

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, January 15, 2019

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. APPOINT INTERIM CHAIR PERSON
5. APPROVAL OF MINUTES: December 18, 2018
6. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Construction of Deck and Extended Hours of Operation, Dellwood Barn Weddings, 7373 120th Street N
7. OLD BUSINESS
8. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

December 18, 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 6:30 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, November 20, 2018

MOTION by Commissioner Helander to approve the November 20, 2018 Minutes, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Construction and Operation of Ice Arena, Mahtomedi School Campus, 8678 7th Street North – City Planner Swanson stated the Applicant, Rinc2, 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 MCPA, 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.

Rinc2 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 11th 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 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.

Applicant: Rinc 2 (c/o Alex Rogosheske, Esq.)	Site Size: ~4 Acres – Disturbed (Total Parcel Area 60.57 Acres)
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Owner: ISD 831	PIDs: 2803021130001 (2803021240002, 2803021240001 Existing Parking & Drainage)
Zoning & Land Use: A-1	Existing Use: 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
Address: 8678 75 th Street N.	Request: 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 (75th 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.

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.

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.

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.

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.

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 (75th 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.

The City Engineer has reviewed the subject application and has provided the following 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.

The 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 be designed and signed by a registered civil engineer in the State of Minnesota and 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.

City Planner Swanson advised 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.

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.

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.

Commissioner Schafer inquired about the timing between phase 1 and phase 2 and also questioned the restriction of construction relation to the covenant on the site determine by the MPCA. He expressed concern regarding the lack of parking and wondered if the type of refrigeration on the site that does require additional training for the fire department would result in raised rates for the City of Grant.

City Planner Swanson stated the only difference in the phases is the number of spectators. Each side seats 600 and a condition of approval can be made relating to a threshold for the seating capacity. The restrictive covenant was put on by the MPCA. The VRAP addresses that concern but it is unclear where the restriction came from originally. The refrigeration issue and additional training and/or additional costs is not typically a part of a CUP process but that question could be asked. The County has requested that during events a traffic person is on site to manage the parking.

Mr. Alex Rogosheske, President of Rinc2, came forward and introduced the Rinc2 Team. He noted the packets distributed were very large but it was important that everyone received all of the information. The basis of the plan is to fill a need in the community and provide a service to the community. There are 600 seats on each side of the ice and the phases only have to do with how much money can be raised for those seats. He is not sure about any extra training for the Fire Department but does not believe that will be required and if so he would cover those costs. There will be an event traffic management plan and all traffic will be diverted and a pedestrian walkway will be developed.

MOTION by Commissioner Helander to open the public hearing at 7:41 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Mr. Tim Dewusky, 170 View Road, came forward and asked why this site was picked as it is so contaminated and is suspected of contamination. The well water is turning yellow and in 2013 Lost Lake had high levels of mercury. He stated his property has had raw sewer on it and his dog passed away and tested positive. He stated he wants an EIS done and asked how insurance can even be obtained for the site.

Mr. Wally Anderson, 8833 80th Street N, came forward and stated there was a covenant for borings and the borings were done anyway. The parking situation was brought up and parking there is already a problem. Isn't the City already losing taxation on the land? Is the CUP current and is water testing being done and is the CUP being reviewed annually?

Mr. Paul Rogosheske, 11365 Grenelefe Avenue N, came forward and stated he supports the rink. This is the third generation trying to get the rink in for the community. It has previously failed due to bond issues and site problems. There is a great need for a rink in Mahtomedi. It really is for the kids. Hockey builds character. A private entity is the answer and it will be safe. He indicated he fully supports it.

Mr. John Smith, 10244 67th Street Lane, came forward and stated it is a great community idea. The questions would be is everything in place. The School District should be asking for a deviation from the Comprehensive Plan as it is commercial. He stated he is very surprised they have not asked for that. If this is allowed it should be taxable. If the project fails the burden falls on taxpayers in the school district.

Chair Rog called for a five minute recess at 8:00 p.m. Chair Rog reconvened the meeting at 8:10 p.m.

Mr. Craig Robert (no address was provided) came forward and stated the Zephers are celebrating 65 years and still don't have a home. They have had a lot of success considering they don't have a home and Mahtomedi is the only place that doesn't have a home. He asked the Commission to please consider the proposal in front of them.

Ms. Gina Glenna, 8525 Jewel Avenue N, came forward and stated she has traveled hundreds of miles for hockey. There are traffic concerns but she thinks they can be figured out if the community is willing and there are a lot of people present that are willing.

Mr. Richard Copeland, 12203 Fiona Avenue N, came forward and stated he travels all over the state for hockey and his team does not have a home. He stated he not only has thrown his support in for the rink financially but emotionally as well.

Mr. Bob Zick (no address was provided) came forward and stated his first concern is if it goes belly up and not making money he believes the taxpayers will have to pay for it. They need a bond to protect them. The Owner said the project has already been approved by the Council. He

stated he has seen too many secret meetings and it is a bad way of conducting public hearings. There is already too much traffic on County Road 12 just from the school.

Mr. Brad Halberstadt, 8375 80th Street N, came forward and stated he is in favor of a rink but not in favor of it being put in his back yard. He is concerned about the economics of it, the property owners around it, traffic, it being a commercial use, not being a rural use and lighting. It is a great thing to have here but maybe there is a better place to put it.

Mr. Steve Beiersdorf, 7059 Jamaca Avenue, came forward and state he supports the rink and we live in the state of hockey. We don't have a home rink and that is embarrassing. The City deserves it and we need a home.

Ms. Jane Schifsky, 7360 Jamaca Lane N, came forward and stated she is against the rink. It should be done in the City of Mahtomedi. Grant does not need it. She pays a lot of taxes and there is already a lot of traffic on 12.

Mr. Mike Sierakowski (no address was provided) came forward and stated there are already traffic problems there. He asked where everyone were park noting parking will be ten times worse. Buses coming out of there now are lines up and it is impossible to get out.

Mr. Matt Oelrich, 59 Glen Edge Road, came forward and stated if we don't give our kids opportunities to play they don't get to play. This is a growing hockey association in the state and we need to give back to the community.

Chair Rog called for a five minute recess at 8:30 p.m. Chair Rog called the meeting back to order at 8:35 p.m.

Ms. Mikalynn Hauer, 9720 Justen Trail N, came forward and stated this is a growing association and is one of the largest areas of need for a rink. She stated she feels very safe having her boys on this ice.

MOTION by Commissioner Schafer to close the public hearing at 8:37 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

City Planner Swanson referred to the access issue brought up during public comment and stated the City does not have permitting authority as it is a County road. A traffic study had to be completed as part of the EAW and the County then decides what access will be used or what improvements will be required. The City does review their requirements. The City does have control over the site relating to pedestrian requirements, paths, etc. Staff will recommend parking based on the maximum build out. Lighting must be consistent will the City's ordinance.

City Planner Swanson continued noting there are several uses permitted with a CUP within the current zoning that do not require a rezone. A rezone with this use is not required. This use is allowed on a public school site.

Mr. Rogosheske stated he believes the site is land locked in terms of parking. There is room behind the rink. Rinc2 does assume all responsibility if anything goes wrong with the facility. There is a \$500,000 escrow with the School District and all the liability is with Rinc2. Nothing falls back on the School District.

City Planner Swanson clarified conditions relating to the following would be added:

- Any Fire Fighter Training would be paid by the applicant
- Applicant would be allowed ten years to obtain a building permit
- Wayfinding for pedestrians between parking lots, ice arena and overflow

MOTION by Commissioner Helander to recommend approval of Amended Conditional Use Permit for Construction and Operation of Ice Arena, Mahtomedi School Campus, 8678 75th Street N, as amended. Commissioner Tufty seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Tufty to adjourn the meeting at 9:05 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: January 9, 2019

RE: Application to Amend Conditional Use Permit for the Dellwood Barn Wedding Rural Event Facility located at 7373 120th Street North

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Scott Jordan, on behalf of the Dellwood Barn Weddings is requesting an amendment to their Conditional Use Permit that allows for the operation of a rural event facility on the subject property. In 2014 the Applicant obtained a Conditional Use Permit which permitted the conversion of an existing barn on the property to a rural event facility. The events held at the facility are primarily weddings and operations are seasonal and limited to May 1st through October 31st of each year. The approved CUP includes 34 conditions that addressed conversion of the facility, parking, traffic control, outdoor activities, and hours and operations (See Attached CUP obtained in 2014).

The Applicant's first events were held in 2014 after being granted the CUP and completing the construction related to the site conversion activities stated within the permit. The facility's first full season of operations was 2015 and the facility has been operational for four (4) full seasons.

After successfully operating for the past few years, the Applicant is now requesting an amendment to their permit to allow for construction of an outdoor deck space to support the operations and extended hours of operations. A duly noticed public hearing is scheduled for January 15, 2019 at 6:30 PM. Residents within ¼-mile (1,320-feet) of the property were sent individual letters notifying them of the request, and notice was provided in the City's official newspaper.

Project Summary

Applicant and Owner: Scott Jordan, Dellwood Barn Weddings	Site Size: 37.14 Acres
Zoning & Land Use: A-1	Request: Amended Conditional Use Permit (CUP)
Location Description and PIDs: (PID 0503021210005) The Dellwood Wedding Barn (Rural Event Facility), parking, Informal Gathering space, etc., are located the approximately 23.72-acre parcel. The proposed deck expansion is located on	



this parcel and located on the south side of the facility. (PID 0503021210004) The Outdoor Ceremony space, and septic drainfield that supports the facility are located on the 13.42-acre parcel and no changes are proposed on this portion of the property.

The Applicant is proposing to amend the existing CUP for the subject operations to allow for the construction of an outdoor deck and revise and extend the permitted hours of operations. Consistent with condition #34 in their permit, “Any change in use, building, outdoor gathering areas, lighting, parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use Permit.” A summary of their requested amendments is provided:

- Condition #2 States, “The Dellwood Wedding Barn shall be permitted to conduct no more than three (3) events per week.” The Applicant is proposing to amend this condition to permit no more than four (4) events per week.
- Condition #4 establishes the hours of operation for the facility. The Applicant is proposing to amend the permitted hours of operation as follows:

2014 CUP Conditions	Proposed 2019 CUP Conditions
Monday – Thursday 11:00 AM – 2:00 PM	Monday – Thursday 11:00 AM – 10:00 PM
Friday and Saturday 1:00 PM to 11:00 PM	Friday and Saturday 1:00 PM to 11:30 PM
No events permitted on Sunday	Sunday 11:00 AM – 10:00 PM, Max 6 Events/Season

- Condition #34 States, “Any change in use, building, outdoor gather areas...shall require an amendment to the Condition Use Permit.” The Applicant is proposing to construct an outdoor commercial deck 16-feet x 35-feet on the south side of the existing facility to allow for additional outdoor gathering space.

Review Criteria

According to the existing Conditional Use Permit, the proposed changes to the operation and the facility require an Amendment to their CUP. The City Code addresses amendments to existing CUPs in Section 32-152 that states, “An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit...” As such, the Application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. The City Code 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.”

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

In order to determine the appropriateness of the proposed amendments to the CUP, the proposal will be reviewed for compliance and consistency with adjacent uses, the zoning district regulations, the performance standards, and other supplemental regulations. Additionally, since there is an existing CUP that addresses the on-site operations, a summary of current compliance should also be considered when evaluating the proposed amendments.

Existing Site Conditions

The site is located in the far northwestern corner of the community and the parcel is bordered by the City of Hugo to the north, and the City of Dellwood to the south. The following existing site conditions are present on each of the PIDs as referenced above. (See site Plan for Details):

0503021210005 – The parcel is described as Lot 5 of the Meadowlark Subdivision and is the northwestern most parcel of the Subdivision. The parcel is approximately 23.72 acres, is irregular in shape, and located southeast of 120th Street North which forms a curvilinear border on the north and west property line. The parcel includes an existing house (principal structure); the existing Dellwood Wedding Barn which is approximately 3,800 square feet; three existing out buildings that total approximately 7,200 square feet; and an existing corn crib which is approximately 820 square feet. The home and buildings are accessed from an existing gravel driveway that is connected to 120th Street North in two locations and is approximately 12-feet wide. As required by the conditions of the CUP, the Applicant constructed a graveled parking lot directly west of the Dellwood Wedding Barn facility which is connected by footpaths to the facility.

0503021210004 – The parcel is described as Lot 4 of the Meadowlark Subdivision and is adjacent, and to the east, of Lot 5 described above. The parcel is approximately 13.42 Acres, is slightly irregular in shape, but generally runs north-south with its northern property line bordered by 120th Street North. The parcel does not have a principal structure and for purposes of this review is considered in combination with Lot 5. The parcel has three existing outbuildings that total approximately 3,425 square feet and are located in the northwest corner of the property. There is an existing wood fence that extends from the Barn located on Lot 5 and encompasses the outbuildings on Lot 4. The majority of the site is generally open, with some sparse vegetation and a wetland area near the southwestern property line. This site includes supporting infrastructure to the Dellwood Wedding Barn and is used for outdoor ceremonies as permitted within the existing CUP.

Comprehensive Plan Review

The site is guided A-1 in the City’s adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural and rural residential uses with limited accessory commercial uses as identified and allowed within the City’s zoning ordinance. The City’s ordinances



conditionally permit Rural Event Facilities provided certain performance standards can be met. The existing Dellwood Wedding Barn was permitted with a CUP in 2014 and deemed consistent with the City's Comprehensive Plan.

Summary of Current Compliance

Since the Applicant is requesting an Amendment to their current CUP it is reasonable to review current operations for compliance with the approved permit. After the permit was approved the Applicant was required to meet the conditions as stated within the approved CUP, which included conditions for construction and conversion of the site to support the proposed Dellwood Barn Wedding facility. In 2014 the Applicant worked through the conditions as stated performing site work and construction. After meeting the conditions of both the City Engineer and Building Inspector the facility was permitted to open and become operational.

In the first season of operation the facility was working through issues and compliance with CUP conditions. The City received several complaints that were promptly addressed with the Applicants. Since working through initial issues there has been only one (1) formal complaint filed regarding condition #7 that requires the barn doors on the north façade to be secured and closed at all times when amplified music is playing. Again, the City worked with the Applicant who promptly addressed the issue, and no additional complaints or issues have been noted.

The Applicant and Owner/operator have complied with the conditions of their CUP and have been responsive to the City when issues have been brought to their attention. Staff expects the positive relationship to continue and concludes that the site is in compliance with the CUP.

Zoning/Site Review

Rural Event Facilities were added as a permitted conditional use in 2014 with specific performance standards. The following dimensional review is provided as background, and the subsequent evaluation completed for the proposed outdoor commercial deck expansion.

Dimensional Standards

The following site and zoning requirements in the A-1 district regulate the site and proposed project:

Dimension	Standard
Lot Size	20 acres
Frontage – Per Sections 32-245 & 32-352)	County/State Road and 300'
Front yard - centerline of County Road (Principal Structure)	150'
Front Yard Setback	65'
Side Yard Setback (Per Section 32-352)	100'



Rear Yard Setback	25'
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')
Impervious surface coverage	50%
Floor Area Ratio	30%

Wedding Barn Facility (Setbacks & Frontage): The existing barn is located approximately 140-feet from the centerline of 120th Street North, and 65-feet from the front yard property line. The Barn is approximately 480-feet from the eastern property line of Lot 4, 425-feet from the west property line, and more than 1000-feet from the rear (south) property line. Per the performance standards for Rural Event Facilities, the facility shall be located at least 100-feet from any side-yard lot line. The proposed deck expansion is located on the south side of the facility and is setback further away from the centerline of 120th Street North than the facility. The proposed deck is setback from the eastern edge of the facility by approximately 20-feet and therefore is setback more than 500-feet from the eastern property line. *The proposed deck addition as shown on the submitted site plan meets and exceeds the setback requirements identified in the City's adopted ordinances.*

Parking: The Applicant constructed the parking lot consistent with the conditions of the existing CUP. There are no proposed changes to the parking lot, its configuration or number of stalls as part of this application. The deck expansion does not change Condition #3 of the existing permit which sets the maximum occupancy of the facility at 253 persons with subsequent parking calculations derived from the occupancy. *As proposed, the deck expansion does not alter or affect the number of parking spaces or permitted occupancy of the facility.*

Driveway/Circulation: The proposed deck addition is on the south side of the facility and there is no impact to drive aisles, parking lots or other circulation of the site. *As proposed, no changes to driveway, circulation or access is reviewed or approved as part of this application process.*

Lighting Section 32-321 Lighting, Light Fixtures and Glare addresses lighting standards of off-street parking areas and indicates that no more than 1 footcandle may be emitted on a public street, and no more than 0.4 footcandles on adjacent residential property. The lighting plan of the facility was reviewed and approved as part of the existing CUP process. No information was provided as to whether additional lighting of the outdoor deck area is contemplated. Staff would



recommend adding a condition to the amended permit to address any proposed lighting as a result of constructing the outdoor deck gathering space. The Applicant should be aware that any proposed lighting of the outdoor deck space must be compliant with the City' adopted ordinances.

Hours of Operation

The Applicant is proposing to extend the hours of operation of the facility and amend the permitted days on which operations are permitted. A summary of the changes is provided for review and consideration:

- The CUP permits no more than three (3) events per week. The Applicant is proposing to amend this condition to allow up to four (4) events per week.
- The CUP permits hours of operation as follows:

Monday through Thursday 11 AM to 2 PM.

The Applicant proposes to extend the permitted hours of event operations to 11 AM to 10 PM.

Friday and Saturday 1:00 PM to 11:00 PM.

The Applicant proposes to extend the permitted hours of event operations to 1:00 PM to 11:30 PM.

No events shall be permitted on Sundays.

The Applicant proposes to amend this condition to allow for events on Sundays between the hours of 11:00 AM and 10:00 PM. The Applicant further proposes to limit the maximum number of Sunday events to six (6) events per season.

The Applicant's request to permit up to four (4) events per week seems reasonable given their compliance with their existing CUP. Staff views the more significant changes as the proposed extension of hours of operation Monday through Thursday as well as the addition of permitted events on Sundays. During the initial review process in 2014 neighbors were concerned about weekday events, particularly those that extend into the evening hours. Staff is concerned about the extension of hours as requested, particularly the extension requested for Monday through Thursday, especially if amplified music is permitted during these events. Staff provides additional discussion regarding amplification in subsequent sections of this staff report. With respect to Sunday operations, it is understandable that given the success of the Applicant's operation that they would like the opportunity to hold events on Sundays. The Applicant's request to amend the permit to allow for a limited/defined number of events on Sundays seems reasonable. Further, the



proposed hours of operations on Sundays is reasonable, particularly if some limitations are provided Monday through Thursdays to ensure neighbors have some respite from the activity. *Staff would ask the Planning Commission to consider the proposed hours of operation and provide direction as to what, if any, reasonable adjustments to the hours of operation are warranted.*

Noise/Amplification

The Applicant is proposing to have amplified music, such as bands and DJs, at events and staff assumes that the proposal to amend the hours of operation would also correlate to an adjustment of hours permitted for amplified music. The existing permit allows for amplification of ceremonies outside with use a portable speaker system. Section 32-352 states, “Sound amplification is permitted for ceremonies whether located within the rural event facility or on the grounds. All other sound amplification is permitted only within the facility’s building and must adhere to all local and County sound ordinances. Events shall not generate noise that unreasonably annoys, disturbs, or endangers the comfort of peace of any persons, or precludes their enjoyment of property or affects their property’s value.” Given this requirement, a condition was included in the CUP that requires the doors on the north façade of the facility to be closed at all times any amplified music is playing. The proposed deck expansion on the south side of the facility complies with the conditions that regulate and prohibits outdoor activity on the north side of the facility and may even help deter activity on the north side of the facility. Therefore, staff does not see an issue with having a formal constructed outdoor space on the south side of the facility. Staff is concerned about the extended hours of operation related to noise and amplification Monday through Thursday given prior testimony of neighbors during 2014. *Depending on testimony provided during the public hearing scheduled in January, there may be opportunities to limit the hours of amplified music on work-week nights, while still permitting extended hours of operation. Staff would recommend discussion regarding this issue, particularly after hearing from neighbors at the upcoming public hearing, if testimony is presented.*

Engineering Standards

There are no changes to the site that require engineering review at this time. If any significant grading or site alterations are needed to construct the deck, the City Engineer will be involved and review any needing grading permits. *Staff would recommend adding a condition to the amended permit that the Applicant shall be required to obtain any necessary grading permits from the City Engineer at time of building permit application.*



Other Agency Review

The property is located within the Rice Creek Watershed District, and the Applicant is responsible for contacting them to determine whether any permitting is required to construct the proposed deck.

Requested Discussion and Draft Conditions

Staff requests that the Planning Commission discuss the following items, at a minimum, in relation to the request:

- Proposed extension to the hours of operation would affect the activity level on the site, particularly on weeknights. Staff would ask the Planning Commission to discuss reasonable adjustments, and to consider the public testimony.
- Potential mitigation of noise generated from the events and amplification should be considered related to the proposed extension of hours on weeknights.
- While not specifically addressed in the Applicant's request to amend condition #27 of the permit related to the off-duty officer. Staff would suggest consideration to amend this condition to be consistent with any revised/extended hours of operation.

The hours of operation require additional discussion and direction from the Planning Commission, staff would recommend approval of the request to construct the outdoor commercial deck at the facility and has drafted the following conditions for your review and consideration:

- Construction of the proposed deck on the south side of the Dellwood Wedding Barn facility as shown on the Site Plan is permitted to be used as part of the operations of the facility during all events.
- A building permit shall be obtained from the City's Building Inspector, and the deck shall be constructed to meet all applicable commercial standards.
- Any future lighting of the deck or deck area shall be reviewed by the City Staff and must comply with the City's ordinances.
- If required per City Ordinance, a grading permit to construct the deck shall be obtained from the City Engineer.

Action requested:

Staff is requesting direction from the Planning Commission regarding the requested amendments to the current CUP.

Attachments

Applicant's Amended CUP Narrative



Site Plan

Conditional Use Permit – Dellwood Wedding Bard (2014)

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



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

Application Date:	12/5/18
Fee: \$400	Escrow: \$3,000

pd check # 1395 \$3,400.00

CONDITIONAL USE PERMIT

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to the issuance of the Permit and/or periodic review may be required. The Permit shall be granted for a particular use and not for a particular person or firm.

PARCEL IDENTIFICATION NO (PIN): 0503021210005 LEGAL DESCRIPTION: LOT 4 & 5 Meadowlark Preserve Washington County, MN		ZONING DISTRICT & COMP PLAN LAND USE: A1 Rural Event Facility LOT SIZE: 23.72 acres
PROJECT ADDRESS: 1373-120th St No. Grant, MN 55110	OWNER: Name: Scott Jordan Address: 1373-120th St No City, State: Grant, MN 55110 Phone: 612-282-2723 Email: info@dellwoodbarnweddings.com	APPLICANT (IF DIFFERENT THAN OWNER):
BRIEF DESCRIPTION OF REQUEST: See Attached <i>ADD DECK TO SOUTH SIDE OF BARN AND CHANGES OF VENUE HOURS</i>		
EXISTING SITE CONDITIONS: Dellwood Barn Weddings		
APPLICABLE ZONING CODE SECTION(S): 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		

Submittal Materials

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.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow <ul style="list-style-type: none"> ▪ Property dimensions ▪ Area in acres and square feet ▪ Setbacks ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) ▪ Location of utilities ▪ Location of well and septic systems on adjacent properties ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails ▪ Sanitary sewer and water utility plans COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

November 26, 2018

To: City of Grant

From: Scott Jordan
7373 120th St. North
Grant, MN 55110

RE: Conditional Use Permit

1. We are proposing to add a commercial deck to the South of the Barn. See attached plans.

Guests will enjoy the view while relaxing on the deck. We are hoping this will minimize our guests on the front lawn. Another plus will be additional air flow through the new doors to the deck. All improvements will meet city and state codes/ordinances.

2. New Hours of Operations:

Monday through Thursday: 11 am to 10:00 pm. Site shall be fully vacated and dark by 10:00 pm.

Friday and Saturday: 1:00 pm to 11:30 pm. Site shall be fully vacated and dark by 11:30pm
(only asking for additional ½ hour).

Sundays: 11:00 am to 10:00 pm. Site shall be fully vacated and dark by 10:00 pm.
Maximum (6) events per season

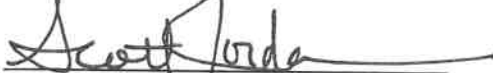
3. The Dellwood Barn shall be permitted to conduct no more than 4 events per week.

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

<input type="checkbox"/>	<input type="checkbox"/>	<p>Grading/Landscape Plan: 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"> ▪ Grading Plan ▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs ▪ Wetland Delineation ▪ Buildable area ▪ Topographic contours at 2-foot intervals, bluff line (if applicable) ▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation ▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Architectural/Building Plan (if Applicable): 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"> ▪ Location of proposed buildings and their size including dimensions and total square footage ▪ Proposed floor plans ▪ Proposed elevations ▪ Description of building use <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Written Narrative Describing your request: 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"> ▪ Description of operation or use ▪ Number of employees (if applicable, if not state why) ▪ Sewer and water flow/user rates (if applicable, if not state why) ▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's ▪ Hours of operation, including days and times (if applicable) ▪ Describe how you believe the requested conditional use fits the City's comprehensive plan <p>COPIES: 20</p>
<input type="checkbox"/>	<input type="checkbox"/>	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.
<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 type="checkbox"/>	<input type="checkbox"/>	Survey of the property: 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.
<input 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

11.26.2018
Date

Signature of Owner (if different than applicant)

Date

Design Id: Design Not Saved
Estimate Id: 19402
Store Number: 3059
(Menards - Maplewood)



Page 1 of 4
11/26/18

The Design ID can be used for recalling your design from Menards.com or one of our in-store Design-It kiosks. The Estimate ID can be used to purchase your items from the Menards location above.

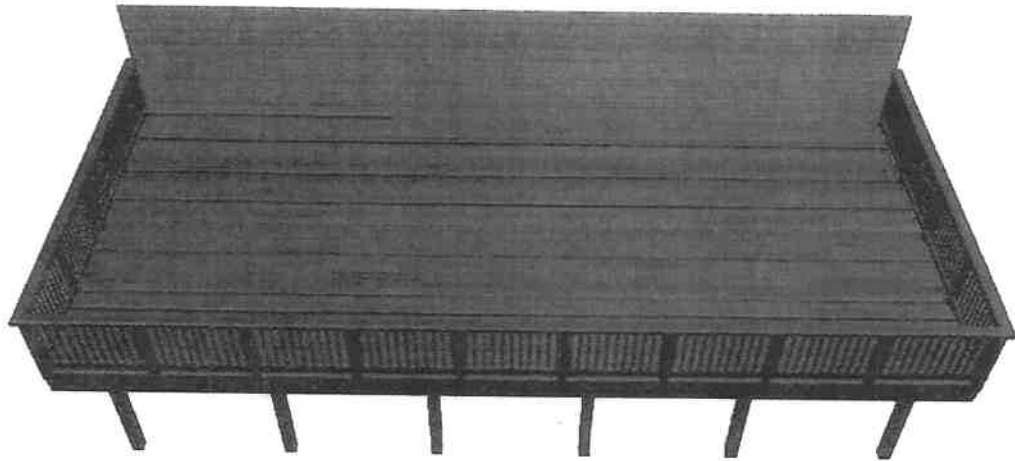


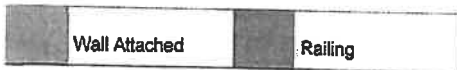
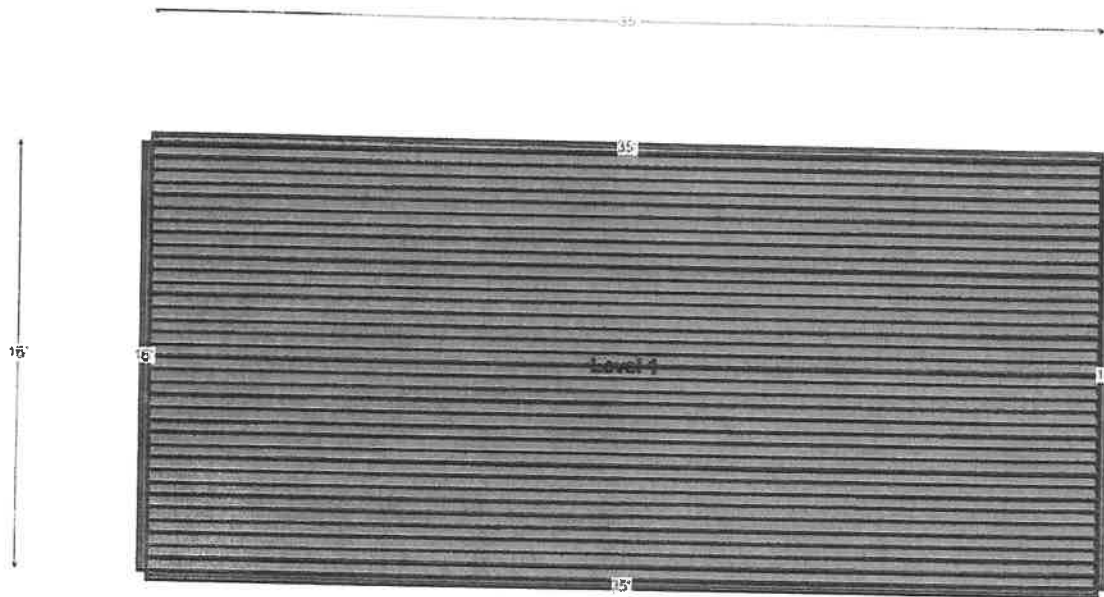
Illustration intended to show general deck size and shape. Some options selected may not be shown for picture clarity.

Estimated Price:

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met.

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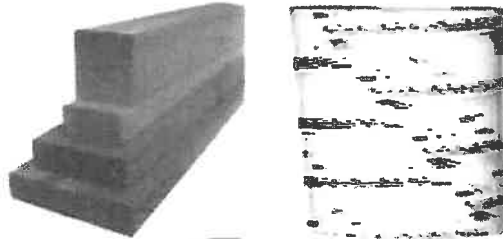
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Level Information

Level 1 - 35' 0" Length X 16' 0" Width X 8' 0" Height, Standard Deck, 40 PSF Load Rating, Horizontal Decking Direction
. 16" Joist Spacing

Framing Information

6x6 CedarTone Premium Framing Posts
Poured Footings 12" Tube (includes concrete) with 4' 0" Depth
2x12 Cedartone Premium Joists
2x12 Cedartone Premium Beams
Solid Placement for Beam Positioning on Framing Posts
Beam and Joist Cantilever - 2 Feet



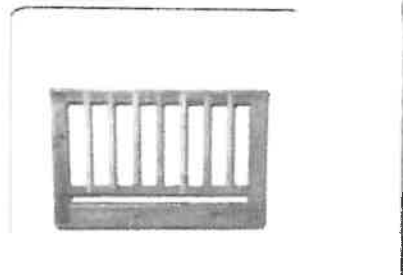
Deck Board Information

5/4x6 Cedartone Premium



Railing Information

CedarTone Premium Railing Type
3/8" Continuous T Handrail
2x2x36 Square End Spindles
4" x 4" x 54" AC2 CedarTone Premium Pressure Treated
U-Top-It Deck Post Railing Post, Joist Mounted
2x6 Cedartone Premium Hand Rail



Other Material Information

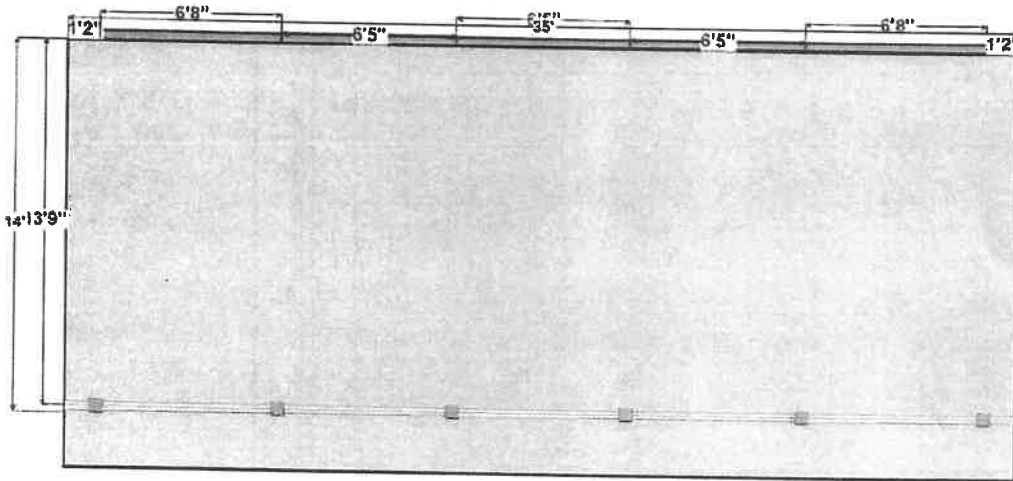
Galvanized Joist Hangers
Galvanized Framing Fasteners
Ledger Deck Ties are included for all Ledger Joists
Joist / Beam Deck Ties are included for all Joists and Beams
Lok bolts are included for all Ledger Joists and Railing Posts



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Post and Beam Dimension Sheet for Level 1



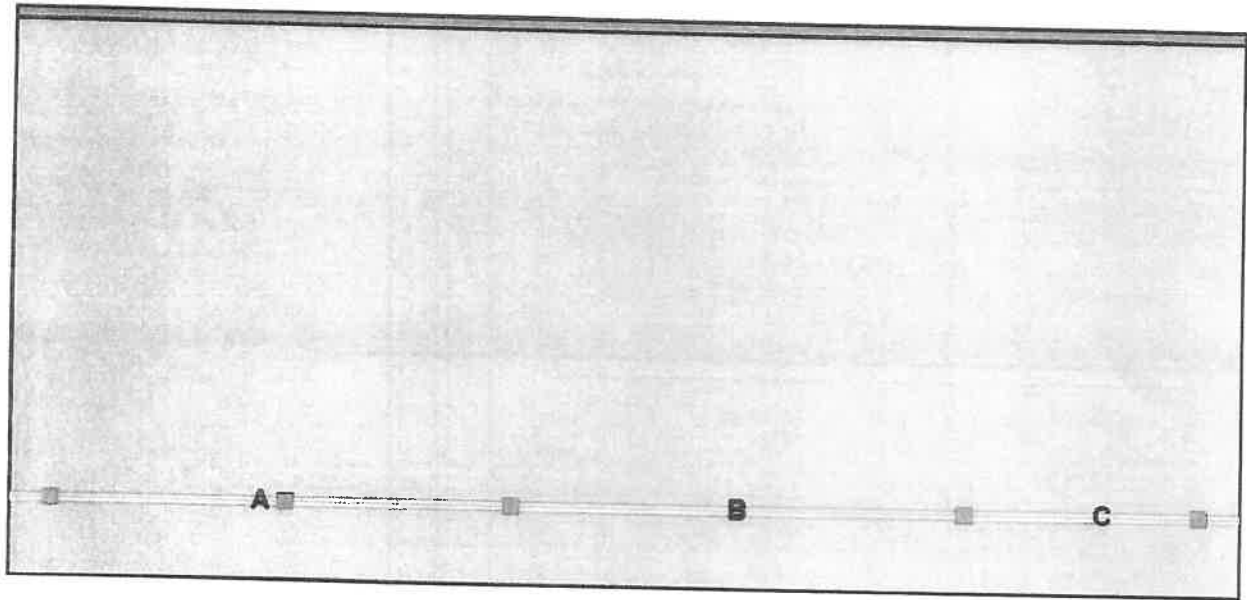
Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

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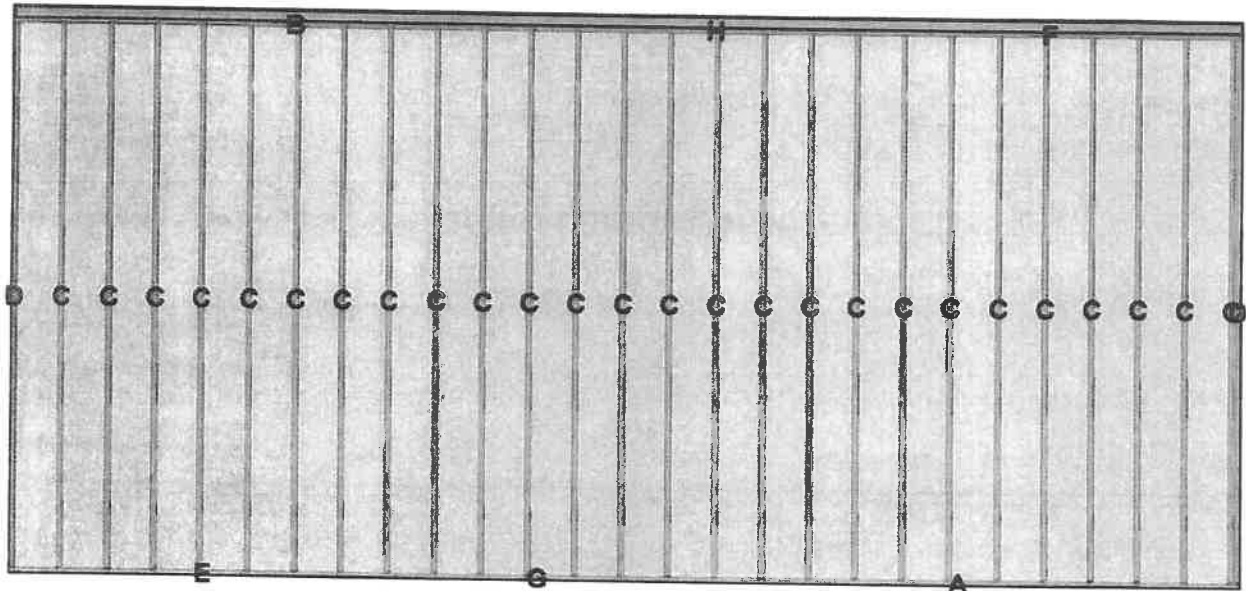
Beam Layout for Level 1



Mark	Length	Description
A	14' 4"	2-2x12 Cedartone Premium
B	12' 11"	2-2x12 Cedartone Premium
C	7' 11"	2-2x12 Cedartone Premium

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Joist Layout for Level 1



Mark	Length	Description	Usage
A	16' 0"	1-2x12 Cedartone Premium	Rim Joist
B	16' 0"	1-2x12 Cedartone Premium	Ledger Joist
C	15' 10"	26-2x12 Cedartone Premium	Internal Joist
D	15' 9"	2-2x12 Cedartone Premium	Rim Joist
E	11' 0"	1-2x12 Cedartone Premium	Rim Joist
F	11' 0"	1-2x12 Cedartone Premium	Ledger Joist
G	8' 0"	1-2x12 Cedartone Premium	Rim Joist
H	8' 0"	1-2x12 Cedartone Premium	Ledger Joist

The lengths noted are provided as a layout guide. Field check dimensions prior to cutting.
 Joist to be on 16".

Joist to be toe-nailed to beams with 3-1/2" fasteners.

Rim Joists to be face-nailed to joist and ledgers with 3-1/2" fasteners.

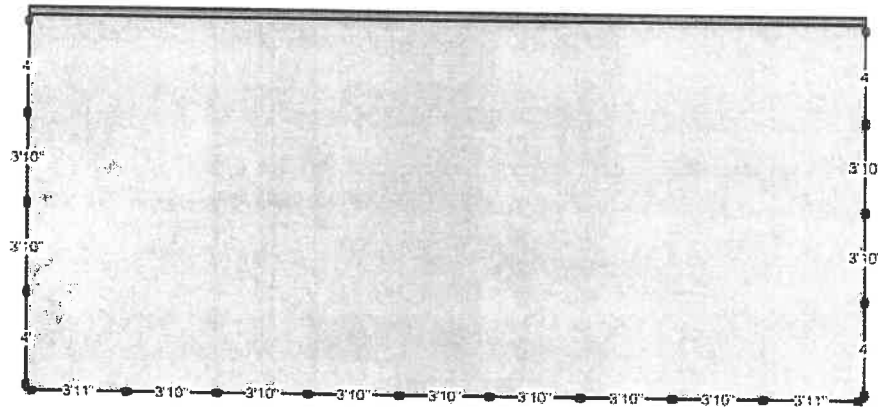
Y bracing is estimated, but not shown.

Blocking and bridging may be required by your local code.

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.



Railing Post Dimension Sheet for Level 1



Dimensions are measured from the center of each railing post.

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Level Information

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. 16" Joist Spacing

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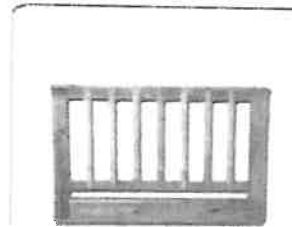
Deck Board Information

5/4x6 Cedartone Premium



Railing Information

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Other Material Information

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Galvanized Framing Fasteners
Ledger Deck Ties are included for all Ledger Joists
Joist / Beam Deck Ties are included for all Joists and Beams
Lok bolts are included for all Ledger Joists and Railing Posts



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**DELLWOOD BARN WEDDINGS
CONDITIONAL USE PERMIT
CITY OF GRANT**

PROPERTY OWNER/APPLICANT: Scott Jordan

GENERAL LEGAL DESCRIPTION: See Attached Site Plan
PID 0503021210005
PID 0503021210004

ADDRESS: 7373 120th Street North
Grant, MN 55110

This is a Conditional Use Permit to allow for the development of a Rural Event Facility hereafter named "Dellwood Wedding Barn." The Dellwood Wedding Barn will operate from an existing barn on the subject site that will be renovated for compliance with commercial building code standards. Any additional product lines or expansions of the business shall require an amendment to this Conditional Use Permit.

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council, City of Grant, Washington County, Minnesota, in addition to all previous permits and applicable ordinances, statutes or other laws in force within the City:

1. The Dellwood Wedding Barn shall be permitted to operate seasonally from May 1st through October 31st of each year.
2. The Dellwood Wedding Barn shall be permitted to conduct no more than three (3) events per week.
3. The maximum occupancy of the facility shall be limited to 253 persons, to include all event staff, caterers, musicians, etc., or anyone onsite for the duration of an event.
4. The Hours of Operation, defined as actual event time, shall be limited to the following:
 - a. Monday through Thursday: 11 AM to 2 PM
 - b. Friday and Saturday: 1:00 PM to 11:00 PM, where the site shall be fully vacated and dark by 11:00 PM.
 - c. No events shall be permitted on Sundays
 - d. Staff, caterers, deliveries, musician setup and other support activities shall not be subject to the hours of operations, but may not begin prior to 9:00 AM, and must cease by 12:00 AM daily.

5. All events shall be in compliance with the Minnesota Pollution Control Agency's (MPCA) noise standards and regulations at all times. The Applicant shall obtain a Decibel Meter, acceptable to the City, and shall keep the device on the premise during all events.
6. All recorded music (i.e. DJ, iPod mix, etc.) shall only be permitted within the barn and may not exceed 85 decibels.
7. The barn doors on the north façade shall be secured and closed at all times when amplified music is playing.
8. No amplification of live music shall be permitted; unless the Applicant submits a Sound Study and Plan that accounts for the maximum anticipated site conditions that includes crowd noise, and which demonstrates compliance with MPCA standards. The Study shall be provided for review and approval by the City staff, and if necessary City Council.
9. No amplification of outdoor services shall be allowed after 7:00 PM, and all outdoor activities must be performed in compliance with MPCA noise standards.
10. A landscape plan, which may include a row of evergreen trees, or arborvitae, or some combination, shall be provided for review and approval by the City Engineer and Planner. The vegetation shall be planted on the north side of the barn to offer additional sound and light mitigation for times when the barn doors are open.
11. No outdoor gathering shall occur on the north side of the building.
12. A sign shall be posted at each door of the facility indicating patrons should be considerate of the neighbors and to go to their cars expeditiously and quietly.
13. An updated lighting plan including specification sheet of proposed fixture (which must be downward facing and hooded), locations, and if necessary a photometric plan shall be submitted for review and approval by the City Engineer and Planner.
14. Revisions to the parking lot design must be completed and submitted to the City Engineer for review and approval prior to any construction occurring.
15. The parking lot shall be surfaced with crushed limestone which shall require dust control in order to be deemed a dustless surface per the City's Ordinance. Dust control shall be applied a minimum of two (2) times per year, or as many times as required to maintain a dustless surface, and shall be applied to the parking lot and driveways at the facility. Evidence of such treatment shall be provided annually to the City in a form acceptable to the City Engineer.
16. A Grading Permit shall be obtained from the City Engineer prior to beginning any site work, including but not limited to, installation of the parking lot, widening of the driveways and ponding areas.
17. The City Engineer's recommendations and conditions shall be addressed, and updated plans reflecting necessary changes submitted for review and approval prior to any site grading or improvements.
18. A parking attendant shall be required to be present beginning an hour prior to any events and must remain on the premise throughout the event.

19. All access and driveway permits shall be obtained from Washington County prior to commencing operations.
20. All necessary permits and approvals from RCWD shall be obtained prior to issuance of a grading or building permit for construction of the parking lot.
21. Installation of the septic system shall be completed in compliance Washington County standards and the permit dated 4/14/2014 prior to hosting any events.
22. The Parking lot, including installation of the ADA parking stalls shall be constructed prior to hosting any events.
23. Any future signage onsite may not be illuminated and shall meet the City's ordinances and regulations in place at time of proposal.
24. A building permit shall be obtained prior to commencing any renovations on the proposed facility (Wedding Barn).
25. All proposed renovations, as depicted in the submitted plan set and any revisions stated within these conditions, shall be completed prior to hosting any events at the facility.
26. All vendors, including food and beverage, shall be licensed within Washington County prior to serving at any event.
27. An off-duty officer shall be onsite during all events from 8 PM until 12 AM
28. All work shall be done in compliance with the directions of the RCWD, the MPCA, Department of Health or any governmental or regulatory agency having jurisdiction over the site.
29. No structures or improvements shall be constructed in areas identified with an easement.
30. All escrow amounts shall be brought up to date and kept current. The Applicant shall maintain an escrow balance of \$2,500 at the City through the duration of site work and implementation of the proposed plan. Once the conditions related to construction have been completed and approvals obtained, any remaining escrow will be returned to the Applicant.
31. This permit shall be reviewed after the first year of facility operations (2014) for compliance with the conditions and to implement any necessary modifications. After such time the permit will be reviewed according to the City's adopted CUP review process, and may result in annual review.
32. Any violation of the conditions of this permit may result in the revocation of said permit.
33. The Owner shall obtain all necessary permits from Washington County, Minnesota Department of Health, MPCA, and the United States Government which are necessary in carrying out its operations on the premises including a building permit.
34. Any change in use, building, outdoor gathering areas, lighting, parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use Permit.

APPLICANT/OWNER:
DELLWOOD WEDDING BARN/ SCOTT
JORDAN

Date: 6-4-14

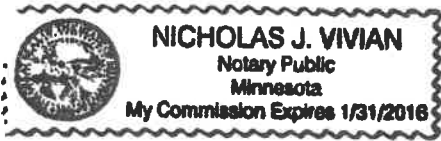
By: *Scott Jordan*
Its: owner

Date: 6-4-14

Kim Points
Kim Points, City Clerk

State of Minnesota)
)ss.
County of Washington)

On this 4th day of June, 2014, before me, a Notary Public, personally appeared Scott Jordan the owner of Dellwood Wedding Barn who acknowledged that said instrument was authorized and executed on behalf of said Company.



Nicholas J. Vivian
Notary Public

LEGAL DESCRIPTION

Lots 4 and 5, Meadowlark Preserve, Washington County, Minnesota.