

PLANNING COMMISSION AGENDA

Thursday, May 1, 2025

CITY OF DAYTON, MINNESOTA

12260 So. Diamond Lake Road, Dayton, MN 55327

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

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

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- | | | |
|------|------------|---|
| 6:30 | 1. | CALL TO ORDER |
| 6:30 | 2. | PLEDGE OF ALLEGIANCE

(Roll Call) |
| 6:30 | 3. | ROLE OF THE PLANNING COMMISSION
<i>The Planning Commission consists of five residents appointed by the City Council. The Commission administers the Comprehensive Plan, Zoning and Subdivision regulations. The Commission conducts Public Hearings and provides recommendations to the City Council. It is the City Council who may approve or deny land use applications.</i> |
| 6:35 | 4. | APPROVAL OF AGENDA |
| 6:35 | 5. | CONSENT AGENDA
<i>These routine or previously discussed items are enacted with one motion. Note: Commissioners absent from previous meetings may still vote to approve minutes.</i>

A. Planning Commission Minutes, April 3, 2025 |
| 6:35 | 6. | OPEN FORUM
<i>Public comments are limited to 3 minutes <u>for non-agenda items</u>; state your name and address; No Commission action will be taken, and items will be referred to staff. Group commenters are asked to have one main speaker.</i> |
| 6:45 | 7. | COUNCIL UPDATE
A. April 8, 2025
B. April 22, 2025 |
| 6:50 | 8. | PUBLIC HEARINGS |
| 6:50 | A. | Consideration of a Concept Plan Review for an Unsewered Single-Family Residential Development, PIDs 06-120-22-21-0002, 06-120-22-12-0008, 06-120-22-13-0002 (Bernens) |
| 7:20 | B. | Consideration of a Request to Rezone 15520 South Diamond Lake Road (PID 16-120-22-23-0003) from A-1, Agricultural to SA, Special Agricultural (Salonek) |
| 7:30 | C. | Consideration of a Zoning Ordinance Text Amendment, Amending Section 1001.14 related to Exterior Lighting (City of Dayton) |
| 7:50 | 11. | NOTICES AND ANNOUNCEMENTS |
| 7:50 | A. | Staff & Commission Updates |
| 8:00 | 12. | ADJOURNMENT (Motion to Adjourn) |
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The City of Dayton's mission is to promote a thriving community and to provide residents with a safe and pleasant place to live while preserving our rural character, creating connections to our natural resources, and providing customer service that is efficient, fiscally responsible, and responsive.

1. CALL TO ORDER

DeMuth called the April 3, 2025, Planning Commission meeting to order at 6:30 PM.

Present: Browen, DeMuth, Crosland (expected to arrive late), and Sargent

Absent: Preisler

Also in Attendance: Mayor Dennis Fisher; Jason Quisberg, City Engineer; Jon Sevald, Community Development Director; Hayden Stensgard, Associate Planner II

2. PLEDGE OF ALLEGIANCE

3. ROLE OF THE PLANNING COMMISSION

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

4. APPROVAL OF AGENDA

Sevald requested an addition to item 10B for discussion of the Scannell project. Browen inquired if the applicant would be online for that item, to which Sevald responded they would not.

***MOTION** by Browen, second by Sargent, to approve the agenda as amended in item 10B. The motion passed 3-0.*

5. CONSENT AGENDA

A. Planning Commission Minutes, March 6, 2025

***MOTION** by Browen, second by Sargent, to approve the minutes. The motion passed 3-0.*

6. OPEN FORUM

Marcia Grover of 11320 Fernbrook Lane spoke about safety concerns at the intersection of 113th and County Road 121. She described a recent collision there and issues with large trucks navigating the tight corner. Grover urged consideration of an alternate route for construction vehicles before the DCM project starts, suggesting options like using Rush Creek or 117th instead. Grover also expressed concerns about lot sizes, traffic, and costs to residents for the proposed development.

7. COUNCIL UPDATE

A. March 11, 2025

Fisher reported that the March 11th agenda was brief. It included approval of plans and specifications for a full mill and overlay of South Diamond Lake Road this summer. The council also continued work on goal setting.

B. March 25, 2025

Fisher stated that on March 25th, there was a work session with the park commission discussing accomplishments and community park plans. The council directed staff to watch for available 40-80 acre parcels for a potential future park, but there was no urgency expressed.

Fisher noted the council approved the final plat for Parkway Neighborhood to resolve financing details. They also changed public notification requirements for public hearings, with a new threshold that expands notifications to 1,320 feet for larger projects while keeping 500 feet for smaller ones.

The AG-3 zone was approved as previously reviewed by the Planning Commission. The council also voted to accept the strategic plan they had been working on.

8. PUBLIC HEARINGS

A. The Parkway Neighborhood Phase II, Preliminary Plat, Conservation Planned Unit Development, Site Plan Review (WME Real Estate Holdings)

Sevald presented an overview of the Parkway Neighborhood Phase II project, located at the intersection of I-94 and Dayton Parkway. Sevald explained it is part of a 3-phase development, with Phase II consisting of 273 apartments and townhomes on 14 acres. Sevald noted the property is zoned GMU-5 with a Planned Unit Development overlay allowing flexibility from certain code requirements in exchange for public benefits like increased open space.

Sevald highlighted critical issues including emergency access, which currently has only one point, but future connections are planned. Sevald also discussed the preliminary plat layout, grading plans, and building renderings.

Ben Delwiche from ESG Architects addressed parking concerns, explaining they have strategically positioned parking throughout the development. Delwiche noted they have increased parking at the clubhouse and are proposing additional parallel parking nearby.

Commissioners discussed parking stall depths, with some suggesting 22 feet as ideal to accommodate larger vehicles.

Michael Elzufon from WME Real Estate Holdings discussed the phasing plan, indicating they intend to start with the southern portion of Phase II in September, building about 120-150 units annually based on market demand.

DeMuth opened the public hearing at 7:15pm.

Marcia Grover of 11320 Fernbrook Lane expressed concerns about insufficient parking, especially during winter and for guests during events.

DeMuth closed the public hearing at 7:18 pm.

Commissioners discussed snow removal plans and the need to potentially develop city standards for this.

***MOTION** by Browen, second by Sargent, to approve the preliminary plat for the Parkway Neighborhood and the site plan. The motion passed 3-0.*

9. OLD BUSINESS

A. Legacy Woods, Zoning Map Amendment, Conservation Planned Unit Development, Preliminary Plat, CUP Shoreland Unsewered Development (BK Land Development)

Sevald presented the Legacy Woods project, previously known as Shany North, located on North Diamond Lake Road. The proposal is to rezone 104 acres from A-1 to A-3 agricultural and create 10 lots between 5-20 acres each. Sevald explained how the project meets A-3 district criteria and discussed the conservation easement requirements.

Zach Brown from BK Land Development expressed concerns about the proposed conservation easement potentially limiting property owners' use of their land, especially in upland areas. Brown suggested adhering more closely to the wetland delineation for the easement boundaries.

Commissioners discussed various options for the conservation easement boundaries, ultimately agreeing to narrow the easement to about 25 feet connecting wetland areas, matching the wetland buffer requirement. They also discussed the need for trail easements and park dedication fees.

***MOTION** by Browen, second by Sargent, to approve the preliminary plat, conservation PUD, and rezone the property to A-3, with the condition of including a trail easement. The motion passed 3-0-1, with Crosland abstaining.*

10. NEW BUSINESS

A. Discussion – East French Lake Road Small Area Plan

Sevald presented draft plans for the East French Lake Road small area, showing potential land use configurations including industrial, commercial, and residential areas. Commissioners discussed road alignments, particularly the extension of 113th Avenue, and debated the best use of various parcels in the area.

There was extensive discussion about the need to study the area further before making decisions, especially given the potential impact on the Oppidan development project. Commissioners expressed concern about ensuring proper road connectivity and land use efficiency.

***MOTION** by Crosland, second by Browen, to recommend a moratorium to the city council for the area of Dayton defined by the City Council around the south of 117th Ave N, east of Dayton Parkway, and west of East French Lake Road to allow for further study. The motion passed 4-0.*

B. Discussion – Scannell Properties

Sevald presented a request from Scannell Properties to reconfigure their previously approved industrial building, flipping the orientation so trailer storage would face County Road 81 instead of Territorial Road.

Commissioners had mixed opinions on the proposed change. Some felt the new configuration might work better operationally, while others were concerned about the visual impact having loading docks and trailer parking visible from County Road 81.

The commission did not reach a clear consensus but generally agreed that if Scannell wants to pursue the change, they should submit a new concept plan or go directly to preliminary plat and site plan review. They suggested Scannell should also seek feedback from the City Council before proceeding.

11. NOTICES AND ANNOUNCEMENTS

A. Staff Updates

Sevald mentioned that the City Council recently approved a strategic plan, which will be included in future Planning Commission packets to guide decision-making. He also announced an upcoming city open house on May 14th at the public works building, where the Planning Commission will have a table.

B. Commission Updates

12. ADJOURNMENT (Motion to Adjourn)

***MOTION** by Browen, second by Crosland, to adjourn the meeting. The motion passed unanimously 4-0.*

The meeting was adjourned at 9:11 PM.

ITEM:

Concept Plan Review for Bernens Property (Single-Family Residential Development)

APPLICANT

Jack Bernens

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND/OVERVIEW:

Jack Bernens, property owner, has submitted a conceptual plan for review and feedback on a 12-lot unsewered single-family residential development near the corner of Brockton Lane North and Dayton River Road. The total property consists of roughly 117.5 acres and includes one existing single-family home to remain as part of the development. This concept area also includes land that would eventually be proposed to be an event center with access off of Lawndale Lane North. The residential concept does not conflict with the area for the event center. As part of the preliminary plat process, these parcels would also require rezoning to A-3.

This development boundary also includes property that has existing vineyards located on the east end near Lawndale Lane North. This area is the potential site for a future event center. Though this property will be platted as a buildable lot, no single-family homes will be permitted to be built on that property, excluding it from the calculations for single-family homes related to the A-3 District's two units per 20-acre average.

A Concept Plan does not include the detail that would be included in a Preliminary Plat. The intent is for the Planning Commission and City Council to provide individual comments and recommendations for the applicant to incorporate into the subsequent preliminary plat application.

ANALYSIS:

The concept plan is proposed to be developed under the newly established A-3, Agricultural District Standards.

	A-3 Requirement	Proposed
Minimum Lot Size	1.5 Net Acres	1.5 Acres (Lots 1-4, Block 1, and Lots 1-7, Block 2)
Minimum Lot Frontage	120 feet	127 feet (Lot 5, Block 2)
Minimum Corner Lot Frontage	140 feet	214 feet (Lot 1, Block 2)
Minimum Lot Width at Setback	140 feet	137 feet (Lot 5, Block 2)
Minimum Lot Depth	200 feet	216 feet (Lot 4, Block 1)
Minimum Impervious Surface Coverage	30%	Undefined, the expectation would be to meet this standard.

Lot 5, Block 2 of the concept plan will need to be revised to meet the above standards. Additionally, the proposed 4-acre lot with the existing single-family home will also need to be platted as a lot, which the concept currently does not show at this time.

A-3 District development shall also incorporate one or more of the following guidelines into the proposal. These guidelines offer the ability to show that future subdivision of the development boundary is possible when municipal utilities are available.

- a. Reserve land resources for efficient future urban development.
- b. Identify land characteristics required to support future urbanization.
- c. Allow no more than 25% of the developable land in a project to be developed, reserving larger future urbanization parcels.
- d. Protect future urbanization parcels with temporary development agreements, easements, or deed restrictions.
- e. Provide for the rezoning of the future urbanization parcels to a residential zoning classification at densities consistent with Metropolitan Council policy at such time that urban services are available.
- f. Ghost platting for future sewer development.

With the submittal of a ghost plat that incorporates the proposed sewer line as shown in Figure 9.2 in Chapter 9: Wastewater, of the 2040 Comprehensive Plan, the proposed development has the ability to address one or more of the above-noted guidelines, meeting this requirement for A-3 Development.

The concept plan provided, including the existing single-family home within the 4-acre parcel on the plan, has a proposed development area (lots and rights-of-way) of 22.3 acres (18.98% of total development boundary). The remaining area, with the exception of the lot to be created for a potential event center, will be platted as outlots, and will not be developable until municipal utilities are extended to this area.

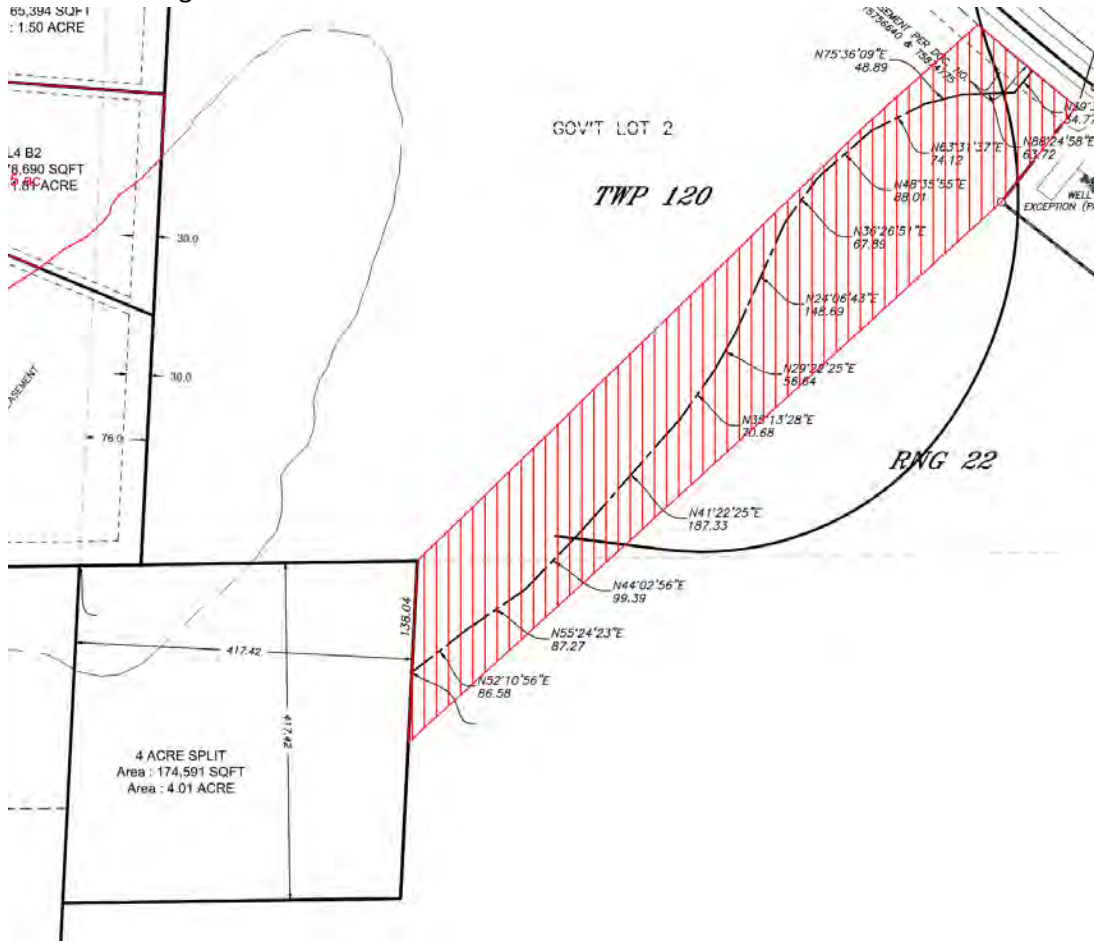
The concept plan also show a .71 acre outlot at the northwest corner of the development boundary. The anticipation is that this outlot would serve a future water treatment building, and in discussions with public work, the proposed outlot provides sufficient space for that facility to be built in the future.

CRITICAL ISSUES:

1. Total Site Acreage and Lots Proposed – The applicant is proposing 12 lots (11 new and 1 existing) as part of this concept plan. The total site acreage, even including previously dedicated easement area to accommodate expansion of both county roads, is still shy of 120 acres, at 119.5. In order to be consistent with the A-3 zoning district requirements of averaging no more than two lots per 20 acres, the applicant will need to revise the proposed concept to remove one lot from the plan.
2. Existing Single-Family Home - The applicant's son currently lives on the southeastern 68.5-acre parcel, and wishes to subdivide the lot off into a new 4-acre parcel as part of this plat. The residence currently receives access to Dayton River Road through the north parcel by way of an easement. The current layout of the concept plan would subdivide this property into a 4-acre landlocked parcel. Being that this development would need to go through the platting process, creation of a landlocked parcel as part of a new preliminary plat is inconsistent with the City's subdivision ordinance.¹ As such, staff is recommending the parcel be revised to bring property

¹ [1002.07 Design Standards for Preliminary Plats, Subd. 4](#) Lots (4) "Every lot must have frontage on a public street".

lines up along Dayton River Road where the existing driveway accesses the street, consistent with the A-3 district's requirements for minimum lot frontage (120 feet) and minimum width at setback (140 feet) in order for all lots within the proposed development to be in conformance with the zoning ordinance.



*Conceptual drawing to bring property lines to Dayton River Road to accommodate access and frontage. This follows the general location of the existing driveway for the home. Does not have to reflect what is shown here, as long as zoning and subdivision ordinances are met.

3. Parks & Trails - The proposed concept plan does not include any land dedicated for a park, nor are there any trails shown on the concept plat. While trails in this area are not shown as part of the Trails Plan within the 2040 Comprehensive Plan, this area is shown to have a community park. The designation for a community park also includes the 94-acre parcel to the south of this area, meaning there still remains enough land within the overall area to accommodate a community park in the future. The applicant is expected to pay full park and trail dedication fees, which are calculated on a per lot basis.
4. Streets - Street lighting is not something that would be required for an A-3 development project. With that being said staff is proposing at least one light be installed at the intersection of the new road (Likely to be Maria Avenue) and Brockton Lane North. Sidewalks are also not a requirement within the A-3, and the recently approved Legacy Woods project did not propose

PLANNING COMMISSION MEETING

internal sidewalks. The Comprehensive Plan does, however, call for a roadside trail along Brockton Lane North and Dayton River Road. At the time of preliminary plat, the City will require a 20' trail easement on all properties directly adjacent to these roadways.

5. Wetlands – Staff recommends that the wetlands and wetland buffer areas be established as outlots and dedicated to the City for protection and maintenance purposes. Wetlands are easier to preserve in their natural state and maintain when under City ownership, and not when they are divided or incorporated into private property.

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Concept Plan	N/A	N/A

RELATIONSHIP TO COUNCIL GOALS:

- Planning Ahead to Manage Thoughtful Development
- Preserving our Rural Character
- Create a Sought-After Community

ROLE OF PLANNING COMMISSION:

Conduct a Public Hearing. The Planning Commission is requested to provide comments related to the general acceptability of the project, including any recommended changes to lots, street layout, etc. There is no formal approval or denial for the concept plan.

A Public Hearing Notice was published by The Press on Thursday, April 17, 2025 and mailed to property owners within 1,320' of the project.

ATTACHMENT(S):

Aerial Photo

Site Photos

Concept Site Plan

Zoning Map

2040 Future Land Use Map

2040 Sewer Staging Plan

2040 Ultimate Sewer Map

2040 Parks Plan

Planning & Zoning Review Letter, dated May 1, 2025

Engineering Comment Letter, dated May 1, 2025



Hennepin County Locate & Notify Map

Date: 4/18/2025



Buffer Size:

Map Comments:

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

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

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







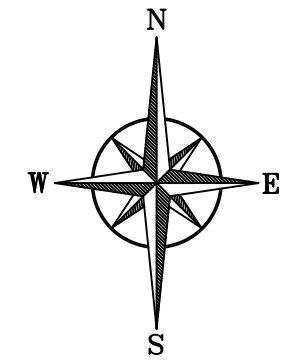
CONCEPT PLAN

PIDs:

0612022210002

0612022120008

0612022130002



GRAPHIC SCALE



SECTION 6

GOV'T LOT 2

TWP 120

RNG 22

GOV'T LOT 3

GOV'T LOT 3

REMAINDER
Area : 4,048,632 SQFT
Area : 92.94 ACRE

SW 1/4 OF NE 1/4

FIRST EXCEPTION (PARCEL 3)

SECOND EXCEPTION (PARCEL 3)

SHEET X OF X

NORTHWESTERN
SURVEYING & ENGINEERING, INC.

DEDICATION 101
Area : 40,922 SQFT
Area : 0.94 ACRE

4 ACRE SPLIT
Area : 174,591 SQFT
Area : 4.01 ACRE

L4 B1
Area : 65,377 SQFT
Area : 1.50 ACRE

L3 B1
Area : 65,377 SQFT
Area : 1.50 ACRE

L2 B1
Area : 65,415 SQFT
Area : 1.50 ACRE

L1 B1
Area : 65,340 SQFT
Area : 1.50 ACRE

L1 B2
Area : 65,394 SQFT
Area : 1.50 ACRE

L2 B2
Area : 66,772 SQFT
Area : 1.53 ACRE

L3 B2
Area : 168,134 SQFT
Area : 3.86 ACRE

L4 B2
Area : 78,690 SQFT
Area : 1.81 ACRE

L5 B2
Area : 65,394 SQFT
Area : 1.50 ACRE

L6 B2
Area : 65,394 SQFT
Area : 1.50 ACRE

L7 B2
Area : 65,449 SQFT
Area : 1.50 ACRE

L8 B2
Area : 65,449 SQFT
Area : 1.50 ACRE

L9 B2
Area : 65,449 SQFT
Area : 1.50 ACRE

L10 B2
Area : 65,449 SQFT
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L11 B2
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L19 B2
Area : 65,449 SQFT
Area : 1.50 ACRE

Zoning Map

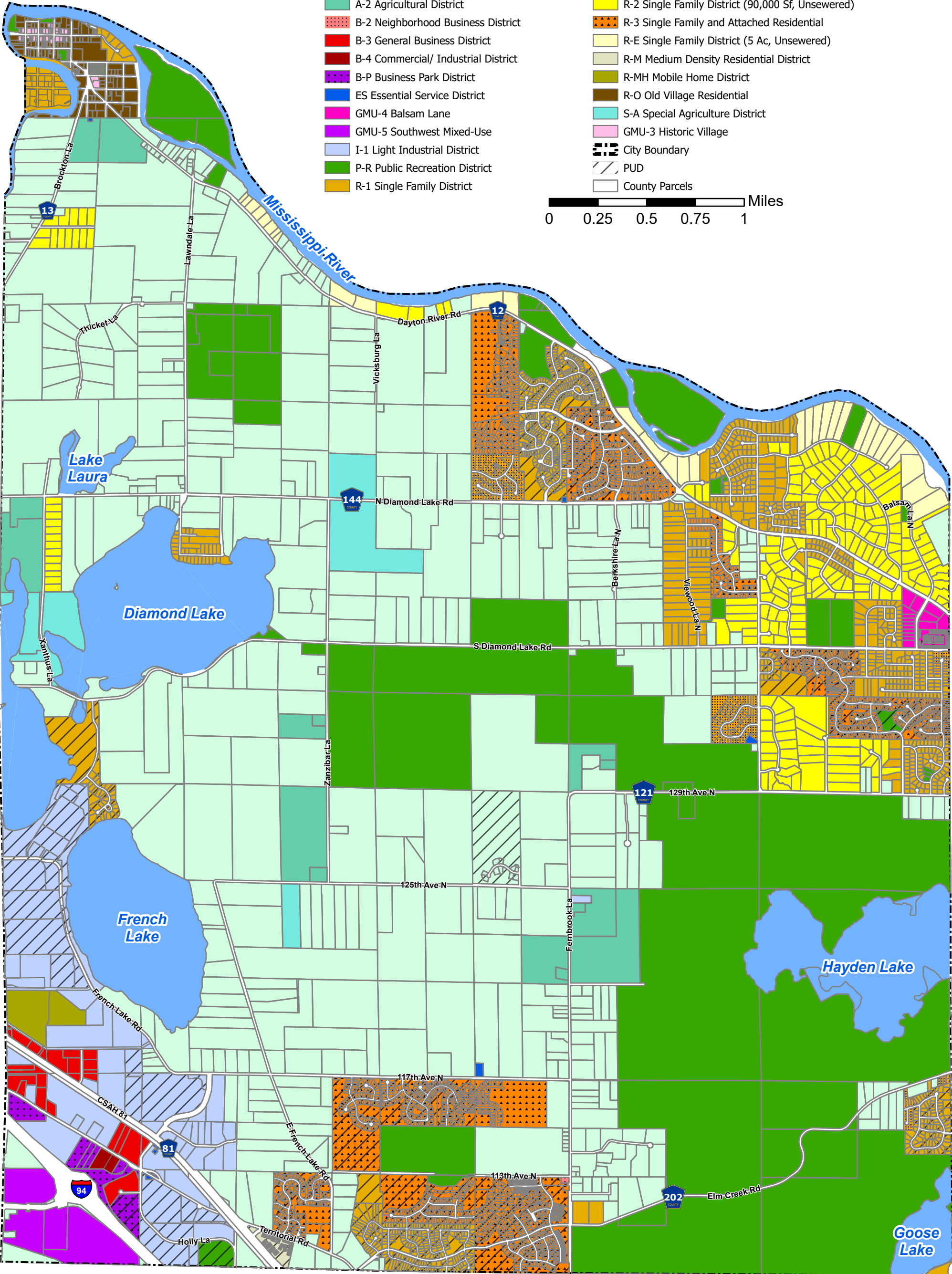
January 24, 2025



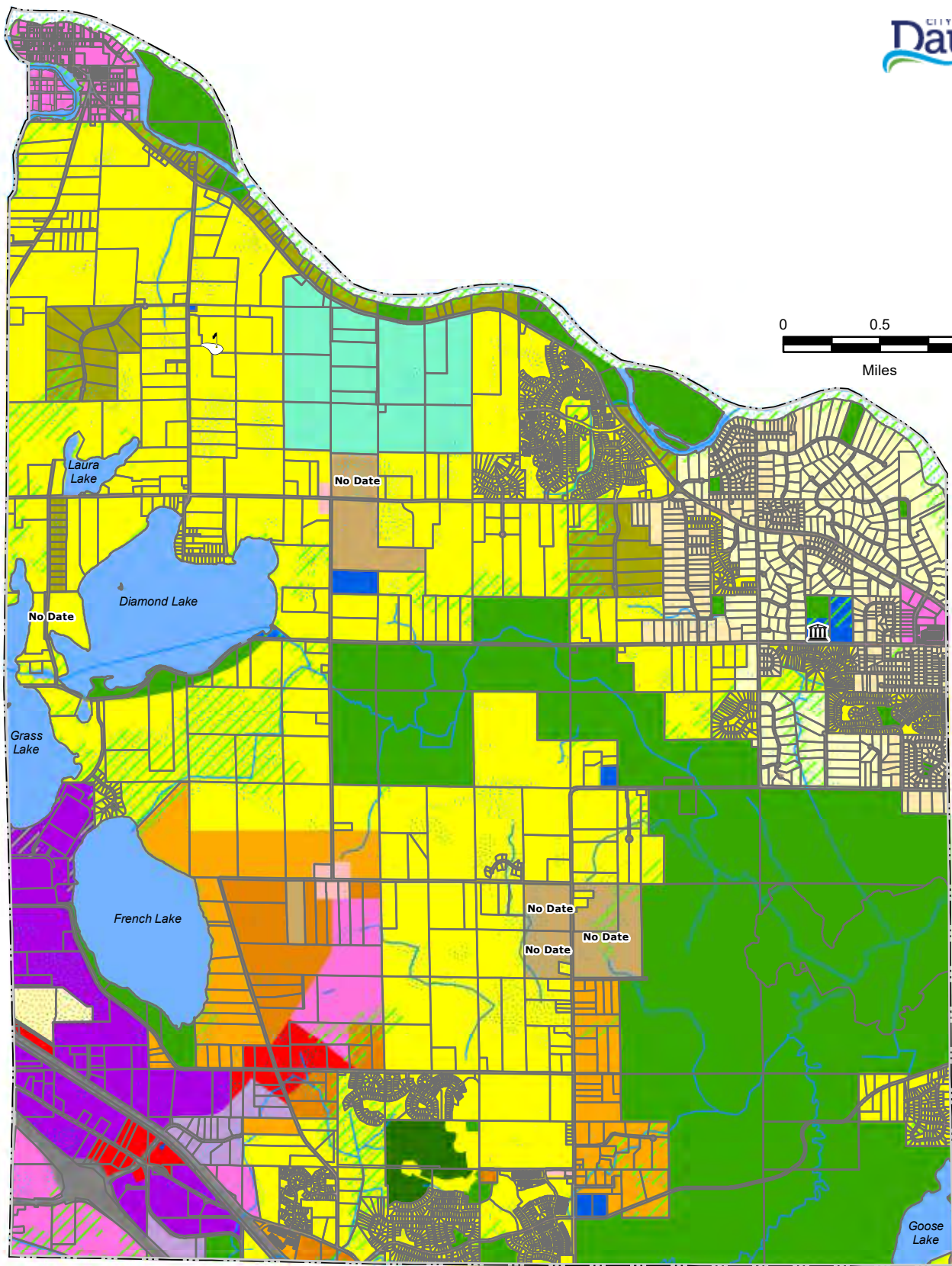
Legend

- | | |
|-------------------------------------|---|
| A-1 Agricultural District | R-1A Single Family Residential |
| A-2 Agricultural District | R-2 Single Family District (90,000 Sf, Unsewered) |
| B-2 Neighborhood Business District | R-3 Single Family and Attached Residential |
| B-3 General Business District | R-E Single Family District (5 Ac, Unsewered) |
| B-4 Commercial/ Industrial District | R-M Medium Density Residential District |
| B-P Business Park District | R-MH Mobile Home District |
| ES Essential Service District | R-O Old Village Residential |
| GMU-4 Balsam Lane | S-A Special Agriculture District |
| GMU-5 Southwest Mixed-Use | GMU-3 Historic Village |
| I-1 Light Industrial District | City Boundary |
| P-R Public Recreation District | PUD |
| R-1 Single Family District | County Parcels |

0 0.25 0.5 0.75 1 Miles



2040 Future Land Use

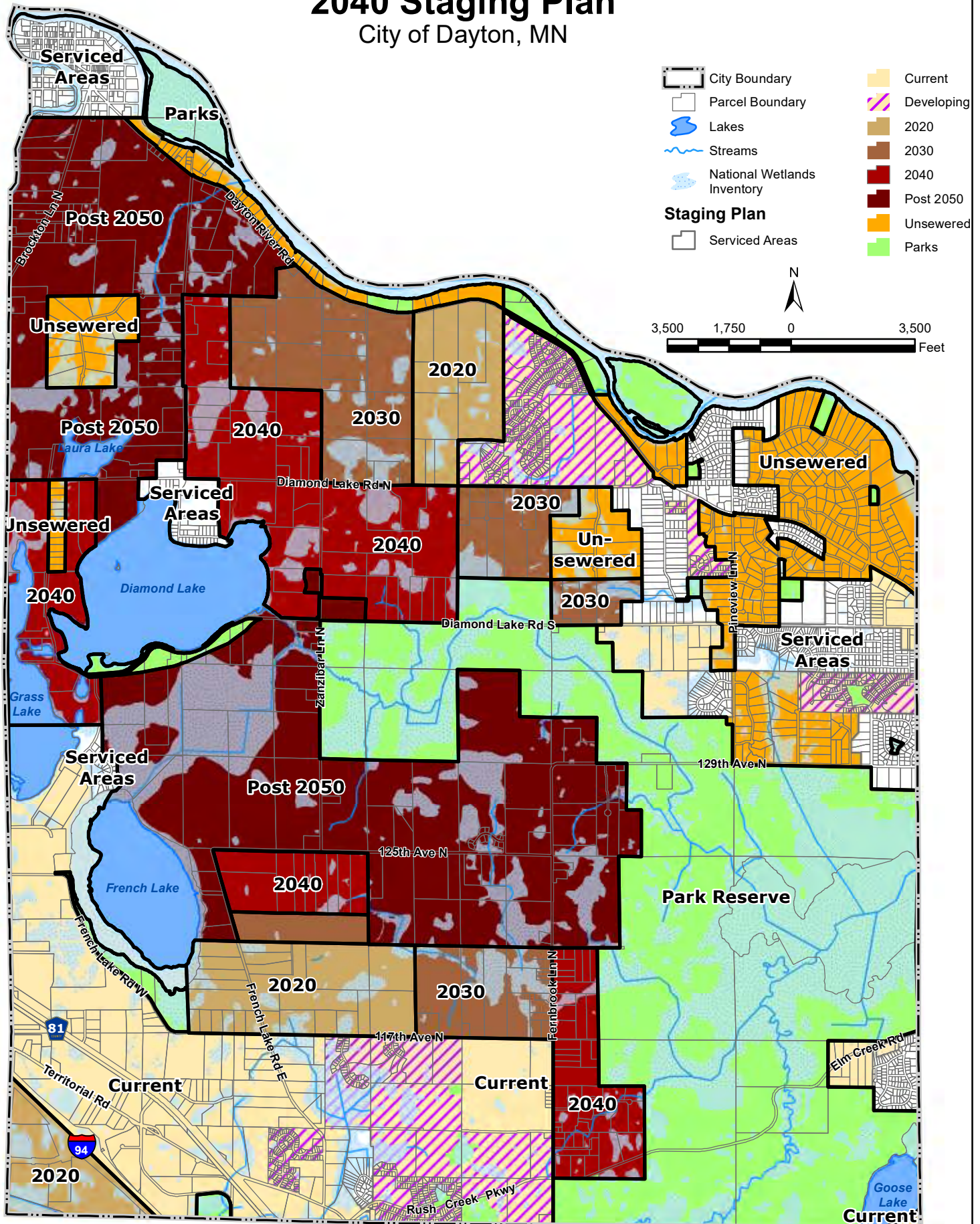


Legend

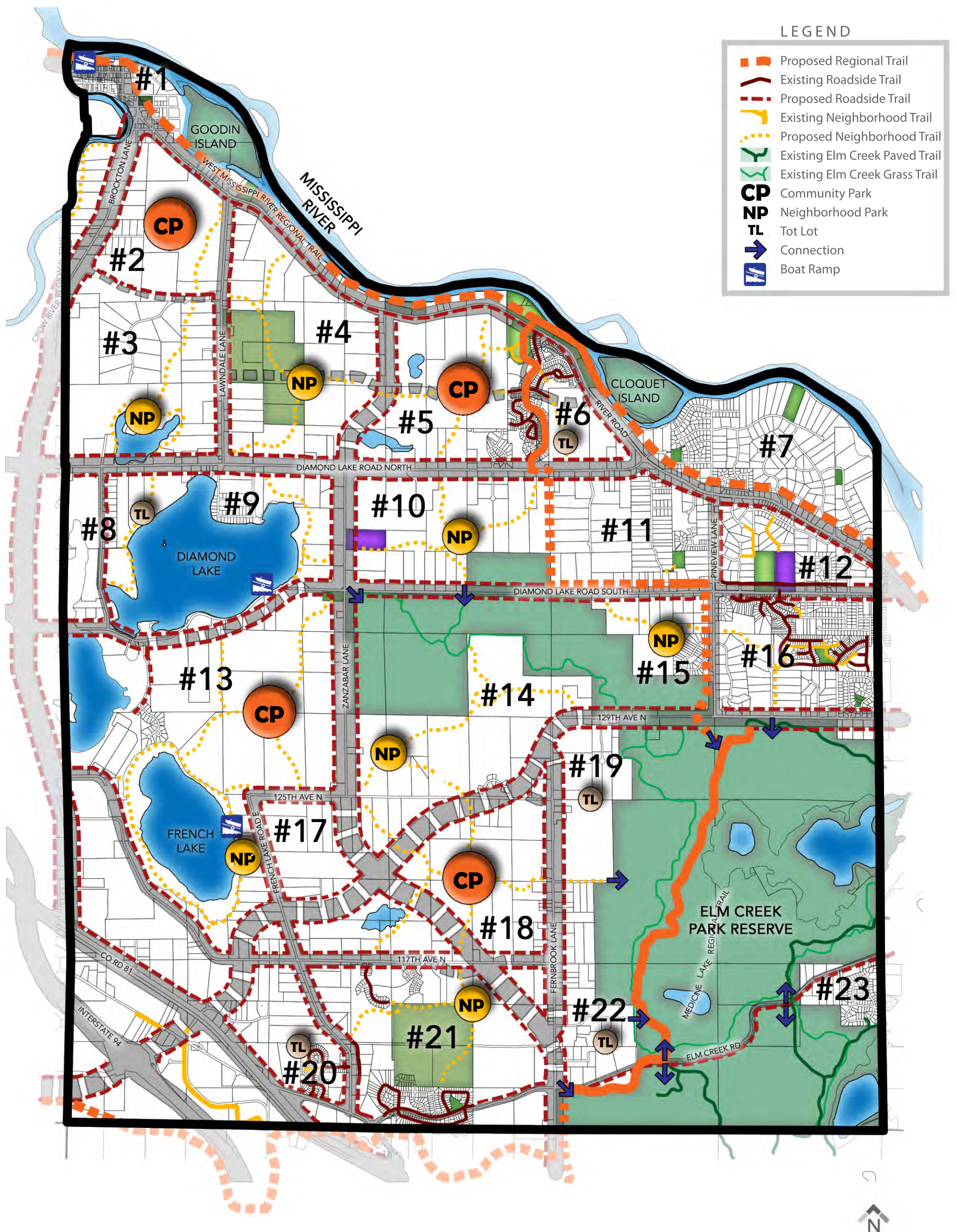
City Boundary	Greenway Overlay	Rural Estate	Existing Mobile Home Park	Mixed Use	Public/Institutional
Parcel Boundary	Agricultural Preserve	Low Density Residential	Master Planned Development	Business Park	Open Water
City Hall	Existing Unsewered Low Density Residential	Medium Density Residential	Neighborhood Commercial	Industrial	Right-of-Way
Golf Course	Existing Sewered Low Density Residential	High Density Residential	Commercial	Park & Open Space	
National Wetlands Inventory				Golf Course	

2040 Staging Plan

City of Dayton, MN



Note: The Staging Plan represents a progression of sewer that is based on location of existing sanitary sewer and anticipated extension as development progresses. The city does not commit to extensions occurring.



To: Jack Bernens

From: Planning & Zoning Department

File: Bernens Concept

Date: 5/1/2025

Exhibits:

This memorandum is based on a review of the following document:

1. Site Survey with Proposed Conceptual Conditions, Northwestern Surveying and Engineering, Inc., no date.

General Comments:

2. The proposed development under concept review is 119.5 +/- acres, including easement area provided for the adjacent county roads, Brockton Lane North and Dayton River Road. If the easement areas are not included, the total site acreage is roughly 117.5 acres.
3. Mr. Bernens is proposing a single-family unsewered residential development consisting of 11 new lots and one existing single-family home, to be included in the overall development boundary.
4. Current zoning is A-1, Agricultural and the 2040 Comprehensive Plan guides this property as Low-density Residential. Therefore, the applicant will be requesting a rezoning of the properties to A-3.
5. The applicant will be required to submit a preliminary plat and rezoning application following the concept plan being reviewed and discussed by the Planning Commission and the City Council. Any comments herein, including the engineering review letter provided by City Engineer Jason Quisberg, and any comments provided by the Planning Commission and City Council shall be utilized while developing the preliminary plat package for submittal.
6. Preliminary Plat application shall include all data identified in Subdivision Ordinance Section 1002.06, Data Required for Preliminary Plats.

Layout/Zoning/Building Requirements:

7. Being that neither measurements of area meet or exceed 120 acres, the site plan will need to be revised to only show 11 total lots, including the existing single-family home within the development boundary. This is consistent with the A-3 zoning district's requirement of meeting the 1 unit per 10-acre standard.
8. Lot 5, Block 2 is currently 137 feet in width at the front yard setback line. The plan shall be revised to meet the required lot width at the setback of 140 feet.

9. The applicant shall provide a ghost plat of the property showing consistency with the development requirements for sewer residential at a minimum of two units per acre. (Exclude property with proposed future event center). The ghost plat shall include a conceptual layout of municipal utilities to further show that the proposed development will not hinder or block necessary utility extensions consistent with Chapter 9: Wastewater of the 2040 Comprehensive Plan.
10. The applicant is proposing a 4-acre, landlocked parcel as part of this plat. Being that this is a new plat request, all lots would be required to meet the requirements of the A-3 zoning district. This includes providing direct access to a public street for all lots. The preliminary plat should be revised to extend the 4-acre parcel's property line out to Dayton River Road while meeting the required lot widths at both the street (120 feet) and setback (140 feet).
11. All homes within this development shall have a minimum livable floor area of 960 square feet.
12. The preliminary plat should include the future event center site and platted as a lot and block as part of this development. No single-family homes shall be permitted on that specific lot. Platting that area as a lot at this time will allow for the lot to be built upon following a decision on the required interim use permit.
13. All remaining areas shall be platted as outlots so as not to be buildable.
14. Proposed easements around property lines shall be consistent with the subdivision code at 5 feet in side yards, and 10 feet on front and rear property lines.
15. Proposed lot sizes are consistent with the A-3 zoning district minimum of 1.5 net acres (usable).
16. Staff recommends that all wetlands, including the required buffer shall be established as separate outlots that the City would then retain ownership of following the platting process.

Parking/Access/Transportation:

17. The proposed road shall be designed to City standards at a right-of-way width of 60 feet.
18. Right-of-way shall be dedicated between Lots 4 and 5, Block 2, to accommodate a connection for the eventual extension of Shadyview Ln N.
19. Maria Avenue shall be extended from the north within the previously dedicated right-of-way area, connecting to this development. Such improvements identified as off-site improvements shall be completed in conjunction with this development, and the City will credit the developer for said off-site improvements.

20. The 2040 Comprehensive Plan shows a roadside trail along the east side of Brockton Lane North and the south side of Dayton River Road. At the time of preliminary and final plat, the applicant will need to provide a 20' trail easement along these roadway corridors to accommodate the future construction of these trails.
21. All homes to be constructed are required to have a garage at a minimum of 440 square feet if the home has a basement, and 540 square feet for homes without a basement.
22. Upon completion of the road improvements within the development boundary, the existing access off of Brockton Lane North at the northwest corner of the property shall be removed.

Landscaping:

23. A 35-foot landscape buffer shall be provided adjacent to Brockton Lane North. Plantings within the buffer area shall be consistent with [Zoning Ordinance Section 1001.24](#).
24. Lot landscaping shall be consistent with [Zoning Ordinance Section 1001.24](#). A landscaping plan shall be submitted as part of the preliminary plat package.

Tree Preservation:

25. A tree inventory survey shall be provided for the area proposed to be developed. Any trees found to fall within the guidelines of replacement shall be consistent with the [Zoning Ordinance Section 1001.25](#), Tree Preservation and Replacement, Tree Disease and Landscaping Requirements.

To:	Jon Sevald	From:	Jason Quisberg, Engineering Nick Findley, Engineering
Project:	Bernens Concept Plan	Date:	4/23/2025

Exhibits:

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

1. Concept Plan by Northwestern Surveying & Engineering, inc., undated, 1 sheet

Comments:General

1. The concept reviewed comprises a total area of approximately 26 acres by portioning portions of a larger property. The property is a polygon with approximately 1240' along Brockton Lane near the Historic Village portion of the City.
2. These review comments are essentially very high level; the concept plan provides little detail beyond the street locations and individual lots. Ultimately, a complete plan submittal will be required, providing site plans that include street and roadway details, grading and drainage plans, water and sewer utilities, a preliminary plat, and other detailed plans as required by the City. Existing easements and any planned or proposed easements, including conservation easements should be identified, and, if present, the layout adjusted accordingly. New easements for utilities, stormwater detention, and other improvements will all be needed as well.
3. Consistent with the review process, a comment response letter shall be provided in response to the following comments provided in this Memorandum in which the applicant provides a written response to each item.
4. In addition to engineering related comments per these plans, the proposed plans are subject to additional planning, zoning, land-use, and other applicable codes of the City of Dayton.
5. Final approval by the Elm Creek Watershed Management Commission must be attained before any site grading or activity may commence.
6. For any site activity (demo, grading, utilities, etc.) no closures or restrictions of any kind shall be imposed upon the public use of Maria Ave without the City's permission and Brockton Lane and Dayton River Road without Hennepin County and the City's permission. Should any lane restrictions be necessary, the Contractor shall notify the the necessary entities at least 48 hours in advance and provide a Traffic Control Plan.
7. Any underlying easements no longer necessary must be vacated.
8. Outlots shall be covered by drainage and utility easements.
9. Publicly and privately maintained facilities (streets, utilities, detention ponds, etc.) will need to be identified clearly, including maintenance responsibilities.

10. All improvements as a part of this development are to be built to City Standards including streets, stormwater treatment, and other items.

Plat

11. Outlot(s) with drainage and utility easements over its entirety shall include the entirety of the wetland and the subsequent buffers located within the site.
12. Drainage and utility easement shall encompass the HWL of all on site wetlands, BMPs, and drainage conveyance systems.
13. Provide a 60' wide right of way stub to the eastern edge of the site from the proposed roadway near Outlot A to be used as a future connection to Shadyview Lane.
14. Hennepin County may require additional right of way along Brockton Lane and Dayton River Road. Coordination is to continue as the plans develop.

Erosion Control/SWPPP

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

Wetlands

16. Preliminary indications show a wetland complex and/or other environmentally sensitive features on the site. However, this should be verified and addressed as needed, including a wetland delineation report. Should impacts be identified, submittal/approval of a mitigation plan will be required. Wetland buffer signs are required per City of Dayton Detail Gen-10.

Transportation

17. Brockton Lane is a County Road, requiring proper coordination including permitting with the Hennepin County. Access and other work to be completed within the County Right of Way to be approved by Hennepin County.
 - Turn lanes may be required for the proposed access to Brockton Lane.
18. Proposed roadway to be extended to the north within the existing ROW and tie into the existing portion of Maria Ave.

Site Plans

19. Lighting shall be evaluated with further submittals but at a minimum a cobra-style light shall be provided at the access to Brockton Lane.
20. Access to the wellhouse is to be maintained at all times. Once access is provided via the new road, the existing driveway is to be removed.
21. It is recommended to have the proposed 4 acre split driveway included as a part of the plat. If not a part of the platted lot, it is recommended at a minimum to obtain an access easement over the driveway.

Grading /Stormwater

22. Currently no storm water improvements are shown for the proposed site. A complete stormwater management plan shall be included in the preliminary plat application. The Stormwater Management Plan should follow Dayton and MPCA stormwater rules and regulations. The reports should include rate control for the 2-,5-,10-,100-year 24-hour MSE 3 rainfall events. Dayton requires load reduction achieved by abstracting 1.1 inch from net new impervious or no net increase in TP or TSS, whichever is lower. In addition, a complete grading and drainage plan must be provided, showing how the street, lots, and ponding areas are proposed to be graded. Information must also be provided showing all high-water levels, proposed building floor elevations, and other critical features. In addition, a stormwater application with the Elm Creek Watershed will be required. The applicant shall assure that stormwater management devices are provided to meet City of Dayton and Elm Creek Watershed standards.
23. Grading shall allow adequate areas for buffering along Brockton Lane. It is anticipated that grading and drainage along Brockton Lane will be consistent with the existing corridor and not include abrupt changes in grading.
24. For the preliminary plat application, a complete grading plan shall be provided which includes proposed grades, elevations at lot corners, identification, and labeling of all emergency overflow elevations (EOF's), identification of proposed grades and all drainage swales, and any other topographic information relevant to site design. Maximum driveway slopes shall be no greater than 10% with minimum 2% drainage maintained throughout the development.
25. A City of Dayton Land Disturbance Permit will be required.
26. Overall runoff and drainage related to this development will overlap with adjacent properties. The stormwater management plan must show how runoff and detention areas between properties are being routed and accounted for in an overall plan. In other words, the stormwater management plan must address runoff and discharge from both a local (this development) and a regional approach that includes the neighboring properties and Brockton Lane.
27. Any ponds or detention areas shall have a 10' maintenance access around pond with appropriate grading for access by maintenance vehicles.
28. The existing conditions are defined as the land cover prior to the introduction of agricultural land in Dayton. The existing model should incorporate pre-agricultural land values as referenced in the stormwater manual. A CN value of 58 shall be used in HSG B soils and a CN of 32 shall be used in HSG A soils for existing condition analyses 72 for HSG C and 79 for HSG D, off-site existing may be modeled as currently developed.
29. Upon further design, low floors adjacent to ponds/wetlands/other depressions must have 2 foot of freeboard above the modeled 100-yr high water level (HWL). This includes offsite low and depression areas adjacent to this site.
30. The City of Dayton's Local Surface Water Management plans requires that the storm sewer system must be designed to handle a 10-year event.

April 23rd, 2025

Bernens Concept Plan

Jon Sevald

Page 4 of 4

31. Maximum grading within lots is 4:1 with a minimum grade of 2%. It is advised that the design engineer allow for additional tolerance for constructability of building permits.

Watermain/Sanitary Sewer

32. Currently the water system in this area is at capacity. Additional storage (water tower or other system) is required prior to the addition of new services to the system.
33. City sewer is not available in the area, the ability to provide septic service needs to be evaluated.
34. Any/all existing septic systems and private wells on the property shall be removed and abandoned in accordance with applicable rules and regulations. Plans shall depict the removal/abandonment of these systems and future connections to utilities.

Other Comments

35. Public works has indicated that Outlot A is sufficient for future water treatment facility needs. This should be discussed further and verified as the plans develop.

End of Comments

ITEM:

Zoning Map Amendment, 15520 South Diamond Lake Road Rezoning Request from A-1, Agricultural to SA, Special Agricultural related to Enrolling into the State's Metropolitan Agricultural Preserve Program

APPLICANT:

Scott Salonek

PREPARED BY:

Hayden Stensgard, Planner II

BACKGROUND/OVERVIEW:

The owner of 15520 South Diamond Lake Road is seeking a rezoning request related to participation in the State of Minnesota Metropolitan Agricultural Preserve Program, guided by [MN Statute 473H](#). Per the statute language, the subject property is eligible under the following definition:

473H.03 REQUIRED SIZE OF PARCEL; EXCEPTIONS.

Subd. 4. 20-acre exception.

Contiguous long-term agricultural land comprising not less than 20 acres and surrounded by eligible land on not less than two sides shall be eligible for designation as an agricultural preserve provided the authority by resolution determines that: (i) the land area predominantly comprises Class I, II, III, or irrigated Class IV land according to the Land Capability Classification Systems of the Natural Resources Conservation Service and the county soil survey; (ii) the land area is considered by the authority to be an essential part of the agricultural region; and (iii) the parcel was a parcel of record prior to January 1, 1980, or the land was an agricultural preserve prior to becoming a separate parcel of at least 20 acres.

This property has previously been enrolled in this program as recently as 2022. The applicant filed for this program most recently in 2014, and immediately filed for expiration of the property in the program, which takes 8 years to take place. In 2022, when this property officially expired, the applicant did not reenroll at that time. As such, the property was placed back in A-1 zoning, as the only eligible properties allowed in the SA zoning district are those enrolled in this preserve program. Soil data noting the property falls within one of those eligible classifications is provided as an attachment to this report.

There are currently three other properties enrolled in the program, and they are shown on the zoning map accordingly. The three properties currently enrolled have not filed for expiration from the program (8-year process), and the previously enrolled properties have since expired and are out of the program. The subject property is the most recent property within Dayton to enroll (2014).

CRITICAL ISSUES:

There are no outstanding issues with this request.

ROLE OF PLANNING COMMISSION:

The role of the Planning Commission is to review the aspects of the rezoning request as it relates to the City's Zoning Ordinance and 2040 Comprehensive Plan. The Planning Commission shall also hold a public hearing and provide a recommendation to the City Council on the matter before they make a final decision.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the rezoning request. This property is eligible for the program based on the information provided above. Also, being that the property is in the 2040 staging plan for sewered development, the property is not anticipated for development/redevelopment in the near future. At the time the property is available/eligible for development, the property owner or the City can initiate the expiration of the property from the program.

A Public Hearing was published by Star Tribune on April 21, 2025, and mailed to property owners within 500 feet of the subject property.

60/120-DAY RULE (IF APPLICABLE):

	60-Days	120-Days
Request for Rezoning	6/17/2025	8/16/2025

ATTACHMENT(S):

Draft Ordinance No. 2025-XX

Resolution No. 2025-XX

Aerial Photo

City of Dayton Zoning Map

2040 Comprehensive Plan Future Land Use Map

2040 Staging Plan Map

Property Soil Data from the USDA Natural Resources Conservation Service

ORDINANCE NO. 2025-XX

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

**AN ORDINANCE TO AMEND THE DAYTON ZONING ORDINANCE BY
AMENDING ZONING DISTRICTS THEREIN**

THE CITY COUNCIL OF THE CITY OF DAYTON DOES ORDAIN:

SECTION 1. **AMENDMENT**. The zoning classification of the property described in Section 2, as shown on the zoning map referred to in Section 1001.04, subd. 2 of the Dayton Zoning Ordinance, is hereby amended from A-1, Agricultural District, to SA, Special Agricultural District.

SECTION 2. **PROPERTY DESCRIPTION**.

PID: 16-120-22-23-0003

Legal Description: THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SEC 16 T 120 R 22 AND THE W 335.25 FT OF THE E 1678.35 FT OF THE N 1/2 OF THE SW 1/4 OF SEC 16 T 120 R 22 EXCEPT ROAD

SECTION 3. **EFFECTIVE DATE**. This Ordinance shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Dayton this 13th day of May 2025

Mayor Dennis Fisher

ATTEST:

City Clerk Amy Benting

Motion by _____, Second by _____

Ordinance ***approved***

MOTION DECLARED PASSED

Published in the Champlin Dayton Press on

RESOLUTION NO. XX-2025

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

**RESOLUTION SUPPORTING THE PLACING OF LAND IN THE
METROPOLITAN AGRICULTURAL PRESERVE**

WHEREAS, Scott and Connie Salonek (hereinafter referred to as the “Applicants”) of 15520 South Diamond Lake Road have made an application for placement into the Metropolitan Agricultural Preserve Program for the property legally describes as Parcel Identification Number 16-120-22-23-0003 (the S ½ of the SW ¼ of the NW ¼ of Sec 16 T120 R22 and the W 335.25 feet of the E 1678.3.5 Feet of the N ½ of the SW ¼ of Sec. 16 T 120 R22 except road); and

WHEREAS, the Applicant's property was re-zoned SA (Special Agricultural) and the Applicants wish to renew the preserve program designation; and

WHEREAS, the Applicants applied for the renewal of the zoning classification on April 8, 2014; and

WHEREAS, Hennepin County classifies this property as a “farm”, and meets the qualifications of land eligible for the Metropolitan Agriculture Preserve Program as defined in MN Statute 473H; and

NOW THEREFORE, based upon the testimony elicited and information received, the City Council of the City of Dayton makes the following;

FINDINGS

1. Minnesota Statute 473H.03, Subd. 4, describes agricultural zoned properties eligible for the Metropolitan Agricultural Preserve Program as a parcel that meets the following:
 - a. Contiguous long-term agricultural land comprising not less than 20 acres and surrounded by eligible land on not less than two sides shall be eligible for designation as agricultural preserve provided the authority by resolution determines that :
 - i. The land area predominantly comprises Class I, II, III, or irrigated Class IV land according to the Land Capability Classification Systems of the Soil Conservation Service and the county soil survey;
 - ii. The land area is considered by the authority to be an essential part of the agricultural region; and
 - iii. The parcel was a parcel of record prior to January 1, 1980, or the land was an agricultural preserve prior to becoming a separate parcel of at least 20 acres.

DECISION

Based on the foregoing finding, the City Council of the City of Dayton hereby approves the placement of the Property into the Metropolitan Agricultural Program until the Applicants or the City initiate the expiration process out of the program.

ADOPTED this 13th day of May, 2025, by the City of Dayton.

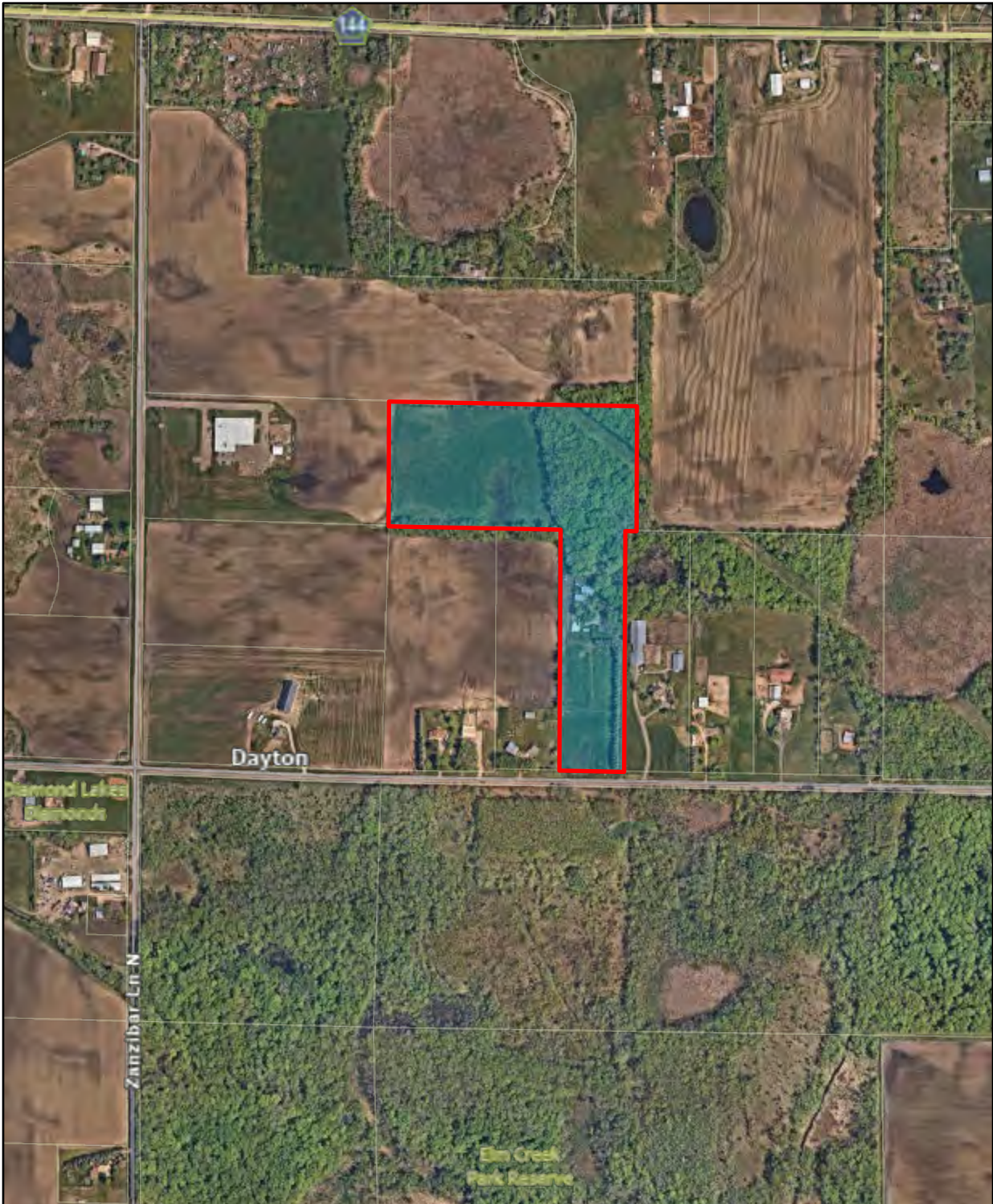
Mayor - Dennis Fisher

City Clerk - Amy Benting



Hennepin County Locate & Notify Map

Date: 4/18/2025



Buffer Size:

Map Comments:

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

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

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

Zoning Map

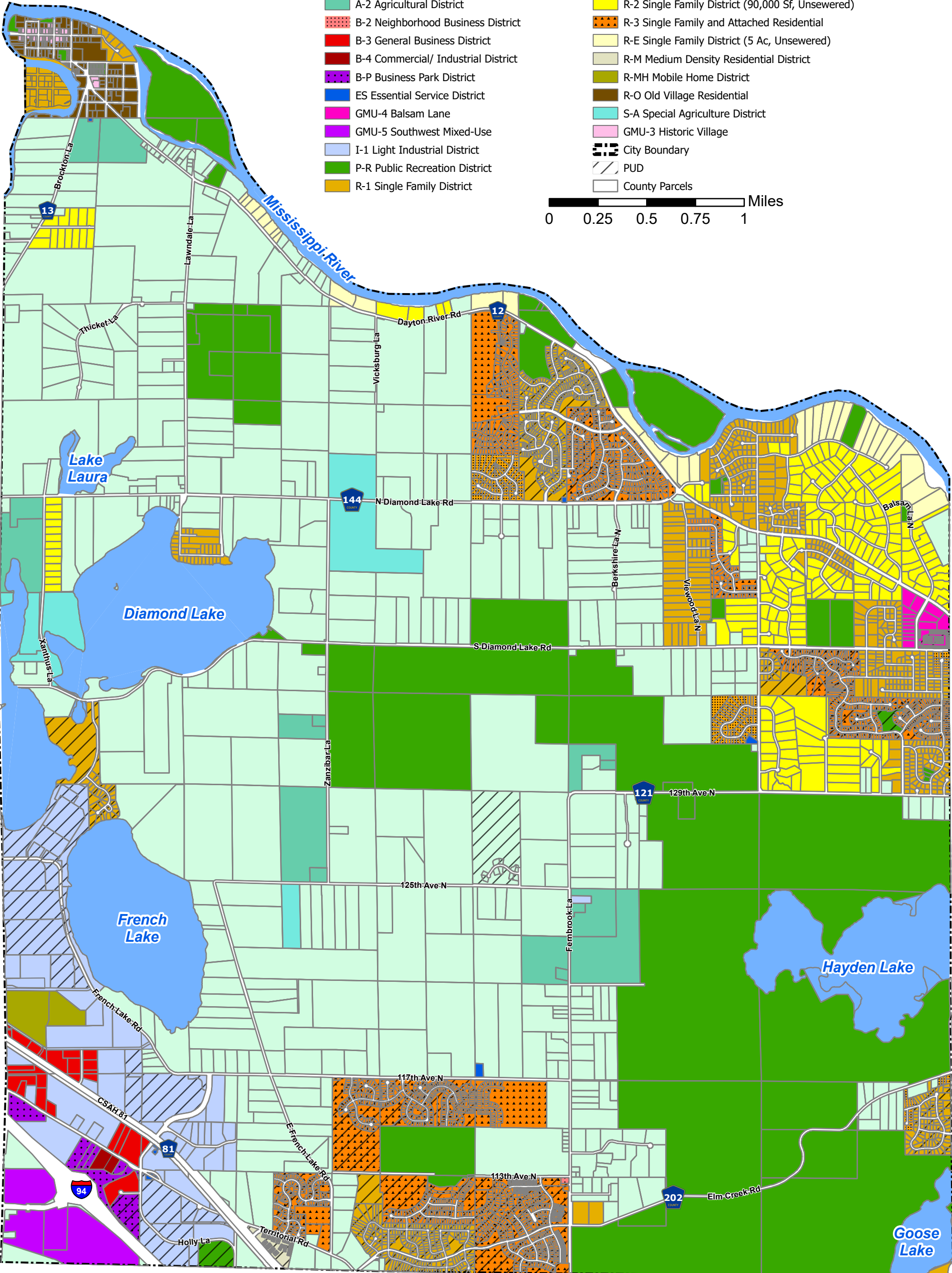
January 24, 2025



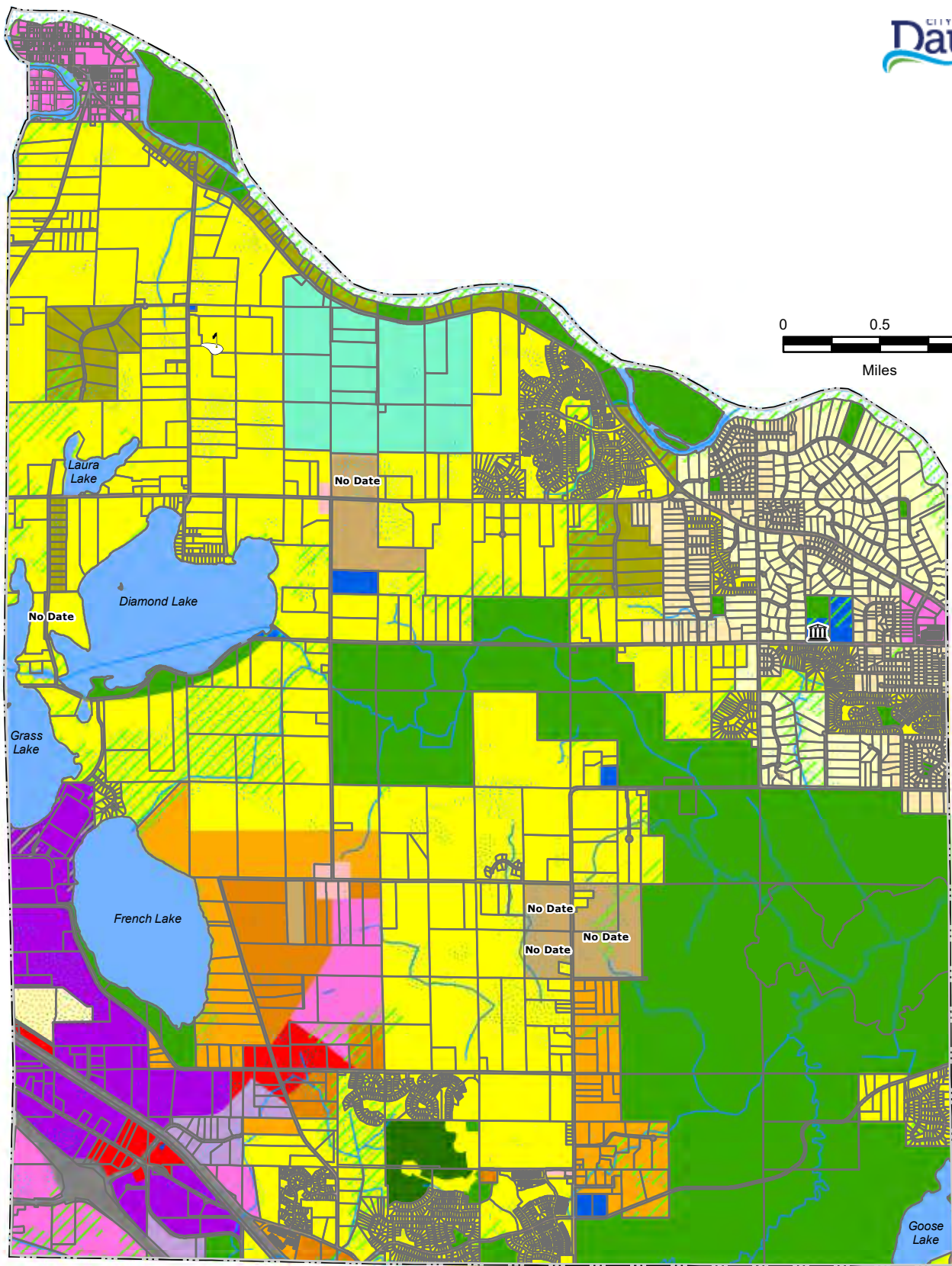
Legend

- | | |
|-------------------------------------|---|
| A-1 Agricultural District | R-1A Single Family Residential |
| A-2 Agricultural District | R-2 Single Family District (90,000 Sf, Unsewered) |
| B-2 Neighborhood Business District | R-3 Single Family and Attached Residential |
| B-3 General Business District | R-E Single Family District (5 Ac, Unsewered) |
| B-4 Commercial/ Industrial District | R-M Medium Density Residential District |
| B-P Business Park District | R-MH Mobile Home District |
| ES Essential Service District | R-O Old Village Residential |
| GMU-4 Balsam Lane | S-A Special Agriculture District |
| GMU-5 Southwest Mixed-Use | GMU-3 Historic Village |
| I-1 Light Industrial District | City Boundary |
| P-R Public Recreation District | PUD |
| R-1 Single Family District | County Parcels |

0 0.25 0.5 0.75 1 Miles



2040 Future Land Use

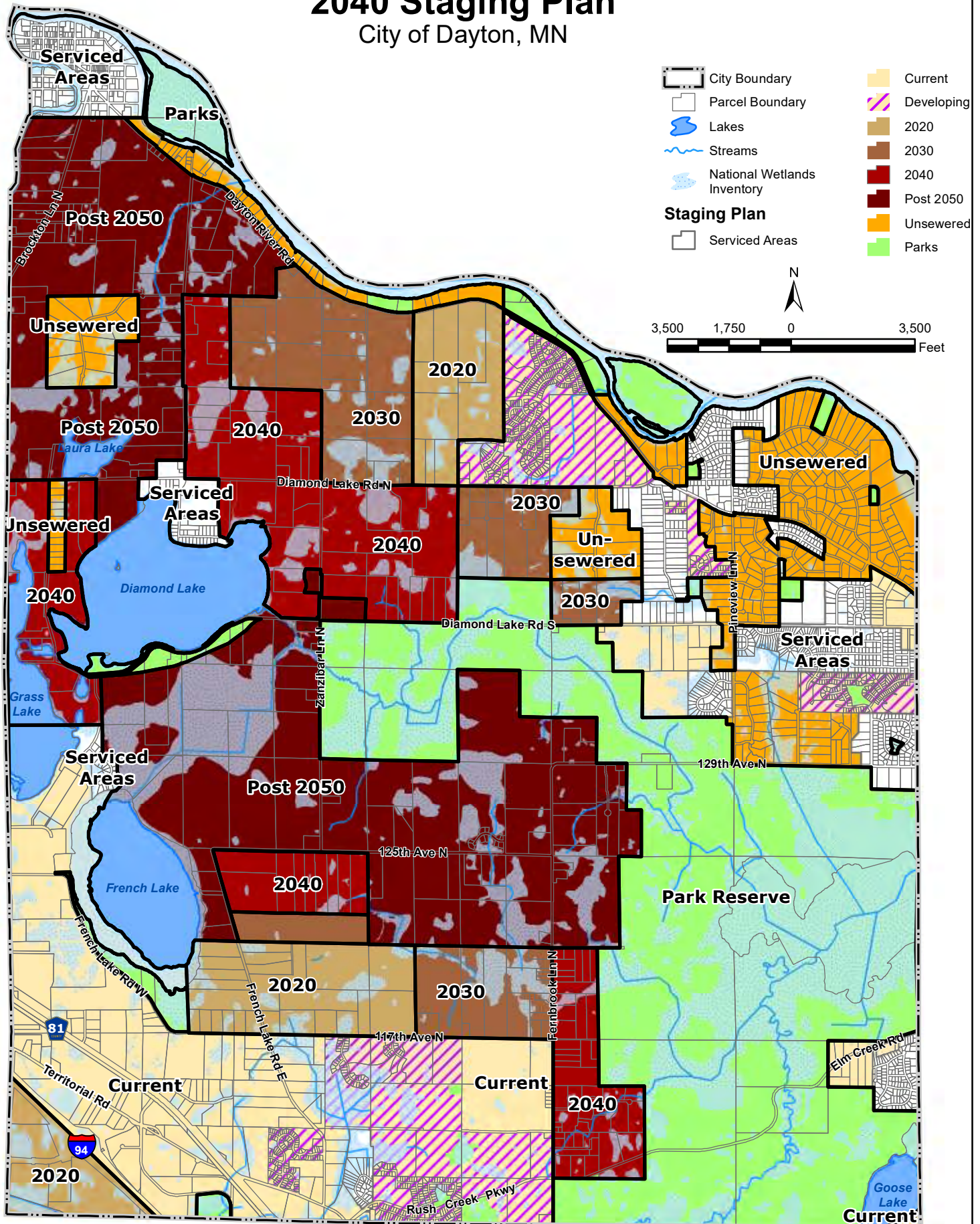


Legend

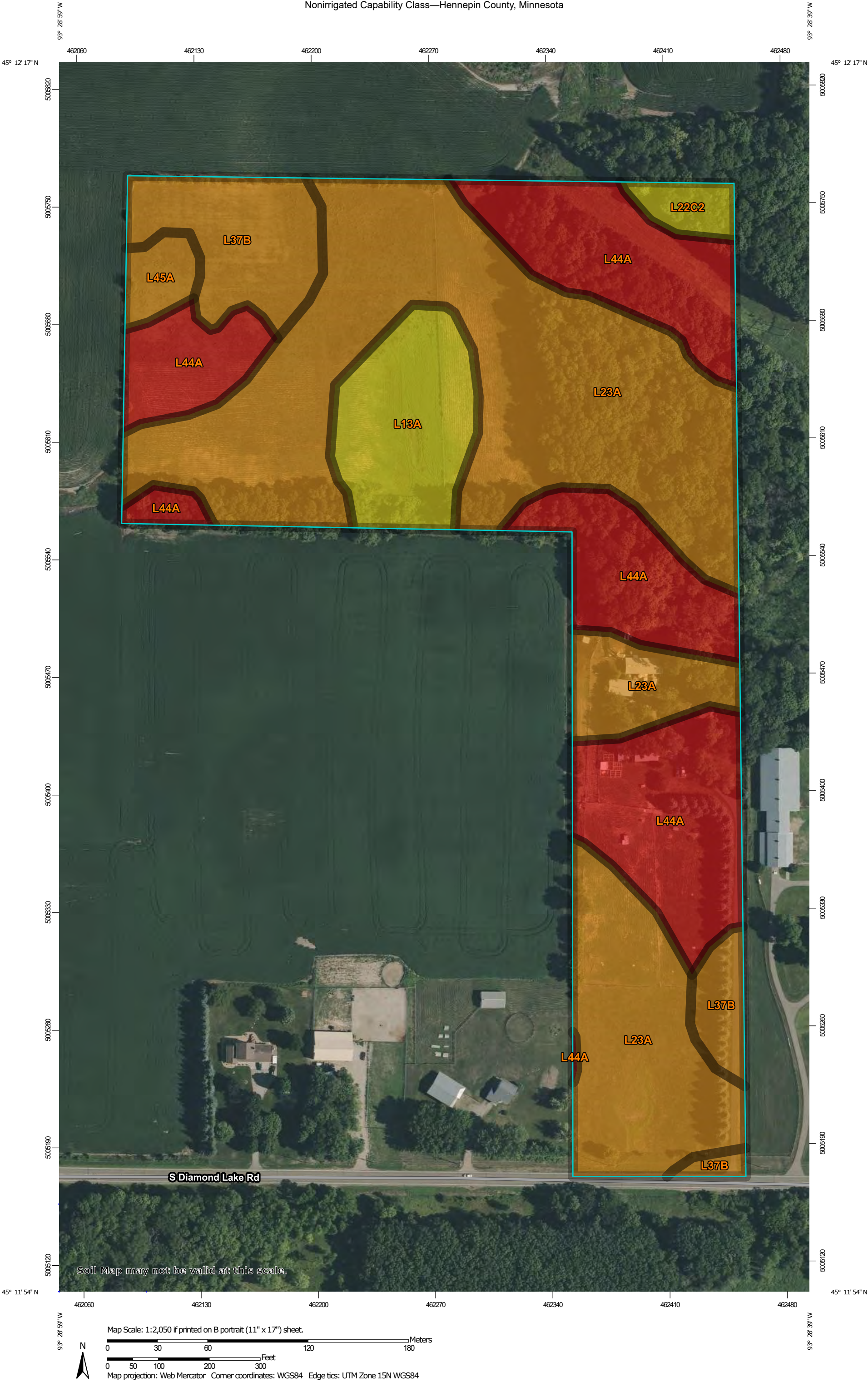
City Boundary	Greenway Overlay	Rural Estate	Existing Mobile Home Park	Mixed Use	Public/Institutional
Parcel Boundary	Agricultural Preserve	Low Density Residential	Master Planned Development	Business Park	Open Water
City Hall	Existing Unsewered Low Density Residential	Medium Density Residential	Neighborhood Commercial	Industrial	Right-of-Way
Golf Course	Existing Sewered Low Density Residential	High Density Residential	Commercial	Park & Open Space	
National Wetlands Inventory				Golf Course	

2040 Staging Plan

City of Dayton, MN




Note: The Staging Plan represents a progression of sewer that is based on location of existing sanitary sewer and anticipated extension as development progresses. The city does not commit to extensions occurring.












MAP LEGEND

Area of Interest (AOI)










 Area of Interest (AOI)

Soils



Soil Rating Polygons








-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Lines

-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

Soil Rating Points





-  Capability Class - I
-  Capability Class - II

-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hennepin County, Minnesota
Survey Area Data: Version 20, Sep 7, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 29, 2023—Sep 13, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
L13A	Klossner muck, 0 to 1 percent slopes	3	2.3	8.1%
L22C2	Lester loam, 6 to 10 percent slopes, moderately eroded	3	0.4	1.5%
L23A	Cordova loam, 0 to 2 percent slopes	2	14.2	50.0%
L37B	Angus loam, 2 to 6 percent slopes	2	2.6	9.1%
L44A	Nessel loam, 1 to 3 percent slopes	1	8.4	29.6%
L45A	Dundas-Cordova complex, 0 to 3 percent slopes	2	0.5	1.7%
Totals for Area of Interest			28.5	100.0%

Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

ITEM:

Consideration of an Amendment to the Dayton Zoning & Subdivision Code Section 1001.14 related to Exterior Lighting

PREPARED BY:

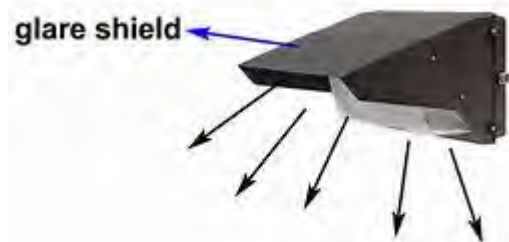
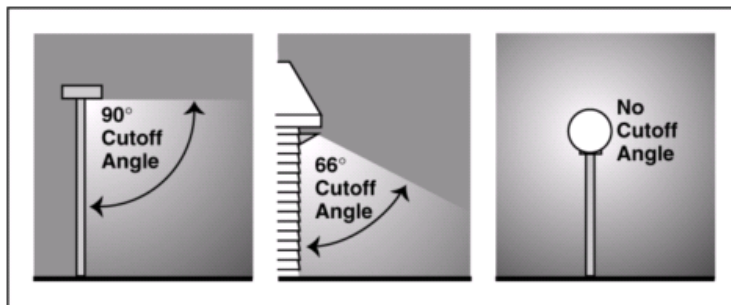
Hayden Stensgard, Planner II

BACKGROUND:

In February, the City Council directed staff to look into an ordinance amendment solidifying exterior lighting standards in the Zoning and Subdivision Ordinance for all properties within Dayton. Historically, the City has not had regulations established in the code for single-family properties, and the requirements for lighting standards on commercial and industrial districts have been included as conditions related to approval of a proposed development. The proposed ordinance addresses lighting requirements in all districts within the City, with specific guidelines relevant to each type of use. Staff drafted the ordinance attached to this report to establish general standards for exterior lighting, as well as to promote the City as a Dark Sky Community as noted within the 2040 Comprehensive Plan, and to provide protection to surrounding properties regarding nuisances caused by exterior lighting.

ANALYSIS

To promote the City's designation in the Comprehensive Plan as a Dark Sky Community, all lighting would be required to be downcast with a cutoff angle of 90 degrees at maximum. This would prohibit any light being cast upward, except in certain circumstances related to low-wattage architectural lighting to light a building (Ex. Graco's blue wall lighting), and allowing for the American flag mounted on a flag pole to be lit upward. Below are a couple of examples of downcasted lights with cutoffs, as well as wall-pack lights typically situated over entry points to buildings with shields that downcast the light being emitted.



full cutoff



The draft ordinance measures trespassing light in the form of footcandles, a common industry standard that can be shown via a Photometric Plan, that is a standard component of a construction plan set submitted for a development proposal. Footcandles are currently defined in the Zoning Ordinance as follows:

Footcandle. A unit of illumination produced on a surface, all points of which is 1 foot from a uniform point source of 1 candle.

An important note regarding footcandles is that the amount of illumination produced on a surface is different than the actual visibility of lights. An example of this is that there are lights in the industrial

PLANNING COMMISSION REGULAR MEETING

park that may be visible from afar, but will have a reading of 0 footcandles from the area you view the light from, because the specific light does not illuminate the ground in that specific area. In some trials Staff has done with footcandle readings, .5 footcandles or less means that a shadow cast on the ground from a light is barely visible. As footcandle readings increase, the shadow cast from light becomes more and more apparent.

When establishing maximum illumination levels for each given use within the City. Staff found that when single-family residential is addressed in an exterior lighting ordinance, the common standard is not more than .5 footcandles at the property line when adjacent to other single-family residential. For commercial and industrial properties, including parking areas, when adjacent to similar uses, the common standard found is no more than 1 footcandle at the property line. When a commercial or industrial use is adjacent to single-family residential, Staff proposes matching the minimum standards already established for outdoor display and outdoor storage in those districts at no more than .1 footcandle at the adjacent property line. This requirement is proposed to further hinder any potential intensities brought on to a residential property when an industrial or commercial use is directly adjacent. When it's single-family residential to single-family residential, properties are situated much closer together, and the maximum of .5 footcandles allows flexibility to the residents regarding illuminating their properties, as long as they can meet the other standards established within this ordinance (Ex. Downcasting).

QUESTIONS FOR THE PLANNING COMMISSION AND CITY COUNCIL

1. Exemptions – being that this is a new ordinance proposed, Staff is asking for feedback regarding existing lighting within the City. To address this, the City has a couple of options to choose from moving forward:
 - a. All lighting within the City of Dayton shall comply with this ordinance, regardless of installation date.
 - b. Property owners, if found to be out of compliance with this ordinance, have ____ years to bring their exterior lighting into compliance.
 - c. All lighting installed prior to the adoption of this ordinance become legal non-conformity, and shall be brought into compliance with this ordinance upon replacement.

Staff defers to the Planning Commission and City Council on this matter, and staff will revise the ordinance as directed.

RELATIONSHIP TO COUNCIL GOALS

Not specific to any City Council goals.

ROLE OF THE PLANNING COMMISSION

The Planning Commission should hold a public hearing on this matter, and have a discussion on the amendment at hand, and consider providing a recommendation to the City Council.

A Public Hearing notice was published in The Press on April 17, 2025.

RECOMMENDATION:

Staff believes that if the Planning Commission and City Council feel that regulating exterior lighting in single-family residential districts is appropriate, the proposed ordinance addresses the concerns related to light trespassing on other properties, while at the same time not establishing too many limitations on

PLANNING COMMISSION REGULAR MEETING

how residents choose to light their properties. Addressing single-family residential properties and their exterior lighting is consistent with what is addressed by other Dark Sky Communities. Staff recommends that the Planning Commission engage in a discussion on the proposed amendment and provide a recommendation to the City Council.

ACTION:

The Planning Commission has the following options:

- A. Motion to recommend **approval** of the Ordinance Amendment as written.
- B. Motion to recommend **approval** of the Ordinance Amendment with revision identified by the Planning Commission
- C. Motion to recommend **denial** of the Ordinance with findings of fact to be provided by the Planning Commission.
- D. Motion to **table** action on the item with direction to be provided to the applicant and staff by the Planning Commission.

ATTACHMENT(S):

Draft Ordinance Amendment

ORDINANCE NO. 2025-XX
CITY OF DAYTON
HENNEPIN AND WRIGHT COUNTIES, MINNESOTA
STATE OF MINNESOTA

**AN ORDINANCE AMENDING THE DAYTON ZONING AND SUBDIVISION CODE
RELATED TO EXTERIOR LIGHTING**

SECTION 1. AMENDMENT. Dayton Zoning and Subdivision Code Section 1001.14 General Regulation, Additional Requirements, Exceptions and Modifications, is hereby amended by adding the underlined material as follows:

**1001.14 GENERAL REGULATIONS, ADDITIONAL REQUIREMENTS,
EXCEPTIONS AND MODIFICATIONS.**

...

Subd. 2 Standards

~~—(1) *Glare.* Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line so as to obstruct traffic.~~

~~—(2) *Exterior Lighting.* Any lights used for exterior illumination, shall not be visible at any property line so as to obstruct traffic.~~

~~(31)~~ *Vibration.*

a. Vibration shall not be discernible at any property line to the human sense of feeling for 3 minutes or more duration in any 1 hour.

b. Vibration of any kind shall not produce at any time an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the safe range of Table VII United States Bureau of Mines Bulletin No. 422, “Seismic Effects of Quarry Blasting,” on any structure.

c. The methods and equations of Bulletin No. 422 shall be used to compute all values for the enforcement of this provision. The bulletin is incorporated herein by reference.

~~(42)~~ *Noise, odors, smoke, dust, fumes, water and waste.*

a. The design, construction and performance of all nonresidential uses shall be in conformance with ~~C~~city, county, and State of Minnesota standards and regulations.

b. The storage of trash shall be within principal buildings or otherwise shall be within an accessory enclosure complete with roof and walls of the same exterior finish as the main structure and screened from all Residential Districts with an adequate buffer.

~~(53)~~ *Accessory ~~b~~Buildings.* The exterior finish and design of all accessory buildings shall match the exterior design and materials of the principal building or dwelling.

...

Subd. 12 Exterior Lighting

(1) Purpose. The purpose of this section is to promote the City of Dayton's designation as a Dark Sky Community by limiting light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent properties. More specifically, this section is intended to:

a. Regulate exterior lighting to mitigate adverse impacts. Regulate exterior lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;

b. Ensure proper insulation. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands; and

c. Provide security. Provide security for persons and land.

(2) Applicability.

a. In general. The provisions of this section shall apply to all development in the city unless exempted in accordance with § 1001.14 Subd. 12(3) below. For new development, including new signs, the Community Development Department may require specification plans and light distribution plans to verify compliance with these standards. Where regulations of this section are in conflict with other sections of the City Code, the more restrictive requirement shall apply.

b. It is the responsibility of every installer of lighting and every owner or occupant of property on which a light source is located to comply with the provisions of this section.

(3) Exemptions. The following is exempted from the exterior lighting standards of this section.

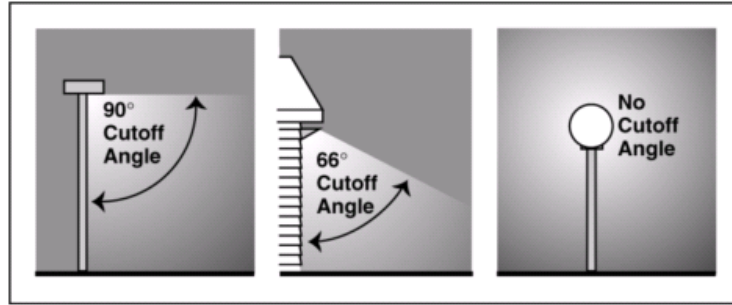
a. Existing athletic field lighting;

b. City-owned, -operated, or -maintained street lights located within a street right-of-way or other easement granted to the city; and

c. Holiday displays and decorations.

(4) General standards for exterior lighting.

a. Illumination direction. In all districts, lighting shall be directed downward with a cutoff angle no greater than 90 degrees. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting or lighting for the American flag.



b. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line so as to obstruct traffic by complying with the maximum illumination levels allowed herein.

c. Maximum lighting height. Except for outdoor sports fields or performance areas, the height of outdoor lighting, whether mounted on poles or walls or by other means, shall be no greater than the height of the principal building in residential and agricultural districts and no greater than 30 feet in commercial, industrial, and general mixed-use districts.

(5) Shielding and fixtures.

a. Exterior. Light fixtures shall be shielded and use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

b. Canopies. No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

(6) Maximum illumination levels. All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a property line shall not exceed the standards in the table below, *Maximum Illumination Levels*. Cut-off lighting shall be designed to direct light downward (e.g., shoe box style).

<u>Type of Use</u>	<u>Maximum Illumination (footcandle)</u>
<u>Single-Family Residential, Agricultural or Civic & Institutional use</u>	<u>0.5 at property line</u>
<u>Multi-family Residential, Commercial or Industrial use*</u>	<u>1.0 at property line</u>
<u>Parking lots*</u>	<u>1.0 at property line</u>
<u>*When adjacent to residential uses, maximum illumination shall not exceed .1 footcandle at property line.</u>	

(7) Wall pack lights. Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and

be of low wattage (100 watts or lower). Wall pack light sources that trespass light on any location off the site are prohibited.

(8) Illumination of outdoor sports fields and performance areas. Lighting of outdoor sports fields and performance areas shall comply with the following standards:

a. Glare control package. All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

b. Hours of operation. The lighting system for any game or event shall be extinguished within 30 minutes after the end of the game or event.

(9) Sign lighting. Lighting fixtures illuminating signs shall comply with the standards of this section, and exterior light sources shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and the light source is not visible from off-site areas. A light distribution plan or other information demonstrating compliance with the lighting requirements of this chapter.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Adopted by the City Council of the City of Dayton this 13th day of May 2025.

Mayor Dennis Fisher

ATTEST:

Amy Benting, City Clerk

Motion by _____ Seconded by _____

Motion passed _____

Published in THE PRESS on _____.