

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.

ALTERNATE MEMBER: JACOB WECKMAN

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.

5. Old Business

6. Other - Staff Update

Adjourn

Work Session: Dynamic Signage Discussion



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: May 2, 2024

Item Name: February 8, 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 February 8, 2024 Planning Commission Meeting Minutes

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

Attachments:

1. [February 8 2024 Planning Commission Minutes.docx](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

CITY OF WACONIA
February 8, 2024

1) Call meeting to order and roll call

Pursuant to due call and notice thereof, the regular meeting of the Planning Commission of the City of Waconia was called to order by Commissioner Chair Genz at 6:00 PM.

Members Present:	Chad Genz, Joe Polunc, Kevin Kamerud, Daryl Peterson
Member Absent:	Bruce Paulsen
Alternate Absent:	Jacob Weckman
City Liaison Present:	Steve Yetzer
Staff Present:	Braaten, Nelson, Havlik

Oath of Office:

Welcoming our new Commissioner.
Oath of Office: Daryl Peterson

2) Adopt Agenda

Commissioner Genz asked for a motion to adapt the agenda.

Motion made by Polunc, seconded by Peterson.

MOTION CARRIED

3) Minutes Approval

3.1 January 4th, 2024 Planning Commission Meeting Minutes

Commissioner Genz asked for a motion to approve the January 4,2024 minutes.

Motion made by Kamerud, seconded by Polunc. MOTION CARRIED

Cover Page

January 4th, 2024 Planning Commission Meeting Minutes.pdf

4) New Business

4.1 PUBLIC HEARING - Variance - 32 Vine Street North

Cover Page

Application & Narrative (6 Pages)

Public Hearing Notice - 32 Vine Street North (1 Page)

Historic Elevations (2 Pages)

Site Photos (6 Pages)

Existing & Proposed Elevations (5 Pages)

Existing & Proposed Site Plan (3 Pages)

20240124_PH Comment_Gramith (1 Page)

Nelson presented the variance application. He explained the current site conditions and that a variance was necessary because the improvements encroach within the setbacks. The application included a stormwater plan as the property exceeds the hardcover maximum. The applicants design intentioned to bring back the Historic character of the building. Nelson went through the Variance Review Criteria. Further, he stated that he had contacted the State Historical Preservation Organization which had no requirements and did not submit any comments on this application.

Discussion followed amongst the commissioners resulting in asking staff if there was any history of variances granted within the City that are similar to this request. Braaten was not aware of any.

Commissioner Genz opened the Public Hearing. Before the hearing he invited the applicant up to answer any questions.

Andy Vasek, Mound MN (applicant) came up and explained that everything was laid out well and had no other information to share.

Commissioner Polunc asked if his project was a phased remodeling or a onetime remodel. Mr. Vasek explained that it is a long-term investment and yes, it is a phase type of project with no timeline of when and what that will look like. But it will be and stay an Apartment building going forward.

Commissioner Kamerud verified with the applicant the existing stairway location and the proposed stairway location.

Genz asked if there were any public comments. Hearing none, he asked for a motion to close the Public Hearing.

Motion made by Commissioner Polunc to close the Public Hearing, Seconded by Paulsen. MOTION CARRIED.

Discussion continued amongst the Commissioners regarding the variance proposal.

Motion by Genz to approve the variance application for 32 Vine Street North with the two conditions listed in the staff report. Seconded by Polunc. MOTION CARRIED.

4.2 PUBLIC HEARING - Amend Section 900.05 District Regulations - Battlefield Ministries

[Cover Page](#)

[Public Hearing_R2 Permitted Uses Ordinance Amendment.pdf](#)

[Applicant Zoning Discussion with Other Cities.pdf](#)

Braaten introduced the Ordinance Amendment submitted by Battlefield Ministries. He explained that the proposed amendment would be for all of the R-2 Zoning District. He went through the current ordinance language and the proposed ordinance language.

Commissioner Genz asked about the 1,000-foot buffer and what is currently allowed. The use would be allowed with only three (3) people.

Commissioner Genz invited the applicant forward.

Mikayla Precht, 8947 Partridge Rd. St. Bonifacius and Anthony Benedetti, 220 Walnut Street North from Battlefield Ministries explained their background and affiliations with other organizations. They stated that they want to do whatever it takes to work with the City and to keep providing the services to help people in need. Mr. Benedetti asked one of the board of Directors for the house to come up and to explain his perspective on what the house is all about.

Tim Groth, The Haven Program Director, 233 1st Street West talked about his background and where their program was and where it is going now.

