

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.

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

Motion recommending either approval or denial of a variance to construct a detached garage and other site improvements which would allow a 1.8 ft. side street setback versus the 15 ft. minimum required in the R-4, Mixed Residential District, a proposed maximum impervious surface of 37.7% versus the maximum 25% allowed in the Shoreland Overlay District and to construct an additional curb cut versus the maximum 1 curb cut per single-family property per 100 feet of street frontage in all residential districts.

Motion recommending either approval or denial of the proposed Comprehensive Plan Amendment to re-

guide a portion of the subject parcel as L, Low Density Residential versus the current guidance of R, Rural.

2) [Amend Section 900.05 District Regulations - Battlefield Ministries - CONTINUED](#)

Recommend approval or denial of the proposed amendment to Section 900.05, which would allow up to six (6) unrelated individuals to reside in a single-family home for transitional housing.

6. Other

Adjourn



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:		March 7, 2024					
Item Name:		PUBLIC HEARING - Variance - 101 Lake Street East					
Originating Department:		Community Development					
Presented by:		Ethan Nelson					
Previous Commission Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		

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 a variance to construct a detached garage and other site improvements which would allow a 1.8 ft. side street setback versus the 15 ft. minimum required in the R-4, Mixed Residential District, a proposed maximum impervious surface of 37.7% versus the maximum 25% allowed in the Shoreland Overlay District and to construct an additional curb cut versus the maximum 1 curb cut per single-family property per 100 feet of street frontage in all residential districts.

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

BACKGROUND

Applicant: Jaris and Caitlin Judd

Owner: Jaris and Caitlin Judd

Address: 101 Lake Street East

PID# 750504081

Zoning: R-4, Mixed Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a variance application from Jaris and Caitlin Judd for the property located at 101 Lake Street East to construct a detached garage and site improvements that exceeds the 25% impervious surface maximum allowed in the Shoreland Overlay District. The structure is also proposed to encroach beyond the minimum 15 ft. side street setback required in the R-4, Mixed Residential District. The proposed improvements also exceed the maximum 1 curb cut per single-family property per 100 feet of street frontage. The applicant has indicated that the variance is necessary in order to be able to have a detached garage similar to the rest of the neighborhood.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.D. - R-4, Mixed Residential District

2. Section 900.06.7 - Shoreland Overlay 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 Statue 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 R-4 District is a 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.

The subject property currently includes an existing principal structure with an attached single stall garage that encroaches slightly into the road right-of-way of Pine Street North. The property also includes sidewalks on the north and south side of the principal structure, among other site improvements. The south-east portion of the property contains a mulched parking area bounded by retaining walls and a gravel pad that serves as an improvised access to the street.

The applicant is proposing to construct a 900 sq. ft. detached garage that would face Pine Street North. The structure would be located 1.8 ft. away from Pine Street North and 10 ft. away from the alley. The proposed improvements would result in a new 24 ft. wide curb cut to Pine Street North as a result of the driveway connecting to the proposed garage. The close location to Pine Street North and the additional curb cut result in two of the three proposed variances. The third variance is the requested 37.7% impervious surface maximum as opposed to the existing 26.6% on the property. The applicant is proposing an engineered French Drain system that would be installed on the east and west sides of the proposed garage and routed north into the center of the property to a proposed yard drainage

system.

Table 1.1 below indicates the existing, required and proposed lot requirements for the property as indicated in the R-4, Mixed Residential District specifically in the scope of the proposed garage. The analysis of this variance submittal is based on the information provided on the attached survey.

Table 1.1

Lot Requirements	R-4 Mixed Residential District & Shoreland Overlay District	Existing Conditions	Proposed Conditions
Minimum Lot Size	20,000 sq. ft.	8,634 sq. ft.	8,634 sq. ft.
Maximum Impervious Surface	25%	26.6%	37.7%
Front Yard Setback	25 ft.	N/A	Conforming
Street (Pine) Side Yard Setback	15 ft.	N/A	1.8 ft.
Right (East) Side Yard Setback	10 ft.	N/A	23.1 ft.
Alley Setback	10 ft.	N/A	10 ft.

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 existing garage attached to the principal structure encroaches into the road right-of-way 2 ft. with roughly a 11 ft. driveway to the curb cut.
3. The stormwater plan noted in the applicant's variance letter and on the survey with a revision date of February 21st, 2024, detail a French Drain system that runs to a proposed yard drainage system in the center of the property.
4. The City Engineer has reviewed the stormwater plan provided by the applicants and noted that the system allows stormwater to be captured and treated onsite. The recommendation is to treat 1,095 SF of impervious area to offset the impervious surface beyond the permitted maximum. That would require approximately an additional 200 sq. ft. to be treated. The applicant mentions a tile connecting the French Drain to the storm sewer system in the text of their submittal. This is consistent with other similar features in town. However, this line is not shown on their plan and should be updated in addition to including a cleanout at any bend needed to connect the BMP to the storm sewer structure. An engineered plan and maintenance agreement are required for the French Drain system. Conditions of approval have been added to reflect the City Engineer's comments.
5. The DNR has indicated they support the City Engineer's comments.
6. The applicant is proposing a driveway area of roughly 810 sq. ft. to connect the garage to Pine Street. Approximately 760 sq. ft. of the driveway is in the road right-of-way.
7. As there is such a significant elevation change on the property, access from the alley instead of Pine Street would require raising the elevation of the proposed garage by approximately 4 feet.
8. The City, in its discretion, may require accessory structures located in side yard setbacks to be screened or

landscaped from neighboring structures.

9. The proposed site plan appears to have some remaining improvements (fencing, walls, gravel) where the garage is located. Although these improvements will certainly be removed from the garage location, the Planning Commission may wish to confirm final locations of these items with the applicant.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on February 22nd and posted at Waconia City Hall and the DNR was also notified. 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 received two public comments regarding the proposed Variance, which has been attached to this report.

RECOMMENDATION

The Planning Commission should hold the public hearing, review the Variance application based upon the Variance Criteria stated above and the information provided 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 March 7th, 2024.

If the Planning Commission chooses to recommend approval, staff recommends including the following conditions:

1. The stormwater plan shall be modified to treat 1,095 sq. ft. of impervious area on site via an engineered plan.
2. The French Drain system shall connect to the storm sewer system and include a cleanout at any bend.
3. The applicant shall install the stormwater plan to the City Engineer's satisfaction.
4. A maintenance agreement is required for the stormwater plan and shall be recorded with Carver County upon execution of said agreement.
5. The accessory structure shall be in conformance with Section 900.06 - Supplementary Regulations, specifically in relation to overall height.

Attachments:

1. [Variance Application \(3 Pages\)](#)
2. [Applicant Variance Letter \(3 Pages\)](#)
3. [Public Hearing Notice \(1 Page\)](#)
4. [Site and neighborhood photos \(6 Pages\)](#)
5. [EPA National Stormwater Calculator \(3 Pages\)](#)
6. [Proposed Site and Stormwater Plan \(1 Page\)](#)
7. [Public Hearing Comments \(4 Pages\)](#)

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 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: Jaris and Caitlin Judd
2. Address of Property: 101 E Lake St, Waconia, MN 55387
3. Legal Description: Residential Dwelling - Mixed Residential District
4. Applicant's Name: Jaris and Caitlin Judd
5. Mailing Address: 101 E Lake St, Waconia, MN 55387
6. Daytime Phone(s): 612-296-7080, 706-897-5654
7. Email Address: jaris.judd@icloud.com; ctlnhffmn@gmail.com

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

OFFICE USE ONLY

Date Received: 1/31/2024

Fee: \$ 400.-
Receipt #: check # 1514



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 Mixed Residential District
2. Existing use of Property: Residential Dwelling - Primary Residence
3. Has request for a variance on this property been sought previously? If so, when? Not by current owners

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: 31 JAN 2024

Printed Name: _____

Property Owner Signature: _____

Date: 31 JAN 2024

Printed Name: _____

Jaris & Caitlin Judd

101 E Lake Street
Waconia, MN 55387
612-296-7080
jaris.judd@icloud.com

February 19, 2024

Waconia Planning Commission
201 South Vine Street
Waconia, MN 55387

Dear Members of the Planning Commission,

We are writing to request a variance of the 25% hardcover allotment, a setback variance, and a curb cut variance at 101 E Lake Street. Please note, this is a modified request based on feedback from the City of Waconia. We have consulted with Mathews and Vasek Construction and plan to build a 30' x 30' detached garage in place of the existing mulched parking lot. Presently, we are over the hardcover limit per the Shoreland Overlay District at 26.6%. Should a variance be granted, the hardcover would be 37.9%. Additionally, we are requesting a variance to the setback from Pine Street of 2'6" vs. the 15 feet per city ordinance. We maintain this requested setback variance for two reasons. First, this keeps the proposed structure in line with, not extending further than, the existing structure on the property. Second, should this variance not be approved, that would result in the need for *additional* hardcover to accommodate the setback.

In response to additional feedback from the city, we have made the following modifications:

- The proposed structure will be shifted to the north five feet to meet the required 10 feet alley setback.
- In response to driveway concerns, we have outlined the following modification and request:
 - We have made modifications to the driveway width, which will be a maximum of 24 feet.
 - We are requesting a variance for an additional curb cut.

- A suggestion was made to consider an entrance via the alley. This would not be an advantageous solution as it would require raising the elevation of the garage and additional fill and elevation would cause concern for runoff and an adverse impact on our neighbors view of Lake Waconia.
- The driveway “inherited” and designed by previous homeowners does not fit the full length of a standard car, therefore it is not used for any parking. You will also see several homes in the vicinity have multiple curb cuts - photos are attached for reference.

Since our property is zoned as R-4 Mixed Residential, this does create barriers and restrictions to new construction. It is important to us to preserve the character of the locality and we intend to build a garage that maintains a similar look and feel to our property and neighborhood. Most of the surrounding properties on and adjacent to Lake Street have detached garages (see attached reference photos). Should the ordinance be interpreted literally, this would deny us of rights commonly enjoyed by other neighbors in the same district.

This variance request 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 neighbors. Out of respect to our neighbors, we have discussed the topic and all of the neighbors are supportive of this new construction as it is a reasonable property improvement. In addition to a large quality of life improvement for us, our neighbors agree that it would look nice to have the mulched lot where we park our cars to be converted to a garage.

We are also mindful of our proximity to the lake, and for that reason we will be mitigating any water runoff/stormwater issues with the following:

In response to feedback from the City Engineer that additional stormwater capabilities are needed, we propose utilizing gutters on the east and west sides of the proposed structure to disperse into an engineered French drain system on the north side of the structure between the proposed garage and existing house, pending approval.

During construction, the following best management practices will be utilized:

1. Protect and preserve existing, mature Arborvitae to stabilize soil and minimize runoff during and after construction
2. Clearly designate waste disposal areas
3. Install inlet controls at the storm main and inlet on the NW corner of the property, and manage accumulated sediment

2. For mitigation after construction our goal is to limit surface runoff volume by installing gutters and downspouts on new structure and tie in to storm main and inlet on the NW corner of the property. By doing this, we will eliminate erosive flow from the property.
 1. According to the EPA National Stormwater Calculator, the site has an average annual rainfall of 31.4 inches. With the current dimensions of the project, that would result in an annual average runoff of 16.85 inches. With a capture ratio of 60% using gutters and downspouts, we would reduce the annual average runoff to 8.56 inches (see attached reference materials).
3. Install drain tile under the new driveway and tie in to storm main and inlet on the NW corner of the property.

Thank you for your consideration.

Sincerely,

Jaris & Caitlin Judd

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 March 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 101 Lake Street East.

The City is considering a variance request by Jaris and Caitlin Judd for the property located at 101 Lake Street East to construct a detached garage and site improvements that exceeds the 25% impervious surface maximum allowed in the Shoreland Overlay District. The structure is also proposed to encroach beyond the minimum 15 ft. side street setback required in the R-4, Mixed Residential District. The proposed improvements also exceed the maximum 1 curb cut per single-family property per 100 feet of street frontage.

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 March 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

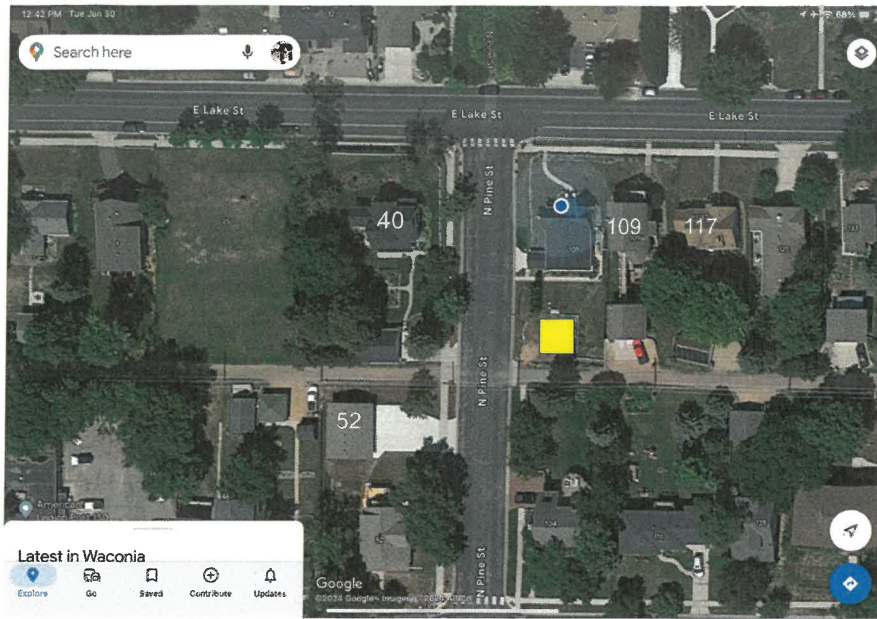
Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Ethan Nelson, Assistant Planner

(Published in the February 22nd, 2024 Waconia Patriot newspaper)





Satellite view of 101 E Lake St. Yellow block is the proposed build site.



View of build site from alley looking north



View of build site from Pine St looking east



View of build site from yard looking west



Comparison of distance to alley with neighbor at 40 Pine St (below)



Neighbor detached garage at 40 Pine St



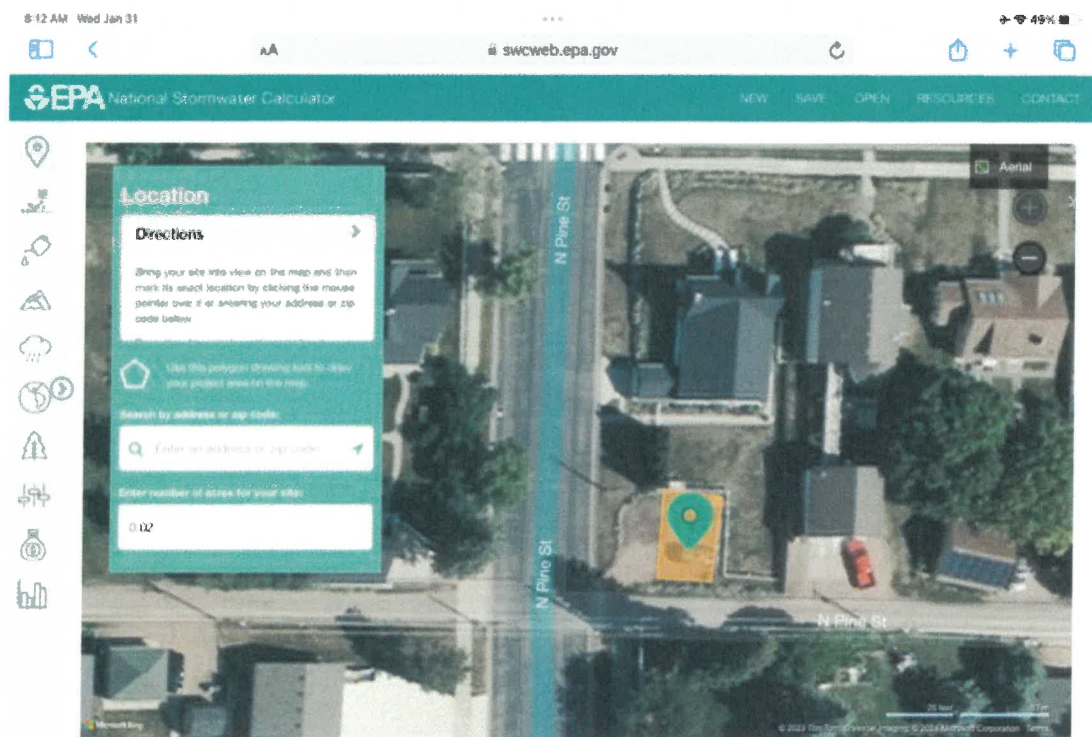
Neighbor detached garage at 109 E Lake St



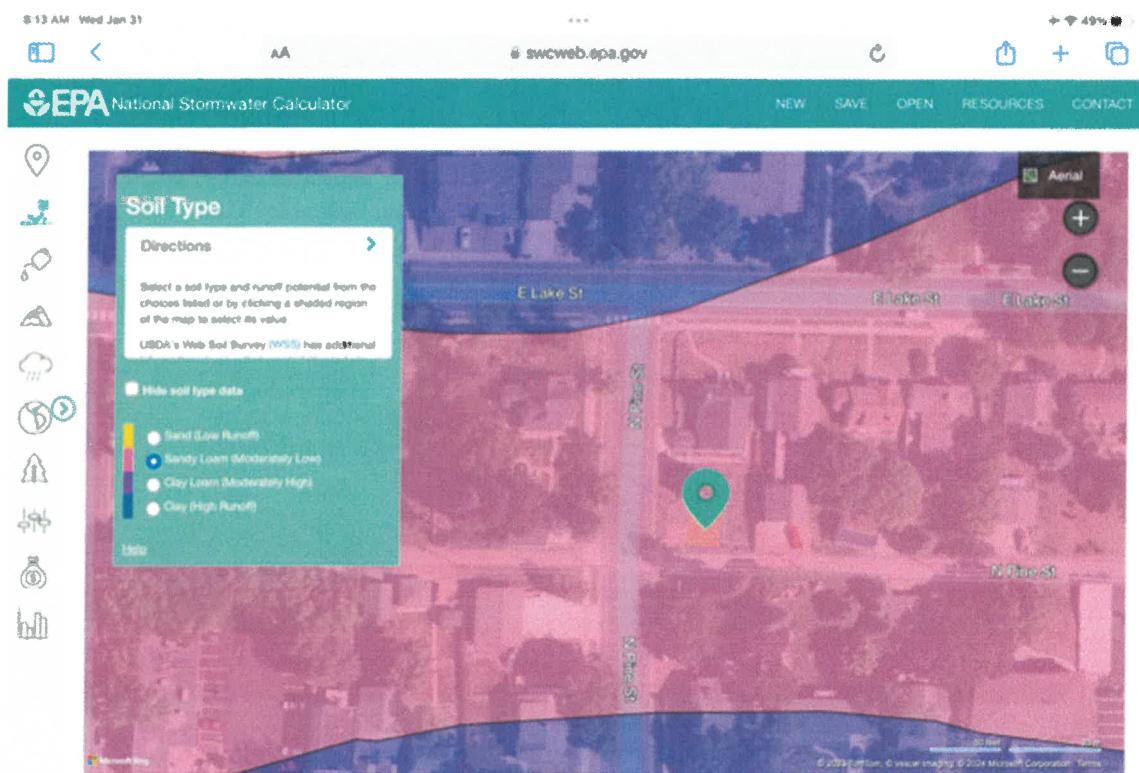
Neighbor detached garage at 117 E Lake St



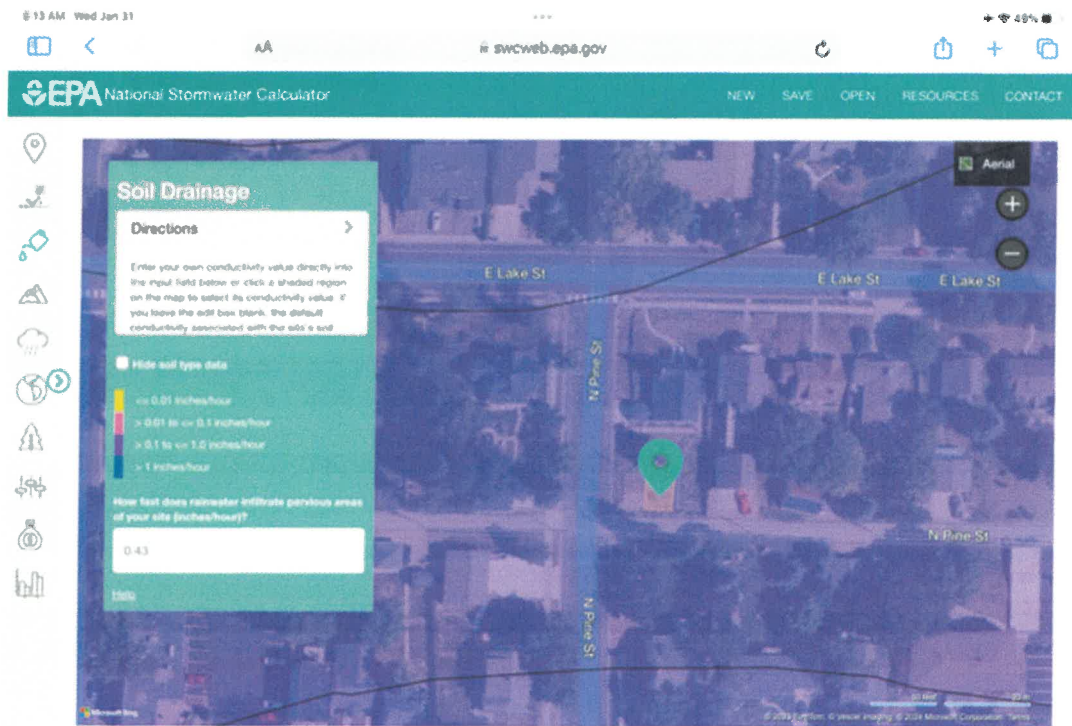
Neighbor detached garage at 52 E Main St



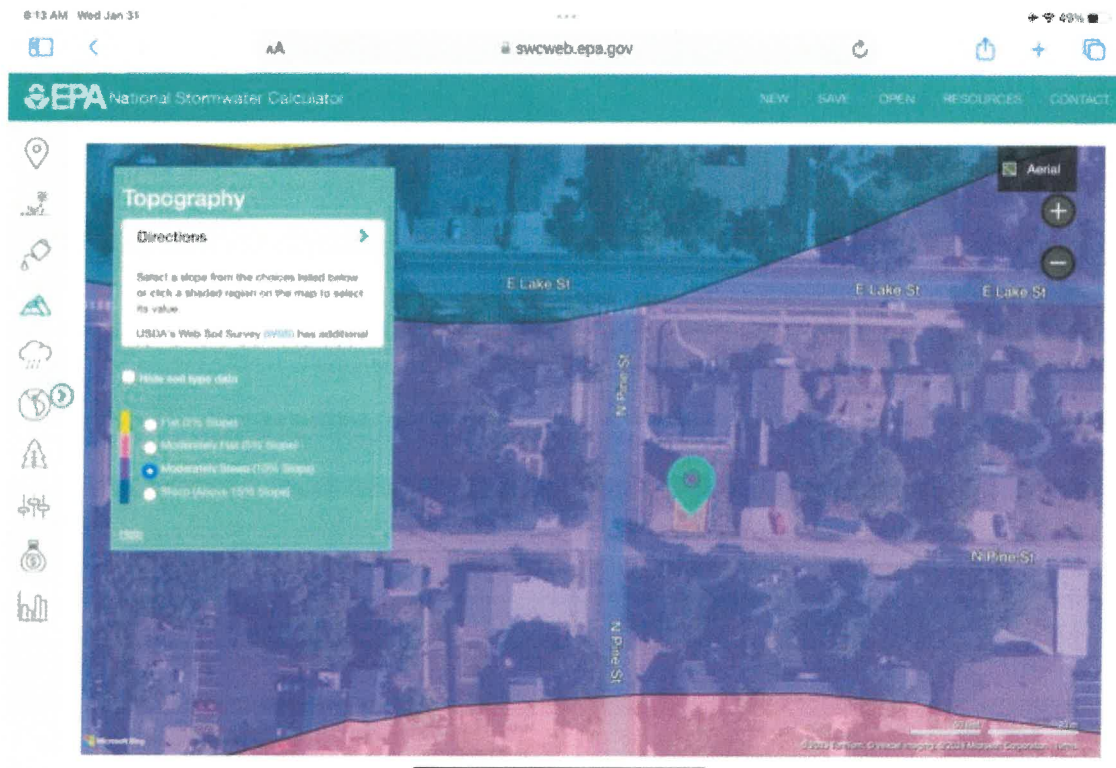
Location of runoff calculation



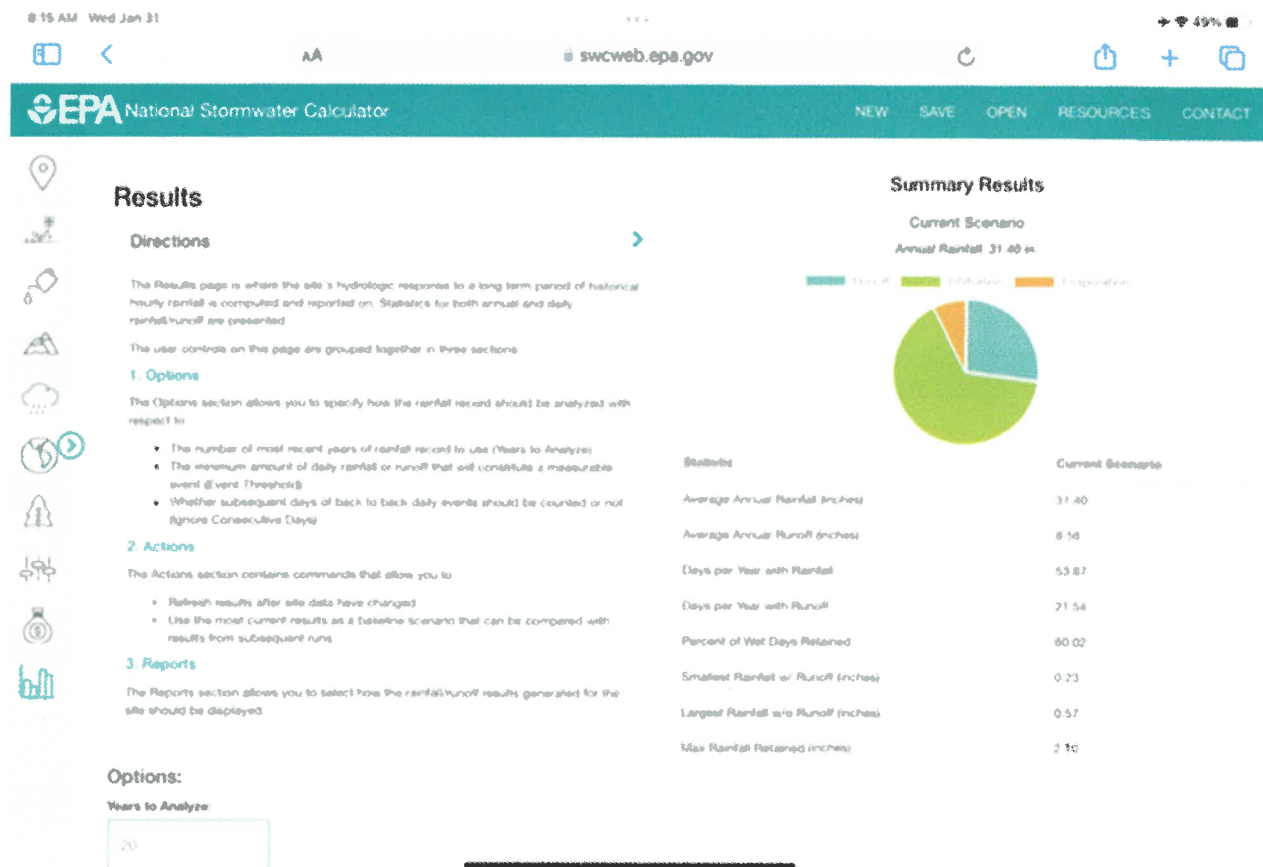
Soil type: Sandy Loam-Moderately Low



Soil Drainage: infiltration rate of 0.43 inches per hour



Topography: Moderately Steep (10% Slope)

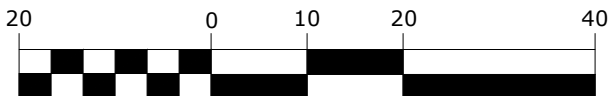


Calculator Summary Results

CERTIFICATE OF SURVEY

~for~ Mathew Vasek Companies INC.
~of~ 101 East Lake Street, Waconia MN 55387.
PROPOSED BUILDING UPDATE 21FEB24

GRAPHIC SCALE



SCALE IN FEET



NORTH

LAKE STREET E

SETBACK

ZONED R-4 MIXED RESIDENTIAL DISTRICT
PRIMARY AND ACCESSORY STRUCTURES
FRONT= 25 FEET
SIDE (STREET)= 15 FEET
SIDE (INTERIOR)= 5 FEET
REAR (ALLEY)= 5 FEET

EXISTING IMPERVIOUS SURFACE CALCS.

TOTAL LOT AREA 8,634 sqft

EXISTING HOUSE AND GARAGE 1,795 sqft
EXISTING PAVERS (ON LOT) 114 sqft
EXISTING BRICK WALLS 24 sqft
EXISTING CONCRETE (ON LOT) 364 sqft
TOTAL IMPERVIOUS SURFACE 2,297 sqft
PERCENT IMPERVIOUS 26.6%

PROPOSED IMPERVIOUS SURFACE CALCS.

TOTAL LOT AREA 8,634 sqft

EXISTING HOUSE AND GARAGE 1,795 sqft
EXISTING PAVERS (ON LOT) 114 sqft
EXISTING BRICK WALLS 24 sqft
EXISTING CONCRETE (ON LOT) 364 sqft
PROPOSED GARAGE 900 sqft
PROPOSED CONC DRIVE (ON LOT) 56 sqft
TOTAL IMPERVIOUS SURFACE 3,253 sqft
PERCENT IMPERVIOUS 37.7%

TREE DETAIL

○ DENOTES ELEVATION
△ DENOTES TREE QUANTITY
AC DENOTES TREE SIZE IN INCHES
□ DENOTES TREE TYPE

LEGEND

- DENOTES IRON MONUMENT SET, MARKED RLS# 45356/52705
- △ DENOTES SET PKNAIL
- AC DENOTES AIR CONDITIONING UNIT
- DENOTES CATCH BASIN
- E DENOTES ELECTRICAL BOX
- X DENOTES EXISTING SPOT ELEVATION
- G DENOTES GAS METER
- ✓ DENOTES GUY WIRE
- ⚡ DENOTES LIGHT POLE
- ≡ DENOTES MAILBOX
- ⚡ DENOTES POWER POLE
- Ⓢ DENOTES SANITARY SEWER MANHOLE
- DENOTES SIGN
- T DENOTES TELEPHONE PEDESTAL
- DENOTES FENCE
- DENOTES WOOD FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- OHU DENOTES OVERHEAD UTILITY
- BLD SB DENOTES BUILDING SETBACK LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES PAVER SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/10/23.
- Bearings shown are based on the Carver County Coordinate System.
- Vertical Datum is based on the NGVD29 datum.
- Parcel ID Number: 750504081.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

Lot 16, Block 40, CITY LOTS OF WACONIA, Carver County, Minnesota.

I hereby certify that this plan, survey 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.

By: KFSM
Minnesota License No. 45356

Dated 17th day of October 2023.

DATUM: Co. Cord.			JOB NO. 231059LS	
REVISIONS			SCALE: 1" = 20'	
1	17JAN24	ADD PROP. ADDITIONS	CBS	DATE: 10-17-23
2	21FEB24	ADJ. GARAGE & DRIVE	CBS	DRAWN BY: CBS
3				CREW: CBS
NO.	DATE	DESCRIPTION	BY	

E. G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025
www.egrud.com

Ethan Nelson

From: Dee DeLange <ddelange@waconiabrewing.com>
Sent: Wednesday, February 28, 2024 9:14 PM
To: Ethan Nelson
Subject: Lake Street Garage

Hi Ethan,

I am just sending a quick note of support for the young couple that wants to put in a garage. I live just a little over a block from them and think they should definitely be able to build a garage on their property!

Feel free to reach out if you need more support other than this email.
I live at 233 E. Lake and own 1 E. Lake, 217 E. Lake and 421 E. Lake.

Dee DeLange
ddelange@waconiabrewing.com
Waconia Brewing Company
612.590.0928

Ethan Nelson

From: Jennifer Schwarz <JSSchwarz@outlook.com>
Sent: Saturday, February 24, 2024 11:39 AM
To: Ethan Nelson
Subject: Judd Variance Request

Hi Ethan,

We live next door to the Jaris and Caitlin Judd residence at 101 Lake St E in Waconia. We are writing in favor of the variance request submitted on this residence. What they have planned will compliment the neighborhood and we have no concerns about the request. Currently they enter their parking pad from the corner of the alley and Pine. The second curb cut on Pine will actually be a safer option in our opinion as there are currently 4 homes, including ours, that utilize the alley daily. If you have any questions, feel free to reach out.

Sincerely,

Steve and Jennifer Schwarz
109 Lake St E
Waconia

Ethan Nelson

From: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Sent: Tuesday, February 27, 2024 10:26 AM
To: Ethan Nelson
Subject: RE: 101 Lake Street East - Variance Application

Thanks, Ethan. I support the City Engineer's recommendation, as we would not want to see any additional impervious surface area left untreated.

Taylor

From: Ethan Nelson <enelson@waconia.org>
Sent: Tuesday, February 27, 2024 9:54 AM
To: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Subject: RE: 101 Lake Street East - Variance Application

You don't often get email from enelson@waconia.org. [Learn why this is important](#)

Hi Taylor,

Appreciate the comments. Our City Engineer reviewed their stormwater plan and indicated that their plan would result in 27.3% of their hardcover not being treated (0.7% above their existing condition). The City Engineer further noted that it would be preferable to have an additional 200 sq. ft. treated to cover this overage provided everything is confirmed via an engineered plan with additional details.

Ethan

From: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Sent: Tuesday, February 27, 2024 8:12 AM
To: Ethan Nelson <enelson@waconia.org>
Subject: RE: 101 Lake Street East - Variance Application

Hi Ethan,

Thanks for sending this application over. My comment would be that all additional runoff from the proposed additional impervious surface should be captured. I'm not sure if by their calculations if that is the case?

Taylor

From: Ethan Nelson <enelson@waconia.org>
Sent: Monday, February 26, 2024 4:22 PM
To: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Subject: 101 Lake Street East - Variance Application

You don't often get email from enelson@waconia.org. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Hi Taylor,

We have received a variance application for the property located at 101 Lake Street East to construct a detached garage that would require variances for the street setback, an additional curb cut and exceed maximum hardcover by roughly 11%. In the attachments you will see their revised survey with a stormwater plan indicated and also explained in their variance letter. Let me know if you have any questions, otherwise I would ask that if you have any comments that you would like to have included in the March 7th Planning Commission public hearing, please let me know.

Thanks!

Ethan Nelson

Assistant Planner

City of Waconia

201 South Vine Street

Waconia, MN 55387

Office: 952-442-2184

Direct: 952-442-3110

www.waconia.org

The City of Waconia now has some over the counter Residential permits available via ePermits. For more information go to the [City of Waconia's ePermit Application Page](#)



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: March 7, 2024

Item Name: Comprehensive Plan Amendment - 7845 County Road 10 North, Waconia Township - CONTINUED

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 recommending either approval or denial of the proposed Comprehensive Plan Amendment to re-guide a portion of the subject parcel as L, Low Density Residential versus the current guidance of R, Rural.

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

BACKGROUND:

Applicant: John Klinkner

Owner: John Klinkner

Address: 7845 County Road 10 North, Waconia Township

P.I.D. #: 090102100 (eastern portion only)

Comprehensive Plan Designation: R – Rural

REQUEST:

The City has received a Comprehensive Plan Amendment application from John Klinkner (the “Applicant”) to re-guide a portion of the property located at 7845 County Road 10 North as L, Low Density Residential versus the current guidance of R, Rural.

FEBRUARY 8TH, 2024 PLANNING COMMISSION MEETING

The request was tabled at the February 8th, 2024 Planning Commission meeting with Commissioners requesting additional information from Carver County related to vehicular access to the property from County Road 10. As such, staff contacted Darin Mielke, Assistant Public Works Director, Deputy County Engineer and he provided the attached comments for review and consideration.

NOTE:

Please reference the February 8th, 2024, packet materials for specifics related to this request. Additionally, staff has included all written public hearing notices for convenience in review of this application.

The Comprehensive Plan identifies the following criteria to consider when reviewing Comprehensive Plan changes/amendments:

1. *The change is consistent with the goals and objectives or other elements of the Waconia Comprehensive Plan.*
2. *The change does not create an adverse impact on the public facilities and services that cannot be mitigated. Public facilities and services include roads, sewers, water supply, drainage, schools, police, fire and parks.*
3. *Development resulting from the change does not create undue impact on surrounding properties. Such development should be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.*
4. *The change allows a more viable transition to the planned uses on adjacent properties than the current land use.*
5. *The change does not have a significant adverse impact on the natural environment including trees, slopes and groundwater, or the impact could be mitigated by improvements on the site or in the same vicinity.*

6. *There is a change in City policies or neighborhood characteristics that would justify a change.*
7. *The change corrects an error made in the original plan.*
8. *There is a community or regional need identified in the comprehensive plan for the proposed land use or service.*
9. *The change helps the City meet its life-cycle and affordable housing objectives.*
10. *The change does not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation.*

The Planning Commission should consider the criteria stated above and determine if the proposal meets enough of the criteria to warrant a modification to the City's Comprehensive Plan.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on January 25th, 2024, and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. Comments received have been attached for review and consideration.

Procedurally we are also required to notify all affected jurisdictions in relation to all comprehensive plan amendments. Staff notified Carver County, MnDOT, DNR, Waconia Public Schools and Waconia Township. To date staff has received and attached comments from Waconia Public Schools, Carver County and Waconia Township.

The Planning Commission, at their regular meeting on February 8th, 2024, held the required public hearing regarding this issue, taking all public comment.

CONCLUSION/RECOMMENDATION

The Planning Commission should review the pertinent information and make a recommendation to the City Council regarding the proposed Comprehensive Plan Amendment for 7845 County Road 10 North. Upon a formal recommendation from the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on March 18th, 2024.

Attachments:

1. [Location Map Subject Property.pdf](#)
2. [20240219_Carver County Follow Up Comments_D Mielke.pdf](#)
3. [Public Hearing Comments.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
 _____ Non Budgeted
 _____ Amendment Required



From: [Darin Mielke](#)
To: [Lane Braaten](#)
Cc: [Whitney Schroeder](#)
Subject: RE: 7845 County Road 10 - Comp Plan Amendment
Date: Monday, February 19, 2024 1:12:21 PM
Attachments: [CompPlan2040_4_18_AccessSpacing.pdf](#)

Hi Lane

Thank you for reaching out with your question. Access to our county highways is dictated by the access spacing map in the latest county comprehensive plan, which is attached to this email. Deviations to this map could be influenced by unsafe locations due to terrain and sight lines. For this specific location, access is guided towards ½ mile full access spacing and ¼ mile secondary access spacing on CSAH 10. This parcel would be guided towards a secondary access at the southern property boundary; however, the developer would need to show that this secondary access location has adequate sight lines for safe operations or if other highway changes would be required to support this access location. A secondary access could be reduced to a right in/out either immediately or in the future, based on engineering analysis or crash statistics in the future. A full access should be located across from the CSAH 10/30 intersection, however it doesn't appear that this property has land rights that far north. The full access location should ideally be secured for development in this area to provide full turning movements.

I hope this addresses your question. Please let me know if any further information is needed by the City.

Darin Mielke PE LSIT PMP | Assistant Public Works Director, Deputy County Engineer
Carver County Public Works
11360 Highway 212, Suite 1, Cologne, MN 55322
O: 952.466.5200 | D: 952.466.5222
M: 952.465.6795 | F: 952.466.5223
Email: dmielke@co.carver.mn.us
Web: www.co.carver.mn.us

From: Lane Braaten <LBraaten@waconia.org>
Sent: Thursday, February 15, 2024 11:05 AM
To: Darin Mielke <dmielke@co.carver.mn.us>
Subject: 7845 County Road 10 - Comp Plan Amendment

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Darin,

Hoping you can help me with a little bit more information regarding vehicular access to the parcel identified in the attached location map. As you are aware, John Klinkner submitted a Comp Plan Amendment requesting that his eastern 30+ acres, located between County Rd. 10 and Lake Waconia, be re-guided single-family residential. The Planning Commission held a public hearing last week to consider the application and one of the main items they needed clarification on was how access could be safely managed from/onto County Road 10. They were aware of the comments

provided by Carver County PW (see attached), but they were looking for more information on what would typically be allowed, required, etc. I explained a traffic study would be required by the County to determine some of these issues, but I think they want to hear it from the County. Can you send me some more formal comments regarding how access is determined and regulated? They also wanted to know if you would deny the property owner access if they tried to develop.

Hoping you could get this information over sometime next week.

Let me know if you want to discuss this further.

Lane

Lane L Braaten

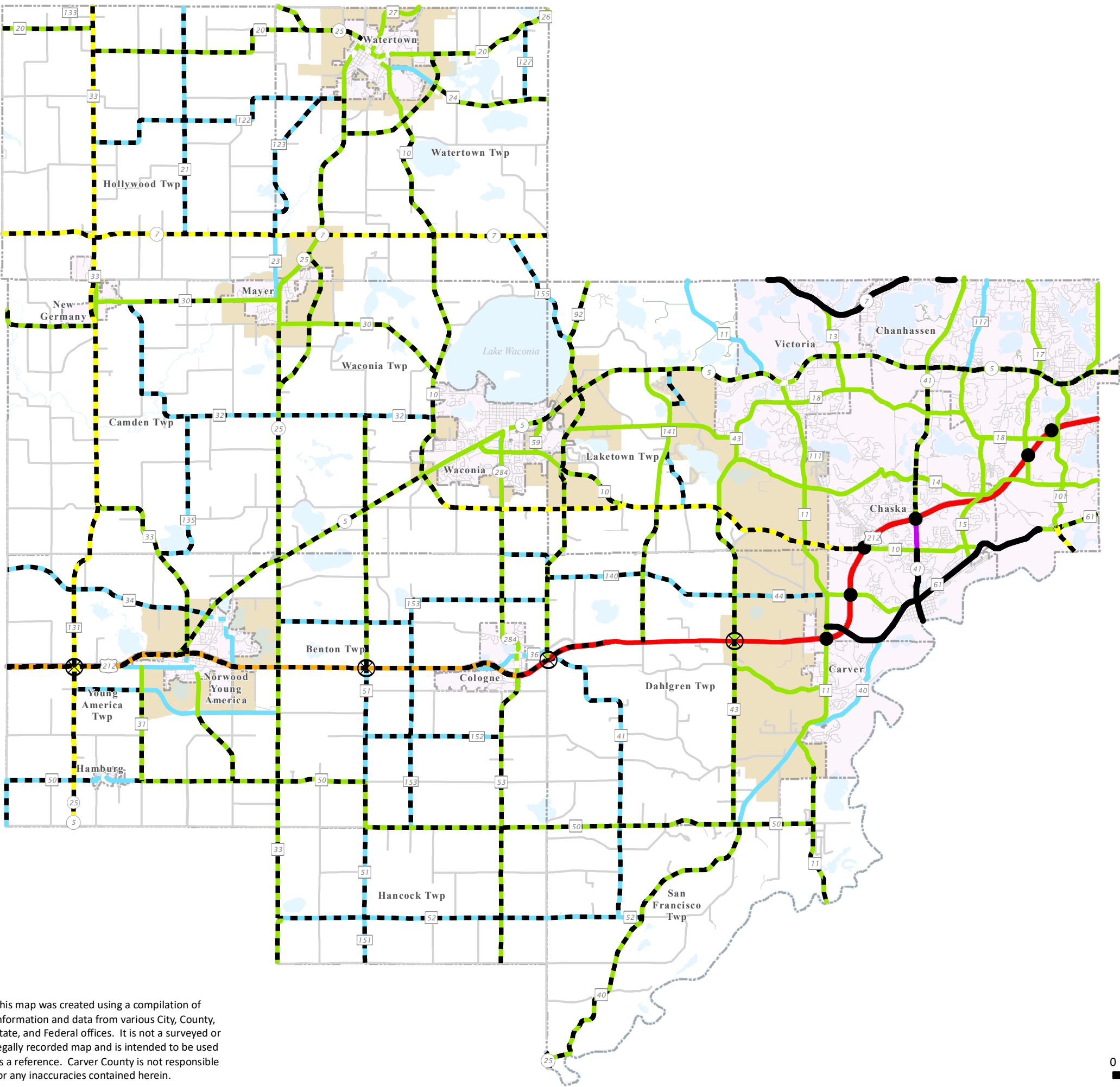
Community Development Director
City of Waconia
201 South Vine Street
Waconia, MN 55387
Office: 952-442-2184
Direct: 952-442-3106
www.waconia.org



Access Spacing

Figure 4.18

DRAFT



This map was created using a compilation of information and data from various City, County, State, and Federal offices. It is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Legend

TH 212 Access

- Interchange Access Locations
- ⊗ Potential Interchange Preservation Location

High Priority Interregional Corridors

- 1F Interstate Freeway (Interchange Access Only)
- 1A Rural Principal Arterial (1 mile full intersection spacing, 1/2 mile secondary intersection spacing)

Medium Priority Interregional Corridors

- 2A Rural Principal Arterial (1 mile full intersection spacing, 1/2 mile secondary intersection spacing)

Regional Corridors

- 3A Rural Principal & Minor Arterials (1 mile full intersection spacing, 1/2 mile secondary intersection spacing)

Principal Arterials

- 4B Urban/Urbanizing (1/2 mile full intersection spacing, 1/4 mile secondary intersection spacing)

Minor Arterials

- 5A Rural, Exurban & Bypass Arterial (1/2 mile full intersection spacing, 1/4 mile secondary intersection spacing)
- 5B Urban/Urbanizing Arterial (1/4 mile full intersection spacing, 1/8 mile secondary intersection spacing)
- 5C Urban Core Arterial (300-600 feet, depending upon block length)

Collectors

- 6A Rural, Exurban & Bypass Collector (1/2 mile full intersection spacing, 1/4 mile secondary intersection spacing)
- 6B Urban/Urbanizing Collector (1/4 mile full intersection spacing, 1/8 mile secondary intersection spacing)
- 6C Urban Core Collector (300-600 feet, depending upon block length)

Specific Access Plan

- 7 Specific Access Plan

City/Township Boundary

- Existing City
- City/Township Boundary
- City Growth Areas 2040



Public Works Division
11360 Hwy 212, Suite 1
Cologne, MN 55322
(952) 466-5200
Created: 4/24/2019

Lane Braaten

From: Travis Radel <travisandalicia@hotmail.com>
Sent: Monday, January 29, 2024 8:11 AM
To: Lane Braaten
Subject: Questions for the commission regarding PID #090102100

RE: PID #090102100

Dear Waconia Planning Commission Leaders,

We appreciate that the city of Waconia grows and changes and feel you and the Waconia Planning Commission have done a great job managing city planning and communicating your 2040 plans.

As a nearly life-long resident, my family and I are proud to live in Waconia and enjoy the home-town character it represents. As members of this community, we have questions about a comprehensive plan amendment to approximately 30 acres of land currently zoned rural on the west side of Waconia that we'd like the commission to consider and address as part of PID's #090102100 request, namely:

- Why change zoning now? Is there urgency of new low-density housing need in Waconia that is not already part of existing 2040 plans and the many housing developments in-flight across the city? Is the city not growing housing fast enough relative to our commercial and educational infrastructure?
- This property sits on a very busy stretch of county road 10 where safety and infrastructure is an existing concern. What benefits would re-zoning this land bring the city? Have assessments of traffic flow, safety, financial & infrastructure implications, lake and DNR impacts, sewage and utility flows, and land drainage impacts been completed? If not, why is this being entertained now?

We kindly suggest any request to re-zone this land in Waconia be considered in an appropriate 20-year city planning process. In advance of changes, the community deserves answers to the questions above. This land, like all other land across Waconia, should be assessed thoughtfully and be part of larger zoning and planning considerations. Ad-hoc decisions on zoning add significant risk to the process and impact the integrity of a very thoughtful 2040 residential zoning City Plan.

Regards,
Travis and Alicia Radel & family
1890 Sandbar Circle, Waconia

Adjacent or Affected Jurisdiction Name: **Waconia Public Schools ISD110**

Please check the appropriate box:

- ☒ We have reviewed the proposed Plan Amendment, do not have any comments, and are therefore waiving further review.
- ☐ We have reviewed the proposed Plan Amendment and offer the following comments (attach additional sheets if necessary)

Name of Reviewer Brian Gersich Date 1/29/24
Signature of Reviewer Brian Gersich

Lane Braaten

From: Andrea Eaton <andrea.n.eaton@gmail.com>
Sent: Monday, February 5, 2024 6:30 AM
To: Lane Braaten
Subject: Public Hearing about PID#090102100 - Comments

Hi Lane,

We received another notice about the potential development of the land, as proposed this past summer. Thank you for your consideration.

My husband, Michael, and I live at 1676 Sandbar Circle. We moved into our home and Waconia in August 2022. We are concerned about the potential amendment to the Comprehensive Plan for the property at 7845 County Road North in Waconia to be considered low density residential instead of its current status of rural/agricultural.

Our home is one of six on Sandbar Circle that is allowed a slip on Lake Waconia. Our association also has a shared dock on the lake. A major reason we bought our home is because of the slip and lake access. We are concerned that if this property is moved/reclassified as low density residential, our access to the lake may be in jeopardy.

This land is some of the last lakeshore to be developed and should not be taken lightly. Currently, the land adjacent to the lake is marshy and is a great barrier/buffer between the land and the lake. If the land were developed, that natural buffer would be lost.

We enjoy viewing wildlife, trees, birds, and farming activity on the property. If it were developed, all of that would likely disappear.

Waconia is growing quickly enough. There are many other developments under construction. If this property is classified as low density residential, it is my understanding that there is no turning back. So perhaps slow down and reconsider this amendment some time (far) in the future?

Thank you for your time and consideration,
Andrea Eaton

Lane Braaten

From: Paul Lindstrom <lindstromlaw@centurylink.net>
Sent: Tuesday, February 6, 2024 3:57 PM
To: Lane Braaten
Cc: Steve Grotting
Subject: 7845 County Road 10 N.

Dear Waconia City Planning Commission members:

We, Paul Lindstrom and Stephanie Lindstrom, reside at 7835 County Road 10 N., Waconia. Our property is located directly North of the subject property. Although we watched the prior planning commission meeting, we did not submit any input at that time as we assumed that the City would likely move toward the direction of allowing new development on the property.

From our personal perspective, we certainly appreciate the privacy directly to the South of our property. However, we also know that progress happens. Our concern is mainly from an environmental perspective. As we both have a long history of fishing and hunting in our families, we know that farm fields are not environmentally friendly and, if possible, should not adjoin a public waterway. Such is why the State of Minnesota undertook a process to eliminate as many farm fields from adjoining the Minnesota River basin as possible. The pesticides and herbicides that are put on these fields destroy every living thing, other than the crop being planted.

Regardless of what happens on the property at issue, we believe that it would be in the interest of the City, and of the lake, to have control to determine what becomes of this parcel and to eliminate the chemicals that come from any croplands. The West side of the lake is already extremely weedy which may have something to do with the farm run off including the runoff from the fields across County Road 10 N. that flow into the lake. Additionally, as neighbors to the property, we don't see that there would be much impact on wildlife in the area assuming that the marshland and trees that the eagles nest in are preserved. Moreover, there are various old cars, old fuel tanks, and likely an old well, septic, and underground tanks for farming that could possibly cause issues with the ground water. At the very least, the old buildings and old vehicles, including an old RV, are nesting grounds for rats and mice and other undesirable pests.

Since we reside on the lake, we do not see an issue with overuse of the lake. Many days there are only a handful of boats on the lake other than the 4th of July and holiday weekends. The main overuse of the lake seems to occur during the typical winter where there can be as many as 700-1000 ice fishing houses on the lake. Most of the lake will never have further development due to the road and walking trail along the North and East side of the lake. While we enjoy the privacy, we feel that there would be a much more beneficial use for the City and the lake other than a farm field and a dumping ground for old cars and garbage among the existing structures on the property.

In conclusion, we feel that annexing this property would be beneficial to the City. However, we think it important to preserve the wetland on the South side of the property and the eagle nesting trees on the property. We also believe that it is very important that the City can have input for this parcel in order to maintain a safe flow of traffic along County Road 10 and especially where County Road 10 N. Intersects with County Road 30.

Out of purely selfish reasons, we would desire that all of the structures be torn down and the property to remain private. However, we do not see that as realistic or the most beneficial to the lake. We believe that removing the field and all of the toxic chemicals is the most important issue. The nitrogen and phosphorus alone promote unhealthy growth in lake algae and weeds. We do not really want to see a new property development next door but we do believe that having control of this property would be best in the hands of the City to clean up the property, the lake, and control whatever runoff that comes from this parcel while also maintaining safe and proper traffic flow along County Road 10 N.

Kind Regards,
Paul & Stephanie Lindstrom

Lane Braaten

From: oscogary@aol.com
Sent: Wednesday, February 7, 2024 10:09 PM
To: Lane Braaten
Cc: Gary Hunstiger
Subject: PID# 090102100 Comments

Lane,

We are opposed to the amendment proposal to change the property guidance of PID #090102100, from R- Rural to L- Low Density Residential at this time.

Approving this amendment at this time does not take into account how residents of the proposed property would access County Road 10, it does not include how many lots would have their own Lake Waconia access and or if a community beach and or access to Lake Waconia would be included in the low Density Residential proposal.

Approving this proposal from R- Rural to L- Low Density Residential seems to be putting the cart before the horse and gives the developers a leg up on future annexation and site development approval.

I currently reside in Waconia Landing, I know you are keenly aware of the challenges the Waconia Landing Home Owners Association and membership has had with their beach area and lake access. Without knowing the full impact of the proposed change from R- Rural to L- Low Density Residential we can't support such a change.

Thank you,

Gary and Jane Hunstiger
1568 Sandbar Circle,
Waconia, MN 55387

Lane Braaten

From: paul paulehanseninc.com <paul@paulehanseninc.com>
Sent: Wednesday, February 7, 2024 4:50 PM
To: Lane Braaten
Cc: Dan DeMarce; Cheri Hansen
Subject: Comments on the amendment to the 2040 Comprehensive Plan for property identified PID # 090102100, Carver County, MN

Date: February 7, 2023
To: Waconia Planning Commission
From: Paul and Cheryl Hansen, 1779 Braunwarth Circle, Waconia
Subject: Comments on the amendment to the 2040 Comprehensive Plan for property identified PID # 090102100, Carver County, MN

The above property abuts the northern line of our property. We have lived here since 2001 and have greatly enjoyed the rural nature of the area. There are a few concerns about the rezoning and development of this property.

The property contains a wooded area along the northside of the property from the farmhouse to Lake Waconia. This area contains several buildings along with various density of trees. There is one building (garage/storage building) that has two mature cottonwood trees on the south side. The tree on the west contains an active Bald Eagle nest about 75% up in the middle of the tree. Two Bald Eagles have been active daily in this tree the entire winter. This nest has been present for at least three years. The eagles also use a tree near the water as a hunting perch. We have seen them there daily for many years.

We have been in contact with Lori Naumann of the Minnesota Department of Natural Resources. In describing this activity to her, the nest is active. We have also contacted Mary Emanuel of the US Fish and Wildlife Department. The nest and tree, whether active or not, are protected under the US Bald and Golden Eagle Protection Act. Any development of the property that disturbs the active nesting of the eagles or removal of the nest, active or not, must follow the rules set forth in the Act.

That property is very close to the rock dock. Many birds, including the white pelicans, use this as summer habitat. MN DNR is also interested in protecting migratory birds. The shore along the property also contains bull rushes that provide habitat. We have concerns about the proximity of the boat docks that would be put in near this rock dock.

We have deer, pheasants, various hawks, owls, fox, and coyotes that will lose habitat if the wooded area in the southeast corner is developed.

The traffic on highway CR 10 is extremely busy, particularly during the school beginning and ending times. Adding a development of this size will make it more congested and dangerous. The proposed modification of the intersection of Waconia Parkway North and CR 10 would need to be completed well before development of this property. Also, the traffic pattern of CR 30 and CR 10 should be addressed.

We are also questioning the urgency of this rezoning shortly after the 2040 Comprehensive Plan was developed.

Thank you for your time, Paul and Cheryl Hansen

Memo

To: Lane Braaten, Community Development Director, City of Waconia
From: Paul Moline, Planning and Water Management
Date: February 8, 2024
Re: City of Waconia 2040 Comprehensive Plan Amendment (7845 County Road 10 North)
CC: Darin Mielke, County Public Works, Jason Mielke, County Land Mgmt.

Enclosures: none

Carver County has the following comments relating to the City of Waconia's 2040 Comprehensive Plan for a portion of the property (approximately 30 acres) located at 7845 County Road 10 North (PID# 090102100) be included in the future growth area of the City and guided L, Low Density Residential versus the current R, Rural guidance.

Public Works

1. Parcel ID: 090102100 has land adjacent to, or bisected by, CSAH 10. The County's 2040 Comprehensive Plan has both road segments designated as Minor Arterials and their Access Spacing being Rural, Exurban & Bypass Arterial with ½ mile full intersection spacing for full turning movement accesses and ¼ mile secondary intersection spacing where access may have restricted turning movements. Please examine Access Spacing table 4.11 on page 4.52 and Access Spacing figure 4.14 on page 4.55 of the 2040 Comprehensive Plan.
2. If the subject property is to be developed, coordination with Carver County Public Works over the access is required for access guidance.

County Land Management comments:

1. A County Minor Subdivision application for a parcel split (east/west of Co Rd 10) would be required if the property owner and city are looking to create separate taxed parcels prior to any annexation.
2. The remnant 50+ acres west of Co Rd 10 would be considered a legal and conforming stand-alone parcel pursuant to the County Zoning Code.

Carver County Water Management Organization

As the project continues to move forward, opportunities should be considered to minimize impacts on water resources by meeting WMO requirements. Carver County encourages the City of Waconia to consider the following as the project moves forward:

- Meeting stormwater and wetland requirements of the Carver County WMO will be required.
- Involving CCWMO staff early in the site planning process can help streamline the permitting process.
- Lake setbacks and buffers will need to be followed.

Thank you for considering Carver County's comments. You are welcome to contact me for further clarification.

Sincerely,

A handwritten signature in cursive script that reads "A Atcheson". The signature is written in a light gray color on a white background.

Adriana Atcheson, Planner
Carver County Planning & Water Management

Adjacent or Affected Jurisdiction Name: **Waconia Township**

Please check the appropriate box:

- ☐ We have reviewed the proposed Plan Amendment, do not have any comments, and are therefore waiving further review.
- ☒ We have reviewed the proposed Plan Amendment and offer the following comments (attach additional sheets if necessary)

Waconia Twp wants to confirm
that changes requested only
apply to the East side of
city Rd 10.
The west acreage should
remain agricultural.

Name of Reviewer John D. Zimmerman Date 2-22-24

Signature of Reviewer [Signature]



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:		March 7, 2024					
Item Name:		Amend Section 900.05 District Regulations - Battlefield Ministries - CONTINUED					
Originating Department:		Community Development					
Presented by:		Lane Braaten					
Previous Commission Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Recommend approval or denial of the proposed amendment to Section 900.05, which would allow up to six (6) unrelated individuals to reside in a single-family home for transitional housing.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>APPLICANT INFORMATION</u> Applicant: Battlefield Ministries							
<u>REQUEST</u> The applicant, Battlefield Ministries, has submitted an Ordinance Amendment application proposing to amend Section 900.05 District Regulations, specifically the uses permitted with special restrictions in the R-2, Single-Family Residential District. The applicant is proposing to revise the language as indicated below, which would strike the licensure requirement from the language. 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.							
<u>BACKGROUND:</u> The Ordinance Amendment stems from a complaint received by the city regarding a sober living residential facility within the R-2, Single-Family Residential District.							
<u>FEBRUARY 8TH, 2024 PLANNING COMMISSION MEETING</u> The request was tabled at the February 8th, 2024, Planning Commission meeting with Commissioners requesting information from the City Attorney regarding the proposed amendment. As such, staff reached out to Mike Melchert, City Attorney and he provided the attached information. Please note that the recommendation is up to the Planning Commission, and the ultimate determination of the proposed amendment is the responsibility of the City Council. The revisions indicated by the City Attorney in the attached document are what would be recommended by staff if the Planning Commission and City Council determine that the proposed ordinance amendment should be approved.							
<u>NOTE:</u> Please reference the February 8th, 2024, packet materials for specifics related to this request. Additionally, staff has included all written public hearing notices for convenience in review of this application.							
<u>PUBLIC NOTICE/COMMENT:</u> The notice was published in the WACONIA PATRIOT on January 25th, 2024, posted on the City of Waconia website and posted at Waconia City Hall. The public comments received have been attached to this report for consideration. The Planning Commission, at their regular meeting on February 8th, 2024, held the required public hearing							

regarding this issue, taking all public comment.

RECOMMENDATION:

The Planning Commission should review the pertinent information and make a recommendation to the City Council regarding the proposed ordinance amendment. Upon a formal recommendation from the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on March 18th, 2024.

If the Planning Commission chooses to recommend approval of the Ordinance Amendment, staff would recommend the approval upon the following condition:

1. The ordinance amendment shall be revised to include the language identified in the February 16th, 2024, City Attorney comments, which includes definitions for charitable organization and charitable residential facility and identifies the use as a use permitted with special restrictions, which cannot be located nearer than 1,000 feet to any other existing charitable residential facility.

Attachments:

1. [Feb 16 2024_City Attorney Comments w Attachment.pdf](#)
2. [Public Hearing Comments.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted
_____ Non Budgeted
_____ Amendment Required

Lane Braaten

From: Mike Melchert <mmelchert@mhslaw.com>
Sent: Friday, February 16, 2024 4:16 PM
To: Lane Braaten
Subject: FW: Part 1: Optional Zoning District Amendment Requested by Battlefield Ministries
Attachments: Chapter 900 Optional District Revisions REDLINED (Draft 02-15-2024).pdf

Lane,

I am following up on our phone call yesterday about this matter. This email addresses the zoning ordinance amendment requested by Battlefield Ministries ("Battlefield").

Regarding the zoning ordinance amendment requested by Battlefield, the following are attached for your review:

- Selected pages from Chapter 900 showing proposed revisions with redlining;

I understand that Battlefield operates as a charitable organization to help people who have gone through drug/alcohol treatment and need somewhere to stay post treatment while they are transitioning back to normal life. I also understand that Battlefield's activities are not licensed or registered with the state. Therefore, Battlefield's use does not qualify under the licensed facility uses currently allowed by the Waconia City Code. Therefore, the proposed revisions create another permitted use for facilities housing 6 or fewer persons that are operated by a charitable organization (that is not licensed/registered with the state). I have confirmed Battlefield has tax-exempt status.

Finally, as we also discussed, I did not find anything obligating the City to create this permitted use. If you have any questions, please call.

Mike

J. Michael Melchert
Partner
Melchert Hubert Sjodin, PLLP
MSBA Board Certified
Real Property Specialist
(952) 442-7788
mmelchert@mhslaw.com



121 West Main Street; Suite 200, Waconia, MN 55387

www.mhslaw.com

This email may contain confidential information. If you are not the intended recipient, please delete this email and notify me. Thank you.

Part XIX. ZONING

CHAPTER 900. ZONING ORDINANCE

Sec. 900.01. Short title.

This chapter shall be known, cited and referred to as the Waconia Zoning Ordinance, except as referred to herein, where it shall be known as this chapter.

Sec. 900.02. Intent and purpose.

The purpose of this chapter is to:

1. Implement the comprehensive plan as adopted by the city council.
2. Protect the public health, safety, comfort, convenience and general welfare.
3. Promote orderly development of the residential, commercial, industrial, recreational and roadway area of the city.
4. Divide the area within the city into zones and districts regulating the location, construction, reconstruction, alteration and use of structures and land as well as regulating the bulk of structures in relationship to surrounding properties.
5. Protect and improve the quality of unique natural resources.
6. Preserve and protect property values.
7. Provide for the administration of this chapter and define the powers and duties of the administering officer as provided hereinafter.
8. Prescribe penalties for the violation of the provisions in this chapter or any amendment thereto.

Sec. 900.03. Rules.

In constructing this chapter, the following rules of construction shall govern, unless their observance would involve a construction inconsistent with the manifest intent of the council, or be repugnant to the context of the ordinance.

1. Words used in the present tense shall include the past and future tenses, and the future tense shall include the present.
2. Words in the singular shall include the plural, and the plural shall include the singular.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The use of one (1) gender shall include all other genders.
5. References herein to the manager, planner, assessor, engineer, building official, and clerk shall mean the person who then holds that position in the city, unless otherwise expressly stated.
6. The use of the phrase "used for" shall include the phrases "designed for," "intended for," "improved for," "maintained for," "offered for," and "occupied for."

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.

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.

[Charitable organization means an organization that has tax-exempt status pursuant to Section 501\(c\)\(3\) of the Internal Revenue Code.](#)

Charitable residential facility means a building configured to house 6 or fewer persons that: i) is operated by a charitable organization; ii) is used by the charitable organization to further its charitable mission; and iii) has a valid rental housing license issued pursuant to Chapter 541 of the Waconia City Code.

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.

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.

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.

B. *R-2 Single-family residential district.*

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.
 - d. Charitable residential facilities, provided a charitable residential facility shall be located no nearer than one thousand (1,000) feet to any existing charitable residential 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. 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.

Lane Braaten

From: Cary Valor Pawela <cary.pawela@gmail.com>
Sent: Monday, February 5, 2024 5:44 PM
To: Lane Braaten
Subject: RE: Opposition to Variance Request for 415 W 1st St Waconia.

To Whom It May Concern:

I am writing to express my strong opposition to the variance request submitted by Battlefield Ministries, seeking permission to exceed the current occupancy restrictions outlined in the existing ordinance for single-family residences in the neighborhood.

As a family member of someone that battled with addiction, I truly understand the importance of supporting facilities that aid in addiction recovery. However, there were incidents in the community that raise serious concerns about the safety and well-being of the residents, particularly the children. The incidents of individuals found unconscious on the property, including overdoses, are alarming and pose a direct threat to the security and safety of the neighborhood.

The purpose of zoning ordinances is to maintain the character, safety, and welfare of a community, and the existing regulations were put in place to ensure that single-family residences operate within reasonable and safe parameters. Granting the requested variance to exceed the allowable number of residents would not only compromise the safety of the community but also set a precedent that may have far-reaching consequences for the neighborhood.

Furthermore, it is essential to consider the impact on property values and the quality of life for families residing in the immediate vicinity. The incidents of public disturbances involving individuals from the sober house have already had a negative impact on the peace and tranquility of the neighborhood.

It is worth noting that several letters of support for the facility have been submitted by individuals who may not reside in the community or have no experience dealing with the serious disturbances of this particular property. While their intentions may be commendable, the firsthand experiences and concerns of the individuals directly affected by the facility should carry greater weight in your decision-making process.

I urge you to prioritize the safety and well-being of the neighborhood residents, especially the children, over the financial viability of the Battlefield Ministries. Denying the variance request is a crucial step in ensuring that the community remains a secure and peaceful place for all residents.

Thank you for your attention to this matter, and I trust that you will carefully consider the implications of the variance request on the neighborhood.

Cary Pawela

Waconia

To Whom It May Concern,

I am reaching out to you today on behalf of Battlefield Ministries and the women's transitional sober living home in Waconia. I am proud to share that I have been in recovery for 21 years and have been an active member of the Waconia recovery community for 5 years. I am also a 20+ year resident of Waconia and live on Main St, with my wife and daughter, just a couple of blocks from their home. I started attending the NA meetings in town in an effort to support my brother, who was in active addiction and going through a 60-day treatment program. My brother is now 4 years clean, invested in his sobriety and church, giving back to those who supported him. But more than that, he and I have both found lifelong connections, with friends we now call family. The recovery community is a diverse group of incredible human beings, who have so much to offer, when given the opportunity.

As part of this community, I now regularly volunteer to support those in need, provide mentorship to men in the program, and speak at treatment facilities to share my story to help others. As an insurance professional, my agency donates to the women's transitional/sober home in my neighborhood, to assist them with basic household needs. Seeing, firsthand, the growth and success of these individuals because someone cared enough to support them has been life changing for me.

The sober homes opened by the recovery group in our community makes a difference every day.

None of us in this program got here, living a sober and clean life, on our own. The sober housing that has been offered has been a lifeline, and a start, for so many people deserving of a chance. The Waconia women's transitional/sober living home gives these women the opportunity to live and choose a better life for themselves and for their families.

If the ordinance in place goes through, with only 2 unrelated residents living in this 6-bedroom home, they will have no choice but to close, and these women will be without a home. Please reconsider and support the addendum proposed to allow 6 individuals to continue their journey in recovery.

With sincerity,

Brad Devereaux

State Farm Director of Sales

To Whom It May Concern,

I am reaching out on behalf of Battlefield Ministries and the Women's house located in Waconia. My family and I live on 310 Main St W., just a couple of blocks away from this home, and have enjoyed the downtown community for over 20 years. When I learned that Battlefield Ministries planned to open a house in my neighborhood, I was excited and thrilled, as I know this location can provide so many opportunities to the women as they transition back into a community and live their life in recovery.

Many individuals leave treatment without access to a job, a home, a car, to name just a few. The location of this home is walking distance to local recovery programs and Narcotics Anonymous groups, as well as to local businesses that can provide opportunities for employment, volunteering, building skills, and giving back. In addition, this is a Christian based sober house, with Freshwater church just a few blocks away. This provides the women with a much-needed sense of community to support them on their faith journey.

I have attended numerous events in this community to support individuals in recovery from addiction. The commitment and dedication these individuals bring to this community is limitless, and the sense of community they provide to those in need is amazing. The sober living/transitional homes they are providing plays a huge role in the success of people who need this support. It helps them to get back on their feet, build family connections, find employment, and to help others in their position. I see so many families thriving with this much needed support and am thankful to call them our friends.

The women's home provides the women with much needed structure and routine. These are women who choose to be there and want to live a successful life in recovery. This is their home, and the place that gives them that chance. They are a family that supports each other's recovery and celebrates each other's achievements.

The current city ordinance states that only 2 unrelated persons can sub lease a house. The addendum that Battlefield Ministries is proposing is to allow up to 6 people to live in this 6-bedroom house and to continue to support the women who call this their home. With the current ordinance of only 2 residents, Battlefield Ministries cannot obtain the necessary funding to pay the rent and support the women living there. With only 2 residents allowed, they will be forced to close, leaving those living there without a home.

As a member of this community and neighborhood, I ask that you reconsider this ordinance and support the addendum to allow these women to continue living in this home, neighborhood, and community.

This home, for years to come, can give so many women the opportunity to 'live' again.

Thank you for your consideration,

Kelly Devereaux

Evernorth Behavioral Health- Employee Assistance Program manager

January 29, 2024

To Whom It May Concern,

I am writing this letter on behalf of Battlefield Ministries, concerning the Women's Recovery Home located in Waconia. I support the addendum that would allow up to 6 women living in the 6 bedroom home.

This issue is one that is close to my heart, as I myself am in recovery. I've known Kayla Precht, the Director of Battlefield Ministries, for 3.5 years. She has played a major role in my recovery journey since day one. Her passion in life is to help give hope to those who struggle with addiction. She is a recovery warrior, to say the very least. Her ministry is helping both men and women find a new way of life, free from active addiction. She is changing lives and being allowed to help 6 women at a time rather than 3 makes a huge impact on the community.

The location of the Women's Home is quite important, as it is in walking distance of the treatment center the women are required to attend, along with Freshwater Church where some of the women attend NA meetings throughout the week and church on Sunday mornings. This means that the majority of their support network is within a few blocks of their home.

As I stated before, I am in complete agreement with the addendum allowing up to 6 women to occupy the 6 bedroom home. I think the city of Waconia should be proud of the recovery efforts being made in the community by Battlefield Ministries. I do not think that allowing 6 unrelated women to occupy a home would negatively affect the city whatsoever. The healing and progress being made in these women's lives are far more important of an issue than a number.

I'm asking the city to approve the addendum which would allow 6 women to live in the 6 bedroom home. Thank you for your time and consideration.

Misty Maxson

Nursing Assistant – Carver County Resident



January 13, 2024

To Whom It May Concern,

Gather and Grow Food Shelf & Connection Center is a free grocery resource for Battlefield Ministries and their transition houses. Residents of their organization use our free resource as they work to get on their feet.

Gather and Grow helps many partners with multiple residents living in one home. It's imperative this type of housing option exist for those experiencing a life transition and need affordable and safe housing. Carver county has a huge need for sober living housing. By allowing this organization to use all rooms in their *Ladies First Home*, the City of Waconia will aid in filling a large gap in sober housing in our area.

We appreciate your thoughtful consideration on this matter. Our community is only strong because of the big-hearted people supporting the greater cause.

Sincerely,

Angela Cruzen
Executive Director
Gather and Grow Food Shelf & Connection Center

Brooke Campbell
Watertown, MN 55388
Tel 952-374-9740
brooke@synerfuse.com
Administrative Manager, SynerFuse, Inc.; Secretary, Battlefield Ministries

JANUARY 17, 2024

City of Waconia

Re: Recovery Housing – Ladies First

Waconia, MN To Whom it May Concern,

This is a letter of advocacy regarding the Ladies First property. I am Brooke Campbell, Secretary on the Board of Battlefield Ministries, Co-Ministry Leader at Celebrate Recovery Freshwater Church in Waconia. Transitional housing provides many benefits to the residents and the community. The residents are citizens who have accumulated sobriety and are prepared to repair the relationship with society by becoming a productive member. Residents are reuniting their families, establishing a support network, and obtaining/maintaining employment in the community.

A single family home has one family unit, Ladies First can serve as a unit with 6 unrelated individuals who most likely can result in 6 new family units to contribute to the growing economy of Waconia when they are ready to move. This could be the case for each series of women who live at Ladies First. Most of the residents are involved in a faith community and have children in the area. The recovery community in Waconia is very strong but we are lacking the housing to fit the need from people transitioning from Residential Treatment Centers. Many of the residents are active members at Freshwater Community Church and serve alongside me at Celebrate Recovery as they try to help women heal and restore from a path they have traveled. Truly moving to see one helping another.

I have 7 years clean and sober after living in a home very similar to this one in Carver County. I have found the Lord, have been gainfully employed all 7 years, pay taxes, co-own a business with my husband. As a woman who didn't have rental credentials necessary to find housing after treatment, I do not know where I would be if a transitional house didn't help get my credit, employment history, and a rental reference. Housing is one of the biggest reasons people relapse after treatment – they have no where safe to return to. An environment where they were able to use is not sufficient for recovery. A stable sober environment is the solution for long term recovery to be possible.

Please reach out to me if you have any further questions. Thank you in advance for your consideration in this matter.

Regards,

Brooke Campbell

To: City of Waconia

To whom it may concern,

This letter is in regards to our neighboring non-profit organization Battlefield Ministries. SunLeaf Naturals is a small business located in Waconia that strives for bettering the plant and its people. We want to express our support in the Ladies First House. Some may overlook the importance of what this home provides, but it is a very critical step for these women to transition into a healthy and happy lifestyle. Supporting organizations like Battlefield Ministries and the Ladies First House would create benefits beyond measure.

We hope the City of Waconia will consider the Addendum that enables the occupancy to be raised as the home is able to provide a safe space for up to 6 women. Transitional housing is not only important for the individual but also their children, families, and the community as a whole.

Carlo Micceri – Managing Director

Samantha Grenke – Supervisor

SUNLEAF NATURALS

333 South Pine Street

Waconia MN 55387



Office: 952-443-2300

E-mail: Production@sunleafnaturals.com

New Fax #: 952-222-4359

To whom it may concern,

I am writing this support letter in favor of changing the ordinance for persons allowed to stay in one house.

I have firsthand experience with this ministry and the work that they've been doing.

Nothing short of miracles are happening

The loving support provided for the women who come into the facility is life-changing and life-saving.

As a recovering addict myself, I know that healthy places are few and far between, especially for women.

That being said, I support the decision in favor of allowing non-related people to share the same residence.

If you are in need of any other information or direction of what miracles take place, please don't be afraid to ask

Thank you, Gary Will

[763-439-8313](tel:763-439-8313)

Waconia City Council,

To start, if you have never had a struggle then you would never understand what a home that is safe, that is supportive, accountable to one another, in a time of need is like. The one thing I can place in your mind is close your eyes and go back to a time in your life and we have all had that one, at the very least one moment when life was not looking good and all you wanted to do was go home to reset, no matter the consequences. I understand that not a lot of people will admit they have had struggles, that's why a sober home is a beacon of light. It doesn't have neon lights, commercials, or barbwire fence. The stigma that is attached to a sober home is that it is associated with substance abuse. We don't look at a church and say to ourselves "they believe in something greater than themselves, they are horrible, all they want to do is fellowship with others like themselves"I hope.... So why is it such a problem that a city will not allow a place for someone to get better? Was one single athletic gym or self-centering place in this city met with the same barriers or disdain for the person who struggles with food but doesn't have the will power of support to do what will keep that individual from living a different lifestyle or dying ? What effects does it have on the one, even if it is only one person who totally changes the course of their life because of the "sober house" Who might give back to that community that set the moral compass on the right track. I know what the consequences are for the ones who don't get to see that beacon, it is everything you don't want in your community, home, city, life. I was one of these people with the struggles of active addiction. I could not believe it when I was told that the beacon and blessing that was placed in your community for a light to shine was being put out by.... Someone or something that has not really opened their eyes.... By what is happening in the world today and is not going away but shoving someone away and saying it is not a problem. I know someone this week who passed away 1/14/24 who was driven around for 45 minutes in a state of panic in the city of Waconia, dying of a overdose before being driven to the Waconia police station- they didn't make it. How many times did this person drive by your home dying that night? What if that one person, had learned the tools to travel a different road in the face of relapse because of a simple sober home. There will never be a shortage of addiction, only a shortage of people willing to put the effort that Battlefield Ministries has put in to help the ones that need a light. I started this with if you have never had a struggle then you would never understand, the truth is everyone has struggles, they might not have the same label as "drug addiction" but the mental part is the same and the individual might have had the right moral compass in their life to support them. Battlefield ministries is stepping in and reaching out to help those who are in need, I hope that the city supports them in doing what not many are rushing to the front lines to do because its so much easier to do the opposite and blame the drugs or the people. I own a carpentry company and am always looking for residents in recovery homes as they are eager to work hard. It benefits the community.

Sincerely,

Joseph Campbell

Hello,

I am writing to you in regards to the Battlefield Ministries Women's Home located in Waconia; in support of their addendum to allow up to 6 unrelated persons to sub-lease a house, instead of the current limit of 3 unrelated persons set by city ordinance. This home and the ministry behind it are severely needed mental and physical health resources within Carver County. Battlefield Ministries is a non-profit organization that aids in helping people who are transitioning out of residential treatment, providing safe, structured, and supportive housing for people struggling with addiction and homelessness. A change to this addendum would make a worldly impact to countless community members that will need this kind of assistance now and in the future.

These are not random people from out of town that are being helped; they are sisters, mothers, daughters, our family members and friends that live and work in this community that we all strive to enjoy. To turn our backs on those that need our help when it's needed most would be shameful. Not supporting this addendum is a direct reflection of choosing not to support the disenfranchised and struggling members within our community. As a member of Carver County Public Health, I ask you to support this addendum to the current city ordinance in support of Battlefield Ministries.

A handwritten signature in black ink, appearing to read 'Joshua Kerwood', with a stylized, cursive script.

-Joshua Kerwood

Owner and CEO of Kerwood Concepts, LLC

Board Member of the Health Equity and Community Engagement Committee of Carver County

Member of the Carver County Public Health Advisory Council

To whom it may concern,

I am a resident here in Waconia, and I am writing this letter with the intent to encourage your reconsideration of allowing greater than 2 persons to reside at the Women's transitional home in Waconia, through Battlefield Ministries.

I have been in the field of addiction since 2008, as a licensed alcohol and drug counselor. For the past 16 years, I have worked in different treatment facilities, at different levels of care, and have a wealth of experience to understand the value of a transitional home for someone to be successful in their recovery.

With the location of this home in our community, these women will have easy access to a treatment facility to continue their care in an outpatient basis, after they have stabilized. Through transitional housing, they have an abundance of accountability coming from professionals, the other women in the home, and a strong recovery community that we have here in town. Research shows that recovery needs a supportive community/living environment, just the same as a healthy community needs recovery.

I fear that not allowing the ministry to maintain their current census of 6 residents, will cause them to forfeit this location and cause barriers for the women who deserve this support. Battlefield Ministries, those associated with it, and especially the 6 women residing at the current home, are doing very hard work each day. Let us stand behind them as community to show that we recognize that.

With gratitude for your consideration,

Kalin Mitchell, LADC
612-418-8916

" Believe in yourself and all that you are. Know that there is something inside of you greater than any obstacle " -- Christian D. Larson

To: Whom it may concern

From: Kristal Gillen

Re: Proposed Women's sober home (Ladies First) in
Waconia MN

I am writing to encourage the city of Waconia to approve the proposed Women's sober home. I attend church in Waconia and am deeply involved in the Celebrate Recovery program in our church. Through meeting several women at Celebrate Recovery, it has become very apparent to me the need for more sober homes for women. Knowing several women who have lived in a sober home, my experience is that after completing the program, many of the women stay close to or in the community that helped them and become productive members in the community and almost always give back in some way or another.

I would also like to add that I personally know Kayla Precht and she has had many years of experience running sober homes which have been very well run and successful.

Thank you for your thoughtful consideration regarding this matter.

To whom it may concern,

RE: Battlefield Ministries

My name is Laura Zimmerman and I am a resident of Carver County. I am writing to you today to voice my support for Battlefield Ministries and their women's transitional housing located in Waconia.

It is my understanding that this program/housing is funded by Carver County and aids individuals in recovery by offering stable housing and support. These women are on the right track and doing everything possible to try to better themselves. They are participating in out-patient treatment and once they find a job and start working, they then start to pay a portion of the rent. This teaches them responsibility and helps get them back on their feet one step at a time.

As a former Detention Deputy for Carver County, I personally know the difficulty this population faces when trying to integrate back into the community. From my experience working in the criminal justice system, it is vital for transitional housing to exist. Evicting 3 of these women for no fault of their own would be catastrophic to their recovery, their faith, their chances of successfully bettering themselves and it would be a disgrace to Carver County.

In my profession we see a high rate of relapse and I know that people who have substance abuse histories are at much higher risk of relapsing when they do not have stable housing. The city of Waconia would be doing them a huge disservice if they did not amend the city ordinance that states only 2 unrelated persons can sub lease in a house. The program serves a wonderful, much needed purpose and it would be detrimental to several lives if they were to have to forfeit this opportunity.

To my knowledge they have never missed a rent payment and there has been ZERO illegal activity at the property. The house contains 6 bedrooms, with 6 women living there. Everyone has their own personal room to retreat to and rest so it just makes common sense that for this situation, an amendment to the ordinance should be approved.

Thank you for your time.

Laura Zimmerman

612-965-9648

To: City of Waconia

From: Ria Roland (New Germany Fire Department)

To whom it may concern,

This letter is in support of the tremendous work being done by Battlefield Ministries. The house located in Waconia is the perfect location for this endeavor as it is close to The Haven, a city of people who care and are willing to help others, a location where these women will thrive to give back to their community and help others themselves.

The New Germany Fire department has donated to help these women recover and become healthy citizens. I ask that you let them continue on their journey in the Ladies First House as long as it is needed.

I also work for Carver County (located 1 ½ blocks from the Ladies First House) and am aware of the great work being done to support programs in the effort to help those with addictions. Anyone who attended the workshop at Ridgeview Hospital is especially committed to see the great advancements being made for these programs.

Thank you for your time and effort to strive to continue this great program.

Always caring,

Ria Roland

Ria Roland

Firefighter #10

rroland1102@gmail.com

To whom it may concern,

My name is Rory Pauly and I am a resident of Waconia, a master plumber for Minnesota Rusco and I currently have 10 years of recovery.

I am writing this letter to show support for the addendum to the current city ordinance for subleasing especially in regards to sober living.

It has been my experience that when you have a group of people moving and pressing towards a common goal, that goal is much more obtainable and the odds become remarkably better. Especially when it comes to recovery.

I have been a huge supporter of Battlefield Ministries before it even had a name, mainly because of who runs it. Kayla's heart is unlike anyone's that I have ever met. Her willingness to help, teach and advocate for women in recovery is remarkable! The work that Kayla and her ministry have put into changing lives is one of the coolest things I have ever had the opportunity to be a part of in my own recovery. I have seen so much growth from the people she has helped. I've seen families put back together and lives restored over and over again. God has truly blessed her with not only a patient heart but also a mind that is strong in leadership.

This addendum would only allow Kayla and Battlefield Ministries to change even more lives around the community. I truly believe that every woman that sets foot through those doors gets a second chance at life with a ministry to support them and help them rebuild their lives. I believe her curriculum works and I believe more people deserve a chance to start over and reap the benefits of this amazing Godly ministry.

Best regards,

Rory Pauly

Hello,

I am writing to express my support of Battlefield Ministries, their mission and goals. The ministry they offer is driven by their strong and demonstrated commitment to provide a safe, nurturing and structured living environment for women (and men) recovering from substance use as they transition to a life of recovery.

As I see it, a pillar to achieving this is for the communities in which Battlefield Ministries has a physical presence, is to be supportive and helpful as these brave souls (and their children and families) re-engage in creating a life that is fulfilling, restorative, healthy and free from addiction.

I work in the field of mental health as has our family been deeply touched and affected by a loved one who has recovered from substance use and is 10+ years into sobriety and living a thriving and successful life.

From my work experience, the support of medical and mental health professionals and the community at large is part of our many success stories. From a personal perspective, it is not ever lost on me that were it not for the support of professionals, such as those at Battlefield Ministries and a supportive "community", our family story could have had a much different outcome-we thank God everyday for this blessing.

I live near and frequent Waconia and feel that the addition of the Ladies First House could/should be a welcomed addition to this community which is known for helping and reaching out to its neighbors - it feels like the right thing to do.

Sincerely,
Susan Fleming

January 9, 2024

**Waconia City Hall
201 South Vine Street# 1337
Waconia, MN 55387**

Re: Ladies First

To whom It may Concern,

I would like to take this opportunity to report on the founder of the sober living environment, Ladies First, established for women seeking a better life. I've had the pleasure of knowing Ms. Kayla Precht for many years. Given the longevity and consistency of our association, I can genuinely speak to her character. Whether acting as a friend, sponsor to her peers, or volunteer, Ms. Precht predictably takes on a selfless role. This comes as no surprise as she is a confident, open-minded, yet a decisive individual with integrity and conviction. I can attest to the fact that Ms. Precht provides voluntary work in our community to help adult men and woman who are struggling with substance use issues. I consider her leadership skills exemplary. Ms. Precht over the years has spent countless hours volunteering her time to help her fellows without any thought of compensation in any way. These traits will move forward into the sober living environment that she has started.

While these clients are afforded safe and sober living accommodations, they are also provided with professional services for substance abuse and help with any mental health concerns. At Crescendo Behavioral Health, we have partnered with Ladies First to provide Intensive Outpatient treatment (IOP) and these women meet Monday through Thursday for 4 hours a day or 16 hours per week working on prevention and coping skills to help aid them in recovery of substance use. This facility is run by Licensed Alcohol and Drug Counselors (LADC). We also have clients meet with a mental health specialist, a Licensed Professional Clinical Counselor (LPCC) for 3 hours per week. Our goal is to keep these women in programming for a significant time to help change past behaviors and help them become respected and valued persons in the community. Crescendo Behavioral Health is licensed through the Department of Human Services for the State on Minnesota.

I understand that cities have trepidation and concern when facilities like this arrive. I also want the City of Waconia to know that these services are in desperate need, particularly for women. Also, we closely monitor these clients and have rules in place for their conduct. If these clients have issues adhering to these rules and policies and have problems following interventions for change; they could be terminated from IOP and the sober living environment.

Accordingly, without hesitation and with the utmost confidence I vouch for Ladies First and the ministry Ms. Kayla Precht promotes. I beseech the City of Waconia to allow this facility to remain open, allowing 6 women the dignity to remain in their home so they can continue with the treatment they deserve.

Respectfully,

**Tim Groth, B.S., LADC, Program Director
651.354.0621**