

Planning Commission Meeting Agenda

Monday July 17, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Bernie Shambour
Commissioner: Vickie Selness
Commissioner: Jenn Brewington
City Council Liaison: Carol Szaroletta
Commissioner: Kevin Fafinski

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

1. CALL MEETING TO ORDER & ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

4. PLANNING COMMISSION BUSINESS

- a. June 5, 2023 Planning Commission Meeting Minutes
- b. Winkler Crossing 5th Addition
 - i. PUBLIC HEARING: PUD Amendment
 - ii. Bolton & Menk Plan Review 6-22-23
 - iii. Collaborative Planning Comment Memo 7-9-23
 - iv. Collaborative Planning Staff Report 7-10-23
 - v. CC Resolution 23-16 Amending PUD
 - vi. CC Resolution 23-17 Approving Final Plat
- c. Variance Request 209 Playhouse St East
 - i. PUBLIC HEARING: 209 Playhouse St East Variance
 - ii. 209 Playhouse St East Zoning Application
 - iii. Collaborative Planning Comment Memo 7-14-23
 - iv. 209 Playhouse St East Site Survey

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Planning Commission Meeting Minutes

Monday June 5, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

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1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00 PM with Commissioners Selness and Szaroletta present. Also present were City Administrator – Jesse Dickson and City Clerk – Michelle Morrison. Commissioners Brewington and Fafinski were absent.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Selness to adopt the agenda as presented, second by Commissioner Szaroletta. Motion carried 3-0.

4. PLANNING COMMISSION BUSINESS

a. May 1, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Selness to approve the May 1st, 2023 Planning Commission Minutes, second by Commissioner Szaroletta. Motion carried 3-0.

b. Accessory Structure Ordinance Amendment

i. Collaborative Planning Memo

ii. Ordinance 150-Y Amending Zoning Ordinance

Commissioners discussed the accessory structure ordinance language and that the City Council was waiting to act on the Planning Commission recommendation to approve the amendment until a council meeting with all members present.

5. BOARD REPORTS

6. ANNOUNCEMENTS

Administrator Dickson advised that the first Monday in July falls on a long holiday weekend and that the City Council is not meeting that day. Commissioner Szaroletta made a motion to reschedule the July planning commission meeting to July 17th, with July 10th as an alternate date based on attendance commitments from all Commissioners, second by Commissioner Selness. Motion carried 3-0.

7. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 6:40 PM, second by Commissioner Selness. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson



**BOLTON
& MENK**

Real People. Real Solutions.

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July 6, 2023

City of Cologne
Attn: Jesse Dickson
1211 Village Parkway
PO Box 120
Cologne, MN 55322

RE: Winkler Crossing 5th Addition
Plan Review

Dear Mr. Dickson:

We have completed an engineering review of the information submitted for the above referenced project. Our review is based on the plans and plat bearing the general title "Winkler Crossing 5th Addition", dated June 12, 2023, prepared by James R. Hill, Inc, for Loomis Development, LLC.

We offer the following comments and recommendations for your consideration:

General:

- 1) This review assumes the sanitary sewer, watermain and storm sewer facilities will be owned operated and maintained by the City. If this assumption is incorrect, additional review comments may be appropriate.
- 2) Several permits are required for the proposed improvements, including but not limited to MPCA sewer extension, MDH watermain extension, NPDES, CCWMO, etc. Copies of all permits shall be submitted for the project files prior to construction.
- 3) The submitted information should be submitted to CCWMO and the Fire Chief for review and comment.
- 4) There are no oversizing costs associated with this addition.

Sanitary Sewer:

- 1) Special bedding may be required in areas of deep sewer if soil conditions require it.

Watermain:

- 1) A gate valve shall be added at the tee on the watermain stub between Lots 9 & 10 Block 1.
- 2) A gate valve shall be added at the tee on the watermain on Westin Street and Hudson Street.
- 3) A hydrant shall be added or relocated to the high point located at 24+00 Prairie View Drive, or the high point shall be eliminated or moved to a hydrant location.
- 4) All watermain bolts shall be Cor-Blue or equal.
- 5) All exposed bolts on hydrants and gate valves shall be stainless steel.
- 6) Water service curb boxes shall include an operating nut extension rod to within one foot of finished grade.

Grading, Drainage and Erosion Control:

- 1) Verify the constructability of all manhole sizing and depths.
- 2) Insulate all storm sewer and watermain, water service, and sanitary service crossings with less than 3 feet of vertical separation.
- 3) Verify that the drainage and utility easement and pond slopes around all ponds are a minimum of 10' wider than the HWL and encumber an access area with a maximum slope of 4:1 from HWL to easement limit.
- 4) All temporary drainage and erosion control facilities should be installed prior to commencing other construction.
- 5) All turf areas that will be owned and or maintained by the City and will not be re-graded in future phases shall be seeded with MnDOT Seed Mix 25-131. The seed shall be applied at 150% of the rate specified in the MnDOT Seeding Manual. The area shall have 6" of topsoil, graded to finished contours and be free of ruts, rocks, debris and construction materials. Topsoil shall be loosened to its full depth, prior to seeding.

Easements and Plat:

- 1) All public utilities not located in the right-of-way shall be located in easements with a minimum width of 1:1 from pipe invert to finished ground elevation, on each side of the pipe, plus 5'. (Example: utility at 10' deep, easement width = 25', 12.5' each side of the pipe). Said easements shall have a minimum width of 20'.
- 2) The drainage and utility easement between Lots 2 & 3 Block 3 shall be 20 feet wide.
- 3) The proposed trail easement between Lots 9 & 10 Block 1, should also include a drainage and utility easement provisions to encumber the proposed watermain stub.

City of Cologne
RE: Winkler Crossing 5th Addition
Plan Review

Signage:

- 1) Street signs shall be consistent with City standards and style.

Landscaping:

- 1) Plantings are not allowed within drainage and utility easements or over or near City owned utilities.

The plans appear to be acceptable from an engineering perspective, contingent upon the comments addressed herein.

We are available to discuss this matter at your convenience.

Respectfully Submitted,
Bolton & Menk, Inc.



John K. Swanson

cc: Jake Saulsbury, P.E.
Cindy Nash, City Planner
Cristophe Morschen, MHS

Collaborative Planning, LLC

MEMORANDUM

To: Jesse Dickson, City Administrator

From: Cindy Nash, City Planner

Date: July 9, 2023

Subj: Planning Review Comments – Winkler Crossing 3rd Addition Final Plat and Plans dated June 12, 2023

I have reviewed the final plat and plans dated June 12, 2023 and have the following comments.

1. Engineering comments will be included within a separate memo.
2. The trail should be in an outlot rather than an easement. The outlot should be as wide as possible to contain the trail as well as clear area on either side as per discussions with applicant the week of July 10, 2023. The remaining area currently shown on the preliminary plat and plans as drainage and utility easement should remain as drainage and utility easement.
3. The final plat shall list the Mayor's and City Clerk's names.
4. The landscape plan should identify the topsoil required as 6 inches instead of 4 inches.
5. A title commitment shall be provided prior to the Final Plat being on the City Council agenda.

cc: Jake Saulsbury, Bolton and Menk
Christophe Morschen, Melchert Hubert Sjodin

Collaborative Planning, LLC

MEMORANDUM

TO: Planning Commission and City Council

FROM: Cindy Nash, AICP, City Planner

MEETING DATE: July 10, 2023

SUBJECT: **Winkler Crossing 5th Addition** for (1) Amendment to Planned Unit Development and (2) Final Plat

APPLICANT: Loomis Development, LLC

LOCATION: Generally located north of 122nd Street and west of TH 284

COMPREHENSIVE PLAN: Low-Density Residential

Description of Request

Loomis Development, LLC is proposing to final plat their third phase to be known as Winkler Crossing 5th Addition, consisting of 35 lots and one outlot.

A copy of the plans for the development of the site are included for your consideration.

Item 1: Recommendation on Planned Unit Development Amendment

The Developer has applied for an amendment to the PUD to request a 9 foot side yard setback instead of a 10-foot setback. Their reasoning for this is included in the packet, along with sample additional home plans that they could offer if this were permitted.

Recommendation on Amendment to PUD

Staff recommends approval of this amendment. The draft resolution contained within the packet amends and replaces the existing 2020 PUD resolution to add in this differing requirement for the side yard setback. All other terms and conditions of the 2020 PUD are retained.

Item 2: Recommendation on Final Plat

Conformance with Preliminary Plat and PUD

The Final Plat is in substantial conformance with the approved preliminary plat, PUD, and conditions contained in the resolutions associated with its approval.

Land Use (In this Phase)

The proposed land use of the lots is for single-family residential. Outlots A is reserved for future development.

Access, Roads, Pedestrian Circulation

The plans identify that three roads will be constructed on the property. Prairie View Drive will be extended through this section, Westin Drive will be extended to the north, Hudson Street will also be installed to connect a loop around. Sidewalks will be installed on one side of each street.

Park Dedication

Park dedication will be calculated by determining the amount of fee-in-lieu of dedication owed and the existing carryover credit will be applied.

Recommendation on Final Plat

Staff recommends approval of the Final Plat, subject to the conditions contained in the draft resolution in the packet.

A draft Development Agreement and resolution are included in the City Council packet as well.

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 23-16**

**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 Developer of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

WINKLER CROSSING 3rd ADDITION, Carver County, Minnesota, and
WINKLER CROSSING 4th ADDITION, Carver County, Minnesota

(the “Subject Property”); and

WHEREAS, the Subject Property was included in a Planned Unit Development approved by the City of Cologne under Resolution No. 20-10 on May 4, 2020 (the “2020 PUD”; and

WHEREAS, the 2020 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 2020 PUD in order reduce the side-yard setbacks that were approved as part of the 2020 PUD; and

WHEREAS, the approved preliminary plat previously submitted by the 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 contains 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 July 17, 2023, conduct a public hearing in relation to the Developer’s request for an amendment to the 2020 PUD ; and

WHEREAS, the Planning Commission of the City did on July 17, 2023 recommend approval of the amendment to the 2020 PUD 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.
- 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.

Review Process

- 1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on July 17, 2023.
- 2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their July 17, 2023 meeting.
- 3. These findings and resolutions are based upon the Council Memo July 10, 2023, the favorable recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on July 17, 2023 which will be the subject of a separate list prepared by the City Planner following the July 17, 2023 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 2020 PRD are generally consistent with the R-1 zoning district as amended by the 2020 PRD. This amendment seeks to reduce the side-yard setback from 10 feet to 9 feet.
2. 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.
3. The proposed base zoning district for the Subject Property of R-1 is consistent with the guidance in the Comp Plan.
4. The requested use of single-family homes is an allowed use in the R-1 Zoning District.

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. This Resolution No. 23-16 amends and replaces Resolution No. 20-10.
3. A Final Plat for the Subject Property is approved and recorded.
4. A Developer's Agreement acceptable to the City is entered into by and between the Developer and the City.
5. Adoption and publication of the ordinance amending the existing PRD as required by law.
6. All conditions of the City Engineer, City Attorney and City Planner are met.
7. 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.
8. 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.

9. No lots are permitted to access directly onto 122nd Street.
10. 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.
11. 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.
 - c. The side-yard setback is reduced to 9 feet.
12. 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 ____ ayes and ____ nays effective on the 17th day of July, 2023.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

M/ _____

Lein _____

Szaroletta _____

Kells _____

S/ _____

Bruss _____

Lenzen _____

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 23-17**

**A RESOLUTION APPROVING A FINAL PLAT FOR A DEVELOPMENT KNOWN
AS WINKLER CROSSING 5th ADDITION**

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, Loomis Development, 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 B, WINKLER CROSSING 4th ADDITION, Carver County, Minnesota

(the “Subject Property”); and

WHEREAS, the City Council of the City of Cologne did adopt Resolution No. 20-11 on May 4, 2020 approving a preliminary plat of the Subject Property; and

WHEREAS, the Planning Commission of the City of Cologne did recommend approval of the Final Plat at their July 17, 2023 meeting; and

WHEREAS, the City Council has considered the proposed Final Plat and it makes the following findings of fact:

1. The proposed Final Plat is consistent with the approved Preliminary Plat; and
2. There are numerous technical issues to be resolved prior to approval of construction plans.
3. The Final Plat prepared by James R. Hill, Inc. is attached hereto as “Exhibit A”.

NOW, THEREFORE, be it resolved that the Final Plat for WINKLER CROSSING 5TH ADDITION prepared by James R. Hill, Inc. is approved subject to the following conditions:

1. The findings set forth above are incorporated into this Resolution as though set forth in full.
2. All findings and conditions of the City of Cologne Resolutions Nos. 20-10 and 20-11 approving the Rezoning/PRD and Preliminary Plat, and Resolution No. 23-16 amending the Rezoning/PRD, respectively, are incorporated herein by reference as though set out in full.

3. All conditions and comments contained within the letters from Bolton and Menk dated July 6, 2023 and Collaborative Planning dated July 9, 2023 (collectively the “Staff Letters”) are incorporated herein.
4. The improvements on the Subject Property shall be constructed in substantial conformance with the plans known as WINKLER CROSSING 5th ADDITION dated June 12, 2023 prepared by James R. Hill, Inc. as revised to conform to the requirements of this Resolution and the Staff Letters and containing the following plans sheets (the “James R. Hill Plans”):
 1. Title Sheet (Sheet 1.0)
 2. Existing Conditions (Sheet 1.1)
 3. Erosion and Sediment Control Plan (Sheet 2.1)
 4. Erosion and Sediment Control Plan Topsoil Management Plan (Sheet 2.2)
 5. Erosion and Sediment Control Plan Seeding Plan (Sheet 2.3)
 6. Erosion and Sediment Control SWPPP Notes (Sheets 2.4 to 2.5)
 7. Erosion and Sediment Control Details (Sheet 2.6)
 8. Grading and Drainage Plan (Sheet 3.1)
 9. Sanitary Sewer and Watermain Construction (Sheets 4.1 to 4.3)
 10. Storm Sewer Construction (Sheets 5.1 to 5.2)
 11. Street Construction (Sheets 6.1 to 6.2)
 12. Construction Details (Sheets 7.1 to 7.3)
 13. Landscape Plan prepared by Calyx Design Group dated June 14, 2023
5. No construction shall be permitted on the Subject Property until updated James R. Hill 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. If the Approved Construction Plans addressing the comments of the City Engineer, City Planner, or outside agencies necessitate revisions to any of the lot lines or easements on the Subject Property, then the Final Plat shall be revised by the Developer and submitted for amended approval by the City Council. If an off-site easement is required to address a comment, then a separate easement document shall be provided to the City for review and approval prior to release of the Final Plat for recording.
7. 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.
8. If the Site Plans have not been approved for permitting for the CCWMO, compliance with their requirements may result in the changes to or the removal of lots, outlots, or right of way, in which case the Developer shall revise the Final Plat as necessary.
9. The timing of the construction of the infrastructure improvements on the Subject Property will be subject to the conditions of a Developer’s Agreement between the City and the Developer.

10. The Developer shall secure all easements for and construct all street, utility, trail, stormwater, park, and other improvements as shown on the Approved Construction Plans at their sole expense except as provided for herein. To the extent that utilities are oversized at the request of the City, the City shall reimburse the Developer for the cost of the extra diameter of the pipe. The location of such utility lines within the Subject Property shall be as designated and approved by the City Engineer.
11. The approval of the Final Plat shall terminate if a Developer's Agreement has not been entered into between the City and Developer by September 15, 2023.
12. 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 September 15, 2023.
13. Financial security in a form required by the City Code and approved by the City Attorney and in an amount approved by the City Engineer must be provided by the Developer prior to release of the Final Plat for recording. The Developer's Agreement shall specify the amount of the financial security.
14. The Developer must reimburse the City for all costs incurred by the City and its consultants in relation to review of the proposed development plans as well as the preparation of the Developer's Agreement.
15. Single-family homes are the permitted use on the lots on Blocks 1 through 3.
16. Outlot A of WINKLER CROSSING 5TH ADDITION will be platted into lots and right of way in one or more future phases. Installation of utility and street infrastructure for future phase(s) shall not occur until such time as a Final Plat for said future phase(s) has been approved by the City Council and a Developer's Agreement has been executed.
17. A current title commitment shall be provided for the review of the City Attorney before the Final Plat is released for recording.
18. 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. Future subdivisions of outlots may result in additional base map updating fees. The Developer shall submit the plat, construction, and as-built plans in the electronic format required by the City Engineer.
19. Per the Development Agreement for WINKLER CROSSING 4TH ADDITION, the Developer has a credit of \$65,985.80 that is carried forward to this WINKLER CROSSING 5TH ADDITION. The Developer's Agreement shall memorialize the use of the carry-over credit. Park dedication for Outlot A of WINKLER CROSSING 5TH ADDITION shall be paid at the time of future platting and development of said outlot and is not being charged at this time.

20. Trails within the development shall be constructed at the sole expense of the Developer as shown on the Approved Construction Plans. The following trails shall be installed:
 - A. The trail connecting between Prairie View Drive and the western property line shall be constructed at the sole expense of the Developer.
21. Civil defense siren fees shall be paid prior to the release of the final plat for recording as per the City fee schedule in effect at the time of execution of the Developer's Agreement.
22. 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.
23. The Developer shall be responsible for obtaining and complying with all necessary permits from the Metropolitan Council, Minnesota Department of Health, DNR, Carver County WMO, PCA, MnDOT, Carver County Public Works Department and any other governmental agencies.
24. 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.
25. 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.
26. Streetlights shall be installed by the developer. Streetlights will be maintained by the City if they are done in accordance with the provisions of the street light maintenance plan that the City has in effect.
27. Each residence constructed within any lot within the Subject Property shall have drain lines and sumps which must include an operable sump pump which shall be hard plumbed to the exterior, discharging through a drain tile to either a stormwater pond or to a tile connection in the right-of-way. Any deviation from this requirement must receive written prior approval of the City Engineer. These improvements must be constructed by the Developer or, if the Developer sells any lot to any builder, the Developer's purchase agreement with such builder must obligate the builder to construct the drain tiles, sump, and install the sump pump in the manner set forth herein.
28. In relation to landscaping, the Developer shall cause the following to occur:
 - a. Until sod is installed as required herein, the Developer shall provide for silt fences (as an erosion control measure) to be installed within ten (10) days after small utilities are installed in the boulevard.
 - b. At the time each single-family residence is constructed, sod shall be installed from the curb back to the rear lot line. The sod must be installed within sixty (60) days

of the issuance of a Certificate of Occupancy, unless the Certificate of Occupancy is granted after September 15th in a given year in which case the sod must be installed by July 15th of the following year.

- c. To the extent sidewalks are required in a given phase, the sidewalk must be constructed at the same time the streets are constructed. Sod shall be placed between the curb and sidewalk and for two (2) feet on the house side of the sidewalk within thirty (30) days after the issuance of a Certificate of Occupancy, unless a certificate of occupancy is granted after September 15th in a given year, in which case the sod must be installed by June 15th of the following year.
- d. Sod from the curb to four (4) feet away from the curb line shall be installed within thirty (30) days after the issuance of a certificate of occupancy, unless a certificate of occupancy is granted after September 15th in a given year, in which case the sod must be installed by June 15th of the following year.
- e. Comply with all requirements of the landscape plan included in the Approved Construction Plans.

The obligations of the Developer to install landscaping, sod and trees are the sole responsibility of the Developer and are not releagable to the homeowner.

- 29. The Developer shall pay for the production and installation of all required City street signs. In addition, the Developer shall provide a street lighting system in accordance with City and electric company standards. The street lighting system shall be completed and energized for each phase of the Subject Property at the earliest of the following events:
 - a. When the Developer has applied for building permits upon 10% of the lots in each phase, or
 - b. One year from the date of the approval of the final plat for each phase.
- 30. 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 until the capacity situation is upgraded.
- 31. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney prior to release of the final plat for recording.

THIS SPACE LEFT INTENTIONALLY BLANK

Adopted and approved by the City Council of the City of Cologne on a vote of ____ ayes and ____
nays effective on the 17th day of July, 2023.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

M/_____

Lein_____

Szaroletta_____

Kells_____

S/_____

Bruss_____

Lenzen_____

C:\Users\cnash\Dropbox\Cologne\Developments\Winkler\Winkler 5th Addition Final Plat\Resolution\Final Plat Resolution Winkler 5th final plat
draft2.docx
July 14, 2023

Final Plat

WINKLER CROSSING 5TH ADDITION

SEE INSET
(SEE PAGE 2 OF 3 PAGES)

OUTLOT A

OUTLOT B

OUTLOT C

OUTLOT D

OUTLOT E

OUTLOT F

OUTLOT G

OUTLOT H

OUTLOT I

OUTLOT J

OUTLOT K

OUTLOT L

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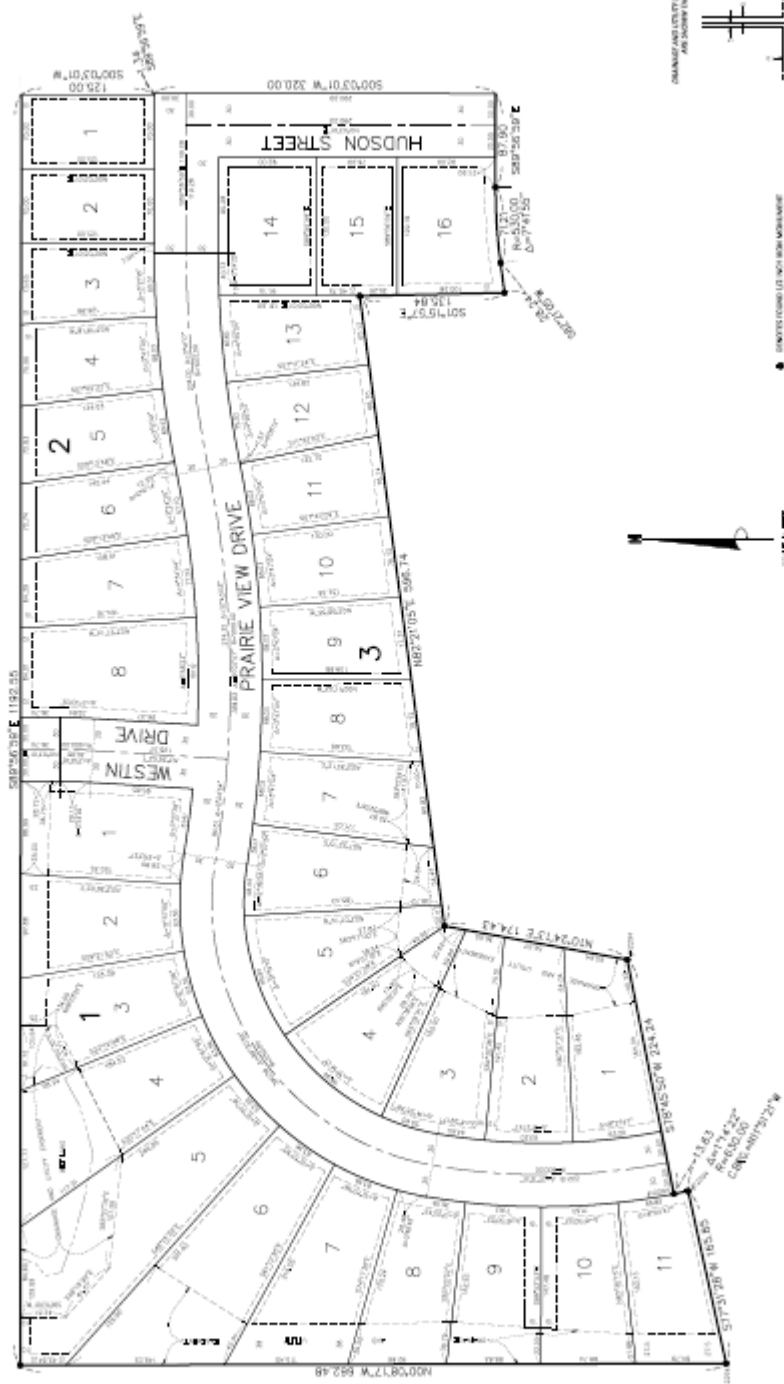
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WINKLER CROSSING 5TH ADDITION

