CITY OF ALEXANDRIA, MINNESOTA

PLANNING COMMISSION

AGENDA • NOVEMBER 16, 2026

COUNCIL CHAMBERS **7:00 PM**

Chairperson
Deb Parrott

Member
Adam Barnett

Member
Chris Huether

Member
Bill Franzen

Member
Heather Molesworth

Member
Susan Anderson

Member
Jeremy Geris

1. 7:00 PM – CALL TO ORDER

2. 7:00 PM – PUBLIC HEARING – VARIANCE – V-26-001 – Bill Fath on behalf of Fath Family Properties, LLC

VARIANCE – V-26-001 – Bill Fath on behalf of Fath Family Properties, LLC

3. 7:10 PM – PUBLIC HEARING – ZONING TEXT AMENDMENT – TA-26-003 – City of Alexandria

ZONING TEXT AMENDMENT – TA-26-003 – City of Alexandria

4. 7:20 PM – PUBLIC HEARING – ZONING TEXT AMENDMENT – TA-26-004 – Allison Bakkum

ZONING TEXT AMENDMENT – TA-26-004 – Allison Bakkum

5. OLD & OTHER BUSINESS

A. Data Center Study – City of Alexandria Interim Ordinance – TA-26-002

6. ADJOURNMENT

VARIANCE – V-26-001 – Bill Fath on behalf of Fath Family Properties, LLC

Background

This application seeks variances from the shoreline and street setback provisions of the City Code and State Shoreland Rules, as adopted and enforced by the City of Alexandria. The variances would allow construction of a new principal structure (house) within 19' of the Ordinary High Water (OHW) elevation and within 7.1' of the street right of way, on a non-conforming parcel of land. The parcel is approximately 44' wide at the south property line, and approximately 72' wide at the north property line. The required setbacks are 50' from the OHW and 30' from the street right of way or easement. The City's minimum width for for a dwelling unit is 24' and a minimum area of 576 square feet.

The unaddressed property is located on Tolena Road, immediately south of 3808 Tolena Road, which is the applicant's principal residence. Note that the applicant is also proposing to administratively split approximately ten (10) feet from the homestead parcel and combine it with the vacant parcel to create some small additional area for the construction.

Index to Exhibits:

- Exhibit A - Certificate of Survey/Proposed Site Plan
- Exhibit B – Extract of Survey At Larger Scale
- Exhibit C – MNDNR Letter Dated 11/6/26
- Exhibit D – GIS Aerial Photo
- Exhibit E – Plat of PerryLange Bay
- Exhibit F – Extract of Plat
- Exhibit G.1 and G.2 – Aerial Showing Existing Setbacks in the Area
- Exhibit H – Street View, Looking North With the Subject on the Left

Authority: This application is authorized by City Code Section 10.20, Subd.3C and by City Code Section 10.25.

Definition/Rules: City Code Section 10.20, Subdivision 2.G.42 states, "Variance" means the same as that defined in Minnesota Statutes, Section 462.357 Subd. 6 (2). That Statute states, in part, "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner

proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.", and "The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance."

Finally, the State Shoreland Rules and City Code Section 10.20, Subdivision 3.C state: **"In considering a variance request, the (Commission) must also consider whether the property owner has reasonable use of the land without the variance, whether the property is being used seasonally or year-round…and the characteristics of development on adjacent properties."**

City Role in Zoning Ordinance Administration (Variances): Zoning is a method of establishing a land-use pattern by regulating the way land is used. The zoning ordinance, comprised of text and a map, generally divides a city into various districts and sets standards regulating uses in each district. A city has considerably broader authority when ***creating or amending*** its zoning ordinance/map than it does when ***administering*** the same ordinance for variances or conditional uses. Consequently, it is important for us to be aware of what authority the City is acting under whenever making a particular zoning ordinance variance decision.

When implementing an existing zoning ordinance (again, text and/or map), a city is exercising so-called "quasi-judicial" authority. The task is to determine the facts associated with a particular request, and then apply those facts to the legal standards contained in the zoning ordinance and relevant state law. A City has less discretion when acting quasi-judicially, and a reviewing court will examine whether the City applied rules already in place to the facts before it. In general, if the facts indicate the applicant meets the relevant legal standard, then they are likely entitled to the approval. If the facts indicate that the relevant legal standard is not met, the city should not grant approval. Variances and conditional use permits are two commonplace zoning tools that are quasi-judicial in nature.

To summarize, cities have broad legislative authority when writing the rules, but when evaluating variance application cities are limited to the quasi-judicial role (acting as a judge) of applying the written standards to the facts before them.

Background: The subject parcels were created in the plat of PerryLange Bay in 1967, prior to the promulgation of the current State Shoreland Rules, and under the jurisdiction of Douglas County. The lots were placed between the shoreline of the bay and the existing road. With the adoption of the 1990 State Shoreland Rules the parcels would have been non-conforming since they would not have had sufficient space to meet even the originally required lake and street setbacks. The

property file indicates that these parcels may have come into being in their current configuration by action of the Douglas County Board of Commissioners in 1976, via a Special Use Permit, "To Subdivide Lot 7 and Lot 8, Blk 1, Perry Lange Bay". Subsequent requests to improve the site through construction of a boathouse (in 1982) and a storage building (in 1995) were denied by Douglas County, due to the inability to meet structure setbacks. This property is individually conveyable.

The lot itself creates the development challenges that are in place. The challenge is illustrated by both **Exhibit B** and by **Exhibit F**. The minimum area for a riparian lot is 15,000 square feet – the proposed parcel, even including the addition of a ten-foot-wide slice taken from the parcel to the north, is approximately 6,716 square feet. The setback limitations are obvious.

The Site/Area Evaluation: Historically, the City has analyzed the circumstances in the neighborhood to determine if structure setbacks should be adjusted due to existing development which would eliminate the need for a variance. That procedure is outlined in City Code Section 10.20, Subd. 5.B which states, "Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone." In this instance, the structure on the adjacent parcel to the north is approximately 64' from the OHW as shown on the survey. There is no structure on the parcel to the south, so averaging is not possible. Additionally, the structures would be located 19' from the OHW which is within the limits of the shore impact zone, so the evaluation fails that test as well.

The applicant has provided an additional sketch showing the proximity of structures nearby on Tolena Road. Including the parcels on the east side of the street, the setbacks are:

- East side, 63-1233-000 – seven (7) feet from street right-of-way
- East side, 63-4113-180 – five (5) feet from street right-of-way
- East side, 63-4108-110 – one (1) foot from street right-of-way
- East side, 63-4108-120 – three (3) feet from street right-of-way
- East side, 63-4108-130 – zero (0) feet from street right-of-way
- East side, 63-4108-290 – ten (10) feet from street right-of-way
- East side, 63-4108-300 – 25' from street right-of-way
- West side, 63-4108-260 – 20' from OHW, 16' from street right-of-way
- West side, 63-4108-270 – 13' from OHW, 14' from street right-of-way

As noted in the DNR letter, setback averaging should not be used by using sheds or other detached accessory structures and those structures are not located adjacent to the subject. However, for the purposes of determining reasonableness and the essential character of the area (see below for more detailed discussion) it is appropriate to include these properties in the analysis.

League of Minnesota Cities Guidance:
A city may grant a variance if enforcement of a zoning ordinance provision, as applied to a particular piece of property, would cause the landowner "practical difficulties." For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties (Minn. Stat. § 462.357, subd. 6). If the applicant does not meet all three factors of the statutory test, the city should not grant the variance. Also, variances are only permitted when:

- They are in harmony with the general purposes and intent of the ordinance, and
- The terms of the variance are consistent with the comprehensive plan.

Practical difficulties
"Practical difficulties" is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

I. Reasonableness
The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

II. Uniqueness
The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

III. Essential character
The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Discussion: Following the public hearing and the receipt of any testimony for or against the proposal, the Commission has several options available:

1. You could find that the proposed dwelling (configured and placed as requested) is not a reasonable use of the property. You would thus have reason for recommending denial of the variance request. This would be in keeping with the strict and literal interpretation of the State Rule and Code

requirements. However, I believe that a relevant question would be whether this also be in keeping with the intent of the requirements, which is not to deny property owners the long-term their use of lands, but to control that use. Is there an alternative (reasonable) option for providing additional land area without threatening the stated purposes of the Shoreland Rules and the City Ordinance. ("…to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and environmental values of shorelands, and provide for the wise use of waters and related land resources.")?

A. Could the applicant split additional land from the homestead parcel and combine it with the subject? This would utilize at least some of the available buildable area while simultaneously lessening the degree of nonconformity by moving the proposed house farther from the shoreline and perhaps also lessening the needed variance from the road.

B. Could the applicant reduce the size of the structure and limit the height to something less than the 25' allowed?

C. Are there other alternatives to the placement as shown?

D. Could the applicant simply combine the subject with the homestead parcel and use it for the placement of a water-oriented accessory structure?

2. You could find that the placement within the shore impact zone (the first 25' from the OHW) is not reasonable based on the comments received from DNR and act to deny that variance, while finding that the placement within ten (10) feet of the street is reasonable and approve that variance, which would require shifting the proposed structure farther north to within ten (10) feet of the new property line.
3. You could find that the requests for any or all of the variances are reasonable based on the comparable location of neighboring structures, which would allow the granting of the request.
4. You could determine that additional information is required (such as in #1 and #2, above) and, following the completion of the public hearing, act to table any decision on the request until at least the December Commission meeting. (Note that the 60-day Rule requires a decision on this application no later than December 14th, so the City will need to act to extend the review deadline by up to an additional 60 days.)

Recommendation: There is no question that the shape and dimension of the lot poses challenges for development. It appears that there are reasonable uses of the property as noted above that would be less intrusive on both OHW and street setbacks and that the additional hardship is strictly of the owner's own making. Therefore, recommend denial of **V-24-001** based upon the following Findings of Fact and the attached Variance Request Analysis:

1. The property owner has a reasonable use of the property without the grant of the variance due to the existing legal non-conformity of the present structures.
2. No hardship and/or practical difficulties exist due to the following: The plight

of the owner is due to the desired location, configuration, and size of the proposed structures, so is the owner's own making.

3. Previous requests for variance and conditional use permit were denied by Douglas County, setting a precedent for denial.

ATTACHMENTS

- Fath Application V-26-001.pdf
- Exhibit A Fath V-26-001.pdf
- Exhibit B Fath V-26-001.pdf
- Exhibit C Fath V-26-001.pdf
- Exhibit D Fath V-26-001.pdf
- Exhibit E Fath V-26-001.pdf
- Exhibit F Fath V-26-001.pdf
- Exhibit G.1 Fath V-26-001.pdf
- Exhibit G.2 Fath V-26-001.pdf
- Exhibit H Fath V-26-001.pdf

LAND USE APPLICATION

CITY OF ALEXANDRIA

City of Alexandria
704 Broadway | Alexandria, MN 56308
Ph: (320) 763-6678 | Fax: (320) 763-3511
www.alexandriamn.city

Application #	Date App. Received / Date App. Complete	Fee Collected
V-26-001	10/16/2026 / 10/16/2026	$ 400.00

A. Owner Information

Feth Bill Dean 320-808-5533
Property Owner Name (Last, First, MI) — Phone

3808 Tolena Rd NE Alexandria MN billfeth@ymail.com
Property Owner Address — City/State/Zip — Email Address

B. Applicant Information *(If Different From Above)*

Applicant Name (Last, First, MI) — Business Name — Phone

Applicant Address — City/State/Zip — Email Address

C. Project Location/Description

Attached
Address of Subject Property

PIN: 63-4108-230, 63-4108-240

Legal Description *(attach separate if lengthy narrative)*

Present Zoning Classification — Present Comprehensive Plan Classification

Is the property located within 1,000 ft of a lake? ☒ Yes ☐ No Perry Large Bay (Waterbody Name) ☐ GD ☐ RD ☐ NE (Waterbody Classification)

D. Application Information

Check Applicable Request(s):

1. ☐ Conditional or Interim Use Permit
2. ☐ Map Amendment : Zoning District (Rezoning) and/or Future Land Use (FLU)
3. ☑ Variance
4. ☐ Zoning Text Amendment
5. ☐ Appeal
6. ☐ Other (Specify _____)

Complete Addendum A
Complete Addendum B
Complete Addendum C
Complete Addendum D
Complete Addendum E
Attach Narrative)

E. Acknowledgement & Signature

BY MY SIGNATURE BELOW: I certify that the information submitted with the application is true and accurate; I acknowledge that this application is not deemed complete until reviewed by City staff and that I will be notified within 15 days of application submission if the application is incomplete; I understand that submission of the application does not imply approval of this request by the Planning Commission or the City Council; nor does it in and of itself guarantee issuance of any other required permits and licenses and I acknowledge that this application may be tabled until a later meeting if either I or my designated representative is not present at the meeting for which a public hearing is scheduled.

Signature: Bill Feth *Owner or Applicant* **Date:** 10/15/26

Planning Commission Action: Tabled _____ Approved _____ Denied _____

City Council Action: Tabled _____ Approved _____ Denied _____

Comments _____

Signature: _____ *Zoning Administrator* **Date:** _____

OCT 16 2026

LAND USE REQUEST - ADDENDUM C

VARIANCE

CITY OF ALEXANDRIA

PLEASE TYPE OR PRINT NEATLY
ATTACH ADDITIONAL SHEETS AS NECESSARY

A. Narrative – Project Description

Explain in detail the reason for the variance request. Include discussion of the nature of the hardship (size or shape of the site, topography, etc.) which triggers the need for a variance. Attach additional sheets as necessary:

Because of the odd shape of the lots.

Provide existing land use(s) for the subject property (e.g., undeveloped, restaurant, auto repair, single family dwelling, etc).

Single family dwelling

Provide the Zoning Ordinance Section(s) for which a variance is sought _____

Have any previous variance applications been made for the subject property? YES/(NO)/UNKNOWN (Circle One)

If so, when: _____

B. Site Plan & Supplemental Materials

All of the items on the following page should accompany the application, unless specifically waived by Planning staff. It is recommended that the applicant review an informal sketch plan with Planning staff prior to formal application submittal to review specific requirements as they pertain to the project and/or applicable zoning district. **For each line mark a "√" in the box if the information is included, and the "N/A" box if that requirement does not apply. If N/A, a brief written explanation for the omission should be provided.**

Detailed Site Plan

- [√] Scale of plan, at 1"=50' or less.
- [√] North point.
- [√] Existing boundaries with lot dimensions and area.
- [√] All encroachments.
- [ ] Easements of record.
- [√] Legal descriptions of the property.
- [√] Ponds, lakes, wetlands or other water features bordering or running through the property.

Show on Site Plan All Proposed Improvements, including:

- [√] Required and proposed setbacks;
- [√] Location, setback and dimensions of all existing and proposed buildings and structures.
- [√] Location of all adjacent bldgs located within one hundred (100) ft of the exterior boundaries of the property.
- [√] Location, number, dimensions and setbacks of proposed parking spaces and drive aisles.
- [ ] Location, number and dimensions of proposed loading spaces.
- [ ] Location, width and setbacks of proposed curb cuts and driveways.
- [ ] Vehicular circulation.
- [ ] Sidewalks, trails and walkways.
- [√] Location and type of all proposed outdoor storage and/or display.
- [ ] Provisions for storage and disposal of waste and details for screening exterior trash/recycling enclosures.
- [ ] Location, size and type of water and sewer system mains and proposed service connections.

Supplemental Data, including:

- [ ] Other _____

Please provide electronic plans in a .pdf format via CD or email to: eanderson@alexandriamn.city

Since each development/project is different, the City of Alexandria reserves the right to request additional information to ensure a project is in compliance with all City requirements, codes, ordinances and approvals.

11

CERTIFICATE OF SURVEY

Exhibit A

RLS 44493

HOUSE

PERRYLANGE BAY

BLOCK ONE

EAST ADDITION TO THREE HAVENS

RLS 44493

PROPOSED ATTACHMENT PARCEL 10.00'

PEDESTAL
1/2" PIPE

RLS 44493

TIMBER

S41°02'00"W 63.22

N21°15'00"W (47.67)

SE'LY COR LOT 7
NE'LY COR LOT 8

S55°06'02"E 19.25

S71°38'00"W 45.30' (45.3')

STRING LINE

RIPRAP

PROPOSED BUILDING

7.1

19'

72.33 (72.33)

S19°35'32"E 74.47

O.H.W.

WATER SPIGOT

SURVEY LINE

N15°29'00"W 147.50

40.13

S68°28'00"W

1/2" PIPE

TOLENA ROAD

75.17 (75.17)

3/4" PIPE

93.00 N00°55'00"W

SHED

19'±

56.00 N14°40'00"E

SE'LY COR LOT 8

SEC. 5 T 128 N R 37 W

IMPERVIOUS AREA CALCULATION INCLUDING 10' ATTACHMENT

CONCRETE	446 S.F.
TOTAL IMPERVIOUS AREA	446 S.F.
TOTAL LOT AREA	/5,996 S.F.
	7.4% IMPERVIOUS

Adding a 24x36 structure would increase the impervous surface to 21.8 % ±

LAKE LE HOMME DIEU BAY

1=40

0 40 80

SCALE IN FEET

- INPLACE IRON MONUMENT
- 1/2" IRON REBAR WITH PLASTIC CAP STAMPED "RLS 42620" & "RLS 45335"
- ( ) RECORD DATA
- LIGHT POLE
- HYDRANT
- (S) SANITARY SEWER MANHOLE
- UNDERGROUND SANITARY SEWER
- CONCRETE
- BITUMINOUS

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Eric G. Nyberg

Date November 3rd, 2026 License No. 45335

DATE: 11/3/2026 • DRAWN BY: JSM • CHECKED: EGN • JOB NO. 13016-A

REQUESTED BY: BILL FATH

Nyberg SURVEYING
509 22ND AVE. EAST, SUITE 101
ALEXANDRIA, MINNESOTA 56308
PH. (320) 762-4111
www.nybergsurveying.com

Fath V-26-001

Exhibit B

PERRYLANDING BAY

BLOCK ONE

EAST ADDITION

THREE

64±

PROPOSED ATTACHMENT PARCEL 10.00'

PEDESTAL

1/2" PIPE

RLS 44493

TIMBE

S41°02'00"W 67±

63.22

18.39

S55°06'02"E

S71°38'00"W 45.30° (45.3')

36

24

4±

STRING LINE

RIPRAP

PROPOSED BUILDING

19'

7.1

72.33 (72.33)

S19°35'32"E 74.47

O.H.W.

WATER SPIGOT

SURVEY LINE

40.13

44±

S68°28'00"W

4±

1/2" PIPE

N21°15'00"W 47.67 (47.67)

SE'LY COR LOT 7

NE'LY COR LOT 8

S

32

N15°29'00"W 147.50

75.17 (75.17)

TOLENA ROAD

S

3/4" PIPE

N00°55'00"W 93.00

21.8 % ±

E DIEU

BLOCK

2

Fath V-26-001

Exhibit C

DEPARTMENT OF NATURAL RESOURCES

Ecological and Water Resources
23070 N. Lakeshore Drive
Glenwood, MN 56334

November 6, 2026

Mike Weber
Zoning Administrator
City of Alexandria
704 Broadway
Alexandria, MN 56308

RE: Fath Variance Request – Parcels 63-4103-230 and 63-4105-240, Lake Le Homme Dieu

Mr. Weber and Members of the Board of Adjustment,
Thank you for the opportunity to comment on this application requesting an ordinary high water level (OHWL) and road setback variance on these currently undeveloped, non-conforming lots. My comments and recommendation are based on an evaluation of the two exhibits provided in the agenda packet against the criteria in Minn. statute §462.357. Based on this evaluation, the **DNR recommends denial** of the variance.

Summary of variance request

The applicant is requesting variances to construct a 24 x 36-foot structure 18 feet from the OHWL of Lake Le Homme Dieu and 6.3 feet from Tolena Road. This is a significant **deviation of 32 feet** (64%) from the required setback of 50 feet from the OHWL. The shore impact zone is 50% of the structure setback, 25 feet in this case. The proposal is also a **deviation of nearly 24 feet** (80%) from the required 30-foot road setback. The purpose or primary use of the structure was not provided in the agenda packet that DNR reviewed.

Evaluation Criteria and Approach

The role of the Board of Adjustment (BOA) is to objectively evaluate whether the facts meet the statutory criteria for approving a variance. Under Minn. statute §462.357, variances can only be approved when they are in harmony with the general purposes and intent of the zoning code and when they are consistent with the comprehensive plan. Specifically, variances can only be granted when the applicant proves there are practical difficulties in complying with the zoning code.

If any of these criteria are not met, then the variance must be denied. State law also does not allow approving variances solely for financial reasons. The decision to approve or deny a variance requires a rational explanation, based on facts, not on proposed conditions of approval. Conditions may be considered, but only after a decision is made to approve. Additionally, opinions of support or opposition, without supporting evidence, from neighbors or the public are not facts and should not be considered.

This property is in the shoreland of a public water, an area that the state has identified as a sensitive area where special laws are needed to protect scenic character; aquatic and riparian vegetation; habitat; and to reduce the flow of nutrients into surface waters preventing excessive algae and plant growth to maintain safe recreational

Fath V-26-001

opportunities. This context is critical for properly evaluating the facts against the practical difficulties criteria whether the Board of Adjustment is deciding, or a district court is reviewing such a decision on appeal.

Analysis of Facts and Recommendation

The Board of Adjustment should **deny** this variance because:

The property owner DOES NOT propose to use the property in a reasonable manner given the purpose of the OHWL setback requirements.
This criterion is about what is reasonable given the purpose of the ordinance, not what is reasonable to the property owner. If the parcels are combined, as legally required to be, the resulting property is a non-conforming 5,318 sq. ft. lot that is 88ft. wide and 49-67 feet deep. It is not reasonable to consider that this lot can accommodate a dwelling as the OHWL and the road setbacks would be grossly exceeded to the point that they overlap.

The purpose of the ordinary high-water setback standard is to keep land alterations and vegetation removal at a safe distance from the water to protect water quality, habitat, and visual character. Building structures close to the water increases erosion and the amount of sediment-laden nutrients flowing into surface waters increasing algae growth. Building structures in the shore impact zone also removes near-shore vegetation providing valuable habitat for songbirds, waterfowl, amphibians and other animals that live in and near the shore as well as affecting lakeshore character.

Existing non-conforming structures in the vicinity should not set precedence for future decisions. String line or setback averaging should not be applicable in this instance given the shoreline geometry and that the proposed structure would be located within the shore impact zone. Setback averaging should only be used be used between primary structures on adjacent lots, not sheds, water oriented accessory structures or nonconforming accessory structures.

The variance WILL ALTER the essential character of the area.
Essential character is about how the resulting structure, improvement, or land/water disturbance will alter the hydrology, nutrient flow into waters, soil stability, vegetation/habitat, shoreland character, or be out of scale with the capacity of the land and water resource to tolerate the impacts.
The variance will remove near shore vegetation and replace it with a substantial amount of impervious surface close to the shoreline.

Removing the vegetation eliminates the infiltration and treatment of runoff from nearby impervious surfaces. House to lake lawns contribute seven to nine times more phosphorus per summer compared to a lot with a natural shoreline. This increase in phosphorus can result in the generation of 100 pounds of algae along the shore, compared to 15 pounds under natural shoreline conditions.

This bay of Lake Le Homme Dieu has existing water quality issues, so much so that the property owners have collaborated to install and operate an aeriation device (fountain) through the open water season to try to improve conditions. Lake Le Homme Dieu is not currently impaired for excess nutrients but is regarded as a resource needing the highest level of protection to prevent it from becoming impaired (Source: https://z.umn.edu/brrw). Adding impervious surfaces, especially in the shore impact zone will further increase runoff and has the potential to increase erosion and nutrient loading.

Conditions of Approval

While we believe this variance should be denied, if it is approved, Minn. Stat. 394.36, subd. 5(f) requires conditions of approval for variances on nonconforming shoreland lots to address stormwater management, reducing impervious surfaces, increasing setback, restoration of wetlands and vegetative buffers, sewage treatment, and other conservation-design actions. Appropriate conditions would be the management of all stormwater from the property, establishment of natural vegetation along the shoreline, and articulation that the property may not exceed 25% impervious surface coverage at any point in the future.

It should be considered that these two parcels be combined with the adjacent Parcel 63-4108-220 also owned by Bill Fath at which time a water oriented accessory structure may be a reasonable alternative to the current proposal if allowed by the City.

Conclusion

The facts do not support a decision to approve and show that the design preferences are driving the variance request. A decision to approve the variance would therefore be arbitrary and capricious. **The DNR recommends denial.**

State rule and your ordinance requires that final variance decisions, including findings, be sent to the DNR within 10 days of the decision. The DNR monitors local government variance decisions and may appeal decisions we believe do not meet the statutory criteria and result in negative impacts to shorelands and public waters. Please send the decision to me within ten days of making the decision, including “findings of fact.” If you have any questions, please call, or email me.

Sincerely,



Emily Siira
Area Hydrologist

CC: Dan Petrik, DNR Shoreland Management

Exhibit D

Fath V-26-001

l Viewer Douglas County, MN

To exit full screen, press and hold Esc

Find address or place

63-4108-208
SON/BRUCE
E &
MERRILY J
.02ac

168

153

113

63-4108-220
FATH/BILL &
PATRICIA
0.64ac

102

103

63-4108-110
SCHMIDGALL/MELINDA
L/REV
LIV-T
0.31ac

125

101

39

70

48

63-4108-230
FATH FAMILY
PROPERTIES LLC
0.04ac

58

63-4108-120
HARTY/JAMES
L/LIVING
TRST ETAL
0.19ac

3805

45

68

107

72

63-4108-240
FATH FAMILY
PROPERTIES LLC
0.09ac

3713

108

63-4108-130
HENDRICKS/THOMAS
L/ETAL
0.27ac

49

175

63-4108-250
HENDRICKS/THOMAS
L/ETAL
0.13ac

93

132

Alexandria City

Alexandria Township

Le Homme Dieu

-95.3610 45.9331 Degrees

50 ft

Survey & GIS Division, Douglas County Public Works

Powered by Esri

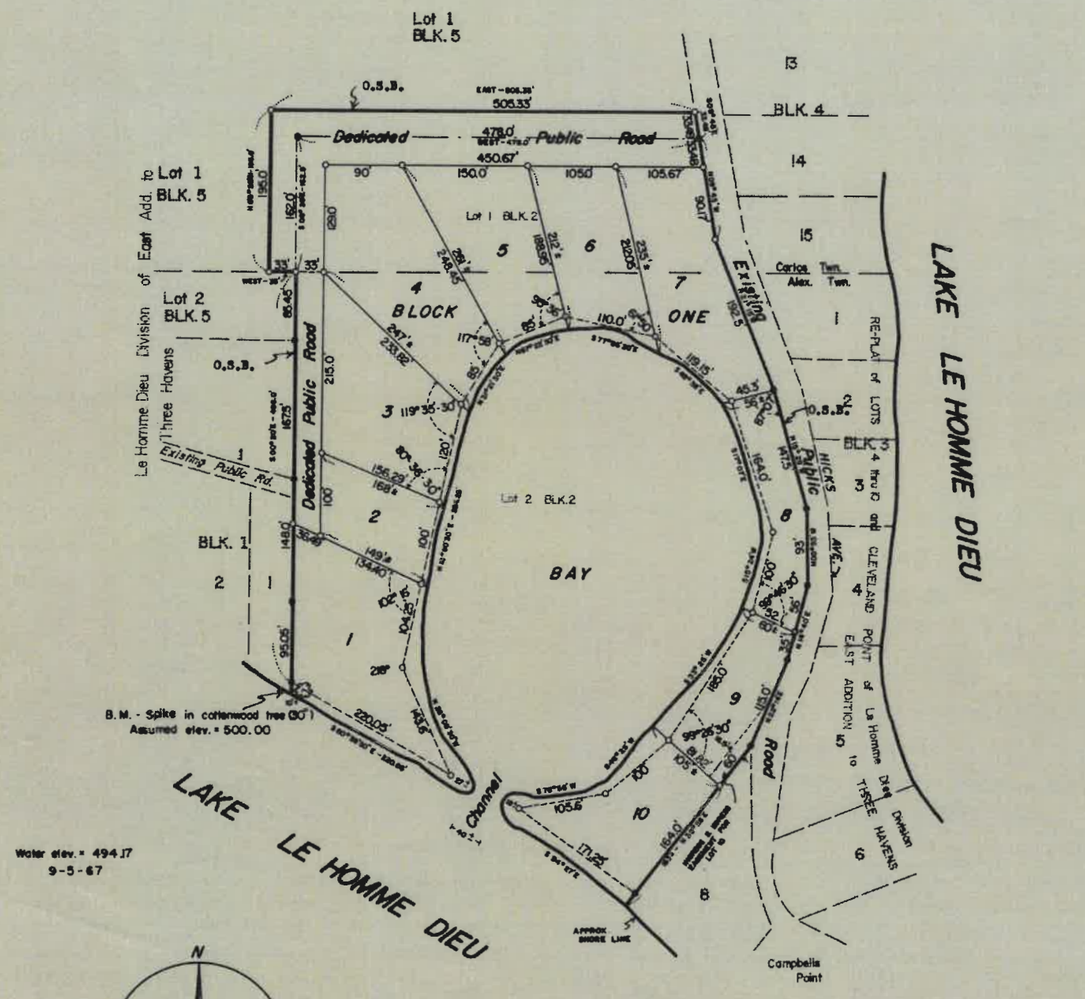
Exhibit E

Fath V-26-001

17

PERRYLANGE BAY

DOUGLAS COUNTY, MINNESOTA



LAKE LE HOMME DIEU

- Acreage breakdown -

2.30 acres in Section 32, 129-37
7.90 acres in Section 5 , 128-37

-SQUARE FOOTAGE-

Lot 1 -	35,000 sq. ft.	Lot 7 -	28,500 sq.ft.
2-	15,000	8 -	16,000
3 -	27,500	9 -	17,500
4 -	33,500	10 -	24,500
5 -	24,500	Road Sect.	
6 -	20,500	32,	42,240
		Road Sect.	
		5	10,160
		Bay	149,400
Total Sq. Ft.			444,300
Total Acres			10.20

KNOW ALL MEN BY THESE PRESENTS:

That we, Roger B. Perry and Wilma Perry, husband and wife, and Winfred R. Lange and Mona C. Lange, husband and wife, owners and proprietors of a part of Lot One (1) of Block Five (5) of Le Homme Dieu Division of East Addition to Three Havens, and more particularly described as follows, to wit; Beginning at the southwest corner of Lot 1 of Block 2 of said Subdivision, thence West and along the Alexandria-Carlos Township Line a distance of 33.0 ft.; thence N 00°20'W and parallel with the West line of said Lot 1 a distance of 195.0 ft.; thence East and parallel with the North line of said Lot 1 a distance of 505.33 ft. to the intersection with the westerly line of Hicks Avenue; thence S 09°15'E and along said westerly line of Hicks Ave. a distance of 33.48 ft. to the Northeast corner of said Lot 1; Thence West and along said North line of Lot 1 a distance of 478.0 ft.; thence S 00°20'E and along the west line of said Lot 1 a distance of 162.0 ft. to the point of beginning; and also Lots One (1) and Two (2) of Block Two (2) of said Le Homme Dieu Division of East Addition to Three Havens, being a part of Section 5, Township 128 North, Range 37 West and a part of Section 32, Township 129 North, Range 37, all West of the 5th P.M.; and containing 10.20 acres more or less; have caused same to be surveyed, monumented and platted into Block One (1), Lots One (1) to Ten (10) inclusive as shown on the annexed plat, and to now and hereafter be known as "PERRYLANGE BAY"; and do hereby dedicate to the public use forever the Roads included in said plat and also the BAY which is now a part of Lake Le Homme Dieu by channel as shown.

Platted and dedicated in accordance with M.S. 505.02 thru 505.08. In testimony whereof we have hereunto set our hands this 25th day of September, 1967.

In presence of Edwin Peters, Robt C Swinson

Roger B. Perry — Wilma Perry

Winfred R. Lange — Mona C. Lange

State of Minnesota }ss
County of Douglas }

On this 25th day of September, 1967, before me, a Notary Public, in and for said County and State, personally appeared Roger B. Perry and Wilma Perry, his wife, and Winfred R. Lange and Mona C. Lange, his wife, and to me known to be the same persons described in and who executed the foregoing instrument, and acknowledged that they executed same as their free act and deed.

Robt C Swinson
Notary Public

ROBERT C. SWINSON, Notary Public
Douglas County, Minn.
My Commission Expires Sept. 5, 1969

Taxes for the year 1967 on the lands described within, paid this 27th day of Sept, 1967.

Hans C Hanson
County Treasurer
Deputy

Taxes paid and Transfer entered this 28th day of September, 1967.

Rol Penner
County Auditor
M A Fahrnish
Deputy

OFFICE OF THE REGISTER OF DEEDS
DOUGLAS COUNTY, MINNESOTA }ss

I hereby certify that the within plat was filed in this office for record this 29 day of September, 1967, at 9:00 o'clock A.M.

84807

Worth Brundy
Register of Deeds
Deputy

- SYMBOLS -

S.B. indicates outside boundary
Bearings are assumed
● indicates iron monuments in place
○ indicates iron pipe

I, Richard D. Howe, Registered Land Surveyor in and for the State of Minnesota, do hereby certify that I have surveyed, monumented and platted the land described in the foregoing instrument, that the annexed plat is a correct representation of the survey as made by me or under my direct supervision, that all distances are shown correctly on the plat in feet and decimals of a foot, that all iron monuments have been placed in the ground as shown by the symbol ○ , that the outside boundary lines are correctly shown on the plat, that the low or wet lands, if any, are as shown, that there are no public highways or easements to be designated on said plat other than as shown, that the scale of this plat is 1"=100' and that this subdivision contains 10.20 acres more or less.

In testimony whereof I have hereunto placed my hand and seal this 15 day of September, 1967.

Richard D Howe
Richard D. Howe
R.L.S. No. 6933

State of Minnesota }ss
County of Douglas }

Subscribed and sworn to before me this 15th day of September, 1967.

M A Fahrnish
Notary Public

DEPUTY COUNTY AUDITOR

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of Subdivision Controls Ordinance of Douglas County and Chapter 505 Minnesota Statutes.

Richard D Howe
Surveyor for Douglas County

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

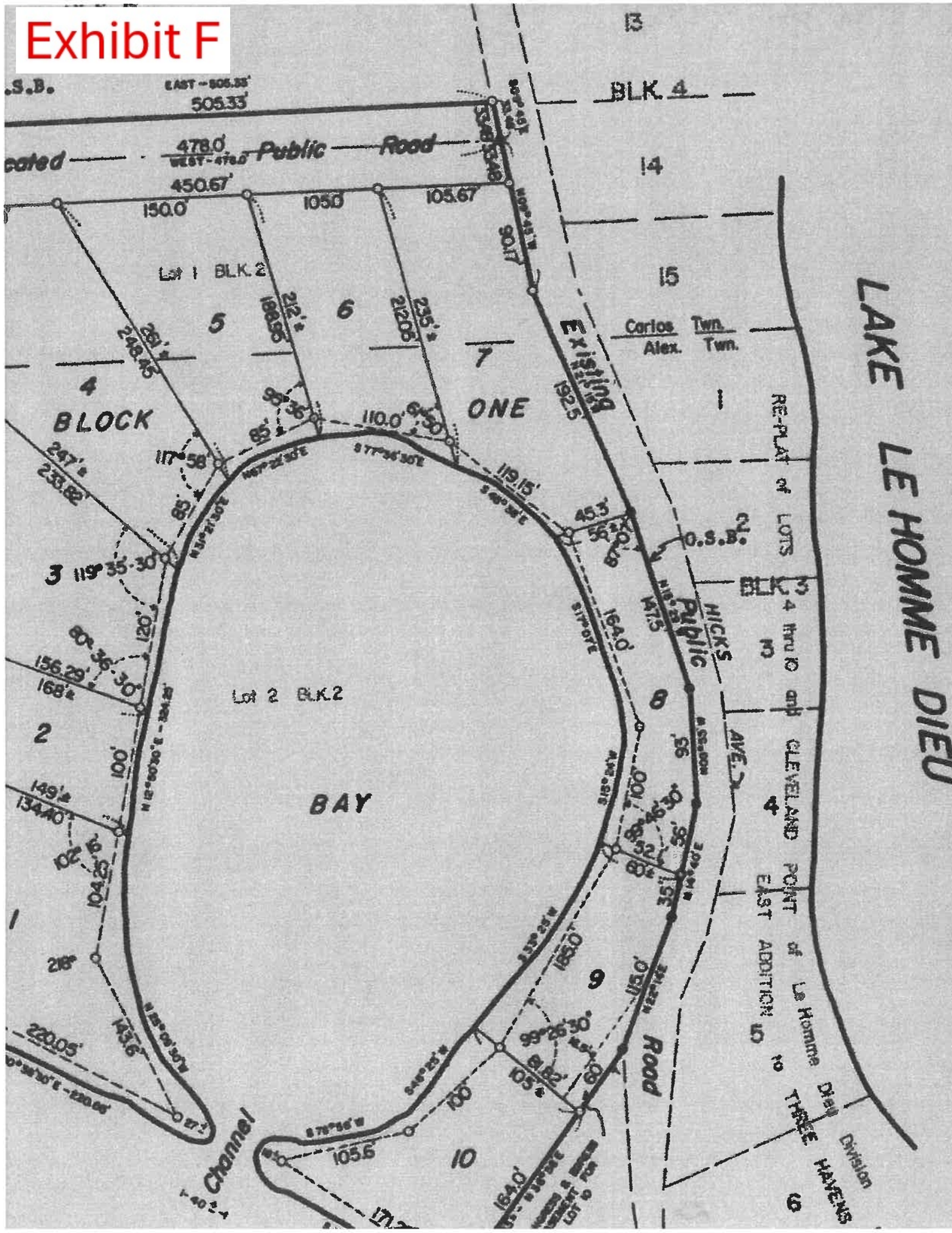
Robt C Swinson
Attorney for Douglas County

Approved by the Board of County Commissioners for Douglas County, Minnesota, this 26th day of September, 1967.

Rol Penner
Douglas County Auditor
M A Fahrnish

Exhibit F

Fath V-26-001



caused same to be
the annexed plat,
ever the Roads in
Platted and dedicated
hands this 25th day of September

In presence of Elsie Fath
Ruth Swanson

State of Minnesota }ss
County of Douglas }

On this 25th day of September
State, personally appeared Roger B. Perry and Wilma
and to me known to be the same persons described in
they executed same as their free act and deed.

84

Taxes for the year 1967 on the lands described within, paid this 27th day of Sept, 1967.

Hans C Hanson
County Treasurer
Deputy

Taxes paid and Transfer entered this 28th day of September, 1967.

R I Perry
County Auditor
Deputy

OFFICE OF THE REGISTER OF DEEDS }ss
DOUGLAS COUNTY, MINNESOTA

I hereby certify that the within plat

84807

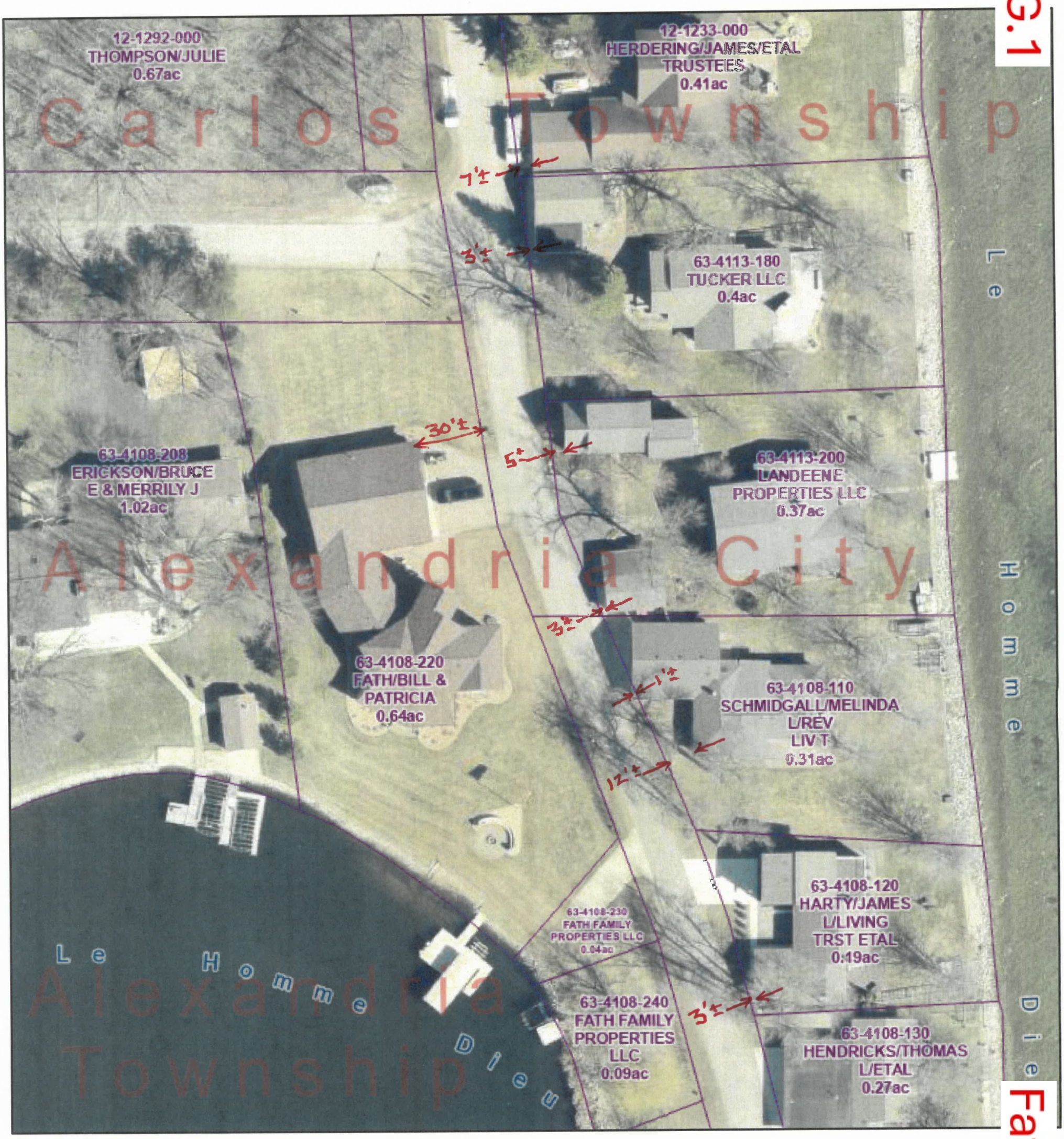
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Exhibit G.1

