

Planning Commission Meeting Agenda

Monday July 21, 2025 - 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:	Shannon Frakie
Commissioner:	Kristy Naegely
Commissioner:	Jayson Read
City Council Liaison:	Carol Szaroletta

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. Public Hearing: 180 Adams Ave S. Variance related to 1) allow gravel instead of a paved driveway and 2) variance from the 30 ft setback from the south property line.
 - b. Locked Loon Storage Variance requests
 - c. Resolution 25-01 Resolution Approving a Variance to Permit the Parking and Driveway Area to Remain Gravel Instead of Requiring It To Be Paved, And Allowing a Reduction in the Setback From The South Property Line For The Property Located at 180 Adams Avenue Sount and Known as Locked Loon
5. ADJOURN

MEMORANDUM

TO: Planning Commission Members
FROM: Michelle Morrison, City Administrator
SUBJECT: RES NO 25-01 APPROVING A VARIANCE FOR LOCKED LOON
DATE: 7/18/2025

Your regular meeting on Wednesday July 2nd included a public hearing on variance requests for Locked Loon. The Public Hearing was published in the paper and posted on the website and bulletin board – there was no one from the public at the hearing or meeting.

After thorough discussion, you as a commission made a motion to approve both variance requests 1) to allow gravel instead of a paved driveway and 2) a variance from the 30 ft setback from the south property line.

After the meeting ended, 2 issues were identified. 1) while the Public Hearing was posted and published, I did not mail a notice to property owners within 300 feet and 2) the action must be acted on by resolution, not a simple motion.

I appreciate your availability to correct this; another public hearing is being held this evening. This meeting has been published and posted, letters have been sent out as required and Cindy Nash has drafted a Resolution for action at your meeting should you come to the same conclusion to grant the variances.

I have received a letter from a resident who had received a mailing about this meeting and it follows this memo. TCW representatives also stopped this past week to discuss the variances. After I reviewed the packet with them, they were comfortable and will not be attending – they were concerned that the property owner was “encroaching onto their property”.

City of Cologne
1211 Village Parkway
PO BOX 120
Cologne, MN 55322

ATTN: City Clerk

RE: Public Hearing Variance for the property located at 180 Adams Avenue South on the construction of a new building.

We are unable to attend the meeting on July 21, 2025 @ 6:00PM. Below are reasons why we are against having an additional building built.

- An increase of traffic and noise levels at all hours of the day through residential areas. Traffic has increased significantly since this facility was first opened.
- Increased traffic poses danger to kids and families playing at the VFW park.
- Increased traffic poses danger to pedestrian traffic. Adams Avenue South is used by residents for pedestrian traffic - walking, jogging, and riding bikes.
- Vehicles currently entering/exiting the facility are:
 - Ignoring the speed limit - excessive speed.
 - The 4-way stop signs at the intersection of Playhouse Street East & Adams Avenue South are ignored. Vehicles are not stopping or slowing down.
 - Stop signs at R&R crossing are ignored. Vehicles are not stopping or slowing down.
 - Raising an excessive amount of dust coating houses, trees and yards.
- Current lighting is aggressive and is causing "Light Pollution" during evening and night hours. There are flashing lights that flash continuously at all hours and are a visual nuisance.
- Increase in criminal elements and activities - such as drug dealing, which has happened in the past at this facility. The facility provides a secluded area for quick exchanges for drug activity.
- Drop in residential property values.
- Additional wear and tear on city streets leading to increased maintenance and costs.

Sincerely,

James & Juliann Johnson
301 Playhouse Street East
Cologne, MN 55322

Collaborative Planning, LLC

Memorandum

Date: July 16, 2025
To: Cologne Planning Commission and City Council
From: Cindy Nash, City Planner
RE: Locked Loon – Site Plan

An application has been submitted by Nick Anderson to review a site plan for Locked Loon Storage (formerly known as Freedom Storage). In addition, a variance application has been submitted to request a variance from the requirement to pave the driveway and from the 30-foot side yard setback in the annexed area. A copy of the site plan and proposed building plan for the site is included in your packets, along with two narratives submitted by the owner.

