

Carver County Planning Commission
Regular Meeting - **Tuesday, December 19, 2023**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of October 17, 2023, regular meeting
Pages 1-1 through 1-8

- 2.) **File #PZ20230044** – Public hearing on application by Aaron & Ashley Schram for a Conditional Use Permit amendment
(Agri-tourism/Winery expansion)
Laketown Township Pages 2-1 through 2-23

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – October 17, 2023
Minutes

Members Present: Scott Wakefield, Scott Hoese, Matthew Kerber, Greg Grazzini, Frank Mendez, Andy Steinhagen, John P Fahey

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Donovan Hart, Jennifer Tichey

Pursuant to due call and published notice thereof, the October 17, 2023, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield announced that the roll call indicates all seven board members are present.

Agenda – A motion was made by Steinhagen to approve the agenda as printed. Hoese seconded the motion for approval. All voted aye. Motion carried.

Minutes – A motion was made by Hoese and seconded by Kerber to approve the minutes from the September 19, 2023, regular meeting. All voted aye. Motion carried.

File #PZ20230039 – Carver Canines – Chairman Wakefield called the continued public hearing to order at 7:01 p.m. to consider a request by Laura Zimmerman. The purpose of the public hearing was to consider a request to operate a commercial kennel pursuant to Chapter 152 of the County Code. The property is located in Section 31 of Waconia Township.

The following were present: Laura Zimmerman, Doug Pritchard, Lyle Braun, Felix Sohlin, John Zimmerman, Dave Grandy, Dave Simonsau, Denise Simoneau, Rob Miller, Mike Lovich, Shannon Lovich, Mark Slater

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated September 21, 2023

Exhibit F – Staff Report addressed to the Planning Commission and Waconia Township dated October 9, 2023, and all attachments

Exhibit G – Power Point information submitted from Shannon Lovich, dated October 17, 2023

Exhibit H – Letter signed by 7 nearby household owners dated October 17, 2023

Exhibit I – Letter from Matt Bergmann dated October 17, 2023

Senior Planner Hart stated the applicants are seeking a CUP to operate a commercial kennel with a maximum of 50 dogs for daily or overnight stays from an existing building located at 13950 Hwy 5. The applicants obtained a variance for this property to operate on a property less than 5 acres in size, without a single-family dwelling for the owner to occupy and homestead, with an

operational area located within the 1,000-foot setback from a neighboring residence and within ½-mile of 12 neighboring residences. Hart used an aerial photo of the property to illustrate and explain the variances. The existing building formerly had been granted CUP's and was used as a veterinary clinic and feed supply store. There was also a variance granted to install a monument sign with greater square footage than otherwise allowed. The applicant's letter provides background information and the operations plan. Proposed hours of operation are Monday – Friday, 7:00AM – 7:00PM and Saturdays & Sundays from 7:00AM – 6:00PM. The plan proposed a maximum of 17 employees plus 2 owners, with a maximum of 5 staff at one time and a minimum of 1 staff member for the overnight shift. The maximum number of dogs is proposed to be 50, with a daily range from 20 – 50. The applicants indicated the maximum number of dogs is conservative considering the size of the building. The letter outlines their method of screening dogs prior to boarding and monitoring new dogs to assess compatibility with other boarded dogs. They describe various methods used to minimize instances of barking dogs. There is no proposed expansion of the existing building. The submitted site plan shows the existing building with a parking area and driveways leading to Hwy 5 and Rome Av. The survey indicates 2 proposed fenced areas described as outside dog-run areas. The expected number of customers per day will be around 10 at peak times and 25 per day maximum. The estimated number of trips per day will range from 50 to 62. Per the Waconia Town Board recommendation, vehicle access is proposed via the Rome Av driveway. This will allow customers to transfer their dogs via a Sally Port, which is already a feature of the facility. To minimize the impact of dog barking from the neighbors, the applicants propose to insulate interior spaces to dampen barking sounds and explore other options with a contractor for the best sound-buffering materials to use. The applicants provided several fence options to enclose the proposed outdoor dog exercise areas to eliminate visibility of the surrounding area and potentially reduce dogs barking at passing vehicles and persons. A sketch plan also indicates the purposes of the rooms and spaces indoors and the proposed outdoor play areas. The submitted parking plan proposes 19 parking spaces, which appears to be adequate according to the characteristics for similar uses and other professional studies. The existing variance for the monument sign on the property contained a condition stating: "Other than temporary and promotional signs as permitted by the Ordinance, no additional signs shall be constructed on the property." Therefore, the signage on the front of the building must be removed to be compliant with the 1997 variance and the Carver County sign code. The proposed commercial kennel use complies with the requirements set forth in the Zoning Code and with the granting of variance PZ20230028, the proposal appears to meet the commercial kennel standards of the Zoning Code. The applicants propose to dispose of the dog waste by using a garbage service provider rather than a septic system. Jacob McLain, Carver County Senior Environmentalist, reviewed the application materials and determined the septic system should be sized adequately for the listed number of employees. He suggested it might be beneficial to have a maintenance (regular pumping) plan created for the system to ensure longevity. He further explained that the system has an effluent filter that should be cleaned at least every 6 months to avoid backup of the system, with perhaps more frequent cleaning required due to dog hair accumulation. Taylor Huinker from the DNR reviewed the application and replied in an email that she had no comments. MnDOT, the road authority for Hwy 5, was sent the application materials for review and no response had been received at the time of writing the staff report. In addition to the ones mentioned previously, Land Management received comment letters from 4 other property owners in the area. The applicant also submitted a flyer to Land Management which had been distributed to neighboring residents. Ms. Zimmerman wrote and submitted a rebuttal to several statements included in the flyer. The Waconia Town Board reviewed the request and recommended approval at their August 28, 2023, meeting with 3 additional comments. Hart read

the proposed conditions for consideration if the request is recommended for approval to the County Board. If the Planning Commission recommends denial of the request, the reasons supporting the denial should be clearly stated.

Chairman Wakefield asked the applicants if they had additional comments.

The applicants stated they had no comments at this time.

John Zimmerman, Waconia Township supervisor, stated he and another Waconia Township supervisor, Dave Grandy, visited 5 or 6 other local kennels which have a capacity of 120 to 150 dogs. They also stopped and visited with the closest neighbors of these kennels and found that no one had a complaint about the kennels. One neighbor was as close as 50 feet from the kennel. There were no complaints about noise or odors and two of the residents claimed the kennel was the best neighbor they could have. The nearest residence to this site is a little over 450 feet from the building, south across Hwy 5 with a line of trees for screening. He presumed there would be more traffic noise from Hwy 5 than the resident would hear from the kennel. He recognized that some of the other kennels had a larger parcel; however, the operational areas and concentration of dogs was very similar in size to this parcel. He stated that having a hired staff member on the site 24/7 may be even better than a homeowner who might be absent for periods of time in the evenings to attend other events. He stated they toured the building, and it appears to be a good use of the available space. The building will be insulated for sound and there is also a mature tree line to the north and west of the building providing screening for noise for many of the area residents. He explained their recommendation for using Rome Av to access the facility because of the existing turn lane and bypass lane for safety. He confirmed the Township's recommendation for approval of the request.

Chairman Wakefield invited members of the public to make their comments regarding this request.

Denise Simoneau, 11025 Hwy 25, stated she resides within ½-mile of the proposed parcel. She stated as a former business owner, she recognizes the rules and regulations and followed all of them pertaining to her business. She stated when the veterinary clinic was in operation and it was feeding time for the dogs, they could hear the barking from inside their house. She questioned why exceptions to the ordinance were made for some requests and not for others.

PLC Member Mendez asked to be removed from the board citing a conflict of interest with this request.

Mark Slater, 10545 Rome Av, stated he has lived at this address for 23 years and knew the former veterinarian and his business. He stated there were maybe 10 dogs at the facility at a peak capacity and they could hear them barking. He expressed concern with the proposed number of 50 dogs at the facility. He also stated concerns about the condition of Rome Av driveway and using it as the main access to the building. He stated there is no culvert or adequate drainage and the water pools there in the spring when snow melts. He felt the road to the building was not able to accommodate two-way traffic and referred to it as a 'prairie trail' at best. He also questioned whether the current owner had made improvements to the building and if appropriate permits had been obtained.

Lyle Braun, 15975 102nd St, is the current owner of the building and confirmed there is a culvert underneath the driveway from Rome Av. He stated the access splits to different parts of the building and is able to handle single-lane traffic. This allowed delivery vehicles to circle around the building. He stated the existing building has had concrete floors since it was built so there was no need for any permits to finish the flooring. He believes Carver Canines is a respectable business and a good fit at this location. There are no plans to expand the building with this use. He invited all of the board members to visit the site and he would give them a tour.

David Simoneau, 11025 Hwy 25, explained noise from his perspective of his property, and living near Hwy 5 which is a main road for police, fire and other emergency vehicles since the hospital is a few miles east of this location. On nice weather days, the motorcycle traffic also increases adding another dimension to the noise. He stated dogs have a heightened state of hearing and are affected by all these things. Not to add, when coyotes begin to howl in the evening, dogs also react to that. He also mentioned noise from grain dryers in the area and resident hunters who target shoot and sight their guns before hunting season. He felt the dogs are already emotionally stressed being separated from their owners and they should be protected from all these noises. He did not know if the dogs would be kept inside but suggested that the proposed fencing also be sound engineered to protect the dogs.

Mike Lovich, 10625 Rome Av, owns 3 dogs and has used local and other facilities similar to this proposed business and has not experienced one where sound wasn't an issue. He expressed concern about the proposed 6,800 square feet of outdoor areas of the facility because of the sound and noise. If one dog barks, they are all going to bark.

Shannon Lovich, 10625 Rome Av, wanted it noted that there were a few dog kennels outside of the building when the previous business was there, however, there was not a 6,800 square foot dog run area. It has been mentioned that there is no plan to expand the building but the outdoor dog run is a substantial addition to the outside operational plan area, which is of great concern to her.

Rob Miller, 13925 Hwy 5, is the nearest residence to the proposed dog kennel. Two of his daughters worked for Dr. Molnau and took care of the dogs that he boarded. Mr. Miller would also help with the dogs, who were housed on the north side of the building, and stated he could hear the dogs barking from his residence south across Hwy 5. He also stated the coyote howling and reaction of dogs barking is a very real and noisy situation. He mentioned the need for 4 variances on this site, he felt this small parcel was not a good location for this business to operate and stated it should have been denied immediately. He stated there is no mitigation that will eliminate the noise from dogs in a 6,800 square foot outdoor dog run.

Chairman Wakefield asked the applicant if she would like to respond to any of the comments.

Laura Zimmerman, 2253 Naples Av, stated they are law-abiding citizens and are following the rules and guidelines for this process. They applied for and obtained the appropriate variances and are now working toward getting the Conditional Use Permit. She stated in her search for property in Carver County from which to operate this business, she had found none that would qualify without obtaining at least one variance because of the strict rules in place. She stated the proposed location has been used to board dogs in the past and will be a good fit for their kennel operation. The parcel and facility size are more than adequate, and Ms. Zimmerman quoted industry standards and guidelines for dog boarding and daycare centers as reported by the Pet

Industry Association of Australia (PIAA). She stated she was offended by the information in the flyer that had been created, saying the information was not accurate. She made a conscious effort to contact the neighbors within ½ mile of the property to meet them and talk about their proposal. She left her contact information in a letter for others who were not available when she stopped by, inviting them to be in touch with any questions or concerns. Several people voiced support for their business and shared they had previously boarded their dogs at this facility. She expressed frustration with the false rumors spreading about what they were going to do at the site without anyone ever contacting them to find out the truth. She stated they do not run a 'typical' kennel where dogs are kept in kennels for long periods of time. They pride themselves as being 'kennel free' and have staff at the site 24/7. They have a screening process for their clients and take only non-aggressive dogs who will mix well in a group. She stated the dogs will be outside, in small groups and with staff present, during daylight hours. They will be inside the facility in the evening when the coyotes are howling. They have plans in place to address the concerns of noise and will work to keep everyone happy. They currently operate in a neighborhood with much closer neighbors and have received no complaints.

Doug Pritchard, 2253 Naples Av, expressed thanks to the neighbors for their concerns and stated they do not take them lightly. They are very guest-focused and will do their best to address and control the things that they are able to. They cannot control wildlife, sirens, gun shots and disturbing noises created by other means.

Ms. Lovich defended the neighborhood residents stating they have gathered together and read the proposed application materials and researched information online about the business. Their concerns are educated opinions and are derived from information they have read. She asked that if the request is granted, that the permit conditions be put in place so that the business does not change their lifestyle and the character of the neighborhood is not changed.

Dave Grandy, Waconia Township Supervisor, stated he had never visited a kennel until recently. He was surprised at how the condensed the area was and there was no audible noise outside. He stated barking could be heard inside the building from different areas. He toured the proposed facility and was impressed with the individual kennel space and a large exercise area with astroturf. He stated the building should have sound attenuation, which is a recommendation from the Town Board.

John Zimmerman mentioned the adjacent land to the north and east of the existing building and presumed that if the owner were to use the building eligibility, it would be on the lakeshore and not near the proposed kennel operation. He addressed the comments made about the driveway leading to the building and stated that improvements have not been made because the applicants have not yet received the permit. Those things can be done if they are allowed to operate from the site. The same applies for the sound attenuation.

Ms. Simoneau asked what conditions are in place to prevent the business to growing into the size that Ms. Zimmerman stated could be allowed at a facility of this size. And what is the enforcement to ensure that number.

Land Use Manager Mielke replied, the proposed conditions will reflect the 50-dog maximum that the applicants are proposing. If the business is sold, the conditional use permit runs with the land and a new owner can operate under the same conditions. If the business is successful and an owner wishes to increase the number of dogs, then a new conditional use permit must be

applied for requesting an increase. The permit is subject to an administrative review, which allows the County to go on site and conduct an inspection. The business owners are subject to compliance with the conditions of their permit. If it is found that there is a violation, then an enforcement process will begin to bring the operation back into compliance with the permit.

Mr. Simoneau reiterated the concern with traffic and direct access to Hwy 5. He felt if vehicles choose not to use the Rome Av access, safety could be an issue. He suggested putting a barrier across the Hwy 5 access.

A motion was made by PLC Member Steinhagen to close the public hearing. PLC Member Grazzini seconded the motion to close. Chairman Wakefield called for a vote on the motion. All voted aye. The public hearing was closed at 8:03 p.m.

PLC Member Kerber was impressed with the research done by the Waconia Town Board on this request. He requested more information about the indoor sound mitigation and what guidelines they can direct.

Mielke stated the Planning Commission can change and adjust the proposed conditions as they feel appropriate. The applicants are going through the process to determine if they will be granted the permit for their proposed use. At this time, they have indicated that indoor sound-proofing will be done, but they have not identified specifically what that will consist of. The building code will also be enforced for this type of use and may help to determine what sound-proofing might be most effective.

Grazzini asked if there was an ordinance relating to decibel levels of noise or other undesirable sounds.

Mielke replied there is a State Statute requirement about decibel levels and explained the decibel levels are measured by a specific duration of sustained sound at an elevated level. He stated the County does not have additional guidelines in the Zoning Code that would be more restrictive than the State requirement.

Hart suggested identifying an insulation product requirement rather than a decibel level. There could be other requirements for the outside dog run areas to help mitigate the sound.

Commissioner Fahey referenced the packet information on page 2-3 referring to the applicant's letter concerning finishing the building interior for sound mitigation and listing material options.

Kerber stated he is not a sound expert but is very acquainted with learning centers and large gymnasiums which are very noisy. He mentioned working with acoustical companies who are familiar with mitigating noise and sound levels. He could not relate anything to decibel levels, which he stated are difficult to measure if the sound is not sustained.

PLC Member Hoese suggested avoiding a metal finish as that would be quite noisy. He stated insulating the inside is to help protect and reduce noise heard outside the building. It is not necessarily to keep the inside quiet.

Chairman Wakefield stated the recommendation for an outdoor wooden fence will also help to reduce some of the noise. He also thanked the Waconia Town Board members for taking their

time to visit other area kennels and get some helpful recommendations for this type of business. He also offered another suggestion for reducing noise and sound in the outdoor dog run area.

Hoese was in favor of the suggestion to put a barrier across the Hwy 5 access to divert traffic to the Rome Av entrance.

Mielke stated there has been no response from MnDOT about this request and presumed there would be no conflict with traffic issues on Hwy 5. He mentioned a sign on Rome Av near the entrance to the subject property might be helpful to direct traffic onto the property and not down the road to the residences.

Chairman Wakefield mentioned the property owner could make some improvements to the driveway on the property for customer traffic.

Fahey asked for clarification on when the dogs would or could be outside. If they are outside 'during daylight hours', that time changes with different seasons.

Ms. Zimmermann stated the customers will drop off or pick up their dogs until 7:00PM or 6:00PM on weekends, which could be after daylight hours.

Mr. Pritchard stated the dogs would or could still be outside in the winter months at 6:00PM or 7:00PM but would certainly be indoors by 9:00PM or 10:00PM and are never left outside overnight.

Mielke interjected saying that the concern is having multiple dogs outside at one time or identifying the play times for groups of dogs. If dogs need to go out later in the afternoon or evening, are they out in groups or one at a time.

Ms. Zimmermann stated as a matter of efficiency, they would let more than one dog out at a time for those short periods.

Hoese suggested that the hours of operation would also coincide with the hours that the dogs would be outside. He recommended adding language to the conditions stating the dogs should be indoors by 7:00PM. He justified this would allow the neighbors to walk down Rome Av and not cause the dogs to be disturbed if they were outside.

Discussion ensued to limit the hours for dogs outside in the open dog run areas to coincide with the operational hours open to the public.

Ms. Zimmermann asked if the public hours on the weekends could be extended from 6:00PM to 7:00PM to provide more comfort for the dogs not being able to go outside for a 12-hour period.

Fahey asked if there are 50 dogs on site, will they each be in their own kennel or how are they kept apart.

Ms. Zimmermann stated they are a kennel-free operation, and they designate separate areas for dogs during feeding times and other times as requested by the owners. There are currently 16 kennels in the building, and they would add a row of kennels outside of the designated play area.

A facility floor plan sketch was used to illustrate the proposed areas. The boarding suites would also have separate kennel areas.

Chairman Wakefield asked the commissioners for any additional thoughts or comments. The commissioners responded they felt the recently discussed changes were appropriate for the request.

Hart asked for a clarification on the type of fencing required to be used for the outdoor areas.

Chairman Wakefield indicated the wooded fencing as recommended by staff would be required.

A motion was made by Wakefield to **approve and issue Resolution #23-16** incorporating the findings of fact, Planning Commission members modification of operating hours extending public hours to 7PM Monday - Sundays and allowable dog outside exercise times limited to the public hours, and staff recommendations approving the Conditional Use Permit for the operation of a commercial kennel. Steinhagen seconded the motion for approval. Chairman Wakefield called for a vote on the motion for recommending approval of the request to the County Board. All voted aye. Motion carried.

Adjournment

Having no other business to discuss, a motion was made by Mendez and seconded by Hoeser to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:36 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

December 11, 2023

TO: Carver County Planning Commission & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Large Scale Activity – Agri-Tourism).

FILE #: PZ20230044

APPLICANTS: Aaron and Ashley Schram

OWNERS: Aaron and Ashley Schram & RJ Molnau Trust (Contract of Deed)

SITE ADDRESS: 8785 Airport Rd., Waconia, MN 55387

PERMIT TYPE: Large Scale Activity (Agri-Tourism)

PURSUANT TO: County Code, Section 152.080 (C)(6)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 07-020-1500, 07-020-1800

STAFF ANALYSIS:

1. Aaron and Ashley Schram own one parcel of an approximate 12.41 acres and have an executed Contract for Deed with the RJ Molnau Trust on an approximate 21.13-acre adjacent parcel to the east. The two parcels of an approximate 33.54 acres are located in the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 19, and the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 20, Laketown Township. The properties are improved with a house (w/attached garage), three (3) structures which are currently utilized as part of their Schram Vineyards Business, two buildings in agricultural use, along with areas improved for vehicle parking, and grape growing production fields. The site is located in the Agriculture Zoning District, Shoreland Overlay District of Reitz Lake, and the Carver County Watershed Management Organization (CCWMO) – Carver Creek Watershed.
2. In 2012, Mr. and Mrs. Schram were approved to operate a Conditional Use Permit (CUP) to operate a Farm Related Business/Large Scale Activity (CUP-PZ20120025), named Schram Vineyards. The vineyard/winery started as an operation of growing grapes and winery operations (production and sales). The operational area encompassing approximately six (6) acres. Reflecting growth in the business, the CUP was amended in 2014 (CUP-PZ20140045) to add a new wine tasting/production building, year-round operating hours, increase acreage dedicated to hop and grape production, and increased parking areas on the property and on an adjacent parcel.
3. Mr. and Mrs. Schram are requesting a CUP to expand the operational area of the business and construct new commercial structures. The application proposes to increase the existing parking area, identify an overflow parking area in a field, construct a new retail and production building, expanded the existing tasting and taproom building, the conversion of an agricultural building (under construction) which may be converted to a production building in the future, and increase the number of allowable special events. A sparkling wine building is identified as part of the master plan for future construction purposes.
4. The request is for a CUP to operate a Large-Scale Activity (Agri-Tourism) pursuant to Section 152.080 of the Carver County Zoning Code, which reads as follows:

§ 152.080 CONDITIONAL USES – LARGE SCALE ACTIVITIES WITH UNIQUE LAND OR LOCATION NEEDS.

(A) Minimum criteria for issuance.

- (1) The activity conforms to all other county ordinances, state, and federal regulations.
- (2) Minimum five-acre lot size; unless another size is specified under a particular provision.
- (3) Sewage can be managed in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (5) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area.
- (6) Land is not subject to the land use restrictions of an AG preserve covenant.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.

(C) Activities.

- (6) Recreational, educational, institutional facilities, agri-tourism or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land or activities conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
 - (a) No more than 20% of the land utilized for the activity, with the exception of agri-tourism, shall be designated as prime agricultural land under till, as illustrated by the Carver County geographic information systems (GIS) mapping;
 - (b) The road authority will grant an access permit;
 - (c) A certificate of insurance and/or a performance surety may be required;
 - (d) A stipulation is made in the permit as to the number of persons to be using the facility at any one time;
 - (e) Any type of special event that will attract or involve more than the number of people stipulated in division (6)(d) above shall require approval of the County Board.

(Ord. 47, passed 7-23-02; Am. Ord. 58-2007, passed 3-27-07; Am. Ord. 70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21)

5. The existing CUP permit allows for the processing of locally grown grapes and hops, and sale of wine and beer. The existing CUP allows up to 200 customers at any one time, with normal business hours 9AM-10PM and two special events per year. The permit allows amplified music up to 8:00PM, except during one annual fall event, when amplified music is allowed until 10PM. Outside storage of business equipment and supplies is prohibited unless screened from neighbors and public roads. Since the existing CUP was issued, the County Code was amended to include agri-tourism as a Large-Scale Activity. The proposed winery expansion is being reviewed under that section of the County Zoning Code.

6. The submitted narrative (dated November 17, 2023) outlines the business' existing and proposed operation. The purchase agreement of the neighboring parcel, already the site of majority of the vehicle parking, enables the business expansion. Three existing structures, the private residence, the brewery building (800 square feet, #2 on the site plan) and an agricultural structure (5,200 SF, #4) on the newly purchased parcel would retain their current uses. The existing Tasting and Taproom (4,800 SF, #3) is proposed to be expanded with a 1,000 square foot deck on the south side and a 400 square-foot distiller room addition in 2025. Planned for 2024, the applicants propose a 12,000 square-foot retail and production building (#5) that would replace an existing agricultural building. The structure would include a kitchen, bathrooms, tasting room, and wine storage. The narrative notes that the new building would relocate some customers from the west side of the property to the east, further from the residential area adjacent to the winery (Tasting & Taproom building). Also planned for 2024 completion is an agricultural building (7,000 SF, #6) near Airport Road to store harvesting equipment and vineyard supplies. In the future, this structure would be converted to a wine processing facility in the future. The applicants also have plans for a future sparkling wine production and storage facility (5,000 SF, #7), with construction date to be determined. The site is proposed to accommodate a maximum of 600 people at any one time.
7. The submitted narrative describes the public hours of operation as Sunday through Saturday (9:00AM. to 10:00PM, which is unchanged from the existing permit. Four annual events are proposed as part of this CUP amendment, an increase from the two special events allowed by the existing permit. Events would conclude by midnight. Otherwise, events and private parties would be conducted during normal business hours (i.e. weddings, corporate events and family reunions). Other special events taking place outside of normal business hours would require County Board approval. The operation involves approximately 12-15 employees during the winter (November- April) and approximately 20-30 employees during the summer season (May – October).
8. The submitted site plan (dated November 17, 2023) shows the layout of existing and proposed buildings, with a legend identifying use of the structures. The proposed operational area, excluding grape and hop production land, is 2 acres, a ½-acre increase from the existing operational area. The narrative states the applicant's goal of planting 20 acres of vines and 1-2 acres of grains over the next ten years. The site plan shows a total of 33,200 square feet of commercial and agricultural structures, existing and proposed.
9. The submitted parking plan (dated November 17, 2023) shows 66 parking spaces, including 6 handicap-accessible, in the location of the current parking area. In addition, there is an area of the field to the east where the plan identifies 216 spaces as "overflow parking." The narrative notes that the overflow lot is used from August to October about 10-15 times per year. No additional impervious surface is proposed in that location, on which hay is grown. Customer vehicle access is from the current Airport Road driveway, which was upgraded and paved in 2018. The narrative notes that some commercial vehicles use the private residence driveway entrance.
10. The applicant proposes to update the existing sign at the commercial entrance with an approximate 32 square-foot double-sided sign. All signage shall be placed in accordance with Chapter 154 – Sign Regulations and/or the local road authority.
11. Lori Brinkman, Senior Environmentalist with Environmental Services, reviewed the application materials. In an email dated December 8, 2023, she commented:

There are two sewage treatment systems for this property. The home on the property is part of the Laketown Township 201 System (flows into the Metro Sewer System). The expiration of the Certificate of Compliance (SS002479) is 8/18/2024. Wastewater from the winery bathrooms and floor drains is currently collected by 2-1500 gallon holding tanks. The Certificate of Compliance expiration for the existing holding tanks (SS005385) is 9/23/2019. A preliminary septic system design has been submitted by Mid MN Septic Services. The design includes additional tank capacity including 5000 gallons of surge tank capacity, a high strength waste pretreatment unit, and drainfields. The additional surge tank capacity is proposed to temporarily be used in combination with the current 3000 gallon holding tanks upon completion of a passing compliance inspection, and issuance of a SSTS construction permit. The holding tanks would be utilized until the time that a complete Type IV design is approved, a construction permit obtained, and a Certificate of Compliance is issued. The permittee must comply with Laketown Twp and Carver County SSTS requirements. A maintenance contract must be held with a licensed SSTS Maintainer, and an Operating Permit will be required upon permitting of the Type IV septic system. All pumping records must be submitted to Carver County Environmental Services within 30 days of maintenance.

12. Tim Sundby of the Planning and Water Department reviewed the application materials. In an email dated December 8, 2023, provided the following comments:

The subject property is located within the Carver County Water Management Organization (CCWMO) jurisdiction. Stormwater management, site stabilization requirements, and Best Management Practices (BMP's) are typically reviewed as part of any site improvements pursuant to Chapter 153 of the County Code (Water Management Rules). The overall area of disturbance and the proposed operational area may trigger additional permit requirements by the CCWMO. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or beginning any excavation activity.

13. Jack Johansen, Transportation Planning with Public Works, reviewed the application materials. In an email dated December 7, 2023, provided the following comments:

The 2040 Carver County Comprehensive Plan identifies Airport Road as a future County Roadway. Public Works recommends that any new structure constructed on the subject site have a setback from the centerline of Airport Road of at least 80 feet. This dimension is identified in Section 152.034 (D) of the County Code as the Reduced Setback for a road with its future functional classification. At a minimum, Public Works would like to see any future structures not be located closer to the centerline of the road than the existing agricultural building that appears to be approximately 60 feet from the centerline.

14. Taylor Huinker, Hydrologist with the MN Department of Natural Resources, reviewed the application materials. In an email dated November 29, 2023, she stated that she had no comments.

15. The Laketown Town Board has reviewed the CUP during their November 27, 2023, Town Board meeting. The Township recommended approval with the following comments:

Laketown Township support with the following stipulations:

- 1) Annual review of traffic counts while the entrance to Schram Vineyards remains with the Township's road authority – to be scheduled for the same meeting where annual liquor license renewal is considered as a separate matter.*
- 2) Stated hours of operation are supported with the exception of Sundays between April 1 and October 31 of each year, in which Schram Vineyards will close by 6:00pm. An event permit may be requested through the Township if there is a need for an exception.*
- 3) Outdoor amplified music prohibited after 8:00pm; no outdoor music after 10:00pm. An event permit may be requested through the Township if there is a need for exception.*

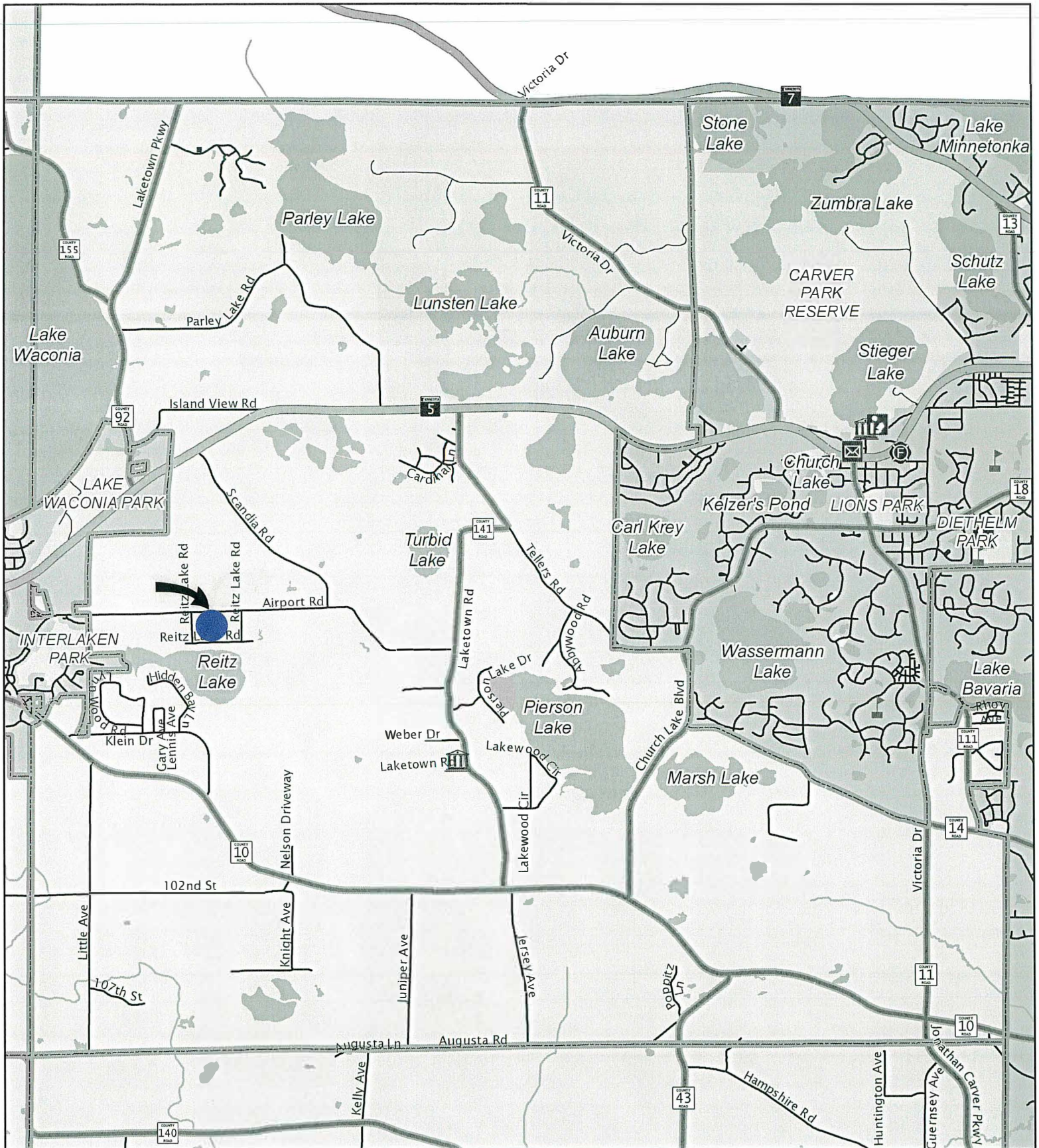
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Conditional Use Permit application for a Large-Scale Activity (Agri-Tourism) on the parcels described in Exhibit A, the previous CUP (#PZ20140045) for a Farm Related Business/Large Scale Activity and any other prior permits, amendments or renewals for a Farm Related Business/Large Scale Activity would be terminated upon final approval (and recording) of the new CUP #PZ20230044. The following conditions should be considered part of the permit:

1. The permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Schram Vineyards shall operate in accordance with the submitted operational plan (dated: 11/17/23) and site plan (dated: 11/17/23) and parking plan (dated 11/17/23). These plans shall be attached to and be considered part of this permit. Any future buildings and/or changes in operational area will require review by Land Management for a determination as to whether an application for a CUP amendment or similar consideration is necessary.

3. The Schram Vineyards operation shall be permitted to open to the public year-round Sunday – Saturday (normal business hours: 9:00AM to 10:00PM) with the exception of Sundays during April 1 to October 31, when the public hours end at 6:00PM. Outdoor amplified music is prohibited after 8:00PM, except during the special events. Customer events (public or catered) may be hosted year-round within the approved normal hours of operation.
4. Four (4) annual special events shall be allowed, which exceed the normal hours of operation. Public hours shall end by 12:00AM the morning after the day of the special event. The applicants shall notify the Carver County Land Management Department prior to conducting any special events. Any additional special events (throughout the calendar year) shall not be allowed without the County Board of Commissioners approval, pursuant to Section 152.074 of the County Zoning Code. All special event requests shall be subject to review by the Laketown Town Board (Road Authority) and the Carver County Land Management Department.
5. All structures on the parcels shall meet the applicable requirements of the Carver County Zoning Code and State Building Code. Any required building and septic permit(s) shall be applied for and issued prior to construction. Any future remodeling or construction shall be reviewed by the Zoning Administrator to determine if an amendment to the CUP is necessary. Food production activities may only occur if appropriate building permits have been obtained and a Certificate of Occupancy has been issued for those specific business activities. Future structures and/or change in use of the facility will need to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary.
6. Any structure(s), not utilized for the business, shall be used only by the occupant(s) of the property owner for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by the County Zoning Code and shall meet State Building Code, if applicable.
7. The Permittee shall submit a copy of Worker's Compensation Insurance and/or proper affidavit to the Land Management Department annually.
8. The Permittee is responsible to the Minnesota Department of Agriculture, and to any other County, State or Federal agencies, for maintaining the required permits and licensure for the retail, liquor, food production and growing operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management annually.
9. The permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within any structure(s) utilized as part of the business operation, if applicable.
10. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property and square footage per sign. Off premise signage (on private property) is prohibited.
11. Outside storage of business equipment and supplies is prohibited unless the storage area is adequately screened from the view of neighboring residences and public roads.
12. Permittee shall comply with road access requirements/improvements as determined by the appropriate Road Authority (Laketown Township), or until such time as the City of Waconia or Carver County Public Works Department takes over maintenance and authority responsibilities.
13. The permittee is responsible for compliance with all Federal, State and Local rules, regulations, and permitting requirements.

LAKETOWN TOWNSHIP

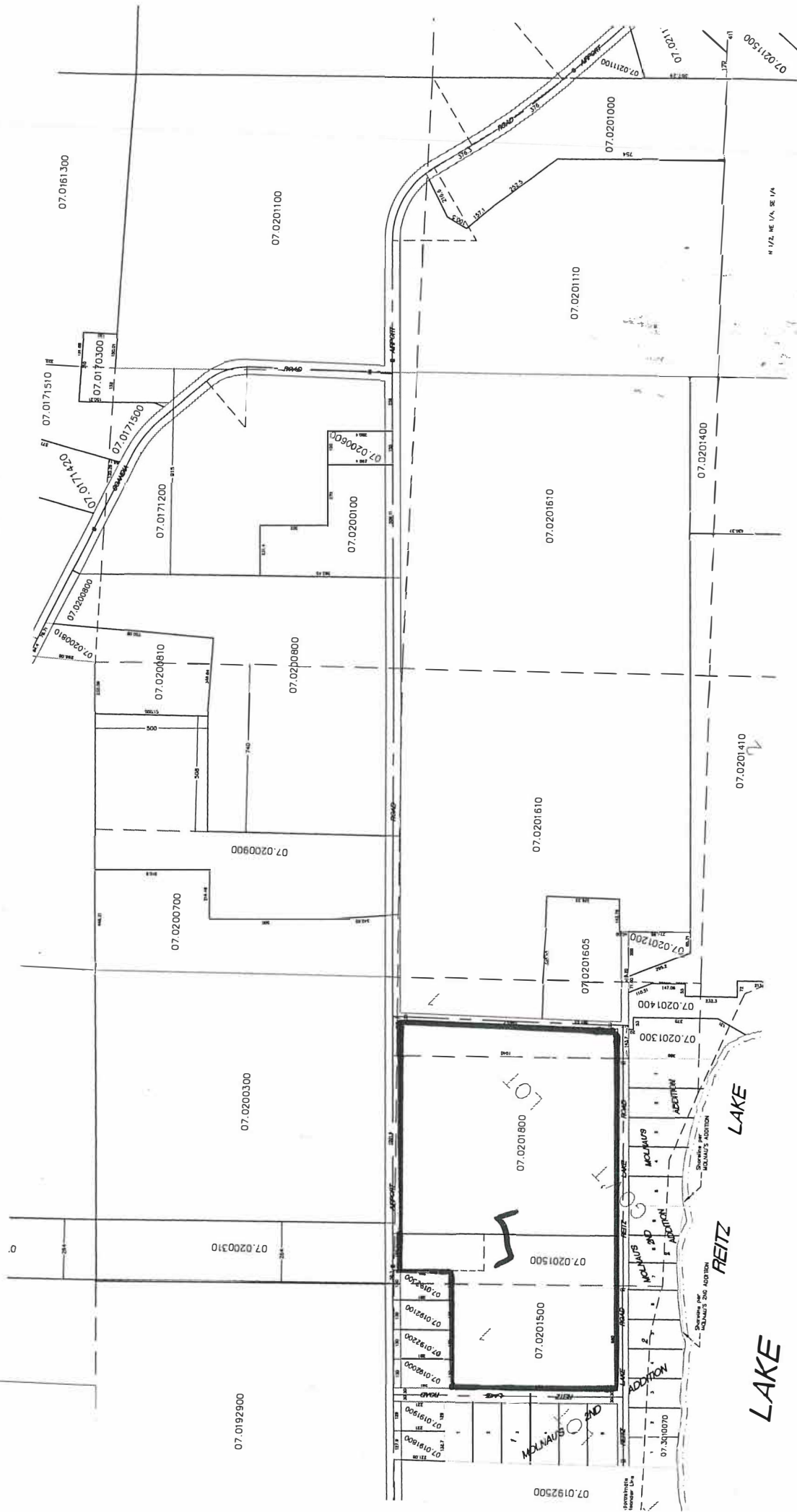


This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

THIS IS NOT A LEGALLY RECORDED PLAY
THIS MAP IS A COMPILED OF RECORDS
AS THEY APPEAR IN THE CARVER COUNTY
OFFICES AND OTHER SOURCES. THIS MAP
IS ONLY TO BE USED FOR REFERENCE
PURPOSES. THE COUNTY AND ITS AGENTS
ARE NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED THEREIN.



11/17/2023

Dear Planning Commission,

Schram Vineyards would like to propose a revision to our Conditional Use Permit. Over the last decade our business has become a well-known destination for not only the county, but the state. In addition to the many awards and accolades we have received locally over the years for our wine and contributions to the wine industry in Minnesota, we recently won the "Best Winery in Minnesota" (2022) and "Best Fall Destination" by the Star Tribune. We have also been on many publications from TV to magazines around one of the best locations to visit to experience a true Minnesota winery and brewery experience. Schram Vineyards has also been a proud community leader, supporting local charities and fundraising efforts through our time, product, service and monetary donations to organizations such as Ridgeview, local schools, and families in need of support. Schram Vineyards has helped to put Waconia on the map by being a premier tourism destination. Several guests have commented that they decided to move to the area after visiting our location and then exploring the town. The agri-tourism aspect of the vineyard is a unique feature other surrounding towns cannot boast of.

Operating the winery is our full-time employment, and how we support our young family. It is not a hobby or side job. Several of our full-time employees rely on our winery to sustain their families. Because of the success of the winery, it is allowing us to add 20 agricultural acres to expand the rural area with the hopes of keeping this area agricultural with the impending suburban expansion.

Our employed staff has grown over the years as we have employed neighbors, local residents, teachers and students in the community and foster job growth as well help to set job standards for the area. We have added full-time employees to our operations crew, leadership team, and tasting room management, as well as part-time and seasonal employees for our tasting room. Schram Vineyards also now offers health insurance benefits to our full-time staff.

We have recently had the opportunity to add an additional 20 acres of land to our property, which has been a desire of ours since we started the winery. We are going to keep the parcels separate at this time. The additional land is needed to accommodate the vision of this continued success, comply with all building and licensing laws, and stay relevant to other wineries in the state. It will also make for a more efficient and safer working environment for staff to condense some production, storage, kitchen, and tasting areas into one space along with the more needed bathrooms. We are adding on to our vineyard with the goal of eventually having 20 acres of vines over the next 10 years, which will continue to beautify the agricultural land it has intended to be. The existing area of operations, excepting vineyards, is 1.5 acres. The proposed expansion adds .5 acreage operation area to 2 acres. The expanded facility could be used by a maximum of 600 persons at any one time. We expect to see those numbers in the fall.

Use of Buildings - *see site map attached

We are also asking for the ability to add 3 buildings and enhance our existing tasting and taproom building.

Buildings 1 (Residence), 2 (Brewery), and 4 (Agricultural) - All existing and the use will not change:

Building 3: Existing Tasting and Taproom- (Purposing enhancements in 2025) – 4,800 Square feet space today and we are also looking to make two enhancements to the existing Tasting and Taproom to add a 1,000 SF deck to the south side which was the plan and design from the start with the building. The second addition would be a small 20' x 20' distilling room (production) in the cellar area focusing on brandy (distilled from our own wine) for our current fortified wine program helping to use our agricultural material to make these fortified wines from which the state allows with our existing farm winery license.

Building 5: New Retail and Production Building – 12,000 square feet (Construct in 2024) would replace an old agricultural building that needs repairs. We would demolish the existing structure and build a new modern building near the old site. We would house an entrance area to better guide and direct customers, additional bathrooms, a kitchen with indoor seating, and also an additional tasting area centered on showcasing our award-winning wine. This building would also allow us to bring our production space up to the latest Department of AG code and store our finished wine in a more secure fashion. This would move more guests away from the residential area from the East to the West.

This new building would elevate lines we sometimes see during our peak of having a big enough kitchen area or bathrooms in our current building. As we rely on business and revenue coming in year-round to keep our full-time employees staffed all year, an updated facility to do all that in one space and keep revenue coming during the colder months will help. Food is an important part of the experience when tasting wine and we added food ourselves as we found relying on food trucks was unpredictable and inconsistent. Bringing the food experience in has improved the guest experience, helps our liquor liability by having food available, and provides a better set up to prepare and cook food to accommodate our guests. This new plan will better help us handle and guide our customers during their visit to enhance the agricultural aspect. It will also take some of the customers that are to the west of our location and move them closer to the new building to the east.

Building 6: Agricultural and Future Production Building – 7,000 SF (Construct Agricultural use in 2024) The immediate use would be used as an agricultural spot around harvesting equipment and vineyard supply storage with a future use of a processing facility for our distribution of wine years out.

Building 7: The Sparkling Wine House 5000 SF (Future) would be built to house a specialty production facility centered on producing sparkling wine. This requires special equipment and a lot more space than traditional wine including additional barrel room storage for this type of wine. This setup makes a truly unique property and this building would be sunken into the hillside and give us space to produce sparkling wine and room for a more focused barrel storage program for our award winning sparkling wine program to compete on a regional scale.

Hours:

Schram Vineyards operation shall be permitted to be open year-round, January through December and shall be allowed to be open to the public Sunday-Saturday (normal business hours 9:00am to 10:00pm.) Wine and/or beer processing is an considered agricultural use and may be conducted year round and when not open to the public. Customer Events (public or catered) may be hosted year-round within the approved normal hours of operations.

Parking and Vehicle Access:

For the majority of the year, our existing primary parking lot of 66 spots with 6 ADA compliant spaces can easily accommodate all of our guests. From August to October during the Fall on several weekend days, we utilize our grass overflow lot which can accommodate 216 spaces labeled on the parking diagram to the Southeast which can easily accommodate all the guests with plenty of extra space for additional parking. Currently, we are only using the overflow lot around 10 - 15 times a year and from the other time, a farmer uses it for hay. At this time we do not see the additional need to add primary parking as we do not fill the primary lot even when we see some busy days outside of this window above. Our early year events have fit into the primary lot with room for growth. We are not requesting additional or changes to primary parking except to compile with ADA handicap parking that may be required.

Employees:

The majority of Schram employment is seasonal and expects to have the following employees based on full-time management, operations and seasonal workers:

Nov-April: approximately 12-15

May-October: approximately 20-30

Signage: Schram will update existing entrance signs on Airport Rd. and will comply with the standard county regulation for size and location, with an approximately 4' x 8' double-sided sign.

Water/Sewer: Utilizing the existing well which has plenty of capacity even during our peak season. Will be installing an additional 5,000 gallon holding tank early 2024 to increase capacity, currently designing a commercial drainfield for future with the county. We are also working with planning and water on a design to accommodate the additional buildings to comply with water run off on the site.

Garbage/recycle: Randy's sanitation commercial service.

Access to property: Access will continue to be off our main entrance on Airport Rd which was widened to accommodate our traffic during the Airport Road pavement project in 2018. At that time, we worked with the township on making this a commercial access point to accommodate the property. All customers will use the main parking lot entrance, a few commercial vehicles enter the primary residence such as garbage truck, septic, but these commercial vehicles are basically the same type as if we had the residence only as well. All our other true commercial vehicles such as food drop off and grape shipping happen in the parking lot entrance.

Average Daily Traffic Tue-Sun:

Winter season 10 - 20 vehicles.

Peak season (Aug - Oct) 100 vehicles average including employees from Tues. through Sunday
Heaviest traffic will be on weekends in late summer and fall. Lightest traffic in the winter.

Special event days may see different traffic such as private parties or corporate events.

Work Vehicles:

Personal Vehicles: 2

Employee Vehicles: 4 - 8

Business Related: 3

Screening - No additional screening proposed but moving more of our operation to the west would move some of the business away from our closer neighbors.

Special Events:

4 annual special events shall be allowed, which could exceed the normal hours of operation.
The special events shall be closed by 12:00am, the morning after the day of the special event.

Thank you for your consideration.

Sincerely,

Aaron and Ashley Schram



SCHRAM ENTERPRISE
MASTER PLAN



TOTAL VINEYARD ACREAGE

- Total 20 acres
 - Existing - 6 acres
 - 2023 - 1.5 acres
 - 2024 - 2 acres
 - 2025/26 - 6 acres
 - 2027/30 - 5 acres
- With 1-2 acres of grains

BUILDINGS

- 1 - As Residence
- 2 - As Brewery
 - 800 Sq ft
- 3 - Existing Tasting / Taproom
 - 4800 Sq ft
 - Retail
 - Production
 - Adding Deck / Micro Distillery
- 4 - Existing Agriculture
 - 3200 Sq ft
- 5 - New Tasting Room / Production
 - 12000 Sq ft
- 6 - New Agriculture / Production
 - 7000 Sq ft
- 7 - New Sparkling Wine Production
 - 5000 Sq ft
- 8 - Garden / Storm Water

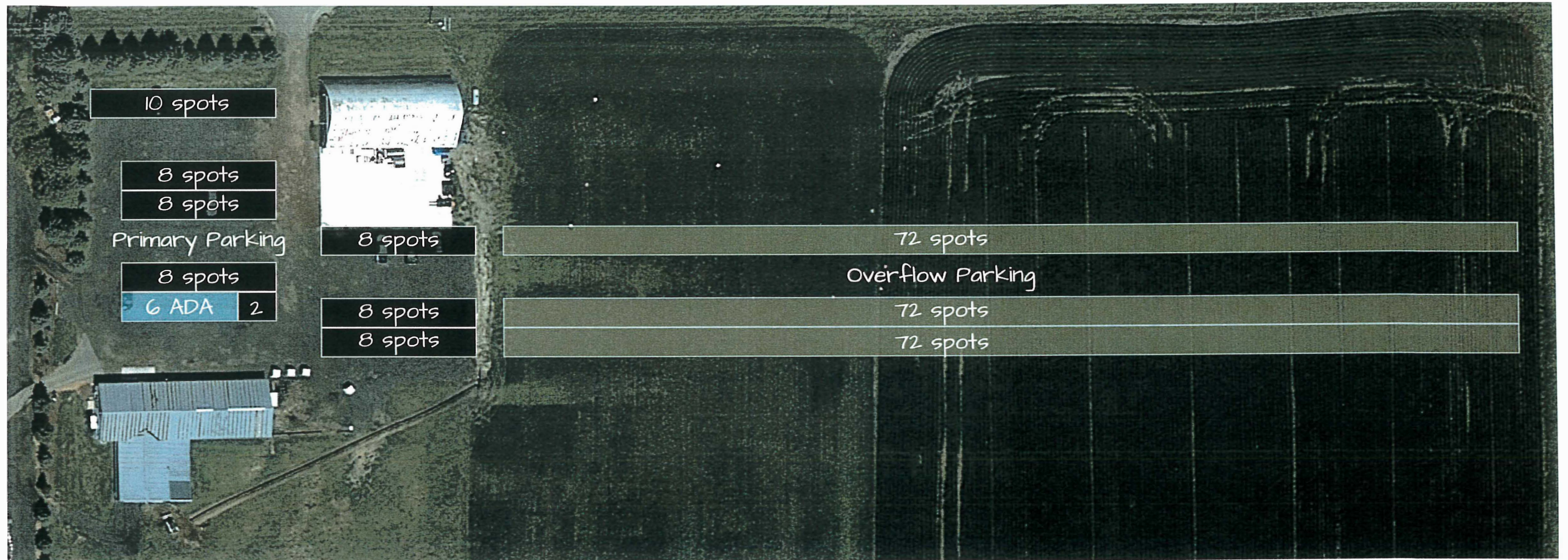
Nov. 17, 2023



SCHRAM ENTERPRISES
BUILDING ONE DETAIL



Nov. 17, 2023
Concept Plan



PRIMARY PARKING

- 66 Primary Spots
 - 6 ADA
- Each Spot – 9' x 20'
- 24' Aisles

OVERFLOW PARKING

- 216 Extra Spots
- Each Spot – 9' x 20'
- 24' Aisle

Nov. 17, 2023



Township Presentation & Recommendation Form

PARCEL # <u>070201500/070201800</u>	Permit # <u>P220230044</u>
Owner's Name: <u>Aaron + Ashley Schram</u>	Owner's Mailing Address: <u>8785 Airport Rd.</u>
City: <u>Waconia</u>	Owner State: <u>MN</u> Owner Zip: <u>55387</u>
Applicant (if other than owner):	Site Address:

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal
Description of Request: <u>Update to existing CUP. See attached letter.</u>
Date of County Public Hearing: <u>12/19/23</u> Date of Township Meeting: <u>11/27/23</u>

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

Laketown Township support with the following stipulations:

- 1) Annual review of traffic counts while the entrance to Schram Vineyards remains within the Township's Road authority – to be scheduled for the same meeting where annual liquor license renewal is considered as a separate matter.
- 2) Stated hours of operation are supported with the exception of Sundays between April 1 and October 31 of each year, in which Schram Vineyards will close by 6:00pm. An event permit may be requested through the Township if there is a need for exception.
- 3) Outdoor amplified music prohibited after 8:00pm; no outdoor music after 10:00pm. An event permit may be requested through the Township if there is a need for exception.

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Mike Kluge Aaron Schram

Date 11-27-23

Signature of Applicant

Aaron Schram

Date 11/17/23

Signature of Township Official



**COUNTY OF CARVER
State of Minnesota**

**Document No.
A 606166**

**OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA**
Receipt # RA 201500001591

Certified Recorded on **February 26, 2015 3:40 PM**

Fee: \$0.00



Mark Lundgren
County Recorder

FILE #: PZ20140045

APPLICANTS: Aaron and Ashley Schram

OWNERS: Aaron and Ashley Schram

SITE ADDRESS: 8785 Airport Rd., Waconia

PERMIT TYPE: Farm Related Business/Large Scale Activity

PURSUANT TO: County Code, Section 152.079 C2 & 152.080 C6

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-020-1500

Drafted by } Land Management
Return to } Land Management

CONDITIONAL USE PERMIT #PZ20140045

PLANNING COMMISSION RESOLUTION #: 15-02

DATE ISSUED: February 3, 2015

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Chapter 152 of the Carver County Code.

THE HOME EXTENDED BUSINESS ACCESSORY USE IS AUTHORIZED BY PLANNING COMMISSION RESOLUTION #PZ20140045, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE INTERIM USE PERMIT #PZ20140045. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE, SECTIONS 152.079 C2 & 152.080 C6 FOR A FARM RELATED BUSINESS/LARGE SCALE ACTIVITY ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THIS PERMIT SHALL TERMINATE AND SUPERSEDE THE PRIOR CUP #PZ20120025 ON THE SUBJECT PROPERTY. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

1. The permit is subject to compliance review. Pursuant to Section 152.079 of the Carver County Code the residence shall be occupied as a homestead by a principal of the activity. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. Schram Vineyards shall operate in accordance with the submitted operational plan (dated: 12/18/14) and site plan (dated: 2/6/14). These plans shall be attached to and be considered part of this permit. Any future buildings will require review by Land Management for a determination as to whether an application for amendment or similar consideration is necessary.

3. The Schram Vineyards operation shall be permitted to be open year round (January – December), and shall be allowed to be open to the public Sunday – Saturday (normal business hours: 9:00 a.m. to 10:00 p.m.). Wine and/or beer processing is considered to be an agricultural use and may be conducted year round and not open to the public. Customer Events (public or catered) may be hosted year round within the approved normal hours of operation.
4. Two (2) annual special events shall be allowed, which will exceed the normal hours of operation (the two special events shall be closed by 12:30 a.m. the morning after the day of the special event): The New Year's Eve Event and Fall Harvest Celebration weekend (to take place in either September or October and not to exceed three (3) days in length). Any additional special events (throughout the calendar year) shall not be allowed without the County Board of Commissioners approval, pursuant to Section 152.074 of the County Zoning Code. All special event requests shall be subject to review by the Laketown Town Board (Road Authority) and the Carver County Land Management Department. Special event requests require an Administrative Permit Application to be submitted, pursuant to Sections 152.074 and 152.080 of the Carver County Zoning Code, for review at least 30-days prior to the special event taking place.
5. Events with music shall be allowed within the approved normal business hours of operation; however, amplified music shall cease at 8:00 p.m., except for the annual Fall Harvest Celebration, when amplified music shall cease at 10:00 p.m.
6. Any new and existing structures shall be constructed and/or maintained in accordance with State Building Code, if they are for personal storage and/or public use. The applicant shall apply for and obtain all necessary building permits from Carver County prior to the modification of any existing structure and/or new construction. Food production activities may only occur if appropriate building permits have been obtained and a Certificate of Occupancy has been issued for those specific business activities. Future structures and/or change in use of the facility will need to be reviewed by the Carver County Land Management Department for a determination as to whether an application for an amendment or similar consideration is necessary.
7. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence for agriculture, personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
8. The Permittee shall submit a copy of Worker's Compensation Insurance and/or proper affidavit to the Land Management Department annually.
9. The Permittee is responsible to the Minnesota Department of Agriculture, and to any other County, State or Federal agencies, for maintaining the required permits and licensure for the retail, liquor, food production and growing operations. The Permittee shall submit copies of all required permits and licenses to Carver County Land Management annually.
10. The Permittee shall maintain a conforming Subsurface Sewage Treatment System (SSTS) for the existing home and any/all holding tanks pursuant to the Carver County Zoning Code – Chapter 152 and SSTS Regulations – Chapter 52.
11. The Permittee shall comply at all times with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The Permittee shall not exceed the allowed square footage of signage per property. Any proposed signage within public road right-of-way shall be approved by the local Road Authority. Off premise signage (on private property) is prohibited.
12. Outside storage of business equipment and supplies is prohibited unless the storage area is adequately screened from the view of neighboring residences and public roads.

13. Permittee shall comply with road access requirements/improvements as determined by the Road Authority (i.e. dust control, maintenance, or similar issues).
14. Overflow parking on the neighboring property (to the east) shall require a written agreement between the two (2) property owners.

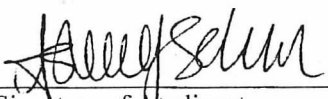
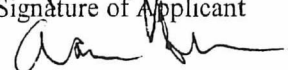

Steve Just
Carver County
Land Management Department Manager

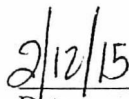
THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT. FAILURE OF THE APPLICANT TO SIGN AND RETURN PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BE CAUSE FOR CANCELLATION OF THE PERMIT.

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SIGNIFICANT ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

FAILURE OF THE APPLICANT TO SIGN AND RETURN THE PERMIT WITHIN 90 DAYS OF THE BOARD'S ISSUANCE OF THE ORDER SHALL BECAUSE FOR CANCELLATION OF THE PERMIT. I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.


Signature of Applicant



Date

Dear Planning Commission,

Schram Vineyards would like to propose an amendment to our current Conditional Use Permit, which was effective July 2012. Over the last few years, our business has grown and the community has embraced our business venture to the point we need to make a change to our months of operation in order to accommodate guests, customers, and revenue generation needs of our business. Also important to note, is that we incurred additional expense when adhering to the *year-round* commercial building code as well as the *year-round* liquor licensing code, required per state and county regulations. We would like to extend our current hours to include January-April so that we may have public hours. In addition, we would like to amend our Sunday hours to be consistent with the other days of the week.

Our current planted vineyard remains at 6 acres as per our original CUP application. Future expansion to include planting an additional 4 acres of grapevines, hops and barley in our vacant field facing Reitz Lake Road if given the growth and expanded business opportunity. Our objective is to continue to be agricultural based with a focus on agro-tourism for both wine and beer. We are currently planting specialty hops within the vineyard area with plans to also plant barley and grains for the Farm House brewery. Our goal is to micro malt these grains on site for the brewery so that a good portion of our beers come from the same field in front of the tasting room. We can accommodate private party events by request. The winery sells beer from the operating brewery through an on-sale license.

Hours Year-Round:

Sunday-Saturday 9am-10pm

PLEASE NOTE: The only requested change to our current CUP is adding January- April public hours, as well as extending Sunday hours to be consistent with the other days of the week.

Special Event dates request to stay open later:

New Year's Eve

Harvest Party Celebration in the Fall (late September or October)

Parking: Adding additional parking on our own Property.

Access will be from Airport Rd. where there is already an existing driveway. Primary parking from original CUP is on the gravel driveway/parking lot closest to our residence and will accommodate up to 20 cars as per site plan (A) with an additional handicap stall added and also handicap drop off on approved surface material. We are adding a new overflow parking of 30 stalls (B) on gravel to the South of the Winery building within our own property. We also have an agreement for a second overflow parking on our neighbor's property (C) via contract that is attached to have an additional 60 parking lot spaces on grass surface adjacent to our property (see site plan).

Employees:

We have approximately 10 employees. Many employees are seasonal in summer and fall hours. In our busiest months—September and October, we'll have about 6 scheduled during the day. Winter and spring hours will have 1-3 scheduled depending on need. We have sufficient worker's compensation through our insurance.

Use of Buildings:

Building 1: Residence/house. The home of Aaron and Ashley Schram, where they reside with their two small children.

Building 2: The Brewery-where all brewing operations take place. 25'x35' as per state requirement.

Building 3: The Tasting and Tap room and winery operations building. The main level serves as an area to serve customers wine and beer, public restrooms, gift shop area, deli, and event space for any requested private events,

dinner, educational events, or special events. The lower level serves as the wine processing facility and wine cellar room. This is where all grapes grown in our vineyard or imported from out of state are crushed, pressed and put in tanks or barrels. This is a fully insulated, heated building. 4600 sq. ft total. Possible future expansion to include deli and stage prep kitchen for catering, which was also noted in our original CUP.

Pavilion: Covered outdoor pavilion used in summer and fall months to serve customers and for outdoor seating.

Signage: No Change to our existing CUP.

Our 4x6 sign on Airport Rd. will remain as is. We are working with Township, County and MN Dot on directional signage per jurisdiction requirements.

Water/Sewer:

Well water.

We installed two- 1500 gallon storage tanks for waste water and sewage, with contract pumping service as per county requirements.

Randy's Sanitation for garbage/recycle.

Access to Property: No Change to our existing CUP

Employees—typically one hour prior to public opening and one hour after closing.

Public—during open tasting room hours or for private or special or private events being hosted

Traffic: No Change to our existing CUP

Average 20 – 40 trips. Will vary seasonally (heaviest in the fall, lightest in the winter). This would not include any private parties, such as weddings or corporate parties held at the property.

Vehicles: No Change to our existing CUP

Personal vehicles on property: 2

Employee vehicles: ~4

Business related: tractor - 1, ATV – 1

Screening proposed – No change

N/A

12/18/14

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-020-1500

File# PZ20230044

07-020-1800

APPLICANTS: Aaron V Schram & Ashley E Schram

OWNERS: Aaron V & Ashley Schram &

Richard J Molnau Trust (Richard J Molnau & Pauline M Molnau, Trustees)

* * * * *

07-020-1500

Part of Government Lot 1, Section 20, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the Northwest corner of said Section 20, Thence South along the West line of said Section 20, a distance of 1322 feet to the centerline of the Town Road; thence deflect 90 degrees 30 minutes left, along said centerline, a distance of 58.03 feet to the point of beginning of the tract herein described; thence deflect 90 degrees 30 minutes right, a distance of 400 feet; thence deflect 90 degrees, 30 minutes left, a distance of 160 feet; thence deflect 89 degrees, 30 minutes left, a distance of 400 feet to said centerline; thence deflect 90 degrees 30 minutes left, along said centerline, a distance of 160 feet to the point of beginning.

AND

Part of Government Lot 1, Section 19, and part of Government Lot 1, Section 20, Township 116, Range 24, Carver County, Minnesota, described as follows: Commencing at the Northeast corner of said Section 19; thence on an assumed bearing of South, along the East line of said Section 19, a distance of 1,583.00 feet, to the point of beginning of the land to be described; thence South 89 degrees 30 minutes West, a distance of 461.70 feet to the East line of the Public Road in Molnau's 2nd Addition; according to the recorded plat thereof; thence South along said East line of road, a distance of 734.00 feet to an angle point in said road; thence North 89 degrees 30 minutes East, along the North line of said road in said Molnau's 2nd Addition and the North line of the Public Road in Molnau's 2nd Addition, according to the recorded plat thereof, a distance of 680.00 feet; thence North, a distance of 595.00 feet; thence South 89 degrees 30 minutes West, a distance of 160.00 feet; thence North, a distance of 139.00 feet; thence South 89 degrees 30 minutes West, a distance of 58.30 feet to said point of beginning.

07-020-1800

That part of Government Lot 1, Section 20, Township 116 North, Range 24 West, which lies north of the North line of the Public Road as shown on the plats of Molnau's Addition and Molnau's Second Addition, on file and of record in the office of the Carver County Recorder; West of Line A, which is hereinafter described; and east of the East boundary lines of Parcel B and Parcel C, which are hereinafter described:

Description of Line A: Commencing at the Northwest corner of said Section 20, Township 116 North, Range 24 West, and proceeding South along the West line of said Section, a distance of 1,322.00 feet to the centerline of the Township road; thence North 89 degrees 30 minutes East, a long the centerline of said road, 1,001.9 feet to a point; thence South, parallel to the West line of said Section, 1,045.0 feet to a point; thence North 89 degrees 30 minutes East, a distance of 143.7 feet to the point of beginning of Line A; thence North 12 degree 40 minutes East, a distance of 1,045.7 feet, more or less, to the centerline of said Township Road, and there terminating.

Description of Parcel B:

That part of Government Lot 1, Section 20, Township 116 North, Range 24 West, described as follows: Commencing at the Northwest corner of said Section 20; thence South, along the West line of said Section 20, a distance of 1,322.0 feet to the centerline of the Township Road; thence deflect 90 degrees 30 minutes left, along said centerline, a distance of 58.3 feet to the point of beginning of the tract herein described; thence deflect 90 degrees 30 minutes right, a distance of 400.0 feet; thence deflect 90 degrees 30 minutes left, a distance of 160.0 feet; thence deflect 90 degrees 30 minutes left, a distance of 400.0 feet to said centerline, thence deflect 90 degrees 30 minutes left, along said centerline, a distance of 160.0 feet to the point of beginning. Subject to road easement over the North 33.0 feet thereof.

Description of Parcel C:

That part of Government Lot 1, Section 19, and that part of Government Lot 1, Section 20, all in Township 116 North, Range 24 West, described as follows: Commencing at the Northeast corner of said Section 19 (also the Northwest corner of said Section 20); thence on an assumed bearing of South, along the East line of said Section 19, a distance of 1,583.0 feet to the point of beginning of the parcel to be described; thence South 89 degrees 30 minutes West, a distance of 461.70 feet to the East line of a Public Road in Molnau's Second Addition, according to the recorded Plat thereof; thence South, along the East line of said road, a distance of 734.0 feet to an angle point in said road; thence North 89 degrees 30 minutes East, along the North line of the Public road in said Molnau's Addition and Molnau's Second Addition, a distance of 680.0 feet; thence North, a distance of 595.0 feet; thence South 89 degrees 30 minutes West, a distance of 160.0 feet; thence North, a distance of 139.0 feet; thence South 89 degrees 30 minutes West, a distance of 58.30 feet, to the place of beginning.