

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
45
46

DATE : October 4, 2022
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:20 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer, Schafer and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Brad Reifsteck; City Planner 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

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

September 4, 2022 City Council Meeting Minutes	Approved
September 2022 Bill List, \$47,540.37	Approved
Kline Bros., Road Work, \$38,007.50	Approved
Northern Salt, 2 nd Dust Control, \$44,895.00	Approved
Allied Blacktop, 2022 Seal Coat, \$96,562.50	Approved
InSite Contracting, Guardrail, \$38,600.00	Approved

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

STAFF AGENDA ITEMS

1 City Engineer, Brad Reifsteck

2

3 **Consideration of Speed Limits** – City Engineer Reifsteck advised Grant has several posted speed
4 limits on local street in the city that were set based on MnDOT speed studies or on County or State
5 roadways. At this time, if speed limits are not posted on a street the statutory speed is 30 mph in an
6 urban district, 35 mph in a rural residential district and 55 mph on all other roadways.

7

- 8 • Most gravel roadways in the City of Grant are not located in a rural residential district and are
9 not posted, therefore, the current speed limit is 55mph.
- 10 • High speeds on gravel roads are one of the main causes of rutting and washboarding. Lower
11 speeds reduce this effect.
- 12 • Should the City Council determine that they would be in favor of reducing speed limits on
13 local street the following alternatives could be considered based on the Minnesota State
14 Statutes.
 - 15 ○ Alt 1 – 35 mph speed limit on all streets unless posted otherwise.
 - 16 ○ Alt 2 – 35 mph on gravel roads only

17

18 Should the Council determine that they would be in favor of reducing speed limits on local street the
19 following steps are required:

20

- 21 1. WSB prepares map identifying which streets are eligible for these speed options.
- 22 2. WSB prepares an updated speed limit policy including when and where speed limit signs
23 should be posted
- 24 3. Approve a speed limit policy and resolution adopting the reduced speed limits on local
25 roadways.
- 26 4. Prepare a communication Plan informing the community on the speed limit changes.

27

28 **Council Member Carr moved to authorize a speed study on City gravel roads, as presented.**
29 **Council Member Schafer seconded the motion. Motion carried unanimously with a roll call**
30 **vote.**

31

32 **Consideration of Special Roads Projects, Aprons** – City Engineer Reifsteck advised bids were
33 obtained for the paving of five aprons within the City of Grant per the location map that was included
34 in the packets.

35

36 **Council Member Carr oved to approve special roads projects as presented to include any**
37 **extension at 80th Street and Jamaca per the City Engineer up to \$55,000. Council Member Rog**
38 **seconded the motion. Motion carried unanimously with a roll call vote.**

39

40 **PUBLIC HEARING, Consideration of Ordinance No. 2022-69, Chloride Reduction Plan** – City
41 Engineer Reifsteck advised the Minnesota Pollution Control Agency reissues their National Pollutant
42 Discharge Elimination System (NPDES) General Permit (GP) for Stormwater Discharges from Small
43 Municipal Separate Storm Sewer Systems (MS4s). The MS4 GP requires the City of Grant to develop
44 written procedures for the purpose of eliminating non-stormwater discharges through the
45 development of an Illicit Discharge Detection and Elimination Program.

46

1 This manual not only assists the City of Grant in meeting the MS4 permit regulations but encourages
2 them to use targeted best management practices (BMPs) to prevent the discharge of non-stormwater
3 related discharges. This Standard Operating Procedures Manual will help promote behavior to
4 improve the water quality of the City of Grant’s lakes, ponds, and creeks. This manual as well assists
5 the City of Grant in the creation of a regulator mechanism to prohibit illicit discharges.

6
7 The Addition of Article VIII. Chloride Reduction to Chapter 12 of the city code provide tools that
8 require proper salt storage at commercial, institutional, and non-NPDES permitted industrial
9 facilities. At a minimum, the regulatory mechanism(s) must require the following:

- 10
- 11 a. designated salt storage areas must be covered or indoors;
- 12 b. designated salt storage areas must be located on an impervious surface; and
- 13 c. implementation of practices to reduce exposure when transferring material in designated salt
14 storage areas (e.g., sweeping, diversions, and/or containment).
- 15

16 **Council Member Rog moved to open the public hearing at 7:34 p.m. Council Member Schafer**
17 **seconded the motion. Motion carried unanimously with a roll call vote.**

18
19 No one was present for the public hearing.

20
21 **Council Member Schafer moved to close the public hearing at 7:35 p.m. Council Member Rog**
22 **seconded the motion. Motion carried unanimously with a roll call vote.**

23
24 **Council Member Rog moved to approve Ordinance No. 2022-69, as presented. Council**
25 **Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.**

26
27 **PUBLIC HEARING, Consideration of Ordinance No. 2022-70, Animal Waste Plan–** City
28 Engineer Reifsteck advised the Minnesota Pollution Control Agency reissues their National Pollutant
29 Discharge Elimination System (NPDES) General Permit (GP) for Stormwater Discharges from Small
30 Municipal Separate Storm Sewer Systems (MS4s). The MS4 GP requires the City of Grant to develop
31 written procedures for the purpose of eliminating non-stormwater discharges through the
32 development of an Illicit Discharge Detection and Elimination Program.

