CITY OF GRANT PLANNING COMMISSION MEETING

Tuesday, June 13, 2023 6:30 p.m. Town Hall/Zoom

Please be courteous and turn off all electronic devices during the meeting.

AGENDA

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ELECTION OF OFFICERS, CHAIR AND VICE-CHAIR
- 4. APPROVAL OF AGENDA
- 5. APPROVAL OF MINUTES: NOVEMBER 9, 2022
- 6. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Application for Conditional Use Permit, 8-foot fence
 - B. Storage Ordinance Discussion
- 7. OLD BUSINESS
- 8. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

November 9, 2022

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

Dan Gagliardi

Absent: David Tronrud

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 Tufty to approve the agenda, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, September 13, 2022

MOTION by Commissioner Tufty to approve the September 13, 2022 Minutes, as presented. Commissioner Helander seconded the motion. MOTION carried with Chair Fritze abstaining.

5. NEW BUSINESS

Public HEARING, Consideration of Application for Conditional Use Permit, Asphalt Paving Business and Storage, 7559 Jamaca Ave N – City Planner Swanson advised the Applicant, Ryan Conlin on behalf of A.R.C Paving Inc, is requesting a Conditional Use Permit (CUP) on the subject property to allow for equipment storage and staging to support the small asphalt paving business (seasonal) from the site. As described by the Applicant, the principal use of the property is storage of equipment and staging of equipment that is used for the off-site asphalt paving operations. Activities on the site will primarily be seasonal occurring between April and November of each year. The proposed use includes parking of large vehicles and equipment on the site, employee parking of personal vehicles during the day when off-site work is conducted, and routine maintenance of the equipment needed for the business. The Applicant has indicated that future administrative/office uses at the site may occur, but such activities would be accessory to the principal equipment storage uses on the site.

A duly noticed public hearing is scheduled for November 9, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant: Ryan Conlin, A.R.C. Paving	Site Size: 1.27 Acres (55,321 SF)
Inc.	
Owner: FJB Properties	
Zoning: A2 - Agricultural Small Scale	Request: Conditional Use Permit (CUP)
Future Land Use: Rural Residential/Ag	
Address:	Location Description and PIDs:
7559 Jamaca Ave. N.	PID 27.030.21.23.0004, subject property generally
Grant, MN 55082	located northeast of the 75th Street N and Jamaca
	Ave. N.

The Applicant is requesting a new CUP to permit equipment storage and staging operations associated with a small asphalt paving business. A summary of the proposed use of the site is as follows:

- Storage of equipment that supports a small asphalt paving business. The asphalt paving business activities are conducted off-site and various locations and projects.
- Activity on the site will include staging of equipment for the day's business activities and picking up of equipment. The site will primarily be active between April and late November.
- No storage of asphalt is proposed on site. A stockpile of Class 5 on the property during the active months is requested.
- Employees will come to the site in the morning to pick up their equipment for the day and will leave their personal vehicles on the site. At the end of a work day the equipment will be returned to the site and stored and personal vehicles picked up.
- Potential use of the existing buildings with future improvements may allow for accessory administrative/office uses to support the operation.
- Off-season storing and maintenance of equipment, with occasional running of equipment.

The business currently operates with a fleet of four (4) dump trucks, a semi/trailer combination, a tool truck/trailer combination, two (2) small tool trucks, a mid-size excavator, a road grader, three (3) skid steers, and six (6) rollers. During the operational season, a typical day of operations generally starts at 6 am and ends around 5 pm. The Applicant indicated that the time frame could vary depending on weather and workload. The typical day starts with approximately 30 - 45 minutes of warming up trucks, fueling and swapping equipment on trailers based on the day's work schedule. The Applicant has indicated that aside from the pick-up and drop-off activities, the site will generally be vacant. A rough concept of how the site would be used and function during the active season is provided as Attachment C Proposed Site Operations Layout.

As stated in the Applicant's narrative, the current business has 5 employees (combination of both part time and full time) and they hope to grow to 8 - 10 employees in the future. To support the employees and use of the site, the Applicant indicated they would like to install a well and septic system on the property if the CUP is approved. Staff discussed this with the Applicant and learned that the existing buildings on the site are not functional for the type of business proposed and there is not useable drive-in maintenance space which is desirable for the business. The Applicant indicated that in the future they are interested in modifications to the building that may include full demolition of the structures depending on the access location, etc. If new structures are constructed, depending on their function, a well and septic may be required, and it is possible that no suitable location for a septic drainfield exists. If that were to occur, they would consider installing a system with a holding tank. Further analysis regarding the buildings, future plans, and utilities are provided in subsequent sections of this report. Finally, the Applicant indicated that during the winter months the equipment will be parked and stored on site and that routine maintenance may occur during the winter months, but generally the site will be relatively quiet between December and March.

The City Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

- "(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety."
- (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required."

Section 32-245 Table of Uses establishes the list of permitted and conditionally permitted uses in the City. Subsection (b) states, "Uses shall be allowed according to the use table in subsection (c) of this section. When a specific use is not listed, the closest similar listed use shall determine the restrictions and conditions which apply."

The Table of Uses identifies "Storage – As a Principal Use" as permitted with a Conditional Use Permit and references Section 32-316 for additional criteria and standards.

City Planner Swanson stated the subject site is located at 7559 Jamaca Avenue N., and is described as being in the Northwest Quarter of Section 27, Township 30, Range 21 (27.030.21.23.0004). The parcel is approximately 1.27 acres, is fairly regular in shape, and is bordered by Jamaca Avenue N., on the west. The majority of the site is either paved with bituminous or improved with gravel surface and includes an existing principal structure and two accessory buildings that are clustered on the eastern portion of the property. The entire permitter of the property is fenced, and the fence along the Jamaca frontage which appears to be a standing seam steel, green, fence product that is 100% opaque that screens all activities internal to the

The site is generally located in the southwestern quadrant of the City, generally on the northeast corner of the 75th Street N and Jamaca Avenue N intersection. The Mahtomedi School Campus including the Wildwood Elementary School is located just west of the subject site. Other uses surrounding the site include a mix of agricultural and rural residential uses. The most recent use of the site was Floyd's Auto Sales which was a business use that operated with a Conditional Use Permit to sell used cars.

The site is guided RR/AG – Rural Residential/Agricultural in the City's adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed exterior storage use to support the asphalt paving business is similar to other contracting businesses in the City such as HVAC equipment storage, roofing material storage, etc., where the business operations and activities primarily occur off-site and the property is used for materials and vehicle storage as well as support administrative services. Depending on the conditions established for the proposed business operations and provided a CUP is obtained, the proposed operation could be consistent with the adopted Comprehensive Plan.

City Planner Swanson advised the Applicant submitted a Certificate of Survey and a Proposed Site Operations Layout to demonstrate the proposed site storage configuration and operations (See attachments). The following dimensional review is provided for review and consideration.

The following site and zoning requirements in the A2 district related to the proposed application. The following review is conducted focusing on the submitted site plan. Staff comment is in italics.

Dimension	Standard
Minimum Lot Area	5 Acres
Frontage on an Improved Public Road	300'
Front Yard	65'
Side Yard Setback (from street in case of corner lot)	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Non-accessory, non-dwelling structures	Per Permit (requires CUP and Building Permit)
Impervious surface coverage	50%
Floor Area Ratio	30%

Proposed Use

The Applicant's narrative describes his business as an off-site seasonal asphalt paving business and the proposed use of the site is for year-

round equipment storage to support the business. While the Applicant's business is an asphalt operation, no asphalt will be stored or processed on site. Instead, the principal use of the site is for equipment storage and staging to support the off-site asphalt operations. Therefore, the principal use of the site is most similar to exterior storage and staging uses that support the business operations and exterior storage is permitted as a principal use if a conditional use permit is obtained in the A2 zoning district.

Section 32-246 and 32-83 establishes that the existing Floyd's Auto sales CUP is a non-conforming use that if terminated can only be replaced by a business operation that is established as either permitted or permitted with a Conditional Use Permit. The proposed operation, if determined to be a Principal Storage Use, is conditionally permitted and therefore 1) establishes the use as conforming; and 2) will eliminate the previous non-conforming auto sales use.

Given the proposed operations and existing improvements on the site, transitioning the site to a use that is permitted or conditionally permitted is desirable as it eliminates/reduces the amount of non-conformity on the site.

Lot Area, Lot Frontage and Access

Lot Area

The subject property is approximately 1.27 acres and does not meet the minimum lot size requirement. However, the lot and use of the parcel for non-residential uses was established as part of the previous CUP issued for Floyd's Auto Sales that remains in effect until a new conforming use is established. Given that there is an existing CUP that establishes the use of the site for a business that has similar characteristics to the subject request, staff would generally consider the Lot Area as legally non-conforming.

Lot Frontage

Per the submitted Certificate of Survey the westerly border of the subject site abuts the Jamaca Avenue N. roadway and there is approximately 201-feet of frontage. The subject parcel does not meet the required minimum lot frontage; however, the lot is a legal lot of record and is considered legally non-conforming.

Access

The subject project is accessed from Jamaca Avenue N., via a large driveway that is located approximately 250-feet from the Jamaca (CSAH 9) and 75th St. N. (CSAH 12) intersection. No changes to the access are proposed as part of this application; however, the Applicant has indicated that they may explore moving the driveway location to

improve the site circulation. Since Jamaca Avenue N., is a County Road any request to modify or change the driveway would be subject to the Washington County permitting process and approval. Staff recommends including a condition that any modifications to the access must obtain an access permit from Washington County.

Setbacks

As shown on the Certificate of Survey submitted by the Applicant, there is an existing principal structure, carport and accessory structure located on the site. A storage container with approximately 301 square feet is also identified adjacent to the accessory structure, and it is assumed to be movable/temporary. The existing principal building is located approximately 52-feet from the roadway edge per Washington County GIS records and 21.6-feet from the existing fence line (front).

The existing shed is located approximately 45-feet from the roadway edge and approximately 25-feet from the existing fence line (front). The shed is setback approximately 32.4-feet from the northerly (side) property line. The carport is setback similar distance from the roadway and fence line and is positioned adjacent to the principal structure.

As shown on the Certificate of Survey the location of the existing buildings do not meet the front yard setback. Since the buildings are existing, they are considered legally non-conforming structures. As legally non-conforming commercial structures no enlargement of the structures is permitted. Staff recommends including a condition that since the existing structures are legally non-conforming no enlargement (footprint or height) of the structures is permitted and any contemplated improvements must meet the standards for maintenance of structures that are non-conforming as established in Section 32-80.

Additionally, as noted on the Applicant's general Proposed Site Operations Layout the Applicant is considering the removal of the existing buildings and constructing a new building(s) in the future. Since plans for any future buildings are unknown staff recommends including a condition that any new or proposed structures on the site will be required to meet all setback requirements in place at the time of the application; and that depending on the size and use of such structure contemplated, that an amendment to this CUP may be required.

Principal Structure, Accessory Buildings and Parking/Coverage Principal & Accessory Structures

The existing CUP issued for the Auto Sales business (Floyd's) permitted the existing principal building to be used for commercial use which is approximately 2,122 SF. There are two accessory buildings

Standards

on the subject site – a shed that is 376 SF and carport that is 247 SF for a total of 623 SF of accessory buildings on site. There is also a storage container denoted on the Certificate of Survey which is assumed to be a temporary/moveable structure which does not meet the accessory building standard definitions. In total there is approximately 2,745 SF of permanent structural buildings on with an additional 247 SF of temporary building area. Since the lot is non-conforming, staff recommends including a condition that the amount of building square footage may not exceed 2,992 SF unless the CUP is amended. If demolition of the existing buildings is proposed depending on the layout and size of the proposed buildings an amendment to the CUP may be required.

Coverage Requirements

Section 32-246 establishes that the maximum percent of coverage of a site, where coverage includes parking areas or structures of any type, is 50%. As shown on the Certificate of Survey approximately 90% of the site is improved with either structures, gravel or bituminous surface and only a small area between the road right-of-way and the existing fence is impervious, as well some green space within the Section 32-246 also stipulates that the required setback area. maximum floor ratio is 30%. Given the total building area is 2,992 SF and the lot size is approximately 1.27 acres the Floor Ratio is approximately 5%, which meets the City's requirements. As developed, the current site does not meet the City's coverage requirements due to the extensive gravel/bituminous area. Similar to the structure locations, the impervious/coverage is established as legally non-conforming; however, certain standards regarding grading, stormwater, etc., may still be required depending on the level of improvements at the site. Staff recommends that a condition be included to address any stormwater, grading, or site alteration requirement established in the City Engineer's memo that will be submitted under separate cover.

Parking & Parking Lot Requirements

As shown on the Applicants Proposed Site Operations Layout, to support the proposed equipment storage operations nearly the full site must be improved. As stated in the narrative the asphalt paving equipment is large and requires significant area to make the turning movements on the site. While the Applicant did not identify any additional improvements to this area as part of the application, given the change in use, discussion regarding the appropriate materials for the storage/parking area should be addressed. Per section 32-373

Surfacing and drainage, "...all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer..." Staff requests discussion by the Planning Commission regarding improvements to parking/equipment storage area to determine if additional improvements are recommended. In addition, staff requests discussion regarding the amount and quantity of gravel and/or bituminous area since the existing improvements do not meet the City's ordinances.

At a minimum, if the Planning Commission determines that the existing condition is acceptable, it is likely that the Applicant will continue to make improvements to the equipment storage/parking area in the future. Therefore, it is possible that future permitting and analysis from the City Engineer may be required particularly if any grading is proposed. Staff recommends including a condition that any future conversion of the gravel area or bituminous area to a different material may require a grading permit from the City Engineer, and depending on the plans may require an amendment to the CUP.

Parking of Equipment

As shown on the Proposed Site Operations Layout submitted by the Applicant, the proposed Truck/Equipment Parking is on the southeast corner of the site. The configuration allows for the site circulation to occur in the south half of the site, and for equipment storage and drop-off to be located in one area with the fueling tank station to occur on the way out of the site. The location of the equipment storage/parking is reasonable, but it is not possible to verify that the area is adequate to support the equipment identified by the Applicant's narrative without more details. Staff recommends including a condition that an updated Proposed Site Operations Layout must be submitted to demonstrate the parking area and to confirm that the circulation route is functional.

Lighting

The proposed lighting is not included on the site plan and is not described in the Applicant's narrative. However, staff spoke to the Applicant and he stated that he would like to install some lighting for security purposes near the principal structure, the employee parking and the truck parking/loading areas. Section 32-321 Lighting, lighting fixtures and glare states that lighting shall not exceed 25 feet or the maximum height of the principal building. The standards further stipulate that lighting may not spill onto adjacent residentially zoned/used land or onto the public right-of-way. Staff recommends including a condition that a lighting plan, including location and

fixture specifications must be submitted for review and approval by staff prior to any installation. If necessary, a photometric plan may be requested to demonstrate compliance with the City's lighting standards and regulations.

Signage

A specific sign plan was not submitted as part of this application. However the Applicant indicated to staff that they would like to install a sign on the exterior fence of the property similar to the Floyd's sign that is currently present. Staff recommends including a condition that any proposed signage must comply with the size, quantity and location standards as established for the A2 zoning district. Any deviation of the standards will require either a separate CUP or an amendment to this CUP.

Landscaping/Fencing

The entire perimeter of the site is fenced with a green 100% opaque material. The Applicant is not proposing to alter or change the fencing as part of this Application. No landscaping is proposed as part of this application.

Utilities (Including Fueling)

Well & Septic System

The existing property is not served by a well or septic system. The Applicant has indicated that they will periodically wash equipment on the site so a well must be installed. Staff recommends including a condition that all proper permitting must be obtained from the MDH and/or MnDNR to install a well on the site.

As noted in the narrative, the Applicant is also interested in installing a septic system on the site. Since the site is nearly fully improved, there likely is not adequate space to install a drainfield. Staff recommends including a condition that a permit must be obtained from Washington County for installation of any septic system, including tank or other system type.

Fueling Station

The Applicant has indicated that they need to have a fuel tank on site so that the equipment can be properly maintained and fueled. The proposed location is depicted on the Proposed Site Operations Layout. Staff did not identify any specific standards in the Zoning Ordinance regarding onsite fuel tanks, but supports the location as identified on the Proposed Site Operations Layout diagram which locates it further away from the structures on site and away from adjacent residential uses. Staff recommends including a condition that any required MPCA permits for onsite fuel tanks must be obtained and evidence of such permits must be provided to the City.

Operations

The hours of operation given in the narrative are as follows:

- Running the trucks, setting up for the workday: Approximately 6:00 am 6:45 am.
- The site would generally be vacant during the day.
- Returning trucks and equipment, preparing up for the next workday: Approximately 5 pm.

Based on discussion with the Applicant and the submitted narrative no clients will visit the site, and no subcontractors will use the property. The onsite activity will generally be comprised only of the owner's activity and their employees. Staff recommends including a condition that no public or retail sales are permitted on the site, and that operations shall generally be restricted to the activities noted in the Applicant's narrative.

The Applicant has stated that they will store the identified equipment on the site and that the employees will pick up the equipment for the off-site activities planned for the day. In addition to the equipment, the Applicant notes on the Proposed Site Operations Layout the desire to keep a back-up stockpile of class 5 on the site. While not a structure, the height should generally be controlled in a similar way so as not to be visible from adjacent residential parcels or the public right-of-way. Therefore, staff recommends including a condition that addresses the height of the class 5 stockpile.

The Proposed Site Operations Layout provides a general concept of the operations. The diagram is helpful to understand the intended operations on the site, however, it is not scalable and it cannot be verified that the areas are adequate to support the proposed activities. Staff recommends including a condition that the Proposed site Operations Layout be updated to reflect the appropriate scale and dimensions of the designated areas so that it can be confirmed that the areas can support the intended activities (e.g. the equipment storage area should include dimension of the dump trucks/rollers/etc., to ensure that the area is large enough and that the circulation plan works.)

In addition to the circulation pattern, as described by the Applicant, the morning activities include warming up of the equipment for 30-45 minutes. While a short period of time, if this activity occurs at 6 am it could be loud and/or disturb adjacent residential uses and therefore should be located as far from the northerly property line as possible. As such, staff recommends including a condition that the area

designated for morning equipment warm-up must be located on the south side of the site as shown on the Proposed Site Operations Layout.

Noise

Based on the Applicant's narrative the most activity on the site will occur at the beginning of the day when the equipment is picked up and at the end of the work day when the equipment is dropped off. As discussed previously, the Applicant has indicated that the equipment will need to be "warmed up" in the mornings before leaving the site. This activity has the potential to disturb adjacent residential uses and therefore the activity should occur as far away from the northern property line as possible. As previously noted, staff recommends a condition to address this issue. In addition, all noise on the site is subject to the standards established by the MPCA. Staff recommends including a condition that all operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day.

There are no improvements to the site identified as part of the application, although the Applicant has indicated a desire to change the access location and potentially make modifications to the building location and configuration. The City Engineer is reviewing the Application based on the existing conditions and the potential future improvements. An engineering memo will be emailed to the Planning Commission prior to the meeting.

The property is within the Valley Branch Watershed District (VBWD) and it is the Applicant's responsibility to obtain any necessary permits. While the Applicant does not have immediate plans to grade or alter the property, there may be required stormwater improvements to the site based on the proposed use. As previously mentioned, the site is located off of Jamaca (CSAH 9) which is a County Road. The Applicant must work with the County to determine if an access permit is required or if moving the access driveway is allowed. Additionally, Washington County Environmental Services is responsible for all septic permitting and the Applicant must work with them to determine if there is a solution on the site.

Staff is recommending approval of the CUP for Equipment Storage and Staging for an Asphalt Paving Business. The following draft conditions are provided for your review and consideration.

- 1. The existing structures are legally non-conforming and no enlargement (footprint or height) of the structures is permitted. Any improvements must meet the standards for maintenance of structures that are non-conforming as established in Section 32-80.
- 2. Any new or proposed structures on the site is required to meet all setback requirements in place at the time of the application.

- 3. The maximum total square footage of buildings permitted on site is 2,992 SF. Any proposal that increases the total building square footage, whether new or existing or some combination, may require an amendment to the CUP.
- 4. If demolition of the existing buildings is proposed depending on the layout, size, use and height of the proposed buildings an amendment to the CUP may be required.
- 5. The hours of active seasonal operations shall be annual from April 1st through November 30th of each year. The hours associated with the seasonal operations shall be as follows:
 - a. Monday through Friday 6 AM to 6 PM.
 - b. Saturday 7 AM to 5 PM.
 - c. No operations shall be permitted on Sundays.
- 6. There shall be no restriction on the hours of operation for administrative support, or routine equipment maintenance provided such activities do not adversely impact adjacent residential (specifically excessive noise, fumes or other noxious activities).
- 7. Any stormwater, grading, or site alteration must be reviewed and approved by the City Engineer.
- 8. All comments provided in the City Engineer's memo must be addressed and all required permits obtained.
- 9. Any future improvements of the gravel area or bituminous area, including the conversion to a different material may require a grading and/or stormwater permit from the City Engineer, and depending on the plans may require an amendment to the CUP.
- 10. The Applicant shall submit an updated Proposed Site Operations Layout to confirm that the equipment parking area is of sufficient size to store all of the Applicant's equipment, and to confirm that the circulation route is functional.
- 11. A lighting plan, including location and fixture specifications must be submitted for review and approval by staff prior to any installation. If necessary, a photometric plan may be requested to demonstrate compliance with the City's lighting standards and regulations.
- 12. Any proposed signage must comply with the size, quantity and location standards as established for the A2 zoning district. Any deviation of the standards will require either a separate CUP or an amendment to this CUP.
- 13. All permits must be obtained from the MDH and/or MnDNR to install a well on the site.
- 14. A septic permit must be obtained from Washington County for installation of any septic system, including tank or other system type. Such permit must be secured prior to any approval of a Building Permit for a new structure.

15. Any required permit for the access from Washington County must be obtained, and any required improvements as a result of changing the access location are the sole responsibility of the Applicant.

- 16. Any required MPCA permits for onsite fuel tanks must be obtained and evidence of such permits must be provided to the City.
- 17. No public or retail sales are permitted on the site, and that operations shall generally be restricted to the activities noted in the Applicant's narrative.
- 18. The height of the class 5 stockpile may not exceed the height of the principal building and must be fully screened from the public road right of way and any adjacent residential use.
- 19. The area designated for morning equipment warm-up must be located on the south side of the site as shown on the Proposed Site Operations Layout. Such activities must be located as far from any adjacent residential use on the property and must properly screened.
- 20. All operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day. This must be strictly adhered to especially for equipment idling that includes the morning pick-up and any idling associating with equipment maintenance.
- 21. No change to the fencing is approved as part of this CUP. If any changes are proposed that do not comply with the City's fence standards, an amendment to this permit may be required.

Commissioner Gagliardi noted the hour for Floyd's were 9-5 Monday through Friday and 9 to noon on Saturday.

Commissioner Helander asked if there is anything in the existing CUP that carries over to this one and stated the City's definition of storage is petty loose and doesn't believe it applies to daily use.

City Planner Swanson stated the current CUP could have been amended but the proposed operation is not similar to the Floyd's use. The exterior storage definition does address licensed vehicles which these are included. The Code does not address frequency of use. There is the potential to build new buildings depending on the size and wetlands. The property is Zoned A-2 but existing conditions are different that the previous use. She noted there is a proposed stockpile that won't be visible and there is a lot of vegetation on the site.

Commissioner Gagliardi stated bring back equipment for maintenance typically results in a lot of noisy activity, there are fuel tank standards and the stockpiles seem large. There is only one

resident to the north but the home is considerably higher so they will be able to see the entire facility.

Commissioner Anderson commented on a lighting plan, surface plan, winter use and circulation plan.

City Planner Swansons advised any additional lighting would require a submitted plan that meets City ordinance. The winter use is only to periodically check on the equipment. There will be minimal activity during the winter. A circulation plan needs to be conceptual but should be verified to ensure the equipment is as far as away as possible from the residential use.

Mr. Ryan Conlin, Applicant, came forward and provided an overview of daily operations and activities. The business is weather dependent and most of the time the equipment is parked and the site is very quiet. Some days some equipment is not even used. Would like to have well installed for a water supply. The days get shorter in the fall so typically start at 7:00 am and are done by 4:00 p.m.

MOTION by Commissioner Huttemier to open the public hearing at 7:33 p.m. Commissioner Anderson seconded the motion. MOTION carried unanimously.

Ms. Lisa Dau, 7611 Jamaca Avenue, came forward and stated she has lived next door for 33 years and she has a number of concerns including devaluation of property, fencing, hours of operations, quality of life issues, wetland contamination and light pollution. She noted the intersection there is already a bad intersection and this type of business should be in an industrial area, not residential.

Ms. Sharon Jensen, made the following comments via email:

My name is Sharon Jensen, I am the current co-owner of the property located at 7559 Jamaca Ave and would like to make a few comments regarding the potential new use of the property. I have worked at Floyd's Auto Sales for the past 20 years and know the operation well.

- 1) My understanding is the use of the property by ARC Paving will have a lower impact in regard to traffic:
- Floyd's Auto Sales had customers coming and going for 8 to 10 hours Monday through Friday and 6 hours on Saturday. ARC will only be present in the morning to get equipment and leave for the day and return at the end of their workday to leave their equipment. No longer will customers come and go all day long or several people present throughout the day.

- Between 7 and 10 employees worked at Floyd's Auto Sales, ARC Paving has approximately 5 employees.
- 2) Noise and activity on site with ARC Paving will be lower than Floyd's Auto Sales:
- ARC Paving will be out at jobs during the day, the property will be quiet all day. Floyd's Auto Sales had tow trucks, large forklift tractors, and bobcats which operated throughout the day. Additionally, Floyd's Auto Sales repaired vehicles during working hours hammering, cutting, welding, etc.
- 3) Property Improvement:
- Ryan with ARC Paving has indicated that he intends to make repairs and improve the look of the property.

MOTION by Commissioner Anderson to close the public hearing at 7:47 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

Mr. Conlin stated he is not sure how the activity on this site compares to the previous user. He stated his use will not be as noisy as some may thing. He has four employees now and usually three trucks are out at a time with a paver truck.

City Planner Swanson stated the City quite often requires extensive screening at that can be done on the property line. Plantings and/or fencing could be required. A condition relating to 100% screening can be added. The use has to meet MPCA noise standards so screening would also help mitigate the noise. Screening could also be added to the neighbor's property. She suggested a condition be added that long the northernly property screening is required and a screening plan needs to be submitted that achieves 100% opacity utilizing vegetation and fencing.

City Planner Swanson advised another condition could be added relating to a plan for washing the equipment and how the run-off will be collected and all proper permits are obtained.

MOTION by Commissioner Helander to recommend denial of the application, as presented. MOTION failed with lack of a second.

MOTION by Commissioner Anderson to recommend approval of the application based on outlined conditions and added conditions. Commissioner Huttemier seconded the motion. MOTION carried with Commissioner Helander voting nay.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Huttemier to adjourn at 8:19 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points City Clerk



STAFF REPORT

To: Planning Commission

Kim Points, City Clerk/Administrator

cc: Brad Reifsteck, PE, City Engineer

Nick Vivian, City Attorney

From: Jennifer Haskamp

Consulting City Planner

Date: June 3, 2023

RE: Application for a Conditional

Use Permit to construct an eight

(8) foot fence on property located at 8495 80th St. N

Background

The Applicant and Owner, Chee Her, is requesting a Conditional Use Permit (CUP) to allow for agricultural production on a portion of their property that includes the construction of an eight (8) foot fence to protect the crop from nuisance animals such as deer. The Applicant and Owner will manage and operate the small agricultural operation from the property that will include off-site sales of the crop at local farmers markets on weekends. The proposed fence is located behind the principal structure along the property lines of the subject property.

Public Hearing

A duly noticed public hearing is scheduled for June 13, 2023, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant and Owner: Chee Her	Site Size: 9.0 Acres (~5.6 Acres of agricultural crop
	contained within the fenced area)
Zoning: A2 - Agricultural Small Scale	Request: Conditional Use Permit (CUP)
Future Land Use: Rural Residential/Ag	
Address:	Location Description and PIDs:
8495 80th Street N.	PID 2803021210004
Grant, MN 55082	Parcel lies south of 80th Street N.

The Applicant is requesting a Conditional Use Permit (CUP) to allow for agricultural operations on a portion of their property and to construct an eight foot fence around the crop area of the subject parcel. The proposed fenced area is located behind (south) of the existing principal structure and is connected/south of the existing barn on the property. The purpose of the fence is to keep deer out of the agricultural field and protect the crop. The following summary of the proposed operations is provided:

• The Applicant is the owner of the property, and it is their primary residence. The property is homesteaded.



- The Applicant and their family members will be responsible for operations and management of the agricultural production.
- There are no employees proposed for the agricultural operations.
- The agricultural products (vegetables) are intended to be grown on site and brought to local farmers'
 markets for sale.
- There are no on-site retail sales proposed as part of this operation, all produce/vegetables will be brought off-site for sale.
- The proposed fence is 8-feet tall, and is a T-Post agricultural fence (T-Posts with Barbless wires). The
 area proposed to be fenced is approximately 5.62 Acres and this area would be used for agricultural
 production.
- Typical agricultural operations extend through the growing season (generally April through October/early November).
- While there are no specific hours of operation (typical farm activities are sun up to sun down during the growing season) the Applicant has indicated that Monday through Thursday will be feild days tending to the vegetables and Friday through Sunday are the farmers market days (activities bringing vegetables off site for sale).
 - O The narrative indicates that on farmers market days, traffic/trip pick up is generally 6 AM and return trips are 5 PM.

Review Criteria

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

Section 32-345 Agricultural Operations establishes that the City is a "Right to Farm" community; and expressly states that "Agricultural operations may occur on parcels of five or more contiguous acres in agricultural and residential districts...may include the production of farm crops, such as vegetables, fruit trees, grain and other crops and their storage on the area..." While this is expressly permitted, the Applicant has requested a CUP be granted to allow for the express permission to farm in the area and to permit the installation of the fence to protect the crop field. Subsection (h) of this section further stipulates that under certain conditions a CUP may be granted for agricultural activities.

Section 32-315 Fences does not expressly address agricultural fences, which has been an issue in the past since the function and design of such fences is different than what is generally addressed within the code. As such, several of the CUPs granted for other agricultural uses (such as commercial horse stables) have addressed fencing as part of their conditions.



Existing Site Conditions

The subject site is approximately 9.0 acres and is oriented north-south with the primary frontage along 80th Street North that forms the northerly property boundary. There is an existing principal structure (home) and accessory structure (barn) located on the property. That portion of the property lying south of the existing structures is an agricultural field. Adjacent properties are used primarily for rural residential uses.

Comprehensive Plan Review

The site is guided RR/AG – Rural Residential/Agricultural in the City's adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed principal use of the property is residential use with agricultural production sold off-site as an accessory use. Both the rural residential use and agricultural production are consistent with the purpose and intent of the Comprehensive Plan.

Zoning/Site Review

The Applicant submitted a site plan, aerial and proposed materials for the proposed operation. The following dimensional review is provided for review and consideration.

Dimensional Standards

The following site and zoning requirements in the A2 district related to the proposed application. The following review is conducted focusing on the submitted site plan. Staff comment is in italics.

Dimension	Standard
Minimum Lot Area for Agricultural Production	5 Acres
Frontage on an Improved Public Road	300'
Front Yard	65'
Side Yard Setback (from street in case of corner	65'
lot)	
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Fence Location/Height	If at property line, requires
-	permit; up to 8' within the
	buildable area of a property

Proposed Use

The Applicant's narrative describes their request for a CUP to expressly allow for agricultural production and sale of such agricultural product off-site at local farmers markets. Section 32-345 establishes Grant as a right-to-farm community, and it was common for commercial agricultural operations to be interwoven with rural residential uses. Over the past few years, the City has transitioned to a predominantly rural residential community, and as such the agricultural uses have



become less common and the commercial agricultural plots (while still present) are less common especially on smaller properties. Additionally, since the proposed agricultural production is a smaller operation, they wish to use the "setback" area as part of the agricultural field and as such the 8-foot agricultural fence is proposed along the property lines.

As previously stated, the proposed agricultural operations are permitted, but staff understands that the Applicant is requesting a Conditional Use Permit (CUP) to secure the right to farm because they are concerned about protecting their agricultural rights given the adjacent predominantly residential uses. While this request is not common, we have evaluated similar requests (e.g. the covenants expressly protecting agricultural uses as part of the Farms of Grant project). As such, the Applicant's request is being processed to protect the agricultural use and to establish where on the property the agricultural fence is permitted.

Given the request for a CUP, staff provides a draft of potential conditions related to the agricultural use that are provided in subsequent sections of this report.

Lot Area, Lot Frontage and Access

Lot Area

The subject property is approximately 9.0 acres and the area proposed to be contained within the fenced area is approximately 5.6 acres. The City's ordinance requires a minimum of five (5) contiguous acres for agricultural production and the proposed agricultural production area meets this requirement.

Lot Frontage

Per the submitted site plan and GIS records, the subject property has 300-feet of frontage on 80th Street N. The subject property meets this standard.

Access.

The subject property is accessed by a single driveway from 80th Street North. The driveway is located near the eastern property line that connects to the existing home and accessory building. No new access is proposed for the use.

Setbacks (Agricultural Field and Fencing)

As shown on the proposed Site Plan, the agricultural operations will be located south of the existing principal and accessory structures on the site. The agricultural production area is proposed to be fully enclosed by an eight-foot-tall agricultural fence on the side and rear property lines. Section 32-315 Fences stipulates that fences up to 8-feet tall are permitted provided that 1) in the side yard that they meet the minimum yard setback; and 2) on the rear yard that they are setback a minimum of 8-feet from the property line. The City's ordinance does not contemplate agricultural fencing specifically, and therefore the appropriate setback and height has been addressed by the city as part of a CUP process or other land use permitting process in past applications.

As demonstrated on the attached aerial, the principal structure and accessory uses on the adjacent property to the west will have a direct view to the proposed



agricultural operation. The presence of the agricultural fence will not alter this view or provide any sort of visual screening since its construction is essentially stakes and wire. However, it would potentially setback the operations by 20-feet from the property line (note that a farm road/drive could be located outside the fence to access the field, which would be permitted within 5-feet of the property line and that a 6-foot tall fence is permitted at the property line which may also be an option).

The property lying east of the proposed operations is fully screened and enclosed by significant vegetation. However, again, if applying the strict application of the fence standards it must be setback 20-feet from the property line. The south property line (rear) adjoins the Mahtomedi School campus which has a row of evergreen trees that was a required condition of their CUP. As such, staff believes fencing along this property line will not adversely impact the adjacent property.

Given the conditions surrounding the proposed agricultural area, staff recommends discussion by the Planning Commission. Depending on public testimony, additional information and concerns of adjacent land owners may assist with identification of appropriate mitigation OR may clearly establish that the required setbacks must be met.

The Applicant submitted a narrative describing the proposed agricultural operations. Their intent is to use an approximately 5.6-acre portion of their property as an agricultural plot to grow vegetables and to sell the crops at local farmers markets throughout the area. The operations and management of the field will be conducted by the Applicant and their family and no employees are proposed. Daily activities are summarized as follows:

- Monday through Thursday: Field Days. Hours of operations will not exceed sun-up to sun-down and no exterior lighting of the fields is proposed (this is standard for farmers hours).
- Friday through Sunday: Farmers Market sale days. Pick-up of product typically around 6 AM and drop off/return around 5PM.
- No retail sales from the site are proposed.

With respect to operations, staff recommends consideration of the following conditions:

- No retail sales from the site are permitted as part of the CUP. If, in the future any sales from the site, including but not limited to, a roadside stand is proposed an amendment to the CUP may be required.
- Vehicle/truck idling must be minimized to the extent possible during load-up on Farmers Market days. Pick-up/loading must be completed efficiently with minimal idling.
- All parking must be handled on-site, if other family members not

Operations



residing on the property assist with the production (Field Days) and/or loading on Farmers Market days.

Engineering Standards

There are no improvements to the site identified as part of the application.

Other Agency Review

The property is within the Rice Creek Watershed District, and it is the Applicant's responsibility to obtain any necessary permits. While not stated in the application, if an additional well for irrigation is needed in the future all permits must be obtained. The Applicant is responsible for obtaining any other permits that are needed regarding the sale of agricultural products from the site.

Action requested

Staff is recommending approval of the CUP for Agricultural Uses and an Agricultural Fence. The following draft conditions are provided for your review and consideration.

- 1. Agricultural Production of vegetables and similar crops for off-site sale is permitted in the designated area identified on the site plan.
- 2. Off-site sale of agricultural products Friday through Sunday is permitted.
- 3. The agricultural production area must be a minimum of 5-acres of the subject property.
- 4. The agricultural fence up to 8-feet is permitted to enclose the proposed agricultural field area.
- 5. The agricultural fence must be setback a minimum of ___-feet from side (east and west) yard property line.
- 6. The agricultural fence may be located on the rear (south) property line.
- 7. The fence, once installed must be maintained and kept in good condition.
- 8. All permits must be obtained from the MDH and/or MnDNR, if an irrigation well is installed onsite.
- 9. No retail sales at the site are permitted as part of the CUP. If, in the future any sales from the site, including but not limited to, a roadside stand is proposed, an amendment to the CUP may be required.
- 10. Vehicle/truck idling must be minimized to the extent possible during load-up on Farmers Market days. Pick-up/loading must be completed efficiently with minimal idling.
- 11. All parking must be handled on-site, if other family members not residing on the property assist with the production (Field Days) and/or loading on Farmers Market days.

Attachments:

Applicant's Application Narrative



Site Plan Fence style



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

Phone: 651.426.3383-Fax: 651.429.1998

Email: clerk@cityofgrant.com

DITIONAL USE PERMIT

4/13/2023 Application Date: Fee: \$400 Escrow: \$3,000

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

PARCEL IDENTIFICATION NO (PIN): 28	.030.21.21.0004	LOT SIZE: 9.039 acres
PROJECT ADDRESS: 8495 80th Street N Grant, MN 55082	OWNER: Name: Chee Her Address: 8495 80th Street N City, State, Zip: Grant, MN 5508 Phone: 6512743818 Email: cheemher@gmail.con	APPLICANT (If different from Owner): Name: Address: City, State, Zip: Phone: Email:
BRIEF DESCRIPTION OF REQUEST: 8 feet t post fencing in the back field to but would like to harvest produce for far	keep deer out from garden. Prope mers markets.	erty is zoned for small scale agriculture already
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process Division 5. Conditional Use Permits 32-141 through 157, others		

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the City will review for completion! ***

Applicant	Fee Title Property Owner (If different from Applicant)	
Name: Chee Her (Please print)	Name: (Please print)	
Address: 8495 80th Street N	Address:	
City, State, Zip: Grant, MN 55082	City, State, Zip:	
Phone:	Phone:	
Cell Phone: 651-274-3818	Cell Phone:	
Email: cheemher@gmail.com	Email:	
Signature:	Signature:	
Date: 4/13/23	Date:	

Checklist:

Please review the attached checklist. Minnesota State Statute 15.99 provides the City of Grant 15 business days to determine the application's completeness. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline:

All applications must be received by the deadlines as posted on the City's website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than the deadline.

According to Minnesota State Statue 15.99 a Conditional Use Permit has a Statutory review period of 60 days, with the City's ability (which includes city staff and consultants) to extend the review for an additional 60 days if necessary due to insufficient information, directive to provide additional information, the tabling or postponement of an application, lack of quorum, or schedules.

Application for Planning Consideration Fee Statement:

(Please read carefully and understand your responsibilities associated with this land use application)

The City of Grant has set forth a fee schedule by City Ordinance as posted on the City's website. The City of Grant often utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant's responsibility.

I/WE UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Ch	Applicant	Fee Title Property Owner (If different from Applicant)
Signature Chee Her		Signature
Printed Name 4/13/23		Printed Name
Date		Date

** For Applicant's use and records

Conditional Use Permit Checklist:

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.

COPIES: One (1) Electronic copy of full submission; Two (2) 11x17 half-scale scalable hard copy plan sets.

- Site Plan: All plans must be to-scale, scalable, and include a north arrow.
 - Property dimensions
 - · Area in acres and square feet
 - Identified setbacks (Front, Side, Rear)
 - Identify Buildable area (if applicable)
 - Location of existing and proposed buildings (including square footage, foot print, and dimensions to lot lines)
 - Location of existing utilities, drainfield locations
 - Location of current and proposed curb cuts, driveways and access roads
 - Existing and proposed parking (if applicable)
 - Off-street loading areas (if applicable)
 - Existing and proposed sidewalks and trails (if applicable)
 - Sanitary sewer and water utility plans (if expansion is needed)

Existing Conditions:

- Aerial of site and adjacent properties
- Location of all wetlands (NWI, or similar)
- · Topographic contours at 2-foot intervals
- Water bodies, Ordinary High Water Level, 100-year flood elevation
- Grading Plan (if applicable): All plans must be to-scale, scalable, and include a north arrow.
 - Grading Plan
 - · Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated
 - Stormwater Plan and Calculations (if applicable)
- Landscape Plan (if applicable): All plans must be to-scale, scalable, and include a north arrow.
 - Landscape plan identifying species and size of trees and shrubs
 - Screening plan
- Architectural/Building Plan (if applicable): All plans must be to scale, scalable, and include a north arrow.
 - · Location of existing and proposed buildings and their size including dimensions and total square footage
 - Proposed floor plans (if applicable)
 - Proposed elevations (if applicable)
 - Description of building use for proposed CUP
- Written Narrative Describing your request: A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:
 - Description of operation or use
 - Number of employees (if applicable, if not state why)
 - Sewer and water flow/user rates (if applicable, if not state why)
 - · Any soil limitations for the intended use, and plan indicating conservation/BMP's
 - Hours of operations, including days and times (if applicable)
 - · Describe how you believe the requested conditional use fits the City's Comprehensive Plan

Conditional Use Permit Checklist:

	Statement acknowledging that you have contacted the other governmental agencies such as watershed districts, Washingto County departments, state agencies, or others that may have authority over your property for approvals and necessary permit	
	Paid Application Fee: \$400	
	Paid Escrow*: \$3,000	*Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$3,000 will be billed to the Applicant.
Ma	terials that may be required	l upon request:
		official survey, by a licensed surveyor, may be requested with the application. The survey shall be e, or Half Scale (11"x17") as requested by the Zoning Administrator.
	Full scale plans at a scale no	t smaller than 1"=100'
	Sanitary and stormwater p Conditional Use Permit.	olans. Sanitary and/or stormwater plans may be requested depending on the proposal of the
		ne proposed project is near a potential wetland boundary or setback, delineation may be d approve, or deny, the Conditional Use Permit.

Existing Condition

*8495 80th Street N is outlined in yellow.



Site Plan

Purposed fencing on highlighted area roughly 845ftx290ftx8ft.



EN112 WHILL STILL N Scale Plan

300 FT FRONT

29054

1279.56 ft

Purposed

1279.56

Frice

L Perimeter

BUS,

300 F+ REAR Property stelast 9.039 acres with RW 393,739 5964

Purposed Fence Perimoter 845F+ x 290F+ 5.62 acres

Written Narrative for Conditional Use

Description of operation use

I am requesting a conditional use permit on two request for <u>8495 80th Street N</u> as follows:

- 1) Land will be used for vegetable/agriculture production and sold at farmers markets.
- 2) I am requesting a conditional use of 8 feet t-post fencing to keep deer from vegetable/crops.

Business Operations

Self produced/grown vegetables on homestead land will be brought to be sold at the local farmer's market.

Number of employees

Our operation is small in scale/sole proprietorship and will be limited to myself, my spouse, and family members. There are no paid employees.

Hours of Operations

Not limited and weather pending but typical operation months are April through October. Monday - Thursday are field days tending to vegetable Friday - Sunday are Farmers market days.

Traffic

The majority of travel/trips are during hours or operation months and majority of the time is 6AM for trips to the market and 5PM trip back home from market Friday - Sunday.

Alignment with City's Comprehensive Plan

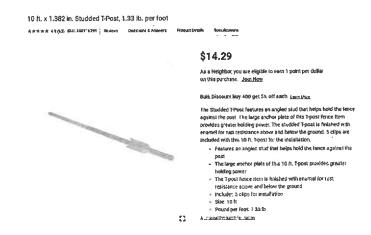
Grant prides itself in a farming history as does our family. We pride ourselves in producing locally grown produce for the community and those around Minnesota. Our production falls in alignment with farming roots in which the city of Grant would like to sustain. We are considered a small scale farming operation in our 9 acre property. While farming is permitted, we would like to request a conditional use as we will be bringing our products to farmers markets. In order to be successful in our farming operations, we would also need a conditional use permit on having eight feet t-post fencing to keep deers out of our operational area.

Acknowledgement with governing agency

I acknowledge and have reached out to the City of Grant and its permitting office and will be submitting a building permit and this conditional use permit for review.

Fencing Materials

Fence post = 10 feet x 1.382 inch T-post (2 ft below ground, 8 feet above ground)



Fence Lateral Runs

Barbless (non-spike) wires, 12.5 gauge

