

Planning Commission Meeting Agenda

Wednesday December 4, 2024 - 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: Jeri Bowers
City Council Liaison: Carol Szaroletta
Commissioner: Kristy Naegely

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 NEW BUSINESS
 - a. Approve November 6, 2024 Planning Commission Meeting Minutes
5. PLANNING COMMISSION OLD BUSINESS
 - a. Cologne Main Street Update
 - b. Cannabis Zoning Ordinance Update
6. ADJOURN

Planning Commission Meeting Minutes

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1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00 PM with Commissioners Bowers, Naegely, Selness and Szaroletta present.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Bowers to adopt the agenda as presented, second by Commissioner Naegely. Motion carried unanimously.

4. PLANNING COMMISSION NEW BUSINESS

a. Approve October 9, 2024 Planning Commission Meeting Minutes

Motion by Commissioner Naegely to approve the October 9, 2024 Planning Commission Minutes, second by Commissioner Szaroletta. Motion carried unanimously.

5. PLANNING COMMISSION OLD BUSINESS

a. Cologne Main Street Discussion

Chairperson Shambour led a discussion on various properties on Main street – three were identified for their distressed state and concerns were discussed about the safety of the buildings. The Commissioners discussed possible next steps, and the consensus

was that Administrator Morrison should reach out to the City Attorney to inquire into the possibility of ordering inspections of the property to identify any safety issues.

b. Cannabis Zoning Ordinance Update

Administrator Morrison updated the Commission on Cannabis Zoning discussions at both the County and City level, a draft ordinance will likely be ready for the December 4th Planning Commission Meeting.

6. ADJOURN

Motion by Commissioner Selness to adjourn at 6:50 PM, second by Commissioner Szaroletta. Motion carried unanimously.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson

Collaborative Planning, LLC

Memorandum

Date: November 27, 2024
To: Cologne Planning Commission
From: Cindy Nash, AICP, EDFP
RE: Zoning Ordinance Amendment re: Cannabis

Background

During the 2023 legislative session, the Minnesota Legislature legalized the adult use of cannabis and hemp products. Under this legislation, the state established the Office of Cannabis Management (OCM) which will regulate and license the cultivation, production, and sale of these products.

The statute requires that a city may not prohibit the establishment or operation of a cannabis business. However, a city may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

A copy of the OCM's "[A Guide for Local Governments on Adult-Use Cannabis](#)" is available on the OCM website for more detailed information.

A draft ordinance related to zoning is included in the packet for consideration and public hearing that reflects the Planning Commission's past discussion on this topic.

**CITY OF COLOGNE
CARVER COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF COLOGNE ZONING ORDINANCE
RELATED TO CANNABIS**

The City Council of Cologne, Minnesota ordains:

SECTION 1. AMEND SECTION. Section 153.003 of the Cologne Zoning Ordinance is hereby amended to add the following definitions:

Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the OCM.

Cannabis Delivery: A business with a cannabis delivery service license or delivery service endorsement from the OCM.

Cannabis Manufacturing: A business with a cannabis manufacturer license or manufacturing endorsement from the OCM.

Cannabis Processing: A business with a medical cannabis processor license or processing endorsement from the OCM.

Cannabis Retail Business: A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination business operating a retail location, but excluding lower-potency hemp edible retailer businesses.

Cannabis Testing: A business with a cannabis testing facility license or testing endorsement from OCM.

Cannabis Transportation: A business with a cannabis transporter license or transportation endorsement from the OCM.

Cannabis Wholesaling: A business with a cannabis wholesaler license or wholesaling endorsement from the OCM.

Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.

Lower-potency Hemp Edible Manufacturer: A business with a lower-potency hemp edible manufacturer license from the OCM.

Lower-potency Hemp Edible Retail Business: A retail location with a lower-potency hemp edible retailer license from the OCM, including on-site consumption as allowed by the State of Minnesota regulations.

Office of Cannabis Management (OCM): the State of Minnesota Office of Cannabis Management.

Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.

Retail Registration: An approved registration issued by the City (unless delegated to the County) for a state licensed cannabis retail business.

School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

SECTION 2. AMEND SECTION. Section 153.003 of the Cologne Zoning Ordinance is hereby amended to remove the definition for “Daycare Facility” and add the following definitions:

Daycare: Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

SECTION 3. AMEND SECTION. Section 153.039 of the Cologne Zoning Ordinance is hereby amended to add new permitted use as follows:

- (9) Lower Potency Hemp Edible Retail Business.

SECTION 4. AMEND SECTION. Section 153.039 of the Cologne Zoning Ordinance is hereby amended to add new interim use as follows:

- (5) Cannabis Retail Business, subject to conditions in Section 153.078.

SECTION 5. AMEND SECTION. Section 153.040 of the Cologne Zoning Ordinance is hereby amended to add new permitted use as follows:

- (13) Lower Potency Hemp Edible Retail Business.

SECTION 6. AMEND SECTION. Section 153.040 of the Cologne Zoning Ordinance is hereby amended to add new interim use as follows:

- (C) *Interim uses.*
 - (1) Cannabis Retail Business, subject to conditions in Section 153.078.

SECTION 7. RESCIND AND REPLACE SECTION. Section 153.041 of the Cologne Zoning Ordinance is hereby rescinded and a new Section 153.041 is added as follows:

§ 153.041 INDUSTRIAL PARK DISTRICT.

(A) *Purpose.* In addition to the purposes stated in § [153.002](#), it is intended that the I-1 District provide opportunities for light manufacturing and industrial uses, trade businesses, machine shops and other more extensive land uses.

(B) *Permitted uses.*

- (1) Business and professional offices.
- (2) Machine and repair shops.
- (3) Construction trade offices and yards.
- (4) Manufacturing, warehousing, distribution, processing, packaging, assembly and research uses, except waste management.
- (5) Adult-oriented business.
- (6) Motor vehicle service and repair.

(C) *Interim uses.*

- (1) Cannabis Cultivation, Cannabis Delivery, Cannabis Manufacturing, Cannabis Processing, Cannabis Extraction, Cannabis Testing, Hemp Manufacturing, Cannabis Wholesaling, Cannabis Transportation – all subject to the conditions in Section 153.078

(D) *Special requirements.*

- (1) The storage of supplies, products, vehicles, equipment or other materials shall be kept indoors unless totally screened from public rights of way and adjacent properties.
- (2) Adult-oriented businesses are regulated by city of Cologne [ordinance 135](#).
- (3) The maximum height allowable for structures accessory to principal uses, such as towers, spires, chimneys, agricultural elevators and blending equipment, and similar accessory structures, is 90 feet.

SECTION 8. ADD NEW SECTION. A new Section 153.078 is added as follows:

- A. CONDITIONS RELATED TO USES SUBJECT TO CONDITIONAL OR INTERIM USE PERMIT

1. Cannabis Retail may be permitted by Interim Use Permit in the C-2 or C-3 Zoning District provided that:

- a. There shall not be more than one Cannabis Retail Business in the City. No Interim Use Permit shall be approved if there are any other Interim Use Permits issued in the City for a Cannabis Retail Business.
- b. As permitted under MINN. STAT. 342.13 j., in the event that no fewer than one (1) retail registration for every 12,500 residents as required have already been issued in the County in which the proposed Interim Use Permit is located regardless of whether the County has established a restriction on the number of retail registrations that will be issued, no Interim Use Permit shall be issued for a Cannabis Retail Business.
- c. Shall have appropriate license or endorsement from the State of Minnesota Office of Cannabis Management for the products to be sold.
- d. Compliance with State license requirements shall be maintained at all times.
- e. Shall be located a minimum of 1000 feet from any school as measured from the property line of the property in which the cannabis retail business is located to the property line of the school.
- f. Shall be located a minimum of 500 feet from any daycare or residential treatment facility as measured from the property line of the property in which the cannabis retail business is located to the property line of the property on which the daycare or residential treatment facility is located.
- g. Shall be located at least 500 feet from any public park that is regularly used by minors measured from the property line of the property in which the cannabis retail business is located to the property line of the park.
- h. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in clauses (c)-(e) above shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or public park that is regularly used by minors moves within the minimum buffer zone.
- i. Retail sale of cannabis, cannabis flower, cannabis products, or hemp-derived consumer products by a Cannabis Retail Business shall be limited to between the hours of 10 a.m. and 9 p.m.

2. Cannabis Cultivation, Cannabis Delivery, Cannabis Manufacturing, Cannabis Processing, Cannabis Extraction, Cannabis Testing, Hemp Manufacturing, Cannabis Wholesaling, Cannabis Transportation may be permitted by Interim Use Permit in the I-1 Zoning District provided that:

- a. Shall have appropriate license or endorsement from the State of Minnesota Office of Cannabis Management for the activities proposed.
- b. Compliance with State license requirements shall be maintained at all times.

- c. Shall be located a minimum of 1000 feet from any school as measured from the property line of the property subject to the Interim Use Permit to the property line of the school.
- d. Shall be located a minimum of 500 feet from any daycare or residential treatment facility as measured from the property line of the property subject to the Interim Use Permit to the property line of the property on which the daycare or residential treatment facility is located.
- e. Shall be located at least 500 feet from any public park that is regularly used by minors measured from the property line of the subject to the Interim Use Permit to the property line of the park.
- f. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in clauses (c)-(e) above shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or public park that is regularly used by minors moves within the minimum buffer zone.
- g. The site and building plans shall be designed in a way to best reduce or mitigate odors. This shall include floor plan layout, ventilation plans, and window and door locations. The City may require improvements to be installed to reduce the impact on neighboring properties or tenant spaces.
- h. All cultivation, manufacturing, processing, testing, and storage shall occur inside a structure.

SECTION 9. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 106. REPEALER

All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Passed and adopted by the City Council of the City of Cologne on the _____ day of _____, 2024.

 Matt Lein, Mayor

ATTEST:

 Michelle Morrison, City Administrator