

City of Independence

Request for an Amendment to the Conditional Use Permit to Allow 35 Horses to be Boarded in Association with the Commercial Riding Stable on the Property located at 810 Copeland Road

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 12, 2016
<i>Applicant:</i>	Copeland Farms
<i>Property Owner:</i>	Heidi Kelly
<i>Location:</i>	810 Copeland Road

Request:

Copeland Farms (Applicant) and Heidi Kelly (Owner) request that the City consider the following actions for the property located at 810 Copeland Road, Independence, MN (PID No. 29-118-24-33-0001):

- a. An amendment to the existing Conditional Use Permit to allow an additional 15 horses to be boarded (total of 35 horses) in association with the commercial riding stable on the subject property.

Property/Site Information:

The property is located on the east side of Copeland Road, north of CSAH 6. The property has an existing home, large barn, riding arena, and several smaller barns. There are several large pasture areas, a large wetland and existing tree coverage. The property has the following characteristics:

Property Information: 810 Copeland Road
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: *20.96 acres*



Discussion:

The subject property has historically had a conditional use permit to operate a commercial riding stable. In 2014 the City revoked the conditional use permit as a result of the facility not being used for a commercial riding stable. In May of 2015 the City reviewed and granted a new conditional use permit for a commercial riding stable. The City granted permission to allow 20 horses on the subject property in association with the commercial riding stable.

The applicant is now asking the City to consider amending the conditional use permit to allow an additional 15 horses. The original conditional use permit for this property permitted 39 horses to be boarded. The applicant mentioned during the initial application process that they would like to ultimately have an additional 15 horses on the property.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The original conditional use permit allowed for 39 horses to be located on the subject property. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 21 acres. Of the 21 acres, approximately 12 acres is useable, non-paved or covered open space. In order to achieve the animal density approved in the historically original conditional use permit, the City required the applicant to lease additional acreage.

The applicant is now seeking permission to allow 35 horses on the subject property. Based on the application of the City's zoning ordinance, 20 horses would be the maximum permitted on this property. Historically, the City has considered allowing additional animal units on properties controlled by a

conditional use permit. This particular property was initially granted a conditional use permit for up to 39 horses to be boarded on the property. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. The conditional use permit requires that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit. If the City were to utilize the 1/3 acre of open space per animal unit provision to determine the maximum number of animals on this property, the site could support approximately 35 animal units (~12 acres x 3 animal units per acre = 35 animal units).

The applicant is proposing to comply with all other provisions of the initial conditional use permit. All manure will be hauled off-site. The City is not aware of any complaints or concerns relating to the operation of the commercial riding stable on this property.

The criteria for granting an amendment to the conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property on Copeland Road across from Pioneer Creek Golf Club, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application for an amendment to the conditional use permit meets the minimum requirements for granting a CUP.

The recently approved (May – 2015) conditional use permit had the following conditions:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.

2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. No more than 20 horses shall be boarded on the property.
4. The applicant and facility must operate in compliance with the permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
5. City or County road will not be littered in the hauling of manure.
6. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. The open space may be in pasture, lawn or landscaped grounds. Appropriate screening and landscape to present a pleasing appearance is required.
7. The hours of operation are: summer 7:00 am- 10:00 pm., winter 7:00 am- 9:00 pm. Early arrivals and late departures are to be called into the City Office.
8. Horse shows will require special approval from the City
9. No renting of hack horses.
10. No riding on private land unless authorized by owners.
11. No parking on public roads.
12. Diligent effort must be made to maintain grass in pasture areas.
13. All feed and bedding are to be stores inside a closed building.
14. Utilize appropriate management practices to control flies and odor.
15. Dust control shall be provided from 1060 Copeland Road to just south of Kutz Crossing on Copeland Road by the applicant. Dust control is to be provided for residents on Kutz Crossing if traffic counts (before and after) indicate that Kutz Crossing is being used heavily by clients of the stable.
16. Training clinics offered to non-borders will require special approval from the City.

Planning Commission Discussion:

Planning Commissioners discussed the proposed amendment and asked questions of staff and the applicant. Commissioners discussed the potential impacts from the manure runoff and wanted to better understand the manure management plan. The applicant provided a picture of the manure enclosure and restated that all manure is disposed of off-site. It was recommended by the Planning Commission that the

City should consider amending its ordinance to include additional provisions relating to pastures adjacent to wetlands and other water bodies. Provisions could include a buffer strip or similar best management practice. Commissioners recommended approval of the conditional use permit amendment with a revision to provision #12 which would require the maintenance of the grass in all pastures. The current provision just states they should make an effort to maintain the grass.

Neighbor Comments:

Several residents addressed the Planning Commission at the public hearing. Concerns were raised about establishing a standard for the amount of property required for animal units on properties that are larger than 10 acres.

Recommendation:

The Planning Commission recommended approval of the request for an amendment to the conditional use permit with the following findings and conditions:

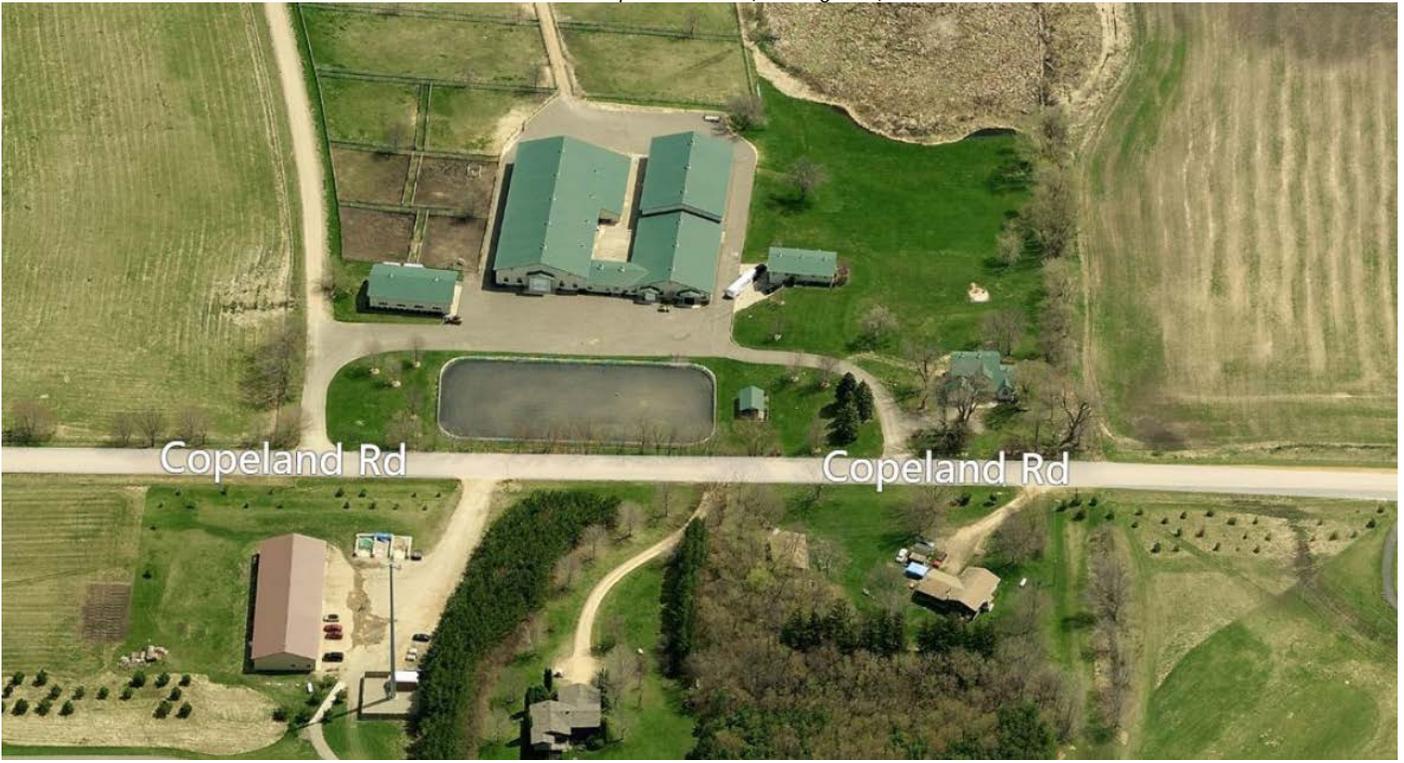
1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be amended to revise the number of horses permitted on the property from 20 to 35 and to further stipulate that the grass shall be maintained. The conditions already established will remain in full effect.
 - a. No more than 35 horses shall be boarded on the property.
 - b. Grass shall be continually maintained during the growing season in all pasture areas.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Property Pictures
2. Site plan

Attachments

810 Copeland Road (Looking east)



810 Copeland Road (Looking west)