L-1 FILE NO.
P.R. 000-NO

INSET



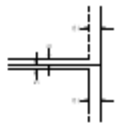
• EXISTING CURVE LIES WITHIN MONUMENTED
SECTION OF PRAIRIE VIEW DRIVE
OPTIONAL AS NOTED

NOTE: IN THIS MAP, THE MONUMENTED
SECTION OF PRAIRIE VIEW DRIVE IS
MONUMENTED FROM THE 1870S. THE
SECTION OF PRAIRIE VIEW DRIVE
MONUMENTED FROM THE 1900S IS
SHOWN WITHIN THE MONUMENTED
SECTION OF PRAIRIE VIEW DRIVE.

1" = 100'
1" = 100'

BEARINGS AND DISTANCES ON THE
PLAT ARE BASED ON THE
ASSUMPTION THAT THE
EARTH IS FLAT AND THE
CURVATURE OF THE EARTH IS
NEGLECTED.

CHANGING AND LOTS BY ADJACENT
AND SURVEY MAPS



STANDARD AND EXISTING MONUMENTS
SHOWN ON THIS PLAT ARE
INDICATED, INCLUDING LOT LINES AND
STREET LINES. THE MONUMENTS
OF THIS PLAT ARE SHOWN ON THE PLAT.

JAMES R. HILL, INC.
SURVEYORS



PO Box 120, 1211 Village Parkway
Cologne, MN 55322
(952) 466-2064
www.colognemn.com

Planning and Zoning Application Form

GENERAL REQUIREMENTS – Please read before completing the application.

The City will not begin processing an application that is incomplete. You will be notified within fifteen business days if your application is not complete. Applications deemed complete will be submitted to the City Planner for review. The City Planner will notify the applicant if additional information or modifications are necessary. The applicant is responsible for all information necessary to describe the land use/development request and may be required to submit additional information to fully explain the aspects unique to the request that may not appear on this application. Applicants are encouraged to review the applicable City Code (available at City Hall) related to their request.

Fees and escrow are due at the time an application is submitted (or the application will be considered incomplete). Fees and escrow are listed on the attached sheet. Please note that the applicant is responsible for all planning, legal, engineering, publication, notification, and other expenses related to the application.

Certain applications, such as variances and sign permits, require Planning Commission consideration. Please check with the City Clerk to determine if your application requires Planning Commission consideration. If so, your completed application must be submitted four weeks prior to a regularly scheduled planning commission meeting. Completed applications that are submitted within four weeks of a regularly scheduled planning commission meeting may be considered at the next regularly scheduled meeting if time constraints allow, otherwise they will be considered at the following regularly scheduled meeting.

APPLICANT INFORMATION

Applicant(s) Bernie & Karen Shambour

Property Owner(s) – (if different from applicant) Karen M. Shambour Trust

Property Street Address 209 Playhouse Street East
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

Applicant Telephone (952) 221 - 9727 (day) (952-) 221 - 9727 (eve)

Applicant Fax No. () - E-mail bshamb@embarqmail.com

Applicant is: ☒ Owner ☐ Contractor ☐ Other _____

Type of Request(s):

☐ Site Plan Approval (Bldg permit may also be needed)

(Include Site Plan Review Requirements document)

☒ Variance

(Include Variance Addendum document)

☒ Building Alterations/Additions

(Bldg permit needed)

☐ Other _____

☐ Zoning Ordinance Amendment

(Include Zoning Amendment Information document)

☐ Sign Permit

(Include Sign Permit Addendum document)

☐ Interim Use Permit

(Include Interim Use Permit Information document)

☐ Preliminary Plat ☐ Final Plat ☐ Lot Division/Combination

****Please attach a site plan showing existing and proposed features, including setbacks.****

Brief description of request Seeking to add on to the 1938-built storage building at
209 Playhouse Street East as a means to stabilize the west and south protruding walls.

Has a similar request on the subject site or any part thereof been previously sought? No.

If yes, when? _____

Access to property _____

Project description and background (attach additional sheet(s) if necessary) _____

See attached architectural and structural engineering plans and elevation views.

I agree that all fees incurred by the City resulting from the review of this request are my responsibility and I will pay them in a timely manner.

Signature of applicant(s) Bence / Shafar Date 5/26/2023

If Property Fee Owner is not the applicant, the Applicant must provide written authorization by Property Fee Owner in order to make application.

Signature of owner Bence / Shafar Date 5/23/2023

*****FOR CITY USE ONLY*****

Appl. Fee & Escrow \$ _____ Amount Paid \$ _____ Date _____ Ck # _____

Completed Application Received on _____ by _____

Current Zoning ____ Existing Land Use ____ Proposed Land Use ____ PID 40- _____

Legal Description _____

VARIANCE ADDENDUM

VARIANCE REQUEST INFORMATION – Complete this section only if you are requesting a variance. Attach additional sheets or documentation if necessary.

Description of Variance Requested – Please describe your variance request:

Seeking to add on to the 1938-built storage building at 209 Playhouse Street East to stabilize
the west and south walls that are buckling further out 1/8 of an inch every year. The proposed
addition will simply increase the inside storage capacity of this building.

Variance History – Use this area to include any past variances on the property as well as any neighboring properties.

None known.

7.01 Variances

A. Board of Appeals and Adjustments

The Planning Commission shall act as the Board of Appeals and Adjustments and shall have the power to hear and decide requests for the following:

1. Interpretation: Hearing appeals where it is alleged that there is an error in a decision or judgment made by an administrative officer in the interpretation or enforcement of this Ordinance or in the interpretation of zoning district boundaries.
2. Variances: Grant variances from literal ordinance requirements in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under construction.

B. Variance Procedures

1. Applications provided by the City must be completed in writing prior to any consideration of variance petitions. Fees for variances are established by resolution of the City Council.
2. The Board of Appeals and Adjustments may require the applicant to provide ten (10) copies of plans, maps, surveys, etc., as deemed necessary, to ensure proper review and consideration of variance petitions.
3. After filing an application, the City Clerk shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing, and notice shall be mailed to each property owner within three hundred fifty (350) feet of the property to which the variance relates. Defects in the notice or failure to notify individual property owners shall not validate the proceedings, provided a good faith effort was made to comply with these provisions.
4. Upon the hearing request, the Board of Appeals and Adjustments shall either approve or deny the variance and shall state the reasons for said action. Conditions for approval may be attached to any variance granted.

5. Findings: The Board of Appeals and Adjustments must find as follows in the granting of a variance from this Ordinance: (Please respond to each of the findings below, you may attach additional sheets if needed.)

a. Granting a variance will not adversely affect the public health, welfare and safety and will not be detrimental or injurious to property or improvements in the neighborhood.

Applicant's response This proposed building addition complies with all applicable zoning terms and conditions under the City of Cologne's Downtown Overlay District (153.045).

b. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is not self created, that is inconsistent with the intent of this Ordinance and the Comprehensive Plan.

Applicant's response This proposed building addition complies with all applicable zoning terms and conditions under the City of Cologne's Downtown Overlay District (153.045).

c. There are exceptional or extraordinary circumstances or conditions applicable to the property, use or facilities that do not apply generally to other properties in the same district.

Applicant's response This building has been used for inside storage for the past 85 years. The objective is to stabilize the building and preserve its 1930's architectural lines.

d. Strict or literal interpretation would deprive the applicant of the use and enjoyment of his property in a manner similar to others in the same district.

Applicant's response There are two other storage buildings on the same block that have been granted building permits to enlarge.

e. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question.

Applicant's response Present and future use of this building is compliant to permitted use within the zoning district.

6. A variance granted but not used shall become void one (1) year after its effective date.

7. No application for the same or essentially the same variance shall be made within six (6) months of the date of denial.

C. Variance Appeal Procedures

Within thirty (30) days of the action of the Board of Appeals and Adjustments, the applicant or an affected property owner may file an appeal to the City Council to the decision of the Board of Appeals and Adjustments. The City Council shall set a date for a public hearing, within forty-five (45) days of receipt of the appeal, to consider granting or denying the variance request.

I understand the preceding standards for variances and hereby submit my application for variance.

Applicant's Signature Bennie J. Shambarr Date 5/26/2023

Bennie J. Shambarr

Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: July 14, 2023
Subject: Variance – 209 Playhouse

The City has received a variance application for review and consideration. The application does not state specifically the regulations from it seeks a variance, however Staff have identified at least one which would be required for the project:

1. Impervious surface coverage of 79% in the shoreland overlay district (ordinance requirement is not more than 25%)

In addition, the project would also be out of compliance with the following:

1. Permission to expand existing non-conforming use (storage) on the property.

Overview of Request



The subject property is a parcel of record containing a building that is being used for storage. Per the application submitted, a variance request is being made to permit the construction of an addition to this building in order to “stabilize the building and preserve its 1930’s architectural lines”. A copy of the application is attached. The architecture and floor plan for the building was provided in the packet for consideration. The plans show a 36’10” x 55’8” building following the addition for a total of approximately 2,050 square feet. The existing building is the only building on the site and the principal use of the property and existing building is for storage. The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet. This is a proposed increase in size of approximately 81%.

The property is zoned C-2 Central Business District and is within the Downtown Overlay District. The property is also within the shoreland overlay district.

The applicant is requesting approval for a site plan with an impervious surface coverage of 79% of the parcel in the shoreland overlay area, when the maximum permitted is 25%. The survey depicts this as an increase from the “existing” condition of impervious surface of 50%.

The existing building is a non-conforming structure in that the parcel currently exceeds the maximum impervious surface coverage permitted in the zoning district. In addition, storage is not a listed permitted principal use in the C-2 Central Business District according to Section 153.039 of the Zoning Ordinance. The Zoning Ordinance contains the following requirements related to nonconforming uses and structures, with staff comments in red following relevant paragraphs:

§ 153.007 NONCONFORMING USES AND STRUCTURES.

Any structure or use existing upon the effective date of the adoption of this chapter which does not conform to the provisions of this chapter may be continued subject to the following conditions:

(A) The nonconforming use is not expanded or enlarged, except in conformity with the provisions of this chapter. **Staff Note: The use is proposed to be expanded. Storage is not a permitted principal use in the C-2 Zoning District.**

(B) If a nonconforming use is discontinued or a nonconforming structure is abandoned for a period of one year, further use of the structure or property must conform to this chapter. **Staff Note: Not applicable.**

(C) If a nonconforming use is replaced by another use, the new use shall conform to this chapter. **Staff Note: Not applicable.**

(D) If a nonconforming use or structure is damaged by any cause to the extent that repair or replacement costs exceed 50% of the market value, the use or structure may not be replaced or repaired except in conformity with this chapter. **Staff Note: The repair and replacement costs appear likely to exceed 50% of the market value of the building. The Carver County Tax Assessor has a 2023 Estimated Building Value of \$13,800 for the structure. The building plans (marked up version attached) identify that the roof, floor, all of three walls, and part of the 4th wall would be replaced under the proposed construction. Minnesota Statute 462.357 Sub. 1e(a)(2) now contains a slightly different formulation of this rule and may provide the applicant with the ability to repair or replace the building because the damage to the building were not caused by a specific peril with an ascertainable date of destruction, however the statute specifically excludes the expansion of a nonconforming use.**

(E) Normal maintenance of a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use. **Staff Note: The construction proposed consists of structural repairs including but not limited to new roof and trusses, removal and replacement of three of the four foundations and walls, and removal of existing post**

foundations. This section allows for normal maintenance but not structural repairs. Minnesota Statute 462.357 Sub. 1e(a) may provide the applicant with additional ability to make structural repairs to the existing structure, but specifically excludes the expansion of a non-conforming use.

Without additional review of historical records, it is currently unknown as to whether the building and/or use were existing on the date of the adoption of the Zoning Ordinance. The applicant states in their application that storage has been the use of the building for the past 85 years.

A variance application related to the increased impervious surface could address the compliance issue in relation to the structure meeting the impervious surface standard. However, Minnesota Statute 462.357 Sub.1e(i) requires the City to require applicants for variances to address water-related issues, including the **reduction** of impervious surfaces and stormwater runoff management. Granting a variance to **increase** the impervious surface area is contrary to the public policy goals articulated in the statute. Furthermore, the City is not permitted to grant a variance related to a use, and the expansion of the building for storage would amount to a use variance.

Legal Background on Variances

Minnesota statutes on variances were amended in 2011 to reflect a “practical difficulties” standard, rather than the previously used “undue hardship” standard. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

This request is being evaluated based on the “practical difficulties” standard rather than the standard included in the Cologne Code of Ordinances.

Evaluation of Request

In evaluating variance requests, the following questions should be considered:

1. Is the request a reasonable use of the land?

Staff Note: The Zoning Ordinance provides for the continued use of non-conforming structures and uses subject to the terms of Section 153.007, but does not permit the expansion of those non-conforming structures and uses. Per the application, the property has been used in this scale and manner for the past 85 years and could continue but for the existing condition of two walls of the building. The applicant has not proposed a repair or replacement plan that preserves the building or even reconstructs one of the same size and scale on the same footprint as an option. Despite that the application states the intent is to “stabilize and preserve the 1930’s architectural lines”, the construction plans show the demolition of nearly all of the building.

Granting of a variance related to the non-conforming impervious surface area in the shoreland overlay district would permit the expansion of the structure, but the City

cannot grant a “use” variance. If the impervious surface variance were granted it would be inconsistent with the purpose and intent of the City ordinances and would be counter to public policy stated in state statute, which is to regulate and reduce the amount of impervious surfaces.

2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Staff Note: The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The applicant desires to expand a non-conforming use by approximately 80%, and to do so by increasing the impervious coverage on the property. If a property owner were to construct on a vacant lot they would be required to meet both the performance and use standards of the Zoning Ordinance. No circumstances have been provided to identify why the circumstances are unique to the property, nor has the property owner demonstrated how they could potentially refurbish the existing building without the near total demolition of the building. If a new building is desired, it has not been shown that it could not be constructed on the same footprint.

3. Will the variance, if granted, alter the essential character of the locality?

Staff Note: A variance will not significantly alter the essential character of the locality. A maintained structure would be more attractive than one that has deferred maintenance. The existing building does not have apparent historic value that would be recommended to preserve. Nearby properties are in the older portion of the city and consist of a mix of homes, commercial structures, utility structures and park land. The proposed structure is considerably larger than the existing building.

In order to grant a variance, the request must satisfy all three of these criteria listed. In staff’s opinion, this variance fails to satisfy criteria 1 and 2.

Recommendation

Section 153.090 of the Zoning Ordinance provides that no application for the same or essentially the same variance shall be made within six months of the date of denial. It is recommended that the Planning Commission hold the public hearing, and then table the consideration of the application to the next meeting to provide the applicant with the opportunity to amend their application to possibly redesign the building to be contained within the existing structure footprint prior to a decision being rendered.

CERTIFICATE OF SURVEY

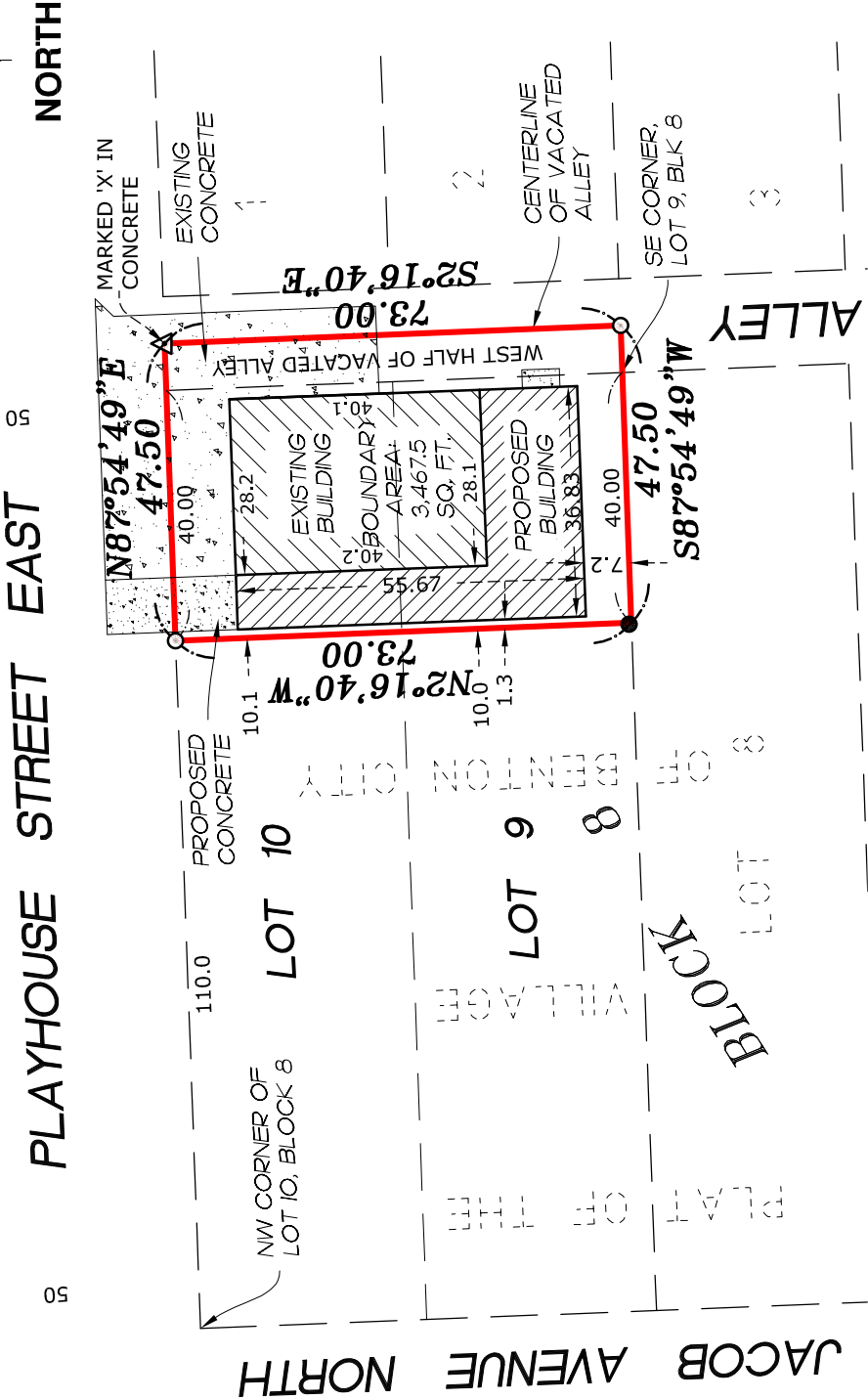
~for~ Karen M. Shambour Trust

~Part of~ Lots 9 & 10, Block 8 & part of the vacated Alley in Block 8, CITY
LOTS OF COLOGNE

209 Playhouse Street East, Cologne, MN

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET



EXISTING IMPERVIOUS SURFACE COVERAGE

LOT AREA	3,467.50 S.F.
EXISTING BUILDING	1,128.56 S.F.
EXISTING CONCRETE	597.10 S.F.
TOTAL IMPERVIOUS	1,725.66 S.F.
	50% of LOT

PROPOSED IMPERVIOUS SURFACE COVERAGE

LOT AREA	3,467.50 S.F.
PROPOSED BUILDING ADD.	921.64 S.F.
PROPOSED CONCRETE ADD.	104.52 S.F.
EXISTING IMPERVIOUS	1,725.66 S.F.
PROPOSED TOTAL IMPERVIOUS	2,751.82 S.F.
	79% of LOT

BOUNDARY DESCRIPTION

Commencing at a point 110 feet east of the northwest corner of Lot Number Ten, (10), Block Number Eight, (8), thence running east 40 feet; thence running south 73 feet; thence running west 40 feet; thence running north 73 feet to place of beginning, being the east forty feet of Lots Nine (9), and Ten (10), Block Eight (8), in the Village of Cologne.

ALSO

The West Half of the vacated alley in Block 8, Plat of the Village of Benton City, according to the record plat thereof, now City or Village of Cologne, lying adjacent to Lots 9 and 10 of said Block 8.

* Alley vacated per City of Cologne Resolution 21-01, Recorded Jan 25, 2021, as Doc. No. A716175

SCALE: 1" = 30'	BEARING DATUM: Assumed	JOB NO. 20.1163LS	DRAWN BY: KDN	CREW: JWM	
I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.		DATE: 4/04/2023			
		REVISIONS			
		1	16FEB21	ALLEY	KN
		2	30JUN23	IMPERVIOUS	KN
		3			
		4			
		#	DATE	DESCRIPTION	BY
By:					
Minnesota License No. 45356					
Dated 30th day of June, 2023.					
		E.G. RUD & SONS, INC. PROFESSIONAL LAND SURVEYORS 335 Main Ave., P.O. Box 988 Gaylord, MN 55334 TEL. (507) 237-5212 www.egrud.com			
		L-B			