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DATE : October 6, 2020
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:54 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

No one was present for public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Giefer moved to approve the agenda, as presented. Council Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

CONSENT AGENDA

September 1, 2020 City Council Meeting Minutes	Approved
September 2020 Bill List, \$83,556.41	Approved
Kline Bros. Excavating, Road Work, \$72,899.50	Approved
OMG Midwest, Pay Voucher #2, \$17,760.07	Approved
City of Mahtomedi, 3 rd Quarter Fire Contract, \$36,407.00	Approved
City DOES NOT WAIVE Monetary Limits on Municipal Tort Liability	Approved

1 **Council Member Rog moved to approve the consent agenda, as presented. Council Member**
2 **Giefer seconded the motion. Motion carried unanimously with a roll call vote.**

3
4 **STAFF AGENDA ITEMS**

5
6 **City Engineer, Brad Reifsteck**

7
8 **Consideration of Resolution No. 2020-39, Declaring Costs to be Assessed and Ordering**
9 **Preparation of Proposed Assessments, Joliet Avenue and Woodland Acres Street Project – City**
10 **Engineer Reifsteck advised the next step in the Joliet Avenue and Woodland Acres Street Project is to**
11 **declare costs and order preparation of proposed assessments. He reviewed the following background**
12 **relating to the project:**

- 13
14 • The City Council received the feasibility report at the September 3rd, 2019 regular council
15 meeting.
- 16
17 • The City Council ordered the public improvement for the project following a noticed public
18 hearing at the June 1st, 2020 regular council meeting.
- 19
20 • The City Council approved the Plans and Specifications and Ordered the Advertisement for
21 Bids on July 7, 2020 regular council meeting. Bids were received on August 6th, 2020.
- 22
23 • The project costs to be incurred for the improvement is \$798,028. Project costs includes items,
24 such as, construction, engineering, legal, financing and administrative costs. The City has
25 budgeted and is contributing \$77,458 to the Project. Therefore, the total amount to be assessed
26 is \$720,570.
- 27
28 • Projects funded using special assessments are required by law to follow Minnesota State
29 Statute, Chapter 429. A public hearing is required to consider the adoption of assessments.
30 This hearing is proposed to be held at the November 2nd, 2020 City Council meeting.

31
32 **Council Member Schafer moved to adopt Resolution No. 2020-39, as presented. Council**
33 **Member Giefer seconded the motion. Motion carried unanimously by a roll call vote.**

34
35 **Consideration of Resolution No. 2020-40, Calling for and Ratifying an Assessment Hearing,**
36 **Joliet Avenue and Woodland Acres Street Improvement Project – City Engineer Reifsteck stated**
37 **Resolution No. 2020-40 calls for and ratifies the assessment hearing for the Joliet Avenue and**
38 **Woodland Acres Street Project.**

39
40 **Council Member Giefer moved to approve Resolution No. 2020-40, as presented. Council**
41 **Member Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

42
43 **City Planner, Jennifer Swanson**

44
45 **Consideration of Resolution No. 2020-41, Request for Minor Subdivision at 9337 and 9411**
46 **Joliet Avenue North – City Planner Swanson advised the Applicants, Richard and Maureen Bennett,**

1 are requesting a lot line rearrangement and lot consolidation (minor subdivision) of the property
 2 located at 9337 and 9411 Joliet Avenue North. In 2018 the Applicants went through a minor
 3 subdivision process to create the three (3) lots and/or PIDs currently identified in the Washington
 4 County GIS records (see attached). Since 2018 a new home was constructed on the property
 5 addressed as 9337 Joliet Avenue North which is approximately 5.0 acres, the property identified as
 6 PID 15030214100051 remains vacant. The Applicants now wish to rearrange the lot lines resulting
 7 in a consolidation of the three (3) existing lots into two (2) remaining lots.

8
 9 A duly noticed public hearing was held on September 22, 2020. No members of the public provided
 10 testimony regarding the subject application. After discussion, the Planning Commission unanimously
 11 recommended approval of the subject application.

12
 13 The following staff report is generally as presented at the Planning Commission, except as noted.

14
 15 **Project Summary**

16

Applicant:	Richard and Maureen Bennett
PID:	1503021410004 (5 Acres) 1503021410002 (19.98 Acres) 150302141000 5 (18.06 Acres)
Address:	9337 and 9411 Joliet Avenue North
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to consolidate the existing parcel configuration from 3 lots into 2 lots identified as Proposed Parcel A containing 11.09 acres, and Proposed Parcel B containing 31.95 Acres

17
 18 The Applicant is proposing a Lot Line Rearrangement, a subsection of Minor Subdivision, to
 19 rearrange the lot lines and consolidate the existing parcels into two (2) lots from three (3). The
 20 proposed rearrangement will result in Proposed Parcel A containing 11.09 acres and Proposed Parcel
 21 B containing 31.95 acres. Both Proposed Parcel A and Proposed Parcel B are developed with existing
 22 principal structures. Proposed Parcel B is the original homestead and also includes an existing tennis
 23 court, pool, and accessory building.

24
 25 City Planner Swanson advised the City’s subdivision ordinance allows for minor subdivisions and lot
 26 line adjustments as defined in Section 30-9 and 30-10. The sections of the code that relate to
 27 dimensional standards and other zoning considerations are provided for your reference:

28 Secs. 32-246

29
 30 There are three existing parcels associated with the subject application which are located northeast of
 31 the Joliet Avenue North and Dellwood Road North (Hwy 96) intersection. The following summary
 32 of each parcel is provided:
 33

1 PID 1503021410005 is approximately 18.06 acres, is vacant and unaddressed. The parcel is bordered
 2 on the south property line by Dellwood Road North (Hwy 96), and the westerly property line is Joliet
 3 Avenue North. The parcel in its current configuration has approximately 264-feet of frontage on
 4 Joliet Avenue North, and 1,391-feet of frontage on Highway 96. There are no structures or
 5 improvements currently on the parcel. Based on the National Wetland Inventory and available GIS
 6 data there are two existing wetlands on the subject parcel, one on the north-central portion of the
 7 property and one on the south-central portion of the property. The aerial denotes that much of the
 8 property is wooded, with extensive woodlands comprising the easterly half of the property, with what
 9 appears to be planted trees (primarily conifers) on the western half of the property.

10
 11 PID 1503021410004 is approximately 5 acres and is bordered by PID 1503021410005 on its
 12 southerly and easterly border. A new home was constructed on this parcel after the minor subdivision
 13 was approved in 2018. The existing home is setback approximately 111.7' from Joliet Avenue, 129.8'
 14 from the northerly property line (side), 94.0' from the southerly property line (side) and 480.1' from
 15 the easterly property line (rear). The existing homestead is accessed from a single driveway which
 16 connects to Joliet Avenue North on the property's westerly property line. The parcel in existing
 17 configuration has approximately 300-feet of frontage along Joliet Avenue North and meets all
 18 existing dimensional lot standards. Per the NWI and available GIS there are no existing wetlands on
 19 the property.

20
 21 PID 1503021410002 is approximately 19.98 acres and is bordered on the southern property line by
 22 9337 Joliet Avenue N and PID 1503021410005. There is an existing homestead on the property
 23 which is setback approximately 1,025' from the westerly property line (front), 422' from the
 24 northerly property line (side), 100' from the southerly property line (side) and 175.7' from the
 25 easterly property line (rear). The existing homestead, accessory building, and accessory uses are all
 26 accessed from a single driveway which connects to Joliet Avenue North on the property's westerly
 27 property line. The existing accessory building is approximately 3,500 square feet and is located
 28 northwest of the existing home. The parcel in existing configuration has approximately 660-feet of
 29 frontage along Joliet Avenue North. Per the NWI and available GIS there is a wetland area located on
 30 the south-central portion of the property which extends onto the southerly parcel. The site is heavily
 31 vegetated on the eastern half of the property, as well as vegetated along the northerly property line.

