

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

March 9, 2022

**Present:** Greg Anderson, Jerry Helander, Jim Huttemier, Robert Tufty, Dan Gagliardi and David Tronrud

**Absent:** Matt Fritze

**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. OATH OF OFFICE, ROBERT TUFTY AND GREG ANDERSON

## 4. ELECTION OF OFFICERS

Matt Fritze was named Chair and Jim Huttemier was named Vice-Chair.

## 5. APPROVAL OF AGENDA

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

## 6. APPROVAL OF MINUTES, October 18 , 2021

MOTION by Commissioner Huttemier to approve the March 16, 2021 Minutes, as presented. Commissioner Tronrud seconded the motion. MOTION carried with Commissioner Anderson abstaining.

## 7. NEW BUSINESS

**PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit for Woodbury Lutheran Church, 9050 60<sup>th</sup> Street North** – City Planner Swanson advised the Applicant, Woodbury Lutheran Church, is requesting an amendment to the existing CUP on the subject property to allow for the development of outdoor recreational improvements to include a playground, 20' x 30' paved sport court, and a 30' x 40' (1,200 Square Feet) pavilion. The Site Plan shows that to develop the recreational components, it is necessary to excavate and fill some existing drainage area that developed as result of more roadways and impervious surface in the surrounding area. Since on-site stormwater management is required to

support the site, and any improvements, a new drainage plan and supplemental drainage area will be developed to channel the water southeast of the proposed pavilion and open grass/play area. Additional landscaping on the site will be completed as part of the project including a rain garden and pollinator garden.

There is an existing CUP on the subject property that was first issued in 1982 for the construction and operation of the church, which was obtained by the Lutheran Church of the Risen Christ. Churches were, and remain, a permitted use with a CUP in the R-1 Zoning District. The CUP was later amended in 1999, and no further amendments to the permit have been granted since 1999. The Applicant currently uses the site for a church operation, and the existing CUP remains valid. The proposed amendment would add the proposed exterior improvements and modifications to the CUP.

A duly noticed public hearing is scheduled for March 9, 2022, and property owners within 1,320-feet were notified of the subject application.

**Application Summary**

|   |   |
|---|---|
| <b>Applicant:</b> Elden Lamprecht, on behalf of<br><b>Owner:</b> Woodbury Lutheran Church | <b>Site Size:</b> 4.02 Acres  |
| <b>Zoning &amp; Land Use:</b> R1 – Single Family Residential                              | <b>Request:</b> Amended Conditional Use Permit (CUP)  |
| <b>Address:</b><br>9050 60 <sup>th</sup> St. N.<br>Grant, MN                              | <b>Location Description and PIDs:</b><br>PID 34.030.21.33.002, subject property generally located northwest of the 60 <sup>th</sup> Street N and Jarvis Avenue N intersection |

The Applicant is requesting an amendment to the existing CUP issued on July 6, 1982 and later amended in June of 1999. A summary of the proposed amendment is as follows:

- Exterior Improvements including:
  - Playground including play structure
  - 20’ x 30’ Sport Court (approximately 600 SF)
  - 30’ x 40’ Pavilion (approximately 1,200 SF)
  - Rain Garden, and pollinator garden
- Excavation and fill of existing natural drainage area and improvements to the drainage area southeast of the proposed improvements. Improvements to drainage area will include installation of a catch basin near the proposed sport court that will drain to a new drainfield area south of the proposed improvements. The design will improve the existing drainage patterns on site and will accommodate a 100-year rain event on site.

The proposed site improvements include excavation and modification of drainage areas on site, and as a result the City Engineer and the Valley Branch Watershed District (VBWD) must review the proposed request. The Applicant has submitted a copy of the permit issued by the VBWD for the proposed project which is provided in the Applicant's submission materials.

As stated within the attached narrative no other changes are proposed to the operations, and the Applicant intends to operate in compliance with the 1982 and 1999 CUP that addresses the church operations.

City Planner Swanson advised 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."

The purpose of this amendment is not to consider the use of the property as a Church, since the determination that the use is consistent with the City's regulations was approved in 1982, and as later amended in 1999. This amendment relates specifically to allowing the outdoor recreation components including the playground, 20'x30' paved sport court, 30' x 40' pavilion, rain garden and pollinator garden.

The site is located on the southern edge of the City, which is bordered by Highway 36 on the south. The area is generally used for a mix of general business uses along the 60<sup>th</sup> Street corridor, and rural residential properties exist east of the site along the frontage.

The parcel is described as being in the Southwest Quarter of Section 34, Township 30 North, Range 21 West. The parcel is approximately 4.02 acres, is regular in shape, and is a corner lot bordered by 60<sup>th</sup> Street North on the south and Jarvis Avenue on the east. 60<sup>th</sup> Street North is the frontage road to Highway 36, which serves generally as the municipal border between the Cities of Grant and Lake Elmo to the south. The existing building was constructed in compliance with the initial CUP issued in 1982, and the building is generally located near the center of the parcel. There is large parking lot north of the existing building that connects to 60<sup>th</sup> Avenue North on the

southwest corner of the property and connects with Jarvis Avenue to the east. There is an existing natural drainage area southeast of the existing building and parking lot that is connected to a pond area on the southeast corner of the site.

The site is guided RR – Rural Residential in the City’s adopted Comprehensive Plan. Land within the RR land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City’s zoning ordinance. The proposed amendment does not change the use of the site for a Church, which is identified as a compatible use within the City’s Comprehensive Plan and supporting Zoning Ordinance.

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibit, Construction Plan C1). The following dimensional review is provided for review and consideration.

The following site and zoning requirements in the R-1 district for Churches which includes the most restrictive regulations and performance standards related to the proposed amendment. The following review is conducted focusing on the proposed improvements.

| <b>Dimension</b>   | <b>Standard</b>                                 |
|--|---|
| Minimum Lot Area per non-residential structure (Per Sections 32-313) | As per permit                                   |
| Frontage – (Per Sections 32-245 & 32-352)                            | County/State Road and 409’                      |
| Front Yard Setback   | 65’   |
| Side Yard Setback (from street in case of corner lot)                | 65’   |
| Side Yard Setback (from interior lot lines)                          | 20’   |
| Rear Yard Setback  | 50’   |
| Height of Structure  | 35’   |
| Accessory Buildings (# and Total SF)                                 | Maximum of 2 buildings not to exceed 2,000 SF   |
| 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%   |

**Lot Area and**

The subject property is approximately 4.02 acres, and is used for a

**Accessory Building Standards**

non-residential structure. Section 32-313(b) states that the maximum building size is established for a CUP based on the lot size. As identified, the maximum square footage on parcels between 3 and 4.99 acres is 2,000 Square Feet, and the existing church structure is approximately 13,000 SF. Since the church was approved as part of the 1982 CUP, the existing parcel, building and size are considered legally non-conforming. Since no improvements to the structure are proposed, the existing non-conforming use is not intensified.

No plans were submitted for the pavilion structure, however the footprint is approximately 1,200 SF, and the City has typically defined similar structures as an accessory structure. (The sport court and play structure are not subject to accessory building standards since they are not covered). On parcels between 3 and 4.99 acres, a maximum of 2 accessory buildings are permitted not to exceed a maximum of 2,000 square feet. From the aerial, there is an existing shed that is approximately 155 square feet. *If the existing shed remains, the shed and the pavilion will have a total of approximately 1,355 Square Feet of Accessory Building on site. Staff recommends including a condition that no more than two accessory buildings are permitted on site, and that the total square footage may not exceed 2,000 SF.*

**Setbacks**

As shown on the Construction Plan, the proposed pavilion and play structure are located southeast of the existing building. The proposed pavilion is setback approximately 55-feet from the easterly property line (75-feet from the traveled surface of Jarvis Avenue), 5-feet from the existing parking lot on-site, and 130-feet from 60<sup>th</sup> Street N. The play structure area is setback approximately 100-feet from the easterly property line, and 70-feet from the paved road surface of 60<sup>th</sup> Street North. As proposed, the Pavilion does not comply with the side-yard setback for structures on a corner lot. *Staff recommends that the pavilion be shifted or adjusted to meet the required 65-foot setback from Jarvis Avenue N., and that the Site Plan be updated to show the structure meeting the required setback.*

**Architectural/Building Plans**

No building plans were submitted as part of this application. As previously noted, the proposed improvements include an approximately 1,200 square foot pavilion. No details were provided, but staff assumes that it will include a covering or roof structure. The maximum height of any accessory building is 35 feet. *Staff recommends including a condition that the Applicant must submit*

*an elevation plan of the pavilion that is to-scale and clearly demonstrates the height of the proposed structure.*

No other accessory structures or modifications to the church are proposed, and the site plan clearly demonstrates the location of the sport court and play structure proposed.

**Outdoor Gathering Spaces**

The Applicant is proposing to install and construct a play structure, sport court and pavilion on the site. All three of these areas will increase outdoor activity on the site and will generate more use than the existing church facility. The Applicant did not describe the intended use of the pavilion, or if will be utilized for events or other outdoor gathering functions. The Applicant references that the play structure and sport court will be accessible to the public or adjacent neighborhoods. Staff recommends further discussion with the Applicant for clarity regarding the use of the pavilion, as well as the sport court and play structure. *Like other outdoor uses in the City, if events are anticipated in the pavilion, staff recommends consideration of conditions related to noise, amplification, hours of operation, etc.*

**Lighting**

The submitted site plan does not identify any proposed lighting of the area. There are existing overhead lights in the parking lot that may provide some ambient light to the outdoor areas. Staff would recommend discussion with the Applicant to determine if any lighting is proposed. *If so, staff recommends including a condition that the lighting plan for the outdoor improvements must be submitted for review and approval by the City Staff, and that such lighting must meet the applicable City ordinances.*

**Landscape Plan, Fencing & Stormwater**

As noted in the submitted application materials, excavation and site work is necessary to construct the sport court, pavilion and play structure. As noted on the Construction Plan, a catch basin will be constructed between the Sport Court and Pavilion near the southern edge of the parking lot and a large swale will be graded into the site to allow for water and drainage to flow to the stormwater area on the southeast corner of the site. The open grass and play area will be reseeded as part of the project. As noted in the narrative, a rain garden and pollinator garden are proposed but are not identified on the plan. *Staff recommends including a condition that the site plan be updated to include the location of the rain garden and pollinator*

***garden prior to the issuance of the grading permit.***

The Construction Plan (Sheet C1) also notes that a Fence will be constructed to surround the Play Structure area. A detail of the fence was not provided as part of the submission. ***Staff recommends including a condition that the fence detail, including height and material, must be submitted for review and approval by City Staff prior to issuance of the grading permit.***

City Planner Swanson stated that since a part of this project includes the relocation/excavation of stormwater features the City Engineer must review and approve the grading plan, and stormwater plan if necessary. As noted on the Construction Plan, the Existing Drainage Area and Proposed Drainage Area are the same, but there is a slight increase in the amounted impervious surface due to the improvements (increase of approximately 1,800 SF). ***Given the improvements contemplated with the proposed development, staff recommends including a condition that the City Engineer must review and approve the Construction Plan, as revised, and that the Applicant must obtain a grading plan prior to the commencement of any work on site.***

The property is located within the Valley Branch Watershed District, and the Applicant has obtained the required permit which is attached to their submission materials.

Staff is recommending approval of the Amended CUP with the conditional as noted. A summary of the conditions is provided for your review, comment and modification:

- No more than two (2) accessory buildings are permitted on site, and the square footage may not exceed 2,000 square feet.
- The Site Plan must be revised to show the Pavilion meeting all required setbacks, including 65-feet from the easterly property line.
- The building plans, including elevation, of the pavilion must be submitted. The plans must clearly demonstrate that the height of the pavilion does not exceed 35-feet.
- The Site Plan must be updated to show the location of the rain garden and pollinator garden described in the narrative.
- If applicable, the lighting plan for the area must be submitted for review and approval.
- A detail of the fence, showing the height and material must be submitted for review and approval. The fence location should be clearly identified on the updated Site Plan.
- The Applicant must obtain a grading permit prior to the commencement of any site work.

MOTION by Commissioner Helander to open the public hearing at 7:01 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Mr. Kevin Helander, 6261 Jasmine, sent comments to the City opposing the proposed project due to security, trespassing, loitering, criminal complaints on the site with no method of regulating. He noted it is a bad idea for the neighborhood.

MOTION by Commissioner Helander to close the public hearing at 7:03 p.m. Commissioner Tufty seconded the motion. Motion carried unanimously.

Mr. Elden Lamprecht, Applicant, stated the use of the pavilion is for family activities and that information was included in the application. It will be a gathering place for use by church families and also for public use. The Sherriff's Department uses the area currently as a staging area. The Church already has held outdoor services and there have been no complaints. The Church provides a beneficial service to the community and will only put tables and chairs out when there is a scheduled activity. The pavilion will be used every Wednesday evening from 6 to 8 p.m.

MOTION by Commissioner Tronrud to include a condition of approval that restricts outdoor amplification and lighting past 9:00 p.m. Commissioner Helander seconded the motion. MOTION failed with Commissioners Anderson, Gagliardi and Tufty voting nay.

MOTION by Commissioner Tronrud to recommend approval based on the outlined conditions and an added condition that the pavilion use is restricted past 9:00 p.m. Commissioner Helander seconded the motion. MOTION carried with Commissioner Tufty voting nay.

This item will appear on the regular City Council agenda on April 5, 2022.

## **8. OLD BUSINESS**

There was no old business.

## **9. ADJOURNMENT**

MOTION by Commissioner Tronrud to adjourn at 7:24 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.



Respectfully submitted,

Kim Points  
City Clerk

APPROVED