

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, March 16, 2021

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. ELECTION OF OFFICERS, CHAIR AND VICE-CHAIR
5. APPROVAL OF MINUTES: September 22, 2020
6. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit to allow for the Construction of three (3) Replacement Golf Holes, 6667 Keats Ave N
  - B. PUBLIC HEARING, Consideration of Draft Ordinance for Interim Uses
7. OLD BUSINESS
8. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

September 22, 2020

**Present:** Jerry Helander, Dan Gagliardi, Jim Huttemier, Robert Tufty, David Tronrud and Matt Fritze

**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 Helander to approve the agenda, as presented. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

## 4. APPROVAL OF MINUTES, August 12, 2020

MOTION by Commissioner Helander to approve the August 12, 2020 Minutes, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

## 5. NEW BUSINESS

**PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit to Allow for the Expansion of American Polywater Corporation Building, 11222 60<sup>th</sup> Street North** – City Planner Swanson stated the Applicant, Mike Fee, on behalf of American Polywater Corporation (“APC”) has requested an amendment to their Conditional Use Permit for the subject property. The CUP was first issued in 1983 and was later amended in 1996 and 2000 respectively. The existing facility includes approximately 2,842 SF of office, 820 SF of Laboratory space and approximately 20,368 SF of manufacturing and warehouse space. As indicated in the Applicant’s narrative, APC has experienced substantial growth over the last five years and needs additional space to accommodate its operations. The proposed amendment will allow for the expansion of the existing facility on the site to provide additional office, laboratory, staff support, warehousing, and manufacturing space. The proposed amendment is to allow for the expansion of the facility and there are no changes to the use of the property.

A duly noticed public hearing is scheduled for September 22, 2020 at 6:30 PM to be held via Zoom video conference. Residents and property owners within 1,320-foot (1/4-mile) were sent

individual letters notifying them of the public hearing. The call-in number and instructions to join the video conference meeting are provided on the City’s website and members of the public will be invited to provide public testimony regarding the subject application.

**Project Summary**

Applicant: Mike Fee, Operations Manager	Site Size: 2.68 Acres (PID 3603021330005)
Owner: American Polywater Corporation (APC)	1.5 Acres (PID 3603021330013)
Zoning & Land Use: GB	Request: Amended Conditional Use Permit (CUP) to allow for a 12,150 SF addition (9,000 SF footprint)
<p>Location Description and PIDs: The subject application includes PID 3603021330005 and PID 3603021330013 which are contiguous and oriented north-south. Both parcels are owned by APC and will be used to support the proposed expansion of the existing building.</p>	

The Applicant is requesting an amendment to the existing CUP to allow for the expansion of the existing building located on site. The existing building is located at 11222 60<sup>th</sup> Street N., PID 3603021330005, and is setback approximately 66-feet from the right-of-way line. As currently configured, the existing facility and all associated improvements are located on the subject parcel. The proposed expansion is on the northerly side of the existing facility and proposed improvements including additional parking and septic system drainfield expansion will be constructed on the adjacent vacant parcel (PID 3603021330013). The proposed facility expansion includes a 9,000 SF footprint expansion and is designed with approximately 3,150 SF of mezzanine space. The total square footage of the expansion area is 12,150 SF which will be used for office, manufacturing and warehousing space. To support the facility addition some site improvements including additional on-site parking, drive aisle improvements and septic system expansion are proposed. There are no significant changes proposed to APC’s operations such as hours of operation, business activities, etc., and therefore there are no changes to the existing CUP regarding business use. While the business operations will remain the same the substantial business growth over the last five years has necessitated this request to expand the facility.

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

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

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

The site is located on 60<sup>th</sup> Street North which is the highway frontage (service) road to Highway 36. There are two parcels that are subject of the proposed application, PID 3603021330005 is approximately 2.68 acres and is the current location of the APC facility and all site improvements. PID 3603021330013 is contiguous to the subject property and is approximately 1.5 acres. The following summary of each site is provided:

11222 60<sup>th</sup> Street North (PID 3603021330005)

The existing APC building and all site improvements are located on the parcel. The existing building contains approximately 24,000 square feet and is accessed from a shared driveway on the western edge of the site. The site and building are oriented north-south, with the main entrance and existing parking area located on the eastern façade of the building. There are 30 existing parking stalls on site including 2 handicap accessible stalls. The current parking lot area is split by a truck loading dock area. There are additional site improvements including sidewalks which connect the parking areas to the facility's entrances as well as landscaping at entrances and within medians. Based on GIS and NWI records there are no existing wetlands on site.

Unaddressed (PID 3603021330013)

The subject parcel is approximately 1.5 acres and is currently vacant. Per the existing CUP, the parcel is considered collectively with the existing parcel located at 11222 60<sup>th</sup> Street North. The parcel's southerly boundary is contiguous to the northerly boundary of 11222 60<sup>th</sup> Street North. As currently configured, there are no driveways or other access to the subject parcel. The site is sparsely vegetated with some trees along the westerly and southerly border of the property. Based on GIS and NWI records there are no existing wetlands on site.

The site is guided GB in the City's adopted Comprehensive Plan. Land within the GB land use designation is generally described as providing a general mix of commercial businesses. APC has operated on the subject site for several years and is one of the City's long-term existing businesses. This land use designation was created to allow for the continued use of the smaller parcels along the 60<sup>th</sup> Street N frontage road and Highway 36 corridor for business uses in the City.

For purposes of the following dimensional review both the southerly parcel (PID 3603021330005) and the northerly parcel (PID 3603021330013) are considered collectively.

This is consistent with condition G of the existing CUP that requires both parcels to be considered collectively with respect to APC's operations, facilities and any site improvements.

The following site and zoning requirements in the GB district apply to the subject application:

<b>Dimension</b>	<b>Standard</b>
Lot Size	2.5
Lot Width (frontage on public street)	300'
Lot Depth	150'
Front Yard Setback	65'
Side Yard Setback	20' interior, 65' from street
Rear Yard Setback	30'
Height of Structure	35'
Driveway Setback	5'
Floor Area Ratio	40%
Parking Surfaces or Structures of any type	80%

<p><b>Lot Area, Frontage, Lot Depth</b></p>	<p>There are two parcels associated with the subject application, the southerly parcel is approximately 2.68 acres and the northerly parcel is 1.5 acres. Collectively the total site area is approximately 4.18 acres. <i>Parcels zoned and guided GB require a minimum of 2.5 acres and the combined lot acreage meets the minimum lot size requirements.</i></p> <p>The southerly parcel abuts the 60<sup>th</sup> Street N right-of-way and serves as primary frontage for both parcels. The parcel has approximately 240-feet of frontage/lot width and does not meet the minimum lot frontage requirements. The existing configuration predates the City's ordinance and is therefore considered a legal nonconforming lot with respect to lot frontage. The northerly parcel does not have frontage on a public street, and is considered collectively with the southerly parcel. <i>As configured the southerly and northerly parcel are considered legal nonconforming lots regarding frontage on a public road.</i> Additionally, APC owns the adjacent westerly parcel and facility and both 11170 and 11222 60<sup>th</sup> Street N share an access driveway from the right-of-way. It is unclear whether the access driveway includes a permanent access easement, but such area is approximately 33-feet wide which is consistent with historical cartway widths and is assumed to be a permanent access for the APC properties. <i>While the property at 11170 is not included in this application, it should be noted that when considered collectively</i></p>
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	<p><i>with the subject property that a “campus” of the buildings is created and the total frontage of the campus is approximately 444-feet which exceeds the minimum lot frontage requirements.</i></p> <p>The southerly parcel is approximately 483’ long oriented north-south, and the northerly parcel approximately 271’ long. <b><i>Both parcels are considered collectively and include approximately 754’ of lot depth which exceeds the minimum lot depth requirements.</i></b></p>
<p><b>Floor Area and Parking Coverage</b></p>	<p>Per Section 32-1 Definitions, the Floor area ration of commercial or business buildings is calculated by determining the sum or the gross area of all floors of a building and dividing by the net area of the lot or parcel of land. For purposes of the calculation the total parcel area was used. There is approximately 24,000 square feet of existing building area, and 12,150 square feet of expanded building area for a total of 36,150 square feet. Therefore, the FAR calculation is as follows:</p> <p>36,150 SF gross building area/ 182,081 SF of land area = 19.9% FAR.</p> <p><b><i>In the GB zoning district, a maximum of 40% FAR is permitted. As proposed, the total FAR is 19.9% and is within the allowed FAR.</i></b></p> <p>As stated in Section 32-246 the maximum parking surface or structure of any type permitted within the GB zoning district is 80%. As identified on sheet AS101 of the Applicant’s submittal there is approximately 35,063 square feet of parking area on site. The calculation is as follows:</p> <p>35,063 square feet of parking area/182,081 SF of land area =19.3%</p> <p><b><i>As proposed, there is 19.3% of the site dedicated to parking area which is within the permitted parking area percentage.</i></b></p>
<p><b>Setbacks</b></p>	<p>The existing building is located on the southern half of the subject property setback approximately 66-feet from the right-of-way of 60<sup>th</sup> Street north (front), 30-feet from the easterly property line (side), 110’ from the west property line (side) and 420’ from the northerly property line of PID 3603021330013. The proposed addition will be constructed on the north façade of the existing building and extends approximately 90’ north. As proposed, the addition will maintain the east, west and south yard setbacks and will be setback approximately 330’ from the northerly property line. <b><i>The existing building configuration and the addition meets the City’s ordinance requirements.</i></b></p>

<p><b>Architectural/Building Plans</b></p>	<p>The Applicant’s architectural plans for the addition are shown on Sheets A-101 through A-201. As shown on the plans, the addition will be constructed and attached to the existing north façade of the structure. The existing building architecture is a simple flat paneled concrete building with minimal articulation. The proposed addition will be consistent and compatible with the character and design of the existing building. <i>As proposed, the architectural design meets the intent of the ordinance and the existing CUP condition K which requires expansions to be of similar materials and colors.</i></p> <p><u>Height</u></p> <p>The height of the proposed expansion is approximately 28-feet, which is approximately 5-feet taller than the existing building portion when calculated at grade. The proposed increase in height is associated with a mezzanine floor that will be dedicated to office and support staff functions, while the main floor will remain dedicated to manufacturing and warehousing operations. <i>As proposed, the height of the expansion meets the City’s ordinance requirement for height which permits a maximum height of 35’ for all structures.</i></p>
<p><b>Driveway/Circulation:</b></p>	<p>Sheet AS101 of the Applicant’s submitted materials identifies the proposed driveway and circulation improvements. There is an existing shared driveway that provides access to the current operations at 11222 and at 11170 60<sup>th</sup> Street N. The existing driveway is located on a 33-foot-wide strip of land which is consistent with a standard historical cartway width, and no changes are proposed as part of this application. It should be noted that this strip of land is owned by the property located at 6185 Lake Elmo Ave N., and it is assumed that there is a shared access easement. An additional 32 parking stalls are required to support the 12,150 square foot addition, and the new parking area is located north of the proposed addition. To access the new parking area the existing driveway must be extended approximately 95-feet to provide access. As shown on sheet AS101, the proposed parking lot and expanded driveway will be constructed with bituminous surface. <i>The City Engineer is reviewing the proposed configuration and staff will provide an update at the Planning Commission regarding his comments and recommendations, if any.</i></p>
<p><b>Parking:</b></p>	<p>There is an existing parking lot onsite that serves the existing building and its operation. There are 30 spaces in the lot which is located to the west of the existing building, and all parking spaces are proposed to remain onsite. To support the facility expansion an addition 32 parking spaces are required. Section 32-374 of the</p>

	<p>ordinance addresses required spaces. The parking ratios are as follows:</p> <ul style="list-style-type: none"> <li>• Office/Support staff: 1 space per 200 SF</li> <li>• Warehousing/Manufacturing: 1 space per 2000 SF</li> </ul> <p>Sheet AS101 of the Applicant’s submittal provides a summary of the required parking stalls and identifies 32 additional stalls to support the expansion. <b><i>The site plan identifies 30 standard stalls and 2 ADA accessible stalls. As designed, the number of stalls meets the City’s requirements.</i></b></p> <p>Section 32-372 (c) of the City Code addresses parking space dimensions and requires all standard spaces to be a minimum of 10 feet by 20 feet and all handicap accessible spaces must be dimensioned at 12 feet by 20 feet. The standards were applied to the expanded parking area which identifies an addition 32 parking spaces with two ADA accessible stalls. All standard parking spaces meet the minimum parking stall requirements. The ADA stalls are dimensioned at 10’6” but are designed with a 6’ space between the stalls. While such stalls do not meet the 12-foot width, the 6’ spacing provides adequate width for the stalls. As designed, the spaces will provide more area than required per the City’s ordinance. <b><i>The expanded parking area design meets the City’s ordinance and requirements.</i></b></p>
<p><b>Lighting</b></p>	<p>The Applicant did not submit a lighting plan as part of their application. Staff assumes that some lighting will be necessary and provided in the expansion area and may include wall lights (potentially) and lighting in the parking lot. Section 32-321 of the City’s ordinance addresses lighting and requires all lighting to be downcast and/or hooded. All parking lot fixtures may not exceed 25-foot tall. Since the expansion area is surrounded by vacant land and/or other general business uses staff is comfortable that any lighting plan will meet the City’s ordinance requirements for foot candles at property lines, however, if needed staff may request a photometric plan to verify that the lighting plan meets the City’s ordinance requirements. <b><i>Staff recommends including a condition that all exterior lighting must meet the City’s ordinance regarding fixture style and foot candles at property line and at the right-of-way. Staff would recommend including a condition that a lighting plan be submitted for review and approval by the City staff prior to the commencement of site work.</i></b></p>
<p><b>Noise</b></p>	<p>As stated in the Applicant’s narrative there is little to no noise generated as a result of APC’s operations. It should be noted that</p>



	<p>staff is unaware of any complaints regarding noise since APC began operations and would agree that noise is not a major concern of the operations. <b><i>Staff would note that all operations must comply with the MPCA noise regulations for general business users which is consistent with the City's ordinances and regulations.</i></b></p>
<p><b>Landscape Plan</b></p>	<p>The Landscape Plan is shown on sheet L-101 of the Applicant's plan set. The landscape plan shows attention to buffering along the northerly property line of PID 3603021330013. The proposed planting includes 11 8-foot Scotch Pines, 2- Red Oaks, 2- River Birch, and 2 Autumn Blaze Maple. As proposed staff believes that the proposed northerly buffer planting plan is adequate and meets the City's ordinance requirements of buffering between General Business properties and adjacent rural residential uses. In addition to the buffer planting plan, the Landscape Plan identifies landscaping in the medians and around sidewalks near the addition. The existing landscaping around and near the existing improvements will remain as part of the project. Additionally, the remaining vacant areas of the site will be seeded and planted, including revegetation of the new mound for the septic system located on PID 3603021330013.</p> <p>As proposed, the Landscape Plan as depicted on L-101 meets the requirements of the City's ordinances. <b><i>Staff would recommend including a condition that the landscaping plan shall be installed within 6-months of completion of the addition. Staff also recommends including a 2-year landscape guarantee be provided for the buffer plantings along the northerly property line.</i></b></p>
<p><b>Hours of Operations and Employees</b></p>	<p>No changes to the hours of operation are proposed as a result of the expansion. The current facility currently operates Monday through Friday from 6:45 AM to 5:00 PM. The additional space will allow for additional staff onsite. Including the expansion area, APC's initial staff projections at the facility is a total of 34 employees. A breakdown of the staff includes 24 employees dedicated to manufacturing/warehouse 10 office/lab employees. To support the expansion and additional staff the applicant is seeking a permit from Washington County for a new septic system that can handle an additional 300 gallons/day of effluent. With the new septic system, the applicant is predicting they will have approximately 50% headcount growth (50 persons) over the next 10 years. <b><i>No changes to the hours of operation are proposed, and therefore the existing conditions of the CUP remain unchanged. Staff recommends including a condition that a septic permit must be obtained from Washington County prior to any site work or grading activity</i></b></p>

<p><b>Utilities, Septic System &amp; Industrial Effluent</b></p>	<p><i>commences.</i></p> <p>The Applicant indicates in their submittal that the adjacent “A-2” property will be used for the expanded septic system and drainfield area. Sheets AS101 and L101 identify the relocated mound system area north of the expanded parking lot. While the narrative, as well as existing CUP, identify this property as A-2, the adopted Comprehensive Plan identifies the subject parcel (PID 3603021330013) as zoned and guided GB. Condition E of the CUP dated 06/01/00 states that the subject property is A-2 and may be used for future expansion of the APC operations and may including septic improvements, and/or parking, outdoor storage or any other building or structure.</p> <p>As proposed, the location of the relocated septic system meets the conditions of the governing CUP from 2000. Further, staff believes that this site was subsequently reguided GB consistent with the needs of APC in the 2010 Comprehensive Plan. <i>Staff recommends including a condition that the proper permits must be obtained from Washington County for the expansion and relocation of the septic system.</i> It should be noted that the proposed mound system is near the on-site stormwater retention pond based on the plan set. Since the borings and specific site location of the mound system are not identified (only general area) <i>staff recommends including a condition that the City Engineer must review a final site plan identifying the location of both the pond and the drainfield to ensure proper functioning of both systems on site.</i></p> <p>In addition to the wastewater generated from the facility, due to the type of work APC performs industrial effluent is collected. As stated within the Applicant’s narrative all industrial effluent is collected within the plant and transported to St. Paul for proper disposal, which APC must perform consistent with the permit issued by Metropolitan Council. <i>Staff would recommend including a condition in the amended permit that all industrial effluent must be disposed of consistent with the permit, and that any amendments or adjustments to the permit due to the expansion of the facility shall be obtained and maintained by the Applicant.</i></p>
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The City Engineer is reviewing the subject application and his memo will be provided in advance of the meeting. *Staff recommends including a condition that the Applicant must address all recommendations and comments contained within the City’s Engineer’s memo prior to the commencement of site work.*

City Planner Swanson advised that as stated in the Applicant’s narrative, they have contacted the Valley Branch Watershed District and have begun their permitting process. Staff recommends

including a condition that the Applicant shall be responsible for obtaining all necessary permits from the VBWD prior to commencing work on site. As noted, the Applicant is working with Washington County to obtain the necessary septic system permits to allow for the enlargement and relocation of the drainfield and septic system to accommodate the expansion.

City Planner Swanson reviewed the following draft recommendations and findings provided for 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 amended Conditional Use Permit is subject to all of the terms and conditions of the original CUP issued for the property in 1983, 1986, 1996 and 2000 except as amended herein.
2. Improvements shall be constructed in accordance with the plans dated August 13, 2020.
3. All requirements and conditions of the City Engineer shall be met and addressed. The City Engineer shall review all updated plans prior to the commencement of any site work. (Date of Engineer's memo to be added prior to approval)
4. The Applicant shall obtain a building permit prior to construction.
5. The Applicant shall submit a lighting plan demonstrating compliance with Section 32-321 of the City's ordinance regarding lighting and glare.
6. The landscape improvements as shown on plan sheet L101 shall be installed within 6-months of building completion.
7. The Applicant shall provide a 2-year landscape guarantee for the plantings along the northerly property line of PID 3603021330013.
8. The Applicant shall obtain all necessary permits from Washington County for the installation of the relocated septic system including drainfield.
9. The Applicant shall be responsible for obtaining all necessary permits and approval from the Valley Branch Watershed District (VBWD) prior to the commencement of any site work.
10. The Applicant shall be responsible for obtaining any other permits from VBWD, Metropolitan Council, MDH, or any other regulatory agency having jurisdiction over the proposed project.

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

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

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

- The proposed building expansion conforms to the City's Comprehensive Plan for general business uses in the City.
- The proposed building expansion 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 proposed building expansion meets the conditions or standards adopted by the city through resolutions or other ordinances, including the governing CUP on the associated property.
- The proposed building expansion will not create additional requirements for facilities and services at public cost beyond the city's normal general business uses.

MOTION by Commissioner Tufty to open the public hearing at 6:59 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Huttemier to close the public hearing at 7:01 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Fritze to recommend approval of Amended CUP, American Polywater Corporation, as presented. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on October 6, 2020.

**PUBLIC HEARING, Consideration of Application for a Map Amendment to Re-Guide 5.3 Acres from A2 to GM, 11298 60<sup>th</sup> Street North** – City Planner Swanson stated the Applicant, American Polywater Corporation (APC), 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.

In March and April of 2020, the City of Grant considered a similar application for the subject property from a different applicant. The application heard earlier in 2020 requested that the subject property be re-guided to GB and contemplated that potential use of the property for a mini-storage use. After deliberations both the Planning Commission and City Council denied the applicant's request to re-guide the property and adopted Resolution 2020-21.

APC acknowledges that the City recently considered a similar application in their submittal materials, but states that their request is substantively different than that considered earlier this year. APC is the owner of the adjacent properties to the west of the subject property at 11222 and 11170 60<sup>th</sup> Street N., and their stated purpose for re-guiding of the property is to allow for the future expansion of their business operations.

While a similar application to re-guide was denied in April of this year, there are no restrictions regarding timing between the denial and the new application consideration. As such, the following staff report is provided for your review and consideration of the subject application.

A duly noticed public hearing is required for all Comprehensive Plan Amendments. Therefore, a duly noticed public hearing was published for September 22, 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.

**Project Summary:**

Applicant:	American Polywater Corporation
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

APC is requesting a Comprehensive Plan Amendment (CPA) to re-guide the subject property from A2 to GB to allow for the potential to expand their business in the future. APC states the purpose of the re-guiding is for their business operations, however, there are no specific plans for the subject property currently. As such, it should be noted that 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 and there is no guarantee that a different business use could be developed on the site than APC expansion if the reguiding is approved.

City Planner Swanson advised 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 considering a CPAs 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.

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 APC properties and business operations 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 materials submitted by APC (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.

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.

APC states in their narrative that the purpose for re-guiding the property is to allow for the potential future expansion of their businesses uses on the adjacent westerly properties. The subject parcel is contiguous to their property at 11222 and the subject parcel would allow for long-term expansion possibilities. A summary of APC's reasons for the request are provided and staff's response is provided in *italics*:

- The parcel is adjacent to the current APC business operations. APC has been operational since the 1980's and they have long-term plans to remain in the City as long as possible.

**Staff Response:** Staff agrees with APC's assessment that the subject parcel would provide opportunities for future business expansion. APC has been a long-term commercial user in the City, and we have had few-to-no objections, complaints, or concerns regarding their operations. Concurrently to this application, APC has requested an amendment to the existing CUP for their operations at 11222 60<sup>th</sup> Street to allow for the expansion of their facility and operations. This is an indicator that APC is committed to remaining in the community and suggests that there may be future expansions contemplated. However, the challenge from staff's perspective, is that there are no immediate plans for the subject property and there is no way to condition the re-guiding to only permit APC to expand their current operations onto the subject parcel. As a result, the Planning Commission and City Council must consider that re-guiding the property would allow for a variety of uses as identified within the City's Table of Uses 32-243.

- If re-guiding is approved, APC is willing to protect existing vegetation along the northerly and easterly borders to buffer any future business use from adjacent agricultural and rural residential uses.

**Staff Response:** While staff acknowledges APC's offer to maintain the buffer, the proposed re-guiding does not address a specific project or site development plan. The re-guiding will affect the parcel in its entirety and cannot include conditions regarding specific site development standards – essentially, they are two separate issues, and the site development including conditions would be reviewed during a CUP review process or similar.

- APC acknowledges future Highway 36 expansion plans, and will reasonably accommodate needed right-of-way at such time expansion of the highway in this area is initiated.

**Staff Response:** Similar to the buffer area, the Highway 36 expansion plans and right-of-way is a future development condition. However, it is somewhat different in that MnDOT has issued preliminary design plans that clearly show right-of-way needs on the subject parcel. Staff concurs that if this parcel is needed for right-of-way that access to the existing APC operations, as well as a future expansion, will be an essential consideration of the Highway 36 expansion. As a result, staff agrees that ensuring access to the City's existing businesses is critical and that if APC owns the subject parcel it is easier to coordinate and work with MnDOT on the final right-of-way needs in this area.

- Re-guiding the property to GB will increase the tax capacity of the property.

**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 or timeline for development, and therefore it will likely remain taxed in a similar capacity as it is today until developed. Staff agrees that the taxes generated from the existing APC operations far exceed the current taxes collected on the subject property, however, the act of re-guiding the property is not likely to change the taxes collected in the short term as no development is proposed. Staff agrees with APC that from a market perspective the site is well suited to potential future APC expansion, however, it is unclear if there is a planned timeline for such expansion.*

City Planner Swanson advised 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).
- Use the "vision" for the Highway 36 Corridor in your analysis. Similar to your consideration of the application earlier this year, 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. While APC is the applicant, it is important to consider all types of



businesses uses that could occur onsite based on the City's table of uses since there is no guarantee that the property will be used for future APC operations and expansion.

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.

City Planner Swanson noted the City has never approved a re-guiding of a property that she is aware of. The Comprehensive Plan has never been changed and land use was looked at during thru the updating of the Comprehensive Plan process. New land designations were made.

Commissioner Tronrud stated he has not heard from anyone in Grant that they would like the General Business zone expanded.

Commissioner Helander added piece meal zoning is not perceived well by the Metropolitan Council.

MOTION by Commissioner Helander to open the public hearing at 7:22 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Mr. Mike Fee, Representative of Polywater, stated they are a 100% employee-owned company that is focused on being in Grant and Grant's best interests. If the property is re-guided there could be a condition that Polywater has to utilize the property.

MOTION by Commissioner Tufty to close the public hearing at 7:27 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Tronrud to recommended denial of the application as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

**PUBLIC HEARING, Consideration of Application for Minor Subdivision (lot line adjustment) 9337 Joliet Avenue North** – City Planner Swanson stated the Applicants, Richard and Maureen Bennett, are requesting a lot line rearrangement and lot consolidation (minor subdivision) of the property located at 9337 and 9411 Joliet Avenue North. In 2018 the Applicants went through a minor subdivision process to create the three (3) lots and/or PIDs currently identified in the Washington County GIS records (see attached). Since 2018 a new home was constructed on the property addressed as 9337 Joliet Avenue North which is approximately 5.0 acres, the property identified as PID 15030214100051 remains vacant. The Applicants now wish to rearrange the lot lines resulting in a consolidation of the three (3) existing lots into two (2) remaining lots.

Since lot line rearrangements are a subsection of the minor subdivision process a public hearing is required even though the proposed lot line rearrangement results in less lots that currently existing. As a result, a duly noticed public hearing was noticed for September 22, 2020 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision. The public notice indicated that the public hearing would be held using video conference and participation information would be available on the City’s website.

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

**Project Summary**

Applicant:	Richard and Maureen Bennett
PID:	1503021410004 (5 Acres) 1503021410002 (19.98 Acres) 150302141000 5 (18.06 Acres)
Address:	9337 and 9411 Joliet Avenue North
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to consolidate the existing parcel configuration from 3 lots into 2 lots identified as Proposed Parcel A containing 11.09 acres, and Proposed Parcel B containing 31.95 Acres

The Applicant is proposing a Lot Line Rearrangement, a subsection of Minor Subdivision, to rearrange the lot lines and consolidate the existing parcels into two (2) lots from three (3). The proposed rearrangement will result in Proposed Parcel A containing 11.09 acres and Proposed Parcel B containing 31.95 acres. Both Proposed Parcel A and Proposed Parcel B are developed with existing principal structures. Proposed Parcel B is the original homestead and also includes an existing tennis court, pool, and accessory building.

The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments 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

There are three existing parcels associated with the subject application which are located northeast of the Joliet Avenue North and Dellwood Road North (Hwy 96) intersection. The following summary of each parcel is provided:

PID 1503021410005 is approximately 18.06 acres, is vacant and unaddressed. The parcel is bordered on the south property line by Dellwood Road North (Hwy 96), and the westerly property line is Joliet Avenue North. The parcel in its current configuration has approximately 264-feet of frontage on Joliet Avenue North, and 1,391-feet of frontage on Highway 96. There are no structures or improvements currently on the parcel. Based on the National Wetland Inventory and available GIS data there are two existing wetlands on the subject parcel, one on the north-central portion of the property and one on the south-central portion of the property. The aerial denotes that much of the property is wooded, with extensive woodlands comprising the easterly half of the property, with what appears to be planted trees (primarily conifers) on the western half of the property.

PID 1503021410004 is approximately 5 acres and is bordered by PID 1503021410005 on its southerly and easterly border. A new home was constructed on this parcel after the minor subdivision was approved in 2018. The existing home is setback approximately 111.7' from Joliet Avenue, 129.8' from the northerly property line (side), 94.0' from the southerly property line (side) and 480.1' from the easterly property line (rear). The existing homestead is accessed from a single driveway which connects to Joliet Avenue North on the property's westerly property line. The parcel in existing configuration has approximately 300-feet of frontage along Joliet Avenue North and meets all existing dimensional lot standards. Per the NWI and available GIS there are no existing wetlands on the property.

PID 1503021410002 is approximately 19.98 acres and is bordered on the southern property line by 9337 Joliet Avenue N and PID 1503021410005. There is an existing homestead on the property which is setback approximately 1,025' from the westerly property line (front), 422' from the northerly property line (side), 100' from the southerly property line (side) and 175.7' from the easterly property line (rear). The existing homestead, accessory building, and accessory uses are all accessed from a single driveway which connects to Joliet Avenue North on the property's westerly property line. The existing accessory building is approximately 3,500 square feet and is located northwest of the existing home. The parcel in existing configuration has approximately 660-feet of frontage along Joliet Avenue North. Per the NWI and available GIS there is a wetland area located on the south-central portion of the property which extends onto the southerly parcel. The site is heavily vegetated on the eastern half of the property, as well as vegetated along the northerly property line.

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 43.04-acres results in no additional lots and reduces the overall density of the subject property by one unit. The minor subdivision/lot line rearrangement meets the established density requirements stated within the adopted comprehensive plan. The intent of the A-2 land use designation is stated to promote and maintain rural residential uses, and the proposed subdivision/rearrangement 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'
Maximum Height	35'

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Proposed Parcel A and Proposed Parcel B. Due to the proposed combination, approximately 5.0 acres are transferred to the existing proposed at 9337 Joliet Avenue N and approximately 11.97 acres are transferred to the property at 9441 Joliet Avenue N. The following summary of each created parcel is identified on the table below:

**Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	11.09 Acres	537.05'	726.0'
Parcel B	31.95 Acres	660.0'	1,319.58'

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

City Planner Swanson advised the existing homestead and accessory structures located on proposed Parcel B are subject to the city’s setback requirements. The existing principal structure is setback approximately 1,025-feet from the right-of-way line (westerly property line) of Joliet Avenue North; 940-feet from the southerly right-of-way line of Highway 96; 175.7-feet from the easterly property line; and 422-feet from the northerly property line. The accessory building is setback approximately 360-feet from the newly created property line of Parcel A; 252-feet from the northerly property line; and 750-feet from the westerly right-of-way line of Joliet Avenue North. ***The existing home and accessory building on Parcel B meet or exceed all City setback requirements.***

The existing homestead located on proposed Parcel A is subject to the city’s setback requirements. The existing principal structure is setback approximately 111.7-feet from the right-of-way line (westerly property line) of Joliet Avenue North; 359-feet from the southerly right-of-way line of Highway 96; and 480.1-feet from the easterly property line; and 129.8-feet

from the northerly property line. ***The existing home and accessory building on Parcel A meet or exceed all City setback requirements.***

Both Parcel A and Parcel B are served by existing driveways, and there are no new driveways or access locations proposed as part of this application. ***As depicted, the driveways on Parcel A and B meet the City's driveway standards and setback requirements.***

As previously stated, there is one existing accessory building located on Parcel B which is approximately 3,500-square-feet. The rearrangement of the lot will result in Parcel B containing approximately 31.95 acres. Per Section 32-313 of the City's ordinance, parcels greater than 20-acres have no restriction on total size and number of accessory buildings. As such, the existing building, and any future accessory structures on Parcel B, is consistent with the City's ordinances and standards. There are no accessory buildings denoted on Parcel A as part of this application. The Applicant should be aware that accessory buildings on parcels between 9.6 and 14.99-acres a total square footage not to exceed 3,500 square-feet, and a maximum of four (4) accessory structures are permitted. ***Staff would recommend including a condition that any future proposed accessory building(s) shall be subject to size and permitted number as stated within section 32-313 of the City's Zoning ordinance.***

#### **Septic Systems (Soil Borings) and Wells – Soil Borings**

The existing homes on both Parcel A and Parcel B are served by existing individual well and septic system. There are no new lots created as a result of this application and therefore no additional soil borings or information regarding well locations is required.

Given that the proposed lot line rearrangement will consolidate three (3) existing lots into two (2) and no new structures are proposed as part of this application there is no additional review needed from the watershed district or MnDOT. Any future rearrangement or subdivision may require additional review from the watershed district and MnDOT if any new access is proposed onto Highway 96.

MOTION by Commissioner Tufty to open the public hearing at 7:38 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Tufty to close the public hearing at 7:40 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Tufty to recommend approval of subdivision application, 9337 Joliet Avenue North, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

#### **6. OLD BUSINESS**

There was no old business.

#### **7. ADJOURNMENT**

*Planning Commission Meeting Minutes*  
*September 22, 2020*

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Chair Fritze adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT



## STAFF REPORT

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

**Date:** March 8, 2021

**CC:** David Snyder, City Attorney

**RE:** Application to Amend the CUP adding PIDs to allow for the construction of three (3) replacement golf holes

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

### **Summary of Request & Background**

The Applicant and Owner Mike Regan, on behalf of the Indian Hills Golf Club, is requesting an amendment to their Conditional Use Permit (CUP) to allow for the construction of three (3) replacement golf holes to the Indian Hills Golf Course. As stated in the Applicant's narrative, existing holes 5, 6 and 7 were underwater for the majority of the 2020 playing season. Due to flooding of Sunnybrook Lake the condition is anticipated to continue to be an issue. As a result, the Applicant began planning for the relocation of these three holes to adjacent vacant property in 2020 with the hope of them being integrated into the 18-hole golf course in 2021. The vacant property is not identified within the existing CUP (Special Use Permit for PUD as described in subsequent sections of this report), and as a result an amendment to the CUP to incorporate the vacant property is needed so that the three (3) new golf holes can become operational in the 2021 playing season.

### **Background**

In June 2020 the Applicant applied for, and was granted, a CUP for clearcutting and vegetative removal on the subject parcels to prepare for construction of the new holes. In the summer and fall of 2020 the Applicant completed grading and seeding work per the terms of the granted CUP. The Applicant worked with the Browns Creek Watershed District (BCWD) through the permitting process as required by the CUP. The work completed last year is anticipated to be adequate to allow for the operation of the three new holes in 2021. The intent of relocating the three holes is to ensure that the golf course is a full 18-hole course making it consistent with the original objectives of the original PUD.

The following staff report addresses only the amendment of the CUP that relates to the operations of the golf course as an 18-hole golf course. The Applicant will continue to work with the City and the BCWD on the CUP conditions related to vegetative clearing, grading and landscaping which are not addressed as part of this CUP.

### **Public Hearing & Notice**

A duly noticed public hearing is scheduled for March 16, 2021, and property owners within 1,320-feet were notified of the subject application.



## Historic PUD and Special Use Process

The Indian Hills Planned Unit Development (PUD) was originally issued a Special Use Permit on December 12, 1975 by Washington County. The existing “Use Permit” identifies conditions for both the construction of the golf course as well as the residential lots contained in the subdivision plat. The process and procedures were different in 1975, and a Special Use Permit was akin to a Conditional Use Permit.

Given that the original Special Use Permit was issued to address all operations withing the PUD, including the golf course Staff is recommending that a Conditional Use Permit (CUP) be issued for the golf course operations to simplify this process. The CUP drafted will not repeal or replace the Special Use Permit and PUD, but instead will incorporate by reference the PUD. This process will allow for a clear description of the golf course operations related to this amendment request, while maintaining the conditions and permit requirements as issued in 1975.

## Project Summary

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 72.52 Acres (gross)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021340001, 2603021430001 (to add portions of each PID with specific legal description)

The Applicant is requesting an Amendment to their existing CUP to include portions of the properties identified as PID 2603021340001 and 2603021430001 so that three (3) recently relocated golf holes can be incorporated into the Indian Hill Golf Club. As noted in the Applicant’s narrative (Attachment A) the Indian Hills Golf course is designed as an 18-hole regulation golf course. In Spring 2020 holes 5, 6 and 7 were unplayable due to flooding because of overflow from nearby Sunnybrook Lake. While the flooding was most significant in 2020, the Applicant anticipates that flooding may continue to be an issue. It is not reasonable, or marketable, for an 18-hole golf course to operate with only 15-holes, and as such the Applicant decided to explore alternatives to relocate the affected holes. The Applicant owns the adjacent PIDs which are the subject of this application, and both parcels were vacant. The proposed amendment will 1) incorporate the legal descriptions into the existing CUP; and 2) allow for the relocation of 5, 6 and 7 to the subject parcels for operation and play as part of the 18-holes Indian Hills Golf Club.

## Review Criteria

According to Section 32-152 Amendment Applications, an amended permit “may be administered in a manner similar to that required for a new conditional use permit.” The standards identified in Section 32-146 provide guidance for consideration of the proposed request.

## Existing Site Conditions

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





Parcel 2603021340001 is located north and adjacent to Parcel 3503021210001. The parcel has been cleared and graded consistent with the CUP granted in 2020. The grading will support the tee box for hole 5, portions of the fairway and putting green for hole 6, and all of hole 7.

Parcel 2603021430001 is located east of Parcel 2603021340001 and has been graded to support the fairway and putting green for hole 5, and the tee box and portions of the fairway for hole 6. The proposed legal description of incorporation on this parcel generally follows the alignment of the proposed golf holes (see Attachment B).

### Comprehensive Plan Review

The subject properties are located within the Agricultural Small Scale A2 land use designation which encourages rural residential and agricultural uses. Golf Course uses are supported in the Comprehensive Plan and are deemed consistent with the rural and open space character desired by the City.

### 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:

The proposed golf hole configuration was generally reviewed and approved as part of the vegetative clearing CUP issued in 2020. During that review process it was noted that vegetative clearing was not permitted within the setback area. As shown on Attachment B, PUD Amendment Sketch, the tee box of hole 6 is closest to the east property line and is setback approximately 150-feet. The tee box of hole 7 is setback approximately 50' from the northerly property line of PID 2603021430001. *As shown, the proposed hole locations meet the required yard setbacks.*



Wetland Areas & Buffers

The Applicant obtained a CUP for vegetative clearing and grading in June of 2020. As part of that review process the Applicant was required to work with BCWD through their permitting process. The subject parcels contain significant wetland areas, and as such the BCWD required specific setback standards. The Applicant obtained the BCWD permit, and the BCWD will continue to manage the conditions of the new construction until the grow-in is complete and any open items are finalized (see Attachment A).

Operations

There are no proposed alterations to the operations of the golf course and associated uses as a result of this application. The three relocated holes will be incorporated into the existing golf course so that it can again function and operate as an 18-hole course.

### Engineering Standards

There are no engineering review requirements for the subject application. The Engineer completed a review including conditions for the 2020 Vegetative Clearing and Grading CUP, and the Applicant complied with those standards during site grading activities in 2020. The completion of the site work to make all three holes operational shall be managed through the 2020 CUP.

### Other Agency Review

As previously noted, the subject properties are located in the Browns Creek Watershed District. As indicated by the Applicant's narrative they will continue to work with the BCWD on the completion and closeout of the permitting process. No additional review is required regarding this Amended CUP.

### Action requested:

Staff has prepared a draft Amended Conditional Use Permit with conditions for your review and consideration. Since the original conditions noted in the Special Use Permit are incorporated by reference, only new conditions related specifically to the subject Application are provided.

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

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

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

- *The proposed relocation of the three golf holes does not change the use of the subject area for a golf course and will not alter the character of the neighborhood or its surroundings.*



- *The proposed amendment is consistent with the Comprehensive Plan, which supports open space and recreational uses such as a golf course.*
- *The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the city, its resident, or the existing neighborhood.*
- *The proposed relocation of the golf holes will allow for the continuation of the Indian Hills Golf Club as a regulation size 18-hole golf course with is consistent with the original Planned Unit Development issued in 1975.*

***Attachments***

Exhibit A: Narrative dated 2/3/2021

Exhibit B: Sketch Plan (2021) and Parcel Areas for incorporation

Exhibit C: Application dated 4/9/2020

**INDIAN HILLS GOLF CLUB  
AMENDED CONDITIONAL USE PERMIT  
CITY OF GRANT**

APPLICANT: Indian Hills Golf Club

LEGAL DESCRIPTION: Attachment A

PID: 2603021340001, 2603021430001

ZONING: A-2

ADDRESS: 6667 Keats Avenue North  
Grant, MN

DATE: March \_\_, 2021

This is an amendment to the Special Use Permit issued for the Indian Hills Planned Unit Development (PUD) dated December 12, 1975. Since its original issue, Minnesota State Statutes have changed the Special Use Permit to a Conditional Use Permit process. As such, the original permit shall remain in place and noted as a Special Use Permit while this Permit shall be considered an Amended Conditional Use Permit to allow for the relocation and operation of three (3) new golf holes in the Indian Hills Golf Club. Any expansion of the area noted in this permit, or alterations which may increase the intensity or use of the subject area may require an amendment to this Permit.

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

1. The Special Use Permit dated December 12, 1975 issued by Washington County shall be incorporated by reference herein. All conditions of the Use Permit shall remain valid, except as expressly modified herein.
2. The legal description as noted in the Use Permit shall be amended to add the legal description as provided in Attachment A.
3. The Indian Hills Golf Club course shall be permitted to operate as an 18-hole golf course, and the relocation of holes 5, 6, and 7 as depicted on the attached exhibit PUD Amendment Sketch is permitted.
4. Existing holes 5, 6 and 7 shall be abandoned, but shall remain incorporated as part of the Use Permit for PUD. No further redevelopment, development or alteration of this area is permitted except for purposes of operations as a golf course (e.g. surface water management, landscaping, etc). Any grading or topographic alteration in this area shall be subject to the review and approval

of the City Engineer and may require additional review by the Browns Creek Watershed District (BCWD).

5. The Applicant shall follow the permit requirements of the BCWD as issued for the grading and vegetative clearing work approved in May 2020.
6. The golf course shall operate in compliance with the conditions and terms identified in the issued 1975 Special Use Permit which includes the golf course, clubhouse, driving range and associated parking.
7. It shall be the responsibility of the Applicant to obtain any 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.
8. All escrow amounts shall be brought up to date and kept current.
9. This permit shall be reviewed in compliance with the City's CUP review process, which may be on an annual basis.
10. Any violation of the conditions of this permit may result in the revocation of said permit.

IN WITNESS WHEREOF, the parties have executed this agreement and acknowledge their acceptance of the above conditions.

CITY OF GRANT:

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Huber, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota            )  
  )ss.  
County of Washington        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public, personally appeared Jeff Huber and Kim Points, of the City of Grant, a Minnesota municipal corporation within the State of Minnesota, and that said instrument was signed on behalf of the City of Grant by the authority of the City Council, and Jeff Huber and Kim Points acknowledge said instrument to be the free act and deed of said City of Grant.

\_\_\_\_\_  
Notary Public

APPLICANT/OWNER:  
Indian Hills Golf Club

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota )

)ss.

County of Washington )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, a Notary Public, personally appeared \_\_\_\_\_ the Owner who acknowledged that said instrument was authorized and executed on behalf of said Applicant.

\_\_\_\_\_  
Notary Public

EXHIBIT A

DRAFT

Pd 2/3 \$3,000 #15982  
\$400. #15981

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



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

Application Date:	2/3/2002
Fee: \$400	Escrow: \$3,000

## CONDITIONAL USE PERMIT

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

<b>PARCEL IDENTIFICATION NO (PIN):</b> <b>LEGAL DESCRIPTION:</b> 26.030.21.34.0001 33 Ac 26.030.21.43.0001 40 Ac		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A2 <b>LOT SIZE:</b>
<b>PROJECT ADDRESS:</b> 6667 Keats Ave Grant, mn 55082	<b>OWNER:</b> Name: Indian Hills G.C. Address: 6667 Keats Ave City, State: Grant, mn Phone: 612-749-4901 Email: mike@ihgolf.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b> Mike Regan for Indian Hills Golf Club 612-749-4901 mike@ihgolf.com
<b>BRIEF DESCRIPTION OF REQUEST:</b> Request amendment of property desc. in CUP/PUD to include additional acres that new golf holes were built on.		
<b>EXISTING SITE CONDITIONS:</b> site has been cleared, graded and seeded and turf is now growing in.		
<b>APPLICABLE ZONING CODE SECTION(S):</b> Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Division 5. Conditional Use Permits 32-141 through 157		

### Submittal Materials

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

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

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




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

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Grading/Landscape Plan:</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Grading Plan</li> <li>▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>▪ Wetland Delineation</li> <li>▪ Buildable area</li> <li>▪ Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><i>N/A</i></p> <p><b>Architectural/Building Plan (if Applicable):</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Location of proposed buildings and their size including dimensions and total square footage</li> <li>▪ Proposed floor plans</li> <li>▪ Proposed elevations</li> <li>▪ Description of building use</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Written Narrative Describing your request:</b> A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> <li>▪ Description of operation or use</li> <li>▪ Number of employees (if applicable, if not state why)</li> <li>▪ Sewer and water flow/user rates (if applicable, if not state why)</li> <li>▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's</li> <li>▪ Hours of operation, including days and times (if applicable)</li> <li>▪ Describe how you believe the requested conditional use fits the City's comprehensive plan</li> </ul> <p>COPIES: 20</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.
<input type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000
<b>MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Survey of the property:</b> An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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

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

  
Signature of Applicant

2/3/2021  
Date

\_\_\_\_\_  
Signature of Owner (if different than applicant)

\_\_\_\_\_  
Date

City of Grant

2/3/2021

Indian Hills Golf Club Conditional Use Permit Narrative

We are requesting an amendment to the property description for the Indian Hills Golf Club CUP/PUD.

In the spring of 2020 flooding was more extensive than we have seen in 50 years and water from Sunnybrook Lake overflowed onto the golf course and completely covered parts of our 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> holes rendering them unplayable. Since we will not be able to recover these holes in the foreseeable future it became necessary to build three new golf holes to replace those which were flooded in order to maintain 18 playable golf holes.

In May of 2020 the City Of Grant issued Indian Hills G.C. grading and clearing permits to enable us to begin construction of 3 new golf holes to replace those which were under water. The new holes were built on vacant land adjoining our existing course. The new holes were graded over the summer of 2020 and during the fall of 2020 they were seeded to grow in. We expect that these holes should be ready to play by June of 2021 or shortly thereafter.

We understood when we began construction that in order to use the new holes as a part of our golf course we would need to amend our current CUP/PUD legal description by adding the legal description for the land the new holes are built on. The area of the flooded holes is still in our CUP/PUD legal description and we will not ask to have that property removed from our CUP/PUD legal description at this time.

Exhibit A            A map of the original routing which goes east towards the low area near Keats Ave., our 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> holes were unplayable last summer due to flooding. The new routing is shown and it goes north easterly from our 4<sup>th</sup> green, the new 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> holes play towards higher ground to eliminate the low area and the potential of being flooded out in the future.

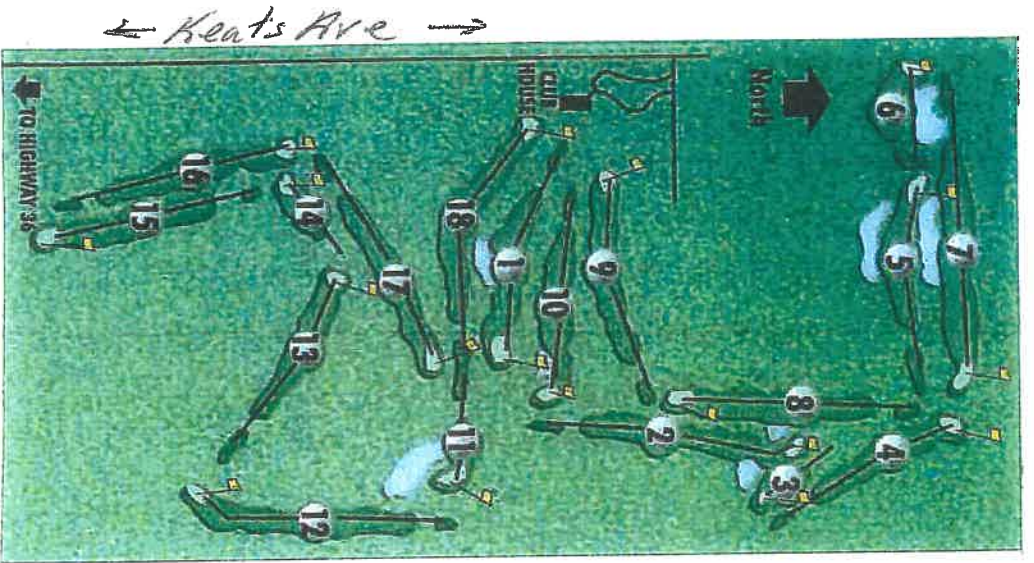
Exhibit B            this base map shows the original CUP/PUD property boundaries outlined in yellow, the original legal description is attached and the proposed new addition to our CUP/PUD is outlined in orange.

Exhibit C            CUP/PUD Amendment Sketch – This survey of the new golf holes shows the boundaries of the new parcel to be added to the golf course and the Legal description for new the golf course parcel. This is the legal description we propose to be added to our CUP/PUD.

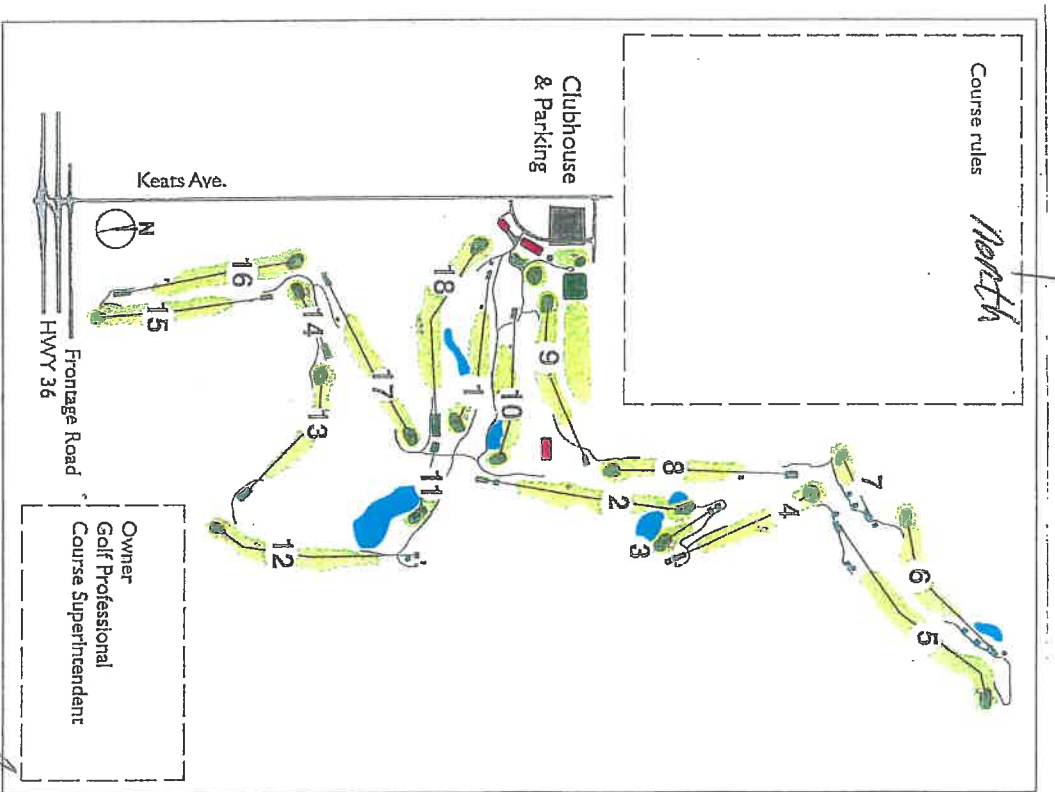
Indian Hills is Golf Club is located at 6667 Keats Avenue. We have 18 holes and a driving range with practice area. Our Clubhouse is full service with a Restaurant, Pro shop and Locker rooms. We have nine full time year round employees and up to 90 additional part time seasonal employees. Our course is normally open from April 5 through October 31; these dates can be extended weather permitting. The clubhouse is open for walk in dinning service when the course is open. We limit the food service in the winter months to banquets only. We are open 7 days a week in season and the hours fluctuate according to the seasonal daylight, at the peak of the summer we are open 6:30 AM to 10:00 or midnight.

We have been in contact with the Browns Creek Watershed District and they are managing all conditions related to the new construction. BCWD will keep our permit open until grow in is complete and any open items are finalized. There are no open items at this time.

Michael O. Regan,            Indian Hills Golf Club    President



Original routing with # 5, 6 and 7 going west towards Keats Ave.



new Routing with # 5, 6 and 7 going north/east, # 7 plays back to the original 7th green.

County of Washington  
Town of Grant, Minnesota

USE PERMIT  
FOR  
PLANNED UNIT DEVELOPMENT

Project Name: Indian Hills

Address: 6667 Keats Avenue North, Stillwater, Minnesota 55082

Legal Description: The NW $\frac{1}{4}$  of Section 35, Township 30 North, Range 21 West, Washington County, Minnesota, except the North 250 feet of the East 311.42 feet of the West 1011.67 feet of the South  $\frac{1}{2}$  of the NW $\frac{1}{4}$  of said Section 35, subject to the existing Town Road along the West line of said NW $\frac{1}{4}$  and a road easement over the South 60 feet of the North 310 feet of the West 1511.76 feet of the South  $\frac{1}{2}$  of the NW $\frac{1}{4}$  of said Section 35.

The SW $\frac{1}{4}$  of Section 35, Township 30 North, Range 21 West, Washington County, Minnesota, except the South 150 feet of the North 483 feet of the West 290.4 feet of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 35; also except the South 300 feet of the North 783 feet of the West 290.4 feet of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 35; also except the South 297 feet of the East 443.67 feet of the SW $\frac{1}{4}$  of said Section 35; also except that part of the SW $\frac{1}{4}$  of said Section 35 described as follows:

Beginning at the Sw'ly corner of the said SW $\frac{1}{4}$ , thence North along the West line of said SW $\frac{1}{4}$  a distance of 591.49 feet, thence East at right angles 483 feet, thence South 26 $^{\circ}$  22' 25" East 223.04 feet, thence South 0 $^{\circ}$  09' East 390.1 feet, thence South 89 $^{\circ}$  51' West along the South line of said SW $\frac{1}{4}$  a distance of 583.08 feet to the point of beginning Subject to the existing Town Road along the West line of said SW $\frac{1}{4}$  and subject to Trunk Highway 36 road easement along the South line thereof.



## MEMO

To: Planning Commission Members

CC: Kim Points, City Administrator/Clerk  
David Snyder, City Attorney

From: Jennifer Haskamp, City Planner

RE: Draft Ordinance for Interim Uses – Public Hearing

Date: March 9, 2020

### **Background**

The implementation of the 2040 Comprehensive Plan Update (“Plan”) requires communities to update their Zoning Ordinance (official controls) for consistency with the newly adopted Plan. During the implementation discussion of the Plan process we discussed ordinance updates, modifications and additions that would help the support the City’s vision and goals for the future. Interim Uses, and specifically Interim Use Permits, were identified as a tool that could help the City in processing of its applications for uses that have a specified time frame for termination as opposed to using the Conditional Use Permit process.

The City Council directed staff to begin working on the ordinance update process as meetings and time permits. As such, staff has prepared a draft Interim Use ordinance for consideration and discussion at the regular Planning Commission meeting on March 16, 2021.

### **Public Hearing**

A duly noticed public hearing has been scheduled for March 16, 2021 for consideration of the attached draft ordinance.

### **Introduction to Interim Use**

Minnesota State Statute 462.3597 enables cities to implement interim uses provided they are consistent with the statutory language. Staff began with the statute to ensure that the draft language is consistent, and supplemented the statutory guidance with a review of ordinances from cities with similar land uses and development. Additionally, the City Council identified some preliminary objectives for Interim Uses in 2011, which was supplemented in the joint Planning Commission and City Council meeting during the Plan development process. A summary of the objectives for the Interim Use ordinance is as follows:

- To streamline the process and make it easier, and potentially cheaper, for uses that are temporary in nature.



- To create a tool that matches the process with the proposed use more accurately rather than always requiring a CUP for uses not anticipated to go into perpetuity. Examples were discussed such as construction stockpiling or temporary dwelling units for caretakers.
- To allow for a permit that is time limited and may be requested by the Applicant. Examples were discussed such as the haunted corn maze at the local orchard for one or two seasons.

After performing research, staff prepared the draft ordinance which is attached to this memo for your review and consideration. A summary of the DRAFT ordinance is as follows:

- The MN State Statute requires all Interim Uses to be considered at a formal Public Hearing and requires that it be held at either the Planning Commission or the City Council. The draft language provides for a streamlined approach direct to the City Council, or a process consistent with the CUP language which requires the Planning Commission to hold the Public Hearing.
- The language allows for any use listed as a conditional use to be considered as an interim use. The City Council may not dictate that an interim use be applied for versus a conditional use, but the tool is available and may be suggested as an option for users.
- Staff identified seven (7) uses on the Table of Uses that are recommended Interim Uses. Staff encourages the Planning Commission to review the Table of Uses (Sec. 32-245) in its entirety and identify any additional uses that should be considered.

#### **Additional Considerations for Discussion**

In addition to the proposed DRAFT ordinance, staff also identifies a few other sections of the City Code where interim use permits could be considered. Staff offers the following for discussion:

- **Sec. 32-328 Horse boarding and training.** This section identifies that any operation with 10 horses or greater requires a conditional use permit. The City could consider changing the CUP to an IUP.
- **Sec. 32-337 Livestock,** Subsection (h) requires a CUP for greater density of animal units per grazable acres. The City could consider changes the CUP to an IUP.
- **Sec. 32-313 Accessory buildings and other non-dwelling structures.** The City could consider language to allow for an accessory building to be constructed prior to a principal building with an IUP. This section could also be modified to allow for the temporary use of accessory buildings as habitable space (ADU, or similar) with an IUP.

#### **Requested Action**

Staff is requesting review and consideration of the draft ordinance by the Planning Commission. If the Planning Commission is comfortable with the language it may provide a recommendation to the City Council.

# DRAFT FOR CONSIDERATION

**CITY OF GRANT**  
**WASHINGTON COUNTY, MINNESOTA**  
**ORDINANCE 2021-\_\_**

**An Ordinance Amending the Grant Code of Ordinances**  
**Adding Article II. Administration and Enforcement, Division 8. Interim Uses and Amending**  
**Sections 32-1 Definitions and 32-245 Table of Uses**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

**SECTION 1. ADDING TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.**

That the City Code Chapter 32, Article II. Administration and Enforcement is hereby amended to ADD in Division 8. Interim Uses.

**Division 8. Interim Use**

**Sec. 32-218. Generally.**

The purpose and intent of allowing interim uses is:

1. To permit certain temporary uses that are not suited for permanent use by a conditional use, but that the City Council has deemed acceptable for a defined duration of time.
2. To allow a use for a defined period of time until a permanent location is obtained or while the permanent location is under construction.
3. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, may not be acceptable in the future or may be replaced in the future by a permitted or conditional use allowed within the respective district.
4. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the character of the existing neighborhood.

**Sec. 32-219. Application, Procedure and Public Hearing**

(a) Interim use applications shall be made on the City's official form and shall be accompanied by the required fee and materials.

# DRAFT FOR CONSIDERATION

(b) Uses defined as interim uses shall be processed according to the standards and procedures for a conditional use permit as established by Section 32-143, 32-145 and 32-146 of this Chapter with the following public hearing requirements:

i. The public hearing shall be held by the City Council with no required consideration by the Planning Commission if the use is identified as an interim use on the Table of Uses contained in Section 32-245 of this Chapter; or

ii. The process denoted in Section 32-144 shall be followed for any requested interim use permit of a conditionally permitted use identified on the Table of Uses contained in Section 32-245 of this Chapter.

## **Sec. 32-221. Standards**

An interim use shall comply with the following:

1. The use shall meet the applicable standards for a conditional use permit set forth in Sections 32-146 and 32-147 of this Chapter.
2. The use is allowed as an interim use or a conditional use in the respective zoning district.
3. The date or event that will terminate the use can be identified with certainty.
4. The use will not impose additional unreasonable costs on the public.
5. The user agrees to the terms regarding renewal and/or termination as determined by the City Council.
6. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

## **Sec. 32-222. Termination.**

An interim use shall terminate with the occurrence of any of the following events, whichever occurs first:

1. The date stated in the permit;
2. Upon violation of conditions under which the permit was issued;
3. Upon change in the City's zoning regulations which renders the use nonconforming;
4. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

## **SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.**

That City Code Chapter 32, Article I, Section 32-1, "Definitions" is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strike through~~:

*Interim Use* means a land use or development that is temporary and whose duration can be specifically defined, which may not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that:



# DRAFT FOR CONSIDERATION

1. Certain conditions as detailed in the zoning ordinances exist;
2. The use or development conforms to the comprehensive land use plan of the city;
3. The use or development is compatible with the existing neighborhood; and
4. The period of time and duration of the use can be terminated upon specific date, time or event occurring.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickthrough~~ :

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>I=Interim Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
Blacktop or crushing equipment for highways	N	€ I	<del>N</del> I	N	<del>N</del> I
Clear cutting (see section 32-343, 32-348 and 32-246(b)(8))	N	€ I	€ I	€ I	N
Kennels - private	N	€ I	€ I	€ I	N
Manufactured home – care facility (See section 32-338(c))	€ I	€ I	€ I	€ I	N
Manufactured home – temporary dwelling (see section 32-338(d))	N	€ I	<del>N</del> I	N	N
Storage, highway construction equipment during construction	N	€ I	€ I	€ I	N
Structure – temporary <del>or interim use</del> (see section 32-335)	N	<del>N</del> I	<del>N</del> I	<del>N</del> I	N
Vegetative Cutting (See section 32-348)	<u>N</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>

### SECTION 3. REPEAL OF SECTION OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

The City Code Chapter 32, Article I, Section 32-335 Interim Uses and Structures is hereby REPEALED in its entirety including subsections (a) through (g) and shall be denoted as:

**Sec. 32-335. Repealed by Ordinance 2021-XX.**

### SECTION 4. SEVERABILITY.

# DRAFT FOR CONSIDERATION

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

## SECTION 5. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this \_\_\_ day of \_\_\_\_\_, 2021.

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Jeff Huber, Mayor

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Attest: Kim Points, City Clerk