



CITY OF WACONIA PLANNING COMMISSION AGENDA

Regular Meeting of
Planning Commission
Waconia, Minnesota

Thursday, February 3, 2022
City Hall – 6:30 PM

MEMBERS: Robert Grohmann, Jim Sarcletti, Dan Leshner, Mike Sherman, Tina Zellman
ALTERNATE MEMBER: J.D. Ludford
CITY COUNCIL MEMBER LIAISON: Randy Sorensen

STAFF: Lane Braaten, Community Development Director
Brenda Stein, Recording Secretary
Ethan Nelson, Assistant Planner

1. Call meeting to order and roll call

2. Adopt Agenda

3. Minutes Approval from December 16, 2021 and January 6, 2022. Pages 1-12

4. New Business

- A. PUBLIC HEARING – Site Plan, Design Review and Variance requests for the property located at 711 Pine Street South. Pages 13-33
- B. PUBLIC HEARING – Ordinance Amendment regarding the Principal Structure definition in Section 900.04 of the City Code. Pages 34-51
- C. PUBLIC HEARING – Ordinance Amendment regarding the Architectural Design Standard section of the City Code. Pages 52-70

5. Old Business

- A. After-the-Fact Steep Slope Permit Discussion for the property located at 233 Lakeview Terrace Boulevard.

6. Other

- A. Staff Update

Adjourn

Work Session – Discuss possible ordinance amendment regarding off street parking.

WACONIA PLANNING COMMISSION
THURSDAY, DECEMBER 16, 2021

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Grohmann at 6:30 p.m.

CALL MEETING TO ORDER.

MEMBERS PRESENT: Sherman, Sarcletti, Leshner, Zellman, Grohmann
MEMBERS ABSENT: All Present
ALTERNATE: Ludford-Present
STAFF PRESENT: Braaten, Stein
VISITORS: See attached sheet
CITY COUNCIL LIAISON: Pierson Present

Braaten stated no changes to the agenda. This meeting is a continuation of the December 2nd, 2021, Planning Commission Meeting.

2. ADOPT AGENDA:

3. ADOPT MINUTES: MOTION BY LESHNER, SECOND SHERMAN TO APPROVE THE MINUTES FROM NOVEMBER 4TH, 2021. ALL PRESENT VOTED AYE. MOTION CARRIED.

4. **NEW BUSINESS:**

A. PUBLIC HEARING – ZONING MAP AMENDMENT SUBMITTED BY RIDGEVIEW MEDICAL CENTER FOR THE PROPERTY LOCATED AT 801 HIGHWAY 284.

Braaten presented a Zoning Map Amendment application from Ridgeview Medical Center for the property located at 801 Highway 284. The applicant is requesting approval to rezone the subject property from the current zoning of I-2, General Industrial District to B-1, Highway Business District.

Braaten indicated that the proposed rezoning is consistent with the City’s Comprehensive Plan.

GROHMANN OPENED THE PUBLIC HEARING

Paul Ham, Vice-President of Ridgeview Medical Center, Waconia, MN 55387
Comments and Concerns:

Ridgeview is looking for permission to rezone this parcel to B-1, Highway Business District.

Question from the public about the future use for this property and if this location is being considered as a new ambulance garage. Ham stated that at this time it was uncertain.

Mark Sullivan, 1333 Creekside Drive, Waconia, MN 55387

Comments and Concerns:

What are the practical differences between the zoning change? Braaten answered by explaining the rezoning from Industrial use to B-1 Highway District.

MOTION BY SHERMAN, SECOND BY SARCLETTI TO CLOSE THE PUBLIC HEARING. ALL PRESENT VOTED AYE. MOTION CARRIED.

MOTION BY LESHER, SECOND BY SARCLETTI TO RECOMMEND APPROVAL OF THE ZONING MAP AMENDMENT SUBMITTED BY RIDGEVIEW MEDICAL CENTER FOR THE PROPERTY LOCATED AT 801 HIGHWAY 284. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

B. PUBLIC HEARING – SITE PLAN, DESIGN REVIEW AND VARIANCE FOR THE PROPERTY LOCATED AT 233 OLIVE STREET SOUTH.

Braaten presented the applications for Site Plan, Design Review and Variances for the property located at 233 Olive Street South for Waconia Investment Partnership, LLC, on behalf of the property owner the American Legion.

The applications include the following:

- Site Plan and Design Review for the proposed apartment building.
- Variance from the Downtown District Design standards which are applicable to storefront use on the ground floor level of the structure.
- Variance from the multi-family parking requirement of 2.25 spaces per unit.

The property is currently occupied by the American Legion. The site includes a surface parking lot in the rear and one 10,000 sq. ft. structure that was constructed in 1926.

Braaten displayed the property location showing two residential homes/ Post Office to the north, to the south single-family homes, to the east is Nagel Assisted Living and to the west is Olive Street/ Evergreen Apartments.

The property is zoned B-2 General Business District which allows multi-family as a permitted use. The property is located in the downtown district.

Applicant is proposing to redevelop the site, which would include the demolition of the existing building and the construction of a 4 story, 44-unit apartment building on the site. The structure meets setback requirements, hard surface requirements and building height requirements.

The applicant is proposing access to the underground parking from Olive Street and the proposed access for the surface parking lot is off the alley to the north of the site. Both accesses have been reviewed and are acceptable to the Public Services Director and City Engineer.

There is existing sidewalk extending along east side of Olive Street. The applicant is proposing for the sidewalk to be generally in the same location with pedestrian access to the front of the building. Additionally, the applicant is providing sidewalk from the existing alley along the east side of the building to the rear entrance of the building.

The plan indicates a trash room within the building and commercial trash removal weekly.

The City Engineer and Public Services Director have conducted an initial review of the grading, drainage, and utilities. Any recommendation by the Planning Commission should include a condition requiring the applicant to work with the City Engineer to revise the utility and grading information to the satisfaction of the City prior to any work commencing on site. Braaten indicated possibly some revisions to the storm water system.

The off-street parking requirements stated for multi-family residences are as follows: The plans indicate the development of 78 total parking stalls. The applicant has proposed 42 underground enclosed parking stalls and 36 surface parking stalls. City Code requires 99 parking stalls per the 2.25 spaces required per unit. The applicant has requested a variance from the off-street parking requirements, indicating that their consultants believe a range between 1.5 parking spaces per unit and 1.8 parking spaces per unit will be more than adequate for residents and guests. The applicant has proposed 1.8 parking spaces per unit.

Braaten mentioned the City Council has asked City staff to review the parking requirements for multi-family residences, which stemmed from the discussion regarding the proposed multi-family building at 601 Industrial Blvd. West. To date staff has done some initial review of multi-family parking requirements, but the Planning Commission has not reviewed, nor discussed, possible revisions to the City Code.

All public comments were either in the packet or sent to all Planning Commission Members to review.

Braaten covered the landscape plan in detail explaining the proposal to add 22 trees. City Code, based on a building square footage of 14,509, requires a minimum of 15 trees to be planted. The landscape plan, as proposed, is conforming.

The site lighting plan conforms to City Code requirement standards.

Braaten displayed and explained the building colors and material types to be used on the apartment building.

42 underground parking spaces being proposed with this application. The apartment complex has one- and two-bedroom units along with amenities.

Braaten reminded Commission Members to review the 11 Conditions of approval.

Grohmann asked if Braaten could clarify the parking requirements which have come up several times with other applications. Braaten described and compared the previous apartment parking applications reviewed by the city in the last couple of years. Braaten mentioned that our parking requirements are high and is considering a work session to consider possible revisions to the multi-family parking requirements. This topic is proposed to be discussed at the next meeting.

Sherman asked what comments our Engineering Department voiced on parking requirements. The City Engineer indicated they typically see at least one parking space

per bedroom. Based on this project, that number equated to 1.6 parking spaces per unit. Sarcletti asked if the ratio was similar with the Vista Apartments as this apartment request. Braaten reminded Commissioners the Vista apartment had two- and three-bedroom units, so they are not easily comparable. Overall Vista Apartments were parked at 1.8 per unit with a CUP for additional parking if necessary.

Sherman reconfirmed that this building does meet the current height standard. Braaten explained how City Code currently defined building height.

GROHMANN OPENED THE PUBLIC HEARING.

Dave Pokorney, 1110 Yellowbrick Road, Chaska, MN, Waconia Investment Partnership. Comments and Concerns:

More conversations are necessary between our engineers and the City engineers to come up with a better solution for the storm water.

Background of the project: Original idea was to work with the Legion to buy the building, renovate it and lease it back to the Legion. The building was not worth trying to restore.

The attraction of this site is that it sits up so that is a great option for underground parking. The elevation above the sidewalk makes this possible.

Pokorney added this will be a high market rate apartment. The biggest amenity is the access to downtown, walkable to the business in the downtown area. Amenities include an exercise room, storage, fourth floor balcony overlooking the downtown, community room and the attractive 1–2-bedroom units.

Pokorney expressed his concern with parking stating that it is a must to have enough parking for the tenants. The underground parking is much more utilized than the outside parking and feels there will be excess parking.

The goal is to start the project in midsummer summer of 2022 with the opening date of mid-summer 2023. The style and material choice are to make the apartment look like the downtown urban apartment building.

Jeff Born, 300 South Olive Street, Waconia, MN 55387

Comments and Concerns:

- A letter from the Borns had been submitted.
- Lifelong resident of Waconia.
- Major concern is the placement of the exhaust fan for the apartment and the noise it generates.
- Concerns with the underground parking access off Olive Street is not only dangerous, but it would be unacceptable to have a flashing warning sign.
- Spill over parking from downtown in Born's neighborhood. Comments regarding not enough parking for Nagel Assisted Living and Evergreen Apartments.
- Worried about property value going up.
- This variance would negatively impact his neighborhood and downtown businesses.

-Born introduced in detail an idea to recommend to City Council an implementation of a Parking Permit Program.

Darrel Sudheimer, 1050 Waconia Parkway South, Waconia, MN 55387.

Comments and Concerns:

- Mentioned removing the two houses to the north of this project.
- Sudheimer added that the Planning Commission needs to plan ahead.

Tammy Born, 300 South Olive Street, Waconia, MN 55387.

Comments and Concerns:

Talked about homes in her neighborhood being sold above asking price.

Concerned with the hardship that this apartment project would place on the neighborhood.

- Increase traffic, noise, and privacy.
- Neighboring property with solar power will be useless because of the tall apartment building.
- Concerns with property values going down.
- Will potential homeowners want to move into this neighborhood.
- Born talked extensively about cost of the new apartment building and the value of the Legion building.
- Born stated this project needs to be in another location and is not suited in the downtown neighborhood.
- Concerns with existing apartments in downtown and that this one is not needed.
- Agrees that the Legon building needs to be taken down, but with something more appropriate for the neighborhood.
- Mentioned the number of bats with the demo of the building.

Chris Bonick, 241 South Olive Street, Waconia, MN 55387

Comments and Concerns:

- Concerns with his parking situation with the shared driveway.
- Not enough room to park his vehicles.
- The Legion had let him use a couple parking spaces for vehicles.
- Concerns with construction process and are worried about their home foundation.
- Not a good fit for downtown.
- Noise and lighting are a concern.

Jessie Bergstrom, 41 West 2nd Street, Waconia, MN 55387

Comments and Concerns:

- Bergstrom's solar panels will be blocked 9 months out of the year with the new apartment going in.
- Questions about the height calculation.
- Wanting more restrictions on B-2 Business District.
- Parking issues and driveway access issues.
- Suggested raingardens.
- Would like to see 3 story apartments instead of a 4-story building.

Dan Atkinson, 257 S Olive Street, Waconia, MN 55387

Comments and Concerns:

- Parking issues.
- Problems with the alley.

Sarcletti asked about the venting concern. Pokorney indicated that a bend in the unit would silence the noise. New technologies are now preventing the loud noises from the units.

Discussion regarding street crossing and sidewalk safety. Alerting the cars instead of pedestrians. New technologies will be considered. Reminder that signage will need a permit through the city.

Concern about the foundations of homes nearby. Pokorney stated that the footings on the south side, special construction methods. Will be keeping a close eye on the demolition of the existing building and back filling of the footings. Its not so much the building footings its more the backfilling. Roughly 2-week demolition time frame.

Sherman asked about the underground garage. Trying to balance the storm water and the elevation of the back parking and underground garage.

Sarcletti mentioned snow removal responsibilities. Lundgren stated the snow must be removed and brought to an offsite location.

Privacy was mentioned and will consider a high density of trees and brush possibly fencing.

Dumpster will be located inside.

Leshar mentioned concerns with the building having 4 floors. Wondering if the 4th level is necessary and to eliminate the 6 units on the upper level. Lundgren mentioned breaking up the roof line is one of the attractive architectural design features. The 4th floor is the location of attractive amenities, community room, balcony and gathering area.

Braaten added city code does not recognize the neighboring issue with the solar panels. Although sympathetic, this is more of a personal issue. Braaten stated to the commissioners that there are no city codes related to this issue.

Leshar mentioned a comment about the alley way and uses regarding the power pole in the middle of the alley. Braaten appreciates the comments regarding the Nagel deliveries and the fact they are likely blocking the alley. This issue should be solved regardless of the outcome of this project.

Dan Ackerson believes the 4th floor should be reserved for a potential Youth Center. Demo of the building the cornerstone should be preserved.

Karen Bonick, 241 Olive Street South, Waconia, MN 55387

Comment and concerns:

- Traffic
- Safety
- Too much traffic and traffic pattern study.

Steve Yetzer, 332 West Main Street, Waconia, MN 55387

Comments and Concerns:

- Nice looking project although putting to much in a small space.
- Waconia's not looking at the big picture.
- Parking issues.

Leshner asked Yetzer if the tables were turned and if this was his property/project what would the opinion be. Yetzer feels the city is not proactive in thinking and planning. Yetzer went down the same path with the 8 unit building he is proposing a block from this one.

MOTION BY SARCLETTI SECOND BY ZELLMAN TO CLOSE THE PUBLIC HEARING. ALL PRESENT VOTED AYE. MOTION CARRIED.

Sherman explained that he likes the concept of having the single and double apartment units. Sherman stated that his concerns are the alley way and the need for a traffic study.

Grohman mentioned parking requirements are the issue and the commission will be looking at that ordinance to make some changes. Appreciates the knowledge of comments regarding the alley next to Nagel. Grohman recognized the ordinance criteria for this project.

Sarcletti read through all the comments taking them into consideration. Commenting our current multi-family parking requirement appears to be too high.

Leshner's commented that the project materials are consistent, meets the zoning district standards, and realize that the height of the building is a big change, but it is allowed. Variance and parking are what is being challenged. Parking is adequate. Leshner's main concern is the one lane alleyway. Would like to discuss a fence on the south side of the building.

Braaten indicated that the alley way access discussion could be a part of our Public Services and Engineering Staff to review the access in the alley.

Grohman expressed that the 12th condition for the alley access, include a condition requiring fencing along the south side of the property for screening.

Leshner would be interested in being involved in a discussion/ focus group to understand looking at the future planning of Waconia's downtown.

Sarcletti likes the idea of a parking permit in this area.

MOTION BY LESHER, SECOND BY ZELLMAN TO RECOMMEND APPROVAL OF THE SITE PLAN, DESIGN REVIEW AND VARIANCE FOR THE PROPERTY LOCATED AT 233 OLIVE STREET SOUTH WITH THE 11 CONDITIONS OF APPROVAL AND THE ADDITION OF THE ALLEY ACCESS REVIEW, FENCING ON THE SOUTH SIDE A REQUIREMENT TO REVIEW THE NOISE OF FUTURE MECHANICAL EQUIPMENT BRINGING THE TOTAL CONDITIONS OF APPROVAL TO 14. 4-1 VOTE IN FAVOR. MOTION CARRIED.

This item will be presented to City Council Monday December 20, 2021.

C. PUBLIC HEARING – VARIANCE AMENDMENT FOR THE PROPERTY LOCATED AT 80 POINT DRIVE.

Braaten indicated that the Public Hearing is to consider an amendment to the original variance approved for the property located at 80 Pointe Drive. The original application was submitted by the homeowners to renovate the existing house which included additions, but not demolition of the existing structure. A new family purchases the home and realizes that the entire house would need to be demolished. They would like to construct the same home in the same footprint, but demo the existing building. Three conditions were required as a part of the first submittal.

One comment was received on the variance, and it was in support of the project.

Conditions included obtaining all the permits that are required, revise the survey to show the deck and to restore a section of the shoreline. The shoreline restoration plan has been submitted although they need to show the rain barrels and down spouts.

GROHMANN OPENED THE PUBLIC HEARING

Comments and Concerns:

Jeremy Donabauer, 80 Pointe Drive, Waconia, MN 55387.

Donabauer reconfirmed that there are no changes to the footprint of the home and understands the three conditions and the shoreline restoration.

Leshner asked about the shared driveway regarding any issues or possible damage from the construction of the home. Donabauer stated that they have an agreement with the neighbors.

MOTION BY SARCELETTI, SECOND BY LESHER TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

MOTION BY GROHMANN, SECOND BY SARCELETTI TO APPROVE THE VARIANCE AMENDMENT FOR THE PROPERTY LOCATED AT 80 POINT DRIVE WITH THE 5 CONDITIONS OF APPROVAL. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

5. OTHER:

A. STAFF UPDATE.

- 144 New Home Construction permits have been issued.
- Tidal Wave Auto Spa was approved.
- Sandy Shores preliminary plat has been delayed as the Council has requested additional information regarding the existing shed.
- The first Planning Commission Meeting will be held on January 6, 2022. Two applications will be presented:
 - Hartman Communities has submitted a sketch plan for the Cardinal property which is located south of Woodland Creek.
 - Site Plan Amendment for 96 8th Street.
- Ordinances – Work session will be scheduled for January 6th, 2022, after the Planning Commission meeting.

- Comments and discussion regarding the growth of the city.

THERE BEING NO FURTHER BUSINESS, MOTION BY LESHER TO ADJOURN AT 9:00 PM, SECOND BY ZELLMAN. ALL PRESENT VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Brenda Stein
Recording Secretary

WACONIA PLANNING COMMISSION
THURSDAY January 6, 2022

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Grohmann at 6:30 p.m.

CALL MEETING TO ORDER.

MEMBERS PRESENT: Sherman, Sarcletti, Leshner, Ludford, Grohmann
MEMBERS ABSENT: Leshner-absent
ALTERNATE: Ludford-present
STAFF PRESENT: Braaten, Nelson, Stein
VISITORS: See attached sheet
CITY COUNCIL LIAISON: Sorensen

No changes to the agenda.

2. ADOPT AGENDA: MOTION BY LUDFORD, SECOND BY SHERMAN TO APPROVE THE AGENDA AS PRESENTED. ALL PRESENT VOTED AYE. MOTION CARRIED.
3. ADOPT MINUTES: MINUTES FOR THE DECEMBER 16TH, 2021 PLANNING COMMISSION MEETING ARE NOT COMPLETED AT THIS TIME.

4. NEW BUSINESS:

A. SITE PLAN AMENDMENT – PROPERTY LOCATED AT 96 8TH STREET.

Braaten introduced the site plan amendment for property located at 96 8th Street submitted by Lariat Companies, Inc. The property is zoned I-1, Industrial Park District. Manufacturing and warehousing are permitted uses in this district. Offices are permitted as an accessory use in the district.

The applicant is requesting to increase the square footage of the proposed 3rd building from 5,200 square feet to 8,400 square feet, which would include 4,800 square feet of warehouse use and 3,600 square feet of storage. Braaten displayed the 2018 approval identifying the 3rd building as a self-storage building only.

The review of the initial 2018 application assumed that 20% of the building area for the office/warehouse buildings would be used as office space and 80% would be warehouse use. This was the parking calculation reviewed by the Planning Commission and City Council in 2018, which resulted in the requirement of 54 parking spaces for the proposed development. The applicant proposed 44 and entered into a proof of parking agreement, which requires the construction of the 10 remaining spaces when determined necessary by the city. The proof of parking agreement was recorded at Carver County on December 10th, 2018. They do meet the existing parking uses.

Height, hard cover, and setback requirements have all been met. The landscaping requirements are compliant.

The Site Plan Amendment will be brought to City Council on January 19th because of the holiday.

Ludford clarified that the resolution stated under condition number 10 is the original resolution that was approved in 2018.

Comments and Concerns:

Ed Flaherty, Lariat Companies, Inc., Eden Prairie, MN

Flaherty added the trash enclosure is located inside the building.
Disregard the 9th condition of approval.

MOTION BY GROHMANN, SECOND BY LUDFORD TO RECOMMEND APPROVAL OF THE SITE PLAN AMENDMENT FOR THE PROPERTY LOCATED AT 96 8TH STREET WITH THE 8 CONDITIONS OF APPROVAL. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

City Council consent agenda on January 19th, 2022.

B. SKETCH PLAN-INFORMAL DISCUSSION – CARDINAL PROPERTY, 10350 102ND STREET, SUBMITTED BY HARTMAN COMMUNITIES, LLC.

Braaten displayed the property address of 10350 102nd Street located off Highway 284. Woodland Creek is directly to the north, to the south is the Cardinal Farm and Highway 284 runs north and south with Elm Creek Road to the west. Hartman Communities is looking for direction and comments regarding the development of this property.

The property is guided Medium Density. Hartman is proposing 30 Villa parcels.

Comments from the Planning Commission members.

Questions regarding the property south of this development and if there are any plans in the future. Braaten stated the property south of the creek is guided Urban Reserve and there are currently no planned land uses in the area.

Discussion followed regarding parks and trails. The item will also be forwarded to the Park Board for review and recommendation.

Terry Hartman, Hartman Communities, 1750 Tower Blvd, Victoria, MN.

Continued discussion regarding a park and park dedication. This project would be an extension of Woodland Creek. Talk of the timing to have discussions of future planning for a bridge.

Hartman's next step is to petition for annexation.

Indication that this property will have the same complicated natural resource issues as Woodland Creek dealt with regarding trees.

The Planning Commission agreed that having the same developer as Woodland Creek is preferred.

5. OTHER:

A. Draft copy of the 2022 Planning Commission Meetings.

Commission members to look over and approve.

B. Staff Update.

- UFC rezoning was approved.
- Variance Amendment for 80 Point Drive was approved.
- Legion property was approved.
- February meeting – Site Plan and Ordinance amendments.
- Plat approvals at the City Council level – The Fields, Orchard Park and Waterford next phase.
- 1,650 Permits were issued for the year.
- Welcome Dave Havlik to the Planning Department.
- Removal of the garage by Hardware Hank and a new one is being constructed.

Work Session – to discuss ordinance amendments.

THERE BEING NO FURTHER BUSINESS, MOTION BY GROHMAN TO
ADJOURN AT 7:05 PM, SECOND BY SHERMAN. ALL PRESENT VOTED AYE.
MOTION CARRIED.

Respectfully submitted,

Brenda Stein
Recording Secretary



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	February 3, 2022
Item Name:	PUBLIC HEARING - SITE PLAN, DESIGN REVIEW and VARIANCE – Laka Coolers – submitted by Jennifer Kaeding, Kaeding Architecture
Originating Department:	Community Development
Presented by:	Ethan Nelson, Assistant Planner

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	<input checked="" type="checkbox"/>	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Open the Public Hearing
Motion to close the Public Hearing
Provide recommendation to the City Council regarding Site Plan, Design Review and Variance for the proposed expansion and other site improvements of Laka Coolers for the property located at 711 Pine Street South

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

BACKGROUND

Applicant: Jennifer Kaeding, Kaeding Architecture

Owner: Grade A Properties, LLC

Address: 711 Pine Street South

PID# 754020030

Zoning: I-2, General Industrial District

Design District: Industrial District

REQUEST

The applicant, Jennifer Kaeding of Kaeding Architecture, has submitted applications for Site Plan and Design Review and multiple Variances for the property located at 711 Pine Street South. The applicant is proposing to expand an existing freestanding 4,966 sq. ft. industrial warehouse. The applicant is requesting approval of multiple variances to allow the expansion of the industrial warehouse on the subject parcel. The applicant is proposing a 2,239 sq. ft. expansion to the principal structure at a 6.38 ft. side yard setback and 14.7 ft. the rear yard setback versus the minimum 10 ft. side yard setback and 30 ft. rear yard setback. The applicant is also proposing a variance from Section 900.09G Parking Requirements, requesting off-street parking spaces that are less than the minimum standards required. Additionally, the applicant is also requesting variances to expand the use of metal panels and use a wood frame, which are not permitted materials in the Architectural Materials Regulation.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.K – I-2, General Industrial District
2. Section 900.06 – Supplementary Regulations, Subd. 9 – Architectural Design Standards
3. Section 900.07 – Landscaping and Fencing
4. Section 900.08 – Performance Standards
5. Section 900.09 – Off-Street Parking, Loading, and Access Regulations
6. Section 900.10 – Sign Regulations
7. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances & Subd. 10 - Site Plan Review

SITE PLAN REVIEW

City Ordinance requires Site Plan Review “in order to further promote the safe and efficient use of land and to further enhance the value of property in the City.” City Ordinance requires Site Plan Review for any construction for which a building permit is required, except for construction of detached, single-family residential structures or structures accessory thereto.

ZONING

The subject parcel is zoned I-2, General Industrial District. The proposed warehouse addition is a permitted use in the I-2 district.

LOT REQUIREMENTS

The subject property is located in the I-2, General Industrial District. Section 900.05, Subd. 2.K of the City Ordinance states “The intent of this district is to primarily fill or redevelop sites that exist in the City's first industrial park and Sudheimer's Industrial Park.” The Lot Requirements for the General Business District are indicated in Table 1-1 below.

Table 1-1.

	I-2 – Lot Requirements	Existing	Proposed
Lot Area	43,560 sq. ft. min.	19,201.92 sq. ft.	19,201.92 sq. ft.
Lot Width	200 ft. min.	128.01 ft.	128.01 ft.
Maximum Hardcover Surface	85% max.	65.9%	67.2%
Maximum Principal Structure Height	50 ft. max.	Conforming	24.125 ft.
Front Yard Setback	30 ft. min.	28.1 ft	28.1 ft.
Side Street Setback – West	30 ft. min.	21.4 ft.	21.4 ft.
Side Yard Setback – East	10 ft. min.	7.3 ft.	6.38 ft*
Rear Yard Setback	30 ft. min.	71.53 ft	14.7 ft*

*Figures bolded in red indicate proposed variances.

The building height and hardcover surface requirements stated above have been satisfied based on a review of the Site Plan dated December 10th, 2021.

SCREENING OF EQUIPMENT

No exterior mechanical equipment is proposed as part of the warehouse addition. All proposed and future outdoor and/or rooftop mechanical equipment shall be screened from neighboring properties in compliance with the City Code.

OFF-STREET PARKING

City Ordinance requires the following parking requirements for industrial warehousing:

Warehousing, storage or handling of bulk goods: That space which is solely used as office shall comply with the office use requirements and one (1) space for each 1,000 square feet of floor area, plus one (1) space for each employee on maximum shift.

The total gross floor area of the proposed principal structure is 7,183 sq. ft. and the applicant indicates the maximum number of employees on a shift is 4. Based on the parking calculation above, the total number of parking spaces required per City Code is 12. The applicant has proposed a total of 5 parking spaces, plus 6 additional proof of parking spaces. The proposed head-in Proof of Parking location proposed off 8th Street East has been reviewed by staff and is not recommended due to traffic safety concerns. If the applicant chooses to relocate proof of parking to a different location on the property, or the Planning Commission recommends approval of the

current location, a Conditional Use Permit shall be required. The applicant has requested a variance from the minimum parking spaces required as noted above and further detailed in the variance analysis of this report.

LANDSCAPING

Section 900.07, Subd. 2.A of the City Ordinance requires one (1) tree for every one thousand (1,000) square feet of total building floor area.

The gross building floor area of the proposed addition is 2,239 sq. ft. The plans submitted do not indicate any proposed plantings. Two (2) trees meeting the requirements of Section 900.07 shall be required as a condition of approval.

SIGNS

No signage has been proposed as part of this application. Any future signage proposed shall require a sign permit application review by staff.

LIGHTING

Section 900.08, Subd. 1.C provides standards for exterior lighting. The applicants have not submitted a lighting plan clarifying the overall lighting for the proposed addition. The elevation plans do not appear to contain any significant lighting as part of the proposed addition. The applicant shall submit a lighting plan or provide sufficient information showing they meet Section 900.08, Subd. 1.C.

VEHICULAR ACCESS

The subject property has access from 8th Street East for a loading dock and an additional access from Pine Street South to the existing parking lot on the north side. There are no modifications or additions proposed as part of the applicant's request.

PEDESTRIAN ACCESS

There are no additional sidewalk areas proposed as part of the warehouse addition. A concrete sidewalk currently exists on the south and west sides of the existing principal structure. The 2040 Future Sidewalks and Trails map indicates future sidewalk on the south side of 8th Street and the west side of Pine Street South, so no additional sidewalk improvement are required as part of this application.

TRASH

City Ordinance requires *“All trash and trash handling equipment to be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.”*

The plans do not appear to indicate any exterior trash enclosures. The applicant is responsible for trash storage inside the principal structure and in the event any future exterior trash enclosures are proposed, it shall meet the City Ordinance requirements.

GRADING, DRAINAGE & UTILITIES

The City Engineer and Public Services Director have conducted an initial review of the grading, drainage and utilities based upon the Site Plan dated December 10, 2021. Staff will need to work with the property owner to improve the stormwater drainage issues on the north side of the property. If the Planning Commission chooses to recommend approval of the proposal, staff recommends requiring the applicant to resolve any outstanding drainage and utility needs to the satisfaction of the Public Services Director prior to work commencing on site.

DESIGN REVIEW – INDUSTRIAL DISTRICT DISTRICT

City Ordinance requires Design Review with the understanding that *“the visual character and historic resources of the City are important attributes of its quality of life.”* City Ordinance requires Design Review to be conducted as part of the Site Plan Review process.

Based on a review of the plan set provided by the applicant for the expansion of Laka Coolers, staff finds the majority of the design requirements stated in the Industrial Design District meet City standards. Further, you will find one noted section of the design review which requires consideration and/or further review by the Planning Commission.

Permitted Materials

Structural systems of all buildings shall be as required by Uniform Building Code. All buildings shall be of masonry construction, an equivalent, or better. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No building shall be constructed with a wooden frame. Exterior building materials shall not be so at variance with the exterior materials of existing structures within the immediate area or the City as a whole as to adversely impact the property values in the affected area or the City as a whole, or adversely affect the public health, safety and general welfare.

Exterior wall surfaces of all buildings shall be faced with brick, natural stone, architectural concrete cast in place or precast concrete panels, glass curtain wall panels or an equivalent or better. Up to 15% of any wall surface may be wood or metal used as an architectural trim, as approved by the Planning Commission. The Planning Commission may also approve other materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

Design Response: The 2,239 sq. ft. addition is proposed to consist of ribbed metal panels intended to match the existing exterior of the building. The frame of the expansion is proposed to be constructed with wood material. The applicant has indicated this is due to the material being readily available and the best option for the warehouse use. Staff notes that the code language added above indicates that wood frame structures are a prohibited frame material. The proposed ribbed metal panels are part of an expansion of an existing metal building that does not exceed 50% of the existing gross floor area of the warehouse. Staff recommends approval of the metal panels if the Planning Commission is in support of the Ordinance Amendment updating the Architectural Design standards that will also be discussed on this agenda.

VARIANCE REVIEW CRITERIA:

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

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

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

VARIANCE ANALYSIS & PLANNING CONSIDERATIONS:

The applicant is proposing a new 43 ft. x 50 ft. warehouse addition located at 711 Pine Street South, consisting of ribbed metal panels that are consistent with the existing structure. As previously stated in the Industrial Design District permitted material standards: “*All buildings shall be of masonry construction, an equivalent, or better. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal.*” Further, “*Exterior buildings materials shall not be so at variance with exterior materials of existing structures...*”

The analysis of this variance submittal is based on the existing and proposed building plans that were submitted. Staff notes that the existing building’s exterior currently contains metal panels and that the expansion of the building is less than 50% of the existing gross floor area. The applicant is also proposing a wooden frame, which is prohibited by the Industrial District design standards.

In addition to the aforementioned design standards variances, the applicant is also proposing structure setback variances as previously depicted in Table 1.1 and reiterated in Table 1.2, shown below.

Table 1-2.

	I-2 – Lot Requirements	Existing	Proposed
Side Yard Setback – East	10 ft. min.	7.3 ft.	6.38 ft*
Rear Yard Setback	30 ft. min.	71.53 ft	14.7 ft*

The table above notes proposed encroachments of 3.64 ft. into the interior side yard setback and a 15.3 ft. encroachment into the rear yard setback.

The applicants are also proposing a variance from the off-street parking requirements. The applicants are proposing the existing 5 parking spaces to remain, with a proposed 6 head-in spaces as a Proof of Parking agreement. As previously noted, City Code requires 12 parking spaces. Staff have reviewed the proposed location and do not recommend the plan as proposed as it is in a location that would constitute a traffic safety hazard. The Planning Commission should consider the existing parking spaces and proposed Proof of Parking location in relation to the proposed addition to the principal structure in its current and future uses.

The Planning Commission should consider the applicant’s request and determine if the requested variances meet the variance criteria as noted above.

CONCLUSION / RECOMMENDATION

The Planning Commission should make a recommendation to the City Council regarding the request by Jennifer Kaeding, Kaeding Architecture, on behalf of Grade A Properties, LLC, for Site Plan & Design Review and Variance approval for construction of an addition to the freestanding industrial warehouse located at 711 Pine Street South. This item will be forwarded to the City Council for review at their upcoming meeting scheduled for February 22nd, 2022

If the Planning Commission chooses to recommend approval of the Site Plan, Design Review and Variance requests, staff would recommend the approval upon the following conditions:

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall work with the City Engineer and Public Services Director to revise the grading, storm water drainage, and utility information to the satisfaction of the City prior to any work commencing on site.
4. The applicant shall be required to submit a landscape plan detailing the planting of 2 trees meeting the requirements of Section 900.07 – Landscaping and Fencing
5. The applicant shall provide the City with an escrow or letter of credit to guarantee the proper installation and growth of the approved landscape plan. The escrow/letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The escrow/letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
6. City Public Services staff shall be notified upon landscape planting to note the quantity of plants, and initiation of the warranty period.

7. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
8. Submission of a lighting plan that conforms to Section 900.08, Subd. 1.C.

ATTACHMENTS:

1. Location Map (1 page)
2. Public Hearing Notice (1 Page)
3. Site Plan (8 Pages)
4. Statement of Use (1 Page)
5. Variance Statement (1 Page)
6. Proposed Material and Surrounding Locations (2 Pages)



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mi



January 2022

Coordinate System:
NAD 83 - Web Mercator Auxiliary Sphere



City of Waconia
201 Vine Street South, Waconia, MN 55387

Waconia GIS

Century County GIS, City of Waconia

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 February 3rd, 2022 at 6:30 p.m., at City Hall, 201 South Vine Street, Waconia, MN, to consider Variance requests for the property located at 711 Pine Street South (PID# 754020030), which is zoned I-2, General Industrial District.

The applicant, Jennifer Kaeding - Kaeding Architecture, on behalf of Grade A Properties, is requesting approval of multiple variances to allow the expansion of an industrial warehouse on the subject parcel. The applicant is proposing a 2,239 sq. ft. expansion to the principal structure at a 6.38 ft. side yard setback and 14.7 ft. the rear yard setback versus the minimum 10 ft. side yard setback and 30 ft. rear yard setback. The applicant is also proposing a variance from Section 900.09G Parking Requirements, requesting off-street parking spaces that are less than the minimum standards required. Additionally, the applicant is also requesting variances to expand the use of metal panels and use a wood frame, which are not permitted materials in the Architectural Materials Regulation.

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, February 3rd, 2022. 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

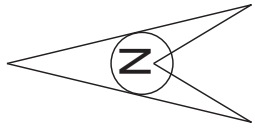
Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Ethan Nelson, Assistant Planner

(Published in the January 20th, 2022 Waconia Patriot newspaper)

Certificate of Survey



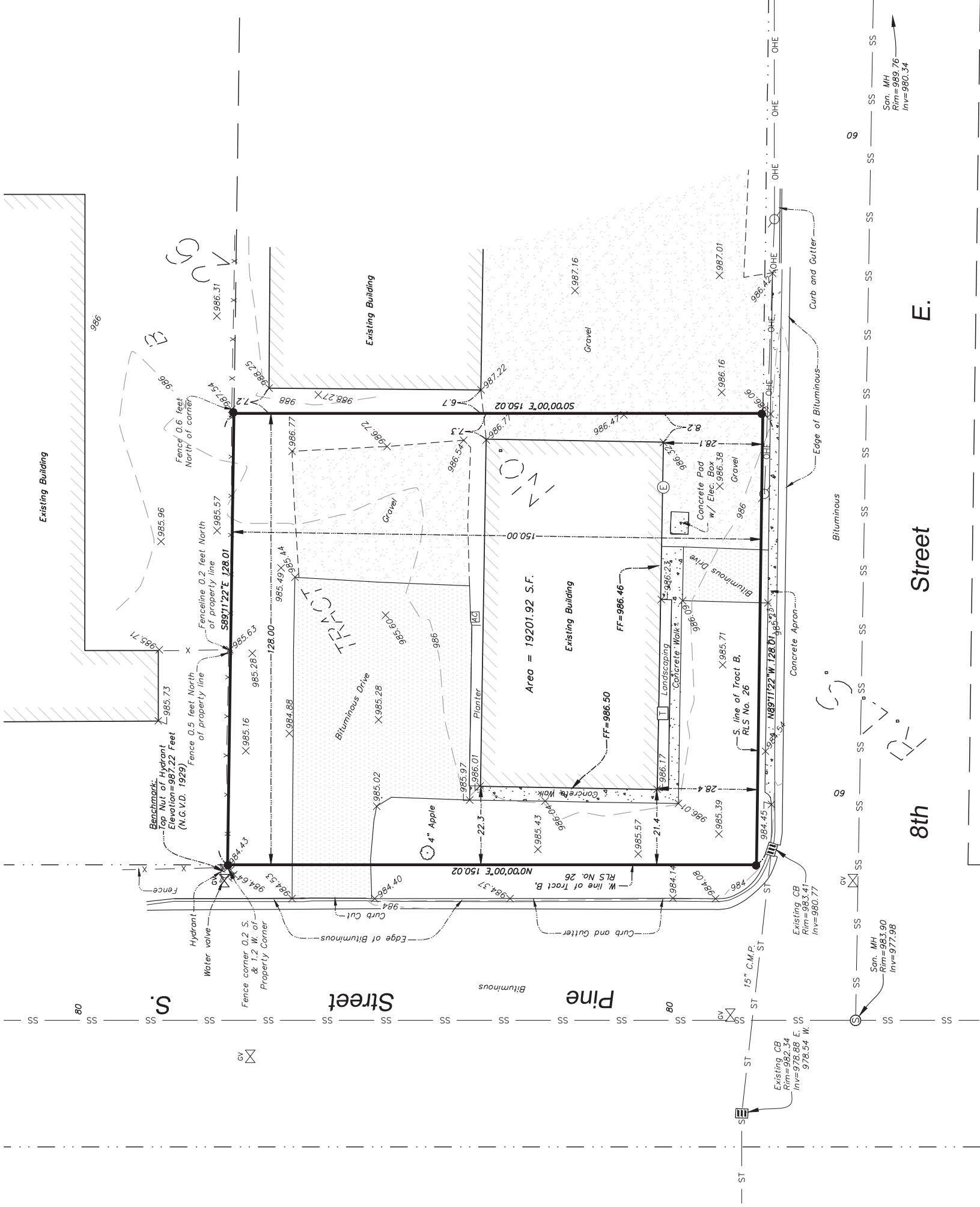
- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 X denotes Existing Spot Elevation
 - FF=989.36 denotes Finished Floor Elevation
 - Ⓢ denotes Electrical Meter
 - ⓐ denotes Air Conditioner Unit
 - Ⓣ denotes Telephone Pedestal
 - Ⓚ denotes Power Pole
 - Ⓜ denotes Water Valve
 - Ⓜ denotes Hydrant
 - Ⓜ denotes Sanitary Manhole
 - Ⓜ denotes Catch Basin
 - Ⓜ denotes Deciduous Tree
 - Ⓜ denotes Sanitary Sewer Line
 - ST — denotes Storm Sewer Line
 - OHE — denotes Overhead Electric Line
 - X — denotes Fence Line

EXISTING HARDCOVER CALCULATIONS:

Area of Lot 3 =	19,201.92	S.F.
AREA		
Building	4,944	S.F.
Concrete Walk	476	S.F.
Concrete Pad	31	S.F.
Bituminous Drives	3,851	S.F.
Gravel	3,357	S.F.
TOTAL	12,659	S.F.
% HARDCOVER	65.9	%

PROPERTY DESCRIPTION:

The West 128.00 feet of the South 150.00 feet of Tract B, REGISTERED LAND SURVEY NO. 26, Carver County, Minnesota.



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.

Revised: _____
 Date: 11/24/2021
 License #40062

Requested By:

Sam Puza

Date: 11-12-2021
 Drawn By: J.J.A.
 Checked By: P.E.O.

Scale: 1"=20'

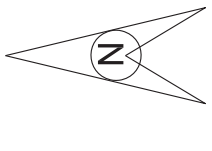


www.ottoassociates.com
 9 West Division Street
 Buffalo, MN 55313
 (763)682-4727
 Fax: (763)682-3522

Engineers & Land Surveyors, Inc.

● denotes iron monument found
 ○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062/53642

Project No. 21-0499



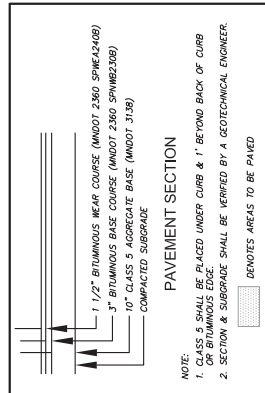
- FF=989.36 denotes Finished Floor Elevation
- (E) denotes Electrical Meter
- AC denotes Air Conditioner Unit
- denotes Telephone Pedestal
- ⊕ denotes Power Pole
- ⊗ denotes Water Valve
- ⊗ denotes Hydrant
- ⊗ denotes Sanitary Manhole
- ⊗ denotes Catch Basin
- ⊗ denotes Deciduous Tree
- SS — denotes Sanitary Sewer Line
- ST — denotes Storm Sewer Line
- OHE — denotes Overhead Electric Line
- X — denotes Fence Line

EXISTING HARDCOVER CALCULATIONS:

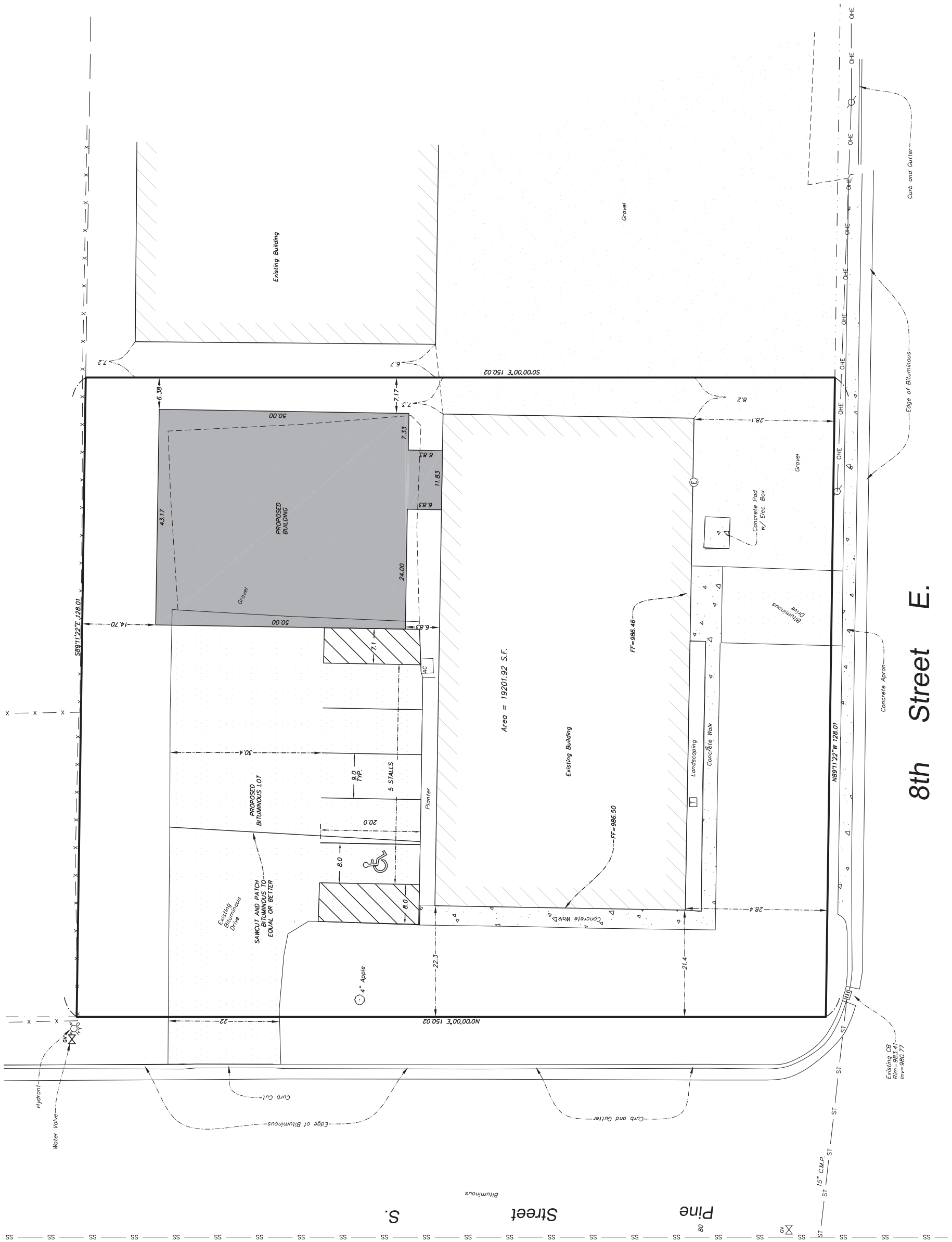
Area of Lot 3 =	19,201.92	S.F.
AREA		
Building	4,944	S.F.
Concrete Walk	476	S.F.
Concrete Pad	31	S.F.
Bituminous Drives	3,851	S.F.
Gravel	3,357	S.F.
TOTAL	12,659	S.F.
% HARDCOVER	65.9	%

PROPOSED HARDCOVER CALCULATIONS:

Area of Lot 3 =	19,201.92	S.F.
AREA		
Existing Building	4,944	S.F.
Proposed Building	2,239	S.F.
Concrete Walk	476	S.F.
Concrete Pad	31	S.F.
Bituminous Drives	3,746	S.F.
Gravel	1,465	S.F.
TOTAL	12,900	S.F.
% HARDCOVER	67.2	%



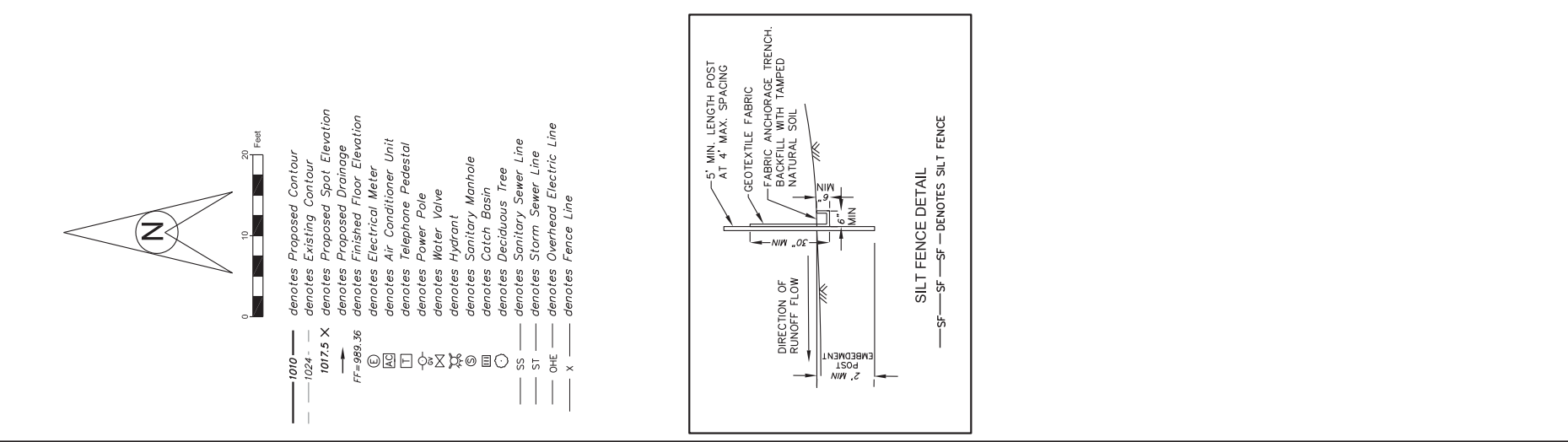
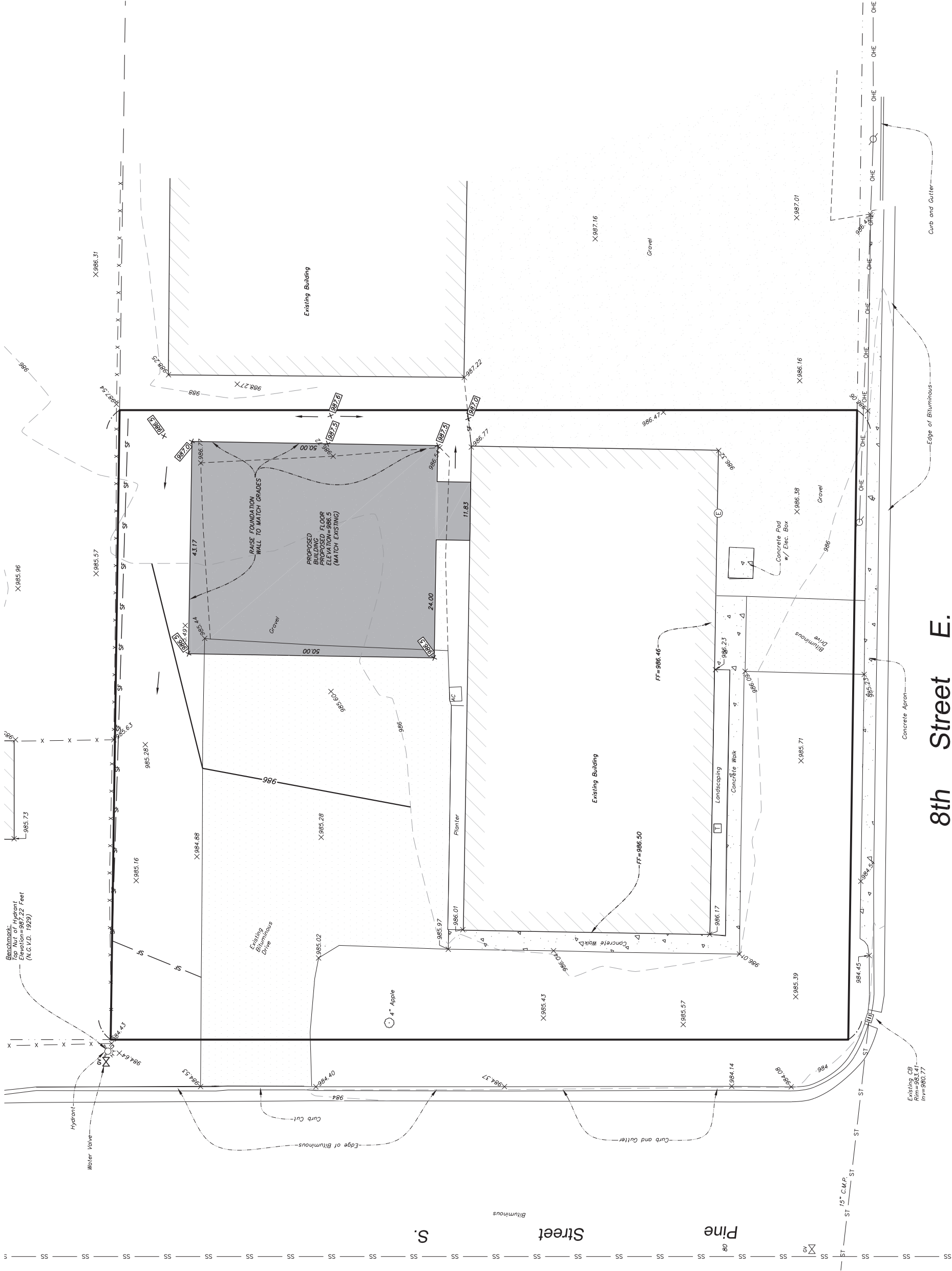
PROPERTY DESCRIPTION:
 The West 128.00 feet of the South 150.00 feet of Tract B,
 REGISTERED LAND SURVEY NO. 26, Carver County, Minnesota.



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED DRAWN J.R.H.
 P.E.O. CHECKED P.E.O.
 Paul E. Otto
 License # 40062
 Date: 12-10-21

OTTO ASSOCIATES
 Engineers & Land Surveyors, Inc.
 www.ottoassociates.com
 9 West Division Street
 Buffalo, MN 55313
 (763) 682-4727
 Fax: (763) 682-3522



- 1010 --- denotes Proposed Contour
- 1024 - - - denotes Existing Contour
- 1077.5 X denotes Proposed Spot Elevation
- FF=989.36 denotes Proposed Drainage
- FF=989.36 denotes Finished Floor Elevation
- Ⓜ denotes Electrical Meter
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- Ⓜ denotes Sanitary Sewer Line
- ST --- denotes Storm Sewer Line
- OHE --- denotes Overhead Electric Line
- X --- denotes Fence Line



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.	
P.E.O.	J.R.H.	Paul E. Otto	
CHECKED	P.E.O.	Paul E. Otto	Date: 12-10-21
		Paul E. Otto	License # 40062

PROJECT NO:	21-0499
GRADING PLAN	SHEET NO. 2 OF 2 SHEETS
DATE:	12-10-21

SAM PUZA	8th Street E.
WACONIA, MN	

www.ottoassociates.com	9 West Division Street
	Buffalo, MN 55313
	(763) 682-4727
	Fax: (763) 682-3522

STATEMENT OF USE

January 6, 2022

Project

Grade A Properties - Laka Coolers

Parcel ID 754020030

Waconia, MN 55387

Zoned: I-2 General Industrial District

The proposed project is for a 1 story, 2,200sf warehouse addition to the existing warehouse. The addition is to be slab on grade with wood construction and have sheet metal exterior siding to match existing.

STATEMENT OF USE

January 6, 2022

Project

Grade A Properties - Laka Coolers

Parcel ID 754020030

Waconia, MN 55387

Zoned: I-2 General Industrial District

The proposed project is for a 1 story, 2,200sf warehouse addition to the existing warehouse. The addition is to be slab on grade with wood construction and have sheet metal exterior siding to match existing.

VARIANCE REQUEST

January 6, 2022

Project

Grade A Properties - Laka Coolers

Parcel ID 754020030

Waconia, MN 55387

Zoned: I-2 General Industrial District

1. Setbacks

Purpose of this variance is to address the encroachment of the setback. We are proposing to align the new building addition with the existing building as it will be aesthetically pleasing and make sense for functionality.

2. Parking Requirement

Purpose of this variance is to request a reduced parking requirement. There will only be a maximum of 4 people ever working out of this location at a time. Additional parking spaces will not be used, and therefore will just create unusable impervious space which reduces greenspace.

3. Exterior Finish Material

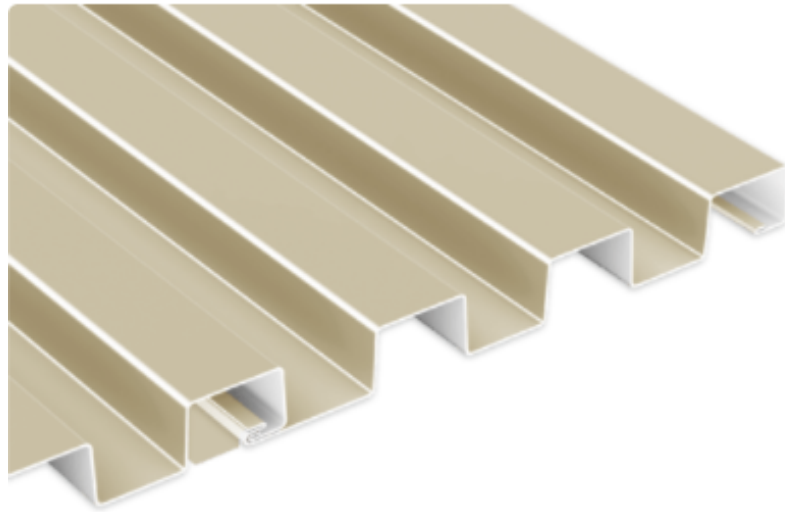
Purpose of this variance is to address the city's building standard for exterior finishes. The existing building exterior is a ribbed metal panel, which we are proposing to match. To update the look, we are planning on a new color and painting the existing to match.

4. Structural System

Purpose of this variance is to address the city's building standard for structural systems. We are proposing wood construction being it is the most readily available and best option for this type of warehouse. Since it will be used strictly for storage with pallet racking, this is the best option giving the most space.



EXTERIOR FINISH SELECTIONS



RIBBED METAL PANEL - STYLE, TO MATCH EXISTING



RIBBED METAL PANEL - COLOR, GRAY

SURROUNDING BUILDINGS



WEST SIDE - PINE STREET



NORTH SIDE - PINE STREET



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	February 3 rd , 2022
Item Name:	PUBLIC HEARING – Ordinance Amendment – Section 900.04 Definitions
Originating Department:	Community Development
Presented by:	Lane Braaten, Community Development Director
Previous Commission Action (if any):	
Item Type (X only one):	Consent Regular Session <input checked="" type="checkbox"/> Discussion Session
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)	

Motion recommending either approval or denial of the proposed Ordinance Amendment updating the principal structure definition.

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

The Planning Commission requested staff review the City Code as it pertains to attached decks and principal structure setbacks. This request was made as a previous variance applicant had stated that the setback requirements were confusing in relation to deck placement. As such, City staff reviewed the existing City Code and provided options to the Planning Commission at their Work Session meeting on January 6th, 2022. Based on the discussion on January 6th staff has drafted the attached Ordinance Amendment, which clarifies the Principal Structure definition in relation to attached decks.

Principal Structure: A structure or building which is used for principal uses including **attached decks and** enclosed seasonal living areas such as porches and breezeways which are attached to the principal building.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on January 20th, 2022 and posted at Waconia City Hall. Additionally, the proposed Ordinance Amendment was posted on the City website. As of the date and time of this report the City has not received any public comments regarding the proposed Ordinance Amendment.

CONCLUSION / RECOMMENDATION

The Planning Commission should hold the required public hearing, receive all public comment regarding the proposed amendment, and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this item will be forwarded to the City Council for review at their upcoming meeting on February 22nd, 2022.

ATTACHMENTS:

Attachment 1: Public Hearing Notice (1 page)

Attachment 2: Section 900.04 DEFINITIONS w/ Proposed Revision in RED (16 pages)

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 February 3rd, 2022, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a proposed amendment to City of Waconia Ordinance Section 900.04, Definitions.

The language proposes an amendment to the Principal Structure definition to clarify that attached decks are considered part of the principal structure and shall therefore meet all principal structure setbacks.

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 February 3rd, 2022. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

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

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot January 20, 2022)

900.04 DEFINITIONS.

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

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

Accessory Structure: A structure subordinate to, and serving the principal structure on the same lot and customarily incidental thereto.

Accessory Use: A use incidental to, and on the same lot as, a principal use.

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

Adult Bookstore, Adult Novelty Store or Adult Video Store: A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
- b. instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features;

- a persons who appear in a state of nudity or semi-nude; or

12/16/96, Ord. 465, 900.04, Add Definition

08/21/00, Ord. 518, 900.04, Add Rental Facility Definition

05/16/05, Ord. 567, 900.04, Add Private Residential Recreational Facilities

02/21/06, Ord. 572, Section 900.04, Add Guest Cottage

06/06/11, Ord 643, Amend Sect 900.04 and 900.09

10/20/97, Ord. 480, 900.04, Add Sexually Oriented Business Definitions

01/20/04, Ord. 548, Add Definition: Hardcover Surface

02/06/06, Ord. 570, Section 900.04, Add Large Retail Building and Large Retail Project Definitions

08/20/07, Ord. 588, 900.04, Add Mini-Storage Facilities

- b. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

Adult Motel: A hotel, motel or similar commercial establishment which:

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

Adult Day Care Facility: Care facilities as licensed by the State of Minnesota.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Theater: 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: A public right-of-way permanently reserved as a secondary means of access to abutting property.

Animal, Food: Fish, fowl, cattle, swine, sheep and other raised for purposes of food consumption.

Animal, Fur: Animals raised for their pelt.

Animal, Pleasure: Dogs, cats, horses, birds.

Animal Unit: The following animals constitute one animal unit equivalency: one cow or steer, one horse, donkey or burro, three sheep, three hogs or 100 fowl.

Antenna: 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: A room with full housekeeping facilities which is rented on a monthly basis.

Arterial Street: Interregional roads conveying traffic between towns and other urban areas as defined in the Comprehensive Plan.

Basement: A portion of a building located partly underground. A basement shall be counted as a story if it has 1/2 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: An owner occupied single-family dwelling where lodging in up to four guest rooms and breakfast are provided to the traveling public by the resident owner for compensation.

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

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

Block: 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: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel.

Building Height: The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

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

Business: 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: A roof-like structure projecting over the entrance to a building.

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

Church: 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: The removal of an entire stand of trees.

Club: 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: 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: Uses including, but not limited, to the following: Miniature golf, driving ranges, waterslides, amusement centers.

Commercial Telecommunication Antenna - An antenna used for the commercial purpose of sending and receiving electromagnetic signals in the ordinary course of commerce.

Comprehensive Plan: 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: 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: A building and/or lot specifically used for the storing of construction vehicles, equipment and other related apparatus.

Cul-De-Sac: A local street, one end of which is closed and consists of a circular turn around.

Dairy Farming: The process of maintaining a herd for the principal purpose of producing milk, plus horticultural activities.

Day Care Nursery: 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: 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: A truck that: i) unloads contents by tilting the truck bed backwards or sideways; and ii) exceeds seven feet, six inches (7'6") in height at its highest point (with the truck bed lowered).

Dwelling: A room or group of rooms providing complete living facilities for one household.

12/16/96, Ord. 465, 900.04, Add Definition
 08/21/00, Ord. 518, 900.04, Add Rental Facility Definition
 05/16/05, Ord. 567, 900.04, Add Private Residential Recreational Facilities
 02/21/06, Ord. 572, Section 900.04, Add Guest Cottage
 06/06/11, Ord 643, Amend Sect 900.04 and 900.09

10/20/97, Ord. 480, 900.04, Add Sexually Oriented Business Definitions
 01/20/04, Ord. 548, Add Definition: Hardcover Surface
 02/06/06, Ord. 570, Section 900.04, Add Large Retail Building and Large Retail Project Definitions
 08/20/07, Ord. 588, 900.04, Add Mini-Storage Facilities

Dwelling, Single-Family: One dwelling unit having open space on all four sides.

Dwelling, Two-Family: A building having two dwelling units.

Dwelling, Multiple Family: A building having three or more dwelling units.

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

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

Engineer: The professional engineer engaged by the City Council.

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

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

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Extended Care Facility: Facilities where health care services can be administered and/or delivered on an on-call basis.

Family: An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related maintaining a common household.

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

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

Final Plat: The final map and/or plan and/or record of a subdivision and any accompanying material presented to the City Council for approval and which, if approved, will be duly filed with the County Register of Deeds.

Floor Area: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having head room of less than 7 1/2 feet.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Funeral Home: A business establishment where the bodies of the dead are prepared for burial or cremation and where funeral services can be held.

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

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

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

General Farming: The process of planting and harvesting a horticultural crop as the principal use of the land plus the keeping of livestock.

Golf Course: A tract of land, including a clubhouse, for playing golf, with tees, greens, fairways, hazards, etc.

Governing Body: The City Council.

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

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

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

12/16/96, Ord. 465, 900.04, Add Definition
08/21/00, Ord. 518, 900.04, Add Rental Facility Definition
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Home Occupation: Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is no sign, other display, or other condition permitted that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. There shall be no commodities sold upon the premises and no person employed therein other than a member of the immediate family residing on the premises or domestic servants; and no mechanical or electrical equipment shall be used except such as is normally used for purely domestic or professional purposes. No accessory building shall be used for such home occupation, and entrance to the home occupation shall be gained from within the structure.

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

Incineration: A burning process which converts combustible materials into non-combustible residue or ash.

Industry: An enterprise which involves the production, processing, or storage of materials, goods, or products.

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

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

Kennel, Private: Any place where more than two animals over four months of age are kept or harbored, such animals being owned by the owner or lessee of the premises wherein or whereupon the animals are kept or harbored.

Kennel License: No person, firm, or corporation shall maintain in this City a private or commercial kennel without securing a license therefor from the City Council, and the fee being as set forth in the schedule of fees.

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

- a. The aforementioned certificate is affirmative; and
- b. No complaints have been received by the City.
- c. In all other cases, the kennel license shall be renewed only upon City Council approval.

Landscaping: Plantings such as trees, grass, bushes and shrubs.

Large Retail Building: A building exceeding 50,000 square feet of gross building floor area where the primary use of the building floor area is devoted to the sale or rental of merchandise to the general public, including, but not limited to, department stores, discount stores, supermarkets, superstores and wholesale clubs.

Large Retail Project: A large retail building and any associated storage areas, parking lots, driveways, sidewalks and any other associated development features.

Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.

Livestock: Domestic animals kept for use on a farm and raised for sale and profit.

Local Street: A roadway allowing access to abutting land, serving local traffic only.

Lodge: See club.

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

Lot Area: The area of a lot on a horizontal distance between the front lot line and the rear lot line.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

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

Lot Width: The horizontal distance between side lot lines, measured at the required front setback line.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.

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

Lot, Interior: A lot other than a corner lot, including through lots.

Lot, Through: A lot having its front and rear yards each abutting on a street.

Lot Line: A line dividing one lot from another lot or from a street or alley.

Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street.

Lot Line, Interior: Any boundary of a lot which does not abut a public right-of-way.

Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

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

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

Marquee: See Canopy.

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

Mini-storage Facility: A structure or building in which customers can rent space to store possessions.

Mortuary: A place where dead bodies are kept before burial or cremation.

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

Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement.

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

Motor Fuel Station Convenience Store: A store operated in conjunction with a motor fuel station offering a limited selection of food and other products and staying open for longer hours at a convenient location.

Motor Vehicle: A self-propelled vehicle, excluding vehicles moved solely by human power.

Nameplate Sign: A sign which bears the name and address of the occupant of the building.

Non-Conforming Structure: A structure which does not meet the requirements of the zoning district in which it is located due to the enactment of this ordinance or any amendment thereto, but which was lawfully existing as of the date of its construction or placement.

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

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

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

- d. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- e. where in order to participate in a class a student must enroll at least three days in advance of the class; and
- f. where no more than one nude or semi-nude model is on the premises at any one time.

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

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

Off-Street Parking: A maintained area, other than on a public street or right-of-way, for the storage of an automobile.

Open Storage: Storage of materials outside of a building.

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

Party Wall: A common wall which divides two independent structures by a fire wall.

Pedestrian Way: The right-of-way across or within a block for use by pedestrian traffic.

Performance Standard: Standards that are established to assure that development will not be a detriment to the public health, safety, and general welfare of the municipality.

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

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

Planning Agency: The planning Commission or Planning Department as created by the City of Waconia.

Principal Structure: A structure or building which is used for principal uses including **attached decks and** enclosed seasonal living areas such as porches and breezeways which are attached to the principal building.

Private Garage: See GARAGE.

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

Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

Public Garage: A building or portion of a building used for the storage of vehicles for remuneration.

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

Public Service Installation: Public utility structures including, but not limited to, transformers, substations and lift stations, and public utility buildings.

Public Water: Means any waters of the State as defined in Minnesota Statutes 1980, Section 105.37, Subd. 14. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be required for purposes of this Ordinance.

Refrigerator Truck: A truck designed or used to transport property at a specific temperature.

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

Repair Garage: A building for the maintenance of vehicles but not including auto wrecking or junk yards.

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

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

Service Road: A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

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

Setback, Front Yard: The shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line.

Setback, Interior Side Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.

Setback, Rear Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.

Setback, Street Side Yard: The shortest horizontal distance from any part of a building or structure to the nearest point on a side lot line that adjoins a street.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- g. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- h. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Shoreland: Land located within the following distances from public water; 1,000 feet from the normal highwater mark of a lake, pond, or flowage; and, 300 feet from a river or stream, or the landward extent of a floor plain designated by ordinance of such a river or stream, whichever is greater.

Specified Anatomical Areas means:

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

Specified Criminal Activity: Any of the following offenses:

- k. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:

- l. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
- m. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- n. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- o. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified Sexual Activities: Any of the following:

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

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

Street Frontage: That portion of a parcel of land abutting one or more street. An interior lot has one street frontage and a corner lot has two such frontages.

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

Subdivision: The division of any parcel of land into two or more lots, blocks, and/or sites, with or without streets or highways and includes re-subdivision.

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

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

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

Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

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Truck Stop: A motor fuel station devoted principally to the needs of trucks and which shall include eating facilities.

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

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

Use, Permitted: A use which conforms with the requirements of the Zoning District within which it is located.

Use, Principal: The primary use of land or structures as distinguished from accessory uses.

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

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

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

Warehousing: The storage of materials or equipment within an enclosed building.

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

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

Yard, Front: A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

Yard, Rear: A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

Yard, Side: A yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.

Zoning District: An area of the City designated in the zoning ordinance text and delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed.

Zoning Map: The official City map that delineates the various zoning districts.

Zoning Ordinance: The official land-use controls, which list various requirements, that guide the physical development of the City.



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	February 3 rd , 2022
Item Name:	PUBLIC HEARING – Ordinance Amendment – Section 900.06, Subd. 9 Architectural Design Standards
Originating Department:	Community Development
Presented by:	Lane Braaten, Community Development Director

Previous Commission Action (if any):

Item Type (X only one):	Consent		Regular Session	<input checked="" type="checkbox"/>	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 Ordinance Amendment updating the Architectural Design Standard section of the City Code.

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

In recent years staff and the Planning Commission have found a number of consistent variance requests associated with the City’s Architectural Design Standards. As such, the Planning Commission requested staff review the standards and provide possible options to consider that would allow improvements consistent with the intent of the City Code, while allowing the materials and uses without the need for a variance. Staff has included a summary of the proposed revisions below and attached a redlined copy of Section 900.06, Subd. 9. Architectural Design Standards for review.

Design Standards, Downtown District

- 5. Ground Level Expression – includes an exception for multiple family dwellings that do not include retail or service area on the ground floor.
- 8. Ground-Floor Windows – includes an exception for multiple family dwellings that do not include retail or service area on the ground floor.

Design Standards, Highway District

- 10. Building Materials – includes architectural metal panels as a permitted material in the Highway District.

Design Standards, Industrial District

- 4. Permitted Materials – allow additions to existing buildings with non-conforming building materials without the need for a variance if the material used is substantially the same as the existing structure and the proposed addition does not exceed 50% of the existing footprint of the structure.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on January 20th, 2022 and posted at Waconia City Hall. Additionally, the proposed Ordinance Amendment was posted on the City website. As of the date and time of this report the City has not received any public comments regarding the proposed Ordinance Amendment.

CONCLUSION / RECOMMENDATION

The Planning Commission should hold the required public hearing, receive all public comment regarding the proposed amendment, and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this item will be forwarded to the City Council for review at their upcoming meeting on February 22nd, 2022.

ATTACHMENTS:

- Attachment 1: Public Hearing Notice (1 page)
- Attachment 2: Section 900.06, Subd. 9. Architectural Design Standards. w/ Proposed Revisions in RED (17 pages)

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 February 3rd, 2022, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a proposed amendment to City of Waconia Ordinance Section 900.06, Subd. 9, Architectural Design Standards.

The language proposes amendments to the Architectural Design Standards regarding permitted materials in the Highway District, multiple family standards in the Downtown District and material standards in the Industrial District.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on February 3rd, 2022. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

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

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot January 20, 2022)

Subd. 9. Architectural Design Standards.

A. Purpose and Scope.

In the City of Waconia, the visual character and historic resources of the City are important attributes of its quality of life. New development can have substantial impacts on this visual and historic character. Many of these impacts are related not to the type of use but to its design, and the way that design responds to the surrounding context of buildings, streets and open space.

The design standards for the City of Waconia have been developed for the following purposes:

- * To shape the physical form of the City as it continues to develop;
- * To implement the community goals of the Comprehensive Plan;
- * To communicate a clear architectural imagery that reinforces the existing traditional small town development pattern of Waconia's central business district;
- * To improve the quality, character and compatibility of new development in Waconia's existing CBD and its developing commercial and medical districts;
- * To encourage the sensitive rehabilitation of historic or potentially historic buildings;
- * To encourage the continuation of the diverse mix of land uses that characterize Waconia.

The standards have two primary functions:

- * To guide developers or business owners wishing to propose expansions, renovations or new construction of buildings or parking within the commercial districts;
- * To assist City officials and the public in reviewing development proposals.

B. Applicability

The standards in this chapter apply to three specific "design districts":

- * The Downtown District includes all lands zoned B-2 and B-3.
- * The Highway District includes all lands that are zoned B-1 and B-4.
- * The Industrial District includes all lands that are zoned I-1 and I-2.

Section 900.06, Subd. 9

1. Within each district, the standards apply to the following activities, with the exemptions noted under 2:
 - a. All new construction of nonresidential and/or multifamily buildings.
 - b. Any renovation, expansion or exterior changes to existing nonresidential and/or multifamily buildings, including repainting.
 - c. Any development or expansion of parking areas.
 - d. Any other alteration that requires a building permit.
2. Exemptions. The following activities are exempt from design review unless staff determines that the project creates a significant change in the design characteristics of the development:
 - a. Internal alterations to buildings that affect less than 50 percent of the building's gross floor area and do not result in a change to the building height, roofline or footprint.
 - b. Replacement or repair of existing materials.
 - c. Re-striping and other minor changes to parking lots that do not result in changes to landscaping or circulation patterns, and that do not create more than four new parking spaces.
3. It is assumed that the intent of the standards shall be met. It is understood that there may be many ways to achieve the same design objective. The City may permit alternative approaches that, in its determination, meet the objective(s) of the design standard(s) equally well.
4. The standards shall apply only to the building or site elements being developed or altered. That is, a proposal for changes to a building would be required to meet only those standards that pertain to buildings, while changes to a parking area would be required to meet all standards for parking areas, but not for buildings. The City Planner will make the initial determination as to which standards are applicable.
5. The applicant may apply for a variance from any design standards under the requirements of Section 900.12, Subd. 4.
6. Resource Materials. The following materials will be provided to applicants as background information to assist in preparation of site plans and building improvements. These materials are advisory in nature.
 - a. Design Vocabulary: A series of photographs depicting exemplary buildings, building elements and design features from Waconia and other communities.
 - b. Resources on Storefront Restoration: The City Planner will maintain a list of resources and may also have some of these materials available for review.

Section 900.06, Subd. 9

C. Administration and Review Procedures.

Design review shall be conducted as part of the site plan review process, as specified in Section 900.12, Subd. 10 of this Ordinance.

1. Submittal requirements. In addition to the site plan required under Section 900.12, Subd. 10. B, the following items shall be submitted:
 - a. Elevations. Complete exterior elevations of all proposed buildings and existing buildings if they are joined to new development. Elevations should be drawn at an appropriate scale (usually 1/4" - 1') and should show:
 - 1) All signs to be mounted on the building(s) or erected on the site;
 - 2) Designations of materials and colors to be used on all exterior facades.
 - b. Materials sample. Material samples should be presented, including color and material type of walls and roof.
 - c. Color samples. Samples of all principal and secondary colors to be used.
 - d. Context. Photographs of surrounding buildings on the same block or street, to address issues of context.
2. Review process. Design review will be conducted in the same manner as site plan review, as specified in Section 900.12, Subd. 10. C. If a site plan review is needed, the two processes will be conducted concurrently. If no site changes are involved, review by the Fire Chief and City Engineer may not be necessary, as determined by City staff.

D. Design Standards, Downtown District:

1. Building Context and Character
General Objective: The new development should relate to the original design of surrounding storefront buildings in scale and character. This can be achieved by maintaining similar setbacks, building height and proportions, cornice lines, horizontal lines of windows and openings, and compatible building materials and colors. Many of these topics are discussed in detail later in this section.
2. Architectural Style
 - a. *Objective:* To encourage creativity and diversity within a defined framework.
 - b. *Standard:* No single architectural style or styles are required. The Design Vocabulary is intended to guide in the selection of an overall style or stylistic elements. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Waconia, including Italianate, Neoclassical and Early Twentieth Century Commercial, is encouraged (see Figures 1 and 2). Where used, such elements should be based upon, and consistent with, an architectural inventory of the existing downtown district. Stylistic details characteristic of other regions of the United States are discouraged. Combining of elements from disparate architectural styles or periods in a single building is discouraged.
3. Build-To Line

Section 900.06, Subd. 9

- a. *Objective:* To maintain a consistent street edge, in keeping with traditional downtown character.
 - b. *Standard:* Buildings shall meet the established building façade line on the block where they are located for at least 65 percent of the length of their front façade. On most downtown blocks, this is the edge of the sidewalk. For corner buildings, this requirement applies to each façade that fronts a public street. The remaining 35 percent of the façade may be set back up to 12 feet to emphasize entries or create outdoor seating and gathering areas (see Figure 3).
4. Building Width and Façade Articulation
- a. *Objective:* To avoid long building facades with a monolithic or monotonous appearance. To divide longer buildings into modules which reflect proportions similar to traditional buildings (see Figures 4 and 5).
 - b. *Standard:* A building width of 40 feet or less is encouraged. Buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet) through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective:
 - 1) Façade modulation -- stepping back or extending forward a portion of the façade
 - 2) Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
 - 3) Division into storefronts, with separate display windows and entrances
 - 4) Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
 - 5) Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
 - 6) Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.
5. Ground Level Expression
- a. *Objective:* To employ building proportions consistent with those of traditional storefronts and to emphasize the importance of the ground floor as the primary retail or service area.
 - b. *Standard:* The ground level of any multi-story structure must be visually distinct from the upper stories, **except as stated in the exemption noted under subpart C.** This can be achieved through the use of one or more of the following techniques, and others that may meet the objective (see Figure 6).
 - 1) An intermediate cornice line
 - 2) A sign band
 - 3) An awning, arcade or portico
 - 4) A change in building materials, texture or detailing
 - 5) A change in window shape or treatment.

c. Exemption: Multiple family dwellings.

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6. Building Height

- a. *Objective:* To encourage two- and three-story buildings within the downtown district. Taller buildings help to define the street edge and provide a sense of enclosure for pedestrians.
- b. *Standard:* New buildings larger than a single storefront (or a building footprint of 5,000 square feet) shall be at least two stories in height. This requirement does not apply to existing buildings.

7. Roof Design

- a. *Objectives:* To encourage a variety of roof lines that respond to the existing built environment. To ensure adequate screening of rooftop equipment.
- b. *Standards:* Flat or pitched roofs, or combinations of these, may be used. Pitched roofs should have a minimum roof pitch of 1 foot of rise to 4 feet of run. Flat roofs should be defined with an ornamental parapet or cornice. Average parapet height shall not exceed 15 percent of the height of the supporting wall and maximum parapet height at any point shall not exceed one-third the height of the supporting wall (see Figure 7).

All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Preferably, rooftop equipment should be screened by the building parapet, provided that the parapet does not exceed building height limits.

Rooftop equipment may also be screened by a smaller accent roof or enclosure. This structure shall be set back a distance of 1-1/2 times its height from any primary façade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

8. Ground-Floor Windows

- a. *Objective:* To provide continuity with older existing "main street" retail shop windows and to enhance security by providing views into and out of buildings.
- b. *Standard:* Windows and doors must comprise at least 50 percent of the length and at least 30 percent of the area of any ground floor façade facing a public street **except as stated in the exemption noted under subpart C.** Windows and doors must comprise at least 10 percent of the ground level side or rear façade facing a public right-of-way, parking area or open space. Qualifying windows or doors shall be transparent, allowing views into and out of the interior, or may include display windows set into the wall. Reflective glass is not permitted (see Figure 8).

A minimum of 12 percent of upper story facades shall consist of two or more regularly spaced and symmetrical window openings that are consistent or compatible with those of nearby buildings (see Figure 9).

c. Exemption: Multiple family dwellings.

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Section 900.06, Subd. 9

9. Entries
 - a. *Objective:* To establish the visual importance of the primary street entrance, and to ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer.
 - b. *Standard:* The main entrance should always face the primary street, with the secondary entrances to the side or rear. In the case of a corner building or a building abutting more than one street, the Planning Commission will determine which street should be considered "primary" based on visibility and access patterns. The main entrance should be placed at sidewalk grade. Entries shall be designed with one or more of the following:
 - 1) Canopy, portico, overhang, arcade or arch above the entrance
 - 2) Recesses or projections in the building façade surrounding the entrance
 - 3) Peaked roof or raised parapet over the door
 - 4) Display windows surrounding the entrance
 - 5) Architectural detailing such as tile work or ornamental moldings
 - 6) Permanent planters or window boxes for landscaping
(see Figures 10 and 11).
10. Architectural Details
 - a. *Objective:* To encourage the use and restoration of traditional architectural details.
 - b. *Standard:* Traditional buildings in downtown Waconia feature architectural details such as cornices, arched windows, decorative brickwork (banding, cornice) transom and display windows, porticos, and awnings over entries. The adaptation of such details to new infill buildings, and their restoration in existing buildings, is encouraged but not required.
11. Restoration of Traditional Storefronts and Other Downtown Buildings
 - a. *Objective:* Encourage sensitive and appropriate restoration of storefronts and other traditional downtown buildings.
 - b. *Standard:* It is understood that appropriate restoration of traditional storefronts and other historically significant or important commercial buildings involves many issues, including costs and choice of materials. A list of sources is provided as an appendix to this ordinance to guide property owners in the restoration of such buildings. (Figure 12 identifies components of a typical traditional storefront.)
12. Building Materials
 - a. *Objective:* To ensure that high-quality, authentic materials typical of traditional downtown buildings are used within the downtown.
 - b. *Standards:* Buildings should be constructed of high-quality materials, including the following:
 - 1) Brick
 - 2) Natural stone
 - 3) Wood, consisting of horizontal lap siding with an exposure no greater than 5 inches or wood shakes; surfaces must be painted

Section 900.06, Subd. 9

- 4) Precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three-dimensional character
- 5) Stucco
- 6) Jumbo brick may be used on up to 25 percent of any façade, provided that it is used only on the lower third of the building wall.

c. Prohibited Materials

- 1) Unadorned plain or painted concrete block
- 2) Tilt-up concrete panels
- 3) Pre-fabricated steel or sheet metal panels
- 4) Reflective glass
- 5) Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- 6) Pole buildings
- 7) EIFS (exterior insulating finish system) may be used as an accent but not a primary material

Accent materials may be used on up to 15% of the building's façade. These may include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission.

Pitched roofs on new buildings with a footprint of more than 10,000 square feet should be constructed of standing seam metal, slate or wood shingles, but not asphalt shingles.

- d. Other Materials. The Planning Commission may also approve other materials that the Planning Commission, in its discretion, determines are compatible with any permitted materials if it finds that: 1) the quality and appearance of the proposed materials is consistent with the standard that has been set within the Downtown District; and 2) the use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

13. Side and Rear Elevations

- a. *Objective:* To ensure continuity of materials and façade treatments on all visible facades.
- b. *Standard:* All building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.

14. Building Colors

- a. *Objective:* To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.
- b. *Standard:* Building colors shall consist of subtle, neutral, or muted colors, with low reflectance. Recommended colors include browns, grays, tans (including the typical "Chaska brick" used in Waconia), beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white or primary colors should be used only as accents, occupying a maximum of 10 percent of building facades. This standard does not apply to murals or other approved public art.

Section 900.06, Subd. 9

15. Signs
- a. *Objective:* Signs should be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs should be an integral part of the building and site design (see Figure 13).
 - b. *Regulations:* Regulations for signs in the Downtown District shall be as set forth in Section 900.10 of this Code.
 - c. *Design standards:*
 - 1) Signs should be positioned so they are an integral design feature of the building, and to complement and enhance the building's architectural features. Signs should not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork. Signs may be placed:
 - a) In the horizontal lintel above the storefront windows;
 - b) Within window glass, provided that no more than 25 percent of the window is obscured;
 - c) Projecting from the building;
 - d) As part of an awning;
 - e) In areas where signs were historically attached.
 - 2) Shape. Wall signs should generally be rectangular. In most cases, the edges of signs shall include a raised border that sets the sign apart from the building. Individual raised letters set onto the sign area surface are also preferred.
 - 3) Colors. Sign colors shall be compatible with the building façade to which the sign is attached. No more than three colors should be used per sign, unless part of an illustration. To ensure the legibility of the sign, a high degree of contrast between the background and letters is preferred. A combination of soft/neutral shades and dark/rich shades (see Building Colors standard) are encouraged.
 - 4) Materials. Sign materials should be consistent or compatible with the original construction materials and architectural style of the building façade on which they are to be displayed. Natural materials such as wood and metal are more appropriate than plastic. Neon signs may be appropriate for windows.
 - 5) Illumination. External illumination of signs is permitted by incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon signs are permitted. Internally lit box signs and awnings are not permitted, with the exception of theater marquees. Variable electronic message signs are not permitted, with the exception of existing time/temperature signs.
16. Placement and Screening of Equipment and Loading Areas
- a. *Objective:* Ensure that equipment and loading docks are not visible from public streets or pedestrian ways.

Section 900.06, Subd. 9

- b. *Standard:* If an outdoor storage, service or loading area faces adjacent residential uses or a public street or walkway, it shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height. Fences and walls shall be architecturally compatible with the primary structure. Loading docks or doors should be located on a side or rear elevation.

17. **Parking**

- a. *Objective:* Ensure that buildings, rather than parking lots, dominate the appearance of the downtown streetscape.
- b. *Standard:* When off-street parking is provided, it shall be located to the side or rear of the primary building, not between the building and the street (see Figure 14). Sites with more than 10 off-street surface parking spaces shall meet the Highway District requirements for parking lot screening and landscaping.

Section 900.06, Subd. 9

18. Lighting
- a. *Objective:* To ensure that lighting levels are not excessively bright and that light standards are compatible with overall site design.
 - b. *Standard:* Exterior lighting should be the minimum necessary for safety and security. Lighting should be designed to coordinate with building architecture and landscaping. Building-mounted fixtures should be compatible with the building facades. Overall lighting levels should be consistent with the character and intensity of the surrounding area. All light fixtures shall be shielded or other directed to ensure that light is not directed onto adjacent properties.
19. Streetscape Elements
Any streetscape elements included within a development site, including lighting, seating, planters, trees or shrubs, trash receptacles and similar elements, shall be compatible with the City's streetscape improvements to the downtown district. City staff can provide guidance on public streetscape elements.
20. Site Design, Large Sites
Sites with substantial off-street parking or more than one principal building shall meet the Highway District requirements for parking lot landscaping, pedestrian and bicycle circulation, lighting, and other site design features.

E. Design Standards, Highway District

1. Building Character
Objective: It is understood that the City's Highway Commercial District and Health Care Business District generally lack traditional buildings that provide a "context" or frame of reference for new buildings. The intent of this section is to encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.
2. Architectural Style
- a. *Objective:* To encourage creativity and diversity within a defined framework.

To encourage the adaptation of historic commercial styles in a restrained and appropriate manner.
 - b. *Standard:* No single architectural style or styles are required. The Design Vocabulary is intended to guide in the selection of an overall style or stylistic elements. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Waconia, including Italianate, Neoclassical and Early Twentieth Century Commercial, is encouraged. If a particular style is used, it should be used consistently. The combination of elements of a variety of styles in one building is discouraged.
3. Building Placement
- a. *Objectives:* To encourage pedestrian circulation by maintaining a moderate distance among buildings on the site, and between buildings and abutting streets.

Section 900.06, Subd. 9

To encourage shared parking among uses.

- b. *Standards:* Buildings should be located to facilitate pedestrian circulation. Distances between principal buildings, or between the most distant entrances of a single building, should not exceed 300 feet. This standard can be achieved through the arrangement of freestanding buildings in compact groups, the design of single buildings in an "L" or "T" shape, or similar strategies.

Building entrances should be located as close to abutting streets as possible, and no further than 85 feet from the street right-of-way. This standard may be achieved through the creation of one or more public or private internal streets within a large site. (See Figures 15 and 16; see also Parking and Pedestrian Circulation standards.)

4. Building Width and Façade Articulation

- a. *Objectives:* To articulate long or massive building facades in order to reduce their perceived bulk and provide visual interest as viewed from the street or sidewalk.

To ensure that all facades visible to the public shall be visually attractive and compatible with adjacent land uses.

- b. *Standard:* Buildings of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective.
 - * Façade modulation -- stepping back or extending forward a portion of the façade
 - * Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
 - * Division into storefronts, with separate display windows and entrances
 - * Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
 - * Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
 - * Providing a lighting fixture, trellis, tree, or other landscape feature with each interval

5. Scale, Proportion and Placement

- a. *Objective:* To encourage building elements that are proportionately scaled to one another.

- b. *Standard:* In general building elements such as windows, doors, arcades, towers, etc. should be arranged symmetrically across the façade, in a regular and logical manner. Window and door openings should be proportional to façade length and height. Large elements (i.e. clock tower) may be appropriate, but there should be an emphasis on maintaining a human scale at the ground level (see Figure 17).

6. Building Height and Roof Design

Section 900.06, Subd. 9

- a. *Objective:* To encourage multi-story buildings and varied rooflines in order to add visual interest, emphasize entries, and reduce the perceived length of large buildings.
- b. *Standards:* Buildings over 100 feet in length shall be at least 1-1/2 stories in height for at least 30% of their length.

Roofs shall be designed with one or more of the following:

- 1) Sloping roofs with a minimum roof pitch of at least 1 foot of rise to 4 feet of run.
- 2) Flat roofs with a decorative parapet concealing rooftop equipment. Average parapet height shall not exceed 15 percent of the height of the supporting wall and maximum parapet height at any point shall not exceed one-third the height of the supporting wall.
- 3) Overhanging eaves, extending no less than 18 inches past the surrounding walls (see Figure 17).

7. Ground-Floor Windows

- a. *Objective:* To allow views into and out of buildings in order to increase a sense of security and allow opportunities for display of merchandise.
- b. *Standards:* The primary street level façade of large retail or office establishments (over 25,000 square feet) that faces a public street or walkway shall be transparent between the height of 3 and 8 feet above sidewalk grade for at least 40 percent of the horizontal length of the building façade.

The primary street level façade of smaller retail or office establishments (25,000 square feet or less) shall be transparent for at least 50 percent of the horizontal length of the building façade, between the height of 3 and 8 feet above sidewalk grade, at minimum.

8. Entries

- a. *Objective:* To ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer.
- b. *Standards:* Entries to principal buildings shall feature at least two of the following features:
 - 1. Canopy, portico, overhang, arcade or arch above the entrance
 - 2. Recesses or projections in the building façade surrounding the entrance
 - 3. Peaked roof or raised parapet over the door
 - 4. Display windows surrounding the entrance
 - 5. Architectural detailing such as tile work or ornamental moldings
 - 6. Permanent planters or window boxes for landscaping

Primary building entrances shall face the primary abutting public street, not a side or rear parking area.

Section 900.06, Subd. 9

9. Number of Entrances

- a. *Objective:* To provide multiple entrances for large retail buildings in order to reduce walking distance from parking areas, adjoining streets and adjacent buildings, and to avoid the appearance of unbroken walls.
- b. *Standards:* A retail building accessible by more than one public street shall provide customer entrances on at least two of the street frontages. The entrance facing the secondary street shall be clearly distinguished using the methods listed above under "Entries".

Each additional retail store within a principal building shall provide at least one exterior customer entrance clearly distinguished using the methods listed above.

10. Building Materials

- a. *Objective:* To ensure that high-quality, authentic materials that evoke traditional downtown settings are used in new commercial development.

- b. *Standard:* Buildings should be constructed of high-quality materials such as brick, stone, or textured, cast stone, ~~or~~ tinted masonry units, **or architectural metal panels.**
The following materials are prohibited:

- X Unadorned plain or painted concrete block
- X Tilt-up concrete panels
- X Pre-fabricated steel or sheet metal panels
- X Reflective glass
- X Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- X Wood siding

Accent materials may be used on up to 15% of the building's façade. These may include ~~metal~~ glass block, spandrel glass or similar materials as approved by the Planning Commission (see Figure 18).

- c. *Other Materials:* The Planning Commission may also approve other materials that the Planning Commission, in its discretion, determines are compatible with any permitted materials if it finds that: 1) the quality and appearance of the proposed materials is consistent with the standard that has been set within the Highway District; and 2) the use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

11. Side and Rear Treatments

- a. *Objective:* To ensure continuity of materials and façade treatments on all visible facades.
- b. *Standard:* All building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.

12. Building Colors

- a. *Objective:* To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.

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Section 900.06, Subd. 9

- b. *Standard:* Building colors shall consist of subtle, neutral or muted colors, with low reflectance. Recommended colors include browns, grays, tans (including the typical "Chaska brick" used in Waconia), beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white or primary colors should be used only as accents, occupying a maximum of 10 percent of building facades.

13. Signs

- a. *Regulations:* Regulations for signs in the Highway Districts shall be as set forth in Section 900.10 of this code.

14. Parking

- a. *Objective:* To improve the appearance and convenience of parking lot circulation for vehicles and pedestrians by breaking the parking area up into smaller units. Parking areas should be distributed around large buildings in order to shorten the distance to other buildings and reduce the overall scale of the paved surface.
- b. *Standard:* No more than 50 percent of the off-street parking area for the entire site shall be located between the front façade of the principal building and the primary abutting street.

Alternatively, one or more internal accessways that are similar to streets may be used to divide the site into parking areas no greater than 55,000 square feet.

- 1) Internal accessways must have at least one auto travel lane, curbs, and sidewalks on both sides at least six (6) feet wide. Accessways must be landscaped along their entire length with trees, shrubs and planting beds.
- 2) On-street parking (angled or parallel) must be provided along both sides of the accessway, except within 75 feet of street intersections. Curb extensions that are at least the full depth of the parking stall shall be provided at all internal and external street intersections, as shown.

15. Parking Lot Landscaping

- a. *Objective:* To soften the appearance of parking lots when viewed from an abutting street or sidewalk.
- b. *Standard:* All parking and loading areas (including drive-through facilities, pump island service areas and stacking spaces) fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - 1) A landscaped yard at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required yard shall be increased to 8 feet in width.
 - 2) Screening consisting of either a masonry wall, fence, berm or hedge or combination that forms a screen a minimum of 3 feet in height, a maximum of 4-1/2 feet in height, and not less than 50 percent opaque.
 - 3) One tree shall be provided for each 25 linear feet of parking lot frontage on a public street or accessway (see Figure 19).

Section 900.06, Subd. 9

16. Interior Parking Lot Landscaping.
The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs and trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots containing more than 100 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 12 spaces or fraction thereof, containing one deciduous shade tree. The remainder shall be covered with turf grass, native grasses, perennial flowering plants, vines or shrubs.
17. Placement and Screening of Service, Loading and Storage Areas
- a. *Objective:* To mitigate the impacts of views of service and loading areas from surrounding streets and properties.
- b. *Standards:* Any outdoor storage, service or loading area that faces adjacent residential uses or a public street or walkway shall be screened by a decorative fence, wall or screen of plant material at least 6 feet in height, or a planting screen shall be provided parallel to the property line, street or walkway.
- Loading docks, truck parking, HVAC equipment, trash collection and other service functions shall be incorporated into the design of the building so that the visual and noise impacts of these functions are fully contained and not visible/audible from adjacent properties and public streets.
- Areas for the outdoor storage and sale of merchandise, where permitted, shall be permanently defined and screened with walls or fences, with materials compatible with and of similar quality to primary building materials.
18. Lighting
- a. *Objective:* To ensure that lighting levels are not excessively bright and that light standards are compatible with the overall site design.
- b. *Standard:* Exterior lighting should be the minimum necessary for safety and security. Lighting should be designed to coordinate with building architecture and landscaping. Building-mounted fixtures should be compatible with the building facades. Overall lighting levels should be consistent with the character and intensity of the surrounding area. All light fixtures shall be shielded or other directed to ensure that light is not directed onto adjacent properties.
19. Pedestrian and Bicycle Access
- a. *Objective:* To ensure that pedestrians and bicyclists have safe and convenient access to all retail establishments.
- b. *Standards:*
- 1) Sidewalks may be required along some or all public streets that abut the proposed development in order to provide pedestrian connections from all adjacent neighborhoods and activity centers.

6 - 63

Section 900.06, Subd. 9

- 2) A well-defined pedestrian path shall be provided from the sidewalk to each principal customer entrance of a building. Walkways shall be located so that the distance between street and entrance is minimized. Walkways shall be at least 5 feet in width, and shall be distinguished through pavement material from the surrounding parking lot. Walkways shall be landscaped for at least 50 percent of their length with trees, shrubs, and planting beds.
- 3) Sidewalks of at least 8 feet in width shall be provided along all front building facades that abut public parking areas.
- 4) Walkways and sidewalks should be defined by design features such as towers, arcades, porticoes, pedestrian-scale light fixtures, planters, and other architectural elements.
- 5) Bicycle parking shall be provided in a convenient and visible location no farther from the principal entrance than the closest automobile parking space, at a ratio of 1 space per 25 automobile parking spaces. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack, subject to the review of the City Engineer.

20. Community Amenities

- a. *Objective:* To provide community and public spaces that can be enjoyed on a seasonal basis by customers and the general public and that will contribute to the attractiveness of the development.
- b. *Standard:* Each retail development of over 75,000 square feet in floor area shall provide a patio or outdoor seating area, which may also provide outdoor cafes or dining areas, with the stipulation that at least 50 percent of the area shall be reserved for public use. The outdoor area shall include seating and a water feature, clock tower or other central focal point.

F. Design Standards, Industrial District.

The purpose of this Section is to assure that buildings in industrial areas of Waconia will be of high quality in both visual and functional terms. To that end, in the interests of promoting the public health, safety and general welfare and increasing property values, this Section identifies permitted building materials which are durable and long-lasting and which generally present a more attractive visual appearance than less durable materials.

1. Application. The provisions of this Section shall apply to all new structures including additions or remodelings and to all new developments within areas zoned for industrial use within the City of Waconia and to all existing buildings in such districts when the exterior appearance of any such building is to be altered in a manner which requires the issuance of a building permit.
2. Exterior Elevation. Exterior elevation drawings of the proposed structure must be submitted which will accurately indicate the height, size, design and appearance of all elevations of the proposed structure. A description of the construction materials to be used must also be submitted.

Section 900.06, Subd. 9

3. Architectural Design. The exterior architectural appearance of the proposed structure shall not be so at variance with the exterior architectural appearance of existing structures within the immediate area, or with the intended character of the applicable zoning districts, taking into consideration building materials, size, shape and heights, so as to cause an adverse impact upon property values in the immediate area, or the City as a whole, or adversely affect the public health, safety and general welfare of the portion of the City in which the property is located or the City as a whole. Mechanical equipment, such as furnaces, air conditioners, elevators, transformers, and utility equipment, shall be screened, whether on the roof or mounted on the ground, with a screening material similar to or compatible with material used on the main structure. All additions or remodeling shall be compatible in scale, material and massing.

4. Permitted Materials. Structural systems of all buildings shall be as required by Uniform Building Code. All buildings shall be of masonry construction, an equivalent, or better. No building exterior shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No building shall be constructed with a wooden frame. Exterior building materials shall not be so at variance with the exterior materials of existing structures within the immediate area or the City as a whole as to adversely impact the property values in the affected area or the City as a whole, or adversely affect the public health, safety and general welfare.

Exterior wall surfaces of all buildings shall be faced with brick, natural stone, architectural concrete cast in place or precast concrete panels, glass curtain wall panels or an equivalent or better. Up to 15% of any wall surface may be wood or metal used as an architectural trim, as approved by the Planning Commission. The Planning Commission may also approve other materials that the Commission, in its discretion, determines are compatible with these materials if it finds that: 1) The quality and appearance of the proposed materials is consistent with the standard that has been set within the District; and 2) The use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

Existing structures with non-conforming exterior wall surfaces shall be allowed to expand the existing structure with substantially the same exterior material without the need for a variance if the addition does not exceed 50% of the existing footprint of the structure.

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