

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, June 19, 2018
6:30 p.m.
Town Hall

Please be courteous and turn off all electronic devices during the meeting.

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: May 15, 2018
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Minor Subdivision Application, 9411 Joliet Avenue North
6. OLD BUSINESS
7. ADJOURN

**PLANNING COMMISSION MEETING MINUTES
CITY OF GRANT**

May 15, 2018

Present: John Rog, James Drost, Jerry Helander, Jeff Giefer and Robert Tufty

Absent: Jeff Schafer, Matt Fritze

Staff Present: City Planner, Jennifer Swanson; City Clerk, Kim Points

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

MOTION by Commissioner Giefer to approve the agenda, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, March 20, 2018

MOTION by Commissioner Tufty to approve the March 20, 2018 Minutes, as presented. Commissioner Giefer seconded the motion. MOTION carried with Commissioner Rog abstaining.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Conditional Use Permit, 9080 Justen Trail N – City Planner Swanson stated the Applicants and Owners Phillip and Kristy Gusick made an application for a Conditional Use Permit (CUP) in November of 2017 to permit boarding of up to five (5) horses on their property. The initial application was deemed incomplete and additional information was needed for staff to complete its review. In late March 2018 staff received the additional information as requested, and the following staff report provides a review and analysis of the Applicant's CUP request.

A duly noticed public hearing was published for May 15, 2018, and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

Applicants & Owners: Kristy and Phillip	Site Size: 5.38 Acres
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Gusick	
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9080 Justen Trail N. Lot 6 Block 1, Victoria Station	PIDs: 1503021330005

The Property Owners and Applicants (hereafter referred to as “Applicants”) are requesting a CUP to allow for boarding of up to five (5) horses on their residential property. As indicated in the Applicant’s narrative, the requested CUP is for personal use and no commercial boarding operations are proposed as part of this application. The following summary of the existing site improvements as described within the Applicant’s narrative (Attachment A), and shown on the site plan, are provided:

Existing Homestead: There is an existing homestead located on the property which is the residence of the Applicants. Three of the four lot lines are bordered by right-of-way and the primary frontage of the property and access is from the easterly property line which is Justen Trail N.

Main Barn: There is an existing barn that is approximately 45’ x 42’ with a total of 1,890 square-feet that is located about 100-feet west of the principal structure. As indicated within the Applicant’s narrative, there is shelter for up to four (4) horses within the barn structure. A floor plan of the barn is provided as Attachment C.

Pasture Area: As described within the narrative and shown on the aerial, the pasture area is entirely fenced in and the fence line generally follows property lines and encloses the area west of the barn. Based on the aerial and GIS information there is approximately 2.8 acres of land fenced in and used for the pasture area.

Main Access and Parking: There is one driveway access to the property from Justen Trail North which provides access to the existing home and barn. There is no additional parking beyond the existing attached garage and driveway. No additional access or parking is proposed as part of this application.

Utilities: The existing homestead is currently served by a private well and individual septic system. No changes are proposed as part of this application.

Operations: The Applicants’ narrative describes the reason for the requested CUP to allow for personal boarding of up to five (5) horses on their residential property. As stated, typically only four horses (4) would be present on the property because the existing facilities only provide permanent/year-round shelter for four horses. However, at certain times and weather permitting a fifth horse may be present. There are no commercial boarding activities, events, breeding or any other commercial use proposed as part of this application.

City Planner Swanson stated that according to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

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

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

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit. Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional criteria when considering CUPs for the proposed use.

The subject lot is approximately 5.38 acres, is regular in size and is described as Lot 6 Block 1 of the Victoria Station subdivision. The subject parcel is bordered on three sides by roadways, including the rear (west) which is Jamaca Avenue North, the side yard (south) and front yard (east) which are bordered by Justen Trail North. The existing home and barn are accessed via a single driveway to the easterly property line and Justen Trail North. The lot is relatively open with some vegetated buffers along property lines and near the existing home. There is an existing home, barn, and fenced pasture area that are proposed to support the horse boarding operations.

A wetland delineation was not submitted as part of this application, however, based upon the National Wetland Inventory (NWI) and GIS information there do not appear to be any wetlands on site.

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The principal use of the property for a single-family rural residential homesite with an accessory barn which is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
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Lot Size	5 acres
Grazable Acres	1 Horse per 2 Grazable Acres
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')

Lot Size/Area: Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 5.4 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses.

Based on available data it appears that there approximately 4 acres of grazable land per the City's definition. Per Section 32-337 subsection (g) the lot size would permit the keeping of 2 horses without a CUP.

The existing lot meets the city's minimum standards for lot size and area for the keeping of horses. The existing lot size would permit the keeping of two horses, and the request to permit an additional three (3) horses requires a conditional use permit for greater density as described in Section 32-337 subsection (h).

Setbacks & Frontage: The subject property is a corner lot and has primary frontage from Justen Trail North which forms the eastern property boundary. The rear lot is bordered by Jamaca Avenue North (CR-9). The existing home is setback approximately 130-feet from the north and south property lot lines (side yards) and 137-feet from the easterly property line (front). The barn is situated in the rear yard and is setback approximately 390-feet from the west property line (rear), 116-feet from the north and 169-feet from the south property line (side yards). ***All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additional improvements or new structures are proposed as part of this application.***

Accessory Building

(Barn)

Parking Area
(Location & Spaces): As stated, the Applicants are not proposing to conduct any commercial boarding or other business activities on the subject property. Parking for the existing home includes an attached garage, and driveway which provides access to both the principal structure and barn. Based on the narrative, the number of visitors anticipated to the home as a result of the horse boarding is not substantially different than any other residential property in the City. **Based on the operations as proposed, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.**

Driveway/Circulation: The principal structure and accessory buildings are accessed from a single gravel driveway which connects to Justen Trail North. The Applicants have stated that the proposed boarding is for personal use and no events or other commercial activities are proposed as part of this application. Therefore, it is anticipated that the Applicants have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site. **Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations.**

Architecture, Building
Height, Accessory
Structure Floor Plans: The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known; however, the buildings are existing at the date of this permit application and no changes are proposed to the existing structures.

Barn:

The floor plan submitted for the Barn shows area for four (4) horse stalls, run-in area, feed and tack and hay storage. The Applicants are requesting permission to have up to five equines on the property; but have stated that typically there will be only four horses on the property and that between the pasture area and barn there is adequate space to contain the horses. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary 'improvements' are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter of four horses as indicated within the narrative. At times when a fifth horse is present, the Applicants should be cognizant of inclement weather and provide alternate shelter/wind breaks or not have more than four horses on site. **As proposed, up to four horses may be on the site**

permanently, and the Applicant shall follow their narrative with respect to the appropriate times to have a fifth horse on site.

Utilities (well and septic):

The existing home is served by a well and individual septic system, which are both located on the Site Plan (Attachment B). The Applicant stated within the narrative that they have pulled water service and electrical services to the barn since they purchased the property in 2016. The existing well is located south of the home, and the septic system is located north of the home, and both are located outside of the fenced pasture area. ***As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations.***

Manure Management Plan/MPCA

While the City's ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicants submitted a Manure Management Plan as part of this application which identifies three manure management strategies including spreading, composting and removal. Their primary strategy is spreading within the pasture which requires management by dragging to ensure even spreading to prevent build up and to reduce the fly population. The methodology also supports revitalizing of the pasture. Additionally, a small compost pile has been established on the property which can be used as fertilizer. Finally, if spreading and composting is not available, excess manure is removed that cannot be adequately spread or composted. A small compost site is shown on the site plan located north of the existing home and barn, and setback approximately 105-feet from the existing septic system and drainfields.

Staff researched these practices through the University of Minnesota extension services and found this methodology to be recommended, provided proper spreading and composting practice is followed. The Applicants provided a letter from a Graduate Research Assistant at the University of Minnesota extension services that also details additional strategies for the pasture to optimize its operation by "limiting inputs, maximizing production, and reducing environmental impacts." (Attachment

Based on staff's research, and materials presented, provided the Applicant follows the Manure Management Plan as submitted, staff believes these practices are adequate and meets the City's ordinances.

Pasture Management Given the relatively small pasture area, the Applicants provided additional narrative and support for permitting the number of horses on the property. As indicated by the letter dated August 5, 2017 from Graduate Research Assistant Michelle DeBoer, the pasture area should be adequate based on the recommendation. The recommendation by Ms. De Boer is to install a dry lot to maximize pasture productive. The dry lot is recommended to be approximately 400 square feet per horse, which is equivalent to approximately 2,000 square feet. As previously stated the pasture area is approximately 2.8-acres or 121,968 square feet, allow for the practices as recommended by Ms. DeBoer. ***With proper management, based on the supporting materials, it appears that adequate pasture area is available to support the requested number of horses on the property.***

Fence The Applicant has stated that they have repaired portions of the fence since acquiring the property in 2016. An important aspect of the operations is to contain the horses, which requires that the fence be kept in good repair. ***Staff would recommend including a condition that the fence line must be managed, maintained and kept in good repair to ensure horses remain on the property.***

There are no site improvements proposed or considered as part of this application. The existing facilities, access driveway and gravel areas are proposed to be used for the operation. Since no site improvements to the site, the City Engineer does not have any additional comments.

The property is located within the Brown's Creek Watershed District (BCWD), and the Applicants have stated that they have contacted the BCWD and no permits are required to continue operations at the facility. (see attached description dated September 12, 2017). ***Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

1. The Applicants shall be permitted to keep four (4) horses on the property permanently and are permitted to have up to five (5) horse on a temporary basis on the subject property.
2. The Applicant shall follow the manure management plan as provided with this application. If any changes are proposed, a revised manure management plan shall be submitted to the City and placed in the property file.

3. All operations on site shall meet the MPCA's noise standards and regulations.
4. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
5. Any future expansion or intensification of the Horse Boarding operations shall require an amendment to the Permit. Intensification shall include, but not be limited to, any commercial boarding operations, events, or the permanent keeping of additional horses.
6. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
7. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The Horse boarding operations use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable acres is conditionally permitted per the City's zoning code.
- The Horse boarding operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse boarding operations is compatible with the existing neighborhood.
- The Horse Boarding operations meets the conditions or standards adopted by the city through resolutions or other ordinances.

- The Horse boarding operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

Commissioner Rog inquired about the building permit issued for personal storage on site and suggested an inspection be done to ensure safety as a condition of approval.

City Planner Swanson advised a copy of the original building permit is available but was issued by the County. The City is not aware of when the improvements to the barn were made. The City does have the ability to conduct an inspection to ensure compliance with the building code.

MOTION by Commissioner Helander to open the public hearing at 6:51 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Commissioner Helander stated he did receive an email outlining concern about the lot perhaps being too small for that number of horses in terms of property values and setting precedence.

MOTION by Commissioner Giefer to close the public hearing at 6:53 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Mr. Phil and Kristy Gusick, Applicants, came forward and stated the proposed fifth horse is really dependent upon weather. In the winter the horses aren't used and sometimes they are boarded elsewhere. She noted they do not board other people's horses. She stated she would like to have the five horses during fair weather months and like discretion regarding the dry lot. She said a manure management plan is in place and the lot is ideal to quarter off during wet month's part of the pasture area. She stated she has hay all year round and does not want to create more mud. Keeping the pasture open looks much nicer. She stated the family does ride the horses a lot. In the winter the manure is spread out in the pasture and it does freeze resulting in great black dirt for the spring. They also utilize shadings and have mats in the stalls.

City Planner Swanson stated the application does meet the City ordinance although certain pieces are not relevant. The City does have recourse if the animals are not being managed and conditions being followed. Any intensification of the use would require an amended CUP. She suggested the five proposed horses be permitted year round and require facilities to shelter that number of animal units year round. She suggested a condition be added regarding the condition of the fencing and the inspection of the building.

MOTION by Commissioner Helander to recommend approval of the Conditional Use Permit Application, 9080 Justen Trail North, as amended. Commissioner Tufty seconded the motion. MOTION carried unanimously.

This item will appear on the regular Council agenda June 5, 2018, 7:00 p.m.

6. **OLD BUSINESS**

There was no old business.

7. **ADJOURNMENT**

MOTION by Commissioner Tufty to adjourn the meeting at 7:25 p.m. Commissioner Drost seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

DRAFT



Application Date:	5/15/18
Fee: \$400	Escrow: \$4,000

pd Check # 5136 \$4,400.00

MINOR SUBDIVISIONS

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

PARCEL IDENTIFICATION NO (PIN): 1503021410001		ZONING DISTRICT & COMP PLAN LAND USE:
LEGAL DESCRIPTION:		LOT SIZE: 5 Acres
PROJECT ADDRESS: 9411 Joliet Ave N. Stillwater, MN 55082	OWNER: Name: Richard T Bennett Address: 9411 Joliet Ave N City, State: Stillwater, MN Phone: 651.426.5141 Email: tombeanett2@hotmail.com	APPLICANT (IF DIFFERENT THAN OWNER): Richard T. Bennett IV
DESCRIPTION OF REQUEST: Combine parcels 1503021410002 and 1503021410001 and subdivide one 5 acre lot		
EXISTING SITE CONDITIONS: raw land		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 30; Section 30-9		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Site Plan: Technical drawing demonstrating existing conditions and proposed changes (Full scale plan sets shall be at a scale not less than 1:100)</p> <ul style="list-style-type: none"> ▪ North arrow and scale ▪ Name, address, phone number for owner, developer, surveyor, engineer ▪ Streets within and adjacent to the parcel(s) including driveway access points ▪ Topographic data at two (2) foot contour intervals and steep slopes ▪ Proposed lot sizes (with dimensions) indicating setbacks for newly created lots ▪ Buildable area with acres and square footage identified ▪ Wetland limits (delineation) ▪ Drainage plans ▪ Soil tests for the installation of an on-site septic system

Application for: **MINOR SUBDIVISION**
City of Grant



		<ul style="list-style-type: none"> ▪ Septic system and well location ▪ Building locations and dimensions with setbacks ▪ Vegetation and landscaping ▪ Wetland Delineation ▪ Shoreland classifications: waterbodies, Ordinance High Water Level, 100 year flood elevation, and bluff line ▪ Name of subdivision with lot and block numbers of property, if platted <p>COPIES: 20 copies (4 sets at 22" x 34" and 16 at 11" x 17" format)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A certificate of survey, by a registered land surveyor for each parcel will be required. The survey must show newly created lots and the original lot, limits of any wetland, one acre of buildable area, and elevation of the building site above any lake, stream, wetland, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,320 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minor Subdivision submittal form completed and signed by all necessary parties
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$4,000

Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission may impose necessary conditions and safeguards in conjunction with their recommendation.

Review and Decision by the City Council. The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application for minor subdivision.

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.

	05/12/2018
Signature of Applicant	Date
	5/12/2018
Signature of Owner	Date



9411 Joliet Ave N, Grant

3 messages

Karen Kill <KKill@mnwcd.org>
To: City of Grant <clerk@cityofgrant.us>
Cc: D Bennett <dickbennett4@gmail.com>

Thu, May 3, 2018 at 12:34 PM

Kim,

I met today with Dick Bennett to discuss his subdivision plans for 9411 Joliet Ave N in Grant. Brown's Creek Watershed District did not inventory the ~0.5 acre wetland on the property Dick plans to subdivide into a 5 acre home site. If the wetland is groundwater dependent, the maximum buffer would be 100 feet. Dick indicated that the future home site would likely be placed ~200 feet from Joliet Ave N and would not be proposing grading or impervious within 100 feet of the wetland. Therefore, BCWD has no concerns with the proposed 5 acre subdivision.

I informed Dick that actual development of the site would require a BCWD erosion control permit for grading/vegetation alteration >5,000 square feet and/or 50 cubic yards of material excavated or filled. A BCWD stormwater management permit would be required if >10,000 square feet of impervious are proposed (>5,000 square feet impervious if the site drains to a groundwater dependent natural resource). So far the general plan sounds like it would require an erosion control permit but that the impervious footprint being currently considered would be below that threshold.



Please let me know if you have any questions or concerns.

Best Regards,

Karen

Karen Kill

Administrator

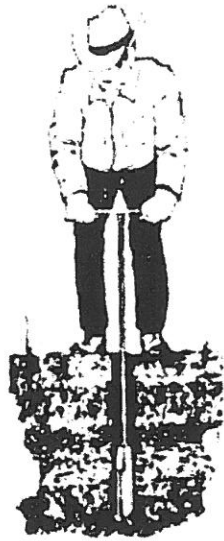
Brown's Creek Watershed District

455 Hayward Ave N

Oakdale, MN 55128

651-330-8220 x26 (office)

651-331-8316 (cell)



David R. Brown
drufusb1@yahoo.com
L#3649 C#9370
651-788-3296

PERCOLATION REPORT

WISE RESOURCE MANAGEMENT DOESN'T COST...IT PAYS

PID: 1503021410001
Grant, Mn
5/9/2018

Two soil borings were recently conducted for the proposed land split of the above named property PID: 1503021410001 for the purpose of declaring this site buildable in regards to sustaining a standard septic system. From these borings taken on 5/9/18, this lot can sustain a Type I ISTS.

This is preliminary soil testing and the final decision for this site will be made by Washington County. Additional soil testing, percolation tests and a septic design will be required prior to a septic permit being granted by Washington County. Trenches and absorption widths will need to observe setbacks of 10 feet from any lot line and at minimum 20 feet from any house, building with footings and neighboring ISTS soil treatment areas. Setbacks from any lake, stream or river will also need to be observed and these distances vary pertaining to the type of waterway. Individual wells will need to observe a 50 foot setback from any soil treatment area.

All wastewater treatment sites are to be cordoned off prior to the start of any construction activity. No construction traffic or grading is permitted in the soil treatment area (STA). All proposed wastewater treatment sites are to be protected with a visual barrier to prevent construction traffic from encroaching into the test area and possibly causing irreversible soil damage in respect to the on-site wastewater treatment and absorption areas.

All soil borings have been staked on the property and soil boring logs are attached.

David R. Brown
L#3649 C#9370

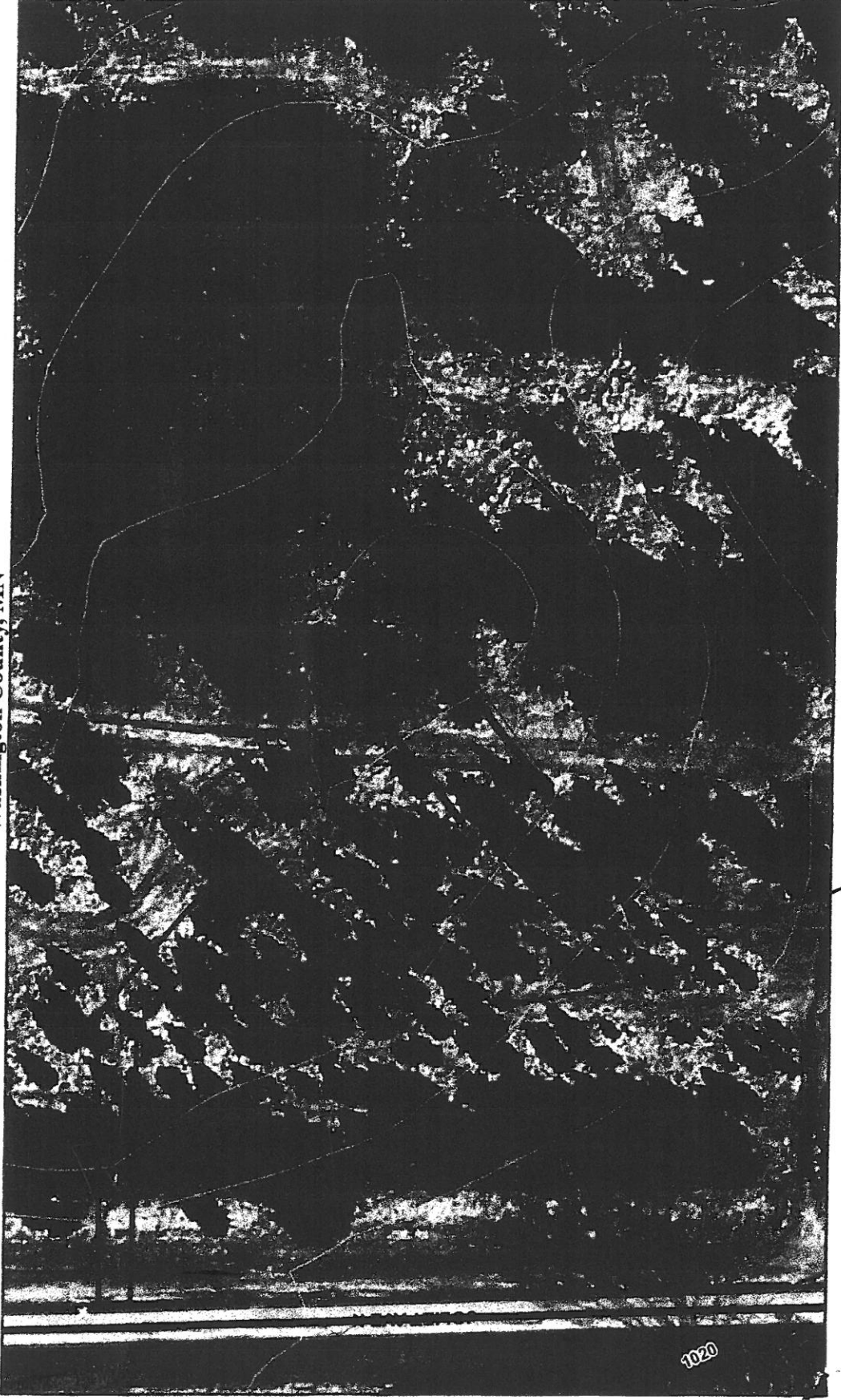
Log Of Soil Borings

Location: PID:1503021410004
 Date: 5/9/2018

Boring Hole Depth In Inches	Texture	Color	Boring Hole Depth In Inches	Texture	Color
B1			B5		
0-10	Sandy Loam	10YR3/4			
10.-44	Sandy Loam	10YR4/6			
44-48	Redox	Redox			
B2			B6		
0-12	Sandy Loam	10YR3/4			
12.-26	Sandy Loam	10YR4/4			
26-30	Auger Refusal	Redox			
B3			B7		
B4			B8		

PID: 1503021410001

Washington County, MN

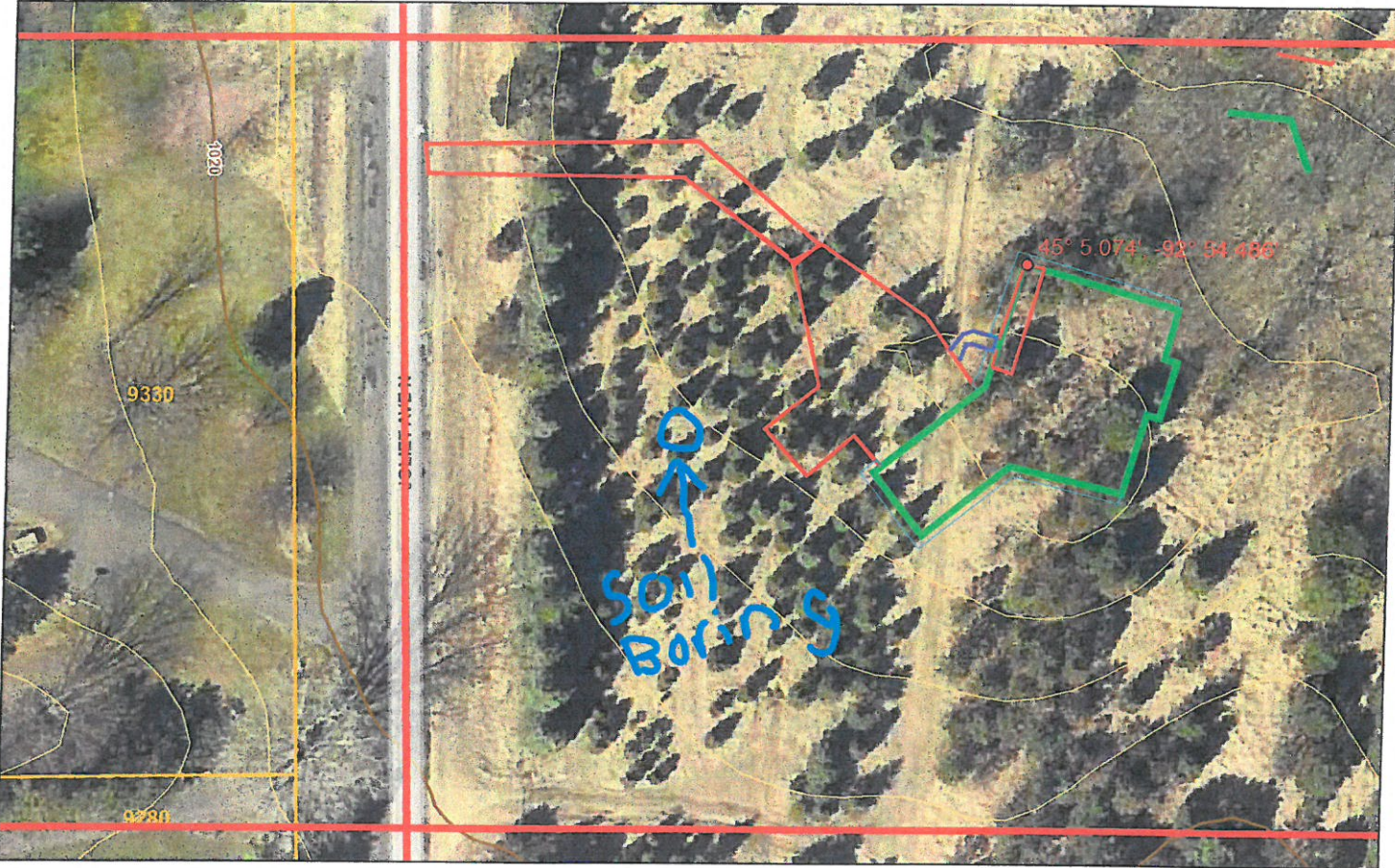


 Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

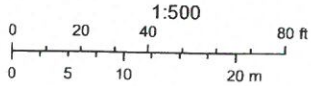
Map Scale
1 inch = 42 feet
5/7/2018

(B1) & (B2) = SOIL BORINGS

Washington County, MN



May 7, 2018



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



STAFF REPORT

TO: Planning Commission Members
Kim Points, City Administrator/Clerk

Date: June 12, 2018

RE: Application for Lot Line Rearrangement
(Minor subdivision)
9411 Joliet Avenue North

CC: David Snyder, City Attorney

From: Jennifer Haskamp, Consulting City Planner

Background

The Applicant and Owner, Richard Bennett, is requesting a lot line rearrangement (minor subdivision) of the property located at 9411 Joliet Avenue North. There is an existing home, accessory structure, pool and tennis court located on the existing northerly parcel, and the southerly parcel is currently vacant with no structures.

A duly noticed public hearing was noticed for June 19, 2018 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

The following staff report is provided for your review and consideration of the subject application

Project Summary

Owner & Applicant:	Richard Bennett
PID:	1503021410001 (23.06 Acres) 1503021410002 (19.98 Acres)
Address:	9411 Joliet Avenue North
Zoning & Land Use:	A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to create Parcel A: 5.00 acres, and Parcel B: 38.04 Acres

The Applicant is proposing a Lot Line Rearrangement, a subsection of Minor Subdivision, to rearrange the existing parcels into a new 5.00 acre lot and a 38.04 acre lot that would include the existing homestead and accessory uses. A new single-family structure is denoted on the survey which is attached to this staff report. Full plans for the proposed home are not provided, however, the Applicant has submitted septic tests and supporting information that is consistent with the proposed lot configuration. The existing homestead and accessory uses on the larger parcel will remain and no alterations are proposed as part of this application.

Review Criteria

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



Existing Site Conditions

There are two existing parcels associated with this application which are located northeast of the Joliet Avenue North and Dellwood Road North (State Highway 96) intersection. The southerly parcel is approximately 23.06 acres and is bordered on the south property line by Dellwood Road North, and the westerly property line is Joliet Avenue North and is the primary frontage of the parcel. The parcel in its current configuration has approximately 570-feet of frontage on Joliet Avenue North, and 1,391-feet of frontage on Highway 96. The existing lot is vacant with no structures or improvements currently on the parcel. Based on the National Wetland Inventory and available GIS data there is an existing wetland on the north-central portion of the property. The aerial, and survey, denote that much of the property is wooded, with extensive woodlands comprising the easterly half of the property, with what appears to be planted trees (primarily conifers) on the western half of the property.

The northerly parcel is approximately 19.98 acres and shares its south border with southerly parcel's north property line. The Applicants and Owners have an existing homestead on the northerly property located approximately 176-feet from the westerly property line. The existing homestead, accessory building, and accessory uses are all accessed from one driveway which connects to Joliet Avenue North on the property's westerly property line. The existing accessory building is approximately 3,500 square feet and is located to the northwest of the existing home. The parcel in existing configuration has approximately 660-feet of frontage along Joliet Avenue North. Per the NWI and available GIS there is a wetland area located on the south-central portion of the property which extends onto the southerly parcel. The site is heavily vegetated on the eastern half of the property, as well as vegetated along the northerly property line.

Comprehensive Plan Review

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the total 43.04-acres results in no additional lots but will likely result in another home being constructed. The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A-2 land use designation is to promote rural residential uses, and the proposed subdivision/rearrangement is consistent with that objective.

Zoning/Site Review

Dimensional Standards

The following site and zoning requirements in the A-2 district are defined as the following for lot 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'

Lot Area and Lot Width

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

Lot Tabulation:

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	5.00 Acres	300.04'	726'
Parcel B*	38.04 Acres	924.17'	1,317.62'

**Frontage of Parcel B in non-contiguous based on lot configuration. That portion of the lot which provides access/frontage to the existing home contains approximately 1,224-feet of frontage on Joliet which is the calculated primary frontage for this analysis.*

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

Setbacks

The existing homestead and accessory structures are located on proposed Parcel B and are subject to the city’s setback requirements. The existing principal structure is setback approximately 1,010-feet from the right-of-way line (westerly property line) of Joliet Avenue North; 640-feet from the southerly right-of-way line of Highway 96; 175.7-feet from the easterly property line; and 422-feet from the northerly property line. The accessory building is setback approximately 380-feet from the newly created property line of Parcel A; 252-feet from the northerly property line; and 750-feet from the westerly right-of-way line of Joliet Avenue North. ***The existing home and accessory building on Parcel B meet or exceed all City setback requirements.***

While it is unknown whether the proposed house location on Parcel A is conceptual, staff performed a review of the setbacks to determine whether the location as proposed would comply with the City’s ordinances. As denoted on the Survey, the proposed home would be setback approximately 111.7-feet from the right-of-way line of Joliet Avenue North (westerly property line, and primary frontage); 129.8-feet from the northerly property line; 480.1-feet from the easterly property line; and 94.0-feet from the southerly property line. Additionally, though a formal wetland delineation has not been completed, a rough estimate of the wetland edge based on GIS information and topography suggests that the new home would be setback approximately 500-feet from the wetland area. As shown on the survey, the proposed home on Parcel A would meet or exceed all setback requirements. Since it is unclear whether this plan is conceptual, ***Staff would recommend including a condition that all new structures, accessory and principal proposed on Parcel A, will be subject to the city’s setback requirements; and if an alternate location is proposed a wetland delineation may be required to ensure appropriate setbacks and wetland buffers are maintained.***

Access & Driveways



There is an existing driveway that serves the existing home on Parcel B, and there is currently no existing access to Parcel A. As denoted on the survey, a new driveway would be constructed to serve a new home when constructed on Parcel A. ***As depicted, the proposed driveway would meet the City's driveway standards and setback requirements.***

Accessory Structures

As previously stated there is one existing accessory building located on Parcel B which is approximately 3,500-square-feet. The rearrangement of the lot will result in Parcel B containing approximately 38.04 acres. Per Section 32-313 of the City's ordinance, parcels greater than 20-acres have no restriction on total size and number of accessory buildings. As such, the existing building, and any future accessory structures on Parcel B will comply with the City's ordinances and standards. There are no accessory buildings denoted on Parcel A as part of this application. The Applicant should be aware that accessory buildings on parcels between 3 and 4.99-acres a total square footage not to exceed 2,000 square-feet, and a maximum of two (2) accessory structures are permitted. ***Staff would recommend including a condition that any future proposed accessory building(s) shall be subject to size and permitted number as stated within section 32-313 of the City's Zoning ordinance.***

Utilities (Septic & Well)

Septic System – Soil Borings

The existing home is currently served by a septic system that will continue to be used for the existing homestead. Both the septic system and well are located on Parcel B. To demonstrate the buildability of Parcel A, the Applicant submitted septic/soil borings which were submitted to Washington County for their preliminary review. Based on the preliminary results it appears that there is adequate area on Parcel A to install a septic system to support a new home, if and when, proposed. ***Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.***

Wells

There is an existing well on Parcel B that will continue to be used for the property. Since Parcel A is vacant and no home is designed yet for the lot no well has been installed. ***Staff would recommend including a condition that if and when a new home is proposed on Parcel A that the appropriate permits to install a well must be obtained prior to the city issuing a building permit.***

Other Agency Review

The Applicant contacted the Browns Creek Watershed District (BCWD) and discussed the proposed minor subdivision, including conceptual location of a new home on Parcel A. Based on the current location of the home, BCWD indicated that they would not have any concerns, but that proper erosion control permits would be required. Additionally, they noted that if the location of the proposed home were to shift further east, that additional information regarding the wetland (which may include a formal delineation) may be required. ***Staff would recommend including a condition that if the location of the proposed home shifts east, that the Applicant is required to obtain proper permits and approvals based on the adjusted house location, if applicable.***

Requested Action



Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

If the Planning Commission recommends Approval, the following draft Conditions are provided for your consideration:

Draft Conditions

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

1. All future structures and improvements, accessory and principal, must comply with the city's and BCWD wetland buffer setback requirements.
2. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
3. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.
4. If, and when, a new home is proposed on Parcel A the appropriate permits to install a well must be obtained prior to the city issuing a building permit.
5. If the location of the proposed home on Parcel A shifts east, the Applicant shall be required to contact BCWD and the City to determine if a wetland delineation, or any other permit, is required prior to the City issuing a building permit for the lot.
6. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel A.

Attachments:

Attachment A: Application

Attachment B: Minor Subdivision exhibit, dated May 7, 2018

Attachment C: BCWD email correspondence

MINOR SUBDIVISION

~for~ **DICK AND MAUREEN BENNETT**
 2579 South Shore Blvd
 White Bear Lake, MN
 (763)-245-9590
 ~of~ **XXXX Joliet Ave**

EXISTING LEGAL DESCRIPTION

The North 660 feet of the Northeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, according to the United States Government Survey thereof and located in Washington County, Minnesota.

AND

The Northeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, Washington County, Minnesota, excepting the North 660 feet thereof, and that portion of the Southeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, Washington County, Minnesota, lying north of State Trunk Highway Number 96, according to the United States Government Survey thereof.

PROPOSED LEGAL DESCRIPTIONS:

PARCEL A:

The South 300 feet of the North 960 feet of the West 726 feet of the Northeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, Washington County, Minnesota.

PARCEL B:

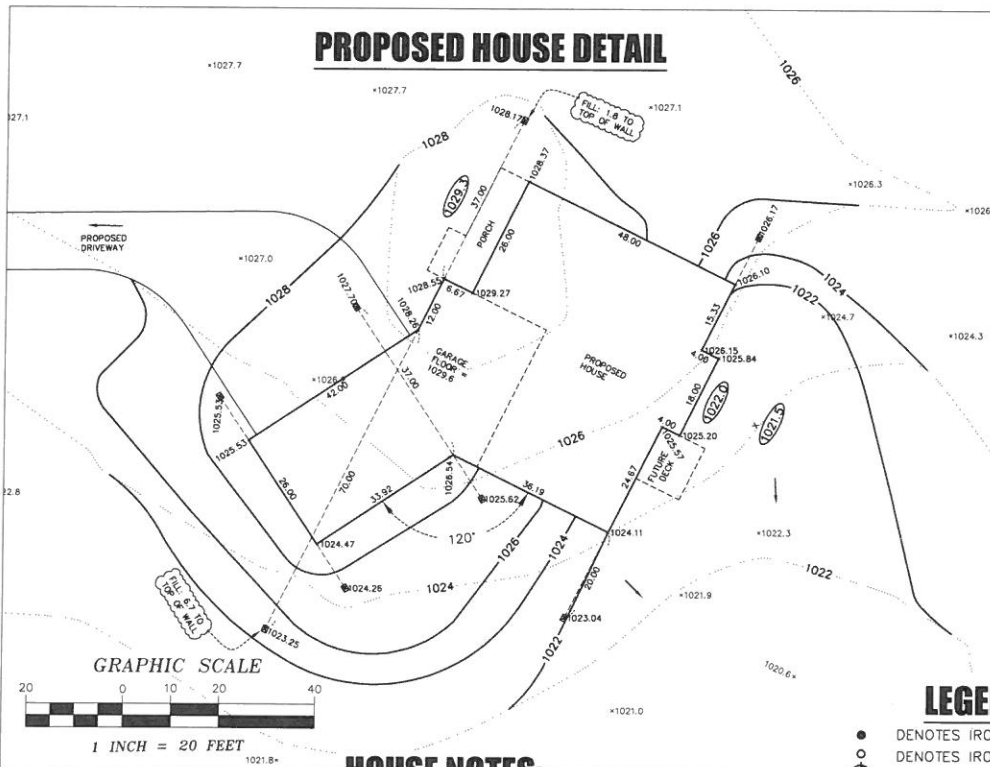
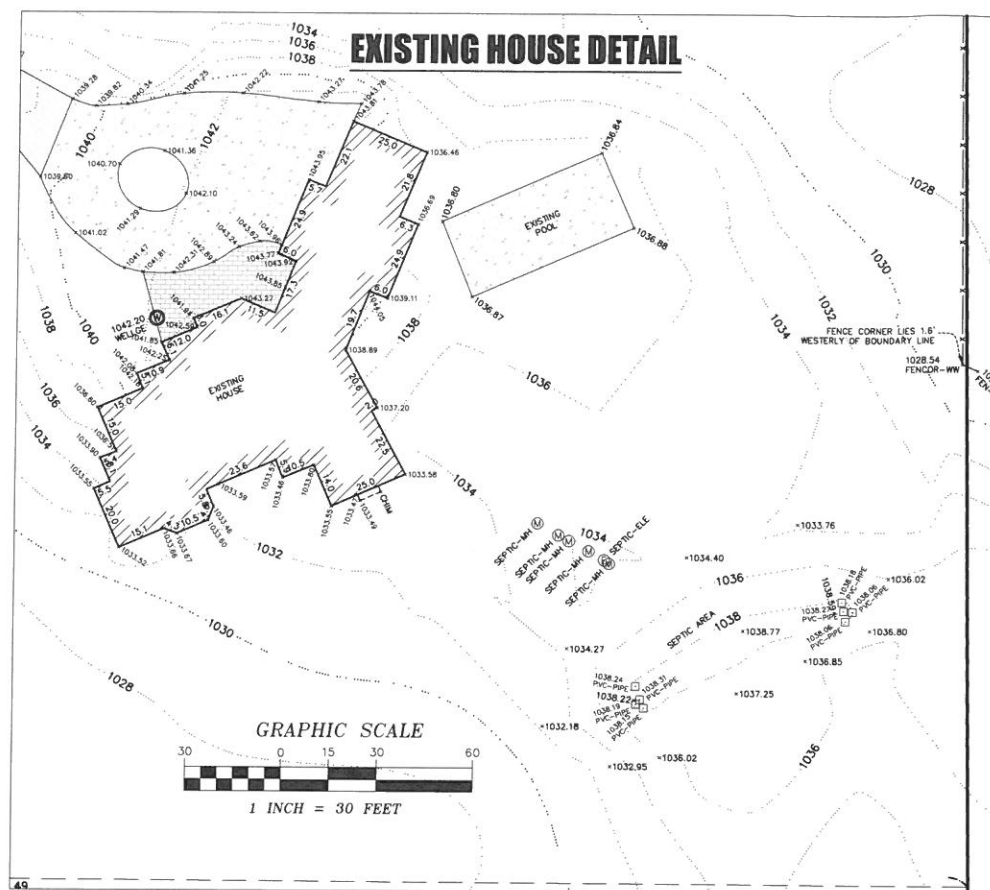
That portion of the Northeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, Washington County, Minnesota lying north of State Trunk Highway Number 96, EXCEPT the South 300 feet of the North 960 feet of the West 726 feet of said Northeast Quarter of the Southeast Quarter.

AND

That portion of the Southeast Quarter of the Southeast Quarter of Section 15, Township 30, Range 21, Washington County, Minnesota, lying north of State Trunk Highway Number 96, according to the United States Government Survey thereof.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 4/24/18.
- Bearings shown are on Washington County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Contours are shown through a combination of LiDAR mapping and field survey data.



HOUSE NOTES:

- BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

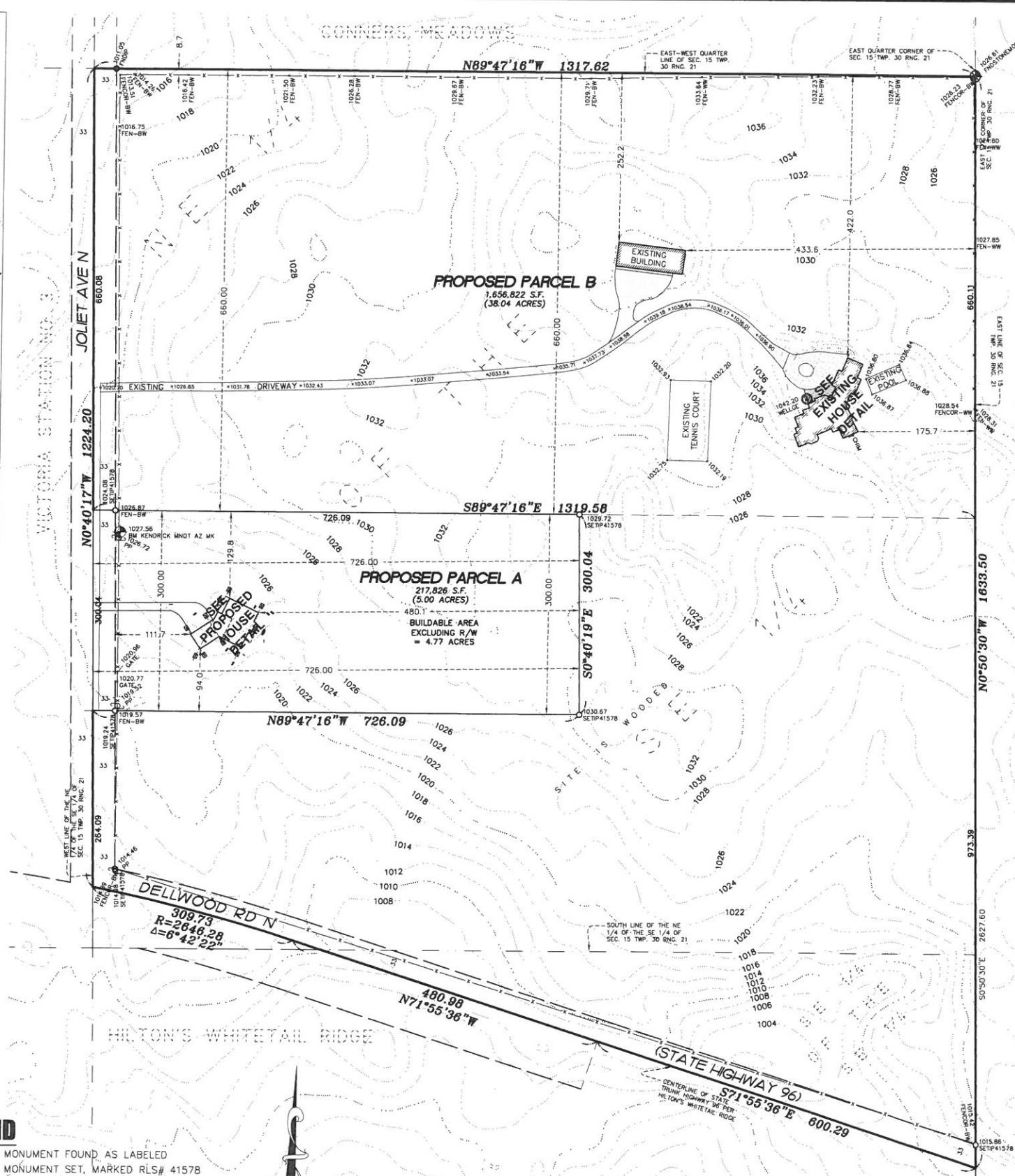
DIAGONAL (GARAGE): 33.92 X 48.00 = 58.77
 (8 FOOT POURED WALL WALKOUT)

PROPOSED ELEVATIONS:

TOP OF WALL = 1030.0
 GARAGE FLOOR = 1029.6
 LOWEST FLOOR = 1022.3
 TOP OF FOOTING = 1022.0

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- ⊙ DENOTES ELECTRICAL MANHOLE
- ⊚ DENOTES MISCELLANEOUS MANHOLE
- ⊛ DENOTES POWER POLE
- ⊜ DENOTES WELL
- ⊝ DENOTES EXISTING CONTOURS
- ⊞ DENOTES PROPOSED CONTOURS
- ⊟ DENOTES BITUMINOUS SURFACE
- ⊠ DENOTES CONCRETE SURFACE
- ⊡ DENOTES PAVER SURFACE
- ⊢ DENOTES PROPOSED ELEVATION.
- ⊣ DENOTES EXISTING ELEVATION.
- ⊤ DENOTES DIRECTION OF DRAINAGE.
- ⊥ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)



NORTH

GRAPHIC SCALE



1 INCH = 100 FEET

BENCHMARK

MNDOT NAME: KENDRICK MNDT AZ MK
 GSID STATION #: 33596
 ELEVATION: 936.724 (NAVD88)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 5/7/18 License No. 41578

DRAWN BY: CMB	JOB NO: 18239HS	DATE: 4/18/18
CHECK BY: JER	SCANNED	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701