

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, December 18, 2018

6:30 p.m.

Town Hall

*Please be courteous and turn off all electronic devices during the meeting.*

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: November 20, 2018
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Construction and Operation of Ice Arena, Mahtomedi School Campus, 8678 75<sup>th</sup> Street North
6. OLD BUSINESS
7. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

November 20, 2018

**Present:** John Rog, James Drost, Jeff Schafer, Jeff Giefer, Jerry Helander, Matt Fritze and Robert Tufty

**Absent:** None

**Staff Present:** City Planner, Jennifer Swanson; City Clerk, Kim Points

## 1. CALL TO ORDER

The meeting was called to order at 6:34 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. APPROVAL OF AGENDA

MOTION by Commissioner Schafer to approve the agenda, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

## 4. APPROVAL OF MINUTES, August 21, 2018

MOTION by Commissioner Giefer to approve the August 21, 2018 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

## 5. NEW BUSINESS

**PUBLIC HEARING, Consideration of Text Amendment Application, Community Solar Energy Systems** – City Planner Swanson stated the Applicant, US Solar, in coordination with the Owner Joyce Welander, have requested the subject text amendment to permit Community Solar Energy Systems (CSES) in the City's A1 and A2 zoning districts with a Conditional Use Permit (CUP). The City's current zoning ordinances does not permit CSES in any zoning district. The Applicant proposes to add Section 32-458 to the City's Zoning Ordinance that provides additional performance standards for CSES if they were to be conditionally permitted. A full copy of the Applicant's narrative, and all proposed ordinance amendments are provided as Attachment A.

This Application is NOT for a specific project on a specific site and if enacted would apply to all land zoned and guided A1 and A2. The Owner information is a required condition of a Text Amendment Application as stated in Section 32-116 which identifies that "an amendment to this chapter may be initiated by the city council, the planning commission or by petition of affected property owners..." US Solar would not be able to make this Application without a joint

Applicant having real property interest in the City per the Zoning Ordinance. Due to this criterion, the Subject Property and Owner are listed on the application.

The history of the City's ordinance development regarding solar energy systems for both residential and commercial installations is more complex than was summarized in the Applicant's narrative, and in some the Applicant has summarized the process inaccurately. Given the inaccuracies, Staff provides the following historical timeline as background and information to consider in your review the subject application:

- In the first half of 2017 staff was contacted by several solar energy developers as well as individual residents that were interested in understanding the potential of installing and/or developing solar energy systems in the community. To all inquiries staff informed interested parties that the City did not address such uses in the community, and therefore based on language within the Zoning Ordinance, that the use was not permitted.
- One of the inquiries was made by US Solar at the end of April 2017 by the developer's representative David Watts, who is also the representative on the subject application. US Solar was told that the use would not be permitted under the current code. They were further informed that the City's Ordinance permits landowners and those with real property interests to apply for text amendments to the Zoning Ordinance. No further direction was provided to US Solar except the City's Application form for a Text Amendment, and no pre-application meeting or other discussion was conducted between the City and US Solar at that time.
- Given that multiple inquiries were made, staff presented the issue to the City Council at its regular May 2017 meeting and requested consideration by the City Council to enact a Moratorium related to Solar Energy System uses so that staff could appropriately and adequately study the use and bring forward recommendations regarding potential solar energy systems uses in the City.
- On June 6, 2017 the City Council adopted a 6-month Moratorium by Ordinance (Ordinance #2017-52; signed at the June 29<sup>th</sup> Meeting and provided as Attachment B to this Staff Report) to allow the City to appropriately study the potential uses within the community.
- On June 13, 2017 US Solar made an application for a Text Amendment to the City's Zoning Ordinance to conditionally permit Community Solar Energy Systems in the A1 and A2 Zoning Districts of the City. Prior to submission, US Solar generally discussed their application with staff who directed the Applicant to the appropriate City Application form, which clearly states that all proposed changes should be identified within the application. Staff disputes the statement on page 6 of the Applicant's narrative which states, "after meeting with City staff, USS Joyous Solar LLC was told to submit a simple



application showing the change in the table of uses...” as such direction was not given, instead the Applicant was advised, as is standard, to follow the City’s Application checklist.

- After receiving the Application, the City Attorney determined that the Application for the Text Amendment by US Solar was able to be processed despite the enacted Moratorium, provided that the Applicant was aware that such Moratorium was in place and therefore **no application for a specific project could be made**. However, if they wanted to participate in the ordinance drafting process, the attorney determined that such activity was acceptable. It was communicated to the Applicant that it was their choice as to whether they wanted to participate in the ordinance drafting process and were provided no assurance or guarantee that such ordinance would permit or conditionally permit community solar energy systems. Staff communicated the existence of the Moratorium to the Applicant, who decided to continue to move forward with the Application.
- On July 18, 2017 a duly noticed public hearing was published for the proposed text amendment. At the bottom of page 7 and continuing to page 8 of the Applicant’s narrative the following statement is made, “Furthermore, in the previous text amendment process, the City Clerk sent out notices to every person within a half mile of US Solar’s proposed solar garden, and not a single neighbor attended the Planning Commission hearing to oppose the project...” There are several inaccuracies within this statement and staff provides the following clarification to ensure an accurate history of the process is documented. As noted in the previous bullet, **no review of a specific project on a specific property was conducted** in 2017 as required by the City’s enacted Moratorium. This was clearly communicated to the Applicant numerous times throughout the process. Secondly, because the 2017 Application was a Text Amendment that would impact all properties within the A1 and A2 zoning district (and had no effect on the zoning district boundaries or official zoning map), no individual public hearing notices were sent consistent with Minnesota State Statute Section 462.357 Subd. 3.
- At the July 18, 2018 regular Planning Commission meeting staff prepared a staff report which presented the Applicant’s proposed text amendments. Given the extremely general nature of the Applicant’s proposed changes, staff identified all of the ‘gaps’ within the Applicant’s proposal and recommended that the ordinance changes as proposed be denied, but that due to the Moratorium, the City was still committed to studying the issue of solar energy within the City. The Applicant is correct that a public hearing was held which was duly noticed in the City’s official newspaper, and they are correct that no members of the public were present.
- During Planning Commission discussion on July 18, the Planning Commission determined that the ordinance amendments as proposed by the Applicant were inadequate



and additional work was necessary. The Planning Commission specifically asked the Applicant whether they wanted to continue to work with Staff on the proposed changes, but again were provided an opportunity not to participate. Once again, the Applicant stated they would like to work with the City on the potential changes, but it was clearly stated by the Planning Commission that working with City Staff did not guarantee Ordinance adoption since the Planning Commission is only a recommending body to the City Council.

- After the July 18<sup>th</sup> Planning Commission Meeting, the Applicant worked with the City Staff to develop a draft ordinance addressing Community Solar Energy Systems. Staff continued to work on the ordinance independently and concurrently so that residential solar energy systems were also addressed within the ordinance draft as directed by the Moratorium. While the Applicant was singularly focused on Community Energy Solar Systems, the Moratorium in place was broader because no solar energy (whether residential or commercial) was addressed within the existing ordinance.
- On September 19, 2017 the revised ordinance that incorporated the recommendations of the Planning Commission from their July 18<sup>th</sup> meeting was presented to the Planning Commission. After discussion, the Planning Commission recommended approval of the draft ordinance to the City Council.
- On October 3, 2017 the City Council was presented with the draft ordinance as recommended by the Planning Commission. The draft ordinance included both Community Solar Energy Systems and Residential Solar Energy Systems. After much discussion and debate, the City Council majority disagreed with the Planning Commission and determined that Community Solar Energy Systems were not a desirable use in the community and viewed the use as an industrial/commercial use that was not intended in the City's A1 and A2 zoning districts. However, despite their lack of support for Community Solar Energy Systems, they did agree with the Planning Commission's recommendations regarding Residential Solar Energy Systems. After discussion, the Council majority directed staff to prepare a revised draft ordinance for consideration that would permit Residential Solar Energy Systems but would prohibit Community Solar Energy Systems.
- After review of the proposed changes at the regular meeting in November, the City adopted Ordinance 2017-53 on December 5, 2017 that allowed and regulated Residential Solar Energy Systems, but prohibited Community Solar Energy Systems. This Ordinance amendment is the basis of the Applicant's current Application, which is attached and provided within the Applicant's submittal (Attachment A).

Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by

a resident's petition. While the Applicant is not a landowner of the City, the Owner is a party to the Application and therefore has initiated the amendment for consideration in coordination with the Applicant. When considering the proposed text amendment, the Planning Commission should consider, at a minimum, the following:

1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?
2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

It is important to remember when reviewing the Applicant's proposed language and amendment that the changes will affect all properties in the City that are zoned and guided similarly (i.e. all properties in the A1 and A2 zoning district).

The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are compatible with existing agricultural and rural residential uses in the A1 and A2 land use designations. Pages 9 through 11 of the Applicant's narrative describe US Solar's perception of how Community Solar Energy Systems support the goals of the Comprehensive Plan.

Most of the Applicant's analysis on the pages previously noted identify side/ancillary benefits that could be achieved if the CSES were permitted and installed, and how those supporting uses are consistent with the City's Comprehensive Plan rather than the CSES use itself. For example, the landscaping around the solar installation would be planted with prairie grasses and include sedimentation basins to assist with stormwater runoff and quality. While this may be true, and may also consistent with the Comprehensive Plan, the landscaping is not the CSES use, it is a supporting and/or ancillary byproduct of the CSES development. The property owner could plant prairie grasses on their property regardless of the presence of the CSES and achieve the same environmental benefits noted in the Applicant's narrative. The issue of how to classify the actual CSES 'use' still remains.

In 2017 the City Council determined that a CSES use is industrial/ commercial / general business in nature and therefore is not consistent with the goals and objectives for the A1 and A2 land use designation. There have been no changes to the City's Comprehensive Plan since the 2017 Application, and therefore staff can only state the Council's previous findings regarding the CSES for consideration.

During the 2017 Application process, the City Council disagreed with the Applicant's analysis and conclusion that Community Solar Energy Systems are a rural or agricultural use, and instead concluded that the CSES use is closer to an industrial, general business or commercial use.

The Applicant states on page 13 of their narrative, “This is not a commercial or industrial land use. There is no storefront, no permanent structures, no billboards, and no city utilities.” On its face, this statement is somewhat correct, however, staff would argue that the solar panels/array would meet the definition of a ‘structure’ and would be subject to a building permit.

Further, the solar panels/array will be in place for a minimum of 25-years, which could be argued is permanent since many buildings are designed for an average similar life-span before major maintenance and improvements are needed. Additionally, the mention of ‘city utilities’ is irrelevant and does not further define the type of ‘use’ that a CSES should be classified. The City provides no city services to any of its commercial or light industrial users located in the General Business district, and this is not a determining characteristic of ‘use’ within the City of Grant.

***In 2017, the City Council concluded that the CSES use is closer to an industrial or commercial use, and therefore is not consistent with the City’s adopted Comprehensive Plan.***

Section 32-243 defines the intent and purpose of the A1 and A2 zoning districts as,

- A-1 A-1 districts preserve land to be utilized for agricultural and commercial food production on lots smaller than those required in AP districts. A-1 districts provide areas of rural lot density housing with lots large enough for significant agricultural activity to occur.*
- A-2 The A-2 districts provide rural low density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming.*

If the City Council’s 2017 conclusion that the proposed CSES use is inconsistent with the land use designations in the Comprehensive Plan is upheld, then the CSES standards as proposed must also be viewed as inconsistent with the zoning.

However, since staff does not know how the Planning Commission or City Council will view this new Application, staff provides the following considerations regarding the proposed additional performance standards contained in proposed section 32-458 that differ from previous language in the 2017 draft language:

- The Applicant proposes a minimum lot size for all CSES of 40-acres. The Applicant’s narrative states that staff performed an analysis in the previous application process and concluded only three sites were available and meet the criteria. Staff disputes the definitive nature in how this statement is reflected in the Applicant’s narrative. Staff performed preliminary review in 2017 based on available GIS records in 2017 and concluded that a small number of parcels could meet the 40-acre minimum criteria and



still meet the other criteria of the ordinance. However, staff also noted that the review and analysis did not include a thorough analysis of adjacent ownership (i.e. adjacent parcels owned by the same entity that could be combined), and also acknowledged that future owners could purchase and assemble land to meet the criteria. However, it is true that staff previously concluded that a relatively small number of sites meeting all criterial would be available for a CSES if the ordinance were to be enacted with a minimum lot size criterion.

- The Applicant proposes to include language requiring spacing of at least 1-mile between CSES locations. Requiring 1-mile spacing seems to favor the ‘first-in’ and unfairly penalizing other landowners, if the use were permitted. This standard would need to be reviewed by the City Attorney, if the CSES use is deemed acceptable by the Planning Commission and City Council.

Staff acknowledges that the Applicant and Owner submitted a petition which includes 194 signatures in support of the Owner’s specific project and making the applicable ordinance modifications. It is not clear from the petition whether residents understood that the proposed ordinance amendment would impact all property within the A1 and A2 zoning districts. The narrative accompanying the petition includes some inaccuracies regarding the 2017 ordinance process similar to those previously identified. However, staff recommends that the Planning Commission review the Petition and consider that many residents appear to be in support of CSES within the community.

Included within the Applicant’s narrative and materials is a letter from the Minnesota Farm Bureau which states that their, “statewide policy supports the development and use of alternative energy sources such as solar farms and gardens...” but further acknowledges, “We do not weigh in on specific projects at the local level, those decisions need to be based on local support.” Once again, staff would note that the subject Application is for a Text Amendment and does not address a specific project.

A duly noticed public hearing has been schedule for November 20, 2018 at 6:30 PM to consider the proposed text amendment to the zoning ordinance.

Staff is seeking discussion, review and a recommendation regarding the proposed text amendment.

City Planner Swanson noted the letter provided to residents that did sign a petition relating to the project does not appear to be clear in terms of what property the project relates to and refers to the Comprehensive Plan only. The City does not initiate petitions. The petition was initiated by the property owner.

MOTION by Commissioner Helander to open the public hearing at 6:53 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. David Watts, Applicant, came forward and advised the only changes to the current application are positive and he requested this application be considered independently from the previous application. He stated most communities allow community solar noting the benefits of them. The plan is more restrictive and more beneficial. A petition was sent around and signed and supported overwhelmingly within the community. The local media picked up the story. This is an opportunity for Grant to support its citizens. Several farming organizations also support community solar gardens. There is no conflict with the Comprehensive Plan and he demonstrated how they actually support the current plan. There will be a landscape plan to satisfactorily screen from neighboring properties and roadways. A flood of applications will not be possible due to the proposed mile buffer. He requested approval of the application.

Ms. Joyce Welander, 10381 85th Street, came forward and stated there are more horses and bees in Grant than there are people. There is no language in the Comprehensive Plan that prohibits solar gardens. There is an increased emphasis on energy sources, restoration of land conservation, education of youth, and producing less carbon. Others wanted to sign the petition because they are supportive, and the project will not be noisy, and there is a buffer line with trees and there is no traffic. It will not harm Grant.

Mr. Paul Hoff, 8047 80<sup>th</sup> Street, came forward and stated he does support the ordinance change as it is reasonable to keep the rest of the property agricultural. There are pipelines in Grant, and adding solar to the grid is reasonable.

Ms. Becky Siekmeier, 1150 Lawn Avenue, came forward and stated she also supports the plan as it is a good use of space especially with the border plantings, and she would be more than happy to sign the petition.

Mr. John Siekmeier, 1150 Lawn Avenue, came forward and stated the right decision was previously made, and he also supports the plan.

MOTION by Commissioner Schafer to close the public hearing at 7:19 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Commissioner Schafer stated he was in favor of the project a year ago because solar energy is beneficial. He understands the majority of the Council voted the other way. He viewed several facilities last week, and there are pros and cons to everything. It appears there is a rush to do a

lot of them. Comments on the Comprehensive Plan can be interpreted many different ways and can be argued either way. If a recommendation to approve is made, the conditions of approval should be strengthened.

Commissioner Tufty stated he also supported the last time. He viewed several last week and he has new concerns including the green acre status of the property.

Commissioner Helander stated he did take a look at the projects in Scandia and Lindstrom. Solar projects can be great in the right place but that he does not believe Grant is the right place.

Commissioner Giefer referred to the Wind Energy Conversion Systems and what is allowed in Grant for those systems, stating he believes it should be similar for solar – residential but not commercial installations.

MOTION by Commissioner Helander to recommend denial of the Solar Text Amendment Application, as presented. Commissioner Schafer seconded the motion. MOTION carried with Commissioner Fritze voting nay.

This item will appear on the regular Council agenda Tuesday, December 4, 2018, 7:00 p.m.

**PUBLIC HEARING, Consideration of Major Subdivision Application, 8255 75<sup>th</sup> Street North** – City Planner Swanson stated that the Applicant, The Excelsior Group, and Owner, Premier Bank, are proposing to subdivide the subject property into 16 rural residential lots. In September city staff and the Applicant met for a pre-application meeting. At that meeting staff discussed the City's zoning standards including minimum lot sizes, density and other information regarding the preliminary and final plat processes with the Applicant. The Applicant presented a conceptual site plan that generally showed the same lot and roadway configuration as presented within the subject application. Staff indicated to the Applicant during the meeting that the cul-de-sac lengths as depicted on the concept plan did not meet the City's ordinances. Staff urged the Applicant to connect with Washington County to determine if a second access were viable, and if not to identify how a secondary access could be incorporated in the future if the property to the west of the subdivision were to subdivide or change use. Depending on the outcome of the discussion with the County, staff indicated to the Applicant that an application for a Variance from cul-de-sac length would be required concurrently with the preliminary plat if no secondary access was identified.

A duly noticed public hearing was published for November 20, 2018 at 6:30 PM to be held at the Planning Commission's regular meeting. Letters were mailed to property owners within 1,250-feet of the subject Project, as required in Section 30-58 of the Subdivision ordinance, informing them of the application request and public hearing.



**Project Summary**

Applicant: The Excelsior Group Owners: Premier Bank	Site Size: 165.12 Acres Request: Major Subdivision, Preliminary Plat of 16 Lots Variance from maximum cul-de-sac length
Zoning & Land Use: A-2 Proposed Plat Name: The Gateway	PIDs: 2803021420003 (Parcel A) 3303021210002 (Parcel B) 2803021310003 (Parcel C) 2803021310002 (Parcel D) 2803021340001 (Parcel E)

The proposed Project will create 16 new rural residential lots on approximately 165 acres of land located south of CSAH 12 lying adjacent and westerly of the Gateway Trail. The existing properties were foreclosed and taken back by the bank and have been owned by Premier Bank for the past several years. Premier has actively marketed the property since its acquisition, and many residents and property owners in the City have inquired about what might happen on the property. The following summary is provided with respect to the proposed project:

- The Proposed Project will create 16 new lots ranging in size between 5.00 and 28.34 acres. Twelve of the 16 lots range in size between 5 and 8 acres, and four (4) lots are between 16 and 29 acres.
- The rural residential lots will be a part of a homeowner’s association that will govern the proposed subdivision. Draft covenants, bylaws and declarations have been submitted for review by city staff for consistency with the City’s ordinances.
- The Applicant did not state whether the proposed subdivision would be phased or if it is anticipated that all lots would be platted at once. This should be clarified during the process.
- The Applicant is proposing to dedicate an Outlot, denoted as Outlot A, to provide trail access to the Gateway Trail. The trail corridor connects the southern terminus of the cul-de-sac to the Gateway Trail between Lot 10 and Lot 11 in the proposed subdivision. It is unclear based on the materials whether this trail corridor would be private or available to the public, but staff assumes based on the presented materials it would be maintained by the Homeowners Association and would primarily be used by future residents of The Gateway.

- All 16 lots will be served with individual wells and individual septic systems. The Preliminary Plat has identified primary and secondary drainfields associated with each lot, and septic reports/boring logs for each lot were submitted with this Application. There is an existing septic system and well located on existing Parcel C. The Application does not indicate a demolition plan, and therefore it is unknown what will happen to the existing septic and well on the site. Staff assumes based on the plans that the existing septic system will be abandoned, and that all structures will be removed. The Applicant should verify the plan for the existing well and septic on site.
- The existing property is irregular in shape and is bordered by 75<sup>th</sup> Street North (CSAH 12) on the northern property line, the Gateway Trail along the east-southeast property line, and existing rural-residential lots along the westerly property line. CSAH 12 is a County Road and the proposed access will require coordination and discussion regarding access permit, right-of-way dedication and any improvements with Washington County since they will be the permitting authority for access onto their roadways.
- The lots in the proposed project will be accessed from two cul-de-sacs with one access proposed onto CSAH 12. The cul-de-sac length of both cul-de-sacs within the preliminary plat exceed the City's standards and require a variance from the subdivision ordinance in order to be approved in the current configuration.
- The rural residential lot sizes can accommodate a variety of housing styles and plans. As such the Applicant anticipates all homes in the subdivision will be custom built, and that lots will be custom graded once house plans are developed.

The proposed Project is classified as a Major Subdivision per the City of Grant's subdivision ordinance which is Chapter 30 of the City Code. The specific regulations related to the Preliminary Plat process are contained within Article II Platting Division 2 Preliminary Plat. Also relevant with respect to design standards is Article III Minimum Design Standards.

As referenced within the Preliminary Plat requirements all created and/or new lots must comply with the current regulations which apply to the zoning district in which the Property is located. The following sections are most applicable to this request and are considered, at a minimum, in the following sections:

32-1 Definitions

32-246 Minimum area, maximum height and other dimensional requirements.

The existing site is irregular in shape and is comprised of five individual PIDs. There is an existing homestead, two barns and three sheds located near southeaster edge of Parcel C (generally at the center of the site when all parcels are considered collectively). All structures

are accessed by a single driveway which is connected to CSAH 12 on the north. The site is intermittently vegetated, with some more solid vegetation at the property edges, and some pockets of vegetation near the existing homestead and structures that appear to be planted conifers and other 'screening' types of vegetation. There are several fenced in areas on the site that were presumably used for pasture areas and the keeping of horses. There are extensive wetlands on-site, particularly on the western and southern edges. A wetland delineation has been prepared that identifies approximately 45.98 acres of wetland on site. The Wetland Delineation report and application was submitted to Valley Branch Watershed District for their review and approval. There is an existing 75-foot wide pipeline easement that extends generally along the westerly property line and bisects a portion of the southwest corner of the property.

The 2030 Comprehensive Plan land use designation of the subject properties designates the property as A2- Agricultural Small Scale. Properties guided as A2 are intended to be used for rural residential and small agricultural uses at densities no less than 1 Dwelling Unit per 10 Acres. The Gateway development will include 16 rural residential sized lots on approximately 165 acres and the intended use of each property is for single-family residential uses. The proposed project is consistent with the intent and guided density as identified within the adopted Comprehensive Plan.

The subject properties are zoned A-2, and Section 32-243 defines the intent and primary use of such properties as, "...provide rural low-density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming."

The proposed Project requests subdivision of approximately 165 acres into 16 lots, and is subject to Chapter 30 Subdivisions and is specifically reviewed for compliance with Sections contained within Article II Platting and Article III Minimum Design Standards. Chapter 30 requires all subdivisions with newly created lots to comply with the underlying zoning district, and as such each lot was reviewed for compliance with Section 32-246 Dimensional Standards, and other applicable sections of Chapter 32.

The subdivision ordinance requires all newly created lots to conform to the dimensional standards as identified within Chapter 32 of the zoning code. Subsequent sections of this report will provide a review of the dimensional standards and will make the appropriate cross reference to the subdivision code, where applicable. The following review relates specifically to the subdivision and/or preliminary plat requirements that are not addressed within the zoning review.

*Section 30-105 Easements* requires newly created lots and roadways to provide easements for utilities and drainage ways, as necessary. The applicable ordinance requirements are as follows:

- (a) Required for Utilities. Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary..."



- (b) Required for drainage. Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a sufficient width to provide property maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.
- (c) Dedication. Utility and drainage easements shall be dedicated for the required use.

As shown on sheets 9 through 11, drainage and utility easements are dedicated on each lot line, around all features associated with the drainage plan of the property, and all wetland areas. The City Engineer is reviewing the subject project and will provide a review memo that will be emailed to the Planning Commission prior to the meeting. ***The Applicant will be required to dedicate the easements to the benefit of the City at time of final plat; however, staff would recommend including a condition that the maintenance, specifically of all drainage easements, will be provided for and the responsibility of the HOA and must be detailed in any Covenants and Development Agreement.***

Various subsections of 30-107 apply to the proposed subdivision including the following:

- (a) *Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.*

Staff has reviewed the design and layout of all lots contained within the subdivision, and the majority of the proposed lots comply with this standard. There is a slight jog in the lot line between Lot 2 and Lot 3, and the lot lines of Lot 10 and Lot 11 bordering the trail corridor Outlot A doglegs slightly. It is unknown based on the materials submitted whether there is a topographic reason why the lot lines jog slightly. Staff would like some discussion from the Planning Commission regarding this item, since it is a slight variance from the strict application of the code.

- (k) *Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan acceptable to the city shown as to future use, rather than allowed to remain as unusable parcels.*

The proposed subdivision identifies one Outlot A which is intended to serve as a trail connection to the Gateway Trail. Staff believes that this Outlot is different than the strict interpretation of the ordinance, and therefore believes that the Outlot is acceptable; however, staff recommends that the maintenance and management of the Outlot be clearly accounted for within the Development Agreement and the HOA's responsibilities.

- (l) *Access to major arterials. In the case where a proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads...."*

The proposed subdivision includes the construction of a new local street/cul-de-sac that will connect to 75st Street North on the northeast corner. ***The new local roadway/cul-de-sac will provide direct access to all lots abutting the roadway, and no new***

***structures/lots will access the County roads directly. As designed, the proposed subdivision meets this requirement.***

The Project includes the development and construction of two new cul-de-sacs, with one access to CSAH 12. The cul-de-sac design will serve all of the new homes in the neighborhood. The Applicant's vision for the neighborhood is to create a rural residential neighborhood, and the proposed rural section roadways and cul-de-sacs support that vision. The following standards regarding cul-de-sac streets and street design are as follows:

30-129 cul-de-sac streets

*(a) Cul-de-sac streets, temporarily or permanently designed as such, shall not exceed 1,320 feet in length.*

There are two proposed cul-de-sac streets within the subdivision, the main north-south cul-de-sac, and an east-west cul-de-sac. The north-south cul-de-sac is approximately 2,128-feet long, and the east-west cul-de-sac is approximately 1,950-feet long both exceed the ordinance standard. The Applicant has requested a variance from this standard and their narrative is provided within Attachment B of this staff report.

The Applicant's narrative states that Washington County will not permit more than one access to the proposed site based on their access spacing guidelines. Staff has contacted Washington County regarding this statement and will provide an update at the Planning Commission meeting if a response has been received. Staff assumes that the Applicant's statement is fairly accurate; however, staff believes it is likely that they would permit a second access just to the west of the subject site aligned with the curb-cut on the north side of CSAH 12. If Washington County affirms that they would not permit a second access on this site, Staff would generally agree that the site is constrained given the location and quantity of wetlands. However, staff believes that there would be a way to reconfigure the east-west cul-de-sac in a way that may provide future connections to CSAH 12 slightly west of the existing site, which would allow for future potential planning of a connection if the opportunity were to become available consistent with subsection (c) below.

The Applicant also notes the existence of the gas pipeline along the westerly property line. Staff agrees that any proposed improvements within the easement are subject to the gas line easement holder; however, it should be noted that roadway improvements within this easement already exist with the CSAH 12 crossing, as well as the northern access drive just to the west of the property. Based on the existing conditions, and the existence of roadway improvements within the easement, more information would be necessary to confirm that no additional crossing or improvement would be permitted within the easement area.

Staff agrees that the wetlands onsite do provide natural constraints due to their location and quantity, however, wetland mitigation is often a viable option for roadways particularly for

purposes of safety. More information regarding quantity of wetland impacts would be necessary to quantify the extent of the mitigation required. Staff does not believe this analysis is needed until it is determined whether Washington County would permit an access or not just west of the site.

Staff's perspective is that in order to adequately review the proposed variance, more information from Washington County is required based on the Applicant's submitted materials. Staff has reached out to Washington County and will provide either a verbal update at the meeting, or will email a written correspondence regarding this issue when received.

*(a) Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.*

Section 32-246 identifies the lot dimensional standards for lots zone A2. Lots on a cul-de-sac are required to have a minimum lot width of 160-feet at the building setback line. All lots appear to meet this standard, but lot dimensions should be verified by the Applicant's engineer for proposed Lot 10 and 12 to ensure the lot width is met.

*(b) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the owner fronting on the temporary turnaround. To ensure such streets can be constructed according to this code, the street shall be rough graded or typical sections shall be submitted and approved by the City engineer.*

As noted in Subsection (a) above, city staff believes additional analysis and review by the Applicant should be completed regarding this item.

30-130 Street design

*(a) Minimum width*

*Local Streets - ROW roadway width 66 feet, 28 feet including shoulders*

*Cul-de-sacs - ROW roadway width 66 feet, 48-foot turnaround radius*

The street and cul-de-sac right-of-way and design meets the City's ordinance requirements.

(1) The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface.

Sheet 9 of 23 identifies the Typical Street Section that the Applicant is proposing to construct for the new roadway. As shown, the roadway would include 22-feet of paved surface with 3-foot



shoulders and typical ditch section. All driveways serving the new homes will connect directly to the local roadway, and will cross the ditch section to connect to the paved surface. A pavement profile is not included within the plan set, but will be subject to the City's minimum specifications. ***As proposed, the new local roadway/cul-de-sac dimensions meet the City's standard minimum design standards. Any additional requirements or standards will be included within the City Engineer's memo.***

The following site and zoning requirements in the A-2 district regulate the site and proposed subdivision:

<b>Dimension</b>	<b>Standard</b>
Lot Size	5 acres
Lot Depth (ROW to rear lot line)	300'
Lot Width (measured at front yard setback)	300'
Lot Width on a Cul-de-sac at the setback line	160'
Frontage – public road	300'
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Height of Structure	35'
Fence	May be on property line, but not within any ROW
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	75' (50')
Maximum Floor Area	30%

Density/ Lot Size /  
Buildable Area      Density

As proposed the density calculation is as follows:

$$165.12 \text{ Acres} / 16 \text{ Units} = 10.32 \text{ Acre average lot size}$$

***As proposed, the proposed density in the Farms of Grant Project meets the City's Comprehensive Plan and zoning ordinance regulations.***

However, it should be noted that all available density has been used, and no further subdivision is permitted. ***Staff would recommend including a condition that the Development Agreement and that the HOA covenants clearly state that no further subdivision is permitted of the subject properties, and that this restriction must be recorded against all***

*properties including those not subject to the HOA.*

#### Lot Size

Section 30-107 Lot Requirements, subsection (c) Minimum area and width, states, “No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, except as here provided. Irregular-shaped lots designed for the sole purpose of attempting to meet a subdivision design or zoning regulation shall be prohibited.”

As identified on the previous table, Lots in the A-2 zoning district have a minimum lot size of 5.0 Acres (Lot Width will be discussed in subsequent sections of this report). While the zoning code does not specifically define ‘rural residential lots’ the term is explanatory of what the Applicant has proposed for most of the lots. Of the 16 lots, 12 range in size between 5.0 acres and 7.59 acres. The four (4) remaining lots are between 16 and 29 acres, respectively. ***All of the lots meet the 5.0 acre minimum lot size as defined within the zoning ordinance.***

#### Buildable Area

All lots within the A2 zoning district must have a minimum of 1.0 acres of “Buildable Area” to ensure that there is adequate area on a lot to support the principal structure and septic system. This requirement can be found in Section 32-246 subsection (b)(4) Subdivision of Lots which states, “...All new lots created must have at least one (1) acre of accessible buildable land. Buildable land is defined as land with a slope of less than twenty-five (25) percent, and outside of any required setbacks, above any floodway, drainage way, or drainage easement. Property situated within shorelands or floodplains are also subject to the requirements set forth in those respective ordinances.” Also, while not explicitly stated, it should be noted that the wetlands are also removed from the Buildable Area calculation.

The Applicant has graphically demonstrated where and how much Buildable Area is on each created lot on Sheets 10 and 11 of the attached Plan Set, and a lot tabulation including Buildable Area can be found on Sheet 9. ***As shown in the Lot Area Table, all proposed lots have a minimum of 1.0 acres of buildable area with most lots exceeding 2 acres of buildable area. All lots comply with the ordinance requirements.***

#### Frontage

Section 30-107 subsection (b) requires each lot to front on a public street, and Chapter 30 further states that all created lots must meet the standards of the underlying zoning. The Dimensional Requirements and

corresponding frontage requirements are shown on the table found in Section 32-246 which requires a minimum of 300-feet of Frontage on “an Improved Public Road” for properties zoned A-2, and a minimum of 60-feet of frontage for lots abutting a cul-de-sac. Per Section 32-1, Frontage is defined as, “that boundary of a lot which abuts a public street or private road.” ***All lots as shown on the Plan Set meet the minimum frontage.***

Lot Width & Lot  
Depth

All created lots must meet the standard for Lot Width and Lot Depth in the A-2 zoning district. The ordinance requires a minimum lot width of 300-feet for standard lots and 160-feet for lots abutting a cul-de-sac. The minimum Lot Depth of all A2 lots is 300-feet.

Section 32-1 defines Lot Width as, “the horizontal distance between the side lot lines of a lot measured at the setback line.” And Lot Depth as, “the mean horizontal distance between the front and rear lines of a lot.”

As previously noted, all lots appear to meet lot width standards, however, verification of lot width on Lot 10 and 12 should be provided as the dimension appears to be close and no dimension was provided on the plan set.

All lots meet lot depth requirements.

***As designed, all lots in the proposed subdivision meet the City’s standards for lot width and lot depth.***

Coverage (Floor  
Area)

Sheet 9 Lot Area Table identifies the shown impervious surface coverage based on conceptual house pad and driveway. All shown coverages are between less than 1 % and 4.5%. The stormwater management plan was based on permitting up to 20,000 square feet of coverage which would be equivalent to between approximately 2% and 9%. ***As proposed, all lots and their conceptual building pads meet the City’s floor area requirements.***

Roadways &  
Access

Section 30-58 (c )(1) requires the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III. The proposed roadway contains 66-feet of dedicated right-of-way with a 22-foot paved surface and 3-foot shoulders. The cul-de-sac contains a 48-foot diameter and 96-foot right-of-way. As previously stated, the proposed roadway meets the city’s minimum standards. The City Engineer will provide additional comments in their memo which will be emailed under separate cover, and hard copies will be brought to the meeting. The preliminary plat does not show a proposed road name for either cul-de-sac, and a proposed road name for each cul-de-sac should be provided with the revised drawings.

Septic

Section 30-58 (9) requires that “in areas where public sewer is not available, four soil borings shall be completed on each lot with results being submitted to the city building inspector...” Sheets 9 through 11 show the location of the soil borings that were completed on each lot for purposes of determining where a primary and secondary drainfield could be located on each lot. As submitted, there are four (4) borings identified on each lot.

The Applicant also submitted a septic report that was prepared by a licensed septic installer/designer which corresponds to the completed borings, and has indicated that all lots can support a standard individual septic system. Washington County is the permitting authority for septic design and installation in the City of Grant, and no correspondence was provided regarding their consideration/review of the information. **Staff would request that some correspondence from Washington County be provided verifying that the information contained in the report generally supports the adequacy of the primary and secondary drainfield areas on the lots.**

Driveways:

The proposed roadway will serve the new homes in the subdivision, and each home will be connected with a single driveway as shown on sheets 9 through 11 of the Plan set. As designed, one driveway will be constructed to provide access to the principal and any accessory structures on each lot. **As designed, a single access/driveway complies with the City’s driveway standards, however, it should be noted that each lot will be required to acquire a driveway permit prior to a building permit being issued for a new home (Section 32-184).**

Stormwater/Erosion Control

The City’s Zoning and Subdivision Ordinance both require that the Applicant submit a stormwater management plan and erosion control plan. The Applicant is proposing to manage stormwater on-site through a series of ponds and infiltration basins. The Applicant is required to meet the City’s standards, but is also subject to the rules of the Valley Branch Watershed District (VBWD). The Applicant has submitted the Wetland Delineation for their review, and at this time staff has not received a Notice of Decision. The Applicant also submitted an application to the watershed district for review on October 24, 2018 and at the time of this memo a response has not been received by the City regarding completeness, process, etc. Their recommendations may change and/or alter some of the configuration of the basins and/or infiltration areas, and if so, revised plans should be submitted to the City Engineer for additional review. The Stormwater Management Plan for the Project as currently designed was submitted and under reviewed by the City Engineer.



The City Engineer is in the process of reviewing the submitted plan set and will provide a memo to the Planning Commission for their review prior to the meeting. The City Engineer is reviewing the submittal regarding Stormwater and Erosion Control, specifically addressing Sections 30-172 and 30-173 and also the Street Design Standards.

Sheets 12-21 provide a preliminary grading plan and erosion control plans that are under review by the City Engineer. As background for the Planning Commission, it is standard for a conceptual/preliminary grading plan to be prepared for projects of this type, particularly given that the lots will be constructed with custom houses. So for purposes of stormwater calculations, erosion control, and other engineering items it is important to have a 'conceptual' plan of how the improvements can be accommodated on the lots while ensuring that those improvements would meet stormwater and erosion control standards.

Staff would recommend including a condition in the Preliminary Plat approval that the Applicant/Owner must meet all conditions as stated within the City Engineer's memo dated November 13, 2018.

The proposed Project is located within the Valley Branch Watershed District and is subject to their rules and regulations. The Applicant has submitted an application to the VBWD and continues to work with them through their permitting/review process.

The proposed roadway connects to CSAH 12 is under the jurisdiction of Washington County. At the time of this staff report the County had not yet provided their review. Staff is working collaboratively with the County to get feedback and comment from their staff regarding the proposed road access locations, and will bring any feedback and or information to the meeting on November 20<sup>th</sup> meeting if possible.

While the Plan set is very complete, there are some minor issues that staff would recommend resolving. Preliminarily staff would request the following updates and/or information. Depending on the comments at the public hearing and Planning Commission discussion, additional items may be requested of the Applicant and can be added to this list.

- Update the Plan set to include a proposed roadway name
- Potentially revise the configuration of Lots 2, 10 and 11 for compliance with the lot design standards.
- Provide any additional information, or plan changes regarding the stormwater system as required by VBWD for review and consideration of the City Engineer.
- Receive comment from Washington County regarding the proposed roadway, specifically the proposed access location(s) to assist with the variance review process.
- Provide written (email acceptable) noting review of soil borings from Washington County.

Staff is seeking discussion, and possibly a recommendation, from the Planning Commission depending on how comfortable commissioners are with the information provided. At this time, staff believes that additional information regarding the variance is necessary, but it is possible that such information will be available prior to the meeting regarding the access from Washington County. If additional information is obtained prior to the meeting, staff will send the correspondence from Washington County, as well as a short staff memo addressing the response.

Mr. Ben Schmidt, Applicant, came forward and explained the jog between Lot 1 and Lot 2 he can straighten out. The other jog in the plan will be maintained to keep because it hits the trail in the best location. The variance is required because the piece of property is surrounded by wetlands and a second access can't be obtained by the County.

MOTION by Commissioner Helander to open the public hearing at 8:06 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. Mark Rausch, Engineer for the project, came forward and referred to the map pointing out the proposed access, turn lanes and improvements.

Mr. Paul Hoff, 8047 80<sup>th</sup> Street, came forward and expressed the need for a trail between Ideal Avenue and the Middle School along County Road 12. He stated this would be a good time to get that project done and asked the Planning Commission to consider asking the Developer to do that.

MOTION by Commissioner Schafer to close the public hearing at 8:14 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

City Planner Swanson reviewed the following conditions of approval:

1. An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans depicting any necessary changes and/or modification shall be submitted for review and approval of city staff within 12-months of Preliminary Plat approval.
2. The Applicant shall obtain all necessary stormwater permits from the VBWD and such permits shall be acquired prior to the City granting any Final Plat of the Project.
3. The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the Project being granted.
4. If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final Plat of the Project being granted.

5. A letter from Washington County Environmental Services shall be provided indicating that the proposed primary and secondary septic sites meet their standards and requirements, and that adequate area exists on each lot to accommodate a septic system. Such letter shall be provided prior to granting any Final Plat of the Project.
6. The Applicant will be required to enter into a Development Agreement prior to the City granting any Final Plat of the Project to ensure that the requirements and conditions as set forth herein are complied with, and ensure the installation of the subdivision infrastructure.
7. The Applicant shall obtain all necessary permits for installation of individual wells serving each lot, and such permits shall be obtained prior to the City issuing any Building Permit for such lot.
8. The full public right-of-way of both cul-de-sacs shall be dedicated at time of Phase I Final Plat.
9. The Applicant shall obtain access permits from Washington County prior to the City granting any Final Plat of the Project.
10. The Applicant shall be required to install all necessary improvements to CSAH 12 as agreed to, and conditioned by, Washington County. Such improvements shall be included and addressed within the Development Agreement.
11. Site improvements as described within Section 30-194 shall be agreed to and identified within a Development Agreement.
12. A street name for the proposed cul-de-sac shall be provided prior to granting any Final Plat of the Project.
13. The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City issuing any grading permits on the subject property.
14. The Applicant shall be required to obtain all septic permits, based on actual design of a principal structure, prior to the city issuing a building permit.
15. Review of the cul-de-sac length from the Fire Chief shall be obtained to ensure that there are no issues regarding access to each of the created lots.
16. The Applicant shall pay all fees and delinquent escrow balances.

MOTION by Commissioner Schafer to recommend approval of the Major Subdivision Application, 8255 75<sup>th</sup> Street North, as presented. Commissioner Giefer seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda Tuesday, December 4, 2018, 7:00 p.m.

6. **OLD BUSINESS**

There was no old business.

**7. ADJOURNMENT**

MOTION by Commissioner Tufty to adjourn the meeting at 8:20 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT





## STAFF REPORT

**To:** Planning Commission Members  
Kim Points, City Clerk

**Date:** December 8, 2018

**RE:** Application for an Amended Conditional Use Permit (CUP) construct and operate an Ice Arena on a 4-acre portion of the Mahtomedi School Campus (8678 75<sup>th</sup> Street N.)

**CC:** David Snyder, City Attorney

**From:** Jennifer Haskamp  
Consulting City Planner

### Summary of Request & Background

The Applicant, Rinc 2, is requesting an Amendment to the existing Conditional Use Permit (CUP) on the Subject Property to permit the construction and operation of an Ice Rink. The existing CUP permits the operation and use of portions of the Mahtomedi School Campus for Athletic Field Uses but does not address the construction and operation of an Ice Rink. In August of 2015 the Applicant contacted the City to determine what steps and processes would be necessary to permit the construction and operation of an Ice Rink on the Mahtomedi School Campus. At that time, the City's Staff, including Attorney, indicated that either a new CUP or an Amendment to the existing CUP would be necessary since the Ice Rink use was not identified within the current CUP that addresses the Athletic Field Uses on the site. In August of 2016, the Applicant made a formal application to the City to Amend the Conditional Use Permit for Athletic Field Uses, thus initiating the process. The following summary of the City's review efforts and timelines to-date associated with the Subject Application are provided to the Planning Commission for reference:

- August 2016: Application for Amendment CUP to permit Ice Rink construction and operations is submitted to the City.
- City Staff determines that the Amended CUP Application is complete.
- August 25, 2016 Staff prepares a memo to request that the City Council order the preparation of an Environmental Assessment Worksheet (EAW) by a third-party consultant to properly evaluate the proposed project.
- September 6, 2016 Regular City Council Meeting, the City Council orders the preparation of the discretionary EAW to evaluate the proposed project. Due to ordering the EAW, the review timeline permit Minnesota State Statutes 15.99 is paused to allow for environmental review.
- September 2016 – January 2017 the draft EAW is prepared by BayWest and Traffic Impact Group.
- January 31, 2017 Draft #1 of EAW is submitted to EQB for public review and comment. The Project Description proposes to construct the Ice Rink within the dump/waste extents and to use pilings to support the structure.
- February 6 – March 8, 2017 Public Comment Period is Open



- February 22, 2017 City of Grant holds Public Open House for review of Draft EAW
- March – April 2017 City of Grant’s consultant, BayWest, compiles and reviews comments received during the Public Comment period. After review, BayWest concludes that a declaration cannot be made and that additional information is necessary to make a determination regarding the EAW. BayWest discusses with the EQB the need to obtain additional information from the Project Proposer to make sure the City is compliant with the EQB’s rules. After discussion with the EQB, BayWest informs the Project Proposer that additional information is need.
- April 17, 2017 – February 2018 The Project Proposer prepares the Additional Work as needed and identified by BayWest. During this time, the Project Proposer works with the MPCA on a VRAP (Voluntary Response Action Plan) and supplemental processes to ensure the MPCA will permit the construction of the proposed Ice Rink. As a result of the effort to achieve approval from the MPCA, the Project Proposer changed their construction proposal to excavate the dump and remove the waste, and to replace it with clean fill thus changing the Project Description. As a result, the EAW was required to be amended to consider the revised Project Description, and to allow for another public comment period.
- May 25, 2018 Revised EAW is submitted to the EQB for release and a second public comment period based on the amended Project Description.
- June 6 – July 8, 2018 The 30-day Public Comment Period is opened.
- July 9 – August 3, 2018 BayWest prepares Response to Comments, Findings of Fact and Notice of Decision regarding the amended EAW. Based on comments received, approvals from the MPCA regarding the revised project description, BayWest recommends that the City Council find that there is no need for further environmental review.
- August 7, 2018 The Resolution of No Need, and Response to Comments and Findings of Fact are on the agenda for review. The City Council adjourns the meeting early without taking action.
- September 4, 2018 The City Council adopts Resolution 2018-15, finding that there is no need for additional environmental review based on the information contained within the EAW.
- October 11, 2018 Rinc 2 formally applies for the Amended Conditional Use Permit (the subject of this Application) with the revised materials as presented within the EAW.

Rinc 2 was required to submit revised drawings and plans in this submission because the construction and development plan for the propose Ice Rink changed as a result of the EAW process. The October 11<sup>th</sup> submittal materials include the prior materials from 2016, as well as revised drawings based on the materials reviewed as part of the EAW process that was completed in 2018. For purposes of this Staff Report and the City Engineer’s review memo the most current available drawings were reviewed and where possible Staff has identified the date of the Plan for clarification. Based on Staff’s review, there are some drawings and plans that will need to be updated to reflect the revised construction/development plan. Where updated information is needed staff has noted and identified within the respective staff reports. Because of the history and extensive quantity of information contained within the submitted materials, staff has identified a few key documents to highlight within this Staff Report. Staff encourages the Planning Commission to review all of the other submitted information, and the purpose of highlighting key documents is to help Commissioner’s understand what pieces of information have been reviewed and where official action has occurred, and to highlight where some issues or updates are needed as part of the City’s CUP process. A list of key documents highlighted within this staff report are provided in the list at the end of this report.



The following Staff Report is prepared for your review and consideration, and the City Engineer’s memo and review is attached for your consideration as Attachment B.

Public Hearing & Notice

A duly noticed public hearing was published for December 18, 2018, and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

**Project Summary**

<b>Applicant:</b> Rinc 2 (c/o Alex Rogosheske, Esq.)	<b>Site Size:</b> ~4 Acres – Disturbed (Total Parcel Area 60.57 Acres)
<b>Owner:</b> ISD 831	<b>PIDs:</b> 2803021130001 (2803021240002, 2803021240001 Existing Parking & Drainage)
<b>Zoning &amp; Land Use:</b> A-1	<b>Existing Use:</b> The property is used as part of the Mahtomedi School Campus; there are two existing CUPs recorded against the subject PID, 1) The Wildwood Elementary School CUP, and 2) The Athletic Fields CUP
<b>Address:</b> 8678 75 <sup>th</sup> Street N.	<b>Request:</b> A Conditional Use Permit (CUP)

The Applicant, Rinc 2, and Owner, ISD 831, are proposing to Amend the existing Conditional Use Permit for Athletic Fields (Attachment A: CUP) to allow for the construction and operation of an Ice Arena as part of the existing CUP. The proposed project would disturb an approximately 4-acre portion of the Mahtomedi School Campus, and no subdivision is contemplated or proposed as part of this request. A summary of the proposed project is provided as follows:

*Existing Site Use:* The existing parcel is used for a combination of uses including an Elementary School (Wildwood), stormwater management (ponds), athletic fields including multi-purpose and soccer fields, and internal roads and parking lots. The proposed Ice Arena is located near the western edge of the subject parcel and would be located on approximately 4-acres that is currently used as a multi-purpose field (See Attachment A: Site Aerial).

*Owner & Applicant Agreement:* The Applicant, Rinc 2, has entered a Ground Lease with the Owner, ISD 832, that would permit the Applicant to construct and operate the proposed Ice Arena on the Subject Site. A copy of the lease has been provided and is attached for your reference. The Ground Lease indicates a period from 2016 through 2036, with option to extend the period through 2056 provided Rinc 2 is not default of any of the terms or conditions of the Lease. (See Second Amended Ground Lease dated March 2017) Ownership of the property would remain ISD 832, and Rinc 2’s proposed project would operate to benefit the School District’s facilities and athletic fields as described within the Applicant’s narrative.

*Traffic, Main Access and Parking:* The proposed Ice Arena is accessed from CSAH 12 (75<sup>th</sup> Street N) which is a shared access location with Wildwood Elementary School located to the southwest of the proposed Ice Arena. There are internal connector roads throughout the Mahtomedi School Campus that would be used to provide connections and access to the High School and Middle School located to the west of the proposed



Ice Arena. A traffic study was prepared by Traffic Impact Group as a part of the EAW process, which was coordinated with Washington County to ensure that the study would also include additional information need for access permitting. After the completion of the EAW process, Washington County requested additional information and the Applicant updated the traffic study which was submitted to Washington County for review (See Memo Additional Traffic Analysis October 16, 2018) There is an existing parking lot that was constructed to serve the athletic fields on site, which is located southwest of the proposed Ice Arena. The existing parking lot has 203 parking spaces (195 + 8 Handicap Stalls). The Applicant and Owner propose to use this parking lot as the main parking lot to serve the Ice Arena, which will be shared with the athletic fields and High School overflow. (See Site Plan C1.1, dated June 14, 2016) As noted in subsequent sections of this report, the Applicant and Owner have agreed that during events, overflow parking will be directed to the Elementary School Parking lot and the parking lot near the tennis courts.

*Utilities:* The proposed Ice Arena would be connected to municipal water and wastewater services which are currently provided to the Mahtomedi School Campus by the City of Mahtomedi. There are two letters contained in the Applicant's materials, both on behalf of the City of Mahtomedi from WSB. The first letter dated January 10, 2017 indicates that there is enough capacity in the City's water and wastewater infrastructure to serve the Ice Arena. The second correspondence dated October 1, 2018 indicates that the City of Mahtomedi has planned for the Ice Arena within its updated 2040 Comprehensive Plan so that if the project is approved no Comprehensive Plan Amendment will be required as the City has guided and planned for the improvements. (See Correspondence from WSB on behalf of Mahtomedi)

*Environmental Review:* The proposed project was evaluated to determine the potential for environmental impact since the proposed Ice Arena location is on a former dump site (See Letter from Minnesota Pollution Control Agency dated January 4, 2018; page one provides a summary of the site history). As indicated in the letter, the Applicant and Owner have prepared a Response Action Plan that was approved by the MPCA, and provided that the conditions as stated within the memo are met, they will issue necessary permits to allow for the construction and operation of the Ice Arena in the proposed location. This information was included in the revised EAW, which was provided for review during the 2018 public comment period. On September 4, 2018 the City Council adopted resolution 2018-15, determining that there is "no-need" for additional environmental review based on the information contained and evaluated in the EAW. This resolution and finding closed the EAW process. Several mitigation measures were indicated and identified within the EAW, which are included within this staff report as draft conditions.

*Operations:* The proposed Ice Area includes an NHL-size single sheet of ice, team rooms for high-school boys and girls varsity, and leagues. The proposed operations include public use spaces such as concessions, skate changing, ticketing and restrooms. The Ice Arena includes seating initially to accommodate 600 spectators with a full build out of up to 1,200 spectators. The facility includes space for mechanical and equipment spaces for refrigeration and resurfacing. The principal use of the facility is as a hockey arena, and the Applicant has indicated flexibility in the possibility of allowing other accessory or secondary uses in the facility when not in use as a hockey arena. The number of employees is anticipated to range from one (1) to seven (7) depending on the activities planned on a particular day. Obviously during events, more employees will be necessary, including potential traffic operations/control assistance as noted in the Traffic Analysis memo.





*Hours of Operation:* The Applicant indicates within their narrative that the exact hours of operation have not been determined but proposes to allow for the facility to be open daily from 5:00 AM to 12:00 AM. Though not stated specifically, staff understands that the facility would be open and operational on a year-round basis.

### **Review Criteria**

According to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. Although this request is to Amend an existing Conditional Use Permit, the following standards are still applicable since the Ice Arena use is new and not currently present or addressed within the existing CUP. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

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

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

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit.

The Planning Commission should note that the only conditions in the existing CUP that are subject to review or modification within this process are those conditions that would be directly affected or related to the proposed Ice Arena amendment. So, for example the existing parking lot that was approved as part of the original Site Plan for the Athletic Fields is now proposed to also accommodate the Ice Arena. Therefore, any specific conditions in the existing CUP that relate to the parking lot are open for discussion in this process.

### **Existing Site Conditions**

The proposed project is sited on an approximately 4-acre portion of a larger 60.57 Acre property. The existing larger site includes the Wildwood Elementary School, internal roadways, parking lots, surface water management features and ponds, wetlands, park/recreational area, soccer fields, baseball fields and open spaces with vegetated buffers along the northern edge. The Ice Arena site is located northeast of Existing Athletic Parking ‘A’, and north of the existing drive and infiltration areas as noted on the plans. Currently this portion of the site is used as open recreational field area, used for La Crosse, Soccer and other field activities. There are no wetlands on the 4-acre portion of the site per the Rice Creek Watershed District’s correspondence. As described in the correspondence from the MPCA dated January 4, 2018, from the 1950s to the 1970 the 4-acre Ice Arena site was within a 10-acre portion of the property used for “disposal of municipal, solid, demolition and industrial waste.” This area is shown in gray and denoted as “Contaminated Soils” on the Applicant’s Grading & Utility Plan dated July 1, 2016. At this time the contaminated soils remain on site.



## Comprehensive Plan Review

The Subject Site is guided A-1 and is currently used for the Mahtomedi School Campus. The City's Comprehensive Plan describes the A-1 land use designation as primarily large lot residential and agricultural uses, but further states that some non-residential uses are permitted through conditional use permit. The existing Mahtomedi School Campus is a conditionally permitted Public School, and the associated Athletic Fields have also been reviewed and approved as part of the City's CUP processes. The proposed Ice Arena use is an extension of the Athletic Field Use and is considered as part of the School's existing CUP which was deemed consistent with the City's Comprehensive Plan.

## Zoning/Site Review

The City of Grant zoning ordinance conditionally permits Public Schools and their accessory uses within the A1 and A2 zoning districts. The following dimensional standards are provided for your review and consideration.

## Dimensional Standards

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

Dimension	Standard
Lot Size	20 Acres
Frontage – public road	300'
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Height of Structure	35'
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	75' (50')

Lot Size/Area:

The proposed Ice Arena is located on the Wildwood Elementary School parcel which is approximately 60.57 Acres. Section 32-1 Definitions, requires all Public or Private Schools to have a minimum of 20 contiguous acres. The portion of property that will be disturbed to construct the Ice Arena is approximately 4 acres; however, there is no subdivision proposed as part of this project. While the Ice Arena will be sited on a portion of the property, the site will remain contiguous and exceeds the City's minimum lot area for Public Schools.

***As proposed the proposed site and project meet the City's ordinance requirements.***

Setbacks & Frontage:

Section 32-1 requires all public schools to be located on parcels that are a minimum of 20-contiguous acres, and that such sites must have frontage on a



State or County roadway. The proposed Ice Arena (and existing Mahtomedi School Campus) have frontage on CSAH 12 (75<sup>th</sup> Street North) which is a County Road. Additionally, the City requires a minimum of 300-feet of frontage for all lots/parcels, and the existing parcel has over 1,600-feet of frontage on CSAH 12.

*As proposed, the existing site and proposed project meet the City's ordinance requirements.*

Section 32-246 of the City's ordinances require that all structures must be setback a minimum of 150-feet from the centerline of an Arterial roadway. The proposed structure is setback approximately 430-feet from the centerline of CSAH 12. *As proposed the Ice Arena's location meets the City's front-yard setback ordinance requirements.*

Parking Area (Location & Spaces):

The Applicant is proposing to utilize and share the existing parking lot on site that was constructed to support the Athletic Fields, and was a condition of approval of the existing CUP. The existing parking lot currently has 195 standard stalls and 8 handicap accessible stalls with total parking available of 203 stalls. It is staff's understanding that the parking lot also serves as overflow parking for High School permit parking, but that a limited number of stalls are used for this purpose on a regular basis.

The City's current ordinance does not specify a parking ratio to determine how many spaces are needed to adequately serve the facility. As described in the narrative the Phase I spectator seating is 600, while a phase II condition is 1,200. While not detailed within the narrative, the analysis in the Traffic Study (See Traffic Study as part of EAW, and the Additional Traffic Analysis dated October 16, 2148) analyzes the 600-spectators as an event condition that does not reflect daily conditions. However, if the Traffic Study information is utilized with the assumption that there are 2.1 persons per vehicle, then the number of parking spaces need to support an event with 600 people would 285 stalls. This is less than is currently available at the main proposed parking lot and would not support the Phase II condition of 1,200. Staff followed up with the Applicant to discuss the plan for overflow parking during events. The Applicant has indicated that the existing Wildwood Elementary School parking lot and the existing parking lot located near the tennis courts would serve as overflow parking during events. Based on plan submitted with the Wildwood Elementary School project, there are approximately 130-stalls at the Elementary School, and additional 125-parking stalls at the tennis courts. This would make total available parking of approximately 540-stalls. This is slightly less than what be needed if the facility is maxed out at 1,200 spectators (ratio results in needed 580-stalls). *While this condition is likely in the future, staff would recommend that the Applicant provide verification of total number of stalls available in all three parking lots since as-builts were not used to calculate the numbers (preliminary plan sent from 2011 was used to calculate).*



From a daily use perspective, it is assumed that regular team practices would result in between 20 and 50 vehicles onsite at a time with the higher counts expected as teams change/crossover. Based on that projection, the proposed main parking lot would be adequate to accommodate the expected cars.

***Based on the information provided and reviewed, the proposed main parking lot is adequate to function and serve expected daily use of the facility. More information regarding anticipated Phase II conditions (1,200 spectators) would be needed to ensure adequate parking is available.***

Driveway/Circulation:

As part of the EAW process a Traffic Study was completed by Traffic Impact Group to evaluate the potential impact of the proposed use on the ingress/egress into the site. Since the Ice Arena is located near the main entrance which serves the elementary school, the proper/safe functioning of this intersection is critical. Per the Traffic Study, the intersection and internal traffic flow would be acceptable under the Phase I condition. However, if and when Phase II occurs, and additional spectator space is added then proper mitigative measures will be necessary during events to ensure that safe ingress/egress from the site can occur. The recommended mitigations contained in the supplements traffic study dated November 2018. It is unclear if Washington County has formally reviewed the recommendations regarding the proposed mitigation, but it has been submitted to Washington County for their review and comments. Staff will reach out to Washington County to understand their current perspectives and will provide written or verbal update to the planning commission, if available, at the meeting. ***Staff recommends including a condition in the Conditional Use Permit that all event parking mitigation, acceptable to Washington County, must be provided at every event.***

In addition to car circulation, pedestrian traffic flow is important given the location of the proposed Ice Area in relation to the main access drive. The main entrance to the Elementary School runs along the eastern edge of the parking lot and then heads directly east just south of the proposed ice arena. This makes the pedestrian plan important to try and keep pedestrians crossing into the Ice Arena off the 'main drive' to the extent possible. The site design, as shown on the figure noted as "Site Plan – C1.1" shows how the Applicant proposes to use vegetation as a guide to the main entrance into the Ice Arena. While the vegetation helps, it seems likely that users of the Ice Arena may still wander into the "main drive" particularly if the 'stubs' at the end of the parking rows are not medians/curbs. Staff would recommend some additional measures to help guide pedestrians away from the main drive. ***Staff recommends the Applicant consider additional crosswalk striping, medians, or other pedestrian markers to help reduce potential conflicts.***

Finally, in the case of overflow parking, the Applicant has stated that the Tennis Court parking lot as well as the Elementary School parking lot will be used. The site plan does not show the pedestrian routes between these parking lots and the Ice Arena. Since the Ice Arena will be most active during the winter, walking on





shoulders/grass areas is not feasible given that there will likely be snow. Staff has concerns that walking on the driveways/access will not provide safe pedestrian routes given the volume of traffic as well as winter conditions. ***As a result, staff recommends that a condition be included in the CUP that requires the applicant to prepare a pedestrian plan and that such plan must be reviewed and approved by the City Staff, including the City Engineer, to ensure that there is a safe route between the overflow parking areas and the Ice Arena.***

Architecture, Building  
Height, Foundation

The proposed Ice Arena is approximately 44,231 square feet and is oriented east-west on the site. The main entrance to the facility is on the western façade and connected to the parking lot via a sidewalk and some vegetation. Given the proposed use, there is little fenestration and articulation on the facades, with the exception of the western façade that includes the main entrance vestibule area and three windows on the elevation. The proposed structure's maximum height is 29-feet, and steps down to 18-feet on the east elevation. ***As proposed, the Ice Arena meets the City's Ordinance requirements for architecture and maximum height.***

Staff would note the foundation and some special construction/architectural characteristics of the Ice Arena that are not typically reviewed as part of a CUP process. However, given the background and history of the Site, staff notes a few specific site characteristics that will be evaluated/reviewed by both the City's Engineer (where applicable) and the Building Official (State or Local). As background the EAW process resulted in a revised construction plan that now involves removing the waste material currently on-site directly within the disturbance area (building pad) and bringing in clean fill to support the foundation of the new Ice Arena. Secondly, as described in the Response Action Plan approved by the MPCA, the construction will also include the installation of a Vapor Barrier on the foundation and vapor mitigation system. Staff identifies these characteristics as reference but has not completed any review or analysis as they are permitted and reviewed through the building permit and MPCA RAP processes.

Lighting

Section 32-321 addresses lighting standards, specifically related to non-residential uses. The proposed plan does not identify any outdoor lighting, and existing lighting in the parking lot or along the internal driveways is not identified. Staff contacted the Applicant for additional information regarding proposed lighting, and the Applicant's architect stated that the existing parking lot is lit and no changes are proposed. There will be some lighting along the sidewalk to the facility, and on the perimeter of the building. All lighting will be hooded and downlit with the primary function as pedestrian safety and wayfinding. Staff also notes that a full plan indicating lighting on internal driveways was not provided. Additional information regarding the lighting of these driveway is important particularly related to event situations where overflow parking will occur in nearby parking lots. ***The Applicant should provide a lighting plan that identifies lighting on the proposed structure, as well as lighting in the parking lot***



*and along the drives to the Tennis Court Parking Lot and the Wildwood Elementary School Parking lot. Staff recommends including a condition that such plan shall be required to demonstrate compliance with the City's lighting standards and ordinances.*

Utilities (Municipal Water & Septic):

The Mahtomedi School Campus facilities are the only buildings/uses served by municipal water and wastewater services in the City of Grant. The City of Mahtomedi has indicated that the current pipes (water and wastewater) serving the School Campus are adequate to serve the Ice Arena. The City has provided two correspondence indicating that 1) infrastructure is adequate and available, and 2) that they have updated their 2040 Comprehensive Plan to include and plan for the Ice Arena.

### **Engineering Standards**

The City Engineer has reviewed the subject application and has provided a memo for your review and consideration. At this time, more/updated information is necessary to perform a complete review, since several of the drawings and information were completed prior to the revised construction plan.

### **Other Agency Review**

The Applicant is working with several agencies on the proposed Ice Arena project, and many of those agencies will have some permitting or other required approval process. As discussed, Washington County has actively been working with the Applicant, and the City during the EAW process, on the access permits and traffic mitigation during events. The Applicant has submitted a permit request to the Rice Creek Watershed District and that memo was provided with the submittal documents. Additionally, if the CUP is granted, the Applicant will need work with the City of Mahtomedi, Minnesota Department of Health, and all other agencies having permitting authority over the water and sanitary sewer connections to serve the facility.

### **Draft Conditions**

The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

- The hours of operation shall be limited to 5 A.M. to 12 A.M on a year-round basis.
- The Applicant shall perform and complete the described within the Environmental Assessment Worksheet to the satisfaction of the City Engineer, and if applicable, City Staff. Specifically noted within the EAW were mitigation measures related to stormwater management, permitting, excavation, grading, utilities, and traffic.
- The Applicant shall prepare updated plan as requested and identified in the City Engineer's review memo dated December 10, 2018.



- The Applicant shall meet all requirements and conditions as identified in the City Engineer's review memo dated December 10, 2018
- The Applicant shall prepare and update a pedestrian circulation plan that includes the Event condition, where overflow parking may be used. The Plan shall be reviewed and approved by the City Staff.
- The Applicant shall provide a lighting plan that identifies existing and planned fixtures related to the facility, including overflow parking areas and drives. The lighting plan shall be consistent with the City's ordinance but should reflect consideration of pedestrian access and routes to the Ice Arena.
- The Applicant shall obtain all necessary access permits and approvals from Washington County.
- The Applicant shall prepare a written Event Management Plan that shall be reviewed and approved by the City Engineer, with input and review by Washington County. The Event Management Plan shall be required to kept on file at the City.
- The Applicant shall be required to obtain all necessary permits regarding water supply and wastewater supply as required by the City of Mahtomedi. Such permits and approval shall include payment of appropriate SAC and WAC charges.
- The Applicant shall obtain all necessary permits and approvals from the Rice Creek Watershed District.
- The Applicant shall follow the approved Response Action Plan as reviewed and approved by the Minnesota Pollution Control Agency (MPCA), and shall follow all required mitigation as outlined within the approval letter dated January 4, 2018.

**Action requested:**

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The proposed Ice Arena is an extension of the existing Mahtomedi School Campus Athletic Field use and is consistent with the City's adopted Comprehensive Plan.
- The proposed Ice Arena complies with the City's adopted zoning ordinance and standard for the A1 zoning district.
- The proposed use, provided all conditions and mitigation are complied, will not affect the quality of the neighborhood or surrounding uses.
- The proposed use will not negatively or adversely impact utilities or infrastructure of the area, as the site is already developed with municipal services from the City of Mahtomedi.



### **Attachments**

- Attachment A: City of Grant Resolution 2018-15
- Attachment B: City Engineer's Memo
- Attachment C: Amended Conditional Use Permit – Athletic Fields
- Attachment D: Overall Site Aerial

### **List of Documents Referenced in Staff Report:**

- Applicant's Narrative
- Additional Traffic Analysis, Traffic Impact Group, October 16, 2018
- Site Plan C1.1, June 4, 2016
- WSB Memos on behalf of City of Mahtomedi, by Perdu and LaBounty
- Approval of Revised Response Action Plan, MPCA, January 4, 2018
- Applicant's Grading & Utility Plan, July 1, 2016
- Permit Application, Rice Creek Watershed District, November 7, 2018



## Memorandum

**To:** *Jennifer Haskamp, City Planner*

**From:** *Brad Reifsteck, PE, City Engineer*  
*WSB & Associates, Inc.*

**Date:** *December 11, 2018*

**Re:** *Mahtomedi Ice Rink Preliminary Engineering Review*

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### Submittal:

Engineering review comments were generated from the following submittals:

- Mahtomedi Ice Arena Feasibility Study, dated October 3, 2018
  - Geotechnical Evaluation Report, dated January 31, 2018:
  - RCWD Permit Application - CAPROC, dated November 7, 2018
  - Approved VRAP Mahtomedi Ice Rink MPCA, dated January 4, 2018
  - Updated Traffic Impact Study Traffic Impact Group, dated October 16, 2018
- Mahtomedi Ice Arena Drawings, dated August 12, 2016

These plans were reviewed for conformance with the City of Grant Engineering Guidelines Dated April 2015

### Site Comments:

1. A complete site, utility, grading and drainage plan to scale must designed and signed by a registered civil engineer in the State of Minnesota be submitted for review prior to construction.
2. Traffic Signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.
3. Show proposed parking lot, driveway and walk spot elevations.
4. Show limits of clearing and grading.
5. A separate erosion control plan is required that will accompany the grading plan. The plan shall be compliant with all City and National Pollutant Discharge Elimination System(NPDES) permit standards.
6. Provide pavement sections for all roadways, trails and parking lots

### Stormwater Management Comments:

7. A complete Storm water Report meeting the requirements of the appropriate watershed organizations must be submitted for review.
8. Show emergency overflow routes shall be provided for all basins in addition to the normal pipe outlet. If pipe is installed to provide for an emergency overflow, label it as the emergency overflow.

9. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets at ponding areas that are outside of public right of way.
10. The Applicant shall submit an approved RCWD permit prior to construction.
11. The Applicant shall submit an approved NPDES permit to the City prior to construction.
12. The Applicant shall submit an approved Grading permit from the City of Grant prior to construction.

Should you have any questions or comments regarding the items listed above, please contact me at 763-512-5243.

City of Grant  
P.O. Box 577  
Willernie, MN 55090



Phone: 651.426.3383  
Fax: 651.429.1998  
Email: clerk@cityofgrant.com

Application Date:	8/15/16
Fee: \$400	Escrow: \$3,000

Check # 3011 - \$3,400.00

## CONDITIONAL USE PERMIT

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<b>PARCEL IDENTIFICATION NO (PIN):</b> 2803021130001 <b>LEGAL DESCRIPTION:</b> See attachment		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A-1, Parcel 60.57A <b>LOT SIZE:</b> 4 Acres (area of construction)
<b>PROJECT ADDRESS:</b> 8678 75th Street N Grant, MN 55002	<b>OWNER:</b> Name: ISD 831 Address: 1520 Mahtomedi Ave City, State: Mahtomedi, MN 55115 Phone: (651) 407-2000 Email:	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b> Rinc 2 c/o Alex Rogosheske, Esq. 105 Hardman Ct. South St. Paul, MN 55075 (651) 253-3127
<b>BRIEF DESCRIPTION OF REQUEST:</b> Rinc 2, Corp. and ISD 832 are seeking an amendment to the current conditional use permit for construction and operation of a single sheet ice arena on a portion of the Mahtomedi Public School campus.		
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<b>APPLICABLE ZONING CODE SECTION(S):</b> Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Division 5. Conditional Use Permits 32-141 through 157		

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The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

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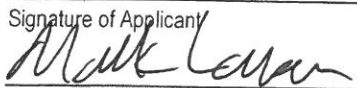
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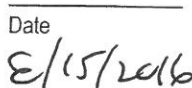
Application for: **CONDITIONAL USE PERMIT**  
City of Grant

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000
<b>MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Survey of the property:</b> An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.

Signature of Applicant  
  
 Signature of Owner (if different than applicant)

Date  
  
 Date



Application for: **CONDITIONAL USE PERMIT**  
City of Grant

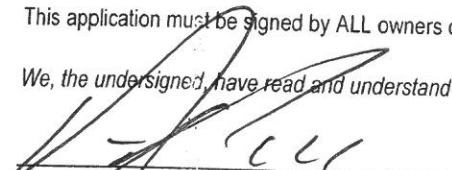
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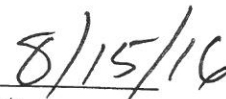
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Signature of Applicant

  
Date

Signature of Owner (if different than applicant)

Date

CITY OF GRANT  
PO BOX 577  
WILLERNIE, MN 55090

City of Grant  
P.O. Box 577  
Willernie, MN 55090

Received  
10/11/18



Phone: 651.426.3383  
Fax: 651.429.1998  
Email: clerk@cityofgrant.com

Application Date:	
Fee: \$400	Escrow: \$3,000

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Application for: CONDITIONAL USE PERMIT  
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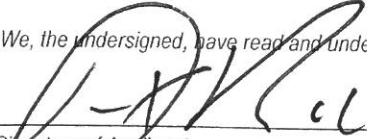
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Grading/Landscape Plan:</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Grading Plan</li> <li>▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>▪ Wetland Delineation</li> <li>▪ Buildable area</li> <li>▪ Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Architectural/Building Plan (if Applicable):</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Location of proposed buildings and their size including dimensions and total square footage</li> <li>▪ Proposed floor plans</li> <li>▪ Proposed elevations</li> <li>▪ Description of building use</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Written Narrative Describing your request:</b> A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> <li>▪ Description of operation or use</li> <li>▪ Number of employees (if applicable, if not state why)</li> <li>▪ Sewer and water flow/user rates (if applicable, if not state why)</li> <li>▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's</li> <li>▪ Hours of operation, including days and times (if applicable)</li> <li>▪ Describe how you believe the requested conditional use fits the City's comprehensive plan</li> </ul> <p>COPIES: 20</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Survey of the property:</b> An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.

  
Signature of Applicant

10/11/18  
Date

Signature of Owner (if different than applicant)

Date



## LEGAL DESCRIPTION

That part of the South Half of the Northeast Quarter of Section 28, Township 30 North, Range 21 West, Grant Township, Washington County, Minnesota, which lies Westerly and Northwesterly of the Northwesterly line of Minnesota Department of Natural Resources Trail (formerly known as the Soo Line Railroad right-of-way) and which lies Northerly of the Northerly line of Washington County Highway Right of Way Plat No. 19, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, Excepting from said South Half of the Northeast Quarter that parcel described as follows: Commencing at a point 1113.2 feet West and 33 feet North of the East Quarter of said Section 28, which point is on the North right-of-way of County Road #2 for the point of beginning; thence North a distance of 100 feet; thence East a distance of 177.95 feet to the Westerly right of way line of the Minneapolis, St. Paul & Sault St. Marie Railroad; thence Southwesterly with an inside angle of 52 degrees 11 minutes and along the Westerly right-of-way line of said Railroad a distance of 127 feet to the North right-of-way line of said County Road #2; thence West along the North right-of-way line of said County Road #2 a distance of 100 feet to the point of beginning.

That part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West, which lies Easterly of the West 995.31 feet of said Southeast Quarter of the Northwest Quarter. (This parcel is subject to C.S.A.H. No. 12)

The Westerly 30 Acres of the Southeast Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West. (This parcel is subject to C.S.A.H. No. 12)

The Southwest Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West. (Parcel subject to C.S.A.H. No. 12)

The Westerly Twelve (W'y 12) feet of the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ) of Section Twenty-Eight (28), Township 30 North (T30N), Range 21 West (R21W), of the Fourth Principal Meridian, Washington County, Minnesota. Doc. No. 295925

The East 303.1 feet of the Southeast Quarter of the Northeast Quarter of Section 29, Township 30 North, Range 21 West; and that part of the Northeast Quarter of the Southeast Quarter lying north of a 100 foot strip of land formerly owned by Mpls. & St. Paul Suburban Railway and that part of said railway all lying Easterly of a line 303.1 feet West (measured at right angles to the southerly prolongation of the eastline of the Northeast Quarter of said Section 29) of Section 29, Township 30 North, Range 21 West, Washington County, Minnesota. (Subject to ingress and egress per Doc. No. 616515) Doc. No. 299316

That part of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota, lying north of a one hundred (100') strip of land formerly owned by Minneapolis and St. Paul Suburban Railroad. Doc. No. 303464

That part of the Northeast 1/4 of the Northwest 1/4 of the Southwest  $\frac{1}{4}$  of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota, lying North of a 100 foot strip formerly owned by Minneapolis and St. Paul Suburban Railway, Subject to County Road No. 12. Doc. No. 332970

A strip, 100 feet wide, for right of way of Interurban Railroad, lying within the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 30 North, Range 21 West, Subject to County Road 12. Doc. No. 286451

That part of the East lying North of the 100' strip of land formerly owned by the Minneapolis and St. Paul Suburban Railway in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota. Doc. No. 350233 vague description.

That part of the East Half lying North of the 100 foot strip of land formerly owned by the Minneapolis and St. Paul Suburban Railway in the Southwest (SW $\frac{1}{4}$ ) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota. Doc. No. 303463 vague description.

Note: Above parcels are subject to C.S.A.H. No. 12, Washington County Highway Right of Way Plats Nos. 19 and 79, and Highway Right of Way Easements 297806 and 297807



## Mahtomedi Ice Arena: Narrative Describing CUP Request

Rinc 2, Corp. and ISD 832 are seeking an amendment to the current Conditional Use Permit for construction and operation of a single sheet ice arena on a portion of the Mahtomedi Public School campus. The arena includes an NHL-size rink; team rooms for high-school boys and girls varsity and leagues; public use spaces such as concessions, skate changing, ticketing, and restrooms; seating for potentially 1,200 spectators; and ice mechanical and equipment spaces for refrigeration and resurfacing. Arena seating would be accommodated in phases; the first phase would provide seating for 600 spectators.

Rinc 2, Corp. has a signed lease with the school district for the building site.

### Operation and Use:

The building would be operated primarily as a hockey arena, although it may be used as a multi-purpose space for activities such as graduation, baseball, soccer, lacrosse practice, school classes, meetings, etc.

### Number of Employees:

The Pro-Forma has an average of 2.5 FTE's.

### Sewer and Water Flow/User Rates:

Based on the following the anticipated sewer and water flow rates are as follows for a 1,200 seat arena:

1. Ice making twice a year =  $16,000 \text{ SF} \times 1.5''/12''/\text{ft} \times 7.48 \text{ gal}/\text{ft}^3 = 29,920 \text{ GPY}$  (Gallons per year)
2. Resurfacing 12 times per day, 100 gallons per use, 365 days per year = 438,000 GPY
3. Normal people use
  - a. 30 people, 12 hours per day, 25% use toilet, 1.6 GPF = 144 GPD (Gallons per day)
  - b. 30 people, 12 hours per day, 50% use urinal, 1.0 GPF = 180 GPD
  - c. 30 people, 12 hours per day, 100% wash hands for one minute @ 0.5 GPM (Gallons per minute)= 180 GPD
  - d. Total gallons per year = 182,500 GPY
4. Showers
  - a. 4 uses per hour, 12 hours per day, 2.5 GPM, 10 minutes/shower, 365 days/yr = 438,000 GPY
5. Events at 1200 people, 10 times per year.
  - a. 600 women use toilet, once per event, 10 times per year, 1.6 GPF = 9,600 GPY
  - b. 300 men use toilet, once per event, 10 times per year, 1.6 GPF = 4,800 GPY
  - c. 300 men use urinal, once per event, 10 times per year, 1.0 GPF = 3,000 GPY
  - d. 1,200 users wash hands, one minute, 0.5 GPM, 6,000 GPY
  - e. Total Large Event use = 23,400 GPY
6. Events at 600 people, 20 times per year = same as above = 23,400 GPY
7. **Total yearly water flow estimated at 1,135,220 gallons per year = 3,110 gallons per day = 2.15 gallons/minute**
8. **All water goes into sewer system 1,135,220 gallons per year = 3,110 gallons per day = 2.15 gallons/minute**

### Soil Limitations for The Intended Use & Plan Indicating Conservation/BMPs:

Limited soil remediation will be required. See the attached feasibility report for detail regarding the soil analysis and findings.

### Hours of Operation:

The exact hours of operations has yet to be determined, but the expectation is that the facility would be open from 5:00 am to 12:00 am (19 hours per day)

### Relationship to City's Comprehensive Plan:

The proposed ice arena supports the City's comprehensive plan through it approach to land use, sustainability and community facilities.

## Mahtomedi Ice Arena: Narrative Describing CUP Request

The building would be located adjacent to existing schools which allows it to take advantage of shared parking opportunities with existing facilities. Large events at the arena would be held at times of day and during seasons of the year in which conflict between the facilities would be minimal. The spaces and potential multi-purpose uses of the building also build upon the existing educational, recreational and athletic uses of the area. The proposed arena would provide space that could be used by the schools and surrounding community, such as such as school physical education classes and community meetings. The potential athletic, recreational and multi-purpose use facility enhances and promotes a high quality of life for residents.

In addition, the choice of this site as the location for the proposed arena highlights a commitment to sustainability and the natural environment. The arena would be located at the former disposal site of municipal and industrial waste and demolition debris. The contaminated soils require remediation and the use of non-standard structural and mechanical system to mitigate the potential hazards. However, these drawbacks are offset by the opportunities with shared facilities and the use of a site that would be difficult to redevelop – in a sense, preserving open space elsewhere in the community.

## Mahtomedi Ice Arena: Governmental Agencies

Rinc 2, Corp. and ISD have contacted the other governmental agencies that have authority over the property for approvals and necessary permits. They include:

- Watershed District
- County Departments
- State Agencies, specifically the MPCA
- ISD 832

To whom it may concern:

Emmy is seen in the pediatric neurosurgery clinic status post complete resection of a juvenile pilocytic astrocytoma from the vermis of the cerebellum. Although they are usually slow-growing, these tumors can become very large. Like many tumor types, the exact cause of astrocytoma is not known. These grade I astrocytomas typically stay in the area where they started and do not spread. They are considered the "most benign" (noncancerous) of all the astrocytomas. We do not believe that environmental factors played a role in the growth of this tumor that has affected Emmy Veenis.

Sincerely;

  
Dr. Patrick Graupman

Department of Neurosurgery

8/22/16