Please note: The April 18th, 2022 Planning Commission meeting is taking place virtually due to COVID-19 and at City Hall. Members of the public may join the meeting using a PC, Mac, iPad, iPhone, or Android device. Members of the public can access the meeting online at Members of the public can access the meeting online at woodburymn.gov/virtualmeetings.

Public comments will be accepted during the meeting by using the link to the virtual meeting to join the meeting and then submit your question via the online Q&A feature within the meeting.

Questions regarding this meeting will be taken between the hours of 8:00 a.m. to 4:30 p.m. via email planning@woodburymn.gov or by calling 651-714-3533 and leaving a voicemail message.

1. Call to Order
2. Public Input Sign-up Sheet
3. Roll Call
4. Discussion Items

A: Black Diamond, Planned Unit Development, Conditional Use Permit, Preliminary Plat, Site and Building Plan, Project No. 01-2021-00467 and Settlers Ridge Industrial Site and Building Plan, 01-2022-00482

Frattalone Companies is proposing a Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan for a commercial development on the approximately 85-acre former Black Diamond site, generally located at the northeast corner of Settlers Ridge Parkway and Eastview Road. The proposal includes:

- two separate mini storage uses:
  - Site A- traditional one story product that is rented on a monthly basis
  - Site B- individually owned storage units within a condo association
- 180,000 square foot flex light industrial building to be used for warehouse/office/light industrial use.

The property is zoned BCD, Business Campus District and is guided as Places to Work.

B: Crossroads Commerce Center, Conditional Use Permit, Project No. 03-2022-00487

690 Commerce Interior Car Sales at Crossroads Commerce Center has submitted an application for a conditional use permit for a motor vehicle sales, interior only use. The proposed interior motor vehicle sales space measures 2,179 square feet and is proposed to be located at 690 Commerce Drive. The property is zoned B-4 Office Warehouse District and is guided as Places to Work on the Land Use Plan.

C: Resurrection Lutheran Church Farmers’ Market, Interim Conditional Use Permit, Project No. 27-2022-00489

The City of Woodbury is subject to Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by public entities. The City is committed to full implementation of the Act to our services, programs and activities. Information regarding the provisions of the Americans with Disabilities Act is available from the City Administrator’s office at 651-714-3523. Auxiliary aids for disabled persons are available upon request at least 72 hours in advance of an event. Please call the ADA Coordinator at 651-714-3523 (TDD 651-714-3568) to make arrangements.
Kinney Mini Farms has submitted an application for an Interim Conditional Use Permit. The Applicant is proposing a new farmers’ market to be located at Resurrection Lutheran Church. The property is located at the southwest corner of Bailey Road and Woodbury Drive. The property is zoned R-4, Urban Residential District and is guided as Public/Semi-Public on the Land Use Plan.

6. Approval of Minutes – March 21st, 2022
7. Adjourn
CITY OF WOODBURY
PLANNING COMMISSION STAFF REPORT
April 18, 2022

Project No.: 01-2021-00467 01-2022-00482
Prepared By: Eric Searles
City Planner
651-714-3532
Eric.searles@woodburymn.gov

Project Names: Black Diamond Commercial PUD
Settlers Ridge Industrial

Recommendation: Approval

Request: Planned Unit Development/ Conditional Use Permit/
Preliminary Plat/Site and Building Plan

Tree Impact: Replacement
Lot size: 85.32 acres

Location: Northeast corner of Settlers Ridge Parkway and Eastview Road
Density: N/A

Zoning District: BCD, Business Campus District

Building Sq. Ft: 517,220 S.F.

Comprehensive Land Use Plan: Places to Work

Parkland Dedication: Cash in-lieu

PROPOSAL

Frattalone Companies is proposing a Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan for a commercial development on the approximately 85-acre former Black Diamond site, generally located at the northeast corner of Settlers Ridge Parkway and Eastview Road. The proposal includes:

- two separate mini storage uses:
  - Site A- traditional one story product that is rented on a monthly basis
  - Site B- individually owned storage units within a condo association
- 180,000 square foot flex light industrial building to be used for warehouse/office/light industrial use.

The property is zoned BCD, Business Campus District and is guided as Places to Work.

BACKGROUND
Site History- At their May 9, 1973 meeting, the Village of Woodbury approved the special (now called interim conditional) use permit for the operation of gravel excavation to Twin City Silica Corporation to be located on the subject parcels. This permit continued to be renewed annually until an amendment was requested and approved on August 28, 1996. At that time, Twin City Silica/Black Diamond Company received approvals to stockpile approximately 225,000 cubic yards of slag onsite.

At their July 14, 2010 meeting, the City Council approved an amendment to the permit for the Black Diamond site to allow for:
- Slag stockpiling and processing operations to continue onsite but not be expanded.
- Preferred Sands expansion of sand mining to include approximately 35 acres.
- Installation of additional processing equipment, source water reservoir and recycling water settling pond.

This approval also set a requirement for Black Diamond to discontinue slag stockpiling by 2012 and Preferred Sands to terminate operations by 2017.

At their September 26, 2012 meeting, City Council approved an amended interim conditional use permit extension for the subject property. The approval required slag material storage to cease by December 26, 2012 and all uses related to Black Diamond, including stockpiles, storage silos and exterior equipment to be removed by October 31, 2013. The permit allowed for Preferred Sands to continue operating until July 31, 2017. Both the Black Diamond and Preferred Sands uses met the termination deadlines and both uses are no longer in operation.

Response Action Plan/Construction Contingency Plan- Like many industrial uses from decades ago, the previous activities on the property have impacted the future use of the site. The Applicant has consulted with the MPCA and have not identified any materials on site to be considered contaminated material. Furthermore, the Applicant has extensively studied the impacts from the former coal slag processing operation including participation in the Minnesota Pollution Control Agency (MPCA) Voluntary Investigation and Cleanup (VIC) Program and the creation of a Response Action Plan (RAP)/Construction Contingency Plan (CCP). The RAP/CCP was approved by the MPCA in September of 2021 and identifies the appropriate methods for the excavation, management, and proper disposal of coal slag as necessary during construction activities and to establishment of appropriate soil vertical buffers.

Due to the necessary soil corrections and identified remediation best practices the viability of traditional office, warehouse and light industrial uses are cost prohibitive on the eastern portion of the site without public subsidy. However, the proposed self-storage uses can be constructed onsite within both the financial and geotechnical constraints that are present due to the past coal slag operation. It is important to note the Lot 1 warehouse use is located in an area of the site where limited impacts from the previous operations are identified thus allowing for more traditional development opportunities.
Northeast Area Alternative Urban Areawide Review (AUAR) - The northeast area is over 400 acres of contiguous, mostly undeveloped land located along the I-94 corridor. In 2009, the City adopted the AUAR as the appropriate planning document for evaluating the cumulative environmental impacts of development within the area. The AUAR was updated in both 2014 and 2019. The AUAR included multiple traffic studies which identified the needed traffic mitigation to accommodate the additional vehicle trips generated by development. The three major transportation improvements are related to Settlers Ridge Parkway, Hudson Road and Eastview Road.

To address the transportation needs of the proposed uses and to address the site prematurity due to the current roadway network not adequately and safely providing the necessary transportation infrastructure, the roadway improvements to Eastview Road, as shown in the exhibit below and within the Planning Commission packet, are proposed to be constructed and funded privately by the Applicant. The private construction and funding of these improvement will address the site prematurity from a transportation infrastructure perspective.

Proposed Uses- From a zoning standpoint there are two uses proposed via this commercial PUD. The first use is a flex warehouse/office/light industrial speculative use. A speculative development is constructed without known tenants but instead design decisions are based on assumptions of future tenant mixes. In the case, the anticipated breakdown of the proposed 180,000 square foot flex building is as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
<th>Percentage of overall building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>135,000 s.f.</td>
<td>75%</td>
</tr>
<tr>
<td>Office</td>
<td>36,000 s.f.</td>
<td>20%</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>9,000 s.f.</td>
<td>5%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>180,000 s.f.</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The second use proposed on both Lot 2 and Lot 3 are self-storage uses. From a traditional land use and zoning perspective, self-storage uses do not fit neatly into either Places to Work or Places to Shop categories. Therefore, the best practice is for municipalities to establish a zoning strategy to identify locations for the use in areas where traditional development likelihood is minimal.

It is important to note while not an exciting or flashy use, self-storage uses are identified as a needed accessory service within communities to support the existing tax base of residential and commercial properties. It is also identified that self-storage uses are low intensity uses related
to traffic trip generation, water demand, and need for public services and are effective uses when used to buffer residential districts from more intensive commercial uses like those found and planned for within the Northeast Business Park.

The City of Woodbury has used the Zoning Ordinance to strategically locate self-storage uses on low profile sites. The Zoning Ordinance was modified over a decade ago to preserve opportunities along major transportation routes for more traditional Places to Work uses such as offices or manufacturing uses and to locate future self-storage uses on properties where they are more likely to be identified as the highest and best use of the land.

Attached to the staff report is a location map showing the current self-storage uses within the community. There are currently four self-storage uses within Woodbury with three of the uses being constructed prior to an ordinance change which prohibited the use from being located adjacent to collector or arterial streets. The fourth storage business, Simply Self Storage, was developed in 2017 and was supported by the City as the property, located off of Commerce Drive, was a unique shape which made traditional development challenging.

**Planned Unit Development (PUD) -** The applicant requests Planned Unit Development (PUD), Conditional Use Permit, and Preliminary Plat approval for the entire development site. The PUD approval is intended to provide general site layout, establish design criteria, and identify permitted uses. Only Lot 1 of the Preliminary Plat, which is identified for the warehouse/office/light industrial use, is being reviewed for site and building plan approval at this time.

The Planned Unit Development (PUD) application requests to establish the following requirements.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Zoning Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of parking spaces- Lot 1 only</td>
<td>Office- 1 space per 200 sq. f.t</td>
<td>Office- 1 space per 200 sq. f.t</td>
</tr>
<tr>
<td></td>
<td>Warehouse- 1 space per 2,000 warehouse</td>
<td>Warehouse- 1 space per 2,000 s.f.</td>
</tr>
<tr>
<td></td>
<td>Light industrial not identified in code</td>
<td>Light industrial- 1 space per 300 s.f.</td>
</tr>
<tr>
<td>Permitted Uses</td>
<td>N/A</td>
<td>Warehouse/office/light industrial</td>
</tr>
<tr>
<td>Conditional Uses</td>
<td>N/A</td>
<td>Self-storage (2)</td>
</tr>
</tbody>
</table>
General standards for PUD approval.

The City may approve the PUD development only if it finds that the development satisfies all of the following standards, found in City Code Sec. 24-206. The PUD is implemented through a Conditional Use Permit (CUP); findings for the CUP are provided in the draft resolution.

1. The proposed PUD is in conformance with any adopted master plan for the project area.
   The proposed PUD is not a part of a master plan area.

2. The PUD is designed to form a desirable and unified environment within its own boundaries.
   As a condition of approval all building materials within the PUD shall be of a similar design and color. Furthermore, fencing materials, retaining walls and landscaping elements shall also be coordinated and unified.

3. The development plan provides for the creation, preservation or restoration of natural resources such as native vegetation, valuable habitat, lakes, streams, wetlands, shorelands, flood plains, woodlands, steep slopes and similar areas.
   The proposed site is a former coal slag processing facility and silica sand mine. The proposed use implements the approved reclamation plan which was approved by the City as part of the previous Interim Conditional Use Permit process. Onsite trees are volunteer growth and all steep slopes are being respected and enhanced via the site design.

4. The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base by increasing development in areas without adequate infrastructure or public facilities.
   The project proposes to provide stormwater management for the development and the exception property located in the northeast corner of Settlers Ridge Parkway and Eastview Road rather than requiring the exception parcel to provide their own management facilities. This is an efficient provision of public infrastructure.

5. The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
   The proposed uses will not have an undue or adverse impact on the surrounding properties. The site design created a substantial landscaping berm (+/- 20’) that softens the transition between the proposed commercial development with the residential uses to the south of Eastview Road.

6. The tract under consideration is under single ownership or control.
   The property is under one control.

7. Single-family detached units or clustering of housing units may be allowed as a PUD in areas providing urban services, or in the R-2 Estate District, providing parks and open space are an integral part of the plan.
   The application identifies commercial development.

8. Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are
feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.

The project will be graded in one phase.

(9) **Common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.**

The proposed site plan identifies improvements from the existing conditions consistent with the previously approved site reclamation plan.

(10) **The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city.**

The site is over 10 acres in size.

**Conditional Use Permit** - A Conditional Use Permit shall be required for all Planned Unit Developments. City Code Sec. 24-43 outlines the guidelines for granting a Conditional Use Permit. Please reference the attached draft resolution for the required findings of fact.

**Preliminary Plat** - The proposed Preliminary Plat creates three commercial lots, one future development outlot and 5 outlots for purposes as identified on the chart below.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>Settlers Ridge Industrial</td>
</tr>
<tr>
<td>Lot 2</td>
<td>Future self-storage use to be reviewed via the Conditional Use Permit and Site and Building Plan Process</td>
</tr>
<tr>
<td>Lot 3</td>
<td>Future self-storage use to be reviewed via the Conditional Use Permit and Site and Building Plan Process</td>
</tr>
<tr>
<td>Outlot A</td>
<td>Private stormwater pond and landscaping berm/buffer</td>
</tr>
<tr>
<td>Outlot B</td>
<td>Public Stormwater Pond</td>
</tr>
<tr>
<td>Outlot C</td>
<td>Private Drive</td>
</tr>
<tr>
<td>Outlot D</td>
<td>Future Development</td>
</tr>
<tr>
<td>Outlot E</td>
<td>Wetland north of Karen Drive</td>
</tr>
<tr>
<td>Outlot F</td>
<td>Met Council Trunk Utility Outlot</td>
</tr>
</tbody>
</table>
Pedestrian Movements – The proposed pedestrian network is designed to construct trails along both Settlers Ridge Parkway and Eastview Road (blue) and to provide internal connectivity via a privately maintained and owned sidewalk system (red). The proposed self-storage uses are anticipated to have limited pedestrian access needs and are adequately served by the proposed system.

Stormwater Management – The City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. The application identifies the construction of multiple stormwater basins to serve the proposed site as well as the needed public roadway infrastructure to serve the project. The onsite basins are circled in blue below.
**Access Points** – The graphic below identifies the creation of access point A at Settlers Ridge Parkway and Karen Drive to serve as the main access point for the development. The graphic further identifies site circulation for the proposed uses and the additional access points which serve the site and effectively distribute the future vehicle trip onto the adjacent and future roadway network.

<table>
<thead>
<tr>
<th>Access Point</th>
<th>Design and Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Public Street (Karen Drive) connecting to Settlers Ridge Parkway</td>
</tr>
<tr>
<td>B.</td>
<td>Future right-in/right out onto Settlers Ridge Parkway into the employee parking area.</td>
</tr>
<tr>
<td>C.</td>
<td>Full access to shared private road off of Eastview Road</td>
</tr>
<tr>
<td>D.</td>
<td>Full access connection to Eastview Road</td>
</tr>
</tbody>
</table>
Screening and Buffering- The Preliminary Plat and grading plan identifies a large berm and landscaping area within Outlot A. The berm is needed to balance site grading but also is provided to soften the transition between the residential uses located to the south of Eastview Road and the proposed commercial uses. The berm measures approximately 20-30 feet in height and will fully screen the commercial activities from Eastview Road.

To ensure the proposed berm has a visual impact on the views from the residential property to the south of Eastview Road, the cross section identified below and within the Planning Commission Packet has been provided.
Site and Building Plan Lot 1- The graphic below identifies the two activity areas within the site plan. The purple area is the employee and guest parking for the proposed uses and the area in yellow is the truck dock court which provides truck trailer parking and access to the dock doors.

Parking- The proposed building measures 180,000 square feet and is identified to be designed to accommodate warehouse, office and light industrial uses. The chart below identifies the use, estimated square footage, PUD parking ratios and total number of required spaces.

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
<th>PUD parking ratios</th>
<th>Number of PUD required spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>135,000 s.f.</td>
<td>1 space per 2,000 s.f.</td>
<td>68</td>
</tr>
<tr>
<td>Office</td>
<td>36,000 s.f.</td>
<td>1 space per 200 s.f</td>
<td>180</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>9,000 s.f.</td>
<td>1 space per 300 s.f</td>
<td>30</td>
</tr>
<tr>
<td>TOTAL</td>
<td>180,000 s.f.</td>
<td></td>
<td>278</td>
</tr>
</tbody>
</table>

As shown above the PUD parking ratios would require 278 parking spaces to be provided. The Lot 1 Site Plan identifies 285 parking spaces to meet the established parking requirements. As tenants are identified, staff recommends the Applicant review parking counts and investigate utilizing proof of parking to ensure only the necessary hard surfaces/parking areas are provided.
**Site Architecture – Section 24-235.** – Industrial and warehouse buildings not located immediately adjacent to the interstate shall be constructed of 65% Class I and II materials with the material classes and types shown below:

<table>
<thead>
<tr>
<th>Class I Materials</th>
<th>Class II Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional brick, nominal four-inch width</td>
<td>Specialty concrete block such as textured, burnished block or rock faced block</td>
</tr>
<tr>
<td>Natural or cultured stone</td>
<td>Architecturally precast textured concrete or brick panels</td>
</tr>
<tr>
<td>Glass</td>
<td>Masonry stucco</td>
</tr>
<tr>
<td>Copper</td>
<td>Ceramic</td>
</tr>
</tbody>
</table>

The proposed building uses differing colors and textures of precast to break up the length and scale of the structure. Furthermore, the precast panels include shallow recesses to create addition variation and shadow lines along the exterior facades. The proposed Class I and II materials exceed the ordinance requirements.

**Neighborhood Meeting** – A neighborhood meeting was held on March 28, 2022 with the property owner of the exception property located at the northeast corner of Eastview Road and Settlers Ridge Parkway in attendance with no questions raised.
Staff recommends approval of the Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan, Project Nos. 01-2021-00467, for Black Diamond Commercial PUD and 01-2022-00482 for Settlers Ridge Industrial subject to the following conditions:

1. The Site Plan approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
2. All requirements and conditions of the Northeast Area AUAR as they relate to this site shall remain in full force and effect as determined by the City.
3. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
4. The Applicant shall privately construct and fund the required grading, ponding and subgrade corrections for the initial and future roadway improvements to Eastview Road as identified by the City Engineer.
5. Future development on Lot 2 and Lot 3 of the Preliminary Plat shall be reviewed through the Conditional Use Permit and Site and Building Plan processes.
6. Prior to the release of the final plat for recording, the City shall review and approve the covenant documents that address ownership and long-term maintenance responsibilities of the private drives and private stormwater facilities.
7. Prior to the release of the final plat for recording, all right-of-way and easements necessary to extend the public utilities and to construct the improvements to the public roadways shall be granted to the City at no cost and free of encumbrances.
8. Prior to the issuance of a land disturbance permit, the Applicant shall record a cross access easement agreement which allows perpetual use and access for all properties within the project. The easement shall allow for use and connection to Diamond Drive which connects with Eastview Road and Karen Drive. The City Attorney shall review and approve the form and content of the cross easement prior to recording.
9. The Applicant shall privately construct the public roadway and utility improvements as designed by the City Engineer or its designee.
10. If directed by the City, the Developer shall privately construct any necessary trunk utility improvements with applicable financial credits identified within the Development Agreement. This includes, but is not limited to, sewer improvements along the east portion of the site.
11. Private construction of Eastview Road is required to provide safe access to/from the proposed site. The Applicant shall privately construct and fund the improvements to Eastview Road including turn lanes, trails, and sidewalks. Said improvements shall be secured and identified within the Development Agreement.
12. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All final building materials shall be approved by the Planning staff in writing.
13. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on-site. The mock-ups shall be approved by the Planning staff.
14. Prior to the issuance of a building permit, the Applicant shall execute an approved Operations and Maintenance Plan for all onsite infrastructure.
15. Prior to the issuance of a building permit, the Developer shall provide a snow removal and storage plan detailing how snowfalls will be accommodated on site.
16. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit.
permit. Retaining walls greater than four (4) feet in height shall be engineered and
detailed calculations should be submitted to the City.

16. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with
materials that match materials and colors used on the building.

17. Any future trash enclosures shall utilize wooden gates and be constructed on three sides
using the same materials and patterns used on the building. Locations shall be approved
by the Planning Division.

18. No exterior storage shall be permitted.

19. The Final Plat shall be approved by the City Council and released for recording prior to
the issuance of a building permit.

20. This approval does not include signage. A separate sign permit shall be required.

21. All drive aisles shall have a minimum width of 25 feet.

22. Heavy duty silt fence and adequate erosion control around the entire construction site
shall be required and maintained by the Developer during construction to ensure that
sediment and stormwater does not leave the project site.

23. All disturbed boulevards shall be restored with turf. The property owner shall mow and
maintain to the curb of all public streets. If a native planting approach is proposed, a
minimum of three-year maintenance agreement shall be provided to ensure proper
implementation.

24. All onsite sanitary sewer, watermain and storm sewer facilities installed to accommodate
the site are private and shall be the Developer’s responsibility for the design, installation,
maintenance, repair, replacements, operation, protection, etc. All utility inspections
shall be coordinated with the City’s Building Inspections Division.

25. The Applicant shall extend the trunk water, storm sewer and sanitary sewer to the site
privately. The City shall design and inspect the improvements with final terms identified
within the Development Agreement.

26. The Applicant shall be responsible for obtaining a land disturbance permit from the City’s
Engineering Department prior to the commencement of any site activities as well as any
necessary right-of-way permits.

27. Prior to issuance of a building permit, the Applicant shall submit a plan identifying
placement of no less than four (4) inches of an acceptable topsoil mix as determined by
Planning staff.

28. Prior to installation of sod, the Applicant shall provide written verification that a
minimum of four (4) inches of topsoil has been placed throughout the site. Prior to
installation of the sod, the City shall inspect and approve the placement of the topsoil in
writing.

29. Prior to the release of the building permit, a landscape financial security shall be
submitted for at least 150 percent of the estimated cost of landscaping including sod.
The landscaping plan shall meet all landscaping ordinance requirements including
canopy coverage and tree and species diversification.

30. Prior to the release of the Final Plat for recording, staff shall finalize the tree replacement
calculations and method of achieving replacement or payment in lieu.

31. The Applicant shall be responsible for obtaining any other permits necessary from other
agencies, MPCA, watershed, etc. prior to the start of any site activities.

32. The Applicant shall be responsible for protecting the proposed on-site storm sewer
infrastructure and components and any existing storm sewer from exposure to any and all
stormwater runoff, sediments and debris during all construction activities. Temporary
stormwater facilities shall be installed to protect the quality aspect of the proposed and
existing stormwater facilities prior to and during construction activities. Maintenance of
any and all temporary stormwater facilities shall be the responsibility of the Applicant.
33. This project shall require a General Stormwater Permit from the MPCA since more than one acre of land will be disturbed. In addition, a Stormwater Pollution Preventive Plan (SWPPP) shall be included on the Grading and Erosion Control Plan along with Best Management Practices (BMPs) such as concrete washout area, temporary sediment basins, stabilization methods for exposed areas, etc. These BMPs shall be clearly identified on the plan. The plan shall include permittee and inspector contact information.

34. Prior to the issuance of a land disturbance permit, final drainage, utility, and stormwater plans shall be approved by the Engineering Department.

35. Grades at all intersections where a vehicle must stop shall be 1.0 percent or less for at least 100 feet from the stop location or an alternate standard approved by the Engineering staff in writing.

36. Prior to the approval of the Final Plat, all right-of-way widths and street names shall be reviewed and approved in writing by the Planning staff. All required right-of-way and easements shall be dedicated to the City at no cost and free of encumbrances.

37. Concrete driveway aprons shall be required at the intersections with City streets as per City detail plates and specification.

38. The Developer shall be responsible for installing the sidewalks within the project. Subsequent to installation, the sidewalks within the project and shall be maintained privately. Such maintenance shall include but not be limited to promptly removing ice and snow, other obstructions, and repair and replacement as necessary to ensure the safe passage of pedestrians. This includes sidewalk connections located within the right-of-way that ultimately connect to the City trail system.

39. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City. This includes required treatment for Eastview Road, Karen Drive and Settlers Ridge Parkway as identified by the City Engineer.

40. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.

41. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements and right-of-way necessary to accommodate public street and utility improvements will be determined by the final design and shall be shown on the Final Plat.

42. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.

43. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.

44. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.

45. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.

46. The irrigation system shall be designed to meet the following design requirements:
   - System must be designed by a certified irrigation contractor.
   - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
   - Private irrigation wells as a back-up irrigation source are not permitted.
• Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface.
• EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
• MP rotator heads or equivalent shall be used throughout.

ATTACHMENTS

1. Location Map
2. Self-Storage Map
3. Resolution
4. Conditional Use Permit
5. 11x17s
WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning and Zoning commission, the city staff, and other applicable advisory commissions or other governmental agencies; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the Comprehensive Plan; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the health, safety, and general welfare of occupants of surrounding lands; and

WHEREAS, the Planning Commission reviewed the request for a Conditional Use Permit at their April 18, 2022 meeting. At that time they recommended __________ by a ____ to _____ vote. Staff_______ and recommends the City Council grant a Conditional Use Permit for the Black Diamond project; and

WHEREAS, Section 24-43 of the Woodbury City Code identifies the findings necessary to grant approval of a Conditional Use Permit; and

WHEREAS, the City Council affirms the following findings of fact for the Conditional Use Permit for Black Diamond Commercial Planned Unit Development (PUD):

(a) Consistency with the comprehensive plan. The proposed use shall be consistent with the comprehensive plan.

The proposed commercial uses are intended to deliver a successful transition between the residential development on the south side of Eastview Road and the more intense commercial development within the Northeast Area to the north. This selection of low intensity uses will assist the City in delivering efficient public infrastructure within the Northeast Area. A goal of the 2040 Comprehensive Plan is to:

1. Facilitate development of light industrial, distribution, office/warehouse and office/showroom uses within the Northeast Area.

(b) Health and safety. The proposed use shall not negatively impact the health, safety and general welfare of occupants of surrounding lands.

The proposed uses of warehouse, light industrial, self-storage and light industrial within the proposed commercial PUD does not negatively impact the health, safety and general welfare of occupants of surrounding lands. Final design details of the self-storage uses shall be reviewed through future Conditional Use Permits and Site and Building Plan processes.
(c) **Public infrastructure services.** Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.

The Applicant shall privately construct the trunk water and sanitary sewer extensions that are necessary to serve the site. The Applicant shall privately construct and fund the required grading, ponding and subgrade corrections for the initial and future roadway improvements as identified by the City Engineer. Additional turn lanes and roadway construction of Eastview Road are required to provide safe access to the proposed site.

(d) **Screening and landscaping.** Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.

The proposed use is compatible with the surrounding neighborhoods. The site design created a substantial landscaping berm (+/- 20’) that softens the transition between the proposed commercial development with the residential uses to the south of Eastview Road.

(e) **Architectural standards.** The site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.

The proposed PUD establishes architectural requirements for the application area that identify the proposed materials that will best deliver an aesthetically pleasing commercial campus that provides light industrial, warehouse, office and self-storage uses.

(f) **Zoning.** The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The property is zoned BCD, Business Campus District which identifies the following purpose:

“Reserve larger areas for multi-use buildings, offices, wholesale showrooms, light manufacturing, research and development, training, limited retail uses and uses accessory to conducting business within a coordinated, well-defined campus environment and listed as "Places to Work" on the comprehensive plan.”

The proposed uses meet this purpose statement when approved through the Conditional Use Permit process for individual uses.

(g) **Traffic.** The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.

The Applicant shall privately construct and fund the required grading, ponding and subgrade corrections for the initial and future roadway improvements as identified by the City Engineer. Additional turn lanes and roadway construction of Eastview Road are required to provide safe access to the proposed site.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, Washington County, Minnesota to approve the Conditional Use Permit, Project No. 01-2022-00467 for the Black Diamond Commercial PUD subject to the following conditions:

TO BE ADDED FOR COUNCIL

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 27th day of April, 2022.

Attest:

Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator (SEAL)
In accordance with the provisions of the Zoning Ordinance of the City of Woodbury, a Conditional Use Permit is hereby granted to Frattalone Companies (hereinafter referred to as “Applicant”), for a Planned Unit Development for a commercial development. The location of said property being described as follows:

The application includes the following described real estate lying and being in the City of Woodbury, County of Washington, State of Minnesota to wit:

Parcel 1:
That part of the North Half of the Southwest Quarter of Section 1, Township 28, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter-Corner of said Section 1; thence on an assumed bearing of South 00 degrees 17 minutes 47 seconds West, along the West line of said Section, a distance of 780.74 feet to a point in said West line distant 121.00 feet Southerly of the Northwest corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section, said point also being the point of beginning of the land to be described; thence North 89 degrees 58 minutes 16
Parcels:

Parcel 1:

Beginning at the West Quarter-Corner of said Section 1; thence on an assumed bearing of South 00 degrees 17 minutes 47 seconds West, along the West line of said Section, a distance of 780.74 feet to a point in the West line distant 121.00 feet Southerly of the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section; thence North 00 degrees 15 minutes 36 seconds East along the last described West line a distance of 33.47 feet to the South line of the North 100.00 feet of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 53 minutes 28 seconds East, along said South line of the North 100.00 feet, a distance of 663.24 feet to the East line of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along the South line of the North 760.74 feet of the Northeast Quarter of the Southwest Quarter of said Section, a distance of 100.03 feet to the East line of the West 100.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 25 seconds East, along said East line of the West 100.00 feet, a distance of 727.95 feet to the South line of the North 33.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along said South line of the North 33.00 feet; a distance of 1125.53 feet to the West line of the East 100.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence South 00 degrees 09 minutes 05 seconds West, along said West line of the East 100.00 feet, a distance of 17.00 feet to the South line of the North 50.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along said South line of the North 50.00 feet, a distance of 100.03 feet to the East line of the Southwest Quarter of said Section; thence South 00 degrees 09 minutes 05 seconds West, along said East line of the Southwest Quarter, a distance of 1274.23 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section; thence South 88 degrees 56 minutes 36 seconds West, along the South line of the Northeast Quarter of the Southwest Quarter of said Section, a distance of 1327.16 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 25 seconds East, along the East line of the Northwest Quarter of the Southwest Quarter of said Section, a distance of 16.50 feet to the North line of the South 1.00 rod of the Northwest Quarter of the Southwest Quarter of said Section; thence South 00 degrees 13 minutes 25 seconds West, along said North line of the South 1.00 rod, a distance of 633.34 feet to the East line of the West 693.60 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence North 89 degrees 58 minutes 16 seconds East, along said East line of the West 693.60 feet, a distance of 314.09 feet to the North line of the South 330.50 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence South 88 degrees 56 minutes 36 seconds West, along said North line of the South 330.50 feet, a distance of 693.79 feet to the West line of said Section; thence North 00 degrees 17 minutes 47 seconds East, along the West line of said Section, a distance of 208.15 feet to the point of beginning.

Parcel 2:

Beginning at the West Quarter-Corner of said Section 1; thence on an assumed bearing of South 00 degrees 17 minutes 47 seconds West, along the West line of said Section, a distance of 780.74 feet to a point in the West line distant 121.00 feet Southerly of the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section; thence North 00 degrees 15 minutes 36 seconds East along the last described West line a distance of 33.47 feet to the South line of the North 100.00 feet of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 53 minutes 28 seconds East, along said South line of the North 100.00 feet, a distance of 663.24 feet to the East line of the Northeast Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along the South line of the North 760.74 feet of the Northwest Quarter of the Southwest Quarter of said Section, a distance of 100.03 feet to the East line of the West 100.00 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 25 seconds East, along said East line of the West 100.00 feet, a distance of 727.95 feet to the South line of the North 33.00 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along said South line of the North 33.00 feet; a distance of 1125.53 feet to the West line of the East 100.00 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence South 00 degrees 09 minutes 05 seconds West, along said West line of the East 100.00 feet, a distance of 17.00 feet to the South line of the North 50.00 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along said South line of the North 50.00 feet, a distance of 100.03 feet to the East line of the Southwest Quarter of said Section; thence South 00 degrees 09 minutes 05 seconds West, along said East line of the Southwest Quarter, a distance of 1274.23 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section; thence South 88 degrees 56 minutes 36 seconds West, along the South line of the Northeast Quarter of the Southwest Quarter of said Section, a distance of 1327.16 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 25 seconds East, along the East line of the Northwest Quarter of the Southwest Quarter of said Section, a distance of 16.50 feet to the North line of the South 1.00 rod of the Northwest Quarter of the Southwest Quarter of said Section; thence South 00 degrees 13 minutes 25 seconds West, along said North line of the South 1.00 rod, a distance of 633.34 feet to the East line of the West 693.60 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence North 89 degrees 58 minutes 16 seconds East, along said East line of the West 693.60 feet, a distance of 314.09 feet to the North line of the South 330.50 feet of the Northwest Quarter of the Southwest Quarter of said Section; thence South 88 degrees 56 minutes 36 seconds West, along said North line of the South 330.50 feet, a distance of 693.79 feet to the West line of said Section; thence North 00 degrees 17 minutes 47 seconds East, along the West line of said Section, a distance of 208.15 feet to the point of beginning.
of the Southwest Quarter of said Section; thence North 00 degrees 15 minutes 36 seconds East, along the last described West line, a distance of 33.47 feet to the South line of the North 100.00 feet of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 53 minutes 28 seconds East, along said South line of the North 100.00 feet, a distance of 663.24 feet to the East line of the Northwest Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along the South line of the North 760.74 feet of the Northeast Quarter of the Southwest Quarter of said Section, a distance of 100.03 feet to the East line of the West 100.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 25 seconds East, along said East line of the West 100.00 feet, a distance of 727.95 feet to the South line of the North 33.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 88 degrees 50 minutes 20 seconds East, along said South line of the North 33.00 feet, a distance of 1125.53 feet to the West line of the East 100.00 feet of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 09 minutes 05 seconds East, along said West line of the East 100.00 feet, a distance of 33.01 feet to the North line of the Southwest Quarter of said Section; thence South 88 degrees 50 minutes 20 seconds West, along the said North line of the Southwest Quarter, a distance of 1225.51 feet to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section; thence North 00 degrees 13 minutes 42 seconds East, along the East line of the Southwest Quarter of the Northwest Quarter of said Section, a distance of 344.10 feet to the North line of the South 344.00 feet of the Southwest Quarter of the Northwest Quarter of said Section; thence South 88 degrees 50 minutes 20 seconds West, along said North line of the South 344.00 feet, a distance of 1325.09 feet to the West line of the Southwest Quarter of the Northwest Quarter of said Section; thence South 0 degrees 18 minutes 13 West, along said West line of the Southwest Quarter of the Northwest Quarter, a distance of 344.11 feet to the point of beginning.

Washington County, Minnesota
Torrens Property

In granting this Conditional Use Permit, the Woodbury City Council finds the above-described property is zoned BCD, Business Campus District, which allows the approved use as a conditional use at their discretion. The Council finds that the Applicant meets the criteria of the ordinance as outlined in Resolution 22-__ adopted by the City Council on April 27, 2022 and is entitled to the issuance of a Conditional Use Permit for the Black Diamond Commercial PUD, subject to the following conditions:

TO BE ADDED FOR COUNCIL

By order of the City Council of the City of Woodbury, County of Washington, State of Minnesota, this Conditional Use Permit, Project No. 01-2021-00467 is executed by the affected parties on ____________, 2022.
CITY OF WOODBURY

__________________________________________
Anne W. Burt, Mayor

__________________________________________
Clinton P. Gridley, Administrator

STATE OF MINNESOTA  )
) ss.
COUNTY OF WASHINGTON  )

On this _____ day of ______________, 2022, before me, a Notary Public within and for said County, personally appeared Anne W. Burt and Clinton P. Gridley, to me personally known, being each by me duly sworn did say that they are respectively the Mayor and City Administrator of the City of Woodbury, the municipal corporation named in the foregoing instrument; and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said municipal corporation by authority of its City Council and Anne W. Burt and Clinton P. Gridley acknowledged said instrument to be the free act and deed of said municipal corporation.

__________________________________________
Notary Public

__________________________________________
Date
DEVELOPER/APPLICANT

By ________________________________ Date_______________

Its ________________________________

STATE OF )
) ss.
COUNTY OF _______________ )

On this ______ day of ______________, 2022, before me, a Notary Public within and for said County personally appeared _________________________________, to me personally known, who being each by me duly sworn did say that s/he is respectively the __________________________ of ________________________________, the corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its _________________ and said ________________________________ acknowledged said instrument to be the free act and deed of said corporation.

_______________________________________   ______________________
Notary Public        Date

Approved to Form:

______________________________
City Attorney

THIS INSTRUMENT WAS DRAFTED BY
Scott J. Riggs, City Attorney
Kennedy & Graven
470 U. S. Bank Place
200 South Sixth Street
Minneapolis, MN 55402
PRELIMINARY DEVELOPMENT PLANS

FOR

BLACK DIAMOND
WOODBURY, MINNESOTA

PREPARED FOR:
FRATTALONE COMPANIES
3205 SPRUCE STREET
ST. PAUL, MINNESOTA, 55117
CONTACT: NICK FRATTALONE
PHONE: 651-484-0448
EMAIL: NICKF@FRATTALONECO.COM

OWNER:
JP&B FARMS, LLP & TRIPLE E LIMITED PARTNERSHIP
CONTACT: BRUCE HASLERUD
ADDRESS: 8362 TAMARACK VILLAGE, STE. 119-144
WOODBURY, MN 55125
PHONE: 612-865-3377

APPLICANT:
FRATTWOOD, LLC & LANDSPEC MANAGEMENT, LLC
CONTACT: NICK FRATTALONE
ADDRESS: 3205 SPRUCE STREET
LITTLE CANADA, MN 55117
PHONE: 651-484-7839

SURVEYOR/CIVIL ENGINEER:
WESTWOOD PROFESSIONAL SERVICES
CONTACT: DAVID T. BADE
ADDRESS: 12701 WHITEWATER DR, STE. 300
MINNETONKA, MN 55343
PHONE: 952-697-5724

PREPARED BY:
WESTWOOD PROFESSIONAL SERVICES
PROJECT NUMBER: 0032693.00
CONTACT: DAVID T. BADE

PROJECT NUMBER: 0032693.00

SHEET INDEX

<table>
<thead>
<tr>
<th>SHEET NUMBER</th>
<th>SHEET TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>C001</td>
<td>COVER</td>
</tr>
<tr>
<td>C100</td>
<td>EXISTING CONDITIONS &amp; REMOVALS PLAN</td>
</tr>
<tr>
<td>C101</td>
<td>TREE INVENTORY PLAN</td>
</tr>
<tr>
<td>C102</td>
<td>TREE INVENTORY PLAN</td>
</tr>
<tr>
<td>C200</td>
<td>CIVIL SITE PLAN</td>
</tr>
<tr>
<td>C201</td>
<td>PRELIMINARY PLAT</td>
</tr>
<tr>
<td>C300</td>
<td>GRADING PLAN</td>
</tr>
<tr>
<td>C400</td>
<td>EROSION CONTROL PLAN</td>
</tr>
<tr>
<td>C500</td>
<td>SANITARY SEWER &amp; WATERMAIN PLAN</td>
</tr>
<tr>
<td>C501</td>
<td>STORM SEWER PLAN</td>
</tr>
<tr>
<td>C600</td>
<td>STREET PROFILES - KAREN DRIVE</td>
</tr>
<tr>
<td>C601</td>
<td>STREET PROFILES - DIAMOND DRIVE</td>
</tr>
<tr>
<td>C602</td>
<td>STREET PROFILES - EASTVIEW ROAD</td>
</tr>
<tr>
<td>C700</td>
<td>DETAILS</td>
</tr>
<tr>
<td>C701</td>
<td>DETAILS</td>
</tr>
<tr>
<td>C702</td>
<td>DETAILS</td>
</tr>
<tr>
<td>C100</td>
<td>LANDSCAPE PLAN</td>
</tr>
</tbody>
</table>

SHEET NUMBER SHEET TITLE
C001 COVER
C100 EXISTING CONDITIONS & REMOVALS PLAN
C101 TREE INVENTORY PLAN
C102 TREE INVENTORY PLAN
C200 CIVIL SITE PLAN
C201 PRELIMINARY PLAT
C300 GRADING PLAN
C400 EROSION CONTROL PLAN
C500 SANITARY SEWER & WATERMAIN PLAN
C501 STORM SEWER PLAN
C600 STREET PROFILES - KAREN DRIVE
C601 STREET PROFILES - DIAMOND DRIVE
C602 STREET PROFILES - EASTVIEW ROAD
C700 DETAILS
C701 DETAILS
C702 DETAILS
C100 LANDSCAPE PLAN

SHEET NUMBER SHEET TITLE
C001 COVER
C100 EXISTING CONDITIONS & REMOVALS PLAN
C101 TREE INVENTORY PLAN
C102 TREE INVENTORY PLAN
C200 CIVIL SITE PLAN
C201 PRELIMINARY PLAT
C300 GRADING PLAN
C400 EROSION CONTROL PLAN
C500 SANITARY SEWER & WATERMAIN PLAN
C501 STORM SEWER PLAN
C600 STREET PROFILES - KAREN DRIVE
C601 STREET PROFILES - DIAMOND DRIVE
C602 STREET PROFILES - EASTVIEW ROAD
C700 DETAILS
C701 DETAILS
C702 DETAILS
C100 LANDSCAPE PLAN

SHEET NUMBER SHEET TITLE
C001 COVER
C100 EXISTING CONDITIONS & REMOVALS PLAN
C101 TREE INVENTORY PLAN
C102 TREE INVENTORY PLAN
C200 CIVIL SITE PLAN
C201 PRELIMINARY PLAT
C300 GRADING PLAN
C400 EROSION CONTROL PLAN
C500 SANITARY SEWER & WATERMAIN PLAN
C501 STORM SEWER PLAN
C600 STREET PROFILES - KAREN DRIVE
C601 STREET PROFILES - DIAMOND DRIVE
C602 STREET PROFILES - EASTVIEW ROAD
C700 DETAILS
C701 DETAILS
C702 DETAILS
C100 LANDSCAPE PLAN

SHEET NUMBER SHEET TITLE
C001 COVER
C100 EXISTING CONDITIONS & REMOVALS PLAN
C101 TREE INVENTORY PLAN
C102 TREE INVENTORY PLAN
C200 CIVIL SITE PLAN
C201 PRELIMINARY PLAT
C300 GRADING PLAN
C400 EROSION CONTROL PLAN
C500 SANITARY SEWER & WATERMAIN PLAN
C501 STORM SEWER PLAN
C600 STREET PROFILES - KAREN DRIVE
C601 STREET PROFILES - DIAMOND DRIVE
C602 STREET PROFILES - EASTVIEW ROAD
C700 DETAILS
C701 DETAILS
C702 DETAILS
C100 LANDSCAPE PLAN
### BLACK DIAMOND TREE INVENTORY PLAN

**Project Number:** 0032693.00

**Date:** 03/14/2022

**Prepared For:**
- **Phone:** 912.946.5210
- **Fax:** 651.228.6155

**Call All Hours Before Digging:**
- **811 or 811.com**

**Revision:**
- **Initial Issue:** 09/03/2021
- **1st Revision:** 09/30/2021
- **2nd Revision:** 10/15/2021
- **Final Issue:** 03/14/2022

**Location:**
- **Woodbury, Minnesota**
- **3205 Spruce Street**
- **St. Paul, Minnesota, 55117**

**Frattalone Companies**

**Not for Construction**

---

<table>
<thead>
<tr>
<th>Code</th>
<th>Species</th>
<th>Type</th>
<th>Size</th>
<th>N/A</th>
<th>Code</th>
<th>Species</th>
<th>Type</th>
<th>Size</th>
<th>N/A</th>
<th>Code</th>
<th>Species</th>
<th>Type</th>
<th>Size</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>2794</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3064</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3064</td>
<td>150</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3064</td>
<td>150</td>
</tr>
<tr>
<td>2795</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3065</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3065</td>
<td>150</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3065</td>
<td>150</td>
</tr>
<tr>
<td>2796</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3066</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3066</td>
<td>150</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3066</td>
<td>150</td>
</tr>
<tr>
<td>2797</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3067</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3067</td>
<td>150</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3067</td>
<td>150</td>
</tr>
<tr>
<td>2798</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3068</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3068</td>
<td>150</td>
<td>Box Elder</td>
<td>100%</td>
<td>150</td>
<td>3068</td>
<td>150</td>
</tr>
</tbody>
</table>

---

**NOT FOR CONSTRUCTION**

© 2021 Westwood Professional Services, Inc.
Sweeping shall be concurrent with site work.

Public streets used for hauling shall be kept free of soil and debris. Streets shall be responsible for temporary ditches, piping or other means required to reduce pollutant discharge elimination system (NPDES) permit requirements.

All permanent ponds used as temporary sediment basins during construction shall be responsible for sediment.

All temporary stockpiles must have silt fence installed around them to trap sediment.

All construction shall conform to local and state rules including the National Pollutant Discharge Elimination System (NPDES) permit requirements.

The site must be stabilized per the requirements of the MPCA, NPDES, MNDOT, and of completion of construction.

Sections shall have wood fiber blanket installed on the disturbed soils.

When installing end-of-line flared end sections, bring the silt fence up & over the construction.

Temporary (less than 1-year) seed shall be MNDOT seed mix 21-112 (fall) or 21-111 (spring/summer) at 100-pounds per acre.

Erosion and siltation control (ESC): The contractor shall assume complete responsibility for the protection of the site.

The contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans are based on records of the various agencies with respect to erosion control. Temporary ponding, dikes, haybales, etc., required by the city shall not be relied on as being exact or complete. The contractor shall verify existing utilities as shown on these plans are based on records of the various agencies.

Erosion and siltation control includes but not limited to: catch basin inserts, construction settlements, erosion and siltation including but not limited to: catch basin inserts, construction settlements, excavation/construction, and siltation including but not limited to: catch basin inserts, construction settlements, excavation/construction and siltation.

The general erosion control notes shall be incidental to the grading contract.

The contractor shall verify the requirements of the city, state, and county.
GENERAL UTILITY NOTES

1. THE CONTRACTOR IS SPECIFICALLY NOTIFIED THAT THE LOCATION AND COORDINATES OF EXISTING UTILITIES ARE SHOWN ON THE ATTACHED SHEETS.

2. EXISTING UTILITIES MAY HAVE BEEN MARKED IN MORE THAN ONE LOCATION OR WITH MORE THAN ONE COLOR. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES PRIOR TO CONSTRUCTION.

3. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES PRIOR TO CONSTRUCTION.

4. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF DOORWAYS, RAMPS, TRUCK PITS, TELEPHONE BOXES, AND OTHER ITEMS REFERENCED FOR CONSTRUCTION.

5. THE INFORMATION SHALL NOT BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE OWNER OR ENGINEER OF DISCREPANCIES.

6. CONTRACTOR SHALL OBTAIN ALL NECESSARY CITY PERMITS FOR UTILITY CONNECTIONS, AND UTILITIES SHALL BE INSPECTED AND APPROVED BY THE CITY PRIOR TO CONSTRUCTION.

7. THE CONTRACTOR SHALL USE A MARKED UTILITY TRENCH IN THE CASE OF A SHARED UTILITY TRENCH, OR IF A MARKED TRENCH IS NOT AVAILABLE, THE CONTRACTOR SHALL MARK THE TRENCH MANUALLY.

8. CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES PRIOR TO CONSTRUCTION.

9. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES PRIOR TO CONSTRUCTION.

10. THE CONTRACTOR SHALL VERIFY THE EXISTING UTILITIES PRIOR TO CONSTRUCTION.

11. DUCTILE IRON WATER LINES SHALL BE CLASS 52, PER AWWA C115 OR C151. COPPER WATER LINES SHALL BE TYPE K PER ASTM B88.

12. ALL SANITARY SEWER, STORM SEWER AND WATER MAIN MATERIAL AND INSTALLATIONS SHALL BE PER CITY REQUIREMENTS, PER MINNESOTA PLUMBING CODE, AND IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATERMAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.

13. ALL WATER LINES SHALL HAVE <<7.5' OR 8'>> MINIMUM COVER. INSULATE WATER MAIN IF LESS THAN 8' OF COVER. INSULATION SHALL BE DOW STYROFOAM HI BRAND 35 OR EQUIVALENT, WITH 4 INCHES OF THICKNESS.

14. STORM SEWER PIPE: ACCORDING TO MINNESOTA PLUMBING CODE, PART 712.0.

15. ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.

16. ALL STORM SEWER JOINTS AND STRUCTURE CONNECTIONS SHALL BE GASTIGHT OR WATERTIGHT AS REQUIRED BY MINNESOTA PLUMBING CODE, AND IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATERMAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.

17. CORRUGATED METAL PIPE (CMP) FOR SIZES 18- TO 120-INCH AND MUST MEET ASTM A760 OR ASTM A796 AND BE INSTALLED LARGER UNLESS OTHERWISE NOTED, PER ASTM C76 WITH R-4 GASKETS.

18. ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.

19. ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.

20. ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.

21. ALL MANHOLE CASTINGS IN PAVED AREAS SHALL BE SUMPED 0.05 FEET. RIM ELEVATIONS ON PLAN REFLECT THE SUMPED ELEVATIONS.
SECTION A
CITY OF WOODBURY

PLANNING COMMISSION STAFF REPORT

April 18, 2022

Project No.: 03-2022-00487

Prepared By: Dan Krumwiede

Planner 1

651-414-3440
dan.krumwiede@woodburymn.gov

Recommendation: Approval

Request: Conditional Use Permit

Site Size: 1.17 acres

# Units: N/A

Density: N/A

# Lots: N/A

Building Sq. Ft: 2,179 Sq. Ft.

Comprehensive

Zoning District: B-4, Office Warehouse District

Land Use Plan: Places to Work

Dedication: N/A

PROPOSAL

690 Commerce Interior Car Sales at Crossroads Commerce Center has submitted an application for a conditional use permit for a motor vehicle sales, interior only use. The proposed interior motor vehicle sales space measures 2,179 square feet and is proposed to be located at 690 Commerce Drive. The property is zoned B-4 Office Warehouse District and is guided as Places to Work on the Land Use Plan.

BACKGROUND

At their May 25, 2005 meeting the Woodbury City Council approved the Planned Unit Development and Preliminary Plat for the Crossroads Commerce Center. The application included seven (7) buildings totaling 212,809 square feet.

CarGroup Holdings purchases cars online from individual consumers. The consumer would bring their licensed and insured vehicle to the location to process the paperwork and finalize selling the car. Vehicles would then be removed from the site and brought to auction within 24-48 hours of the sale. All vehicles would be stored interior to the building and no vehicle detailing, display or repair work will occur on site. CarGroup Holdings does not buy or tow salvaged vehicles to their location. All indoor only vehicle sales are required to receive a conditional use permit within the B-4 Zoning District.
The location will be utilized as a professional office operated by one onsite employee and/or manager that sees customers by appointment. The business hours will be 10:00 a.m.-7:00 p.m. Monday-Friday and 9:00 a.m.-6:00 p.m. on Saturday.

PLANNING CONSIDERATIONS

Site Access and Orientation - Access to the site is off of Commerce Drive to the south. The car bays are located to the north of the building away from the adjacent residential property to the west. The applicant is requesting to lease 2,179 square feet of space within this structure.

Parking - The previously approved Crossroads Commerce Center site plan provides parking for 653 vehicles. The building at 690 Commerce Drive is a single-story building and is allocated 53 parking spaces. The suite shows approximately 2,179 square feet of space. The Zoning Ordinance requires one stall per 2,000 square feet of warehouse/showroom space and one stall per 200 square feet of office space. Therefore, the required parking for this application is three (3) parking stalls. The existing parking is adequate for the proposed use.
Conditional Use Permit - The Conditional Use Permit shall be required for any changes to the original Conditional Use Permit. City Code Section 24-43 outlines the guidelines for granting a Conditional Use Permit. Please reference the attached draft resolution for the required findings of fact.

Neighborhood meeting – A neighborhood meeting was held for the project on April 4, 2022 with no residents in attendance.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for 690 Commerce Interior Car Sales at Crossroads Commerce Center, Project No. 03-2022-00487 subject to the following conditions:

1. No outdoor storage shall be allowed.
2. All vehicles shall be unloaded immediately into the showroom or warehouse space.
3. Conditions for the original Commerce Center PUD and Final Site and Building Plan approval shall remain in full force and effect.
4. No banners, streamers, temporary directional signage, or window signs either adhered to or behind the glass shall be permitted.
5. No vehicle detailing, display or repair work will occur onsite.

Attachments:
1. Location Map
2. Resolution
3. Conditional Use Permit
Resolution 22-

Resolution of the City of Woodbury,
Washington County, Minnesota

Adopting findings for fact for the
690 Commerce Interior Car Sales at Crossroads Commerce Center Project No. 03-2022-00487

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission, the City staff, and other applicable advisory commissions or other governmental agencies; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the Comprehensive Plan; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the health, safety, and general welfare of occupants of surrounding lands; and

WHEREAS, the Planning Commission reviewed the request for a Conditional Use Permit at their April 18, 2022 meeting. At that time they recommended _______ by a ___-___ vote. Staff _______ and recommends the City Council grant a Conditional Use Permit for 690 Commerce Interior Car Sales at Crossroads Commerce Center; and

WHEREAS, Section 24-43 of the Woodbury City Code identifies the findings necessary to grant approval of a Conditional Use Permit; and

WHEREAS, the City Council affirms the following findings of fact for the Conditional Use Permit for motor vehicle sales, interior only:

1. Consistency with the comprehensive plan. The proposed plan shall be consistent with the comprehensive plan.

   The Places to Work section in the land use chapter identifies goals and policies for development within this land use category. A goal found within the Comprehensive Plan states “Retain existing business and allow for expansion opportunities.” The proposed motor vehicle sales, interior only use allows the existing building to accommodate an infill use that won’t adversely affect the existing office and warehouse uses.

2. Health and safety. The proposed use shall not negatively impact the health, safety, and general welfare of occupants of surrounding lands.

   The proposed interior car sales use does not conflict with the business functions of the existing businesses and will not pose a significant detrimental risk to the health, safety, and general welfare of occupants of surrounding lands because of its compatibility. There will be no exterior storage proposed as part of this use.

3. Public infrastructure facilities. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing
infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.

The proposed use is located in close proximity to Tamarack Road, Rivertown Drive, and Commerce Drive. All three of these roadways are sized adequately to handle traffic from this use, which would not generate any more traffic than other permitted office/warehouse uses. The utilities necessary were installed as part of the original approval for the Crossroads Commerce Center.

4. Screening and landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping above those required in the zoning ordinance.

The Applicant is not proposing to remove any trees or shrubs as part of this application. The housing to the west has significant tree buffering from the proposed use.

5. Architectural standards. The site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.

No building additions are proposed with this application.

6. Zoning. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The scope and purpose of the B-4, Office Warehouse District identifies the district is intended to promote the development of attractive sites for job-creating businesses requiring a mix of office, warehouse and showroom uses. The proposed motor vehicle sales, interior only is identified as a Conditional Use in the B-4 District.

7. Traffic. The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.

The anticipated traffic volumes are consistent with the volume generated by office, showroom and warehouse uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, Washington County, Minnesota to approve the Conditional Use Permit, Project No. 03-2022-00487, 690 Commerce Interior Car Sales at Crossroads Commerce Center, subject to the following conditions:

1. No outdoor storage shall be allowed.
2. All vehicles shall be unloaded immediately into the showroom or warehouse space.
3. Conditions for the original Commerce Center PUD and Final Site and Building Plan approval shall remain in full force and effect.

4. No banners, streamers, temporary directional signage, or window signs either adhered to or behind the glass shall be permitted.

5. No vehicle detailing, display or repair work will occur onsite.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 11th day of May, 2022.

Attest: Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator (SEAL)
In accordance with the provisions of the Zoning Ordinance of the City of Woodbury, a Conditional Use Permit is hereby granted to CarGroup Holdings (hereinafter referred to as “Applicant”), for an motor vehicle sales, interior only use. The location of said property, being described as follows:

Lot 1, Block 1, Crossroads Commerce Center 2nd Addition

In granting this Conditional Use Permit, the Woodbury City Council finds the above-described property is zoned B-4, Office Warehouse District, which allows a motor vehicle sales, indoor only as a Conditional Use Permit at their discretion. The Council finds that the Applicant meets the criteria of the ordinance as outlined in Resolution No. 22-____ adopted by the City Council on May 11, 2022 and is entitled to the issuance of a Conditional Use Permit for, subject to the following conditions:

1. No outdoor storage shall be allowed.
2. All vehicles shall be unloaded immediately into the showroom or warehouse space.
3. Conditions for the original Commerce Center PUD and Final Site and Building Plan approval shall remain in full force and effect.

4. No banners, streamers, temporary directional signage, or window signs either adhered to or behind the glass shall be permitted.

5. No vehicle detailing, display or repair work will occur onsite.

By order of the City Council of the City of Woodbury, County of Washington, State of Minnesota, this Conditional Use Permit, Project No. 03-2022-00487 is executed by the affected parties on May 11, 2022.

CITY OF WOODBURY

__________________________
Anne W. Burt, Mayor

__________________________
Clinton P. Gridley, Administrator

STATE OF MINNESOTA )
) ss.
COUNTY OF WASHINGTON )

On this ____ day of ____________, 2022, before me, a Notary Public within and for said County, personally appeared Anne W. Burt and Clinton P. Gridley, to me personally known, being each by me duly sworn did say that they are respectively the Mayor and City Administrator of the City of Woodbury, the municipal corporation named in the foregoing instrument; and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said municipal corporation by authority of its City Council and Anne W. Burt and Clinton P. Gridley acknowledged said instrument to be the free act and deed of said municipal corporation.

________________________________________  _______________
Notary Public                        Date
DEVELOPER/APPLICANT

By ________________________________ Date __________________
Its ________________________________

STATE OF MINNESOTA  )
    ) ss.
COUNTY OF ____________ )

On this ______ day of ____________, 2022, before me, a Notary Public within and for said County personally appeared ______________________________, to me personally known, who being each by me duly sworn did say that s/he is respectively the ______________________ of ______________________________, the corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its _________________ and said ______________________________ acknowledged said instrument to be the free act and deed of said corporation.

_________________________________________    Date
Notary Public

Approved to Form:

__________________________________________
City Attorney

THIS INSTRUMENT WAS DRAFTED BY
City Attorney
Kennedy & Graven
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
## PROPOSAL

Kinney Mini Farms has submitted an application for an Interim Conditional Use Permit. The Applicant is proposing a new farmers’ market to be located at Resurrection Lutheran Church. The property is located at the southwest corner of Bailey Road and Woodbury Drive. The property is zoned R-4, Urban Residential District and is guided as Public/Semi-Public on the Land Use Plan.

## BACKGROUND

The City requires an Interim Conditional Use Permit (ICUP) for farmer’s markets to ensure compliance with zoning ordinance standards and review parking, signage, duration, neighborhood impacts and the like. An interim use is defined as a temporary use of property until a particular date, until the occurrence of a particular event or until the zoning regulations no longer permits it.

The City Code allows an Interim Conditional Use Permit for the interim use of property if:

1. The use conforms to the zoning regulations;
2. The date or event that will terminate the use can be identified with certainty;
3. Permit of the use will not impose additional costs on the city if it is necessary for the city to take the property in the future; and
The permitee agrees in writing to any conditions that the City Council deems appropriate for permission of the use.

The criteria for granting an Interim Conditional Use Permit are the same as for Conditional Use Permits, as contained in Section 24-43 of the City Code. The proposed farmers’ market meets the required findings as outlined in the attached draft resolution.

In establishing the date of event for the termination of the Interim Conditional Use Permit, the City Council is to consider the advice and recommendations of the Planning Commission. Staff recommends that the Interim Conditional Use Permit for the farmers’ market should terminate upon a change in zoning regulations which would prohibit the market or upon violation of the conditions under which the permit was issued.

**Use** – The proposed farmers’ market at this location will operate on Tuesday evenings from 2:00 p.m. (set-up) until 7:00 p.m. (cleanup) from late May until the end of September. The parking area for the use can hold up to 25 local vendors.

**Site Access & Parking** – Access to the site is provided via private driveway from Bailey Road as shown with the red star in the graphic below.

The proposed site plan identifies 53 parking spaces to be dedicated for vendors and pedestrian circulation. When the market is in operation, the market manager will ensure barriers/ cones will be placed around the market to avoid any circulation issues. Adequate parking is provided in the remainder of the Church’s parking lot. The Church does not have any programming on Tuesday evenings that would conflict with this use.
Neighborhood Meeting—A neighborhood meeting was held on April 4, 2022 with one attendee present and another resident contacting staff. Questions centered on how long term the use is proposed to be, circulation on Bailey Road, and potential security concerns.

RECOMMENDATION

Staff recommends approval of the Interim Conditional Use Permit for the farmers’ market, Project No. 27-2022-00489 for Resurrection Lutheran Church farmers’ market, based on the findings in the attached draft resolution, subject to the following conditions:

1. The Interim Conditional Use Permit shall terminate upon a change in zoning regulations which would prohibit the use or upon violation of the conditions under which the permit was issued.
2. Upon the occurrence of the date or of the criteria for termination set forth in the Interim Conditional Use Permit, the city shall notify the Permittee in writing that the Interim Conditional Use Permit shall terminate not later than 30 days after the date of such notice.
3. The Interim Conditional Use Permit shall be reviewed annually but may be reviewed at any time if the City Council is of the opinion that the terms and conditions of the permit have been violated or if one of the criteria for termination has been met.
4. The Resurrection Lutheran Farmers’ Market will be open on Tuesdays from late May through the last Tuesday of September. The hours of operation will be from 2:30 p.m. to 7:00 p.m.
5. The Applicant shall be allowed four (4) temporary signs. One sign shall not exceed 24 square feet in area and not more than six (6) feet in height. The other temporary, directional signs must not exceed four (4) square feet and be located onsite, at least 15 feet from the back of the curb. The signs shall be permitted to be installed on Monday evening and removed on Wednesday morning.
6. The market manager shall ensure the site is cleaned up after market hours.
7. Parking for vendors and customers shall be restricted to asphalt only, no parking in the grass or medians will be permitted.
8. The Interim Conditional Use Permit shall be executed prior to the market becoming operational.
9. Barriers and cones shall be present at all times when the market is in operation. If operational issues are identified by the City, the Applicant shall work with staff to create a circulation plan for the site.

ATTACHMENTS

1. Location Map
2. Resolution
3. Interim Conditional Use Permit
4. Market Narrative and Site Plan
Resolution 22-

Resolution of the City of Woodbury,
Washington County, Minnesota

Adopting findings for fact for an
Interim Conditional Use Permit for Farmers’ Market for Resurrection Lutheran Church
Project No. 27-2022-00489

WHEREAS, in granting an Interim Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission, the City staff, and other applicable advisory commissions or other governmental agencies; and

WHEREAS, in granting an Interim Conditional Use Permit, the City Council shall consider the effect of the proposed use on the comprehensive plan; and

WHEREAS, in granting an Interim Conditional Use Permit, the City Council shall consider the effect of the proposed use on the health, safety, and general welfare of occupants of surrounding lands; and

WHEREAS, the Planning Commission reviewed the request for an Interim Conditional Use Permit for a farmers’ market at their April 18, 2022 meeting. At that time they recommended _____ by a _-_ vote. Staff ____ and recommends the City Council grant an Interim Conditional Use Permit for the Resurrection Lutheran Church farmers’ market; and

WHEREAS, Section 24-43 of the Woodbury City Code identifies the findings necessary to grant approval of an Interim Conditional Use Permit.

WHEREAS, the City Council affirms the following findings of fact for the Interim Conditional Use Permit for Resurrection Lutheran Church at 9925 Bailey Road.

1. **Consistency with the comprehensive plan. The proposed use shall be consistent with the comprehensive plan.**

   The Comprehensive Plan establishes a Vision for Woodbury that includes “Woodbury’s vision is of a community where diverse opportunities for housing, employment, education, recreation, commerce, transportation, volunteer organizations, participatory government and cultural activities are woven together into a unique identity in the Twin Cities Metropolitan Area...” The proposed farmers’ market provides this unique opportunity for residents to interact and shop with local vendors. Farmers’ markets provide opportunities for local growers to generate income and residents to support the community.

2. **Health and safety. The proposed use shall not negatively impact the health, safety and general welfare of occupants of surrounding lands.**

   The proposed use of a farmers’ market does not negatively impact the health and safety of adjacent property owners.
3. Public infrastructure services. The provision of adequate public facilities and services to the site where the use is proposed and the ability of the existing infrastructure to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.

No additional public infrastructure is required to serve the farmers’ market as the existing infrastructure is designed to handle the demand of the market.

4. Screening and landscaping. The ability to screen and buffer incompatible impacts of the proposed use on adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.

The proposed market is located away from the surrounding neighborhoods. The existing landscaping and screening onsite will be sufficient to buffer any impacts of the use.

5. Architectural standards. The degree that the site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in section 24-304 of the zoning ordinance.

The proposed market is temporary in nature and therefore architectural regulations do not apply.

6. Zoning. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The subject property is zoned R-4, Urban Residential District. A farmer’s market is identified to be an appropriate interim conditional use in this district subject to all requirements found in section 24-265. The Applicant has designed the site plan to meet these requirements and shall abide by the conditions of approval.

7. Traffic. The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections.

The traffic generated by this use is consistent with other Place of Worship accessory uses. The existing roadway and pedestrian infrastructure on Bailey Road and Woodbury Drive are designed to accommodate this use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, Washington County, Minnesota to approve the Interim Conditional Use Permit, Project No. 27-2022-00489, for Resurrection Lutheran Church farmers’ market with the following conditions:

1. TO BE ADDED FOR COUNCIL
This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this XXth day of May, 2022.

Attest:

______________________________
Anne W. Burt, Mayor

______________________________
Clinton P. Gridley, City Administrator (SEAL)
INTERIM CONDITIONAL USE PERMIT
RESURRECTION LUTHERAN CHURCH
WOODBURY, MINNESOTA 55129

PROJECT NO: 27-2022-00489
PID: 2702821110006

CITY COUNCIL APPROVAL
MAY XX, 2022

In accordance with the provisions of the Zoning Ordinance of the City of Woodbury, an Interim Conditional Use Permit is hereby granted to Kinney Mini Farms (hereinafter referred to as “Applicant”), for farmers’ market. The location of said property, being described as follows:

THE NORTH 611.56 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 28, RANGE 21, WASHINGTON COUNTY, MINNESOTA EXCEPT THE SOUTH 17.00 FEET OF THE NORTH 92.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27

In granting this Interim Conditional Use Permit, the Woodbury City Council finds the above-described property is zoned R-4, Urban Residential District, which allows the approved use as an interim conditional use at their discretion. The Council finds that the Applicant meets the criteria of the ordinance as outlined in Resolution No. 22-___ adopted by the City Council on May XX, 2022 and is entitled to the issuance of an Interim Conditional Use Permit for Resurrection Lutheran Church farmers’ market, subject to the following conditions:

1. TO BE ADDED
By order of the City Council of the City of Woodbury, County of Washington, State of Minnesota, this Interim Conditional Use Permit, Project No. 27-2022-00489 is executed by the affected parties on __________, 2022.

CITY OF WOODBURY

________________________________
Anne W. Burt, Mayor

________________________________
Clinton P. Gridley, Administrator

STATE OF MINNESOTA )
) ss.
COUNTY OF WASHINGTON )

On this _____ day of ________________, 2022, before me, a Notary Public within and for said County, personally appeared Anne W. Burt and Clinton P. Gridley, to me personally known, being each by me duly sworn did say that they are respectively the Mayor and City Administrator of the City of Woodbury, the municipal corporation named in the foregoing instrument; and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said municipal corporation by authority of its City Council and Anne W. Burt and Clinton P. Gridley acknowledged said instrument to be the free act and deed of said municipal corporation.

__________________________________________  __________________________
Notary Public                                      Date
DEVELOPER/APPLICANT

By______________________________

Date________________

Its______________________________

STATE OF )
 ) ss.
COUNTY OF___________ )

On this _____ day of ____________, 20___, before me, a Notary Public within and for said County personally appeared ______________________________, to me personally known, who being each by me duly sworn did say that s/he is respectively the __________________________ of ______________________________, the corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its _________________ and said __________________ acknowledged said instrument to be the free act and deed of said corporation.

________________________________________________________________________

Notary Public Date

Approved to Form:

________________________________________________________________________

City Attorney

THIS INSTRUMENT WAS DRAFTED BY
Scott J. Riggs, City Attorney
Kennedy & Graven Chartered
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
Project Name: Woodbury Resurrection Farmers Market

Location:
9925 Bailey Rd, Woodbury, MN 55129
Time: 3-6:30 Tuesday Jun 14, 2022 through Sep 27, 2022

Our goal is to inspire and feature farmers and growers that nurture a healthy community by building a local, sustainable food economy in a vibrant, educational marketplace. Allowing consumers to have a direct relationship with the producers of the items they purchase. In a town that is the 9th largest city in MN and growing we see the need for a locally ran farmers market. With marketing skills and a big list of local vendors wanting to sell in Woodbury it is time for a easey accessible, good parking and fun Farmers Market.

As soon at the Woodbury Resurrection Farmers Market is established Paul Edgerton and Lisa John will be managing all the market goals. The Woodbury Resurrection parking lot will hold up to twenty five (25) growers/vendors on Tuesdays from June through September. Set up time will start at 2:00 market starting at 3:00pm to 6:30pm on the south side of the parking lot. The property is located off of a roundabout on Bailey and Woodbury Dr. With a full parking lot making easy access for our customers. Access to the site is off of Baily Road.

Vendors wishing to participate in the market must complete an application form and return it to Paul or Lisa (Market Managers/Coordinators) for review. After being accepted, the vendor fees will be due. We will review and approve all vendor applications before a vendor can participate in the market. During the selection process, we will not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance.

Market managers will approve for sale:

- Fresh fruits, vegetables, herbs and spices
- Farmstead products such as choose, meats, fish, poultry, eggs, baked goods, honey, maple syrup and preserves, must be prepared and packaged in accordance with rules established by the MN Department of Agriculture
- Vendors growing bedding plants, hanging and potted plants, and dried or cut flowers. Additional products not listed above must be approved by the market manager.
- To maintain the agricultural nature of the market, handicrafts and other non-food items shall not exceed 20% of the market.
- Market managers reserve the right to inspect crops and production areas at any time before or during the market season.
In our efforts to be an environmentally-friendly event all vendors and customers will follow these waste reduction and disposal guidelines.

- Vendors must remove their own trash and recyclables from the market site.
- All items intended for consumption/use on site (food trucks) resulting in waste must be compostable, including items for sampling.
- One of the market goals is to provide well marked containers to separate garbage and contain materials for customers.

The Woodbury Resurrection Farmers Market enforces all federal, state, and local food licensing requirements.

Vendors may not begin setting up before 2:00 without prior approval. Market Managers will be at the market location at 2:00 pm to check in vendors and assist vendors with any questions.

The market will open at 3:00 pm. And it ends at 6:30. Market vendors must be ready to sell by 3:00 on market day. Vendors are not allowed to start the tear down process until the market is closed. In the interest of customer safety, moving vehicles are prohibited in the market area between 2:45-6:30. The market will occur rain or shine. In the event of severe weather, the Market manager will determine and ask people to clear the market and take shelter. Stal space is assigned by the market manager. One stall is two side by side parking spaces approximately 17’ wide. Vendors are allowed only one vehicle in the assigned stall space. Vendors are responsible for providing set up material tables, canopies, tents, tent weights and other items needed for display. No stakes may be pounded into the asphalt, but all canopies MUST be secured/weighted down during the market. It is required that all four legs of the canopies be secured with over 20 pounds of weight attached.

Special events will happen throughout the season with live music, kids day, senior citizen day, farmers market month, customer appreciation day, photo booths, etc... to draw attention to the market.

Any required sales tax collections and remittances are the sole responsibility of the vendors. Completion of the ST19 form must accompany the application. All vendors must carry their own Commercial General Liability insurance with limits up to $1,000,000, as the market does not provide this coverage.

Market managers and coordinators’ job is to implement the guidelines and policies of the market. This includes overseeing market set-up, space assignments, collecting fees, providing
information on market policies, assuring vendor compliance with all policies. The market manager/coordinator is also the liaison between the vendors/customers and city staff. The market manager has complete authority to interpret the implemented policy on the market site. The policies and guidelines followed at the Woodbury Resurrection Farmers Market are changed by the market coordinator/manager with the approval of the Resurrection Lutheran church Supervisor. Requests for change will be considered on a case by case basis at the Church's sole discretion.

EBT/POP/TOKENS

As of now the market is not set up for EBT but once established will look further into it. As well as creating market tokens and starting up the POP program. The Power Of Produce program is a farmers market incentive program for children ages 4 to 12. Each week, children receive a $2 token to spend on fresh fruits and vegetables and food plants. The PoP Club engages children at the farmers market and empowers them to make healthful food choices. Farmers markets across the nation have implemented the program and documented the program’s positive impact on the fruit and vegetable consumption of children as well as an increase in families attending the farmers market.

The PoP Club has the potential to play a key role in building healthy, prospering communities. The program encourages children and families to attend the farmers market every week, thus potentially increasing the market’s customer base and revenue of local growers. The PoP Club also aims to create a social norm around farmers markets. In coordination with other market activities, the program helps to create an equitable space that community members want to visit each week and make part of their normal shopping routine.

Creating a Farmers Market Hub will allow vendors another avenue of selling their products during the market season by joining in on a CSA like concept. The market manager will subscribe to the appropriate licensing through MN Department of Health to ensure a safe food handling process. The community has the option to buy a monthly box of mixed produce from a variety of vendors. Pick up will be at the farmers market location.
Pursuant to due call and notice thereof, a regular meeting was held at Woodbury City Hall, 8301 Valley Creek Road on the Monday the 21st of March, 2022.

CALL TO ORDER

Chair Shannon Olsen called the meeting to order at 7:00 p.m.

ROLL CALL

Upon roll call the following members were present: Shannon Olsen, John Jarrett, Stephanie Haacke, Avin Kallenbach, Dave Hoelzel, and Sahithi Polavarapu.
Absent member: Ryan Christenson, Sathyamohan Gavvagi and Hunter Hakkila
Council Liaison Present: Kim Wilson
Staff Present: Eric Searles, City Planner; Gina McCormack, Associate Planner and Dan Krumwiede, Planner I

DEVELOPMENT ITEMS

ITEM 1: Gold Line Station Area Master Plan, Project No. 09-2020-00388

Gina McCormack, Associate Planner stated the City of Woodbury has prepared the Gold Line Station Area Master Plan Report. She said the intent of the report is to document existing conditions, summarize public feedback, provide guidance on land use, corridor design elements, future policy work, and the like. She advised that the attached report and appendix provides additional information on the master plan.

Ms. McCormack said the METRO Gold Line is a planned ten-mile Bus Rapid Transit (BRT) dedicated guideway that will connect Woodbury to Saint Paul and other eastern suburbs which is planned to open in 2025. She said in Woodbury, the Gold Line would run north-south following Bielenberg Drive then turning onto Guider Drive, where the corridor ends. She presented a graphic that showed the route.

She said the Gold Line Stations are planned in Woodbury and the city has created a master plan for each station area. She said the purpose of the City’s master plan is to determine the appropriate land uses around each of the three stations, optimize existing development, prepare for potential redevelopment, create a unique sense of place with landscaping and lighting fixtures, and enhance connectivity within the area. She identified the three stations are proposed to be located on Bielenberg Drive, north of Tamarack Road; near the Woodbury Theater on the corner of Queens Drive and Guider Drive; and at the corner of Guider Drive and Woodlane Drive, where a park and ride is proposed.

She spoke about public engagement and said over the course of the project a number of meetings have been held to give plan direction, provide feedback on draft plan concepts, engage with stakeholders, and provide more information about the Gold Line BRT project. She gave specifics on the dates which the meetings were held.

She said as part of the initial stakeholder meetings, residents from Nature Court reached out to staff and the Gold Line Project Office (GPO) for solutions related to privacy and screening for their rear yards. She said staff held three onsite meetings with the residents in the summer of 2020 to determine potential solutions for their concerns and said concurrently, the GPO requested the City to provide full landscaping plan details for the corridor in order to install the Master Plan landscaping. She gave information on the improvements identified to address the Nature Court concerns.
She said that City staff and the master plan consultant (HKGi) created three options for Council to review on the screening. She said these options were presented at the Council workshop on February 17, 2021 with Council selecting the option that will install a fence along the residential property lines and providing landscaping to soften the impact. She said this option was also recommended by both staff and the Nature Court residents. She said finally, in order to ensure this fence could be installed with the project, a fence specifications and design plan was created that is now incorporated into the 100 percent Gold Line design plans. She informed the Commission that the location of the fence was walked by staff and the residents to ensure the length of the fence addresses their screening and privacy concerns. She informed them that the City will own and maintain the landscaping and fence in this location.

She stated during the larger open house meetings, a stakeholder group from within the Falcon Ridge neighborhood, directly east of the Tamarack Hill development, was identified. Staff has held three small group meetings with four property owners in this area that will be most impacted by the development, potential future trail construction, and the Tamarack Station itself. She said one of these meetings included walking each property’s backyard and viewing from their decks the views they are most concerned about. She informed that based on the feedback received, staff has added performance standards under the Tamarack Station - East Bielenberg and listed the items which may be found on the Staff Report.

She gave information on the resident’s preferences for land use on the eastside of Bielenberg Drive to remain the same, Places to Work. She stated that while staff is still supportive of Medium Density and High Density at this location, staff is committed to working with the residents on all future development applications to mitigate as many of their concerns as possible.

She informed that more details on the feedback received, schedule, ideas, concerns, and the like can be found within Chapter 3 of the report and the appendix.

She said staff recommends approval of the Gold Line Station Area Master Plan Report and Appendix, project number 08-2020-00388.

Chair Shannon Olsen asked if anyone from the audience would like to speak on this item. No one spoke. She then opened the discussion to the Commission.

Commissioner Haacke asked why the ridership projections have not been looked at since the pandemic or if the details shown were pre or post pandemic. Ms. McCormack said they are from the FTA stops model provided in detail on page 2-6. She said they are post pandemic as staff had the same concern.

Ms. Haacke asked if the city thought the people of Woodbury would use this or would it be people outside of the City. Ms. McCormack said it would be a mix of both that would use this. She said while drops have been seen in express bus ridership and corporate job riders the city is still seeing 18 percent of households that do not have access to a vehicle as well as service based jobs that do not have a virtual work option. The city does value the option that transit can provide to those individuals.

Ms. Haacke asked what is the percentage of people that live in Woodbury that lives within a quarter mile or half mile radius of those stations. Ms. McCormack advised she doesn’t have that information.

Ms. Haacke asked from having this Gold Line what the expected revenue would bring to Woodbury. Mr. Searles said the city has not done any models of economic impact as it relates to revenue. He said that the feedback we have received from the business communities is the option to bring employees into Woodbury from other communities to provide resources.

Ms. Haacke asked if the city infrastructure cost is a cost that would be from the city and taxpayers responsibilities. Ms. McCormack said the Gold Line group is going to completely redo Bielenberg drive
at their cost and is a cost savings being those costs would normally be assessed back to the property owners. Mr. Searles said there is long time maintenance cost that will be held by the taxpayers along the line. Mr. Searles said the project itself will only maintain the station areas. He said the enhanced landscaping will be maintained by City staff such as trails are now within the city. He added that there are enhancements that are proposed within the Master Plan which would be held by the taxpayer.

Commissioner Kallenbach asked how the setback of 150 feet was determined. Ms. McCormack said it was determined from visiting the site and the second was the concept site plans in determining what could fit on the site while preserving screening and the realistic number to achieve that.

Ms. Kallenbach said she understands the safety concerns about bringing crime to the city and if there are any statistics showing that the Gold Line has brought crime to other locations. Ms. McCormack said they requested that information from the Gold Line group and there are no statistics that show that.

Commissioner Jarrett said there seems to be a community misconception that this is the city's project and if we could touch on for the record, who is doing this and who is participating to ensure that is best for the city. Ms. McCormack said high level transit within the metro area is implemented by Metro Transit. She explained that metro transit studies the lines and where transit would fit and is partnered with Ramsey and Washington County. She gave background on when this started and when it was adopted with this alignment. She also said the city wanted to establish community standards for what happens in the areas adjacent to the stations and that is the role of this master plan.

Mr. Jarrett stated that with of the amount of screening, he didn’t see any implementation of evergreen trees and why that was that left off the table for the tree inventory. She said within Bielenberg we have a limited amount of right of way that we are able to accommodate landscaping. She said that is the reason we did not address Evergreen trees however as projects come in such as the Tamarack station and the Woodbury Theater station screening would be addressed at that time which is why we included those performance standards.

Mr. Jarrett asked if there was a second option for parking between the two site recommended sites. She said a performance standard would be to provide parking within the structure depending on grades and what that would allow but knowing that eliminating a surface lot would mean that parking would need to be accommodated somewhere else. Mr. Jarrett asked that if it was a high density residential development would it then have public parking in their parking areas for the transit users or would they have additional parking somewhere else. Ms. McCormack said that they would have the 494 park and ride facility down the road.

Mr. Jarrett asked if the Woodbury Theater remains if they would be open to use the open space for fairs or farmers markets. Ms. McCormack said that they would be open to that and the city would have to work with metro transit on that aspect.

Mr. Jarrett asked what a parklet is and what would be its attended use. Ms. McCormack said that would depend on the development and what we are able to acquire and the park planning staff would look at creative options for that space.

Mr. Jarrett asked if the extension would be proposed to go further out east to accommodate warehouse staff or the Newport area. Ms. McCormack said there is not any extension proposed but city staff would be open to working with Metro Transit to accommodate an extension where it is feasible to serve more of the community.
Commissioner Hoelzel thanked the staff and said he was excited to look around at the area in person and the opportunity for investment and reinvestment opportunities. Mr. Hoelzel asked if Metro Transit takes direction from the Met Council and asked for a brief description on the Met Council. Ms. McCormack gave description on the Met Council and what they do and what they study to make the decisions and directions off that data. Mr. Searles added that Metropolitan Council is a regional planning agency and their requirements are based on state statutes and their roles are identified within the statute.

Chair Shannon Olsen asked that the document be date stamped so when things are updated so that the Commission is able to look back at this and know when data was given.

Chair Olsen asked what the amount of dollars spent and the portion of the project that would be spent by Woodbury. Ms. McCormack said she would be happy to have that detail included in the packet going forward.

Chair Olsen asked how having high density residential areas feeds into the numbers and if those don’t end up being built does it justify the stops. Ms. McCormack said the ridership is based on current land use, not future and is not hinged on the current masterplan. Chair Olsen said it could be a way to show an upside on ridership since that has been a question.

Chair Olsen asked if there was any additional questions from the Commission, no one spoke. She then asked for a motion for a recommendation of the project.

MOTION: Dave Hoelzel moved to approve Gold Line Station Area Masterplan, Project No. 09-2020-00388 subject to the added items, benefits to the public, a more robust FAQ section, economic studies and upside of high density housing.

SECOND: John Jarrett

VOTING: All in Favor: Shannon Olsen, John Jarrett, Stephanie Haacke, Avin Kallenbach and Dave Hoelzel

Absent: Ryan Christenson and Sathyamohan Gavvagi

COUNCIL REPORT

Councilmember Kim Wilson provided an update of Council activities and meeting which was held on March 16, 2022. For further information about the Council meeting, refer to the minutes.

APPROVAL OF MINUTES

MOTION: Avin Kallenbach moved to approve the minutes of the Planning Commission held on February 28th, 2022 meeting as submitted with the capitalization of Spring Hill Drive.

SECOND: Dave Hoelzel

VOTING: All in Favor: Shannon Olsen, John Jarrett, Stephanie Haacke, Avin Kallenbach and Dave Hoelzel.

Absent: Ryan Christenson and Sathyamohan Gavvagi

ADJOURNMENT

The meeting adjourned at 7:52 p.m.