

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, September 12, 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. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: August 8, 2023
5. NEW BUSINESS
 - A. Consideration of Revised Application for Amended Conditional Use Permit, 11490 Julianne Avenue N
6. OLD BUSINESS
 - A. Draft Ordinance for Outdoor Storage
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

August 8, 2023

Present: Matt Fritze, Greg Anderson, Jim Huttemier, David Tronrud and Dan Gagliardi

Absent: None

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

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES, June 13, 2023

MOTION by Commissioner Anderson to approve the June 13, 2023 Minutes, as presented. Commissioner Gagliardi seconded the motion. MOTION carried with Chair Fritze and Commissioner Tronrud abstaining.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for Amended Conditional Use Permit, 11490 Julianne Avenue N – City Planner Swanson advised the in 1997 a Conditional Use Permit (CUP) was granted for the property located at 11490 Julianne Avenue North to allow for a “horse boarding and training facility, for a dog kennel permit, for dog training and sheep herding trials, for duck herding trials, and for live-in apartments.” The CUP has 19 conditions under which the operation has operated for the past 25+ years, and condition (G.) states, “Any change in the plans or construction of any other facility not specifically permitted in this Permit shall require an Amended Conditional Use Permit.”

The Applicant and Owner, Jaime Benner, is proposing to construct a new accessory building on the property for a classroom, conference room, and public restroom to support the operations. Because a new building, and additional uses are proposed, an amendment to the CUP is required as stipulated within the conditions.

A duly noticed public hearing is scheduled for August 8, 2023 and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant/Owner: Jaime Benner	Site Size: 34.66 Acres
Zoning (Land Use): A1 (RR/AG)	Request: Amended Conditional Use Permit (CUP) to permit for the construction of a new accessory building with a conference space, office, classroom and public restroom to support the site operations
Address: 11490 Julianne Avenue Grant, MN	Location Description and PIDs: PID 03021130003 – generally located north of Julianne Avenue and south of Soo Line Railroad right-of-way

City Planner Swanson advised the Applicant is proposing to Amend the existing Conditional Use Permit to allow for the construction of a new approximately 720 SF accessory building. The Applicant summarizes the use of the building in their narrative as:

- A-Frame type building
- Office space
- Public restroom
- Conference room
- Classroom/teaching area

As noted in the application, these operations were formerly housed in the historic wood barn on the site which had to be removed and demolished for safety reasons. While these uses may have been conducted in a previous accessory building (barn) the uses were not explicitly identified in the CUP (see attached CUP). The Applicant states that the new structure will fulfill the needs/demands to have formal instruction area that is a part of the operations. The Applicant further notes that the proximity of the new building near the existing residence will allow for monitoring and security of the building when not in use.

In addition to the proposed accessory building, the Applicant further describes the following plans/improvements in the narrative:

- Remodel/Update the existing farmhouse: the structure only has two bedrooms, and it may be desirable to update/remodel the home to include more bedrooms at some time in the future. Plans were not submitted as part of this application, but remodeling of the home would likely be permitted without an amendment to the CUP since it is technically the principal residential structure on the parcel.

- Equine and Canine Hydrotherapy Facility (pool): the narrative states that an “addition of an equine and canine hydrotherapy facility (pool) with access designed to accommodate equestrian use” is also planned. However, this is not shown on the plans, and it is unclear where this facility would be located – whether internal to an existing structure or whether a new structure would be needed.
- Replacement barns may also be added in the future. Replacement of any existing barns are not noted on the plan and it is stated as a future condition; therefore, the contemplated replacement cannot be reviewed as part of this application.
- Clean Energy Improvements. Plans to incorporate clean energy generating equipment on the roof of the Steel Barn or other suitable locations. Plans were not submitted regarding this request.
 - Plan to install charging stations to owner/resident manager house (principal structure) and the customer parking for electric vehicles. Plans indicating location of these facilities were not submitted regarding this request.

City Planner Swanson stated 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 permitted within the CUP, but is intended to consider the proposed improvements/modifications including the new accessory building, and the additional uses as described in the narrative.

The site is approximately 34.66 acres with approximately 0.37 acres of right-of-way on Julianne Avenue North and is bordered on the north by the Soo Line Railroad right-of-way. The site is irregular in shape and is oriented north-south with the south property line along Julianne Avenue North providing access to the operations. The topography is relatively flat with small rolling hills. The property is improved with an existing residential home (principal structure) and five accessory buildings that range in size from 185 square feet to 18,076. The existing home is

located on the east side of the property and is setback approximately 56.6-feet from the east property line (side yard). The property includes four barns, one that is attached to the three-bedroom employee housing (this is noted as the Stone Barn in the application materials). There is both indoor and outdoor riding arenas on the property that are used for equestrian use. There are several pastures on the property, and the area that is comprised of the active horse operations is fully fenced.

The site is guided AG/RR – Rural Residential in the City’s adopted Comprehensive Plan. Land within the AG/RR land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City’s zoning ordinance. The existing horse boarding and training facility, with accessory uses, is consistent with the City’s goals and objectives to support commercial agricultural uses. The proposed amendment does not change the use of the site for a horse boarding/training commercial operations which is identified as a compatible use within the City’s Comprehensive Plan and supporting Zoning Ordinance.

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibits, Boundary/Topographic Survey with Site Plan and Strobos Residence architectural plans). The following dimensional review is provided for review and consideration.

City Planner Swansons stated the following site and zoning requirements in the A1 zoning district for horse boarding facilities/operations which includes the most restrictive regulations and performance standards related to the proposed amendment. The following review is conducted focusing on the proposed accessory building for which plans were submitted. Please note that the improvements noted in the narrative that are not shown on the site plan are not included in the dimensional review since it is unclear where the improvements are planned and/or proposed. As such, those proposed improvements are addressed following the dimensional review.

Dimension	Standard
Minimum Lot Area	5 Acres
Frontage	300'
Front Yard Setback	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Accessory Buildings (# and Total SF)	No limit on parcels > 20 Acres
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, Coverage and Accessory Building Standards

The subject property is approximately 34.66 acres, which is consistent with the land area associated with the 1997 CUP. On parcels greater than 20-acres, there are no restrictions on the number of permitted accessory buildings or the maximum square feet permitted.

The proposed accessory building is approximately 720 square feet as denoted on the site plan. As noted in the submission materials, there are four barns on the property, one of which is attached to the three-bedroom apartment (employee housing).

As proposed, the lot exceeds 20-acres and therefore there is no limit on the number or total square feet permitted for accessory buildings. *The proposed addition of a new accessory building complies with the minimum lot area and accessory building standards for number and total square feet.*

The Site Plan includes a tabulation of the impervious surface area on the site today, and with the additional accessory building. The proposed building has minimal impact on the impervious surface coverage on the site and approximately 4.6% of the site is covered. *As proposed, the impervious surface coverage on the site complies with the City's ordinance.*

Setbacks

As shown on the Site Plan, the proposed accessory building is located northeast of the existing house. The accessory building is setback approximately 30-feet from the east property line, and is setback approximately 675-feet from the front property line. *As proposed, the location of the new accessory building meet all setback requirements.*

Architectural/Building Plans

The architectural/building plans are submitted and attached to this staff report (labeled as Strobos Residence.) As shown, the plans are described as a "Single Family Residence." The exterior architecture matches with the Applicant's description that it is an "A-Frame" type of building. However, the floor plan does not correspond to the described used in the narrative. The narrative states that the accessory building will include, "...an office and small conference room with a public restroom for customer use and to provide security for business records and a locus for classroom teaching..." and later describes it as "...an office, restroom, and small conference,

classroom, or teaching area to replace the facilities former located in the historic wood barn...”

