

CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-06

RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
8000 AND 8678 75TH STREET NORTH
(INDEPENDENT SCHOOL DISTRICT 4832)

WHEREAS, Independent School District #832 ("Applicant") has submitted an application for an Amended Conditional Use Permit for expansion of the existing athletic fields including two additional tennis courts and baseball field, and improvements to the high school stadium located at 8000 and 8678 75th Street North in the City of Grant, Minnesota; and

WHEREAS, the legal description for the property is attached and incorporated herein as Exhibit A.

WHEREAS, the use of the property located at 8000 and 8678 75th Street North is regulated by an existing Conditional Use Permit issued to Independent School District #832, dated August 16, 2006, for "Athletic Field Expansion"; and

WHEREAS, the Planning Commission considered the Applicant's request at a duly noticed Public Hearing which took place on March 21, 2011 and subsequently considered the application on April 18, 2011, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant considered the Planning Commission's recommendation at its April 21, 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 application of Independent School District #832 for an Amended Conditional Use Permit for the property located at 8000 and 8678 75th Street North, based upon the following findings in accordance with Section 32-146 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 identified in Section 32-146 are as follows:

- The proposed use is designated in Section 32-245 as a conditionally permitted use in the City's Agricultural A1 zoning district.
- The use conforms to the City's Comprehensive Plan.

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. This finding is based upon, among other materials and documents supplied to the City, the environmental reports submitted by the Applicant. The Applicant is the only party to submit a written analysis of the environmental considerations associated with the proposed use. The City engaged Braun Intertec to review the environmental data and reports supplied by the Applicant. Braun Intertec reported that the investigations made by Applicants' consultants were conducted under the auspices of the Minnesota Pollution Control Agency ("MPCA"), to the MPCA's satisfaction based upon approval letters issued by the MPCA. Based upon Braun Intertec's review, issues related to soil vapor, groundwater and soil impacts are addressed by the Applicant. Despite anecdotal testimony received from residents, the City has not received any additional professionally certified written or documented evidence or data disputing or otherwise contesting the findings of the Applicant's environmental reports.

- The use represents an expansion of existing uses on the site and is compatible with adjacent properties and the neighborhood.
- 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 in accordance with Section 32-147 of the City's Zoning Ordinance, the following conditions shall be attached to the City's approval of the Amended Conditional Use Permit:

1. The Amended Conditional Use Permit shall be consistent with the depiction of the athletic fields and stadium as presented on the Site Plan attached and incorporated herein as **Exhibit B**.
2. The design for the bleachers shall be submitted and is subject to the review and prior approval of the City Engineer.

3. The materials and submaterials for the tennis court shall be submitted and is subject to the review and prior approval of the City engineer
4. A Buffering and Landscaping Plan for the north boundary of the site shall be required as attached and incorporated herein as Exhibit C.
5. All deciduous and coniferous trees proposed shall have a minimum of 3" caliper and shall be a minimum of 8-feet tall. A two-year landscaping guarantee shall be required for all new plantings on the site.
6. The location of proposed plantings as identified in the Buffering and Landscaping Plan shall be accomplished in collaboration with property owners to the north to ensure that sight lines are buffered and/or protected. It shall be included within the School District's bid package that the landscaping along the north boundary shall be staked prior to planting and neighbors asked to determine whether trees/plantings need to be moved to accomplish the screening objective.
7. The Applicant shall meet with the Washington Conservation District to discuss the Buffering and Landscaping Plan and determine whether modifications would be beneficial to ensure that the proposed landscaping plan creates a long term screen from the neighbors. After the consultation with the Conservation District, the School District shall meet with the neighborhood to discuss any significant modifications to the landscaping plan.
8. The School District shall provide at a minimum the total number of trees as presented in Exhibit C, and shall dedicate a minimum of \$96,000 for screening along the north boundary to provide adequate visual screening and sound buffering to the neighbors.
9. The Buffering and Landscaping Plan as described in Condition 8 shall be fully implemented by September of 2012.
10. In accordance with Section 32-147 of the City's Zoning Ordinance, the Applicant shall be required to provide a financial guaranty to the City in the form of a cash escrow or letter of credit in the amount of \$ _____ to ensure the Buffering and Landscaping plan is fully implemented.
11. All fences over six feet in height and any cantilevered gates shall require a building permit and are subject to the review and prior approval of the Building Official.
12. The Applicant shall be required to sign the driveways for proper wayfinding within the site. The Applicant shall be responsible for the cost of all signage as well as the cost associated with the posting and placement of all signs.
13. The proposed irrigation of the fields, whether by pond or well, shall be reviewed and approved by the city engineer and the appropriate agreements executed prior to construction,

14. The Applicant shall be required to submit bi-annual water quality reports for review by the City Engineer. Water quality shall meet stormwater Management levels.
15. Building permits shall be obtained prior to construction of the concession stands and ticket booths.
16. All storm water management and surface water runoff shall comply with the recommendations and conditions of the City Engineer.
17. All grading plans, including remediation due to the closed landfill, drainage, utility plans and easements are subject to the review and prior approval of the City Engineer.
18. This Amended Conditional Use Permit does not include approval for a lighting plan at any of the field or tennis court locations. If lighting is proposed at a later date, the Applicant shall apply for an amendment to this Amended Conditional Use Permit.
19. Parking lot lighting and lighting along the driveways shall be a maximum of twenty five feet high and all fixtures shall be down-lit and light shall not extend beyond the property line. Lights shall be dimmed or turned off by 10:00 P.M.
20. The athletic fields, including the tennis courts, shall only be used from dawn until dusk to prevent unauthorized use of the facilities.
21. The hours of operation shall not extend beyond 10:00 P.M., which shall include dimming of all lighting and cessation of public address speaker use.
22. All uses authorized by this Amended Conditional Use Permit shall comply with the City's noise ordinance.
23. The stadium's concession stand and ticket booths shall be permitted to operate during any scheduled/high school sanctioned activity. During non-operational hours, the facilities shall be secured and the minimum level of lighting provided only for security purposes.
24. The traffic circulation plan and driveway width shall be subject to the review and prior approval of the City Engineer and Fire Chief.
25. All construction shall be completed in compliance with the directions of the RCWD, the MPCA, Department of Health or any governmental or regulatory agency having jurisdiction over the site.
26. No structures or improvements shall be constructed in areas identified as being encumbered by an easement.
27. This permit shall be reviewed on an annual basis.
28. Any violation of the conditions of this permit shall result in a hearing before the Grant City Council and subjecting the Amended Conditional Use Permit to modification, suspension or revocation.

29. Any change in use, buildings, sales, lighting parking, storage, screening, traffic circulation shall require an amendment to this Amended Conditional Use Permit.

30. All escrow amounts shall be paid in full.

Adopted by the Grant City Council this 21st day of April, 2011.

Torn 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

EXHIBIT A
LEGAL DESCRIPTION
SEE ATTACHED.

EXHIBIT.B
SITE PLAN
SEE ATTACHED

EXHIBIT C
BUFFERING AND LANDSCAPING PLAN
SEE ATTACHED.