

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, November 19, 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. APPROVAL OF MINUTES: January 15, 2019
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Conditional Use Permit to Board up to Sixteen (16) Horses on Property, 9104 68th Street North
 - B. PUBLIC HEARING, Consideration of Minor Subdivision, 7781 and 7995 Kimbro Avenue North
 - C. PUBLIC HEARING, Consideration of Updated Comprehensive Plan
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

January 15, 2019

Present: James Drost, Jeff Schafer, 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 seconded the motion. MOTION carried unanimously.

4. APPOINTMENT OF INTERIM CHAIR PERSON

MOTION by Commissioner Helander to nominate Commissioner Tufty as Interim Chair Person. Commissioner Fritze seconded the nomination. MOTION carried unanimously.

MOTION by Chair Tufty to nominate Commissioner Schafer as Vice-Chair. Commissioner Fritze seconded the motion. MOTION carried unanimously.

5. APPROVAL OF MINUTES, December 18, 2018

MOTION by Commissioner Drost to approve the December 18, 2019 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

6. NEW BUSINESS

PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Construction of Deck and Extended Hours of Operation, Dellwood Barn Weddings, 7373 120th Street North– City Planner Swanson stated 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.

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 drain field 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 outdoor commercial deck 16-feet x 35-feet on the south side of the existing facility to allow for additional outdoor gathering space.

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.

City Planner Swanson state 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-foot

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.

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.

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 in compliance with the CUP.

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.

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 foot-candle 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.***

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.***

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.

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.

Chair Tufty referred to the map and inquired about the planting of trees near the parking lot noting the planting of trees on both sides would be beneficial to the neighbors. City Planner Swanson advised two rows of staggered trees had to be planted on the north side of the parking lot as well as the north side of the barn. All conditions relating to the plantings per the initial permit have been met. She also noted it was required that the applicant purchases a decibel meter and has one on site at all times.

Commissioner Fritze requested the applicant comment on the use of the south side and how it relates to the proposed deck.

MOTION by Commissioner Helander to open the public hearing at 7:35 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Ms. Melinda Lopes, 12160 Upper Heather Avenue North, came forward and stated her property is directly across the street from the venue. She stated she hears noise all the time and there is an issue every Friday and Saturday night. She does not want to have an issue every Sunday as well. She cannot use her property at all and buffering is not an option as they are on a hill. She stated she wants to enjoy her property and can't because she is 400 feet from the barn. She is asking that the use stay as it is if she can't make it go away.

Mr. Kevin Devore, 11535 Hillcrest Court North, came forward and stated the deck would be facing his property. His concern is the sound and lighting. The deck would be elevated which would then elevate the sound level. Lighting is an issue and it should be buffered. This is a slippery slope here and there could be a new owner at some point. He cautioned the Planning Commission about allowing the expansion of operating hours and number of event days.

Mr. Tom Windisch, 12150 Upper Heather Avenue, came forward and stated the operation was much contested back in 2014 and his property is one of the most affected in the area. He can hear everyone that goes outside during events and he is not in favor of extended hours or more event days. The conditions of approval are basically being broken. He stated he gave up contacting the City. Sundays are sacred. The hours requested to be extended during the week the kids are in school and would be a total of 16 weeks. He stated he could see events during the week until

8:00 p.m. The deck would abate noise on the north side and three events per week is fine but not on Sundays and not during the week beyond 8:00 p.m.

Ms. Tina Lobin, 11034 Irish Avenue North, came forward and stated she was on the City Council when the original application came through and she does support businesses in Grant. There are rules for a reason and she can hear people all the way across the lake that she lives on, depending on the weather. Trees do not buffer sound. This is a rural residential area and she does not see the need for events during the week. She does not support the amended CUP application.

Ms. Kristin Wicks, 12105 Upper Heather Avenue North, came forward and stated she has a noise issue with the outdoor ceremonies and those ceremonies are amplified. She stated she has called the Sheriff four times and Sundays and events during the week are just not acceptable.

Mr. Kevin Rhodes, 12160 Upper Heather Avenue North, came forward and stated it can be very loud out on the premises and is loud every weekend throughout the entire summer. There is not balance at all with their proposal. The deck will increase the outdoor activities. The current permit tried to achieve a balance. They should not be rewarded for non-compliance with allowed expansion.

Mr. Carl Swanson, 7665 120th Street North, came forward and stated he has lived there for thirty years and does spend a lot of time outside. He can see the concerns about noise but can't see people spending time out on the deck with the mosquitoes. The motorcycles on the curve on the roadway causes a lot more noise than the wedding barn. He stated he has no problem with the request of the property owners and amended CUP.

MOTION by Commissioner Helander to close the public hearing at 8:10 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

City Planner Swanson noted that during the day earlier looking at the applicant's website it was noticed that advertisement for open houses was posted. That is a clear violation of the current permit. However, since the first season only one complaint has been received and all complaints have been documented.

Ms. Jordan, Applicant, came forward and stated she did not know having open houses violated the CUP. She stated she does invite brides to visit and take a tour. Three people were in attendance last Saturday. She stated she can do private tours or take appointments to view the site and won't do open houses. The Barn is 60 feet long and the deck itself would be about 35-40 feet long. There will be seating on the deck itself.

Commissioner Schafer stated he believes the concerns of the neighbors are legitimate and he is not in favor of Sunday events. If they are allowed four events per week that would allow 78 events a season. He suggested a maximum number of events per season.

Commissioner Fritze stated he is not in favor of extended hours and stated he thought the Council did a very good job that last time of finding a good balance between the event center and the neighborhood.

Commissioner Helander stated he thinks the owners have done a good job with the CUP but enforcement to keep all the conditions in check is the issue. He believes a balance was found by the Council in 2014 and he is not supportive of any changes.

Council Member Drost stated a new deck would expend the noise level and is not in favor of any of the proposals.

MOTION by Commissioner Helander to recommend denial of the amended CUP to the City Council as presented. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Schafer and Commissioner Tufty voting nay.

Commissioner Schafer and Tufty both indicated they believed there was room for compromise on the requested amendments to the CUP.

7. OLD BUSINESS

There was no old business.

8. ADJOURNMENT

MOTION by Chair Tufty to adjourn the meeting at 8:43 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

PLANNING COMMISSION
MEETING

Sign-in Sheet - Public Comment, January 15, 2019

NAME (Please Print)

FULL ADDRESS (Please Print)

Melinda Lopes

12160 Upper Heather Ave N
Hugo, MN 55038

Kevin DeVore

11535 Hillcrest Ct. N.
Grant MN 55110

Tom Windisch

12150 Upper Heather Ave 55038

Tina Lobin

11034 Irish Ave N.

Kristin Blomberg Wicks

12015 Heather Ave N. Hugo
55038

Kevin Rhodes

12160 Upper Heather Ave N

CARL SWANSON

7665 120th ST N Hugo
MN.

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



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

Application Date:	8/20/19
Fee: \$400	Escrow: \$3,000

Check # 1011 \$ 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): 34.030.21.22.0011		ZONING DISTRICT & COMP PLAN LAND USE:
LEGAL DESCRIPTION: BROCKBERG'S FARM LOT 2 BLOCK 1, SUBDIVISION CD 00270		871,538 SQUARE FEET LOT SIZE: 20.01 ACRES
PROJECT ADDRESS: 9104 68TH STREET NORTH GRANT, MN 55082	OWNER: Name: SUMMER HAVEN TRS Address: 9104 68TH STREET NORTH City, State: GRANT, MN 55082 Phone: 651-706-2534 Email: summerlutgen@gmail.com	APPLICANT (IF DIFFERENT THAN OWNER): PARTIAL COMPLETION BY DAVE SONKA, MNLA CP LANDSCAPE DESIGN STUDIOS 651-239-6460 DAVE@LANDSCAPEDESIGN STUDIOS.COM
BRIEF DESCRIPTION OF REQUEST: ** REFER TO OWNER'S DESCRIPTION. HOMEOWNER WISHES TO UPDATE PADDOCK FENCE MATERIAL, ADJUST SOME FENCELINE FOR A RIDING ARENA, IMPROVE THE DRIVEWAY SURFACES, IMPROVE THE BARN AND STABLE, IMPROVE AND MANAGE STORMWATER DRAINAGE AND COLLECTION ON SITE.		
EXISTING SITE CONDITIONS: ** REFER TO OWNER'S DESCRIPTION. AQUIRED PROPERTY WITH FACILITIES AND AMENITIES IN NEED OF UPDATING AND IMPROVEMENT (PADDOCK FENCE, ENCLOSED RIDING ARENA, DRIVEWAY SURFACE, BARN AND STABLES, STORMWATER DRAINAGE AND COLLECTION.)		
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 type="checkbox"/>	<input type="checkbox"/>	<p>Site 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"> ▪ 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 <p>COPIES: 4 plans at 22"x34", 20 plans at 11"x17"</p>

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


<input type="checkbox"/>	<input type="checkbox"/>	<p><u>Grading/Landscape Plan:</u> 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 type="checkbox"/>	<input type="checkbox"/>	<p><u>Architectural/Building Plan (if Applicable):</u> 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 type="checkbox"/>	<input type="checkbox"/>	<p><u>Written Narrative Describing your request:</u> 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 type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input 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"/>	<p><u>Survey of the property:</u> 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 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


Date

Signature of Owner (if different than applicant)

Date

Letter of Intent
Conditional Use Permit
For Boarding Facility/Permitted Number of Horses.
Summer Haven Farm
Summer Lutgen
9104 68th St N
Grant, MN 55082

August 17, 2019

Dear City Councilmen and women, and neighbors,

We would greatly appreciate if you would be so kind to read through this letter of intent that accompanies our conditional use permit application for Summer Haven Farm, located at 9104 68th St N. Thank you.

Overview of Proposal

The subject 20 acre property has been a farm since becoming the Brockberg Farm in 1901. In 2004 the old three story cattle barn was taken down due to structural safety concerns and the 72 x 100 sixteen stall horse barn with attached 72 x 200 indoor riding arena was constructed by the Soccoman family and has continued to house horses since. Our intent is to bring this horse farm back up to par (if you're not too familiar with the farm, it had become too much for the last owner and was quite over run and things like the wood fencing was starting to fall apart and was a safety concern) with the neighborhood and area and serve as a semi-private high-end hunter/jumper training facility. With Summers 30 years of experience and success as a competitor in the US and Canada, with uncountable local and national championships, we are than confident that she will make this place the best possible version of itself possible, a farm neighbors and the city will be proud to have here.

We are asking that the CUP grants us the ability to house sixteen horses on the property, as that's the number of stalls the barn was built with and would give us the ability to take extra measures to cut down on things that impact the neighborhood, i.e. traffic, manure removal, etc.. Ten of them would be ours and six would be boarded. We have contracts contingent upon our CUP with three clients, all of them owning two horses each, so rather than the traffic of six single horse owners, it would only be three, two of which already come to ride a few of our horses anyways, so there would be very little increase in barn traffic.

In consideration of our impact on the environment and neighborhood concerns about the potential detrimental impacts from the increase in horse numbers- including manure storage, scent and run-off, farm noise, storm water, excess traffic and the proposed outdoor riding arena, in the paragraphs to follow, we will discuss our solutions to each concern.

*Many of these solutions are based on being granted our CUP allowing sixteen horses. Any less would require cutbacks.

- Manure sights, scents and environmental impact: No one can deny that this situation can become quite an issue, especially for neighbors, but we do not care to have the sight and scent of too much manure either and because we're remodeling to be a high-end professional farm, we have done our best to find a solution that best serves the farm and the neighborhood. We will be constructing a large, yet hidden cement manure storage containment

which will be located just to the southwest of its current location behind the barn that would allow the run-off to go directly and only into the existing manmade pond, that was specifically excavated for the purpose of mitigating stormwater run-off to a holding pond for infiltration. We had a chance to discuss this with a member of the Valley Branch Watershed while she was recently on our property to review the new delineation of the wetlands, and she very much liked the idea of the containment and encouraged its addition. The containment would also make monthly removal a lot easier and keep the entire farm cleaner and there would be no giant mound for neighbors to have to look at and its not exactly a pile anyone cares to look at from the dinner table (monthly removal is based on sixteen horses.)

- **Farm Noise:** Please bare with us just a bit longer! We are doing our best to keep noise to a minimum, but some is simply inevitable, especially while under construction. Once the remodels are through, the noise will be drastically less, however, you will have the occasional horses whiny, tractor and lawn mower noise, and dragging and watering the arenas, which we have already purchased “dustless non-compacting” footing for (it isn’t perfect and does actually require some maintenance, but drastically lower than regular sand would) so it shouldn’t be too much of a nuisance. The number of horses should make very little, if any, impact on the amount or level of noise, and we are very careful to follow the cities noise ordinances, though, we may have made a bit of a raucous while we were trying to settle in and hope you’ll forgive us if we were any sort of nuisance.

- **Storm Water Mitigation and Infiltration:** Being a farm with animal waste and wetlands on the property, properly mitigating stormwater run-off and infiltration prior to reaching the wetlands is a top priority. Though the previous owners did some to help this situation, we feel there’s quite a bit that still can be done to make it even better. Our proposed plan has solutions including well/professionally planned and beautiful landscaping throughout the property, utilizing multiple rain gardens for collecting run-off and allowing infiltration, proper grading and drain tile to properly mitigate the run-off into specific holding areas and prevent it from running into the neighboring properties and/or wetlands, especially without proper infiltration prior.

- **Traffic:** The added traffic from the six boarded horses is also of huge concern to us, as I am certain it is to neighbors and the area in general, but our farm is first and foremost our home, and we do not care for all sorts of traffic either. As stated above, we have three customers in contract contingent to our CUP allowing sixteen, two of which come here to ride regardless of whether or not their horses are here. Also, the basis behind having ten of our own, is to allow four of them to be sale horses to bring in an income but not add to traffic and that many more people around in general. Horses typically get bought and sold at horse shows, so no need to worry about added traffic due to that.

- **Proposed Outdoor Riding Arena:** The arena we have planned to construct would be 200’ x 125’ with drain tile running below the entire arena, so there’s never standing water and to make sure it doesn’t run our footing into the neighboring property and would be located in the southwest corner of the property. The arena will be beautifully landscaped with a “driveway ramp” multi jump obstacle built into the hill, islands of trees, greenery and flowers. Buffer trees would be put in along our west property line and those neighbors will be invited to join us on the decision making process for the placement, amount and type of trees that are put in (we would also be happy to provide them for their side of the line as well, within reason, if they would prefer/appreciate some being on their side) and large rain gardens along the southern side for run off storage and infiltration.

We are dedicated to creating a farm that everyone can appreciate, whether it be due to adding value to the area, how pleasant it will be on the eyes, or for the love of horses and

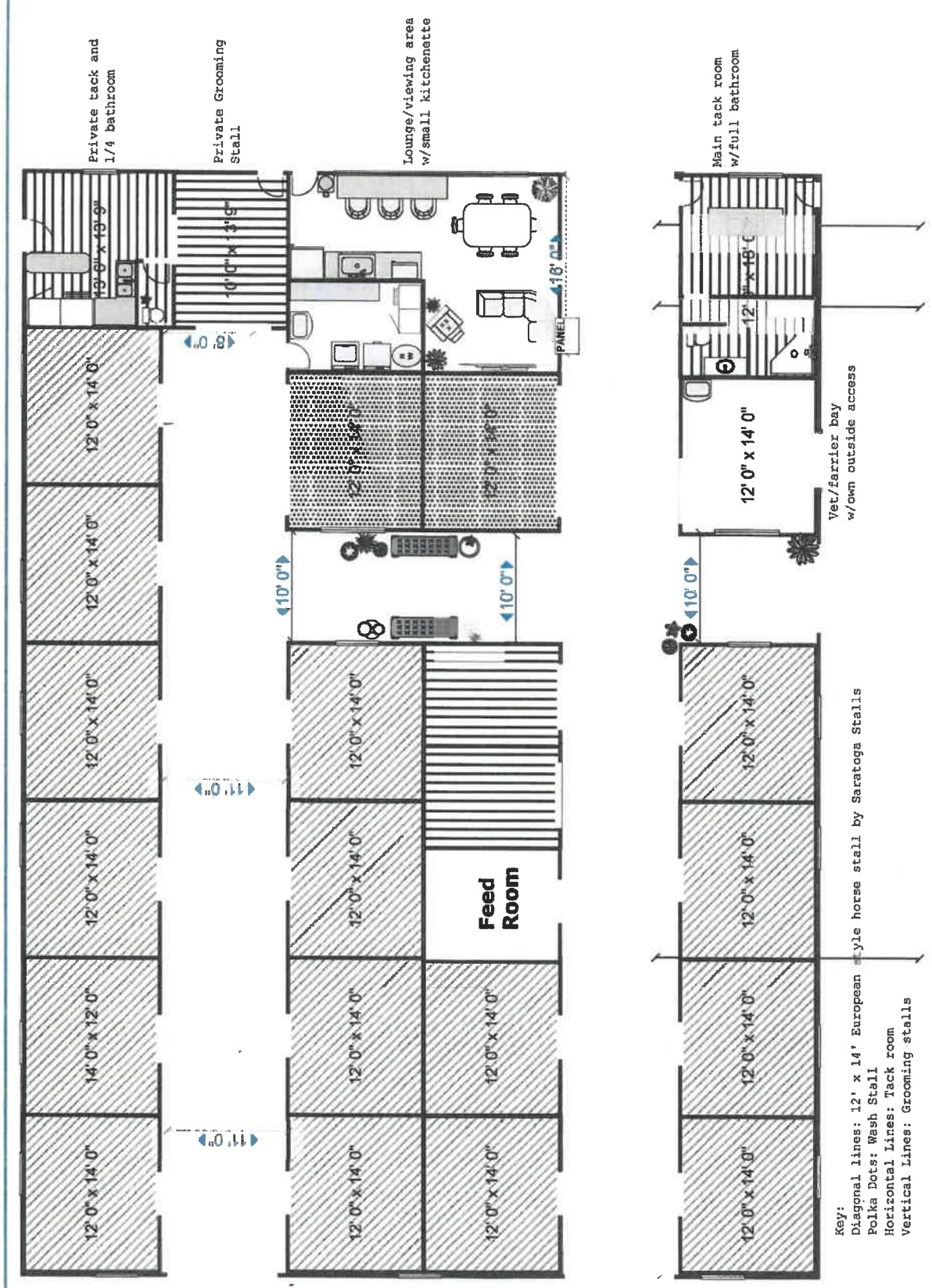
farms and feel our plans could not possibly better support the *City of Grant, Minnesota 2008 Comprehensive Plan*, which on page 38 states the following as three of *The City of Grant's Land Use Goals through 2030*:

Goal 1: Ensure the preservation of existing rural character through appropriate rural development guidelines and ordinances.

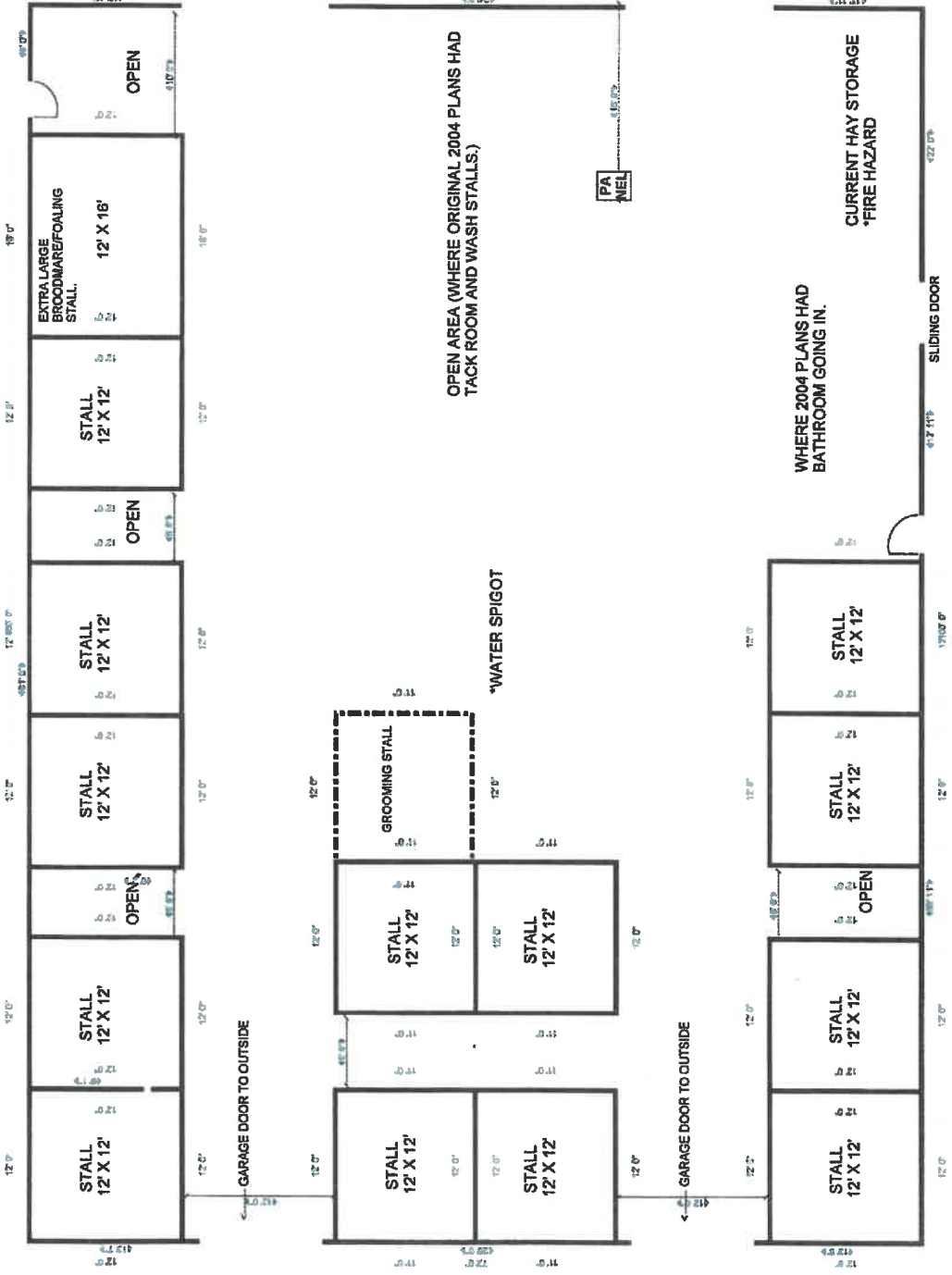
Goal 2: Protect the natural resource base of the community.

Goal 3: Preserve and protect agricultural land and facilities, agricultural lifestyles, and encourage hobby farms and commercial agricultural uses within the City.

Thank you so much for taking the time to read our proposal for which we have applied for our conditional use permit with the City of Grant. If you have any questions or concerns we did not cover or if you would like to clarify or get more info on something we have, we encourage you to attend the public hearing, which you will be notified of when that will be by the City of Grant.



Key:
 Diagonal lines: 12' x 14' European style horse stall by Saratoga Stalls
 Polka Dots: Wash Stall
 Horizontal lines: Tack room
 Vertical Lines: Grooming stalls



I N D O O R A R E N A

GARAGE DOOR INTO ARENA REMOVED
PEOPLE DOOR AND WINDOW ADDED

PEOPLE DOOR ADDED

18' VIEWING WINDOW ADDED

SWINGING GATE ADDED

PEOPLE DOOR ADDED

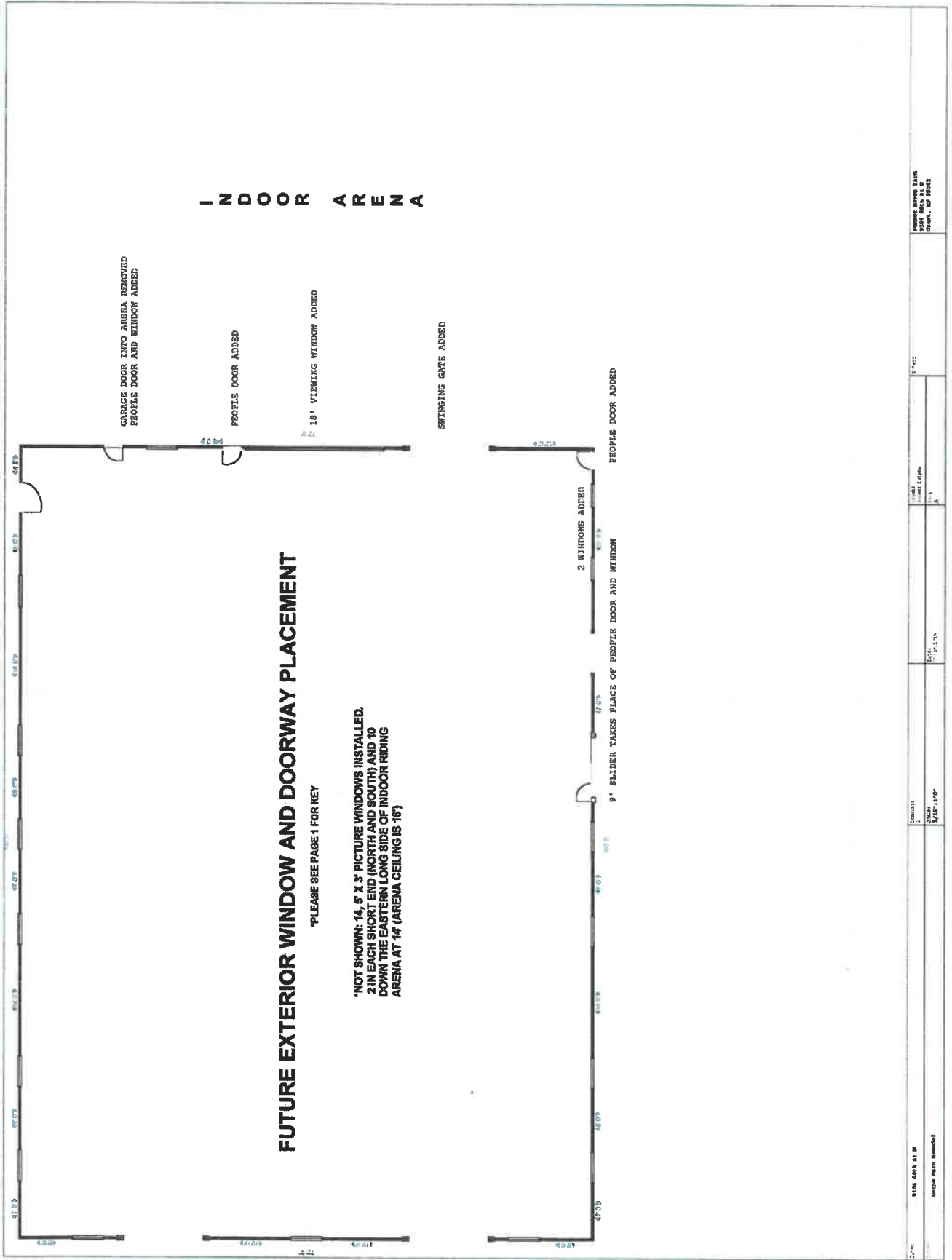
2 WINDOWS ADDED

9' SLIDER TAKES PLACE OF PEOPLE DOOR AND WINDOW

FUTURE EXTERIOR WINDOW AND DOORWAY PLACEMENT

*PLEASE SEE PAGE 1 FOR KEY

*NOT SHOWN: 14, 9" X 3" PICTURE WINDOWS INSTALLED.
2 IN EACH SHORT END (NORTH AND SOUTH) AND 10
DOWN THE EASTERN LONG SIDE OF INDOOR RIDING
ARENA AT 14' (ARENA CEILING IS 16')



DATE: 10/11/10
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN

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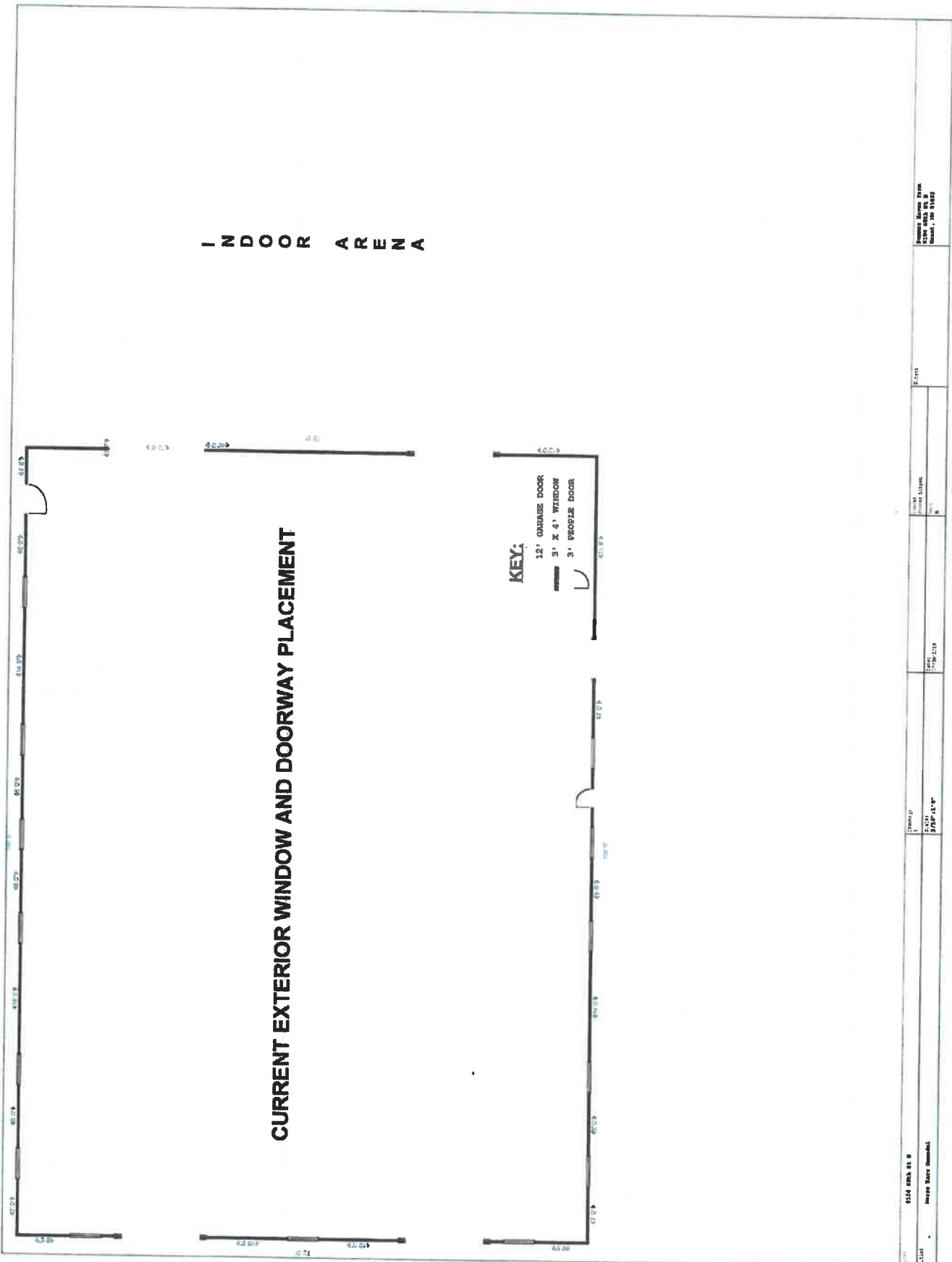
11' 00"

I N D O O R A R E N A

CURRENT EXTERIOR WINDOW AND DOORWAY PLACEMENT

KEY:

- 12' GARAGE DOOR
- 3' X 4' WINDOW
- 3' PERSON DOOR



Project Name: [illegible]
 Date: [illegible]
 Scale: 1/8" = 1'-0"

Sheet No. [illegible]

Scale: [illegible]

Project No. [illegible]

Client: [illegible]

5104 10th St N
 Maple Bay, Minnesota



STAFF REPORT

To: Planning Commission Members
Kim Points, City Clerk

Date: November 11, 2019

CC: David Snyder, City Attorney

RE: Application for a Conditional Use Permit (CUP) to board up to sixteen (16) Horses on property located at 9104 68th Street N.

From: Jennifer Haskamp
Consulting City Planner

Summary of Request & Background

The Applicant and Owner Summer Lutgen made an application for a Conditional Use Permit (CUP) in August 2019 to permit horse boarding for up to sixteen (16) horses on the subject property. The initial application was deemed incomplete, and additional information was requested from the Applicant so that staff could adequately review the application. Staff worked cooperatively with the Applicant to obtain the needed information, and in mid-October the remaining items were received as requested. The following staff report provides a review and analysis of the Applicant’s CUP request.

Public Hearing & Notice

A duly noticed public hearing was published for November 19, 2019 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

Applicant: Summer Lutgen, Owner: Summer Haven Trust	Site Size: 20.01 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9104 68 th Street N. Lot 2, Block 1 Brockberg’s Farm	PIDs: 3403021220011

The Property Owner and Applicant (hereafter referred to as “Applicant”) is requesting a CUP to allow for horse boarding up to sixteen (16) horses on their residential property. As stated within the Applicant’s narrative, the intent is for both personal and commercial boarding activities on the property. The following summary of the existing site improvements as described within the Applicant’s narrative (Attachment A), and shown on the site plan, as well as the proposed operations are summarized as follows:

Existing Homestead: There is an existing homestead located on the property that was constructed in 1901. It is assumed that the Applicant intends to reside on the property, but this should be clarified during the review process. However, based on the submitted narrative and building permit records the home is being remodeled and is assumed that the Applicant, or a principal residence, will reside on the property and whomever resides on the property will manage the proposed horse boarding operations.



Main Barn and Indoor Riding Arena: There is an existing large barn with 16 stalls, and an indoor riding arena on the subject property. The existing structure is approximately 22,645 square-feet per GIS records. As summarized within the Applicant's narrative, the area dedicated to the barn is approximately 72'x100' and the indoor riding arena is approximately 72'x200'. The barn and riding arena are proposed to remain on the property and will be used to support the proposed boarding facility.

Outdoor Riding Arena: There is an existing pasture area located southwest of the existing home that is proposed to be converted into an outdoor riding arena. The area will be fenced and will be constructed with a permeable surface including drain tile to prevent puddling. The proposed area is setback approximately 18-feet from the westerly property line, and 18.5-feet from the southerly property line (frontage on 68th Street N).

Pasture Area: There are several pasture and paddock areas near the existing indoor riding arena and stables, as well as surrounding the access drives. Several of these areas are currently fenced, and per the site plan, will be rebuilt and rehabilitated as necessary. The areas designated on the site plan are outside of, or exclude, the wooded areas on the site.

Main Access and Parking: There is one access driveway connection from 68th Street North that splits internal to the site into two access drives. The westerly drive provides a connection to the homestead, and the easterly driveway provides access to the stables and indoor riding arena. Both drives are existing and appear to be gravel based on the GIS aerial imagery. As noted on the site plan, there are some areas of expansion proposed to accommodate additional parking and/or better access which is described in subsequent sections of this report.

Utilities: The existing homestead is currently served by a private well and individual septic system. There is an area identified on the site plan noted as "Septic System Area" and it is unclear if this area is the current/existing drainfield or proposed and needed as part of the house remodel. Regardless of if new or existing, this area is identified exclusive of any improvements or disturbance based on the site plan.

Operations: The Applicant's narrative describes a horse boarding facility for both commercial and personal use. As outlined, the Applicant will have approximately five (5) horses for personal use, five (5) horses that may be for sale, and six (6) horses boarded commercially. No events or other activities were identified in the Applicant's narrative.

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. 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.

Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional criteria when considering CUPs for the proposed use.

Existing Site Conditions

The subject property is approximately 20.01 acres and is irregularly shaped. The property was platted as part of Brockberg’s Farm subdivision and is identified as Lot 2 Block 1. The site is oriented north-south, with primary frontage on 68th Street North which is the southerly property line. The site is currently accessed from a single driveway connection which provides internal access to the existing principal and accessory structures. There is an existing homestead on the property that was constructed in 1901, an existing barn and indoor riding arena, and a few small shed-like structures adjacent to fenced paddock areas. A wetland delineation was completed as part of this application process which identified approximately 4.33-acres of Type 3 and Type 5 wetlands on the subject site. There are intermittent wooded areas on the site surrounding the wetland areas. The existing homestead and barn/indoor riding arena are located on the southerly half of the property.

Comprehensive Plan Review

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The principal use of the property for a single-family rural residential homesite with an accessory barn/indoor riding arena which is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

Zoning/Site Review

The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

Dimensional Standards

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

Dimension	Standard
Lot Size	5 acres
<i>Grazable Acres</i>	<i>1 Horse per 2 Grazable Acres</i>
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')

Lot Size/Area and Grazable Acres:

Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 20.01 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses. To calculate grazable acres 1-acre for the homestead is excluded as well as wetlands of Type 3, 4 and 5. Based on the submitted information there are approximately 14.68 acres of grazable acres, which would allow seven (7) horses without a CUP. Because the horse density exceeds the permitted grazable acres per horse, and the total number of horses is greater than 10 a CUP is required.

The existing lot meets the city's minimum standards for lot size and area for the keeping of horses and would permit the keeping of 7 horses. The request to permit an additional nine (9) horses requires a conditional use permit for greater density and because the total number of horses exceeds 10 as described in Section 32-337 subsection (h) and 32-328 (a)(1).

Setbacks & Frontage:

The subject property is oriented north-south with primary frontage on the southerly property line on 68th Street North. The existing home is setback approximately 225-feet from the south property lot lines (front yard), 170-feet from the westerly property line (side yard), 350-feet from the easterly property line (side yard) and 900 feet from the northerly property line (rear). The barn/indoor riding arena is setback approximately 250-feet from the front property line, and 30-feet from the easterly property line which is the nearest side yard. *All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additions or new structures are proposed as part of this application.*

Accessory Building (Barn and Riding Arena)

Section 32-313 identifies the permitted number and total size of allowable accessory buildings on lot which is correlated to lot size. For parcels 20-acres or greater, there is no limit on the number or maximum accessory building square footage. *The existing Barn and Indoor Riding Arena are approximately 22,000 square-feet and meets the City's ordinances for permitted accessory building number and size.*

Parking Area (Location & Spaces):

The Applicant's narrative states that approximately six of the horses will be commercially boarded, while the remaining 10 are generally personal and will not generate additional traffic. Since it is difficult to monitor, even if all horses were commercially boarded because no events are proposed, the amount of parking based on the site plan would likely be adequately and could accommodate up to



16 personal vehicles in the gravel areas surrounding the barn and/or riding arena. While the number of visitors/trips generated will likely exceed a typical single-family residential use on some days the number of visitors can easily be accommodated in the gravel areas identified on the Site Plan near the existing Stables and Indoor Riding arena. ***Based on the proposed operations stated within the Applicant's narrative, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.***

Driveway/Circulation: The principal structure and accessory buildings are accessed from a single gravel access to 68th Street North, which splits into two driveways internal to the site. The easterly driveway section is connected to the existing barn and riding arena, while the westerly driveway sections connects to the principal structure (home). While there may be some additional trips generated into the site based on the proposed operations, the use is relatively low intensity based on the details provided in the Applicant's narrative. Therefore, it is anticipated that the Applicants will have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site to ensure safe ingress and egress particularly to the barn/indoor riding arena. ***Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations. Staff would recommend adding a condition that large trailers and vehicles of visitors may not be parked on the access driveways and that parking must occur in the designated parking areas.***

Architecture, Building Height, Accessory Structure Floor Plans: The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known but the arena ceiling height is identified as 16-feet; however, the building is existing at the date of this permit application and no known changes are proposed to the existing structures.

Barn:

The floor plan submitted for the Barn shows area for 16 horse stalls, a private tack room and ¼-bathroom, a tack room with full bathroom, a feed room and designated grooming stalls, and two designated wash stalls. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary 'improvements' are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter for sixteen (16) horses as indicated within the narrative.

Indoor Arena:

The floor plan submitted for the Indoor Arena shows 14 12'x12' stalls, a grooming stall, open riding area and area for hay storage. This area is proposed to be used to support the main barn area. It is unclear if the stalls shown on the plan



are existing, and clarification regarding how the arena spaces and stalls will be used should be discussed with the Applicant.

.As proposed, the number of stalls and size of the main barn and indoor riding arena are adequate to support up to sixteen (16) horses as requested..

Utilities (well and septic):

The existing home is served by a well and individual septic system, the septic system area is identified on the Site Plan (Attachment B) and the well is assumed to be located near the existing home. It is unclear if a separate well or septic system was installed for the existing barn and riding arena, but given that there is 1.25 bathrooms as well as wash rooms it is assumed that all utilities have been pulled to the barn and that the septic system is sized appropriately to support the number of bathrooms on site. ***As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations. Staff would recommend including a condition to address proper septic system permitting if any additional improvements are made to the barn/indoor riding arena.***

Manure Management Plan/MPCA

While the City's ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicant's narrative (Attachment A) states that they will construct a large cement manure storage containment area that will be located southwest of the current location behind the barn. The location will allow for run-off to go into the existing man-made pond for infiltration. The Applicant stated that this is a desirable solution based on preliminary review from the Valley Branch Watershed District. Staff would request that the Applicant provide some documentation and/or correspondence from VBWD regarding this method, but generally it seems consistent with previous applications considered. The containment will be cleaned, and waste removed on a monthly basis.

Based on staff's research, and materials presented, provided the Applicant follows the Manure Management Plan (MMP) as submitted, staff believes these practices are adequate and meets the City's ordinances. Staff would recommend a condition be included regarding monthly cleaning/removal of waste from the manure containment area if 16 horses are present on the site. Staff would also recommend a condition that the Applicant provide evidence (email or other written correspondence) that the VBWD is satisfied with the proposed MMP.

Landscape Plan and Fencing

As shown on the Site Plan, the Applicant is proposing to construct and/or rehabilitate an existing paddock area for an outdoor arena that will include a series of ramps and jumps. Additionally, the area will be draitiled and permeable surface installed. The area will be fenced and buffer plantings installed surrounding the south and eastern edges of the area. The Site Plan does not



identify a plant schedule so it is not possible to determine whether the proposed plants will screen the area. The arena area is setback approximately 18.5-feet from the front property line and 18-feet from the westerly property line. The City's ordinances do not address paddock fences, but there are existing fences present on the site in this area. ***Staff recommends including a condition that a Plant Schedule be prepared and provided as part of the Site Plan to determine the extent of screening and/or buffering. Staff recommends including a condition that all fences must be managed, maintained and kept in good repair to ensure horses remain on the property.***

In addition to the outdoor arena improvements, there are a series of stormwater management areas proposed to help control runoff on site. The proposed landscaping appears to meet the City's ordinances; however, additional analysis regarding stormwater management may be needed depending on the amount of grading work proposed.

Staff would recommend including a condition that if site grading work exceeds 50-Cubic Yards that a grading permit must be obtained from the City Engineer.

Engineering Standards

The existing facilities, access driveway and gravel areas are proposed to be used for the operation and no significant site improvements are proposed as part of this application. Since no site improvements to the site, the City Engineer does not have any additional comments. However, as previously noted, if grading work exceeds 50 Cubic Yards a grading permit must be obtained and the City Engineer will review the proposed work and issue any necessary permits.

Other Agency Review

The property is located within the Valley Branch Watershed District (BCWD), and a wetland delineation for the property was completed in 2019. The Applicant should be aware that there may be additional permits required from the VBWD if significant grading activities are proposed related to the stormwater management and improvement noted on the site plan and it is the responsibility of the Applicant to obtain all necessary permits. ***Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

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.



1. The Applicants shall be permitted to keep sixteen (16) on the property provided all conditions are met.
2. The Applicant shall submit an updated site plan that shows the location of the manure containment area.
3. The Applicant shall submit a plant schedule to correspond with the proposed landscape and buffer plan so that proper buffering can be verified.
4. The Applicant shall follow the manure management plan as provided with this application. If 16 horses are on-site, the manure in the containment area must be removed monthly to ensure compliance with the permit. If fewer horses are present, a proportional adjustment to the removal schedule shall be allowed. If any changes are proposed to the monthly removal schedule when boarding is at maximum capacity, a revised manure management plan shall be submitted to the City for review and consideration.
5. The Applicant shall provide written correspondence from the Valley Branch Watershed District indicating acceptance/approval of the potential runoff from the manure containment area to the designated pond area.
6. If site grading work exceeds 50 Cubic Yards, the Applicant shall obtain a grading permit from the City's engineer.
7. The Applicant shall maintain and manage all fenced areas to ensure the horses are kept on the property.
8. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable. Large trailers shall be parked in the designated parking areas and shall not be parked on the access driveways.
9. If any additional bathrooms or other high-volume water uses are constructed in the barn/indoor riding arena the Applicant shall be responsible for obtaining proper permits and approvals for the Septic System from Washington County Environmental Services.
10. All operations on site shall meet the MPCA's noise standards and regulations.
11. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Valley Branch Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
12. Any future expansion or intensification of the Horse Boarding operations shall require an amendment to the Permit. Intensification shall include, but not be limited to any events or the permanent keeping of additional horses.
13. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
14. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.



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 Horse boarding operations use conforms to the City’s Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable acres is conditionally permitted per the City’s zoning code.
- The Horse boarding operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse boarding operations is compatible with the existing neighborhood.
- The Horse Boarding operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Horse boarding operations will not create additional requirements for facilities and services at public cost beyond the city’s normal low-density residential and agricultural uses.

Attachments

Exhibit A: Narrative dated August 17, 2019

Exhibit B: Site Plan (undated)

Exhibit C: Supplemental Information, including building floor plans, submitted October 2019

Exhibit D: Application dated August 2019

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



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

Application Date:	
Fee: \$400	Escrow: \$4,000

MINOR SUBDIVISIONS

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

PARCEL IDENTIFICATION NO (PIN): 2603021120001 LEGAL DESCRIPTION: NW 1/4 - NE 1/4 EXC 5417.8' of N4508' + EXC 5208.9' of N 659.7' of W 841.9' thereof SUBJ TO EASE SECTION 26 TWSHP 030 RANGE 021		ZONING DISTRICT & COMP PLAN LAND USE: Residential
PROJECT ADDRESS: 7781 Kimbro Ave N Grant, MN 55082		LOT SIZE: 26028 acre
OWNER: Name: Pat + Deanna Herold Address: 7781 Kimbro Ave N City, State: Grant, MN Phone: 612-805-3789 Email: PHerold@heroldprecision.com	APPLICANT (IF DIFFERENT THAN OWNER): Isaac + Jenna Klaehn 7795 Kimbro Ave N Grant, MN 55082 507-438-2538 KLI30401@gmail.com	
DESCRIPTION OF REQUEST: subdivide north edge 33' x 1300' rectangular portion of 2603021120001 (7781 Kimbro Ave N) and combine with 2603021120004 (7795 Kimbro Ave) - Reference provided documents		
EXISTING SITE CONDITIONS: section to combine with 2603021120004 is a shared driveway for 2603021120004, 2603021120003, + 2603021120002. Rock surface, natural gas, overhead + underground power, and cable running from Kimbro Ave N		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process.		
1. Chapter 30; Section 30-9		

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Site Plan: Technical drawing demonstrating existing conditions and proposed changes (Full scale plan sets shall be at a scale not less than 1:100) <ul style="list-style-type: none"> ▪ North arrow and scale ▪ Name, address, phone number for owner, developer, surveyor, engineer ▪ Streets within and adjacent to the parcel(s) including driveway access points ▪ Topographic data at two (2) foot contour intervals and steep slopes ▪ Proposed lot sizes (with dimensions) indicating setbacks for newly created lots ▪ Buildable area with acres and square footage identified ▪ Wetland limits (delineation) ▪ Drainage plans ▪ Soil tests for the installation of an on-site septic system

Application for: **MINOR SUBDIVISION**
City of Grant

<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ▪ Septic system and well location ▪ Building locations and dimensions with setbacks ▪ Vegetation and landscaping ▪ Wetland Delineation ▪ Shoreland classifications: waterbodies, Ordinance High Water Level, 100 year flood elevation, and bluff line ▪ Name of subdivision with lot and block numbers of property, if platted <p>COPIES: 20 copies (4 sets at 22" x 34" and 16 at 11" x 17" format)</p>
<input type="checkbox"/>	<input type="checkbox"/>	A certificate of survey, by a registered land surveyor for each parcel will be required. The survey must show newly created lots and the original lot, limits of any wetland, one acre of buildable area, and elevation of the building site above any lake, stream, wetland, etc.
<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 type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,320 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input type="checkbox"/>	<input type="checkbox"/>	Minor Subdivision submittal form completed and signed by all necessary parties
<input type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$4,000

Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission may impose necessary conditions and safeguards in conjunction with their recommendation.

Review and Decision by the City Council. The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application for minor subdivision.

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

10/15/19
Date

10-15-19
Date

Isaac & Jenna Klaehn
7995 Kimbro Ave N
Grant, MN 55082
Klis0401@gmail.com
507-438-2538

To whom it may concern,

Below is a list of governmental agencies contacted in regards to the application for minor subdivision of PIN 260302112001 (7781 Kimbro Ave N, Grant, MN). Note that the subdivision application does not include any physical modification of land or addition to/creation of any structure, thus not requiring a permit.

City of Grant
Washington County
Browns Creek Watershed District
Northern Natural Gas

Washington County stated once approval is received from the City, we will need to record the documents with the Washington County Department of Property Records and Taxpayer Services. BCWD and NNG did not have any request or requirement. Email correspondence with the mentioned agencies can be made available upon request. If any specific agency is not represented on this document, please contact applicants listed above.

Thank you,
Isaac & Jenna Klaehn

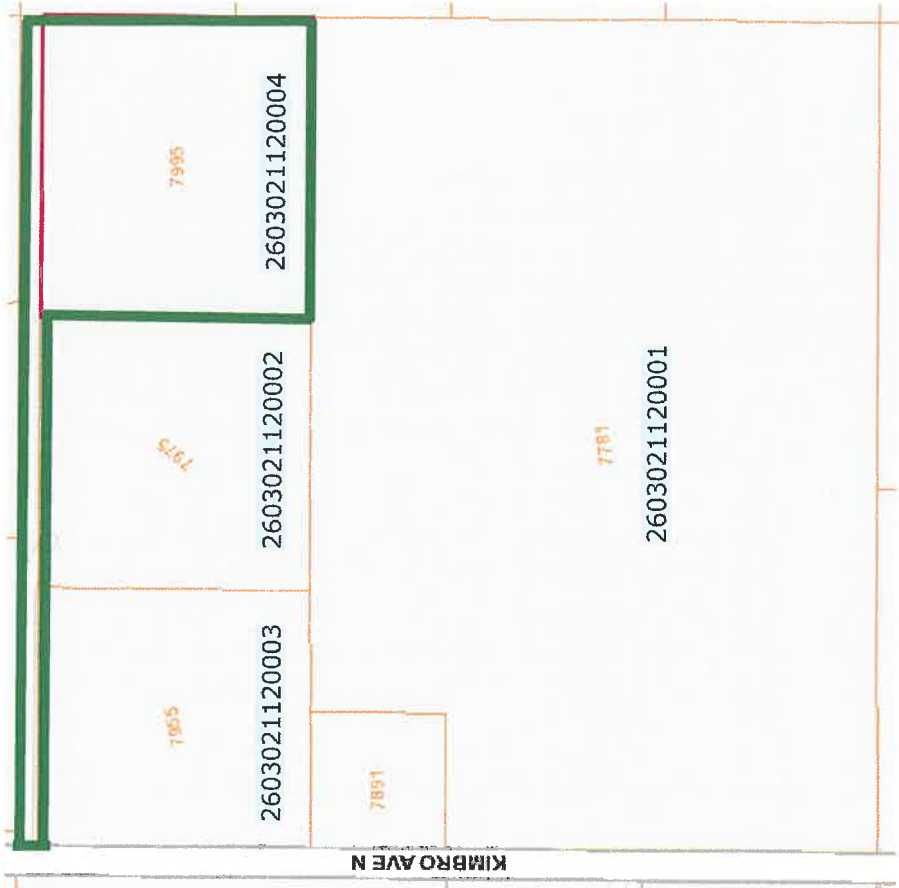
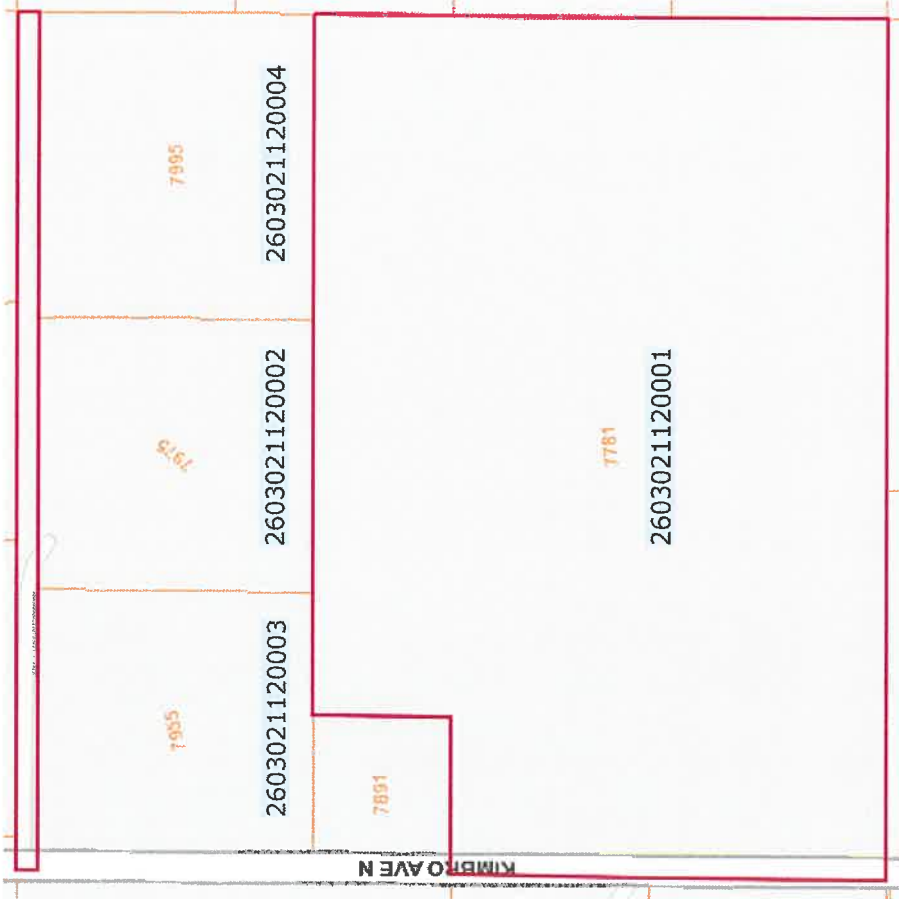
Current State

7781 property contains 33'x~1300' shared driveway on northern edge



Proposed

Combine 33'x~1300' shared driveway with 7995 property



Note that the subdivision application does not include any physical modification of land or addition to/creation of any structure



STAFF REPORT

TO: Planning Commission Members
Kim Points, City Administrator/Clerk

CC: Dave Snyder, City Attorney

From: Jennifer Haskamp, Consulting City Planner

Date: November 11, 2019

RE: Application for Minor Subdivision (Lot Line Rearrangement)
7781 and 7995 Kimbro Avenue N,
Grant, MN

Background

The Applicants and Owners Isaac and Jenna Klaehn, and Owners Pat and Deanna Herold, are requesting an exchange of lands or minor subdivision of property located at 7781 and 7995 Kimbro Avenue North. The proposed exchange of land is for an approximately 33-foot wide strip of land that provides private access to three abutting lots (7955, 7975, and 7995 Kimbro) which is currently owned by Herolds which is a non-contiguous parcel at 7781 Kimbro Ave N.

Process & Public Hearing

A duly noticed public hearing has been scheduled for November 19, 2019 at 6:30 PM at the regular Planning Commission meeting. Individual notices were sent to all properties within ¼-mile of the subject subdivision.

Project Summary

Applicants & Owners 7995 Kimbro Ave N	Isaac and Jenna Klaehn
Owner 7781 Kimbro Ave N	Pat and Deanna Herold
PIDs:	260302112004 and 2603021120001
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 42,900 square feet from 7781 Kimbro Avenue N to 7995 Kimbro Avenue N.

The Applicant and Owners are requesting a lot line rearrangement of two existing lots to transfer approximately 42,900 square feet from the property located at 7781 Kimbro Avenue N to 7995 Kimbro Avenue N. The proposed lot line rearrangement will not result in any new lots, and the 42,900 square foot strip of land will continue to be used to provide access to the properties located at 7955, 7975 and 7995 Kimbro Avenue N. The current private access is owned by the Herolds whose property is located at 7781 Kimbro Avenue N which is a non-contiguous parcel. The purpose of the lot line rearrangement is for the



access strip to be owned by a property owner with contiguous land. The purpose of the land will not change as a result of the exchange, and the land will continue to be used as a private access for the three lots which abut the property.

Review Criteria

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9, 30-10 and 30-11. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 12-261

Secs. 32-184

Secs. 32-246

Secs. 32-313

Existing Site Conditions

There are two parcels that are the subject of this Application including the property located at 7995 Kimbro Avenue North and 7781 Kimbro Avenue North, and there are two additional affected parcels located at 7955 and 7975 Kimbro Avenue North. The lots in their current configuration were created in the 1960s, which predated the City's ordinance that require a lot to have frontage on a public road. As a result, the lots located at 7975 and 7995 Kimbro Avenue were considered legally conforming even though they did not have frontage on a public road. Both parcels were permitted to be accessed from a private driveway easement that was owned by the property located at 7781 Kimbro Avenue North which abuts their southerly lot line. The private driveway access area is a strip of land approximately 33' wide by 1300' long and extends the full width of the properties located at 7955, 7975 and 7995 Kimbro Avenue. The existing private driveway currently provides access to all three lots, and no access is provided to any other surrounding land or parcels.

Comprehensive Plan Review

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets the density requirements as established in the Comprehensive Plan.

Zoning/Site Review

Dimensional Standards

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:



Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

The proposed configuration does not result in any new lots and it does not change the existing conditions since the land transfer is simply a transfer of ownerships. It should be noted that the strip of land does not meet the City's roadway standards, and that the strip of land was created to a historic cartway standard. As such, a new access road could not be installed within the strip and meet the City's roadway specifications.

Access & Driveways

No new access will be created as a part of this request, and all properties will continue to use their existing access. However, given that the strip of land that is proposed for transfer as part of this subdivision provides access to not only the subject lot, but also to the two adjacent lots to the west it is imperative that access to all three lots be protected and preserved. Since the land is owned by a private property owner, it is essential that the private driveway easement be maintained into perpetuity so that the properties at 7955 and 7975 Kimbro Avenue are preserved. *Staff would recommend that a condition be included in the approval that the driveway easement must be perpetual, and that the easement must be submitted to the City Attorney for review and approval prior to recording the deeds.*

Additional Considerations

The proposed configuration is generally subject to the standards that are contained within Chapter 30 for minor subdivisions in the City. Some additional considerations regarding this request are as follows:

- The configuration results in an irregular shaped lot, which is generally discouraged in the City's subdivision standards for design. However, the situation is unique in that the strip of land that is transferred is generally for access and was sized to a historic standard cartway.
- Shared driveways are discouraged particularly to public right-of-way. This condition is existing and is considered legally non-conforming. However, as noted in previous sections the private (shared) driveway access must be preserved to ensure access to 7955 and 7975 Kimbro Avenue North.

Other Agency Review

There are no other agencies that are required to review the subject application. The proposed rearrangement does not create any new lots or propose any new structures, driveway accesses, construction or other site work. As a result, no other agency review is necessary

Requested Action

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 Conditions and Findings are provided for your consideration:

Conditions

1. A private Driveway Easement shall be prepared to the satisfaction of the City Attorney to ensure access is maintained into perpetuity for the lots located at 7955, 7975 and 7995 Kimbro Avenue North.
2. The City Attorney shall review and stamp the deeds associated with the created parcels.
3. All escrow amounts shall be brought up to date and kept current.

Findings

- The minor subdivision and combination will not negatively affect the physical characteristics of the lots or the neighborhood.
- The proposed minor subdivision conforms to the city's comprehensive plan.
- The minor subdivision does not create any new lots, and no new structures or intensity are proposed as part of this request.
- The minor subdivision will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

Attachments:

Attachment A: Application

Attachment B: Minor Subdivision exhibit, June 5, 2019