

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

April 21, 2020

Present: Jerry Helander, David Tronrud, Matt Fritze and Robert Tufty

Absent: James Drost

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

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES, January 21, 2020

MOTION by Commissioner Tronrud to approve the November 19, 2019 Minutes, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of Land, 11298 60th Street N – City Planner Swanson advised The Applicant, Adam Bettin, in coordination with the Owner the Stillwater West, LLC, is requesting a Comprehensive Plan Amendment to re-guide approximately 5.3-acres from Agricultural Small Scale (A2) to General Business (GB). The subject property is located at 11298 60th Street North, and is bordered by 60th Street North on the southern property border which is the frontage road to Highway 36.

The Applicant presented a general concept plan to the City Council on February 4, 2020 to consider a mini-storage business on the subject property. The City Council told the Applicant that the proposed use is not permitted in the A2 land use designation or zoning district. A couple council members indicated that such use would be more appropriate in the City's General Business (GB) land use designation and zoning district, if it would be permitted at all. Given the feedback at the City Council meeting the Applicant scheduled a preapplication meeting with the City Staff. On February 26th staff met with the Applicant to discuss the proposed use and the process to move forward. Staff indicated that given the City Council's response the only option

is to first seek a Comprehensive Plan Amendment (CPA) to re-guide the subject property from A2 to GB. If the City Council approves the CPA, then the Applicant would need to seek rezoning of the property which would include a map amendment and possibly a text amendment, and a Conditional Use Permit. However, the subsequent steps are only necessary and relevant if the property is re-guided to GB.

A duly noticed public hearing is required for all Comprehensive Plan Amendments. Therefore, a duly noticed public hearing was published for March 17, 2020 at 6:30 PM. Since the proposed CPA includes a Map Change letters were sent to individual property owners located within ¼-mile (1,320 feet) of the subject property.

The following staff report is provided for your review and consideration of the subject application

Project Summary

Applicant:	Adam Bettin
Owner:	Stillwater West, LLC
PID:	3603021340002
Total Acres:	5.3
Address:	11298 60 th Street North
Zoning & Land Use:	A2
Request:	Comprehensive Plan Amendment to re-guide subject property from A2 to GB

The Applicant is requesting a Comprehensive Plan Amendment (CPA) to re-guide the subject property from A2 to GB. The proposed GB land use designation would allow the property to be used for a variety of principal business uses that would not be permitted in the current A2 land use designation.

The City's official controls, including the Zoning Ordinance (Chapter 32) and Subdivision Ordinance (Chapter 30) do not explicitly define the criteria for review of a CPA. State Statute 462.355, and various associated statutory sections, enables Cities and property owners to request an amendment to the City's Comprehensive Plan. For purposes of this request, language in Chapter 30 and Chapter 32 regarding Zoning Amendments can be referenced for guidance in considering this application.

Generally, the most important consideration when processing CPA's is to determine whether re-guiding the property is consistent with the City's overall vision and goals as stated within the adopted Comprehensive Plan. If the request is determined to be consistent then re-guiding is reasonable.

The existing parcel is approximately 5.3-acres and is currently vacant. The subject parcel was subdivided from the adjacent larger 74.92-acre parcel that surrounds the subject property on the north and east. The timing of the subdivision is unknown, and currently both parcels are owned by different parties. The site is bordered by 60th Street on the southern property line, the American Polywater property to the west, vacant/agricultural land to the north and east. The property is accessed from an existing gravel driveway located approximately 200-feet from the westerly property line, and 215-feet from the easterly property line.

As shown on the aerial provided as Attachment B, the property is heavily vegetated on the northern and eastern portions of the property with a small clearing on southwestern quarter of the property. There appears to be a wetland/ponding area along the eastern half of the road frontage (likely stormwater runoff from the roadways), and no other significant wetland areas appear per the National Wetland Inventory (NWI). A wetland delineation has not been completed for the subject property.

The 2040 Comprehensive Plan is in draft form and the current draft does not expand the General Business (GB) land area from the adopted 2030 Plan. Both the 2030 and 2040 plans deliberately limit the amount of land guided as GB, and generally guides only existing businesses along the Highway 36 frontage (60th Street N. frontage road) as GB. The City's overall policy direction has been focused on protection of the City's rural residential and agricultural uses. One strategy to support that objective is to limit the amount of land guided for any type of business use. While the City's rural residential and agricultural land uses conditionally permit businesses, most of the permitted business uses are required to be accessory to a principal residential use. The GB designation is different than the City's A1, A2 and RR designations in that it permits a wider variety of business to be permitted and conditionally permitted as principal uses.

The Applicant has stated in their narrative that they believe the subject property is better suited, and more consistent, with the GB land use designation and as such has requested a Comprehensive Plan Amendment to re-guide the subject property. The Applicant's reasons are summarized as the following, and City Staff's responses are provided below each reason in *italics*:

- The parcel is adjacent to existing businesses that are guided GB. The adjacent parcel to the east is American Polywater, which is situated on a similarly sized property and shares the subject property's westerly property line.

Staff Response: *There are several small properties along the Highway 36 frontage that are guided in the 2030 and 2040 Comprehensive Plan as General Business. Many of the properties are developed with existing businesses that have been in existence since the 1960's, though some new businesses have been developed recently. Business uses in this designation are diverse from manufacturing/warehousing to restaurants. The subject property is adjacent and contiguous to the GB land use designation and has its frontage on the 60th Street N frontage. Staff agrees that re-guiding the property to GB would not create unrealistic precedent for further expansion of the GB land use designation, and if*

a new business was developed on the property it would be consistent with the character of the surrounding uses.

- The parcel size (5.3 acres) is too small to be used for meaningful agricultural uses.
Staff Response: *Staff agrees that the subject property is unlikely to be used for any significant agricultural activity, but that does not mean that it will remain vacant. The existing topography and vegetation in combination with the size will likely impact the desirability of the site for agricultural uses. There are several small “hobby farms” throughout the City that farm less than 10-acres, but the existing configuration and vegetation makes the site an unlikely candidate for such use.*
- The location of the parcel adjacent to Highway 36 in combination with the small parcel size makes it undesirable for a principal residential use.
Staff Response: *Staff acknowledges that the site may not be desirable for only single-family uses, but there are other conditionally permitted uses in the A2 land use designation that may be desirable. However, given the small parcel size, the ability to develop the site with a principal use and a conditionally permitted accessory business use (for example) may be unlikely given the City’s ordinances rules and regulations. Depending on the value of the parcel, staff agrees that developing the site for a single-family use is probably not the most desirable, or highest-and-best use of the property.*
- *If the parcel is permitted to develop with a commercial/business use, then the subject property will be taxed accordingly and will add to the City’s tax base.*
Staff Response: *The existing site is vacant and does not generate significant taxes for the City. The proposed re-guiding of the subject property to GB does not guarantee a specific commercial/business use, therefore a specific determination regarding impact to taxes cannot be made. However, staff does agree that if the site is developed from its current vacant condition for any type of business that its contribution to the City’s taxes will increase. Further, staff believes that from a market perspective that the site is well suited to commercial/business uses and will more than likely be developed if re-guiding to GB is approved.*

Since the City’s ordinances do not specifically identify a criterion from which to review a Comprehensive Plan Amendment staff provides the following additional background:

- Re-guiding does NOT approve a specific project. Any council member, planning commissioner, property owner or person with real estate interest in the City may request an amendment to the City’s Comprehensive Plan. Such amendment can be either a map amendment or an amendment to language within the Plan. If the City agrees that the land use designation of the subject property should be changed and re-guided, it only approves

that action (the map amendment, for example) it does not approve or deny a specific development project.

- The decision to re-guide is legislative which allows you more discretion to approve or deny the request. An application to amend the comprehensive plan is legislative because it establishes policies for future decision-making. Since the decision to re-guide a property is policy oriented, the Planning Commission and City Council have more discretion to determine if a map change is warranted and consistent with your goals. If the Planning Commission and City Council determine that the adopted land use plan is representative of your policies and you determine no map change is warranted, that is acceptable, and you may deny the request. However, if you determine a map change is warranted then all future decisions regarding the specific development of the site must be consistent with the GB land use designation. Approving the map change will subsequently require you to rezone the property to GB to be consistent with the land use designation (rezoning will occur at time of application for a specific development).
- Property size does not have to be a basis for determination. While the existing property size is more consistent with GB properties in the area that does not mean you are required to rezone the property. Based on the City's existing land uses and zoning districts, a single-family home likely could be constructed on the subject property providing reasonable use to the property.
- Use the "vision" for the Highway 36 Corridor in your analysis. Staff suggests considering the merits of expanding the City's GB land use designation to this site and evaluate whether the types of uses contained within the GB zoning district would be consistent with your vision for this area of the City.

All Comprehensive Plan Amendments require review and approval by the Metropolitan Council. Because the City's 2040 Comprehensive Plan update is in draft form and under review with the Metropolitan Council, this amendment could be incorporated as part of the update process. Since no specific development plans would be approved as part of this action no other agency review is required at this time.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions
- Recommendation to the City Council of Denial with Findings

- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

City Planner Swanson noted there is specific language in the Comprehensive Plan that call for no expansion of the General Business zoning. The 2040 Plan is less overt with respect to the language but does state primary land use is residential. The GB Zoning District was created because there probably were already business there.

Mr. Adam Bettin, Applicant, came forward and stated the property is adjacent to business on the major Hwy 36 Corridor. He stated he believes the request is very reasonable.

MOTION by Commissioner Fritze to open the public hearing at 7:00 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Mr. Mike Regan, 62nd Street, stated he lives in the area and is used to all the businesses on that stretch. GB is more consistent with that area and he does not object to that type of use.

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

MOTION by Commissioner Helander to recommend to the City Council denial of the Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of Land, 11298 60th Street N. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on May 5, 2020.

Consideration of Clear Cut Conditional Use Permit, 6667 Keats Avenue N – City Planner Swanson advised the applicant and Owner, Mike Regan on behalf of the Indian Hills Golf Club, is requesting a conditional use permit to allow for vegetative cutting (clearcutting) of properties located adjacent to the existing golf course. The existing golf course is subject to a CUP which identifies certain areas and Outlots for the golf course use. The properties that are the subject application are owned by the Indian Hill Golf Club but are not included in the current CUP. The Applicant's ultimate objective is to relocate three (3) existing holes from the current Indian Hills Golf Club course to the subject properties. After discussion with staff, it was determined that a two-step process would be the most efficient to process the Applicant's request. Staff outlined the process as the following:

1. Apply for, and obtain, a Conditional Use Permit for the subject properties for vegetative cutting (this application). If granted, the Applicant would be authorized to begin site

preparation, including any authorized clearing/grubbing activities, as well as grading as permitted by the City Engineer.

2. After the CUP for vegetative cutting is obtained, and concurrent to site work, the Applicant will apply for an Amendment to the existing CUP to incorporate the subject properties and the operations associated with the three relocated holes.

The following staff report addresses only the request for Vegetative Cutting. The Planning Commission will hear the request for an Amended CUP at a future meeting.

A public hearing is required for the requested CUP. Because of the current state of emergency, the City Council will adopt an interim resolution that allows public hearings to be held at the City Council due to known technology constraints throughout the City. As such, the Public Hearing for this Application will be held at the City Council meeting on May 5, 2020 and will likely be held as a video conference. Adjacent property owners within ¼-mile will be notified of the process to participate in the public hearing, and the official notice in the newspaper will direct all interested parties to the City’s website for information regarding the public hearing.

Project Summary

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 141.18 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021330001 2603021430001

The Applicant is requesting a Conditional Use Permit to allow for vegetative grubbing and clearing on approximately 23.79 acres of the subject properties. The proposed activities include the removal of approximately 8.9 acres of woodland and removal of approximately 6 acres of brush and undergrowth. As indicated by the Applicant, the total area of removal may be reduced depending on the watershed district’s permitting process. (Additional detail regarding this item is provided in subsequent sections of this staff report).

The purpose of clearing approximately 23.79 acres is to allow for the relocation of three (3) golf holes to the subject properties. The existing CUP for the Indian Hills Golf Club and neighborhoods does not include the subject properties. The Indian Hills Golf Club is the owner of the subject properties, but they are not subject to the current CUP and there are no current golf related improvements on the properties. The Applicant has indicated that the existing 18-hole golf course experiences flooding on holes 5, 6 and 7 due to their proximity to Keats Pond which is impacted by area flooding from Sunnybrook Lake, Thueson Pond, and Keats Pond. Given the regular, and historic flooding, the Applicant is proposing to relocate the three identified holes to the subject property.

The Applicant stated that he needs to begin working on the relocation process as soon as possible, and Staff indicated the most efficient way to begin site work would be to first obtain this CUP for vegetative cutting which (if approved) will allow subsequently for grading to begin after City Engineer review and approval of the grading permit. This CUP does not permit or authorize the relocation of the holes for operations because the subject properties are not governed by the existing CUP for the golf course. Therefore, the Applicant must secondly apply for an Amended CUP that will address the relocation of the holes and operations.

According to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

“(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.”

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

Section 32-348 Vegetative Cutting provides direction regarding clearing and grubbing activities.

There are two separate parcels associated with the subject application, which are described in the following:

Parcel 2603021330001 is approximately 101.55 acres and is oriented north-south, with its northerly property line abutting CSAH 12. Based on the aerial from the Washington County GIS records, there are three existing structures clustered on the west side of the property approximately 515-feet from the CSAH 12 right-of-way, and 230-feet from the westerly property line. The east and west property lines are heavily vegetated, with a clearing in the central portion of the site. It appears from the aerial, and the Applicant’s submitted plans, there are extensive wetland areas intermittently throughout the site and that the central portion of the site has recently been used for agricultural production. The site is contiguous on the southern boundary to the existing Indian Hills Golf course hole #7.

Parcel 2603021430001 is located southeast of Parcel 2603021330001 and is adjacent to the existing golf course on its westerly border. The subject property includes vegetation on the southern and eastern property line with some intermittent vegetation interior to the parcel. It appears that there are some wetlands on the subject property, and that the site has recently been used for agricultural production. There are no structures on the site, and there are no existing structures on the parcel.

The subject properties are located within the Agricultural Small Scale A2 land use designation which encourages rural residential and agricultural uses. The purpose of the vegetative clearing is to support the relocation of three (3) golf holes to the subject properties and does not further

intensify the subject property or surrounding uses. Given the intended purpose of the activity, it is consistent with the City's adopted Comprehensive Plan.

The follow site and dimensional standards that are applicable to the subject application are provided for your review and consideration.

The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
Lot Size	5 acres
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Wetland Buffers (BCWD Regulations)	100'

Setbacks:

Section 32-348 (b) *Prohibited locations* states that no vegetative clearing shall be permitted within any required yard (setback). As shown on the site plan, it appears that the extents of the clearing and grubbing work is generally near the southeastern edge of parcel 2603021330001 contiguous to parcel 2603021430001. If both parcels are considered collectively, the proposed removal appears to be located outside of all setbacks. ***Staff would recommend including a condition that all clearing and grubbing locations be marked in the field to ensure vegetative cutting does not occur within the setback area. Additionally, staff would request that the clearing and grubbing areas be clearly marked on an updated site plan for confirmation that all vegetation in the setback areas remains intact.***

Wetland Areas &
Buffers

The Applicant's Site Plan ("Plan") indicates and identifies a wetland complex on the subject sites adjacent to, and near, the proposed clearing and grubbing activities. The Applicant's narrative further states that the Brown's Creek Watershed District (BCWD) is involved in reviewing the proposed grading and site activities, and that a 100-foot buffer around the delineated wetlands is required. The Plan further identifies buffer exchange areas that are assumed to be locations where mitigation of buffer area encroachment could be exchanged (buffer averaging). It is staff's understanding that the Applicant is working with the BCWD through the wetland buffer and delineation process, and that the clearing/grubbing activities within proximity to the delineated wetlands are subject to their review and approval of any necessary mitigation. ***Staff would suggest including a condition that all clearing, grubbing and grading activities within the wetland buffer areas are subject to review and approval from the BCWD, and such approval shall be documented and provided to the City prior to any site work commencing in the identified wetland buffer areas on the Site Plan.***

Grading Plan

This CUP application does not address or include approval for any grading activities, though they are described and identified within the Applicant's narrative. The City Engineer is in the process of reviewing the grading plan.. It should be noted that the proposed grading is intended to support the construction of three (3) new golf holes, but the grading permit does not approve operations of the three relocated holes. As previously noted, operations will be addressed through a formal Amendment of the existing CUP for golf course operations.

The City Engineer is in process of reviewing the subject application and the associated grading permit. Staff will forward the City Engineer's review and comments to the Planning Commission members once received.

The subject properties are located in the Browns Creek Watershed District. As indicated by the Applicant's narrative they are working with the BCWD on their permitting process. Staff has reached out to the BCWD and will provide a verbal update at the Planning Commission meeting.

The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

1. The Site Plan must be updated to clearly identify the extents of the clearing and grubbing identified in the Narrative.

2. The Applicant shall mark the clearing/cutting boundary with stakes in the field and the City's Building Official shall conduct a visual inspection to confirm that the clearing area is outside of all applicable setbacks.
3. No clearing and grubbing shall be permitted within the yard setbacks, which shall include a 20-foot setback on the easterly property line.
4. The Applicant must obtain approval from the BCWD for clearing and grubbing within the wetland buffer setback area prior to any work completed within these areas. The Applicant shall provide documented approval of the plan for the wetland buffer areas, and any approved buffer exchange areas prior to any site work (including grubbing and clearing) commencing in these areas.
5. The Applicant shall follow all condition of the City Engineer, which shall include obtaining a Grading Permit.
6. This Permit does not approve the construction or operation of the three (3) golf holes. Such approval shall be required through a formal application to amend the existing Conditional Use Permit for the Indian Hills Golf Club.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings

Mr. Mike Regan, applicant, came forward and stated he has applied for the clear cut CUP first to get the program moving in the right direction. He stated one growing season will be needed and want to be open by next spring. He stated he is flooded out on many of the current golf holes and needs to create three new holes to eliminate flooding issues on the course. He added Brown's Creek does like the use as there is no housing or impervious surface. Most of the work is grubbing and a whole lot of it is buckthorn. He noted he will come back for an amended CUP for the three new holes.

MOTION by Commissioner Tronrud to recommend approval of Clear Cut Conditional Use Permit, 6667 Keats Avenue N, as presented. Commissioner Fritze seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on May 5, 2020.

7. **OLD BUSINESS**

There was no old business.

8. **ADJOURNMENT**

MOTION by Commissioner Tronrud to adjourn the meeting at 7:39 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

APPROVED