

Planning Commission Meeting Agenda

Monday, May 16, 2022 - 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. OLD BUSINESS
5. NEW BUSINESS
 - a. April 4, 2022 Planning Commission Minutes
 - b. PUBLIC HEARING: Variance 315 Paul Ave N
 - i. Collaborative Planning Staff Memo
 - ii. Resolution 22-1 Approving Variance
 - c. PUBLIC HEARING: STARS ELA PUD Amendment
 - i. Resolution 22-11 PUD Amendment
 - ii. Resolution 22-12 Ordinance Amending PUD
 - iii. Site Plan
6. ANNOUNCEMENTS
7. ADJOURN

Planning Commission Meeting Minutes

Monday, April 4, 2022 - 6:00 PM
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Vision Statement

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1. CALL MEETING TO ORDER & ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Szaroletta to adopt the agenda as presented. Second by Commissioner Brewington. Motion carried 3-0.

4. OLD BUSINESS

5. NEW BUSINESS

a. March 7, 2022 Planning Commission Minutes

Motion by Commissioner Brewington to approve the march 7, 2022 minutes, second by Commissioner Szaroletta. Motion carried 3-0.

b. PUBLIC HEARING: STARS ELA Preliminary Plat

Dave Pokorney of Community Asset Group provided an update to the commissioners on the plat for STARS Early Learner Academy to be constructed on Village Market Drive. The facility would be a total of 17,000 sq ft with 13,600 sq ft dedicated for childcare, 1,400 sq ft for a coffee shop and drive up, 800 sq ft for a commercial kitchen and 900 sq ft of office space. The capacity would be for 115 children. Commissioners

asked questions about the project including concerns of traffic flow, parking, and the absence of a lighting plan. Motion by commissioner Brewington to close the public hearing, second by commissioner Szaroletta. Motion carried 3-0.

c. STARS ELA Preliminary Plat & Final Plat Application

i. Bolton and Menk Review Memo

ii. Collaborative Planning Review Memo

Chair Shambour asked the city attorney Jacob Saufley if he had anything to add to the discussion. Mr. Saufley raised several concerns that needed resolution, most were outlined in the Bolton and Menk and Collaborative Planning memos. Motion by Commissioner Brewington to recommend that the city council move forward with the Preliminary and Final Plat for STARS ELA contingent on resolution of all matters raised by City Attorney Jacob Saufley specifically:

- The satisfaction of all items in the March 23, 2022 memo from the City Engineer, Bolton & Menk
- The satisfaction of all items in the March 29, 2022 memo from the City Planner, Collaborative Planning
- A lighting plan approved by the City Planner
- Entering into a grading agreement in the event that earthwork is necessary prior to release of final plat
- Entering into a developer's agreement in the event that the project will include the private development of public utilities and infrastructure
- Payment of applicable park dedication fees
- Site plan that complies with City zoning and parking as approved by City Planner
- Satisfaction of traffic circulation by City Engineer

Second by Commissioner Szaroletta. Motion carried 3-0.

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 7:47 PM, second by Commissioner Brewington. Motion carried 3-0.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson

Collaborative Planning, LLC

Memorandum

To: Planning Commission (serving as Board of Appeals and Adjustments)
From: Cindy Nash, AICP, EDFP
Date: May 12, 2022
Subject: Variance – Lakeside Villa at 315 Paul Avenue North

The City has received a variance application for review and consideration.

Overview of Request

The subject property is a lot of record in Lakeside Addition consisting of approximately 1.13 acres. A variance request is being made to reduce the parking required per City Code as a result of a planned conversion of an existing community space within the building to a studio apartment.

The property is zoned R-3 Multi-Family Residential. The property currently contains an apartment building with 12 dwelling units, which are comprised of 11 one-bedroom apartment units and one two-bedroom apartment unit. The Zoning Ordinance requires a minimum of 2 parking spaces per dwelling



unit. The site currently contains 22 parking spaces and there typically are several vacant parking spaces at any given time. The Zoning Ordinance requires a minimum of 2 parking spaces per dwelling unit, so the property is currently non-compliant as it should have 24 parking spaces in its existing condition.

The property is immediately adjacent to Lake Benton and is within the shoreland overlay district and would be unable to expand the parking area without obtaining variances related to impervious coverage in the shoreland area.

The Comprehensive Plan contains goals of increasing affordable housing as well as environmental protection. In this circumstance it appears that based on existing tenant parking use there is an opportunity to add an affordable housing unit in the community without impacting the environment. Given that an apartment building is managed by one owner, in the event that future parking needs change based on actual tenant use it is reasonable and recommended that a condition related to parking registration for tenants be included in a variance to address their use of the spaces.

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 not permitted by the Zoning Ordinance?

Staff Note: The City Code of Ordinances permits apartments in this zoning district, and the addition of one additional unit would be permitted by the Zoning Ordinance. Given the tenant mix at this existing building and the City’s requirement of two parking spaces per dwelling unit, it appears that there is already more parking provided at the property than is needed to meet the actual needs of the tenants.

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

Staff Note: The lot is in the shoreland overlay zone, and the apartment building was constructed in 1983. Based on the existing tenant mix and the number of cars each tenant typically has, ample parking exists to accommodate the current units and the proposed additional unit. Conditions can be placed upon the variance if future tenant mix and use of cars triggers the need for addition control over required parking.

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

Staff Note: The variance will not alter the essential character of the locality. No exterior change is proposed at all to the property.

The Zoning Ordinance also requires that certain findings are made by the Board of Appeals and Adjustments as follows:

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.

Staff Note: The variance will allow for the addition of affordable housing in Cologne and would not necessitate the construction of unnecessary and additional

impervious surfaces in the shoreland area, which would increase surface water runoff into Lake Benton.

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.

Staff Note: The variance request is consistent with the Comprehensive Plan, which seeks to minimize environmental impacts, promote affordable housing, and reduce unnecessary impervious surface coverage. The Comprehensive Plan supports the provision of affordable housing in Cologne and the conversion of a community space into an apartment in this building would be an extremely low-cost way of providing an additional dwelling unit. The Comprehensive Plan and zoning ordinance also serve to minimize environmental impacts caused by development. The proposed variance from the parking requirements will reduce the amount of impervious surface I the shoreland surrounding Lake Benton while also decreasing the costs of construction to support the provision of affordable housing.

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.

Staff note: This property is unusual in that it has an existing interior space that could be converted to a studio apartment and is also located adjacent to Lake Benton. Expanding the parking area would encroach upon the Lake, which is an impaired body of water. As such, the City should not require additional parking spaces in places where they are found to be unnecessary.

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.

Staff note: Without the variance, the additional dwelling unit cannot be added. While the property is of sufficient size, a variance from either the minimum number of parking spaces or variances from shoreland requirements would be necessary to construct an additional dwelling unit.

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

Staff Note: Apartments are a permitted use in this zoning district, which includes the parking facilities associated with multi-family residential.

Recommendation

Staff recommends approval of the variance subject to the terms and conditions listed in the draft resolution.

**CITY OF COLOGNE
PLANNING COMMISSION
RESOLUTION NO. 22-1**

**RESOLUTION APPROVING A VARIANCE TO REDUCE THE REQUIRED PARKING
FOR THE PROPERTY LOCATED AT 315 PAUL AVENUE NORTH AND KNOWN AS
LAKESIDE VILLA**

WHEREAS, Lakeside Villa, LLC (“Applicant”) is the applicant for a variance related to property located at 315 Paul Avenue North and PID #402750170; and

WHEREAS, the property is zoned R-3, Multi-Family Residential; and

WHEREAS, the Applicant had applied for a variance to reduce the number of onsite parking spaces required to allow for the conversion of an existing community space into a studio apartment; and

WHEREAS, the property currently consists of twelve dwelling units with a total of 22 parking spaces; and

WHEREAS, the zoning ordinance require a minimum of two parking spaces per dwelling unit, and as such would require the site to contain 26 parking spaces after the addition of the studio apartment; 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 May 16, 2022; and

WHEREAS, the application and staff report were reviewed by the Board of Appeals and Adjustment at its meeting on May 16, 2022; 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 City Code of Ordinances permits apartments in this zoning district, and the

addition of one additional unit would be permitted by the Zoning Ordinance. Given the tenant mix at this existing building and the City's requirement of two parking spaces per dwelling unit, it appears that there is already more parking provided at the property than is needed to meet the actual needs of the tenants.

2. The lot is in the shoreland overlay zone, and the apartment building was constructed in 1983. Based on the existing tenant mix and the number of cars each tenant typically has, ample parking exists to accommodate the current units and the proposed additional unit. Conditions can be placed upon the variance if future tenant mix and use of cars triggers the need for addition control over required parking.
3. The variance would not alter the essential character of the locality. No exterior change is proposed at all to the property.

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 the addition of affordable housing in Cologne and would not require the construction of additional impervious surfaces in the shoreland area, which would increase surface water runoff into Lake Benton.
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, promote affordable housing, and reduce unnecessary impervious surface coverage. The Comprehensive Plan supports the provision of affordable housing in Cologne and the conversion of a community space into an apartment in this building would be an extremely low-cost way of providing an additional dwelling unit. The Comprehensive Plan and zoning ordinance also serve to minimize environmental impacts caused by development. The proposed variance from the parking requirements will decrease the costs of construction to support the provision of affordable housing and also decrease environmental impacts by reducing the amount of impervious surface that is required.
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 has an existing interior space that could be converted to a studio apartment and is also located

adjacent to Lake Benton. Expanding the parking area would encroach upon Lake Benton, which is an impaired body of water.

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. Without the variance, the additional dwelling unit cannot be added. While the property is of sufficient size, a variance from either the minimum number of parking spaces or variances from shoreland requirements would be necessary to construct an additional dwelling unit.
5. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question. Apartments are a permitted use in this zoning district.

BE IT FURTHER RESOLVED, the City Council approves a variance to permit a reduction in the number of parking spaces to a total of 22 parking spaces instead of the required 26 parking spaces, subject to the following conditions:

1. At the City's sole determination, in the event that it becomes apparent that more parking is needed on the site to serve tenant needs than the 22 parking spaces, at the City's written request the owner of the Subject Property or its management company, if applicable, shall require registration of tenant vehicles and shall impose restrictions on the maximum number of automobiles permitted for each tenant unit. Said restrictions shall provide for a minimum of 2 guest parking spaces available within the parking lot, with the remaining 20 parking spaces allocated among the dwelling units as per methodology deemed appropriate by the owner or management company.
2. A building permit shall be secured for the interior remodel.
3. Park dedication as required by City Code § 152.015 prior to the issuance of a building permit.
4. All funds owed to the City for the processing of this application shall be paid in full prior to the issuance of a building permit.
5. The variance shall expire if these conditions are not met and a building permit application is not received for the property by May 16, 2023.
6. The number of dwelling units shall not exceed 13 and this variance shall automatically terminate if the number of dwelling units on the property exceeds 13.

Signatures to Follow

**SIGNATURE PAGE TO THE
RESOLUTION APPROVING A VARIANCE TO REDUCE THE REQUIRED PARKING
FOR THE PROPERTY LOCATED AT 315 PAUL AVENUE NORTH AND KNOWN AS
LAKESIDE VILLA**

Date: May ____, 2022

Approved:

Name: _____

Title: _____

Attested:

Michelle Morrison
City Clerk

Collaborative Planning, LLC

MEMORANDUM

To: Jesse Dickson, City Administrator

From: Cindy Nash, City Planner

Date: May 13, 2022

Subj: Planning Review Comments – STARS Early Learning Academy
Plans dated May 12, 2022

I have reviewed the site plans dated May 12, 2022 and prepared by Sathre Bergquist and have the following comments:

General

1. Engineering comments will be included within a separate memo that will be provided following the May 16, 2022 meetings. The Developer shall comply with all engineering comments when a letter is prepared.
2. A title commitment shall be provided for review prior to the Final Plat being released for recording.
3. Easements shall be provided to the City, if they do not already exist, for the City monument sign, trails, and any other facilities maintained by the City on the Subject Property.
4. A preliminary plat was not provided for review. Given the property consists of only one lot and associated easements, review of the final plat may be acceptable in place of a preliminary plat.
5. No lighting or signage plans were provided for review. Prior to installation of any lighting or signage, plans shall be submitted for review by the City.

Site Plan

6. Parking requirements are difficult to calculate for the proposed site. The site plan identifies a total of 42 parking spaces plus an additional unknown amount of stacking spaces in the drive-through.
 - a. Parking for the coffee shop is most similar to a drive-up restaurant, which requires 5 stacking spaces plus 1 space for every 3 seats. The floor plan identifies 28 seats. This would be a total of 5 stacking spaces and 9.3 parking spaces.
 - b. The parking section of the zoning ordinance does not identify a specific parking requirement for daycare center. The “General Service” category requires 4 spaces per 1,000 gross square feet of floor area. The daycare portion of the building contains 14,936 square feet which under this category would require 59.74 parking spaces. If the “Other Industry” category were applied instead, it would require 1 parking space per 1,000 gross square feet of floor area or 44.8 parking spaces for the daycare portion of the building.
 - c. The total parking required between the two uses is estimated between 54.1 and 69.04 parking spaces plus at least 5 stacking spaces. The amount provided is deficient by between 12.1 and 27.04 parking spaces.

The Developer has applied for an amendment to the Planned Unit Development for this area. If approved, the PUD amendment would address the reduction in the number of parking spaces.

7. No traffic study or information has been provided to verify that the free flow of traffic on Village Market Drive or School Street can be maintained. The site is providing for a minimum stacking of 5 vehicles behind the menu board in the drive-through.

Landscape Plan

8. The only landscape plan provided was prepared by Norby Associate Landscape Architects, LLC dated February 25, 2022. To date, the Applicant has not provided responses to the comments below.
9. The landscape plan does not identify the number of plants that are shown with a white outline. If these are existing trees/shrubs, please identify what they are on

the plans and also verify that the trees/shrubs are healthy or identify a need to replace them on the plans.

10. Include a table showing the numbers of each type of plants to be installed. Note that the grasses and other perennials are not shrubs and would not count toward the number of shrubs required.
11. The new trail segment is not shown on the landscape plan. In addition, the landscape plan should be updated to address other changes to the site plans. Please update the landscape plan, and adjust the location or types of plantings as necessary to accommodate the revisions to the site plans.

cc: Jake Saulsbury, Bolton and Menk
John Swanson, Bolton and Menk
Jake Saufley, Melchert Hubert Sjodin

Collaborative Planning, LLC

MEMORANDUM

TO: Cologne Planning Commission

FROM: Cindy Nash, AICP, City Planner

MEETING DATE: May 16, 2022

SUBJECT: **STARS Early Learning Academy** for (1) PUD Amendment and Site Plan, and (2) Preliminary and Final Plat

APPLICANT: STARS Early Learning Academy

LOCATION: Generally located south of Village Parkway and west of CSAH 53

ZONING DISTRICT: Planned Unit Development (PUD)

Description of Request

STARS Early Learning Academy is proposing an amendment to the PUD, a preliminary and final plat, and a site plan to replat an existing lot and outlot into one lot in order to develop a daycare center and coffee shop.

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

Item 1: Recommendation on Amendment to PUD

Public Hearing: May 16, 2022 Planning Commission

Request

The Developer is proposing to amend the existing planned unit development related solely to the uses and parking for this property. A draft resolution is included in the packets that contains the proposed conditions for the PUD.

A PUD was previously approved for the entire Village at Cologne, and was later subsequently modified for the commercial area called Village Market. However, the Village Market PUD was predominantly focused on the development of the commercial area to the north of Village Parkway. The subject property was not addressed in the Village Market PUD in relation to parking.

A draft ordinance amending the PUD is provided for consideration, which ties the development of this proposed lot to the specific site plans presented in relation to parking being provided.

Recommendation

Staff recommends approval of the ordinance amending the PUD.

Item 2: Recommendation on Preliminary and Final Plat, PUD & Site Plan

Public Hearing for Preliminary Plat: April 4, 2022 Planning Commission

Land Use

The proposed land use of the lots is for an early childhood learning academy and coffee shop.

Access, Roads, Pedestrian Circulation

No new roads will be constructed. Access to the lot is proposed from both Village Market Drive and School Street.

No analysis has been prepared to estimate the number of vehicle trips per day or per peak hour, or to estimate if there would be any impacts on the free flow of traffic on School Street or Village Market Drive that could possibly occur if vehicles must wait to enter the site.

There are 42 parking spaces provided on the site, which is less than would be required by the zoning ordinance. The proposed PUD amendment would allow for this number of parking spaces to be provided.

A trail segment is proposed on the north side of School Street. Easements should be provided to the City for both the planned and existing trails. It is recommended that a sidewalk connect from the trail to the front of the building. Pedestrian improvements will also be completed on the northwest corner of the intersection of School Street and Village Market Drive.

Recommendation on Preliminary and Final Plat, Site Plan and PUD

Staff recommends approval of the resolution provided in the packet, which includes conditions that must be met prior to recording the final plat.



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

April 22, 2022

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

RE: Stars Early Learning Academy
2nd Plan Review

Dear Mr. Dickson:

We have completed a second engineering review of the information submitted for the above referenced project. Our review is based on the plans bearing the general title "Stars Early Learning Academy", dated March 4, 2022, with latest revision date of April 13, 2022, prepared by Sathre - Berquist, Inc, for Community Asset Development Group.

We offer the following comments and recommendations for your consideration:

General:

- 1) This review assumes the watermain and storm sewer facilities will be owned, operated and maintained by the City. In addition, water, sanitary, and storm sewer service lines will be owned and maintained by the property owner. If these assumptions are incorrect, additional review comments may be appropriate.
- 2) Copies of all permits shall be submitted for the project files prior to construction.

Sanitary Sewer:

- 1) The plans show the sewer service to the MH located in the northwest corner of the site via small diameter forcemain. The grinder pump and forcemain should be owned operated and maintained by the Owner.
- 2) Chimney seals used shall be Cretex or Infishield exterior chimney seals.

Watermain:

- 1) Further review of the asbuilts in this area indicates the exiting watermain crossing the site is 8-inch. The looping watermain through the site should be 8-inch.

City of Cologne

RE: Stars Early Learning Academy
2nd Plan Review

Grading, Drainage and Erosion Control:

- 1) Plan note indicates installation of erosion control per City requirements. CCWMO requirements shall also be followed.
- 2) CB 9 shall be 48-inch diameter. The maximum depth for a 2x3 structure is 3 feet.
- 3) The plan now includes a rain garden. A drainage and utility easement should be provided around the rain garden. The easement shall be located a minimum of 10 feet above the HWL, with a maximum slope of 4:1 between the HWL and easement. In addition, an easement should be provided to provide access to the rain garden from a paved surface. Said easement shall have a minimum width of 20 feet.
- 4) The rain garden clean out should be relocated outside the filtration area above the HWL on the south side.
- 5) Rain garden drain tile should be shown on the plans.
- 6) Clearly label the rain garden EOF.
- 7) A catch basin should be added to the west side of the south entrance.
- 8) Inlet protection should be added to surrounding inlets located downstream of site grading on Village Pkwy, Village Market Dr., School St, and along CSAH 53.
- 9) Verify the proposed play area on the site does not encroach on the existing D/U easement encumbering the existing storm sewer along CSAH 53.

Ingress and Egress:

- 1) Information regarding the method proposed to minimize traffic queuing, as noted in our previous review letter should be submitted.

Easements and Plat:

- 1) Easement descriptions and/or a Plat of the property including easements discussed in our previous review letter and herein should be submitted for review.

City of Cologne

RE: Stars Early Learning Academy
2nd Plan Review

Revised plans shall be submitted for review.

We are available to discuss this matter at your convenience.

Respectfully Submitted,
Bolton & Menk, Inc.

A handwritten signature in black ink, appearing to read "John K. Swanson", with a long horizontal flourish extending to the right.

John K. Swanson

cc: Jake Saulsbury, P.E.
Cindy Nash, City Planner
Jacob Saufley, City Atty

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 11**

**A RESOLUTION AMENDING A PLANNED UNIT DEVELOPMENT AND
APPROVING A SITE PLAN, PRELIMINARY AND FINAL PLAT FOR A
DEVELOPMENT KNOWN AS STARS EARLY LEARNING ACADEMY**

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, STARS Early Learning Academy, a Minnesota non-profit corporation (the “Developer”) is the contract purchaser of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Lot 1, THE VILLAGE MARKET SECOND ADDITION, Carver County, Minnesota

and

Outlot A, THE VILLAGE MARKET SECOND 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. 150-K on March 21, 2005 (the “2005 PUD”) as amended under Ordinance No. 150_L on February 6, 2006 (the “2006 PUD”); and

