

WAYZATA CITY COUNCIL MEETING AGENDA

Wayzata Community Room, 600 Rice Street

Tuesday, January 6, 2009

HPB & Planning Commission Interviews starting at 4:10 PM

CITY COUNCIL MEETING - 7:00 PM

ITEM	DESCRIPTION	PRESENTER	MB	SB	KW	JA	AM	VOTE
1	Roll Call							
a.	Oath of Office - Ken Willcox, Andrew Mullin and Marv Bader							
2	Public Forum - 15 Minutes (3 min/person)							
3	Approval of Minutes: Minutes of December 16, 2008							
4	Public Hearing							
a	Consider On Sale Liquor License by LE COCHON VOLANT LLC (Patrick's Bakery & Bistro) for On Sale Beer and Wine License at 331 Broadway Ave. S.(Change of Ownership)	Orsen						
b	Consider 1st Reading of Ordinance on the Recodification Project of the City's Ordinance Book	Schelzel						
5	NEW BUSINESS							
a	Adopt Resolution 1-2009 Designating Appointments & Assignments for 2009	Orsen						
b	Consider date of April 7, 2009 for 2009 Local Board of Appeal and Equalization	Orsen						
c	Consider and approve Municipal Licenses	Orsen						
5	CITY MANAGER'S REPORT AND DISCUSSION ITEMS							
6	Public Forum (As Necessary)							
7	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 - Jan. 20 & Feb. 3

Planning Commission - Jan. 21 (Note Change) & Feb. 2

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**WAYZATA CITY COUNCIL
MEETING MINUTES
December 16, 2008**

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AGENDA ITEM 1. Call to Order and Roll Call.

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Mavor Humphrev called the meeting to order at 7:00 p.m. Council Members present: Amdal, Bader, Bangert, and Willcox. Absent or excused: None. Also present: City Manager Orsen, City Planner Gadow, City Engineer Kelly, and City Attorney Schelzel.

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AGENDA ITEM 2. Public Forum – 15 Minutes (3 minutes per person).

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Mr. Amdal stated he recently attended an IOCP gathering where a plaque was presented to the City in appreciation of past efforts on behalf of the IOCP housing initiatives. Mr. Humphrev requested the plaque be hung in the lobby of City Hall.

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AGENDA ITEM 3. Approve Minutes of December 1, 2008.

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Mr. Amdal made a motion, seconded by Ms. Bangert, to approve the December 1, 2008 minutes as presented. The motion carried 5/0.

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AGENDA ITEM 4. Public Hearing Items.

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Mr. Orsen stated Item 5B has been continued to the January 6 meeting. He noted Item 5G refers to the “Widsten” TIF District, but it should be “West End”.

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a. Amendment to the Project Plan for the Central Area Redevelopment District and on a TIF Plan for Redevelopment TIF District #5 – Resolution #58-2008

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Mr. Amdal recused himself from the discussion.

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Jeannie Vanda, Public Financial Management, financial advisor to the City, stated that the TIF plan was disseminated to other taxing jurisdictions for comment approximately 45 days ago. She reviewed the provisions of the TIF plan.

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Mr. Humphrev opened the public hearing. There were no comments. He closed the Public Hearing.

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Mr. Willcox made a motion, seconded by Ms. Bangert, to approve Resolution 58-2008, an amendment to the Project Plan for the Central Area Redevelopment District and on a TIF Plan for Redevelopment TIF District #5. The motion carried 3/1. (Ms. Bader voted no.)

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AGENDA ITEM 5. New Business.

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a. Unitarian Church of Minnetonka – Rezoning and Comp Plan Amendment Res. #40-08

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Mr. Gadow reviewed an application from Unitarian Universalist Church of Minnetonka (UUCM) for a Comp Plan amendment and rezoning for the property at 2030 Wayzata Boulevard. He added the Planning Commission recommended denial of the application by a 5/2 vote.

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Mr. Gadow stated Staff requested that the applicant provide parking alternatives and the applicant is working with MnDOT to gain ownership of three outlots near the property. He added staff requested an alternative option, and the applicant proposes parking in the front portion of the yard and along the north property border.

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Christy Dachelet, Chair of UUCM’s relocation task force, stated the church is seeking approval to rezone the property from residential to institutional. She added they hope to acquire 3 outlots from MnDOT, and the assistance of City staff will be required in this transaction.

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Ms. Dachelet stated the church is actively involved in the community and has a longstanding commitment to the City and its residents. Ms. Dachelet stated the church’s current building does not support the programs and services they wish to provide to their members and the community.

1 Bob Dachelet, owner of 2030 Wavzata Boulevard, stated the relocation task force has
2 been searching diligently for a new space for 10 years. He added most suitable lots in Wavzata
3 have already been developed. He noted all surrounding communities locate churches in
4 residential zones with a CUP.

5 Mr. Dachelet stated the Holdridge neighborhood does not access Wavzata Boulevard in
6 this location, and they will not encroach on interior neighborhood streets. He added 80 parking
7 spaces are planned, and the site will be developed to minimize the impact to neighbors. He noted
8 letters of support have been received from Holdridge neighbors, including a Planning
9 Commissioner who voted in support of the project.

10 Mr. Dachelet stated MnDOT has expressed an interest in selling the outlots to the church.
11 He added they prefer to have the City act as a pass-through agent at no cost to the City.

12 Mr. Dachelet stated wetlands at the south end of the property will prevent future
13 expansion. He added the church and its project architects intend to incorporate sustainable
14 materials and eco-friendly solutions in the building design.

15 Wynne Yelland, project architect, Locus Architecture, stated as many trees as possible
16 will be saved in the site plan. He added 40 more trees will be planted to the south and along
17 Wavzata Boulevard. He noted a permeable parking lot is proposed, and the applicant is happy to
18 work with staff to ensure parking is taken care of off-street.

19 Mr. Yelland stated, in his experience, rezoning for a church does not open the flood gates
20 for rezoning. He added the purpose of the Comp Plan is to protect residential land values and
21 densities. He noted, as a residential lot, this lot will remain stagnant in value relative to its
22 neighbors, and there will be repetitive pressure for redevelopment.

23 Bruce Malkerson, the applicant's attorney, stated he objects to the three-minute time
24 limitation as the applicant is allowed as much time as they need to present their case under
25 Minnesota law. He added it is illegal to refuse rezoning to prevent a church from being built in a
26 residential neighborhood.

27 Mr. Humphrey opened the Public Hearing.

28 Ward Montgomery, 14601 Atrium Way, Minnetonka, stated he is a member of UUCM,
29 and accessibility is poor at the current church building. He urged the Council to give the church
30 the opportunity to stay in Wavzata.

31 Marv Orheim, 2100 Old School Road, stated she has been a member of the UUCM
32 congregation for 45 years. She added the church needs a more functional and accessible building.

33 Jay White, 18840 Highland Ave., Deephaven, stated the new church space will be a
34 modest and handsome asset to Wavzata Boulevard. He noted churches make good neighbors and
35 are touchstones of renewal.

36 Brian Mason, 1920 Wavzata Boulevard East, stated his property borders the proposed site
37 to the west. He added he is not excited about a church going in at this site and he likes the idea of
38 keeping the Holdridge neighborhood residential. He noted there will be additional traffic as the
39 church holds a lot of events. He urged the Council to uphold the Commission's decision.

40 Michael Babcock, 15601 Holdridge Road East, stated he is concerned about traffic in
41 front of the church. He added, if the church is approved, there should be turn lanes off of
42 Wavzata Boulevard going into the church parking lot.

43 Rebecca Monson, 15815 Holdridge Road East, stated the church would be an entity too
44 large for the Holdridge neighborhood. She added she opposes the rezoning as it would pave the
45 way for further incursions of commercial properties. She expressed concern that traffic would be
46 excessive and parking would be insufficient. She asked the Council to rest on the Commission's
47 recommendation.

48 Bob Ambrose, 15803 Holdridge Road East, complimented the applicants on the care they
49 have taken with the application. He added the Planning Commission voted against this
50 application and the Comp Plan review task force reconfirmed that this area should be residential.

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1 Russ Crowder, 1505 Holdridge Circle, Planning Commissioner, stated the applicant has
2 implied that the Holdridge residents support this application. He added he has not spoken to any
3 Holdridge neighbors who are supportive of this. He noted the only people expressing support of
4 the church are its members who do not live in Wavzata. Mr. Crowder stated, if this encroachment
5 is allowed, it goes against the important principle of preserving the City's neighborhoods. He
6 added this development provides a benefit to the church, and maybe to the City, but not to the
7 neighborhood.

8 Kent Howe, Planning Commissioner, 1600 Holdridge Lane, stated he supported this
9 application as light pollution will not be an issue for homes in the Holdridge neighborhood. He
10 added he is willing to have a good neighbor in his back yard.

