

PLANNING COMMISSION AGENDA

Thursday, August 1, 2024

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

REGULAR MEETING OF THE PLANNING COMMISSION – 6:30 P.M.

To Participate in the Meeting, please see cityofdaytonmn.com Calendar for Zoom Invitation.

6:30 **1. CALL TO ORDER**

6:30 **2. PLEDGE OF ALLEGIANCE**

(Roll Call)

6:30 **3. ROLE OF THE PLANNING COMMISSION**

The Planning Commission consists of five residents appointed by the City Council. The Commission administers the Comprehensive Plan, Zoning and Subdivision regulations. The Commission conducts Public Hearings and provides recommendations to the City Council. It is the City Council who may approve or deny land use applications.

6:35 **4. APPROVAL OF AGENDA**

6:35 **5. Establishing Meetings, officers, procedures (City Code 32.16(C))**

6:50 **6. CONSENT AGENDA**

These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.

A. Planning Commission Minutes, June 6, 2024

6:55 **7. OPEN FORUM**

Public comments are limited to 3 minutes for non-agenda items; state your name and address; No Commission action will be taken, and items will be referred to staff. Group commenters are asked to have one main speaker.

7:00 **8. COUNCIL UPDATE**

A. June 11, 2024

B. June 25, 2024

C. July 9, 2024

D. July 23, 2024

7:05 **9. PUBLIC HEARINGS**

7:05 A. Interim Use Permit, Home Extended Business 13551 Norwood Lane (Yancy)

7:25 B. Interim Use Permit, Event Center, 16861 North Diamond Lake Road (Magnus)

7:35 C. Concept Plan, 11085 French Lake Road (Holland)

The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

7:50 **10. NEW BUSINESS**

7:50 A. (none)

7:50 **11. NOTICES AND ANNOUNCEMENTS**

A. Joint Work Session, Master Plan, Tuesday August 27, 2024 @ 5:30 PM

B. Staff Updates

7:55 **12. ADJOURNMENT** (Motion to Adjourn)

ITEM:

Establishing Meetings, officers, procedures

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

City Code 32.16

C. Meetings, officers, procedures. The Commission shall establish regular meeting dates. Special meetings may be called by any two members of the Commission upon three days' written notice to all members. The Commission shall establish such rules of procedure as may be deemed necessary. The Council shall select a Chairperson, Vice-Chairperson and Secretary from the Commission membership who shall serve for terms of one year, beginning July 1 of each year.

CRITICAL ISSUES:

1. Select Chairperson, Vice-Chairperson (July-to-July)
2. Select meeting dates.

RELATIONSHIP TO COUNCIL GOALS:

Planning Ahead to Manage Thoughtful Development

- *Clear Goals and Deliverables for each Commission*

RECOMMENDATION:

Staff recommends rescheduling the July 3, 2025 meeting to Thursday, July 10, 2025.

ATTACHMENT(S):

City Code 32.16
2025 Calendar

§ 32.16 PLANNING COMMISSION.

(A) *Established and membership.* A City Planning Commission is hereby continued. The Planning Commission shall consist of five floating members who shall be appointed by the Council for three-year terms. Both the original and successive appointee shall hold their respective offices until their successors are appointed and qualified. Vacancies during the term shall be filled in the same manner as the original appointments are made for the unexpired portion of the term vacated. Every appointed member shall, before entering upon the discharge of his or her duties, have taken an oath that he or she will faithfully discharge the duties of his or her office.

(1978 Code, § 205.01)

(B) *Salary and expense requirement.*

(1) *Salary.* All members shall be paid a salary, per meeting, payable in two semi-annual installments on June 30 and December 31 of each year. Commission members shall be paid only for those meetings attended.

(2) *Expenses.* Planning Commission members shall be reimbursed for mileage at a rate established from time to time for other city staff members for attendance at meetings and other activities which such Commission members are designated and authorized to attend by motion of the Planning Commission; provided, however, that, no Commission member shall be reimbursed for mileage expense for attendance at regular or special meetings of the Planning Commission within the city.

(1978 Code, § 205.02)

(C) *Meetings, officers, procedures.* The Commission shall establish regular meeting dates. Special meetings may be called by any two members of the Commission upon three days' written notice to all members. The Commission shall establish such rules of procedure as may be deemed necessary. The Council shall select a Chairperson, Vice-Chairperson and Secretary from the Commission membership who shall serve for terms of one year, beginning July 1 of each year.

(1978 Code, § 205.03)

(D) *Removal.* Any Commission member may be removed only for cause by a majority vote of all Council members.

(1978 Code, § 205.04)

(E) *Duties of the Commission.*

(1) *Records.* The Commission shall keep a record of its resolutions, transactions and findings which record shall be a public record and shall be filed with the Clerk prior to the Council's first monthly meeting of each month. On or before October 1 of each year, the Commission shall submit to the Council a report of its work during the preceding year. It shall also render such other regular or special reports, advisory recommendations or make such investigations as it deems advisable or as may be requested by the Council. Expenditures of the Commission shall be within amounts appropriated for that purpose by the Council.

(2) *Duty to administer.* The duties of the Commission shall be to administer the zoning and subdivision regulations of the city, as the procedure is outlined and prescribed. The Commission shall be advisory to the Council as to all matters arising under the above described regulations. The Commission shall also undertake any other appropriate duties and responsibilities as the Council may from time to time direct.

(1978 Code, § 205.05)

(F) *Training*. Each member, within 180 days of his or her appointment to the Planning Commission, and each year thereafter, shall participate in at least one training session or seminar training in the area of land use planning approved by the City Council. Failure to either obtain a waiver or to satisfy the requirements of this section within the time periods allowed shall constitute cause for removal pursuant to division (D) above.

(1978 Code, § 205.06)

(Ord. 2007-12, passed 7-24-2007)

2025 Year-at-a-glance

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I. CALL TO ORDER

DeMuth called the June 6, 2024, Planning Commission Meeting to order at 6:00 p.m.

Present: DeMuth, Browen, Crosland, Preisler, and Van Asten

Absent:

Also in Attendance: Mayor, Dennis Fisher; Jason Quisberg, City Engineer; Zach Doud, City Administrator/Finance Director; Jon Sevald, Community Development Director

II. PLEDGE OF ALLEGIANCE

III. ROLE OF THE PLANNING COMMISSION

IV. APPROVAL OF AGENDA

MOTION by Browen, second by Crosland, to approve the agenda as presented. The motion carried unanimously.

V. CONSENT AGENDA

A. Planning Commission Minutes for May 2, 2024

MOTION by Crosland, second by Preisler, to approve the consent agenda as presented. The motion carried unanimously.

VI. OPEN FORUM

No one was present for open forum.

VII. COUNCIL UPDATE

A. May 14, 2024, City Council Meeting

Fisher updated the Commission on Council actions. Fisher stated that the Council agreed to have an independent review for the Well Head Treatment Facility. There were some small issues noted, but nothing significant. The yearly accounting audit was presented. Nothing unexpected was noted. There was some discussion regarding Territorial Road at the Rush Creek intersection. Hennepin County sent a representative to discuss some of the road work they intend to complete. The Council decided to move forward with a chip and fog seal project. The Well House 5 contract was approved. There was a discussion regarding Council Members being City employees.

There was some discussion regarding a possible treatment facility grant that did not get through the Legislature.

B. May 28, 2024, City Council Meeting

Fisher updated the Commission on Council actions. Fisher stated there was a long Work Session pertaining to the Fire Department and a ladder truck, which was later approved during the Regular Meeting. There was a discussion pertaining to a Tax Forfeiture Property near the interchange. It was ultimately decided not to pursue the property at this time. The Kwik Trip Truck Stop was approved 4-1. One of the businesses dropped out of Dayton Fields, so one portion of the land was turned into an outlot. There was discussion on the way in which to get a fairly accurate survey completed by the residents. There was an acceptance of the Fire Study that was recently completed. There was a discussion about the request from Magnus Veterans for the City to drop their Large Assembly Fees, which turned into a discussion regarding City fees in general for non-profit organizations. The Cannabis and Tobacco Ordinance was approved. There was also a Closed Session regarding the Tax Forfeiture Property.

VIII. PUBLIC HEARINGS

A. Interim Use Permit, 13145 Granstrom Circle (Carroll)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an application by Stephanie and Paul Carroll for an Interim Use Permit for more than one animal unit located at 13145 Granstrom Circle. Sevald presented an overview of this application. The applicant currently has two ducks and one chicken. The applicant is requesting to have a total of eight ducks and one chicken.

The property is zoned R1A Single-Family Residential and is 13,972 square feet in size. Based on the zoning district and property size, City Code limits the keeping of fowl to one animal unit (3 heads) but allows for an IUP to exceed this amount. The ducks will be housed year-round in a fenced coop that measures approximately 10 feet by 18 feet and will be located in the backyard.

DeMuth invited the applicants forward. The applicants described their circumstances and stated that the ducks are a quiet breed and winter-hardy. Chickens and ducks are social animals. It is not humane to raise only one.

Brown asked if they had over-wintered their poultry. The answer is yes.

Van Asten asked what the manure management plan is. The applicants stated that they compost the manure.

Van Asten asked what the mud management plan is. The applicants stated that they use pavers to prevent the yard from being overwhelmed with mud. Hay also helps.

Van Asten asked how the applicants intend to manage diseases associated with the wild animals and their domesticated fowl. The applicants stated that their ducks and chickens are supervised when in their yard, otherwise the fowl remain in their coupe.

DeMuth opened the Public Hearing at 6:23 p.m.

Gray Parson of 13165 Granstrom Circle came forward and stated that the Carroll's are the best neighbors he's ever had, they take good care of their animals. Nine poultry is concerning because the coupe is close to his property line and could be a nuisance.

Sevald stated that two emails in opposition to this request were received. DeMuth shared both emails were concerned about having nine poultry.

DeMuth closed the Public Hearing at 6:25 p.m.

Van Asten stated that ducks tend to need more friends than chickens do. If you have both genders, five or six ducks are needed. If all the ducks are the same gender, fewer is fine.

Van Asten stated that she would be agreeable to a total of five rather than nine. After a year, the Carroll's could return to ask for the additional fowl.

Additional conversation ensued regarding the noise level of the ducks.

Brown stated that he would be more comfortable with two animal units rather than three. Brown mentioned that some neighborhoods have HOAs that do not allow poultry and this is never discussed at Planning Commission.

Crosland stated that if it is approved, there should be some conditional screening. The Carroll's shared their screening plans.

DeMuth stated that he'd like to stick to the language that uses the term, "unit" rather than a specific number. DeMuth further stated that he'd approve two units.

Preisler requested that Sevald explain the process of revoking an IUP for the applicant's benefit. Sevald gave an explanation.

Preisler's major concerns are centered on a potential decrease in property value if the applicants allow things to get out of hand, but Preisler doesn't believe that will be the case. Preisler also agreed with Crosland regarding the need for some screening. Preisler agrees that two units are appropriate.

MOTION by Browen, second by Preisler, to recommend approval of the Interim Use Permit for two units of poultry with the condition of some additional screening to be proposed at City Council. The motion carried unanimously.

B. Ordinance Amendment, Commercial Kennels (Holman)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council to amend the City Code, Chapter 94 (Animals) and Chapter 1001 (Zoning) related to commercial kennels in the R-1 Single Family District and for an application by Mark and Ali Holman for Interim Use Permit for a commercial kennel at 12350 Overlook Road. Sevald presented an overview of this application.

The applicants reside at 12350 Overlook Road. They built their home in 2022 and began operating a commercial kennel. The applicants stated that prior to construction, the applicants were informed by Staff that a commercial kennel was permitted in the R-1 District. It is not.

The applicants breed French bulldogs. The Kennel is inside their home and includes 8-10 adult dogs, and four litters per year. The breed of dogs is small (15-30 lbs.). A Private Kennel is the keeping of five or more dogs over six months of age. A Commercial Kennel is five or more dogs over six months of age boarded, bred, trained, and/or for sale.

There are two critical issues: 1) Should Commercial Kennels be allowed in the R-1 District; and 2) Is the Holman's property appropriate for a Commercial Kennel?

Staff recommends denial of the IUP because Commercial Kennels are more appropriate in rural areas on large parcels.

Sevald stated that a number of testimonies were transmitted to the Planning Commission prior to the meeting.

The applicants were not present at the meeting.

DeMuth opened the Public Hearing at 6:48 p.m.

Ashley Lloyd of 12511 Overlook Road came forward and asked how this would affect the traffic on their street. They live on a dead-end road, and there are lots of children who play outside. Williams also asked how this would affect her taxes if her property is changed to commercial. Williams also asked how a potential nuisance would be handled?

Daniel Little of 1045 South St in Anoka was a guardian for a year and a half for the applicants. He shared a story about his experience with 8 of their dogs with the applicants. Little stated that the Holmans are not, in his opinion, ethical breeders.

Tracy Roach of 7640 Sunwood Dr in Ramsey came forward to raise concerns on behalf of her friend, Angela Thompson of 2815 Aquitania Ln in Cumming, Georgia attending her son's (law enforcement) funeral. There have been long-standing issues with the breeding practices of these people in past communities that have even included lawsuits. The breeders have changed the name of their business three times in five years. She is also breeding Chihuahuas and English bulldogs in addition to the French bulldogs. The woman read a story about neglect and abuse from the breeders towards the dogs. Within 24 hours of her friend getting the dog, the dog needed to go to the vet with medical conditions. There was neglect and abuse while being in Holman's care and not the kind of business you would want in Dayton.

Marianne Shumacher of 5033 Sundial Lane in Woodbury came on behalf of an organization called "The Animal Folks," which is an animal protection organization. Shumacher stated that this breeder is not the type of business that you want in your community. Shumacher stated that the applicants have been operating knowingly without the proper authority, they have violated the pet lemon law, they have violated State and Federal Consumer Protection Laws, they have violated USDA Licensing Requirements, they have violated Minnesota tax laws, and they have violated the Minnesota laws pertaining to animal cruelty. Shumacher stated that this body should not recommend the approval of this Interim Use Permit.

Rachel Armstrong of 2355 Yellow Cat Ct in Grand Junction, Colorado came forward and stated that she purchased a puppy from the breeders. No paperwork was delivered with the puppy. The puppy (Willow) was sick, would not eat, and within 48 hours, she was admitted to an Emergency Vet. After notifying the breeder of the problems, the breeder ceased all communications. The puppy died 68 days later. Armstrong requested that the Planning Commission deny the Interim Use Permit.

Kacey Anderson of 14069 290th Avenue NW in Zimmerman came forward and stated that she purchased a dog from the applicants for the purpose of getting into the breeding business. At under a year old, the dog has hip dysplasia and allergies, which means she cannot be used for breeding. Anderson stated that there seems to be no accountability and no ethics.

Julie Shoberg of 15251 Vicuna St NW in Ramsey came forward and stated that she purchased a dog from the breeder and was unable to register her dog with the AKC. Shoberg went to court, won a judgment, the breeder appealed the judgment, and Shoberg won a second time. The breeder gave wrong information on the dog, no vaccines, and no paperwork. Shoberg paid \$5,000 for the dog. Shoberg requested that the Planning Commission hold the breeder accountable.

Mary Kassner of 12520 Overlook Road came forward and stated that when the breeder first moved into the neighborhood, one of the dogs ran out of the house and bit Kassner on the back of her leg. Kassner raised concern for the safety of the children in the neighborhood.

Doud stated that there are three people on Zoom who wish to be heard.

Jen from the case from Massachusetts spoke through the Zoom link and stated that she purchased a puppy for more than \$11,770. Eighteen days later, the puppy died. The paperwork for the dog was inaccurate, the dog had parasites, and kennel cough. The vet visit costs were in excess of \$15,000. Jen discovered Ali Holman deletes negative experiences on any website. Jen requested that the Planning Commission deny the Interim Use Permit.

Sevald stated that the applicant just sent an email stating that they are withdrawing their application.

DeMuth closed the Public Hearing at 7:13 p.m.

No action required since the application was withdrawn.

C. Concept Plan, Bluestone Properties, (Jorgens)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an application by Bluestone Properties for a Concept Plan. Sevald presented an overview of this application. The Concept Plan includes 45 single-family homes on a 40-acre parcel, located at 18121 North Diamond Lake Road. The lot sizes vary from 15,000-20,000 square feet. The Project will be a Shoreland Planned Unity Development (PUD). The property is zoned A-1 Agricultural, and it is in the Post 2050 Staging Plan.

It was noted there are two critical issues to be considered: 1) An amendment to the Sewer Staging Plan may be warranted; and, 2) The neighborhood layout needs to foster connectivity. Parks and trails also need to be considered.

Brown asked if a new pipe would have to be placed into the ground to allow sewer service.

Mark Jorgens, the applicant, came forward.

Quisberg stated that the neighborhood north of North Diamond Lake is connected to sewer by a lift station that pumps into the City of Rogers. What's proposed here is to provide a separate connection to the City of Rogers. Ultimately both neighborhoods would be eventually connected to the Dayton system.

DeMuth asked if Dayton would have any issues taking on another neighborhood in this manner. Quisberg stated that there are no issues he is aware of at this time.

Doud stated that there may be no issues, but there should be consideration for the fact that Dayton would have to maintain another pipe. Additional resources are needed when additional pipes come into the system.

Jorgens stated that Dayton, Rogers, and Met Council will all be involved.

Preisler stated his concern about maintaining the lift station for the small number of homes. Lift station maintenance does require routine checks.

Jorgens went to the screen and pointed out his plans.

Brown asked for confirmation that the applicant would pay for the entire cost associated with extending the pipe into the neighborhood. Jorgens confirmed that to be the case.

Jorgens stated that the homes would be roughly in the neighborhood of \$2,000,000. The average cost of homes in the Dayton area is approximately \$430,000.

Crosland asked what the average size of each lot is going to be within the neighborhood. Jorgens said the plan is minimum 1/2-acre lots.

Brown asked if Jorgens had approached the two neighbors to the west of the proposed neighborhood. The answer is no.

Additional conversation ensued regarding septic and wells versus connecting to the sewer.

DeMuth opened the Public Hearing at 7:37 p.m.

Terry Kraemer of 14281 Lawndale Lane came forward and asked why there was an effort to leap ahead of what was originally planned. Kraemer selected his place of residence based on the Comprehensive Plan, and he doesn't like the idea of changing it too soon. Kraemer also raised a concern about improving Diamond Lake Road.

Charles Wagner of 17611 North Diamond Lake Road came forward and noted that the Diamond Lake Improvement Association, of which Wagner is a board member, has spent a lot of time and money to clean up Diamond Lake. Wagner stated that he is adamantly against this development, and he hopes that the City will stick with the original plan.

Jen Foley of 18220 North Diamond Lake Road came forth and stated that she has big concerns with the impact the neighborhood could have on the area. Foley has lived on the lake for over 20 years, and she does not want to see the neighborhood approved.

Ryan Hobus of 17811 North Diamond Lake Road came forward and raised his concern about the number of properties proposed. Hobus is also concerned about North Diamond Lake Road as it is dangerous. Hobus stated that the plan needs a lot of work, and it should be pushed to 2040 or beyond.

Chris Parks of 14601 Thicket Lane came forward and stated that 51 homes going on North Diamond Lake Road will likely produce 150 cars. Parks stated that accidents are going to be a problem because of the hill. Parks believes that \$2,000,000 per home is unrealistic.

Rob Paris of 17441 138th Avenue North came forward and stated that Jorgens doesn't seem to have a lot of answers, especially on the septic issues. Paris asked if his property value will increase because of the \$2,000,000 homes going in. Paris also has concerns about the potential increase of traffic on North Diamond Lake Road.

Ryan Maltzen of 12711 Cedarwood Court came forward and stated his concerns regarding the deviation from the current Staging Plan, the traffic on North Diamond Lake Road, and the cost associated with the deviation. Maltzen also raised the concern that approving this neighborhood sets a precedent for others to expect the same sort of accommodations.

Steph Riley of 17360 138th Avenue North came forward and stated that the traffic is a very big concern. Riley stated that there should be a plan for a controlled intersection before the neighborhood should be considered.

DeMuth closed the Public Hearing at 7:50 p.m.

DeMuth reminded the Planning Commission that this is a Concept Plan. There will be no motions and no approvals.

DeMuth invited Jorgens to return to the table for potential questions from the Planning Commission.

Van Asten stated that she believes the City should stick to the Comprehensive Plan in place because people purchase property and homes based on that information. People make huge financial decisions based on the information that was publicly posted in the Comprehensive Plan.

Van Asten also stated that beyond sewer and water, along with development comes changes to the roads, more police, more firefighters, schools, and parks. All of this infrastructure costs money, and the City cannot afford to create it across the City all at one time, which is why a Comprehensive Plan was created. Van Asten stated that someone purchasing a \$2,000,000 home is going to expect a \$2,000,000 community. The area in question is not a \$2,000,000 community. Van Asten stated that she is opposed to this moving forward, and there is no chance of changing her mind.

Brown stated that he agreed with a lot of what Van Asten said. Brown stated that the Comprehensive Plan is completely wrong. It allows for 100 homes per year through 2040. Dayton has already surpassed those numbers. Brown stated that growth allows the City to pay for upgraded infrastructure. Brown stated that the sewer pipe and lift station are his greatest concerns.

Crosland stated that the land is beautiful and some point in the future perhaps there will be a beautiful neighborhood there. For now, Crosland is not impressed with the plans. The sewer pipe and lift station are also of concern.

Preisler stated that the orderly development of the City is really important for a lot of reasons. The fact that the sewer pipe, lift station, and force main are needed is proof that the development of this area is simply too premature. Preisler reiterated all that Van Asten stated earlier.

Jorgens stated that he could increase the lot size and provide septic and wells for the lots.

Preisler stated that septic and water will not address the other infrastructure needs.

Jorgens cited several examples of changes made to Comprehensive Plans in the past.

Preisler stated that septic and wells for individual lots would still not get his vote for approval because Rogers has already had to save Dayton once with another neighborhood. Preisler also stated that there is zero connectivity for this potential neighborhood.

DeMuth stated that the Planning Commission is not really in favor of changing the Staging Area. DeMuth also stated that he would be open to

considering septic systems for larger lots. DeMuth stated that the Concept Plan does not excite him at all.

Van Asten stated that the role of the Planning Commission is not to make sure that developers make as much money as humanly possible or exploit the natural resources of Dayton, rather the role of the Planning Commission is to make sure that our City is the best it can be for everyone living here.

Brown stated that he's a commercial real estate appraiser and does lots of appraisals. Brown further stated that he believes not allowing this Concept Plan to move forward will ultimately save Jorgens a lot of money in the long run.

Jorgens stated that the developer is willing to assume the risk.

Brown stated that Jorgens should plan for not less than 2.5-acre lots with septic. Jorgens disagreed.

Preisler stated that parks and trails are clearly missing from the Concept Plan.

Crosland stated that Concept Plans usually show amenities for the neighborhood.

Additional conversation ensued. No action is needed.

D. Concept Plan, Schany Parcel, (BK Land Development)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an application by Zach Brown and Luke Konewko for a Concept Plan. Sevald presented an overview of this application.

Sevald stated that there is no structure on the property so there is no official address. The property is being called 18XXX North Diamond Lake Road. Sevald stated that there is no action required. Comments will be shared and noted.

Sevald stated that this property is in the Post 2050 Staging Area for the Comprehensive Plan. The property is currently zoned A-1 Agricultural. It will eventually need to be rezoned as something else. Based on the Concept Plan, this project is intended to have a septic system rather than connecting to the City sewer.

Sevald stated that the following are critical issues: 1) 2040 Staging Plan; 2) Sewer/Water; 3) Parks and Trails; 4) Streets; and 5) Conservation. Sevald stated that this is 104-acre parcel. According to the plat that is shown, the lot size ranges from about three acres to 24 acres.

Van Asten asked if it becomes an A-3 district, what would the follow-up be. Van Asten followed up her first question with what would happen to the people who already fall into the category of having ten-acre-lots? Sevald stated that these are great questions that he will ask the Planning Commission to answer.

Brown questioned how easy it is to go from A-1 to A-3 District.

Doud stated that a homeowner must request a new zoning. The City cannot simply force it, but a resident could potentially choose it for themselves.

DeMuth stated that anything the Planning Commission created, the current homeowners would be "grandfathered" in.

Brown asked if Staff had looked at the long-term viability of this area if it had access to the sewer system.

Quisberg stated that for the purpose of connectivity, two connections would be preferred, one to North Diamond Lake and one to Thicket Lane, or potentially to Brockton.

Zach Brown, representing BK Land Development, of 13311 Arrowood Lane North came forward and stated that his experience showed him that people in Dayton want larger lots. Only two neighborhoods in Dayton have larger lots. Brown stated that he sought out a property that would not lend itself to future growth because of the topography.

Brown stated that the lots are larger so they can support primary and secondary septic systems. With only 13 homes, the traffic impact will be minimal. The plan is to have a minimum impact on the variety of ecosystems in the area.

Brown stated that, in his opinion as a developer, the property is simply not suitable for a sewer system.

Van Asten asked if 10-acre-lots are required by Met Council, would BK Land Development still be willing to move forward with the project. Brown stated that 10-acre-lots would financially ruin the deal.

Brown asked who prepared the presentation for Met Council. Sevald stated that the Staff Report for the Comprehensive Plan Amendment is sent to Met Council after going through the Planning Commission and being approved by the City Council.

Additional conversation ensued.

DeMuth opened the Public Hearing at 8:37 p.m.

Terry Kraemer of 14281 Lawndale Lane came forward and stated that he owns a piece of property that adjoins the property being discussed. Kraemer stated that he purchased his property based on the Comprehensive Plan in place. Kraemer stated that the property is currently being farmed by the same person who has farmed it for years. Kraemer has given permission for some high school students to hunt on his property. Kraemer is against this project.

Jonathan Bianchi on behalf of his mother, Lisa Bianchi of 19400 141st Avenue North came forward and expressed concern regarding his mother's septic tank being dangerously close to being underwater from an easement that was put in place when the property across the street from her developed. Bianchi is also concerned about the wetlands on the property, and he couldn't find any information indicating that an environmental study has been performed.

Joe Kelly, 18610 North Diamond Lake Road, who has lived on Lake Laura for 49 years, came forward and stated that he is concerned that the builder would hopefully build high-price-point homes. Kelly is also concerned about the potential for additional traffic because the traffic is already bad. Kelly stated that there is no control over the water level of the lake anymore. The culvert is completely caved in and needs to be addressed. Kelly stated that in the past, the soil was disturbed on the proposed property, which likely will prevent septic systems from being installed.

DeMuth closed the Public Hearing at 8:50 p.m.

Brown stated that this development plan would have far less of an impact than a sewer neighborhood of over 220 homes and traffic. It would also flatten the land.

Preisler stated that he believes this Concept Plan is indeed the lowest impact this property could see other than just not developing it at all. An extension of Thicket makes sense. Preisler stated that looking at the contours of the land, he can see that sewer may indeed be an issue. Getting sewer to the property may be easy, but getting sewer through the property will definitely be a challenge. Preisler stated that he has fewer concerns about this Concept Plan being earlier than projected in the Comprehensive Plan because the impact is minimal, and the sewer service wouldn't likely be viable anyway. Preisler stated that 13 lots would not have a tremendous impact on traffic.

There was discussion regarding the RE-Rural Estate zoning.

DeMuth stated that if the project moves forward, the zoning should be RE-Rural Estate, because it does not count for or against the density in the City.

Fisher said that Met Council has stated that they will not approve any additional RE-Rural Estate zoning for Dayton.

Van Asten stated that once this property is developed, this Concept Plan is the best version of development that Dayton could ever get. Van Asten still believes that the development should be going south to north, but 13 homes is not the same as 45 homes. Because this property will likely never have a sewer system, Van Asten stated that she could be convinced to move this project forward.

Crosland echoed Preisler and Van Asten and stated that more study about the environmental impact, the traffic impact, and the impact on the lake is needed. Crosland stated that if the property were to be developed, the Concept Plan presented is a good way to use the land.

DeMuth stated that parks and trails have not been addressed in the Concept Plan. DeMuth further stated that this is not the type of neighborhood that needs a park.

Van Asten stated that the property for each home is a park.

Additional conversation ensued.

Brown wants Staff to make sure that there won't be a negative impact financially to the City because the traffic and roads will eventually need to be addressed.

Brown stated that for the three years he's been on the Planning Commission the RE-Residential Estate zoning has been discussed. Brown would prefer to try to convince Met Council that this property should be designated RE-Residential Estate zoned.

Preisler asked that if we request RE-Residential Estate zoning, and the Met Council declines our request, can we then present A-3 zoning.

Fisher stated that A-3 zoning wouldn't work.

Additional conversation ensued.

E. Concept Plan, DCM Farms (Dehn)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an application by DCM Farms for a Concept Plan. Sevald presented an overview of this application.

Sevald stated that the critical issues for this Concept Plan are: 1) Increased traffic on Fernbrook Lane; 2) An Environmental Assessment Worksheet (EAW) is needed; 3) Mix of housing types (attached and detached townhomes and apartments); 4) Mix of commercial and retail space; and, 5) Creating a "sense of place."

Sevald stated that the property consists of approximately 94 acres.

Tom Dehn of 11261 Fernbrook Lane was invited forward. Dehn stated that he's not looking for approval of the Concept Plans. Rather, Dehn is looking for the Planning Commission's opinion along with feedback from the City Council so that he can create a plan that will work. Dehn is hoping to have varying lot sizes, and a variety of home styles in the project. Dehn asked the Planning Commission to please share their preferences regarding the residential aspect of the project.

Dehn also intends to have a commercial area close to the neighborhood that he hopes to develop.

DeMuth asked if the roundabout shown in the Concept Plan is part of the project. The answer is yes.

Brown asked if there are any updates to inform the public about roundabouts at Fernbrook and 117th Avenue. Quisberg stated that the County has not made the City aware of any plans. The County seems to be

supportive of the plans for a roundabout, but the County has not shared any implementation plans.

Dehn shared many options that would be available and reiterated that he is coming forward simply for the purpose of input.

DeMuth opened the Public Hearing at 9:29 p.m.

Kathy Powers of 11461 Fernbrook Lane came forward and stated that the proposal that was sent to her was option 2. Powers is opposed to the plan because there has been no consideration for traffic on Fernbrook Lane. Powers asked the Planning Commission why the City of Champlin can get a pilot program going with Hennepin County to put up stop signs and Dayton can't work with Hennepin County for the traffic problems on Fernbrook Lane. Powers asked the Planning Commission if they could imagine what 264 apartments could do to the traffic on Fernbrook Lane. Powers cited specific examples of traffic issues. Powers also raised a concern about the excessive water drainage that has caused issues. Powers would like to keep the rural effect.

Linda Hallquist of 11471 Fernbrook Lane came forward and stated that her greatest concern is the amount of water that will ultimately end up in her basement. The proposed plat of land is situated above her home, and the water is barely manageable now. For 15 years, Hallquist has created butterfly gardens and organic gardening. The potential development will devastate her past efforts.

Lee Hallquist of 11471 Fernbrook Lane came forward and stated that he has lived in his current home for 45 years and drainage is his biggest concern. At this time there are four inches of water standing in the ditch located in front of his house. Hallquist stated that due to Brayburn Trails, his sump pump cycled every seven minutes during the drought last year, it cycles every five minutes during the winter, and it is currently cycling every two minutes because there is simply no drainage. The drainage problems came with the development, and Hallquist believes the City has an obligation to deal with it. Hallquist stated that his home was broken into, and the police officer informed him that the crime is following the development. Hallquist stated that he has to sit at the end of his driveway up to eight

minutes to get onto Fernbrook Lane. Hallquist stated that he's not looking forward to being accessed for City sewer and water either.

Hilary McNallan of 11260 Fernbrook Lane came forward and stated that he has lived in his home for 54 years, and he is very concerned about the potential water problems that will come with additional development. He was told that the two ponds would prevent the water problems, and that wasn't so. McNallan would like an engineer to have a solution to the water problems.

Randy Bohlsen of 11441 Fernbrook Lane came forward, approached the screen, and made it clear that he is opposed to the development and compared it to Diamond Lake Rd. He said, "Mr. Dehn, go ahead and buy us out. You can have it all."

Steven Grant 2801 Flag Avenue North, Apt 323, New Hope, Minnesota, came forward and stated that he watches City Council Meeting throughout the State because he loves development. Grant told the Planning Commission that they should do what's right for the residents by making sure that safety comes first regarding the traffic and addressing the water problems that have been expressed.

Stacy Smith Donley of 11431 Fernbrook Lane came forward and stated that she was not opposed to growth and development, and she knew that it would come eventually. Smith Donley would like the development to be intelligently planned out. Smith Donley stated that she currently has lovely views from her backyard, but the Concept Plan that was sent to her shows a row of townhomes that will be looking directly into her backyard. It was her understanding that future development would be low-density, yet the Concept Plan shows what she believes to be high-density. Smith Donley is also very concerned about safety conditions as it relates to the traffic issues and the standing water also concerns her. Smith Donley has small children, and she would appreciate a safe foot-connection to Elm Creek Park.

John (Pete) Bogle 11351 Dallas Lane came forward and stated that his sump pump never stops running; and, if the electricity went out, the basement would flood. Bogle wants to know what is going to happen to the

intersection at 114th Avenue and Fernbrook Lane. The answer is that a roundabout is proposed which could possibly take a piece of his land.

Keith Grover of 11320 Fernbrook Lane came forward and shared his personal experience with the dangerous traffic problems. Grover stated that trying to get his mail from across the street nearly warrants the need for a traffic cop. Grover suggested that the City set up a camera to see just how many people run the stop sign. Grover is very much opposed to the potential development. Grover indicated that the people who currently live in the Fernbrook area are there because they desire to live in a rural area. The commercial aspect of the Concept Plan is not desired at all. Grover is also concerned about the fact that his two sump pumps constantly run.

Marcia Grover of 11320 Fernbrook Lane came forward and stated that she and most of her neighbors are older and have no desire for what is being proposed, especially not the shopping center and gas station. Grover stated that she and all her neighbors have a septic and a well. It only takes one drop of gasoline to pollute a well. Grover stated that she is in the process of getting her water tested for a baseline, and she intends to get her water tested often if construction begins. Grover asked the Planning Commission to consider who would want to buy her house once it is sitting directly across the street from a gas station. Grover is concerned about the noise pollution, the light pollution, and the garbage pollution that will come with the development.

