

City of Independence

Request for an Amendment to the Conditional Use Permit to Allow 80 Horses to be Boarded in Association with the Commercial Riding Stable on the Property located at 4505 County Road 92 N.

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 16, 2016
<i>Applicant:</i>	Horseman, Inc.
<i>Property Owner:</i>	Horseman, Inc
<i>Location:</i>	4505 County Road 92 N.

Request:

Horseman, Inc. (Applicant/Owner) request that the City consider the following actions for the property located at 4505 County Road 92, Independence, MN (PID No.s 04-118-24-24-0001 and 04-118-24-21-0003):

- a. An amendment to the existing Conditional Use Permit to allow an increase to the number of horses permitted on the subject property.

Property/Site Information:

The property is located on the west side of County Road 92 N., north of CSAH 11. There are two properties which comprise the overall farm and commercial riding stable. There is a large barn with indoor riding arena along with several additional accessory buildings. The property is made up of primarily open pasture areas and an existing wetland/drainage area. The property has the following characteristics:

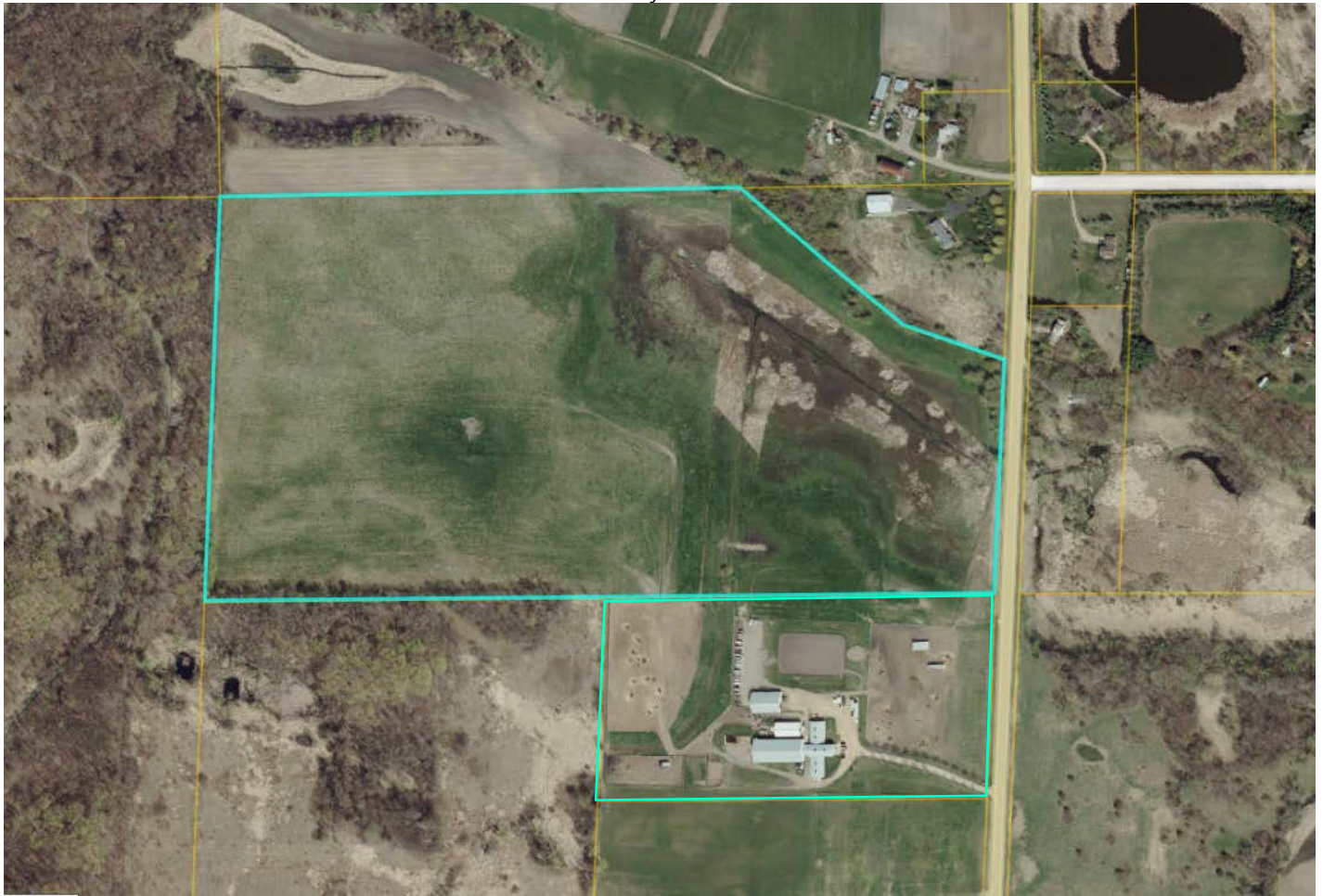
Property Information: 4505 County Road 92 N.

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Property 04-118-24-24-0001 Acreage: *20.96 acres*

Property 04-118-24-21-0003 Acreage: *71.52 acres*



Discussion:

The subject property has historically had a conditional use permit to operate a commercial riding stable which was granted in 1987 (see attached resolution). The conditional use permit was amended in 1994 to allow the applicant to split off an approximately 7 acre parcel on the northeast corner of the property. In 2015 the applicant approached the City about possibly adding a small addition to the front of the existing barn. The proposed addition initially considered included the possibility of adding a third bedroom to the care takers apartment. At that time, the City noted that the expansion may trigger the need to request an amendment to the conditional use permit. During that initial meeting with the applicant, the City discussed that the existing conditional use permit allowed for 40 horses on the property. The applicant stated that they currently have as many as 80 horses on the property and would like to amend the conditional use permit to be consistent with their current use.

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 40 horses to be boarded 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 92 acres. Of the 92 acres, the staff has calculated that approximately 20-25 acres is wetland/drainage way and 6 acres is covered with existing

buildings and or parking areas. The applicant provided a calculation that indicates only 6 acres of land that is encumbered by drainage ways or wetlands. The City has historically calculated animal unit allotment based on gross acreage and not net acreage.

The applicant is now seeking permission to allow up to 80 horses on the subject property or double the number initially permitted. Based on the application of the City's zoning ordinance, approximately 90 horses would be the maximum permitted on this property. There are many recommended acreage standards for the management of horses on a given property. Ultimately the proper pasture and manure management is critical for maintaining and sustaining the land and managing the potential impacts of manure runoff. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. Staff is seeking direction from the City relating to the number of additional animal units that should be permitted by the City.

The applicant has a current feedlot permit that was recently renewed with the Minnesota Pollution Control Agency. The permit approved indicated that there were 70 horses currently being boarded on the property. The applicant also has an active manure management plan for the 70 horses on the property. The City would require the applicant to maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and retain a minimum of 1 acre per animal unit of gross acreage as required by the City's ordinance.

In addition to having a manure management plan, the applicant has made improvements to the storm water runoff from the property based on discussions and recommendations from Three Rivers Park District. Three Rivers Park District has verbally expressed concerns relating to the requested increase in the number of horses permitted on the property. It is anticipated that a formal comment letter will be received by the City prior to the Planning Commission meeting. Based on the concerns expressed, the City may need to further review the potential impacts of the proposed increase.

The applicant is proposing to comply with all other provisions of the initial conditional use permit. The City is not aware of any additional 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 from 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 conditional 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 continued operation of the proposed commercial riding stable with the applicant. Given the location of the property on County Road 92 N. adjacent Three Rivers Park District property, the orientation of the buildings and their relationship to the surrounding properties, it may be possible for the City to find that the amendment to the conditional use permit meets the minimum requirements for granting an amendment to the conditional use permit.

The conditional use permit should include 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. 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.
3. Horse shows will require special approval from the City
4. No renting of hack horses.
5. No riding on private land unless authorized by owners.
6. No parking on public roads.
7. Grass must be maintained in all pasture areas.
8. Utilize appropriate management practices to control flies and odor.

Neighbor Comments:

Three Rivers Park District has provided verbal comments pertaining to the requested amendment. The City has not received any additional written or oral comments regarding the proposed amendment to the conditional use permit.

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the conditional use permit. Based on the concerns of Three Rivers Park District, the City may need to review additional information prior to taking action on the application.

Attachments:

1. Property Pictures
2. Letter from Applicant
3. Acreage Exhibit from Applicant
4. MNPCA Feedlot Registration Approval Letter
5. Site plan

Attachments

4505 County Road 92 N (Looking west)