Property Name: Locked Loon Storage
PID: 400135100 (annexed in 2012) and 400132400 and 400134600
Zoning: C-3 General Business with Downtown Overlay

Property Description

The property is being utilized for rental storage and currently 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).

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 mixed uses than other properties located within this classification.

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. It is also located within the Downtown Overlay District.

The Downtown Overlay District provides for the following (emphasis added):

§ 153.045 DO DOWNTOWN OVERLAY DISTRICT.

(A) Purpose. Lot dimensions, lot areas and structure placement on many of the lots in the older portion of the city are inconsistent with current dimensional standards required in this chapter. The C-2 District incorporates relief from traditional dimensional standards; yet, other zoning districts in the older portion of the city have existing lot conditions similar to the C-2 District. In order to preserve the unique character of the older portion of the city and to protect existing public and private investments in property in this area, the Downtown Overlay (DO) District is hereby established. The expressed purpose of the DO District is to permit flexibility in meeting the strict dimensional requirements of this chapter and to avoid widespread nonconformance with performance standards in this unique area.

(B) Permitted uses. The permitted uses in the DO District shall be the same as those permitted in the underlying zoning district.

*(C) Special requirements. **Lots in existence on September 1, 2000 within the DO District shall meet the dimensional standards of the C-2 District. Lots created after September 1, 2000 shall meet the lot area and lot width requirements of underlying zoning districts; except that, average dimensional standards of abutting parcels in the same zoning district may be used to govern new parcel dimensions. Setbacks from Highway 284 shall be governed by the average existing structure or use setback in the block in which a new structure or use is proposed.** Nothing in this section shall be construed as a waiver from easement requirements or from the special conditions applicable within the SO Shoreland Overlay District.*

(Ord. 150, passed 2-22-2000; Ord. passed 3- -2007)

The property consists of three separate PIDs. The eastern portion of the property was annexed to the City in 2012. As such, not all of the property could have been in existence on September 1,

2000 within the Downtown Overlay district as a portion was not in the City on that date. In approximately 2012, the site use as shown on an aerial photograph is as follows:



Dimensional Standards

The C-3 District requires a 30-foot side yard setback, which the southern building is not able to meet. This building is located within the portion of the property that was annexed in 2012.

In the C-3 zoning district, there is a maximum lot coverage of 75%, as may be adjusted for the downtown overlay district. 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).

Discussion should occur by the Planning Commission related in particular to the portion of the property that is the easternmost PID which includes the addition of new buildings and expansion of outside storage into areas that are currently forested.

Access, Parking and Driveways

Locked Loon 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 ordinances would require that the plans be revised to show the driveways and parking areas paved. Instead, the applicants have requested a variance related to the requirement to pave the parking.

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.

It is proposed to add an additional three buildings to the site. The building closest to the southern property line would not meet the required 30 foot side yard setback. The applicant has applied for a variance related to the side yard setback for the new building, which is proposed to be 11'7" from the property line.

Outside Storage

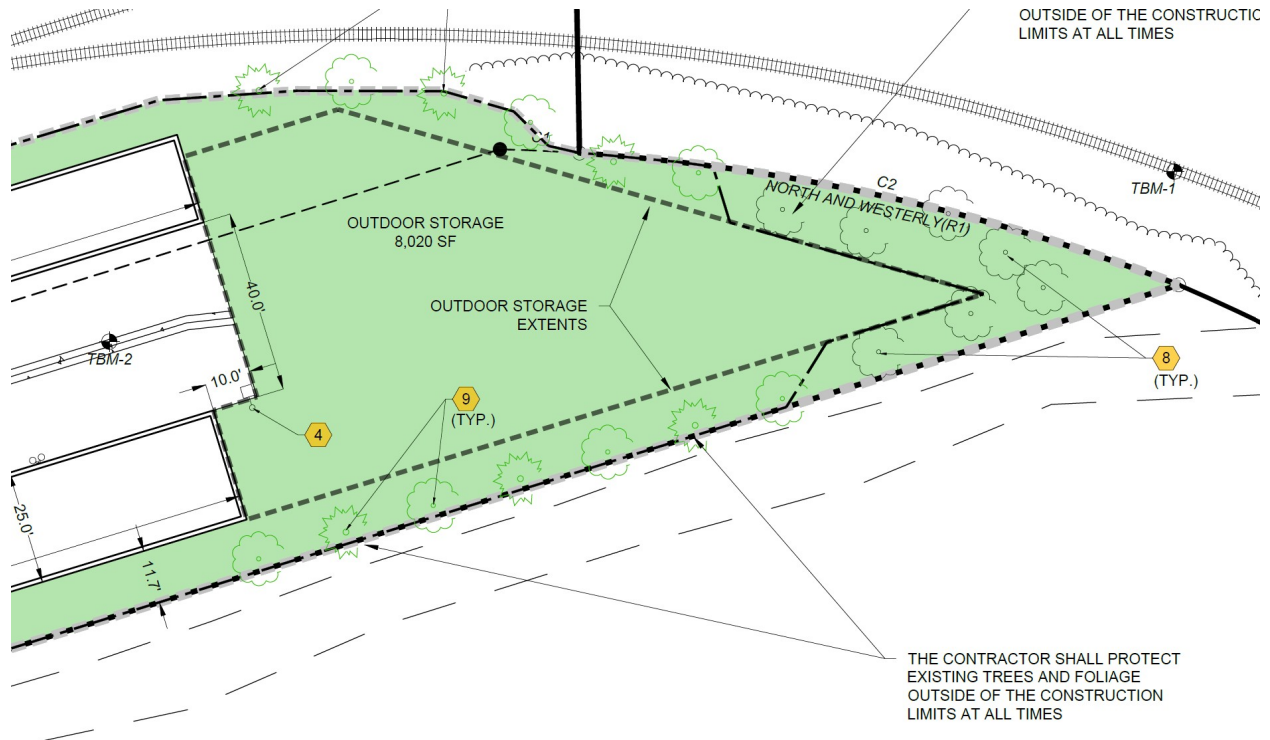
Outside storage of items that do not need to be protected from the weather such as boats, recreational vehicles and other items are frequently provided in conjunction with indoor mini storage in smaller communities. Section 153.069 of the Zoning Ordinance requires that outside storage be completely screened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

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 in the eastern portion of the site are proposed to be removed which would eliminate screening in that area.

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.

The surfacing of the outside storage must also be reviewed with a decision related to outside storage. The surfacing of the current outside storage area is 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. The proposed new location for the outside storage is in an area that is predominantly currently forested. The trees would be removed and new vegetation is proposed to be established to meet the CCWMO requirements. It is then proposed to be parked on with outside storage.

A separate plan sheet specifically showing the location of the proposed outdoor storage is included in the packet. This outdoor storage is shown the same as proposed at the June meeting and does not appear to be substantively altered from that proposal. An excerpt of that area is shown below:



The Zoning Ordinance contains the following language for the Planning Commission's consideration (from Section 153.069):

"Storage of products, materials and equipment, excluding rubbish or junk, which is necessary to an approved business operation in a commercial or industrial district, and which is completely screened from adjoining properties and rights-of-way. The site plan review process is required to determine the appropriateness for storage permitted in this section, surfacing required for the storage area and the screening required."

No separate maintenance plan for the surfacing and management of the outdoor storage area was provided. Sheet C4.1 contains a section on "Vegetation Maintenance". The owner has indicated that the current clientele for the outdoor storage is for boats, RVs, contractor trailers, snowmobile trailers, and some standalone vehicles. The Planning Commission should continue its discussion the suitable surfacing material for the outdoor storage area.

Lighting

The lighting on the site is proposed to be relocated. A photometric plan is provided.

Item 1: Variance related to Paving and Side Yard Setback

Public Hearing: July 2, 2025 Planning Commission

Request

The Developer is requesting to be permitted to leave the parking and driveway area in gravel instead of paving it, as well as to construct a new building within the 30-foot side yard setback.

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 site is currently served by a gravel driveway from an adjacent property to the west, and this property is not visible from the road, nor would it directly track gravel onto a city road. Surfacing of the site would provide greater distinction between the areas that are required to be maintained in grass versus those areas that are suitable to drive on. If the area remains gravel, then gravel on the site may increase over time into the areas that are to remain in grass. The owner will need to be diligent in ensuring that the areas shown in green on Sheet 3.0 and Sheet 4.1 remain stabilized as turf.

Without the setback variance, there is not room to construct a building on the south side. In that case, it could be anticipated that the owner may want to use that area for outdoor storage instead. A building in that location is preferable to additional outdoor storage, and would blend in with the existing setbacks on the property.

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 with the exception that the property is currently being

used in this manner. The landowner is proposing the construction of three new buildings and the removal of existing trees and vegetation in order to move the outdoor storage area to another location. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. 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. The owner has identified cost as the primary factor as to why they cannot pave the parking lot, as well as that it would have an impact on surface water management on the site. There is not an increase in impervious surface being proposed by the project, and a portion of the existing gravel area will be returned to vegetation instead.

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. There is low visibility to the site except for those from properties immediately adjacent and to the north. The property is not visible from the public road.

In order to grant a variance, the Planning Commission and City Council must determine if the request satisfies all three of these criteria listed.

Planning Commission Decision

The Planning Commission acts as the Board of Appeals and Adjustments per Section 153.090 of the Zoning Ordinance. A resolution approving the variance is included in the packet for consideration of adoption.

Item 2: Site Plan Approval

If the variances are approved by the Planning Commission, then the Planning Commission may recommend approval of the site plan and the City Council may approve the site plan. If the variances are denied, then the Planning Commission should recommend denial of the site plan.

The Planning Commission must make a recommendation as to the suitable surface type for any outdoor storage that it is willing to recommend for approval.

Recommendation

If the Planning Commission recommends approval, potential conditions include:

1. The Property Owner shall develop the site in substantial conformance with the approved plans.
2. Outdoor storage is allowed only in the area identified on the approved plans. The surface material for the storage area shall be vegetation as shown on the approved plans. Stored items shall be limited to boats, RVs, trailers, and standalone vehicles only. All vehicles stored outdoors must have valid, current licenses. Outdoor storage must be kept in an orderly condition and comply with all applicable City ordinances, including nuisance regulations.
3. No business operations are permitted within any of the storage units or elsewhere on the property, except for the operation of the mini-storage facility itself.
4. The property is subject to easements. It is the property owner's responsibility to verify if the use of the property is in compliance with those easements.
5. The Developer shall be responsible for obtaining and complying with all necessary permits from agencies including but not limited to the Metropolitan Council, Minnesota Department of Health, DNR, Carver County Watershed District, PCA, MnDOT, Carver County Public Works Department and any other governmental agencies.
6. 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.
7. The Developer may not commence construction of any improvements on the Subject Property until a building permit has been obtained and 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.

**CITY OF COLOGNE
BOARD OF APPEALS AND ADJUSTMENTS
RESOLUTION NO. 25-01**

**RESOLUTION APPROVING A VARIANCE TO PERMIT THE PARKING AND
DRIVEWAY AREA TO REMAIN GRAVEL INSTEAD OF REQUIRING IT TO BE
PAVED, AND ALLOWING A REDUCTION IN THE SETBACK FROM THE SOUTH
PROPERTY LINE FOR THE PROPERTY LOCATED AT 180 ADAMS AVENUE
SOUTH AND KNOWN AS LOCKED LOON**

WHEREAS Odat Holdings, LLC (“Applicant”) is the applicant for a variance related to property located at 180 Adams Avenue South (PID #400132400, 400134600 and #400132100) and as legally described on Exhibit A; and

WHEREAS, the property is zoned C-3, General Business and is located in the Downtown Overlay District; and

WHEREAS, the Applicant had applied for a variance to 1) permit the parking and driveway area to remain gravel and 2) allow a reduction in the setback from the south property line for construction of a new building; and

WHEREAS, the property currently consists of a mini-storage area with associated outside storage; and

WHEREAS, Section 153.012 of the zoning ordinance requires that parking and driveway areas shall be paved with bituminous or concrete surfaces in all new or modified commercial and industrial areas; and

WHEREAS, within the Downtown Overlay District, parcels that are in existence on September 1, 2000 may meet the dimensional standards of the C-2 Zoning District which would include reduced setbacks. The portion of the property containing the new buildings was annexed to the City in 2012 and would not qualify for that reduction. The setback from the south property line is 30 feet but is shown on the plans as 11.7 feet; and

WHEREAS, Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

WHEREAS, the public hearing was properly noticed and scheduled for July 21, 2025; and

WHEREAS, the application and staff report were reviewed by the Board of Appeals and Adjustment at its meeting on July 21, 2025; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Appeals and Adjustments makes the following findings:

1. The proposed variance is a reasonable use of the land. The site is currently served by a gravel driveway from an adjacent property to the west, and this property is not visible from the road, nor would it directly track gravel onto a city road. Surfacing of the site would provide greater distinction between the areas that are required to be maintained in grass versus those areas that are suitable to drive on. If the area remains gravel, then gravel on the site may increase over time into the areas that are to remain in grass. The owner will need to be diligent in ensuring that the areas shown in green on Sheet 3.0 and Sheet 4.1 remain stabilized as turf.

Without the setback variance, there is not room to construct a building on the south side. In that case, it could be anticipated that the owner may want to use that area for outdoor storage instead. A building in that location is preferable to additional outdoor storage, and would blend in with the existing setbacks on the property.

2. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property with the exception that the property is currently being used in this manner. The landowner is proposing the construction of three new buildings and the removal of existing trees and vegetation in order to move the outdoor storage area to another location. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. 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. The owner has identified cost as the primary factor as to why they cannot pave the parking lot, as well as that it would have an impact on surface water management on the site. There is not an increase in impervious surface being proposed by the project, and a portion of the existing gravel area will be returned to vegetation instead.
3. A variance will not significantly alter the essential character of the locality. There is low visibility to the site except for those from properties immediately adjacent and to the north. The property is not visible from the public road.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Board of Appeals and Adjustments makes the following findings:

1. 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. The variance will allow for additional buildings to be

constructed without increasing impervious surface on the property, continuing new buildings in the same arrangement as existing buildings.

2. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is neither self-created nor inconsistent with the intent of this chapter and the comprehensive plan. The variance request is consistent with the Comprehensive Plan, which seeks to minimize environmental impacts, and reduce unnecessary impervious surface coverage. The proposed development does not increase impervious surface but would allow for the construction of additional buildings. Outdoor storage would be confined to a specific area which would not result in additional impervious surface as it would remain in vegetation. The arrangement of the buildings on the site follows the same setback pattern as the existing buildings.
3. 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. This property is unusual in that it receives access from an existing gravel driveway on an adjacent property.
4. 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. No additional impervious surface is being added to the site if constructed in accordance with the proposed site plan. Additional buildings would be constructed, and a portion of the existing gravel areas will be returned to vegetation.
5. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question. The mini-storage is a permitted use in this zoning district.

BE IT FURTHER RESOLVED, the Board of Appeals and Adjustments approves a variance to permit the parking and driveway areas to remain gravel and to permit a reduction in the setback from the south property line subject to the following conditions:

1. The Property Owner shall develop the site in substantial conformance with the plans prepared by Excavate and Elevate Engineering, dated June 13, 2025 on file at City Hall (the “Approved Plans”).
2. The turf (grass) areas on site must be maintained in accordance with the approved plans. Specifically, the areas designated as turf on Sheet 4.1 of the Approved Plans shall not be altered to gravel, bare soil, or any other surface, and must remain as properly maintained turf that meets the final stabilization requirements.
3. This variance related to paving shall expire and paving as may be required under the City of Cologne’s ordinances is required under the following circumstances: