

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

March 16, 2021

Present: Jerry Helander, Jim Huttemier, Robert Tufty and Matt Fritze

Absent: James Drost and David Tronrud

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

1. CALL TO ORDER

The meeting was called to order at 6:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. ELECTION OF OFFICERS, CHAIR AND VICE-CHAIR

MOTION by Commissioner Tufty to nominate Matt Fritze as Chair. Commissioner Helander seconded the motion. MOTION carried unanimously.

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

5. APPROVAL OF MINUTES, September 22, 2020

MOTION by Chair Fritze to approve the September 22, 2020 Minutes, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

6. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit to Allow for the Construction of three (3) Replacement Golf Holes, 6667 Keats Ave N – City Planner Swanson stated the Applicant and Owner Mike Regan, on behalf of the Indian Hills Golf Club, is requesting an amendment to their Conditional Use Permit (CUP) to allow for the construction of three (3) replacement golf holes to the Indian Hills Golf Course. As stated in the Applicant's narrative, existing holes 5, 6 and 7 were underwater for the majority of the 2020 playing season. Due to flooding of Sunnybrook Lake the condition is anticipated to continue to be an issue. As a result, the Applicant began planning for the relocation of these three

holes to adjacent vacant property in 2020 with the hope of them being integrated into the 18-hole golf course in 2021. The vacant property is not identified within the existing CUP (Special Use Permit for PUD as described in subsequent sections of this report), and as a result an amendment to the CUP to incorporate the vacant property is needed so that the three (3) new golf holes can become operational in the 2021 playing season.

In June 2020 the Applicant applied for, and was granted, a CUP for clearcutting and vegetative removal on the subject parcels to prepare for construction of the new holes. In the summer and fall of 2020 the Applicant completed grading and seeding work per the terms of the granted CUP. The Applicant worked with the Browns Creek Watershed District (BCWD) through the permitting process as required by the CUP. The work completed last year is anticipated to be adequate to allow for the operation of the three new holes in 2021. The intent of relocating the three holes is to ensure that the golf course is a full 18-hole course making it consistent with the original objectives of the original PUD.

The following staff report addresses only the amendment of the CUP that relates to the operations of the golf course as an 18-hole golf course. The Applicant will continue to work with the City and the BCWD on the CUP conditions related to vegetative clearing, grading and landscaping which are not addressed as part of this CUP.

City Planner Swanson stated a duly noticed public hearing is scheduled for March 16, 2021, and property owners within 1,320-feet were notified of the subject application.

The Indian Hills Planned Unit Development (PUD) was originally issued a Special Use Permit on December 12, 1975 by Washington County. The existing "Use Permit" identifies conditions for both the construction of the golf course as well as the residential lots contained in the subdivision plat. The process and procedures were different in 1975, and a Special Use Permit was akin to a Conditional Use Permit.

Given that the original Special Use Permit was issued to address all operations within the PUD, including the golf course Staff is recommending that a Conditional Use Permit (CUP) be issued for the golf course operations to simplify this process. The CUP drafted will not repeal or replace the Special Use Permit and PUD, but instead will incorporate by reference the PUD. This process will allow for a clear description of the golf course operations related to this amendment request, while maintaining the conditions and permit requirements as issued in 1975.

Project Summary

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 72.52 Acres (gross)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021340001, 2603021430001 (to add portions of each PID with specific legal

	description)
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The Applicant is requesting an Amendment to their existing CUP to include portions of the properties identified as PID 2603021340001 and 2603021430001 so that three (3) recently relocated golf holes can be incorporated into the Indian Hill Golf Club. As noted in the Applicant's narrative (Attachment A) the Indian Hills Golf course is designed as an 18-hole regulation golf course. In Spring 2020 holes 5, 6 and 7 were unplayable due to flooding because of overflow from nearby Sunnybrook Lake. While the flooding was most significant in 2020, the Applicant anticipates that flooding may continue to be an issue. It is not reasonable, or marketable, for an 18-hole golf course to operate with only 15-holes, and as such the Applicant decided to explore alternatives to relocate the affected holes. The Applicant owns the adjacent PIDs which are the subject of this application, and both parcels were vacant. The proposed amendment will 1) incorporate the legal descriptions into the existing CUP; and 2) allow for the relocation of 5, 6 and 7 to the subject parcels for operation and play as part of the 18-holes Indian Hills Golf Club.

City Planner Swanson noted that according to Section 32-152 Amendment Applications, an amended permit "may be administered in a manner similar to that required for a new conditional use permit." The standards identified in Section 32-146 provide guidance for consideration of the proposed request.

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

Parcel 2603021340001 is located north and adjacent to Parcel 3503021210001. The parcel has been cleared and graded consistent with the CUP granted in 2020. The grading will support the tee box for hole 5, portions of the fairway and putting green for hole 6, and all of hole 7.

Parcel 2603021430001 is located east of Parcel 2603021340001 and has been graded to support the fairway and putting green for hole 5, and the tee box and portions of the fairway for hole 6. The proposed legal description of incorporation on this parcel generally follows the alignment of the proposed golf holes (see Attachment B).

The subject properties are located within the Agricultural Small Scale A2 land use designation which encourages rural residential and agricultural uses. Golf Course uses are supported in the Comprehensive Plan and are deemed consistent with the rural and open space character desired by the City.

Zoning/Site Review

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: The proposed golf hole configuration was generally reviewed and approved as part of the vegetative clearing CUP issued in 2020. During that review process it was noted that vegetative clearing was not permitted within the setback area. As shown on Attachment B, PUD Amendment Sketch, the tee box of hole 6 is closest to the east property line and is setback approximately 150-feet. The tee box of hole 7 is setback approximately 50' from the northerly property line of PID 2603021430001. *As shown, the proposed hole locations meet the required yard setbacks.*

Wetland Areas & Buffers The Applicant obtained a CUP for vegetative clearing and grading in June of 2020. As part of that review process the Applicant was required to work with BCWD through their permitting process. The subject parcels contain significant wetland areas, and as such the BCWD required specific setback standards. The Applicant obtained the BCWD permit, and the BCWD will continue to manage the conditions of the new construction until the grow-in is complete and any open items are finalized (see Attachment A).

Operations There are no proposed alterations to the operations of the golf course and associated uses as a result of this application. The three relocated holes will be incorporated into the existing golf course so that it can again function and operate as an 18-hole course.

There are no engineering review requirements for the subject application. The Engineer completed a review including conditions for the 2020 Vegetative Clearing and Grading CUP, and the Applicant complied with those standards during site grading activities in 2020. The completion of the site work to make all three holes operational shall be managed through the 2020 CUP.

As previously noted, the subject properties are located in the Browns Creek Watershed District. As indicated by the Applicant's narrative they will continue to work with the BCWD on the

completion and closeout of the permitting process. No additional review is required regarding this Amended CUP.

Staff has prepared a draft Amended Conditional Use Permit with conditions for your review and consideration. Since the original conditions noted in the Special Use Permit are incorporated by reference, only new conditions related specifically to the subject Application are provided.

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

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- *The proposed relocation of the three golf holes does not change the use of the subject area for a golf course and will not alter the character of the neighborhood or its surroundings.*
- *The proposed amendment is consistent with the Comprehensive Plan, which supports open space and recreational uses such as a golf course.*
- *The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the city, its resident, or the existing neighborhood.*
- *The proposed relocation of the golf holes will allow for the continuation of the Indian Hills Golf Club as a regulation size 18-hole golf course with is consistent with the original Planned Unit Development issued in 1975.*

Chair Fritze inquired about the maintenance of the old holes. City Planner Swanson read condition number four regarding the removal of the t-box and some minor landscaping without changing the topography.

Mr. Mike Regan, Applicant, commented on the old holes stating he doesn't know where to go with them. The landscape and turf have been damaged beyond repair and cannot be restored. It will probably go back to being wild due to potential flooding and can't be built on. Outlots can't be separated but easements will remain.

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

Mr. Wade shores, 10124 67th Lane N, stated he has no issue with the new holes but is more interested in what happens to old locations. He stated he would like to be able to mow and would essentially like more backyard area where hole six was.

Ms. Kathy Ament, 10096 67th Lane, stated she is a member of the gold course and fully supports the relocation of the holes but also wants to maintain the outlots.

Ms. Candice Kraemer, 6969 Jocelyn Road Lane, stated she has no concern over the relocation of the holes but is concerned over the water flow. She asked to ensure there is no change in the elevations.

Mr. John Smith, 10244 67th Lane North stated he fully supports the relocation of the holes but the area has been a problem for years and has not heard anything about future containment of flooding by any agency.

Chair Fritze stated no change in topography will be allowed and the City of Grant does not have jurisdiction over the water containment.

City Planner Swanson referred to condition number four and noted the watershed district is Valley Branch.

Mr. Regan stated he has no objection to property owners mowing and maintaining the outlots.

MOTION by Commissioner Tufty to close the public hearing at 7:15 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

MOTION by Chair Fritze to recommend approval of Amended CUP, American Polywater Corporation, as amended. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on March 30, 2021.

PUBLIC HEARING, Consideration of Application of Draft Ordinance for Interim Uses – City Planner Swanson stated the implementation of the 2040 Comprehensive Plan Update (“Plan”) requires communities to update their Zoning Ordinance (official controls) for consistency with the newly adopted Plan. During the implementation discussion of the Plan process, we discussed ordinance updates, modifications and additions that would help the support the City’s vision and goals for the future. Interim Uses, and specifically Interim Use Permits, were identified as a tool that could help the City in processing of its applications for uses that have a specified time frame for termination as opposed to using the Conditional Use Permit process.

The City Council directed staff to begin working on the ordinance update process as meetings and time permits. As such, staff has prepared a draft Interim Use ordinance for consideration and discussion at the regular Planning Commission meeting on March 16, 2021.

City Planner Swanson stated duly noticed public hearing has been scheduled for March 16, 2021 for consideration of the attached draft ordinance.

Minnesota State Statute 462.3597 enables cities to implement interim uses provided they are consistent with the statutory language. Staff began with the statute to ensure that the draft language is consistent, and supplemented the statutory guidance with a review of ordinances from cities with similar land uses and development. Additionally, the City Council identified some preliminary objectives for Interim Uses in 2011, which was supplemented in the joint Planning Commission and City Council meeting during the Plan development process. A summary of the objectives for the Interim Use ordinance is as follows:

- To streamline the process and make it easier, and potentially cheaper, for uses that are temporary in nature.
- To create a tool that matches the process with the proposed use more accurately rather than always requiring a CUP for uses not anticipated to go into perpetuity. Examples were discussed such as construction stockpiling or temporary dwelling units for caretakers.
- To allow for a permit that is time limited and may be requested by the Applicant. Examples were discussed such as the haunted corn maze at the local orchard for one or two seasons.

After performing research, staff prepared the draft ordinance which is attached to this memo for your review and consideration. A summary of the DRAFT ordinance is as follows:

- The MN State Statute requires all Interim Uses to be considered at a formal Public Hearing and requires that it be held at either the Planning Commission or the City Council. The draft language provides for a streamlined approach direct to the City Council, or a process consistent with the CUP language which requires the Planning Commission to hold the Public Hearing.
- The language allows for any use listed as a conditional use to be considered as an interim use. The City Council may not dictate that an interim use be applied for versus a conditional use, but the tool is available and may be suggested as an option for users.
- Staff identified seven (7) uses on the Table of Uses that are recommended Interim Uses. Staff encourages the Planning Commission to review the Table of Uses (Sec. 32-245) in its entirety and identify any additional uses that should be considered.

Additional Considerations for Discussion

In addition to the proposed DRAFT ordinance, staff also identifies a few other sections of the City Code where interim use permits could be considered. Staff offers the following for discussion:

- **Sec. 32-328 Horse boarding and training.** This section identifies that any operation with 10 horses or greater requires a conditional use permit. The City could consider changing the CUP to an IUP.
- **Sec. 32-337 Livestock,** Subsection (h) requires a CUP for greater density of animal units per grazable acres. The City could consider changes the CUP to an IUP.
- **Sec. 32-313 Accessory buildings and other non-dwelling structures.** The City could consider language to allow for an accessory building to be constructed prior to a principal building with an IUP. This section could also be modified to allow for the temporary use of accessory buildings as habitable space (ADU, or similar) with an IUP.

Staff is requesting review and consideration of the draft ordinance by the Planning Commission. If the Planning Commission is comfortable with the language, it may provide a recommendation to the City Council.

Chair Fritze confirmed that an interim use permit would also include conditions that included a date and action of termination. He stated the idea is fantastic for the City of Grant and granting a CUP for a type of interim use should not be done as a CUP runs with the land.

City Planner Swanson stated most communities do have an IUP. The City couldn't necessarily force an IUP on an applicant to utilize an IUP as they have the right to apply for a CUP but someone could apply for an IUP on all CUP uses. An IUP can be based on time or if a property changes hand relating to an individual or business.

After much discussion, the Planning Commission determined horse boarding and livestock should be left with CUP's, accessory buildings could potentially utilize IUP's, accessory building in terms of habitable space potentially could utilize IUP's with performance standards developed.

MOTION by Commissioner Huttemier to open the public hearing at 8:18 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Ms. Candice Kraemer, 6569 Jocelyn Road, stated she supports elderly parents living with their families in terms of utilizing IUP's within the City of Grant.

MOTION by Commissioner Helander to close the public hearing at 8:20 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Huttemier to recommend approval of allowing IUP's within the City of Grant with the addition of performance standards in terms of accessory dwelling units. Chair Fritze seconded the motion. MOTION carried unanimously.

7. OLD BUSINESS

There was no old business.

8. ADJOURNMENT

Chair Fritze adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Kim Points
City Clerk

APPROVED