

CITY OF GRANT  
MINUTES

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**DATE** : August 6 2019  
**TIME STARTED** : 7:05 p.m.  
**TIME ENDED** : 7:43 p.m.  
**MEMBERS PRESENT** : Councilmember Carr Kaup, Rog, Giefer,  
and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Dave Snyder; City Planner, Jennifer Swanson; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

**CALL TO ORDER**

The meeting was called to order at 7:05 p.m.

**PUBLIC INPUT**

There was no public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

Council Member Kaup moved to approve the agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously.

**CONSENT AGENDA**

July 2019 Bill List, \$55,409.35 Approved

Kline Bros. Excavating, Road Work, \$17,822.50 Approved

Council Member Kaup moved to approve the consent agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously.

**STAFF AGENDA ITEMS**

City Engineer, Brad Reifsteck (no action items)

City Planner, Jennifer Swanson

1 **Consideration of Resolution No. 2019-14, Request for Minor Subdivision at 11033 66<sup>th</sup> Street N**  
 2 **and 6353 Lake Elmo Avenue N** – City Planner Swanson advised the Applicants, Scott and Mary  
 3 Mogren, are requesting approval of a lot line rearrangement of property located at 11033 66<sup>th</sup> Street  
 4 North. The proposed rearrangement will result in the Applicant’s purchase of approximately 2.0  
 5 acres from the adjacent property (6353 Lake Elmo Avenue North) which will be combined with their  
 6 existing lot.

7  
 8 Section 30-11 subsection (b) *Exchange of Lands* permits some of the minor subdivision requirements  
 9 to be waived provided the resulting lots remain in conformance with the standards identified in  
 10 Chapter 32. Additionally, the Applicant’s request must follow the same process, but may proceed  
 11 straight to City Council provided a Certificate of Survey has been prepared. The Applicants  
 12 submitted materials following the standards as outlined in Chapter 30, but there is a minor deviation  
 13 from the dimensional standards as described in subsequent sections of this report, thus necessitating a  
 14 public hearing. A duly noticed public hearing has been scheduled for August 6, 2019 at 7:00 PM at  
 15 the regular City Council meeting.

16  
 17 **Project Summary:**

18

|  |   |
|--|---|
| Applicants & Owners (11033 66 <sup>th</sup> Street N): | Scott and Mary Mogren   |
| Owner (6353 Lake Elmo Avenue N):                       | Cory Mogren   |
| PIDs:  | 3603021230007 and 3603021320002   |
| Address:   | 11033 66 <sup>th</sup> Street N and 6353 Lake Elmo Avenue North   |
| Zoning & Land Use:                                     | A-1   |
| Request:   | Lot Line Rearrangement (Minor Subdivision) to transfer approximately 2.0 acres from 6353 Lake Elmo Avenue to 11033 66 <sup>th</sup> Street N. |

19  
 20 The Applicant and Owners are requesting a lot line rearrangement of two existing lots to transfer  
 21 approximately 2.0 acres from the property located at 6353 Lake Elmo Avenue N., to the subject  
 22 property at 11033 66<sup>th</sup> Avenue North. The proposed lot line arrangement will not result in any new  
 23 lots, and the 2.0 acres will be combined with the subject property. The Applicants have indicated the  
 24 purpose for acquiring an additional 2.0 acres is to allow for the keeping of additional horses. The  
 25 land exchange is a strip of land approximately 99.85 feet in width that extends from the southerly  
 26 property line of 11033 66<sup>th</sup> Street N to the easterly property line of 6353 Lake Elmo Avenue. The  
 27 transfer area does not have any frontage on either 66<sup>th</sup> Street North or Lake Elmo Avenue North.

28  
 29 City Planner Swanson advised the City’s subdivision ordinance allows for minor subdivisions and lot  
 30 line adjustments as defined in Section 30-9, 30-10 and 30-11. The sections of the code that relate to  
 31 dimensional standards and other zoning considerations are provided for your reference:

32 Secs. 12-261

- 1           Secs. 32-184
- 2           Secs. 32-246
- 3           Secs. 32-313

4

5   There are two existing parcels that are the subject of this Application, and the southerly lot line of  
 6   11033 66<sup>th</sup> Street North abuts the north-central lot line of 6353 Lake Elmo Avenue N (the lots form a  
 7   “T”). Both properties are a part of the Baer Farm platted subdivision and are identified as Lot 3 and  
 8   Lot 5 Block 2.

9

10   Lot 3 is oriented north-south and has primary frontage on 66<sup>th</sup> Street North and the existing principal  
 11   structure and accessory buildings are accessed using a single driveway which connects to the public  
 12   roadway. The existing home is setback approximately 165-feet from the road (front), 75-feet from the  
 13   east property line (side), 250-feet from the west property line (side), and 720-feet (rear) from the  
 14   south property line. There are two existing accessory buildings on the site that total approximately  
 15   2,915-square-feet. There is an existing outdoor riding arena, and other fenced in pasture areas based  
 16   on information observed from Washington County GIS information. The site is sparsely vegetated,  
 17   and there do not appear to be any wetlands on site, but there is an existing drainage and utility  
 18   easement along the southerly property line that was likely granted at the time of platting.

19

20   Lot 5 is oriented east-west with primary frontage on Lake Elmo Avenue N. There is an existing  
 21   principal structure on the property and no accessory buildings. The existing home is setback  
 22   approximately 700-feet from Lake Elmo Avenue N., and the home is accessed from an existing single  
 23   driveway. The existing home is setback approximately 18.9-feet from the southerly property line  
 24   (side), 235-feet from the northerly property line (side), and 500-feet from the easterly property line  
 25   (rear). There appears to be a small wetland on the southeastern corner of the property, and the site is  
 26   sparsely vegetated with stands of trees that appear to primarily be planted to provide buffering  
 27   between adjacent properties. There is an existing drainage and utility easement which covers  
 28   approximately the 450-feet of the property, as with Lot 3, it is assumed that this easement area was  
 29   granted at time of platting.

30

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

35

36   The following site and zoning requirements in the A-1 district are defined as the following for lot  
 37   standards and structural setbacks:

38

| <b>Dimension</b>                      | <b>Standard</b> |
|---------------------------------------|-----------------|
| Lot Area                              | 5 acres         |
| Lot Width (public street)             | 300'            |
| Lot Depth                             | 300'            |
| FY Setback – County Road (Centerline) | 150'            |
| Side Yard Setback (Interior)          | 20'             |
| Rear Yard Setback                     | 50'             |

|                |     |
|----------------|-----|
| Maximum Height | 35' |
|----------------|-----|

1  
 2 The proposed subdivision is depicted on Attachment B: Lot Split. As shown the proposed  
 3 subdivision would result in a revised configuration of Lot 3 and revised configuration of Lot 5, Block  
 4 2. A summary of each resulting parcel is identified on the table below:

5  
 6 **Lot Tabulation (As Proposed):**

| Parcel                   | Size        | Frontage | Lot Width                      | Lot Depth |
|--------------------------|-------------|----------|--------------------------------|-----------|
| Lot 3<br>(3603021230007) | 10.51 Acres | 400.00'  | 400.00'                        | 926'      |
| Lot 5<br>(3603021320002) | 10.41 Acres | 425.00'  | 425.00'<br>(325' at structure) | 1,272'    |

7 ***As proposed, both created lots meet the city’s dimensional standards for size, frontage, lot width***  
 8 ***and lot depth.***

9  
 10 The existing principal structure and accessory buildings on Lot 3 meet all setback standards as  
 11 identified in the existing conditions description. The existing principal structure on Lot 5 meets all  
 12 setback standards except it encroaches by approximately 1.1-feet into the southerly side-yard setback.  
 13 While the existing home does not meet the side-yard setback on the south, the proposed subdivision  
 14 will transfer property from the northerly portion of the property where the existing home exceeds the  
 15 side-yard setback requirement. The existing setback from the northerly property line is approximately  
 16 335-feet, and if the proposed transfer is approved, will be setback approximately 235-feet. The intent  
 17 of the ordinance is to prohibit subdivision and lot line rearrangements that further exacerbate non-  
 18 conforming uses, which is not the case in this request. ***Given that the Application does not create any***  
 19 ***new lots, and since the proposed transfer of approximately 2.0 acres will result in essentially the***  
 20 ***existing condition with respect to setbacks, staff is supportive of the proposed request and believes***  
 21 ***it is consistent with the intent of the City’s subdivision standards.***

22  
 23 No new access will be created as a part of this request, and both properties will continue to use their  
 24 existing driveways. The approximately 2.0 acres transferred to Lot 3 will be combined with the  
 25 existing lot and will be accessed from the existing property (the transfer area does not have frontage  
 26 on a roadway but is contiguous to Lot 3).

27  
 28 There are two existing accessory structures on Lot 3, and there are no new proposed structures as part  
 29 of this application. It should be noted that both Lots in the revised configuration will be subject to the  
 30 standards identified in Section 32-313 subsection (2)(e) which permit up to four (4) accessory  
 31 buildings with a total of 3,500-square feet.

32  
 33 The proposed configuration is generally subject to the standards that are contained within Chapter 30  
 34 for minor subdivisions in the City. Some additional considerations regarding this request are as  
 35 follows:

36

- 1       • The configuration results in an irregular shaped lot, which is generally discouraged in the  
2       City’s subdivision standards for design. However, the proposed lot-lines are at right-angles  
3       and are an extension of existing lot lines contained on Lot 3 Additionally, the easterly third of  
4       Lot 5 is within a drainage and utility easement which limits the uses permitted within the area  
5       (i.e. no structures could be built in this area). For these reasons, Staff generally supports the  
6       Applicant’s proposed configuration.
- 7       • The drainage and utility easements on the southerly lot line of Lot 3 will now bisect the 2.0-  
8       acre portion of land that will be transferred and combined. Staff would suggest the easement  
9       be vacated and moved to the proposed southerly lot line which would make more sense given  
10      the purpose of the area transfer and the new lot line. Staff recommends adding this as a  
11      condition of approval.

12

13      There are no other agencies that are required to review the subject application. The proposed  
14      rearrangement does not create any new lots or propose any new structures, driveway accesses,  
15      construction or other site work. As a result, no other agency review is necessary. It should be noted  
16      that the proposed rearrangement of the Lots are part of the Baer Farm subdivision and any uses may  
17      be subject to private covenants or restrictions. The City does not review or become involved in  
18      private agreements, but the Applicants should review and research any available documents to their  
19      satisfaction.

20

21      City Planner Swanson referred to the a draft resolution with conditions for your review and  
22      consideration noting condition #2 should state “subject to review and approval of the City of Grant”.

23

24      **Council Member Rog moved to open the public hearing at 7:18 p.m. Council Member Kaup**  
25      **seconded the motion. Motion carried unanimously.**

26

27      Ms. Sue Lund, 11076 66<sup>th</sup> Street N, came forward and indicated she was the previous owner of the  
28      property and she had to conform to all the rules in Grant. She asked if they are allowed to add more  
29      buildings and horses.

30

31      Ms. Mary Michaels, 11055 66<sup>th</sup> Street N, came forward and this is the property behind her house. She  
32      asked if there will still be a buffer and if they will be installing a fence. She stated she is not happy  
33      about more horses due to the smell and she is very concerned.

34

35      Mr. Brad Nidersson, 11011 66<sup>th</sup> Street N, came forward and inquired about the drainage and drainage  
36      easement relating to setbacks. He also asked about building an accessory building on the two  
37      additional acres. He stated he pulled a CUP on this property and was only allowed three hourse. He  
38      asked about grazable acres and what is excluded from grazable acres. He stated he would like to  
39      know the zoning on the property to the west as he is concerned about more hourse, a riding stable and  
40      events on the property.

41

42      City Planner Swanson reviewed the City ordinance relating to accessory structures and advised they  
43      will be allowed to have up to 3500 square feet. The additional horses would depend upon the

1 grazable acres. The revised drainage easement will not change the setback and a building can be put  
2 on a drainage easement. The subdivision will not result in any zoning change. Other events or  
3 activities on the site may result in additional City permits. The application before the City this  
4 evening is an application for a subdivision.

5  
6 **Council Member Kaup moved to close the public hearing at 7:39 p.m. Council Member Rog**  
7 **seconded the motion. Motion carried unanimously.**

8  
9 **Council Member Giefer moved to adopt Resolution No. 2019-14, as amended. Council Member**  
10 **Kaup seconded the motion. Motion carried unanimously.**

11  
12  
13 **City Attorney, Dave Snyder (no action items)**

14  
15 **NEW BUSINESS**

16  
17 **Consideration of June 27, 2019 City Council Meeting Minutes - Council Member Kaup moved**  
18 **to approve the June 27, 2019 City Council Meeting Minutes, as presented. Council Member**  
19 **Giefer seconded the motion. Motion carried with Council Member Rog abstaining.**

20  
21 **UNFINISHED BUSINESS**

22  
23 There was no unfinished business.

24 **DISCUSSION ITEMS (no action taken)**

25  
26 **Staff Updates (updates from Staff, no action taken)**

27  
28 **City Council Reports/Future Agenda Items**

29  
30 No items were discussed to be placed on a future agenda.

31  
32 **COMMUNITY CALENDAR AUGUST 7 THROUGH AUGUSTS 31, 2019:**

33  
34 **Mahtomedi Public Schools Board Meeting, Thursday, August 8<sup>th</sup> and August 22<sup>nd</sup>, Mahtomedi**  
35 **District Education Center, 7:00 p.m.**

36 **Stillwater Public Schools Board Meeting, Thursday, August 8<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

37 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

38  
39 **ADJOURNMENT**

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41 **Council Member Kaup moved to adjourn the meeting at 7:43 p.m. Council Member Giefer**  
42 **seconded the motion. Motion carried unanimously.**

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These minutes were considered and approved at the regular Council Meeting September 3, 2019.

\_\_\_\_\_  
Kim Points, Administrator/Clerk

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Jeff Huber, Mayor

APPROVED