

**CITY OF COLOGNE  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 22-13**

**A RESOLUTION AMENDING A PLANNED UNIT DEVELOPMENT AND TO  
APPROVE A SITE PLAN, PRELIMINARY AND FINAL PLAT FOR A  
DEVELOPMENT KNOWN AS STARS EARLY LEARNING ACADEMY**

**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**, STARS Early Learning Academy, a Minnesota non-profit corporation (the "Developer") is the developer of the project located upon certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Lot 1, THE VILLAGE MARKET SECOND ADDITION, Carver County, Minnesota  
and

Outlot A, THE VILLAGE MARKET SECOND ADDITION, Carver County, Minnesota  
(the "Subject Property"); and

**WHEREAS**, Hans Hagen Commercial Properties, Inc. (f/k/a/ Hans Hagen Homes, Inc.), a Minnesota corporation, is the current fee owner of the Subject Property, which is under contract to be sold to Cologne STARS Building Company, a Minnesota non-profit corporation.

**WHEREAS**, the Subject Property was included in a Planned Unit Development approved by the City of Cologne under Resolution No. 150-K on March 21, 2005 (the "2005 PUD") as amended under Ordinance No. 150\_L on February 6, 2006 (the "2006 PUD"); and

**WHEREAS**, the 2005 PUD and the 2006 PUD 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 2005 PUD and the 2006 PUD in order to address specific development proposal for the Subject Property; and

**WHEREAS**, the Developer has also submitted an application for a preliminary plat and final plat and site plan 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 The Village Market Third Addition and a site plan entitled STARS Early Learning Academy, the most recent revision of said final plat and site plans containing the following sheets:

1. STARS Early Learning Academy Site Plan prepared by Sathre Bergquist, Inc. updated May 26, 2022
  - a. Site Plan/Title Sheet (Sheet 1)
  - b. Preliminary Parking Plan (Sheet 2)
  - c. Preliminary Sanitary Sewer and Watermain Plan (Sheet 3)
  - d. Preliminary Storm Sewer Plan (Sheet 4)
  - e. Preliminary Grading Plan (Sheet 5)
  - f. Basin Detail (Sheet 6)
  - g. Topsoil and Erosion Control Plan (Sheet 7)
  - h. SWPPP (Sheets 8 – 10)
  - i. Details (Sheets 11-13)
2. Preliminary Landscape Plan prepared by Norby Associates Landscape Architects, LLC dated May 25, 2022
3. Final Plat prepared by Sathre Bergquist, Inc.

(the “Site Plans”); and

**WHEREAS**, the Planning Commission of the City did on April 4, 2022, conduct a public hearing related to the Developer’s request for a preliminary plat; and

**WHEREAS**, the Planning Commission of the City did on May 16, 2022, conduct a public hearing in relation to the Developer’s request for an amendment to the planned unit development; and

**WHEREAS**, the Planning Commission of the City did on May 16, 2022 recommend approval of the amendment to the planned unit development to the City Council; and

**WHEREAS**, the City Council has considered the proposed applications for preliminary plat, final plat, amendment to the PUD, and site plan and it makes the following **findings of fact**:

***Application***

1. The Developer submitted an application (“Application”) for an amendment to the planned unit development with the final revised plan submittals being received by the City on May 26, 2022. The project proposed under the Application is an early childhood learning academy and a coffee shop with drive-through as shown on the Site Plans for development of the Subject Property and proposed to be platted as VILLAGE MARKET THIRD ADDITION.
2. The Subject Property is bordered on the south School Street and a parking lot, on the west by City Hall, on the north by a bank and undeveloped property, and on the east by County Road 53 and undeveloped property.

***Review Process***



1. Following appropriate published and mailed notice, public hearings were held by the Planning Commission on April 4, 2022 and May 16, 2022.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary and final plat at their April 4, 2022 meeting and the PUD and site plan at their May 16, 2022 meeting.
3. These findings and resolutions are based upon the Staff Memos dated March 29, 2022 and May 13, 2022, the City Planner Memos updated April 28, 2022, May 13, 2022 and June 2, 2022, and the City Engineer Memos dated March 23, 2022 April 22, 2022, May 18, 2022, and June 2, 2022 and City Attorney memo dated June 3, 2022, as well as 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 June 6, 2022 which will be the subject of a separate list prepared by the City Planner following the June 6, 2022 meeting (collectively the "Staff Letters").

#### ***Comprehensive Plan***

1. The City's current Comprehensive Plan ("2040 Comp Plan") was adopted in 2020 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's Thrive MSP 2040 and the systems statements issued by the Metropolitan Council.
2. The Comp Plan guides the Subject Property as Retail and Other Commercial.
3. The proposed application is consistent with the guidance in the Comp Plan.

#### ***Subject Property Zoning***

1. The property is currently zoned Planned Unit Development and is located within both the 2005 PUD and the 2006 PUD.
2. The Subject Property was not addressed in the 2006 PUD with respect to parking.
3. The proposed amendment to the PUD addresses the parking for the specific approved uses for this Subject Property.

#### ***Traffic and Street Improvements***

1. The Subject Property is proposed to be accessed from School Street and Market Street.
2. No traffic study was completed for the application.



3. City staff have concerns that the internal traffic flow may result in traffic congestion. This congestion may impede the free flow of traffic on Village Market Drive and School Street if customers block driving lanes while waiting to turn into the Subject Property.

#### ***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. This may result in the inability for the City to issue building permits for the Subject Property.
2. The proposed extensions of water and sanitary sewer are adequate for the development proposed in the Application, subject to compliance with the comments contained in the Staff Memos.

**NOW, THEREFORE, BE IT RESOLVED** the amendment to the planned unit development and site plan, preliminary and final plat for the development known as STARS Early Learning Academy are approved and will be effective upon completion of the following conditions:

1. The foregoing findings of fact are incorporated herein by reference.
2. Adoption and publication of Ordinance No. 150-X amending the 2005 PUD and 2006 PUD as required by law.
3. All conditions and comments contained within the Staff Letters are incorporated herein.
4. The improvements on the Subject Property shall be constructed in substantial conformance with the Site Plans as revised to conform to the requirements of this Resolution and the Staff Letters.
5. No construction shall be permitted on the Subject Property until the final plat has been recorded, a building permit has been secured, and plans addressing the comments of the Staff Letters and the conditions of this Resolution are provided for review and approval in writing by the City Engineer and City Planner. Following approval by the City Engineer and City Planner, these plans shall collectively be known as the "Approved Construction Plans". The final plat shall not be released for recording until Approved Construction Plans exist.
6. To the extent that there are differences or conflicts between the Approved Construction Plans and this Resolution, the terms of this Resolution shall be controlling.

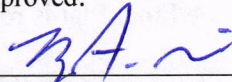


7. The Developer shall secure all easements for and construct all improvements as shown on the Approved Plans at their sole expense.
8. Pedestrian improvements shall be constructed at the sole expense of the developer as shown on the Approved Plans. The following trails will be installed:
  - a. The Trail on the north side of School Street, including the improvements on the northwest corner of the intersection of School Street and Village Market Drive.
9. The Developer shall enter into a Developer's Agreement with the City and the approval of the Final Plat shall terminate if a Developer's Agreement has not been entered into between the City and Developer by August 5, 2022.
10. The approval of the Final Plat shall terminate unless all conditions of this Resolution are completed and the Final Plat is recorded no later than August 5, 2022.
11. A current title commitment shall be provided for the review of the City Attorney before the Final Plat is released for recording.
12. Map updating fees shall be paid prior to the release of the final plat for recording. Fees shall be paid by the Developer for each lot and outlot contained within the Subject Property as per the City fee schedule in effect at the time of the execution of the Developer's Agreement. The Developer shall submit the final plat, construction, and as-built plans in the electronic format required by the City Engineer.
13. The Developer shall survey all storm water holding ponds as required by the City. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required, by the City prior to completion of the development of the Subject Property.
14. The Developer shall be responsible for obtaining and complying with all necessary permits from the Metropolitan Council, Minnesota Department of Health, DNR, Carver County Watershed District, PCA, MnDOT, Carver County Public Works Department, and any other governmental agencies.
15. The Developer shall complete construction, site restoration, and erosion control in accordance with all permitting agency requirements including but not limited to MPCA-NPDES, CCWMO, and City Standards.
16. The Developer may not commence construction of any improvements on the Subject Property until the City Engineer has approved both the detailed grading plan and the detailed construction plan and issued written confirmation to the City and the Developer of the approval of such plans.

17. The City projects that 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, building permits may cease to be issued for the Subject Property until the capacity situation is upgraded.
18. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney prior to release of the final plat for recording.

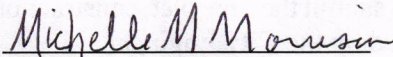
Adopted and approved by the City Council of the City of Cologne on a vote of \_\_\_\_ ayes and \_\_\_\_ nays effective on the 6<sup>th</sup> day of June, 2022.

Approved:



Matt Lein  
Mayor

Attested:



Michelle Morrison  
City Clerk

M/ Kells

S/ Lenzen

Lein yes

Szaroletta yes

Kells yes

Bruss yes

Lenzen yes

C:\Users\cnash\Dropbox\Cologne\Developments\site plan\Daycare\Resolutions\Resolution to approve preliminary final plat and site plan - STARS Academy - draft3 6\_6\_22 .doc  
June 3, 2022