WAYZATA CITY COUNCIL
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Tuesday, June 20, 2023
7:00 PM

ZOOM INFORMATION
Click here to join Zoom Mtg
Meeting ID: 846 2976 9009 Passcode: 538626
Members of the public may watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel**. You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

4:45 p.m. Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- **Discussion of Long-Term Staffing Plan (5:15-5:45 p.m.)**
- **Update of Muni Operations and Review of New Financial Tracking "Scorecard" (5:45-6:25 p.m.)**
- **Discussion of Strategic Plan Dates (6:25-6:30 p.m.)**

7:00 PM - CITY COUNCIL MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approve Agenda**
5. **Public Forum (3min/person)**
6. **New Agenda Items**
7. **Consent Agenda**
   a. Approval of City Council Workshop and Regular Meeting Minutes of June 6, 2023
   b. Approval of Check Register
   c. Approval of Municipal Licenses
   d. Receipt of Police Activity Report
   e. Receipt of Building Activity Report
   f. Adoption of Resolution 38-2023 Designating the City Appointments and Assignments for 2023 to Include League of Minnesota Cities 4M Fund as a Depository for City Funds
   g. Adoption of Resolution 37-2023 Appointing Ava McNanley as the Energy and Environment Committee Student Member
   h. Approval of CMT Janitorial Services Agreement
   i. Approval of Second Reading and Adoption of Ordinance 825 Approving Zoning Text Amendments to Chapter 936 - Tree Preservation Ordinance, Chapter 918 - Fencing/Screening, and Chapter 902 - Rules and Regulations
   j. Approval of Data Storage Server Sharing and Governance Agreement between the Wayzata Police Department and other Lake Minnetonka Area Consortium Police Agencies

k. Approval of Professional Services Agreement with Walker Consultants for Preparation of a Feasibility Report related to Access Management for the Mill Street Parking Ramp

l. Approval of Professional Services Agreement with Braun Intertec Corporation for Testing Services related to the Construction of the Panoway Lakewalk

m. Authorization of Additional Services related to BNSF Pedestrian Crossing Design

n. Adoption of Resolution 30-2023 Accepting Donations for Earth Day 2023

8. New Business

a. Consider Resolution 35-2023 Denying Rezoning, CUPs for Joint Parking and First Floor Multiple Family Dwellings, Shoreland PUD/CUP and SIP/CUP, and Project Design at 200 Lake Street East

9. City Manager's Report and Discussion Items

10. Public Forum (as necessary)

11. Adjournment

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

Upcoming Meetings:
City Council - July 18, 2023
Planning Commission - June 26, 2023

Members of the City Council and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.a
TITLE: Approval of City Council Workshop and Regular Meeting Minutes of June 6, 2023	
PROPOSED MOTION: To Approve the City Council Workshop and Regular Meeting Minutes of June 6, 2023	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
Staff recommends approval of the City Council Workshop and Regular Meeting Minutes of June 6, 2023.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
N/A

ATTACHMENTS:
1. June 6, 2023 Workshop Minutes (draft)
2. June 6, 2023 CC Minutes (draft)

WAYZATA CITY COUNCIL
WORKSHOP MEETING MINUTES (DRAFT)
June 6, 2023

5:00 p.m. Review and Discussion of the Updated Capital Improvement Plan

Mayor Mouton called the meeting to order at 5:00 p.m. Council Members present in-person in the community room at City Hall offices: MacDonald and Parkhill. Absent: Iverson and Plechash. Also present: City Manager Jeffrey Dahl, Deputy City Manager Aurora Yager, Community Development Director Emily Goellner, Mike Kelly, Public Works Director/City Engineer, and Nick Kieser, Parks Planner.

Ms. Yager explained that the City Council reviews the Capital Improvement Plan twice per year—once in the fall as a part of the budget process and then again in the spring. The spring review is timed to allow the Council the opportunity to prioritize any excess fund reserve transfers and gather insight on needs/priorities before starting the following year's budget process. While the City plans for projects sometimes 10+ years in advance, projects and funding projections in the next five years are more certain and scrutinized than projects and funding projections 5-10 years into the future.

Ms. Yager explained that due to an internal fund loan in the General Fund, lack of fee increases for Motor Vehicle Licensing Fund, and an audit adjustment of about $225,000 for the Liquor Fund there were no excess reserves left over from 2022. Ms. Yager anticipated the Licensing and Liquor Funds to have excess reserves left over from 2023 and the General Fund would likely have excess after 2024.

Ms. Yager gave a high-level overview of the CIP noting that a few funds have projected negative balances over the next 10 years and a discussion of future funding philosophies and commitments was needed. The consensus from the Council was to continue to prioritize paying cash from projects instead of bonding and starting in 2024 to capture the expiring debt service levy from 2023 and include it in the City infrastructure levy to increase funding for capital projects.

Additionally, the Council consensus was to make the following changes to the list of capital projects:

- Increase the budget for the Bar and Grill interior refresh
- Delay the Wayfinding signage project until far into the future
- Continue utilizing 2023 allocation to focus on zoning for cannabis-related land uses
- Add Zoning Study work for PUDs in 2024 and Corridor Study implementation in 2025
- Add Council Chambers safety improvements to the Facilities CIP

The workshop meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Kathy Leervig, City Clerk

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WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
JUNE 6, 2023

AGENDA ITEM 1. Call to Order.
Mayor Mouton called the meeting to order at 7:00 p.m. Mayor Mouton shared the multiple options for joining remotely and submitting comments or questions.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.
Councilmembers present: Mouton, MacDonald, and Parkhill. Councilmembers absent: Iverson and Plechash. Also present: City Manager Dahl, Deputy City Manager Yager, City Engineer/Director of Public Works Kelly, Parks Planner Kieser, and City Attorney Schelzel.

Mayor Mouton noted earlier this evening, the City Council participated in a workshop. The following item was on the agenda:

- The Updated Capital Improvement Plan

AGENDA ITEM 4. Approve Agenda.
Mr. Dahl requested the following amendment to the Agenda:

- Item 8c be moved to Item 8a as City Staff recommends tabling this issue to the June 20, 2023 meeting.

Mr. Parkhill made a motion, seconded by Ms. MacDonald, to approve the agenda, as amended. The motion carried 3/0.

AGENDA ITEM 5. Public Forum.

a. Presentation of the Sustainability Champion Award to the Wayzata Community Church

Parks Planner Kieser stated the Energy and Environment Committee brought forward the idea of the Sustainability Champion Award, which was incorporated into the Energy Action Plan implementation strategies that noted the creation of an annual green recognition program. He described the consideration of the Energy Environment Committee in reviewing sustainability work completed by many businesses and organizations throughout the implementation of the Energy Action Plan to determine the best candidate to receive the Sustainability Champion Award. The Wayzata Community Church was determined to be the recipient based on the many changes it has made to advance sustainability.

Mr. Kieser welcomed Energy & Environment Committee members KC Chermak and Laura Lindelof to present the first annual Sustainability Champion Award to the Wayzata Community Church. He stated the Committee has been engaged in energy action work for three years, talking with businesses and organizations throughout the City to learn about their sustainability initiatives and how the City can assist them move forward with their plans. He added it is the Committee's hope that this will be an annual

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award to recognize the sustainability work of local businesses and organizations and encourage collaboration with the City.

KC Chermak stated the City of Wayzata is taking steps as a community to become a leader in sustainability by reaching out to local businesses and organizations to learn about implementation of sustainability practices. He introduced John Estrem and other representatives of Wayzata Community Church.

Mr. Estrem stated Wayzata Community Church has been meeting the needs of the community for 140 years, and hopes to take the lead in caring for the world we have been given. He added the Church has engaged in various projects including variable frequency drivers (VFD's), pollinator gardens, applying for grant funding, and working with Eagle Scouts on sustainability projects. He expressed his excitement that solar panels on the church's roof have been approved by the Church so those plans will come before the City Council soon.

Mr. Estrem thanked the other Board Members and the City of Wayzata for this award. He introduced other members present: Jason Park, past Chair of the Grounds Committee; Current Chair, Brian Trunk; and George Robarts, Maintenance. He noted he is the Director of Building and Grounds, celebrating his 42nd year of working for Wayzata Community Church.

Mayor Mouton thanked the representatives of the Wayzata Community Church and congratulated them on receiving the Award.

AGENDA ITEM 6. New Agenda Items.

None.

AGENDA ITEM 7. Consent Agenda.

Mr. Parkhill made a motion, seconded by Ms. MacDonald, to approve the consent agenda as amended:

a. Approval of City Council Workshop and Regular Meeting Minutes of May 16, 2023.

Mr. Parkhill noted a change to the regular minutes of May 16, 2023, item 8c **Consider Adoption of Resolutions 33-2023 and 34-2023 Approving a Conditional Use Permit for Municipal Solar at 600 Rice Street East and 747 Mill Street East**

Mayor Mouton asked for a motion on the two CUP applications. Ms. MacDonald made a motion, seconded by Mr. Parkhill, to Adopt Resolution 34-2023 Approving a Conditional Use Permit for Rooftop Solar Energy Systems at 600 Rice Street E. (City Hall, Fire Station, and Library). The motion carried 5/0.

Mr. Parkhill made a motion, seconded by Mr. Plechash, to table Resolution 33-2023 to a future date for Rooftop Solar Energy Systems at 747 Mill Street E. (Municipal Liquor Store and Bar & Grill.) The motion carried 5/0.

b. Approval of Check Register

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c. Approval of Municipal Licenses
d. Receipt of 2023 1st Quarter Financial Report
e. Adoption of Resolution 36-2023 Accepting Donation from Wayzata Lions Club
f. Approval of Professional Services Agreement with Delaney Consulting for Bar and Grill Assessment
g. Approval of Proposal and Authorization of Mayor and City Manager to Execute a Contract with Sara Peterson Consulting for Strategic Planning Facilitation Services
h. Authorization to Solicit Bids for the Tennis Court Reconstruction Project at Wayzata West Middle School
i. Approval of Professional Services Agreement with 106 Group Ltd. for Panoway Phase 2 Archaeological Monitoring Services
j. Acceptance of Resignation for Steve Fox from the Housing and Redevelopment Authority (HRA) Commission
k. Approval of Modified Special Event Permit for Wayzata Art Experience
l. Approval of Plans and Authorization for Staff to Solicit Bids for the Ferndale Road Sidewalk Improvement Project

The motion carried 3/0.

AGENDA ITEM 8. New Business.

The agenda was reordered to first consider Agenda Item 8c.

c. Consider Resolution 35-2023 Denying the Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East

Mr. Dahl stated, under the 120-day rule, the City must take action by July 5, 2023. He added the item will be included on the June 20, 2023 Council Meeting Agenda, and the applicant has been notified to this effect.

Mayor Mouton asked for a motion on the application. Ms. MacDonald made a motion, seconded by Mr. Parkhill, to table consideration of this item to the June 20, 2023 Council meeting. The motion carried 3/0.

a. Consider Acceptance of the City's 2022 Audited Financial Reports

Deputy City Manager Aurora Yager welcomed Bill Lauer, MMKR, to provide a review of the independent audit of the City's financial reports.

Bill Lauer, MMKR, reviewed the audit process, opinions and high level results for the year ending December 31, 2022. He added an unmodified opinion is being provided. He reviewed a change in financial reporting regarding lease activity that is a requirement for all government units. He noted there are no internal control or compliance issues to report.

Mr. Lauer reviewed recommendations related to the audit summary: use of deposit sweep accounts and credit card usage. He reviewed general fund expenditures, which were under budget by approximately 3%, spread evenly across all areas; the Enterprise Fund's change in net position; Liquor Fund at $6.9 million with gross profits at approximately 50%, and Operating Expenses at $3.3 million.

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Councilmember MacDonald requested clarification regarding deposit sweep accounts. Mr. Lauer stated deposit sweep accounts are not recommended by the State Auditor due to the possibility of unrecognized risk. He added MMKR is asking all their clients to be aware of deposit sweep accounts.

Councilmember Parkhill requested clarification regarding the City's position of $69 million. Mr. Lauer stated the amount includes investment and capital assets for enterprise funds and governmental activities and includes long-term debt.

Mayor Mouton requested clarification regarding the credit card policy. She asked who is authorized to have a P card. She noted everyone has signed an acknowledgement that they reviewed and understand the public use test. She added it would be helpful to have itemized credit card transaction details on the check register in the Council meeting packet, and how that would be addressed internally.

Ms. Yager stated the Senior Accountant, and every Department Director are authorized to use City-issued credit cards and are required to sign off on the credit card policy. She added, moving forward, City Staff can increase the level of invoice detail or attach the entire credit card reconciliation statement. She noted City Staff's preference is to include additional credit card transaction detail, and only include the entire credit card statement when necessary.

Mayor Mouton asked what type of purchases are being made by the City Accountant. Ms. Yager stated the credit card in the City Accountant's name is used for City purchases. She added employees are responsible for paying credit card charges for purchases that are not related to City business.

There being no further discussion, Mayor Mouton asked for a motion. Ms. MacDonald made a motion, seconded by Mr. Parkhill, to accept the 2022 Audited Financial Reports. The motion carried 3/0.

b. Consider Award of Contract for Dock Construction for Panoway on Wayzata Bay to J.F. Brennan Company, Inc.

City Engineer/Director of Public Works Kelly reviewed funding for the Panoway project with an overall budget funding gap of $412,000. He requested the City Council's consideration of a bid from J.F. Brennan Construction in the amount of $2,590,000. If the funding gap cannot be met, funding would come from the Parks and Trails CIP Fund.

Mr. Kelly stated City Staff recommends that the City Council award the dock supply and install contract to J.F. Brennan Company, Inc. in amount of $2,590,000.

Councilmember Parkhill requested clarification regarding removal of docks due to Panoway 2. Mr. Kelly stated a solution will need to be considered, as the existing docks will need to be removed to construct the boardwalk. He added a floating dock facility could be used.

Councilmember MacDonald asked whether there are any opportunities to scale back the cost. Mr. Kelly stated contractors were asked to provide an alternative bid omitting construction of the Depot docks. He added the low bid includes construction of both facilities, but there may be changes to the project that would benefit the City financially. He noted tonight's request is for a City Council vote on the base bid.

Mayor Mouton requested clarification regarding the "combined base bid". Mr. Kelly stated the City bid out 4-5 different work scopes, and contractors could bid on any

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or all of those components. He added, in this case, both bidders bid on other components of the project but were not successful. He noted City Staff did not feel that a combined base bid would be in the best interests of the City.

Mayor Mouton asked whether J.F. Brennan provided an alternative bid #2. Mr. Kelly stated they did not bid on that component. He added City Staff will work with the contractor to save money and provide cost savings in any way possible.

Peter Hitch, representing Wayzata Conservancy, stated the Panoway project is growing in popularity among residents. He added there has been phenomenal support for the project, including the Carisch family's gift of 500,000 as well as an unrestricted pledge for another $500,000 over the past few weeks from a former Wayzata resident, and three $5,000 benches. He reviewed other pledges of support for the project totaling $1,052,500.

Mayor Mouton thanked Mr. Hitch for his hard work in bringing people of all ages together to enjoy the lake and community environment.

Mayor Mouton asked for a motion. Mr. Parkhill made a motion, seconded by Ms. MacDonald, to accept the bid and award the contract for dock construction for Panoway on Wayzata Bay to J.F. Brennan Company, Inc., in the amount of $2,590,000 and continue to work with all components of the project to get the project on budget. The motion carried 3/0.

c. Consider Resolution 35-2023 Denying the Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East

This item was considered prior to Agenda Item 8a.

d. Review of Panoway Phase 2 – Lakewalk and Docks Logistics, Timeline, and Communication Plan

Jessie Houlihan of Onyx Strategy Partners, the City's Owner's Rep for Panoway Phase 2, reviewed the Panoway 2 lake walk logistics and timeline. Kraus-Anderson is setting up operations at the Depot parking lot and the area will be fenced for safety and separation from June 2023 through Spring 2024. The prime contractor will be mobilizing from across the lake in June at NTH Enterprises, or Zenith Tech, and barges will arrive twice a day. Pile driving will begin in July, and a silt fence will be constructed with floating buoys to designate construction areas and assist boat traffic. Broadway docks will be left in place as long as possible and removed in August 2023. Piling will be completed in October, with substantial project completion in early March 2024.

Ms. Houlihan stated Kraus-Anderson plans to conduct their construction work Monday through Friday between 7:00 a.m. – 6:00 p.m. The two barge shipments will arrive during those hours. Existing signage is located along Lake Street, and additional signage will be posted with additional information and QR codes. She thanked the Conservancy for their support with existing signage.

Ms. Houlihan stated an open house is scheduled for June 8, 2023 from 5:00 - 6:30 p.m. at City Hall. Invitations were sent to nearby residents, property owners and businesses. A draft website has been created, and updated materials will routinely be posted in the city newsletter, at the Chamber of Commerce and in local media.

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Councilmember MacDonald thanked Ms. Houlihan for her report. She asked whether the pile driving will be loud and disruptive. Ms. Houlihan stated there will be constant noise during construction hours. Bob Janssen, project manager with Kraus-Anderson, stated the noise level will be like pile driving outside the water, and water does not muffle the noise. He added it is difficult to gauge noise levels until construction starts. He noted the barges will mobilize across the lake at 7:00 a.m., arriving in Wayzata Bay between 8:00-8:30 a.m. and additional details will be provided on this aspect of the construction.

Councilmember Parkhill asked whether the timeline and completion will change due to Depot and Broadway docks installation that was just approved. Mr. Janssen stated the contractors will work with Brennan on lead times for docks into early winter. He added the contract requires that docks will be installed by Memorial Day 2024.

Mayor Mouton stressed the importance of residents and local businesses receiving communication and updates with regard to construction and noise disruption, as well as who to contact. Jessie stated residents and businesses were invited to the Open House, and additional communication will be made available throughout the construction process.

Mayor Mouton asked whether there will be a live stream of the construction process, as previously discussed. Jessie stated some drone footage has been taken, and live cameras can be put in place. She added that can be discussed further. Mayor Mouton stated she supports having a live stream.

Mayor Mouton asked whether a celebration will be planned to commemorate this important milestone. Mr. Dahl stated City Staff are working with the Conservancy and the construction team to determine an appropriate time for a community celebration. He added City Staff plan to review this issue after today's threshold day.

Informational; no action required.

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

a. Upcoming Events/Announcements

Mr. Dahl stated he would like to acknowledge the hard work and efforts of Steve Fox, who has served on the Housing and Redevelopment Authority since 2017. He added the opening will hopefully be filled by the end of the year. Mayor Mouton stated Mr. Fox was a founding member of the Communications Committee and has contributed to the City for many years.

Mr. Dahl stated the Splash Pad is now open from 10:00 a.m. – 9:00 p.m.

Mr. Dahl expressed his appreciation to the City's Finance Department staff, Deputy City Manager Yager and Senior Accountant Kathy Ovshak. He added the positive results of the City's audit are a result of their hard work and efforts.

AGENDA ITEM 10. Public Forum Continued (if necessary).

There were no comments.

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AGENDA ITEM 11. Adjournment.

There being no further business, Mayor Mouton asked for a motion to adjourn. Mr. Parkhill made a motion, seconded by Ms. MacDonald, to adjourn. Mayor Mouton adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Kathy Leervig
City Clerk

Drafted by Mary Mullen
TimeSaver Off Site Secretarial, Inc.

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City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks and Electronic Fund Transfers (EFT's) for May and June 2023	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager, Aurora Yager, Deputy City Manager	

ACTION REQUESTED:
Staff recommends the approval of checks and EFT's.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
A recommendation from the auditors was to include more details related to credit card transactions in the check register. Previously, the check register listed all credit card charges with the vendor name of "ELAN - CARDMEMBER SERVICES" and included a description of the purchase in the Invoice Line Desc column. For this month's credit card payment (transactions highlighted in yellow), the vendor paid with each credit card charge is listed first in the description of the purchase in the Invoice Line Desc column to provide greater detail on the purchase being made.

ATTACHMENTS:
1. Check List
2. EFT list

INVOICE DISTRIBUTION REPORT FOR CITY OF WAYZATA

POST DATES 05/31/2023 - 06/14/2023
POSTED
PAID - CHECK TYPE: PAPER CHECK

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 00000 ALL DEPARTMENTS							
101-00000-20300	CUSTOM MADE ENTERPRISES - PD SUPP	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	542.90	128378
101-00000-20831	MWCC (SAC)	METROPOLITAN COUNCIL -	MAY 2023 SAC FEES	MAY 2023	06/14/2023	44,730.00	128404
101-00000-21707	PD UNION DUES	LAW ENFORCEMENT LABOR S	PD DUES - JUNE 2023	JUNE 2023	06/14/2023	945.00	128393
101-00000-21721	FLEX PLAN	HEIDER, NICK	DEP.CARE RCTS	5/28-6/17/23	06/07/2023	540.00	128303
101-00000-21721	FLEX PLAN	SCHRUPP, WYATT	DEP. CARE 4/1/ - 5/1	06/05/2023	06/07/2023	1,495.20	128329
101-00000-34190	CHARGES FOR SERVICES/GEN GOV T	METROPOLITAN COUNCIL -	MAY 2023 SAC FEES	MAY 2023	06/14/2023	(447.30)	128404
				Total Department 00000 ALL DEPARTMENTS		47,805.80	
Department: 41100 Mayor and Council							
101-41100-00302	MTG.MINUTES	TIME SAVER	MTG MINUTES	M28289	06/14/2023	469.00	128422
101-41100-00433	LMC - MOUTON CONF REGISTRATION	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	475.00	128378
				Total Department 41100 Mayor and Council		944.00	
Department: 41500 Administration & Finance							
101-41500-00304		BEST & FLANAGAN	PLANNING COMM MTGS	590843PLANNING COMM	06/14/2023	2,312.50	128363
101-41500-00304		BEST & FLANAGAN	CITY COUNCIL MTGS	590843CITY COUNCIL	06/14/2023	1,250.00	128363
101-41500-00304		BEST & FLANAGAN	CITY CONTRACTS	590843CITY CONTRACT	06/14/2023	1,250.00	128363
101-41500-00304		BEST & FLANAGAN	GENERAL LEGAL	590843GENERAL	06/14/2023	750.00	128363
101-41500-00304		BEST & FLANAGAN	WAYZATA BLU PARKING	590843WAYZATA BLU	06/14/2023	87.50	128363
101-41500-00304		BEST & FLANAGAN	700 LAKE	590843 700 LAKE	06/14/2023	250.00	128363
101-41500-00304	LABOR RELATIONS SERVICES	MADDEN, GALANTER, HANSE	LABOR RELATIONS SERV	MAY 2023	06/14/2023	320.00	128397
101-41500-00306	INDEED - JOB POSTINGS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	258.00	128378
101-41500-00306	LUNDS - ALL CITY STAFF MTG SUPPLI	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	67.48	128378
101-41500-00306	CARIBOU - ALL CITY STAFF COFFEE	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	44.49	128378
101-41500-00331	NINETWENTYFIVE-DAHL MTGS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	117.31	128378
101-41500-00331	WAYZ BAR & GRILL - DAHL MTGS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	338.07	128378
101-41500-00331	MCCORMICKS - DAHL MTGS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	56.22	128378
101-41500-00331	GROCERS TABLE - DAHL MTGS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	14.81	128378
101-41500-00331	BRITS PUB - DAHL MTG	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	58.63	128378
101-41500-00331	MPLS PARKING - DAHL MTG	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	2.50	128378
101-41500-00433	ST CLOUD STATE - KATHY L CONF REF	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	(15.00)	128378
101-41500-00433	ECM - ONLINE SUBSCRIPTION	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	45.00	128378
101-41500-00433	GODADDY.COM- DOMAIN NAME RENEWALS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	364.08	128378
101-41500-00433	LMC - DAHL CONF REGISTRATION	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	475.00	128378
101-41500-00433	PIER B RESORT - DAHL CONFERENCE	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	753.78	128378
101-41500-00433	DUES, LICENSING & SEMINARS	MN ASSOC.OF SMALL CITIE	ANNUAL MEMBERSHIP	2023-2024	06/14/2023	2,216.45	128405
101-41500-00433	DUES, LICENSING & SEMINARS	OPG-3, INC.	LASERFICHE LICENSE(S	6773	06/14/2023	6,500.00	128410
				Total Department 41500 Administration & Finance		17,516.82	
Department: 41910 Community Development							
101-41910-00433	SENSIBLE LAND USE COALITION - VAL	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	58.00	128378
101-41910-00433	URBANK LAND INSTITURE - EMILY MEM	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	50.00	128378
				Total Department 41910 Community Development		108.00	
Department: 41940 Building Operations & Maint.							
101-41940-00210	COSTCO-BLDG SUPPLIES	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	275.89	128378
101-41940-00210	OPERATING SUPPLIES (GENERAL)	GOPHER ACE TRU VALUE	SUPPLIES	016216	06/14/2023	15.99	128382
101-41940-00210	Operating Supplies (GENERAL)	GRAINGER, INC.	PW SAFETY SUPPLIES	9733463021	06/14/2023	20.11	128383
101-41940-00210	Operating Supplies (GENERAL)	GRAINGER, INC.	PW SAFETY SUPPLIES	9733463013	06/14/2023	36.70	128383
101-41940-00210	Operating Supplies (GENERAL)	SUPPLY SOLUTIONS LLC	BLDG SUPPLIES	50395	06/14/2023	56.89	128421
101-41940-00210	BLDG.SUPPLIES	SUPPLY SOLUTIONS LLC	SUPPLIES	50344	06/07/2023	512.65	128335

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 41940 Building Operations & Maint.							
101-41940-00309	SERVICE	PLUNKETT'S PEST CONTROL	CITY HALL SERVICE-SP	8033831	06/07/2023	520.40	128327
101-41940-00309	SERVICE	PLUNKETT'S PEST CONTROL	BEACH HOUSE SPIDER C	8033940	06/07/2023	95.49	128327
101-41940-00321	TELEPHONE	AT&T - FIRSTNET	PW PHONES	287298458522X060323	06/14/2023	387.61	128360
101-41940-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	4,866.14	128351
101-41940-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	24.69	128351
101-41940-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE282023	06/14/2023	114.22	128369
101-41940-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE282023	06/14/2023	25.10	128369
101-41940-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE 2023	06/07/2023	910.65	128291
101-41940-00386	CH/PW	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	1,575.60	128328
101-41940-00401	REPAIRS/MAINT BUILDINGS	GOPHER ACE TRU VALUE	TRAPPERS CABIN REPAI	016073	06/07/2023	23.99	128299
101-41940-00401	Repairs/Maint Buildings	TWIN CITY GARAGE DOOR C	PW GARAGE DOOR REPAI	Z237286	06/14/2023	308.00	128425
101-41940-00401	Repairs/Maint Buildings	TWIN CITY GARAGE DOOR C	PW GARAGE DOOR REPAI	704070	06/14/2023	270.00	128425
101-41940-00401	Repairs/Maint Buildings	TWIN CITY GARAGE DOOR C	PW GARAGE DOOR REPAI	Z242618	06/07/2023	590.00	128341
101-41940-00499	SUPPLIES	CULLIGAN-BOTTLED WATER	BLDG.SUPPLIES	2848957	06/07/2023	68.70	128294
				Total Department 41940 Building Operations & Maint.		10,698.82	
Department: 42100 Police							
101-42100-00215	K-9 SUPPLIES	AMAZON CAPITAL SERVICES	PD SUPPLIES	13DY-WQ3D-1N4R	06/14/2023	64.35	128357
101-42100-00215	K-9 SUPPLIES	AMAZON CAPITAL SERVICES	DOG FOOD	1NQT-FRJF-DYV9	06/14/2023	109.99	128357
101-42100-00215	K-9 SUPPLIES	GEHRMAN, JASON	LOKI LETS CERTIFICAT	05272023	06/14/2023	50.00	128381
101-42100-00217	PD UNIFORM	STREICHER'S	PD UNIFORMS	I1637237	06/14/2023	23.98	128419
101-42100-00217	Uniforms	STREICHER'S	BIKE PATROL UNIFORMS	I1637353	06/14/2023	89.00	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1634755	06/14/2023	199.98	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1634756	06/14/2023	36.00	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1635837	06/14/2023	110.00	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1635838	06/14/2023	10.00	128419
101-42100-00217	Uniforms	STREICHER'S	NAME TAG	I1635842	06/14/2023	11.99	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1636729	06/14/2023	61.99	128419
101-42100-00217	Uniforms	STREICHER'S	UNIFORMS	I1636738	06/14/2023	279.98	128419
101-42100-00240	Small Tools and Minor Equip	STREICHER'S	EQUIPMENT	I1636068	06/14/2023	169.90	128419
101-42100-00240	Small Tools and Minor Equip	STREICHER'S	SAFETY GEAR	I1636095	06/14/2023	116.98	128419
101-42100-00309	Contractual Services	TRANSUNION RISK AND ALT	PD SERVICE	5591851 MAY 2023	06/14/2023	114.00	128423
101-42100-00323	Radio Units	AT&T - FIRSTNET	PD SERVICE	287284904965X060320	06/14/2023	1,066.48	128360
101-42100-00331	MILEAGE & EXPENSE ACCOUNT	VOGEL, JOSHUA	BIKE PATROL TRAINING	05272023	06/14/2023	45.52	128431
101-42100-00404	Repairs/Maint - Machin/Equip	ACTION FLEET INC.	SQUAD REPAIRS	I6128	06/14/2023	55.00	128354
101-42100-00404	Repairs/Maint - Machin/Equip	GOPHER ACE TRU VALUE	SUPPLIES	016186	06/14/2023	43.98	128382
101-42100-00404	REPAIRS/MAINT - MACHIN/EQUIP - GA	MOBOTREX	PD GATE MAINTENANCE	265221	06/07/2023	173.00	128317
101-42100-00404	REPAIRS/MAINT - MACHIN/EQUIP	STREICHER'S	EQUIPMENT REPAIR	I1634747	06/14/2023	15.00	128419
101-42100-00404	REPAIRS/MAINT - MACHIN/EQUIP	STREICHER'S	EQUIPMENT REPAIR	I1634748	06/14/2023	9.00	128419
101-42100-00404	Repairs/Maint - Machin/Equip	WAYZATA BAY CAR WASH	SQUAD MAINT.	MAY 2023	06/14/2023	307.80	128432
101-42100-00404	Repairs/Maint - Machin/Equip	WAYZATA BP	PD SQUAD REPAIRS	MAY 2023	06/14/2023	1,325.52	128433
101-42100-00433	IPMBA-BIKE PATROL MEMBERSHIP	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	200.00	128378
101-42100-00433	ADOBE-PD LICENSE RENEWALS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	515.86	128378
				Total Department 42100 Police		5,205.30	
Department: 42120 Crime Control and Investigate							
101-42120-00304	Legal Fees	KENNETH N. POTTS, PA	PROSECUTION SERVICES	JUNE 1 2023	06/14/2023	1,232.50	128391
101-42120-00308	PRISONER PROCESSING	HENN.CNTY.ACCTG.SERVICE	PRISONER PROCESSING	1000207444	06/14/2023	677.29	128385
				Total Department 42120 Crime Control and Investigate		1,909.79	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 42200 Fire							
101-42200-00323	Radio Units	AT&T - FIRSTNET	FD SERVICE	287294110445X060320	06/14/2023	356.91	128360
101-42200-00323	FD RADIO LEASE	HENN.CNTY.INFO.TECH.DEP	FD RADIO CONNECTION	1000207373	06/14/2023	2,148.85	128386
101-42200-00331	JIMMY JOHNS - FD MTG	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	133.15	128378
101-42200-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	944.79	128351
101-42200-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE282023	06/14/2023	378.70	128369
101-42200-00404	Repairs/Maint - Machin/Equip	CLAREY'S SAFETY EQUIPME	FD THERMAL IMAGING C	205792	06/14/2023	675.00	128371
				Total Department 42200 Fire		4,637.40	
Department: 42400 Building Inspection							
101-42400-00433	INT'L CODE COUNCIL-MEGAN'S CERTIF	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	185.00	128378
				Total Department 42400 Building Inspection		185.00	
Department: 43100 Streets							
101-43100-00210	OPERATING SUPPLIES (GENERAL)	TERMINAL SUPPLY CO.	PARTS	44769-00	06/07/2023	183.84	128337
101-43100-00217	CARHARTT - STREET UNIFORMS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	82.50	128378
101-43100-00220	REPAIR/MAINT SUPPLY (GENERAL)	ADVANCE AUTO PARTS	PARTS	15077-212867	06/14/2023	168.17	128355
101-43100-00220	Repair/Maint Supply (GENERAL)	LITTLE FALLS MACHINE, I	PARTS	368412	06/07/2023	939.64	128310
101-43100-00226	SIGN REPAIR MATERIALS	HAMEL BUILDING CENTER	SUPPLIES	154674	06/07/2023	68.40	128302
101-43100-00226	SIGN REPAIR MATERIALS	HOME DEPOT	SUPPLIES	MAY2023	05/31/2023	177.42	128238
101-43100-00226	Sign Repair Materials	NEWMAN TRAFFIC SIGNS	SIGN POSTS	TRFINV047083	06/07/2023	133.26	128321
101-43100-00240	SMALL TOOLS AND MINOR EQUIP	GRAINGER, INC.	BATTERY	9722498533	06/07/2023	401.26	128301
101-43100-00323	RADIO LEASE	HENN.CNTY.INFO.TECH.DEP	PW RADIOS	1000207365	06/14/2023	318.88	128386
				Total Department 43100 Streets		2,473.37	
Department: 43300 Engineering							
101-43300-00210	OPERATING SUPPLIES (GENERAL)	SCHUMANN, JEN	SAFETY VESTS	06-02-2023	06/07/2023	44.86	128330
101-43300-00433	DUES - APWA	AM.PUBLIC WORKS ASSOC.	APWA DUES	15569_05-02-2023	06/07/2023	477.50	128282
				Total Department 43300 Engineering		522.36	
Department: 45200 Parks							
101-45200-00210	OPERATING SUPPLIES (GENERAL) - PA	GOPHER ACE TRU VALUE	SUPPLIES - PANOWAY	016266	06/14/2023	22.58	128382
101-45200-00210	OPERATING SUPPLIES (GENERAL)	GOPHER ACE TRU VALUE	SUPPLIES	016281	06/14/2023	19.98	128382
101-45200-00210	OPERATING SUPPLIES (GENERAL)	HOME DEPOT	SUPPLIES	MAY2023	05/31/2023	30.46	128238
101-45200-00210	OPERATING SUPPLIES (GENERAL)	SITEONE LANDSCAPE SUPPL	IRRIGATION REPAIR	130894925-001	06/07/2023	80.73	128332
101-45200-00217	UNIFORMS	BAGY JO, INC.	DOCKMASTER SHIRTS	73382	06/07/2023	351.00	128284
101-45200-00217	CARHARTT - PARKS UNIFORMS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	198.75	128378
101-45200-00221	EQUIPMENT PARTS	A-1 OUTDOOR POWER, INC.	PARTS	535899	06/14/2023	41.49	128353
101-45200-00226	SIGN REPAIR MATERIALS	UPS STORE	SPLASH PAD SIGNS	06/07/2023	06/14/2023	51.00	128426
101-45200-00227	PLANTINGS	FRED HOLASEK & SON, INC	PLANTINGS	00024292	06/14/2023	10,729.32	128380
101-45200-00240	SMALL TOOLS AND MINOR EQUIP	ZARNOTH BRUSH WORKS, IN	BROOMS	0194049	06/07/2023	971.60	128352
101-45200-00309	CONTRACTUAL SERVICES - LAGOON	LAKE RESTORATION INC.	LAGOON TREATMENT	INV035043	06/07/2023	1,206.90	128308
101-45200-00309	CONTRACTUAL SERVICES - BEACK	LAKE RESTORATION INC.	BEACH TREATMENTS	INV035042	06/07/2023	957.50	128308
101-45200-00323	RADIO LEASE	HENN.CNTY.INFO.TECH.DEP	PW RADIOS	1000207365	06/14/2023	306.02	128386
101-45200-00404	REPAIRS/MAINT - MACHIN/EQUIP	MORRIE'S MINNETONKA FOR	TRUCK REPAIRS - 418	599125	06/07/2023	241.44	128319
101-45200-00415	OTHER EQUIPMENT RENTALS - DEPOT B	LRS PORTABLE OF MINNESO	DEPOT PORTABLE SERVI	MP224406	06/07/2023	225.00	128312
				Total Department 45200 Parks		15,433.77	
Department: 45203 Boulevard Maint. And lighting							
101-45203-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	914.64	128351
101-45203-00381	SERVICE	XCEL ENERGY	SERVICE	06062023	06/14/2023	3,705.50	128436
				Total Department 45203 Boulevard Maint. And lighting		4,620.14	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 49200 Miscellaneous Allocations							
101-49200-00212	FUEL	MANSFIELD OIL COMPANY	FUEL	24313366	06/07/2023	811.47	128314
101-49200-00212	FUEL	MANSFIELD OIL COMPANY	FUEL	24313340	06/07/2023	734.24	128314
101-49200-00212	FUEL	MANSFIELD OIL COMPANY	FUEL	24351994	06/14/2023	2,378.31	128399
101-49200-00212	MOTOR FUELS	WAYZATA BP	FUEL	1026057	06/14/2023	200.82	128433
101-49200-00322	POSTAGE	PURCHASE POWER	POSTAGE - JUNE 2023	JUNE 2023	06/14/2023	8,295.44	128415
			Total Department 49200 Miscellaneous Allocations			12,420.28	
			Total Fund 101 GENERAL FUND			124,480.85	
Fund: 233 LAKEFRONT IMPROVE							
Department: 40000 General Department							
233-40000-00304-2013-2	LEGAL FEES	BEST & FLANAGAN	PANOWAY	590843PANOWAY	06/14/2023	4,887.50	128363
233-40000-00309	CONTRACT WORK - BNSF PED XING_BRO	B.N & S.F. RY. CO.	PED CROSSINGS - BROA	90252006	06/14/2023	105,407.90	128361
233-40000-00309	CONTRACT WORK - BNSF PED XING_BAR	B.N & S.F. RY. CO.	PED CROSSINGS - BARR	90252027	06/14/2023	63,845.40	128361
			Total Department 40000 General Department			174,140.80	
			Total Fund 233 LAKEFRONT IMPROVE			174,140.80	
Fund: 311 STREET BONDS							
Department: 40000 General Department							
311-40000-00621	FISCAL AGENT S FEES	US BANK	PAYING AGENT FEE	6937131	06/07/2023	125.00	128343
			Total Department 40000 General Department			125.00	
			Total Fund 311 STREET BONDS			125.00	
Fund: 401 DOWNTOWN PARKING							
Department: 40000 General Department							
401-40000-00309	CONTRACTUAL SERVICES - CHARGING S	CHARGEPOINT, INC.	MILL STREET RAMP - C	IN195472	06/14/2023	3,677.92	128370
401-40000-00309	MILL ST RAMP MAINT	VIKING AUTOMATIC SPRINK	MILL STREET PARKING	1025-F280264	06/14/2023	1,585.00	128429
401-40000-00499	MILL STREET PARKING RAMP MAINT	UNITED RENTALS	SWEEPER RENTAL	219468434-001	06/07/2023	1,168.00	128342
			Total Department 40000 General Department			6,430.92	
			Total Fund 401 DOWNTOWN PARKING			6,430.92	
Fund: 404 PARK AND TRAIL CIP							
Department: 40000 General Department							
404-40000-00302	CONSULTANTS - TENNIS COURT PROJEC	WSB & ASSOCIATES	COURT IMPROVEMENTS	R-022179-000-4	06/14/2023	4,222.50	128435
404-40000-00302	CONSULTANTS - KLAPPRICH PARK DESI	WSB & ASSOCIATES	KLAPPRICH PARK	R022538-000-1	06/14/2023	2,564.33	128435
			Total Department 40000 General Department			6,786.83	
			Total Fund 404 PARK AND TRAIL CIP			6,786.83	
Fund: 408 FACILITIES & INFRASTRUCTURE CIP							
Department: 40000 General Department							
408-40000-00302-2020-1	CONSULTANTS	WSB & ASSOCIATES	PHASE II ZONING ORDI	R-018603-000-17 ZON	06/07/2023	1,326.75	128350
408-40000-00309	CONTRACTUAL SERVICES	HOME DEPOT	SUPPLIES	MAY2023	05/31/2023	106.99	128238
			Total Department 40000 General Department			1,433.74	
			Total Fund 408 FACILITIES & INFRASTRUCTURE CIP			1,433.74	
Fund: 409 EQUIP REVOLVING							
Department: 40000 General Department							
409-40000-00540	PW RADIOS	HENN.CNTY.INFO.TECH.DEP	PW RADIOS	1000207365	06/14/2023	786.89	128386

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Fund: 409 EQUIP REVOLVING							
Department: 40000 General Department							
409-40000-00540	EQUIPMENT - OFFICE 365	LOFFLER COMPANIES, INC.	EMAIL MIGRATION	CW166448	06/07/2023	2,309.35	128311
				Total Department 40000 General Department		3,096.24	
Department: 42100 Police							
409-42100-00540	COPIER - PD EQUIPMENT	METRO SALES INC.	PD COPIER	INV2295920	06/14/2023	5,013.00	128402
				Total Department 42100 Police		5,013.00	
				Total Fund 409 EQUIP REVOLVING		8,109.24	
Fund: 430 STREET CIP							
Department: 40000 General Department							
430-40000-00302	Consultants	WSB & ASSOCIATES	FERNDALE SIDEWALK	R-019717-000-10	06/07/2023	1,684.50	128350
430-40000-00309	CONTRACTUAL SERVICES - 2023 STREE	ESS BROTHERS & SONS INC	PARTS	DD3207	06/14/2023	2,445.30	128379
				Total Department 40000 General Department		4,129.80	
				Total Fund 430 STREET CIP		4,129.80	
Fund: 610 WATER FUND							
Department: 40000 General Department							
610-40000-00210	OPERATING SUPPLIES (GENERAL)	BARCO MUNICIPAL PRODUCT	LOCATE MATERIALS	IN-246509	06/07/2023	239.82	128285
610-40000-00216	CHEMICALS AND CHEM PRODUCTS	HAWKINS, INC	CHEMICALS	6492329	06/14/2023	1,322.15	128384
610-40000-00217	CARHARTT - WATER UNIFORMS	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	78.75	128378
610-40000-00225	REPAIR & MAINT - SYSTEM	SITEONE LANDSCAPE SUPPL	IRRIGATION PARTS	130999558-001	06/14/2023	198.22	128417
610-40000-00225	REPAIR & MAINT - SYSTEM	SITEONE LANDSCAPE SUPPL	IRRIGATION PARTS	130961819-001	06/14/2023	59.19	128417
610-40000-00242	WELL & F.P. EQUIPMENT	ANCHOR SCIENTIFIC INC.	WTP 3 PARTS	284473	06/14/2023	190.00	128359
610-40000-00242	WELL & F.P. EQUIPMENT	GOPHER ACE TRU VALUE	SUPPLIES	016219	06/14/2023	1.52	128382
610-40000-00313	Permit Fees/Gopher State	GOPHER STATE ONE CALL	LOCATES	3050834	06/07/2023	164.02	128300
610-40000-00323	RADIO LEASE	HENN.CNTY.INFO.TECH.DEP	PW RADIOS	1000207365	06/14/2023	119.39	128386
610-40000-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	7,661.86	128351
610-40000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE 2023	06/07/2023	46.46	128291
610-40000-00499	SPLASHTOP.COM - WATER IPAD SOFTWA	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	60.00	128378
				Total Department 40000 General Department		10,141.38	
				Total Fund 610 WATER FUND		10,141.38	
Fund: 620 SEWER FUND							
Department: 40000 General Department							
620-40000-00210	OPERATING SUPPLIES (GENERAL)	BARCO MUNICIPAL PRODUCT	LOCATE MATERIALS	IN-246509	06/07/2023	239.81	128285
620-40000-00210	OPERATING SUPPLIES (GENERAL)	GOPHER ACE TRU VALUE	FUSES	016082	06/07/2023	5.16	128299
620-40000-00313	Permit Fees/Gopher State	GOPHER STATE ONE CALL	LOCATES	3050834	06/07/2023	164.03	128300
620-40000-00323	RADIO LEASE	HENN.CNTY.INFO.TECH.DEP	PW RADIOS	1000207365	06/14/2023	119.39	128386
620-40000-00381	SERVICE	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	1,730.74	128351
620-40000-00386	SEWER SERVICE	METROPOLITAN COUNCIL	SEWER SERVICE	0001158163	06/14/2023	44,945.69	128403
620-40000-00404	REPAIRS/MAINT - MACHIN/EQUIP	NUSS TRUCK & EQUIPMENT	PARTS	PSO001420-1	06/14/2023	198.79	128409
				Total Department 40000 General Department		47,403.61	
				Total Fund 620 SEWER FUND		47,403.61	
Fund: 630 MOTOR VEHICLE							
Department: 00000 ALL DEPARTMENTS							
630-00000-20300	DEPOSITS PAYABLE	JAGUAR LANDROVER MPLS	REFUND - WRONG DEALE	05252023	05/31/2023	6,781.92	128239
				Total Department 00000 ALL DEPARTMENTS		6,781.92	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 630 MOTOR VEHICLE							
Department: 40000 General Department							
630-40000-00210	TARGET - MV SUPPLIES	ELAN-CARDMEMBER SERVICE CITY CC CHARGES		MAY 2023	06/14/2023	106.97	128378
630-40000-00331	WAYZ.BAR & GRILL - MV STAFF MTG	ELAN-CARDMEMBER SERVICE CITY CC CHARGES		MAY 2023	06/14/2023	103.87	128378
630-40000-00433	FULL SLATE - MV DUES	ELAN-CARDMEMBER SERVICE CITY CC CHARGES		MAY 2023	06/14/2023	29.95	128378
				Total Department 40000 General Department		240.79	
				Total Fund 630 MOTOR VEHICLE		7,022.71	
Fund: 640 LIQUOR							
Department: 00000 ALL DEPARTMENTS							
640-00000-10150	ATM	CASH - OLD NATIONAL	ATM FILL	06132023	06/14/2023	15,000.00	128368
				Total Department 00000 ALL DEPARTMENTS		15,000.00	
Department: 47000 Off-Sale							
640-47000-00210	OPERATING SUPPLIES (GENERAL)	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106726200	05/31/2023	100.00	128211
640-47000-00210	OPERATING SUPPLIES (GENERAL)	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106819500	05/31/2023	190.00	128211
640-47000-00210	OPERATING SUPPLIES (GENERAL)	VAN PAPER COMPANY	SUPPLIES	035984	06/07/2023	34.23	128346
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099483000	06/07/2023	1,290.00	128286
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099540100	06/07/2023	4,410.80	128286
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099463300	05/31/2023	2,258.65	128211
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099401700	05/31/2023	248.00	128211
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099527400	06/14/2023	785.00	128362
640-47000-00251	LIQ RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099615000	06/14/2023	2,663.60	128362
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	409973937	05/31/2023	(232.25)	128215
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200634	05/31/2023	2,742.72	128215
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110501327	06/07/2023	2,222.11	128289
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410937137	06/07/2023	(19.99)	128289
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544882	06/14/2023	4,011.00	128366
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	411022875	06/14/2023	(241.82)	128366
640-47000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544883	06/14/2023	225.00	128366
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2309649	06/14/2023	1,135.30	128390
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2309650	06/14/2023	58.00	128390
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	253289	06/14/2023	(18.00)	128390
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2311514	06/14/2023	5,903.61	128390
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2306878	06/07/2023	1,622.00	128306
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2304510	06/07/2023	1,861.00	128306
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2301891	05/31/2023	2,994.50	128240
640-47000-00251	LIQUOR	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2299704	05/31/2023	202.55	128240
640-47000-00251	LIQUOR FOR RESALE	LIBATION PROJECT	WINE	58219	05/31/2023	102.96	128242
640-47000-00251	LIQUOR FOR RESALE	MAVERICK WINE CO.	LIQUOR & WINE	994748	06/07/2023	598.02	128315
640-47000-00251	LIQUOR FOR RESALE	MAVERICK WINE CO.	LIQUOR & WINE	1000777	06/14/2023	272.04	128401
640-47000-00251	LIQUOR	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6600514	06/14/2023	1,290.00	128413
640-47000-00251	LIQUOR	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6592975	05/31/2023	257.08	128259
640-47000-00251	LIQUOR	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6596837	06/07/2023	364.83	128325
640-47000-00251	LIQUOR	SOUTHERN GLAZER`S	LIQUOR & WINE	2351077	06/14/2023	2,860.76	128418
640-47000-00251	LIQUOR	SOUTHERN GLAZER`S	LIQUOR & WINE	2346211	06/07/2023	837.05	128333
640-47000-00251	LIQUOR	SOUTHERN GLAZER`S	LIQUOR & WINE	2348674	06/07/2023	2,637.90	128333
640-47000-00251	LIQUOR	SOUTHERN GLAZER`S	LIQUOR & WINE	2346214	05/31/2023	80.00	128266
640-47000-00251	LIQUOR	SOUTHERN GLAZER`S	LIQUOR & WINE	2346215	05/31/2023	4,368.40	128266
640-47000-00252	WINE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099540100	06/07/2023	192.00	128286
640-47000-00252	WINE	BOURGET IMPORTS	WINE	196392	05/31/2023	488.00	128213

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 47000 Off-Sale							
640-47000-00252	WINE	BOURGET IMPORTS	WINE	196557	05/31/2023	176.00	128213
640-47000-00252	WINE	BOURGET IMPORTS	WINE	196966	06/14/2023	360.00	128365
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349217438	05/31/2023	688.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410240359	05/31/2023	(2,306.15)	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200632	05/31/2023	3,936.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200633	05/31/2023	1,440.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349198157	05/31/2023	240.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349190870	05/31/2023	1,304.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349190871	05/31/2023	104.00	128215
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110003193	06/07/2023	1,168.00	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	409768779	06/07/2023	(191.74)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	409809462	06/07/2023	(329.45)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410034051	06/07/2023	(201.45)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	409993430	06/07/2023	(169.45)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410439730	06/07/2023	(193.45)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110516921	06/07/2023	584.00	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	409708373	06/07/2023	(441.45)	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110501326	06/07/2023	376.00	128289
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110607895	06/14/2023	640.00	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110606334	06/14/2023	872.00	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544885	06/14/2023	120.00	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410596704	06/14/2023	(41.45)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410649651	06/14/2023	(65.45)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410678627	06/14/2023	(209.45)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410678628	06/14/2023	(75.10)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410790983	06/14/2023	(161.45)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410573421	06/14/2023	(141.45)	128366
640-47000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544884	06/14/2023	1,640.00	128366
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2309650	06/14/2023	656.00	128390
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2307501	06/14/2023	403.20	128390
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2307495	06/14/2023	403.20	128390
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2309648	06/14/2023	472.00	128390
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2306879	06/07/2023	707.64	128306
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2304511	06/07/2023	5,048.00	128306
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2301892	05/31/2023	280.30	128240
640-47000-00252	WINE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2299705	05/31/2023	1,096.64	128240
640-47000-00252	WINE RESALE	LIBATION PROJECT	WINE	58219	05/31/2023	244.08	128242
640-47000-00252	WINE RESALE	LIBATION PROJECT	WINE	58431	06/07/2023	1,985.94	128309
640-47000-00252	WINE RESALE	LIBATION PROJECT	WINE	58800	06/14/2023	240.00	128394
640-47000-00252	WINE	MAVERICK WINE CO.	LIQUOR & WINE	993617	05/31/2023	300.00	128247
640-47000-00252	WINE	MAVERICK WINE CO.	LIQUOR & WINE	991842	05/31/2023	344.04	128247
640-47000-00252	WINE	MAVERICK WINE CO.	LIQUOR & WINE	994748	06/07/2023	512.04	128315
640-47000-00252	WINE	MAVERICK WINE CO.	LIQUOR & WINE	1000777	06/14/2023	168.00	128401
640-47000-00252	WINE RESALE	NEW FRANCE WINE COMPANY	WINE	205139	06/07/2023	1,334.00	128320
640-47000-00252	WINE RESALE	NEW FRANCE WINE COMPANY	WINE	205151	06/07/2023	366.00	128320
640-47000-00252	WINE RESALE	NEW FRANCE WINE COMPANY	WINE	204931	05/31/2023	536.00	128254
640-47000-00252	WINE RESALE	NEW FRANCE WINE COMPANY	WINE	204775	05/31/2023	584.00	128254
640-47000-00252	WINE RESALE	NEW FRANCE WINE COMPANY	WINE	205571	06/14/2023	714.00	128408
640-47000-00252	WINE RESALE	PAUSTIS & SONS	WINE	202382	05/31/2023	850.00	128256

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 47000 Off-Sale							
640-47000-00252	WINE RESALE	PAUSTIS & SONS	WINE	203021	06/07/2023	658.00	128322
640-47000-00252	WINE RESALE	PAUSTIS & SONS	WINE	203640	06/14/2023	1,103.60	128411
640-47000-00252	WINE RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6600515	06/14/2023	1,118.25	128413
640-47000-00252	WINE RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	7429138	06/14/2023	4,894.00	128413
640-47000-00252	WINE RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6600517	06/14/2023	223.30	128413
640-47000-00252	WINE RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6592976	05/31/2023	1,397.25	128259
640-47000-00252	WINE RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6596838	06/07/2023	1,447.00	128325
640-47000-00252	WINE	SMALL LOT MN	WINE	MN65000	05/31/2023	456.12	128264
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	9512469	06/14/2023	(522.00)	128418
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2351076	06/14/2023	712.00	128418
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2351078	06/14/2023	89.91	128418
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2351075	06/14/2023	1,740.00	128418
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2349351	06/07/2023	144.00	128333
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2341068	06/07/2023	984.00	128333
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2348677	06/07/2023	440.00	128333
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2348676	06/07/2023	942.00	128333
640-47000-00252	WINE	SOUTHERN GLAZER`S	LIQUOR & WINE	2346195	05/31/2023	297.48	128266
640-47000-00252	WINE RESALE	TRADITION WINE & SPIRIT	WINE	36060	05/31/2023	524.00	128274
640-47000-00252	WINE	VINOCOPIA	WINE	0330319	06/14/2023	608.00	128430
640-47000-00252	WINE RESALE	WINE COMPANY	WINE	236751	06/07/2023	1,560.00	128347
640-47000-00252	WINE RESALE	WINE COMPANY	WINE	235806	05/31/2023	1,672.00	128279
640-47000-00252	WINE RESALE	WINE COMPANY	WINE	237010	06/14/2023	2,064.00	128434
640-47000-00252	WINE	WINE MERCHANT	WINE	7428309	06/07/2023	635.10	128348
640-47000-00252	WINE	WINE MERCHANT	WINE	7427389	05/31/2023	1,125.20	128280
640-47000-00252	WINE RESALE	WINEBOW	WINE	MN00131209	06/07/2023	(12.75)	128349
640-47000-00252	WINE RESALE	WINEBOW	WINE	MN00130921	06/07/2023	255.75	128349
640-47000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3604481	05/31/2023	30.75	128208
640-47000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3604482	05/31/2023	274.10	128208
640-47000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	363503	06/07/2023	(14.76)	128283
640-47000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3605919	06/07/2023	716.10	128283
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	900117911	05/31/2023	519.55	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	900117912	05/31/2023	472.50	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	349241948	05/31/2023	177.00	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	349241947	05/31/2023	9,252.90	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	349138790	05/31/2023	167.50	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	349138701	05/31/2023	2,562.45	128214
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410750961	06/07/2023	(247.40)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410805109	06/07/2023	(6.53)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410805110	06/07/2023	(10.40)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410805112	06/07/2023	(34.40)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410805114	06/07/2023	(10.00)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	410805115	06/07/2023	(15.41)	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	110519337	06/07/2023	4,775.77	128288
640-47000-00253	BEER	BREAKTHRU BEVERAGE	BEER	110519915	06/07/2023	450.95	128288
640-47000-00253	BEER FOR RESALE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200634	05/31/2023	200.00	128215
640-47000-00253	BEER	CAPITOL BEVERAGE SALES	BEER	17860676	06/07/2023	(25.55)	128290
640-47000-00253	BEER	CAPITOL BEVERAGE SALES	BEER	2840241	06/07/2023	1,705.45	128290
640-47000-00253	BEER	CAPITOL BEVERAGE SALES	BEER	2837290	05/31/2023	917.65	128216
640-47000-00253	BEER	CAPITOL BEVERAGE SALES	BEER	2842647	06/14/2023	1,642.10	128367

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 47000 Off-Sale							
640-47000-00253	BEER	CLEAR RIVER BEVERAGE CO	BEER	689974	06/14/2023	276.50	128372
640-47000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1919636	06/14/2023	317.15	128375
640-47000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1914556	06/07/2023	551.56	128296
640-47000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1909196	05/31/2023	2,328.10	128224
640-47000-00253	BEER FOR RESALE	DANGEROUS MAN BREWING C	BEER	248	06/07/2023	172.00	128297
640-47000-00253	BEER FOR RESALE	DANGEROUS MAN BREWING C	BEER	318	06/14/2023	318.00	128376
640-47000-00253	BEER RESALE	HOHENSTEINS INC.	BEER	611125	06/07/2023	1,282.60	128305
640-47000-00253	BEER	INBOUND BREWCO	BEER	16170	06/14/2023	228.50	128388
640-47000-00253	BEER FOR RESALE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2309647	06/14/2023	3,380.00	128390
640-47000-00253	BEER FOR RESALE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2299704	05/31/2023	1,669.50	128240
640-47000-00253	BEER	LUCE LINE BREWING CO.	BEER	E-1454	06/14/2023	280.00	128395
640-47000-00253	BEER	LUPULIN BREWING	BEER	46836	06/14/2023	433.00	1
640-47000-00253	BEER FOR RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6592975	05/31/2023	121.10	128259
640-47000-00253	BEER FOR RESALE	SOUTHERN GLAZER`S	LIQUOR & WINE	5097485	06/14/2023	3.00	128418
640-47000-00253	BEER	STEEL TOE BREWING	BEER	50299	06/07/2023	171.00	128334
640-47000-00253	BEER FOR RESALE	URBAN GROWLER BREWING C	BEER	E-32951	05/31/2023	115.00	128277
640-47000-00254	MISC.BEV	AM CRAFT SPIRITS INC	MISC.MDSE	16899	06/07/2023	146.70	128281
640-47000-00254	MISC.MIX	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106726200	05/31/2023	60.30	128211
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106814100	05/31/2023	(26.55)	128211
640-47000-00254	MISC.MIX	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106819500	05/31/2023	43.55	128211
640-47000-00254	MISC.MIX	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106881300	06/14/2023	348.60	128362
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	410240357	05/31/2023	(21.00)	128215
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	CAPITOL BEVERAGE SALES	BEER	2837290	05/31/2023	106.75	128216
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	CAPITOL BEVERAGE SALES	BEER	2842647	06/14/2023	29.55	128367
640-47000-00254	MISC MIX	COCA-COLA	MIX	3609220754	06/14/2023	676.84	128373
640-47000-00254	MISC.BEV	PEPSI COLA	MISC BEV	48429957	06/07/2023	390.40	128323
640-47000-00254	MISC.BEV	PEPSI COLA	MISC BEV	50363354	05/31/2023	321.00	128257
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6600516	06/14/2023	136.30	128413
640-47000-00254	ICE	SHAMROCK GROUP	ICE	2889404	05/31/2023	185.25	128262
640-47000-00254	ICE	SHAMROCK GROUP	ICE	2894922	06/07/2023	248.00	128331
640-47000-00254	ICE	SHAMROCK GROUP	ICE	2897927	06/14/2023	87.50	128416
640-47000-00254	ICE	SHAMROCK GROUP	ICE	2895677	06/14/2023	276.10	128416
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	SOUTHERN GLAZER`S	LIQUOR & WINE	2348675	06/07/2023	125.00	128333
640-47000-00254	SOFT DRINKS/MIX FOR RESALE	SOUTHERN GLAZER`S	LIQUOR & WINE	2346212	05/31/2023	46.00	128266
640-47000-00254	MISC.BEV	SUMMER LAKES BEVERAGE L	MIX	5583	05/31/2023	1,118.25	128269
640-47000-00254	MISC.BEV	SUMMER LAKES BEVERAGE L	MIX	5713	06/14/2023	1,244.25	128420
640-47000-00256	CIGARETTES	M.AMUNDSON LLP	CIGARETTES & CIGARS	361943	05/31/2023	1,288.11	128243
640-47000-00256	CIGARETTES	M.AMUNDSON LLP	CIGARETTES & CIGARS	362737	06/14/2023	1,364.91	128396
640-47000-00259	FREIGHT	AM CRAFT SPIRITS INC	MISC.MDSE	16899	06/07/2023	4.50	128281
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099483000	06/07/2023	8.25	128286
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099540100	06/07/2023	49.50	128286
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106726200	05/31/2023	6.76	128211
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099463300	05/31/2023	16.50	128211
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099401700	05/31/2023	1.65	128211
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106819500	05/31/2023	7.10	128211
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0106881300	06/14/2023	7.63	128362
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099527400	06/14/2023	1.65	128362
640-47000-00259	FREIGHT	BELLBOY BAR SUPPLY CORP	LIQUOR & MIX	0099615000	06/14/2023	27.23	128362
640-47000-00259	FREIGHT	BOURGET IMPORTS	WINE	196392	05/31/2023	8.00	128213

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 47000 Off-Sale							
640-47000-00259	FREIGHT	BOURGET IMPORTS	WINE	196557	05/31/2023	2.00	128213
640-47000-00259	FREIGHT	BOURGET IMPORTS	WINE	196966	06/14/2023	6.00	128365
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349217438	05/31/2023	2.90	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200632	05/31/2023	18.85	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200633	05/31/2023	7.25	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349198157	05/31/2023	2.90	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349200634	05/31/2023	26.10	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349190870	05/31/2023	5.80	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	349190871	05/31/2023	1.45	128215
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110003193	06/07/2023	2.90	128289
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110501327	06/07/2023	13.05	128289
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110516921	06/07/2023	1.45	128289
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110501326	06/07/2023	2.90	128289
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110607895	06/14/2023	1.45	128366
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110606334	06/14/2023	8.70	128366
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544882	06/14/2023	50.38	128366
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544885	06/14/2023	1.45	128366
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544883	06/14/2023	7.25	128366
640-47000-00259	FREIGHT	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544884	06/14/2023	11.60	128366
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2307501	06/14/2023	7.30	128390
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2307495	06/14/2023	10.50	128390
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2311514	06/14/2023	38.69	128390
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2306879	06/07/2023	10.22	128306
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2306878	06/07/2023	11.68	128306
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2304510	06/07/2023	49.64	128306
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2304511	06/07/2023	65.71	128306
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2301892	05/31/2023	4.38	128240
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2301891	05/31/2023	19.23	128240
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2299704	05/31/2023	49.89	128240
640-47000-00259	FREIGHT	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2299705	05/31/2023	19.47	128240
640-47000-00259	FREIGHT	LIBATION PROJECT	WINE	58219	05/31/2023	3.00	128242
640-47000-00259	FREIGHT	LIBATION PROJECT	WINE	58431	06/07/2023	12.00	128309
640-47000-00259	FREIGHT	LIBATION PROJECT	WINE	58800	06/14/2023	4.00	128394
640-47000-00259	FREIGHT	MAVERICK WINE CO.	LIQUOR & WINE	993617	05/31/2023	1.50	128247
640-47000-00259	FREIGHT	MAVERICK WINE CO.	LIQUOR & WINE	991842	05/31/2023	3.00	128247
640-47000-00259	FREIGHT	MAVERICK WINE CO.	LIQUOR & WINE	994748	06/07/2023	6.00	128315
640-47000-00259	FREIGHT	MAVERICK WINE CO.	LIQUOR & WINE	1000777	06/14/2023	3.00	128401
640-47000-00259	FREIGHT	NEW FRANCE WINE COMPANY	WINE	205139	06/07/2023	17.50	128320
640-47000-00259	FREIGHT	NEW FRANCE WINE COMPANY	WINE	205151	06/07/2023	2.50	128320
640-47000-00259	FREIGHT	NEW FRANCE WINE COMPANY	WINE	204931	05/31/2023	5.00	128254
640-47000-00259	FREIGHT	NEW FRANCE WINE COMPANY	WINE	204775	05/31/2023	10.00	128254
640-47000-00259	FREIGHT	NEW FRANCE WINE COMPANY	WINE	205571	06/14/2023	7.50	128408
640-47000-00259	FREIGHT	PAUSTIS & SONS	WINE	202382	05/31/2023	15.00	128256
640-47000-00259	FREIGHT	PAUSTIS & SONS	WINE	203021	06/07/2023	12.50	128322
640-47000-00259	FREIGHT	PAUSTIS & SONS	WINE	203640	06/14/2023	13.50	128411
640-47000-00259	FREIGHT	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6592975	05/31/2023	6.09	128259
640-47000-00259	FREIGHT	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6592976	05/31/2023	17.52	128259
640-47000-00259	FREIGHT	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6596838	06/07/2023	14.60	128325
640-47000-00259	FREIGHT	PHILLIPS WINES & SPIRIT	LIQUOR & WINE	6596837	06/07/2023	4.63	128325

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 47000 Off-Sale							
640-47000-00259	FREIGHT	SMALL LOT MN	WINE	MN65000	05/31/2023	5.00	128264
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2351077	06/14/2023	23.68	128418
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2351076	06/14/2023	14.08	128418
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2351078	06/14/2023	1.28	128418
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2351075	06/14/2023	23.04	128418
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	5097485	06/14/2023	0.84	128418
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2349351	06/07/2023	1.28	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2346211	06/07/2023	4.49	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2341068	06/07/2023	3.84	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2348677	06/07/2023	1.28	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2348676	06/07/2023	10.24	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2348675	06/07/2023	6.40	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2348674	06/07/2023	22.39	128333
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2346214	05/31/2023	1.28	128266
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2346215	05/31/2023	27.63	128266
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2346212	05/31/2023	2.56	128266
640-47000-00259	FREIGHT	SOUTHERN GLAZER`S	LIQUOR & WINE	2346195	05/31/2023	0.96	128266
640-47000-00259	FREIGHT	TRADITION WINE & SPIRIT	WINE	36060	05/31/2023	12.00	128274
640-47000-00259	FREIGHT	VINOCOPIA	WINE	0330319	06/14/2023	12.50	128430
640-47000-00259	FREIGHT	WINE COMPANY	WINE	236751	06/07/2023	21.95	128347
640-47000-00259	FREIGHT	WINE COMPANY	WINE	235806	05/31/2023	14.10	128279
640-47000-00259	FREIGHT	WINE COMPANY	WINE	237010	06/14/2023	32.20	128434
640-47000-00259	FREIGHT	WINE MERCHANT	WINE	7428309	06/07/2023	6.57	128348
640-47000-00259	FREIGHT	WINE MERCHANT	WINE	7427389	05/31/2023	10.59	128280
640-47000-00259	FREIGHT	WINEBOW	WINE	MN00130921	06/07/2023	4.50	128349
640-47000-00306	PERSONNEL EXPENSE	HIGH FIVE LLC	STORE UNIFORM SHIRTS	11525	06/07/2023	852.56	128304
640-47000-00340	ADVERTISING	SPEEDPRO IMAGING	STORE SUPPLIES	10321	05/31/2023	161.29	128267
640-47000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE 2023	06/07/2023	176.62	128291
640-47000-00384	STORE	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	150.00	128328
640-47000-00409	BLDG.MAINT.	MINNEHAHA BLDG.MAINT.IN	WINDOWS CLEANED	180232330	06/07/2023	54.84	128316
				Total Department 47000 Off-Sale		145,478.68	
Department: 48000 On-Sale							
640-48000-00200	AMAZON - BAR OFFICE SUPPLIES	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	22.57	128378
640-48000-00210	AMAZON - BAR SUPPLIES	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	122.57	128378
640-48000-00210	BAR SUPPLIES	PERFORMANCE FOOD GROUP,	FOOD	595833	05/31/2023	91.97	128258
640-48000-00210	SUPPLIES	TOLL GAS & WELDING SUPP	BAR SUPPLIES	10513248	05/31/2023	119.16	128273
640-48000-00210	SUPPLIES	TOLL GAS & WELDING SUPP	BAR SUPPLIES	40174466	06/07/2023	98.14	128338
640-48000-00210	SUPPLIES	TOLL GAS & WELDING SUPP	BAR SUPPLIES	10515137	06/07/2023	141.01	128338
640-48000-00210	BAR SUPPLIES	TRIMARK	SUPPLIES	3015610	06/07/2023	61.90	128339
640-48000-00210	BAR SUPPLIES	TRIMARK	SUPPLIES	3012688	05/31/2023	850.55	128275
640-48000-00210	BAR SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	844182	06/07/2023	328.56	128340
640-48000-00210	BAR SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	842795	05/31/2023	123.82	128276
640-48000-00251	LIQUOR	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544834	06/07/2023	639.00	128289
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	595870	05/31/2023	140.35	128258
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	601547	05/31/2023	87.26	128258
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	595833	05/31/2023	16.34	128258
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	606970	06/07/2023	113.49	128324
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	604661	06/07/2023	49.72	128324
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	612544	06/14/2023	125.15	128412

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 48000 On-Sale							
640-48000-00251	LIQUOR	PERFORMANCE FOOD GROUP,	FOOD	615073	06/14/2023	91.85	128412
640-48000-00251	LIQUOR	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	842795	05/31/2023	133.45	128276
640-48000-00251	LIQUOR	US FOODS	FOOD	4530004	06/07/2023	33.50	128344
640-48000-00251	LIQUOR	US FOODS	FOOD	4354913	05/31/2023	86.90	128278
640-48000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110544834	06/07/2023	191.60	128289
640-48000-00252	WINE	BREAKTHRU BEVERAGE MN	LIQUOR & WINE	110630650	06/14/2023	538.17	128366
640-48000-00252	WINE	WINE MERCHANT	WINE	7427782	05/31/2023	768.60	128280
640-48000-00252	WINE	WINE MERCHANT	WINE	7428925	06/07/2023	923.20	128348
640-48000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3605856	06/07/2023	358.00	128283
640-48000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3600359	06/07/2023	369.00	128283
640-48000-00253	BEER RESALE	ARTISAN BEER COMPANY	BEER	3597833	06/07/2023	369.00	128283
640-48000-00253	BEER FOR RESALE	BREAKTHRU BEVERAGE	BEER	110516985	06/07/2023	772.00	128288
640-48000-00253	BEER FOR RESALE	BREAKTHRU BEVERAGE	BEER	349138696	06/07/2023	145.00	128288
640-48000-00253	BEER FOR RESALE	BREAKTHRU BEVERAGE	BEER	349138789	06/07/2023	267.00	128288
640-48000-00253	BEER FOR RESALE	CAPITOL BEVERAGE SALES	BEER	28306942	06/07/2023	247.00	128290
640-48000-00253	BEER	CAPITOL BEVERAGE SALES	BEER	2840170	05/31/2023	778.00	128216
640-48000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1915816	06/07/2023	684.00	128296
640-48000-00253	BEER	DAHLHEIMER DISTRIBUTING	BEER	1909585	05/31/2023	519.00	128224
640-48000-00253	BEER RESALE	HOHENSTEINS INC.	BEER	611211	05/31/2023	195.00	128237
640-48000-00253	BEER	MODIST BREWING CO. LLC	BEER	41265	06/07/2023	175.00	128318
640-48000-00253	BEER	MODIST BREWING CO. LLC	BEER	40899	06/07/2023	175.00	128318
640-48000-00253	BEER	MODIST BREWING CO. LLC	BEER	41671	06/07/2023	175.00	128318
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	595870	05/31/2023	299.16	128258
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	606970	06/07/2023	277.96	128324
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	612544	06/14/2023	182.84	128412
640-48000-00254	MISC.BEV.	PERFORMANCE FOOD GROUP,	FOOD	615073	06/14/2023	167.58	128412
640-48000-00383	SERVICE	CENTERPOINT ENERGY	SERVICE	JUNE 2023	06/07/2023	706.46	128291
640-48000-00384	BAR	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	1,069.54	128328
640-48000-00401	REPAIRS/MAINT BUILDINGS	MIDWEST GREASE	GREASE TRAP SERVICE	PI.335183	05/31/2023	200.00	128250
640-48000-00404	REPAIRS/MAINT - MACHIN/EQUIP	HOT AND NOT SERVICE INC	COOLER REPAIR	053123	06/14/2023	493.93	128387
640-48000-00409	BLDG.MAINT.	MINNEHAHA BLDG.MAINT.IN	WINDOWS CLEANED	180232329	05/31/2023	80.64	128251
640-48000-00409	SERVICE	PLUNKETT'S PEST CONTROL	SERVICE	8052963	06/07/2023	126.83	128327
640-48000-00409	BEER LINE SERVICE	T.D. ANDERSON INC.	BEER LINES CLEANED	716763	06/07/2023	135.00	128336
640-48000-00409	BEER LINE SERVICE	T.D. ANDERSON INC.	BEER LINES CLEANED	716752	06/07/2023	135.00	128336
640-48000-00433	DUES, LICENSING & SEMINARS	MN DEPARTMENT OF HEALTH	STATE HOSPITALITY FE	9547 2023	06/14/2023	40.00	128406
640-48000-00497	NCR & E-HUNGRY - BAR CC FEES	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	197.75	128378
				Total Department 48000 On-Sale		15,239.52	
Department: 48500 Kitchen							
640-48500-00210	OPERATING SUPPLIES (GENERAL)	CINTAS - OHIO	FIRST AID SUPPLIES	5160568210	06/07/2023	145.29	128292
640-48500-00210	KITCHEN SUPPLIES	CINTAS CORPORATION	KITCHEN SUPPLIES	4156842698	06/07/2023	309.25	128293
640-48500-00210	KITCHEN SUPPLIES	CINTAS CORPORATION	KITCHEN SUPPLIES	4156126949	05/31/2023	309.25	128217
640-48500-00210	SUPPLIES	CULLIGAN-METRO	SUPPLIES	1596675	06/07/2023	116.13	128295
640-48500-00210	KITCHEN SUPPLIES	DELTA FOREMOST CHEMICAL	KITCHEN SUPPLIES	202114	05/31/2023	729.28	128225
640-48500-00210	AMAZON - KITCHEN SUPPLIES	ELAN-CARDMEMBER SERVICE	CITY CC CHARGES	MAY 2023	06/14/2023	100.11	128378
640-48500-00210	KITCHEN SUPPLIES	PERFORMANCE FOOD GROUP,	FOOD	595833	05/31/2023	130.64	128258
640-48500-00210	KITCHEN SUPPLIES	PERFORMANCE FOOD GROUP,	FOOD	612544	06/14/2023	13.28	128412
640-48500-00210	KITCHEN SUPPLIES	SUNBURST CHEMICALS, INC	SUPPLIES	0527487	05/31/2023	1,565.02	128271
640-48500-00210	KITCHEN SUPPLIES	TRIMARK	SUPPLIES	3018779	06/14/2023	428.86	128424
640-48500-00210	KITCHEN SUPPLIES	TRIMARK	SUPPLIES	3015610	06/07/2023	239.83	128339

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 640 LIQUOR							
Department: 48500 Kitchen							
640-48500-00210	KITCHEN SUPPLIES	TRIMARK	SUPPLIES	3012688	05/31/2023	247.60	128275
640-48500-00210	KITCHEN SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	844182	06/07/2023	1,049.79	128340
640-48500-00210	KITCHEN SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	842795	05/31/2023	1,009.19	128276
640-48500-00210	KITCHEN SUPPLIES	TRIO SUPPLY COMPANY	KITCHEN & BAR SUPPLI	841617	05/31/2023	115.76	128276
640-48500-00217	KITCHEN UNIFORMS	CINTAS CORPORATION	KITCHEN SUPPLIES	4156842698	06/07/2023	50.03	128293
640-48500-00217	KITCHEN UNIFORMS	CINTAS CORPORATION	KITCHEN SUPPLIES	4156126949	05/31/2023	50.03	128217
640-48500-00255	FOOD	AMERICAN FISH & SEAFOOD	FOOD	207686	05/31/2023	531.85	128206
640-48500-00255	FOOD	AMERICAN FISH & SEAFOOD	FOOD	208812	06/14/2023	759.85	128358
640-48500-00255	FOODINGREDIENTS FOR RESALE	BILL'S IMPORTED FOODS	FOOD	137379	05/31/2023	408.05	128212
640-48500-00255	FOODINGREDIENTS FOR RESALE	BILL'S IMPORTED FOODS	FOOD	137401	06/07/2023	408.05	128287
640-48500-00255	FOODINGREDIENTS FOR RESALE	JOHNSON BROS.-ST.PAUL	LIQUOR & WINE	2301756	05/31/2023	65.40	128240
640-48500-00255	FOOD	KARLSBURGER FOODS, INC.	FOOD	009025757	05/31/2023	341.45	128241
640-48500-00255	FOOD	KARLSBURGER FOODS, INC.	FOOD	009026845	06/07/2023	183.55	128307
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	452332	06/07/2023	197.97	128313
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	453096	06/14/2023	223.48	128398
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	452744	06/14/2023	228.11	128398
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	451924	05/31/2023	156.19	128245
640-48500-00255	FOOD RESALE	MAIN STREET BAKERY	FOOD	452192	05/31/2023	228.11	128245
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	595870	05/31/2023	4,908.98	128258
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	601547	05/31/2023	4,912.24	128258
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	595833	05/31/2023	4,836.56	128258
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	598989	05/31/2023	51.12	128258
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	607549	06/07/2023	120.98	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	607289	06/07/2023	(54.81)	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	607290	06/07/2023	(40.56)	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	607767	06/07/2023	(84.17)	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	609729	06/07/2023	(10.54)	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	606970	06/07/2023	4,903.65	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	604661	06/07/2023	4,056.60	128324
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	609859	06/14/2023	473.36	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	615942	06/14/2023	(39.07)	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	612544	06/14/2023	3,471.41	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	613296	06/14/2023	26.00	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	613283	06/14/2023	409.16	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	615073	06/14/2023	3,776.19	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	616735	06/14/2023	34.85	128412
640-48500-00255	FOOD	PERFORMANCE FOOD GROUP,	FOOD	617852	06/14/2023	37.11	128412
640-48500-00255	FOOD	US FOODS	FOOD	4530004	06/07/2023	1,446.94	128344
640-48500-00255	FOOD	US FOODS	FOOD	4695314	06/14/2023	993.04	128427
640-48500-00255	FOOD	US FOODS	FOOD	4354913	05/31/2023	1,138.59	128278
640-48500-00415	KNIFE EXCHANGE	COZZINI BROS., INC.	KNIFE EXCHANGE	C13252011	05/31/2023	69.69	128223
640-48500-00415	KNIFE EXCHANGE	COZZINI BROS., INC.	KNIFE EXCHANGE	C13337782	06/14/2023	74.04	128374
					Total Department 48500 Kitchen	45,852.76	
Department: 49100 Capital							
640-49100-00499	CONSULTANTS	DELANEY CONSULTING LLC	LIQUOR STORE CONSULT	1773	06/14/2023	547.50	128377
					Total Department 49100 Capital	547.50	
					Total Fund 640 LIQUOR	222,118.46	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 650 SOLID WASTE							
Department: 00000 ALL DEPARTMENTS							
650-00000-20818	COUNTY REFUSE TAX	HENNEPIN COUNTY PUBLIC	MAY 2023 SOLID WASTE	MAY2023	05/31/2023	2,953.88	128236
				Total Department 00000 ALL DEPARTMENTS		2,953.88	
Department: 47500 Garbage							
650-47500-00384	LABOR	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	10,788.00	128328
650-47500-00384	STICKERS	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	74.10	128328
650-47500-00386	DISPOSAL	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	4,413.53	128328
				Total Department 47500 Garbage		15,275.63	
Department: 47600 Recycling							
650-47600-00309	RECYCLING	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	6,809.25	128328
				Total Department 47600 Recycling		6,809.25	
Department: 47800 Organics							
650-47800-00384	ORGANICS	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	6,835.19	128328
650-47800-00386	ORGANICS DISPOSAL	REPUBLIC SERVICES	SERVICE	JUNE 2023	06/07/2023	82.12	128328
				Total Department 47800 Organics		6,917.31	
				Total Fund 650 SOLID WASTE		31,956.07	
Fund: 660 MARINA							
Department: 46000 MARINA							
660-46000-00381	ELECTRIC UTILITIES	XCEL ENERGY	SERVICE	JUNE 2023	06/07/2023	287.98	128351
				Total Department 46000 MARINA		287.98	
				Total Fund 660 MARINA		287.98	
Fund: 802 ESCROW PROJECTS							
Department: 00000 ALL DEPARTMENTS							
802-00000-20876	200 LAKE - TCF LAKE WEST DEV.	WSB & ASSOCIATES	200 LAKE ESCROW PROJ	R-018603-000-17 200	06/14/2023	7,579.75	128435
802-00000-20883	15419/15429 WAYZ.BLVD-CANTISSI	BEST & FLANAGAN	CANTISSIMO ESCROW PR	590843 CANTISSIMO	06/14/2023	962.50	128363
802-00000-20898	1030 LAKE STREET	WSB & ASSOCIATES	1030 LAKE ESCROW PRO	R-021183-000-5 1030	06/07/2023	594.75	128350
802-00000-20912	565 FERNDALE RD W - DRAYCOTT	BEST & FLANAGAN	565 FERNDALE RD ESCR	590843 565 FERNDALE	06/14/2023	125.00	128363
802-00000-20912	565 FERNDALE RD W - DRAYCOTT	WSB & ASSOCIATES	565 FERNDALE	R-018603-000-17 565	06/07/2023	1,692.75	128350
802-00000-20912	565 FERNDALE RD W - DRAYCOTT	WSB & ASSOCIATES	565 FERNDALE BLUFF	R-021955-000-5 565F	06/07/2023	686.25	128350
				Total Department 00000 ALL DEPARTMENTS		11,641.00	
				Total Fund 802 ESCROW PROJECTS		11,641.00	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
--- TOTALS BY FUND ---							
		101	GENERAL FUND			124,480.85	
		233	LAKEFRONT IMPROVE			174,140.80	
		311	STREET BONDS			125.00	
		401	DOWNTOWN PARKING			6,430.92	
		404	PARK AND TRAIL CIP			6,786.83	
		408	FACILITIES & INFRASTRUCTURE CIP			1,433.74	
		409	EQUIP REVOLVING			8,109.24	
		430	STREET CIP			4,129.80	
		610	WATER FUND			10,141.38	
		620	SEWER FUND			47,403.61	
		630	MOTOR VEHICLE			7,022.71	
		640	LIQUOR			222,118.46	
		650	SOLID WASTE			31,956.07	
		660	MARINA			287.98	
		802	ESCROW PROJECTS			11,641.00	
		Total For All Funds:				656,208.39	

INVOICE DISTRIBUTION REPORT FOR CITY OF WAYZATA

POST DATES 05/26/2023 - 06/14/2023
POSTED
PAID - CHECK TYPE: EFT

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 101 GENERAL FUND							
Department: 00000 ALL DEPARTMENTS							
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL 06/09/2023	06092023	06/09/2023	183,760.73	2589
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL 06/09/2023 A	06092023 ALEX	06/09/2023	152.58	2590
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL TAXES 06/09/	06092023 TAX	06/09/2023	63,695.34	2591
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL HSA DEPOSITS	06092033 HSA	06/09/2023	11,332.71	2592
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL	05262023	05/26/2023	181,793.31	2555
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL TAXES	05/26/2023	05/26/2023	63,336.07	2556
101-00000-20100	ACCOUNTS PAYABLE	OLD NATIONAL BANK	PAYROLL HSA DEPOSITS	05 26 2023	05/26/2023	11,225.07	2557
101-00000-20814	SALES TAX - 7.275%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	100.89	2599
101-00000-21704	PERA	PERA	PERA - PAYROLL	05262023	05/26/2023	46,511.78	2558
101-00000-21704	PERA	PERA	PERA - PAYROLL 06/09	06092023	06/09/2023	46,706.69	2593
101-00000-21705	NATIONWIDE RETIREMENT	NATIONWIDE RETIREMENT	EMPLOYEE PR DEPOSITS	05262023	05/26/2023	3,474.00	2554
101-00000-21705	NATIONWIDE RETIREMENT	NATIONWIDE RETIREMENT	EMPLOYEE PR DEPOSITS	06092023	06/09/2023	3,474.00	2588
101-00000-21706	HEALTH INSURANCE	HEALTHPARTNERS	HEALTH INS. JUNE 202	121104546	06/07/2023	79,399.00	2579
101-00000-21709	PW UNION DUES	AFSCME COUNCIL	PW DUES JUNE 2023	JUNE 2023	06/12/2023	819.90	2598
101-00000-21711	LONG TERM DISABILITY INSURANCE	SUN LIFE ASSURANCE COMP	LTD INSURANCE JUNE 2	237816 - JUNE 2023	06/07/2023	880.35	2584
101-00000-21712	MSRS - POST EMPL.HEALTH SAVING	MN STATE RETIREMENT SYS	MSRS R BUSCH	06092023	06/09/2023	228.20	2587
101-00000-21714	SUPPLEMENTAL LIFE INSURANCE	THE STANDARD	BASIC AND SUPPLEMENT	772605 - JUNE 2023	06/07/2023	1,642.00	2585
101-00000-21716	BASIC LIFE INSURANCE	THE STANDARD	BASIC AND SUPPLEMENT	772605 - JUNE 2023	06/07/2023	151.02	2585
101-00000-21717	DENTAL INS.	DELTA DENTAL OF MINNESO	DENTAL INS. JUNE 202	CNS0001256646	06/07/2023	3,879.31	2577
101-00000-21719	MISSION SQUARE DEFFERED COMP	MISSION SQUARE RETIREME	EMPLOYEE DEFFERED CO	05262023	05/26/2023	1,477.50	2553
101-00000-21719	MISSION SQUARE DEFFERED COMP	MISSION SQUARE RETIREME	EMPLOYEE DEFFERED CO	06092023	06/09/2023	1,477.50	2586
101-00000-21720	SHORT TERM DISABILITY INS.	DEARBORN LIFE INSURANCE	SHORT TERM DIS. INS.	F022288-1 JUNE 202	06/07/2023	830.16	2576
101-00000-21722	VISION INS.	FIDELITY SECURITY LIFE	VISION INS. JUNE 202	3001179	06/07/2023	159.16	2578
				Total Department 00000 ALL DEPARTMENTS		706,507.27	
Department: 41500 Administration & Finance							
101-41500-00304	LEGAL FEES - ENCROACHMENT AGREEME	SIMPLIFILE	COUNTY RECORDING 103	06052023	06/07/2023	51.25	2581
101-41500-00304	LEGAL FEES - ENCROACHMENT	SIMPLIFILE	COUNTY RECORDING - 2	06012023	06/07/2023	51.25	2580
101-41500-00350	PRINTING & PUBLISHING	SIMPLIFILE	COUNTY RECORDING	34-2023	05/31/2023	51.25	2565
101-41500-00433	DUES, LICENSING & SEMINARS	OLD NATIONAL BANK	BANK FEES & CREDIT C	MAY 2023	05/31/2023	379.01	2574
101-41500-00497	CREDIT CARD FEES	AUTHNET	ON LINE PAYMENT FEES	06012023	06/02/2023	30.90	2568
101-41500-00497	CREDIT CARD FEES	OLD NATIONAL BANK	BANK FEES & CREDIT C	MAY 2023	05/31/2023	1,126.37	2574
				Total Department 41500 Administration & Finance		1,690.03	
Department: 42100 Police							
101-42100-00130	EMPLOYER PAID INS	DELTA DENTAL OF MINNESO	DENTAL INS. JUNE 202	CNS0001256646	06/07/2023	112.55	2577
101-42100-00130	EMPLOYER PAID INS	HEALTHPARTNERS	HEALTH INS. JUNE 202	121104546	06/07/2023	2,603.00	2579
				Total Department 42100 Police		2,715.55	
Department: 42200 Fire							
101-42200-00306	PERSONNEL EXPENSE	THE STANDARD	BASIC AND SUPPLEMENT	772605 - JUNE 2023	06/07/2023	58.88	2585
				Total Department 42200 Fire		58.88	
				Total Fund 101 GENERAL FUND		710,971.73	
Fund: 610 WATER FUND							
Department: 00000 ALL DEPARTMENTS							
610-00000-20814	SALES TAX - 7.275%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	554.72	2599
				Total Department 00000 ALL DEPARTMENTS		554.72	
				Total Fund 610 WATER FUND		554.72	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 630 MOTOR VEHICLE							
Department: 00000 ALL DEPARTMENTS							
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	05312023	05/31/2023	70,317.87	2567
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	05302023	05/31/2023	189,587.48	2566
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	05262023	05/26/2023	26,407.54	2563
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06052023	06/07/2023	322,209.76	2582
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06062023	06/07/2023	185,880.76	2583
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06072023	06/09/2023	195,871.48	2596
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06082023	06/09/2023	211,062.52	2597
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06012023	06/02/2023	256,077.78	2572
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06022023	06/02/2023	15,077.00	2573
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06122023	06/14/2023	449,914.53	2602
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06132023	06/14/2023	192,632.30	2603
630-00000-20300	DEPOSITS PAYABLE	STATE OF MINNESOTA	STATE DMV EFT	06092023	06/14/2023	13,333.43	2601
630-00000-20812	DNR REG	MN DNR	MV DNR EFT 06/09/202	06092023	06/09/2023	8,566.95	2594
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	06/09/2023	06/09/2023	270.50	2595
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	06012023	06/02/2023	477.75	2570
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	06022023	06/02/2023	6,259.98	2571
630-00000-20812	DNR REG	MN DNR	MV DNR EFT	05262023	05/26/2023	256.75	2560
630-00000-37190	OTHER CHARGE/REVENUE	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	335.92	2599
				Total Department 00000 ALL DEPARTMENTS		2,144,540.30	
Department: 40000 General Department							
630-40000-00433	DUES, LICENSING & SEMINARS	OLD NATIONAL BANK	BANK FEES & CREDIT C	MAY 2023	05/31/2023	220.74	2574
				Total Department 40000 General Department		220.74	
				Total Fund 630 MOTOR VEHICLE		2,144,761.04	
Fund: 640 LIQUOR							
Department: 00000 ALL DEPARTMENTS							
640-00000-20814	SALES TAX - 7.275%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	1,030.39	2599
640-00000-20815	SALES TAX - 9.775%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	27,959.56	2599
640-00000-20816	SALES TAX BAR - 7.275%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	16,696.23	2599
640-00000-20817	SALES TAX BAR - 9.775%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	11,038.98	2599
				Total Department 00000 ALL DEPARTMENTS		56,725.16	
Department: 47000 Off-Sale							
640-47000-00200	OFFICE SUPPLIES (GENERAL)	OLD NATIONAL BANK	HARLAND CLARKE DEPOS	05102023	05/31/2023	41.21	2575
640-47000-00381	SERVICE	XCEL ENERGY	STORE & BAR SERVICE	JUNE 2023 BAR STORE	06/12/2023	1,698.83	2600
640-47000-00497	CREDIT CARD FEES	OLD NATIONAL BANK	BANK FEES & CREDIT C	MAY 2023	05/31/2023	5,185.84	2574
640-47000-00499	MISCELLANEOUS - TAX BALANCE OWED	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	14.30	2599
				Total Department 47000 Off-Sale		6,940.18	
Department: 48000 On-Sale							
640-48000-00200	OFFICE SUPPLIES (GENERAL)	OLD NATIONAL BANK	HARLAND CLARKE DEPOS	05102023	05/31/2023	41.20	2575
640-48000-00381	SERVICE	XCEL ENERGY	STORE & BAR SERVICE	JUNE 2023 BAR STORE	06/12/2023	3,963.94	2600
640-48000-00497	CREDIT CARD FEES	AUTHNET	ON LINE PAYMENT FEES	06022023	06/02/2023	28.05	2569
640-48000-00497	CREDIT CARD FEES	OLD NATIONAL BANK	BANK FEES & CREDIT C	MAY 2023	05/31/2023	9,535.01	2574
				Total Department 48000 On-Sale		13,568.20	
				Total Fund 640 LIQUOR		77,233.54	
Fund: 650 SOLID WASTE							
Department: 00000 ALL DEPARTMENTS							

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
Fund: 650 SOLID WASTE							
Department: 00000 ALL DEPARTMENTS							
650-00000-20818	GARBAGE TAX - CNTY 15.5%	MN DEPT. OF REVENUE	SALES TAX JUNE 2023	JUNE 2023	06/12/2023	1,860.01	2599
				Total Department 00000 ALL DEPARTMENTS		1,860.01	
				Total Fund 650 SOLID WASTE		1,860.01	

GL Number	Invoice Line Desc	Vendor Name	Invoice Description	Invoice Number	Check Date	Amount	Check Number
--- TOTALS BY FUND ---							
		101	GENERAL FUND			710,971.73	
		610	WATER FUND			554.72	
		630	MOTOR VEHICLE			2,144,761.04	
		640	LIQUOR			77,233.54	
		650	SOLID WASTE			1,860.01	
		Total For All Funds:				2,935,381.04	

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.c
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as Attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Jeffrey Dahl, City Manager, Kathy Leervig, City Clerk	

ACTION REQUESTED:
Staff recommends approval of Municipal Licenses.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
N/A

ATTACHMENTS:
1. LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

06/20/2023

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

Recommended for approval, pending staff review for completeness of application materials

WERE APPROVED ADMINISTRATIVELY

2023 Gas Fitter's License	
Airtech Thermex LLC	New Hope, MN
Walter Mechanical Incorporated	Burnsville, MN

2023 Special Event Food Stand License for The Wayzata Art Experience on 6/24 and 6/25/2023	
Taco Libre	South St. Paul, MN

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.d
TITLE: Receipt of Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Emily Marker, Police Records Supervisor	
REVIEWED BY: Jeffrey Dahl, City Manager, Marc Schultz, Police Chief	

ACTION REQUESTED:
The attached Activity Report--May 2023 is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
N/A

ATTACHMENTS:
1. Activity Report May 2023

ACTIVITY REPORT—MAY 2023

Identity Theft **Reported: 05-30-2023 1513**
Report of an identity theft. Unknown total loss at this time.
Addresses Involved
200 block of Brown Rd, Long Lake, MN 55356

Fleeing **Reported: 05-30-2023 0004**
21-year-old male from Medina arrested for fleeing an officer in a motor vehicle and narcotics.
Addresses Involved
16000 block of Hwy 12 W, Wayzata, MN 55391
Names Involved
(Arrested) Ammi, Anis Yousef (Age: 21)

Theft **Reported: 05-29-2023 2122**
Report of a theft. Cell phone stolen. Loss of around $800.
Addresses Involved
Promenade Ave & Superior Blvd, Wayzata, MN 55391

Damage to Property - Criminal **Reported: 05-28-2023 1217**
Report of damage to a business sign. Loss of around $1,200.
Addresses Involved
Lake St & Circle Drive E, Wayzata, MN 55391

DWI **Reported: 05-28-2023 0556**
28-year-old male from Plymouth arrested for DWI. Tested .13.
Addresses Involved
1300 block of Wayzata Blvd E, Wayzata, MN 55391
Names Involved
(Arrested) Butler, Aaron James (Age: 28)

Assault **Reported: 05-27-2023 2339**
Report of an assault. Eggs thrown at victims. No suspects identified.
Addresses Involved
Central Ave & La Salle St, Wayzata, MN 55391

Theft **Reported: 05-27-2023 0303**
Report of a theft. Individual drove off without paying for gas. Loss of around $85.55.
Addresses Involved
1300 block of Wayzata Blvd E, Wayzata, MN 55391

ACTIVITY REPORT—MAY 2023

DWI **Reported: 05-26-2023 2335**
35-year-old male from Plymouth arrested for DWI. Tested .18.
Addresses Involved
Lake St & Manitoba Ave, Wayzata, MN 55391
Names Involved
(Arrested) Miller, Joseph Patrick (Age: 35)

Recovered **Reported: 05-25-2023 1429**
Report of a recovered stolen vehicle. Vehicle removed from NCIC.
Addresses Involved
600 block of Rice St, Wayzata, MN 55391

Theft **Reported: 05-23-2023 0844**
Report of a theft. Bicycle stolen. Loss of around $50.
Addresses Involved
600 block of Rice St E, Wayzata, MN 55391

Burglary-Commercial **Reported: 05-21-2023 0227**
Report of a burglary. Unknown total loss at this time. Investigation ongoing.
Addresses Involved
1300 block of Wayzata Blvd E, Wayzata, MN 55391

Threats of Violence **Reported: 05-19-2023 1041**
Report of threats. Officer made contact and advised.
Addresses Involved
400 block of Tamarack Ave, Long Lake, MN 55356

Theft **Reported: 05-16-2023 2016**
Report of a shoplifting. Loss of around $700.
Addresses Involved
1000 block of Wayzata Blvd E, Wayzata, MN 55391

Theft by Swindle **Reported: 05-16-2023 1712**
Report of a theft by swindle. Total loss of around $300.
Addresses Involved
200 block of Lake St, Wayzata, MN 55391

Threats of Violence **Reported: 05-15-2023 2300**
Report of suspicious activity. Officer made contact with everyone involved. No threats verified.
Addresses Involved
100 block of Barry Ave, Wayzata, MN 55391

ACTIVITY REPORT—MAY 2023

Theft **Reported: 05-15-2023 0716**
Report of a theft. Loss of around $528. Potential suspect identified.
Addresses Involved
700 block of Lake St, Wayzata, MN 55391

DWI **Reported: 05-14-2023 0146**
23-year-old female from Minnetonka arrested for DWI. Tested .10.
Addresses Involved
2400 block of Industrial Blvd W, Long Lake, MN 55356
Names Involved
(Arrested) Bryant, Katherine Cynthia (Age: 23)

Theft **Reported: 05-12-2023 1501**
Report of a theft by false representation. No known loss at this time.
Addresses Involved
200 block of Barry Ave S, Wayzata, MN 55391

Theft **Reported: 05-10-2023 1425**
Report of a shoplifting. Two wine bottles stolen. Loss of around $489.94.
Addresses Involved
2000 block of Wayzata Blvd W, Long Lake, MN 55356

Theft by Swindle **Reported: 05-08-2023 1622**
Report of a theft by swindle. Loss of around $760.66.
Addresses Involved
600 block of Rice St E, Wayzata, MN 55391

Financial Transaction Card Fraud **Reported: 05-08-2023 1052**
Report of a financial transaction card fraud. Maplewood Police Department handling the case. Unknown total loss at this time.
Addresses Involved
2000 block of Wayzata Blvd W, Long Lake, MN 55356

DWI **Reported: 05-06-2023 0208**
26-year-old male from St. Paul arrested for a DWI. Tested .13.
Addresses Involved
Hwy 12 & Gleason Lake Rd, Wayzata, MN 55391
Names Involved
(Arrested) Mena Avelar, Wilmer Antonio (Age: 26)

WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

ACTIVITY REPORT—MAY 2023

Domestic Assault **Reported: 05-05-2023 1532**

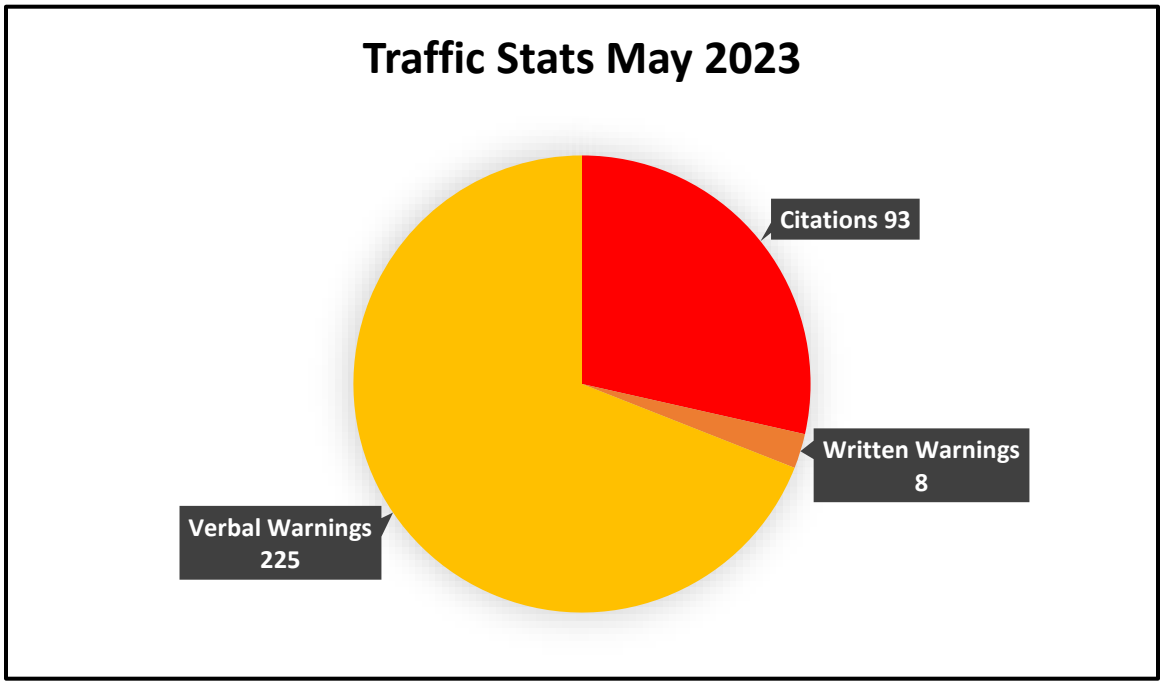
36-year-old male from Wayzata arrested for domestic assault.

Addresses Involved

200 block of Central Ave, Wayzata, MN 55391

Names Involved

(Arrested) Korkpor, Wendell Sei (Age: 36)



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

ACTIVITY REPORT—MAY 2023

Non-Criminal Activity	May 2023
MISSING PERSON	1
MISSING ANIMAL	1
MISSING/LOST PROPERTY	6
FOUND PROPERTY	7
ABANDONED VEHICLE	2
RECOVERED STOLEN PROPERTY	1
PIMV	3
PDMV	9
H & R PDMV	4
H & R PIMV	1
PDMV & DEER	1
OTHER FIRE/SMOKE	5
FIRE ALARM	6
GAS LEAK/SMELL	3
HAZ ROAD CONDITION	6
RR CROSSING HAZARD	1
SUDDEN DEATH	1
OTHER MEDICAL	48
DETOX PATIENT	1
72 HOUR HOLD/EMERGENCY ADMISSION	7
WELFARE CHECK - ADULT	23
WELFARE CHECK - JUV	1
MENTAL HEALTH ISSUE	13
INFO REC'D	16
VERBAL DOMESTIC	3
CIVIL MATTER	3
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	30
RECEIVE COURT ORDER/OFP	1
SUSPICION	25
OPEN DOOR/WINDOW	2
FIREWORKS COMPL / WARN	1
MISC. JUVENILE PROBLEM	13
DRIVING/TRAFFIC COMPLAINT	26
PARKING COMPL	8
HOUSE/BUSINESS CHECKS	35
RECORD CHECKS	29
OTHER PERMITS	2

ACTIVITY REPORT—MAY 2023

FIREARM PERMIT	4
HC SHERIFFS PERMIT TO CARRY	6
PARKING PERMIT	5
OTHER ORD VIOL (JUNK CARS, ETC)	2
NOISE VIOLATION	1
ANIMAL COMPLAINT/CHECK	12
DISPATCH ANIMAL	1
DOG LICENSE ISSUED	1
PATROL REQUEST	2
ADULT PROTECTION ASSIST	2
FINGERPRINTS	4
MOTORIST ASSIST/STALL	13
UTILITY PROBLEM	6
PUBLIC ASSIST	57
LOCKOUT	12
BUSINESS ALARM	21
HOME ALARM	11
911 HANG-UP	14
ASSIST OTHER DEPT	29
WARRANT/ATTEMPT/ARREST	3
TRAFFIC CONTROL / DIRECT ENFORCEMENT	47
RIDE-ALONG	2

Criminal Activity	May 2023
ASLT 5-MS-INFL OR ATTMPT HRM-NO WPN-ADLT STR	1
ASLT 5-INFLT BODILY HARM-OTH WEAP-ADLT-ACQ	1
ASLT-DOMESTIC-MS-INFLT BODLY HRM-HNDS-ADLT-AC	1
BURG 3-UNOCC NRES FRC-D-UNK WEAP-COM THEFT	1
ESC-FE-FLEE AN OFFICER	2
TRAFFIC-GM-OTHER-MV	2
TRAF-ACC-MS-UND AGE DRINK DRIVE-UNK-MOTOR VEH	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	3
TRAF-AC-GM-3RD DEG DWI-10 OR MORE WIN 2 HRS-MV	2
TRAF-AC-GM-3RD DEG DWI-08 OR MORE -MV	3

ACTIVITY REPORT—MAY 2023

TRAF-ACC-M-4TH DEG DWI-10 OR MORE	1
TRAF-ACC-MS-4TH DEG DWI-08 OR MORE -MV	1
LIQUOR-UNDERAGE CONSUMPTION 18-21	1
CONSERVATION-FISH	1
MS-VIOL ORDER FOR PROTECTION	1
MS-VIOL HARASS RESTRAINING ORDER	5
PROP DAMAGE-UNK LVL-PRIVATE-INTENT INJURE	1
PROP DAM-FE-PRPDMG-PRIV-REDUCE VAL OVER 1000	1
THEFT-501-1000 DLRS GM-PARKINGLOT-OTH PROP	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	1
THEFT-500 OR LESS MS-FULLSERVGAS-GAS ONLY	1
THEFT-500 OR LESS MS-OTHER-OTH PROP	1
THEFT-FE-FALSE REPRESENTATN-UNK LOSS	1
FRAUD-FE-FINAN EXPLOIT VULN ADULT-$2,501 +	1
THEFT-FE-IDENTITY THEFT-UNK LOSS	1
THEFT-GM-FALSE REPRESENTATN-501 1000 DLRS	1
THEFT-GM-BY SWINDLE OR TRICK-501 - 1000	1
THEFT-GM-SHOPLIFTING-$501-$2500	1
FRAUD-GM-FIN-TRANS-CARD-USE-FRGD-UNK-LOSS	1
THEFT-MS-BY SWINDLE OR TRICK-500 DLRS OR LESS	1
THEFT-MS-SHOPLIFTING-251-500	1
CRIM AGNST GOVN-GM-ESCAPE TAX-MTR VEH	1

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.e
TITLE: Receipt of Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Megan McCrady, Permit Technician	
REVIEWED BY: Jeffrey Dahl, City Manager, Jason Wagner, Building Official, Emily Goellner, Community Development Director	

ACTION REQUESTED:
The attached May 2023 Building Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
N/A

ATTACHMENTS:
1. building activity report 2022-2023

2023

	Jan-23	Feb-23	Mar-23	Apr-23	May-23	2023-YTD
BUILDING						
NUMBER OF BLDG. PERMITS	7	12	11	9	8	47
PROJECT VALUE	$482,900.00	$409,808.00	$3,970,640.00	$583,688.00	$16,499,150.00	$21,946,186.00
BUILDING PERMIT FEE	**$5,152.52**	**$5,500.32**	**$25,660.70**	**$5,984.25**	**$77,081.39**	**$119,379.18**
PLAN CHECK FEE	**$1,787.60**	**$2,288.65**	**$14,533.14**	**$2,999.26**	**$50,068.77**	**$71,677.42**
EXTERIOR						
NUMBER OF PERMITS	2	1	4	5	6	18
PROJECT VALUE	$72,324.00	$13,407.00	$211,643.00	$375,994.00	$83,357.00	$756,725.00
PERMIT FEE	**$ 966.37**	**$ 263.32**	**$ 2,401.52**	**$ 3,713.39**	**$ 1,526.84**	**$ 8,871.44**
MECHANICAL						
NUMBER OF PERMITS	8	12	12	10	14	56
PROJECT VALUE	122,256.00	726,153.00	127,900.00	91,206.00	170,804.00	1,238,319.00
PERMIT FEE	**2,436.42**	**11,808.06**	**2,555.95**	**1,859.12**	**3,451.08**	**22,110.63**
PLUMBING						
NUMBER OF PERMITS	29	6	11	14	8	68
PROJECT VALUE	$828,017.00	$70,009.00	$109,611.00	$107,011.00	$145,585.00	$1,260,233.00
PERMIT FEE	**$11,432.88**	**$1,425.18**	**$2,271.22**	**$2,256.22**	**$2,615.70**	**$20,001.20**
TOTAL # OF PERMITS	46	31	38	38	36	189
TOTAL INCOME	**$21,775.79**	**$21,285.53**	**$47,422.53**	**$16,812.24**	**$134,743.78**	**$242,039.87**

INSPECTIONS

BUILDING	22	19	30	23	59	153
EXTERIOR	1	1	3	2	5	12
HVAC	12	9	43	10	31	105
PLUMBING	9	10	27	14	24	84
OTHER						
TOTAL # OF INSPECTIONS	44	39	103	49	119	354

RENTAL

INSPECTIONS	5	64	99	20	15	203

2022

	Jan-22	Feb-22	Mar-23	Apr-22	May-22	2022-YTD
BUILDING						
NUMBER OF BLDG. PERMITS	11	13	13	25	18	80
PROJECT VALUE	$274,537.00	$2,215,807.00	$3,170,300.00	$3,857,297.00	$1,074,087.00	10,592,028
BUILDING PERMIT FEE	**$3,473.25**	**$17,644.00**	**$20,130.75**	**$29,083.50**	**$10,598.25**	80,930
PLAN CHECK FEE	**$1,361.10**	**$8,813.79**	**$12,067.09**	**$16,746.39**	**$3,777.96**	42,766
EXTERIOR						
NUMBER OF PERMITS	1	1	5	2	3	12
PROJECT VALUE	$5,229.00	$14,628.00	$284,196.00	$26,253.00	$18,429.00	348,735
PERMIT FEE	**$ 132.75**	**$ 265.50**	**$ 3,213.50**	**$ 486.75**	**$ 409.75**	4,508
MECHANICAL						
NUMBER OF PERMITS	14	16	15	14	16	75
PROJECT VALUE	102,007.00	185,869.00	210,202.00	345,826.00	103,237.00	947,141
PERMIT FEE	**2,081.64**	**3,652.36**	**4,189.04**	**6,573.92**	**2,088.74**	18,586
PLUMBING						
NUMBER OF PERMITS	8	13	7	17	13	58
PROJECT VALUE	$38,518.00	$123,914.00	$72,000.00	$184,794.00	$74,664.00	493,890
PERMIT FEE	**$796.36**	**$2,478.28**	**$1,466.00**	**$3,732.88**	**$1,513.38**	9,987
						0
TOTAL # OF PERMITS	34	43	40	58	50	225
TOTAL INCOME	**$7,845.10**	**$32,853.93**	**$41,066.38**	**$56,623.44**	**$18,388.08**	**$156,776.93**

INSPECTIONS

BUILDING	30	66	35	42	53	226
EXTERIOR	2	0	1	2	1	6
HVAC	29	45	42	22	45	183
PLUMBING	17	20	23	30	24	114
OTHER						0

TOTAL # OF INSPECTIONS	78	131	101	96	123	529
RENTAL						
INSPECTIONS	6	37	78	37	12	170

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.f
TITLE: Adoption of Resolution 38-2023 Designating the City Appointments and Assignments for 2023 to Include League of Minnesota Cities 4M Fund as a Depository for City Funds	
PROPOSED MOTION: To Adopt Resolution 38-2023 Designating the City Appointments and Assignments for 2023 to Include League of Minnesota Cities 4M Fund as a Depository for City Funds.	
PREPARED BY: Aurora Yager, Deputy City Manager	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
Staff recommends adoption of Resolution 38-2023 as presented.

FINANCIAL OR BUDGET CONSIDERATION:
Recommendations from the City's Auditor following the 2022 audit were to be aware of deposit sweep account set ups to ensure that there is adequate insurance, bond, or pledged collateral to cover amounts that the City has deposited at the close of business. Since the City is planning to retain its checking account at Old National and utilize 4M fund for investment purposes, staff has checked with both the 4M Fund and the Auditor and verified that the City's future investments in the 4M Fund will be adequately protected.

BACKGROUND:
The City currently has accounts and investments with Old National Bank and UBS Financial Services. In the past, the City used to invest in the 4M Fund, but when returns decreased some years ago, the City switched to primarily utilizing UBS for investments.

Given the lack of City investment in the 4M Fund for several years, it stopped being listed as an official depository in 2022. However, staff recommends that the City start using the 4M Fund again for certain investment activities. There are two main reasons for this change. Firstly, the 4M Fund has extensive expertise in managing municipal funds. Secondly, they offer their clients other complimentary services that the City would like to access, such as cash flow forecasting, arbitrage tracking and reporting of bond proceeds, and more.

The City plans to keep its existing accounts and investments at both Old National and UBS. Staff just wants to add the 4M Fund as an official depository to have the option to access their investments and take advantage of the other services they provide. Resolution 38-2023 essentially amends Resolution 01-2023 in only one place (bolded in the table in the Resolution) to add the 4M Fund as an official depository.

ATTACHMENTS:
1. Resolution 38-2023 Amending Annual Appointments to include 4M Fund as Depository (1)

CITY OF WAYZATA

RESOLUTION NO. 38-2023

A RESOLUTION AMENDING CITY APPOINTMENTS AND ASSIGNMENTS FOR 2023 TO INCLUDE THE LEAGUE OF MN CITIES 4M FUND AS A DEPOSITORY FOR CITY FUNDS

BE IT RESOLVED by the City Council of the City of Wayzata that the following appointments are approved for 2023:

Mayor Pro Tem	1) Alex Plechash 2) Cathy Iverson
LMCD Board of Directors (Term Expires 01/31/2024)	Daniel Baasen
Suburban Rate Authority Representative	Jeff Dahl
City Attorney	Best & Flanagan (David Schelzel)
Prosecuting Attorney	Jeffrey W. Lambert, PA
Health Officer	City of Minnetonka
Official Newspaper	Sun Sailor
Assistant Weed Inspector	Kurt Klapprich
City Forester	Bennett Myhran
Responsible Authority (for purposes of the Data Practices Act)	Kathy Leervig
Assessor for Residential, Commercial, Industrial, Utility & Apartment & the "Promenade of Wayzata" Properties	Hennepin County Assessor's Office
Fire Relief Board of Trustees	Johanna Mouton, Mayor Jeff Dahl, City Manager Kevin Klapprich, Fire Chief
City Representatives (Mayor + 2) on Panoway Team	Mayor Johanna Mouton Jeff Dahl Molly MacDonald
Panoway Lead Staff Person	Emily Goellner
Panoway District Committee Representatives	Cathy Iverson Molly MacDonald
Wayzata Conservancy Liaison	Jeff Parkhill
Energy & Environment Committee Liaison	Not filled
Zoning Task Force Representatives	Alex Plechash Jeff Parkhill
Section Foreman House Design Representatives	Alex Plechash Cathy Iverson
Wayzata Boulevard Corridor Study Co-Chairs	Molly MacDonald Alex Plechash
Official Depositories	Old National Bank UBS Financial Services **League of MN Cities 4M Fund**

BE IT FURTHER RESOLVED that all checks drawn against the account of the City of Wayzata at Old National Bank of Wayzata shall be signed by City Manager Jeffrey Dahl and by either

Mayor Johanna Mouton or the Mayor Pro-Tem. Said signatures may be affixed to such checks by a signature plate or by hand; and

BE IT FURTHER RESOLVED that the above signatures also shall be considered the official signatures of the City of Wayzata; and

BE IT FURTHER RESOLVED that the City Clerk, Senior Accountant, and Deputy City Manager shall have all authority and responsibility as delegated by the City Manager; and

BE IT FINALLY RESOLVED that the City Manager and designated (by City Manager) City employees shall have the ability to make credit card purchases on behalf of the City of Wayzata.

Adopted by the City Council of the City of Wayzata this 20th day of June, 2023.

_____
Johanna Mouton, Mayor

Attest: _____
Jeffrey Dahl, City Manager

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 Resolution No. 38-2023 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 10, 2023.

_____
Kathy Leervig, City Clerk

SEAL

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.g
TITLE: Adoption of Resolution 37-2023 Appointing Ava McNanley as the Energy and Environment Committee Student Member	
PROPOSED MOTION: To Adopt Resolution 37-2023 Appointing Ava McNanley as the Energy and Environment Committee Student Member	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff and the Energy and Environment Committee recommend adoption of Resolution 37-2023 appointing Ava McNanley as the Energy and Environment Committee Student Member.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

The Energy and Environment Committee received applications for the Energy and Environment Committee Student Member position in April and May of 2023. The Committee selected the students to interview from the applications and completed the interviews on May 17. The Committee ultimately voted to recommend Ava McNanley to be appointed as the Energy and Environment Committee Student Member.

ATTACHMENTS:

1. Draft Resolution 37-2023_Appointing EE Student Member
2. Ava McNanley Application

CITY OF WAYZATA

DRAFT RESOLUTION NO. 37-2023

RESOLUTION APPOINTING AN ENERGY AND ENVIRONMENT STUDENT COMMITTEE MEMBER

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

Section 1. BACKGROUND

1.1 Vacancy. The Wayzata Energy and Environment Committee (the "E&E"), currently has an opening for the student member position.

Section 2. STANDARDS

2.1 City Council Appointment. Section 18 of the Revised Charter of the City of Wayzata empowers the City Council to create and appoint an Energy and Environment Committee Member.

Section 3. CITY COUNCIL ACTION

3.1 The City Council of Wayzata hereby finds the following person eligible to serve as a commissioner on the Wayzata Energy and Environment Committee and appoints her as a member of the E&E Committee as follows:

1. Ava McNanley shall serve a three-year term to expire on June 20, 2026 or until she graduates from school.

Adopted by the Wayzata City Council this 20th day of June, 2023.

_____
Mayor Johanna Mouton

ATTEST:

_____
City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 37-2023 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 20, 2023.

_____
City Clerk Kathy Leervig

SEAL

City of Wayzata

APPLICATION FOR APPOINTMENT TO CITY COMMISSION, AUTHORITY OR BOARD

2023 Commission, Authority, or Board Application

Eligible applicants may apply for appointment to any of the advisory boards established by the City Council. Please complete the following information, and attach extra sheets if necessary. You may also attach a resume if you wish. The selection process will vary by board and according to the number of applicants and vacancies, and includes interviews with candidates.

If you are applying for more than one position, please rank in the order of preference.

_____ Charter Commission (Multiple 4-year terms expiring Dec. 31, 2026)

__X__ Energy & Environment Committee (Three 3-year term expiring Dec. 31, 2025)

_____ Heritage Preservation Board (2-year terms expiring Dec. 31, 2024)

_____ Housing & Redevelopment Authority (One 5-year term expiring Dec. 31, 2027)

_____ Parks and Trails Board (Two 3-year terms expiring Dec. 31, 2025)

_____ Planning Commission (Two 3-year terms expiring Dec. 31, 2025)

Data Practices Advisory

DATA PRIVACY NOTICE: Our application requests that you furnish both public and private information about yourself. Your name, address, current employment position, previous work history, education and training are public data under the Minnesota Data Act (Minn. Stat. Sect. 13.43, subd. 2 & 3). It is available to anyone who requests the information. The data you give us about yourself is needed to identify you and assist in determining your suitability for the commission, authority or board for which you are applying. This data is not legally required, but refusal to supply the information requested may affect the City Council's ability to evaluate your application. If you have concerns about providing any of the requested information, please contact the City Clerk at 952-404-5303.

Applicant Information

Avca — First Name

McNaniey — Last Name

J — M.I.

[redacted] — Street Address

Apartment/Unit #

Medina — City

MN — State

55340 — Zip

[redacted] — Daytime Phone

[redacted] — Evening Phone

[redacted] — Mobile Phone

[redacted]

Email

How long have you been a Wayzata Resident? _____

☑ Check here if you are not a Wayzata Resident

Do you have any current or prior service on a City Commission, Authority or Board?
☐ Yes
☑ No
If Yes, explain _____

Have you or any of your family members been employed by the City of Wayzata or served on any City Commission, Authority or Board?
☐ Yes
☑ No
If Yes, explain _____

Conflict of interest is defined as the participation in any activity, recommended action, or decision from which the individual had or could have the potential to receive personal gain, whether it be direct or indirect. In accordance with this definition, do you have any legal or equitable interest in any business, however organized, which could be constructed as a conflict of interest?
☐ Yes
☑ No

I agree to refrain from voting on issues where I have a conflict of interest.
☑ Yes
☐ No

I agree to read the agenda material provided prior to the Commission, Authority or Board meetings so that I am prepared to participate in discussion.
☑ Yes
☐ No

I agree to offer discussion on the pros and cons of the policy/issue being discussed and agree to refrain from personal criticism directed toward citizens, applicants, fellow Commission, Authority or Board members and staff.
☑ Yes
☐ No

I agree to contact and notify in advance the appropriate staff person when I cannot attend a regularly scheduled meeting.
☑ Yes
☐ No

Experience, Education and Related Activities

Education: Wayzata High School - Sophomore

Memberships: -

Name of Employer: -

Occupation: _____

Does your work require you to travel?
If so, please select the category that best fits your travel frequency.

- ☐ A great deal
- ☐ Periodically
- ☐ Very Little
- ☑ None

Community Service, Civic and Professional Activities:

I have been volunteering with IOCP (a community outreach organization) for the past couple of months, where I have worked in their sale department working the cash register. I also am a part of my schools environmental club. In addition, my friend and I mentor young girls in our old middle school and coach them on building their own apps through technovation, a national organization for young girls in coding. I have also been a member of my school's student council for 2 years.

Additional Information (attach additional sheets if necessary):

What is your primary interest in serving on a Commission, Authority or Board?

I am interested in working on Irvine's environment Committee because I am very passionate about sustainable policy and change. From a young age I have always had respect for our planet, and I feel that this would be a great thing for me to gain experience and create change that will eventually impact future generations. I am very interested in discussing a wide variety of topics and learning about different sustainable practices to help our community.

What strengths and abilities would you bring to the CAB? Do you have any special interests or training which you feel a particular board or commission could use?

Through my experience at IOCP, I feel that I am a very thorough communicator as I have had to serve so many different people. In addition, I have recently coded an app for the non-profit Smart Nerds, which aims to not only reduce technological inequalities but also improve sustainable technology, where they have been working on smart streetlights. Some of my interests include sustainable energy, reducing plastic waste, and promoting community gardens/composting.

As a CAB member, are there any issues that might cause conflict between civic responsibility and personal/professional interests?

no

Public Contact Information and Disclaimer

The following contact information may be given to residents/others should they want to reach you.

Phone: [redacted] Email: [redacted]

☑ *I authorize the City of Wayzata to share my public contact information with others. Please check the box above to affirm that you have read this notice.*

Application Signature

Thank you for your interest in serving on a Commission, Authority or Board for the City of Wayzata.

Signature: [signature] Date: 4/23

Return completed application by November 10, 2022 by 4:00 p.m. to:

City of Wayzata
Kathy Leervig, City Clerk
600 Rice Street East
Wayzata, MN 55391
(952) 404-5303
kleervig@wayzata.org

The selection process will vary according to the number of applicants and vacancies, and may not include interviews with all candidates.

Rev 10/21

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.h
TITLE: Approval of CMT Janitorial Services Agreement	
PROPOSED MOTION: To Approve the Services Agreement with CMT Janitorial Services	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
Staff recommends approval of the CMT Janitorial Services Agreement.

FINANCIAL OR BUDGET CONSIDERATION:
The cost is approximately $460 more per month than the previous contract for a total of $3,189 per month. The cost will be split between the General Fund and Water, Sewer, and Storm Sewer funds. The proposed cost is an increase of approximately 17% from the previous contract to cover inflation over the past three years.

BACKGROUND:
The City has contracted with CMT Janitorial Serivices since 2019. The agreement covers Janitorial Services to clean City Hall including the Police Department, Public Works, and the Fire Department facilities. The contract is for three years and would not increase in fees during that time.

ATTACHMENTS:
1. CMT Contract for Janitorial Services 2023-2026
2. 2023-2026 Cleaning Schedule and Covered Services

CMT Janitorial Services Agreement

This Janitorial Services Agreement (the "Agreement") is entered into this 1st day of July, 2023, by and between The City of Wayzata (the "City") and J&G Holdings, LLC d/b/a CMT Janitorial Services (the "Contractor") (collectively, the "Parties" and individually, a "Party").

In Consideration of the covenants and conditions herein and other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

Cleaning Services: Contractor shall perform janitorial services, and provide all cleaning supplies, equipment and materials required for such services, at The City of Wayzata buildings (City Hall, Police Department, Fire Department and Public Works buildings) as outlined in the attached Bid for Cleaning Services (the "Cleaning Services").

Term: The term of this Agreement shall be for three years, commencing on July 1st, 2023, and expiring on June 30th, 2026 unless sooner terminated as provided herein. Agreement renewal terms may be discussed by the Parties at any time, as well as new cleaning duties, terms, etc., which may be incorporated into this Agreement as an amendment if the Parties agree to such renewal and/or other terms in writing. After one year, if the term of this Agreement is renewed, either Party may terminate this Agreement upon 60 days' notice to the other Party. Either the City or Contractor may terminate this Agreement at any time for non- performance by following these steps:

1. The Party who wishes to terminate this Agreement must give the other Party a written notice detailing the "nonperformance" of the other Party which is causing the Party to consider terminating the Agreement.

2. The Party receiving such notice will have thirty (30) days to fix the problem to the satisfaction of the Party giving notice.

3. If the "nonperformance" is corrected to the satisfaction of the Party giving notice, this Agreement will remain in effect.

4. If the "nonperformance" is not corrected to the satisfaction of the Party giving notice, the Party giving notice may then give the other Party a written notice detailing why they feel that the nonperformance has not been satisfactorily corrected, and this Agreement will then terminate when the Party has received this second notice.

These steps can be waived, and this Agreement can be terminated immediately if both the City and Contractor agree to this.

Contract Sum. The Cleaning Services shall be performed for the City of Wayzata for a total of two thousand five hundred and ninety-five dollars ($3,189) per month.

Payment Procedures. The City of Wayzata shall pay Contractor the monthly Contract Sum within thirty (30) days following the determination by the City that all of the Cleaning Services have been satisfactorily performed in accordance with this

Agreement for said month.

Indemnity. To the fullest extent permitted by law, the Contractor shall indemnify, defend and hold harmless the City of Wayzata, and its officials, officers, employees, and volunteers, against all injuries, deaths, damage to property, loss, damages, claims, suites, liens, lien rights, liabilities, judgments, costs and expenses, which may in any way arise directly or indirectly from Cleaning Services; in which case Contractor shall at its own expense, appear, defend and pay all charges of attorneys and costs and other expenses arising therefrom or incurred in connection therewith, and if any judgment shall be rendered against The City of Wayzata in any such action, Contractor agrees that any bond or insurance protection require herein, or otherwise provided by Contractor, shall in no way limit the responsibility to indemnify, keep and save harmless and defend The City of Wayzata as herein provided. This obligation shall survive the expiration and/or termination of this Agreement.

Criminal Background Checks. Contractor shall perform background checks, through the BCA, on each employee, contractor, sub-contractor and/or other person performing Cleaning Services and in the event any criminal background check discloses a conviction of any felony and/or a misdemeanor shall be prohibited from performing any Cleaning Services and/or other work.

Prohibited Conduct. The Contractor's personnel shall not disturb papers on desks, or open drawers, cabinets, files, or bookcases. Telephones, computers and other equipment owned by The City of Wayzata shall not be used by the Contractor's employees and/or other workers. Under no circumstances shall the Contractor's personnel be allowed to bring visitors into The City of Wayzata building while performing Cleaning Services.

Other Terms. The Contractor agrees to abide by all of the attached standard terms and conditions for City contracts.

_____	_____
The City of Wayzata	Contractor: CMT Janitorial Services
Kathy Leervig, City Clerk	Julie Karos, CEO

_____
The City of Wayzata
Johanna Mouton, Mayor

Attachment:
Bid for Cleaning Services
City of Wayzata Standard Contract Terms

Attachment 1
Bid for Cleaning Services

INSURANCE

Unless and to the extent a requirement is reduced or waived by the City in writing, Contractor, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

A. General Liability. Contractor agrees to maintain commercial general liability insurance in a minimum amount of $1,000,000 per occurrence; $2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products completed operations, personal injury, advertising injury, and contractually assumed liability. City shall be endorsed as additional insured.

B. Automobile Liability. If Contractor operates a motor vehicle in performing the Services under this Agreement, Contractor shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of $1,000,000 combined single limit.

C. Professional (Errors and Omissions) Liability Insurance. Contractor will maintain professional liability insurance for all claims Contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under this Agreement. Contractor is required to carry the following minimum limits: $1,000,000 per occurrence; $2,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the Effective Date, and Contractor shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

D. Workers' Compensation. Contractor agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. Contractor shall also carry employers' liability coverage with minimum limits as follows: (i) $500,000 – Bodily Injury by Disease per employee; (ii) $500,000 – Bodily Injury by Disease aggregate; and (iii) $500,000 – Bodily Injury by Accident.

Contractor shall, prior to commencing the Services, upon request, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. Contractor's policies shall be the primary insurance to any other valid and collectible insurance available to City with respect to any claim arising out of Contractor's performance under this Agreement. Contractor's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City.

INDEPENDENT CONTRACTOR RELATIONSHIP

City and Contractor agree that Contractor is an "independent contractor" and not an employee of City. Contractor shall be solely and entirely responsible for its acts and for the acts of its employees, agents, and subcontractors in connection with the Services. Contractor shall be responsible for the compensation and benefits of Contractor's employees and for payment of all federal, state and local taxes payable with respect to any amounts paid to Contractor under this Agreement. No payroll or employment taxes of any kind shall be withheld or paid by City with respect to payments to

Contractor, including but not limited to, FICA, FUTA, federal and state personal income tax, state disability insurance tax and state unemployment tax. Contractor shall not be entitled to any benefits from City, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits.

OTHER TERMS

A. Entire Agreement; Amendments. This Agreement and the attachments referenced herein represent the entire agreement between Contractor and City. Any terms in the main body of this Agreement and other attachments thereto which conflict with this attachment shall be limited, controlled and superseded by the terms in this attachment. This Agreement supersedes any prior or contemporaneous representations or agreements, either written or oral. No amendment or modification of the terms of this Agreement, except as may be expressly authorized herein, may be made and will not be effective unless agreed upon in writing by City and Contractor.

B. Assignability. The rights and obligations of Contractor under this Agreement shall not be assignable or transferable without the prior written approval of the City.

C. Compliance of all Laws; Ability to Perform; Representations. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances and orders. Contractor has in effect and will maintain in effect all permits, licenses, and other authorizations necessary for the performance of the Services. Contractor is not aware of any fact or circumstance which would prevent Contractor from performing in accordance with this Agreement. Contractor represents and warrants that Contractor has the requisite training, skills, and experience necessary to provide the Services contemplated by this Agreement, and that the Services will be performed using personnel, equipment, and material qualified and suitable to perform the Services requested. Contractor shall be solely responsible for its negligent acts, errors and omissions while performing Services under this Agreement. Contractor will perform the Services with reasonable care and skill, in a diligent and professional manner and in accordance with accepted professional practices and industry standards.

D. Assurances and Indemnification. Contractor assures the City, and represents and warrants, that the information it has provided in its Statement of Work is accurate and not misleading in any material respect. Contractor shall defend and indemnify City, its employees, officials, and agents, against all claims, demands and actions, and all related costs and expenses (including reasonable attorneys' fees) for injury, death, disability or illness of any person, or damage to property, arising out of the negligent performance of the Services or any breach of any representation or term of this Agreement by Contractor.

E. Payment of Others. Contractor shall pay all of Contractor's employees, agents, and subcontractors furnishing services, labor, equipment, or materials incidental to the performance of Contractor's obligations under this Agreement.

F. Rights in Deliverables. All deliverables associated with the Services, and all data, information, ideas, designs, plans and creative works associated therewith, shall be the exclusive property of City, including all intellectual property rights therein. City and Contractor agree that such are works made for hire for City, and to the extent they do not qualify as such, Contractor hereby assigns all rights therein to City.

G. Contractor's Obligations Upon Termination. Upon the expiration or termination of this Agreement, Contractor shall furnish City with all deliverables and work in progress associated with the Services as of the effective date of termination. City shall have the unfettered right and freedom to use all such deliverables and work in progress as it sees fit, and to hire third parties to complete all outstanding Services as of the effective date of termination.

H. Headings. The headings in this Agreement are intended solely for convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

I. Notices. All notices or communications relating to this Agreement shall be in writing and shall be deemed given upon hand delivery or deposit in the United States mail, return receipt requested, and addressed as follows:

To the City:	To Contractor:
Wayzata City Hall	J&G Holdings, LLC
600 East Rice Street	DBA CMT Janitorial
Wayzata, MN 55391	603 East Lake Street, Suite 220
Attention: City Manager	Wayzata, MN 55391
	Attention: Julie Karos

J. Governing Law; Jurisdiction; Data Practices Act. This Agreement shall be construed in accordance with governed by the laws of the State of Minnesota. The parties agree to submit to the jurisdiction of the courts of the State of Minnesota, and that any litigation regarding this Agreement will be brought in the state or federal courts that lie in Hennepin County, Minnesota. Contractor agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13. Contractor understands that all of the data created, collected, received, stored, used, maintained, or disseminated by Contractor in performing those functions that the City would perform is subject to the requirements of Chapter 13, and Contractor must comply with those requirements as if it were a government entity. This does not create a duty on the part of Contractor to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

K. Waiver. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

L. Savings Clause. If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of this Agreement will remain in full force and effect.

M. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

CMT
JANITORIAL SERVICES

CLEANING SCHEDULE

Total for all Cleaning Labor $3,189/month

CLEANING LISTS

The cleaning lists attached are a "guide" as we tailor them for each individual building. Once we are awarded the contract, we do an initial full clean while incorporating the customer's specific requests.

GMT Janitorial will provide the equipment and cleaning products necessary to perform the janitorial cleaning. GMT will handle and order the inventory for any paper products, hand soap, kitchen supplies, and items for restrooms necessary for GMT to keep them stocked and dispensers filled. GMT can have this separately billed to the account.

Upon being awarded the contract, GMT will provide proof of insurance. GMT is bonded as well.

Front and Lower Entrances (City Hall)	Each Night Weekly
Spot clean entry glass doors	X
Spot clean interior of any sidelight glass	X
Empty waste receptacles, replace liners as needed	X
Empty recycling 3x a week and place in recycling bins outside	M, W, F
Clean and polish drinking fountains in hallways	X
Vacuum any carpeted floors and walk mats	X
Sweep and mop hard surface flooring	X
Edge vacuum entryway hard surface floor	X
Dust low horizontal surfaces above desk level within reach	X
Dust low level horizontal surfaces at and below desk level	X
Spot clean vertical and horizontal surfaces	X
Brush or wipe clean upholstered furniture	X
Clean city hall lobby countertop	X

Main Offices/Cubicles in City Hall and Police Department	Each Night Weekly
Empty waste receptacles, replace liners as needed	X
Vacuum carpet and walk mats and/or sweep and mop any hard surface flooring	X
Disinfect/wipe any light switch plates 1 x week	X
Dust high horizontal surfaces above desk level within reach including (unobstructed) cabinets, window sills, ledges, tops of cubicles, picture frames on walls, top of any surfaces if appl	X
Dust low horizontal surfaces at and below desk	X
Spot clean vertical and horizontal surfaces, door kick plates and office partition glass	X
Brush clean/damp wipe chairs	X
Countertop in the EOC conference room/Police Department.	X

Conference Room and Chambers Room	Each Night Weekly
Empty waste receptacles, replace liners as needed	X
Vacuum carpet and walk mats in main area and around desks	X
Disinfect wipe/dust conference room tables	X
Arrange chairs neatly around conference room tables	X
Dust high horizontal surfaces above desk level within reach including (unobstructed) cabinets, window sills, ledges and tops of cubicles	X
Dust low horizontal surfaces at and below desk	X
Spot clean vertical and horizontal surfaces, door kick plates and office partition glass	X
Brush clean/damp wipe conference room chairs	X
Wipe smudges and spot clean windows and doors	X

All Restrooms and Locker Room	Each Night Weekly
Clean both holding cell areas to include toilet, sink and cot	X
Empty trash and replace liner	X
Sweep/Edge floor	X
Clean inside of commodes and urinals with bowl cleaner	X
Clean exterior of commodes and urinals	X
Clean mirrors, faucets, sinks, cabinets, stainless steel and countertops	X
Refill toilet paper, paper towel and soap dispensers	X
Empty feminine waste receptacles and replace wax liners	X
Mop any hard surface flooring	X
Spot clean walls and partitions	X
High dust partitions and door jams	X
Dust all ledges	X
Dust ceiling vents/diffusers	Weekly

Break Room/Kitchenettes	Each Night Weekly
Vacuum and mop all hard surfaces (including under sink lower level break room)	X
Disinfect/wipe tables	X
Disinfect/wipe outside of refrigerator and microwaves, stainless steel polish	X
Dust high horizontal surfaces such as window sills, ledges and tops of appliances	X
Sweep and edge kitchen and sweep	X
Move items on counters to disinfect and clean	X
Wipe front of cupboards and disinfect as needed	X
Clean sinks	X

Public Works Building	Wednesdays and Fridays
Entrance Areas (2) to include vacuuming, dusting and cleaning windows and glass	X
Restrooms (3) to include all details as noted above in Restroom Specs	X
Empty all waste receptacles, replace liners as needed	X
Clean and polish drinking fountains in hallways	X
Vacuum all carpeted floors and walk mats	X
Sweep and mop hard surface flooring	X
Vacuum, wipe and dust all offices and workspaces	X
Vacuum and wipe down break room, to include kitchen area, all appliances, countertops and tables	X
Wipe down conference table and vacuum surrounding area	X
Spot clean vertical and horizontal surfaces	X
Brush or wipe clean upholstered furniture	X

Fire Station	Once per Week (Every Tuesday)
Entrance Area to include vacuuming, dusting and cleaning windows and glass	X
Restrooms (3) to include all details as noted above in Restroom Specs	X
Empty all waste receptacles, replace liners as needed	X
Vacuum and dust Radio Room	X
Vacuum and wipe down conference table area	X
Vacuum and wipe down upstairs kitchenette area	X
Vacuum and wipe down all tables in lower level meeting room	X
Vacuum, mop, and wipe down break room/lounge area, to include kitchen area, all appliances, countertops and tables	X
Sweep and mop hallway and stairwell	X
Spot clean vertical and horizontal surfaces	X
Brush or wipe clean upholstered furniture	X

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.i
TITLE: Approval of Second Reading and Adoption of Ordinance 825 Approving Zoning Text Amendments to Chapter 936 - Tree Preservation Ordinance, Chapter 918 - Fencing/Screening, and Chapter 902 - Rules and Regulations	
PROPOSED MOTION: To Approve the Second Reading and Adopt Ordinance 825 Approving Zoning Text Amendments to Chapter 936 - Tree Preservation Ordinance, Chapter 918 - Fencing/Screening, and Chapter 902 - Rules and Regulations	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
Staff recommends approval of the second reading and adoption of Ordinance 825.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
In October 2022, the City Council approved zoning text amendments to Chapters 519, 710, and 936 to ensure the protection, preservation, and enhancement of the community's natural environment. Through enforcement of the new Ordinance, staff discovered that additional updates are needed to help with enforcement as intended in Chapter 936. Additional text amendments to Chapter 918 (Fencing/Screening) are also proposed to align with the updated language of Chapter 936.

The Planning Commission considered amendments to Chapters 936 and 918 at their April 17 meeting and recommended approval of the proposed changes (5-0). The proposed amendments to Chapter 902 are to copy the definitions from Chapter 936 to the Code Section with all of the definitions to Chapter 902.

The City Council considered Ordinance 825 at the May 16 City Council meeting and voted to approve the first reading of Ordinance 825 on a 5-0 vote. The amended ordinance would be enacted upon it's published date in the Sun Sailor.

ATTACHMENTS:
1. Draft Ordinance 825

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 825

AN ORDINANCE AMENDING CITY CODE CHAPTER 936 RELATED TO TREE PRESERVATION, SECTION 918.03 RELATED TO FENCING, SCREENING, AND LANDSCAPING, AND SECTION 902.02 RELATED TO DEFINITIONS

WHEREAS, the City Council, pursuant to Ordinance 818 (the "Ordinance"), recently made amendments to City Code related to tree management and preservation to better protect, preserve, and enhance the City's tree canopy and natural environment;

WHEREAS, City Staff has identified certain further related amendments to the Zoning Ordinance that are needed to better clarify and administer the provisions thereof; and

WHEREAS, the Planning Commission has reviewed such proposed amendments, and recommends approval and adoption of them as detailed in the Report and Recommendation of the Planning Commission dated May 1, 2023.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Adoption of Findings. The findings set forth in the Report and Recommendation of the Planning Commission dated May 1, 2023 are hereby adopted.

Section 2. Amendments to Chapter 936 (Tree Preservation) of Part IX of City Code (Zoning Ordinance). Chapter 936 of the Wayzata City Code (Tree Preservation) is hereby amended to read in its entirety as set forth on Attachment A of this Ordinance (~~struck~~ text deleted, underlined text added).

Section 3. Amendments to Section 918.03 (Required Fencing, Screening, and Landscaping) of Part IX of City Code (Zoning Ordinance). Section 918.03 of the Wayzata City Code (Required Fencing, Screening, and Landscaping) is hereby amended to read in its entirety as set forth on Attachment B of this Ordinance (~~struck~~ text deleted, underlined text added).

Section 4. Amendments to Section 902.02 (Definitions) of Part IX of City Code (Zoning Ordinance). Section 902.02 of the Wayzata City Code (Definitions) is hereby amended to read in its entirety as set forth on Attachment C of the Ordinance (~~struck~~ text deleted, underlined text added).

Section 5. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this _____ day of _____, 2023.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

Attachment A

CHAPTER 936 TREE PRESERVATION

936.01 Purpose and Intent.

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the City, and to encourage a balanced approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations of this Chapter to promote the following:

A. Protection and preservation of the environment and natural beauty of the City;

B. Assurance of orderly development within wooded areas to minimize tree and habitat loss;

C. Evaluation of the impacts to trees and wooded areas resulting from development;

D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;

E. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear-cutting during development; and

F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

936.02 Definitions.

For purposes of this section, the following definitions shall apply:

A. **"City Forester"** means that person appointed as City Forester in Section 710.02.

B. **"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.

C. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.

D. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

E. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.

F. **"Diameter of Tree at Breast Height"** or **"DBH"** means the diameter of a tree as measured 4½ feet 54 inches above the ground. Trees that branch near or below 4½ feet from the ground will be measured at the narrowest point below 4½ feet. Trunks that originate from the ground shall be considered separate trees.

G. **"Healthy Tree"** means a tree that is in the average or better condition and vitality for the area, as determined by the City Forester.

H. **"Heritage Tree"** means a Healthy Rapid-Growth Tree that is 30 inches or greater in DBH, a Healthy Standard-Growth Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree that is 25 inches or greater in DBH.

I. **"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.

J. **"Nursery Stock Dealer"** or **"Nursery Stock Grower"** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.

K. **"Public Infrastructure"** means the construction or maintenance of:

1. Collector or arterial roads as defined by the City Transportation Plan;
2. Public recreational trails;
3. Stormwater infrastructure;
4. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or
5. Any essential service or public improvement.

L. **"Rapid-Growth Tree Species"** means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash.

M. **"Removal"** or **"Tree Removal"** means:

1. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
2. Grading impact, compaction, or other damage up to 40 percent of a tree's Critical Root Zone;
3. Excessive pruning that severely impacts the long term survivability of the tree; or
4. Any other impact to a tree that comprises the long term health or structural stability of a tree.

N. **"Significant Tree"** means a Healthy Standard-Growth Tree that is six inches or greater in DBH, a Healthy Rapid-Growth Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH.

O. **"Site Plan"** means the site plan established and described in this Chapter.

P. **"Standard-Growth Tree Species"** means a species of tree recognized as standard-growth trees by the City Forester.

Q. **"Structural Root Zone"** means the area around a tree with a radius that is equal to three inches for each one inch of DBH of the tree.

R. **"Tree Inch(es)"** means the DBH of a tree or trees on a site.

S. **"Tree Preservation Plan"** means the tree preservation plan established and described in this Chapter.

T. **"Tree Preservation Zone"** means the tree preservation zone established and described in this Chapter.

U. **"Tree Removal Permit"** means a permit that is required under this Chapter for tree removal.

936.03 Establishment of Tree Preservation Zone.

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat-island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; provide a haven for animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all property within the City of Wayzata. The regulations and requirements imposed within the Tree Preservation Zone shall be in addition to the zoning districts within the existing and amended text and map of the Wayzata Zoning Ordinance, and the Floodplain, Shoreland, and Wetland regulations and requirements. In cases where there is a conflict between regulations applicable within such zones, the more restrictive requirements shall apply.

936.04 City Forester Role.

The City Forester shall have the authority to make interpretations and final determinations on calculations, measurements, and the language of this Chapter.

936.05 Tree Removal Permit Requirement.

A Tree Removal Permit is required for the removal of any tree with a diameter at breast height (DBH) of six inches or more. ~~Significant or Heritage Tree.~~ No permit fee shall be required for the removal of trees that are determined by the City Forester to be dead, diseased, dying, or hazardous. Removal of any ~~Significant or Heritage Tree~~ tree that requires a Tree Removal Permit shall comply with all of the requirements of this Chapter along with the requirements listed in the Permit itself.

Submittals for a Tree Removal Permit Application shall be as follows:

A. Completed Tree Removal Permit Application Form
B. Tree Preservation Plan, if applicable, as specified in Sec. 936.07

The process for review and approval of a Tree Removal Permit Application shall be as follows:

A. Submission of a completed Tree Removal Permit Application and other required submittals to the City
B. City staff review of the Application and determination if the Application is complete
C. Submission of any required tree escrow payment to cover tree replacement
D. Staff approval or denial of the Tree Removal Permit
E. If the Permit is approved, removal of the trees covered by the Permit can commence by the property owner or a licensed tree contractor under City Code Ch. 519

936.06 Tree Replacement Thresholds.

The tree replacement requirements of Section 936.09 shall apply as follows:

A. **Subdivision, Public Infrastructure, Construction of Single-Family Home.** The following tree removal thresholds shall apply to all Subdivisions, Public Infrastructure projects, and construction of single-family homes.

   1. Heritage Trees. Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09, in addition to any other requirements hereunder.

   2. Significant Trees. Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Tree~~s~~ removal is sometimes necessary during development. Accordingly, 25 percent (25%) of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond 25 percent will require replacement in accordance with the standards of Section 936.09.

   3. Public Infrastructure. The City Council may waive the tree replacement requirements of this Section for Public Infrastructure projects if the City Council makes a finding that the tree replacement requirement would create an undue financial or other burden on the project, and the public benefits of the Public Infrastructure project outweigh the benefits of the required tree replacement.

B. **Land Disturbance Permits, Design Review, and Expansions to Single-Family Homes.** The following tree removal thresholds apply to projects that require a Land Disturbance Permit under City Code Section 409.05, projects that require Design Review under City Code Section 909.04.B, and expansions or additions to an existing single-family home:

1. Heritage Trees. Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09 in addition to any other requirements hereunder.

2. Significant Trees. The City recognizes that additional tree removal may occur after the construction of new houses or commercial developments, or the expansion of existing homes or commercial developments, but to a lesser degree than the original development. Therefore, ten percent (10%) of the existing DBH inches of trees can be removed without obligation of replacement. Any removal beyond ten percent will require replacement in accordance with the standards of Section 936.9.

C. **Heritage Tree Removal.** Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one (1) inch to one (1) inch DBH removed in accordance with the standards of Section 936.09.

D. **Trees Exempt From Replacement Requirements.** The following types of trees shall not be included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09:

1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester prior to removal; or

2. Trees that are transplanted from the site to another appropriate location within the City as approved by the City Forester; or

3. Trees that were planted as part of a commercial business such as a tree farm or nursery; or

4. Trees that are structurally unstable and pose a risk to people or permanent structures, as deemed by a certified arborist with a Tree Risk Assessment Qualification and the City Forester.

5. Significant trees that are not part of any project not listed in 936.06.A or 936.06.B.

E. **Trees Included for Structural Root Zone Disturbance.** Any tree with a Structural Root Zone that will be disturbed in any way in connection with a project listed in Sections 936.06.A and 936.06.B must be (i) inventoried and removed prior to grading or excavation, and (ii) included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09.

936.07 Tree Preservation Plan.

When a Tree Preservation Plan is required with a Tree Removal Permit, an applicant is responsible for implementing the approved Tree Preservation Plan prior to and during site grading and plan development. A Tree Preservation Plan is required for any land use approval or activity mentioned in Section 936.06. The Tree Preservation Plan will be reviewed by the City Forester and any other relevant City staff to assess the best overall tree design for the project involved, taking into account the preservation, renewal and health of Significant and Heritage Trees, and ways to enhance the efforts to mitigate damage to the trees on the property and the natural environment. The applicant is encouraged to meet with City staff prior to submission of a Subdivision application, Public Infrastructure project, or Design Review application to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest Significant and Heritage Trees being destroyed or damaged. The Tree Preservation Plan must include the following items:

A. The name(s) and address(es) of property owners and applicants.

B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon.

C. Delineation of all areas to be graded and limits of land disturbance, including the contouring of all areas to be

graded.

D. Size, species, location and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area. The size of Deciduous Trees must be recorded in DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.

E. Identification of all Dead, Diseased, Dying and Hazard Trees.

F. The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved.

G. Identification of all Significant and Heritage Trees proposed to be removed within the Construction Area.

H. Identification of all Significant and Heritage Trees on all individual lots. The Developer must submit a list of all lot and block numbers identifying those lots.

I. Measures to protect Heritage and Significant Trees as outlined in Section 936.08.

J. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.

K. Calculations of the total amount of tree inches proposed to be removed, the allowed removal percentage, and tree replacement inches required and proposed.

L. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.

936.08 Tree Protection.

The following tree protection measures are required:

A. **Mandatory Protection.** Measures to protect Significant and Heritage Trees must include:

1. Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone and any other areas identified by the City Forester for the protection of Significant and Heritage Trees to be preserved on or adjacent to the property for which a Tree Removal Permit has been issued.

2. Trees proposed to be removed must be clearly tagged or otherwise marked on the site, in a non-permanent manner, as specified by the City Forester. Trees must be tagged or marked at least one week before they are removed.

3. Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum based tree wound sealant, such as shellac.

B. **Discretionary Protection.** Measures to preserve or protect Significant and Heritage Trees which may be required by the City include, but are not limited to:

1. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the lot being developed.

2. Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.

3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

4. Use of tree root aeration, fertilization, and irrigation systems when appropriate.

5. Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area.
6. Safety pruning for people working within the construction limits and for the trees involved.

C. **Construction Protection**. Three (3) years after construction has been completed on residential properties, and five (5) years after construction has been completed for commercial or institutional properties, the City Forester shall inspect trees on a project site for which a Tree Removal Permit has been issued to ensure the health of the trees. If the trees are determined to be dead, dying, or in general poor health because of the construction on the site, the same number of tree inches must be replaced on the site.

In addition, the City Forester may require additional escrow for Heritage Trees that are proposed to be saved on a property undergoing construction and/or nearby property if, in the judgment of the City Forester, such Heritage Trees are in close proximity to a construction area or are in danger from construction in any way.

936.09 Tree Replacement.

A. **Tree Replacement Formula.** Replacement of removed or disturbed trees in excess of the percentage allowed under Section 936.06 shall be according to the following ratios.

1. All Significant Trees shall be replaced at the ratio of one (1) caliper inch per one (1) inch of DBH removed.
2. All Heritage Trees removed in connection with a project listed in Sections 936.06.A and 936.06.B shall be replaced at the ratio of two (2) caliper inches per one (1) inch of DBH removed. Heritage trees removed in connection with a project not listed in Sections 936.06.A and 936.06.B shall be replaced at a ratio of one (1) inch to one (1) inch DBH removed.
3. The height of Coniferous Trees shall count towards the caliper inches of tree replacement or tree removal as follows:

    a. A 4-6 foot tall coniferous tree shall be equivalent to 2 caliper inches of tree replacement. For every two-foot range in additional coniferous tree height, above six feet, one additional caliper inch shall be counted towards tree replacement (e.g., a 15 foot coniferous tree = 7 caliper inches of replacement).

B. **Size, Types and Diversification of Replacement Trees.** A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. No more than twenty percent (20%) of the replacement trees planted may be of the same genus unless otherwise approved by the City Forester. If more than 20% of the same genus of trees are planted on the site, the tree inches of the same genus over 20% shall not be included in the total tree inch replacement calculations. The recommended tree replacement species shall be those found on the Hennepin County Recommended Tree List.

D. **Prohibited Tree Replacement Species.** The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Plants List.

E. **Tree Replacement Location.** Replacement trees must be located only on the property for which a Tree Replacement Permit has been issued unless the City Council approves tree replacement on neighboring properties with the consent of such property owner and findings that (i) all the options for planting trees on the project site have been exhausted and tree replacement on the site is impractical; and (ii) it will allow additional screening from the neighboring property.

F. **Tree Replacement Reduction for Preserving Heritage Trees.** Heritage trees that are protected and saved during a construction process, that otherwise had a significant probability of removal or loss based on the construction project, and that are healthy after the construction process, all as determined by the City

Forester, may be used to reduce the total number of required tree replacement inches for the project associated with the construction. Such reduction will equate to the total DBH inches of the saved tree.

G. **Other Replacement Tree Requirements.** Choice of replacement trees species and location of the trees should also take into account the following information:

1. Soil Composition. Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible. This is particularly important for the existing and proposed soil composition for the root balls of spaded and B&B trees.

2. Spatial Requirements. The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.

H. **Pathogen Problems.** Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Wayzata is located.

I. **Fee-In-Lieu of Tree Replacement or Replacement Trees Planted in Public Areas.** The City recognizes that there may be instances where the total amount of tree replacement required under this section cannot occur on site. In those instances, the City may, at its option, accept a fee-in-lieu of tree replacement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu-of-tree replacement should be used only when replacement on site is not feasible. The amount of fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

936.10 Past Tree Removal.

Any trees removed on a property in the two years preceding the date of an application for ~~issuance of~~ a building permit, land disturbance permit, Tree Removal Permit or other approval request in connection with a project listed in Sections 936.06.A and 936.06.B for such property shall be included in the tree removal/replacement calculations of the current application ~~Tree Removal Permit~~.

936.11 Financial Guarantee.

A. **Financial Guarantee.** The City may, at its option, withhold a certificate of occupancy or require cash escrow or a letter of credit satisfactory to the City in the amount of 110 percent of the value of the tree removal and/or replacement, securing the full performance of Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the fee-in-lieu of tree replacement schedules. The financial security shall be sufficient to cover the costs of the tree removal and/or replacement trees planted, including any needed replacement of the trees over a three-year period.

B. **Use of Financial Guarantee.** If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement plan, in accordance with the City Council or City Forester approval, the City may use the financial guarantee to correct or complete the work.

C. **Release of Financial Guarantee.** At least once annually, the City Forester shall review the financial securities, inspect the applicable trees, and release the financial securities as necessary. The financial security shall be released based on the following schedule:

1. Upon installation of a healthy tree: 50 percent of the financial guarantee for that tree shall be released.

2. First year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.

3. Second year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.

4. Third year inspection determining the installed tree is still healthy: 20 percent of the financial guarantee for that tree shall be released.

936.12 Penalties.

A. **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Chapter. Minn. Stats. § 561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. The City Forester and other City Staff should not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.

B. **Violation.** Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stats. § 609.02, Subd. 3.
It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

C. **Enforcement**. Violations of the provisions of this Chapter will be investigated and resolved in accordance with the provisions of Chapter 908. In responding to a suspected 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.

Attachment B

918.03 Required Fencing, Screening and Landscaping.

A. **Fencing and Screening.** Where any townhouse, quadraminium, manor home, multiple family or non-residential use (i.e., structure, parking or storage) abuts property zoned for residential use, the higher density residential or the non-residential use shall provide screening along the boundary of the residential property. Screening shall also be provided where a non-residential use is across the street from a residential zone, but not on that side of a non-residential use considered to be the front (as determined by the Zoning Administrator). All the fencing and screening specifically required by this Ordinance shall be subject to Section 916.05 and shall consist of either a fence or a green belt planting strip as provided for below.

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six feet. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.

2. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect of six feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences in excess of height limitations established in Section 918.01 shall require approval pursuant to procedures noted.

B. **Landscaping—New Residential Subdivisions, Semi-Public and All Income Producing Property Uses.** (Excluding residential structures containing less than four dwelling units.) Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure. All landscaping incorporated in said plan shall conform to the following standards and criteria:

1. All plants must be at least equal the following minimum size:

	~~Potted/Bare Root~~	~~Balled & Burlapped~~
Shade Trees*	1~~2~~-inch diameter	~~2-inch diameter~~
Half Trees (Flowering Crabs, ~~Russian Olive,~~ Hawthorn, etc.)	6- to 7-foot high	~~1½ inch diameter~~
Evergreen Trees	~~6-~~ 6- to~~p~~ 7-foot high	~~3- to 4-foot high~~
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3- to 4-foot high	~~3- to 4-foot high~~
Low Shrubs-Deciduous	18- to 24-inch	~~24- to 30-inch~~
Evergreen	18- to 24-inch ~~potted~~	~~24- to 30-inch~~
Spreading Evergreens	18- to 24-inch ~~potted~~	~~18- to 24-inch~~

Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc.)

2. Spacing.

a) Plant material centers shall not be located closer than three feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgement of the Zoning Administrator.

b) Where plant materials are planted in two or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.

c) Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four feet on center, and/or evergreen shrubs shall not be planted more than three feet on center.

3. Species listed by the Minnesota Department of Agriculture (MDA) as "prohibited" or "restricted" shall not be included in any landscape plan.

4. Species listed by the MDA as "regulated" may only be utilized according to their species-specific regulations.

~~Types of New Trees. Plantings, suitable trees include.~~

~~Quercus (varieties)~~	~~Oak~~
~~Acer platanoides (and varieties)~~	~~Norway Maple (and Schwedler, Emerald Queen, etc.)~~
~~Acer saccharum~~	~~Sugar Maple~~
~~Celtis accidentalis~~	~~Hackberry~~
~~Betula (varieties)~~	~~Birch~~
~~Gleditsia triacanthos~~	~~Honeylocust (Imperial, Majestic Skyline, Sunburst, and Thornless) Little Leaf Linden/Redmond Tilia cordata (and varieties) Greenspire, etc.~~
~~Tilia americana~~	~~Basswood (Am Linden)~~
~~Fraxinus Pennsylvania lanceolate~~	~~Green Ash (and Summit, Marshall's)~~
~~Ginkgo biloba (male tree only)~~	~~Ginkgo~~
~~Gymnocladus dioicus~~	~~Kentucky Coffee Tree~~

5.~~4.~~ Design.

a) The landscape plan shall show site amenities, (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.

b) All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.

c) Turf slopes in excess of 2.1 are prohibited.

d) All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.

e) All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.

6.~~5.~~ Landscape Guarantee. All new plants shall be guaranteed for two full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

7.~~6.~~ Existing Trees. All existing trees are to be managed in accordance with the standards described in Chapter 936. ~~With respect to existing trees in new developments, all trees on the site are to be saved which do not have to be removed for street, buildings, parking, utilities, drainage or active recreational purposes. Trees over six inches in diameter that are to remain, are to be marked with a red band, and to be protected with~~

~~snow fences or other suitable enclosure, prior to any excavation. The City may further require that the developer retain a professional forester to prepare a forest inventory and management plan for the development, in order to control and abate any existing or potential loss. In those instances where trees of over six inches in caliper will be lost due to construction, the City Council may require the planting of new trees in an amount equal to or greater than the total caliper inches which will be removed.~~

Attachment C

902.02 Definitions.

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

"Abutting" means making direct contact with or immediately bordering.

"Accessory Building or Use" means a subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary, appropriate and incidental to the conduct of the primary use of such building or main use.

"Addition" means a physical enlargement of an existing structure.

"Adjacent" means in close proximity to or neighboring, not necessarily abutting.

"Adult Uses" include adult bookstores, adult motion picture theatres, adult motion picture sales/rentals, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stats. § 617.241, as may be amended, are not included.

A. **"Specified Anatomical Areas"** means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

B. **"Specified Sexual Activities"** means:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

C. **"Adult Uses—Accessory"** means the offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

D. **"Adult Uses—Principal."** means the offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

1. **"Adult Use—Body Painting Studio."** An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

2. **"Adult Use—Bookstore."** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public extending any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

3. **"Adult Use—Cabaret."** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction of "specified sexual activities" or "specified anatomical areas."

4. **"Adult Use—Companionship Establishment."** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

5. **"Adult Use—Conversation/Rap Parlor."** A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

6. **"Adult Use—Health/Sport Club."** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

7. **"Adult Use—Hotel or Motel."** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexually activities" or "specified anatomical areas."

8. **"Adult Use—Massage Parlor, Health Club."** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

9. **"Adult Use—Mini-Motion Picture Theatre."** A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

10. **"Adult Use—Modeling Studio."** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

11. **"Adult Use—Motion Picture Arcade."** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

12. **"Adult Use—Motion Picture Theatre."** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

13. **"Adult Use—Novelty Business."** A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

14. **"Adult Use—Sauna."** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished of characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

15. **"Adult Use—Steam Room/Bathhouse Facility."** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age of if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

"Alley." A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

"Animal Clinic." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated only during daytime and evening business hours (not overnight) by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of household animals.

"Animal Hospital." A medical veterinary facility licensed by the State of Minnesota for the treatment, but not grooming or day care, of household pets, and operated up to 24 hours a day by a licensed veterinarian for emergency procedures, surgery, diagnosis, and treatment of diseases and injuries of household animals.

"Animals, Domestic." For purposes of this Ordinance, domestic animal shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City.

"Apartment." A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

"Applicant." The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

"Attic." Space of a building located directly under a roof which is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and/or mechanical equipment. Said space shall not be occupied or actively utilized. Under the provision of this Ordinance, said space shall not constitute a story, and shall not be included in space calculations for parking.

"Automobile Repair—Major." General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

"Automobile Repair—Minor." Installation, including cellular telephones, audio systems, and minor repairs, incidental body and fender work, painting and upholstering, replacement of parts (tires, glass, etc.) and minor motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not including any operation specified under "Automobile Repair—Major."

"Automobile Service Station." See "Motor Fuel Station."

"Automobile Wrecking or Junk Yard." Any place where two or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

"Basement." Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Bay." Cantilevered area of a room.

"Bed and Breakfast." A building designed as a single family dwelling, where for compensation, meals and lodging are provided to transient guests but not including a building providing these services to more than ten persons or operating more than five guestrooms.

"Block." A tract of land bounded by streets, or a combination of streets and public parks, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the City.

"Boarder." One who receives regular meals and/or regular meals and lodging for pay.

"Boarding (House) Home—Foster Children." A family dwelling where children out of their own homes are cared for.

"Boarding/Lodging House." A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or boarding/lodging and meals are provided to three or more persons, not of the principal family therein, pursuant to previous arrangements and not including a building providing these services for more than five persons.

"Boarding/Lodging Room." A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one boarding/lodging room.

"Boundary Lines." Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the City's Zoning Map.

"Brewery." A facility that produces for sale beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom.

"Brewpub." A Brewery that operates a restaurant on the same premises as the Brewery, whose malt liquor production per calendar year may be limited by Minnesota State Statute.

"Buffer." The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

"Buildable Area." The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

"Building." Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

"Building Height." The vertical distance above a Grade Plane measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, to the uppermost point on a shed, round or arch type roof, or to the average height of the highest gable of a pitched, hipped or gambrel roof. Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council. The height of a stepped or terrace building is the maximum height of any segment of the building.

"Building Line." A line parallel to the street right-of-way or ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way or ordinary high water level.

"Building Setback." The minimum horizontal distance between the building and the lot line.

"Business." Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

"Cellar." That portion of a building between the floor and ceiling which is wholly or partly below grade and is so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

"Cemetery." A site or property set apart for the burial or interment of the human dead.

"Channel." A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

"Child Care." A specialized limited day care facility which is an accessory use that provides temporary babysitting service while parents are engaged in short-term social, recreational or business activities. (See also Day Care)

"Church." A building, together with its accessory buildings and use; where persons regularly assemble for religious purposes and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

"City Council." The governing body for the City of Wayzata.

"Clear Cutting." The removal of an entire stand of trees and/or vegetation.

"Club or Lodge." A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

"Cluster Development." The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

"Coffee Shop." A business establishment providing services limited to the sale and production of coffee products and foods associated with the drinking of coffee, as distinguished from a full service restaurant or convenience (fast) food establishment.

"Commercial Recreation." Electronic games, bowling alley, jump center, golf, billiards (pool) hall, dance hall, skating, trampoline, boat rental, park, and similar uses.

"Common Open Space." Any privately owned open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

"Community Center." A building or a room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

"Comprehensive Plan." A comprehensive long range plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

"Concept Plan." A report in map and text form submitted as the first stage of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

"Conditional Use." Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual or extraordinary limitations peculiar to the use for the protection, promotion and preservation of the general public welfare, health, and safety, and the integrity of the City Comprehensive Plan.

"Conditional Use Permit." A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

"Condominium." A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minn. Stats. §§ 515.A.1-101 to 515.A.4-118.

"Convenience (Fast) Food Establishment." An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. (See also drive-in restaurant).

"Cooperative (Housing)." A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

"Curb Level." The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

"Day Care Facility." Any facility licensed by the State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services as defined by Minn. Stats. § 245.782, Subd. 5. (See also Child Care).

"Density, Residential." A number expressing the relationship of the number of dwelling units to an acre of land as established in the Comprehensive Plan.

"Deposition." Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.

"Design Guidelines." The Wayzata Design Guidelines as amended.

"Distillery." A facility that produces Ethyl Alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a tasting room.

"Diversion." A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

"Dog Kennel." Any place where three dogs or more over three months of age are kept for the use of the owner, or are boarded, bred and/or offered for sale, except a veterinary clinic.

"Draining." The removal of surface water or groundwater from land.

"Dredging." To enlarge or clean-out a waterbody, watercourse, or wetland.

"Drive-In Restaurant." Any place or premises used for sale, dispensing or serving of food, refreshments or beverages on the premises, typically eaten in the customers vehicle on the site. (See also convenience food establishment)

"Dwelling." A building or portion thereof, designated exclusively for residential occupancy, including one family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing.

"Dwelling, Multiple (Apartment Building)." A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other, but sharing hallways and main entrances and exits.

"Dwelling, Single-Family." A dwelling unit designed exclusively for occupancy by one family.

A. **"Attached."** A dwelling which is joined to another at one or more sides by a party wall.

B. **"Detached."** A dwelling unit not attached to another dwelling or structure or is entirely surrounded by open space.

"Dwelling, Two Family." A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each. A two family dwelling with a separate rooming unit(s) shall be considered and classified as a multi-family dwelling, unless specifically noted.

A. **"Double Bungalow."** A two family dwelling with two units side-by-side.

B. **"Duplex."** A two family dwelling unit with one unit above the other.

"Dwelling Unit." A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, motor homes or travel trailers.

"Dwelling Unit Occupancy." Occupancy of a dwelling unit for the purpose of enforcing provisions of this Ordinance shall be limited by restrictions as included in the definition of family in this Section.

"Earth Berm." (House Construction) An earth covering on the above grade portions of the building walls.

"Earth Sheltered Building." A building so constructed that 50 percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of the livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that

does not serve just as a foundation or sub-structure for above grade construction. A partially covered building shall not be considered earth sheltered.

"Easement." A grant by an owner of land for a specific use by persons other than the owner.

"Efficiency Apartment (Dwelling Unit)." A one room dwelling unit, exclusive of bathroom, consisting of one principal room having cooking facilities and used for combined living, dining and sleeping purposes.

"Elderly (Senior Citizen) Housing." A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over 62 years of age.

"Elevator Penthouse." An enclosure located on the top of a building which houses the working mechanisms of an elevator.

"Engineer." The registered engineer employed or retained by the City, unless otherwise stated.

"Erosion." The wearing away of land surface by the action of natural elements.

"Essential Services." The erection, construction, alteration or maintenance by public utilities or Municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, dire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or Municipal departments.

"Essential Service Structures." Structures and buildings necessary for the operation of essential services, including, but not limited to, telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations.

"Exterior Storage." The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

"Family." An individual or two or more persons related by blood, marriage, adoption or a group of not more than six persons who need not be related by blood or marriage living together in a dwelling unit.

"Fence Related."

A. **"Fence"** shall mean a partition, wall, hedge, row(s) of continuous plantings, or gate erected as a dividing marker, visual or physical barrier, or enclosure.

   1. **"Man Made Fence"** shall mean a partition or wall constructed of wood, metal, masonry, brick, stone, concrete, and the like.

   2. **"Natural Hedge or Planting"** shall mean a divider or barrier comprised of vegetation materials.

B. **"Fence Height"** shall mean the distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts, provided that the support posts are no more than four inches above the fence structure.

"Filling." The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse, or wetland.

"Floodplain Overlay District Related."

A. **"Base Flood Elevation."** The elevation of the regional flood. The term base flood elevation is used in the flood insurance survey.

B. **"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.

C. **"Development."** Any manmade 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.

D. **"Equal Degree of Encroachment."** Method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

E. **"Flood."** A temporary 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.

F. **"Flood Frequency."** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

G. **"Flood Fringe."** That portion of the 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.

H. **"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).

I. **"Floodplain."** The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

J. **"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.

K. **"Floodway."** The bed of a wetland or lake and the channel of a watercourse, and those portions of the adjoining floodplains which are reasonably required to carry or store the regional flood discharge.

L. **"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 CFR Part 60.3.

M. **"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."

N. **"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.

O. **"Obstruction."** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along across, or projecting into any channel, watercourse, or regulatory floodplain 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.

P. **"One Hundred Year Floodplain."** Lands inundated by the regional flood.

Q. **"Reach."** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

R. **"Recreational Vehicle."** A vehicle that is built on a single chassis, is 40 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."

S. **"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 one percent chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a Flood Insurance Study.

T. **"Regulatory Flood Protection Elevation."** An elevation not less than one foot above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

U. **"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 percent of the market value of the structure before the damage occurred.

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

W. **"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.

X. **"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, recreational vehicles not meeting the exemption criteria specified in Chapter 993 of this Ordinance, and other similar items.

Y. **"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.

Z. **"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:

1. 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 ensure safe living conditions.

2. 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 CFR part 59.1.

"Floor Area, Gross." The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as, activities to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

"Floor Area Ratio (F.A.R.)." The floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements as set forth under each zoning district shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

"Footprint." The outline of the foundation of a building, including that portion of an upper story that is occupied and/or actively utilized.

"Frontage." That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

"Garage, Private (Residential)." An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and trucks not exceeding 12,000 pounds gross weight, of the family or families resident upon the premises, and in which no business service or industry is carried on.

"Garage, Public." Any garage other than a private garage. May also mean parking ramp.

"Gas Station." See "Motor Fuel Station."

"Grade Plane." A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

"Grading." Changing the natural or existing topography of land.

"Group Day Care Center." Any location which provides care for six or more unrelated children at one time, for compensation, and which is licensed to provide such services by the Minnesota Department of Public Welfare. This term shall include, but is not limited to, uses such as nursery schools, day nurseries, child care centers and drop-in care centers.

"Growler." A specially designed 64-ounce beer container for exclusive off-sale of micro-production facility beer. A growler shall have the following packaging requirements:

A. Growlers shall bear a twist-type closure, cork, stopper or plug.

B. At the time of sale, paper or plastic adhesive band, strip, or sleeve shall be applied to the container and extended over the top of the closure, forming a seal.

C. The growler and/or band, strip or sleeve shall bear the name and address of the brewer, and the container shall be identified as malt liquor, contain the name of the malt liquor, and shall be considered intoxicating liquor unless labeled otherwise.

"Halfway House." See "Residential Care Facility."

"Hardship." A situation where property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property,

not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

"Health Club." A facility which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental services as whirlpool, sauna or massage service for members and guests.

"Home Occupation." Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

"Hotel." Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing more than ten guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by more than ten individuals for compensation, whether the compensation be paid directly or indirectly.

"Impervious Surface." A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increase rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

"Inn Establishment." A building, other than a hotel, whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room and other facilities are operated on the premises. A maximum of ten guestrooms may be operated within the principal structure.

"Junk Yard." An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to, scrap iron and other materials, paper, rags, rubber, tires, lumber, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within closed buildings.

"Landscaping." Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

"Land Reclamation." The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

"Loading Space (Off-Street)." A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

"Lot." A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

"Lot (of Record)." Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Hennepin County, Minnesota, prior to the effective date of this Ordinance.

"Lot Area." The total land area of a horizontal plane within the lot lines.

"Lot, Base." Lots meeting all specifications in the zoning district prior to being subdivided into a two family dwelling or quadraminium subdivision.

"Lot, Corner." A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

"Lot Coverage." The area of a lot occupied by the principal building or buildings and all accessory buildings.

"Lot Depth." The shortest horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the street right-of-way within the lot boundaries.

"Lot, Double Frontage." An interior lot having frontage on two streets.

"Lot, Front." The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width.

"Lot Improvement." Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

"Lot, Interior." A lot, other than a corner lot, including through or double frontage lots.

"Lot Line." A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

"Lot Line, Rear." That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10') feet in length within the lot, parallel to and at the maximum distance from the front lot line.

"Lot, Reversed Frontage." A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

"Lot, Substandard." A lot or parcel of land for which a deed has been recorded in the Office of the Hennepin County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

"Lot, Through." A lot fronting on two parallel streets.

"Lot, Unit." Lots created from the subdivisions of a two family dwelling or quadraminium having different minimum lot size requirements than the conventional base lots within the zoning district.

"Lot Width." The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line. If no setback line is established, the distance between the side lot lines measured along the public right-of-way.

"Malt Liquor." Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

"Manor Home." A residential structure with five to eight units with each unit having a separate entrance/exit. There may be more than one floor and an attached garage space.

"Medical and Dental Clinic." A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

"Metes and Bounds Description." A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

"Micro-Production Facility." A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption. Micro-production facilities include breweries, brewpubs, wineries, and distilleries.

"Minerals." Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

"Model Home." A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

"Motel/Motor Hotel." A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

"Motor Fuel Station." A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

"Non-Conforming Structure, Use, or Lot, Illegal." A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the district in which the structure or use is located.

"Non-Conforming Structure, Use, or Lot, Legal." A lot, building, structure, premises, or use lawfully established when it was initiated, created, or constructed, which does not now conform with the applicable conditions or provisions of this Ordinance for the district in which the structure or use is located.

"Noxious Matter or Material." Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

"Nursing Home." A private building with facilities for the care of children, the aged, or the infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury. The nursing home shall be licensed by the State Board of Health as provided for in Minnesota State Statutes.

"Obstruction." Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain 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.

"Occupancy." The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

"Open Sales Lot." Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.

"Open Space." Any open area not covered by structures, including, but not limited to, the following uses, required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

"Open Storage." Storage of material outside of a building.

"Out-Patient Care." Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

"Overburden." The earth, rock and other materials that lie above a natural deposit of mineral.

"Outlot." A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, and upon which no structure is to be located and for which no building permit shall be issued.

"Owner." An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

"Parcel." An individual lot or tract of land.

"Parking Space (Off-Street)." An area of such shape and dimensions as provided by this Ordinance, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

"Performance Standard." Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

"Permitted Use." A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

"Person." Any individual or legal entity.

"Planned Unit Development."

A. As a conditional use permit, a development procedure whereby internal site design standard deviations from this Ordinance may be allowed in order to accommodate two or more principal structures, and/or facilitates improved site design and operation.

B. As a zoning district, a development procedure whereby a mixing of buildings and uses can occur which cannot be otherwise addressed under this Ordinance, and/or whereby internal site design standard deviations from this Ordinance may be allowed to improve site design and operation.

"Planning Commission." The Wayzata Planning Commission.

"Principal Use." The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

"Protective Covenants." Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

"Public Uses." Uses owned or operated by municipal, school districts, county, state, or other governmental units.

"Public Utility." Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.

"Publication." Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

"Quadraminiums." Single structures which contain four subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

"Railroad Right-of-Way." A strip of land with railway tracks and auxiliary facilities for track operation.

"Recreation, Field or Building." An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theatre, whether provision is made for the accommodation of an assembly or not. A golf course, arena,

baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.

"Recreational Vehicle." Includes manufactured homes less than 30 feet in overall length, including those with telescope or fold down, chassis, mounted campers, house cars, motor homes, tent trailers, slip-in-campers (those mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars utilized for racing shall not be included in this definition.

"Residential Care Facility." Any facility licensed by the State Department of Health or Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to. State institutions under the control of the Commissioner of Public Welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

"Restaurant." An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

"Retail." The sale of items in small quantities directly to the consumer.

"Roof Line." Is defined as the top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

"Roomer." One who rents a room and eats meals elsewhere.

"Satellite Dish." Shall mean a combination of:

A. Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;

B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;

C. A coaxial cable whose purpose is to carry the signals into the interior of the building.

"Satellite Dish Height." Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

"School." A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

"Semi-Public Use." Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

"Septic Sewer System." A septic sewer disposal system consists of. septic tank, absorption field of standard trenches or a dry well, house sewer and outlet sewer. In the septic tank, bacterial action breaks down sewage. Standard trenches or a dry well handles final disposal of liquid from the septic tank. The house sewer brings wastes to the tank and the outlet sewer carries sewage liquids (effluent) from the absorption field.

"Setback." The minimum horizontal distance between a structure and the property line nearest thereto; within Shoreland Districts it shall also mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only,

above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

"Shopping Center." An integrated grouping of commercial stores, under single ownership or control.

"Shoreland Related."

A. **"Bluff."** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

   1. Part of all of the feature is located in a shoreland area.

   2. The slope rises at least 25 feet above the ordinary high water level of the waterbody.

   3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.

   4. The slope must drain toward the waterbody.

B. **"Bluff Impact Zone."** A bluff and land located within 20 feet from the top of a bluff.

C. **"Boathouse."** A structure designed and used primarily for the storage of boats or boating equipment.

D. **"Commercial Planned Unit Development."** Uses that provide transient, short-term loading spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

E. **"Commissioner."** The Commissioner of the Department of Natural Resources.

F. **"Deck."** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

G. **"Guest Cottage."** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

H. **"Intensive Vegetation Clearing."** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

I. **"Ordinary High Water Level."** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

J. **"Public Waters."** Any waters as defined in Minn. Stats. § 103G.005, Subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of Minn. R., parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from Minn. R., parts 6120.2500 to 6120.2900.

K. **"Public Waters—General Development (GD)."** Large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

L. **"Public Waters—Recreational Development (RD)."** Medium sized lakes of varying depths and shapes with a variety of landform, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

M. **"Sensitive Resource Management."** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

N. **"Sewer System."** Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

O. **"Shore Impact Zone."** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

P. **"Shoreland."** Land located within the following distances from public waters. One thousand feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Q. **"Significant Historic Site."** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

R. **"Steep Slope."** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

S. **"Surface Water-Oriented Commercial Use."** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

T. **"Toe of the Bluff."** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determine to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

U. **"Top of the Bluff."** The point on a bluff where there is, as virtually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

V. **"Water-Oriented Accessory Structure or Facility."** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship

of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

"Sign Related."

A. **"Artificial light."** Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.

B. **"Address Sign."** A sign communicating only a street address.

C. **"Advertising Sign."** Any permanent non-governmental sign advertising products, services, commodities, entertainment or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located.

D. **"Alteration."** Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.

E. **"Awning, Canopy or Marquee Sign."** A sign that is permanently or semi-permanently affixed to an awning, canopy, marquee or other similar device.

F. **"Banners."** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

G. **"Building Facade."** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

H. **"Copy."** The wording on a sign surface either permanent or removable letter form.

I. **"Directional Sign."** An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

J. **"Directory Sign, Private."** An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.

K. **"Directory Sign, Public."** A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the Wayzata City Council.

L. **"District."** A specific zoning district as defined in the City Zoning Ordinance.

M. **"Flashing Sign."** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

N. **"Freestanding Sign."** A self-supporting sign affixed to a freestanding frame structure not attached to a building.

O. **"Gross Surface Area."** The entire area in square feet within a single continuous perimeter enclosing the extreme limits of the complete message of any sign, which limits shall include the surface on which the message is affixed, except that if individual letters of the message are affixed directly to the surface of a wall the maximum height and width of the message shall apply. Such perimeter shall not include any structural elements lying outside the limits of the sign surface which do not form an integral part of the sign message, except where the sign structure is held by the City Manager to be larger than is required for structural strength.

P. **"Ground or Low Profile Sing."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called monument sign. Also called a Low Profile Sign.

Q. **"Holiday or Seasonal Sign."** Signs such as religious decorations, etc. or those used for a historic holiday or special event and displayed for a limited period of time.

R. **"Identification Sign."** A sign which identifies the business, owner, manager, resident or address of the premises where the sign is located and which contains no other material.

S. **"Illuminated Sign."** A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.

T. **"Integral Sign."** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

U. **"Monument Sign."** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade, and where the base width dimension is 50 percent more of the greatest width of the sign. Also called a ground sign or low profile sign.

V. **"Parapet."** A low wall which is located on a roof of a building.

W. **"Political Sign."** A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.

X. **"Portable Sign."** A sign advertising a product or service so designed as to be movable from one location to another and not permanently attached to the ground or a structure.

Y. **"Principal Frontage."** The wall of the principal building on a lot which fronts toward the principal public streets.

Z. **"Projecting Sign."** Any sign which projects over 12 inches from the front edge of a roof structure and/or building facade.

AA. **"Pylon Sign."** A sign supported by a column-type structure that is set firmly in or below ground surface and finished in a material consistent with the sign.

BB. **"Real Estate Sign."** A business sign placed only upon a property advertising that particular property for sale, for rent or for lease.

CC. **"Roof Sign."** A sign erected upon or against a sloping roof but no extending above or beyond the roof line.

DD. **"Setback Line."** The minimum horizontal distance between a property line and the nearest edge of the sign, base or support structure.

EE. **"Sign."** A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon an awning, canopy, marquee, building, structure or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business, a "sign" shall not include any official court or other public notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious, service or fraternal group.

FF. **"Sign Height."** Sign height shall be determined from the base of the sign structure to the peak of the sign.

GG. **"Sign Structure."** The supports, uprights, bracing, foundations and framework of any structure which supports or is capable of supporting any sign as defined herein.

HH. **"Swinging Sign."** A sign installed or an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

II. **"Temporary Sign."** A sign erected or displayed for a specific period of time.

JJ. **"Time and/or Temperature Sign."** A sign that displays the current time and/or temperature without advertising material, company name, logo or other identifying marks.

KK. **"Total Allowable Sign Area."** The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.

LL. **"Traffic Sign."** A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

MM. **"UL Approved."** A device which has been approved by the "Underwriters' Laboratories (48)," a U.S. non-profit organization which establishes standards for electrical equipment.

NN. **"Wall Sign."** A single-faced sign attached to or painted on an exterior wall of a building, parallel to the building wall and which does not project more than 12 inches from the plane of the building.

OO. **"Window Sign."** A sign that is placed inside a window or upon the window or upon the windowpanes or glass and is visible from the exterior of the window. This does not include merchandise on display.

"Site Plan." A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, easements, utilities, landscaping, and walkways, as related to a proposed development.

"Slope." Means the degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.

"Solar Energy System." Any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.

"Spot Zoning." A zoning situation where a property or group of properties is unjustifiably zoned differently from adjacent properties, and is not sufficiently unique from such adjacent properties to justify a different zoning classification, nor is such action in compliance with the Comprehensive Plan.

"Stacking Area." That area which allows for a line of automobiles in such instances as drive-up tellers and other vehicle service areas.

"Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, including below ground portions of earth sheltered buildings, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 20 feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

"Story, First." The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter or not more than eight feet below grade, as defined herein, at any point.

"Street." A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated,

which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

"Street—Collector." Collector roadways provide a balance between land access and mobility. Their primary function is to move traffic from the local street system to the arterial system. When collectors intersect with arterials, traffic signals generally control traffic. Intersections with local streets are usually under stop sign control with collector streets having their right-of-way.

"Street—Local." Local streets provide local land access with limited emphasis on mobility. Local streets account for 65 percent to 80 percent of the total road system mileage but carry only ten percent to 30 percent of the total traffic. In a residential setting, driveways are freely permitted and intersections of local streets are often uncontrolled. Stop signs are usually installed where traffic control is required such as at intersections with collector streets.

"Street—Minor Arterial." Minor arterials make up the class of roadways including other state highways, certain county roads and major city streets. These roads primarily provide mobility, carrying short to medium length trips (two to six miles), and have controlled land access. Minor arterials as a group account for about 15 percent to 25 percent of the total mileage and carry roughly one-fourth of all traffic for the metropolitan roadway system. Minor arterials generally are given the traffic right-of-way over local streets and they usually have traffic signals at intersections with other minor arterials and some collector streets.

"Street—Intermediate Arterial." The intermediate arterial category was developed by the City of Wayzata and is not included in the Metropolitan Council's Development Guide. Intermediate arterials function at a level between the minor arterial and major arterial categories. Intermediate arterials are not limited access facilities but serve primarily trips between rather than within subregions.

"Street—Principal (Major) Arterial." Major arterials provide a high level of mobility between subregions, serving medium to long distance trips. Principal arterials are grade separated or have high capacity controlled at-grade intersections. No parking is permitted, the posted speed limit is typically 40—55 mph and traffic volumes range from 10,000 to 50,000 ADT. The Metropolitan Council recommends that major arterials be spaced one to three miles apart.

"Street Pavement." The wearing or exposed surface of a street or roadway used by vehicular traffic.

"Street Width." The shortest distance between the lines delineating the right-of-way of a street.

"Structure." Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures including, but not limited to, buildings, decks, walls, fences, and swimming pools.

"Structural Alteration." Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

"Surveyor." A land surveyor registered under Minnesota State laws.

"Swimming Pool." A structure designed to be used for swimming which has a capacity of 3,000 gallons or more or which has a depth of over 36 inches.

"Taproom (Brewery)." An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of malt liquor produced at the brewery location or adjacent taproom and owned by the brewery for off-premises consumption, packaged subject to Minn. Stats. § 240A.301, Subd. 7(b), or its successor.

"Tasting Room (Winery/Distillery)." An area for the on-sale consumption of distilled spirits or wine produced on the premises of one winery or one distillery and in common ownership to the producer of the wine or distilled spirits.

"Townhouses." Structure housing four or more dwelling units contiguous to each other only by the sharing a common wall(s), each such unit having a separate primary entrance to the exterior of the building at or near grade level, such structures to be of the town or row houses type as contrasted to multiple apartment structures.

"Travel Trailer." Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications.

A. Is not used as the permanent residence of the owner or occupant.

B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.

C. Is towed or otherwise transported by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activity.

The term "travel trailer" shall not include manufactured home. The term "travel trailer" shall include, but not be limited to, campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers and any other self-propelled vehicle constructed to provide living accommodations. (See also the definition of "Recreation Vehicle.")

"Tree Related"

A. **"City Forester"** means that person appointed as City Forester in Section 710.02.

B. **"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.

C. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.

D. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

E. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.

F. **"Diameter of Tree at Breast Height"** or **"DBH"** means the diameter of a tree as measured 4½ feet 54 inches above the ground. Trees that branch near or below 4½ feet from the ground will be measured at the narrowest point below 4½ feet. Trunks that originate from the ground shall be considered separate trees.

G. **"Healthy Tree"** means a tree that is in the average or better condition and vitality for the area, as determined by the City Forester.

H. **"Heritage Tree"** means a Healthy Rapid-Growth Tree that is 30 inches or greater in DBH, a Healthy Standard-Growth Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree that is 25 inches or greater in DBH.

I. **"Landscape Architect"** means a person licensed by the State of Minnesota as a landscape architect.

J. **"Nursery Stock Dealer"** or **"Nursery Stock Grower"** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.

K. **"Public Infrastructure"** means the construction or maintenance of:

   a. Collector or arterial roads as defined by the City Transportation Plan;

   b. Public recreational trails;

c. Stormwater infrastructure;

d. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or

e. Any essential service or public improvement.

L. **"Rapid-Growth Tree Species"** means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash.

M. **"Removal"** or **"Tree Removal"** means:

a. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;

b. Grading impact, compaction, or other damage up to 40 percent of a tree's Critical Root Zone;

c. Excessive pruning that severely impacts the long term survivability of the tree; or

d. Any other impact to a tree that comprises the long term health or structural stability of a tree.

N. **"Significant Tree"** means a Healthy Standard-Growth Tree that is six inches or greater in DBH, a Healthy Rapid-Growth Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH.

O. **"Site Plan"** means the site plan established and described in this Chapter.

P. **"Standard-Growth Tree Species"** means a species of tree recognized as standard-growth trees by the City Forester.

Q. **"Structural Root Zone"** means the area around a tree with a radius that is equal to three inches for each one inch of DBH of the tree.

R. **"Tree Inch(es)"** means the DBH of a tree or trees on a site.

S. **"Tree Preservation Plan"** means the tree preservation plan established and described in this Chapter.

T. **"Tree Preservation Zone"** means the tree preservation zone established and described in this Chapter.

U. **"Tree Removal Permit"** means a permit that is required under this Chapter for tree removal.

"Use." The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance. Uses are classified as principal or accessory and as permitted conditional, and prohibited.

"Usable Open Space." A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

"Variance." A variance is a relaxation of the terms of this Ordinance where such deviation will not be contrary to the public interest and where, owing to physical conditions unique to the individual property under consideration and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

"Veterinary Clinic." Those uses concerned with the diagnosis, treatment and medical care of animals including animal or pet hospitals.

"Warehousing." The storage of materials or equipment within an enclosed building.

"Waterbody." Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

"Watercourse." A channel or depression through which water flows, such as rivers, streams, creeks, and may flow year-round or intermittently.

"Watershed." The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

"Wetlands Related."

A. **"Wetland."** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that in normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands have the following general diagnostic environmental conditions:

1. **"Vegetation."** The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described above. Hydrophytic species, due tomorphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.

2. **"Soil."** Soils are present and have been classified as hydric, or they possess characteristics that are associated with reducing soil conditions.

3. **"Hydrology."** The area is inundated either permanently or periodically at mean water depths less than two meters (6.6 feet), or the soil is saturated to the surface at some time during the growing season of the prevalent vegetation. The period of inundation or soil saturation varies according to the hydrologic/soil moisture regime.

Indicators of vegetation associated with wetlands, of developed under reducing conditions, and of hydrologic conditions that occur in wetlands are listed in the "Corps of Engineers Wetlands Delineation Manual" (U.S.-ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.). As defined here, wetlands also include any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, and/or seasonal high water table.

B. **"Wetlands Overlay District."** The area containing the wetlands within the City of Wayzata, such wetlands being defined as any watercourse, natural drainage system, water body, stormwater detention basin or wetland that may be subject to periodic flooding, overflow, or seasonal high water table.

C. **"Accessory Structure."** A structure not intended for human habitation, the structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

D. **"Wetland District Boundary."** That area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

E. **"Essential Services."** Those services deemed by the City Council to be necessary for the health, safety and general welfare of residents of the community and surrounding area.

F. **"Flood Envelope."** Represents the boundary of the Wayzata Overlay District, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

G. **"Flood Envelope of a Wetland/Detention Basin."** Represents the boundary of the detention basin, such boundary being defined as that area located between the calculated 100-year frequency flood elevation and 2½ feet above the 100-year frequency flood elevation.

H. **"Stormwater Detention Basin."** A basin, depression or holding area which is intended or used for the detention or storage of stormwater runoff.

I. **"Wetland System District Map."** That map showing the wetland districts within the City of Wayzata. The wetlands are classified pursuant to the "Corps of Engineer Wetlands Delineation Manual" (U.S. ACOE, Environmental Laboratory, 1987. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.), and the "Stormwater Management Plan for the City of Wayzata."

J. **"Wetland Systems Impact Plan."** Plan for development of any area within the Wayzata Wetlands Overlay District.

"Wholesaling." The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

"Winery." A facility operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A winery may include a tasting room.

"Yard." An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

"Yard, Depth of." The mean horizontal distance between the line of a building and the lot line.

"Yard, Front." The front yard of a lot shall be considered to be the area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located.

"Yard, Rear." A space extending between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

"Yard, Required." That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

"Yard, Side." A yard between the principal building and the side line of the lot extending from the front to the rear building lines.

"Zero Lot Line." The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

"Zoning Administrator." The duly appointed officer charged with the administration and enforcement of this Ordinance.

"Zoning Amendment." A change authorized by the City Council either in the allowed use within a district or in the boundaries of the district.

"Zoning District." An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

"Zoning District Overlay." A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

"Zoning District Underlying (Base)." All zoning districts except overlay zoning districts.

"Zoning Map." The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.j
TITLE: Approval of Data Storage Server Sharing and Governance Agreement between the Wayzata Police Department and other Lake Minnetonka Area Consortium Police Agencies	
PROPOSED MOTION: To Approve the Data Storage Server Sharing and Governance Agreement between the Wayzata Police Department and the other Lake Minnetonka Area Consortium Police Agencies	
PREPARED BY: Marc Schultz, Police Chief	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Data Storage Server Sharing and Governance Agreement between the Wayzata Police Department and the other Lake Minnetonka Area Consortium Agencies.

FINANCIAL OR BUDGET CONSIDERATION:

This migration and future storage of data will be included in the 2024 general operating budget for the Police Department. Costs may vary depending on the actual amounts of data used by the member agencies and the size of the database and media files in their existing environment. The proposed estimated cost would range from $5,357 to $7,142 annually.

BACKGROUND:

Since 2007, the Wayzata Police Department has been one of four founding agencies comprising the Lake Minnetonka Area Consortium (LMAC) group. The LMAC group was formed because all of the LMAC agencies have been utilizing the LETG software, as their Records Management System, to create and archive police reports. Since 2007, at least eight other police agencies have joined the LMAC group. Benefits to the consortium agencies are realized through cost sharing as well as data sharing.

Central Square, a public safety sector software company, currently owns the LETG software and houses the server environment for all of the LETG data that these and other police agencies produce and use. This past year, Central Square informed its clients that they were planning an "end of life" for the LETG software. The LMAC group and several other local MN police agencies utilizing LETG, further referred to herein as "Members" or each a "Member", began exploring ways to acquire their existing raw report data from Central Square in an effort to maintain that data for future public data requests, should Central Square stop maintaining their data.

The South Lake Minnetonka Police Department is a current member of the LMAC group and utilizes LETG as their Records Management Software. The South Lake Minnetonka Police Department has a police facility that has the necessary space and technological infrastructure to house a server to hold the members' data. The South Lake Minnetonka Police Department has offered to house the server and all existing LETG data for the members. This Data Storage Server Sharing and Governance Agreement defines the parameters and provisions of this data migration and storage so that each member agency may be able to continue to access their respective data.

ATTACHMENTS:

1. Server Sharing and Governance Agreement - 6-15-23

DATA STORAGE SERVER SHARING AND GOVERNANCE AGREEMENT

This Data Storage Server Sharing and Governance Agreement (this "Agreement") is made this _____ day of _____ 2023 by and among the following agencies: Champlin Police Department, Corcoran Police Department, Dayton Police Department, Deephaven Police Department, Medina Police Department, Minnetrista Police Department, Osseo Police Department, Rogers Police Department, South Lake Minnetonka Police Department, Three Rivers Park Police, University of Minnesota Police Department, Wayzata Police Department, and West Hennepin Public Safety Department. The above-named agencies may be collectively referred to herein as the "Members" or each a "Member". This Agreement shall be effective as of the date listed above.

RECITALS

WHEREAS, each of the Members provides law enforcement services to a certain (or multiple) public entity(ies) in the State of Minnesota and each party utilizes a records management system (an "RMS") to process, organize and refer to storage law enforcement data related to the provision of those services (such data the "Member Data"); and

WHEREAS, each Member currently engages a third party contractor to store Member Data created and/or managed by each Member's RMS; and

WHEREAS, the Members desire to collaborate to establish and implement a shared local data storage site to house existing and future-created Member Data created by each Member's RMS, in order to best protect the Member Data; and

WHEREAS, the Members further desire to collaborate in securing and funding professional services necessary to implement the migration of Member Data from a third party storage location to the newly established local storage site; and

WHEREAS, all Members agree that sharing the costs of establishing and implementing this local storage site as well as the costs of migration of the data allows for significant costs savings for all involved Members; and

WHEREAS, all Members therefore agree to share in the costs of establishing the data storage site and migrating Member Data thereto, as outlined in the terms of this Agreement.

NOW THEREFORE, the Members agree as follows:

TERMS

1) **PURPOSE:** The purpose of this Agreement is to cooperatively coordinate efforts and share costs to develop and implement a local, legally compliant data storage location and to engage services to migrate stored Member Data to that location, and thereafter maintain currently existing and later-created data in compliance with all FBI and CJIS security requirements.

2) **AUTHORIZED REPRESENTATIVE:** The Members nominate and empower the following authorized representative for purposes of managing contractor work:

   Brian Tholen, Chief of Police
   South Lake Minnetonka Police Department
   24150 Smithtown Road
   Shorewood, Minnesota 55331

   The above identified authorized representative shall serve in the role unless and until a different authorized representative is appointed by the Governing Board.

   The authorized representative shall be empowered to facilitate the contracted work contemplated herein and shall oversee contractors' compliance with the same on behalf of the Members. The authorized representative shall pay all contractor invoices and collect reimbursement from the Members, as contemplated herein.

3) **MEMBER GOVERNING BOARD**. The Members hereby establish a Governing Board to oversee the implementation of the terms herein. The Governing Board shall consist of the Chief Law Enforcement Officer of each Member or his/her designee. The Governing Board shall meet on a regular basis. The presence of a simple majority of the Governing Board Members shall constitute a quorum. Each Governing Board Member shall have one equal vote on all matters decided by the Governing Board. Unless a different threshold is specifically identified herein for a particular decision, decisions shall be determined by a majority of the Governing Board Members present and voting on a particular topic, provided a quorum of the Governing Board Members is present.

   All issues involving this Agreement shall be reviewed and resolved by the Governing Board whenever possible. The Governing Board may also review the terms and conditions of this Agreement and make recommendations to the Members' governing bodies concerning amendments to this Agreement. The Governing Board shall select a Chairperson and rotate that position annually among its Members. The Chairperson shall be the contact person for all Members.

   The Governing Board shall obtain and maintain liability insurance in amounts not less than the statutory limits established under the Municipal Tort Claims Act, Minnesota Statutes Chapter 466 ("Chapter 466") and may obtain other insurance it deems necessary to insure the actions of the Governing Board and the obligations of this Agreement including, without limitation, the indemnification obligations contained herein. The Members' respective liabilities shall be governed by the provisions of Chapter 466 and nothing in this Agreement constitutes a waiver by any Member of any

statutory or common law defense, immunity, or limit on liability provided for by applicable law. In no event shall the statutory limits provided for in Chapter 466 be aggregated to make each Member liable beyond the statutory limits.

4) **INITIAL COSTS:** The procurement contemplated by this Agreement is limited to data storage considerations and each Member shall continue to be responsible for its own RMS costs and any costs associated with altering the designated hosting location to which RMS data will be fed. The Members, through the authorized representative identified above, will engage GTEL Advisors, LLC for consultant services related to the proper design and establishment of the new data storage site and will engage Morris Electronics, Inc. to consult and assist in the procurement, installation, and maintenance of the appropriate hardware for the same. GTEL Advisors, LLC shall also assist in the technical aspects of migrating Member Data from the existing storage location to the selected local storage location. GTEL Advisors, LLC and Morris Electronics, Inc. are collectively referred to herein as the "Contractors". The authorized representative shall pay all contractor invoices for all services rendered pursuant to this Agreement and then invoice the Members equally for such costs. Members shall pay such invoices promptly to the authorized representatives and not later than thirty (30) days after receipt of the same. Prior to the initiation of a hardware acquisition valued at fifty thousand dollars ($50,000.00) or more, the authorized representative shall obtain the approval of the Governing Board of said purchase. The authorized representative is authorized to make all reasonable purchases recommended by the Contractors and related to the purpose of this Agreement which are valued at less than this amount. The authorized representative shall ensure that Contractors comply with all applicable public competitive bidding requirements for any purchases made pursuant to this Agreement.

5) **HOSTING/ON-GOING SUPPORT COSTS:** South Lake Minnetonka Police Department agrees to provide a secure location for the housing of necessary data storage equipment, at no cost to the Members. Hosting and on-going support services will be acquired from one or both of the Contractors or from a separate contractor selected by the Governing Board. The contractor selected for hosting duties shall be responsible for maintaining all Member Data in compliance with all FBI and CJIS security requirements. The nominated contractor(s) selected to provide these services shall also forecast funding needs for end of service life replacements, standard maintenance and repairs, anticipated upgrades, and decommissioning costs and these anticipated costs shall be shared with the Members to facilitate reasonable budgeting. The authorized representative shall pay all invoices for hosting and on-going support services and invoice the Members equally for said costs. Each Member is responsible to budget for all reasonably anticipated support and maintenance costs.

6) **NEW PARTIES**. If another law enforcement agency or government entity that is not a party to this Agreement wishes to become a Member (that agency or entity a "Joining Agency"), the Joining Agency may request that it be added as a party to this Agreement or request that the Agreement be otherwise amended to accommodate the needs of the Joining Agency. This request shall be subject to the approval of a majority of the then current Members of this Agreement. The parties shall then execute an amendment to this Agreement that adds the new governmental entity as a party to this Agreement, and sets forth the particular terms of that collaboration.

7) **TERM AND MEMBER WITHDRAWAL**. This Agreement shall terminate on the tenth anniversary of the effective date set forth on page one, unless extended by separate agreement of the then remaining Members. The Agreement may be terminated earlier only as follows:

   a. Immediate termination may occur upon the unanimous agreement of all then remaining Members; or
   b. Early termination may occur upon a ¾ majority vote of the then remaining Members, however, such termination shall not take effect for at least one (1) year after notice of that decision has been provided to all remaining Members.

   Any termination shall require all remaining Members to pay their proportionate share of the reasonably forecasted decommissioning costs for any and all data storage site(s) established pursuant to this Agreement. Such payment shall be made no later than thirty (30) days prior to the effective date of the termination.

   Members may withdraw from this Agreement prior to termination as set forth above upon the provision of seven (7) years' notice provided to the Chairperson of the Governing Board. Members which withdraw from this Agreement are not entitled to any property, or assets purchased pursuant to this Agreement. Withdrawing Members shall be responsible for any and all costs incurred related to their withdrawal. Withdrawing Members shall be entitled to a copy of their data which has been stored pursuant to this Agreement. However, a withdrawing Member shall not be entitled to removal or immediate deletion of their embedded and stored data. The Members agree that Member Data shall be stored, maintained and protected pursuant to this Agreement and applicable law, at all times, when housed at a storage site established pursuant to this Agreement. A withdrawing Member may request that the Member's data be deleted when feasible, but the remaining Members shall have no obligation to complete the deletion until the servers on the storage site(s) are decommissioned.

   The Governing Board shall establish a withdrawal fee to be collected from all withdrawing Members upon withdrawal. Withdrawing Members shall pay this withdrawal fee no later than thirty (30) days prior to the effective date of the withdrawal. The withdrawal fee shall reflect each Member's proportionate share of reasonably projected decommissioning costs upon the termination of this Agreement.

   Upon the termination of this Agreement, the remaining Members shall properly decommission any and all data storage sites established pursuant to this Agreement and take all necessary steps to permanently secure or delete all stored data, in compliance with all applicable law. Any purchased infrastructure may be sold after full and proper decommissioning and removal or deletion of Member Data and any value therefore may be used to offset the costs of decommissioning the site. In the event a positive balance of funds is held by the remaining Members after decommissioning is complete, the Governing Board shall disburse the funds in the Governing Board's discretion.

8) **INDEMNIFICATION**. Each Member shall hold harmless, defend and indemnify all other Members; their officials, employees and agents, from and against any and all

claims, losses, liabilities, damages attributable to the indemnifying Member (collectively "Claims"). This obligation shall include, without limitation, costs and expenses (including defense, settlement, and reasonable attorneys' fees) for Claims as a result of any damages arising from or related to data storage on the contemplated servers. This obligation shall survive termination of or withdrawal from this Agreement. Upon a compliant withdrawal of a Member from this Agreement, the remaining Members agree to hold harmless, defend and indemnify the withdrawing Member from any Claims related to improper storage of the withdrawing Member's data which remains on the servers established pursuant to this Agreement. All obligations of this Section 8 shall be subject to the liability limitations set forth in Chapter 466 and in no event shall the statutory limits provided for in Chapter 466 be aggregated to make each Member liable beyond the statutory limits.

9) **DATA PRACTICES:** All data collected, created, received, maintained or disseminated for any purpose by the activities of the Members with respect to this Agreement, shall be governed by Minnesota Statutes Chapter 13, as amended. All records kept by the Members shall be subject to examination by the representatives of each Member.

10) **AUDITS:** Pursuant to Minnesota Statutes Chapter §16C.05, subd. 5, any books, records, documents, and accounting procedures and practices of the Members relevant to this Agreement are subject to examination by the Legislative Auditor or the State Auditor, as appropriate. The Members shall maintain these per the Minnesota Government Data Practices guidelines.

11) **NOTICE:** The Members' agents for purposes of administration of this Agreement are:

Champlin Police:	Chief ---------- 11955 Champlin Drive Champlin, Mn 55316
Corcoran Police:	Public Safety Director Matt Gottschalk 8200 County Road 116 Corcoran, MN 55340
Dayton Police:	Chief Paul Enga 13700 Zanzibar Lane North Dayton, MN 55327
Deephaven:	Chief Cory Johnson 20225 Cottagewood Road Deephaven, MN 55331

Medina Police:	Chief Jason Nelson 600 Clydesdale Trail Medina, MN 55340
Minnetrista Police:	Public Safety Director Paul Falls 7701 County Road 110 West Minnetrista, MN 55364
Osseo Police:	Chief Shane Mikkelson 408 1st Ave NW Osseo, MN 55369
Rogers Police:	Chief Dan Wills 21860 Industrial Court Roger, MN 55374
South Lake Minnetonka Police:	Chief Brian Tholen 24150 Smithtown Road Shorewood, MN 55331
Three Rivers Park Police:	Chief Josh Foust 4301 County Road 24 Maple Plain, MN 55359
University of Minnesota Police:	Chief Matt Clark 511 SE Washington Ave #1 Minneapolis, MN 55455
Wayzata Police:	Chief Marc Schultz 600 Rice Street East Wayzata, MN 55391
West Hennepin Public Safety:	Public Safety Director Gary Kroells 1918 County Road 90 Independence, MN 55359

12) **APPLICABLE LAW:** The execution, interpretation and performance of this Agreement shall be controlled and governed by the laws of the State of Minnesota.

13) **ENTIRE AGREEMENT; AMENDMENTS:** This Agreement constitutes the entire Agreement between the Members, and no other agreement prior to or contemporaneous with this Agreement shall be effective, except as expressly set forth or incorporated herein. Any purported amendment to this Agreement is not effective unless it is in writing and executed by all Members.

14) **WAIVER:** One or more waivers by any Member of any provision, term, condition or covenant of this Agreement shall not be construed by the other Members as a waiver of a subsequent breach of the same by the other Members.

15) **SEVERABILITY:** Should any part or portion of this Agreement be held invalid or unenforceable, the remaining provisions shall be valid and binding upon the Members unless such invalidity or non-enforceability would cause the Agreement to fail its purpose.

16) **AUTHORIZATION CERTIFICATION:** By endorsing this Agreement, each of the undersigned representatives represents and warranties that he/she is an authorized representative of the identified Member, and has obtained any and all necessary authority to fully bind his/her entity to the terms of this Agreement.

[Signature pages to follow]

IN WITNESS WHEREOF, the Member parties of this Agreement, by their respective duly authorized officers, have caused this Agreement to be duly executed on the date and year written below, intending to be bound thereby.

Champlin Police

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Corcoran Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Dayton Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Deephaven:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Medina Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Minnetrista Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Osseo Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Rogers Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

South Lake Minnetonka Police:

Signed: _____
Print: _____
Its: Mayor Todd Carlson: Coordinating Committee Chair
Email: Tcarlson@excelsiormn.org

Date: _____, 2023

Three Rivers Park Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

University of Minnesota Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

Wayzata Police:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

West Hennepin Public Safety:

Signed: _____
Print: _____
Its: _____

Date: _____, 2023

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.k
TITLE: Approval of Professional Services Agreement with Walker Consultants for Preparation of a Feasibility Report related to Access Management for the Mill Street Parking Ramp	
PROPOSED MOTION: To Approve the Professional Services Contract with Walker Consultants for Preparation of a Feasibility Report related to Access Management for the Mill Street Parking Ramp	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Professional Services Contract with Walker Consultants for the preparation of a feasibility report related to access management for the Mill Street Parking Ramp.

FINANCIAL OR BUDGET CONSIDERATION:

This project is proposed to be funded using the Downtown Parking Fund (CIP). This study is proposed to cost $9,500. Any recommended improvements would be approved by the Council and/or included as future CIP projects.

BACKGROUND:

In recent years, the upper deck of the Mill Street Parking Ramp has become a hangout for large groups of individuals who have, at times, engaged in public nuisance activities such as loitering and vandalism (grafitti). This report is intended to inform decisionmakers about opportunities for managing the vehicular access points to the ramp and, hopefully, minimize and deter these nuisance activities. Managing access could also be a benefit for events in the future.

ATTACHMENTS:

1. DRAFT - Professional Services Contract
2. Attachment A - Walker Consultants Proposal

CITY OF WAYZATA
PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the "Agreement") is made effective June 20, 2023 ("Effective Date") by and between the City of Wayzata, Minnesota (the "City") and Walker Consultants, 1660 Highway 100 S, Suite 545, Minneapolis, MN 55416 ("Contractor") for the professional services and related deliverables described herein, and contains the terms and conditions applicable to all of Contractor's services and associated deliverables for the City.

In consideration of the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

I. SCOPE OF SERVICES AND DELIVERABLES

Contractor will provide the professional services and deliverables (collectively, the "Services") that are described in the June 1, 2023 proposal for Parking Technology Consulting (Parking Controls Study) for Mill Street Ramp, attached hereto as **Attachment A** (the "Statement of Work"), according to the project team, project scope, services descriptions, deliverables, timeline, and other terms therein, and in accordance with best practices and industry standards.

II. PROJECT REPRESENTATIVES

A. City's main point of contact shall be the Director of Public Works.
B. Contractor's main point of contact for the Services shall be Scott Froemming.

III. COMPENSATION AND BILLING

As consideration for the provision of the Services and all costs associated therewith, the City agrees to pay the Contractor a lump sum fee not to exceed estimate below. Notwithstanding the foregoing, payment for the Services shall not exceed Contractor's estimates of a total of nine thousand five hundred dollars ($9,500.00) for the Services related to the project, which includes both time and expenses, as outlined in the Statement of Work.

Contractor will invoice the City monthly for the Services provided in accordance with Agreement, and include with such invoices detailed descriptions of the Services provided by the Contractor to the City. City shall pay Contractor for all undisputed invoices within thirty (30) days of receipt of such invoices.

IV. CHANGE OF SCOPE OF SERVICES

City may request, and Contractor may suggest, changes or additions to the Services. In such event, City and Contractor will work together on the details of such changes (including any adjustments to Contractor's compensation and the specifications, timeline and deliverables described in **Attachment A**), and if agreed upon in writing by both City and Contractor, such changes shall be an amendment to this Agreement.

V. INSURANCE

Contractor, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

A. General Liability. Contractor agrees to maintain commercial general liability insurance in a minimum amount of $1,000,000 per occurrence; $2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products completed operations, personal injury, advertising injury, and contractually assumed liability. City shall be endorsed as additional insured.

B. Automobile Liability. If Contractor operates a motor vehicle in performing the Services under this Agreement, Contractor shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of $1,000,000 combined single limit.

C. Professional (Errors and Omissions) Liability Insurance. Contractor will maintain professional liability insurance for all claims Contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under this Agreement. Contractor is required to carry the following minimum limits: $1,000,000 per claim; $2,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the Effective Date, and Contractor shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

D. Workers' Compensation. Contractor agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. Contractor shall also carry employers' liability coverage with minimum limits as follows: (i) $500,000 – Bodily Injury by Disease per employee; (ii) $500,000 – Bodily Injury by Disease aggregate; and (iii) $500,000 – Bodily Injury by Accident.

Contractor shall, prior to commencing the Services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. Contractor's policies shall be the primary insurance to any other valid and collectible insurance available to City with respect to any claim arising out of Contractor's performance under this Agreement. Contractor's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City.

VI. INDEPENDENT CONTRACTOR RELATIONSHIP

City and Contractor agree that Contractor is an "independent contractor" and not an employee of City. Contractor shall be solely and entirely responsible for its acts and for the acts of its employees, agents, and subcontractors in connection with the Services. Contractor shall be responsible for the compensation and benefits of Contractor's employees and for payment of all federal, state and local taxes payable with respect to any amounts paid to Contractor under this Agreement. No payroll or employment taxes of any kind shall be withheld or paid by City with respect to payments to Contractor, including but not limited to, FICA, FUTA, federal and state personal income tax, state disability insurance tax and state unemployment tax. Contractor shall not be entitled to any benefits from City, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits.

VII. TERMINATION

This Agreement shall continue in effect until terminated by either party upon such party giving the other no less than 30 days prior written notice of termination. Termination of this Agreement for any reason shall not affect any provision of this Agreement that by its nature is intended to survive termination.

VIII. OTHER TERMS

A. Entire Agreement; Amendments. This Agreement and the attachments referenced herein represent the entire agreement between Contractor and City. Any terms in attachments which conflict with the main body of this Agreement shall be limited, controlled and superseded by the terms in the main body of this Agreement. This Agreement supersedes any prior or contemporaneous representations or agreements, either written or oral. No amendment or modification of the terms of this Agreement, except as may be expressly authorized herein, may be made and will not be effective unless agreed upon in writing by City and Contractor.

B. Assignability. The rights and obligations of Contractor under this Agreement shall not be assignable or transferable without the prior written approval of the City.

C. Compliance of all Laws; Ability to Perform; Representations. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances and orders. Contractor has in effect and will maintain in effect all permits, licenses, and other authorizations necessary for the performance of the Services. Contractor is not aware of any fact or circumstance which would prevent Contractor from performing in accordance with this Agreement. Contractor represents and warrants that Contractor has the requisite training, skills, and experience necessary to provide the Services contemplated by this Agreement, and that the Services will be performed using personnel, equipment, and material qualified and suitable to perform the Services requested. Contractor shall be solely responsible for its negligent acts, errors and omissions while performing Services under this Agreement. Contractor will perform the Services with reasonable care and skill, in a diligent and professional manner and in accordance with accepted professional practices and industry standards.

D. Assurances and Indemnification. Contractor assures the City, and represents and warrants, that the information it has provided in its Statement of Work is accurate and not misleading in any material respect. Contractor shall indemnify City, its employees, officials, and agents, against all claims, demands and actions, and all related costs and expenses (including reasonable attorneys' fees) for injury, death, disability or illness of any person, or damage to property, arising out of the negligent performance of the Services or any breach of any representation or term of this Agreement by Contractor.

E. Payment of Others. Contractor shall pay all of Contractor's employees, agents, and subcontractors furnishing services, labor, equipment, or materials incidental to the performance of Contractor's obligations under this Agreement.

F. Rights in Deliverables. All deliverables associated with the Services, and all data, information, ideas, designs, plans and creative works associated therewith, shall be the exclusive property of City, including all intellectual property rights therein. City and Contractor agree that such are works made for hire for City, and to the extent they do not qualify as such, Contractor hereby assigns all rights therein to City.

G. Contractor's Obligations Upon Termination. Upon the expiration or termination of this Agreement, Contractor shall furnish City with all deliverables and work in progress associated with the Services as of the effective date of termination. City shall have the unfettered right and freedom to use all such deliverables and work in progress as it sees fit, and to hire third parties to complete all outstanding Services as of the effective date of termination.

H. Headings. The headings in this Agreement are intended solely for convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

I. Notices. All notices or communications relating to this Agreement shall be in writing and shall be deemed given upon hand delivery or deposit in the United States mail, return receipt requested, and addressed as follows:

To the City:	To Contractor:
Wayzata City Hall	Walker Consultants
600 East Rice Street	1660 Highway 100 S, Suite 545
Wayzata, MN 55391	Minneapolis, MN 55416
Attention: Director of Public Works	Attention:_____

J. Governing Law; Jurisdiction; Data Practices Act. This Agreement shall be construed in accordance with governed by the laws of the State of Minnesota. The parties agree to submit to the jurisdiction of the courts of the State of Minnesota, and that any litigation regarding this Agreement will be brought in the state or federal courts that lie in Hennepin County, Minnesota. Contractor agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13. Contractor understands that all of the data created, collected, received, stored, used, maintained, or disseminated by Contractor in performing those functions that the City would perform is

subject to the requirements of Chapter 13, and Contractor must comply with those requirements as if it were a government entity. This does not create a duty on the part of Contractor to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

K. Waiver. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

L. Savings Clause. If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of this Agreement will remain in full force and effect.

M. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

N. Limitation of Liability, Consequential Damages. The Contractor's and its employees' aggregate liability to the City for any and all claims, losses or damages arising out of any Project or this Agreement for any cause shall be an amount equal to the amount of insurance required by Article V of this Agreement. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

Neither the City nor the Contractor shall be liable to the other for any consequential damages incurred due to the fault of the other or their agents. Consequential damages include, but are not limited to, loss of use and loss of profit.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:	**CONTRACTOR:**
City of Wayzata, a Minnesota Municipal corporation	Walker Consultants
By: _____ Johanna Mouton, Mayor	By: _____
	Name: _____
	Title: _____
By: _____ Jeffrey Dahl, City Manager	

ATTACHMENT A
STATEMENT OF WORK

June 1, 2023 Proposal for Parking Technology Consulting
(Parking Controls Study) for Mill Street Ramp

WALKER CONSULTANTS

7760 France Avenue South, Suite 820
Minneapolis, MN 55435
952.595.9116

June 1, 2023

Mr. Michael H. Kelly, Jr., P.E.
City Engineer / Director of Public Works
City of Wayzata
299 Wayzata Blvd W.
Wayzata MN 55391

Re: *Proposal for Parking Technology Consulting*
Parking Controls Study for Mill Street Ramp
Wayzata MN

Dear Michael:

Walker Consultants (Walker) is pleased to submit for your review this proposal for parking technology consulting to consider various methods for improving public safety through enhanced management of Mill Street garage.

Project Understanding

We understand that the Mill Street Ramp is a two-level parking structure with separate entry/exit lanes for each level. The two levels operate independently without interconnectivity. These areas are for use by the general public serving local businesses and other public amenities. There is currently no parking fee.

The City has observed that due to relative seclusion and favorable location of the upper deck, the area tends to attract crowds who congregate socially and loiter in the area and may at times engage in public nuisance activities. The time of day when this is most prevalent tends to be from about 4pm to 10pm.

The City would like Walker to devise one or more options to discourage this behavior by use of parking access and or revenue control technology.

Scope of Services

We will prepare a letter report that describes and illustrates in plan concepts on how the area can be controlled to discourage the unwanted behavior, while still providing sufficient access for legitimate uses. These methods may include use of automated access control barrier gates, additional signage, and parking fee payments systems. We will present a draft report to the city staff for review, and then make corrections and modification as result of review feedback before issuing a final report.

We will also assist the City staff to communicate findings to the City Council and attend a Council meeting should Walker representation be requested to answer any letter report finding questions.

Schedule

We can begin within two weeks of receipt of a signed agreement and have the first draft report to you within four weeks thereafter.

Professional Fee

We propose a lump sum fee of $9,500.00 to include the work stated herein inclusive of any reasonable expenses we may incur to complete the tasks.

Walker is dedicated to providing our clients with professional services that meet project requirements and deadlines. If you should have any additional questions, please do not hesitate to call or email us.

Sincerely,

WALKER CONSULTANTS

Brian McGann, PCIP
Consultant

Scott Froemming,
Sr PM/Principal

Enclosure: General Conditions of Agreement for Consulting

Authorization

Trusting that this meets with your approval, we ask that you sign in the space below to acknowledge your acceptance of the terms contained herein, and to confirm your authorization for us to proceed. Please return one signed original of this agreement for our records.

City of Wayzata

Authorized Signature _____

Printed Name _____

Title _____

Date _____

General Conditions of Agreement for Consulting Services

Services

Walker Consultants ("Walker") will provide the Client professional services that are limited to the work described in the attached letter ("the services"). Any additional services requested will be provided at our standard hourly rates or for a mutually agreed lump sum fee. The services are provided solely in accordance with written information and documents supplied by the Client and are limited to and furnished solely for the specific use disclosed to us in writing by the Client. No third-party beneficiary is contemplated. All documents prepared or provided by Walker are its instruments of service, and any use for modifications or extensions of this work, for new projects, or for completion of this project by others without Walker's specific written consent will be at Client's sole risk.

Payment for Services

Monthly Invoices

Walker will submit monthly invoices based on work completed plus reimbursable expenses. Reimbursable expenses will be billed at 1.00 times the cost of travel and living expenses, purchase or rental of specialized equipment, photographs and renderings, document reproduction, postage and delivery costs, communications charges, additional service consultants, and other project related expenses.

Payment is due upon receipt of invoice. If for any reason the Client does not pay Walker within thirty (30) days of date of invoice, Walker may, at its option, suspend or withhold services. The Client agrees to pay Walker a monthly late charge of one and one-half percent (1.5%) per month of any unpaid balance of the invoice.

Payment Method

Walker's preferred method of payment is ACH. All payments should be made electronically to:

Truist Bank
ABA Routing Number 021052053
Credit to the account of - Walker Consultants
Account Number 79592337

Standard of Care

Walker will perform the services in accordance with generally accepted standards of the profession using applicable building codes in effect at time of execution of this Agreement. Walker's liability caused by its acts, errors or omissions shall be limited to the fee or $10,000, whichever is greater.

Any estimates or projections provided by Walker will be premised in part upon assumptions provided by the Client. Walker will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results

and such variations may be material. As such, Walker makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

Period of Service

Services shall be complete the earlier of (1) the date when final documents are accepted by the Client or (2) thirty (30) days after final documents are delivered to the Client.

Proprietary Information

The information contained in this proposal is confidential, privileged, and only for the City and may not be shared, published, or redistributed without prior written permission from Walker Consultants.

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.I
TITLE: Approval of Professional Services Agreement with Braun Intertec Corporation for Testing Services related to the Construction of the Panoway Lakewalk	
PROPOSED MOTION: To Approve the Professional Services Agreement with Braun Intertec Corporation for Testing Services related to the Construction of the Panoway Lakewalk	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the Professional Services Agreement with Braun Intertec Corporation for Testing Services related to the Construction of the Panoway Lakewalk.

FINANCIAL OR BUDGET CONSIDERATION:

The estimated cost for these needed services is $164,889. These costs were budgeted by Kraus Anderson to be $75,000. With the budgeted amount plus soft cost contingency of $25,000, the proposal is still over budget by $64,889. Because the estimated fees are based on an as-needed or hourly basis, staff will work to mitigate the overall cost of this service. These testing services are proposed to be funded using the Lakefront Improvement Fund (CIP).

BACKGROUND:

Braun Intertec Corporation is proposing to provide special inspection services related to the piling, structural steel, and precast concrete installation. Additionally, they suggest a $25,000 allowance for vibration monitoring-related services be included in the overall project. This monitoring will assist the project team in determining potential piling impacts on nearby structures and the adjacent rail line.The Director of Public Works/City Engineer recommends this additional vibration monitoring be included with the other testing services.

ATTACHMENTS:

1. DRAFT - Professional Services Contract _Special Testing for Lakewalk
2. Attachment A - Braun Proposal for Special Inspections and Testing

CITY OF WAYZATA
PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the "Agreement") is made effective June 20, 2023 ("Effective Date") by and between the City of Wayzata, Minnesota (the "City") and Braun Intertec Corporation with offices at 11001 Hampshire Avenue South, Minneapolis, Minnesota 55438 ("Contractor") for the professional services and related deliverables described herein, and contains the terms and conditions applicable to all of Contractor's services and associated deliverables for the City.

In consideration of the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

I. SCOPE OF SERVICES AND DELIVERABLES

Contractor will provide the professional services and deliverables (collectively, the "Services") that are described in the May 11, 2023 Proposal for Special Inspection and Testing Services for Panoway on Wayzata Bay Phase 2, attached hereto as **Attachment A** (the "Statement of Work"), according to the project team, project scope, services descriptions, deliverables, timeline, and other terms therein, and in accordance with best practices and industry standards.

II. PROJECT REPRESENTATIVES

A. City's main point of contact shall be the City Manager.
B. Contractor's main point of contact for the Services shall be _____.

III. COMPENSATION AND BILLING

As consideration for the provision of the Services and all costs associated therewith, the City agrees to pay the Contractor for testing services, as detailed in the attached Proposal. Notwithstanding the foregoing, payment for the Services is estimated at one hundred thirty-nine thousand, eight hundred and eighty-nine dollars ($139,889), as outlined in the Statement of Work. The actual cost of services will be based on the actual number of units or hours expended to meet the requirements of the project documents. The City also agrees to pay up to twenty-five thousand dollars ($25,000) for vibration monitoring-related services.

Contractor will invoice the City upon completion of the phases for the Services provided in accordance with Agreement, and include with such invoices detailed descriptions of the Services provided by the Contractor to the City. City shall pay Contractor for all undisputed invoices within thirty (30) days of receipt of such invoices.

IV. CHANGE OF SCOPE OF SERVICES

City may request, and Contractor may suggest, changes or additions to the Services. In such event, City and Contractor will work together on the details of such changes (including any adjustments to Contractor's compensation and the specifications, timeline and deliverables described in **Attachment A**), and if agreed upon in writing by both City and Contractor, such changes shall be an amendment to this Agreement.

V. INSURANCE

Contractor, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

A. General Liability. Contractor agrees to maintain commercial general liability insurance in a minimum amount of $1,000,000 per occurrence; $2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products completed operations, personal injury, advertising injury, and contractually assumed liability. City shall be endorsed as additional insured.

B. Automobile Liability. If Contractor operates a motor vehicle in performing the Services under this Agreement, Contractor shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of $1,000,000 combined single limit.

C. Professional (Errors and Omissions) Liability Insurance. Contractor will maintain professional liability insurance for all claims Contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under this Agreement. Contractor is required to carry the following minimum limits: $1,000,000 per occurrence; $2,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the Effective Date, and Contractor shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

D. Workers' Compensation. Contractor agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. Contractor shall also carry employers' liability coverage with minimum limits as follows: (i) $500,000 – Bodily Injury by Disease per employee; (ii) $500,000 – Bodily Injury by Disease aggregate; and (iii) $500,000 – Bodily Injury by Accident.

Contractor shall, prior to commencing the Services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. Contractor's policies shall be the primary insurance to any other valid and collectible insurance available to City with respect to any claim arising out of Contractor's performance under this Agreement. Contractor's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City.

VI. INDEPENDENT CONTRACTOR RELATIONSHIP

City and Contractor agree that Contractor is an "independent contractor" and not an employee of City. Contractor shall be solely and entirely responsible for its acts and for the acts of its employees, agents, and subcontractors in connection with the Services. Contractor shall be responsible for the compensation and benefits of Contractor's employees and for payment of all federal, state and local taxes payable with respect to any amounts paid to Contractor under this Agreement. No payroll or employment taxes of any kind shall be withheld or paid by City with respect to payments to Contractor, including but not limited to, FICA, FUTA, federal and state personal income tax, state disability insurance tax and state unemployment tax. Contractor shall not be entitled to any benefits from City, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits.

VII. TERMINATION

This Agreement shall continue in effect until terminated by either party upon such party giving the other no less than 30 days prior written notice of termination. Termination of this Agreement for any reason shall not affect any provision of this Agreement that by its nature is intended to survive termination.

VIII. OTHER TERMS

A. Entire Agreement; Amendments. This Agreement and the attachments referenced herein represent the entire agreement between Contractor and City. Any terms in attachments which conflict with the main body of this Agreement shall be limited, controlled and superseded by the terms in the main body of this Agreement. This Agreement supersedes any prior or contemporaneous representations or agreements, either written or oral. No amendment or modification of the terms of this Agreement, except as may be expressly authorized herein, may be made and will not be effective unless agreed upon in writing by City and Contractor.

B. Assignability. The rights and obligations of Contractor under this Agreement shall not be assignable or transferable without the prior written approval of the City.

C. Compliance of all Laws; Ability to Perform; Representations. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances and orders. Contractor has in effect and will maintain in effect all permits, licenses, and other authorizations necessary for the performance of the Services. Contractor is not aware of any fact or circumstance which would prevent Contractor from performing in accordance with this Agreement. Contractor represents and warrants that Contractor has the requisite training, skills, and experience necessary to provide the Services contemplated by this Agreement, and that the Services will be performed using personnel, equipment, and material qualified and suitable to perform the Services requested. Contractor shall be solely responsible for its negligent acts, errors and omissions while performing Services under this Agreement. Contractor will perform the Services with reasonable care and skill, in a diligent and professional manner and in accordance with accepted professional practices and industry standards.

D. Assurances and Indemnification. Contractor assures the City, and represents and warrants, that the information it has provided in its Statement of Work is accurate and not misleading in any material respect. Contractor shall defend and indemnify City, its employees, officials, and agents, against all claims, demands and actions, and all related costs and expenses (including reasonable attorneys' fees) for injury, death, disability or illness of any person, or damage to property, arising out of the negligent performance of the Services or any breach of any representation or term of this Agreement by Contractor.

E. Payment of Others. Contractor shall pay all of Contractor's employees, agents, and subcontractors furnishing services, labor, equipment, or materials incidental to the performance of Contractor's obligations under this Agreement.

F. Rights in Deliverables. All deliverables associated with the Services, and all data, information, ideas, designs, plans and creative works associated therewith, shall be the exclusive property of City, including all intellectual property rights therein. City and Contractor agree that such are works made for hire for City, and to the extent they do not qualify as such, Contractor hereby assigns all rights therein to City.

G. Contractor's Obligations Upon Termination. Upon the expiration or termination of this Agreement, Contractor shall furnish City with all deliverables and work in progress associated with the Services as of the effective date of termination. City shall have the unfettered right and freedom to use all such deliverables and work in progress as it sees fit, and to hire third parties to complete all outstanding Services as of the effective date of termination.

H. Headings. The headings in this Agreement are intended solely for convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

I. Notices. All notices or communications relating to this Agreement shall be in writing and shall be deemed given upon hand delivery or deposit in the United States mail, return receipt requested, and addressed as follows:

To the City:	To Contractor:
Wayzata City Hall	Braun Intertec Corporation
299 Wayzata Blvd. W.	11001 Hampshire Ave. S.
Wayzata, MN 55391	Minneapolis, MN 55438
Attention: City Engineer	Attention:_____

J. Governing Law; Jurisdiction; Data Practices Act. This Agreement shall be construed in accordance with governed by the laws of the State of Minnesota. The parties agree to submit to the jurisdiction of the courts of the State of Minnesota, and that any litigation regarding this Agreement will be brought in the state or federal courts that lie in Hennepin County, Minnesota. Contractor agrees to abide by the applicable provisions of the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13. Contractor understands that all of the data created, collected, received, stored, used, maintained, or disseminated by Contractor in performing those functions that the City would perform is

subject to the requirements of Chapter 13, and Contractor must comply with those requirements as if it were a government entity. This does not create a duty on the part of Contractor to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

K. Waiver. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

L. Savings Clause. If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of this Agreement will remain in full force and effect.

M. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:

City of Wayzata, a Minnesota Municipal corporation

By: _____
Johanna Mouton, Mayor

By: _____
Jeffrey Dahl, City Manager

CONTRACTOR:

Braun Intertec Corporation

By: _____
Name: _____
Title: _____

ATTACHMENT A
STATEMENT OF WORK

("Scope of Services") May 11, 2023 Proposal for Special Inspection and Testing Services for Panoway on Wayzata Bay Phase 2

Braun Intertec Corporation
11001 Hampshire Avenue S
Minneapolis, MN 55438

Phone: 952.995.2000
Fax: 952.995.2020
Web: braunintertec.com

May 11, 2023 Proposal QTB175430

Michael H. Kelly, Jr., PE
City Engineer/Director of Public Works
City of Wayzata
402 Lake Street SE
Wayzata, MN 55391

Re: Proposal for Special Inspection and Testing Services
Panoway on Wayzata Bay Phase 2
299 Wayzata Boulevard W
Wayzata, Minnesota

Dear Mr. Kelly:

Braun Intertec Corporation is pleased to submit this proposal to provide the required special inspection and testing services for Phase 2 of the Panoway on Wayzata Bay project. Our services will be provided in accordance with the terms and conditions of our Master Professional Services Agreement with the City of Wayzata dated September 14, 2018.

The Project

The City of Wayzata is building a new boardwalk from the middle of the existing docks location at the Wayzata Depot to the current entry point location of the Broadway Docks about 1200 feet to the east. The planned boardwalk has prefabricated straight sections separated by bends as the alignment moves towards and away from the shoreline.

The boardwalk structure will consist of precast concrete double tee platform sections supported on a total of 38 piers. Each pier will have a pair of closed-end, 16-inch diameter pipe pile driven to depths of approximately 70 to 90 feet below the water surface that are battered in opposite directions at a 1:5 (horizontal:vertical) slope. After the pipe piles are driven to depth, full length HP10x57 H-sections with welded nelson studs will be dropped into the pipe piles for reinforcement. The pipe piles will then be filled with concrete.

The embedded H-section will stick up slightly from the pipe pile and will be connected to a W12x53 beam that will span the piles with bolted and welded connections. The W12x53 beam will be structurally tied to the precast double tee platform with several welded 3/4-inch and 1-inch thick plates and a 1 1/2-inch diameter threaded rod extending through each web. The steel railing and metal decking where used will connect to the precast double tees with epoxy anchors and through bolts.

With the boardwalk location in the bay and the shoreline generally inaccessible, the construction activities will be completed from a series of floating barges.

AA/EOE

Available Information

This cost estimate was prepared using the following documents and information:

- 100% CD Plans and Specifications from Bid Package #2 for the Panoway on Wayzata Bay project, prepared by CIVITAS, dated January 10, 2023.
- Addendum 1 to the Construction Documents prepared by CIVITAS, dated March 13, 2023. This includes updates to the construction staging area near Wayzata Depot, contact information for the precast and steel suppliers, and preliminary schedule information.
- Addendum 2 to the Construction Documents prepared by CIVITAS, dated March 17, 2023. This includes the BNSF Grade Crossing Construction and Maintenance Agreement, design team responses to questions about pile sequencing and deck anchors and spacing.
- Addendum 3 to the Construction Documents prepared by CIVITAS, dated March 20, 2023. This Addendum notes that Work Scope 31A from the Sitework & Panoway Structure Install Package Work includes the demolition of existing docks as shown on sheet ESC-02.
- Addendum 4 to the Construction Documents prepared by CIVITAS, dated March 21, 2023. This includes design team responses to questions about pile installation and testing.
- Geotechnical Evaluation Report for Wayzata Lake Effect project (Panoway on Wayzata Bay) prepared by Braun Intertec under project B1809270, dated April 19, 2023.
- Addendum 1 to the Geotechnical Evaluation Report for the Panoway on Wayzata Bay project prepared by Braun Intertec under project B1809270.00, dated January 11, 2023.
- RFI #5 and response by ERA.

In preparation of this proposal, the planned construction was discussed on several occasions with project team members from Kraus-Anderson, CIVITAS, Ericksen Roed & Associates, and the project general contractor, Zenith Tech. These conversations focused on site access, project timeline, means and methods, and the pile testing program.

We understand the project team is targeting the first week of June to start pile driving with the final start date dependent on the DNR permitting process. Expectations from Kraus-Anderson and Zenith Tech were that the pile installation will be completed in 6 to 12 weeks. We have used a 12-week pile installation period as the basis of our cost estimate.

Before pile installation can begin, any rip rap at the pile driving locations will be removed. Based on our conversations with representatives of Kraus-Anderson, Braun Intertec will not be involved with monitoring this operation.

A Zenith Tech high-level overview of their pile installation procedures indicated the pipe piles will be installed using a combination of vibratory hammers to get the piles to a near final depth and then D32 or D42 diesel hammers for the final drive to depth. After the first pile is installed to the required depth, the top will be cut off to allow for driving of the 2nd pile in the opposite direction. After dropping the H-pile into the pipe pile in one direction, excess length of H-pile sticking out the top will be cut off so the second H-pile at the pier location can be installed. Any required splicing will occur on the barge. Templates will be set up at the pier locations to facilitate accurate placement and battering of the piles and will remain in place to facilitate the start of structural steel framing of the pier.

High-strain dynamic pile testing (PDA testing) will be used to evaluate the pile axial load carrying capacity and the piles skin friction resistance, which will be used to resist the design uplift loads. Zenith Tech is planning to move their barge to the pre-planned PDA test locations at the start of pile driving to obtain driving criteria for the production pile. The pre-planned locations are one pier near the center of the boardwalk, and piles from one pier near each end of the boardwalk. Both piles will be tested at each pier location to evaluate the potential for differing soil conditions going towards the shoreline and out into the lake. Data will be collected during the initial drive and the restriking of these 6 piles. An associated CAPWAP analysis will be completed for each pile and driving criteria for load carrying capacity and uplift will be developed before additional production piles are installed.

It was discussed with Zenith Tech and the rest of the project team that soil and pile driving conditions will likely change along the length of the boardwalk. When driving is not consistent with previously installed piles, additional PDA testing may be required to validate the two capacity requirements. Additional time to react to changing drive conditions and additional PDA testing has been included with this cost estimate.

The pile fill concrete will be delivered to the jobsite by Cemstone, transported to the pier locations by barge, and poured into the piles via a bucket. Zenith Tech is planning to pour a number of piles consecutively over the course of 1 to 2 days at a time. With that information, we expect up to 6 pile fill placements spanning up to 2 days each will be needed.

Based on our review of the pile dimensions, we expect each pile will require up to 4 cubic yards of concrete fill. The project specifications require casting one set of six cylinders for the first 25 cubic yards placed, and one set of six cylinders for every 50 cubic yards placed thereafter, per day. A concrete testing technician will collect the concrete sample from on shore and will remain on site during placement in order to meet the project required testing frequency requirements.

We understand that Zenith Tech plans to begin structural steel construction for the pier structures about 2 to 3 weeks following pile installation, and that work will progress as pile installation progresses.

Access to the work area for inspection and testing will be provided by Zenith Tech or Kraus-Anderson. No additional lake transportation needs to be provided by Braun Intertec.

Scope of Services

International Code Council (ICC) certified special inspectors or experienced technicians working under the direction of a licensed professional engineer will perform the required inspection and testing services. These services will be provided when requested by you, your representative or a representative of the general contractor based on their daily work schedule. To determine compliance with the project plans and specifications, we interpret our scope of services for this project will include the following.

Deep Foundation-Related Services

- We will perform PDA testing on the initial drive and restrikes of both piles at three bent locations before production piling begins, for 12 PDA tests. The geotechnical evaluation showed the driving conditions could change along the alignment, thus we expect additional PDA testing will be required. Therefore, we have budgeted for PDA testing on the restrikes of both piles at three additional bent locations, for an additional 6 PDA tests. In total, we expect up to 18 PDA tests from 6 bent locations will be required for this project. We expect up to 18 site visits and up to 60 hours onsite will be required to complete the PDA testing services.

- We will perform a wave matching analysis of the dynamic data from each of the test piles using the CAPWAP computer program and plot the PDA results using the PDIPLOT2 computer program.

- We will establish a driving criterion for the production piles based on the collected data and analysis from the test piles.

- We will observe the installation of the production piles on a full-time basis from the floating barge. We expect up to 60 days averaging 10 hours per day will be required for the pile observations.

- We will prepare a deep foundations summary table and final report when the pile driving is completed.

Structural Steel-Related Services

- We will periodically observe the placement of nelson studs attached to the H-sections and will ring test them for soundness.

- We will observe and perform ultrasonic testing (UT) on full penetration splice welds as needed. These observations and UT testing will be completed while our inspector is onsite full time for pile observations.

- We will observe the field welded and bolted connections for the pier structural steel and precast on a periodic basis for compliance with the project requirements. After pile installation is complete, we expect up to 2 site visits per week averaging 4 hours per visit will be required for steel-related observations. We expect pile installation will be finished by end of August. Using this timeline, we have budgeted a total of 28 site visits for steel inspections.

Concrete-Related Services

- As the concrete is placed, we will sample and test it to determine its slump, air content, and temperature. In addition, we will cast up to 12 sets of cylinders for compressive strength testing. As required by the project specifications, we will cast a total of six, 4-inch by 8-inch cylinders per set, with three cylinders tested at 7 days and three tested at 28 days. In total, we expect up to 12 site visits averaging 8 hours per visit will be required for concrete testing services.

- We will transport the cylinders to the laboratory for curing and compressive strength testing.

Engineering Consulting and Project Communication and Reporting Services

- We will also provide the ongoing geotechnical engineering consulting during the pile installation and the required engineering oversight for the required services including scheduling and coordination with field staff, review and distribution of field and laboratory reports, preparation of the final special inspection report and communication with the various construction parties.

Costs

We will furnish the services described herein using the hourly rates, overtime hourly rates and unit rates shown in Table 1. Also shown are the estimated hours and units we expect will be required to complete the inspections and testing. The actual cost of our services will be based on the actual number of units or hours expended to meet the requirements of the project documents.

Table 1. Estimated Costs

Services Description or Personnel	Estimated Hours or Units	Hourly Rate	Unit Rate	Service and Personnel Totals
Pile Observations	600 hrs.	$105/hr.	---	$63,000
PDA Testing	60 hrs.	$195/hr.	---	$11,700
Pile Driving Analyzer Equipment Rental	10 days	---	$685/day	$6,850
CAPWAP Analysis	18 tests	---	$605/test	$10,890
Welded and Bolted Connection Observations	112 hrs.	$115/hr.	---	$12,880
Ultrasonic Shearwave Equipment Rental	12 weeks	---	$120/week	$1,440
Ultrasonic Testing Consumables	1	--	$1,000	$1,000
Concrete Testing	96 hrs.	$90/hr.	---	$8,640
Compressive Strength Testing	72 cyls.	---	$35/cyl.	$2,520
Cylinder Pickup	6 hrs.	$75/hr.	---	$450
Trip Charge	118 trips	---	$30/trip	$3,540
Project Assistant	15 hrs.	$98/hr.	---	$1,470
Project Control Specialist	8 hrs.	$98/hr.	---	$784
Project Engineer	20 hrs.	$175/hr.	---	$3,500
Senior Engineer	35 hrs.	$195/hr.	---	$6,825
Principal Engineer	20 hrs.	$220/hr.	---	$4,400
			Total:	**$139,889**

Based on the hours and units in Table 1, the estimated costs for the defined special inspections, construction material testing, and ongoing consulting services is $139,889.

Additional Services

Vibration monitoring along the shoreline has been discussed amongst the project team during previous planning meetings. However, final decisions on the need, or how a vibration monitoring program would be implemented has not been defined with the parties that could potentially be impacted by vibrations. We understand vibration monitoring requirements may be provided to Kraus-Anderson during their upcoming meeting with BNSF. For budgeting purposes, we suggest a $25,000 allowance for vibration monitoring-related services be included in the overall project. If needed to be done, this is a service Braun Intertec can provide.

Schedule

A detailed construction schedule for the boardwalk construction was not available at the time this proposal was prepared. The anticipated schedule was based on the preliminary schedule information from contract documents and our discussions with the project team. If a detailed construction schedule becomes available, we can modify our cost estimate accordingly.

The following schedule milestones we were used in preparation of this proposal:

- June 5, 2023 – Pile installation begins
- June 15, 2023 – Structural steel delivery
- June 26, 2023 – Structural steel installation for pier construction begins
- August 15, 2023 – Precast delivery
- August 25, 2023 – Pile installation is complete
- December 1, 2023 – Structural steel and precast components for pier construction are complete - no further work on barges
- January 30, 2024 – Substantial completion of boardwalk

This cost estimate was developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Services that we are asked to provide to meet the project requirements or the contractor's construction schedule outside our normal business hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours or on Saturday will be 1.25 times the listed hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.5 times the listed hourly rate for the service provided. You will be billed only for services provided on a time and materials basis.

Because our services are directly controlled by the schedule and performance of others, the actual cost may vary from our estimate.

Additional Services

It is difficult to project every service and the quantity of services that may be required for any project. If services are required that are not discussed herein, we will provide them at the rates shown in the above table or, if not shown, at our current Schedule of Charges.

General Remarks

To have questions answered or schedule a time to meet and discuss our approach to this project further, please contact Ben Albrecht at 952.995.2239 (BAlbrecht@braunintertec.com) or Mike Heuer at 952.995.2258.

Sincerely,

BRAUN INTERTEC CORPORATION

Benjamin Albrecht
May 11 2023 8:24 AM

Benjamin J. Albrecht, EIT
Staff Engineer

Michael M Heuer
May 11 2023 8:41 AM

Michael M. Heuer, PE
Vice President, Principal Engineer

The scope of services is accepted, and you are authorized to proceed.

Authorizer's Firm

Authorizer's Signature

Authorizer's Name (please print or type)

Authorizer's Title

Date

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.m
TITLE: Authorization of Additional Services related to BNSF Pedestrian Crossing Design	
PROPOSED MOTION: To Authorize the Additional Services related to BNSF Pedestrian Crossing Design	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
City staff recommends that the City Council authorize the additional services related to BNSF pedestrian crossing design.

FINANCIAL OR BUDGET CONSIDERATION:
The entire railroad crossing project is anticipated to cost $668,000 of which $400,000 will be reimbursed through a previously received grant from the State of Minnesota. Civitas is requesting an additional $27,000, bringing the total anticipated project cost up to $695,000. After the grant is used, the remaining balance of $295,000 will be paid out of the Lakefront Fund and ultimately reimbursed via TIF.

BACKGROUND:
Civitas, along with their subconsultant SRF, and the City did not fully anticipate the effort necessary to prepare and finalize easement agreements on behalf of the City of Wayzata with the Burlington Northern Sante Fe (BNSF) Railroad as it relates to the proposed safety and accessibility enhancements at Ferndale Road, Barry Avenue, and Broadway Avenue Intersections/Pedestrian Crossing.

Their efforts included preparation of initial drafts, on-going negotiations, and finalizing the agreements with BNSF based on discussions and reviews that had been occurring since 2020. These efforts, in part, ultimately resulted in a reduction of over $250,000 in easement costs for BNSF, related to the pedestrian crossings project.

Attached is Civitas' Additional Services Authorization request as a part of the overall design contract for Phase 2a as well as supplemental information that was provided by SRF explaining in more detail the fee that was required to complete the work.

ATTACHMENTS:
1. Civitas Additional Services Authorization
2. SRF - Supplemental Information

CIVI
TAS

ADDITIONAL SERVICES WORK AUTHORIZATION

Project
Title: Panoway On Wayzata Bay BNSF Crossing Easements
Location: Wayzata, MN
Project Number: 2-15-0032

Agreement and/or Authorization for Services by and between City of Wayzata and Civitas Inc.

Services determined by: Scott Jordan
Services requested by: Jeff Dahl
Date: May 24, 2023

DESCRIPTION OF SERVICES

Civitas with our Subconsultant SRF will prepare and finalize easement agreements on behalf of the City of Wayzata with the Burlington Northern Sante Fe Railroad as it relates to the proposed safety and accessibility enhancements at Ferndale Road, Barry Avenue and Broadway Avenue Intersections/Pedestrian Crossing. This scope includes preparation of initial drafts, on-going negotiations, and finalizing the agreements with BNSF based on discussions and reviews that have been occurring since 2020.

This scope of work assumes that all previously negotiated easement areas are final and will not result in additional rounds of easement and legal description preparation. If at any point the BNSF requires revisions, additional fee will be negotiated through a separate additional services agreement.

METHOD OF BILLING

Services will be provided on the following basis:
Professional Services (Labor)

_____	Hourly, per standard rates
_____	Hourly, per standard rates, not to exceed $
X	Fixed fee of **$27,000**
_____	Phased fixed fee of $
_____	Other

REIMBURSABLE EXPENSES

X	Reimbursable expenses and outside services are included in the fee.
_____	Reimbursable expenses are not included in the fee and will be billed at cost

COMPENSATION
Total Compensation **$27,000**(including reimbursable expenses and outside services)

_____	Work is proceeding by verbal authorization or request from:
X	Work will begin upon receipt of this authorization.

303.571.0053
CIVITASINC.COM
1200 BANNOCK ST.
DENVER, CO

ACCEPTANCE

Signature		Signature	
Date	May 24, 2023	Date	
Name	Scott Jordan - Treasurer	Name	
Company	Civitas	Company	
	1200 Bannock Street Denver, CO 80204		
Phone	(303) 571-0053	Phone	
Fax	(303) 825-0438	Fax	

Please sign and return a digital copy to Civitas Inc.

TERMS OF AGREEMENT

1. ORIGINAL AGREEMENT: The original Agreement dated March 6, 2018. Attached to this as Exhibit 1 for this project remains in effect with the exception of revisions to Scope and Fee agreed to within this Additional Services Authorization.

SRF 11337.02

September 22, 2022

Scott Jordan, Principal
Civitas
1200 Bannock Street
Denver, CO 80204

Subject: Proposal for Professional Services for Wayzata Lake Effect
Wayzata, Minnesota

Dear Scott Jordan:

The purpose of this letter is to provide additional information for the increase in fees for SRF to assist the City of Wayzata in advancing easement negotiations with the BNSF Railway as part of the Wayzata Lake Effect project. Specific services that SRF provided include developing easement graphics and legal descriptions, BNSF coordination and fee negotiation for the pedestrian crossing easements of the BNSF Railroad at Broadway Avenue, Barry Avenue, and Ferndale Road. In addition to this explanation of past work, we have also included an estimate for the level of effort needed to provide in-construction assistance for the pedestrian crossing installation.

Work Performed – 154 hours / $27,000

SRF staff performed various tasks and activities as part of the overall railroad easement work. This included developing initial and final easement graphics and legal descriptions, agreement attachments, and fee coordination and negotiation with BNSF staff to reduce the easement fee. Ultimately, this effort saved the City of Wayzata $259,000 lowering BNSF's initial estimate of $270,000 to $11,000 for the necessary easements associated with the Lake Effect Project. These tasks and activities are described in more detail below.

Scope of Work – Original Request – BNSF Easement Graphics and Legal Descriptions

The original scope of work was based on a request from the City to provide Easement Graphics and the corresponding Legal Descriptions for inclusion in the City's pedestrian crossing Agreement with BNSF. After a brief investigation of the available existing information, SRF estimated a typical fee of $6,720 (40 hours) to produce three (3) Easement Graphics and three (3) Legal Descriptions.

Scope of Work Performed – BNSF Easement Graphics and Legal Descriptions, and Agreements

This project was unique for the BNSF as well as the City of Wayzata. Based on conversations with Dan Peltier of BNSF, he stated the City of Wayzata would need to follow a new agreement process

they had recently developed for a project in Fargo, ND. This new process included a calculation of square footage needed for the easement and associated market-value of that area.

While this process charted new territory for easements with BNSF, it unfortunately led to a delay in the overall agreement process and an unexpected large easement fee. This delay conflicted with the City's intent to finalize the pedestrian crossings in 2022 and resulted in an urgency to expedite, navigate, and finalize these new agreements as soon as possible.

The underlined text below is the original Scope of Work. The remaining text following the original Scope of Work lists the additional tasks and activities that SRF performed to maintain the City's implementation schedule and reduce the overall easement costs with BNSF.

Original Easement and Legal Description – April 2022

- Graphics – five (5) iterations progressing from including pedestrian and roadway facilities to pedestrian facilities only with a five-foot construction/maintenance buffer.
- Legal Descriptions – originally anticipated to be three (3) legal descriptions – a single legal description at each crossing. Ferndale Road required a separate legal description for both the east and west side pedestrian crossings; a total of four (4) legal descriptions were written.

BNSF Crossing/Construction Schedule Memorandum – May 2022

- Write a memorandum detailing a proposed schedule, identifying the responsible parties, and anticipated timelines and other considerations.

Second Easement and Legal Description – June 2022

- Graphics – revised graphics to include survey information corresponding legal descriptions, re-evaluation of Broadway Avenue based on railroad right-of-way information provided by BNSF.
- Legal Descriptions – Re-evaluation of Broadway Avenue based on railroad right-of-way information provided by BNSF.

Easement Analysis – July 2022

- Based on BNSF's large original fee estimate for the proposed easement, a BNSF easement analysis was performed to investigate opportunities to reduce the amount of the BNSF fee estimate.
- Three graphics were developed for each crossing for a total of nine (9) graphics.
  - Existing vs Proposed hardscape maintained by City and Railroad.
  - Existing vs Proposed net increase in hardscape.
  - Minimization of Easements by limiting it to only City maintained hardscape with minimal maintenance buffer.
- Meeting with the City and project staff (two (2) SRF staff in attendance) to discuss the findings with the City and plan next steps and coordination with BNSF staff.

BNSF Agreement and Easement Memorandum – July 2022

- Write memorandum describing the existing and proposed conditions, the hardscape and safety improvements being implemented, and laying out the premise that the easement fee

should be based on the net increase of the hardscape and not the overall area of the easement as legally described.
- Create three (3) new graphics based upon Existing vs Proposed net increase in hardscape from the Easement Analysis.

Final Easement and Legal Description – July 2022

- Graphics – create three (3) new graphics based on minimal maintenance offset at all crossings, provide new survey information based corresponding new legal descriptions.
- Legal Descriptions – create four (4) new legal descriptions for each of the pedestrian crossing locations.

Agreement Coordination

- Coordinating with BNSF regarding Exhibit A requirements which consist of plans and specifications for the project.
- Curating the projects plans and specifications for inclusion in Exhibit A.

General Coordination with City, and BNSF/JLL

- Provide guidance on Agreement and associated attachments
- Corresponding with BNSF and JLL to resolve issues, check on progress and promote the City's desire for expedition.

As mentioned previously, this challenging work of coordinating and negotiating with BNSF resulted in lowering the estimated fee estimate from $270,000 to $11,000 – a savings of $259,000. Naturally, this work resulted in a larger effort and SRF fee estimate.

Proposed Work – 46 hours / $8,050

BNSF In-Construction Assistance: assist with construction administration of railroad crossing improvements including internal project administration, shop drawing review, regular site visits (up to 30 hours), and review of as-built drawings.

The schedule of this work will be tied to the final construction and installation of the BNSF pedestrian gate arms and the City of Wayzata's pedestrian facilities.

The total estimated SRF budget: [200 hours, $35,050]We sincerely appreciate your consideration of this request. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

SRF CONSULTING GROUP, INC.

Andrew Mielke
Vice President

SRF CONSULTING GROUP, INC.

Joel Johnson, PE
Senior Project Manager – Civil Design

AM/JJ/jwm

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 7.n
TITLE: Adoption of Resolution 30-2023 Accepting Donations for Earth Day 2023	
PROPOSED MOTION: To Adopt Resolution 30-2023 Accepting Donations for the Earth Day Event in April 2023	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:
To Adopt Resolution 30-2023 Accepting the Donations for Earth Day 2023.

FINANCIAL OR BUDGET CONSIDERATION:
N/A

BACKGROUND:
Minnesota Statute §465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution. Several vendors donated gift cards and/or trees to the Earth Day event on April 22, 2023, hosted by the Parks and Trails Board. Gift cards and/trees were part of a tree contest and raffle with event attendees.

ATTACHMENTS:
1. Resolution 30-2023

RESOLUTION NO. 30-2023

RESOLUTION ACCEPTING DONATIONS

WHEREAS, Minnesota Statute §465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution; and

WHEREAS, said donations must be accepted by a resolution adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wayzata to accept the following donation:

Donor	**Purpose—Earth Day Event 4/22/23**	**Amount**
Kelley & Kelley Nursery (Long Lake)	Champion Tree Contest	$100 Gift Card
Superior Outdoor Expressions (St. Bonifacius)	Champion Tree Contest Runner-Up	$25 Gift Card
Otten Bros Garden Center & Landscaping (Long Lake)	Raffled at the Event	Potted Crabtree & Potted Maple Tree
Grove Nursery (Hamel)	Raffled at the Event	Potted Apple Tree

BE IT FURTHER RESOLVED that the Wayzata City Council sincerely thanks the above-named for their generous donation and commitment to the community.

Adopted by the Wayzata City Council this 20th day of June, 2023.

_____
Johanna Mouton, Mayor

Attest: _____
Jeffrey Dahl, City Manager

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 Resolution No. 30-2022 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 20, 2023.

Kathy Leervig, City Clerk

SEAL

City of Wayzata
City Council Agenda Report

MEETING DATE: June 20, 2023	**AGENDA ITEM:** 8.a
TITLE: Consider Resolution 35-2023 Denying Rezoning, CUPs for Joint Parking and First Floor Multiple Family Dwellings, Shoreland PUD/CUP and SIP/CUP, and Project Design at 200 Lake Street East	
PROPOSED MOTION: Consider Resolution 35-2023 Denying Rezoning, CUPs for Joint Parking and First Floor Multiple Family Dwellings, Shoreland PUD/CUP and SIP/CUP, and Project Design at 200 Lake Street East	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Jeffrey Dahl, City Manager, Emily Goellner, Community Development Director	

ACTION REQUESTED:
Staff recommends adoption of Resolution 35-2023 Denying Rezoning, CUPs for Joint Parking and First Floor Multiple Family Dwellings, Shoreland PUD/CUP and SIP/CUP, and Project Design at 200 Lake Street East.

FINANCIAL OR BUDGET CONSIDERATION:
There is no general fund budget impact as a result of this action.

BACKGROUND:
The applicant and property owner, Lake West Development, LLC, has submitted a Development Application for the property at 200 Lake Street East. This property is the site of the former TCF headquarters. The applicant is proposing to remove the existing vacant office building and construct a new mixed-use building with 178,045 gross square feet of space. The proposed building would include underground parking, first floor office space and 30 condominium units located on the first and second floors. The building would have one underground parking garage with six separate vertical cores above ground, which allows the singular building to appear as six separate buildings. Each core would be separated by a plaza.

This property is currently zoned PUD District and bound by the terms of a PUD Agreement that runs with the land for the office building and related uses and areas on the property. Since this property is uniquely restricted by the existing PUD Zoning Agreement and is guided by the Comprehensive Plan as Central Business District, new land use approvals are necessary to change from the existing building and uses to a new residential and office building on the property. Accordingly, the applicant has applied for (i) a rezoning of the property from PUD to the C-4A zoning district, (ii) a conditional use permit (CUP) for the joint use of a parking facility by more than one permitted use, (iii) a CUP to allow for multiple family dwelling units on the first floor, (iv) a shoreland residential planned unit development conditional use permit (PUD/CUP) for more than five (5) dwelling units on a single lot, (v)a shoreland impact plan/conditional use permit (SIP/CUP) to exceed 75% impervious surface in the Shoreland Overlay District, and (vi) design review and approval.

The plan set attached to the staff report is a reduced size to speed up the viewing of the documents on computers and Ipads. The full size plan set is available on the City website by using the following link: https://www.wayzata.org/655/200-Lake-St-E-formerly-TCF

The Planning Commission reviewed the application at their May 1 meeting. They discussed the practicality of the current rooftop equipment limitations in the Wayzata Boulevard design district, why the mechanical equipment was not presented during earlier public review processes for the project, the feasibility of alternatives, and the unique front yard conditions of the property. The Commission voted 7-0 to recommend denial of the rezoning and the joint parking facility CUP while recommending approval of the other five requests. An excerpt of the May 1 Planning Commission meeting minutes is attached.

While the Planning Commission recommended denial of the rezoning and the joint parking facility CUP and recommended approval of the other five requests, staff is recommending a denial of all requests because the other five requests are dependent on the approval of the rezoning and joint parking facility CUP.

Fourteen public comments have been received for this application as of June 12, which are attached.

On May 30, the attorney from Lake West provided a letter that explains Lake West's view that the Planning Commission approved the PC Report and Recommendation with significant errors and requests that the City Council approve all of Lake West's requests. This letter is attached to this agenda item.

On June 6, the consideration of this resolution was tabled because there were two Councilmembers absent from that meeting.

In order to abide by the 120-rule, the Council must take action on this item by July 5.

ATTACHMENTS:

1. RES 35-2023 Denying Rezoning CUPs Shoreland Design at 200 Lake (Draft)
2. 200 Lake St PC Report and Recommendation
3. 200 Lake St E - Extract of PC Meeting Minutes
4. 200 Lake St E - Staff Report
5. 200 Lake St E - Plan Set
6. 200 Lake St E - Applicant's Response to PC Report and Recommendation
7. 200 Lake St E - Application Narrative
8. 200 Lake St E - Supplemental Application Narrative 1
9. 200 Lake St E - Supplemental Application Narrative 2
10. 200 Lake St E - Traffic and Parking Study
11. 200 Lake St E - Traffic and Parking Study Update Memorandum
12. 200 Lake St E - Utility Study for 200 and 201 Lake St E Redevelopments
13. 200 Lake St E - TRPD Comments
14. 200 Lake St E - Neighborhood Meeting Recap
15. 200 Lake St E - Public Comments
16. Pierson_Public Comment

DRAFT RESOLUTION NO. 35-2023

RESOLUTION DENYING REZONING, CUPS FOR JOINT PARKING AND FIRST FLOOR MULTIPLE FAMILY DWELLINGS, SHORELAND PUD/CUP AND SIP/CUP, AND PROJECT DESIGN AT 200 LAKE ST E

WHEREAS, Lake West Development, LLC (the "Applicant") has submitted a development application (the "Application") for the property at 200 Lake Street East (legally described on Attachment A, the "Property") requesting multiple approvals for a redevelopment project (the "Project") that would remove the existing office building on the Property (formerly the TCF headquarters) and construct a new residential and office mixed-use building with 178,045 gross square feet of space, one underground parking garage, and six separate vertical cores above ground (making the singular building appear as six separate buildings);

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application, and adopted a Report and Recommendation to the City Council on May 15, 2023, a copy of which is attached to this Resolution as Attachment B (the "PC Report and Recommendation");

WHEREAS, the PC Report and Recommendation recommends denial of the requests in the Application for (i) C-4A Rezoning and (ii) Joint Facilities Parking CUP; and contingent approval of the requests in the Application for (iii) First Floor Multiple Family Dwellings CUP, (iv) Shoreland PUD/CUP, (v) Shoreland SIP/CUP, (vi) Massing Break Deviation, and (vii) Parking Structure Deviation; and

WHEREAS, the entire Project and the approval of the First Floor Multiple Family Dwellings CUP, Shoreland PUD/CUP, Shoreland SIP/CUP, Massing Break Deviation, and Parking Structure Deviation requests in the Application are contingent on the approval of the C-4A Rezoning and Joint Facilities Parking CUP, as noted in the PC Report and Recommendation.

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the findings and recommendation of the PC Report and Recommendation, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application does not meet all of the applicable standards and requirements of the Wayzata Zoning Ordinance.

B. Based on the foregoing, all of the requests in the Application are hereby **DENIED**.

Adopted by the Wayzata City Council this 20th day of June 2023.

_____
Johanna Mouton, Mayor

ATTEST:

_____
Jeffrey Dahl, City Manager

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 June 20, 2023.

_____
Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Description of Property

Attachment B
PC Report and Recommendation

DRAFT

Attachment A:
Property Information

Lot 1, Block 1, Pinehurst First Addition, according to the plat of survey thereof, Hennepin County, Minnesota.

PID No. 06-117-22-32-0029

DRAFT

Attachment B:
PC Report and Recommendation of May 15, 2023

DRAFT

WAYZATA PLANNING COMMISSION

May 15, 2023

REPORT AND RECOMMENDATION OF DENIAL OF REZONING AND CUP FOR JOINT PARKING; AND APPROVAL OF CUP FOR FIRST FLOOR MULTIPLE FAMILY DWELLINGS, SHORELAND PUD/CUP AND SIP/CUP, AND PROJECT DESIGN AT 200 LAKE ST E

SUMMARY OF RECOMMENDATION

1. Denial of Zoning Ordinance Amendment (Rezoning) from PUD District to C-4A
2. Denial of Conditional Use Permit (CUP) for Joint Facilities Parking
3. Approval* of Conditional Use Permit (CUP) for First Floor Multiple Family Dwellings
4. Approval* of Shoreland Planned Unit Development Conditional Use Permit (PUD/CUP)
5. Approval* of Shoreland Impact Plan/Conditional Use Permit (SIP/CUP)
6. Approval* of Design of Project, including Massing Break Deviation and Parking Structure Deviation

** approvals would be contingent on approval of Rezoning and Joint Facilities Parking CUP*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Lake West Development, LLC (the "Applicant") has submitted a development application (the "Application") for the property at 200 Lake Street East (legally described on Attachment A, the "Property") requesting multiple approvals for a redevelopment project (the "Project") that would remove the existing vacant office building (formerly the TCF headquarters) and construct a new mixed-use building with 178,045 gross square feet of space. The proposed building would include underground parking, first floor office space and 30 condominium units located on the first and second floors. The building would have one underground parking garage with six separate vertical cores above ground, making the single building appear as six separate buildings. Each core would be separated by an open plaza accessible to the public.

1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:

A. Zoning Ordinance (Map) Amendment / Rezoning from PUD to C-4A District (the "C-4A Rezoning"): An amendment to the Zoning Ordinance (Map) under Chapter 903 to rezone the Property from PUD Planned Unit Development District to C-4A Limited Central Business District.

B. Conditional Use Permit for Joint Parking Facilities (the "Joint Facilities Parking CUP"): A CUP under Chapter 904 and Section 920.09 for joint use of the 142 stall parking facility of the Project by a mixture of uses.

C. Conditional Use Permit for First Floor Multiple Family Dwellings (the "First Floor Multiple Family Dwellings CUP"): A CUP under Chapter 904 and Section 937.04.A for multiple family dwellings on the first floor.

D. Shoreland Residential Planned Unit Development Conditional Use Permit (the "Shoreland PUD/CUP"): A Shoreland PUD/CUP under Sections 933.02, 933.03 and 991.17 for 30 residential condominium units in the Shoreland Overlay District.

E. Shoreland Impact Plan Conditional Use Permit (the "Shoreland SIP/CUP"): A SIP /CUP under Section 991.11A(1)b for impervious surface coverage of 84.5%%within the Shoreland Overlay District.

F. Design Review (the "Project Design with Massing Break and Parking Structure Deviations"): Project design and site plan under Chapter 909, which requires two design deviations under Section 909.29:
   a) Significant massing break that does not provide views from the public sidewalk as required under Section 909.07.A.2 (the "Massing Break Deviation").
   b) The east half of Core A-1 is a parking structure that does not have an office use with a depth of 30 feet as required under Section 909.21.B.3 (the "Parking Structure Deviation").

1.3 Property. The Property is located on the south side of Lake Street East between Ferndale Road South and Barry Avenue South. The street address, property identification number and owner of the Property are:

200 Lake Street East	06-117-22-32-0029	Lake West Development, LLC

1.4 Land Use. The Property is zoned PUD Planned Unit Development District and guided Central Business District under the 2040 Wayzata Comprehensive Plan. The

Property also falls within the S/Shoreland Overlay District and the Lake Street Design District.

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on April 20, 2023. A copy of the notice was mailed to all property owners located with 750 feet of the Property on April 20, 2023. The public hearing on the Application was held at the May 1, 2023 Planning Commission meeting.

Section 2. STANDARDS

2.1 Zoning Map Amendment / Rezoning. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. 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 conformity with present and future land uses of the area.

C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).

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

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

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

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

2.2 Conditional Use Permits for Joint Use of Parking Facilities.

A. Under Sec. 920.09.A, the City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit under the process and criteria of Ch. 904 for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately.

B. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the conditions listed in Sec. 920.09.A related to the Land Use Table listed therein are found to exist, as well as the following additional criteria for Joint Parking:

1. Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.

2. Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

3. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

C. The general standard for conditional use permits (CUPs) under Section 904.02.F is that the Planning Commission and City Council consider the possible adverse effects of a proposed conditional use. Their judgment is to 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 proposed 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.

2.3 Conditional Use Permit for First Floor Multiple Family Dwellings. Under Sec. 937.02, multiple family dwellings on the first floor of a building are a conditional use in the C-4A District. A conditional use permit is approved under the procedures and standards set forth in Ch. 904, which are noted above in this Report, and multiple family dwelling conditional uses must also comply with the following requirements of Sec. 937.04:

A. The residential units do not front or border Lake Street.

B. The development does not conflict with existing or potential future commercial uses and activities.

C. The density meets the standards of the R-5 District.

D. Adequate open space and recreational space is provided on site for the benefit of the occupants.

2.4 Residential Planned Unit Development/CUPs. Under Sec. 991.17 of the Shoreland Ordinance, all lots developed with five or more dwelling units require approval of a planned unit development conditional use in compliance with the Shoreland Ordinance, including the criteria of Sec. 933.02, 933.03 and 991.17 of the PUD and Shoreland Ordinances, which include:

A. Residential planned unit development shall be processed as a conditional use in accordance with Chapter 933 of the Zoning Ordinance.

B. Application for a residential planned unit development shall follow the guidelines in Chapter 933 of the Zoning Ordinance.

C. Site "Suitable Area" Evaluation. Proposed residential planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 991.17.D, E, and F of the Zoning Ordinance.
   1. The development parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.
   2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land before the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

D. PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

E. PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 991.18.G of the Zoning Ordinance.

F. Maintenance and Design Criteria.
   1. Before final approval of a residential planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
   2. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections.
      a) Commercial use prohibited (for residential PUDs); and
      b) Vegetation and topographic alterations other than routine maintenance prohibited; and
      c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
      d) Uncontrolled beaching of watercraft prohibited.
   3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments shall use an owners association with the following features.
      a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
      b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
      c) Assessments shall be adjustable to accommodate changing conditions; and
      d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

G. Open Space Requirements. Residential planned unit developments shall contain open space meeting the following criteria.
   1. At least 30 percent of the total development area shall be preserved as open space;

2. Dwelling units or sites, land covered by road surfaces, parking areas, or structures are developed areas and shall not be included in the computation of minimum open space;
3. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
4. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equal effective and permanent means.

H. Erosion Control and Stormwater Management. Erosion control and stormwater management plans shall be developed and the residential planned unit development shall.
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

I. Centralization and Design of Facilities. Centralization and design of facilities and structures shall be done according to the following standards:
1. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Section 991.17.F of this Ordinance for developments with density increases;
2. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided;
3. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.

2.5 Shoreland Impact Plan/Conditional Use Permit for Impervious Surface.

A. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area without a Shoreland impact plan. Impervious surface coverage may be allowed to exceed 75% of the total lot area through a conditional use permit when the following stipulations are met:

1. All structures and practices are in place for the treatment of stormwater runoff.
2. A shoreland impact plan/conditional use permit is submitted and approved as provided for in Section 991.19.A of the Zoning Ordinance, subject to the conditions listed in Section 991.19.C of the Zoning Ordinance.

B. Shoreland Impact Plan. Except for situations listed in Sec. 991.19.B., landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of the Zoning Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

C. General CUP Criteria. The process and general CUP criteria of Section 904.02.F is listed above in this Report.

D. SIP/CUP Conditions**.** All conditional use permits for consideration under Section 991 shall be subject to the following stipulations.

1. The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.

2. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the

review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.

3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.

4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.

5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.

6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.

7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.

8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.

11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

2.6 Design Review. All new building construction in the City that has a nonresidential and/or multifamily component must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the May 1, 2023 Staff Report on the Application. Significant deviations from the Design Standards (as defined in Sec. 909.29) may be permitted 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:

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, the Guidance of the Design 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.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, 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:

3.1 C-4A Rezoning. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the C-4A Rezoning and the Project as currently proposed would have adverse effects. Specifically, the Planning Commission finds that:

A. While a rezoning to C-4A itself does not contravene any policies and provisions of the official City Comprehensive Plan and the Project would advance some of the Comprehensive Plan's goals, including walkable and pedestrian friendly environment; nodes of greater housing diversity; attractive, high quality living and working environments; and an overall aesthetic that better captures small town charm than previous iterations of proposals for the Property, the proposed uses associated with the Project would not fully meet the standards of the Comprehensive Plan in terms of overall size, scale and density of the Project, which is not supported by the size, shape and location of the Property, or the proposed parking plan, as noted elsewhere in this Report.

B. The proposed mixture of office and residential uses associated with the Project could conform with the present and future land uses within the City provided that the office businesses are service commercial. However, the proposed uses raise significant concerns about parking and loading configurations on the Property, as noted elsewhere in this Report.

C. The proposed uses associated with the Project would not conform with all performance standards contained in the Zoning Ordinance, in particular those related to parking, safe traffic flows, deliveries and loading. The Planning Commission has specific concerns about (i) the lack of designated and adequate parking for the residents and their guests, office staff and facilities personnel, visitors and customers using the building under the shared parking facilities plan; (ii) lack of clear and adequate areas for deliveries and loading and unloading; and (iii) sufficient parking for the building and the allowed uses beyond offices in the C-4A District long term, over the life of the building as the mixture of the uses change.

D. The parking issues noted above that are associated with the proposed uses of the Project would have a negative effect on the area in which it is proposed, impacting traffic circulation, safety and parking in that area of downtown.

E. The proposed uses associated with the Project would not have any known negative effect on property values in the City.

F. Traffic generation by the uses associated with the Project in relation to capabilities of streets serving the Property would not be sufficiently well-managed and create issues, as noted above in this Report.

G. The proposed uses associated with the Project would negatively impact existing public streets, including traffic flow along Lake Street, due to the

issues associated with the proposed parking and loading plan, as noted above in this Report.

3.2 Joint Facilities Parking CUP.

A. The Project consists of one or more uses, and seeks to provide the required off-street parking facilities by joint use of a single underground parking facility on the site where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately.

B. The Planning Commission finds that the parking requirements for the Project's uses discussed at the Planning Commission meeting and Public Hearing would not meet the parking demand listed under the Land Use Table in Sec. 920.09. With respect to the additional criteria for Joint Parking, the Commission finds:

1. Proximity. The Project utilizes an 800-foot-long off-street parking facility without dedicated parking stalls for the condominium residential units, some of which are located more than 300 feet from the residential uses.

2. Conflict in Hours. The Applicant has not shown that there is no substantial conflict in the principal operating hours of the or uses for which joint use of off-street parking facilities is proposed.

3. Written Consent and Agreement. If a CUP were to be approved, the legally binding instrument required by Sec. 920.09 should include provisions that address issues related signage and designated parking areas.

C. The Planning Commission has considered the possible adverse effects of the Joint Facilities Parking CUP and finds that there would be the following adverse effects:

1. The parking plan associated with the Joint Facilities Parking CUP would not be fully compatible with present uses of the area, including traffic flow, deliveries, maintenance, and available street and surface parking for visitors and guests, as well as future uses of the area, which would include a mixture of more intensive uses and accompanying higher parking demand in the C-4A District.

2. The parking plan associated with the Joint Facilities Parking CUP would not adequately address all applicable performance standards for the shared parking and loading for residents, workers, guests, deliveries, emergency vehicles and maintenance.

3. The uses discussed by the applicant at the Planning Commission meeting and the Public Hearing would likely exceed the parking demand generated within the Land Use Table in Sec. 920.09.

4. The proposed use would have a negative effect on the area in which it is proposed, as noted in Section 3.2 of this Report.

4. Traffic generated by the proposed use would overburden and negatively affect the capabilities of streets serving the property, as noted in Section 3.2 of this Report.

5. The proposed use's impact upon public streets would be negative, as noted in Section 3.2 of this Report.

3.3 Conditional Use Permit for First Floor Multiple Family Dwellings. The Planning Commission has considered the possible adverse effects of the First Floor Multiple Family Dwellings CUP under the standards for CUPs under Section 904.02.F and finds that there would not be significant adverse effects, except to the extent that first floor multifamily dwellings are related to the adverse effects noted in Sections 3.1 and 3.2 of this Report. With respect to the requirements of Sec. 937.04, the Planning Commission finds:

A. The residential units of the Project would not front or border Lake Street.

B. The Project would not conflict with existing or potential future commercial uses and activities.

C. The density of the Project would meet the standards of the R-5 District.

D. Adequate open space and recreational space would be provided on site for the benefit of the occupants.

3.4 Shoreland PUD/CUP. The Project falls within the Shoreland Overlay District, and would need a Shoreland PUD/CUP because it will include more than five dwelling units. Although the Project would generally meet the standards required provided that the open space is guaranteed to provide access to the public for such request, without the approval of the requested C-4A rezoning and a compliant parking plan for permitted and approved uses, the Shoreland PUD/CUP would not be needed and could not be granted as it would conflict with the current PUD District standards applicable to the Property. With respect to the additional criteria for the Shoreland PUD/CUP, the Commission finds:

A. The residential units do not have a negative effect upon the health, safety and welfare of residents of the community and the surrounding area.

B. The residential units are consistent with the Comprehensive Plan.

C. At least 30% of the development is landlord controlled open space.

D. There is no density variation for the residential units.

E. The proposed building does not request a building height deviation.

F. The open space will be preserved for the public in perpetuity.

3.5 Shoreland CIP/CUP. The Project falls within the Shoreland Overlay District, and would need a Shoreland CIP/CUP because the impervious surface coverage of the Project would exceed 75% of the total lot area. Although the Project would generally meet the standards required for such request, without the approval of the requested C-4A rezoning and a compliant parking plan for permitted and approved uses, the Shoreland PUD/CUP would not be needed and could not be granted as it would conflict with the current PUD District standards applicable to the Property.

3.6 Design Review. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the May 1, 2023 Staff Report on the Application. As noted in that Report, the proposed design of the Project meets all of the Design Standards except those for which deviations are requested. Overall, the design of the Project is well-considered and high quality, and aesthetically appropriate for the downtown area and proposed mixed uses.

A. Massing Break Deviation. The Commission finds that there would be little, if any, negative impacts of the Massing Break Deviation in that there is presently no view of the Lake from that vantage point. To the extent there are any negative impacts of the Massing Break Deviation, those impacts are outweighed by the extent to which the deviation permits greater conformity with other Standards, the Guidance of the Design Standards, and policies behind the Standards in that it will allow for greater public access to views of the Lake.

B. Parking Structure Deviation. The Commission finds that there would be little, if any, negative impacts of the Parking Structure Deviation in that it comprises a small part of the building at the entrance to the parking facility, and allows for attractive architectural features of the design. To the extent there are any negative impacts of the Parking Structure Deviations, those impacts are outweighed by the extent to which the deviation permits greater conformity with other Standards, the Guidance of the Design Standards, and policies behind the Standards including that it will screen the entrance to the parking facilities of the building and allow for attractive architectural details.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends **DENIAL** of the (i) C-4A Rezoning; and (ii) Joint Facilities Parking CUP, and **APPROVAL** of the (iii) First Floor Multiple Family Dwellings CUP; (iv) Shoreland PUD/CUP; (v) Shoreland SIP/CUP; and (vi) Project Design with Massing Break and Parking Structure Deviations, with the express qualification that without approval of the C-4A Rezoning and Joint Facilities Parking CUP (or other compliant parking plan), approval of the other requests in the Application should and could not be granted. Further conditions of approvals should include:

A. The plazas created by the massing breaks as shown in the plans must be open to the public, and there must be elevator access to the eastern massing break between core A1 and A2 of the building.

B. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.

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

D. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution, and the requirements of the Zoning and Subdivision Ordinances, including parkland dedication.

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

Adopted by the Wayzata Planning Commission this 15th day of May 2023.

Attachments:
Attachment A: Legal Description of Property

Attachment A
Information and Legal Description of Property

Lot 1, Block 1, Pinehurst First Addition, according to the plat of survey thereof, Hennepin County, Minnesota.

PID No. 06-117-22-32-0029

WAYZATA PLANNING COMMISSION
EXTRACT OF MEETING MINUTES
MAY 1, 2023

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East

Community Development Director Goellner stated that the property owner of 200 Lake Street East, Lake West Development, LLC, has submitted a development application for a Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East. She reviewed the zoning map, the Comprehensive Land Use map, and existing conditions for the property, and gave a summary of the application.

Planning Consultant Zweber gave an overview of the proposed site plan details, renderings, elevations, density, open space, the refurbishment of east Mini-Park, west green space, building height, mezzanines, parking, loading/deliveries, design deviations, massing breaks, tree preservation, and comments from the City Engineer. He reviewed the various requests submitted with the application and what questions the Commission should consider as part of their review. He summarized the public review process, gave an overview of the concerns raised by the public, and noted that there were 23 people who attended the neighborhood meeting.

At the conclusion of Planning Consultant Zweber's presentation, Chair Stockton asked if the Commission had any questions for Staff.

Commissioner Merriam asked about the open space calculations, and asked if 30% of the development is to be open space in perpetuity.

Planning Consultant Zweber confirmed that this was correct.

Commissioner Merriam stated that the presentation showed the open space at grade, and noted that it appears as though some of those spaces are duplicated on the upper level.

Planning Consultant Zweber stated that was correct, and explained that it is possible that a person could be standing on the lower level space and the upper level space at the same time.

Commissioner Merriam asked how staff had done the calculation, and whether they added all the open spaces together and then divided it by the size of the land.

Planning Consultant Zweber stated that for residences, 500 sq. ft. per residence is needed which would equate to 15,000 sq. ft., and noted that they are providing about 24,000 sq. ft. He clarified that they take the amount of open space and divide it by the number of units.

Commissioner Merriam stated that the way this was calculated did not make sense to her because it is on different levels.

Planning Consultant Zweber explained that when they are looking at the space, they look at all the spaces available whether it is on the ground or an upper level.

Commissioner Schwalbe asked what the actual percentage would be of open space.

Planning Consultant Zweber stated that as referenced on page 60 of the packet, the 45,516 sq. ft. equates to about 45-46%. He stated that including the balconies it is 50,539 sq. ft. which is 51.07% of the site.

Commissioner Merriam asked about the retail parking chart from the presentation.

Planning Consultant Zweber explained that the chart represents the use of the code for these specific proposed uses and gave an overview of the information.

Commissioner Merriam asked if they converted everything to retail whether they would still have enough parking.

Planning Consultant Zweber stated that if they converted all the office to retail, they would be short by 9 spaces, but if they converted some of the office to retail, the joint parking would generate 142 or less. If any of the office was converted to restaurants it would require them to increase the parking five-fold.

Commissioner Merriam asked if there was any change that would depend on the type of retail, and she gave the example of a small fitness facility.

Planning Consultant Zweber stated that was not allowed in the joint parking facilities provision, but there is language about lists of uses that are predominantly day or predominantly evening. He explained that there are different parking standards for things like a salon versus fitness or retail.

Commissioner Schwalbe asked if her understanding was correct that if approved, the residents of this building would not have designated parking spots.

Planning Consultant Zweber stated that was correct, and explained that the parking analysis they did through a consultant when this code was adopted showed that about 60% of the peak residential demand occurs during the day.

Chair Stockton asked if the building owner could restrict the parking to only for businesses in the building.

Planning Consultant Zweber explained that the code requires the landlord to describe or show how they accommodate the parking demand for these uses during the weekdays, and explained that things like signage or certain limitations would need to be a condition of approval. He noted that

because this is a CUP, it is possible to put in conditions that would prohibit others that are not using this building from using that parking area.

Commissioner Schwalbe stated that this is a long underground parking area that runs under the entire building, and asked if it would be possible that residents would not be able to park anywhere near their own unit.

Planning Consultant Zweber stated that was a plausible scenario and to make this joint facility work, a resident cannot have a reserved stall.

Commissioner Schwalbe confirmed with Planning Consultant Zweber that there is no surface parking.

Commissioner Sorensen asked if Planning Consultant Zweber felt that people parking here and walking across the street would be able to be controlled by signage.

Planning Consultant Zweber noted that there is a door that encloses this parking structure but there will be other vehicles like garbage trucks, Amazon deliveries, or tenants that come to the offices. He noted that this is controlled but did not think they could have everyone have a special key fob in order to access the parking area.

Commissioner Sorensen asked if a coffee shop would be considered a restaurant in terms of parking requirements.

Planning Consultant Zweber confirmed that a coffee shop was considered a restaurant in that scenario.

Commissioner Sorensen asked how the City could eventually incorporate some type of coffee shop or restaurant retail space in the proposed building.

Planning Consultant Zweber stated that there is probably a way to do a mix of office and retail with the requested CUP and number of parking stalls. To incorporate a restaurant, it appears as though they would need to come in and request an amendment to this CUP and show how they could meet the parking requirements. He noted that he believed the public parking lot across the street was accounted for through other fee in lieu of parking arrangements (FILOPs).

Community Development Director Goellner confirmed that at this point they have pretty much reached the limit for the public parking lot behind Ventana. She stated that another option in this scenario would be for the applicant to eventually apply for a variance from the City's parking requirement for coffee shops or restaurants, but a practical difficulty would need to be shown.

Commissioner Sorensen asked to see a rendering of lower level of Core A1, and asked about situations where there is loading and unloading and how that would work with large trucks.

Planning Consultant Zweber stated that trucks will have to back-in during one of the two directions on Lake Street. He noted that Amazon type deliveries would come into the parking structure and circle back around to exit facing forward.

Commissioner Schwalbe stated that this is proposed about another 40,000 sq. ft. of commercial space and asked how much sq. ft. of commercial space is currently vacant in downtown Wayzata, including places like the Promenade.

Community Development Director Goellner stated that there are a few individual vacancies along Lake Street, including 201 Lake Street and the former Caribou Coffee. She noted that the Promenade area has a vacancy that is hovering around 40%. She noted that the Promenade vacancy has a single space that is 25,000 sq. ft. which is the majority of the vacancy, and explained that the others are more internal to the site and range from 1,000 to 7,000 sq. ft. She stated that, in general, she would say the space on Lake Street has been mostly leased.

Commissioner Schwalbe asked if, from the City's point of view, the City was looking for more commercial space in downtown.

Community Development Director explained that the Comprehensive Plan is looking for commercial space on the ground floor in the Central Business District. She stated that she believed it was a resilient choice for the City to have multiple smaller spaces available to multiple tenants so they can come and go as the market changes. She explained that she knows that both office and commercial users are looking for a Lake Street address, so that would be helpful in this proposal.

Chair Stockton stated that she believed that there was a current dispute between Anthropologie and the landlord related to rent, and questioned whether that was a situation that spoke to the outlook for retail.

Community Development Director Goellner stated that she could not speak to that specific situation and explained that it was a dispute between two private parties. She stated that Anthropologie is the anchor tenant in that location and an important piece of the Promenade's visibility.

Commissioner Douglas stated that the presentation mentioned the average grade plane, and asked if Core A1 with the dome conformed to the height standard.

Planning Consultant Zweber stated that for that example they would meet the height standard, as it is measured to half of the peak of the dome.

Commissioner Douglas asked who would follow up on the suggestions presented by the Three Rivers Park District (TRPD).

Planning Consultant Zweber explained that if this moved forward, staff would include the TRPD comments in the development agreement and then review them when they come in for a building permit.

Commissioner Douglas asked about the ramp entrance and how it would line up with the current east parking lot entrance.

Planning Consultant Zweber referenced page 105 of the packet and explained that it comes in at about the property line of Ventana and Wayzata Boulevard.

Commissioner Douglas asked about the open space and noted that it appears that the driveway is coming through the park.

Planning Consultant Zweber stated that the area between the drive and the building wall meets the definition of open space. He stated that the planned sitting areas are all located east of the drive access.

Commissioner Merriam asked about the parking garage entrance in comparison to the buildings across the street.

Planning Consultant Zweber stated that page 105 shows the property lines on the north side of Lake Street.

Commissioner Sorensen asked about the elevation of the water table.

Planning Consultant Zweber stated that he would have to check those details. He explained that what in the previous application for the site they had mechanical parking structures in the underground parking that lowered cars. He stated that it was the lowering of the cars that interfered with the water table.

Commissioner Sorensen asked about impervious surface, and stated that the lot coverage implies that it is less than 75% and the impervious surface calculation is around 84.5% which is over 75%, and asked if that could be mitigated in some way.

Planning Consultant Zweber stated that there are multiple standards, and one is the shore impact plan that requires them to show how they address the stormwater. He stated that the City Engineer did review this information and found it was a sufficient stormwater system for the proposed 84.5%. Planning Consultant Zweber noted that is just one of the standards and that this is still within the view of Lake Minnetonka, and addressing the appearance of the building is the third standard. He reiterated that addressing the stormwater impacts is just one of three standards that need to be met.

Commissioner Sorensen stated that the referenced landlord controlled open space he believed applied to the plaza areas, and asked how the Commission should think about ‘landlord controlled open space’.

Planning Consultant Zweber stated that within the Shoreland PUD/CUP that can be addressed through the development agreement. He stated that it may be best to ask the applicant for more specifics that address that question.

Commissioner Severson asked about the conditional use permit for multi-family residential on the ground level, and whether other buildings across Lake Street that have that use.

Planning Consultant Zweber explained that the Wayzata Blu, Ventana, and Meyer Place properties are all zoned PUD. He explained that the requirement that staff is talking about is that in the C-4A District, ground level multi-family is a conditional use.

Commissioner Severson stated that this is currently a PUD, and asked if they were to redevelop would they be able to use the same PUD or if they would have to come back for a new PUD.

Planning Consultant Zweber explained that the current PUD was very specific for the office and bank use. He stated that they are proposing to demolish the existing building, which means that they would not be able to use the existing PUD for new development.

There being no further questions for staff from the Commission, Chair Stockton invited the applicant to address the Commission.

Kelsey Thompson, Lake West Development, 14525 Highway 7, Minnetonka, gave an overview of their most recent iteration of plan for this parcel. She stated that their plan is conforming and compliant, and noted that she feels it will be able to bring life to the property and make it feel more walkable and pedestrian friendly. She stated that she feels it also ties in nicely with the Panoway project. She introduced David Nims, from Hobbs and Black, the applicant's architect for the project.

David Nims, Hobbs and Black Architects, Ann Arbor, Michigan, gave an overview of the City's guiding principles and the 2040 Vision for the City. He reviewed points on environmental sustainability, walkability and pedestrian friendliness, connectedness, vibrant City spaces, housing diversity, ease of access to plaza spaces, open space comparisons, and massing breaks. He played a brief video that gave an overview of the proposed plans and outlined the views of the lake.

Rob Hull, JMAD Design, Minneapolis, additional applicant architect for the project, explained that they were brought into the project and tasked with creating a building that has a lot of charm and would fit into the fabric of the City. He noted that he felt a big part of achieving that task was the rotunda element that invites people towards the building and to progress down the street. He stated that another element that they brought was the variations in the building façade which has accented entries that really welcome people into the building. He explained that a key focus of their design was to be neighborhood friendly, pedestrian friendly, and create walkable spaces. He noted that they also included balcony spaces in order to bring people inside the building to the outside. He reviewed the massing break locations and explained that they were open to the public and provide 180 degree views of the lake at the ends of the plaza areas and would all be fully accessible spaces. He showed a rendering of what the building will look like from the water and assured the Commission that they had not just focused on the Lake Street side of the building.

Commissioner Douglas stated that in the neighborhood meeting they addressed one of her concerns with the last application regarding the dark side of the street in the winter. She asked if it was true that they were planning to have heated sidewalks as they mentioned in the meeting.

Mr. Nims stated that they have explored heated sidewalks and a snow melt system, but they have not designed for them yet because they have not taken the project to that level of engineering. He stated that he believed that there would have to be some sort of unique development agreement in order to allow piping from the building to run out beyond the property line and into the public right-of-way under the sidewalks. He stated that he believed that Lake West was open to furthering discussions on this topic if the City finds that desirable.

Commissioner Douglas stated that it is very nice near the Promenade for people to be able to walk all winter long and not have to worry about icy sidewalks. She expressed appreciation for the changes that have been made to the architecture, and noted that she believes it is a huge improvement from what was previously presented. She asked about the relationship to the railroad in the development.

Sam Diehl, Attorney for the applicant, stated that he believes the development has been designed with some of the physical features of the railroad in mind, but they have their own entitlements.

Commissioner Douglas stated that construction equipment takes up a lot of room, and they are not allowed onto the railroad right-of-way.

Mr. Diehl stated that was also his understanding and explained that he thinks that can all be accounted for given the separation between the railroad right-of-way and the property lines.

Commissioner Douglas asked what would happen if this was approved by the City and then they found out there would be issues with the railroad.

Mr. Diehl stated that if there were issues, they would address them, but noted that he does not anticipate that there will be issues.

Commissioner Douglas asked if there would be pilings for the construction.

Mr. Nims stated that when they go to begin construction, they will engage a construction manager who will come up with several solutions on how it will be best to go about constructing the edge that fronts along the railroad right-of-way. He stated that one of those solutions could be pilings, and noted that he expects that there will be many conversations with the railroad in order to determine what they want.

Commissioner Sorensen asked if they had already had discussions with the railroad about this project.

Mr. Diehl explained that it is difficult to get in touch with the railroad, but they have reached out to them and will ensure that they will not create problems with the railroad.

Chair Stockton stated that there has been a lot of time spent talking about parking and trucks. She asked the developer to share more about the intent of how move-ins, move-outs, and furniture deliveries would be handled, as well as possible interference with Lake Street.

Mr. Nims stated that they can work on developing an actual plan that goes within the development agreement itself. He stated that it will really just be about scheduling, and ensuring that the larger vehicles that may need to back in or out would not be coming at peak times which would have to coordinated with the tenants. He stated that he assumed that there would be a property manager that would be scheduling this on behalf of the tenants.

Mr. Diehl noted that there are two loading areas, but only one is required. He explained that the additional loading area was added in anticipation of ensuring that there is room for Amazon deliveries and turnaround space.

Chair Stockton asked if this space would also be used for daily mail delivery.

Mr. Nims noted that it could be, but clarified that they had not yet talked about daily mail delivery.

Commissioner Elg asked about signage for the businesses and offices.

Mr. Hull stated that they accounted for signage over the entrances to the various business entries. He stated that the businesses would be denoted with a covered awning, and explained that the plan would be to incorporate signage into the awnings.

Commissioner Schwalbe gave examples of coffee shops or retail shops and asked how receptive people will find that use if they have to go into underground parking in order to get there. She agreed that the City needed a coffee shop but explained that she has a hard time picturing someone going down in the parking area beneath the building to get a cup of coffee on their way to work. She stated that she was a bit concerned that there are no plans for outside surface parking.

Mr. Nims stated that they took their cues on the parking from the guidance within the Comprehensive Plan about locating it behind or under the building and out of the way. He stated that they also tried to keep as much open and active spaces for people to use at the grade and sidewalk level.

Commissioner Schwalbe asked if the developer saw any issues with the types of companies that may want to be located in these buildings based on the parking.

Mr. Nims stated that they believe the parking will provide a benefit when there is inclement weather during the winter months. He stated that from other projects they are working on in dense downtown areas, some that are also near a railroad track, the underground parking is much sought after. He noted that he had not personally seen any issues with it in other developments.

Jim McNeil, JMAD Architects, explained that St. Louis Park has a great example of a project with underground parking which is a very successful establishment.

Mr. Diehl noted that there is on-street parking in the area.

Commissioner Schwalbe stated that there is a fair amount of public open space which she likes, and asked if there would be public restrooms available.

Mr. Nims stated that they do not currently have public restrooms in their plans, but it could be considered and included in a development agreement.

Mr. Diehl noted that some of the tenant uses, such as restaurants, may have public restroom facilities also.

Commissioner Merriam stated that within the packet it mentioned office service and the parking studies were done in accordance with those plans. However, now they are talking about retail and restaurant which may be desirable, but noted that if she looks at the parking plan, she did not think it was possible.

Mr. Diehl stated that the City's parking standards will apply regardless of the approval. He stated that there are a number of different ways to solve problems as they come up and get additional information through another parking or traffic study. He explained that the project would have to comply with the code and cannot bundle up a number of uses that are not sufficient parking to support.

Commissioner Merriam asked what 'landlord controlled open space' meant.

Mr. Diehl explained that it was not for a particular tenant, and the landlord would be responsible for upkeep and it would be accessible and open to the public.

Commissioner Merriam asked if they would be open to the public in perpetuity.

Mr. Diehl stated that was his understanding, and noted that the main areas he was talking about were the plazas. He explained that some of these areas may be used by the tenants, but they would be designed to interact with the public coming up the sidewalk.

Commissioner Merriam asked if he ever saw a scenario where those areas would be closed off to the public.

Mr. Diehl stated that he did not see a time when these areas would be closed off to the public.

Chair Stockton asked if there was a possibility to extend the parking garage on the west end beyond and underneath the garden plantings.

Mr. Nims stated that he believes that would add to their impervious surface area and does not think they can have structure underneath the ground. He noted that they were also getting close to their limitations for the robust stormwater management system.

Commissioner Severson asked what type of commercial development would be going into these buildings.

Mr. Nims stated that right now they are envisioning professional and service offices, but explained that all of the uses still need to be explored and fleshed out and they work on the general plan for the mass and scale of this project.

Commissioner Severson asked if there were already entities that were interested in the building.

Curt Fretham, with applicant Lake West Development, stated that they have had a number of inquiries including medical, financial institutions, and a lot of restaurants. He explained that they had turned the restaurants away because of the parking situation. He stated that they are primarily seeing it as an office type use that will have really great lake views.

Commissioner Merriam referenced the landscape plans that also show the footprint of the building as well as the existing building. She stated that it looks like the existing building is probably about the same size as 1.5 of the cores.

Mr. Nims stated that he felt that was generally correct and believes it was somewhere in the realm of 250-260 feet long.

Commissioner Merriam asked about the proposed setbacks and explained that she was thinking about the pedestrian experience.

Mr. Nims stated that the setbacks wander and vary based on the site. He stated that they have incorporated building recesses in addition to the massing breaks according to the City's guidelines in order to combat the point Commissioner Merriam was trying to make about walking nearby. He stated that there are ways all along that people can sort of meander up and around the building which he feels will curb the feeling of walking next to a wall.

Commissioner Merriam stated that she would applaud the architecture because it looks really nice. She stated that the loading zone is on the very east end of the parking garage and shared the concerns expressed with semi-trucks having to back on or off Lake Street.

Mr. Nims stated that it is a pretty shallow pitch on the incline/decline of less than 5%, which means it is a walkable slope without handrail restrictions. He stated that they could take a look at making the door wider so there was less of a maneuver necessary.

Commissioner Merriam asked if they had given any additional thought to putting in an additional entrance to the parking garage.

Mr. Nims explained that in previous proposals they looked at multiple entries from both sides but that really diminishes the ability to have the cores and the use, and made it difficult to meet the minimum density standards for the residential units. He stated that the topography on the west is very severe so the ramps would have to become very steep.

Commissioner Merriam noted that the thought was that could help eliminate the need to have a truck back up onto Lake Street.

Chair Stockton asked if there may be a way to guarantee that backing up onto Lake Street does not happen with perhaps having a turnabout area within the structure, or a way to create a permeable and not often used backup area into where they currently have a garden on the east side.

Mr. Nims stated that he could see that being a very good possibility, but they would need to take a look at the topography that exists as it comes up to the railroad track.

Mr. Diehl indicated that they do not expect there to be a significant amount of truck traffic on the site, and explained that they expect the more common use to be Amazon deliveries.

Commissioner Severson asked for a description of the parking experience that someone would have if they came to this site if she lives there.

Mr. Nims explained that there is a core that runs from the garage level into each individual core which can be fobbed for security. He stated that the elevators can also be fobbed for security so nobody that is not supposed to have access to the second floor will be able to do that. He stated that they have not yet developed the project to that depth, but reiterated that they should be able to secure the various areas via key fobs.

Commissioner Severson asked what the experience would be for a visitor.

Mr. Nims stated that they had not created the sequencing for the security measures, but noted that the guidelines direct them to obscure the parking and access as much as possible which is what is driving the element of having a door there.

Commissioner Severson asked if each individual core of the building would be mixed use.

Mr. Nims stated that there is only 1 building, but explained that cores 5 and 6 have mixes on the same level, but the rest of the cores are divided vertically from first level to second level.

Commissioner Sorensen asked if he heard correctly that the garage would not be heated.

Mr. Nims stated that they have not discussed supplying heat into that space, but noted that if that was a goal for the owner, they can certainly have that be conditioned. He noted that they will have mechanical systems to remove the exhaust, but noted that they had not yet developed those plan details.

Commissioner Sorensen stated that the site slopes from one end to the other about 12 or 13 feet and their approach is to keep the parking level flat from east to west. He asked if they had considered sloping the parking level.

Mr. Nims stated that they are staying above the ordinary high water level (OHWL) by several feet which is recommended. He stated that the elevations of the building are really determined by the sidewalk grades so the parking may not have a ton of impact on that.

There being no further questions from the Commission for the applicant, Chair Stockton recessed the meeting at 8:30 p.m. for a brief break, and reconvened the meeting at 8:37. She noted that staff had asked to make some points of clarification before moving into the Public Hearing.

Community Development Director Goellner noted that staff wanted to comment on the loading area and the easement on the property.

Planning Consultant Zweber stated that there was a statement made about loading, and explained that he wanted to clarify what was required. He stated that there are two different proposed uses, and each use requires a loading area. He explained that the code only requires that half of the loading areas be 50 feet deep. He stated that there is currently a mini park easement located on the eastern portion of the property, and that essentially abuts the east curb line of the access point. He stated that the discussion about creating some sort of turnaround in this area would not be compliant with the mini park easement.

There being no questions from the Commission for the applicant or staff, Chair Stockton opened the public hearing on the application at 8:41 pm.

Kendra Lindahl, Landform Professional Services, 105 South Fifth Avenue, Suite 513, Minneapolis, stated that she had submitted a letter earlier in the day on behalf of her clients who are in opposition to this proposal because it fails to meet the standards in the Comprehensive Plan, the ordinances, and the City's design guidelines. She stated that she feels they have made some progress in terms of architecture, with this 5th attempt, but there are still so many questions that have been raised at previous meetings that have not been addressed. She stated that she feels the attitude of the applicant seems to indicate that they hadn't thought about or had enough time to think about those questions. She stated that this proposal has more buildings than the last iteration because they can pretend that it is just one building, but to the average person on the street it is 6 buildings. She stated that from a neighbor perspective, this is a taller building and the top of the roof line is taller than the top of the roof line on the previous building. She noted that she understands that legally it complies but noted that from a public perspective, it will still be a taller building. She stated that there was language used in the application of February 10, 2023 that they have unilaterally terminated the PUD and noted that is not something that a landowner can do. She stated that a number of concerns outlined in her letter were also raised by the Commission. She stated that this proposal has a number of issues that fall short of the City's vision and standards and at its core just does not fit on this site. She stated that there are some good aspects to this project, but it feels like it is death by a thousand cuts. She explained that they were asking the Commission to recommend denial of this request.

Bill Gleist, 215 Barry Avenue S, stated that he thinks this project looks pretty good. He stated that he was impressed with the depth of questions from the Commission. He explained that he is in favor of this and believes it is a good project for this location.

Daniel Anderson, 3540 Montgomery Avenue, Deephaven, stated that he has seen this concept a few times. He stated that he is a little miffed when people come up and say something like 'death by a thousand cuts' because there is not one building in the community that has been designed exactly to City guidelines. He stated that as a design concept architect, he travels a lot and what

he sees with this design with the separation of buildings are things you do not see in this community. He stated that he thinks the architecture speaks for itself, and the pedestrian 'alleyways' create a desire to want to be in those spaces. He stated that what was built to the east is beautiful, but feels there is a reason that they are at 40% vacancy and that is because you cannot see the business spaces. He stated that he feels this proposal is for something that is visible and will draw people. He stated that the City needs to find a way to draw and spread out the pedestrians to encompass the whole downtown area. He reiterated that he really feels this pedestrian level will draw people down and get them beyond the Boatworks facility. He explained that he felt the proposed design was amazing and noted that he loved the different heights and peaks.

Chris Plantan, 196 Lakeview Lane, commended the developer for looking at the architecture and coming back with something that has a bit of variation, but explained that as a homeowner in the neighborhood, she was very concerned about the parking. She noted that she did not think it could be overcome with the plan that they currently have. She stated that she does not think it is a hardship of the site, but rather a hardship of the project. She stated that she lives in the area and also is a tenant in the area for her business, and parking is terribly difficult in both areas. She stated that she does not think the parking will work with the plan that has been presented, and will spill into the residential areas which will make it less charming and less residential. She stated that she felt great improvements had been made, but would like to see more done on the parking.

Darrin Rosha, Rosha Legal Group, explained that he was here representing Bruce Lee, owner of Wayzata Bay Car Wash at 143 Lake Street East. He noted that he wanted to identify a few key points coming from the perspective of a business owner. He stated that there is lost revenue from the lost business over the last years from the lack of development that should be considered. He explained that this development will bring more people to that end of downtown and would be beneficial to all of the businesses along this corridor. He stated that the businesses on this end of Lake Street rely on the work of the Council and Planning Commission to find opportunities exactly like this in seeking opportunities to improve the quality of life in the City. He noted that the community has had to move forward and find ways to make things work. He stated that from Mr. Lee's perspective, this is a very good proposal. He stated that while he was reviewing this matter, his business partner, who is also his wife, told him how attractive it was and felt the eastern rotunda was a landmark in and of itself. He stated that he feels this proposal is attractive, well lit, would improve safety, and would be a substantial step forward for the City. He stated that they are hopeful that there will be advancement in the development in the near future.

Ken Willcox, 178 Westwood Lane, commended the Planning Commission for digging into these types of projects for the City. He stated that he was pleased to see some of the changes in architecture that have been proposed, and explained that he felt it was friendly and charming. He stated that at the neighborhood meeting, one of the points he made to the developer was that they have a problem because they are building out an open space and the citizens are used to having that open space. He stated that the only reason the City has the authority to do anything with ordinances is because the State gives them the power to do in order to protect the health, safety, and welfare of the City. He stated that any deliberations that are done have to be anchored in those things. He noted that the underlying zoning is not always the most favorable for a property, and referenced the old Locust Hills project that had underlying zoning for 1 acre lots with swimming pools. He stated that through a PUD, they were able to cluster the homes and save a lot of the

public open space, including the woods. He stated that in this case, going back to the underlying zoning opens up all kinds of flexibility that allows them to cover that entire open space with a building. He stated that he thinks that a PUD is the way to go, and suggested that they pull 1 or 2 of their buildings/cores out in order to preserve more open space. He stated that anytime you have this many issues, whether it is parking, deliveries, how office/retail is handled, it suggests that there is too much going on in this property. He stated that he believes there is too much going on and that the developer should go back to the drawing board and try another PUD. He noted that he thinks they are learning what the City wants and expects, and believes that they will be able to get there but leave some open space. He noted that he was also worried about the proximity of the railroad. He stated that he felt the railroad constituted a safety concern for the City, and did not believe that the obliteration of open space was good for the welfare of the citizens.

Director Goellner stated there were no people that called into the meeting that have asked to speak at the public hearing.

There being no one else wishing to comment on the application, Chair Stockton closed the public hearing at 8:59 pm.

Chair Stockton asked the Commission to share their questions and feedback on the application.

Commissioner Schwalbe asked staff about the change in zoning, and asked what difference or advantages there would be going from a PUD to C-4A zoning district.

Community Development Director Goellner stated that her understanding was that the applicant was interested in a route that did not include a PUD concept plan and general plan, so they have requested to rezone the property to C-4A. She noted that she cannot speak to the applicant's specific reasons. She noted that, in general, the City sees rezoning requests for a number of different reasons, and they need to look at all the different required findings in order to support a rezoning. She noted that it is important for the Commission to understand that PUDs have different criteria for approval, that are not the same list of questions that staff are highlighting for C-4A. She explained that this applicant, at this stage, is not interested in the PUD route, and would like the property to be rezoned to C-4A.

Chair Stockton asked if the Commission had any thoughts on the finding questions staff asked them to consider with this rezoning request.

Commissioner Schwalbe explained that her biggest concern was the third question on the list about whether the rezoning conforms with all the performance standards such as parking, loading, and noise. She stated that this is a beautiful building that she assumes will have expensive places to live, and she believes that each unit deserves to have two parking spots. She stated that she thinks that they need to find a way for there to be more parking. She noted that she liked what Mr. Willcox suggested about having one less core building because that would allow there to be more available parking, especially if they end up with something like a restaurant in the area. She reiterated that the parking is an issue for her.

Commissioner Sorensen stated that this is a hugely significant project for the City with a lot that is almost a quarter-mile long, and deserves a fair and diligent analysis. He stated that for the rezoning request, his initial thoughts were that it was C-4A prior to the PUD for the existing building. He stated that he does like some of the criteria that is associated with C-4A, so his initial thoughts are that conceptually it makes sense. He stated that in looking at the criteria applicable to the rezoning request, if the Commission looks at some of the other requests and rationale for how they think about those, they may fall in the criteria of the rezoning request as well. So, the commission may want to talk those points over prior to making a decision on the overall application.

Commissioner Douglas stated that she agreed with Commissioner Sorensen on that particular point. She explained that her main concern was also the third item of the rezoning criteria related to conforming to performance standards. She stated that when she first saw this proposal she thought C-4A would be great because that zoning supports what the City has been trying to achieve in that area of the City for a long time. However, she stated that she thinks the future use of the building will be limited because of the parking issue. She stated that she loves the new architectural design and the walkability, but she feels it all comes back to the parking and loading.

Chair Stockton stated that she initially reacted the same way to the idea of C-4A, but she also has concerns about parking and would agree that there appears to be a correlation with the number of blocks and how that impacts parking. She stated that she would echo the concerns that have been raised about parking because if parking doesn't work for the existing building, then they will really be in a pinch if they ever want to change any of the operations or functions of the retail. She noted that she had not thought about the needs for guest parking for the residents.

Commissioner Merriam stated that for the rezoning request, she looks at it a bit differently ,and feels it would be dangerous to rezone the property to C-4A without having a project that the City is in favor of. She stated that she agrees that the performance standards are a key issue, and that there is not enough parking and it will not create a good situation for the residents who live there. She stated that she likes the architecture, feels it is beautiful, and would bring vibrancy to that end of town, but it is very long with repeating elements. She explained that she was feeling a bit conflicted, and noted that if they could just reduce the amount of building there, it would reduce the parking needs which would solve a lot of issues. She noted that she would not recommend rezoning from PUD to C-4A unless a few of these changes came along so it was tweaked to fit the area better.

Chair Stockton asked what she meant by 'reduce the building'.

Commissioner Merriam explained that she meant if they took away one or two cores from the building plans.

Commissioner Severson stated that in terms of aesthetics, she felt the proposal was beautiful and commended the developers for putting something together that really fits into the community. She referenced the rotunda, the charm of the dormers, and the lightness of the materials, but noted that she would echo some of the concerns that have been brought up already. She noted that she would agree that zoning of C-4A probably makes sense for this property, but perhaps not under

this project. She stated that if they had proposed a compliant C-4A project she would feel more comfortable moving ahead, but with so many things that need to be permitted and approved outside of the standards, she struggles with that request. She specifically expressed concerns with the parking, and would agree with statements made by other Commissioners that if they are paying this much money for this unit, she would like to have her own dedicated parking spot. She also noted that she is concerned about safety, and that the parking facility would be open to anyone and any time. She stated she thinks there needs to be a bit more thought put into the residents and their safety, how people will get into the buildings, and how they will use the parking garage. She stated that there are a lot of core buildings on the property, and would echo the same concern that it is highly dense. She stated that she agrees with the comment made earlier that the residents have gotten used to a very open space in this location, whether that is right or not.

Commissioner Elg stated that he agrees with everything that has already been said, and also feels this is a very attractive development. He stated that he is less concerned about the density than many of the other Commissioners. He stated that the massing breaks, to him, seem sufficient and the views are very nice. He noted that the vacant space on the property is not particularly attractive as it is right now, so this would be a nice replacement for that. He stated that he cannot speak to a hypothetical situation and what buyers may or may not want, but he is concerned about parking and believes it may impact the sale or leasing of the spaces. He stated that parking is his major concern because it is not very flexible and does not provide for future growth and salability.

Chair Stockton expressed additional concerns related to different parking scenarios and the flexibility to incorporate retail and/or restaurant use in the future, which she thinks is a problem. She stated that this is a beautiful proposed building, but it appears as though the Commission is struggling with the idea of rezoning the property.

Commissioner Sorensen stated that he thinks it would be appropriate to acknowledge a lot of the positive things that the developer has done since its initial application for the property. He stated that it is clear that there has been a lot of communications with the City staff. He stated that he agrees with all the positive comments that have been made regarding the architecture. He stated that he appreciated the residential feel and the overall tone and character of the proposal. He stated that he liked the concept of all the parking below grade, and that they met the density requirements. He stated that he feels the rotunda in the corner was an exceptionally good idea that softens the whole corner and could become a very well-known piece of architecture in the City. He stated that there is a whole lot about this proposal that is very positive. He stated that he would agree that the parking situation is an issue. He stated that he also feels like there needs to be a better solution that backing up trucks onto Lake Street, even if it doesn't happen very often.

Commissioner Douglas suggested that the Commission continue discussion on other items because she thinks they may be easier to deal with and then the Commission can come back to this point.

Chair Stockton suggested the discussion move onto CUP for joint use of a parking facility, and noted that their comments had already covered this item pretty comprehensively. She moved the discussion onto the request for a CUP for multi-family residential on the ground level.

Commissioner Douglas shared that her only concern on that item was whether they would be sellable. She asked if someone would want to buy a unit on the back that faces the railroad. She stated that she understands it is up to the developer whether they want to do that, but that is her only question on this item.

Commissioner Elg stated that was also his only question, and noted that he sees no reason not to allow ground floor residential if the developer thinks it is viable and that they can be sold.

Commissioner Severson stated that she thinks they may be more private than the ground floor residential that is across the street on Lake Street, so she also does not have a problem with it.

Commissioner Sorensen stated that he also did not have a problem with this request. He noted that he also had questions about the marketability of these, but believes that is a private sector issue.

Chair Stockton stated that she thinks it is nice to have ground floor residential, and noted that it feels accessible from the street. She stated that she thinks the residential aspect of their proposal is appropriate and private. She moved the discussion onto the Shoreland residential PUD/CUP request.

Commissioner Douglas explained that the only question she had out of this whole section was regarding the negative effect on the health, safety, and welfare of residents. She stated that Mr. Willcox addressed this with the thought of there perhaps being too many cores, but noted that she would not deny it just based on that concern.

Chair Stockton stated that the thought about too many cores also came up with the parking issue.

Commissioner Elg noted that he has no issues with the Shoreland residential PUD/CUP request.

Chair Stockton moved the discussion onto the Shoreland Impact Plan CUP for impervious surfaces over 75%.

Commissioner Merriam stated that they are required to take care of the stormwater run-off.

Commissioner Sorensen stated that it appears as though they have met the requirements for the Shoreland Impact Plan CUP for impervious surfaces over 75%.

Chair Stockton moved the discussion onto significant massing break design standard deviation. She noted that she believes that the developer paid a lot of attention to this detail and thinks it is an improvement to actually have a view of the lake and be able to bring pedestrians to that level. She noted that she had served on the Design Standards Committee and appreciated the massing breaks and setbacks and detail within the design.

Commissioner Merriam stated that as long as they keep the plaza areas open to the public, she thinks that would answer the questions raised around this issue.

Chair Stockton agreed that the City would need assurance that it would be publicly accessible. She stated that she liked that they had thought through putting in an elevator for access. She noted that she walks by this property every day and can easily envision enjoying the lake views.

Commissioner Sorensen stated that he was comfortable with this deviation but noted that they may want to pay more attention to the middle third and put in more massing breaks or to the lake views in that area.

Chair Stockton moved the discussion on to the parking structure deviation.

Commissioner Merriam stated that she was not sure she understood this item.

Planning Consultant Zweber explained that there were two parts to this deviation request. He stated that under the design standards, there needs to be a commercial use 30 feet in depth along the sidewalk and at the ground the parking structure needs to be 40 feet from the Lake Street right-of-way. He reviewed the renderings that show the entrance to the garage. He explained that every other core, along with the west third of this core, has commercial use on the ground level. He stated that there is no ground level when they look at this façade because it is a two-story parking structure with 12 feet of commercial space in front of it.

Chair Stockton stated that she believes part of that is because the land kind of curves so there is less depth to the lot in this location.

Planning Consultant Zweber stated that is one of the issues, but also raises the question of whether there is too much here because all of the other 5 cores comply.

Chair Stockton stated that having the parking being 40 feet from Lake Street is highly improbable.

Planning Consultant Zweber stated that there are two standards with 30 feet of commercial uses in front of the parking structure and the parking structure needs to be 40 feet from Lake Street so both factors need to be considered. He stated that they may determine that 40 feet from Lake Street is a undue burden in this situation but then what happens with the activity on the sidewalk on Lake Street that is lacking that 30 feet of depth of commercial use.

Commissioner Sorensen stated that it lacks the 30 foot depth but there are entrances in the commercial spaces at street level all the way down through that core.

Planning Consultant Zweber explained that a design standard deviation is different than a variance. He stated that this deviation request is for 12 feet 11 inches rather than 30 feet.

Commissioner Sorensen stated that he did not know how they could get around this other than to have the loading dock go deeper underneath.

Planning Consultant Zweber noted that there could also be less intensity on the site and explained that this only exists in the eastern 2/3 of core A1. He reviewed the setbacks from the property

line, as proposed. He reiterated that at this point, there is no 'ground level' because it is a two-story parking structure.

Commissioner Elg asked staff to answer questions 2 and 3 for the deviation request.

Planning Consultant Zweber asked if he was asking for staff's opinion on those questions.

Commissioner Elg stated that he feels they are both either 'yes' or 'no' questions.

Planning Consultant Zweber stated that it is not 80% retail on the ground floor, but by granting this deviation the question becomes whether they are providing greater conformity with the other standards. He reviewed the additional questions regarding alleviating undue burden on the property and whether this deviation would have a positive effect on the area.

City Attorney Schelzel stated that for design standard deviation considerations, the Commission should be thinking about it a balancing test, and explained that the applicant does not have to meet every one of these criteria. He explained that the Commission should look at the negative effect of a deviation and determine if it is outweighed by one or more of the positive factors listed in the standards. He noted that the Commission can take a look at how serious the deviation is, what kind of negative effects there are, if any, from the deviation, and if those negatives are outweighed by the positives.

Commissioner Douglas stated that she was glad to hear this explanation from City Attorney Schelzel because she thinks this is the most attractive building of the 6 cores.

Chair Stockton stated that she also feels the same way, and feels this particular core is unique and adds something different to the whole look of the building and also does everything the building design said it was meant to do, such as bring you in. She noted that she believes keeping the cars underground is ideal.

Commissioner Merriam asked about the staff report question that asked if the ground floor façade occupied by at least 80% retail, and asked if staff had included office in the retail calculation.

Planning Consultant Zweber stated that staff has discussed this and thinks that this is inconsistent with the City's other language about usage in downtown. He stated that this should probably read like C-4A, so it would be retail or service commercial. Service commercial is currently not included. He stated that granting this deviation would resolve that and would allow it to be service commercial instead of retail. He reiterated that this item of the design standards was inconsistent with the other downtown language for C-4A.

Commissioner Merriam stated that she has concerns about the parking structure overall and semi-trucks getting in there. She stated that the parking structure is a huge part of this project, and it has to work in order for this project to work.

Chair Stockton agreed that it was interrelated, and noted that she thinks if the Commission felt better about the parking, in general, the deviation probably would not be a problem.

Commissioner Merriam stated that she thinks they do need to solve the parking issue.

Chair Stockton clarified that she felt the Commission was saying that they did not mind the deviation, but there was concern about the parking itself.

Community Development Director Goellner suggested that the Commission return to their discussion on the rezoning request.

Chair Stockton noted that the Commission had mentioned several concerns with the rezoning request. She noted that she is happy with the height, look, and style of the proposed building. She asked for guidance from staff on how they could craft a motion where they felt somethings, as proposed, are good and others were not.

Community Development Director Goellner stated that she should recognize that without approval of rezoning and the CUP for joint use of parking, it would not allow the developer to move forward with the project.

City Attorney Schelzel stated that he would agree, but because the Commission advises the Council on a decision on the entire application, he thinks that the report and recommendation can reflect a lot of the positive things that have been shared among the Commission, even if the ultimate recommendation is to deny the application because they failed to meeting things like parking. He stated that he believes that the Commission could direct staff to prepare a report that would be nuanced in this regard.

Commissioner Merriam stated that beside the fact that this does not provide adequate parking for scope of the project, she also feels like there are too many buildings from an aesthetic point of view. She stated that for the pedestrian experience, it would be nice to have more open spaces in addition to the proposed plaza. She explained that the existing building is about 1.5 size of these cores and now to have 6 of those all along this stretch will make it feel like a canyon. She reiterated the earlier suggestion of removing 1 or 2 of the cores and clarified that it is more than must the parking situation.

Commissioner Sorensen noted that one way to deal with the parking issue would be with quantity of the building structure. He stated that if they kept the parking the same, but reduced the structure, there would be more capacity for parking.

There being no further discussion, Chair Stockton asked for a motion on the application.

Commissioner Stockton made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of denial for rezoning the property from PUD to C-4A, based on criteria 2, 3, and 4; and CUP for joint use of a parking facility, basesd on criteria 1 and 2; for review and adoption at the next Planning Commission meeting; and findings of approval for all of the other requests with a recommended condition on the massing break deviation request that all the plaza spaces remain open to the public with elevator access provided, where applicable.

Community Development Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

Staff Report
Wayzata Planning Commission
May 1, 2023

Project Name:	200 Lake St E Mixed Use Development
Request:	Zoning Map Amendment (Rezoning) Conditional Use Permits (CUPs) for Parking and First Floor Residential Shoreland Planned Unit Development Conditional Use Permit (PUD/CUP) Shoreland Impact Plan/Conditional Use Permit (SIP/CUP) Design Review
Applicant:	Lake West Development, LLC
Addresses of Request:	200 Lake Street East
Prepared by:	Emily Goellner, Community Development Director Eric Zweber, Consulting Planner Lori Johnson, Consulting Planner
"60 Day" Deadline:	May 6, 2023
"120 Day" Extension:	July 5, 2023

Development Application

Introduction

The applicant and property owner, Lake West Development, LLC, has submitted a Development Application for the property at 200 Lake Street East. This property is the site of the former TCF headquarters. The applicant is proposing to remove the existing vacant office building and construct a new mixed-use building with 178,045 gross square feet of space. The proposed building would include underground parking, first floor office space and 30 condominium units located on the first and second floors. The building would have one underground parking garage with six separate vertical cores above ground, which allows the singular building to appear as six separate buildings. Each core would be separated by a plaza.

This property is currently zoned PUD District and bound by the terms of a PUD Agreement that runs with the land for the office building and related uses and areas on the property.

Since this property is uniquely restricted by the existing PUD Agreement and is guided by the Comprehensive Plan as Central Business District, new land use approvals are necessary to change from the existing building and uses to a new residential and office building on the property.

Property Information

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

Address	PID	Owner
200 Lake Street East	06-117-22-32-0029	Lake West Development, LLC

The current zoning and land use designation for the property is as follows:

Current Zoning:	PUD Planned Unit Development
2040 Comp Plan Designation:	Central Business District
Overlay Districts:	Shoreland Overlay District
Design District:	Lake Street District

Project Location

The property is located on the south side of Lake Street East between Ferndale Road South and Barry Avenue South. The BNSF railroad is located adjacent to this property on the south side of the site and Lake Minnetonka is 108 feet to the south at the City Marina.



Map 1: Project Location
Source: Hennepin County

Application Requests
The application includes the following requests:

1. Zoning Map Amendment (Rezoning) from PUD to C-4A (Chapter 979): Approval of a Rezoning from Planned Unit Development to C-4A Limited Central Business District.
2. Conditional Use Permit (Chapter 904 and Section 920.09): Approval of a CUP for joint uses of the 142 stall parking facility with a mixture of uses.
3. Conditional Use Permit (Chapter 904 and Section 937.04.A): Approval of a CUP for multiple family dwellings on the first floor within the rear half of Cores A-5 and A-6.
4. Shoreland Residential Planned Unit Development Conditional Use Permit (PUD/CUP) (Sections 933.02, 933.03 and 991.17): Approval of a Shoreland PUD/CUP for 30 residential condominium units in the Shoreland Overlay District.
5. Shoreland Impact Plan Conditional Use Permit (SIP/CUP) (Section 991.11A(1)b): Approval of a SIP/CUP for impervious surface coverage of 84.5% within the Shoreland Overlay District.
6. Design Review (Section 909.29): Approval of design and site plan for the proposed mixed-use building with 178,045 gross square feet, consisting of 39,139 gross square feet of office space and 30 condominium units, which require two design deviations:
    a) Significant massing break that does not provide views from the public sidewalk (Section 909.07.A.2)
    b) The east half of Core A-1 is a parking structure that does not have an office use with a depth of 30 feet (Section 909.21.B.3)

Public Hearing Notice
Notice of the public hearing on the Application was published in the *Sun Sailor* on April 20, 2023 and mailed to all property owners and renters located within 750 feet of the subject property on April 20, 2023.

Neighborhood Meeting
The applicant hosted a neighborhood meeting on April 24, 2023. There were about 23 people in attendance in addition to the project team and a summary of the meeting is attached. Topics of discussion consisted of questions regarding:

- Access to Lake Street and vehicle parking
- Traffic impacts
- Delivery vehicles
- Shading of sidewalks
- Maintenance during snow and ice
- Railroad's reaction to the plan
- Publicly accessible spaces
- Stormwater management and treatment

Public Comments
No public comment letters have been received by the packet publication deadline on April 26.

Any additional comments received after packet publication and before the Planning Commission meeting will be provided.

Agency Comments
The public hearing notice and a link to the applicant's plans had been provide to the Minnesota Department of Natural Resources (DNR) on April 17, 2023. The DNR did not provide any comments regarding this application.

The Three Rivers Park District (TRPD) has a regional trail located on the south side of Lake Street East and was provided a link to the applicant's plans. The TRPD has provided an email response that included a number of trail material, separation, and wayfinding recommendations. These recommendations attached to staff report and would become requirement should these application requests be approved.

History

Prior to being zoned PUD District in 1989, the property was zoned C4-A, as were most of the other properties along Lake Street East between Barry Avenue and Ferndale Road. The property was developed as a PUD with the TCF office building and associated parking lots in 1990. The building was used as the corporate office for TCF National Bank until more recently when TCF moved the offices to other locations and listed the property for sale. Huntington National Bank became the property owner following a merger with TCF National Bank. Lake West Development, LLC is now the property owner.

In December 1989, the City approved a subdivision, SIP/CUP for impervious coverage, a drive-in banking facility CUP, and rezoning to PUD (along with a development contract) for the current TCF building and former office use. The public elements of the approved project included:

- Three-foot wide landscaping and streetscape easement along the south side of the Lake Street East right-of-way;
- Three public utility easements running north to south through the property for a water main, sanitary sewer, and storm sewer;
- A pocket/mini park easement of the northeastern corner of the property; and
- The dedication of right-of-way for improvements at the Lake Street and Ferndale Road intersection.

There is a canopy structure located in the west parking lot that was previously used as the drive-in banking facility. In conjunction with any approvals for redevelopment, the CUP for drive-in banking would be cancelled and no longer applicable to the site.

Previous Applications

2020 Application (Withdrawn by Applicant)
The first development application submitted by this applicant was reviewed by the Wayzata Planning Commission in September 2020. The proposal associated with that application was for a three-building development totaling 66 multiple family residential units. The existing building was to be preserved under this proposal, and the application included the following requests:

- Comprehensive Plan Amendment to High Density Residential
- Rezoning to R-5 Average Density Residential
- Shoreland Impact Plan/Conditional Use Permit
- 5 Variances including:
    - Rooftop Equipment
    - Lot Coverage
    - Impervious Surface Coverage
    - Floor Area Ratio
    - Building Height

The Planning Commission held a public hearing on that application and directed staff to prepare a draft PC Report and Recommendation to deny all of the application requests. The Planning Commissioner feedback included that the design did not achieve small town charm, was too tall, was too dense, and needed some mix of uses. The applicant withdrew that application before the draft PC Report and Recommendation was considered by the Commission.

Second 2020 Application (Denied by City Council)
A subsequent development application was submitted by this applicant shortly thereafter and reviewed by the Wayzata Planning Commission in November 2020. The proposal associated with that application was for a development totaling 38 multiple family residential units. The existing building was to be preserved under this proposal with an additional residential building added on each side. The application included requests for a Planned Unit Development Concept Plan and Preliminary Plat Subdivision (from 1 to 3 lots). The Planning Commission held a public hearing on that application and directed staff to prepare a draft PC Report and Recommendation to deny all of the application requests. The Planning Commissioner feedback included that the design and site layout was not reflective of surrounding lots in the neighborhood, lacked small-town character and charm, concern for the mass and scale of the development (lot coverage, setbacks, roof styles, second and third floor setbacks, impervious surface, and floor area ratio). The City Council denied the application requests in December 2020.

2021 Application (Withdrawn by Applicant)
The applicant submitted an application that was reviewed by the Wayzata Planning Commission in August 2021. That proposal included two buildings with a total of 35 condominium units and 35,000 square feet of office and restaurant space. The application included requests for a PUD Concept Plan and two design deviations, one for the lack of

the appropriate amount of massing breaks and one for insufficient third story setbacks. The Planning Commissioners expressed concerns about traffic, parking, building height, and the length of the façade without a massing break. The applicant withdrew that application before a PC Report and Recommendation was considered by the Commission.

2022 Application (Denied by City Council)
The applicant submitted an application for approval of a PUD Concept Plan that was reviewed in February 2022. The PUD Concept Plan, called Wayzata Beach Club, included the construction of 2 new 3-story buildings with underground parking. The buildings included 32 residential units and 42,000 square feet of office/restaurant space. Pocket parks were provided at the ends of the building, with 25-foot breaks between the buildings. After the public hearing and consideration, the Planning Commission adopted a Report and Recommendation to deny the application, and the City Council denied the PUD Concept Plan application in April 2022 on the findings that the plans did not meet the requirements of the Zoning Ordinance, including the PUD purposes and intents of higher standards of design, small town charm, a more desirable and creative environment, and consistency with the Comprehensive Plan.

Summary and Analysis of Current Application

Construction of a New Building
Under the proposal associated with the application, the existing building and parking lot on the property would be completely removed and a new 178,045 gross square foot, 2-story building would be built on the site. The architecture of the building is intended to give the appearance of 6, 2-story buildings; however, the buildings are connected through the underground parking lot and considered just one building under City Code.

The ground level of all core structures includes office tenant spaces totaling 39,139 square feet. Cores A-5 and A-6 have residential units on the ground floor towards the rear of the building (south side) facing the railroad. Each core structure is separated by a plaza that provides a gathering space for the public. The plazas between Cores A-1, A-2, A-3, and A-4 will provide views of Lake Minnetonka, while the plazas between Cores A-4 and A-5 and Cores A-5 and A-6 will not provide view of Lake Minnetonka due to the homes on Grove Lane.

The building will contain a total of 30 multiple family dwelling units:

- Core A-1: 2 three-bedroom units located on the second floor
- Core A-2: 2 two-bedroom and 2 three-bedroom units on the second floor
- Core A-3: 2 two-bedroom and 2 three-bedroom units on the second floor
- Core A-4: 2 two-bedroom and 2 three-bedroom units on the second floor
- Core A-5: 2 two-bedroom units (4 located on the first floor and 2 on the second floor) and 2 three-bedroom units on the second floor
- Core A-6: 4 one-bedroom units on the first floor and 4 two-bedroom units on the second floor

The second floor units within Cores A-1, A-2, A-3 and the east half of Core A-4 will have mezzanine areas within the roof lines. The Building Code states that a mezzanine is not a story provided that the mezzanine does not occupy more that 30% of the room that the mezzanine is located within.

The underground parking garage provides 142 stalls. The garage has one entry from the street level at the east end of the building. A further analysis of the parking area is provided later in this report.

The exterior building elevations will include brick, limestone caps, paneled siding, fiberglass columns, powder coated metal accents and standing seam metal roof. The facades have entrances facing Lake Street that are at sidewalk level. The facades include brick masses that are angled pediments with arched second story windows that flack each side of the main core entrance and an arched pediment and arched windows above the main core entrance. The façade beyond the brick masses includes white metal paneling. Areas of the façade that are set back from the sidewalk include a short brick wall with a metal railing at the sidewalk. The terraces of the second floor include a metal railing. Cores A-1, A-2, A-3, and A-4 include dormers within the roofs. The north facades include 51.8% glazing and the south façades include 31.7% glazing.

Site Plan

In addition to the new building and core structures, the site plan includes public open spaces on the west side of the site and on the east side of the site. A sidewalk is proposed to be located on the north side of the building adjacent to Lake Street. There are 25-foot plazas between the core structures to provide lake views and opportunities for small public gathering areas. The plazas wrap around the south side of the building to provide a public walkway between structures that abuts the lake.

The underground parking entrance is on the east side of the site and there is no other entrance proposed. There are no other parking areas proposed on site. Bike parking is provided in the underground parking structure.

Proposed Use

The Comprehensive Plan land use designation for the property is Central Business District. In the 2040 Comprehensive Plan Land Use Map, the Central Business District comprises nearly the entire length of Lake Street East in Wayzata. The Plan notes that the area continues to evolve into a diverse environment of retail stores, offices, restaurants, residences, and parks. This diversity is seen as healthy in that it attracts a wide variety of people into the downtown area at all times of the day. This diversity along with its proximity to Lake Minnetonka make it a destination in the region.

Residential uses are an appropriate use in relation to the diverse mixes of uses located in the Central Business District. Residential uses have typically included retail or office use on the ground floor along Lake Street. Residential uses on the ground floor are present west of Barry Avenue and east of Superior Boulevard, with the exception of Wayzata Place at 520, 540, and 560 Indian Mound East.

In the application, office uses are proposed on the ground floor in all of Cores A-2, A-3, A-4 and the northern halves of Cores A-5 and A-6. Multiple family dwelling units are proposed in the southern halves Cores A-5 and A-6 (four units in each core for a total of eight ground floor units). Core A-1 has office uses on the western third of the ground floor and the entirety of the sidewalk frontage with the parking structure behind for the eastern two-thirds of the Core.

City Code Section 937.02 lists “multiple family dwelling units on the ground floor” as a possible conditional use, and Section 937.04 lists the standards for these conditional uses. These standards provide that the units may not front Lake Street, may not conflict with the commercial uses and activities, must meet the standards of the R-5 zoning district, and must provide adequate open space and recreational space.

Zoning and Adjacent Land Use

The property is currently zoned PUD and is located within the Shoreland Overlay District. Zoning for adjacent areas are as follows:

Direction	Adjacent Land Use	Zoning	2040 Comp Plan Designation
North	Multiple Family Residential, Commercial	C-4A, PUD	Central Business District
East	Lake Street/Panoway	R-2	Parks
South	Boatworks Commercial Building (southeast), Wayzata Beach Park (south), Single Family Homes (southwest)	R-3, P, C-3	Parks, Central Business District, Low Density Residential
West	Commercial	PUD	Central Business District

The applicant is proposing to rezone the property from PUD to C-4A District, and the following table outlines the zoning standards for the C-4A and Shoreland Overlay Districts applicable to the proposal:

Regulation	C-4A	Shoreland Overlay District	Proposal
Lot Area (min.)	12,000 sq. ft.	Same as underlying zoning district	98,964 net square feet
Residential Density	N/A	Tiered based on underlying zoning district	20.41 du/ac

Regulation	C-4A	Shoreland Overlay District	Proposal
Height (max.)	30 feet or 2 stories, whichever is less	35 feet	27 feet (measured from average grade plane) / 2 stories
Lot Coverage (max.)	N/A	N/A	49.3%
Impervious Surface (max.)	N/A	25% or 75% with stormwater management** or 100% with Shoreland Impact Plan/CUP	84.7%
Floor to Area Ratio (F.A.R.)	2.0	Same as underlying zoning district	1.04
Setbacks (min.)	None	N/A	Front: 5.2 feet Rear: Less than 1 foot Side: 82.6 feet Side: 262.9 feet
Shoreland Setbacks (min.)	N/A	75 feet from the Lake Minnetonka	108 feet

Roadway Capacity

Nearby roadways include Lake Street, Barry Avenue, Ferndale Road, Edgewood Court, Grove Lane, and Shoreline Drive. The applicant has provided traffic and parking studies which are attached to this report. These studies do not identify any significant impacts from the proposal on the existing roadway system. The information in the traffic study indicates the roadway/intersections will continue to function. The City Engineer/Public Works Director has reviewed these studies and concurs with the studies' conclusions.

Proposed Residential Density

The proposed density of 21.28 dwelling units per acre (du/ac) meets the Comprehensive Plan density requirement for the Central Business District, which calls for between 20 and 30 du/ac. The policy goal behind this standard is that the downtown area should be dense enough to support retail and other commercial uses, promote walkability to enhance the pedestrian environment, and yet be limited enough to maintain small town charm.

The density of the proposed development is summarized in the following table:

Use	Square Footage	Percentage	Lot Area	Pro-Rated Lot Area
Residential	64,164 sq. ft.	62.1%	98,964 sq. ft	61,469 sq. ft.
Office	39,139 sq. ft.	37.9%	98,964 sq. ft.	37,495 sq. ft.
Total	103,303 sq. ft.	100%	98,964 sq. ft.	98,964 sq. ft.

	Units	Acres	Density
Residential	30	1.41 acres	21.28 du/ac

City Code Section 937.04.A.3 states that multiple family dwellings shall not exceed the standards of the R-5 zoning district. The R-5 zoning districts requires 2,175 square feet per dwelling units while City Code Section 959.07.A. allows for the minimum lot area to per reduced by 300 feet each packing stalls under the living area of the building. Since each unit provides 1.2 parking stall during the maximum demand within the joint facilities CUP, the R-5 minimum lot area per dwelling unit would be 1,815 square feet (2,175 sq. ft. – 360 sq. ft.). The proposed development complies by providing 2,049 sq. ft. of residential lot area per unit (61,469 sq. ft./30 units).

Shoreland Residential PUD/CUP Density

The Shoreland Ordinance Section 991.17 requires that all lots with 5 or more dwelling units within the Shoreland Overlay District obtain the approval of a Residential Planned Unit Development Conditional Use Permit (Shoreland Residential PUD/CUP). One of the intentions of the Residential PUD/CUP is to allow for increasing in density the further the development is away from the shoreline.

The Code requires that 200-foot-wide tiers be created and then the density is determined in each tier. City Code Section 991.17 allows for densities to be transferred from any tier to another tier further from the water body, but shall not be transferred to any tier closer.

The minimum lake shore setback is 75 feet ordinary high-water level of Lake Minnetonka (not the property line). Core A-2 (closest to Lake Minnetonka) is located 108 feet from the ordinary high-water level and Core A-6 (furthest from Lake Minnetonka) is 445 feet from the ordinary high-water level. The majority of Core A-2 and A-3 are located within the first tier, the majority of Cores A-1, A-4, and A-5 is within the second tier, and Core A-6 is within the third tier. The densities within these tiers complies with the City Code.

PUD/CUP Tier	Area (sq. ft.)	Units	Density
First	20,950	8	16.64 du/ac
Second	35,950	11	13.33 du/ac
Third	11,450	10	38.08 du/ac

Commercial Intensity

The Comprehensive Plan estimates that the employment intensity of the Central Business District to be up to 70 employees per acre. Based on the Institute of Traffic Engineers (ITE) manual, the proposed 39,139 square feet of office uses provides a pro-rated employment

intensity of 62 employees per acre. When combined with the residential use on the site, this is consistent with the guidance of the Comprehensive Plan.

Ground Floor Retail/Service Commercial
The C-4A District requires that at least 50% of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50% of the ground floor building footprint. The proposed building includes 100% of the building façade occupied by office uses and 82.3% of the ground floor footprint is office uses. Office uses that have clients visit physically on-site either through walk-in or by appointment would comply with the proposed service commercial definition.

Floor Area Ratio (FAR)
The proposal complies with the floor area ratio requirement. Floor area ratio is defined in the Zoning Ordinance as the floor area of a building or buildings on any lot, divided by the area of such lot, or in the case of planned unit developments, by the net site area. The floor area ratio requirements vary by Zoning District. In the case of a mixed-use development, the lot area is pro-rated based on the office gross leasable area compared to the total gross leasable area. In the C4-A the required minimum lot area is 12,000 sq. ft. and the FAR limit is 2.0.

Use	Lease Area (square feet)	Pro-Rated Lot Size (square feet)	FAR
Office	39,139	37,495	1.04

FAR of Nearby Projects (Approved)	
Project	**FAR**
401 Lake St E	2.33
Swan's Corner	2.35
Melvin's 235 (post land donation)	1.53

Dwelling Unit Types and Sizes
The following table illustrates the number of units in each building core, along with the square footage range of the units.

Units	Core 1	Core 2	Core 3	Core 4	Core 5	Core 6	Size Range (sq. ft.)
One Bedrooms	0	0	0	0	0	5	720 to 805
Two Bedrooms	0	2	2	2	6	3	1,085 to 1,500
Three Bedrooms	2	2	2	2	2	0	2,015 to 2,895

All of the units comply with the minimum floor area require per unit (Section 919.06.B). Additional information about unit sizes can be found on the attached floor plans. All units will include terraces.

Open Space

The proposal meets the standards for required, usable open spaces detailed in the Zoning Ordinance (Sections 909.15 and 919.08) and the Comprehensive Plan. The multiple family dwelling units require 15,000 square feet of usable open space, and the proposal provides 45,516 square feet of open space available to the residents.

The sheet entitled “Open Space Exhibit” attached to this report provides a visual reference for the above information.

Open Space Type	Amount	Percent of Overall Site
Public	4,174 square feet	4.21%
Landlord Controlled Public Open Space	17,353 square feet	17.53%
Common Shared Open Space	13,635 square feet	13.77%
Private Useable	10,354 square feet	10.46%
Landlord Controlled Commercial Open Space	5,023 square feet	5.07%

Public Open Space

There are two areas of privately-owned and maintained open space that are meant for use by the public. The landlord-controlled open public open space is 17,353 square feet or 17.53% of the overall site. These areas are described on the open space exhibit, and they generally include the plazas between the core structures and the walkways on the south side of the core structures.

The publicly owned open space consists of 4,174 square feet or 4.21% of the site. This area consists of the sidewalk located adjacent to Lake Street.

Common/Shared Open Space

Areas designated as common/shared open space are provided on both ends of the building. The areas amount to 13,635 square feet or 13.77% of the site.

Private Usable Open Space

Also proposed on site is private usable open space to be utilized by residents only. This private open space consists of the balconies for each residential unit as well as some area adjacent to and south of the Core 5 and 6 buildings and amounts to 10,354 square feet or 10.46% of the site.

Landlord Controlled Office Open Space

The area on the south side of Cores 2, 3, and 4 buildings is designated as landlord-controlled office open space. This amounts to 5,023 square feet or 5.07% of the site.

Shoreland Residential PUD/CUP Open Space

City Code Section 991.17.H requires that with residential PUD/CUP, 30% development area be preserved as open space. The total of the separate open spaces listed above is 50,539 square feet of open space (including balconies) which is equal to 51.07% of the site.

Maintenance of Open Space

The landlord and property owner(s) would maintain the proposed open spaces with the exception of the 3-foot-wide sidewalk and landscape easement along the east, west, and north sides of the property. If this application is approved, this requirement will be included within the development agreement.

Tree Replacement

The applicant has provided a tree removal plan. It shows that there are many healthy significant trees but no heritage trees on site. The proposed development would remove 392 diameter at breast height (DBH) inches of significant trees. Section 936.04.B.2 of the Tree Preservation Ordinance states that projects requiring Design Review, which would occur with this development, may remove up to 10% of the existing significant tree inches without a requirement for replacement (which is 39 inches on this site). Under the Tree Preservation Ordinance, the proposed development would require that 352.8 DBH of replacement trees be planted on site. The application is proposing 273 inches of replacement trees, which is lower than what the ordinance requires. The applicant is proposing to pay fee-in-lieu of tree replacement for the remaining 79.8 caliper inches.

Lot Coverage

As noted above, this lot is within the Central Business District in the Comprehensive Plan, and all of the zoning districts (C-4, C4-A, C4-B, C-2, PUD) along Lake Street do not have a lot coverage limit, meaning 100% of a lot can be covered. The lot coverage on nearby projects is listed in the following table:

Lot Coverage of Nearby Projects (Approved)	
Project	**Lot Coverage**
401 Lake St E	~100%
Swan's Corner	97.7%
Wayzata Blu	75.4% (post land donation)
Ventana Apartments	80.8% (post land donation)
Melvin's 235	69.6% (post land donation)

Impervious Surface Coverage/Shoreland Overlay District

Impervious surface is defined as a constructed hard surface that either prevents or slows the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples of impervious surfaces include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

The impervious surface limit in the Shoreland Overlay District is 75%. The existing impervious surface on the property is 73,500 square feet, which is 74.4% of the lot area. The proposed project would have an impervious surface of 83,861 square feet, which is 84.7% of the lot area. Chapter 991.11A(1)b(2) allows impervious surface percentages to exceed 75% with the issuance of a shoreland impact plan/conditional use permit, which is requested in the application. The table below indicates how other nearby sites have been treated with shoreland impact plans/conditional use permits.

Total Lot Area	Proposed Impervious Surface Coverage
98,964 sq. ft.	84.7%

Impervious Surface Coverage of Nearby Projects (Approved)	
Project	**Impervious Surface Coverage**
Melvin's 235	82.7% (post land donation)
401 Lake St E	100%
Wayzata Blu	97.1% (post land donation)
Swan's Corner	97.7%
Ventana Apartments	87.2% (post land donation)

Property Line Setbacks

The project would meet the C-4A standards for setbacks, as the C-4A district does not have specific setback requirements and buildings and parking areas are not required to have any setbacks. The setback information for the proposed project is included in the table below.

Location	Proposed Minimum Setbacks
North	5.2 feet
South	Less than one foot
East	262.9 feet
West	82.6 feet

The existing building on the property is 30 feet from the railroad tracks. The nearest occupied part of any core of the proposed building would be about 34 feet from the railroad tracks. The proposed parking structure would be about 22 feet from the railroad tracks.

Height

The maximum height allowed within the C-4A zoning district is 2 stories and 30 feet. The overall height of this project would be 2 stories and 27 feet.

The height of the proposed building is measured from the average grade plane to the mid-point of the peaked roof, as specified by City Code. Due to the length of the single building with 6 cores, the average grade plane is about 6 feet below the sidewalk in front of Core A-1 and about 5 feet below the sidewalk in front of Core A-6. From the sidewalk in front of Core A-1, the height would appear like a 33-foot-tall building.

The second-floor units within Cores A-1, A-2, A-3 and the east half of Core A-4 will have mezzanine areas within the roof lines. The Building Code states that a mezzanine is not a story provided that the mezzanine does not occupy more that 30% of the room that the mezzanine is located within. In the area where there is a mezzanine within the second floor, the lower area would have 8-foot 6-inch floor to ceiling height and the upper mezzanine would have an 8-foot floor to ceiling height. In the area within the second floor where there is no mezzanine, the floor to ceiling height would be 18 feet 6 inches in height.

The table below shows the height of other nearby projects. It is important to note that these projects had different average grade planes than that of 200 Lake Street. From Lake Street, Core A-1 would appear to be 33 feet tall while Core A-6 would appear 22 feet tall.

Project	**Height from Average Grade Plane**
Wayzata Blu	35 feet
Ventana	40 feet
Melvins 235	39.7 feet

City Engineer's Comments

The City Engineer reviewed the proposed redevelopment and has provided the following comments:

1. A utility analysis for this site showed that the existing sewer and water infrastructure is adequate to support the proposed redevelopment.
2. The tree preservation plan meets the City's requirements, provided either fee-in-lieu of tree replacement is collected or the deficiency in tree replacement is provided by planting trees in City parks.
3. The proposed Serviceberry and Eastern Redbud trees over the Metropolitan Council Environmental Services (MCES) will need MCES approval before planting.
4. The traffic study demonstrates that the proposed redevelopment will not have an impact on the surrounding road network.
5. Parking or loading of delivery vehicles within the Lake Street East right-of-way is prohibited.

Additionally, the City Engineering hired Stantec to evaluate this proposal impact, in addition to the proposed 201 Lake Street East, on the existing sewer and water system. Stantec determined that the City's existing sewer and water systems can support the combine impacts of both development proposals.

Parking

The total parking requirement for the proposed 30 multiple family dwellings and 39,139 square feet of office uses is 166 stalls. The proposed parking requirements are summarized in the following table:

City Code Requirement		
Land Use	**Number of Units or Sq Ft**	**Total Required**
Residential (2/unit)	30 Units	60 stalls
Office (3 per 1,000 sf)	39,139 sf	106 stalls
Total Requirement		166 stalls

The applicant has proposed 142 parking stalls with a Joint Parking Conditional Use Permit. City Code Section 920.09 allows more than one land use to jointly share one or more parking facilities through the approval of a conditional use permit. The application has a requested this conditional use permit based on the parking demand period of 7am to 6pm on weekdays having the maximum demand of 142 stalls. As the chart below shows, between 7am to 6pm the residential has 60% of peak demand while the office use has 100% of its peak demand. Should the conditional use permit be approved, a condition would be included that the residential units cannot have dedicated parking stalls because they must be made available to the office users.

Joint Facilities Conditional Use Permit			
Land Use	**City Code Requirement**	**7 am to 6pm Weekdays**	**Total Required**
Residential (2/unit)	60 stalls	60%	36 stalls
Office (3 per 1,000 sf)	106 stalls	100%	106 stalls
Total Requirement with Conditional Use Permit			**142 stalls**
Total Provided			**142 stalls**

The applicant has not taken into account any restaurant or retail uses in the building, even though these uses are permitted in the C-4A zoning district. Restaurant and retail have significantly different customer and parking demands. If the requests in this development application are approved, a mixture of uses that are compliant with 142 stall maximum within the table in Section 920.09.A.5.a as well as all other requirements of the Zoning Ordinance could be permitted as tenants change in the future. A conditional use permit

amendment would be required if the landlord requested consideration for uses that require more than 142 parking spaces.

Traffic and Parking Analysis

The applicant has provided a traffic and parking analysis by S^2 Traffic Solutions. The traffic and parking analyses concluded that the parking plan provides an adequate number of parking stalls required for the proposed development, and it indicates acceptable operations with minimal vehicle delay and vehicle queuing at adjacent intersections and the site access. It also recommended that the site access driveway have enhanced signage warning vehicles of pedestrian and bicycle crossing on the south side of Lake Street East.

Bicycle Parking

The Design Standards (Section 909.20.B) require 4 bicycle parking spaces per mixed use development. The site plan exceeds the bicycle parking requirements by providing 40 bicycle parking racks. The bicycle parking will be provided on the north wall of the lower-level garage through racks for 8 bikes each under Cores A-2, A-3, A-4, A-5, and A-6.

Loading Areas

The office square footage for this project is 39,139 square feet. Chapter 920.11B indicates that 1 loading space is required for the first 10,000 square feet of gross floor area and 1 space for each additional 50,000 square feet. Thus, only 1 loading space is required for the project, and 1 loading space is provided in the parking garage adjacent to Core A-1 on the east side of the project. The loading stall for a semi-truck would be located on the south side of the drive accessing the parking stalls to the west, and the loading stall for a delivery van is located north of the drive accessing the parking stalls.

Design Standards

The exterior building elevations will include brick, limestone caps, paneled siding, fiberglass columns, powder coated metal accents and standing seam metal roof. The facades have entrances facing Lake Street that are at sidewalk level. The facades include brick masses that are angled pediments with arched second story windows that flack each side of the main core entrance and an arched pediment and arched windows above the main core entrance. The façade beyond the brick masses includes white metal paneling. Areas of the façade that are set back from the sidewalk include a short brick wall with a metal railing at the sidewalk. The terraces of the second floor include a metal railing. Cores A-1, A-2, A-3, and A-4 include dormers within the roofs. The north facades include 51.8% glazing and the south façades include 31.7% glazing.

City staff has reviewed the application for its compliance with the design standards and has determined that the design would comply with the standards with the exception of the following two deviations that would be required for the plans included in the application:

- The significant massing break between Core A1 and A-2 that is more than 6 feet above the sidewalk which prevents views of Lake Minnetonka (Section 909.07.A.2).
- The east half of Core A-1 does not contain a retail use with a depth of at least 30 feet (Section 909.21.B.3).

City Code Section 909.27 requires a meeting with City staff and the applicant to discuss the design standards and discuss what alterations may be required to fully comply with the design standards. Staff has met with the applicant's team on a number of occasions, and provided written analysis of the proposed design and design standard sections 909.07 and 909.21, and the applicant has chosen not to revise the plans.

Significant Massing Breaks
City Code Section 909.07.A.2 states that the proposed development located between Lake Street and the shoreline of Wayzata Bay shall provide any required significant massing breaks as midblock connections, to provide views of Lake Minnetonka and allow for potential future access to the lake. The proposed massing break between Cores A-1 and A-2 includes a staircase that is 6 feet tall and prevents views from Lake Street sidewalk.

In the location of massing break between Cores A-1 and A-2, the existing Lake Street sidewalk is at the 935.75 foot elevation and the railroad tracks on the south side of the parcel sits on a berm with an elevation of about 941 feet creating a 5.75 foot rise. Therefore, the applicant notes that views of the lake in this location are already blocked by the railroad tracks and has provide the view from the existing sidewalk on plan sheet A-211.

Depth of Commercial Use
City Code Section 909.21.B.1 states that a parking structure that abuts Lake Street shall have the entire portion of the ground floor façade be occupied by at least 80% retail usage and extending to a depth of at least 30 feet. Code Section 909.21.B.2 states that a parking structure shall be located a minimum of 40 feet from the Lake Street right-of-way.

The plans for the western half of Core A-1 show an office use on the first floor that is the full depth of the building with the parking structure underneath while the plans for the eastern half of Core A-1 show an office use that is 10' 9" in depth with no first floor behind the office and being open to the parking structure. The parking structure, which includes that loading areas and the access to all of the parking stalls for the development is located about 19 feet from the Lake Street right-of-way.

Less than 80% retail usage in the ground floor facade for buildings located west of Barry Avenue could remain consistent with the guiding principles of the Comprehensive Plan provided that at least 50% of the ground floor façade is service commercial as required by the C-4A zoning district.

Standards of Planning Commission Review of Application Requests

The review and decision on the proposed Rezoning is a legislative action, meaning that the Planning Commission acts like an advisor to a legislative body (the City Council), and has wide discretion on whether to recommend approval or denial as long as it has a rational basis in fact and the relevant standards for its recommendation. The other

requests are quasi-judicial, but in a practical sense, they are dependent upon approval of the Rezoning.

Primary Questions to Consider:

Rezoning from PUD to C-4A

1. Is the proposed rezoning in compliance with the policies of the Comprehensive Plan?
2. Will the rezoning conform to present and future land uses of the area?
3. Does the rezoning conform with all performance standards (i.e., parking, loading, noise, etc.)?
4. Does the rezoning have a negative effect on the area in which it is proposed?
5. Are the surrounding streets capable to serve the traffic generation from the proposed rezoning?
6. Does the rezoning emphasize specialty shops and office uses with continuous linear low level building designs including individual store fronts with public sidewalk access?
7. Does the rezoning include business establishments that are accessible from the exterior of the building?
8. Does the rezoning include more than one of the following uses: retail, service, residential and office?
9. Does the rezoning include a building that exceeds the height of 2 stories or 30 feet?

Conditional Use Permit for Joint Use of a Parking Facility

1. Is the joint parking facility compatible with present and future uses of the area?
2. Does the joint parking facility conform with all performance standards (i.e., parking, loading, noise, etc.)?
3. Does the traffic generated by the joint parking facility exceed the capabilities of streets?

Conditional Use Permit for Multiple Family Residential on the Ground Level

1. Are the ground level dwelling units compatible with present and future uses of the area?
2. Do the ground level dwelling units conform with all performance standards contained herein (i.e., parking, loading, noise, etc.)?
3. Are the streets serving this property capable of accommodating the traffic generated by the ground level dwelling units?
4. Do the ground level dwelling units not front or border Lake Street?
5. Do the ground level dwelling units conflict with existing or potential future commercial uses and activities?
6. Does the density met the standards of the R-5 District?
7. Is adequate open space and recreational space is provided on site for the benefit of the occupants?

Shoreland Residential Planned Unit Development Conditional Use Permit

1. Do the dwelling units have a negative effect upon the health, safety and welfare of residents of the community and the surrounding area?
2. Are the dwelling units consistent with the Comprehensive Plan?
3. Is the open space controlled by the Landlord or a Property Owners Association?
4. Do the dwelling units have no density variation from the standards applied in an applicable zoning district?
5. Does the building have no deviation from the height standards?
6. Will the preservation and maintenance in perpetuity of open spaces be in perpetuity?
7. Will at least 30 percent of the total development area be preserved as open space?
8. Is the open space on land covered by road surfaces, parking areas, or structures?

Shoreland Impact Plan Conditional Use Permit for Impervious Surfaces over 75%

1. Does the development address and mitigate adverse impacts from the impervious surfaces to stormwater runoff, floodplain, and water quality?
2. Do the building materials, color, façade, and roof materials minimize the appearance and blend the structure into the shoreland and vegetation?
3. Is the lot coverage less than 75%?

Significant Massing Break Design Standard Deviation

1. Do the massing breaks provide views of Lake Minnetonka or allow for potential future access to the lake?
2. Does the approval of the massing break deviation provide greater conformity to other Design Standards or Zoning Ordinance standards?
3. Does the approval of the massing break deviation alleviate an undue burden, taking into account current, housing and commercial conditions?
4. Does the approval of the massing break deviation have a positive effect on the area in which the project is proposed?

Parking Structure Setback Design Standard Deviation

1. Is the design deviation for the parking structure warranted for this use?
2. Is the ground floor facade occupied by at least 80 percent retail usage, extending to a depth of at least 30 feet?
3. Is the parking structures at least 40 feet from the Lake Street right of way at the ground level?
4. Does the approval of the parking structure deviation provide greater conformity to other Design Standards or Zoning Ordinance standards?
5. Does the approval of the parking structure deviation alleviate an undue burden, taking into account current, housing and commercial conditions?
6. Does the approval of the parking structure deviation have a positive effect on the area in which the project is proposed?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission

should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

Attachments

Project Information Package:

- Title Sheet with Project Calculations
- Boundary and Topographic Survey (2)
- Existing Conditions Plan (3)
- Site Demolition Plan (3)
- Site Plan (3)
- Grading and Drainage Plan (3)
- Stormwater Pollution Prevention Plan (3)
- SWPPP Notes and Details (2)
- Average Grade Plan Analysis (2)
- Preliminary Utility Plan (3)
- Preliminary Impervious Areas
- Open Space Exhibit
- Preliminary Shoreland Overlay Exhibit
- Landscape Plan and Tree Survey + Inventory
- East Green Space Plan
- East Green Space Renderings
- Enlarged Streetscape and Plazas (3)
- Streetscape and Plaza Renderings
- West Green Space Plan
- West Green Space Renderings
- Composite Plans/Project Data
- Floor Plans (4)
- Garage Level Access Plan
- Grade/Ground Level Access Plan
- Unit Mezzanine Compliance Demonstration Plans
- Building Elevations (4)
- Glazing Calcs (2)
- Renderings (9)
- Building Sections (4)
- Site Lighting Plan
- Proposed Neighborhood Amenity Plan
- Certificate of Survey
- Applicant Correspondence and Narratives
- Traffic Studies dated October 28, 2022 and April 13, 2023
- Stantec Utility Study
- TRPD Comments
- Neighborhood Meeting Summary

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While some criteria appear to be met, staff has highlighted in bold the criteria that may require additional discussion with the Planning Commission.

2040 Comprehensive Plan:
Guiding Principles:
Walkable and Pedestrian Friendly (page (1-6)

- The argument for a more pedestrian oriented community goes beyond the social and health benefits it provides – walkable communities also lead to increased economic activity.
- For Wayzata to be more walkable, development needs to occur on a smaller human scale – smaller parks near neighborhoods, small node development for small economic activity in otherwise traditionally residential neighborhoods, and housing within traditionally commercial spaces.

City Nodes with Greater Housing Diversity (page 1-8)

- Higher density, for Wayzata, would mean City pockets with townhome developments, and housing developments in traditionally commercial areas.
- This higher density, combined with pointed efforts to make Wayzata walkable, multi-generational, and connected could bring liveliness to nodes within the City.

Residential Goals and Policies (page 3-6)

Goal: Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.

Policy: Monitor the need and enforce transitional uses or buffers between incompatible uses when infill or redevelopment is proposed.

Policy: Encourage and promote a balanced housing supply.

Future Land Use (page 3-9)

- Wayzata seeks to manage development of land in a manner that results in compatible land use patterns, access to services and amenities, and efficient utilization of public services.
- Through management of the Comprehensive Plan, the City will maintain attractive, high quality living and working environments for community residents and visitors.
- The City recognizes that the plan may evolve and change in the coming years and that the City should engage in regular reviews, ideally on an annual basis, to ensure the plan is kept current.

Zoning Map Amendment (Rezoning) (Section 903.02.F)

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

Conditional Use Permits (904.02.F)

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:

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 proposed 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.

Design Standards for Medium-Scale Sites (909.05)

A. Medium-Scale Sites shall be defined as site(s) providing a proposed total area from one to three acres, either as a single parcel or multiple contiguous parcels in the same development application.
B. The following Design Standards shall apply to Medium-Scale Sites:
    1. Buildings shall be located on and oriented to public right of ways and parking shall be located behind the building
    2. New construction located on designated Hennepin County right of ways and directly abutting County sidewalks shall construct a sidewalk extension with a minimum two-foot width on the proposed parcel.
    3. Service areas such as refuse bins and trash rooms shall be located behind or inside the building and away from any proposed Usable Open Space.

Design Standards - Building Width (909.07.A)
New Buildings—All Districts.

5. Significant massing break façade. Buildings exceeding 150 feet of length on public right of ways shall provide one significant massing break for every 150 feet of facade to respond to the small-scale character of Wayzata. Significant massing breaks shall be defined as:
   a) A massing void providing a minimum width of 25 feet located above the ground floor and extending through the depth of the building; or
   b) A publicly accessible midblock pedestrian connection or street through the building with a minimum clear width of 25 feet.
6. **Proposed development located between Lake Street and the shoreline of Wayzata Bay shall provide any required significant massing breaks as midblock connections, to provide views of Lake Minnetonka and allow for potential future access to the lake.**

Design Standards – Parking Structures (906.21.B)
Lake Street District.

1. **If any part of a parking structure abuts Lake Street, that entire portion of the ground floor facade shall be occupied by at least 80 percent retail usage, extending to a depth of at least 30 feet.**
2. **Parking structures shall be located a minimum of 40 feet from the Lake Street right of way at the ground level.**
3. The top decks of parking structures visible from adjacent properties shall be designed with overhead trellises or shade structures that screen at least 50 percent of the visible area.

Deviations from the Design Standards (909.29.A)
Significant Deviations shall be defined as deviations that amount to a significant departure from the Standards enumerated in Chapter 909 and do not qualify as Minor Deviations. Approval of any Significant Deviation 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:

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, the Guidance of the Design 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.

Joint Use of Parking Facility (920.09.A)

Off-Site Joint Use of Parking. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the following conditions are found to exist:

1. Entertainment Uses. Up to 50 percent of the parking facilities required for a theatre, bowling alley, or bar may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in Section 920.13, Subd. A below.
2. Night Time or Sunday Uses. Up to 50 percent of the off-street parking facilities required for any use specified under Section 920.13, Subd. A below as primarily day time uses may be supplied by the parking facilities provided by the following night time or Sunday uses; auditoriums incidental to a public or parochial school, churches, bowling alleys, theatres, bars, excluding ones with restaurants or food services, or apartments.
3. Schools, Auditorium and Church Uses. Up to 80 percent of the parking facilities required by this section for a church or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under Section 920.13, Subd. A below as primarily daytime uses.
4. Daytime Uses. For the purpose of this section the following uses are considered as primarily day time uses. banks, business offices, retail stores, personal service shops, restaurants, service shops, manufacturing, wholesale and similar uses.
5. Office, Restaurant, Retail, Government, and Multiple Family Residential Uses. The minimum parking requirement for joint facilities that include office, restaurant, retail, government and/or multiple family residential uses are determined by the following calculation:
   a) Multiply the minimum parking required for each individual use, by the appropriate percentage for each of the six designated time periods, as outlined in the following table:
   b) Add the resulting sums for each of the six designated time periods.
   c) The minimum parking requirement shall be the highest sum among the six designated time periods.
6. Additional Criteria for Joint Parking. In addition to the preceding requirements, the following conditions are required for joint parking usage:

Land Use	Weekday			Weekend		
	12:00 Midnight —7.00 a.m.	7.00 a.m.— 6.00 p.m.	6.00 p.m.— 12:00 Midnight	12:00 Midnight —7.00 a.m.	7.00 a.m.— 6.00 p.m.	6.00 p.m.— 12:00 Midnight
Office	5%	100%	5%	0%	10%	0%

Land Use	Weekday			Weekend		
	12:00 Midnight —7.00 a.m.	7.00 a.m.— 6.00 p.m.	6.00 p.m.— 12:00 Midnight	12:00 Midnight —7.00 a.m.	7.00 a.m.— 6.00 p.m.	6.00 p.m.— 12:00 Midnight
Restaurant	10%	70%	100%	20%	70%	100%
Retail	0%	90%	60%	0%	100%	60%
Government	0%	100%	40%	0%	40%	25%
Multiple Family Residential	100%	60%	100%	100%	75%	100%

a) Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
b) Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
c) Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

<u>Requirements, Conditions and Standards for Approving PUD Permits (933.02)</u>
General Standards.

1. Review. In its review of any application under this Section, the City Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations of the Design Review Board and any staff report on the application. **The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of this Section.** If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of this Section, it may approve a PUD permit, although it shall not be required to do so.
2. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project. The application and all submissions must be directed to the

development of the property as a unified whole. In the case of multiple ownership, the approved Final Plan shall be binding on all owners.

3. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.

4. Sanitary Sewer Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan and shall not create a discharge which is in excess of the City's assigned regional limitations.
5. Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.
6. Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to ensure 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.
   c) Property Owners Association, provided all of the following conditions are met:
      1) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Laws 1963, Chapter 457, Section 11 and a set of floor plans such as specified by Laws 1963, Chapter 457, Section 13 shall be filed with the City of Wayzata, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.
      2) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
      3) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
      4) The declaration shall additionally amongst other things, provide that in the event the association or corporation fails to maintain properties in

accordance with the applicable rules and regulations of the City of Wayzata or fails to pay taxes or assessments on properties as they become due and in the event the said City of Wayzata incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Wayzata shall have the right to assess each property its prorate share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.

5) Membership must be mandatory for each owner, and any successive buyer.
6) The open space restrictions must be permanent and not for a given period of years.
7) The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.
8) Property owner must pay their prorate share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
9) The association must be able to adjust the assessment to meet changed needs.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density.
   a) The maximum allowable density in a PUD District shall be determined by standards negotiated and agreed upon between the applicant and the City. **In all cases, the negotiated standards shall be consistent with the development policies as contained in the Wayzata Comprehensive Plan.** Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125 percent of the proposed residential density of the entire PUD.
   b) There shall be no density variation from the standards applied in an applicable zoning district for PUD conditional use permits.
9. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.
10. Utility Connections.
    a) Water Connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
    b) Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All

maintenance and cleaning shall be the responsibility of the property owners association or owner.

11. Roadways. All streets shall conform to the design standards contained in the Wayzata Subdivision Regulations unless otherwise approved by the City Council.
12. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the Final Plan. **In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.**
13. Setbacks.
    a) **The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD condition use permit,** or the previous zoning district, if a PUD District.
    b) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street pattern.
    c) No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.
    d) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height.
    a) The maximum building height within a PUD District shall be 35 feet and three stories, whichever is lesser.
    b) There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits.
    c) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the maximum allowable height shall be as negotiated and agreed upon between the applicant and the City.

<u>Residential Area Standards (933.03)</u>

Purpose. The purpose of this Section is to establish standards for single family, multiple family, institutional and other residential PUD District and conditional use permit projects, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All residential PUD projects shall be developed in accordance with the following residential area standards.

1. Minimum Lot Area. There shall be no minimum lot or area size required for a tract of land for which a PUD District project is proposed. There shall be no minimum lot or area size imposed for a PUD conditional project except for standards applicable within the zoning district in which it is utilized.
2. Minimum Frontage. There shall be no minimum frontage on a public street required for a tract of land for which a PUD project is proposed.
3. The tract of land for which a PUD project is proposed shall have municipal water and sewer available to it.

4. It is the City's policy to discourage private roadways within a residential PUD project. Regardless if roads are private or dedicated to the public, they shall be designed to right-of-way widths and constructed to standards imposed by the Wayzata Subdivision Regulations.
5. For single family residential PUD District projects, the normal standards of either the R-1A, R-1, R-2, or R-3 zoning districts shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 933.02.
6. **For multiple family residential PUD District projects, the normal standards of either the R-4 or R-5 Zoning Districts shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 933.02.A.**
7. In addition to the above standards, the City Council may impose such other standards for a residential PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

Conditional Residential Land Uses (937.04)
The following conditional uses as indicated in Sec. 937.02, shall comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance

A. Dwelling, multiple family.
   1) The residential units do not front or border Lake Street.
   2) The development does not conflict with existing or potential future commercial uses and activities.
   3) The density meets the standards of the R-5 District.
   4) Adequate open space and recreational space is provided on site for the benefit of the occupants.

C-4A Limited Commercial Business District – Purpose (979.01)
The purpose of the C-4A Limited Central Business District is to provide a district for those retail, service, office and residential functions which are characteristic of a "downtown" area and **to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development.** Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

C-4A Limited Commercial Business District – Special Limitations and Conditions (979.06)
A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this

paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. **All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.**

B. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.
C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more **must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.**
D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.
E. Parking in the front yard is prohibited.

C-4A Limited Commercial Business District – Height, Setbacks, F.A.R. and Lot Area (979.07)

The following standards apply to all lots and buildings in the C-4A District:

A. Buildings may not exceed the height of two stories or 30 feet.
B. Minimum Setbacks. There must be no front yard, exterior side yard or rear yard requirements, except that there must be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback must be the same as the setback for the adjacent district.
C. The floor area ratio (F.A.R.) may not exceed 2.0.
D. The lot area must be at least 12,000 square feet.

Residential Planned Unit Development (991.17)

Residential planned unit development conditional uses are allowed for new projects on undeveloped land, redevelopment of previous built sites or conversion of existing buildings and land. **All lots developed with five or more dwelling units require approval of a planned unit development conditional use** in compliance with this Ordinance. Planned unit development shall comply with the following criteria.

A. Residential planned unit development shall be processed as a **conditional use in accordance with Chapter 933 of this Ordinance.**
B. Application for a residential planned unit development shall follow the guidelines in Chapter 933 of this Ordinance.
C. Site "Suitable Area" Evaluation. Proposed residential planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 991.17.D, E, and F of this Ordinance.

1. The development parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.
2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land before the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

D. PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

E. PUD "Base" Density Evaluation. The suitable area within each tier is divided by the single residential lot size standard for lakes. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 991.18.G of this Ordinance.

F. Density Increase Multipliers.
1. Increases to the dwelling unit or dwelling site base densities previously determined shall be allowed if the dimensional standards in Section 991.08 of this Ordinance are met or exceeded and the design criteria in Section 991.17.G of this Ordinance are satisfied. The allowable density increases in item 2 below shall only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
2. Allowable dwelling unit or dwelling site density increases for planned unit development.

Density Evaluation Tiers	Maximum Density Increase Within Each Tier(Percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

G. Maintenance and Design Criteria.
1. Before final approval of a residential planned unit development, **adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.**
2. Open Space Preservation. **Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space.** The instruments shall include all of the following protections.

a) Commercial use prohibited (for residential PUDs); and
b) Vegetation and topographic alterations other than routine maintenance prohibited; and
c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
d) Uncontrolled beaching of watercraft prohibited.

3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, **all residential planned unit developments shall use an owners association with the following features.**
   a) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;
   b) Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
   c) Assessments shall be adjustable to accommodate changing conditions; and
   d) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

H. Open Space Requirements. Residential planned unit developments shall contain open space meeting the following criteria.
1. **At least 30 percent of the total development area shall be preserved as open space**;
2. Dwelling units or sites, **land covered by road surfaces, parking areas, or structures are developed areas and shall not be included** in the computation of minimum open space;
3. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
4. **The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equal effective and permanent means;** and
5. The shore impact zone, based on normal structure setbacks, shall be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments shall be preserved in its natural or existing state.

I. Erosion Control and Stormwater Management. Erosion control and stormwater management plans shall be developed and the residential planned unit development shall.
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

J. Centralization and Design of Facilities. Centralization and design of facilities and structures shall be done according to the following standards:
   1. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Section 991.17.F of this Ordinance for developments with density increases;
   2. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided;
   3. Accessory structures and facilities shall meet the required principal structure setback and shall be centralized.

Shoreland Impact Plan/Conditional Use Permit (991.19.C)

Conditions. All conditional use permits for consideration under this Section shall be subject to the following stipulations.

4. **The projects shall be analyzed to determine the impact of impervious surfaces, stormwater runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.**
5. Stormwater treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on stormwater inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
6. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
7. **Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.**
8. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be

allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.

9. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
10. **Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.**
11. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
12. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
13. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
14. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
15. All projects shall be subject to the review of the Minnehaha Creek Watershed District.



200 LAKE ST E

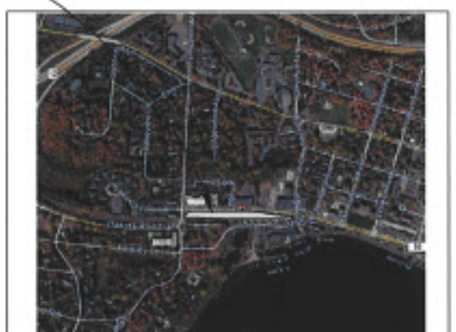
MIXED-USE DEVELOPMENT

200 LAKE ST E WAYZATA, MN

DESIGN REVIEW / REZONING / CUP RESUBMITTAL 02/09/2023



SITE LOCATION MAP
SCALE - N.T.S.



SITE VICINITY MAP
SCALE - N.T.S.

PROJECT DATA:

SITE ADDRESS 200 LAKE STREET EAST, WAYZATA, MN 55391

HENNEPIN COUNTY PID 0811722320029

PROPERTY DESCRIPTION LOT 1, BLOCK 1, PINEHURST 1ST ADDITION

ZONING
- EXISTING: P.U.D. - PLANNED UNIT DEVELOPMENT
- PROPOSED: C-4A - LIMITED CENTRAL BUSINESS DISTRICT

ALL STATS BASED UPON C4A REQUIREMENTS

WATERSHED DISTRICT
- MINNEHAHA CREEK WATERSHED DISTRICT - DISTRICT 3
- SHORELAND OVERLAY

USE

BASEMENT:	PARKING
GRADE / GROUND LEVEL:	COMMERCIAL / RESIDENTIAL
SECOND LEVEL:	MULTI-FAMILY RESIDENTIAL

LOT AREA
- 98,964 SQ FT (2.27± ACRES)

GROSS SF

BASEMENT:	77,475 SF (PARKING - NOT INCLUDED IN FAR CALC)
GRADE / GROUND LEVEL:	47,386 SF
SECOND LEVEL+MEZZ.:	53,184 SF
TOTAL	178,045 GROSS SF

FLOOR AREA RATIO
- ALLOWABLE: 2.0 (197,928 SF) PROPOSED: 1.04 (103,303 SF)

	EXISTING	REQUIRED	PROPOSED
IMPERVIOUS AREA	73,500 SF (74.4%)	< 74,223 SF (75%)	83,861 SF (84.7%)

SETBACKS

	REQ'D	PROVIDED
FRONT	0'	+/- 4'-0"
REAR	0'	0'
SIDE	0'/0'	18'-1"
	ALLOWABLE	PROVIDED
HEIGHT	2 STORIES/ 30'	2 STORIES/ 30' *

* MEASURED FROM AVERAGE GRADE ELEVATION OF 942.39'

PARKING
- REFER TO SHEET A-100 FOR PARKING TABULATIONS

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L7 STREETSCAPE & PLAZA RENDERINGS
L8 WEST GREEN SPACE PLAN
L9 WEST GREEN SPACE RENDERINGS

PROJECT TEAM:

OWNER / DEVELOPER

LAKE WEST DEVELOPMENT, LLC
14525 HWY 7, SUITE 265
MINNETONKA, MN 55345
(952) 930-3000

CIVIL ENGINEER

LOUCKS, INC.
7200 HEMLOCK LANE, SUITE 300
MAPLE GROVE, MN 55369
(763) 424-5505

ARCHITECTURAL

HOBBS + BLACK ASSOCIATES, INC.
100 N. STATE STREET
ANN ARBOR, MICHIGAN 48104
(734) 663-4189

JAMES McNEAL ARCHITECTURE & DESIGN
275 MARKET ST.
MINNEAPOLIS, MN 55405
(877)-796-5623

LANDSCAPE ARCHITECT

URBAN ECOSYSTEMS
2500 UNIVERSITY AVE W. #C8
ST. PAUL, MN 55114
(651) 340-8568

DATE ISSUED

DRAWN BY

CHECKED BY

HOBBS + BLACK ARCHITECTS
100 N. State St.
Ann Arbor, MI 48104
P.734.663.4189
www.hobbs-black.com

200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

CONSULTAN

TITLE SHEET DATA LOCATION

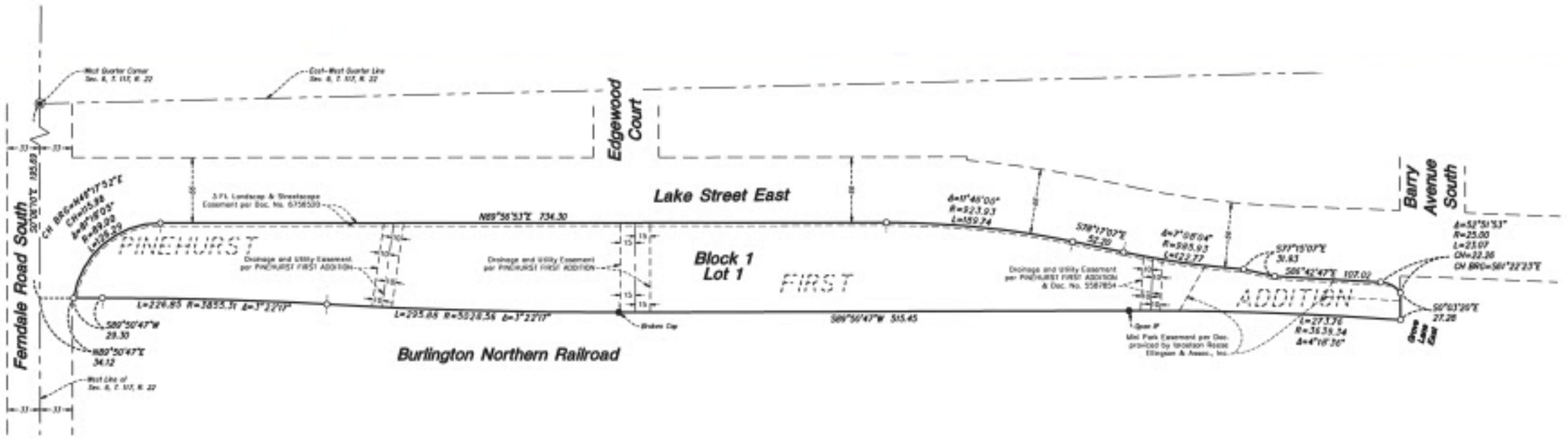
SHEET TITL

21-803

PROJECT NUMBE

A-000

SHEET NUMBE



DESCRIPTION OF PROPERTY SURVEYED

(Per Hennepin County property tax information)

Lot 1, Block 1, PINEHURST 1ST ADDITION, Hennepin County, Minnesota.

SURVEY REPORT

1. This survey was prepared without the benefit of a Title Commitment. There may or may not be easements of record encumbering this property.
2. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or reference by existing monuments or witness to the corners are shown hereon.
3. The address, if disclosed in documents provided to or obtained by the surveyor, or observed while conducting the fieldwork is 200 Lake Street East, Wayzata, Minnesota 55391.
4. The Gross land area is 98,964 +/- square feet or 2.27 +/- acres.
5. The bearings for this survey are based on the Hennepin County Coordinate System NAD 83 (1986 Adjust).
6. Benchmark: Minnesota Department of Transportation monument at the southeast corner of Ferndale Road bridge over Highway 12.
   Elevation =995.24 Feet (NGVD 1929 Datum).

   Site Benchmark: Top nut of fire hydrant located north east of the northeast building corner on the site.
   Elevation = 938.08 (NGVD29)
7. We have shown underground utilities on and/or serving the surveyed property per Gopher State One-Call Ticket No. 202090157. The following utilities and municipalities were notified:

CENTURYLINK	(800)778-9140	CITY OF WAYZATA	(952)404-5363
MEDIACOM	(515)559-5690	MCI	(800)624-9675
MASTEC NORTH AMERICA, INC.	(612)598-4222	METROPOLITAN COUNCIL (MCES)	(651)602-4511
CENTER POINT ENERGY	(608)223-2014	MEDIACOM	(800)778-9140
XCEL ENERGY	(800)848-7558		

   i. Utility operators do not consistently respond to locate requests through the Gopher State One Call service for surveying purposes such as this. Those utility operators that do respond, often will not locate utilities from their main line to the customer's structure or facility. They consider those utilities "private" installations that are outside their jurisdiction. These "private" utilities on the surveyed property or adjoining properties, may not be located since most operators will not mark such "private" utilities. A private utility locator may be contacted to investigate these utilities further, if requested by the client.
   ii. Maps provided by these notified above, either along with a field location or in lieu of such a location, are very often inaccurate or inconclusive. EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 811 or (651) 454-0002.
8. Trees shown hereon are inch diameter at breast height.
9. The field work was completed on March 11, 2021.
10. See sheet 2 for topographic information.

LEGEND

- ● FOUND OPEN IRON MONUMENT UNLESS SHOWN OTHERWISE
- ○ SET 1/2 INCH X 14 INCH IRON MONUMENT, MARKED "LS 48984"

N

0 60 120

SCALE IN FEET

200 LAKE STREET EAST

WAYZATA, MN 55391

LAKE WEST DEVELOPMENT, LLC

LOUCKS

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

7200 Hemlock Lane, Suite 30
Maple Grove, MN 5536
763.424.56
www.loucksinc.co

CADD QUALIFICATION

SUBMITTAL/REVISIONS

08/11/21 ..... SURVEY ISSUE
09/13/21 ..... ADDED TOPO & WELL

PROFESSIONAL SIGNATURE

Mark T. Hentschel

Mark T. Hentschel - PLS

License No. 48984
Date 08/11/2

QUALITY CONTROL

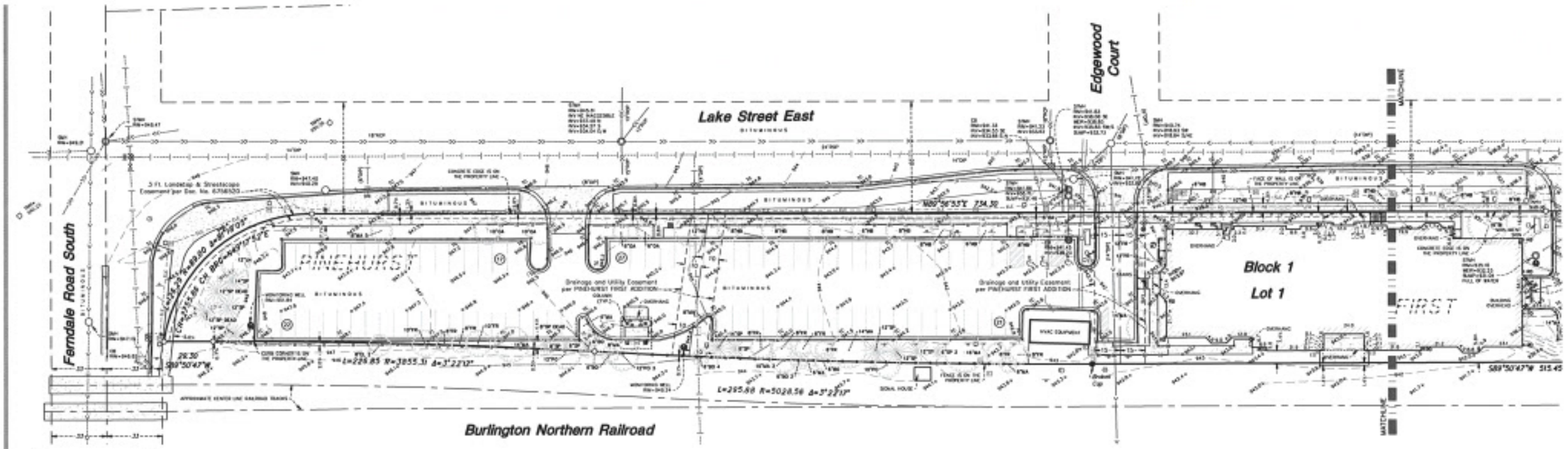
Loucks Project No. 23371
Project Lead MH
Drawn By MR
Checked By MH
Field Crew BD

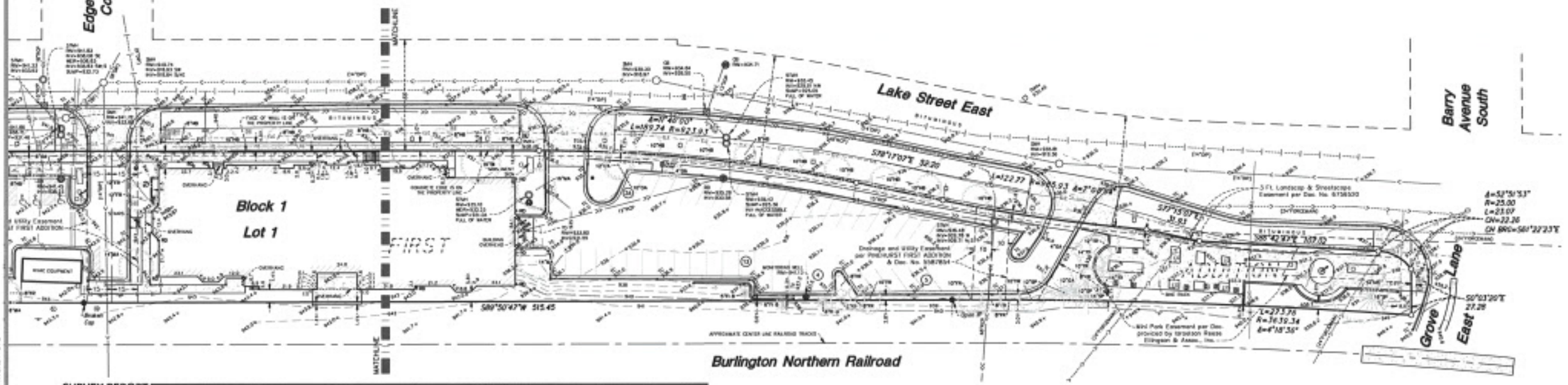
VICINITY MAP



BOUNDARY AND TOPOGRAPHIC SURVEY

1 OF 2





SURVEY REPORT

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2. Monuments placed (or a reference monument or witness to the corner) at all major corners of the boundary of the property, unless already marked or reference by existing monuments or witness to the corners are shown hereon.
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MASTEC NORTH AMERICA, INC.	(612)058-4222	METROPOLITAN COUNCIL (MCES)	(651)602-4511
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8. Trees shown hereon are inch diameter at breast height.
9. The field work was completed on March 11, 2021.
10. See sheet 1 for boundary survey.

LEGEND

- FOUND IRON MONUMENT UNLESS SHOWN OTHERWISE
- SET 1/2 INCH X 14 INCH IRON MONUMENT, MARKED "LS 48998"
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- HYDRANT
- GATE VALVE
- ACCESS POST
- BENCH
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC OUTLET
- ELECTRIC TRANSFORMER
- FLAG POLE
- GAS METER
- GUARD POST
- HAND HOLE
- LIGHT POLE
- MONITORING WELL
- ROOF DRAIN
- SIGN
- TELEPHONE MANHOLE
- TRENCH DRAIN
- UTILITY MANHOLE
- WATER MANHOLE / WELL
- YARD LIGHT
- DISABLED PARKING STALL
- STORM SEWER
- SANITARY SEWER
- WATERMAIN
- MAPPED STORM SEWER
- MAPPED SANITARY SEWER
- MAPPED WATERMAIN
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND GAS
- CHAIN LINK FENCE
- IRON FENCE
- HANDRAIL
- CONCRETE CURB
- RETAINING WALL
- CONCRETE
- NO PARKING
- EXISTING BUILDING
- CONTOUR
- SPOT ELEVATION
- CONIFEROUS TREE
- SP SPRUCE
- DECIDUOUS TREE
- BI BIRCH
- BO BOXELDER
- EL ELM
- FR FIR
- HFC FRUIT
- HA HACKBERRY
- LN LINDEN
- MA MAPLE
- OA OAK
- PO POPLAR
- TREE (GENERAL)

SCALE IN FEET 0 30 60

Plotted: 03/10/2021 6:21 AM W:\999\30\3031\ACAD\3d\AUS\PPL_dwg Sheet Plotted\3031A.DWG\PCPO

200 LAKE STREET EAST
WAYZATA, MN 55391

LAKE WEST DEVELOPMENT, LLC
14525 19TH AVENUE N
SUITE 250
MINNETONKA, MN 55447

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ENVIRONMENTAL
7200 Hemlock Lane, Suite 300
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763.424.5505
www.loucksinc.com

CADD QUALIFICATION

SUBMITTAL/REVISIONS

08/15/20 SUBMIT PRELIMINARY
03/15/21 ADDED TOPO & MISC.

PROFESSIONAL SIGNATURE

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

Mark T. Hantschel

License No. 48998
Date 03/11/21

QUALITY CONTROL

Loucks Project No.	3031A
Project Lead	MJ
Drawn By	NR
Checked By	MJ
Field Crew	BH

VICINITY MAP



BOUNDARY AND TOPOGRAPHIC SURVEY

2 OF 2

CALL BEFORE YOU DIG
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

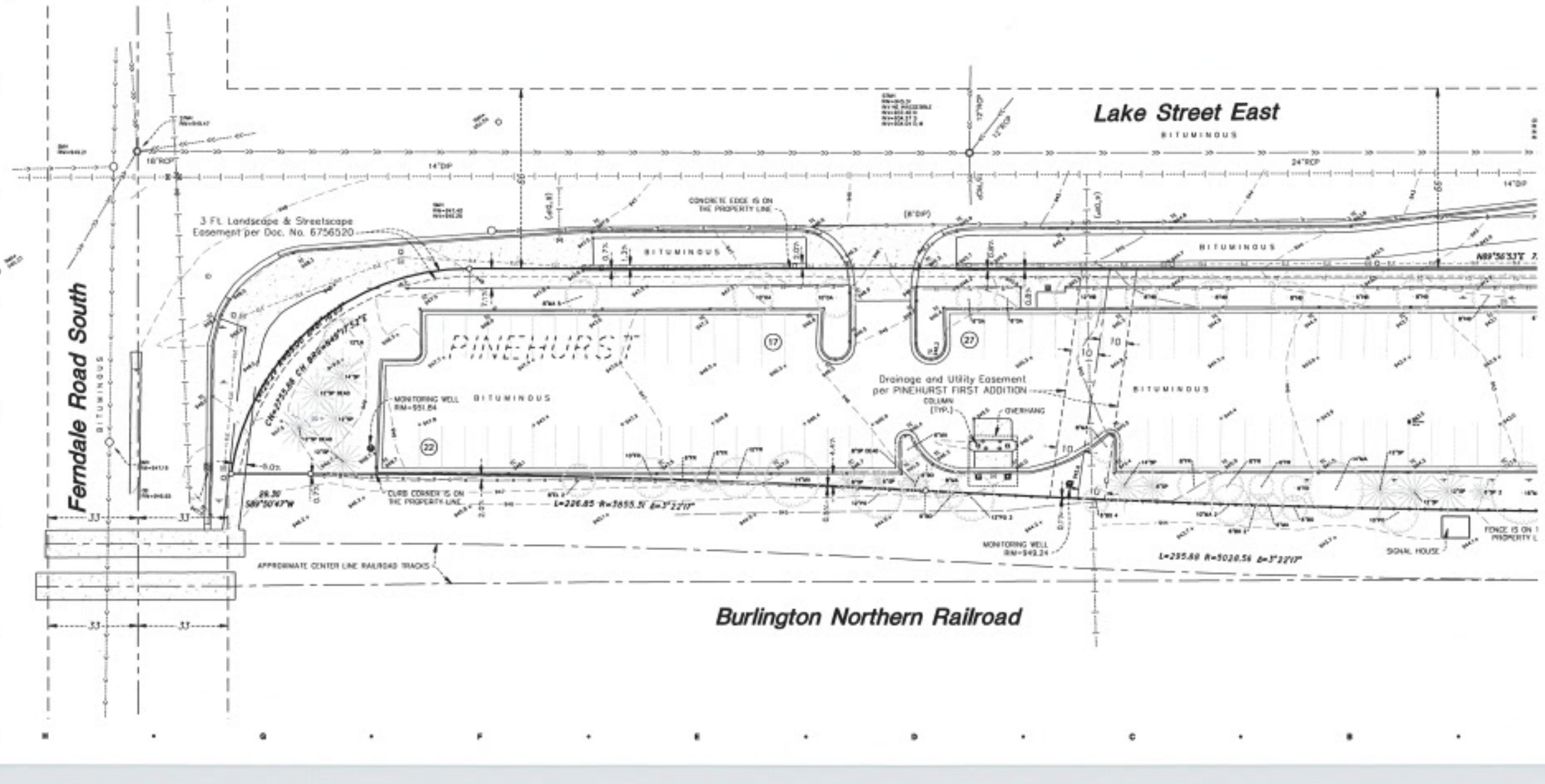
NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS FROM A BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY LOUCKS, DATED JULY, 2020.

NOTE:
SEE SHEET L1 FOR EXISTING TREE SURVEY INVENTORY.

LEGEND

- FOUND OPEN IRON MONUMENT UNLESS SHOWN OTHERWISE
- SET 1/2 INCH X 14 INCH IRON MONUMENT, MARKED "LS 48968"
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- HYDRANT
- GATE VALVE
- ELECTRIC TRANSFORMER
- ELECTRIC METER
- GAS METER
- GUY WIRE
- HAND HOLE
- LIGHT POLE
- POWER POLE
- TELEPHONE PEDESTAL
- SIGN
- (2) PARKING STALL COUNT
- DISABLED PARKING STALL
- [1] SCHEDULE B-II ITEM

- STORM SEWER
- SANITARY SEWER
- WATERMAIN
- SANITARY SEWER SERVICE
- WATER SERVICE
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND GAS
- UNDERGROUND TELEPHONE
- OVERHEAD UTILITY
- CHAIN LINK FENCE
- CONCRETE CURB
- RETAINING WALL
- CONCRETE
- NO PARKING
- EXISTING BUILDING
- CONTOUR
- SPOT ELEVATION
- TREE LINE
- CONIFEROUS TREE
- PINE
- DECIDUOUS TREE
- AS ASH
- MA MAPLE
- TR TREE (OAK)



Sheet Size - 24x36

DATE ISSUE
DRAWN B
CHECKED B

HOBBS + BLACK ARCHITECTS

200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJEC

LOUCKS

CONSULTAN

EXISTING CONDITIONS PLAN - A

SHEET TITL

21-803

PROJECT NUMBE

C1.1

SHEET NUMBE

CALL BEFORE YOU DIG
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

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NOTE:
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LEGEND

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- CATCH BASIN
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- HYDRANT
- GATE VALVE
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- ELECTRIC METER
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- SIGN
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- SANITARY SEWER SERVICE
- WATER SERVICE
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- UNDERGROUND GAS
- UNDERGROUND TELEPHONE
- OVERHEAD UTILITY
- CHAIN LINK FENCE
- CONCRETE CURB
- RETAINING WALL
- CONCRETE
- NO PARKING
- EXISTING BUILDING
- CONTOUR
- SPOT ELEVATION
- TREE LINE
- CONIFEROUS TREE
- PINE
- DECIDUOUS TREE
- ASH
- MAPLE
- TREE (GEN)

Edgewood Court

Block 1
Lot 1

Drainage and Utility Easement per PINEHURST FIRST ADDITION

HVAC EQUIPMENT

FENCE IS ON THE PROPERTY LINE

SIGNAL HOUSE

Broken Cap

FACE OF WALL IS ON THE PROPERTY LINE

BITUMINOUS

OVERHANG

CONCRETE EDGE IS ON THE PROPERTY LINE

MONUMENT SIGN

STAIRS

BUILDING OVERHEAD

FIRST

S89°56'57"E 736.30

S89°58'47"W 515.45

APPROXIMATE CENTER LINE RAILROAD

Burlington N

SCALE IN FEET 0 20 40

Sheet Size - 24x36

DATE ISSUED

DRAWN BY

CHECKED BY

HOBBS + BLACK ARCHITECTS

200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

EXISTING CONDITIONS PLAN - B

SHEET TITLE

21-803

PROJECT NUMBER

C1.2

SHEET NUMBER

CALL BEFORE YOU DIG

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

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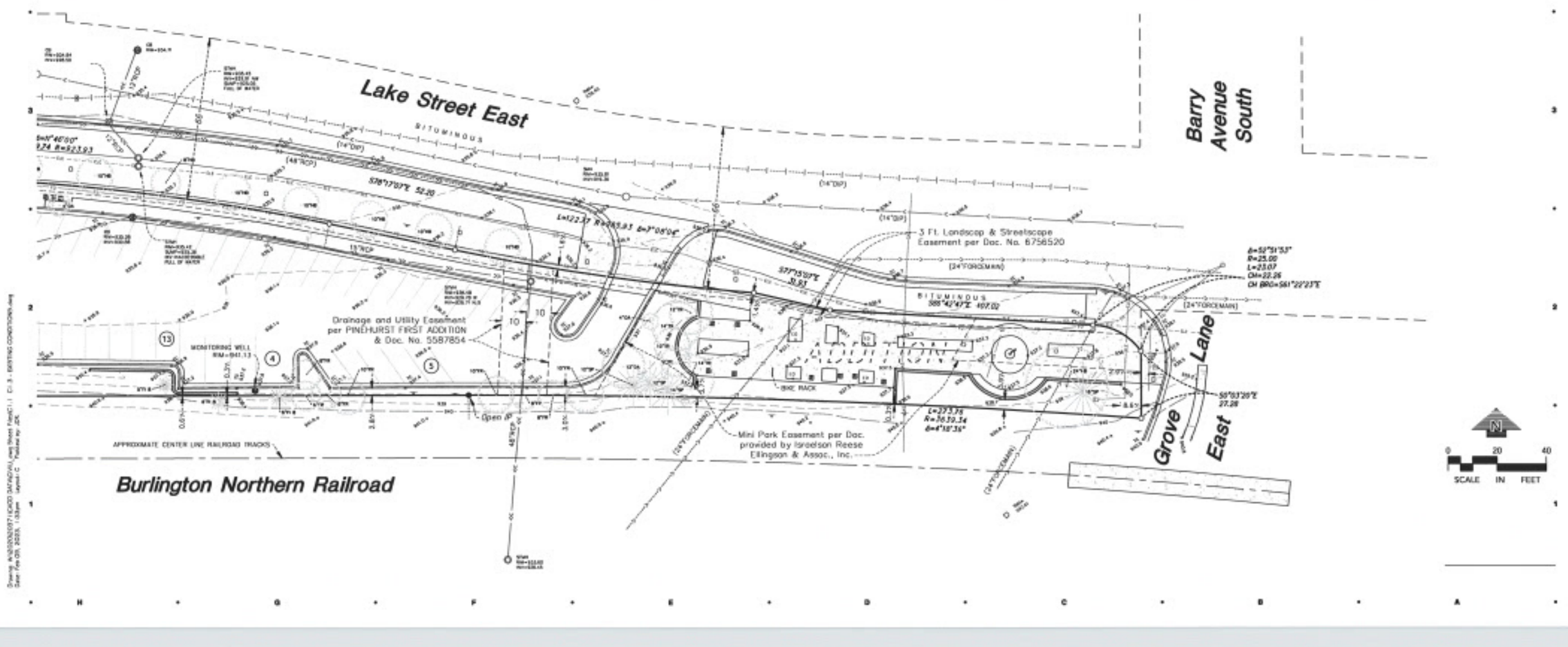
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- EXISTING BUILDING
- CONTOUR
- SPOT ELEVATION
- TREE LINE
- CONIFEROUS TREE
- PINE
- DECIDUOUS TREE
- ASH
- MAPLE
- TREE (OTHER)



Sheet Size - 24x36

10/29/2021	CITY SUBMITTA
12/6/2021	REVISION REVIEW
	RESUBMIT/CUP REQUIREMENTS
1/24/2022	REVISION REVIEW
	RESUBMIT/CUP REQUIREMENTS
02/09/2022	REVISION REVIEW
	RESUBMIT/CUP REQUIREMENTS

DATE ISSUE

DRAWN BY

CHECKED BY

HOBBS + BLACK ARCHITECTS

200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

EXISTING CONDITIONS PLAN - C

SHEET TITLE

21-803

PROJECT NUMBER

C1.3

SHEET NUMBER

CALL BEFORE YOU DIG!

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

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GENERAL NOTES

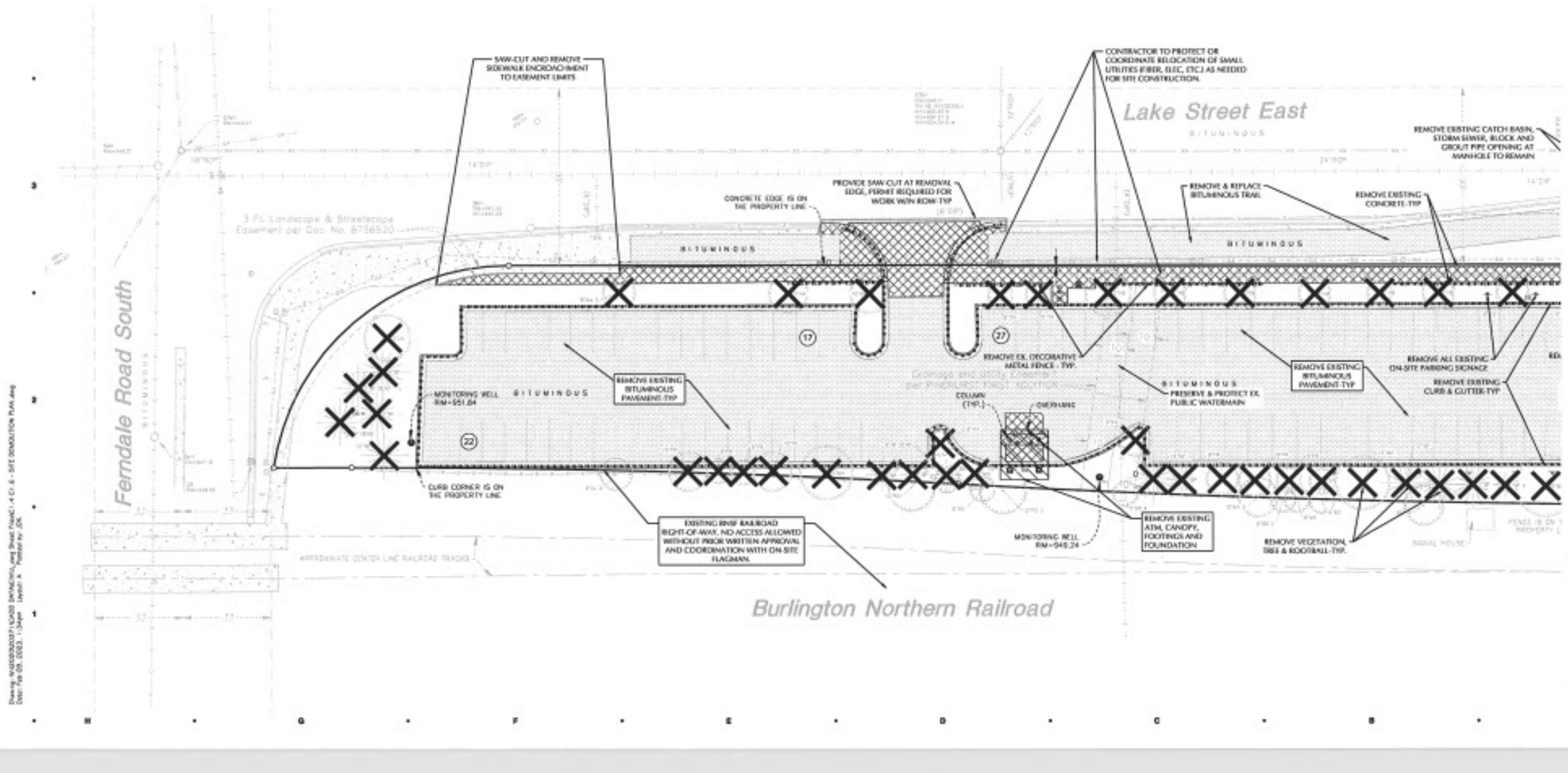
1. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
2. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
3. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.
4. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
5. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
6. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTORS PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY MEASURES IN, OR NEAR THE CONSTRUCTION SITE.
7. BEFORE BEGINNING CONSTRUCTION THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENTATION CONTROL MEASURES IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, STATE AND LOCAL REQUIREMENTS AND THE DETAILS SHOWN ON THE DETAIL SHEET(S) OF THE PROJECT PLANS.
8. ALL CONSTRUCTION PERMITS, APPLICATIONS AND FEES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
9. ALL ENTRANCES AND CONNECTIONS TO CITY STREETS SHALL BE CONSTRUCTED PER THE REQUIREMENTS OF THE STATE AND LOCAL JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND NOTIFICATIONS AS REQUIRED.
10. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE CITY. THIS SHALL INCLUDE ALL SIGNAGE, BARRICADES, FLASHERS AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES.
11. ADJUST ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
12. A CITY RIGHT-OF-WAY PERMIT IS REQUIRED TO WORKING WITHIN CITY ROW.

SITE DEMOLITION NOTES

1. CONTRACTOR SHALL REMOVE AND/OR RELOCATE EXISTING PRIVATE UTILITIES AS NECESSARY. CONTRACTOR TO COORDINATE ACTIVITIES WITH UTILITY COMPANIES.
2. CONTRACTOR SHALL PROTECT SURFACE AND SUBSURFACE FEATURES NOT NOTED FOR REMOVAL.
3. CONTRACTOR TO CLEAR AND GRUB EXISTING VEGETATION WITHIN CONSTRUCTION LIMITS, STRIP TOP SOIL, AND STOCKPILE ON-SITE. REFER TO GRADING PLAN AND SWPPP FOR SEDIMENT AND EROSION CONTROL REQUIREMENTS.
4. CLEAR AND GRUB AND REMOVE ALL TREES, VEGETATION AND SITE DEBRIS PRIOR TO GRADING. ALL REMOVED MATERIAL SHALL BE HAULED FROM THE SITE DAILY. EROSION CONTROL MEASURES SHALL BE IMMEDIATELY ESTABLISHED UPON REMOVAL. SEE THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
5. CONTRACTOR SHALL REMOVE ALL SITE SURFACE FEATURES WITHIN REMOVAL LIMITS UNLESS OTHERWISE NOTED.
6. BITUMINOUS PAVEMENT REMOVALS ARE TO BE MADE TO A VERTICAL SAW CUT OR TO A NEAT MILLED EDGE.
7. CONCRETE PAVEMENT, SIDEWALK, CURB & GUTTER AND OTHER POURED CONCRETE ITEMS ARE TO BE REMOVED TO AN EXISTING EXPANSION OR CONTRACTION JOINT. SAW CUT AS NECESSARY FOR A NEAT EDGE OF REMOVAL.
8. ALL REMOVAL ITEMS SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS SPECIFIED OTHERWISE AND SHALL BE DISPOSED OF OFF-SITE IN A MANNER MEETING ALL APPLICABLE REGULATIONS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPLACEMENT OF ALL SIGNS, MAILBOXES, ETC.
10. ANY DAMAGE TO ITEMS NOT NOTED TO BE REMOVED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REPAIRED OR REPLACED TO ORIGINAL CONDITION WITH NO ADDITIONAL COMPENSATION.

DEMOLITION LEGEND:

- REMOVE EXISTING BUILDING
- REMOVE EXISTING BITUMINOUS PAVING
- REMOVE EXISTING CONCRETE PAVING, SIDEWALKS, ETC.
- MILL AND OVERLAY EXISTING PARKING LOT
- REMOVE EXISTING GRAVEL PAVEMENT
- REMOVE EXISTING TREES/WOODS
- REMOVE EXISTING CURB & GUTTER, RETAINING WALLS, FENCE, ETC.
- REMOVE EXISTING UTILITIES
- REMOVE EXISTING MANHOLES, POWER POLES, LIGHT POLES, BOLLARDS, PARKING METERS, SIGNS, ETC.
- REMOVE EXISTING TREES



Drawing: W:\0203\0203\1\LA\03 DRAWING_dwg Sheet Files\C1.4 C1.5 - SITE DEMOLITION PLAN.dwg
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Sheet Size = 24x36

10/06/2022	CITY SUBMITTAL
11/22/2022	DESIGN REVIEW
12/20/2022	PLANNING COMP. RESUBMITTAL
12/30/2022	DESIGN REVIEW
01/19/2023	PLANNING COMP. RESUBMITTAL
02/09/2023	DESIGN REVIEW
03/09/2023	PLANNING COMP. RESUBMITTAL

DATE ISSUE

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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJEC

LOUCKS

CONSULTAN

SITE DEMOLITION PLAN - A

SHEET TITL

21-803

PROJECT NUMBE

C1.4

SHEET NUMBE

CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT COPHER STATE ONE CALL AT 651.454.0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS FROM A BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY LOUCKS, DATED JULY, 2020.

DEMOLITION LEGEND:

- REMOVE EXISTING BUILDING
- REMOVE EXISTING BITUMINOUS PAVING
- REMOVE EXISTING CONCRETE PAVING, SIDEWALKS, ETC.
- MILL AND OVERLAY EXISTING PARKING LOT
- REMOVE EXISTING GRAVEL PAVEMENT
- REMOVE EXISTING TREES/WOODS
- REMOVE EXISTING CURB & GUTTER, RETAINING WALLS, FENCE, ETC.
- REMOVE EXISTING UTILITIES
- REMOVE EXISTING MANHOLES, POWER POLES, LIGHT POLES, BOLLARDS, PARKING METERS, SIGNS, ETC.
- REMOVE EXISTING TREES

REMOVE EXISTING CATCH BASIN, STORM SEWER, BLOCK AND GROUT PIPE OPENING AT MANHOLE TO REMAIN
REMOVE EXISTING CONCRETE-TYP
REMOVE ALL EXISTING ON-SITE PARKING SIGNAGE
REMOVE EXISTING CURB & GUTTER-TYP
REMOVE EXISTING MONUMENT SIGN & FOUNDATION
REMOVE EXISTING UTILITY SERVICES
REMOVE EXISTING SCREEN WALLS, FOUNDATIONS AND MECH EQUIP.
CONTRACTOR TO PROTECT OR COORDINATE RELOCATION OF SMALL UTILITIES (FIBER, ELEC, ETC.) AS NEEDED FOR SITE CONSTRUCTION.
FACE OF WALL IS ON THE PROPERTY LINE
REMOVE RAMP, WALL, RAILING, STEPS, FOOTINGS AND FOUNDATION
REMOVE EXISTING BUILDING, FOOTINGS AND FOUNDATION
REMOVE EXISTING BUILDING, FOOTINGS, FOUNDATION - DISCONNECT UTILITY SERVICES & CAP AT ROW.
PRESERVE & PROTECT EX. PUBLIC SANITARY SEWER
CONCRETE CROSS-PAN ON PROPERTY LINE
PROVIDE SAW-CUT AT REMOVAL EDGE, PERMIT REQUIRED FOR WORK WITH ROW-TYP
REMOVE & SALVAGE EX. SITE FURNISHING
REMOVE EXISTING STORM SEWER AND CATCH BASIN
EXISTING BNSF RAILROAD RIGHT-OF-WAY. NO ACCESS ALLOWED WITHOUT PRIOR WRITTEN APPROVAL AND COORDINATION WITH ON-SITE FLAGMAN.
APPROXIMATE CENTER LINE RAILING
MONUMENT SIGN
STAIRS
HVAC EQUIPMENT
SIGN & HOUSE
FENCE IS ON THE PROPERTY LINE
Drainage and Utility Easement per PINEHURST FIRST ADDITION
Edgew
Cou
Burlington N

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12/09/22	CITY SUBMITTAL
12/02/22	DESIGN REVIEW
11/04/22	PLANNING / EAP RESUBMITTAL
10/04/22	DESIGN REVIEW
09/06/22	PLANNING / EAP RESUBMITTAL
08/08/22	DESIGN REVIEW
07/08/22	PLANNING / EAP RESUBMITTAL

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LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
CONSULTANT

SITE DEMOLITION PLAN - B
SHEET TITLE

21-803
PROJECT NUMBER

C1.5
SHEET NUMBER

CALL BEFORE YOU DIG

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

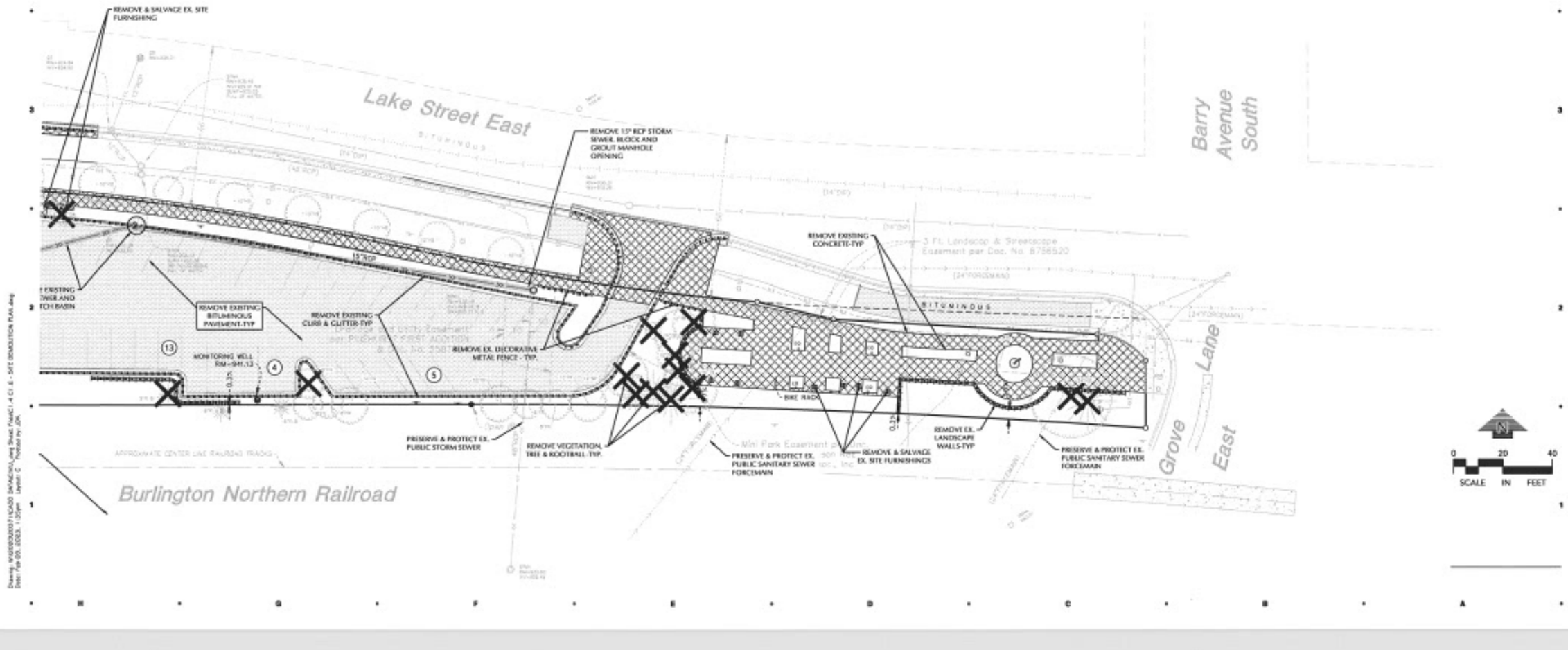
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NOTE:
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DEMOLITION LEGEND:

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- REMOVE EXISTING BITUMINOUS PAVING
- REMOVE EXISTING CONCRETE PAVING, SIDEWALKS, ETC.
- MILL AND OVERLAY EXISTING PARKING LOT
- REMOVE EXISTING GRAVEL PAVEMENT
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- REMOVE EXISTING UTILITIES
- REMOVE EXISTING MANHOLES, POWER POLES, LIGHT POLES, BOLLARDS, PARKING METERS, SIGNS, ETC.
- REMOVE EXISTING TREES



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WAYZATA, MN

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LOUCKS

CONSULTAN

SITE DEMOLITION PLAN - C

SHEET TITL

21-803

PROJECT NUMBE

C1.6

SHEET NUMBE

CALL BEFORE YOU DIG!
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TOLL FREE: 1-800-252-1166

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NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS FROM A BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY LOUCKS, DATED JULY, 2020.

PAVEMENT TYPES

- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- LIGHT DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT

NOTE:
SEE PAVEMENT SECTIONS ON SHEET C8.1 AND C8.2 FOR TYPE AND DEPTH INFORMATION.

SITE NOTES

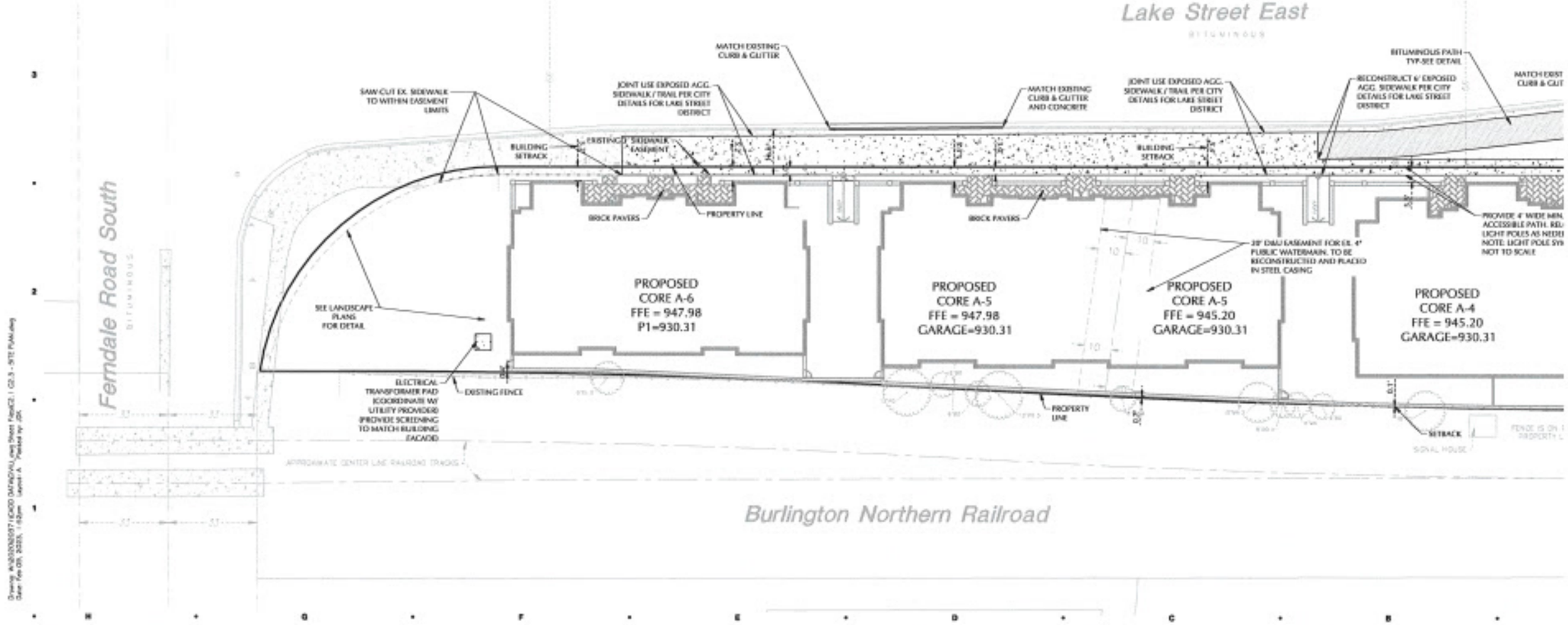
1. ALL PAVING, CONCRETE CURB, GUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER THE DETAIL SHEET(S) AND STATE/LOCAL JURISDICTION REQUIREMENTS.
2. ALL CURB DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL UNLESS OTHERWISE NOTED.
4. ALL CURB RADII SHALL BE 5.0' UNLESS OTHERWISE NOTED.
5. SEE SITE ELECTRICAL PLAN FOR SITE LIGHTING.
6. REFER TO ARCHITECTURAL PLANS FOR DETAILED BUILDING AREAS, DIMENSIONS, UNIT COUNTS, STRUCTURED PARKING STALL TOTALS, FLOOR AREA RATIOS, ETC.

