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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-2233**

Lake West Development LLC,
Appellant,

vs.

City of Wayzata,
Respondent.

**Filed July 27, 2026
Affirmed
Wheelock, Judge**

Hennepin County District Court
File No. 27-CV-25-9833

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Considered and decided by Wheelock, Presiding Judge; Harris, Judge; and Segal, Judge.*

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

In this land-use appeal, appellant developer argues that the district court erred by ruling in favor of respondent city because (1) the city's decisions regarding the developer's

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

planned unit development (PUD) applications should have been considered quasi-legislative, (2) the city imposed unlawful conditions on its approval of the developer's three-story PUD application, and (3) the city's failure to approve or deny the developer's four-story PUD application within 60 days requires that the application be deemed approved. We affirm.

FACTS

Appellant Lake West Development LLC owns real property within respondent City of Wayzata that it seeks to redevelop from vacant office space into mixed residential and commercial space by tearing down the existing structure and replacing it with a new building. Before it became vacant, the property was used as a bank headquarters and a drive-through window for bank customers. The tract of land sits about 100 feet from Lake Minnetonka. The current structure on the property was built in 1990, after the city approved a development agreement (1989 PUD agreement) with the prior owners. The 1989 PUD agreement required any future developer seeking to construct new improvements to submit a new PUD application and obtain necessary approvals from the city.

Having unsuccessfully submitted previous applications in support of its plan, Lake West simultaneously submitted two alternative PUD applications to the city in late 2024. The first application proposed a three-story building, and the city approved that application with conditions; the second application proposed a four-story building, and based on its determination that the application was incomplete, the city did not approve or deny it. Lake

West brought an action in district court challenging the city’s decisions on the applications, and the parties filed cross-motions for summary judgment. These facts are not in dispute.

To provide useful context, we begin with an overview of the city’s PUD process and then discuss the proceedings as to each of Lake West’s applications and Lake West’s lawsuit.

The City Ordinances

The city has adopted ordinances that apply to zoning and the development of real property pursuant to the city’s authority as a municipality. *See* Minn. Stat. §§ 462.352, subd. 15, .357, subd. 1 (2024). Planned unit developments are addressed in chapter 933 of the Wayzata, Minnesota, Code of Ordinances (WCO) §§ 933.01-.10 (2025) (PUD ordinance). The purpose of the PUD ordinance is “to provide comprehensive procedures and standards designed to all [sic] greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District.” WCO § 933.01. The PUD process is intended to encourage “deviation from the strict provisions” of the zoning ordinances. *Id.*

The PUD ordinance requires an applicant to include a concept plan and a general plan of development for the proposed PUD with their application. WCO § 933.05(A). The PUD ordinance lists what should be included in the application and plans. WCO §§ 933.05(B), .06(C). Any development that has a nonresidential component, multifamily component, or other specified construction or alteration that is significant must also comply with design standards from chapter 909, WCO §§ 909.01-.30 (2025) (design-standards

ordinance). WCO § 909.04(A). The design standards “address issues that are critical to preserving and enhancing Wayzata’s character, as described in the City’s Comprehensive Plan.” WCO § 909.01(B).

Once the city deems the application complete, it forwards the application to the planning commission for review and a public hearing. WCO § 933.06(D). The planning commission holds a hearing and makes a report and recommendation to the city council. *Id.* The city council reviews the application, and it may then vote on whether to take any of five actions on the application. WCO §§ 933.05(C)(13)(b), .06(D)(2)(b). These five actions include the following: the city council “shall” (1) “approve the application as originally submitted or as amended,” (2) “approve the application with certain modifications or conditions therein,” (3) “deny the application,” (4) “request amendment of the application,” or (5) “refer the application back to the Planning Commission for further review.” WCO § 933.05(C)(14)(b).

In reviewing an application, the city council “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.” WCO § 933.02(A)(1). If the city council determines that the proposed project will not be detrimental to the health, safety, and welfare of the residents and that the project conforms with the section’s overall intent and purpose, “it may approve a PUD permit, although it shall not be required to do so.” *Id.*

Three-Story Application

In its application for a three-story building, Lake West proposed demolishing the existing vacant office building and constructing a new 226,361 square-foot building with commercial space, parking, and 50 residential condominium units. The existing structure is around 270 to 300 feet long, and Lake West proposed a building around 760 feet long. Both the 1989 PUD agreement and the PUD ordinance require approval of a PUD amendment when seeking a modification to the terms or conditions of an existing PUD. Accordingly, Lake West sought an amendment of the 1989 PUD to allow a mixed-use residential and commercial building.

In January 2025, the city informed Lake West that the three-story application had been deemed complete. The city planning commission held a public hearing and adopted a report and recommendation to the city council. The city council then reviewed the application and the report and recommendation at an April 15, 2025 meeting and determined that a “full massing break through all three floors between all the building cores” was necessary for approval. A massing break is a separation or void in between sections of a building that, according to the city’s design-standards handbook, functions to “ensure that no building mass will be perceived to be larger than a half block in length,” to preserve access to and views of Lake Minnetonka, and “to respect the small-town scale” of the city. In the provisions of the design-standards ordinance that address building widths, “significant massing breaks” are required for newly constructed buildings longer than 150 feet on a public right-of-way. WCO § 909.07.

The massing-break section of the design-standards ordinance states:

1. Significant massing break façade. Buildings exceeding 150 feet of length on public rights-of-way 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.

Id.

The city council approved the application subject to two conditions via resolution number 13-2025, which it adopted on May 6. Lake West challenges both of the conditions in this appeal. The first condition was that the plan be modified to provide full massing breaks from the front to the back of the building, through all floors between each of its six separate vertical cores. The resolution explained that this condition is based on a finding that, absent “full massing breaks,” the proposed PUD would not satisfy the requirements of the design-standards ordinance and would not meet the purpose of a PUD and PUD amendment. The second condition was that Lake West enter into a new PUD agreement with the city that supersedes the existing 1989 PUD agreement.

Four-Story Application

Lake West submitted a separate application as an alternative to the three-story application that proposed constructing a four-story building on the property. In response to the city’s requests, Lake West supplemented its initial four-story application with additional information multiple times. In a January 30 letter, the city informed Lake West

that its four-story application was deemed incomplete because Lake West failed to submit a variance request that was required for the four-story building. The city's letter explained that the proposed PUD required a variance because the height of the proposed building would exceed the maximum building height of three stories or 35 feet allowed by the PUD ordinance and thus would be "legally permissible only with a height variance."

In addition to establishing that the maximum building height for a PUD is the lesser of 35 feet or three stories, the PUD ordinance further states that "[t]here shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits." WCO § 933.02(A)(14)(a)-(b). In response, Lake West sent a letter to the city that stated:

The City's insistence that Lake West seek a variance to request the building heights identified in the Application is inconsistent with the current PUD encumbering the property (which clearly permits construction of a building at the height requested). Lake West intends to move forward with processing of the variance in protest and simultaneously administratively appeal the City's rejection of the Application under Ordinance 906.

On February 21, 2025, the city sent another letter to Lake West stating that it had not received a request for a variance or an appeal from Lake West and that the application was still incomplete. The city took no further action after sending this letter, and Lake West did not submit any further materials or request a variance in protest.

District Court Proceedings

In May 2025, Lake West served the city with a summons and complaint and filed an action in district court, requesting declaratory judgment that the conditions imposed on

the three-story application were unlawful. Lake West also sought a writ of mandamus, seeking to compel approval of its four-story application because the city failed to approve or deny the application within 60 days as required by Minn. Stat. § 15.99 (2024). In the alternative, Lake West sought declaratory judgment that the four-story application was automatically approved pursuant to Minn. Stat. § 15.99. The district court granted summary judgment in favor of the city on each claim.

