

6:30 PM

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

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

CHAIR: JIM SARCLETTI
MEMBER: DAN LESHER
MEMBER: TINA ZELLMAN
MEMBER: JOE POLUNC
MEMBER: CHAD GENZ
ALTERNATE MEMBER: BRUCE PAULSEN

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

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

1. **Call meeting to order and roll call**
2. **Adopt Agenda**
3. **Minutes Approval**
 - 1) [October 12th, 2023 Planning Commission Meeting Minutes](#)
Motion to adopt the October 12th, 2023 Planning Commission Meeting Minutes
4. **New Business**
5. **Old Business**
 - 1) [CONTINUED PUBLIC HEARING - Conditional Use Permit Amendment - 9460 County Road 10 East](#)
Close the Public Hearing
Provide recommendation to the City Council regarding the proposed amendment to the Conditional Use Permit (CUP) for 9460 County Road 10 East (PID# 750191130).
6. **Other**
 - 1) Staff Update

Adjourn



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: December 7, 2023

Item Name: October 12th, 2023 Planning Commission Meeting Minutes

Originating Department: Community Development

Presented by: Lane Braaten

Previous Commission Action (if any):

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

Motion to adopt the October 12th, 2023 Planning Commission Meeting Minutes

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

Attachments:

1. [Planning Commission Minutes Oct 12,2023.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

CITY OF WACONIA
October 12, 2023

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

Pursuant to due call and notice thereof the regular meeting of the regular meeting of the Planning Commission of the City of Waconia was called to order by Sarcletti.

Members Present: Sarcletti, Zellman, Polunc, Paulsen, Genz

Members Absent: Leshner

Alternate Present: Paulsen

City Liaison Present: Yetzer

Staff Present: Braaten, Nelson, Stein, and Havlik

2) [Adopt Agenda](#)

Braaten had one change to the agenda.

Applicant at 150 Stacy Circle requested an extension, they are working through some stormwater issues. He anticipated they will be back at the December meeting.

Agenda item 4.1 will not be on the agenda.

MOTION by Genz, second by Paulsen to adopt the agenda. MOTION CARRIED.

3) [Minutes Approval](#)

3.1 [September 7th, 2023, Planning Commission Meeting Minutes](#)

MOTION by Paulsen, second by Zellman to adopt the minutes. MOTION CARRIED.

[Cover Page](#)

[September 7 2023 Planning Commission Minutes](#)

4) [New Business](#)

4.1 [CONTINUED - Variance \(After-the-Fact\) - 150 Stacy Circle](#)

[Cover Page](#)

[Location Map_150 Stacy Circle.pdf](#)

[Certificate of Survey_Campbell.pdf](#)

[20230907_Amended Letter of intent for variance with notation.pdf](#)

[20230907_Amended-2.pdf](#)

20230913_City Engineer Comments 150 Stacy Circle.pdf

Public Hearing Comments.pdf

This item was tabled/extended till the December meeting at the applicants Request.

4.2 CONTINUED - Variance - 483 Lakeview Terrace Boulevard

Cover Page

Location Map 483 Lakeview Terrace Blvd (1 Page)

Existing and Proposed Site Plan (3 Pages)

DNR Comments (1 Page)

CCWMO Comments (2 Pages)

Carver Soil & Water Conservation District Comments (1 Page)

Applicant Hydrologic Analysis & Stormwater and Shoreline BMPs (30 Pages)

Public Hearing Comments (3 Pages)

Nelson opened the Variance request by summarizing what was talked about at the previous meeting and talking about the trench drain system. He showed the survey of the property with the proposed landscape improvements. Staff received comments from the DNR, SWCD, and CCWMO regarding the proposed improvements. Kristin Larson with the CCWMO sent over an attachment which, based on their standards, showed that the proposed improvements would be a more beneficial condition for the lake than the existing conditions. She stated it would have a net benefit as opposed to no change. Answering the question, yes, it is an improvement to the site.

Nelson put up the variance criteria for the Commission when reviewing the application.

Motion by Paulsen, second by Polunc, Braaten asked for clarification on the approval to be sure the motion included the four recommended conditions. Paulsen said it did and he restated his motion to approve the variance with the stated conditions. Polunc restated his second on the motion. MOTION CARRIED.

4.3 PUBLIC HEARING - Conditional Use Permit Amendment - 9460 County Road 10 East

[Cover Page](#)

[Location Map 9460 County Road 10 East.pdf](#)

[CUP Amendment Application Lovett.pdf](#)

[Applicant Narrative.pdf](#)

[Public Hearing Notice.pdf](#)

[Certificate of Survey 9460 County Road 10 E.pdf](#)

[ALTA Survey.pdf](#)

[Res No 2021-050_CUP Approval.pdf](#)

Braaten stated that the applicant was not in attendance and asked if the Commission was comfortable amending the agenda to hear the next item, allowing the applicant some additional time to get to City Hall.

**MOTION TAKEN TO AMMEND THE AGENDA, MOTION BY PAULSEN
SECOND BY GENZ. MOTION CARRIED.**

4.4 [Sketch Plan - Kirsch Properties - Tamarack Land](#)

[Cover Page](#)

[Location Map Kirsch Properties.pdf](#)

[KIRSCH PROPERTY - CONCEPT B 11x17.pdf](#)

[CHAPTER 3 Waconia Land Use Plan.pdf](#)

[CHAPTER 5 Waconia Parks Plan.pdf](#)

Braaten introduced the sketch plan went through past history and set the table for an informal discussion. This process is intended to be an informal discussion before the developer contemplates annexation and/or comes in with a full preliminary plat plan for the property.

Braaten explained that the next steps would include going to Park Board and the City Council for review.

At this time Braaten introduced Reed Schulz who is representing Tamarack Land Development.

Reed Schulz with Tamarack Land

He came up to present his plan and talk about the background of the company and what they do. Tamarack Land is based in Minnesota with various projects nationally. The Kirsch plan is a mixed development plan with a total of 148 lots in the low to medium density areas. Reed went on to explain the particulars of quantity of homes and proposed lot sizes, stating it would be a PUD development. He referred to the comp plan as being a guide for this development.

The site is divided into 3 different density areas, which includes low density in the north area, medium density area the middle area, and the southern portion is the high-density area bordering the shoreland overlay area. Reed compared his concept plan with the comp plan stating that they are mirroring each other. He went on to explain possible proposed lot sizes, home types, setbacks and some of the site amenities, including trail corridors and the preservation of wetlands.

Mr. Schulz asked if any of the Commissioners had questions about what he discussed or feedback.

Commissioner Sarcletti asked if there would be any park within the proposed development. Mr. Schulz stated that nothing is proposed. He also said there would not be a homeowners association to his knowledge at this time.

Commissioner Paulsen requested he expand on the high density portion of the project. Mr. Schulz explained that the details have not yet been completed. The numeric calculation he provided was a calculation based on acreage and the density requirements of the underlying zoning district.

Paulsen asked Braaten about the hard surface requirements with the PUD concept. Braaten explained that further investigation is necessary on this as the property also falls partially within the Shoreland District.

Discussion followed regarding road systems, shoreland overlay district standards, and tree preservation requirements.

Genz his concern regarding additional development impact on the school district and indicated that the current facilities are generally maxed out. He asked if the school board was aware of the proposed concept plan. Braaten explained the school is kept in the loop on growth and other factors but may not be aware of this specific proposal.

Zellman asked Braaten about how this plan matches the comp plan and asked if the city was ready for this additional growth. Braaten explained that this area is in the Comp plan and is identified as a possible area to be annexed. Staff intends to have a conversation with the City Council to review the costs to bring utilities to this area.

Discussion followed regarding current growth rate, building permits, and demand.

4.3 PUBLIC HEARING - Conditional Use Permit Amendment - 9460 County Road 10 East

Braaten indicated that the applicant had not shown up, but the public hearing was noticed for this evening, so he felt compelled to talk about it briefly and open the public hearing. Braaten explained that this item should be tabled due to the applicant not being present. Braaten explained the utility concerns and the driving and parking surface issues. The ordinance requires the surface to be paved or concrete and the site currently has gravel. The applicant was given a timeline as a condition of her original Conditional Use Permit approval which required connection to city services and improvement of the driving and parking areas within a certain time frame. The applicant is requesting a significant extension as part of the application. Braaten stated that he would like her to explain why she needs this extension.

Commissioner Polunc asked about the condition of the septic system currently on site and what would the condition be in 10 years, would it still be compliant. Braaten stated he would make the applicant aware of this question.

It was asked if there was a request like this before, and Braaten stated that since he has been here, there hasn't been. It is required when annexed into the city that property owners connect to city services within 3 years. Braaten stated that in his 10 years he has never seen this extended by the City Council.

Commissioner Paulsen asked if they would be able to keep the well. Braaten stated that he would need to talk with Public Services and the Watershed to make sure we are on the same page, but it may be allowed if she met certain conditions.

Polunc asked if the business model stay the same. Braaten stated that was his belief that it would be a hybrid type of business.

Commissioner Zellman asked what if she couldn't meet the financial obligations to connect to city services. Braaten stated at that point the City Attorney would get involved to get the property owner back into compliance.

Chair Sarcletti opened the public hearing for comments.

Braaten asked to leave the public hearing open till next meeting as nearly all of the issues will be discussed at that meeting. He also asked that the application be tabled until the December 7th meeting.

Commissioner Paulsen motioned to keep the public hearing open and the item be tabled until the Dec 7th, 2023 Planning Commission meeting, second by Polunc
MOTION PASSED

5) Old Business No old business.

Braaten gave the Planning Commission an update on the Falk property, New Creations Day Care, the annexation of 530 Hartman Drive and informed the Commission that the November Planning Commission meeting was cancelled.

**Commissioner Zellman made the motion to adjourn, second by Commissioner Genz.
MOTION CARRIED**

6) Other

Adjourn

Respectfully Submitted,

David Havlik
Office Assistant
Community Development



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date: December 7, 2023

Item Name: CONTINUED PUBLIC HEARING - Conditional Use Permit
Amendment - 9460 County Road 10 East

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.)

Close the Public Hearing

Provide recommendation to the City Council regarding the proposed amendment to the Conditional Use Permit (CUP) for 9460 County Road 10 East (PID# 750191130).

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

BACKGROUND

Applicant: Brianna Lovett/BCL Holdings, LLC

Owner: Brianna Lovett/BCL Holdings, LLC

Address(es): 9460 County Road 10 East

PID# 750191130

Existing Zoning Districts: R-3, Medium Density Residential District

REQUEST

The applicant, Brianna Lovett, has submitted an application to amend the Conditional Use Permit (CUP) for 9460 County Road 10 East. Specifically, the applicant is requesting an extension to connect to city utilities (sewer/water), an extension on the required paving/improvement of the gravel surfaces, and an amendment to the existing commercial use of the property.

HISTORY

Lovett Planters is the existing use on the property, which was formerly doing business as Lovett Garden Home and Floral. The applicant received approval of a Conditional Use Permit for the garden center use via Resolution 2021-50 on February 16th, 2021.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 - District Regulations, Subd. 2.C - R-3, Medium Density Residential District
2. Section 900.07 - Landscaping and Fencing
3. Section 900.08 - Performance Standards
4. Section 900.09 - Off-Street Parking, Loading, and Access Regulations
5. Section 900.10 - Sign Regulations
6. Section 900.11 - Uses Permitted by Conditional Use Permit (CUP) and Interim Use Permit (IUP)

APPLICABLE ORDINANCE DEFINITIONS:

Conditional Use: 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).

CONDITIONAL USE PERMIT REVIEW

Unless carefully controlled and monitored, some uses have the potential to have a deleterious effect on adjacent properties and the community as a whole. They must therefore meet and maintain a higher standard of quality to insure land use and environmental compatibility. Uses possessing unique and potentially detrimental characteristics may be authorized in certain zoning districts by issuance of a CUP where certain conditions are met.

GENERAL REQUIREMENTS/FINDINGS

Before a CUP shall be issued, the City Council and Planning Commission shall find that all of the following requirements are met:

1. *The use does not have an undue adverse impact on the public health, welfare or safety of the neighborhood or the City.*
2. *The use is consistent with the goals, objectives and policies of the City's Comprehensive Plan.*
3. *The use is consistent with the intent of the City Ordinances.*
4. *The use is adequately served by public facilities and services and will not create excessive demands for additional public services.*
5. *The use complies with the performance standards specified in Section 900.08 of this Ordinance.*
6. *The use will not result in the loss of solar access, significant natural, scenic, or historical features.*

ZONING

The subject parcel is zoned R-3, Medium Density Residential District. Garden Centers are a conditional use in said district subject to the requirements of Section 900.11, which are identified below in italics.

Garden Center Use subject to the following:

- a. *The facility shall have direct access to a collector or arterial street as identified in the Comprehensive Plan.*
- b. *Vehicular access to any such site shall not pass through any existing or proposed residential neighborhoods.*
- c. *Minimum parcel size shall be 5 acres.*
- d. *Off-street parking facilities shall be provided consistent with Section 900.09 of the Code.*
- e. *Light sources on the site shall be screened and directed away from residential areas.*
- f. *Landscaping and screening requirements shall be consistent with the standards identified in Section 900.07 for the B-1, Highway Business District.*
- g. *Signage shall be allowed consistent with Section 900.10 and the garden center use shall be allowed signage rights consistent with the B-1, Highway Business District standards.*
- h. *Hours of operation shall be subject to the City Council's approval and memorialized in the resolution approving the conditional use permit. Any change to the approved hours shall require an amendment to the conditional use permit, which may be granted or denied in the City Council's discretion.*
- i. *The use shall be in compliance with the City's nuisance standards identified in Section 900.08 of the Code.*
- j. *The property shall be located within the City Limits and connected to City utility services.*

CONDITIONAL USE PERMIT ANALYSIS:

1. The City Council approved Ordinance No. 735 on December 21st, 2020, which approved and identified garden center uses as a conditional use in the R-3, Medium Density Residential District if the ten (10) conditions identified in said ordinance could be met by the applicant and the proposed location. The ten conditions are found in Section 900.11, Subd. 1.B of the City Code and identified above. The Conditional Use Permit section of the City Code also identifies six general requirements and findings to consider when reviewing a CUP, which are also stated above.
2. The following items are currently outstanding based on the previous CUP approval: a. Connection to city utilities (i.e. sewer and water) within 3 years of annexation. Annexation was complete on September 16th, 2021, and therefore connection to utilities is currently required by September 16, 2024, and b. Improvement of the current gravel drive and parking area to bituminous or concrete within 5 years of the CUP approval date of February 16th, 2021.
3. The applicant is requesting an extension to connection to city services as follows: a. Connection to city sewer and water by September 16th, 2034, which is ten years from their currently required date.

4. The current conditions of approval require the applicant to improve the existing gravel drive and parking area to bituminous or concrete by February 16th, 2026. The applicant is requesting an extension to allow this work to be completed no later than February 16th, 2036.
5. Section 900.09, Off-Street Parking, Loading and Access Regulations requires all areas intended to be utilized for parking space and driveways to be surfaced with bituminous or concrete to control dust and drainage.
6. The original approval for the property assumed retail garden center use. Based on the application and some email conversations with the applicant, the garden center retail has now morphed into a planter business. The Planning Commission should review the use with the applicant to ensure that the existing use is consistent with intent of the City Code.
7. See attached CUP resolution of approval regarding the initial findings and conditions associated with the garden center use at 9460 County Road 10 East (Resolution 2021-50).
8. Staff has requested additional information from the applicant regarding some of the concerns/questions identified by the Planning Commission on October 12th, 2023, which include: a. additional information regarding the existing septic system, b. additional details on how the well would be use and protected if allowed to remain in use, c. further description of the change in retail. To date staff has not received any additional information on these items, but I have directed the applicant to be ready to discuss these items at the upcoming meeting and public hearing.

CONCLUSION / RECOMMENDATION

The Planning Commission should hold the required public hearing, take all public comment and make a recommendation to the City Council regarding the proposed amendment to the Conditional Use Permit for 9460 County Road 10 East. This item will be forwarded to the City Council for review at their upcoming meeting scheduled for December 18th, 2023.

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

1. The proposed improvements shall be completed as approved and as conditionally revised/amended by the Planning Commission and the City Council.
2. The applicant shall connect to City utilities (i.e. sanitary sewer and water) within _____ years of the Conditional Use Permit amendment. The property owner shall be responsible for all costs regarding the necessary infrastructure and the required Metropolitan Council SAC fee and associated City Water Trunk fee and Sewer Trunk fee.
3. To date the City of Waconia has incurred \$4,000 in utility expenses associated with the subject parcel to extend services from the neighboring cul-de-sac. The applicant shall pay the outstanding \$4,000 balance within 90 days of the Conditional Use Permit amendment approval.
4. All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous or concrete to control dust and drainage. Plans for surfacing and drainage shall be submitted to the City Engineer for review and approval. The surfacing of parking areas and driveways shall be complete within _____ years of Conditional Use Permit amendment approval date.
5. Except as modified by this approval the applicant shall conform to the conditions stated in Resolution 2021-50.

Attachments:

1. [Location Map 9460 County Road 10 East.pdf](#)
2. [CUP Amendment Application Lovett.pdf](#)
3. [Applicant Narrative.pdf](#)
4. [Public Hearing Notice.pdf](#)
5. [Certificate of Survey 9460 County Road 10 E.pdf](#)
6. [ALTA Survey.pdf](#)
7. [Res No 2021-050_CUP Approval.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

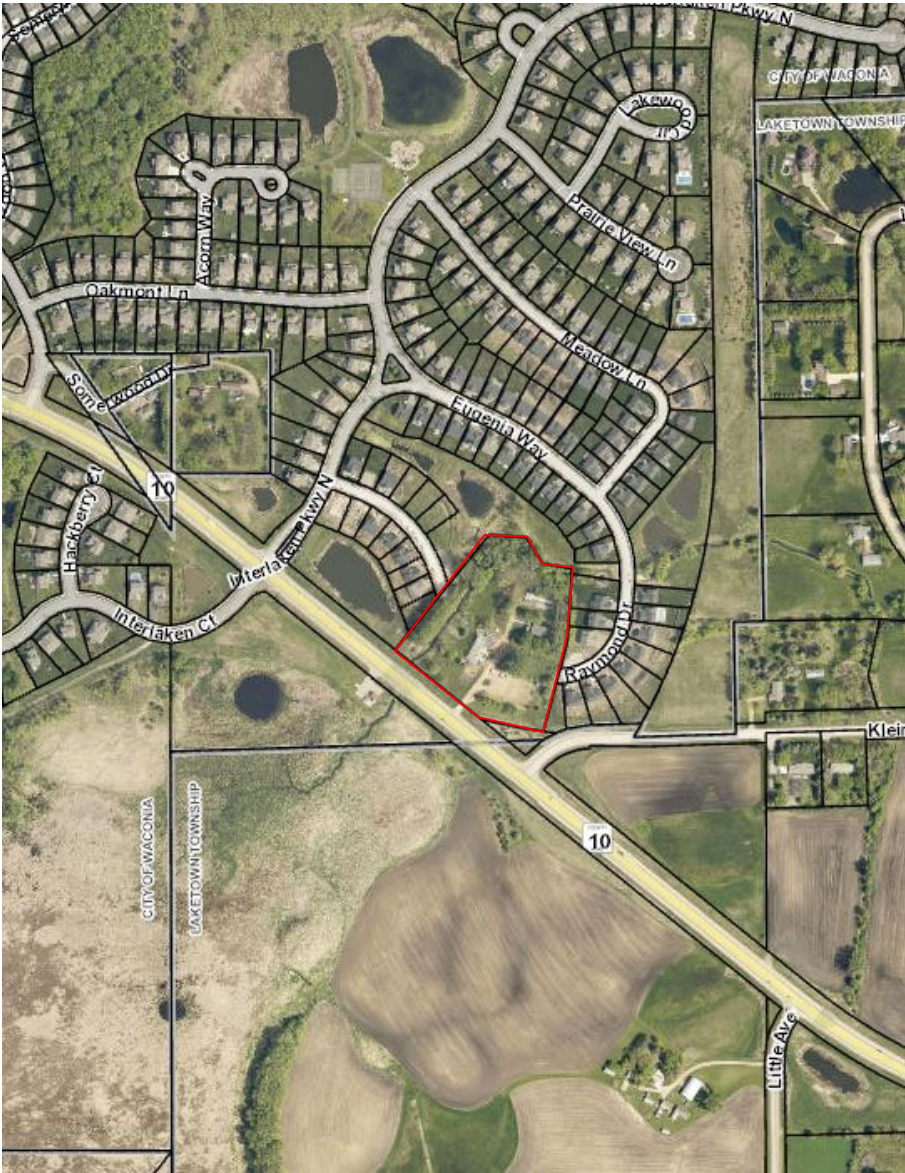
Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

LOCATION MAP—9460 COUNTY ROAD 10 EAST





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

CONDITIONAL/INTERIM USE PERMIT

APPLICANT INFORMATION

1. Owner's Name: Brianna C. Lovett
2. Address of Property: 9460 County Rd 10 E Waconia, MN 55387
3. Legal Description: Attached Separately
4. Applicant's Name: Brianna C. Lovett
5. Mailing Address: 9460 County Rd 10 E Waconia MN 55387
6. Daytime Phone(s): 952.367.7021
7. Email Address: brianna.lovett@gmail.com

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

OFFICE USE ONLY

Date Received: 9/4/23

Fee: \$ PD
Receipt #: PD



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

CONDITIONAL/INTERIM USE PERMIT

1. Present Zoning: R-3
2. Existing use of Property: Residential as well as commercial.
3. Describe Request: I would like an extension for the following:
 - Connection to city water 5-10 years (Sept. 16th 2034).
 - Hard Surface 5-10 years (February 16th 2036).
 - I would like to keep the present zoning until decisions are made.
 - I would also like to keep the garden center building connected to well water. It is better for plants.

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE

- ✓ 1. Payment of application fee (\$125 – residential; \$275 – non-residential) and escrow payment of \$500.00 for residential and non-residential applications. Additional consulting review fees may apply, such as civil engineering and legal counsel.
- ✓ 2. Certified survey of property
- ✓ 3. Scaled plot plan with north arrow and the proposed site showing all site dimensions.
- ✓ 4. All types of proposed uses.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Location and size of all required parking spaces.
7. Landscaping plan including location, size and type of all proposed planting materials.
8. General floor plans of all proposed buildings and structures.
9. Indication of location, size and type of storage facilities for the storage of trash and waste materials.
10. Design layout and size of all proposed signs.
11. Drainage plan of the proposed site.

**Each conditional use or interim use is subject to the requirements of Section 900.11 of the City Zoning Ordinance.

FAILURE to comply with any condition set forth in a Conditional Use or Interim Use permit shall constitute a violation of this Ordinance and shall automatically terminate the permit.

Applicant's Signature: Brianna C. Lovett

Date: 9/4/2023

Printed Name: Brianna C. Lovett

Further Explanations:

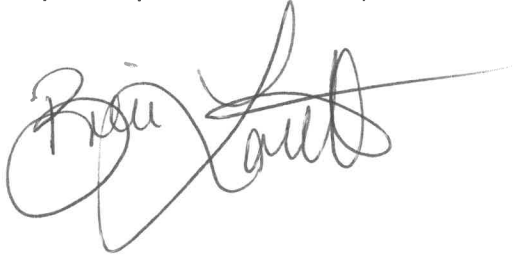
For the time being, I would like to continue to live on the property as well as use the outdoor buildings and spaces to run the container gardening business.

I would like to keep the current zoning on the property even though the retail portion of the garden center is currently closed. Other than that, there are no other changes currently taking place. I do plan on re-opening the garden center or at least selling plants and containers from the property when I have the resources and staff to do so.

Because of the less-than-ideal projected financials, I would like a 5-to-10-year extension on the city water connection as well as the hard surfacing of the parking lot. The garden center did not profit enough to support loans on such costly improvements. I will need more time.

With the water connection extension, I would also like to ask that the garden center building itself be given permission to remain connected to well water. Well water is better for the plants as city water has higher levels of unwanted elements i.e. chlorine etcetera.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Ryan Paul". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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 October 12th, 2023 at 6:30 p.m., to consider a Conditional Use Permit (CUP) amendment application submitted by Brianna Lovett for the property located at 9460 County Road 10 East (PID# 750191130).

The applicant is requesting an amendment to the garden center Conditional Use Permit. Specifically, the applicant is requesting an extension on connection to city utilities, paving of the existing gravel surfaces on the subject parcel and revised use of the property, which would not include a retail element.

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 Thursday, October 12th, 2023. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

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

By: WACONIA PLANNING COMMISSION

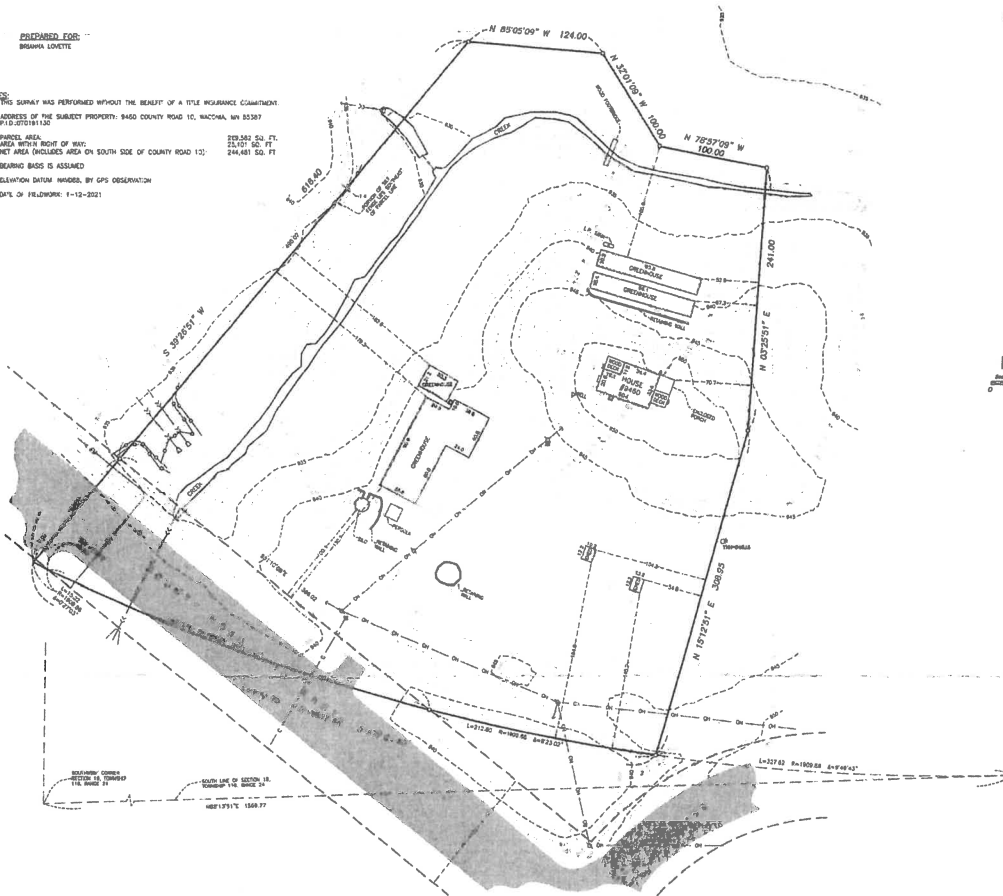
ATTEST: Lane L. Braaten, Community Development Director

(Published in the September 28th, 2023 Waconia Patriot newspaper)

CERTIFICATE OF SURVEY

PREPARED FOR:
BRIANNA LOVETTE

- NOTES:
- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
 - 2) ADDRESS OF THE SUBJECT PROPERTY: 8400 COUNTY ROAD 10, WACONIA, MN 55387
P.L.D. 07/01/11/12
 - 3) PARCEL AREA:
AREA WITHIN RIGHT OF WAY: 229,241 SQ. FT.
NET AREA (EXCLUDES AREA ON SOUTH SIDE OF COUNTY ROAD 10): 224,707 SQ. FT.
244,481 SQ. FT.
 - 4) BEARING BARS IS ASSUMED.
 - 5) ELEVATION DATUM: NAD83, BY GPS OBSERVATION.
 - 6) DATE OF FIELDWORK: 1-13-2021



LEGAL DESCRIPTION:

That part of the Southwest Quarter of Section 10, Township 116, Range 24, Carver County, Minnesota described as follows:

Commencing at the southeast corner of said Section 10; thence on an assumed bearing of North 89 degrees 46 minutes 09 seconds East along the south line of said Southwest Quarter of the Southwest Quarter 1,869.77 feet to a point of curve, thence Northwesterly along a 3 degree 08 minutes 00 second curve concave to the Northwest, on each length of 327.82 feet; the chord of said curve bears North 85 degrees 19 minutes 07 seconds West from said point and is 217.22 feet in length to the point of beginning of the tract to be described, thence North 16 degrees 43 minutes 00 seconds East 308.05 feet; thence North 4 degrees 19 minutes 00 seconds East 241.00 feet; thence North 77 degrees 23 minutes 00 seconds West 180.00 feet; thence North 30 degrees 29 minutes 00 seconds West 180.00 feet; thence North 83 degrees 23 minutes 00 seconds West 134.00 feet; thence South 49 degrees 59 minutes 00 seconds West 618.40 feet more or less to the intersection with the previously described 3 degree 08 minutes 00 second curve, thence Southwesterly along said 3 degree 08 minutes 00 second curve, on each length of 600.98 feet; the chord of said curve bears North 71 degrees 23 minutes 23 seconds East from said point and chord length is 593.31 feet and said curve terminating on the originally described point of beginning.

LEGEND:

- SET BEAM
- SET BEAM
- POWER POLE (WITH DAY METER)
- FINE MASONRY
- GATE VALVE
- COMMUNICATIONS FIDUCIAL
- ELECTRIC METER
- GAS METER
- OVERHEAD UTILITY LINE
- COMMUNICATIONS LINE
- STORM SEWER LINE
- SANITARY SEWER FIDUCIAL
- ALT. FIDUCIAL
- CONCRETE SURFACE
- BITUMINOUS SURFACE
- GRAVEL SURFACE

CERTIFICATION:

I hereby certify that this survey, plan, 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.

Surveyed: 1/13/21		Drawn: 1/13/21	
By: [Signature]	Check: [Signature]	Witness: [Signature]	Witness: [Signature]
VAN NESTE SURVEYING PROFESSIONAL SURVEYING SERVICES 4050 102nd Ave. SW, Unit 130, Spring Park, MN 55389 952-384-3065 VANNESTE.SURVEYING.COM			

**CITY OF WACONIA
RESOLUTION 2021-50**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR GARDEN CENTER USE**

WHEREAS, Brianna Lovett (the “**Applicant**”) has submitted a Conditional Use Permit application to the City of Waconia (the “**City**”) pursuant to Sections 900.11 and 900.12 of the Waconia City Code; and

WHEREAS, the subject property is identified as PID# 070191130 and located at 9460 County Road 10 East (the “**Property**”); and

WHEREAS, the Applicant has requested a Conditional Use Permit (CUP) to allow a garden center use on the Property; and

WHEREAS, a public hearing regarding the Applicant’s request for a Conditional Use Permit was conducted by the City’s Planning Commission at its regular meeting on February 4th, 2021, which was held via Zoom; and

WHEREAS, at the public hearing the Planning Commission considered comments from the Applicant, City staff and members of the public; and

WHEREAS, the City’s Planning Commission, via a 4-0 vote, recommended approval of the Conditional Use Permit application based on the following findings of fact:

1. The Property is currently home to a garden center use and continuation of the use will not have an adverse impact on the public health, welfare or safety of the neighborhood, rather it may serve as an asset as the residential properties develop adjacent to said property.
2. The CUP is consistent with the goals, objectives and policies of the Comprehensive Plan as the use will allow for efficient and cost-effective perimeter growth.
3. A garden center use is allowed as a conditional use and the use is consistent with the zoning district as all required conditions identified in Section 900.11 have been met.
4. The property is currently located outside of the City Limits but shall be served by public facilities within 3 years of annexation.
5. The project is consistent with the performance standards stated in Section 900.08.
6. The project will not result in the loss of solar access, significant natural, scenic or historical features.

WHEREAS, the City’s Planning Commission recommends approval of the Conditional Use Permit application with the following conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. The applicant submit a petition for annexation, including all necessary submittal information and applicable fees, within sixty (60) days of Conditional Use Permit approval or within sixty (60) days of acquisition of the property, whichever is greater.
3. The applicant shall connect to City utilities (i.e. sanitary sewer and water) within 3 years of annexation of the subject parcel. The property owner shall be responsible for all costs regarding the necessary infrastructure and the required Metropolitan Council SAC fee and associated City Water Trunk fee and Sewer Trunk fee.
4. All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous or concrete to control dust and drainage. Plans for surfacing and drainage shall be submitted to the City Engineer for review and approval. The surfacing of parking areas and driveways shall be complete within 5 years of Conditional Use Permit approval date.
5. The applicant shall submit a sign permit for the proposed monument signage. The proposed monument signage shall conform to Section 900.10 and be consistent with the standards and allowances associated with the B-1, Highway Business District per the conditional use permit standards.
6. Any update to the silo wall signage will require a permit and the sign dimensions shall not exceed the existing dimensions of the Willow Winds signage.
7. The applicant shall work with the City regarding the possible placement of future trail along the County Road 10 corridor, which may include necessary easements and grading for placement.
8. Any future fence installation shall require a permit from the City prior to installation and shall conform to City Code requirements for placement consistent with the B-1 standards.
9. The CUP shall become void one (1) year after being granted by the City Council if the applicant has not acted upon or made use of the approved use.
10. Any significant future expansion or modifications of the garden center use shall require review and approval by the City in the form of a Conditional Use Permit Amendment application.
11. The garden center use shall be allowed year-round and the hours of operation shall be 8 AM to 7 PM, Monday through Saturday and 8 AM to 5 PM on Sundays. The property owner shall also be allowed up to four evenings per month to host educational/craft classes with the allowance to remain open until 9 PM on said evenings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Waconia, Minnesota, as follows:

1. The findings of the City's Planning Commission are hereby incorporated as findings of the City Council.
2. A Conditional Use Permit for garden center use is hereby approved, subject to the findings and conditions set forth in this resolution.
3. The Conditional Use Permit granted by this resolution shall remain in effect only so long as the conditions set forth in this resolution are observed and the applicable provisions of the Waconia Code are met.
4. The City Administrator shall, at the Applicant's expense, record a certified copy of this Resolution with the Carver County Recorder and/or Registrar of Titles, as appropriate, against the Property.

Adopted by the City Council of the City of Waconia this 16th day of February, 2021.


Kent Bloudek, Mayor

ATTEST: jacqueline schulze
Jackie Schulze, Interim City Administrator

M/ Waldron

S/ Leo

Bloudek

Pierson

Leo

Sorensen

Waldron

Aye

Aye

Aye

Aye

Aye