Commissioner Genz opened up questions for the applicant. Polunc asked about opening a second house. Kayla explained that the first house she opened was on CRD 92, outside the city limits. Polunc clarified that there is only one house within the city. Genz asked if the majority of the residents were local. Ms. Precht stated that most of the clients came from either Carver County or Hennepin County. Polunc asked how the house was funded. Mr. Groth stated the house itself is through Carver County GRH funding. Kamerud asked for clarification regarding the licensure. Ms. Precht explained that they are a 501C3 organization and their home does not require a license through the state. She referenced Statue 245G. Polunc asked Mr. Benedetti if they were a member of the Minnesota Association of Sober Homes. Mr. Benedetti stated that they were not and that he had never heard about it but would be open to looking into it. Further, Mr. Benedetti went on to say that the people that come to the house are individuals that want to come and are not placed there. They have already been to treatment places, and this is the next step. Polunc asked Mr. Groth if The Haven was licensed through the State. He stated that they were. He went on to inform the Commission of the criteria for being at the home. Polunc asked what the need was for the Commission to vacate the State licensing in the City Ordinances. Tim said what they need/want is a basic need to help people and what they are dealing with is people with a behavioral disease. They are asking for compassion and help. Braaten stated that the Commission might want to open it up for public comment.

Commissioner Genz opened the public hearing.

Brooke Campell, Watertown MN stated that she was the secretary on the Board of Battlefield Ministries. She explained her personal background and what it meant to her. She indicated the need for this type of transitional house in the area.

Amanda Wilson, 401 West 1st Street stated her home is located next door to Battlefield Ministries house. She stated that she is in agreement that a facility like this is needed but has concerns about where they should be located. She feels it opens up a more complex discussion about this type of facility. Stating that different types of non-licensed facilities could be anywhere in the R-2 district. She went on to share her personal experience living next door. She recalled instances that have happened since the house opened in August of 2023. She contacted Minnesota Association of Sober Homes (MASH) regarding membership and stated that it is optional. She went on to explain the requirements of that organization. She said that Battlefield Ministries chose not to be a member of that organization, which she felt was a red flag. She went on to explain her concerns with her children and other children in the neighborhood being so close to the house. She said that other houses of this type are in rural areas and are much safer.

Allison Cloeter, 125 Walnut Ave South Explained her background and the history of her cousin. She stated that she has great concerns about the location of the sober house which is right around the corner from her house.

Sam Devereaux, 310 Main Street West explained her background and job associated with substance abuse groups. She share her experiences and understanding of addiction and that homes like this help people reunite with their families.

Stacy Zellman stated that she is an independent contractor and does not work for Battlefield Ministries. She is at the house 6 days a week and went on to site her examples of people who have had experiences with the program there. She went on to talk about her involvement with different programs locally and through the State.

Brian Pawela stated that he wanted clarification regarding licensed and not licensed. He cautioned that the Commission should take their time. He also stressed safety being a big concern.

Brett Devereaux, St. Bonifacius talked about his personal recovery and the transitional house and what it meant to him. He is involved in many recovery groups and spoke to the growth of those groups. He stressed that people need a safe place. People are coming here because they want to and not because they are required to. They want to recover.

Brian Pawela came back up to the podium and spoke about his personal story/experience.

Mr. Patterson, 408 2nd Street West stated that he lives across the alley and his concern is the exposure of the kids that walk to the Elementary School. He stated that he is isn't against it, it's just that it is located in the wrong place.

Kelly Devereaux, 310 Main Street West talked about what she sees in different areas in town, and not in front of the sober house. Her kids are exposed to it and it's a perception with people. But the reality is they are people, and this house provides them safety.

Stacy Zellman came back up to the podium and shared an instance where she and a group were walking and came across drugs and needles. Her point was that it happens at other places and not just at the transitional house.

Commissioner Genz asked for a motion to close the public hearing, Motion made by Kamerud and seconded by Polunc. MOTION CARRIED.

Braaten summarized the proposed amendment and the public hearing and let the Commission know what options were. If the Commission needs further discussion, they could table it until they get more information.

Discussion continued amongst the Commissioners. Genz asked if he could hear what the City Attorney had to say with this information, what kind of cause and effect it could have. Kamerud stated that he wasn't ready to make a decision on this until he had done more research and heard from the Attorney.

Motion made by Kamerud to table the Ordinance Amendment until more information is provided by the City Attorney.

Polunc stated that he thought that the license requirement in current city code was valid as it gives standards to a location. Without it, it could happen without rules or direction. He added his experience and how it comes into play with the discussion. He feels there is much more at stake than one location. He went on to say that if it gets tabled to get more information, he will support that.

