

6:30 PM

A thriving, connected community with deep roots: a great place to live for a lifetime.

A city that leads, serves, and governs to enhance the quality of life for all community members.

CHAIR: CHAD GENZ
MEMBER: JOE POLUNC
MEMBER: BRUCE PAULSEN
MEMBER: KEVIN KAMERUD
MEMBER: DARYL PETERSON
ALTERNATE MEMBER: JACOB WECKMAN

NOTE: TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE BE PRESENT AT 6:30 P.M.

Those with items on the agenda should reach out to their staff contact. Others who wish to participate in the meeting, please contact the Community Development Director at 952-442-3106 or lbraaten@waconia.org to make certain that you are called upon during the meeting.

1. **Call meeting to order and roll call**
2. **Adopt Agenda**
3. **Minutes Approval**
 - 1) [October 3rd, 2024 Planning Commission Meeting Minutes](#)
Motion to adopt the October 3rd, 2024 Planning Commission Meeting Minutes
4. **New Business**
 - 1) [CONTINUED - Holbrook Preliminary Plat, PUD Zoning Request & Comprehensive Plan Amendment - 9550 Little Avenue, 9780 Little Avenue and 10080 Little Avenue](#)
Recommend either approval or denial of the Preliminary Plat Application titled Holbrook, the proposed Comp Plan Amendment and the request to rezone the properties PUD.
 - 2) [PUBLIC HEARING –“ Variance –“ 241 Lake Street West](#)
Motion recommending either approval or denial to the City Council regarding the proposed Variance submitted by Mathews Vasek Construction to allow a new home and site improvements at 38.2% Impervious Surface versus the 25% maximum allowed in the Shoreland Overlay District for the property located at 241 Lake Street West.
 - 3) [PUBLIC HEARING - Site Plan, Design Review & Variance Amendment - Olive & Second Mixed-Use Project](#)
Open Public Hearing
Motion to close the Public Hearing
Provide a recommendation to the City Council regarding the Site Plan, Design Review, & Variance amendment application for the mixed-use building project titled Olive and Second.

4) [PUBLIC HEARING – Variance – 141 2nd St. E.](#)

Motion recommending either approval or denial to the City Council regarding the proposed Variance submitted by Express Home Services/Tom Simonson to allow an accessory structure addition that exceeds the maximum 1,000 sq. ft. total floor area for accessory structures for a 10,500 sq. ft. parcel in the R-2 District.

5) [Moving Permit - 16 2nd Street West](#)

Motion recommending either approval or denial to the City Council regarding the Moving Permit application to allow Otting House Movers, LLC to move the proposed garage through the City from 16 2nd Street West to 32 1st Street East.

6) [PUBLIC HEARING - Addition of Chapter 515. Cannabis and Amending Chapter 900. Zoning Ordinance and Chapter 1100. Fee Schedule](#)

Open the Public Hearing

Motion to Close the Public Hearing

Motion recommending either approval or denial of the proposed amendments to the City Code related to Cannabis regulation.

5. Old Business

6. Other

1. Staff Update

Adjourn



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: November 7, 2024

Item Name: October 3rd, 2024 Planning Commission Meeting Minutes

Originating Department: Community Development

Presented by: Lane Braaten

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Motion to adopt the October 3rd, 2024 Planning Commission Meeting Minutes

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

Attachments:

1. [October 3, 2024 Planning Commission Meeting Minutes.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

WACONIA PLANNING COMMISSION MEETING AGENDA
Thursday, October 3, 2024
6:30 PM

1) [Call meeting to order and roll call](#)

Pursuant to due call and notice thereof the regular meeting of Planning Commission of the City of Waconia was called to order by Commissioner Chair Genz at 6:30.

2) [Adopt Agenda](#)

No changes to the agenda

Motion by Paulsen, seconded by Peterson to adopt the agenda. All in favor vote aye
MOTION CARRIED.

3) [Minutes Approval](#)

3.1 [September 5th, 2024 Planning Commission Meeting Minutes](#)

[Cover Page](#)

[September 5 2024 Planning Commission Meeting Minutes.pdf](#)

Motion by Paulsen, seconded by Kamerud to approve the minutes. All in favor
voted aye. MOTION CARRIED.

4) [New Business](#)

4.1 [PUBLIC HEARING - Site Plan & Design Review and Variance – 80 8th Street](#)

[Cover Page](#)

[Location Map \(1 Page\)](#)

[Applications & Variance Letter \(8 Pages\)](#)

[Public Hearing Notice \(1 Page\)](#)

[Site Plan \(16 Pages\)](#)

[Staff Review Comments \(4 Pages\)](#)

Nelson introduced the site plan and variance applications for 80 8th Street. The applications were submitted by Saltire LLC.

They propose to construct a 24,640 square foot building and site improvements with loading dock located along the front façade of the building. The property is zoned I-1 Industrial District. The building will be a mixture of offices and a warehouse with a front facing loading dock.

The proposed parking doesn't meet the minimum requirement, a condition was added to ensure that it is met. The vehicular access off 8th street is a single access which is acceptable to staff as proposed. Pedestrian circulation and trash enclosure requirements are met. The proposed location of the stormwater pond does not work and will have to be relocated on the site. The landscaping plan meets the tree quantity requirements, but the applicant needs to meet minimum sizing requirements. The significant change in grade/elevation is challenging elevations on the west side of the site and a significant reason for the location of the loading dock in the proposed location. Nelson explained the SAC & City Truck Fees for the new business. All public hearing notices were posted and published without public comments. The commissioners did not have questions for Nelson, so he suggested opening it up for public comments.

Commissioner Genz opened the Public Hearing.
There were no public comments.

Motion by Commissioner Kamerud, seconded by Commissioner Polunc. All in favor voted aye. MOTION CARRIED.

There was further discussion amongst Commissioners. Paulsen went to the location and overall did not feel it to be offensive, and that the site conditions were such that a variance was appropriate and therefore made a motion to approve the proposal with the staff conditions.

Motion was made by Commissioner Paulsen, seconded by Commissioner Polunc. All in favor voted aye, MOTION CARRIED.

It will go to the City Council on October 21st meeting.

4.2 PUBLIC HEARING - Variance - 241 Olive Street South

Cover Page

Location Map (1 Page)

Public Hearing Notice (1 Page)

Application & Variance Letter (4 Pages)

Site & Stormwater Plans (2 Pages)

Nelson introduced the Variance request submitted by Dan Perrel, the variance is to allow the hard cover improvement to exceed 35% and to encroach into the rear yard setback. The request includes demolishing the existing garage building and rebuilding a larger structure.

The rain garden proposal was reviewed by the City Engineer with comments, stating it would work. The applicant came back with a revised rain garden plan with a French Drain system which would be bigger and moved more directly behind the proposed garage. Also, it was noted that the rain garden would be connected to the City Storm water system, which the Engineer noted would work as well.

Discussion with Commissioners continued about the setbacks and rain garden staff requirements.

Commissioner Chair Genz opened the Public Hearing.

Dan Perrel, 16730 CRD 30 New Germany Explained that they would reposition the garage so there is more room for the rain garden so it can catch the rain from the gutters. Dan talked about the French Drain and its purpose. More discussion about the water runoff and hooking up to the city stormwater system. Nelson stated he will ask the City Engineer if the revised rain garden would be sufficient.

Commissioner Genz motioned to close the Public Hearing.

Motion by Commissioner Paulsen, seconded by Commissioner Peterson to close the public hearing. All in favor voted aye. MOTION CARRIED.

Discussion followed with Commissioner Polunc requesting a modification to condition #1 at the discretion of the City Engineer.

Motion by Commissioner Polunc, seconded by Commissioner Kamerud. All in favor voted aye. MOTION CARRIED.

4.3 PUBLIC HEARING - Amend Section 900.05.3, R-2, Single-Family Residential District, Section 900.05.7, B-1 Highway Business District and Section 900.11 - Above Ground, Portable Fuel Storage

[Cover Page](#)

[Ordinance Amendment Application.pdf](#)

[Ordinance Amendment Above Ground Fuel Storage Tanks.pdf](#)

[Public Hearing Notice Koch Bus.pdf](#)

[Fire Chief Comments.pdf](#)

[City Attorney Revisions \(09-24-2025 REDLINED.\).pdf](#)

[DRAFT Ordinance Amendment Language.pdf](#)

[Sample Fuel Tank Photo.pdf](#)

Braaten explained the above ground fuel tank proposal amendment, which proposed to allow the use as an interim use in the B-1 District. If adopted, he went on to explain the next steps in making it happen. There have been no public comments.

Discussion followed about the comments from the City Attorney and the Fire Chief being included in the packet and they would be incorporated into the language prior to review and consideration by the City Council.

Commissioner Chair Genz opened the Public Hearing.

There were no Public Comments.

Motion by Commissioner Paulsen to close the Public Hearing, seconded by Chair Genz. All in favor voted aye. MOTION CARRIED.

Commissioner Paulsen motioned to accept the proposed amendment subject to Staff analysis, with comments from the City Attorney and Fire Chief. Seconded by Commissioner Peterson. All in favor voted aye. MOTION CARRIED.

4.4 PUBLIC HEARING - Holbrook Preliminary Plat, PUD Zoning Request & Comprehensive Plan Amendment - 9550 Little Avenue, 9780 Little Avenue and 10080 Little Avenue

[Cover Page](#)

[Location Map.pdf](#)

[Narrative Holbrook Preliminary Plat.pdf](#)

[Holbrook Preliminary Plan Set.pdf](#)

[Shoreland PUD Density Information Sheet.pdf](#)

[Park Dedication Image.pdf](#)

[Carver County PW_Comments.pdf](#)

Braaten went on to explain the Preliminary Plat, the location and the streets affected. This is a joint application with Pulte and M/I Homes. The 30 southern acres are not guided for development until post 2040. The area is planned to be mixed density and mixed uses. Braaten explained the comp plan guidance and the proposed future traffic improvements. Braaten also talked through the different lot sizes with applicable hardcover for each. He went on to explain the pedestrian path system. The sketch plan had been previously brought to the Park Board for review and consideration.

Commissioner Paulsen brought up the public comments, and the Regional Trail. The question is to build the trail 1st. Or wait until the road is rebuilt. Discussion followed.

Commissioner Chair Genz opened the Public Hearing.

Theresa Klaustermeier, 9780 102nd St. She wanted to know how her current agricultural use works with what is being proposed. Also, the park being proposed, they run machinery next to that. They have a working farm and wonder how it all comes together.

Dean Lotter, Director of Land Planning Pulte Homes He went through the overview for their development. He gave a description and background of the company. Lotter talked more about the wetlands and road access (3). He briefly talked through the landscaping plan. Two Park locations were identified based on feedback from the Park Board. He described the different home styles and corresponding lot sizes. Once completed, the development would have 339 new homes. He addressed the farm issue that would neighbor that area, through disclosures to the future buyers.

Mike Klingelhutz 6945 Abbywood Lane Laketown Township. Klingelhutz stated they had had the agricultural use discussion with Victoria, which may be a useful example for Waconia. He stated that Laketown Township would like to see Waconia annex all of Little Avenue from County Road 10 to 102nd Street. He went on to talk about traffic concerns with Little Ave and 102nd St. He asked if we had asked the County if they accelerated their plan for installation of the roundabout. He also asked about their Sanitary Sewer in Schmidville which is failing and if they can be included in the plans.

Connie Luce, 9457 102nd St. Talked about the traffic concerns on 102nd Street. Their biggest concern is getting on CRD 10 in the morning. Also, the question about when the roundabout would happen.

Mike Hough, 9014 102nd St. He asked where the southern growth boundary line came from in the City's Comp Plan. Braaten explained how the southern growth boundary was established due to the inclusion of additional property near the golf course. Also, his concern about traffic along with the traffic study.

Kristin Swanson, 10945 Little Ave. She asked if there was a water study done due to her property being lower than Little Ave. This past spring had creek flooding. That is her main concern.

Patrick Deering, 8965 102nd St. He stated there are 15 to 20 homes, that funnel onto Little Ave and the importance of the roundabout. He is also concerned about the school district, stating that it is maxed out. Also, he stated that there are existing developments that aren't full or complete, so why add the new area. He was also concerned about the deviation from the 2040 Comp Plan. He stated that he knows there is a compelling argument to do this, but are we ready to do it.

Leanne Kunze, 8155 Scandia Rd. The people in Schmidville have no other access except Hwy 10. She stated that the roundabout is deceiving. The traffic will still be a problem. She stated that at the last annual meeting, Commissioner Lynch was asked about timelines and projects. Specifically, the roundabout and traffic. Leanne said that Commissioner Lynch said they are prepared and waiting for the City of Waconia to make the request. The County hasn't been in that position to expedite the project and she requested that the City includes the project be expedited as part of this project. The traffic is a very serious concern.

Commissionr Paulsen motioned to close the public hearing. Seconded by Commissioner Peterson. All in favor voted aye, MOTION CARRIED.

At this point the Commissioners went through the questions they gathered throughout the time the speakers addressed the Commission.

Dean Lotter, Pulte Homes and Ryan Bluhm, Westwood Engineering Spoke about the roundabout and CRD 92 connection at 10. Talked about the partnership they have with the County. Their understanding is that 92 and the proposed roundabout isn't in their CIP which makes it unknown as to when it will come about. Talked about Little Ave and the upgrade that will be happening. Mr. Bluhm laid out the areas that will be paved. He also talked about the grade at the uncontrolled intersection and their intention to work with the city, county and township on that.

Commissioner Polunc asked if he knew of a timeline for that to happen. Mr. Bluhm stated that it is TBD.

More discussion on paving and construction traffic, also water study discussion.

Braaten said that Little Ave in its entirety would be annexed into the city and they were working with the developer on the required improvements. Further, Braaten said he would reach out to the County regarding the roundabout to verify their timeline.

The city continues to work with the township related to their sanitary sewer system. Braaten indicated that it would not be a consideration for this project, but it is good to keep in the conversation.

The discussion followed regarding agricultural neighboring uses, gravel road dust issue and the road width of Little Avenue from a pedestrian circulation standpoint.

The Planning Commission talked about the PUD standards versus what would be allowed if just straight zoning, such as R-1 and R-2 were used. Right now, the proposed development density is 3.8 units per acre. If they applicants were to install townhomes rather than dense single-family detached, the number of units would go up.

Some discussions followed regarding the school district, storm water and the traffic study. Braaten informed the Commission that the city stays in close contact with the school district, and he would provide the traffic study for review to the Commission.

Commissioner Paulsen asked if Braaten knew what Victoria does with waivers on the animal smell, who is responsible for getting that done and how it works. Braaten stated that he would follow up on this topic and can provide additional information to the Commission if necessary.

Braaten explained the process going forward with this plat/plan and the different steps which included items like Council review, annexation, developers agreements, etc.

Commissioner Paulsen asked about the traffic study and their concerns about the amount of traffic and what can be done. Braaten summarized that he was hearing the Commission needed additional information related to traffic, and any possible timelines regarding the future roundabout. Braaten suggested bringing in a person who could talk about the traffic concerns and the roundabout and that consideration should be given to continuing the conversation to the November 7th Planning Commission meeting to allow staff and the applicant some time to get the additional information for them.

Motion by Chair Genz to table this until there is more information around the traffic concerns at the November 7th Planning Commission meeting. Seconded by Commissioner Paulsen. All in favor voted aye. MOTION CARRIED.

5) Old Business

No old business.

6) Other - Staff Update

Braaten updated the Commission on the past month. The rural retail ordinance amendment was approved by the City Council. Tractor Supply should be submitting a application soon. To date the City has issued 93 new home permits. The November 7th Planning Commission meeting will include the continuation of the Holbrook Plat, two residential variances, a building moving permit and the first draft of the Cannabis ordinance.

Adjourn

**Motion by Commissioner Kamerud to adjourn,seconded by Commissioner Peterson.
All in favor voted aye. MOTION CARRIED.**

Respectfully submitted,

David Havlik



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	November 7, 2024					
Item Name:	CONTINUED - Holbrook Preliminary Plat, PUD Zoning Request & Comprehensive Plan Amendment - 9550 Little Avenue, 9780 Little Avenue and 10080 Little Avenue					
Originating Department:	Community Development					
Presented by:	Lane Braaten					
Previous Commission Action (if any):	October 3rd, 2024 the Planning Commission reviewed the information, held the public hearing, and continued the conversation to the November 7th, 2024 meeting to allow for additional information.					
Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>						
Recommend either approval or denial of the Preliminary Plat Application titled Holbrook, the proposed Comp Plan Amendment and the request to rezone the properties PUD.						
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>						
The Planning Commission, at their regular meeting on October 3rd, 2024, held the public hearing for the Holbrook Preliminary Plat, the requested Comprehensive Plan Amendment and the rezoning request. After significant deliberation the Commission continued consideration of the application to the November 7th, 2024, Planning Commission meeting to allow staff and the applicant time to provide additional information related to traffic and traffic improvements associated with the project. PLEASE NOTE THAT THE FULL PACKET OF MATERIALS WERE PROVIDED TO THE PLANNING COMMISSION IN THE OCTOBER 3RD, 2024 PACKET. THE INFORMATION PROVIDED BELOW IS SUPPLEMENTAL TO THE ORIGINAL SUBMITTAL INFORMATION. THE ORIGINAL PACKET MATERIAL CAN BE ACCESSED VIAT THE CITY'S WEBSITE UNDER AGENDAS & MINUTES, AVAILABLE ARCHIVES, PLANNING COMMISSION, OR YOU CAN CONTACT THE COMMUNITY DEVELOPMENT OFFICE TO REVIEW THE SUBMITTED INFORMATION. REQUESTS: 1. The City has received a Preliminary Plat application titled Holbrook, which proposes to plat the subject properties identified above into 339 single-family home parcels and 5 outlots, which will be retained by the underlying property owner. 2. The City has received an application to zone the subject property PUD, Planned Unit Development District, which would allow reduced lot sizes, reduced setbacks and increased impervious surface allowances to permit four (4) different single-family parcel sizes in the neighborhood. 3. The City has received a Comprehensive Plan Amendment to allow the southerly 30 acres of 10080 Little Avenue (PID#070300100) to be guided for single-family residential development within the 2020-2030 staging plan versus its current guidance of UR, Urban Reserve. SUPPLEMENTAL INFORMATION: 1. City staff contacted Carver County to determine if they were prepared to construct the planned roundabout at County Road 10 and future County Road 92. They indicated that their plans have not changed, and the County is not prepared to build out the full CSAH 92 improvements at this time. It would need to be coordinated with the broader plan for regional connectivity. 2. Based on a review of the Carver County website staff found the following applicable information. The County's 5-year Capital Improvement Plan of highway and trail construction projects includes Project Registry: 218901 Highway 92 Project – Little Avenue Area, which is described as “Realignment of Little						

Avenue (Future Highway 92) from 0.34 mile south of Highway 10 to Highway 10.” The projected start year is 2029 based on the color-coded map elements.

3. The Carver County Transportation Plan includes a portion of future CSAH 92 in the Carver County Transportation Tax Projects. Specifically, the implementation plan identifies the section of future CSAH 92 extending south from Highway 5 to County Road 10. This information does not include any additional information related to the extension south of County Road 10.
4. The applicant’s engineering firm, Westwood Professional Services, Inc., provided a summary document of the Traffic Impact Analysis (TIA) done for the Falk Property. This was submitted in response to the Planning Commission’s request related to additional traffic information.
5. Please see the attached comments from Brian Gersich, Superintendent of Waconia Schools regarding community growth and partnership with the school district.
6. Staff reached out to both the City of Victoria and Carver County regarding the topic of feedlots and feedlot waivers. Staff has provided the summarized comments in the attachment. This may be a condition that the Planning Commission may consider including in order to help inform future property owners.
7. 102nd Street would remain in the Township and staff would recommend that any improvement, or non-improvement, of said road section adjacent to this project be coordinated with the Township and Carver County.
8. It is anticipated that the Public Works Director and/or the City Engineer will be available at the upcoming November 7th Planning Commission meeting to answer any additional questions related to the project.

PUBLIC NOTICE/COMMENT

The notices were published in the WACONIA PATRIOT on September 19th, 2024 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. The Planning Commission held the public hearing for the proposal on October 3rd, 2024.

CONCLUSION/RECOMMENDATION

The Planning Commission should consider all public comments, review the pertinent information in both the October 3rd, 2024, packet materials and the November 7th, 2024, packet materials and make a recommendation to the City Council regarding the Preliminary Plat application, the Rezoning request, and the Comp Plan Amendment for the Holbrook residential development. Upon recommendation by the Planning Commission this item will be forwarded to the City Council for review at an upcoming City Council meeting in December.

If the Planning Commission chooses to recommend approval of the Holbrook Preliminary Plat staff would recommend the approvals with the following conditions:

1. The Holbrook Preliminary Plat shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.
4. The applicant shall obtain a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
5. All indirect costs related to the permitting, review, and plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The City shall provide the necessary street signage. The applicant shall provide the necessary escrow funds to cover all street signage and installation costs.
7. The applicant shall be responsible for the section of regional trail along the future County Road 92 corridor. The applicant shall submit payment in lieu of installation for applicable trail costs.
8. The watermain, sanitary sewer, grading, and stormwater issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to commencement of construction activities for the Holbrook residential development.
9. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.

10. Compliance with applicable items contained in Section 900.06, Subd. 6. Flood Plain Overlay Regulations.
11. Execution of a Developer's Agreement prior to execution of the Final Plat.
12. The sidewalk and trails shall be constructed as proposed and as conditionally revised by the City Council.
All sidewalks within the development shall be 6 feet wide.
13. The applicant shall dedicate Park 1 and Park 2 identified in the plans and pay \$275,400 cash in lieu to satisfy the park dedication requirements for the proposed Holbrook residential development. Park dedication remains due for the owner retained parcels located in the northeast portions of the property.
14. The applicant shall dedicate the right of way associated with the future roundabout at Hwy. 10 and future County Road 92 and the necessary future right-of-way to the north and south of the identified roundabout consistent with the future location of County Road 92 to the City of Waconia.
15. The applicant shall dedicate the right of way along 102nd Street to the City of Waconia.
16. The applicant shall submit a phasing plan for review by City staff.
17. The applicant shall file an application of final plat approval within six (6) months following the approval of the Holbrook Preliminary Plat, unless an extension of time is requested in writing by the subdivider and granted by the Council prior to the six (6) month expiration date.

Attachments:

1. [Location Map.pdf](#)
2. [Holbrook Preliminary Plat.pdf](#)
3. [TIA Summary Falk Saltire.pdf](#)
4. [ISD110 Comments_B Gersich.pdf](#)
5. [Example Ag Use Language.pdf](#)

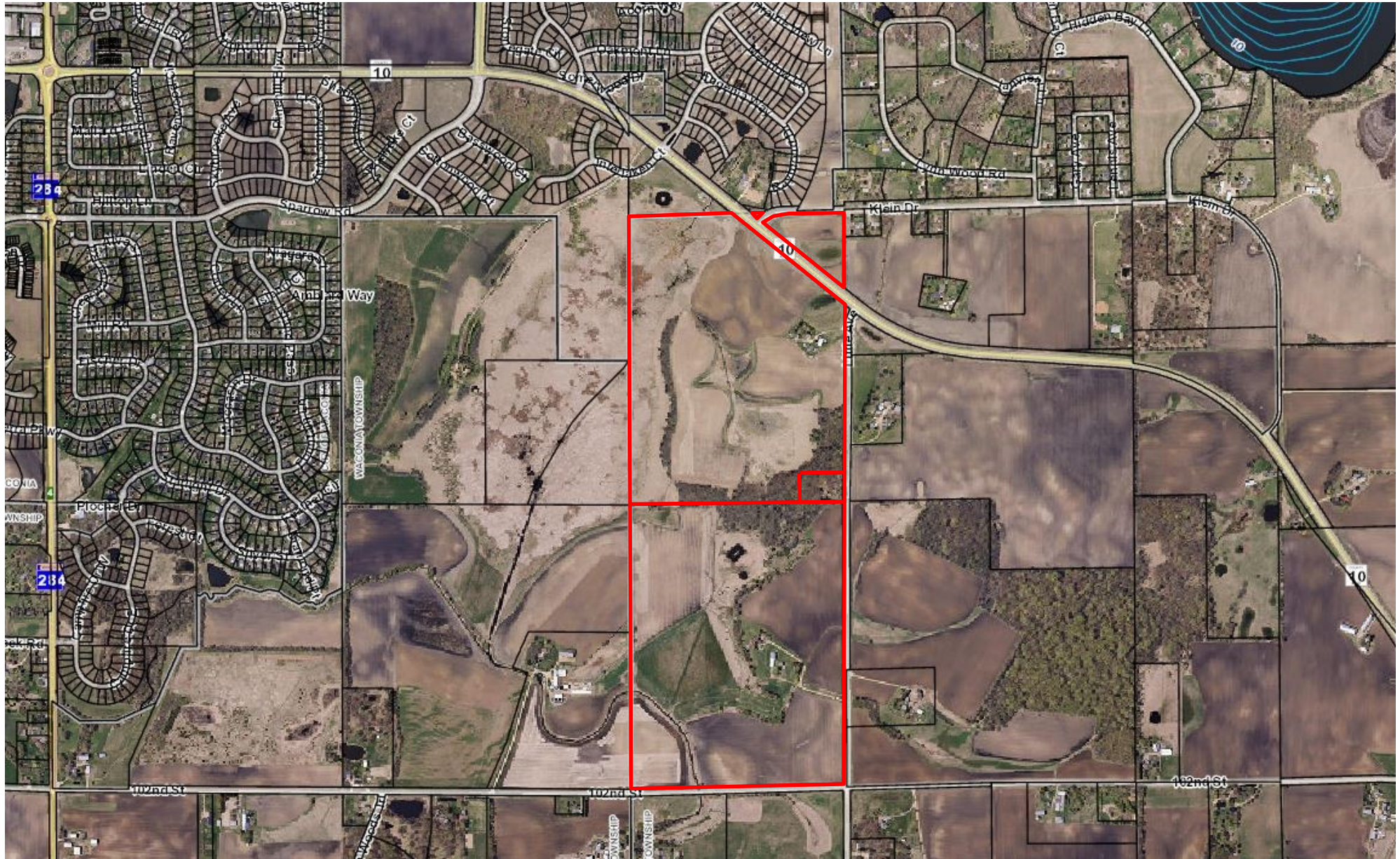
FINANCIAL IMPLICATIONS:

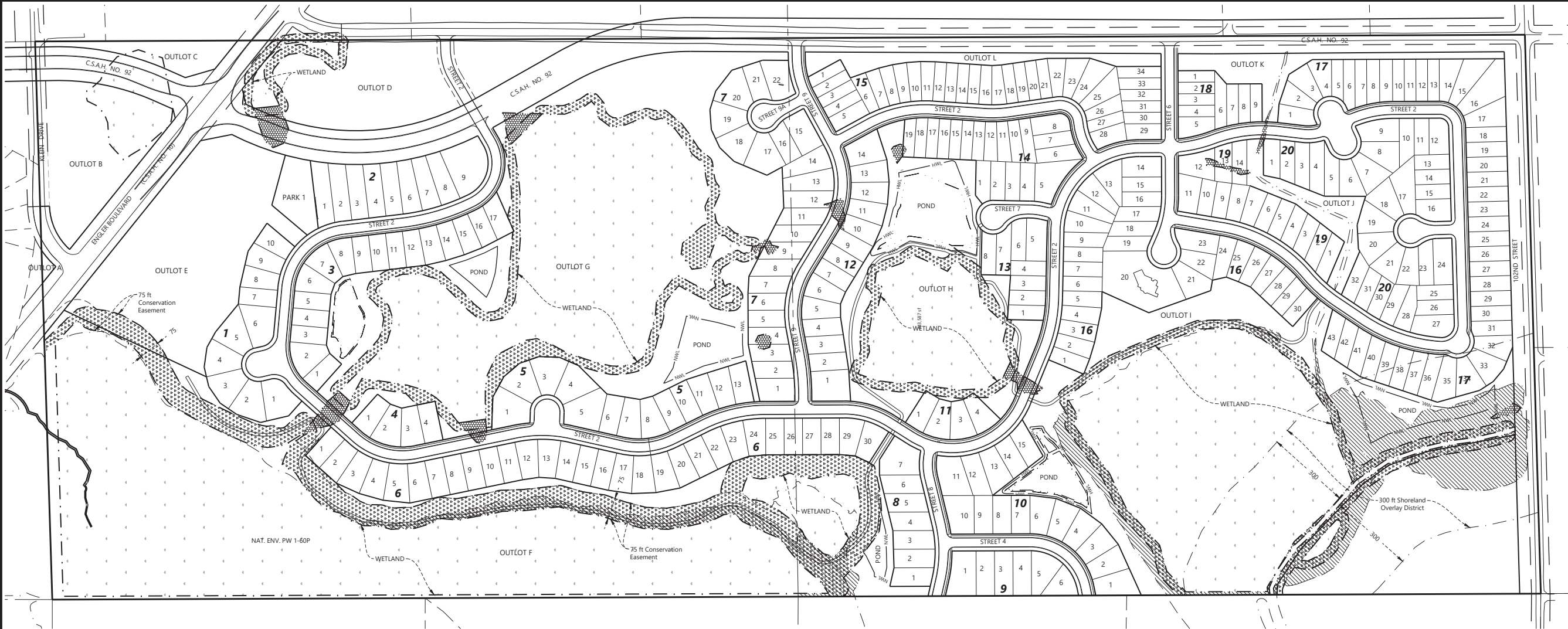
Funding Sources & Uses:

Budget Information:

_____ Budgeted
 _____ Non Budgeted
 _____ Amendment Required

LOCATION MAP





DEVELOPMENT DATA

CURRENT LAND USE GUIDING:	LDR, HDR & MXD
PROPOSED ZONING:	PUD
GROSS SITE AREA:	241.10 AC
RETAINED PARCELS (OUTLOTS A, B, C, D, & E): (CR 92, CR 10 & 102ND STREET)	36.21 AC
RETAINED LOT (Block 16, Lot 20):	1.04 AC
DELINEATED WETLANDS / CREEK TO REMAIN:	61.21 AC
FLOODPLAIN (BEYOND WETLANDS):	8.40 AC
NET DEVELOPABLE AREA:	134.24 AC
NEIGHBORHOOD PARKS:	8.65 AC
PARK 1	0.70 AC
PARK 2	7.95 AC
PROJECT PONDING/OPEN SPACE: (OUTLOTS F - L & PARKS)	115.22 AC
DEVELOPMENT SUMMARY:	
40' SINGLE FAMILY HOMES (MI)	72 LOTS
52' SINGLE FAMILY HOMES (MI)	116 LOTS
60' SINGLE FAMILY HOMES (PULTE)	71 LOTS
65' SINGLE FAMILY HOMES (PULTE)	80 UNITS
TOTAL HOMES:	339 HOMES
PROJECT DENSITY:	
NET DENSITY:	3.82 UN/AC
(339 UNITS/88.64 AC ADJUSTED DEVELOPABLE)	
(GROSS AREA LESS RETAINED OUTLOTS & R/W (36.21 AC), RETAINED LOT B16L20 (1.04 AC), OUTLOTS F-L (106.56 AC), PARKS (8.65 AC))	

PUD LOT STANDARDS

STANDARD	40' SINGLE FAMILY (MI)	52' SINGLE FAMILY (MI)	60' SINGLE FAMILY (PULTE)	65' SINGLE FAMILY (PULTE)
MINIMUM LOT AREA	5,303 SF	6,634 SF	7,930 SF	8,515 SF
AVERAGE LOT AREA	6,481 SF	8,794 SF	9,840 SF	10,612 SF
MINIMUM LOT WIDTH	40'	52'	60'	65'
MINIMUM LOT DEPTH	135'	130'	130'	140'
SETBACKS				
FRONT	25'	25'	25'	25'
SIDE INTERIOR LOT	5' / 5'; 10' TOTAL	5' / 5'; 10' TOTAL	5' / 10'; 15' TOTAL	5' / 10'; 15' TOTAL
SIDE CORNER LOT	20'	20'	25'	25'
REAR	30'	30'	30'	30'
LAKETOWN PARKWAY (REAR)	50'	50'	50'	50'
LAKETOWN PARKWAY (SIDE)	40'	40'	40'	40'
WETLAND STRUCTURE SETBACK	50'	50'	50'	50'

OUTLOT TABLE

OUTLOT	USE	OWNERSHIP	GROSS AREA
A	FUTURE DEVELOPMENT	RETAINED	0.06 AC
B	FUTURE DEVELOPMENT	RETAINED	4.14 AC
C	FUTURE DEVELOPMENT	RETAINED	1.00 AC
D	FUTURE DEVELOPMENT	RETAINED	6.09 AC
E	FUTURE DEVELOPMENT	RETAINED	8.02 AC
F	WETLAND / PONDING	CITY	37.67 AC
G	WETLAND / PONDING	CITY	29.37 AC
H	WETLAND / PONDING	CITY	10.18 AC
I	WETLAND / PONDING	CITY	25.39 AC
J	OPEN SPACE / TRIBUTARY	CITY	1.29 AC
K	OPEN SPACE / BUFFER	HOA	1.48 AC
L	OPEN SPACE / BUFFER	HOA	1.20 AC
PARK 1	PARK	CITY	0.70 AC
PARK 2	PARK	CITY	7.95 AC

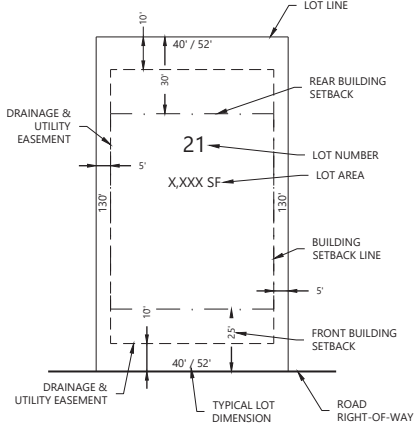
DEVELOPMENT NOTES:

- 1.) ALL LOT DIMENSIONS ARE ROUNDED TO THE NEAREST FOOT.
- 2.) ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
- 3.) STREET NAMES ARE SUBJECT TO APPROVAL BY THE CITY.
- 4.) DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED. DRAINAGE AND UTILITY EASEMENTS WILL BE PROVIDED OVER ALL PUBLIC UTILITIES.
- 5.) STREET WIDTHS SHOWN ARE FROM BACK OF CURB TO BACK OF CURB.

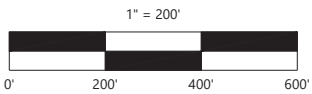
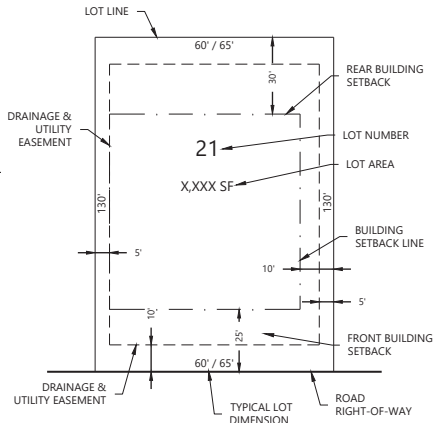
SITE LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		LOT LINE
		SETBACK LINE
		EASEMENT LINE
		CURB AND GUTTER
		TIP-OUT CURB AND GUTTER
		POND NORMAL WATER LEVEL
		RETAINING WALL
		EXISTING WETLAND
		WETLAND BUFFER AREA
		WETLAND FILL
		FLOODPLAIN BEYOND WETLAND

TYPICAL 40' / 52' SINGLE FAMILY LOT DETAIL (MI)



TYPICAL 60' / 65' SINGLE FAMILY LOT DETAIL (PULTE)



PRELIMINARY PLANS

DESIGNED:	
CHECKED:	
DRAWN:	
HORIZONTAL SCALE:	200'
VERTICAL SCALE:	40' OR 20'

INITIAL ISSUE:	05/03/24
REVISIONS:	

PREPARED FOR:

PULTE GROUP

1650 WEST 82ND STREET, SUITE 300
BLOOMINGTON, MN 55431

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION AND THAT I AM A
DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS
OF THE STATE OF MINNESOTA

CORY MEYER

DATE: 08/29/24 LICENSE NO. 26971

HOLBROOK

WACONIA, MN

Westwood

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

PRELIMINARY PLAT

PROJECT NUMBER: 0042349.00

SHEET NUMBER:

03

OF

55

DATE: 08/29/24

MEMORANDUM

Date: October 29, 2024

Re: Holbrook Development, Waconia, MN
TIA Summary Memo
File R0042349.00

From: Brandi Swanson
Camie Ferrier, PE, PTOE

Westwood Professional Services, Inc. (Westwood) has been retained by Pulte Group to prepare a Traffic Impact Analysis (TIA) for the Holbrook Development project. The Holbrook Development project located on approximately 231 acres in Waconia, Minnesota includes the following:

- Single-Family Detached dwelling units
- Multi-Family (Low-Rise) dwelling units
- Strip Retail land use

Based on discussions with Carver County Staff, this analysis studied:

- Existing conditions
- Year of opening (2026)
- Year 2045, which matches the current planning horizon for Carver County and City of Waconia.
- It is anticipated that the development will reach 20% buildout in 2026.
- Full buildout and occupancy of this project is expected to occur prior to the Year 2045.

The TIA studied the following **ten (10)** public street intersections:

1. TH 5 and CSAH 59/E Main Street
2. CSAH 10/E 13th Street and TH 284
3. CSAH 10/E 13th St/Engler Boulevard and CSAH 59/E Main Street
4. CSAH 10/Engler Boulevard and Interlaken Court/Interlaken Parkway
5. CSAH 10/Engler Boulevard and Klein Drive West
6. CSAH 10/Engler Boulevard and Little Avenue
7. CSAH 10/Engler Boulevard Klein Drive East
8. CSAH 10/Engler Boulevard and 102nd St
9. 102nd Street and Little Avenue
10. 102nd Street and TH 284

MEMORANDUM

The 11th Edition of the Institute of Transportation Engineers' (ITE) Trip Generation Manual was used to estimate the number of vehicle trips generated by the subject project.

The site layout utilized for the Traffic Impact Analysis (TIA) dated May 8, 2024, included the following:

- 339 Single-Family Detached dwelling units
- 205 Multi-Family (Low-Rise) dwelling units
- 45,600 square feet of Strip Retail land use.

The site layout was updated on September 9, 2024 after the TIA was submitted and includes the following:

- 350 Single-Family Detached dwelling units
- 216 Multi-Family (Low-Rise) dwelling units
- 45,600 square feet of Strip Retail land use

Attachment 1 illustrates the comparison of trips generated due to the change in dwelling units.

For the purpose of this study, an acceptable Level of Service (LOS) is D or better. **Attachment 2** summarizes the recommended intersection traffic control.

Attachment 1: Trip Generation Comparison

Trip Generation Total from TIA Dated 5/8/2024

ITE Code	Land Use	Unit	Anticipated Value	Daily Trips	AM Peak Hour			PM Peak Hour		
					Total	Entry	Exit	Total	Entry	Exit
210	Single-Family Detached Housing	Dwelling Units	339	3,197	237	59	178	319	201	118
220	Multi-Family (Low Rise)	Dwelling Units	205	1,382	82	20	62	105	66	39
822	Strip Retail Plaza (<40k)	1,000 Sq. Ft.	45.6	2,483	108	65	43	301	151	150
Total				7,062	427	144	283	725	418	307

Trip Generation Total from Site Plan Updates 9/9/2024

ITE Code	Land Use	Unit	Anticipated Value	Daily Trips	AM Peak Hour			PM Peak Hour		
					Total	Entry	Exit	Total	Entry	Exit
210	Single-Family Detached Housing	Dwelling Units	350	3,301	245	61	184	329	207	122
220	Multi-Family (Low Rise)	Dwelling Units	216	1,456	86	21	65	110	69	41
822	Strip Retail Plaza (<40k)	1,000 Sq. Ft.	45.6	2,483	108	65	43	301	151	150
Total				7,240	439	147	292	740	427	313

Trip Generation Difference				178	12	3	9	15	9	6
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Attachment 2: Summary

Recommended Intersection Control						
Intersection		Existing 2024 Intersection Control	Recommended 2026 Intersection Control	Recommended Intersection Control - 20% Buildout	Recommended Intersection Control - 40% buildout	Recommended (2045) Intersection Control - Full Buildout
1	TH 5 & CSAH 59/Main St	Signal	Signal	Signal - Timing Change	Signal - Timing Change	Signal - Timing Change
2	CSAH 10/E 13th St & TH 284	Single-Lane Roundabout	Single-Lane Roundabout	Single-Lane Roundabout	Single-Lane Roundabout	Multi-lane Roundabout
3	CSAH 10/E 13th St & CSAH 59/Main St	Signal	Signal	Signal	Signal	Signal
4	CASH 10 & Interlaken Ct/Blvd	TWSC	TWSC	TWSC	TWSC	TWSC
5	CSAH 10 & Klein Dr West	TWSC	TWSC	TWSC	Roundabout	Roundabout
6	CSAH 10 & Little Ave	TWSC	TWSC	TWSC		
7	CSAH 10 & Klein Dr East	TWSC	TWSC	TWSC	TWSC	TWSC
8	CSAH 10 & 102nd	TWSC	TWSC	TWSC	TWSC	TWSC
9	102nd & Little Ave	AWSC	AWSC	AWSC	AWSC	AWSC
10	102nd & TH 284	TWSC	TWSC	TWSC	TWSC	TWSC

*Intersections 5 and 6 will be consolidated into one single intersection for the Full Buildout

TWSC - Two-way Stop Control

AWSC - All-way Stop Control

From: [Brian Gersich \(Staff\)](#)
To: [Lane Braaten](#)
Subject: Re: [External] Holbrook Preliminary Plat - ISD110
Date: Tuesday, October 29, 2024 1:10:05 PM

Hi, Lane.

Thanks so much for being a great partner and seeking district perspectives. It's much appreciated. I'll give you my shortened version, but if you or anyone from the team wants to chat, just let me know and I'm happy to try to help.

First, our system is built for growth and additional students. Truly our enrollment has actually been declining in recent years, as it is in many public schools. Reasons include societal factors at play like fewer children per household as well as expansions in school choices. So in short, ISD 110 is built for growth and experiencing decline, meaning we would welcome new students. Second, even if we experienced sudden substantial growth, we are able to accommodate with short and long term plans. For example, our MS building in particular would be able to handle moving all 5th grade students in if needed, leaving even more space for growth at the elementary level. So in short, it would take substantial growth and conditions before we'd have to talk about building new or expanded existing buildings, with numerous options short term to give time for intentional planning and consideration of options.

There is also a benefit to our existing population as more houses in the district would help spread out the property taxes for schools. Because of the way school financing works, Waconia School homeowners pick up a bigger share than many neighboring districts. It's hard to put that into an email, but more houses also means more properties to spread out the school tax burden. Certainly more businesses help that too.

We have a current school board election and some candidates are running on a platform that one of the keys to our success as a district is increasing enrollment. In short, I think we would welcome and be sure to monitor student growth if we had another large development coming.

Give me a call if you want to chat. Thanks again for checking in.

Brian



Brian Gersich, Ed.D.
Superintendent

952.442.0601 | www.isd110.org

WACONIA PUBLIC SCHOOLS • ISD110
EXPLORE YOUR PASSIONS. CREATE YOUR SUCCESS.

City of Victoria – Example Notification Regarding Agricultural and Outdoor Uses Adjacent to the Residential Development.

We provide a “Letter of Awareness” in our Development Agreements for potential purchasers so they’re aware of their surroundings. I’ve attached some sample language below from one of our recent developments:

INFORMATION REGARDING THE HUNTERSBROOK FIRST ADDITION SUBDIVISION, AND THE SURROUNDING AREA

Listed below are several items that the City of Victoria would like you to be aware of as a purchaser of property within the Huntersbrook First Addition Subdivision. This notice is required to be recorded and disclosed to all current and future buyers of lots/homes within Huntersbrook First Addition.

2. **Adjacent Marsh Lake Hunt Club:** The subdivision shares its western boundary with property owned by the Marsh Lake Hunt Club, an active gun club. Purchasers should be aware of the sights and sounds (including the discharge of firearms) that will be present with close proximity to this use.
3. **Adjacent Schmieg Hilltop Farm:** The subdivision shares its northern boundary with the Schmieg Hilltop Farm, an active dairy and crop farm. Purchasers should be aware of the presence of livestock and an electric fence on along the northern property line, as well as the potential for disturbance resulting from the sights, sounds, dust and smells customarily associated with this use.

Carver County – Example Notification Regarding Agricultural and Outdoor Uses Adjacent to the Residential Development.

Something to note, when we do a rural development plat, as part of the preliminary plat conditions we document that the covenant must include language to provide an acknowledgment that rural areas adjacent to the development allow for agricultural activities. See the example attachments and language below.

Each Owner acknowledges and agrees that the Property is in a rural area, and that agricultural and other rural uses will likely occur on other properties in the area. Accordingly, complaints of odors, dirt, dust, noise, or long hours of operation, or other factors associated with agricultural or feed lot activities, shall be considered unwarranted if such activities are being conducted in accordance with existing state, county and other local standards.



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: November 7, 2024

Item Name: PUBLIC HEARING – Variance – 241 Lake Street West

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Motion recommending either approval or denial to the City Council regarding the proposed Variance submitted by Mathews Vasek Construction to allow a new home and site improvements at 38.2% Impervious Surface versus the 25% maximum allowed in the Shoreland Overlay District for the property located at 241 Lake Street West.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND

Applicant: Mathews Vasek Construction

Owner: James Rental LLC

Address: 241 Lake Street West

PID#: 750503550

Zoning: R-4, Mixed Residential District

Special District: Shoreland Overlay District

REQUEST:

The applicant, Mathews Vasek Construction, on behalf of James Rentals LLC, has submitted a variance application to demolish and construct a new home and site improvements located at 241 Lake Street West. The improvements are proposed to result in an impervious surface of 38.2% versus the 25% maximum allowed in the Shoreland Overlay District. The applicant has indicated that because the interior of the house is not ideal or safe for a family due to the lack of closets in bedrooms and the age of the foundation of the home prevents remodel work a variance is necessary.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05.5 – District Regulations – R-4, Mixed Residential District
2. Section 900.06.7 – Shoreland Overlay District
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of “practical difficulty” as follows: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the Variance are consistent with the Comprehensive Plan.” So a City evaluating a Variance application should make findings as to:

1. Is the Variance *in harmony* with the purposes and intent of the ordinance?
2. Is the Variance *consistent* with the Comprehensive Plan?
3. Does the proposal put the property to use in a *reasonable* manner?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the Variance, if granted, alter the *essential character* of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character).

VARIANCE ANALYSIS

The uncontrolled use of shorelands of the City of Waconia affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to the municipalities of the state to regulate the subdivision, use and development of the shorelands of public waters, and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by the City of Waconia.

The subject property currently contains a single-family home, a utility shed, a garage and other impervious improvements such as driveways and sidewalks. The applicant is proposing to remove these existing improvements and replace with a new 1,470 sq. ft. home, a 910 sq. ft. attached garage, and a 916 sq. ft. driveway that would result in 3,296 sq. ft. of hardcover improvements at 38.2%. In addition to the hardcover improvements, the applicant is proposing an infiltration trench on the south-west side of the property next to the proposed driveway. Downspouts and drain tile are directed and connected to the aforementioned infiltration trench.

The existing lot circumstances, legal nonconformities and proposed changes to the lot conditions are reflected in Table 1.1 below with emphasis of required variances in the red, bolded text.

Table 1.1

Lot Requirements	R-4, Mixed Residential District and Shoreland Overlay District	Existing Conditions	Proposed Conditions
Minimum Lot Size	10,500 sq. ft.	8,635 sq. ft.	8,365 sq. ft.
Front Yard (Lake St.) Setback	25 ft.	Conforming	25 ft.

Side Street (Maple) Setback	15 ft.	11.4 ft.	15 ft.
Rear (Alley) Yard Setback	30 ft.	Conforming	Conforming
Interior (East) Yard Setback	5 ft.	5.1 ft. (Principle Structure) 4 ft. (Accessory Garage)	5.1 ft.
Impervious Surface	25% Maximum	38.2%	38.2%

PLANNING CONSIDERATIONS:

1. The applicant is proposing a 1,470 sq. ft. home with a 910 sq. ft. garage in the area highlighted in blue on the attached proposed site plan. The attached concept home, titled a "3-Bed Modern Mountain Home for Sloped Lot" indicates a 1,600 sq. ft. structure and the elevations do not detail any garage or area for a garage to be connected to it. Further, the applicant has provided existing and proposed impervious surface calculations on a supplementary page that propose different hardcover calculations which are inconsistent with the proposed site plan and elevations. Staff notes that gravel driveways are not consistent with City code. Any future driveway shall be constructed of bituminous or concrete. The Planning Commission should discuss this with the applicant to clarify what the applicant is proposing.
2. The applicant has submitted a proposed plan based upon the existing survey that details proposed locations of structures, storm facilities and other hardcover improvements based upon a certificate of survey using the existing site information.
3. The applicants are proposing to construct the new home and improvements in conformance with required setbacks, but remain at the current 38.2% impervious surface versus the 25% maximum allowed in the Shoreland Overlay District.
4. The City Engineer has reviewed the proposed stormwater plan and has noted that additional information is needed to review the design. The City Engineer further noted that: "...a *certificate of survey should be submitted indicating existing and proposed structures, topography, spot elevations in key locations, and hardcover calculations to allow for a complete review. The design should direct an adequate amount of runoff to the infiltration trench to mitigate the increase [above the maximum 25% allowed in the district] in impervious surface.*"
5. Due to the City Engineer's concern with the current data in relation to the proposed stormwater plan, the Planning Commission may wish to consider requiring the applicant to submit a Proposed Certificate of Survey prior to making a recommendation to the City Council. Condition #1 may be modified to reflect this concern.
6. The City Engineer also included additional requirements, based upon Planning Consideration #2
 - a. The infiltration trench drain tile shall be connected to the City's storm system at a location that works with the elevations, specifically items b through e listed below.
 - b. The Infiltration Trench Detail will need to be coordinated with the Survey. Calculations should indicate water quality volume control provided is equal or greater than 1" over the increase in impervious area.
 - c. The proposed survey shall indicate the width and length of the trench.
 - d. The water quality volume provided in the 1 ½" – 3" washed rock shall be considered at 40% of the total volume.
 - e. Water quality volume shall be considered below the top of the trench of the elevation of the outlet, whichever is lower.
 - f. A plan shall be provided indicating roof drain locations and connections to the infiltration trench. Invert elevations and cleanouts may be necessary to achieve desired treatment. The plan shall include perimeter erosion control.
 - g. The following conditions should also be noted on the plans:
 - Construction of the infiltration trench should be observed by the City to ensure it is constructed as approved.
 - Grading should be confirmed by the City prior to final approval to ensure runoff is not

directed to adjacent properties.

- Perimeter erosion control should be installed by the Contractor and inspected by the City prior to any other work.
7. The DNR has reviewed the application and noted they support the City Engineer comments.
 8. Staff notes that the application submitted by the applicants is considered complete, however due to the above noted Planning Considerations, there are multiple concerns with the information currently provided.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on October 24th, 2024 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. The DNR was emailed and their comments are noted in the Planning Considerations above. As of the date and time of this report the City has not received any public comment regarding the proposed Variance.

CONCLUSION/RECOMMENDATION

The Planning Commission should hold the public hearing, review the variance request based upon the variance criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on November 18th, 2024.

If the Planning Commission chooses to recommend approval of the variance, staff would recommend the approval upon the following conditions:

1. An updated Certificate of Survey shall be required upon building permit review. The Certificate of Survey shall be consistent with the site plan approved by the Planning Commission and City Council.
2. The applicant shall revise and resubmit a proposed stormwater plan, subject to the satisfaction of the City Engineer.
3. The proposed driveway shall be constructed of bituminous or concrete, set back at least 5 ft. from adjacent property lines.
4. A Maintenance Agreement for the private stormwater management facilities shall be completed and recorded with Carver County prior to issuances of a Certificate of Occupancy.

Attachments:

1. [Public Hearing Notice \(1 Page\)](#)
2. [Existing Site Plan \(1 Page\)](#)
3. [Application and Letters \(5 Pages\)](#)
4. [Proposed Plan \(7 Pages\)](#)
5. [Stormwater Plan \(2 Pages\)](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN will hold a public hearing on November 7th, 2024, at 6:30 P.M., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a variance request for the property located at 241 Lake Street West.

The City is considering a variance request by Mathews Vasek Construction for the property located at 241 Lake Street West to demolish the existing home and improvements and build a new home and site improvements above the 25% maximum impervious surface requirements in the Shoreland Overlay District.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on November 7th, 2024. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Ethan Nelson, 201 South Vine Street, Waconia, MN 55387

Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Ethan Nelson, Assistant Planner

(Published in the October 24th, 2024 Waconia Patriot newspaper)

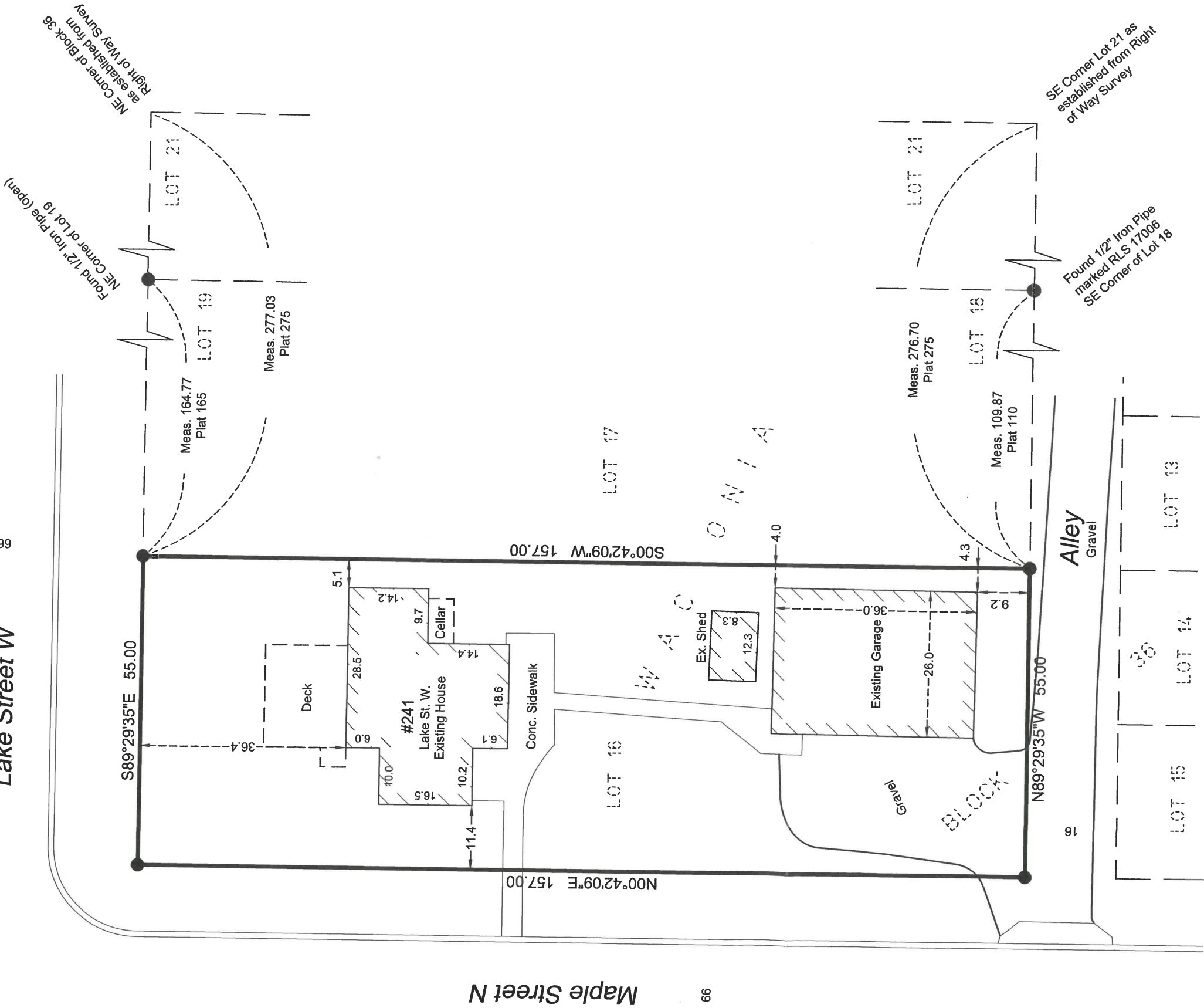
Certificate of Survey

Survey Prepared For: Greg James

Property Description: Lot 16, Block 36, WACONIA, Carver County, Minnesota

Lake Street W

96



Notes

- Denotes Found 1/2" x 14" Iron Pipe marked "MN LS 48176", set during 2022 survey, unless otherwise noted.
- 1. This Survey intends to show the boundaries of the above described property and the location of certain existing improvements thereon. It does not purport to show all improvements or encroachments. A Title Report was not furnished to the Surveyor in preparation of this survey. Additional encumbrances on the property may be disclosed by such a report.
- 2. The Basis of Bearings for this survey is assumed. Measured bearings and distances are shown for the boundary.
- 3. Parcel Area: 8,635 Sq. Ft. = 0.20 Acre.
- 4. Impervious Surface Measurements - Existing Condition = 3,296 Sq. Ft. = 38.2% (see worksheet for details)
- 5. Distances shown on this survey are expressed in feet and hundredths of a foot.
- 6. Building dimensions are measured at breast height on the outside of the siding/fascia and may not reflect dimensions of the foundation.
- 7. The site conditions shown on this survey are representative of the existing conditions on the date of last fieldwork: July 31, 2024.

LINDGREN
Land Surveying

PO Box 217
Chanhassen, MN 55317
(952) 223-0063

I hereby certify that this survey, map, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: Eric B. Lindgren Date: August 8, 2024
Eric B. Lindgren, Land Surveyor
Minnesota License Number 48176

PROJ. NO.
11222R

SHEET
1 of 1

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Surveying, PLLC. All rights reserved.

BOOK/PAGE
003/038 **30**



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: James Rentals LLC
2. Address of Property: 241 Lake Street West
3. Legal Description: City Lots of Waconia Lot 016 Block 036
4. Applicant's Name: Mathew Vasek Construction
5. Mailing Address: PO Box 44 Waconia, MN 55387
6. Daytime Phone(s): 952-367-9161
7. Email Address: andy@mathewvasekconstruction.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: _____

Fee: \$ _____
Receipt #: _____



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: R-4
2. Existing use of Property: single family home
3. Has request for a variance on this property been sought previously? If so, when? No

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$250 residential; \$350 non-residential**)
 - After-the-fact application fee (**\$750 residential; \$1,050 non-residential**)
3. **Residential applications requiring the submittal of a stormwater plan shall submit a \$150 non-refundable stormwater plan review fee.**
4. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

5. Certificate of Survey with north arrow indicating existing structures and proposed additions or modification to structures.
6. Show all distances of buildings and structures from property lines.
7. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).
8. Stormwater Plan for all properties located within the Shoreland Overlay District and for all properties that currently exceed, or propose to exceed, the hardcover maximum identified in the applicable zoning district.

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: 

Date: 8-14-24

Printed Name: Andrew Vasdek

Property Owner Signature: 

Date: 8-14-24

Printed Name: _____

MATHEWS+VASEK

CONSTRUCTION

CUSTOM HOMES • REMODELING • COMMERCIAL

Date 8-14-24

We are requesting a variance for the property located at 241 Lake Street West. We are situated in the R-4 Medium Density Residential District. We conform with *Lot Requirements* (Sec. 900.05.04) including the following:

- Minimum lot area
- Setbacks for Principal Structures (lots less than 55' wide)

We are nonconforming on the following:

- Maximum hardcover 35% (25% Shoreland Overlay District)
- Setbacks for Accessory Structures (lots less than 55' wide)

The property is currently over the 25% hardcover as required in the Shoreland Overlay District. Our accessory structure is less than 5' from our interior property line.

Evaluation of the current property confirmed the difficulties of remodeling the home. The current home's foundation is inadequate to support structure changes that would be necessary to improve the function and layout of the 2nd level. The current 2nd level lacks access and egress requirements of current building code. It also lacks headroom height and closets necessary for bedroom spaces.

The current property is at 38.2% hardcover. Our intention is to remove the existing home, detached garage, and any other existing hardcover. Our request is to maintain 38% or less hardcover of the property for a new home build.

If our variance request is granted, we will proceed with architectural plans and storm water management plans to conform with city ordinances and city engineering guidelines.

Feel free to reach out if you have any further questions or comments.

Sincerely,

Andrew Vasek

1040 Adams Street SE Suite #2
Hutchinson, MN 55350
952-367-9161
andyv@mathewsvasekconst.com

09/05/2024

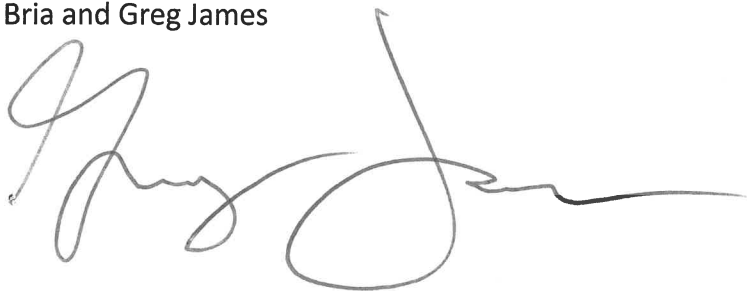
Dear Waconia City Counsel & Planning Commission,

The property at 241 W Lake St. in Waconia was purchased in 2022 as an investment property and rental. Despite the cosmetic interior updates, the current size, age, and layout of the home is not ideal or safe for a family. Specifically, not all bedrooms have closets or space to add, the age of the foundation and supporting structures are not suitable to remodel/ add onto, and the staircase to the upstairs bedroom are steep and narrow with concern for safety. For these reasons, we feel the best route to improve the live-able space is to do a full tear-down and rebuild. Additionally, if approved, it will allow our sister and her growing family to have a second home for majority of the year.

We are requesting a variance to have permission to maintain 38% or below hardscape coverage, currently at 38.2%, in order to do a full tear down, rebuild, and to include storm water management plan.

Thank you for your consideration,

Bria and Greg James

A handwritten signature in black ink, appearing to be a stylized combination of 'B' and 'G' followed by a long horizontal line.

16, Block 36, WACONIA, Carver County, Minnesota

88



241 West Lake Street, Waconia							
Prepared by: Eric Lindgren, PLS							
Prepared for: Greg James							
Prepared on: August 8, 2024							
LLS Project Number: 11222R							
All measurements in Square Feet (ft^2)							
Existing Impervious Coverage:				Notes			
	Lot Area	8635					
	House footprint, porch, Cellar Access	875					
	Garage footprint	936		*Excludes Portion in R.O.W.			
	Shed footprint	102					
	Concrete Sidewalk	476					
	Deck	0		*279 Sq. Ft. Deck assumed to be pervious			
	Gravel parking area	907					
	TOTAL:	3296					
	Percentage of coverage:	38.2%					
Proposed Impervious Coverage:				Notes			
	Lot Area	8635					
	House footprint, porch, Cellar Access	875					
	Garage footprint	936		*Excludes Portion in R.O.W.			
	Shed footprint	102					
	Concrete Sidewalk	476					
	Deck	0		*279 Sq. Ft. Deck assumed to be pervious			
	Gravel parking area	907					
	ADD ITEM	0					
	ADD ITEM	0					
	ADD ITEM	0					
	TOTAL:	3296					
	Percentage of coverage:	38.2%					

3-Bed Modern Mountain Home Plan for Sloped Lot

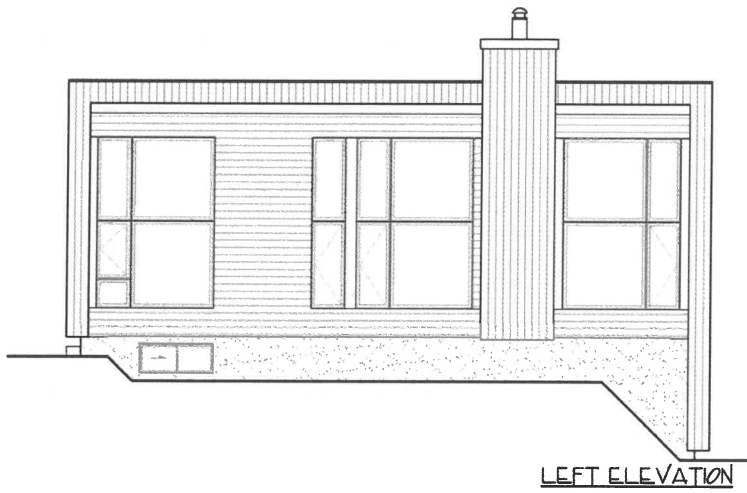
1,600
Heated S.F.

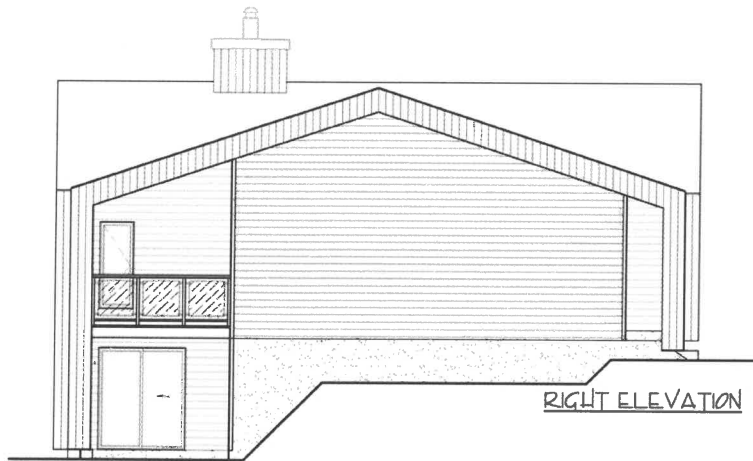
3
Beds

2
Baths

2
Floors





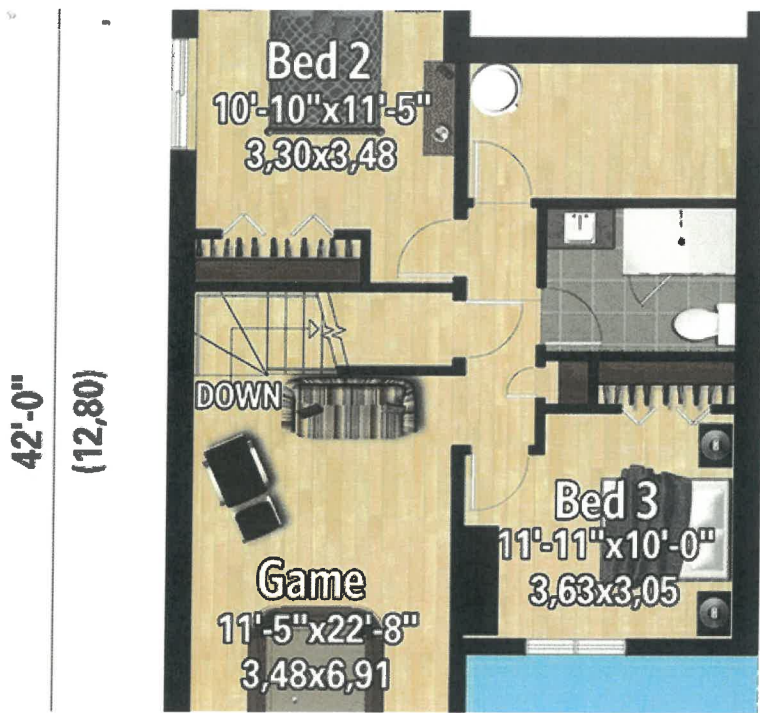


42'-0"

(12,80)



13'-0"x12'-6"
3,96x3,81



Plan 80968PM
architectturaldesigns.com



1-800-854-7852
1-262-521-4596

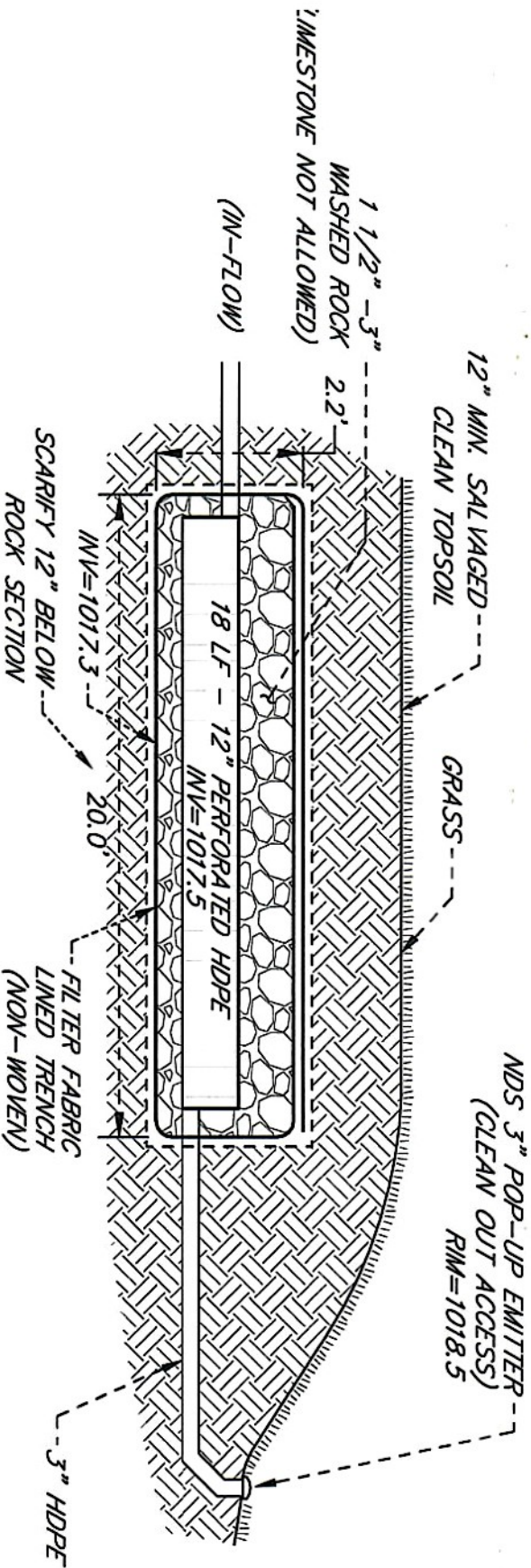
STORMWATER REQUIREMENTS

1. VOLUME CONTROL – ONSITE RETENTION OF MIDS 1.1-INCH STORM EVENT OVER PROPOSED IMPERVIOUS SURFACES.

PROPOSED IMPERVIOUS AREA = 1,095 SQUARE FEET
 REQUIRED VOLUME TO RETAIN = $1,095 \times (1.1/12) = 100.3$ CUBIC FEET
 VOLUME OF RETENTION PROVIDED (INFILTRATION TRENCH) = 110 CUBIC FEET

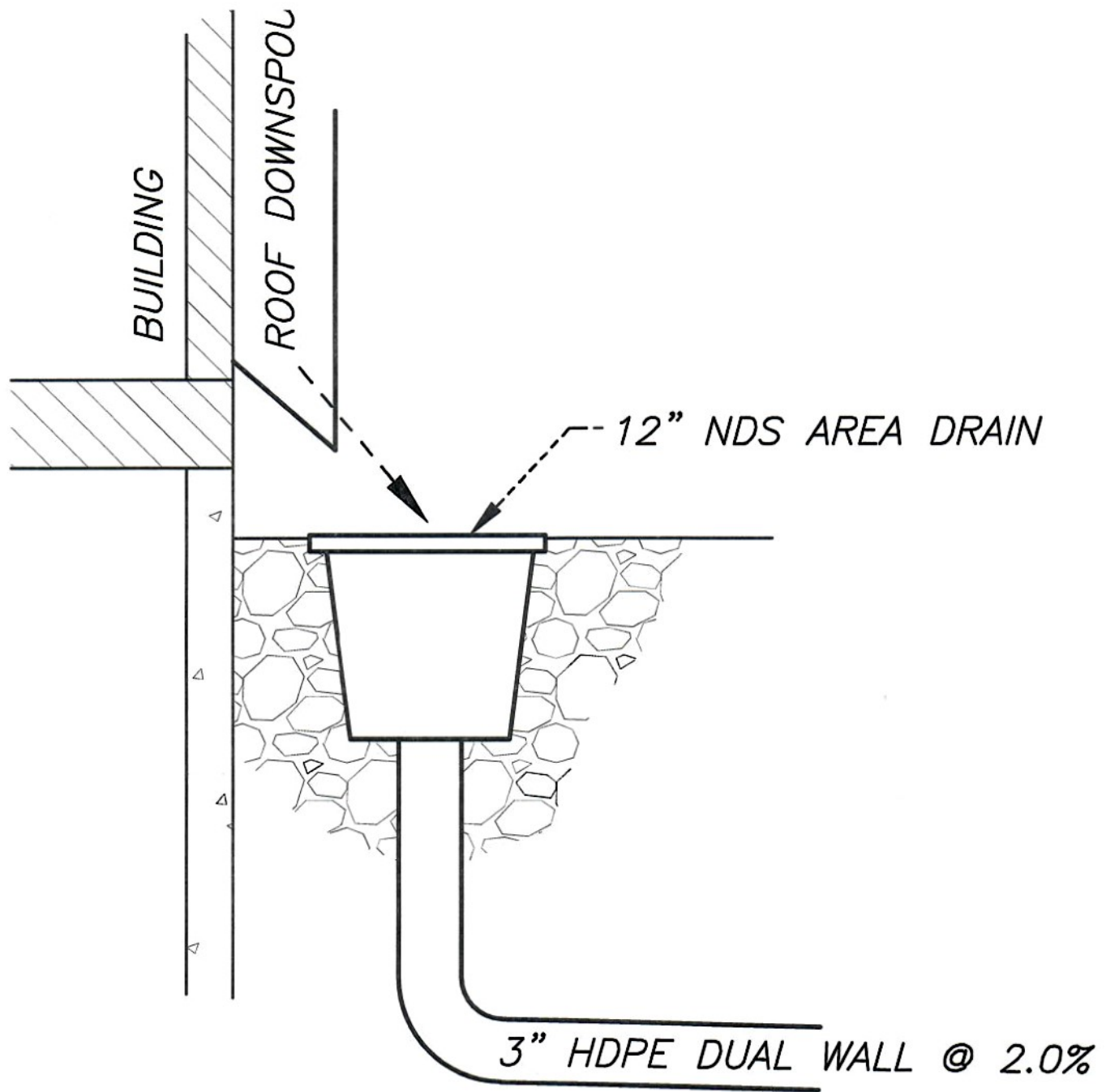
*NOTES:

1. TYPE B SOILS PER WEB SOILS SURVEY.
2. INFILTRATION TRENCH TO DRAW DOWN IN 48 HOURS



STORMWATER RETENTION/INFILTRATION TRENCH (SECTION)

NO SCALE



ROOF DRAIN OUTLET

NO SCALE



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	November 7, 2024
Item Name:	PUBLIC HEARING - Site Plan, Design Review & Variance Amendment - Olive & Second Mixed-Use Project
Originating Department:	Community Development
Presented by:	Lane Braaten
Previous Commission Action (if any):	City Council approved Resolutions 2024-177 and 2024-178 approving the Site Plan, Design Review Variance and subdivision on August 19th, 2024.

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Open Public Hearing
Motion to close the Public Hearing
Provide a recommendation to the City Council regarding the Site Plan, Design Review, & Variance amendment application for the mixed-use building project titled Olive and Second.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

The Planning Commission, at their regular meeting on August 8th, 2024, reviewed, held the public hearing for, and recommended approval of the Site Plan, Design Review, Variance and subdivision/plat associated with the Olive & Second project which proposes to replat six properties into two parcels and redevelop the south half of the block into a 5 level mixed-use building with 92 apartment units and commercial space on both Olive Street South and Elm Street South. The City Council, based on the recommendation of the Planning Commission, adopted resolutions 2024-177 and 2024-178 approving the Site Plan, Design Review, Variance and subdivision based on specific findings and the applicant meeting certain conditions associated with the project.

REQUEST

The applicant, Olive and Second, LLC, has submitted a revised plan requesting an amendment to the approved Site Plan, Design Review and a Variance for the properties identified in the project. The applicant has made some revisions to the 4th and 5th floors of the project, which they have indicated are necessary to both support the safe exiting of occupants from the roof deck and also to better align with the upper setback exterior walls with structural bearing elements below.

The proposed revisions include changes to the square footage associated with the 4th and 5th floors and to the step back distances, specifically from Olive Street South, which was a significant finding and discussion item during the approval of this project. As such, staff required the submittal of the amendment for review and discussion at the Planning Commission and City Council level and to keep the general public involved in the process as we consider the revisions.

REVISION ANALYSIS AND STAFF REVIEW COMMENTS:

1. The **original approval** included step backs from Olive Street South consisting of:
2nd Floor Step back (from the face of the 1st floor) = 9 ft. 9 inches
4th Floor Step back (from the face of the 2nd floor) = 42 ft. 10 inches
5th Floor Step back (from the face of the 4th floor) = 27 feet
Total Step back from the front face/Olive Street face of the building to the front face of the 5th floor = **79 ft. 7 inches**
2. The **proposed** step backs from Olive Street consist of:
2nd Floor Step back (from the face of the 1st floor) = 9 ft. 4 inches
4th Floor Step back (from the face of the 2nd floor) = 19 ft. 11 inches

5th Floor Step back (from the face of the 4th floor) = 39 feet 3 inches

Total Step back from the front face/Olive Street face of the building to the front face of the 5th floor = **68 feet 6 inches**

3. Please note that there are proposed additional step backs from both the north and south facades, which were not part of the original approval. Staff has directed most of the comments on the step backs from Olive Street South as this was a significant discussion point by the applicant and a direct finding in the resolution of approval.
4. 4th Floor original deck square footage = 2,451 square feet – Reduced to 2,178 square feet.
5. 4th Floor living area/building enclosure area increased 273 square feet.
6. 5th Floor living area/building enclosure area increased 662 square feet.
7. The Planning Commission should discuss with the applicant why the revisions are necessary and if the modifications could be accommodated in the footprint/enclosure of the original approval.
8. The increase in square footage of the 4th and 5th floors should be reviewed for consistency with the original request. The Planning Commission should consider whether any additional findings or conditions should be associated with the project if the revisions are approved by the City Council. As such, staff has included both resolutions associated with the project for review and consideration.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on October 24th, 2024 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date of this memo the staff have not received any public hearing comments.

CONCLUSION/RECOMMENDATION

The Planning Commission should review the pertinent information, hold a public hearing, and make a recommendation to the City Council regarding the request by Olive & Second, LLC for an amendment to their Site Plan, Design Review, and Variance applications associated with their project. Upon a recommendation of the Planning Commission this item is anticipated to be reviewed and considered by the City Council on November 12th, 2024.

If the Planning Commission chooses to recommend approval of the amended plans as stated above, the Commission should include any additional conditions they deem appropriate.

Attachments:

1. [Amendment Narrative.pdf](#)
2. [Olive and Second Amend Plans.pdf](#)
3. [Resolution No. 2024-177.pdf](#)
4. [Resolution No. 2024-178.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required

October 21, 2024

Mr. Lane Braaten
Community Development Director, City of Waconia
201 South Vine Street
Waconia, MN 55387

RE: Olive and Second Mixed Use - Entitlement Amendment

Mr. Braaten,

As we continue to develop the proposed Olive and Second Apartment project, we have made some minor revisions to the project, specifically at the roof deck area on the fourth and fifth floors, which we would like to bring to your attention. The revisions generally focus on shifting a small portion of building mass on the fourth floor away from the north building edge and more into the center of the roof deck area. These changes were found necessary to both support the safe exiting of occupants from the roof deck and also better align the upper setback exterior walls with structural bearing elements below. We feel these changes continue to meet the intent and goals stated by the City Council when the project was originally approved. To that end, I offer the following:

- The Sky Lounge location has increased the setback and shifted away from the north edge of the building to a more central location within the roof deck. This portion has been extended approximately 23' toward the west and maintains a setback from the west property line of over 30'. More importantly, the new boundary maintains a setback from all fourth floor roof edges by a distance greater than its story height (actual setback = story height + approx. 1/3). Since almost any element on a roof may be visible depending on the distance being considered, this ratio between setback distance and height is often a benchmark applied to various roof elements when "visibility" is in question.
- As the plans were developed, it became clear we needed to supplement our egress strategy within this area of the building. An additional interior exit access stair has been added. This revised strategy has been discussed with the building official and has been generally accepted pending final review.
- Areas / exterior wall locations on both the fourth and fifth floors have been adjusted slightly to better align with structural bearing walls on the lower floors. These adjustments include both minor additions and subtractions to the building mass on each floor and are largely focused on the west end of the building where the significant step backs occur.

These revisions have been carefully considered to both achieve the necessary adjustments noted above, but also to respect the discussions and thoughts from both the Planning Commission and the City Council during the original entitlement process. In addition to this letter, I have included a packet which presents both the originally approved design and the proposed revisions for your consideration. I am happy to answer any questions or discuss this request further.

Respectfully,



Craig Hartman, Principal
Momentum Design Group
Architect (MN, ME)

Olive & Second

Waconia, Minnesota

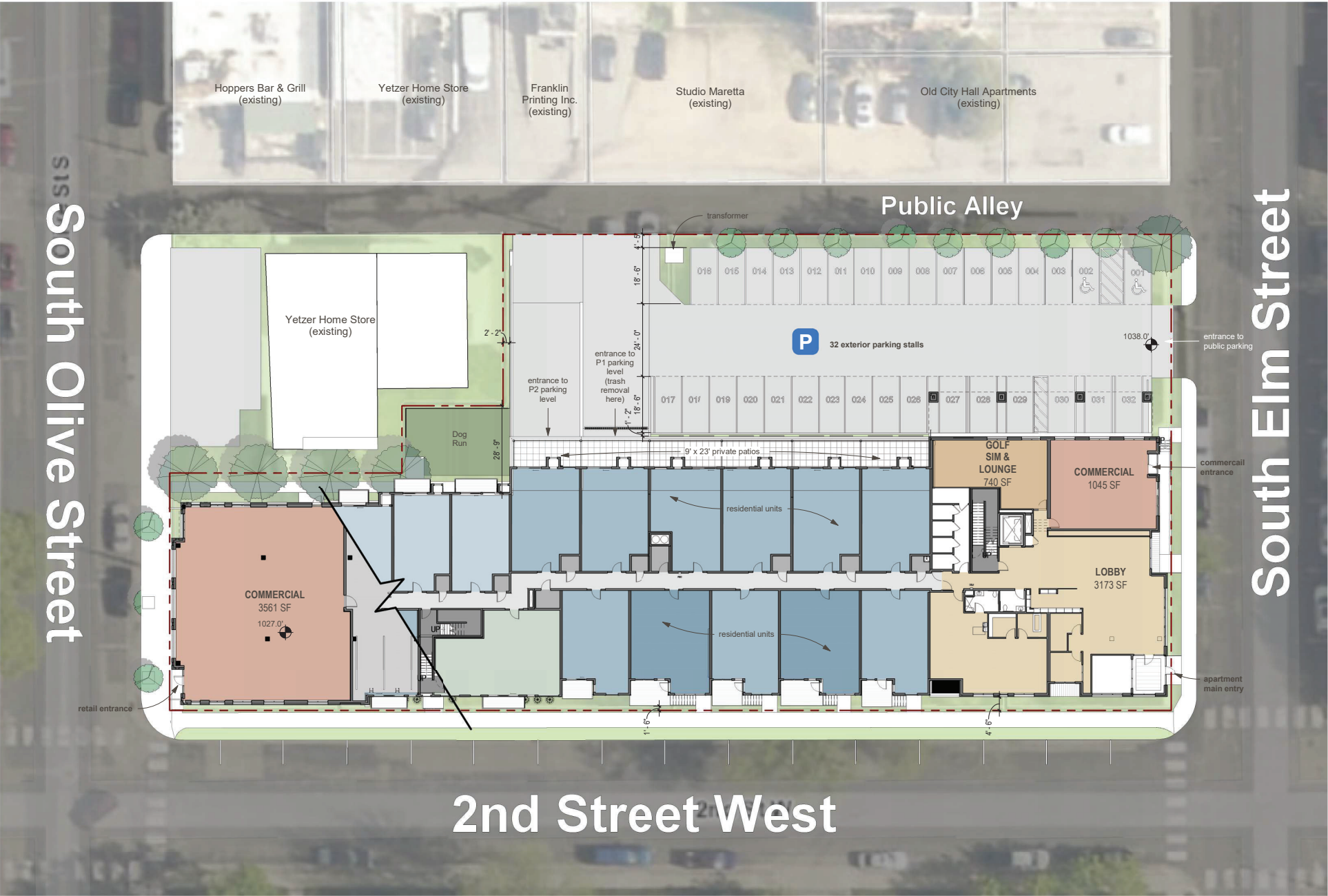


Olive Street



Elm Street and 2nd Street

Concept Design Summary



Site / Retail / P1 / First Floor Plan

GROSS BUILDING AREA BY FLOOR		GROSS BUILDING AREA BY USE	
P2 Lower Floor	25445 SF	Amenity	6003 SF
P1 Floor	25755 SF	Circulation	10131 SF
1st Floor	23454 SF	Garage	45332 SF
2nd Floor	22642 SF	Residential	90074 SF
3rd Floor	24233 SF	Retail	4912 SF
4th Floor	21678 SF	Service	1790 SF
5th Floor (PH)	17213 SF	Storage	2180 SF
Total	160420 SF	Total	160420 SF

BUILDING UNIT MATRIX				
TYPE	COUNT	COUNT %	AVG SIZE	REQ. PARKING
1 BED	40	43%	725 SF ... 871 SF	64
1 BED+	9	10%	873 SF ... 1145 SF	14
2 BED	27	29%	1052 SF ... 1464 SF	49
2 BED+	4	4%	1482 SF ... 2189 SF	7
3 BED	1	1%	1790 SF	2
ALCOVE	11	12%	558 SF ... 589 SF	18
	92			154

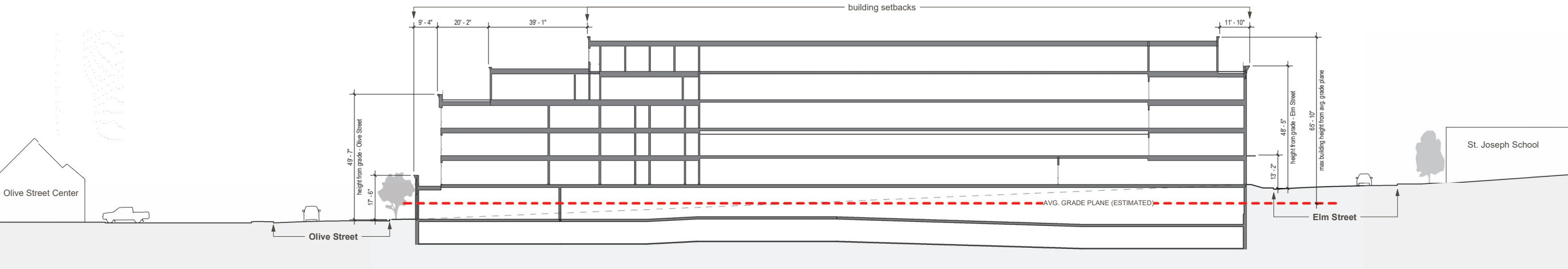
UNIT TYPE MATRIX BY FLOOR				
TYPE	COUNT	AREA	PCT.	TOTAL SF
1st Floor				
1 BED	10	725 SF ... 871 SF	8.5%	7437 SF
1 BED+	2	873 SF ... 873 SF	2.0%	1745 SF
2 BED	3	1052 SF ... 1265 SF	4.1%	3581 SF
ALCOVE	3	558 SF ... 589 SF	2.0%	1730 SF
1st Floor: 18				
2nd Floor				
1 BED	12	725 SF ... 871 SF	10.3%	9037 SF
1 BED+	2	873 SF ... 873 SF	2.0%	1745 SF
2 BED	6	1141 SF ... 1443 SF	8.7%	7632 SF
ALCOVE	4	558 SF ... 589 SF	2.7%	2319 SF
2nd Floor: 24				
3rd Floor				
1 BED	12	725 SF ... 871 SF	10.4%	9044 SF
1 BED+	2	873 SF ... 873 SF	2.0%	1745 SF
2 BED	6	1141 SF ... 1443 SF	8.7%	7632 SF
ALCOVE	4	558 SF ... 589 SF	2.7%	2319 SF
3rd Floor: 24				
4th Floor				
1 BED	6	728 SF ... 871 SF	5.2%	4550 SF
1 BED+	2	873 SF ... 873 SF	2.0%	1745 SF
2 BED	6	1141 SF ... 1443 SF	8.7%	7638 SF
2 BED+	2	1482 SF ... 1507 SF	3.4%	2989 SF
4th Floor: 16				
5th Floor (PH)				
1 BED+	1	1145 SF	1.3%	1145 SF
2 BED	6	1145 SF ... 1464 SF	9.0%	7835 SF
2 BED+	2	1530 SF ... 2189 SF	4.3%	3719 SF
3 BED	1	1790 SF	2.0%	1790 SF
5th Floor (PH): 10				
Total: 92				
				87380 SF

DEVELOPMENT PARKING		ON-SITE PUBLIC PARKING	
Exterior		On-Site Exterior Lot	
Standard	12	Accessible	2
Garage		Standard	18
Accessible	4	Total	20
Compact	24		
Standard	88		
Tandem	26		
Total	154		

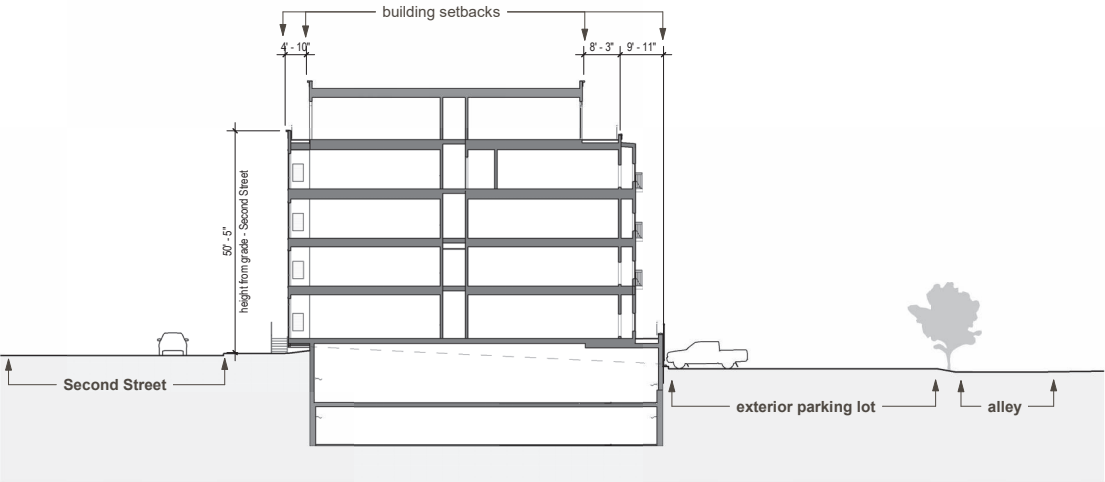
The development requires 154 stalls to satisfy the current residential parking ordinance. The project proposes to provide 174 total on-site parking stalls creating a surplus of at least 20 stalls for public benefit.



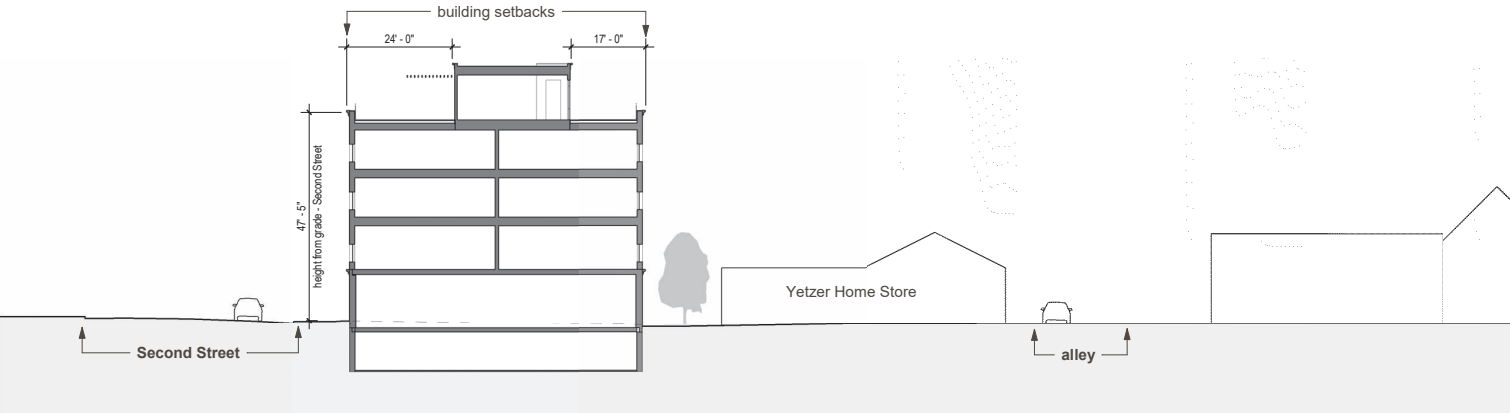
Site Sections



Site Section Looking North



Site Section Looking West 1



Site Section Looking West 2

Plans

- ALCOVE

1 BED

1 BED + DEN

2 BED

2 BED + DEN

3 BED
- VERTICAL CIRCULATION

CIRCULATION

STORAGE

AMENITY

COMMON

SERVICE

GARAGE

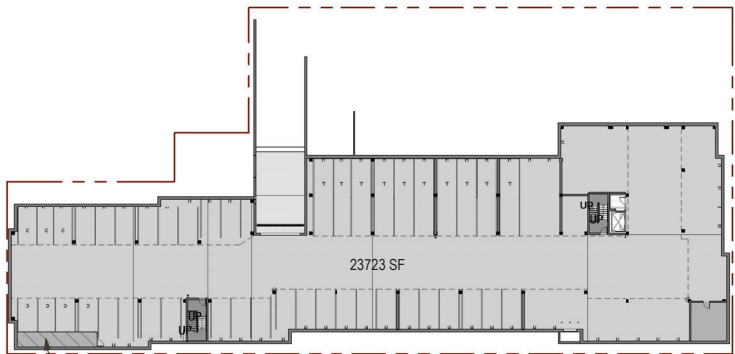
RETAIL



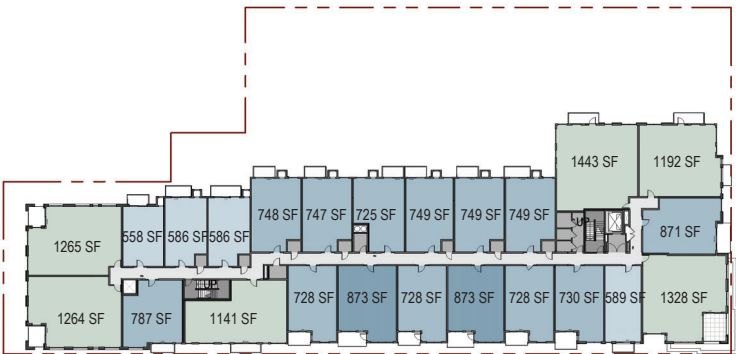
1st Floor



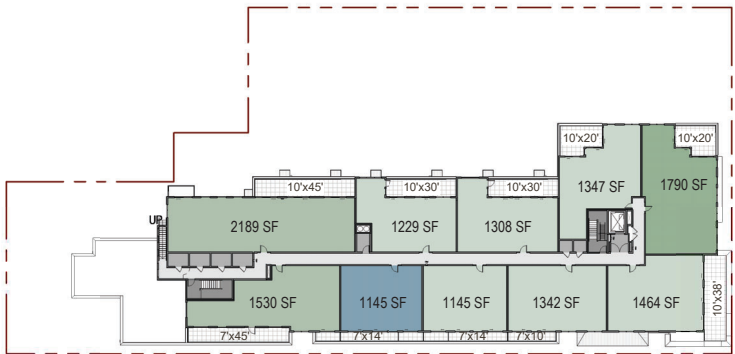
4th Floor



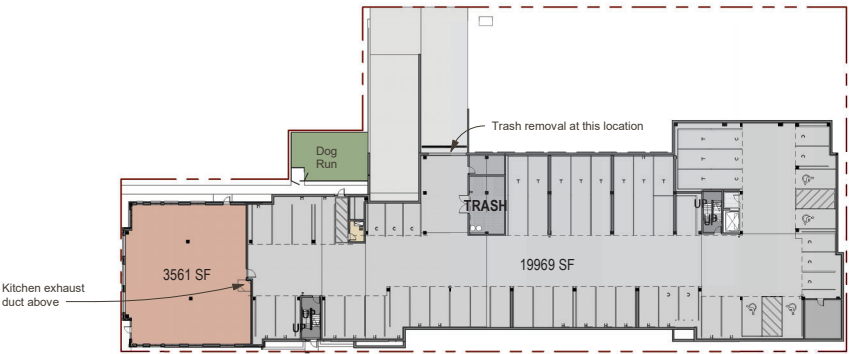
P2 Lower Floor



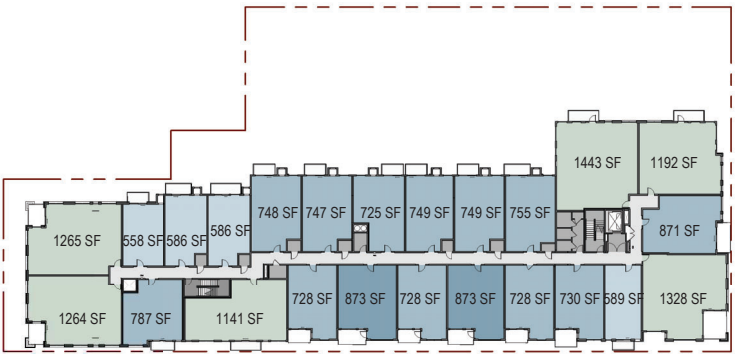
2nd Floor



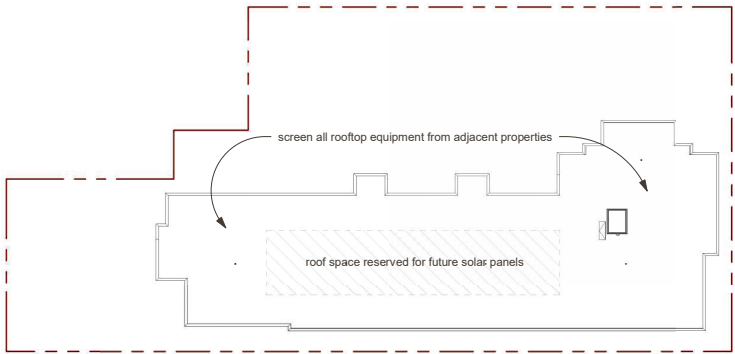
5th Floor (Penthouse Level)



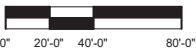
P1 Lower Floor



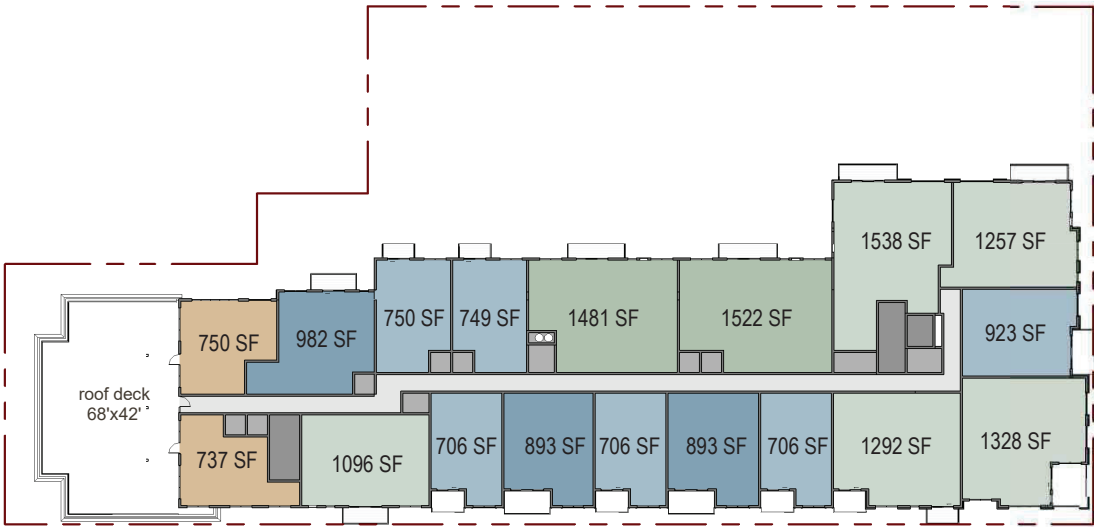
3rd Floor



Roof Plan



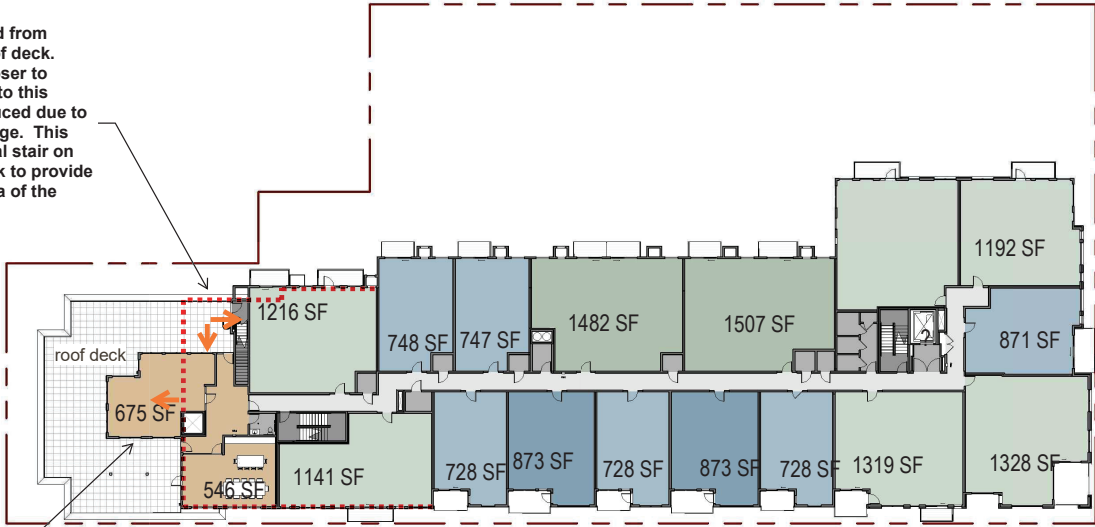
Previously Approved



4th Floor

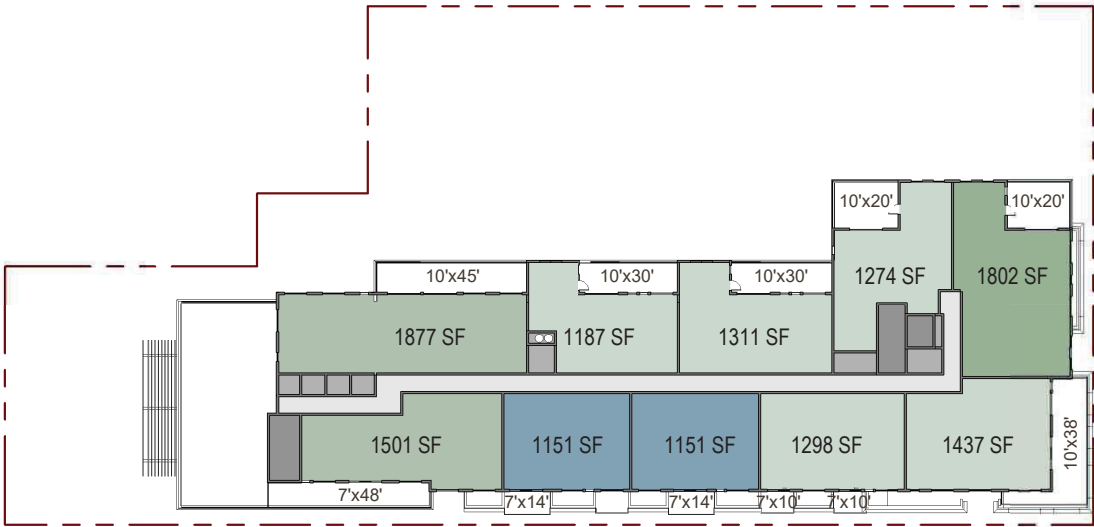
Proposed

The building mass has shifted from building edge to center of roof deck. While the building pushes closer to Olive Street, overall visibility to this portion of the building is reduced due to it's relationship to the roof edge. This change supports an additional stair on the north side of the roof deck to provide required egress from this area of the building.



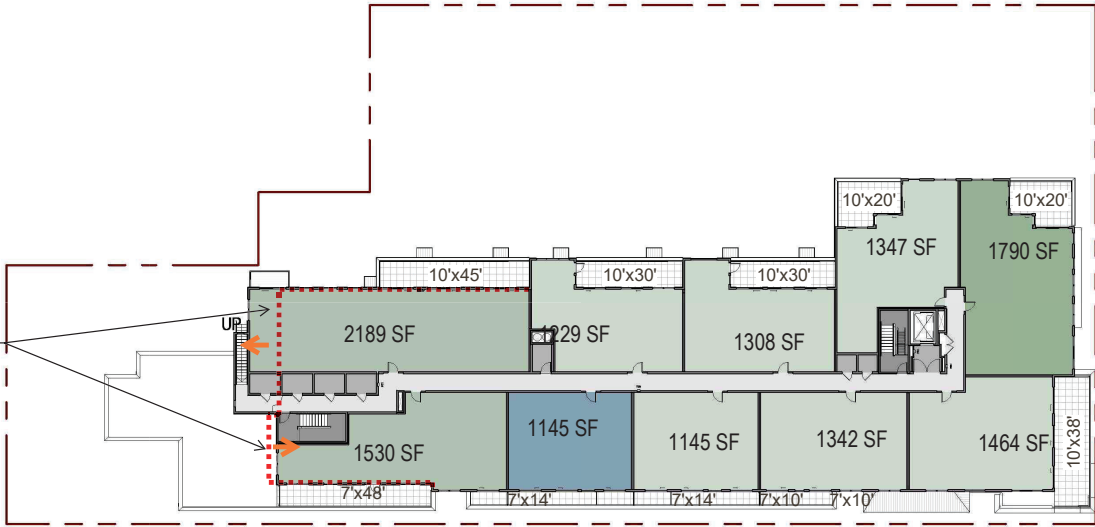
shifted building mass is setback from all roof edges (16' to the north, 19' to the west, and 24' to the south)

4th Floor



5th Floor (Penthouse Level)

Minor shifts in exterior building envelope are related to aligning structural bearing conditions below



5th Floor (Penthouse Level)

Concept Elevations - Proposed



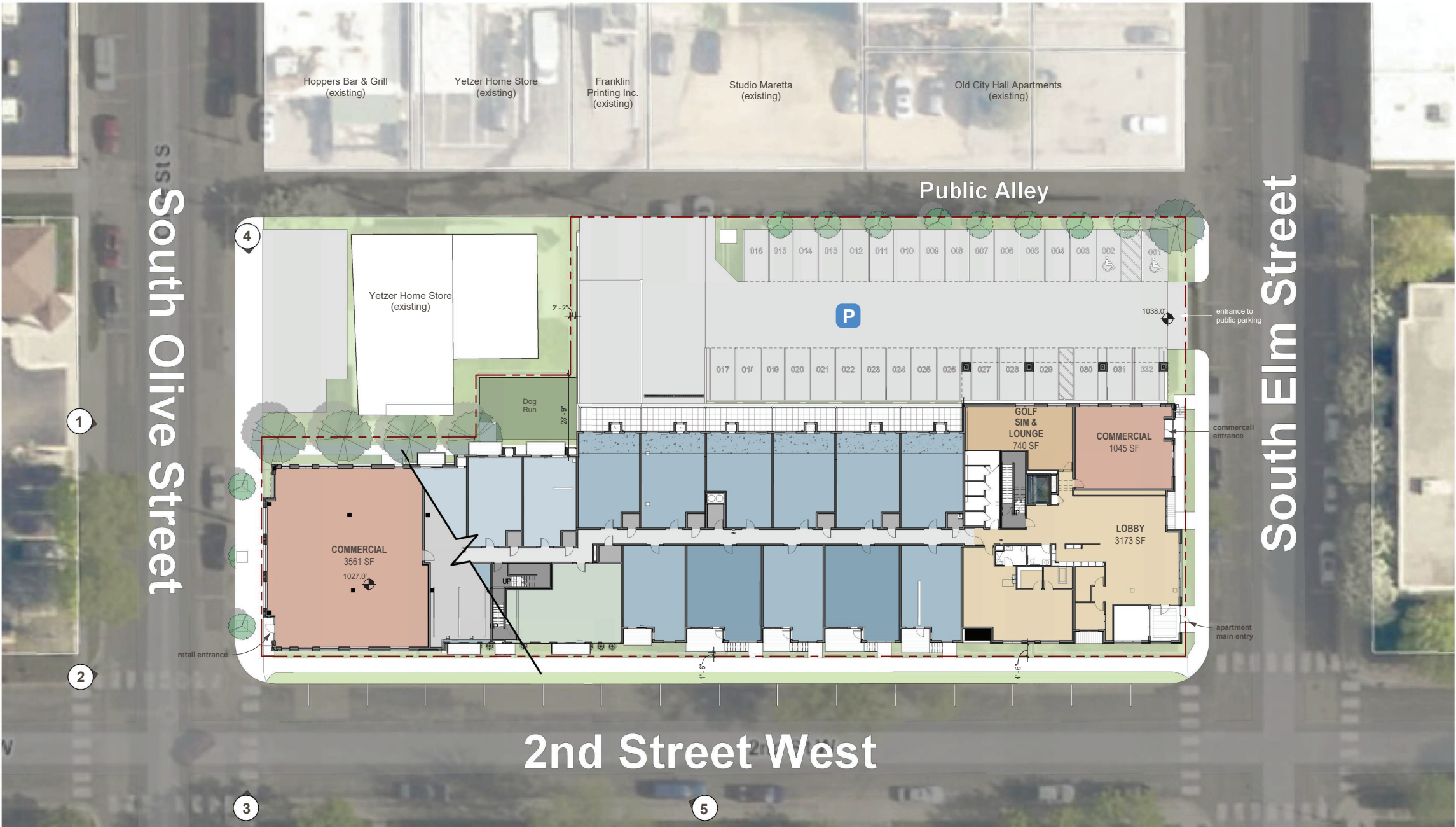
Design Standards, Downtown District Guidelines:

- 1. Building context and character**
Response: The project relates to its surrounding context and scale in a number of ways around the facade. By implementing various components of design such as cornice lines at the second floor, walk up style decks with direct access to the sidewalk, and multiple setbacks at various floors, the building reduces the perceived scale and blends further into surrounding pedestrian context. Large format storefront openings on both the east and west retail ends further complement many existing neighboring structures.
- 2. Architectural style**
Response: Olive and Second is a wonderful blend of classic building organization including a defined base, middle, and top with a modern filter. Historic elements such as a capstone cornice and projected bay windows appear however they have been translated to a more modern version. This blend is purposeful and intentionally does not try to mimic the beautiful detail of a previous age but rather compliment it.
- 3. Build-to line**
Response: The project responds to the various street fronts in different ways. Along Olive Street, the building maintains a consistent downtown minimal setback against the back of the sidewalk seamlessly blending activity between outside and in. Second Street provides a softer transition between the public sidewalk and private residential areas with landscaping and walk up style units with the Elm Street facade returning closer to the property line while still providing a softening edge of green area.
- 4. Building width and façade articulation**
Response: Early in the design process, the team focused on developing unique yet compatible facade designs intended to reduce scale and provide visual interest as you experience the project from any side. This was achieved using many of the principles listed within the design standards including:
1) Façade modulation — stepping back or extending forward a portion of the façade;
2) Vertical divisions using different textures or materials
3) Division into storefronts, with separate display windows and entrances;
4) Variation in roof lines by stepped roofs to reinforce the modulation or articulation interval;
5) Window bays and balconies at intervals equal to the articulation interval;
6) Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.
- 5. Ground level expression**
Response: Olive and Second provides intermediate cornice lines, story setbacks, and projecting canopies at various locations around the building to ensure the pedestrian zone, which is generally defined as the area between grade and a height of approximately 16 feet, is properly defined and scaled to ensure a comfortable experience.
- 6. Building height**
Response: Given the site's location, additional building height provides the necessary density to support thriving businesses and also remains respectful to the existing character of downtown. While a variance for additional height has been requested, the project responds to significant grade change (approximately 14') across the site with a number of significant steps in height. The result are end facades which more closely follow the height guidelines of the district.
- 7. Roof design**
Response: Various steps in the building contribute to a varied roof level. The parapets surrounding the flat roof will provide screening for any rooftop mounted equipment. Further, this equipment will be mounted toward the center of the roofs.
- 8. Ground-floor windows**
Response: While Olive and Second is exempt from the requirements of this section, significant glazing is provided at each commercial end of the building including within the common areas along Elm Street and the retail space along Olive Street. Second street provides residential eyes on the street further enhancing safety and interaction.
- 9. Entries**
Response: Each entry is identified with either a covering such as a building recess, a canopy which projects, or large glazing areas.
- 10. Architectural details**
Response: As noted previously, the project seeks to compliment, rather than mimic, the beautiful historic details of downtown Waconia.
- 12. Building materials**
Response: Proposed building facade materials include brick, textured concrete units, horizontal lap siding, paneled siding, and glass. No prohibited materials, as defined by the standards, are proposed.
- 13. Side and rear elevations**
Response: Facade materials and general design is consistent on all sides of the project.
- 14. Building colors**
Response: Principal building colors include Chaska brick beige, red brick, classic dark bronze, and soft gray. All of the colors together present a quiet and composed facade.
- 15. Signs**
Response: Signage for the project has been provided within this packet on a conceptual level. Generally, traditional styles such as hanging blade signs and cast aluminum lettering are expected.
- 16. Placement and screening of equipment**
Response: Trash storage is contained within the building with collection activities occurring at the midpoint of the site adjacent to the alley.
- 17. Parking**
Response: The majority of the parking required for the development is planned within the building. Exterior parking is located to the side of the project with access from both Elm Street and the public alley.
- 18. Lighting**
Response: The lighting has been designed to be respectful of our neighbors and compatible with the surrounding context.

Concept Elevations - Previously Approved



Standing Height View Locations



STANDING HEIGHT VIEWS

- 1 - ACROSS OLIVE STREET NW CORNER
- 2 - ACROSS OLIVE STREET SW CORNER
- 3 - ACROSS 2ND STREET SW CORNER
- 4 - ACROSS ALLEY STREET NW CORNER
- 5 - ACROSS 2ND STREET SOUTH FACADE

Site / Retail / P1 / First Floor Standing Views Plan



Standing View 1



Previously Approved



Proposed

Standing View 2



Previously Approved



Proposed

Standing View 3



Previously Approved



Proposed

Standing View 4



Previously Approved



Proposed

Standing View 5



Previously Approved



Proposed

**CITY OF WACONIA
RESOLUTION NO. 2024-177**

**A RESOLUTION APPROVING SITE PLAN, DESIGN REVIEW AND VARIANCE
FOR THE OLIVE AND SECOND MIXED USE PROJECT**

WHEREAS, Olive & Second, LLC (the “**Applicant**”) has submitted Site Plan, Design Review and Variance applications pursuant to Section 900.12 of the City Zoning Code; and

WHEREAS, the subject properties are identified as 125 Olive Street South (PID#750501511), 24 2nd Street West (PID# 750501505), 16 2nd Street West (PID# 750501480), 8 2nd Street West (PID# 750501460), 136 Elm Street South (PID# 750501450), and PID# 750501470; and

WHEREAS, the subject properties are zoned B-3, Central Business District, which allows mixed-use buildings as a permitted use; and

WHEREAS, the Applicant is proposing to construct a 5-level mixed-use building, including 92 apartment units, and 4,277 sq. ft. of commercial space on the subject properties; and

WHEREAS, the Applicant is proposing an overall building height of 65 feet, 10 inches versus the 45 foot height maximum allowed in the B-3, Central Business District; and

WHEREAS, the Planning Commission, at their regular meeting on August 8th, 2024, voted 5-0 to recommend approval of the Site Plan, Design Review and Variance applications for the subject properties with the following conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall work with the City Engineer and Public Services Director to revise the grading, drainage, and utility information to the satisfaction of the City prior to any work commencing on site.
4. The applicant shall provide the City with a letter of credit/ escrow funds to guarantee the proper installation and growth of the approved landscape plan. The letter of credit/escrow funds shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The letter of credit/escrow funds shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

5. The Public Services Department shall review and approve the landscape plan to ensure the species and placement of proposed plantings isn't problematic within the right-of-way or problematic from a species standard.
6. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
7. The applicant/property owner shall determine if a Carver County Watershed Management Organization (CCWMO) permit is required. A copy of any approvals or permits required shall be submitted conditional to final approval and issuance of a building permit.
8. The applicant shall submit a copy of the final plan set to the Fire Chief for review and approval prior to building permit issuance.
9. Any future signage shall require a permit and shall conform to Section 900.10 of the City Code and all applicable design standard requirements.
10. The rooftop mechanical screening details shall be submitted with the building permit application drawings and shall be reviewed and approved by City staff prior to building permit issuance.
11. The applicant shall submit an application to vacate the existing sewer easement and driveway easement that impact the site.
12. Execution of a Developer's Agreement.
13. The applicant shall contact the City Planning Department for a final site inspection when all conditions of approval regarding this application have been completed.
14. The applicant shall continue to work with city staff to coordinate possible onsite stormwater improvements in conjunction with the future downtown reconstruction project.
15. Each apartment unit shall be allocated onsite parking associated with the rent/lease of their unit to ensure that the newly created public parking and the existing street parking is not the primary parking used by the 92-unit apartment building.

WHEREAS, the City Council further finds and concludes:

- 1) The Site Plan and Design Review application is consistent with the City's regulations as stated above with the recommended conditions of approval.
- 2) The variance request is in harmony with the purposes and intent of the ordinance as the project includes 92 apartment units and commercial spaces directly adjacent to Olive Street South and Elm Street South, which will strengthen the central business district as the community's shopping, entertainment and office center consistent with the underlying zoning district.
- 3) The proposed mixed-use building is consistent with the City's Comprehensive Plan, specifically the Housing Plan, which identifies the construction of a variety of housing types in the community to accommodate the needs of a wide variety of households.
- 4) The City's Comprehensive Plan includes an objective under sustainable growth that the downtown continues to be supported as the historic, social and psychological heart of the city and promote an environment that is walkable, dense, diverse and in keeping with its historic character. The proposed building is consistent with the objective identified, specifically walkability, density and diversity. Additionally, the proposed brick facades are in keeping with the historic character of downtown.

- 5) The proposed mixed-use building at a height of 65 ft. 10 inches is reasonable as the applicant uses façade modulation and the stepping back of the upper floors to mitigate the overall height of the building. Specifically, the Olive Street elevation steps back nearly 80 ft. before it reaches the top level of the building and the Elm Street elevation steps back 5 ft. to mitigate the height.
- 6) The property in question abuts three separate road rights of way and the elevation change from Elm Street South to Olive Street South is approximately 14 feet, which makes it challenging to meet the 45-foot maximum height requirement when redeveloping the entire south half of the block.
- 7) The subject properties are zoned B-3, Central Business District and are located within the Downtown Design Standards District, which allow mixed use buildings as a permitted use. Allowing the building to exceed the maximum height requirement would be in keeping with essential characteristics as the property proposes to use both red brick and Chaska brick facades on the Olive and Elm Street elevations and proposes to step back and modulate the building facades to lessen the visual impact and massing of the building in question.
- 8) The site plan provides the necessary underground parking for the proposed apartment units, while also providing an at-grade public parking lot for use of businesses throughout the downtown district. The inclusion of the public parking improvements has caused the footprint of the building to be reduced, which has caused the applicant to include additional floors to meet the necessary unit count to make the project viable.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Waconia hereby approves the Site Plan, Design Review and Variance applications submitted by Olive & Second, LLC for to allow construction of a mixed-use building on the subject properties subject to the conditions, findings and recommendations of the Waconia Planning Commission stated above.

Adopted by the City Council of the City of Waconia this 19th day of August 2024.



Nicole Waldron, Mayor

Attest: 

Jacqueline Schulze, Assistant City Administrator

**CITY OF WACONIA
RESOLUTION NO. 2024-178**

**RESOLUTION APPROVING THE OLIVE AND SECOND
PRELIMINARY & FINAL PLAT**

WHEREAS, Olive & Second, LLC (the “Applicant”) has submitted a preliminary plat application titled OLIVE AND SECOND, which proposes to replat six (6) commercial parcels into two (2) commercial parcels pursuant to Chapter 1000 of the Waconia Code of Ordinances; and

WHEREAS, the Applicant has also submitted a final plat application for the OLIVE AND SECOND plat pursuant to Chapter 1000 of the Waconia Code of Ordinances; and

WHEREAS, the subject properties are identified as 125 Olive Street South (PID#750501511), 24 2nd Street West (PID# 750501505), 16 2nd Street West (PID# 750501480), 8 2nd Street West (PID# 750501460), 136 Elm Street South (PID# 750501450), and PID# 750501470; and

WHEREAS, the Planning Commission conducted a public hearing for the OLIVE AND SECOND Preliminary and Final Plat applications on August 8th, 2024, and received all public comment; and

WHEREAS, the Planning Commission and staff have reviewed the preliminary and final plat applications and recommend approval of the OLIVE AND SECOND Preliminary and Final Plat consisting of two (2) commercial parcels:

1. The OLIVE AND SECOND Preliminary and Final Plats shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. Execution of a Developer’s Agreement.
4. The applicant shall obtain, if necessary, Carver County Water Management Organization (CCWMO) approval and permitting for erosion control and storm water management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.
5. The applicant shall obtain, if necessary, a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
6. The easement, watermain, sanitary sewer, grading and storm water issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to the issuance of a building permit for the OLIVE AND SECOND development.
7. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Waconia hereby approves the OLIVE AND SECOND Preliminary and Final Plat subject to the findings noted above.

Adopted by the City Council of the City of Waconia this 19th day of August 2024.



Nicole Waldron, Mayor

Attest: 

Jacqueline Schulze, City Clerk



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: November 7, 2024

Item Name: PUBLIC HEARING – Variance – 141 2nd St. E.

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Motion recommending either approval or denial to the City Council regarding the proposed Variance submitted by Express Home Services/Tom Simonson to allow an accessory structure addition that exceeds the maximum 1,000 sq. ft. total floor area for accessory structures for a 10,500 sq. ft. parcel in the R-2 District.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

BACKGROUND

Applicant: Express Home Services/Tom Simonson

Owner: Craig Hessenius

Address: 141 Lake Street East

PID#: 750500460

Zoning: R-2, Single Family District

REQUEST:

The applicant, Express Home Services/Tom Simonson, on behalf of the property owners, has submitted a variance application to construct a 368 sq. ft. addition to a detached garage located at 141 2nd Street East. The improvements are proposed to result in an accessory structure that would be 1,280 sq. ft. This addition exceeds the maximum 1,000 sq. ft. allowance for a 10,500 sq. ft. parcel in the R-2 District. The applicant has indicated that the variance is reasonable and they are remaining under the 35% hardcover maximum.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05.3 – District Regulations – R-2, Single-Family Residential District
2. Section 900.06.1 – Supplementary Use Regulations
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a Variance in terms of “practical difficulty” as follows: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the Variance are consistent with the Comprehensive Plan.” So a City evaluating a Variance application should make findings as to:

1. Is the Variance in harmony with the purposes and intent of the ordinance?
2. Is the Variance consistent with the Comprehensive Plan?
3. Does the proposal put the property to use in a reasonable manner?
4. Are there unique circumstances to the property not created by the landowner?
5. Will the Variance, if granted, alter the essential character of the locality?

State Statute specifically notes that economic considerations alone cannot create a practical difficulty. Whereas, practical difficulties exist only when the three statutory factors are met (1. Reasonableness, 2. Uniqueness, and 3. Essential character).

VARIANCE ANALYSIS

The purpose of this district is to establish reasonable standards of development for neighborhood conservation areas designated by the comprehensive plan since much of this district encompasses residential areas of the city that were developed at densities that are generally higher than contemporary development standards.

The subject property currently contains a 991 sq. ft. single-family home, a 912 sq. ft. accessory garage and 1,002 sq. ft. of concrete sidewalks and driveways. The applicant is proposing to expand the accessory garage with a 368 sq. ft. pavilion addition. The applicants are also proposing to remove 339 sq. ft. of existing concrete to offset the expansion and not exceed their 35% hardcover maximum. The addition would exceed the maximum accessory size requirement by 280 sq. ft.

The existing lot circumstances, legal nonconformities and proposed changes to the lot conditions are reflected in Table 1.1 below with emphasis of required variances in the red, bolded text.

Table 1.1

Lot Requirements*	R-2, Single-Family Residential District	Existing Conditions	Proposed Conditions
Minimum Lot Size	7,850 sq. ft.	8,422 sq. ft.	8,422 sq. ft.
Front Yard (2nd St. E.) Setback	25 ft.	Conforming	Conforming
Side (Spruce) Street Setback	15 ft.	Conforming	Conforming
Rear (Alley) Yard Setback	30 ft.	Conforming	Conforming
Interior (West) Yard Setback	5 ft.	Conforming	Conforming
Maximum Accessory Sq. Ft.	1,000 sq. ft.	912 sq. ft.	1,280 sq. ft.

Impervious Surface	35% Maximum	34.5%	34.8%
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*Lot Setback Requirements are listed specifically for Accessory Structures only.

PLANNING CONSIDERATIONS:

1. Minnesota State Statute Sec. 394.27 Subd. 7. states: " *The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.* "
2. The City, in its discretion, may require accessory structures located in the side yard setbacks to be screened or landscaped from neighboring structures. The Planning Commission may wish to discuss this with the applicant and determine if additional screening is appropriate.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on October 24th, 2024 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report the City has not received any public comment regarding the proposed Variance.

CONCLUSION/RECOMMENDATION

The Planning Commission should hold the required public hearing, review all pertinent information based on the variance criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on November 18th, 2024.

If the Planning Commission chooses to recommend approval of the variance, staff would recommend reviewing the Planning Considerations above and determine if additional conditions of approval are necessary in addition to the condition noted below.

1. The applicant shall complete a building permit application review and issuance prior to construction.

Attachments:

1. [Public Hearing Notice \(1 Page\)](#)
2. [Application & Letter \(5 Pages\)](#)
3. [Site Photos and Proposed Pavilion \(3 Pages\)](#)
4. [Existing and Proposed Site Plan \(2 Pages\)](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
 _____ Non Budgeted
 _____ Amendment Required

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN will hold a public hearing on November 7th, 2024, at 6:30 P.M., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a variance request for the property located at 141 2nd Street East.

The City is considering a variance request by Tom Simonson, Express Home Services for the property located at 141 2nd Street East to construct an addition to a detached garage that exceeds the Maximum Total Floor Area of all Accessory Structures allowed in Sec. 900.06.1. - Supplementary use regulations.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on November 7th, 2024. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Ethan Nelson, 201 South Vine Street, Waconia, MN 55387

Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Ethan Nelson, Assistant Planner

(Published in the October 24th, 2024 Waconia Patriot newspaper)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: Craig Hessenius
2. Address of Property: 141 E. 2nd St, Waconia, MN 55387
3. Legal Description: Lot 12, Block 5
4. Applicant's Name: Express Home Services / Tom Simonson
5. Mailing Address: 6844 Washington Ave S, Eden Prairie, MN
6. Daytime Phone(s): 763-220-1441-Tom, 763-244-3701-office
7. Email Address: info@exphs.pro

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 9/24

Fee: \$ 250
Receipt #: _____



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: 1000 sq ft accessory structure
2. Existing use of Property: Residential
3. Has request for a variance on this property been sought previously? If so, when? No

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$250 residential; \$350 non-residential**)
 - After-the-fact application fee (**\$750 residential; \$1,050 non-residential**)
3. **Residential applications requiring the submittal of a stormwater plan shall submit a \$150 non-refundable stormwater plan review fee.**
4. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

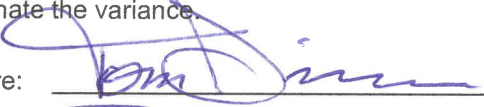
****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

5. Certificate of Survey with north arrow indicating existing structures and proposed additions or modification to structures.
6. Show all distances of buildings and structures from property lines.
7. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).
8. Stormwater Plan for all properties located within the Shoreland Overlay District and for all properties that currently exceed, or propose to exceed, the hardcover maximum identified in the applicable zoning district.

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: 

Date: 9-25-2024

Printed Name: TOM SIMONSON

Property Owner Signature: 

Date: 9-25-24

Printed Name: LINDA HUSSENIUS

9/18/2024

eXpress Home Services/ Tom Simonson

6844 Washington Ave S.

Eden Prairie, MN 55344

Info@exphs.pro

763-244-3701 (office), 763-220-1441 (direct #)

****Zoning Board of Appeals****

City of Waconia

201 South Vine Street

Waconia, MN 55387

Subject: Request for Variance for Accessory Structure Size

Dear Members of the Zoning Board,

I am writing to request a variance to the maximum allowable accessory structure size of 1,000 square feet in accordance with local zoning regulations. My client's property is located at 141 E. 2nd St., Waconia, MN 55387, and I would like to exceed this limit for the following reasons.

Currently, the property includes an existing garage occupying 912 square feet. I am proposing the construction of a new Pavilion that would add an additional 368 square feet to the accessory structures on the property. The total square footage of the garage and the proposed Pavilion would be 1,280 square feet, requiring a variance of 280 square feet beyond the maximum allowable limit.

1. The proposed Pavilion will be used as an entertaining and outdoor space to be enjoyed by the family and to protect them from the sun and the elements. The Pavilion is an essential part of enhancing the usability and aesthetic value of their property.

2. The proposed Pavilion is designed to blend harmoniously with the existing structures and landscaping on the property. I believe that this addition will not negatively impact neighboring properties or the character of the neighborhood. In fact, the additional structure will enhance the overall appearance and utility of the space.

3. Given the current size of the garage, the proposed Pavilion would cause the total accessory structure area to exceed the limit by only 280 square feet. I am requesting this variance to allow me the flexibility to improve my property while still maintaining the integrity of the zoning code's intentions.

4. I have included the survey of the lot with the proposed changes. It will fall within the 35% impervious surfaces statute.

I appreciate your time and consideration of this request, and I am available to provide any additional documentation or clarification as needed. Please feel free to contact me at 763-220-1441 or info@exphs.pro, if you have any questions or require further information.

Thank you for your attention to this matter.

Sincerely,

Tom Simonson

Additional documents included:

Survey with the proposed changes

Variance request

Photos of the proposed location







14'x20' Pine Pavilion

Visit >

\$12,202.00* - **In stock**

Brand: Salem Structures LLC

Prices Starting at \$8,320.00, The Timber Store

*Check website for latest pricing and availability. Images may be subject to copyright. Learn More

Share

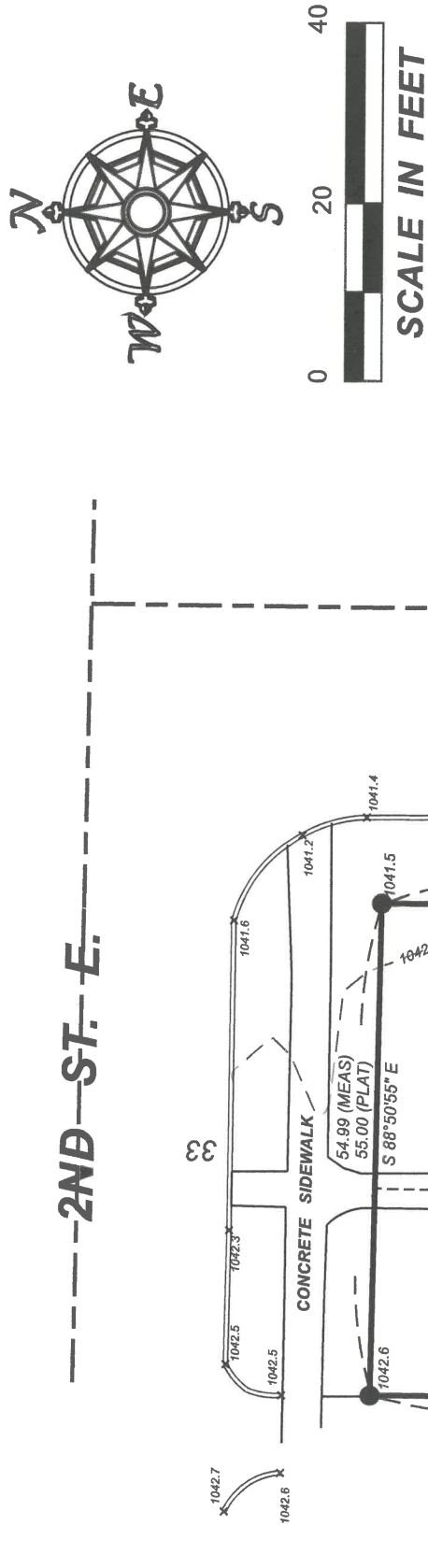
Save



Certificate of Survey

~ for ~ Express Home Services

of: 141 2ND St. E.
Waconia, MN 55387



IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE:	991 S.F.
GARAGE:	912 S.F.
CONCRETE:	1,002 S.F.
TOTAL IMPERVIOUS:	2,905 S.F.
LOT AREA:	8,422 S.F.
IMPERVIOUS COVERAGE:	34.5 %

DESCRIPTION OF PROPERTY:

Lot 12, Block 5, CITY LOTS OF WACONIA,
Carver County, Minnesota.

LEGEND

○	Set 1/2" X 14" rebar marked with cap number 22703
●	Found Iron Monument
	Deciduous Tree
---	Contour Line
X	Spot Elevation
⌵	Yard Light

I hereby certify that this survey was prepared by me
or under my direct supervision and that I am a duly
licensed Professional Land Surveyor under the laws
of the State of Minnesota.

Steven V. Ische 22703 09/12/24
Steven V. Ische License No. Date

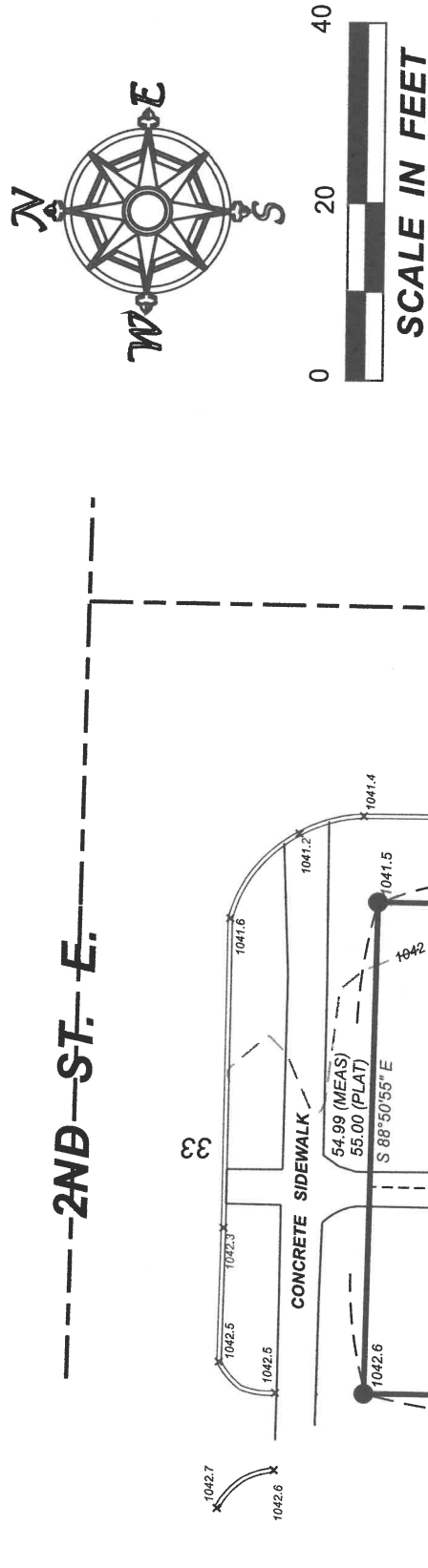
PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

Certificate of Survey

~ for ~ Express Home Services

of: 141 2ND St. E.
Waconia, MN 55387



EXISTING IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE: 991 S.F.
GARAGE: 912 S.F.
CONCRETE: 1,002 S.F.
TOTAL IMPERVIOUS: 2,905 S.F.
LOT AREA: 8,422 S.F.
IMPERVIOUS COVERAGE: 34.5 %

PROPOSED IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE: 991 S.F.
GARAGE: 912 S.F.
CONCRETE: 663 S.F.
PROPOSED PAVILION: 368 S.F.
TOTAL IMPERVIOUS: 2,934 S.F.
LOT AREA: 8,422 S.F.
IMPERVIOUS COVERAGE: 34.8 %

DESCRIPTION OF PROPERTY:

Lot 12, Block 5, CITY LOTS OF WACONIA,
Carver County, Minnesota.

LEGEND

- Set 1/2" X 14" rebar marked with cap number 22703
- Found Iron Monument
- Deciduous Tree
- Contour Line
- X Spot Elevation
- ⌵ Yard Light

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische 22703 09/12/24
Steven V. Ische License No. Date

REVISED 09/18/24 - PROPOSED PAVILION

REVISED 09/17/24 - PROPOSED PAVILION

PROJ. #2446-00 NAVD88 VERTICAL DATUM

PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: November 7, 2024

Item Name: Moving Permit - 16 2nd Street West

Originating Department: Community Development

Presented by: Ethan Nelson

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Motion recommending either approval or denial to the City Council regarding the Moving Permit application to allow Otting House Movers, LLC to move the proposed garage through the City from 16 2nd Street West to 32 1st Street East.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

BACKGROUND

Applicant: Kyle Whittaker

Owner: Steve Yetzer

Address: 16 2nd Street West

PID#: 750501480

Zoning: B-3, Central Business District

REQUEST:

The applicant, Kyle Whittaker, on behalf of the house mover, Otting House Movers, LLC, and the property owners, has submitted a moving permit application to move a detached garage within City right-of-way from the subject property at 16 2nd Street West to 32 1st Street East.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 540 – Regulations Pertaining to the Moving of Buildings and Providing Permits and Fees Therefor
2. Section 900.05.9 – District Regulations – B-3, Central Business District

MOVING PERMIT COMMENTS AND REVIEW:

1. City Code requires the Planning Commission to receive the inspection report of the Building Official (see attachment #4, Inspectors Report) and make a recommendation to the City Council to either approve, deny, or conditionally approve said moving permit application.

2. The Building Official has inspected the garage and indicated the building was in good condition and complied with code. Additionally, the structure will require a new foundation as part of the future building permit review and inspection.
3. Section 540.07 of the City Code states the Planning Commission shall recommend denial of the application for any of the following reasons:
 - a. That any application requirements or any fee or deposit requirements have not been complied with;
 - b. That the building is too large to move without endangering persons or property in the city;
 - c. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
 - d. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
 - e. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - f. That zoning or other ordinances of the city would be violated by the building in its removal location;
 - g. That for any reason persons or property in the city would be endangered by the moving of the building;
 - h. That the building to be moved is not worth at least eighty (80) percent of the cost of a similar new building as determined by the building inspector;
 - i. That the building in its removal location would fail to comply in any respect with any provision of any ordinance of the city or, in the alternative, that proper assurance of such compliance has or has not been given;
 - j. That the building is in variance with either the established or the expected pattern of building development of the neighborhood to which the building is to be moved. The findings of a comparative study of age, bulk, architectural style and quality of construction of both the building to be moved and the buildings either existing or expected in the neighborhood shall be the criteria by which the planning commission shall determine the degree of variance.

RECOMMENDATION:

The Planning Commission should review the Moving Permit application and make a recommendation to the City Council. Upon formal recommendation by the Planning Commission, this application will be forwarded to the City Council for review at their upcoming meeting on November 18th, 2024

If the Planning Commission chooses to recommend approval of the Moving Permit for 16 2nd Street West, staff would recommend approval upon the following conditions:

1. The movement of the accessory structure through the community shall be completed as reviewed and approved by the Planning Commission and City Council.
2. The applicant shall submit the required building permit applications for review and approval and pay any applicable permit fees associated with the placement of the structure.
3. The Placement of the garage structure and driveway improvements on site shall be consistent with applicable building code and City zoning code and building permit #WA305651.
4. The applicant shall move the structure consistent with the requirements identified in Section 540

of the Waconia City Code.

5. The damage deposit retained by the City shall be held until the structure has been moved to 32 1st Street East and the City has been contacted to complete a final review and investigation of the route to ensure no damage has been caused to public property during the process. IF damage has occurred to public property, the City, at the direction and determination of the City Engineer and Public Services Director, shall determine the cost of the damage. The said damage shall be deducted from the submitted damage deposit. If the damage deposit does not fully cover the cost to remedy the damage, the applicant and/or property owner shall be responsible to pay the outstanding cost within 30 days of notification by the City. Any remaining damage deposit after the final inspection and approval by the City shall be returned to the part which initially deposited said fee with the City.
6. The applicant shall contact Public Services and determine if any no parking signs will be required to be placed prior to conducting the movement of the structure on any City streets.

Attachments:

1. [Moving Permit Application \(3 Pages\)](#)
2. [Proposed Moving Route \(1 Page\)](#)
3. [Structure Elevations \(6 Pages\)](#)
4. [Inspection Report \(1 Page\)](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required



CITY OF WACONIA

201 South Vine Street

Waconia, MN 55387

Phone: (952) 442-2184

Fax (952) 442-2135

MOVING PERMIT

1. Present address of building: 16 W 2nd St. Waconia MN
2. Legal description: Garage/Accessorie building
3. Owner of structure: Steve Yetzer
Address: P.O. Box 51 Waconia MN 55387
Phone Number 952 567 1531
4. Mover of structure: ~~Subcontractor through 1st Street Construction~~
Address: ~~16735 CRD 30 New Germany MN 55360~~
Phone Number ~~612 597 8661~~
5. Building information:
Dimensions: 24 X 27
Construction material: 2/4
Number of stories: 1 Number of rooms: 1
6. Specify route (highways, streets) upon which building is to be moved: 2nd Street heading East North on Pine and on 32nd/41st East Waconia heading
Rectory lawn of St Joseph Catholic church
7. Specify moving date and hours: October 15th Morning
could be weeks of October 15th through end of the following
Week
8. Address and legal description of where building is being moved to: 32nd/41st Street
East Waconia MN

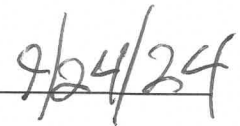
**THE FOLLOWING INFORMATION MUST BE FURNISHED
IN ORDER TO PROCESS THE APPLICATION**

1. Payment of application fee (\$350 + deposit) Additional consulting review fees may apply, such as civil engineering and legal counsel.
2. Applicant must possess a current building mover's license.
3. CITY BUILDING INSPECTOR must inspect structure to be moved, prior to moving. Building permit application must be filed.
4. The City may require damage deposits equal to two times the amount in expenses that would be incurred in replacing any overhead wires, street posts, street lights, etc. that may be damaged.
5. Pictures showing ground and street elevations for all sides of the building.
6. All other requirements under Section 540 must be followed. Inquire about any other requirements that may be applicable to the request.

Signature of applicant: _____



Date: _____



OFFICE USE ONLY

Fee: \$ _____ Escrow\$ _____ Receipt #: _____ Date received: _____

Ethan Nelson

From: Kyle Whittaker <kwhittaker@stjosephwaconia.org>
Sent: Wednesday, October 2, 2024 4:08 PM
To: Ethan Nelson
Subject: Re: Moving permit 16 2nd Street West
Attachments: Screenshot_20241002_141243_OneDrive.jpg

Otting house movers 27626 pillsbury ave lakeville mn

House movers license number
134460

(612) 214-6336

On Tue, Oct 1, 2024, 4:16 PM Kyle Whittaker <kwhittaker@stjosephwaconia.org> wrote:

On Tue, Oct 1, 2024, 1:24 PM Ethan Nelson <enelson@waconia.org> wrote:

Good afternoon,

Following up on the moving permit that was submitted. I have outlined the submittal requirements that are still outstanding in #1. However, I understand there is a desire to move more than just the structure on 16 2nd Street West. It may be beneficial to include all contemplated structures as part of this submittal. Either way, I will need to have all the submittal requirements submitted by October 3rd. Otherwise I will need to consider the application incomplete. Review by the Planning Commission would be November 7th and City Council on Nov. 18th. If there are any questions, please let me know. Thanks

1. To complete the submission requirements as noted within the Moving Permit Application, including
 - a. \$350.00 application fee + deposit (determined by the City based upon removal route)
 - b. Mover's license
 - c. Completed inspection requirements from the City Building Inspector
 - d. Pictures of ground and street elevations for all sides of the building
 - e. Proposed structure removal route
2. Review by the Planning Commission and approval by the City Council with applicable conditions attached.





CSWS
Suburban Waste Services
952-937-8900











INSPECTION NOTICE

CITY OF Waukegan

DATE

TIME

CALLED-IN

SCHEDULED

COMPLETED

6/2/14

PERMIT NO. _____

ADDRESS 32 E 1st St

OWNER/CONTR. _____

- | | | |
|--|--|---|
| ☐ SITE INSPECTION | ☐ MECHANICAL RI | ☐ REINSPECTION |
| ☐ LATH | ☐ MECHANICAL FINAL | ☐ FOLLOW-UP |
| ☐ FOOTING | ☐ INSULATION | ☐ COMPLAINT |
| ☐ POURED WALL | ☐ RATED ASSEMBLY | ☐ FIREPLACE |
| ☐ FOUND. DRAINAGE | ☐ BUILDING FINAL | ☐ SPRINKLER SYSTEM |
| ☐ FRAMING | ☐ SEPTIC INSTALL | ☐ ROOFING |
| ☐ PLUMB. RI UNDERGROUND | ☐ SEPTIC FINAL | ☐ SIDING |
| ☐ PLUMBING RI | ☐ S & W HOOKUP | ☐ WINDOWS |
| ☐ PLUMBING FINAL | ☐ GAS LINE AIR TEST | ☐ DECK |

COMMENTS: Moved Bldg.

Detached garage

Bldg is good condition & complies with current code

Permit Required for Moving Structure as well as new foundation

CODE REQUIREMENTS ARE FOR YOUR PERSONAL HEALTH AND SAFETY!

☒ FURTHER CORRECTIONS MAY BE REQUIRED

☐ PERMIT FINALED

☐ WORK SATISFACTORY: PROCEED

☐ PHOTO TAKEN

☐ CORRECT WORK & PROCEED

☐ CORRECT WORK. CALL FOR REINSPECTION BEFORE COVERING

☐ CORRECT UNSAFE CONDITION IMMEDIATELY.

☐ STOP ORDER POSTED. CALL INSPECTOR

☐ INSPECTION REQUIRED. CALL TO ARRANGE ACCESS.

TO SCHEDULE YOUR INSPECTIONS

PLEASE CALL: (763) 479-1720

Metro West Inspection Services Inc.

Owner/Contr. on site: _____

Inspector: M. Ke R



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: November 7, 2024

Item Name: PUBLIC HEARING - Addition of Chapter 515. Cannabis and Amending Chapter 900. Zoning Ordinance and Chapter 1100. Fee Schedule

Originating Department: Community Development

Presented by: Lane Braaten

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED *(Include motion in proper format.)*

Open the Public Hearing

Motion to Close the Public Hearing

Motion recommending either approval or denial of the proposed amendments to the City Code related to Cannabis regulation.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

In 2023, the Minnesota Legislature passed a comprehensive bill to legalize adult use of cannabis (Chapter 342). The new law also created a new state office – the Office of Cannabis Management (OCM) - which is responsible for overseeing the new cannabis industry in Minnesota.

Governor Tim Walz signed the bill on May 30, 2023, making Minnesota the 23rd state in the nation to legalize adult-use cannabis. Since then, OCM has created an implementation team with permanent OCM staff and state agency experts who are standing up the new state office and developing the operational and regulatory systems for Minnesota's new cannabis industry.

The implementation work covers a wide range of efforts, including designing licensing software, drafting rules, engaging with communities and advocates, communicating with the public, writing job descriptions, hiring new permanent staff, and more – all in service to launching a safe, equitable, and sustainable cannabis market in Minnesota.

The local community roles are an important part of this process. As such, communities have been in continual contact with the State regarding the future implementation of rules and regulations related to Chapter 342 and our role in regulating adult-use cannabis.

The Planning Commission conducted a work session a few months ago to discuss options related to what our zoning code may/may not allow and gave direction to City staff related to the concerns and options available. Community Development Department staff, Administrative staff and the City Attorney's office have taken those comments and collaborated on drafting the attached first draft of the possible City Code language related to this topic.

Please note that the entire ordinance has been noticed for public hearing on November 7th, 2024, at 6:30 p.m. at Waconia City Hall. This full ordinance includes not only the zoning elements discussed with the Planning Commission, but the regulatory language related to licensing and enforcement as well.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on October 24th, 2024, and posted at Waconia City Hall. As of October 31st, 2024, the City has not received any public comments pertaining to this proposed ordinance amendment.

RECOMMENDATION:

The Planning Commission should review the pertinent information, hold the required public hearing, and make a recommendation to the City Council regarding the proposed regulations related to adult-use cannabis.

Attachments:

1. [Chapter 515 Cannabis Amendments \(Draft 10-31-2024\).pdf](#)
2. [Chapter 900 Zoning Amendments for Cannabis \(Draft 10-31-2024\).pdf](#)
3. [Chapter 1100 Fee Schedule Amendments \(10-31-2024\).pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required

CHAPTER 515. CANNABIS

Cannabis Licensing Amendments

Note: Chapter 515 will be amended, in its entirety, to read as follows:

Sec. 515.01. Findings and purpose.

Subd. 1. *Findings*. The city finds that the provisions of Minn. Stat. ch. 342, authorize the city to protect the public health, safety, welfare of the city's residents by regulating cannabis businesses within the city's legal boundaries. The city further finds the provisions of this ordinance are in the public interest and for the public good.

Subd. 2. *Purpose*. The purpose of this ordinance is to implement the provisions of Minn. Stat. ch. 342 to regulate the sale and use of cannabis within the city.

Sec. 515.02. Authority and jurisdiction.

The city has the authority to adopt this ordinance pursuant to i) Minn. Stat. §152.0263, Subd. 5, regarding the use of cannabis in public places; ii) Minn. Stat. §342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of 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; and iii) Minn. Stat. §342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

Sec. 515.03. Definitions.

Words and phrases defined in Minn. Stat. §342.01 and the rules promulgated pursuant Minn. Stat. ch. 342 shall have their same meanings in this chapter, except as otherwise provided below.

Cannabis cultivation means 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 retail business means the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

Cannabis retailer means any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Lower-potency hemp edible has the meaning given it under Minn. Stat. §342.01, subd. 50.

Office of Cannabis Management means the Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

Place of public accommodation means 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.

Preliminary license approval means OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. §342.17.

Public place means a public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

Retail registration means an approved registration issued by the city to a state-licensed cannabis retail business.

State License means an approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Sec. 515.04. Use in public places prohibited.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Sec. 515.05. Registration of cannabis retail businesses required.

Subd. 1. *Retail Registration Required.* No individual or entity may operate a state-licensed cannabis retail business within the city without first registering with the city.

Subd. 2. *Limitation on Retail Registrations.* The maximum number of retail cannabis registrations issued by the city at any time shall be limited to two (2) registrations.

Subd. 3. *Application Procedure.* An application for registration of a cannabis retail business shall be made on a form provided by the city. The application must contain the full name of the applicant, the applicant's residential and business addresses, tax property identification number for the property which the retail registration is sought, telephone numbers for the applicant, e-mail address for the applicant, the name of the business for which the registration is sought, a copy of OCM license preapproval, certification that the applicant complies with the requirements of the city’s zoning ordinances, and any additional information the city deems

necessary. If the city clerk or his/her designee determines that an application is incomplete, the city clerk or his/her designee shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 4. *Additional information required for applicants that are entities.* In addition to the information required in Subd. 3 above, an applicant that is an entity, at the time of application, shall furnish the city with a list of all persons that have an interest of five percent (5%) or more in the entity. The list shall name all owners and show the interest held by each, either individually or beneficially for others. Thereafter, each entity registration holder shall notify the city clerk, in writing, of any change in ownership of the entity.

Subd. 5. *Registration Fee.* The registration fee listed in chapter 1100 of the Code shall be charged to each applicant. The registration fee includes the initial retail registration fee and the first annual renewal fee. The registration fee shall be non-refundable once processed by the city. A medical combination business operating an adult-use retail location shall only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this chapter, of the adult-use retail business.

Subd. 6. *Compliance Checks.*

- A. Prior to issuance of a cannabis retail business registration, the city shall conduct a preliminary compliance check to ensure compliance with local ordinances.
- B. Pursuant to Minn. Stat. §342, within 30 days of receiving a copy of a state license application from OCM, the city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.
- C. The city shall conduct a background investigation for all new applications. The city may conduct a background and financial check on an application for a renewal of a registration if it is in the public interest to do so.

Subd. 7. *Processing.* Upon receipt of a completed application, satisfactory completion of the compliance checks, and payment of the required registration fee, the city clerk or his/her designee shall inform the applicant of such, process the registration fee, and forward the application to the city council for approval or denial.

Subd. 8. *Grounds for Denial.* . Grounds for denying the issuance or renewal of a registration under this chapter include, but are not limited to, the following:

- A. The applicant is unable to meet the requirements of this chapter.
- B. Approval would cause the number of registered cannabis retail businesses in the city to exceed the number permitted under section 515.05, Subd. 2. above.
- C. The applicant is under the age of 21 years.
- D. The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a valid license issued through OCM.

- E. The applicant has had a city registration or OCM-issued license to sell cannabis products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the city or in another jurisdiction, that has had a city registration or OCM-issued license to sell cannabis products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
- F. The applicant is an entity that does not have an operating officer or manager who is eligible pursuant to the provisions of this chapter.
- G. The applicant is the spouse of a person ineligible for registration pursuant to this chapter or who, in the judgement of the city council, is not the real party in interest or beneficial owner of the entity to be operated under the registration.
- H. The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of registration, or if already issued, shall render any registration issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter, or any part thereof.
- I. The holder of the registration has failed to pay any outstanding civil penalty imposed pursuant to this chapter.
- J. The registered premises has real estate taxes, assessments, or other financial claims of the city or of the State that are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stats. Ch. 278, questioning the amount or validity of taxes, the city council may, on application by the registration holder, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due unless such one-year period is extended through no fault of the registration holder.

Subd. 9. *Action.* The city council may either approve or deny the registration application, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the city council approves the registration, the city clerk or his/her designee shall issue the registration to the applicant. If the city council denies the application, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision. If a registration application is denied, the earliest an applicant may reapply is 12 months from the date the registration is denied.

Subd. 10. *Term.* All registrations issued under this chapter shall be valid for one (1) calendar year from the date of issue.

Subd. 11. *Registration mistakenly issued.* If a registration is mistakenly issued or renewed, it shall be revoked upon the discovery that the applicant was ineligible for the registration under this chapter and the city shall provide the person with a notice of revocation, along with information on the right to appeal.

Subd. 12. *Issuance as privilege and not a right.* The issuance of a registration issued under this chapter is a privilege and does not entitle the registration holder to automatic renewal of the registration.

Sec. 515.06. Registration renewals.

Subd. 1. *Renewals.* The renewal of a registration issued under this article shall be managed in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current registration.

Subd. 2. *Renewal Fee.* Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

Sec. 515.07. Location change.

A state-licensed cannabis retail business must submit a new application for registration under section 515.05 of this chapter if it seeks to move to a new location within the legal boundaries of the city.

Sec. 515.08. Transfer prohibited.

A cannabis retail registration issued under this chapter shall not be transferred. Any change in the ownership or control of an entity that holds a retail registration issued under this chapter shall be deemed equivalent to a transfer of the registration, and any such registration shall be revoked 30 days after any such change in ownership or control unless the registration holder has notified the city clerk of the change in ownership by submitting a new registration application for the new owners, and the city council has approved the transfer of the registration pursuant to this chapter. Any time an additional investigation is required because of a change in ownership or control of an entity, the entity registration holder shall pay an additional investigation fee to be determined by the city. The city may at any reasonable time examine the transfer records and minute books of any entity registration holder to verify and identify the owners, and the city may examine the business records of any other entity registration holder to the extent necessary to disclose the interest which persons other than the entity registration holder have in the registered business. The city council may revoke any registration issued upon its determination that a change of ownership of a business registration holder has resulted in the change of control of the registered business so as materially to affect the integrity and character of its management and its operation.

Sec. 515.09. Responsibility.

All registered businesses are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of cannabis and/or lower-potency hemp edible products on the registered premises. The sale, offer to sell, or furnishing of any cannabis or lower-potency hemp edible product by an employee shall be considered an act of the registered business and the act of the individual or entity holding the registration. Nothing in this chapter, however, shall be construed as prohibiting the city from also subjecting the employee to any civil penalties the city deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

Sec. 515.10. Prohibited acts.

Subd. 1. *Sales outside of permitted hours of prohibited.* Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 am and 9:00 pm, seven days a week. Sales outside of the permitted hours are prohibited.

Subd. 2. *Sales to persons under the legal age prohibited.* No person shall sell any cannabis or lower-potency hemp edible product to any person under the age of 21.

- A. *Age verification.* Registered businesses shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subd. 2.
- B. *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the registration holder by the city, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Subd. 3. *Certain sales methods prohibited.* No person shall sell or offer to sell any cannabis or lower-potency hemp edible product by means of i) any type of vending machine or other type of self-service merchandising; or ii) delivery.

Subd. 4. *Samples prohibited.* Samples Prohibited. No person shall distribute samples of any cannabis or lower-potency hemp edible product free of charge or at a nominal cost.

Subd. 5. *Unsecure storage prohibited.* All cannabis and lower-potency hemp edible products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Storage in any other manner is prohibited.

Sec. 515.11. Compliance Checks.

All businesses registered under this chapter shall be open to inspection by the city during regular business hours. The Carver County Sheriff's Office, contracting with the city, shall complete at least one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. §342.22 Subd. 4(b) and Minn. Stat. §342.24 and this chapter. Further, the Carver County Sheriff's Office, contracting with the city, shall conduct at least one (1) unannounced age verification compliance check at least once per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the city. The city shall report any violation under this section 515.11 to the OCM.

Sec. 515.12. Temporary Cannabis Events.

Subd. 1. *Permit required for temporary cannabis events.* The city must issue a permit prior to any individual or entity holding a temporary cannabis event.

Subd. 2. *Permit Fee.* A permit fee, as established in chapter 1100 of the Code, shall be charged to each applicant for a temporary cannabis event. The application fee shall be non-refundable once processed.

Subd. 3. *Application Submittal & Review.* An applicant for a Temporary Cannabis Event shall fill out the city's "Special Event Permit Application." The form shall include, but is not limited to i) the Full name of the property owner and applicant; ii) the Address, email address, and telephone number of the applicant; and any other information as required by the application form. The applicant shall include with the form the application fee required by section 515.12, subd. 2 above, and a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2. The application shall be submitted to the city clerk or his/her designee for review. If the city clerk or his/her designee determines an application is incomplete, the city clerk shall return the application to the applicant with notice of deficiencies.

Subd. 4. *Processing.* Once an application is considered complete, the city clerk or his/her designee shall inform the applicant as such, process the application fee, and forward the application to the city council for approval or denial. A request for a temporary cannabis event permit that does not meet the requirements of this chapter shall be denied.

Subd. 5. *Prohibitions.*

- A. Temporary cannabis events shall only be held between the hours of 10:00 am and 9:00 pm, seven days a week.

- B. No temporary cannabis event shall occur in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Sec. 515.13. Sale of Low-Potency Hemp Edibles.

Subd. 1. *Sales.* The sale of Low-Potency Edibles is permitted, subject to the conditions within this section.

Subd. 2. *Age Requirements.* The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

Subd. 3. *Beverages.* The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this section.

Subd. 4 *Storage of Product.* Low-Potency Edibles shall be sold behind a counter and stored in a locked case.

Section 515.14 Suspension.

Subd. 1. *General.* The city may suspend a registration issued pursuant to this chapter if the individual or entity holding the registration violates this chapter or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension.

Subd. 2. *Notification to OCM.* The city shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

Subd. 3. *Length of Suspension.* The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers while their registration is suspended.

Subd. 4. *Reinstatement.* The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

Section 515.15 Civil penalties for registration violations.

Subd. 1. *Purpose.* This section sets forth a presumptive civil penalty for any violations of this chapter relating to the registration or operation of a cannabis retail business. Although the presumptive penalty is presumed to be appropriate for every case, the city council may deviate and impose a different civil penalty in any individual case where the city council finds substantial reasons make it appropriate to do so (e.g., a licensee's efforts to cooperate with the city or the commissioner to prevent further sales of persons under twenty-one (21) years of age

at the registered premises). When deviating from the presumptive civil penalty, the city council shall provide written findings that support the penalty imposed. Nothing herein shall be interpreted as preventing the city from also suspending a registration pursuant to section 515.14 above or from prosecuting any violation of this chapter as a criminal violation pursuant to section 515.16 below.

Subd. 2. *Presumptive civil penalties for violations.* The presumptive penalty for any violation of this chapter relating to the registration or operation of a cannabis retail business is \$2,000.00.

Subd. 3. *Payment of monetary penalties.* Any monetary penalty imposed shall be due and payable, in full, on the tenth 10th day after the city council imposes it. Failure to pay any monetary penalty on or before the date it is due shall constitute another violation of the same type.

Sec. 515.16. Criminal penalties.

Subd. 1. Violation of section 515.04 of this chapter is a petty misdemeanor, subject to the general penalty provisions of chapter 102 of the Code.

Subd. 2. Violation of any other provision or requirement of this chapter is a misdemeanor , subject to the general penalty provisions of chapter 102 of the Code. Violations of this chapter can occur regardless of whether or not a registration is required for a regulated activity listed in this chapter.

Sec. 515.17. Right to a hearing.

Regarding any violation of this chapter relating to the registration or operation of a cannabis retail business, the city shall notify the applicant of the basis for denial of registration, revocation of registration, suspension of registration, or imposition of a civil penalty. Any applicant who receives such notice may, upon written request to the city clerk promptly made after the denial, revocation, suspension, or imposition has occurred, request a hearing before the city council to present evidence and to appeal the decision. Further, no such suspension, revocation, or imposition shall take effect until the holder of the registration has been afforded an opportunity for a hearing pursuant to Minn. Stat. §§ 14.57 to 14.70 of the Administrative Procedure Act, as amended.

CHAPTER 900. ZONING ORDINANCE

Cannabis Zoning Amendments

Note: This document only contains affected provisions. Revisions are marked as follows:

Language that has been added is shown in blue with double underling.

Language that has been deleted is shown in ~~red and stricken~~.

Sec. 900.04. Definitions.

The following words, terms, and phrases, as used herein, have the following meanings:

Accessory apartment means a second dwelling unit in an existing single-family detached dwelling for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory structure means a structure subordinate to, and serving the principal structure on the same lot and customarily incidental thereto.

Accessory use means a use incidental to, and on the same lot as, a principal use.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult bookstore, adult novelty store or adult video store means a commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one (1) of its principal business purposes is the offering for sale

or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features;

- A. Persons who appear in a state of nudity or semi-nude; or
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

Adult motel means a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult daycare facility means care facilities as licensed by the State of Minnesota.

Deleted: day care

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Alley means a public right-of-way permanently reserved as a secondary means of access to abutting property.

Animal, food means fish, fowl, cattle, swine, sheep and other raised for purposes of food consumption.

Animal, fur means animals raised for their pelt.

Animal, pleasure means dogs, cats, horses, birds.

Animal unit means the following animals constitute one (1) animal unit equivalency: one (1) cow or steer, one (1) horse, donkey or burro, three (3) sheep, three (3) hogs or one hundred (100) fowl.

Antenna means equipment used for transmitting or receiving tele-communication, television or radio signals which is located on the exterior of, or outside of, any building or structure.

Apartment means a room with full housekeeping facilities which is rented on a monthly basis.

Arterial street means interregional roads conveying traffic between towns and other urban areas as defined in the comprehensive plan.

Basement means a portion of a building located partly underground. A basement shall be counted as a story if it has one-half (½) or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

Bed and breakfast means an owner occupied single-family dwelling where lodging in up to four (4) guest rooms and breakfast are provided to the traveling public by the resident owner for compensation.

Boarding house means a building other than a motel or hotel where, for compensation for definite periods of time, meals or lodgings are provided.

Boulevard means that portion of a street right-of-way between the curb or curb line and the property line.

Block means an area of land within a subdivision that is entirely bounded by streets or a combination of street, exterior boundary lines of the subdivision and/or bodies of water.

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or chattel.

Building height means the vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

Building line means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Business means any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

Cannabis business has the meaning given it Minn. Stat. §342.01, subd. 14.

Cannabis mezzobusiness means a vertically integrated license offered by the OCM that entitles a license holder to cultivate cannabis subject to a 15,000 square foot plant canopy limit, manufacture, and sell cannabis, and related products.

Cannabis microbusiness means a vertically integrated license offered by the OCM that entitles a license holder to cultivate cannabis subject to a 5,000 square foot plant canopy limit, manufacture, and sell cannabis, and related products.

Canopy means a roof-like structure projecting over the entrance to a building.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clear cutting means the removal of an entire stand of trees.

Club means a non-profit association of persons who are bonafide members paying annual dues; use of premises being restricted to members and their guests.

Collector street means a street whose function is to channel traffic from local streets to major arterial roads. These streets are identified in the city's comprehensive plan.

Commercial recreational facilities means uses including, but not limited, to the following: Miniature golf, driving ranges, waterslides, amusement centers.

Commercial telecommunication antenna means an antenna used for the commercial purpose of sending and receiving electromagnetic signals in the ordinary course of commerce.

Comprehensive plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs.

Conditional use means those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning use district, which for the respective conduct or performance in such designated use districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the county, and therefore may be permitted in such use district only by a conditional use permit (CUP).

Contractor's yard means a building and/or lot specifically used for the storing of construction vehicles, equipment and other related apparatus.

Cul-de-sac means a local street, one (1) end of which is closed and consists of a circular turn around.

Dairy farming means the process of maintaining a herd for the principal purpose of producing milk, plus horticultural activities.

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

Deck means a structure which is either free standing or attached to a principal or accessory building, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof.

District refers to a specific zoning district as described in the zoning ordinance.

Dump truck means a truck that: i) unloads contents by tilting the truck bed backwards or sideways; and ii) exceeds seven (7) feet, six (6) inches in height at its highest point (with the truck bed lowered).

Dwelling means a room or group of rooms providing complete living facilities for one (1) household.

Dwelling, single-family means one (1) dwelling unit having open space on all four (4) sides.

Dwelling, two-family means a building having two (2) dwelling units.

Dwelling, multiple family means a building having three (3) or more dwelling units.

Dwelling, townhouse means a dwelling unit attached to other dwelling units by common walls, side by side, extending from the foundation to the roof and without any portion of one (1) dwelling unit located above any portion of another dwelling unit, and with each dwelling unit having a separate entrance from outside the building.

Easement means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer means the professional engineer engaged by the city council.

Erosion means the wearing away of land surface by the action of manmade and natural elements.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

Extended care facility means facilities where health care services can be administered and/or delivered on an on-call basis.

Family means an individual, or two (2) or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related maintaining a common household.

Deleted: *Day care nursery* means a building or structure where care, protection and supervision of children are provided for a fee as licensed by the State of Minnesota and in accordance with the zoning ordinance. ¶

Feed lot means any tract of land, or structure, pen, or corral, wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence means a lineal structure including walls, hedges, or similar barriers used to prevent access by persons or animals or prevent visual or sound transference.

Final plat means the final map and/or plan and/or record of a subdivision and any accompanying material presented to the city council for approval and which, if approved, will be duly filed with the County Register of Deeds.

Floor area means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two (2) buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having head room of less than seven and one-half (7½) feet.

Floor area ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Funeral home means a business establishment where the bodies of the dead are prepared for burial or cremation and where funeral services can be held.

Garage means a building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage sale means a sale of used or unwanted possessions, as household articles, often held in the garage of a house.

Gazebo means an independent, open, roofed structure from which one can gaze at the surrounding scenery.

General farming means the process of planting and harvesting a horticultural crop as the principal use of the land plus the keeping of livestock.

Golf course means a tract of land, including a clubhouse, for playing golf, with tees, greens, fairways, hazards, etc.

Governing body means the city council.

Guest cottages means a building solely used for one (1) or more of the following purposes: scrap booking, stamping, greeting card making, quilting, beading, hosting a book club, hosting a wedding or hosting a baby shower. Such a building may include lodging for persons then using the building for a permitted use. No part of such a building, however, shall be used by its owner or operator as a dwelling.

Hardcover surface means any structure or material that substantially reduces or prevents the infiltration of storm water into the ground including, but not limited to, buildings, other structures, and driveways and parking areas surface with any type of pavement or gravel.

Hardship (associated with variances) means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique in his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

Home occupation means any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is no sign, other display, or other condition permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. There shall be no commodities sold upon the premises and no person employed therein other than a member of the immediate family residing on the premises or domestic servants; and no mechanical or electrical equipment shall be used except such as is normally used for purely domestic or professional purposes. No accessory building shall be used for such home occupation, and entrance to the home occupation shall be gained from within the structure.

Hotel means a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Incineration means a burning process which converts combustible materials into non-combustible residue or ash.

Industry means an enterprise which involves the production, processing, or storage of materials, goods, or products.

Interim use means a use, allowed on an interim or temporary basis, consistent with the zoning ordinance. An interim use shall have a known termination date.

Kennel, commercial means any place where a person, firm, or corporation accepts animals from the general public and where such animals are kept for the purposes of selling, boarding, breeding, training, treating or grooming.

Kennel, private means any place where more than two (2) animals over four (4) months of age are kept or harbored, such animals being owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

Kennel license means no person, firm, or corporation shall maintain in this city a private or commercial kennel without securing a license therefor from the city council, and the fee being as set forth in the schedule of fees.

Kennel license, renewal of. Kennel licenses shall expire on the 31st day of December next following their issuance. Upon application for renewal of a kennel license, an authorized city employee shall inspect the kennel of the applicant. Said employee shall submit to the city clerk either an affirmative certification that said kennel is maintained in a neat, orderly, and safe condition or a negative certification that said kennel is not so maintained. The city clerk may issue a renewal kennel license provided that:

- A. The aforementioned certificate is affirmative; and

- B. No complaints have been received by the city.
- C. In all other cases, the kennel license shall be renewed only upon city council approval.

Landscaping means plantings such as trees, grass, bushes and shrubs.

Large retail building means a building exceeding fifty thousand (50,000) square feet of gross building floor area where the primary use of the building floor area is devoted to the sale or rental of merchandise to the general public, including, but not limited to, department stores, discount stores, supermarkets, superstores and wholesale clubs.

Large retail project means a large retail building and any associated storage areas, parking lots, driveways, sidewalks and any other associated development features.

Licensed engineer means a person licensed as a professional engineer by the State of Minnesota.

Livestock means domestic animals kept for use on a farm and raised for sale and profit.

Local street means a roadway allowing access to abutting land, serving local traffic only.

Lodge. See club.

Lot means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof, abutting a public street.

Lot area means the area of a lot on a horizontal distance between the front lot line and the rear lot line.

Lot depth means the mean horizontal distance between the front lot line and the rear lot line.

Lot of record means a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Lot width means the horizontal distance between side lot lines, measured at the required front setback line.

