

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

January 15, 2019

**Present:** James Drost, Jeff Schafer, Jerry Helander, Matt Fritze and Robert Tufty

**Absent:** None

**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 Schafer to approve the agenda, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

## 4. APPOINTMENT OF INTERIM CHAIR PERSON

MOTION by Commissioner Helander to nominate Commissioner Tufty as Interim Chair Person. Commissioner Fritze seconded the nomination. MOTION carried unanimously.

MOTION by Chair Tufty to nominate Commissioner Schafer as Vice-Chair. Commissioner Fritze seconded the motion. MOTION carried unanimously.

## 5. APPROVAL OF MINUTES, December 18, 2018

MOTION by Commissioner Drost to approve the December 18, 2018 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

## 6. NEW BUSINESS

**PUBLIC HEARING, Consideration of Amended Conditional Use Permit for Construction of Deck and Extended Hours of Operation, Dellwood Barn Weddings, 7373 120<sup>th</sup> Street North**– City Planner Swanson stated the Applicant, Scott Jordan, on behalf of the Dellwood Barn Weddings is requesting an amendment to their Conditional Use Permit that allows for the operation of a rural event facility on the subject property. In 2014 the Applicant obtained a Conditional Use Permit which permitted the conversion of an existing barn on the property to a rural event facility. The events held at the facility are primarily weddings and operations are seasonal and limited to May 1<sup>st</sup> through October 31<sup>st</sup> of each year. The approved CUP includes

34 conditions that addressed conversion of the facility, parking, traffic control, outdoor activities, and hours and operations (See Attached CUP obtained in 2014).

The Applicant’s first events were held in 2014 after being granted the CUP and completing the construction related to the site conversion activities stated within the permit. The facility’s first full season of operations was 2015 and the facility has been operational for four (4) full seasons. After successfully operating for the past few years, the Applicant is now requesting an amendment to their permit to allow for construction of an outdoor deck space to support the operations and extended hours of operations. A duly noticed public hearing is scheduled for January 15, 2019 at 6:30 PM. Residents within ¼-mile (1,320-feet) of the property were sent individual letters notifying them of the request, and notice was provided in the City’s official newspaper.

Applicant and Owner: Scott Jordan, Dellwood Barn Weddings	Site Size: 37.14 Acres
Zoning & Land Use: A-1	Request: Amended Conditional Use Permit (CUP)
Location Description and PIDs: (PID 0503021210005) The Dellwood Wedding Barn (Rural Event Facility), parking, Informal Gathering space, etc., are located the approximately 23.72-acre parcel. The proposed deck expansion is located on this parcel and located on the south side of the facility. (PID 0503021210004) The Outdoor Ceremony space, and septic drain field that supports the facility are located on the 13.42-acre parcel and no changes are proposed on this portion of the property.	

The Applicant is proposing to amend the existing CUP for the subject operations to allow for the construction of an outdoor deck and revise and extend the permitted hours of operations. Consistent with condition #34 in their permit, “Any change in use, building, outdoor gathering areas, lighting, parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use Permit.” A summary of their requested amendments is provided:

- Condition #2 States, “The Dellwood Wedding Barn shall be permitted to conduct no more than three (3) events per week.” The Applicant is proposing to amend this condition to permit no more than four (4) events per week.
- Condition #4 establishes the hours of operation for the facility. The Applicant is proposing to amend the permitted hours of operation as follows:

2014 CUP Conditions	Proposed 2019 CUP Conditions
Monday – Thursday 11:00 AM – <b>2:00 PM</b>	Monday – Thursday 11:00 AM – <b>10:00 PM</b>
Friday and Saturday 1:00 PM to <b>11:00 PM</b>	Friday and Saturday 1:00 PM to <b>11:30 PM</b>
No events permitted on Sunday	Sunday 11:00 AM – 10:00 PM, Max 6 Events/Season

- Condition #34 States, “Any change in use, building, outdoor gather areas...shall require an amendment to the Condition Use Permit.” The Applicant is proposing to construct outdoor commercial deck 16-feet x 35-feet on the south side of the existing facility to allow for additional outdoor gathering space.

According to the existing Conditional Use Permit, the proposed changes to the operation and the facility require an Amendment to their CUP. 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.”

Section 32-352 identifies specific performance standards for Rural Event Facilities which must be addressed in the application and analysis of the proposed amendments.

In order to determine the appropriateness of the proposed amendments to the CUP, the proposal will be reviewed for compliance and consistency with adjacent uses, the zoning district regulations, the performance standards, and other supplemental regulations. Additionally, since there is an existing CUP that addresses the on-site operations, a summary of current compliance should also be considered when evaluating the proposed amendments.

City Planner Swanson state the site is located in the far northwestern corner of the community and the parcel is bordered by the City of Hugo to the north, and the City of Dellwood to the south. The following existing site conditions are present on each of the PIDs as referenced above. (See site Plan for Details):

0503021210005 – The parcel is described as Lot 5 of the Meadowlark Subdivision and is the northwestern most parcel of the Subdivision. The parcel is approximately 23.72 acres, is irregular in shape, and located southeast of 120<sup>th</sup> Street North which forms a curvilinear border on the north and west property line. The parcel includes an existing house (principal structure); the existing Dellwood Wedding Barn which is approximately 3,800 square feet; three existing out buildings that total approximately 7,200 square feet; and an existing corn crib which is approximately 820 square feet. The home and buildings are accessed from an existing gravel driveway that is connected to 120<sup>th</sup> Street North in two locations and is approximately 12-feet

wide. As required by the conditions of the CUP, the Applicant constructed a graveled parking lot directly west of the Dellwood Wedding Barn facility which is connected by footpaths to the facility.

0503021210004 – The parcel is described as Lot 4 of the Meadowlark Subdivision and is adjacent, and to the east, of Lot 5 described above. The parcel is approximately 13.42 Acres, is slightly irregular in shape, but generally runs north-south with its northern property line bordered by 120<sup>th</sup> Street North. The parcel does not have a principal structure and for purposes of this review is considered in combination with Lot 5. The parcel has three existing outbuildings that total approximately 3,425 square feet and are located in the northwest corner of the property. There is an existing wood fence that extends from the Barn located on Lot 5 and encompasses the outbuildings on Lot 4. The majority of the site is generally open, with some sparse vegetation and a wetland area near the southwestern property line. This site includes supporting infrastructure to the Dellwood Wedding Barn and is used for outdoor ceremonies as permitted within the existing CUP.

The site is guided A-1 in the City's adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural and rural residential uses with limited accessory commercial uses as identified and allowed within the City's zoning ordinance. The City's ordinances conditionally permit Rural Event Facilities provided certain performance standards can be met. The existing Dellwood Wedding Barn was permitted with a CUP in 2014 and deemed consistent with the City's Comprehensive Plan.

Since the Applicant is requesting an Amendment to their current CUP it is reasonable to review current operations for compliance with the approved permit. After the permit was approved the Applicant was required to meet the conditions as stated within the approved CUP, which included conditions for construction and conversion of the site to support the proposed Dellwood Barn Wedding facility. In 2014 the Applicant worked through the conditions as stated performing site work and construction. After meeting the conditions of both the City Engineer and Building Inspector the facility was permitted to open and become operational.

In the first season of operation the facility was working through issues and compliance with CUP conditions. The City received several complaints that were promptly addressed with the Applicants. Since working through initial issues there has been only one (1) formal complaint filed regarding condition #7 that requires the barn doors on the north façade to be secured and closed at all times when amplified music is playing. Again, the City worked with the Applicant who promptly addressed the issue, and no additional complaints or issues have been noted.

The Applicant and Owner/operator have complied with the conditions of their CUP and have been responsive to the City when issues have been brought to their attention. Staff expects the positive relationship to continue and concludes that the site in compliance with the CUP.

Rural Event Facilities were added as a permitted conditional use in 2014 with specific performance standards. The following dimensional review is provided as background, and the subsequent evaluation completed for the proposed outdoor commercial deck expansion.

The following site and zoning requirements in the A-1 district regulate the site and proposed project:

Dimension	Standard
Lot Size	20 acres
Frontage – Per Sections 32-245 & 32-352)	County/State Road and 300’
Front yard - centerline of County Road (Principal Structure)	150’
Front Yard Setback	65’
Side Yard Setback (Per Section 32-352)	100’
Rear Yard Setback	25’
Height of Structure	35’
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%

Wedding Barn Facility (Setbacks & Frontage):

The existing barn is located approximately 140-feet from the centerline of 120<sup>th</sup> Street North, and 65-feet from the front yard property line. The Barn is approximately 480-feet from the eastern property line of Lot 4, 425-feet from the west property line, and more than 1000-feet from the rear (south) property line. Per the performance standards for Rural Event Facilities, the facility shall be located at least 100-feet from any side-yard lot line. The proposed deck expansion is located on the south side of the facility and is setback further away from the centerline of 120<sup>th</sup> Street North than the facility. The proposed deck is setback from the eastern edge of the facility by approximately 20-feet and therefore is setback more than 500-feet from the eastern property line. ***The proposed deck addition as shown on the submitted site plan meets and exceeds the setback requirements identified in the City’s adopted ordinances.***

Parking:

The Applicant constructed the parking lot consistent with the conditions of the existing CUP. There are no proposed changes to the

parking lot, its configuration or number of stalls as part of this application. The deck expansion does not change Condition #3 of the existing permit which sets the maximum occupancy of the facility at 253 persons with subsequent parking calculations derived from the occupancy. ***As proposed, the deck expansion does not alter or affect the number of parking spaces or permitted occupancy of the facility.***

Driveway/Circulation: The proposed deck addition is on the south side of the facility and there is no impact to drive aisles, parking lots or other circulation of the site. ***As proposed, no changes to driveway, circulation or access is reviewed or approved as part of this application process.***

Lighting Section 32-321 Lighting, Light Fixtures and Glare addresses lighting standards of off-street parking areas and indicates that no more than 1 foot-candle may be emitted on a public street, and no more than 0.4 footcandles on adjacent residential property. The lighting plan of the facility was reviewed and approved as part of the existing CUP process. No information was provided as to whether additional lighting of the outdoor deck area is contemplated. Staff would recommend adding a condition to the amended permit to address any proposed lighting as a result of constructing the outdoor deck gathering space. The Applicant should be aware that any proposed lighting of the outdoor deck space must be compliant with the City' adopted ordinances.

Hours of Operation The Applicant is proposing to extend the hours of operation of the facility and amend the permitted days on which operations are permitted. A summary of the changes is provided for review and consideration:

- The CUP permits no more than three (3) events per week. The Applicant is proposing to amend this condition to allow up to four (4) events per week.
- The CUP permits hours of operation as follows:

Monday through Thursday 11 AM to 2 PM.

*The Applicant proposes to extend the permitted hours of event operations to 11 AM to 10 PM.*

Friday and Saturday 1:00 PM to 11:00 PM.

*The Applicant proposes to extend the permitted hours of event operations to 1:00 PM to 11:30 PM.*

No events shall be permitted on Sundays.

*The Applicant proposes to amend this condition to allow for*

*events on Sundays between the hours of 11:00 AM and 10:00 PM. The Applicant further proposes to limit the maximum number of Sunday events to six (6) events per season.*

The Applicant's request to permit up to four (4) events per week seems reasonable given their compliance with their existing CUP. Staff views the more significant changes as the proposed extension of hours of operation Monday through Thursday as well as the addition of permitted events on Sundays. During the initial review process in 2014 neighbors were concerned about weekday events, particularly those that extend into the evening hours. Staff is concerned about the extension of hours as requested, particularly the extension requested for Monday through Thursday, especially if amplified music is permitted during these events. Staff provides additional discussion regarding amplification in subsequent sections of this staff report. With respect to Sunday operations, it is understandable that given the success of the Applicant's operation that they would like the opportunity to hold events on Sundays. The Applicant's request to amend the permit to allow for a limited/defined number of events on Sundays seems reasonable. Further, the proposed hours of operations on Sundays is reasonable, particularly if some limitations are provided Monday through Thursdays to ensure neighbors have some respite from the activity. ***Staff would ask the Planning Commission to consider the proposed hours of operation and provide direction as to what, if any, reasonable adjustments to the hours of operation are warranted.***

Noise/Amplification

The Applicant is proposing to have amplified music, such as bands and DJs, at events and staff assumes that the proposal to amend the hours of operation would also correlate to an adjustment of hours permitted for amplified music. The existing permit allows for amplification of ceremonies outside with use a portable speaker system. Section 32-352 states, "Sound amplification is permitted for ceremonies whether located within the rural event facility or on the grounds. All other sound amplification is permitted only within the facility's building and must adhere to all local and County sound ordinances. Events shall not generate noise that unreasonably annoys, disturbs, or endangers the comfort of peace of any persons, or precludes their enjoyment of property or affects their property's value." Given this requirement, a condition was included in the CUP that requires the doors on the north façade of the facility to be closed at all times any amplified music is playing. The proposed deck expansion on the south side of the facility complies with the conditions that regulate and prohibits outdoor activity on the north side of the facility and may even help deter

activity on the north side of the facility. Therefore, staff does not see an issue with having a formal constructed outdoor space on the south side of the facility. Staff is concerned about the extended hours of operation related to noise and amplification Monday through Thursday given prior testimony of neighbors during 2014. ***Depending on testimony provided during the public hearing scheduled in January, there may be opportunities to limit the hours of amplified music on work-week nights, while still permitting extended hours of operation. Staff would recommend discussion regarding this issue, particularly after hearing from neighbors at the upcoming public hearing, if testimony is presented.***

There are no changes to the site that require engineering review at this time. If any significant grading or site alterations are needed to construct the deck, the City Engineer will be involved and review any needing grading permits. ***Staff would recommend adding a condition to the amended permit that the Applicant shall be required to obtain any necessary grading permits from the City Engineer at time of building permit application.***

The property is located within the Rice Creek Watershed District, and the Applicant is responsible for contacting them to determine whether any permitting is required to construct the proposed deck.

Staff requests that the Planning Commission discuss the following items, at a minimum, in relation to the request:

- Proposed extension to the hours of operation would affect the activity level on the site, particularly on weeknights. Staff would ask the Planning Commission to discuss reasonable adjustments, and to consider the public testimony.
- Potential mitigation of noise generated from the events and amplification should be considered related to the proposed extension of hours on weeknights.
- While not specifically addressed in the Applicant's request to amend condition #27 of the permit related to the off-duty officer. Staff would suggest consideration to amend this condition to be consistent with any revised/extended hours of operation.

The hours of operation require additional discussion and direction from the Planning Commission, staff would recommend approval of the request to construct the outdoor commercial deck at the facility and has drafted the following conditions for your review and consideration:

- Construction of the proposed deck on the south side of the Dellwood Wedding Barn facility as shown on the Site Plan is permitted to be used as part of the operations of the facility during all events.



- A building permit shall be obtained from the City's Building Inspector, and the deck shall be constructed to meet all applicable commercial standards.
- Any future lighting of the deck or deck area shall be reviewed by the City Staff and must comply with the City's ordinances.
- If required per City Ordinance, a grading permit to construct the deck shall be obtained from the City Engineer.

Chair Tufty referred to the map and inquired about the planting of trees near the parking lot noting the planting of trees on both sides would be beneficial to the neighbors. City Planner Swanson advised two rows of staggered trees had to be planted on the north side of the parking lot as well as the north side of the barn. All conditions relating to the plantings per the initial permit have been met. She also noted it was required that the applicant purchases a decibel meter and has one on site at all times.

Commissioner Fritze requested the applicant comment on the use of the south side and how it relates to the proposed deck.

MOTION by Commissioner Helander to open the public hearing at 7:35 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Ms. Melinda Lopes, 12160 Upper Heather Avenue North, came forward and stated her property is directly across the street from the venue. She stated she hears noise all the time and there is an issue every Friday and Saturday night. She does not want to have an issue every Sunday as well. She cannot use her property at all and buffering is not an option as they are on a hill. She stated she wants to enjoy her property and can't because she is 400 feet from the barn. She is asking that the use stay as it is if she can't make it go away.

Mr. Kevin Devore, 11535 Hillcrest Court North, came forward and stated the deck would be facing his property. His concern is the sound and lighting. The deck would be elevated which would then elevate the sound level. Lighting is an issue and it should be buffered. This is a slippery slope here and there could be a new owner at some point. He cautioned the Planning Commission about allowing the expansion of operating hours and number of event days.

Mr. Tom Windisch, 12150 Upper Heather Avenue, came forward and stated the operation was much contested back in 2014 and his property is one of the most affected in the area. He can hear everyone that goes outside during events and he is not in favor of extended hours or more event days. The conditions of approval are basically being broken. He stated he gave up contacting the City. Sundays are sacred. The hours requested to be extended during the week the kids are in school and would be a total of 16 weeks. He stated he could see events during the week until

8:00 p.m. The deck would abate noise on the north side and three events per week is fine but not on Sundays and not during the week beyond 8:00 p.m.

Ms. Tina Lobin, 11034 Irish Avenue North, came forward and stated she was on the City Council when the original application came through and she does support businesses in Grant. There are rules for a reason and she can hear people all the way across the lake that she lives on, depending on the weather. Trees do not buffer sound. This is a rural residential area and she does not see the need for events during the week. She does not support the amended CUP application.

Ms. Kristin Wicks, 12105 Upper Heather Avenue North, came forward and stated she has a noise issue with the outdoor ceremonies and those ceremonies are amplified. She stated she has called the Sheriff four times and Sundays and events during the week are just not acceptable.

Mr. Kevin Rhodes, 12160 Upper Heather Avenue North, came forward and stated it can be very loud out on the premises and is loud every weekend throughout the entire summer. There is not balance at all with their proposal. The deck will increase the outdoor activities. The current permit tried to achieve a balance. They should not be rewarded for non-compliance with allowed expansion.

Mr. Carl Swanson, 7665 120<sup>th</sup> Street North, came forward and stated he has lived there for thirty years and does spend a lot of time outside. He can see the concerns about noise but can't see people spending time out on the deck with the mosquitoes. The motorcycles on the curve on the roadway causes a lot more noise than the wedding barn. He stated he has no problem with the request of the property owners and amended CUP.

MOTION by Commissioner Helander to close the public hearing at 8:10 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

City Planner Swanson noted that during the day earlier looking at the applicant's website it was noticed that advertisement for open houses was posted. That is a clear violation of the current permit. However, since the first season only one complaint has been received and all complaints have been documented.

Ms. Jordan, Applicant, came forward and sated she did not know having open houses violated the CUP. She stated she does invite brides to visit and take a tour. Three people were in attendance last Saturday. She stated she can do private tours or take appointments to view the site and won't do open houses. The Barn is 60 feet long and the deck itself would be about 35-40 feet long. There will be seating on the deck itself.

Commissioner Schafer stated he believes the concerns of the neighbors are legitimate and he is not in favor of Sunday events. If they are allowed four events per week that would allow 78 events a season. He suggested a maximum number of events per season.

Commissioner Fritze stated he is not in favor of extended hours and stated he thought the Council did a very good job that last time of finding a good balance between the event center and the neighborhood.

Commissioner Helander stated he thinks the owners have done a good job with the CUP but enforcement to keep all the conditions in check is the issue. He believes a balance was found by the Council in 2014 and he is not supportive of any changes.

Council Member Drost stated a new deck would expend the noise level and is not in favor of any of the proposals.

MOTION by Commissioner Helander to recommend denial of the amended CUP to the City Council as presented. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Schafer and Commissioner Tufty voting nay.

Commissioner Schafer and Tufty both indicated they believed there was room for compromise on the requested amendments to the CUP.

**7. OLD BUSINESS**

There was no old business.

**8. ADJOURNMENT**

MOTION by Chair Tufty to adjourn the meeting at 8:43 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk