

**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, Outlots A and B as shown on the Preliminary Plat were conveyed to the City and satisfy the open space requirements for the 2002 PRD (the “Open Space Property”) and for this amendment. The conveyance of the Open Space Property did not constitute parkland dedication, or satisfy any applicable parkland dedication requirements which requirements have been or shall be satisfied as separately described resolutions approving the preliminary plat and each phase of the final plats.

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 is 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.

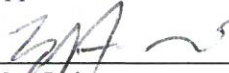
NOW, THEREFORE, BE IT RESOLVED the amendment to the planned unit development is approved and will be effective upon completion of the following conditions:

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. 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.
 - c. The side-yard setback is reduced to 9 feet.
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 3 ayes and 0 nays effective on the 17th day of July, 2023.

Approved:



Matt Lein
Mayor

Attested:



Michelle Morrison
City Clerk

M/ Lenzen

S/ Szaroletta

Lein yes

Bruss absent

Szaroletta yes

Lenzen yes

Kells absent