WHEREAS, the 2005 PUD and the 2006 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 2005 PUD and the 2006 PUD in order to address specific development proposal for the Subject Property; and

WHEREAS, the Developer has also submitted an application for a preliminary plat and final plat and site plan so as to allow the Developer to plat the property into various lots and outlots as shown on a preliminary plat for a development entitled The Village Market Third Addition and a site plan entitled STARS Early Learning Academy, the most recent revision of said final plat and site plans containing the following sheets:

1. STARS Early Learning Academy Site Plan prepared by Sathre Bergquist, Inc. updated May 12, 2022
 - a. Site Plan/Title Sheet (Sheet 1)
 - b. Preliminary Parking Plan (Sheet 2)

- c. Preliminary Sanitary Sewer and Watermain Plan (Sheet 3)
 - d. Preliminary Storm Sewer Plan (Sheet 4)
 - e. Preliminary Grading Plan (Sheet 5)
 - f. Basin Detail (Sheet 6)
 - g. Topsoil and Erosion Control Plan (Sheet 7)
 - h. SWPPP (Sheets 8 – 10)
 - i. Details (Sheets 11-13)
2. Preliminary Landscape Plan prepared by Norby Associates Landscape Architects, LLC dated February 25, 2022
 3. Final Plat prepared by Sathre Bergquist, Inc.

(the “Site Plans”); and

WHEREAS, the Planning Commission of the City did on April 4, 2022, conduct a public hearing related to the Developer’s request for a preliminary plat; and

WHEREAS, the Planning Commission of the City did on May 16, 2022, conduct a public hearing in relation to the Developer’s request for an amendment to the planned unit development; and

WHEREAS, the Planning Commission of the City did on May 16, 2022 recommend approval of the amendment to the planned unit development to the City Council; and

WHEREAS, the City Council has considered the proposed applications for preliminary plat, final plat, amendment to the PUD, and site plan and it makes the following ***findings of fact***:

Application

1. The Developer submitted an application (“Application”) for an amendment to the planned unit development with the final revised plan submittals being received by the City on May 12, 2022. The project proposed under the Application is an early childhood learning academy and a coffee shop with drive-through as shown on the Site Plans for development of the Subject Property and proposed to be platted as VILLAGE MARKET THIRD ADDITION.
2. The Subject Property is bordered on the south School Street and a parking lot, on the west by City Hall, on the north by a bank and undeveloped property, and on the east by County Road 53 and undeveloped property.

Review Process

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on May 16, 2022.

2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their May 16, 2022 meeting.
3. These findings and resolutions are based upon the Council Memo dated May 13, 2022, the City Planner Memo updated April 28, 2020, and the City Engineer Memos dated April 22, 2022 and all documents referenced in the memos and the staff report, the favorable recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on May 16, 2022 which will be the subject of a separate list prepared by the City Planner following the May 16, 2022 meeting.

Comprehensive Plan

1. The City's current Comprehensive Plan ("2040 Comp Plan") was adopted in 2020 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's Thrive MSP 2040 and the systems statements issued by the Metropolitan Council.
2. The Comp Plan guides the Subject Property as Retail and Other Commercial.
3. The proposed application is consistent with the guidance in the Comp Plan.

Subject Property Zoning

1. The property is currently zoned Planned Unit Development and is located within both the 2005 PUD and the 2006 PUD.
2. The Subject Property was not addressed in the 2006 PUD with respect to parking.
3. The proposed amendment to the PUD addresses the parking for the specific approved uses for this Subject Property.

Traffic and Street Improvements

1. The Subject Property is proposed to be accessed from School Street and Market Street.
2. No traffic study was completed for the application.
3. City staff have concerns that the internal traffic flow may result in traffic congestion. This congestion may impede the free flow of traffic on Village Market Drive and School Street if customers block driving lanes while waiting to turn into the Subject Property.

Utilities

1. At this time, 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, actions may need to be taken to restrict additional connections to the sanitary sewer system until the capacity situation is upgraded.
2. The proposed extensions of water and sanitary sewer are adequate for the development proposed in the Application, subject to the comments contained in the Staff Memos.