Doud stated that someone from the Zoom link had a comment they would like to be read into the record. Julie Henthorne of 14525 112th Avenue stated that no additional construction should be built until a traffic plan is in place. Crossing Fernbrook at Rush Creek is unsafe, never mind walking.

Doud stated that someone else wished to speak from the Zoom link. Eric Seppelt of 11534 Brayburn Trail stated that he shares some of the same concerns as the others who have spoken. Seppelt doesn't have any opposition to the general layout of the plan, but Seppelt does not support changing the zoning of the area to anything beyond what is called for in the 2040 Comprehensive Plan. People choose their home investment based on the 2040 Comprehensive Plan and that should not be altered. Seppelt's biggest opposition is the insertion of apartments into the plan. Apartments

tend to draw people who are not committed to long-term residency, which ultimately fosters less personal pride and commitment to the area. Seppelt stated that when he was in search of a home, he specifically avoided homes that were in close proximity to apartments and townhomes. Seppelt would like locally owned businesses in the commercial areas proposed. Seppelt agreed with previous traffic concerns.

DeMuth closed the Public Hearing at 10:11p.m.

Van Asten questioned whether there was drain tile in the former farm fields. If it is there and it has failed, it could cause the water to drain in strange ways.

Van Asten stated that the traffic problems on Fernbrook need to be figured out because the development is going to start there. Development or no development, Fernbrook needs to be dealt with and a top priority.

Van Asten also stated that more buffering for the existing properties is absolutely necessary along with bigger setbacks and screening.

Van Asten acknowledged that she would be more in favor of locally owned small businesses but not major retail stores for the commercial area.

Van Asten stated that she certainly appreciates the fact that the current residents want to keep their rural property; but with the rising cost of housing, it is important for there to be housing in Dayton that is affordable for people who can't afford a large lot. Van Asten likes the fact that there is a variety of housing options within this Concept Plan.

Sevald pointed out one of the plans have alleyway between the existing homes and potential to flip the garage and driveway area to the alleyway to not exit onto Fernbrook Lane.

DeMuth began a conversation with the residents on Fernbrook Lane regarding the potential of providing alley access to their homes.

Lee Hallquist of 11471 Fernbrook Lane came forward and commented to move access to the alleyway would interrupt the septic area, trees, and other items on his property.

DeMuth wanted the existing homes to not think of the cost but the concept piece as an option. DeMuth stated it is a concept and in his opinion provides a safer way to access Fernbrook. Residents made various comments. They

were not at the microphone or on camera. DeMuth was curious and felt like it was not clear in the plans.

Preisler urged everyone in attendance tonight to contact their County Commissioner regarding their safety concerns concerning Fernbrook Lane. It is a County-owned road and this is a 'chicken and egg' situation. Fernbrook Lane needs to be a four-lane road, but a four-lane road doesn't come without development. Hennepin County needs to be engaged more by the constituents.

Preisler does not want the commercial area to be in the Concept Plan. Preisler described it as a weird pocket off Dayton Parkway for commercial.

Preisler prefers the Concept Plan that provides 65-foot-wide lots behind the existing homes because it provides a similar product.

Preisler concurred with Van Asten that the drain tile may indeed be causing some of the existing water issues that the current residents all seem to be experiencing. Preisler continued if an EAW was required that could benefit and answer the drainage issues.

Brown asked Dehn to return to the microphone to explain his total density and units. Dehn did not have exact numbers and noticed an error in his Concept Plan. An additional conversation ensued. Brown stated that the zoning may not allow for the 45-foot lot that he proposed and might need to be considered as a PUD.

Brown stated that he wouldn't be against some commercial use, but Brown believes that the Concept Plan has too much commercial use in it. Brown encouraged a multi-family unit in place of some commercial use.

DeMuth concurred with Van Asten about appreciating the mix of housing offered in the Concept Plan.

DeMuth suggested that perhaps a Work Session with the Planning Commission, Staff, Dehn, and the existing six Fernbrook Lane residents to determine what the best way is to appropriately deal with their concerns.

DeMuth has polled some residents regarding the potential for some commercial property moving into the neighborhood and discovered that no drive-thrus would be welcomed.

Dehn encouraged the ideas shared tonight and is here to continue to work with residents and staff.

Van Asten stated that the traffic on Fernbrook Lane is never going away. Dayton is growing, and we can take measures to make it better, but it is only going to increase. If the County proposes four lanes, the existing houses and more could be effected and possibly be taken away.

Dehn agreed that similar roads lose property. Roundabouts help control the speeds on similar roads.

Preisler agreed that Hennepin County has a lot on their plates and not sure where this area is on their list. Traffic issues is unfortunately not the only cause for change for the County.

Doud stated one more item is online that will be added to the minutes: Erin Wehrs - 14536 112th Ave N (Sundance Greens Townhomes) When I purchased my home I was under the impression that the development on the north side of 113th would be low to medium density. I am very opposed to having commercial so close. The north Maple Grove area is very close already and serves all of my needs.

Crosland stated that he appreciated Dehn's demeanor and the fact that he came in with multiple plans for us and the residents to review.

Crosland recommended as much buffering as possible.

Crosland agreed with Browen that a small amount of commercial/retail could be tastefully integrated and successful.

Crosland likes the mixture of housing proposed and previously done by Dehn. There are a lot of possibilities here.

F. Concept Plan, Dayton Territorial and East French Lake Road (Pulte)

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an application by Pulte Homes with Dean Lotter and Haily Daily for a Concept Plan. Dean Lotter came forward and presented an overview of this application.

Lotter stated that Pulte Homes is a national homebuilder that came into being in 1950. Pulte Homes focuses on consumer-driven designs, and they sell homes under two brands, Pulte Homes and Del Webb.

Lotter stated that the City's 2040 Comprehensive Plan has the above referenced area listed as Guided for Low-Density Residential (LDR), which means two to five units per acre are permitted. The proposed density in the Concept Plan is 2.37 units per acre. The area is adjacent to existing

residential and future LDR-guided parcels. Lotter stated that the proposed neighborhood is within the current staging plan.

Lotter stated that the proposed use is for 42 single-family homes. The existing zoning is an Agriculture District. The Concept Plans call for a proposed zoning of R-3. The net area for the proposed neighborhood is 17.7 acres.

Lotter stated that they are still in the process of collecting data for their due diligence. The current proposal allows for lots that are between 42 feet wide and 62 feet wide. The perimeter of the neighborhood will have landscaping along the roadways. There will be trails and sidewalks through the community and two ponds for stormwater management.

Lotter explained that one homeowner wished to retain their home, so the Concept Plan provides for that homeowner to have access to Territorial Road.

Lotter stated that the Concept Plan provides for some open space, a monument, trails, and increased perimeter landscaping along Territorial Road and East French Lake Road.

Lotter provided some visual examples of the proposed homes that would be in the neighborhood. One example given has 2,426 square feet of finished space, three bedrooms, 2.5 bathrooms, a three-stall garage, and two stories. A second example given has 2,756 square feet of finished space, four bedrooms, two bathrooms, a three-stall garage and two stories. A third example has 2,996 square feet, four bedrooms, 2.5 bathrooms, a two-stall garage, and two stories.

DeMuth asked for comments from Staff. Sevald stated that Staff has opposition to the entrance road off East French Lake Road. Additionally, Staff likes the fact that the existing home's driveway goes into the neighborhood rather than onto Territorial Road.

Doud stated that Staff would like to match the aesthetics with the previous development with more winding roads, and Staff would like to see something other than a "Tot Lot," since one already exists in the other neighborhood.

Browen asked if the road onto East French Lake Road could be someplace else along East French Lake Road, or does Staff not want the road at all. Quisberg stated that it would be better to not have the connection at all because East French Lake Road is only going to get busier.

Sevald stated that Three Rivers Park District is planning a trail on the north side of Territorial Road. Staff suggests a trail on the west side of East French Lake Road.

DeMuth opened the Public Hearing at 10:57 p.m.

No one was physically present for the Public Hearing, but there were several people on the Zoom link.

Huy Nguyen of 10921 110th Cir suggested that the next time there is such a heavy agenda, perhaps it should be split into two meetings so residents can be present. Nguyen stated his concern for the potential 80-plus vehicles that will be added to the traffic load in the area in addition to delivery vehicles, buses, and other random traffic in and out of the area. Nguyen would like to know what the plan is for the tree line that is currently between the Concept Plan development and the current development. Nguyen would like to know if the new neighborhood would be part of the existing neighborhood's HOA. Since a Tot Lot would be redundant, Nguyen would like to know if consideration could be given to a sports court.

Jennifer Beaudette of 11170 Black Oaks Ct N, who is on the Board of Directors for the HOA in Territorial Trails, stated that the entry point is of great concern for residents. There are hundreds of children in the neighborhood. There is low visibility and great concern about the increased traffic. Beaudette stated that her neighborhood is isolated from the public parks, so a sports court area would be much appreciated. Beaudette believes it would be best to fold the new homes into the existing HOA and make it truly one development.

Doud stated there are 15 online comments, he will summarize them and provide them to the planning commission later this meeting.

DeMuth asked Lotter how the HOA works with Pulte Homes. Lotter stated that the transition of the HOA from Pulte Homes to the residents usually occurs when the neighborhood is about 75% filled. At that time, a meeting is facilitated by the Pulte Homes staff, an election is held, and the board continues to work with the Pulte Homes staff. The Territorial Trails

Neighborhood was built by Pulte Homes. Lotter stated that Pulte Homes would be open to combining the two neighborhoods into one HOA.

DeMuth asked if the lot in question was ghost-platted. The answer is yes.

Additional conversation ensued.

Van Asten stated that the houses matching stylistically is more important than the winding roads. Lotter stated that the homes in the new neighborhood are actually in the same category as the homes in the existing neighborhood.

Van Asten stated that the Tot Lot should be switched out to suit older kids and adults.

Preisler stated that perhaps more of a meandering roadway would help with the backyard on Lot 40, which has the gas line easement in it.

DeMuth stated that he disagrees with Staff about the connection to East French Lake Road. DeMuth thinks the connection should move further south. DeMuth believes the connection should go in south of the gas line easement, citing concerns about headlights coming and going and safety concerns for emergency vehicles.

Van Asten asked if consideration is being given to a streetlight at Territorial Road and County Road 81. Doud stated that the City did a study on the area and presented it to Hennepin County, but it went nowhere.

Doud summarized the comments that he received online as follows: 1) Keep the mature trees; 2) Join the two HOAs together; 3) Create another access point, if possible; 4) Turn the Tot Lot into a pickleball court or basketball court; and, 5) There is concern about wetlands.

Sevald stated that he received emails that requested more manicured open spaces rather than natural areas.

DeMuth stated that there are some comments that Pulte Homes need to be aware of. There is concern about the grading of the lots and the landscaping. Some of the grass didn't survive. Some of the lots are lumpy.

Huy Nguyen of 10921 110th Cir returned with an online comment through Zoom. Nguyen stated his concerns regarding the intersection of Territorial Road and 81.

DeMuth closed the Public Hearing at 11:25 p.m.

G. Ordinance Amendment, Driveway Aprons

The Planning Commission is requested to hold a public hearing and provide a recommendation to the City Council for an ordinance amendment for driveways by Staff. Sevald presented an overview of this application.

Sevald stated that a concrete driveway apron is the area of concrete between the garage and the actual driveway. Sevald explained that the purpose of the concrete driveway apron is to reduce the amount of settling after a new home is built.

Sevald stated that the question before the Planning Commission is, does the Planning Commission want to require a concrete driveway apron at the time of construction.

DeMuth opened the Public Hearing at 11:28 p.m.

No one was present for the public hearing.

DeMuth stated that the Planning Commission can have their discussion now and see if anyone chimes in for the Public Hearing.

Crosland stated that requiring the concrete driveway aprons at the time of construction is a betterment to the construction. There will be settlement issues, no matter if the apron is asphalt or concrete. If the apron is asphalt, the homeowner's only option is to remove the apron altogether. At least a concrete apron can be repaired. The concrete apron provides a little more structure, and it is usually tied to the foundation. Crosland stated that a concrete apron looks cleaner and makes the front of the home look nicer. Crosland stated that it serves both a functional and aesthetical purpose.

Preisler stated that he too is in support of the ordinance amendment. Preisler also stated that he is disappointed that the underlying need for the amendment is poor construction practices. Preisler stated that the concrete aprons are fairly easy to repair by mud jacking the apron, which is less expensive than having to rip out and replace asphalt.

Browen stated that he is against the ordinance amendment because he has a concrete driveway apron, and it has settled 1.5 inches. Browen stated that if the homeowner has a bad construction project with really bad compacting, the homeowner is still going to have a problem with or without the ordinance amendment.

Van Asten stated that the ordinance amendment is adding cost to the potential homeowner without solving the underlying issue, which is a poor job of compacting the soil by the builder.

DeMuth stated that the ordinance amendment is an additional cost for a problem that is not an issue for everyone.

Preisler stated that if this measure is not successful, the Planning Commission needs to find a way to fix the workmanship issue.

Fisher stated that settling is a problem and cited several examples.

Additional conversation ensued regarding the actual cost associated with pouring a concrete driveway apron. The discussion then shifted towards workmanship.

The Planning Commission noted that the only cost associated with the requirement of a concrete driveway apron should be the basic materials, because the workers are already present to pour the sidewalk.

Additional conversation ensued regarding the use of rebar or mesh to hold the concrete together when it begins to crack.

Crosland stated that it cost less than \$1,000 to mud jack, and it cost between \$5,000 and \$8,000 to tear out and replace an existing asphalt driveway.

DeMuth closed the Public Hearing at 11:39 p.m.

MOTION by Crosland, second by Preisler, to recommend approval of the ordinance amendment to require concrete driveway aprons on all new construction. The motion carried 3 ayes (Van Asten, Crosland, Preisler) and 2 nays (DeMuth, Browen).

VIII. NOTICES AND ANNOUNCEMENTS

- A.** The July 4, 2024, Planning Commission Meeting is **CANCELED**.
- B.** The next Planning Commission meeting is tentatively scheduled for August 1, 2024, at 6:30 p.m.
- C.** Sevald stated that there are two three-year-term positions open for the Planning Commission. Applications are due June 18, 2024.
- D.** DeMuth stated that there are two Parks Commission positions open.
- E.** Doud stated that there is currently one EDA position open.

IX. ADJOURNMENT

MOTION by Crosland to adjourn, Browen seconded the motion. Motion carried unanimously. The meeting adjourned at 11:44 p.m.

Respectfully submitted,

Sandra Major, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

ITEM:

Interim Use Permit, Home Extended Business 13551 Norwood Lane (Yancy)

APPLICANT/PRESENTERS:

Nathan & Meghan Yancy

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

The Applicants propose to build an Accessory Building for use as a garage and a homeschool cooperative (co-op). The co-op will be staffed by two teachers and will serve 20 students, age 7-14. The co-op will operate Mondays, Tuesdays, and Thursdays, 9:00 am – 1:00 pm. Students will be picked up & dropped off by parents. The Accessory Building will be located in the north area of the lot (2.11 acres).

The co-op currently operates at the Applicant's property at 15520 Lawndale Lane. The Applicants plan to move to the Norwood Lane property.

CRITICAL ISSUES:

Location	A detailed site plan was not provided. A wetland is located along the north property line. Wetland upland buffers are required, 10' minimum, 25' average. Minimum setback is 15' from the upland buffer (e.g. 40' from the wetland). ¹
Size	Home Extended Businesses are limited to one Accessory Building. A 2.11 acre lot in the R-2 district is limited to three Accessory Buildings, 2,000 sq ft in size (combined). Height cannot exceed 35' or the height of home, whichever is less. The property does not have a garage (attached garage was converted into living space). Single-Family homes are required to have a minimum of two garage stalls and two surface spaces. ² The City Council may allow Home Occupations to operate in excess of Performance Standards due to the nature of the business or if mitigation measures will not adversely impact neighboring properties. ³
Septic	The property has a well and septic system (2022). If the septic does not have capacity for the co-op, a larger system is needed or the Accessory Building must connect to municipal sewer. Sanitary Sewer is available along the north property line.

¹ City Code 1001.27, Subd 5 (Upland Buffer Zone and Required Structure Setbacks)

² City Code 1001.13, Subd 7(2)(j)(1)(a) (Required minimum parking)

³ City Code 1001.13, Subd 4(2) (Home Extended Business performance standards)

PLANNING COMMISSION MEETING

Driveway Home Extended Businesses may not utilize the street for parking.⁴ One driveway is permitted per parcel.⁵ Either the existing driveway must be extended to the Accessory Building or the existing driveway removed, and a new driveway constructed.

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Interim Use Permit	Sep 10, 2024	Nov 8, 2024

RELATIONSHIP TO COUNCIL GOALS:

Create a Sought After Community

ROLE OF PLANNING COMMISSION:

Conduct a Public Hearing, and make a recommendation for Approval, Denial (with Findings), or Table if more information is needed.

A Public Hearing Notice was published by THE PRESS on July 18, 2024 and mailed to property owners within 500' of the project.

RECOMMENDATION:

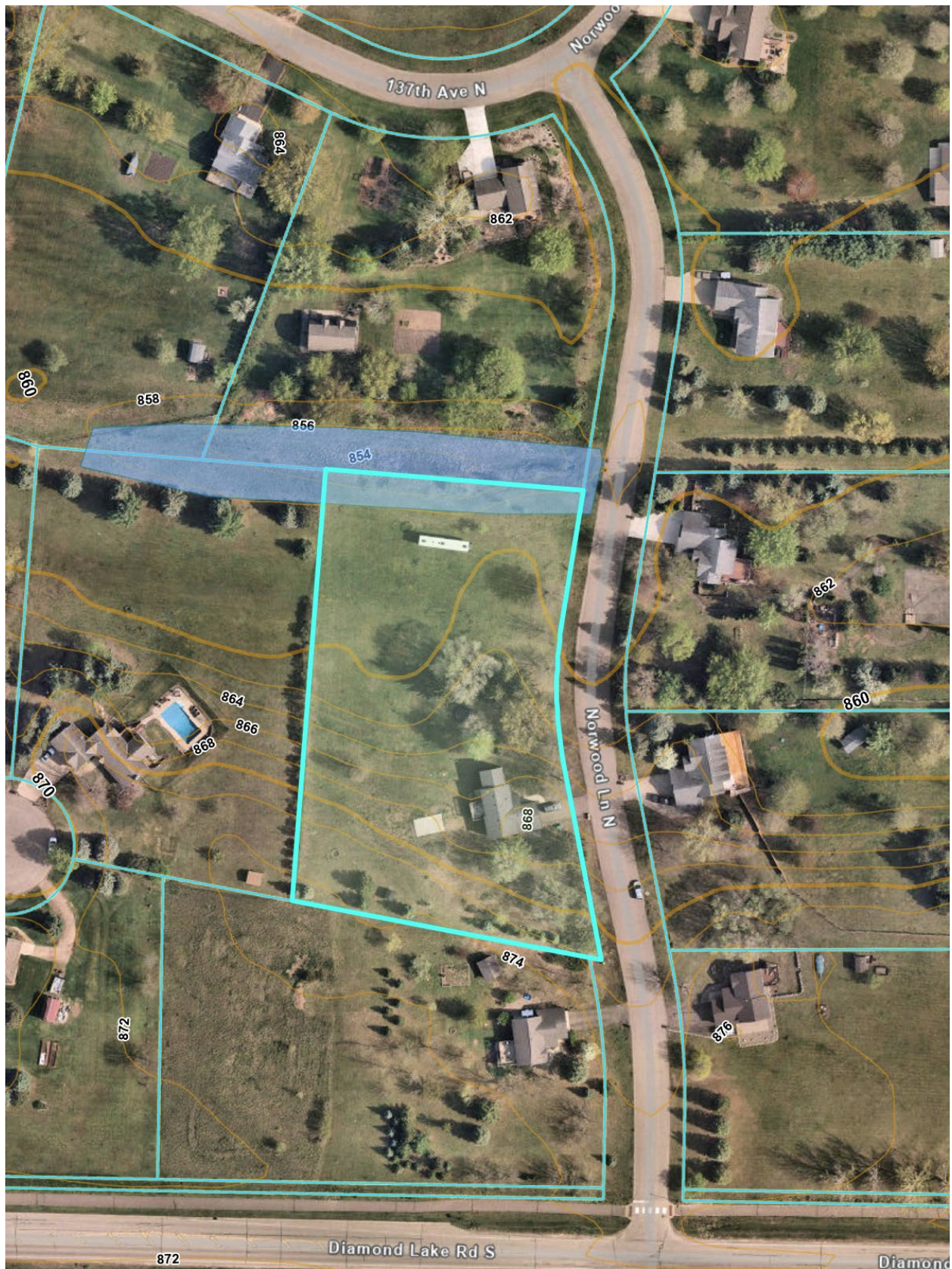
Staff recommends Approval.

ATTACHMENT(S):

Aerial Photo
Site Photos
Resolution
Applicant's Narrative
Site Plan
City Code 1001.13 (Home Occupations)
Public Hearing Notice map
Comments; C.Johnson, July 24, 2024

⁴ City Code 1001.13, Subd 3(7) (General Provisions)

⁵ City Code 1001.14, Subd 9(1)(b)(1) (Driveway permit)



SITE PHOTOS



13551 Norwood Lane (photo July 24, 2024).



13551 Norwood Lane, panoramic view looking south from north of the property (July 24, 2024).



13551 Norwood Lane, panoramic view looking south from near northeast property corner (July 24, 2024)

CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT

STATE OF MINNESOTA

RESOLUTION __-2024

**APPROVAL OF AN INTERIM USE PERMIT FOR A HOME EXTENDED BUSINESS,
LOCATED AT 13551 NORWOOD LANE**

WHEREAS, Nathan and Meghan Yancy (Applicants) request an Interim Use Permit for a Home Extended Business to be located at 13551 Norwood Lane, legally described as:

PID: 14-120-22-32-0014
Lot 6, Block 4, Park View Estates

WHEREAS, the property is zoned R-2 Single Family, and guided Existing Unsewered Residential in the 2040 Comprehensive Plan; and,

WHEREAS, Dayton City Code 1001.13 regulates Home Occupations, requiring an Interim Use Permit for those Home Occupations that typically involve more significant elements of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria stated in City Code 1001.13, Subd 3 (General Provisions); and,

WHEREAS, a Public Hearing Notice was published by THE PRESS on July 18, 2024, and mailed to property owners within 500' of the subject property. A Public Hearing was held by the Planning Commission on August 1, 2024. The Planning Commission recommended Approval of the Interim Use Permit; and,

WHEREAS, Dayton City Code 1001.23, Subd 1(e) requires that the City Council shall find that conditions can be established to ensure all of the following criteria will always be met (Findings in *italics*):

FINDINGS

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

Finding: The proposed IUP is consistent with the R-2 district, with issuance of an Interim Use Permit. The IUP is consistent as a Home Business, consistent with the following:

2040 Comprehensive Plan

Chapter 5 – Land Use

Commercial Land Uses

Goal 12: *Expand and diversify the City's tax base by encouraging new commercial development that complements the residential areas of Dayton.*

Policy 7: Allow home businesses provided that they are accessory to the residential use, adhere to the Zoning Ordinance, and do not negatively impact nearby properties.

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

Finding: There is no evidence that the IUP will have any affect on property values within the immediate vicinity.

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

Finding: The IUP will not diminish public health, safety, or welfare. The proposed Accessory Building must comply with all Building, Fire, and Zoning codes.

4. The proposed use will not impede the normal and orderly development of surrounding property.

Finding: The IUP is in a developed area. The IUP should have no impact to adjacent properties.

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

Finding: The IUP is about ¼ mile from Central Park. The IUP is adjacent to municipal sanitary sewer and is able to access it.

6. The proposed use is adequately screened.

Finding: No screening is necessary.

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

Finding: The IUP should not be uncharacteristic to a large Home Daycare. Home Daycares up to 12 persons are a Permitted Use. Although the IUP will be larger (up to 20 children), the character of the neighborhood is large lots (2+ acres), allowing for distance between the Home School Co-Op and neighbors.

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

Finding: The IUP shall comply with all building, fire, and zoning regulations.

9. The proposed use will protect sensitive natural features.

Finding: There is a wetland near the north property line. The proposed Accessory Building must comply with upland wetland buffers (10' minimum, 25' average) and setbacks from upland buffers (15').

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

DECISION

1. The Home Extended Business (Home School Co-Op) shall be limited to the proposed Accessory Building. The yard may be used recreationally.
2. Prior to operation, the property shall be homesteaded by the Applicant(s).
3. Prior to operation, the Home Extended Business shall comply with all building, fire, and zoning codes.
4. Prior to operation, the Applicants shall construct a driveway accessing the Accessory Building.
5. Prior to operation, the property shall comply with residential parking requirements, including a minimum of two enclosed parking stalls and two surface parking stalls. The Accessory Building (Co-Op) may be used for enclosed parking. Alternatively, a separate garage may be constructed for required parking prior to operation of the IUP.
6. The Interim Use Permit shall expire in five years (August 27, 2029), or with a change in property ownership (Meghan Yancy).

Adopted this 27th Day of August, 2024 by the Dayton City Council.

Mayor Dennis Fisher

ATTEST:

City Clerk Amy Benting

Motion by _____, Second by _____.
Motion Approved.

7/9/2024

Summary of Home Extended Business Application

To Whom It May Concern,

We are applying for a permit to host our homeschool co-op on our property at 13551 Norwood Lane N Dayton, MN 55327.

The Dwelling Place is an educational non profit organization offering a place of community and education for homeschool families.

- We meet on Mondays, Tuesdays and Thursdays from 9am-1pm,
- We have 20 students between the ages of 7-14,
- We have two licensed teachers, who are parents of the students and serve as Independent contractors,
- Parents drop off their students and pick up. No public or school transportation is used,
- Parking will be on our property with an extended driveway added, no on street parking will be used
- We will use the new building on the land. Permits will be submitted with plans.

LOT SURVEYS COMPANY, INC.

LAND SURVEYORS

REGISTERED UNDER LAWS OF STATE OF MINNESOTA

7601 - 73rd Avenue North

560-3093

Minneapolis, Minnesota 55428

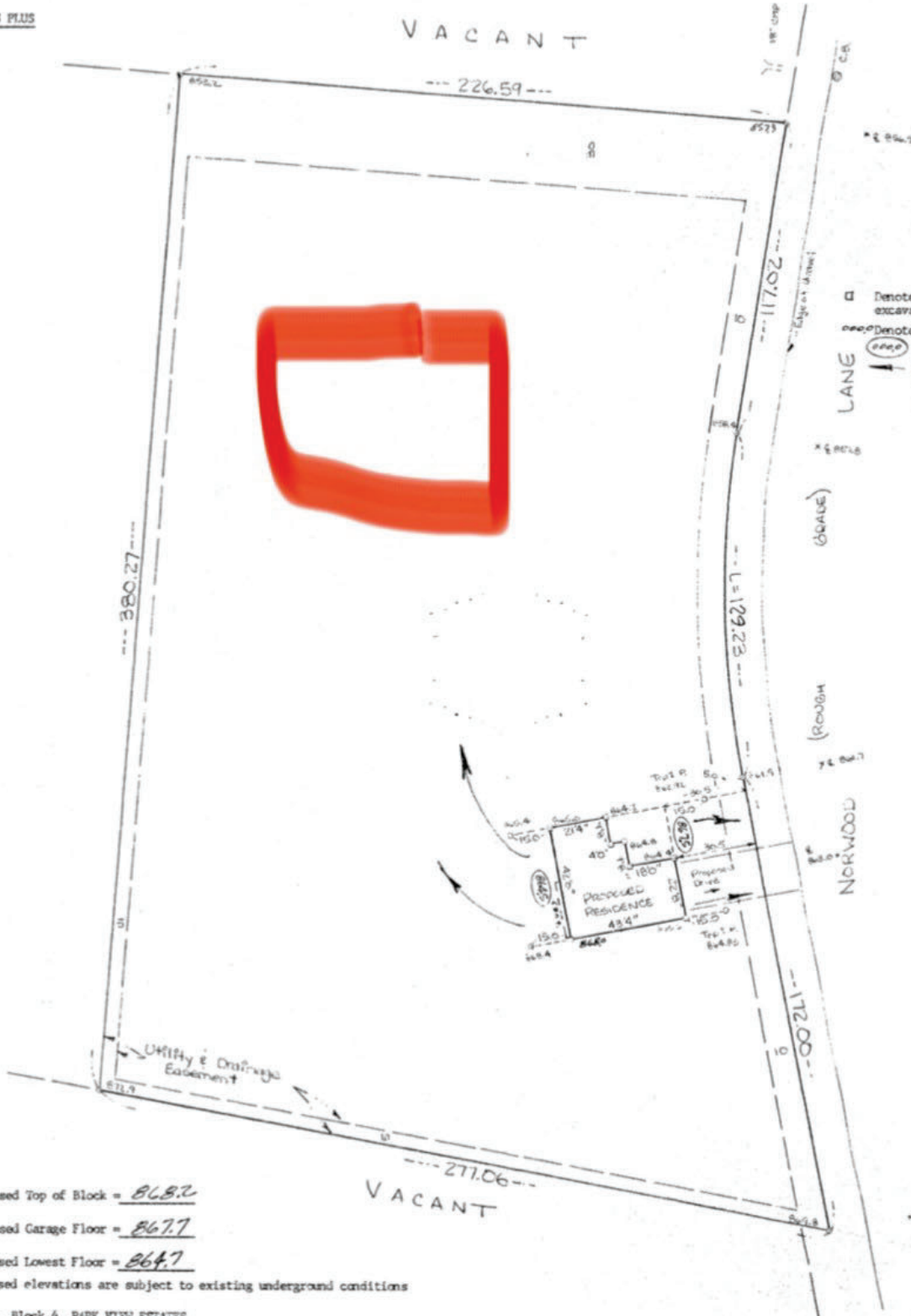
Surveyors Certificate

INVOICE NO. 24626
F. S. NO. 62-33
SCALE 1" = 30'
0 - DENOTES IRON



IRONES PLUS

VACANT



Proposed Top of Block = 868.2

Proposed Garage Floor = 867.7

Proposed Lowest Floor = 864.7

Proposed elevations are subject to existing underground conditions

Lot 6, Block 4, PARK VIEW ESTATES

The only easements shown are from plats of record or information provided by client.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and the location of all buildings and visible encroachments, if any, from or on said land.

Surveyed by us this 21st day of July 19 89

Signed

Raymond A. Prash, Minn. Reg. No. 6743

1001.13 HOME OCCUPATIONS.

Subd. 1 Purpose.

The purpose of this Subsection is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Subsection is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

Subd. 2 Home Business Categories

Home businesses shall fall into 2 categories.

(1) Administrative Home Occupations are those Home Occupations that have no effect on the surrounding neighborhood. This accessory use may be allowed with an administrative permit in all agricultural and residential neighborhoods when the occupation conforms to the standards of Subdivisions 3 and 4(1) below.

(2) Home Extended Businesses are those Home Occupations that typically involve more significant element of commercial-type activity that may have a minimal effect on the surrounding neighbors. This accessory use may be allowed if the use meets all the criteria of Subdivisions 3 and 4(2) below, and requires the issuance of an interim use permit. The Council may require compliance with any reasonable conditions, restrictions or limitations necessary to protect the residential or agricultural character of the area.

Subd. 3 General Provisions

All Home Occupations shall meet the following standards:

(1) All Home Occupations shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(2) The applicant shall reside in the home associated with the Home Occupation.

(3) No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(4) No Home Occupation shall involve the use of equipment other than that customarily found in a residential dwelling.

(5) No Home Occupation shall be visible from the outside of the dwelling. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from the outside of the dwelling with the exception of one directional or identification/business sign not to exceed 2 square feet in area.

(6) All Home Occupations shall comply with the provisions of the City Nuisance Ordinance and City Noise Ordinance.

(7) All parking associated with the Home Occupation shall occur on-site on the driveway.

(8) The Home Occupation shall not cause septic waste flow to exceed the design capacity of the septic system.

(9) No Home Occupation shall generate traffic (by customers, employee, deliveries, etc.) to and from ("trip") the dwelling that is not characteristic of the neighborhood and shall not exceed 8 trips per day by any combination of employee, contract employee, customer or client visits, and/or deliveries per standard 8 hour day and no more than one customer or client visit on the premises at any given time. For the purposes of this section, one customer/client visit shall be considered to include any number of persons arriving in a single vehicle.

(10) No Home Occupations shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(11) No equipment shall be used in the operation of a Home Occupation which will create electrical interference to surrounding properties.

(12) All Home Occupations shall meet all applicable fire and building codes.

(13) No Home Occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless the Home Occupation does not require any on-street or off-street parking facilities or require in person customer interaction on site (e.g. telecommuting).

(14) No vehicles or machinery related to the home occupation shall be idling or running on site, outdoors, between the hours of 10:00 p.m. and 7:00 a.m.

Subd. 4 Performance Standards

(1) Administrative Home Occupation Performance Standards.

- a. The occupation shall not use more than 25% of the floor area of the home (excluding the garage area). State licensed day care facilities serving 12 or fewer persons are exempt from this Subsection.
- b. No part of any detached garage or accessory building can be used for the occupation.
- c. No outdoor storage of supplies, materials, debris, equipment or maintenance items; all home occupation related items shall be kept in an enclosed structure.
- d. The home occupation is conducted entirely by the occupants of the home and up to 2 nonresident employee, or contract employee, working on, or reporting to, the home.
- e. No direct sale of goods to the consumer are allowed to occur at the home occupation site.
- f. Up to 1 vehicle associated with the business with a gross vehicle weight rating under 12,000 lbs. may be parked on the home property. No vehicles over a gross vehicle weight rating of 12,000 lbs. associated with the occupation shall be parked at or near the home. The Home Occupation shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.
- g. If the proposed home occupation cannot comply with all of the above rules, an interim use permit for a Home Extended Business is required.

(2) Home Extended Business performance standards (interim use permit required). Home Extended Business occupations shall only be allowed in Agricultural Zoned Districts, or any Residential Zoned Properties over 1 acre.

a. The occupation use of the home shall not exceed 30% of the floor area of the principal dwelling (excluding the garage area). State licensed day care facilities are exempt from this Subsection.

b. No outdoor storage of supplies, materials, debris, equipment, machinery or maintenance items; all home occupation related items shall be kept in an enclosed structure on properties less than 2.5 acres. On properties which are at least 2.5 acres, outdoor storage may be allowed provided the

outdoor storage area is significantly screened from view from the street and adjacent properties and does not exceed 20% of the lot. Screening shall consist of a combination of existing or proposed landscaping and fencing.

c. The Home Extended Business shall be set back a minimum of 100 feet from any dwelling, other than that of the subject property.

d. The garage or 1 accessory building may be used for the business, provided there is still a garage space to park a vehicle. Accessory buildings shall meet the accessory building design requirements in Section 1001.35, Accessory Buildings and Structures.

e. The Home Extended Business shall be conducted entirely by the occupants of the home and up to 2 nonresident employees, or contract employees, working at, or reporting to, the home.

f. No more than 1 vehicle, which shall be under a gross vehicle weight of 12,000 lbs., associated with the business can be parked overnight outside or near the home. One vehicle which exceeds 12,000 lbs. may be stored on site provided the vehicle does not exceed a gross vehicle weight rating of 18,000 lbs. and the vehicle is stored entirely within a building or is significantly screened from view from the road or surrounding properties. The Home Extended Business shall not create a parking demand in excess of that which can be accommodated in an existing driveway where no vehicle is parked closer than 15 feet from the curb line or edge of paved surface.

g. Direct sale of goods that are not produced on the site is prohibited.

h. Dust control measures may be required.

i. Any other reasonable conditions required by the City Council.

j. The City Council may allow Home Occupations to operate in excess of the provisions in this section provided the City has reasonable assurance, due to the nature of the Home Occupation or through mitigation measures (e.g. increase landscaping, or screening than required), that the Home Occupation will not adversely impact neighboring properties or become a nuisance.

Subd. 5 Procedures and Permits

(1) *Administrative home occupation permit.*

a. An application form and fee for a home occupation permit must be completed and filed with the City.

b. Administrative Home Occupations complying with all the provisions as provided in this section may be approved by the City Administrator or the Administrator's designee.

c. The City on an annual basis may review Administrative Home Occupation permits. If the Administrative Home Occupation is in compliance of City Code the City Administrator may renew the permit. If the Administrator finds that the use is not in compliance the permit holder will be notified and shall have 60 days to bring the use into compliance.

d. The permit shall remain in full force and effect until such time as there has been a change in ownership or until such time as the provisions of this Subsection have been breached. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the permit.

(2) *Home Extended Business interim use permit.*

a. An application form, fee and supporting materials for an interim use permit must be filed with the City. See Subsection 1001.23 for the interim use permit application and review process.

b. Home Extended Businesses must comply with all the provisions of this section and all conditions associated with issuance of an interim use permit.

c. The City shall notify the County Tax Assessor when any Home Extended Business permit is granted and provide a copy of such permit to the Assessor.

d. The City Council shall approve the Home Extended Business IUP with a 5 year time limit. If the City Zoning Administrator, his/her designee, finds that the use is not in compliance, the permit holder will be notified and shall have 60 days to bring the use into compliance. Should the Home Extended Business' noncompliance continue past 60 days the Home Extended Business IUP shall be revoked.

e. Whenever an application for an interim use permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial.

(3) *Transferability.* Home Extended Business interim use permits and Administrative Home Occupation permits shall not run with the land and shall not be transferable. If the Home Extended Business or Administrative Home Occupation is discontinued for a period of one year, or non-compliance beyond 60 days, the Home Occupation permit, or Home Extended Business interim use permit shall be revoked.

(4) *Renewal of permits.* An applicant shall not have a vested right for a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(5) *Inspection.* The City hereby reserves the rights upon issuing any permit to inspect the premises in which the home business is being conducted to ensure compliance with the provisions of this Subsection or any conditions additionally imposed.

Subd. 6 Non-conforming and Existing Home Business Uses

(1) Home Occupations lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain permits, as may be required by this section, for their continued operation. Any existing Home Occupation that is discontinued for a period of more than 1 year, or is in violation of the provisions under which it was initially established, shall be brought into conformity with the provisions of this section.

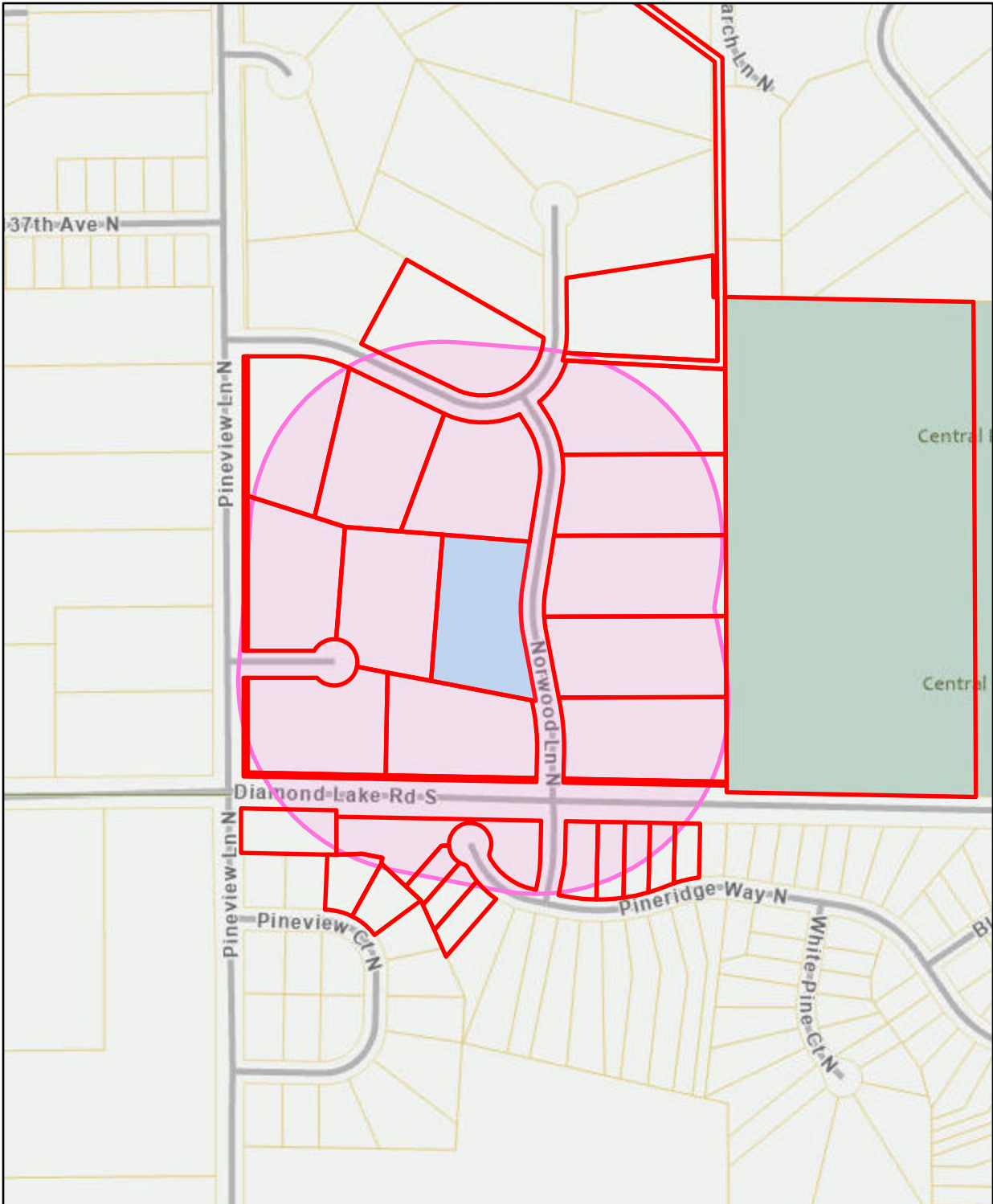
(2) When identified and notified by the City, existing Home Occupations that do not have a permit from the City, shall within 30 days make application for an Administrative Home Occupation permit or Home Extended Business interim use permit as may be required by this section.

(Prior Code, § 1001.12, Subd. 7) (Ord. 2006-14, passed 12-14-06; Am. Ord. 2018-11, passed 5-8-2018)



Hennepin County Locate & Notify Map

Date: 7/17/2024



Buffer Size: 500

Map Comments:

0 100 200 400 Feet
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This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

From: [Christina Johnson](#)
To: [Jon Sevald](#)
Subject: Permit for Home Extended Business 13551 Norwood Lane
Date: Wednesday, July 24, 2024 4:22:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I received the public hearing notice for the Interim Use Permit for a Home Extended Business that has been applied for by Seborn & Meghan Yancy at 13551 Norwood Lane N. I have concerns about how this business would affect our neighborhood. My first concern is the validity of this business. These home owners bought the house out of foreclosure some years ago and occupied it with their family for a short time.

During that time, they left a delivery of a small shed at the end of their driveway for an entire winter. After winter was over, they moved out and then did some unpermitted construction to turn their garage into a living space and began renting the house out ever since to different families/individuals. They did not pull permits, have any inspections, nor did they file with the city that they were planning to rent out the house.

Due to these actions, I have major concerns about how they will handle this new venture of a homeschool coop. I would expect that if a permit is allowed, the city will require and follow up to make sure they pull permits for any building done or any septic or water that is altered. I would like to know that they are held to the same expectations as the rest of the neighborhood with septic requirements per number of bedrooms/occupants and that any building would be restricted based on the lot size.

Another concern that I have is for the traffic this would bring into our neighborhood. We are a quiet neighborhood with minimal traffic. Their renters have not been parking in the driveway and are often parked in the road which is hard to travel around, especially in the winter. I am a teacher and know of the traffic that exists during pick up and drop off time, I'm not sure how many families would be using the coop and the hours, but our neighborhood is not ideal for a lot of traffic.

This family has not showed follow through in the past which makes me very uncomfortable with them holding a permit to run a business out of a residential neighborhood. They do not currently reside at the property and don't have an interest in keeping the traffic and noise low in the neighborhood.

Thank you for forwarding by concerns to anyone involved in the decision to grant the permit or not.

Christina Johnson

13700 Norwood Lane N

Dayton MN 55327

cjohnson@starbasemn.org

6124327234

ITEM:

Interim Use Permit for Event Center, 16861 North Diamond Lake Road (Magnus Veterans Foundation)

APPLICANT/PRESENTERS:

Shawn Alderman, President
Bob Jaskowiak, Director

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

Magnus Veterans Foundation was established in 2021 at 16861 North Diamond Lake Road.¹ The 34-acre property was formally a residence donated to Magnus. Magnus operates a health and wellness clinic for veterans and their families. Magnus has 800 members and 200 volunteers. The clinic provides services to 2-12 clients (members) per day. There is no cost to members. Magnus is dependent upon donations. This includes hosting fundraiser events on and off-site.

The City approved an IUP for a Veterans Outpatient Treatment Facility in 2021.² One conditions is that Magnus obtain a Large Assembly permit for any event with 200 or more participates. In 2023, the City Code was amended to allow Event Centers as an IUP.³ The intent of the Event Center ordinance is for the applicant to create a management plan addressing nuisance factors and emergency response plans. If the applicant has an IUP for an Event Center then there is no need for individual Large Assembly permits (subject to change).⁴

The type and number of on-site events will evolve over time. For example, the *Magnus & Friends Festival* will be held September 7th, 8:00 am – 9:00 pm, to include a 10K run, vender booths, concert, and fireworks.

Access is via an existing gravel field access onto a grass parking lot. The drive lane is about 600' in length, allowing stacking for 30+ vehicles. Staff estimates there is space for 500-600 vehicles with ample farmland to expand onto. Event activities will be held on the lawn between the house and pond. Emergency access will be via an existing gravel driveway along the east property line.

¹ Previous land use permits include Non-Conforming Home Occupation Permit for VEE Corporation/Vince Egan for use of a barn to store show equipment (Resolution 68-1984). This permit is non-transferable. Correspondence from Vince Egan's attorney notes that the storage barn includes limited living quarters used occasionally by guests.

² Resolution 04-2021, Resolution Granting an Interim Use Permit for Magnus Veterans Foundation at 16861 Diamond Lake Road North.

³ Ordinance 2023-05, amending City Code 1001.03, Subd 2.

⁴ On July 23, 2024, the City Council TABLED Ordinance 2024-10 (Repealing and Replacing Chapter 93: Special Events). The Ordinance would require a Special Event Permit for any outdoor event open to the public in which 50 or more persons are on-site at one time. This includes IUP's for Event Centers.

The IUP's intent is for the Applicant to create an Emergency Response plan acceptable to Staff, prior to large events being held. The FEMA *Emergency Management Guide for Business and Industry* has been provided to the applicant as a guideline. *"An emergency is any unplanned event that can cause deaths or significant injuries to employees, customers or the public; or that can shut down your business, disrupt operations, cause physical or environmental damage, or threaten the facility's financial standing or public image."*⁵

CRITICAL ISSUES:

- Traffic management, to be addressed by Applicant in an Emergency Preparedness plan.
- Parking surface; an improved surface is required, whereas grass is proposed.
- Emergency Preparedness Plan, to be completed by the Applicant.

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Interim Use Permit	Aug 6, 2024	Oct 4, 2024 ⁶

RELATIONSHIP TO COUNCIL GOALS:

Create a Sought After Community

ROLE OF PLANNING COMMISSION:

Conduct a Public Hearing. Motion to Recommend Approval or Denial of an Interim Use Permit for an Event Center.

The Planning Commission should consider if grass parking is appropriate in place of an improved surface (Fisher Farms is gravel. Dehn's Pumpkins is grass). If yes, consideration should be given to amend the Code.

RECOMMENDATION:

Staff recommends approval, expiring January 26, 2041 or one year after a Veterans Outpatient Facility ceases operations, whichever occurs first. This coincides with the 2021 IUP conditions.

A Public Hearing Notice was published by THE PRESS on July 18, 2024, and mailed to property owners within 500' of the site.

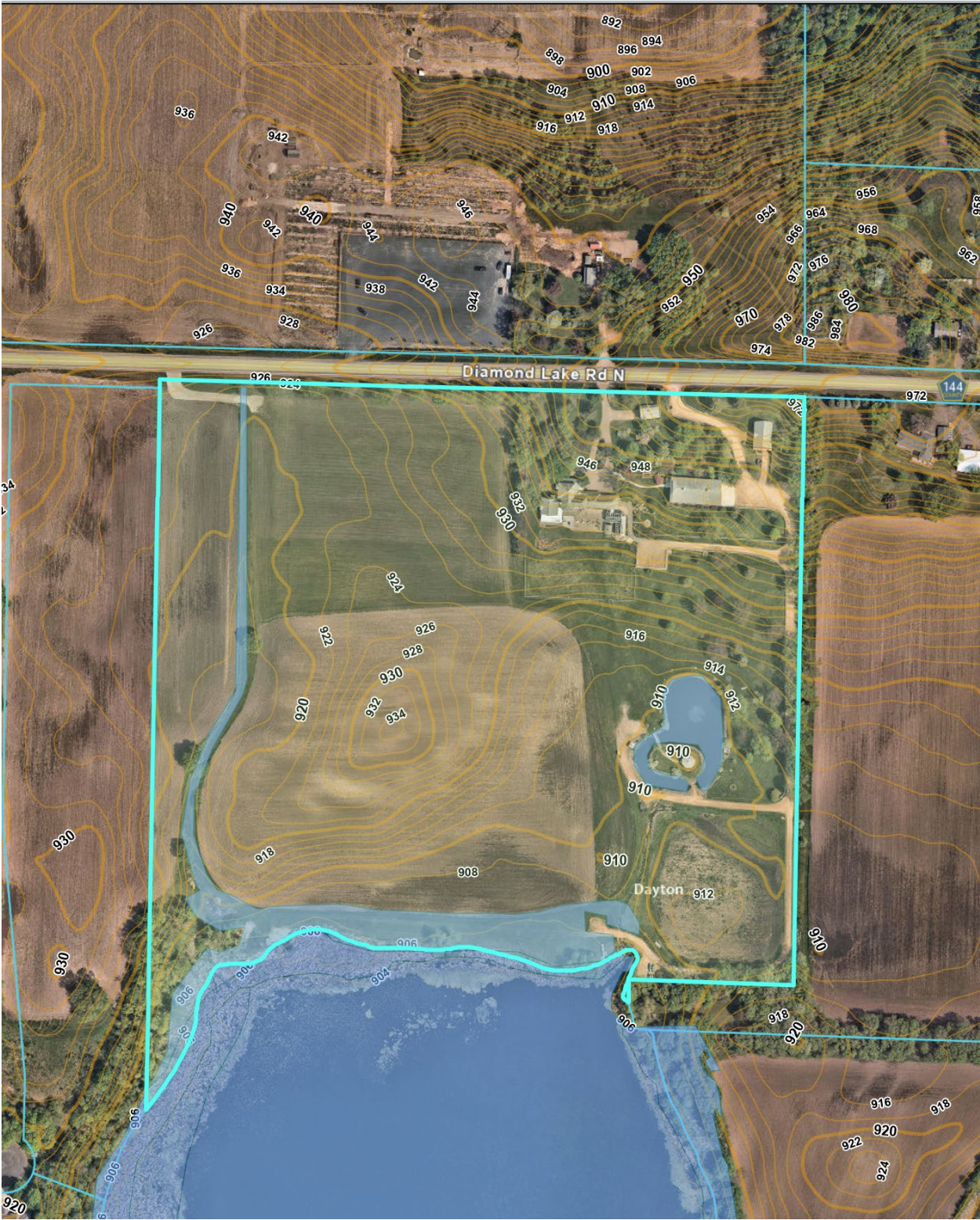
ATTACHMENT(S):

Applicant's Narrative
Ordinance 2023-05 (Event Centers)
Aerial Photo
Site Photos
Public Hearing notice map
Resolution

⁵ Wahle, Thomas, Gregg Beatty, FEMA *Emergency Management Guide for Business and Industry*, October 1993, Page 5.

⁶ 60-Day review extended to 120-days (Oct 4, 2024). Notice provided to Applicant on June 13, 2024.

AERIAL PHOTO



SITE PHOTOS



16861 North Diamond Lake Road, view from greenhouse looking south toward Event area (June 24, 2024).



16861 North Diamond Lake Road, view from Event area looking north toward clinic (June 24, 2024).



16861 North Diamond Lake Road. Event Center driveway, looking east (July 5, 2024).

RESOLUTION __-2024

**CITY OF DAYTON
COUNTIES OF HENNEPIN AND WRIGHT**

**RESOLUTION APPROVING AN INTERIM USE PERMIT FOR AN EVENT CENTER,
16861 NORTH DIAMOND LAKE ROAD**

WHEREAS, Magnus Veterans Foundation (Applicant) applied for an Interim Use Permit for an Event Center to be located at 16861 North Diamond Lake Road, legally described as,

PID: 17-120-22-21-0010

GOVT LOT 2 EX S 6 RODS OF E 20 RODS AND EX ROAD

WHEREAS, the property is zoned A-1 Agricultural, and is guided Low Density Residential in the 2040 Comprehensive Plan. An Event Center is an Interim Use in the A-1 district (City Code 1001.03, Subd 12 (Allowable Uses; Table 5.1); and,

WHEREAS, City staff studied the matter, and prepared reports for the Planning Commission and City Council; and,

WHEREAS, the Planning Commission conducted a Public Hearing on August 1, 2024. The Planning Commission recommended Approval; and,

WHEREAS, Interim Use Permits shall be processed according to the standards and criteria for conditional use permits (City Code 1001.23, Subd 2(2)(a). Approval of a conditional use permit requires that the City Council shall find that the conditions can be established to ensure all of the following criteria will always be met (City Code 1001.23, Subd 1(3)(e):

FINDINGS

1. The proposed use is consistent with the Comprehensive Plan and the purpose of the underlying zoning district.

FINDING: *Event Centers are not specifically addressed in the Comprehensive Plan.*

2. The proposed use will not substantially diminish or impair property values within the immediate vicinity of the subject property.

FINDING: *There is no demonstrated effect to property values in the immediate vicinity.*

3. The proposed use will not be detrimental to the health, safety, morals or welfare of persons residing or working near the use.

FINDING: *The proposed use (Event Center) will not be detrimental to the health, safety, morals, or welfare to area residents.*

4. The proposed use will not impede the normal and orderly development of surrounding property.

FINDING: *The property is in the 2040 Staging Plan, meaning, it is not anticipated to be developed until after the year 2040, and should not impact development of surrounding areas.*

5. The proposed use will not create an undue burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

FINDING: *The proposed use should not have any impact on public facilities.*

6. The proposed use is adequately screened.

FINDING; *Screening is not necessary.*

7. The proposed use will not create a nuisance, including but not limited to odor, noise, vibration or visual pollution.

FINIDNG: *The Event Center should not create a prolonged nuisance. It is anticipated that nuisance will occur during events. Large events will seldom occur.*

8. The proposed use will provide adequate parking and loading spaces, and all storage on the site is in compliance with this Subsection.

FINDING: *Event Center parking will be on a grass field, accessible by a gravel driveway and drive lane. Parking is adequate for 500-600 vehicles, with space to expand if needed.*

9. The proposed use will protect sensitive natural features.

FINDING; *There are no natural features to be impacted by the Event Center.*

10. The City Council may attach conditions to the permit, as it may deem necessary in order to lessen the impact of a proposed use, meet applicable performance standards and to promote health, safety and welfare.

DECISION

NOW, THEREFORE, BE IT RESOLVED, the City of Dayton City Council, based upon the Application, Staff Report, Planning Commission recommendation, consideration of public testimony, and the above Findings, the City Council hereby grants and approves an Interim Use Permit for an Event Center on the subject property with the following conditions:

1. Prior to operations by the Event Center, the Applicant shall submit an Emergency Response Plan for review and acceptance by City Staff.
2. The Event Center shall operate according to City Code 1001.051, Subd 1 (Event Centers). Exception; off-street parking may be on an unimproved surface such that it does not significantly impact surface drainage.

3. This Interim Use Permit for an Event Center shall expire concurrently with the Interim Use Permit for a Veterans Outpatient Treatment Facility, on January 26, 2041, or when the Veterans Outpatient Facility use ceases operation for a period of one year, whichever occurs first (Resolution 04-2021).

Adopted this 27th Day of August, 2024.

Mayor, Dennis Fisher

ATTEST

City Clerk- Amy Benting

Motion by _____, Second by _____.
Motion Passed.

MAGNUS VETERANS FOUNDATION LAND USE AND DEVELOPMENT APPLICATION SUPPLEMENTAL NARRATIVE

Magnus Veterans Foundation (Magnus) submits this narrative to supplement its Land Use and Development Application for an Interim Use Permit from the City of Dayton.

10. State proposed use and a description of project proposed or variance requested.

Magnus is a 501(c)(3) charitable/non-profit organization dedicated to serving veterans their families. Our Federal EIN is # 83-2526912. At Magnus, our goal is to promote healing and restoration for veterans and their families.

The Magnus campus in Dayton is a welcoming community of members, health specialists, and volunteers working together to provide a comprehensive approach to veteran well-being. The organization's founders have over one hundred years of combined military service, most of which are within Special Operations Forces. Our dedicated team understands the profound impact that war and military service has on veterans and their families. The team includes physicians, licensed professionals, veteran families, community leaders, and military service advocates. We pledge to devote our professions and leadership to the Magnus Mission by creating a comprehensive care clinic specialized in veteran health and performance.

Magnus opened its doors on June 1, 2021. The campus is on the grounds of a serene and beautiful 34-acre former. As more fully explained below, the campus includes a medical and psychological health clinic, a gym with fitness equipment, mindfulness and artistic spaces.

Please refer to the attached, annotated Google map of the premises.

Building "A" is the Suzanne Rawlings Wellness Center. It is currently open on weekdays from 0800 to 1600. The Wellness Center is fully handicap-accessible houses our reception room, meeting rooms, an out-patient medical clinic, a mental health counseling center, a physical therapy studio, a gymnasium, a small kitchen, a workshop/storage area, and medical and corporate office spaces. There is a deck off the main floor and a wood-burning fireplace not in use. A greenhouse is attached by a breezeway, and there is a large adjacent concrete patio. There are five bathrooms, four of which are open to Magnus members.

Building "B" is the Vincent E. Egan Human Performance Center. It houses cardio-related fitness equipment, a separate free weight and fitness machine area, a chiropractic office and a yoga studio. There is a bathroom and shower.

Building “C” is a large garage generally used to store equipment, including riding mowers, golf carts, and gardening/lawn care equipment.

Building “D” is a barn used for storage of large items.

Building “E” is a three-season gazebo with a wood-burning fireplace not in use.

Not depicted is a shed to be located along the shore of Diamond Lake in the future to store life preservers, oars and paddles, and fishing poles and tackle used in our water therapy programs.

There are two main entrances to Magnus off of North Diamond Lake Road. An occasional gated entrance is located further west for parking on a grassy field for special events (once or twice per year).

Entrance no. 1 leads to a paved, turnaround driveway in front of Buildings A and C. Four or 5 cars can park in front of the Wellness Center, and one is reserved for handicapped access. 4 others can park in front of Building C.

Entrance no. 2 is the main entrance used by Magnus members and staff and can accommodate at least 20 vehicles. It extends from North Diamond Lake Road to a parking area east of Building “B”, and south along an east-west gravel road to the greenhouse. It is primarily gravel, but Magnus has plans to expand and improve this area, including paving, when funds are available.

Entrance no. 3 is not used except for large events, once or twice per year. Parking is on a grassy expanse, and Magnus volunteers tape off parking areas and lanes. Volunteers on golf carts shuttle event attendees to and from the event location, typically south of Building “A”.

Magnus prohibits parking along North Diamond Lake Road or across the street. Parking has proven adequate in the past, except for a previous Magnus & Friends festival when the property was deluged with 2” of rain the night before, making the western-most parking area completely unusable. On that occasion we utilized off-street parking on City property near Zanzibar and South Diamond Lake Road, with donated shuttle vans. Magnus has sufficient metal signage to direct and route traffic on event days. These signs are placed and then removed the same or next day.

There is a Pump House as shown with 110 and 220 power used for events.

In the past Magnus conducted up to 5 or 6 outside events on the property, including a festival, concerts on the lawn, and Memorial Day services. Fewer annual events are planned in the future. Events planned for 2024 are only 3: a third-party event

entitled Operation Zero on August 10, the Magnus & Friends festival on September 7, and a Trunk or Treat event on October 26.

Operation Zero is a motorcycle show, a car show, and live music with vendors including food trucks, and fireworks. The Vietnam Veterans Wall Tribute Truck will be on-site. The event will take place between 1200 and 2200. *We specifically request a variance for loudspeaker equipment and music until 2200.* This is probably a one-time event.

Magnus & Friends is an annual one-day festival (it was 2 days last year) with a walk/ruck/run, a children's carnival with inflatables, veteran vendor booths, a beer tent sponsored by the Dayton Lions, a keynote address by COL Frank Rubio, US Army (NASA astronaut), live music, a flyover, and fireworks. *We specifically request a variance for loudspeaker equipment and music until 2230.*

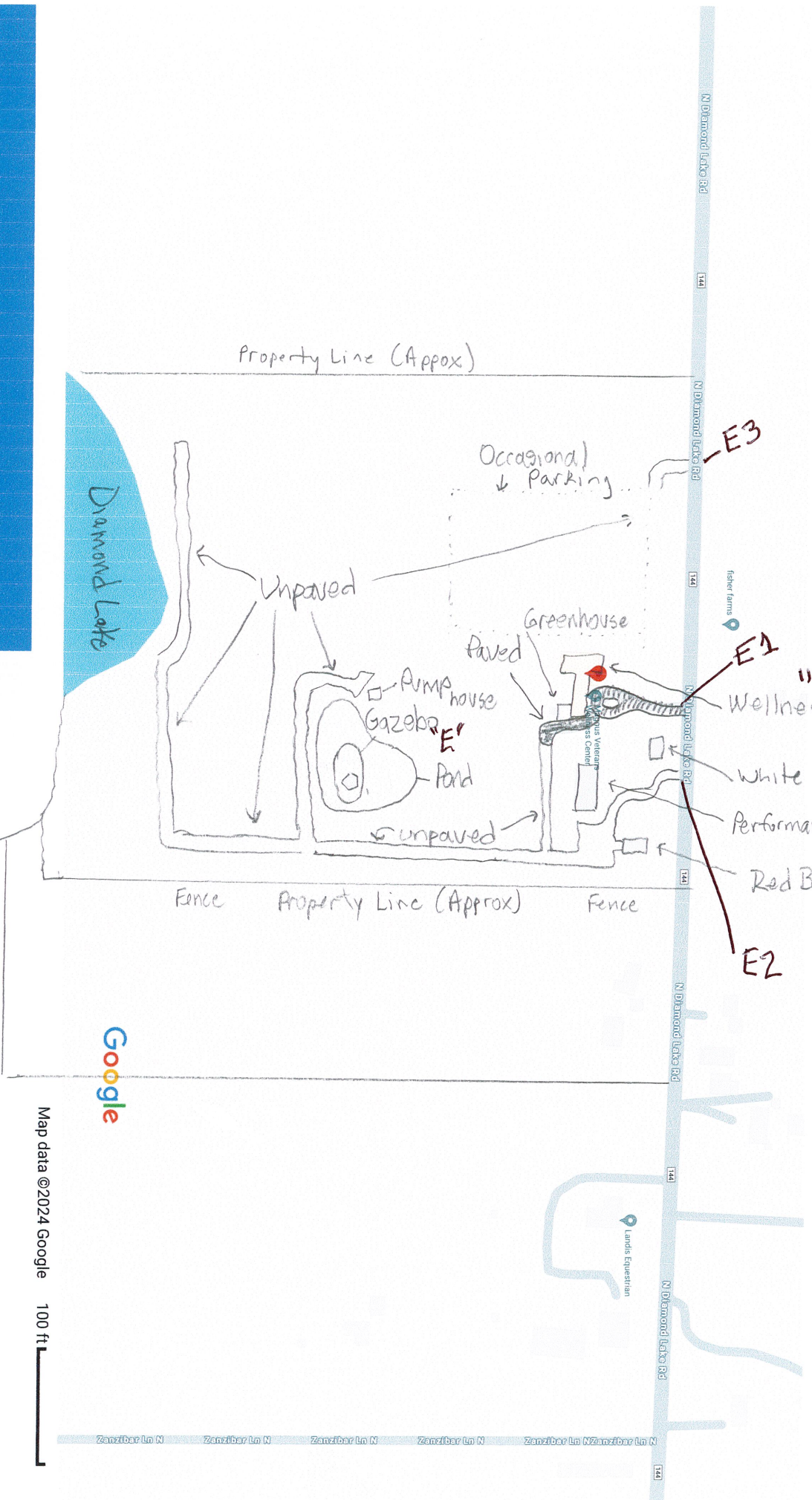
Indoor events include gatherings, open houses, tours, and meetings, like a breakfast for National Prayer Day, a MEMORIAL Day services, fitness challenges like the Murph, and volunteer appreciation lunches.

Regarding Emergency Management, Magnus staff currently includes a doctor, a nurse, a physician's assistant, and a medical assistant. Physical events like the walk/ruck/run and the Murph have medical personnel in attendance. The same is true for Magnus & Friends festival. Dayton Police has provided route and traffic support in the past when necessary. Defibrillators are present, and fire extinguishers as required, with service records available for inspection. There is good hard-surface access for emergency personnel to all areas of the property, including along the length of the lake. Buildings A-E have perimeter lighting. On the 2 or 3 days per year when Magnus hosts a large event, we will designate volunteers to make sure emergency personnel have unrestricted access to all parts of the property.

Severe weather plans call for members to seek shelter in the basement of Building "A" or in the lower levels of Buildings "C" and "D".

Regarding potential nuisances, there are no residential neighbors to the north, south, or west. We have a good relationship with all property owners nearby, and the property owners adjacent to the east have never complained. We are certainly willing to work with Fisher Farms to deconflict events.

As far as permitting for actual uses, the City inspected Building "A" after remodeling and we believe everything is compliant. In the future, if funding becomes available, we plan to insulate, and climate control Building "B" and permits will be required.



ORDINANCE NO. 2023-05
CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA
AN ORDINANCE AMENDING DAYTON CITY CODE
REGARDING EVENT CENTERS

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. AMENDMENT. Dayton City Code Section 1001.03 Subd. 2 is hereby amended by adding the underlined material as follows:

EVENT CENTER: A facility located on private property that primarily functions to provide a facility for any type of social gathering that is available for use by various groups for such activities as public assemblies, meetings, private meetings, retreats, parties, weddings, receptions and dances.

SECTION 2. AMENDMENT. Dayton City Code 1001.05, Subd. 12 is hereby amended by adding the underlined material as follows:

Subd. 12 Allowable Uses; Table 5.1

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO

Table 5.1			N-Not Permitted	
Residential - Agricultural Use Classifications			P-Permitted	
			C-Conditional Permit	
			I-Interim Use Permit	
			A-Accessory	
	Zoning District			
	SA	A-1	A-2	RO
Accessory buildings	A	A	A	A
Agriculture	P	P	P	N
Attached or interior accessory dwelling unit as regulated by Subsection 1001.36	A	A	A	N
Bed and breakfast	N	I	I	I
Boarding houses	N	I	I	I
Bus/transit station	N	C	C	C
Cemeteries	N	C	C	N
Commercial composting and land spreading	I	I	I	N
Commercial recreation	N	C	C	N
Day care 13 or fewer persons ¹	A	A	A	A
Day care 14 or more persons ¹	C	C	C	C
Detached accessory dwelling units as regulated by Subsection 1001.36	I	I	I	N
Essential services	P	P	P	P

Event Center	I	I	N	N
Fences*	A	A	A	A
Feedlots and poultry facilities ¹	C	C	C	N
Golf courses/driving ranges	N	N	N	N

SECTION 3. AMENDMENT. Dayton City Code 1001.051, Subd. 12 is hereby amended by adding the underlined material as follows:

Section 1001.051 - Residential District Special Requirements

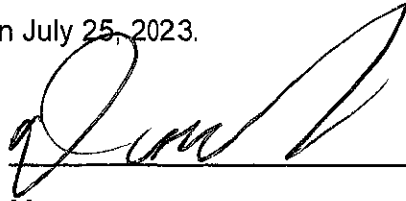
Subd. 1. Event Centers, subject to the following:

- a. The minimum size of the event center operations must be 30 acres. This may include multiple lots.
- b. Access to the site must be from a paved street.
- c. The hours of operation shall be no later than 9:00 a.m. to 10:00 p.m. on Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
- d. The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
- e. Noise from an event shall comply with Section 130.08 of the City Code.
- f. No sound amplifications systems may be used outdoors after 8:00 p.m.
- g. Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. No Sanitary facilities shall be located closer than 200 feet from a neighboring property line. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring property line.
- h. Off street parking shall be provided to accommodate 1 stall per 2 guests based on the maximum occupancy of the buildings. If no buildings are present for the event center then parking will be determined by city staff. Off street parking shall be setback 20 feet from any property line. Off street parking must be on an improved surface such as class 5 gravel or pavement.

- i. Screening may be required for outdoor facilities related to the event center and may include permanent landscaping, berms, fences, or walls.
- j. All light fixtures shall be downcast style fixtures. Reflected glare or spill light from all exterior lighting shall not exceed 0.1 foot-candle measurement on the property line when adjoining residential and agricultural zoned property.
- k. No overnight camping shall be allowed as part of an event center.
- l. As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
- m. Compliance with all applicable regulations including State Health Code, State building codes, and local liquor licensing requirements.

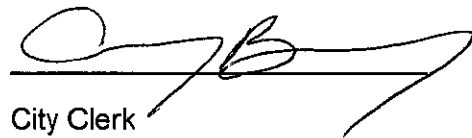
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton on July 25, 2023.



Mayor

ATTEST:



City Clerk

Published in the Champlin Dayton Press on August 03, 2023

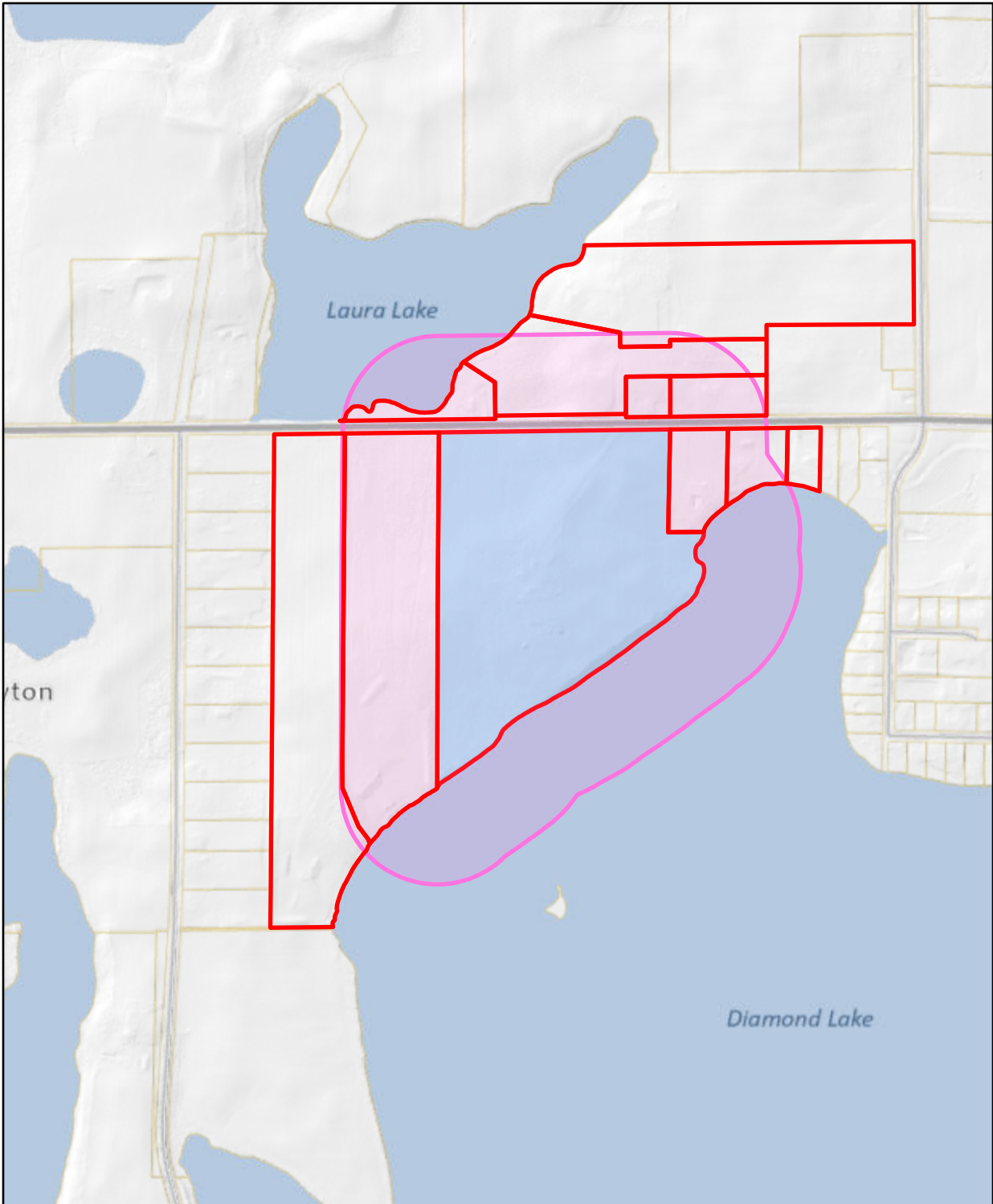
Motion made by Trost, seconded by Henderson

Motion passed unanimously



Hennepin County Locate & Notify Map

Date: 7/5/2024



Buffer Size: 500

Map Comments:

0 205 410 820 Feet
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

ITEM:

Concept Plan, 11085 French Lake Road (Holland)

APPLICANT/PRESENTERS:

Nathan Fair, Team Fair

PREPARED BY:

Jon Sevald, Community Development Director

BACKGROUND/OVERVIEW:

The property is zoned A-1 Agricultural and is guided Existing Sewered Low Density Residential (1.18 units per acre). If redeveloped, it is intended to pursue a Comprehensive Plan amendment to allow higher density.¹

The Concept Plan includes 15 single-family lots. The project is 7.13 acres on two parcels. The western 2.37 acre parcel is in Dayton, and the eastern 4.76 acres is in Champlin. The project includes a Ghost Plat suggesting how parcels to the east and west could be developed. Specific to the Dayton parcel, the project includes two lots and a stormwater pond serving the larger project.

The Concept Plan is an extension of the adjacent *Reserve at Elm Creek* (Champlin), which is a Planned Unit Development (PUD). As a PUD, the intent is to allow deviations from City Code requirements in exchange for a public benefit (e.g. smaller lot sizes in exchange for preserved open space).² The Applicant has not indicated the intended zoning, or if a PUD, what is the public benefit. The two lots are similar to Dayton's R-1 district. Deviations from R-1 include reduced lot area (from 15,000 sq ft to 10,467 sq ft), and reduced front yard setbacks (from 30' to 25'). The R-3 district was intended to replace PUD's. The R-3 minimum lot size is 6,500 sq ft, 62' average lot width (detached single-family) and requires several amenities from a menu.³

The adjacent parcels in *The Reserve at Elm Creek* include varying lot sizes, generally a minimum of 75' X 125' lots.

CRITICAL ISSUES:

PUD If a PUD, are there any public benefits requested by the city? Example, buffer/conservation easement along Co Rd 121, designing the stormwater pond as an amenity (more natural shape than a rectangle).

Access The west ghost plat includes access onto Co Rd 121 but does not provide sufficient vehicle stacking. Redesign may affect the concept plan layout.

JPA Public infrastructure will cross city boundaries. A Joint Powers Agreement (JPA) is needed to detail which city is responsible for what services.

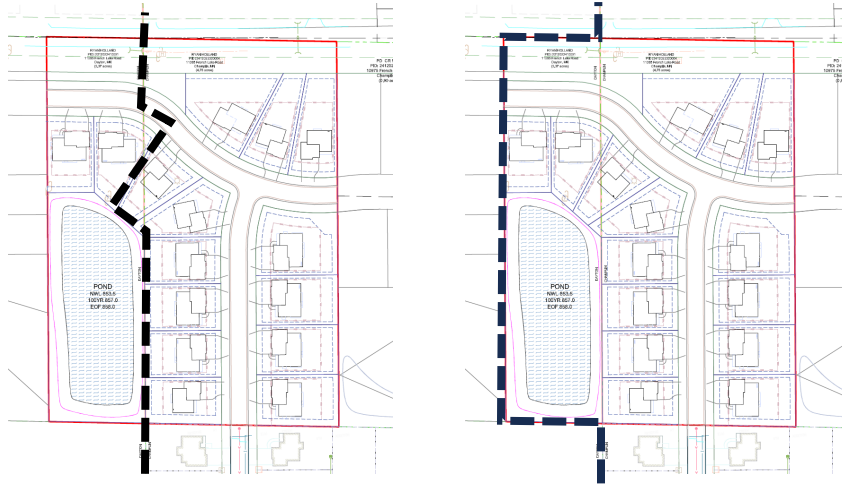
¹ 2040 Comprehensive Plan, Table 3 (Land Use Categories; Existing Sewered Low Density Residential).

² City Code 1001.10, Subd 1 (Purpose).

³ City Code 1001.05, Subd 5 (Single-Family Attached and Detached District (R-3)).

PLANNING COMMISSION MEETING

Annexation As drawn, lot lines cross city boundaries. If the cities are agreeable, a Municipal Boundary Adjustment should occur (detachment from one city and annexation by another). Boundary Adjustments may be approved by the Minnesota Office of Administrative Hearings.



60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Concept Plan	Sep 9, 2024	Nov 8, 2024

RELATIONSHIP TO COUNCIL GOALS:

Build Quality Infrastructure
Planning Ahead to Manage Thoughtful Development
Preserving our Rural Character
Create a Sought After Community

ROLE OF PLANNING COMMISSION:

Conduct a Public Hearing and provide comments. There is no formal Action required.
Comments are non-binding.

A Public Hearing Notice was published by THE PRESS on July 18, 2024 and mailed to property owners within 500' of the project.

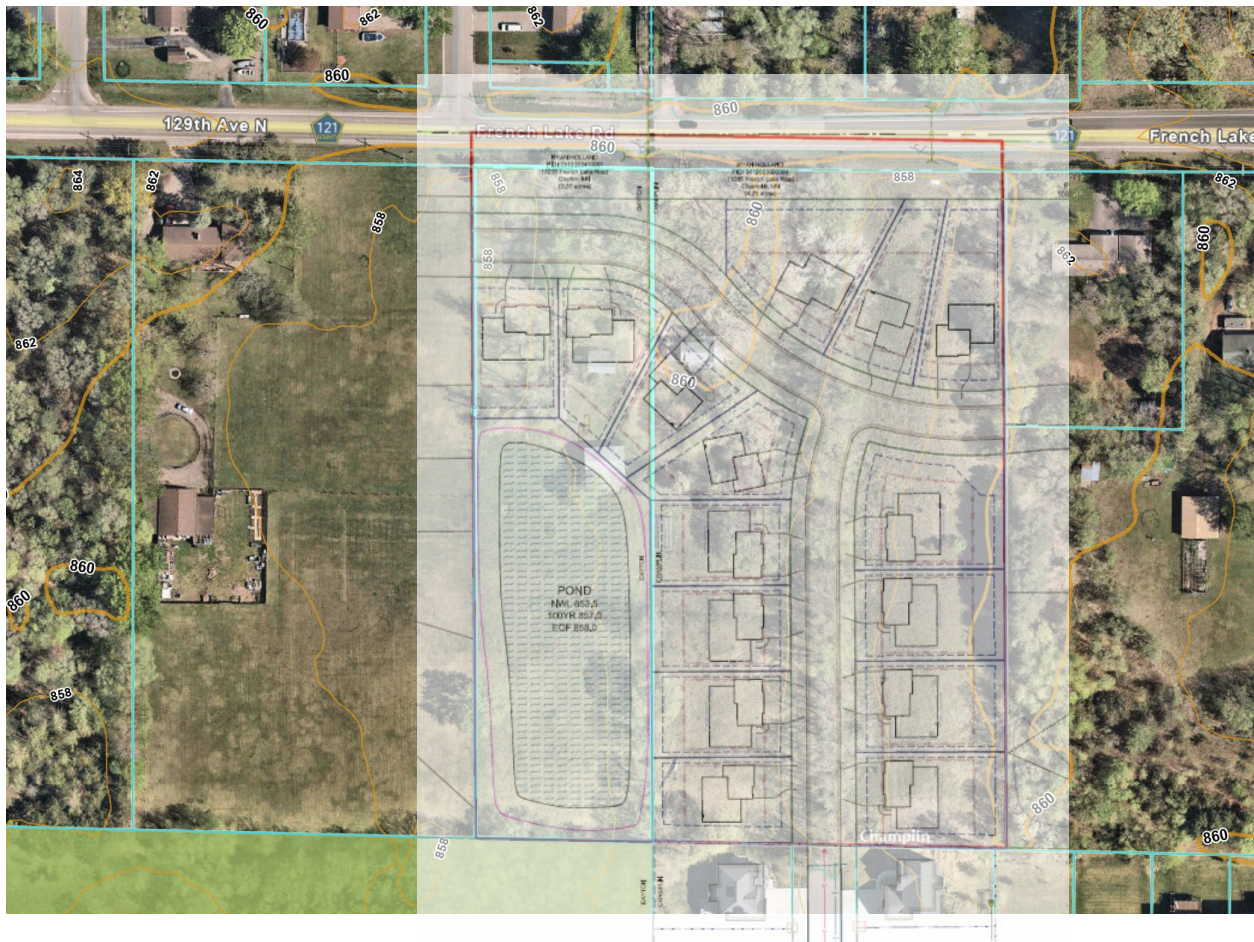
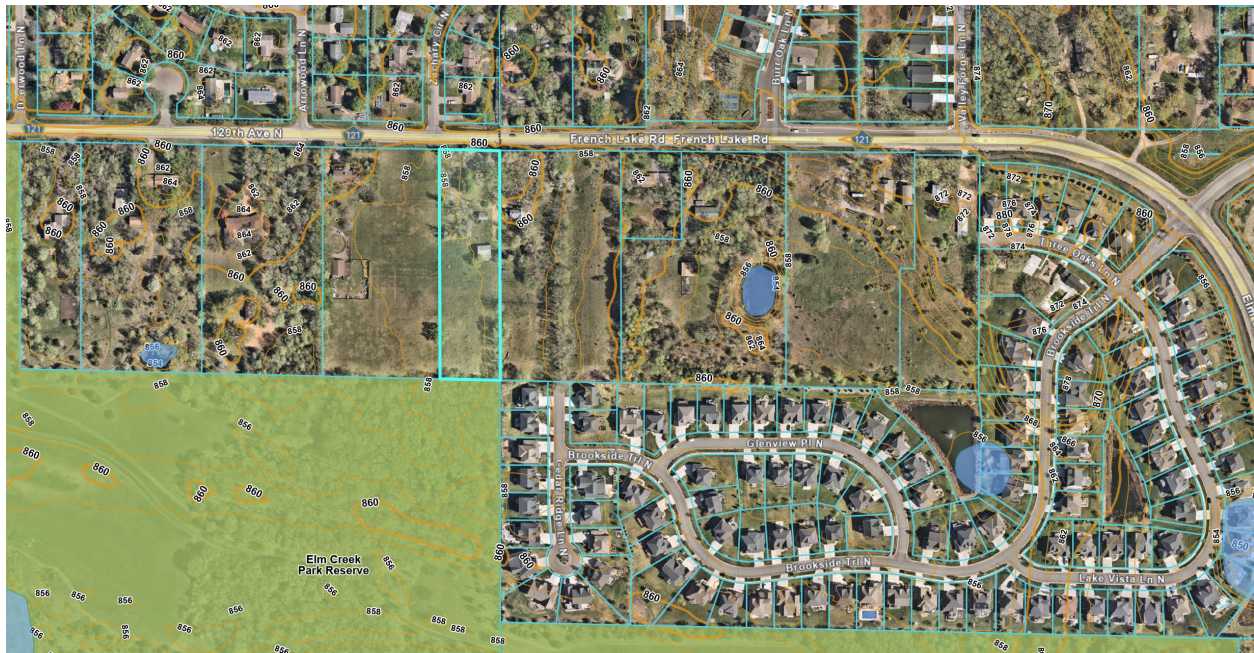
RECOMMENDATION:

If a PUD, consider a 30'-35' conservation easement along Co Rd 121.

ATTACHMENT(S):

Aerial Photo
Site Photos
Concept Plan
Engineering Memo, July 22, 2024
Public Hearing Map

AERIAL PHOTO



SITE PHOTOS



11085 French Lake Road, looking southeast (July 27, 2024)



11085 French Lake Road, looking south. City boundary about aligns with left edge of driveway (July 27, 2024).



11085 French Lake Road, looking north from SW corner of property (July 27, 2024)

FRENCH LAKE RD)

FRENCH LAKE ROAD A.H. NO. 121)

Bruce & Elizabeth Ebner
PID: 2312022410002
11221 129th Ave N
Dayton, MN
(4.57 acres)

RYAN HOLLAND
PID: 2312022410001
11085 French Lake Road
Dayton, MN
(2.37 acres)

RYAN HOLLAND
PID: 2412022320004
11085 French Lake Road
Champlin, MN
(4.76 acres)

PD CR Myers
PID: 2412022320003
10975 French Lake Road
Champlin, MN
(0.90 acres)

Mark & Sarah Gustafson
PID: 2412022320007
10951 French Lake Road
Champlin, MN
(5.66 acres)

POND
NWL 853.5
100YR 857.0
EOF 858.0

GHOST PLAT

Notes:

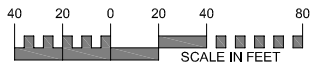
Lot Count - 15
Proposed Zoning: R-1
Min Lot Width - 80' (81' for this plan)
Min Lot Depth - 120'

Fysb - 25'
Sysb - 10'
Rysb - 30'
Cmr- 25'

60' ROW (31' b-b street)
CDS - 60'R (curb 45.5'R)

Site Area: 207,497 sf (4.76 ac)

Gross Density: 15/4.76 = 3.15 u/ac



EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISION
XXX	1			
DRAWN				
XXX				
CHECKED				
XXX				
DATE				
XX/XX/XX				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Name, P.E. _____
Date: _____ Lic. No. _____



SATHRE-BERGQUIST, INC.
14000 25TH AVE N #120 PLYMOUTH, MN. 55447 (952) 476-6000

CITY PROJECT NO.

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CHAMPLIN,
MINNESOTA

CONCEPT PLAN 07/09/24

HOLLAND PARCEL

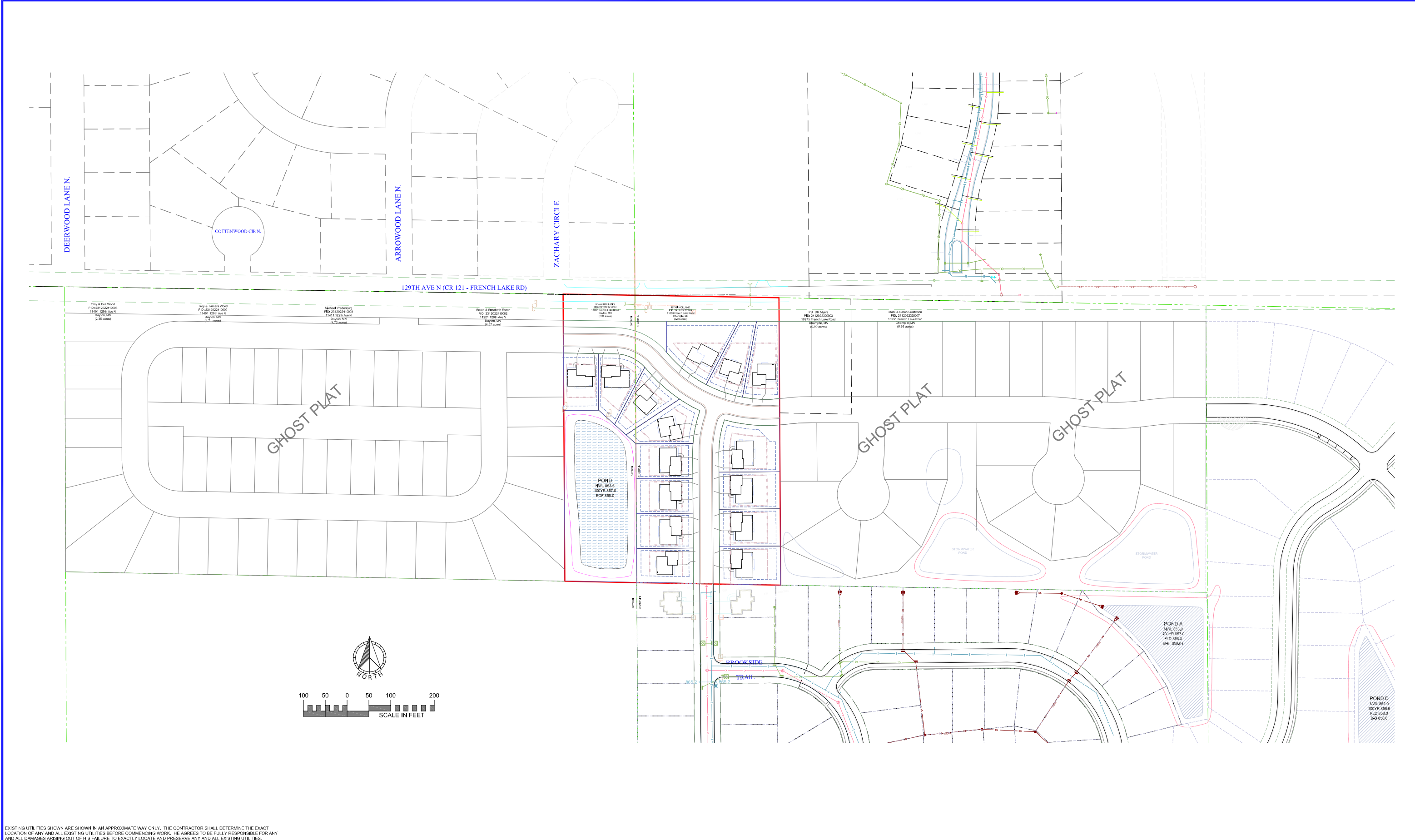
TEAM FAIR

FILE NO.

49368-073

X

X



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XXX	1			
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DATE				
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Name, P.E. _____ Lic. No. _____



SATHRE-BERGQUIST, INC.
14000 25TH AVE N #120 PLYMOUTH, MN. 55447 (952) 476-6000

CITY PROJECT NO.

**CHAMPLIN,
MINNESOTA**

OVERALL CONCEPT PLAN
HOLLAND PARCEL
TEAM FAIR

FILE NO.

49368-073

X

X

To:	Jon Sevald, Planning	From:	Jason Quisberg, Engineering Nick Findley, Engineering
Project:	Holland Concept	Date:	July 22, 2024

Exhibits:

This Memorandum is based on a review of the following documents:

1. Holland Parcel Concept Plan, dated 7/9/24 by Sathre-Bergquist, Inc., 1 sheet.
2. Holland Parcel Overall Ghost Plat, undated by Sathre-Bergquist, Inc., 1 sheet

Comments:General

1. The concept reviewed comprises a total area of 4.76 acres including 15 lots and located south of 129th Ave N (Co Rd 121) on the border of Dayton and Champlin. This property is rectangular shaped, running 490 ft along 129th Ave and 625 ft south of 129th Ave. This entire area covers 37.8 acres; 4.76 acres comprising the concept plan and the remaining 33 acres identified as a Ghost Plat located on both sides of the concept plan site with 78 lots.
2. In general, with the proposed site being in both the City of Dayton and the City of Champlin there will have to be discussions on a variety of items. This includes design standards, utility (storm, watermain, and sanitary sewer) ownership/maintenance, street ownership/maintenance, and other relevant items.
3. These review comments are essentially very high level; the concept plan provides little detail beyond the street locations and individual lots. Ultimately, a complete plan submittal will be required, providing site plans that include street and roadway details, grading and drainage plans, water and sewer utilities, a preliminary plat, and other detailed plans as required by the City. Existing easements and any planned or proposed easements, including conservation easements should be identified, and, if present, the layout adjusted accordingly. New easements for utilities, stormwater detention, and other improvements will all be needed as well.
4. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
5. In addition to engineering related comments per these plans, the proposed plans are subject to addition planning, zoning, land-use, and other applicable codes of the City of Dayton.
6. Final approval by the Elm Creek Watershed Management Commission must be attained before any site grading or activity may commence.
7. For any site activity (demo, grading, utilities, etc.) no closures or restrictions of any kind shall be imposed upon the public use of 129th Ave without the City's permission. Should

any lane restrictions be necessary, the Contractor shall notify the City at least 48 hours in advance and provide a Traffic Control Plan.

8. Any underlying easements no longer necessary must be vacated.
9. Outlots shall be covered by drainage and utility easements.

Layout

10. The Dayton portion of the development is limited to 2 (of 15) homes, and a storm water pond, which primarily benefits the City of Champlin. It seems the development could be configured to better distribute the development and stormwater feature between the two cities.
 - o For example, maintain the east-west street a sufficient distance off of CR-121 to accommodate lots the entire width of the development, including four lots (two south facing, two north facing) within the Dayton parcel. The pond could be shifted south/south east as needed to accommodate.
11. A street stub, for future extension to the west, is shown. This is preferred. We would typically require a 32' road in a 60' right-of-way; however, being the majority of the proposed road is in Champlin, if deviation for Dayton standards is desired for consistency, requiring Champlin standards could be considered.
12. The ghost plat document appears to indicate a connection to 129th Ave N. This has not been evaluated as a part of this submittal and will be revisited when the access is proposed. Accesses utilizing 129th Ave are also subject to approval by Hennepin County and may require applicable permitting.
13. It is anticipated Hennepin County will require additional right of way along 129th Ave.

Erosion Control/SWPPP

14. A MPCA/NPDES construction stormwater permit is required for the site. Sediment and erosion control plans shall be consistent with the general criteria set forth by the most recent versions of the Minnesota Stormwater Manual and the NPDES Construction site permit.

Grading /Stormwater

15. It appears the stormwater pond may be oversized. This could be acceptable, however, additional expansion within the Dayton parcel reduces the lots that can be created within this parcel. It seems the pond should be located to balance impact to either city, that is distribute the pond footprint to, generally, align with the proportion of lots within each parcel.
16. A complete stormwater management plan shall be included in the preliminary plat application. The Stormwater Management Plan should follow Dayton and MPCA stormwater rules and regulations. The reports should include rate control for the 2-,5-,10-,100-year 24-hour MSE 3 rainfall events. Dayton requires load reduction achieved by abstracting 1.1 inch from net new impervious or no net increase in TP or TSS, whichever is lower. In addition, a complete grading and drainage plan must be provided, showing how the street, lots, and ponding areas are proposed to be graded. Information must also be provided showing all high-water levels, proposed building floor elevations, and other critical features. In addition, a stormwater application with the Elm Creek

Watershed will be required. The applicant shall assure that stormwater management devices are provided to meet City of Dayton and Elm Creek Watershed standards.

17. Overall runoff and drainage related to this development will overlap with adjacent properties. The stormwater management plan must show how runoff and detention areas between properties and phases are being routed and accounted for in an overall plan. In other words, the stormwater management plan must address runoff and discharge from both a local (this development) and a regional approach that includes, the neighboring properties in all directions, 129th Ave, and Cedar Ridge Lane N.
18. The maintenance of stormwater detention areas will also need to be defined.
19. Maintenance, including irrigation of any common areas shall be discussed. The reuse of water for irrigation purposes is highly encouraged.
20. Any ponds or detention areas shall have a 10' access around pond with appropriate grading for access by maintenance vehicles.
21. A Hydrocad report shall be submitted for complete stormwater review.
22. The existing conditions is defined as the land cover prior to the introduction of agricultural land in Dayton. The existing model should incorporate pre-agricultural land values as referenced in the stormwater manual. A CN value of 58 shall be used in HSG B soils and a CN of 32 shall be used in HSG A soils for existing condition analyses 72 for HSG C and 79 for HSG D, off-site existing may be modeled as currently developed.
23. Upon further design, low floors adjacent to ponds/wetlands/other depressions must have 2 foot of freeboard above the modeled 100-yr high water level (HWL). This includes offsite low and depression areas adjacent to this site.
24. The City of Dayton's Local Surface Water Management plans requires that the storm sewer system must be designed to handle a 10-year event.
25. Preliminary indications show the potential wetlands and/or other environmentally sensitive features in the overall site area. This should be verified and addressed as needed, including a wetland delineation report. Should impacts be identified, submittal/approval of a mitigation plan will be required. Wetland buffers are required to be signed per City of Dayton Detail Gen-10.
26. Grading shall allow adequate areas for buffering along 129th Ave. It is anticipated that the grading will tie into existing conditions using consistent and smooth transitions.
27. For the preliminary plat application, a complete grading plan shall be provided which includes proposed grades, elevations at lot corners, identification, and labeling of all emergency overflow elevations (EOF's), identification of proposed grades and all drainage swales, and any other topographic information relevant to site design. Maximum driveway slopes shall be no greater than 10% with minimum 2% drainage maintained throughout the development.
28. A City of Dayton Land Disturbance Permit will be required.

Watermain/Sanitary Sewer

29. Sewer and water service provider should be discussed. Dayton utilities are available along, the Dayton portion of, CR-121. However, it may be more efficient to service the

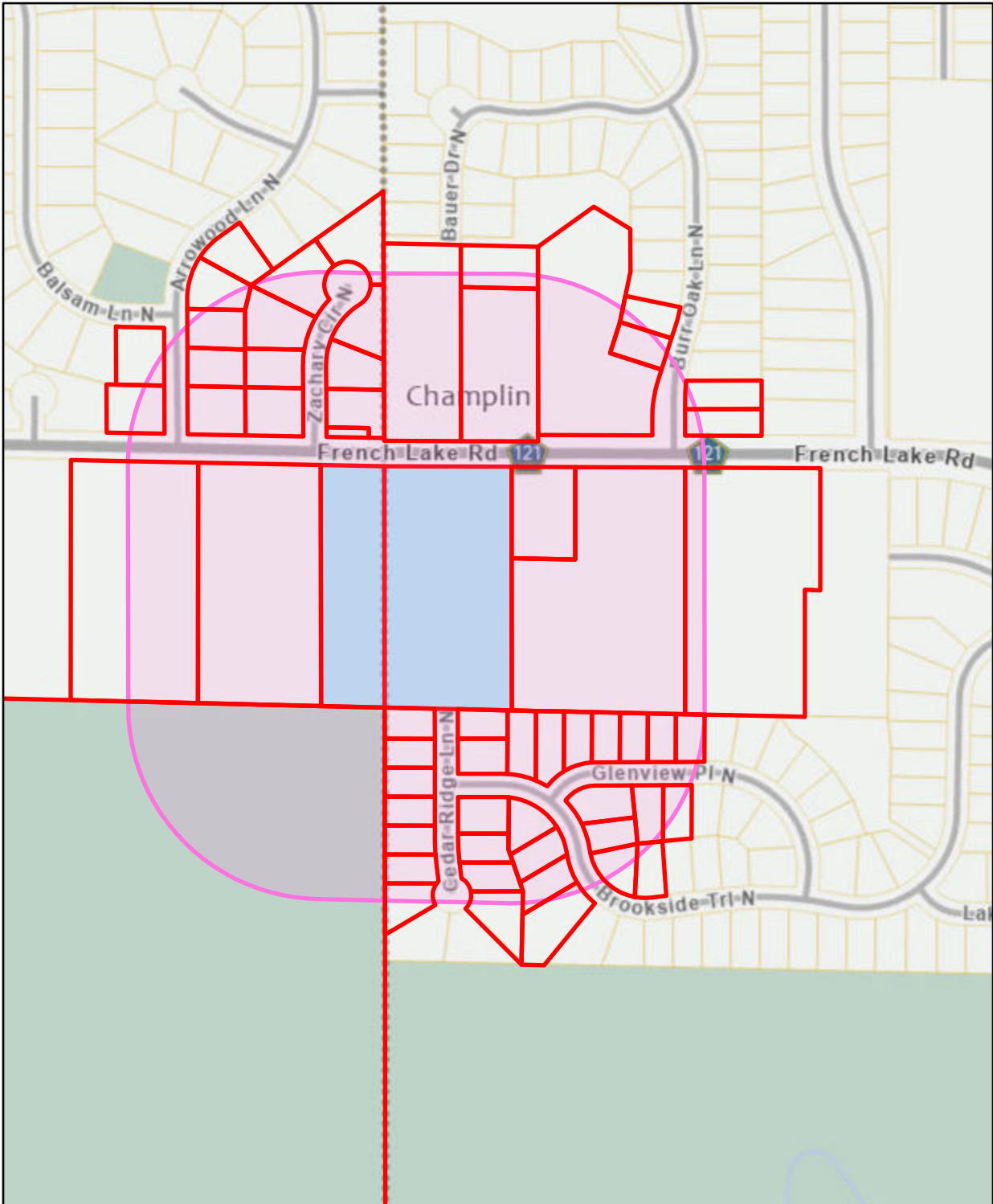
entire development through Champlin (or Dayton). If cross-community service is incorporated, and JPA, or other agreement, should be coordinated.

End of Comments



Hennepin County Locate & Notify Map

Date: 7/9/2024



Buffer Size: 500

Map Comments:

0 100 200 400 Feet
|-----|-----|-----|-----|

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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