Lot, corner means a lot abutting on and at the intersection of two (2) or more streets.

Lot, flag means a lot with access provided to the bulk of the lot by means of a narrow corridor. Flag lots will be allowed only as a way to preserve natural site features of a plat or to enhance the safety of a lot from traffic whose entrance would otherwise be directly onto a collector or arterial street.

Lot, interior means a lot other than a corner lot, including through lots.

Lot, through means a lot having its front and rear yards each abutting on a street.

Lot line means a line dividing one (1) lot from another lot or from a street or alley.

Lot line, front means that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street.

Lot line, interior means any boundary of a lot which does not abut a public right-of-way.

Lot line, rear means that boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to the front lot line.

Lot line, side means any boundary of a lot which is not a front lot line or a rear lot line.

Lower-potency hemp edible has the meaning given it under Minn. Stat. §342.01, subd. 50.

Marina means an inland or offshore area for concentrated mooring of five (5) or more watercraft, wherein facilities are provided for any or all of the following ancillary services: Boat storage, fueling, launching, mechanical repairs, sanitary pump-out and restaurant services.

Manufacturing means uses which include the compounding, processing, packaging, treatment or assembly of products and materials.

Marquee. See *canopy*.

Medical cannabis combination business has the meaning given it in Minn. Stat. §342.515.

Microdistillery means a "microdistillery", as such term is defined by Minn. Stat. § 340A.101, subd. 17a, as amended.

Mining means the extraction of sand, gravel, rock, soil, or other material from the land in the amount of four hundred (400) cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

Mini-storage facility means a structure or building in which customers can rent space to store possessions.

Mixed-use building means a building containing a retail or commercial use permitted in the district on each floor with an exterior wall at-grade, together with one (1) or more dwellings on other floors of the same building.

Mortuary means a place where dead bodies are kept before burial or cremation.

Motel means a facility offering lodging accommodations for those traveling by car usually with easy access from each room to an area for cars.

Motor freight terminal means a building or area in which freight brought by motor truck is transferred and/or stored for movement.

Motor fuel station means a retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

Motor fuel station convenience store means a store operated in conjunction with a motor fuel station offering a limited selection of food and other products and staying open for longer hours at a convenient location.

Motor vehicle means a self-propelled vehicle, excluding vehicles moved solely by human power.

Nameplate sign means a sign which bears the name and address of the occupant of the building.

Non-conforming structure means a structure which does not meet the requirements of the zoning district in which it is located due to the enactment of this chapter or any amendment thereto, but which was lawfully existing as of the date of its construction or placement.

Non-conforming use means a use which does not meet the requirements of the zoning district in which it is located due to the enactment of this chapter, or any amendment thereto, but which was a lawful use as of the date it was first commenced.

Noxious matter means matter capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Minnesota or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- B. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- C. Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Nursing home means a building or group of buildings licensed by the State of Minnesota for the care of the aged or infirm, or a place of rest and care for those suffering physical or mental disorders. Hospitals, clinics, maternity care homes and other buildings or parts of buildings containing surgical equipment are not included.

Off-street parking means a maintained area, other than on a public street or right-of-way, for the storage of an automobile.

Open storage means storage of materials outside of a building.

Owner means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Party wall means a common wall which divides two (2) independent structures by a fire wall.

Pedestrian way means the right-of-way across or within a block for use by pedestrian traffic.

Performance standard means standards that are established to assure that development will not be a detriment to the public health, safety, and general welfare of the municipality.

Person means an individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other incorporated associations.

Planned unit development (PUD) means a self-contained development, often with a mixture of housing types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots, as in most subdivisions. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of houses and provision of common open space.

Planning agency means the planning Commission or planning department as created by the City of Waconia.

Principal structure means a structure or building used for principal uses, including all seasonal living areas, porches, decks, and breezeways attached to the structure or building.

Private garage. See *garage*.

Private residential recreational facilities means swimming pools, tennis courts, exercise/weight rooms, club houses and similar facilities owned, operated and maintained by a development or homeowner's association for the benefit of multiple residential users.

Publication means notice placed in the official city newspaper stating time, location and date of meeting and description of the topic.

Public garage means a building or portion of a building used for the storage of vehicles for remuneration.

Public hearing. Whenever the term public hearing is used in this chapter, unless otherwise specifically redefined, it shall mean a public hearing pursuant to a notice published once in the official newspaper of the city and at least ten (10) days before the date of such hearing, which notice shall specify the general purpose, time and place of such hearing. Any such hearing after such publication may be continued, recessed, or adjourned from time to time without any further publication or notice thereof.

Public service installation means public utility structures including, but not limited to, transformers, substations and lift stations, and public utility buildings.

Public water means any waters of the state as defined in Minn. Stat. 1980 § 105.37, subd. 14. However, no lake, pond or flowage of less than ten (10) acres in size and no river or stream

having a total drainage area less than two (2) square miles shall be required for purposes of this chapter.

Refrigerator truck means a truck designed or used to transport property at a specific temperature.

Rental facility means a building specifically used to conduct a business of renting, to the public, general items including, but not limited to, hand power tools, automotive tools, lawn and garden items, tables and chairs, tents, moving supplies, floor care and plumbing tools, cement tools, home improvement tools, painting equipment, generators and other items used by contractors or homeowners.

Repair garage means a building for the maintenance of vehicles but not including auto wrecking or junk yards.

Residential treatment facility means a residential treatment facility, as defined under Minn. Stat. §245.462, subd. 23.

School means 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.

Semi-nude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female rear of the body which lies between two (2) imaginary lines running parallel to the ground when a person is standing, the first or top of such line drawn at the top of the cleavage of the nates and second or bottom line drawn at the lowest visible point of the cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two (2) imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above, and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Semi-trailer means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

Service road means a street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Setback means the minimum horizontal distance between a structure and the nearest property line or right-of-way line; within shoreland districts it shall also mean the minimum horizontal distance between a structure and the normal highwater mark.

Setback, front yard means the shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line.

Setback, interior side yard means the shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.

Setback, rear yard means the shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.

Setback, street side yard means the shortest horizontal distance from any part of a building or structure to the nearest point on a side lot line that adjoins a street.

Sexual encounter center means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Shoreland means land located within the following distances from public water; one thousand (1,000) feet from the normal highwater mark of a lake, pond, or flowage; and, three hundred (300) feet from a river or stream, or the landward extent of a floor plain designated by ordinance of such a river or stream, whichever is greater.

Small brewery means a brewery operated by a brewer who holds an off-sale malt liquor license issued pursuant to Waconia City Code section 580.06, subdivision 11.

Specified anatomical areas means:

- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified criminal activity means any of the following offenses:

- A. Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:
 - i. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

- ii. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- iii. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

- B. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified sexual activities means any of the following:

- A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- C. excretory functions as part of or in connection with any of the activities set forth in A. and B. above.

Street means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street frontage means that portion of a parcel of land abutting one (1) or more street. An interior lot has one (1) street frontage and a corner lot has two (2) such frontages.

Structure means anything built or constructed, an edifice or building of any kind, or any piece of work composed of parts joined together in some definite manner, except parking lots and driveways.

Subdivision means the division of any parcel of land into two (2) or more lots, blocks, and/or sites, with or without streets or highways and includes re-subdivision.

Substandard use means any use of lands existing prior to the date of enactment of this chapter which is permitted within the applicable zoning district but does not meet minimum lot area and length of frontage, structure setbacks, or other dimensional standards of the Ordinance.

Surveyor means a person duly registered as a land surveyor by the State of Minnesota.

Taproom means a space within, or in a structure adjacent to, a small brewery where malt liquor manufactured by a small brewer holding a license pursuant to Waconia City Code section 580.06, subdivision 12, is sold.

Tower means any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

Truck means a motor vehicle designed, used or maintained primarily for the transportation of property.

Truck stop means a motor fuel station devoted principally to the needs of trucks and which shall include eating facilities.

Truck-tractor means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

Use means the purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

Use, permitted means a use which conforms with the requirements of the zoning district within which it is located.

Use, principal means the primary use of land or structures as distinguished from accessory uses.

Utility building means an accessory building which is not usable for the storage of vehicles; is one-story in nature; is used or intended for the storage of hobby tools, garden equipment, etc.; is detached from the principal structure; and which is naturally and normally incidental to, subordinate to, and auxiliary to the principal dwelling structure.

Variance means any modification or variation of official controls where it is determined that because of hardship, strict enforcement of official control is impractical.

Vehicle means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Warehousing means the storage of materials or equipment within an enclosed building.

Wholesaling means the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

Yard means a required open space on a lot, which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this chapter.

Yard, front means a yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

Yard, rear means a yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

Yard, side means a yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.

Zoning district means an area of the city designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning map means the official city map that delineates the various zoning districts.

Zoning ordinance means the official land-use controls, which list various requirements, that guide the physical development of the city.

(Ord. No. 745, 3-7-22)

Sec. 900.05. District regulations.

Sec. 900.05.1. General provisions.

- A. *Establishment of districts.* For the purposes of this chapter, the city shall be divided into the following districts.

1.	R-1	Single-Family Residential District
2.	R-2	Single-Family Residential District
3.	R-3	Medium-Density Residential District
4.	R-4	Mixed Residential District
5.	R-5	High Density Residential District
6.	B-1	Highway Business District
7.	B-2	General Business District
8.	B-3	Central Business District
9.	B-4	Health Care Business District
10.	I-1	Industrial Park District
11.	I-2	General Industrial District
12.	P	Public District
13.	C	Conservation District
14.	A	Agricultural District
15.	PUD	Planned Unit Development District
16.	F-1	Fairgrounds District

- B. *Zoning districts map.* The boundaries of these districts are hereby defined and established as shown on the zoning districts map which accompanies this chapter. Said map with all explanatory matter thereon is hereby made a part of this chapter.
- C. *Interpretation of district boundaries.* where uncertainty exists with respect to the boundaries of any zoning district indicated on the zoning districts map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets or highways shall be construed as following the center lines of streets or highways.
 2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following city boundary lines shall be construed as following such city boundaries.

4. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as may be indicated on the zoning districts map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning districts map.
 5. Boundaries following the shoreline of a stream, lake or other body of water shall be construed to follow the ordinary high water elevation (OHWE) and in the event of change in the shoreline shall be construed as moving with the OHWE. Boundaries indicated as approximately following the center line of streams, rivers, channels or other bodies of water shall be construed to follow such center lines.
 6. Where the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the city board of adjustments after recommendation from the city planning commission.
- D. *Annexation.* Areas annexed to the City of Waconia shall be placed in a zoning district most like that which the area was zoned prior to annexation provided said zoning is consistent with the city's comprehensive plan. Where inconsistent, the zoning classification of such areas shall not be designated pending study of the area by the planning commission and approval by the city council. In cases where the planning commission deems it appropriate that a study be made of an area to be annexed to the city of waconia, the planning commission shall recommend a permanent zoning classification to the city council within six (6) months of the date of annexation of said area. The actual zoning classification shall be designated by the city council within nine (9) months of such annexation.

Sec. 900.05.2. R-1 Single-family Residential District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for areas within the city primarily intended for low density residential development as designated by the comprehensive plan.
2. *Permitted uses:* Single-family dwellings.
3. *Permitted accessory uses:* Gazebos, decks, private garages, utility buildings, fences, off-street parking, nameplate signs, residential recreation equipment subject to the restrictions imposed by section 900.06, Supplementary Regulations.
4. *Uses permitted with special restrictions:*
 - a. Boarding of not more than two (2) roomers per residential unit.

- b. Cemeteries provided there is internal road access or off-street parking and screening of residential areas equivalent to one (1) tree per fifty (50) feet of site perimeter based on City Code. Residential setbacks shall be maintained at fifty (50) feet from cemetery property. The cemetery shall have accessibility to a major thoroughfare.
- c. ~~Daycare~~ facilitates licensed by the State of Minnesota serving ten (10) or fewer persons.
- d. Gardening and other horticultural uses where no sale of products is conducted on the premises.
- e. Garage sales, estate sales, yard sales, rummage sales and other casual sales of personal property, subject to the following restrictions:
 - 1) No such sale shall exceed a period of seventy-two (72) consecutive hours, including periods when the sale is temporarily closed (e.g., at night).
 - 2) No more than two (2) such sales shall be held on the same lot in any twelve-month period.
 - 3) No items offered for sale shall have been purchased or received by gift for resale or received on consignment for the purposes of resale.
- f. Golf courses provided that it is maintained and operated from a central clubhouse location and adequate off-street parking is provided. Residential setbacks shall be maintained at seventy-five (75) feet from golf course property. The golf course shall have access to a major thoroughfare.
- g. Home occupations may be carried on by a member of the immediate family residing on the premises in connection with which there is no sign, other display, or other condition permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling.

Also, no exterior structural modifications are made to change the residential character and appearance of the lot or any buildings or structures on the lot. All parking demands generated by the use shall be accommodated within the accessory garage and the normal driveway area. No more than ten (10) automobile trips weekly by individuals other than the residents of the dwelling unit shall be generated to the dwelling unit as a result of the use. No sale of products or merchandise shall occur on the lot or within any structures or buildings on the lot.
- h. Private residential recreational facilities intended solely for the use and enjoyment of residents of the permitted use and their guests.

Deleted: Day care

- i. Residential facilities licensed by the State of Minnesota serving six (6) or fewer persons and being located no nearer than one thousand (1,000) feet to another such facility.
 - j. Utility buildings are allowable, but structures constructed of metal are prohibited. Setbacks within the respective zoning districts shall be met.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
- a. Churches.
 - b. Public service installations including such uses as public utility buildings, transformers, substations and lift stations.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
- a. Interim use of non-residential buildings.
 - b. Parking lots without a hardcover surface.
7. *Lot Requirements:* The following minimum lot requirements shall apply. Refer to section 900.06 (Supplementary Regulations) for exceptions.

a. Minimum lot area	10,500 sq. ft.
b. Minimum lot width	75 ft.
c. Maximum hardcover surface	35%
d. Maximum structure height	35 ft.
e. Minimum yards:	

	Front	Street Side	Interior Side	Rear
Principal Structures	25'	25'	10'	30'
Accessory Structures	25'	25'	10'	10'

Sec. 900.05.3. R-2 Single-family residential district.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to establish reasonable standards of development for neighborhood conservation areas designated by the comprehensive plan since much of this district encompasses residential areas of the city that were developed at densities that are generally higher than contemporary development standards.
2. *Permitted uses:* Single-family dwellings.
3. *Permitted Accessory Uses:* Same as the R-1 District.

4. *Uses Permitted with special restrictions:*
 - a. All uses permitted with special restrictions in the R-1 District.
 - b. Accessory apartments provided such use is in compliance with Uniform Building Code and provisions for off-street parking are met.
 - c. Two-family dwellings subject to the following: off street parking requirements are met and second dwelling meets uniform building code requirements.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. All uses permitted by CUP in the R-1 District.
 - b. Bed and breakfasts.
 - c. Funeral homes and mortuaries.
 - d. Guest cottages.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. All uses permitted by IUP in the R-1 District.
 - b. Above ground, portable fuel systems.
7. *Lot requirements:* The following minimum lot requirements shall apply. Refer to section 900.06 (Supplementary Regulations) for exceptions.

a. Minimum lot area	7850 sq. ft.
b. Minimum lot width	50 ft.
c. Maximum hardcover surface	35%
d. Maximum structure height	35 ft.
e. Minimum yards:	

		Front	Street Side	Alley Side	Interior Side	Rear
1.	Principal Structures (Lot greater than 55' wide)	25'	15'	10'	10'	30'
2.	Principal Structures (Lot less than 55' wide)	25'	15'	5'	5'	30'
3.	Accessory Structures (Lot greater than 55' wide)	25'	15'	10'	10'	10'
4.	Accessory Structures	25'	15'	5'	5'	5'*

*Ten (10) feet if abutting an alley.

Sec. 900.05.4. R-3 Medium Density Residential District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for a broad range of housing types that will generally be located adjacent to more active business areas with direct access to collector streets. These areas are found in or near developing residential areas distant from downtown Waconia where non-single-family housing is a desirable alternative.
2. *Permitted uses:* Multiple family dwellings, two-family dwellings, townhouse dwellings, boarding houses of more than two (2) roomers per residential units.
3. *Permitted accessory uses:* Same as the R-1 District.
4. *Uses permitted with special restrictions:*
 - a. All uses permitted with special restrictions in the R-1 District, but not including golf courses and cemeteries.
 - b. Daycare facilities licensed by the State of Minnesota serving between thirteen (13) and sixteen (16) persons.
 - c. Residential facilities licensed by the State of Minnesota serving between seven (7) and sixteen (16) persons and being located no nearer than one thousand (1,000) feet to another state licensed facility.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Churches.
 - b. Mortuaries.
 - c. Public utility installation.
 - d. Garden center uses.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. All uses permitted by IUP in the R-1 District.
7. *Lot requirements:* The following minimum lot requirements shall apply. Refer to section 900.06 (Supplementary Regulations) for exceptions.

a. Minimum lot area:	
- 14,000 sq. ft. for two-family dwellings and uses 4B and 4C of the R-3 District.	
- 30,000 sq. ft. for multi-family dwellings. For multi-family dwellings a minimum of ten (10) percent of the gross project area shall be in private recreational uses for project residents. Such area shall be for recreational uses suited to the needs of the residents including swimming pools, tennis courts, tot lot areas, nature areas, etc.	
b. Minimum lot width	150 ft.

Deleted: Day care

c. Maximum hardcover surface	70%
d. Maximum structure height	40 ft.
e. Minimum yards:	

- 1) Front yard setback will be a minimum of thirty (30) feet from the right-of-way of local streets or fifty (50) feet from the right-of-way of collector or arterial roadways as identified in the comprehensive plan.
- 2) Sideyard setback shall equal, in footage, what the height of the structure is. Sideyard setbacks may be reduced to zero feet along the common property line when dwellings share common walls and are subject to site and building plan review.
- 3) Rear yard setback will be a minimum of thirty (30) feet from exterior property lines.
- 4) Building spacing for multi-family dwellings shall be the average of the height of the buildings.

Sec. 900.05.5. R-4 Mixed Residential District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* This is an historic area of the city that lies along the Lake Waconia shoreline and already has an element of mixed residential use ranging from multi-family dwellings to single-family housing. It is intended that uses within this area continue to be predominantly residential in the range of four to six units per acre. Higher densities must be applied for by conditional use permit.
2. *Permitted uses:* Single-family dwellings, two-family dwellings, boarding houses of more than two (2) roomers per residential unit.
3. *Permitted accessory uses:* Same as the R-1 District.
4. *Uses permitted with special restrictions:*
 - a. All uses permitted with special restrictions in the R-3 District.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Churches.
 - b. Mortuaries.
 - c. Bed and breakfasts.
 - d. Public utility installations.
 - e. Marinas.

6. Uses permitted by interim use permit (IUP): The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. All uses permitted by IUP in the R-1 District.
7. *Lot requirements*: The following minimum lot requirements shall apply. Refer to section 900.06 (Supplementary Regulations) for exceptions.

a. Minimum lot area	7,850 sq. ft.
b. Minimum lot width	50 ft.
c. Maximum hardcover surface	35%
d. Maximum structure height	35 ft.
e. Minimum yards	

		Front	Street Side	Alley Side	Interior Side	Rear
1.	Principal Structures (Lot greater than 55' wide)	25'	15'	10'	10'	30'
2.	Principal Structures (Lot less than 55' wide)	25'	15'	5'	5'	30'
3.	Accessory Structures (Lot greater than 55' wide)	25'	15'	10'	10'	10'
4.	Accessory Structures (Lot less than 55' wide)	25'	15'	5'	5'	5'
5.	Shoreland Overlay District setbacks may be more restrictive than those listed above. In that instance, the more restrictive setbacks apply.					

*Ten (10) feet if abutting an alley.

8. Two-family dwellings: A two-family dwelling shall comply with all of the requirements of section 900.06.5, C, of this Code if it is divided into individual parcels of record.

Sec. 900.05.6. R-5 High Density Residential District.

[A. *Scope of regulations.*]

1. *Intent and purpose*: The purpose of this district is to primarily fill and redevelop sites located north of Highway 5 and in relatively close proximity to downtown where land values warrant higher density development. Densities are targeted for twelve (12) to twenty-two (22) units per acre in this district. Within these areas, housing for senior citizens is intended to be permitted at considerably higher densities than would be permitted by the density range provided adequate open space is demonstrated to exist and parking demand can be justified and documented.

2. *Permitted uses:* Multiple family dwellings, boarding houses serving more than two (2) roomers per residential unit, nursing homes, two-family dwellings, townhouse dwellings.
3. *Permitted accessory uses:* Same as R-1 District.
4. *Uses permitted with special restrictions:*
 - a. All uses permitted with special restrictions in the R-3 District.
 - b. Residential facilities licensed by the State of Minnesota serving 17 or more persons and being located no nearer than 1,000 feet to another such facility.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Churches.
 - b. Mortuaries.
 - c. Public utility installations.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. All uses permitted by IUP in the R-1 District.
7. *Lot Requirements:* The following minimum lot requirements shall apply. Refer to section 900.06 (Supplementary Regulations) for exceptions.

a. Minimum lot area:	
- 14,000 sq. ft. for two-family dwellings and uses 4B and 4C of the R-3 District.	
- 30,000 sq. ft. for multi-family dwellings. For multi-family dwellings a minimum of ten (10) percent of the gross project area shall be in private recreational uses for project residents. Such area shall be for recreational uses suited to the needs of the residents including swimming pools, tennis courts, tot lot areas, nature areas, etc.	
b. Minimum lot width	150 ft.
c. Maximum hardcover surface	70%
d. Maximum structure height	40 ft.
e. Minimum yards:	

- 1) Front yard setback will be a minimum of thirty (30) feet from the right-of-way of local streets or fifty (50) feet. from the right-of-way of collector or arterial roadways as identified in the comprehensive plan.
- 2) Sideyard setback shall equal, in footage, what the height of the structure is. Sideyard setbacks may be reduced to zero (0) feet

along the common property line when dwellings share common walls and are subject to site and building plan review.

- 3) Rear yard setback will be a minimum of thirty (30) feet from exterior property lines.
- 4) Building spacing for multi-family dwellings shall be the average of the height of the buildings.

Sec. 900.05.7. B-1 Highway Business District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for an appropriate range of businesses that will be utilized by area residents as well as vehicular traffic generated from the surrounding area.
2. *Permitted uses:* Retail businesses that are not large retail buildings nor large retail projects; eating and drinking establishments; banks; hotels and motels; automobile service and repair; farm equipment/implement sales and service; commercial recreation facilities; laundromats and dry cleaners; barber/beauty shops; mini-storage facilities; churches, off-sale liquor sales; microdistilleries; small breweries; taprooms; lumber yards; animal clinics; commercial kennels; outdoor theaters; bicycle sales/service; copy and printing services; medical related clinics/uses; and offices.
3. *Permitted accessory uses:* Fences, off-street parking, business signs, incidental repair, processing and storage necessary to conduct a permitted use but not exceeding thirty (30) percent of the floor area of the principal building, gardening and other horticultural uses where no sale of products is conducted within a building.
4. *Uses permitted with special restrictions:*
 - a. Daycare facilities licensed by the State of Minnesota.
 - b. Drive-in businesses (for the purpose of this section, shall mean: Drive-in restaurants, fast food businesses with a drive thru, drive-in theaters and motor fuel stations). Restrictions include:
 - 1) No drive-in business shall be located within three hundred (300) feet of a school or church.
 - 2) No drive-in shall be located within one hundred (100) feet of any residentially zoned property, provided:
 - a) No public address system shall be audible from any residential zone; and
 - b) Screening of the property from residential areas will be required. The City may require fencing, earthen berms and

Deleted: Day care

landscaping, or any other method or combination deemed appropriate to accomplish the required screening.

- 3) No drive in shall be located on any street other than an arterial roadway, collector roadway or business service road.
 - 4) No access drive shall be within one hundred (100) feet of intersecting street right-of-way lines.
 - 5) No less than thirty (30) percent of the gross lot area shall be landscaped.
 - 6) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
 - 7) A six-inch non-surmountable curb shall separate all walks and landscape areas from parking areas.
 - 8) Should the use be a drive-in theater, an opaque fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.
- c. Motor fuel stations and motor fuel station convenience stores subject to the following:
- 1) For architectural purposes, each side of a motor fuel station/convenience store shall be considered as a front face.
 - 2) The storage for items for sale outside the principal building shall be displayed in specifically designed containers.
 - 3) All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
 - 4) All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
 - 5) No sale of motor vehicles, trailers or campers shall be permitted.
 - 6) Open dead storage of motor vehicles shall not be permitted for a period of more than seven (7) days.
 - 7) All rental campers, trailers or motor vehicles shall be stored within the rear and/or sideyard not adjacent to the street.
 - 8) Wherever a motor vehicle fuel station/convenience store abuts residential property, a fence or compact evergreen hedge not less than fifty (50) percent opaque not less than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision

shall not require a fence within fifteen (15) feet of any street right-of-way line.

- 9) Minimum fifteen-foot landscaped yard shall be planted and maintained behind all property lines except at driveway entrances.
- 10) The entire site, other than the part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
- 11) Driveways shall not exceed thirty (30) feet in width nor be spaced closer than thirty (30) feet apart measured at the property line. No more than two (2) access drives to any street shall be permitted.
- 12) A six-inch non-surmountable curb shall separate all walks and landscape areas from parking and maneuvering areas.
- 13) The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet.
- 14) Setbacks:

Lot width	150 ft.
Front yard	60 ft.
Adjacent to another lot	30 ft.
Adjacent to street	60 ft.
Rear yard	30 ft.
Pump setback from right-of-way	25 ft.

- 15) The setback of any overhead canopy or weather protection, freestanding or projecting from the station structures, shall not be less than ten (10) feet from the street right-of-way nor less than twenty (20) feet from any adjacent property line.
- d. Car washes provided there is sufficient stacking space outside the wash bay to accommodate that number of vehicles which can be washed during a fifteen-minute period based on the equipment rating.
 - e. Motor vehicle sales lots provided that all display lots for vehicles provide curb and gutter per city specifications for storm run-off purposes and all outdoor signs meet city sign regulations.
 - f. All other uses that utilize a drive thru service convenience provided that use has sufficient stacking space to accommodate that number of vehicles which can be served during a fifteen-minute period.

g. Cannabis retail business, retail endorsement for cannabis microbusiness, retail endorsement for cannabis mezzobusiness, and lower-potency hemp edible retailer, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter and the requirements of chapter 515 of the Code.

5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Mortuaries.
 - b. Commercial recreation (which would include miniature golf, driving ranges, waterslides, amusement centers).
 - c. Contractors yard.
 - d. Large retail projects.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. Parking lots without a hardcover surface.
7. *Lot requirements:*

a. Minimum lot area	17,500 sq. ft.
b. Minimum lot width	100 ft.
c. Maximum hardcover surface	80%
d. Maximum structure height	35 ft.
e. Minimum yards:	

	Front	Street Side	Interior Side	Rear
Principal Structures	25'	20'	15'*	20'

* Thirty-five (35) feet if adjacent to residential district.

Sec. 900.05.8. B-2 General Business District.

[A. Scope of regulations.]

1. *Intent and purpose:* It is intended that this district continue to serve its role as the social, cultural and commercial center of the city and its hinterland and that downtown continue to be redeveloped in a manner that will strengthen it as the market area's shopping, entertainment and office center.
2. *Permitted uses:* Shopping facilities that are not large retail buildings nor large retail projects, clothing and apparel, restaurants, governmental buildings, hotels, indoor theaters, financial institutions, fraternal and/or service clubs, offices/office buildings, grocery stores, video stores, barber/beauty shops,

commercial kennels, travel agencies, laundromats, dry cleaners, photo/art studios, indoor recreational facilities, on and off sale liquor establishments, small breweries operated in conjunction with taprooms, frozen desserts/delicatessen stores, drug stores, print shops, book stores, real estate sales, medical clinics, taverns, mixed-use buildings and multiple family dwellings, parks, churches, schools (public and private), mortuaries, public utility installations, public buildings (community center, museum, library, administrative buildings, specialty care clinics).

3. *Permitted accessory uses:* Fences, off-street parking, business signs, any incidental repair, processing, and storage necessary to conduct a permitted principal use but not exceeding thirty (30) percent of the floor area of the principal building.
4. *Uses permitted with special restrictions:*
 - a. Daycare facilities licensed by the State of Minnesota.
 - b. Car washes with same restrictions as in the B-1 District.
 - c. Motor vehicle sales lots with same restrictions as in the B-1 District.
 - d. Motor fuel stations subject to restrictions in the B-1 District except provisions 4c(9) and 4c(14).
 - e. Automobile collision repair facility subject to the following restrictions:
 - 1) All trash and waste materials shall be stored inside the main building or within a separate enclosure.
 - 2) There shall be no outside storage of any usable or obsolete automobile parts, junked vehicles, or other items associated with the business.
 - 3) There shall be no vehicle access to a building that directly faces a residential zoning district.
 - 4) All other regulations (Uniform Building Code, State, etc.) guiding the use of equipment related to collision repair shall be followed.
 - f. Cannabis retail business, retail endorsement for cannabis microbusiness, retail endorsement for cannabis mezzobusiness, and lower-potency hemp edible retailer, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter and the requirements of chapter 515 of the Code.
- 5) *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Large retail projects.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.

Deleted: Day care

- a. Parking lots without a hardcover surface.

7. *Lot requirements:*

- a) Uses in the B-2 District are exempt from all setback and lot-size requirements except the noted provisions below. Provisions shall be made for meeting parking and on-site loading requirements.
- b) Maximum structure height: 45 ft.
- c) Side and rear yard setback adjacent to residential district: 10 ft.

Sec. 900.05.9. B-3 Central Business District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* It is intended that this district continue to serve its role as the social, cultural and commercial center of the city and its hinterland and that downtown continue to be redeveloped in a manner that will strengthen it as the market area's shopping, entertainment and office center.
2. *Permitted uses:* Same as B-2 District.
3. *Permitted accessory uses:* Fences, off-street parking, business signs, any incidental repair, processing, and storage necessary to conduct a permitted principal use but not exceeding thirty (30) percent of the floor area of the principal building.
4. *Uses permitted with special restrictions:*
 - a. Daycare facilities licensed by the State of Minnesota.
 - b. Auto service repair subject to the following conditions:
 - 1) All trash, recyclable and waste materials shall be stored inside the main building or within a separate, screened enclosure as approved by the city.
 - 2) There shall be no outside storage of any usable or obsolete parts, junked vehicles as defined by City Code.
 - c. Cannabis retail business, retail endorsement for cannabis microbusiness, retail endorsement for cannabis mezzobusiness, and lower-potency hemp edible retailer, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter and the requirements of chapter 515 of the Code.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Large retail projects.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.

Deleted: Day care

- a. Parking lots without a hardcover surface.
- 7. *Lot requirements:*
 - a. Uses in the B-3 District are exempt from all setback and lot size requirements except consideration shall be given to providing on-site parking.
 - b. Maximum structure height: 45 ft.

Sec. 900.05.10. B-4 Health Care Business District.

[A. *Scope of regulations.*]

- 1. *Intent and purpose:* The purpose of this district is to provide for areas that will accommodate medical and health related uses.
- 2. *Permitted uses:* Hospitals, nursing homes, public utility installations, emergency care facilities, extended care facilities, medical research facilities, adult ~~daycare~~ service facilities, drug stores with pharmacy departments, pharmacies, health clubs, medical and other human physical and mental health care clinics, laboratories.
- 3. *Permitted accessory uses:* An area not exceeding ten (10) percent of the total gross floor area of the building may be used for facilities providing convenience goods and services for the occupants, business invitees, and visitors. Said accessory uses shall include those listed below and such other accessory uses. These include: restaurants, cafes, coffee shops, bakeries, related professional shops, newsstands and barber/beauty shops.
- 4. *Uses permitted with special restrictions:*
 - a. ~~Daycare~~ facilities licensed by the State of Minnesota.
- 5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Heliports.
 - b. Incineration.
- 6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. Parking lots without a hardcover surface.
- 7. *Lot requirements:*

a. Minimum lot area	20,000 sq. ft.
b. Minimum lot width	100 ft.
c. Maximum hardcover surface	75%
d. All structure setbacks	25 ft.

Deleted: day care

Deleted: Day care

Sec. 900.05.11. I-1 Industrial Park District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for higher quality employment areas within the city where light manufacturing and related compatible uses can be accommodated in a value enhancing park-like setting. Uses intended to be accommodated include those which generate a minimum of noise, glare, dust, odor, vibration, air and water pollution, fire and safety hazard, and obtrusive views.
2. *Permitted use:* Manufacturing, compounding, processing (except live animals), packaging, treatment and assembly of products and materials; warehousing and wholesaling; mini-storage facilities; printing; trade schools; indoor health and recreation clubs; scientific research laboratories; veterinary clinics; public utility installations; microdistilleries; small breweries; taprooms; service establishments catering exclusively to business and industry including linen supply, business machine services, business supply services, business incentive tour/vacation packages, vending machine maintenance/distributing and similar uses.
3. *Permitted accessory uses:* Signs, off-street parking and loading, and offices which are incidental to the principal use.
4. *Special requirements:* All uses shall comply with following:
 - a. Compliance with all performance standards as required by section 900.08 of this chapter.
 - b. All storage shall be in completely enclosed buildings.
 - c. Off-street loading shall not be located on the side of a building which faces a public street or a residential district. Docks shall be screened so as not to be visible from streets or residential areas.
5. *Uses Permitted with special restrictions:*
 - a. ~~Daycare~~ centers.
 - b. Sexually oriented businesses with a minimum separation of five hundred (500) feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented business is located, from the property line of:
 - 1) Any church or church related facility or organization;
 - 2) A public or private educational facility classified as a preschool, elementary, middle, junior high or senior high school;
 - 3) Residential zoned property;
 - 4) A public park;

Deleted: Day care

Deleted: licensed by the State of Minnesota

- 5) An on-sale liquor establishment;
- 6) Another sexually oriented business;
- 7) A public library; or
- 8) A licensed daycare center.

Deleted: day care

c. Cannabis businesses licensed or endorsed for cultivation, manufacturer, wholesale, transportation, or delivery, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.

d. Medical cannabis combination businesses, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.

e. Businesses licensed or endorsed for low-potency hemp edible manufacturer, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.

6. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.

- a. Incineration.
- b. Towers.

7. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of sections 900.11.

- a. Parking lots without a hardcover surface.

8. *Lot requirements:*

a. Minimum lot area	43,560 sq. ft.
b. Minimum lot width	200 ft.
c. Maximum hardcover surface	85%
d. Maximum structure height	50 ft.

	Front	Street Side	Interior Side	Rear
e. Minimum yards	50	50	20	30*

* Fifty (50) feet where adjacent to a residential district.

Sec. 900.05.12. I-2 General Industrial District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The intent of this district is to primarily fill or redevelop sites that exist in the city's first industrial park and Sudheimer's Industrial Park.

2. *Permitted uses:* Manufacturing, compounding, processing (except live animals), packaging, treatment and assembly of products and materials, warehousing and wholesaling, printing, trade schools, indoor health and recreation clubs, microdistilleries, small breweries, taprooms, scientific research laboratories, veterinary clinics, public utility installations, and service establishments catering to business and industry including linen supply, business machine services, business supply services, business incentive tour/vacation packages, building inspection services, vending machine maintenance/distributing, rental facilities and similar uses.
3. *Permitted accessory uses:* Signs, off-street parking and loading, and offices which are incidental to the principal use.
4. *Special requirements:* All uses shall comply with the following:
 - a. Compliance with all performance standards as required by section 900.08 of this chapter.
 - b. Off-street loading shall not be located on the side of a building which faces a public street or a residential district. Docks shall be screened so as not to be visible from streets or residential areas.
5. *Uses permitted with special restrictions:*
 - a. Daycare facilities licensed by the State of Minnesota.
 - b. Sexually oriented businesses with a minimum separation of 500 feet, as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented business is located, from the property line of:
 - 1) Any church or church related facility or organization;
 - 2) A public or private educational facility classified as a preschool, elementary, middle, junior high or senior high school;
 - 3) Residential zoned property;
 - 4) A public park;
 - 5) An on-sale liquor establishment;
 - 6) Another sexually oriented business;
 - 7) A public library; or
 - 8) A licensed daycare center.
 - c. Cannabis businesses licensed or endorsed for cultivation, manufacturer, wholesale, transportation, or delivery, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.
 - d. Medical cannabis combination businesses, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.

Deleted: Day care

Deleted: day care

e. Businesses licensed or endorsed for low-potency hemp edible manufacturer, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.

6. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Blacktop and Redi-mix plants.
 - b. Poultry and livestock processing.
 - c. Truck stops.
 - d. Bulk liquid storage.
 - e. Incineration.
 - f. Contractors yard.
7. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. Parking lots without a hardcover surface.
8. *Lot requirements:*

a. Minimum lot area	43,560 sq. ft.
b. Minimum lot width	200 ft.
c. Maximum hardcover surface	85%
d. Maximum structure height	50 ft.

	Front	Street Side	Interior Side	Rear
e. Minimum yards	30'	30'	10'*	30'*

* Fifty (50) feet where adjacent to a residential district.

Sec. 900.05.13. P Public District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of the Public District is to provide a procedure for the orderly establishment of public facilities designated in the comprehensive plan.
2. *Permitted uses:* Schools, parks and other major community facilities.
3. *Lot requirements:*

a. Minimum lot area	N/A
b. Minimum lot width	N/A
c. Maximum hardcover surface	80%

d. Maximum structure height	40 ft.
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	Front	Street Side	Interior Side	Rear
e. Minimum yards	50'	30'	30'	30'

Sec. 900.05.14. C Conservation District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to protect areas designated on the comprehensive plan that are labeled environmentally protected (EP). Environmentally Protected areas are intended to remain undeveloped and in their natural state to the extent possible though their specific boundaries will remain open to interpretation and delineation until adjacent development is planned. This district is established to preserve and perpetuate in an open state, certain areas such as wetlands, marshes, woodlands and other areas of aesthetic and economic value which, because of their unique physical characteristics, are desirable as water retention areas, natural habitat for plant and animal life, open space or other similar uses beneficial to the city.
2. *Permitted uses:* Wildlife and forest management, public recreation such as hiking and fishing, public utility installations.
3. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. Harvesting wild crops.

Sec. 900.05.15. A Agricultural District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* Agricultural Districts, for all intent purposes, are transition areas between what is now urbanized city limits and intense agricultural uses allowed in the surrounding townships. In nearly all cases, the agricultural zoning status will be given to lands recently annexed into the city for purposes of land-use development since this is the district the land was most likely in while in the township.
2. *Permitted uses:* Cemeteries, public utility installations, gardening, general farming provided animal unit density is not greater than two (2) per acre, dairy farming provided animal unit density is not greater than two (2) per acre, horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto, one (1) single-family dwelling per farm, parks and recreation areas.

3. *Permitted accessory uses:* Private garages, decks, private swimming pools and tennis courts, signs as regulated by city ordinance, fences, off-street parking.
4. *Uses Permitted with special restrictions:*
 - a. Golf courses provided that it is maintained and operated from a central clubhouse location and adequate off-street parking is provided. Residential setbacks shall be maintained at seventy-five (75) feet. The golf course shall have access to a major thoroughfare.
 - b. Garage sales provided they are in operation during daylight hours only (sunrise to sunset).
 - c. Home occupations per R-1 District restrictions.
 - d. Cannabis businesses licensed or endorsed for cultivation, subject to the buffer requirements set forth in section 900.06.01, D, of this chapter.
5. *Uses permitted by conditional use permit (CUP):* The following uses are permitted by CUP subject to the requirements of section 900.11.
 - a. Churches.
 - b. Mining operations.
 - c. Feed lot.
6. *Uses permitted by interim use permit (IUP):* The following uses are permitted by IUP subject to the requirements of section 900.11.
 - a. Temporary Blacktop and Redi-Mix plants.
 - b. Land reclamation.
7. *Lot requirements:*

a. Minimum lot area	43,560 sq. ft.
b. Minimum lot width	Depth shall be no more than three (3) times the width, the width not being less than 125 feet.
c. Maximum structure height	35 ft.
d. Every proposed single-family dwelling will need to have city sewer and water available to the site. Private sewage treatment facilities for new sites will be prohibited.	

	Front	Street Side	Interior Side	Rear
e. Minimum yards	*	25'	15'	30'

* Arterial	200 ft.
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Collector	100 ft.
Local Road	60 ft.
Other front yard	35 ft.

Sec. 900.05.16. PUD Planned Unit Development District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* PUD is intended to be used to achieve the following objectives:
 - a. Protection of natural and historical features including steep slopes, woodlands, wildlife habitat, wetlands and water surface areas.
 - b. Improved human habitats by allowing for greater creativity, innovation and flexibility in site planning and architectural design.
 - c. Improved human habitat variety, diversity and interest through the mixing and clustering of land uses and housing types and varied lot sizes.
 - d. A higher level of amenity than is normally achieved with traditional zoning.
 - e. The provision of affordable housing.
 - f. A more efficient use of land and public facilities and services.
 - g. The conservation of energy resources through the protection of solar access, solar orientation, earth sheltering and the clustering of development.
 - h. The creation of a sense of community by developing larger parcels of land as integrated units.
2. *Eligibility:* PUD may be used only under the following circumstances:
 - a. A PUD shall have a minimum of five (5) acres except that a smaller parcel may qualify for the use of PUD where total ownership is less than five (5) acres and, in the judgment of the city, there is a benefit to the city to consider a smaller PUD for such reason as the conservation of a natural or historic feature. An exception to the minimum size may also be permitted where the PUD is an extension of an existing PUD and will essentially function as an extension of the existing PUD.
 - b. All property within a PUD shall be under the control of one (1) owner or group of owners capable of planning and developing the PUD site as a unit.
3. *Permitted uses:* Lands within a PUD shall only be used for uses designated on the comprehensive plan. Conditional uses that are normally associated with a specific class of use (i.e. single-family residential) may also be permitted in a similar PUD class provided the use has been approved as part of the PUD. Upon

approval of a development plan, the PUD shall become the zoning for the PUD site and any change in use will require a zoning amendment. Amendments shall follow the procedures established by section 900.12, subdivision 4 of this chapter.

4. *Required development standards:* A PUD shall comply with all of the requirements of this chapter except for sections 900.05, District Regulations. In addition the following shall apply:
 - a. The minimum building and parking setback from any exterior PUD property line or abutting street shall be forty (40) feet. Refer to section 900.06.3 for required yard expansion adjacent to arterial streets.
 - b. The maximum height of structures shall not exceed forty-five (45) feet except as provided for by section 900.06.2 of this chapter.
 - c. Overall gross residential PUD densities shall be in the range specified for the site by the comprehensive plan.
 - d. Maximum hardcover surface shall be as follows for the following classes of use:

1.	Low and Low/Medium Density Residential	0-4	U/A	50%
2.	Medium Density Residential	5-12	U/A	60%
3.	High Density Residential	13-22	U/A	70%
4.	Medical Services			75%
5.	Commercial			80%
6.	Industrial			85%

- e. Where the PUD site is designated by the comprehensive plan for more than one land use, the approximate same ratio of land area shall be reflected in the PUD for each use as exists in the comprehensive plan.
 - f. Signage variances may be approved by PUD provided a sign plan is approved with the development plan. Generally, section 900.10, Sign Regulations, will be used as a guide in evaluating the signage plan.
 - g. Subdivision review shall be carried out simultaneously with the review of the PUD. The plans required by this section shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat.
5. *Procedures for processing a PUD:*
 - a. *Preapplication conference.* Upon filing an application for PUD, the applicant may arrange for a conference with the city planner. The purpose of this meeting is to provide the applicant with as much background information as may be available which could have a bearing in the PUD and to obtain guidance as to the general suitability of the proposed PUD.

- b. *Sketch plan (optional)*. The applicant may submit a sketch plan for review by the planning commission and city council as a means to further establish the general suitability of the PUD prior to incurring substantial costs for planning. The sketch plan is optional but is highly recommended for larger PUD's.
- 1) *Sketch plan requirements*. Twelve (12) copies of the sketch plan shall be submitted including the following information:
 - a) Proposed street, building and open space locations;
 - b) Height and square footage of buildings;
 - c) Proposed uses and acreages by use;
 - d) Number of dwelling units;
 - e) Generalized grading showing major cuts and fills; and
 - f) A general staging plan illustrating the sequence and approximate timing of the development phases.
 - 2) *Sketch plan approval*. The comments on the sketch plan by the planning commission and city council shall be for guidance only and shall not be binding on the city when the formal PUD application is considered.
- c. *Development plan (rezoning)*.
- 1) *Development plan requirements*. Twelve (12) sets of the following exhibits, maps and plans at a scale of 1" = 100', and written support information shall accompany the PUD application.
 - a) An Existing conditions element including maps illustrating existing zoning and land use within three hundred (300) feet of the property, relationship to the comprehensive plan and existing site conditions including:
 1. Existing topography and slopes.
 2. Tree inventory (size, type, condition).
 3. Wetland inventory.
 4. Existing drainage patterns.
 5. Soils conditions.
 6. Existing utilities and streets.
 7. Property lines and easements.
 - b. A graphic and tabular development plan element including:
 1. Building locations, height, bulk and square footage;

2. Areas and square footage of all land uses including parks, open space, water surface areas, and conservation areas;
 3. Number of dwelling units by type;
 4. Major circulation elements (streets and trails);
 5. Drainage and utilities plans;
 6. Grading plan;
 7. A generalized landscaping plan;
 8. A generalized plan for lighting and signage;
 9. A phasing plan illustrating the timing and sequence of development;
 10. Elevation drawings of the entrance side of all phase I buildings; and
 11. A preliminary plat in accordance with part X, chapter 1000, Subdivision Ordinance.
- c) A written element including:
1. Landowner/applicant's name and address,
 2. Evidence of ownership,
 3. Development objectives,
 4. Legal description,
 5. Proposed restrictive covenants, and
 6. Open space maintenance provisions and agreements.
- 2) *Findings.* The planning commission and city council shall not approve a PUD unless they shall find as follows:
- a. The proposed development is not inconsistent with the city's comprehensive plan,
 - b. The development satisfies most, if not all, of the objectives of this district, and
 - c. The PUD will not be detrimental to surrounding neighborhoods.
- 3) *Development agreement.* Upon approval of a development plan, the city council shall direct the city attorney to draft a development agreement in a manner so as to allow its filing with the county recorder. The development agreement shall include

the plan elements, findings and the conditions upon which the PUD was approved.

d. *Final plan.*

- 1) *Final plan requirements.* The final plan shall comply with all of the requirements of section 900.12, subdivision 6, Site Plan Review.
- 2) *Findings.* The planning commission shall not approve the final plan unless it shall find it to be in substantial compliance with the approved development plan. Substantial compliance shall mean:
 - a) Buildings, parking and streets are in substantially the same location;
 - b) The number of residential units has not increased or decreased by more than five (5) percent;
 - c) The size of nonresidential structures has not increased by more than five (5) percent;
 - d) There has been no increase in the height of structures; and
 - e) Open space has not been decreased.

e. *Notice and hearings.*

- 1) Development plan. Rezoning to PUD shall follow procedures and requirements established in section 900.12, subdivision 4 of this chapter.
- 2) Final plan. Approval of a final plan shall follow the procedures and requirements established in section 900.12, subdivision 6 of this chapter.
- 3) Applicants may combine the development plan and final plan approvals by submitting all information required for both stages simultaneously.

6. *Term of approval.* If substantial development has not occurred within a reasonable time after approval of the PUD rezoning, the city council may rezone the property to the original district and shall not have to find that the PUD zoning was in error.

7. *Amendments.*

- a. The procedure for a major amendment shall be the same as for approval of the original PUD. A major amendment is an amendment which:
 - 1) Substantially alters the location and size of buildings, streets and parking areas;
 - 2) Increases or decreases the number of residential dwelling units by more than five (5) percent;

- 3) Increases the floor area of nonresidential buildings by more than five (5) percent;
 - 4) Increases the number of stories of any building;
 - 5) Decrease the amount of open space so as to alter the original design or intent; and
 - 6) Does not comply with a condition attached to the approval of the development plan.
- b. Other amendments may be made by a simple majority vote of the planning commission and city council.

Sec. 900.05.17. F-1 Fairgrounds District.

[A. *Scope of regulations.*]

1. *Intent and purpose:* The purpose of this district is to provide for an area within the city where county fair activities can take place along with other potential activities that would not adversely affect adjacent residential properties.
2. *Permitted use:* Uses associated with the county fair (one (1) week in august) including carnival, concession stands, arts/crafts/hobbies exhibits, animal exhibits/shows, business exhibits, music shows, demolition derby and truck/tractor pull activities, farm implement display areas and administrative office for fair activities.
3. *Uses permitted with special restrictions:*
 - a. Use of fair buildings for storage (no outdoor storage allowed). Outdoor recreational vehicle and boat storage allowed provided two hundred-foot setbacks from property lines are met and screened as determined by the city and all vehicles/boats are in operable condition.
 - b. Auctions, craft sales, trade shows, farmers markets, circus and similar uses provided patrons of such events enter the grounds from the Cherry Street area on the south side of the grounds and provided activities take place between 7:00 a.m. and 9:00 p.m. Patron parking to said events shall take place on fairground property.
 - c. Fire department, sheriff's posse and sheriff's department training provided activities take place between 7:00 a.m. and 9:00 p.m.
 - d. Animal shows including events for dogs, horses, cattle and other livestock/poultry, provided show activities take place between 7:00 a.m. and 9:00 p.m.
 - e. Community and corporate picnic/social events provided activities take place between 7:00 a.m. and 9:00 p.m. and all patron parking takes place on fairgrounds property.

- f. Recreation activities including events sponsored by municipalities or school districts such as ice skating, fitness activities, youth recreation, baseball, soccer and similar activities and provided activities take place between 7:00 a.m. and 9:00 p.m.
- g. Community group use of building facilities including Boy/Girl Scouts, 4-H Groups, and other civic organizations.
- h. Light fixtures (free standing or building mounted) used to illuminate the property provided the fixtures are hooded or shielded and so arranged as to reflect light away from abutting residential uses.
- i. New building construction subject to site plan review standards.

4. *Lot requirements:* The following minimum lot requirements shall apply:

a. Maximum structure height	40 feet
b. Minimum setbacks:	
1. Setbacks from public streets	50 feet
2. Setbacks from private property	40 feet
c. Maximum hardcover surface	40%

Sec. 900.06. Supplementary regulations.

Sec. 900.06.1. Supplementary use regulations.

- A. *Temporary dwellings.* No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at anytime be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, conforms with the city building code, and is approved by the city council.
- B. *Permanent dwellings.* All new development must be served by city sewer and water services.
- C. *Accessory structures, recreational vehicles and other matters:*
 - 1. *Accessory structures:* In the R-1, R-2 and R-4 Residential Districts:
 - a. *Aggregate coverage limitation:* The sum of the building area of all garages, utility buildings and other accessory structures shall not exceed a total of:

Lot Area	Maximum Total Floor Area of all Accessory Structures
10,500 square feet and smaller	1,000 square feet
10,501 to 21,780 square feet (half acre)	1,200 square feet
21,781 square feet to 43,560 square feet (Half acre to one acre)	1,400 square feet

43,561 square feet and larger	1,600 square feet
** Total maximum hardcover surface of the lot shall not exceed 35 percent.	

- b. *Height limitation:* No accessory structure detached from the principal structure shall exceed twenty (20) feet in height.
 - c. *Location limitation:* Accessory structures detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.
 - d. *Utility buildings:* Utility buildings shall not exceed one hundred forty-four (144) square feet.
 - e. *Access:* Any accessory structure in excess of one hundred forty-four (144) square feet that is detached from the principal structure shall provide driveway access to a public street. Any such driveway shall: 1) be no less than ten (10) feet wide and made from a bituminous, concrete or other driveway surface approved by the city; 2) not closer than the required setbacks for such structure to any property line at any given point; and 3) screened or landscaped from neighboring structures as required by the city, in its discretion, if such structure is located in a side yard.
2. *Storm and fallout structures shelters:* May be contained in other structures or constructed separately but shall not be used for purposes prohibited expressly or by implication in the district.
3. *Satellite dishes:* It is the intent of the city to regulate receiving dishes so as to minimize their visual impact. Satellite receiving dishes may be constructed in any district subject to the following restrictions:
- a. The provisions of this section shall not apply to microwave receiving dishes having a diameter of thirty and four tenths (39.4) inches or less.
 - b. Any microwave receiving dish shall be screened by sight-obscuring fences and/or dense landscape buffers as approved by planning commission. Screening techniques shall be such that screening is efficient throughout all seasons of the year.
 - c. Location of any microwave receiving dish on a roof is prohibited, except in the central business and general business districts upon review and approval by the planning commission.
 - d. Location in any street setback or side yard setback is prohibited in any zoning district.
 - e. The maximum height from grade level to the highest point of the microwave receiving dish shall be fifteen (15) feet.

- f. Ground mounted microwave receiving dishes shall only be located in the rear yard and shall not be located within ten (10) feet of any rear lot line.
 - g. Ground mounted microwave receiving dishes shall be located at least twenty (20) feet from any neighboring adjacent structure.
 - h. Any microwave receiving dish existing at the time of adoption of this chapter which does not conform to the provisions hereto shall be removed within two (2) years after the adoption of this chapter.
- 4. *Recreational vehicles* (RV's) shall not be parked within a required front or street side yard or within five (5) feet of a rear or interior lot line.
- 5. *Commercial telecommunication antennas*: In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, the city council finds that the following regulations on telecommunication antennas are necessary in order to 1) maximize the use of existing structures in order to reduce the number of antennas needed to serve the area, and 2) minimize adverse visual effects of antennas through careful siting standards. Commercial telecommunication antennas shall be permitted, subject to the following requirements:
 - a. Said antennas shall be located on municipally owned structures within the city limits provided a lease agreement is entered into between the City and the proposed user.
 - b. Antennas attached to existing structures shall not exceed fifteen (15) feet above the highest point of said structure. The city may require the proposed user of the city structure to secure review by the Federal Aviation Agency or Federal Communications Commission for any proposed apparatus that will be taller than the existing municipal structure.
 - c. All antennas shall utilize building materials, colors, textures, screening and other means that effectively blend the antenna facilities with the structure it will be attached to.
 - d. Prior to application for a building permit, a site plan shall be submitted for city council approval showing the location of the proposed antenna on the structure and indicating the proposed method of attachment to the structure.
 - e. Antennas shall be certified by a qualified professional engineer to conform to the latest structural standards of the Uniform Building Code and any other applicable codes (electrical, etc.).
- 6. *Towers supporting amateur radio antennas*. In the R-1, R-2 and R-4 zoning districts, towers supporting amateur radio antennas may be constructed subject to the following:
 - a. That such structures are incidental to the principle use on the premises.

- b. Said structure shall not exceed fifty (50) feet in height as measured from ground level. Any proposed structure in excess of fifty (50) feet shall be by conditional use permit.
- c. Metal structures shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.
- d. Only one (1) tower/antenna shall exist at any one (1) time on any one (1) property.
- e. Every tower affixed to the ground shall be protected to discourage climbing of the tower.
- f. Such structures shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground-mounted tower/antenna structures. Screening plans shall be approved by the zoning officer.
- g. No tower/antenna shall have affixed or attached to it in any way lights, signs, flashers or reflectors unless required by the Federal Aviation Agency or Federal Communications Commission.
- h. A building permit must be obtained prior to construction of said tower/antenna. All towers may be inspected at least once a year by the city building inspector to determine compliance with original construction standards.
- i. Towers/antennas shall meet the setback requirements of the underlying zoning district. No tower/antenna shall be constructed in any easement areas. Towers/antennas shall not be located between a principal structure and a public street, except they may be placed within a sideyard abutting a local street.

D. Cannabis business buffer requirements. In all districts, cannabis business uses are subject to the following restrictions:

- 1. No cannabis business shall be located or operated within 1,000 feet of a school, as measured in a straight line from the closest point of the property line of the lot where the cannabis business is located to the property line of the lot where the school is located.
- 2. No cannabis business shall be located or operated within 500 feet of a daycare, as measured in a straight line from the closest point of the property line of the lot where the cannabis business is located to the property line of the lot where the daycare is located.
- 3. No cannabis business shall be located or operated within 500 feet of a residential treatment facility, as measured in a straight line from the closest point of the property line of the lot where the cannabis business is located to the property line of the lot where the residential treatment facility is located.

4. No cannabis business shall be located or operated within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field, as measured in a straight line from the closest point of the property line of the lot where the cannabis business is located to edge of the attraction within the public park.
5. Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in this subsection 7 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, attraction within a public park that is regularly use by minors moves within an applicable minimum buffer zone.

CHAPTER 1100. FEE SCHEDULE

Cannabis Fee Schedule Amendments

Note: Chapter 1100 will be amended to add the following fees:

Cannabis & Low Potency Hemp

Cannabis Retail Registration	\$	500.00*
Cannabis Retail Registration Renewal	\$	1,000.00 *
Lower Potency Hemp Edible Retailer Registration	\$	125.00
Lower Potency Hemp Edible Retailer Renewal	\$	125.00
Temporary cannabis event permit	\$	125.00

Initial year and first renewal year; fee is the amount stated or half the amount of an initial state license fee under Minn. Stat. §342.11, whichever is less.
Collected upon 2nd year renewal and each renewal year thereafter; fee is the amount stated or half the amount of a renewal state license fee under Minn. Stat. §342.11, whichever is less.
Initial year and first renewal year
Collected upon 2nd year renewal