33
34 This manual not only assists the City of Grant in meeting the MS4 permit regulations but encourages
35 them to use targeted best management practices (BMPs) to prevent the discharge of non-stormwater
36 related discharges. This Standard Operating Procedures Manual will help promote behavior to
37 improve the water quality of the City of Grant’s lakes, ponds, and creeks. This manual as well assists
38 the City of Grant in the creation of a regulator mechanism to prohibit illicit discharges.

39
40 The Addition of Article IV. Animal Waste to Chapter 6 of the city code provides guidance in
41 implementing a pet waste regulatory mechanism that require owners or custodians of pets to remove
42 and properly dispose of feces on the city’s owned land areas.

43
44 **Council Member Rog moved to open the public hearing at 7:37 p.m. Council Member Schafer**
45 **seconded the motion. Motion carried unanimously with a roll call vote.**

46

1 No one was presented for the public hearing.

2
3 **Council Member Rog moved to close the public hearing at 7:39. Council Member Schafer**
4 **seconded the motion. Motion carried unanimously with a roll call vote.**

5
6 **Council Member Rog moved to approve Ordinance No. 2022-70, as presented. Council**
7 **Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.**

8
9 **City Planner, Jennifer Swanson**

10
11 **Consideration of Resolution No. 2022-21, Preliminary Plat, Stillwater Oaks -** City Planner
12 Swanson stated the Applicant, Jason Palmby, on behalf of Magellan Land Development is proposing
13 to subdivide the former Stillwater Golf Course into 15 rural residential single-family lots. In 2021 the
14 Applicant met with staff for a preapplication meeting to discuss the proposed subdivision,
15 preliminary concept and the process to complete the subdivision. Since the preapplication meeting the
16 Applicant prepared the subject submission that includes the proposed preliminary plat and drainage,
17 grading and erosion control plans and subsequent revisions as recommended by the Planning
18 Commission.

19
20 A duly noticed public hearing was held September 13 at 6:30 PM at the regular Planning Commission
21 meeting. Several members of the public provided public testimony regarding the subject application.
22 The issue most identified during testimony was regarding the roadways and the deteriorating
23 condition of both McKusick and 88th St. N. A summary of the key points identified regarding the
24 roadways is provided:

- 25
- 26 • Several residents expressed concerns over the condition of McKusick and 88th Street and
- 27 asked if the roads would be improved since 15 new homes would be using the roadway.
- 28 • Given the existing condition of both McKusick and 88th Street the construction traffic and
- 29 heavy vehicle trips was a concern regarding the further deterioration of the roads.
- 30

31 After the close of the public hearing the Planning Commission heard from the Applicant and their
32 engineers and responded to several of the questions posed during the public hearing. Discussion
33 regarding the proposed project generally focused on the two cul-de-sac access points with McKusick
34 and 88th Street given the public testimony. Staff indicated that the City Engineer was reviewing the
35 access locations and cul-de-sacs and that additional recommendations would be established and
36 provided to the City Council for their review. After the conclusion of the discussion the Planning
37 Commission unanimously recommended approval with the conditions and recommendations as
38 presented in the Staff Report.

39
40 City Planner Swansons sated the following staff report is generally as presented to the Planning
41 Commission. The Applicant updated their plans to comply with several of the recommendations
42 presented in the staff report, and the staff report has been updated to reflect the changes since the
43 Planning Commission meeting.

44
45 **Project Summary**

46

Applicant: Magellan Land Development	Site Size: 148.9 Acres (WCGIS records)
Owners: Fairway Estates of Grant	Request: Major Subdivision, Preliminary Plat of 15 Lots
Zoning & Land Use: A-2 Proposed Plat Name: Stillwater Oaks	PIDs: 2403021220004 and 2303021110002

1 The proposed project will convert the existing Stillwater Oaks Golf Course into 15 rural residential
 2 single-family lots. The proposed subdivision is located south of McKusick Rd. N., and north of 88th
 3 Street N., and Browns Creek State Trail borders the entire northly border of the proposed subdivision.
 4 The following summary is provided with respect to the proposed project:

- 5 • The Proposed Project will create 15 new lots ranging in size between 5.15 and 13.6 acres.
- 6 • The Applicant indicated during the Planning Commission meeting that they will establish a
 7 HOA or other private covenant as a means to manage the stormwater management system on
 8 site.
- 9 • The Applicant intends to develop and plat the full subdivision in one phase. This will require
 10 the installation of both cul-de-sacs and all grading and/or stormwater features required by the
 11 City and the Browns Creek Watershed District.
- 12 • All 15 lots will be served with individual wells and individual septic systems. The
 13 Preliminary Plat has been updated to reflect the location of the soil borings for each drainfield
 14 as requested by the Planning Commission. A correspondence from Washington County
 15 regarding this issue is attached to this staff report.
- 16 • Since the site was developed as a golf course it is assumed that there was likely a septic
 17 system and possibly a couple wells that may be present on the site associated with the
 18 previous operation. Sheets C5.1 and C5.2 identify that the existing well will be properly
 19 capped and abandoned but there is no septic system identified. Staff assumes based on the
 20 plans that the existing septic system will be abandoned, and that all structures will be
 21 removed. The Applicant should verify the plan for any removals of the existing septic on site
 22 on site and the location should be provided on Sheet C5.1.
- 23 • The existing property is irregular in shape and access to the proposed subdivision is from two
 24 new cul-de-sacs (identified as Street A and Street B on the attached preliminary plat) and from
 25 the existing 88th Street N. A summary of the access is provided:
 - 26 ○ Lots 1, 2, 3, 4, 5, 6, and 8 are proposed to be accessed from Street A, which is a cul-
 27 de-sac. Street A connects to McKusick Rd. N. and must cross the Browns Creek State
 28 Trail. The Browns Creek State Trail is owned and managed by the MnDNR and the

1 access crossing the trail must be reviewed and approved by the MnDNR and proper
2 access easements established.

- 3 ○ Lots 7 and 10 are proposed to be accessed directly from existing 88th Street N.
- 4 ○ Lots 9, 11, 12, 13, 14, and 15 are proposed to be accessed from Street B, which is a
5 cul-de-sac that connects to 88th Street N.

- 6 ● The rural residential lot sizes can accommodate a variety of housing styles and plans. As such
7 the Applicant anticipates all homes in the subdivision will be custom built, and that lots will
8 be custom graded once house plans are developed.

- 9 ● The grading and stormwater management plans for the installation and construction of the two
10 new cul-de-sacs is addressed as part of this application, but it should be noted that individual
11 stormwater permits from the BCWD will likely be required in the future when each lot is
12 constructed if the impervious surfaces exceed 10,000 SF.

13 City Planner Swansons advised the proposed Project is classified as a Major Subdivision per the City
14 of Grant’s subdivision ordinance which is Chapter 30 of the City Code. The specific regulations
15 related to the Preliminary Plat process are contained within Article II Platting Division 2 Preliminary
16 Plat. Also relevant with respect to design standards is Article III Minimum Design Standards.

17
18 As referenced within the Preliminary Plat requirements all created and/or new lots must comply with
19 the current regulations which apply to the zoning district in which the Property is located. The
20 following sections are most applicable to this request and are considered, at a minimum, in the
21 following sections:

- 22
- 23 32-1 Definitions
- 24 32-246 Minimum area, maximum height and other dimensional requirements.
- 25

26 The site is comprised of two PIDs and the parcels are irregular in shape. The subject parcels were
27 most recently used for the Stillwater Oaks Golf Course and were developed with greens, fairways,
28 and intermittent water features and vegetative tree stands between holes and fairways. The site
29 generally lies south of McKusick Rd. N. and east of Kimbro Ave. N. and is bisected east-west by 88th
30 Street N. The primary entrance into the golf course is from McKusick Rd. N., on the northwest corner
31 of the site which is accessed by a private driveway that crosses the Browns Creek State Trail. The
32 access driveway is permitted through an easement that was granted between the previous property
33 owner and the MNDNR for the golf course use. The driveway connects to an existing parking lot that
34 served the golf course, which encroaches into the MNDNR’s trail corridor (see correspondence from
35 MNDNR attached). The existing clubhouse is south of the parking lot, and there is one accessory
36 building adjacent and north of 88th Street N.

37
38 The 2040 Comprehensive Plan land use designation of the subject properties designates the property
39 as RR/AG Rural Residential Agricultural. Properties guided RR/AG are intended to be used for rural

1 residential and small agricultural uses at densities no less than 1 Dwelling Unit per 10 Acres. The
2 Stillwater Oaks development will include 15 rural residential sized lots on approximately 149 acres
3 (~157 acres with ROW) and the intended use of each property is for single-family residential uses.
4 The proposed project is consistent with the intent and guided density as identified within the adopted
5 Comprehensive Plan.

6
7 City Planner Swanson noted the subject properties are zoned A-2, and Section 32-243 defines the
8 intent and primary use of such properties as, "...provide rural low-density housing in agricultural
9 districts on lands not capable of supporting long-term, permanent commercial food production. A-2
10 district lot sizes will provide for marginal agriculture and hobby farming."

11 The proposed Project requests subdivision of approximately 149 acres into 15 lots and is subject to
12 Chapter 30 Subdivisions and is specifically reviewed for compliance with Sections contained within
13 Article II Platting and Article III Minimum Design Standards. Chapter 30 requires all subdivisions
14 with newly created lots to comply with the underlying zoning district, and as such each lot was
15 reviewed for compliance with Section 32-246 Dimensional Standards, and other applicable sections
16 of Chapter 32.

17
18 The subdivision ordinance requires all newly created lots to conform to the dimensional standards as
19 identified within Chapter 32 of the zoning code. Subsequent sections of this report will provide a
20 review of the dimensional standards and will make the appropriate cross reference to the subdivision
21 code, where applicable. The following review relates specifically to the subdivision and/or
22 preliminary plat requirements that are not addressed within the zoning review.

23 24 Easements

25 *Section 30-105 Easements* requires newly created lots and roadways to provide easements for utilities
26 and drainageways, as necessary. The applicable ordinance requirements are as follows:

- 27 (a) Required for Utilities. Easements of at least 20 feet wide, centered on rear and other lot lines
28 as required, shall be provided for utilities where necessary..."
- 29 (b) Required for drainage. Easements shall be provided along each side of the centerline of any
30 watercourse or drainage channel, whether or not shown on the comprehensive plan, to a
31 sufficient width to provide property maintenance and protection and to provide for stormwater
32 runoff and installation and maintenance of storm sewers.
- 33 (c) Dedication. Utility and drainage easements shall be dedicated for the required use.

34
35 As shown on sheets C1.1, C1.2 and C1.3 drainage and utility easements are dedicated on each lot line
36 providing 20-feet on center to each lot line, which has been updated since the Planning Commission
37 review. Drainage and utility easements are also provided on each stormwater feature and all wetland
38 areas. The City Engineer must review these areas to determine if adequate easement area has been
39 provided. In addition, the Browns Creek Watershed District (BCWD) must review the wetland and
40 easement areas to determine if the plans meet their standards for permitting. The BCWD has provided
41 an email correspondence to the City indicating that the Applicant has submitted a plan for their
42 review, but as of the time of writing this staff report the application remains incomplete for BCWD
43 review.

1 *Staff recommends including a condition that the Applicant must obtain all proper permits from the*
2 *BCWD and that all easement areas must be appropriately identified to meet the BCWD and City*
3 *standards. The Applicant will be required to dedicate the easements to the benefit of the City*
4 *and/or BCWD at time of final plat. Staff recommends including a condition that the maintenance,*
5 *specifically of all drainage easements, stormwater management features and wetland areas will be*
6 *provided for and the responsibility of the development by HOA or other formal private Covenant,*
7 *which must be detailed in the Development Agreement.*

8
9 Lot Design & Requirements

10 Various subsections of 30-107 apply to the proposed subdivision including the following:

11
12 (a) *Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial*
13 *to curved street lines or radial to lake or stream shores unless topographic conditions*
14 *necessitate a different arrangement.*

15 Staff has reviewed the design and layout of all lots contained within the revised preliminary
16 plat dated 09/22/2022 and the lot line between Lots 11 and 12 have been adjusted to comply
17 with this requirement. However, in the process of the modification, a lot jog has been created
18 between Lot 9, Lot 11 and Lot 12. Staff recommends adjustments to this lot line to comply
19 with the standard be made as part of the Final Plat submission.

20
21 (e) *Corner Lots. Corner lots shall be platted at least 20 feet wider than interior lots.*

22 During the Planning Commission review Lot 8 was identified and recommended to be
23 adjusted to comply with a minimum lot width of 320-feet. This adjustment has been made on
24 the revised preliminary plat dated 09/22/2022. All other corner lots comply with this standard.

25
26 (k) *Lot remnants. All remnants of lots below minimum size left over after subdividing or a larger*
27 *tract must be added to adjacent lots, or a plan acceptable to the city shown as to future use,*
28 *rather than allowed to remain as unusable parcels.*

29 The 09/22/2022 preliminary plat has been adjusted to demonstrate that Tract N is combined
30 within the plat and will not remain as a remnant in the subdivision.

31
32 (l) *Access to major arterials. In the case where a proposed plat is adjacent to a major or minor*
33 *arterial, there shall be no direct vehicular access from individual lots to such streets and*
34 *roads....”*

35 The proposed subdivision includes the construction of a new local street/cul-de-sac that will
36 connect to McKusick Rd. N. The new roadway will cross the Browns Creek Trail and the
37 intersection with McKusick is approximately 800-feet from Hwy 96 (Dellwood Rd. N.) ***No***
38 ***new lots are proposed to directly access McKusick or Dellwood Rd. N., and as proposed***
39 ***meets this requirement. However, the City Engineer and the MNDNR must review and***
40 ***approve of the access crossing Browns Creek Trail and the intersection spacing guidelines***
41 ***should be reviewed prior to the approval of a final plat.***

42
43 City Planner Swanson stated the Project includes the development and construction of two new cul-
44 de-sacs, Street A will provide access to the northwest portion of the property and Street B will
45 provide access to the southeast portion of the property. Lots 7 and 10 are proposed to be directly
46 accessed from 88th Street N., which is a local city roadway. The cul-de-sac design will serve all but

1 two of the new homes in the neighborhood. The following standards regarding cul-de-sac streets and
2 street design are as follows:

3
4 30-129 Cul-de-sac streets

5 (a) *Cul-de-sac streets, temporarily or permanently designed as such, shall not exceed 1,320 feet*
6 *in length.*

7 There are two proposed cul-de-sac streets within the subdivision, identified as Street A and
8 Street B. Street A is the northwesterly cul-de-sac that provides access to proposed Lots 1
9 through 6 and 8. Street A is approximately 1,280-feet long from cul-de-sac terminus to the
10 intersection with McKusick Rd. N. Street B is the southeasterly cul-de-sac that provides
11 access to proposed Lots 9, and 11 through 15. Street B is approximately 1,300 feet long from
12 cul-de-sac terminus to the intersection with 88th Street N.

13
14 (b) *Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road*
15 *frontage and meet the lot width requirement at the building setback line for the zoning district*
16 *in which the property is located.*

17 Section 32-246 identifies the lot dimensional standards for lots zoned A2. Lots on a cul-de-
18 sac are required to have a minimum lot width of 160-feet at the building setback line. During
19 the Planning Commission review two lots (Lot 3 and Lot 4) were identified because they did
20 not meet this standard. Per the revised Preliminary Plat, as shown on Sheet C1.1, Lot 3 and
21 Lot 4 have been adjusted and all lots comply with this standard.

22
23 (c) *Unless future extension is clearly impractical or undesirable, the turnaround right-of-way*
24 *shall be placed adjacent to a property line and a right-of-way of the same width as the street*
25 *shall be carried to said property line in such a way as to permit future extension of the street*
26 *into the adjoining tract. At such time as such a street is extended, the acreage covered by the*
27 *turnaround outside the boundaries of the extended street shall revert in ownership to the*
28 *owner fronting on the temporary turnaround. To ensure such streets can be constructed*
29 *according to this code, the street shall be rough graded or typical sections shall be submitted*
30 *and approved by the City engineer.*

31
32 Based on the lot configurations proposed future extension of the cul-de-sacs as through roads
33 seems unlikely. The City Engineer will review this item and address it within his review
34 memo.

35
36 30-130 Street design

37 (a) *Minimum width*

38 *Local Streets - ROW roadway width 66 feet, 28 feet including shoulders*

39 *Cul-de-sacs – ROW roadway width 66 feet, 48-foot turnaround radius*

40
41 The street and cul-de-sac right-of-way and design meets the City's ordinance requirements.

42
43 The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement
44 surface. The typical road section is identified on Sheet C7.1 and the street profiles were provided on

1 Sheet C6.1 of the submission. All driveways serving the new homes will connect directly to the local
 2 roadway, and will cross the ditch section to connect to the paved surface. A pavement profile is
 3 shown on Sheet C7.1 and must be reviewed and approved by the City Engineer for compliance with
 4 the City’s road specifications.

5
 6 The following site and zoning requirements in the A-2 district regulate the site and proposed
 7 subdivision:
 8

Dimension	Standard
Lot Size	5 acres
Lot Depth (ROW to rear lot line)	300’
Lot Width (measured at front yard setback)	300’
Lot Width on a Cul-de-sac at the setback line	160’
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’
Fence	May be on property line, but not within any ROW
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	75’ (50’)
Maximum Floor Area	30%

9
 10

Density/ Lot Size / Density
 Buildable Area

The proposed subdivision is located on a parcel that is irregular in shape and includes right-of-way for purposes of the Browns Creek State Trail and 88th Street N. Per Section 32-246 Subsection(c)(4) “For the purpose of computing the total area of any lot or parcel of land, road and railroad rights-of-way which are held either in fee title or easement which pass through any lot or parcel of land, may be included in the total area calculation for density purposes.” As previously noted, the Browns Creek State Trail corridor is the historic railroad and accounts for an additional approximately 8.5 acres. Both calculations are provided for reference.

As proposed, excluding the Browns Creek Trail corridor, the density calculation is as follows:

$$148.9 \text{ Acres} / 15 \text{ Units} = 9.92 \text{ Acre average lot size}$$

Proposed density if Browns Creek Trail corridor is included, as permitted by the ordinance, the density calculation is as follows:

157.4 Acres / 15 Units = 10.49 Acre average lot size

As proposed, the proposed density in the Stillwater Oaks project meets the City's Comprehensive Plan and zoning ordinance regulations.

However, it should be noted that all available density has been used, and no further subdivision is permitted. ***Staff recommends including a condition that the Development Agreement and the development covenants clearly state that no further subdivision is permitted of the subject properties, and that this restriction must be recorded against all properties.***

Lot Size

Section 30-107 Lot Requirements, subsection (c) Minimum area and width, states, "No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located, except as here provided. Irregular-shaped lots designed for the sole purpose of attempting to meet a subdivision design or zoning regulation shall be prohibited."

As identified on the previous table, Lots in the A-2 zoning district have a minimum lot size of 5.0 Acres (Lot Width will be discussed in subsequent sections of this report). While the zoning code does not specifically define 'rural residential lots' the term is explanatory of what the Applicant has proposed for most of the lots. The proposed lots range in size between 5.15 and 13.6 acres. ***All of the lots meet the 5.0 acre minimum lot size as defined within the zoning ordinance.***

Buildable Area

All lots within the A-2 zoning district must have a minimum of 1.0 acres of "Buildable Area" to ensure that there is adequate area on a lot to support the principal structure and septic system. This requirement can be found in Section 32-246 subsection (b)(4) Subdivision of Lots which states, "...All new lots created must have at least one (1) acre of accessible buildable land. Buildable land is defined as land with a slope of less than twenty-five (25) percent, and outside of any required setbacks, above any floodway, drainage way, or drainage easement. Property situated within shorelands or floodplains are also subject to the requirements set forth in those respective ordinances." Also, while not explicitly stated, it should be noted that the wetlands are also removed from the Buildable Area calculation.

Since the Planning Commission meeting, the Applicant has submitted a Buildable Area exhibit that is provided as an attachment to this staff report. As demonstrated on the exhibit, all lots meet or exceed a minimum of 1.0 acres of buildable area.

Frontage

Section 30-107 subsection (b) requires each lot to front on a public street, and Chapter 30 further states that all created lots must meet the standards

of the underlying zoning. The Dimensional Requirements and corresponding frontage requirements are shown on the table found in Section 32-246 which requires a minimum of 300-feet of Frontage on “an Improved Public Road” for properties zoned A-2, and a minimum of 60-feet of frontage for lots abutting a cul-de-sac. Per Section 32-1, Frontage is defined as, “that boundary of a lot which abuts a public street or private road.” ***All lots as shown on the Plan Set meet the minimum frontage.***

Lot Width & Lot Depth

All created lots must meet the standard for Lot Width and Lot Depth in the A-2 zoning district. The ordinance requires a minimum lot width of 300-feet for standard lots and 160-feet for lots abutting a cul-de-sac. The minimum Lot Depth of all A2 lots is 300-feet.

Section 32-1 defines Lot Width as, “the horizontal distance between the side lot lines of a lot measured at the setback line.” And Lot Depth as, “the mean horizontal distance between the front and rear lines of a lot.”

As previously noted, the Applicant has adjusted Lot 3 and Lot 4 on the Preliminary Plat dated 09/22/2022 and as shown on the plan set all lots comply with the lot width standards.

All lots meet lot depth requirements.

Coverage (Floor Area)

Coverage calculations were not provided in the submission materials, and therefore cannot be verified. Given the size of the lots, and the improvements shown on the Preliminary Plat figures C1.1 through C1.3, all lots will comply with the maximum coverage requirements of 30% and 50% respectively. ***Staff recommends including a condition that all future improvements on each lot must submit the coverage calculations as part of any building permit process.***

Roadways & Access

Section 30-58 (c)(1) requires the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III. The proposed roadways contain 66-feet of dedicated right-of-way, and per sheet C7.1 contains a 24-foot traveled bituminous surface with 2-foot gravel surfaces. As shown on the plans, the cul-de-sac terminus contains a 50-foot diameter traveled surface and 132-foot right-of-way.

As noted throughout this staff report Street A, the northerly cul-de-sac that connects to McKusick Rd. N., must cross the Browns Creek State Trail to provide access to the proposed lots. There is an existing private driveway that connects the existing parking lot that served the Stillwater Oaks Golf Course that was secured by a private driveway easement from the MNDNR. The proposed configuration will require a public roadway to cross the trail and this access must be secured by an easement that is agreed to between the City, developer and MNDNR. Staff has communicated with the MNDNR and they have provided a preliminary letter regarding their interests. Per discussion with the MNDNR, the

crossing of the trail must be secured by an appropriate easement, and may include additional improvements beyond paving such as stop signs, etc. ***Staff recommends that a condition be included that the access must be secured prior to any site work commencing regarding the project and that all required improvements and its costs associated with the crossing shall be the sole responsibility of the Applicant.***

Per the recommendation of the Planning Commission, the Applicant is proposing to name Street A as “Lake Elmo Circle” and Street B as “Leeward Circle.” The road names must comply with Sec. 24-56 of the City Code. It appears that both names comply with the standard, and verification with the City’s Building Official and Engineer will be completed prior to Final Plat.

Septic

Section 30-58 (9) requires that “in areas where public sewer is not available, four soil borings shall be completed on each lot with results being submitted to the city building inspector....” Sheets C1.1 through C1.3 have been updated to reflect the location of the borings that were completed on the site. The Applicant submitted a letter from Washington County dated July 6, 2022 that is attached to this Staff report. Based on the letter, Washington County has indicated that “the proposed lots appear to have suitable soil for individual sewage treatment systems...” The letter further states that the “soil observations conducted for these lots were preliminary and only for the purpose of determining suitability to support long-term sewage treatment...Before an installation permit can be issued by the Department for a specific subsurface sewage treatment system, at least four additional soil borings and at least one percolation test must be conducted by a designer licensed by the Minnesota Pollution Control Agency.”

Based on the information provided it appears that all lots have suitable area to site a septic system. ***Staff recommends including a condition that all lots must obtain the appropriate permits from Washington County prior to a building permit being issued for a principal structure. Additionally, staff would recommend including a condition that all identified septic areas must be roped off and protected during the construction process.***

Driveways:

The proposed roadway will serve the new homes in the subdivision, and each home will be connected with a single driveway as shown on sheets C1.1 through C1.3 of the Plan set. As designed, one driveway will be constructed to provide access to the principal and any accessory structures on each lot. ***As designed, a single access/driveway complies with the City’s driveway standards, however, it should be noted that each lot will be required to acquire a driveway permit prior to a building permit being issued for a new home (Section 32-184).***

Stormwater/Erosion The City’s Zoning and Subdivision Ordinance both require that the

Control

Applicant submit a stormwater management plan and erosion control plan. The Applicant is proposing to manage stormwater on-site through a series of ponds and infiltration basins as shown on Sheets C2.1 through C2.3 Grading and Drainage, Sheets 3.1 through C3.3 Storm Sewer Plan and Sheets C4.1 through C4.4 SWPPP. The Applicant is required to meet the City's standards but is also subject to the rules of the Browns Creek Watershed District (BCWD). A wetland delineation was completed by the Applicant and the Notice of Decision (NOD) was issued for the areas identified on the plan set. Staff has communicated with BCWD and understands that the application remains incomplete and that several outstanding issues remain. The Applicant is responsible for obtaining all necessary permits from BCWD. Their recommendations may change and/or alter some of the configuration of the basins and/or infiltration areas, and if so, revised plans should be submitted to the City Engineer for additional review. It should be noted that if any of the changes are significant which impact the design of any lots or roadways significantly, that a new preliminary plat review may be required. The Stormwater Management Plan for the Project as currently designed was submitted and is under review by the City Engineer.

1
2 City Planner Swanson noted the City Engineer's memo is attached to this staff report for your review
3 and consideration. It should be noted that the Engineer is recommending the improvement of both
4 McKusick and 88th Street from the intersections to the new cul-de-sacs. This recommendation is due
5 to the existing condition of the roadways and the additional traffic generated as a result of the
6 proposed subdivision. The City Engineer will be present at the City Council meeting to further
7 discuss this recommendation.

8
9 It is standard for a conceptual/preliminary grading plan to be prepared for projects of this type,
10 particularly given that the lots will be constructed with custom houses. So, for purposes of
11 stormwater calculations, erosion control, and other engineering items it is important to have a
12 'conceptual' plan of how the improvements can be accommodated on the lots while ensuring that
13 those improvements would meet stormwater and erosion control standards. This is consistent with the
14 processing of other major subdivisions in the City.

15
16 During the public hearing members of the public and members of the planning commission discussed
17 the remediation efforts completed on the site. No information regarding site remediation was
18 submitted for review by the City Engineer. ***Staff recommends that a condition be included to***
19 ***require the submission of the mitigation/remediation complete on site for review by the City***
20 ***Engineer.***

21
22 Staff recommends including a condition in the Preliminary Plat approval that the Applicant/Owner
23 must meet all conditions as stated within the City Engineer's memo.

24
25 As noted, the proposed Project is located within the Browns Creek Watershed District and is subject
26 to their rules and regulations. The Applicant has submitted an application to the BCWD and
27 continues to work with them through their permitting/review process. ***Staff recommends including a***

1 *condition that the Applicant must obtain all necessary permits from the BCWD, and if significant*
2 *changes are needed based on their permitting a revised preliminary plat may be required.*

3
4 Street A is proposed to cross the Browns Creek Trail which is the jurisdiction of the MNDNR. The
5 Applicant must continue to work with the City and the MNDNR regarding the crossing to ensure that
6 access to the proposed northwesterly lots is provided. *Staff recommends including a condition that*
7 *the Applicant must obtain the access/crossing permit from the MNDNR and is responsible for all*
8 *necessary improvements related to the crossing.*

9
10 Conditions

- 11 • An updated Preliminary Plat incorporating the City Engineer’s recommendations and
12 incorporating any changes of the BCWD, must be submitted for review and approval by
13 City Staff within 12-months of Preliminary Plat approval.
- 14 • The Applicant must improve that portion of McKusick and 88th Street N., identified by the
15 City Engineer to provide adequate access to the proposed subdivision.
- 16 • The Applicant shall submit their remediation/mitigation efforts completed on the site for
17 the review of the City Engineer.
- 18 • The Applicant shall comply with all recommendations and standards of the City Engineer.
- 19 • The Applicant shall adjust the lot lines of 9, 10 and 11 to comply with the subdivision
20 design standards.
- 21 • The Applicant must establish an HOA or similar to manage the stormwater management
22 systems on site. Such entity shall be appropriately established and identified within the
23 Development Agreement.
- 24 • The Applicant shall obtain all necessary stormwater permits from the BCWD and such
25 permits shall be obtained prior to the City granting any Final Plat of the Project.
- 26 • The Applicant will be required to enter into a Development Agreement prior to the City
27 Granting any Final Plat of the Project to ensure that the requirements and conditions as set
28 forth herein are complied with to ensure the installation of all subdivision infrastructure.
- 29 • The Applicant, or assigns, shall obtain all necessary permits for the installation of
30 individual wells serving each lot, and such permits shall be obtained prior to the City
31 issuing any Building Permit for such lot.
- 32 • The full public right-of-way of both cul-de-sacs shall be dedicated on the Final Plat.
- 33 • Site improvements as described within Section 30-194 shall be agreed to and identified
34 within the Development Agreement.
- 35 • The Applicant must work with the MNDNR to secure a crossing easement of the Browns
36 Creek State Trail, and such easement must establish the use as a public right-of-way.
- 37 • The Applicant is responsible for all costs associated with the road crossing and any
38 improvements required by the MNDNR for such access.
- 39 • The Applicant shall identify and rope off all septic drainfield areas on the site prior to the
40 City issuing any grading permits on the subject property.

- 1 • The Applicant, or assigns, shall be required to obtain all septic permits, based on the
- 2 actual design of a principal structure prior to the City issuing a Building Permit.
- 3 • The Applicant shall pay all fees and delinquent escrow balances.

4
5 City Planner Swanson advised the Planning Commission unanimously recommended approval of the
6 Preliminary Plat with the conditions as noted. The recommended changes to the preliminary plat that
7 were addressed in the 09/22/2022 plan set have been addressed throughout the staff report and
8 remaining issues have been identified in the draft conditions. Staff requests direction to prepare a
9 resolution of approval with the conditions, and any modifications, as noted.

10
11 Mr. Jason Palmby, Applicant, came forward and thanked the Council for the opportunity to address
12 them and also thanked staff. There are some outstanding items that will be resolved between
13 preliminary plan and final plat. Discussions with the DNR cannot even begin until the preliminary
14 plat is approved. There will be an OHA established as well as covenants. Work will be done with the
15 City on roadway improvements. Will have the remediation to you in the morning. He stated he is
16 currently working with Brown's Creek and that submittal will be completed this month. Moving
17 forward is completely at his own risk and he stated he is willing to take that risk. Only single family
18 homes will be part of the development and he is willing to pay his fair share of the roadway
19 improvements. If a solution is not acceptable the final plat can be denied. He noted the use on the
20 roadways was much heavier when it was a golf course.

21
22 **Council Member Giefer moved to approve Stillwater Oaks, Preliminary Plat, as presented with**
23 **all conditions and added conditions relating to remediation, road improvements and permitting**
24 **from Brown's Creek. Council Member Carr seconded the motion. Motion carried unanimously**
25 **with a roll call vote.**

26
27 **City Attorney, Christina Benson**

28
29 **Consideration of Resolution No. 2022-17a, Resolution Terminating the Local Emergency**
30 **Related to COVID-19** – City Attorney Benson advised for in-person meetings to resume, the City
31 must rescind the emergency resolution that was passed in April 2020 declaring it was not practical to
32 meet in person.

33
34 **Council Member Giefer moved to adopt Resolution No. 2022-17, as presented. Council**
35 **Member Schafer seconded the motion. Motion carried with a roll call vote with Council**
36 **Member Rog voting nay.**

37
38 **NEW BUSINESS**

39
40 **Consideration of Ordinance No. 2022-68, Establishing a Salary and Per Diem for Mayor and**
41 **City Council** - Staff the City must adopt by Ordinance prior to the election relating to any change in
42 Mayor or Council salaries.

1 Council Member Carr moved to adopt Ordinance No. 2022-68, as presented. Council Member
2 Giefer seconded the motion. Motion carried with a roll call vote with Council Member Rog and
3 Schafer voting nay.

4 Consideration of Resolution No. 2022-18, Summary Publication of Ordinance No. 2022-68 –
5 Staff advised Resolution No. 2022-18 authorizes summary publication of Ordinance No. 2022-68.

6
7 Council Member Carr moved to adopt Resolution No. 2022-18, as presented. Council Member
8 Rog seconded the motion. Motion carried unanimously with a roll call vote.

9
10 Consideration of Resolution No. 2022-19, Summary Publication of Ordinance No. 2022-69 –
11 Staff advised Resolution No. 2022-19 authorizes summary publication of Ordinance No. 2022-69.

12
13 Council Member Schafer moved to adopt Resolution No. 2022-19 as presented. Council
14 Member Giefer seconded the motion. Motion carried unanimously with a roll call vote.

15
16 Consideration of Resolution No. 2022-20, Summary Publication of Ordinance No. 2022-70 –
17 Staff advised Resolution No. 2022-20 authorizes summary publication of Ordinance No. 2022-70.

18
19 Council Member Giefer moved to adopt Resolution No. 2022-20 as presented. Council Member
20 Rog seconded the motion. Motion carried unanimously with a roll call vote.

21
22 Schedule Canvass of Election Meeting, November 14th through 18th, 2022 – The Canvass of
23 Election meeting was scheduled for November 16, 2022, 2:00 p.m., City Office.

24 25 **UNFINISHED BUSINESS**

26 There was no unfinished business.

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

28 Staff Updates (updates from Staff, no action taken)

29 City Council Reports/Future Agenda Items

30 31 **COMMUNITY CALENDAR OCTOBER 5 THROUGH OCTOBER 31, 2022:**

32 Mahtomedi Public Schools Board Meeting, Thursday, October 13th, and October 20th,
33 Mahtomedi District Education Center, 7:00 p.m.

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

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

37 38 **ADJOURNMENT**

39 Council Member Giefer moved to adjourn the meeting at 9:20 p.m. Council Member Schafer
40 seconded the motion. Motion carried unanimously with a roll call vote.

41

1 These minutes were considered and approved at the regular Council Meeting November 1, 2022.

2
3
4
5
6
7
8

Kim Points, Administrator/Clerk

Jeff Huber, Mayor

APPROVED