

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 20-10**

**A RESOLUTION AMENDING A PLANNED UNIT DEVELOPMENT FOR A
DEVELOPMENT KNOWN AS WINKLER CROSSING ADDITIONS**

WHEREAS, the City of Cologne is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, Winkler Crossing 2nd, LLC, a Minnesota limited liability company (the “Developer”) is the owner of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Outlot A, WINKLER CORSSING 2ND ADDITION, Carver County, Minnesota

(the “Subject Property”); and

WHEREAS, the Subject Property was included in a Planned Residential Development approved by the City of Cologne under Resolution No. 02-03, 2002 on April 15, 2002 (the “2002 PRD”); and

WHEREAS, the 2002 PRD contained various conditions related to the manner and terms under which development of this property was permitted to commence; and

WHEREAS, the Developer has applied for an amendment to the 2002 PRD in order to change the preliminary plat that was approved as part of the 2002 PRD (the “2002 Preliminary Plat”), which preliminary plat has expired; and

WHEREAS, changes in regulations warrant amendments to the 2002 PRD for the Subject Property; and

WHEREAS, the Developer has also submitted an application for a preliminary plat so as to allow the Developer to plat the property into various lots and outlots as shown on a preliminary plat for a development entitled Winkler Crossings Additions, the most recent revision of said preliminary plat updated April 8, 2020 (unless otherwise noted) was prepared by James R. Hill, Inc. and containing the following sheets:

- a. Title Sheet (Sheet 1.0)
- b. Existing Conditions (Sheet 1.1)
- c. Existing Drainage Map (Sheet 1.2)
- d. Proposed Drainage Map (Sheet 1.3)
- e. Preliminary Plat (Sheet 2.0) – revised March 18, 2020

- f. Erosion and Sediment Control Plan (Sheet 3.0)
- g. Erosion and Sediment Control Notes (Sheets 3.1 to 3.2)
- h. Erosion and Sediment Control Details (Sheet 3.3)
- i. Grading and Drainage Plan (Sheets 4.0 to 4.4)
- j. Utility Plan (Sheets 5.0 to 5.4)
- k. Construction Details (Sheets 6.0 to 6.1)
- l. Lot Phasing Plan (Sheet 1 of 1) – April 21, 2018
- m. Site Grading Phasing Plan (Sheet 1 of 1) – April 21, 2018
- n. Preliminary Landscape Plan (5 sheets) – April 20, 2020

(the “Site Plans”); and

WHEREAS, the Planning Commission of the City did on March 2, 2020, conduct a public hearing in relation to the Developer’s request for an amendment to the rezoning; and

WHEREAS, the Planning Commission of the City did on May 4, 2020 recommend approval of the amendment to the planned unit development to the City Council; and

WHEREAS, the City Council has considered the proposed application to rezone the property and it makes the following **findings of fact**:

Application

1. The Developer submitted an application (“Application”) for an amendment to the planned unit development and a Preliminary Plat, with the final revised plan submittals being received by the City on April 8, 2020. The project proposed under the Application is a residential neighborhood, and related streets, utilities, and easements as shown on the Site Plans for development of the Subject Property and proposed to be platted as WINKLER CROSSING ADDITIONS.
2. The Subject Property is bordered on the south by 122nd Street, on the west by single-family homes and vacant property, on the north by undeveloped property, and on the east by undeveloped property.
3. Sanitary sewer and water utilities are proposed to be constructed by the Developer and dedicated to the City. Storm sewer utilities are proposed to be constructed by the Developer and dedicated to the City.

Review Process

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on March 2, 2020.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their May 4, 2020 meeting.

3. These findings and resolutions are based upon the Council Memo dated April 29, 2020, the City Planner Memo updated April 28, 2020, and the City Engineer Memos dated February 2, 2020 and revised memo dated April 17, 2020 and all documents referenced in the memos and the staff report, the favorable recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on May 4, 2020 which will be the subject of a separate list prepared by the City Planner following the May 4, 2020 meeting.

Comprehensive Plan

1. The City's current Comprehensive Plan ("2030 Comp Plan") was adopted in 2009 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's 2030 Regional Development Framework and the systems statements issued by the Metropolitan Council.
2. The Comp Plan guides the Subject Property as Low-Density Residential, and notes a planned park on the Subject Property
3. The proposed application is consistent with the guidance in the Comp Plan.

Subject Property Zoning

1. The property is currently zoned Planned Residential Development. The terms of the existing 2002 PRD are generally consistent with the R-1 zoning district as amended by the 2002 PRD.
2. The 2002 PRD utilized a coving plan for the arrangement of homes on the various lots. The amendment would no longer utilize coving.
3. For the purposes of review, the R-1 Zoning District was utilized to determine potential design characteristics that would vary under the terms of a proposed amended planned unit development.
4. The proposed base zoning district for the Subject Property of R-1 is consistent with the guidance in the Comp Plan.
5. The requested use of single-family homes is an allowed use in the R-1 Zoning District.
6. The proposed plan is in compliance with the requirements for the amendment of the 2002 PRD. The Subject Property does not contain sufficient size to be a stand-alone planned unit development separate from the 2002 PRD.
7. The developer requested multiple variations from the regulations of the Zoning Ordinance for the construction of a planned unit development.

8. Following review of the requested variations, the City finds that the proposed development is appropriate under the terms of the Zoning Ordinance, that the development is not less desirable because of the variations, and that the granting of the variations will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity.
9. Reductions in lot size and lot width are requested by the developer to enable a low-density single-family residential development to be designed and accommodated on the project site.
10. The plan as proposed meets the open space requirements.

Traffic and Street Improvements

1. The Subject Property is primarily accessed from 122nd Street.
2. The development proposed in the Application for the Subject Property did not require a Traffic Impact Analysis.
3. The City received various comments from the public related to the speed at which drivers travel on 122nd Street, and concerns for the safety of pedestrians in crossing 122nd Street to access the proposed park.
4. With the improvements shown on the Site Plans and as amended by conditions of approval contained herein and within the Staff Memos, there is adequate road infrastructure to support the development as proposed in the Application.

Utilities

1. At this time, sufficient wastewater capacity is available to service this development based on existing experienced per capita volume and other plant capacity limit requirements. In the event that the City experiences a change in measured performance of the existing wastewater treatment facility prior to an upgrade to the existing plant, actions may need to be taken to restrict additional connections to the sanitary sewer system until the capacity situation is upgraded.
2. Additional discussion is anticipated between the City and Developer prior to approval of a final plat related to the size and depth of sanitary sewer. This discussion may result in changes to the final utility plans as compared to the preliminary utility plans.

3. The proposed extensions of water and sanitary sewer are adequate for the development proposed in the Application, subject to the comments contained in the Staff Memos.

NOW, THEREFORE, BE IT RESOLVED the amendment to the planned unit development is approved and will be effective upon completion of the following conditions:

1. The foregoing findings of fact are incorporated herein by reference.
2. A Final Plat for the Subject Property is approved and recorded.
3. A Developer's Agreement acceptable to the City is entered into by and between the Developer and the City.
4. Adoption and publication of the ordinance amending the existing PRD as required by law.
5. All conditions of the City Engineer, City Attorney and City Planner are met.
6. Single-family homes are the permitted use on the lots on Blocks 1 through 10. The outlots are not permitted to be used for residential lots.
7. Outlots A and B shall satisfy the open space requirements for the 2002 PRD. the Developer shall, simultaneously with the recording of the final plat for the first phase, convey to the City by warranty deed, free and clear of all liens and encumbrances, fee title to the property described as Outlots A and B on the Preliminary Plat (the "Open Space Property"). Conveyance of the Open Space Property to the City shall satisfy the open space requirements for both the 2002 PRD and this amended planned unit development of the Subject Property. The conveyance of the Open Space Property does not constitute parkland dedication, or satisfy any applicable parkland dedication requirements which requirements shall be satisfied as described in future resolutions approving the preliminary plat and each phase of the final plats.
8. No lots are permitted to access directly onto 122nd Street.
9. The single-family homes constructed on the residential lots in the Subject Property shall have the following attributes:
 - a. All homes must have a three-car garage.
 - b. The front elevations of the homes must have a 25% surface area accent comprising of stone, masonry, wood or stucco.
 - c. The minimum roof pitch of any front facing gable shall not be less than 7/12.
 - d. No more than two homes with the same or similar exterior and front elevations shall be erected within any five abutting, contiguous, and

successive lots or within four lots on either side of the lot directly across the street from the lot in question.

10. Variations from the City's Zoning Ordinance requirements for the residential lots are approved as follows:
- a. The lot size is reduced to 8,750 square feet.
 - b. The minimum lot width is reduced to 70 feet at the setback line.
11. All other requirements of the City's Zoning Ordinance not specifically exempted above must be met as if the lots were zoned R-1.


Adopted and approved by the City Council of the City of Cologne on a vote of 5 ayes and 0 nays effective on the 4th day of May, 2020.

Approved:



Matt Lein
Mayor

Attested:



Michelle Morrison
City Clerk

M/ Bruss
S/ Kells

Lein yes

Szaroletta yes

Kells yes

Bruss yes

Lenzen yes