SITE DATA

SITE ADDRESS:	200 LAKE STREET EAST, WAYZATA, MN 55391
HENNEPIN COUNTY PID:	0611722320029
PROPERTY DESCRIPTION:	LOT 1, BLOCK 1, PINEHURST 1ST ADDITION
PROPERTY AREA:	98,564 SQ. FT. / 2.27 +/- AC
DISTURBED AREA:	2.27 AC
EXISTING IMPERVIOUS AREA:	73,500 SF / 1.69 AC (74.4%)
PROPOSED PERVIOUS AREA:	15,303 SF / 0.34 AC (15.3%)
PROPOSED IMPERVIOUS AREA:	83,861 SF / 1.93 AC (84.7%)

GENERAL NOTES

1. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
2. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
3. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.
4. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
5. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
6. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTORS PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY MEASURES IN, OR NEAR THE CONSTRUCTION SITE.
7. BEFORE BEGINNING CONSTRUCTION THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENTATION CONTROL MEASURES IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, STATE AND LOCAL REQUIREMENTS AND THE DETAILS SHOWN ON THE DETAIL SHEET(S) OF THE PROJECT PLANS.
8. ALL CONSTRUCTION PERMITS, APPLICATIONS AND FEES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
9. ALL ENTRANCES AND CONNECTIONS TO CITY STREETS SHALL BE CONSTRUCTED PER THE REQUIREMENTS OF THE STATE AND LOCAL JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND NOTIFICATIONS AS REQUIRED.
10. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE CITY. THIS SHALL INCLUDE ALL SIGNAGE, BARRICADES, FLASHERS AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES.
11. ADJUST ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC LOADING.
12. SUBGRADE PREPARATION SHALL BE PERFORMED IN ACCORDANCE WITH MNDOT 2112. THE TOP 3 FEET SHALL BE COMPACTED TO 100% OF THE STANDARD PROCTOR DENSITY.
13. AGGREGATE BASE SHALL BE MNDOT 2211 CLASS 5. COMPACTION SHALL BE BY THE QUALITY COMPACTION METHOD.
14. PLANT MIXED BITUMINOUS PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH MNDOT 2360 WITH MIX DESIGN AS SHOWN ON THE DETAILS. COMPACTION SHALL BE BY THE ORDINARY COMPACTION METHOD.
15. CONCRETE CURB & GUTTER SHALL BE PERFORMED IN ACCORDANCE WITH MNDOT 2531. CURING SHALL BE BY THE MEMBRANE CURING METHOD. EXPANSION JOINTS EVERY 200 FEET AT ALL FIXED OBJECTS. CONTRACTIONS JOINTS EVERY 10 FEET.
16. CONCRETE WALK SHALL BE PERFORMED IN ACCORDANCE WITH MNDOT 2521. CURING SHALL BE BY THE MEMBRANE CURING METHOD. EXPANSION JOINTS AT ALL FIXES OBJECTS. CONTRACTION JUNTS EVERY 5 FEET.
17. A CITY RIGHT-OF-WAY PERMIT IS REQUIRED TO WORKING WITHIN CITY ROW.



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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANTS

SITE PLAN - A

SHEET TITLE

21-803

PROJECT NUMBER

C2.1

SHEET NUMBER

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TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

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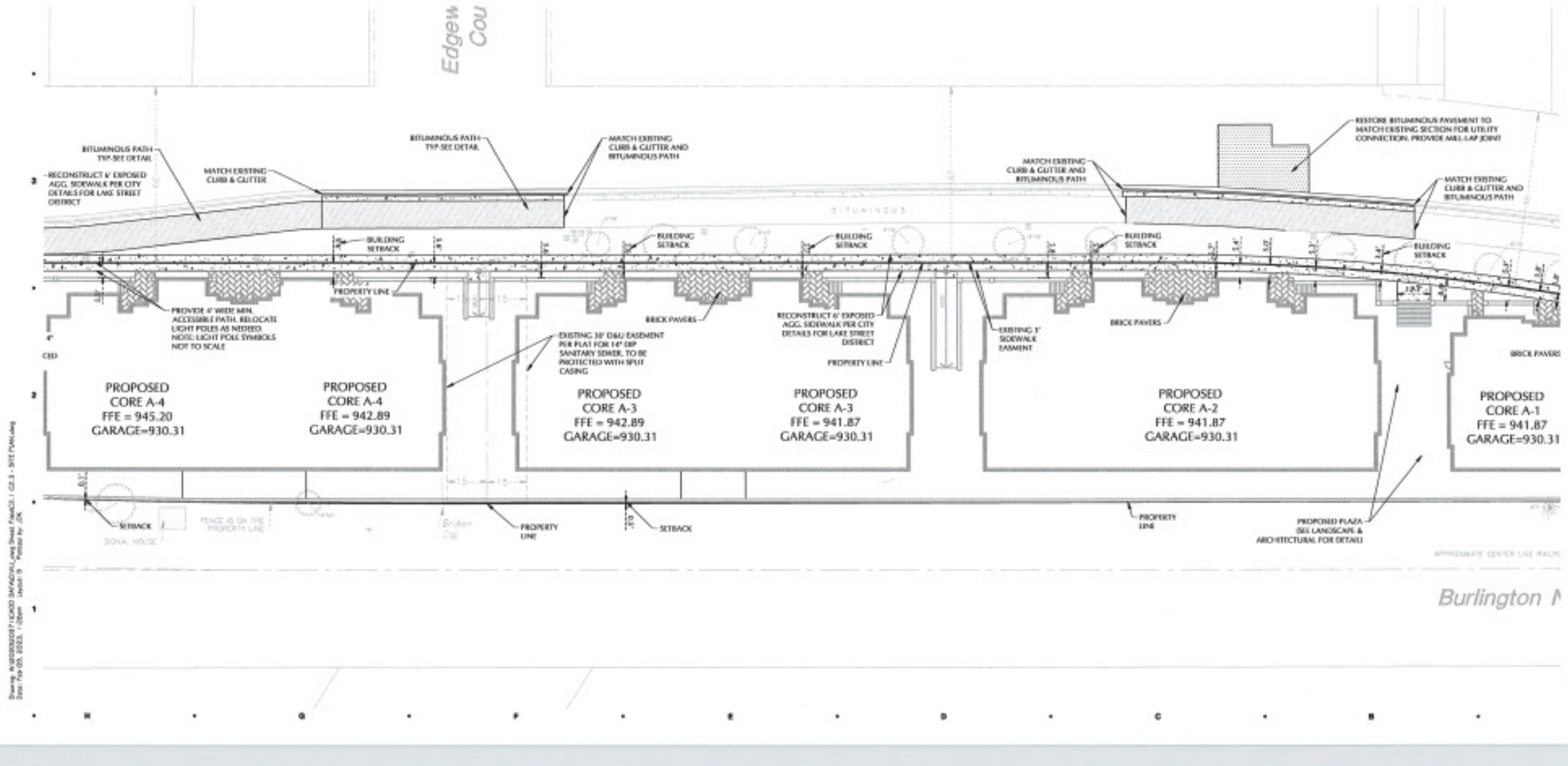
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PAVEMENT TYPES

- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- LIGHT DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT

NOTE:
SEE PAVEMENT SECTIONS ON SHEET C8.1 FOR TYPE AND SECTION INFORMATION.



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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

LOUCKS

SITE PLAN - B

21-803

C2.2

CALL BEFORE YOU DIG!

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TOLL FREE: 1-800-252-1166

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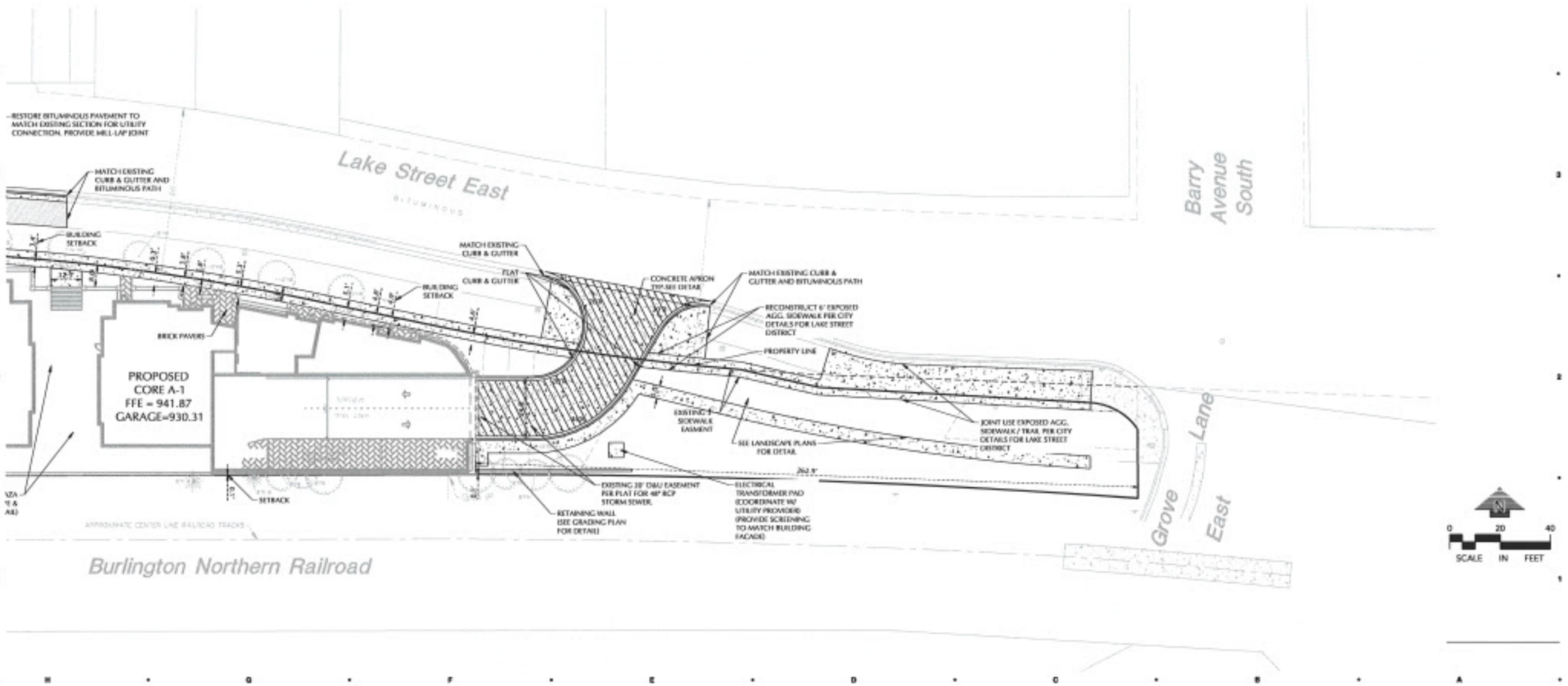
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PAVEMENT TYPES

- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- LIGHT DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT

NOTE:
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SITE PLAN - C

SHEET TITL

21-803

PROJECT NUMBE

C2.3

SHEET NUMBE

CALL BEFORE YOU DIG
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TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

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GRADING & DRAINAGE NOTES

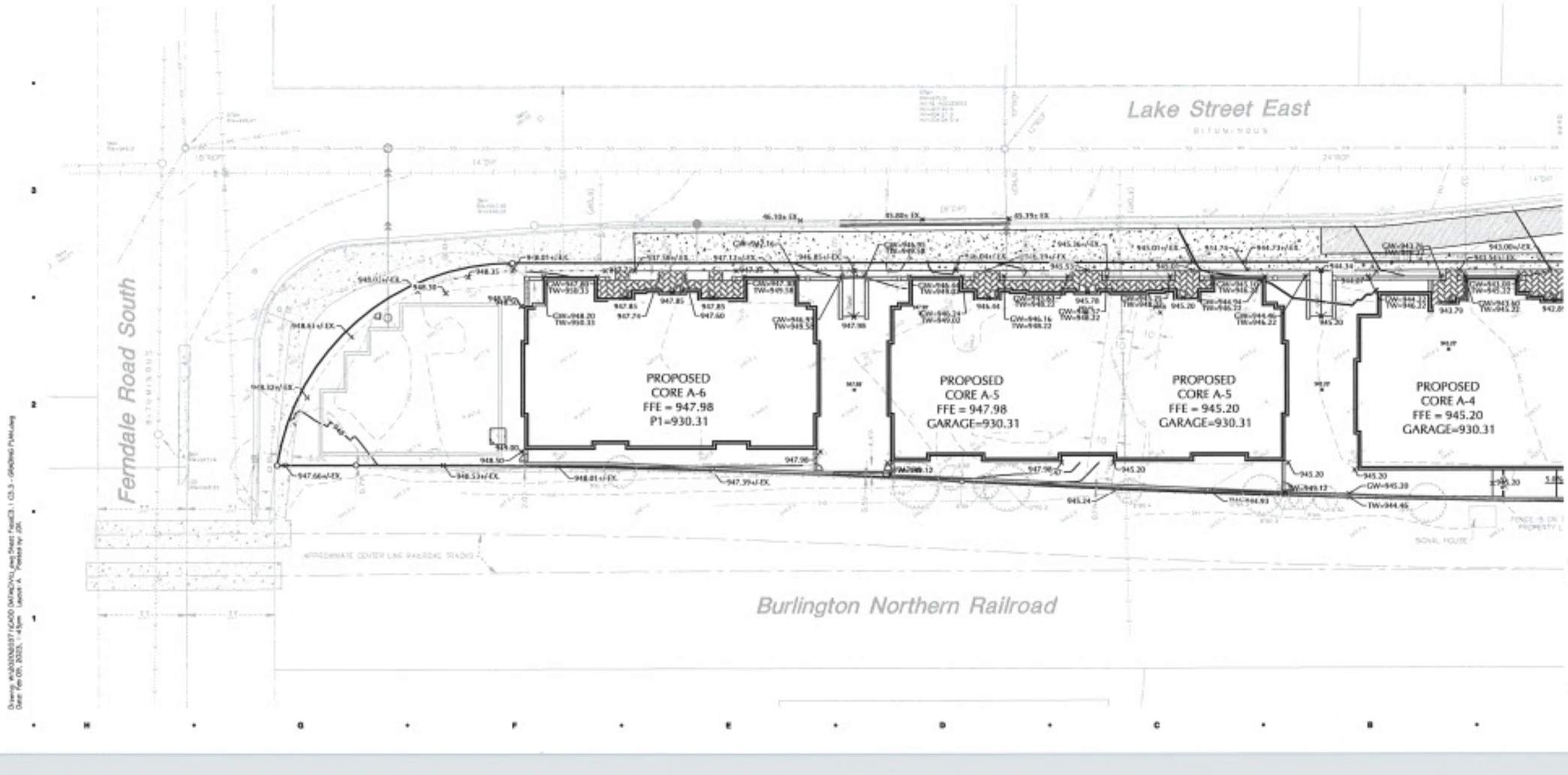
SEE STORMWATER POLLUTION PREVENTION PLAN FOR SOIL STABILIZATION INFORMATION.

EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE ESTABLISHED AROUND THE ENTIRE SITE PERIMETER AND IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, CITY REQUIREMENTS AND THE DETAILS SHOWN ON THE CIVIL DETAILS SHEETS OF THESE PLANS.

ALL CURB SPOT ELEVATIONS ARE TO GUTTER LINE UNLESS NOTED OTHERWISE.

GRADING, DRAINAGE PLAN NOTES

1. SPOT ELEVATIONS REPRESENT FINISHED SURFACE GRADES, GUTTER/FLOW LINE, FACE OF BUILDING, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
2. CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SUMPED 0.04 FEET. ALL CATCH BASINS IN GUTTERS SHALL BE SUMPED 0.10 FEET. RIM ELEVATIONS SHOWN ON PLANS DO NOT REFLECT SUMPED ELEVATIONS.
3. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE MINIMUM OF 4 INCHES OF PREMIUM TOP SOIL AND SEED/MULCH OR SOD. THESE AREAS SHALL BE WATERED/MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION IS ESTABLISHED. VERIFY WITH LANDSCAPE PLAN.
4. FOR SITE RETAINING WALLS "TW" EQUALS SURFACE GRADE AT TOP FACE OF WALL (NOT TOP OF WALL), "GW" EQUALS SURFACE GRADE AT BOTTOM FACE OF WALL (NOT BOTTOM OF BURIED WALL COURSES).
5. REFER TO THE REPORT OF GEOTECHNICAL EXPLORATION AND REVIEW (REPORT NO._____), DATED _____ AS PREPARED BY _____ FOR AN EXISTING SUBSURFACE SITE CONDITION ANALYSIS AND CONSTRUCTION RECOMMENDATIONS.
6. STREETS MUST BE CLEANED AND SWEPT WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDLE FOR WEEKENDS AND HOLIDAYS, OR AS DIRECTED BY CITY. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED.
7. DUST MUST BE ADEQUATELY CONTROLLED.
8. SEE SWPPP FOR ADDITIONAL EROSION CONTROL NOTES AND REQUIREMENTS.
9. SEE UTILITY PLAN FOR WATER, STORM AND SANITARY SEWER INFORMATION.
10. SEE SITE PLAN FOR CURB AND BITUMINOUS TAPER LOCATIONS.
11. A STREET SWEEPER MUST BE AVAILABLE WITHIN 3 HOURS UPON NOTICE FROM THE CITY THAT THE STREETS NEED TO BE SWEPT.
12. THE CONTRACTOR ALONG WITH THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM GOVERNING AUTHORITIES, INCLUDING ANY CITY PERMITS AND THE NPDES PERMIT FROM THE MPCA.
13. INSTALL EROSION CONTROL AND TREE PROTECTION MEASURES BEFORE BEGINNING SITE GRADING ACTIVITIES. SOME EROSION CONTROLS SUCH AS BALE CHECKS AND TEMPORARY SILT PONDS MAY BE INSTALLED AS GRADING OCCURS IN SPECIFIC AREAS. MAINTAIN EROSION CONTROLS THROUGHOUT THE GRADING PROCESS AND REMOVE WHEN TURF HAS BEEN ESTABLISHED.
14. THE CONTRACTOR SHALL ADHERE TO ALL REQUIREMENTS OF THE MPCA NPDES PERMIT. THE AREA TO BE DISTURBED SHALL BE MINIMIZED AND TURF SHALL BE ESTABLISHED WITHIN THE TIME REQUIRED.
15. GRADES SHOWN ARE FINISHED GRADES.
16. FINAL GRADING TOLERANCES ARE +/-0.1 FEET TO FINISH GRADES.
17. UNDER PAVEMENTS COMPACT THE UPPER 3 FEET OF SUBGRADE TO 100% STANDARD PROCTOR DENSITY AT OPTIMUM MOISTURE CONTENT AND 95% STANDARD PROCTOR DENSITY BELOW THE UPPER 3 FEET OF SUBGRADE. OUTSIDE PAVEMENT AREAS COMPACT EMBANKMENTS TO 95% STANDARD PROCTOR DENSITY.
18. A CITY RIGHT-OF-WAY PERMIT IS REQUIRED PRIOR TO WORKING WITHIN CITY ROW.
19. STRUCTURAL RETAINING WALL, FENCING AND HANDRAIL DESIGN BY OTHERS. REFER TO ARCHITECTURAL PLANS.



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10/07/22	CITY SUBMITTAL
11/02/22	DESIGN REVIEW
	PLANNING / CUP RESUBMITTAL
12/09/22	DESIGN REVIEW
	PLANNING / CUP RESUBMITTAL
02/06/23	DESIGN REVIEW
	PLANNING / CUP RESUBMITTAL

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www.hobbsblack.com

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LAKE WEST DEVELOPMENT, LLC

PROJECT

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PLANNING
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LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
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Maple Grove, MN 55369
763.424.5505
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CONSULTANT

GRADING & DRAINAGE PLAN - A

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TWIN CITY AREA 651-454-0002
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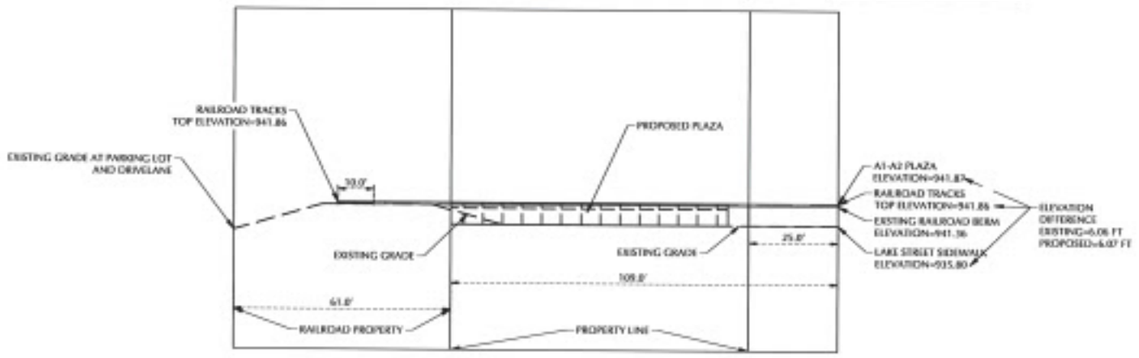
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NOTE:
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CORE A1-A2 EXISTING CROSS SECTION INSET



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10/09/20	CITY SUBMITTAL
12/11/20	DESIGN REVIEW
1/28/21	PLANNING COMM. RESUBMITTAL
3/08/21	DESIGN REVIEW
3/29/21	PLANNING COMM. RESUBMITTAL
05/05/21	DESIGN REVIEW
6/04/21	PLANNING COMM. RESUBMITTAL

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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

GRADING & DRAINAGE PLAN - B

SHEET TITLE

21-803

PROJECT NUMBER

C3.2

SHEET NUMBER

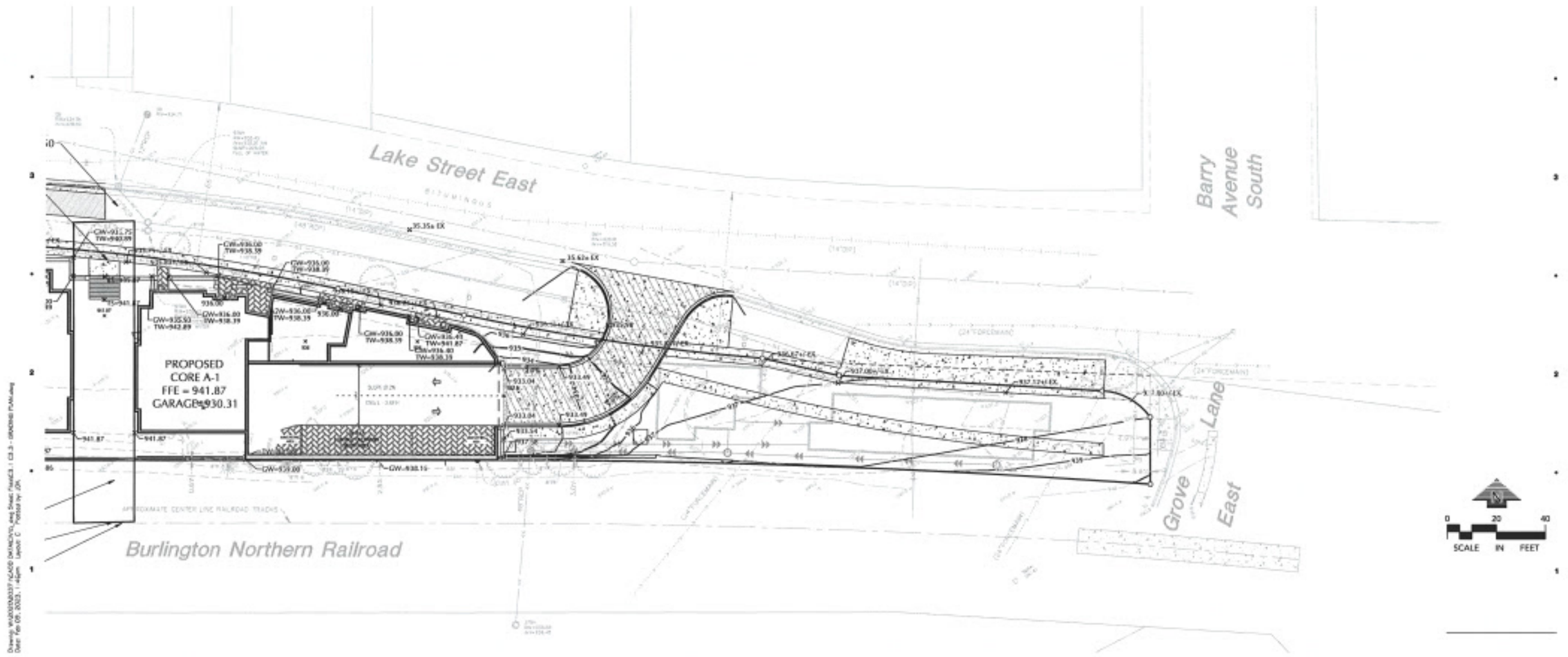
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Gopher State One Call
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10/04/22	CITY SUBMITTAL
12/16/22	DESIGN REVIEW
02/09/23	REZONING / CUP RESUBMITTAL
03/09/23	DESIGN REVIEW
03/24/23	REZONING / CUP RESUBMITTAL
05/08/23	DESIGN REVIEW
06/26/23	REZONING / CUP RESUBMITTAL

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HOBBS + BLACK ARCHITECTS
100 N. 6th St. Suite 310
Minneapolis, MN 55403
P. 612.338.2838
www.hobbsblack.com

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WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJEC

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CONSULTANT

GRADING & DRAINAGE PLAN - C

SHEET TITLE

21-803

PROJECT NUMBER

C3.3

SHEET NUMBER

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TOLL FREE: 1-800-252-1166

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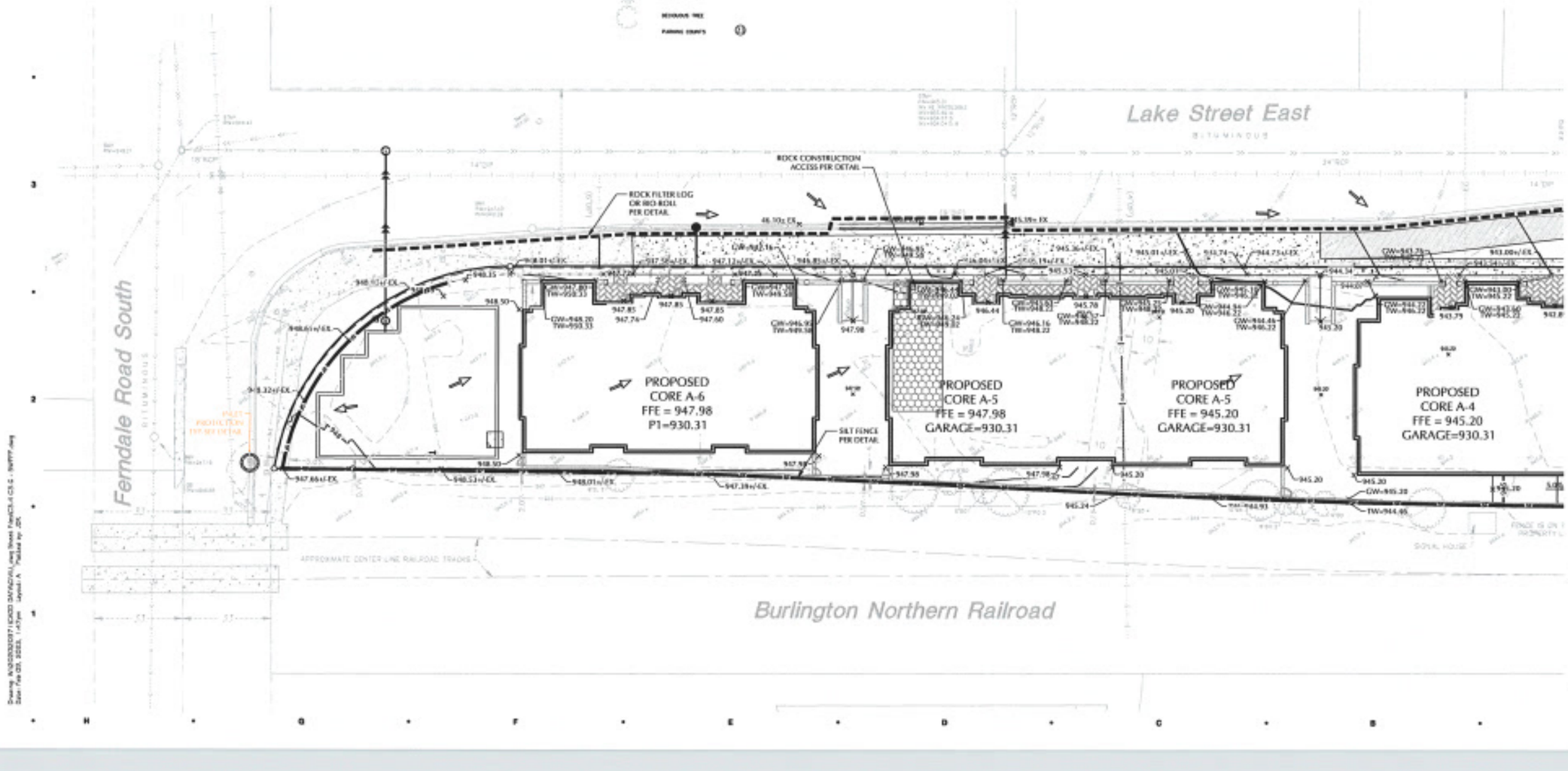
SWPPP LEGEND

- SILT FENCE
- BIO ROLLS
- INLET PROTECTION
- EXISTING DRAINAGE PATTERN
- PROPOSED DRAINAGE PATTERN
- EROSION CONTROL BLANKET

CIVIL LEGEND

EXISTING / PROPOSED

- SANITARY MANHOLE
- STORM MANHOLE
- CATCH BASIN
- CULVERT
- HYDRANT
- GATE VALVE
- POST INDICATOR VALVE
- LIGHT POLE
- POWER POLE
- SIGN
- BENCHMARK
- SOIL BORINGS
- WATER MANHOLE
- TELEPHONE MANHOLE
- UTILITY MANHOLE
- ELECTRIC MANHOLE
- WATER SERVICE
- SANITARY SERVICE
- HANDICAP PARKING
- DIRECTION OF FLOW
- SPOT ELEVATION
- CONTOURS
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- FORCEMAIN
- DRAINTILE
- SILT FENCE
- CURB & GUTTER
- RETAINING WALL
- TREELINE
- EASEMENT LINE
- SETBACK LINE
- FENCE LINE
- UNDERGROUND TELE
- UNDERGROUND GAS
- OVERHEAD UTILITY
- UNDERGROUND FIBER OPTIC
- UNDERGROUND ELECTRIC
- UNDERGROUND CABLE TV
- PROPERTY LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- PARKING STALLS



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LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

STORMWATER POLLUTION PREVENTION PLAN - A

SHEET TITLE

21-803

PROJECT NUMBER

C3.4

SHEET NUMBER

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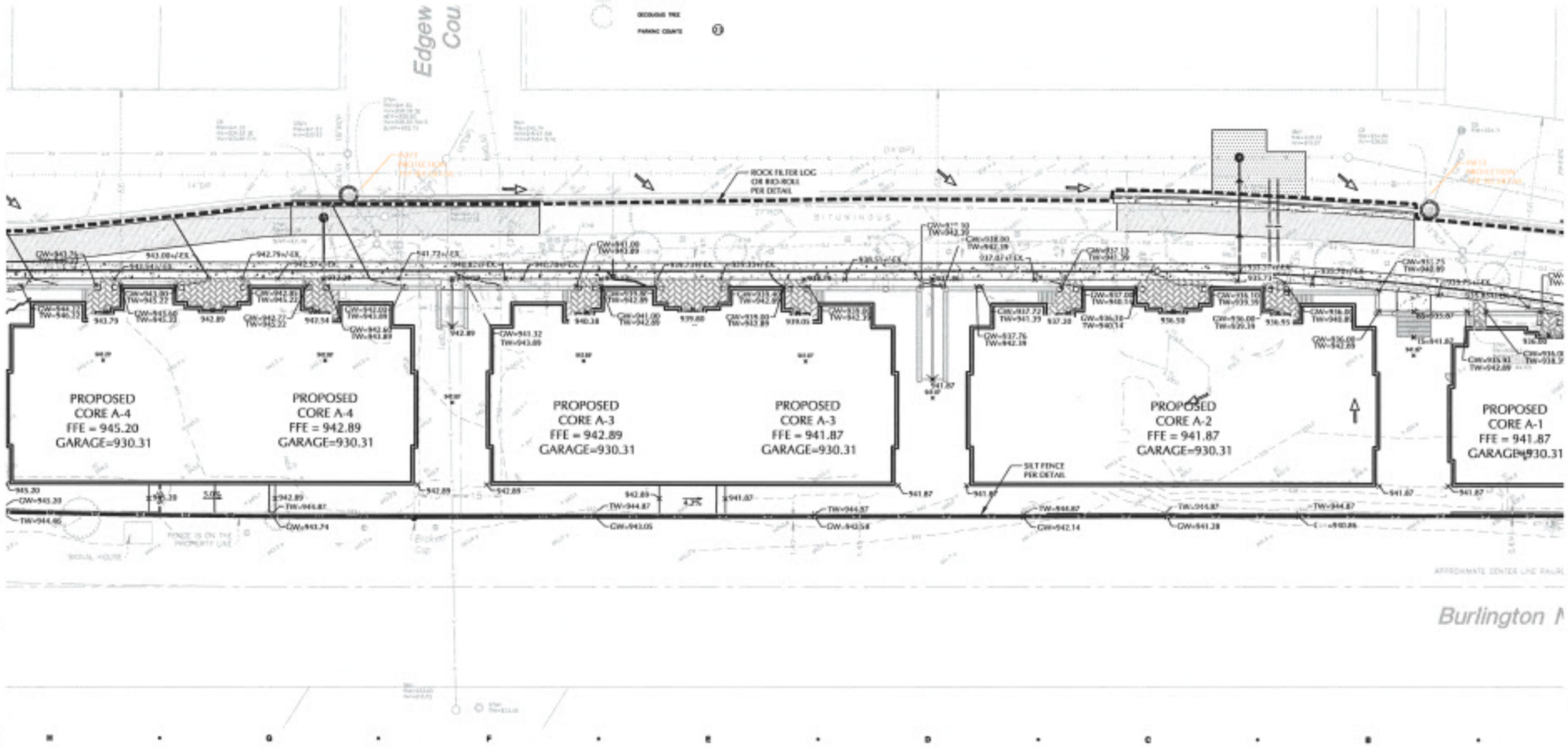
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SWPPP LEGEND

- SILT FENCE
- BIO ROLLS
- INLET PROTECTION
- EXISTING DRAINAGE PATTERN
- PROPOSED DRAINAGE PATTERN
- EROSION CONTROL BLANKET

CIVIL LEGEND

EXISTING	PROPOSED
SANITARY MANHOLE	
STORM MANHOLE	
CATCH BASIN	
CULVERT	
HYDRANT	
GATE VALVE	
POST INDICATOR VALVE	
LIGHT POLE	
POWER POLE	
SIGN	
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SANITARY SEWER	
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OVERHEAD UTILITY	
UNDERGROUND FIBER OPTIC	
UNDERGROUND ELECTRIC	
UNDERGROUND CABLE TV	
PROPERTY LINE	
CONIFEROUS TREE	
DECIDUOUS TREE	
PARKING COUNTS	



Drawing: W:\2021\21803\CAD\ 24x36(Arch)_and Sheet Files\C3.4 C3.5 - SWPPP.dwg
Date: Feb 09, 2023, 1:47pm Layout: B Plotted by: JDK

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ISSUED/REVISED	CITY SUBMITTAL
ISSUED/REVISED	DESIGN REVIEW
ISSUED/REVISED	PLANNING/CUP RESUBMITTAL
ISSUED/REVISED	DESIGN REVIEW
ISSUED/REVISED	PLANNING/CUP RESUBMITTAL

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WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJEC

LOUCKS

CONSULTAN

STORMWATER POLLUTION PREVENTION PLAN - B

SHEET TITL

21-803

PROJECT NUMBE

C3.5

SHEET NUMBE

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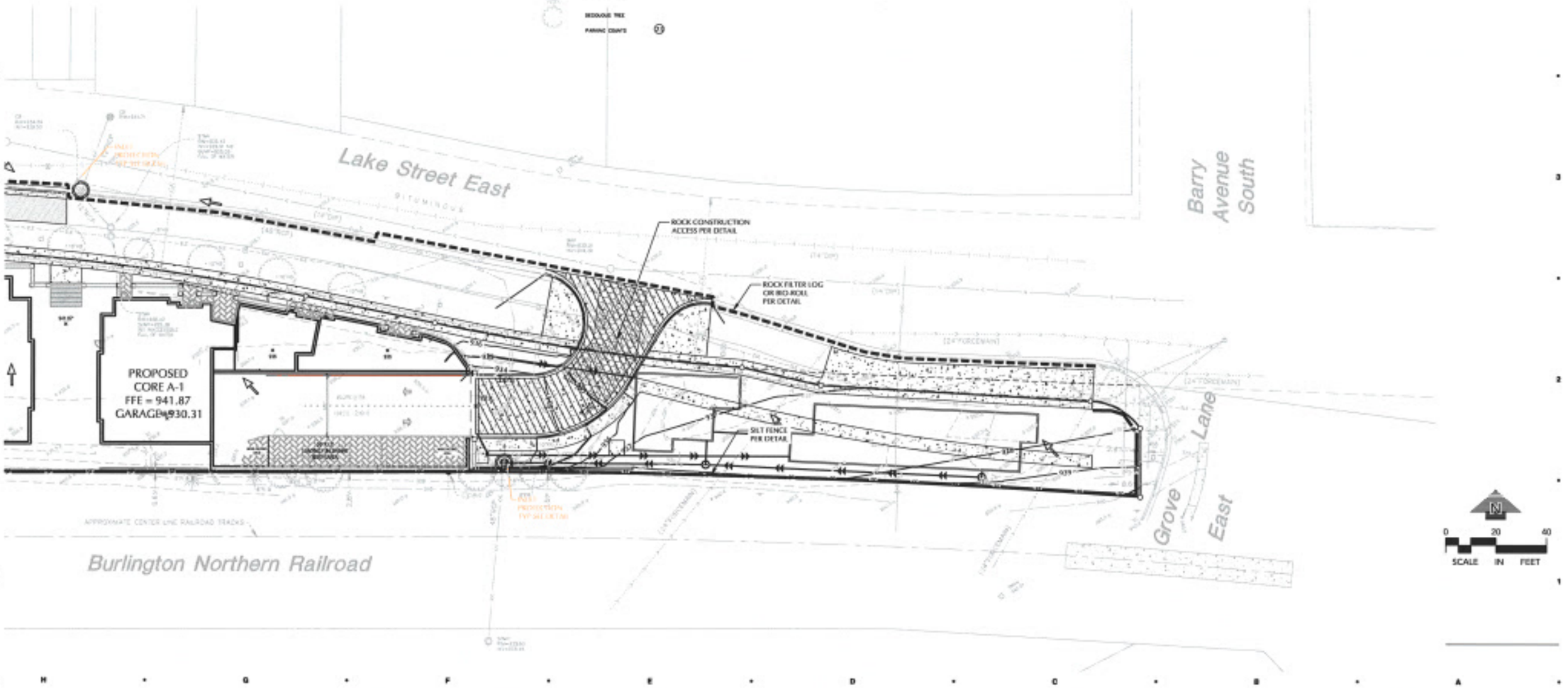
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SWPPP LEGEND

- SILT FENCE
- BIO ROLLS
- INLET PROTECTION
- EXISTING DRAINAGE PATTERN
- PROPOSED DRAINAGE PATTERN
- EROSION CONTROL BLANKET

CIVIL LEGEND

	EXISTING	PROPOSED
SANITARY MANHOLE	○	●
STORM MANHOLE	○	●
CATCH BASIN	▨	■
CULVERT		
HYDRANT	◇	◆
GATE VALVE		⋈
POST INDICATOR VALVE		⊷
LIGHT POLE	☼	●
POWER POLE	○	●
SIGN		▽
BENCHMARK	BM	
SOIL BORING		
WATER MANHOLE	○	
TELEPHONE MANHOLE	○	
UTILITY MANHOLE	○	
ELECTRIC MANHOLE	○	
WATER SERVICE		
SANITARY SERVICE		
HANDICAP PARKING		
DIRECTION OF FLOW		
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FENCE LINE		
UNDERGROUND TELE		
UNDERGROUND GAS		
OVERHEAD UTILITY		
UNDERGROUND FIBER OPTIC		
UNDERGROUND ELECTRIC		
UNDERGROUND CABLE TV		
PROPERTY LINE		
CONIFEROUS TREE		
DECIDUOUS TREE		
PARKING COUNTS		(21)



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WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

STORMWATER POLLUTION PREVENTION PLAN - C

SHEET TITLE

21-803

PROJECT NUMBER

C3.6

SHEET NUMBER

SWPPP NOTES

1. THE NATURE OF THIS PROJECT WILL CONSIST OF CONSTRUCTING TWO PROPOSED BUILDINGS, PARKING LOT, SURFACE PAVEMENTS, AND UTILITIES.

2. THE INTENDED SEQUENCING OF MAJOR CONSTRUCTION ACTIVITIES ARE AS FOLLOWS:

1. INSTALL VEHICLE TRACKING BMP (SPRING 2022)
2. INSTALL INLET PROTECTION (SPRING 2022)
3. INSTALL SILT FENCE AROUND SITE (SPRING 2022)
4. CLEAR AND GRUB SITE (SPRING 2022)
5. STRIP AND STOCKPILE TOPSOIL (SPRING 2022)
6. REMOVE PAVEMENTS AND UTILITIES (SPRING 2022)
7. ROUGH GRADE SITE (SPRING 2022)
8. IMPORT CLEAN FILL FOR REPLACEMENT AND BALANCE (SPRING 2022)
9. INSTALL UTILITIES (SPRING 2022)
10. INSTALL BUILDING FOUNDATIONS (SPRING 2022)
11. INSTALL CURB AND GUTTER (SUMMER 2022)
12. INSTALL PAVEMENTS AND WALKS (SUMMER 2022)
13. FINAL GRADE SITE (SUMMER 2022)
14. REMOVE ACCUMULATED SEDIMENT FROM STORMWATER SYSTEMS (FALL 2022)
15. SEED AND MULCH (FALL 2022)
16. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED, REMOVE SILT FENCE, INLET PROTECTION, AND RESEED ANY AREAS DISTURBED BY THE REMOVAL.

3. SITE DATA:
   PROPERTY AREA / DISTURBED AREA: 2.27 AC / 2.27 AC
   PRE-CONSTRUCTION IMPERVIOUS AREA: 1.68 AC
   POST-CONSTRUCTION IMPERVIOUS AREA: 1.93 AC

   GENERAL SOIL TYPE: SEE PRELIMINARY GEOTECHNICAL SOIL BORINGS BY BRAUN INTERTEC
   HYDROLOGY INFORMATION: SEE HYDROLOGY REPORT PREPARED BY LOUCKS DATED MAY 19, 2020

4. EROSION AND SEDIMENT CONTROLS WERE DESIGNED TO EFFECTIVELY CONTROL STORMWATER RUNOFF WITHIN THE PROJECT AREAS. EROSION AND SEDIMENT CONTROL HAVE BEEN PROPOSED TO MINIMIZE CHANNEL EROSION AND SCOUR IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS. FACTORS THAT WERE CONSIDERED INCLUDE PROPOSED IMPERVIOUS AREAS, SLOPE OF IMPERVIOUS SURFACES, STORMWATER INFRASTRUCTURE DISCHARGE POINTS, AND ANNUAL AVERAGE PRECIPITATION DATA FOR THE PROJECT AREA.

5. HENNEPIN COUNTY RECEIVES AN AVERAGE OF 32 INCHES OF PRECIPITATION PER YEAR. THE FOLLOWING HENNEPIN COUNTY 24-HOUR STORM EVENTS ARE BASED ON ATLAS 14 RAINFALL DATA:
   2-YR 2.86 INCHES
   10-YR 4.26 INCHES
   100-YR 7.32 INCHES

6. SEE "EXHIBIT-PROPOSED DRAINAGE AREAS" FOR SITE MAP WITH DRAINAGE AREA BOUNDARIES.

7. THE LOCATION OF AREAS NOT TO BE DISTURBED MUST BE IDENTIFIED WITH FLAGS, STAKES, SIGNS, SILT FENCE, ETC. BEFORE CONSTRUCTION BEGINS.

8. CONTRACTOR SHALL INSTALL RAIN GAUGE ON SITE.

9. NO DEWATERING IS EXPECTED TO OCCUR ON SITE. NO GROUNDWATER EXPECTED TO BE ENCOUNTERED DURING CONSTRUCTION. IF DEWATERING IS REQUIRED, REFER TO CITY REGULATIONS.

10. CONTAMINATION EXPECTED TO BE ENCOUNTERED DURING EXCAVATION.

11. ALL DISTURBED GROUND LEFT INACTIVE FOR SEVEN (7) OR MORE DAYS SHALL BE STABILIZED BY SEEDING OR SODDING (ONLY AVAILABLE PRIOR TO SEPTEMBER 15) OR BY MULCHING OR COVERING OR OTHER EQUIVALENT CONTROL MEASURE.

12. ON SLOPES 3:1 OR GREATER MAINTAIN SHEET FLOW AND MINIMIZE RILLS AND/OR GULLIES. SLOPE LENGTHS CAN NOT BE GREATER THAN 75 FEET.
    DENOTES SLOPES GREATER THAN 3:1. ALL 3:1 SLOPES TO BE STABILIZED WITH EROSION CONTROL BLANKET

13. ALL STORM DRAINS AND INLETS MUST BE PROTECTED UNTIL ALL SOURCES OF POTENTIAL DISCHARGE ARE STABILIZED.

14. SOIL COMPACTION SHALL BE MINIMIZED DURING CONSTRUCTION.

15. TEMPORARY SOIL STOCKPILES MUST HAVE EFFECTIVE SEDIMENT CONTROL AND CAN NOT BE PLACED IN SURFACE WATERS OR STORM WATER CONVEYANCE SYSTEMS. TEMPORARY STOCKPILES WITHOUT SIGNIFICANT AMOUNT OF SILT, CLAY, OR ORGANIC COMPOUNDS ARE EXEMPT TO: CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES.

16. SEDIMENT CONTROL PRACTICES SHALL BE INSTALLED ON ALL DOWNGRADIENT PERIMETERS AND UPGRADIENT OF ANY BUFFER ZONES.

17. SEDIMENT LADEN WATER MUST BE DISCHARGED TO A SEDIMENTATION BASIN WHENEVER POSSIBLE. IF NOT POSSIBLE, IT MUST BE TREATED WITH THE APPROPRIATE BMPS.

18. SOLID WASTE MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MPCA DISPOSAL REQUIREMENTS.

19. NO VEHICLE WASHING ALLOWED ON SITE.

20. NO ENGINE DEGREASING IS ALLOWED ON SITE.

21. THE OWNER IS RESPONSIBLE FOR COMPLIANCE WITH ALL TERMS AND CONDITIONS OF THE PERMIT. THE OPERATOR IS RESPONSIBLE FOR COMPLIANCE WITH SECTIONS 3, 4, 6-22, 24 AND APPLICABLE REQUIREMENTS FOR CONSTRUCTION ACTIVITY IN SECTION 23.

22. TERMINATION OF COVERAGE-PERMITTEE(S) WISHING TO TERMINATE COVERAGE MUST SUBMIT A NOTICE OF TERMINATION (NOT) TO THE MPCA. ALL PERMITTEE(S) MUST SUBMIT A NOT WITHIN 30 DAYS AFTER THE FOLLOWING CONDITIONS HAVE BEEN MET:

    A. PERMIT TERMINATION CONDITIONS, PER NPDES PERMIT SECTION 13.1 HAVE BEEN ACHIEVED ON ALL PORTIONS OF THE SITE FOR WHICH THE PERMITTEE IS RESPONSIBLE.
    A.A. PERMANENT UNIFORM PERENNIAL VEGETATIVE COVER MUST BE ESTABLISHED AT 70% DENSITY OF ITS EXPECTED FINAL GROWTH.
    A.B. THE PERMANENT STORMWATER TREATMENT SYSTEM IS CONSTRUCTED, MEETS ALL REQUIREMENTS, AND IS OPERATING AS DESIGNED.
    A.C. ALL TEMPORARY SYNTHETIC EROSION PREVENTION AND SEDIMENT CONTROL BMPS MUST BE REMOVED.
    A.D. CLEAN OUT SEDIMENT FROM CONVEYANCE SYSTEMS AND PERMANENT STORMWATER TREATMENT SYSTEMS (RETURN TO DESIGN CAPACITY).

23. INSPECTIONS
    A. INITIAL INSPECTION FOLLOWING SILT FENCE INSTALLATION BY CITY REPRESENTATIVE IS REQUIRED.
    B. EXPOSED SOIL AREAS: ONCE EVERY 7 DAYS AND WITHIN 24 HOURS FOLLOWING A 0.5" OVER 24 HOUR RAIN EVENT.
    C. STABILIZED AREAS: ONCE EVERY 30 DAYS
    D. FROZEN GROUND: AS SOON AS RUNOFF OCCURS OR PRIOR TO RESUMING CONSTRUCTION.
    E. INSPECTION AND MAINTENANCE RECORDS MUST BE RETAINED FOR 3 YEARS AFTER FILING OF THE NOTICE OF TERMINATION AND MUST INCLUDE: DATE AND TIME OF ACTION, NAME OF PERSON(S) CONDUCTING WORK, FINDING OF INSPECTIONS AND RECOMMENDATIONS FOR CORRECTIVE ACTION, DATE AND AMOUNT OF RAINFALL EVENTS GREATER THAN 0.5 INCHES IN A 24 HOUR PERIOD.
    F. OBSERVE ANY DISCHARGE OCCURRING ONSITE AND DOCUMENT CORRECTIVE ACTIONS TAKEN. DISCHARGE SHOULD BE DESCRIBED AND PHOTOGRAPHED.

24. MINIMUM MAINTENANCE
    A. ALL NONFUNCTIONAL BMPS MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY OR AS SOON AS FIELD CONDITIONS ALLOW.
    B. REPAIR, REPLACE, OR SUPPLEMENT ALL PERIMETER CONTROL DEVICES WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES ½ THE HEIGHT OF THE DEVICE.
    C. SEDIMENT BASINS DRAINED AND SEDIMENT REMOVED WHEN REACHES 1/2 STORAGE VOLUME.
    D. SEDIMENT REMOVED FROM SURFACE WATERS WITHIN 7 (SEVEN CALENDAR DAYS OF DISCOVERY.
    E. CONSTRUCTION SITE EXITS INSPECTED, TRACKED SEDIMENT REMOVED WITHIN 1 (ONE CALENDAR DAY.
    F. PROVIDE COPIES OF EROSION INSPECTION RESULTS TO CITY ENGINEER FOR ALL EVENTS GREATER THAN ½" IN 24 HOURS.

25. THE SWPPP, INCLUDING ALL CHANGES TO IT, AND INSPECTIONS AND MAINTENANCE RECORDS MUST BE KEPT AT THE SITE DURING CONSTRUCTION ACTIVITY BY THE PERMITTEE(S) WHO HAVE OPERATIONAL CONTROL OF THE SITE.

26. OWNER MUST KEEP RECORDS OF ALL PERMITS REQUIRED FOR THE PROJECT, THE SWPPP, ALL INSPECTIONS AND MAINTENANCE, PERMANENT OPERATION AND MAINTENANCE AGREEMENTS, AND REQUIRED CALCULATIONS FOR TEMPORARY AND PERMANENT STORM WATER MANAGEMENT SYSTEMS. THESE RECORDS MUST BE RETAINED FOR THREE YEARS AFTER FILING NPDES NOTICE OF TERMINATION.

27. SWPPP MUST BE AMENDED WHEN:
    A. THERE IS A CHANGE IN DESIGN, OPERATION, MAINTENANCE, WEATHER OR SEASONAL CONDITIONS THAT HAS A SIGNIFICANT EFFECT ON DISCHARGE
    B. INSPECTIONS INDICATE THAT THE SWPPP IS NOT EFFECTIVE AND DISCHARGE IS EXCEEDING WATER QUALITY STANDARDS.
    C. THE BMPS IN THE SWPPP ARE NOT CONTROLLING POLLUTANTS IN DISCHARGES OR IS NOT CONSISTENT WITH THE TERMS AND CONDITIONS OF THE PERMIT.

28. CONCRETE WASHOUT AREA
    A. CONCRETE WASH-OUT SITES NOT ALLOWED ON SITE AND MUST BE CONTAINED ON TRUCKS.
    B. ALL SPILLS SHALL BE CLEANED UP IMMEDIATELY.

29. IN THE EVENT OF ENCOUNTERING A WELL OR SPRING DURING CONSTRUCTION CONTRACTOR TO CEASE CONSTRUCTION ACTIVITY AND NOTIFY ENGINEER.

30. PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER.

31. FINAL STABILIZATION
    FINAL STABILIZATION REQUIRES THAT ALL SOIL DISTURBING ACTIVITIES HAVE BEEN COMPLETED AND THAT DISTURBED AREAS ARE STABILIZED BY A UNIFORM PERENNIAL VEGETATIVE COVER WITH 70% OF THE EXPECTED FINAL DENSITY, AND THAT ALL PERMANENT PAVEMENTS HAVE BEEN INSTALLED. ALL TEMPORARY BMPS SHALL BE REMOVED, DITCHES STABILIZED, AND SEDIMENT SHALL BE REMOVED FROM PERMANENT CONVEYANCES AND SEDIMENTATION BASINS IN ORDER TO RETURN THE POND TO DESIGN CAPACITY.

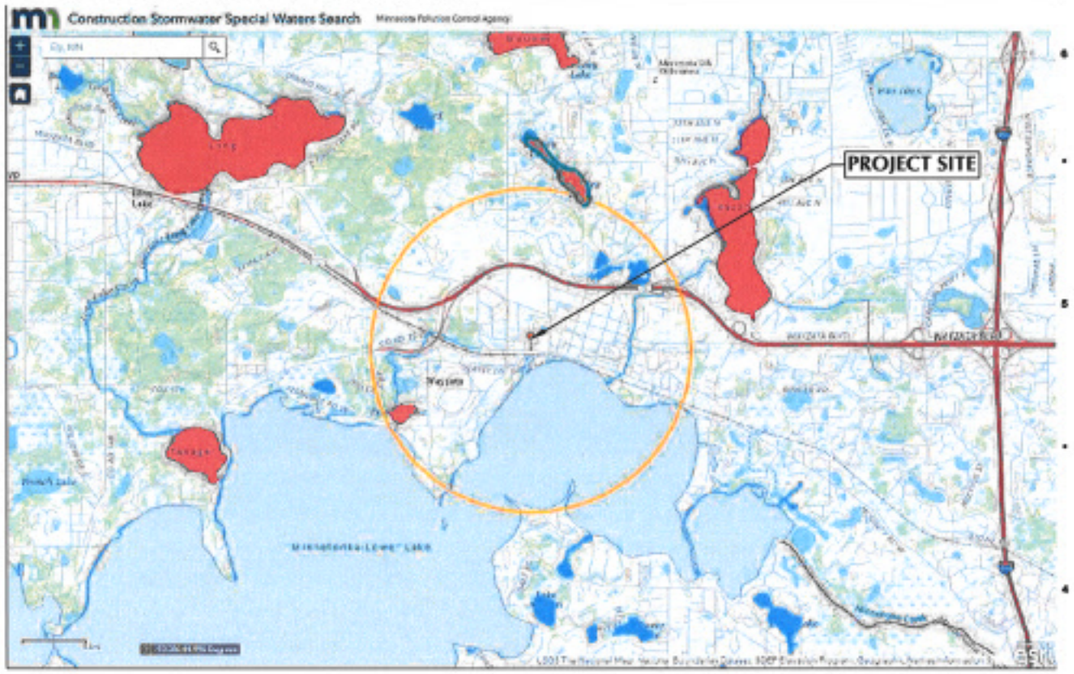
32. RESPONSIBILITIES
    A. THE OWNER MUST IDENTIFY A PERSON WHO WILL OVERSEE THE SWPPP IMPLEMENTATION AND THE PERSON RESPONSIBLE FOR INSPECTION AND MAINTENANCE:
    CONTACT:
    COMPANY:
    PHONE:

    B. THE OWNER MUST IDENTIFY THE A PERSON WHO WILL BE RESPONSIBLE FOR LONG TERM OPERATIONS AND MAINTENANCE OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM:
    CONTACT:
    COMPANY:
    PHONE:

33. THE WATERSHED DISTRICT OR THE CITY MAY HAVE REQUIREMENTS FOR INSPECTIONS OR AS-BUILT DRAWING(S) VERIFYING PROPER CONSTRUCTION OF THE BMPS.

34. EROSION CONTROL DEVICES CANNOT BE REMOVED UNTIL THE WATERSHED DISTRICT HAS DETERMINED THE SITE HAS BEEN PERMANENTLY RESTABILIZED AND SHALL BE REMOVED WITHIN 30 DAYS THEREAFTER.

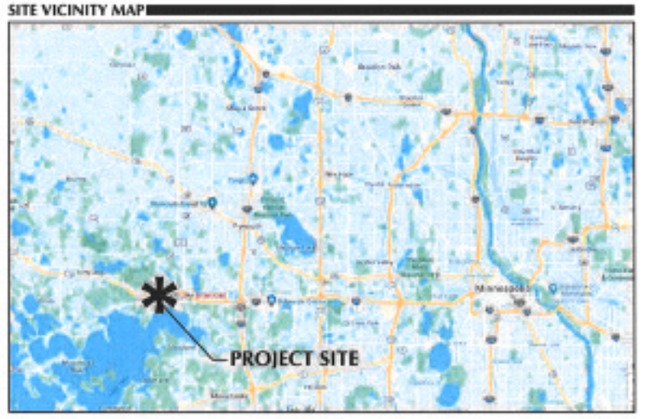
CONSTRUCTION STORMWATER SPECIAL WATERS SEARCH MAP



ESTIMATED QUANTITIES

DESCRIPTION	UNIT	QUANTITY
TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	1
PREFABRICATED CONCRETE WASHOUT	EA	-
SILT FENCE (STANDARD)	LF	1,500
EROSION CONTROL BLANKET	SY	XXX
INLET PROTECTION	EA	4
BIO-ROLL	LF	1,320

SITE VICINITY MAP



Drawing: W:\2021\21803\7-CAD\ DETAILS\ dwg Sheet: Plan\C3.7 C3.8- SWPPP NOTES AND DETAILS.dwg
Date: Feb 09, 2023 - 1:49pm Layout: NOTES Plotted by: JSA

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LAKE WEST DEVELOPMENT LLC

200 LAKE ST E
WAYZATA, MN

PROJECT

LOUCKS

CONSULTAN

SWPPP NOTES AND DETAILS

SHEET TITL

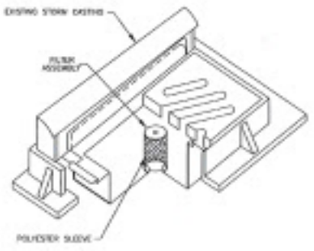
21-803

PROJECT NUMB

C3.7

SWPPP NUMB

2 X 3 INLET PROTECTION (WIMCO, TYPICAL)



APPROVED PRODUCTS FOR INLET PROTECTION:

TYPE A: FIELD INLETS OR PRIOR TO CURB OR PAVEMENT

ROAD DRAIN – TOP TEAM, LLC–799 THEIS DRIVE, SHAKOPEE, MN
INFRASAFE SEDIMENT CONTROL BARRIER – ROYAL CONCRETE PIPE – STACY, MN
SILT SACK – ACF ENVIRONMENTAL – RICHMOND, VA

TYPE B: STREET INLETS WITHOUT CURB

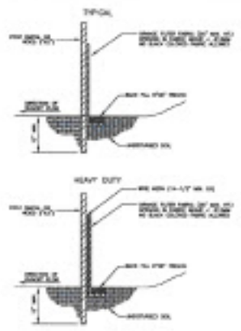
DANDISEDIC – DANDY PRODUCTS – GROVE CITY, OH

TYPE C: STREET INLETS WITH CURB

DANDY CURB SACK – DANDY PRODUCTS – GROVE CITY, OH
ROAD DRAIN CURB SAC CUTTER–WIMCO, LLC 799 THEIS DR.–SHAKOPEE, MN
STANDARD CURB IDP – LARGE INDUSTRIES – EDINA, MN

City of Wayzata	STANDARD DETAILS INLET PROTECTION	LAST REVISED: Nov. 2009
	WAYZATA, MINNESOTA	SPECIFICATION NO. ERO-1

SILT FENCE

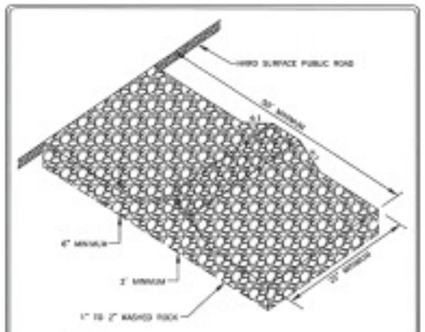


NOTES:

1. DIG A 6"X6" TRENCH ALONG THE INTENDED FENCE LINE.
2. DRIVE ALL POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. WIRE FENCING PER HENNEPIN COUNTY CONSERVATION DISTRICT EROSION AND SEDIMENT CONTROL MANUAL. WIRE MESH MUST BE A MINIMUM OF 2' INTO THE GROUND AND NO MORE THAN 28" ABOVE THE ORIGINAL GROUND SURFACE.
4. LAY OUT SILT FENCE ON THE UPHILL SIDE ALONG THE FENCE LINE, AND BACK FILL.
5. WOOD POSTS MAY BE SPACED UP TO 4 FEET APART IF WIRE MESH IS NOT USED TO SUPPORT THE FABRIC OF HEAVY DUTY SILT FENCE. IF WIRE MESH IS USED TO SUPPORT THE FABRIC STEEL POSTS MAY BE SPACED UP TO 8 FEET APART.
6. REMOVE SILT FENCE AFTER TURF IS ESTABLISHED.

City of Wayzata	STANDARD DETAILS SILT FENCE	LAST REVISED: Nov. 2009
	WAYZATA, MINNESOTA	SPECIFICATION NO. ERO-2

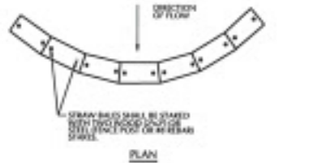
ROCK CONSTRUCTION ENTRANCE



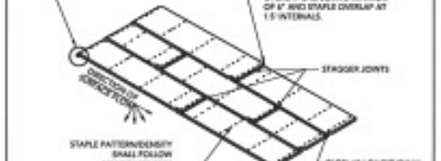
NOTES:

1. ROCK SIZE SHALL BE 1" TO 2" OR SIZE SUCH AS MN/DOT CA–1 OR CA–3 COARSE AGGREGATE (WASHED).
2. A GEOTEXTILE FABRIC SHALL BE USED UNDER THE ROCK TO PREVENT MIGRATION OF THE UNDERLYING SOIL INTO THE STONE.
3. ROCK CONSTRUCTION ENTRANCE MUST BE MAINTAINED AND SHALL BE CLEANED OR REPLACED UPON NOTICE BY THE CITY, WATERSHED DISTRICT, OR POLLUTION CONTROL AGENCY.

City of Wayzata	STANDARD DETAILS ROCK CONSTRUCTION ENTRANCE	LAST REVISED: Nov. 2009
	WAYZATA, MINNESOTA	SPECIFICATION NO. ERO-3



LOUCKS	BIOROLLS	LOUCKS PLATE NO. 3006



LOUCKS	EROSION CONTROL BLANKET	LOUCKS PLATE NO. 3016

Drawing: M:\2021\21803\07 LDAD\ 04 PROD\ Land Sheet Files\C3.8 SWPPP NOTES AND DETAILS.dwg
Date: Feb 09, 2023, 1:42pm Layout: DETAILS Plotted by: JSK

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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

LOUCKS

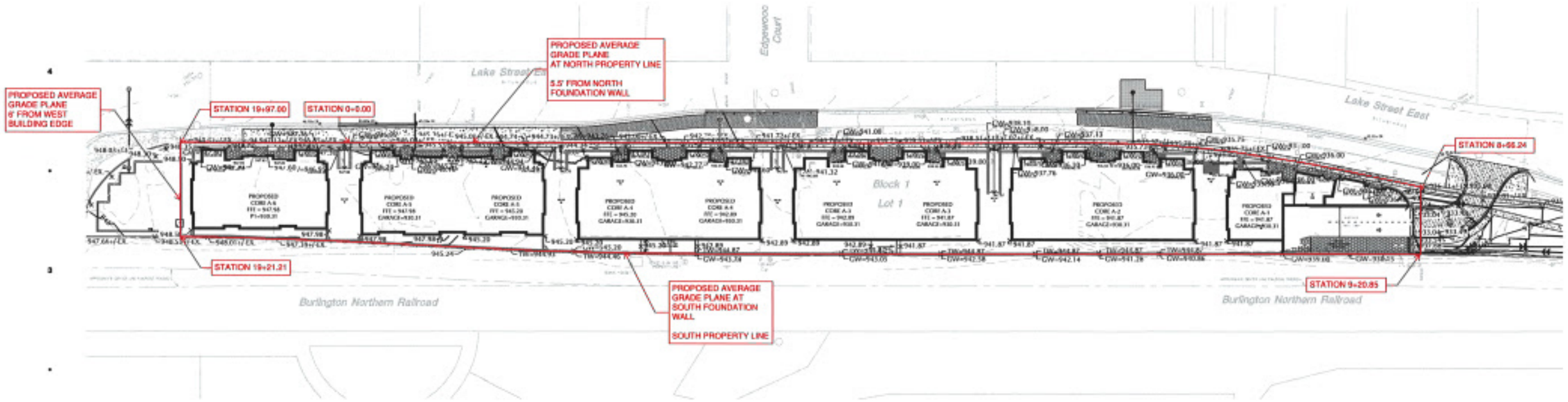
SWPPP NOTES AND DETAILS

21-803

C3.8

6 CORE BUILDING PROPOSED AVERAGE GRADE PLANE

Station	Elevation(Actual)	Length		
0+00.00	946.59	0	0	
0+00.00	946.68	0	0	
0+00.00	946.74	0	0	
0+00.00	946.64	0	0	
0+00.01	946.67	0.01	5.46865	
0+00.01	946.86	0.48	454.4184	
0+00.49	946.55	2.04	1930.8396	
0+02.53	946.43	0.05	47.92125	
0+02.58	946.42	0.96	889.6039	
0+03.52	946.36	0.35	331.219	
0+03.87	946.33	0.67	633.8736	
0+04.54	945.83	3.89	3679.4343	
0+08.43	945.91	7.92	7492.518	
0+16.36	946.14	0.21	198.69045	
0+16.57	946.15	0.34	321.691	
0+16.91	946.15	0.17	160.8838	
0+17.08	946.13	3.02	2857.0861	
0+20.10	945.98	9.34	8788.73	
0+29.34	945.52	0.6	567.351	
0+29.94	945.65	0.12	113.484	
0+30.06	945.75	0.57	539.3029	
0+30.62	946.19	1.95	1845.09975	
0+32.58	946.32	4.28	4052.4683	
0+36.86	946.2	0.38	364.986	
0+37.09	946.2	0.11	104.08145	
0+37.20	946.19	7.17	6780.537	
0+44.37	946.01	9.21	8712.24555	
0+53.58	945.9	3.97	3755.12375	
0+57.55	945.85	3.95	3737.0726	
0+61.48	945.79	9.64	9116.3552	
0+71.11	945.67	9.63	9104.87795	
0+80.75	945.36	3.92	3705.6806	
0+84.67	945.3	5.85	5529.654	
0+90.52	945.18	7.64	7226.564	
0+98.16	945.02	2.46	2324.7123	
1+00.63	944.99	2.91	2749.87725	
1+03.54	944.96	4.53	4280.5329	
1+08.06	944.9	2.67	2522.81625	
1+10.73	944.85	11.68	11034.4464	
1+22.41	944.61	4.61	4354.4677	
1+27.02	944.53	10.69	10100.3753	
1+37.71	944.31	4.39	4144.9063	
1+50.09	944.13	19.05	17982.6285	
1+69.14	943.81	4.38	3944.9586	
1+73.52	943.79	15.17	14316.3841	
1+88.69	943.71	19.97	18779.95405	
2+07.85	943.4	1.3	1226.487	
2+09.16	943.38	1.57	1481.0909	
2+10.73	943.36	2.35	2028.181	
2+13.87	943.32	17.44	16448.972	
2+31.31	943.09	2.36	2225.4908	
2+33.67	942.98	18.4	17347.58	
2+51.87	942.67	1.81	1704.8808	
2+53.68	942.65	20.18	18972.7269	
2+72.51	942.37	1.82	961.2072	
2+73.53	942.35	20.55	19362.31275	
2+94.08	942.06	0.46	433.3476	
2+94.54	942.06	0.23	216.57285	
2+94.77	942.05	15.47	14572.68255	
3+10.24	941.86	0.5	470.97	
3+10.74	941.86	15.57	14665.14965	
3+26.31	941.83	0.44	414.4062	
3+26.74	941.83	1.89	1780.8776	
3+28.63	941.85	16.71	15739.39965	
3+45.34	941.98	0.3	282.594	
3+45.64	941.98	0.02	18.8412	
3+45.66	942.14	0.01	9.42045	
3+45.66	941.75	0.07	65.9304	
3+45.74	941.69	0.59	555.58295	
3+46.32	941.64	0.47	442.5755	
3+46.79	941.66	4.62	4348.1532	
3+51.41	941.66	6.34	5963.6115	
3+57.75	941.29	0.16	150.4456	
3+57.91	941.28	0.67	630.1551	
3+58.58	941.76	4.28	4026.9384	
3+62.86	941.76	1.57	1478.5816	
3+64.43	941.76	13.03	9615.4216	
3+78.45	941.66	0.15	141.099	
3+78.60	941.66	0.14	131.6824	
3+78.74	941.66	10.22	9611.7056	
3+88.96	940.8	19.91	18733.23445	
4+08.87	939.89	0.19	178.57815	
4+09.06	939.88	0.22	206.7716	
4+09.28	939.88	13.63	10437.4045	
4+28.90	939.57	0.17	159.72605	
4+29.07	939.58	13.69	18496.88445	
4+46.16	939.25	0.11	103.3175	
4+46.28	939.25	20.4	19186.926	
4+66.68	938.88	0.68	638.435	
4+67.36	938.67	19.28	18097.8468	
4+86.65	938.5	0.58	544.3242	
5+06.57	938.13	7.43	6969.67435	
5+13.99	938.04	4.17	3901.91275	
5+18.16	937.96	0.84	787.2864	
5+19.00	937.98	0.02	18.7596	
5+19.02	937.98	0.02	18.7596	
5+19.04	937.98	0.02	18.7596	
5+19.06	937.98	0.02	18.7596	



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LAKE WEST DEVELOPMENT, LLC

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LOUCKS

CONSULTAN

OVERALL GRAD PLANE ANALYSI PLAN

SHEET TITL

21-803

PROJECT NUMBE

C3.9.A-2

SHEET NUMBE

CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES, OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

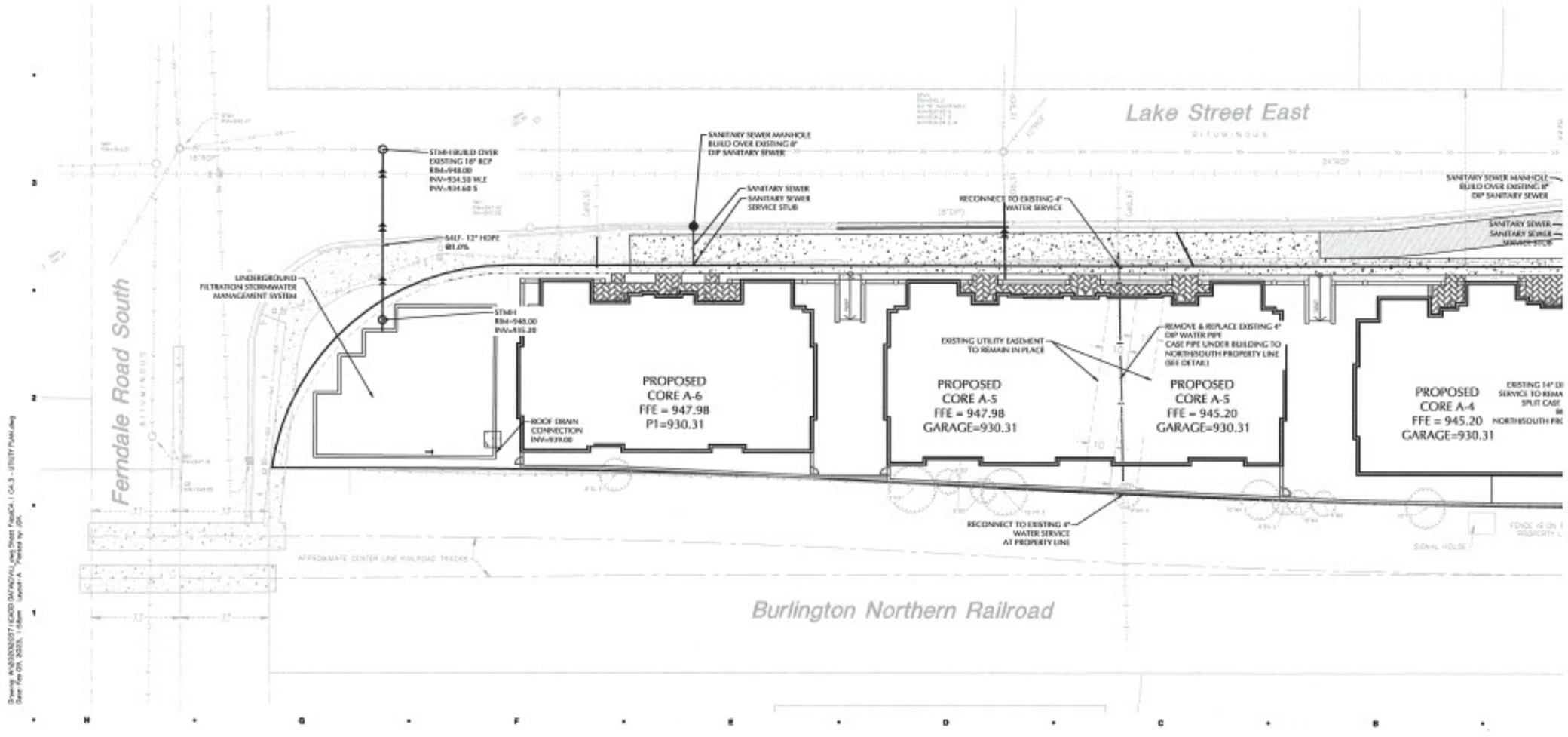
NOTE:
EXISTING CONDITIONS INFORMATION SHOWN IS FROM A BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY LOUCKS, DATED JULY, 2020.

UTILITY NOTES

1. ALL SANITARY SEWER, STORM SEWER AND WATERMAIN UTILITIES SHALL BE FURNISHED AND INSTALLED PER THE REQUIREMENTS OF THE SPECIFICATIONS,THE MINNESOTA PLUMBING CODE, THE LOCAL GOVERNING UNIT , AND THE STANDARD UTILITIES SPECIFICATION OF THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), 2013 EDITION.
2. ALL UTILITY PIPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL. ALL COMPACTION SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CEAM SPECIFICATION AND THE GEOTECHNICAL REPORT.
3. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE PERFORMED PER THE REQUIREMENTS OF THE STATE AND LOCAL JURISDICTIONS. THE CITY DEPARTMENT OF ENGINEERING AND BUILDING INSPECTIONS DEPARTMENT AND THE CONSTRUCTION ENGINEER MUST BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY WORK WITHIN THE PUBLIC RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITIES.
4. ALL STORM SEWER , SANITARY SEWER AND WATER SERVICES SHALL TERMINATE 5' FROM THE BUILDING FACE UNLESS OTHERWISE NOTED.
5. A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES UNLESS OTHERWISE NOTED.
6. ALL NEW WATERMAIN AND SERVICES MUST HAVE A MINIMUM OF 7.5 FEET OF COVER. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. THE CONTRACTOR SHALL FIELD ADJUST WATERMAIN TO AVOID CONFLICTS WITH SANITARY SEWER, STORM SEWER, AND SERVICES AS REQUIRED. INSULATION OF WATER AND SANITARY SEWER LINES SHALL BE PROVIDED WHERE 7.5 FEET MINIMUM DEPTH CAN NOT BE ATTAINED.
7. ALL FIRE HYDRANTS SHALL BE LOCATED 5 FEET BEHIND BACK OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
8. PROPOSED PIPE MATERIALS:

WATERMAIN	CL 52 DIP	6" TO 8" DIAMETER
SANITARY SEWER	PVC SDR 35 & SCH 40	6" TO 8" DIAMETER
STORM SEWER	DUAL WALL HDPE	12" TO 15" DIAMETER

9. ALL PORTIONS OF THE STORM SEWER SYSTEM, INCLUDING CATCH BASINS, LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED ACCORDANCE WITH MINNESOTA RULES, PART 4715.2810
10. ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GASTIGHT OR WATERTIGHT (SEE MINNESOTA RULES, PART 4715.0780). APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, AND OTHER STRUCTURES.
11. HIGH-DENSITY POLYETHYLENE (HDPE) STORM DRAINS MUST COMPLY WITH MINNESOTA RULES, PART 4715.0340:
    a. PIPES 4-INCH TO 10-INCH IN SIZE MUST COMPLY WITH AASHTO M252.
    b. PIPES 12-INCH TO 60-INCH IN SIZE MUST COMPLY WITH ASTM F2306.
    c. ALL FITTINGS MUST COMPLY WITH ASTM D3212.
    d. WATER-TIGHT JOINTS MUST BE USED AT ALL CONNECTIONS INCLUDING STRUCTURES.
12. CONTRACTOR AND MANHOLE FABRICATOR SHALL SUMP (LOWER) ALL STORM SEWER CATCH BASIN CASTINGS WITHIN PAVED AREAS 0.16 FEET OR 2-INCHES BELOW THE RIM ELEVATION DEPICTED ON THE UTILITY PLAN.
13. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE ALL SIGNAGE, BARRICADES, FLASHERS AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT THE EXPRESSED AUTHORITY OF OF THE CITY.
14. THE CITY SHALL OPERATE ALL GATE VALVES.
15. CONNECTIONS TO EXISTING MANHOLES SHALL BE MADE BY CORE DRILLING THE MANHOLE AT THE PROPOSED INVERT ELEVATIONS AND INSTALLING A RUBBER BOOT. CIRCUIT IN THE BOOT AND AN INVERT FOR THE NEW SEWER LINE.
16. PIPE LENGTHS SHOWN ON THE PLAN INCLUDE THE APRON SECTION.
17. WATERMAIN PIPE SHALL BE DIP CLASS 52, INSTALLED WITH 7.5 FEET OF COVER TO TOP PIPE. FITTINGS SHALL BE COMPACT TYPE. PIPE AND FITTINGS SHALL HAVE A CEMENT MORTAR LINING. CONDUCTIVITY SHALL BE PROVIDED BY WELDED STRAPS ACROSS EACH JOINT
18. TRENCH COMPACTION SHALL BE 95% STANDARD PROCTOR DENSITY IN THE AREA FROM THE PIPE ZONE TO WITHIN 3 FEET OF FINISHED GRADE AND 100% IN FINAL 3 FEET OF THE BACKFILL TO FINISH GRADE.



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10/30/20	CITY SUBMITTA
12/11/20	DESIGN REVIEW
1/29/2021	PLANNING / EAP RESUBMITTA
3/29/2021	DESIGN REVIEW
4/29/2021	PLANNING / EAP RESUBMITTA
5/28/2021	DESIGN REVIEW
6/29/2021	PLANNING / EAP RESUBMITTA

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200 LAKE ST E
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LAKE WEST DEVELOPMENT, LLC

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7200 Hemlock Lane, Suite 3
Maple Grove, MN 5
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CONSULTANT

PRELIMINARY UTILITY PLAN - A

SHEET TITLE

21-803

PROJECT NUMBE

C4.1

SHEET NUMBE

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Gopher State One Call

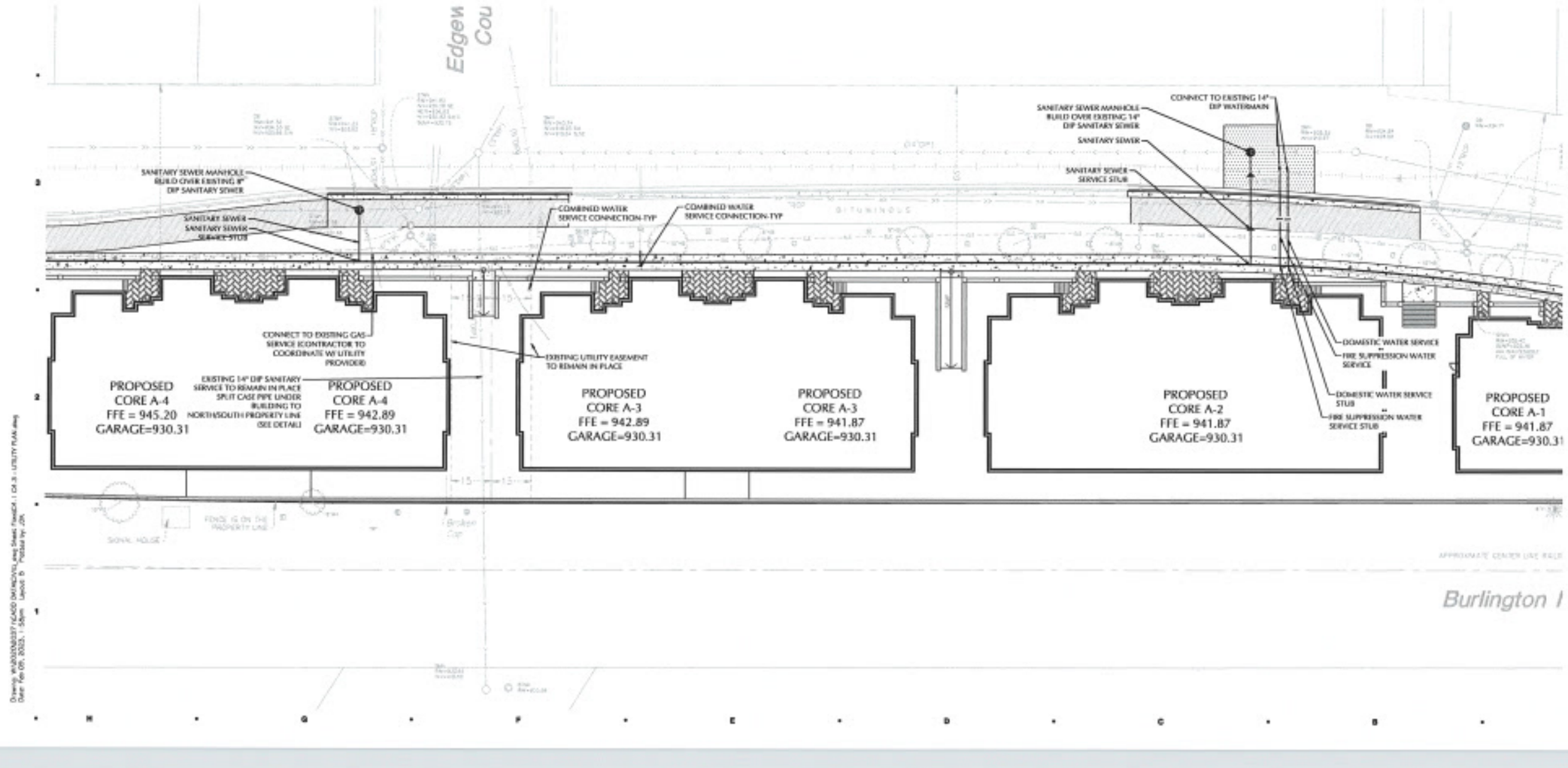
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

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THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND MAINS, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

NOTE:
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WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

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LOUCKS

CONSULTANT

PRELIMINARY UTILITY PLAN - B

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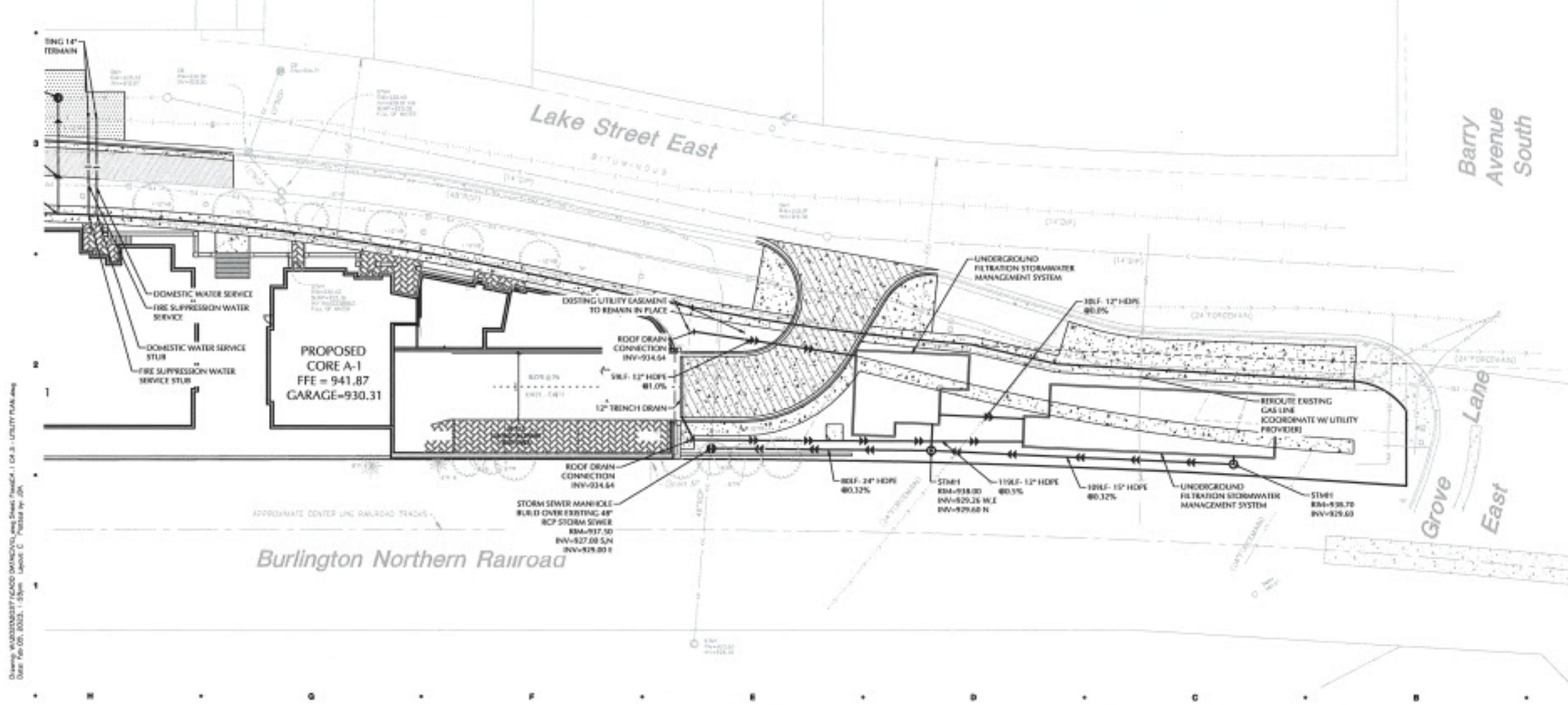
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10/06/22	CITY SUBMITTA
09/09/22	DESIGN REVIEW
	REZONING / CUP / VEA SUBMITTA
12/09/21	DESIGN REVIEW
	REZONING / CUP / VEA SUBMITTA
03/04/21	DESIGN REVIEW
	REZONING / CUP / VEA SUBMITTA

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WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJEC

LOUCKS

CONSULTAN

PRELIMINARY UTILITY PLAN - C

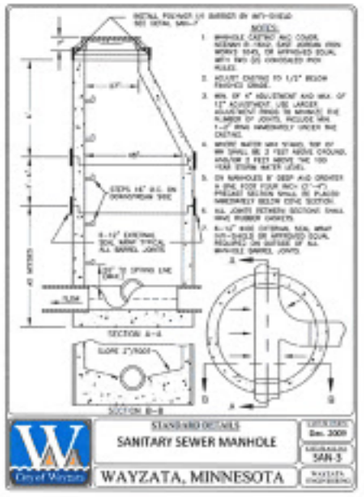
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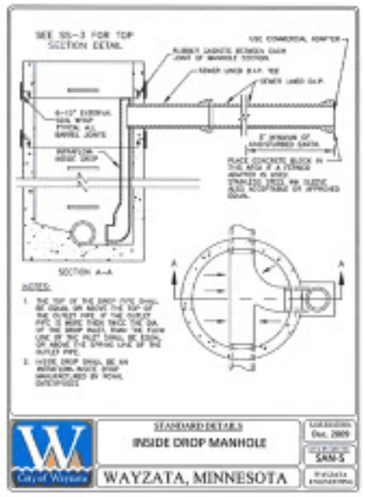
PROJECT NUMBE

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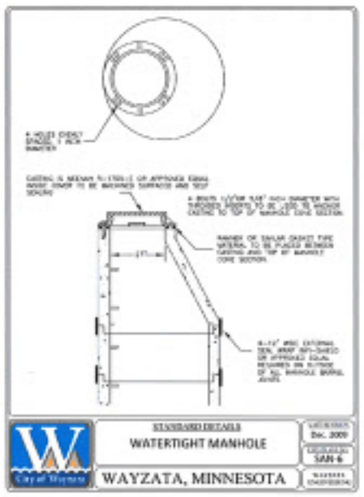
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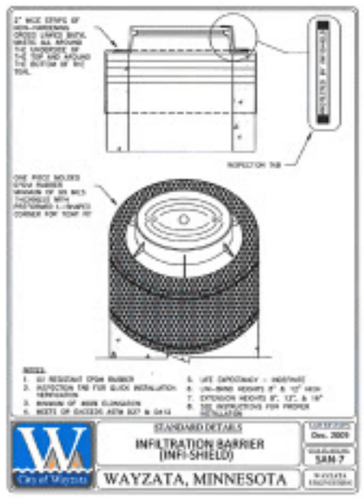
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SANITARY SEWER MANHOLE
SAN-3
WAYZATA, MINNESOTA



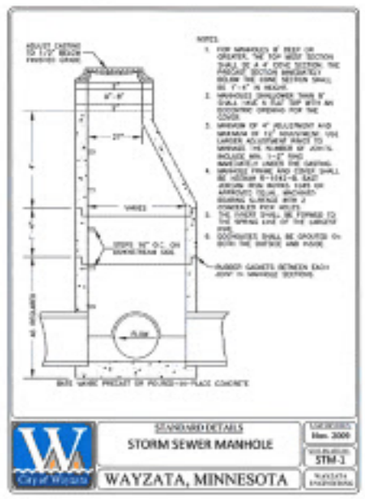
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INSIDE DROP MANHOLE
SAN-5
WAYZATA, MINNESOTA



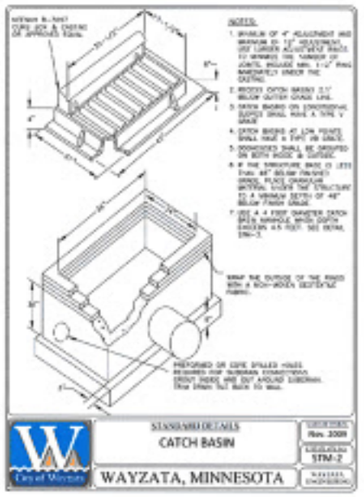
STANDARD DETAILS
WATERTIGHT MANHOLE
SAN-6
WAYZATA, MINNESOTA



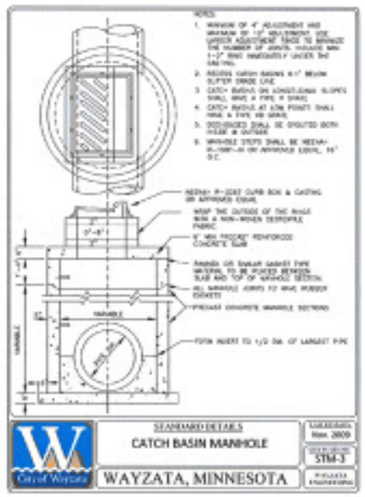
STANDARD DETAILS
INFILTRATION BARRIER (INFI-SHIELD)
SAN-7
WAYZATA, MINNESOTA



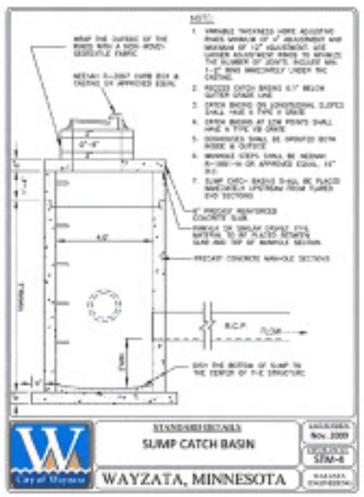
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STORM SEWER MANHOLE
STM-1
WAYZATA, MINNESOTA



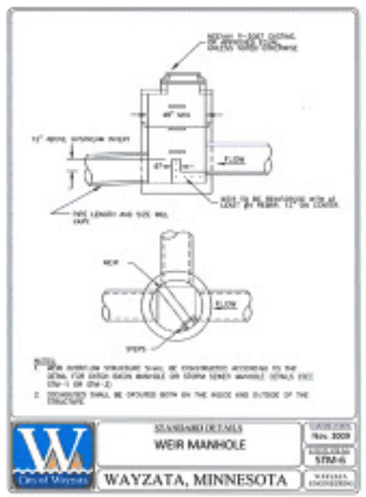
STANDARD DETAILS
CATCH BASIN
STM-2
WAYZATA, MINNESOTA



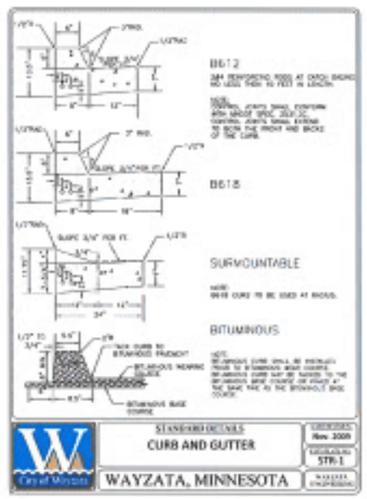
STANDARD DETAILS
CATCH BASIN MANHOLE
STM-3
WAYZATA, MINNESOTA



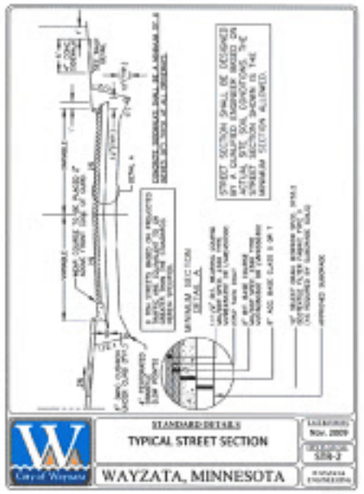
STANDARD DETAILS
SUMP CATCH BASIN
STM-4
WAYZATA, MINNESOTA



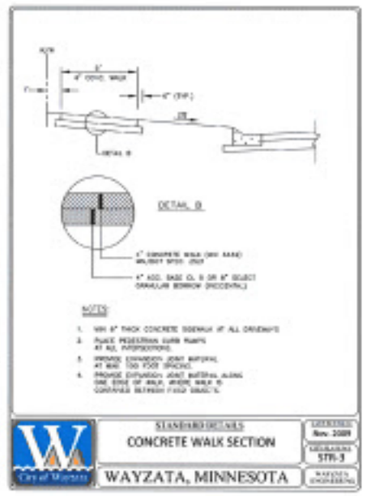
STANDARD DETAILS
WEIR MANHOLE
STM-6
WAYZATA, MINNESOTA



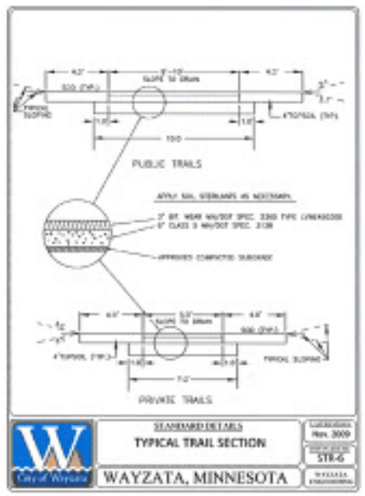
STANDARD DETAILS
CURB AND GUTTER
STR-1
WAYZATA, MINNESOTA



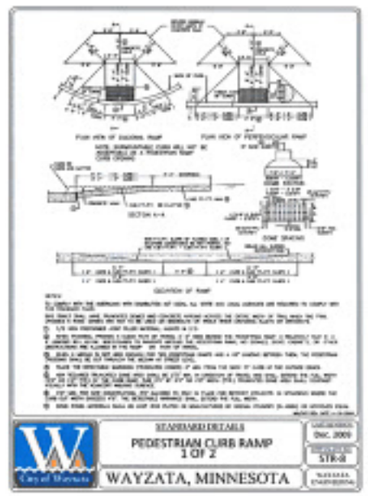
STANDARD DETAILS
TYPICAL STREET SECTION
STR-2
WAYZATA, MINNESOTA



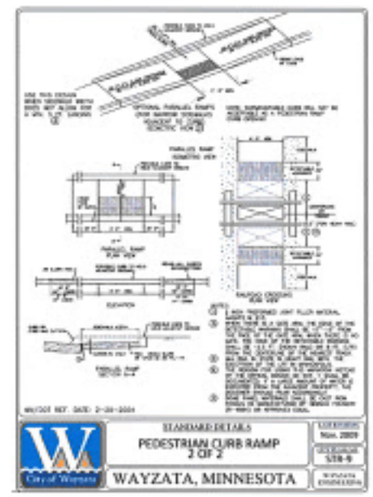
STANDARD DETAILS
CONCRETE WALK SECTION
STR-3
WAYZATA, MINNESOTA



STANDARD DETAILS
TYPICAL TRAIL SECTION
STR-6
WAYZATA, MINNESOTA



STANDARD DETAILS
PEDESTRIAN CURB RAMP 1 OF 2
STR-8
WAYZATA, MINNESOTA



STANDARD DETAILS
PEDESTRIAN CURB RAMP 2 OF 2
STR-9
WAYZATA, MINNESOTA

Sheet Size - 24x36

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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

LOUCKS

CONSULTANT

CIVIL DETAILS

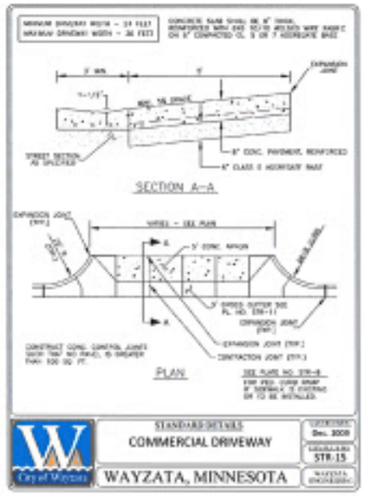
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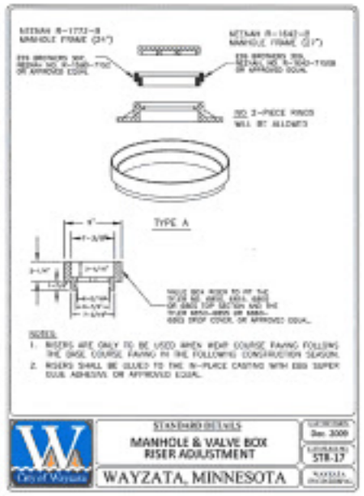
21-803

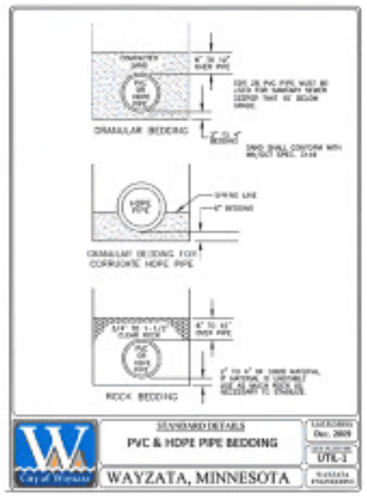
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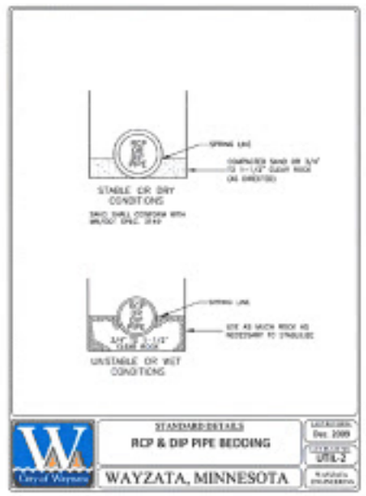
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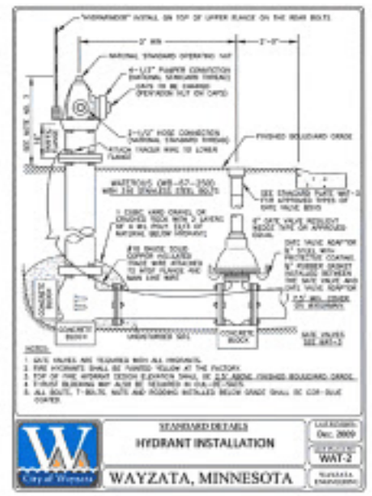
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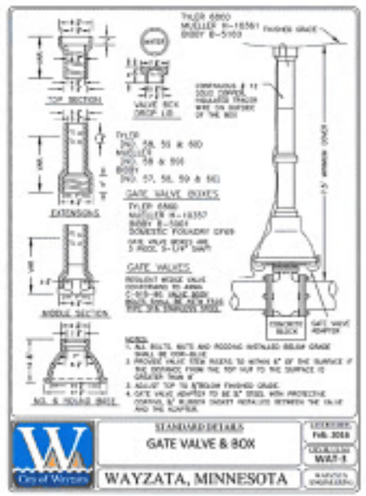