Lake West appeals.

DECISION

Under Minnesota Statutes section 462.361 (2024), a party may seek judicial review in district court of certain municipal planning or zoning decisions. “[T]his court is required to review the . . . decision independent of the findings and conclusions of the district court.” *Yeh v. County of Cass*, 696 N.W.2d 115, 125 (Minn. App. 2005), *rev. denied* (Minn. Aug. 16, 2005). Lake West argues that the district court erred by ruling in favor of the city as to the city’s decisions on Lake West’s three-story application and four-story application. We first determine the standard of review that applies to our consideration of the city’s decisions on the PUD applications and then consider Lake West’s arguments as to each application.

I. The city was acting legislatively when it acted on Lake West’s PUD applications.

Lake West argues that the city was acting in a quasi-judicial, rather than a quasi-legislative, capacity when it acted on the PUD applications because the city was not amending or adopting a zoning ordinance.

“Although caselaw distinguishes between zoning matters that are legislative in nature, such as rezoning, and those that are quasi-judicial, such as variances and special-use permits, the standard of review is the same for all zoning matters, namely, whether the zoning authority’s action was reasonable.” *Goerke Fam. P’ship v. Lac qui Parle-Yellow Bank Watershed Dist.*, 857 N.W.2d 50, 55 (Minn. App. 2014) (quotation omitted). The standard of review has been expressed in various ways, such as whether there was a “reasonable basis for the decision” or whether the decision was “unreasonable, arbitrary or capricious.” *Id.* (quotations omitted). However, “the nature of the matter under review has a bearing on what is reasonable.” *Honn v. City of Coon Rapids*, 313 N.W.2d 409, 417 (Minn. 1981). A legislative decision is reviewed against “any rational basis related to promoting the public health, safety, morals, or general welfare.” *Id.* at 415 (quotation omitted). A quasi-judicial decision is reviewed against “the standard set out in the particular local ordinance.” *Id.* at 417.

To the extent that approval of a PUD application alters the established, allowed usages of the land, it has the same effect as would a rezoning. *Chandler v. Kroiss*, 190 N.W.2d 472, 476 (Minn. 1971). Generally, “[a] city council has broad discretion in legislative matters, and even if the city council’s decision is debatable, so long as there is a rational basis for what it does, the courts do not interfere.” *Honn*, 313 N.W.2d at 415.

Here, the PUD ordinance directs the city to consider the “health, safety, and welfare of residents of the community and the surrounding area” when deciding what action to take on a PUD application and provides that the city may approve a PUD application only if approval is not detrimental to those principles. WCO § 933.02(A)(1). The PUD ordinance

also establishes that the purpose of the review process is to provide “greater flexibility,” allow “deviation from the strict provisions of th[e] Ordinance,” and promote efficient, creative, and innovative development of land “in harmony with the objectives” of the city. WCO § 933.01.

Lake West’s property is currently zoned for commercial use pursuant to the 1989 PUD agreement and subsequent rezoning, and its three- and four-story PUD applications proposed rezoning the property to mixed-use residential and commercial. Thus, approval of the PUD applications would result in an amendment to the existing PUD zoning once the final stages of the plans are complete. Indeed, the city adopted a resolution approving the three-story application with conditions, and based on that resolution, it prepared a draft ordinance to amend the official zoning map of the city that would become effective in the final plan of Lake West’s redevelopment project.

Because the city’s PUD process operates as a rezoning by altering the established, allowed usages of the land, we conclude that the city’s acts on the applications are legislative.¹ Because rational-basis review applies to legislative actions, we next determine whether the city’s decision on each PUD application is supported by a rational basis.

¹ Moreover, we are not convinced that the result would be different in this case if we determined that the city’s decision was quasi-judicial. Even if we strictly followed “the standard set out in the particular local ordinance,” the particular ordinance for which Lake West submitted its application is the PUD ordinance.

II. The district court did not err by granting summary judgment for the city on the three-story application.

Lake West argues that the district court erred in granting summary judgment for the city based on its determination that the city had a rational basis to impose two separate conditions on its approval of Lake West's three-story application: (1) the full-massing-breaks condition and (2) the condition that Lake West enter into a new PUD agreement with the city.

A. The city's decision to approve the three-story application subject to a full-massing-break condition was supported by a rational basis.

Lake West challenges the first condition the city placed on its approval of the three-story application—that the plan be “modified to provide full massing breaks from front to back, through all floors of the proposed building between each of its six separate vertical cores.” Lake West asserts that the city code does not contain a “full massing break” requirement and argues that it was therefore unlawful for the city to impose such a condition.

“In cases where the interpretation of an ordinance is at issue, this court looks to the ordinance itself to determine whether a governmental entity's decision was unreasonable or arbitrary and capricious.” *Yeh*, 696 N.W.2d at 127 (citing *White Bear Docking & Storage, Inc. v. City of White Bear Lake*, 324 N.W.2d 174, 176 (Minn. 1982)). And “where the question is whether an ordinance is applicable to certain facts, the determination of those facts is for the governmental authority, but the manner of applying the ordinance to the facts is for the court.” *Id.* (quoting *Frank's Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604, 608 (Minn.1980)).

“Interpretations of state statutes and existing local zoning ordinances are questions of law that this court reviews de novo.” *Clear Channel Outdoor Advert., Inc. v. City of St. Paul*, 675 N.W.2d 343, 346 (Minn. App. 2004) (quotation omitted), *rev. denied* (Minn. May 18, 2004). “A zoning ordinance should be construed (1) according to the plain and ordinary meaning of its terms, (2) in favor of the property owner, and (3) in light of the ordinance’s underlying policy goals.” *SuperAm. Grp., Inc. v. City of Little Canada*, 539 N.W.2d 264, 266 (Minn. App. 1995) (citing *Frank’s Nursery Sales*, 295 N.W.2d at 608-09), *rev. denied* (Minn. Jan. 5, 1996). “The rules that govern the construction of statutes are applicable to the construction of ordinances.” *Yeh*, 696 N.W.2d at 128.

The city’s resolution explained that it imposed the full-massing-break condition based on its findings that the proposed project (1) did not meet the requirements of the massing-break design standard at two points and (2) “would not meet the intent and all of the requirements of a PUD and PUD Amendment.” The city also found that “the additional conditions are necessary to protect and promote the general health, safety, and welfare of the community and the surrounding area.” In its resolution, the city specifically found that, without full massing breaks, the building would not represent six of the eight listed purposes that the PUD ordinance is intended to encourage. The resolution states:

[T]he proposed building without full massing breaks between all six of the cores of the proposed building would not represent:

1. Innovations in development and greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design.

3. The preservation and enhancement of desirable site characteristics, which include significant views of the Lake and the appearance of the building and site from the Lake and Lake Street that would not be enhanced or preserved with the proposed building without any full massing breaks.

4. A creative use of land and related physical development, in that the proposed building running the equivalent of several blocks on Lake Street without any full massing breaks creates a negative effect on both Lake Street, and views of and from the Lake.

5. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan, which include fostering small town charm and character.

6. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

See WCO § 933.01(A)-(H) (setting forth all eight purposes of the PUD ordinance).

Lake West argues that we must review the full-massing-break condition against the design-standards ordinance instead and that its PUD application complies with those standards. But Lake West's assertion that its application should be reviewed strictly against the design standards in WCO § 909.07 fails because its application is a PUD application that is also subject to the PUD ordinance and thus the provisions of WCO § 933.01.

Furthermore, as discussed above, the PUD ordinance allows the city to approve an application with modifications or conditions as one of the five actions it may take on a PUD application after receiving a report and recommendation from the planning commission and reviewing the application:

Within 60 days of its initial meeting on an application, the City Council shall approve the application as originally submitted or as amended, *shall approve the application with certain modifications or conditions therein*, shall deny the application,

shall request amendment of the application, shall refer the application back to the Planning Commission for further review. At this time, the Council also shall indicate the controlling standards to be used in further evaluation and planning of the project, in accordance with Section 933.05 hereof.

WCO § 933.05(C)(14)(b) (emphasis added).

We conclude that the city's determination that the full-massing-break condition is necessary to promote the public health, safety, morals, or general welfare is supported by a rational basis and that the ordinance allows the city to impose such conditions upon an application. *See Honn*, 313 N.W.2d at 415.

B. The city's decision to approve the three-story application subject to the condition that Lake West enter into a new PUD development agreement with the city was supported by a rational basis.

Lake West also challenges the second condition the city placed on its approval of the three-story application—that Lake West enter into a new PUD agreement. Lake West argues that, because the property has an existing PUD agreement—the 1989 PUD agreement—in which the city exempts the property from the PUD ordinance's building-height restrictions, the city cannot lawfully impose this condition on its approval of Lake West's application. The 1989 PUD agreement indicates that, at the time of the agreement, the building-height restriction was two stories. At present, the building-height restriction is the lesser of three stories or 35 feet. Lake West asserts that, pursuant to the 1989 PUD agreement, its PUD applications are not subject to the PUD ordinance's height restriction, rendering this condition on approval of its application improper.

In the resolution approving the three-story application, the city imposed the new-PUD-agreement condition as follows:

The Applicant must enter into a PUD Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that supersedes the existing 1989 PUD Agreement and incorporates: (i) the approvals and conditions of this Resolution, (ii) the plans and specifications of the approved PUD General and Final Plans, and (iii) the requirements of the Zoning Ordinance.

We will uphold a city's land-use decision "unless the party challenging that decision establishes that the decision is unsupported by any rational basis related to promoting the public health, safety, morals, or general welfare." *Honn*, 313 N.W.2d at 415 (quotation omitted). The 1989 PUD agreement governs rezoning and development of the property consistent with the use of the property for commercial purposes as a bank headquarters with a drive-through customer window. The 1989 PUD agreement also expressly states that any new construction will be subject to the processing of a new PUD application and "appropriate city approvals." Lake West does not explain why its proposals to redevelop the property to allow mixed-use commercial and residential space are not subject to this express language. Moreover, it is clear that the city's decision to require a new PUD agreement for a project with a different type of use that requires razing the current building and constructing a new one is supported by a rational basis related to the city's zoning powers. We note that the PUD ordinance requires that "[a]ny other plan, agreements or specifications necessary," including a "Community/Development Agreement," be submitted prior to issuance of any permit. WCO § 933.07.

Lake West attributes four errors to the district court's decision that the new-PUD-agreement condition was lawful. It argues that the district court (1) ignored the agreement's explicit runs-with-the-land clause, (2) failed to recognize that the agreement created nonconforming-use rights protected by state law, (3) erroneously concluded that a new PUD agreement required termination of the 1989 PUD agreement, and (4) failed to recognize that the city already litigated and won the issue of whether the agreement was perpetual in nature. Although we have already concluded that the city's decision to include this condition is supported by a rational basis, we address each of Lake West's arguments below.

Runs with the Land

The 1989 PUD agreement states, "This Contract shall run with the land and may be recorded against the title to the property." This is not disputed. But Lake West cites no law that suggests that the contract running with the land means it can never be altered or substituted by mutual consent. *See Olson v. Penkert*, 90 N.W.2d 193, 203 (Minn. 1958) (explaining that mutual consent operates as a substitution). Lake West provides no authority to support its contention that the city cannot condition a new development on amending or substituting the 1989 PUD agreement with a new agreement. Lake West remains free to decline to enter into a new agreement and maintain the existing property pursuant to the 1989 PUD agreement.

Nonconforming-Use Rights

Lake West argues that the city cannot require a new agreement because its nonconforming-use rights are protected by state law, and it points to Minn. Stat. § 462.357,

subd. 1e(a) (2024), which states, “Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.” The 1989 PUD agreement states that all development on the property shall be subject to the zoning ordinance “other than the requirement that no more than two building stories are permitted.”² The parties explain that a prior zoning ordinance did not permit a building more than two stories in height. Today, the PUD ordinance allows for three stories. WCO § 933.02(A)(14)(a).

“A nonconforming use is a use of land that is prohibited under a current zoning ordinance but nonetheless is permitted to continue because the use lawfully existed before the ordinance took effect.” *AIM Dev. (USA), LLC v. City of Sartell*, 946 N.W.2d 330, 335 (Minn. 2020) (quotation omitted). “To protect the landowner’s interest and investment in the existing lawful use, a nonconforming use generally is allowed to continue even after an adverse zoning change.” *White v. City of Elk River*, 840 N.W.2d 43, 49 (Minn. 2013). “A municipality may terminate a landowner’s right to continue a nonconforming use by exercise of its eminent domain power or by *written agreement* with the property owner.” *Id.* at 51 (emphasis added).

This is not a situation in which a use became nonconforming due to an adverse zoning change. It is also unclear to us how rezoning the property to provide for the

² As discussed in the next section, Lake West asserts that this language allows it to build a new four-story building without obtaining a variance.

development Lake West seeks could be considered “adverse.” Assuming without deciding that the cited statute applies, its plain language makes clear that nonconforming-use rights are not protected when the nonconforming use is expanded. The statute allows a “landowner to make replacements, restorations, or improvements—or to perform maintenance—that are necessary for the landowner to continue the nonconforming use in the same manner as at the time of adverse zoning.” *AIM Dev.*, 946 N.W.2d at 337. Lake West does not explain how tearing down the vacant corporate headquarters to construct new commercial space and residential condominium units is necessary to continue the nonconforming use in the same manner. And more importantly, even assuming that some height-specific nonconforming-use rights exist for Lake West, a new development agreement can terminate those rights.

Perpetual in Nature

Lake West argues that the 1989 PUD agreement contemplates termination only in the event of a default and no default has occurred. It also cites prior litigation between the parties in the district court, which it alleges confirms that the contract is perpetual in nature and cannot be unilaterally terminated.

The parties’ prior litigation surrounding the 1989 PUD agreement resulted in a summary-judgment order issued by the district court, and the order appears in the record. In that litigation, the district court determined that “[t]he PUD Agreement is unambiguously a contract of perpetual duration, and while there is a potential avenue to terminate or change its terms by agreement with the City, it cannot be unilaterally terminated.” Lake West’s argument that this means the city cannot condition a new PUD

on a new agreement is not persuasive. Nothing in the agreement or in the previous litigation prevents Lake West and the city from mutually agreeing to enter into a superseding agreement. Lake West's assertion that imposing this condition means that the city is "unilaterally" terminating the agreement is incorrect. The condition imposed requires that, if Lake West wishes to pursue construction of its new building, it must enter into a new agreement with the city. It does not unilaterally terminate the existing agreement.

In sum, we reject Lake West's four assertions of error by the district court. We conclude that the city's decision to condition approval of the three-story application on a new PUD agreement is not unlawful for three reasons: first, the express language of the 1989 PUD agreement provides that any new construction will be subject to the processing of a new PUD application and "appropriate city approvals"; second, the PUD ordinance applies to new PUD applications; and third, the city's decision to require a new PUD agreement is supported by a rational basis. Thus, the district court did not err in ruling in favor of the city with regard to the three-story application.

III. The district court did not err in granting summary judgment for the city on the four-story application.

Lake West asserts that the district court erred in granting summary judgment in favor of the city with regard to the four-story application, arguing that, because the city never approved or denied its four-story application, the city failed to comply with the 60-day statutory deadline prescribed in Minnesota Statutes section 15.99 and, based on that failure, the four-story application is deemed approved. Lake West also sought a writ of

mandamus to compel the city to approve the application. The city responds that section 15.99's 60-day statutory period never began because Lake West failed to provide the required information for the city to review the application and thus the application was never complete.

To be entitled to mandamus relief, Lake West must show that (1) the city “failed to perform an official duty clearly imposed by law”; (2) Lake West “suffered a public wrong” and was specifically injured by the city’s failure; and (3) Lake West has “no other adequate legal remedy.” *Breza v. City of Minnetrista*, 725 N.W.2d 106, 109-10 (Minn. 2006) (quoting *N. States Power Co. v. Minn. Metro. Council*, 684 N.W.2d 485, 491 (Minn. 2004)). When a petitioner has failed to prove one of these three elements, the court need not reach the other two. *Minn. Voters All. v. County of Ramsey*, 971 N.W.2d 269, 281-82 (Minn. 2022).³ And as set forth above, “[i]nterpretations of state statutes and existing local zoning ordinances are questions of law that this court reviews de novo.” *Clear Channel*, 675 N.W.2d at 346 (quotation omitted).

Section 15.99 states that “an agency must approve or deny within 60 days a written request relating to zoning” and that a “[f]ailure of an agency to deny a request within 60 days is approval of the request.” Minn. Stat. § 15.99, subd. 2(a); *see id.*, subd. 1(b) (defining “agency” to include cities). The 60-day statutory period “begins upon the agency’s receipt of a written request containing all information required by law or by a

³ Lake West does not argue that these elements were met in its briefing. Because we conclude that Lake West failed to establish that the city violated the law, whether for purposes of the writ of mandamus or for the declaratory-judgment claim, we need not address the other elements.

previously adopted rule, ordinance, or policy of the agency.” *Id.*, subd. 3(a). “If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.” *Id.*

The legislature enacted section 15.99 to establish deadlines for local governments to take action on zoning applications and included the automatic-approval mechanism as a penalty for noncompliance. *Hans Hagen Homes, Inc. v. City of Minnetrista*, 728 N.W.2d 536, 540 (Minn. 2007); *see also Am. Tower, L.P. v. City of Grant*, 636 N.W.2d 309, 312 (Minn. 2001). Automatic approval is a “harsh, extraordinary remedy.” *Moreno v. City of Minneapolis*, 676 N.W.2d 1, 6 (Minn. App. 2004). Thus, courts must narrowly construe the automatic-approval provisions against the penalty. *Hans Hagen Homes, Inc.*, 728 N.W.2d at 543.

Lake West asserts that the city code does not require that a variance request be included for a PUD application to be considered complete and that its application was, in fact, complete and triggered the 60-day statutory period for the city to act on the application pursuant to section 15.99. But the record shows that, on December 20, 2024, January 30, 2025, and February 21, 2025, the city sent letters to Lake West informing it that the four-story application was incomplete because the PUD ordinance sets forth a maximum building height of three stories or 35 feet. Because Lake West’s application proposed a four-story building that exceeded the maximum height, the city determined that the proposed project was “legally permissible only with a height variance” and informed Lake West that it was required to seek a variance.

The PUD ordinance establishes that the maximum building height within a PUD is the lesser of 35 feet or three stories. WCO § 933.02(A)(14)(a). The PUD ordinance further states, “There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits.” WCO § 933.02(A)(14)(b).

Lake West contends that the requirements for a conditional-use permit (CUP) application under WCO § 904.04 (2025) control here and do not require submission of a variance request for its four-story PUD application to be considered complete. Section 904.04 contains an extensive list of the information that should “generally” be included in a CUP application; however, section 904.04 is not relevant to Lake West’s four-story application. Nothing in the record indicates that Lake West submitted a CUP application related to building height. Rather, Lake West submitted its four-story PUD application based upon its belief that the 1989 PUD agreement allowed it to build structures that are four stories tall notwithstanding that this height exceeds the maximum height allowed under the PUD ordinance. Even if section 904.04 controlled, the list states what should “generally” be submitted when requested by the city and “generally” is not exhaustive.

The city applied the PUD ordinance to conclude that Lake West’s four-story application is subject to its height standard. Section 933.05 states that, in “the first step [of] the application procedure for a PUD permit . . . [t]he applicant shall submit with his application such information as is required by the City.” WCO § 933.05(B)(1). The PUD ordinance states that there shall be no deviation from the height standard, and the city’s requirement that Lake West make a variance request or it would consider the application

incomplete is not unlawful. WCO § 933.02(A)(14)(b). The 60-day statutory period never began because Lake West’s application was incomplete. Lake West has therefore failed to establish that the city violated the law.

Lake West cites *In re Application of USS Water Town Solar, LLC*, in support of its argument that its application was complete. No. A19-1148, 2020 WL 4280034 (Minn. App. July 27, 2020). In *USS Water Town Solar*, two energy companies submitted CUP applications to a county for the construction of a solar garden. *Id.* at *1. The 60-day statutory period established by section 15.99 elapsed before the county voted on the applications. *Id.* at *3. The parties subsequently disputed whether the applications were complete and when the 60-day period was triggered. *Id.* at *3-4.

The county argued that the applications were incomplete because they contained incorrect setback measurements and an incorrect driveway configuration. *Id.* at *3. The energy companies pointed to the applicable zoning ordinance, which established minimal requirements for an application to be complete, such as the applicant’s name and address, copies of necessary permits, and “such plans, elevations and site plans *as prescribed* by the Planning Commission.” *Id.* (emphasis added). This court rejected the county’s argument, reasoning that the ordinance did not state that incorrect measurements and configurations make an application incomplete or that designs inconsistent with zoning restrictions are incomplete. *Id.* We further observed that, although the ordinance said, “as prescribed,” the county could not identify any prescription it gave the applicants regarding the alleged errors. *Id.* This court thus determined that “the statute contemplates information that is

‘missing’ from the application, Minn. Stat. § 15.99, subd. 3(a), not information that was included in the application but that contains an ordinance-based flaw.” *Id.*

Neither the city’s PUD ordinance here nor the ordinance at issue in *USS Water Town Solar* states that “designs inconsistent with zoning restrictions are incomplete.” But this is where the similarities between *USS Water Town Solar* and this case end. In *USS Water Town Solar*, the county treated the applications as complete and voted on them outside of the statutory time frame. *Id.* at *1-2. In contrast, here, the city informed Lake West several times in writing that the four-story application was not complete and never forwarded the application to the planning commission; therefore, it also never voted to take one of the five actions on the application that are authorized under sections 933.05(C)(13)(b) or 933.06(D)(2)(b) of the PUD ordinance. Another difference is that the ordinance in *USS Water Town Solar* required that application requirements would be “prescribed by the Planning Commission” and the commission never prescribed requirements. *Id.* at *3. The City of Wayzata clearly prescribed to Lake West, both through the PUD ordinance and through its direct communication, that the application would need a variance request or it would not be considered complete.

Because the city determined that the application was incomplete based on the lack of a variance request for the building, given the plan that the building would exceed the maximum height allowed by the PUD ordinance, the 60-day statutory time period was not triggered. Thus, the district court did not err in granting summary judgment for the city with respect to the four-story application.

In sum, the district court did not err in ruling in favor of the city because its quasi-legislative decisions to impose conditions on approval of Lake West's three-story application are supported by a rational basis and allowed by the ordinance. The district court also did not err in ruling in favor of the city on the four-story application because Lake West's application was incomplete.

Affirmed.