

CITY OF GRANT  
MINUTES

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**DATE** : May 5, 2020  
**TIME STARTED** : 7:02 p.m.  
**TIME ENDED** : 9:59 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Rog, Giefer,  
Schafer and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Dave Snyder; City Engineer, Brad Reifsteck; City Planner, Jennifer Swanson; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

**CALL TO ORDER**

The meeting was called to order at 7:02 p.m.

**PUBLIC INPUT**

No one spoke during public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

**Council Member Schafer moved to approve the agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

**CONSENT AGENDA**

- April 7, 2020 City Council Meeting Minutes Approved
- April Bill List, \$65,870.46 Approved
- ArcPaving Potholing, \$23,659.92 Approved
- Kline Bros. Excavating, Road Work,  
\$21,636.50 Approved
- Ordinance No. 2020-61, Amending Grant  
Code of Ordinances Approved
- Resolution No. 2020-22, public Hearing Process for  
Telephone or Electronic Meetings of the Planning Commission Approved

1  
2 **Council Member Schafer moved to approve the consent agenda, as presented. Council Member**  
3 **Giefer seconded the motion. Motion carried unanimously with a roll call vote.**

4  
5 **STAFF AGENDA ITEMS**

6  
7 **City Engineer, Brad Reifsteck**

8  
9 **Consideration of Resolution No. 2020-19, Ordering Preparation of Plan and Specifications and**  
10 **Calling for Public Hearing on Improvements, Joliet Avenue and Woodlawn Acres – City**  
11 **Engineer Reifsteck reviewed the following steps to make improvements to Joliet Ave and or the**  
12 **Woodlawn Acres (WAC) area streets. Council may consider a single street segment or the entire area**  
13 **for a new project.**

- 14  
15 1. The feasibility study was accepted by Council on September 3, 2019 for the following streets:
- 16
  - 17 • Janero Court N & 96<sup>th</sup> Street
  - 18 • Justen Trail N
  - 19 • Grenelefe Ave N
  - 20 • Jody Ave & Ct N (WAC)
  - 21 • 103<sup>rd</sup> Street & Ct N (WAC)
  - 22 • Juno Ave N. (WAC)
  - 23 • Joliet Ave N
  - 24 • 101<sup>st</sup> St N. (WAC)
  - 25 • Kellman Ct (WAC)
  - 26
- 27 2. After two public hearings and a postcard survey, the Council ordered the improvements for
- 28 Grenelefe Ave, Justen Trail N, Janero Court and 96<sup>th</sup> Street (west of Justen Trail) on
- 29 November 4, 2019.
- 30
- 31 3. After receiving favorable bids for the ordered improvements mentioned above, The Council
- 32 directed staff to review the required steps necessary to bid the remaining streets studied.
- 33
- 34 4. Cities must order projects within 6 months of the public hearing. The initial public hearing for
- 35 the streets studied was held on October 1, 2019, therefore, a new public hearing will be
- 36 needed to meet this requirement.
- 37

38 **Council Member Rog moved to adopt Resolution No. 2020-19, as amended. Council Member**  
39 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

40  
41 **Consideration of Bond Counsel, 2020 Street Improvement Project - City Engineer Reifsteck**  
42 **advised the City must contract for bond counsel services for the purpose of assisting the City with the**  
43 **sale of municipal bonds to finance the 2020 Street Improvement Project.**

1 The City received two proposals to serve as the City's bond counsel. The role of the Bond council is  
2 to provide opinion on the validity of the bond offering and to assist the City in completing the  
3 transaction in a timely manner.

4  
5 City Staff recommends approving a contract with Taft Law for these services in the amount of  
6 \$3,500.00.

7  
8 **Council Member Rog moved to approve Bond Counsel, 2020 Street Improvement Project, as**  
9 **presented. Council Member Giefer seconded the motion. Motion carried unanimously by a roll**  
10 **call vote.**

11  
12 **Consideration of Resolution No. 2020-23, Approving the Authorization for the Issuance of**  
13 **General Obligation Improvement Bonds** – City Engineer Reifsteck advised Resolution No. 2020-  
14 03 authorizes the City to move forward with the bond issue for financing the 2020 Street  
15 Improvement Project per the following:

- 16  
17 1. The total cost of the project to be assessed against benefited property owners is declared to be  
18 \$422,760. Each assessment term is 15 years at an interest rate of 4.5%.
- 19  
20 2. The bond issuance will not exceed \$450,000. The proceeds of the bonds will be used to  
21 finance street improvements within the city and pay the costs associated with issuing the  
22 bonds.
- 23  
24 3. The Mayor and City Administrator are authorized to approve the sale of the bonds.
- 25  
26 4. Upon approval of the sale of the bonds, the City Council will take action at a council meeting  
27 to adopt the necessary approving resolutions as prepared by the City's Bond counsel.

28  
29 **Council Member Schafer moved to adopt Resolution No. 2020-23, as presented. Council**  
30 **Member Carr seconded the motion. Motion carried unanimously by a roll call vote.**

31  
32 **Consideration of Joint Powers Agreement, City of Dellwood, 2020 Street Improvement Project**  
33 **– City Engineer Reifsteck advised a Joint Powers Agreement has been approved for the 2020 Street**  
34 **Improvement Project that includes a portion within the City of Dellwood. The Joint Powers**  
35 **Agreement stipulates the following:**

- 36  
37 1. The City Limits between Dellwood and Grant follows the centerline of Grenelefe Ave N just  
38 north of Spyglass Pl. The west half of the road segment is in the City of Dellwood. The east  
39 half is in the City of Grant.
- 40  
41 2. The City of Dellwood has executed a JPA to reimburse the City of Grant for the project costs  
42 related to the roadway improvements on Grenelefe Ave N located in the City of Dellwood.
- 43  
44 3. The project costs the City of Dellwood is responsible for is in the amount of \$22,759.48.