Douglas County, MN



11/10/2026, 10:10:52 AM

1:1,048

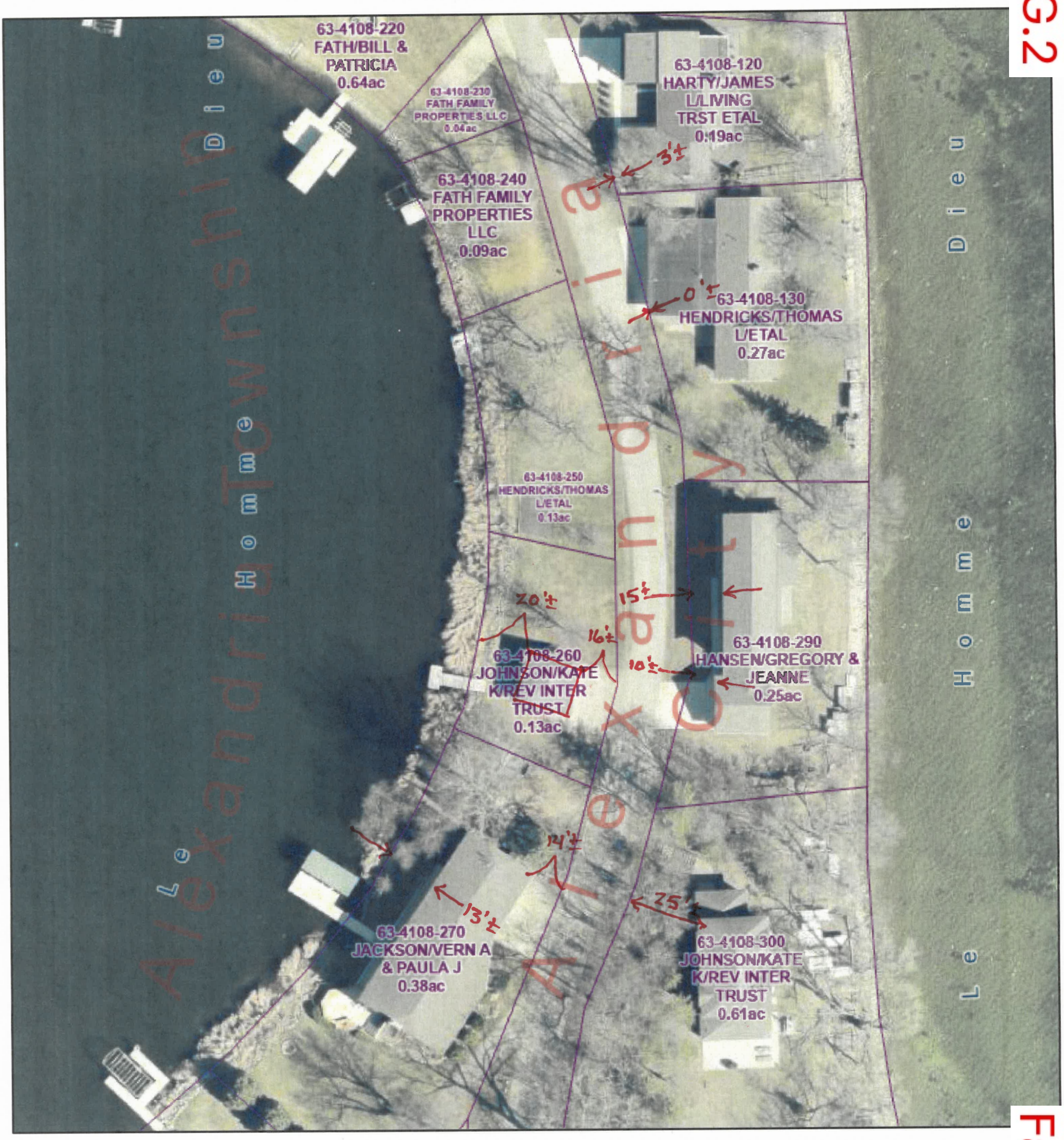
0 0.01 0.01 0.02 mi

0 0.01 0.01 0.03 km

Fath V-26-001

Exhibit G.2

Douglas County, MN



11/10/2026, 10:13:23 AM

1:1,048

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0 0.01 0.01 0.03 km

Survey & GIS Division, Douglas County Public Works

Fath V-26-001

Exhibit H

Fath V-26-001



ZONING TEXT AMENDMENT – TA-26-003 – City of Alexandria

Background

This application seeks to amend a portion of the City's sign ordinance (Section 10.24, Subd.4, "Definitions") to clarify terms. The existing Section language refers to streets and to right of way but does not define those terms. The proposed amendment would add two terms to help provide clarity.

Authorization: The amendment is authorized by City Code Section 10.23, Subd.2.

Notice Required: Since the amendment will be effective City-wide, individual property owner notices are not required. The hearing notice was published as required.

Proposed Amendment: Add the following definitions:

"QQ.1 Public right-of-way (or rights-of-way). Means the right-of-way or easement of a City street, as differentiated from a County road, County State Aid Highway, Township road, or State Trunk Highway. (See also "Public Street".)

QQ.1 Public Street. Means the right-of-way or easement of a City street, as differentiated from a County road, County State Aid Highway, Township road, or State Trunk Highway. (See also "Public right-of-way or rights-of-way".)"

Recommendation: Following the public hearing and discussion by the Commission, recommend approval as presented and direct staff to prepare the necessary ordinance for a first reading at the Council's November 23, 2026 meeting.

ZONING TEXT AMENDMENT – TA-26-004 – Allison Bakkum

Background

This application seeks to amend a portion of the City's zoning ordinance (Section 10.21, "PUD", Planned Unit Development District) to allow, "…an optional, nonbinding **General Concept Plan** review process between the pre-application conference and formal Preliminary PUD application allowing early review by the Planning Commission and City Council before the applicant proceeds with the detailed plans, surveys, engineering, architectural work, and other materials required for a formal Preliminary PUD application." The full text of the proposed amendment is found in the attached narrative "Land Use Request – Addendum D", on pages 2-4, under item #3.

Background: The City's PUD process currently provides the following preliminary review:

"2. Prior to the submittal of an application for a PUD, the applicant shall schedule a pre-application conference with the City's **Development Review Team**. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.

At least ten (10) days prior to the meeting, the applicant shall submit a concept plan containing the following information:

a. Overall maximum PUD density.
b. Specific location of major streets and pedestrian ways.
c. Location and extent of public and common open space.
d. Staging and time schedule of development.
e. Other special criteria for development.
f. Specific location of residential and nonresidential land uses with approximate type and intensities of development.
g. Narrative describing how the proposed development will be superior or more innovative than conventional development undertaken through the City's land use regulations. The statement shall also substantiate how the proposed PUD will provide a benefit to the public beyond what is available through conventional development.

3. The preliminary development plan and the final development plan may be

combined and together processed through review as a final development plan. In addition, the applicant may file a concurrent subdivision application, in accordance with the procedures as set forth in this Code and/or a concurrent rezone application, in accordance with the procedures as set forth in this Code, which application(s) shall be processed concurrently with the PUD application(s)."

This preliminary Development Review Team (DRT) review is conducted at the staff level and the invitation to participate is extended to our partners including ALP Utilities (both water and power), ALASD, Centerpoint Energy, Lumen, Douglas County (both Land and Resource Management and Public Works), DNR, MnDOT, City Administration, City Building Department, City Engineer, City Police Department, USPS, School District 206, City Parks and Streets, EDC, and others. At the conclusion of that meeting (for which there is no application or fee) a developer will leave with substantial information about the public (and other) services available for connection to or extension to their project, the costs of such connection or extension, the timeframe required by the various providers, additional information that may be required for a PUD submittal (traffic impact studies, engineering details, potential impacts on public schools, zoning and subdivision rules, etc.), and the process each provider requires. The DRT meeting is not open to the public and does not provide either approvals or denials. The DRT process is required for all PUDs and for all projects seeking Tax Increment Financing. It was included in the original PUD ordinance adopted by the City.

The Effects of the Proposal:

1. This proposal could potentially add three more layers of review (staff, Planning Commission, City Council) as well as requiring an application submittal and payment of a fee.
2. The stated purpose is "…to provide an opportunity for the City and public to identify questions, concerns, opportunities, and potential modifications early in the project design and development process.", but there is no provision for how the public will be heard beyond the proposed Neighborhood Meeting (page 2 of Addendum D narrative), and the responsibility for convening and documenting that meeting appears to lie with the developer. It would not be a public hearing.
3. Brainerd, MN is cited as a model. The Brainerd Community Development Director has provided the following context on their use of the General Concept Plan process: "It is not typically used for experienced developers on PUD development that is consistent with other residential development, (those) developers can bypass the General Concept Plan. It was very useful for a new developer that was looking to PUD a tiny home community. She did not have to present full civil plans (only a preliminary site plan) and was able to get feedback from City Council regarding tiny homes. She decided to go a different direction as the comments from City Council were mostly against the concept."

Recommendation: The consideration of a zoning text amendment requires the

City (Commission and Council) to act in its legislative capacity, rather than its quasi-judicial capacity. This means that the City has much broader discretion, since it is in the rule-making process rather than the rule-implementation process. No checklist of findings of fact can be provided since the City's task is to ask questions like, "Does this proposal aid in the implementation of the City's Comprehensive Plan?" and that question can't be answered with a metric such as would be the case in a variance or conditional use request. The Commission should fully discuss possible ramifications of the proposal and reach a decision based on that discussion, input from the applicant, and comments from the public. Staff recommends approval as an interim ordinance for up to one year, with revisions to the request as deemed appropriate by the Commission. Also note that since this is not a land use request, it is not subject to the 60-day Rule and the Commission can act to table the request for more information, further review and analysis, or revision and reconsideration.

ATTACHMENTS

- TA-26-003 Bakkum Application.pdf
- Land Use Request Addendum D.pdf
- TA-26-003 Bakkum Application.pdf

LAND USE APPLICATION

CITY OF ALEXANDRIA

City of Alexandria
704 Broadway | Alexandria, MN 56308
Ph: (320) 763-6678 | Fax: (320) 763-3511
www.alexandriamn.city

Application #	Date App. Received / Date App. Complete	Fee Collected
TA-26-003	10 / 12 / 2026 10 / 12 / 2026	$ $400.00

A. Owner Information

Black, Steve
Property Owner Name (Last, First, MI) — Phone

6783 Circle Dr. NE — Alexandria, MN 56308
Property Owner Address — City/State/Zip — Email Address

B. Applicant Information *(If Different From Above)*

Bakkum, Allison — 320-491-3508
Applicant Name (Last, First, MI) — Business Name — Phone

4180 Rue De Frenchman, NE — Alexandria, MN 56308 — allisonbakkum@gmail.com
Applicant Address — City/State/Zip — Email Address

C. Project Location/Description

Parcels 63-4105-360, 63-4105-350, 63-4105-370, 63-4105-390
Address of Subject Property — PIN:

Legal Description *(attach separate if lengthy narrative)*

Residential
Present Zoning Classification — Present Comprehensive Plan Classification

Is the property located within 1,000 ft of a lake? ☒Yes ☐No — Le Homme Dieu (Waterbody Name) — ☐GD ☐RD ☐NE (Waterbody Classification)

D. Application Information

Check Applicable Request(s):

1. ☐ Conditional or Interim Use Permit — **Complete Addendum A**
2. ☐ Map Amendment : Zoning District (Rezoning) and/or Future Land Use (FLU) — **Complete Addendum B**
3. ☐ Variance — **Complete Addendum C**
4. ☒ Zoning Text Amendment — **Complete Addendum D**
5. ☐ Appeal — **Complete Addendum E**
6. ☐ Other (Specify _____ Attach Narrative)

E. Acknowledgement & Signature

BY MY SIGNATURE BELOW: I certify that the information submitted with the application is true and accurate; I acknowledge that this application is not deemed complete until reviewed by City staff and that I will be notified within 15 days of application submission if the application is incomplete; I understand that submission of the application does not imply approval of this request by the Planning Commission or the City Council; nor does it in and of itself guarantee issuance of any other required permits and licenses and I acknowledge that this application may be tabled until a later meeting if either I or my designated representative is not present at the meeting for which a public hearing is scheduled.

Signature: _____ **Date:** 10/12/26
Owner or Applicant

Planning Commission Action: **Tabled** _____ **Approved** _____ **Denied** _____

City Council Action: **Tabled** _____ **Approved** _____ **Denied** _____

Comments _____

Signature: _____ **Date:** _____
Zoning Administrator

LAND USE REQUEST - ADDENDUM D

ZONING TEXT AMENDMENT

PLEASE TYPE OR PRINT NEATLY
ATTACH ADDITIONAL SHEETS AS NECESSARY

Narrative – Description and background

1. Identify the Section(s) of the Zoning Ordinance sought to be amended:

SEE ATTACHED

2. What existing text is requested to be repealed or replaced?

3. What is the proposed text?

4. State the reason(s) for the text amendment:

LAND USE REQUEST – ADDENDUM D

ZONING TEXT AMENDMENT

Narrative – Description and Background

1. Identify the Section(s) of the Zoning Ordinance sought to be amended:

City of Alexandria Zoning Ordinance, **Section 10.21, "PUD" Planned Unit Development District, Subdivision 6 – Planned Unit Development; Type, Process, Application, Approval and Decision Criteria, and Open and Recreation Space Requirements**, specifically the procedural requirements for pre-application review and preliminary Planned Unit Development review.

The requested amendment would retain Alexandria's existing Development Review Team (DRT) pre-application conference and existing preliminary and final PUD approval processes, while adding an **optional, nonbinding General Concept Plan review process** between the pre-application conference and formal Preliminary PUD application.

The amendment would also authorize the City to recommend that an applicant conduct an informal neighborhood meeting prior to submitting a General Concept Plan.

---

2. What existing text is requested to be repealed or replaced?

No existing PUD approval requirements are requested to be repealed.

The applicant requests that Section 10.21, Subdivision 6 be **amended and supplemented** to create an optional General Concept Plan review stage prior to formal Preliminary PUD review.

Alexandria presently requires a pre-application conference with the City's Development Review Team before submission of a PUD application. A concept plan is submitted for that staff-level, only, review to allow the applicant to obtain guidance regarding the general suitability of the proposal before incurring substantial expense.

The proposed amendment would retain that process but provide an additional voluntary opportunity for early review by the Planning Commission and City Council before the applicant proceeds with the detailed plans, surveys, engineering, architectural work, and other materials required for a formal Preliminary PUD application.

All existing requirements for formal Preliminary PUD and Final PUD review and approval would remain in effect.

---

3. What is the proposed text?

It is proposed that **Section 10.21, Subdivision 6** be amended to add the following provisions following the existing pre-application conference provisions and prior to the formal Preliminary PUD application process:

Neighborhood Meeting

Beofre or following the pre-application conference and prior to submission of a General Concept Plan or Preliminary PUD application, the City may recommend that the property owner/applicant hold a neighborhood meeting for informal comment and feedback regarding the proposed development.

The purpose of the neighborhood meeting is to provide neighboring property owners and other interested persons an opportunity to learn about the proposed development, ask questions, identify concerns, and provide informal feedback while the project remains in its conceptual stage.

A neighborhood meeting conducted under this section shall be informational and shall not constitute a public hearing, City approval, or formal City action.

General Concept Plan

Following the required pre-application conference and prior to submission of a formal Preliminary PUD application, an applicant may voluntarily submit a **General Concept Plan** for review by the City.

General Concept Plan review is voluntary but strongly encouraged for projects where early public and City review may assist the applicant in refining the proposed development before substantial expenditures are incurred for detailed engineering, architectural plans, surveys, studies, or other materials required for formal PUD review.

The purpose of the General Concept Plan is to allow the applicant to present the basic intent and general nature of the proposed development and to provide an opportunity for the City and public to identify questions, concerns, opportunities, and potential modifications early in the project design and development process.

The General Concept Plan should include, as applicable:

Bakkum Narrative "Land Use Request - Addendum D

1. Overall maximum Planned Unit Development density or density range.
2. Proposed general location of major streets, driveways, circulation routes, and pedestrian ways.
3. Proposed general location and extent of public and common open space.
4. Proposed general location of residential and nonresidential land uses, including the approximate type and intensity of development.
5. Proposed staging and anticipated time schedule of development.
6. Other special criteria, site characteristics, or development considerations necessary to reasonably understand the proposed development.

The Zoning Administrator may waive or modify General Concept Plan submission requirements that are not applicable to the proposed development or that would require a level of professional design or engineering more appropriately completed during the Preliminary PUD stage.

General Concept Plan Process

A. A General Concept Plan application shall be submitted in a form prescribed by the City and accompanied by any fee established by City ordinance or resolution. The application shall include sufficient written and graphic information to allow the City to understand the general nature of the proposed development.

B. The applicant or the applicant's representative shall appear before the Planning Commission to present the proposed General Concept Plan and answer questions concerning the proposed development.

C. The Planning Commission shall review the General Concept Plan and provide comments and recommendations to the City Council regarding the proposed development.

D. The City Council shall review the General Concept Plan, together with comments and recommendations from the Planning Commission, and may identify its general support, concerns, questions, or recommended modifications regarding the concept as presented.

E. All comments, feedback, and recommendations provided during General Concept Plan review are **advisory guidance only** to assist the applicant in preparing a formal Preliminary PUD application.

F. Review of a General Concept Plan does **not** constitute approval or denial of a Planned Unit Development, rezoning, conditional use permit, variance, preliminary plat, site plan, building permit, or any other land use approval.

G. General Concept Plan review does not create or convey development rights, does not bind the applicant, Planning Commission, City Council, City staff, or neighboring property owners, and does not limit the City's authority to apply all ordinances, standards, findings, public hearing requirements, and approval criteria applicable at the time a formal land use application is submitted.

H. An applicant may modify the proposed development following General Concept Plan review in response to comments received from City staff, neighboring property owners, the Planning Commission, City Council, or other reviewing agencies.

I. Following General Concept Plan review, the applicant may proceed with preparation and submission of a formal Preliminary PUD application in accordance with all other requirements of this Ordinance.

---

4. State the reason(s) for the text amendment:

Alexandria's existing PUD ordinance recognizes that early review is beneficial before an applicant incurs substantial expense. The existing ordinance therefore requires a pre-application conference with the Development Review Team and submission of a concept plan before formal PUD application.

However, the existing process primarily provides this early conceptual review at the **staff level**. Meaningful public, Planning Commission, and City Council review generally occurs later, after an applicant has invested substantially more money in the detailed information necessary for a formal PUD application.

The proposed amendment would address this gap by creating a voluntary General Concept Plan stage between the existing Development Review Team process and formal Preliminary PUD review.

The proposed process is modeled substantially on the Planned Unit Development procedure used by the **City of Brainerd, Minnesota**, which provides for pre-application review, an optional neighborhood meeting, and voluntary General Concept Plan review before detailed development-stage review.

The amendment is intended to:

1. **Encourage early public participation.** Neighboring property owners could learn about and comment on a proposed PUD while the project remains conceptual and can more readily be modified.
2. **Improve transparency.** Significant development concepts could be discussed openly before substantial private expenditures have been made and before the project reaches the formal approval stage.
3. **Reduce unnecessary development costs.** Applicants could receive early feedback from City staff, the Planning Commission, City Council, neighboring property owners, and other interested parties before commissioning detailed engineering, architectural plans, surveys, drainage studies, and other costly professional work.
4. **Allow concerns to be addressed earlier.** Issues involving land use, density, traffic, pedestrian circulation, open space, neighborhood compatibility, utilities, access,

screening, lighting, and other development considerations could be identified while the project remains flexible.

5. **Improve the quality of formal PUD applications.** Applicants could use the guidance received during concept review to prepare a Preliminary PUD application that better responds to City and neighborhood concerns.
6. **Preserve the City's existing authority.** The proposed General Concept Plan review would be advisory and nonbinding. It would not approve a project, establish development rights, eliminate a required public hearing, or change the City's authority to approve, condition, modify, or deny a subsequent formal land use application.
7. **Preserve Alexandria's existing Development Review Team process.** The amendment supplements rather than replaces DRT review and provides a bridge between technical staff review and the formal PUD approval process.
8. **Better implement the purpose of the PUD ordinance.** Alexandria's PUD ordinance is intended to provide flexibility in land use and design while protecting neighborhoods and encouraging compatible mixed-use development, efficient development, and infill. Earlier collaborative review supports those purposes.

The requested amendment therefore does **not seek approval of any particular development project** and does not change the substantive zoning standards applicable to a PUD. Rather, it establishes an optional procedural tool that would be available to future PUD applicants throughout the City.

The goal is simple: **obtain meaningful public and City feedback while a project is still a concept, rather than after substantial resources have been spent turning that concept into detailed plans.**

LAND USE APPLICATION

CITY OF ALEXANDRIA

City of Alexandria
704 Broadway | Alexandria, MN 56308
Ph: (320) 763-6678 | Fax: (320) 763-3511
www.alexandriamn.city

Application #	Date App. Received / Date App. Complete	Fee Collected
TA-26-003	10/12/2026 10/12/2026	$400.00

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6783 Circle Dr. NE — Alexandria, MN 56308
Property Owner Address — City/State/Zip — Email Address

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C. Project Location/Description

Parcels 63-4105-360, 63-4105-350, 63-4105-370, 63-4105-390
Address of Subject Property

PIN:

Legal Description *(attach separate if lengthy narrative)*

Residential
Present Zoning Classification — Present Comprehensive Plan Classification

Is the property located within 1,000 ft of a lake? ☒Yes ☐No — Le Homme Dieu (Waterbody Name) — ☐GD ☐RD ☐NE (Waterbody Classification)

D. Application Information

Check Applicable Request(s):

1. ☐ Conditional or Interim Use Permit — **Complete Addendum A**
2. ☐ Map Amendment : Zoning District (Rezoning) and/or Future Land Use (FLU) — **Complete Addendum B**
3. ☐ Variance — **Complete Addendum C**
4. ☒ Zoning Text Amendment — **Complete Addendum D**
5. ☐ Appeal — **Complete Addendum E**
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Signature: _____ **Date:** 10/12/26
Owner or Applicant

Planning Commission Action: **Tabled** _____ **Approved** _____ **Denied** _____

City Council Action: **Tabled** _____ **Approved** _____ **Denied** _____

Comments _____

Signature: _____ **Date:** _____
Zoning Administrator

LAND USE REQUEST - ADDENDUM D

ZONING TEXT AMENDMENT

PLEASE TYPE OR PRINT NEATLY
ATTACH ADDITIONAL SHEETS AS NECESSARY

Narrative – Description and background

1. Identify the Section(s) of the Zoning Ordinance sought to be amended:

   SEE ATTACHED

2. What existing text is requested to be repealed or replaced?

3. What is the proposed text?

4. State the reason(s) for the text amendment:

A

CITY OF ALEXANDRIA

Planning Commission
704 Broadway
Alexandria, MN 56308

SCHEDULED
INFORMATIONAL (ID # 10775)

Meeting: November 16, 2026
Department: Planning Department/Commission
Category: Report
Prepared by: Erin Anderson
Department Head: Mike Weber
DOC ID: 10775

Data Center Study – City of Alexandria Interim Ordinance – TA-26-002

Background

We have attached a draft ordinance creating a new zoning district titled Data Center Planned Unit Development (DCPUD) and amending existing City Code Sections as necessary to accommodate the new district provisions. The draft is presented for Commission discussion and suggested revision. If the Commission so desires, we could have the recommended final version available for public hearing in either December or January. Our discussion in November should utilize the Tool Kit distributed to the Commission last month.

Staff is also considering the option of dividing data centers by size, essentially allowing centers using up to 2 MW of power as a conditional use in both the B-1, "General Business" and the I-1, "Light Industrial" zoning districts, and steering projects of 2 MW or larger to the DCPUD. Additional discussion on that concept will be welcomed.

Also, as has become the norm, additional news updates are enclosed with this memo for your reference.

ATTACHMENTS

- Navigating the Data Center Boom.pdf
- Alexandria, MN Data Center Ordinance - draft.pdf
- Draft Data Center Zoning 11.26.pdf

Navigating the Data Center Boom: What Local Leaders Need To Know

BY ANDREW BIGGERSTAFF

The growth of artificial intelligence (AI) and increasing demand for computing power have fueled a boom in data center development, particularly hyperscale facilities that combine hundreds of thousands of square feet of climate-controlled space with racks of servers.

For local governments, these projects rarely start with a standard planning application. Instead, they often begin with mysterious inquiries under tightly guarded code names, such as Project Loon or Project Skyway, leaving local leaders trying to separate fact from fiction.

To make sense of these proposals, it helps to recognize that data center development typically involves four constituencies:

- **Data center developers:** Companies that assemble land, secure infrastructure, and deliver "shovel-ready" sites.
- **End users:** Technology companies that rely on computing power for their operations, such as Meta and Google. Data centers also support everyday services, including online banking and local government websites.
- **Electrical utilities:** Providers that supply the massive electrical loads needed to power and cool the facilities.
- **The public:** The local government and residents where the development is proposed.

Like any major land use application that comes before a city council, data centers bring unique challenges. But unlike traditional industrial projects, they often involve fast timelines, unprecedented utility demands, and stringent corporate secrecy. Communities that want to avoid being caught flat-footed should take a proactive approach.

Managing nondisclosure agreements

Nondisclosure agreements (NDAs) can be an early point of friction because they require one or more parties to keep specified confidential information private and not disclose it to others. Under the Minnesota Government Data Practices Act, government data is presumed public unless specifically classified otherwise. Conversely, data center developers often operate under strict confidentiality to prevent land-acquisition speculation and inflated property costs. As a result, developers frequently ask local staff and elected officials to sign NDAs.

Signing an NDA is not categorically prohibited by law, but caution is required. The Minnesota Data Practices Office has opined that even when a city signs an NDA, the NDA cannot limit access to public government data, and provisions in an NDA that attempt to do so are unenforceable. (Advisory Opinion 25-004, Advisory Opinion 22-006). Nor should an NDA prevent elected officials from communicating with constituents, although it can place difficult restrictions on what those communications might involve.

Local leaders should consult their city attorney before signing an NDA to consider both the legal boundaries and the practical effects on local governance. During the 2026 Minnesota legislative session, bills were introduced that would have limited local officials' ability to sign NDAs, so local leaders should continue to monitor this issue.

Evaluating impacts

Beyond secrecy, communities naturally have concerns about resource consumption, including water and energy use, noise and light pollution, and the scale of these facilities.

Local leaders should keep perspective by comparing data centers with existing industrial properties. Industrial processing plants, food producers, and manufacturers can also require significant water and energy resources. However, few industrial users, if any, require the level of electricity demanded by many hyperscale data centers.

Similarly, heavy industrial noise and light pollution are often addressed through existing municipal standards. Local officials should use a "trust but verify" approach, rather than taking developer or opponent statements and projections at face value.

Using local controls

Fortunately, cities have tools to help them navigate this wave of data center development. Two important ones are interim ordinances and conditional use permits (CUPs).

Interim ordinances can give cities time to study the issues associated with data center development. A temporary moratorium can allow a municipality time to consult utility and planning experts, analyze infrastructure capacity, and develop thoughtful, permanent regulations tailored to the community's long-term goals. Cities should consult their city attorney to determine the timing and scope of any moratorium considered.

The CUP process offers a powerful mechanism for ongoing oversight. Because CUPs allow cities to impose tailored site conditions, they help ensure data centers coexist peacefully with neighbors. Conditions may address concerns such as exterior cooling fan noise, mandates for closed-loop cooling or water conservation where feasible, backup power using batteries instead of diesel generators, and lighting restrictions.

Balancing opportunities and risks

Ultimately, data centers are neither an existential threat nor a guaranteed financial windfall. They are complex industrial land uses. They expand tax bases and bring jobs, but can also strain resources and erode public trust if mishandled.

They also can create opportunities for creative problem-solving for local leaders. Treating developers as partners in the process may open the door to community benefits agreements that provide one-time or ongoing contributions to the host community. Data center development may also create opportunities for brownfield redevelopment.

Local governments facing these proposals are best served by establishing clear regulations and not being rushed into making decisions. Instead, cities should slow down and take the time they need, within the confines of regulatory timelines, to thoroughly consider the matter.

City officials represent the public, not the developer, utility, or end user. Maintaining that perspective can help communities navigate this evolving area of development.

Andrew Biggerstaff is an attorney at Kennedy & Graven (**kennedy-graven.com**). Kennedy & Graven is a member of the League's Business Leadership Council (**lmc.org/sponsors**).

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CITY OF ALEXANDRIA

AN ORDINANCE AMENDING THE ALEXANDRIA CITY CODE, SECTION 10.02 (DEFINITIONS), SECTION 10.15 SUBD.4, (I-1, "LIGHT INDUSTRIAL", "CONDITIONAL USES", AND SECTION 10.21 (PLANNED UNIT DEVELOPMENT/PUD) ESTABLISHING A DATA CENTER PLANNED UNIT DEVELOPMENT ZONING DISTRICT

***THE CITY COUNCIL OF THE CITY OF ALEXANDRIA HEREBY ORDAINS*:**

Section 1. Section 10.02, Definitions, is hereby amended to add or amend the following:

Data center, accessory. A use which is incidental and subordinate in both area and extent to a principal use of property and which serves the principal use for the purpose of storage, management, processing, and transmission of digital data, which houses computer or network equipment. Such accessory use shall not include any mechanical equipment not fully shielded by building walls and shall not include any external power generation equipment.

Data center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations, together with its accessory and appurtenant facilities, which may also include offices, air handlers, back-up power generators, water cooling systems and water storage facilities, utility substations, and other associated infrastructure necessary to support sustained operations at a data center. The term Data Center shall not include accessory digital data computing facilities as defined by this ordinance which are not the principal use of a property in extent or area but which perform similar functions. The term Data Center shall not include data mining as defined by this ordinance.

Data center campus. A facility comprised of more than one principal data center building, but otherwise interconnected by power supply, communication systems, power generation or other operational systems to form a unified Data Center facility. This definition may include, but shall not be limited to, "Technology Campus", "Cloud Computing Center", "Information Technology Campus", and similar phrases and terms. May include accessory and appurtenant facilities as defined by this ordinance for "data center". The term data center campus shall not include data mining as defined by this ordinance.

Data center floor area ratio (DCFAR). The floor area ratio for a data center or data center campus facility shall be defined as the ratio obtained by dividing the total gross floor area of the principal and accessory data center building(s) within the Data Center Planned Unit Development by the total net land area of the proposed Data Center Planned Unit Development, where net land area is defined as the gross land area of the Data Center Planned Unit Development less the square footage of stormwater ponding or public waters (measured from ordinary high water level), wetlands (measured from the delineation line), easements necessary for public improvements, right of way required to be platted for any purpose, and land area for required setbacks and perimeter buffer yards established per this ordinance. Accessory uses or structures which are not buildings such as electrical substations, parking areas, etc. shall not be considered eligible floor area. All measurements shall be to the nearest 1/10th of an acre.

Data mining. A temporary or portable structure used primarily for the storage, management, processing, and transmission of digital data, specifically including but not limited to cryptocurrency, which houses computer or network equipment, systems, services, appliances, and other associated components related to digital data storage and operations. Such facilities are less than 20,000 square feet individually or when assembled in multiple temporary or portable structures and are not constructed of customary industrial building materials such as concrete panels, masonry block, brick or other similar materials. These facilities include no permanent employment on-site.

Section 2. Section 10 is hereby amended to add the following:

10.15.1 **Data Center Planned Unit Development (DCPUD) Zoning District**

J. Data Center Planned Unit Development (DCPUD) Zoning District

(1) *Purpose.* The City Council finds that data center uses are highly variable in size, scope, impact, and potential issues, and all such variables may have differential impacts on existing and future land uses, or on the City's land use plans and regulations. The purpose of the Data Center Planned Unit Development (DCPUD) Zoning District is to provide for, and regulate, Data Center development in appropriate locations, specifically within areas that are otherwise designated for Light Industrial Park land uses in the Alexandria Comprehensive Plan (2040 Vision + Plan), as it may be amended. It is the intent of this ordinance that all costs of development and infrastructure attributable to data center development, if approved, shall be borne by the data center developers, owners, and/or operators, and that approvals, if granted, shall

provide for financial guarantees in this regard as a condition of any such approvals. There shall be no inherent right to rezoning to DCPUD.

(2) *Applicability.* All data center or data center campus development within the City of Alexandria shall be regulated by this section.

(3) *Approval Criteria, Rezoning.* No land shall be zoned as DCPUD unless the application is found consistent with all of the following factors, or if inconsistent, where the City Council specifically finds that the facility as proposed has mitigated any inconsistent factor.

(a) Land is guided as Light Industrial in the City's applicable Comprehensive Plan.

(b) Land is zoned I-1 (Light Industrial District) in the City's applicable zoning ordinance if within the municipal boundary of the City of Alexandria at the time of application for rezoning.

(c) The applicant will demonstrate that the project will be served with and connected to City sanitary sewer and water supplies for specified data center demands and is able to demonstrate to the satisfaction of the City that the DCPUD will not create shortages in the capacity of the City's sanitary sewer and water supplies or create an inability to provide adequate utility service in other existing or planned areas of the City, including the Alexandria Orderly Annexation Area.

(d) The applicant will provide financial guarantees for the installation of all municipal utilities, transportation, and any other public services or infrastructure necessary by the City to support the DCPUD, and for any infrastructure improvements or mitigation for the expected public infrastructure impact or capacity increase created or required by the DCPUD, and will identify a timeline satisfactory to the City for the submission of payments and securities for such infrastructure.

(e) The applicant will provide the necessary financial guarantees to extend necessary municipal utilities to the DCPUD site, and if developed in phases will avoid the stranding or incomplete extension of municipal infrastructure resources to the furthest extent of the DCPUD or other extension point as determined by the City. Except where expressly approved by the City Council, all public rights of way or easements shall be dedicated and/or extended to limits of the property zoned DCPUD to facilitate extension to adjoining property as a part of first-phase of development.

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(f) The applicant will demonstrate that the project will be adequately served with electricity supplies for the specified data center demands from the local electric power supplier as required by phase if applicable and demonstrates power supply capacity to existing property owners in the City and planned areas of the City, including the Alexandria Orderly Annexation Area.

(g) The applicant demonstrates that the project will provide adequate vehicular and non-vehicular transportation facilities, such as roadways, pathways, sidewalks or similar, to serve the project and will adequately extend such facilities to serve adjoining future development areas.

(h) The DCPUD will not displace other land uses the City deems important for the stable, long-term growth of the community, including other industrial lands or other lands critical to the achievement of the City's long-range development goals, and the City determines that absorption of land area for data center development is appropriate based on the City's industrial and other long-range land use development goals as described in the Alexandria 2040 Plan and other adopted City planning documents.

(i) The DCPUD will provide identifiable public benefits, including the creation and maintenance of tax base, and will avoid negative impacts such as those identified in this section, over the long term.

(j) The DCPUD identifies and demonstrates adequate compliance with the provisions of this section and State law for exterior impacts perceptible from the boundaries of the facility, including but not limited to those for noise and lighting impacts.

(k) The DCPUD will demonstrate compliance with all other applicable sections of this chapter.

(l) All applicable State Pollution Control Agency, Department of Natural Resources, Department of Health, and Department of Transportation requirements are met to the City's satisfaction.

(m) The DCPUD will not conflict with other elements of the City's Comprehensive Plan.

(4) *Approval Criteria, Conditional Use Permit.* No Conditional Use Permit within the DCPUD shall be approved unless the land has been zoned DCPUD. No permit for work within the DCPUD as approved by the DCPUD Conditional Use Permit may be issued until the applicant has demonstrated compliance with all

of the DCPUD Minimum District Performance Standards and has met the assigned conditions of approval to the satisfaction of the City

(5) *Principal uses*. Principal uses allowed in the DCPUD are as follows, subject to an approved DCPUD Conditional Use Permit meeting the procedural and performance standards of this section, and all generally applicable standards of the Alexandria Zoning Ordinance:

(a) Data Center.

(b) Data Center Campus.

(6) *Accessory uses*. The following accessory uses are permitted uses in the DCPUD, subject to the procedural and Minimum District Performance Standards of this section, and all generally applicable standards of the Alexandria Zoning Ordinance.

(a) Offices and office buildings.

(b) Security buildings.

(c) Support facilities such as outdoor generators, mechanical or electrical equipment, electrical substations and transmission structures, or similar elements which are necessary to support the principal use.

(d) Off-Street Parking, subject to the requirements of the Alexandria Zoning Ordinance Section §153.067 per Parking Schedule #2.

(e) Signs, Fencing, and Off-Street Loading subject to the provisions of this chapter, except as otherwise prohibited or regulated by this section.

(f) Roof-mounted solar-energy systems or green-roof installations.

(g) EV charging stations.

(h) Wireless telecommunication service antenna and support structure(s) necessary to the function of the DCPUD, subject to the requirements of this section for setback and height.

(i) Any other use that is subordinate to and serving the principal use and customarily incidental to the principal use. Such use shall be authorized by DCPUD Conditional Use Permit.

(7) *Prohibited uses.* The following uses are specifically prohibited in the DCPUD:

(a) The use of cargo or shipping containers, railroad containers, semi-trailer containers, and other similar storage containers, or any building that does not meet the building standards of this section, except that metal

post-frame buildings for the purpose of construction activities may be authorized under the temporary use requirements of this section.

(b) Commercial wind energy systems.

(c) Commercial telecommunication towers as defined by this chapter.

(d) Ground-mounted solar energy systems.

(e) Outdoor storage as defined by this chapter.

(f) Data mining as defined by this ordinance.

(8) *Temporary uses.* Temporary uses shall be permitted uses within the DCPUD subject to Section 10.03, Subd. 2, **General Building and Performance Requirements.** Such uses are limited to:

(a) Temporary construction staging areas and construction activities directly related to the applicable phase of development.

(b) Temporary buildings intended solely for the storage of construction materials and construction offices directly related to the applicable development phase, or to the replacement of materials and equipment for the DCPUD.

(9) *Environmental Review.* If an EAW, EIS or AUAR is applicable for the proposed DCPUD project under State law, such review must be completed prior to application. Individual components of a DCPUD development which may require separate environmental review as regulated by State law may be completed after application. Such review is subject to the applicable provisions of this chapter.

(10) *Minimum district performance standards*. Any development within the DCPUD shall comply with the standards as follows and such standards shall be adopted as part of the DCPUD ordinance. Any deviation from these standards requires approval of a variance, which shall be reviewed in accordance with Section 10.25.

(a) The minimum data center floor area ratio (DCFAR) for the DCPUD and any individual phase of the DCPUD shall be as follows. At no time shall any individual developed phase of the DCPUD be constructed at a FAR of less than these standards, exclusive of the extent of approved site grading limits.

<100 acres	0.25
100-199 acres	0.24
200-299 acres	0.23

300-399 acres	0.22
400-499 acres	0.21
500+ acres	0.20

(b) The minimum setback for all principal and accessory structures and/or uses shall be as follows. Any appurtenant elements shall be subject to the principal use setbacks as follows.

Table X-X					
Structure or Use	Setback from DCPUD Property Line to Structure or Use within DCPUD (Setbacks also applicable for parcels adjacent to the DCPUD boundary but for intervening street easement or ROW) The greater applicable setback for an adjacent parcel shall apply.				
	Parcels used for principal agricultural uses only	Parcels used, guided or zoned for residential, civic/institutional or mixed-uses	Parcels owned by a government entity for public parkland or public recreational purposes	Parcels guided or zoned commercial	Parcels guided or zoned industrial
Principal building structure(s) when any mechanical equipment and support facilities such as generators and cooling systems are: • fully screened by principal building(s), or • surrounded by a solid wall structure from all points of the	100’	200’	200’	100’	100’

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DCPUD boundary, or • located within a principal building(s), or • ground mounted on or along an interior façade of the site's principal structure(s)					
Principal building structure(s) when any mechanical equipment and support facilities including generators or cooling systems is oriented to any exterior portion of the principal building structure(s) and is not: • fully screened by principal building(s), or • surrounded by a solid wall structure from all points of the DCPUD boundary, or • located within a principal building(s), or • ground mounted on or along an interior façade of the site's principal structure(s)	200'	500'	500'	200'	100'

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In such case, the applicable setback for such accessory use equipment shall be as follows:					
	200’	500’	500’	200’	100’
Off-Street Parking (including drive aisles)	100’	150’	150’	50’	50’
Off-Street Loading Facilities	100’	150’	150’	100’	100’
Fences or Walls	May be placed at any location, except such fences or walls may not be located within a drainage and utility easement without an approved license agreement or within a designated wetland buffer area.				
Other Accessory Buildings and Structures (exceptions: lighting)	50’	100’	100’	50’	50’

(c) The maximum height for principal and accessory structures shall be 50’. Accessory and temporary structures shall not exceed 25’ in height.

i. Appurtenant structures may not exceed the maximum height for principal or accessory structures as set above.

ii. Private telecommunication antenna within the DCPUD may exceed this height up to a maximum of 100’.

iii. Electrical substation equipment within the DCPUD are exempt from this height requirement.

(d) Principal building exterior finishes shall consist of materials compatible in grade and quality to the following:

i. Decorative rock face block.

ii. Glass.

iii. Cast in place concrete or pre-cast concrete panels.

iv. Brick.

(e) Accessory building exterior finishes shall consist of materials compatible in grade and quality to the following:

i. Decorative rock face block.

ii. Glass.

iii. Cast in place concrete or pre-cast concrete panels.

iv. Brick.

v. Exterior insulated finish systems.

(f) Temporary uses within the DCPUD shall be subject to the following standards:

i. Setbacks shall be established by the City within the adopted DCPUD ordinance.

ii. All temporary construction staging areas must be fully paved.

iii. Temporary buildings or uses, specifically including construction staging areas must be fully screened in accordance with the standards of this section.

iv. The maximum height of temporary buildings or structures shall be 25'.

v. Construction offices shall be consistent with building materials requirements of this section for accessory uses.

vi. Temporary construction activities within the DCPUD shall be subject to operational hours of 8 AM – 7 PM, Monday-Saturday and shall be subject to the lighting standards of this chapter.

(g) The DCPUD shall be designed and built to incorporate sound mitigation methods to reduce sound levels emanating from the DCPUD. Sound emanating from the facility, or from any appurtenant or accessory use or element of the facility shall be in compliance with and regulated by the State of Minnesota pollution control standards and rules.

i. Prior to approval, an Ambient Noise Study shall be submitted by a third-party engineer identifying current noise sources and determining whether existing levels meet or exceed MPCA levels, and which provides calculations which can be compared to future proposed equipment levels to evaluate changes to ambient conditions.

ii. Prior to commencement of operation of the DCPUD principal use facilities, the operator must conduct an additional noise study, preparing calculations for proposed equipment to determine noise levels as measured at the property line of neighboring property to the DCPUD or other noise sensitive uses as reasonably determined by the City. Where results exceed limits, the operator of the DCPUD

shall be required to submit plans which detail the installation of sound mitigation measures within the DCPUD boundary which are necessary to compliance with MPCA noise rules.

iii. Upon commencement of the operation of the DCPUD, the operator of a DCPUD must provide a liaison to respond to complaints about noise emanating from the DCPUD.

iv. An additional sound study shall be completed once per year during peak operation of the DCPUD mechanical equipment upon commencement of operation of the DCPUD principal use facilities. Such study shall utilize similar locations and methods used in the Ambient Noise Study for comparison purposes. The DCPUD operator must provide the results of the noise study, conducted by a third-party engineer, to the City within 30 days of the request by the City or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.

v. Pursuant to City Code 130.09(D), the City may require a Noise Impact Statement for low-frequency sound emissions and demonstrate mitigation plans consistent with the recommendations of the Statement.

(h) Back-up power generators within the DCPUD may only be used for back-up electrical supply during a power outage. Curtailment of power supply or voluntary shutdown of power is not considered a power outage.

i. Testing of generators may only occur between the hours of 8 AM and 5 PM, Monday through Friday. A testing schedule must be filed and approved annually with the City no later than January 15 of each year.

ii. On-site fuel storage for back-up power generators shall be subject to the accessory structure setback, height limitations, and screening requirements of this section. Such storage shall comply with all MPCA and State Fire Marshal requirements, all other permit, testing and listing requirements, and all applicable codes and standards such as NFPA 58.

(i) All site lighting must meet the requirements of Section 10.03. and is subject to the following additional requirements:

i. Illumination must be 0.0 footcandles at the property line abutting properties used, zoned or guided for residential, civic or institutional, recreational, or parkland uses.

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ii. No external light source shall be located closer than 50’ from any property line of a parcel used, zoned or guided for residential, parkland or recreational uses.