32
 33 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use
 34 designation. The proposed minor subdivision/lot line rearrangement of the total 43.04-acres results in
 35 no additional lots and reduces the overall density of the subject property by one unit. The minor
 36 subdivision/lot line rearrangement meets the established density requirements stated within the
 37 adopted comprehensive plan. The intent of the A-2 land use designation is stated to promote and
 38 maintain rural residential uses, and the proposed subdivision/rearrangement is consistent with that
 39 objective.

40
 41 The following site and zoning requirements in the A-2 district are defined as the following for lot
 42 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 The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed
 4 subdivision would result in newly created Proposed Parcel A and Proposed Parcel B. Due to the
 5 proposed combination, approximately 5.0 acres are transferred to the existing proposed at 9337 Joliet
 6 Avenue N and approximately 11.97 acres are transferred to the property at 9441 Joliet Avenue N. The
 7 following summary of each created parcel is identified on the table below:

8 **Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	11.09 Acres	537.05’	726.0’
Parcel B	31.95 Acres	660.0’	1,319.58’

9

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

12

13 The existing homestead and accessory structures located on proposed Parcel B are subject to the
 14 city’s setback requirements. The existing principal structure is setback approximately 1,025-feet
 15 from the right-of-way line (westerly property line) of Joliet Avenue North; 940-feet from the
 16 southerly right-of-way line of Highway 96; 175.7-feet from the easterly property line; and 422-feet
 17 from the northerly property line. The accessory building is setback approximately 360-feet from the
 18 newly created property line of Parcel A; 252-feet from the northerly property line; and 750-feet from
 19 the westerly right-of-way line of Joliet Avenue North. ***The existing home and accessory building on***
 20 ***Parcel B meet or exceed all City setback requirements.***

21

22 The existing homestead located on proposed Parcel A is subject to the city’s setback requirements.
 23 The existing principal structure is setback approximately 111.7-feet from the right-of-way line
 24 (westerly property line) of Joliet Avenue North; 359-feet from the southerly right-of-way line of
 25 Highway 96; and 480.1-feet from the easterly property line; and 129.8-feet from the northerly
 26 property line. ***The existing home and accessory building on Parcel A meet or exceed all City***
 27 ***setback requirements.***

28

29 Both Parcel A and Parcel B are served by existing driveways, and there are no new driveways or
 30 access locations proposed as part of this application. ***As depicted, the driveways on Parcel A and B***
 31 ***meet the City’s driveway standards and setback requirements.***

32

33 As previously stated, there is one existing accessory building located on Parcel B which is
 34 approximately 3,500-square-feet. The rearrangement of the lot will result in Parcel B containing
 35 approximately 31.95 acres. Per Section 32-313 of the City’s ordinance, parcels greater than 20-acres
 36 have no restriction on total size and number of accessory buildings. As such, the existing building,
 37 and any future accessory structures on Parcel B, is consistent with the City’s ordinances and

1 standards. There are no accessory buildings denoted on Parcel A as part of this application. The
 2 Applicant should be aware that accessory buildings on parcels between 9.6 and 14.99-acres are
 3 limited to a total square footage not to exceed 3,500 square-feet, and a maximum of four (4)
 4 accessory structures are permitted. ***Staff would recommend including a condition that any future***
 5 ***proposed accessory building(s) shall be subject to size and permitted number as stated within***
 6 ***section 32-313 of the City’s Zoning ordinance.***

7
 8 The existing homes on both Parcel A and Parcel B are served by existing individual well and septic
 9 systems. There are no new lots created as a result of this application and therefore no additional soil
 10 borings or information regarding well locations is required.

11
 12 City Planner Swanson stated given that the proposed lot line rearrangement will consolidate three (3)
 13 existing lots into two (2) and no new structures are proposed as part of this application there is no
 14 additional review needed from the watershed district or MnDOT. Any future rearrangement or
 15 subdivision may require additional review from the watershed district and MnDOT if any new access
 16 is proposed onto Highway 96.

17
 18 **Council Member Carr moved to adopt Resolution No. 2020-41, as presented. Council Member**
 19 **Rog seconded the motion. Motion carried unanimously by a roll call vote.**

20
 21 **Consideration of Resolution No. 2020-42, Application for Amended CUP to Allow for Building**
 22 **Expansion, American Polywater Corporation Building, 11222 60th Street North – City Planner**
 23 Swanson advised The Applicant, Mike Fee, on behalf of American Polywater Corporation (“APC”)
 24 has requested an amendment to their Conditional Use Permit for the subject property. The CUP was
 25 first issued in 1983 and was later amended in 1996 and 2000 respectively. The existing facility
 26 includes approximately 2,842 SF of office, 820 SF of Laboratory space and approximately 20,368 SF
 27 of manufacturing and warehouse space. As indicated in the Applicant’s narrative, APC has
 28 experienced substantial growth over the last five years and needs additional space to accommodate its
 29 operations. The proposed amendment will allow for the expansion of the existing facility on the site
 30 to provide additional office, laboratory, staff support, warehousing, and manufacturing space. The
 31 proposed amendment is to allow for the expansion of the facility and there are no changes to the use
 32 of the property.

33
 34 A duly noticed public hearing was held on September 22, 2020. The Applicant provided some
 35 testimony, and no other members of the public commented. After discussion, the Planning
 36 Commission unanimously recommended approval of the subject application with the conditions as
 37 drafted by staff.

38
 39 **Project Summary**

40

Applicant: Mike Fee, Operations Manager	Site Size: 2.68 Acres (PID 3603021330005)
Owner: American Polywater Corporation (APC)	1.5 Acres (PID 3603021330013)
Zoning & Land Use: GB	Request: Amended Conditional Use Permit (CUP) to allow for a 12,150 SF addition (9,000 SF footprint)

Location Description and PIDs:

The subject application includes PID 3603021330005 and PID 3603021330013 which are contiguous and oriented north-south. Both parcels are owned by APC and will be used to support the proposed expansion of the existing building.

1
2 The Applicant is requesting an amendment to the existing CUP to allow for the expansion of the
3 existing building located on site. The existing building is located at 11222 60th Street N., PID
4 3603021330005, and is setback approximately 66-feet from the right-of-way line. As currently
5 configured, the existing facility and all associated improvements are located on the subject parcel.
6 The proposed expansion is on the northerly side of the existing facility and proposed improvements
7 including additional parking and septic system drainfield expansion will be constructed on the
8 adjacent vacant parcel (PID 3603021330013). The proposed facility expansion includes a 9,000 SF
9 footprint expansion and is designed with approximately 3,150 SF of mezzanine space. The total
10 square footage of the expansion area is 12,150 SF which will be used for office, manufacturing, and
11 warehousing space. To support the facility addition some site improvements including additional on-
12 site parking, drive aisle improvements and septic system expansion are proposed. There are no
13 significant changes proposed to APC's operations such as hours of operation, business activities, etc.,
14 and therefore there are no changes to the existing CUP regarding business use. While the business
15 operations will remain the same the substantial business growth over the last five years has
16 necessitated this request to expand the facility.