1 **Council Member Giefer moved to approve Joint Powers Agreement, City of Dellwood, 2020**  
2 **Street Improvement Project, as presented. Council Member Carr seconded the motion.**  
3 **Motion carried unanimously by a roll call vote.**  
4

5 **City Planner, Jennifer Swanson**  
6

7 **PUBLIC HEARING, Consideration of Amended CUP, Dellwood Barn Weddings, 7373 120<sup>th</sup>**  
8 **Street North**– City Planner Swanson advised the Applicant, Scott Jordan, on behalf of the Dellwood  
9 Barn Weddings has requested an amendment to their Amended Conditional Use Permit for the  
10 subject property. The CUP was first issued in 2014 and was later amended in 2019. The events held at  
11 the facility are primarily weddings and the operations are seasonal and limited to May 1<sup>st</sup> through  
12 October 31<sup>st</sup> of each year. The Amended CUP includes the original conditions that permitted th  
13 e construction/conversion of the historic barn to a rural events facility, operational requirements, and  
14 the amended hours of operation that were the subject of the 2019 application process.  
15

16 The 2019 amendments were in effect for the full season and no formal complaints were filed with the  
17 City last year. It should be noted that during the 2019 amendment process that public testimony  
18 during the public hearing indicated concerns from adjacent property owners regarding noise  
19 associated with the events. Public testimony also indicated concern with any real or perceived  
20 expansion of use, and specifically requested to keep Sundays off limits for events.  
21

22 At the April 7, 2020 City Council meeting the Applicant presented a “concept” plan to the City  
23 Council to adjust the hours of operation, and to include Sundays as an options for events during the  
24 2020 wedding season. During the short presentation, the Applicant indicated that the current COVID-  
25 19 pandemic and the stay-at-home order has significantly impacted their business because events  
26 cannot be held in May as scheduled (at a minimum). To address this impact, the Applicant presented  
27 a concept to the Council that would modify the approved hours of operations and include Sundays for  
28 the **2020 wedding season only**. The Applicant indicated that the altered hours of operation would  
29 provide their brides/clients the opportunity to reschedule their events planned for spring/early summer  
30 to later in the 2020 season. After brief discussion, the City Council indicated a willingness to review  
31 the proposed concept and suggested that an amendment to the CUP would be necessary since the City  
32 does not have a temporary or interim permit. The request to amend the permit would require a public  
33 hearing, and the opportunity for the public to provide their testimony.  
34

35 The subject application is an Amendment to an approved Amended CUP, which the City’s ordinance  
36 permits to follow a condensed process depending on the magnitude of the proposed change. Since the  
37 proposed change is temporary and for the 2020 season only, and the subject request does not change  
38 the physical site or building characteristics, the question/request is brought directly to the City  
39 Council for review and consideration.  
40

41 City Planner Swanson advised a duly noticed public hearing was scheduled for May 5, 2020 at 7:00  
42 PM to be held via Zoom video conference. The current COVID-19 pandemic is temporarily altering  
43 how the City will perform and conduct public hearings and it is necessary to use video conferencing  
44 for the health and safety of the City Council, staff, applicants and residents. Also, it is known that  
45 technology infrastructure is inconsistent throughout the City, so in the interim all public hearings will

1 be held by the City Council until the Planning Commission can resume their in-person meetings. This  
 2 process has been adopted by City Council resolution. The call-in number and instructions to join the  
 3 video conference meeting are provided on the City’s website so that any member of the public  
 4 wishing to provide public testimony can participate in the public hearing.  
 5  
 6

Applicant and Owner: Scott Jordan, Dellwood Barn Weddings	Site Size: 37.14 Acres
Zoning & Land Use: A-1	Request: Amended Conditional Use Permit (CUP) to allow for the temporary adjustment of the hours of operation for the 2020 wedding season.
Location Description and PIDs: (PID 0503021210005) Dellwood Barn Weddings (Rural Event Facility), parking, Informal Gathering space, etc., are located the approximately 23.72-acre parcel. (PID 0503021210004) The Outdoor Ceremony space, and septic drainfield that supports the facility are located on the 13.42-acre parcel.	

7  
 8 The Applicant is proposing to amend the Amended CUP for the subject operations to allow for  
 9 modified hours of operation for the 2020 wedding season. As stated in the Applicant’s narrative the  
 10 impetus for this request is due to the COVID-19 pandemic which has instituted a stay-at-home order  
 11 that will likely prevent the Applicant from holding events this spring (May) and possibly into the  
 12 early summer. Given the impending projected limitations on gatherings, the Applicant is requesting  
 13 the ability to adjust their hours and days for the 2020 wedding season ONLY. A summary of the  
 14 proposed modifications is provided:  
 15

16 Condition #4 of the Amended CUP addresses current hours of operation by days of the week. The  
 17 condition would NOT be adjusted for this amendment request, instead additional conditions specific  
 18 to the 2020 season would be added to the permit if approved by the City Council. The following table  
 19 shows a side-by-side comparison of the proposed interim hours of operations and days.  
 20

<b>Approved CUP Condition #4:</b>	<b>AMENDED 2020 Hours (TEMPORARY)</b>
Monday – Thursday 11:00 AM – 6:00 PM	Monday – Wednesday 11:00 AM – 6:00 PM Thursday 9 AM – 10:30 PM (site dark at 10, support gone by 10:30)
Friday and Saturday 1:00 PM to 11:00PM (site is vacated and dark by 11:00, support staff must vacate by 12:00 AM)	Friday and Saturday 1:00 PM to 11:00PM (site is vacated and dark by 11:00, support staff must vacate by 12:00 AM)
No events permitted on Sunday	Sunday 9 AM – 10:30 PM (site dark at 10, support gone by 10:30)

21  
 22 As stated by the Applicant, they do NOT intend to book additional events for the 2020 season and  
 23 would like the option of the additional dates for rescheduling those events originally planned for May

1 and early summer. The Applicant estimates the number of dates that may be rescheduled is 10 which  
2 would be moved to the summer/fall of this wedding season.

3  
4 According to the approved Amended CUP, the proposed changes to the operation and the facility  
5 requires an additional amendment. The City Code addresses amendments to existing CUPs in Section  
6 32-152 that states, “An amended conditional use permit application may be administered in a manner  
7 similar to that required for a new conditional use permit...” As such, the Application to amend the  
8 CUP is processed accordingly, and the requested amendment is to consider only those portions of the  
9 operations and/or facility that are proposed to change. The City Code states the following for  
10 consideration when reviewing a Conditional Use Permit (32-141):

11  
12 “(d) In determining whether or not a conditional use may be allowed, the City will consider the  
13 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on  
14 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of  
15 consideration in determining the effect of the use on the general welfare, public health and safety.”

16 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use  
17 permit, and a periodic review of said permit may be required.”

18  
19 Section 32-352 identifies specific performance standards for Rural Event Facilities which must be  
20 addressed in the application and analysis of the proposed amendments.

21  
22 The site is located in the far northwestern corner of the community and the parcel is bordered by the  
23 City of Hugo to the north, and the City of Dellwood to the south. The following existing site  
24 conditions are present on each of the PIDs as referenced above:

25  
26 0503021210005 – The parcel is described as Lot 5 of the Meadowlark Subdivision and is the  
27 northwestern most parcel of the Subdivision. The parcel is approximately 23.72 acres, is irregular in  
28 shape, and located southeast of 120<sup>th</sup> Street North which forms a curvilinear border on the north and  
29 west property line. The parcel includes an existing house (principal structure); the existing  
30 Dellwood Wedding Barn which is approximately 3,800 square feet; three existing out buildings that  
31 total approximately 7,200 square feet; and an existing corn crib which is approximately 820 square  
32 feet and is located directly south of the Barn. Outdoor happy hours associated with the events are held  
33 on the graveled area between the Barn and the Corn Crib, and that additional outdoor gathering occurs  
34 near the firepit near the parking lot. The home and buildings are accessed from an existing gravel  
35 driveway that is connected to 120<sup>th</sup> Street North in two locations and is approximately 12-foot wide.  
36 As required by the conditions of the CUP, the Applicant constructed a graveled parking lot directly  
37 west of the Dellwood Barn Wedding facility which is connected by footpaths to the facility.

38  
39 0503021210004 – The parcel is described as Lot 4 of the Meadowlark Subdivision and is  
40 adjacent, and to the east, of Lot 5 described above. The parcel is approximately 13.42 Acres, is  
41 slightly irregular in shape, but generally runs north-south with its northern property line bordered by  
42 120<sup>th</sup> Street North. The parcel does not have a principal structure and for purposes of this review is  
43 considered in combination with Lot 5. The parcel has three existing outbuildings that total  
44 approximately 3,425 square feet and are located in the northwest corner of the property. There is an  
45 existing wood fence that extends from the Barn located on Lot 5 and encompasses the outbuildings on

1 Lot 4. The majority of the site is generally open, with some sparse vegetation and a wetland area near  
2 the southwestern property line. This site includes supporting infrastructure to the Dellwood Wedding  
3 Barn and is used for outdoor ceremonies as permitted within the existing CUP.  
4

5 City Planner Swanson stated the site is guided A-1 in the City's adopted Comprehensive Plan. Land  
6 within the A-1 land use designation is generally described as supporting rural, agricultural and rural  
7 residential uses with limited accessory commercial uses as identified and allowed within the City's  
8 zoning ordinance. The City's ordinances conditionally permit Rural Event Facilities provided certain  
9 performance standards can be met. The existing Dellwood Barn Weddings facility and use was  
10 permitted with a CUP in 2014, was amended in 2019. During both reviews the use was deemed  
11 consistent with the City's Comprehensive Plan.  
12

13 Rural Event Facilities were added as a permitted conditional use in 2014 with specific performance  
14 standards. All existing operations have been deemed appropriate and consistent with the conditions  
15 of the CUP, Amended CUP (2019) and the adopted zoning ordinance. Since the proposed amendment  
16 does not include any structural or site conditions no additional analysis regarding dimensional  
17 standards is included in this staff report.  
18

19 Based on the previous review, the proposed modifications most directly affect the conditions  
20 regarding Hours of Operation and Noise/Amplification. Given that, the following analysis focuses  
21 primarily on these two issues (though staff acknowledges and understand that other conditions may be  
22 affected minimally if the proposed modifications are permitted. However, since the modifications are  
23 temporary and limited only to the 2020 wedding season, the potential impact is likely minimal.)  
24

Hours of Operation The Applicant has requested a modified schedule for the 2020 wedding season in response to the COVID-19 pandemic. As most people are aware, the current peacetime state of emergency and stay at home order requires all non-essential businesses to be closed and prohibits gatherings. The stay-at-home order is set to expire on May 4, but it is anticipated that social distancing requirements will persist, and gatherings will continue to be prohibited into the Spring. This has significant impact on the Applicant's business as they had weddings and events scheduled in May that will have to be rescheduled or cancelled. As a result, the Applicant is requesting consideration to allow for the ability to reschedule some of these events for the late summer or fall of 2020. To be able to reschedule these events the Applicants have indicated that they would need to offer additional dates with expanded times (there are a limited number of Friday and Saturday nights available, and they are already booked). As such, the Applicant requests the following adjustment to the hours of operation for the 2020 wedding season:

- Thursdays – 9 AM to 10:30 PM (Site dark)
- Sundays – 9 AM to 10:30 PM (Site dark)

The Applicant has stated that the proposed changes/modifications would be ONLY to allow for rescheduling of the events currently booked, and it is not intended to take on new/additional weddings. At this time, the Applicant has identified approximately 10-events that may need to be rescheduled, which they have predicted by following the Governor's press conferences and CDC guidelines.

**Staff Response:** The current COVID-19 pandemic is affecting many of our small businesses and staff believes it is reasonable to make this request. However, adjacent neighbors expressed significant concern regarding late night events particularly during the school year. Neighbors also expressed a strong desire to maintain Sundays as a quiet time so that everyone can enjoy their homes and properties. With those concerns in mind staff would offer the following considerations:

- Draft Conditions can specifically be tailored to ONLY 2020, so that there is no doubt or confusion that the altered hours of operation are not permitted into perpetuity. (See attached CUP for draft language)
- Thursdays and Sundays are school nights in the months of September and October (hopefully). The City Council could consider altered hours for those two months (perhaps 9 PM, with site dark at 9:30 PM would be more palatable during the school year. (See attached CUP for draft language)

Noise/Amplification There are no changes proposed to the conditions related to amplification as part of this request. That is, the Applicant is not proposing additional activities on the north lawn, etc.; however, the temporary modification of the hours of operation on Thursdays and/or Sundays is different from what is currently permitted. It should be noted that regardless of permitted hours of operation, as discussed during the 2014 and 2019 application review process, all amplification and noise must meet the MPCA's noise standards, which would apply to weekday hours which have earlier cut-off times than weekends.

**Staff Response:** During the 2019 review process, several adjacent neighbors indicated their concern particularly of Sunday events. While staff understands their concerns, the proposed modification to allow Sunday events is temporary and can be conditioned to apply ONLY to the 2020 wedding season. The current COVID-19 pandemic is a situation that is disproportionately affecting businesses like the Dellwood Barn Weddings and it seems reasonable to alter their hours provided the noise/amplification can be managed to be comply with the MPCA noise ordinance standards. Staff believes the impact can be further mitigated by



capping the number of events permitted on Thursday and Sunday through conditions and ensuring that all operations revert back to the 2019 hours of operations detailed in Condition #4 of the permit.

1  
2 There are no changes to the site that require engineering review currently, all proposed changes are  
3 operational. There are no other agencies that have jurisdiction of the proposed changes.  
4

5 Staff requests discussion by the City Council of the proposed application and consideration of the  
6 draft conditions contained in the attached Conditional Use Permit (additions noted with underline).  
7 Staff requests the following direction from the City Council to:  
8

- 9 • Prepare a Resolution of Approval and Amended CUP as presented or with  
10 additions/modifications/deletions; or
- 11 • Prepare a Resolution of Denial with Findings  
12

13 Mr. Scott Jordan, Applicant, stated he has been dealing with some very panicked brides and grooms  
14 and they are just looking for a way to accommodate them. The Sheriff's Department has a list of all  
15 the 2020 events. He stated they are not looking to schedule any additional event and there actually  
16 will be less events this year. He stated he is open with the recommended times and firmly believes  
17 there will be less people attending the events due to the pandemic. He agreed that the additional days  
18 would be limited to six Sundays and four Thursdays noting he would provide a schedule to City staff.  
19

20 **Council Member Carr moved to open the public hearing at 8:23 p.m. Council Member Schafer**  
21 **seconded the motion. Motion carried unanimously by a roll call vote.**  
22

23 Ms. Lori Wittmer, 7140 Lake Elmo Avenue indicated she was agreeable to the proposed amendment.  
24

25 Mr. Kevin Rhodes, 12160 Upper Heather Avenue, stated that once a business is expanded it is very  
26 difficult to pull back. He said he appreciates the applicant limiting Sundays to six and would like a  
27 schedule of events.  
28

29 Ms. Lindsey Jefferson questioned the number of events being moved and did not provide an address.  
30

31 There were no other public comments relating to this issue.  
32

33 **Council Member Schafer moved to close the public hearing at 8:40 p.m. Council Member Rog**  
34 **seconded the motion. Motion carried unanimously by a roll call vote.**  
35

36 Council directed staff to add language regarding the number of Sunday and Thursday events to the  
37 Conditions of Approval.  
38

39 **Council Member Carr moved to approve Amended CUP, Dellwood Barn Weddings, as**  
40 **amended. Council Member Schafer seconded the motion. Motion carried by a roll call vote**  
41 **with Council Member Rog voting nay.**  
42

1 **PUBLIC HEARING, Consideration of Resolution No. 2020-20, Clear Cut CUP, 6667 Keats**  
 2 **Avenue North** – City Planner Swanson advised the Applicant and Owner, Mike Regan on behalf of  
 3 the Indian Hills Golf Club, is requesting a conditional use permit to allow for vegetative cutting  
 4 (clearcutting) of properties located adjacent to the existing golf course. The existing golf course is  
 5 subject to a CUP which identifies certain areas as Outlots for the golf course use. The properties that  
 6 are the subject of this application are owned by the Indian Hill Golf Club but are not included in the  
 7 current CUP. The Applicant’s ultimate objective is to relocate three (3) existing holes from the  
 8 current Indian Hills Golf Club course to the subject properties. After discussion with staff, it was  
 9 determined that a two-step process would be the most efficient to process the Applicant’s request.  
 10 Staff outlined the process as the following:

- 11
- 12 1. Apply for, and obtain, a Conditional Use Permit for the subject properties for vegetative
- 13 cutting (this application). If granted, the Applicant would be authorized to begin site
- 14 preparation, including any authorized clearing/grubbing activities, as well as grading as
- 15 permitted by the City Engineer.
- 16 2. After the CUP for vegetative cutting is obtained, and concurrent to site work, the Applicant
- 17 will apply for an Amendment to the existing CUP to incorporate the subject properties and the
- 18 operations associated with the three relocated holes.

19

20

21 On April 21, 2020 the Planning Commission held their regular meeting as a Zoom video conference.  
 22 Staff prepared a short presentation and commissioners discussed the application and asked some  
 23 clarifying questions from the Applicant. Staff noted that the Public Hearing would be held at the May  
 24 5, 2020 City Council meeting. After a brief concluding discussion the Planning Commission  
 25 unanimously recommended approval of the requested Conditional Use Permit with the conditions as  
 26 noted to the City Council.

27

28 A duly noticed public hearing has been scheduled for the City Council meeting on May 5, 2020. All  
 29 notices indicated that the Public Hearing would likely be held as a video conference with instructions  
 30 to obtain the meeting information from the City’s website. Adjacent property owners within ¼-mile  
 31 were notified of the process to participate in the public hearing using their computer or a call-in  
 32 number, and the official notice was placed in the newspaper directing all interested parties to the  
 33 City’s website.

34

35 **Project Summary**

36

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 141.18 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021330001 2603021430001

37

38 The Applicant is requesting a Conditional Use Permit to allow for vegetative grubbing and clearing  
 39 on approximately 23.79 acres of the subject properties. The proposed activities include the removal of

1 approximately 8.9 acres of woodland and removal of approximately 6 acres of brush and  
2 undergrowth. As indicated by the Applicant, the total area of removal may be reduced depending on  
3 the watershed district’s permitting process. (Additional detail regarding this item is provided in  
4 subsequent sections of this staff report).

5  
6 The purpose of clearing approximately 23.79 acres is to allow for the relocation of three (3) golf holes  
7 to the subject properties. The existing CUP for the Indian Hills Golf Club and neighborhoods does not  
8 include the subject properties. The Indian Hills Golf Club is the owner of the subject properties, but  
9 they are not subject to the current CUP and there are no current golf related improvements on the  
10 properties. The Applicant has indicated that the existing 18-hole golf course experiences flooding on  
11 holes 5, 6 and 7 due to their proximity to Keats Pond which is impacted by area flooding from  
12 Sunnybrook Lake, Thueson Pond, and Keats Pond. Given the regular, and historic flooding, the  
13 Applicant is proposing to relocate the three identified holes to the subject property.

14  
15 City Planner Swanson advised the Applicant stated that he needs to begin working on the relocation  
16 process as soon as possible, and Staff indicated the most efficient way to begin site work would be to  
17 first obtain this CUP for vegetative cutting which (if approved) will allow subsequently for grading to  
18 begin after City Engineer review and approval of the grading permit. This CUP does not permit or  
19 authorize the relocation of the holes for operations because the subject properties are not governed by  
20 the existing CUP for the golf course. Therefore, the Applicant must secondly apply for an Amended  
21 CUP that will address the relocation of the holes and operations.

22  
23 According to the City Code, Conditional Use Permits are subject to the process and review criteria  
24 stated in City Code Section 32-152. The City Code further states the following for consideration when  
25 reviewing a Conditional Use Permit (32-141):

26  
27 “(d) In determining whether or not a conditional use may be allowed, the City will consider  
28 the nature of the nearby lands or buildings, the effect upon traffic into and from the premises  
29 and on adjoining roads, and all other relevant factors as the City shall deem reasonable  
30 prerequisite of consideration in determining the effect of the use on the general welfare, public  
31 health and safety.”

32 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a  
33 conditional use permit, and a periodic review of said permit may be required.”

34  
35 Section 32-348 Vegetative Cutting provides direction regarding clearing and grubbing activities.

36  
37 There are two separate parcels associated with the subject application, which are described in the  
38 following:

39  
40 Parcel 2603021330001 is approximately 101.55 acres and is oriented north-south, with its northerly  
41 property line abutting CSAH 12. Based on the aerial from the Washington County GIS records, there  
42 are three existing structures clustered on the west side of the property approximately 515-feet from  
43 the CSAH 12 right-of-way, and 230-feet from the westerly property line. The east and west property  
44 lines are heavily vegetated, with a clearing in the central portion of the site. It appears from the aerial,  
45 and the Applicant’s submitted plans there are extensive wetland areas including a fen dispersed

1 intermittently throughout the site, and that the central portion of the site has recently been used for  
2 agricultural production. The site is contiguous on the southern boundary to the existing Indian Hills  
3 Golf course hole #7.

4  
5 Parcel 2603021430001 is located southeast of Parcel 2603021330001 and is adjacent to the existing  
6 golf course on its westerly border. The subject property includes vegetation on the southern and  
7 eastern property line with some intermittent vegetation interior to the parcel. It appears that there are  
8 some wetlands on the subject property, and that the site has recently been used for agricultural  
9 production. There are no structures on the site, and there are no existing structures on the parcel.

10  
11 City Planner Swanson advised the subject properties are located within the Agricultural Small Scale  
12 A2 land use designation which encourages rural residential and agricultural uses. The purpose of the  
13 vegetative clearcutting is to support the relocation of three (3) golf holes to the subject properties and  
14 does not further intensify the subject property or surrounding uses. Given the intended purpose of the  
15 activity, it is consistent with the City’s adopted Comprehensive Plan.

16  
17 The follow site and dimensional standards that are applicable to the subject application are provided  
18 for your review and consideration.

19  
20 The following site and zoning requirements in the A-2 district regulate the site and proposed project:  
21

<b>Dimension</b>	<b>Standard</b>
Lot Size	5 acres
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Wetland Buffers (BCWD Regulations)	100’

Setbacks: Section 32-348 (b) *Prohibited locations* states that no vegetative clearing shall be permitted within any required yard (setback). As shown on the site plan, it appears that the extents of the clearing and grubbing work is generally near the southeastern edge of parcel 2603021330001 contiguous to parcel 2603021430001. If both parcels are considered collectively, the proposed removal appears to be located outside of all setbacks. ***Staff would recommend including a condition that all clearing and grubbing locations be marked in the field to ensure vegetative cutting does not occur within the setback area. Additionally, staff would request that the clearing and grubbing areas be clearly marked on an updated site plan for confirmation that all vegetation in the setback areas remains intact.***

Wetland Areas & Buffers

The Applicant’s Site Plan (“Plan”) indicates and identifies a wetland complex on the subject sites adjacent to, and near, the proposed clearing and grubbing activities. The BCWD has indicated that this complex is a fen and is an important natural resource in the area. Since the Planning Commission meeting the Browns Creek Watershed District has issued a conditional approval of the requested clearing and grubbing activities, as well as for the full construction and operations of the three (3) relocated golf holes to the subject properties. A copy of the correspondence is attached to this staff report for your review and consideration. Staff recommends including the BCWD conditional approval by reference in the CUP, if approved. *Staff would suggest including a condition that all clearing, grubbing and grading activities within the wetland buffer areas are subject to the conditions from the BCWD.*

Grading Plan

This CUP application does not address or include approval for any grading activities, though they are described and identified within the Applicant’s narrative. The City Engineer is in the process of reviewing the grading plan. It should be noted that the proposed grading is intended to support the construction of three (3) new golf holes, but the grading permit does not approve operations of the three relocated holes. As previously noted, operations will be addressed through a formal Amendment of the existing CUP for golf course operations.

1 The City Engineer has reviewed the subject application and the associated grading permit request. No  
 2 further comments specifically addressing the CUP were provided, but a condition requiring  
 3 compliance with the City Engineer’s grading permit conditions has been included in the attached  
 4 permit.  
 5

6 The subject properties are located in the Browns Creek Watershed District. Staff discussed the  
 7 proposed activities with the BCWD several times, and their conditional review has been incorporated  
 8 as an attachment to this staff report. Staff would note that the BCWD’s review address the project in  
 9 its entirety, including construction of the holes and assumes operations. As noted, the City’s process  
 10 breaks up the process into this CUP, and the requirement that the existing CUP be amended to  
 11 incorporate the subject properties into the operations. As such, the BCWD review letter will be  
 12 applicable (and included) to this CUP, as well as the request to Amend the existing CUP.  
 13

14 Staff has prepared a draft Conditional Use Permit and Resolution of Approval consistent with the  
 15 recommendation of the Planning Commissioner for your review and consideration.  
 16

17 **Council Member Carr moved to open the public hearing at 9:20 p.m. Council Member Rog**  
 18 **seconded the motion. Motion carried unanimously by a roll call vote.**

19  
 20 Mr. Wade Shores, 10124 67<sup>th</sup> Lane N stated he has no issue with what the Applicant is proposing but  
 21 is frustrated that the area has continual flooding, vacant homes and roads under waters;. It seems  
 22 there is no real plan to manage the flooding.

1 Mr. Mike Kraemer, 6969 Jocelyn Road, stated he supports the Applicants efforts in the flooding  
2 issue, working with the City on the flooding and what he is proposing now. He added he hopes that  
3 when the new holes are constructed the land can help in flood mitigation.

4  
5 Mr. Scott Jordan, 7373 120<sup>th</sup> Street, stated he is in favor of the proposal and thinks the Applicant  
6 should be reimbursed for some of his work.

7  
8 Mr. Adam Bettin advised he was supportive of the proposal and did not provide an address.

9  
10 Mr. Don Roll stated he thinks the proposal is a good idea and did not provide an address.

11  
12 **Council Member Carr moved to close the public hearing at 9:28 p.m. Council Member Rog**  
13 **seconded the motion. Motion carried unanimously by a roll call vote.**

14  
15 **Council Member Rog moved to adopt Resolution No. 2020-20, as amended. Council Member**  
16 **Giefer seconded the motion. Motion carried unanimously by a roll call vote.**

17  
18 **Consideration of Resolution No. 2020-21, Application for Comprehensive Plan Amendment to**  
19 **Re-guide 5.3 Acres, 11298 60<sup>th</sup> Street North** – City Planner Swanson advised the Applicant, Adam  
20 Bettin, in coordination with the Owner the Stillwater West, LLC, is requesting a Comprehensive Plan  
21 Amendment to re-guide approximately 5.3-acres from Agricultural Small Scale (A2) to General  
22 Business (GB). The subject property is located at 11298 60<sup>th</sup> Street North, and is bordered by 60<sup>th</sup>  
23 Street North on the southern property border which is the frontage road to Highway 36.

24  
25 The Applicant presented a general concept plan to the City Council on February 4, 2020 to consider a  
26 mini-storage business on the subject property. The City Council told the Applicant that the proposed  
27 use is not permitted in the A2 land use designation or zoning district. A couple council members  
28 indicated that such use would be more appropriate in the City's General Business (GB) land use  
29 designation and zoning district, if it would be permitted at all. Given the feedback at the City Council  
30 meeting the Applicant scheduled a preapplication meeting with the City Staff. On February 26<sup>th</sup> staff  
31 met with the Applicant to discuss the proposed use and the process to move forward. Staff indicated  
32 that given the City Council's response the only option is to first seek a Comprehensive Plan  
33 Amendment (CPA) to re-guide the subject property from A2 to GB. If the City Council approves the  
34 CPA, then the Applicant would need to seek rezoning of the property which would include a map  
35 amendment, possibly a text amendment, and a Conditional Use Permit. However, the subsequent  
36 steps are only necessary and relevant if the property is re-guided to GB.

37  
38 A duly noticed public hearing was published for March 17, 2020 at 6:30 PM, but was rescheduled to  
39 April 21, 2020. The March Planning Commission meeting was cancelled due to the COVID-19  
40 pandemic which prevented commissioners from meeting in-person. Since March, the City has  
41 adopted an emergency resolution to hold all meetings, including City Council and Planning  
42 Commission, using video conferencing. On April 21, 2020 the Planning Commission held their  
43 meeting using Zoom video conference, and the public was provided instructions on how to join the  
44 public hearing using computer or phone. One member of the public provided testimony in support of  
45 the request to re-guide the subject property to GB.

1  
2 The Planning Commission discussed the application and asked a couple questions from staff and the  
3 applicant. After discussion, the Planning Commission unanimously recommended denial of the  
4 Comprehensive Plan Amendment with the following findings:

- 5
- 6 • The City recently prepared its 2040 Comprehensive Plan and carefully considered, evaluated  
7 and prepared the Future Land Use plan which guided the property for A2.
- 8 • The adopted 2030 Plan and the draft 2040 Plan specifically limits the amount of General  
9 Business to existing uses. The vision, goals and strategies of the Comprehensive Plan focus on  
10 retaining rural residential uses and does not support the expansion of General Business uses.
- 11 • The parcels guided for General Business are uses and business that have existed, in most  
12 cases, since the 1970's and no further expansion was contemplated. The designation is  
13 intended to reflect what the properties are currently used for not to guide new land for future  
14 business uses.
- 15 • A more detailed study of the full Highway 36 corridor should be undertaken to evaluate what  
16 changes are warranted, if desired by the Council, rather than to re-guide property on a  
17 piecemeal basis.

18  
19 **Project Summary**

20

Applicant:	Adam Bettin
Owner:	Stillwater West, LLC
PID:	3603021340002
Total Acres:	5.3
Address:	11298 60 <sup>th</sup> Street North
Zoning & Land Use:	A2
Request:	Comprehensive Plan Amendment to re-guide subject property from A2 to GB

21  
22 The Applicant is requesting a Comprehensive Plan Amendment (CPA) to re-guide the subject  
23 property from A2 to GB. The proposed GB land use designation would allow the property to be used  
24 for a variety of principal business uses that would not be permitted in the current A2 land use  
25 designation.

26  
27 City Planner Swansons advised the City's official controls, including the Zoning Ordinance (Chapter  
28 32) and Subdivision Ordinance (Chapter 30) do not explicitly define the criteria for review of a CPA.  
29 State Statute 462.355, and various associated statutory sections, enable Cities and property owners to  
30 request an amendment to the City's Comprehensive Plan. For purposes of this request, language in  
31 Chapter 30 and Chapter 32 regarding Zoning Amendments can be referenced for guidance in  
32 considering this application.

1 Generally, the most important consideration when processing CPA's is to determine whether re-  
2 guiding the property is consistent with the City's overall vision and goals as stated within the adopted  
3 Comprehensive Plan. If the request is determined to be consistent then re-guiding is reasonable.

4 The existing parcel is approximately 5.3-acres and is currently vacant. The subject parcel was  
5 subdivided from the adjacent larger 74.92-acre parcel that surrounds the subject property on the north  
6 and east. The timing of the subdivision is unknown, and currently both parcels are owned by different  
7 parties. The site is bordered by 60<sup>th</sup> Street on the southern property line, the American Polywater  
8 property to the west, vacant/agricultural land to the north and east. The property is accessed from an  
9 existing gravel driveway located approximately 200-feet from the westerly property line, and 215-feet  
10 from the easterly property line.

11  
12 As shown on the aerial provided as Attachment B, the property is heavily vegetated on the northern  
13 and eastern portions of the property with a small clearing on southwestern quarter of the property.  
14 There appears to be a wetland/ponding area along the eastern half of the road frontage (likely  
15 stormwater runoff from the roadways), and no other significant wetland areas appear per the National  
16 Wetland Inventory (NWI). A wetland delineation has not been completed for the subject property.

17  
18 City Planner Swanson stated the 2040 Comprehensive Plan is in draft form and the current draft does  
19 not expand the General Business (GB) land area from the adopted 2030 Plan. Both the 2030 and 2040  
20 plans deliberately limit the amount of land guided as GB, and generally guides only existing  
21 businesses along the Highway 36 frontage (60<sup>th</sup> Street N. frontage road) as GB. The City's overall  
22 policy direction has been focused on protection of the City's rural residential and agricultural uses.  
23 One strategy to support that objective is to limit the amount of land guided for any type of business  
24 use. While the City's rural residential and agricultural land uses conditionally permit businesses, most  
25 of the permitted business uses are required to be accessory to a principal residential use. The GB  
26 designation is different than the City's A1, A2 and RR designations in that it permits a wider variety  
27 of business to be permitted and conditionally permitted as principal uses.

28  
29 The Applicant has stated in their narrative that they believe the subject property is better suited, and  
30 more consistent, with the GB land use designation and as such has requested a Comprehensive Plan  
31 Amendment to re-guide the subject property. The Applicant's reasons are summarized as the  
32 following, and City Staff's responses are provided below each reason in *italics*:

- 33  
34
- The parcel is adjacent to existing businesses that are guided GB. The adjacent parcel to the  
35 east is American Polywater, which is situated on a similarly sized property and shares the  
36 subject property's westerly property line.

37 **Staff Response:** *There are several small properties along the Highway 36 frontage that are*  
38 *guided in the 2030 and 2040 Comprehensive Plan as General Business. Many of the*  
39 *properties are developed with existing businesses that have been in existence since the 1960's,*  
40 *though some new businesses have been developed recently. Business uses in this designation*  
41 *are diverse from manufacturing/warehousing to restaurants. The subject property is adjacent*  
42 *and contiguous to the GB land use designation and has its frontage on the 60<sup>th</sup> Street N*  
43 *frontage. Staff agrees that re-guiding the property to GB would not create unrealistic*



precedent for further expansion of the GB land use designation, and if a new business was developed on the property it would be consistent with the character of the surrounding uses.

- The parcel size (5.3 acres) is too small to be used for meaningful agricultural uses.

**Staff Response:** Staff agrees that the subject property is unlikely to be used for any significant agricultural activity, but that does not mean that it will remain vacant. The existing topography and vegetation in combination with the size will likely impact the desirability of the site for agricultural uses. There are several small “hobby farms” throughout the City that farm less than 10-acres, but the existing configuration and vegetation makes the site an unlikely candidate for such use.

- The location of the parcel adjacent to Highway 36 in combination with the small parcel size makes it undesirable for a principal residential use.

**Staff Response:** Staff acknowledges that the site may not be desirable for only single-family uses, but there are other conditionally permitted uses in the A2 land use designation that may be desirable. However, given the small parcel size, the ability to develop the site with a principal use and a conditionally permitted accessory business use (for example) may be unlikely given the City’s ordinances rules and regulations. Depending on the value of the parcel, staff agrees that developing the site for a single-family use is probably not the most desirable, or highest-and-best use of the property.

- If the parcel is permitted to develop with a commercial/business use, then the subject property will be taxed accordingly and will add to the City’s tax base.

**Staff Response:** The existing site is vacant and does not generate significant taxes for the City. The proposed re-guiding of the subject property to GB does not guarantee a specific commercial/business use, therefore a specific determination regarding impact to taxes cannot be made. However, staff does agree that if the site is developed from its current vacant condition for any type of business that its contribution to the City’s taxes will increase. Further, staff believes that from a market perspective that the site is well suited to commercial/business uses and will more than likely be developed if re-guiding to GB is approved.

Since the City’s ordinances do not specifically identify a criterion from which to review a Comprehensive Plan Amendment staff provides the following additional background:

- Re-guiding does NOT approve a specific project. Any council member, planning commissioner, property owner or person with real estate interest in the City may request an amendment to the City’s Comprehensive Plan. Such amendment can be either a map amendment or an amendment to language within the Plan. If the City agrees that the land use designation of the subject property should be changed and re-guided, it only approves that action (the map amendment, for example) it does not approve or deny a specific development project.

- 1       • The decision to re-guide is legislative which allows you more discretion to approve or deny  
2       the request. An application to amend the comprehensive plan is legislative because it  
3       establishes policies for future decision-making. Since the decision to re-guide a property is  
4       policy oriented, the Planning Commission and City Council have more discretion to determine  
5       if a map change is warranted and consistent with your goals. If the Planning Commission and  
6       City Council determine that the adopted land use plan is representative of your policies and  
7       you determine no map change is warranted, that is acceptable, and you may deny the request.  
8       However, if you determine a map change is warranted then all future decisions regarding the  
9       specific development of the site must be consistent with the GB land use designation.  
10      Approving the map change will subsequently require you to rezone the property to GB to be  
11      consistent with the land use designation (rezoning will occur at time of application for a  
12      specific development).
- 13
- 14      • Property size does not have to be a basis for determination. While the existing property size is  
15      more consistent with GB properties in the area, that does not mean you are required to rezone  
16      the property. Based on the City's existing land uses and zoning districts, a single-family home  
17      likely could be constructed on the subject property providing reasonable use to the property.
- 18
- 19      • Use the "vision" for the Highway 36 Corridor in your analysis. Staff suggests considering the  
20      merits of expanding the City's GB land use designation to this site and evaluate whether the  
21      types of uses contained within the GB zoning district would be consistent with your vision for  
22      this area of the City.

23

24      All Comprehensive Plan Amendments require review and approval by the Metropolitan Council.  
25      Because the City's 2040 Comprehensive Plan update is in draft form and under review with the  
26      Metropolitan Council, this amendment could be incorporated as part of the update process. Since no  
27      specific development plans would be approved as part of this action no other agency review is  
28      required at this time.

29

30      Staff has prepared a draft resolution of denial as recommended by the Planning Commission.

31

32      **Council Member Giefer moved to adopt Resolution No. 2020-21, as presented. Council**  
33      **Member Rog seconded the motion. Motion carried by a roll call vote with Council Member**  
34      **Carr abstaining.**

35

36      **City Attorney, Dave Snyder (no action items)**

37

38      **NEW BUSINESS**

39

40      **Consideration of Planning Commission Appointments**– City of Grant Planning Commission  
41      interviews were held prior to the regular Council meeting.

42

1 Council Member Carr moved to appoint Dan Gaglirdi and Jim Huttemier to the City of Grant  
2 Planning Commission. Council Member Rog seconded the motion. Motion carried  
3 unanimously by a roll call vote.

4  
5 **UNFINISHED BUSINESS**

6  
7 There was no unfinished business.

8  
9 **DISCUSSION ITEMS (no action taken)**

10  
11 **Staff Updates (updates from Staff, no action taken)**

12  
13 **City Council Reports/Future Agenda Items**

14  
15 No items were placed on a future agenda.

16  
17 **COMMUNITY CALENDAR MAY 6 THROUGH MAY 31, 2020:**

18  
19 **Mahtomedi Public Schools Board Meeting, Thursday, May 7<sup>th</sup> and May 21<sup>st</sup>, Mahtomedi  
20 District Education Center, 7:00 p.m.**

21  
22 **Stillwater Public Schools Board Meeting, Thursday, May 9<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

23  
24 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

25  
26 **City Office Closed, Monday, May 25<sup>th</sup>, 2020, Memorial Day Holiday**

27  
28 **Annual Clean Up Day, Saturday, June 6, 2020, Town Hall, 9:00 a.m. to Noon**

29  
30 **ADJOURNMENT**

31  
32 **Council Member Schafer moved to adjourn the meeting at 9:59 p.m. Council Member Rog  
33 seconded the motion. Motion carried unanimously.**

34  
35 These minutes were considered and approved at the regular Council Meeting June 2, 2020.

36  
37  
38  
39  
40 \_\_\_\_\_  
41 Kim Points, Administrator/Clerk

40 \_\_\_\_\_  
41 Jeff Huber, Mayor