The floor plan identifies internal spaces as Entry, Living, Sauna, Bath, Office and Loft. The proposed building floor plan does not match with the narrative description, and it is unclear how the space would function to support the proposed uses. Further, the building appears to be constructed to a residential standard, but the proposed uses as described support commercial horse boarding operation which may require certain commercial building standards to be met (e.g. public restroom would need to be ADA compliant). Further, there is no parking area denoted near the new structure and if training/classroom spaces, public restroom, etc., are proposed in this location, parking is required including an ADA parking stall.

Based on the submitted plans, it is unclear how the Applicant intends to use the building as it appears to be a residential structure and does not match the description of use in the narrative. Staff requests discussion by the planning commission, and clarification from the Applicant regarding the floor plan and the proposed uses.

Potential conditions to consider include that 1) the floor plan must be updated to reflect the described use in the narrative, that 2) the building must include an ADA compliant bathroom stall if intended to be used for customers, 3) approximate room layout provided to demonstrate uses/table setup, etc., to demonstrate occupancy of the structure especially the training/classroom space.

Parking

The Applicant’s narrative describes the proposed accessory building as a place for instruction, classroom, conference spaces, public restroom, etc. The building location is proposed near the existing farmhouse and is accessed from a long gravel driveway and small turnaround area. The narrative further describes that this building will replace the uses that formerly took place in one of the other barns on the property that was removed. The relocation of the uses near the existing home does not account for the parking that may be required to support the operation in this area. ***Further detail should be provided regarding parking near the proposed accessory building. Additionally, if the intent is that it is a public restroom and commercial facility, then an ADA compliant stall is likely required.***

Section 32-374 establishes parking ratios for off-street parking based on the proposed use of a structure. While the exact floor plan is unknown, staff assumes one of the spaces would be for a “classroom/instruction” and that the whole building may be used for

conference and/or office space. Based on this assumption, 3 spaces would be required for the classroom, and 1 space for every 200 square feet is required for office/conference space. Since the exact breakdown is unknown, staff estimates that approximately 5 or 6 parking spaces are required based on the overall building size and contemplated uses.

Potential conditions to consider include 1) a parking area/lot must be placed near the accessory building to support the classroom and training facility; 2) that an ADA compliant stall must be located near the building to support the use; 3) a grading and surface plan for the parking lot must be reviewed and approved by the City Engineer and Building Official.

Lighting

The submitted site plan does not identify any proposed lighting of the area where the accessory building will be located. If the building is proposed to be used for training or other instruction the building may need to be provided on the structure and/or in the parking area. ***Staff recommends including a condition that all lighting must be hooded and downcast and must comply with Section 32-321 of the City Code.***

The proposed accessory building is approximately 720 square feet, and will require some additional site improvements to support the intended use (parking area, ADA parking stall, etc.) ***Given that some of these improvements are not shown and/or known, staff recommends including a condition that the City Engineer must review and approve the final construction plan once complete.***

The property is located within the Valley Branch Watershed District. It is the Applicant's responsibility to submit the plans, once complete, to the watershed district and to obtain any necessary permits based on the proposed improvements.

As described, the Applicant intends to use the proposed accessory building for instruction, classroom, conference space, etc. These uses, as described in the narrative, seem compatible and consistent with the horse boarding operations and facilities; however, it was not expressly identified in the 1997 CUP. As such, further information from the Applicant should be provided indicating the following:

- What is the anticipated classroom/training schedule?
- How many occupants/students are anticipated?
- What are the anticipated hours of operation?

This information will be helpful to determine whether the proposed use of the accessory building is consistent and supportive of the current horse boarding operation, and if so, to document the uses within the amended CUP.

City Planner Swanson noted the narrative included a list of other improvements desired and/or contemplated by the Applicant for the property, but details of the improvements were not provided. The following analysis and recommendations regarding the Applicant's proposed changes are provided for the consideration of the Planning Commission:

- *Modernize (improve/modify) the Farmhouse:* The existing farmhouse is the principal structure, per the City Ordinance. The home is also expressly identified as a structure within the CUP. The proposed expansion/modernization provided it is connected to, and a part of, the principal structure would likely be a permitted use. As such, a building permit would be required, but an Amendment to the CUP would not likely be required. No changes to the CUP are recommended.
- *Equine and Canine Hydrotherapy Facility.* The Applicant indicates that an equine/canine hydrotherapy facility (pool) is planned. This facility is not identified on the submitted plans, and it is unclear if it is a separate facility or would be contained within one of the existing structures. Since the details were not provided there are two options, 1) request additional information from the Applicant regarding the location, size, facility, etc., in which this use would be located so that it can be properly reviewed; or 2) exclude it from the permitted uses within the CUP and clearly indicate that once the plans are known regarding this facility that an Amendment to the CUP would be required.
- *EV Charging Station.* Staff believes that this request is reasonable, provided such facilities are only for Idylwood customer/occupant use. The City ordinances do not expressly address charging stations for supporting commercial uses. Staff recommends including a condition, if approved, that the charging station location, if outdoors, should be submitted for review and approval by the City Staff, and the proposed placement near the operation's customer parking area is reasonable. Additionally, staff recommends that the condition also note that the EV Charging station is intended only for the clients/patrons of Idylwood, and are not intended to be a public/commercial charging station.
- *Energy Improvements.* Many of the improvements discussed in the narrative regarding energy improvements are permitted, or permitted with a Certificate of Compliance (e.g., ground mounted solar arrays). As such, staff recommends including a condition in the CUP that generally states alternative energy improvements are subject to appropriate permitting procedures. All improvements must comply with the City's ordinances in place at the time of application.

Staff is recommending discussion with the application regarding the following:

- Intended use of the Accessory Building. The narrative does not match the floor plan submitted.
- Operations of new Classroom Accessory Building. Further discussion regarding frequency of classroom instruction, bathroom use, conference space use, etc., should be provided to better understand the intensity of the use.
- More information regarding the equine and canine hydrotherapy facility. It should be determined whether this permit amendment addresses this facility/use.
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The Planning may consider and make the following recommendations:

1. *Recommend Denial of the Amended Conditional Use Permit (CUP).* Potential findings may include:
 - a. The described activities in the Applicant's narrative do not match the submitted architectural plans. Notations regarding the use of the Accessory Building are primarily residential uses including a sauna, living space and bathroom while the narrative describes a conference room, offices, training room, and public restroom.
 - b. A parking plan to support the Accessory Building is not provided, and is required if the accessory building is to be used for customers/clients of the horse boarding facility and operation.
 - c. No plans were submitted for the hydrotherapy facility, and therefore the potential impact and use cannot be evaluated adequately.
 - d. No plans were submitted for the energy improvements, and therefore it cannot be evaluated adequately.
 - e. No plans were submitted for the electric vehicle (EV) charging stations and therefore cannot be evaluated adequately.
2. *Recommend approval of the Amendment Conditional Use Permit subject to conditions.* If the Planning Commission determines that sufficient information has been provided to make a decision, staff recommend consideration of including the following conditions (note that all existing conditions within the 1997 CUP would remain valid, except those explicitly amended by the follow conditions). The following draft conditions are provided for your review, comment, and modification:
 - The construction of a new approximately 720 square foot accessory building is permitted. The use of the building must be for office, small conference room, classroom, teaching area and public restroom.
 - The architectural plans must be updated to reflect the uses as requested by the Applicant, and as approved within the CUP.

- The Applicant shall work with the building official on the updated architectural plans to ensure that the building meets commercial building standards.
- An ADA compliant restroom must be provided.
- A parking lot and/or parking plan must be added to the site plan for review and approval by City Staff. A minimum of six (6) parking spaces must be provided. Such plans for the parking area must be reviewed and approved by the City Engineer.
- One ADA compliant parking stall must be provided.
- If applicable, the Applicant must upgrade the septic system per Washington County Environmental Services requirements to support the new accessory building (public restroom)
- Full plans, including architectural design and site location, are required for any hydrotherapy facility and/or pool. Such plans were not included or provided, and therefore, is not approved as a part of this CUP Amendment.
- Any proposed facilities, not expressly approved by the CUP and Amended CUP, shall require an Amendment to the CUP.
- EV charging stations must be generally located near the customer parking areas on the site. The charging stations are permitted for use by the patrons/clients of the Idylwood Operation only and are not permitted as a commercial public charging station.
- Alternative energy sources, including solar installations, must comply with the City Ordinances and all applicable permits must be obtained.
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Ms. Jamie Benner, Applicant, came forward and stated she has had the same business in Grant for approximately ten years but she is reducing the number of horses and turning the business more in to a learning center. She stated she does not need more parking and will only have guests on Saturday and Sunday from 9:00 am to Noon. She stated the business will be a much smaller operation and there will only be one person at a time in the classroom. A proper bathroom is needed and there will be yoga and massage services. The loft is basically for storage. There will be a pool in the yard for the horses.

City Planner Swanson stated the Building Official will have to determine if commercial standards would apply to the type of facility the applicant is proposing.

MOTION by Commissioner Huttemier to open the public hearing at 7:07 p.m. Commissioner Gagliardi seconded the motion. **MOTION** carried unanimously.

Ms. Kris Thunhorst, 11710 Keats Avenue N, came forward and stated her property intersects the applicants in the rear of the property. She advised she has lived there for 25 years and has no issues with the building.

MOTION by Commissioner Tronrud to close the public hearing at 7:11 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

Chair Fritze stated he was very confused going through the applicant's narrative and then reviewing the building plans.

Commissioner Tronrud stated the plans do not reflect what the applicant describes the intended use of the building.

Commissioner Huttemier stated there is no consistency in the application and he is unclear as to what review should be done to make a recommendation to the City Council.

The Planning Commission determined revised plans should be submitted. The Architectural plans and narrative need to be changed; the Building Official needs to determine if commercial building standards apply; and no overnight stays will be permitted.

MOTION by Commissioner Anderson to table Application for Amended Conditional Use Permit, 111490 Julianne Avenue N. for additional information. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

PUBLIC HEARING, Draft Ordinance for Outdoor Storage – City Planner Swanson advised in February 2023 the City adopted a moratorium with the purpose of allowing for study and potential revision to the Exterior Storage regulations contained in the City's Code of Ordinances. Included in the packet is a draft ordinance for review and consideration. City Staff researched ordinances in other communities with similar lot configurations and sizes and conducted a survey with the City Council to solicit direction and feedback.

There are many ways in which exterior (outdoor) storage can be addressed within the ordinance, but there are certain common themes in most. A summary is provided for your reference:

- Most ordinances separate regulations by "personal" and "commercial." These terms do not necessarily correspond with the zoning district.
- Most ordinances require screening and/or increased yard setbacks.
- Ordinances regulate the area by percent of a lot and/or maximum square feet.
- Ordinances generally require outdoor storage areas to be located on improved surfaces.

City Planner Swanson reviewed the draft ordinance that was included in the packet. She also reviewed the draft performance standards, draft personal storage, and draft commercial standards. She asked for input relating to all three elements of the draft ordinance.

Through discussion, the Planning Commission indicated there should be a split between commercial and personal storage. There should also be an agricultural use distinction and/or exception and standards for commercial use that includes storage for hire.

MOTION by Commissioner Tronrud to open the public hearing at 7:56 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

Mr. Wally Anderson, 8833 80th Street, came forward and expressed concern relating to storage of personal equipment that is used frequently. He stated it will be difficult for residents to manage personal equipment on improved surfaces.

Ms. Kris Thunhorst, 11710 Keats Avenue N, came forward and requested consideration be given to personal storage. She noted vegetation is not always permanent screening and the location of storage should be addressed.

MOTION by Commissioner Gagliardi to close the public hearing at 8:02 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

The Planning Commission directed staff to provide a revised draft ordinance at the next regular Planning Commission meeting.

MOTION by Commissioner Tronrud to table Draft Ordinance for Outdoor Storage. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

OLD BUSINESS

There was no old business.

6. ADJOURNMENT

MOTION by Commissioner Gagliardi to adjourn at 8:25 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

*Planning Commission Meeting Minutes
August 8, 2023*

Respectfully submitted,

Kim Points
Administrator/Clerk

DRAFT



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: REV. September 9, 2023
July 31, 2023

CC: Brad Reifsteck, PE, City Engineer
Nick Vivian, City Attorney

RE: Application for an Amended
Conditional Use Permit for 11490
Julianne Avenue North

From: Jennifer Haskamp, AICP
Consulting City Planner

Background

At the regular Planning Commission meeting in August, the subject application was presented for review and consideration. After the public hearing and discussion, the Planning Commission requested for the Applicant to update their materials to be consistent and to clearly describe and demonstrate through the plans their intended use of the accessory structure. This memo provides a summary of the revised materials, and planning commission members can reference the July 31th 2023 Staff Report for more background regarding the submission. The Planning Commission requested the following materials from the Applicant:

- Revised Narrative: The Applicant's presentation and summary of the proposed project at the August 8th meeting was inconsistent with the narrative submitted as part of the original submission package. The Planning Commission requested that the narrative be updated and revised to reflect the proposed operations.
- Revised floor plans: The Applicant's presentation and summary of the proposed project at the August 8th meeting was inconsistent with the floorplans submitted as part of the original submission package. The floorplans were also inconsistent with the original narrative. The Planning Commission requested that the floorplans be updated to reflect the proposed operations and use of the accessory building as described during the August 8th presentation.

Public Hearing

The duly noticed public hearing was held on August 8, 2023. One member of the public provided testimony in support of the Applicant's proposal. The public hearing was closed at the August meeting, and a new public hearing was not published for the continuation of this agenda item in September.

Revised Materials – Summary and Analysis

The Applicant submitted a revised materials on August 29, 2023. The revised and updated materials included:



- A. Revised narrative.
- B. Revised floorplans and architectural plans. (Note that structural plans were also submitted)
- C. Landscape plan/Site Plan.
- D. Applicant's proposed revisions to the CUP.
- E. Grading permit.

The following staff response and analysis is provided for the consideration of the Planning Commission:

A. Revised narrative.

The Applicant updated the narrative for consistency with the description of the activities described at the public hearing on August 8, 2023. The use of the proposed accessory building is described as low intensity for one-on-one instruction, small meetings and yoga. The narrative further describes that the building will primarily be used by personnel of the facility.

Embedded within the narrative is a schematic drawing indicating future uses and plans surrounding the proposed facility (a larger copy of the plan is provided as an attachment to this staff report). As described in the narrative, the home addition is shown, as well as a bridle path and the potential location of the hydrotherapy pool. This schematic is described as “conceptual” and is subject to change once further investigation and planning is conducted, however, it is assumed that this statement is only in reference to the home addition and the hydrotherapy pool, and that the location of the accessory building and the ADA ramp will be installed as part of the proposed project. As noted in the July staff report, the home addition is not subject to the Conditional Use Permit requirements since it is a principal structure. At the time of proposed improvements, a Building Permit must be obtained and at that time the Building Official and City Staff will confirm that all applicable ordinances and standards are met. The Landscape Plan depicts the location of the hydrotherapy pool, which as shown, generally complies with the City's ordinances and setback requirements. Staff recommends including a condition that in the future the hydrotherapy pool does not require an amendment to this permit if it is in the general location, configuration and size as shown on the submitted Landscape Plan.

On page three of the narrative, the Applicant states, “The existing CUP provides not only for the current single family residential home and the existing three bedroom employee housing but also provides for an additional *four efficiency apartments*. Hence, I note that if the intention was to use the additional structure for housing – as an efficiency apartment – there would be no need for an amendment to the CUP.” During the discussion with the Planning Commission, the Applicant indicated that they do NOT plan to use the structure as living or dwelling, but the above quote and/or statement implies that the Applicant believes they are within their rights to use the structure as an “efficiency apartment.” Staff notes that the definition of an efficiency apartment is commonly described as ‘an apartment in which one room typically contains the kitchen, living, and sleeping quarters, with a separate bathroom.’ (Oxford dictionary) It should be noted that the Applicant has indicated that the structure is not planned to be used for a dwelling unit, and staff notes that the accessory building does not meet the common definition of an efficiency dwelling unit. While staff



can appreciate the statement, it does not appear that CUP issued in the 1990s contemplated that the efficiency units would be provided as Accessory Dwelling Units (ADUs) on the property. Staff recommends including a condition that the Accessory Building is to be used for the functions and use as noted, “private office, private bath and client yoga/video space.” Additionally, the City does not permit Accessory Dwelling Units (ADUs) and therefore, a condition stating that the accessory building cannot be used for dwelling purposes should be considered based on the Applicant’s narrative.

B. Revised floorplans and architectural plans. (Note that structural plans were also submitted)

The floorplans have been revised to match the indicated uses as noted in the narrative.

C. Landscape Plan/Site Plan.

The Applicant submitted a landscape plan and/or site plan for the area surrounding the existing principal structure (farmhouse) and accessory building. As depicted, the new Accessory Building will be connected to the existing home and driveway by a new walkway. An ADA ramp and parking space will be provided adjacent to the existing driveway. The Landscape/Site Plan shows additional site improvements including a hydrotherapy pool, bridle path and future home addition. Based on the narrative, it is assumed that the hydrotherapy pool and bridle path are schematic and full design has not been prepared for these improvements. As previously noted, all future improvements will be subject to the ordinances and permitting in place at the time the improvements are proposed. However, it should be noted that provided the improvements are consistent with the Landscape/Site Plan no further amendment to the CUP are required. (Note that additional engineering review, building permits, grading permit, etc., may be required based on proposed project.)

D. Applicant’s proposed revisions to the CUP.

The Applicant provided their proposed changes to the existing CUP. This is provided for your review, but it should be noted that the changes are not prepared by City Staff.

E. Grading permit

A grading permit application was submitted and must be reviewed by the City Engineer. This Amendment CUP is conditioned on obtaining an approved grading permit to complete the work. (Note this is not generally submitted or reviewed as part of the CUP application process).

Requested Action

The Planning may consider and make the following recommendations:

1. *Recommend approval of the Amendment Conditional Use Permit subject to conditions.* If the Planning Commission determines that sufficient information has been provided to make a decision, staff recommend consideration of including the following conditions (note that all existing conditions



within the 1997 CUP would remain valid, except those explicitly amended by the follow conditions). The following draft conditions are provided for your review, comment and modification:

- a. The construction of a new approximately 720 square foot accessory building is permitted. The use of the building must be for office, small conference room/yoga studio, and bathroom. The floor plan indicating the uses shall be attached to the CUP for recording.
- b. The proposed use of the building is generally described as low-intensity, intended to provide office and small gathering space to support the Idylwood horse boarding operations. Uses described include one-on-one appointments and training and office support functions.
- c. The Accessory Building may not be used as a dwelling unit.
- d. The Landscape/Site Plan shall be attached to the CUP for recording.
- e. All future improvements must be consistent with the Landscape/Site Plan, or an Amendment to the CUP may be required.
- f. The Applicant shall work with the building official to ensure that the building meets the applicable building standards, which shall include at a minimum, review of the bathroom and parking to determine ADA requirements based on the use of the building.
- g. If applicable, the Applicant must upgrade the septic system per Washington County Environmental Services requirements to support the new accessory building (additional restroom).
- h. Any proposed facilities, not expressly approved by the CUP and Amended CUP, may require an Amendment to the CUP.
- i. EV charging stations must be generally located near the customer parking areas on the site. The charging stations are permitted for use by the patrons/clients of the Idylwood Operation only and are not permitted as a commercial public charging station.
- j. Alternative energy sources, including solar installations, must comply with the City Ordinances and all applicable permits must be obtained.
- k. The Applicant shall obtain a grading permit from the City Engineer prior to the commencement of any site work.
- l. The Applicant shall contact Browns Creek Watershed District to determine if any permits are required based on the proposed project. Any required permit shall be obtained prior to the commencement of any site work.

2. *Recommend denial of the Amended Conditional Use Permit with findings as determined by the Planning Commission.*

Attachments

Revised narrative.

Revised floorplans and architectural plans.

Site Plan/Landscape plan.

Applicant's proposed revisions to the CUP.

Grading permit.

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

I understand that my Conditional Use Permit (“CUP”) represents, as it were, a “Next Generation” plan for Idylwood Equestrian Center that is consistent and compliant with Comprehensive Plan for the City of Grant developed and adopted in 2005.

Consistent with this Next-Gen purpose of a CUP and its review by the City of Grant Planning Commission, Idylwood Equestrian Center has been a nationally recognized equestrian training facility for over a century. The proposed CUP is designed to ensure that the Equestrian Facility continues to thrive for the next century notwithstanding the increasing loss of agricultural land and agricultural activities in Grant. My hope is that this amended CUP, and its approval, will demonstrate the continued viability of agricultural activities in Grant by demonstrating the willingness of the Planning Commission to consider updated options for agricultural use.

Over time, the facility has incorporated four barns, one adjoining the three-bedroom employee housing (“Stone Barn”), and the other three stand-alone barns. The larger or “Steel” barn also includes a heated indoor arena for equestrian use, storage and a public bathroom. The Steel Barn also has extensive parking for customers – approximately ten or more spaces – and there is a ramp or ADA access from the parking lot to the interior of the Steel Barn. Indeed, all four access points to the Steel Barn are ramped or ADA accessible. Currently, the historic wood barn and one wooden shed for storage of equipment were torn down for safety reasons. The historic wood barn also contained an office, sitting or conference area, a public restroom, storage for equestrian equipment and numerous stalls. The fourth barn (“Dutch Barn”) has been converted from stalls to indoor storage for farm equipment. Some stalls remain on the west end of the Dutch Barn.

Currently, there are therefore three barns – the Steel Barn, the Stone Barn, and limited space in the Dutch Barn – which have individual stalls for over 40 horses. The acreage is largely flat with some undulating hills but without wetlands and is divided into numbered pastures. The pastures are supplied with water from the well located near the Steel Barn. There are several wooden sheds to provide shade and protection from weather within the pastures. There are three main pastures of many acres for horses with a number of smaller pastures for horses that area required to pasture alone or have limited access to other horses. There is a parking lot for employees with approximately four spaces adjoining customer parking with approximately ten or more spaces. There is substantial overflow parking as the roadways are wide enough to accommodate parking and still permit passage of other vehicles. Additionally, in the event of shows, ample parking can be supplied by marking the open flat field next to the outdoor arena or parking along the roadway to the residence.

There is a fenced outdoor arena and grazing area in front of the Steel Barn and next to the Stone Barn. The entry road passes around the outdoor arena and grazing area past the Stone Barn and then past the Steel Barn to client parking. There is then a private road to the owner/resident manager housing. The owner/resident housing has a one acre front yard that is visible from the entry way.

The entire property is fenced. Other than the front pasture, outdoor arena, grazing area, and the owner/resident manager housing, the farm is not visible to passersby or to neighbors. A neighboring rehabilitation facility is located on property to the west of Idylwood and adjacent to the bridle path that connects the Steel Barn to the large fenced front pasture. The rest of the west end is bordered by a lake or

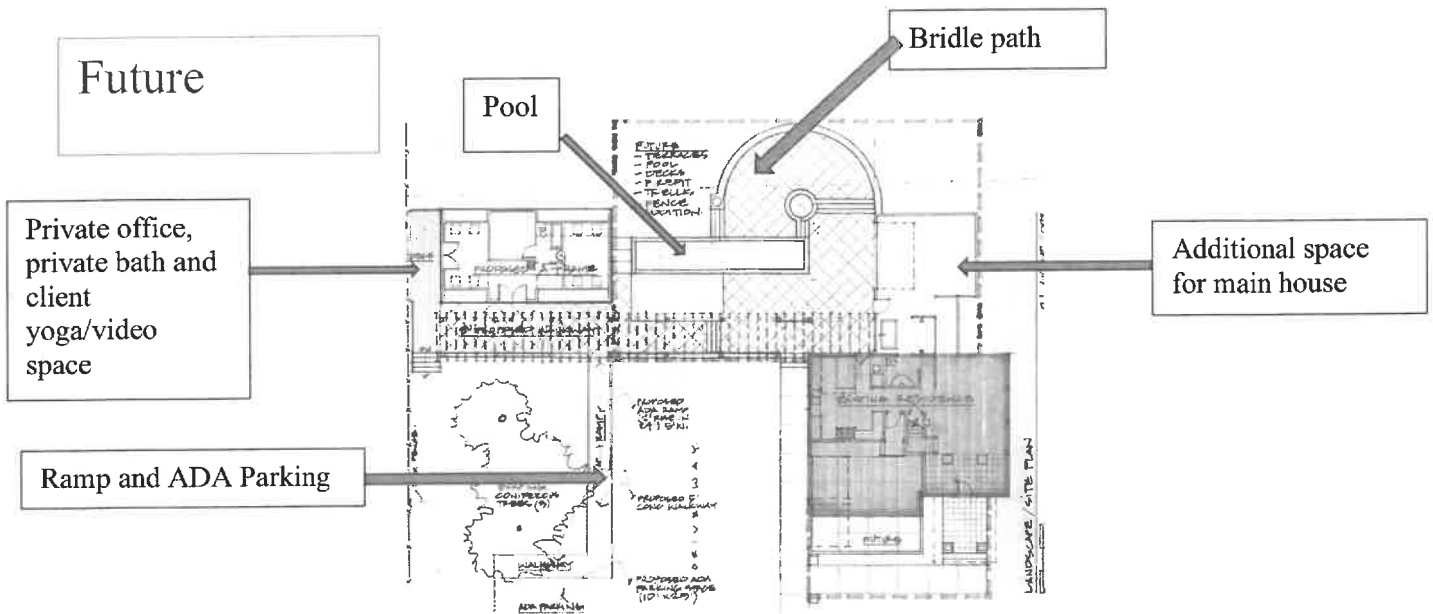
pond belonging to a neighboring property whose entrance is on Irish Avenue. The east end is bordered by an individual residence which is largely undeveloped woodlands. Individuals in the rehabilitation facility cannot see beyond the employee housing. The north end of the property contains a right-of-way for the Soo Railroad (formerly, Minneapolis, St. Paul, and Sault St. Marie Railroad) which runs the length of the north end.

There are currently two dogs on the property of which one is undergoing training as a search and rescue dog which includes agility training, tracking, obedience, and protection. The property is ideally suited for search and rescue training.

Equestrian training is undertaken on a daily basis both with horses that are owned by customers and boarded at the facility and with the owner/resident managers horses. All education and training is performed on a one-on-one basis between the owner and a specific client. Occasionally, a class will be expanded to three riders but rarely more. Some of the clients are children but most are adults. There is one goat.

Plans include the construction of an A-Frame type building containing a private office for managing the business, a private restroom for use by the office or other staff personnel, and a small conference, yoga, or teaching area for client instruction. Client instruction is, as noted above and at the hearing, conducted on a one-to-one basis, occasionally employing videos or for the purpose of post-riding contemplation, medication, yoga and relaxation to permit focus on riding dynamics. This one-to-one client space, of approximately 250 square feet, will replace the facilities formerly located in the historic wood barn. The building will be separate from the owner/resident manager housing but located nearby to facilitate instruction and otherwise support the business operations in a private, locked and protected environment – in other words, close enough to permit oversight from the residence and far enough that the building is not used for overnight activities. The building will not contain cooking, sleeping, or any overnight accommodations. The current owner/resident manager housing is in the reconstructed original farm house dating from the 19th Century and has two bedrooms. An additional one or two bedrooms may be necessary to accommodate a larger owner family. Plans also include addition of an equine and canine hydrotherapy facility (pool) with access designed to accommodate equestrian use.

As part of this submission, we have submitted conceptual plans for Next Gen purposes. In this schematic depiction, a bridle path is shown in cross-hatching that can be accessed from the field to the north and east of the new structure. A proposed hydrotherapy facility is shown at the end of this cross-hatched bridge path adjacent to the new structure. Additional potential enlargement of the existing structure to accommodate additional interior space is shown as attached to the main house. The ramp access and ADA parking for the small one-to-one conference/yoga/video client space is shown with an entrance to the north. The existing house is shown as shaded. The A-frame depicted as shown on the construction drawings – to the north of the existing dwelling. This should provide reassurance to the Commissioners that the intended use is, as has been made clear throughout, for a private office and client education space. This schematic is provided only to address questions raised by the Commission and do not represent final plans, which may change as a result of further planning, investigation, and development of permit drawings but are consistent with the proposed amended CUP and thus, will avoid any need for the expenses and time needed for re-submission of a new CUP.



Finally, in keeping with national trends to foster clean energy, the plan is to incorporate clean energy generating equipment (solar, wind, thermal) on the roof of the Steel Barn or other suitable and appropriate locations to reduce and potentially eliminate the need for propane heating and energy use with installation of heat pumps and DC power storage to avoid occasional weather induced loss electrical service. This will also permit the installation of charging stations at the owner/resident manager house and the client parking for charging of electrical vehicles. None of the equipment would be visible to neighboring properties or passersby given the terrain and surrounding properties.

Number of employees (if applicable, if not state why)

The number of employees varies by the size of the operation. When fully stocked with horses, the current employee three-bedroom housing is fully occupied with three employees. During the pandemic, with reduced utilization, the number of employees varied from 1 to 2. As of June 10, 2023, there is one employee, an owner/resident manager, and family of the owner/resident manager who manage the property full time. There are other occasional employees including a carpenter, who resides off property, and other occasional workers as needed, such as a veterinarian and ferrier.

The existing CUP provides not only for the current single family residential home and the existing three bedroom employee housing but also provides for an additional *four efficiency apartments*. Hence, I note that if the intention was to use the additional structure for housing – as an efficiency apartment – there would be no need for an amendment to the CUP.

Sewer and water flow/user rates (if applicable, if not state why)

The property relies on four wells for water supply to the employee housing, the two barns and horses therein, and the owner/resident manager housing. With the removal of the historic wood barn, one of the wells has been capped off. There are correspondingly two sewer mounds and, near the SOO line railway right-of-way, an area devoted to manure recycling.

There are no wetlands or water shed areas other than a drainage ditch along the Julianne Ave North frontage which partly parallels and then goes under the entry driveway.

Any soil limitations for the intended use, and plan indicating conservation/BMP's

None

•
Hours of operations, including days and times (if applicable)

The facility is generally open by appointment or pre-arrangement to customers Tuesday through Sunday from daylight to shortly after sunset. These times permit horse owners to visit and/or care for their animals. Teaching hours and therefore client access is limited to Saturday and Sunday morning. *Hence, the hours for operation of the yoga/instructional studio would be 9 AM to Noon on Saturday and Sunday.*

•
Describe how you believe the requested conditional use fits the City's Comprehensive Plan.

Ultimately, the City's Comprehensive Plan of 2005 demonstrates, as does this amended Conditional Use Permit, a dedication and commitment to the rural residential lifestyle. While the majority of Grant has been converted to developed home sites, Idylwood Equestrian Center remains true to its historic purpose as a nationally recognized horse boarding and training facility on its almost 36 acres of pasture with only a few structures – and those entirely dedicated to equestrian and canine training. Less than 5% of the property is classified as “improved” or containing structures. The original property was selected for this purpose based on the property being naturally nearly level prairie without wetlands or mixed hardwood forest – ideal for equestrian pasture and equestrian safety. There remain a few native elm and oak trees. Groundwater was and is abundant and the source of well water for the animals and human occupants. The soil is particularly suitable for on-site septic systems, basements (the original farm house has a basement as will the new private office building for the placement of electrical and heating equipment).

The planned improvements are designed to maintain this agricultural use as the City of Grant enters into the 21st Century – Next Gen. Agricultural use has decreased substantially in Grant over the last century. Improvements such as electrification of heating and cooling, AC and DC power generation, are essential to maintaining the rural character of Grant. To that end, the Mahtomedi Office Building has an EV charging station. Residents and visitors to Grant are dependent on automobiles for shopping, community, and recreation. As the nation transitions to electric vehicles, rural recreational facilities should have the ability to assure that clients, visitors and residents are not stranded. Generation of electricity using Minnesota's abundant resources of wind, sun, and thermally stable underground will enhance the ability to maintain the 36 acre property as an environment for equestrian and canine training for nearby city dwellers and for those residents who are dependent on employment outside the community but seek recreational and farm activities within the community that can remain undiminished for future generations. This sort of low density agricultural development fits squarely within the Comprehensive Plan. Grant currently has the highest density of horses in Washington County and these 21st century upgrades will permit Idylwood Equestrian Center to operate safely into the 22nd Century while modernization and updating the center to 21st Century equestrian care. I am committed assuring that innovation in equestrian management will nonetheless maintain the rural character of the property and believe that these plans promote flexibility, economy, and creativity in this agricultural use that naturally conforms to the dictates of the land and achieve the overall community benefits outlined in the Comprehensive Plan.

City of Grant
Grading Permit Compliance Requirements:

1. The applicant is required to submit a site plan including:
 - Property lines and easements.
 - Wetland locations based on the 100 year high water level.
 - Existing and proposed contours.
 - Existing buildings including dimensions of structures and dimensions to property lines.
 - Location of septic systems and wells.
2. All work must be on the property and outside of roadway right-of-ways and/or easements.
3. Grading applications can not damage or modify adjacent roadways or ditch systems. Repair will be required by the applicant at their own cost.
4. All imported material shall come from a clean source and should meet MPCA criteria of clean "unregulated fill". Property owner must provide truck manifest or other documentation for each source of imported fill indicating source site address, date and time.
5. Work shall be completed no later than 6 weeks from commencement. Working hours shall be restricted to 7 a.m. to 7 p.m., Monday through Friday.
6. Traffic control (warning signs, cones, barrels, trucks hauling signs) shall be provided as determined by the City Engineer in accordance with the Minnesota Manual of Uniform Traffic Control Devices.
7. A 48-hour notice shall be provided to the City Engineer prior to work commencing.
8. Silt fence shall be placed at all downslopes and around wetlands to control erosion.
9. A Minnesota Pollution Control Agency NPDES permit must be obtained if at least one acre of land has been disturbed.
10. The disturbed area shall have a maximum 4:1 horizontal/vertical slope and shall be restored with adequate sod or seed to establish vegetation within 7 days of finishing grading work.
11. A letter of credit or cash escrow in the amount of \$1,500 shall be provided to the City prior to work commencing to ensure erosion control measures are maintained and turf is established.
12. If reclaiming 1000 cubic yards (CY) or greater, City staff will submit a report to the City Council for review and approval.
13. No work shall be permitted until Grading Permit is issued and authorized by the City.

Permit Fee:	Permit fee shall be based upon the following schedule:
Base Fee:	50 cubic yards to 1,000 cubic yards\$200 1,000 cubic yards and greater..... \$200 + [\$0.05(_____ CY - 1,000 CY)]
	Example: 5,000 CY of reclamation on site $\$200 + [\$0.05(5,000 \text{ CY} - 1,000 \text{ CY})] = \400.00
Checklist:	Applications will not be considered complete unless all checklist items are submitted.
_____	Grading Permit Application
_____	Required Fees attached: _____ \$1500 Escrow Fee _____ Permit Fee
_____	Grading Plan including existing and proposed contours
_____	Other required permits: _____

In connection with your request for a Grading Permit, your signature constitutes permission for a representative of the City of Grant to enter upon your property, during normal business hours, for the purpose of evaluating your request. If you wish to be present during such inspection, please contact the City Engineer.

Signature of Owner _____ Date 04-06-23
 Signature of Applicant _____ Date _____
 (if different than owner)

GRADING PERMIT APPLICATION

ZONING CODE SECTION 32-341, 342, 343, 344

Revised November 6, 2017



CITY OF GRANT

111 Wildwood Road

P.O. Box 577

Willermie, MN 55090

Phone: 651-426-3383 Fax: 651-429-1998

NOTE: This is not an interactive document. It must be taken or mailed to the Grant City Office.

Please complete & submit this Grading Permit Application when reclaiming 50CY per acre or more:

LEGAL DESCRIPTION AND PARCEL IDENTIFICATION NO: 11490 Julianne Ave. N. (see attached) Property ID: 03.030.21.13.0003		ZONING DISTRICT: A-1 (Agricultural Large Scale)
PROJECT ADDRESS: 11490 Julianne Ave N Grant, MN 55082		PROPERTY SIZE (ACRES): 34.29 Acres
OWNER: Name <u>Jaime Benner</u> Address <u>11490 Julianne Ave N</u> City State Zip <u>Grant, MN 55082</u> Phone <u>763-285-9280</u>	APPLICANT (IF DIFFERENT THAN OWNER): Name _____ Address _____ City State Zip _____ Phone _____	
1. What is the purpose of the proposed work and/or use (Circle One) <u>Structure or Building Excavation</u> , Site Grading, Commercial use, Other. Explain: <u>Home office with basement</u>		
1a. Does this work disturb more than one acre of land? (Circle One): YES <input type="radio"/> <u>NO</u> <input checked="" type="radio"/>		
2. Does the proposed land reclamation affect drainage on the project site and adjacent properties? (Circle one) YES <input type="radio"/> <u>NO</u> <input checked="" type="radio"/> If yes, explain:		
3. Are there any Public Waters (creeks, swamps, wetlands ponds, etc..) on the property? (Circle One) YES <input type="radio"/> <u>NO</u> <input checked="" type="radio"/> If yes, explain how the public waters will be affected by the proposed work?		
4. How much material is being reclaimed in cubic yards (CY)? • Removed _____ • Imported _____ • <u>Relocated</u> <u>225 CY</u>		
5. If importing fill, provide the location the material is coming from? If removing fill, where is it being hauled? <u>N/A</u>		
6. What is the restoration plan for the site? <u>Grading around eventual building</u>		

All that part of the Northeast Quarter and the Southeast Quarter of Section 3, Township 30 North, Range 21 West, Grant Township, Washington County, Minnesota, described as follows:

Commencing at the Southeast corner of the North 380.00 feet of the West 400.00 feet of the Northwest Quarter of said Southeast Quarter; thence North 01 degrees 30 minutes 59 seconds West, assumed bearing, along the East line of said West 400.00 feet, a distance of 380.05 feet to its intersection with the North line of said Northwest Quarter of the Southeast Quarter and to the point of beginning of the parcel to be described; thence South 59 degrees 50 minutes 35 seconds East, a distance of 1074.20 feet to its intersection with the centerline of Julianne Avenue North (also known as Washington County Road No. 9); thence Northeasterly, along said centerline of Julianne Avenue North, a distance of 300.00 feet to its intersection with a line that bears South 21 degrees 49 minutes 41 seconds East from the Southeast corner of the Southwest Quarter of said Northeast Quarter; thence North 21 degrees 49 minutes 41 seconds West, a distance of 286.54 feet to said Southeast corner of the Southwest Quarter of the Northeast Quarter; thence North 01 degrees 29 minutes 33 seconds West, along the East line of the West Half of said Northeast Quarter, a distance of 1609.34 feet to its intersection with the Southerly right of way line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad Company; thence South 55 degrees 58 minutes 10 seconds West, along said Southerly right of way line, a distance of 1171.49 feet to its intersection with the East line of the West 325.00 feet of said Southwest Quarter of the Northeast Quarter; thence South 01 degrees 30 minutes 59 seconds East, along said East line of the West 325.00 feet, a distance of 611.10 feet; thence North 88 degrees 34 minutes 07 seconds East, a distance of

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

CONDITIONAL USE PERMIT
FOR
JAIME BENNER

Date: ~~June 10~~ August 31, 2023

Washington County Property I.D. No.: 0303021130003

Street Address of Subject Property: 11490 Julianne Avenue North
Stillwater, Minnesota 55082

Legal Description: See attached Exhibit

"A" Owner: Jaime Benner

Present Zoning District: A-1

Permitted Uses Set Forth in Ordinance 50, Section 604.

I. CONDITIONAL USE PERMIT FOR: Jaime Benner

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council of the City of Grant.

- A. General Description. A Conditional Use Permit for a horse boarding and training facility, covered and open arenas for horse competitions and shows, for a dog kennel permit, for dog training and sheep herding trials, for duck herding trials, for equine and canine hydrotherapy, for owner/resident manager housing, and for live-in apartments and for structures and appurtenances necessary or appropriate to such activities including storage of farm and equine equipment, feed and grain, and for office and conference room space, for play areas for children, and for green or clean energy generation and storage (wind, solar, thermal, etc).

II. ADDITIONAL RESTRICTIONS AND PROVISIONS:

In addition to all of the requirements of City of Grant Ordinances and any applicable County, regional or State requirements, the property is also subject to the additional restrictions and provisions specified herein:

- A. Limits on Number of Animals on Site. The following shall be the maximum number of each type of animal which shall be allowed on the subject property:

- Horses - 62 (A larger number of horses may be present on-site during horse competitions or shows.)
 - Sheep or goats - 100 (total)
 - Ducks - 100
 - Dogs - 6 (A larger number of dogs will obviously be present on-site during dog training or trial sessions. However, the maximum number of dogs which may be permanently boarded, harbored or kept on the property, by the owner or resident manager, is 6.)
- B. A maximum of six (6) horse competition or shows per year are permitted.
- C. A maximum of two (2) sheep herding trials per year are permitted. Additionally, six (6) "fun days" are permitted annually. Additionally, dog training may take place upon the property during the entire year.
- D. Residential living quarters on the property are as follows:
- One (1) single-family residential home suitable for an owner or resident manager family of four or five.
 - One (1) three-bedroom apartment.
 - Four (4) efficiency apartments.
- E. Applicant is hereby granted a kennel permit {private kennel) for up to six (6) dogs.
- F. All land legally described in the Application is included in this Permit. No land covered by this Permit shall be subdivided unless the size and number of accessory buildings is consistent with City Ordinances.
- G. Any change in the plans or construction of any other facility not specifically permitted in this Permit shall require an Amended Conditional Use Permit.
- H. This Permit shall be recorded against the property in the office of the Washington County Recorder.
- I. A permit must be obtained from the Minnesota Pollution Control Agency prior to any animals being boarded on this property, This Conditional Use Permit is not valid until evidence is shown to the City

Council that this Permit has been obtained.

- J. This Permit shall be reviewed on an annual basis by the City of Grant. It should also be reviewed each time the property is sold. The City Council or its designated agents shall have the right of access to all facilities on this property during daytime hours.
- K. The Applicant must comply with all conditions of the Minnesota Pollution Control Agency Feed Lot Permit.
- L. The owner of the subject property shall keep in full force and effect general liability insurance covering personal injury and property damage arising out of the operation of the activities allowed pursuant to this Permit.
- M. No more than sixty - two (62) horses may be boarded on the property at any time. If the number of horses creates a nuisance as defined by State Statute or City Ordinance, then the City may order a reduction in the number of horses.
- N. Manure shall be spread or removed from the property in accordance with Pollution Control Agency standards.
- O. Adequate parking must be provided on the site for horse and/or dog shows. The property may provide AC or DC charging facilities for electric vehicles and, to the extent permitted by local ordinance, install AC or DC clean energy generating equipment.
- P. Additional conditions may be added to this Permit if deemed necessary.
- Q. Buildings and septic systems shall be in proper working order at all times. Of note, other than the drainage ditch constructed at the side of Julianne Ave N, the property contains no wetlands as interpreted under § 404 of the Clean Water Act (33 U.S.C § 1344)
- R. In relation to the horses kept on-site, and in consideration of past uses of the property, this Permit also authorizes boarding, training, riding lessons, horse shows, breeding, children's riding camp, and other normally associated horse activities which have historically occurred on the property.
- S. In relation to the horse farming and horse training

activities, as well as maintenance of the horse barn and arenas, and to facilitate customer appreciation of horses, the facility shall be entitled to construct such appurtenances of wood or metal fabrication to provide support for the equine and canine activities including buildings such as office and conference center room space with a private bathroom facility, separate from the owner/resident manager housing and for use by the occupant of the private office or other employees; such metal or wood sheds as appropriate to store farm or horse training equipment; a pool for equine or canine hydrotherapy; and additions to the main owner/resident manager building as is appropriate for a four or five member family to live in comfort and quiet enjoyment; play equipment for children; sports equipment for equine or canine training; and such equipment as may be necessary to generate and store DC or AC clean energy that are consistent with local ordinances, the City of Grant Comprehensive Plan, and the interests of the customers and subject to the granting of permits therefor.

T. Conditions

- The use of the 720 square foot accessory building is divided into a private office, a private bathroom for staff use only, a private loft for storage of equipment for use by the owner/manager only, and a small 250 square conference center room for one-on-one teaching of clients after a riding lesson or such appurtenant relaxation and mindfulness activities as yoga and meditation. Per the City of Grant Planning Commission - **sleeping is not permitted.**
- Parking including a single ADA parking stall and ADA ramp access to the small conference room must be provided. However, clients invited to the facility will be required to use the current bathroom in the barn after putting away their horses.
- Any septic system must be compliant with Washington County Environmental Services requirements.
- Full plans, including architectural design and site location, are required for any hydrotherapy facility and/or pool and a building permit will be required. Nonetheless, such compliant equine

hydrotherapy is contemplated as a component or appurtenance to the use of the land as for equine and canine training, well-being and recreation.

- EV charging stations are limited to use by the owner/manager, employees, and clients.
- Alternative energy sources, including solar installation, must comply with the City Ordinances and all applicable permits must be obtained.

III. REVIEW.

Pursuant to Section 505.08 of the Zoning Ordinance of the City of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its approval. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission, which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

IN WITNESS WHEREOF, the parties hereto have signed and agreed to the terms of this Conditional Use Permit.

City of Grant

By _____
_____, Mayor

By _____
_____, City Clerk

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) ss

On this ___ day of June 2023, before me, a Notary Public, personally appeared _____ and _____, the Mayor and City Clerk of the City of Grant, a Minnesota municipality 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 of the City of Grant, and _____ and _____ acknowledge said instrument to be the free act and deed of said City of Grant.

Notary Public

Applicant

By: _____
Jaime Benner

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) ss

On this ___ day of June 2023, before me, a Notary Public,
personally appeared Jaime Benner, who signed the foregoing
instrument and acknowledged said instrument to be her free act
and deed.

Notary Public



MEMO

To: Planning Commission

CC: Kim Points, City Administrator/Clerk
Nick Vivian, City Attorney

From: Jennifer Haskamp, City Planner

RE: Draft Ordinance for Outdoor Storage

Date: September 7, 2023

Summary

The draft ordinance was updated based on comments provided by the Planning Commission at the regular August meeting. Additions are noted by an underline, and deletions are noted with a strikethrough. Modifications to the draft based on Planning Commissioner comments include:

- Adjusted/modified definitions.
- Provided additional flexibility and clarifications regarding personal storage.
- Adjusted language to indicate that commercial outdoor storage is the storage of any items on a property that are not for personal use by the owner of the property.
- Added an exception for agricultural uses and associated equipment.
- Adjusted minimum lot size to 10-acres for discussion (note that commissioners were split on what the appropriate minimum lot size should be for commercial outdoor storage).

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2023-__

**An Ordinance Amending the Grant Code of Ordinances
Amending Sections 32-1 Definitions, 32-245 Table of Uses and 32-316 Exterior Storage**

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, Article I, Section 32-1, "Definitions" is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~striketrough~~:

Outdoor Storage, Personal means exterior storage of materials, equipment, vehicles, and products that are accessory to a principal residential-use that are stored for personal use by the occupants or users of the property.

Outdoor Storage, Commercial means exterior storage of materials, equipment, vehicles, and products that are stored for someone other than the occupants of the property. Such definition does not include outdoor display of items that are for sale.

SECTION 2. AMENDMENT OF CHAPTER 32, SECTION 32-245 TABLE OF USES, OF THE CITY'S CODE OF ORDINANCES.

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

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) P = Permitted C = Conditional Use Permit and public hearing I=Interim Use Permit and public hearing CC=Certificate of Compliance A = Permitted accessory use N = Not Permitted					
<u>Outdoor Storage, Commercial or Personal</u> —as a principal use. (see section 32-316)	N	<u>€N</u>	<u>€N</u>	<u>€N</u>	C or <u>I</u>
<u>Outdoor Storage, Commercial – accessory use, to permitted principal use.</u> (see section 32-316)	<u>N</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>
<u>Outdoor Storage, personal</u> —as accessory use to permitted principal use. (See section 32-316.)	A CC	A CC	A CC	A CC	A CC
Storage not accessory to a permitted principal use. (See section 32-316.)	N	€	€	€	N

SECTION 3. AMENDMENT OF CHAPTER 32, SECTION 32-316 EXTERIOR STORAGE, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-316, "Exterior Storage" is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~ :

Sec. 32-316. ~~Exterior~~ Outdoor storage.

(a) General Purpose. ~~The purpose of this section is to regulate outdoor and/or exterior storage uses on all properties in the City. The regulations established herein are established by the principal land use of a property. The following standards shall apply to all Outdoor Storage uses:~~

- 1) The items in the area designated for outdoor storage must be completely screened from view at ground level from adjacent public right-of-way and adjacent residential uses.
- 2) The storage area may not be used for the storage of junk vehicles, trash, debris, or other nuisance items.
- 3) ~~The storage area must be clearly defined and screened by fencing, structures, vegetation or other physical means to screen the delineated the storage area.~~
- 4) ~~The storage area must be an improved surface which may include gravel, pavement, or similar.~~

5)3) ~~In all districts,~~ All waste, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with the provision within 90 days following the effective date of the ordinance from which this article is derived.

6)4) ~~Unlicensed passenger vehicles and trucks shall not be parked in residential districts~~ for a period exceeding seven days.

7)5) All exterior storage not included as a permitted accessory use or permitted use, or included as part of a conditional or interim use permit or otherwise permitted by provisions of this chapter, shall be considered as refuse.

(b) ~~The provisions of this Section shall not apply to active agricultural uses and any agricultural equipment.~~

(b)(c) ~~Outdoor storage that is for personal use is a permitted accessory use provided that the principal use of the property such use is identified as permitted, conditionally permitted or an interim use on the Table of Uses in Section 32-246. Such storage area may not be placed within any required yard setback, and must be located behind the principal structure. Exempt from this provision is:~~ The following shall be exempt from the location and screening requirements:

- 1) Any vehicles parked on the primary driveway, provided such vehicles are licensed and road worth.
- 1)2) ~~Up to two~~ Personal vehicles stored in a designated storage area provided such vehicles are licensed and road worthy, and such area is located in a side or rear yard and outside all yard setbacks.
- 3) ~~Up to two~~ Recreational vehicles as regulated in Section 32-339.
- 2)4) Utility trailers, horse trailers, or similar.

(d) ~~In nonresidential districts,~~ Commercial Outdoor Exterior Storage of property not owned by the Owner of the property, ~~for commercial purposes of personal property~~ may be permitted by conditional interim use permit provided ~~any such that the property is so stored is~~ for purposes of relating that relate to a permitted or conditionally permitted use of the property as regulated on Table 32-245 Table of Uses, permitted by this chapter and the storage will not be contrary to the intent and purpose of this chapter.

- 1) Any commercial outdoor storage area must be fully screened as viewed at ground level from any adjoining residential property. Adequate screening materials may include fencing, vegetation, or some combination.
- 3)2) The storage area must be located in a designated area, and such are must be on an improve surface such as gravel or bituminous pavement.

(e)(c) The following performance standards shall apply to all commercial exterior storage areas:

Requirement/Standard	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
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<u>Minimum Lot Area to allow exterior storage, commercial</u>	<u>20 Acres</u>	<u>≥10 Acres</u>	<u>≥10 Acres</u>	<u>20 Acres</u>	<u>30,000 SF</u>
<u>Area limit Maximum on commercial exterior storage area allowed</u>	<u>10% or X acres whichever is less</u>	<u>10% or X acres whichever is less</u>	<u>10% or X acres whichever is less</u>	<u>5% or X acres whichever is less</u>	<u>70% or X acres whichever is less</u>
<u>Location</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Must meet setbacks</u>
<u>Setbacks</u>					
• <u>Front Yard (right-of-way)</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>65' or 150' if Arterial</u>
• <u>Side Yard</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>20'</u>
• <u>Rear Yard</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>30'</u>

SECTION 3. 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 4. 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 _____, 2023.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk