

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-14**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
7452 MANNING AVENUE NORTH, GRANT, MN
(AXDAHL'S GARDEN FARM & GREENHOUSE)**

WHEREAS, Brian and Leslie Axdahl ("Applicants") have submitted an application for an Amended Conditional Use Permit for extended hours to allow for the operation of a haunted trail and corn maze located at 7452 Manning Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property at 7452 Manning Avenue North has an existing Conditional Use Permit issued to Axdahl's Garden Farm and Greenhouse allowing for seasonal agricultural business activities on the property; and

WHEREAS, the Conditional Use Permit was further amended on July 15, 2005 to allow for the construction of a greenhouse and other related activities; and

WHEREAS, the Planning Commission has considered the Applicant's request at a duly noticed Public Hearing which took place on September 19, 2011 and subsequently considered the application, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission's recommendation at its October 4, 2011 City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Brian and Leslie Axdahl for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City's Zoning Ordinance which provides that a Conditional Use Permit may be granted "if the applicant has proven to a reasonable degree of certainty" that specific standards are met. The City Council's Findings relating to the standards are as follows:

- The use will continue to be primarily seasonal agricultural activities and this amendment simply refers to the extension of business hours.

- The use conforms to the city's comprehensive plan.
- The extension of hours for a specific function for a defined period of time is consistent with the existing conditional use permit.
- The haunted trail and maze shall meet all ordinance standards for noise, light and any other nuisance as defined per city code.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The extension of hours of operations does not change the existing use of the property.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city's normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

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

1. Hours of operation for the agricultural business shall remain 9:00 am to 8:00 pm from April 1st to December 31st.
2. The haunted trail and night corn maze activities shall be allowed to operate until 11:00 pm Wednesday through Sunday from September through October.
3. Ticket sales for the haunted trail and corn maze shall end at 10:00 pm to ensure the hours of operation are met.
4. All activities related to the haunted trail and corn maze shall be subject to the City's noise ordinance Section 32-332. Sound machines shall be setback from roadways and adjacent residential structures and shall be directed interior to the subject site.
5. All fog machines shall meet all setbacks on the property and shall be directed interior to the site.

6. No additional lighting is approved as a part of this permit, any additional lighting shall be subject to review and approval by the city planner.
7. No new access points or driveways are approved as a part of this permit. Traffic will use existing accesses to enter and exit the site. Once **Settlers Court** is completed, all traffic shall be routed to this access.
8. The applicant shall continue to follow the traffic and circulation plan prepared for the amended CUP dated 7/15/2005. The plan makes sure that all customer vehicles are parked out of the traffic lane and do not constitute a traffic hazard. On-street parking shall be prohibited.
9. No additional signage is proposed as a part of this application. Any additional signage shall be reviewed and approved by the city planner.
10. Product sales shall be limited to the agricultural hours of operation and shall not be extended.
11. Any violation of the conditions of this permit shall result in revocation of said permit.
12. This permit shall be subject to annual review.
13. All escrow amounts shall be brought up to date.
14. The applicant shall sign an amended CUP within forty-five (45) days of the resolution being passed and record the same with the Office of the Washington County Recorder.
15. All ongoing conditions and requirements listed in the original Conditional Use Permit, in the Office of the Washington County Recorder shall also apply to this applicant.

Adopted by the Grant City Council this 4th day of October, 2011.

Tom Carr, Mayor

State of Minnesota)
) ss.

County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2011 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2011.

Kim Points
Clerk
City of Grant