

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, April 21, 2020

6:30 p.m.

Zoom

*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 21, 2020
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of land, 11298 60<sup>th</sup> Street N
  - B. Consideration of Clear Cut Conditional Use Permit, 6667 Keats Avenue N
6. OLD BUSINESS
7. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

January 21, 2020

**Present:** Jerry Helander, Gary Baumann, Matt Fritze and Robert Tufty

**Absent:** James Drost

**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 Fritze to approve the agenda, as presented. Commissioner Baumann seconded the motion. MOTION carried unanimously.

## 4. APPROVAL OF MINUTES, November 19, 2019

MOTION by Commissioner Baumann to approve the November 19, 2019 Minutes, as presented. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Tronrud abstaining.

## 5. NEW BUSINESS

**PUBLIC HEARING, Consideration of Conditional Use Permit for Wildlife Rehabilitation and Veterinary Activities, 10629 Jamaca Avenue North** – City Planner Swanson advised The Applicant, The Wildlife Rehabilitation Center of Minnesota (WRC), is applying for a Conditional Use Permit (CUP) to develop and operate a wildlife rehabilitation center from the subject property. In November of 2019, City Staff met with Mr. Phil Jenni the representative from WRC to discuss the proposed project, to determine if the use is permitted, and to discuss the permitting process.

As described by the Applicant, the WRC is a hospital for “injured, sick and orphaned wild animals” with its current principal hospital location in Roseville, Minnesota. The proposed project is associated and affiliated with the primary hospital but will perform different work. After discussing the proposed project, it was determined that the use has similarities to both a veterinary clinic and wildlife refuge, and therefore requires a CUP to operate.

The following staff report outlines the proposed use for the consideration and discussion of the Planning Commission.

A duly noticed public hearing was published for the Planning Commission’s regular meeting on January 21, 2020. 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 & Owner: The Wildlife Rehabilitation Center Representative: Mr. Phil Jenni	Site Size: 22.01 Acres
Zoning & Land Use: A-1	Request: Conditional Use Permit (CUP)
Address: 10629 Jamaca Ave N	PIDs: 0903021140003, 1003021230004

City Planner Swanson advised the Property Owner and Applicant (hereafter referred to as “Applicant”) is requesting a CUP to allow for the development and operation of a wildlife rehabilitation center on the subject property. Details regarding the WRC’s organizational history, their Mission, Values and Vision are detailed in the Applicant’s narrative. The following summary of the Site Plan and proposed operations is provided for your review and consideration:

*Existing Homestead:* There is an existing homestead on the subject property that was constructed in 1901. The homestead is proposed to be used to provide housing to interns that will work at the WRC. The narrative proposes up to five (5) interns residing in the home, and their responsibilities would include providing security and animal care at the site.

*Existing Accessory Buildings:* There are 12 existing accessory buildings on site, ranging in size from small sheds to more than 2,300 square-foot buildings. The previous owner used the structures for a variety of uses from storage to shelters for horses and other domestic farm animals. Though not clearly denoted on the Site Plan, the narrative suggests that most of the existing accessory buildings will be re-used and, in some cases, repurposed to support the proposed use.

*Proposed Main Nursery Facility:* Because there are several existing accessory buildings that can support the anticipated immediate needs of the proposed use, the Main Nursery Facility (noted as “Building” on the Site Plan) is not anticipated to be constructed immediately, and the site plan represents the ultimate build-out of the site. As shown on the Site Plan, and described in the narrative, the Main Nursery Facility is proposed to be a 5,000 – 6,000 square foot climate-controlled building. The facility would include “cleaning facilities, a cage wash area, laundry, break room, bathroom, isolation ward and several other animal care wards for inside care. The additional space would include quarantine quarters, separation of different species and industry leading standards for caging and enclosures...” The narrative further states that there would be

“three areas of about 1600 square feet for different animal species one for squirrels, one for rabbits and an area for other mammals...The areas will transition from neo-natal to larger, protected enclosures. Connected to each indoor area will be a final “rehab” outdoor caging and individual cages within a larger fenced enclosure. The outside enclosures will have security fencing varying from 6 – 8 feet tall.”

*Outdoor Caging Areas:* The Site Plan identifies five independent caging areas (those areas not identified associated with the Main Nursery Facility) each enclosing an approximately 1,400 square foot area. As described in the narrative, these areas will be secured and monitored by the onsite staff. The areas are intended to primarily serve small mammals.

*Fenced Areas:* There are two large fence enclosed areas identified on the plan, one approximately 6,000 square feet near the proposed Main Nursery Facility, and one area approximately 10,000 square-feet connected to an existing 2,200 square-foot accessory building and adjacent to 107<sup>th</sup> Street N. As described in the narrative, both of these areas will be double fenced, and secured so that no animals could escape, and no animals could enter.

*Waterfowl, Caging and Ponds:* On the southern 300' of the property there is an existing pond which the Applicant proposes to use in support of the Waterfowl Facility. This area is identified on the Site Plan and will include a designated facility and supporting caging/ponding area. The timing of construction of this facility and moving the WRC's current waterfowl nursery operations from Inver Grove Heights to the new site is not definitive but is in the long-range plan for full build-out of the proposed site.

*Main Access and Parking:* The existing driveway connects the principal structure and all accessory buildings to the west on Jamaica Avenue N. There are no new access driveways proposed as part of this application. Internally there is a proposed parking area that is approximately 4,200 square feet which is connected to existing driveways northeast of the existing home.

*Cell Tower and Cell Tower Area:* There is an existing Conditional Use Permit on the subject property which permits a Cell Tower and enclosed area provided the conditions of the permit are met. The Cell Tower is located east of the existing home. While not stated in the Application, it is Staff's understanding that the Applicant intends to keep the cell tower on site and continue its use.

*Utilities:* The existing homestead is currently served by a private well and individual subsurface septic system, and there are two additional wells noted on the Existing Conditions Survey. The Applicant's narrative states that the septic system will likely need to be upgraded based on the intended use of the property for the wildlife rehabilitation center. No additional information regarding the septic system, or whether the existing wells are anticipated to be adequate were provided with the application.

*Operations:* As outlined by the Applicant, the proposed operations will operate year-round but most activity will occur annually between mid-March and mid-October. The Applicant proposes up to five (5) interns living on the property in the existing homestead, and the occupancy is intended to occur year-round. The number of estimated animal on site is detailed in the Applicant's narrative. While no public visitors will come to the site, there will be additional traffic generated to the property from employees of the WRC, and eventually by volunteers coming to the site. During the summer months, the hours of operation are proposed between 7 am and 11 pm, with reduced hours during the winter months when fewer animals are on site. As stated in the narrative, the emergency veterinary hospital will remain in Roseville, and the Grant site is intended to function as transition care before animals are released back into the wild. The Grant site will include very limited traditional veterinary services, and nearly all of the care at this facility will be rehabilitative.

*Phasing:* The Applicant is proposing to phase improvements over time to ultimate buildout. The intent is to operate using the current facilities until funding and fundraising results in the ability to construct the improvements. As stated in the Applicant's narrative, the Site Plan represents a 5-10 year buildout depending on funding.

City Planner Swanson stated that per 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.

The subject property includes two PIDs, 0903021140003 is approximately 15.33 acres and includes the existing homestead, and 1003021230004 is approximately 6.68 acres and is vacant. For purposes of this application both parcels are included, and the Conditional Use Permit, if granted, would be recorded against both properties. There is in an existing principal structure (homestead) on the property, four larger accessory buildings ranging in size between approximately 720 and 2,400 square feet, and several small sheds and horse shelters spread throughout the property. The site is heavily vegetated across the northern half of the property with a clearing on the southern half of the property where the existing structures are located. On the southern 320-feet the site slopes from north to south, which includes a wetland/pond area on the property's southern edge. While a wetland delineation was not completed as part of this

application, there is a drainage and utility easement that was recorded across the southern pond area (wetland) when the property was platted as part of the Kendrick Estates subdivision.

The site is guided A-1 Large Scale Agricultural which promotes rural residential and agricultural uses. The proposed wildlife rehabilitation center is consistent with maintaining large tracts of land and is generally consistent with maintaining the rural landscape.

The City of Grant zoning ordinance permits wildlife reserves (private and public) in the A1 zoning district and permits veterinary clinics in the A1 zoning district with a Conditional Use Permit. The proposed use was determined to be a hybrid of both uses, and therefore the more restrictive permitting process was applied. The following zoning and dimensional analysis regarding the Wildlife Rehabilitation Center use is provided:

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

Dimension	Standard
Lot Size	5 acres
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 Maximum 8' height
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	50' (10' no-grad)

**Lot Size/Area:** There are two separate parcels associated with the subject application, an approximately 15.33 acre parcel and a 6.68 parcel, that when combined contain approximately 22.01 acres. Both parcels are included as part of this application, and the operations proposed would occur on both parcels. Both parcels individually meet the City's minimum lot size requirements, and therefore there is no requirement that the lots be combined. *As proposed, the existing lots sizes meet the City's minimum lot size requirements.*

**Setbacks & Frontage:** The subject property is oriented east-west with Jamaca providing primary frontage along the westerly property line, and secondary access on the northerly property line to 107<sup>th</sup> Street North. The existing principal building, accessory building, and cell tower meet the

City's setback requirements provided both parcels are considered collectively. The proposed Main Nursery Facility is located southeast of the principal structure and is setback approximately 120-feet from the rear property line, and 480-feet from the westerly property line, and 520-feet from the easterly property line, and 400-feet from the northerly property line. While the structure will not house "domestic farm animals" by the definition of the City's ordinances, it will house animals/wildlife and therefore it is reasonable to apply the more restrictive setback from all property lines of 100-feet that is applied to structures housing domestic farm animals. Staff would also suggest that the "cages" may be considered structures, and therefore should also respect the same 100-foot setback. If the planning commission agrees with staff, and determines that cages are structures, then the southern caging area of the Main Nursery Facility should be relocated as it is approximately 80-feet from the rear property line. *As shown on the Site Plan, the existing buildings are setback over 100-feet from all nearby residential structures, and all proposed buildings are setback 100-feet from all property lines. Staff would recommend that all "caging" areas be setback a minimum of 100-feet, and that the caging areas associated with the Main Nursery Facility be reconfigured to meet the setback. Staff would recommend that this requirement be included within the Permit so that any future additions to the property be required to be setback a minimum of 100-feet from all property lines. If the location of the Main Nursery facility or Waterfowl Facility changes significantly from the proposed locations identified on the site plan, then an amendment to this permit may be required.*

The details regarding the proposed Waterfowl Facility are unknown, and it was communicated from the Applicant during the pre-application meet that the location near the existing pond/wetland is desirable. However, Section 12-260 and 12-261 regulate structural setback from wetlands. Since a wetland delineation was not completed the edge of the wetland is unknown. Based on the submitted plans, the Waterfowl Facility appears to be approximately 60 to 70-feet from the edge of the open water and may be within the wetland setback. The Caging and Ponds to support the Waterfowl Facility are also approximately 60-feet from the edge of the wetland. *Staff would recommend including a condition that the wetland edge in this location must be delineated to ensure that the facilities meet all applicable setbacks. The edge determination must be submitted prior to issuing any building permit for the Waterfowl or Caging and Ponds in this location.*

Accessory Buildings

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. However, given the extensive number of accessory buildings proposed to support the operation, the following table is provided to summarize the number and square footage of buildings/structures proposed.

Facility Type	Size	Number	Total SF
Existing Accessory Buildings	Various	12	~9,845
Proposed Main Nursery Facility	~60' x 100'	1	~6,000
Waterfowl Facility	~60 x 100'	1	~6,000
Cage Areas	20' x 70'	3	4,200
Cage Areas	20' x 60'	1	1,200
Cage Areas	40' x 70'	3	8,400
Cage & Pond Areas	20' x 100'	1	2,000
<b>Subtotal</b>			<b>37,645 SF</b>

As proposed, provided both lots are considered collectively, the proposed operations and site plan meet the City's requirements for accessory buildings. *However, staff would recommend that a condition be included that the two properties must be considered collectively, and that no alteration to the lots may occur without amending this permit. Additionally, given the proposed use of the property, staff would recommend including a condition that any additional structures greater than 120-square feet (shed) beyond those identified on the Site Plan may require an amendment to this Permit if it is determined that such buildings represent intensification of the use.*

Parking Area  
 (Location & Spaces):

The Applicant has identified the need to construct a new parking area to support the employees and volunteers that will eventually visit the site. The proposed parking area is approximately 120' x 35' which is 4,200 square-feet of parking area. Per Section 32-373 each space is calculated at a ratio of 300 SF per space, and therefore based on the dimensions the parking area proposed there are approximately 14 parking spaces proposed. Based on the proposed initial operations the number of available spaces seems adequate; however, staff has some concerns regarding adequate parking when the site includes volunteers visiting the site once full operations are present. The narrative states, “



At peak season...there will be 20-25 cars arriving and leaving from the site each day with a total of about 50 people at the site at any given time..” Given that at maximum capacity there may be 20-25 cars for volunteers, plus 3 to 5 additional cars for interns, not to mention occasional doctors’ visits, the number of parking stalls does not seem adequate. Based on these numbers, there would need to be a minimum of 30-35 parking spaces available. It is also unclear as to whether ADA accessible stalls would be required at the time of construction of the Main Nursery Facility. This should be reviewed and considered with the City’s Building Official for compliance with the building code. **Staff would recommend that a condition be included that a larger parking lot to accommodate 30-35 cars be designed and shown on the Site Plan. Staff further recommends including a condition that the Applicant must discuss the plans for the Main Nursery Facility to determine if ADA accessible stalls are required, and to determine the number of stalls needed.**

In addition to the number of stalls, the proposed plan does not indicate what material the parking lot will be surfaced with. Section 32-373 states that, “Off-street parking areas shall be improved with a durable and dustless surface.” **Staff recommends that additional information be provided by the Applicant to describe the type of surface proposed, and how such surface shall be maintained as “dustless” if a bituminous product is not proposed.**

Driveway/Circulation: There is an existing access driveway Jamaca Avenue N, and the driveway was improved to support the cell tower located on the site and therefore is 20-foot wide (meets fire lane standards). No new access is proposed to the site, and no improvements to the driveway are proposed as part of this application. Because the use of the site is proposed to change and the primary access is from a County Road, staff has sent a copy of the request to Washington County for their review and consideration. At the time of this staff report a formal response has not been received. If available, a verbal update of the County’s response will be provided at the Planning Commission meeting. **Since there will be additional traffic generated to the site beyond normal residential use, Staff would recommend adding a condition that all parking must be handled within designated parking areas and that parking on the driveways is not permitted to ensure safe ingress/egress to the site.**

Architecture, Building Height, Accessory Structure Floor Plans: As stated in the Applicant’s narrative, there are no immediate plans to construct the Main Nursery Facility or the Waterfowl Facility. However, the Applicant has provided some sample imagery of the types of buildings and architecture contemplated for the facilities.

Generally, the architecture identified in the application materials is consistent with the types of accessory building architecture seen throughout the City. Since the parcel size is greater than 20-acres, the number and square footage of new facilities estimated would be permitted. Since the timing of constructing the facilities is unknown, it is reasonable that full floor plans and architectural design are outstanding. However, though the timing and specifics are unknown, staff would recommend including the following conditions in the permit and therefore if any changes beyond those contemplated in this application are proposed in the future an amendment to this permit would be required.

***All structures constructed in the future shall be required to follow the City's ordinances, rules and regulations in place at the time of construction.***

***Approval of a Main Nurse Facility, with the conceptual architecture, not to exceed 6,000 square feet in the proposed location is permitted provided all necessary permits are obtained. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.***

***Approval of the Waterfowl Facility not to exceed 6,000 square feet is permitted, provided the facility is consistent with the architecture shown in the conceptual plans. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.***

***All structures shall be sited outside of all required setbacks, and all structures shall be setback a minimum of 100-feet from any property line.***

***No accessory buildings may be use as additional living quarters.***

***All structures shall not exceed 35-feet in height.***

Utilities (well and septic):

The existing homestead is served by existing septic system and well, and there are two other wells on the site as identified on the Site Plan. The Applicant's narrative states that there are improvements to the septic system that will likely be needed to support the proposed activities onsite. No additional information was provided. Washington County Environmental Services reviews and issues septic permits in the City, and it is the Applicant's responsibility to obtain proper permits to upgrade the septic system. ***Staff would recommend including a condition that no building permits will be issued for any***

***new facility on the site until a septic permit/septic review has been completed by Washington County.***

It is unclear if the Applicant intends to use all three of the existing wells on the property; however, it is presumed that the three wells are adequate to serve the proposed operations. ***Staff would recommend including a condition that any new well shall be required to obtain proper permits and that such location must be carefully identified and considered given the intended use of the property for wildlife rehabilitation.***

Waste Management  
MPCA

The Applicant's narrative describes the number of patients (animals) anticipated to reside on the property and the quantity of waste estimated to be generated onsite. The Applicant also details the regular cleaning of the caged areas to ensure safe and clean environment (See Attachment B: Applicant's narrative for additional details). The City's ordinances do not address wildlife, and instead regulates based on the MPCA's manure management policies for feedlots. However, there may be requirements of the MPCA regarding waste generation at facilities of this type, and Staff recommends that a condition be added that the Applicant inquire and receive correspondence regarding this issue from the MPCA to determine whether additional permitting is required. This issue was discussed at a preapplication meeting between the Applicant, the Watershed District and the City and it was unclear whether there are any MPCA requirements regulating waste disposal onsite for facilities of this type. ***As a result, staff recommends including a condition that the MPCA be contacted, and that any required permits be obtained prior to operations commencing on site.***

Surface Water  
Management/Grading

A grading plan, and/or stormwater management plan was not submitted for review. Staff believes that the combination of the required parking area, Main Nursery Facility, Waterfowl Facility and caged areas may cause more than 1-acre of disturbance. If that occurs a grading and erosion control plan and NPDES permit may be required, and the City Engineer must review plans for compliance with the City's ordinances. In addition, given the size of the structures, the site grading work will exceed 50-Cubic Yards and a grading permit will be required. ***Given the proposed phasing of the improvement on site, Staff would recommend including a condition that the Applicant be required to work with the City's Engineer on an acceptable grading and stormwater management plan that meets the City's ordinances.***

Landscape Plan and  
Fencing

As shown on the Site Plan there are two large fenced areas proposed in addition to the cages identified. (See previous discussion regarding the caged areas as structures). There is an approximately 10,000 SF fenced

area setback approximately 40-feet from the 107<sup>th</sup> Street N right-of-way, which is presumed to be connected in some way to an existing approximately 2,200 SF accessory building. A scalable fence detail was not submitted, and the images provided do not identify the proposed height of the specific areas. A sample fence graphic was submitted and identified by installer Century Fence. The Applicant has indicated that fenced areas will be fully secured and that the animals will not get out, and surrounding wildlife will not be able to get in. ***While the fence detail shown appears to indicate a fence height of a minimum of 8-feet, staff would recommend that a condition be included to require the full fence specification and detail to be submitted so that it can be reviewed for compliance with the City's ordinances. Section 32-315 regulates fences in the City's ordinance and limits the maximum height to 8-feet provided the fence is located outside of all applicable setbacks. The location of the proposed fence areas is outside of all setbacks, and therefore only verification of the height is required. If the proposed fencing exceeds this height, a variance from the City's fence height standards would be required.***

The City Engineer is in process of reviewing the proposed application. An engineering staff memo will be prepared and will be forwarded to the Planning Commissioners on, or before, the meeting on January 21, 2020.

The property is located within the Browns Creek Watershed District (BCWD), and a wetland delineation for the property has not been completed. The Applicant has been communicating with BCWD, but given the unknown timing of some of the improvements and activities the watershed's requirements/permitting may or may not be triggered. As a result, staff recommends including a condition that it is the Applicant's responsibility to continue communication with the BCWD and to obtain all necessary permits when improvements are proposed. Any permits obtained shall be forwarded to the City of Grant for record keeping in the property file. Also noted in previous sections, the change of use on the property also necessitates the review of Washington County regarding the access. Staff will provide a verbal update to the Planning Commission regarding their response, if possible. ***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.***

City Planner Swanson stated 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. This Permit shall be recorded against both PIDs, and shall only be valid if both properties are considered collectively.

2. The Applicant shall submit an updated site plan that shows the revised location of caged areas attached to the Main Nursery Facility so that such improvements are outside of the 100-foot setback.
3. The Applicant shall design a parking lot to support a minimum of 35-vehicles. The parking lot design shall include proposed materials, grading, and full specifications for review and approval by the City Engineer.
4. The Applicant shall work with the Building Official to determine if ADA compliance parking stalls are required and to determine the location of such stalls.
5. The Applicant shall obtain a building permit for all proposed structures, including the Cages as denoted on the Site Plan.
6. The Applicant shall complete a Wetland Delineation (edge determination) for the pond/wetland area to ensure the proposed Waterfowl and Caging/Ponds are located outside of all applicable setbacks. The Wetland Delineation shall be completed prior to any building permit being obtained for the facilities.
7. The hours of operation on the site shall be limited to 7 am to 10 pm, except in emergency situations.
8. The number of interns residing in the house shall not exceed five (5) individuals.
9. A grading plan shall be submitted to the City Engineer at time of any improvements on the site, and it shall be the determination of the City Engineer as to if a stormwater management plan is required due to the full-build out the site for the proposed use.
10. The Applicant shall maintain and manage all fenced areas to ensure the security of the animals onsite.
11. A fence detail for all fenced areas shall be provided to demonstrate compliance with the City's ordinance section 32-315.
12. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable, and that parking occurs only in designated spaces.
13. The Applicant shall contact Washington County Environmental Services regarding required upgrades to the Septic System prior to any building permit being issued for any new structures on the site.
14. Any future expansion or intensification of the Wildlife Rehabilitation Center operations shall require an amendment to the Permit. Intensification shall include, but not limited to: additional facilities/accessory buildings (not sheds) beyond those

identified on the site plan, expansion of the parking lot beyond 35-stalls, substantial increase to the number clients (animals) identified in the narrative, etc.

15. All structures constructed in the future shall be required to follow the City's ordinances, rules and regulations in place at the time of construction.
16. Approval of a Main Nursey Facility, with the conceptual architecture submitted with this Application, not to exceed 6,000 square feet in the proposed location is permitted provided all necessary permits are obtained. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.
17. Approval of the Waterfowl Facility not to exceed 6,000 square feet is permitted, provided the facility is consistent with the architecture shown in the conceptual plans. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.
18. All structures shall be sited outside of all required setbacks, and all structures shall be setback a minimum of 100-feet from any property line.
19. No accessory buildings may be use as additional living quarters.
20. All structures shall not exceed 35-feet in height.
21. If a new well is needed in the future, the Applicant shall obtain all necessary permits, and that such location shall meet all setbacks given the intended use of the property for wildlife rehabilitation.
22. The Applicant shall contact the MPCA and provide a written correspondence to the City regarding the necessity for any additional permitting regarding waste disposal on site.
23. 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.
24. All operations on site shall meet the MPCA's noise standards and regulations.
25. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.

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
- Table the Application and request additional information from the Applicant.

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

- The Wildlife Rehabilitation Center use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- The Wildlife Rehabilitation Center will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Wildlife Rehabilitation Center is compatible with the existing large-lot rural neighborhood setting.
- The Wildlife Rehabilitation Center operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Wildlife Rehabilitation Center operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

City Planner Swanson noted there is not a fence around the entire property being proposed. The number of required parking spots was estimated based on the number of interns and volunteers at the site based on the applicant's narrative.

Planning Commissioner Tronrud suggested conditions of approval be added relating to what they will not be doing on site.

MOTION by Commissioner Baumann to open the public hearing at 7:19 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Mr. Phil Jennings, Executive Director, came forward and provided the background of the proposal and current facility noting they are permitted by the State. There is a great need to care for wildlife and it does benefit the environment. They currently do not have enough space at the Roseville facility. The public does bring in wildlife at that facility. They want to move the more healthy animals from the current location to the Grant location for transitional care. They are well aware that hunting is allowed in Grant. He stated he is fine with all the draft conditions and noted animals are only released back to where they are found. The largest animal that can be treated are white tail deer and bears. The Board meets on the third Tuesday of every month at the Roseville location.

Mr. Loren Sederstrom, 9330 107<sup>th</sup> Street, came forward and distributed information on the City code and read information from the Roseville location. He stated this is a commercial business and does not meet the definition of a Wildlife Preserve. He stated there will be a lot of traffic and it is not a good fit for the quiet neighborhood.

Mr. mark Hollermann, 8960 107<sup>th</sup> Street, came forward and stated he lives directly across the street. He stated this is a new commercial enterprise in the area that is not consistent with agricultural uses. He stated he does not like the idea of a fence around the entire property and is concerned about the release of animals. He indicated he is neutral on the proposal if the access stays where it is and if the use is as proposed.

Ms. Julia Scott Buttermore, 9111 107<sup>th</sup> Street, came forward and expressed concern about fencing the perimeter of the property as well as property values in the area. She stated she moved here for the rural feel of the area although she does appreciate what they do. She stated if it is allowed she wants to be neighborly and respect her view of the pond. She inquired about regulations and inspections.

Mr. Lee Becker, 8990 107<sup>th</sup> Street, came forward and inquired about how the site will be cleaned up and the noise from the hurt animals. He stated he does not want more coyotes drawn in and squirrels can be nasty. The facility will draw a lot of predators and will be a risk to his pets. He inquired about their funding and stated he would like to see a fence backed up behind the shrubs. He also expressed concern regarding home values and asked if the City would consider a provisional use permit.

Mr. Tim Rettnor, 9240 107<sup>th</sup> Street, came forward and inquired about the plans for the Roseville location when that space is outgrown. Moving to grant will increase everything in this location and the Grant location will also be outgrown. What are the plans to deal with that?

Mr. Wayne Sorocco, 8770 105<sup>th</sup> Street, came forward and expressed concern regarding the heavy motorcycle traffic on Jamaca. The facility will add to the noise in the neighborhood.

Mr. Dennis Lavalley, no address provided, came forward and stated they have already remodeled the house and he is not in favor of the project. He does not believe it meets the ordinance and property values will go down 25%.



MOTION by Commissioner Fritze to close the public hearing at 8:07 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

City Planner Swanson stated there are several commercial uses that are allowed in Grant such as Supper Clubs and Wedding Venues. The table of uses allows commercial uses in residential areas. Wildlife Rehabilitation is not listed but all uses can't be listed and you have to look for a similar use. A wildlife preserve is permitted in all zones and vet clinics are also allowed with a CUP. The property has been acquired by the applicant. The City has a process for reviewing all CUP's and works on a complaint basis with all complaints being investigated. The conditions in the CUP have to be regulated. It is not unusual to get additional information or market studies relating to property values near a similar use. The site plan outlines what is allowed and if any of that changes the permit would have to be amended. The City does not allow for a provisional permit and a CUP does run with the land. A condition could be added requiring an annual review for a number of years.

Mr. Jennings came forward and stated a lot of noise is not created by the patients and they have never had a noise complaint or smell complaint. Predators are not typically drawn in and the animals at this site are transitional. None of them are permanent. A typical stay is 12 weeks. The group is a non-profit and does not pay taxes and is entirely funded public donations. The Roseville location will stay open and inspections are done by the DNR. Everything is double caged and only a few birds have been self-released.

MOTION by Commissioner Helander to recommend approval with the addition of conditions relating to cleaning and securing the caging, no on-site release, disposal of animal carcass, no exotic or invasive animal species and submission of a market study on property values. Commissioner Tronrud seconded the motion. MOTION carried with Commission Baumann and Fritze voting nay.

This item will appear on the regular City Council agenda on February 4, 2020.

**PUBLIC HEARING, Consideration of Minor Subdivision, 7781 and 7995 Kimbro Avenue North** – City Planner Swanson advised the Applicant, Joseph Ingebrand Real Estate, LLC., are requesting approval of a minor subdivision of the property generally located northwest of the 110<sup>th</sup> Street North and Kelvin Avenue North intersection. The proposed request will result in two newly created lots Parcel A and Parcel B. The proposed parcels are vacant and two potential building sites are included in this application

A duly noticed public hearing was published for January 21, 2020 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

**Project Summary:**

Owner	Reichow Investments, LLC.
Applicant	Joseph Ingebrand Real Estate, LLC.
PIDs:	0203021330004
Total Acres:	20.24
Address:	XXX 110 <sup>th</sup> Street N
Zoning & Land Use:	A1
Request:	Minor Subdivision to create Parcel A (10.23 Acres) and Parcel B (10.01 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. The existing property is vacant, and the two proposed lots identify a potential building site on each lot.

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

- Secs. 32-246
- Secs. 12-261

City Planner Swanson stated there is one existing parcel associated with this application that is approximately 20-acres, which is shown on the attached survey (Attachment 2). The subject parcel is bordered by 110<sup>th</sup> Street North on the southerly property line. Based on the submitted survey the parcel is currently vacant. The applicant submitted a wetland delineation, dated December 7<sup>th</sup>, 2019. However, because of the date of the delineation, the delineation has not been formally approved by the watershed district and will need to be finished and if needed, revised, when the growing season begins in the spring. Per the submitted wetland delineation and survey, there are 10 wetlands on the existing parcel which are generally clustered near the center of the site. The site has rolling topography and is heavily vegetated except for a small clearing on the northwestern corner of the property

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A1 land use designation. The proposed minor subdivision/lot line rearrangement of the total 20.24-acres results in one additional lot. The resulting subdivision will create two lots (Parcel A and Parcel B). The minor subdivision as proposed meets the density requirements as established in the

comprehensive plan. Further, the intent of the A1 land use designation is to promote rural lot density housing, and the proposed subdivision is consistent with that objective.

City Planner Swanson advised the following site and zoning requirements in the A1 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'

Lot Area and Lot Width

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

**Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.23 Acres	510.03'	1,322.19'
Parcel B	10.01 Acres	330.02'	1,322.19'

*As proposed, both created lots meet the city’s dimensional standards for size, frontage/lot width and lot depth.*

Setbacks

As shown on the attached survey, Proposed Parcel A is vacant and includes a potential building site. The potential building site is subject to the city’s setback requirements. The proposed building pad is setback approximately 102.5’ from the west property line (side), 180’ from the north property line (rear), 327’ from the east property line (side), and 236.3’ from the south property line (front). The building pad is setback 50’ from a wetland to the north and is setback 50’ from the septic area. As denoted in the attached survey, *the proposed building site meets the City’s setback requirements, but the building edge must be setback an additional 10-feet per the City Ordinances. Additionally, since the wetland delineation has not been formally approved if the edge shifts south, then the building pad must be moved to ensure compliance with the City’s setback requirements. Staff recommends including a condition that the*

**building footprint must be site to comply with all setbacks, and that a 10-foot no grade buffer shall be required.**

As shown on the attached survey, Proposed Parcel B is vacant and includes a potential building site. The potential building site is subject to the city’s setback requirements. The proposed building pad is 93’ from the west, 720’ from the north, 176’ from the east, and 514.2’ from the southerly border of the parcel. As denoted in the attached survey, **the proposed building site meets the City’s setback requirements. Similar to Parcel A, since the wetland delineation has not been formally adopted if the edge shifts south then the building pad must be moved to ensure compliance with the City’s setback requirements. Staff recommends including a condition that the building footprint must be site to comply with all setbacks, and that a 10-foot no grade buffer shall be required.**

Wetland - Dimensional Standards

The following buffer widths shall be maintained:

	<b>Minimum Buffer Width (feet)</b>	<b>Parcel A Building Pad Setback</b>	<b>Parcel B Building Pad Setback</b>
Type 3,4,5 wetland	50’	50’	51’
Building setback from outer edge of buffer	10’	0’	0’
Unclassified Water Bodies (Septic System)	75’	50’	70’

On Parcel A, as shown in the submitted survey, there are 6 wetlands located on the parcel. Four are located on the west border of the parcel. Two are located on the central portion of the parcel on the east border.

**Staff recommends moving the building pads in order to be compliant with the City’s setback requirements.**

Access & Driveways

There is a proposed driveway on Parcel A and Parcel B. Parcel A and Parcel B are bordered by 110<sup>th</sup> Street N on the southern property line. As proposed, a portion of the driveway on Parcel A is approximately 20 feet away from a wetland. The proposed driveway on Parcel B is approximately 50 feet away from a wetland at its closest point. As proposed, both driveways meet the setback requirement of a minimum of 5-feet from the proposed septic drainfield area, and both are setback a minimum of 5-feet from all property lines. **Staff would recommend a driveway permit shall be obtained from the City’s Building Official when a building permit is requested to construct new homes on the parcels.**

Utilities (Septic & Well)

To demonstrate the buildability of Parcel A and B, the Applicant submitted septic/soil borings which were submitted to Washington County for their preliminary review. Based on the preliminary results it appears that there is adequate area on both parcels to install a septic system to support new homes, if and when, proposed. However, the location identified on Parcel A is near the property's proposed driveway, and therefore careful planning should be given when siting the driving to protect this area during any site construction process. ***Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for the principal structures on Parcel A or B. Additionally, staff would recommend including a condition regarding protection of septic area during construction.***

There are no existing wells on the subject property. At the time of development, a well will be installed to support each home. ***Staff would recommend including a condition that when a new home is proposed on Parcel A or B that the appropriate permits to install a well be obtained prior to the city issuing a building permit.***

The subject parcel is located in the Brown's Creek Watershed District (BCWD). The Applicant shall be required to contact the BCWD and obtain any required permits. Since two new lots will be created, the Applicant must obtain a septic permit from Washington County Environmental Services prior to obtaining a building permit for Parcel A or B.

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
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

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

1. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
2. Any proposed driveway on Parcel A or B shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.
3. The potential building pad on Parcel A shall be moved to comply with the wetland setback requirements.
4. The potential building pad on Parcel A shall be moved to comply with the city's setback requirements.

5. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel A or B.
6. Any proposed accessory buildings on Parcel A or B shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
7. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A or B.
8. If, and when, a new home is proposed on Parcel A or B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.
9. If, and when, a new home is proposed on Parcel A or B, the septic area shall be protected during any construction of structures or driveways.

MOTION by Commissioner Helander to open the public hearing at 8:53 p.m. Commissioner Tronrud seconded the motion. Motion carried unanimously.

No one was present to speak during the public hearing.

MOTION by Commissioner Helander to close the public hearing at 8:53 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Baumann to recommend approval of Minor Subdivision, at 110<sup>th</sup> Street North and Kelvin Avenue, as presented. Commissioner Fritze seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on February 4, 2020.

**PUBLIC HEARING, Consideration of Minor Subdivision, 9215 Ideal Avenue –** City Planner Swanson advised the Applicant, Ray Gunderson, on behalf of the Owner the John/Delores Gunderson Trust, are requesting approval of a minor subdivision of their property located at 9215 Ideal Avenue North. The proposed request will result in two newly created lots Parcel A and Parcel B. The existing homestead and accessory buildings are proposed to remain and are fully contained on Parcel B, and proposed Parcel A is vacant, and no new structures are proposed as part of this application.

A duly noticed public hearing was published for January 21, 2020 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

**Project Summary:**

Owner & Applicant:	Ray Gunderson
Owner:	John/Delores Gunderson Trust

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PIDs:	1603021330001
Total Acres:	79.94
Address:	9215 Ideal Avenue North
Zoning & Land Use:	A-2
Request:	Minor Subdivision to create Parcel A (10.46 Acres) and Parcel B (69.48 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. There is an existing home and three accessory buildings/sheds on existing Parcel B which will remain on the lot, and Parcel A is vacant. The existing home and accessory buildings are accessed from a single driveway that connects to Ideal Avenue North on the westerly border of the subject property.

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

Secs. 32-246

City Planner Swanson stated the existing parcel is approximately 80-acres, is regularly shaped and oriented east-west. The westerly property line is generally bordered by Ideal Avenue north, with a small portion of the roadway extending into the property on the northwest corner where a wetland complex exists on both the east and west side of the roadway. A wetland delineation was completed in November of 2014, but a NOD has not been issued given the late date of the delineation in the growing season. Based on the report, the site includes approximately 13.98 acres of wetland, with approximately 5.33 acres located on the western quarter of the property, and the remaining 8.65 acres on the eastern half of the property. The site has rolling topography on the western half of the site, and near the wetland areas with a gentle slope in the area currently in agricultural use. The site is sparsely vegetated, with some stands of trees intermittently on the site. There is an existing homestead located on the northwestern corner of the site, with three small accessory buildings/sheds. The remainder of the site is vacant and/or used for agricultural production.

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 total 80-acres results in one additional lot, resulting in a total of two lots or 1 dwelling unit per 40 acres. The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A-2 land use designation is to promote rural residential uses, and the proposed subdivision is consistent with that objective.

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'
Wetland Setback – Type 3,4,5	50' (no grade 10')
Maximum Height	35'
Septic System (from wetland)	75'

City Planner Swanson stated the proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.46 Acres	379.99'	~1,000'
Parcel B*	69.48 Acres	942.55'	2,642.52'

\*Frontage on Parcel B is non-contiguous, dimension listed is for both segments together.

***As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width and lot depth.***

#### Setbacks

The existing homestead and accessory structures are located on proposed Parcel B and are subject to the city's setback requirements since the lot will be reconfigured. As shown, the newly created Parcel A results in a new side-yard property line for Parcel B. Based on the submitted site plan, the existing homestead is setback approximately 155.5 feet from the northerly property line, 135.6-feet from the west property line (front), 340-feet from the south property line (side) and 2,260-feet from the east property line (rear). The existing home is setback 120-feet from the nearest wetland. ***As proposed, the existing structures meet the City's setback requirements.***

Created Parcel A identifies a potential building pad location setback approximately 65-feet from the right-of-way line which forms the western border of the lot. The building pad location is setback approximately 180-feet from the north property line (side), 140-feet from the south



property line and 700-feet from the east (rear) property line. The building pad location is setback 20-feet from the nearest wetland. As proposed, the future building pad location does not meet the City's ordinances for wetland setback, and the building pad location must be adjusted to meet the 50-foot setback with a 10-foot no-grade buffer. ***As proposed, the building pad location does not meet the City's setback standards. It appears that the building pad could be shifted south approximately 50-feet to meet the setback requirement, but the Septic Area may need to be adjusted/shifted to account for the shift in the building pad location. Staff would recommend including a condition that the Parcel A site plan be revised to show the building pad and septic area outside of all required setback areas.***

#### Access & Driveways

The existing home and accessory buildings are accessed from a single driveway on the northwestern corner of the property. The proposed building pad on Parcel A will be accessed from a single driveway. The Applicant should be aware that at the time of building permit that a driveway permit to the new home will also be required. ***Staff recommends including a recommendation that a driveway permit be acquired when a building permit is applied for to access the new lot.***

#### Accessory Structures

There are three existing accessory buildings/sheds on Parcel B, and there are no accessory buildings on Parcel A. Parcel B is 69.48 acres, and therefore there are no limitations on the size or quantity of accessory buildings. Parcel A is approximately 10.46 acres and there are no accessory buildings proposed as part of this application. ***However, the Applicant should be aware that the size and number of accessory buildings on 10.46 acres is limited to 4 accessory buildings with a maximum combined 3,500 square feet.***

#### Utilities (Septic & Well)

The existing homestead is served by an existing septic system and well that will continue to serve Parcel B. The Applicant submitted soil testing results that demonstrate that a subsurface sewage treatment system can be installed on the new lot (Parcel A). However, the proposed drainfield location is setback approximately 35-feet from the delineated wetland edge and does not meet the City's ordinance. Additionally, as indicated in previous sections, if the house pad is moved, the septic system will need to shift further to meet setbacks from a structure. As currently sited, the drainfield location on Parcel A does not meet the City's ordinance. ***Staff recommends including a condition that the Applicant submit a revised site plan identifying a revised Septic Area location that meets all applicable setbacks. Additionally, staff recommends including a condition that a septic permit must be obtained from Washington County Environmental Services prior to a building permit being issued for the new lot.***

#### Subdivision Standards

Sections 30-9 and 30-10 refer to Minor Subdivisions where fewer than two lots are created. Though the City has typically allowed minor subdivisions to divide through metes and bounds rather than a platting process, the City has required Applicants to generally follow the Design Standards identified in Article III of Chapter 30. The proposed subdivision generally follows the standards, but staff has identified the following for further consideration:

- Section 30-107 Lot Requirements subsection (a) states that, “Side lot lines shall be substantially at right angles to straight street lines...unless topographic conditions necessitate a different arrangement.” The proposed subdivision does provide right-angles for approximately 243-feet connecting to the right-of-way; however, the lot lines then become irregular interior to the lot. Typically, the City has discouraged such irregular configurations unless there is a reason. The Applicant did not state a purpose for the irregular configuration, and staff would recommend that the lot lines be reconfigured, or a purpose stated for the proposed configuration.

The subject parcel is located in the Rice Creek Watershed District (RCWD). The Applicant shall be required to contact the RCWD and obtain any required permits. Since a new lot will be created, the Applicant must obtain a septic permit from Washington County Environmental Services prior to obtaining a building permit for Parcel A.

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
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

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

The following draft conditions are provided for your review and consideration:

1. The site plan for Parcel A shall be revised to show the building pad location outside of all applicable setbacks, including the wetland setback area.
2. The site plan shall be revised to identify a septic area location on Parcel A that meets all applicable setbacks, specifically the wetland setback.
3. The Applicant shall reconfigure the side-lot lines and rear lot lines to create a regularly shaped Parcel A and Parcel B.

4. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
5. Any proposed driveway on Parcel A shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.
6. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel A.
7. Any proposed accessory buildings on Parcel A shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
8. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.
9. If, and when, a new home is proposed on Parcel A the appropriate permits to install a well must be obtained prior to the city issuing a building permit.

Mr. Jason Rudd, surveyor, came forward and stated he worked with the family on the subdivision. He commented on the draft conditions of approval and inquired about the setback to a County road as well as septic setbacks in the front yard. He stated the owner has owned the property for many years and the goal in the lot lines is the potential to further subdivide in the future.

City Planner Swanson advised Ideal is not a County road and the front yard septic setback is 65 feet.

Commissioner Tronrud stated the lot lines should be straightened out and they could always be adjusted at some point in the future if a major subdivision occurs.

MOTION by Commissioner Helander to open the public hearing at 9:15 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Mr. Fred Neher, 9220 Ivy Avenue North, came forward and stated they are great neighbors and he supports what they are to accomplish. It will be a good family type subdivision.

Mr. Mowry Stilp at 8840 Indahl Avenue submitted support for the subdivision directly to the City.

Commissioner Fritze stated he would like to stay consistent and thinks the lot lines should be straightened out.

MOTION by Commissioner Helander to close the public hearing at 9:19 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Helander to recommend approval of Minor Subdivision, 9215 Ideal Avenue exclusive of the condition to straighten the lot lines. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Tronrud and Fritze voting nay.

This item will appear on the regular City Council agenda on February 4 2020.

**6. OLD BUSINESS**

There was no old business.

**7. ADJOURNMENT**

MOTION by Commissioner Tronrud to adjourn the meeting at 9:20 p.m. Chair Tufty seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT



## STAFF REPORT

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

**Date:** March 9, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of land at 11298 60<sup>th</sup> Street N.

**From:** Jennifer Haskamp, Consulting City Planner

### Background

The Applicant, Adam Bettin, in coordination with the Owner the Stillwater West, LLC, is requesting a Comprehensive Plan Amendment to re-guide approximately 5.3-acres from Agricultural Small Scale (A2) to General Business (GB). The subject property is located at 11298 60<sup>th</sup> Street North, and is bordered by 60<sup>th</sup> Street North on the southern property border which is the frontage road to Highway 36.

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

A duly noticed public hearing is required for all Comprehensive Plan Amendments. Therefore, a duly noticed public hearing was published for March 17, 2020 at 6:30 PM. Since the proposed CPA includes a Map Change letters were sent to individual property owners located within ¼-mile (1,320 feet) of the subject property.

The following staff report is provided for your review and consideration of the subject application

### Project Summary

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



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

## **Review Criteria**

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

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

## **Existing Site Conditions**

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

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

## **Comprehensive Plan Review**

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

The Applicant has stated in their narrative that they believe the subject property is better suited, and more consistent, with the GB land use designation and as such has requested a Comprehensive Plan Amendment



to re-guide the subject property. The Applicant's reasons are summarized as the following, and City Staff's responses are provided below each reason in *italics*:

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

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

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

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

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

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

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

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

## Other Considerations

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

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



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

### Other Agency Review

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

### **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
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

#### *Attachments:*

Attachment A: Application and Narrative

Attachment B: Aerial of Site





## STAFF REPORT

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

**Date:** April 16, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for a Conditional Use Permit (CUP) for Vegetative Cutting on properties adjacent to the existing Indian Hills Golf Course

**From:** Jennifer Haskamp  
Consulting City Planner

### Summary of Request & Background

The Applicant and Owner, Mike Regan on behalf of the Indian Hills Golf Club, is requesting a conditional use permit to allow for vegetative cutting (clearcutting) of properties located adjacent to the existing golf course. The existing golf course is subject to a CUP which identifies certain areas and Outlots for the golf course use. The properties that are the subject application are owned by the Indian Hill Golf Club but are not included in the current CUP. The Applicant's ultimate objective is to relocate three (3) existing holes from the current Indian Hills Golf Club course to the subject properties. After discussion with staff, it was determined that a two-step process would be the most efficient to process the Applicant's request. Staff outlined the process as the following:

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

The following staff report addresses only the request for Vegetative Cutting. The Planning Commission will hear the request for an Amended CUP at a future meeting.

### Public Hearing & Notice

A public hearing is required for the requested CUP. Because of the current state of emergency, the City Council will adopt an interim resolution that allows public hearings to be held at the City Council due to known technology constraints throughout the City. As such, the Public Hearing for this Application will be held at the City Council meeting on May 5, 2020 and will likely be held as a video conference. Adjacent property owners within ¼-mile will be notified of the process to participate in the public hearing, and the official notice in the newspaper will direct all interested parties to the City's website for information regarding the public hearing.



## Project Summary

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

The Applicant is requesting a Conditional Use Permit to allow for vegetative grubbing and clearing on approximately 23.79 acres of the subject properties. The proposed activities include the removal of approximately 8.9 acres of woodland and removal of approximately 6 acres of brush and undergrowth. As indicated by the Applicant, the total area of removal may be reduced depending on the watershed district’s permitting process. (Additional detail regarding this item is provided in subsequent sections of this staff report).

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

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

### 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.”

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



## Existing Site Conditions

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

Parcel 2603021330001 is approximately 101.55 acres and is oriented north-south, with its northerly property line abutting CSAH 12. Based on the aerial from the Washington County GIS records, there are three existing structures clustered on the west side of the property approximately 515-feet from the CSAH 12 right-of-way, and 230-feet from the westerly property line. The east and west property lines are heavily vegetated, with a clearing in the central portion of the site. It appears from the aerial, and the Applicant's submitted plans, there are extensive wetland areas intermittently throughout the site and that the central portion of the site has recently been used for agricultural production. The site is contiguous on the southern boundary to the existing Indian Hills Golf course hole #7.

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

## Comprehensive Plan Review

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

## Zoning/Site Review

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

## Dimensional Standards

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

Dimension	Standard
Lot Size	5 acres
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Wetland Buffers (BCWD Regulations)	100'



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

Wetland Areas & Buffers The Applicant’s Site Plan (“Plan”) indicates and identifies a wetland complex on the subject sites adjacent to, and near, the proposed clearing and grubbing activities. The Applicant’s narrative further states that the Brown’s Creek Watershed District (BCWD) is involved in reviewing the proposed grading and site activities, and that a 100-foot buffer around the delineated wetlands is required. The Plan further identifies buffer exchange areas that are assumed to be locations where mitigation of buffer area encroachment could be exchanged (buffer averaging). It is staff’s understanding that the Applicant is working with the BCWD through the wetland buffer and delineation process, and that the clearing/grubbing activities within proximity to the delineated wetlands are subject to their review and approval of any necessary mitigation. ***Staff would suggest including a condition that all clearing, grubbing and grading activities within the wetland buffer areas are subject to review and approval from the BCWD, and such approval shall be documented and provided to the City prior to any site work commencing in the identified wetland buffer areas on the Site Plan.***

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

## Engineering Standards

The City Engineer is in process of reviewing the subject application and the associated grading permit. Staff will forward the City Engineer’s review and comments to the Planning Commission members once received.



## Other Agency Review

The subject properties are located in the Browns Creek Watershed District. As indicated by the Applicant's narrative they are working with the BCWD on their permitting process. Staff has reached out to the BCWD and will provide a verbal update at the Planning Commission meeting.

## 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 Site Plan must be updated to clearly identify the extents of the clearing and grubbing identified in the Narrative.
2. The Applicant shall mark the clearing/cutting boundary with stakes in the field and the City's Building Official shall conduct a visual inspection to confirm that the clearing area is outside of all applicable setbacks.
3. No clearing and grubbing shall be permitted within the yard setbacks, which shall include a 20-foot setback on the easterly property line.
4. The Applicant must obtain approval from the BCWD for clearing and grubbing within the wetland buffer setback area prior to any work completed within these areas. The Applicant shall provide documented approval of the plan for the wetland buffer areas, and any approved buffer exchange areas prior to any site work (including grubbing and clearing) commencing in these areas.
5. The Applicant shall follow all condition of the City Engineer, which shall include obtaining a Grading Permit.
6. This Permit does not approve the construction or operation of the three (3) golf holes. Such approval shall be required through a formal application to Amend the existing Conditional Use Permit for the Indian Hills Golf Club.

## 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 grubbing and clearing of the site for intended golf course uses conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- The grubbing and clearing activities will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood provided the conditions of the permit are met.
- The vegetative cutting meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The vegetative clearing activities 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 4/8/2020

Exhibit B: Site Plan (2020)

Exhibit C: Application dated 4/9/2020