17
18 City Planner Swanson stated according to the approved Amended CUP, the proposed changes to the
19 operation and the facility requires an amendment to the permit. The City Code addresses
20 amendments to existing CUPs in Section 32-152 that states, "An amended conditional use permit
21 application may be administered in a manner similar to that required for a new conditional use
22 permit..." As such, the application to amend the CUP is processed accordingly, and the requested
23 amendment is to consider only those portions of the operations and/or facility that are proposed to
24 change. The City Code states the following for consideration when reviewing a Conditional Use
25 Permit (32-141):

26
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
34 The site is located on 60th Street North which is the highway frontage (service) road to Highway 36.
35 There are two parcels that are subject of the proposed application, PID 3603021330005 is
36 approximately 2.68 acres and is the current location of the APC facility and all site improvements.
37 PID 3603021330013 is contiguous to the subject property and is approximately 1.5 acres. The
38 following summary of each site is provided:

39
40 11222 60th Street North (PID 3603021330005)

41 The existing APC building and all site improvements are located on the parcel. The existing building
42 contains approximately 24,000 square feet and is accessed from a shared driveway on the western

1 edge of the site. The site and building are oriented north-south, with the main entrance and existing
 2 parking area located on the eastern façade of the building. There are 30 existing parking stalls on site
 3 including 2 handicap accessible stalls. The current parking lot area is split by a truck loading dock
 4 area. There are additional site improvements including sidewalks which connect the parking areas to
 5 the facility’s entrances as well as landscaping at entrances and within medians. Based on GIS and
 6 NWI records there are no existing wetlands on site.

7
 8 Unaddressed (PID 3603021330013)

9 The subject parcel is approximately 1.5 acres and is currently vacant. Per the existing CUP, the parcel
 10 is considered collectively with the existing parcel located at 11222 60th Street North. The parcel’s
 11 southerly boundary is contiguous to the northerly boundary of 11222 60th Street North. As currently
 12 configured, there are no driveways or other access to the subject parcel. The site is sparsely vegetated
 13 with some trees along the westerly and southerly border of the property. Based on GIS and NWI
 14 records there are no existing wetlands on site.

15
 16 The site is guided GB in the City’s adopted Comprehensive Plan. Land within the GB land use
 17 designation is generally described as providing a general mix of commercial businesses. APC has
 18 operated on the subject site for several years and is one of the City’s long-term existing businesses.
 19 This land use designation was created to allow for the continued use of the smaller parcels along the
 20 60th Street N frontage road and Highway 36 corridor for business uses in the City.

21
 22 For purposes of the following dimensional review both the southerly parcel (PID 3603021330005)
 23 and the northerly parcel (PID 3603021330013) are considered collectively. This is consistent with
 24 condition G of the existing CUP that requires both parcels to be considered collectively with respect
 25 to APC’s operations, facilities and any site improvements.

26
 27 The following site and zoning requirements in the GB district apply to the subject application:
 28

Dimension	Standard
Lot Size	2.5
Lot Width (frontage on public street)	300’
Lot Depth	150’
Front Yard Setback	65’
Side Yard Setback	20’ interior, 65’ from street
Rear Yard Setback	30’
Height of Structure	35’
Driveway Setback	5’
Floor Area Ratio	40%
Parking Surfaces or Structures of any type	80%

29

Lot Area, Frontage, Lot Depth	There are two parcels associated with the subject application, the southerly parcel is approximately 2.68 acres and the northerly parcel is 1.5 acres. Collectively the total site area is approximately 4.18 acres. <i>Parcels zoned and guided GB require a minimum of 2.5 acres and the</i>
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	<p><i>combined lot acreage meets the minimum lot size requirements.</i></p> <p>The southerly parcel abuts the 60th Street N right-of-way and serves as primary frontage for both parcels. The parcel has approximately 240-feet of frontage/lot width and does not meet the minimum lot frontage requirements. The existing configuration predates the City’s ordinance and is therefore considered a legal nonconforming lot with respect to lot frontage. The northerly parcel does not have frontage on a public street and is considered collectively with the southerly parcel. <i>As configured the southerly and northerly parcel are considered legal nonconforming lots regarding frontage on a public road.</i> Additionally, APC owns the adjacent westerly parcel and facility and both 11170 and 11222 60th Street N share an access driveway from the right-of-way. It is unclear whether the access driveway includes a permanent access easement, but such area is approximately 33-feet wide which is consistent with historical cartway widths and is assumed to be a permanent access for the APC properties. <i>While the property at 11170 is not included in this application, it should be noted that when considered collectively with the subject property that a “campus” of the buildings is created and the total frontage of the campus is approximately 444-feet which exceeds the minimum lot frontage requirements.</i></p> <p>The southerly parcel is approximately 483’ long oriented north-south, and the northerly parcel approximately 271’ long. <i>Both parcels are considered collectively and include approximately 754’ of lot depth which exceeds the minimum lot depth requirements.</i></p>
<p>Floor Area and Parking Coverage</p>	<p>Per Section 32-1 Definitions, the Floor area ratio of commercial or business buildings is calculated by determining the sum or the gross area of all floors of a building and dividing by the net area of the lot or parcel of land. For purposes of the calculation the total parcel area was used. There is approximately 24,000 square feet of existing building area, and 12,150 square feet of expanded building area for a total of 36,150 square feet. Therefore, the FAR calculation is as follows:</p> <p>36,150 SF gross building area/ 182,081 SF of land area = 19.9% FAR.</p> <p><i>In the GB zoning district, a maximum of 40% FAR is permitted. As proposed, the total FAR is 19.9% and is within the allowed FAR.</i></p> <p>As stated in Section 32-246 the maximum parking surface or structure of any type permitted within the GB zoning district is 80%. As identified on sheet AS101 of the Applicant’s submittal there is approximately 35,063 square feet of parking area on site. The calculation is as follows:</p> <p>35,063 square feet of parking area/182,081 SF of land area =19.3%</p> <p><i>As proposed, there is 19.3% of the site dedicated to parking area which is within the permitted parking area percentage.</i></p>
<p>Setbacks</p>	<p>The existing building is located on the southern half of the subject</p>

	<p>property setback approximately 66-feet from the right-of-way of 60th Street north (front), 30-feet from the easterly property line (side), 110’ from the west property line (side) and 420’ from the northerly property line of PID 3603021330013. The proposed addition will be constructed on the north façade of the existing building and extends approximately 90’ north. As proposed, the addition will maintain the east, west and south yard setbacks and will be setback approximately 330’ from the northerly property line. <i>The existing building configuration and the addition meets the City’s ordinance requirements.</i></p>
<p>Architectural/Building Plans</p>	<p>The Applicant’s architectural plans for the addition are shown on Sheets A-101 through A-201. As shown on the plans, the addition will be constructed and attached to the existing north façade of the structure. The existing building architecture is a simple flat paneled concrete building with minimal articulation. The proposed addition will be consistent and compatible with the character and design of the existing building. <i>As proposed, the architectural design meets the intent of the ordinance and the existing CUP condition K which requires expansions to be of similar materials and colors.</i></p> <p><u>Height</u></p> <p>The height of the proposed expansion is approximately 28-feet, which is approximately 5-feet taller than the existing building portion when calculated at grade. The proposed increase in height is associated with a mezzanine floor that will be dedicated to office and support staff functions, while the main floor will remain dedicated to manufacturing and warehousing operations. <i>As proposed, the height of the expansion meets the City’s ordinance requirement for height which permits a maximum height of 35’ for all structures.</i></p>
<p>Driveway/Circulation:</p>	<p>Sheet AS101 of the Applicant’s submitted materials identifies the proposed driveway and circulation improvements. There is an existing shared driveway that provides access to the current operations at 11222 and at 11170 60th Street N. The existing driveway is located on a 33-foot wide strip of land which is consistent with a standard historical cartway width, and no changes are proposed as part of this application. It should be noted that this strip of land is owned by the property located at 6185 Lake Elmo Ave N., and it is assumed that there is a shared access easement. An additional 32 parking stalls are required to support the 12,150 square foot addition, and the new parking area is located north of the proposed addition. To access the new parking area the existing driveway must be extended approximately 95-feet to provide access. As shown on sheet AS101, the proposed parking lot and expanded driveway will be constructed with bituminous surface. <i>The City Engineer is reviewing the proposed configuration and staff will provide an update at the Planning Commission regarding his comments and recommendations, if any.</i></p>

<p>Parking:</p>	<p>There is an existing parking lot onsite that serves the existing building and its operation. There are 30 spaces in the lot which is located to the west of the existing building, and all parking spaces are proposed to remain onsite. To support the facility expansion an addition 32 parking spaces are required. Section 32-374 of the ordinance addresses required spaces. The parking ratios are as follows:</p> <ul style="list-style-type: none"> • Office/Support staff: 1 space per 200 SF • Warehousing/Manufacturing: 1 space per 2000 SF <p>Sheet AS101 of the Applicant’s submittal provides a summary of the required parking stalls and identifies 32 additional stalls to support the expansion. <i>The site plan identifies 30 standard stalls and 2 ADA accessible stalls. As designed, the number of stalls meets the City’s requirements.</i></p> <p>Section 32-372 (c) of the City Code addresses parking space dimensions and requires all standard spaces to be a minimum of 10 feet by 20 feet and all handicap accessible spaces must be dimensioned at 12 feet by 20 feet. The standards were applied to the expanded parking area which identifies an addition 32 parking spaces with two ADA accessible stalls. All standard parking spaces meet the minimum parking stall requirements. The ADA stalls are dimensioned at 10’6” but are designed with a 6’ space between the stalls. While such stalls do not meet the 12-foot width, the 6’ spacing provides adequate width for the stalls. As designed, the spaces will provide more area than required per the City’s ordinance. <i>The expanded parking area design meets the City’s ordinance and requirements.</i></p>
<p>Lighting</p>	<p>The Applicant did not submit a lighting plan as part of their application. Staff assumes that some lighting will be necessary and provided in the expansion area and may include wall lights (potentially) and lighting in the parking lot. Section 32-321 of the City’s ordinance addresses lighting and requires all lighting to be downcast and/or hooded. All parking lot fixtures may not exceed 25-feet tall. Since the expansion area is surrounded by vacant land and/or other general business uses staff is comfortable that any lighting plan will meet the City’s ordinance requirements for footcandles at property lines, however, if needed staff may request a photometric plan to verify that the lighting plan meets the City’s ordinance requirements. <i>Staff recommends including a condition that all exterior lighting must meet the City’s ordinance regarding fixture style and footcandles at property line and at the right-of-way. Staff would recommend including a condition that a lighting plan be submitted for review and approval by the City staff prior to the commencement of site work.</i></p>
<p>Noise</p>	<p>As stated in the Applicant’s narrative there is little to no noise generated as a result of APC’s operations. It should be noted that staff is unaware of any complaints regarding noise since APC began operations and</p>

	<p>would agree that noise is not a major concern of the operations. <i>Staff would note that all operations must comply with the MPCA noise regulations for general business users which is consistent with the City’s ordinances and regulations.</i></p>
<p>Landscape Plan</p>	<p>The Landscape Plan is shown on sheet L-101 of the Applicant’s plan set. The landscape plan shows attention to buffering along the northerly property line of PID 3603021330013. The proposed planting includes 11 8-foot Scotch Pines, 2- Red Oaks, 2- River Birch, and 2 Autumn Blaze Maple. As proposed staff believes that the proposed northerly buffer planting plan is adequate and meets the City’s ordinance requirements of buffering between General Business properties and adjacent rural residential uses. In addition to the buffer planting plan, the Landscape Plan identifies landscaping in the medians and around sidewalks near the addition. The existing landscaping around and near the existing improvements will remain as part of the project. Additionally, the remaining vacant areas of the site will be seeded and planted, including revegetation of the new mound for the septic system located on PID 3603021330013.</p> <p>As proposed, the Landscape Plan as depicted on L-101 meets the requirements of the City’s ordinances. <i>Staff would recommend including a condition that the landscaping plan shall be installed within 6-months of completion of the addition. Staff also recommends including a 2-year landscape guarantee be provided for the buffer plantings along the northerly property line.</i></p>
<p>Hours of Operations and Employees</p>	<p>No changes to the hours of operation are proposed as a result of the expansion. The current facility currently operates Monday through Friday from 6:45 AM to 5:00 PM. The additional space will allow for additional staff onsite. Including the expansion area, APC’s initial staff projections at the facility is a total of 34 employees. A breakdown of the staff includes 24 employees dedicated to manufacturing/warehouse 10 office/lab employees. To support the expansion and additional staff the applicant is seeking a permit from Washington County for a new septic system that can handle an additional 300 gallons/day of effluent. With the new septic system, the applicant is predicting they will have approximately 50% headcount growth (50 persons) over the next 10 years. <i>No changes to the hours of operation are proposed, and therefore the existing conditions of the CUP remain unchanged. Staff recommends including a condition that a septic permit must be obtained from Washington County prior to any site work or grading activity commences.</i></p>
<p>Utilities, Septic System & Industrial Effluent</p>	<p>The Applicant indicates in their submittal that the adjacent “A-2” property will be used for the expanded septic system and drainfield area. Sheets AS101 and L101 identify the relocated mound system area north of the expanded parking lot. While the narrative, as well as existing</p>

CUP, identify this property as A-2, the adopted Comprehensive Plan identifies the subject parcel (PID 3603021330013) as zoned and guided GB. Condition E of the CUP dated 06/01/00 states that the subject property is A-2 and may be used for future expansion of the APC operations and may including septic improvements, and/or parking, outdoor storage or any other building or structure.

As proposed, the location of the relocated septic system meets the conditions of the governing CUP from 2000. Further, staff believes that this site was subsequently reguided GB consistent with the needs of APC in the 2010 Comprehensive Plan. ***Staff recommends including a condition that the proper permits must be obtained from Washington County for the expansion and relocation of the septic system.*** It should be noted that the proposed mound system is near the on-site stormwater retention pond based on the plan set. Since the borings and specific site location of the mound system are not identified (only general area) ***staff recommends including a condition that the City Engineer must review a final site plan identifying the location of both the pond and the drainfield to ensure proper functioning of both systems on site.***

In addition to the wastewater generated from the facility, due to the type of work APC performs industrial effluent is collected. As stated within the Applicant's narrative all industrial effluent is collected within the plant and transported to St. Paul for proper disposal, which APC must perform consistent with the permit issued by Metropolitan Council. ***Staff would recommend including a condition in the amended permit that all industrial effluent must be disposed of consistent with the permit, and that any amendments or adjustments to the permit due to the expansion of the facility shall be obtained and maintained by the Applicant.***

1
2 The City Engineer is reviewing the subject application and his memo will be provided in advance of
3 the meeting. ***Staff recommends including a condition that the Applicant must address all***
4 ***recommendations and comments contained within the City's Engineer's memo prior to the***
5 ***commencement of site work.***

6
7 City Planner Swasonson noted as stated in the Applicant's narrative, they have contacted the Valley
8 Branch Watershed District and have begun their permitting process. Staff recommends including a
9 condition that the Applicant shall be responsible for obtaining all necessary permits from the VBWD
10 prior to commencing work on site. As noted, the Applicant is working with Washington County to
11 obtain the necessary septic system permits to allow for the enlargement and relocation of the
12 drainfield and septic system to accommodate the expansion.

13
14 A condition of approval relating to screening and maintaining the landscape buffer along the northern
15 edge was added to the draft Conditional Use Permit.

16
17 **Council Member Carr moved to adopt Resolution No. 2020-42, as amended. Council Member**
18 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

1 **Consideration of Resolution No. 2020-43, Request for Re-Guide Property from A2 to GB, 11298**
 2 **60th Street North** – City Planner Swanson advised the Applicant, American Polywater Corporation
 3 (APC), in coordination with the Owner, Stillwater West, LLC, is requesting a Comprehensive Plan
 4 Amendment to re-guide approximately 5.3 acres from Agricultural Small Scale (A2) to General
 5 Business (GB). The subject property is located at 11298 60th Street North and on the south is
 6 bordered by 60th Street North which is the frontage road to Highway 36.

7
 8 In March and April 2020 the City of Grant considered a similar application for the subject property
 9 from a different applicant. The application heard earlier in 2020 requested that the subject property be
 10 re-guided to GB and contemplated the potential use of the property for a mini-storage use. After
 11 deliberations both the Planning Commission and City Council denied the applicant’s request to re-
 12 guide the property and adopted Resolution 2020-21.

13
 14 APC acknowledges in its submittal materials that the City recently considered a similar application
 15 but states that their request is substantively different than that considered earlier this year. APC is the
 16 owner of the adjacent properties to the west of the subject property at 11222 and 11170 60th Street N.,
 17 and their stated purpose for re-guiding the subject property is to allow for the future expansion of
 18 their business operations.

19
 20 While a similar application to re-guide was denied in April of this year, there are no restrictions
 21 regarding timing between the denial and the consideration of a new application.

22
 23 A duly noticed public hearing was held on September 22, 2020. No members of the public provided
 24 public testimony. After discussion, the Planning Commission unanimously recommended denial of
 25 the request to re-guide the subject property.

26
 27 **Project Summary**

Applicant:	American Polywater Corporation
Owner:	Stillwater West, LLC
PID:	3603021340002
Total Acres:	5.3
Address:	11298 60 th Street North
Zoning & Land Use:	A2
Request:	Comprehensive Plan Amendment to re-guide subject property from A2 to GB

28
 29 APC is requesting a Comprehensive Plan Amendment (CPA) to re-guide the subject property from
 30 A2 to GB to allow for the potential to expand their business in the future. APC states the purpose of
 31 the reguiding is for their business operations, however, there are no specific plans for the subject
 32 property currently. It should be noted that the proposed GB land use designation would allow the
 33 property to be used for a variety of principal business uses that would not be permitted in the current
 34 A2 land use designation. n and there is no guarantee that a different business use could be developed
 35 on the site than APC expansion if the re-guiding is approved

1 The City's official controls, including the Zoning Ordinance (Chapter 32) and Subdivision Ordinance
2 (Chapter 30) do not explicitly define the criteria for review of a CPA. State Statute 462.355, and
3 various associated statutory sections, enable Cities and property owners to request an amendment to
4 the City's Comprehensive Plan. For purposes of this request, language in Chapter 30 and Chapter 32
5 regarding Zoning Amendments can be referenced for guidance in considering this application.

6 Generally, the most important consideration when reviewing a CPA is to determine whether re-
7 guiding the property is consistent with the City's overall vision and goals as stated within the adopted
8 Comprehensive Plan. If the request is determined to be consistent then re-guiding is reasonable.

9
10 City Planner Swansons stated the existing parcel is approximately 5.3 acres and is currently vacant.
11 The subject parcel was subdivided from the adjacent larger 74.92 acre parcel that surrounds the
12 subject property on the north and east. The timing of the subdivision is unknown, and currently both
13 parcels are owned by different parties. The site is bordered by 60th Street on the southern property
14 line, the APC properties and business operations to the west, vacant/agricultural land to the north and
15 east. The property is accessed from an existing gravel driveway located approximately 200-feet from
16 the westerly property line, and 215-feet from the easterly property line.

17
18 As shown on the materials submitted by APC (Attachment B), the property is heavily vegetated on
19 the northern and eastern portions of the property with a small clearing on southwestern quarter of the
20 property. There appears to be a wetland/ponding area along the eastern half of the road frontage
21 (likely stormwater runoff from the roadways), and no other significant wetland areas appear per the
22 National Wetland Inventory (NWI). A wetland delineation has not been completed for the subject
23 property.

24
25 The 2040 Comprehensive Plan is in draft form and the current draft does not expand the General
26 Business (GB) land area from the adopted 2030 Plan. Both the 2030 and 2040 plans deliberately limit
27 the amount of land guided as GB, and generally guide only existing businesses along the Highway 36
28 frontage (60th Street N. frontage road) as GB. The City's overall policy direction has been focused on
29 protection of the City's rural residential and agricultural uses. One strategy to support that objective is
30 to limit the amount of land guided for any type of business use. While the City's rural residential and
31 agricultural land uses conditionally permit businesses, most of the permitted business uses are
32 required to be accessory to a principal residential use. The GB designation is different than the City's
33 A1, A2 and RR designations in that it permits a wider variety of businesses to be permitted and
34 conditionally permitted as principal uses.

35
36 APC states in their narrative that the purpose for re-guiding the property is to allow for the potential
37 future expansion of their business uses on the adjacent westerly properties. The subject parcel is
38 contiguous to their property at 11222 and the subject parcel would allow for long-term expansion
39 possibilities. A summary of APC's reasons for the request are provided and staff's response is
40 provided in *italics*:

- 41
42
- The parcel is adjacent to the current APC business operations. APC has been operational since
43 the 1980's and they have long-term plans to remain in the City as long as possible.

44 ***Staff Response:*** *Staff agrees with APC's assessment that the subject parcel would provide*
45 *opportunities for future business expansion. APC has been a long-term commercial user in*

1 *the City, and we have had few-to-no objections, complaints, or concerns regarding their*
2 *operations. Concurrently to this application, APC has requested an amendment to the existing*
3 *CUP for their operations at 11222 60th Street to allow for the expansion of their facility and*
4 *operations. This is an indicator that APC is committed to remaining in the community and*
5 *suggests that there may be future expansions contemplated. However, the challenge from*
6 *staff's perspective, is that there are no immediate plans for the subject property and there is*
7 *no way to condition the re-guiding to only permit APC to expand their current operations*
8 *onto the subject parcel. As a result, the Planning Commission and City Council must*
9 *consider that re-guiding the property would allow for a variety of uses as identified within the*
10 *City's Table of Uses 32-243.*

- 11
- 12 • If re-guiding is approved, APC is willing to protect existing vegetation along the northerly and
- 13 easterly borders to buffer any future business use from adjacent agricultural and rural
- 14 residential uses.

15 ***Staff Response:*** *While staff acknowledges APC's offer to maintain the buffer, the proposed*
16 *re-guiding does not address a specific project or site development plan. The re-guiding will*
17 *affect the parcel in its entirety and cannot include conditions regarding specific site*
18 *development standards – essentially, they are two separate issues, and the site development*
19 *including conditions would be reviewed during a CUP review process or similar.*

- 20
- 21 • APC acknowledges future Highway 36 expansion plans and will reasonably accommodate
- 22 needed right-of-way at such time expansion of the highway in this area is initiated.

23 ***Staff Response:*** *Similar to the buffer area, the Highway 36 expansion plans and right-of-way*
24 *is a future development condition. However, it is somewhat different in that MnDOT has*
25 *issued preliminary design plans that clearly show right-of-way needs on the subject parcel.*
26 *Staff concurs that if this parcel is needed for right-of-way that access to the existing APC*
27 *operations, as well as a future expansion, will be an essential consideration of the Highway*
28 *36 expansion. As a result, staff agrees that ensuring access to the City's existing businesses is*
29 *critical and that if APC owns the subject parcel it is easier to coordinate and work with*
30 *MnDOT on the final right-of-way needs in this area.*

- 31
- 32 • Re-guiding the property to GB will increase the tax capacity of the property.

33 ***Staff Response:*** *The existing site is vacant and does not generate significant taxes for the*
34 *City. The proposed re-guiding of the subject property to GB does not guarantee a specific*
35 *commercial/business use or timeline for development, and therefore it will likely remain taxed*
36 *in a similar capacity as it is today until developed. Staff agrees that the taxes generated from*
37 *the existing APC operations far exceed the current taxes collected on the subject property,*
38 *however, the act of re-guiding the property is not likely to change the taxes collected in the*
39 *short term as no development is proposed. Staff agrees with APC that from a market*
40 *perspective the site is well suited to potential future APC expansion, however, it is unclear if*
41 *there is a planned timeline for such expansion.*

42

43 City Planner Swanson noted that since the City's ordinances do not specifically identify a criterion
44 from which to review a Comprehensive Plan Amendment staff provides the following additional
45 background:

- 1 • Re-guiding does NOT approve a specific project. Any council member, planning
2 commissioner, property owner or person with real estate interest in the City may request an
3 amendment to the City’s Comprehensive Plan. Such amendment can be either a map
4 amendment or an amendment to language within the Plan. If the City agrees that the land use
5 designation of the subject property should be changed and re-guided, it only approves that
6 action (the map amendment, for example) it does not approve or deny a specific development
7 project.
- 8
- 9 • The decision to re-guide is legislative which allows the City Council more discretion to
10 approve or deny the request. An application to amend the comprehensive plan is legislative
11 because it establishes policies for future decision-making. Since the decision to re-guide a
12 property is policy oriented, the Planning Commission and City Council have more discretion
13 to determine if a map change is warranted and consistent with your goals. If the Planning
14 Commission and City Council determine that the adopted land use plan is representative of
15 your policies and you determine no map change is warranted, that is acceptable, and you may
16 deny the request. However, if you determine a map change is warranted then all future
17 decisions regarding the specific development of the site must be consistent with the GB land
18 use designation. Approving the map change will subsequently require you to rezone the
19 property to GB to be consistent with the land use designation (rezoning will occur at time of
20 application for a specific development).
- 21
- 22 • Use the “vision” for the Highway 36 Corridor in your analysis. Similar to your consideration
23 of the application earlier this year, staff suggests considering the merits of expanding the
24 City’s GB land use designation to this site and evaluating whether the types of uses contained
25 within the GB zoning district would be consistent with your vision for this area of the City.
26 While APC is the applicant, it is important to consider all types of business uses that could
27 occur onsite based on the City’s Table of Uses since there is no guarantee that the property
28 will be used for future APC operations and expansion.

29
30 All Comprehensive Plan Amendments require review and approval by the Metropolitan Council.
31 Because the City’s 2040 Comprehensive Plan update is in draft form and under review with the
32 Metropolitan Council, this amendment could be incorporated as part of the update process. Since no
33 specific development plans would be approved as part of this action no other agency review is
34 required at this time.

35
36 **Council Member Rog moved to adopt Resolution No. 2020-43, as presented. Council Member**
37 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

38
39 **Consideration of Resolution No. 2020-44, Request for Minor Subdivision at XXX 110th Street**
40 **North** – City Planner Swanson advised the Applicant, Joseph Ingebrand Real Estate, LLC., is
41 requesting approval of a lot line rearrangement (minor subdivision) of the property generally located
42 northwest of the 110th Street North and Kelvin Avenue North intersection. This property was the

1 subject of an application for minor subdivision in January/February earlier this year and the lots as
 2 currently configured were approved at that time. The Applicant is now proposing to
 3 rearrange/reconfigure the lot lines adjusting the size of both parcels slightly resulting in Parcel (5.85
 4 Acres) and Parcel B (14.39 acres).

5
 6 Since the proposed minor subdivision is a lot line configuration only, and no new lots (density) are
 7 created as a result of the rearrangement, the Application can be heard directly by the City Council. A
 8 duly noticed public hearing was published for the regular City Council meeting on October 6, 2020 at
 9 7:00 PM. Letters were sent to individual property owners located within ¼-mile (1,320 feet) of the
 10 proposed subdivision.

11
 12
 13 **Project Summary**

Applicant	Joseph Ingebrand Real Estate, LLC.
PIDs:	0203021330004
Total Acres:	20.24
Address:	XXX 110 th Street N
Zoning & Land Use:	A1
Request:	Lot Line Rearrangement resulting in Parcel A (5.85 Acres) and Parcel B (14.39 Acres)

14
 15 The Applicant is requesting approval of a lot line rearrangement to transfer approximately 4.4 acres
 16 from Parcel A to Parcel B. No new lots are created as a part of the proposed lot line rearrangement.
 17 Both parcels are vacant and there are no improvements on either lot with the exception of a farm road
 18 that provides access to the current parcel(s).

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

- 23 Secs. 32-246
- 24 Secs. 12-261

25
 26 City Planner Swasons advised in February of this year a minor subdivision of the subject property
 27 was approved and two lots of approximately equal size were approved. Both parcels were oriented
 28 north-south and were anticipated to have access from 110th Street N. Since the time of the approval
 29 no improvements have been made, and the lot split is not reflected on Washington County’s online
 30 GIS.

31
 32 The subject parcels are bordered by 110th Street North on the southerly property line. The applicant
 33 submitted a wetland delineation, dated December 7th, 2019. Because of the date of the delineation, the
 34 delineation was not formally reviewed during the February application because it was outside of the
 35 growing season, and the approved subdivision was conditioned on the completion of the delineation.
 36 Per the submitted wetland delineation and survey, there are 10 wetlands on the existing parcel(s)
 37 which are generally clustered near the center of the site. The site has rolling topography and is

1 heavily vegetated except for a small clearing on the northwestern corner of the property. Based on
 2 correspondence with the Browns Creek Watershed District the site contains significant environmental
 3 and natural features particularly around the wetland complex.

4
 5 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A1 land use
 6 designation. Two lots were approved as part of the February minor subdivision, and no new lots will
 7 be created as a result of the lot line rearrangement. There is a total 20.24-acres, and Parcel A will be
 8 5.85 acres and Parcel B will be 14.39 acres which results in a density of 1 lot per 10.12 acres. The lot
 9 line rearrangement as proposed meets the density requirements as established in the comprehensive
 10 plan. Further, the intent of the A1 land use designation is to promote rural lot density housing, and the
 11 proposed subdivision is consistent with that objective.

12
 13 Dimensional Standards

14 The following site and zoning requirements in the A1 district are defined as the following for lot
 15 standards and structural setbacks:
 16

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'

17
 18 The proposed lot line rearrangement is depicted on Attachment B: Lot Line Adjustment. As shown
 19 the proposed rearrangement will transfer approximately 4.38 acres from Parcel A to Parcel B. The
 20 following summary of each created parcel is identified on the table below (existing lot sizes as
 21 depicted on February 2020 minor subdivision are provided for reference):

22 **Lot Tabulation:**

Parcel	Existing Size (February 2020)	Proposed Size	Frontage/Lot Width	Lot Depth
Parcel A	10.23 Acres	5.85	510.03'	500.08'
Parcel B	10.01 Acres	14.39	330.02'	1,322.19'

23
 24 *As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width
 25 and lot depth.*

26
 27 As shown on the attached survey, Proposed Parcel A is vacant and includes a potential building site.
 28 The potential building site is subject to the city's setback requirements. The proposed building pad is
 29 setback approximately 102.5' from the west property line (side), 180' from the north property line
 30 (rear), 327' from the east property line (side), and 236.3' from the south property line (front). The
 31 building pad is setback approximately 50' from a wetland to the north and is setback 50' from the

1 septic area. As denoted in the attached survey, *the proposed building site meets the City’s setback*
 2 *requirements, but the building edge must be setback an additional 10-feet per the City Ordinances.*
 3 *The wetland delineation must be completed to establish the edge of the wetland and setbacks must*
 4 *be adjusted accordingly (if needed). Additionally, it should be noted that Browns Creek Watershed*
 5 *District (BCWD) may have additional setback standards, and the Applicant shall be responsible for*
 6 *working with the watershed district on siting of the structure. Staff recommends including a*
 7 *condition that evidence of BCWD approval of the location be provided to the City prior to issuing a*
 8 *building permit for any new structure.*

9
 10 As shown on the attached survey, Proposed Parcel B is vacant and includes a potential building site.
 11 The potential building site is subject to the city’s setback requirements. The proposed building pad is
 12 50’ from the west, 720’ from the north, 176’ from the east, and 514.2’ from the southerly border of
 13 the parcel. As denoted in the attached survey, *the proposed building site meets the City’s setback*
 14 *requirements. Similar to Parcel A, since the wetland delineation has not been formally adopted if*
 15 *the edge shifts south then the building pad must be moved to ensure compliance with the City’s*
 16 *setback requirements. The wetland delineation must be completed to establish the edge of the*
 17 *wetland and setbacks must be adjusted accordingly (if needed). Additionally, it should be noted that*
 18 *Browns Creek Watershed District (BCWD) may have additional setback standards, and the*
 19 *Applicant shall be responsible for working with the watershed district on siting of the structure.*
 20 *Staff recommends including a condition that evidence of BCWD approval of the location be*
 21 *provided to the City prior to issuing a building permit for any new structure.*

22
 23 The following buffer widths shall be maintained:
 24

	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’

25
 26 As shown in the submitted survey, there are three wetlands on Parcel A and three wetlands on Parcel
 27 B that are near the proposed building pad locations. Given the proximity of the wetlands to the
 28 building areas it is essential for the wetland delineation to be completed to ensure building pad
 29 locations meet the setback requirements. Further, the BCWD has indicated that their buffer
 30 requirements must be followed which are more stringent than those identified in the above table. *As a*
 31 *result, staff recommends including a condition that the Applicant must work with the BCWD and*
 32 *obtain approval for all improvements on site associated with the proposed lot line rearrangement.*
 33 *This includes, but is not limited to, construction of new principal structures, accessory structures,*
 34 *and access/driveways.*

35
 36 There are no driveways identified on the proposed lot line rearrangement exhibit. Staff understands
 37 that there is an existing field road that may need to be used for access to one, or both properties, due
 38 to the wetland buffers and setback requirements of BCWD. If a shared access is needed, the

1 Applicant shall work with staff to establish appropriate access for both parcels. *Staff recommends*
2 *including a condition that if shared access is needed to meet the BCWD requirements, that the*
3 *Applicant shall work with the City Staff on a shared access easement/agreement acceptable to the*
4 *City Attorney prior to recording of the deeds.*

5
6 **Septic System – Soil Borings**

7 To demonstrate the buildability of Parcel A and B, the Applicant submitted septic/soil borings which
8 were submitted to Washington County for their preliminary review. Based on the preliminary results
9 it appears that there is adequate area on both parcels to install a septic system to support new homes,
10 if and when, proposed. *Staff would recommend including a condition of approval that a septic*
11 *permit must be acquired from Washington County prior to the city issuing a building permit for the*
12 *principal structures on Parcel A or B. Additionally, staff would recommend including a condition*
13 *regarding protection of the septic area on each Parcel during construction.*

14
15 There are no existing wells on the subject property. At the time of development, a well will be
16 installed to support each home. *Staff would recommend including a condition that when a new*
17 *home is proposed on Parcel A or B that the appropriate permits to install a well be obtained prior*
18 *to the city issuing a building permit.*

19
20 City Planner Swanson advise the subject parcel is located in the Brown’s Creek Watershed District
21 (BCWD). The Applicant shall be required to contact the BCWD and obtain any required permits.
22 Since the two lots are vacant, the Applicant must obtain a septic permit from Washington County
23 Environmental Services prior to obtaining a building permit for Parcel A or B.

24
25 **Council Member Schafer moved to open the public hearing at 7:54 p.m. Council Member**
26 **Giefer seconded the motion. Motion carried unanimously by a roll call vote.**

27
28 **Council Member Giefer moved to close the public hearing at 7:56 p.m. Council Member**
29 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

30
31 **Council Member Giefer moved to adopt Resolution No. 2020-44, as presented. Council**
32 **Member Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

33
34 **Consideration of Resolution No. 2020-38, Conditional Use Permit for Two Silo Farmhouse**
35 **Resort, 7040 117th Street North** – City Planner Swanson the subject application was considered at
36 the August 4, 2020 and September 1, 2020 City Council meetings. The first presentation at the
37 August 4th meeting summarized the full application and provided a draft list of conditions for
38 consideration by the City Council. After presentation and discussion, the City Council provided
39 direction to staff to prepare a Resolution of approval for the subject Conditional Use Permit (“CUP”),
40 and directed staff to prepare a draft CUP for consideration at the regular September 1, 2020 City
41 Council meeting. Supplemental information was also requested from the Applicant to assist in the
42 review at the September meeting. At the September meeting the City Council concluded that
43 additional information was needed from the Applicant, or the request would be denied. In response,
44 the Applicant waived the 15.99 review period and provided supplemental information for
45 consideration by the City Council at the regular October 6, 2020 meeting.

1 The following staff memo summarizes information submitted by the Applicant since the September
2 meeting and provides a staff response (if needed). A resolution of approval with findings and draft
3 Conditional Use Permit are provided as attachments to this Staff Report for your review and
4 consideration. Please note that your August and September staff reports should be references for
5 information regarding operations, etc., not covered within this memo.

6
7 The following summary of the supplemental information, including staff's response, is provided for
8 your review and consideration:
9

- 10 • **Narrative Addendum #3 (Title: Addendum Grant Council Meeting October 2020):** The
11 narrative provides a summary of the updated site plan, the timing of certain improvements
12 including installation of the septic system, driveway expansion and parking lot areas.
 - 13 ○ **Updated Site Plan:** Site Plan has been updated to identify location of bathrooms,
14 overflow parking, ADA parking stalls and future drainfield locations. The driveway
15 has been expanded to meet the City Engineer's recommendation of 22-feet of traveled
16 surface.
 - 17 ▪ **Staff Response:** The Site Plan has been updated to reflect the
18 recommendations of the City Engineer.
 - 19 ○ **Parking Lot and ADA Parking:** The parking lot and ADA stalls are identified on the
20 Site Plan. The Applicant proposed to construct the parking lot in either 2021 or 2022,
21 based on when the Wine Tasting room opens. The Applicant proposes to use crushed
22 rock, or a similar dustless surface, for construction of the parking lot and driveway.
23 The Applicant will work with the City Engineer on the specification of the surface to
24 ensure it complies with the City's ordinances and regulations.
 - 25 ○ **Landscape Buffer:** The Applicant has submitted a landscape plan (see attached) that
26 identifies 3 10-foot spruce trees located east of the parking lot and overflow parking
27 lot area. Existing vegetation is also noted on the Landscape Plan that demonstrates a
28 mix of deciduous and conifers along the easterly property line.
 - 29 ▪ **Staff Response:** Staff believes that the proposed spruce trees are a step in the
30 right direction but would recommend extending the row of spruce to run the
31 length of the parking lot area. Depending on the specie of spruce, this would
32 result in approximately 10-14 trees. Staff would recommend including a
33 condition that the landscape plan be updated to show a row of spruce trees
34 along the easterly edge of the parking area.
 - 35 ○ **Public Restrooms & Septic Drainfield:** SP Testing performed a site evaluation,
36 including soil borings, to locate the mound system.
 - 37 ▪ **Staff Response:** The information provided is consistent with the type of
38 information that is generally provided at this stage in the review process. As
39 typical, staff recommends including a condition that a septic permit must be
40 obtained from Washington County. Additionally, since a structure for the
41 restrooms will be constructed, staff recommends including a condition that the
42 architectural style of the restroom must be consistent with the architectural

1 character of the existing structures and such design shall be submitted for
2 review and approval by the City Staff.

3
4 As required in Section 32-146 Standards for issuing a Conditional Use Permit (“Permit”), “...the city
5 council may grant a conditional use permit in any zoning district if the applicant has proven to a
6 reasonable degree of certainty that:”
7

- 8 • The proposed use is designated in section 32-245 as a conditional use for the appropriate
9 zoning district.
 - 10 ○ Finding: The proposed Two Silo Farmhouse Resort is a combination of uses which
11 include agricultural, small-scale rural event facility, resort, and seasonal business. All
12 uses contemplated and proposed as part of the operation are permitted or permitted
13 with a conditional use permit in the A-1 zoning district.
- 14 • The proposed use conforms to the city’s comprehensive plan.
 - 15 ○ Finding: The subject property is guided A-1 and the City’s comprehensive plan
16 identifies Goal #3 regarding land use, “Preserve and protect agricultural land and
17 facilities, agricultural lifestyles, and encourage hobby farms and commercial
18 agricultural uses within the City.” Per Minnesota State Statute, as well as the City’s
19 land use designations, a Farm Winery must be located on agricultural property and is a
20 considered an agricultural and/or agritourism business. The proposed use is consistent
21 with the City’s adopted Comprehensive Plan.
- 22 • The proposed use will not be detrimental to or endanger the public health, safety or general
23 welfare of the city, its residents, or the existing neighborhood.
 - 24 ○ Finding: The proposed use will not be detrimental or endanger the public health, safety
25 or general welfare of the residents or existing neighborhood provided the conditions of
26 the Permit are met. Conditions contained in the Permit include mitigation for adequate
27 ingress/egress, hours of operation, maximum occupancy levels and provisions to
28 ensure that adequate utilities (sanitary) are on-site.
- 29 • The proposed use is compatible with the existing neighborhood.
 - 30 ○ Finding: The proposed use is compatible with the existing neighborhood provided the
31 conditions of the Permit are met. The site is greater than 20-acres, allows adequate
32 area for buffering, and limited structural improvements are proposed. The
33 neighborhood is comprised of large-acreage parcels with a mix of agricultural,
34 agritourism, and rural residential use. The proposed use will maintain and preserve the
35 existing farmhouse that has been restored and the existing accessory buildings as part
36 of the operations. The vines (vineyard) is an agricultural use which is consistent with
37 surrounding small hobby farms and agricultural activities. Site improvements such as
38 parking areas must be properly buffered from adjacent neighbors and public right-of-
39 way so that the property remains visually consistent with surrounding properties.
- 40 • The proposed use meets conditions or standards adopted by the city through resolutions or
41 other ordinances.

- 1 ○ Finding: The proposed use is consistent with conditions and standards adopted by the
- 2 city through its zoning ordinance, and other ordinances. Rural Event Facilities were
- 3 added to the City’s table of uses in 2014 to support agritourism types of uses, and the
- 4 Farm Winery and its operations is consistent with the performance standards identified
- 5 by the City.
- 6 ● The proposed use will not create additional requirements for facilities and services at public
- 7 cost beyond the city’s normal low-density residential and agricultural uses.
- 8 ○ Finding: The proposed use will not create additional requirements for facilities or
- 9 services. The proposed operations shall be required to make all improvements on site
- 10 to adequately serve the proposed use. Any required improvements to the County
- 11 roadway shall be completed by the Applicant and at their cost to ensure adequate
- 12 ingress/egress to the operations and to obtain an access permit from Washington
- 13 County.
- 14 ● The proposed use will not involve uses, activities, processes, materials, equipment or
- 15 conditions of operations that will be detrimental to people, property, or the general welfare
- 16 because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances.
- 17 ○ Finding: The proposed use is a permitted and conditionally permitted use per the
- 18 City’s table of uses. Proper conditions detailing mitigation of potential nuisances are
- 19 provided for and addressed within the Permit conditions which address parking, noise,
- 20 glare (lighting) and other operational considerations.
- 21 ● The proposed use will not result in destruction, loss or damage of natural, scenic or historic
- 22 features of importance.
- 23 ○ Finding: There are no natural, scenic or historic features of importance on site that are
- 24 proposed for removal, modification or disturbance.
- 25 ● The proposed use will not increase flood potential or create additional water runoff onto
- 26 surrounding properties.
- 27 ○ Finding: The proposed operations will not increase flood potential or create additional
- 28 water runoff onto surrounding properties. The Applicant shall be required to manage
- 29 stormwater onsite consistent with the City and Rice Creek Watershed District rules
- 30 and regulations.
- 31 ● These standards apply in addition to specific conditions as may be specified through the city’s
- 32 ordinances.
- 33 ○ Finding: Specific ordinances and performance standards were applied and evaluated
- 34 regarding the proposed operations. Details regarding the analysis are documented
- 35 within the agenda packet materials.

36

37 Through Council discussion, a condition of approval was added to the draft CUP regarding

38 screening with ten foot tall native species that must be maintained into perpetuity.

39

40

1 Council Member Giefer moved to adopt Resolution No. 2020-38, as amended. Council Member
2 Carr seconded the motion. Motion carried with Council Member Rog voting nay by a roll call
3 vote.

4
5 City Attorney, Dave Snyder (no action items)

6
7 **NEW BUSINESS**

8
9 **Consideration of Telecommunications Grant Fund Program** - Mayor Huber reviewed the grant
10 program application outlining a cost share program available to residents installing high speed
11 internet from the roadway to their homes. The cost share program will be funded from COVID
12 funds.

13
14 **Council Member Rog moved to approve the Telecommunication Grant Fund Program, as**
15 **presented. Council Member Schafer seconded the motion. Motion carried unanimously by a**
16 **roll call vote.**

17
18 **UNFINISHED BUSINESS**

19
20 There was no unfinished business.

21
22 **DISCUSSION ITEMS (no action taken)**

23
24 **Staff Updates (updates from Staff, no action taken)**

25
26 **City Council Reports/Future Agenda Items**

27
28 No items were placed on a future agenda.

29
30 **COMMUNITY CALENDAR OCTOBER 7 THROUGH OCTOBER 31, 2020:**

31
32 **Mahtomedi Public Schools Board Meeting, Thursday, October 8th and 22nd, Mahtomedi District**
33 **Education Center, 7:00 p.m.**

34 **Stillwater Public Schools Board Meeting, Thursday, October 8th, Stillwater City Hall, 7:00 p.m.**

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

36
37 **ADJOURNMENT**

38
39 **Council Member Giefer moved to adjourn the meeting at 8:54 p.m. Council Member Schafer**
40 **seconded the motion. Motion carried unanimously.**

41
42 These minutes were considered and approved at the regular Council Meeting November 2, 2020.

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2
3
4

Kim Points, Administrator/Clerk

Jeff Huber, Mayor

APPROVED