Genz said that there is a motion to table this until the March 7th meeting.

Seconded by Polunc. MOTION CARRIED.

Braaten stated that he would contact the City Attorney and bring back the information to the March 7th meeting.

[4.3 PUBLIC HEARING - Comprehensive Plan Amendment - 7845 County Road 10 North, Waconia Township](#)

[Cover Page](#)

[Location Map Subject Property.pdf](#)

[Applicant Comp Plan Amendment Request Letter.pdf](#)

[Location Map_Future Land Use Map.pdf](#)

[Klinkner Property - Sewer Capacity Evaluation.pdf](#)

[Existing and Future Land Use Maps_2040 Comp Plan.pdf](#)

[Public Hearing Comments.pdf](#)

Braaten introduced the Comprehensive Plan Amendment and explained the applicant was requesting an amendment which only included the 30 acres directly north of Waconia Landing. The request was to re-guide the property from R, Rual to L, Low Density Residential. Braaten brought up the criteria list for them to consider.

Kamerud asked about service by utilities. Braaten informed them of the sewer evaluation that had been completed. Additionally, Braaten had contacted the Met Council and they indicated that is was an administrative amendment and not a major amendment. Discussion followed.

Genz invited the applicant up to the podium.

Paul Otto – Otto & Associates, Buffalo the applicants engineer, explained what the next steps would be. He explained the first proposal and how in listening to the Commission and the community how they got to the current proposal.

Kamerud asked about access to the property and where it would be. Otto explained the access process options.

Genz opened the public hearing.

Jaimee McPadden, 1680 Sandbar Circle stated her concerns with wildlife and preserving the wetland area. She had issues with the docks. Also, the traffic is an issue along with the growth of the community. She was also concerned about the unknown design of any future neighborhood.

Bruce Dahlke, 8275 Paul Ave. has lived in the area for 40 years is wondering what the next step is. He wasn't for the 1st proposal, which included all 80+ acres, but is in favor of the new proposal presented.

Kamerud asked Mr. Otto about the utilities running through a resident's property and how the utility infrastructure might work if this were to get approved. Mr. Otto stated there is a utility easement in place but was not and is not quite sure as to final design as they have not worked through that detail yet.

Andrea Eaton, 1676 Sandbar Circle stated that she is against the proposal. She has a boat slip and association docks would be in jeopardy. She stated her belief that farmland is better than residential houses for the health of the lake. That there is a lot of development already. She appreciates the wildlife.

Bruce Dahlke, 8275 Paul Ave. came back up to the podium and clarified that he is in favor of low density residential, not multifamily housing.

Steve Grotting, 6064 Drake Drive, Independence stated that he is a real estate broker and said that this amendment is a high-level decision for the City. There are a lot of different ways to go and taking them into consideration and that the owner is open to any and all suggestions. That the owner doesn't have time to wait for the next Comp Plan Review process. He stated that it is the time for the city to look at the growth and also the health of the lake.

John Klinker, 7845 County Road 10 North stressed how environmentally conscience he is about the lake. Talked about the City not wanting to have a polluted lake and that houses would be a better option than farming. He said he doesn't want to wait till the next Comp Plan update. He talked about his age and family and how development of this property in the future would have very little cost to the City and now was the time.

Andrea Eaton, 1676 Sandbar Circle came back up to the podium and asked if the city talked with people about the environmental impact of the lake with fertilizer going into it. Braaten responded to the question indicating that he had reached out to the MPCA and the DNR and they both stated chemicals in agricultural use would be a higher pollutant than urban maintained use.

Trever Foss, 1891 Sandbar Circle Asked about vehicular access, and he thought it would be paramount to have it in place before development. Also concerned about wildlife in the area. Also, he was very concerned about docks. He voiced his opinion about the history and stated he is not against the new proposal and asked if it makes sense for the city. His concern is about losing the dock, and land use.

Jaimee McPadden, 1680 Sandbar Circle came back up to the podium to talk about the wildlife in the area. She commented on the existing eagle's nest and stated that a permit is needed before disturbing or removal of nests. This would have to be done before anything could happen.

Commissioner Genz asked for a motion to close the Public Hearing, Motion made by Kamerud, seconded by Polunc. MOTION CARRIED.

Commissioner Genz commented on limited costs for the city if this property were allowed to develop. Also, he appreciated that the request had been scaled down to 30 acres east of the County Road. He felt it may be important to see what the property and dock situation could look like, along with the road systems. He would also like to get some buy in from the adjoining neighborhoods.

Polunc asked about the highwater mark and the concerns about losing a private dock.

Braaten stated that what the Commissioners were requesting was really the next step, a Preliminary Plat Document, the question in front of you this evening is does this make sense to go forward to plan residential growth in this area.

Motion made by Polunc to approve the Comprehensive Plan Amendment as proposed. Seconded by Kamerud. MOTION FAILED 2-3.

Braaten asked if there was an alternate motion as the first motion failed.

Polunc made a motion to table the Comp Plan Amendment with the Commission looking for more information related to access until the March 7th meeting. Seconded by Peterson. MOTIONED CARRIED.

5) Old Business

Nelson presented the 2023 Land Use Activity Report. He showed data from previous years and talked about the increase in e-permits. He explained home construction trends and informed the Commission that a total of 1,862 building permits were issued in 2023 and based on the number of new homes the projected population was somewhere around 14,825 citizens.

Staff Update:

11 new home permits issued so far in 2024
Upcoming agenda items for March 7th.

Genz asked for a motion to adjourn.

Motion made by Kamerud, seconded by Peterson. MOTION CARRIED.

Adjourn

Respectfully Submitted,

David Havlik



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: May 2, 2024

Item Name: March 7, 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 March 7, 2024 Planning Commission Meeting Minutes

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

Attachments:

1. [March 7 2024 Planning Commission Minutes.docx](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

CITY OF WACONIA, PLANNING COMMISSION
Thursday March 7, 2024

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

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

Members Present:	Polunc, Paulsen, Kamerud, Peterson, Weckman
Members Absent:	Genz
Alternate Present:	Weckman
City Liaison;	Grengs, Present
Staff Present:	Braaten, Nelson, Havlik, Stein

2) [Adopt Agenda](#)

Braaten had no changes to the agenda.

MOTION made by Paulsen, seconded by Kamerud to adopt the agenda.
MOTION CARRIED.

3) [Minutes Approval](#)

[The February 8th, 2024, Planning Commission Meeting Minutes will be available at the April 4th Planning Commission Meeting for review and consideration.](#)

4) [New Business](#)

4.1 [PUBLIC HEARING - Variance - 101 Lake Street East](#)

[Cover Page](#)

[Variance Application \(3 Pages\)](#)

[Applicant Variance Letter \(3 Pages\)](#)

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

[Site and neighborhood photos \(6 Pages\)](#)

[EPA National Stormwater Calculator \(3 Pages\)](#)

[Proposed Site and Stormwater Plan \(1 Page\)](#)

[Public Hearing Comments \(4 Pages\)](#)

Nelson presented the Variance request for address 101 Lake Street East. This request is to construct a detached garage that would be located on the rear portion of the property that would result in:

- Impervious surface that exceeds the maximum 25% allowed in the Shoreland Overlay District.
- Encroachment into the 15 ft. side street structure setback.
- exceeding the maximum number of curb cuts allowed for single family uses.

Nelson displayed maps and pictures of the parcel's location displaying views from the street, alley way, and from the four-foot drop into the parking area. Nelson described the existing, required, and proposed lot requirements for the proposed garage structure. The property is located in the R-4 Mixed Residential District.

Paulsen asked about existing impervious coverage that was grandfathered in. Nelson stated this would be considered a legal non-conformity.

The site survey shows the existing driveway to a single stall garage attached to the structure. The second driveway being proposed brings up items of code which include each residential property is allowed to have one driveway access to the property and having access spacing 100 ft apart. Modifications are the 900 square foot garage and 760 square feet of driveway. Stormwater plans were submitted as required. City Engineers review recommended the plan is treating around 1100 square feet but suggesting it should treat 200 additional square feet.

Nelson reviewed the Variance Criteria.

Polunc opened the Public Hearing.

Caitlin Judd, 101 Lake Street East, Waconia, MN she explained and gave reasons for the improvements. The current driveway is small and has limited functionality. Protecting the lake and its resources is a priority. Thank you to the city staff for helpful feedback.

Andy Vasek, Mathews Vasek Construction This property was platted in 1857. The home was built in 1928. Vasek commented that the ability to use a storm water management system will be improving the current runoff. The second curb cut is due to coming off Pine Street.

Steve Dvorak, 104 Main Street East, Waconia, MN stated he was in full support of the variance project and construction of the garage.

Michael Terpkosh, 117 Lake Street East, Waconia, MN stated he was in full support of the variance project. The garage project would be a great addition to the neighborhood.

James Kite, 116 Main Street East, Waconia, MN stated he had concerns regarding the height of the proposed garage. Nelson responded the garage structure would need to conform to the current standards. Kite believes that the garage would interrupt the current view they have of the lake.

Doane Baber, 40 North Pine Street, Waconia, MN stated that it was a great addition to the property.

Polunc mentioned the 5 identified conditions of approval for the variance.

MOTION made by Peterson, seconded by Paulsen to close the public hearing.
MOTION CARRIED.

MOTION made by Paulsen to deny the variance request for address 101 Lake Street East as it did not meet the variance criteria. Motion Failed as there was no second to the motion.

MOTION made by Polunc, second by Kamerud to approve the variance request for 101 Lake Street East with the 5 conditions of approval stated in the staff report.
MOTION CARRIED via a 4-1 vote.

5) Old Business

5.1 Comprehensive Plan Amendment - 7845 County Road 10 North, Waconia Township - CONTINUED

[Cover Page](#)

[Location Map Subject Property.pdf](#)

[20240219_Carver County Follow Up Comments_D Mielke.pdf](#)

[Public Hearing Comments.pdf](#)

Braaten presented the continuation of the discussion on the Comprehensive Plan Amendment for the re-guidance of a portion of 7845 County Road 10. The 30-acre Klinkner property is located north of the Waconia Landing subdivision. The request is to re-guide the property as L, Low Density residential instead of the current guidance of R, Rural.

Paulsen reconfirmed that this is a proposal to change the guidance in the Comprehensive Plan and asked what steps would take place if the change were approved by the City Council. Braaten stated that the steps would include Sketch plan submittal, annexation of the property into the city limits, preliminary and final plats where the Commission and Council would more fully discuss docks, wetland buffers, number of parcels, access into the property, street lighting, tree count etc.

MOTION made by Paulsen, seconded by Kamerud to approve the Comprehensive Plan Amendment. MOTION CARRIED via a 3-2 vote.

5.2 Amend Section 900.05 District Regulations - Battlefield Ministries -
CONTINUED

Cover Page

Feb 16 2024_City Attorney Comments w Attachment.pdf

Public Hearing Comments.pdf

Braaten explained this item was continued from the previous meeting. The applicant requests an amendment to Section 900.05 Subd.2.B. Current language states “Residential facilities licensed by the Stat of Minnesota servicing six (6) of fewer persons and being located no nearer than one thousand (1000) feet to another such facility.” Proposed Language striking “licensed by the State of Minnesota.”

Braaten mentioned if the Commission were to approve this item, they should follow the City Attorney’s language recommendations.

All public hearing comments were added to the packet and the Planning Commission did not reopen the public hearing as all public comment was taken at the February 8th regular meeting.

Discussion followed related to City overview of similar uses within the city limits.

MOTION made by Paulsen, seconded by Kamerud to approve the proposed Ordinance Amendment to section 900.05 of the District Regulations including the City Attorneys comments and allowing it either a conditional use permit or an interim use permit. All in favor vote aye. MOTION CARRIED.

6) Other

Staff update:

Uptown Apartments will be opening soon.
32 Vine Street Variance - the City Council approved.
April 4, 2024, work session.
20 new home construction permits issued so far in 2024.

Adjourn

MOTION made by Weckman, seconded by Peterson to adjourn at 7:45pm. All in favor voted aye. MOTION CARRIED.

ATTEST: _____

Brenda Stein, Office Assistant



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: May 2, 2024

Item Name: PUBLIC HEARING - Comprehensive Plan Amendment for 530 Hartmann Drive

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 to recommend approval of the proposed Comprehensive Plan Amendment for 530 Hartmann Drive.

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

The City of Waconia 2040 Comprehensive Plan currently guides the subject parcel as C, Commercial. The proposed comprehensive plan amendment is a procedural issue required by the Metropolitan Council and there are no substantive changes to the 2040 Plan. The amendment is only required in order to show the change in the boundary of the City and that the desired land use is now the official guidance for the subject properties.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on April 18th, 2024 and posted at Waconia City Hall.

Individual notices were mailed to all property owners within 350 feet of the subject parcel. There have been no public hearing comments received to date.

CONCLUSION / RECOMMENDATION

Staff recommends approval of the Comp Plan Amendment as there are no changes to the 2040 Comp Plan, rather this is an administrative requirement of the Metropolitan Council. Upon approval by the City Council the amendment information will be submitted to the Metropolitan Council.

Attachments:

1. [PH Notice_Lemke_Comp Plan Amendment.pdf](#)
2. [Location Map 530 Hartmann Drive.pdf](#)
3. [Land Use Map w Area Identified.pdf](#)

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 May 2nd, 2024, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Comprehensive Plan Amendment for the property located at 530 Hartmann Drive and described as follows:

PID# 757750010, CARVER COUNTY, MN

The City of Waconia 2040 Comprehensive Plan currently guides the subject parcel as C, Commercial. The proposed comprehensive plan amendment is a procedural issue required by the Metropolitan Council and there are no substantial changes to the 2040 Plan. The amendment is only required in order to show the change in the boundary of the City and that the desired land use is now the official guidance for the subject property.

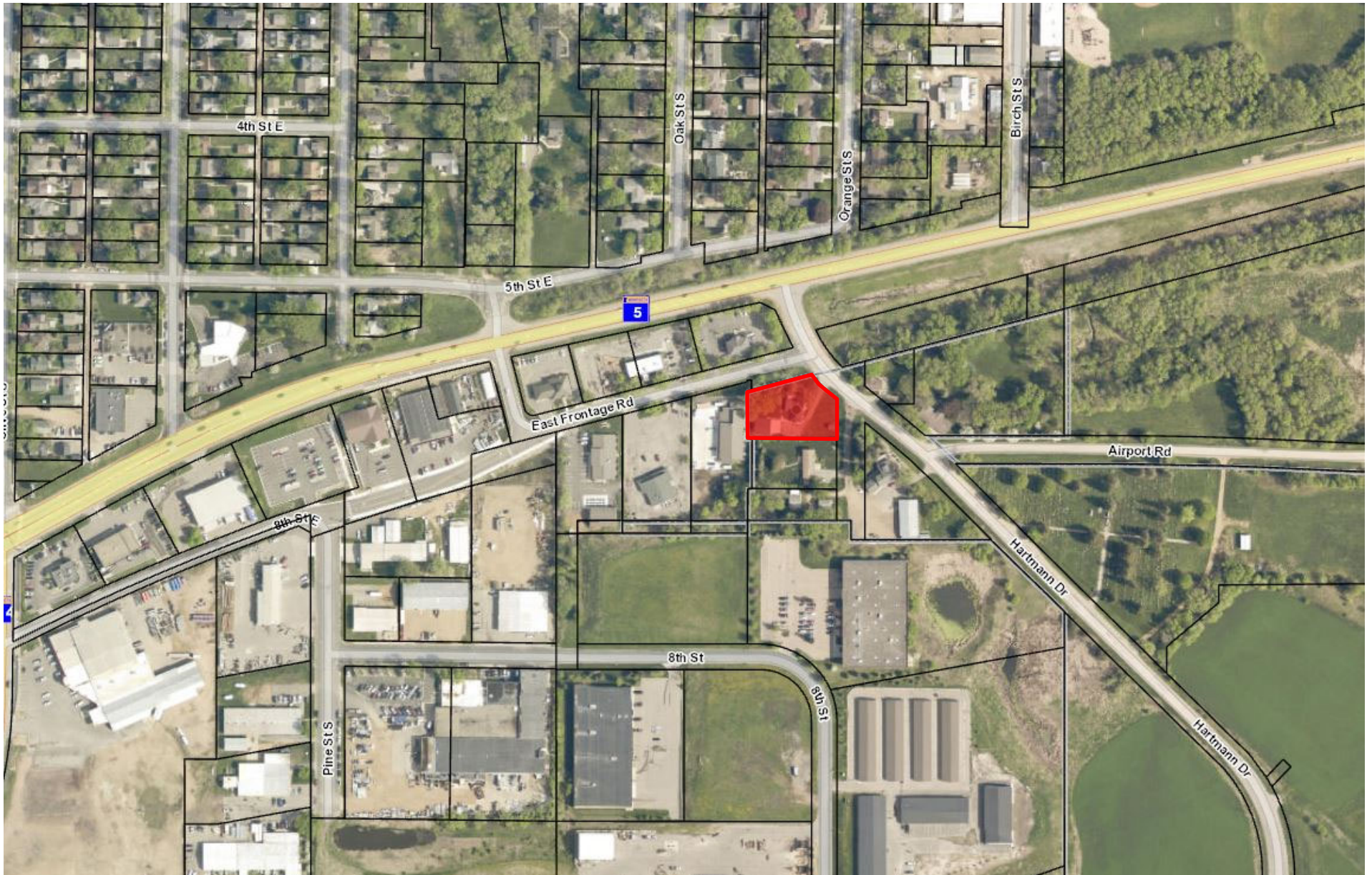
Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on May 2nd, 2024. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

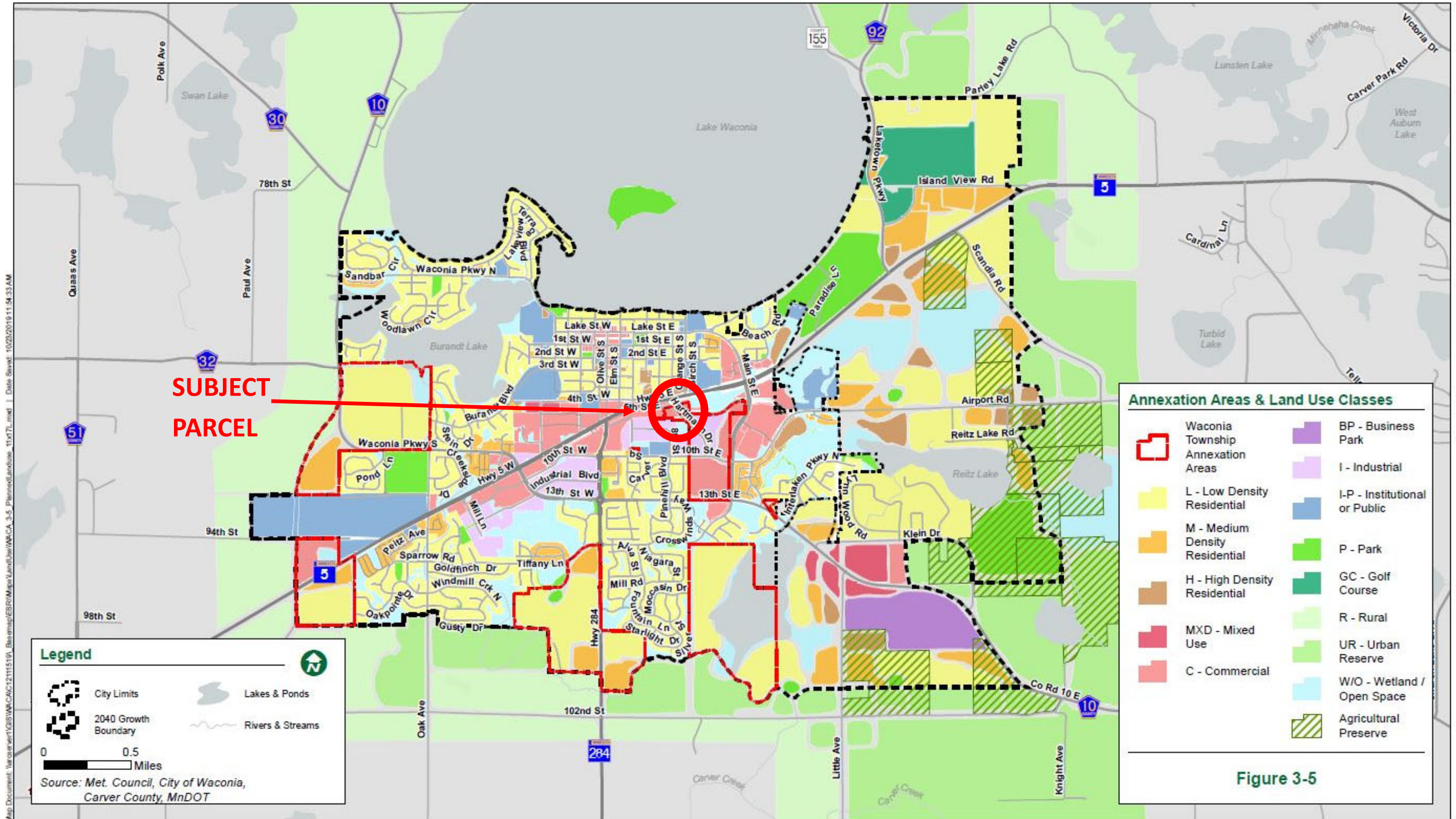
Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot on April 18th, 2024)

LOCATION MAP—530 HARTMANN DRIVE







REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: May 2, 2024

Item Name: PUBLIC HEARING - Amend Section 900.06, Subd. 1. Supplementary Use Regulations related to Accessory Structures

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 public hearing.

Motion to close the public hearing.

Recommend approval, denial and/or revisions to the proposed amendment to Section 900.06, Subd. 1., which would allow a permit, setback, and hardcover exemption for small shed structures not exceeding 35 square feet.

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

BACKGROUND:

The City Council requested the Planning Commission review and consider possible regulations exempting small residential sheds from permitting, setback and hardcover regulations within the City Limits. As such, staff has provided some possible language and revisions for consideration and discussion.

Utility buildings less than 35 square feet, which are located in the rear yard of a residential single-family parcel, shall not require a zoning permit, nor a building permit through the City of Waconia and shall be exempt from setback requirements and shall not be included in the overall hardcover standards identified in the underlying zoning district. The exemption requires that the shed be temporary and moveable and not be located on a concrete slab, a gravel base, and/or skids. Each individual single-family residential parcel shall be limited to one shed exemption per property.

PLANNING/PERMITTING ANALYSIS:

1. The Shoreland Overlay District already includes an allowance for accessory structures, which staff has included in the attachments. The Planning Commission should discuss if the accessory structure exception proposed should allow an additional shed under the revised standards, or if Shoreland Overlay District properties should be excepted from this standard.
2. Section 900.06, Subd. 1. Supplementary use regulations. C. Accessory structures, recreational vehicles and other matters regulates accessory structures in the R-1, R-2 and R-4 Residential Districts. The maximum floor area for all accessory structures is currently limited by the lot area. Staff has included this section of the City Code as well for discussion purposes. Would this small shed exemption also apply to this section of the City Code?
3. Should the proposed exemption include a height limitation? The only current height limitation for accessory structures is twenty feet, which includes everything from garages to sheds.
4. A summary of our current City requirements related to accessory structures and sheds is included below for review.

Structure	Size	Permit	Fee	Other
Utility Bldg.	144 sq. ft. or less	Shed Permit	\$46.00 flat fee	Min. setbacks & Hardcover req.

Shed	greater than 144 sq. ft. and less than 200 sq. ft.	Shed Permit	\$46.00 flat fee	Min. setbacks, hardcover req. & 10 ft. wide driveway req.
Accessory Structure/Garage	greater than 200 sq. ft.	Building Permit	Fee based on construction value	Min. setbacks, Hardcover, driveway, max. floor area based on lot area

5. Utility buildings, less than 144 sq. ft., currently require a zoning/shed permit in which city staff are reviewing the information to make sure the shed is placed in the correct location and hardcover requirements are met. The proposed exemption may create future enforcement issues related to placement of structures on City or other private property, placement within a sensitive drainage and utility easements, etc. The Planning Commission should discuss possible ways to mitigate this issue.
6. Upon a recommendation from the Planning Commission staff will submit the possible ordinance amendment language to the City Attorney for review, consideration and comment prior to forwarding and recommended language to the City Council.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on April 18th, 2024, and posted at Waconia City Hall. As of April 24th, 2024, the City has not received any public comments pertaining to this proposed ordinance amendment.

RECOMMENDATION:

The Planning Commission is required to hold a Public Hearing to discuss the proposed draft ordinance language. The Planning Commission should review the attached information and make a recommendation to the City Council, which would be considered at their upcoming meeting on May 20th, 2024.

Attachments:

1. [Public Hearing_Ordinance Amend_Small Shed Exemption.pdf](#)
2. [Waconia City Code Sections.pdf](#)

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 May 2nd, 2024, at 6:30 p.m., to consider an amendment to the City of Waconia Ordinance Section 900.06, Subd. 1. Supplementary use regulations.

The City of Waconia shall consider an amendment to the accessory structure/utility building language to exempt small individual shed/utility structures from permitting, setback, and hardcover requirements.

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 May 2nd, 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: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387

Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot April 18th, 2024)

Sec. 900.06. Supplementary regulations.

Subd. 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.
- f. *Utility buildings less than 35 square feet, which are located in the rear yard of a residential single-family parcel, shall not require a zoning permit, nor a building permit through the City of Waconia and shall be exempt from setback requirements and shall not be included in the overall hardcover standards identified in the underlying zoning district. The exemption requires that the shed be temporary and moveable and not be located on a concrete slab, a gravel base, and/or skids. Each individual single-family residential parcel shall be limited to one shed exemption per property.*
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Subd. 7. Shoreland overlay district.

9. *Accessory structures and facilities.* Each residential lot may have one (1) water-oriented accessory structure or facility that can be located closer to the public waters than the structure setback if all of the following standards are met:
- a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point.
 - b. The setback of the structure or facility from the ordinary high water level must be at least twenty-five (25) feet.
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 - f. On general development and recreational development lakes, water oriented accessory structures used solely for watercraft storage, and including storage of related boating and water oriented sporting equipment, may occupy an area up to three hundred (300) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel