

Planning Commission Meeting Agenda,

Monday November 6, 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.

<i>Chairperson:</i>	Bernie Shambour
<i>Commissioner:</i>	Vickie Selness
<i>Commissioner:</i>	Jenn Brewington
<i>City Council Liaison:</i>	Carol Szaroletta
<i>Commissioner:</i>	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. October 2, 2023 Planning Commission Meeting Minutes**
 - b. Freedom Storage Site Plan Review**
- 5. BOARD REPORTS**
- 6. ANNOUNCEMENTS**
- 7. ADJOURN**

Planning Commission Meeting Minutes

Monday October 2, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

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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. He then introduced Ms. Jeri Bowers to the group as the newly appointed Commissioner to fill the vacancy. Attorney Morschen administered the oath of office to Ms. Bowers. Commissioner Fafinski joined the meeting at 7:05 PM.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Szaroletta to adopt the agenda as presented, second by Commissioner Selness. Motion carried 4-0.

4. PLANNING COMMISSION BUSINESS

a. September 5, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Selness to approve the September 5th, 2023 Planning Commission Minutes, second by Commissioner Szaroletta. Motion carried 4-0.

b. 209 Playhouse St E Variance Application

- i. Planning and Zoning Application Form**
- ii. Collaborative Planning Comment Memo**
- iii. 209 Playhouse St E Presentation**

iv. PC Resolution 23-01 Denying Variance

Chairperson Shambour recused himself and passed the gavel to Commissioner Selness to run the meeting as he has an interest in the property at 209 Playhouse St East.

City Planner Cindy Nash reviewed the Variance Application for 209 Playhouse St E which is asking for an increase of the impervious surface coverage to 64% of the Shoreland Overlay District and the Ordinance requires that amount to be not more than 25%. The existing impervious surface is 50% based on the survey that was provided by the applicant. The purpose of the variance is to permit the construction of an addition to an existing building that is used for storage purposes in the C2 Zoning District. Storage is not an allowed use within that district making it a non-conforming use. It has been used for decades as storage and has been allowed to stay as storage, but based on the existing ordinance it is not allowed to expand.

The recommendation is to deny the variance as the building is not allowed to be expanded based on its existing use as storage. The applicant has provided several different proposed uses that are possible, but ultimately it is still a storage use and not allowed to be expanded.

Ms Nash covered a section of the existing ordinance on non-conforming uses and structures which states “if a non-conforming use 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 to conformity with this chapter” and it appears that the repair costs associated with this project are likely to exceed 50% of the market value which is currently listed as \$13,800.

Both Ms Nash and Attorney Morschen stressed that State Statutes and current ordinances do not allow for expansion of non-conforming uses.

Attorney Morschen explained that for the Planning Commission to approve a variance they would have to find that the request shows there are practical difficulties – which is the standard set forth in Minnesota Statutes. The property owner has to propose to use the property in a reasonable manner not permitted by the zoning ordinance; and the plight of the landowner is due to circumstances unique to the property and not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. The governing body may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. Storage is not a permitted use and a variance is not a mechanism that can be used to extend and approve the use to be expanded in the C2 district.

The acting chairperson Selness asked if Commissioners had any questions for either Ms. Nash or Attorney Morschen. There being none, Ms. Selness invited Mr. Shambour to give his presentation.

Mr. Shambour presented a history of the building and the desire to add an addition of 493 sq feet, stabilize the building and maintain the 1930's architecture. Lifting the building to add a foundation keeping the roof and walls attached. Half the building is dedicated to conforming use and the expansion would be used for conforming use as a workshop. He reviewed the questions in the Collaborative Planning Memo and provided answers to the issues raised in the memo, discussed shoreland boundaries, and holding ponds. He reviewed other building changes that have happened in the same area, believing that many are using their properties as storage.

Mr. Shambour explained that if the variance is denied he has other options including appealing the decision to the City Council, which if they deny as well he then could apply for an interim use permit.

Commissioners were then given an opportunity to ask questions. Many questions focused on the addition to the building as being the main issue.

Discussion was had regarding other properties that may not have gone through the correct process getting permits or allowed uses that are considered non-conforming. Ms. Nash added that the city may not have a budget to enforce building uses and code enforcement, but when a permit is pulled the regulations must be applied.

Attorney Morschen added that it is unfortunate that asking for something in the proper way does not get the desired outcome because rules must be applied. Now that these non-conforming issues within the city have been brought to the attention of the City, it may decide to take on the initiative and budget for code enforcement. In this case though, the law does not allow variances to be used to expand non-conforming uses. The question the Commission has to decide is whether the uses going on or the proposed use is allowed under the code, if it is not a permitted use allowed in the ordinance then it is not something that a variance can be granted for.

Commissioner Fafinski stated he appreciated the fact that Mr. Shambour was trying to improve the parcel and supported the project. Ms. Nash clarified that the building can be improved, but under the ordinance it can't be expanded.

Commissioner Szaroletta made a motion to adopt PC Resolution 23-01 Denying Variance, second by Commissioner Bowers. Motion carried 3-1 with Commissioner Fafinski voting no.

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Fafinski to adjourn at 6:58 PM, second by Commissioner Bowers. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson



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) ERIC J. REED

Property Owner(s) – (if different from applicant) Alan Bachung

Property Street Address 180 ADAMS AVENUE S
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

2515 BRIDLE CREEK TRAIL CHANHASSEN, MN 55317

Applicant Telephone (630) 290 - 9282 (day) (N/A) - (eve)

Applicant Fax No. (N/A) - E-mail ericjamesreed@gmail.com

Applicant is: ☐ Owner ☐ Contractor ☒ Other UNDER CONTRACT TO BUY
SUBJECT PROPERTY

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 ADDING ADDITIONAL STORAGE UNITS TO
EXISTING STORAGE FACILITY

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

If yes, when? _____

Access to property GRAVEL DRIVEWAY

Project description and background (attach additional sheet(s) if necessary) ADDING
STORAGE UNITS TO EXISTING FACILITY

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) [Signature] Date 9/19/2023

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 Alan Borking Date 9/14/2023

*****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 _____

Collaborative Planning, LLC

Memorandum

Date: November 2, 2023
To: Cologne Planning Commission
From: Cindy Nash, City Planner
RE: Freedom Storage – Site Plan

The Planning Commission has been asked by the City Council to review a site plan for Freedom Storage. A copy of a survey for the site is included in your packets.

Property Name: Freedom Storage
PID: 400135100 (annexed in 2012) and 400132400 and 400134600
Zoning: C-3 General Business

Property Description

The property is being utilized for rental storage and consists of a mix of storage within buildings, storage in containers and outside storage of boats and other items that can be exposed to the weather.

The property also contains a railroad spur line and associated railroad usage including gravel driveways serving the railroad spur. Twin Cities and Western (“TC&W”) Railroad own an easement (“TC&W Easement”) over the northern approximately 100 feet of the property, which includes area that is also currently being used for the mini-storage use.

The property is adjoined by the following uses:

- West: Industrial (United Farmers Cooperative)
- North: TC&W Railroad
- East: TC&W Railroad spur
- South: Undeveloped

The TC&W railroad owns and operates on the parcel immediately north of the subject property. It also operates a spur line that exists on the northern edge of the subject property. The subject parcel and the TC&W parcel are relatively flat, but the elevation rises towards the residential neighborhood north of the TC&W railroad resulting in a difference in roughly 10-16 feet of elevation change. The nearest residences are approximately 250 feet from the portions of the property used for storage (and the railroad is between these residences and the storage uses).

The presence of the active railroad and the United Farmers Cooperative give the area south of the TC&W railroad a traditional smalltown industrial character.

Comprehensive Plan

The Comprehensive Plan guides the Future Land Use of the Subject Property as “Mixed Use”, which would commercial, residential or a mix of the two types of uses on a parcel. The site is currently used for commercial development, but with its limited size exclusive of the TC&W easement and limited potential for street access it is less likely to be able to redevelop for residential uses than other properties located within this classification. The use is consistent with the Comprehensive Plan guidance.

Zoning District

The Subject Property is zoned C-3 General Business, and “Rental Storage Buildings (mini-storage)” is a permitted use within that zoning district. The use is permitted in the zoning district.

Access, Parking and Driveways

Freedom Storage receives access from Adams Avenue South, through a property owned by United Farmers Cooperative (shown on the site plan as the westernmost parcel and building). The United Farms Cooperative access is gravel, and based on a review of historical aerial photos, gravel driveways existed through the Subject Property and over the spur line since at least 1937.

Section 153.012 of the Zoning Ordinance requires the following:

“All required ingress/egress points, driveways and parking areas shall be paved with bituminous or concrete surfaces, according to minimum city specifications, in all new residential developments and all new or modified commercial and industrial uses.”

The plans will need to be revised to show the driveways and parking areas paved.

Buildings and Containers

The site contains two existing buildings, along with container storage. The container storage consists of approximately 46 units lined up with the sides touching. Approximately 34 of these units are located in the TC&W Easement, while the remaining 12 units are on the south side of the property. No additional buildings or storage containers are proposed.

An additional 76 storage containers are proposed to be installed on the site. The Building Official will need to review the proposed structures and determine what types of building permits may be needed.

Outside Storage

Outside storage of items that do not need to be protected from the weather such as boats, recreational vehicles and other items is customarily provided in conjunction with indoor mini storage in smaller communities. Section 153.069 of the Zoning Ordinance requires that outside storage be completely screened from adjoining properties and rights-of-way, and it does not require complete screening from all properties in the neighborhood.

The southern property line does not have a fence but is bordered by forest that provides complete screening at least until such time as the property to the south develops. Trees and buildings completely screen the property for the south, west and east.

A chain-link fence exists on the northern site for security purposes, but the fence does not provide complete screening. By previous resolution in 2022, it was required that slats be installed in this chain link fence to provide screening. The adjoining property to the north and east is owned by the railroad, which is an industrial use. There is no privacy fencing between the TC&W railroad parcel and the residential properties to the north, but both the railroad and those houses existed by at least 1937. Any negative impact to nearby properties due to their increased elevation above the Subject property are mitigated by the existence of a line of deciduous trees between the TC&W railroad and the residential properties that provide screening from the residential properties to the railroad and the Subject Property as shown in the image below. During the summer when the trees have leaves, there is natural screening provided between the residential properties and Freedom Storage at a height that cannot be achieved by fencing.

The surfacing of the outside storage must also be reviewed with a decision related to outside storage. The surfacing is currently gravel. The outside storage items are not frequently moved. Considering much of this location is also subject to TC&W Easement, gravel is an acceptable surfacing material for the outside storage.

Lighting

No changes to lighting are proposed from that existing on the site. The lighting on the site is directed downward but is not aimed at off-site properties.

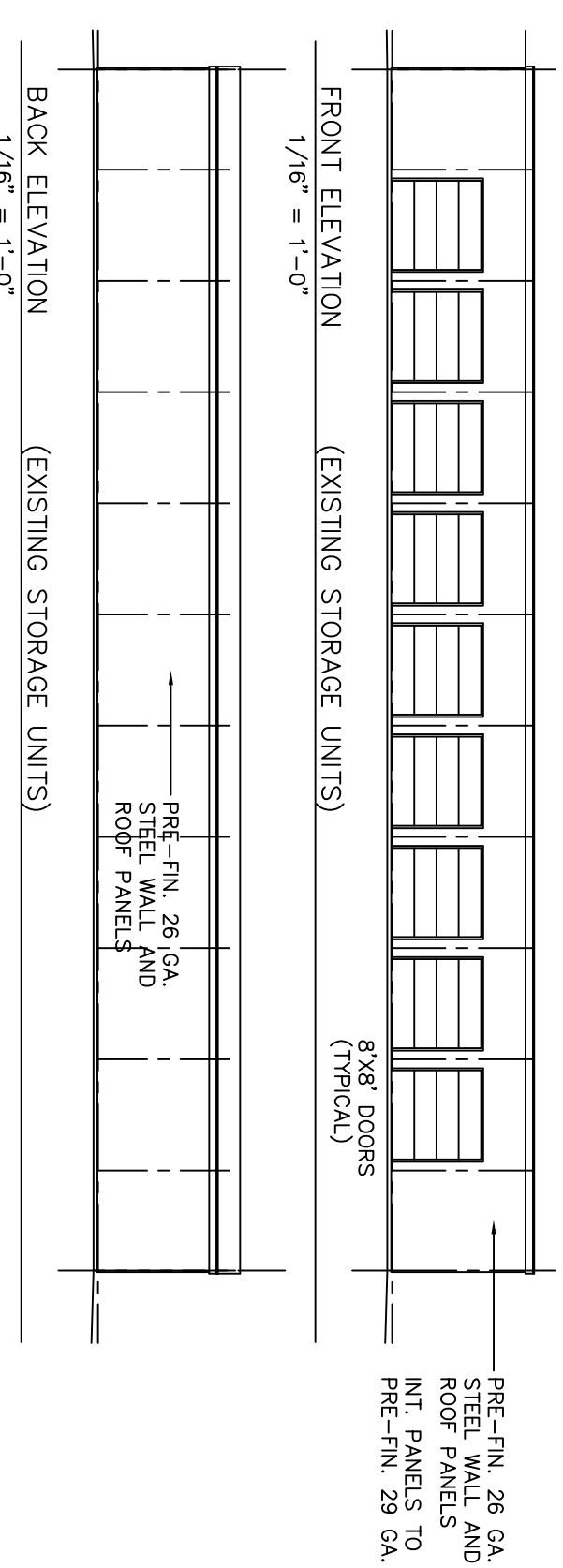
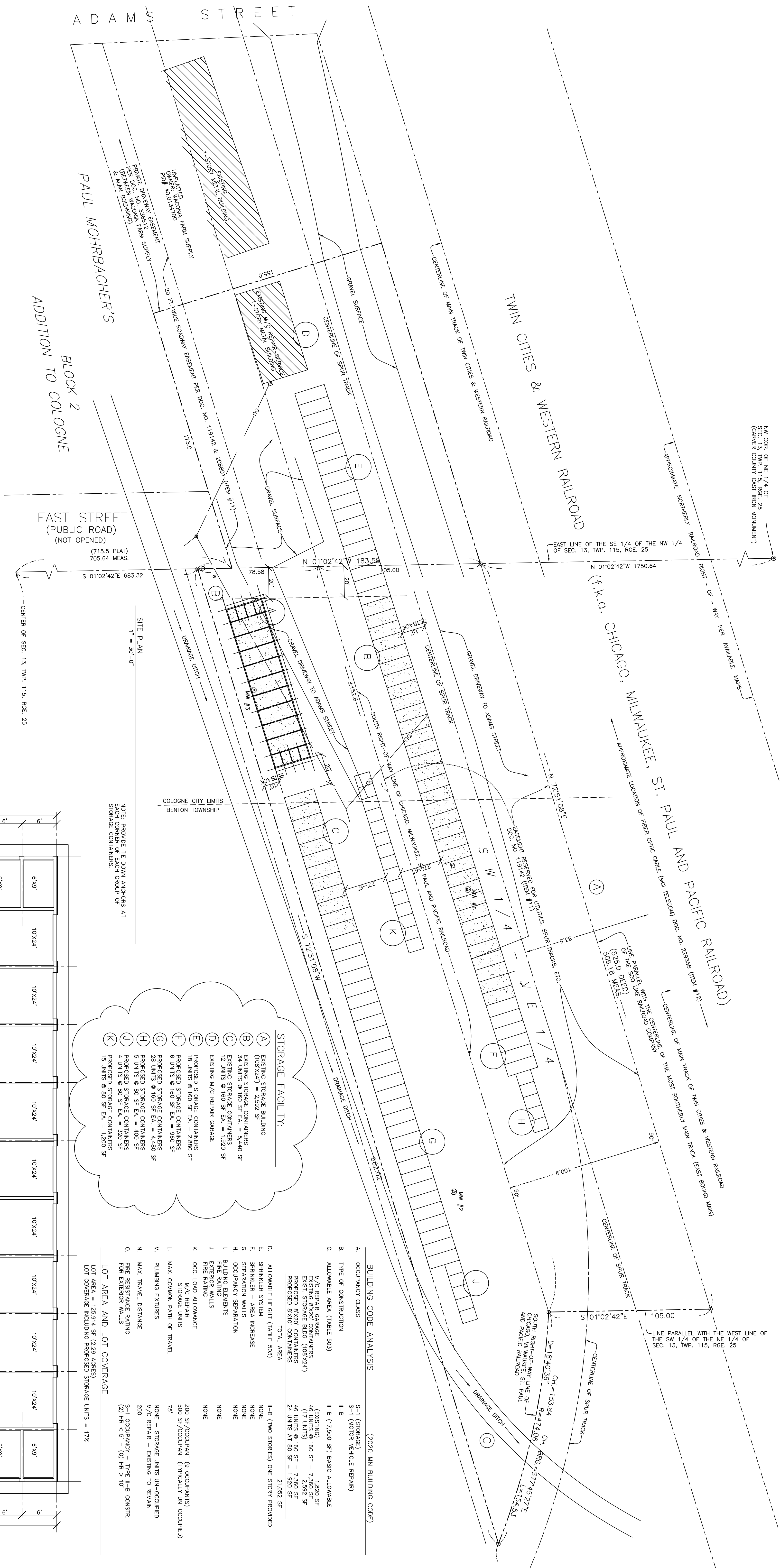
Lot Coverage

In this zoning district, there is a maximum lot coverage of 75%. The plans should be revised to show the amount of lot coverage, which would include all buildings, structures, pavement and gravel areas (areas that are not considered to be pervious surfaces).

Recommendation

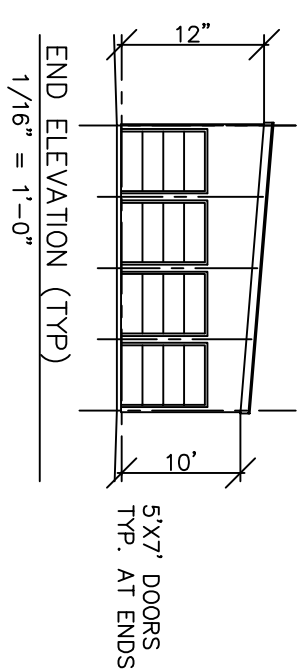
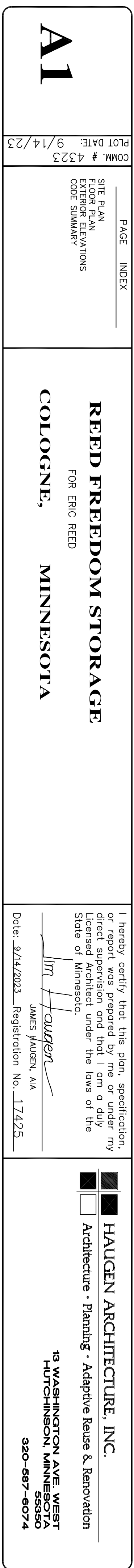
Staff recommends approval of the site plan subject to the conditions in the draft resolution and the modifications of the site plan to include the following:

1. Pave the driveways and parking areas.
2. Demonstrate that lot coverage will not exceed 75%. If necessary, portions of the site shall be planted and maintained as either grass or landscaping to achieve the 75% lot coverage.



NOTE: LOAD BEARING STEEL STUDS W/

LOAD BEARING STEEL STUDS W/ PRE-FINISHED STEEL WALL AND ROOF PANELS TO BE PROVIDED AND DESIGNED BY PRE-ENGINEERED BLDG. SUPPLIER. REINFORCED CONCRETE SLAB W/ THICKENED EDGE TO BE DESIGNED BY STRUCTURAL ENGR.


$$\overline{1/16^n} = 1'-0^n$$


**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 23-02**

A RESOLUTION AMENDING A SITE PLAN FOR FREEDOM STORAGE

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, Freedom Storage, LLC and Alan Boehning (known herein collectively as the “Owner”) are the owners of certain real property located in the City of Cologne, State of Minnesota, located on the following PIDS:

400132400
400134600
400135100

(the “Subject Property”); and

WHEREAS, Eric Reed is the Applicant for this amendment to the Site Plan and the proposed purchaser of the Subject Property, and

WHEREAS, the Subject Property is zoned C-2 General Business; and

WHEREAS, a site plan was previously approved for the Subject Property by Resolution No. 22-03 on August 1, 2022; and

WHEREAS, the Planning Commission of the City did on November 6, 2023 review the proposed amendments to the site plan; and

WHEREAS, the Planning Commission has reviewed the site plan and it makes the following *findings of fact*:

Subject Property Comprehensive Plan

1. The Subject Property is guided Mixed Use in the Comprehensive Plan. The use of the site for storage is consistent with the Comprehensive Plan guidance.

Subject Property Zoning

1. The property is currently zoned C-3 General Business. Rental Storage Buildings (mini-storage) is a permitted use within that zoning district.

Adjoining Properties

1. The property is adjoined by the following uses:

- a. West: Industrial (United Farmers Cooperative)
 - b. North: TC&W Railroad
 - c. East: TC&W Railroad spur
 - d. South: Undeveloped
2. The TC&W railroad owns and operates on the parcel immediately north of the subject property. It also operates a spur line that exists on the northern edge of the subject property.
 3. The subject parcel and the TC&W parcel are relatively flat, but the elevation rises towards the residential neighborhood north of the TC&W railroad resulting in a difference in roughly 10-16 feet of elevation change. The nearest residences are approximately 250 feet from the portions of the property used for storage (and the railroad is between these residences and the storage uses).
 4. The presence of the active railroad and the United Farmers Cooperative give the area south of the TC&W railroad a traditional smalltown industrial character.

Traffic and Street Improvements

1. The Subject Property is accessed via a gravel driveway contained within an easement from the United Farms Cooperative property to the west. The United Farms Cooperative access is gravel, and based on a review of historical aerial photos, gravel driveways existed through the Subject Property and over the spur line since at least 1937. It does not abut a street improved to City standards.
2. Section 153.012 of the Zoning Ordinance requires that driveway and parking areas shall be paved in all modified commercial and industrial areas.

Buildings and Containers

1. The site contains two existing buildings, along with container storage. The container storage consists of approximately 46 units lined up with the sides touching. Approximately 34 of these units are located in the TC&W Easement, while the remaining 12 units are on the south side of the property.
2. An additional 76 storage containers are proposed to be installed on the Subject Property. For the purposes of building code, storage containers are not structures. The City Building Official previously did require the owner to obtain a building permit to tie-down the existing containers to ensure safety in the case of high winds.

Outside Storage

1. Section 153.069 of the Zoning Ordinance requires that outside storage be completely screened from adjoining properties and rights-of-way.

2. The southern property line does not have a fence but is bordered by forest that provides screening at least until such time as the property to the south develops. Trees and buildings completely screen the property for the south, west and east.
3. A chain-link fence exists on the northern site for security purposes, but the fence does not provide complete screening. The adjoining property to the north and east is owned by the railroad, which is an industrial use.
4. There is no privacy fencing between the TC&W railroad parcel and the residential properties to the north, but both the railroad and those houses existed by at least 1937. Any negative impact to nearby properties due to their increased elevation above the Subject property are mitigated by the existence of a line of deciduous trees between the TC&W railroad and the residential properties that provide screening from the residential properties to the railroad and the Subject Property. During the summer when the trees have leaves, there is natural screening provided between the residential properties and Freedom Storage at a height that cannot be achieved by fencing.
5. The addition of slats in the existing fence and the walls of the containers and buildings will provide complete screening from the adjoining TC&W property to the north.
6. The surfacing of the outside storage is currently gravel. The outside storage items are not frequently moved. Considering much of this location is also subject to TC&W Easement, gravel is an acceptable surfacing material for the outside storage.

NOW, THEREFORE, BE IT RESOLVED the site plan is approved subject to the following conditions:

1. This Resolution amends and replaces Resolution No. 22-03.
2. The memo from Collaborative Planning is incorporated herein by reference (the “Staff Memo”). The improvements on the Subject Property shall be constructed in substantial conformance with the plans known as Reed Freedom Storage dated September 14, 2023 prepared by Haugen Architecture, Inc (the “Haugen Plans”) as revised to conform to the requirements of this Resolution and the plan review comments in the Staff Memo related to pavement of parking and driveways and lot coverage.
3. No construction shall be permitted on the Subject Property until updated Haugen Plans addressing the comments of the Staff Memo 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 construction or building permits until Approved Construction Plans exist.
4. 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.

5. The revised plans shall be submitted to the CCWMO to determine if the planned improvements are subject to any additional permits from them. 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.
6. No additional buildings or storage containers beyond those shown on the Haugen Plans are permitted on the site unless a new site plan is submitted for review.
7. Gravel surfaces shall be maintained in a dust-free condition, including the application of chemical treatment or watering as needed.
8. No use other than storage is approved for this site. No businesses shall be operated from any of the storage spaces.
9. The slats that were installed within the existing fence on the north side of the property to provide screening as required under Resolution No. 22-03 shall be maintained to continue to provide screening.
10. Screening of the property to the south shall be provided within six (6) months of development of the property to the south or the loss of natural screening in compliance with the Zoning Ordinance
11. The outside storage may be located on gravel in the locations shown on the site plan. Items that may be stored outside shall be neatly arranged and shall not block driveway access through the site.

Date: November 6, 2023

Approved:

Name: _____
Title: _____

Attested:

Michelle Morrison
City Clerk