

Carver County Planning Commission

Regular Meeting - Tuesday, June 15, 2021

Via WebEx Conference Call

AGENDA

6:00 P.M.

Meeting call to order by Vice Chairman Scott Smith

A. Re-Organization of the Board –

Vice Chairman assumes Chairman position upon resignation of previous Chair

B. Election of Vice Chairman

- 1.) Approve minutes of May 18, 2021, regular meeting
Pages 1-1 through 1-11
- 2.) **File #20210033** – Public hearing on application by Anthony Hoen for a Conditional Use Permit. (Personal Accessory Structure)
San Francisco Township Pages 2-1 through 2-8
- 3.) **File #20210036** – Public hearing on application by Jeffrey & Shonna Caswell for a Conditional Use Permit. (Personal Accessory Structure)
Camden Township Pages 3-1 through 3-8
- 4.) **File #20210039** – Public hearing on application by Michael & Kristie Fritz for a Conditional Use Permit. (Personal Accessory Structure)
Laketown Township Pages 4-1 through 4-10
- 5.) **File #20210035** – Public hearing on application by Curtis Hansen for a Conditional Use Permit. (Personal Accessory Structure)
Laketown Township Pages 5-1 through 5-14
- 6.) **File #20210038** – Public hearing on application by Steven Zeller for a Conditional Use Permit. (Large Scale Activity/Agri-Tourism)
Laketown Township Pages 6-1 through 6-44
- 7.) **File #OA-PZ20210037** – Public hearing on application by Carver County for Zoning Code Amendments. (Zoning Code Amendments)
ALL Townships Pages 7-1 through 7-2

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – May 18, 2021
Minutes

Members Present: Scott Smith, Greg Grazzini, Mark Willems, Scott Wakefield, Roger Storms, John P Fahey

Members Late: None

Members Absent: Frank Mendez

Staff Present: Jason Mielke, Aaron Stubbs, Christina Neel, Jennifer Tichey, Nancy Buckentine

Jason Mielke, Land Use Manager, announced that there was a new member appointed to the Planning Commission, after the resignation of Gabrielle Theis. Greg Grazzini was appointed this morning at the County Board meeting by Commissioner Degler, representing District 1, and he will complete Ms. Theis's term. He is joining the meeting tonight to observe the procedures and will participate at the June meeting. Mr. Grazzini stated he has been a County resident for about 15 years and gave a quick review of his background. He is looking forward to serving on the Planning Commission.

Mielke also introduced Christina Neel as the new Planner in the Land Management Department, fulfilling a position which had been vacant for over a year. He stated that she will be actively involved with the land use reviews, staff reports, and other duties as needed. The Planning Commission welcomed the new members.

Pursuant to due call and published notice thereof, the May 18, 2021, regular meeting of the Carver County Planning Commission was called to order by Chairman Smith at 7:05 p.m.

Chairman Smith conducted a roll call which indicated 6 members present. Frank Mendez was absent from the meeting.

Minutes – A motion was made by Fahey and seconded by Storms to approve the minutes from the April 20, 2021 regular meeting. Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210023 – Mark Eklo – Vice Chairman Smith called the public hearing to order at 7:02 p.m. to consider a request by Mark Eklo. The purpose of the public hearing was to consider a request for a preliminary plat pursuant to Chapter 152 of the County Code. The property is located in Section 34 of Watertown Township.

The following were present: Mark Eklo, Gerald Bruner, Scott Hoes

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

Exhibit F - Letter to the Planning Commission and Watertown Township dated May 10, 2021, and attachments

Mielke stated the applicant has a purchase agreement for an approximate 53.44-acre parcel owned by Paul & Linda Neumann. The adjacent parcel, owned by Prime Four, LLP, is also noted on the application, as the construction of a new road for the recently approved high amenity lots will involve a strip of that property. A Conditional Use Permit was approved and issued in January 2021, allowing for the development of 3 high amenity lots. Watertown Township has adopted the high amenity lots as an additional density option in their chapter of the 2040 Comprehensive Plan. The proposed preliminary plat includes the 3 high amenity lots and 1 agricultural lot, which has an existing house using the '1 per 40' building eligibility. Construction of a new township road is necessary to provide road frontage to the 3 newly proposed high amenity residential lots. Copies of the proposed plat were sent to the appropriate Governmental agencies, school district, utilities, and other pertinent parties for their review and comments. Confirmation of receipt of this information was received from the school district, the CCWMO who is assembling comments on the request as a part of the stormwater requirements, Environmental Services provided comments on the soils for viable septic locations, and Public Works Department comments on the access and road construction are included in the packet information. The proposed amenity lots range in size from 5.4 acres to 5.71 acres and are arranged in a configuration that meets the County requirements. Each lot has an identified 1-acre building site which conforms to the requirements, and any house constructed on the lots would need to meet all setback requirements. Lowest floor elevations, as well as wetland delineation elevation must be identified to allow for positive drainage. Construction of the new Township road must meet the Township road standards and will be privately maintained until such time as the Township decides to accept maintenance responsibilities. The Watertown Town Board will also need to approve the road plans prior to completion of the development contract. Draft covenants have been submitted and will need to be approved by the County Attorney's office prior to the final plat approval. The covenant will address the preservation of the drainage and/or utility easements, without any obstructions permitted in these areas, and each lot will be reviewed prior to issuance of any building permits. Primary and alternate septic sites have been identified on each lot and will need to be fenced for protection during construction. Lori Brinkman, Environmentalist II, has reviewed and approved the proposed septic locations, and will review and approve each design when it is submitted along with the building permit. Carver County Public Works has completed their initial review and provided written comments concerning the access of the new road with County Road 10. A professional wetland delineator has determined that wetlands are present on the site and the Wetland Delineation Report was approved on August 31, 2020. Appropriate easements for the wetlands and drainage/utilities have been included on the plat. Stormwater management and permitting is addressed by the Carver County Water Management Organization and is conducted separately from the platting process.

This is a part of the developer's contract and needs to be approved before the developer's contract is final and construction begins. The Carver SWCD will also review the project with regard to the CCWMO standards. The preliminary plat appears to substantially meet the requirements of the County Zoning and Subdivision Codes and any deficiencies will need to be addressed and corrected prior to approval of the final plat. Mielke noted that the existing access to the farmstead will be removed from County Rd 10 and the driveway access will be from the newly constructed township road once construction is complete. The Watertown Town Board reviewed and recommended approval of the Neumann Acres Preliminary Plat during their May 3, 2021 meeting. The Town Board made a recommendation of approval and stated the road shall be built to Township standards. Mielke read the proposed conditions for consideration if the request is approved.

Mark Eklo, 3360 Bavaria Rd, stated the information was presented exactly as they are proposing to develop the property. He confirmed that he understands the rules, regulations and development and covenant requirements and agrees with them.

Gerald Bruner, Watertown Town Board chairman, stated the Township welcomes new residents and will work with landowners to achieve their goal. The Township agrees with the location of the proposed new road and that it must be constructed to the township specifications and recommended approval of the request.

Scott Hoese, Watertown Township supervisor, specified the Township will accept the responsibility for road maintenance after construction and occupancy of a house on each of the 3 amenity lots or after a period of 10 years.

A motion was made by Wakefield and seconded by Smith to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was concluded at 7:38 p.m.

Wakefield asked if there are any requirements for turn lanes or bypass lanes to accommodate the traffic on County Rd 10 at this new road access intersection.

Mielke reviewed the information submitted by the Public Works Department and there was no mention or requirement for turn lanes or bypass lanes. He noted a requirement to increase the right-of-way and stated that Public Works is the road authority and they will approve the project before the final developer's agreement is complete.

A motion was made by Storms and seconded by Willems to **approve and issue Resolution 21-06** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for a preliminary plat. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210031 – Jerry Roelofs – Vice Chairman Smith called the public hearing to order at 7:43 p.m. to consider a request by Jerry Roelofs, representing property owners Daniel & Emily Becker. The purpose of the public hearing was to consider a request for

an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 28 of Watertown Township.

The following were present: Jerry Roelofs, Emily Becker, Gerald Bruner, Scott Hoes

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 April 21, 2021

Exhibit F - Letter to the Planning Commission and Watertown Township dated May 7, 2021, and attachments

Mielke explained Daniel & Emily Becker own an approximate 5-acre parcel improved with a single-family dwelling, a detached garage, and an accessory structure. The applicant, Jerry Roelofs, is a contractor who is hired to construct an attached garage to the existing house. Mielke indicated the layout of the property on the site plan and noted where the existing detached garage would be relocated on the property. The proposed 31' x 35' foot attached garage would exceed the total allowable square footage for personal storage space on a property of this size by approximately 884 square feet. A property of this size is allowed 3,000 square feet of personal storage space. The applicant's indicated that the attached garage will be used for vehicles, lawn mowers, and other personal items. There will be no business activity conducted from the property. A building permit will be required to move the existing structure on the property as well as the new attached garage. The proposed structure meets all required setbacks. Environmentalist II, Lori Brinkman, reviewed the request and cited no septic concerns. The Watertown Town Board reviewed the request and recommended approval during their May 6, 2021 meeting, with no additional conditions. Mielke read the proposed conditions for consideration if the request is approved.

Mr. Roelofs, representing the Becker's, stated designing the garage was a challenge, but it is satisfactory for the homeowner's as they have never had an attached garage.

Gerald Bruner, Watertown Town Board chair, stated the Town Board reviewed the request and unanimously voted to recommend approval.

A motion was made by Wakefield and seconded by Smith to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing closed at 7:50 p.m.

A motion was made by Willems to **approve and issue Order PZ20210031** incorporating the findings of fact and staff recommendations in approving the Conditional Use Permit for an accessory structure.

Commissioner Fahey commented that the proposed Zoning Code changes which have been discussed with the Planning Commission would have an impact on this request.

Mielke confirmed that the proposed changes would have removed the need for a Conditional Use Permit and these requests would be heard by the Board of Adjustment as variance requests. Mielke stated that the Zoning Code needs to be followed as it is written and enforced at the time when the request is received. If there would be a future request, it would be handled by the appropriate standards and rules in effect at that time.

Fahey seconded the motion to approve the request made by Willems. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210026 – Tyler Safratowich – Chairman Smith called the public hearing to order at 7:53 p.m. to consider a request by Tyler Safratowich. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 32 of Laketown Township.

The following were present: Tyler Safratowich

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

Exhibit F - Letter to the Planning Commission and Laketown Township dated
May 10, 2021, and attachments

Mielke explained the applicant owns an approximate 10-acre parcel improved with a single-family dwelling, an attached garage, a barn, and a single-family dwelling which has been rendered uninhabitable and is used for personal storage. The applicant's request is to construct an approximate 50' x 64' accessory structure which would exceed the total allowable square footage of personal storage space on a property of this size by approximately 1,717 square feet. A property of this size is allowed a total of 4,000 square feet of personal storage space. The applicant stated the proposed structure would be used for personal items (horses, hay storage, farm equipment, etc.). Mielke explained the property is under 20 acres and is not considered an agricultural parcel, even though the structure will be used for hay and machinery storage. There would be no business activity conducted from the structure and the location will meet all setback requirements. The request was reviewed by Environmentalist II, Lori Brinkman, who stated compliance of the existing system is not required with this request. The Laketown Town Board heard the request at their April 12, 2021, meeting and recommended approval without any additional conditions. The Township requested they be notified if the site preparation would require more than 400 cubic yards of fill brought to the site using Knight Av. Mielke read the proposed conditions for consideration if the request is approved.

Mr. Safratowich had no additional comments.

No one from the Laketown Township Board was present for comments.

Mielke stated even though there was not a Township representative on the meeting call, the Township Recommendation Form was received indicating their support of the request with the noted comment for notification on the road use. He stated he and Aaron Stubbs were also in attendance at the Township meeting in April and heard their discussion and recommendation of the request.

A motion was made by Storms and seconded by Smith to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing closed at 8:01 p.m.

A motion was made by Fahey to **approve and issue Order PZ20210026** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Fahey also noted that if the proposed Zoning Code changes are adopted, this request would not be needed and may be a variance request in the future. Wakefield seconded the motion for approval of the request. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210029 – Joel Hiivala – Vice Chairman Smith called the public hearing to order at 8:02 p.m. to consider a request by Joel Hiivala. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 10 of Hollywood Township.

The following were present: Joel Hiivala

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 April 22, 2021

Exhibit F - Letter to the Planning Commission and Hollywood Township dated May 7, 2021, and attachments

Stubbs stated the applicant owns an approximate 9.58-acre parcel improved with a house, a small garage, a machine shed and a barn. The applicant's request is for an attached garage approximately 28' x 30' in size which would exceed the total personal storage space on the property by approximately 290 square feet. The total amount of personal storage space allowed on a property of this size is 4,000 square feet. A minor subdivision in 2017 created the subject parcel with approximately 3,450 square feet of personal storage space. The applicant's letter describes the intended use of the structure is for personal storage only. There would be no business activity conducted from the structure. On May 6, 2021, Environmentalist II, Lori Brinkman, reviewed the request and determined that compliance

of the existing system is not required, as the property is not located within a Shoreland Overlay District. The Hollywood Town Board reviewed the request at their May 11, 2021, meeting and comments may be available at the Planning Commission meeting. Stubbs read the proposed conditions for consideration if the request is approved.

Joel Hiivala, 2675 Vega Av, stated he had attended the Hollywood Township meeting on May 11th.

Stubbs confirmed he had received the Township Recommendation form, however, their recommendation from the meeting was not provided on the form. He anticipated there might be more information at this meeting.

No one representing Hollywood Township was present at the meeting.

Mielke shared the signed Township Recommendation form which was received after the packet information was assembled indicating the Township had no concerns about the request.

A motion was made by Wakefield and seconded by Fahey to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:09 p.m.

A motion was made by Fahey to **approve and issue Order PZ20210029** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Fahey also noted that if the proposed Zoning Code changes are adopted, this request would not be needed and may be a variance request in the future. Smith seconded the motion for approval of the request. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210027 – Cary & Barbara Fritsvold – Vice Chairman Smith called the public hearing to order at 8:10 p.m. to consider a request by Cary & Barbara Fritsvold. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 36 of San Francisco Township.

The following were present: Cary Fritsvold, Barbara Fritsvold, Larry Schmidt, Kellen Schmidt, Scott Selken

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 April 21, 2021

Exhibit F - Letter to the Planning Commission and San Francisco Township dated May 4, 2021, and attachments

Stubbs stated the subject parcel is an approximate 41.69-acre parcel known as Lot 4, Block 1, of the Kindred Prairie subdivision. Building permits were issued in March 2021 for construction of a single-family dwelling and attached garage. The applicants are requesting to construct an approximate 60' x 96' accessory structure for personal storage. This accessory structure would exceed the maximum square footage of personal storage space allowed on a parcel by approximately 7,072 square feet. The maximum total personal storage space allowed by the Zoning Code for a parcel of this size is 4,000 square feet. The applicant's letter describes the intended use of the structure to be personal storage only for items such as a motor home, trailers, tractor and attachments, mowers and other miscellaneous property. There would be no business activity conducted from the property. The proposed structure location would meet all required setbacks on the property. On May 6, 2021, Environmentalist II, Lori Brinkman, stated the parcel does not currently have an SSTS because it is an undeveloped parcel, however permits were recently issued. San Francisco Town Board reviewed the request at their May 17, 2021, meeting and will provide comments at this meeting. Stubbs noted that the Township Recommendation form was delivered to the office this morning, however, he did not have the opportunity to see it. Stubbs read the proposed conditions for consideration if this request is approved.

Barb Fritsvold, 335 Bluff Rd, confirmed she delivered the Township Recommendation form which was signed by the San Francisco Township Clerk, Heidi Schmidt, indicating their recommendation for approval. She had no further comments.

Larry Schmidt, San Francisco Township Chairman, acknowledged the applicants' attendance at their meeting on May 17th, and stated the Board voted unanimously to approve the request.

A motion was made by Storms and seconded by Willems to close the public hearing. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:16 p.m.

A motion was made by Fahey to **approve and issue Order PZ20210027** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Fahey also noted that if the proposed Zoning Code changes are adopted, this request would not be needed and may be a variance request in the future. Wakefield seconded the motion for approval of the request.

Stubbs noted a typo in the file number listed on the agenda and stated the correct file number for this request is **PZ20210027**. Fahey amended his motion to reflect the correct file number. Wakefield maintained his seconded to the motion with the noted correction. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210028 – Misthaven, LLC – Vice Chairman Smith called the public hearing to order at 8:17 p.m. to consider a request by Misthaven, LLC and Ted Holsten. The purpose of the public hearing was to consider a request for additional density-high amenity lots pursuant to Chapter 152 of the County Code. The property is located in Section 36 of San Francisco Township.

The following were present: Ted Holsten, Marjorie Holsten, Larry Schmidt, Kellen Schmidt, Scott Selken

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 April 9, 2021

Exhibit F - Letter to the Planning Commission and San Francisco Township dated May 7, 2021, and attachments

Stubbs stated that Msthaven, LLC, owns an approximate 107-acre parcel which is primarily tillable farmland with an undeveloped wooded area and a pond. The applicant is proposing to develop 3 residential parcels with the construction of a new Township road as High Amenity lots under the Additional Density Option adopted by San Francisco Township in their chapter of the 2040 Comprehensive Plan. The parcel is considered eligible with the wooded, wooded pasture, and similar areas not in agriculture production. The three proposed lots would range between 2.77 to 3.51 acres in size, which meets the minimum lot size as required by the Zoning Code. During the preliminary platting process, the applicant must identify a 1-acre building site for each lot. The concept plan would also provide potential suitable locations for primary and alternate SSTS sites on each lot. Construction of a new Township road would provide adequate road frontage for each lot with individual accesses from the road. San Francisco Town Board would be reviewing the proposed access locations as part of the preliminary platting process. The individual lot owners would be required to comply with the Carver County Water Management Organization Water Rules Standards and each lot will be subject to review and approval by the Planning and Water Management Department. The new road would be constructed according to San Francisco Township standards and would connect to Halsey Av. County policy discourages permanent dead-end roads; therefore, the future road extension or easement should be evaluated during the preliminary platting process. Wetland delineation would be necessary as part of the platting process and will address any impacts to low-lying areas within the tree canopy that may need to be avoided. The proposed layout of the lots appears to meet all criteria for High Amenity lots and will be properly addressed in the preliminary platting process. Matt Steele, Carver County Feedlot Officer, confirmed the feedlot buffer is accurate for the feedlot to the south of this property and that the proposed lots more than exceed the required 1,000-foot feedlot setback. On May 6, Environmentalist II, Lori Brinkman, stated that primary and alternate SSTS locations have been identified by a licensed SSTS designer for each parcel and have been reviewed by Carver County Environmental Services. The San Francisco Town Board reviewed and recommended approval of the request during their March 15, 2021, meeting. Stubbs read the proposed conditions for consideration if the request is approved.

Ted Holsten, 4785 Hodgson Rd, stated the information was presented accurately and had no additional comments.

Larry Schmidt, San Francisco Township Chairman, confirmed the Board's unanimous vote for approval of the request.

A motion was made by Fahey and seconded by Smith to close the public hearing. Vice Chairman Smith seconded the motion. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:28 p.m.

Wakefield asked what specifications are required in San Francisco Township for maintenance of a new Township road.

Mr. Schmidt stated that the Township does not take road maintenance responsibility for any new Township roads at this time. They are all privately maintained until a future date that the Township would deem to take over the maintenance responsibility.

A motion was made by Willems and seconded by Storms to **approve and issue Resolution 21-07** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for Additional Density – High Amenity Lots. Vice Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

Mielke offered information to the applicant on the subsequent procedures to proceed with the preliminary platting process.

Other Business

Mielke explained that with the resignation of Planning Commission Chairwoman, Gabrielle Theis, Vice Chairman Scott Smith would fill the position of Chairman through the end of this year, and election of a new Vice-Chairman will take place at the June meeting. This procedure was determined in discussion and counsel with the County Attorney's Office.

Mielke stated all indications are that the Planning Commission meetings will continue to be conducted remotely as WebEx meetings for the next month or months. He stated the notice of public hearing for the proposed Zoning Code changes and will be published earlier than required to allow ample time for public comments to be submitted. The first publication will be on May 20th and a second notice will be published on June 3rd for discussion at the June 15th Planning Commission meeting. There will also be information published on the Land Management page of the Carver County website. He stated **the June 15th Planning Commission meeting will begin at 6:00 p.m.** to allow additional time for potential discussion and input from County citizens in addition to the regular agenda items.

Mielke explained the decision to have the Courthouse remain closed to the public is a result of reviewing information from many sources and is determined by the County Administrator and County Commissioners. Commissioner Fahey asked for the Planning Commissioners preferred method for conducting the meetings. The majority of Commissioners replied they would prefer to conduct in-person meetings at the Courthouse. They attributed declining participation of potentially interested parties with the virtual

meetings. They also noted that restricting numbers of persons able to congregate will also be difficult if the meetings are held in person.

Adjournment

A motion was made by Willems and seconded by Storms to adjourn the meeting. Vice Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The meeting was adjourned at 8:50 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 7, 2021

TO: Carver County Planning Commission & San Francisco Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210033

APPLICANT: Anthony Hoen

OWNER: Anthony Hoen

SITE ADDRESS: 9380 188th Street, 56011

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-019-0520

BACKGROUND:

1. Anthony Hoen owns an approximate 10-acre parcel, located in part of the West Half (W½) of the Southwest Quarter (SW¼) of Section 19, San Francisco Township. The property is improved with a house, a sawmill and grainery, storage shed, and a barn. The property is in the Agricultural Zoning District and the CCWMO (Bevins Creek Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow him to apply for a building permit to construct a detached accessory structure on the subject property. The proposed structure would be approximately 56' x 40' (2,240 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for 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 chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

(A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

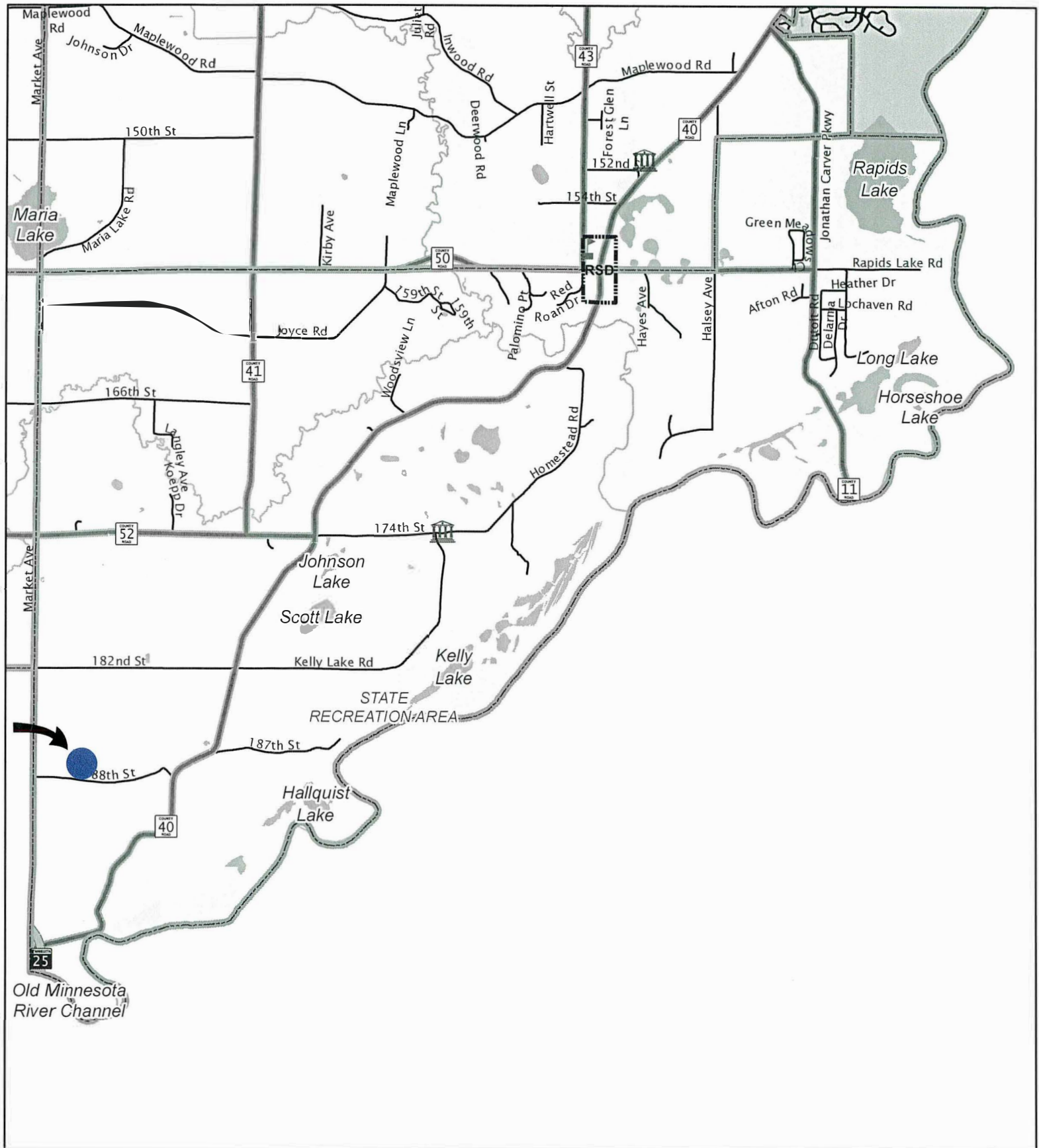
1. A 2008 Minor Subdivision created the subject 10-acre parcel with approximately 6,606 square feet of existing personal storage accessory structure space. This includes two accessory sheds (approx. 738 square feet and 768 square feet respectively), and an existing barn/shed (approx. 5,100 square feet). The applicant has indicated that he will remove the 91' x 30' sawmill building and 21' x 17' grainery to replace it with the proposed storage building. If the CUP request were approved, the applicant would apply for a building permit to construct the personal storage structure. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 40' x 56' (2,240 square-foot) accessory structure, the total square footage on the property would consist of approximately 8,846 square feet; or approximately 4,846 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: May 5, 2021) describes the intended use of the storage building, which would be only for personal use/storage (e.g. collector cars, recreational vehicle, and race trailer). There would be no business activities conducted from the structure.
3. The proposed structure would be located north of the existing house, in the area currently occupied by an old sawmill and grainery and would meet all required setbacks.
4. On May 28, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that there are no SSTs concerns for this accessory structure at this time.
5. The San Francisco Town Board reviewed and recommended approval of the request during their May 17, 2021, Town Board meeting. The Town Board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

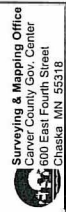
SAN FRANCISCO TOWNSHIP



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.



S 1/2 SEC. 19, T.114, R.24



Planning Commission Letter

Dear Planning Commission

I, Anthony Hoen, am proposing to take down the 91' by 30' sawmil building and the 21' by 17' grainery located on the east side of my property. In its place, I would like to build a 40' by 56' steel building for storage.

This would not be a building used for a buisness so there will be no set hours of operation, zero employees, zero buisness related vehicles, and no parking spaces.

The new structure would be for storage of my collector cars, my 49' race trailer, and my recreational vehicle.

Thank You,
Anthony Hoen.

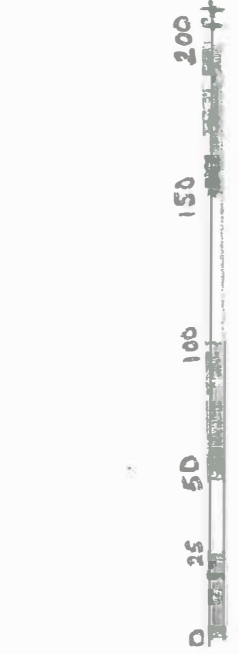
PROPOSED SITE PLAN - 08.019.0520

Proposed building would be approximately 60' from property line to the East.



Date: 4/20/2021

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Township Presentation & Recommendation Form

PARCEL # 08.019.0520	Permit # PZ20210033	
Owner's Name: Anthony Hoen	Owner's Mailing Address: 9380 188th Street	
City: Belle Plaine	Owner State: MN	Owner Zip: 56011
Applicant (if other than owner): 	Site Address: (same as above)	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Request for Conditional Use Permit to increase the maximum allowed amount of personal storage space from 4,000 ft ² to approx. 10,072 ft ² .	
Date of County Public Hearing: 06/15/2021	Date of Township Meeting: 5/17/21

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:	
---	---

****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.

<i>Anthony Hoen</i> Signature of Applicant	Date 5/17/21
<i>[Signature]</i> Signature of Township Official	Date 5/17/21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-019-0520

File# PZ20210033

APPLICANT/OWNER: Anthony R Hoen

* * * * *

Part of the Southwest Quarter of Section 19, Township 114, Range 24, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Section 19 thence on an assumed bearing of North 00 degrees 04 minutes 52 seconds West along the West line of said Southwest Quarter, 938.69 feet; thence South 86 degrees 36 minutes 27 seconds East, 173.17 feet; thence North 89 degrees 24 minutes 04 seconds East, 648.70 feet to the point of beginning of the tract to be described; thence North 04 degrees 07 minutes 56 seconds East, 598.63 feet; thence North 89 degrees 34 minutes 40 seconds East, 195.39 feet; thence South 73 degrees 54 minutes 36 seconds East, 558.00 feet; thence South 00 degrees 04 minutes 52 seconds East, 520.84 feet; thence North 83 degrees 30 minutes 03 seconds West, 609.48 feet; thence North 87 degrees 18 minutes 21 seconds West, 170.02 feet to the point of beginning. This tract contains 10.00 acres of land and is subject to any and all easements of record.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 7, 2021

TO: Carver County Planning Commission & Camden Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210036

APPLICANT: Jeffrey & Shonna Caswell

OWNER: Jeffrey & Shonna Caswell

SITE ADDRESS: 10175 Vega Avenue, 55397

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 02-027-0400

BACKGROUND:

1. Jeffrey & Shonna Caswell own an approximate 10-acre parcel, located in part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 27, Camden Township. The property is improved with a house, tuck under attached garage, a detached pole shed, and small wood shed. The property is in the Agricultural Zoning District, the Shoreland Overlay District of a Natural Environment Lake (Eagle Lake), and the CCWMO (Crow River Watershed).
2. The applicants are requesting a Conditional Use Permit (CUP), which would allow them to apply for a building permit to construct a detached accessory structure on the subject property. The proposed structure would be approximately 52' x 72' (3,744 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note–Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for 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 chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

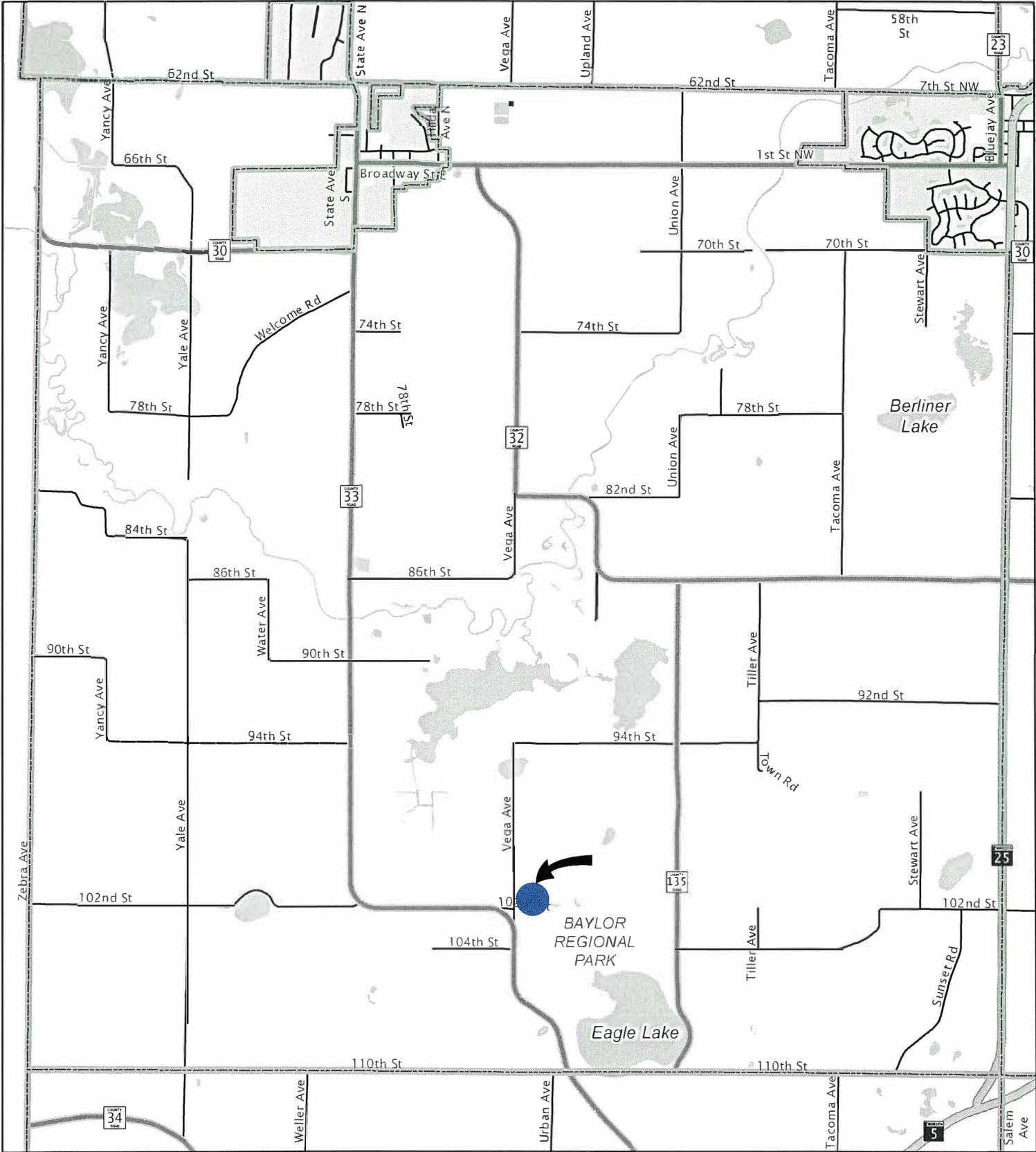
1. The existing 10-acre parcel with approximately 2,282 square feet of personal storage accessory structure space. This includes a small firewood shed (approx. 576 square feet), an attached garage (approx. 806 square feet), and a hobby/ATV storage shed (approx. 900 square feet). If the CUP request were approved, the applicants would apply for a permit to construct an additional storage shed. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 52' x 72' (3,744 square-foot) accessory structure, the total square footage on the property would consist of approximately 6,026 square feet; or approximately 2,026 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: May 14, 2021) describes the intended use of the detached accessory, which would be only for personal use/storage (e.g. motorhome, automobile/trailer, sailboat, miscellaneous personal property). There would be no business activities conducted from the structure.
3. The proposed structure would be centrally located and would meet all required setbacks.
4. On May 28, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield states that there are no SSTs concerns for this accessory structure at this time.
5. The Camden Town Board reviewed and recommended approval of the request during their May 13, 2021, Town Board meeting. The Town Board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

CAMDEN 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

S 1/2 SEC. 27, T.116, R.26



5/14/21

To: Carver County Planning Commission

RE: Request for Conditional Use Permit to construct 52'x72' storage shed/hobby shop.

From: Jeff and Shonna Caswell, 10175 Vega Ave, NYA

The purpose of the 52'x72' shed is for personal use. Storage and hobby shop will be the extent of activity. Our desire is to have a roof over our motorhome, pickup and trailer, skid steer with attachments, and general organized storage. I also have a 35' sailboat that my brother in law wants to get out of his shed.

My wife and I are nearing retirement from the restaurant business and are looking forward to getting the yard cleaned and clear and having a place to store/park and maintain what we have.

No additional traffic will be generated by this building as it is for personal use. Likewise, no signage, employee parking, or hours of operation are applicable.

The current 30' x 30' shed will be used for the ATV, Cycles, and a vehicle along with a place for my wife to hobby/garden out of.

We have 10 acres mostly woods and water. Lot size is 437.46' x 995.84' (copy attached)

Jim's Excavating performed septic compliance on 5/8/21. (copy attached)

Thank You for your consideration.

PROPOSED SITE MAP 02.027.0400



Date: 6/4/2021



CARVER
COUNTY

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.





Township Presentation & Recommendation Form

PARCEL # 02.027.0400	Permit # PZ20210036	
Owner's Name: Jeff & Shonna Caswell	Owner's Mailing Address: 10175 Vega Avenue	
City: NYA	Owner State: MN	Owner Zip: 55397
Applicant (if other than owner): 	Site Address: 	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request: Request for CUP to exceed the maximum amount of personal storage square footage to accommodate a 52' x 72' Accessory Structure.						
Date of County Public Hearing: June 15, 2021			Date of Township Meeting: 5-13-21			

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:	
--	--

****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.

Signature of Applicant

Signature of Township Official

Date **5-13-21**

Date **5-13-21**

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 02-027-0400

File# PZ20210036

APPLICANT/OWNER: Jeffery J Caswell & Shonna K Caswell

*** * * * ***

The south 10 acres of the West 30 acres of the South Half of the Southwest Quarter (S1/2 of SW1/4) of Section 27, Township 116, Range 26, Carver County, Minnesota.

DRAFTED BY: Carver County Land Management Department

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 7, 2021

TO: Carver County Planning Commission & Laketown Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210039

APPLICANT: Mike & Kristie Fritz

OWNER: Mike & Kristie Fritz

SITE ADDRESS: 9295 Pierson Lake Rd, 55318

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-021-0300

BACKGROUND:

1. Mike & Kristie Fritz own an approximate 15.9-acre parcel, located in part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Laketown Township. In May of 2021, permits were issued to this property for the construction of a single-family dwelling, attached garage, and pool house. The property is in the Agricultural Zoning District, the Shoreland Overlay District of a Recreational Development Lake (Pierson Lake), and the CCWMO (Carver Creek Watershed).
2. The applicants are requesting a Conditional Use Permit (CUP), which would allow them to apply for a building permit to construct a detached garage on the subject property. The proposed detached garage would be approximately 38' x 64' (2,447 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for 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 chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres -- a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

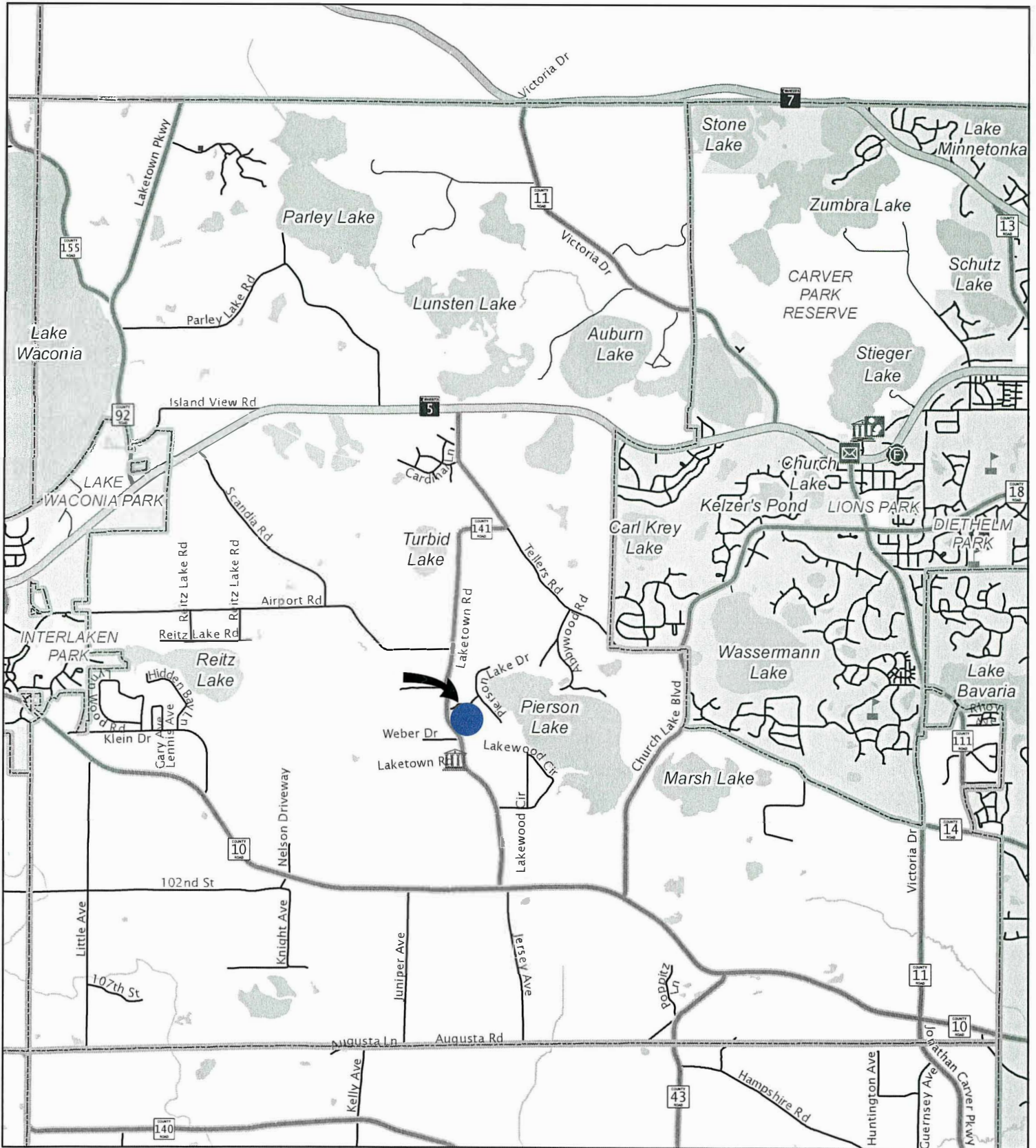
1. The approved accessory square footage on the property is approximately 2,195 square feet. This includes an attached garage (approx. 1,495 square feet) and a pool house (approx. 700 square feet). If the CUP request were approved, the applicant would apply for a building permit to construct an approximate 38' x 64' detached garage. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 38' x 64' (2,447 square-foot) accessory structure, the total square footage on the property would consist of approximately 4,642 square feet; or approximately 642 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: May 21, 2021) describes the intended use of the detached garage, which would be only for personal use/storage (e.g. lawnmower, pontoon boat, and other miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would be located east of the house and would meet all required setbacks.
4. On June 4, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that the primary and alternate drain fields should be protected from disturbance with fencing before any construction begins.
5. The Laketown Town Board reviewed and recommended approval of the request during their May 24, 2021 Town Board meeting. The Town Board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.
3. The primary and alternate SSTS drain fields should be protected from disturbance with fencing before any construction begins.

LAKETOWN TOWNSHIP



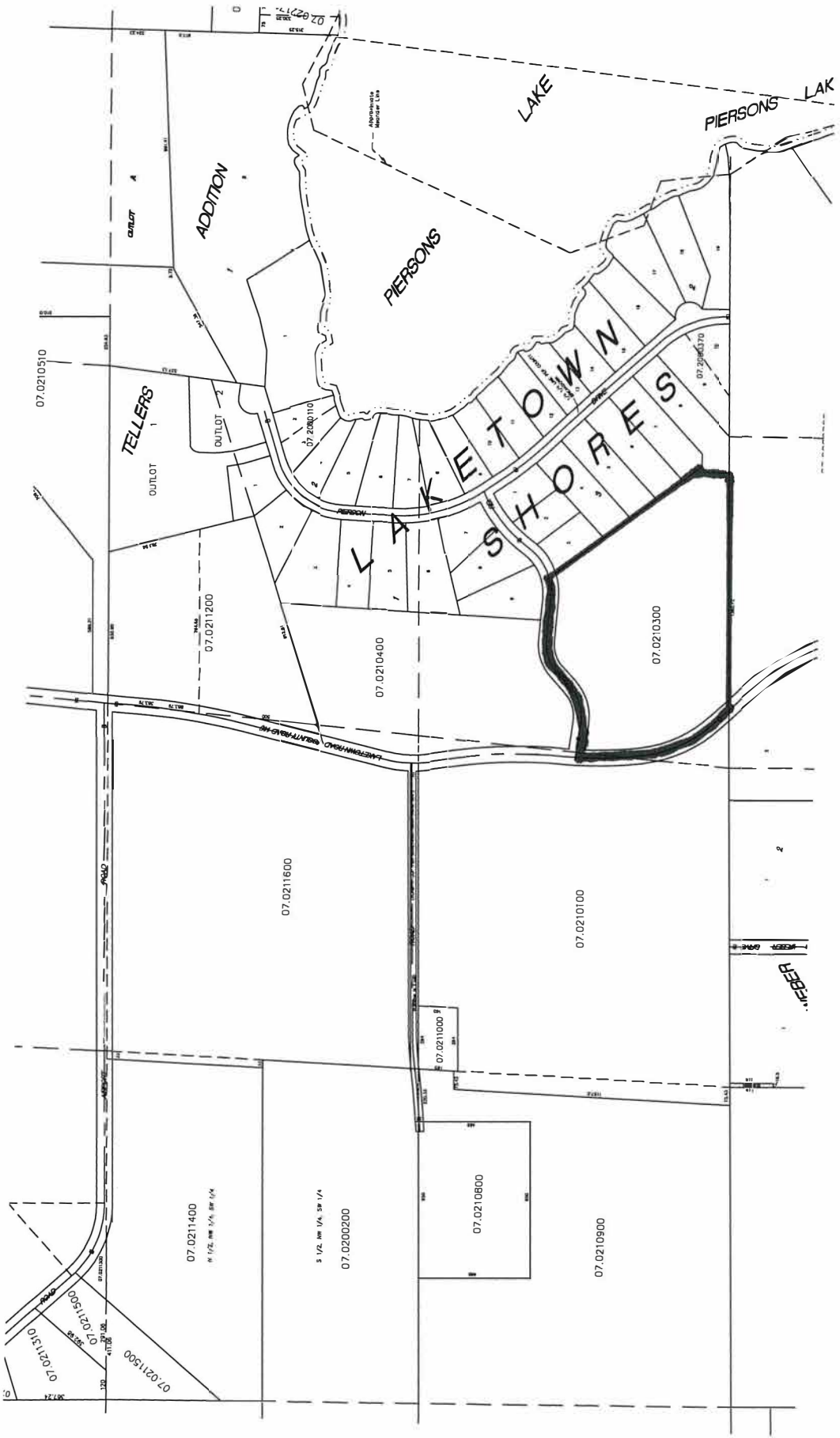
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Map Created by Carver County GIS

S 1/2 SEC. 21, T.116, R.24

THIS IS NOT A LEGALLY RECOGNIZED PLAT
THIS MAP IS A COMPILATION OF RECORDS
OFFICES AND OTHER SOURCES. THE MAP
PURPOSES OF THE COUNTY AND ITS AGENTS
DO NOT WARRANT THE ACCURACY OF THE
INFORMATION CONTAINED THEREIN.



May 21st, 2021

Land Management Department
Carver County Government Center
600 East 4th St.
Chaska, MN 55318
(952) 361-1820
Attn: Carver County Planning Commission

RE: Conditional Use Permit
9295 Pierson Lake Rd in Chaska, MN 55318

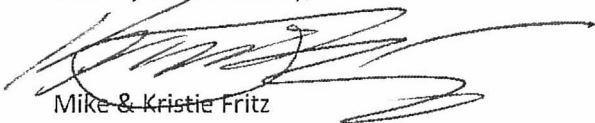
Dear Carver County Planning Commission,

We are building a new home on 9295 Pierson Lake Rd in Chaska (Permit #B20210238) and we would like to build a detached garage on our property however, we are over on the allowable storage space of 4,000 sq. ft. by county ordinance and would like to apply for a conditional use permit for the approx. 600 sq. ft. we would be over.

The detached garage will be used for personal storage such as our lawn mower, pontoon boat, etc.. It will not be used for conducting business out of nor will it be used as a rental property, which is prohibited in the rural area. There will be no bathroom plumbing. Included are the garage plans for reference -approximate size is 38'x64' with LP shakes, LP soffit and fascia and a brick wainscoting to mirror the facade of the home.

We appreciate your consideration and recommendation in this matter. Please let us know if you need anything else.

Thank you & sincerely,



Mike & Kristie Fritz

ISSUE:
2021-05-05

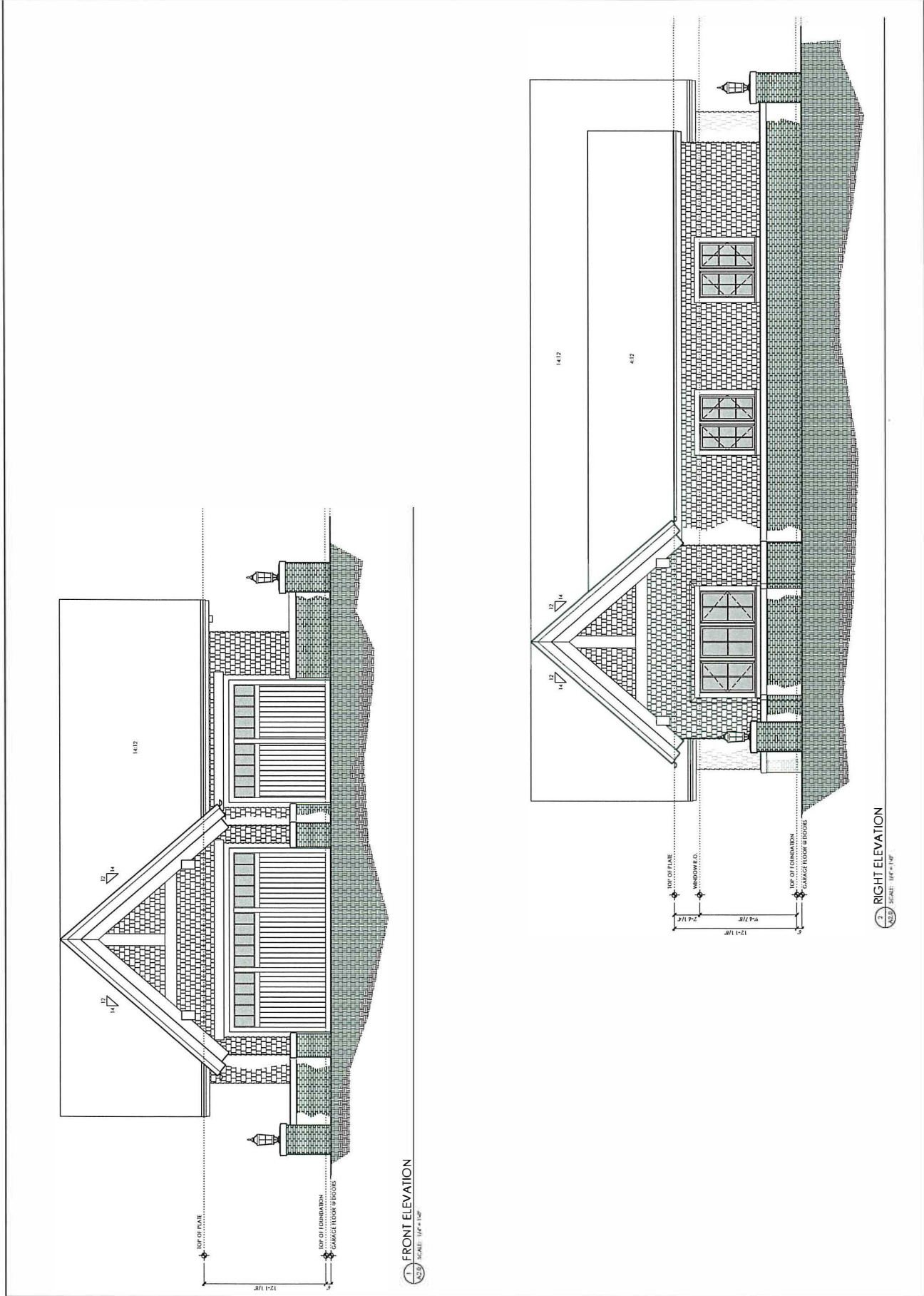
JAMES MCNEAL
ARCHITECTURE & DESIGN
378 Market Street, Suite 135
Minneapolis, MN 55403
612.796.1140
www.jamesmcnealarchitect.com

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FRTIZ DETACHED GARAGE
PIERSON LAKE ROAD, WACONIA, MN 55387

JOB NUMBER: 182

SHEET:
A2.0
EXTERIOR ELEVATIONS



ISSUE:
2021-05-05

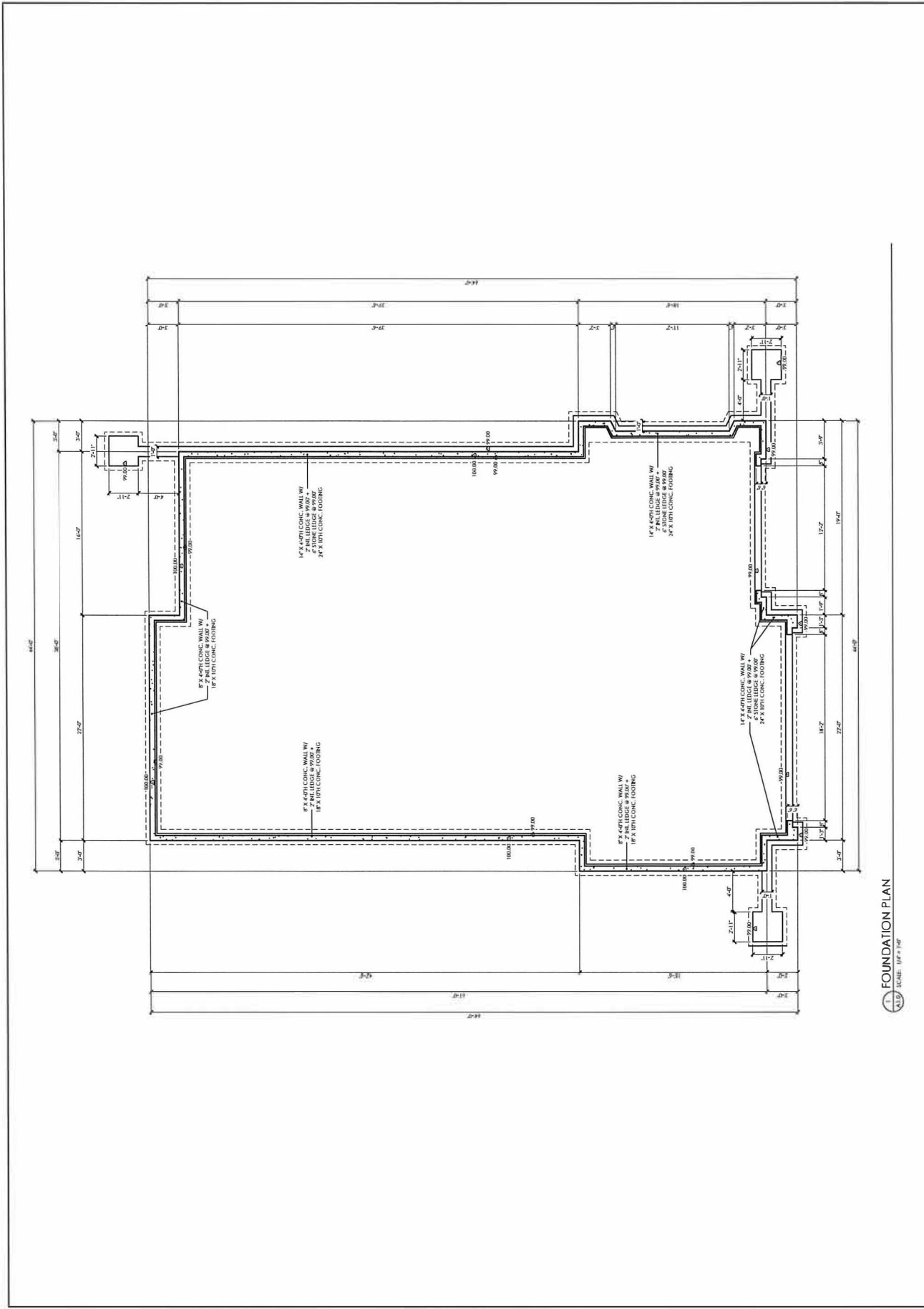
JAMES MCNEAL
ARCHITECTURE & DESIGN
278 MARKET STREET, SUITE 126
MINNEAPOLIS, MN 55405
612.339.9646
www.jamesmcnealarchitect.com

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FRTIZ DETACHED GARAGE
PIERSON LAKE ROAD, WACONIA, MN 55387

JOB NUMBER: 182

SHEET:
A1.1
FOUNDATION PLAN



1 FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



Township Presentation & Recommendation Form

PARCEL # <u>07-021-0300</u>	Permit # <u>B20210238 (House)</u> PZ20210039	
Owner's Name: <u>Mike & Louise Fritz</u>	Owner's Mailing Address: <u>PO Box 90</u>	
City: <u>Sologne</u>	Owner State: <u>MN</u>	Owner Zip: <u>55322</u>
Applicant (if other than owner): <u></u>	Site Address: <u>9295 Dawson Lake Rd. Chaska, MN</u>	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request: <u>Request conditional use permit to exceed the allowable total sq. footage of 4,000 sq. ft. for storage space on the property (add'l 642 sq ft).</u>						
Date of County Public Hearing:	<u>6/15/21</u>	Date of Township Meeting:	<u>5/24/21</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:	<u>No comment.</u>
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****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.

Signature of Applicant	Date <u>5/19/21</u>
Signature of Township Official	Date <u>5-24-2021</u>

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 07-021-0300

File# PZ20210039

APPLICANTS: Michael R Fritz & Kristie L Fritz

OWNER: Michael R Fritz & Kristie L Fritz Revocable Trust

* * * * *

That part of Government Lot 2, Section 21, Township 116, Range 24, described as follows:
Beginning at the point of intersection of the center line of the Scandia Watertown Road and the South line of Government Lot 2; thence on an assumed bearing of East 990.51 feet, more or less, along said South line to a point 1,232.47 feet East from the South ¼ corner of Section 21; thence North, a distance of 97 feet; thence North 54 degrees East, a distance of 30 feet; thence North 36 degrees West, a distance of 758.65 feet; thence North 18 degrees 00 minutes 19 seconds West, a distance of 33 feet; thence Westerly along a curve concave to the North an arch distance of 93.53 feet, said curve having a radius of 230.89 feet and a cord bearing of South 83 degrees 35 minutes 56 seconds West; thence North 84 degrees 47 minutes 45 seconds West, a distance of 186.77 feet to a point of curve to the left; thence along said curve to the left, having a radius of 160 feet and a central angle of 58 degrees 21 minutes 20 seconds an arch distance of 1652.96 feet to a point of tangency; thence South 36 degrees 50 minutes 55 seconds West along said Tangent, a distance of 19.53 feet to a point of curve to the right; thence along said curve to the right, having a radius of 180 feet and a central angle of 65 degrees 30 minutes 20 seconds, an arch distance of 205.79 feet to a point of tangency; thence North 77 degrees 38 minutes 45 seconds West along said tangent, a distance of 135 feet, more or less, to the centerline of the Scandia Watertown Road; thence Southerly along said centerline to the point of beginning. Subject to easements for road purposes over the Westerly 33 feet and the Northerly 33 feet thereof.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 8, 2021

TO: Carver County Planning Commission & Laketown Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210035

APPLICANT: Curtis & Kelli Hansen

OWNER: Curtis & Kelli Hansen

SITE ADDRESS: 9235 Pierson Lake Dr, 53318

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152, Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-200-0010, 07-200-0400, 07-200-0130

BACKGROUND:

1. Curtis & Kelli Hansen own 3 independent parcels which when combined total an approximate 3.52-acres, located in part of the North Half (N½) of the Southeast Quarter (SE¼) of Section 21, Laketown Township. The property is described as Lot 1 Block 1, Lot 4 Block 2, and Outlot 2 of the Laketown Shores Subdivision (Platted in 1967). The property is in the Agricultural Zoning District, the Shoreland Overlay District of a Recreational Development Lake (Piersons Lake), and the Minnehaha Creek Watershed.
2. The owners filed to have the three separate parcels combined on May 27, 2021. On June 7, 2021, Land Management staff was informed that the proposed combination was rejected by the County Recorder pursuant to MN Statute 272.46 which only allows for the combination of contiguous parcels. Because these parcels are platted (i.e. different Lots & Blocks), they are not viewed as contiguous and considered to be separated by Pierson Lake Drive, etc. Recorder's office staff stated that the three independent parcels could be considered one for zoning purposes. Land Management staff is requiring the property owner to sign an affidavit agreeing that the three parcels would be considered one for zoning purposes. Furthermore, the lots cannot be sold independent of one another unless one of the lots is to be combined with a similar parcel which is contiguous (e.g. adjacent). This affidavit would be Recorded by Land Management staff.
3. The applicants are requesting a Conditional Use Permit (CUP), which would allow them to apply for a building permit to construct a personal storage shed on the subject property. The proposed storage shed would be approximately 48' x 72' (3,456 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(2) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note–Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

(A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for 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 chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

(2) Parcels greater than two acres and less than or equal to five acres – a total of 3,000 square feet of area is permitted in a combination of garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

(A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

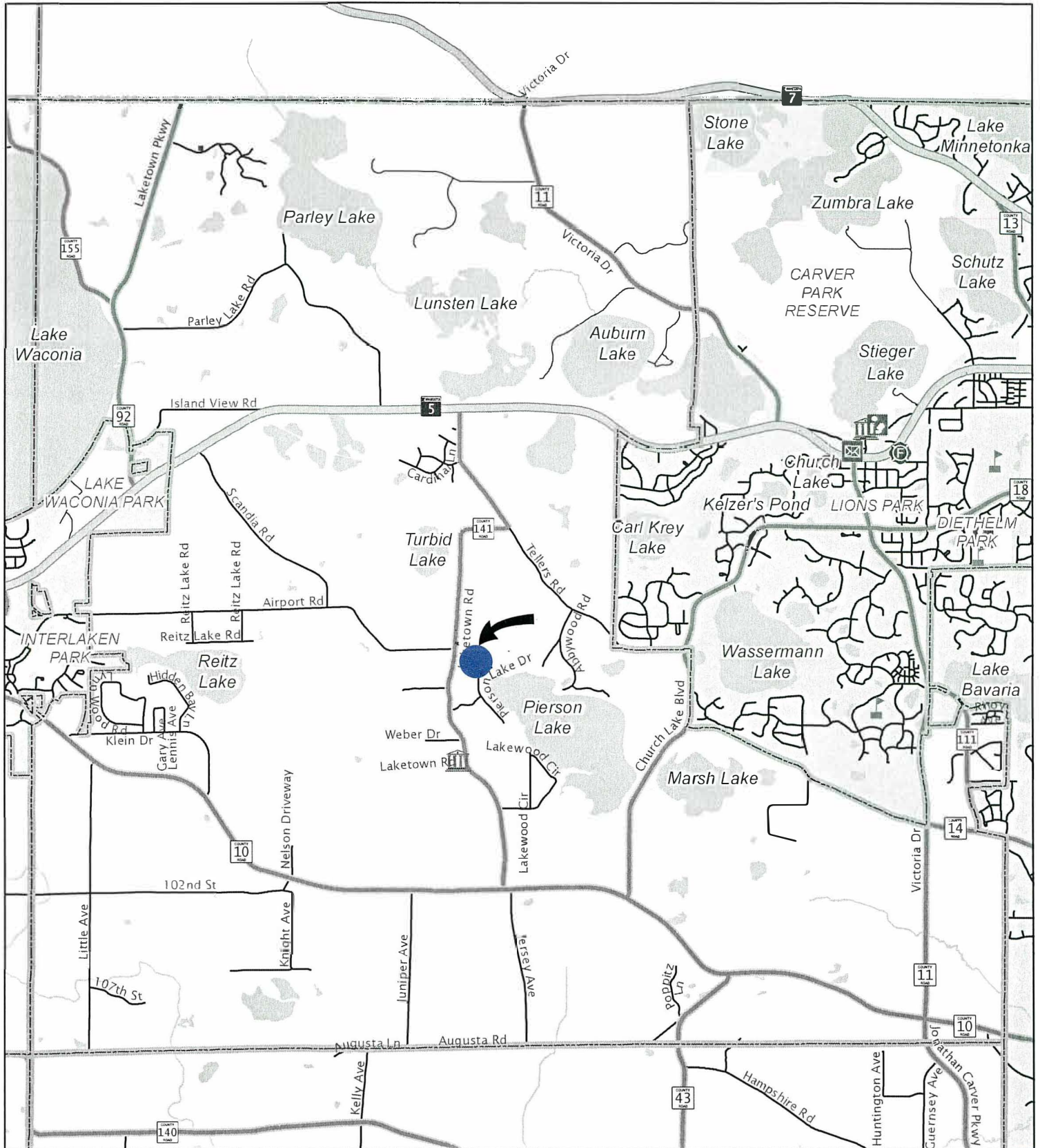
1. The approved accessory square footage on the property is approximately 772 square feet. This includes an attached garage (approx. 484 square feet) and a garden shed (approx. 288 square feet). If the CUP request were approved, the applicant would apply for a building permit to construct a 48' x 72' detached garage for personal storage purposes. The Zoning Code allows a parcel of this size a total of 3,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 48' x 72' (3,456 square-foot) accessory structure, the total square footage on the property would consist of approximately 4,228 square feet; or approximately 1,228 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size.
2. The applicants' letter (dated: May 13, 2021) describes the intended use of the detached garage, which would be only for personal use/storage (e.g. boat, PWCs, lawn equipment, automobile, RV and miscellaneous property). There would be no business activities conducted from the structure.
3. The proposed structure would be centrally located on the parcel and would meet all required setbacks.
4. On May 28, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield stated that there are no SSTs concerns for this accessory structure at this time.
5. The Laketown Town Board reviewed and recommended approval of the request during their April 26, 2021 Town Board meeting. The vote to recommend (2-1) is contingent on the following:
 - a. Signature of support of affected neighbors (attached),
 - b. MCWD approval of shed placement (permit details attached),
 - c. Applicant's obligation to repair the roadway if damaged during construction of hauling fill,
 - d. Applicant must obtain Township approval for driveway placementSupervisor Klingelhutz did not support the height and size of shed due to its proposed location on a residential lot in a residential neighborhood.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.
3. Prior to the issuance of any future permits, the property owners shall sign an affidavit stating the three subject parcels (07-200-0010, 07-200-0400, and 07-200-0130) shall be considered one parcel for zoning purposes and may not be sold independently unless one of the parcels were to be combined with a different contiguous (adjacent) parcel.

LAKETOWN TOWNSHIP



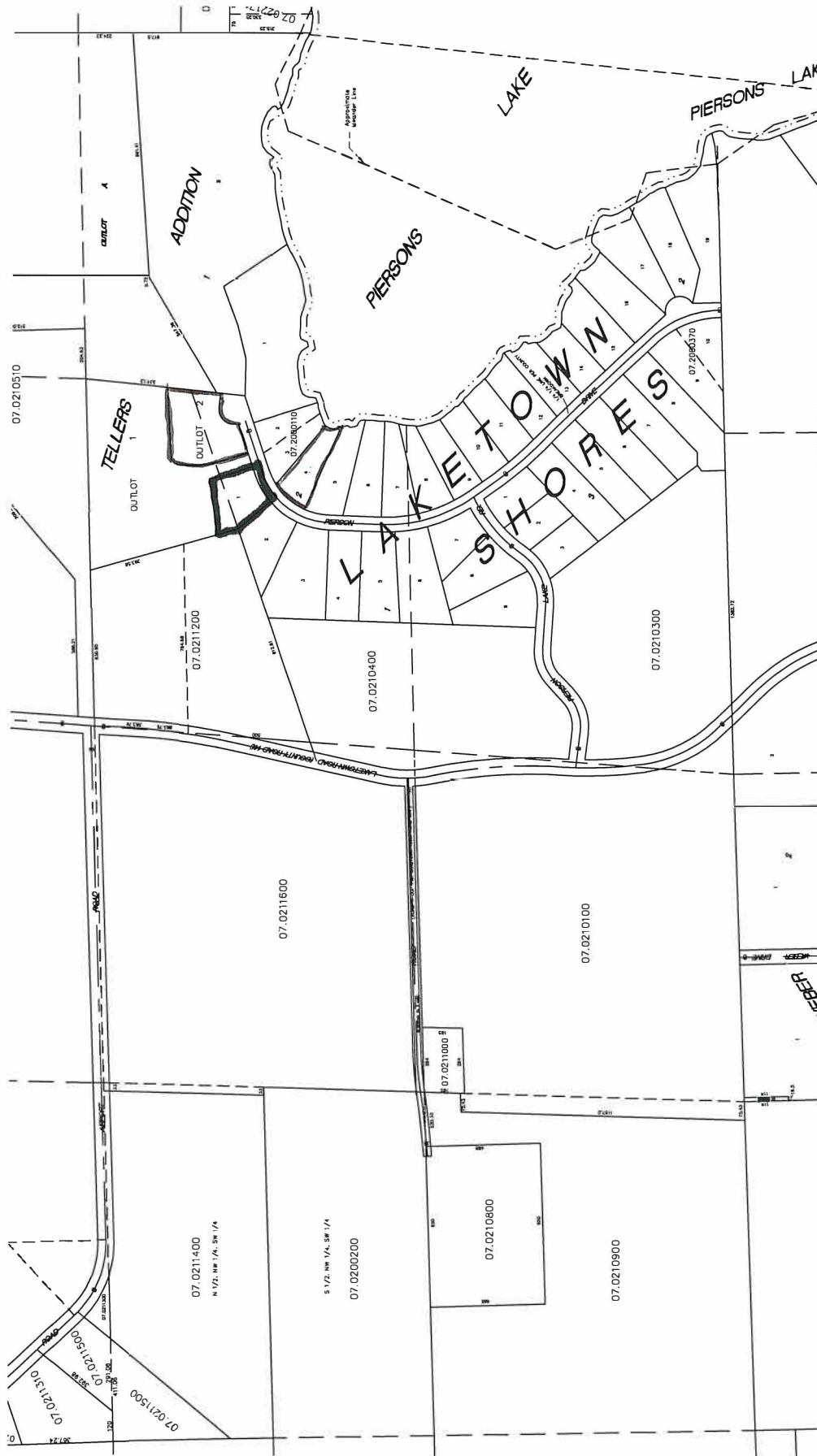
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible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



Map Created by Carver County GIS

S 1/2 SEC. 21, T.116, R.24

THIS IS NOT A LEGALLY RECORDED PLAT.
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 PUBLIC RECORDS OF THE CARVER COUNTY
 IS ONLY TO BE USED FOR REFERENCE.
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 ARE NOT RESPONSIBLE FOR ANY
 AMBIGUITIES CONTAINED THEREIN.



Curtis and Kelli Hansen
9235 Pierson Lake Dr (9220)
Chaska, MN 55318
952-220-0823

Carver County Planning Commission
600 E 4th St
Chaska, MN 55318

To Whom It May concern,

We are seeking a CUP for a 48 x 72 personal storage shed on parcel 072000010 which was combined with two other contiguous parcels that we own totaling 3.52 Acres (072000130 & 072000400). The square ft of the proposed storage shed, 3,456 sqft, along with my current storage, would exceed the personal storage allowance by 1,348. The combined current amount of personal storage is 892 SqFt as follows: 22' x 22' attached garage (484sqft), temporary 12x24 (288 sqft) non-footed garden shed and the 10x12 (120 sqft) children's play house. This proposed shed will be used to store personal items and increase the overall appearance of the property by removing stored items from my yard, side of house and other areas. The shed will conform aesthetically to my dwelling and the street facing portion will have matching materials to my home (LP siding, Hardy Shakes and Stone wainscot). The primary purpose is to store our boat, PWCs, lawn equipment, autos, RV, several trailers, seasonal lake furniture, and personal collector items that are very difficult to access that I have to currently pay to store off site. The storage shed will allow for the items to be stored inside. This will not be for commercial usage and is strictly for our personal storage. The 2021 permit to build on this parcel has already been approved by Minnehaha Creek Watershed (the site and shed approved) and we are requesting approval by the Carver County Planning Commission. Laketown Township has also approved the CUP with their recommendation. I have been in close contact with all adjoining neighbors and those who drive by the parcel on a daily basis and all neighbors not only approve of this project, they support it.

I thank you for the consideration and we respectfully request the approval by the Carver County Planning Commission to allow the shed as proposed on lot: 072000010.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis & Kelli Hansen', written in a cursive style.

Curtis & Kelli Hansen

Architectural elevation drawing of the front of a building. The drawing shows a main level with a large central door and a smaller side entrance. The roof is gabled with a 12/12 pitch. Dimensions include a main level width of 18' and a side entrance width of 16'. The drawing is labeled "Main Level Clg" and "Main Level Floor".

Architectural section drawing of a building. The drawing shows a cross-section with a main level and a main floor. The main level is labeled "Main Level Clg 10' 0"" and the main floor is labeled "Main Floor 0' 0"". The drawing includes dimensions for height (6' 11/12), width (10' 0"), and floor levels. It also shows structural elements like columns, beams, and stairs.

BEHR
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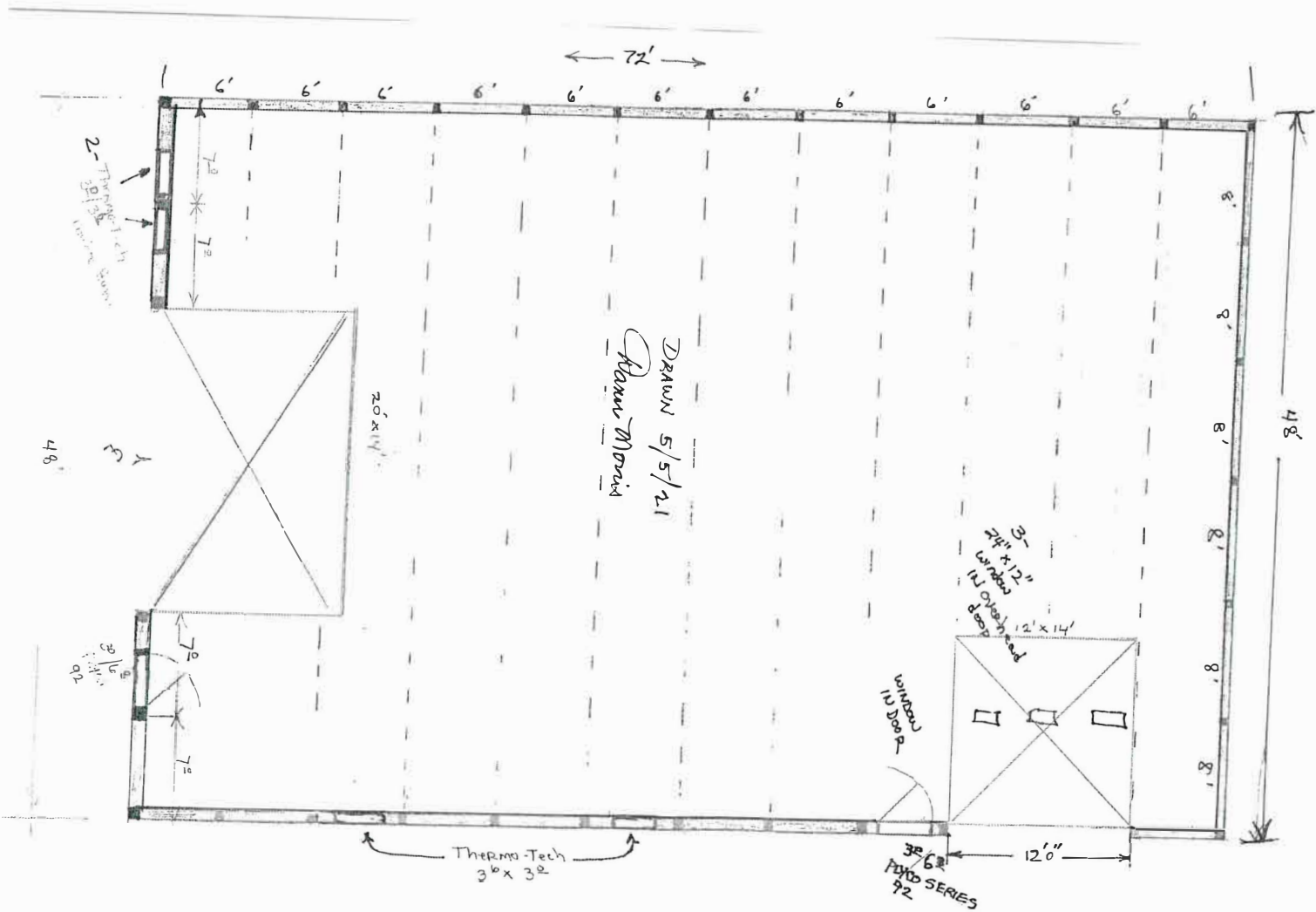
of 1984, the U.S. Supreme Court ruled in *Grain Processing Corp. v. American Bar Enders* that the National Labor Relations Board (NLRB) has the authority to require employers to bargain with unions representing non-union employees. This decision was a landmark victory for unions, as it established that employers must negotiate with unions even if they are not the majority of employees. The NLRB has since used this authority to force employers to bargain with unions in several cases, including *Beck's* and *Beck's II*.

NEW GENERATION CONSTRUCTION
Curtis Hansen
9235 Pierson Lake Drive
Waconia, MN

DATE: 07/02/03
DRAWN BY: PZZIN
PROJECT: 4-220

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SHEET NO.
A1
S.C.D. 01/05/05





Pursuant to Minnesota Statutes Chapter 103D, and on the basis of statements and information contained in the permit application, correspondence, plans, maps, and all other supporting data submitted by the applicant, and made a part hereof by reference, PERMISSION IS HEREBY GRANTED to the applicant named below for use and development of land in the Minnehaha Creek Watershed District.

Issued to: Curtis Hansen	Permit No: 21-093
Location: 9220 Pierson Lake Drive, Laketown Township	
Purpose: Erosion Control, Wetland Protection – Single-Family home	
Date of Issuance: 04/19/2021	Date of Expiration: 04/19/2022

By Order of the Board of Managers

Cole Thompson
Permitting Technician

This permit is not transferable without District approval, and is valid to the date of expiration. No activity is authorized beyond the expiration date. If the permittee requires more time to complete the project, an application for renewal of the permit must be received by the District at least 30 days before expiration.

The applicant is responsible for compliance with all District Rules and for the action of their representatives, contractors, and employees.

Conditions: Project to be completed as described in plans submitted to the MCWD office on February 15th, 2021 according to the provisions of this permit.

- Properly install and maintain all required erosion control measures until the disturbed areas are re-stabilized
- Notify MCWD in writing upon completing installation of perimeter and sedimentation controls
- When the site is re-stabilized and the MCWD staff has performed a final inspection, all perimeter control must be removed

(Statement concerning fees for inspections, violations, etc... on following page)

We collaborate with public and private partners to protect and improve land and water for current and future generations.

**Inspection/Analysis/Monitoring Fees**

A site inspection and monitoring by District staff will be performed where the activity involves:

- a commercial/industrial/multi-family residential development
- a single family residential development greater than 5 acres or of any size if within the Minnehaha Creek subwatershed
- any alteration of a floodplain or wetland
- dredging within the beds, banks or shores of any protected water or wetland
- a violation
- any project which in the judgment of the District staff should be inspected due to project location, scope, or construction techniques

In these cases, the applicant shall pay to the District a fee equal to the actual costs of field inspection of the work, including investigation of the area affected by the work, analysis of the work, and any subsequent monitoring of the work, which in the case of a violation shall be at least \$35.

Standard Fee Schedule

District professional staff	\$ 65.51*
District interns	\$ 40.35*
District clerical staff	\$ 46.69*
Consulting Senior Engineer	\$ contracted rate
Consulting Engineer/Technician	\$ contracted rate
District Counsel	\$ contracted rate
Application fee	\$ 10.00
Copy costs	\$.25 + actual staff time
Color copy costs	\$ 1.00 + actual staff time

* Hourly

We collaborate with public and private partners to protect and improve land and water for current and future generations.

Curtis Hansen
9235 Pierson Lake Dr
Chaska, MN 55318
952-220-0823

To Whom It May Concern:

We have viewed the proposed shed and site plan and we support Curtis and Kelli Hansen in the proposed building of the 50 x 70 shed on 9220 Pierson Lake Dr. Chaska, MN 55318 and have no objections to this project.

Chuck & Pam Schmidt, 9210 Pierson Lake Dr x Chas Schmidt 4-10-21

Chuck and Jane Norton, 9205 Pierson Lake Dr x [Signature] 4-11-21

Brett and Rachel Melberg, 9245 Pierson Lake Dr x Brett Melberg 4-8-2021

Allen and Laurie Eckhoff, 9230 Pierson Lake Dr x Allen Eckhoff 4-9-2021

Scott and Jeanne Savitt, 9225 Pierson Lake Dr x Scott Savitt 4/8/2021

Dennis and Cindy Niccum, 9240 Pierson Lake Dr x Cynthia A Niccum 4/8/21

CARVER
COUNTY

Township Presentation & Recommendation Form

PARCEL # 072000010	Permit # PZ20210035	
Owner's Name: Curtis Hansen	Owner's Mailing Address: 9235 Pierson Lake Dr	
City: Chaska	Owner State: MN	Owner Zip: 55318
Applicant (if other than owner): CURTIS HANSEN 100@gmail.com	Site Address:	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:
See attached

Date of County Public Hearing: June 15, 2021 **Date of Township Meeting:** 4-26-2021

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:

CURTIS HANSEN SHED: A vote to recommend approval passed 2-1. The vote to recommend is contingent on the following: 1) signatures of support by majority of affected neighbors (done), 2) MCWD approval of shed placement, 3) Applicant's obligation to repair the roadway if damaged during construction or hauling fill, 4) Applicant must obtain Township approval for driveway placement. Supervisor Klingelhutz does not support the height and size (30 ft. high and 3500 sq. ft.) of the shed due to its proposed location on a residential lot in a residential neighborhood.

****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.

	Date 4-27-2021
	Date

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBERS: 07-200-0010
07-200-0130
07-200-0400**

File# PZ20210035

APPLICANT/OWNER: Curtis D Hansen & Kelli J Hansen

*** * * * ***

Lot 1, Block 1, Laketown Shores, Carver County, Minnesota
Lot 4, Block 2, Laketown Shores, Carver County, Minnesota
Outlot 2, Laketown Shores, Carver County, Minnesota

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 7, 2021

TO: Carver County Planning Commission & Laketown Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Agri-tourism)

FILE #: PZ20210038

OWNERS: Lindley Clarence Deardorff & Bonnie Faye Deardorff Revocable Trust

APPLICANT: Steven P Zeller

SITE ADDRESS: 8350 Parley Lake Road, 55387

PERMIT TYPE: Conditional Use Permit - Agri-tourism

PURSUANT TO: Carver County Code: Section 152.080 (C)(6)(7)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCELS #: 07-800-0040, 07-800-0050, 07-800-0060 & 07-800-0070

STAFF ANALYSIS:

1. The Lindley Clarence Deardorff & Bonnie Faye Deardorff Revocable Trust owns an approximate 124.0-acres split between four parcels located in part of the Northeast Quarter (NE¼) of Section 8, Laketown Township. In 1980, the parcels were platted as Lots 2, 3, 4 and 5, of Block 2, of the Wisconsin Province Addition. The land is a mixture of wooded land, wetlands, and agricultural lands being used for vineyards and orchards to support the Parley Lake Winery and Deardorff's Apple Orchard. The property is located in the Agricultural Zoning District, the Shoreland Overlay District of a Recreational Development Lake (Parley Lake), and the Minnehaha Creek Watershed.
2. In January of 2009, Conditional Use Permit #PZ20080035 was issued and authorized the owners/applicant to operate a Farm Related / Large Scale Activity Business (Parley Lake Winery & Deardorff's Apple Orchard) on the subject property. The 2009 Conditional Use Permit was approved under Section 152.079 of the Carver County Zoning Code which allows for some business type activities when they are centered around a home or home/farm combination.
3. The applicant is proposing to split off 21.85 acres of land which includes the winery operations, two vineyards and one apple orchard. The existing farmhouse would remain on approximately 1.97 acres and its ownership would be retained by Lindley & Bonnie Deardorff. The Parley Lake Winery and Deardorff's Orchard would continue to operate as previously approved. Because there would no longer be a single-family residence associated with the winery operation, a new Conditional Use Permit would need to be issued 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

6-1

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 shall have been shown to be SCS Class I or II land under till, as illustrated on the 2000 metropolitan digital photography;
 - (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 subsection (6)(d) above shall require approval of the County Board.
 - (7) Agricultural activities with a retail component, exceeding the scope of an accessory use or administrative special use permit, subject to the following criteria:
 - (a) Ninety percent of the products offered for sale shall be grown on-site; and
 - (b) Sufficient off-street parking must be provided.
4. The updated Master Plan consists of the submitted Business Plan (dated May 1, 2021) and Site Plan (submitted May 24, 2021). The current land use request is specifically limited to the ongoing orchard operations, wine production and retail sales, art events, as well as outdoor music, weddings, tickets music events, and corporate events. This request would allow those operations permitted under Conditional Use Permit PZ20080035 to continue without a single-family residence being located on the subject parcel. Any change of use to the existing barn (both main level or basement level) would require application for a CUP amendment, if applicable.
 5. The proposed operations and new layout would meet the requirements of Section 152.080 of the Zoning Code, provided all existing buildings are suitable for public use as per the MN State Building Code.

6. Portions of the business are seasonal in nature; therefore, hours of operation vary depending on the stage of production. Apple operations occur August through December, seven days a week from 9:00 a.m. to 7:00 p.m. Wine operations occur year-round, Monday through Saturday from 9:00 a.m. to 1:00 a.m. and Sundays from 12:00 p.m. to 12:00 a.m.
7. The operational plan indicates the “Deardorff Orchards” and “Parley Lake Winery” have received federal approval and permits as well as licensure from the State of Minnesota under the Farm Winery Law. The applicant shall maintain the required permits and licensure for the permitted retail, food production and growing operations.
8. This request involves a total of thirty-five (35) employees (nine (9) full-time and twenty-seven (27) part-time) or independent contractors. Approximately three (3) those thirty-six (35) are family members. The Zoning Code requires the applicant to submit a copy of workers compensation insurance.
9. The applicant has estimated the annual 53 cars per day. Currently, the structure used in conjunction with the Conditional Use Permit can be split into two areas. The north portion (approx. 67’ x 52’) is used for a use like that of a restaurant, bar, café, etc., and the south portion (approx. 95’ x 40’) is used for the processing of a product and retail sales of apples, etc. The Zoning Code requires a restaurant, café, and similar, to provide one (1) parking space for each 35 square feet. In addition, the Zoning Code requires a facility used for manufacturing or processing of a product to provide four (4) parking spaces plus one (1) for each 400 square feet. Based on the different uses on the subject property, the Zoning Code requires a minimum of 114 parking spaces (99.5 spaces for the northern portion and 13.5 spaces for the southern portion). The applicant has stated that they currently offer 126 parking spaces and plan to add 25 more spaces by the end of 2022.
10. This request has been reviewed by the County’s Environmental Services Department. On June 1, 2021, this request was reviewed by Joe Enfield, the County’s Senior Environmentalist. Mr. Enfield stated that prior to the issuance of the CUP, an alternate drain field site needs to be identified by an SSTS designer.
11. The Minnehaha Creek Watershed (MCWD) as reviewed the proposed request and provided comments on June 7, 2021. Will Rouch, MCWD Permitting Assistant, stated, *“the proposed CUP is to allow the existing business to continue operating and a permit from the MCWD would not be needed at this time. A future project at this site may require an MCWD permit.”*
12. All signage on the property is required to comply with all regulations in Chapter 154 – Sign Regulations.
13. The Laketown Town Board reviewed and recommended approval the request during their April 26, 2021, Town Board Meeting. The Township stated that their recommendation was contingent on adding parking over the course of the next two years and eliminating guest parking along Parley Lake Road.

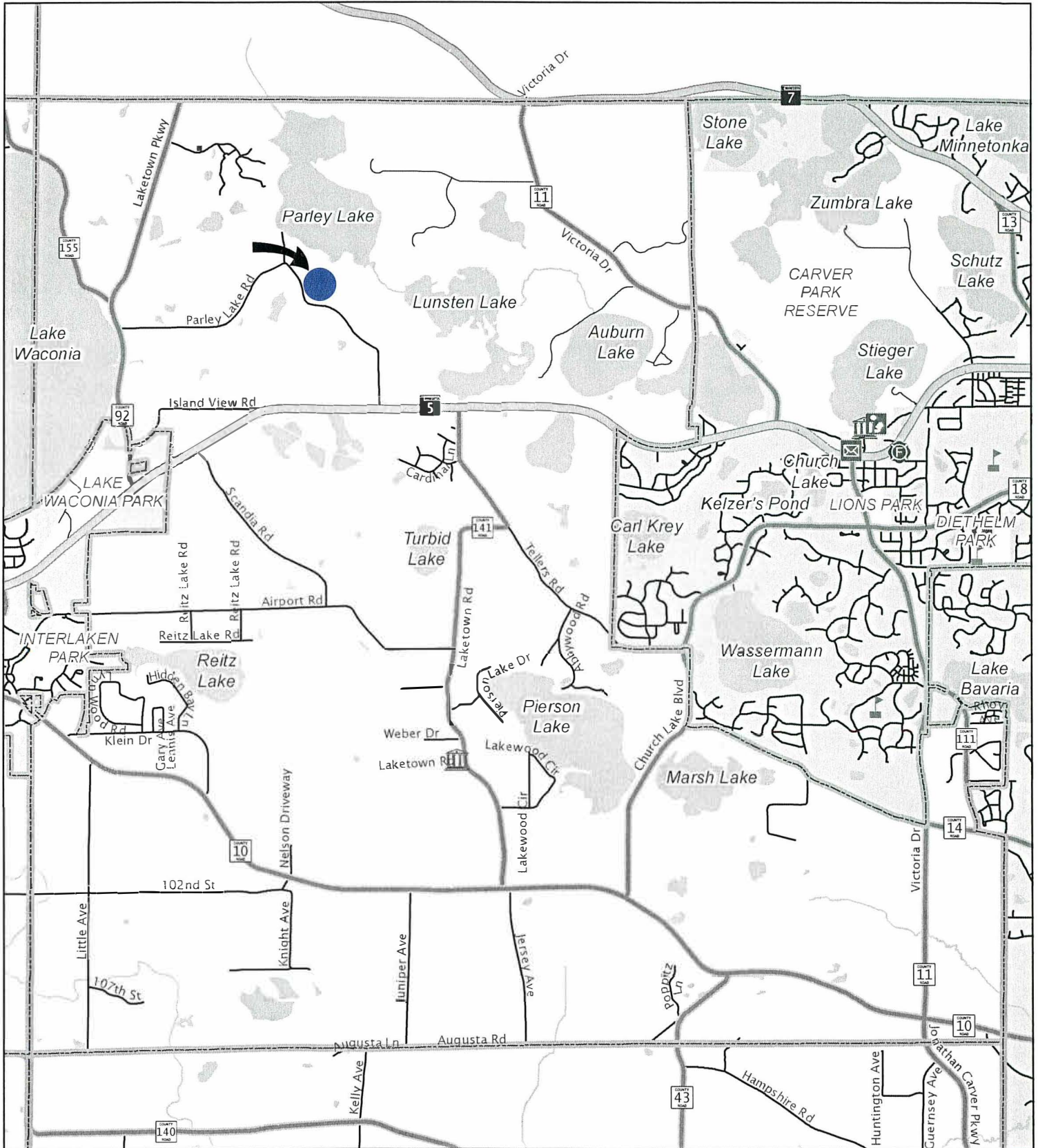
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application, the previous CUP (#PZ20080035) and any other permits or amendments for a Farm-Related Business/Large-Scale Activity shall be terminated, and the following conditions should be considered part of the permit:

1. The permit is subject to administrative 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/operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Parley Lake Winery and Deardorff Orchards (Large Scale Activity Business – Agri-tourism) shall operate in accordance with the operational letter(s) and site plans (dated: 5/1/2021, and 5/24/2021). These plans shall be considered requirements of this permit. Prior to the issuance of any building permits for additional/remodeled buildings, discussion with Land Management is necessary for a determination as to whether an application for amendment or similar consideration is warranted. The operation shall maintain that (90) ninety percent of the products offered for sale from the property are grown on-site.

3. Permittee shall comply with any road access requirements and/ or maintenance, as determined by Laketown Township or the responsible road authority (i.e. parking, dust control, grading, or similar issues).
4. The operation shall be limited to the maximum number of persons as determined by the County's Building Inspector. Any special event proposed outside of the normal business hours of operation, shall require an Administrative Special Use Permit. Said permit shall be subject to review by the Laketown Town Board (road authority approval), the Land Management Department, and final approval by the County Board of Commissioners pursuant to Section 152.074 of the Carver County Zoning Code.
5. Events with music shall be allowed within the approved business hours of operation. Outdoor amplified music/sound shall cease at 12:00 a.m., unless it is a reviewed and approved in accordance with the special event provisions. Amplified music/sound shall be allowed until 1:00 a.m., exclusively inside the fully insulated barn, as specified in the operational plan and building code.
6. All buildings/structures utilized by the operation must meet the State Building Code. A Certificate of Occupancy must be issued before retail sales or events commence within the interior of any existing or new structure.
7. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or 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 this Ordinance.
8. Any grading, filling or site improvement activity on the property shall be completed in accordance with the Minnehaha Creek Watershed (MCWD) standards and the Wetland Conservation Act (WCA), if applicable. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
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 any retail, 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 pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure(s) utilized as part of the business operation.
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 must be approved by the local road authority.
12. The Permittee shall submit proof of Workers Compensation or an affidavit stating that they do not have any employees.

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.



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N 1/2 SEC. 8, T.116, R.24



PARLEY LAKE WINERY

UPDATE TO LAKETOWN TOWNSHIP

Monday April 26, 2021

Parley Lake Winery provided an update and received approval from Laketown Township on October 23, 2017 for a construction expansion, increase of business scope including weddings, corporate events and food prep kitchen.

See attached meeting minutes dated October 23, 2017.

We have continued implementing those plans including nearing completion of construction. As part of the future planning, we are dividing the property, with Steve and Deb Zeller purchasing 21.85 acres of the original 23.82 on what is commonly known as 8350 Parley Lake Road. This portion of the property contains the winery operations, 2 of the 4 vineyards and 1 of the 3 Orchards. The Farm House will remain on 1.97 acres and be retained by Lin and Bonnie Deardorff. None of the remaining approximately 101 of 124 acres are changing. The ownership of the remaining 101 acres remains with Lin and Bonnie Deardorff.

See attached Minor Subdivision and Site Plan prepared by a certified Land Surveyor. Also see detailed close up of winery operating portion of the property

In conversations with Carver County Land Management, they suggested we apply for a revised Conditional Use Permit to solidify and document approval for all the above actions.

We have revised the update provide in October, 2017 with updated actions completed since then.

Parley Lake Winery has been a Licensed Minnesota Farm Winery since August, 2008.

It has been operating a Minnesota Farm Winery detailed in the Conditional Use Permit approved by Laketown Township December 8, 2008 and Carver County January 6, 2009. It opened its doors for retail business Friday, August 28, 2009. It operates on the same site as Deardorff Orchards which has been operating as a Pick-your-own Apple Orchard since 1982 a total of 39 years. In addition to the Minnesota Farm Winery license which allows for production, self-distribution and retail sales of wine and related products, Parley Lake Winery yearly obtains a Liquor License which allows for the sales of other liquor related products, primarily for the purpose of selling Minnesota Beer on sale.

Approximately 5 years ago the Federal Government changed the classification of serving Wine and beer for Wineries and Breweries, requiring the serving areas for these organization to generally be of the same grade as a restaurant. In order to comply with this requirement and keep with the historic nature of the 10,000 square foot barn, we have added on approximate 1,800 square (2 stories at 900 square feet each) building. The function in the building include on the main level wine serving areas (back bar), wine storage, food prep area for catering companies and a family/handicap restroom. On the lower level there is men's and women's full restrooms, bridal suite/Music Green room, utility room and storage. Drawings have been prepared by Licensed Architects and certified Professional Structural engineers, the building permit has been approved, construction is substantially complete, and we have received temporary Occupancy by Metro West Inspect, and full approval from the Food Authority for Wineries, the Minnesota Department of Agriculture.

Work that is in process includes:

- A deck renovation that will upgrade the ADA ramp and 2 front fire exits to meet current code. Plans approved, framing inspection approved, projected completion May 1, 2021.
- An addition of a fully rated Exit door off the front of the large barn, making the total, new fully compliant exit door total 5 in the building; one more than code requires. Projected completion, May 1, 2021.

PARLEY LAKE WINERY

UPDATED
BUSINESS PLAN

MAY 1, 2021



PARLEY LAKE WINERY BUSINESS PLAN

- Executive Summary
- Company Overview, Mission, Vision
- Wine Market Summary
- SWOT Summary
- Opportunities
- Goals and Objectives
- Marketing and Sales Plan
- Operations Plan
- Financial Plan



PARLEY LAKE WINERY BUSINESS PLAN

EXECUTIVE SUMMARY

- Parley Lake Winery has been Making Great wine and Providing Amazing Experiences for 11 years, focused generally on Wine sales as the primary revenue generator (90% of sales)
- Diversifying the sales channels to leverage the great scenic site by adding private events including weddings, corporate events and ticket music events is required to create a sustainable, profitable business
- Increasing the membership in the relatively new wine club from 125 present to 500 in 5 years is also a key opportunity
- Increasing distribution over the next 5 years present a valuable way to leverage fix costs
- Improvements/upgrades based on new Food grade requirements by the FDA and MDA are complete and include new tasting bars/serving area, restrooms, septic, well and food prep areas.
- The ownership of the underlying 21 acres will shift from one owner (Lin Deardorff) to the other (Steve Zeller) to provide continuity in underlying Land management.
- All of these investments will enable Parley Lake Winery to become a sustainable business, operating at a positive cash flow.





MISSION STATEMENT

Make Great Wine
Provide an Amazing Experience
Create a sustainable business

VISION

Become a Destination Winery
Not just a stop along the way...
Sip, stroll and stay

SLOGAN - TAGLINE

Art & Wine Entwine



PARLEY LAKE WINERY OVERVIEW

- Parley Lake Winery (PLW) started in 2008 licensed as a Minnesota Farm Winery, focused on making Great wine and providing Amazing experiences
- Owners are Steve Zeller (51%) and Lin Deardorff (49%)
- Formed as an LLP, 100% funded to date by the two partners
- Located in Waconia, MN on a 125 acre property owned by Lin Deardorff, leased to Parley Lake Winery
- Grows MN Hybrid grapes, crafts local wine thru pressing, processing, blending and packaging
- 75% of the wine is sold on site in a 130 year old historic barn. 25% is sold self distributing to more than 70 local wine shops
- Creates experiences around the wine including major art events with over 12 life sized sculptures, music with 2 outdoor stages, tours of the vineyard and winery and managed private events
- Evolving to include Weddings, Corporate events and ticketed Music events allows for a sustainable future



PARLEY LAKE WINERY – THE TEAM

- **Lindley Deardorff: Partner**
 - Roles: Grape Grower, Distribution Leader
 - Past History: Owner, leader: Jensen Durfee, Minneapolis brokerage firm. 40 years. Major clients: American Express (Ameriprise), Faegre & Benson, and the Minneapolis School District
- **Steve Zeller: Managing Partner**
 - Roles: Winemaker, Managing Partner, Financial leader, Tasting room oversight
 - Past/Current History: 38 year Leader of Corporate Real Estate and construction at Emerson, American Express and currently Director of Real Estate at Donaldson Company
- **Krystal Houseman, Tasting Room and Event Leader**
 - Roles: Leads Tasting room staff, marketing & branding
 - Past roles include Event lead at Bavaria Downs
- **Aubrey Hookom, Wine Club and Barrel Club Manager**
 - Roles: Leads Wine Club Growth and Wine Club Events
 - Roles: Leads Barrel Club events
 - Past Experience: Past Tasting Room Manager, Parley Lake Winery. Past Customer Experience Manager, National Coffee Vendor

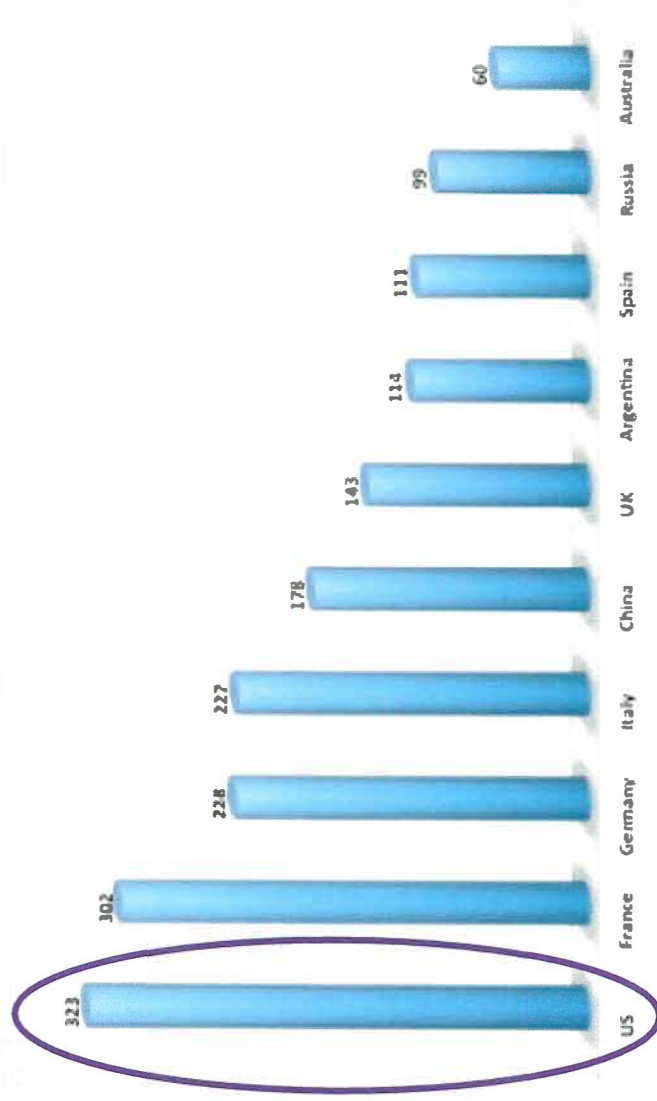


PARLEY LAKE WINERY – A BRIEF HISTORY

- 2005: Started planting University of Minnesota hybrid Grapes, 4,500 vines planted to date
- 2008: Start of Parley Lake Winery, received Minnesota Farm Winery License & all required support licenses and began production
- 2009: Open to the public
- 2012: Expanded Tasting room and production
- 2015: Started Wine Club
- 2016: Had first positive EBITDA year
- 2017: Parley Lake Winery is the 12th largest of 70 Minnesota wineries. Produced 25,000 bottles of wine
- 2017-2020: Wins 12 Gold medals in the biggest competition for American wines in the World (San Francisco Chronicle Wine Competition); 60 Gold medals to date
- 2020-2021 Expanded Tasting room, added Restrooms, food prep kitchen, bridal prep room etc.



US WINE INDUSTRY SIZE AND GROWTH



- **US # 1 Wine Consuming Country in the world since 2010**
- 323 million cases produced
- 15 continuous years of increasing sales (CAGR = 3.7%)
- \$62.7 billion total sales revenue
- Per capita consumption 14.7 bottles

Source: Impact Databank Report 2016



MINNESOTA WINE INDUSTRY

- \$2.9 Billion = Total MN Economic Impact
- \$185.3 million in state and local taxes
- The wine industry directly employs 15,383 people
- Wine tourism generates 73,941 tourist visits per year
- \$30.4 million in annual tourism expenditures
- 72 local wineries (Parley Lake is the 12th largest)

Yet only 0.7% of wine consumed in Minnesota is Minnesota produced wine

Compared to our neighbors: Wisconsin 5.3%, Iowa 5.9%

Compared to other Northern States with a local wine industry: Missouri 11%, Michigan 12%



WINE MARKET OVERVIEW



SUMMARY INDUSTRY STATISTICS

- The wine industry is consistently growing (3.7%/year)
- Consumption of wine per capita is growing
 - 2006: 11.9 bottles/yr to 14.7 in 2016 (increase of 24%)
- Wine in the US is big business (\$62 billion per year)
- While the overall wine industry in Minnesota is large, the percentage market share of Minnesota wine is small (0.7%) especially compared to neighboring states (5% to 6%)...
 - A lot of upside opportunity
- The average current wine consumer is
 - Female (59% Industry average, 70% Parley Lake Winery)
 - A Baby Boomer
- In 5 – 10 years the average wine consumer will be:
 - Equal Male/Female
 - Millennials



WINERY RANK - MINNESOTA

PARLEY LAKE WINERY IS #12 OF #70

TOP 25 of 72 Wineries In Minnesota				
Rank	Winery Name	Location	Cases Produced	Wines Produced
1	Four Daughters Winery	Spring Valley	10,833	14
2	Cannon River Winery	Cannon Falls	8,500	22
3	Chankaska Creek Ranch & Winery	Kasota	8,400	18
4	WineHaven Winery & Vineyard	Chisago Lakes	8,117	24
5	Carlos Creek Winery	Alexandria	7,158	26
6	Saint Croix Vineyards	Stillwater	6,225	21
7	Indian Island Winery	Janesville	4,200	20
8	Crow River Winery	Hutchinson	3,000	16
9	Millner Heritage Vineyard & Winery	Kimball	2,833	15
10	Forestedge Winery	Laporte	2,600	15
11	Falconer Vineyards	Red Wing	2,500	21
12	Parley Lake Winery	Waconia	2,100	14
13	Grandview Valley Winery	Belview	2,000	14
14	Minnestalgia	McGregor	1,500	14
15	Sovereign Estate Wine	Waconia	1,000	10
15	Post Town Winery	Rochester	1,000	10
15	Garvin Heights Vineyard	Winona	1,000	20
15	Whitewater Wines	Plainview	1,000	27
19	North Folk Winery	Harris	791	20
20	Scenic Valley Winery	Lanesboro	750	7
21	Buffalo Rock Winery	Buffalo	710	25
22	Schram Vineyards Winery & Brewery	Waconia	600	9
22	Goose Lake Farm & Winery	Elk River	600	46
24	Warehouse Winery	St. Louis Park	500	17
25	Flower Valley Vineyard	Red Wing	434	10



SWOT ANALYSIS

PARLEY LAKE WINERY VS. OTHER WINERY, BREWERY & DISTILLERS

Strengths • Great Wine (225 medals) • Great location (near cities) • Great site (125 acres, scenic, no neighbors) • Authentic, Historic tasting room (130 year old barn) • World Class Art on Site • Partnership with Deardorff Orchards	Weaknesses • No indoor restrooms in the past; now 8 toilets/urinals • No food prep area in the past, now food prep area complete and certified • No heating and cooling in tasting room
Opportunities • Grow wine club (125 members to 500) • Add more events in May, June, July • Wedding venue • Mid week activities can be added (corporate events)	Threats • Tasting room was not MDA compliant, and now has been certified. • Too reliant on wine sales (90% of revenue), now added weddings and ticketed music • Consolidation of Wine Industry



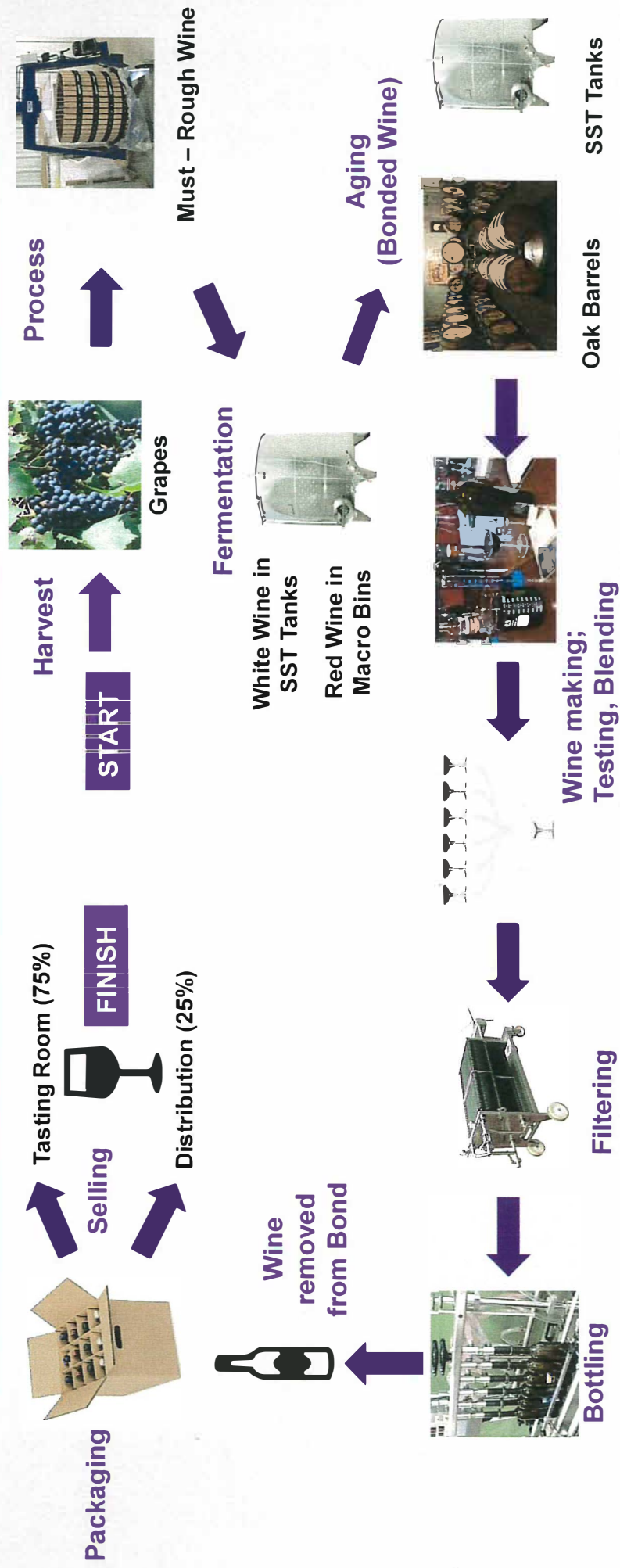
SWOT ANALYSIS SUMMARY

PRIVATE EVENTS OPPORTUNITY

- Key to PLW growth is to shift from a wine focused organization (90% of sales are wine sales today), to one that leverages the great location and site to craft experiences that are complemented with wine
 - Host Corporate Events
 - Host Weddings
 - Host major music group for fee night time events
- To accomplish this, the Winery buildings and Site have been renovated
 - Added indoor restrooms (1 ADA, main level, 2 sets of restrooms, ADA compliant, lower level. A total of 8 toilets/urinals)
 - Added Food Prep Kitchen facilities
 - Increase the size of the winery to enable larger groups to be accommodated. This is accomplished by moving the Wine serving area to an expanded, adjacent area of the Barn
- We have added part time staff focused exclusively on event marketing, planning and coordinating



WINE MAKING 101: ALL DONE ON SITE



MARKETING PLAN

- Tagline – Slogan Messaging: Art & Wine Entwine
- Parley Lake Winery is the location that synthesizes great local wine with remarkable local art.
 - 12 life sized sculptures from Regional Artists grace the grounds
 - Labels that have art from Local Artists included a bi-annual Artists Series which is selected from the best Minnesota Artists
 - 4 major Art events and including a 1,500 person Art Stock event in partnership with the Arts Consortium of Carver County
 - Parley Portraits and drawn for free (tips appreciated) by 1-2 local artists



PARLEY LAKE WINERY , DEARDORFF ORCHARDS – HOURS OF OPERATIONS

Parley Lake Winery

- Monday through Saturday: 9:00 am to 1:00 AM (95% of days closed at 8 pm)
- Sunday: 12:00 (noon) to 12:00 pm (95% of Sundays, closed at 6 pm)
- Winter / Summer Hours: Winter: January to April: 1-2 days per week. Noon to 10 pm (mostly 6 pm)
Summer: See Above

Deardorff Orchards

- Monday through Sunday 9:00 am to 7:00 pm August through December

All These hours are the same as the Original CUP in 2008



PARLEY LAKE WINERY WEDDINGS AND CORPORATE EVENTS

Weddings

- Typical size: 100 guests
- Largest Size: 200 Guests
- Number of Wedding events: 15-25 per year
- Percentage of Open hours: Less than 5% (typically less than 3%)
- Range of hours: 4 pm to 11 pm

Other Corporate type Events:

- Typical size: 100 guests
- Largest Size: 300 Guests (larger than 200 outside)
- Number of Other events: 15-25 per year
- Percentage of Open hours: Less than 5% (typically less than 3%)
- Range of hours: 10 am to 11 pm



PARLEY LAKE WINERY MUSIC RELATED EVENTS

Weekends (Friday night, Saturday, Sunday)

- On weekends, Parley Lake Winery supports the local music industry by hiring 1-6 person bands and sometimes 15-20 person big bands (Example: West Wind Swing Band) and provides this music free of charge to our weekend customers

Special Concert in the Vines ticketed events:

- Up to 15 times per year, usually on a Friday or Saturday night from 6 to 9:30 pm, Parley Lake Winery provides a well organized, controlled Concert-in-the Vines event focus on Midwest known groups such as Martin Zellar, G.B. Leighton, Keri Noble, Belfast Cowboys and Monroe Crossing. These events have been held over the last 4 years with according to Laketown township, Zero complaints from any neighbors.



PARLEY LAKE WINERY / DEARDORFF ORCHARDS – NUMBER OF EMPLOYEES

- **Parley Lake Winery:**
- Total Full and Part Time: 35 staff
- Manager/Leaders 7 staff
- Tasting Room Professional 18 staff
- Production/Winery 5 staff
- Family Members: 3 staff
- **Deardorff Orchards:**
- Total Full and Part Time 20 staff
- Orchard/Vineyards 5 staff
- Family Members 5 staff



PARLEY LAKE WINERY / DEARDORFF ORCHARDS – PARKING SPACES

• <u>Gravel Parking Spaces</u>	
• Current	86 spaces (original CUP required only 20 spaces)
• Adding in 2021	15 spaces
• Adding in 2022	10 spaces
• TOTAL Gravel	111 spaces
• <u>Grass spaces</u>	
• Current	40 spaces
• TOTAL SPACES:	151 spaces

This has been review and approved by Lake Town Township October 23, 2017 and April 27, 2021



PARLEY LAKE WINERY / DEARDORFF ORCHARDS – NUMBER OF TRIPS/CARS

		Winter 6 months (Nov-April)				Summer 6 months (May-Oct)				TOTAL
	Cars	days	Weeks	Total Trips	Cars	days	Weeks	Total Trips	TOTAL	
PARLEY LAKE WINERY										
Weekdays	10	4/wk	26	1,040	20	4/wk	26	2,080		
Weekends	40	3/wk	26	3,120	100	3/wk	26	7,800		
PLW TOTAL								9,880		
Deardorff Orchards										
Weekdays	0		0	0	25	4/wk	20	2,000		
Weekends	0		0	0	125	3/wk	20	7,500		
DOV TOTAL								9,500		
TOTAL ALL								19,380		

PARLEY LAKE WINERY WATER SERVICES, SEWAGE, ETC.

- As part of the 2020-2021 Expansion project Parley Lake Winery has upgraded the Utility Services on the property to include:

- Well

Commercial Certified Well

- Drinking Water

Yearly Sampling and Approval from the Department of Health are conducted

- Food grade Serving areas

Parley Lake Winery is required to have the Minnesota Department of agriculture Food inspectors certify that the Production and Serving area including the food prep kitchen meet all requirements. We have received these approvals and are required and complete a yearly re-inspection

- Septic:

Parley Lake Winery has install and received certification and has contracted for regular monitoring of a Commercial Septic system

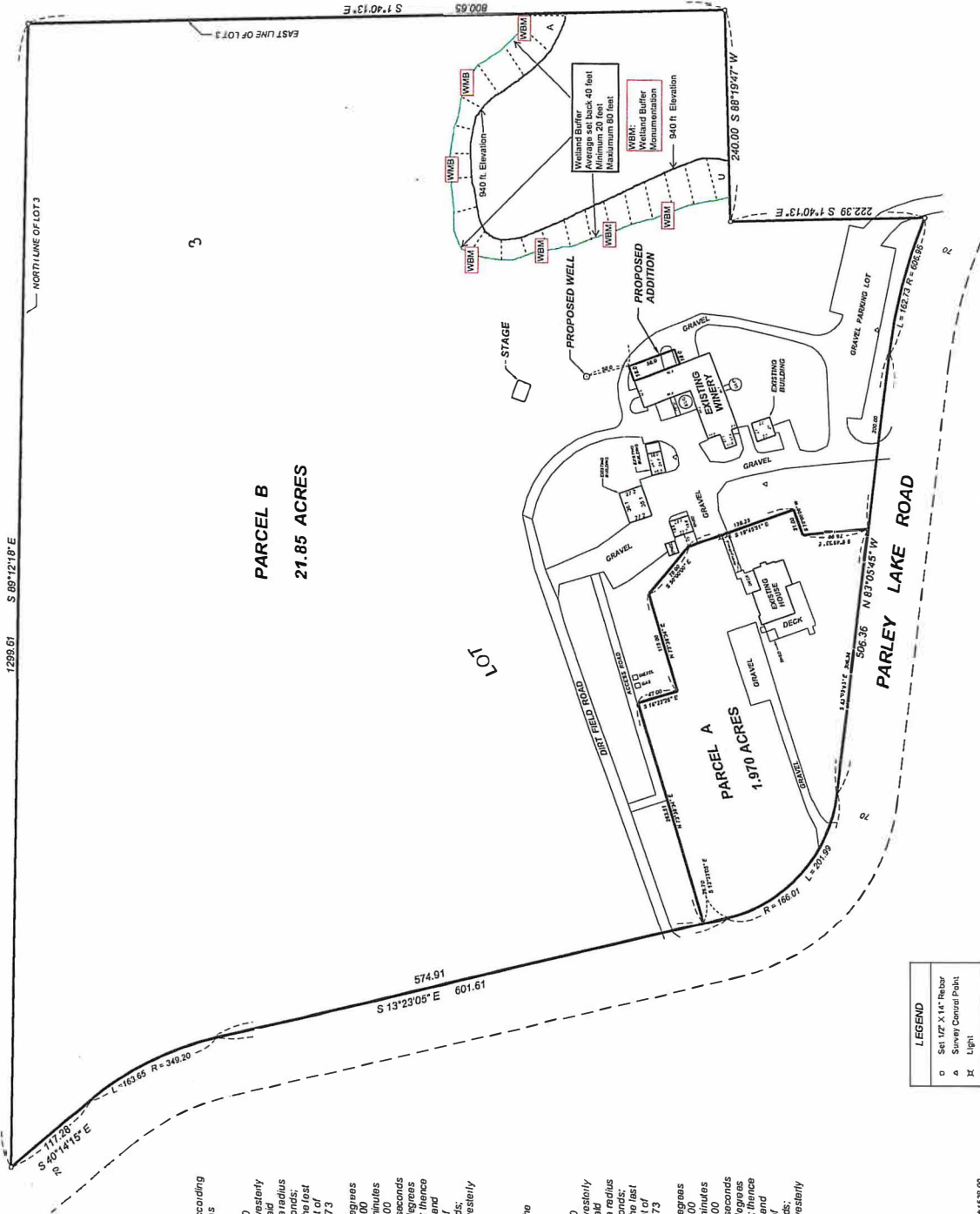
- Pest control:

Parley Lake Winery has contracted with Pest control service



Minor Subdivision & Site Plan

~ for ~ Parley Lake Winery
8350 Parley Lake Road
Waconia, MN 55387



EXISTING LEGAL DESCRIPTION:

Lot 3, Block 2, WISCONSIN PROVINCE ADDITION, according to the recorded plat thereof, Carver County, Minnesota.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL A:

That part of Lot 3, Block 2, WISCONSIN PROVINCE ADDITION, according to the recorded plat thereof, Carver County, Minnesota, described as follows:

Commencing at the Northwest corner of said Lot 3; thence South 40 degrees 14 minutes 15 seconds East, assumed bearing along the westerly line of said Lot 3, 117.28 feet; thence southerly 133.65 feet along said westerly line; thence South 13 degrees 23 minutes 05 seconds East, tangent to the described curve and along said westerly line 574.91 feet to the point of beginning of the property to be hereinafter described; thence North 73 degrees 36 minutes 34 seconds East 263.51 feet; thence South 16 degrees 23 minutes 34 seconds East 47.00 feet; thence North 73 degrees 36 minutes 34 seconds East 115.00 feet; thence South 50 degrees 00 minutes 00 seconds East 70.00 feet; thence South 19 degrees 45 minutes 00 seconds East 128.25 feet; thence South 70 degrees 00 minutes 00 seconds East 31.00 feet; thence South 05 degrees 49 minutes 35 seconds East 75.00 feet to the southerly line of said Lot 3; thence North 83 degrees 05 minutes 45 seconds West, along said southerly line, 306.36 feet; thence along a tangential curve concave to the Northeast having a radius of 166.01 feet and a central angle of 69 degrees 42 minutes 52 seconds; thence North 13 degrees 23 minutes 05 seconds East, along said westerly line, 26.70 feet to the point of beginning.

PARCEL B:

Lot 3, Block 2, WISCONSIN PROVINCE ADDITION, according to the recorded plat thereof, Carver County, Minnesota, except that part described as follows:

Commencing at the Northwest corner of said Lot 3; thence South 40 degrees 14 minutes 15 seconds East, assumed bearing along the westerly line of said Lot 3, 117.28 feet; thence southerly 133.65 feet along said westerly line, along a tangential curve concave to the West having a radius of 349.20 feet and a central angle of 26 degrees 51 minutes 03 seconds; thence South 13 degrees 23 minutes 05 seconds East, tangent to the point of beginning of the property to be hereinafter described; thence North 73 degrees 36 minutes 34 seconds East 263.51 feet; thence South 16 degrees 23 minutes 34 seconds East 47.00 feet; thence North 73 degrees 36 minutes 34 seconds East 115.00 feet; thence South 50 degrees 00 minutes 00 seconds East 70.00 feet; thence South 19 degrees 45 minutes 00 seconds East 128.25 feet; thence South 70 degrees 00 minutes 00 seconds East 31.00 feet; thence South 05 degrees 49 minutes 35 seconds East 75.00 feet to the southerly line of said Lot 3; thence North 83 degrees 05 minutes 45 seconds West, along said southerly line, 306.36 feet; thence along a tangential curve concave to the Northeast having a radius of 166.01 feet and a central angle of 69 degrees 42 minutes 52 seconds; thence North 13 degrees 23 minutes 05 seconds East, along said westerly line, 26.70 feet to the point of beginning.

LEGEND	
○	Set 1/2" X 1/4" Rebar
△	Survey Control Point
✕	Light

REVISED: 12/19/17 - WELL LOCATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota.

Surveyor's Name: Steven V. Ticho License No. 22703 Date: 11/11/17

PROJ. # 1538-00



Township Presentation & Recommendation Form

PARCEL # <u>07-800-0050</u>		Permit # <u>(ORIGINAL # PZ 20080035) PZ20210038</u>	
Owner's Name: <u>LINDLEY C & BONNIE F DEARDORFF</u>		Owner's Mailing Address: <u>7025 PARLEY LAKE LANE</u>	
City: <u>WACONIA</u>	Owner State: <u>MN</u>	Owner Zip: <u>55387</u>	
Applicant (If other than owner): <u>OWNER & STEVEN P. ZELLER</u>		Site Address: <u>8350 PARLEY LAKE ROAD, WACONIA, MN</u>	

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request: <u>UPDATE CUP TO A LARGE SCALE ACTIVITY WITH RURAL LOCATION NEEDS. OWNERSHIP OF PARCEL WILL SPLIT TO 21.85 ACRES SOLD TO STEVE & DEB ZELLER. 1.970 ACRES (FARMHOUSE) TO REMAIN WITH LINDLEY & BONNIE DEARDORFF. UPDATE 2008 CUP SCOPE TO INCLUDE WEDDINGS AND OUTDOOR MUSIC</u>						
Date of County Public Hearing: <u>June 15, 2021</u>		Date of Township Meeting: <u>4/26/2021</u>				

SEE ATTACH

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:	

PARLEY LAKE WINERY: A vote to recommend approval passed 3-0. The vote to recommend is contingent on eliminating guest parking along Parley Lake Road:

- 1) Add 15 additional parking spaces in 2021 (as per 2017 CUP), 2) Add 10 additional parking spaces in 2022, 3) Use the 40 grass parking spaces on a regular basis, prior to parking along Parley Lake Road.

***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.

Signature of Applicant <u>Lindley Deardorff</u>	Date <u>4/27/2021</u>
Signature of Township Official <u>[Signature]</u>	Date <u>4-27-2021</u>



COUNTY OF CARVER
State of Minnesota

Document No.

A 497752

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA

Fee: \$0

Receipt#: 20090001653

Certified Recorded on 3/30/2009 at 08:15 ☒ AM ☐ PM



[Signature]
Carl W. Hanson, Jr.
County Recorder

FILE #: PZ20080035

APPLICANT: Lindley & Bonnie Deardorff

OWNER: Lindley & Bonnie Deardorff

SITE ADDRESS: 8180, 8230 & 8350 Parley Lake Road & 7025 Parley Lake Lane, Waconia

PERMIT TYPE: Farm Related/Large Scale Activity Business

PURSUANT TO: County Code, Section 152.079 C2 & 152.080 C7

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 07-800-0040, 07-800-0050, 07-800-0060 & 07-800-0070

Drafted by: Land Management

Return to: Land Management

CONDITIONAL USE PERMIT #PZ20080035

PLANNING COMMISSION RESOLUTION #: 08-20

ORDER #: PZ20080035

DATE ISSUED: January 6, 2009

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

THE FARM RELATED/LARGE SCALE ACTIVITY BUSINESS IS AUTHORIZED BY COUNTY BOARD ORDER #PZ20080035, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20080035. THIS PERMIT IS ISSUED PURSUANT TO THE CARVER COUNTY CODE, SECTION 152.079 C2 AND SECTION 152.080 C7 FOR A FARM RELATED/LARGE SCALE ACTIVITY BUSINESS ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

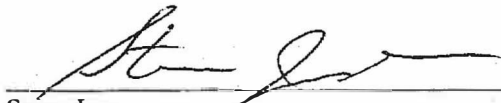
1. The permit is subject to compliance review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Deardorff Orchards and Parley Lake Winery Master Plan, which consists of the site plan dated October 22, 2008 and operational letter dated October 23, 2008, shall be attached to, and become part of, the conditional use permit. The Master Plan shall be used as a guide. The Zoning Administrator shall determine whether an application for an amendment is necessary.

plan + zoning
6-33

3. All new and existing structures shall be constructed and/or maintained in accordance with State Building Code if they are for public use. The applicant shall apply for and obtain all necessary building permits from Carver County prior to the modification of any existing structure or new construction. For continued access by the public in the barn, the permittee shall obtain an appropriate building permit(s) for the change of use of the barn from Agricultural to Merchantile classification and a Certificate of Occupancy must be issued before retail sales commence in 2009. Food production activities may only occur only if appropriate building permits have been obtained and a Certificate of Occupancy has been issued for those business activities.
4. 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.
5. The Permittee shall submit a copy of Worker's Compensation insurance for all employees annually.
6. The Permittee is responsible to the Mn 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 prior to commencing operations.
7. Individual Septic Treatment Systems (ISTS) compliance is required on all existing systems as per Carver County Zoning Code Section 152.122. Any non-compliant system will need to be upgraded immediately. Prior to CUP issuance, escrow money is necessary for system installation in Spring 2009.
8. The Permittee shall install conforming Individual Septic Treatment System (ISTS) to accommodate any wastewater that has contact with humans or chemicals associated with the apple and wine production operation and submit a pumping agreement prior to the issuance of a Certificate of Occupancy for the barn and wine production building.
9. The Permittee will be required to provide restroom satellites/facilities, one of which shall be handicapped accessible, near the retail operation during all times of business operation. It shall be maintained by a licensed company and a copy of the maintenance agreement must be submitted annually. Proposed future structures may require permanent restroom facilities and an Individual Septic Treatment System (ISTS) per review by Environmental Services.
10. Section 154.20 of the Carver County Sign Code allows for a single sign surface area maximum of thirty-two (32) sq. ft. per property. The permittee shall not exceed the allowed square footage of signage per property. The legal non-conforming signage at the intersection of State Hwy 5 and Parley Lake Road can continue to be utilized with routine maintenance according to Section 154.35 Nonconforming signs; Compliance.
11. Outside storage of business equipment and supplies is prohibited unless the storage area is adequately screened from the view of neighboring residences and roads.
12. Pursuant to Section 152.079 of the Carver County Code at all times at least one of the residences shall be occupied as a homestead by a principal of the activity.
13. The Permittee shall obtain and comply with all required permits (Rule N: Stormwater Management) from the Minnehaha Creek Watershed District.
14. An additional access is only allowed if approved by the Road Authority and supported by a traffic study, report or similar documentation as per County Zoning Code Section 152.036.

15. The Laketown Town Board has reviewed and recommended approval of the CUP request during their December 8, 2008 Town Board Meeting. The Laketown Town Board requirements shall be considered conditions of this permit as follows:

- A. The Winery will pay the township for 2,640 feet of chloride or other chemical application applied at 3% at the full price incurred by the township for years 2009, 2010 and 2011; commencing in 2012 and every year thereafter that the winery operates, the winery will pay for 5,280 feet of same.
- B. This coverage may be reduced by 600 feet of chloride or other chemical application during years in which the Bonnie Deardorff purchases 600 feet of chloride or other chemical for application on the same road.
- C. The township will determine where the 2,640 and 5,280 feet of chloride or chemical will be applied along Parley Lake Road.
- D. The Winery will provide off-street parking for 15 vehicles initially, to be expanded to 20 vehicles in the event the Township finds the 15 parking spaces are inadequate.
- E. The condition of the road and the requirements for chloride or chemical applications will be re-evaluated each 5 years beginning in 2014 or upon change in ownership or upon discontinuation of the business operation.
- F. Expanded activities are limited to vineyard activities of wine tasting, music, picnics. Future uses such as wine bar, corporate outings, weddings, kitchen preparation areas, sit down eating facilities (restaurant), overnight accommodations or liquor sales beyond wine related products shall require a review and approval by the township of the impact to the road.
- G. Additions or changes in access shall require approval by the township.



Steve Just
Land Management Department Manager

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT & OWNER. FAILURE OF THE APPLICANT/OWNER 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/Owner 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.

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.

Signature of Applicant Date

Signature of Owner Date

To Whom It May Concern at the Planning and Zoning Department of Carver County.

Attached is my Application for Individual Conditional Use Permits for 8180, 8230 and 8350 Parley Lake Road as well as 7025 Parley Lake Lane.

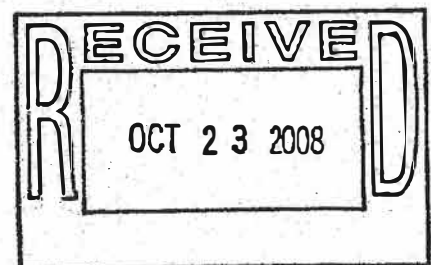
According to your direction, the approach is based on the long view to encompass all possible alternatives to expanding the current Agri-tourism business of the apple operations (production and sales) which was started twenty-five years ago in 1983. The expansion will include grape growing and winery operations (production and sales).

Winery operations are subject to Federal approved and Minnesota Farm Winery Law licensing as well as approval from Laketown Township and Carver County. Construction is according to Carver County and the state of Minnesota regulations.

The initial wine operation will begin selling wine in 2009 from grapes grown and processed in the fall of 2008. The total number of cases will be limited in 2009 to approximately 350 cases. These cases will be sold either out of the wine garage building or other approved existing or new building to the public through on-site sales, restaurants, liquor stores, Internet or other means approved by the Minnesota Farm Winery Law. By 2012, the production is scheduled to be at approximately 2000 to 3000 cases. The processing of local grapes may be supplemented by out-of-state grapes and juice as needed.

The apple operation will continue on 10 to 15 acres as older trees will be replaced with newer Minnesota varieties.

Deardorff Orchards has been in continuous operations since 1983 and looks forward to expanding its business to include wine operations.



A description of the activity of operations.

Deardorff Orchards and Vineyards as well as Parley Lake Winery may be engaged in the following agri-tourism operations over the long term.

Deardorff Orchards (since 1983) has been growing Minnesota hardy apples for sale to the public, either as pre-picked or pick your own. Along with apples the related products are honey, pumpkins, jam and jellies, corn stalks, hay bales, gourds and related products such as baskets and t-shirts. There are tractor-pulled wagon rides to the orchard for pick your own, petting area for farm animals such as rabbits, goats, horses and sheep. Apple cider, donuts, pies are also offered to the public. Apple cider is also fresh squeezed during the season.

In addition to apples sold to the public, apples are sold on a wholesale basis to public schools and to grocery stores when the quantity and quality are sufficient. Gift baskets of premium apples are shipped around the country.

Educational events presently include tours for preschool and high school science classes.

As an expansion of the apple business, a vineyard of five acres of Minnesota Hardy Wine grape varieties was established in 2005 with the intention of producing wine in the fall of 2008 and selling wine, beginning Spring of 2009. Federal Approval and Permit has been obtained as well as a License from the state of Minnesota under the Farm Winery Law. Laketown Township has given their approval conditional upon 20 off-site road parking stalls provided by September 1, 2009, and financial participation in road maintenance. A review of the financial participation will be in five years or at change of ownership, whichever occurs first. The wine business will start small, but will grow as grape production increases and wine related activities expanded. Wine related products will be sold either in conjunction with the apple products or in a separate existing building or new building. Production facilities will be primarily in small existing buildings with several alternatives in the future, i.e.; barn lower level or new building.

With the growth of the apple and wine business eating alternatives will be increased to include kitchen prep areas, wine bar, sit down eating facilities (restaurant) and snack food.

Events will also be expanded to include wine tasting tours, music, picnics, corporate outings and weddings. On-sale selling of liquor and beer will also be available for special events.

Overnight accommodations for customers, clients, visitors and guests may be available in existing building or new buildings.

Education opportunities will be expanded to include art and sculpture affairs, classrooms for expanded learning in pomology, enology and cooking and craft programs.

Parking sites will be increased as business is increased. Please reference plan exhibit and description of parking.

All of the operations will be under the Federal Guidelines, the State Guidelines and Carver County jurisdiction and Laketown Township authority.

Hours of Operation

Apple Operations

Monday through Sunday

9:00 a.m. to 7:00 p.m.

Wine Operations

Monday through Saturday

9:00 a.m. to 1:00 a.m.

Sunday

12:00-noon to 12:00 p.m.

Winter/Summer Hours of Operation

Apple Operations

August through December

Wine Operations

January through December

Storage

See buildings referenced on Use of New and Existing Structures

Materials Stored (not applicable)**Water service, sewage, disposal and waste management**

All parcels are serviced by wells

Sewage disposal is through septic systems

Waste management is through off-site contractors (presently Waste Management)

Area and Capacity of Parking Areas and Access to Site

Area and capacity of parking areas and access to site are according to plan exhibits and number of parking spaces

Screen Proposal (not applicable)**Signage****Highway Signage**

As allowed under MNDOT Regulations for both (separately) Deardorff Orchards and Parley Lake Winery

Parley Lake Road Signage

As allowed under Carver County General Provisions §154.20 for both Deardorff Orchards and Parley Lake Winery

Describe in detail other persons involved (not applicable)

EXISTING DRIVEWAY
AND ENTRANCE

PROPOSED BUILDING
AND DRIVEWAY

EXISTING DRIVEWAY

PROPOSED DRIVEWAY

EXISTING WINERY
PRODUCTION

EXISTING GARAGE/
MACHINE SHED

EXISTING CORNCRIB

EXISTING BARN

EXISTING ORCHARD
OPERATION AND SALE
UPPER LEVEL

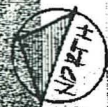
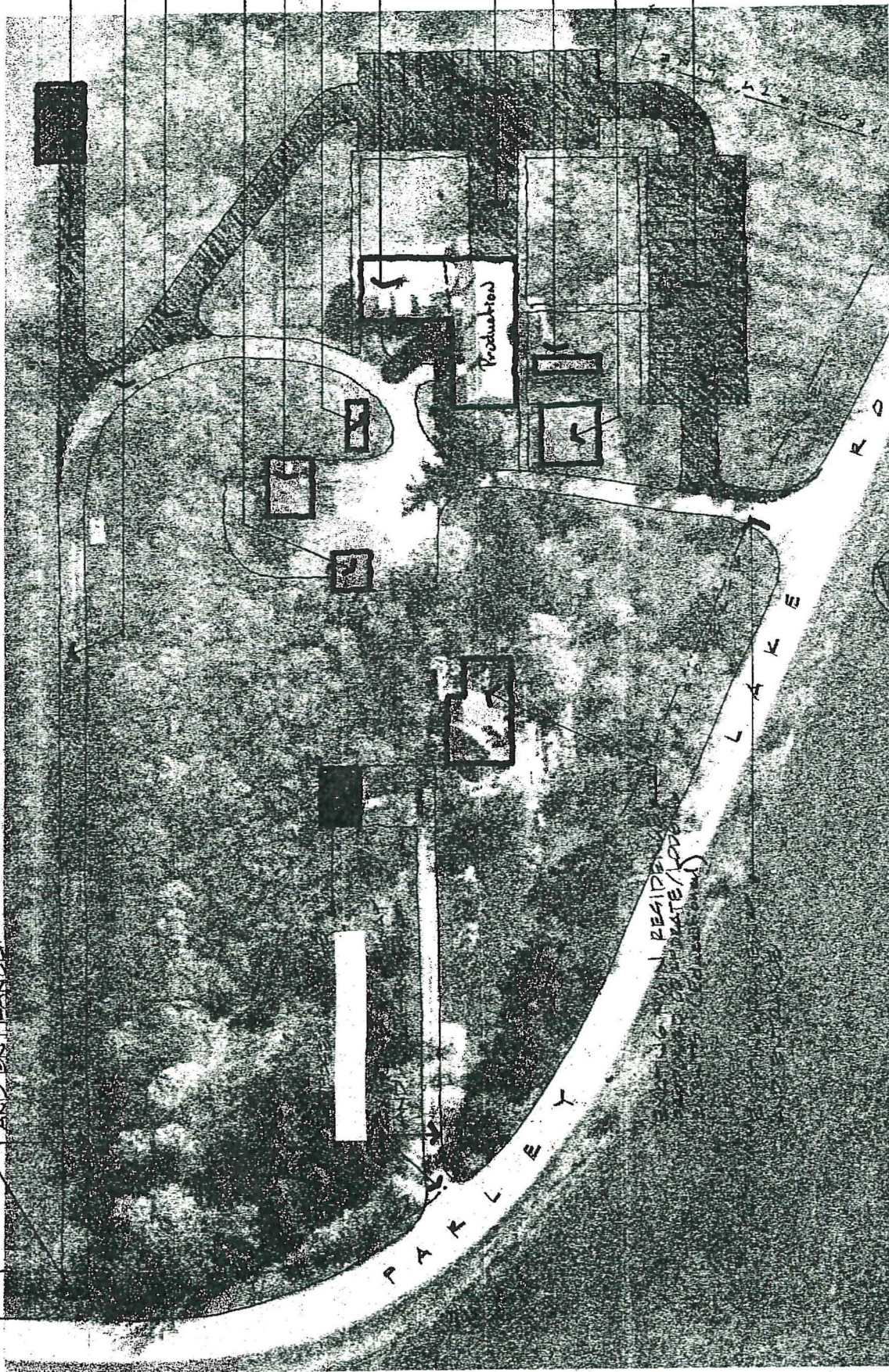
PROPOSED WINERY
OPERATION LOWER L

PROPOSED PARKING
AND LOADING DOCK

EXISTING REFRIGERAT
STORAGE

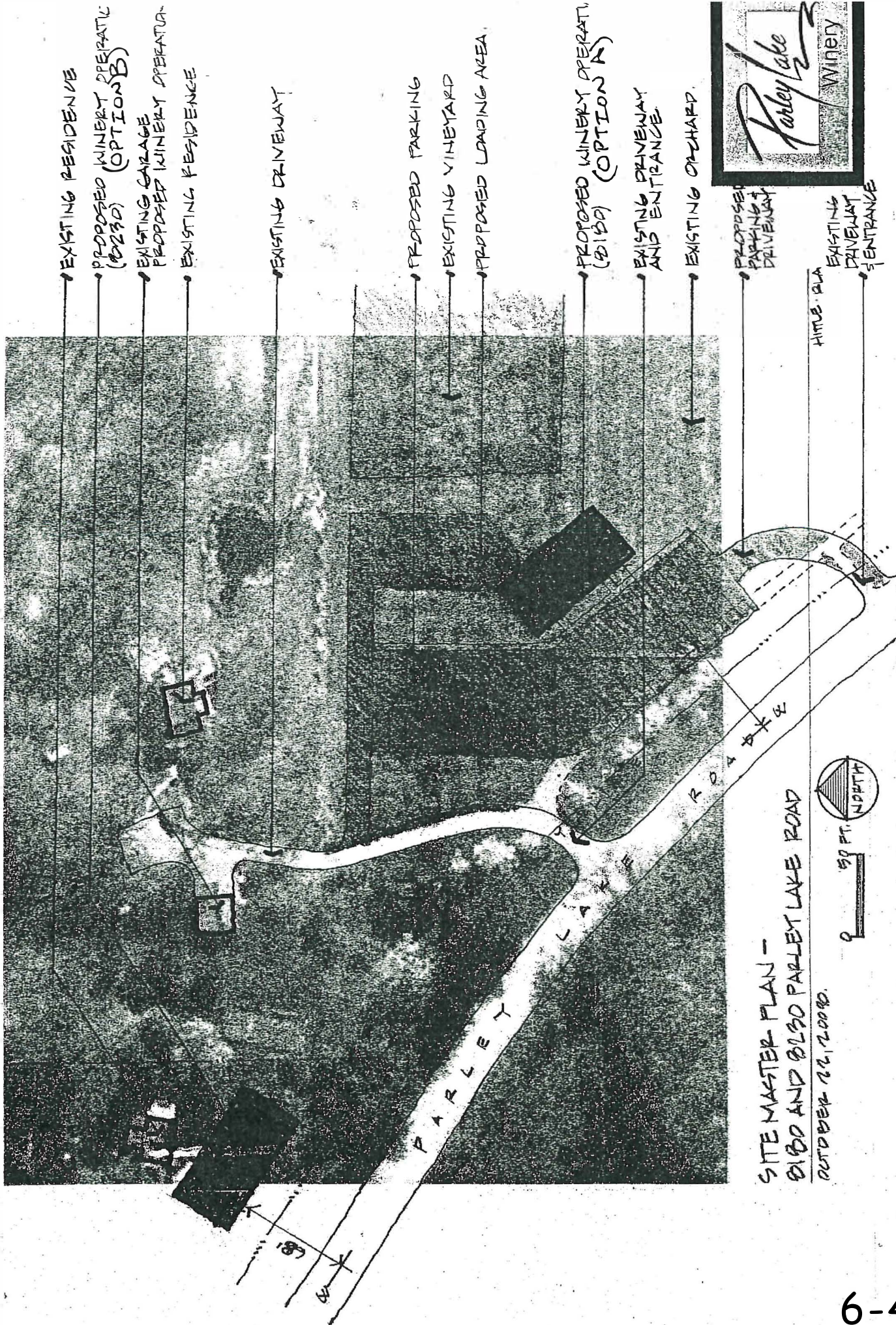
EXISTING MACHINE SH
PROPOSED FOOD SALE

PROPOSED PARKING -
120 SPACES IN 2009



SITE MASTER PLAN -
8950 PARLEY LAKE ROAD
CORNER 22, 11000





PARLEY LAKE LN

Apple Orchard /
Grape Vineyard

07.800.0040
Parcel A

Apple Orchard /
Grape Vineyard

07.800.0050
Parcel B

07.800.0060
Parcel C

07.800.0070
Parcel D

Apple Orchard /
Grape Vineyard

PARLEY LAKE RD
6-43

EXHIBIT "A" – LEGAL DESCRIPTION

**PID NUMBERS: 07-800-0040
07-800-0050
07-800-0060
07-800-0070**

File# PZ20210038

APPLICANTS: Steven Zeller

**OWNER: Lindley Clarence Deardorff & Bonnie Faye Deardorff
Revocable Trust,
Lindley Clarence Deardorff & Bonnie Faye Deardorff,
Trustees**

*** * * * ***

Lots 2, 3, 4, & 5 of Wisconsin Province Addition, located in Section 8, Township 116, Range 24,
in Carver County, Minnesota.