11 Marv Jo Pfender, 16500 Holdridge Road West, stated she has lived in her home for 23
12 years and she does not want a church in her back yard. She added the applicant has used
13 dishonest tactics and targeted elderly residents with either/or scenarios. She noted the
14 neighborhood should remain as it currently zoned.

15 Jan Wicklund, 1716 Holdridge Circle, stated the applicant says the church does not
16 intend to grow at this location, and she would suggest find a more suitable property. She added
17 many nice homes are built overlooking freeways. She noted the area should remain residential,
18 and parking lots invite problems. Ms. Wicklund asked whether the east out lot will require
19 extensive grading as the soil is bad and the lot is not flat.

20 Rachel Brudnev, 16313 Holdridge Rd W., presented a petition from Holdridge residents
21 supporting R-1 zoning for this property. She added her neighborhood has been under siege in
22 recent years. She added this might be a wonderful idea for the church, but it is a bad idea for the
23 neighborhood. She noted the Commission did a great job of asserting its discretion when it
24 deemed that the neighborhood should remain residential.

25 Scott Reddington, 1620 Holdridge Circle, stated the proposal will carve a hole into his
26 residential neighborhood. He added he is very much against this proposal. He asked why the
27 City has zoning laws if rezoning can be done on a whim.

28 Mr. Humphrey closed the Public Hearing.

29 Mr. Willcox asked if any institution would be allowed on the property if it is rezoned
30 institutional. City Planner Gadow confirmed this would be the case. City Planner Gadow added
31 that the rezoning could be contingent on commencement of the project. Mr. Schelzel stated a
32 PUD is another possible way to permit the desired use.

33 Mr. Willcox asked what type of future development would be appropriate at this site, if
34 the project was not approved. Mr. Gadow stated a denial motion would mean that the property
35 remains guided for single family estate land use, and R-1 zoning. Mr. Willcox asked if the
36 property could be developed into three single family homes. Mr. Gadow stated it may only be
37 possible for two lots to be developed on the site, due to lot area. Mr. Willcox asked if these
38 homes would be affordable. Mr. Gadow stated it would depend on the valuations for the land and
39 any structures on it. He added future homes on the site would have to meet the Met Council's
40 numbers for affordability, which is unlikely.

41 Mr. Willcox stated, with regard to the Comp Plan Task Force of which he was chair, one
42 of its challenges was to find ways to preserve and protect single family neighborhoods in the City
43 and provide affordable housing. He added single family houses can exist on busv roads, and tend
44 to be more affordable when they do.

45 Ms. Bader asked about Mr. Malkerson's assertion that it would be unconstitutional to
46 prevent a church from relocating to a residential neighborhood. Mr. Schelzel stated the Council
47 is not compelled by any law to approve this particular application without more facts. He added
48 the City should evaluate this application in a fair and objective manner.

49 Mr. Amdal stated, with regard to a PUD, the applicant does not meet the criteria related
50 to public water on site. Mr. Gadow confirmed this, adding staff advised the applicant to pursue

1 rezoning because a PUD is generally used for projects with an innovative feature or mixture of
2 uses.

3 Ms. Bangert stated the homes on Holdridge near the property have very deep lots and a
4 big tree buffer. She added she likes having parking at the front of the property, and churches are
5 not generally noisy neighbors. She noted there is another church on Wavzata Boulevard. She
6 stated this is not a desirable location for a single family home in her opinion. She added the
7 setbacks are reasonable and there is a strong argument that this is a use that would be compatible.

8 Ms. Bader stated the need for a new church is obvious and the congregation is a valuable
9 part of the community; however, her inclination to listen to the neighbors who bought their homes
10 with the expectation that this would remain a single family neighborhood. She stated the rights of
11 the Holdridge residents must take precedence.

12 Mr. Willcox stated the applicant has made an excellent presentation. He added the City
13 must protect single family homes which are under encroachment everywhere. He stressed the
14 importance of preserving single family neighborhoods and providing affordable housing
15 opportunities.

16 Mr. Amdal stated the City has placed institutional properties in residential neighborhoods
17 in the past. He added the applicant has made an outstanding presentation, but a PUD might be a
18 better route for this project. He noted he supports the project so this community institution can
19 expand and remain in the community.

20 Mr. Humphrey stated he is not concerned about legal precedence, but rather the implicit
21 precedence when a different project is under consideration. He added a PUD would be
22 appropriate because it would give the applicant the ability to control aspects of the project and its
23 particular nature, and is justified by the outlots. He noted pedestrian traffic is not oriented along
24 the frontage roads, and properties in the neighborhood have significant setbacks.

25 Mr. Humphrey stated he is concerned about the creeping effect of other institutional uses,
26 which can be mitigated through the use of a PUD.

27 Mr. Schelzel stated the Council could direct staff, via a motion adopted by a simple
28 majority, to prepare an approval resolution to change the Comp Plan guidance and a rezoning
29 ordinance. He added, however, an affirmative 4/5 vote would be required to approve the Comp
30 Plan amendment. Mr. Willcox stated a vote in 2009 could reverse this direction.

31 Mr. Humphrey stated he would not wish to vote against a Comp Plan amendment and
32 would instruct staff to prepare resolutions for approval. He added the Council could entertain a
33 motion to direct staff to prepare such resolutions for consideration, and a new Council in 2009
34 could consider whether a 4/5 vote is possible. Mr. Schelzel stated that may engender
35 conversation regarding the PUD option.

36 Ms. Bader stated another property which overlooks the east out lot would be negatively
37 affected by the proposed development.

38 Mr. Dachelet stated the church does not intend to use the entire 1.2 acre outlot, which
39 could possibly become a buildable lot at some point.

40 Mr. Dachelet stated he and other church members offered to meet with all the neighbors,
41 and they did not coerce anyone. He added they did not tell anyone that multi-family housing
42 would be the alternative use if the church was not approved.

43 Mr. Humphrey stated it seems inefficient to direct staff to prepare approval resolutions if
44 the motion to adopt them would ultimately fail with only 3 votes for approval. Mr. Schelzel
45 stated there is no legal reason a council member could not choose to vote a certain way for
46 reasons of efficiency. He added staff can be directed to prepare the approval resolutions, and a
47 future Council might have a different opinion.

48 Ms. Bangert stated she would vote to approve the denial resolution, providing three votes
49 for denial. She added it would be preferable at this point, rather than delaying the inevitable
50 denial, since it was clear there would not be four votes to amend the Comp Plan.

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1 Mr. Malkerson asked that the issue be tabled to the Council's first meeting in 2009 so the
 2 new Council could review it. He added the applicant was steered away from the PUD by staff.
 3 Mr. Willcox stated the new Council in 2009 will be the same except for the absence of Mr.
 4 Humphrev and a new member, and a 3/2 vote would be the result in any case.

5 Mr. Willcox made a motion, seconded by Ms. Bader, to adopt Resolution #40-2008,
 6 denying the Comp Plan amendment and rezoning for 2030 Wavzata Boulevard requested by the
 7 applicant, with the following additional finding of fact added to said Resolution: Findings, Sec
 8 3.1.7 – The proposed project would eliminate opportunities for affordable single family homes.
 9 The motion passed 3/2. (Mr. Amdal and Mr. Humphrev voted no).

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 11 **b. Charlie Schoen – 712 Lake Street Lot Combination Res. #55-08**

12 Ms. Bangert made a motion, seconded by Mr. Willcox, to continue Resolution #55-08. The
 13 motion carried 5/0.

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 15 **c. Bushaway Road Position Statement – Res. #59-08**

16 Mr. Kelly stated the Bushaway Task Force presented their recommendations for the proposed
 17 improvements to County Highway 101 South from Wavzata Boulevard to Gravs Bay Bridge at
 18 the last Council meeting. He added staff listed the recommendations as Exhibit B and modified
 19 them into a draft position statement for the Council's review.

20 Ms. Bangert stated the language on page 3, the 3rd paragraph, is not strong enough and
 21 should read "the County should incorporate" rather than "strongly consider." Mr. Humphrev
 22 stated the position statement should include all the recommendations and should read "The
 23 Council advises the County of its position statement as follows: . . ."

24 Mr. Humphrev stated, with regard to paragraph 4, the following sentences should be
 25 added: "The City is not in favor of a 2-lane roundabout, given the impact on pedestrians and the
 26 extra space which would be required. However, a 1-lane roundabout should be considered."

27 Mr. Humphrev opened the Public Hearing.

28 Mark Westlund, [Staff please insert his address on Bushaway Road], stated the new
 29 Comp Plan was drawn up to protect neighborhoods like Bushaway. He added his land has been
 30 devalued and his taxes have gone up. He noted the Mayor directed staff to do something other
 31 than what was recommended by the Task Force.

32 Mr. Humphrev stated staff was directed by the entire Council to prepare the position
 33 statement, taking the Task Force recommendations into consideration. He added staff did exactly
 34 as asked, and produced a draft position statement based on the findings of the Task Force and the
 35 comments of the Council. Mr. Kelly stated the Task Force's recommendations are included as an
 36 exhibit in the resolution.

37 The Council engaged in a lengthy discussion of the position statement and made a
 38 number of revisions reflected in the attached resolution.

39 Nancy Kameier, 663 Bushaway Road, thanked the Council for their work on the position
 40 statement. She added the Task Force members present at the meeting liked proposed elimination
 41 of exceptions to the tree-cutting moratorium. She asked whether the City will be allowed to
 42 weigh in on the EIS. Mr. Kelly stated the County prepares the EAW, and the City will not have a
 43 say in the outcome of the EAW or its contents. He added the County will receive individual
 44 comments.

45 Ms. Bangert made a motion, seconded by Mr. Amdal, to approve Resolution #59-2008
 46 [Attached: 1. Bushaway Road position statement, with changes as discussed above. The motion
 47 carried 5/0.

48
 49 **d. Update on Recodification Project to update the City's Ordinance Book and Proposal**
 50 **for 1st reading of Ordinance to Update Code on January 6, 2009**

1 Mr. Orsen stated staff recommends a hearing and first reading of the new code. Mr. Schelzel
2 stated there are a few material changes.

3 Ms. Bader stated the resolution refers to an organization called American Legal
4 Publishing Corporation. She asked how much money the City paid them, why the City could not
5 use their product, and whether the City can get the money back. Mr. Orsen stated they used the
6 wrong approach in 2004 and the work became outdated. Mr. Schelzel stated it seemed
7 expeditious not to use the 2004 draft as there were too many changes. He added this document
8 meets the City's acute and pressing need to have a clear code which is available online to the
9 general public. Ms. Bangert made a motion, seconded by Ms. Bader, to direct staff to notice and
10 schedule the first reading of the codification ordinance in January 2009. The motion carried 5/0.

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12 **e. Fire Relief Resolution #53-2008**

13 Ms. Bader made a motion, seconded by Mr. Amdal, to approve Resolution #53-2008. The
14 motion carried 5/0.

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16 **f. Adopt Resolution #56-08 2009 Final Tax Levy**

17 Mr. Orsen stated the levy increase without the Big Woods is a 3% increase for a net total levy
18 increase of 2.68%. He added the budget is based to a certain extent on increased fees from the
19 Presbyterian Homes Bay Center project which, if it is unsuccessful, will put intense pressure on
20 the Council and staff to determine adjustments.

21 Mr. Willcox made a motion, seconded by Ms. Bader, to certify Resolution #56-2008.
22 The motion carried 5/0.

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24 **g. Adopt Resolution #57-08 Terminating TIF District #5 (West End)**

25 Ms. Bader made a motion, seconded by Mr. Amdal, to adopt Resolution #57-2008 terminating
26 TIF District #5 (West End). The motion carried 5/0.

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28 **h. Consider and Approve Municipal Licenses**

29 Ms. Bangert made a motion, seconded by Ms. Bader, to approve Municipal Licenses as listed in
30 the Council packet. The motion carried 5/0.

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32 **AGENDA ITEM 6. City Manager's Report and Discussion Items.**

33 Mr. Amdal stated the Craig Alshouse project at 1200 Wavzata Boulevard received two awards on
34 December 2 from the Minnesota Shopping Center Association for design and aesthetics as well as
35 an award for the development process.

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37 **AGENDA ITEM 7. Public Forum Continued (if necessary).**

38 There were no comments.

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40 **AGENDA ITEM 8. Adjourn.**

41 Mr. Amdal made a motion, seconded by Ms. Bader, to adjourn. There being no further business.
42 Mr. Humphrey adjourned the meeting at 10:51 p.m.

43
44 Respectfully submitted,

45
46
47 Marv Mullen

48 *TimeSaver Off Site Secretarial, Inc.*

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RESOLUTION NO. 40-2008

RESOLUTION DENYING COMPREHENSIVE PLAN AMENDMENT AND REZONING FOR 2030 WAYZATA BLVD

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

Section 1. BACKGROUND

1.1 Development Application. Robert J. Dachelet, and the Unitarian Universalist Church of Minnetonka (UUCM) (collectively the "Applicant") have submitted a development application (the "Application") requesting approval of a Comprehensive Plan Amendment to rezone the property at 2030 Wavzata Blvd. (the "Property") from Estate Single Family Residential to Institutional/Public (the "Amendment") and a rezoning of the Property from an R-1 District to a Institutional (INS) District (the "Rezoning"). The Amendment and Rezoning are being requested to allow the construction of a new church facility (the "Project" and "Proposed Use"). As part of the Project, the Applicant is requesting to purchase two (2) outlots adjacent to the Property, owned by MnDOT to provide extra area for surface parking.

1.2 Property. The addresses, property identification numbers and owner of the Property are:

2030 Wavzata Blvd	05-117-22-41-0012	Robert J. Dachelet Trustee
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1.3 Land Use. The Property is located within the R-1, Low Density Single Family Residential District, as defined in Section 801.52 of the Wavzata Zoning Ordinance. The Property is zoned for Estate Single Family Residential use in the Wavzata Comprehensive Plan, and located within Planning District 9, the Holdridge District, as outlined in the Comprehensive Plan.

1.4 Notice. Notice of a public hearing on the Application was published in the *Sun Sailor* on August 21, 2008. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 21, 2008.

1.5 Planning Commission Action. A public hearing on the Application was held at the Planning Commission's September 3, 2008 meeting at which the Planning Commission voted five (5) in favor and two (2) opposed to adopt findings and a recommendation that the City Council deny the Amendment and Rezoning requested in the Application.

Section 2. STANDARDS

2.1 Comprehensive Plan Amendment. The City Council may by a resolution adopted by a two-thirds vote of all of its members (4 of 5 Council members) amend the City's comprehensive plan. Before adopting an amendment to the Plan, the Planning Commission must hold at least one public hearing on the proposed amendment. A proposed amendment may not be acted upon by the City Council until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date an amendment proposed by the City Council has been submitted to the Planning Commission for its recommendation. Minn. Stat. Sec. 462.355, subd. 2 and 3.

2.2 Rezoning. An amendment to the Zoning Ordinance (text or map) may be initiated by the governing body or the planning agency, or requested by a property owner by filing an application with the City. Minn. Stat. Section 462.357, Subd. 4; Wavzata City Code Section 801.03. The City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's conformity with present and future land uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property value in the area in which it is proposed.
6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Wavzata City Code Section 801.03.2.F.

2.3 Minimum Lot Area. The minimum lot area for religious institutions in the INS Institutional District is 3 acres. Section 801.70.6.A.1.a.

Section 3. FINDINGS

3.1 The City Council of the City of Wayzata finds insufficient basis to grant the requested Amendment to the Comprehensive Plan and accordingly confirms and memorializes that the requested Rezoning does meet the requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

1. In connection with the state mandated updates to the City's Comprehensive Plan, the City recently concluded an extensive study of the area in which the Project is proposed and concluded that the Property and the area in which the Project is proposed should continue to be zoned residential. Valuing, protecting, and preserving the older and established residential neighborhoods of the City is a key policy of the City that is reflected in the Comprehensive Plan. The proposed Project would contravene this policy, have the potential to negatively impact the surrounding residential neighborhood, and reduce the land available in the City for residential use.
2. The Proposed Use contravenes with specific policies and provisions of the official City Comprehensive Plan. The Planning District 9, Holdridge, is zoned for solely for large-lot low density single family residences.
3. The Proposed Use does not conform with present and future land uses in the area. Planning District 9, Holdridge, is zoned for solely for large-lot low density single family residences.
4. The Proposed Use will affect performance standards contained in the Zoning Ordinance, as the Property does not meet the lot area minimum for rezoning to the Institutional Zoning District.
5. The Proposed Use will have a negative effect on the residential area in which it is proposed.
6. The Proposed Use will generate traffic that would have a negative impact on the surrounding area.
7. The Proposed Project would eliminate opportunities for affordable single family homes.

Section 4. CITY COUNCIL ACTION

4.1 The request in the Application to rezone the property at 2030 Wayzata Blvd. from Estate Single Family Residential to Institutional/Public is hereby **DENIED**.

4.2 The request in the Application to rezone the Property from an R-1 District to a Institutional (INS) District is hereby **DENIED**.

Adopted by the Wavzata City Council this 16th day of December, 2008.

Mayor Andrew Humphrev

ATTEST:

City Manager Allan Orsen

ACTION ON THIS RESOLUTION:

Motion for adoption: Willcox

Seconded by: Bader

Voted in favor of: Bader, Bandaert, Willcox

Voted against: Amdal, Humphrev

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wavzata, Minnesota, at a duly authorized meeting held on . 2008.

Sandy Landlev, City Clerk

SEAL