(j) Any outdoor facilities or equipment such as back-up generators, parking and private circulation areas, temporary construction staging areas and temporary buildings or structures, other mechanical equipment regardless of location, security or chain link fencing when located within 200’ of the DCPUD property line, or any other similar outdoor facilities shall be fully screened to 100% opacity when viewed at comparable grade from abutting property used, zoned, or guided for residential or recreational uses, and from the public right of way, with the exception of designated entrance points. Screening is subject to the following additional requirements and exceptions:

i. Landscaping materials used for screening may be counted toward the minimum site landscaping requirements of this chapter.

ii. Landscaping utilized for screening must be designed by a qualified landscape architect to meet the opacity requirements within 3 years of planting.

iii. Screening may be accomplished through individual or combination use of fencing or walls which meet the materials requirements of this section, landscaping, and/or berming.

iv. Landscaping materials and berming used for screening may be located within the required structure setback; fences and walls are subject to the structure setback above.

v. In all cases, fences or walls used for screening purposes must install the required perimeter buffer landscaping materials of this section on the exterior side of the wall.

vi. Chain link fence with slats shall not be used for screening purposes.

(k) All trash enclosures and storage must be located within a building meeting the materials requirements of this section.

(l) Rooftop and wall-mounted mechanical equipment shall be fully screened when viewed at comparable grade from adjoining properties, and from the public right of way via screening walls or parapets which match the building materials of the building on which they are located.

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(m) Site landscaping shall meet the required minimum site landscaping standards of this chapter, with the additional requirements or exceptions follows:

i. The DCPUD shall provide for established sodding or seeding in all ground cover areas not otherwise used for tree or shrub plantings except as exempted for approved native plantings.

ii. The DCPUD shall provide irrigation systems for all landscaped areas except as exempted for approved native plantings.

iii. The DCPUD shall not be required to install island delineation landscaping as required by this Chapter.

iv. The use of native species is encouraged.

(n) A perimeter buffer shall be installed around the entire perimeter of the DCPUD District and maintained for the duration of DCPUD facility operation as follows:

i. Installation of such buffer shall be required regardless of any intervening or abutting roadway or public right of way.

ii. The required perimeter buffer for the DCPUD perimeter boundary shall be installed and completed with the first phase of development and prior to any other construction within the DCPUD, within the exception of the location of designated construction entrance(s).

iii. Such buffer must include a berm of a minimum height of 10’ above the adjacent roadway centerline elevation or property line elevation directly adjacent (whichever is higher.

iv. Evergreen canopy tree species meeting the size requirements of this chapter shall be planted in two rows of 6’ on-center staggered intervals along the entire buffer and located on the exterior down-slope of the required berm.

v. The perimeter buffer may be located within the applicable structure setback and shall be located at the exterior side of any screening wall.

vi. The perimeter buffer shall not be required where the DCPUD property boundary directly abuts a property used for existing industrial uses but shall be required when adjacent to or abutting all other property uses, including vacant land, public right of way or public street easement.

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vii. The use of native species and variation in species planting is encouraged.

(o) Fencing or walls shall be constructed of maintenance-free vinyl fencing or ornamental metal such as wrought iron or comparable, brick, stone, masonry or decorative stamped and colored concrete which mimic brick, stone or masonry.

(p) Chain link fencing may be used for security purposes and shall be black or black coated vinyl and shall not include slats.

(q) The facility shall provide parking for employees or service personnel at a rate per Section 10.03, Subd.5.H.

(r) Electrical substations directly serving the DCPUD shall be exempt from the minimum district performance standard requirements of this section, but shall be subject to the following requirements:

i. Must be located within the DCPUD boundary.

ii. Must comply with the accessory setbacks as established herein.

iii. Must comply with the lighting standards established herein.

iv. Must comply with the perimeter buffer requirements of this section.

(s) In addition to the standards of this section, all other provisions of the City's ordinance, including zoning and subdivision regulations, shall apply to the facility, unless otherwise exempted. Except for regulations of applicable zoning overlay districts, where the terms of this section vary from the zoning and subdivision regulations, the requirements of this section shall apply.

(11) *DCPUD Initiation of Proceedings.* Requests for DCPUD concept plan , rezoning to DCPUD, and DCPUD conditional use permit shall be initiated by application of the property owner or other person having authority to file an application.

(12) *DCPUD Application.*

(a) Submission of a DCPUD Concept Plan Submittal is required as per Section 10.21, Subd.6.B and is specifically not a formal land use application. Submissions shall be in accordance with this section

(b) Application for rezoning to DCPUD shall be noticed in accordance with the public notification requirements for Planned Unit Development as found in Section 10.21 and Section 10.23.

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(c) Application for DCPUD Conditional Use Permit shall be noticed in accordance with the public notification requirements for Conditional Use Permit as found in Section 10.21 and Section 10.23.

(d) Application for rezoning to DCPUD and DCPUD Conditional Use Permit may run concurrently.

(e) Applications for Preliminary and Final Plat as applicable for a DCPUD site shall be submitted in accordance with Section 11, "Subdivision Regulations."

(f) All required applications are subject to the adopted fee and escrows established by City fee schedule.

(g) Rezoning to DCPUD does not revoke, rescind or otherwise render as not applicable the requirements of this ordinance for any applicable overlay district effective at the time of the rezoning and as required by State law.

(h) All other requirements or provisions not specifically provided for by this section or otherwise exempted shall be as per City Code.

(13) *DCPUD Concept Plan Submittal.* Prior to submitting application for rezoning for the proposed DCPUD, the applicant shall prepare an informal concept and present it to the City's Development Review Team, two members of the Planning Commission and at one or two members of the City Council as per Section 10.21 as scheduled by the Community Development Division. The purpose of the concept plan review submittal is to:

(a) Provide preliminary feedback on the concept in collaboration between the applicant, City staff, Planning Commission, and City Council.

(b) Provide a forum for public engagement and information on the DCPUD prior to a requirement for extensive engineering and other plans.

(c) Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

(14) *DCPUD Concept Plan Submittal Requirements.* Proposals for a DCPUD Concept Plan Submittal shall include at least the information below to be considered complete (except as exempted by the Community Development Division based on a written request submitted by the proposer).

(a) A listing of contact information including name(s), address(es), email(s) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.

(b) A listing of the following site data: Address, current land use guidance, current zoning, parcel size in gross acres and square feet, and current legal description(s).

(c) A narrative explaining the applicant's proposed objectives for the DCPUD, and public values that the concept submitter believes may be achieved by the project.

(d) A narrative description of proposed DCPUD uses and systems, including anticipated or known accessory or temporary uses.

(e) A narrative description of the public infrastructure requirements of the DCPUD as known, including the timing for the extension of municipal utilities to the DCPUD and to adjacent properties, if applicable.

(f) Conceptual information on proposed power transmission routing within the city and to the boundary of the DCPUD, if known.

(g) Calculation of the estimated DCPUD FAR at full site build-out.

(h) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

(i) For sites over 20 acres, a stakeholder engagement plan detailing how the DCPUD operator will engage and communicate with residents, property owners, local utilities and the City throughout the DCPUD application and development process.

(j) A concept plan proposal illustrating:

i. Proposed DCPUD District boundary.

ii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.).

iii. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel.

iv. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel.

v. Proposed sidewalks and trails.

vi. Proposed location of any electrical substation(s).

vii. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel.

viii. Location of municipal utility systems and connection points that will serve the property including the proposing routing to demonstrate service to the furthest extent or boundary of the DCPUD.

ix. Location of proposed access points to public right of way.

(15) *DCPUD Concept Plan Submission Review.* Upon receiving a PUD concept plan proposal, the Community Development Division shall:

(a) Schedule a joint workshop of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the joint workshop, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.

(b) The Planning Commission and City Council will also take comment from the public as part of the joint workshop. The comment is explicitly not a public hearing on the concept and the public comments are intended to represent preliminary feedback related to the DCPUD concept information.

(c) The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project and are intended to represent preliminary feedback on the DCPUD concept information and its relationship to the comprehensive plan and this DCPUD ordinance.

(16) *Neighborhood Meeting.* The DCPUD concept proposer is encouraged to host a neighborhood meeting prior to submission of a formal application for rezoning to DCPUD.

(17) *DCPUD Rezoning Application Submittal Requirements.* Proposals for Rezoning to DCPUD shall include at least the information below to be considered complete (except as exempted by the City Council based on a written request submitted by the proposer, in which case the application shall be considered incomplete until decision of the Council has been made on the requirement). All

costs of application and preparation of submission materials, including required studies, are borne by the applicant.

(a) Proof of title in a form approved by the City Attorney.

(b) Legal description and graphic exhibit of the property for which the DCPUD is requested.

(c) Certificate of survey for the full DCPUD property boundary signed by a registered land surveyor and current within three months of application to include legal description, all public utilities, and detail of private utilities and easements, rights of way, and any other easements of record.

(d) Project narrative, including:

i. Existing zoning district(s) and comprehensive plan land use designation of subject DCPUD property area and all adjacent lands within 350’ of the subject DCPUD property boundary.

ii. Statement explaining the applicant's proposed objectives for the DCPUD, and public values that will be achieved by the project by phase (if applicable) including general projections for tax base, building valuation, sustainability in operations and site design, employment creation or other community benefit.

iii. Statement of how the project will meet each of the Approval Criteria and Minimum District Performance Standards as required by this section.

iv. A narrative description of proposed DCPUD uses and operations, including anticipated or known accessory or temporary uses, such description shall include any information on transmission line corridors or routes within the city.

v. For sites over 20 acres, a stakeholder engagement plan detailing how the DCPUD operator will engage and communicate with residents, property owners, local utilities, and the City throughout the DCPUD application and development process.

vi. If the DCPUD is to be developed in phases, a proposed phasing of full DCPUD site development, including number of phases, development timeline for each phase and for the full DCPUD.

vii. Calculation detailing the gross area calculation of the full DCUD, and the proposed DCPUD FAR at full build-out.

viii. Maximum building coverage within the DCPUD site improvement boundary.

(e) Ambient Noise Study meeting the Minimum district performance standards requirements of this section.

(f) A conceptual utility study that identifies both City and private utility supply and demand on the relevant system, including water and wastewater system information. Such study shall illustrate the phasing for construction of municipal water and wastewater systems, and shall demonstrate to the satisfaction of the City that the proposed municipal facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; (3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity and ability to secure performance to support the required improvements or system upgrades.

(g) To the extent it is known, the location of all electrical substation and transmission equipment proposed to be located within the DCPUD.

(h) Listing and status of all required federal and state permitting as known at the time of application.

(i) A fiscal summary statement, including:

i. An analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase.

ii. Statement identifying the applicant's proposed contribution to provide such public infrastructure and service demand.

(j) The proposed location, area and duration of any accessory or temporary uses within the DCPUD.

(k) DCPUD sites shall be responsible for completion of the electric utility provider's required studies and shall provide a statement indicating completion of the required study and summarize power capacity for the DCPUD, the proposed routing plan, and required electrical infrastructure improvements.

(l) General statement of telecommunication system improvements so as to avoid any local service interruption during normal operations.

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(18) *DCPUD Conditional Permit Application Submittal Requirements.* Proposals for DCPUD Conditional Use Permit shall include at least the information below to be considered complete (except as exempted by the City Council based on a written request submitted by the proposer, in which case the application shall be considered incomplete until decision of the Council has been made on the requirement). All costs of application and preparation of submission materials, including required studies, are borne by the applicant.

(a) DCPUD project narrative meeting the requirements as provided for DCPUD rezoning submittal.

(b) DCPUD site improvement plan(s), illustrating:

i. Citation of the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow.

ii. Depiction of the DCPUD site area illustrating minimum setbacks lines for the DCPUD site as required by this section.

iii. Estimated square footage calculation of full usable/buildable area within the DCPUD.

iv. Total maximum impervious surface coverage within the DCPUD.

v. Outlots planned for public dedication and/or open space.

vi. Easements and rights-of-way within or adjacent to the subject DCPUD property boundary, including detail on ingress and egress from the subject site to abutting or adjacent public right of way.

vii. Location, width, and names of existing and proposed streets and rights of way within and immediately adjacent to the subject DCPUD property boundary and all connection points to public right of way.

viii. Proposed sidewalks and trail connection points to public rights of way and any planned public sidewalk and pathways.

ix. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public parks. Proposed public utility easement corridors and/or rights of way necessary to serve the DCPUD and to extend municipal utilities to the further extent of the DCPUD boundary.

(c) All data required for Preliminary Plat as provided in Section 11.

(d) Delineation and functional assessment of wetlands and/or watercourses over the DCPUD property and within 200 feet of the perimeter of the subdivision parcel dated within the last five years.

(e) Delineation of the ordinary high-water levels of all water bodies.

(f) Preliminary grading, drainage and erosion control plan prepared by a registered professional engineer providing for stormwater management planning based on the maximum impervious surface area of the site. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question.

(g) Preliminary landscaping plan illustrating the proposed location for the required perimeter buffer demonstrating to the extent practical the required width and placement necessary meet the requirements of this section, and detailing the location, species and count for landscaping materials required by Section 10.03, Subd.2.I for the perimeter buffer.

(h) Traffic study which shall include adjacent local roadways where access is provided and nearest collector roadways, as well as the collector roadways intersections with the nearest arterial roadway, which shall be required for all sites over 20 acres and at the discretion of the City Engineer for sites under 20 acres, evaluating:

i. Average Daily Traffic and Peak Hour traffic volumes for passenger vehicles during normal operations.

ii. Average Daily Traffic and Peak Hour traffic volumes and routes for construction traffic during each phase of site development.

iii. Project volume, routes and frequency for commercial vehicles supporting routine operations.

iv. Proposed location of right of way and pathway connections, including sidewalks and trails, through or along the site perimeter to ensure system connectivity to the furthest extent of the DCPUD boundary.

v. Any insufficient street or intersection design pursuant to project construction, projected by phase.

vi. Proposed improvements to mitigate insufficient design, including an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above, by phase. Necessary

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roadway and pedestrian improvements shall be designed in accordance with City standards.

vii. Sufficient information regarding the applicant's financial capacity to support the required improvements and system upgrades.

(i) A utility study that identifies both City and private utility supply and demand on the relevant system, including water and wastewater system information, and shall demonstrate to the satisfaction of the City that the proposed municipal facility can both (1) be adequately served by the existing or planned capacity of the utility, and (2) will not impede access or limit service capacity to those utilities by other future users in the City's planning and service territory; (3) is designed to provide adequate service to the furthest extent of the DCPUD, and (4) that the applicant has provided sufficient information regarding the financial capacity and ability to secure performance to support the required improvements or system upgrades. Such study shall include:

i. Provide a municipal utility phasing plan which demonstrates alignment with the proposed development phasing and timing.

ii. Provide preliminary plans for extension of all public facilities, including the connection points, sizing and alignment of all utility lines, roadways, pedestrian facilities, and other such public infrastructure to the furthest extent of the DCPUD boundary with phasing plan as determined by the City Engineer and approved by City Council.

iii. Identify deficiencies in the public system pursuant to the project and provide a mitigation plan for identified deficiencies.

iv. Updates or additional system plans or studies for public utilities reflecting the impact of increased demands and infrastructure required by the DCPUD; to be prepared to the specification of the City Engineer.

v. Include an analysis of the projected cost of any public infrastructure necessary to adequately serve the project as identified above by phase, and to ensure that the infrastructure required by this section is adequately accounted for.

vi. Sufficient information regarding the applicant's financial capacity to support the required system studies, public improvements and system upgrades.

vii. The applicant may request that the City complete such utility studies, at the applicant's cost.

(j) If an environmental review was required for the DCPUD development proposal, the final approved mitigation plan shall be provided with a detailed narrative on how the proposed DCPUD Conditional Use Permit submissions address components of the mitigation plan and timeline for implementation or completion of each mitigation plan requirement, including detail on the financial participation of the applicant.

(k) For sites over 20 acres and for any DCPUD site to be developed in phases, a construction impact plan including designated construction traffic routes and mitigation plans for lighting, noise, vibration and dust.

(l) Any other information as directed by the Community Development Department required to evaluate the specific DCPUD proposal.

(19) *DCPUD Rezoning Review.*

(a) Application for rezoning to DCPUD shall be reviewed in accordance with this section.

(b) The hearing for rezoning may run concurrently with the hearing for the DCPUD Conditional Use Permit.

(c) As part of the review process for the DCPUD rezoning application, the Community Development Department shall generate an analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.

(d) The Planning Commission shall hold a public hearing on the DCPUD rezoning application and consider the application's consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed DCPUD rezoning. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review, and the City Council will hold any required public hearing. The City Council may hold a public hearing on the request for DCPUD rezoning if they deem such necessary.

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(e) After consideration of the Planning Commission recommendation and hearing, the City Council may approve the DCPUD rezoning. The City Council's decision will include the required conditions of the proposed rezoning. Approval of the amendment to rezone to DCPUD shall require the approval of the majority of all the members of the City Council, except where state law may specifically require a super majority.

(f) Approval of the rezoning to DCPUD shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other requirements of said DCPUD zoning district. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied and shall be designated in such a way as to be able to mark the official zoning map to identify the DCPUD ordinance. The DCPUD ordinance shall also designate that such property is thereby rezoned to the DCPUD district as adopted. Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, and in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the applicant fails to meet the conditions as described, the ordinance shall not take effect, will not be published, and the subject property shall retain its previous zoning designation.

(g) After consideration of the Planning Commission recommendation and/or hearing, the City Council may, in its sole discretion, deny the DCPUD rezoning. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD zoning process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD rezoning and no DCPUD applicant shall have any expectation or right of approval of any such rezoning.

(20) *DCPUD Conditional Use Permit Review.*

(a) Application for DCPUD Conditional Use Permit shall be reviewed in accordance with this section.

(b) The hearing for DCPUD Conditional Use Permit may run concurrently with the hearing for the DCPUD rezoning.

(c) As part of the review process for the DCPUD Conditional Use Permit application, the Community Development Department shall generate an

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analysis of the proposal against the Approval Criteria of this section to formulate a recommendation regarding the permit to the Planning Commission and City Council.

(d) The Planning Commission shall hold a public hearing on the DCPUD Conditional Use Permit application and consider the application's consistency with the intent and purpose of the DCPUD and comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed DCPUD Conditional Use Permit. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review, and the City Council will hold any required public hearing.

(e) The City may assign conditions as part of its review relating to the minimum district performance standards, the required public improvements and completion dates for improvements, the fiscal requirements, guarantees and securities necessary for the construction of all required public improvements and timing of their submission, required site development fees and escrows and timing of their submission, specification of required public improvement warranties, and any other conditions deemed necessary to support the DCPUD and to mitigate the impact created or required by the DCPUD.

(f) The Conditional Use Permit shall require ongoing compliance with approved landscaping and screening plans for the full extent and operation of the effective DCPUD.

(g) After consideration of the Planning Commission recommendation and/or hearing, the City Council may, in its sole discretion, deny the DCPUD Conditional Use Permit. Such denial shall be based on findings of fact that specify the conditions where the application fails to meet the required terms of the DCPUD Conditional Use Permit process, standards, or other requirements therein. The City shall be under no obligation to approve any DCPUD Conditional Use Permit and no DCPUD applicant shall have any expectation or right of approval of any such Conditional Use Permit.

(h) For any DCPUD which includes subdivision of parcels which have no direct frontage on a public street, the Conditional Use Permit shall require common maintenance and easement agreement.

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(i) The Conditional Use Permit shall require submission of a Site Plan review per this chapter.

(j) No permit for work within the DCPUD as approved by the DCPUD Conditional Use Permit may be issued until the applicant has demonstrated compliance with all of the DCPUD Minimum District Performance Standards and has met the assigned conditions of approval to the satisfaction of the City.

(21) *Site Plan review.* Following approval of the DCPUD rezoning and Conditional Use Permit, development within the DCPUD shall be subject to the Site Plan review process of this chapter. Site plans shall be consistent with the approved DCPUD ordinance, DCPUD Conditional Use Permit and all other applicable provisions of this section.

(22) *Timeline for performance.*

(a) A building permit for a principal structure within the first phase of development on site shall be filed within 5 years of the City Council approval date of the DCPUD Conditional Use Permit. One extension from this requirement may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the five year date. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension. The City Council may act after the 5-year period to revoke the DCPUD rezoning and any approved Conditional Use Permit, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

(b) If there is a lapse of more than 5 years between completion of any individual phase and proceeding to any subsequent and successive phase of development, notwithstanding on-going construction within an active phase of development, the City Council may act after the 5 year period to revoke the DCPUD rezoning and Conditional Use Permit for the undeveloped portions of the DCPUD and require amendment to the DCPUD ordinance and Conditional Use Permit , and rezone the undeveloped land to any other zoning district, following a public hearing to be held by the City Council. Extensions from this requirement for each

phase may be granted by the Council upon request for extension by a person having authority to file an application. An extension shall be requested in writing and filed with the city at least 14 days before the expiration of the 5-year period, which shall be based on the certificate of occupancy for the last principal building completed for the prior phase. The request for extension shall specify the desired timeline of extension and shall state facts showing a good faith attempt was made to meet the building permit submission requirement. Such request shall be presented to the Council for a decision. The City Council may deny or modify the extension timeline at its sole discretion and there shall be no inherent right to extension.

(23) *Amendment to DCPUD*. Approved DCPUDs may be amended upon request by those who have authority to submit an application per this section. At such time, the applicant shall make an application to the city for a DCPUD amendment which shall follow the same process as defined in this section for Conditional Use Permit. Such amendment shall not:

1. Introduce any other principal use inconsistent with this section. In such case, the application shall request revocation of the DCPUD for that portion of the land proposed for the amended principal use(s) and shall be subject to the application requirements of this chapter, as applicable.
2. Eliminate, diminish, or vary from the minimum performance standards of this section.

(24) *Revocation*. If at any time the facility is in violation of the conditions of approval, the City Council may revoke the DCPUD and DCPUD ordinance, revoke the governing DCPUD Conditional Use Permit approval, and rezone the land to any other zoning district, following a public hearing to be held by the City Council.

Section 3. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Alexandria City Code, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Alexandria City Hall for examination upon request.

ADOPTED BY the City Council this _____ day of _____, 2027.

_____

ATTEST:

_____

Data Processing Facility.

(A) **Purpose.** The purpose of this section is to minimize conflicts with adjacent land uses and to ensure the effect of any such enterprise is minimized. Potential effects include, but are not necessarily limited to, very high energy usage, noise pollution, and the disposal of electronic waste. The high energy consumption of data processing operations runs counter to the City of Alexandria and State of Minnesota objectives to reduce contributions to climate change. Equipment at these facilities has the potential to create noise pollution that negatively impacts nearby residents, businesses, and wildlife. In addition, electronic waste contains heavy metals and known carcinogens that have the potential to damage human health, and air and water quality if not handled correctly

(B) **General Standards.**

(1) **Noise.** Noise testing shall be required prior to issuance of a Certificate of Occupancy to ensure compliance with the Noise Ordinance.

(2) **Height.** Buildings shall be a minimum of 25 feet in height. The maximum height limitation if all setbacks are increased by one foot for each two feet of height in excess of 50 feet is 65 feet.

(3) **Linkages.** Convenient functional linkages shall be achieved by providing vehicular, bicycle, and pedestrian connections to promote the circulation and flow of vehicles, bicycles, and pedestrians between the development and existing uses.

(4) **Electric grid connectivity and use.** No grid-connected data processing system shall receive a certificate of occupancy until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Systems demonstrating use of as close to 100 percent renewable energy as possible shall be exempt from this requirement.

(5) **Renewable energy.** Facilities shall develop or purchase sufficient new renewable energy to offset as much of the electricity consumed as possible. Facilities that demonstrate a commitment to onsite renewable electricity generation or other means to increase use and production of local renewable energy are preferred.

(6) **Site design.**

(a) In addition to the standards in Section 3.2.5. principal buildings shall meet the following:

(i) A minimum floor area ratio of .5.

(ii) A maximum single front elevation of 300 feet in length unless special architectural landscaping, or topographic treatment, such as a change of material, texture, depression, berm, or other similar change, is employed.

(b) Data processing facilities shall be located on land with a minimum acreage of 25 acres in size, at least 3,950 feet from an existing or planned park. trail, or other recreation feature, and the use shall be within a structure that is at least 200 feet from any residential dwelling.

(c) The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any permanent component of the operation is strictly prohibited.

(d) All fencing along roadways shall be decorative. If security fencing is proposed, vegetative screening must be placed between the fence and the public view. Fencing must be made of high-quality materials and is subject to planner approval. Chain-link and similar woven metal or plastic fencing shall not be used.

(e) To minimize visibility from adjacent roads and adjacent properties, ground level and roof top mechanical equipment and loading areas shall be screened. Roof top screening shall be provided by principal building parapet. Ground level equipment shall be screened by a visually solid screen wall constructed of materials compatible with those used in exterior construction of the principal building. Mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent property, as determined by the planner shall not be required to be screened.

(f) No building housing data processing equipment shall be located within 60 feet of a collector or local roadway. Site line studies shall be provided to confirm screening of equipment from adjacent roads and properties.

(g) A 20-foot heavy planted landscape buffer shall be required along public roadways and adjacent or abutting non-industrial uses. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements when found by the city planner to provide screening at the appropriate density, depth and height. Landscape shall be maintained for the life of the project. Photographic documentation shall be provided for city record prior to issuance of certificate of occupancy.

(C) **Performance Standards.** These standards are intended to mitigate potential detrimental effects on adjacent properties. All applications for site plan approval must be accompanied by a registered engineer's certification that the use complies with all the performance standards. If, after occupancy of the structures, continuous or frequent (even if intermittent) violations of the performance standards occur, and after notice is given, bona fide and immediate corrective work is not performed which successfully prevents the violation(s) from reoccurring, the planner or building official may suspend or revoke the certificate of occupancy and require the operations and occupancy to immediately cease. The certificate of

occupancy will be reinstated after the property owner demonstrates to the city's satisfaction, that operation of the facilities is able to conform to these requirements.

(1) **Air Quality.** Air emissions shall meet applicable state and federal regulations. Where emissions could be released as a result of accident or equipment malfunction, standard safeguards for safe operation of the industry involved shall be taken and documented.

(2) **Odors.** Any use producing odors shall implement best available practices and use best available technology so that offensive or obnoxious odor shall not be perceptible to a person of normal sensitivity at or beyond the property line.

(3) **Heat and Humidity.**

(a) Any use or activity producing heat or humidity in the form of steam or moist air shall be demonstrated to be designed in a manner that the heat or humidity will not be perceptible at or beyond the property line.

(b) Any data processing operation shall ensure that no more than 20 percent of the heat dissipated by the activity shall be released directly to the outside when the average daily temperature is less than 40 degrees Fahrenheit.

(4) **Energy use.** Any data processing operation shall document and certify that the buildings are designed to an average power usage effectiveness (PUE) of 1.4 or better.

(5) **Water use.** Any data processing operation shall document a water usage effectiveness ratio upon start-up.

(a) Data processing centers using free cooling, direct liquid, rack, or room cooling technologies may be permitted without a conditional use permit.

(b) A conditional use permit is required for data processing centers proposing to use water for cooling. Water use must meet at least two of the following conditions:

(i) Recycled and non-potable water makes up at least 60 percent of water withdrawals.

(ii) The data processing operation shall be operated at or near the ASHRAE-recommended upper limit for temperature.

(iii) The data processing operation shall ensure the humidity control system is optimized. and the data center is running at the low end of the ASHRAE-recommended guidelines for humidity (5.5°C dew point).

(iv) Demonstrate and document implementation of all appropriate best practice airflow management strategies to improve cooling efficiency.

(6) **Glare.** Any activity producing glare shall be carried on in such a manner that the glare is not perceptible at or beyond the property line. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from public streets or neighboring properties.

(7) **Vibrations.** Every use shall be so operated that any air or ground vibration recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the property line; nor may any vibration produce a particle velocity of two inches per second measured at or beyond the property line. This provision does not apply between adjoining data processing facilities.

(8) **Hazardous Materials.** The manufacture, use, processing or storage of hazardous materials shall be permitted in accordance with the regulations of the State Building Code, State Fire Code, the National Fire Protection Association standards, the Minnesota Department of Natural Resources, Pollution Control Agency, Department of Health, and/or any other state or nationally recognized standards that may apply to the particular use, building, or process.

(9) **Industrial and Electronic Wastes.** The storage, processing, or disposal of potentially hazardous waste, including electronic waste, shall be subject to the regulations of State Building Code, State Fire Code, the National Fire Protection Association standards, the Minnesota Department of Natural Resources, Pollution Control Agency, Department of Health, and/or any other state or nationally recognized standards that may apply to the particular use, building, or process. Verification that all hazardous and electronic waste will be handled by a qualified electronic waste recycling firm is required.

(10) **Electromagnetic Interference.** Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted.

(a) This section does not apply to telecommunication facilities which are regulated by the FCC under the Federal Telecommunications Act of 1996 or its successor.

(11) **Noise.** Noise emanating from a use or activity within an industrial zone which exceeds the maximum permissible noise levels set forth in the City Code and referenced MPCA standards: maximum decibels by district shall not be permitted.