

**From:** [John Nolan](#)  
**To:** [Emily Goellner](#)  
**Subject:** Planning Board Public Hearing on Boatworks Application  
**Date:** Wednesday, March 4, 2020 4:36:58 PM

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Hi Emily,

Sorry for the late submittal. Please forward to planning board members.

Thanks,

John

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Dear Wayzata Planning Board Commissioners,

I am writing to express my strong opposition to the Boatworks' application for a variance to exceed our maximum building height in order to build a 4 story luxury condominium. I am a long time resident and I own the building at 328 Barry Avenue, a property on the bluff just above the proposed project that's views will be "negatively and significantly impacted" if this project is allowed to exceed our city's maximum height and maximum number of floors restrictions.

As I stated with the Boatworks' three previous requests to exceed our maximum height and maximum number of floors, I have no issue with a reasonable, respectful and thoughtful redevelopment of the Boatworks, even if it requires some reasonable zoning relief. However, as with the three previous applications, all of which were unanimously rejected, this proposal violates all of the guiding principles, intentions, vision and protections of our comprehensive plan, zoning code, and design standards, all of which have been carefully constructed to "preserve and enhance Wayzata's lakeside small town character" and prevent such projects from "negatively and significantly impacting neighboring properties".

As a developer intimate with Wayzata, I can assure you a three story development complying with our height regulations would be extremely financially successful. Such a project was just built directly across the street...3 stories and 35'. Approving a significantly larger than allowed building to enhance a developer's financial rewards at the expense of the adjacent properties (all of which were restricted to 35' and 3 floors) not only violates our laws and guiding principles, it's wrong.

While the building height was reduced from the previous request, it's still an additional floor and 15' taller than the neighboring properties (again, all of which were required to comply with the city's 3 stories, 35' limit). This request exceeds the maximum height limit under its current zoning by 20' and two additional stories, the zoning that existed at the property the first and the second time this owner purchased the property.

**Height Variance:**

This proposal does not meet the criteria for granting a height variance. The law states: "Variances shall **only** be permitted when they are:

- 1.) Requirement: "in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan."

Zoning Ordinance: "Building height should not negatively and significantly impact neighboring views. Views of Lake Minnetonka are significant issues".

"One of the primary goals [of our ordinance]...is to preserve and

enhance Wayzata's lakeside small town character. This character is to be preserved and enhanced by: Attention to...scale. Promoting community heritage by preserving and redeveloping historic or significant property to the city's small town roots."

"Purpose [of the ordinance is]...protecting the...general welfare, by regulating the...size of buildings".

Variance "will not alter the essential character of the locality".

"Intent [of the ordinance is to] preserve property values by providing for orderly and compatible development".

Planned Unit Development:

"The proposed project will not be detrimental to...the surrounding area."

"There shall be no deviation from the height standards applied within the applicable zoning districts", two stories and 30' in this case.

"The maximum height within a PUD shall be 35 feet and three stories, whichever is less."

Comprehensive Plan: "Overbuilding: the mass and scale of recent commercial...projects [being] a concern in the CBD." They have "pushed official controls to the limits, implementing near build-out conditions of commercial buildings".

"Views: Wayzata's topography is conducive to providing attractive views from higher elevations within the community." The "city's zoning ordinance has been amended in order to preserve these desirable views. The changes have helped preserve lake views".

Comprehensive Plan (2040 draft)

"These goals and policies should be referenced regularly by city staff, elected and appointed officials, developers...as development is pursued".

"Objective: Review existing performance standards for developments in areas adjacent to the lake edge to ensure minimal disruption to views to and from the lake. Develop and implement additional standards as necessary to preserve or create lake views."

"Objective: Protect important topographical features and views within the community. Review development plans to evaluate the impact on significant views for other surrounding properties."

"revival of key buildings should be of the utmost priority"

"For Wayzata to be walkable, development needs to occur on a smaller human scale".

"encourage development that responds to the characteristics and

locality of the property”.

“minimize potential impacts to historic resources, preserving them for future generations”.

The PUD process used [is]to create a “development pattern in harmony with the objectives of the Wayzata Comprehensive Plan.”

- 2.) Requirement: Variances shall only be granted when the Applicant establishes practical difficulties in complying with the ordinance.

Most of the practical difficulties stated in the application are self created, overstated and misrepresented.

“The plight of the landowner is...not created by the landowner”.

The conditions requiring set back relief for parking are a result of the too much commercial square footage. Applicant could comply with the ordinance by eliminating office space. The trash and loading difficulty is self created by applicants choice of uses.

The costs associated with the relocation and re-building of restaurant is a condition born directly from a business lease the proponent generated and signed..

- 3.) Requirement: Variance must be justified because there is no reasonable alternative use for the land. The applicant can and is currently able to “make reasonable use of the land, structure or building” as is demonstrated by it’s current use which applicant has now bought and sold twice. Furthermore, a 3 story and 35’ condominium has been successfully completed across the street with many of the same conditions (poor soils and high water table).

To be clear, allowing this project to violate our regulations and protections to bestow an enhanced financial outcome at the expense of all the neighboring properties to the north by eliminating or significantly impairing their lake views and thereby also reducing the city’s overall tax base (by the destruction of so much neighboring value) makes no sense on any level.

In a hillside village overlooking a lake, the most valuable asset we have is the lake. Not just the lake front, but the views of the lake from properties up the hillside and from the lake to built environment. This tenet runs through ALL of our regulations. It is exactly the same as the economic model behind theater seating, a concept so basic, it goes back to the earliest civilizations. Setting seat heights in a theater so each row of seats enjoys a view of a show or production expands the value of the entire theater (by many multiples). In a hillside village, the tax base is enhanced by allowing lake views to more properties up the hillside. If the one front row in a theater is bestowed special heights, it eliminates the value of all the other rows. Similarly, allowing a building that is essentially a wall blocking lake views eliminates huge amounts of property value up the hillside. To take the metaphor further, and pushing aside the unfairness of eliminating the value to the owners of the other rows of seats who made their investments relying on these rules, because the proportional increase in value to front row is so marginal when compared to the significant loss in value of the many rows, the theater cannot afford put on the show or production with just revenue from the front row. The implications are, if we change the rules to benefit just one at the detriment of many (all of whom followed the rules), the outcome will be very negative to the community, and not just in the form of a built environment.

**Misstating, overstating and duplicating Public Benefits:**

By misstating and overstating the public benefits, the application significantly dilutes the notion of public benefits. Much of what is suggested as public benefits are existing requirements in the city's regulations. Building design, storm water management, etc are already requirements of any development and many developers are enhancing these voluntarily. While these changes could be seen as a benefit to the public, they provide an even greater benefit to the developer/owner and they would be illogical to not include them in any redevelopment.

Significantly enhanced pedestrian access: While there are nice enhanced features proposed (albeit with restrictions on residents), the idea of walking from Lake Street to our public beach around a concrete parking garage and being confronted by the equivalent of a 50' tall structure at the beach, is not the pedestrian experience I would choose. It's fair to point out that public access currently exists and is something that benefits both the Boatworks and the community. And, if the city were to grant the proponent a height increase above its current 30' to 35' (which would accommodate a very financially successful redevelopment as was done across the street) the city and proponent could work through and achieve these same public access improvements.

**Height Variance will result in a reduction in city's overall Tax Base due to diminution of value of surrounding properties:**

This proposal does the opposite of providing "significant long-term increase in tax base". By blocking essentially all of my building's views of Lake Minnetonka (and all of those of the surrounding properties to the north), views which are currently protected in the regulations, the rents on my spaces with views of Lake Minnetonka will reduce by 40% to 50%, to the rate of the spaces in our building without views of the Lake. This is a huge diminution in my property's value and the neighboring properties to the north. The result is a transfer of property value from surrounding commercial properties that pay a commercial tax rate (almost 3 times higher than the residential rate) resulting in a significant and permanent reduction of the city's overall tax base.

So, as stewards and decision makers of this community, it is important to ask, what is so compelling about this proposal to throw out our most important regulations, principles, intentions, vision and protections of our comprehensive plan, zoning code, and design standards for the benefit of one and to the detriment of all the others who complied and are a meaningful part of the tax base of our city and adversely changing the pedestrian experience of our beach, of one of our community's most valuable assets.

Respectfully,

John Nolan

**From:** Robbin Johnson <[rjohnson3526@aol.com](mailto:rjohnson3526@aol.com)>

**Date:** February 28, 2020 at 5:06:51 PM CST

**To:** Ken Willcox <[kenwillcox@wayzata.org](mailto:kenwillcox@wayzata.org)>

**Cc:** Robbin Johnson <[rjohnson3526@aol.com](mailto:rjohnson3526@aol.com)>, [lindsaybashioum@wayzata.org](mailto:lindsaybashioum@wayzata.org), [peggydouglas@wayzata.org](mailto:peggydouglas@wayzata.org), [gregoryflannigan@wayzata.org](mailto:gregoryflannigan@wayzata.org), [cathyiverson@wayzata.org](mailto:cathyiverson@wayzata.org), [lauramerriam@wayzata.org](mailto:lauramerriam@wayzata.org), [jeffreyparkhill@wayzata.org](mailto:jeffreyparkhill@wayzata.org), [christineplantan@wayzata.org](mailto:christineplantan@wayzata.org)

**Subject:** Fwd: Boatworks

Dear Mayor Wilcox—I sent the attached email to you last December, and I do not believe I have had a reply. I just learned that the Born/Bohl Boatworks proposal, slightly modified, is scheduled to go before the Planning Commission March 4. I think the comments in my attached email continue to be directly relevant to this revised approach, and the revisions made should not alter in any way the reasons for blocking this proposal.

Unfortunately, we will be out of town next week so will miss the Planning Commission meeting. Because of that, I am taking the liberty of copying Planning Commission members on this email and attachment. From a quick reading of the revised application, it seems that the only real argument made for the exceptions requested is that they need non-conforming development in order to make enough money to justify undertaking the re-development. That kind of reasoning should not be allowed to justify exceeding the height restriction by 40 percent.

As citizens we look to the Planning Commission and the City Council to protect the broad public interest by ensuring that everyone plays by the same rules. Residents and commercial interests alike have reason to expect that that is the role both entities will continue to play in this “whack-a-mole” process that Rick Born and Steve Bohl have put the community through.

Best, Rob Johnson

Begin forwarded message:

**From:** Robbin Johnson <[rjohnson3526@aol.com](mailto:rjohnson3526@aol.com)>

**Subject:** Boatworks

**Date:** December 16, 2019 at 6:57:50 PM CST

**To:** Ken Willcox <[kenwillcox@wayzata.org](mailto:kenwillcox@wayzata.org)>

**Cc:** Robbin Johnson <[rjohnson3526@aol.com](mailto:rjohnson3526@aol.com)>

Dear Mayor Willcox—

My name is Rob Johnson, and I live at 366 Ferndale Road South. I am writing about my concerns dealing with the Boatworks project proposed by Rick Born and Steve Bohl.

I attended the Planning Commission meeting for the first presentation of this project, which the Commission opposed 7-0. I attended the second Planning Commission meeting, at which a revised proposal was rejected 6-0. I spoke at the second meeting. I complimented Rick Born for stabilizing what had been a shaky asset and bringing a nice restaurant to town. Beyond that, however, I opposed the project for its height, scale, design and overall inappropriateness for Wayzata.

I was unable to attend the City Council meeting at which Rick and Steve brought their proposal forward again, but I watched that part of the Council meeting on TV. I was particularly impressed with the comments you made concerning the adoption of the provisions Born and Bohl now seek to modify. You pointed out that the Presbyterian Homes site was a blighted one, with serious development challenges, as reasons for carving out the exception made for that development, and then went on to explain that those provisions were adopted after that project in order to ensure that such an exception did not become a development precedent. I concur with that

conclusion and hope the City Council will stick with that decision.

I am writing now because comments from two Council members—Messrs. Koch and Buchanan—indicated that a slightly lower building might meet with their support. I fail to see the logic of that position.

If Born and Bohl had come in with an initial proposal for a 50 foot high building, I believe it would have been rejected out of hand by the Planning Commission, based on the comments they made at the two hearings. So now Born and Bohl get “talked down” to 50 feet give-or-take and some seem to act like that is reasonable on their part. It is not. Parents are not taken in by “shopping for answers” by their kids. The Council should not either, or why do we have a Planning Commission at all?

I also am puzzled by the lack of discussion of the proposed project’s footprint, which is much larger than the current Boatworks, or its proposed overall scale and volume, which will sit right on the edge of the waterfront. So what is really going on here? It seems that Born and Bohl want to keep the commercial and retail space the Boatworks has and then build multiple, multi-million dollar condominiums closer to Lake Minnetonka than would otherwise be possible, which they want to sit on top of the commercial property for which there is zoning approval. That is not a justification for an exception.

Born and Bohl like to talk about the “public benefits” of their proposal. Let’s be clear. The public benefits arise from the Lake and their grandfathered proximity to it. Their proposal is really about privatizing those public benefits for the main benefit of the future condo owners they hope to attract. This is no doubt a unique opportunity, but it is not a unique opportunity for the public.

Much has been said, pro and con, about the design of the project. I for one think the design is totally inappropriate and out of character with the brick and clapboard look we associate with our City. The latter has a timeless quality to it; the Born/Bohl proposal of “fast casual” is both garish by contrast and condemned to look outdated soon. The scale, looming over the waterside approach to the city, only heightens the negative contrast to the rest of Wayzata. It will, among other things, make the historic Wayzata Depot look like an outbuilding.

Born seems to feel that he is being discriminated against because he has to “build in a hole” when so many other Wayzata buildings rest on hills or bluffs. What that comment ignores is the “step back” effect that is softened by those buildings being hundreds to thousands of feet back from the Lake. Putting his proposed large block approximately 25 feet from the water’s edge condemns all of us to seeing it at the expense of most everything behind it for a block or more. Even the best of designs would feel wholly too intrusive from that perspective.

I am sympathetic with the opposition expressed by developers who have abided by the 35-foot height condition; in many ways, that argument for equity of treatment ought to have been enough to deep-six the Born/Bohl proposal long before now. Apparently, that is the case in the eyes of the Planning Commission. Hopefully, it is also the case in the eyes of the Council.

But if lurking somewhere is a temptation to create an exception, I hope you and your Council colleagues will take to heart the many other objections to this proposal. It is, simply, too high, too big, too trendy and too close to the Lake to fit comfortably in Wayzata.

Thanks,

Rob Johnson

3/3/2020

To the Wayzata Planning Commission and the City Council,

I have previously written to you regarding the proposed redevelopment of the Boat Works. Like many others, I've been following this potential development. In the interest of brevity, I won't recount my history with Wayzata; suffice it to say, I've lived in and around Wayzata for 50+ years and have owned property in our wonderful town for 3+ decades.

I've seen unbelievable change to our town. Much of it positive and sadly, some of it negative. The town is vastly different than what I remember it as a young person but we still have one of the finest small towns in the country. I commend the Commission members as well as the Council people for honestly and selflessly working to help manage development and lookout for the City and its citizens. I fully recognize it's a lot of work with little recognition.

I see the Boat Works as clearly the most significant piece of real estate in our town. The proposal before you comes at a critical time particularly as it relates to the Lake Effect. With the enormous project about to begin with reconfiguring of Lake Street and eventually the boardwalk, the Boat Works proposal seems to be even more impactful.

In retrospect, I am glad the Commission and Council have pushed the developer to scale back the size of the building. I feel it is in the City's best interest for the building to be smaller than the previous proposals. With the current height of 49', I feel the City has secured a substantial win. With the developer still willing to make all of the "public benefits" as promised in earlier proposals, I feel strongly that the City should accept this current proposal. It truly seems like a win-win. I am convinced that the developer has indeed scaled back the building as far as economically feasible. The developer is still asking for significant variance but is willing to provide substantial public benefit. If the City votes against the latest (and I believe final) proposal, we will be stuck with the current, antiquated building and all its shortcomings for the next 10, 20 or 30 years. Given the City is about to start the enormous Lake Effect project and all that it entails, it would be a shame to have the current Boat Works as the west end of that project. Let's move forward with a world-class building.

I understand some reluctance from Commission and Council members in granting a height variance. I am sensitive to the "slippery slope" argument. However, zoning is not one-size-fits-all. This property is special and unique and should be judged as such. Consideration should be given to the fact that the property sits lower than everything else in Wayzata, so height alone is not a reasonable argument to deny. Relative to Lake Street, it is my understanding that the top of the proposed building will not be as high as the TCF building, Harrington House or any of the huge Ferndale houses.

This proposed building will be an extraordinary addition to Wayzata and the public benefits will be enjoyed for years by everyone.

Thanks again for your efforts and consideration,

Erik Myhran