

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

DATE : February 4, 2020
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:04 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer,
Schafer and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

PUBLIC INPUT

There was no public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

January 7, 2020 City Council Meeting Minutes	Approved
January Bill List, \$69,792.89	Approved
Resolution No. 2020-05, 2020 Election Judges	Approved
Resolution No. 2019-22, Conditional Use Permit, 9104 68 th Street North	Approved

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

CONCEPT PLAN REVIEW, ADAM BETTIN, 11298 60TH STREET, STORAGE

1
2 Mr. Adam Bettin, came forward and stated he would like to develop a storage facility on the vacant
3 property at 11298 60th Street, which is zoned A2 but is across the street from the General Business
4 Zone.

5
6 The City Council provided feedback and advised the process to allow that would require a Map
7 Amendment and Land Use change.

8
9 **STAFF AGENDA ITEMS**

10
11 **City Engineer, Brad Reifsteck**

12
13 **Consideration of 2020 Flood Mitigation**– City Engineer Reifsteck advised The Sunnybrook Lake
14 area is prone to flooding properties and roadways.

15
16 Jocelyn Road is currently closed between 68th Court and Jocelyn Lane North due to flooding.

17
18 If flooding were to occur on Jocelyn Road south of 68th Court, 9 properties would be directly
19 impacted (See figure 1).

20
21 Flood water generally flows easterly towards Indian Hills Golf Course until it reaches an approximate
22 elevation of 980.6 (See attached Figure 2). Once this elevation is reached the water will start to flow
23 south and pour into the low areas surrounding 68th Court and Jocelyn Road.

24
25 The roadway low point elevation on Jocelyn Road, south of 68th Court, is at 979.6 . The roadway low
26 point elevation on 68th Court, just west of Jocelyn Road, is at 980.9. (See attached Figure 2)

27
28 The Valley Branch Watershed District (VBWD) has provided a 1% flood probability (100-year storm
29 event occurring in any given year) for the Sunnybrook Lake watershed at an elevation of 982.8. The
30 emergency overflow elevation is determined to be 985.0 (See figure 1).

31
32 To raise the roadways in the event of severe flooding, City staff has provided the following
33 alternatives for Council's consideration:

- 34
35 1. Temporary Emergency Roadway - Add aggregate base material to build up the existing
36 roadway to elevation 982.5 as needed to accommodate rising water. The roadway width would
37 be approximately 12 feet with only one lane of traffic allowed at a time. Once the water
38 recedes, the additional roadway material would be removed, and the roadway graded back to
39 its current elevation. The estimated project cost for this alternative is \$109,000 as shown in
40 Exhibit A.
- 41 2. Permanent Road – Add aggregate base material to build up new roadway to elevation 981.8.
42 The new roadway would become the permanent roadway and no other work would be needed.
43 This alternative raises the roads sufficiently to force the flood water to be conveyed through
44 the existing culverts at 68th Court and Jocelyn Road and maximizes the available storage

1 volume surrounding the roads. The estimated project cost for this alternative is \$100,300 as
2 shown in Exhibit A

- 3 3. Permanent Road – Add aggregate base material to build-up new roadway to elevation 982.8.
4 The new roadway will encroach on existing wetlands, driveway approaches and culverts. The
5 new roadway would become the permanent roadway and no other work would be needed. The
6 estimated project cost for this alternative is \$193,900 as shown in Exhibit A.
- 7 4. Leave roads at or near the existing elevations and work with other local agencies to implement
8 emergency action plan if flood water exceeds the roadways.

9
10 City Engineer Reifsteck recommended the culverts get replaced as part of the project. He suggested
11 the City get permitted to the worst case scenario but only build to what the City needs as the water
12 rises.

13
14 City Attorney Snyder stated the city does have an obligation to maintain access just as the Watershed
15 District has to manage the water. He stated a proactive approach by the City is advisable.

16
17 Mr. Doug Berglund, Emergency Management Washington County, came forward and stated multiple
18 contingency plans have been discussed relating to emergency vehicles getting in and out of the area.
19 The response time will clearly be delayed but they will do their best to get respond and find a way to
20 get there.

21
22 **Council Member Giefer moved to direct staff to obtain permit for Alternative #3 and obtain**
23 **quotes for Alternative #2, as presented. Council Member Schafer seconded the motion. Motion**
24 **carried with Council Member Carr voting nay.**

25
26 **City Planner, Jennifer Swanson**

27
28 **Consideration of Resolution No. 2020-06, Consideration of Conditional Use Permit for Wildlife**
29 **Rehabilitation and Veterinary Activities, 20629 Jamaca Avenue North–** City Planner Swanson
30 advised the Applicant, The Wildlife Rehabilitation Center of Minnesota (WRC), is applying for a
31 Conditional Use Permit (CUP) to develop and operate a wildlife rehabilitation center from the subject
32 property. In November of 2019, City Staff met with Mr. Phil Jenni the representative from WRC to
33 discuss the proposed project, to determine if the use is permitted, and to discuss the permitting
34 process.

35
36 As described by the Applicant, the WRC is a hospital for “injured, sick and orphaned wild animals”
37 with its current principal hospital location in Roseville, Minnesota. The proposed project is associated
38 and affiliated with the primary hospital but will perform different work. After discussing the
39 proposed project, it was determined that the use has similarities to both a veterinary clinic and a
40 wildlife refuge, and therefore requires a CUP to operate.

41
42 City Planner Swanson stated a duly noticed public hearing was held on January 21, 2020 at the
43 regular meeting of the Planning Commission. Letters were mailed to individual property owners
44 within ¼-mile of the subject project informing them of the application request and public hearing.
45 Several members of the public provided public testimony and a few neighbors provided written

1 testimony. The full record of the public testimony is available on the video and minutes. A summary
2 of the comments and concerns is provided, and staff and/or the Applicant's response are identified in
3 *italics*.

- 4 • Some neighbors expressed concerns regarding how the proposed use will fit into the
5 neighborhood and stated that they believe it is more commercial in nature. Some
6 neighborhoods stated the use is, "not a good fit."
 - 7 ○ *The City has several commercial types of uses that are permitted with a Conditional*
8 *Use Permit in the City's A1 and A2 zoning districts. The proposed use is closest to a*
9 *Wildlife Preserve and a Veterinary Clinic. The Wildlife Preserve is a permitted use,*
10 *and the Veterinary Clinic requires a Conditional Use Permit. Staff processed the*
11 *Application using the more restrictive permitting process for a Veterinary Clinic.*
- 12 • Neighbors expressly stated that they do not want "perimeter fencing" and that they want the
13 views to be protected.
 - 14 ○ *The proposed use does not include perimeter fencing, and only two areas of fenced in*
15 *areas are specifically identified. A condition has been added regarding perimeter*
16 *fencing and maintaining all fencing in good repair.*
- 17 • One neighbor specifically stated their concern regarding the views from their property to the
18 pond/wetland on the south edge and the desire to maintain the openness.
 - 19 ○ *The proposed site plan maintains the neighbor's views, and any significant adjustment*
20 *to the site plan will require an amendment to the Permit.*
- 21 • Questions regarding how the site will be regulated, if the use is permitted, were posed,
22 including if future expansion is contemplated how that is addressed.
 - 23 ○ *Staff noted that the City has a regular CUP review process, and the proposed use (if*
24 *permitted) will be entered into the cycle and reviewed on a regular basis. With respect*
25 *to future expansion, the site plan will be appended to the CUP and any significant*
26 *modifications will require an amendment to the CUP.*
- 27 • Several neighbors expressed concern regarding the potential of the use to adversely impact
28 their property values.
 - 29 ○ *Staff suggested that a general market study be submitted from the Applicant to*
30 *demonstrate that other similar types of uses have not negatively impacted adjacent*
31 *property values. A condition requiring a comparable market study has been added for*
32 *consideration.*
- 33 • A few neighbors stated that they are concerned about noise, smell, lighting, etc., impacting
34 their properties.
 - 35 ○ *The Applicant responded that the Cages/facilities will be cleaned on a daily basis, and*
36 *that the animals that they take care of generally keep to themselves. Therefore noises,*
37 *beyond those experienced today from the wildlife, are not anticipated on the site.*
- 38 • Concerns regarding adjacent hunting, wildlife, predators and potential risk to their own pets
39 and/or animals were expressed.

- 1 ○ *The Applicant stated that all cage and fence areas will be double-fenced and are*
- 2 *nearly impossible for their patients to escape. Staff has added a condition that all*
- 3 *fencing must be kept in good repair.*
- 4 ● The funding, and tax classification of the property were questioned.
- 5 ○ *The Applicant stated that they are entirely funded by donations and are not supported*
- 6 *by any municipal, state or federal taxes. The Applicant further noted they are a non-*
- 7 *profit, and the property is tax-exempt, and they have closed on the property.*

8

9 After the public hearing and staff/Applicant response, the Planning Commissioners discussed the

10 proposed project. Ultimately, the Planning Commission recommended approval of the Subject

11 Application by a vote of 3-2. The Planning Commission’s recommendation included the addition of

12 several conditions which are included in the attached draft Conditional Use Permit.

13

14 The following staff report is generally as presented to the Planning Commission. Additions are noted

15 with an underline, and deletions with a ~~strike through~~.

16

17 **Project Summary**

18

Applicant & Owner: The Wildlife Rehabilitation Center Representative: Mr. Phil Jenni	Site Size: 22.01 Acres
Zoning & Land Use: A-1 Address: 10629 Jamaca Ave N	Request: Conditional Use Permit (CUP) PIDs: 0903021140003, 1003021230004

19 The Property Owner and Applicant (hereafter referred to as “Applicant”) is requesting a CUP to allow

20 for the development and operation of a wildlife rehabilitation center on the subject property. Details

21 regarding the WRC’s organizational history, their Mission, Values and Vision are detailed in the

22 Applicant’s narrative. The following summary of the Site Plan and proposed operations is provided

23 for your review and consideration:

24

25 *Existing Homestead:* There is an existing homestead on the subject property that was constructed in

26 1901. The homestead is proposed to be used to provide housing to interns that will work at the WRC.

27 The narrative proposes up to five (5) interns residing in the home, and their responsibilities would

28 include providing security and animal care at the site.

29 *Existing Accessory Buildings:* There are 12 existing accessory buildings on site, ranging in size from

30 small sheds to more than 2,300 square-foot buildings. The previous owner used the structures for a

31 variety of uses from storage to shelters for horses and other domestic farm animals. Though not

32 clearly denoted on the Site Plan, the narrative suggests that most of the existing accessory buildings

33 will be re-used and, in some cases, repurposed to support the proposed use.

34 *Proposed Main Nursery Facility:* Because there are several existing accessory buildings that can

35 support the anticipated immediate needs of the proposed use, the Main Nursery Facility (noted as

36 “Building” on the Site Plan) is not anticipated to be constructed immediately, and the site plan

37 represents the ultimate build-out of the site. As shown on the Site Plan, and described in the narrative,

1 the Main Nursery Facility is proposed to be a 5,000 – 6,000 square foot climate-controlled building.
2 The facility would include “cleaning facilities, a cage wash area, laundry, break room, bathroom,
3 isolation ward and several other animal care wards for inside care. The additional space would
4 include quarantine quarters, separation of different species and industry leading standards for caging
5 and enclosures...” The narrative further states that there would be “three areas of about 1600 square
6 feet for different animal species one for squirrels, one for rabbits and an area for other
7 mammals...The areas will transition from neo-natal to larger, protected enclosures. Connected to each
8 indoor area will be a final “rehab” outdoor caging and individual cages within a larger fenced
9 enclosure. The outside enclosures will have security fencing varying from 6 – 8 feet tall.”

10 *Outdoor Caging Areas:* The Site Plan identifies five independent caging areas (those areas not
11 identified associated with the Main Nursery Facility) each enclosing an approximately 1,400 square
12 foot area. As described in the narrative, these areas will be secured and monitored by the onsite staff.
13 The areas are intended to primarily serve small mammals.
14

15 *Fenced Areas:* There are two large fence enclosed areas identified on the plan, one approximately
16 6,000 square feet near the proposed Main Nursery Facility, and one area approximately 10,000
17 square-feet connected to an existing 2,200 square-foot accessory building and adjacent to 107th Street
18 N. As described in the narrative, both of these areas will be double fenced, and secured so that no
19 animals could escape, and no animals could enter.
20

21 *Waterfowl, Caging and Ponds:* On the southern 300’ of the property there is an existing pond which
22 the Applicant proposes to use in support of the Waterfowl Facility. This area is identified on the Site
23 Plan and will include a designated facility and supporting caging/ponding area. The timing of
24 construction of this facility and moving the WRC’s current waterfowl nursery operations from Inver
25 Grove Heights to the new site is not definitive but is in the long-range plan for full build-out of the
26 proposed site.
27

28 *Main Access and Parking:* The existing driveway connects the principal structure and all accessory
29 buildings to the west on Jamaca Avenue N. There are no new access driveways proposed as part of
30 this application. Internally there is a proposed parking area that is approximately 4,200 square feet
31 which is connected to existing driveways northeast of the existing home.
32

33 *Cell Tower and Cell Tower Area:* There is an existing Conditional Use Permit on the subject property
34 which permits a Cell Tower and enclosed area provided the conditions of the permit are met. The Cell
35 Tower is located east of the existing home. While not stated in the Application, it is Staff’s
36 understanding that the Applicant intends to keep the cell tower on site and continue its use.
37

38 *Utilities:* The existing homestead is currently served by a private well and individual subsurface
39 septic system, and there are two additional wells noted on the Existing Conditions Survey. The
40 Applicant’s narrative states that the septic system will likely need to be upgraded based on the
41 intended use of the property for the wildlife rehabilitation center. No additional information regarding
42 the septic system, or whether the existing wells are anticipated to be adequate were provided with the
43 application.
44

1 *Operations:* As outlined by the Applicant, the proposed operations will operate year-round but most
2 activity will occur annually between mid-March and mid-October. The Applicant proposes up to five
3 (5) interns living on the property in the existing homestead, and the occupancy is intended to occur
4 year-round. The number of estimated animals on site is detailed in the Applicant's narrative. While no
5 public visitors will come to the site, there will be additional traffic generated to the property from
6 employees of the WRC, and eventually by volunteers coming to the site. During the summer months,
7 the hours of operation are proposed between 7 am and 11 pm, with reduced hours during the winter
8 months when fewer animals are on site. As stated in the narrative, the emergency veterinary hospital
9 will remain in Roseville, and the Grant site is intended to function as transition care before animals
10 are released back into the wild. The Grant site will include very limited traditional veterinary services,
11 and nearly all of the care at this facility will be rehabilitative.

12
13 *Number of Patients:* The Applicant's narrative details the total patient load of the WRC operations
14 today at the Roseville Hospital location. It does not specifically break down the patient load
15 anticipated at the Grant site, which is presumed to be lower than the overall numbers. Staff has
16 requested an additional breakdown from the Applicant, and will provide the information to the City
17 Council as soon as it is received.

18
19 *Phasing:* The Applicant is proposing to phase improvements over time to ultimate buildout. The
20 intent is to operate using the current facilities until funding and fundraising results in the ability to
21 construct the improvements. As stated in the Applicant's narrative, the Site Plan represents a 5-10
22 year buildout depending on funding.

23
24 According to the City Code, Conditional Use Permits are subject to the process and review criteria
25 stated in City Code Section 32-152. The City Code further states the following for consideration when
26 reviewing a Conditional Use Permit (32-141):

27 "(d) In determining whether or not a conditional use may be allowed, the City will consider the
28 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on
29 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of
30 consideration in determining the effect of the use on the general welfare, public health and safety."

31 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use
32 permit, and a periodic review of said permit may be required."

33 Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a
34 conditional use permit.

35
36 City Planner Swanson stated the subject property includes two PIDs, 0903021140003 is
37 approximately 15.33 acres and includes the existing homestead, and 1003021230004 is approximately
38 6.68 acres and is vacant. For purposes of this application both parcels are included, and the
39 Conditional Use Permit, if granted, would be recorded against both properties. There is in an existing
40 principal structure (homestead) on the property, four larger accessory buildings ranging in size
41 between approximately 720 and 2,400 square feet, and several small sheds and horse shelters spread
42 throughout the property. The site is heavily vegetated across the northern half of the property with a
43 clearing on the southern half of the property where the existing structures are located. On the southern
44 320-foot the site slopes from north to south, which includes a wetland/pond area on the property's
45 southern edge. While a wetland delineation was not completed as part of this application, there is a

1 drainage and utility easement that was recorded across the southern pond area (wetland) when the
 2 property was platted as part of the Kendrick Estates subdivision.

3
 4 The site is guided A-1 Large Scale Agricultural which promotes rural residential and agricultural
 5 uses. The proposed wildlife rehabilitation center is consistent with maintaining large tracts of land
 6 and is generally consistent with maintaining the rural landscape.

7
 8 The City of Grant zoning ordinance permits wildlife reserves (private and public) in the A1 zoning
 9 district and permits veterinary clinics in the A1 zoning district with a Conditional Use Permit. The
 10 proposed use was determined to be a hybrid of both uses, and therefore the more restrictive permitting
 11 process was applied. The following zoning and dimensional analysis regarding the Wildlife
 12 Rehabilitation Center use is provided:

13
 14 The following site and zoning requirements in the A-1 district regulate the site and proposed project:
 15

Dimension	Standard
Lot Size	5 acres
Frontage – public road	300’
Front Yard Setback	65’
Front Yard Setback (County Road)	150’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’
Fence	May be on property line, but not within any ROW Maximum 8’ height
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	50’ (10’ no-grad)

Lot Size/Area: There are two separate parcels associated with the subject application, an approximately 15.33 acre parcel and a 6.68 parcel, that when combined contain approximately 22.01 acres. Both parcels are included as part of this application, and the operations proposed would occur on both parcels. Both parcels individually meet the City’s minimum lot size requirements, and therefore there is no requirement that the lots be combined. *As proposed, the existing lots sizes meet the City’s minimum lot size requirements.*

Setbacks & Frontage: The subject property is oriented east-west with Jamaca providing primary frontage along the westerly property line, and secondary access on the northerly property line to 107th Street North. The existing principal building, accessory building, and cell tower meet the City’s setback requirements provided both parcels are considered collectively. The proposed Main Nursery Facility is located southeast of the principal structure and is setback approximately 120-feet from the rear property

line, and 480-feet from the westerly property line, and 520-feet from the easterly property line, and 400-feet from the northerly property line. While the structure will not house “domestic farm animals” by the definition of the City’s ordinances, it will house animals/wildlife and therefore it is reasonable to apply the more restrictive setback from all property lines of 100-feet that is applied to structures housing domestic farm animals. Staff would also suggest that the “cages” may be considered structures, and therefore should also respect the same 100-foot setback. If the planning commission agrees with staff, and determines that cages are structures, then the southern caging area of the Main Nursery Facility should be relocated as it is approximately 80-feet from the rear property line. *As shown on the Site Plan, the existing buildings are setback over 100-feet from all nearby residential structures, and all proposed buildings are setback 100-feet from all property lines. Staff would recommend that all “caging” areas be setback a minimum of 100-feet, and that the caging areas associated with the Main Nursery Facility be reconfigured to meet the setback. Staff would recommend that this requirement be included within the Permit so that any future additions to the property be required to be setback a minimum of 100-feet from all property lines. If the location of the Main Nursery facility or Waterfowl Facility changes significantly from the proposed locations identified on the site plan, then an amendment to this permit may be required.*

Wetland Setbacks &
Steep Slopes

The details regarding the proposed Waterfowl Facility are unknown, and it was communicated from the Applicant during the pre-application meet that the location near the existing pond/wetland is desirable. However, Section 12-260 and 12-261 regulate structural setback from wetlands. Since a wetland delineation was not completed the edge of the wetland is unknown. Based on the submitted plans, the Waterfowl Facility appears to be approximately 60 to 70-feet from the edge of the open water and may be within the wetland setback. The Caging and Ponds to support the Waterfowl Facility are also approximately 60-feet from the edge of the wetland. *Staff would recommend including a condition that the wetland edge in this location must be delineated to ensure that the facilities meet all applicable setbacks. The edge determination must be submitted prior to issuing any building permit for the Waterfowl or Caging and Ponds in this location.*

After the meeting, staff touched based with the BCWD for further comments regarding this area. In addition to the wetland edge, the BCWD noted that the area adjacent to the wetlands also includes potentially steep slopes and the BCWD may not permit construction in this area. Staff has included a copy of the BCWD’s email correspondence. Since a delineation and full grading/construction plan are not available, Staff would suggest including a condition

which notifies the Applicant that the Waterfowl Facility and the associated caging and ponds may not be permitted in the proposed location and alternate area may need to be identified.

Accessory Buildings

Section 32-313 identifies the permitted number and total size of allowable accessory buildings on lot which is correlated to lot size. For parcels 20-acres or greater, there is no limit on the number or maximum accessory building square footage. However, given the extensive number of accessory buildings proposed to support the operation, the following table is provided to summarize the number and square footage of buildings/structures proposed.

Facility Type	Size	Number	Total SF
Existing Accessory Buildings	Various	12	~9,845
Proposed Main Nursery Facility	~60' x 100'	1	~6,000
Waterfowl Facility	~60 x 100'	1	~6,000
Cage Areas	20' x 70'	3	4,200
Cage Areas	20' x 60'	1	1,200
Cage Areas	40' x 70'	3	8,400
Cage & Pond Areas	20' x 100'	1	2,000
Subtotal			37,645 SF

As proposed, provided both lots are considered collectively, the proposed operations and site plan meet the City’s requirements for accessory buildings. ***However, staff would recommend that a condition be included that the two properties must be considered collectively, and that no alteration to the lots may occur without amending this permit. Additionally, given the proposed use of the property, staff would recommend including a condition that any additional structures greater than 120-square feet (shed) beyond those identified on the Site Plan may require an amendment to this Permit if it is determined that such buildings represent intensification of the use.***

Parking Area
(Location & Spaces):

The Applicant has identified the need to construct a new parking area to support the employees and volunteers that will eventually visit the site. The proposed parking area is approximately 120’ x 35’ which is 4,200 square-feet of parking area. Per Section 32-373 each space is calculated at a ratio of 300 SF per space, and therefore based on the dimensions the parking area proposed there are approximately 14 parking spaces proposed. Based on the proposed initial operations the number of available spaces seems adequate; however, staff has some concerns regarding adequate parking when the site includes volunteers visiting the

site once full operations are present. The narrative states, “ At peak season...there will be 20-25 cars arriving and leaving from the site each day with a total of about 50 people at the site at any given time..” Given that at maximum capacity there may be 20-25 cars for volunteers, plus 3 to 5 additional cars for interns, not to mention occasional doctors’ visits, the number of parking stalls does not seem adequate. Based on these numbers, there would need to be a minimum of 30-35 parking spaces available. It is also unclear as to whether ADA accessible stalls would be required at the time of construction of the Main Nursery Facility. This should be reviewed and considered with the City’s Building Official for compliance with the building code. One Planning Commission member questioned whether 35-parking stalls would adequately support the operations. Based on staff’s interpretation of the narrative, staff believes 35-stalls is adequate. However, additional discussion with the Applicant at the City Council meeting is reasonable. Staff would recommend that a condition be included that a larger parking lot to accommodate 30-35 cars be designed and shown on the Site Plan. Staff further recommends including a condition that the Applicant must discuss the plans for the Main Nursery Facility with the City’s Building Official to determine if ADA accessible stalls are required, and to determine the number of stalls needed.

In addition to the number of stalls, the proposed plan does not indicate what material the parking lot will be surfaced with. Section 32-373 states that, “Off-street parking areas shall be improved with a durable and dustless surface.” *Staff recommends that additional information be provided by the Applicant to describe the type of surface proposed, and how such surface shall be maintained as “dustless” if a bituminous product is not proposed.*

Driveway/Circulation: There is an existing access driveway Jamaca Avenue N, and the driveway was improved to support the cell tower located on the site and therefore is 20-feet wide (meets fire lane standards). No new access is proposed to the site, and no improvements to the driveway are proposed as part of this application. Because the use of the site is proposed to change and the primary access is from a County Road, staff has sent a copy of the request to Washington County for their review and consideration. At the time of this staff report a formal response has not been received. If available, a verbal update of the County’s response will be provided at the Planning Commission meeting. *Since there will be additional traffic generated to the site beyond normal residential use, Staff would recommend adding a condition that all parking must be handled within designated parking areas and that parking on the driveways is not permitted to ensure safe ingress/egress to the site.*

Architecture, Building Height, Accessory As stated in the Applicant’s narrative, there are no immediate plans to construct the Main Nursery Facility or the Waterfowl Facility. However,

Structure Floor Plans: the Applicant has provided some sample imagery of the types of buildings and architecture contemplated for the facilities. Generally, the architecture identified in the application materials is consistent with the types of accessory building architecture seen throughout the City. Since the parcel size is greater than 20-acres, the number and square footage of new facilities estimated would be permitted. Since the timing of constructing the facilities is unknown, it is reasonable that full floor plans and architectural design are outstanding. However, though the timing and specifics are unknown, staff would recommend including the following conditions in the permit and therefore if any changes beyond those contemplated in this application are proposed in the future an amendment to this permit would be required.

All structures constructed in the future shall be required to follow the City's ordinances, rules and regulations in place at the time of construction.

Approval of a Main Nurse Facility, with the conceptual architecture, not to exceed 6,000 square feet in the proposed location is permitted provided all necessary permits are obtained. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.

Approval of the Waterfowl Facility not to exceed 6,000 square feet is permitted, provided the facility is consistent with the architecture shown in the conceptual plans. The Applicant shall work with the Building Official regarding applicable commercial building codes when more details regarding the facility are provided.

All structures shall be sited outside of all required setbacks, and all structures shall be setback a minimum of 100-feet from any property line.

No accessory buildings may be use as additional living quarters.

All structures shall not exceed 35-feet in height.

Utilities (well and septic):

The existing homestead is served by existing septic system and well, and there are two other wells on the site as identified on the Site Plan. The Applicant's narrative states that there are improvements to the septic system that will likely be needed to support the proposed activities onsite. No additional information was provided. Washington County Environmental Services reviews and issues septic permits in the City, and it is the Applicant's responsibility to obtain proper permits to upgrade the septic system. ***Staff would recommend including a condition that no building permits will be issued for any new facility on the site until a septic permit/septic review has been completed by Washington County.***

It is unclear if the Applicant intends to use all three of the existing wells on the property; however, it is presumed that the three wells are adequate to serve the proposed operations. ***Staff would recommend including a condition that any new well shall be required to obtain proper permits and that such location must be carefully identified and considered given the intended use of the property for wildlife rehabilitation.***

Operations, Waste
Management &
MPCA Standards

The Planning Commission discussed the proposed operations as detailed in the Applicant's narrative. The discussion was generally focused on cleaning of the site's facilities, removal of carcasses, animal release and the total number of patients on the site at a time and the origin of the animals (i.e. native to north America, or as offered by the Applicant animals with an established breeding season in Minnesota). As a result of this discussion the Planning Commission offered several conditions to include in the Permit. ***Staff has drafted and incorporated four additional conditions regarding this discussion in the draft Permit which is attached for your review and consideration.***

The Applicant's narrative describes the number of patients (animals) anticipated to reside on the property and the quantity of waste estimated to be generated onsite. The Applicant also details the regular cleaning of the caged areas to ensure safe and clean environment (See Attachment B: Applicant's narrative for additional details). The City's ordinances do not address wildlife, and instead regulates based on the MPCA's manure management policies for feedlots. However, there may be requirements of the MPCA regarding waste generation at facilities of this type, and Staff recommends that a condition be added that the Applicant inquire and receive correspondence regarding this issue from the MPCA to determine whether additional permitting is required. This issue was discussed at a preapplication meeting between the Applicant, the Watershed District and the City and it was unclear whether there are any MPCA requirements regulating waste disposal onsite for facilities of this type. ***As a result, staff recommends including a condition that the MPCA be contacted, and that any required permits be obtained prior to operations commencing on site.***

Surface Water
Management/Grading

A grading plan, and/or stormwater management plan was not submitted for review. Staff believes that the combination of the required parking area, Main Nursery Facility, Waterfowl Facility and caged areas may cause more than 1-acre of disturbance. If that occurs a grading and erosion control plan and NPDES permit may be required, and the City Engineer must review plans for compliance with the City's ordinances. In addition, given the size of the structures, the site grading work will exceed 50-Cubic Yards and a grading permit will be required. ***Given the proposed phasing of the improvement on site, Staff would recommend***

Landscape Plan and
Fencing

including a condition that the Applicant be required to work with the City's Engineer on an acceptable grading and stormwater management plan that meets the City's ordinances.

As shown on the Site Plan there are two large fenced areas proposed in addition to the cages identified. (See previous discussion regarding the caged areas as structures). There is an approximately 10,000 SF fenced area setback approximately 40-feet from the 107th Street N right-of-way, which is presumed to be connected in some way to an existing approximately 2,200 SF accessory building. A scalable fence detail was not submitted, and the images provided do not identifies the proposed height of the specific areas. A sample fence graphic was submitted and identified by installer Century Fence. The Applicant has indicated that fenced areas will be fully secured and that the animals will not get out, and surrounding wildlife will not be able to get in. ***While the fence detail shown appears to indicate a fence height of a minimum of 8-feet, staff would recommend that a condition be included to require the full fence specification and detail to be submitted so that it can be reviewed for compliance with the City's ordinances. Section 32-315 regulates fences in the City's ordinance and limits the maximum height to 8-feet provided the fence is located outside of all applicable setbacks. The location of the proposed fence areas is outside of all setbacks, and therefore only verification of the height is required. If the proposed fencing exceeds this height, a variance from the City's fence height standards would be required.***

1 The City Engineer is in process of reviewing the proposed application. An engineering staff memo
2 and/or update will be provided at the City Council meeting.

3
4 City Planner Swanson advised the property is located within the Browns Creek Watershed District
5 (BCWD), and a wetland delineation for the property has not been completed. The Applicant has been
6 communicating with BCWD, but given the unknown timing of some of the improvements and
7 activities the watershed's requirements/permitting may or may not be triggered initially. ***As a result,***
8 ***staff recommends including a condition that it is the Applicant's responsibility to continue***
9 ***communication with the BCWD and to obtain all necessary permits when improvements are***
10 ***proposed.*** Any permits obtained shall be forwarded to the City of Grant for record keeping in the
11 property file. Also noted in previous sections, the change of use on the property also necessitates the
12 review of Washington County regarding the access. ~~Staff will provide a verbal update to the Planning~~
13 ~~Commission regarding their response, if possible.~~ Staff had a brief conversation with Washington
14 County and their initial determination is that an Access Permit from the site will be required since the
15 proposed project is a change in use on the site. Preliminary discussions suggest that this is the only
16 additional requirement beyond permitting of any future septic systems on the site. Staff would
17 ***recommend including a condition that all permits from other agencies having regulatory authority***
18 ***over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

19

1 The Planning Commission recommended approval of the proposed project, 3-2, with the conditions
 2 as amended and presented in the attached Conditional Use Permit.

3
 4 Mr. Phil Jennings, Executive Director, came forward and provided the background of the facility
 5 noting they6 are highly regulated by the DNR. The current plan is schematic because he firmly
 6 believes the plan will be completed in phases and six of the current accessory buildings will be torbn
 7 down. No animals will be publically admitted to the site. He provided the standards that are required
 8 for specific animals noting the waterfowl building can be moved back to meet all setback
 9 requirements. The hours of operation refer to the feeding time of the patients. Animals only come to
 10 the facility once a day and there are 4-5 volunteers on site per shift. It is anticipated 20-25 cars a day
 11 by year three. No adult animals will be on the site for several years and the facility has no problem
 12 with any of the draft conditions of approval.

13
 14 **Council Member Rog moved to table Resolution No. 2020-06, as presented. Council Member**
 15 **Schafer seconded the motion. Motion carried unanimously.**

16
 17 Mayor Huber called for a short recess at 9:37 p.m.

18
 19 Mayor Huber reconvened the meeting at 9:41 p.m.

20
 21 **Consideration of Resolution No. 2020-07, Minor Subdivision, at Corner of 110th Street and**
 22 **Kelvin Avenue** – City Planner Swanson the Applicant, Joseph Ingebrand Real Estate, LLC., are
 23 requesting approval of a minor subdivision of the property generally located northwest of the 110th
 24 Street North and Kelvin Avenue North intersection. The proposed request will result in two newly
 25 created lots Parcel A and Parcel B. The proposed parcels are vacant and two potential building sites
 26 are included in this application.

27
 28 A duly noticed public hearing was held on January 21, 2020 at 6:30 PM, and letters were sent to
 29 individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

30
 31 No members of the public were present to comment on the proposed subdivision, and no written
 32 testimony was provided. After the public hearing was closed, the Planning Commission briefly
 33 discussed the application and unanimously recommended approval of the subject subdivision.

34
 35 The following staff report is generally as presented to the Planning Commission and at the public
 36 hearing. Revisions/additions are noted with an underline.

37
 38 **Project Summary**

39

Owner	Reichow Investments, LLC.
Applicant	Joseph Ingebrand Real Estate, LLC.
PIDs:	0203021330004
Total Acres:	20.24
Address:	XXX 110 th Street N
Zoning & Land	A1

Use:	
Request:	Minor Subdivision to create Parcel A (10.23 Acres) and Parcel B (10.01 Acres)

1
 2 The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and
 3 Parcel B. The existing property is vacant, and the two proposed lots identify a potential building site
 4 on each lot.

5
 6 The City’s subdivision ordinance allows for minor subdivisions as defined in Section 30-9 and 30-10.
 7 The sections of the code that relate to dimensional standards and other zoning considerations are
 8 provided for your reference:

- 9 Secs. 32-246
- 10 Secs. 12-261

11
 12 There is one existing parcel associated with this application that is approximately 20-acres, which is
 13 shown on the attached survey (Attachment 2). The subject parcel is bordered by 110th Street North on
 14 the southerly property line. Based on the submitted survey the parcel is currently vacant. The
 15 applicant submitted a wetland delineation, dated December 7th, 2019. However, because of the date of
 16 the delineation, the delineation has not been formally approved by the watershed district and will need
 17 to be finished and if needed, revised, when the growing season begins in the spring. Per the
 18 submitted wetland delineation and survey, there are 10 wetlands on the existing parcel which are
 19 generally clustered near the center of the site. The site has rolling topography and is heavily vegetated
 20 except for a small clearing on the northwestern corner of the property

21
 22 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A1 land use
 23 designation. The proposed minor subdivision/lot line rearrangement of the total 20.24-acres results in
 24 one additional lot. The resulting subdivision will create two lots (Parcel A and Parcel B). The minor
 25 subdivision as proposed meets the density requirements as established in the comprehensive plan.
 26 Further, the intent of the A1 land use designation is to promote rural lot density housing, and the
 27 proposed subdivision is consistent with that objective.

28
 29 *Dimensional Standards*

30
 31 The following site and zoning requirements in the A1 district are defined as the following for lot
 32 standards and structural setbacks:

Dimension	Standard
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 *Lot Area and Lot Width*

3
4 The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed
5 subdivision would result in newly created Parcel A and Parcel B. The following summary of each
6 created parcel is identified on the table below:

7 **Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.23 Acres	510.03'	1,322.19'
Parcel B	10.01 Acres	330.02'	1,322.19'

8
9 *As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width*
10 *and lot depth.*

11
12 *Setbacks*

13
14 As shown on the attached survey, Proposed Parcel A is vacant and includes a potential building site.
15 The potential building site is subject to the city's setback requirements. The proposed building pad is
16 setback approximately 102.5' from the west property line (side), 180' from the north property line
17 (rear), 327' from the east property line (side), and 236.3' from the south property line (front). The
18 building pad is setback 50' from a wetland to the north and is setback 50' from the septic area. As
19 denoted in the attached survey, ***the proposed building site meets the City's setback requirements, but***
20 ***the building edge must be setback an additional 10-feet per the City Ordinances. Additionally,***
21 ***since the wetland delineation has not been formally approved if the edge shifts south, then the***
22 ***building pad must be moved to ensure compliance with the City's setback requirements. Staff***
23 ***recommends including a condition that the building footprint must be site to comply with all***
24 ***setbacks, and that a 10-foot no grade buffer shall be required.***

25
26 As shown on the attached survey, Proposed Parcel B is vacant and includes a potential building site.
27 The potential building site is subject to the city's setback requirements. The proposed building pad is
28 93' from the west (side), 720' from the north (rear), 176' from the east (side), and 514.2' from the
29 southerly border of the parcel (front). As denoted in the attached survey, ***the proposed building site***
30 ***meets the City's setback requirements. Similar to Parcel A, since the wetland delineation has not***
31 ***been formally adopted if the edge shifts south then the building pad must be moved to ensure***
32 ***compliance with the City's setback requirements. Staff recommends including a condition that the***
33 ***building footprint must be site to comply with all setbacks, and that a 10-foot no grade buffer shall***
34 ***be required.***

35
36 *Wetland - Dimensional Standards*

37
38 The following buffer widths shall be maintained:

	Minimum Buffer Width (feet)	Parcel A Building Pad Setback	Parcel B Building Pad Setback
Type 3,4,5 wetland	50'	50'	51'
Building setback from outer edge of buffer	10'	0'	0'
Unclassified Water Bodies (Septic System)	75'	50'	70'

1
 2 On Parcel A, as shown in the submitted survey, there are 6 wetlands located on the parcel. Four are
 3 located on the west border of the parcel. Two are located on the central portion of the parcel on the
 4 east border.

5 **Staff recommends adding a condition that the building pads may need to be moved to be compliant**
 6 **with the City’s setback requirements, which shall be determined after the wetland delineation is**
 7 **complete. Staff recommends adding additional language to the condition, that no building permits**
 8 **may be obtained until the wetland delineation has been completed.**

9
 10 There is a proposed driveway on Parcel A and Parcel B. Parcel A and Parcel B are bordered by 110th
 11 Street N on the southern property line. As proposed, a portion of the driveway on Parcel A is
 12 approximately 20 feet away from a wetland. The proposed driveway on Parcel B is approximately 50
 13 feet away from a wetland at its closest point. As proposed, both driveways meet the setback
 14 requirement of a minimum of 5-feet from the proposed septic drainfield area, and both are setback a
 15 minimum of 5-feet from all property lines. ***Staff would recommend a driveway permit shall be***
 16 ***obtained from the City’s Building Official when a building permit is requested to construct new***
 17 ***homes on the parcels.***

18
 19 To demonstrate the buildability of Parcel A and B, the Applicant submitted septic/soil borings which
 20 were submitted to Washington County for their preliminary review. Based on the preliminary results
 21 it appears that there is adequate area on both parcels to install a septic system to support new homes,
 22 if and when, proposed. However, the location identified on Parcel A is near the property’s proposed
 23 driveway, and therefore careful planning should be given when siting the driving to protect this area
 24 during any site construction process. ***Staff would recommend including a condition of approval that***
 25 ***a septic permit must be acquired from Washington County prior to the city issuing a building***
 26 ***permit for the principal structures on Parcel A or B. Additionally, staff would recommend***

27
 28 There are no existing wells on the subject property. At the time of development, a well will be
 29 installed to support each home. ***Staff would recommend including a condition that when a new***
 30 ***home is proposed on Parcel A or B that the appropriate permits to install a well be obtained prior***
 31 ***to the city issuing a building permit.***

32
 33 The subject parcel is located in the Brown’s Creek Watershed District (BCWD). The Applicant shall
 34 be required to contact the BCWD and obtain any required permits. Since two new lots will be created,
 35 the Applicant must obtain a septic permit from Washington County Environmental Services prior to
 36 obtaining a building permit for Parcel A or B.

1
2 The Planning Commission recommended approval of the proposed minor subdivision with the
3 conditions as drafted in the attached Resolution. Staff has added one condition for clarity, as noted
4 with an underline within the resolution conditions.

5
6 The following draft conditions are provided for your review and consideration:

- 7
8 1. All future structures and improvements will be subject to the applicable setback rules and
9 regulations in effect at the time of application.
- 10 2. Any proposed driveway on Parcel A or B shall be setback a minimum of 5-feet from any
11 septic system, including drainfield and the drainfields shall be protected during construction.
- 12 3. The potential building pad on Parcel A shall be moved to comply with the wetland setback
13 requirements.
- 14 4. The potential building pad on Parcel A shall be moved to comply with the city's setback
15 requirements.
- 16 5. A driveway access permit shall be obtained from the City's Building Official if, and when, a
17 new principal structure is proposed on Parcel A or B.
- 18 6. Any proposed accessory buildings on Parcel A or B shall be subject to the City's requirements
19 for size and quantity as stated in Section 32-313, or successor sections.
- 20 7. A septic permit must be acquired from Washington County prior to the city issuing a building
21 permit for a principal structure on Parcel A or B.
- 22 8. If, and when, a new home is proposed on Parcel A or B the appropriate permits to install a
23 well must be obtained prior to the city issuing a building permit.
- 24 9. If, and when, a new home is proposed on Parcel A or B, the septic area shall be protected
25 during any construction of structures or driveways.

26
27 **Council Member Rog moved to adopt Resolution No. 2020-07 as presented. Council Member**
28 **Schafer seconded the motion. Motion carried unanimously.**

29
30 **Consideration of Resolution No. 2020-08, Minor Subdivision, 9215 Ideal Avenue** – City Planner
31 Swanson advised the applicant, Ray Gunderson, on behalf of the Owner the John/Delores Gunderson
32 Trust, are requesting approval of a minor subdivision of their property located at 9215 Ideal Avenue
33 North. The proposed request will result in two newly created lots Parcel A and Parcel B. The existing
34 homestead and accessory buildings are proposed to remain and are fully contained on Parcel B, and
35 proposed Parcel A is vacant, and no new structures are proposed as part of this application.

36
37 A duly noticed public hearing was held on January 21, 2020 at 6:30 PM, and letters were sent to
38 individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision. A couple
39 members of the public provided testimony, most which was specific to the long-term master plan of
40 the site and the proposed irregular lot line configuration.

41
42 After the public hearing closed, the Planning Commission discussed the proposed application and
43 specifically addressed the irregular lot lines that staff brought up in subsequent sections of this staff

1 report. The Applicant’s representative indicated that the reason for the irregularly shaped lots is the
 2 Applicant/Owner’s long-term plan to potentially further subdivide the property. After discussion, the
 3 Planning Commission recommended 3-2 to approve the proposed minor subdivision, and to remove
 4 the condition regarding irregular lot lines. The Planning Commission determined that the irregular lot
 5 lines have a purpose, even if the timeline is further out.

6
 7 The following staff report is generally as presented at the Public Hearing and to the Planning
 8 Commission. Additions are noted with an underline, and corrections with a ~~strikethrough~~.

9
 10 **Project Summary**

11

Owner & Applicant:	Ray Gunderson
Owner:	John/Delores Gunderson Trust
PIDs:	1603021330001
Total Acres:	79.94
Address:	9215 Ideal Avenue North
Zoning & Land Use:	A-2
Request:	Minor Subdivision to create Parcel A (10.46 Acres) and Parcel B (69.48 Acres)

12
 13 The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and
 14 Parcel B. There is an existing home and three accessory buildings/sheds on existing Parcel B which
 15 will remain on the lot, and Parcel A is vacant. The existing home and accessory buildings are
 16 accessed from a single driveway that connects to Ideal Avenue North on the westerly border of the
 17 subject property.

18
 19 The City’s subdivision ordinance allows for minor subdivisions as defined in Section 30-9 and 30-10.
 20 The sections of the code that relate to dimensional standards and other zoning considerations are
 21 provided for your reference:

22 Secs. 32-246

23
 24 City Planner Swasons advised the existing parcel is approximately 80-acres, is regularly shaped and
 25 oriented east-west. The westerly property line is generally bordered by Ideal Avenue north, with a
 26 small portion of the roadway extending into the property on the northwest corner where a wetland
 27 complex exists on both the east and west side of the roadway. A wetland delineation was completed
 28 in November of 2019, but a NOD has not been issued given the late date of the delineation in the
 29 growing season. Based on the report, the site includes approximately 13.98 acres of wetland, with
 30 approximately 5.33 acres located on the western quarter of the property, and the remaining 8.65 acres
 31 on the eastern half of the property. The site has rolling topography on the western half of the site, and
 32 near the wetland areas with a gentle slope in the area currently in agricultural use. The site is sparsely
 33 vegetated, with some stands of trees intermittently on the site. There is an existing homestead located

1 on the northwestern corner of the site, with three small accessory buildings/sheds. The remainder of
 2 the site is vacant and/or used for agricultural production.

3 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use
 4 designation. The proposed minor subdivision/lot line rearrangement of the total 80-acres results in
 5 one additional lot, resulting in a total of two lots or 1 dwelling unit per 40 acres. The minor
 6 subdivision as proposed meets the density requirements as established in the comprehensive plan.
 7 Further, the intent of the A-2 land use designation is to promote rural residential uses, and the
 8 proposed subdivision is consistent with that objective.

9
 10 *Dimensional Standards*

11 The following site and zoning requirements in the A-2 district are defined as the following for lot
 12 standards and structural setbacks:
 13

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback — County Road (Centerline)	150 65'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Wetland Setback – Type 3,4,5	50' (no grade 10')
Maximum Height	35'
Septic System (from wetland)	75'

14
 15 *Lot Area and Lot Width*

16
 17 The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed
 18 subdivision would result in newly created Parcel A and Parcel B. The following summary of each
 19 created parcel is identified on the table below:
 20

21 **Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	10.46 Acres	377.99'	~1,000'
Parcel B*	69.48 Acres	942.55'	2,642.52'

22 *Frontage on Parcel B is non-contiguous, dimension listed is for both segments together.
 23

24 *As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width*
 25 *and lot depth.*

26
 27 *Setbacks*
 28

1 The existing homestead and accessory structures are located on proposed Parcel B and are subject to
2 the city's setback requirements since the lot will be reconfigured. As shown, the newly created Parcel
3 A results in a new side-yard property line for Parcel B. Based on the submitted site plan, the existing
4 homestead is setback approximately 155.5 feet from the northerly property line, 135.6-feet from the
5 west property line (front), 340-feet from the south property line (side) and 2,260-feet from the east
6 property line (rear). The existing home is setback 120-feet from the nearest wetland. ***As proposed, the
7 existing structures meet the City's setback requirements.***
8

9 Created Parcel A identifies a potential building pad location setback approximately 65-feet from the
10 right-of-way line which forms the western border of the lot. The building pad location is setback
11 approximately 180-feet from the north property line (side), 140-feet from the south property line and
12 700-feet from the east (rear) property line. The building pad location is setback 20-feet from the
13 nearest wetland. As proposed, the future building pad location does not meet the City's ordinances for
14 wetland setback, and the building pad location must be adjusted to meet the 50-foot setback with a
15 10-foot no-grade buffer. ***As proposed, the building pad location does not meet the City's setback
16 standards. It appears that the building pad could be shifted south approximately 50-feet to meet the
17 setback requirement, but the Septic Area may need to be adjusted/shifted to account for the shift in
18 the building pad location. Staff would recommend including a condition that the Parcel A site plan
19 be revised to show the building pad and septic area outside of all required setback areas. Staff also
20 would recommend including a condition that no building permits will be issued until the Wetland
21 delineation is approved and Notice of Decision is issued to ensure all structures and septic systems
22 are outside of all applicable setbacks.***
23

24 *Access & Driveways*

25

26 The existing home and accessory buildings are accessed from a single driveway on the northwestern
27 corner of the property. The proposed building pad on Parcel A will be accessed from a single
28 driveway. The Applicant should be aware that at the time of building permit that a driveway permit to
29 the new home will also be required. ***Staff recommends including a recommendation that a driveway
30 permit be acquired when a building permit is applied for to access the new lot.***
31

32 *Accessory Structures*

33

34 There are three existing accessory buildings/sheds on Parcel B, and there are no accessory buildings
35 on Parcel A. Parcel B is 69.48 acres, and therefore there are no limitations on the size or quantity of
36 accessory buildings. Parcel A is approximately 10.46 acres and there are no accessory buildings
37 proposed as part of this application. ***However, the Applicant should be aware that the size and
38 number of accessory buildings on 10.46 acres is limited to 4 accessory buildings with a maximum
39 combined 3,500 square feet.***
40

41 *Utilities (Septic & Well)*

42

43 The existing homestead is served by an existing septic system and well that will continue to serve
44 Parcel B. The Applicant submitted soil testing results that demonstrate that a subsurface sewage
45 treatment system can be installed on the new lot (Parcel A). However, the proposed drainfield

1 location is setback approximately 35-feet from the delineated wetland edge and does not meet the
 2 City’s ordinance. Additionally, as indicated in previous sections, if the house pad is moved, the septic
 3 system will need to shift further to meet setbacks from a structure. As currently sited, the drainfield
 4 location on Parcel A does not meet the City’s ordinance. ***Staff recommends including a condition***
 5 ***that the Applicant submit a revised site plan identifying a revised Septic Area location that meets***
 6 ***all applicable setbacks. Additionally, staff recommends including a condition that a septic permit***
 7 ***must be obtained from Washington County Environmental Services prior to a building permit***
 8 ***being issued for the new lot.***

9
 10 *Subdivision Standards*

11
 12 Sections 30-9 and 30-10 refer to Minor Subdivisions where fewer than two lots are created. Though
 13 the City has typically allowed minor subdivisions to divide through metes and bounds rather than a
 14 platting process, the City has required Applicants to generally follow the Design Standards identified
 15 in Article III of Chapter 30. The proposed subdivision generally follows the standards, but staff has
 16 identified the following for further consideration:

- 17
- 18 • Section 30-107 Lot Requirements subsection (a) states that, “Side lot lines shall be
 19 substantially at right angles to straight street lines...unless topographic conditions necessitate
 20 a different arrangement.” The proposed subdivision does provide right-angles for
 21 approximately 243-feet connecting to the right-of-way; however, the lot lines then become
 22 irregular interior to the lot. Typically, the City has discouraged such irregular configurations
 23 unless there is a reason. ~~The Applicant did not state a purpose for the irregular configuration,~~
 24 ~~and staff would recommend that the lot lines be reconfigured, or a purpose stated for the~~
 25 ~~proposed configuration.~~

26 The Applicant’s representative indicated during the meeting that the Applicant/Owner’s long-
 27 term plan is to further subdivide the property, which would include the development of a cul-
 28 de-sac. The “ghost plat” as it is oftentimes referred to as, shows a regular radial pattern if
 29 further development and cul-de-sac were constructed. While the full subdivision was not
 30 reviewed as part of this Application, the Planning Commission generally were amenable to
 31 allowing the irregular lot lines given the future plans for the property. ***While not discussed at***
 32 ***the meeting, staff would recommend adding a condition that this review process does not***
 33 ***approve any future subdivision of the property and that any subdivision will be required to***
 34 ***follow the ordinances and rules in place at the time of application.***

35
 36 City Planner Swanson stated the subject parcel is located in the Rice Creek Watershed District
 37 (RCWD). The Applicant shall be required to contact the RCWD and obtain any required permits.
 38 Since a new lot will be created, the Applicant must obtain a septic permit from Washington County
 39 Environmental Services prior to obtaining a building permit for Parcel A.

40
 41 The Planning Commission recommended approval of the proposed subdivision 3-2. A draft resolution
 42 with conditions is attached for your review and consideration. Staff’s proposed additions are noted
 43 with an underline.

1 Council Member Carr moved to adopt Resolution No. 2020-08, with the reinstatement of
2 Condition #3, “The Applicant shall reconfigure the side-lot lines and rear lot lines to create a
3 regularly shaped Parcel A and Parcel B”. Council Member Rog seconded the motion. Motion
4 carried unanimously.

5
6 City Attorney, Dave Snyder (no action items)

7
8 **NEW BUSINESS**

9
10 Consideration of Planning Commission Appointment – Council Member Schafer moved to
11 table Consideration of Planning Commission Appointments. Council Member Rog seconded
12 the motion. Motion carried unanimously.

13
14 Consideration of Extension Agreement, Ramsey Washington Suburban Cable Commission –
15 Council Member Rog made a motion to approve the Extension Agreement, Ramsey
16 Washington Suburban Cable Commission, as presented. Council Member Schafer seconded
17 the motion. Motion carried unanimously.

18
19 **UNFINISHED BUSINESS**

20
21 There was no unfinished business.

22
23 **DISCUSSION ITEMS (no action taken)**

24
25 Staff Updates (updates from Staff, no action taken)

26
27 City Council Reports/Future Agenda Items

28
29 No items were placed on a future agenda.

30
31 **COMMUNITY CALENDAR FEBRUARY 5 THROUGH FEBRUARY 29, 2020:**

32
33 Mahtomedi Public Schools Board Meeting, Thursday, February 13th and 27th, Mahtomedi
34 District Education Center, 7:00 p.m.

35 Stillwater Public Schools Board Meeting, Thursday, February 13th, Stillwater City Hall, 7:00
36 p.m.

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

38 City Office Closed, Presidents’ Day, Monday, February 17, 2020

39
40 **ADJOURNMENT**

41
42 Council Member Schafer moved to adjourn the meeting at 10:04 p.m. Council Member Giefer
43 seconded the motion. Motion carried unanimously.

1
2
3
4
5
6
7
8
9

These minutes were considered and approved at the regular Council Meeting March 2, 2020.

Kim Points, Administrator/Clerk

Jeff Huber, Mayor

APPROVED