

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, October 18, 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. APPROVAL OF MINUTES: March 16, 2021
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit for Two Silo Farmhouse Resort, 7040 117<sup>th</sup> Street N
  - B. PUBLIC HEARING, Consideration of Draft Ordinance for Amendment to Antenna Regulations
  - C. Consideration of Moving Planning Commission Meeting Night
6. OLD BUSINESS
7. ADJOURN

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

March 16, 2021

**Present:** Jerry Helander, Jim Huttemier, Robert Tufty and Matt Fritze

**Absent:** James Drost and David Tronrud

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

## 1. CALL TO ORDER

The meeting was called to order at 6:31 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. APPROVAL OF AGENDA

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

## 4. ELECTION OF OFFICERS, CHAIR AND VICE-CHAIR

MOTION by Commissioner Tufty to nominate Matt Fritze as Chair. Commissioner Helander seconded the motion. MOTION carried unanimously.

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

## 5. APPROVAL OF MINUTES, September 22, 2020

MOTION by Chair Fritze to approve the September 22, 2020 Minutes, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

## 6. NEW BUSINESS

**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** – City Planner Swanson stated 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.

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.

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

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 within 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

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	description)
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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.

City Planner Swanson noted that 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.

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).

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.

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.

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.

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.

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.*

Chair Fritze inquired about the maintenance of the old holes. City Planner Swanson read condition number four regarding the removal of the t-box and some minor landscaping without changing the topography.

Mr. Mike Regan, Applicant, commented on the old holes stating he doesn't know where to go with them. The landscape and turf have been damaged beyond repair and cannot be restored. It will probably go back to being wild due to potential flooding and can't be built on. Outlots can't be separated but easements will remain.

MOTION by Commissioner Tufty to open the public hearing at 7:02 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

Mr. Wade shores, 10124 67<sup>th</sup> Lane N, stated he has no issue with the new holes but is more interested in what happens to old locations. He stated he would like to be able to mow and would essentially like more backyard area where hole six was.

Ms. Kathy Ament, 10096 67<sup>th</sup> Lane, stated she is a member of the gold course and fully supports the relocation of the holes but also wants to maintain the outlots.

Ms. Candice Kraemer, 6969 Jocelyn Road Lane, stated she has no concern over the relocation of the holes but is concerned over the water flow. She asked to ensure there is no change in the elevations.

Mr. John Smith, 10244 67<sup>th</sup> Lane North stated he fully supports the relocation of the holes but the area has been a problem for years and has not heard anything about future containment of flooding by any agency.

Chair Fritze stated no change in topography will be allowed and the City of Grant does not have jurisdiction over the water containment.

City Planner Swanson referred to condition number four and noted the watershed district is Valley Branch.

Mr. Regan stated he has no objection to property owners mowing and maintaining the outlots.

MOTION by Commissioner Tufty to close the public hearing at 7:15 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

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

This item will appear on the regular City Council agenda on March 30, 2021.

**PUBLIC HEARING, Consideration of Application of Draft Ordinance for Interim Uses –**

City Planner Swanson stated 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.

City Planner Swanson stated duly noticed public hearing has been scheduled for March 16, 2021 for consideration of the attached draft ordinance.

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.

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.

Chair Fritze confirmed that an interim use permit would also include conditions that included a date and action of termination. He stated the idea is fantastic for the City of Grant and granting a CUP for a type of interim use should not be done as a CUP runs with the land.

City Planner Swanson stated most communities do have an IUP. The City couldn't necessarily force an IUP on an applicant to utilize an IUP as they have the right to apply for a CUP but someone could apply for an IUP on all CUP uses. An IUP can be based on time or if a property changes hand relating to an individual or business.

After much discussion, the Planning Commission determined horse boarding and livestock should be left with CUP's, accessory buildings could potentially utilize IUP's, accessory building in terms of habitable space potentially could utilize IUP's with performance standards developed.

MOTION by Commissioner Huttemier to open the public hearing at 8:18 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Ms. Candice Kraemer, 6569 Jocelyn Road, stated she supports elderly parents living with their families in terms of utilizing IUP's within the City of Grant.

MOTION by Commissioner Helander to close the public hearing at 8:20 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Huttemier to recommend approval of allowing IUP's within the City of Grant with the addition of performance standards in terms of accessory dwelling units. Chair Fritze seconded the motion. MOTION carried unanimously.

**7. OLD BUSINESS**

There was no old business.

**8. ADJOURNMENT**

Chair Fritze adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT



## STAFF REPORT

**To:** Planning Commission  
Kim Points, City Clerk/Administrator

**Date:** September 13, 2021

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

**RE:** Application for an Amended  
Conditional Use Permit for Two  
Silo Farmhouse Resort located  
at 7040 117<sup>th</sup> Street N

**From:** Jennifer Haskamp  
Consulting City Planner

### Background

The Two Silo Farmhouse Resort was granted a Conditional Use Permit (CUP) on November 2 and executed on November 12, 2020 for operations of a Farm Winery and Resort consistent with the City's ordinances. The 2020 CUP identified 38 conditions, and condition #32 specifically stated, "Any future expansion or intensification of the Two Silo Farmhouse Resort operations shall require an amendment to the Permit. Intensification shall include, but not be limited to: additional facilities/accessory buildings (not sheds) beyond those identified on the site plan, expansion of the parking lot beyond 22 stalls, substantial increase to the number of guests identified in the addendum to the narrative, etc."

On June 29, 2021 the Owner and Applicant, Keith Dehnert on behalf of Two Silo Farmhouse Resort LLC, submitted an application for 1) the demolition of an existing 4,250 SF accessory building and 2) a Building Permit to construct a new 6,000 SF building to replace the existing building to be used for the Two Silo Farmhouse winery operations. The Applicant also contacted Washington County to obtain an access permit that included the Site Plan which identified the new 6,000 SF building. Staff reviewed the existing 2020 CUP which includes direct reference to the approved Site Plan appended to the 2020 CUP review process. The approved operations and Site Plan did not include the subject building for demolition, and further the proposed building was not reviewed or identified on the approved Site Plan. Since the proposed building (nor the existing accessory building identified for demolition) were identified as part of the operations, condition #32 is tripped and an Amendment to the 2020 CUP is required.

Staff informed the Owner that an Amendment to the 2020 CUP is required to obtain a Building Permit for the new accessory building to be used as part of the Two Silo Farmhouse winery operations. On August 5, 2021 Keith Dehnert on behalf of the Two Silo Farmhouse Resort, LLC submitted an application for an Amendment to the 2020 CUP to allow for the construction of the 6,000 SF accessory building to be used for the winery operations.

Current 2020 CUP for Two Silo Farmhouse and Resort



As stated, the existing 2020 CUP for the subject property permits the operation of the Two Silo Farmhouse and Resort to operate the winery using two small existing accessory buildings on site. The subject of this application is the construction of a new building that would consolidate the winery uses into one larger building as opposed to two buildings contemplated in the existing 2020 CUP.

A copy of the executed 2020 CUP and approved Site Plan are provided as attachment A to this staff report for your reference and background. It should be noted that all conditions within the 2020 CUP remain VALID and ENFORCEABLE, and that the modification proposed relate to the facility only.

Public Hearing

A duly noticed public hearing has been noticed for September 21, 2021. Residents and property owners within 1,320-feet (1/4-mile) were sent a letter informing them of the request to amend the 2020 CUP.

**Application Summary**

Applicant: Two Silo Farmhouse Resort, LLC Keith Dehnert, Agent	Site Size: 21.01 Acres
Owner: Arthur F Schaefer Family Living Trust	
Zoning & Land Use: A1 – Agricultural Large Scale	Request: Amended Conditional Use Permit (CUP)
Location Description and PIDs: PID 0503021220001, subject property generally located northeast of the 117 <sup>th</sup> Street N and Bayhill Road intersection	

The Applicant is requesting an amendment to the existing 2020 CUP issued on November 2, 2020. A summary of the proposed amendment is as follows:

- Demolition of existing 4,250 SF building that was denoted as “Tin Sided Shed” on the approved site plan from 2020. The existing building was noted on the approved site plan but was not proposed as part of the initial operations plan.
- Construction of new 6,000 SF multi-purpose building to consolidate the winery operations into one structure. The location of the new building is in the same general location as the accessory building that will be demolished but expands the footprint. The new accessory building is proposed to be used for the Two Silo Farmhouse winery operations. The new multi-purpose building will be used for:
  - Approximately 2,000 SF of gathering space, tasting area and wine bar
  - Private tasting room – approximately 375 SF
  - Restrooms – 2 large individual stalls
  - Bottle/Barrel Room – approximately 575 SF
  - Office – approximately 70 SF
  - Storage Room/Area – approximately 2,900 SF
- Construction of outdoor event space to include:
  - Approximately 1,341 SF deck on west elevation/entrance
  - Approximately 2,000 SF patio on east elevation/entrance



As stated within the attached narrative no other changes are proposed, and the Applicant intends to operate in compliance with the conditions as stated within the approved 2020 CUP (See Attachment A).

## Review Criteria

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 purpose of this amendment is not to consider the use of the property as a Farm Winery, since the determination that the use is consistent with the City’s regulations was approved during the 2020 CUP process. This amendment relates specifically to allowing construction of a new multi-purpose building to house and support the Farm Winery operations, and the facility is specifically addressed in conditions #4, 32, and 33. Other conditions within the 2020 CUP may be affected by this amendment, but the intent and conditions will remain valid and enforceable. **No changes to the operations are proposed as part of this application.**

## Existing Site Conditions

The site is located in the far northwestern corner of the City which is surrounded by the City of Hugo to the north, and the City of Dellwood to the south. The following existing site conditions generally describe the property.

0503021220001 – The parcel is described as being in the Northwest Quarter of Section 5, Township 30 North, Range 21 West. The parcel is approximately 21.01 acres, is rectangular in shape, and located north of 117<sup>th</sup> Street North which forms the border and frontage on the southerly property line. The parcel includes an existing farmhouse (principal structure); a grainery building; a milking parlor; five accessory buildings, a windmill; and two silos. The Applicant has planted 18-rows of grape vines on either side of the entry driveway. The farmhouse, accessory buildings and vineyards are accessed from an existing driveway that is connected to 117<sup>th</sup> Street North on the southerly border of the property.

## Comprehensive Plan Review



The site is guided A-1 in the City’s adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural, and rural residential uses with limited accessory commercial uses as identified and allowed within the City’s zoning ordinance. The City’s ordinances conditionally permit resorts, seasonal businesses and rural event facilities provided certain performance standards can be met. Agricultural production, such as that associated with the grapes/vineyard, are a permitted use. The proposed amendment to the 2020 CUP does not change the intended use for a Farm Winery and Resort. The City Council determined that the Two Silo Farmhouse and Resort are consistent with the stated objectives in the Comprehensive Plan.

## Zoning/Site Review

The Applicant submitted a revised Certificate of Survey and Site Plan for the proposed amendment. The following dimensional review is provided for review and consideration.

## Dimensional Standards

The following site and zoning requirements in the A-1 district for rural event facilities which includes the most restrictive regulations and performance standards related to the proposed amendment. The following review is conducted focusing on the proposed multi-purpose building and exterior improvements.

Dimension	Standard
Lot Size	20 acres
Frontage – Per Sections 32-245 & 32-352)	County/State Road and 300’
Front yard - centerline of County Road (Principal Structure)	150’
Front Yard Setback	65’
Side Yard Setback (Per Section 32-352)	100’
Rear Yard Setback	25’
Height of Structure	35’
Accessory Buildings (# and Total SF)	No limit
Fence	May be on property line, but not within any ROW
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	75’ (50’)
Impervious surface coverage	50%
Floor Area Ratio	30%

### Lot Area and Accessory Building Standards

The subject property is approximately 21.01 acres and is oriented north-south. The subject property is accessed from 117<sup>th</sup> Street North (CR-7) from the southern property line which is a County Road. The property has direct access to a County Road as required by Section 32-352 (c)(4-5). ***The lot meets the City’s ordinance requirements for area and access to a County Road.***

Section 32-313 of the City’s ordinance regulates the number of accessory



buildings and total square footage permitted based on lot size. Lots greater than 20-acres in size do not have a limit but are subject to coverage requirements (if applicable). Further, the proposed use of this building is governed by the 2020 CUP as a Farm Winery, and as such is subject to the conditions identified.

**Multi-purpose  
Accessory Building  
Setbacks**

The proposed multi-purpose building is setback approximately 142-feet from the easterly property line, 285-feet from the westerly property line, 450-feet from CR-7 the front property line, and more than 1,100-feet from the north property line. As proposed, the multi-purpose accessory building meets all required setbacks. *Condition #6 in the 2020 CUP states that all improvements must be setback a minimum of 100-feet from all property lines. As proposed, the multi-purpose building meets this condition.*

**Architectural/Building  
Plans**

The proposed multi-purpose accessory building is intended to consolidate the activities associated with the farm winery into one new facility. For purposes of this amendment, the following analysis is provided to demonstrate the changes proposed from the 2020 CUP.

**2020 CUP Building Plan**

The Site Plan submitted and approved as part of the 2020 CUP proposed the use of two small buildings for Wine Tasting and Welcome Center. (Approximately 300 SF of area).

**2021 Amended CUP Building Plan for Multi-Purpose facility**

A summary of the multi-purpose building is as follows:

- The proposed building has an agricultural design and appearance based on the elevation renderings (see Attachment E, Sheet 1 of 8). Key architectural elements that are indicative of an “agricultural” style include a shallow pitched standing seam roof, large barn doors providing access to the entry as well as to the storage/production areas.
- Large windows are proposed on the front or west elevation which wrap around the gathering/tasting space areas on the north and south elevation (see Attachment E, Sheet 1 and Sheet 3)
- The proposed exterior materials include LP Smart Board Lap Siding and Board and Batten Siding and a metal standing seam roof.
  - No colors are denoted on the plans. Staff would recommend some discussion/clarification regarding the color as exposed metal can create unwanted glare from surrounding properties.
- The proposed building is approximately 25.5-feet tall. The proposed building is within the maximum permitted height for an accessory building.
- Proposed accessory building is approximately 6,000 SF Total, it includes:
  - Approximately 2,000 SF of gathering space, tasting area and wine bar



- Private tasting room – approximately 375 SF
- Restrooms – two large individual stalls are proposed and this standard meets Condition #12 and 13 (note the number of stall is correlated to the number of patrons planned for on-site as regulated by Condition #2).
- Bottle/Barrel Room – approximately 575 SF
- Office – approximately 70 SF
- Storage Room/Area – approximately 2,900 SF
- A covered deck is proposed on the west elevation at the entrance, wrapping around on the north elevation. The proposed deck is approximately 1,340 SF (more detail is provided in the subsequent section of this report).

*The proposed building design and architecture is consistent with the agricultural and rural residential character of the surrounding area.*

### **Capacity of New Multi-Purpose Building**

Sheet 4A identifies the floor plan which identifies approximately 2,500 of “public” gathering spaces associated with the farm winery operations. Staff notes that this is significantly larger than the approximately 300-SF of space approved as part of the operations within the existing 2020 CUP. The architectural floor plan states that there is “Interior Space for 52 People” but it is clear from the floor plan that the space is adequate for a higher capacity. Condition #2 clearly states that the maximum capacity of the operation is 75 people (including overnight guests). The maximum occupancy is further regulated by Condition #7, 18 and 19 which requires the construction of a parking lot for 22-vehicles which is directly correlated to the number of occupants on site. Staff is concerned about how the occupancy will be regulated to ensure that the number of patrons is managed to comply with the conditions as stated based on the size of the facility. *The Applicant should provide additional documentation regarding the plan to manage the occupancy of the facility in compliance with the 2020 CUP conditions.*

### **Outdoor Gathering Spaces**

The submitted Site Plan (see Attachment D, Certificate of Survey Exhibit) identifies two form outdoor gathering spaces on the revised site plan. A summary of each is provided:

#### **Deck (west entrance)**

A covered deck space is proposed at the west entrance and extends the full width (55-feet) of the elevation and wraps around on the north façade approximately 44-feet. As denoted on Attachment E, Sheet 5A there is planned seating for up to 22 people. From an occupancy capacity perspective, the total number of patrons based on the plan is 74. Again, similar to the floor plan provided in 4A, based on the plan submitted for the deck more than 22 people





could congregate in the outdoor area/deck. Similar to the architectural plan, staff suggests additional documentation regarding the plan to manage occupancy of the deck in compliance with the 2020 CUP conditions.

Additionally, it is unclear from the deck plan if there is planned entertainment outdoors. Condition #25 clearly states that “no amplification of music shall be permitted outdoors, including within the outdoor gathering spaces...” This condition applies to the deck space, if approved.

### **Concrete Patio (east entrance)**

The Certificate of Survey (site plan) identifies a 2,000 SF concrete patio. This area extends from the east elevation which is adjacent to the storage area inside the facility and connects (at least visually) to the vine rows to the east. The use of this “patio” is not identified, but it is assumed that some type of outdoor gathering is contemplated in this area. Staff is concerned about outdoor gathering and congregating on the east side of the facility given the location of the adjacent residential home to the east. During the 2020 review process the neighbors expressed concern about noise, activity and potential disturbance as a result of the new facility. Staff recommends 1) clarification from the Applicant about the intended use of the patio; and 2) discussion by the Planning Commission regarding whether this area should be prohibited for gathering spaces. Additionally, given the occupancy identified both internally and on the western deck, staff is concerned about the additional “capacity” if this area were to also be used for gathering.

### **Lighting**

No lighting plan was submitted as part of this application. Condition #24 states that “proposed lighting shall be submitted for review by City Staff...all lighting shall be downcast and for purposes of safety and security of patrons/guests on site...” *Given the scale of the new facility, staff recommends that the lighting plan be submitted prior to the issuance of a Building Permit. The lighting plan must include any site lighting (parking area, driveway) and exterior lighting of the building and any gathering spaces.*

### **Landscape Plan**

During the 2020 review process the landscaping and buffering of the proposed facility, parking area and outdoor gathering spaces were discussed. The area of most concern was along the eastern property line given the proximity of the residential structure on the adjacent lot. To address this concern Conditions #21 and #22 were added which indicated that a minimum of 10 10-foot black hill spruce (or similar) are to be planted along the eastern border of the overflow parking lot. This landscaping is not provided in any of the materials submitted for this amended CUP process, but the condition remains valid. Additionally, if the Planning Commission is comfortable with outdoor gathering area on the east side of the facility, then Staff recommends additional conversation regarding appropriate landscape buffering between the gathering space and eastern property line.

### **Miscellaneous Considerations/ Comments regarding**

Given the scale and size of the new building and associated impervious surface area several of the requirements and conditions are more critical to properly review and consider. The following summary of Conditions, that are not



**current 2020 CUP  
Conditions**

proposed to change, but may be affected by the increased size of the facility, must be addressed prior to Building Permit, include:

- Parking lot design and specification must be submitted to City Engineer for review and approval (Condition #18)
- Condition #19 requires a minimum of two ADA accessible parking stalls be provided. ADA.gov states that, “Accessible parking spaces should be the spaces closest to the accessible entrance and be located on level ground. If it is not readily achievable to locate accessible parking in the closest spaces due to sloped pavement or other existing conditions, then the closest level area should be selected. An accessible route must be provided between the access aisle and the accessible building entrance. This route must have no steps or steeply sloped surfaces and it must have a firm, stable, slip-resistant surface.” The Site Plan should be updated to identify the location of the ADA parking stalls and the route must be identified on the site plan, with materials noted.
- A full grading and erosion control plan must be submitted, reviewed and approved by the City Engineer (Condition #27).
- Access Permit from Washington County must be obtained.

**Engineering Standards**

As stated within the 2020 CUP there are several items related to site work including grading, erosion control and possibly stormwater management that must be addressed. During the 2020 review process only small grading/site work changes were contemplated. If approved, the new larger facility and exterior gathering spaces will require significantly more site work which must be planned for collectively. The City Engineer has attached and included a review letter which indicates that the site work, including grading and erosion control plan must be submitted for review and approval prior to the issuance of a Building Permit.

**Other Agency Review**

The property is located within the Rice Creek Watershed District, and the Applicant must submit a copy of the updated site plan and improvements to them once complete. It shall be the responsibility of the Applicant to obtain all necessary permits from the watershed district prior to commencement of any activities on site.

During the 2020 review process Washington County commented that their review would be dependent upon the final development plan. The applicant has submitted their application for an access permit, but the process has stopped since this amendment process was initiated. An updated site plan and updated trip count information shall be provided and submitted to Washington County to determine what, if any, improvements are needed for ingress/egress into the facility. ***Staff recommends including an additional condition in the amended permit that any Washington County required improvements to CR-7 to provide safe ingress/egress to the facility are at the sole cost and responsibility of the Applicant.***



## Requested Discussion

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

- Size/Managing Occupancy of the facility
- Outdoor gathering spaces – any concerns regarding west deck or east concrete patio
- Roof color – reduce glare
- Additional landscaping

## Requested Clarification from Applicant

- Clarification regarding managing occupancy given the large size of the facility in combination with the outdoor gathering spaces.
- Clarification regarding the east “concrete patio” and its intended use.
- Clarification regarding colors, specifically standing seam metal roof.

## Draft Conditions

The conditions as stated within the 2020 CUP remain valid and enforceable. If the Planning Commission recommends approval, staff recommends the following additional conditions and/or modifications to the 2020 Conditions:

- Conditions #17, 18, 19, 24, 27, 28, and 36 should be modified to include language that the conditions must be met prior to issuing a Building Permit for the 6,000 SF multi-purpose facility.
- An updated Site Plan should be submitted and updated to include any required improvements to CR-7, any recommended changes of the City Engineer, Planning Commission or City Council and the landscape requirements stated in Condition 21.
- Condition #12 requires that an ADA accessible restroom be provided. To meet this condition the entrance to the facility must be accessible, and the access must connect to the ADA compliant stalls. The plan set must be updated to identify and reflect this condition (see Sheet 5A for “if needed” reference).
- The Site Plan must also be updated to clearly identify the location of the ADA compliant parking spaces, and the route from the parking spaces to the facility must be identified with a solid, non-slip surface.
- The Applicant must obtain a septic permit for the installation of the restrooms noted within the new multi-purpose facility. The design of the septic system must clearly demonstrate capacity based on the occupancy identified for the facility.
- The Applicant must obtain an access permit from Washington County prior to any site work commencing. Any improvements required by Washington County shall be the sole cost and responsibility of the Applicant. The approved permit and any improvement plans must be submitted to the City Engineer for review prior to any site work commencing (including Building Permit).
- The Applicant must submit the updated Site Plan, including any modifications of the Planning Commission or City Council, to the RCWD for their review. If any permit is required, such permit shall be obtained and evidence provided to the City, prior to the issuance of a Building Permit.



### **Action requested**

Staff is requesting discussion and direction from the Planning Commission regarding the requested Amendment to the 2020 CUP.

### ***Attachments***

Attachment A: Executed 2020 CUP and Site Plan

Attachment B: Application

Attachment C: Applicant's Narrative

Attachment D: Certificate of Survey (Site Plan)

Attachment E: Plan Set (Sheet 1 through 8)

Attachment F: City Engineer's Memo

## Memorandum

To: *Jennifer Haskamp, City Planner*  
From: *Brad Reifsteck, PE, City Engineer*  
*WSB & Associates, Inc.*

Date: September 14, 2021

Re: Two Silo CUP – Engineering Review

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### Submittal:

Engineering review comments were generated from the following submittals:

- Certificate of Survey overlaid with new building footprint
- Dehnert Wine Tasting & Storage Building Plans sheets 2-8

### Site Plan Comments:

All engineering comments from the original Engineering Review dated August 21, 2020 remain in effect. In addition, the applicant must provide the following information:

- The applicant must provide an approved set of plans for any roadway or entrance improvements required by the County prior to CUP approval. All cost for any roadway or access improvements shall be the responsibility of the property owner.
- A revised grading permit shall be required based on the new building footprint and other amenities, ie. the patio and deck. The grading permit must be approved prior to CUP approval.
- The applicant must provide documentation verifying the property improvements meet all agencies requirements for storm water runoff prior to CUP approval.

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

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2020-38**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
7040 117<sup>TH</sup> STREET NORTH  
(TWO SILO FARMHOUSE RESORT)**

**WHEREAS**, Keith and Jan Dehnert (“Applicant”) have submitted an application for a Conditional Use Permit to operate the Two Silo Farmhouse Resort at the property located at 7040 117<sup>th</sup> Street North (“Subject Property”) in the City of Grant, Minnesota; and

**WHEREAS**, the Applicant intends to use the existing accessory buildings and principal structure on the site for its operations; and

**WHEREAS**, the Applicant’s narrative, site plan and supplemental information indicate that the proposed operations are generally described as a Farm Winery which is identified on the City’s Table of Uses as a combination of agricultural, small scale rural event facility and resort uses; and

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on July 21, 2020; and

**WHEREAS**, on July 21, 2020 the Planning Commission recommended approval of the application subject to certain conditions; and

**WHEREAS**, the City Council has considered the recommendation of the Planning Commission and the Applicant’s request at regular City Council meetings which took place on August 4, 2020, September 1, 2020 and October 6, 2020.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby approve the request of the Two Silo Farmhouse Resort for a Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a

reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

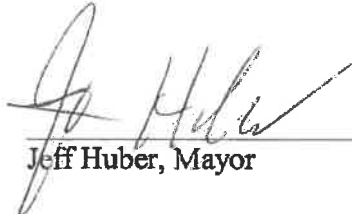
- The Two Silo Farmhouse Resort is a combination of uses that includes agricultural, small-scale rural event facility, resort and seasonal business which are permitted and conditionally permitted uses in the A-1 zoning district.
- The Two Silo Farmhouse Resort use conforms to the City’s Comprehensive Plan for rural residential and agricultural uses, which allows for commercial agricultural uses.
- The Two Silo Farmhouse Resort 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 stated within the Conditional Use Permit are met.
- The Two Silo Farmhouse Resort is compatible with the existing large-lot rural residential and agritourism neighborhood setting provided the conditions of the Conditional Use Permit are met.
- The Two Silo Farmhouse Resort operations meet the conditions or standards adopted by the city through resolutions or other ordinances.
- The Two Silo Farmhouse Resort operations will not create additional requirements for facilities and services at public cost beyond the city’s normal low-density residential and agricultural uses provided the conditions stated within the Conditional Use Permit are met.
- The Two Silo Farmhouse Resort activities are not detrimental to people, property or the general welfare provided the conditions stated within the Conditional Use Permit are met.
- The Two Silo Farmhouse Resort will not destroy or damage any natural, scenic or historic features of importance.
- The Two Silo Farmhouse Resort will not increase flood potential or create additional water runoff onto surrounding properties provide the conditions of the Conditional Use Permit are met.

**FURTHER BE IT RESOLVED** that the following conditions of approval of the Conditional Use Permit shall be met:

1. The Applicant shall meet and comply with all of the conditions stated within the Conditional Use Permit dated October 6, 2020 (the “Permit”).
2. The Permit shall be reviewed in compliance with the City’s CUP review process, which may be on an annual basis.
3. Any violation of the conditions of the Permit may result in the revocation of said Permit.

4. All escrow amounts shall be brought up to date and kept current.
5. The Owner shall obtain any necessary permits from Washington County, Minnesota Department of Health, State of Minnesota, Rice Creek Watershed District, Washington Conservation District, the MPCA or any other regulatory agency having jurisdiction over the proposed use, which are necessary in carrying out its operations on the premises.


Adopted by the Grant City Council this 6th day of October 2020.

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

State of Minnesota            )  
  ) ss.  
County of Washington        )

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on Oct. 6, 2020 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this 6th day of October 2020.

  
\_\_\_\_\_  
Kim Points  
Clerk  
City of Grant



**TWO SILO FARMHOUSE RESORT  
CONDITIONAL USE PERMIT  
CITY OF GRANT**

APPLICANT: Keith and Jan Dehnert

OWNER: Arthur F Schaefer Family Living Trust

LEGAL DESCRIPTION: Attachment A

PID: 0503021220001

ZONING: A-1 Agricultural Large Scale

ADDRESS: 7040 117<sup>th</sup> Street North  
Grant, MN

DATE: October 6, 2020

This is a Conditional Use Permit to allow for the operation of the Two Silo Farmhouse Resort and farm winery as described in the Application materials dated July 26, 2020, August 21, 2020 and September 21, 2020. Any expansion of the Two Silo Farmhouse Resort facilities, or intensification of the operations, shall require an amendment to this Conditional Use Permit ("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. This Permit shall be recorded against the subject property.
2. The occupancy of the site shall be restricted to no more than 75 guests at any one time. Such occupancy shall include the number of guests staying in the overnight accommodations at the Farmhouse.
3. The Farmhouse occupancy, which shall be described as the overnight accommodations, shall be limited to no more than 12 guests.
4. The improvements identified on the Site Plan, shall be constructed prior to the commencement of any activities onsite for the proposed operations.
5. Soil borings shall be submitted that demonstrate adequate area to site a septic system to support the intended operations. Soil borings and soil report shall be submitted prior to commencing any activities outside the existing farmhouse.
6. All improvements, including all parking areas and any public gathering spaces shall be set back a minimum of 100-feet from all property lines

7. Overflow parking shall be reserved onsite as shown on the Site Plan and shall remain unobstructed. The overflow parking shall be used on a limited basis and is intended to ensure adequate parking onsite, not to allow for additional guests or patrons in excess of the maximum occupancy identified.
8. All parking shall be accommodated onsite, and no visitor parking shall be permitted on 117<sup>th</sup> Street North.
9. The hours of operations shall be limited to the following:
  - a. Farmhouse resort (overnight accommodations): 24-hours a day.
    - i. Quiet times at the Farmhouse for all overnight guests shall be from 10 PM to 7 AM. Such times shall be clearly communicated to all guests staying at the Farmhouse, and it shall be the responsibility of the Applicant to manage and monitor all overnight guests.
  - b. Wine Tastings: Monday through Saturday 10 AM to 9 PM, Sunday 11 AM to 6 PM
  - c. Winery Activities: Monday through Saturday 10 AM to 9 PM, Sunday 11 AM to 6 PM
    - i. Winery Tours: Monday through Saturday 10 AM to 9 PM, no tours permitted on Sundays
  - d. Retail Operations: Monday through Saturday 10 AM to 9 PM, Sunday 11 AM to 6 PM
  - e. Wholesale Operations: Monday through Sunday 8 AM to 6 PM, by appointment only
10. The Farmhouse resort overnight accommodations shall be rented to one party at a time and all reservations must be for the whole house. No individual room rental is permitted.
11. Winery Activities, excluding tastings, shall be limited to a maximum of 20 participants per activity or timeslot.
12. The permanent bathroom facilities shall be designed to be architecturally consistent with the principal and accessory buildings located onsite. A minimum of one ADA accessible restroom shall be required, and the number of bathrooms confirmed with the City Building Official. Plans for the bathroom facilities shall be submitted for review and approval by the city staff.
13. The Applicant shall construct, and install, bathroom facilities onsite to support the Wine Tastings and Winery Activities prior to hosting any guests onsite. Such improvements shall not be required for guests staying overnight at the Farmhouse, or for small activities contained within the Farmhouse (see condition #3 for participant maximum).
14. No bottle washing shall be permitted onsite.
15. No food preparation shall be permitted onsite.
16. Retail sales shall be limited to the sale of wine produced onsite, wine accessories, knickknacks and trinkets and Two Silo Farmhouse branded merchandise.
17. The Applicant shall design the ingress/egress driveway with 22-feet of traveled surface. The driveway design shall include proposed materials (which shall be dustless), grading and full specifications for review and approval by the City Engineer.
18. The Applicant shall fully design a parking lot to support a minimum of 22-vehicles to supplement existing parking areas on the subject site. The parking lot design shall include proposed materials

(which shall be dustless), grading, and full specifications for review and approval by the City Engineer.

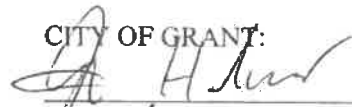
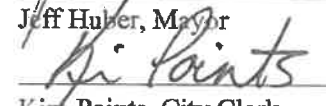
19. Two (2) ADA compliant parking stalls are provided on the Site Plan, and such stalls shall be properly marked, designated, and constructed of a solid surface. Such plans shall be submitted for review and approval by the City Staff including engineer, planner and building official.
20. Any expansion of the indoor space uses as part of public/guest accommodations beyond that identified in the Applicant's narrative addendum, the staff report, and this Permit shall require an amendment to the Permit.
21. The landscape plan shall be updated to provide a minimum of 10 black hills spruce, or other similar native species, trees along the easterly border of the overflow parking area. All trees planted shall be installed according to the plan schedule which denotes that 10-foot trees shall be planted.
22. Once updated to reflect condition #21, the Landscape Plan shall be attached to this permit. The landscaping as shown, including existing vegetation, shall be maintained, and replaced as necessary, for as long as the operations of this Permit are active.
23. A 2-year landscape guarantee shall be provided for all vegetation planted and shown on the Landscape Plan. (This guarantee excludes existing vegetation).
24. Proposed lighting shall be submitted for review by City Staff and shall comply with the City's Ordinances. All lighting shall be downcast and for purposes of safety and security of patrons/guests on site. If it is determined that there are any fixture locations that may exceed the City's ordinance standards a Photometric plan must be submitted to demonstrate compliance with the ordinance.
25. No amplification of music shall be permitted outdoors, including within the outdoor gathering spaces. Amplification of music shall be permitted inside the facilities only. All sound and noise shall be regulated by the MPCA's noise standards for decibels and use.
26. No large-scale events shall be permitted on site. Examples of such events including weddings, or similar parties, where guests generally arrive or depart at the same time. Review of this type of event was not conducted as part of this Permit process. Any request to hold such large-scale events shall require an amendment to this Permit.
27. A grading plan shall be submitted to the City Engineer at the time of any improvements on the site, and it shall be the determination of the City Engineer as to whether a stormwater management plan is required due to the full-build out of the site for the proposed use.
28. All requirements and conditions of the City Engineer shall be met and addressed. The City Engineer shall review all updated plans.
29. The Applicant shall comply with all restrictions and permit requirements of the Rice Creek Watershed District, if any.
30. The Applicant shall obtain an access permit from Washington County. Evidence of such permit shall be provided to the City.
31. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable, and that parking occurs only in designated spaces.

32. Any future expansion or intensification of the Two Silo Farmhouse Resort operations shall require an amendment to the Permit. Intensification shall include, but not be limited to: additional facilities/accessory buildings (not sheds) beyond those identified on the site plan, expansion of the parking lot beyond 22 stalls, substantial increase to the number of guests identified in the addendum to the narrative, etc.
33. All future improvements or structures shall be sited outside of all required setbacks, and all structures and outdoor gathering spaces shall be set back a minimum of 100-feet from any property line. Such future improvements shall require an amendment to this permit.
34. 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.
35. All operations on site shall meet the MPCA's noise standards and regulations.
36. It shall be the responsibility of the Applicant to obtain all necessary permits from Washington County, MPCA, MDH, Rice Creek Watershed District, or any other agency having jurisdiction over the subject use.
37. This permit shall be reviewed in compliance with the City's CUP review process, which may be on an annual basis.
38. 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.

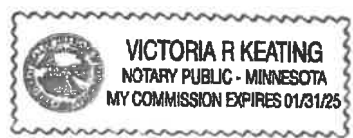
Date: 11/12/20

Date: 11/12/20

CITY OF GRANT:  
  
 Jeff Huber, Mayor  
  
 Kim Points, City Clerk

State of Minnesota            )  
   )ss.  
 County of Washington        )

On this 12 day of Nov, 2020, 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.



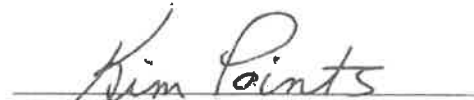
  
 Notary Public

APPLICANT/OWNER:  
Keith and Jan Dehnert  
Arthur F Schaefer Family Living Trust

Date: 11/12/2020

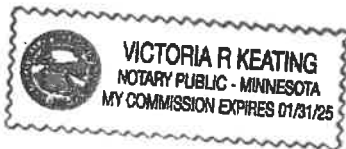
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Its: Manager/Agent

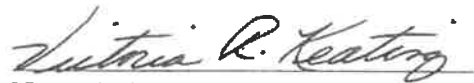
Date: 11/12/20

  
Kim Poirts, City Clerk

State of Minnesota            )  
  )ss.  
County of Washington        )

On this 12 day of November, 2020, before me, a Notary Public, personally appeared Keith Dehnert the Owner who acknowledged that said instrument was authorized and executed on behalf of said Applicant.



  
Notary Public

## EXHIBIT A

The land referred to herein is situated in the state of Minnesota, Washington County described as follows:  
The Northwest Quarter of the Northwest Quarter of Section 5, Township 30 North, Range 21 West.  
Except the following 4 parcels:

### Parcel 1

Beginning at the Northeast corner of said Northwest Quarter of the Northwest Quarter;  
thence South 01 degree 27 minutes 46 seconds East, assumed bearing, along the East Line of said Northwest Quarter of the Northwest Quarter a distance of 720.68 feet;  
thence South 88 degrees 49 minutes 46 seconds West 66.54 feet;  
thence North 58 degrees 08 minutes 24 seconds West 100.00 feet;  
thence North 47 degrees 35 minutes 32 seconds West 388.20 feet;  
the North line of said Northwest Quarter of the Northwest Quarter;  
thence North 89 degrees 24 minutes 17 seconds East along said North line 430.00 feet to the point of beginning

AND

### Parcel 2

Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter;  
thence South 01 degree 27 minutes 46 seconds East, assumed bearing, along the east line of said Northwest Quarter of the Northwest Quarter a distance of 720.68 feet to the point of beginning;  
thence South 88 degrees 49 minutes 46 seconds West 66.54 feet;  
thence North 58 degrees 08 minutes 24 seconds West 100.00 feet;  
thence North 47 degrees 35 minutes 32 seconds West 388.20 feet;  
thence North 01 degree 27 minutes 46 seconds West, parallel with said east line, a distance of 402.88 feet to the north line of said Northwest Quarter of the Northwest Quarter;  
thence South 89 degrees 24 minutes 17 seconds West along said North line 411.00 feet;  
thence South 01 degree 27 minutes 46 seconds East, parallel with said east line, a distance of 583.00 feet;  
thence South 58 degrees 08 minutes 24 seconds East 819.36 feet;  
thence North 88 degrees 32 minutes 14 seconds East 156.26 feet to said east line;  
thence North 01 degree 27 minutes 46 seconds West along said east line 299.70 feet to the point of beginning

AND

### Parcel 3

That part of the Northwest Quarter of Section 5, Township 30 North, Range 21 West, Washington County, Minnesota, lying Southeasterly of the center line of County State Aid Highway 10 as presently traveled

AND

Parcel 4

Commencing at the Northwest corner of said Northwest Quarter of the Northwest Quarter;  
thence South 01 degree 27 minutes 46 seconds East, assumed bearing, along the East line of said Northwest Quarter of the Northwest Quarter a distance of 1020.38 feet to the Southeast corner of PARCEL B of the tract described in Document No. 713477;  
thence South 88 degrees 32 minutes 14 seconds West along the South line of said PARCEL B a distance of 0.08 feet to the center line of County Aid State Highway 7 as presently traveled;  
thence continue South 88 degrees 32 minutes 14 seconds West along said south line 156.18 feet;  
thence North 58 degrees 08 minutes 24 seconds West along the Southwesterly line of said PARCEL B a distance of 722.17 feet to the East line of the West 552.00 feet of said Northwest Quarter of the Northwest Quarter;  
thence South 01 degree 28 minutes 43 seconds East along said East line 1099.36 feet to said center line of County State Aid Highway 7;  
thence South 89 degrees 23 minutes 08 seconds East along said center line 17.26;  
thence easterly, northeasterly and northerly along said center line and tangential curve, concave to the northwest. Having a radius of 716.20 feet and a central angle of 91 degrees 04 minutes 44 seconds a distance of 113.49 feet to the point of beginning

AND

Further excepting all roads and easements of record.

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



pd 8/5/21  
\$3,400.00

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

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

## CONDITIONAL USE PERMIT

Check # 3156

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> 05-030-21-22-0001		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b>  <b>LOT SIZE:</b>
<b>PROJECT ADDRESS:</b> 7040 112th St N	<b>OWNER:</b> Name: Address: City, State: Phone: Email:	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>  See Attached
<b>BRIEF DESCRIPTION OF REQUEST:</b>		
<b>EXISTING SITE CONDITIONS:</b>		
<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><u>Grading/Landscape Plan:</u></b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Grading Plan</li> <li>▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>▪ Wetland Delineation</li> <li>▪ Buildable area</li> <li>▪ Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b><u>Architectural/Building Plan (if Applicable):</u></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><u>Written Narrative Describing your request:</u></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 checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

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

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

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

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

  
\_\_\_\_\_  
Signature of Applicant

8/4/21  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

City of Grant, Minnesota

Conditional Use Permit – Information

PIN: 05-030-21-22-0001

Zoning District: A1

Property Size (acres): 21 plus

Project Address: 7040 117<sup>th</sup> Street N

Owner:

Arthur F Schaefer, Trust

3396 Glen Oaks Avenue

White Bear Lake, MN 55110

Applicant:

Two Silo Farmhouse Resort, LLC

3396 Glen Oaks Ave

White Bear Lake, MN 55110

Keith Dehnert, Agent

612-868-3563

Brief Description of Request: Amend existing CUP NO.2020-38 to allow new building to meet existing requirements.

Existing Site Conditions: removal of existing building and build new building



## Two Silo Farmhouse Resort

7040 117<sup>th</sup> Street N, Grant, MN - An incredibly unique property with a prime location  
Experience - Eat - Drink - Stay – Partake

### Amendment to Conditional Use Permit Resolution NO. 2020-38

We are seeking an amendment to the current CUP for Two Silo Farmhouse Resort and Farm Winery to meet the needs and requirements of City of Grant Resolution and Conditional Use Permit NO. 2020-38.

The scope and uses of the Farm Winery operation have not changed. The proposed building is an upgrade to an existing building, to accommodate the needs of the Farm Winery and the requirements of the existing Conditional Use Permit. Renovation of the existing building is cost prohibitive, and the construction of a new building is more cost effective. Proposed building is approximately 6000 square feet, 50X120, existing building was approximately 5000 square feet (50X100). Plans for the bathroom facilities are required to be submitted to city staff for review and approval.

The uses for the proposed building, are within the Conditional Use Permit requirements and/or what the building has been used for over the years.

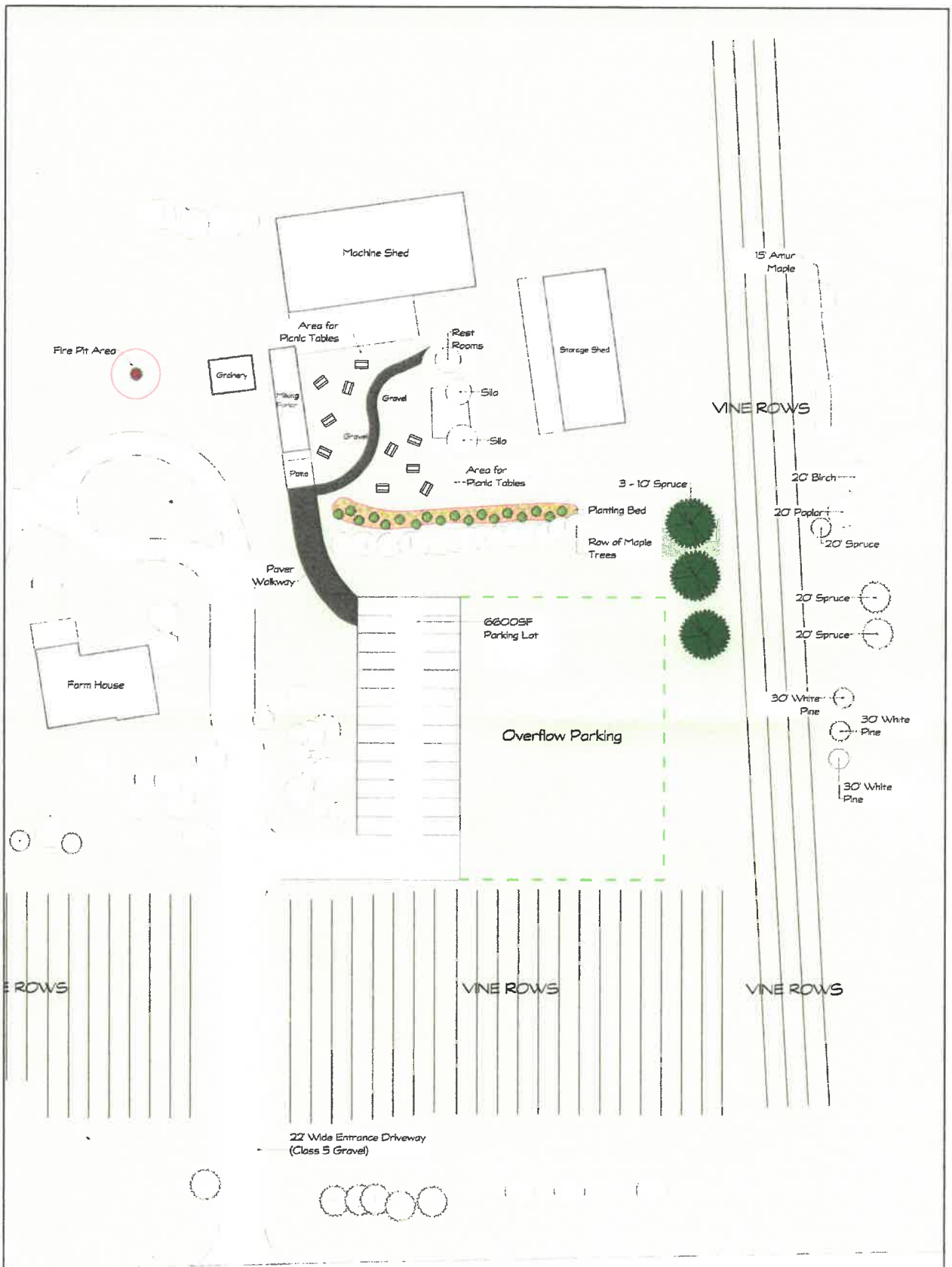
- Permanent bathroom/restroom facilities will be located within proposed building
- Space to accommodate the Farm Winery Tasting Area with the ability for clients to stay out of the weather elements
- Space to accommodate climate-controlled wine bottle and wine barrel storage
- Space to accommodate equipment storage that is out of the weather elements (existing use in old building)

The attached Site Plan shows that the proposed new building will meet the required setbacks from property lines.

The attached building plans outline and show the areas and uses.

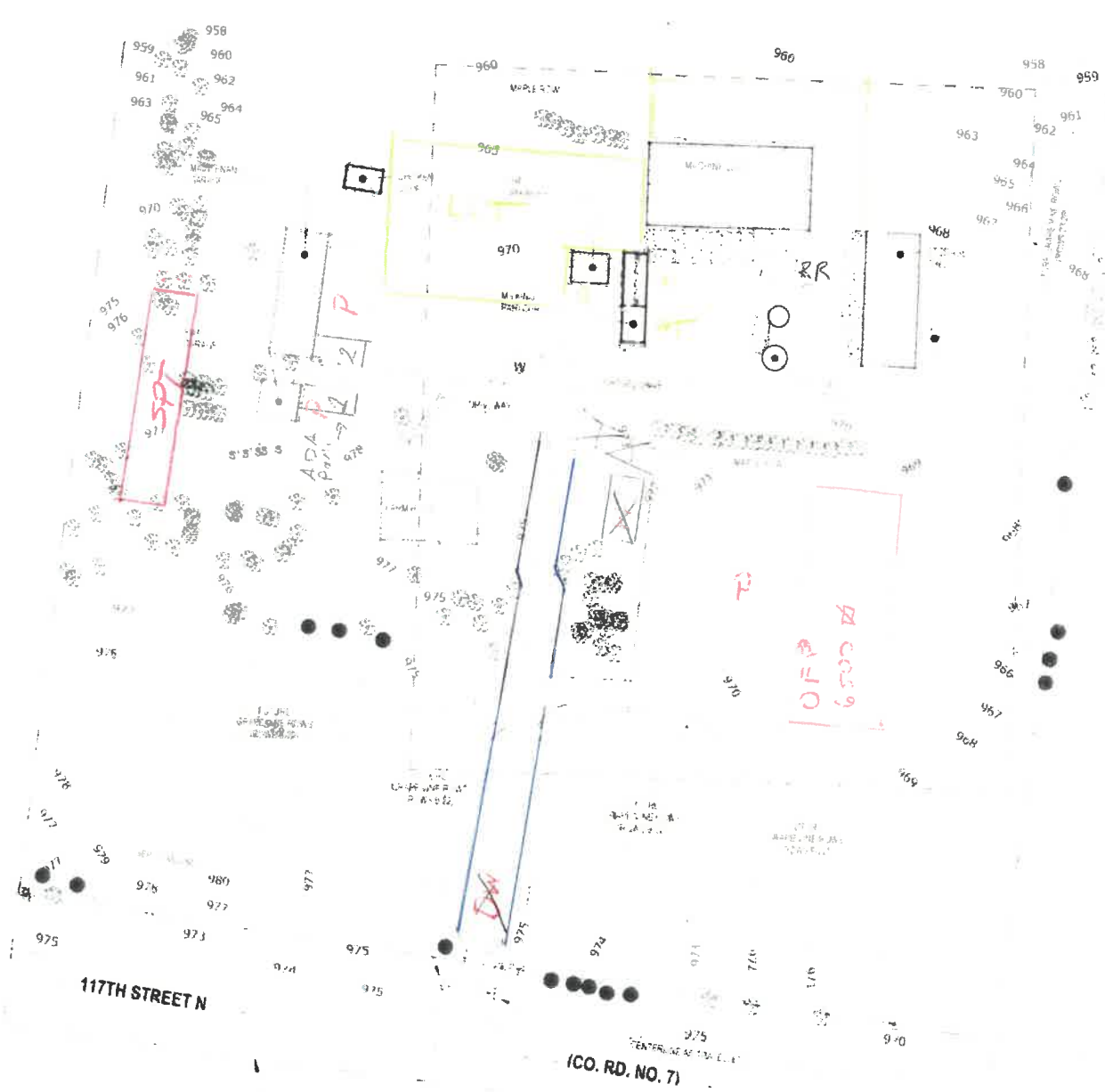
We have reached out to the governmental agencies listed below,

- Federal TTB – Permit Number MN-W-21084, issued 11/13/2020
- MN Dept of Winery Production – pending approval August 2021
- MN Dept of Agriculture, Retail Sales/Tasting Room – Plan Review submitted July 2021, waiting on completion
- Washington County access – application submitted July 2021, waiting on completion.
- Rice Creek Watershed District, contacted August 2021, waiting on response/review,
- Washington County Dept of Public Health and Environment – License to Operated, License #8710, Annual Permit expires 12/31/2021
- Commercial Septic System installed July 2021, Washington County Septic Permit Number 2020-1920
- City of Grant, Grading Permit submitted for review July 2021.



117 Street N

Sheet 1 of 1	Scale: 1" = 20'	<b>Two Silo Farm House</b> <b>Landscape Plan</b> 7040 117th St N Grant, MN	Designer: Taylor Walk Sarah Kikart Sarah Kikart File Name: 2020_02_01_Two Silos.dwg <small>This drawing contains proprietary information which belongs to Southview Design, Inc. Any unauthorized disclosure of this is strictly prohibited.</small>	2363 Pilot Knob Rd Mendota Heights, MN 55120 Phone: 651-253-5000 Fax: 651-455-1734 SouthviewDesign.com	
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OFP - 0.1203  
 ADA Parking 2+2  
 SPT - Septic commercial 2021

Restroom PD

0' 10' 50' 100' 200'

11  
 11  
 11  
 11

11



## MEMO

To: Planning Commission Members

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

From: Jennifer Haskamp, City Planner

RE: Draft Ordinance for Amendments to Antenna Regulations – Public Hearing

Date: September 14, 2021

### **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. Part of implementation is making sure our ordinances are clear and current to make them easier to understand and enforce. The Antenna Regulation contained in Chapter 32 were identified because of the outdated submission requirements. While updating the required floppy disk submission, other clean-up of the ordinance was completed.

The City Council directed staff to begin working on the ordinance update process as meetings and time permits. As such, staff has prepared the attached draft Ordinance regarding Antenna Regulations for your review and consideration.

### **Public Hearing**

A duly noticed public hearing has been scheduled for September 21, 2021 for consideration of the attached draft ordinance.

### **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.

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

**An Ordinance Amending the Grant Code of Ordinances  
Amending Chapter 32 Division 4 Antenna Regulations Sections 32-446 Permit requirement; 32-449  
Periodic submissions**

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

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

That City Code Chapter 32, Division 4. Antenna Regulations is AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~striketrough~~:

**32-443. Definitions.** No Changes

**32-444. Purpose.** No Changes

**32-445. Exemptions and modifications.** No Changes

**32-446. Permit requirements.**

(a) *Conditional use permits required; exceptions.* Except as indicated below, conditional use permits are required before any ~~antenna or new antenna support structure and its antenna are~~ is installed or constructed. Applications for conditional use permits shall be made on forms available from the city and shall be processed in accordance with Article II, Division 5 of this Chapter. ~~in the manner as are other conditional use permits pursuant to the city's zoning regulations.~~

(b) *Administrative permits.*

(1) An administrative permit may be issued by the Zoning Administrator, or assigns, city engineer to any applicant ~~whom the city engineer determines~~ that has complied with all of the terms, requirements, regulations and conditions of this ordinance for the following:

- a. Antennas to be constructed on a public structure.
- b. Satellite dish antennas larger than two meters but smaller than six meters in size.
- c. Antennas or antenna support structures erected temporarily for test purposes or for emergency communications. The term “temporary” means that the antenna or support structure is removed within 72 hours following the termination of testing or emergency communication needs.

~~(2) All applicants for an administrative permit shall pay a fee to the city in such amount as is determined, from time to time, by ordinance.~~

(3) Any person aggrieved by the Zoning Administrator's ~~city engineer's~~ decision shall be entitled to appeal that decision to the city council.

(c) *No permits required.* No Changes

#### **32- 447. Letter of Intent.**

No Changes

#### **32-448. Fees and escrows.**

(a) Any person applying for ~~any~~ a Conditional Use Permit or Administrative Permit ~~permit~~ ~~or site plan~~ under this chapter shall pay to the city at the time of application all fees and escrows which are required.

(b) ~~Fees and escrows as envisioned herein shall be determined, from time to time, by ordinance. The fees and escrows shall be set by ordinance on the official Fee Schedule, which shall be adopted annually.~~

(c) All applicants must reimburse the city for any costs which the city incurs because of the presence of the applicant's antennas or towers, including costs for review of the application materials and review of required periodic submissions.

#### **32-449. Periodic submissions.**

(a) Submissions at time of initial application. In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information, which shall be supplied by a qualified licensed and registered professional engineer:

(1) through (12) No Changes



(13) Every application must include a map ~~clearly delineating all that~~ identifies all properties and their lot lines within a 1,000-foot radius of the proposed tower site. The map must be placed on an aerial that clearly shows principal and accessory structures within a 1,000-foot radius and the location of the proposed tower which must be clearly marked. ~~must also depict the location of all homes and accessory structures within a 1,000-foot radius of the proposed tower site.~~

(b) *Yearly submission of proof of insurance and compliance of operations.* No Changes

(c) Report required every five years. Every five years and not later than January 10 on the year of submission, each holder of a conditional use permit or administrative permit under the terms of this article shall provide the following information to the city:

(1) through (4) No Changes

(5) ~~A presentation size map~~ An electronic, to-scale copy of a map of the city showing the five-year plan for communication sites, or if individual properties are not known, the geographic service areas of the communication sites. This shall be submitted in PDF, or similar, and must be to-scale with the scale, and existing tower location clearly identified. ~~in hard copy form at a size of 24 inches by 36 inches or greater, and shall also be provided on a three percent inch disk formatted for an IBM compatible computer.~~

(6) A written list of communications sites (in use or projected to be used within the next five years) in an electronic form, PDF or similar shall be submitted both hard copy and three inch disk ~~(formatted for an IBM compatible word processing program).~~ The list should include at least the following information.

a. through h. No Changes

**Sec. 32-450 through 32-454** No Changes

## **SECTION 2. SEVERABILITY.**

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 3. 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.

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

\_\_\_\_\_  
Attest: Kim Points, City Clerk

DRAFT