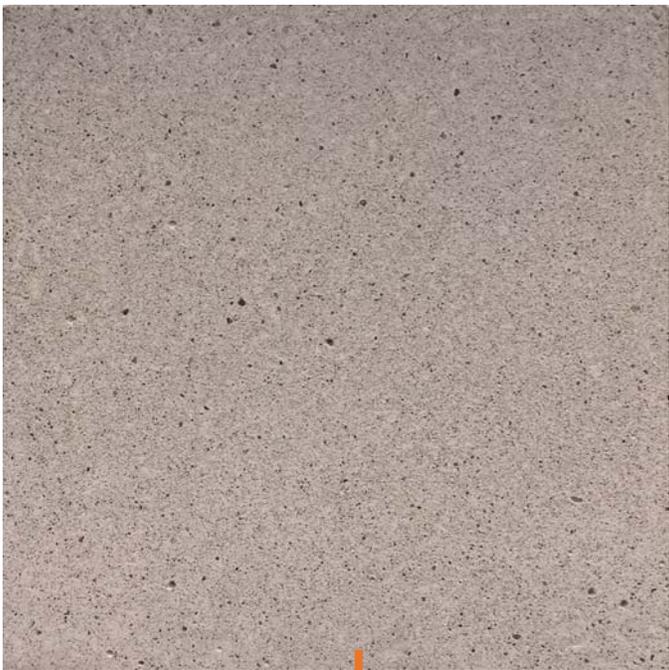
Exterior Materials

Dark Precast Concrete & Ipe Wood

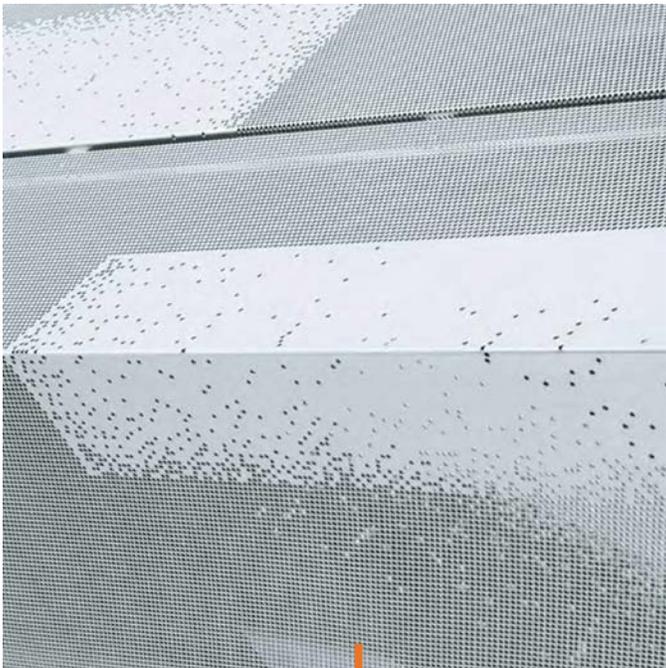


Exterior Materials

Light Precast Concrete



Exterior Materials
Perforated Metal



Landscape Design

Landscape Design

Trees

Freeman Maple



Eastern Redbud



Landscape Design Plantings (With Base Ramp)

Aurea Compacta Hemlock



6' Tall

Maney Juniper



5' Tall

Dwarf Bush Honeysuckle



3' Tall

Wichita Blue Juniper



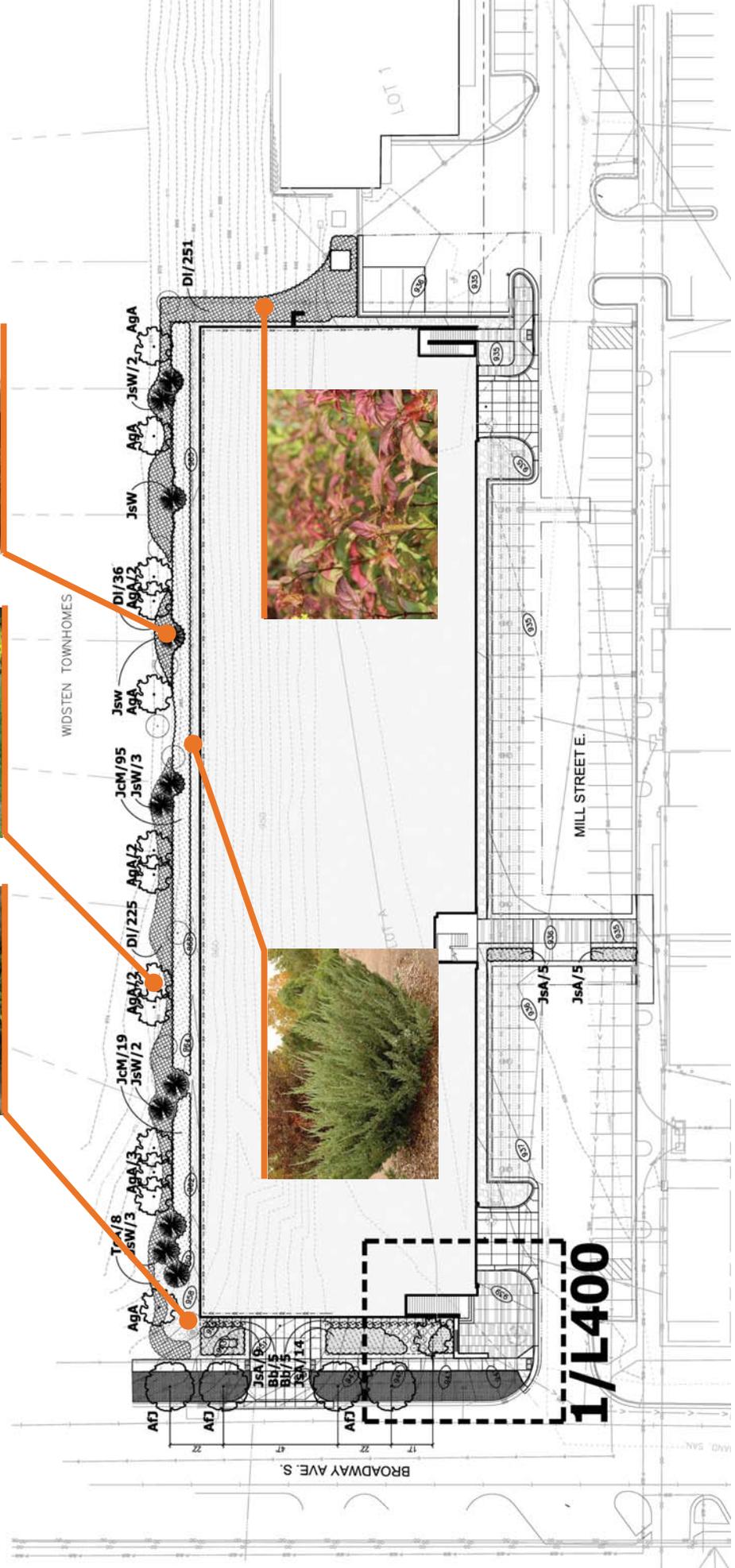
12'-16' Tall

Autumn Brilliance Serviceberry



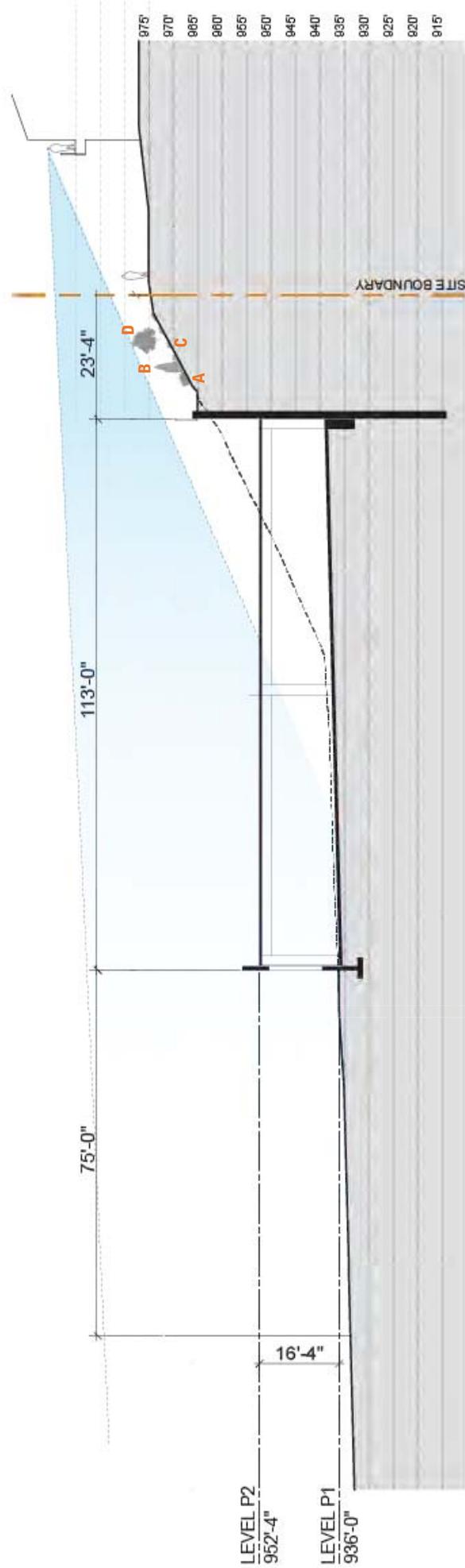
15'-20' Tall

Landscape Design Overview (With Base Ramp)



Landscape Design

North Planting Heights – Initial Installation



LEVEL P2
952'-4"

LEVEL P1
936'-0"

16'-4"

A Maney Juniper
2' at planting

B Wichita Blue Juniper
6-8' at planting

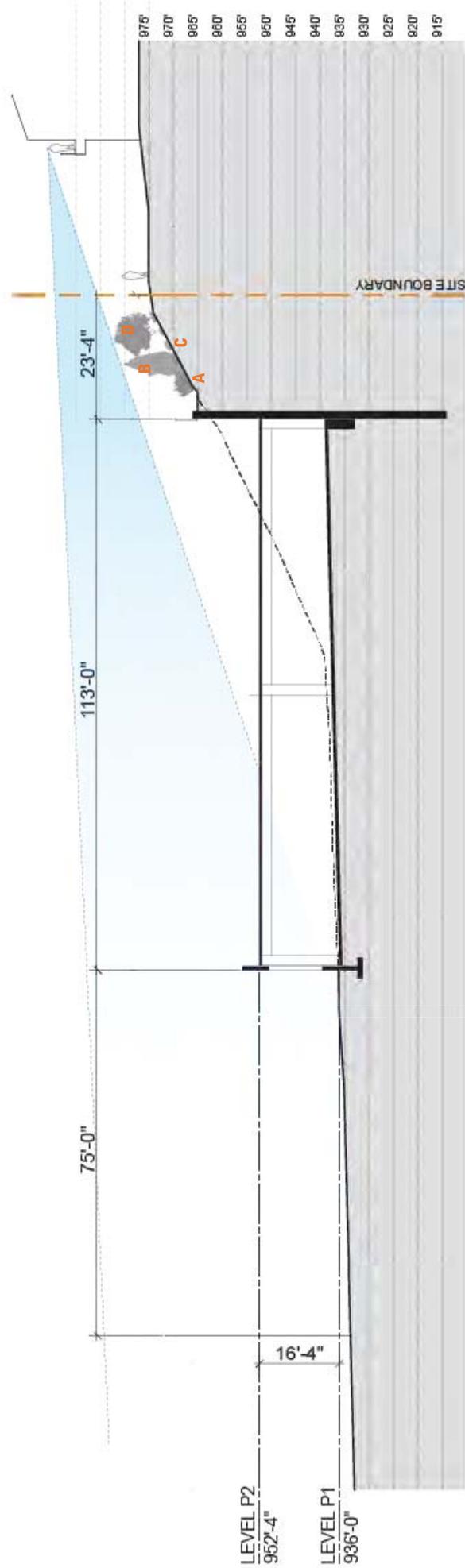
C Dwarf Bush Honeysuckle
8-12" at planting

D Autumn Brilliance Serviceberry
6-8' at planting



Landscape Design

North Planting Heights – 5-8 Years



A Maney Juniper
3-4' height



B Wichita Blue Juniper
10-12' height



C Dwarf Bush Honeysuckle
2-3' height

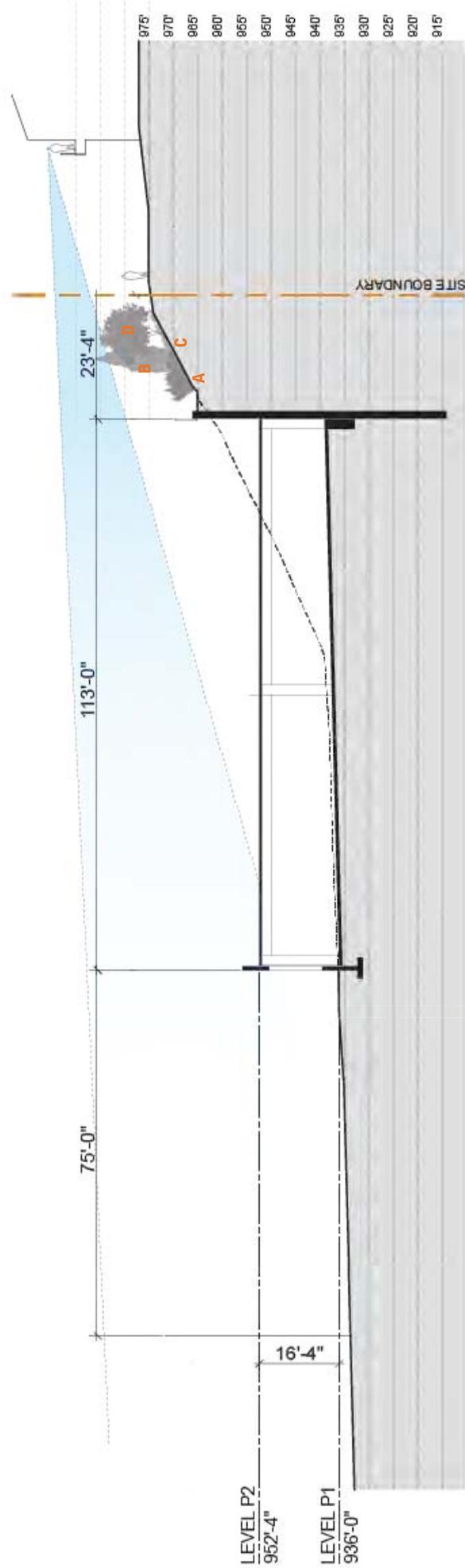


D Autumn Brilliance Serviceberry
12-15' height



Landscape Design

North Planting Heights – 15-20 Years



A Maney Juniper
5' height



B Wichita Blue Juniper
12'-16' height



C Dwarf Bush Honeysuckle
3' height



D Autumn Brilliance Serviceberry
15'-18' height



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

22 August 2016

BUILDING SECTION



WALKER
PARKING CONSULTANTS
HA

Landscape Design Plantings (With Roof)

*Blue Chip Juniper +
Golden Carousel Barberry*



Calgary Carpet Juniper



Crimson Pygmy Barberry



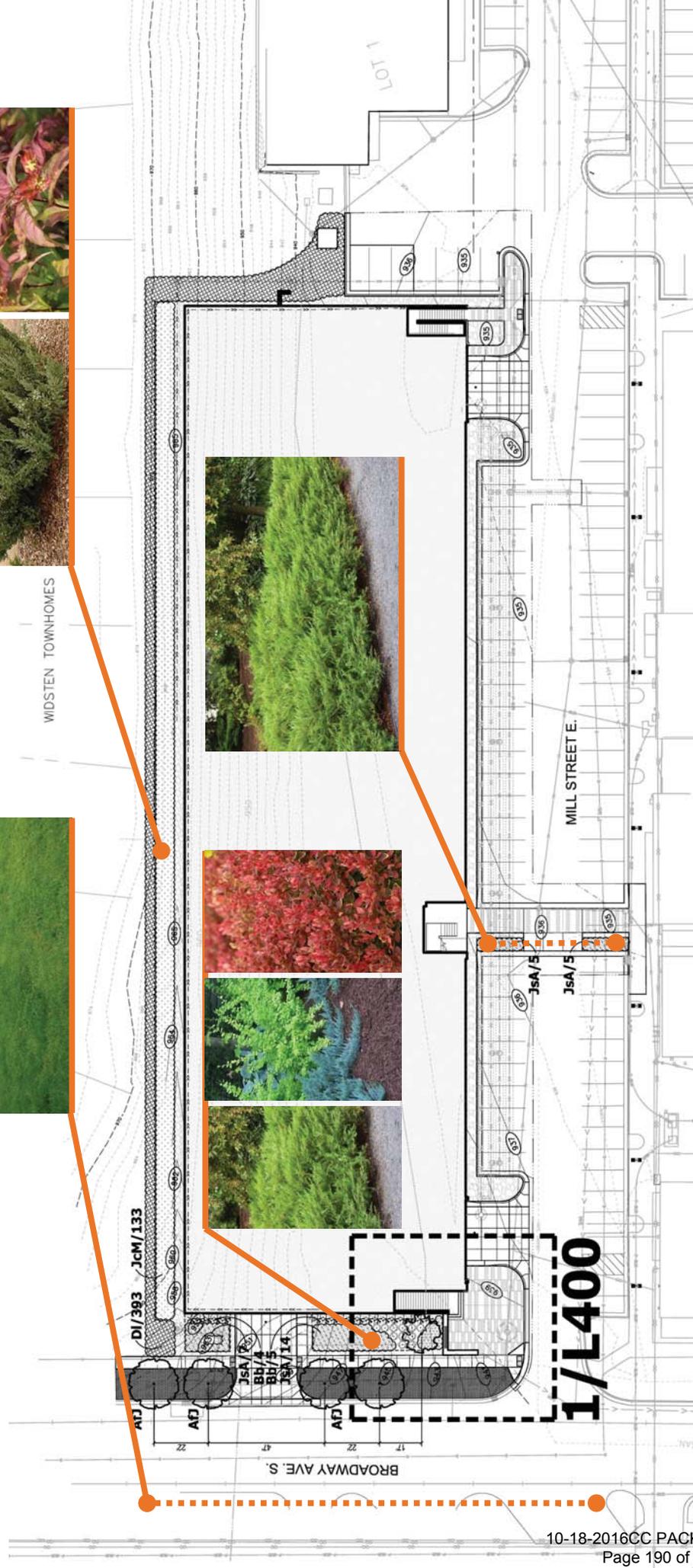
Dwarf Bush Honeysuckle



Turf



Landscape Design Overview (With Roof)



Next Steps

Next Steps
Construction Schedule (Proposed)

- **September 30, 2016** Construction Documents Issued
- **October 2016** Bid + Contract Negotiation
- **November 2016** Construction Starts
- **May 2017** Occupancy

Thank You.

**Mill St Parking Ramp – 725 Mill St E
Design Critique – Plans dated August 16, 2016
September 14, 2016**

Building Recesses	Comments	Compliance
<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>	<p>The proposed building utilizes recesses and changes in materials to break up the façade.</p>	<p>Yes</p>
<p><u>801.09.3.1.B</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.</p>	<p>The proposed plans include a courtyard at the Broadway Avenue and Mill Street intersection. The courtyard would include landscaping and outdoor seating.</p>	<p>Yes</p>
Building Width		
<p><u>801.09.4.1 All Districts – New Buildings</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:</p> <ol style="list-style-type: none"> 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements 	<p>Comments The Project incorporates the following items: 1. Special treatment at the entrances 2. Building setbacks or articulation of the façade. 3. Rhythm of elements</p>	<p>Compliance Yes</p>

Upper Story Setbacks	Comments	Compliance
<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 parking ramp would conform to the height requirements of the Institutional zoning district. The proposed ramp does not include a third story.</p>	<p>Not Applicable</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>The proposed building does not include traditional stories as it is a one-level parking structure with optional partial roof. The partial roof would only cover half of the upper level of the parking ramp, which would meet the intent of the step back requirements for the second floor.</p>	<p>Yes</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 parking ramp would comply with the building height requirements of the Institutional district and has been designed with consideration for solar access and views to Lake Minnetonka from surrounding properties.</p>	<p>Yes</p>

Roof Design	Comments	Compliance
<p><u>801.09.6.1 – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.</p>	<p>The optional roof is designed to accommodate a potential green roof in the future.</p>	<p>Yes</p>
<p><u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.</p>	<p>The optional roof would be flat with a treated synthetic membrane and a dark color ballast to improve the aesthetics of the roof as viewed from above.</p>	<p>Yes</p>
<p><u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.</p>		

Screening of Rooftop Equipment	Comments	Compliance
<p><u>801.09.7.1 Lake Street and Bluff Districts</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.</p>	<p>There would be no roof-top mounted mechanical equipment on the parking ramp.</p>	<p>Yes</p>

Facade Transparency	Comments	Compliance
<p>801.09.8.4 – Bluff District</p> <p>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 proposed building is a parking ramp that does not contain commercial or office uses.</p>	<p>Not Applicable</p>
Ground Level Expression	Comments	Compliance
<p>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 building is a parking structure that does include multiple floors.</p>	<p>Not Applicable</p>

Entries	Comments	Compliance
<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>The front of the building along Broadway would be landscaped with annual plantings. The main entries of the parking ramp are located at sidewalk grade and face the public street.</p>	<p>Yes</p>

Building Materials and Quality	Comments	Compliance
<p><u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:</p> <ol style="list-style-type: none"> 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: <ol style="list-style-type: none"> a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco 	<p>The primary building materials for the parking ramp include brick, wood, and concrete:</p> <p>West Elevation: Brick: 96% Wood: 0% Concrete: 4% Metal: 0%</p> <p>South Elevation: Brick: 44% Wood: 29% Concrete: 25% Metal: 2%</p> <p>East Elevation: Brick: 78% Wood: 15% Concrete: 7% Metal: 0%</p>	<p>No. The proposed building includes concrete and metal as building materials, which are not included as allowable primary building materials. The proposed building materials require a deviation from the design standards.</p>
<p><u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all façades of the building.</p>	<p>The same building materials – brick, wood, concrete, and metal – are used on all sides of the building.</p>	<p>Yes</p>
<p><u>801.09.11.1.C – Type of Brick – All Districts</u> 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>This will be reviewed with the final building plans.</p>	<p>Yes</p>

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

<p>801.09.11.1.G – Accent Materials – All Districts Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade:</p> <ol style="list-style-type: none"> 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS 	<p>The proposed building consists of brick, wood, concrete and metal as described above in the primary building materials section.</p>	<p>No. As referenced above, the proposed building material require a deviation from the design standards.</p>
<p>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</p> <ol style="list-style-type: none"> 1. Only the following materials may be used for parapets, flashing and coping: <ol style="list-style-type: none"> a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches. 	<p>The top of the building wall would be comprised of brick.</p>	<p>Yes</p>

<p>801.09.11.1.I – Awnings – All Districts</p> <p>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 parking ramp does not include awnings.</p>	<p>Not Applicable</p>
<p>801.09.11.1.J – Balconies – All Districts</p> <p>Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.</p>	<p>The proposed parking ramp does not include balconies.</p>	<p>Not Applicable</p>
<p>801.09.11.1.K – Glass – All Districts</p> <p>Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects</p>	<p>The proposed parking ramp does not include any glass windows.</p>	<p>Not Applicable</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 parking ramp does not include any exterior doors.</p>	<p>Not Applicable</p>
<p>Franchise Architecture</p>		
<p>801.09.12.1</p>		
<p>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.</p> <p>B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application</p>	<p>The proposed parking ramp is not franchise architecture.</p>	<p>Not Applicable</p>

Walkways	Comments	Compliance
<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>There is an existing 5-foot wide sidewalk along Broadway Avenue that would be retained as part of the project.</p>	<p>Yes</p>

Landscaping	Comments	Compliance
<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>The proposed landscape plan along Broadway includes perennial shrubs. In addition, boulevard trees that would be at least 3" in size would be planted between the street and the sidewalk, a bench is provided at the corner of Mill St and Broadway Ave, and lighting would be provided along the existing Broadway sidewalk.</p>	<p>Yes</p>
<p><u>801.09.14.3 – Bluff and Wayzata Blvd Districts</u></p> <p>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>	<p>The proposed landscape plan includes 3" trees along the street boulevard with adequate spacing.</p>	<p>Yes</p>

Parking Lot Landscaping		Comments	Compliance
<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>The proposed plans include a landscape buffer that is more than 5 feet wide between the parking lot and Broadway Ave.</p>	<p>Not Applicable</p>
Surface Parking		Comments	Compliance
<p>801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.</p>		<p>The proposed parking ramp would not include any additional surface parking stalls. The existing surface parking stalls along Mill Street would be retained as they currently exist.</p>	<p>Not Applicable</p>

Mill St Parking Ramp – 725 Mill St E
 Design Critique
 September 14, 2016

<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>The proposed parking ramp is not a commercial development.</p>	<p>Not Applicable</p>
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<p>Parking Structures</p>	<p>801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards:</p> <p>A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings.</p> <p>B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade.</p> <p>C. Windows or openings shall be similar to those of surrounding buildings.</p> <p>D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.</p>	<p>The proposed parking structure meets the design standards:</p> <p>A. The ground floor abutting the public street is consistent with the design character of a commercial building and is comprised of high grade building materials, including brick, wood, and metal.</p> <p>B. The parking structure does not include sloped floors.</p> <p>C. The south building elevation includes openings that are consistent with the pattern and size of windows within surrounding buildings along Mill Street.</p> <p>D. The proposed plans include extensive landscaping along all sides of the structure to minimize the visual impact on surrounding properties.</p>	<p>Yes</p>
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Signs	Comments	Compliance
<p><u>801.09.18.1 – All Districts</u> A. <u>Compatibility</u></p> <ol style="list-style-type: none"> 1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. 2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. 3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. 4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance. 	<p>The proposed parking ramp will include blue “P” parking signs to provide designated the parking ramp as public parking. The proposed signs comply with the City’s sign ordinance.</p>	<p>Yes</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 wall signs would be located on the first floor of the parking structure and would 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 proposed signs and materials are consistent with the architecture of the parking ramp and the materials are appropriate for the location.</p>	<p>Yes</p>
<p><u>801.09.18.2 – Bluff District Permitted Signs</u></p> <p>C. 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>The proposed signs are wall signs.</p>	<p>Yes</p>

Parking Lot and Building Lighting	Comments	Compliance
<p>801.09.19.1 – All Districts</p> <p>A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.</p> <p>B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution.</p> <p>C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets.</p> <p>D. Light posts shall be of a dark color.</p> <p>E. Lighting fixtures shall be compatible with the architecture of the building.</p> <p>F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards.</p> <p>G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.</p>	<p>The proposed plans include new pedestrian-scale lighting along the Broadway Ave sidewalk, and new parking lot lights within the existing surface parking stalls within Mill Street.</p> <p>The lighting plan for the upper level of the ramp would vary depending on whether or not a roof is constructed. If a partial roof is constructed on the parking ramp, the lighting for the second level would be located underneath the roof structure, on the south face of the roof, and on the south wall of the ramp. The lighting for the south parking bay would be down-cast, and would not create shine or glare onto adjacent properties.</p> <p>If the roof is not constructed, the second level of the ramp would be illuminated by light poles containing down-cast light fixtures.</p> <p>The lighting plan also includes a control system which would dim the parking ramp lighting during the overnight hours.</p> <p>A photometric plan is included with the plans. The plan indicates that there would be no spill of lighting on to adjacent residential properties to the north.</p>	<p>Yes</p>

1 Commissioner Young made a motion, Seconded by Commissioner Gruber to adopt the Planning
2 Commission Report and Recommendation recommending approval of PUD General Plan of
3 Development and Project Design for a PUD Development at 529 Indian Mound East, as
4 presented. The motion carried unanimously.
5
6

7 **AGENDA ITEM 5. Public Hearing Items:**
8

9 **a.) Mill Street Parking Ramp – 725 Mill Street E**

10 **i. Design Review**
11

12 Director of Planning and Building Thomson stated the City of Wayzata is requesting approval of
13 a design for the City's proposed public parking ramp at 725 Mill Street E. The proposed parking
14 ramp would consist of one level of parking at grade, with one level of structured parking above.
15 The parking ramp and surface parking stalls along Mill Street would provide a total of 387
16 parking spaces. The proposed plans also include a partial roof over the second level as an add-on
17 alternative to the plans. Since the roof is included as a bid-alternative, the plans include two (2)
18 additional alternatives that could be constructed if the City Council decides not to construct the
19 roof. The first includes an enhanced landscaping plan along the north side of the parking ramp to
20 provide year-round screening of the upper level and the second is a portal structure that would be
21 constructed over the vehicle entrance from Broadway to provide an enhanced building elevation
22 from Broadway and to partially screen the upper level from the public street. With the
23 application, the City is requesting approval of the design for the ramp, including a deviation from
24 the Design Standards for the exterior building materials, as concrete and metal are not allowable
25 primary building materials and would comprise 4% of the west elevation, 27% of the south
26 elevation, and 7% of the east elevation.
27

28 The Applicant's architect, Mr. Victor Pechaty, HGA Architects and Engineers, 420 North 5th
29 Street, Minneapolis, reviewed the different schematic design options that had been reviewed by
30 the City and the Steering Committee. These were priced so the City could evaluate what
31 amenities and options would provide the most benefit. He explained there would be a total of
32 385 parking stalls and vehicle access to the lower level of the parking ramp would be from two
33 (2) entrances/exits along the south side of the ramp along Mill Street. Vehicle access to the
34 upper level would be via a new curb-cut directly from Broadway Avenue. There would be no
35 internal vehicular connection between the two (2) parking levels. Pedestrian access would be
36 provided adjacent to all vehicle entrances/exits and an additional access would be provided mid-
37 ramp to provide a connection to the existing walkway to Lake Street through the 701 Lake Street
38 building. A new raised walkway and crosswalk would be provided between the ramp and the
39 walkway entrance. The proposed half roof would cover half of the upper parking level and they
40 completed a study that determined a half roof would screen most of the upper level from the
41 residential townhomes located behind the ramp on the bluff. He stated they also did a parking
42 study for parking south of the Muni and by restriping this along with minor curb and gutter
43 alterations the City could gain 18-20 stalls in this location. He reviewed the building materials
44 that would be used, explaining the rationale behind the choices, and presented renderings of the
45 parking structure including the alternate options.
46

1 Chair Iverson asked what the maintenance would be for the grout used with the brick material.

2
3 Mr. Pechaty stated it would be decades before the grout would need maintenance. He reviewed
4 the proposed landscape design for each of the design options. He explained the trees that were
5 selected with the enhanced landscape plan would grow large enough to block the view of the
6 parking structure but not block the views of the lake, as viewed from above. He explained the
7 next steps for the project included issuance of the construction documents, bid and contract
8 negotiation in October, construction beginning in November and completing in May 2017.

9
10 Mr. Thomson clarified that the Planning Commission was being asked to review the design of
11 the proposed ramp only, and the compliance of that design with the City's Design Standards.

12
13 Commissioner Gonzalez asked what would be done with the light fixtures on the upper level to
14 make sure they do not affect the residents in the townhomes.

15
16 Mr. Pechaty stated these would be LED fixtures with reflectors to direct light in a specific and
17 designed way, and this will be down and towards the south. The LED fixtures will also be
18 dimmable and the poles are only 15-foot tall.

19
20 Commissioner Gonzalez asked how the lighting would work if there was a partial roof on the
21 structure.

22
23 Mr. Pechaty stated the northern bay of parking stalls that are covered by the roof they would use
24 more conventional fixtures that are attached to the ceiling and there would be fixtures mounted
25 to the edge of the roof to light up uncovered portion of the upper level. He noted that there is an
26 organization called the Illumination Society that provides design standards for how exterior
27 parking lots should be lit, and they are meeting these standards with the proposed design.

28
29 Commissioner Gruber asked if the structure would be handicapped accessible.

30
31 Mr. Pechaty stated the lower level is slightly taller to accommodate handicapped vehicles and
32 there are handicapped accessible parking stalls. In the upper level there is a sidewalk adjacent to
33 drive that goes into this level and this is the on grade access.

34
35 Commissioner Gruber asked if there had been consideration of balancing the lighting needs of
36 the ramp for safety reasons with not disturbing the surrounding residents.

37
38 Mr. Pechaty stated the way the meet the needs for safety concerns without creating a glowing
39 surface is by having frequently placed localized LED lighting. In the areas where the lighting in
40 the center it does not provide adequate lighting there are recessed lights that just shine down in
41 that area. There are also light bollards lining the sidewalks, there is the backlit entrance and light
42 strips along the wood.

43
44 Commissioner Gruber asked if there were any concerns about the retaining wall shifting because
45 it was so long.

1 Mr. Pechaty stated the retaining wall an independent structure with a 2-inch gap between the
2 retaining wall and the parking structure. This gap will be filled with a rubberized filler.

3
4 Commissioner Gonzalez asked what the roof material and color would be if a roof were
5 included.

6
7 Mr. Pechaty stated the material would be a rubberized membrane and the color of this material is
8 black. This will then be covered with a darker gray river rock.

9
10 Chair Iverson opened the public hearing at 7:50 p.m.

11
12 Ms. Chris Morrisson, 728 Widsten Circle, Wayzata, stated the current design is the result of a
13 collaboration of members of the Steering Committee. The current design provides the best
14 options for the City for mass, maximum parking stalls, and screening. She would like to see
15 more than the minimum tree replacement and landscaping to enhance the project.

16
17 Mr. Paul Webster, 726 Widsten Circle, Wayzata, asked how many parking spaces were currently
18 available. He asked why the parking on the upper level was angled and parallel on Mill Street.

19
20 Mr. Thomson stated that there are 182 parking spaces within the Mill Street parking lot today.
21 The proposed ramp would have 385 total parking spaces, which would be 203 additional stalls
22 beyond what currently exists.

23
24 Mr. Pechaty stated Mill Street functions as a service drive for the businesses and semi-trucks use
25 this area. Providing angled parking stalls within Mill Street would either create a one-way street,
26 which would compromise service access to the buildings on the south side of Mill Street, or
27 would reduce the number of parking stalls available on Mill Street.

28
29 Ms. Cathy Whiting, 1800 Crosby Road and 611 Bushaway Road, Wayzata, stated she likes the
30 use of the natural wood and would like to see Wayzata keep its lake character. She stated she
31 would like to see more natural materials used in place of the brick component to provide a more
32 stone like appearance.

33
34 There being no one else wishing to speak, Chair Iverson closed the public hearing at 7:59 p.m.

35
36 Mr. Pechaty stated that in earlier iterations of the structure, they had looked at partial stone
37 facing but it was a best cost decision to go with the brick.

38
39 Chair Iverson suggested Mr. Pechaty have information available for the City Council on what the
40 additional cost would be for stone.

41
42 Commissioner Gonzalez asked if cost was the only thing driving the deviation from the exterior
43 materials design standard, and why they were requesting a deviation from the accent materials.

1 Mr. Pechaty stated cost was one factor but they also looked at durability due to the type of
2 environment associated with a parking ramp. The decorative concrete would hold up better with
3 vehicles potentially hitting the structure.

4
5 Commissioner Young asked if the Steering Committee had considered a design that had the two
6 levels of the ramp connected.

7
8 Mr. Pechaty stated they had looked at this type of design during the pre-design phase and it had
9 been a consensus that it would be more efficient to be able to access the ramp from different
10 points and remove the inefficiencies of having a sloped structure. This made it possible to have
11 more capacity on the two levels versus the capacity that they would have had with a three level
12 structure with internal access.

13
14 Chair Iverson asked if there would be signage that would indicate when the ramp is full.

15
16 Mr. Pechaty stated this had been discussed recently but there has not been a determination yet.

17
18 Commissioner Gonzalez suggested adding a condition to the approval that the applicant plant the
19 largest size trees that would be feasible.

20
21 Mr. Thomson stated they would look at the tree inventory and landscape plans to determine the
22 mitigation requirements for the project.

23
24 Commissioner Young stated he liked the proposed design and thought it wise to get the costs for
25 alternative design elements such as the roof, but that he would not support anything pertaining to
26 the ramp because he does not believe that one is needed. He is not sure the backlit metal feature
27 would fit with the aesthetics of the structure because it looks more modern.

28
29 Commissioner Gruber stated the design was good, but she would like to see more traditional
30 style of light fixtures.

31
32 Commissioner Gonzalez stated the deviations that are being requested have been justified and
33 she would support the design. She would like to see an enhanced landscape plan. She stated the
34 half roof would provide good screening for the residents.

35
36 Chair Iverson stated she does not support the ramp because of the cost and the number of parking
37 spaces that will be gained is not significant compared to the cost. As a citizen she is concerned
38 about how the project will be financed. The City has an influx of people 3-months out of the
39 year and the ramp will be empty most of the year. She would prefer to see the City do more
40 signage. She stated the half roof and enhanced plantings would help to screen the structure from
41 the residents on the hill. Because she does not believe there should be a ramp, she would
42 recommend denial of the application.

43
44 City Attorney Schelzel clarified the Commission should provide direction to the City Council on
45 the proposed design, and if it meets the City's Design Standards.

46

1 Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to direct staff to
2 prepare a Planning Commission Report and Recommendation recommending approval of the
3 Design for the Mill Street Parking Ramp with the two (2) deviations specified for accent and
4 principle materials subject to the condition the City explore enhanced landscaping and increased
5 caliper of replacement trees. The motion failed 2-ayes, 2 nays (Young, Iverson).
6

7 City Attorney Schelzel stated although the Commission did not adopt a report, information on
8 the discussion and the vote will be provided to the City Council.
9

10 Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to recommend to
11 the City Council consider having a partial roof on the parking ramp, based on comments from
12 the community. The motion failed 2-ayes, 2 nays (Young, Iverson).
13

14 The Commission recessed at 7:24 p.m.
15

16 The Commissioner reconvened at 7:29 p.m.
17

18 **b.) Pflaum Home – 630 Bushaway Road**

19 **i. Variance and CUP**
20

21 Director of Planning and Building Thomson stated the applicant and property owner, Peter
22 Pflaum, is proposing to demolish the existing house and construct a new house on the property at
23 630 Bushaway Road. As part of the submitted development application, the applicant is
24 requesting approval of variances from the R-1A zoning district requirements for the front yard
25 setback, rear yard setback, lot coverage, and impervious surface, variances from the Shoreland
26 Overlay District requirements for shoreland setbacks, a Conditional Use Permit (CUP) for a
27 fence, and a CUP for non-conforming lot size and lot width. The proposed house would be 2-
28 stories in height and would not include a basement. The City's zoning regulations for fences
29 require a maximum height of 42-inches and a maximum opacity of 50 percent within the front
30 yard. The applicant is proposing to construct a 5-foot fence clad in stone. Mr. Thomson
31 explained the Non-Conforming Use Ordinance. The existing lot and building are non-
32 conforming for lot size, lot width, building setbacks, lot coverage, and impervious surface.
33 Under state statute, the owner would be allowed to repair, maintain, improve and/or replace the
34 building, but any expansion or redevelopment is subject to the current ordinance requirements.
35 Hennepin County controls the Bushaway Road right-of-way, and has reviewed the proposed wall
36 location. The County has indicated after preliminary review that they would approve the
37 encroachment into the right-of-way. The homeowner would be responsible for obtaining all
38 required permits and encroachment agreements with the County prior to starting construction.
39

40 Commissioner Young asked what the overall impacts were for the proposed project compared to
41 the existing building.
42

43 Mr. Thomson stated the shoreland setback would be the same. Staff would look at the other
44 setbacks and provide this information to the Commission.
45

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
OCTOBER 3, 2016

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, seconded by Commissioner Gonzalez, to approve the October 3, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) September 7, 2016 Planning Commission Meeting

Commissioner Gruber made a motion, seconded by Commissioner Murray, to approve the September 7, 2016 Planning Commission meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) Mill Street Parking Ramp – 725 Mill Street E

i. Design Review

Director of Planning and Building Thomson stated the City of Wayzata is requesting approval of a design for the City's proposed public parking ramp at 725 Mill Street E. The proposed parking ramp would consist of one level of parking at grade, with one level of structured parking above. The parking ramp and surface parking stalls along Mill Street would provide a total of 385 parking spaces. The proposed plans also include a partial roof over the second level as an add-on alternative to the plans. The City is requesting approval of the design for the ramp, including a deviation from the Design Standards for the exterior building materials as concrete and metal are not allowable primary building materials and would comprise 4% of the west elevation, 27% of the south elevation, and 7% of the east elevation. The Planning Commission reviewed the application and held a public hearing at its meeting on September 19, 2016. There were four (4) Commissioners present at the meeting and a motion to direct staff to prepare a draft Report and Recommendation of approval did not pass, with two (2) in favor and two (2) opposed. The

1 Commission discussion at the meeting indicated that the majority, if not all, of Commissioners
2 present had positive feedback on the design of the parking ramp. There was opposition
3 expressed by some Commissioners regarding the City building any parking ramp at Mill Street,
4 which resulted in the tie vote. At its September 20, 2016 meeting, the Council discussed the
5 matter and while recognizing the opposition of some Commissioners to a parking ramp, the
6 Council expressed concern that the Planning Commission was not providing any guidance or
7 recommendation on the proposed design. The Council asked staff to remind the Commission of
8 its limited but essential role of advising the Council on land use applications, and in this case,
9 making findings and a recommendation on the design of the ramp. At the Council's direction,
10 staff is bringing the matter of the proposed ramp design back to the Planning Commission for its
11 review, and has included a draft Report and Recommendation, which recommends approval of
12 the design based on the design critique completed by staff.

13
14 Commissioner Gonzalez asked what would be the determining factor for deciding if there would
15 be a partial roof or enhanced landscape.

16
17 Mr. Thomson stated the Council wanted to fully understand the costs associated with these
18 elements and in order to do this they requested the items be bid separately. When the Council
19 reviews the bids they will review the costs and the financing and make their final determination
20 at that time.

21
22 Commissioner Flannigan asked how the second level was accessible for ADA requirements.

23
24 Mr. Thomson reviewed the locations of the sidewalks and ramps.

25
26 Chair Iverson asked what the grade of this sidewalk would be, and if there would be problems in
27 the winter.

28
29 Mr. Thomson stated the grade along Broadway would remain the same as it is currently.

30
31 Commissioner Flannigan asked what the resident response was to the partial roof.

32
33 Commissioner Gonzalez stated a resident had been a part of the Steering Committee and they
34 were comfortable with the partial roof or enhanced landscape.

35
36 Chair Iverson stated she had received emails that stated they would prefer the partial roof
37 because they are not sure about the impacts from the lighting.

38
39 Commissioner Gonzalez stated the slope should be landscaped even if there is a roof on the
40 parking ramp.

41
42 Chair Iverson stated she had received a request that any trees that are planted should not go
43 above a set height because the residents do not want to lose the views they currently have.

44

1 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to adopt the
2 draft Report and Recommendation of Approval of Design of Mill Street Parking Ramp as
3 presented. The motion carried 4 ayes and 2 nays (Iverson and Young).
4

5 **b.) Pflaum Home – 630 Bushaway Road**

6 **i. Variance and CUP**
7

8 Director of Planning and Building Thomson stated the property owner, Peter Pflaum, is
9 proposing to demolish the existing house and construct a new house on the property at 630
10 Bushaway Road. As part of the submitted development application, the applicant is requesting
11 approval of the variances from the R-1A zoning district requirements for the front yard setback,
12 rear yard setback, lot coverage, and impervious surface, variances from the Shoreland Overlay
13 District requirements for shoreland setbacks, a Conditional Use Permit (CUP) for a fence, and a
14 CUP for non-conforming lot size and lot width. The Planning Commission reviewed the
15 development application and held a public hearing at its September 19 meeting. After discussion
16 the Planning Commission asked the applicant to provide additional information regarding the
17 justification for the requested variances, and to clarify the height of the stone wall that is being
18 proposed in the front yard. The Planning Commission also directed staff to prepare a Planning
19 Commission Report and Recommendation recommending approval of the development
20 application.
21

22 Commissioner Flannigan asked if the CUP was approved if they could include a condition that
23 the fence height is a maximum of 6-feet.
24

25 Mr. Thomson stated the Commission could make a condition that the maximum fence height is
26 6-feet, but this is already defined in the fence CUP in the Draft Report and Recommendation.
27

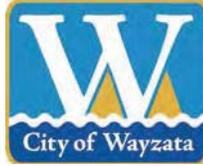
28 Commissioner Young made a motion, seconded by Commissioner Gruber, to adopt the Planning
29 Commission Report and Recommendation of approval of Variances and Conditional Use Permits
30 for a new residence at 630 Bushaway Road as presented. The motion carried unanimously.
31

32 Commissioner Gonzalez stated this particular property fits the requirements for variances
33 because it could not be put to a reasonable use without the variances and CUP, and what they are
34 proposing to build does meet the standards of the City.
35

36 **c.) Enclave at Crossdale – 202-217 Byrondale Ave N**

37 **i. PUD Amendment**
38

39 Director of Planning and Building Thomson stated the property owner, Crossdale Development,
40 LLC, is proposing to amend previously approved PUD concept and general plans for the Enclave
41 at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment
42 would remove a portion of the public trail which runs along the south side of the cul-de-sac and
43 connects from Byrondale Avenue to Central Avenue. The Planning Commission reviewed the
44 development application and held a public hearing at its meeting on September 19. The
45 Commission discussion indicated varying opinions on whether the Commission should
46 recommend approval of the PUD amendment. After discussing the application, the Planning



WAYZATA PLANNING COMMISSION

October 3, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF DESIGN OF MILL STREET PARKING RAMP

SUMMARY OF RECOMMENDATION

1. **Approval** of Design (including requested deviation for exterior building materials) of Public Parking Structure at Mill Street

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **General.** The City of Wayzata (the “Applicant”) has submitted an application (the “Application”) for approval of the design of a new public parking ramp at 725 Mill Street E. (the “Parking Ramp” or the “Project”). The proposed Parking Ramp would consist of one level of parking at grade, with one level of structured parking above. The Parking Ramp and surface parking stalls along Mill Street would provide a total of 385 parking spaces. The proposed plans also include a partial roof over the second level as an add-on alternative to the plans.
- 1.2 **Approval Request.** The approval requested in the Application is for approval of the Parking Ramp design (the “Design”) under the Zoning Ordinance’s design standards for the Bluff Design District, including a deviation from the standards applicable to exterior building materials to allow for use of concrete and metal as primary building materials, comprising 4% of the west elevation, 27% of the south elevation and 7% of the east elevation (the “Deviations”).
- 1.3 **Property.** The property identification numbers and owner of the Property involved in the proposed Application are as follows:

725 Mill Street E.	PID: 611722420083	Wayzata HRA
--------------------	-------------------	-------------

PID: 611722420084

- 1.4 Notice and Public Hearing. Notice of a public hearing on the Proposed Amendments was published in the *Sun Sailor* on September 8, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on September 9, 2016. The required public hearing was held at the September 19, 2016 Planning Commission meeting.

Section 2. STANDARDS

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

- 3.1 Based on the planning report and information submitted by City Staff, the attached "Design Critique", public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

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, in particular the City's decisions to address long term parking and mobility needs of the City in the downtown area.
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, including use of materials that are more sustainable, cost effective and appropriate for a public parking structure.
3. The positive effect of the Project on the area in which the Project is proposed, as detailed in the record.

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 Design of the Parking Ramp, including the requested Deviations, as set forth in the Application.

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

Voting In Favor: Flannigan, Gonzalez, Gruber, Murray

Voting Against: Iverson, Young

Abstaining: None

Absent: Gnos

ATTACHMENT A
(the "Design Critique")

DRAFT RESOLUTION NO. 42-2016

RESOLUTION APPROVING DESIGN OF MILL STREET PARKING RAMP

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

Section 1. BACKGROUND

- 1.1 Project. The City of Wayzata (the “Applicant”) has submitted an application (the “Application”) for approval of the design of a new public parking ramp at 725 Mill Street E. (the “Parking Ramp” or the “Project”). The proposed Parking Ramp would consist of one level of parking at grade, with one level of structured parking above. The Parking Ramp and surface parking stalls along Mill Street would provide a total of 385 parking spaces. The proposed plans also include a partial roof over the second level as an add-on alternative to the plans.
- 1.2 Application Request. The approval requested in the Application is for approval of the Parking Ramp design (the “Design”) under the Zoning Ordinance’s design standards for the Bluff Design District, including a deviation from the standards applicable to exterior building materials to allow for use of concrete and metal as primary building materials, comprising 4% of the west elevation, 27% of the south elevation and 7% of the east elevation (the “Deviations”).
- 1.3 Property. The property identification numbers and owner of the property involved in the Application (the “Property”) are as follows:

725 Mill Street E.	PID: 611722420083 PID: 611722420084	Wayzata HRA
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- 1.4 Public Hearing and Planning Commission Action. Notice of a public hearing on the Proposed Amendments was published in the Sun Sailor on September 8, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on September 9, 2016. The required public hearing was held at the September 19, 2016 Planning Commission meeting. At its October 3, 2016 meeting, the Planning Commission adopted a Planning Commission Report and Recommendation recommending approval of the Design as requested on a vote of four (4) in favor and two (2) opposed.

Section 2. STANDARDS

- 2.1 Design Standards (Section 801.09). 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

The City Council of the City of Wayzata finds that the Applicant's request for design approval outlined in Section 1.2 of this Resolution meets 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 Report and Recommendation of the Planning Commission):

The Project meets the applicable provisions of the Design Standards except for the Deviations as detailed in the Design Critique. 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, in particular the City's decisions to address long term parking and mobility needs of the City in the downtown area.
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, including use of

materials that are more sustainable, cost effective and appropriate for a public parking structure.

- 3. The positive effect of the Project on the area in which the Project is proposed, as detailed in the record.

Section 4. CITY COUNCIL ACTION

Based on the findings referenced and set forth in this Resolution, the Design of the Project, including the requested Deviations, as depicted in the Application and Attachment A of this Resolution, is hereby **APPROVED**.

Adopted by the Wayzata City Council this 18th 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:

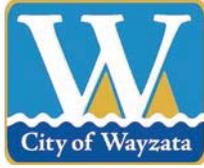
Resolution adopted.

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

ATTACHMENT:
Attachment A (the "Design Critique")

000043/203879/2480549_1



**Planning Report
City Council
September 19, 2016**

Project Name: Enclave at Crossdale
Applicant Crossdale Development, LLC
Addresses of Request: 202-217 Byrondale Ave North
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: December 13, 2016

Development Application

Introduction

The property owner, Crossdale Development, LLC is proposing to amend the PUD concept and general plans for the Enclave at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment would remove a portion of the public trail which runs along the south side of the cul-de-sac and connects from Byrondale Ave to Central Ave.

Property Information

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

Address	PID	Owner
202 Byrondale Ave N	06-117-22-14-0089	Wooddale Builders Inc
205 Byrondale Ave N	06-117-22-14-0090	Crossdale Development, LLC
208 Byrondale Ave N	06-117-22-14-0088	Crossdale Development, LLC
211 Byrondale Ave N	06-117-22-14-0091	Crossdale Development, LLC
214 Byrondale Ave N	06-117-22-14-0087	Crossdale Development, LLC
217 Byrondale Ave N	06-117-22-14-0092	Crossdale Development, LLC

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

Current zoning:	PUD/Planned Unit Development
Comp plan designation:	Low Density Single Family

Project Location

The properties are located on Byrondale Avenue on the west side of Central Avenue.

Map 1: Project Location



Application Requests

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

- A. Amendment to the PUD Concept and General Plans: In 2014, the City Council approved the concurrent PUD concept and general plans for the Enclave at Crossdale Development. The PUD ordinance states that any alteration in a project for a PUD requires an amendment to the PUD. (City Code Section 801.33.9.A)

Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
East	Central Avenue	N/A	N/A
South	Single-family homes	PUD/Planned Unit Development	Low Density Single Family
West	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on September 8, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on September 9, 2016.

Analysis of Application

Background Information

The City Council approved the PUD concept and general plans for the Enclave at Crossdale development, a six lot single-family residential subdivision, on December 2, 2014. The PUD plans include a public trail across the development that would provide a public, non-motorized trail connection from Wooddale Avenue to Central Avenue. The trail runs along the south side of Lot 5, around the south side of the private cul-de-sac on Lots 3 and 4, and along the south side of Lot 2.

Proposed Plan

The applicant is proposing an amendment to the PUD plans. The proposed amendment would retain the trail connection from Wooddale Avenue to the new private street. However, the proposed amendment would remove the public trail along the south side of the cul-de-sac and to Central Avenue.

PUD Standards

The PUD ordinance requires common private or public open space and facilities and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD. The PUD ordinance allows for dedication to the public where a community-wide use is anticipated and the City Council agrees to accept the donation. The public trail was included in the PUD to satisfy the requirements of the PUD ordinance, and was accepted by the City Council in lieu of park dedication fees.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on September 19, 2016. The Planning Commission discussion indicated varying opinions on whether the Commission should recommend approval of the PUD amendment. On October 3, 2016, the Planning Commission voted four in favor and two opposed to adopt a Report and Recommendation of approval for the development application.

Public Comments

The City received five written comments regarding the PUD amendment, which are included on Attachment D.

Applicable Code Provisions for Review

PUD Purpose (Section 801.33.1)

This Section is established to provide comprehensive procedures and standards designed to all greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of this Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

PUD General Standards (Section 801.33.2.A): The PUD ordinance includes the following general standards pertaining to parks and open space:

- 1. In its review of any application under this Section, the City Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations of the Design Review Board and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's

conformance with the overall intent and purpose of this Section. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of this Section, it may approve a PUD permit, although it shall not be required to do so.

3. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.
5. Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.
6. Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council: (a) dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication; (b) landlord control, where only use by tenants is anticipated; or (c) Property Owners Association, provided all of the conditions of 801.33.2.A.6.c are met
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

Action Steps

Adopt Resolution No. 43-2016 which approves an amendment to the Planned Unit Development at 202-217 Byrondale Ave North.

Attachments

- Attachment A: Applicant's Narrative
- Attachment B: Approved PUD Concept and General Plan

- Attachment C: Proposed PUD Concept and General Plan Amendment
- Attachment D: Public Comments
- Attachment E: Draft September 19, 2016 Planning Commission Meeting Minutes
- Attachment F: Draft October 3, 2016 Planning Commission Meeting Minutes
- Attachment G: Planning Commission Report and Recommendation
- Attachment H: Draft Resolution No. 43-2016



August 9, 2016

Members of the Planning Commission
City of Wayzata, MN

RE: Request for Amendment to Planned Unit Development (PUD) for the Enclave at Crossdale
Crossdale Development, LLC

Dear Members of the Planning Commission,

In 2014, Crossdale Development, LLC received PUD approval of the Enclave at Crossdale to develop a six-lot subdivision off of Byrondale Avenue (“Byrondale”) and Central Avenue (“Central”). The PUD included six lots, a private cul-de-sac and a small path/trail which was planned to connect Central with Wooddale east-to-west through the site (See Attached Exhibit A: Approved Site Plan). During the review process, the subject of the trail was regularly discussed, particularly as it related to the potential for ‘cut-through’ traffic. The adjacent neighborhood wanted to ensure that the trail would only promote pedestrian and bicycle traffic, and would predominantly be used by those in the surrounding neighborhoods. In response, we planned for a small, 4 ½-foot wide concrete path that would run along the southern property line of Lot 2 and Lot 5. In exchange for the trail and associated easement, the city waived park fees that would have been due for the three additional lots that were created in the development.

Since our site work is nearing completion and homes are under construction we are now faced with a few concerns regarding the approved trail plan. Earlier this spring we sat down with the city staff to communicate our concerns and brainstorm some potential solutions. Staff was very helpful in helping us think through the possible solutions, and communicated to us that any material changes to the trail (i.e. vacation, installation of a gate, relocation outside the easement, etc.) would require an amendment to the PUD. Armed with that information, we decided to explore every option that would not require an amendment, but eventually came up short in identifying a solution that would address all of our concerns. Ultimately we concluded that we believe our best option is to request an amendment to the PUD to i) vacate portions of the trail easement resulting in a reduced quantity of planned trail as shown on Exhibit 2; (ii) modify slightly the trail and easement location on Lot 5; and, (iii) in exchange, if permitted to vacate portions of the trail, pay the adjusted requisite park dedication fee in-lieu. In the supplemental narrative we have outlined our concerns supporting our request. We are hopeful that you will consider our application and work with us to resolve our concerns, resulting in what we think will be a better, and safer, development.

Thank you for your time and consideration and we look forward to discussing this application with you at an upcoming meeting.

Sincerely,

Susan H. Seeland

Concern #1: Safety of the Trail Connection on and through Lot #2

Our most significant concern, and that which finally pushed us to apply for an amendment, is the safety of the trail connection from Lot 2 with the sidewalk on Central. We began the site development work in the spring of 2015 that included grading and setting the house pads. Once the final grade of the cul-de-sac was constructed, we stood on the site - and then stood on the sidewalk on Central – and for the first time we were genuinely concerned. What was not apparent when we were going through the planning and entitlement process was how much the grade would change from the cul-de-sac to the east, particularly where the trail connects with the sidewalk on Central from Lot 2. While we knew that the existing sidewalk on Central was literally on Central with only a curb separating the sidewalk from the road, what was less obvious from the plan was how the slope (or grade) would *feel*. If you were traveling by bike for example east from the private cul-de-sac on the trail it would be very difficult to make the turn onto the Central sidewalk, which is further complicated by the relatively small width of the sidewalk. If anyone overshoots it, by even a fraction, they would end up in the middle of road. Since the trail is in our development, the safety of anyone using the trail is our paramount concern, and especially for any child or teenager that may come barreling through the trail on their bike and not realize how sharp of a turn would be required to make it onto the Central sidewalk safely.

Over the past several months of site work we have brainstormed several ideas which could offer some mitigation to this issue. One of options considered was to install a ‘jog/offset’ in the fence and weave the trail through the opening. We concluded that this is not a viable option for two reasons 1) those unfamiliar with the trail are the most likely to try and speed through it, without knowing what’s on the other side, and 2) the jog creates a bit of an obstacle for the user, and could result in crashes and additional safety concerns. A second option we considered was installing stairs where the slope is most significant. However, we concluded that this option is equally as troubling since the stairs may not be immediately visible from the top of the cul-de-sac, and a biker may miss them altogether. The third option we considered, installing a gate, seems like the only solution that would guarantee to ‘interrupt’ travel (i.e. forces someone to get off their bike). While this may be a viable option – we are unsure whether this segment of the trail will even be used with regularity from the neighborhood. Since a pedestrian or biker would need to go to the stoplight at Central & Wayzata Blvd. to cross into the Lunds development it seems more likely that anyone on Byrondale, or in our neighborhood, would use the trail between Lots 4 and 5 to connect to Wooddale Avenue, which is more hospitable than the sidewalk on Central. Likewise, if someone is interested in going down to the Lake Street area they would likely use the same trail between Lot 4 and 5 and either head out near Walgreens, or would travel down Benton Avenue.

After evaluating the different options, and considering the likely routes a pedestrian or biker may use, we concluded that the we believe the safest option would be to simply remove this segment of the trail from Lot 2, and to close in the fence line.

Concern #2: Noise Mitigation

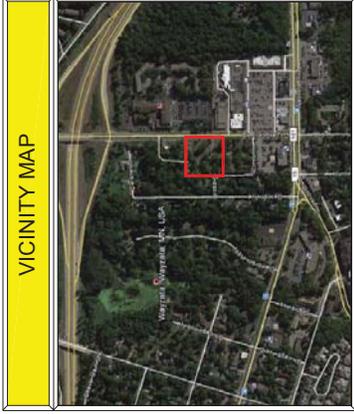
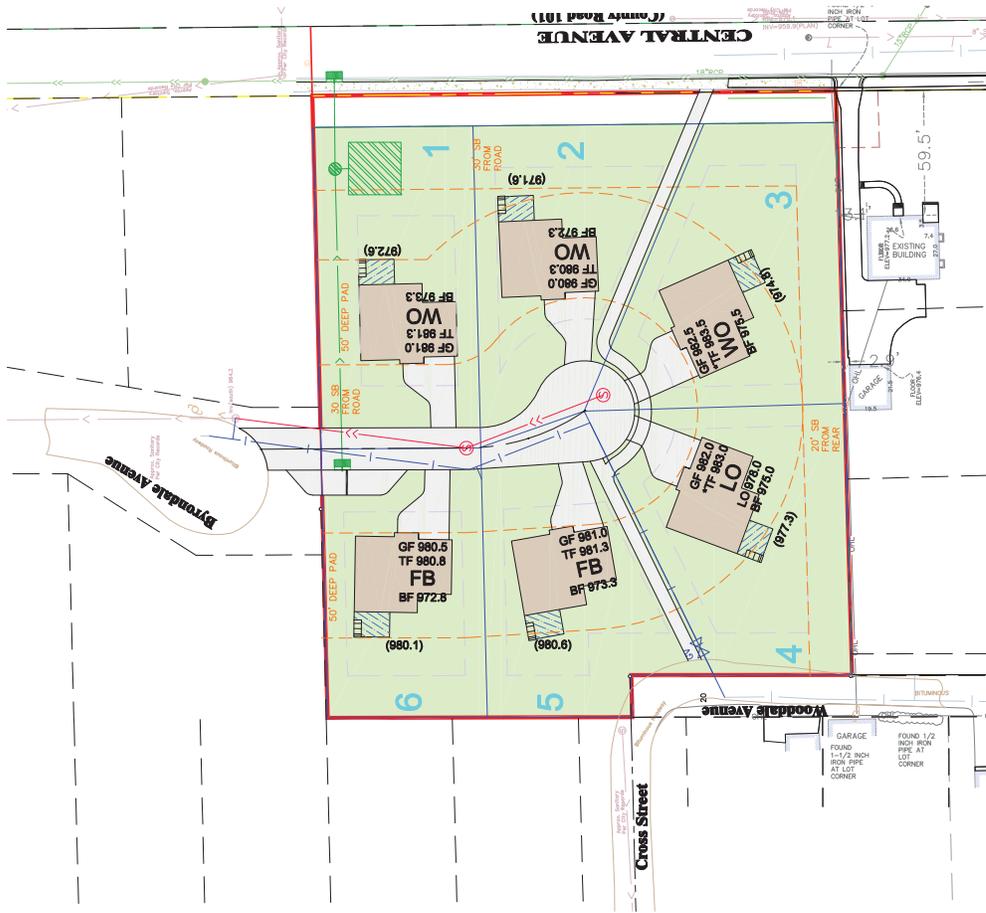
In addition to the safety concerns expressed above, we are also troubled by the somewhat unexpected sound affect that is created by such a large gap in the fence line along Central. During the review process we stated that our primary objective of installing the fence on the rear yards of Lot 1, 2, and 3 was to provide sound/noise mitigation to the future homeowners' backyards. While the majority of the fence is effective and has accomplished that goal, the large 15-foot gap where the trail corridor is planned has turned into a sound tunnel, almost amplifying the noise.

Not surprisingly this has become a concern to our builder who is currently constructing a home on Lot 3. We have discussed the various options above with him, and he, as well as prospective buyers, have all generally questioned whether this section of trail will be used regularly. While we agree that the trail connection to Wooddale between lots 4 and 5 will be used by the neighborhood, after observing current activity on the Central sidewalk, we are unconvinced that the segment on Lot 2 would be used. To achieve our sound mitigation objective, our first preference is to vacate the trail and its easement and allow for the current 'gap' in the fence to be closed. However, if vacating the trail is not an option, then as identified previously, we propose a gate be installed and the opening closed. This would also accomplish a significant reduction in noise pollution at the rear of Lots 2 and 3, with only intermittent noise created when the gate is opened by the trail users.

Concern #3: Coverage on Lot 5

Finally, we agree that the trail between Lot 4 and 5 will be used and we believe this trail segment will be a good addition to the neighborhood. During the initial review process we were focused on coverage across the whole development, rather than on an individual lot basis since we did not have full architectural plans created for each lot. After the builder reviewed each lot, it became apparent that the coverage on Lot 5 is rather constrained because it is smaller and would be required to account for the trail in its entirety. While we would likely not have made this request separately, since we are working through the amendment process we thought it prudent to address this now before a buyer is working on plans for Lot 5. In an effort to help with the coverage requirements we would respectfully request approval to modify the location of the trail and the trail easement shifting it south so that half of the trail and trail easement would be located on Lot 4 and half would be located on Lot 5.

Exhibit A: Approved PUD Site Plan



LOT STANDARDS

R-3A ZONING
 MIN LOT AREA = 9,000 SF
 MIN LOT WIDTH = 40'
 MIN FRONT YARD SETBACK = 20'
 MIN SIDE YARD SETBACK = 10'
 MIN REAR YARD SETBACK = 20'

EXISTING ZONING: R-3A
 PROPOSED ZONING: R-3A
 WETLAND BUFFER: 30'
 WETLAND SETBACK: NA APPLICABLE

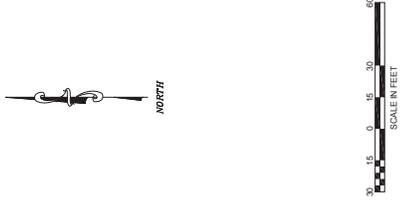
SHEET INDEX TABLE

SHEET	Description
1	Title Sheet
2	Street Plan
3	Utility Plans
4	Grading Plan
5	Eriksen Cont'd Plan
6	Hardcover Calculations
7	Tree Survey
8	Preliminary Plat
9	Final Plat
10	ALTA Boundary Survey
L1	Landscape Plan

CLIENT/DEVELOPER:
 CROSSDALE DEVELOPMENT, LLC
 885 Flying Cloud Dr
 Eden Prairie, MN 55344
 Contact: Susan Seelstad
 T: 415-991-1823

SWANSON HASKAMP CONSULTING, LLC
 1401 4th Ave SE
 Grand Rapids, MN 55743
 Contact: Dan Schmidt
 T: 252-478-9000
 F: 562-478-0104

LAND SURVEY/ENGINEER:
 SATHRE-BERGQUIST, INC.
 150 South Broadway
 Wayzata, MN 55391
 Contact: Dan Schmidt
 T: 252-478-9000
 F: 562-478-0104



EXISTING UTILITIES SHOWN ARE SHOWN IN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY DAMAGE TO UTILITIES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

REVISIONS

NO.	BY	DATE	DESCRIPTION
01	DSE	11-02-2014	NEW CONCEPT

DATE: 10-18-2016
 DRAWN BY: DKS
 CHECKED BY: DKS
 DATE: 04/22/14

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

Donald Schmidt
 Name: P. 2614
 Date: May 1, 2014
 Lic. No.: 26147

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF THIS PLAN OR SPECIFICATION) WITHOUT THE WRITTEN AUTHORIZATION OF SATHRE-BERGQUIST, INC. EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY BE PROHIBITED. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY
 WAYZATA, MN 55391 (952) 478-9000

ENGINEERS

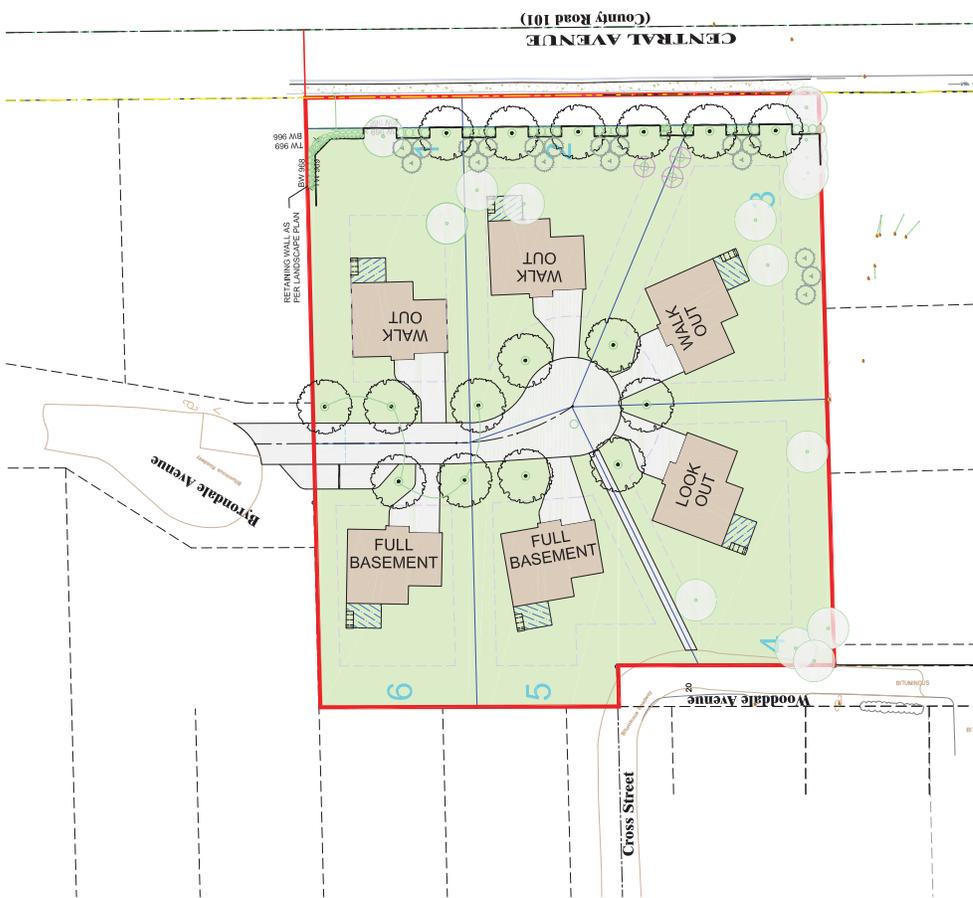
WAYZATA, MINNESOTA

TITLE
 ENCLAVE AT CROSSDALE
 CROSSDALE DEVELOPMENT, LLC

FILE NO.
 728-2007

1 / 11

Exhibit B: Proposed Revised Trail Plan



LOT STANDARDS

R-3A ZONING
 MIN LOT AREA-9,000 SF
 MIN LOT WIDTH-30'
 MIN LOT DEPTH-100'
 MIN FRONT YARD SETBACK = 20'
 MIN SIDE YARD SETBACK = 10'
 MIN REAR YARD SETBACK = 20'

EXISTING ZONING: R-3A
 PROPOSED ZONING: R-3A
 WETLAND BUFFER-30'
 WETLAND SETBACK- N/A APPLICABLE

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9	Final Plat
10	ALTA Boundary Survey
LT	Landscape Plan

CLIENT/DEVELOPER
 CROSSDALE DEVELOPMENT, LLC.
 Eden Prairie, MN 55344
 Contact: Susan Seeland
 952-939-4422

LAND SURVEY/CIVIL ENGINEER
 SATHRE-BERQUIST, INC.
 130 S. Broadway Ave.
 Wayzata, MN 55391
 Contact: Daniel Grammes
 763-247-5400
 763-247-5014

NO.	BY	DATE	REVISIONS
01	DSG	11-09-2014	NEW CONCEPT
02	DSG	11-13-2014	TIP UPDATE FOR POSSIBLY SAVED
03	DLS	06-25-2015	REMOVED GRADING ON LOT 1
04	DLS	06-25-2015	REMOVED EAST HALF OF TRAIL
05	DLS	06-25-2016	REMOVED EAST HALF OF TRAIL

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

Donald J. Schmitt
 Daniel L. Schmitt, P.E.
 License No. 28147



SATHRE-BERQUIST, INC.
 130 SOUTH BROADWAY WAYZATA, MN 55391 (852) 475-2000

CITY PROJECT NO. _____
WAYZATA, MINNESOTA

TITLE
 ENCLAVE AT CROSSDALE
 CROSSDALE DEVELOPMENT, LLC

FILE NO. 728-007
 1
 11

Jeff Thomson

From: Jim Richter <jimmymar@me.com>
Sent: Monday, September 12, 2016 10:41 AM
To: Jeffrey Dahl; Jeff Thomson
Cc: Steven Tyacke
Subject: Future sidewalk between Cross Street and Central Ave

Follow Up Flag: Follow up
Flag Status: Flagged

Per Jeff Thomson's letter, Wooddale, the developer of the six homes behind us is requesting the development requirement of the subject sidewalk be vacated. As I recall fellow neighbors on Benton Ave requested that sidewalk to be included in the new development homes so as to make them feel more a part of the Wayzata community and not an isolated enclave. And without the sidewalk folks would necessarily have to walk to the end of Byrondale in order to access the Colonial Square shopping center. So the intention of the sidewalk was to benefit the development homes and really is no benefit to Benton Ave. Now in my opinion, the developers want to maximize their profits and really have very little concern for the welfare of future homeowners unless it affects their bottom line. Just one lone opinion.

Jim Richter
152 Benton Ave
Wayzata, MN 55391
952-473-0819
jimmymar@me.com

Sent from my iPad Jim R
I think, therefore I am!

Jeff Thomson

From: Patricia Broyles [postmaster@matrixemailer.com]
Sent: Wednesday, September 14, 2016 8:06 PM
To: Cathy Iverson; Lynn Gruber; Graham Gnos; Graciela Gonzalez
Cc: pat@patbroyles.com
Subject: Public Heareing 9/19/16 Crossdale Development

Dear Madam Chair and fellow Commissioners, I am sending you a copy of the very large house that has been built on Byrondale - there will be 5 more of these type of homes built in this development. The developer is asking you to amend the PUD to remove the public trail. I think of this as a "bait & switch" from when the developer presented & received approval for her plans to have the public trail - it was supposed to be a plus. The plans I saw were also for smaller sized homes. Please do not allow the public trail to be removed. Thank you.

Pat Broyles 212 Benton Avenue

Click the following link to view the listing:

<http://matrix.northstarmls.com/DE.asp?ID=17734215608>

Patricia Broyles, REALTOR, CRP
Counselor Realty
cell 612-270-3308
pbroyles@counselorrealty.com

October 2, 2016

Wayzata Planning Commission
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Dear Planning Commissioners,

We live at 145 Wooddale Avenue and we are writing in response to the recent request for an Amendment to the Planned Unit Development (PUD) for the Enclave at Crossdale. This development is located directly behind our home so we are very familiar with the area and the causes for concern.

We share the developer's fear regarding the safety of anyone using the trail access to Central Avenue. Anyone heading eastbound on that trail will find that it leads downhill to an abrupt turn onto a fairly narrow sidewalk with no barrier to busy Central Avenue, which is especially hazardous to those on bike. There is absolutely no room for error in negotiating that turn; failure to do so could likely lead to a tragedy.

Neighborhood security is also our concern. The fences that divide us from Central Avenue to our east and Anchor Bank/Walgreens to our south (even with its opening) increase our security. We have witnessed commotion-makers on the public side of these fences on various occasions and we believe these fences have discouraged them from entering our neighborhood. We understand the initial intent of the trails was for use primarily by adjacent neighbors and we strongly support that concept.

The problematic trail through Lot 2 is completely unnecessary and redundant because of the alternative trail between Lots 4 and 5 which lead directly onto Wooddale Avenue and the open gateway to Anchor Bank and Walgreens; thereby providing quick, easy and safe access to Colonial Square, Lake Street and other area amenities.

We appreciate that the developer has researched other options where the trail meets the sidewalk, but we agree with their conclusion that the trail simply should not exist. Please approve the requested Amendment to this PUD.

Respectfully,



Jean Giltner



Patrick Joyce

Jeff Thomson

From: JoAnn Birkholz <joannbirkholz@gmail.com>
Sent: Monday, October 03, 2016 11:54 AM
To: Cathy Iverson; Lynn Gruber; Grahm Gnos; Graciela Gonzalez; Gregory Flannigan; Patrick Murray; Steven Young
Cc: Jeffrey Dahl; Ken Willcox; Andrew Mullin; Bridget Anderson; Steven Tyacke; Johanna McCarthy; Jeff Thomson; Barry Birkholz
Subject: Request for Ammendment to the PUD for the Enclave at Crossdale

Dear Chairperson Iverson and Planning Commissioners,

We are writing in response to the request for an Ammendment to the Planned Unit Development (PUD) for the Enclave at Crossdale development on Byrondale .

We worked closely with the developer and were very involved when this project was initially proposed, We appreciate her ongoing concern for the neighborhood and its safety. It is nice to see the new house built and the neighborhood developing.

We were recently made aware of the concerns of the Planning Commission to approve the PUD Amendment request. We went over to the property to look at the proposed pathway from Byrondale Aveneu to Central Avenue. As parents, the steep grade and potential for tragedy is alarming. Additionally, it is our feeling that our new neighbors would likely use the entrance at the Anchor Bank/Walgreens parking lot, which we believe was the original intent.

In summary, we appreciate the Planning Commission's consideration for approval of the developers request to amend the PUD for the Enclave at Crossdale and remove the part of the pathway that would go through Lot 2. We appreciate the developer's attention to the unintended consequences from the pathway to Central Avenue, and believe it is the right thing to do for the safety of both the residents and the neighborhood. The trail between Lots 4 and 5 will provide the ideal connection to the Benton Avenue and Wooddale neighbors.

Respectfully,

Barry and JoAnn Birkholz
140 Benton Avenue North
Wayzata, MN 55391

Jeff Thomson

From: Judy Paul <jpaul10@umphysicians.umn.edu>
Sent: Monday, October 03, 2016 6:44 PM
To: Steven Young; Jeff Thomson; Graham Gnos; Lynn Gruber; Graciela Gonzalez; Patrick Murray; Gregory Flannigan
Subject: Brae's Court
Attachments: Dear Neighbor.pdf
Importance: High

Planning Commission and City of Wayzata Staff:

My name is Judy Paul and I live at 235 Byrondale Ave in Wayzata. I apologize that this email is late, however I want you to know that I believe that the proposed "trail" from the cul-de-sac at the end of Byrondale to Central Avenue is a serious mistake and a potentially dangerous addition to the neighborhood. I fully support Susan Seeland's attached recommendation and urge you, on behalf of our street and neighborhood, to keep it safe by NOT having the trail developed and instead closing the fence for a much cleaner and consistent view from Central Avenue.

Sincerely,

Judy Paul

Judy Paul, SPHR

Sr. Director, Human Resources

University of Minnesota Physicians

Suite 200 | 720 Washington Ave SE

Minneapolis, MN 55414

jpaul10@umphysicians.umn.edu

Office: 612-884-0852



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1 Commissioner Gruber stated she had some concerns about the number of variances that were
2 being requested, but Mr. Pflaum's presentation did address these concerns. The diagrams he
3 presented showed how little displacement there would be with the new home versus what is
4 currently there and also assisted in understanding what was being proposed. She stated she
5 would like to have the applicant address specifically why he is requesting each variance in one
6 report. She is not prepared to make a decision on this request at this time.

7
8 Commissioner Gonzalez stated she usually votes against recommending variances unless they
9 are justified and there is no way that this particular property can meet the requirements of the
10 code. The City allowed construction of home on this site, and this application meets the
11 requirements for a variance. She wants to make sure that the applicant is doing everything
12 necessary to protect the lake. The house is close to the main road and it would be justified to
13 recommend a fence height taller than what the code allows, but the applicant needs to provide
14 the information on the height being requested.

15
16 Chair Iverson stated the property does present a hardship, and this was expressed during the
17 applicant's presentation. It would be important to know prior to approval to know what the
18 height of the fence would be.

19
20 Mr. Pflaum stated he would request a 6-foot fence with 7-foot columns.

21
22 City Attorney Schelzel stated the Commission could direct staff to prepare and bring back a draft
23 report and recommendation for the next meeting along with the additional information requested.

24
25 Commissioner Young made a motion, seconded by Commissioner Gruber, to direct staff to
26 prepare a report and recommendation for approval of the variances from the R-1A Zoning
27 District requirements for front yard setback, rear yard setback, lot coverage, and impervious
28 surface variance with appropriate findings, the variances from the Shoreland Overlay District
29 requirements for shoreland setback with appropriate findings, Conditional Use Permit for non-
30 conforming lot size and lot width, and Conditional Use Permit for a fence at 630 Bushaway Road
31 and provide the additional information requested, including a written narrative on the hardships
32 and a comparison of the current and proposed homes to be reviewed at the next Planning
33 Commission meeting. The motion carried unanimously.

34
35 **c.) Enclave at Crossdale – 202-217 Byrondale Ave N**
36 **i. PUD Amendment**
37

38 Director of Planning and Building Thomson stated the property owner, Crossdale Development,
39 LLC is requesting to amend previously approved PUD concept and general plans for the Enclave
40 at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment
41 would remove a portion of the public trail which runs along the south side of the cul-de-sac and
42 connects from Byrondale Avenue to Central Avenue. The PUD Ordinance requires common
43 private or public open space and facilities and such complementary structures and improvements
44 as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD. The
45 PUD Ordinance allows for dedication to the public where a community-wide use is anticipated
46 and the City Council agrees to accept the donation. The public trail was included in the PUD to

1 satisfy the requirements of the PUD Ordinance and was accepted by the City Council in lieu of
2 park dedication fees. He reviewed the proposed site plan and the approved site plan.

3
4 Applicant's representative, Jennifer Haskamp, Crossdale Development, 246 South Albert St, St.
5 Paul, stated the original plan had 310 linear feet of trail and one of the portions of the trail that
6 was not planned out well is the portion that goes around the curve on lots 3 and 4. They are
7 proposing to keep the trail that is located entirely on lot 5 (not on lots 4 and 5). They are
8 proposing to make this change for safety concerns and sound mitigation. There is a steep grade
9 change from the cul-de-sac to the sidewalk, lack of visual access from top to bottom, angle of the
10 trail connection with Central and no cue to slow down on Central Avenue. The gap in the fence
11 for the trail is acting as a sound tunnel into the neighborhood. They were given park dedication
12 credits for the trail segments they had proposed to install, but if they are permitted to remove
13 approximately 207 linear feet of the trail, they would pay a fee in lieu for the segment that will
14 not be constructed. They will also construct approximately 103 linear feet of trail connecting
15 Braes Court with the Benton neighborhood, and close the fence gap and install plantings. They
16 would like to be able to relocate and split the trail coverage between lots 4 and 5.

17
18 Commissioner Gruber asked if they had met with residents of the neighborhood.

19
20 Ms. Haskamp stated they have not had a neighborhood meeting. When the project was first
21 proposed, the neighborhood had been concerned with the gap in the fence for the trail, if people
22 would feel they could use this trail section and if there would be cut through traffic. They have
23 reached out to the neighbors and one has responded in favor of closing this gap in the fence to
24 Central Avenue, but they would like to keep the trail connection from Benton to Byrondale.

25
26 Chair Iverson asked if the applicant had considered alternatives to slow down the traffic on the
27 trail, such as steps or a soft trail.

28
29 Ms. Haskamp stated they had and talked with staff about alternatives. The stairs present a safety
30 concern for people going down the hill. They also considered "jogging" the fence line but this
31 was not intuitive for pedestrians. They also considered gating the trail because this would help
32 with sound mitigation and would require people to get off their bicycles to go on the trail.

33
34 Mr. Kelly stated they had talked with the applicant about the options available. The sections of
35 trail in front of the homes on lots 3 and 4 would not be necessary and could be removed. Staff
36 would also be willing to consider the coverage of the existing trail be split between lots 4 and 5.
37 He had recommended the applicant consider adding a jog in the fence line at the Central Ave end
38 of the trail. This would help with sound mitigation and provide a visual cue that a person should
39 slow down.

40
41 Chair Iverson opened the public hearing at 9:44 p.m.

42
43 Applicant's builder, Mr. Steve Schwieters, Wooddale Builders, 6117 Blue Circle Drive,
44 Hopkins, stated he has been at the model and talked with prospective homeowners and
45 neighbors, and there does not seem to be a reason to construct this segment of the path and they
46 would prefer to not have the trail.

1
2 The Applicant, Ms. Susan Sealand, 470 Peavy Road, Wayzata, stated the trail should not have
3 been included in the original PUD approval. The trail is unsafe, would be excessive hardcover
4 and should not be constructed.

5
6 Mr. Thomson stated the City received an email from Jim Richter and this is included in the
7 record.

8
9 Commissioner Gonzalez stated the Planning Commission had received an email from Pat
10 Broyles, and she has requested this be part of the public record. The email from Ms. Broyles
11 states that the developer used a "bait and switch" because this trail had been an enticement for
12 the Benton Avenue neighborhood to accept this development.

13
14 There being no one else wishing to speak, Chair Iverson closed the public hearing at 9:50 p.m.

15
16 Commissioner Young stated he would support the request.

17
18 Commissioner Gruber would also agree to support the request.

19
20 Commissioner Gonzalez stated there was nothing new to justify the request. This had been a
21 promise the developer had made to the neighborhood. There are options to address the safety
22 and noise concerns. She would not support the request.

23
24 Chair Iverson stated there are options available, and the developer could look at these. This trail
25 is a nice amenity for the neighborhood. The model home is very well done, and she did not hear
26 much road traffic when she went to the site. She would not support the request.

27
28 Commissioner Young stated there are significant safety concerns when there is cut through
29 traffic involved. There is no economic benefit for the developer to remove the trail.

30
31 Commissioner Gonzalez stated there is a significant benefit to the Byrondale neighborhood
32 because they will see an increase in pedestrian and bicycle traffic. This neighborhood had
33 already been inconvenienced because the dead end street was extended to serve this new
34 development.

35
36 Commissioner Gruber clarified that the developer is only closing one segment of the trail. If
37 both trails were being vacated, then she would have significant concerns.

38
39 Chair Iverson asked if the footprint of the home was larger than what had been proposed.

40
41 Mr. Thomson stated he does not have specific information on any footprint changes. When the
42 Council approved this project, there were house plans that had been approved as part of the PUD
43 and the these have been reviewed as part of the permit process. There will always be changes,
44 and these had been minimal and a building permit was issued.

1 Commissioner Young made a motion, seconded by Commissioner Gruber, to direct staff to
2 prepare a draft Report and Recommendation recommending approval to amend the PUD concept
3 and general plans for the Enclave at Crossdale development at 202 to 217 Byrondale Avenue N
4 to remove a portion of the public trail which runs along the south side of the cul-de-sac and
5 connects from Byrondale Avenue to Central Avenue and to center the trail on lots 4 and 5.
6

7 Mr. Thomson clarified the motion was to direct staff prepare the draft report and
8 recommendation, and the Commission can vote on it at the next meeting when there are more
9 Commissioners available to reach a consensus. This would allow the Commission to provide a
10 recommendation to the City Council. This motion will only allow staff to prepare the documents
11 for the next meeting. The Commission can make a decision on the recommendation to approve
12 or deny the amendment at the next meeting.
13

14 The motion passed 3-ayes and 1-nay (Gonzalez).
15
16

17 **AGENDA ITEM 6. Other Items:**

18
19 **a.) Review of Development Activities**
20

21 Director of Planning and Building Thomson stated the agenda for the next meeting is scheduled
22 to include an amendment to the Flood Plan Ordinance and a subdivision in the Holdridge
23 neighborhood. The City Council is scheduled to have a workshop on concept plans for the 253
24 Lake Street property and the Mobility District.
25

26 Commissioner Gonzalez suggested a Commissioner attend the workshop since the
27 redevelopment at 253 Lake Street could be coming to the Planning Commission for review.
28

29 Chair Iverson stated she would attend the workshop.
30

31 **b.) Next Meeting is scheduled for October 3, 2016**
32
33

34 **AGENDA ITEM 7. Adjournment.**
35

36 Commissioner Young made a motion, seconded by Commissioner Gruber, to adjourn the
37 meeting of Planning Commission. The motion carried unanimously.
38

39 The Planning Commission meeting was adjourned at 10:08 p.m.
40

41 Respectfully submitted,
42

43 Tina Borg
44 *TimeSaver Off Site Secretarial, Inc.*

1 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to adopt the
 2 draft Report and Recommendation of Approval of Design of Mill Street Parking Ramp as
 3 presented. The motion carried 4 ayes and 2 nays (Iverson and Young).
 4

5 **b.) Pflaum Home – 630 Bushaway Road**

6 **i. Variance and CUP**
 7

8 Director of Planning and Building Thomson stated the property owner, Peter Pflaum, is
 9 proposing to demolish the existing house and construct a new house on the property at 630
 10 Bushaway Road. As part of the submitted development application, the applicant is requesting
 11 approval of the variances from the R-1A zoning district requirements for the front yard setback,
 12 rear yard setback, lot coverage, and impervious surface, variances from the Shoreland Overlay
 13 District requirements for shoreland setbacks, a Conditional Use Permit (CUP) for a fence, and a
 14 CUP for non-conforming lot size and lot width. The Planning Commission reviewed the
 15 development application and held a public hearing at its September 19 meeting. After discussion
 16 the Planning Commission asked the applicant to provide additional information regarding the
 17 justification for the requested variances, and to clarify the height of the stone wall that is being
 18 proposed in the front yard. The Planning Commission also directed staff to prepare a Planning
 19 Commission Report and Recommendation recommending approval of the development
 20 application.
 21

22 Commissioner Flannigan asked if the CUP was approved if they could include a condition that
 23 the fence height is a maximum of 6-feet.
 24

25 Mr. Thomson stated the Commission could make a condition that the maximum fence height is
 26 6-feet, but this is already defined in the fence CUP in the Draft Report and Recommendation.
 27

28 Commissioner Young made a motion, seconded by Commissioner Gruber, to adopt the Planning
 29 Commission Report and Recommendation of approval of Variances and Conditional Use Permits
 30 for a new residence at 630 Bushaway Road as presented. The motion carried unanimously.
 31

32 Commissioner Gonzalez stated this particular property fits the requirements for variances
 33 because it could not be put to a reasonable use without the variances and CUP, and what they are
 34 proposing to build does meet the standards of the City.
 35

36 **c.) Enclave at Crossdale – 202-217 Byrondale Ave N**

37 **i. PUD Amendment**
 38

39 Director of Planning and Building Thomson stated the property owner, Crossdale Development,
 40 LLC, is proposing to amend previously approved PUD concept and general plans for the Enclave
 41 at Crossdale development at 202 to 217 Byrondale Ave N. The proposed PUD amendment
 42 would remove a portion of the public trail which runs along the south side of the cul-de-sac and
 43 connects from Byrondale Avenue to Central Avenue. The Planning Commission reviewed the
 44 development application and held a public hearing at its meeting on September 19. The
 45 Commission discussion indicated varying opinions on whether the Commission should
 46 recommend approval of the PUD amendment. After discussing the application, the Planning

1 Commission directed staff to prepare a draft Report and Recommendation recommending
2 approval of the development application for consideration at its next meeting when additional
3 Commissioners would be present.

4
5 Commissioner Gruber pointed out the letters of support from residents for amending the PUD to
6 remove the trial section for safety reasons.

7
8 Commissioner Flannigan stated he had considered that the applicant could include a gate at the
9 trial, but the access would be redundant and this trial section does present safety concerns. He
10 would support the request.

11
12 Commissioner Gonzalez stated the City Engineer had explained there were alternatives and these
13 were not explored in the application. The topography and conditions of the site were known to
14 the applicant prior to the original trail being proposed. She would not recommend approval of
15 this request because there was nothing new presented that would support the request.

16
17 Chair Iverson stated alternative options had not been presented to the Commission, and she
18 would not support amending the PUD at this time.

19
20 Commissioner Gruber made a motion, seconded by Commissioner Young, to adopt the draft
21 Planning Commission Report and Recommendation of approval with conditions for PUD
22 amendment for 202-217 Byrondale Avenue N as presented. The motion carried 4 ayes and 2
23 nays (Gonzalez and Iverson)

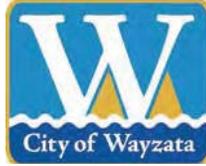
24
25
26 **AGENDA ITEM 5. Public Hearing Items:**

27
28 **a.) Floodplain Ordinance Amendment**

29
30 Director of Planning and Building Thomson introduced the City-initiated and required
31 amendments to the City's Floodplain Ordinance. He stated that on May 4, 2016, the Federal
32 Emergency Management Agency (FEMA) issued a Letter of Final Determination (LFD) to the
33 City. The LFD states that the Flood Insurance Rate Maps (FIRMs) for the City, as well as the
34 Hennepin County Flood Insurance Study, are complete and will become effective on November
35 4, 2016. The Flood Insurance Rate Maps and Flood Insurance Study updated the areas in the
36 City that are subject to the City's floodplain regulations. Letter of Final Determination states
37 that in order to continue the City's eligibility in the National Flood Insurance Program (NFIP),
38 the City is required to adopt or show evidence of adoption of floodplain management regulations
39 that meet the NFIP regulations by the effective date of the FIRMs. He reviewed the proposed
40 amendments to Sections 801.02 and 801.93 of the City's code. He reviewed the areas of the City
41 that would be affected by the changes.

42
43 Commissioner Gonzalez asked if this would replace the overlay district.

44
45 Mr. Thomson explained the action being taken would repeal the existing ordinance and put the
46 proposed ordinance in its place. It would remain an overlay zoning district.



WAYZATA PLANNING COMMISSION

October 3, 2016

REPORT AND RECOMMENDATION OF APPROVAL WITH CONDITIONS FOR PUD AMENDMENT FOR 202-217 BYRONDALE AVE NORTH

SUMMARY OF RECOMMENDATIONS

1. Approval of Amendment to PUD *with conditions*
-

REPORT

Section 1. BACKGROUND

- 1.1 Project. Crossdale Development, LLC and Wooddale Builders, Inc. (collectively, the "Applicant") has submitted an application (the "Application") for approval of a Amendment to an existing Planned Unit Development (PUD) (the "PUD Amendment") at 202-217 Byrondale Ave North (the "Property") to remove a portion of the public trail which runs along the south side of the cul-de-sac and connects from Byrondale Ave to Central Ave as depicted on Attachment A attached hereto (the "Revised Trail").

The City Council approved the PUD concept and general plans for the Enclave at Crossdale development, a six lot single-family residential subdivision, on December 2, 2014. The PUD plans include a public trail across the development that would provide a public, non-motorized trail connection from Wooddale Avenue to Central Avenue. The trail runs along the south side of Lot 5, around the south side of the private cul-de-sac on Lots 3 and 4, and along the south side of Lot 2. The proposed PUD Amendment would retain the trail connection from Wooddale Avenue to the new private street but remove the public trail along the south side of the cul-de-sac and to Central Avenue.

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

- A. Amendment to existing PUD under Section 801.33.9 to amend the previously approved concept and general plans to reflect the Revised Trail (the "PUD Amendment").

- 1.3 Legal Description. The address, property identification number and owner of the property included in the Application (the "Property") are:

202 Byrondale Ave N	06-117-22-14-0089	Wooddale Builders Inc
205 Byrondale Ave N	06-117-22-14-0090	Crossdale Development, LLC
208 Byrondale Ave N	06-117-22-14-0088	Crossdale Development, LLC
211 Byrondale Ave N	06-117-22-14-0091	Crossdale Development, LLC
214 Byrondale Ave N	06-117-22-14-0087	Crossdale Development, LLC
217 Byrondale Ave N	06-117-22-14-0092	Crossdale Development, LLC

- 1.4 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on September 8, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on September 9, 2016. A public hearing on the Application was held at the September 19, 2016 Planning Commission Meeting.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD permit as is followed for a new PUD. The affirmative majority vote (3 of 5) of the City Council is required for approval of an amendment of a PUD.
- B. 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.

C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

1. Health Safety and Welfare; Intent and Purpose of PUDs. 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.

Section 3. FINDINGS

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

3.1 PUD Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the “Amended PUD”) conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. Intent and Purpose of PUDs. The Amended PUD would encourage:
1. The conservation and more efficient use of land in the PUD.
 2. The preservation and enhancement of desirable site characteristics, including the natural topography along the Central Avenue side of the PUD and help prevent of soil erosion.
 3. A creative use of land and related physical development which allows a phased and orderly development and use pattern, in that the Revised Trail would be a better use of space within the PUD and would be safer for the residents of the PUD and surrounding areas.
 4. An efficient use of land resulting in smaller networks of walkways thereby lower development costs and public investments.
- C. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities, and Applicant has agreed to pay a Parkland Dedication Fee in lieu of the public trail space that is being lost with the Revised Trail.
 5. Landscaping. Landscaping in the Amended PUD would be according to the original landscape plan approved by the City Council.

6. Health, Safety, and Welfare. The Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area, and the Revised Trail is being requested in part, due to the safety concerns of the original design, including the pitch of the portion of the trail eliminated, and issues with sightlines and stopping cues at the Central Avenue sidewalk.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends the following, subject to the conditions noted below:

- 4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, be **APPROVED**, subject to the following conditions:
 - A. The Applicant agree to an amendment to the existing development agreement, as amended, for the Property and PUD, (“Development Agreement Amendment”) binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted herein and all applicable conditions.
 - B. The Applicant records the Development Agreement Amendment with the appropriate officials at Hennepin County and provide the City with a recorded copy thereof.
 - C. The Applicant pay a Parkland Dedication Fee, per City Code, in lieu of the previously approved public trail space that is being lost with the Revised Trail.
 - D. The Applicant constructs the Project in accordance with the submitted plan set, as described in Attachment A.
 - E. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

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

Voting In Favor: Flannigan, Gruber, Murray, Young

Voting Against: Gonzalez, Iverson

Abstaining: None

Absent: Gnos

DRAFT RESOLUTION NO. 43-2016

**RESOLUTION APPROVING AMENDMENT TO PLANNED UNIT DEVELOPMENT
AT 202-217 BYRONDALE AVE NORTH**

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

Section 1. BACKGROUND

- 1.1 Project. Crossdale Development, LLC and Wooddale Builders, Inc. (collectively, the “Applicant”) have submitted an application (the “Application”) for approval of an amendment to a previously approved residential Planned Unit Development (the “PUD Amendment”) at 202-217 Byrondale Ave North (the “Property”) to modify the plans for a public trail running through the PUD, and remove a portion running along the south side of the cul-de-sac and a connection from Byrondale to Central Avenue, as depicted on the attached Attachment A (the “Revised Trail”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of an amendment to the previously approved concept and general plans to reflect the Revised Trail (the “PUD Amendment”).
- 1.3 Legal Description. The address, property identification number and owner of the Property are:

202 Byrondale Ave N	06-117-22-14-0089	Wooddale Builders Inc
205 Byrondale Ave N	06-117-22-14-0090	Crossdale Development, LLC
208 Byrondale Ave N	06-117-22-14-0088	Crossdale Development, LLC
211 Byrondale Ave N	06-117-22-14-0091	Crossdale Development, LLC
214 Byrondale Ave N	06-117-22-14-0087	Crossdale Development, LLC
217 Byrondale Ave N	06-117-22-14-0092	Crossdale Development, LLC

- 1.4 Public Hearing and Planning Commission Action. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on September 8, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on September 9, 2016. A public hearing on the Application was held at the September 19, 2016 Planning Commission Meeting. At its October 3, 2016 meeting, the Planning Commission adopted a Planning Commission Report and

Recommendation recommending approval of the PUD Amendment as requested, with certain conditions, on a vote of four (4) in favor and two (2) opposed.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD permit as is followed for a new PUD. The affirmative majority vote (3 of 5) of the City Council is required for approval of an amendment of a PUD.
- B. 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.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. 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.

Section 3. FINDINGS

The City Council of the City of Wayzata finds that the Applicant's request for the PUD Amendment as outlined in Section 1.2 of this Resolution meets 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 Report and Recommendation of the Planning Commission):

3.1 PUD Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. Intent and Purpose of PUDs. The Amended PUD would encourage:
 1. The conservation and more efficient use of land in the PUD.
 2. The preservation and enhancement of desirable site characteristics, including the natural topography along the Central Avenue side of the PUD and help prevent of soil erosion.
 3. A creative use of land and related physical development which allows a phased and orderly development and use pattern, in that the Revised Trail would be a better use of space within the PUD and would be safer for the residents of the PUD and surrounding areas.
 4. An efficient use of land resulting in smaller networks of walkways thereby lower development costs and public investments.

- C. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities, and Applicant has agreed to pay a Parkland Dedication Fee in lieu of the public trail space that is being lost with the Revised Trail.
 5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
 6. Health, Safety, and Welfare. The Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area, and the Revised Trial is being requested in part, due to the safety concerns of the original design, including the pitch of the portion of the trail eliminated, and issues with sightlines and stopping cues at the Central Avenue sidewalk.

Section 4. CITY COUNCIL ACTION

Based on the findings referenced and set forth in this Resolution, the request for approval of the PUD Amendment, as set forth in the Application, is hereby **APPROVED**, subject to the following conditions:

- A. The Applicant agree to an amendment to the existing development agreement, as amended, for the Property and PUD, ("Development Agreement Amendment") binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted herein and all applicable conditions.
- B. The Applicant records the Development Agreement Amendment with the appropriate officials at Hennepin County and provide the City with a recorded copy thereof.

- C. The Applicant pay a Parkland Dedication Fee, per City Code, in lieu of the previously approved public trail space that is being lost with the Revised Trail.
- D. The Applicant constructs the Project and Revised Trail in accordance with the submitted plan set, as described in Attachment A.
- E. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 18th 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

Attachment A:
(the "Revised Trail")

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