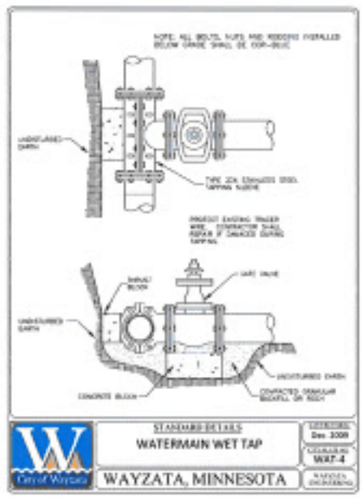


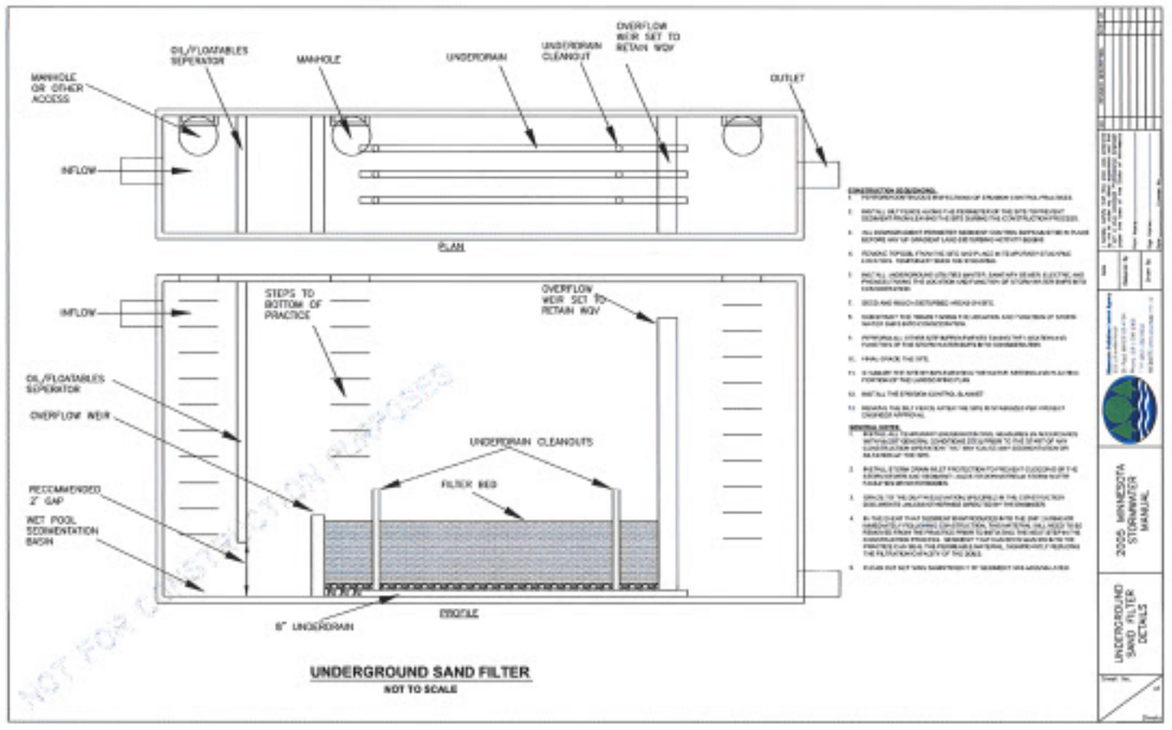


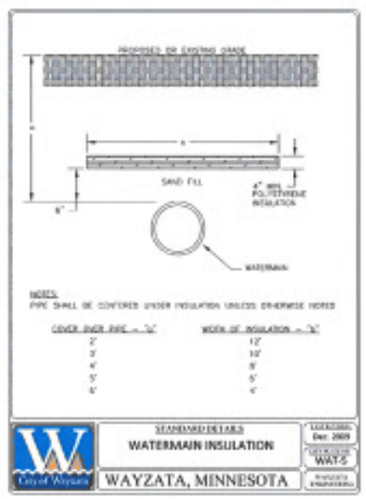


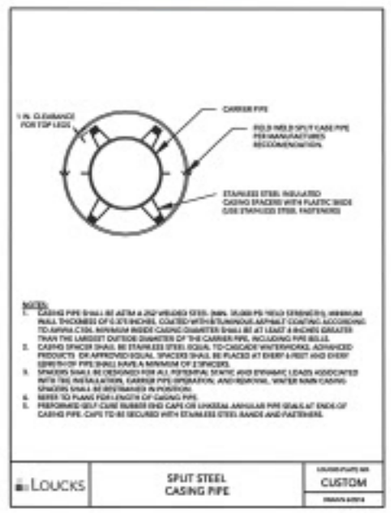












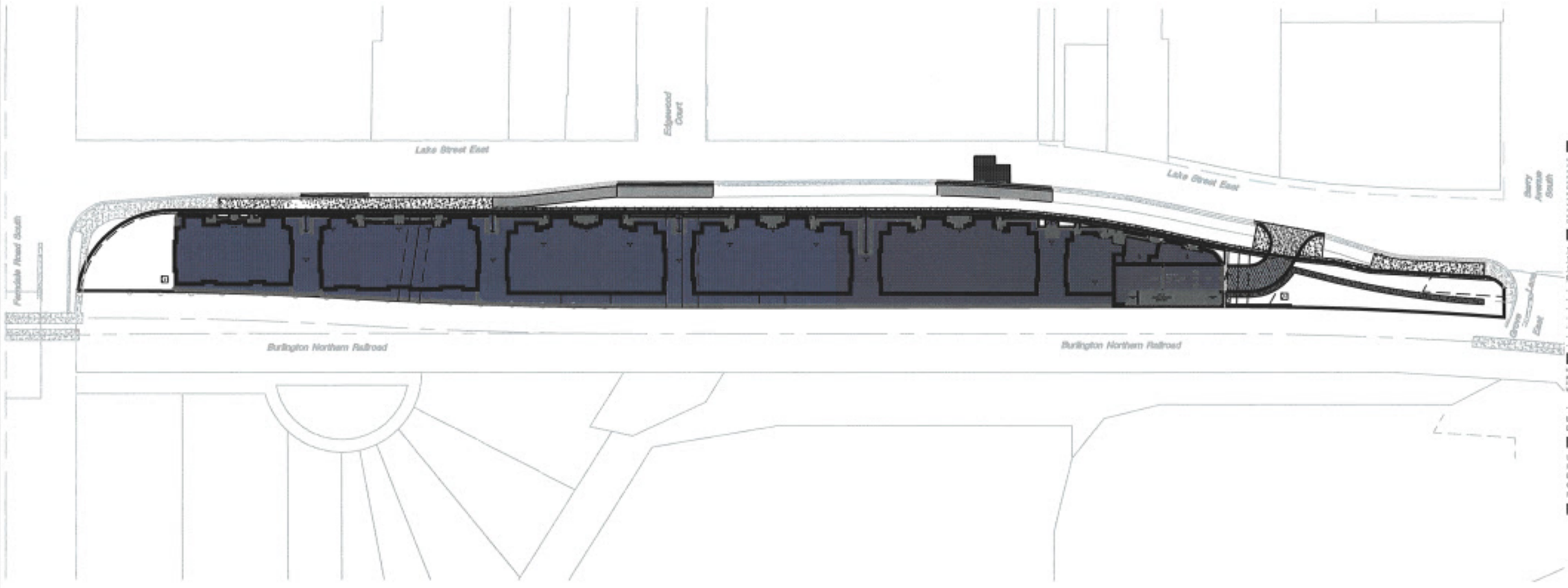
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200 LAKE ST E
WAYZATA, MN
LAKE WEST DEVELOPMENT, LLC
LOUCKS

CIVIL DETAILS

21-803

C8.2

IMPERVIOUS AREA = 83,861 SF / 1.93 AC, 84.7%



0 100 200

SCALE IN FEET

200 EAST LA
STRE
WAYZATA, MINN

LOUCI
PLA
CIVIL ENGINI
LAND SUR
LANDSCAPE ARCHITE
ENVIRONM
7200 Hemlock Lane, S
Maple Grove, MI
763.4
www.loucks

CADD QUALIFIC

SUBMITTAL/REVI
10/28/2022 . . . . CITY SUB
12/02/2022 . . . ZONING RESUB
12/29/2022 . . . ZONING RESUB
02/09/2023 . . . ZONING RESUB

PROFESSIONAL SIGN

Nicholas M. Manna, PE
License No.
Date

QUALITY CON
Loucks Project No.
Project Lead
Drawn By
Checked By
Review Date

SHEET

PRELIMINA
IMPERVIO
ARE

EXHIB

LANDLORD CONTROLLED PUBLIC OPEN SPACE = 17,353 SF / 0.40 AC = 17.53%

PUBLIC OPEN SPACE = 4,174 SF / 0.095 AC = 4.21%

PRIVATE USEABLE OPEN SPACE = 10,354 SF / 0.23 = 10.46% *

COMMON / SHARED OPEN SPACE = 13,635 SF / 0.31 AC = 13.77%

LANDLORD CONTROLLED COMMERCIAL OPEN SPACE = 5,023 SF / 0.11 AC = 5.07 %

USEABLE OPEN SPACE REQUIRED: 30*500 = 15,000 USF

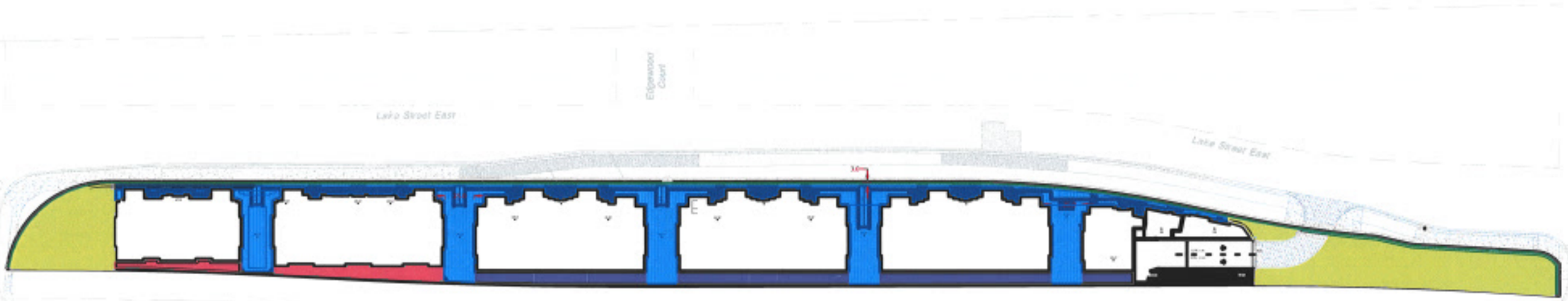
****500 SF of useable open space per dwelling unit*Section 919.08 as defined by Section 902.2**

0 100 200

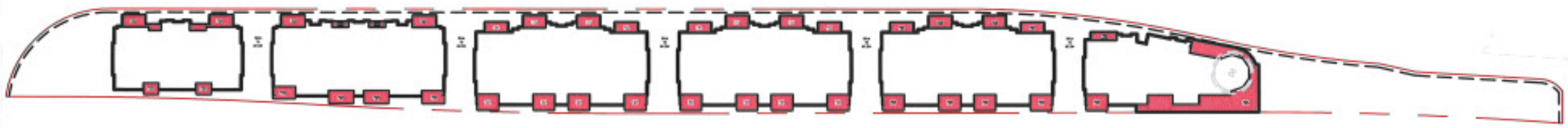
SCALE IN FEET

200 EAST LA
STRE

LOUC



AT GRADE OPEN SPACE

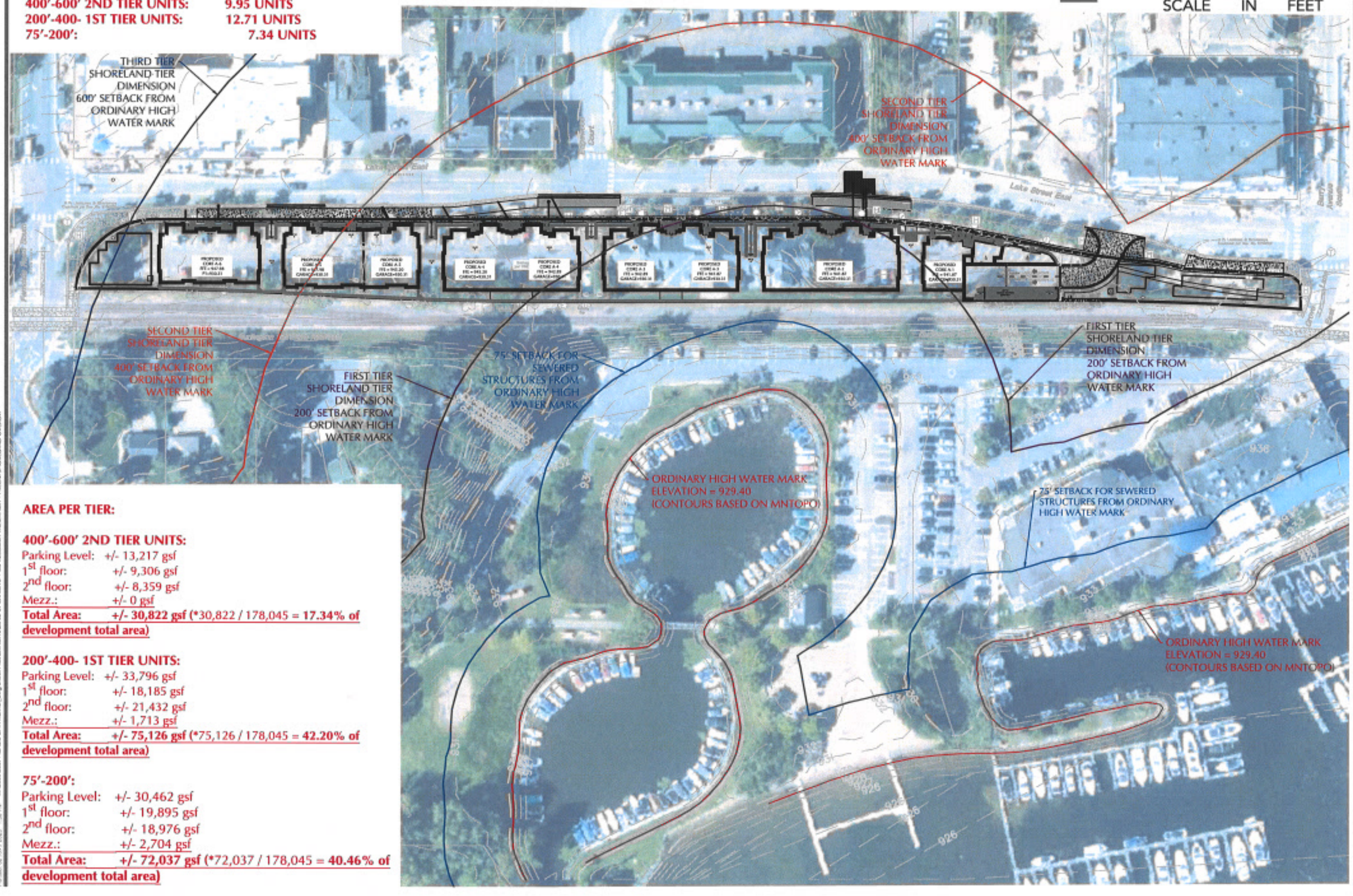


UPPER LEVEL OPEN SPACE
8,280 GSF

OPEN SPA
EXHIB

UNIT DENSITY PER TIER:

400'-600' 2ND TIER UNITS: 9.95 UNITS
200'-400- 1ST TIER UNITS: 12.71 UNITS
75'-200': 7.34 UNITS



AREA PER TIER:

400'-600' 2ND TIER UNITS:
Parking Level: +/- 13,217 gsf
1st floor: +/- 9,306 gsf
2nd floor: +/- 8,359 gsf
Mezz.: +/- 0 gsf
Total Area: +/- 30,822 gsf (*30,822 / 178,045 = **17.34% of development total area)**

200'-400- 1ST TIER UNITS:
Parking Level: +/- 33,796 gsf
1st floor: +/- 18,185 gsf
2nd floor: +/- 21,432 gsf
Mezz.: +/- 1,713 gsf
Total Area: +/- 75,126 gsf (*75,126 / 178,045 = **42.20% of development total area)**

75'-200':
Parking Level: +/- 30,462 gsf
1st floor: +/- 19,895 gsf
2nd floor: +/- 18,976 gsf
Mezz.: +/- 2,704 gsf
Total Area: +/- 72,037 gsf (*72,037 / 178,045 = **40.46% of development total area)**

0 100 200
SCALE IN FEET

200 EAST LAKE STREET

WAYZATA, MINNESOTA

LOUCKS
PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
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Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

CADD QUALIFICATION

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional service for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All electronic or computerized versions, additions, or deletions to these CADD files shall be made at the full risk of the party making such revisions, additions or deletions, and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

SUBMITTAL/REVISIONS

10/28/2022 . . . . CITY SUBMITTAL
12/02/2022 . . ZONING RESUBMITTAL
12/29/2022 . . ZONING RESUBMITTAL
02/09/2023 . . ZONING RESUBMITTAL

PROFESSIONAL SIGNATURE

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

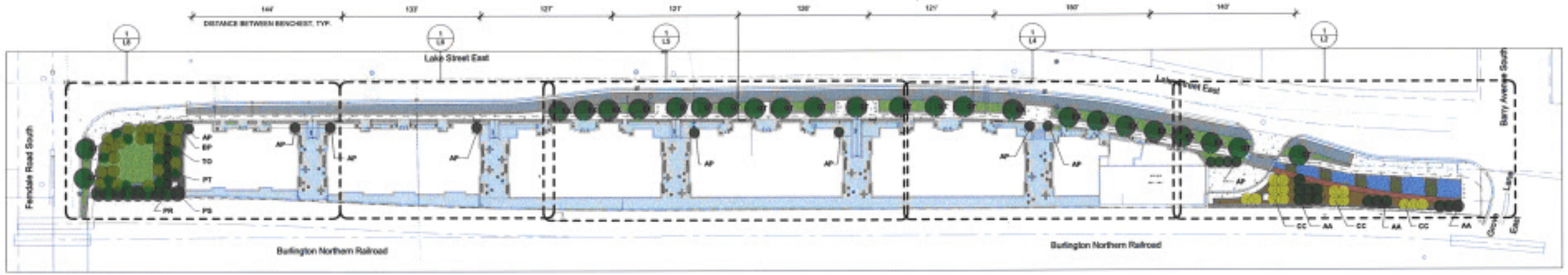
Nicholas M. Misner - PE
License No. 45861
Date

QUALITY CONTROL

Loucks Project No.
Project Lead
Drawn By
Checked By
Review Date

SHEET INDEX

PRELIMINARY SHORELAND OVERLAY EXHIBIT



1 ILLUSTRATIVE SITE PLAN
1" = 50'-0"

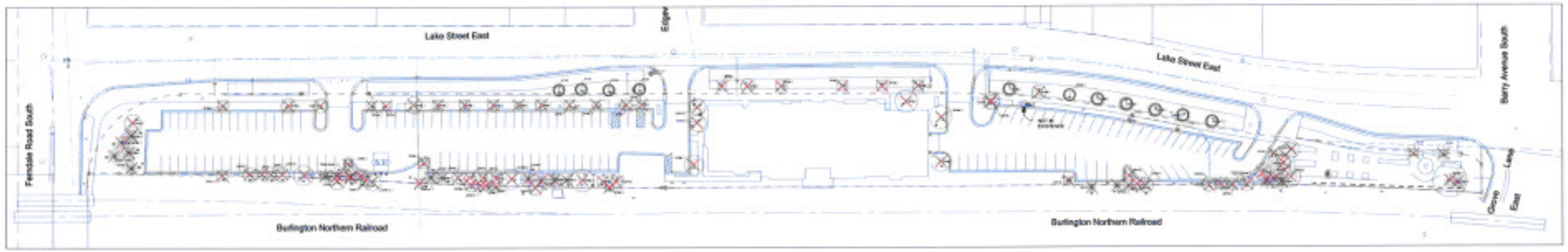
0' 50'

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
TREES								
17	AA	Amelanchier arborea	SERVICEBERRY	3" CAL.	B+B	CLUMP	80 SF	63
12	AP	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	24
21	BP	Betula papulifolia	WHITESPIRE BIRCH	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	66
15	CC	Cercis canadensis	EASTERN REDBUD	3" CAL.	B+B	CLUMP	80 SF	45
14	GT	Gleditsia triacanthos	SKYLINE HONEYLOCUST	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	42
4	PR	Pinus resinosa	RED PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	12
5	PS	Pinus strobus	EASTERN WHITE PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	15
11	PT	Populus tremuloides	QUAKING ASPEN	3" CAL.	B+B	MATCHED SPECIMEN	65 SF	33
6	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	18
105								273" DBH (EXCLUDES 42" DBH NEW PUBLIC ROW TREES)
11	EX		EXISTING TREE TO PROTECT			PROTECT + PRESERVE	*varies*	
11								

Sheet List

Sheet Number	Sheet Name
L1	OVERALL LANDSCAPE PLAN
L2	EAST GREEN SPACE
L3	EAST GREEN SPACE RENDERINGS
L4	ENLARGED STREETSCAPE AND PLAZA 1
L5	ENLARGED STREETSCAPE AND PLAZA 2
L6	ENLARGED STREETSCAPE AND PLAZA 3
L7	STREETSCAPE AND PLAZA RENDERINGS
L8	WEST GREEN SPACE
L9	WEST GREEN SPACE RENDERINGS



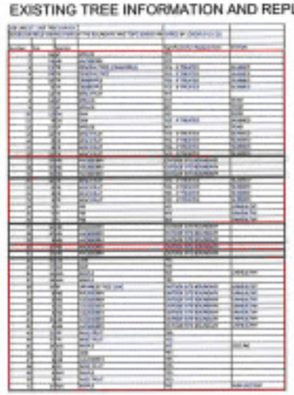
2 TREE SURVEY
1" = 50'-0"

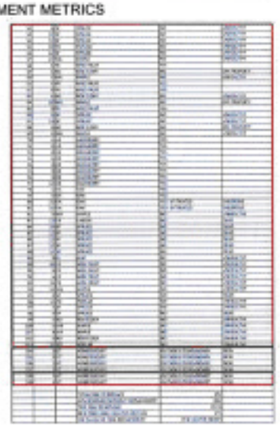
0' 50'

EXISTING TREE INFORMATION AND REPLACEMENT METRICS

TREES TO PROTECT AND PRESERVE

TREES TO BE REMOVED





Sheet Size - 24x36

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Ann Arbor, Michigan

DESIGN REVIEW / PLANNING / CUP 04/14/2022

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P.734.663.4189
www.hobbs-black.com

200 LAKE ST E
WAYZATA, MN
LAKE WEST DEVELOPMENT, LLC

PROJECT

URBAN ECOSYSTEMS LANDSCAPE ARCHITECTS
2580 UNIVERSITY AVE W #CB
ST. PAUL, MN 55114
651.340.8568

CONSULTANT

LANDSCAPE PLAN AND TREE SURVEY + INVENTORY

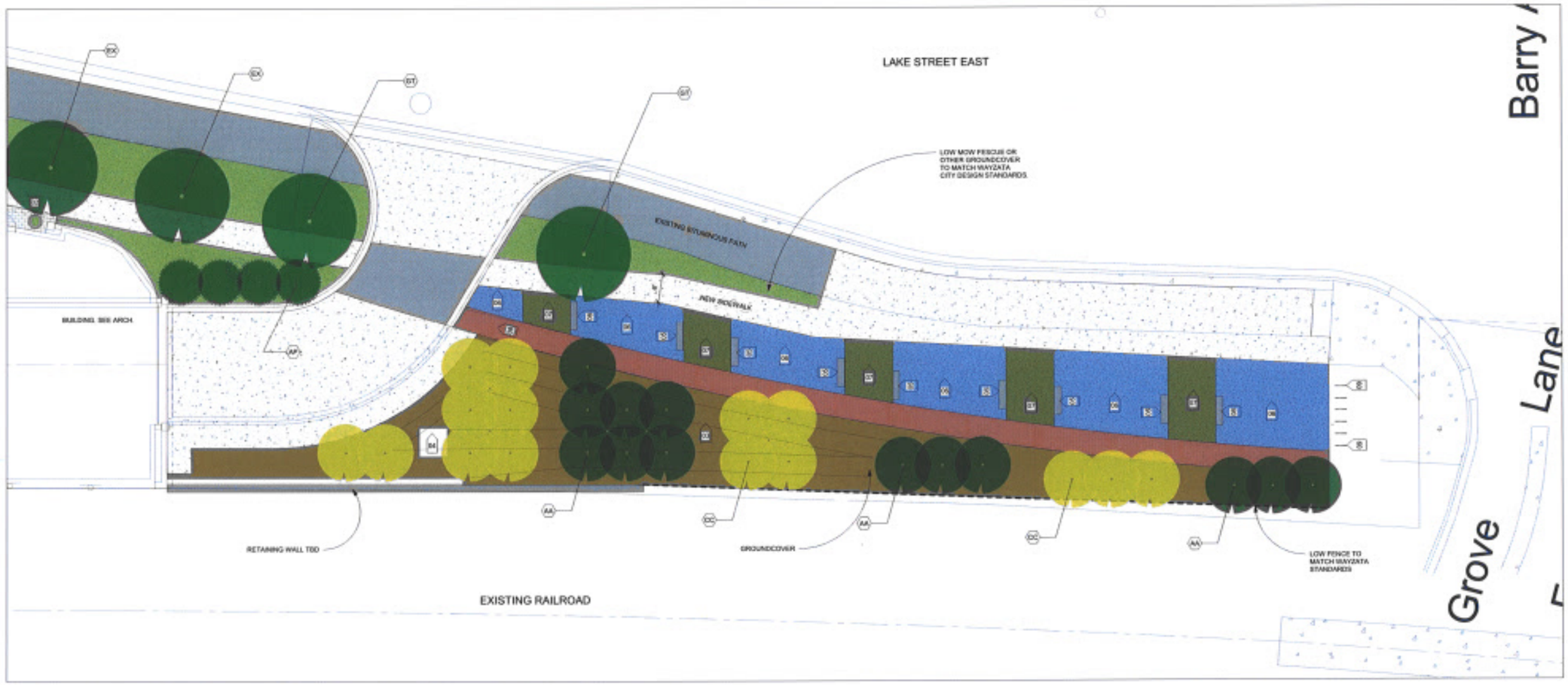
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21-803

PROJECT NUMBER

L1

SHEET NUMBER



1 EAST GREEN SPACE

NOT ALL KEYNOTES LOCATED ON THIS SHEET

LAYOUT KEYNOTES

KEY	CONTENT
01	OPEN LAWN SPACE
02	PLANTERS
03	PLANTED LANDFORM
04	TRANSFORMER - SEE CIVIL
05	SEATING ELEMENTS
06	PERENNIAL BED. #1 CONT. PLANTINGS
07	TURF GRASS
08	PRIVATE BOARDWALK AREA
09	BIKE RACK
10	BENCH

NOT ALL PLANTS LOCATED ON THIS SHEET

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
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12	AP	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	3" CAL.	B+B	MATCHED SPECIMEN	68 SF	34
21	BP	Betula populifolia	WHITESPIRE BIRCH	3" CAL.	B+B	MATCHED SPECIMEN	95 SF	66
15	CC	Cercis canadensis	EASTERN REDBUD	3" CAL.	B+B	CLUMP	80 SF	48
14	GT	Gleditsia triacanthos	SKYLINE HONEYLOCUST	3" CAL.	B+B	MATCHED SPECIMEN	160 SF	42
4	PR	Pinus resinosa	RED PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	12
5	PS	Pinus strobus	EASTERN WHITE PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	15
11	PT	Populus tremuloides	QUAKING ASPEN	3" CAL.	B+B	MATCHED SPECIMEN	56 SF	33
6	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	3" CAL.	B+B	MATCHED SPECIMEN	56 SF	18
105								
11	EX		Existing tree to protect			Protect + preserve		
11								

KEY METRICS:
1. OVER 5000 SF OF USABLE OPEN SPACE COMPRISED OF LAWN OR ARTIFICIAL TURF, PERENNIALS, TREES AND GROUNDCOVER PLANTINGS.

Sheet Size - 24x36

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Ann Arbor, MI 48104
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PROJECT

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2500 UNIVERSITY AVE W #128
ST. PAUL, MN 55114
651.340.8568

CONSULTANT

EAST GREEN SPACE PLAN

SHEET TITLE

21-803

PROJECT NUMBER

L2

SHEET NUMBER









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LAKE WEST DEVELOPMENT, LLC

PROJECT

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2500 UNIVERSITY AVE W #C8
ST. PAUL, MN 55114
651.340.8568

CONSULTANT

EAST
GREEN SPACE
RENDERINGS

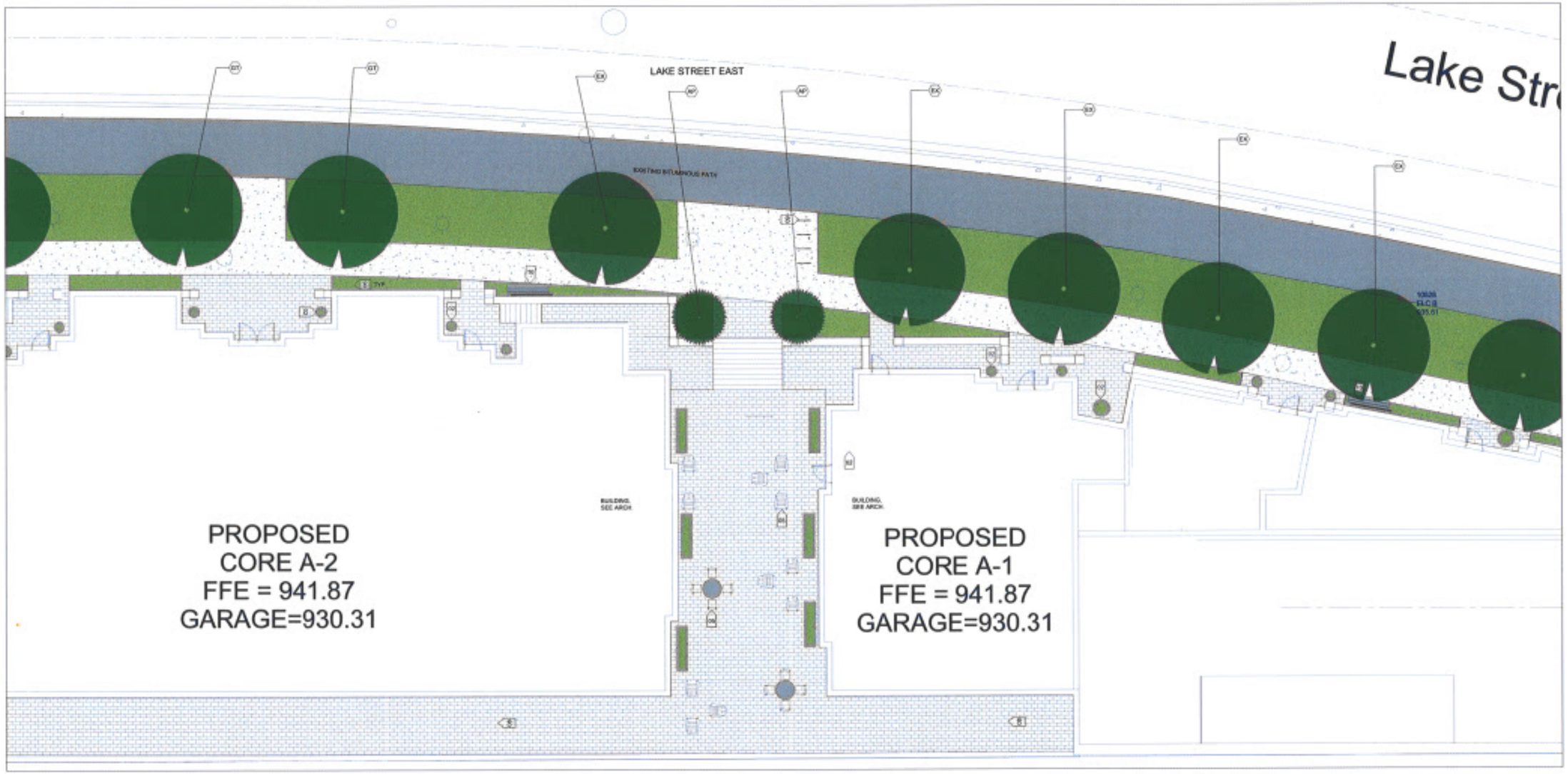
SHEET TITLE

21-803

PROJECT NUMBER

L3

SHEET NUMBER



1 ENLARGED STREETSCAPE AND PLAZA 1

NOT ALL KEYNOTES LOCATED ON THIS SHEET

LAYOUT KEYNOTES

KEY	DESCRIPTION
01	OPEN LAWN SPACE
02	PLANTERS
03	PLANTER - LANDFORM
04	TRANSFORMER - SEE CIVIL
05	SEATING ELEMENTS
06	PERENNIAL BED AT CONT. PLANTINGS
07	TURF GRASS
08	PRIVATE BOARDWALK AREA
09	BIKE RACK
10	BENCH

NOT ALL PLANTS LOCATED ON THIS SHEET

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
TREES								
17	AA	Amelanchier arborea	SERVICEBERRY	3" CAL.	B+B	CLUMP	80 SF	63
12	AP	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	24
21	BP	Betula populifolia	WHITESPIRE BIRCH	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	66
15	CC	Cercis canadensis	EASTERN REDBUD	3" CAL.	B+B	CLUMP	80 SF	48
14	GT	Gleditsia triacanthos	SKYLINE HONEYLOCUST	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	42
4	PR	Pinus resinosa	RED PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	12
5	PS	Pinus sylvestris	EASTERN WHITE PINE	3" CAL.	B+B	MATCHED SPECIMEN	165 SF	15
11	PT	Populus tremuloides	QUAKING ASPEN	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	33
9	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	3" CAL.	B+B	MATCHED SPECIMEN	80 SF	18
105								
11	EX		EXISTING TREE TO PROTECT			PROTECT + PRESERVE		
11								

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CONSULTANT

ENLARGED STREETSCAPE AND PLAZA 1

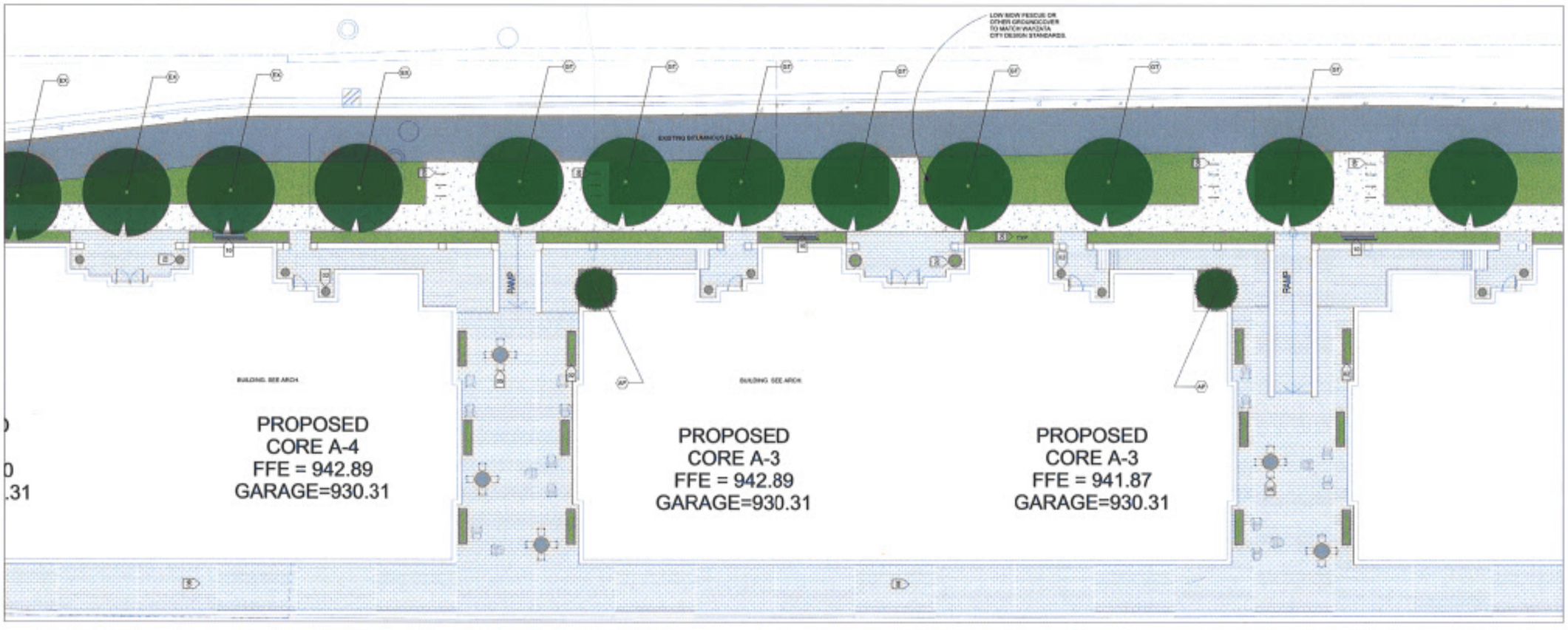
SHEET TITLE

21-803

PROJECT NUMBER

L4

SHEET NUMBER



1 ENLARGED STREETSCAPE AND PLAZA 2

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LAYOUT KEYNOTES

KEY	CONTENT
01	OPEN LAWN SPACE
02	PLANTERS
03	PLANTER LANDFORM
04	TRANSFORMER - SEE CIVIL
05	SEATING ELEMENTS
06	PERENNIAL BED #1 CONT. PLANTINGS
07	TURF GRASS
08	PRIVATE BOARDWALK AREA
09	BIKE RACK
10	BENCH

NOT ALL PLANTS LOCATED ON THIS SHEET

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
TREES								
17	AA	Amelanchier alnifolia	SERVICEBERRY	2" CAL	B+B	CLUMP	50 SF	50
12	AP	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	2" CAL	B+B	MATCHED SPECIMEN	50 SF	24
21	BP	Betula populifolia	WHITE SPIRE BIRCH	2" CAL	B+B	MATCHED SPECIMEN	95 SF	66
10	CC	Cercis canadensis	EASTERN REDBUD	2" CAL	B+B	CLUMP	80 SF	48
14	DT	Diervilla triesanthes	BOXLINE HONEYSUCKLE	2" CAL	B+B	MATCHED SPECIMEN	165 SF	42
4	PR	Pinus resinosa	RED PINE	2" CAL	B+B	MATCHED SPECIMEN	165 SF	12
6	PS	Pinus strobus	EASTERN WHITE PINE	2" CAL	B+B	MATCHED SPECIMEN	165 SF	15
11	PT	Populus tremuloides	QUAKING ASPEN	2" CAL	B+B	MATCHED SPECIMEN	55 SF	33
6	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	2" CAL	B+B	MATCHED SPECIMEN	50 SF	18
105								
11	EX		EXISTING TREE TO PROTECT			PROTECT + PRESERVE		
11								

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ENLARGED STREETSCAPE AND PLAZA 2

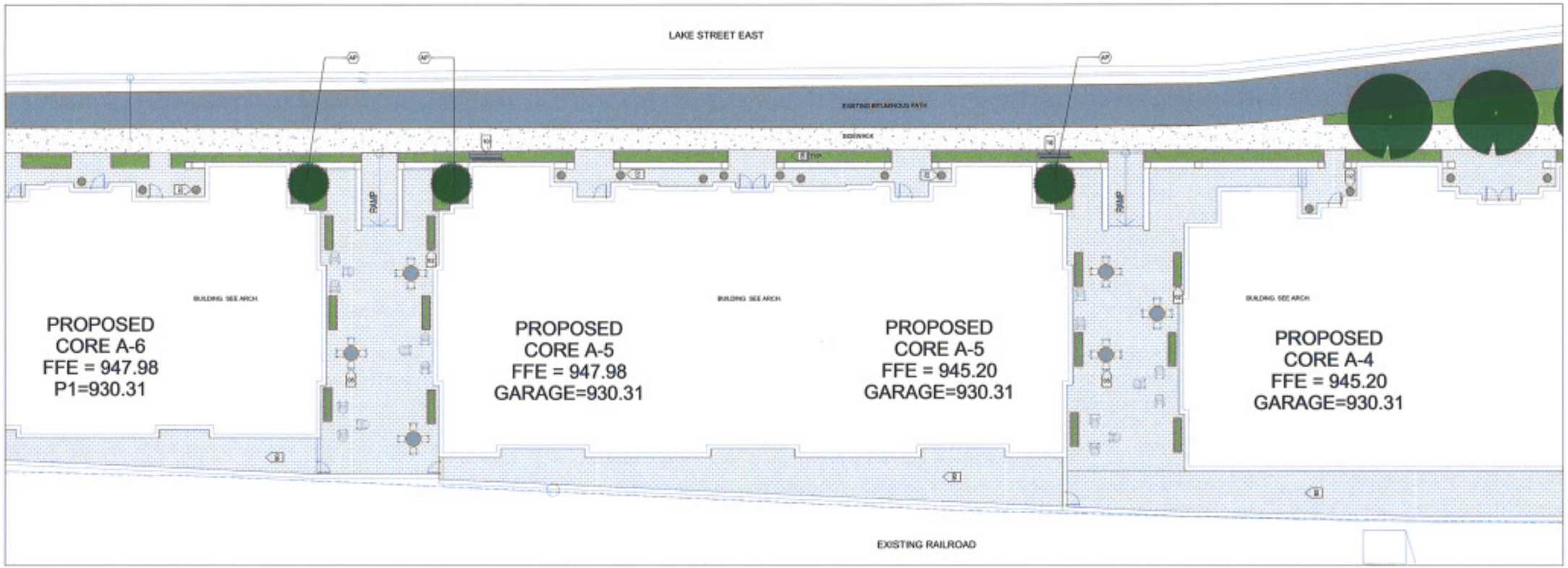
SHEET TITLE

21-803

PROJECT NUMBER

L5

SHEET NUMBER



1 ENLARGED STREETSCAPE AND PLAZA 3

NOT ALL KEYNOTES LOCATED ON THIS SHEET

LAYOUT KEYNOTES	
KEY	CONTENT
01	OPEN LAWN SPACE
02	PLANTERS
03	PLANTED LANDFORM
04	TRANSFORMER - SEE CIVIL
05	SEATING ELEMENTS
06	PERENNIAL BED. #1 CONT. PLANTINGS
07	TURF GRADE
08	PRIVATE SOAR/WALK AREA
09	BIKE RACK
10	BENCH

NOT ALL PLANTS LOCATED ON THIS SHEET

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
TREES								
17	AA	Amelanchier arborea	SERVICEBERRY	3" CAL	B+B	CLUMP	80 SF	63
13	AF	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	3" CAL	B+B	MATCHED SPECIMEN	60 SF	24
21	BP	Betula populifolia	WHITE SPIRE BIRCH	3" CAL	B+B	MATCHED SPECIMEN	95 SF	66
13	CC	Cercis canadensis	EASTERN REDBUD	2" CAL	B+B	CLUMP	80 SF	48
14	GT	Gleditsia triacanthos	SKYLINE HONEYLOCUST	3" CAL	B+B	MATCHED SPECIMEN	105 SF	42
4	PR	Pinus resinosa	RED PINE	3" CAL	B+B	MATCHED SPECIMEN	155 SF	72
5	PS	Pinus strobus	EASTERN WHITE PINE	3" CAL	B+B	MATCHED SPECIMEN	165 SF	78
11	PT	Populus tremuloides	QUAKING ASPEN	3" CAL	B+B	MATCHED SPECIMEN	55 SF	33
6	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	2" CAL	B+B	MATCHED SPECIMEN	50 SF	18
106								
11	EX		EXISTING TREE TO PROTECT			PROTECT + PRESERVE		
11								

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ENLARGED STREETSCAPE AND PLAZA 3

SHEET TITLE

21-803

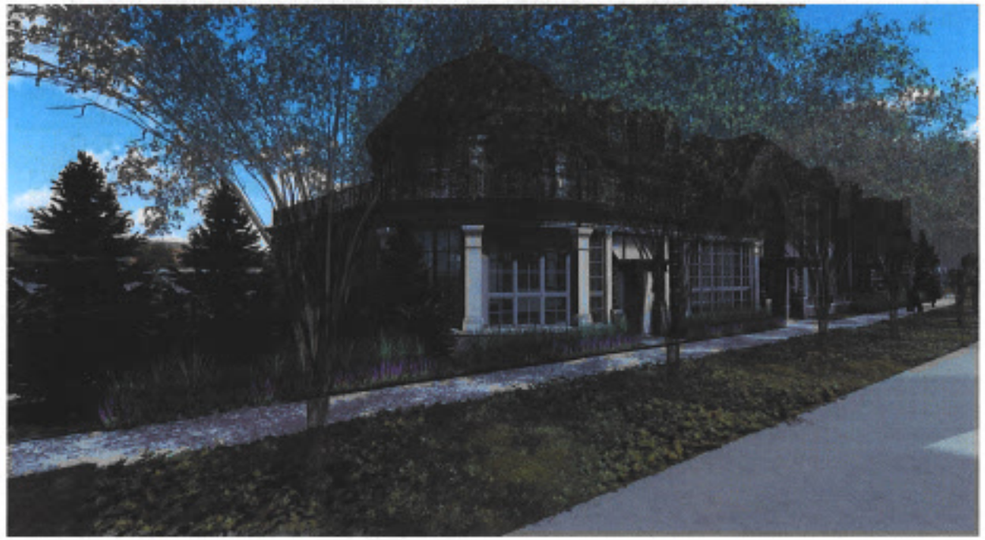
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STREETSCAPE AND PLAZA RENDERINGS

SHEET TITLE

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L7

SHEET NUMBER



1 WEST PARK

NOT ALL KEYNOTES LOCATED ON THIS SHEET

LAYOUT KEYNOTES

KEY	CONTENT
01	OPEN LAWN SPACE
02	PLANTERS
03	PLANTED LANDFORM
04	TRANSFORMER - SEE CIVIL
05	SEATING ELEMENTS
06	PERENNIAL BED, #1 CONT. PLANTINGS
07	TURF GRASS
08	PRIVATE BOARDWALK AREA
09	BIKE RACK
10	BENCH

NOT ALL PLANTS LOCATED ON THIS SHEET

TREE SCHEDULE AND CANOPY INFORMATION

#	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	NOTES	CANOPY AT 10 YRS	TOTAL DBH
TREES								
17	AA	Amelanchier arborea	SERVICEBERRY	2" CAL.	B+B	CLUMP	80 SF	63
12	AP	Pinus cembra 'Algonquin Pillar'	ALGONQUIN PILLAR SWISS STONE PINE	7' CAL.	B+B	MATCHED SPECIMEN	60 SF	24
21	BP	Betula populifolia	WHITE SPIRE BIRCH	2" CAL.	B+B	MATCHED SPECIMEN	90 SF	60
15	CC	Cercis canadensis	EASTERN REDBUD	2" CAL.	B+B	CLUMP	80 SF	45
16	GT	Gleditsia triacanthos	SKYLINE HONEYLOCUST	2" CAL.	B+B	MATCHED SPECIMEN	160 SF	42
4	PR	Pinus resinosa	RED PINE	7' CAL.	B+B	MATCHED SPECIMEN	165 SF	12
3	PS	Pinus strobus	EASTERN WHITE PINE	7' CAL.	B+B	MATCHED SPECIMEN	160 SF	15
11	PT	Populus tremuloides	QUAKING ASPEN	2" CAL.	B+B	MATCHED SPECIMEN	60 SF	33
5	TO	Thuja occidentalis 'Techny'	TECHNY ARBORVITAE	7' CAL.	B+B	MATCHED SPECIMEN	50 SF	15
105								
11	EX		EXISTING TREE TO PROTECT			PROTECT + PRESERVE		
11								

KEY METRICS:
1. OVER 5800 SF OF OPEN GREEN SPACE, GROUNDCOVER PLANTINGS, TREES AND PERMANENT SEATING FOR 20+ PEOPLE.

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WEST
GREEN SPACE
PLAN

SHEET TITLE

21-803

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WEST
GREEN SPACE
RENDERINGS

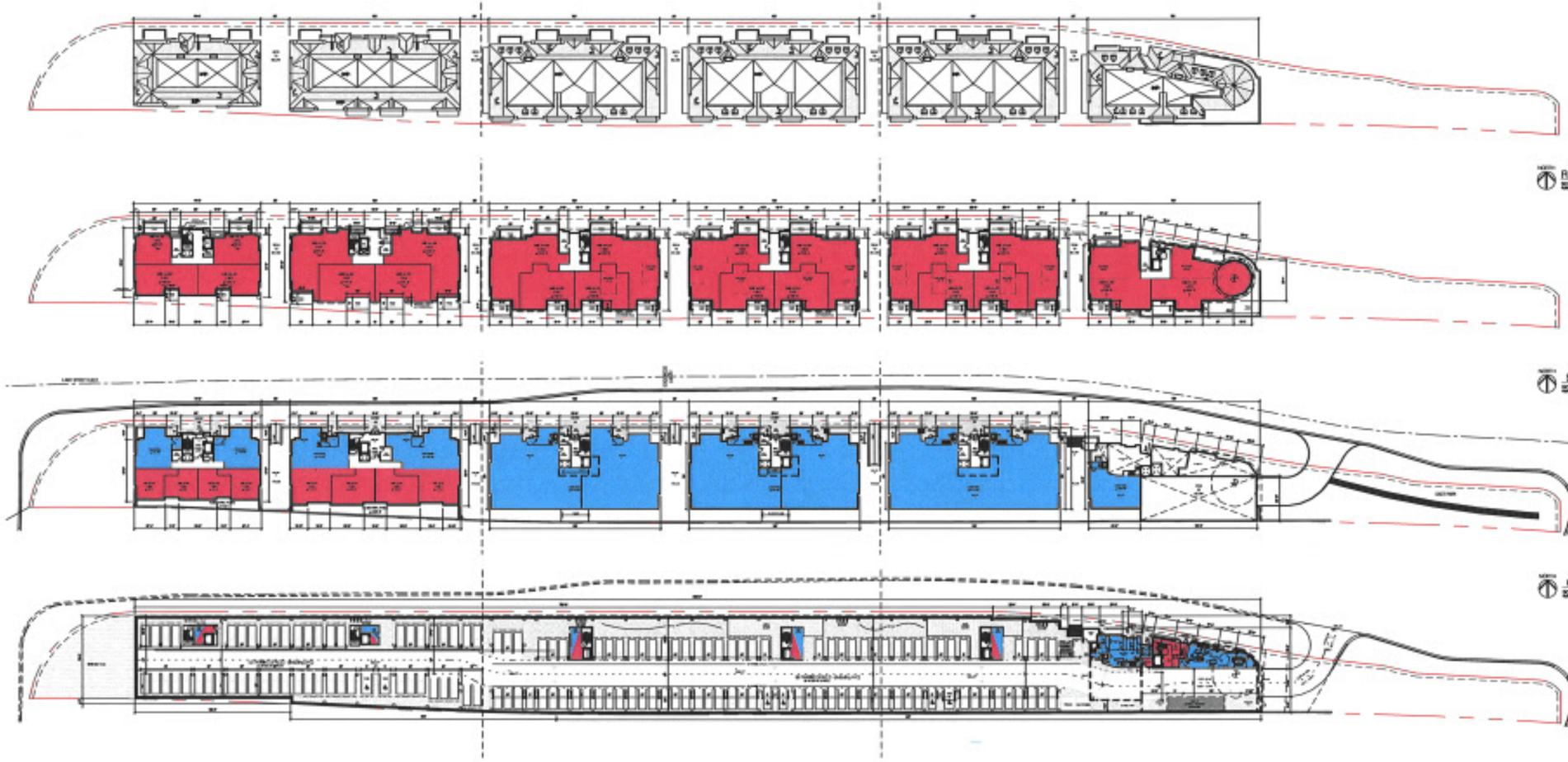
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PROJECT NUMBER

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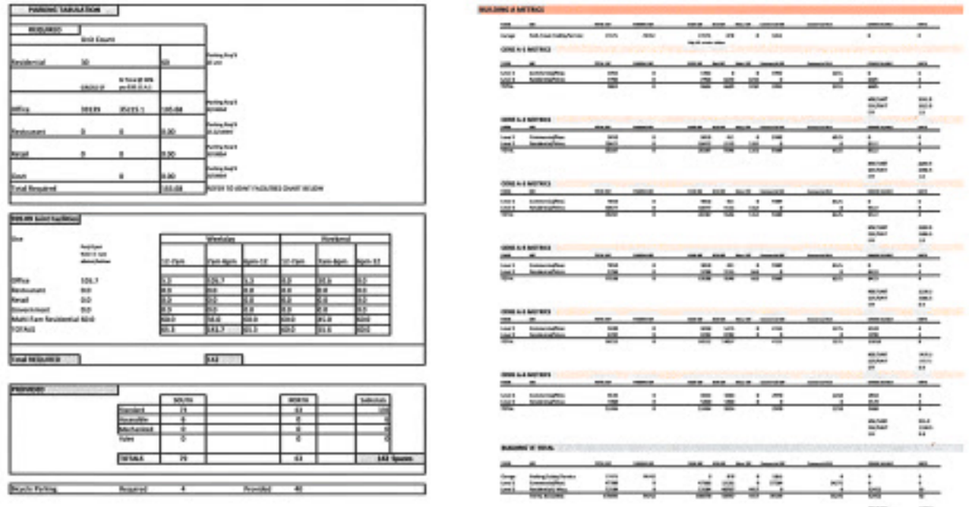


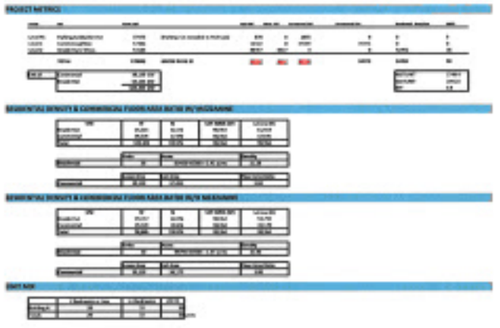
ROOF LEVEL PLAN

SECOND LEVEL PLAN

GRADE / GROUND LEVEL PLAN

GARAGE LEVEL PLAN





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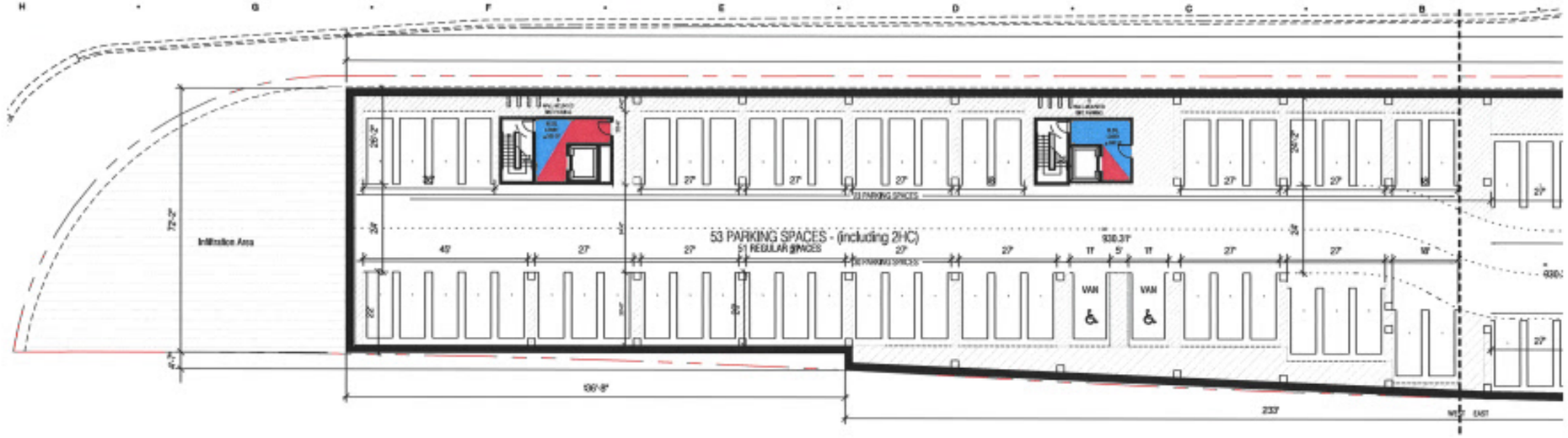
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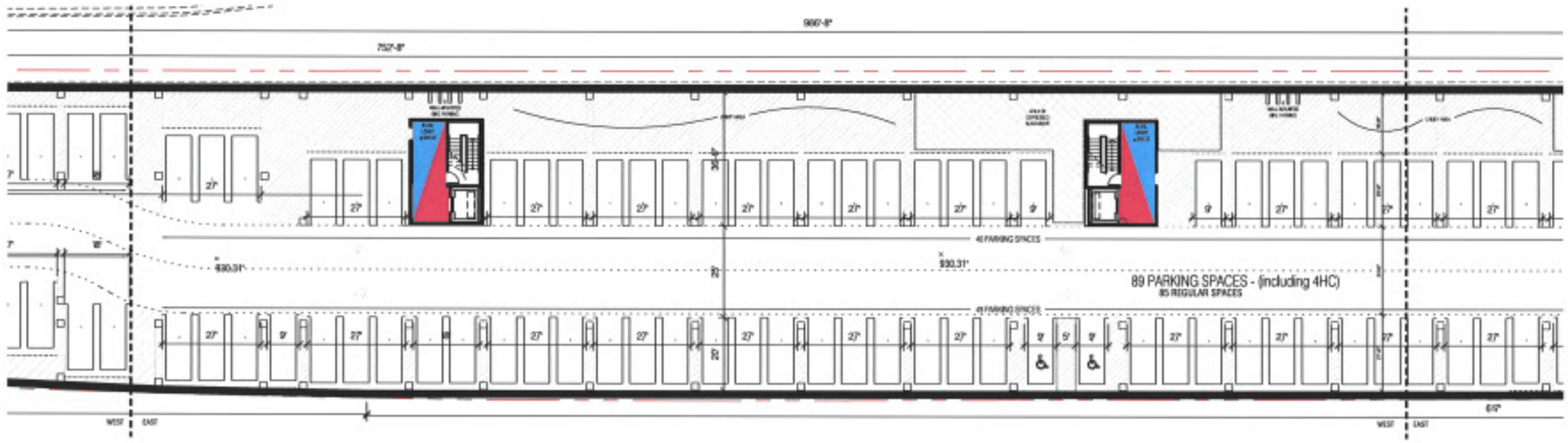
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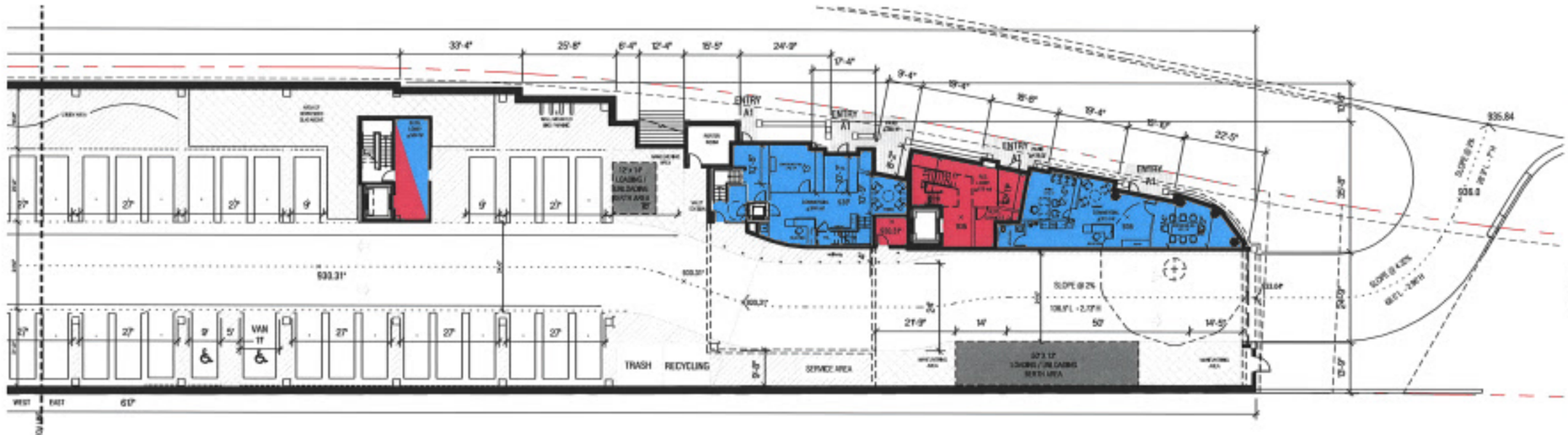
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GARAGE LEVEL PLAN_WEST



GARAGE LEVEL PLAN_CENTRAL



GARAGE LEVEL PLAN_EAST

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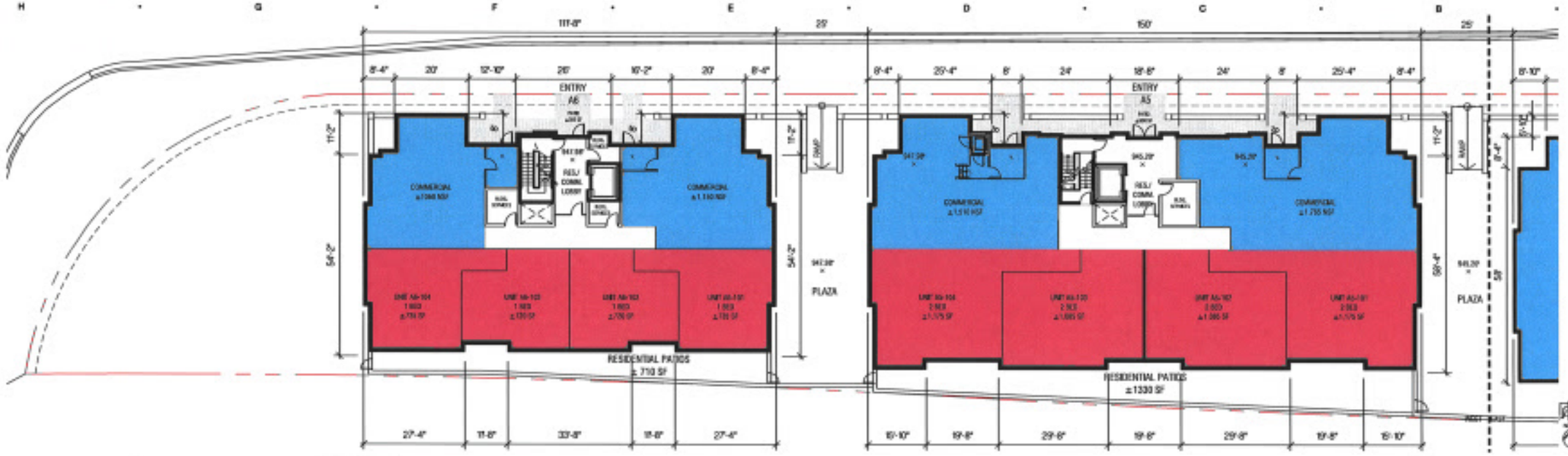
GARAGE LEVEL PLAN

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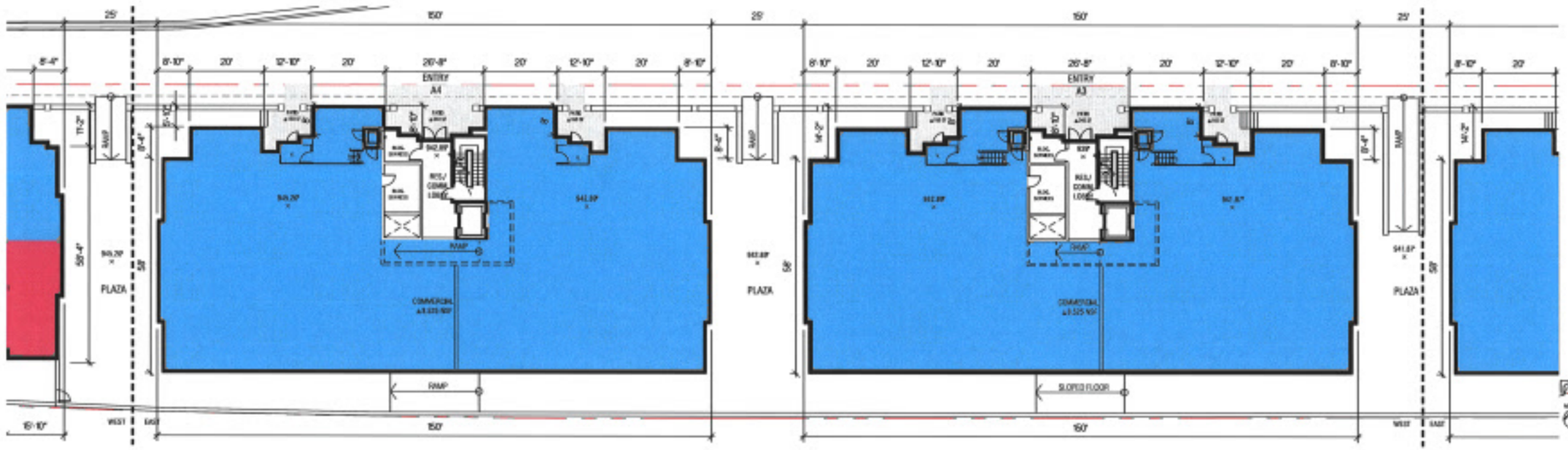
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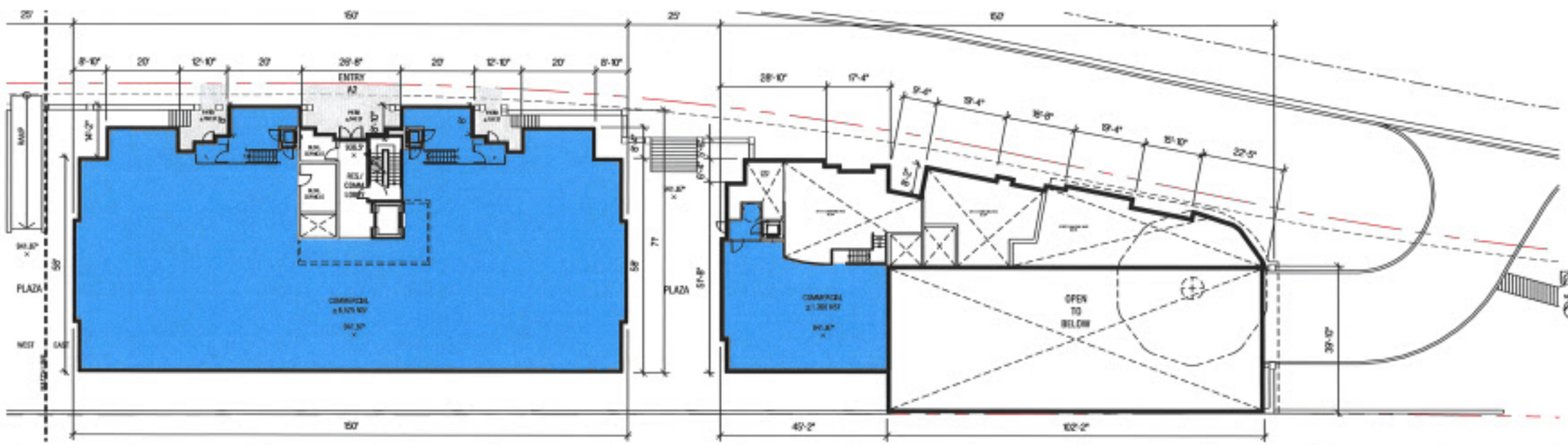
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GRADE / GROUND LEVEL PLAN_WEST



GRADE / GROUND LEVEL PLAN_CENTRAL



GRADE / GROUND LEVEL PLAN_EAST

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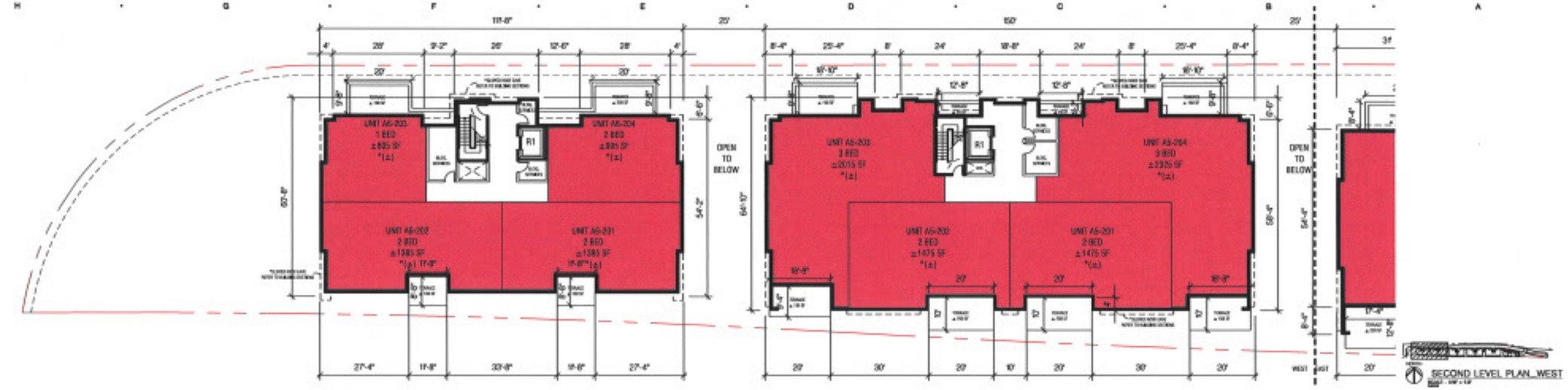
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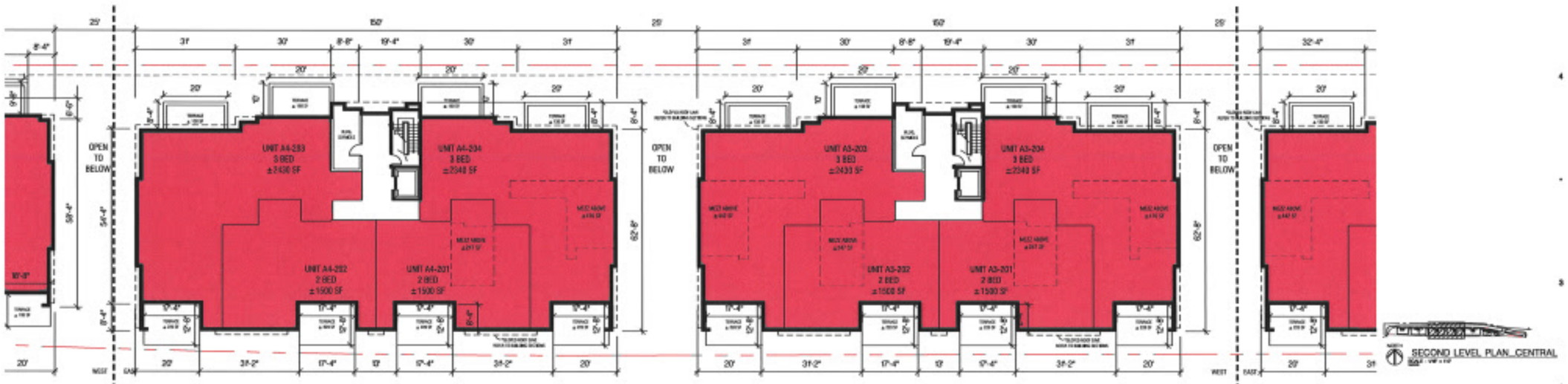
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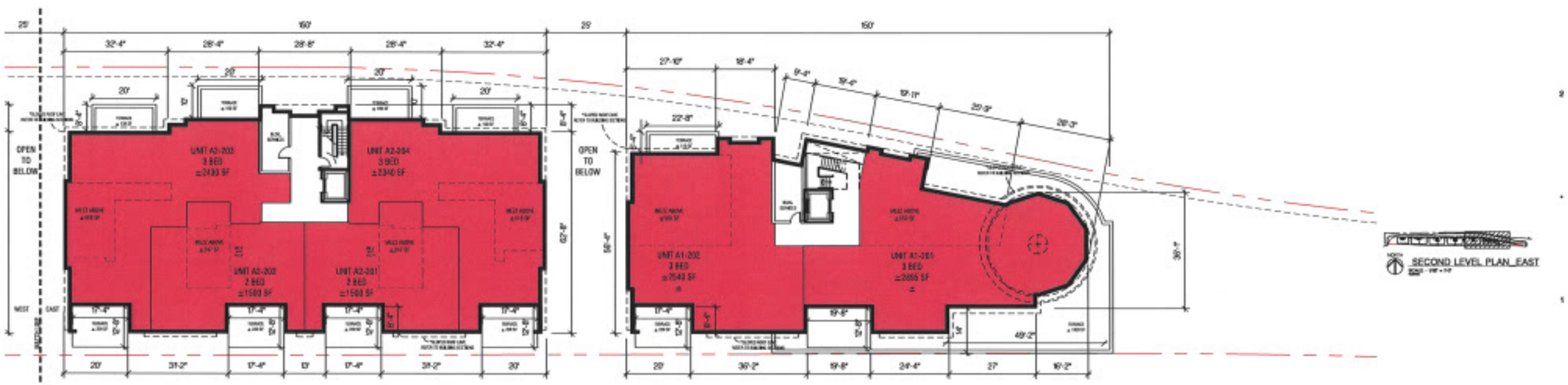
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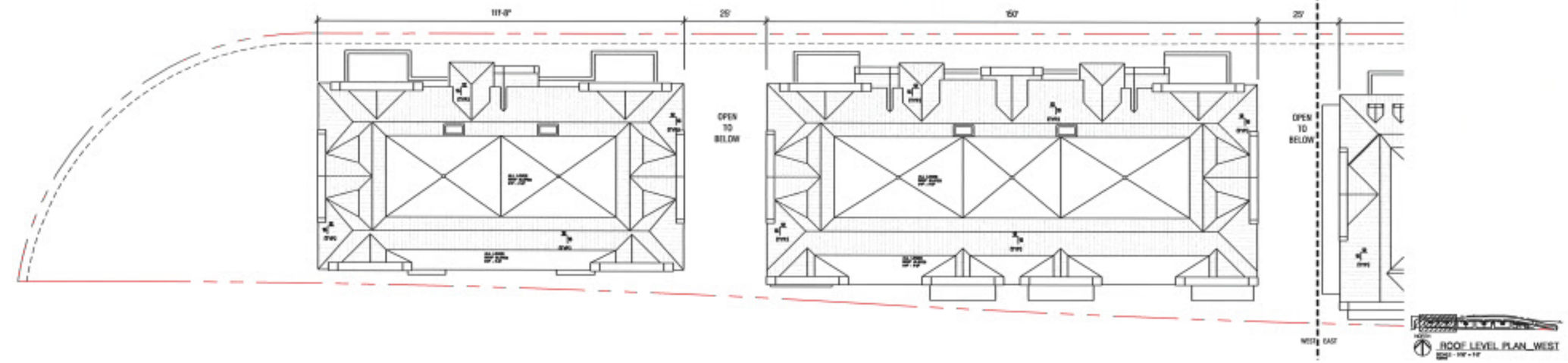
SECOND LEVEL PLAN

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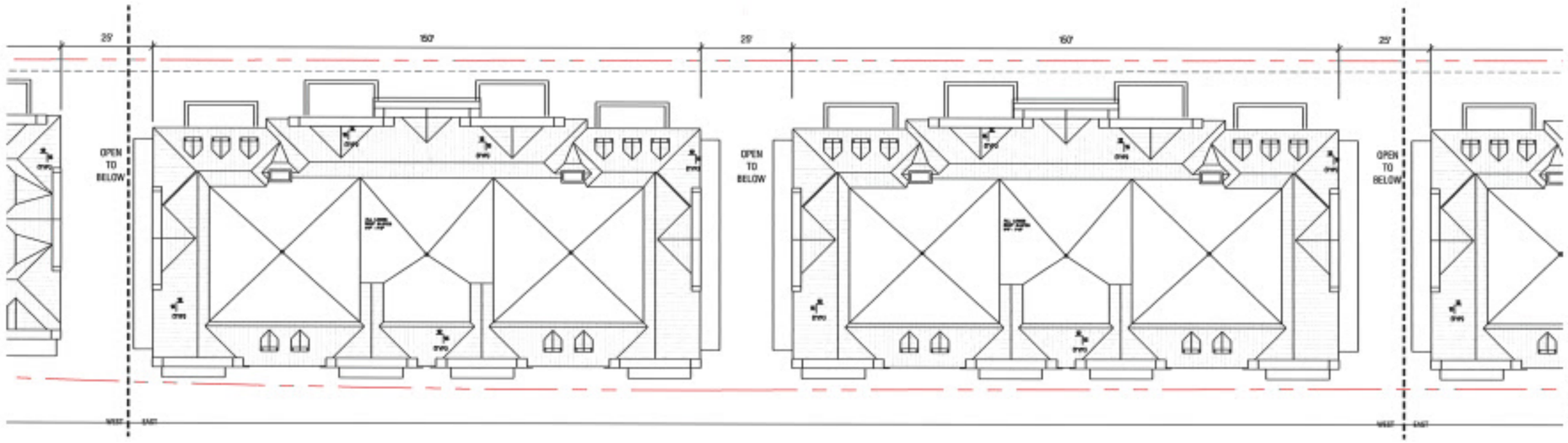
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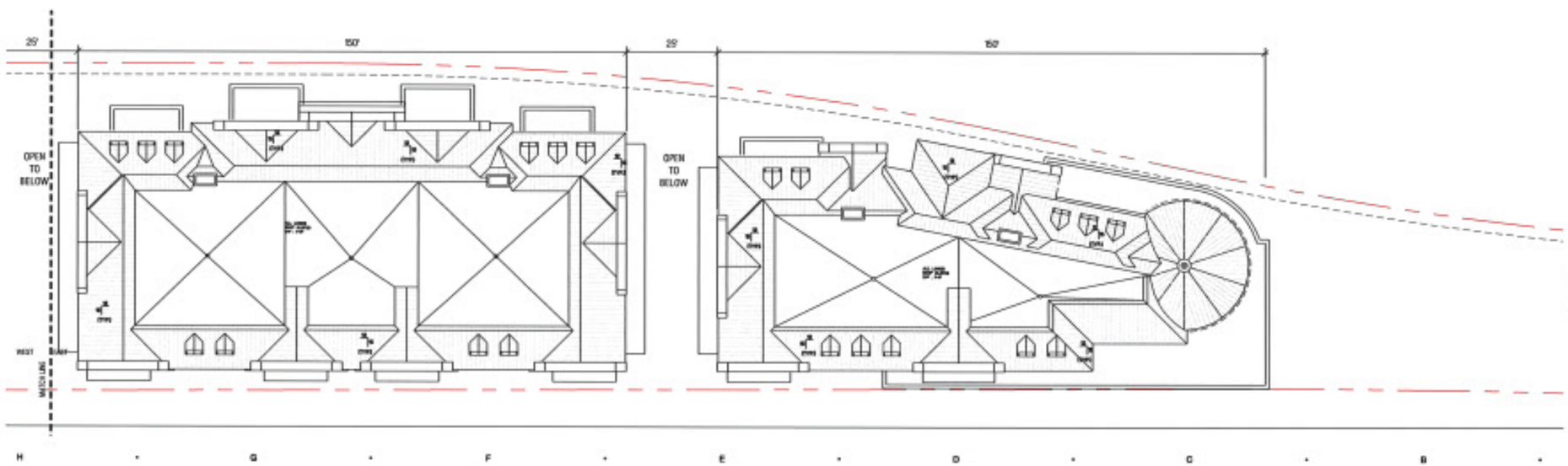
A-120



ROOF LEVEL PLAN_WEST



ROOF LEVEL PLAN_CENTRAL



ROOF LEVEL PLAN_EAST

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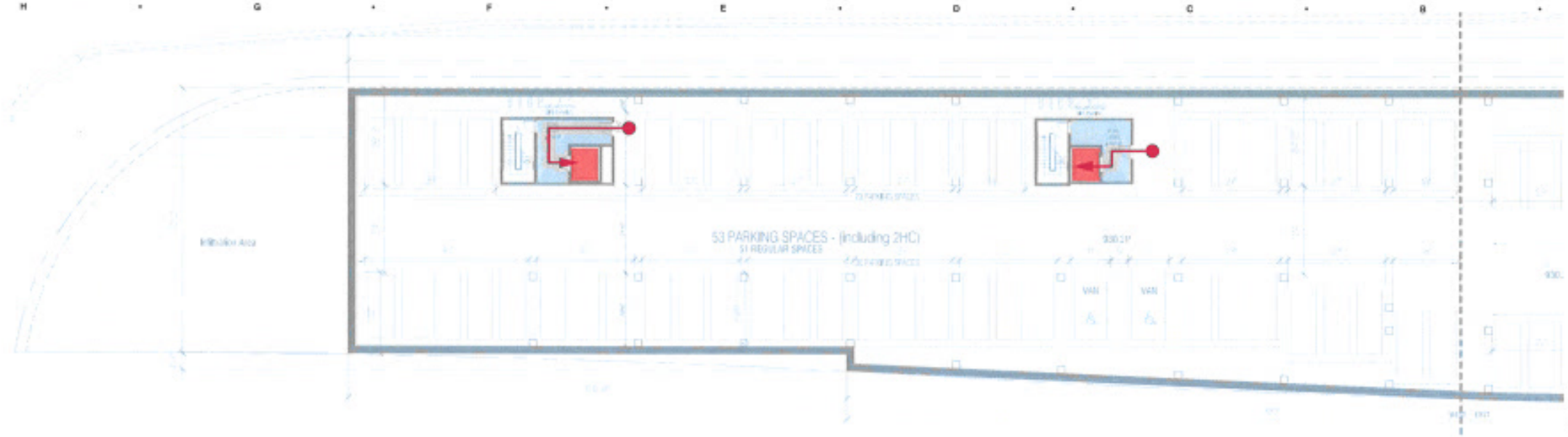
ROOF PLAN

SHEET TITLE

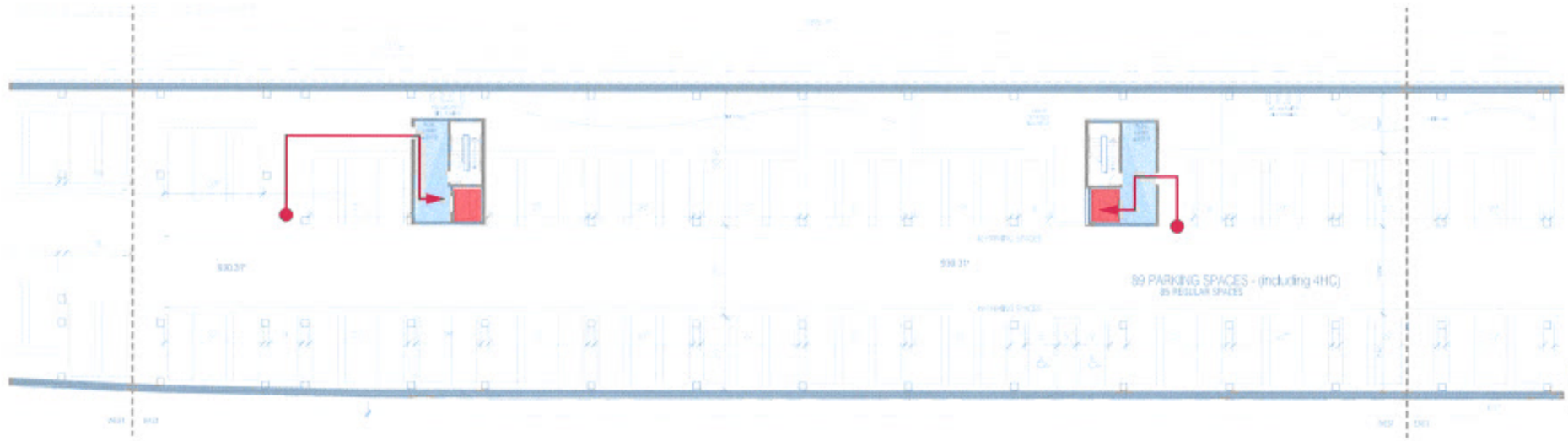
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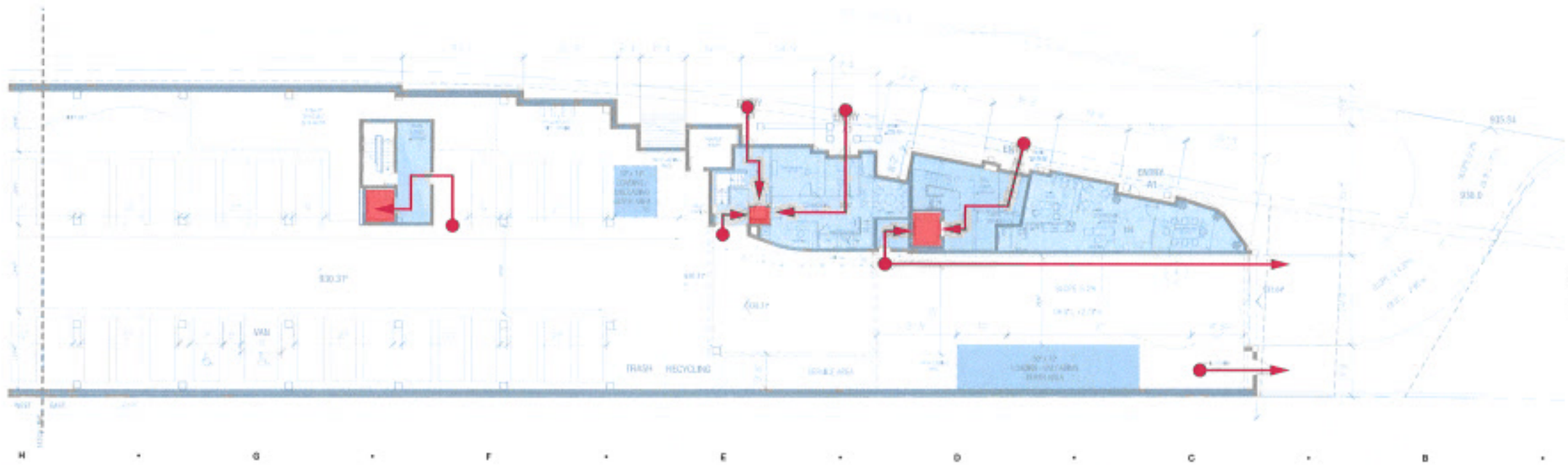
A-130



GARAGE LEVEL PLAN_WEST



GARAGE LEVEL PLAN_CENTRAL



GARAGE LEVEL PLAN_EAST

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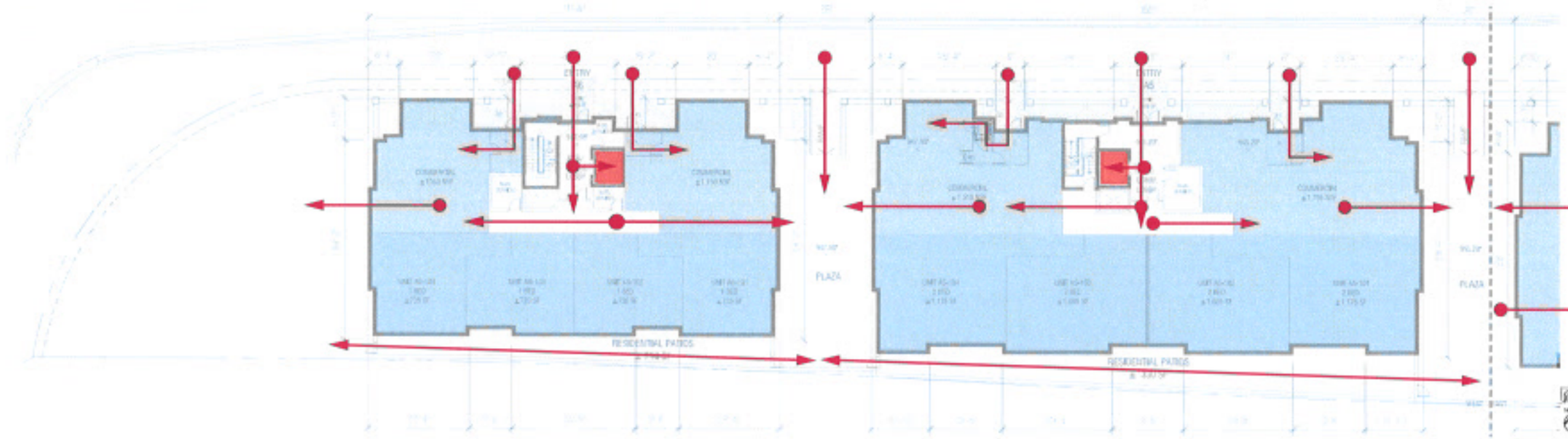
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SHEET TITLE

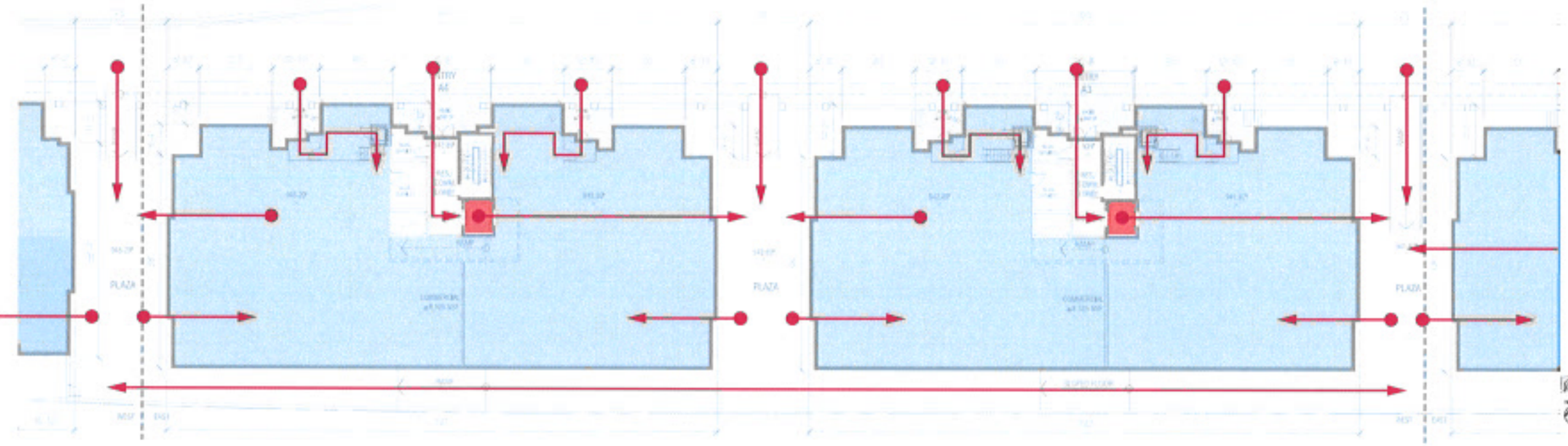
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PROJECT NUMBER

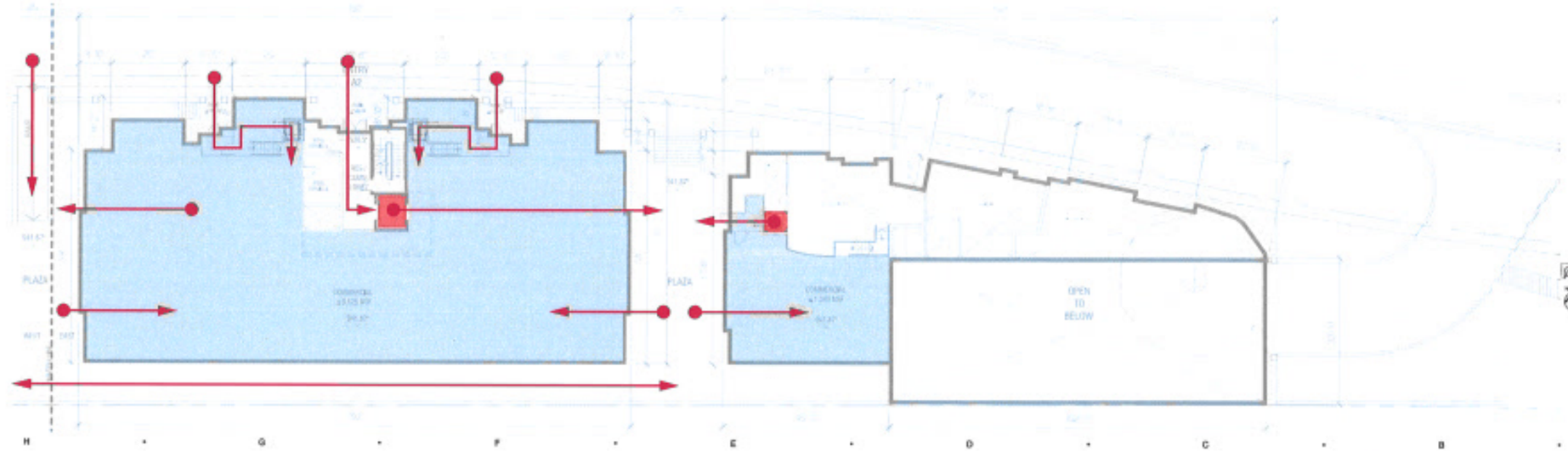
A-140



GRADE / GROUND LEVEL PLAN_WEST



GRADE / GROUND LEVEL PLAN_CENTR



GRADE / GROUND LEVEL PLAN_EAST

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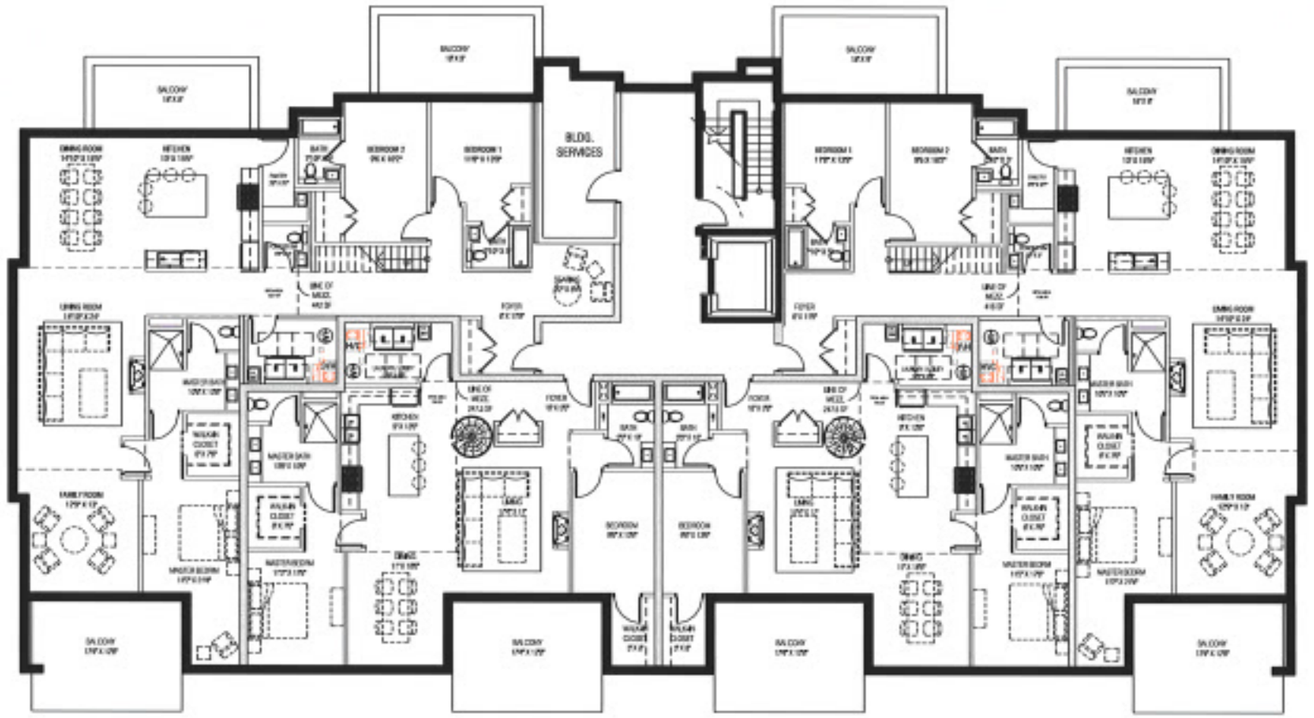
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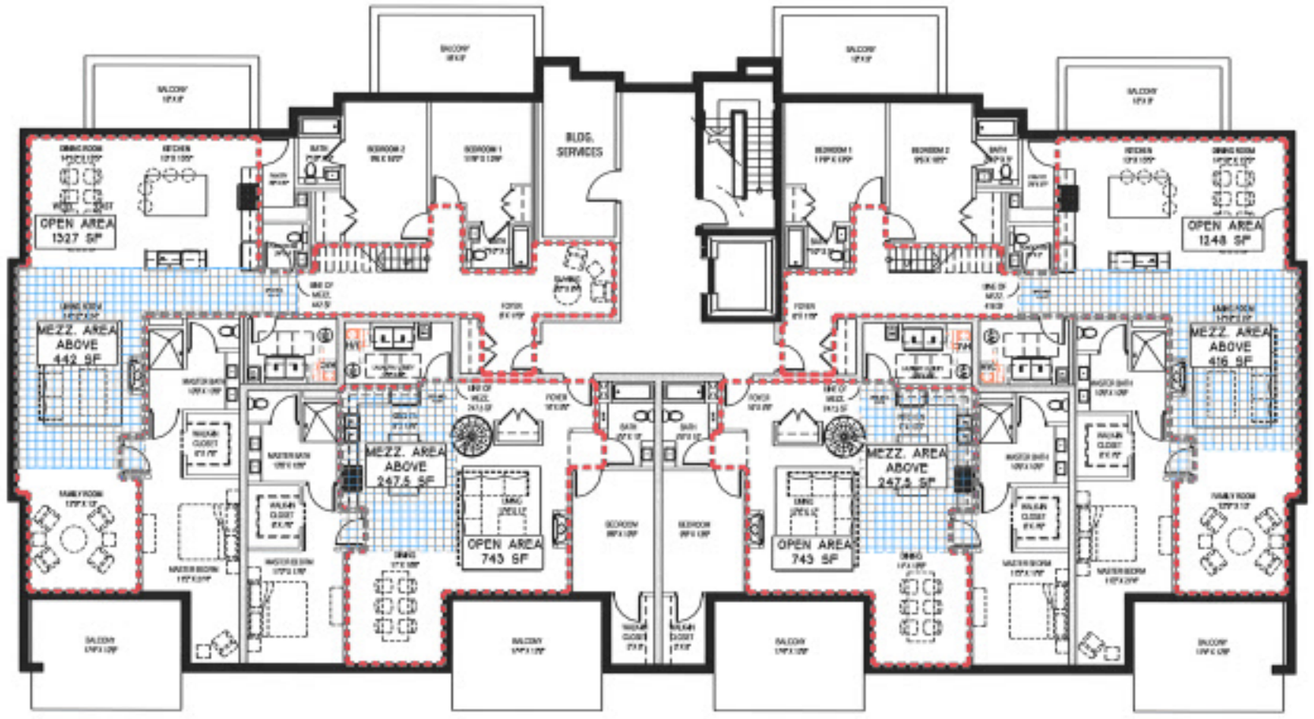
21-803

PROJECT NUMBER

A-150



UNIT / MEZZANINE PLANS



UNIT / MEZZANINE COMPLIANCE DEMONSTRATION PLANS

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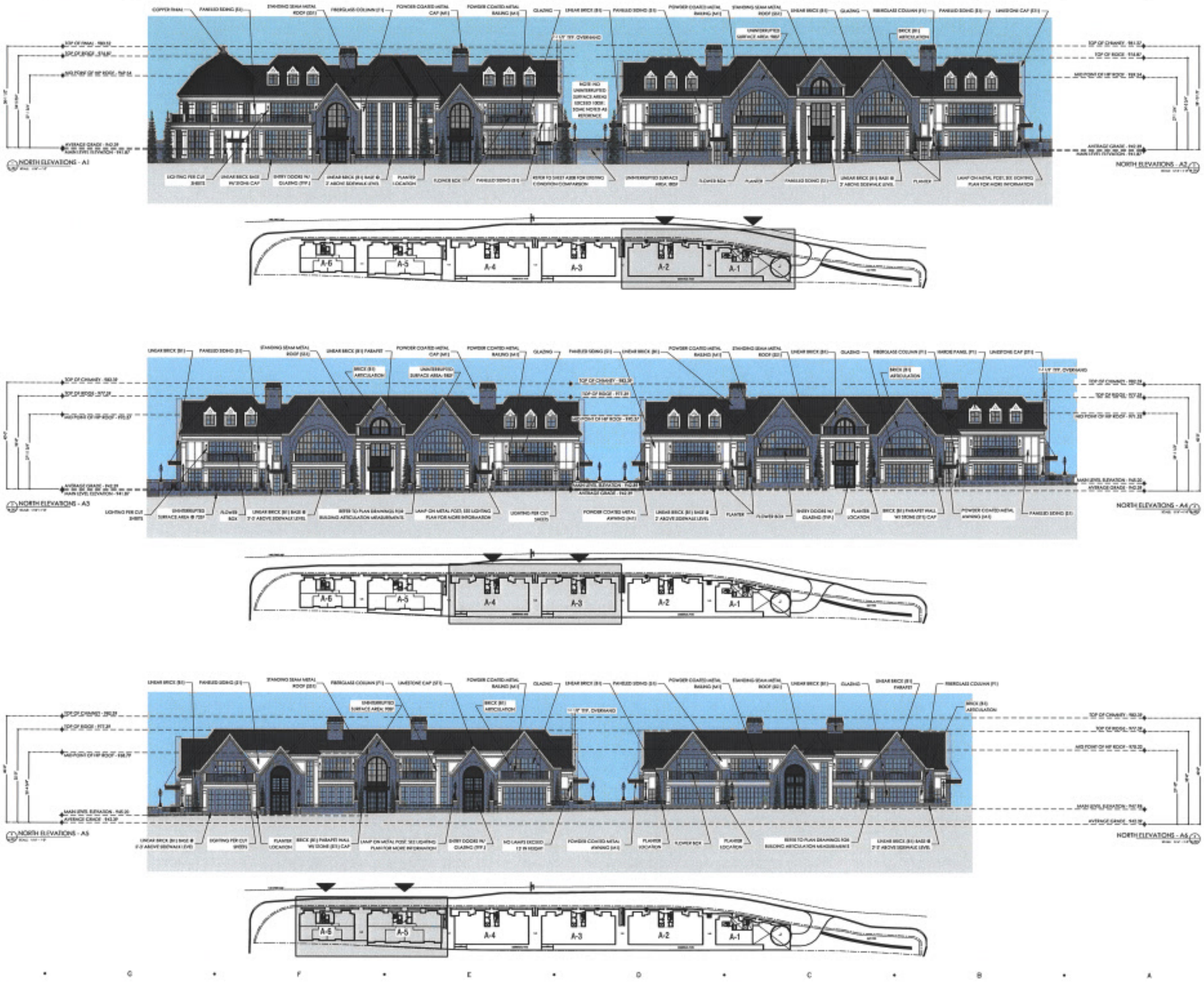
UNIT / MEZZANINE COMPLIANCE DEMONSTRATION PLANS

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A-170



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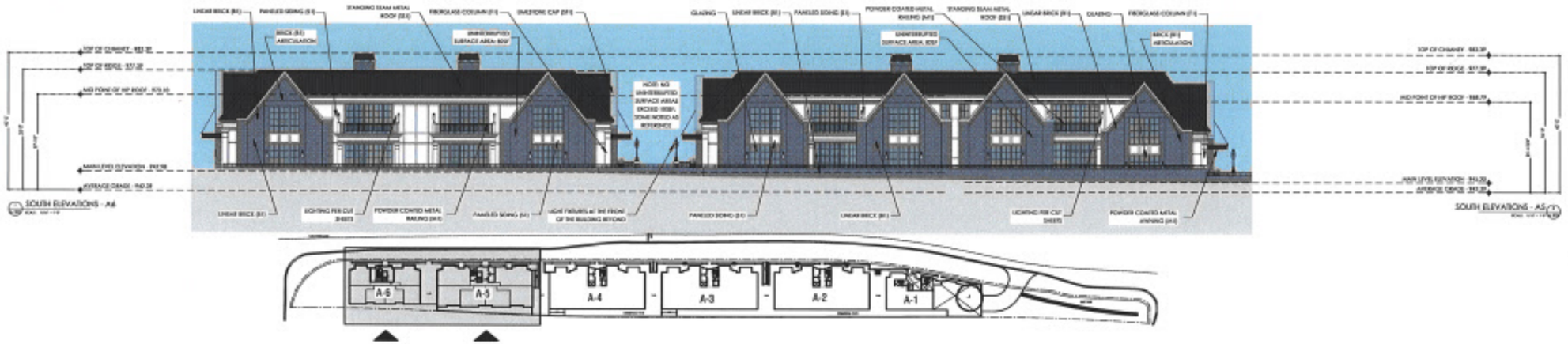
NORTH ELEVATIONS

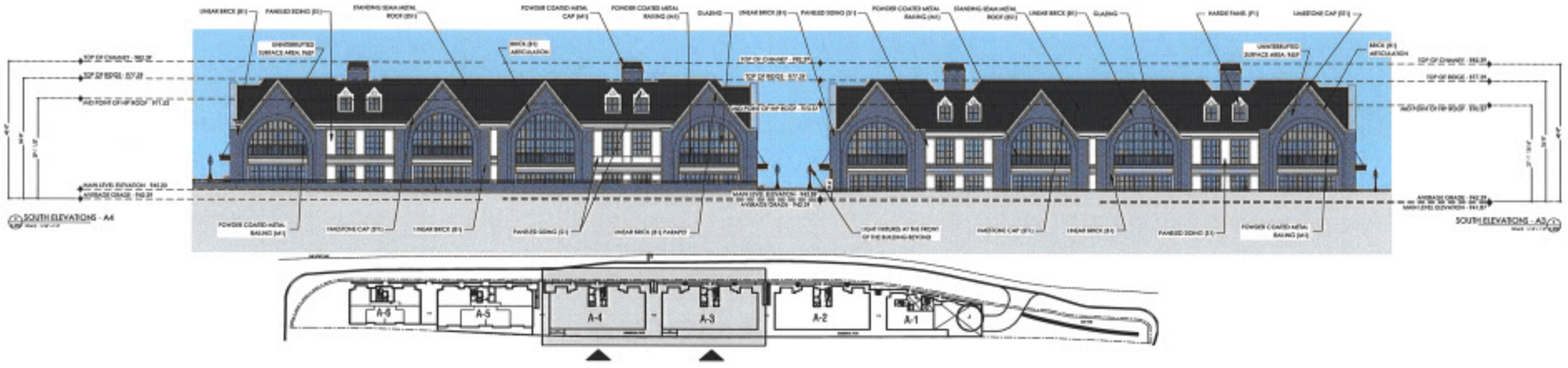
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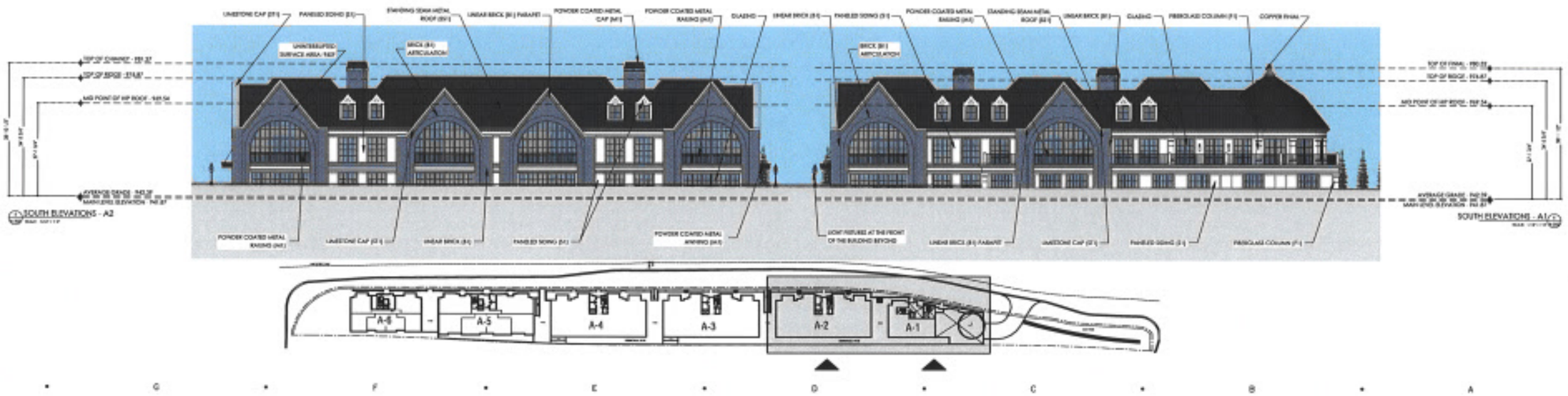
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PROJECT NUMBER

A-201







DESIGN REVIEW/ REZONING + DUP SUBMITTAL 03/08/2022
DESIGN REVIEW/ REZONING + DUP RESUBMITTAL 12/08/2022
DESIGN REVIEW/ REZONING + DUP RESUBMITTAL 12/22/2022
DESIGN REVIEW/ REZONING + DUP SUBMITTAL 1/27/2023

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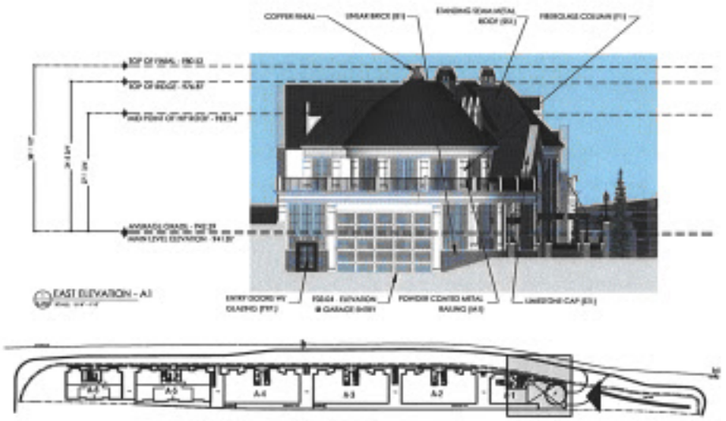
SOUTH ELEVATIONS

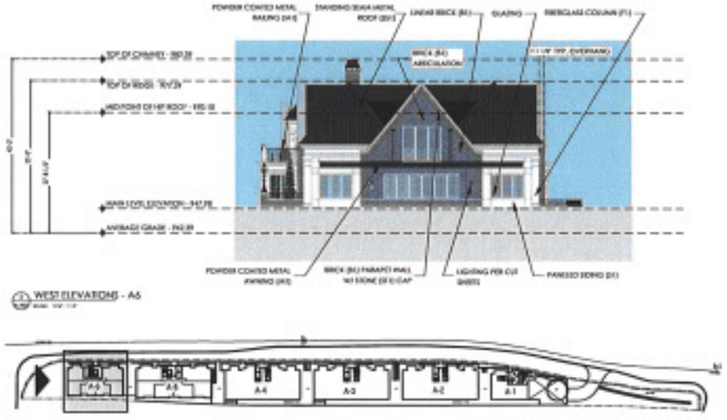
SHEET TITLE

21-803

PROJECT NUMBER

A-202





MATERIAL LEGEND



LINEAR BRICK (B1) (MASONRY) @ PARAPET
W/ LIMESTONE CAP (ST1) (MASONRY)
LINEAR BRICK - GREY (B1) (MASONRY)
POWDER COATED METAL - BLACK (M1)
PANEL SIDING - WHITE (S1)



PANEL SIDING - WHITE (S1)
STANDING SEAM METAL ROOF (SS1)
SOFFIT PAINTED TO MATCH PANEL SIDING
PANEL SIDING - WHITE (S1)
FIBERGLASS COLUMN - WHITE (F1)



POWDER COATED METAL - BLACK (M1)
FIBERGLASS COLUMN - WHITE (F1)
PANEL SIDING (S1)
PORCELAIN FLOORING (P1)

DESIGN REVIEW + REZONING + DUP 02/08/2022
RESUBMITTAL 10/05/2022
DESIGN REVIEW + REZONING + DUP 10/05/2022
RESUBMITTAL 12/02/2022
DESIGN REVIEW + REZONING + DUP 10/28/2022
RESUBMITTAL 12/02/2022

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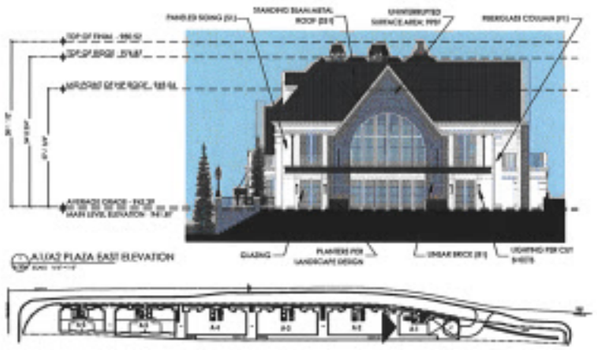
ELEVATIONS + MATERIALS

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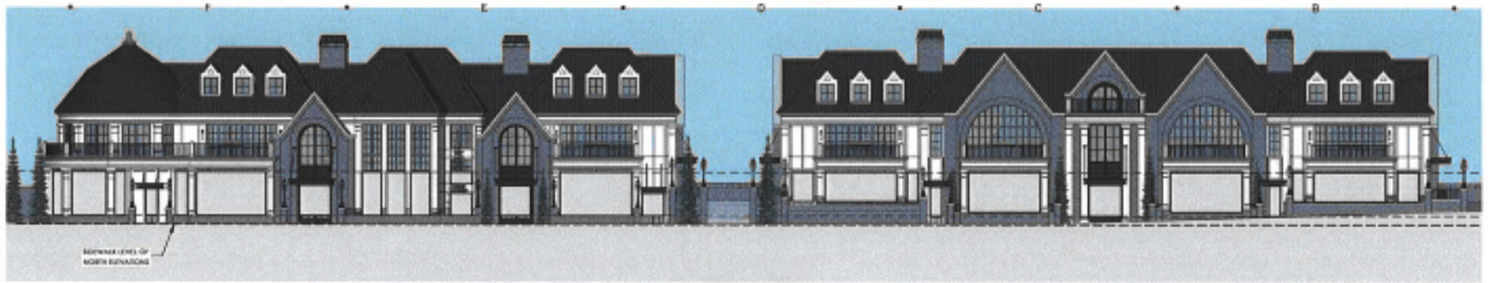
ELEVATIONS + MATERIALS

SHEET TITLE

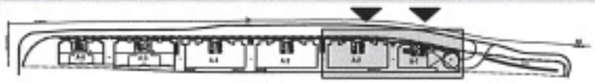
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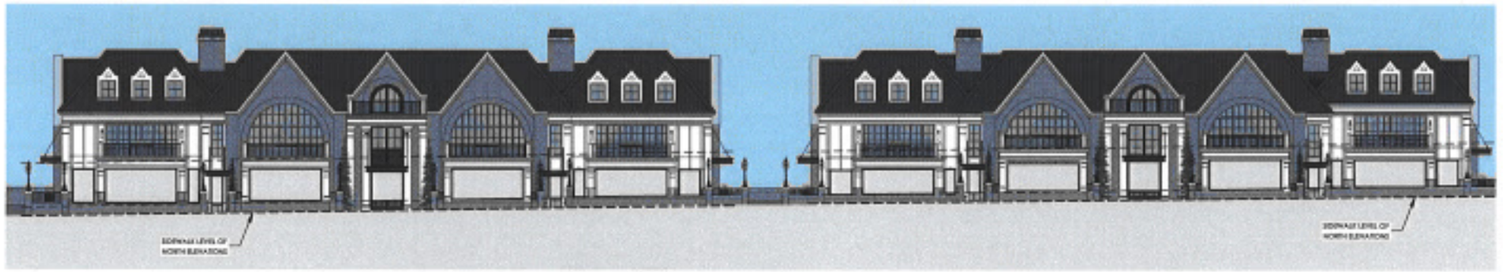
PROJECT NUMBER

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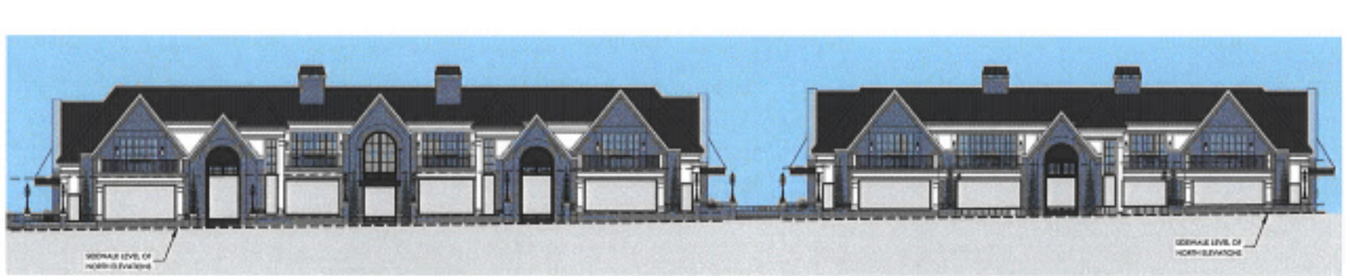
NORTH ELEVATIONS - A1+A2



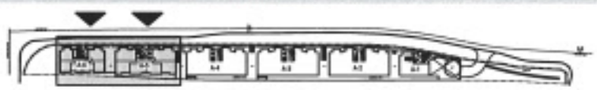


NORTH ELEVATIONS - A3+A4



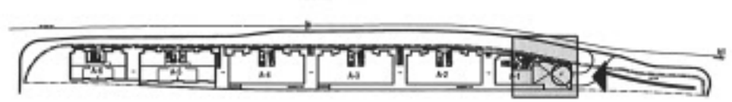


NORTH ELEVATIONS - A5+A6



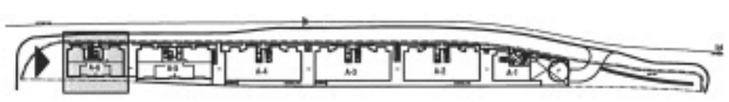


EAST ELEVATION - A1





WEST ELEVATIONS - A4



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DESIGN REVIEW / REZONING / MAP SUBMITTAL 10/20/22

DESIGN REVIEW / REZONING / CUP SUBMITTAL 10/20/22

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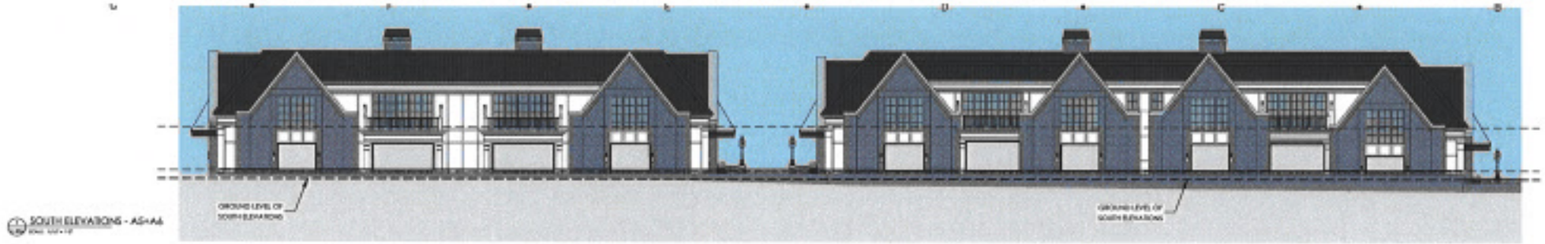
GLAZING CALCS

SHEET TITLE

21-803

PROJECT NUMBER

A-205

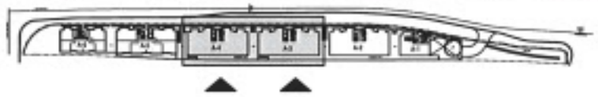


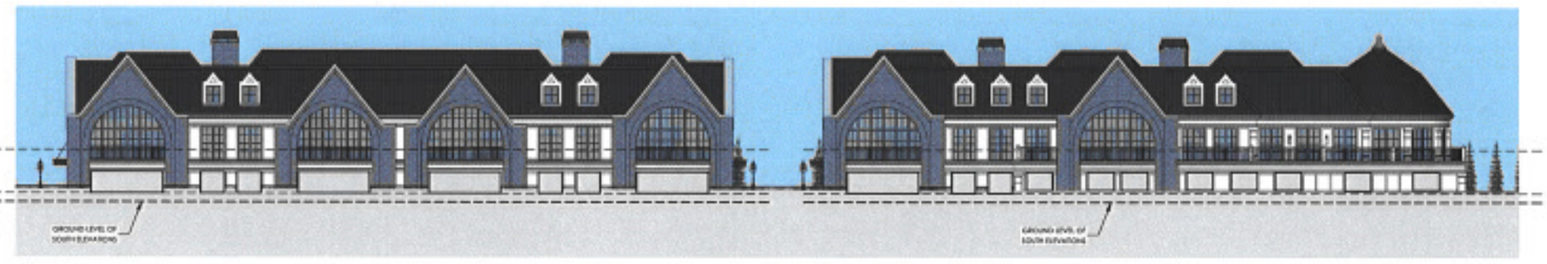
SOUTH ELEVATIONS - A5+A6



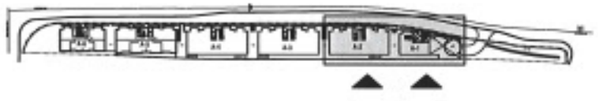


SOUTH ELEVATIONS - A3+A4





SOUTH ELEVATIONS - A1+A2



FACADE TRANSPARENCY CALCULATIONS			
	TOTAL AREA	TRANSPARENT AREA	PERCENT
NORTH ELEVATION	7509	3892	51.8
SOUTH ELEVATION	7507	2382	31.7
EAST ELEVATION	503	352	70.0
WEST ELEVATION	427	222	52.0

NOTES:
- END CAPS FACING MASSING BREAK PLAZAS ARE MEASURED INDIVIDUALLY AND INCLUDED ON THE FOLLOWING SHEET
- GLAZING CALCULATIONS ARE MEASURED FOR THE GROUND LEVEL FACADE BETWEEN 2 AND 12 FEET ABOVE SIDEWALK/GROUND LEVEL AS NOTED

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PROJECT

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CONSULTANT

GLAZING CALCS

SHEET TITLE

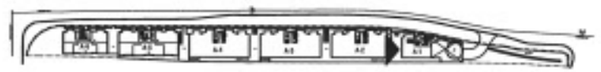
21-803

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A-206



A1/A3 PLAZA EAST ELEVATION



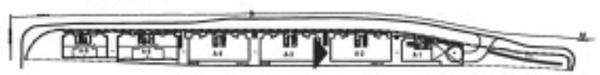


A1/A2 PLAZA WEST ELEVATION





A2/A3 PLAZA EAST ELEVATION





A2/A3 PLAZA WEST ELEVATION





A3/A4 PLAZA EAST ELEVATION



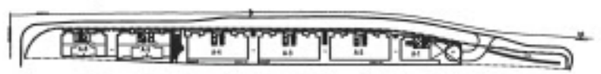


A3/A4 PLAZA WEST ELEVATION





A4/A5 PLAZA EAST ELEVATION





A4/A5 PLAZA WEST ELEVATION





A5/A4 PLAZA EAST ELEVATION





A5/A4 PLAZA WEST ELEVATION



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CORE A1



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A-208



CORE A1



CORE A1

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CORE A1



A1 + A2 MASSING BREAK

DESIGN REVIEW MEETING SUBMITTAL — 10/09/2023
DESIGN REVIEW MEETING SUBMITTAL — 12/04/2023
DESIGN REVIEW MEETING SUBMITTAL — 12/20/2023
DESIGN REVIEW MEETING SUBMITTAL — 01/08/2024

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200 LAKE ST E
WAYZATA, MN

LAKE WEST DEVELOPMENT, LLC

PROJECT

CONSULTANT

RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-210



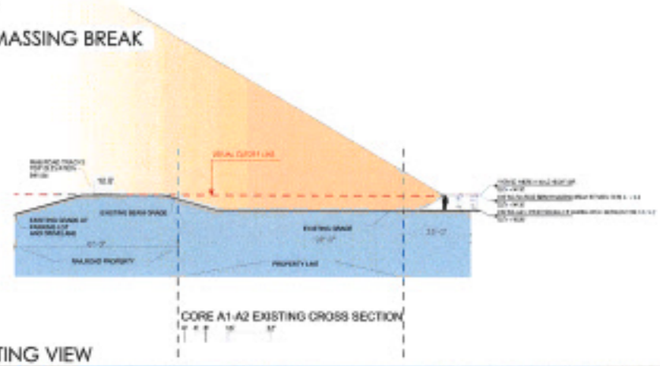
A1 + A2 MASSING BREAK

EXISTING VIEW





A1 + A2 MASSING BREAK



EXISTING VIEW



DESIGN REVIEW + REZONING + CUP SUBMITTAL 09/06/2021
DESIGN REVIEW + REZONING + CUP SUBMITTAL 10/18/2021
DESIGN REVIEW + REZONING + CUP SUBMITTAL 12/03/2021
DESIGN REVIEW + REZONING + CUP SUBMITTAL 12/09/2021

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PROJECT

MSJ

CONSULTANT

RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-211



A1 + A2 MASSING BREAK



A2 + A3 MASSING BREAK

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PROJECT

CONSULTANT

RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-212



A2 + A3 MASSING BREAK



A2 + A3 MASSING BREAK

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DESIGN REVIEW / REZONING / CUP SUBMITTAL	03/09/22
DESIGN REVIEW / REZONING / CUP RESUBMITTAL	10/06/22
DESIGN REVIEW / REZONING / CUP RESUBMITTAL	12/16/22
DESIGN REVIEW / REZONING / CUP SUBMITTAL	01/06/23

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LAKE WEST DEVELOPMENT, LLC

PROJECT

M&J

CONSULTANT

RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-213



CORE A3



A3 + A4 MASSING BREAK

DESIGN REVIEW + REZONING + DAP
RESUBMITTAL
DESIGN REVIEW + REZONING + DAP
RESUBMITTAL
DESIGN REVIEW + REZONING + DAP
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DESIGN REVIEW + REZONING + DAP
RESUBMITTAL

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LAKE WEST DEVELOPMENT, LLC

PROJECT

MAD J

CONSULTANT

RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-214



A4 + A5 MASSING BREAK



CORE A5

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PROJECT

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RENDERINGS

SHEET TITLE

21-803

PROJECT NUMBER

A-215



CORE A5



A5 + A6 MASSING BREAK

DESIGN REVIEW / REZONING / CUP SUBMITTAL 02/09/21
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DESIGN REVIEW / REZONING / CUP SUBMITTAL 12/03/21
DESIGN REVIEW / REZONING / CUP SUBMITTAL 12/09/21

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PROJECT

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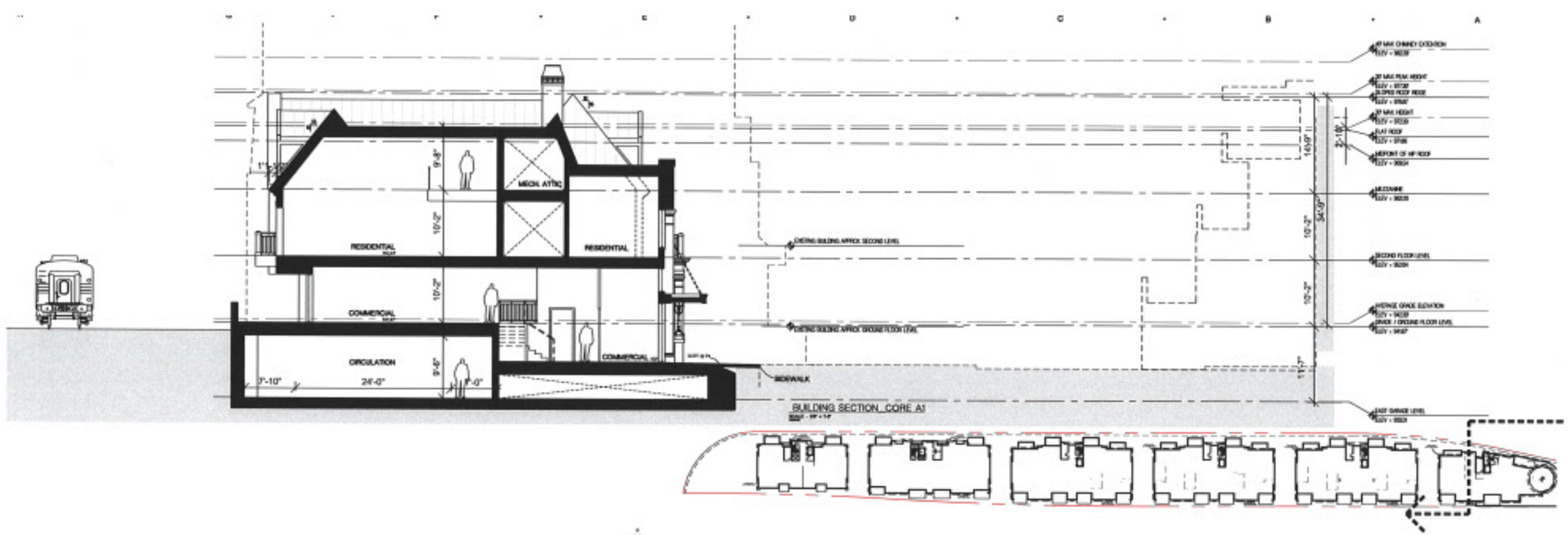
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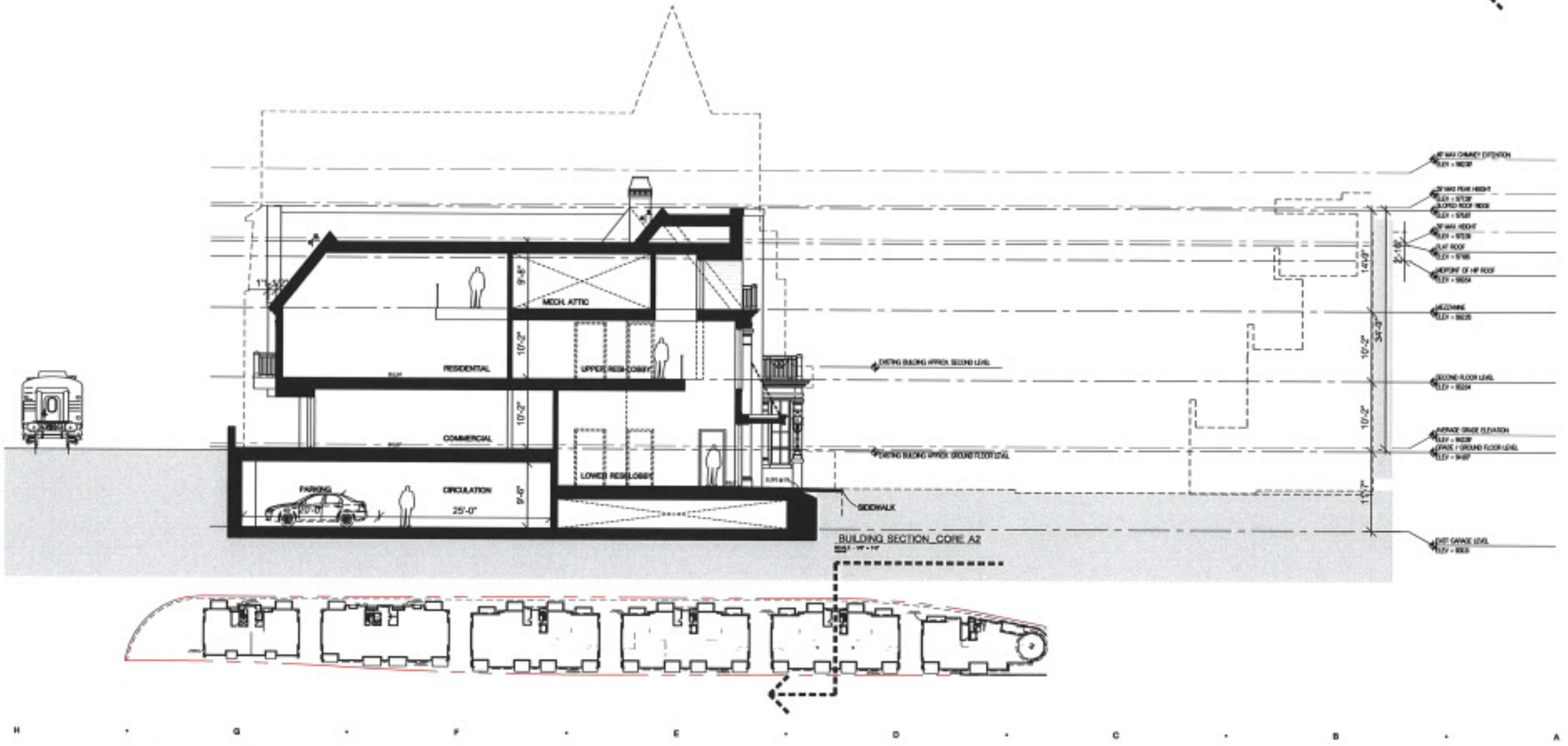
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PROJECT NUMBER

A-216





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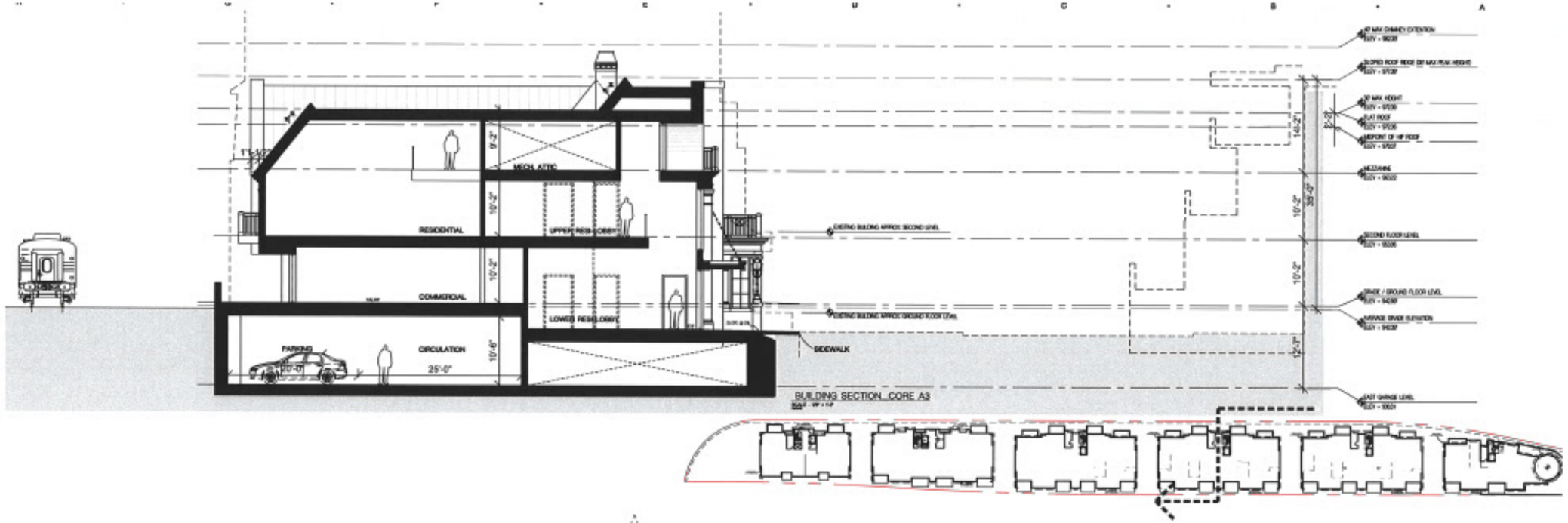
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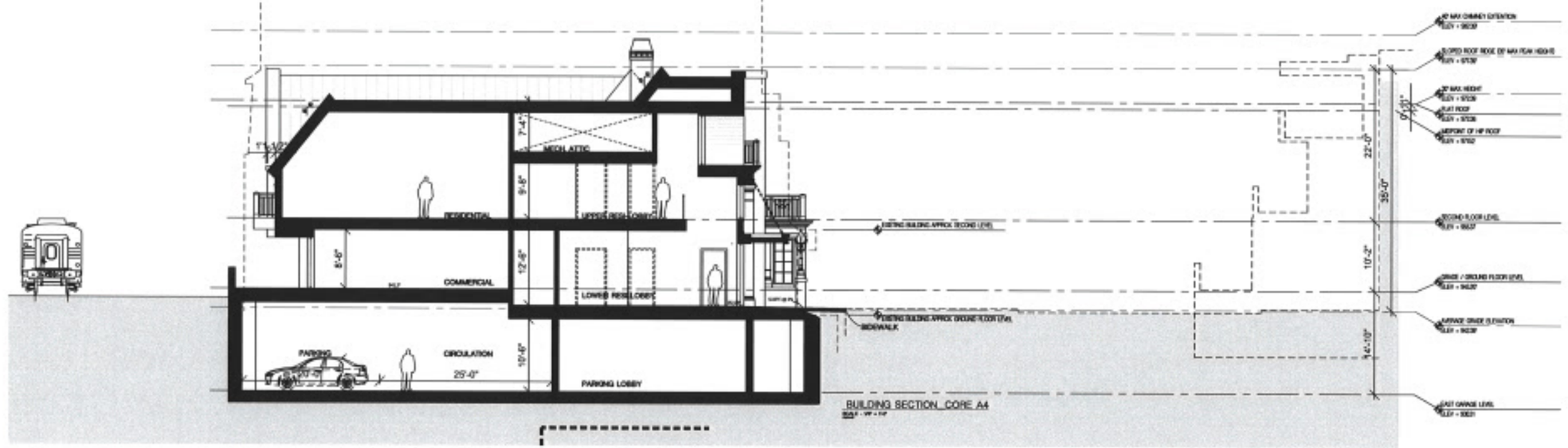
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21-803

PROJECT NUMBER

A-300





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PROJECT

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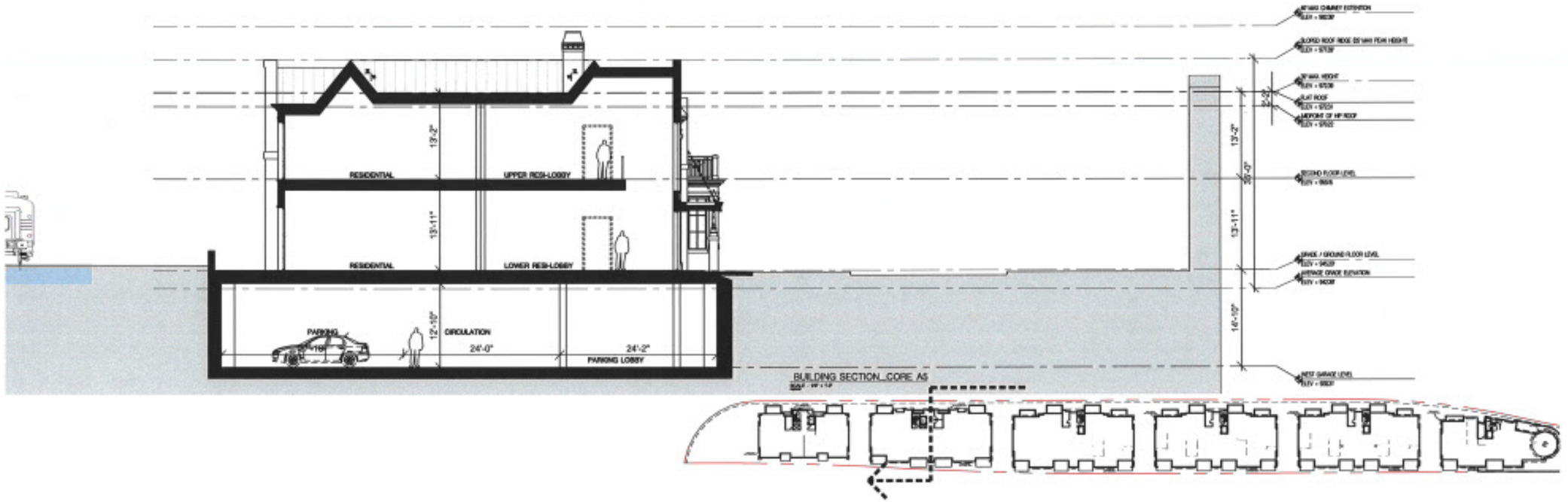
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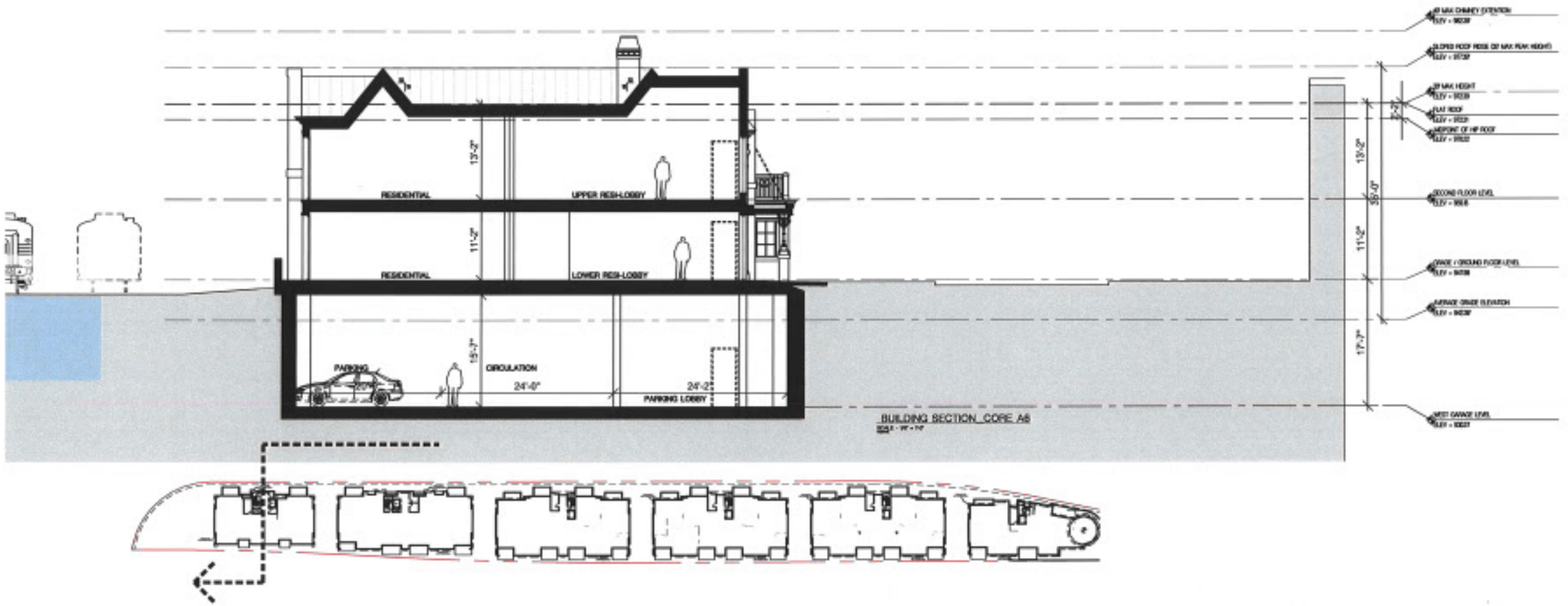
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21-803

PROJECT NUMBER

A-310





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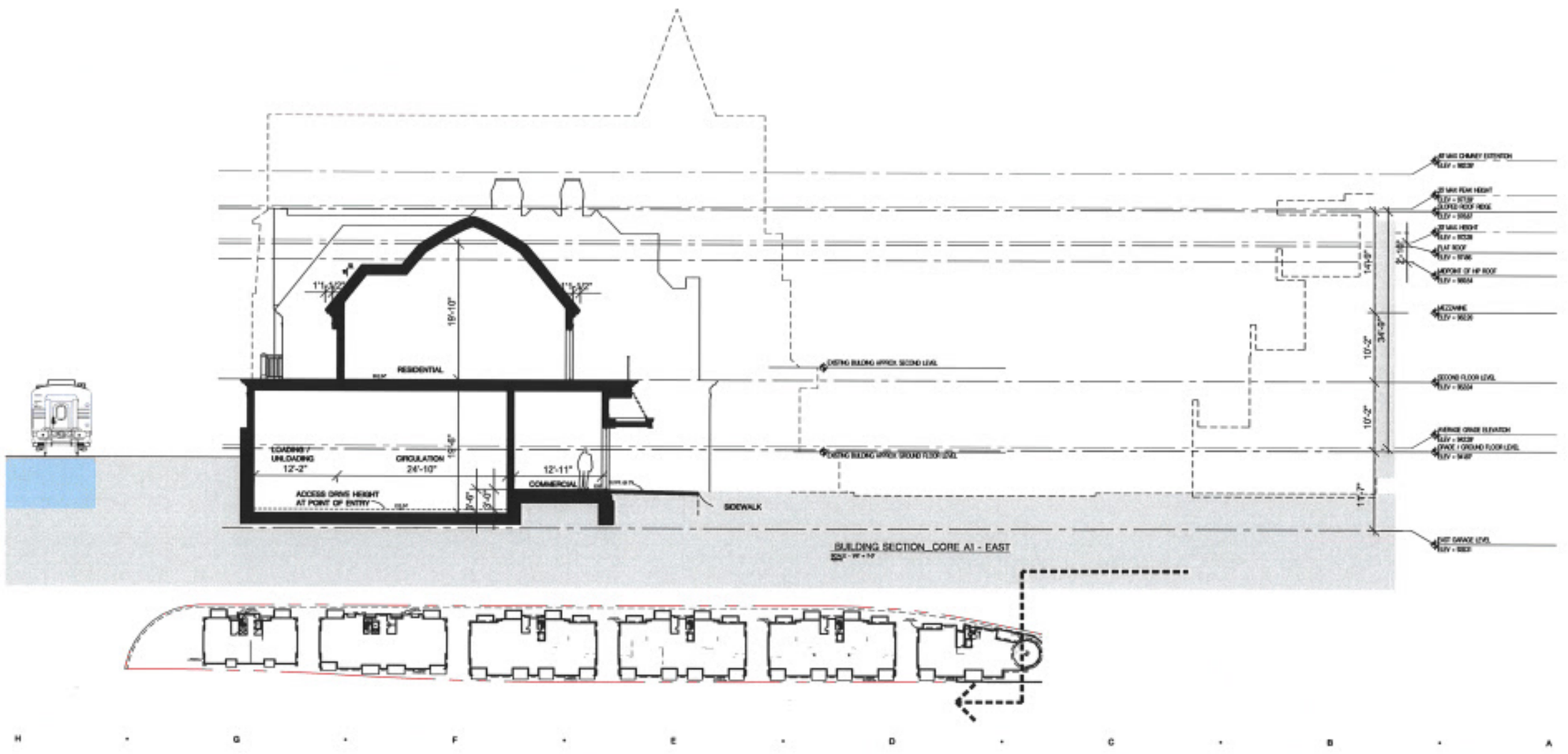
BUILDING SECTIONS

SHEET TITLE

21-803

PROJECT NUMBER

A-320



BUILDING SECTION_CORE A1 - EAST

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LAKE WEST DEVELOPMENT, LLC

PROJECT

CONSULTANT

BUILDING SECTIONS

SHEET TITLE

21-803

PROJECT NUMBER

A-330

CROSS | CASTLE

Samuel W. Diehl
Managing Partner
p. 612.429.8100
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333 Washington Ave N.
Ste 300-9078
Minneapolis, MN 55401

May 30, 2023

Mayor Johanna Mouton
City Councilmembers
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Lake West Development, Application to Redevelop 200 Lake Street East

Dear Mayor Mouton and Councilmembers:

This firm represents Lake West Development in regard to its application seeking City approval to use and redevelop the derelict former TCF Bank (the "Project") at 200 Lake Street East (the "Property"). On May 15, Wayzata's Planning Commission adopted a Report and Recommendation ("Report") with inconsistent findings. It recommended both approval and denial for the Project. The Commission's recommendations of denial, however, were the result of significant errors, including:

- Failing to recognize that rezoning of the Property is required for any economically viable use;
- Recommending denial of rezoning to C-4A based on Commission members' unsupported opinions, when the record demonstrates rezoning would fulfill the Comprehensive Plan's goals and clearly meets the Code's standards; and
- Similarly recommending denial of a joint parking conditional use permit ("CUP") when the Project's planned parking would fulfill the Comprehensive Plan's goals and clearly meets the Code's standards.

These errors are significant and must be corrected by the Council, even though they were apparently inadvertent. As set forth below, when Lake West's application is considered under required legal standards, the record demonstrates it must be approved.

Background: Lake West's Simplified Application

After the Council declined to approve Lake West's second request for approval as a planned unit development (PUD) in 2022, Lake West reconsidered its plans and approach. It attempted to identify a more straightforward approach to move forward with the Project. Lake West's team has

worked intensively with Community Development Director Goellner, Planning Consultant Zweber, City Attorney Schelzel, and City Manager Dahl for over a year. Guidance from staff and further review of the Wayzata's Comprehensive Plan and Code, led Lake West to choose a simplified means to seek approval of the Project. Lake West's current application asks the City to simply apply the general zoning standards of the City's C-4A Zoning District and apply these generally applicable standards to the Project. The record before the Commission and the Council demonstrates that the application meets all requirements for approval.

Council Action Is Necessary Because of the Commission's Errors in the Report

The Planning Commission's May 1, 2023, review of Lake West's application was generally positive. Members spent considerable time reviewing the Project's features and significantly revised design. The Commission's May 15 Report and Recommendation (the "Report") ultimately recommended *approval* of the majority of requests in Lake West's Application. Unfortunately, the Commission's deliberations inadvertently confused applicable standards. These errors resulted in the two recommendations of denial in the Commission's May 15 Report and Recommendation (the "Report"). The remainder of this letter outlines the Commission's errors and why they must be corrected.

Rezoning Is Required to Use the Property

The Property's current zoning is ambiguous and requires action by the Council for any economically reasonable use. In 1989, the City approved a PUD and Development Contract for TCF Bank's use (collectively, the "PUD Contract"). While this allowed TCF to construct the existing building, the PUD Contract now prevents any other use of the Property. In August 2022, Lake West and Huntington Bank asked the City to apply Code § 933.10.J in response to their termination of the PUD Contract. However, the City has not taken action to address the zoning.

Even if the PUD Contract remained in effect, Minnesota law requires the Property to be rezoned because it cannot be used in its current state and simultaneously cannot be altered. The Property's current building is dilapidated and unfit for use. Yet, without rezoning, Lake West is prohibited from altering the Property or the existing building in any way from TCF's original 1989 plans. The PUD Contract obligates any owner of the Property to "retain the improvements in the form described by the plans" approved for TCF. (PUD Contract § 15(g); *id*. § 2.) As a result, even obviously necessary changes—such as installing the modern stormwater management system planned by Lake West to prevent petroleum and other contaminants from flowing into City sewers and Lake Minnetonka—requires rezoning. The Report erred by ignoring the necessity of rezoning.

Rezoning Is Required By Wayzata's Comprehensive Plan

The Commission's Report failed to follow Wayzata's Comprehensive Plan. As you know, the Comprehensive Plan provides the goals, objectives, and standards that direct and control redevelopment in the City. The City's zoning and design-standard ordinances, in turn, are the means for implementing the Plan. Minnesota statutes mandate that City ordinances conform to the

Comprehensive Plan. Minn. Stat. § 473.858, subd. 1. In recommending denial of the requested rezoning to C-4A and denial of Lake West's requested Joint Parking CUP, the Commission ignored the Comprehensive Plan's requirements and goals.

The Property is guided "Central Business District," one of only three districts (C-4, C-4A, and C-4B) that are compatible with such guidance.[1] The Property was previously zoned C-4A until the PUD was adopted specifically for TCF's development. The Planning Commission found that rezoning to C-4A "does not contravene any policies and provisions of the official City Comprehensive Plan and the Project would advance some of the Comprehensive Plan's goals …." (Report § 3.1.A.) The Commission found that rezoning would advance several goals, including by its "creation of a walkable and pedestrian friendly environment; nodes of greater housing diversity; attractive, high quality living and working environments; and an overall aesthetic that better captures small town charm …." (*Id*.)

Rezoning and allowing the Project to proceed would also fulfill the following Comprehensive Plan goals, among others:

- "Promote a diversity of retail, office, service and residential land uses at a high level of development quality ..."
- "Support the existing commercial core within the community, and encourage business retention and reinvestment."
- "[A]ssist with redevelopment when properties become a liability to the community."
- Create "welcoming and pleasing views from the ground level."
- "[P]lac[e] parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping."
- Provide "shared and joint parking facilities within development wherever possible."
- Provide "housing options for upper-story housing."
- Increase the number of households within the Central Business District.
- "Promote sound land use development decisions which protect and enhance Lake Minnetonka and other wetland,"
- "Utilize sustainable development practices for . . . private developments within the City," and
- Allow redevelopment in a "Redevelopment Area" designated in Plan Figure 5.

The Commission's findings and review of the City's Comprehensive Plan should have caused the Commission to recommend approval of rezoning to C-4A. Instead, it ignored the Plan and consistent zoning standards, in favor of Commission members' personal policy preferences. However, refusal to re-zone a property to conform to the city's comprehensive plan is "evidence

[1] While a PUD might also be compatible with Central Business District guidance, its compatibility would depend on the specifics of the uses and standards approved by the City.

that the city is acting in an arbitrary manner" sufficient for a court to reverse a denial. *Amcon Corp. v. City of Eagan*, 348 N.W.2d 66, 75 (Minn. 1984).

Although the Commission's Report found rezoning to be consistent with the Comprehensive Plan, the Report nonetheless recommended denial based on irrelevant findings apparently based on Commission members' opinions. These opinions are set forth in Section 3.1 of the Report and included opinions regarding the Project's "overall size, scale and density," "parking and loading configurations," "parking, safe traffic flows, deliveries and loading," alleged "impact[s on] traffic circulation, safety and parking in that area of downtown," "[t]raffic generation" and potential "negative[] impact" on "existing public streets, including traffic flow along Lake Street."

None of these opinions has support in the record before the Commission and now the Council. To deny a request for rezoning—particularly when, as here, the rezoning would conform to the City's zoning of its Comprehensive plan—the City must provide a written decision, supported by factual evidence in the record. Denial of a request for rezoning cannot be grounded in individual members' opinions that are contrary to the record evidence. *C. R. Investments, Inc. v. Village of Shoreview*, 304 N.W.2d 320, 325 (Minn. 1981). But that is what the Commission's Report recommends.

The "size, scale and density" of the Project are subject to specific standards codified in the City's zoning district requirements and design standards. These codified provisions were adopted to implement the Comprehensive Plan after significant deliberation by the Council. The staff report demonstrated that the Project meets each of the City's standards regarding size, scale and density in the C-4A District. In fact, after raising concerns regarding size, scale, and density in its Section 3.1, the Report's Sections 3.3 to 3.6 found that the Project meets all actual applicable standards. The Planning Commission is not free to review each Project as if it were regulating on a blank slate. As discussed below, the same is true with respect to the parking and traffic concerns expressed by the Commission.

The remainder of the Report's recommendation against rezoning outlines general opinions of Commission members regarding parking, loading, and traffic. Once again, however, these opinions have no support in the record. Far from corroborating any traffic and loading concerns, the Staff Report explained the Project's compliance with the City's loading area and parking standards. (Staff Report pp. 9, 10, 16-17.) Indeed, after the Planning Commission stage, further discussions between Lake West's team and City Staff identified a minor inconsistency in its parking calculation and an ordinance change adopted after its initial submission that resulted in an overstatement in the required parking. This means that Lake West has excess parking *above* the minimum required. Contrary to the Commission's opinions, both Lake West's traffic engineer and the City Engineer agreed that the Project would not have a negative City traffic flow, public streets, or City parking. (Staff Report pp. 9, 10, 16-17.)

The Report's recommendation to deny Lake West's requested rezoning cannot be sustained. Refusing to rezone the Property is contrary to the Comprehensive Plan and has no factual basis. As a result, the Council should disregard the unsupported opinion of Commission members and approve rezoning to C-4A.

A Joint Parking CUP Must Also Be Approved

The Planning Commission Report's recommendation to deny Lake West's requested Joint Parking CUP suffers from the same deficiencies as its opinions regarding rezoning. In addition, the Commission's Report fails to note the Project's consistency with the Comprehensive Plan's mandates to "[e]xamine the placement of parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping" and to "[c]onsider promotion of shared and joint parking facilities within development *wherever possible*." (Plan p. 3-7 (emphasis added).)

The Commission's negative opinions are contradicted by the Staff Report demonstrating that the Project is consistent with all applicable standards. The Project's joint parking is possible and, meets all of the Code's standards, and would fulfill the Comprehensive Plan's parking goals. As a result, the Council must correct the Commission's errors and grant Lake West's requested joint parking CUP.

We will share this letter with City staff in advance of the deadline for submission to the Council to ensure they are able to ask any clarifying questions they may have. We look forward to discussing these issues with you and answering any questions you may have on June 6.

Sincerely,

Samuel W. Diehl

4874-6404-6181

LAKE WEST
DEVELOPMENT, LLC

February 10, 2023

Emily Goellner
Community Development Director
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Lake West Development Applications - 200 Lake Street East
Final Submission

Dear Ms. Goellner:

Thank you for your hard work with Lake West Development over the past several years. Your efforts—together with the significant assistance of Wayzata's City Manager, City attorney, and other City staff—have greatly improved and simplified Lake West Development LLC's redevelopment of 200 Lake Street East. These simplified applications are the result of this collaboration. We look forward to continuing this collaborative effort with staff, the Planning Commission, and the City Council on the straightforward approvals requested below.

We appreciated your continued work after our submission of these new applications in August 2022. While we have not agreed with the City on every issue, we appreciated that we were able to work through the various issues professionally. And we look forward to the Council's consideration and approval of the final applications submitted herewith.

PROJECT DESCRIPTION AND SUMMARY

The approvals requested through these applications will allow Lake West to transform the derelict former TCF site at 200 Lake Street East (the Property) into a vibrant bookend complementing and contributing to Wayzata's thriving downtown. Lake West's redevelopment (the Project) will accomplish numerous goals and priorities in Wayzata's 2040 Comprehensive Plan by creating world-class space for a mix of commercial and residential uses.

The City Council's approval will allow Lake West's reinvestment and redevelopment in Wayzata's downtown to advance and accomplish Comprehensive Plan goals and priorities, including:

- "Promot[ing] a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents."

- "Provid[ing] connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types."
- "Support[ing] the existing commercial core within the community, and encourage business retention and reinvestment."
- "[A]ssist[ing] with redevelopment when properties become a liability to the community."
- "[P]lacement of retail uses on the first floor of all commercial uses to enhance the retail vitality of the area."
- Creating "welcoming and pleasing views from the ground level."
- "[P]lac[ing] parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping."
- Providing "shared and joint parking facilities within development wherever possible."
- Providing "housing options for upper-story housing."
- Increasing the number of households within the Central Business District.
- "Promot[ing] sound land use development decisions which protect and enhance Lake Minnetonka and other wetland . . . ." and
- "Utiliz[ing] sustainable development practices for . . . private developments within the City."

The Property is currently dominated by environmentally problematic surface parking and the derelict former TCF Bank building. In the more than two years since the Property was offered for sale, no prospective buyer or tenant buyer identified a viable reuse of the former TCF building. And without redevelopment, there would be no practical means to fund the significant renovations and environmental improvements necessary for continued practical use of the existing building that would be in keeping with the current Comprehensive Guide Plan.

As described further below, the absence of stormwater management at the Property allows the untreated runoff from its impervious surfaces to flow directly into the City's sewer system and Lake Minnetonka. Environmental analysis of the Property identified soil and groundwater contamination, with both petroleum and non-petroleum contaminants including volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), metal contaminants, and diesel and gasoline range organics (DROs and GROs). Lake West's Project will remove these contaminated materials and install a modern environmental plan, including a stormwater management plan consistent with best practices and Wayzata's Shoreland Impact Plan. New water treatment will prevent the Property's current problematic runoff and ground water contamination which aligns with the City's Vision to be "a proud steward of its premier natural asset; Lake Minnetonka."

The design of this mixed use commercial and residential project will enhance the fabric of Wayzata's existing downtown, evoking the nostalgic feeling of a city neighborhood. The architectural design and details of the building create a pedestrian friendly experience that has a focus on accessibility. The concept for the multi-layered façade of the building is modeled on the historic brownstones of New York. This time-tested design is pedestrian friendly and simultaneously allows both commercial and residential uses.

As one travels west on Lake St towards the building, they are greeted by a welcoming multi-level glass rotunda. This creates a statement on the corner of the building and invites travelers to continue down the street and engage the rest of the building. Large glass windows that come down to the base of the building dominate the façade of the rotunda, inviting pedestrians to connect with the commercial spaces contained within. Entries are provided from the sidewalk and are denoted with covered awnings.

Brick walls form a solid base for the structure and are an integral part of the building design, making it feel permanent and rooted to its site. These walls serve additional purposes, including providing gathering and seating spaces and creating opportunities to integrate vegetation into the building design. By creating occupiable exterior space that would otherwise not be possible due to the sloping site and elevation changes from sidewalk to plaza level in some locations, this design feature heightens the human connection to the neighborhood by allowing building occupants to come outside and engage the public on Lake Street and allow the public to engage with the Property. In this way, the building adds to the street life of the block increasing feelings of safety and connection for all who use the space. The stairs and ramps, the railings and light fixtures, the multiple layers of vegetation, and the ins and outs of the building façade all invite users to interact with the building. These elements bring a human scale to the building from the pedestrian's perspective.

The charm and function of the building is heightened by its connection to the neighborhood and highlighted by different building elements. These elements form a common design language amongst the whole project, while unique elements are added at different points in the form of unique building masses, entry elements, and colors. The design avoids a feeling of monotony while still creating a cohesive feel to the project, as though it has been an integral part of the community for years. Balconies and plazas add to the street life of the block by inviting occupants of the building outside to relate to and interact with pedestrians on the street, creating a classic neighborhood charm and expressed chimneys create a sentimental sense of home.

Plazas create massing breaks between the six cores of the building (labeled A-1 through A-6). With a continuous elevation from core to core, these plazas allow occupants of the building to walk out onto a terrace. These spaces are also accessible from the sidewalk, creating pedestrian friendly gathering spaces and relief along the building façade. By elevating these plazas above the sidewalk level, lake views are enhanced where they are currently blocked by the railroad track's berm.

Lake West's design eliminates its previously planned third story in favor of a two-story, 30-foot high building. Unlike the existing building, Lake West's plans do not require any additional approval from the City. The proposed building complies with the height requirements of the C-4A District. This building provides 38,240 square feet of first-floor commercial space, 58,510 square feet of second story housing, and 11,010 square feet of first-floor dwelling units that will not abut Lake Street as allowed by Wayzata ordinance; totaling 30 condominiums. The overall impact of the development positively reduces curb cuts in the existing sidewalk from 4 to 1, improving pedestrian mobility and handicap accessibility.

PROJECT INFORMATION

Feature	Standard[1]		Project
Lot Area	12,000 SF (min)		98,964 SF
Residential Density	2,175 sq. ft, per dwelling unit (min.) 1,500 sf / unit with reductions (max.)	29.04 dwelling units per acre w/ reductions (max)	21.28 du/ac
Height	Lesser of 30 feet or 2 stories (max.)		30 feet, 2 stories
Impervious Surface	Up to 100% with CUP (max.)		84.7%
Floor Area Ratio	2.0 (max.)		1.04
Open Space	15,000 sq. ft., at least 500 sq. ft. of open space per dwelling unit (min.)		50,539 sq. ft
Parking with Joint Facilities Agreement	140 (min.)		142
Shoreland Setbacks	The average distance of the two adjacent principal structures (~102 feet) (min.)		~110 ft
Commercial Uses	50% of building frontage and ground floor retail or service commercial use (min.)		78% of ground floor and 100% of the building frontage
Stormwater Management Plan	Required		Provided (See description below)

APPROVALS REQUESTED

The remainder of this letter provides factual and graphic information for the Planning Commission's and City Council's review of Lake West's application, which seeks approval for:

(1) Rezoning/map amendment for the Property from PUD to C-4A;

(2) An amended Shoreland Impact Plan Conditional Use Permit ("CUP") for the Property related to improved stormwater improvements and impervious surface coverage;

(3) CUP for first-floor dwelling units; and

(4) Design and Site/Building Plan Review of Lake West's final plans.

[1] Applicable standards listed are the most stringent standard mandated by the C-4A zoning district, the Shoreland Overlay District, or the City's generally applicable design standards.

In addition to this narrative, Lake West submits:

- Five large scale copies and one reduced scale (8½ x 11 inch) copy of detailed written and graphic materials fully explaining the proposed change, development, or use;
- Design-related information required by Ordinance § 909.25;
- Shoreland Impact Plan; and
- Traffic and Parking Analysis Memorandum.

These materials include all of the materials required by Wayzata Ordinances in regarding to the approvals requested above.

(1) Project Notes and Issues Resolved with Staff

Lake West engaged in lengthy discussions with staff to clarify and improve the project and this submission. It seems helpful to summarize some of these issues here.

Single Building and Ground Level/Floor

Consistent with Code Section 916.03.D, Lake West is only constructing "one principal building" on the Property. Following the City's requirements, the plans submitted by Lake West ensure the structure remains one building through a single shared foundation, single shared below-ground parking, and a single ground-floor grade plane. The plans provide for massing breaks required by Section 909.07.A.2 and these divided areas are labeled separately for descriptive convenience, Cores A-1 through A-6. However, these breaks do not divide or otherwise create multiple buildings. They are simply divided areas of one single planned building.

Massing Breaks and Views of Lake Minnetonka

Lake West's discussions with City staff included issues regarding the required "massing break" between the building's Core A-1 and Core A-2. While both Lake West and the City agree that massing breaks are required, the City has suggested that a design deviation may be necessary because the planned massing break "does not provide a view of the lake from street level due to the fact that this break is six feet two inches above the public sidewalk." A closer review of City Code and Design Standards reveals that no deviation is necessary. Lake West has complied with the Code and the City's Design Standards Handbook ("Design Handbook") so as to harmonize their slightly varied requirements when applied to a building adjacent to the large railroad berm and tracks running along the southern border of the property.

City Code Section 909.7.A.2 provides that development between Lake Street and the shoreline of Wayzata Bay must include "significant massing breaks as midblock connections, to provide views of Lake Minnetonka and allow for potential future access to the lake." Design Handbook Section 3.A.1.S2 repeats this requirement but modifies it slightly by adding that views of Lake Minnetonka should be "street-level views." Regardless of the difference in their language, the requirements can only be harmonized by Lake West's design at the location of the massing break between Core A-1 and Core A-2.

Figure 1 shows the view from approximately 8 feet above street-level at the approximate location of the massing break between Cores A-1 and A-2. No street-level view of Lake Minnetonka is possible because the existing railroad berm is 6.11 feet above the level of the sidewalk (941.86 feet vs. 935.75 feet as shown on Sheet C3.2).

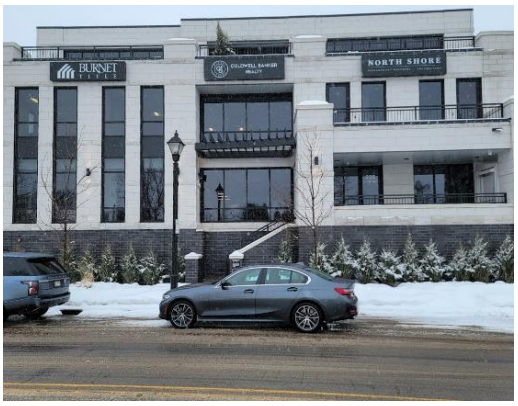


Figure 1

As a result, the only means to provide a "publicly accessible midblock pedestrian connection" from "street-level" to "provide views of Lake Minnetonka" is to provide a pedestrian-accessible elevated platform. Through this design harmonizes the requirements of the Code and the Handbook, eliminating any theoretical conflict.

Even if there were a conflict between the Code and the Handbook, the Code mandates that in the event of a "conflict between the Design Standards and any other section of the Zoning Ordinance or City Code, the stricter standard shall apply." Code § 909.30; *see also* Design Handbook p. 25, 28. Here the stricter standard would be to provide a "publicly accessible midblock pedestrian connection …. to provide views of Lake Minnetonka," rather than provide no view of Lake Minnetonka at all.

Lake West's fulfillment of this design standard is similar to methods adjacent properties have used to provide views of Lake Minnetonka over the railroad tracks and berm, as seen in Figures 2 and 3.



g. 2



Fig. 3

While Lake West is confident that a design deviation is not required based on its design's harmonization of the Design Handbook's and Code's requirements, Lake West is not opposed to the City approving a deviation if the Planning Commission and City Council find a deviation is required.[2]

[2] Notwithstanding its willingness to accept a deviation if approved, Lake West maintains that no deviation is required and reserves all rights and remedies in the event a deviation is deemed necessary, but is not approved.

(2) REZONING/MAP AMENDMENT OF THE PROPERTY TO C-4A

Consistent with City Staff's instructions,[3] Lake West asks the City Council to formally approve a rezoning/map amendment of the Property to C-4A Limited Central Business District. The PUD approved by the City through a 1989 Development Contract (the 1989 PUD Contract) for TCF Bank's development regulated the Property the same as the City's C-4A Zoning District with the exception of building height. Rather than the two-story limit applied to buildings in the C-4A District, the PUD Contract allowed buildings of any height to accommodate the 60-foot height of TCF's building. Lake West's request for approval of C-4A zoning would simply revert the Property to the Property's previous C-4A zoning.

Rezoning to C-4A and Lake West's planned use is supported by each of the factors listed in Wayzata Ordinance § 903.02F, specifically:

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

Rather than requiring a complex, one-off zoning approval through a planned united development, C-4A zoning will provide for uniform standards consistent with surrounding properties and the Comprehensive Plan's guidance of the Property as Central Business District. In contrast to the achievement of numerous Comprehensive Plan goals contemplated for property in the Central Business District, the Comprehensive Plan does not reference, let alone have any goal for PUD properties. As described in the Project Description and Summary, above, approval of Lake West's Project, including zoning as C-4A, will allow Lake West's reinvestment and redevelopment to proceed that will advance and accomplish numerous Comprehensive Plan goals and priorities.

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

Lake West's proposed uses are the same as the uses previously approved for the Property through the 1989 PUD Contract. These uses are already approved for the Property and are similarly already approved for present and future land uses in the area. As set forth above, Lake West's Project advances and fulfills numerous Comprehensive Plan goals and objectives. The Project is similarly consistent with the future land use guidance for the Property under the plan. See also Lake West's response to factor 1, above.

[3] As you know, on August 17, 2022, Lake West and then-owner Huntington National Bank submitted a letter that terminated the Development Contract applicable to the Property. This letter informed the City's Building Official that Lake West's use of the Property will no longer comply with the PUD plans as finally approved. Lake West has now purchased the Property and has again inform the City Building official by copy of this letter that its use will no longer comply with PUD plans approved and incorporated in the now-terminated 1989 PUD Contract. Notwithstanding its compliance with staff's request to apply for rezoning/map amendment, Lake West reserves its rights and remedies and maintains that the City was required to rezone the property to C-4A, the district in which the Property is located pursuant to Ordinance § 933.10J.

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

Lake West's proposed uses are the same as the uses previously approved for the Property through the 1989 PUD Contract. As discussed below, these proposed uses and Lake West's planned Project will conform with all performance standards contained in Wayzata Ordinances.

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

Lake West's proposed uses would clearly have a positive effect on the area in which it is proposed. The City's Comprehensive Plan outlines the City's policy goals to enhance Wayzata's downtown. Lake West's Project and planned uses, including rezoning to C-4A, are consistent with and achieve numerous plan goals. The Project will transform the Property into a vibrant bookend complementing and contributing to Wayzata's thriving downtown. See also Project Description and Summary and responses, above.

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

Lake West's proposed uses are the same as the uses previously approved for the Property through the 1989 PUD Contract. As such, approval of these uses through a more straightforward zoning mechanism would not change any property values.

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

Lake West's proposed uses are the same as the uses previously approved for the Property through the 1989 PUD Contract. The Traffic and Parking Analysis Memorandum submitted with this narrative shows that the Project will not have any negative impacts on the existing roadway system. And the Project's elimination of three access driveways that currently cross the regional trail and path will result in a safer environment for bicyclists and pedestrians.

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

Lake West's proposed uses are the same as the uses previously approved for the Property through the 1989 PUD Contract. Approval of these uses would not impact or change their compatibility with the capabilities of streets serving the Property.

(3) <u>AMENDED SHORELAND IMPACT PLAN CUP</u>

Lake West seeks approval of an amended Shoreland Impact Plan CUP pursuant to Wayzata Ordinance § 991.19. The City previously approved a similar Shoreland Impact Plan CUP for the Property when it approved the 1989 PUD Contract. Impervious surface coverage up to 100% is allowed within the Shoreland Overlay District so long as the applicant receives a Shoreland Impact Plan CUP. Lake West seeks approval of an amended CUP to ensure the CUP remains consistent with Lake West's plans for the Property which require 85% impervious surface coverage. Granting the CUP will fulfill Comprehensive Plan goals, including the Project's utilization of:

- "sound land use development decisions which protect and enhance Lake Minnetonka and other wetlands as a significant natural resource to the community's vitality and 'sense of place'."
- "sustainable development practices for public and private developments within the City."

The Property's current state and environmental challenges.

As shown below, the Property is currently dominated by parking lots and impervious surface. These surfaces and the design and function of the existing improvements on the Property create environmental problems that will be eliminated or mitigated by Lake West's Project.



Fig. 1 Property's current coverage

The current large surface parking areas and the absence of stormwater management at the Property allows significant runoff to flow directly into the City's sewer system or Lake Minnetonka. Environmental analysis performed at the Property identified soil and groundwater contamination with both petroleum and non-petroleum contaminants, including VOCs, PAHs, metal contaminants, DROs, and GROs.

Lake West's Project and requested Amended CUP will improve Wayzata's environment and fulfill all applicable requirements.

Lake West's redevelopment will protect and enhance Lake Minnetonka and other wetlands in and around the City by significantly improving and modernizing the Property's stormwater management. Through the Project, Lake West will remove contaminated materials. The stormwater management plan submitted with Lake West's applications includes all necessary modern environmental improvements, including an underground sand filtration system treating stormwater runoff.

The quality and design of the Project will significantly enhance the shoreline experience by removing the vacant office building and two underutilized parking lots, improve the stormwater treatment that impacts the water of Lake Minnetonka, and set a new standard for development along Lake Street. The key design objective is to bring "charm" to the West end of Lake Street with a timeless curb appeal that the community raves about, while replacing in excess of 1,000 linear ft of street front asphalt with job opportunities and native plant life. The Project fulfills and is consistent with the requirements for a Shoreland Impact Plan CUP provide in Wayzata Ordinance § 991.19, including:

- The Project is consistent with the impervious surface requirements in the ordinance and will improve stormwater runoff, floodplain management, and water quality at the Property.
- The Project includes necessary and appropriate stormwater treatment measures including, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on stormwater inlets, oil skimming devices, etc. The

Project is under review and consistent with the direction of the City Engineer and the Minnehaha Creek Watershed District.

- The Project maintains and enhances landscape features, improves the condition of the soil by removing contaminants, and maintains or improves trees and grading. The Project will maintain or add trees, that when fully mature, will exceed the building height. Lake West will also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It further provides for the relocation or replanting of any trees which are proposed to be removed.
- The Project will improve the appearance of the structure when viewed from the lake's surface. All building materials, and color minimizes the appearance and blends the structure into the shoreland and vegetation, particularly in comparison to the current, significantly higher structure.
- The Lake West's planned building will be only 30 feet tall and two stories, significantly lower than the current 60-foot building approved by the City through the 1989 PUD Contract. The new building complies with the height requirements of the C-4A zoning district.
- The Project's residential density will not exceed the maximum allowed density of the base zoning district nor will it exceed the density allowed in the R-5 District.
- With approval of this CUP, lot coverage for the Project will comply with the Ordinance's impervious surface coverage requirements.
- The Project will not cause the overall lot coverage in the shoreland area to exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan.
- The Project complies with the Ordinance's requirements for residential density.
- The Project will be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as amended and/or approved by the City Engineer.
- The Project is in conformance with Wayzata's 2040 Comprehensive Plan/Shoreland Management Plan, and will accomplish and further numerous goals and priorities in these Plans.
- All Project shall be subject to the review of the Minnehaha Creek Watershed District.

Lake West's requested CUP is consistent with other recently approved CUPs

Lake West's requested Shoreland Impact Plan CUP requests approval of less impervious surface coverage than Shoreland Impact Plan CUPs recently approved by the City for projects adjacent to the Property. Recently approved impervious surface coverage include:

- 401 Lake St E, approved for 100% impervious surface coverage;
- Wayzata Blu, approved for 97.1% impervious surface coverage; and
- Swan's Corner, approved for 87.2% impervious surface coverage.

These projects' proximity to 200 Lake St. E. is shown below:

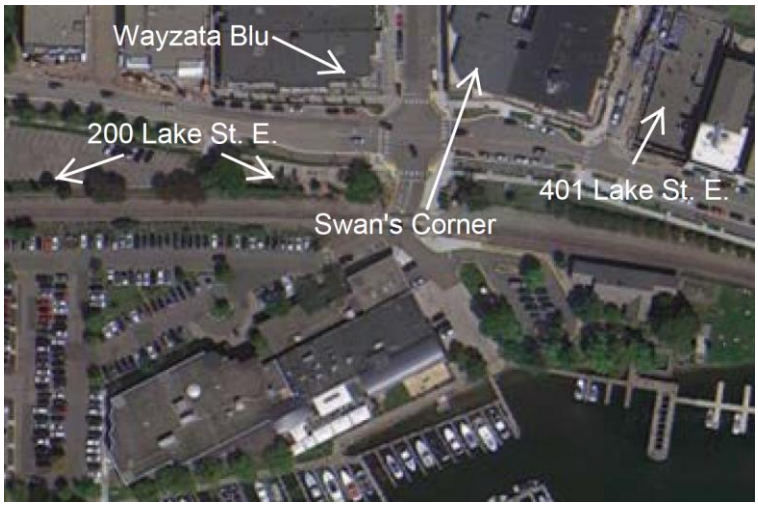


Figure 4

(4) <u>Conditional Use Permit for First Floor Dwelling Units</u>

As shown in the plans submitted with this application, the rear portion of Cores A-5 and A-6 (the portion of these cores facing south) are planned for residential use. Lake West submits tis CUPs application in compliance with the Code's requirement that first-floor residential uses in the C-4A District are permitted with a Conditional Use Permit ("CUP").

The C-4A district is intended to include mixed use buildings with both commercial and residential uses. The purpose of the District states that "retail, service, office and ***residential*** functions" are intended in the C-4A District. Code § 979.01 (emphasis added). In fact, Code Section 979.06.C requires that "[a]ll new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office." The C-4A District's regulations provide no limitations on such uses. Code Section 937 provides that first floor multiple family dwellings are allowed with a CUP.

Aside from the generic considerations in Code Section 904 that apply to all conditional uses, the only limitations on first-floor dwelling uses are that:

1. The residential units do not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density meets the standards of the R-5 District.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.

Code Section 937.04.

Lake West's plans fulfill each of these requirements. Its planned first floor units:

1. do not front or border Lake Street;
2. will seamlessly complement its commercial uses, adding value to each.
3. and the development comply with the density standards of the R-5 District; and
4. are complemented with ample open space and recreational space for the benefit of the occupants.

In addition, Lake West's planned first-floor residential meets and exceeds the standards for issuance of a CUP provided in Code Section 904.02.C and will cause no adverse effects, specifically:

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

The City's Comprehensive Plan shows that mixed-use buildings are specifically planned for the Property. Table 3-3, shows that "all residential development from 2021 to 2040 is proposed within two land use categories, Mixed-Use Commercial/Residential and Central Business District." Comp. Plan p, 3-19. The Property is guided Central Business District. Comp. Plan. Fig. 3-2.

The planned mixed ground floor uses are consistent with and meet several Comprehensive Plan goals, including:

- "Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents."
- "Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types."
- "Consider regulations to allow a mix of commercial, office and residential uses within each of the commercial categories to strengthen Wayzata as a shopping, employment and entertainment destination."

2. The proposed use's compatibility with present and future uses of the area.

As set forth above, the proposed use is currently permitted in the Central Business District and C-4A zoning district with this CUP and the use is specifically anticipated to occur in the Comprehensive Plan's planned future use in the Central Business District.

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

The planned use conforms to all performance standards.

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

The planned use will positively contribute to the area in which it is proposed. Residential use will complement the planned commercial development on the Property and will provide for an increased number of downtown residents to frequent the downtown areas shops and restaurants. Since the

first-floor dwellings do not abut Lake Street, they will not take away from the shops and commercial uses that characterize Wayzata's downtown.

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

The proposed use will positively impact the property values in which it is developed, particularly as this development replaces the derelict former TCF headquarters building.

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

The traffic generated by the proposed use will have no negative impact on traffic and will decrease traffic generated in comparison to a commercial use of this space, the only alternative use of the space.

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

The proposed use will not have any negative impact on public services or facilities.

(5) <u>Design and Site/Building Plan Review</u>

Pursuant to Ordinance Sections 909.25-909.28 and 922.03, Lake West seeks design standard and site/building plan review of its Plans. Lake West has submitted all materials required by Ordinance Section 909.25(A), together with our final site and construction plans in addition to the materials submitted with our CUP application described below. These code compliant plans do not deviate from the Ordinance's design standards or requirements.

Please let us know if you have any questions as we proceed with this process. We look forward to working with you, other staff, the Planning Commission, and City Council.

Sincerely,



Curt Fretham
CEO, Lake West Development

Office: (952) 930-3000
Cell: (612) 720-5690
Email: CurtF@LWestDev.com
Cc: David Nims, Hobbs+Black Architects
Nick Mannel, Loucks
Sam Diehl, CrossCastle PLLC

4872-3110-2031, v. 1

LAKE WEST
DEVELOPMENT, LLC

March 7, 2023

Emily Goellner
Community Development Director
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Lake West Development LLC's Applications - 200 Lake Street East
March 2, 2023, Information Requested

Dear Ms. Goellner:

This letter responds to the City's March 2, 2023, letter regarding Lake West's pending applications. We appreciate that letter's acknowledgement that our applications were complete as of February 10, 2023, except for the apparent misunderstanding regarding the issue of parking structures. As explained below, the City's parking structure design standards do not apply as the March 2 letter suggests and, even if they did, Lake West does not deviate from the standards. As a result, we are confident that our revised applications and materials were complete as of February 10. We appreciate this opportunity to provide greater clarity regarding these issues.

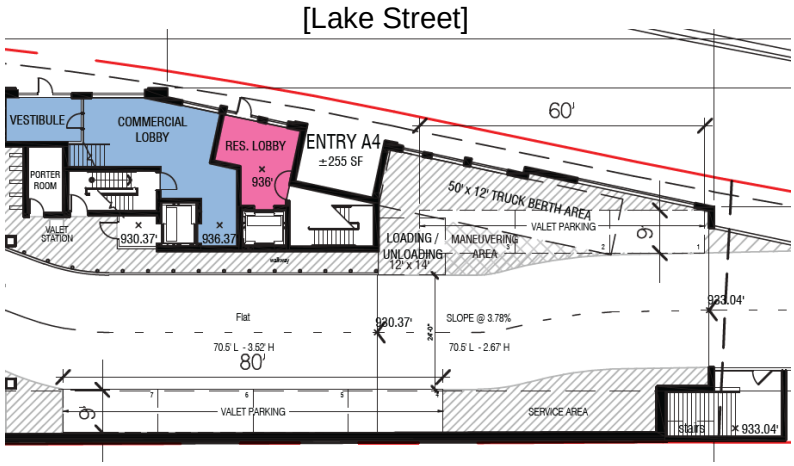
The City's Parking Structure Standards Do Not Apply

First, and most importantly, the parking structure design standard in Code Section 909.21.B.1 does not apply to Lake West's planned parking area. Wayzata's Design Standard Handbook explains that the application of the City's parking structure design standards only "apply to … ***above-ground parking ramps***." (Handbook 2.B.4 (emphasis added).) Lake West's parking area serving its commercial and residential units will be entirely underground. As such, the City's parking structure standards in Code Section 909.21 and its Design Standard Handbook do not apply.

The exemption of underground parking areas from its parking structure standards is evident from the City's consideration of similar projects. For example, the City's "Design Review Critique" of the Swan's Corner development at 305 and 309 Lake Street explained that Code Section 909.21 was not applicable ("N/A") to that development. This Critique explained, "All of the proposed parking would be located internal to the building. The proposed plans do not include a parking structure." This was true even though the plans approved by the City showed parking on both the lower level and the ground floor of that project.

The exemption of internal, below ground parking areas from the City's parking structure design standards was shown more recently, in 2022 when City staff, the Planning Commission, and City Council reviewed Lake West's previous plans submitted for design review with its planned unit development application. These plans showed an entrance to underground parking areas

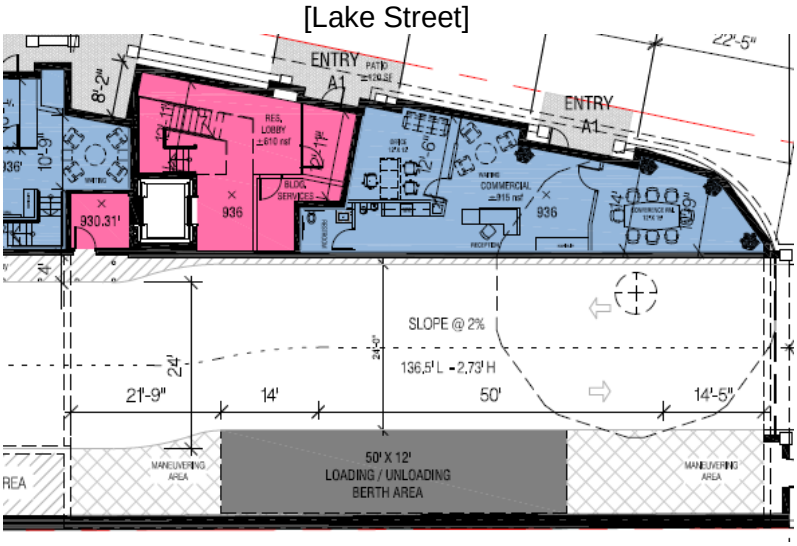
configured substantially similar to its current proposed parking entrance about which staff now raises concerns:



(Fig. 1 2021 PUD Plans.)

During the review by City staff, the Planning Commission, and City Council, no concerns were raised regarding Code Section 909.21 or any other parking structure design standards because Lake West's internal, below-ground parking area was exempt from these regulations. The internal parking entrance and planned underground parking was not a parking structure regulated by Code Section 909.21.

Even If the Parking Structure Design Standards Did Apply, No Deviation Would Be Needed
Even if the parking structure design standards did apply, no deviation would be needed because no parking abuts Lake Street. Lake West's current design for the eastern portion of Core A-1—the area of the plans about which staff raises concerns (from Sheet A-010)—is shown here:



(Fig. 2 Current Plans.) This area includes no parking at all. And only commercial areas and entries make direct contact with and immediately border Lake Street.

The City's March 2 letter alleges that that these plans show "a parking structure that abuts Lake Street," but then later acknowledges that the access and loading areas shown above are "located about 19 feet from the Lake Street right-of-way." City Code's definition of "abutting" states that "'Abutting' means making direct contact with or immediately bordering." Code § 902.02. This definition is consistent with the dictionary definition[1] and common understanding of the term. The March 2 letter's own text demonstrates that no parking structure "abuts Lake Street" because it alleges that the alleged "parking structure" is "located about 19 feet from the Lake Street right-of-way" and so it does not "mak[e] direct contact with or immediately border[]" Lake Street.

Of course, the lower level of Lake West's planned Core A-1 includes no parking at all. As is shown above, the area includes commercial space, a pedestrian entry, a loading/unloading area, maneuvering areas, and a lower-level access door and access drive that leads to underground parking, storage, and mechanicals that lies to the west, below Cores A-2 through A-6. The ground floor above much of this portion of A-1 is open to the lower level providing room for the access door as well as loading berth screening that is planned to be "architecturally harmonious with the principal structure," as required by City Code Section 902.10.

Parking areas of the planned building are located entirely underground, none is located on the ground floor, and no parking abuts Lake Street. The planned parking areas fulfill all Code requirements and achieve several specific goals in the City's Comprehensive Plan and design standards, including by: (1) "plac[ing] parking within [the] development[] so that it is not a focal point;" (Comp. Plan p. 3-7.) (2) including "shared and joint parking facilities within development wherever possible;" (*id*.) and (3) "minimiz[ing] surface parking" to avoid "visually intrusive" parking areas, and "reduce the visual impact of parking structures to fit them into the small town context of Wayzata." (Design Handbook p. 27.) In sum, we are confident that no design deviation is necessary.[2]

Clarification Regarding Massing Breaks

The City's March 2 letter states that Lake West's February 10 narrative provides "justification for [a] design deviation" related to Code Section 909.7.A.2 and the "significant massing breaks" that "must be provided at midblock connections to provide views of Lake Minnetonka." We want to be clear that, like the alleged design deviation issue discussed above, no deviation is necessary related to Code Section 909.7.A.2 for the reasons set forth in our February 10 narrative. With respect to the City's request to accept this design deviation, we kindly reiterate that no deviations are required. However, in the spirit of cooperation, we are willing to accept the unnecessary design deviation with the understanding that this is the City's preference and that the design deviation will be approved. Lake West reserves all rights and remedies in the event the Planning Commission and City Council find that an unnecessary deviation is required, but decline to approve the unnecessary deviation.

[1] The Merriam-Webster Dictionary defines "abut" as "to border on : to touch along an edge." https://www.merriam-webster.com/dictionary/abut.

[2] To avoid further delay to consideration of our application, we do not oppose the City approving a deviation if the Planning Commission and City Council desire to approve one even though it is unnecessary. However, Lake West's willingness to accept an approved deviation should not be understood to diminish our position that no deviation is required. Lake West reserves all rights and remedies in the event the Planning Commission and City Council find that a deviation is required, but decline to approve the deviation.

Conclusion
As described above, Lake West's plans do not require a design deviation related to the City's parking structure design standards or Code Section 909.21. Like the parking areas in the Swan's Corner development and Lake West's 2021 design review application, all of Lake West's planned parking will be located internal to the building and underground. Even if parking structure standards did apply, City staff acknowledges that the parking access about which it raises concerns is 19 feet away from, and does not abut, Lake Street.

Please let me know if you have any questions.

Sincerely,

Curt Fretham
CEO, Lake West Development

Office: (952) 930-3000
Cell: (612) 720-5690
Email: CurtF@LWestDev.com

Cc: David Nims, Hobbs+Black Architects
Nick Mannel, Loucks
Sam Diehl, CrossCastle PLLC

LAKE WEST
DEVELOPMENT, LLC

April 13, 2023

Emily Goellner
Community Development Director
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: Lake West Development Applications - 200 Lake Street East
Supplemental Narrative

Dear Ms. Goellner:

Lake West Development submits this supplemental narrative in regard to the administrate addition made today to our pending land use application related to the redevelopment of 200 Lake Street East. We appreciate the City's previous acknowledgement that our application is complete and recognition that the administrative edits to the application made today will not restart the City's timeline for review of Lake West's application. This supplemental narrative is intended to augment and add to, but not replace, our earlier narrative.

As you know, Lake West added a notation to our application regarding a conditional use permit ("CUP") related to five or more dwelling units within the Shoreland Overlay District (City Code Section 991.17). We added this to the application because City staff has stated that such a CUP is required for this redevelopment and has stated that the City would require an additional, separate application for such a CUP to obtain a building permit. Lake West is not opposed to the City approving a CUP related to City Code Section 991.17. However, we want to be clear that while Lake West is willing to accept an approved CUP, we do not believe that such a CUP is required by the City Code and, even if such a CUP was required by the City Code, such a requirement would conflict with, and exceed the authority granted by, applicable Minnesota Statutes and Rules. In any event, notwithstanding its compliance with staff's instruction, Lake West reserves all of its rights and remedies related to the City's insistence that a 991.17 CUP is required in the event such a CUP is not approved or otherwise prevents approval of Lake West's other requests before the City.

Please let us know if you have any questions as we proceed with this process. We look forward to working with you, other staff, the Planning Commission, and City Council.

Sincerely,

Curt Fretham
CEO, Lake West Development

Office: (952) 930-3000
Cell: (612) 720-5690
Email: CurtF@LWestDev.com

SSTS
S² TRAFFIC SOLUTIONS

October 28, 2022

To: **Eric Zweber, Planning Consultant for City of Wayzata**

From: **Vernon Swing, PE**

Re: **Traffic and Parking Analysis Memorandum – Proposed 200 Lake St E Mixed Use, Wayzata, MN**

Executive Summary

A traffic and parking analysis has been conducted for 200 Lake Street E Mixed-use Redevelopment in Wayzata, Hennepin County, MN. The study documents the existing conditions, the anticipated site-generated traffic and its distribution, reviews the traffic operations at the site access and adjacent intersections for year 2024, and reviews the parking demand for the project. Detailed study information can be found in subsequent sections of this memo.

The following provides a summary of the study, traffic operations, parking analysis and recommendations:

- Traffic operations were analyzed for year 2024 conditions without (No-Build) and with (Build) the proposed project for weekday AM and PM peak hour conditions.
- The proposed project is estimated to generate 65 trips (48 entering and 17 exiting) during the morning traffic peak hour, 66 trips (19 entering and 47 exiting) during the evening traffic peak hour and 591 daily trips. Results of the traffic analysis indicate acceptable operations with minimal vehicle delay and vehicle queuing at adjacent intersections and the site access.
- It is recommended that the site access driveway has enhanced signage warning vehicles of pedestrian and bicycle crossing on the south side of Lake St E.
- 142 parking spaces are proposed in a one-level underground ramp and will provide adequate on-site parking per ITE's Parking Generation Manual estimates. Furthermore, based on parking time of day estimates there will likely be at least 45 surplus spaces available in the ramp that could be used as additional public parking to serve the surrounding businesses.

Per your request, S^2 Traffic Solutions, LLC has conducted a traffic and parking analysis for the proposed two-story mixed use 200 Lake Street E Redevelopment (termed "Proposed Project" in this memo) in Wayzata, Hennepin County. MN. The Proposed Project will redevelop the 2.27-acre former TCF Bank site located on the south side of Lake St E between Ferndale Rd S and Barry Ave S. TCF Bank utilized the building as a small bank (approximately 1,500 square feet (sf)) and a corporate office (approximately 36,395 sf) until 2020 after their merger with Huntington Bank. The redevelopment will include up to 33 low-rise multi-family residential units and up to 34,000 sf of office space in a new building, and will provide 142 parking spaces in a garage located under the proposed building. Access to the site will be available via a single full access driveway from Lake St E locate on the east side of the site. (See Figures 1 and 2 for the Vicinity Map and Site Plan, respectively). It is noted that the location of the access is at the existing eastern driveway to the site and the other three existing accesses that were previously used by TCF Bank have been eliminated.

This memorandum documents the existing conditions, the anticipated site-generated traffic and its distribution, and reviews the traffic operations at the following intersections for the year after completion of the development, 2024:

- Lake St E & Grove Ln E/Barry Ave
- Lake St E & Minnetonka Ave S
- Lake St E & Ferndale Rd
- Barry Ave & Wayzata Blvd E
- Site Access Driveway (to the parking garage)

Additionally, this memo addresses the anticipated parking demand for the Proposed Project.

Existing Conditions

The existing conditions of the roadways and intersection providing direct access to the Proposed Project were gathered during a site visit conducted in July of 2022 and are noted in **Table 1** and in the discussion that follows.

Table 1. Study Roadway Characteristics

Roadway	Functional Class	Typical Section	Posted Speed	AADT
Lake St E (CSAH 15)	Major Collector	3-Lane Undivided Urban	30 mph	6,200
Grove Ln E/Barry Ave	Minor Collector	2-Lane Undivided Urban	30 mph	1,250
Minnetonka Ave S	Local Road	2-Lane Undivided Urban	20 mph	1,000
Wayzata Blvd E	Minor Reliever	3-Lane Undivided Urban	35mph	6,300
Ferndale Rd	Minor Collector	2-Lane Undivided Urban	30 mph	3,000

- **Lake St E** – In the vicinity of the Proposed Project there is on-street parking on the north side of Lake St E, pedestrian facilities on both sides, and a newly constructed 10-foot-wide bicycle path on the south side.
- **Grove Ln E/Barry Ave** – In the vicinity of the site there are pedestrian facilities and on-street bikes lanes in both directions, and on-street parking on the west side.
- **Minnetonka Ave S** – In the vicinity of the site there are sidewalks on both sides, and on-street parking on both sides.

- **Wayzata Blvd E** – There are sidewalks on both sides with no on-street parking. MetroTransit Route 645 travels on Wayzata Blvd E and there are transit stops, as well as pedestrian crosswalks for the north/south ped movements.
- **Ferndale Rd** – There are no sidewalks and no parking on Ferndale Rd, and both directions are designated bicycle routes. MetroTransit Route 645 includes stops on Ferndale Rd.

The field review revealed the following for the study area intersections:

- **Lake St E & Grove Ln E/Barry Ave** – is a four-legged all-way stop-controlled intersection with marked crosswalks on all legs. Both the northbound and southbound approaches have one lane; a shared left turn/through/right turn lane. The eastbound approach has three lanes; a left turn lane (100' of storage), a through lane and right turn lane. It is noted that the right turn lane is not currently striped, but there is adequate width for the right turn lane and vehicles were observed using it. The westbound approach is comprised of two lanes; a left turn lane (50' of storage) and a shared through/right turn lane.
- **Lake St E & Minnetonka Ave S -** is a three-legged side-street stop-controlled intersection with marked crosswalks on all legs. The southbound approach is stop-controlled has one lane; a shared left/right turn lane. Both the eastbound and westbound approaches are free-flowing and have one lane; and shared turn/through lane.
- **Barry Ave & Wayzata Blvd E –** is a four-legged side-street stop-controlled intersection with marked crosswalks on three legs. The east leg does not have ped ramps or a crosswalk, while the west leg has a pushbutton activated ped crossing flasher system. The northbound and southbound approaches are stop-controlled, while the eastbound and westbound approaches are free-flowing. Both the northbound and southbound approaches have 2 lanes; a shared left turn/through lane and a right turn lane. It is noted that the northbound right turn lane is yield channelized. The eastbound approach has 2 lanes; a left turn lane (150' of storage) and a shared through/right turn lane. The westbound approach is comprised of 3 lanes; a left turn lane (200' of storage), a through lane and a right turn lane (225' of storage).
- **Lake St E & Ferndale Rd –** is a four-legged all-way stop-controlled intersection with marked crosswalks on all legs. The eastbound, westbound and southbound approaches have two lanes; a left turn lane and a shared through/right turn lane. The northbound approach has two lanes; a shared left turn/through lane and a right turn lane. Both roadways have a 30 mph speed limit.

Also, turning movement traffic counts at the study area intersections from August 2021 were utilized to conduct the intersection operational analysis. The counts showed AM peak hour occurs between 8:00 to 9:00 AM and the PM peak hour occurs between 4:30 to 5:30 PM (See Figure 3, Existing Peak Hour Volumes).

Future Conditions

To quantify the impacts of a development on the surrounding roadway system, it is necessary to first analyze traffic conditions that would be present on the roadway system without the inclusion of the proposed project. The anticipated construction completion date for the Proposed Project is 2023, thus year 2024 was selected for analysis so as to compare traffic conditions after initial traffic patterns to and from the Proposed Project have become established. To determine the future traffic conditions a review of 2040 traffic forecasts in Wayzata's 2040 Comprehensive plan was completed. The review indicates a 1.5% annual growth rate on Lake St E and 3% annual growth rate on Wayzata Blvd E (interpolated from

MnDOT's Current AADT counts from 2018 and 2040 AADT from Wayzata's Comp Plan). It is noted the Wayzata Comprehensive Plan anticipates the redevelopment of properties in the area including the TCF Bank site and others along Lake St E, and the redevelopment volumes are reflected in the 2040 forecast. Figure 4 illustrated the 2024 No-Build traffic conditions with these growth rates applied to the existing volumes.

Trip Generation and Distribution

The redevelopment of the TCF Bank site will include a building with 34,000 square foot office space, and 33 residential units. The volume of vehicle trips generated by the Proposed Project has been estimated for the weekday AM and PM peak hours and on a daily basis using the data methodology described in the ***Trip Generation Manual***[1]***.*** As mentioned earlier, the site currently includes a vacant 37,895 sf building with approximately 1,500 sf utilized as a retail bank and 36,395 sf used as office space. For comparison purposes, an estimate of site generated traffic assuming full occupancy of the existing building was also conducted and will be discussed below. Table 2 summarizes the trip generation estimate for the new uses.

Table 2 - Trip Generation Proposed Uses

Land Use (Size)	ITE Code	AM Peak Trips		PM Peak Trips		Daily Trips
		Enter	Exit	Enter	Exit	
Office (34 K-sf)	710	45 Trips	7 Trips	8 Trips	41 Trips	369 Trips
Low-Rise Multi-Family (33 Units)	220	3 Trips	10 Trips	11 Trips	6 Trips	222 Trips
Total		**65 Trips**		**66 Trips**		**591 Trips**

As shown in Table 2, the redevelopment will generate 65 trips (48 entering and 17 exiting) during the morning traffic peak hour, 66 trips (19 entering and 47 exiting) during the evening traffic peak hour and 591 daily trips.

Table 3 summarizes the trip generation estimate if the site were to reoccupy to its full capacity without redevelopment using ITE forecasts from ***Trip Generation Manual***[2]***.***

Table 3 - Trip Generation Reuse of Existing Building

Land Use (Size)	ITE Code	AM Peak Trips		PM Peak Trips		Daily Trips
		Enter	Exit	Enter	Exit	
Office (36,395 sf)	710	49 Trips	6 Trips	9 Trips	43 Trips	395 Trips
Bank (2 Drive-thru lanes)	912	10 Trips	7 Trips	27 Trips	27 Trips	250 Trips
Total		**72 Trips**		**106 Trips**		**645 Trips**

Table 3 shows the reuse as a similar bank/office would generate 72 trips during the morning peak or 7 more than the Proposed Project, 106 trips during the evening peak or 40 more than the proposed project, and 645 trips per day or 54 more than the Proposed Project. The Proposed Project will be less intense than reusing the existing bank building. That said, this analysis only considers the change in traffic conditions associated with the new project when compared to existing conditions.

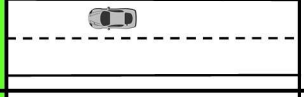
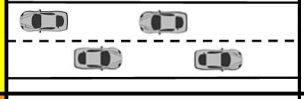
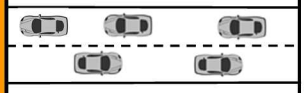
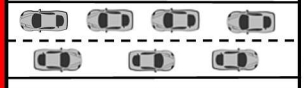
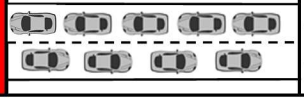
The new trips have been assigned to the surrounding roadways according to the existing and anticipated traffic patterns. Figure 5 illustrates the trip assignment, and Figure 6 illustrates the 2024 Build

[1] Trip Generation Manual, Institute of Transportation Engineers (ITE), 11th Edition
[2] Trip Generation Manual, Institute of Transportation Engineers (ITE), 11th Edition

conditions, respectively, by combining the 2024 No-Build traffic on Figure 4 with the trip assignment on Figure 5.

Traffic Operations

The operating conditions of transportation facilities, such as roadways, traffic signals, roundabouts and stop-controlled intersections, are evaluated based on the relationship of the theoretical capacity of a facility to the actual traffic volume on that facility. Various factors affect capacity including travel speed, roadway geometry, grade, number of travel lanes, and intersection control. The current standards for evaluating capacity and operating conditions are contained in ***Highway Capacity Manual***[3]. The procedures describe operating conditions in terms of driver delay represented as a Level of Service (LOS). Operations are given letter designations with "A" representing the best operating conditions and "F" representing the worst. Generally, level of service "D" represents the threshold for acceptable overall intersection operating conditions during a peak hour. The Chart on the following page summarizes the level of service and delay criteria for signalized and unsignalized intersections.

Level of Service		Description	Delay (sec)	
			Signalized	Unsignalized/ Roundabout
A		Primarily free-flow operation.	0-10	0-10
B		Reasonably unimpeded operation.	>10-20	>10-15
C		Stable operation. The ability to maneuver is more restricted than LOS B.	>20-35	>15-25
D		Less stable operation. Small increases in flow may cause large increases in delay and reduced speeds.	>35-55	>25-35
E		Unstable operation. Low speeds and considerable delay.	>55-80	>35-50
F		Congested operation. High delay and extensive queuing.	>80	>50

For side street stop-controlled intersections special emphasis is given to providing an estimate for the level of service of the minor approaches. Traffic operations at an unsignalized intersection with side street stop-control can be described two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes. Second, it is important to consider the delay on the minor approaches, since the mainline does not have to stop. It is common for intersections with higher mainline traffic volumes to experience increased levels of delay and poor level of service on the side streets.

[3] Highway Capacity Manual (HCM), Transportation Research Board, 6th Edition

A final fundamental component of operational analyses is a study of vehicular queuing, or the line of vehicles waiting to pass through an intersection. An intersection can operate with an acceptable Level of Service, but if queues from the intersection extend back to block entrances to turn lanes or accesses to adjacent land uses, unsafe operating conditions could result. In this report, the Industry Design Standard 95th percentile queue length is used. The 95th Percentile Queue Length refers to that length of vehicle queue that has only a five-percent probability of occurring during an analysis hour.

This study has utilized the industry current Synchro/SimTraffic software package (11th Edition) to analyze the 2024 No-Build and Build conditions for both the AM and PM peak hours. It is noted, the reported results are from the aggregate of 10 SimTraffic simulations which use a random number generator to seed the network with vehicles. These results reflect dynamic conditions and are more accurate than the results of the static analysis reported by Synchro. Due to the random number generator, results can sometimes show slightly better operations on minor movements under higher traffic conditions when the intersections are operating well. This can be seen when delays and queues noted in the Build Scenario are slightly less than the No-Build Scenarios.

Analysis Results

Tables 4 summarizes the results of the operational analysis. Note the 2024 No-Build and Build operations reflect the additional traffic associated with the annual growth rate applied to existing traffic volumes. Additionally, the Build operations include the net new traffic forecast for the Proposed Project.

Table 4. Operational Analysis

LOS (Delay in sec) plus Vehicle Queuing in Feet						
Intersection No.		**2024 NB AM**	**2024 NB PM**		**2024 B AM**	**2024 B PM**
5 (All-way Stop)		a (5.3)	a (6.1)		a (5.4)	a (6.2)
Worst Movement		a ebt (6.2)	a wbt (7.4)		a wbt (6.4)	a wbt (7.5)
95th Percentile Q		wbt 61	wbt 70		wbt 64	wbt 73
10 (Side stop)		a (1.6)	a (1.8)		a (1.7)	a (1.9)
Worst Movement		a sb (3.9)	a sb (5.7)		a sb (3.9)	a sb (6.1)
95th Percentile Q		sb 49	sb 58		sb 54	sb 62
15 (Side Stop)		a (1.1)	a (1.2)		a (1.2)	a (1.5)
Worst Movement		a sb (7.8)	c nbt (18.7)		a sb (8.0)	c nbt (19.0)
95th Percentile Q		wb 35	nbt 38		wb 34	nbt 43
20 (All-way Stop)		a (4.7)	a (6.0)		a (4.9)	a (6.1)
Worst Movement		a wbt (8.1)	b wbl (12.3)		a wbt (9.3)	b wbl (13.2)
95th Percentile Q		nb 77	wbl 80		nb 75	nbt 86
25 (Side Stop)					a (1.7)	a (2.0)
Worst Movement		N/A	N/A		a nb (3.0)	a nb (3.7)
95th Percentile Q					nb 38	nb 53

- Level of Service reported from an average delay from 10 SimTraffic simulations for overall intersection and worst movement.
- 95th percentile queues are a result from an average of 10 SimTraffic simulations and the longest queue per intersection is reported.

Intersection Key:

5	Lake St E & Barry Ave S
10	Lake St E & Minnetonka Ave S
15	Wayzata Blvd & Barry Ave S
20	Lake St E & Ferndale Rd
25	Lake St E & Site Access

The results shown in Table 4 indicate the 2024 No-Build operations of the study area intersections are acceptable with LOS A or better for overall operations and LOS C or better for individual travel lane

operations, with manageable vehicle queuing. Further, the results in Table 4 indicate the 2024 Build overall operations and travel lane operations of the study area intersections and site access are the same with acceptable LOS A or better for overall operations and LOS C or better for travel lane operations, with manageable vehicle queuing. The addition of site-generated traffic slightly increases delay and queuing but not above unacceptable levels as the existing roadway network has available capacity.

It is important to note that the redevelopment of the site will result in the elimination of 3 access driveways that currently cross the regional bicycle trail as well as the pedestrian path that runs along the south side of Lake St E. This will result in a safer environment for these alternative transportation modes. Further, it is suggested that enhanced signing be considered to remind drivers of the regional trail crossing.

Parking Analysis

A parking analysis has been conducted to evaluate parking demand for the Proposed Project. 142 parking spaces are proposed in an underground parking ramp. The parking demand for the Proposed Project was estimated using data from ITE's ***Parking Generation Manual*** [4] . For the Office use the peak demand is 81 spaces, which occurs during the 10 AM and 11 AM hours, while the peak demand for the residential uses is 40 spaces and occurs during the hours of Midnight to 5 AM. Table 5 summarizes the estimated parking demand by hour for each use and identifies the peak parking demand for the total proposed land uses. (It is noted that no reductions due to multimodal travel have been applied to these numbers.)

Table 5 – Parking Demand by Time of Day

	Office			Multi-Family			
Hour	% Occupied	Max Demand	Subtotal	% Occupied	Max Demand	Subtotal	Total Demand
12	0%	81	0	100%	40	40	**40**
1	0%	81	0	100%	40	40	**40**
2	0%	81	0	100%	40	40	**40**
3	0%	81	0	100%	40	40	**40**
4	0%	81	0	100%	40	40	**40**
5	0%	81	0	97%	40	39	**39**
6	0%	81	0	90%	40	36	**36**
7	13%	81	11	77%	40	31	**41**
8	48%	81	39	56%	40	22	**61**
9	88%	81	71	45%	40	18	**89**
10	100%	81	81	40%	40	16	***97***
11	100%	81	81	37%	40	15	**96**
Noon	85%	81	69	36%	40	14	**83**
1	84%	81	68	36%	40	14	**82**
2	93%	81	75	37%	40	15	**90**
3	94%	81	76	43%	40	17	**93**
4	85%	81	69	45%	40	18	**87**
5	56%	81	45	55%	40	22	**67**
6	20%	81	16	66%	40	26	**43**
7	11%	81	9	73%	40	29	**38**
8	0%	81	0	77%	40	31	**31**
9	0%	81	0	86%	40	34	**34**
10	0%	81	0	92%	40	37	**37**
11	0%	81	0	97%	40	39	**39**

In summary, per ITE's ***Parking Generation Manual*** a peak parking demand of 97 parked vehicles is estimated to occur at 10:00 AM on a weekday. The proposed 142 parking stalls will provide adequate on-site parking for the Proposed Project and will result in at least 45 surplus spaces, which may be available for the surrounding businesses or the general public.

Conclusion

In conclusion, the proposed development has appropriate access to the site and to the surrounding roadway network. The traffic operational analysis indicates there is available capacity on the roadways surrounding the site, and the additional traffic from the Proposed Project will have minor impacts on traffic operations in the area.

[4] Parking Generation, Institute of Transportation Engineers (ITE), 5th Edition, January 2019

It is recommended that the site access driveway have enhanced signage warning vehicles of the bicycle crossing on the south side of Lake St E.

The proposed 142 parking spaces in the underground ramp will likely provide more than adequate on-site parking. Based on ITE's ***Parking Generation Manual*** estimates there will likely be a surplus of available parking throughout the day and into the evening in the underground ramp. The surplus of spaces could be used as additional public parking to serve the surrounding businesses.

Please contact Vernon Swing at vswingtraffic@gmail.com or 612-968-4142 with any questions.

Attachments: Figures 1-6
(Appendices with Traffic Counts, Trip Generation Data, Synchro/Simtraffic Worksheets are available upon request.)

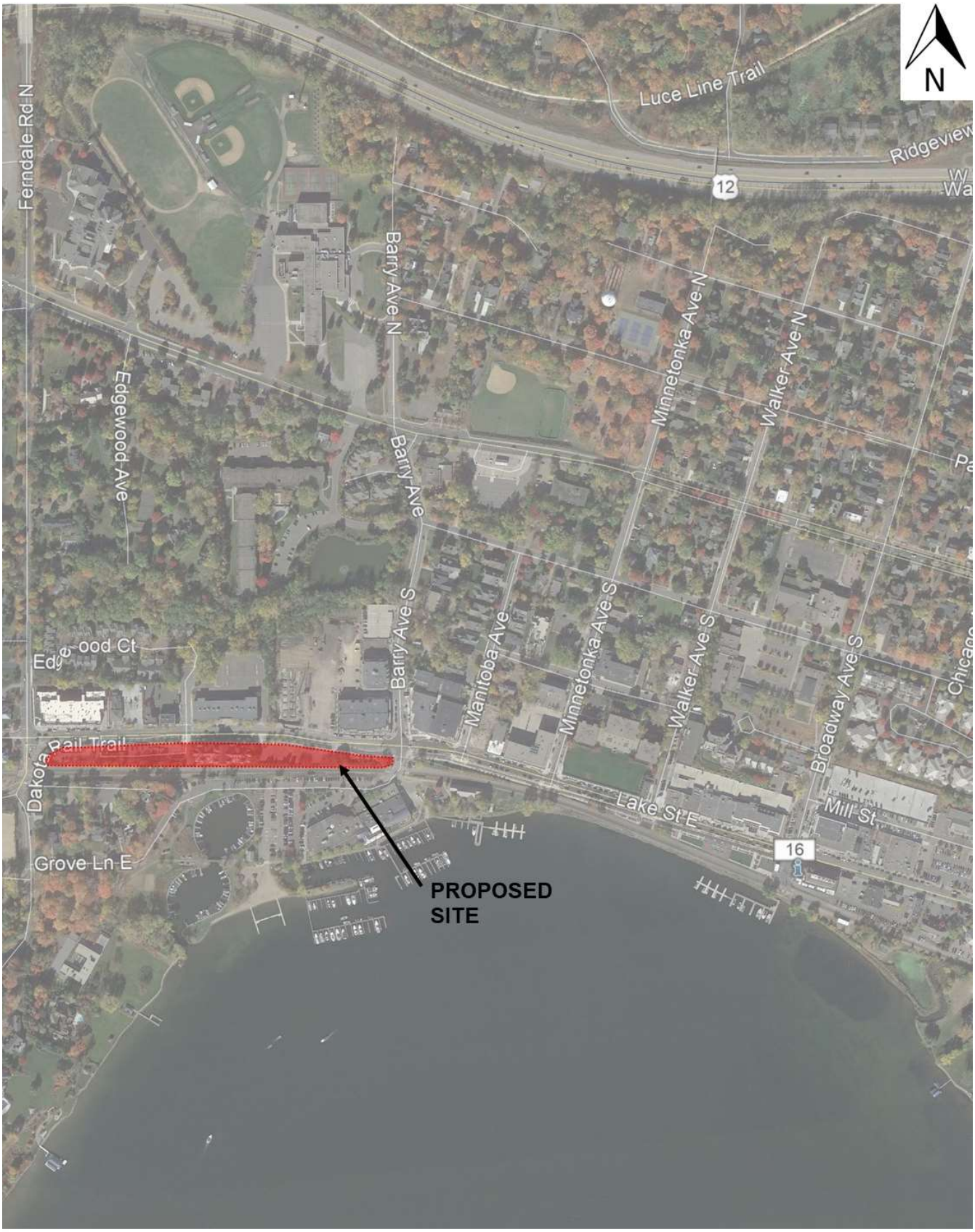


Figure 1 - Vicinity Map

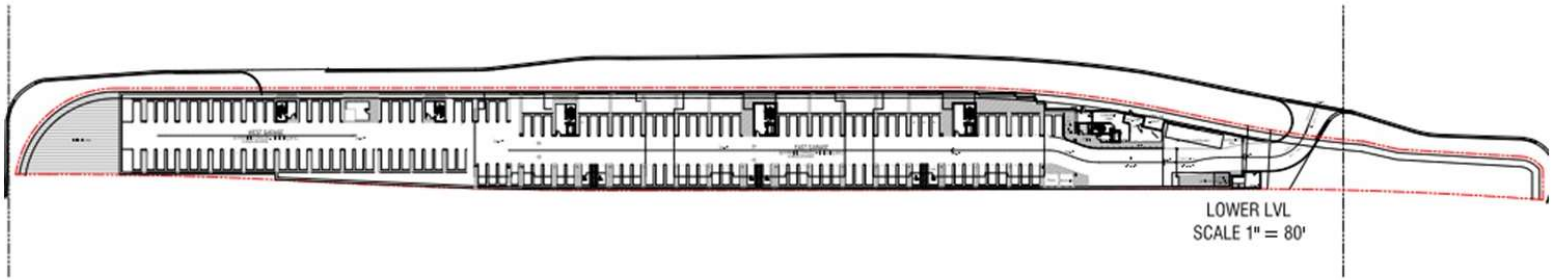
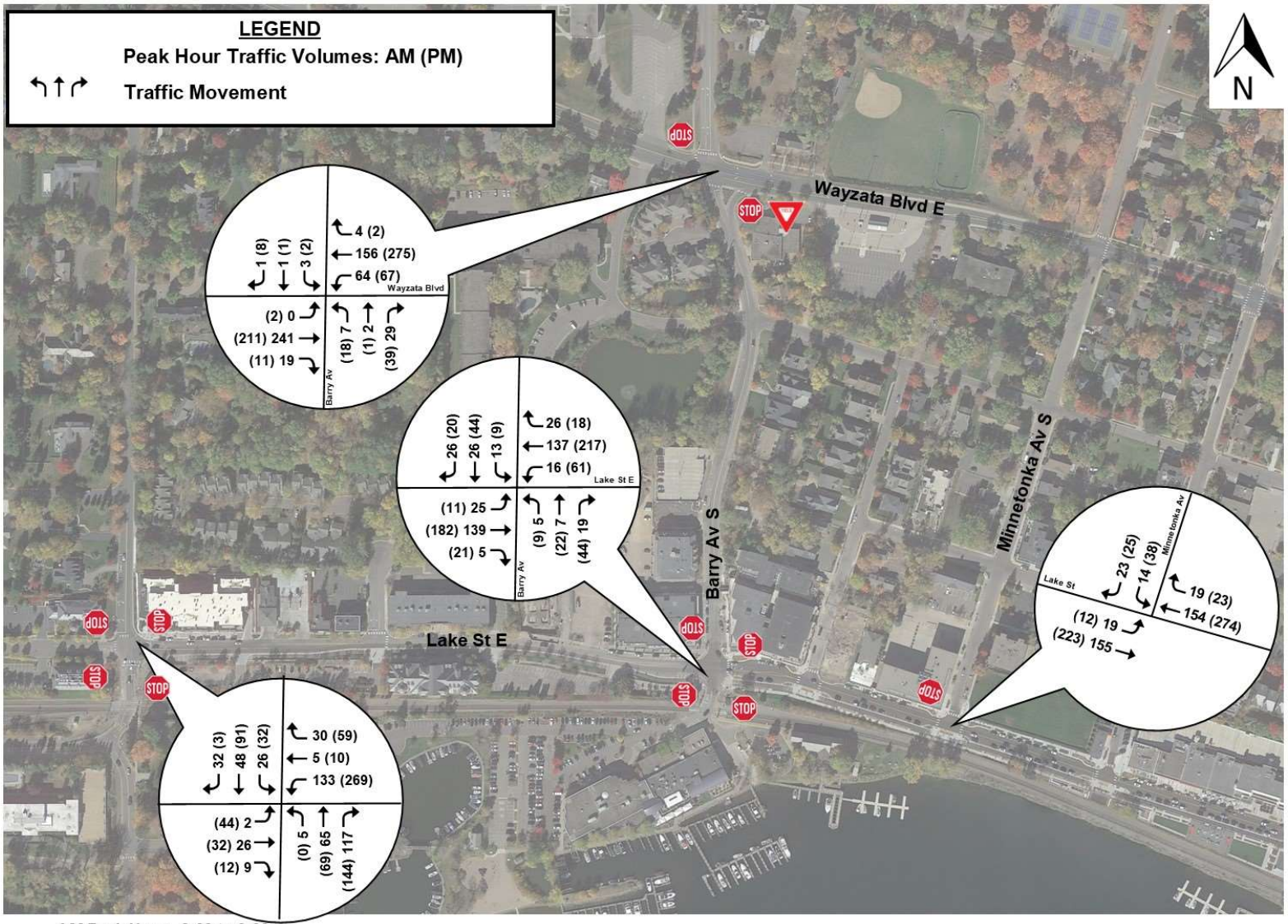


Figure 2 - Site Plan (By Others)



AM Peak Hour - 8:00 to 9:00
PM Peak Hour - 4:30 to 5:30

Figure 3 - Existing Traffic Volumes

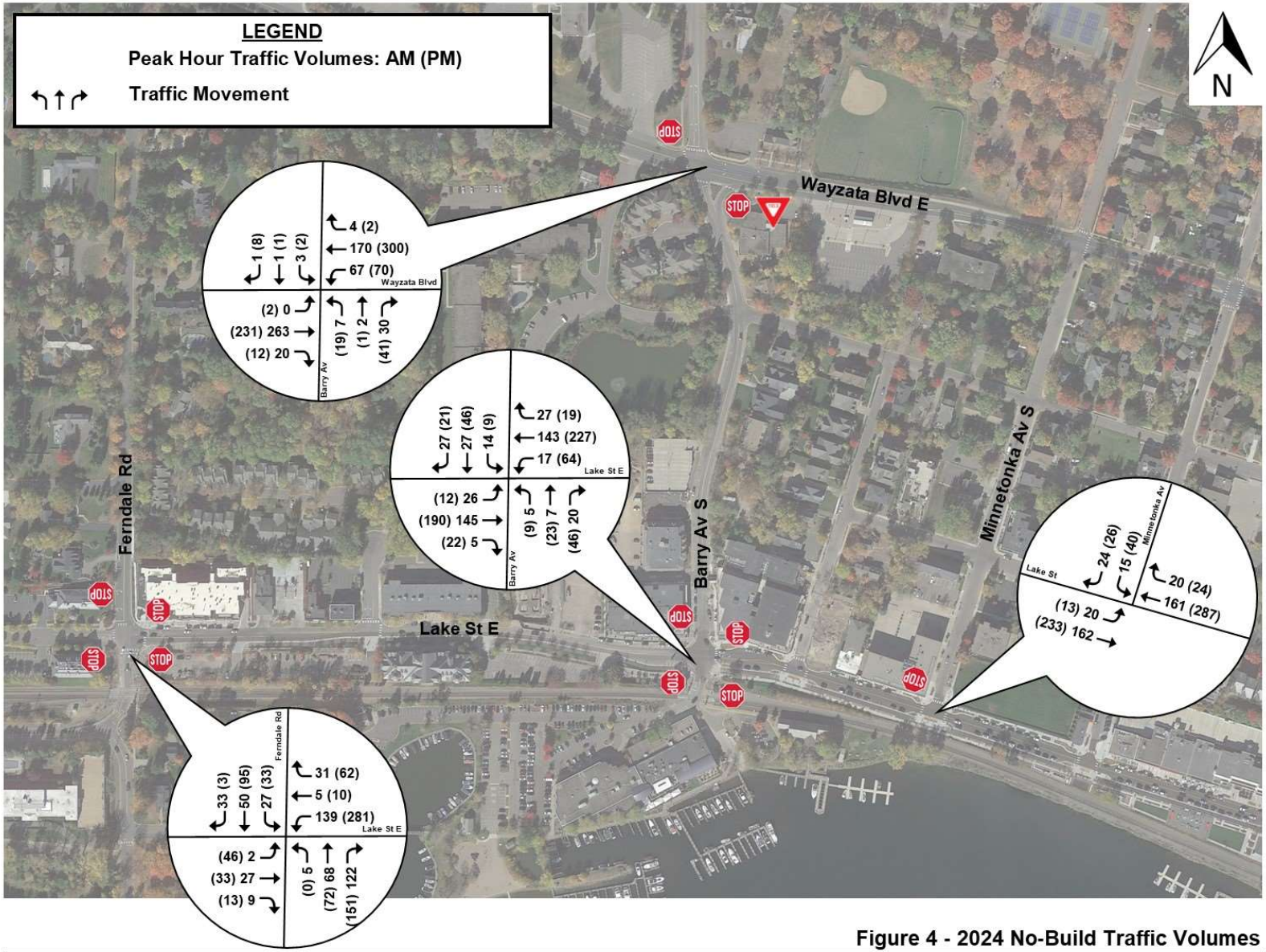


Figure 4 - 2024 No-Build Traffic Volumes

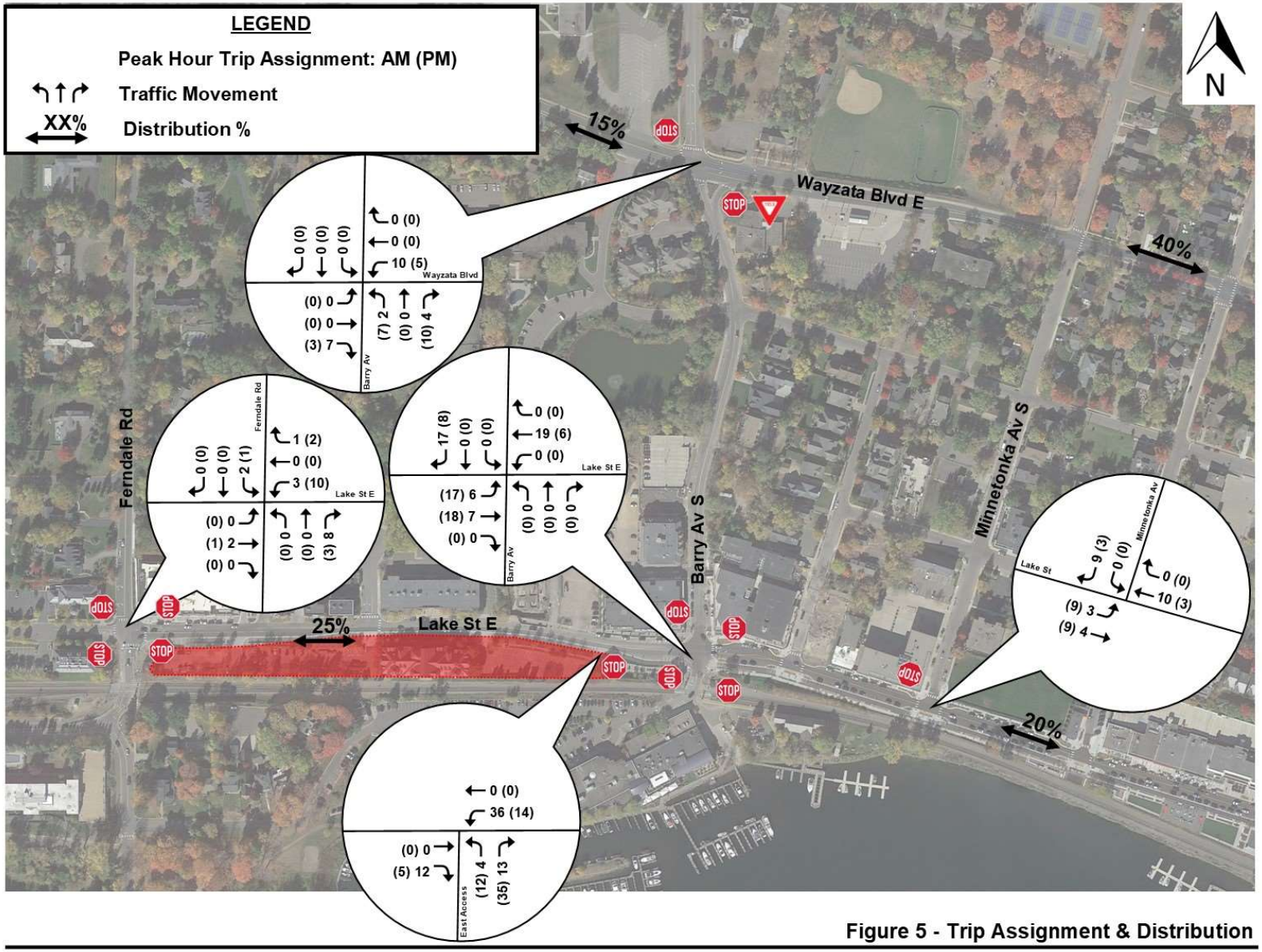


Figure 5 - Trip Assignment & Distribution

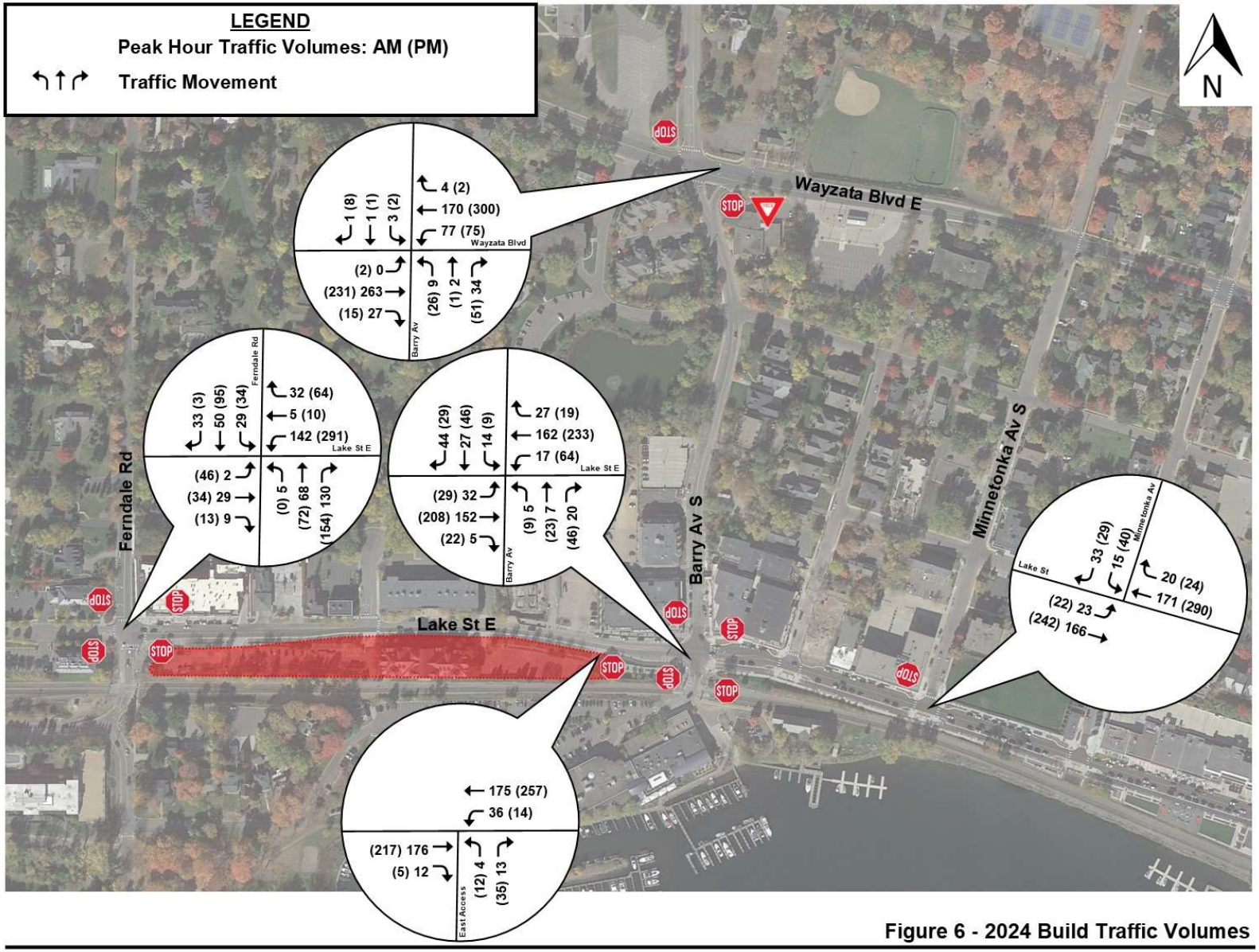


Figure 6 - 2024 Build Traffic Volumes

Review Summary

SRF No. 16141.00

To: Mike Kelly, PE, City Engineer/Director of Public Works
City of Wayzata

From: Tom Sachi, PE, Project Manager

Date: April 19, 2023

Subject: Review of Traffic and Parking Analysis Memorandum – 200 E Lake Street

Introduction

As requested, SRF has completed a review of the *Draft Traffic and Parking Analysis Memorandum – Proposed 200 E Lake Street Mixed Use* document, dated October 22, 2022 and the updated document dated April 13, 2023 completed by SSTS. The proposed development is located on the south side of Lake Street between Ferndale Road and Barry Avenue in the City of Wayzata. A review of the memorandums identified the following questions and comments for consideration.

Review Summary

Based on our review, the following items were identified from the October 28, 2022 memorandum:

Existing Conditions

1. Peak Periods and volumes appear to be accurate for the area. The intersection volumes were collected in August 2021, which should represent the highest volume period for this area. Volumes tend to peak in summer in Wayzata, due to an increase in recreation and tourism traffic. The volumes are less than two (2) years old and are acceptable to utilize.
2. The identified peak hours are typical for a.m. and p.m. peaks and are acceptable.
3. Roadway geometry, speeds, and traffic controls are correct.

Future Conditions/Trip Generation

4. The background growth rates of one and half (1.5) and three (3) percent represent accurate estimates for the study roadways.
5. It was assumed that other background developments (i.e. 201 Lake Street) are accommodated within the background growth rates. **This development could be identified to ensure it is included in the background growth.**
6. The peak hour trip generation using the *Institute of Transportation Engineers Trip Generation Manual, 11th Edition* is accurate for the proposed land uses.
7. No multimodal or multiuse reductions were applied, which is conservative for the trip estimate.
8. The trip generation of the previous land use is accurate and the comparison is correct that the proposed land use would be expected to generate fewer trips than the previous land use.

9. The distribution used for trips to/from the proposed development appears to be consistent with roadway travel patterns.
10. Trips appear to be added correctly to develop the year 2024 build conditions traffic volumes.

Traffic Operations

11. The intersection names should be included in the Operations Analysis table rather than a footnote for ease of review, if possible.
12. Operations analysis appears to be completed correctly. However, the year 2024 no build analysis results differs slightly (less delay is shown now) from previous submitted reports for this development (i.e. Wayzata Beach Club Traffic Study). **The reports utilized the same volume set for year 2024 no build conditions. Identify if slight changes in modeling runs or calibration to model was completed is the reason for the change in 2024 no build operations.**
13. No delay or queuing issues are expected and no mitigation is necessary.
14. The reduced access along Lake Street is a net benefit for the study area.
15. The recommendation for enhanced signing should be incorporated to minimize pedestrian/bicycle impacts.

Parking Analysis

16. The ITE expected parking demands appear to be accurate based on the *ITE Parking Generation Manual, 5th Edition* rates. The presented time of day percentages are correct. The average peak demand values are presented and shown for every hour of the day. The expected demand of 97 spaces is correct.
17. **An estimate of the 85th percentile parking rates could be included to provide a range in expected parking demand.**
18. The parking demand estimates are accurate and there is expected to be sufficient parking supply to accommodate the proposed development with potential public surplus.

Conclusions and Recommendations

19. The conclusions are accurate and no mitigation is necessary to accommodate the proposed development.
20. Overall the study appears to be completed accurately and correctly. No significant issues were found.

April 2023 Trip Generation Update

21. An updated trip generation and analysis memorandum was completed on April 13, 2023 in which the number of residential units decreased by three (3) units and office space increased by 5,000 square feet.

22. The updated trip generation estimates are accurately estimated from the ITE Trip Generation Manual, 11th Edition.
23. The updated traffic analysis appears to be completed accurately. No mitigation is expected for this development.

Stantec

Memo

To:	Mike Kelly City of Wayzata	From:	Dan Edgerton Minneapolis
Project/File:	Wayzata Water & Sewer Analysis for 200 and 201 Lake Street, 193805912	Date:	November 2, 2022

Reference: Wayzata 200 and 201 Lake Street Water and Sewer Analysis

The following memo presents a summary of the water and sewer analysis for the 200 and 201 Lake Street proposed redevelopments in Wayzata.

Background

The project sites are at 200 and 201 Lake Street in Wayzata, MN (see Figures 1 and 2). The 200 and 201 Lake Street sites are 2.27 acres and 2.73 acres, respectively. The sites are existing commercial buildings and parking lots that will be redeveloped with several multifamily units, retail, and office space. Water for the sites is proposed to be fed from the trunk distribution mains on Lake Street and Edgewood Court. Wastewater for the sites is proposed to be conveyed to the existing City trunk line on Lake Street and then south to the MCES Interceptor.

An analysis was performed to determine if the existing City water and sewer infrastructure is adequate to handle this change in land use. The City requested an analysis of each site individually, as well as the combined sites. For the first step, the combined sites were evaluated. If the system is adequate to handle the combined flow from the two sites, then it would be able to handle each site individually as well.

Water System Analysis

The City's existing WaterCAD model was used to analyze the water system near the proposed redevelopments. Based on the number of multifamily residential units and proposed floor space for offices, retail stores, and restaurants, it is estimated that the developments at 200 and 201 Lake Street will create an average day demand of 10,100 gallons per day (gpd) and 10,400 gpd, respectively. We modeled and reviewed maximum day static pressures for both redevelopments assuming both will occur in the future. The domestic demand for both redevelopments will not be a problem for the City water system to deliver to these points. The City's system would therefore also be adequate to handle each site individually with regards to domestic demand.

The more critical aspect for the water system will be the fire flow requirements. Generally, these types of mixed use and multi-story developments may require both a hydrant flow from nearby fire hydrants and a sprinkler flow that would be delivered to the fire suppression system within the building(s). There was no information provided to us to estimate what this required total flow would be. This number is generally given to the City by the developers' design teams.

For the purposes of this analysis, we therefore analyzed how much flow could be delivered to the hydrants along this stretch of Lake Street E as well as along Edgewood Court. Our analysis indicated that the water

system can provide a fire flow of more than 3,500 gallons per minute (gpm) at 20 pound per square inch (psi) residual pressure to hydrants near each of the proposed developments.

Plans for the 200 Lake Street redevelopment also show that the existing 4-inch pipe between Lake Street and Grove Lane Court (which completes a loop for the existing 4-inch watermain under Grove Lane Court) will be removed and reinstalled during construction. During this time, the model indicated that there will be a potential fire flow deficiency (less than 500 gpm available) at the end of the 4-inch pipe along Grove Lane Court. The fire flow along Grove Lane Court is expected to return to 1,200 gpm once the pipe is reinstalled.

Sanitary Sewer System Analysis

A sanitary sewer model was developed for the City's Comprehensive Sewer Plan. The model was updated to reflect the change from commercial buildings to multifamily and office buildings.

In the model, the existing 5.0 acres of commercial/industrial land use for the combined sites became 69 units of high density residential, 0.92 acres of office, 4 chairs of hair salon, 0.04 acres of apparel store, and 1 unit of fast-food use. Results from the modeling show the average flows created from the proposed sites would increase from the existing 0.022 MGD for the existing commercial site to 0.028 MGD for the proposed residential/mixed use. This change creates a design flow of 0.460 MGD to trunk line 2.1 under proposed conditions with the residential/mixed use, which is an increase from 0.436 MGD under existing conditions with the commercial buildings. The proposed total design flows and existing pipe capacities are presented below. The existing trunk sewer capacities are sufficient to handle the proposed combined redevelopments of 200 and 201 Lake Street and would therefore also be adequate to handle each site individually.

From Point	To Point	Proposed Total Average Flow (MGD)	Proposed Design Flow (MGD)	Existing Capacity (MGD)
2.3	2.2	0.087	0.349	1.13
2.2	2.1	0.115	0.460	1.54
2.1	MCES 1	0.115	0.460	1.27

Summary

An analysis was performed to determine the adequacy of existing Wayzata water and sewer infrastructure to serve a proposed redevelopment of the commercial sites at 200 and 201 Lake Street to several high-density residential homes and office buildings. The results are as follows.

Reference: Wayzata Shoreline Drive Water and Sewer Analysis

- Water System:
    - Water demands are expected to increase with the redevelopments. **There is existing capacity and pressure in the trunk water system to provide daily usage requirements for each redevelopment independently, as well as for the proposed combined redevelopments of 200 and 201 Lake Street.**
    - Fire flows of greater than 3,500 gpm at a residual pressure of 20 psi can be delivered to hydrants along this stretch of Lake Street E and along Edgewood Court assuming both redevelopments were to occur.
    - There will be a temporary fire flow deficiency (less than 500 gpm available) at the end of the existing 4-inch watermain on Grove Lane Court during removal and reinstallation of the existing 4-inch loop. The available fire flow along Grove Lane Court will return to 1,200 gpm once the pipe is reinstalled.
- Sewer System:
    - Sewer flows are expected to increase with the redevelopment. **There is sufficient capacity in the trunk sewer system to meet sewer needs for each redevelopment independently, as well as for the proposed combined redevelopments of 200 and 201 Lake Street.**

Please let Dan Edgerton or Louis Sigtermans know if you have questions about the analysis and results.

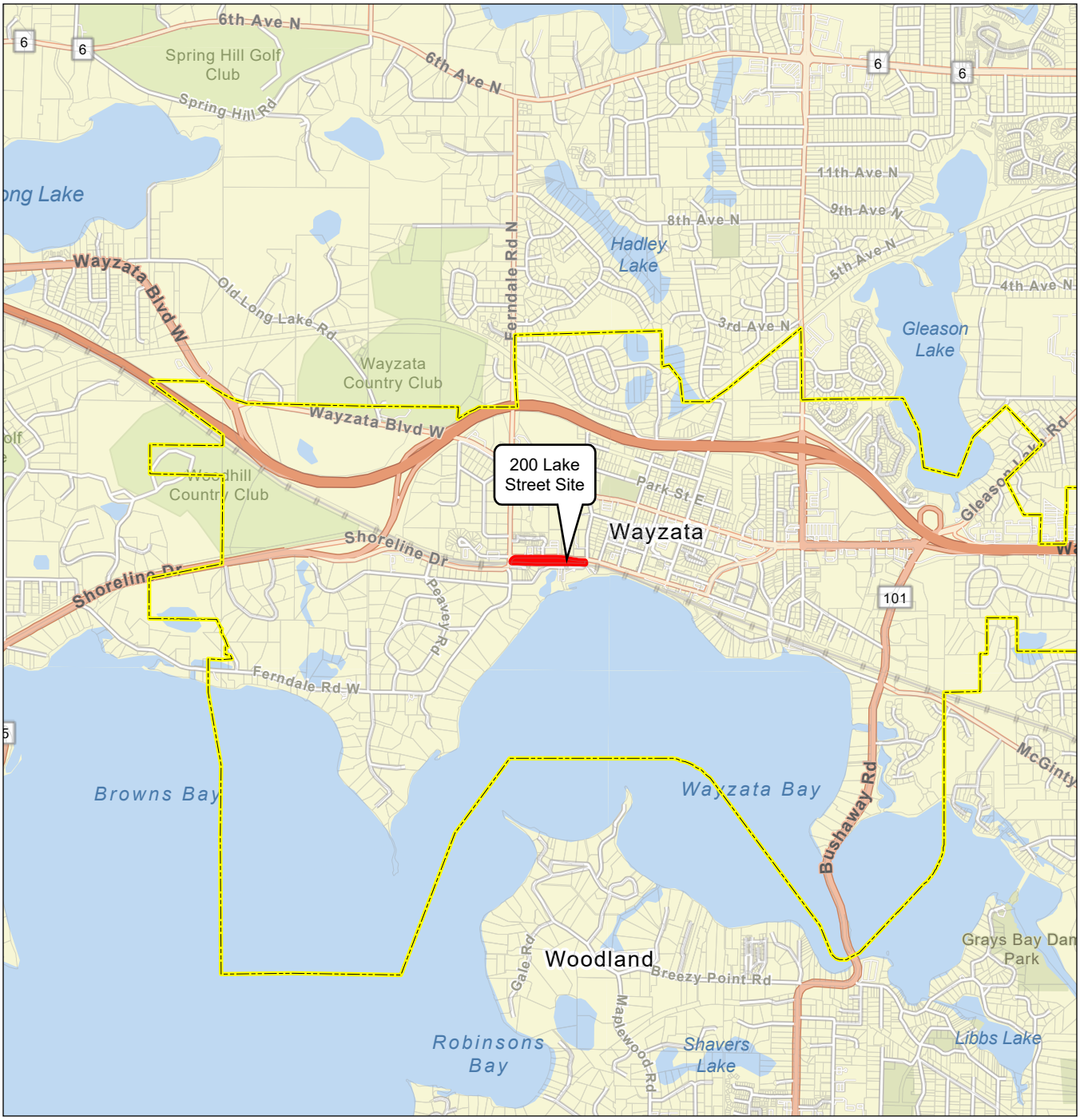
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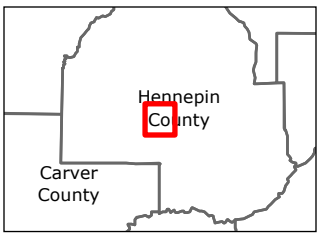
Stantec Consulting Services Inc.

Dan Edgerton PE
Senior Associate
Phone: (612) 712-2037
Mobile: (651) 775-5627
dan.edgerton@stantec.com

Louis Sigtermans PE
Environmental Engineer
Phone: (612) 895-5022
Mobile: (952) 378-0040
Louis.sigtermans@stantec.com

Attachments: Figure 1 Location Map
Figure 2 Project Site





Legend

- 200 Lake Street Site
- Wayzata Municipal Boundary
- County Parcels

0 0.25 0.5 Miles

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N

Stantec

Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-13

Client/Project
193805912
City of Wayzata
200,201 Lake Street Site
Water and Sewer Analysis

Figure No.
1

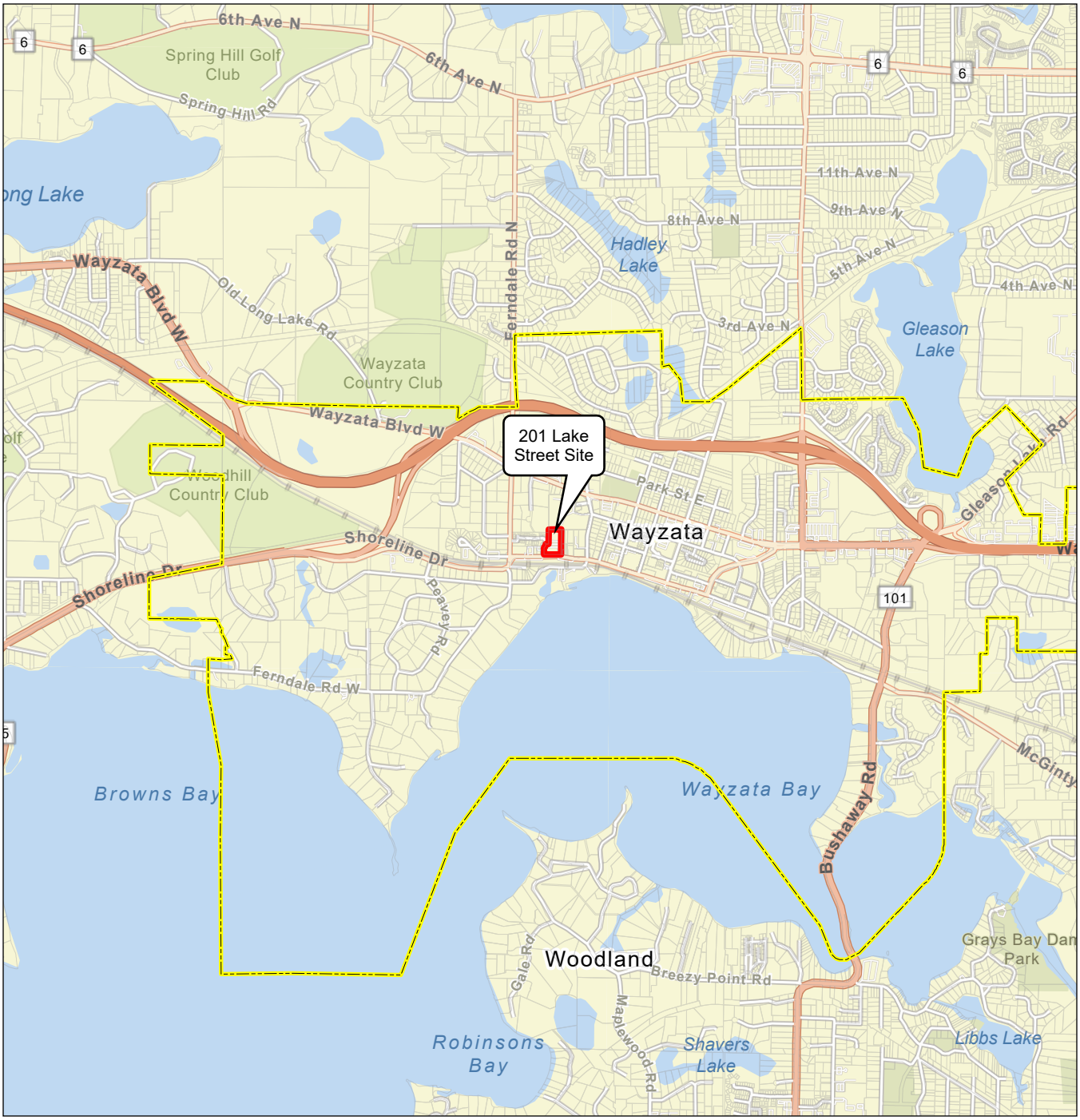
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Location Map

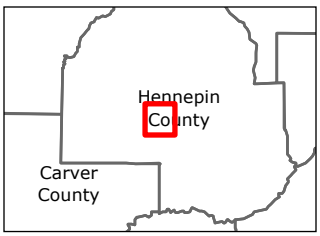
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2. Data Sources: ESRI
3. Background: ESRI Street Maps

Page 1 of 1

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Legend

- 201 Lake Street Site
- Wayzata Municipal Boundary
- County Parcels

0 0.25 0.5 Miles

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N

Stantec

Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-13

Client/Project
City of Wayzata
200,201 Lake Street Site
Water and Sewer Analysis

193805912

Figure No.
1

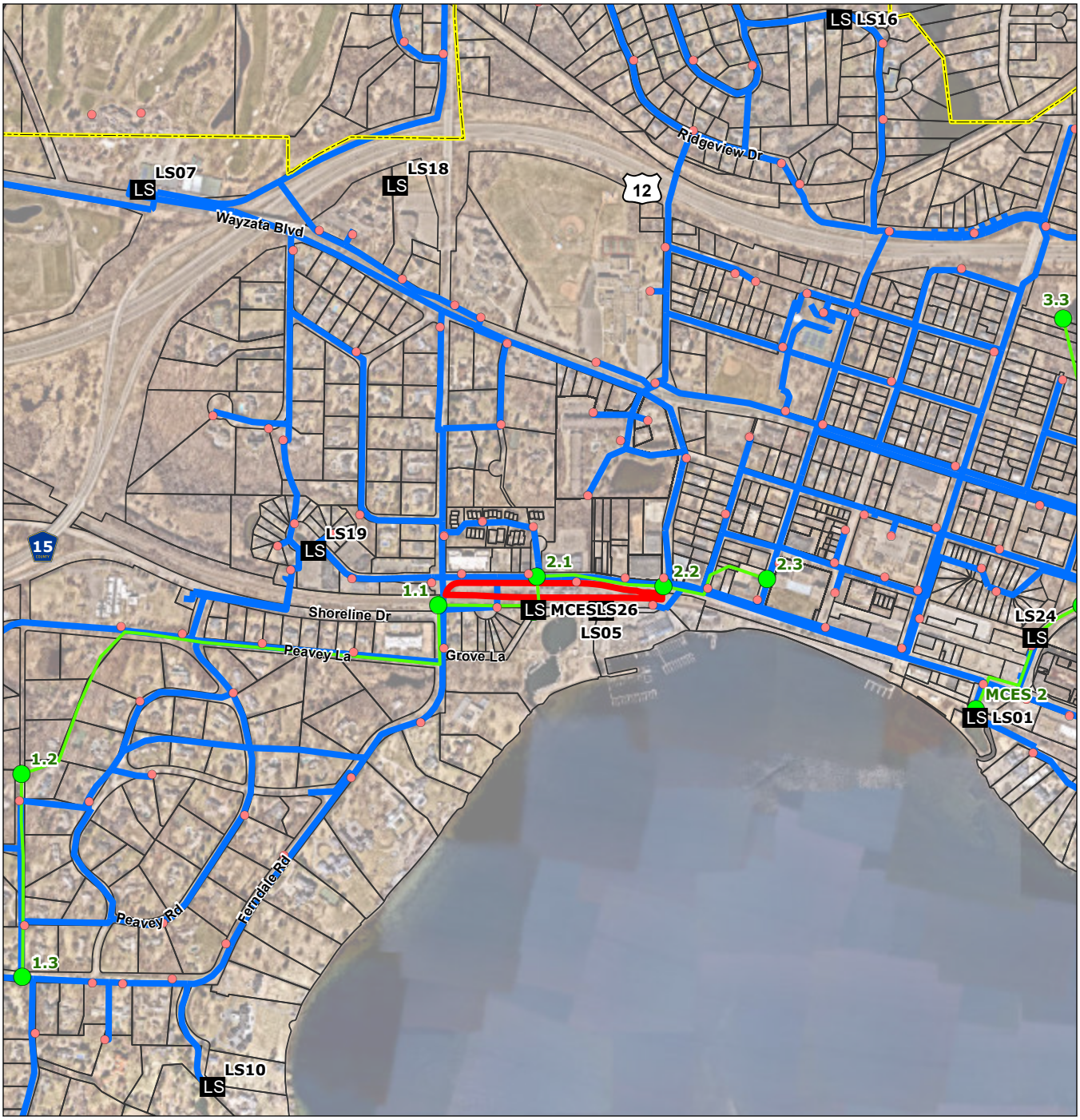
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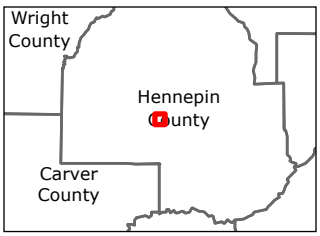
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Legend

- 200 Lake Street Site
- Wayzata Municipal Boundary
- County Parcels
- LS Lift Station
- Trunk Sewer Nodes
- Trunk Sewer
- Watermain
- Hydrant

0 500 1,000 US Feet

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Notes

1. Coordinate System: NAD 1983 UTM Zone 15N
2. Data Sources: Hennepin County
3. Background: Hennepin County 2020 Aerial Photograph

Stantec

Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-13

Client/Project
City of Wayzata
900 Wayzata Boulevard Site
Water and Sewer Analysis

193805622

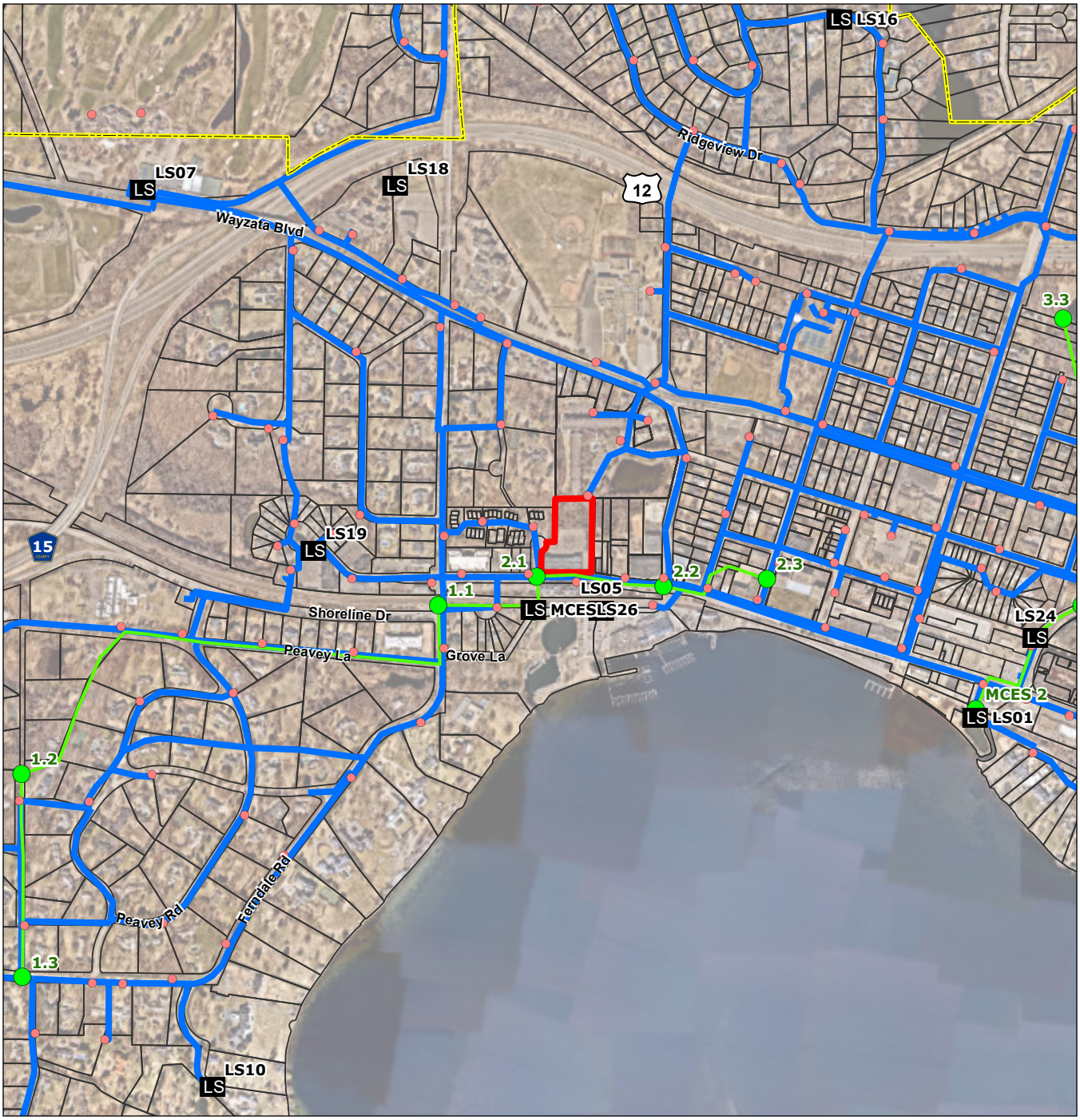
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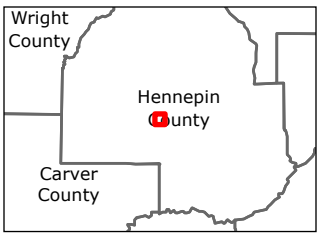
Title
Project Site

Page 1 of 1

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0 500 1,000 US Feet

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Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-13

Client/Project
City of Wayzata
900 Wayzata Boulevard Site
Water and Sewer Analysis

193805622

Figure No.
2

Title
Project Site

Page 1 of 1

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From: McCullough, Danny <Danny.McCullough@threeriversparks.org>
Sent: Wednesday, April 26, 2023 2:41 PM
To: Planning
Cc: Vlaming, Jonathan; Grissman, Kelly; Matt Swenson; Emily Goellner
Subject: RE: 200 Lake St

Hi Eric,

Danny McCullough here from Three Rivers Park District. Below are comments regarding the 200 Lake Street development. For questions about our comments related the engineering plan sheets contact:

Matt Swenson, PLA
Project Manager, Three Rivers Park District
C 612-434-1035 | Matt.Swenson@ThreeRiversParks.org

TRPD General Comments:
- Do not exceed 2% cross slope on any portion of the trail
- Please ensure a 2 foot clear zone from edge of trail pavement

C1.5
. There's about 50' of trail east of the easterly curb cut that will need to be replaced.

C1.6
. Can the bituminous trail segment at the east end of the project be protected? Based on proposed conditions why this would need to be removed. See additional comments on sheet L2.

C2.1
. Would like developer to explore options to visually delineate the regional trail limits through mix of materials and/or colors. From a safety standpoint, this should not feel like one large open plaza for pedestrians to congregate as this area sees high bike and ped traffic moving through.

. Painted bike symbols with arrows will need to be added back at start/end of bituminous segments, consistent with rest of stretch along Lake St (typical all sheets)

C2.2
. There are a number of new pavement seams where new meets old in a trail segment that is less than 3 years old. We would like to see their detail for these meet & match segments prior to construction. It should include a milled overlap.

C2.3
. The remaining segment of bituminous trail east of the curb cut should just be replaced with concrete if the rest of that segment to Barry Ave is concrete anyway. However, see comments on L2 which may allow this to remain bituminous.

L2
. Bike racks at east end of the project are floating in a non-paved area (pavement was removed on demolition plan). Need to add pavement back.
. Plans show the bituminous trail segment between the driveway curb cut and Barry Ave needs to be demolished. Would prefer it remains. Even if it has to be demolished, would still like to see a separate regional trail from the pedestrian sidewalk, rather than the new sidewalk merging in with the trail. The renderings on sheet L3 seem to indicate this separation, even though the plans do not show it.

L4 & L6
. Sidewalk connections to the regional trail where the bike racks are proposed are ok, but would prefer to eliminate the two connections without bike racks (one in front of Core A-2 and one in front of Core A-3) so we don't promote pedestrian movement onto the trail or bicycle movement onto the sidewalk where it is not desired. Too many connections to the regional trail can also present a safety hazard. Where concrete sidewalks run parallel to the regional trail, we should design to encourage pedestrians to stay on the sidewalk by not providing too many direct connections to the trail.

Danny McCullough
Regional Trail System Manager, Three Rivers Park District
D 763-559-6746
C 651-271-7590 | Danny.McCullough@ThreeRiversParks.org

200 Lake St. E. Proposed Development Neighborhood Meeting

Location: Wayzata City Hall

Date: April 24, 2024

Time: 5:15-6:30pm

of Attendees: 23 (see sign-in sheet)

Attendees were invited to try on Virtual Reality (VR) headsets to walk through the proposed development to get a feel of the actual scale and charm of the proposed building.

Lake West Staff introduced the project and development team.

The development team present was David Nims, Hobbs + Black (structural architect) via conference call and Rob Hull & Jim McNeal, Jim McNeal Architecture & Design (local design architect).

David Nims presented the site plan that has been provided to the City for the application, and Jim McNeal presented the renderings and design elements of the exterior of the building, also provided to the city as a part of the application.

David discussed the massing breaks that are designed to the guidelines to both preserve and provide views of the lake that aren't currently there.

Following the presentation, Lake West Staff and the Development Team answered questions from the audience.

The audience asked/commented:	**Lake West/Development Team Responded:**
Are the massing breaks publicly accessible?	Yes, they are publicly accessible.
How do I access the massing breaks?	You access the massing breaks from the sidewalk via stairs (to the massing break between Core A1 & A2) or a ramp/sidewalk (all other massing breaks). There are access points to the building from the sides of all massing breaks, and from the sidewalk level to the front entrances. All are ADA accessible at all times, even outside of business hours. Smooth transition into massing breaks from the sidewalk.
Where do I park my car?	There is an underground parking garage.
What will the traffic flow?	We are eliminating 3 of the 4 curb cuts to provide one in and out entrance on the Eastern part of the building where an existing curb cut is. The traffic will enter into the garage where Lake West will have signage to direct parking/traffic flow.
How many parking spots are there?	There are 142 parking spots.
Will there be mechanical parking?	No, there will not be mechanical parking.
We're concerned about traffic at the intersection and worried that people will have to reroute to avoid traffic.	We have a traffic study that was performed and our development showed a negligible effect on traffic. The traffic study will be posted on the City website.

200 Lake St. E. Proposed Development Neighborhood Meeting

Location: Wayzata City Hall

Date: April 24, 2024

Time: 5:15-6:30pm

of Attendees: 23 (see sign-in sheet)

What month was the traffic study taken?	The traffic study was initiated in August of 2021 in between road construction projects (so roads were all open).
Where will delivery trucks go?	Delivery trucks will use the birthing unloading/loading area as required by code.
Can a semi fit in the parking garage?	Yes, the parking garage supports semis.
What is the retail/commercial space going to allow for?	Likely a mixture of commercial office.
The sidewalks won't get sun and will be icy.	Lake West will have heated sidewalks on the development and will work with the City to ensure safety on the public sidewalks. The sidewalks will improve and be maintained considering the current building is vacant.
Where will the snow go?	Lake West will have heated sidewalks, drive aisle, and massing breaks. Lake West will work with the City to ensure snow removal on public sidewalk as required by law.
What does the Railroad company say about the project?	We have not had the opportunity to be in contact with them.
We like the design and think this is the best we've seen.	Thank you.
What is the length of the cores?	The length of each core is at maximum 150 feet as required by the design standards.
What is the height of the building?	We have worked closely with staff to establish an average grade for the site of 941.87'. The ordinance allows for 30 feet of building height from that number for a maximum height elevation of 972.39' to the top of the flat roof. The ordinance allows the roof peaks to extend 5 fete above that and the chimneys extend up to 10 feet above that, per the ordinances.
Are all the cores the same height?	They all comply with the height standards but do vary in height due to the average grade.
Do you meet the density requirement?	Yes, the required density per comprehensive plan for the central business district is 20 to 30 dwelling units per acre. Our proposal is 21.90 dwelling units per acre.
What is the price of the condos selling for?	We aren't sure on the exact number, but offer varying sizes and 1-, 2-, and 3- bedrooms to provide a range of prices.
What is the sidewalk width?	We are maintaining the existing sidewalk width.

200 Lake St. E. Proposed Development Neighborhood Meeting

Location: Wayzata City Hall

Date: April 24, 2024

Time: 5:15-6:30pm

of Attendees: 23 (see sign-in sheet)

Concerned that the length of the building makes it feel like a “wall”.	We followed the design standards and code provided by the City to make sure that we’re not creating a “wall”.
Can we add more green space?	Our application proposes quite a bit of green space that will be enjoyed by all.
Where will the stormwater runoff go?	Our civil engineers can speak more to that, but currently there is no stormwater management in place. We are significantly improving the stormwater treatment that’ll go underground.
Is the stormwater currently untreated?	Correct. The stormwater runoff is currently untreated and running into the City’s sewer system and Lake Minnetonka.

200 LAKE ST - NEIGHBORHOOD MEETING SIGN IN SHEET

DATE: 4/24/2023

#	Print Name	Address	Phone #	E-mail
1	LINDSAY BASHIOUM	461 PEALEY LN		
2	KEN WILLCOX	178 WESTWOOD LN		
3	Rob Johnson	366 Ferndale Rd So.		
4	S SCHENKEL	730 Carpenter Pt		
5	Judy Bias	125 Edgewood Ct		
6	Betsy Driessen	114 Edgewood Ct		
7	Melanie Rohn	340 Margaret Circle		
8	Barbara Brost	181 Ferndale Rd S		
9	Ada Nuhu	132 Edgewood Ct		
10	Dan Mang	124 "		
11	Molly MacDonald	367 Park St E		
12	Pat Zabel	319 Barry Ave		
13	Pat Arnold	134 Edgewood Ct		
14	[illegible]	315 Barry Ave S		
15	CHRIS BREN	205 BARRY AVE		
16	JOE Vanclay	136 BIRCH LN W		
17	Megan Eckert	1625 Bonnie Pt Rd		
18	Phil Eckert	"		
19	MIKE PAM	121 ROSE LN E		
20				
21				
22				
23				

From: Steve Erickson
To: Public Comment
Subject: TCF Development
Date: Friday, April 28, 2023 3:35:44 PM

As the new proposal stands I'm definitely in agreement with most of the citizens of Wayzata. It's a no go. There are a lot of options there and this is not a good.
What has happened so far to Lake Street. It's easy to just stand at one end and look towards the other end and then turn around at the other end and look back the other way.
It's clear.
Steve Erickson.

Steve Erickson
Chairman
612-868-7080
steve.erickson@vistagechair.com
https://www.linkedin.com/in/steveericksontwincitieschair/
https://www.vistage.com

Where We All Come Together Better
VISTAGE

Public Comment

From: Roman Gadaskin <ruhome@comcast.net>
Sent: Friday, May 5, 2023 12:01 AM
To: Public Comment
Subject: 200 Wayzata E Redevelopment

Please keep the old building. It has an incredible design, unique architecture and it is the Landmark for Wayzata.
City did an amazing job in redeveloping Downtown of Wayzata.
I have been in a lot of small, charming towns across Europe and Wayzata is one of the best, especially the lake front strip of it.
Old TCF building should be kept and given a new life through it's own redevelopment and possibly change of use.

Another thought, (as crazy and expensive it may sound)

<<<"The Muni" has been owned and operated by **the City of Wayzata** since September 2, 1947.>>>

Since 1947!!!, for 76 years!, people managing city of Wayzata have been operating the Muni. In a very successful way.

Perhaps the TCF building can be an extra step to Downtown Wayzata redevelopment under city of Wayzata ownership?

Thank you for your time.

Roman Gadaskin.

From: BRIAN HEEB
To: Emily Goellner
Subject: Fwd: TCF development proposal
Date: Monday, May 1, 2023 1:29:07 PM

Hi Emily, I just sent this letter of opposition to the public comments website and it kicked back. Could you please make sure it's part of the public record for tonight?
Thank you, Brian Heeb

Sent from my iPad

Begin forwarded message:

> **From:** BRIAN HEEB <bheeb@aol.com>
> **Date:** May 1, 2023 at 11:20:29 AM MST
> **To:** publiccomments@wayzata.org
> **Subject: TCF development proposal**
>
> Planning commission:
> My name is Brian Heeb, my wife Sherry and I live at 275 Lake St. E. right across from the proposed development at 200 Lake St. E. We are strongly opposed the the present plan! We have followed these proposed developments for the last 2 1/2 years and have agreed with the 2 unanimous denials of the Planning Commission and the subsequent 2 unanimous denials by the City Council. In looking at the present proposal, the developer has failed to come up with solutions to all of the problems that have been discussed with the past denials. I suspect that you will will come to the same conclusion and unanimously deny this proposal tonight.
> Thank you for all of your hard work!
> Brian and Sherry Heeb
>
> Sent from my iPad

Public Comment

From: Jeffrey Dahl
Sent: Wednesday, May 31, 2023 3:10 PM
To: Valerie Quarles
Subject: FW: TCF proposal

From: Brad Hoyt <bahoyt@gmail.com>
Sent: Wednesday, May 31, 2023 10:31 AM
To: Emily Goellner <egoellner@wayzata.org>; Jeffrey Parkhill <jeffparkhillforwayzata@gmail.com>; Jeffrey Dahl <jdahl@wayzata.org>
Subject: TCF proposal

Hi Emily

I want to reiterate my opposition on the same grounds as last year. The rezoning request is inappropriate and the City has no obligation to approve it - nor should they.. My previous statement was:

> Hi Emily,
> Regarding the proposal to redevelop the TCF site:
>
> To provide background and context, I am the owner of the Ventana Apartment project that was completed last year after 28 years of attempting to obtain an approval that should have been granted day one.. During that time I paid millions in over-assessed property taxes, spent more millions on applications and lawsuits, received no return on my investment and the area was not redeveloped despite being a blight on the community.
>
> When Jeff Dahl came to the City I was a pen stroke away from donating the property to a non-profit religious entity for a Community Center. I would have achieved a satisfactory economic benefit, although I still would have lost millions and been deprived of my right to develop the property.. Jeff asked me to trust him and see if we could find a way to solve the problem together. It was I who created the parking plan. It was I who created the donation concept used by Hughes and Carlson. It was I who developed far less than my site would have allowed while my neighbors were allowed to build far more. I did so in the spirit of community and civic conscience. I live here. I own a great deal of other property in Wayzata. ***I did all this in reliance on the City maintaining the integrity of the neighboring zoning districts*** that, if allowed to exceed those restrictions, would have a catastrophic impact on my property value. I relied on the positions set forth by the City in defense of my appeal of their denial of my third application for apartments that included the Blu site. I trusted the City to protect my investment. After all, it was the City that asked me to undertake this project and enable the Hughes and Carlson properties to be developed. It is a fact that they could not have been developed without my cooperation, donation and massive investment. I did so despite decades of mistreatment by the City and the County. In doing so I ultimately created at least $80 million in stabilized market value. Without my cooperation, investment and donation there would be no Blu or Hughes projects.
>
> I originally was building condominiums but was forced to halt the project when faced with the Boatworks applications. The delay and subsequent change to an apartment building cost me millions in delay and reduced value. Ventana is now what we refer to as a "pride of ownership investment" as it will provide minimal returns on my investment. This is a best case scenario. If the TCF application were approved I would suffer a massive loss as the building value would be halved. The same goes for the Blu owners and Pat Hughes. This is a demonstrable fact.

Now I will address my objections as a resident . I reside at 326 Ferndale Rd W. We are members at Wayzata Country Club and we are active in the community and our neighborhood. We travel Lake Street many times each day by car, foot and bicycle. The Panoway plan promised to preserve and enhance the public's access to the lake and, in particular, its views. The TCF building is a charming building that received many architectural awards for its original developer. Its layout is minimally obtrusive and the public enjoys excellent access to light and air as well as views of the lake. This proposal would reverse all of those attributes.. It would create a tunnel both visually but also in terms of wind. The permanent shading of the drastically reduced sidewalks would make them glare ice all winter long. It would also eliminate any sun on pedestrians walking those sidewalks. As a lifelong MN resident I, for one, cherish any moment of sunshine that I can experience as they are few here. It would destroy the "feel" of the area. It would severely negatively impact the residents to the north of the tracks.

The Tracks. This project includes a multi level below grade parking ramp that will require an extreme amount of shoring to avoid disturbance of the railroad. In the best of scenarios it will pose a significant risk during construction of a derailment. That risk will always remain and must be considered as it poses an enormous risk to the residents of the proposed project. The developer will need to get many permissions from the railroad and my personal experience as a developer is that they will not easily be obtained, if at all. Nor should they be.

The big question that needs to be asked is "What's in it for us as a City?" It is not in compliance with the PUD , the comp guide plan, the design guidelines or any other measure. Is it a desire for more tax base? ***We don't need any more tax base.*** The City has seen an increase in property valuations in the hundreds of millions due to skyrocketing home prices. In addition ***the resulting reduction in value to the Meyer Place, Hughes, Ventana and Blu properties would more than offset any incremental increase in the TCF parcel value.***

There has been discussion of a TIF request. This would not remotely qualify for TIF under any stretch of the law.

There is a request for a new PUD. The City has always REQUIRED a quid pro quo. There has always been a significant public benefit extracted in exchange for a PUD. In my case I donated over $5,000,000 worth of land and enabled the removal of blight, the investment of over $70,000,000 and a much needed public parking facility. Where is the "public benefit" in this application?

It is a known fact that this property was historically significantly contaminated.It must be required to demonstrate that they would not cause a release that could harm the public.

Due to the fatal accident on the railroad crossing the trains now blast their horns several times when approaching. How could anyone reside 30 feet away and tolerate, let alone enjoy, this extremely loud noise numerous times daily?

The Ventana project created public parking that was desperately needed. This project would do the opposite and create demand for parking that cannot be met. Traffic is an additional issue that would need to be addressed. Sight lines at the intersection would be compromised as well and will create a hazard.

Lastly, the existing building is completely viable as an office building. There are several offerors to purchase the building as-is and update the building to remain as office. In fact, it's layout is in line with post-covid market demand for private offices as opposed to open planning. To change it to residential violates the zoning, the PUD, the comp guide plan, the design guidelines, etc. It also violates the mixed use goals for the area.

I will not address the specific design elements as I don't believe we get there in light of the foregoing. However there is a legally recorded easement for access that goes right through the proposed building.

Meyer Place, Ventana, Hughes and Blu have invested $100,000,000 in their projects that this proposal would drastically impact. It must be denied and the adherence to the PUD in-place must be strengthened. This applicant does not even own the property and the owner has the ability to sell to others that would keep it as office. That is what needs to happen. Thank you for your consideration.

The recent sale of the 345 lake st building and the high rates of occupancy on Lake Street prove that the building is more than viable as an office building. Purposeful neglect of the building by ownership does not constitute blight or obsolescence. It just demonstrates neglect by the owner. A market transaction for space in today's market requires a landlord contribution of $70-80 psf for renovations. That is more than sufficient to gut and remodel to new standards all of the TCF space. Once completed the building will produce a generous return on the owners costs.

Lastly, the development is completely at odds with the goals of the Panoway.. After all the years and millions invested in the Panoway it is critical that it not be destroyed by a development of this type. Please advise the CC members that I and my neighbors in Wayzata Blu as well as Pat Hughes adamantly oppose this request. .

Sincerely,
Brad Hoyt

From:	Bruce Lea
To:	Public Comment
Cc:	Emily Goellner; Valerie Quarles; Jeffrey Dahl; Colleen Lea; Bruce Lea
Subject:	200 Lake St. E (formerly TCF)
Date:	Monday, May 1, 2023 1:59:18 PM

Wayzata City Planning Commission,

I am contacting you all to confirm my continued support of the redevelopment of the TCF Bank building site by West Lake, LLC.

The developer has gone to great lengths and cost to meet the cities expectations for this project.

This project will go along nicely with the approved Westway Condominiums across the street and used the same traffic study as the TCF had submitted.

I once again ask for your vote of approval for this very important upgrade to the “West End” of Lake Street.

Best Regards,
Bruce and Colleen Lea

Owners
Wayzata Bay Car Wash since 1987

My comments on the Staff Report and Application in CAPS:

1. 6. Design Review (Section 909.29): Approval of design and site plan for the proposed mixed-use building with 178,045 gross square feet, consisting of 39,139 gross square feet of office space and 30 condominium units, which require two design deviations: **a) Significant massing break that does not provide views from the public sidewalk (Section 909.07.A.2) IT IS NOT POSSIBLE TO OBTAIN THIS FROM THE SIDEWALK AS THE RAILROAD TRACKS BLOCKS ANY VIEWS. THIS SHOULD BE STATED AS A POSITIVE FEATURE, A BENEFIT AND A BIG IMPROVEMENT TO THE PUBLIC FOR THIS PROPERTY. OPENING UP THIS VIEW TO THE PUBLIC IN THE OPEN SPACES IS AS AWESOME OF A LAKE VIEW IN ALL OF THE U.S. ON INLAND WATERS! THE TRACKS ARE A PRACTICAL DIFFICULTY THAT CAN NOT BE OVERCOME AS TO VIEWS.**

   b) The east half of Core A-1 is a parking structure that does not have an office use with a depth of 30 feet (Section 909.21.B.3) **THIS IS ONLY DUE THE PARKING RAMP AND ONE ENTRANCE OFF OF LAKE STREET AND FOR LOADING/TRUCK DELIVERIES. HAVING ONE ENTRANCE VS 3 IS A BIG BENEFIT TO BIKERS/ROLLERBLADERS ETC AS THE BUMPY SIDEWALK RAMPING CAUSES RIDER TO FALL AT EACH CURB CUT SINCE ITS BUMPS ARE FOR ICE/WET SURFACE.**

2. History Prior to being zoned PUD District in 1989, the property was zoned C4-A, as were most of the other properties along Lake Street East between Barry Avenue and Ferndale Road. **THE ZONING SHOULD BE REVERTED TO WHAT IT WAS BEFORE TCF AND THIS SHOULD BE REASONABLE TO APPROVE.**

3. The plazas between Cores A-1, A-2, A-3, and A-4 will provide views of Lake Minnetonka, **THIS IS A HUGE BENEFIT TO THE PUBLIC AND SHOULD BE THE HIGHLIGHT AS A BENEFIT NOT A DEVIATION!**

4. The exterior building elevations will include brick, limestone caps, paneled siding, fiberglass columns, powder coated metal accents and standing seam metal roof. The facades have entrances facing Lake Street that are at sidewalk level. The facades include brick masses that are angled pediments with arched second story windows that flack each side of the main core entrance and an arched pediment and arched windows above the main core entrance. The façade beyond the brick masses includes white metal paneling. Areas of the façade that are set back from the sidewalk include a short brick wall with a metal railing at the sidewalk. The terraces of the second floor include a metal railing. Cores A-1, A-2, A-3, and A-4 include dormers within the roofs. The north facades include 51.8% glazing and the south façades include 31.7% glazing. **THE DESIGN WAS IMPROVED DRAMATICALLY TO MEET THE CITY'S CHARM AND CHARACTER REQUIREMENTS. ITS A BEAUTIFUL NEW LOOK AND DESIGN THAT RIVALS OTHER DEVELOPMENTS THE CITY HAS APPROVED. THE LOOK, FEEL, CHARM, CHARACTER IS INCREDIBLE IN DETAIL IN COMPARISON TO ANYTHING ELSE DEVELOPED IN WAYZATA OVER PAST 10 YEARS. THE PEAKS, DORMERS, RAILINGS, LIGHTING, WINDOWS, PUBLIC SPACES, COLORS, CHARM, CHARACTER IS UNCHALLENGABLE.**

5. There are 25-foot plazas between the core structures to provide lake views and opportunities for small public gathering areas. **The plazas wrap around the south side of the building to provide a public walkway between structures that abuts the lake. THIS IS NOT ACCURATE AS THERE IS NOT A SIDEWALK ON THE SOUTH SIDE AND THIS SHOULD BE CLARIFIED TO NOT GET STAFF SIDEWAYS ON REPRESENTATION. THE OFFICE SPACES AND RESIDENTIAL WILL HAVE THESE AREAS PRIVATE.**

6. The applicant has provided traffic and parking studies which are attached to this report. These studies do not identify any significant impacts from the proposal on the existing roadway system. The information in the traffic study indicates the roadway/intersections will continue to function. The City Engineer/Public Works Director has reviewed these studies and concurs with the studies' conclusions.The traffic study demonstrates that the proposed redevelopment will not have an impact on the surrounding road network.

Traffic and Parking Analysis The applicant has provided a traffic and parking analysis by S2 Traffic Solutions. The traffic and parking analyses concluded that the parking plan provides an adequate number of parking stalls required for the proposed development, and it indicates acceptable operations with minimal vehicle delay and vehicle queuing at adjacent intersections and the site access. **THIS IS SIGNIFICANT AS ALL TRAFFIC STUDIED TO NOT BE AN ISSUE AS MANY PRIOR COMMENTS BRING THIS UP AS TO THE TOWNHOMES ENTERING ONTO LAKE STREET EVEN THOUGH THEY SHUT OFF THEIR ACCESS TO FERNDALE FOR THEIR OWN PRIVATE BENEFIT WHICH IS AS HYPOCRITICAL AS IT GETS.**

7. Proposed Residential Density The proposed density of 21.28 dwelling units per acre (du/ac) meets the Comprehensive Plan density requirement for the Central Business District, which calls for between 20 and 30 du/ac **THIS DENSITY REQUIREMENT TRUMPS THE 5 UNITS PER ACRE AND THE LOWER DENSITY SHOULD NOT EVEN BE A CONCERN OR MENTIONED ON SUCH A HIGHER DENSITY REQUIREMENT UNDER THE COMP PLAN.**

8. Public Open Space There are two areas of privately-owned and maintained open space that are meant for use by the public. The landlord-controlled open public open space is 17,353 square feet or 17.53% of the overall site. These areas are described on the open space exhibit, and they generally include the plazas between the core structures **and the walkways on the south side of the core structures.** **SHOULD CLARIFY THAT THERE ARE NOT SIDEWALKS ON THE SOUTH SIDE OF BUILDING**

9. Height The maximum height allowed within the C-4A zoning district is 2 stories and 30 feet. The overall height of this project would be 2 stories and 27 feet. **THIS SHOULD KEEP THE NEIGHBORS ACROSS THE STREET QUIET AND TO NOT HAVE A BASIS FOR COMPLAINT AS THE NEW DESIGN MODIFIED THE HEIGHT. THIS WAS THE BIGGEST ISSUE IN THE PAST OF THE 'TUNNEL AFFECT" ETC BUT NOW MEETING CODE AND WELL BELOW IT BY 10%.**

10. The height of the proposed building is measured from the average grade plane to the midpoint of the peaked roof, as specified by City Code. Due to the length of the single building with 6 cores, the average grade plane is about 6 feet below the sidewalk in front of Core A-1 and about 5 feet below

the sidewalk in front of Core A-6. **From the sidewalk in front of Core A-1, the height would appear like a 33-foot-tall building. From Lake Street, Core A-1 would appear to be 33 feet tall while Core A-6 would appear 22 feet tall. REQUIRED TO MEET THE 30' HEIGHT FROM -6 FEET BELOW GRADE DUE TO THIS AVERAGE CALCULATION?? SINCE THIS IS THE CORE A-1 DIRECTLY AT ODDS AND CONFLICT ACROSS FROM THE NEIGHBORS BLOCKING THEIR VIEW, THEY WILL PICK THIS APART AS APPEARING TO BE 33' AND HIGHER THAN CODE ON THAT END?? THE OTHER RECENT PROJECTS ARE HIGHER AND SO PRECEDENCE IS SET TO NOT USE THIS AGAINST THIS PROJECT.**

11. The applicant has proposed 142 parking stalls with a Joint Parking Conditional Use Permit. City Code Section 920.09 allows more than one land use to jointly share one or more parking facilities through the approval of a conditional use permit. The application has a requested this conditional use permit based on the parking demand period of 7am to 6pm on weekdays having the maximum demand of 142 stalls. As the chart below shows, between 7am to 6pm the residential has 60% of peak demand while the office use has 100% of its peak demand **IF THE USE IS FOR OFFICE THEN THIS SHOULD BE OF NO CONCERN ISSUE AS THIS SITE/LOCATION IN WAYZATA IS NOT FOR SPECIALTY SHOPS OR RESTAURANTS ANYWAY AS PROMENADE NEEDS TO PROVIDE FOR THAT USE ON EAST END. THIS IS NOT A SPECIALITY RETAIL LOCATION.**

12. Loading Areas The office square footage for this project is 39,139 square feet. Chapter 920.11B indicates that 1 loading space is required for the first 10,000 square feet of gross floor area and 1 space for each additional 50,000 square feet. Thus, only 1 loading space is required for the project, and 1 loading space is provided in the parking garage adjacent to Core A-1 on the east side of the project. The loading stall for a semi-truck would be located on the south side of the drive accessing the parking stalls to the west, and the loading stall for a delivery van is located north of the drive accessing the parking stalls. **THE PROJECT HAS PROVIDED MORE THAN NECESSARY.**
13. City staff has reviewed the application for its compliance with the design standards and has determined that the design would comply with the standards with the exception of the following two deviations that would be required for the plans included in the application: • T**he significant massing**

break between Core A1 and A-2 that is more than 6 feet above the sidewalk which prevents views of Lake Minnetonka (Section 909.07.A.2). • The east half of Core A-1 does not contain a retail use with a depth of at least 30 feet (Section 909.21.B.3). THIS IS UNFAIR (ACTUALLY UNETHICAL) FOR STAFF TO STATE THESE ARE DEVIATIONS REGARDING THE PREVENTING OF VIEWS OF THE LAKE. THERE IS NO VIEW NOW. THIS IS VERY VERY WRONG AND MISLEADING TO THE PUBLIC AND PLANNING COMMISSION. AS TO THE 30' DEEP OF RETAIL, IT IS BEING USED FOR THE PARKING RAMP WHICH ELIMINATES THE OTHER CURB CUTS, TRAFFIC ISSUES, SIDEWALK DANGERS OF SLOPES, DELIVERIES ETC ETC. HAS EVERY PLANNING COMMISSIONER AND CITY COUNCIL MEMBER WALKED THE SIDEWALK AND VIEWED THE RAILROAD TRACKS BLOCKING THE VIEW OF THE LAKE? IF THEY HAVE NOT DONE THIS YET, THEY SHOULD RESIGN AS THEY DON'T UNDERSTAND OR VALUE THEIR RESPONSIBILITY AND DUTY.

14. City Code Section 909.27 requires a meeting with City staff and the applicant to discuss the design standards and discuss what alterations may be required to fully comply with the design standards. **Staff has met with the applicant's team on a number of occasions, and provided written analysis of the proposed design and design standard sections 909.07 and 909.21, and the applicant has chosen not to revise the plans. THIS IS WRONG AS WELL OF THEM TO STATE. WHAT DID STAFF RECOMMEND TO PROVIDE FOR A VIEW OF THE LAKE WHEN ITS NOT POSSIBLE??!! CUT A NOTCH IN THE RAILROAD IS NOT POSSIBLE. WHAT DID THEY RECOMMEND TO PROVIDE FOR RETAIL ON THE EAST END IN LIEU OF THE PARKING RAMP ENTRY?**
15. Significant Massing Breaks City Code Section 909.07.A.2 states that the proposed development located between Lake Street and the shoreline of Wayzata Bay shall provide any required significant massing breaks as midblock connections, to provide views of Lake Minnetonka and allow for potential future access to the lake. The proposed massing break between Cores A-1 and A-2 includes a staircase that is 6 feet tall and prevents views from Lake Street sidewalk. In the location of massing break between Cores A-1 and A-2, the existing Lake Street sidewalk is at the 935.75 foot elevation and the railroad tracks on the south side of the parcel sits on a berm with an elevation of about 941 feet creating a 5.75 foot rise. **Therefore, the applicant notes that views of the lake in this location**

are already blocked by the railroad tracks and has provide the view from the existing sidewalk on plan sheet A-211. **THIS AGAIN MISLEADS THE PUBLIC AND PLANNING COMMISSIONERS BY STATING "THE STAIRCASE IS 6' TALL AND PREVENTS VIEWS FROM THE LAKE STREET SIDEWALK"!! THIS IS UNETHICAL AND FRAUDULENT TO MAKE THIS STATEMENT BY STAFF. THEY THEN GO ON TO STATE, THEREFORE THE "APPLICANT NOTES THE VIEW IS ALREADY BLOCKED!" WHY WOULDN'T STAFF ALSO NOTE THIS! THIS IS A RAILROAD, NO PUN INTENDED BUT SO DISTURBING.**

16. Depth of Commercial Use City Code Section 909.21.B.1 states that a parking structure that abuts Lake Street shall have the entire portion of the ground floor façade be occupied by at least 80% retail usage and extending to a depth of at least 30 feet. Code Section 909.21.B.2 states that a parking structure shall be located a minimum of 40 feet from the Lake Street right-of-way **THIS SHOULD NOT APPLY TO A PARKING STRUCTURE THAT IS UNDERGROUND AND HIDDEN FROM THE PUBLIC VIEW?**

Sincerely,

Michael N Palm, Sr – Resident for several years
121 Grove Lane East
Wayzata, MN 55391
mpalm@palmcommercialbrokerage.com
612-819-0706

From: Kristiane Teeple
To: Public Comment
Subject: TCF Redevelopment
Date: Monday, May 1, 2023 12:56:29 PM

Hello

The updated application for the TCF Redevelopment continues to make no effort to address the requests that have been made in prior meetings. There continue to be issues with parking, scale and density have not been addressed, there are no clear mass breaks that have been requested, height remains too high and there are no efforts to address the traffic and parking. Please accept this as my opposition to this project.

Regards
Kristiane

From: Lora Ward Lake
To: Public Comment
Subject: Opposed to proposed development - 200 Lake Str E
Date: Sunday, April 30, 2023 5:58:13 PM

Wayzata Planning Commission,

This note is to voice opposition to the proposed development for the Lake West Development. We ask you to vote no on this proposal.

A main objection is the overwhelming size and density of the proposed development. It is too large and dense for the space, creating a wall of buildings two blocks long.

In the neighborhood meeting on April 24th, many other concerns were left unanswered such as traffic flow, parking, sidewalk issues and retail type and size. Since the developer has been through multiple applications, their unpreparedness was disappointing.

Thank you for your consideration,

Wayne Lake and Lora Ward Lake – 117 Edgewood Ct.

Elizabeth Driessen – 114 Edgewood Ct.

Judy Bois – 125 Edgewood Ct.

John and Diane Maresh – 122 Edgewood Ct.

Pat Arnold – 134 Edgewood Ct.

Ada Nuhn – 132 Edgewood Ct.

June 1, 2023

Wayzata Mayor and City Council,

This letter is to voice opposition to the proposed development for 200 Lake Street E - Lake West Development. We ask you to vote no on this proposal.

After listening to the developer's review with the Planning Commission and attending the neighborhood meeting in April, we are deeply concerned about the proposed development. The overwhelming size and density of the development is far too large for the space and for Lake Street, creating a wall of buildings two blocks long. We also have concerns about parking, traffic flow and congestion, and proximity to the railroad to name a few.

We have also been struck by the many questions the developer has been unable (or unwilling) to answer in both the Planning Commission and neighborhood meetings. Since the developer has been through multiple applications, their lack of specifics and critical information is disappointing and concerning.

Thank you for your consideration,

Wayne Lake and Lora Ward Lake – 117 Edgewood Ct.

Elizabeth Driessen – 114 Edgewood Ct.

Judy Bois – 125 Edgewood Ct.

John and Diane Maresh – 122 Edgewood Ct.

Pat Arnold – 134 Edgewood Ct.

Ada Nuhn – 132 Edgewood Ct.

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

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

Tel: 612-252-9070
Web: landform.net

May 1, 2023

Wayzata Planning Commission
City of Wayzata
600 Rice Street E.
Wayzata, MN 55391

RE: Development Application for Rezoning, CUPs for Parking and First Floor Residential, Shoreland PUD/CUP, Shoreland Impact Plan/CUP, and Design Review at 200 Lake Street East

Commissioners,

On behalf of Wayzata 235, LLC and Brian and Sherry Heeb, I am writing in opposition to the most recent Lake West Development LLC proposal. The proposal once again fails to meet the Vision for the City of Wayzata as adopted in the 2040 Comprehensive Plan, the Zoning Ordinance and the Wayzata Design Standards Handbook.

This is the fifth attempt by the applicant to redevelop the site and the applicant still has not addressed the concerns about building design, parking, traffic impacts related to deliveries, the lack of retail uses, railroad safety and the small town charm envisioned by Wayzata raised by the community, Planning Commission and City Council during previous reviews. **IN FACT, THIS PROPOSAL NOW PROVIDES FOR MORE BUILDINGS, SIX INSTEAD OF FIVE, IS TALLER, AND OFFERS LESS OPEN SPACE THAN THE PREVIOUS PROPOSAL. WE REQUEST THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF THE REQUEST FOR THE REASONS LISTED BELOW.**

Wrongful Unilateral Action by the Developer. The February 10th letter from the applicant asserts that they have unilaterally terminated the Planned Unit Development (PUD). This is factually untrue. The PUD is a negotiated zoning between the applicant and the City of Wayzata and is formalized in the December 7, 1989 Agreement with the City of Wayzata (PUD Contract).

PUD Contract. The action allegedly taken by the developer and Huntington Bank regarding a purported termination of the PUD Contract is wrong , because both the agreement itself and Section 933.10 of the City Code make it clear a PUD Contract runs with the land and cannot be unilaterally terminated. The developer and Huntington Bank's actions of trying to unilaterally terminate the PUD Contract is in direct violation of the Development Contract dated December 7, 1989 with Pinehurst Properties, Inc. which was consented to by Investors Savings Bank which is the applicable PUD Contract to the subject property. The construction, maintenance and safety issues alone, coupled with the longstanding pedestrian access easement potential provided for in Item D in Section 4.B.2 of the PUD Contract makes a review by the railroad of the project essential. Paragraph 15 of said PUD Contract specifically states that the Agreement, which is with the City of Wayzata, cannot be assigned without the written consent of the City Council. The provision goes on to state, "this contract shall run with the land and may be recorded against the title to the property." The PUD Contract goes on to provide **any amendments or waivers of the PUD Contract shall be in writing, signed by the parties, and approved by written resolution by the City Council.** The PUD Contract also goes on to state that any notices must be given in writing and provided in person or mailed by registered or certified mail to the city manager of Wayzata. None of which took place with the purported unilateral termination by the developer and Huntington Bank. The developer now says that on August 17, 2022 it and Huntington Bank submitted a letter that terminated the Development Agreement applicable to the property and that the property will no longer comply with PUD plans as finally approved. Such a purported termination is not consistent with the PUD Contract nor City requirements. The developer states firmly in its letter of February 10, 2023 to the City that "Lake West plans do not require any additional approval from the City". The developer is just wrong. Noticeably, while requesting the City's action, the developer then continually, "reserves its rights and remedies." The City should not be swayed by the applicant's false assertions or threats of lawsuit.

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Rezoning. The applicant is requesting that the property be rezoned from Planned Unit Development (PUD) to Limited Central Business District (C-4A). Despite the applicant's statements to the contrary, the PUD Contract remains in place unless and until the City agrees to modify the PUD or terminate the PUD as outlined in the development contract and rezone the property. The City has a high level of discretion in reviewing a request for a rezoning. The burden in on the applicant to show that the rezoning meets the standards outlined in the ordinance. The developer's reliance on the wrongful purported termination of the PUD Contract shall not be allowed to be the basis for granting the developer's request or project. The developer has failed to meet this requirement and the rezoning should be denied.

Number of Buildings – Building Height. While the number of units and total building square footage have decreased slightly from the most recent submittal, the mass of the building is not markedly different. Instead of five three-story buildings on this parcel, the developer has now proposed **six** two-story buildings, instead of five, but because of the changes to the style of the roofline it does not appear noticeably smaller**. The top of the flat roof on the previous elevation was at 976.0 elevation. The top of the ridge on that same building is now 977.39**. While we understand the type of roofline changes how building height is measured under the City Code, in reality the experience of neighbors is a taller building between their property and the lake.

The City's definition of building height also allows the developer to take the height of the raised railroad bed on their south property line and use that higher elevation to artificially create a higher base elevation by which building height is measured. While the applicant did not create the raised elevation on their rear elevation it does seem to be a departure from the intent of the building height definition which states that "Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council."

Small Town Charm. The applicant's narrative states that they are modeling this concept of the historic brownstones of New York and that is not the small town charm that Wayzata has repeatedly demanded. The Design Standards note that "The goal of these Massing Standards is to provide a clear, predictable framework to guide applicants to craft buildings that strategically reduce their bulk to respect the fine grain of Wayzata, respect views, and enrich the public life of our small town."

Parking. The applicant has failed to address the parking concerns raised at prior meetings. The application requests a parking reduction based on the mix of residential and office space proposed. The plans show office space and no other commercial uses. During the last review, the applicant stated on the record that he had interest from several restaurants and could lease that space quickly. Where are those users? If the requested conditional use permit is granted there would be no opportunity to support these types of uses with higher parking demands. Given the existing parking challenges in downtown, the City should err on the side of caution and require the full parking standards be met. The developer's attempt to define the project as not abutting Lake Street fails to recognize the established actions of the City of Wayzata and the normal reading of the term "abut" in the context of a project on Lake Street in the city of Wayzata. The developer's position in its letter to the city of March 7, 2023, referencing an "apparent misunderstanding regarding the issue of parking structures" makes the developer's position clear that "**the city's parking structure standards do not apply**". All requirements applicable to parking facilities in the city of Wayzata apply to this project, including without limitation building codes, fire and safety, structure and access. With the project being so close to a railroad line and the water table at the parking level being of concern, the city of Wayzata requirements must be honored without exception. Again, the City should not be swayed by the applicant's false assertions or threats of lawsuit.

Loading. There is only one driveway access for residential, office and commercial. There is a significant concern that what the developer has provided for with respect to one driveway will not be sufficient for the contemplated project and will

result in traffic problems and delivery problems, all in violation of City of Wayzata ordinances. The applicant has failed to address the loading concerns raised at prior meeting. The loading areas in the parking garage proposed for deliveries raise serious concerns about trucks being able to maneuver into that space for deliveries without blocking traffic on Lake Street. I do not believe these loading spaces will function and loading will take place on Lake Street in violation of the ordinance. Functional loading spaces should be required for this project.

Open Space. The proposal does not provide any real public open space other than the expanded sidewalk. The plans now show that to get to any open space, you have to walk upstairs to a level 6 ft. 2 in. above street level. The plans now have eliminated the open space that had been shown on the east side of the previous proposal. The open space is primarily controlled by the property owner and while the application says it will be public open space, it does not appear welcoming to the general public. Will the open space be deeded to the public or maintained by the owner? The same questions that were raised to the developer from the previous submissions remain unanswered.

Lake Views. The applicant does not meet the Design Standards, which require "Proposed development located between Lake Street and the shoreline of Wayzata Bay shall provide any required significant massing breaks as midblock connections to provide street-level views of Lake Minnetonka and allow for potential future access to the lake." The scale of the proposed redevelopment eliminates any opportunity to preserve or create lake views for the public. The massing breaks required by the Design Standards should be the absolute minimum required to preserve views of the lake and potential future pedestrian connections to the lake. The railroad does provide some challenges for viewsheds and connections, but that simply reinforces the need to preserve opportunities with redevelopment of this site.

Railroad Safety. We have raised this issue at previous meetings and at the April neighborhood meeting, the developer indicated they had not even contacted the railroad to discuss the proposals. The developer instead pronounced that they have not had the opportunity to be in contact with the railroad. As you know, during the December 15,2020 City Council review of a prior concept from the applicant, it was suggested that the developer complete a railroad safety study to evaluate safety concerns. The developer continues to ignore very real safety issues with residential homes just feet from an active rail line. Construction of the proposed project and then subsequent maintenance will require continued monitoring and close contact with the railroad, none of which is addressed by the developer.

Existing Building. In the developer's February 10, 2023 letter to the City, the developer refers to the former TCF site at 200 Lake Street as being "the derelict former TCF site". The developer, who became the owner of said building, has an obligation with respect to that site under the PUD Contract and City requirements. On information and belief, alternatives for use of the former TCF site by a responsible third party would result in a project that would comply with city requirements, not one which the developer proposes now. The City should not be swayed by the applicant's false assertions or threats of lawsuit.

This failure of the developer by putting forth the requests of the City of Wayzata in substance and in form is grounds alone of a denial of a positive recommendation by the Planning Commission. Again, one must ask how can the developer claim to have unilaterally terminated the PUD Contract when such essential terms are therein included and then have this new, bigger and more obstructive proposed project be based on such a unilateral termination?

Summary. This proposal is bigger and more obstructive with less public space and more access issues than the previous proposal and still does not meet the intent of Comprehensive Plan, Zoning Ordinance and Design Standards. There are a number of details that do not meet City standards and when combined add up to one thing: It doesn't fit!

Please uphold the City's vision and vote no on this application.

Sincerely,
Landform



Kendra Lindahl, AICP
Principal

COPY: Pat Hughes, 235 Lake Street E., Suite 201
Brian and Sherry Heeb, 275 Lake Street E., #301

Public Comment

From: Chris Hickman <chrisallenhickman@gmail.com>
Sent: Thursday, June 1, 2023 9:05 PM
To: Public Comment
Subject: TCF Development

Madam Mayor and Wayzata City Council,

This TCF project can not go the same way as the Wells Fargo project. Why have a Planning Commission for guidance who truly does the heavy lighting and the city council ignores all of their recommendations. You will be held accountable next election.

Chris hickman

Public Comment

From: Simin Hickman <simin@umn.edu>
Sent: Thursday, June 1, 2023 9:31 PM
To: Public Comment
Subject: TCF building

Dear Mayor Mouton and council members,
I am writing to you regarding the June 6 Meeting and the upcoming presentation regarding the new plans for the TCF building. I have serious concerns that like many other new developments in our city over the last few years, the council will continue to ignore comments, concerns, and suggestions of the residents and will again overturn the decision of the City Planning commission (those who have been selected to provide responsible planning for the city) and will approve the plans for this development. I often wonder whom the council represents, the residents who elected them or the developers.

I hope that in your deliberations, you will give serious attention and consideration to issues of concerns like parking, traffic, congestion on Lake Street (already a problem), and issues related to visitors and potential delivery truck parking on the middle of the street, etc.

We need to preserve some level of safety and peace in our city and your decisions have gradually destroyed this city and what it has represented for so many years. As a long term resident, I am really sad to see what is happening to our city.

I look forward to your wise and thoughtful decision.

Simin Hickman
484 Highcroft Road
Wayzata
612-743-1300

Zamansky Professional Association

3901 IDS Tower
80 South Eighth Street
Minneapolis, MN 55402
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zamansky@zamanskylaw.com

May 31, 2023

Members of the Wayzata City Council
City of Wayzata
600 Rice Street E.
Wayzata, MN 55391

RE: Development Application for Rezoning ("Development Application"), CUPs for Parking and First-Floor Residential, Shoreland, PUD/CUP, Shoreland Impact Plan/CUP and Design review at 200 Lake Street East ("Property" sometimes referred to as the Project) submitted by Lake West Development, LLC ("Developer")

Dear Members of the Wayzata City Council:

We are writing this letter as legal counsel on behalf of Wayzata 235, LLC, the property owner of 235 Lake Street East in Wayzata. We request that the Wayzata City Council:

A. **DENY** the entire Development Application. We request that you:

1. **DENY** the Developer's Application for C-4A Rezoning.

2. **DENY** the Developer's Application for a Joint Facilities Parking CUP.

3. **DENY** the Developer's Application for a Conditional Use Permit for First Floor Multiple Family Dwellings.

4. **DENY** the Developer's Application for a Shoreland PUD/CUP for 30 residential condominium units in the Shoreland Overlay District.

5. **DENY** the Developer's Application for a SIP/CUP for impervious surface coverage of 84.5% within the Shoreland Overlay District.

6. **DENY** the Developer's Application of a design and site plan for the proposed Mixed-Use building with 178,045 gross square feet, consisting of 39,139 of office space and 30 condominium units, which require two design deviations:

    i. Significant massing break that does not provide views from the public sidewalk (Section 909.07.A.2).

    ii. The east half of Core A-1 is a parking structure that does not have an office use with a depth of 30 feet (Section 909.21.B.3).

B. **CONFIRM** that the December 7, 1989, Development Contract for Subdivision Shoreland Impact Plan, Conditional Use Permit, Drive-in Banking Conditional Use Permit, and Planned Unit Development Rezoning (the "**1989 PUD**") remains in full force and effect for the Property.

C. **CONFIRM** that the Developer is not authorized to build the proposed Project or any part thereof or any other Project on the Property without prior approval of the Wayzata City Council.

We fully recognize and respect all of your excellent work that has honored and upheld your responsibility to safeguard the public health, safety, and general welfare for the City of Wayzata. (See Minnesota Statutes 326B.13). In asking you to take the above actions, please consider the following:

1. The proposed development does not promote and protect the public health, safety, and general welfare of the City of Wayzata. Instead, it adversely affects those requirements, ordinances and goals as described below.

2. Developer, in its **February 10, 2023** letter to Emily Goellner in **Footnote 3** on Page 7, has taken the position, and reserved its rights and remedies regarding its position, that an **August 17, 2022 letter** from the Developer and the then Property owner Huntington National Bank **terminated the 1989 PUD**. (See attached letter of February 10, 2023, from the Developer).

    The statements of the Developer in the February 10, 2023 letter are inconsistent and not in compliance with the City of Wayzata's approval of the **1989 PUD**.

    - Section 15 E. of the **1989 PUD** provides that "to be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council."

- Section 15 F. of the **1989 PUD** provides that: the "Contract shall run with the land".

- It is clear that one party does not have a unilateral right to terminate the **1989 PUD**. The City Council of Wayzata has not approved any such termination.

The Wayzata City Council should not approve **ANY** of the Developer's requests in the Development Application because of the Developer's statement that it has terminated the **1989 PUD** while reserving its rights and remedies.

We raise to the City's attention that if the Wayzata City Council approves any part of the Developer's application, then the Developer, by its own statements, may feel entitled to proceed with the Project without obtaining all of the City Council approvals that would be required.

3. **Developer has taken the position in the last paragraph on Page 3 of Developer's letter of February 10, 2023** to Emily Goellner, Community Developer Director **that "Lake West's plans do not require any additional approval from the City".** That statement is wrong. Developer is requesting five approvals from the City and all five must be **DENIED**.

   The Wayzata City Council should not approve **ANY** of the Developer's requests in the Developer's Application because of the Developer's statement that the Developer's plans do not require any additional approval from the City, while reserving its rights and remedies.

   We raise to the City's attention that if the Wayzata City Council approves any part of the Developer's application, then the Developer, by its own statements, may feel entitled to proceed with the Project without obtaining all of the City Council approvals that would be required.

4. The Developer states in its February 10, 2023 letter, **Footnote 3** on Page 7, that Ordinance Section 933.10 J now requires the City to rezone the Property to C-4A. The Developer's statement is not correct. The Developer asserts that the Developer no longer has to comply with the **1989 PUD**, and the Developer states that the use of the Property will no longer comply with the **1989 PUD**.

   The Wayzata City Council should not approve **ANY** of the Developer's requests in the Developer's Application because of the Developer's statement that the Developer

no longer has to comply with the **1989 PUD** and therefore the City of Wayzata is required to rezone the property to C-4A.

We raise to the City's attention that if the Wayzata City Council approves any part of the Developer's application, then the Developer, by its own statements, may feel entitled to proceed with the Project without obtaining all of the City Council approvals that would be required.

5. The Developer states in bold in its March 7, 2023 letter to Emily Goellner, Community Developer Director, that "**The City's Parking Structure Standards Do Not Apply**"

   The Developer's statement is wrong. The Developer's parking structures **MUST** comply with all zoning and building code requirements, safety, maintenance, and otherwise. The Developer leaves the impression that it is above those requirements, but the reality is that safety, fire construction standards must be met. The design of parking spaces, driveway spaces, and loading spaces, as well as access to and from such areas. The Developer must comply with all City of Wayzata ordinances, requirements and goals.

   The Wayzata City Council should not approve **ANY** of the Developer's requests in the Developer's application because of the Developer's statement that the City's Parking Structure Standards Do Not Apply.

   We raise to the City's attention that if the Wayzata City Council approves any part of the Developer's application, then the Developer, by its own statements, may feel entitled to proceed with the Project without obtaining all of the City Council approvals that would be required.

6. There are some questions that should be asked of the Developer based on the position the Developer has taken in submissions to the City on February 10, 2023 and March 7, 2023 and its presentation to the neighborhood meeting and the Planning Commission. See the attached March 7, 2023, letter for your easy reference.

   a. **Question to be asked to the Developer: Does the Developer's statement on page 3 of the Developer's letter of February 10, 2023 mean that Developer believes that it does not need any additional approvals to build the Project?**

   b. **Question to be asked to the Developer: Does the Developer's statement in Footnote 3 on page 7 mean that the Developer believes that if the City**

denies re-zoning and any of the Developer's requests, the Developer can still proceed with the Project?

c. **Question to be asked to the Developer: What does the Developer mean with its March 7, 2023 letter to the City where it states on the first page in bold "The City's Parking Structure Standards Do Not Apply"?**

d. **Question to be asked to the Developer: Has the Developer contacted the railroad?** The proximity of this proposed Project to the active railroad gives rise to safety, as well as construction and maintenance issues on the proposed property.

It is essential to note that while the Developer has spent significant time to have the City review five reiterations, the Developer stated at the neighborhood meeting on April 24, 2023, and again at the Planning Commission meeting on May 1, 2023, in response to questions: "What does the railroad company say about the Project?" the Developer's response was that it had not had the opportunity to be in contact with the railroad.

This essential failure of the Developer is grounds alone for a denial of all of Developer's Application. The immediate contiguous location of the Property to the railroad requires that all construction, maintenance, and safety matters of the Project be reviewed and approved by the railroad.

7. The proposed development conflicts with Section 920.01 of the Wayzata City Code states that the regulations in the Code "are intended to alleviate or prevent congestion of the public right-of-way and to provide the safety and general welfare of the public.

The Developer's proposal does not do that in several respects. As has been discussed in many of the Planning Commission's sessions and in materials related to those sessions, there is a significant concern regarding the onsite loading areas required by Section 920.011 of the City Code.

Eastbound Lake Street which borders the Developer's proposed Project is single lane **in front of the Project and there is no parking lane. The design of the building makes it impossible for a semi-trailer truck to turn around inside the parking loading area.** Therefore, that type of truck will need to either back into the loading area or back out of the loading area. In either case, that will cause congestion for at least the eastbound traffic at the intersection of Lake Street with Barry Avenue to the left and to the right onto Grove Lane East. This will also create difficulties for people trying to access underground parking.

8. The proposed development conflicts with Section 920.10C 4 of the Code which provides as follows: "Traffic Interference. Each loading berth should be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic." This scenario gets even worse if there are multiple trucks trying to make a delivery to this Project. There is no place for stacking or waiting.

9. The proposed development conflicts with Section 920.10 C 2 requires that "all loading berth curb cuts shall be located at a minimum of 50 feet from the intersection of two or more streets right-of-way." It is not clear that that requirement is met. Please note that the City cannot and does not allow any loading from eastbound Lake Street so there is no parking or waiting on that portion of Lake Street.

10. The proposed development conflicts with the parking requirements found in Section 920.11B of the City Code. Both retail spaces and office spaces have a minimum requirement of three spaces per each 1,000 square feet. However, that goes to 15.2 spaces for each 1,000 square feet of restaurant space. Therefore, even a small restaurant use, or perhaps a coffee shop use, would have a significant impact on whether the parking standards could be met.

11. On April 24, 2023, the Developer told the public at the neighborhood meeting for the proposed Project that there would be two parking stalls reserved for each of the 30 condominium units, thereby providing for 60 reserved parking stalls for the condominium Project.

    The Developer's statement to the neighbors was wrong and misrepresented the City's requirement for parking. The City, during the Planning Commission meetings made it clear that because there is insufficient parking stalls for the designed Project that 60 reserved parking stalls would not be available for the condominiums. This misrepresentation requires that the Developer's Application be denied and that the Developer start over if it chooses to proceed with the development.

12. The Developer is asking for Conditional Use Permit to allow for shared parking between two different uses. The calculation to provide 142 stalls assumes that a certain percentage of residential cars will not be in the building during business hours and vice versa. There is also a significant issue because in order to provide the Conditional Use Permit, a condition would be included that the residential units cannot have dedicated parking stalls because they must be made available to the office users.

There are significant safety issues with a garage with a narrow length of six buildings being used for multi-purposes. One cannot imagine semi-trucks, delivery trucks, retail users, office users and residents of a condominium sharing the entire space without any ability to have reserved or designated parking. Simple tasks of a condominium resident would become very complex trying to navigate through this parking area being shared with semi-trucks and other users. The proposed Project parking area is not safe.

13. There is also an issue that this is a public space with 24/7 access to the public which would be important to serve the customers of the business users and any guests of the residents but also could potentially create security issues and in fact, there is some anticipation by the Developer and the City that there would be other members of the public parking in the parking garage.

14. With respect to the issue of massing, the open space desired is significantly reduced by the existence of balconies from the residences which will likely be filled with people, tables, chairs, and umbrellas, significantly reducing the feeling of open space and view toward the lake.

15. The proposed Project is inconsistent with the Wayzata Comprehensive plan in all respects, including that it is not a safe Project and is not consistent with the desired charm that the city of Wayzata has worked so hard to preserve.

16. In considering this Project, safety and comfort of the City's residents and visitors should be a guiding light. The following factors adversely affect the safety and comfort of the City's residents and visitors:

    a. The fact that the Developer has not to our knowledge had discussions with the railroad is incredible. To approve ground floor units within feet from the railroad track is creating a great risk. The comfort of the residents is also very likely to be adversely affected by the existence of the railroad tracks and their contiguous location to the Property. The danger of a train derailment, coupled with extensive vibrations to the Property that is contiguous to the rail tracks makes it essential for the Developer to have had its plans reviewed and approved by the railroad.

    b. The garage accessible to the public 24/7 will present a security and safety problem. The Developer has given no indication that it has considered a reasonable plan for security for the proposed building.

c. The use of the public areas in the massing breaks will create a nuisance. The Developer has failed to provide any assurances of security for the Project and its users.

d. The traffic jams likely on Lake Street, caused by the Project, which can be a very busy street will not only be a nuisance but also a safety issue.

IN SUMMARY

Simply put, the proposed Project **DOES NOT FIT ON THE PROPERTY.** The six buildings of the Project do not comply with the City of Wayzata ordinances, requirements and goals. The failure of the Project to comply with City of Wayzata parking and loading requirements **REQUIRES** that the Wayzata City Council **DENY ALL OF THE DEVELOPER'S APPLICATIONS**.

The statements of the Developer submitted in its February 10, 2023, and its March 7, 2023, letters to Emily Goellner, Community Development Director for the City of Wayzata, as part of its application for the Project **REQUIRE** the City Council of Wayzata to **CONFIRM THAT THE 1989 PUD REMAINS IN FULL FORCE AND EFFECT** and to **CONFIRM THAT THE DEVELOPER CANNOT BUILD THE PROPOSED PROJECT OR ANY PART THEREOF OR ANY OTHER PROJECT ON THE PROPERTY WITHOUT THE PRIOR APPROVAL OF THE WAYZATA CITY COUNCIL.**

We urge the City Council to **DENY** all of Developer's requests and issue the confirmations requested by Wayzata 235, LLC with this letter.

Very truly yours,

ZAMANSKY PROFESSIONAL ASSOCIATION

Ronald A. Zamansky

CC: David G. Schelzel, Wayzata City Attorney
Jeffrey Dahl, City Manager
Emily Goellner, Community Development Director for the City of Wayzata

RAZ\Letters\10165(hd)

From:	Becky Pierson
To:	Jeffrey Dahl; Emily Goellner; Alex Plechash; Johanna Mouton; Jeffrey Parkhill; Cathy Iverson; Molly MacDonald
Subject:	Lake West Development Proposal | Agenda Item for Tuesday, June 20, 2023
Date:	Wednesday, June 14, 2023 6:02:53 PM

Greetings Madam Mayor, Council Members, Jeff and Emily,

I am looking forward to the next opportunity for you to review the Lake West Development proposal for 200 Lake Street East. This note is intended to share my perspective on the project.

In short, I encourage all of you to do whatever you can to get this development done.

The TCF building has been vacant (or close to) since 2016. That means, even if the City approves this proposal and LWD ultimately commences construction, at least 8 years will have passed with a large section of the west end of Lake Street barren. If there is no approval for LWD, that will be a minimum of 10 years. It is time to breathe life and vitality into this location again.

Several developers have tried to find a successful use for this building and parcel, failed and given up. Lake West Development continues to work and adapt their plan to bring new life to the community. Their proposal has come a long way and appears to be so close to approval that it would be a shame to see another failed proposal taint this unique and challenging property further. It is a creative and thoughtful proposed use of this treasured site.

The west end of Lake Street has been divided for years from the bustling heart of Lake Street. While there has been progress developing other obsolete and neglected properties, this site continues to sit vacant, delaying an opportunity to bring more businesses and residents to the area.

I hear concerns of low foot traffic from new businesses in this area, and while this development is not an immediate fix, surely a show of support for this project would reflect the City's desire to encourage vitality for the entirety of Lake Street, including the west end businesses and residents.

Please do not let perfection stand in the way of a strong, attractive, reasonably scaled project on a critical site, and exhaust every effort to work cooperatively with the developer to see this project through to approval and completion.

Thanks for your consideration and service to our community!
My best,
Becky Pierson
Wayzata Area Chamber President