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. Adoption and publication of Ordinance No. _____ amending the existing PUD as required by law.
3. All conditions and comments contained within the letters from Bolton and Menk dated April 22, 2022, and Collaborative Planning dated May 12, 2022 (collectively the “Staff Letters”) are incorporated herein.
4. The improvements on the Subject Property shall be constructed in substantial conformance with the Site Plans as revised to conform to the requirements of this Resolution and the Staff Letters.
5. No construction shall be permitted on the Subject Property until a building permit has been secured and 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. 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.
7. The Developer shall secure all easements for and construct all improvements as shown on the Approved Plans at their sole expense.
8. Pedestrian improvements shall be constructed at the sole expense of the developer as shown on the Approved Plans. The following trails will be installed:

- a. The Trail on the north side of School Street, including the improvements on the northwest corner of the intersection of School Street and Village Market Drive.
9. The approval of the Final Plat shall terminate if a Developer's Agreement has not been entered into between the City and Developer by July 17, 2022.
10. 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 July 17, 2022.
11. A current title commitment shall be provided for the review of the City Attorney before the Final Plat is released for recording.
12. 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.
13. 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.
14. The Developer shall be responsible for obtaining and complying with all necessary permits from the Metropolitan Council, Minnesota Department of Health, DNR, Carver County Watershed District, PCA, MnDOT, Carver County Public Works Department and any other governmental agencies.
15. 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.
16. 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.
17. 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.

18. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney prior to release of the final plat for recording.

Adopted and approved by the City Council of the City of Cologne on a vote of ____ ayes and ____ nays effective on the 16th day of May, 2022.

Approved:

Matt Lein
Mayor

Attested:

Michelle Morrison
City Clerk

M/ _____

Lein _____

Szaroletta _____

Kells _____

S/ _____

Bruss _____

Lenzen _____

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May 13, 2022

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 22-12**

**AN ORDINANCE AMENDING A PLANNED UNIT DEVELOPMENT FOR A
DEVELOPMENT KNOWN AS STARS EARLY LEARNING ACADEMY**

THE CITY COUNCIL OF THE CITY OF COLOGNE, CARVER COUNTY,
MINNESOTA, DOES ORDAIN:

Section 1. Introduction.

1. STARS Early Learning Academy, a Minnesota non-profit corporation, has applied to amend the Planned Unit Development for certain property legally described as follows:

Lot 1, THE VILLAGE MARKET SECOND ADDITION, Carver County,
Minnesota

and

Outlot A, THE VILLAGE MARKET SECOND ADDITION, Carver
County, Minnesota

(the “Subject Property”); and

2. The Subject Property is expected to be re-platted as Lot 1, Block 1, The Village Market Third Addition, Carver County, Minnesota.; and
3. On May 16, 2022, the City of Cologne Planning Commission following public notification and public hearings recommended approval of the amendment to the PUD.

Section 2. Amendment to Plan PUD. Appendix G: The Village Market PUD Standards is amended to add the following:

G. Standards for Lot 1, Block 1, The Village Market Third Addition

1. The use of the Subject Property shall be for early childhood learning academy and coffee shop.
2. The Subject Property shall be developed in substantial conformance with the Site Plan approved in City of Cologne Resolution No. _____. Any deviation in the development of the Subject Property from the site plan approved in City of Cologne Resolution No. _____ may only be made

following application and approval of an amendment to the prior site plan approval, and an amendment to rezone the property and the PUD accordingly.

- 3. Parking required for the Subject Property shall be as shown in the site plan approved in City of Cologne Resolution No. _____ and shall not consist of less than 42 parking stalls.
- 4. Except as otherwise modified by paragraphs 1 through 3 above, the Subject Property shall comply with the Village Market PUD Standards, the Village at Cologne PUD standards, the City of Cologne Zoning Ordinance, and all other applicable laws.

Section 3. Conditions to Effectiveness.

- 1. This ordinance shall be effective upon the occurrences of the following:
 - a. Its passage by the Cologne City Council.
 - b. Publication according to law.

Adopted and approved by the City Council of the City of Cologne on the 16th day of May, 2022.

Approved:

 Matt Lein
 Mayor

Attested:

 Michelle Morrison
 City Clerk

This Ordinance was published on _____, 2022

in the _____.

Attested:

_____ on _____, 2022

Michelle Morrison
 City Clerk