

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

November 19, 2019

Present: Jeff Schafer, Jerry Helander, Gary Baumann, Matt Fritze and Robert Tufty

Absent: David Tronrud and 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 Schafer to approve the agenda, as presented. Commissioner Fritze seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, January 15, 2019

MOTION by Commissioner Helander to approve the January 15, 2019 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Conditional Use Permit to Board Up to Sixteen (16) Horses on Property, 9104 68th Street North – City Planner Swanson advised the Applicant and Owner Summer Lutgen made an application for a Conditional Use Permit (CUP) in August 2019 to permit horse boarding for up to sixteen (16) horses on the subject property. The initial application was deemed incomplete and additional information was requested from the Applicant so that staff could adequately review the application. Staff worked cooperatively with the Applicant to obtain the needed information, and in mid-October the remaining items were received as requested. The following staff report provides a review and analysis of the Applicant's CUP request.

A duly noticed public hearing was published for November 19, 2019 and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

Project Summary

Applicant: Summer Lutgen, Owner: Summer Haven Trust	Site Size: 20.01 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9104 68 th Street N. Lot 2, Block 1 Brockberg's Farm	PIDs: 3403021220011

The Property Owner and Applicant (hereafter referred to as “Applicant”) is requesting a CUP to allow for horse boarding up to sixteen (16) horses on their residential property. As stated within the Applicant’s narrative, the intent is for both personal and commercial boarding activities on the property. The following summary of the existing site improvements as described within the Applicant’s narrative (Attachment A), and shown on the site plan, as well as the proposed operations are summarized as follows:

Existing Homestead: There is an existing homestead located on the property that was constructed in 1901. It is assumed that the Applicant intends to reside on the property, but this should be clarified during the review process. However, based on the submitted narrative and building permit records the home is being remodeled and is assumed that the Applicant, or a principal residence, will reside on the property and whomever resides on the property will manage the proposed horse boarding operations.

Main Barn and Indoor Riding Arena: There is an existing large barn with 16 stalls, and an indoor riding arena on the subject property. The existing structure is approximately 22,645 square-feet per GIS records. As summarized within the Applicant’s narrative, the area dedicated to the barn is approximately 72’x100’ and the indoor riding arena is approximately 72’x200’. The barn and riding arena are proposed to remain on the property and will be used to support the proposed boarding facility.

Outdoor Riding Arena: There is an existing pasture area located southwest of the existing home that is proposed to be converted into an outdoor riding arena. The area will be fenced and will be constructed with a permeable surface including draintile to prevent puddling. The proposed area is setback approximately 18-feet from the westerly property line, and 18.5-feet from the southerly property line (frontage on 68th Street N).

Pasture Area: There are several pasture and paddock areas near the existing indoor riding arena and stables, as well as surrounding the access drives. Several of these areas are currently fenced, and per the site plan, will be rebuilt and rehabilitated as necessary. The areas designated on the site plan are outside of, or exclude, the wooded areas on the site.

Main Access and Parking: There is one access driveway connection from 68th Street North that splits internal to the site into two access drives. The westerly drive provides a connection to the homestead, and the easterly driveway provides access to the stables and indoor riding arena. Both drives are existing and appear to be gravel based on the GIS aerial imagery. As noted on

the site plan, there are some areas of expansion proposed to accommodate additional parking and/or better access which is described in subsequent sections of this report.

Utilities: The existing homestead is currently served by a private well and individual septic system. There is an area identified on the site plan noted as “Septic System Area” and it is unclear if this area is the current/existing drainfield or proposed and needed as part of the house remodel. Regardless of if new or existing, this area is identified exclusive of any improvements or disturbance based on the site plan.

Operations: The Applicant’s narrative describes a horse boarding facility for both commercial and personal use. As outlined, the Applicant will have approximately five (5) horses for personal use, five (5) horses that may be for sale, and six (6) horses boarded commercially. No events or other activities were identified in the Applicant’s narrative.

City Planner Swanson advised 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.”

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit. Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional criteria when considering CUPs for the proposed use.

The subject property is approximately 20.01 acres and is irregularly shaped. The property was platted as part of Brockberg’s Farm subdivision and is identified as Lot 2 Block 1. The site is oriented north-south, with primary frontage on 68th Street North which is the southerly property line. The site is currently accessed from a single driveway connection which provides internal access to the existing principal and accessory structures. There is an existing homestead on the property that was constructed in 1901, an existing barn and indoor riding arena, and a few small shed-like structures adjacent to fenced paddock areas. A wetland delineation was completed as part of this application process which identified approximately 4.33-acres of Type 3 and Type 5 wetlands on the subject site. There are intermittent wooded areas on the site surrounding the wetland areas. The existing homestead and barn/indoor riding arena are located on the southerly half of the property.

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The principal use of the property for a single-family rural residential homesite with an accessory barn/indoor riding arena which is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

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

Dimension	Standard
Lot Size	5 acres
<i>Grazable Acres</i>	<i>1 Horse per 2 Grazable Acres</i>
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
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’)

Lot Size/Area and
Grazable Acres:

Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 20.01 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses. To calculate grazable acres 1-acre for the homestead is excluded as well as wetlands of Type 3, 4 and 5. Based on the submitted information there are approximately 14.68 acres of grazable acres, which would allow seven (7) horses without a CUP. Because the horse density exceeds the permitted grazable acres per horse, and the total number of horses is greater than 10 a CUP is required.

The existing lot meets the city’s minimum standards for lot size and area for the keeping of horses and would permit the keeping of 7 horses. The request to permit an additional nine (9) horses requires a conditional use permit for greater density and because the total number of horses exceeds 10 as described in Section 32-337

subsection (h) and 32-328 (a)(1).

Setbacks & Frontage: The subject property is oriented north-south with primary frontage on the southerly property line on 68th Street North. The existing home is setback approximately 225-feet from the south property lot lines (front yard), 170-feet from the westerly property line (side yard), 350-feet from the easterly property line (side yard) and 900 feet from the northerly property line (rear). The barn/indoor riding arena is setback approximately 250-feet from the front property line, and 30-feet from the easterly property line which is the nearest side yard. **All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additions or new structures are proposed as part of this application.**

Accessory Building (Barn and Riding Arena) Section 32-313 identifies the permitted number and total size of allowable accessory buildings on lot which is correlated to lot size. For parcels 20-acres or greater, there is no limit on the number or maximum accessory building square footage. **The existing Barn and Indoor Riding Arena are approximately 22,000 square-feet and meets the City's ordinances for permitted accessory building number and size.**

Parking Area (Location & Spaces): The Applicant's narrative states that approximately six of the horses will be commercially boarded, while the remaining 10 are generally personal and will not generate additional traffic. Since it is difficult to monitor, even if all horses were commercially boarded because no events are proposed, the amount of parking based on the site plan would likely be adequately and could accommodate up to 16 personal vehicles in the gravel areas surrounding the barn and/or riding arena. While the number of visitors/trips generated will likely exceed a typical single-family residential use on some days the number of visitors can easily be accommodated in the gravel areas identified on the Site Plan near the existing Stables and Indoor Riding arena. **Based on the proposed operations stated within the Applicant's narrative, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.**

Driveway/Circulation: The principal structure and accessory buildings are accessed from a single gravel access to 68th Street North, which splits into two driveways internal to the site. The easterly driveway section is connected to the existing barn and riding arena, while the westerly

driveway sections connects to the principal structure (home). While there may be some additional trips generated into the site based on the proposed operations, the use is relatively low intensity based on the details provided in the Applicant's narrative. Therefore, it is anticipated that the Applicants will have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site to ensure safe ingress and egress particularly to the barn/indoor riding arena. ***Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations. Staff would recommend adding a condition that large trailers and vehicles of visitors may not be parked on the access driveways and that parking must occur in the designated parking areas.***

Architecture, Building
Height, Accessory
Structure Floor Plans:

The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known but the arena ceiling height is identified as 16-feet; however, the building is existing at the date of this permit application and no known changes are proposed to the existing structures.

Barn:

The floor plan submitted for the Barn shows area for 16 horse stalls, a private tack room and ¼-bathroom, a tack room with full bathroom, a feed room and designated grooming stalls, and two designated wash stalls. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary 'improvements' are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter for sixteen (16) horses as indicated within the narrative.

Indoor Arena:

The floor plan submitted for the Indoor Arena shows 14 12'x12' stalls, a grooming stall, open riding area and area for hay storage. This area is proposed to be used to support the main barn area. It is unclear if the stalls shown on the plan are existing, and clarification regarding how the arena spaces and stalls will be used should be discussed with the Applicant.

As proposed, the number of stalls and size of the main barn and indoor riding arena are adequate to support up to sixteen (16) horses as requested..

Utilities (well and septic):

The existing home is served by a well and individual septic system, the septic system area is identified on the Site Plan (Attachment B) and the well is assumed to be located near the existing home. It is unclear if a separate well or septic system was installed for the existing barn and riding arena, but given that there is 1.25 bathrooms as well as wash rooms it is assumed that all utilities have been pulled to the barn and that the septic system is sized appropriately to support the number of bathrooms on site. ***As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations. Staff would recommend including a condition to address proper septic system permitting if any additional improvements are made to the barn/indoor riding arena.***

Manure Management Plan/MPCA

While the City's ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicant's narrative (Attachment A) states that they will construct a large cement manure storage containment area that will be located southwest of the current location behind the barn. The location will allow for run-off to go into the existing man-made pond for infiltration. The Applicant stated that this is a desirable solution based on preliminary review from the Valley Branch Watershed District. Staff would request that the Applicant provide some documentation and/or correspondence from VBWD regarding this method, but generally it seems consistent with previous applications considered. The containment will be cleaned, and waste removed on a monthly basis.

Based on staff's research, and materials presented, provided the Applicant follows the Manure Management Plan (MMP) as submitted, staff believes these practices are adequate and meets the City's ordinances. Staff would recommend a condition be included regarding monthly cleaning/removal of waste from the manure containment area if 16 horses are present on the site. Staff would also recommend a condition that the Applicant provide evidence (email or other written correspondence) that the VBWD is satisfied with the proposed MMP.

Landscape Plan and Fencing

As shown on the Site Plan, the Applicant is proposing to construct and/or rehabilitate an existing paddock area for an outdoor arena that will include a series of ramps and jumps. Additionally, the area will be draitiled and permeable surface installed. The area will be fenced and

buffer plantings installed surrounding the south and eastern edges of the area. The Site Plan does not identify a plant schedule so it is not possible to determine whether the proposed plants will screen the area. The arena area is setback approximately 18.5-feet from the front property line and 18-feet from the westerly property line. The City's ordinances do not address paddock fences, but there are existing fences present on the site in this area. **Staff recommends including a condition that a Plant Schedule be prepared and provided as part of the Site Plan to determine the extent of screening and/or buffering. Staff recommends including a condition that all fences must be managed, maintained and kept in good repair to ensure horses remain on the property.**

In addition to the outdoor arena improvements, there are a series of stormwater management areas proposed to help control runoff on site. The proposed landscaping appears to meet the City's ordinances; however, additional analysis regarding stormwater management may be needed depending on the amount of grading work proposed.

Staff would recommend including a condition that if site grading work exceeds 50-Cubic Yards that a grading permit must be obtained from the City Engineer.

The existing facilities, access driveway and gravel areas are proposed to be used for the operation and no significant site improvements are proposed as part of this application. Since no site improvements to the site, the City Engineer does not have any additional comments. However, as previously noted, if grading work exceeds 50 Cubic Yards a grading permit must be obtained and the City Engineer will review the proposed work and issue any necessary permits.

The property is located within the Valley Branch Watershed District (BCWD), and a wetland delineation for the property was completed in 2019. The Applicant should be aware that there may be additional permits required from the VBWD if significant grading activities are proposed related to the stormwater management and improvement noted on the site plan and it is the responsibility of the Applicant to obtain all necessary permits. **Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.**

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 Applicants shall be permitted to keep sixteen (16) on the property provided all conditions are met.

2. The Applicant shall submit an updated site plan that shows the location of the manure containment area.
3. The Applicant shall submit a plant schedule to correspond with the proposed landscape and buffer plan so that proper buffering can be verified.
4. The Applicant shall follow the manure management plan as provided with this application. If 16 horses are on-site, the manure in the containment area must be removed monthly to ensure compliance with the permit. If fewer horses are present, a proportional adjustment to the removal schedule shall be allowed. If any changes are proposed to the monthly removal schedule when boarding is at maximum capacity, a revised manure management plan shall be submitted to the City for review and consideration.
5. The Applicant shall provide written correspondence from the Valley Branch Watershed District indicating acceptance/approval of the potential runoff from the manure containment area to the designated pond area.
6. If site grading work exceeds 50 Cubic Yards, the Applicant shall obtain a grading permit from the City's engineer.
7. The Applicant shall maintain and manage all fenced areas to ensure the horses are kept on the property.
8. The Applicant shall monitor traffic internal to the site to ensure the access driveways are passable. Large trailers shall be parked in the designated parking areas and shall not be parked on the access driveways.
9. If any additional bathrooms or other high-volume water uses are constructed in the barn/indoor riding arena the Applicant shall be responsible for obtaining proper permits and approvals for the Septic System from Washington County Environmental Services.
10. All operations on site shall meet the MPCA's noise standards and regulations.
11. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Valley Branch Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
12. Any future expansion or intensification of the Horse Boarding operations shall require an amendment to the Permit. Intensification shall include, but not be limited to any events or the permanent keeping of additional horses.

13. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.

14. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.

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 Horse boarding operations use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable acres is conditionally permitted per the City's zoning code.
- The Horse boarding operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse boarding operations is compatible with the existing neighborhood.
- The Horse Boarding operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Horse boarding operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

City Planner Swanson recommended a condition be added regarding the ordinance requirements per the lighting plan.

City Planner Swanson advised wetlands on a parcel do restrict fence lines but fences can be put on property lines. There is a condition relating to manure management and the site plan needs to be redone showing the manure containment area. Run-off issues are the part of the watershed district jurisdiction and verification from them will be required. The driveway should not be used for parking any trailers add emergency vehicle access so all driveways need to stay clear.

Ms. Summer Haven, applicant, came forward and stated trailers will not be parked on the site. She is working with a landscape designer for buffering. The pit for the run-off was created by the previous owner and agreement with the watershed district. She added to has to be able to get into the manure container to remove its contents and she has replaced some of the fencing.

MOTION by Commissioner Schafer to open the public hearing at 7:18 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Mr. John Albrecht, 9186 68th Street, came forward and stated his property is to the east and he has lived there for 14 years. He stated he is concerned about all the increased activity currently on the site. He stated he is not necessarily opposed to the CUP if all the issues are addressed. There is a brand new area that currently has four horses there and that is considered a feedlot and is too close to the wetlands so the area should be removed. The arena is too close to the property line and a new driveway has been put in that is causing too much noise from 4-wheelers. He stated he would like to see the driveway moved to the west side of the barn.

Ms. Bonnie Weiskopf Albrecht, 9186 68th Street, came forward and stated the new access drive services the other paddocks and there is a constant moan of vehicles there. The windows have been installed on the east and north side creating a ton of light and light up her whole back year. She requested a condition be requirement of shading the windows and doors. She stated there is a porta pot on the site by the arena and when it is services there is a lot of odor. She stated she would like that to be relocated. The odor from the removing of the manure also needs to be addressed and conditions placed on that. Fill has been brought in and water runoff is being created and going on her property. She stated she wants the drainage corrected and a limit of three horses to be boarded. She would like to require the property be owner occupied and inquired about employees. She asked that there be a condition that no employees are allowed to live on the site and a condition that the fence be removed as well as no auctions or events be held on site.

Mr. Lee Lampland, 6680 Jasmine Avenue N, came forward and stated he is not against horses and he has a lot of experience with them. He stated he would like for this to be done property and a condition put in place regarding when the lights can be on in the arena. Winter should be considered when considering animal density and the well location needs to be known. The City will be setting a precedent allowing a higher animal density and animal usage. The DNR should also look into this. The animal density and runoff is a big issue.

Ms. Andrea Hammer Wollak, 9232 68th Street N, came forward and expressed concern regarding the waste management asking if it needed to be in place prior to 16 horses being on the site. She

stated she would like to see a lighting plan done and the noise on site has been a big concern as a lot of working is being done out there and it should be done right.

MOTION by Commissioner Schafer to close the public hearing at 7:45 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

City Planner Swanson advised the work that is currently being done on the site is not being done under a conditional use permit. If grading on the site has exceeded the threshold a grading permit should be obtained and match the grading plan. The work being done on the structure is a straight building permit. Fencing and fenced areas for the horses should be included on the updated site plan as well as the driveway on the east side. The updated site plan should reflect all the activities on the site. She advised the ordinance definition of a feedlot is not up to date per the State of Minnesota. The horse density was identified in the staff report and the ordinance is very clear about the definition of grazable acres. Seven horses would be allowed with a CUP. If the property owner would like to exceed that number is a CUP is required which relates directly to manure management. She referred to the setbacks of the arena noting they have been met. The porta pot on site is due to the construction and not part of the CUP. The property being owner occupied is not a City requirement and there is no rental policy within the City. A CUP does require a principle use but does not dictate who lives there. Fencing is placed on a property line is a private issue. The wetland delineation has been approved by the watershed district and the DNR is involved only if there is a public water body. The lighting plan was submitted but has not yet been reviewed. Staff will ensure the lighting meets the ordinance requirements. The MPCA is the noise enforcement agency and construction on a site typically does not exceed MPCA requirements. There will not be any outdoor lighting.

MOTION by Commissioner Helander to recommend approval of the CUP based on the outlined conditions and additional conditions relating to lighting and a photometric plan, exclude the current grazing area and limit the number of boarded horse to six. Commissioner Schafer seconded the motion.

MOTION by Commissioner Helander to amend the motion to include the shuttering of windows and require a screening plan on the eastern side of the property. Commissioner Schafer accepted the amendment.

MOTION failed with Commissioners Tufty, Fritze, Schafer and Baumann voting nay.

MOTION by Commissioner Schafer to recommend approval of the CUP with the outlined conditions and 9:00 p.m. lighting stipulation exclusive of emergencies. Commissioner Fritze seconded the motion. MOTION carried with Commissioner Baumann and Helander voting nay.

This item will appear on the regular City Council agenda on December 3, 2019.

PUBLIC HEARING, Consideration of Minor Subdivision, 7781 and 7995 Kimbro Avenue North – City Planner Swanson advised the Applicants and Owners Isaac and Jenna Klaehn, and Owners Pat and Deanna Herold, are requesting an exchange of lands or minor subdivision of property located at 7781 and 7995 Kimbro Avenue North. The proposed exchange of land is for an approximately 33-foot wide strip of land that provides private access to three abutting lots (7955, 7975, and 7995 Kimbro) which is currently owned by Herolds which is a non-contiguous parcel at 7781 Kimbro Ave N.

A duly noticed public hearing has been scheduled for November 19, 2019 at 6:30 PM at the regular Planning Commission meeting. Individual notices were sent to all properties within ¼-mile of the subject subdivision.

Project Summary

Applicants & Owners 7995 Kimbro Ave N	Isaac and Jenna Klaehn
Owner 7781 Kimbro Ave N	Pat and Deanna Herold
PIDs:	260302112004 and 2603021120001
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 42,900 square feet from 7781 Kimbro Avenue N to 7995 Kimbro Avenue N.

The Applicant and Owners are requesting a lot line rearrangement of two existing lots to transfer approximately 42,900 square feet from the property located at 7781 Kimbro Avenue N to 7995 Kimbro Avenue N. The proposed lot line rearrangement will not result in any new lots, and the 42,900 square foot strip of land will continue to be used to provide access to the properties located at 7955, 7975 and 7995 Kimbro Avenue N. The current private access is owned by the Herolds whose property is located at 7781 Kimbro Avenue N which is a non-contiguous parcel. The purpose of the lot line rearrangement is for the access strip to be owned by a property owner with contiguous land. The purpose of the land will not change as a result of the exchange, and the land will continue to be used as a private access for the three lots which abut the property.

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9, 30-10 and 30-11. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

- Secs. 12-261
- Secs. 32-184
- Secs. 32-246
- Secs. 32-313

There are two parcels that are the subject of this Application including the property located at 7995 Kimbro Avenue North and 7781 Kimbro Avenue North, and there are two additional affected parcels located at 7955 and 7975 Kimbro Avenue North. The lots in their current configuration were created in the 1960s, which predated the City's ordinance that require a lot to have frontage on a public road. As a result, the lots located at 7975 and 7995 Kimbro Avenue were considered legally conforming even though they did not have frontage on a public road. Both parcels were permitted to be accessed from a private driveway easement that was owned by the property located at 7781 Kimbro Avenue North which abuts their southerly lot line. The private driveway access area is a strip of land approximately 33' wide by 1300' long and extends the full width of the properties located at 7955, 7975 and 7995 Kimbro Avenue. The existing private driveway currently provides access to all three lots, and no access is provided to any other surrounding land or parcels.

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets the density requirements as established in the Comprehensive Plan.

Dimensional Standards

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

The proposed configuration does not result in any new lots and it does not change the existing conditions since the land transfer is simply a transfer of ownerships. It should be noted that the

strip of land does not meet the City's roadway standards, and that the strip of land was created to a historic cartway standard. As such, a new access road could not be installed within the strip and meet the City's roadway specifications.

No new access will be created as a part of this request, and all properties will continue to use their existing access. However, given that the strip of land that is proposed for transfer as part of this subdivision provides access to not only the subject lot, but also to the two adjacent lots to the west it is imperative that access to all three lots be protected and preserved. Since the land is owned by a private property owner, it is essential that the private driveway easement be maintained into perpetuity so that the properties at 7955 and 7975 Kimbro Avenue are preserved. ***Staff would recommend that a condition be included in the approval that the driveway easement must be perpetual, and that the easement must be submitted to the City Attorney for review and approval prior to recording the deeds.***

The proposed configuration is generally subject to the standards that are contained within Chapter 30 for minor subdivisions in the City. Some additional considerations regarding this request are as follows:

- The configuration results in an irregular shaped lot, which is generally discouraged in the City's subdivision standards for design. However, the situation is unique in that the strip of land that is transferred is generally for access and was sized to a historic standard cartway.
- Shared driveways are discouraged particularly to public right-of-way. This condition is existing and is considered legally non-conforming. However, as noted in previous sections the private (shared) driveway access must be preserved to ensure access to 7955 and 7975 Kimbro Avenue North.

There are no other agencies that are required to review the subject application. The proposed rearrangement does not create any new lots or propose any new structures, driveway accesses, construction or other site work. As a result, no other agency review is necessary

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 Conditions and Findings are provided for your consideration:

Conditions

1. A private Driveway Easement shall be prepared to the satisfaction of the City Attorney to ensure access is maintained into perpetuity for the lots located at 7955, 7975 and 7995 Kimbro Avenue North.
2. The City Attorney shall review and stamp the deeds associated with the created parcels.
3. All escrow amounts shall be brought up to date and kept current.

Findings

- The minor subdivision and combination will not negatively affect the physical characteristics of the lots or the neighborhood.
- The proposed minor subdivision conforms to the city's comprehensive plan.
- The minor subdivision does not create any new lots, and no new structures or intensity are proposed as part of this request.
- The minor subdivision will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

MOTION by Commissioner Fritze to open the public hearing at 8:48 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

Mr. Pat Herold, 7781 Kimbro Avenue, came forward and provided the background on the property noting he does want the applicant to have the property. A utility easement was granted three years ago.

MOTION by Commissioner Schafer to close the public hearing at 8:50 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Schafer to recommend approval of 7781 and 7995 Kimbro Avenue North, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

PUBLIC HEARING, Consideration of Updated Comprehensive Plan – City Planner Swanson advised between mid-2018 and early 2019 the City worked to update its 2040 Comprehensive Plan in conformance with the Minnesota Land Planning Act. The Planning Commission served as the working group to the process and provided guidance and feedback throughout the Plan development/update. Because the Plan was an update many of the Plan chapters and various components remain consistent with the 2030 Comprehensive Plan.

However, there were a few significant changes that are summarized in the following:

- Simplified Land Use Designations. The City's Future Land Use map (Map 3-3) reflects the consolidation of A-1 and A-2 land use designations to RR/A. This designation more appropriately matches the dominant rural residential uses in the community, while acknowledging strong support for continued agricultural uses.
- Land Use designations nomenclature. To better describe the "use" of property in Grant, the land use designation was renamed to include both Rural Residential and Agricultural so that it is clear to residents, policy makers and potential applicants the desired activities and use of property.
- Restructured chapters to address the Metropolitan Council's checklists. This included moving environmental discussions to the Local Water Management Plan.

In May 2019 the City Council authorized the distribution of the draft 2040 Comprehensive Plan for adjacent/affected jurisdictional review. The Minnesota Land Planning Act requires municipalities to send their draft plans to the identified municipalities and affected jurisdictions and provide a 6-month review period. The 6-month review period commenced on November 14, 2019. The following entities provided comments and/or response:

- Washington County
- Rice Creek Watershed District (LWMP specific)
- Stillwater Township (No Comments)
- Minnesota Department of Natural Resources – comment letter forthcoming

It should be noted that the draft authorized by both the Planning Commission and the City Council for the 6-month review period is the same as presented at the meeting tonight with a couple exceptions. The only changes include updated/revised pictures and the inclusion of the SSTS (septic system) map which was identified with a placeholder in the draft document.

Prior to submitting the final draft to the Metropolitan Council for review, the City is required to hold a duly noticed public hearing to consider the draft. The duly noticed public hearing was noticed for the regular November 19, 2019 Planning Commission meeting.

The purpose of the public hearing is to take public testimony and to determine if any changes/modifications should be incorporated into the draft before making a recommendation to the City Council.

Next Steps

- Incorporate/address changes as required or relevant from the comment period.
- Incorporate changes as needed based on public testimony.
- City Council authorizes Staff to submit the 2040 Comprehensive Plan to the Metropolitan Council.

- Formal resolution adopting the 2040 Comprehensive Plan is adopted after Metropolitan Council approval.

Staff is requesting the Planning Commission recommend approval of the draft 2040 Comprehensive Plan with any changes or modifications to the City Council.

MOTION by Commissioner Schafer to open the public hearing at 9:03 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

No one was present to speak at the public hearing.

MOTION by Commissioner Helander to close the public hearing at 9:04 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Schafer to recommend approval of the draft 2040 Comprehensive Plan, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Schafer to adjourn the meeting at 9:05 p.m. Commissioner Fritze seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk