

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Wednesday, September 22, 2020

6:30 p.m.

Zoom

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: August 12, 2020
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Application for an Amended Conditional Use Permit to allow for the Expansion of American Polywater Corporation Building, 11222 60th Street North
 - B. PUBLIC HEARING, Consideration of Application for a Map Amendment to RE-Guide 5.3 Acres from A2 to GB, 11298 60th Street North
 - C. PUBLIC HEARING, Consideration of Application for Minor Subdivision (lot Line rearrangement) 9337 Joliet Avenue North
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

August 12, 2020

Present: Jerry Helander, Dan Gagliardi, Jim Huttemier, Robert Tufty and Matt Fritze

Absent: James Drost, David Tronrud

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

4. APPROVAL OF MINUTES, July 21, 2020

MOTION by Commissioner Tufty to approve the July 21, 2020 Minutes, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Variance from Required Setback to Tributary Stream for Installation of Replacement Septic System, 9440 71st Street N– City Planner Swanson advised the Applicant Jesse Kloepfner, KSD (“Applicant”) on behalf of the Owner Lawrence Tomai, has requested a variance from the tributary stream setbacks for installation of a new septic system on the property located at 9440 71st Street North. The Applicant is the designer of the new septic system for the subject property, and the owner is required to install a new compliant septic system on the subject property. The Applicant has been working with Washington County to acquire a permit for installing the new system, and they were notified by the County that the location of the replacement system is within the City’s required tributary stream setbacks and thus would need to obtain a variance from the city prior to being issued a permit for installation of the new system.

The following staff report summarizes the requested variance, existing conditions, draft findings and conditions of approval.

Project Summary

Applicant: Jesse Kloeppner, KSD (Septic Designer) Owner: Lawrence Tomai	Site Size: 0.94 Acres Location: 9440 71 st Street North Existing Home: Constructed in 1969 Zoning & Land Use: R1
Request: Variance from tributary stream septic to install a compliant subsurface sewage treatment system on the subject property.	

As referenced above, the Applicant has requested the following variance:

- Request for variance from required 150-foot setback from a tributary stream to site a new subsurface sewage treatment system. The subject property is a legally non-conforming lot and does not provide enough lot area to site a new system which meets all required setbacks.

The Applicant has stated that the existing sewage treatment system serving the home is noncompliant and must be replaced prior to selling the property. According to the Applicant's narrative, as the septic designer, the only location on site that can adequately support a replacement system is the proposed location which encroaches into the required setback from a tributary stream (both the tanks and drainfield will encroach into the required setback).

City Planner Swanson advised City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicant to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) describing how, "the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district...Economic considerations alone shall not constitute a hardship."

The Applicant's statement can be found in Attachment B, which states there are no other locations on the subject property that are available to comply with the City's required setback. For the subject property to be used for single-family residential purposes a sewage septic system must be located onsite. Further analysis regarding the practical difficulties of the property are provided in the following analysis.

The subject property is part of the Sunnybrook Lake subdivision which was developed in the 1960's prior to the current minimum lot size standards. The subject property is approximately 0.96 Acres and is considered a legally non-conforming lot. The existing home was constructed in 1969 at which time a septic system was installed. The lot is slightly irregular in shape but is

generally oriented east-west and is approximately 215-feet wide by an average of 210-feet deep. There is a tributary stream which connects with Sunnybrook Lake to the east, and the stream crosses the northern edge of the subject property. Because the lot size is small, the area exclusive of the developed area, stream and setback areas is constrained which leaves few available locations to site a new/replacement septic system.

The tributary stream setbacks are established in Chapter 12 of the City’s Code, section 12-260 which identifies structural and sewer setbacks. The following description of the variance and standard is provided (See Attachment B for site plan):

Standard	Required	Proposed	Variance	Description
Tributary Stream	150’	59’9” tanks; and 94’9” Drainfield	90.3’ for the Septic Tanks, 55.3’ for the drainfield	The proposed septic tanks will be setback behind the existing principal structure but south of stream, and the associated drainfield will be located near the southerly property line and in front of the principal structure.

Lot Size/Constraints

The Applicant’s lot was created in the 1960s when the Sunnybrook Lake subdivision was developed, and the existing home was constructed in 1969. At the time, the plat of the Sunnybrook Lake subdivision complied with the township and County lot development standards. Since the 1960s lot size and area standards have changed and as a result the lot is now considered a legal non-conforming lot with respect to size, area and dimensions. Given that the existing lot area and dimensions are significantly smaller than those that regulate lots today, it would be nearly impossible to site a replacement septic system on the property and meet all the current setback requirements. The lot is naturally constrained not only by natural features on the property (stream) but also by the non-conforming nature of the lot area and dimensions. Further, due to the location of the existing home and the well which serves the residence the location that a septic system could be sited is further reduced. To that end, the proposed plan requires the drainfield to be located in front of the home (east) and for a 2” supply line extending 75-feet to be installed to the drainfield further demonstrating the constraints associated with the lot. Staff believes the proposed location of the replacement system is reasonable and is properly located based upon topography and other natural site limiting factors, and that the variance requested has been minimized to the extent possible. It is noted that the proposed system complies with all other required setbacks including yard setbacks, right-of-way setbacks and appropriate setback from the well. Finally, the Applicant must remedy the situation to comply with the standards for septic systems as identified by Washington County to sell the property.

City Planner Swanson advised the City Engineer is reviewing the attached Site Plan and submitted materials. Staff will provide a verbal update at the Planning Commission meeting if any additional concerns are identified.

The site is located in the Valley Branch Watershed District (VBWD), and the Applicant has contacted the VBWD to determine whether any permits are required. Depending on the quantity of grading associated with the proposed installation a grading/erosion control permit may be required from the VBWD. As referenced previously, the Applicant must obtain a permit from the Washington County Department of Public Health and Environment prior to installation of the system, as they are the permitting authority for new and replacement septic systems in the City.

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The Applicant must replace the failing system to comply the standards of the Washington County Department of Public Health and Environment, and for the safety of the home and any of its occupants.
- Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current, and any future, homeowners as well as any adjacent properties which could be affected if the noncompliant system were to remain.
- The subject property is considered a legal non-conforming lot with respect to size, area and dimensions which constrains the buildable area on the site and limits the available locations to site a replacement septic system.
- The available area to site a replacement system is constrained given the existing home, accessory buildings, driveway and wetland/pond area onsite.

Draft Conditions:

- The Applicant shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The replacement system must be placed outside of all stream and/or wetland areas on the site.
- The Applicant shall be required to obtain any necessary permits and/or approvals from the Valley Branch Watershed District prior to installation. A copy of any correspondence or permits shall be provided to the city prior to installation of the new system.

Staff recommends approval of the requested variance with conditions as noted.

MOTION by Commissioner Helander to open the public hearing at 6:43 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

It was noted the property owner was unable to attend the meeting this evening.

Mr. Paul Dornfield, 6941 Jocelyn, asked why the possible alternative location in the front yard is not being used.

MOTION by Commissioner Tufty to close the public hearing at 6:50 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

City Planner Swanson stated the preferred location is best suited on the site for the type of system that is being installed. Washington County Environment and Public Health Department is concerned with the alternate location due to soil borings and the alternate location would also require a variance.

MOTION by Commissioner Tufty to recommend Variance at 9440 71st Street North, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

This item will appear on the regular City Council agenda on September 1, 2020.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Tufty to adjourn the meeting at 6:55 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	8/13/20
Fee: \$400	Escrow: \$3,000

Pd \$3.400 Check # 157976

CONDITIONAL USE PERMIT

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to the issuance of the Permit and/or periodic review may be required. The Permit shall be granted for a particular use and not for a particular person or firm.

PARCEL IDENTIFICATION NO (PIN): 36,030.21.33.0005 LEGAL DESCRIPTION:		ZONING DISTRICT & COMP PLAN LAND USE: LOT SIZE: 2.67 Acres
PROJECT ADDRESS: 11227 60th St. N Stillwater, MN 55082	OWNER: Name: American Polywater Corp. Address: City, State: Phone: 651-430-2270 Email: mike.fee@polywater.com	APPLICANT (IF DIFFERENT THAN OWNER): Mike Fee, Operations Manager American Polywater Corp.
BRIEF DESCRIPTION OF REQUEST: Building addition at 11227 60th St. N		
EXISTING SITE CONDITIONS: 24,030 sq. ft office + warehouse building		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Division 5. Conditional Use Permits 32-141 through 157		

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"/>	Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow <ul style="list-style-type: none"> ▪ Property dimensions ▪ Area in acres and square feet ▪ Setbacks ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) ▪ Location of utilities ▪ Location of well and septic systems on adjacent properties ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails ▪ Sanitary sewer and water utility plans COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

Application for: **CONDITIONAL USE PERMIT**
City of Grant


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Grading/Landscape Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Grading Plan ▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs ▪ Wetland Delineation ▪ Buildable area ▪ Topographic contours at 2-foot intervals, bluff line (if applicable) ▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation ▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Architectural/Building Plan (if Applicable): All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Location of proposed buildings and their size including dimensions and total square footage ▪ Proposed floor plans ▪ Proposed elevations ▪ Description of building use <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Written Narrative Describing your request: A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> ▪ Description of operation or use ▪ Number of employees (if applicable, if not state why) ▪ Sewer and water flow/user rates (if applicable, if not state why) ▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's ▪ Hours of operation, including days and times (if applicable) ▪ Describe how you believe the requested conditional use fits the City's comprehensive plan <p>COPIES: 20</p>
<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 ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input type="checkbox"/>	<input type="checkbox"/>	<p>Survey of the property: An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.</p>
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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.


Signature of Applicant

8/12/2020
Date

Operations Manager
at American Polywater Corp.
100% Employee Owned

Signature of Owner (if different than applicant)

Date

8/12/2020

Conditional Use Permit Description of Request—11222 60th Street North (Bldg. 1)

Background

American Polywater Corporation (APC) has owned property and operated a manufacturing facility at 11222 60th Street North (Bldg. 1) since 1983. We have received CUPs from Grant Township for our operation at this address and expanded the building twice, most recently in 2000. APC purchased an office and storage warehouse at 11170 60th St N (Bldg. 2) in 2008 and received a CUP for the facility.

APC facilities at Bldg. 1 consist of 24,000 24,030 total square feet: Office and staff support (2,842), Laboratory (820), Manufacturing and Warehouse (20,368).

At Bldg. 2 there is 14,320 total square feet: office (3,900) and warehouse/manufacturing (7,420). An additional 2,400 square foot pole building is used for storage in the rear of Bldg. 2. Additional warehousing space is leased for storage space in Hudson, WI and St Michael, MN.

Building 1 Addition

With substantial growth over the last five years, APC seeks to add an addition to the North side of the building at the 11222 60th St property (Bldg. 1). The 9,000 square foot building addition footprint with approximately 3,000 square feet of mezzanine will be used for office, laboratory, staff support, warehousing, and manufacturing space. The expansion will add 2 additional loading dock doors and will provide APC with the necessary space to grow manufacturing operations in the City of Grant. The nature of APC's chemical manufacturing continues to be the same. We will provide a fire suppression sprinkler system to the new building addition, connecting to the existing 78,000-gallon water reservoir at Bldg. 1. We understand we will need a state licensed sprinkler contractor to design and get approval from the State Fire Marshall for this to happen.

Grant Zoning ordinance section 32-181(g) states "Start of work after issuance. The work for which a building permit is issued shall commence within 60 days after the date thereof unless an application for an extension of 90 days has been submitted to the building official and approved by him. The work shall be completed within one year of the date of issuance." APC asks the city to grant us a minimum of 24 months to finish construction of the addition because of the uncertainty and material shortages created by the Covid-19 pandemic.

The current CUP (Attachment 1) for Bldg. 1 issued on May 2, 2000 contains Clause II. D which states, "The Applicant will be allowed to expand its septic system into the A-2 Zoned property, if necessary, upon approval by Washington County." APC will be expanding its septic system into the A-2 zoned property to allow the building expansion

to take place. KSD Company performed a site evaluation and designed a septic system for the A-2 Zoned property. The new septic system will be a Type I Mound dispersal bed utilizing existing Septic Tanks with a new dual pumping system with alternating time-dosing. Alternatively, new tanks will replace the old ones if required by Washington County. APC is in the process of seeking Washington County's approval for the new septic system. Initially we expect to have 34 persons working in Bldg. 1. There will be 24 manufacturing/warehouse employees and 10 office/lab employees. Over the last five years an average of 450 gallons/day of effluent has been discharged to our existing septic system. The new septic system is designed for 750 gallons/day of effluent from a total of 50 employees providing for a roughly 50% growth in future head count at Bldg. 1. We project this to be at least 10 years of future growth. The A-2 zoned property will also contain an infiltration basin that was designed to conform with Valley Branch Watershed District's requirements. The hours of operation for the building addition will be the same as the rest of the building M-F 6:45 AM – 5:00 PM.

Parking Ordinance 32-374 requires one parking space per 200 square feet of office, and one parking space for each two workers on a shift in Warehousing, Storage and handling of bulk goods. The proposed building addition will create 5590 sq. ft of additional office, Lab and staff support, 6560 sq. ft of additional Warehouse and storage area creating a requirement for 62 parking spaces on the site. There are currently 32 parking spaces along the West wall of the building. Due to the addition and more loading dock space, 2 of those existing space will be lost, leaving 30 existing spaces. An additional parking lot will be added to the North of the building addition providing 32 additional parking spaces and generating 62 parking spaces total. Should extra spaces be required in the future, the existing parking area can be expanded to the South toward Highway 36.

A Survey was performed on the 11222 60th St N (Bldg. 1) property by Landmark Surveying and completed in December 2019 and is included with the application.

The proposed expansion plan meets the goals of the City's Comprehensive Plan in many ways, especially with regard to the City's desire to preserve the rural character of Grant. Rural character is promoted by minimizing the view of the new buildings from existing roadways; working within the existing features of the site, designed with consideration of soils, hydrology and geology. APC will plant a tree line along the Northern border of the A-2 Zoned property as part of the expansion to maintain the rural views.

American Polywater Corporation has enjoyed thirty-seven-years of compatibility with the City of Grant. Our business is compatible because most of the traffic that visits enters directly onto the service road (60th Street) and then onto Highway 36, never traveling within the borders of the City. Of course, some of our employees who live in Grant and others who live to the north use county or city roads. Our factory-operating environment is relatively quiet, with very little if any noise heard outside the plant. All industrial effluent is collected within the plant and transported to St. Paul under permit from the Metropolitan Council.

Attachment 1

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**AMENDED CONDITIONAL USE PERMIT
FOR
AMERICAN POLYWATER CORPORATION**

Date: May 2, 2000

Washington County Plat/Parcel No.:

1. General Business Property: 83036-2530
2. A-2 Property:

Street Address of Subject Property: 11222 North 60th Street
P.O. Box 53
Stillwater, Minnesota 55082

Legal Descriptions:

1. General Business Property: See attached Exhibit "A"
2. A-2 Property: See Attached Exhibit "B"

Owner: American Polywater Corporation
11222 North 60th Street
P.O. Box 53
Stillwater, MN 55082
(651) 430-2270

Present Zoning District: Commercial/General Business and A-2

Permitted Uses Set Forth in Ordinance 50, Section 6.

I. **CONDITIONAL USE PERMIT FOR: American Polywater Corporation**

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council of the City of Grant.

- A. General Description. American Polywater Corporation wishes to build additional space for warehousing and office space. Some existing office space will be converted to laboratory space. This is a request to change the building plans or building configuration, but not the use of the property.

II. ADDITIONAL RESTRICTIONS AND PROVISIONS:

In addition to all of the requirements of Grant City Ordinances and any applicable County, regional or State requirements, the property is also subject to the additional restrictions and provisions specified herein:

- A. This Amended Conditional Use Permit is subject to all of the terms and conditions of the original Conditional Use Permit issued for this property on February 14, 1983 and subject to the terms of the Amended Conditional Use Permit issued on June 26, 1996. The terms of those Conditional Use Permits are incorporated herein by reference.
- B. Improvements shall be constructed in accordance with the site plan dated April 20, 2000.
- C. The Applicant will be allowed to construct non-handicapped parking stalls 9' x 20' dimensions. Handicapped stalls shall be 12' x 20' as required by City Code.
- D. The Applicant will be allowed to expand its septic system into the A-2 Zoned property, if necessary, upon approval by Washington County.
- E. As it relates to the A-2 property which is located directly to the north of the Commercial/General business property. It is agreed that the owner may maintain, repair, and replace existing drainage or septic systems that are installed as a part of this approval, but that the owner may not use that property for any other purpose including but not limited to parking, outdoor storage or the construction of any other building or structure.
- F. The Applicant will be allowed to construct an infiltration basin within the A-2 zoned property. The Applicant must receive a permit from The Valley Branch Watershed District for this purpose.
- G. Applicant agrees that it's A-2 and General Business properties will from this day forward be legally treated as a single parcel of land. Accordingly, neither parcel may be sold independently of the other.
- H. The Applicant must receive final approval for the modifications to the septic systems from Washington County.
- I. Construction of the office phase must begin within three (3) years. The remaining improvements must be constructed within one (1) year.
- J. The Applicant must deposit sufficient funds with the City Treasurer to cover the cost of staff review time.

- K. The exterior of the additions must be of similar materials and colors as the existing building.
- L. Skimmers or other similar devices shall be installed to capture contaminants that may run off from this property from its parking lot. A detail for the skimmers must be submitted to the City Engineer for review and approval.
- M. The construction of the buildings shall include the installation of sprinklers in compliance with the current fire code.

III. IMPROVEMENT REQUIRED.

Not Applicable.

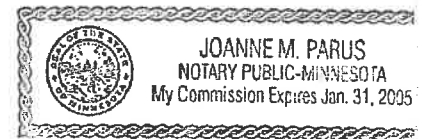
IV. REVIEW.

Pursuant to Section 505.08 of the Zoning Code of the City of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its grant. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission, which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

IN WITNESS WHEREOF, the parties have set forth their hands and seals.

City of Grant

By Gary Erichson By Stephanie Marty
 Gary Erichson, Mayor Stephanie Marty, City Clerk



STATE OF MINNESOTA)
) ss.
 COUNTY OF WASHINGTON)

On this 5th day of September, 2000, before me, a Notary Public, personally appeared GARY ERICHSON and STEPHANIE MARTY, the Mayor and City Clerk of the City of

Grant, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Grant by the authority of the City Council of the City of Grant, and GARY ERICHSON and STEPHANIE MARTY acknowledge said instrument to be the free act and deed of said City of Grant.

Joanne M. Parus
Notary Public

Applicant

American Polywater Corporation

By [Signature]
Win Miller, Manager

STATE OF MINNESOTA)

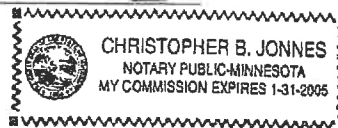
) ss.

(Corporate Notary)

COUNTY OF WASHINGTON)

On this 8th day of August, 2000, before me, a Notary Public, within and for said County and State, personally appeared WIN MILLER, to me personally known, who, being by me duly sworn did say that he is the Manager of AMERICAN POLYWATER CORPORATION, a Minnesota corporation, named in the foregoing instrument, and that said instrument was signed on behalf of AMERICAN POLYWATER CORPORATION by authority of its Board of Directors and said WIN MILLER acknowledged said instrument to be the free act and deed of said corporation.

[Signature]
Notary Public



DRAFTED BY:
Gregory G. Galler
ECKBERG, LAMMERS, BRIGGS, WOLFF
& VIERLING, P.L.L.P.
1835 Northwestern Avenue
Stillwater, MN 55082
(651) 439-2878

LAW OFFICES OF
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

James F. Lammers
Robert G. Briggs *
Mark J. Vierling •◇
Gregory G. Galler
Thomas J. Weidner •◇
Susan D. Olson ◇
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Direct Dial No: (651) 351-2112

Paul A. Wolff
(1944-1996)

Lyle J. Eckberg
Of Counsel

•Qualified Neutral Arbitrator
*Certified Real Estate Specialist
◇Qualified Neutral Mediator

March 1, 2001

Mr. Win R. Miller
American Polywater Corporation
11222 60th Street North
P.O. Box 53
Stillwater, MN 55082

Re: Amended CUP

Dear Win:

Enclosed and returned to you please find original, executed Amended Conditional Use Permit for American Polywater Corporation.

Very truly yours,



Robert G. Briggs

RGB/kn
Enclosure

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	8/13/20
Fee: \$100	Escrow: \$1000

Pd \$1,100 Check # 157977

COMPREHENSIVE PLAN OR ZONING AMENDMENT – (MAP OR TEXT)

It is the policy of the City of Grant that the enforcement, amendment, and administration of any components of the Zoning Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan. Therefore, any Comprehensive Plan Amendment, or Zoning Amendment shall be considered for consistency among both documents.

LEGAL DESCRIPTION: 11298 60th St N 36.030.21.34.0002 Stillwater, MN 55082	ZONING DISTRICT & COMP PLAN LAND USE: LOT SIZE: 5.3 acres
OWNER: Name: Stillwater West LLC Address: 11910 Otchipwe Ave. N City, State: Stillwater, MN Phone: Email:	APPLICANT (IF DIFFERENT THAN OWNER): American Polywater Corp. 11222 60th St. N Stillwater, MN 55082
REQUESTED ACTION: <input checked="" type="checkbox"/> Map Amendment <input type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: <u>A2</u> TO: <u>GB</u>	
<i>*Please note that you will need to amend both the zoning and land use if a map change is requested</i>	
APPLICABLE ZONING CODE SECTION(S): Please review the following documents to assist with your request. <ol style="list-style-type: none"> Grant Minnesota City Code City Comprehensive Plan 	

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"/>	<u>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</u> The following must be included in your submittal: <ul style="list-style-type: none"> Chapter and Section Number Existing Text of the Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Proposed Text and/or Map Changes:</u> Submit your proposed changes to the text or Map, or both. Please make sure to consider how your changes affects different chapters in the plan or ordinance, and consider this when you submit your application. Make sure to address all areas that might be affected by your changes. (For example, a land use change might impact the traffic and transportation section, so make sure to address both chapters).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Written Narrative.</u> Your description should include how you intend to use and/or benefit by the Comprehensive Plan of Zoning Ordinance Amendment and should include the following: <ul style="list-style-type: none"> Address how the proposed CPA or Zoning Amendment will affect adjacent properties. Does your proposed language affect any other section the Comp Plan or Zoning Ordinance? Does your proposed language affect density? Increase or decrease?

Application for: **COMPREHENSIVE PLAN OR ZONING AMENDMENT**
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any graphic representations of how the amendment(s) will benefit your property (if applicable)
<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 request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and addresses of property owners within 1,250 feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$100
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Escrow: \$1000

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.

***Please note that if your request is granted, it does not represent any specific project approvals related to your property. Additional applications and processes may be required to obtain your approvals if your amendment is approved.*

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.

Michael Fee



Signature of Applicant

Signature of Applicant

Signature of Owner

8/13/20

Date

Date

Date

*Operations Manager
at American Polywater Corp.
100% Employee Owned*

Application for Comprehensive Plan Amendment to Re-guide 5.3 Acres, 11298 60th St N

American Polywater in coordination with the property owner, Stillwater West, LLC, is requesting a Comprehensive Plan Amendment to re-guide approximately 5.3 acres from Agricultural Small Scale (A2) to General Business (GB). The subject property is located at 11298 60th Street North and is bordered on the Western property line by the American Polywater property at 11222 60th Street North. We realize that this is the second request to re-guide the property at 11298 60th St N, but we believe this application is substantially different from the previous one and offers significant benefits to Grant.

Polywater's current building expansion plans are focused on the property at 11222 60th St N. The expansion plans are designed to allow for 10 to 15 years of projected growth. Polywater wishes to purchase the property at 11298 60th Street North to allow for future growth well beyond the next 10 to 15 years. Polywater's business operations have been in the City of Grant for 37 years. Polywater wants to continue operations at this location for as long as possible. Additional general business property will assure Polywater of the long-term viability of its business operations in Grant. The property at 11298 60th Street North would likely generate future tax growth for the city's tax base when it is developed. Property taxes for 2020 are \$26,162 for 11222 60th St N and \$2,318 for 11298 60th St N.

Polywater is an effective buffer between Grant's primarily rural residential area and Highway 36. Polywater wants the property at 11298 60th St N to remain as a buffer. We propose in the future to leave a minimum of 50 feet from the Northern and Eastern property borders as existing forested vegetation to provide a visual barrier from large buildings and Highway 36 (Appendix 1).

Further, Polywater has an interest in the future of the Highway 36 corridor. Several unapproved proposals have shown the property at 11298 60th Street North to be part a part of the future intersection of Lake Elmo Ave and Highway 36 (Appendix 2). Access to Highway 36 is vital to the business operations of American Polywater in Grant. Polywater proposes to provide an easement over a portion of the Southeastern part of the property to allow for future Highway 36 access roads. Preliminary analysis of the preferred layout from Lake Elmo (Appendix 2) shows that the access road might require an easement of up to 1.5 acres or roughly 25% of the property's acreage. Details of the design may change but Polywater agrees in principal to an easement over the Southern edge of the property at 11298 60th St N.

In summary, Polywater is a company focused on remaining a good corporate citizen in Grant and is committed to the best interests of the City. Rezoning the property allows future viability of Polywater's business and many years of growth and will increase property taxes for the City. Polywater offers to maintain a buffer around the property to preserve the rural residential character of Grant. Polywater further offers an easement for transit improvements to the Highway 36 corridor.

Appendix I



Appendix 2





STAFF REPORT

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

Date: September 10, 2020

CC: David Snyder, City Attorney

RE: Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of land at 11298 60th Street N.

From: Jennifer Haskamp, Consulting City Planner

Background

The Applicant, American Polywater Corporation (APC), in coordination with the Owner the Stillwater West, LLC, is requesting a Comprehensive Plan Amendment to re-guide approximately 5.3-acres from Agricultural Small Scale (A2) to General Business (GB). The subject property is located at 11298 60th Street North, and is bordered by 60th Street North on the southern property border which is the frontage road to Highway 36.

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

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

While a similar application to re-guide was denied in April of this year, there are no restrictions regarding timing between the denial and the new application consideration. As such, the following staff report is provided for your review and consideration of the subject application.

Public Hearing

A duly noticed public hearing is required for all Comprehensive Plan Amendments. Therefore, a duly noticed public hearing was published for September 22, 2020 at 6:30 PM. Since the proposed CPA includes a Map Change letters were sent to individual property owners located within ¼-mile (1,320 feet) of the subject property.

Project Summary

Applicant:	American Polywater Corporation
Owner:	Stillwater West, LLC
PID:	3603021340002
Total Acres:	5.3
Address:	11298 60 th Street North



Zoning & Land Use:	A2
Request:	Comprehensive Plan Amendment to re-guide subject property from A2 to GB

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

Review Criteria

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

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

Existing Site Conditions

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

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

Comprehensive Plan Review

The 2040 Comprehensive Plan is in draft form and the current draft does not expand the General Business (GB) land area from the adopted 2030 Plan. Both the 2030 and 2040 plans deliberately limit the amount of land guided as GB, and generally guides only existing businesses along the Highway 36 frontage (60th Street N. frontage road) as GB. The City’s overall policy direction has been focused on protection of the City’s rural residential and agricultural uses. One strategy to support that objective is to limit the amount of land guided



for any type of business use. While the City's rural residential and agricultural land uses conditionally permit businesses, most of the permitted business uses are required to be accessory to a principal residential use. The GB designation is different than the City's A1, A2 and RR designations in that it permits a wider variety of business to be permitted and conditionally permitted as principal uses.

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

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

Staff Response: Staff agrees with APC's assessment that the subject parcel would provide opportunities for future business expansion. APC has been a long-term commercial user in the City, and we have had few-to-no objections, complaints, or concerns regarding their operations. Concurrently to this application, APC has requested an amendment to the existing CUP for their operations at 11222 60th Street to allow for the expansion of their facility and operations. This is an indicator that APC is committed to remaining in the community and suggests that there may be future expansions contemplated. However, the challenge from staff's perspective, is that there are no immediate plans for the subject property and there is no way to condition the re-guiding to only permit APC to expand their current operations onto the subject parcel. As a result, the Planning Commission and City Council must consider that re-guiding the property would allow for a variety of uses as identified within the City's Table of Uses 32-243.

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

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

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

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

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

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



Other Considerations

Since the City's ordinances do not specifically identify a criterion from which to review a Comprehensive Plan Amendment staff provides the following additional background:

- Re-guiding does NOT approve a specific project. Any council member, planning commissioner, property owner or person with real estate interest in the City may request an amendment to the City's Comprehensive Plan. Such amendment can be either a map amendment or an amendment to language within the Plan. If the City agrees that the land use designation of the subject property should be changed and re-guided, it only approves that action (the map amendment, for example) it does not approve or deny a specific development project.
- The decision to re-guide is legislative which allows you more discretion to approve or deny the request. An application to amend the comprehensive plan is legislative because it establishes policies for future decision-making. Since the decision to re-guide a property is policy oriented, the Planning Commission and City Council have more discretion to determine if a map change is warranted and consistent with your goals. If the Planning Commission and City Council determine that the adopted land use plan is representative of your policies and you determine no map change is warranted, that is acceptable, and you may deny the request. However, if you determine a map change is warranted then all future decisions regarding the specific development of the site must be consistent with the GB land use designation. Approving the map change will subsequently require you to rezone the property to GB to be consistent with the land use designation (rezoning will occur at time of application for a specific development).
- Use the "vision" for the Highway 36 Corridor in your analysis. Similar to your consideration of the application earlier this year, staff suggests considering the merits of expanding the City's GB land use designation to this site and evaluate whether the types of uses contained within the GB zoning district would be consistent with your vision for this area of the City. While APC is the applicant, it is important to consider all types of businesses uses that could occur onsite based on the City's table of uses since there is no guarantee that the property will be used for future APC operations and expansion.

Other Agency Review

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

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



Attachments:

Attachment A: Application and Narrative

Attachment B: Aerial, Highway 36 Plans

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	8/29/20
Fee: \$400	Estrow: \$4,000

pd Check # 5263 - \$4,000.00
5262 - \$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): 15,030,21,41,0004 LEGAL DESCRIPTION: See Attached		ZONING DISTRICT & COMP PLAN LAND USE: LOT SIZE: 11 acres
PROJECT ADDRESS: 9337 Joliet Ave Stillwater, MN 55082	OWNER: Name: 9411 LLC Address: 119 Dakota Ave S City, State: Tampa, FL 33606 Phone: 618 619 6324 Email: greg.fretag@gmail.com	APPLICANT (IF DIFFERENT THAN OWNER): Dick & Maureen Bennett
DESCRIPTION OF REQUEST: Move 6 acres of SW corner of 15,030,21,41,0005 to 9337 Joliet 150,302,141,0004. This will increase 9337 Joliet from 5 acres to 11 acres.		
EXISTING SITE CONDITIONS: Bare 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"/>	Site Plan: Technical drawing demonstrating existing conditions and proposed changes (Full scale plan sets shall be at a scale not less than 1:100) <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.


Signature of Applicant

8/21/2020
Date


Signature of Owner

9/24/2020
Date



STAFF REPORT

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

Date: September 8, 2020

CC: David Snyder, City Attorney

RE: Application for Lot Line
Rearrangement (Minor subdivision)
9337 and 9411 Joliet Avenue North

From: Jennifer Haskamp, Consulting City
Planner

Background

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

Since lot line rearrangements are a subsection of the minor subdivision process a public hearing is required even though the proposed lot line rearrangement results in less lots that currently existing. As a result, a duly noticed public hearing was noticed for September 22, 2020 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision. The public notice indicated that the public hearing would be held using video conference and participation information would be available on the City’s website.

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

Project Summary

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

The Applicant is proposing a Lot Line Rearrangement, a subsection of Minor Subdivision, to rearrange the lot lines and consolidate the existing parcels into two (2) lots from three (3). The proposed rearrangement will result in Proposed Parcel A containing 11.09 acres and Proposed Parcel B containing 31.95 acres. Both



Proposed Parcel A and Proposed Parcel B are developed with existing principal structures. Proposed Parcel B is the original homestead and also includes an existing tennis court, pool, and accessory building.

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:

Secs. 32-246

Existing Site Conditions

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

PID 1503021410005 is approximately 18.06 acres, is vacant and unaddressed. The parcel is bordered on the south property line by Dellwood Road North (Hwy 96), and the westerly property line is Joliet Avenue North. The parcel in its current configuration has approximately 264-feet of frontage on Joliet Avenue North, and 1,391-feet of frontage on Highway 96. There are no structures or improvements currently on the parcel. Based on the National Wetland Inventory and available GIS data there are two existing wetlands on the subject parcel, one on the north-central portion of the property and one on the south-central portion of the property. The aerial denotes 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.

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

PID 1503021410002 is approximately 19.98 acres and is bordered on the southern property line by 9337 Joliet Avenue N and PID 1503021410005. There is an existing homestead on the property which is setback approximately 1,025' from the westerly property line (front), 422' from the northerly property line (side), 100' from the southerly property line (side) and 175.7' from the easterly property line (rear). The existing homestead, accessory building, and accessory uses are all accessed from a single 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 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 and reduces the overall density of the subject property by one unit. The minor subdivision/lot line rearrangement meets the established density requirements stated within the adopted comprehensive plan. The intent of the A-2 land use designation is stated to promote and maintain 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 Proposed Parcel A and Proposed Parcel B. Due to the proposed combination, approximately 5.0 acres are transferred to the existing proposed at 9337 Joliet Avenue N and approximately 11.97 acres are transferred to the property at 9441 Joliet Avenue N. The following summary of each created parcel is identified on the table below:

Lot Tabulation:

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

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 located on proposed Parcel B are subject to the city's setback requirements. The existing principal structure is setback approximately 1,025-feet from the right-of-way line (westerly property line) of Joliet Avenue North; 940-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 360-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.***

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

Access & Driveways

Both Parcel A and Parcel B are served by existing driveways, and there are no new driveways or access locations proposed as part of this application. ***As depicted, the driveways on Parcel A and B 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 31.95 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, is consistent 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 9.6 and 14.99-acres a total square footage not to exceed 3,500 square-feet, and a maximum of four (4) 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 Systems (Soil Borings) and Wells – Soil Borings

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

Other Agency Review

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

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 accessory structures and improvements 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.

Attachments:

Attachment A: Application

Attachment B: Minor Subdivision exhibit, dated August 11, 2020