

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, September 13, 2022

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 10, 2022
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Application for Major Subdivision – Stillwater Oaks Preliminary Plat
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

August 10, 2022

Present: Greg Anderson, Jerry Helander, Jim Huttemier, Robert Tufty, Dan Gagliardi and David Tronrud and Matt Fritze

Absent: None

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 Tronrud to approve the agenda, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, JUNE 8, 2022

MOTION by Commissioner Huttemier to approve the June 8, 2022 Minutes, as presented. Commissioner Tufty seconded the motion. MOTION carried with Chair Fritze abstained.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Text Amendment Application for Firewood Business – City Planner Swanson advised the applicant, Pete Mogren on behalf of Mogren’s Firewood, is requesting an amendment to the City Code section 32-245 Table of Uses to allow for firewood processing in the A-2 zoning district with an Interim Use Permit. As stated on the Application the request is for “wood” processing, but as further described in the Narrative the request is to permit firewood processing so that the Applicant may operate a small-scale business from the subject property.

This Application is NOT for a specific project on a specific site and if enacted would apply to all land zoned A2. The Owner information is a required condition of a Text Amendment Application as stated in Section 32-116 which identifies that “an amendment to this chapter may be initiated by the city council, the planning commission or by petition of affected property owners...”

A duly noticed public hearing has been schedule for August 10 at 6:30 PM to consider the proposed text amendment to the zoning ordinance.

In March of 2022 the Applicant applied for a Conditional Use Permit to operate Mogren's Firewood, a small-scale firewood operation, from the property located at 10151 75th Street N., Grant, MN. The application was processed and considered by both the Planning Commission and City Council. On June 28, 2022 the City Council discussed the proposed operation and determined that the operation was not consistent with the adopted Table of Uses and that a text amendment should be considered to more appropriately match the proposed use with the City's permitted uses.

After the meeting the Applicant withdrew the previous application for a Conditional Use Permit, and immediately submitted an Application for this Text Amendment as recommended by the City Council. The Applicant has also submitted an application for an Interim Use Permit that would comply with an amended ordinance.

City Planner Swanson stated Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a resident's petition. When considering the proposed text amendment, the Planning Commission should consider, at a minimum, the following:

1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?
2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

It is important to remember when reviewing the Applicant's proposed language and amendment that the changes will affect all properties in the City that are zoned and guided similarly (i.e. all properties in the A2 zoning district).

The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are compatible with existing agricultural and rural residential uses in the A1 and A2 zoning district. The Applicant's proposed use is described as a small-scale firewood processing operation that does not include retail operations. Provided the use is properly defined, is limited in its intensity and is accessible to major roadways it should be consistent with the intent and purpose of the Agricultural/Rural Residential land use designation.

Section 32-243 defines the intent and purpose of the A2 zoning districts as,

- A-2 The A-2 districts provide rural low density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming.*

The existing A-2 zoning district is predominantly developed with rural residential uses, but there are some non-residential uses that are permitted within the district provided certain conditions are met. As described in the applicant's narrative and in the applicant's testimony during their previous application process the proposed use would be non-retail, and would be conducted during limited hours. The intent of the operations is to be low-impact, low-intensity and not a large-scale operation. Provided the use is properly defined, is limited in the intensity, has adequate access and is non-retail the proposed use should be consistent with the A-2 zoning district.

The Applicant's request is to add "Fire Wood Processing" to Table 32-245 Table of Uses as an Interim Use in the A2 Zoning District.

While the Applicant's proposed operation is for a specific site if the City's ordinance is amended the use will be permitted with an Interim Use Permit on any parcel zoned A2. Given that the change would affect all properties with the A2, staff provides the following draft language and considerations for discussion:

- **Use Description.** Modify the Applicant's proposed land use category to: "Forestry Products and Processing (non-retail)." This use would encompass and include firewood processing and storage, but provide a broader use category that could capture similar uses that may be compatible with the City's predominantly agricultural and rural residential uses.
- **Proposed Definition.** The following draft definition is provided for your consideration and discussion.
 - *Forestry Products and Processing means* the storage and processing of forestry products on a site, that does not include public access or public retail sales. Examples of such use may include, but is not limited to, firewood processing, wood processing, wood storage or logging. This use does not include the removal of existing trees or vegetation for processing, which may be subject to a different land use and permitting process.
- **Proposed Performance Standards.** The following performance standards related to the use are provided for your discussion. Please note that all other applicable ordinance standards shall remain applicable. For example, the operation must comply with the MPCA noise standards and must comply with the City's light and sign ordinances. Additionally, similar to a Conditional Use, reasonable condition specific to a site or project may be included in any approved Interim Use Permit. The following performance standards are in addition to the City's existing standards.
 - The operation must be located on a site/lot with a minimum of 20-acres.

- The operation must have direct access to a paved collector roadway and must obtain all necessary driveway permits from the applicable agency.
- The operation, including structures, parking, storage area, and any operation related uses may not exceed 15,000 square feet in area.
- The operation must be setback a minimum of 100-feet from any adjacent residential uses.
- The operation must be fully screened from any public right-of-way or adjacent residential use.
- No retail or public sales may be conducted from the site.
- All appropriate permits and/or permission from the applicable Department of Natural Resources (Minnesota, Wisconsin or any other state) must be obtained regarding the wood products brought to the site. All species and products processed on site must comply with the DNR rules and regulations.

Commissioner Helander expressed concerns regarding transportation to the site and diseased trees. He suggested no chemical processing be added to the draft definition. He stated he would also like to see a statement regarding the Department of Agriculture relating to permitting and potentially certification of the wood.

Commissioner Tronrud suggested no secondary process also be added to the definition as more limits are needed. He suggested the statement in the performance standards be revised to include permitting for all State, Federal and County when applicable.

City Planner Swanson referred to the proposed performance standards and advised the following can be added:

- 1) No chemical processing allowed
- 2) No assembly or use fasteners allowed
- 3) All appropriate permitting must be obtained from all applicable agencies including State, local, Federal and County

MOTION by Commissioner Tronrud moved to open the public hearing at 7:15 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

No one was present to speak.

MOTION by Commissioner Tronrud to close the public hearing at 7:16 p.m. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Tronrud to recommend approval of Text Amendment application, as revised. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Consideration of Planning Commission Meetings on second Tuesday of Month – Staff advised the City Planner no longer has a conflict on the second Tuesday of the month and asked if the Planning Commission would like to move meetings to Tuesdays.

MOTION by Commissioner Huttemier to move Planning Commission Meetings to the second Tuesday of the month. Commissioner Anderson seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Anderson to adjourn at 7:24 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: September 5, 2022

CC: Brad Reifsteck, PE, City Engineer
Nick Vivian, City Attorney

RE: Application for Major Subdivision –
Stillwater Oaks Preliminary Plat

From: Jennifer Haskamp
Consulting City Planner

Summary of Request & Background

The Applicant, Jason Palmby, on behalf of Magellan Land Development is proposing to subdivide the former Stillwater Golf Course into 15 rural residential single-family lots. In 2021 the Applicant met with staff for a preapplication meeting to discuss the proposed subdivision, preliminary concept and the process to complete the subdivision. Since the preapplication meeting the Applicant has prepared the subject submission that includes the proposed preliminary plat and drainage, grading and erosion control plans.

Public Hearing & Notice

A duly noticed public hearing is published for September 13 at 6:30 PM to be held at the Planning Commission’s regular meeting. Letters were mailed to property owners within 1,250-feet of the subject Project, as required in Section 30-58 of the Subdivision ordinance, informing them of the application request and public hearing.

Project Summary

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

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

- The Proposed Project will create 15 new lots ranging in size between 5.15 and 13.6 acres.
- The Applicant stated that the proposed subdivision will not be governed by a homeowner’s association. However, an entity or other special covenant will be required to manage all required stormwater features.



- The Applicant did not state whether the proposed subdivision would be phased or if it is anticipated that all lots would be platted at once. This should be clarified during this process.
- All 15 lots will be served with individual wells and individual septic systems. The Preliminary Plat has identified septic drainfields locations on each lot, but septic reports/boring logs for each lot were not submitted with this Application. A correspondence from Washington County regarding this issue is attached to this staff report.
- Since the site was developed as a golf course it is assumed that there was likely a septic system and possibly a couple wells that may be present on the site associated with the previous operation. The Application did not indicate on the demolition and removal plan that these utilities are present. Staff assumes based on the plans that the existing septic system will be abandoned, and that all structures will be removed. The Applicant should verify the plan for any removals of the existing well and septic on site.
- The existing property is irregular in shape and access to the proposed subdivision is from two new cul-de-sacs (identified as Street A and Street B on the attached preliminary plat) and from the existing 88th Street N. A summary of the access is provided:
 - Lots 1, 2, 3, 4, 5, 6, and 8 are proposed to be accessed from Street A, which is a cul-de-sac. Street A connects to McKusick Rd. N. and must cross the Browns Creek State Trail. The Browns Creek State Trail is owned and managed by the MnDNR and the access crossing the trail must be reviewed and approved by the MnDNR and proper access easements established.
 - Lots 7 and 10 are proposed to be accessed directly from existing 88th Street N.
 - Lots 9, 11, 12, 13, 14, and 15 are proposed to be accessed from Street B, which is a cul-de-sac that connects to 88th Street N.
- The rural residential lot sizes can accommodate a variety of housing styles and plans. As such the Applicant anticipates all homes in the subdivision will be custom built, and that lots will be custom graded once house plans are developed.
- The grading and stormwater management plans for the installation and construction of the two new cul-de-sacs is addressed as part of this application, but it should be noted that individual stormwater permits from the BCWD will likely be required in the future when each lot is constructed if the impervious surfaces exceed 10,000 SF.

Review Criteria

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



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

32-1 Definitions

32-246 Minimum area, maximum height and other dimensional requirements.

Existing Site Conditions

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

Comprehensive Plan Review

The 2040 Comprehensive Plan land use designation of the subject properties designates the property as RR/AG Rural Residential Agricultural. Properties guided RR/AG are intended to be used for rural residential and small agricultural uses at densities no less than 1 Dwelling Unit per 10 Acres. The Stillwater Oaks development will include 15 rural residential sized lots on approximately 149 acres (~157 acres with ROW) and the intended use of each property is for single-family residential uses. The proposed project is consistent with the intent and guided density as identified within the adopted Comprehensive Plan.

Zoning/Site Review

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

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

Subdivision Standards (Items not addressed in Dimensional Review)



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

Easements

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

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

As shown on sheets C1.1, C1.2 and C1.3 drainage and utility easements are dedicated on each lot line providing 10-feet on center to each lot line. Drainage and utility easements are also provided on each stormwater feature and all wetland areas. The City Engineer must review these areas to determine if adequate easement area has been provided. In addition, the Browns Creek Watershed District (BCWD) must review the wetland and easement areas to determine if the plans meet their standards for permitting. The City Engineer is reviewing the subject project and will provide a review memo that will be emailed to the Planning Commission prior to the meeting. ***The Applicant will be required to dedicate the easements to the benefit of the City at time of final plat; however, staff would recommend including a condition that the maintenance, specifically of all drainage easements, will be provided for and the responsibility of the development by HOA or other formal private Covenant, which must be detailed in the Development Agreement.***

Lot Design & Requirements

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

- (a) *Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.*
Staff has reviewed the design and layout of all lots contained within the subdivision, and the majority of the proposed lots comply with this standard. There is a jog in the lot line between Lots 11 and 12 that does not meet this standard. It is unknown based on the materials submitted the purpose of this jog, as it appears there is adequate area for septic systems on each lot if the lot line were to be straightened out to meet this standard. Staff recommends discussion from the Planning Commission regarding this item, since it is a slight variance from the strict application of the code.
- (e) *Corner Lots. Corner lots shall be platted at least 20 feet wider than interior lots.*
All corner lots within the proposed subdivision meet this requirement except Lot 8 that is currently designed with approximately 300-feet of frontage on the new Street A. ***Staff recommends a***



condition that the Applicant adjust this lot width to comply with the standard that requires 320-feet of frontage on Street A.

(k) *Lot remnants. All remnants of lots below minimum size left over after subdividing or a larger tract must be added to adjacent lots, or a plan acceptable to the city shown as to future use, rather than allowed to remain as unusable parcels.* As shown on the Survey and the Preliminary Plat there is an area identified as “Tract N” and it is unclear what the intent is for this parcel. It appears to remain as a separate parcel, but clarification should be provided as to whether it is intended to be added to Lot 11. Generally, staff recommends that this parcel should be added to Lot 11.

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

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

Street Design

The Project includes the development and construction of two new cul-de-sacs, Street A will provide access to the northwest portion of the property and Street B will provide access to the southeast portion of the property. Lots 7 and 10 are proposed to be directly accessed from 88th Street N., which is a local city roadway. The cul-de-sac design will serve all but two of the new homes in the neighborhood. The following standards regarding cul-de-sac streets and street design are as follows:

30-129 Cul-de-sac streets

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

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

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

Section 32-246 identifies the lot dimensional standards for lots zone A2. Lots on a cul-de-sac are required to have a minimum lot width of 160-feet at the building setback line. As shown on the preliminary plat, Lot 3 and Lot 4 meet the minimum road frontage requirements but do NOT meet the minimum lot width standards at the front yard building setback line. ***Staff recommends that the configuration of these lots be reviewed by the Applicant and brought into compliance with***



this standard, or a variance must be request from the lot width standard. Lot 12 meets the lot frontage standard but verification regarding the lot width must be provided.

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

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

30-130 Street design

- (a) *Minimum width*

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

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

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

- (l) The city roadway standard is a rural section 28 feet wide with 22 feet of bituminous pavement surface. The typical road section is identified on Sheet C7.1 and the street profiles were provided on Sheet C6.1 of the submission. All driveways serving the new homes will connect directly to the local roadway, and will cross the ditch section to connect to the paved surface. A pavement profile is shown on Sheet C7.1 and must be reviewed and approved by the City Engineer for compliance with the City’s road specifications.

Dimensional Standards

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

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



Wetland Setback Structure (Buffer)	75' (50')
Maximum Floor Area	30%

Density/ Lot Size /
Buildable Area

Density

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

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

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

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

$$157.4 \text{ Acres} / 15 \text{ Units} = 10.49 \text{ Acre average lot size}$$

As proposed, the proposed density in the Stillwater Oaks project meets the City’s Comprehensive Plan and zoning ordinance regulations. However, it should be noted that all available density has been used, and no further subdivision is permitted. *Staff recommends including a condition that the Development Agreement and the development covenants clearly state that no further subdivision is permitted of the subject properties, and that this restriction must be recorded against all properties.*

Lot Size

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

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

Buildable Area



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

The Applicant has not provided an analysis that demonstrates the buildable area on each created lot. Based on the information provided, it appears that each lot will have adequate area; however, it must be verified using the definition as provided in this staff report. ***Staff recommends including a condition that the Applicant must submit an exhibit that clearly identifies the buildable area on each lot that demonstrates that all lots comply with this standard.***

Frontage

Section 30-107 subsection (b) requires each lot to front on a public street, and Chapter 30 further states that all created lots must meet the standards of the underlying zoning. The Dimensional Requirements and corresponding frontage requirements are shown on the table found in Section 32-246 which requires a minimum of 300-feet of Frontage on “an Improved Public Road” for properties zoned A-2, and a minimum of 60-feet of frontage for lots abutting a cul-de-sac. Per Section 32-1, Frontage is defined as, “that boundary of a lot which abuts a public street or private road.” ***All lots as shown on the Plan Set meet the minimum frontage.***

Lot Width & Lot Depth

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

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

As previously noted Lots 3 and 4 do not comply with the minimum lot width standard on a cul-de-sac, and Lot 12 must be verified.

All lots meet lot depth requirements.

The Applicant must revise and reconfigure Lots 3 and 4 to comply with the minimum lot width standards and verification that Lot 12 contains 160-feet at the front yard setback line must be provided.

Coverage (Floor Area)

Coverage calculations were not provided in the submission materials, and therefore cannot be verified. Given the size of the lots, and the improvements shown on the



Preliminary Plat figures C1.1 through C1.3, all lots will comply with the maximum coverage requirements of 30% and 50% respectively. ***Staff recommends including a condition that all future improvements on each lot must submit the coverage calculations as part of any building permit process.***

Roadways & Access

Section 30-58 (c)(1) requires the layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall conform to the provisions of chapter 24, article III. The proposed roadways contain 66-feet of dedicated right-of-way, and per sheet C7.1 contains a 24-foot traveled bituminous surface with 2-foot gravel surfaces. As shown on the plans, the cul-de-sac terminus contains a 50-foot diameter traveled surface and 132-foot right-of-way. The City Engineer will provide additional comments in his memo which will be emailed under separate cover. The preliminary plat does not show a proposed road name for either cul-de-sac, and a proposed road name for each cul-de-sac should be provided with the revised drawings.

As noted throughout this staff report Street A, the northerly cul-de-sac that connects to McKusick Rd. N., must cross the Browns Creek State Trail to provide access to the proposed lots. There is an existing private driveway that connects the existing parking lot that served the Stillwater Oaks Golf Course that was secured by a private driveway easement from the MNDNR. The proposed configuration will require a public roadway to cross the trail and this access must be secured by an easement that is agreed to between the City, developer and MNDNR. Staff has communicated with the MNDNR and they have provided a preliminary letter regarding their interests. Per discussion with the MNDNR, the crossing of the trail must be secured by an appropriate easement, and may include additional improvements beyond paving such as stop signs, etc. ***Staff recommends that a condition be included that the access must be secured prior to any site work commencing regarding the project and that all required improvements and its costs associated with the crossing shall be the sole responsibility of the Applicant.***

Septic

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

Based on the information submitted, it appears that the soil borings for each lot



were not completed, but that some type of analysis was performed that generally satisfied Washington County to determine that the site is suitable for individual septic systems. While Washington County Department of Public Health & Environment has indicated that the site is adequate for “long-term sewage treatment” the information provided to the City does not meet our ordinance standards. *Staff requests discussion by the Planning Commission regarding this item since the submitted materials do not fully comply with our ordinance requirements.*

Driveways:

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

Stormwater/Erosion Control

The City’s Zoning and Subdivision Ordinance both require that the Applicant submit a stormwater management plan and erosion control plan. The Applicant is proposing to manage stormwater on-site through a series of ponds and infiltration basins as shown on Sheets C2.1 through C2.3 Grading and Drainage, Sheets 3.1 through C3.3 Storm Sewer Plan and Sheets C4.1 through C4.4 SWPPP. The Applicant is required to meet the City’s standards, but is also subject to the rules of the Browns Creek Watershed District (BCWD). A wetland delineation is required for the subject property, and the City Engineer will provide comment regarding the status of this request in his memo. Staff has communicated with BCWD and understands that a complete application to the watershed has not been made, and several outstanding issues remain. The Applicant is responsible for obtaining all necessary permits from BCWD. Their recommendations may change and/or alter some of the configuration of the basins and/or infiltration areas, and if so, revised plans should be submitted to the City Engineer for additional review. It should be noted that if changes are significant and impact the design of any lots or roadways significantly, that a new preliminary plat review may be required. The Stormwater Management Plan for the Project as currently designed was submitted and under reviewed by the City Engineer.

Engineering Standards

The City Engineer is in the process of reviewing the submitted plan set and will provide a memo to the Planning Commission for their review prior to the meeting. The City Engineer is reviewing the submittal regarding Stormwater and Erosion Control, specifically addressing Sections 30-172 and 30-173 and also the Street Design Standards.



As background for the Planning Commission, it is standard for a conceptual/preliminary grading plan to be prepared for projects of this type, particularly given that the lots will be constructed with custom houses. So, for purposes of stormwater calculations, erosion control, and other engineering items it is important to have a 'conceptual' plan of how the improvements can be accommodated on the lots while ensuring that those improvements would meet stormwater and erosion control standards.

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

Other Agency Review

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

Street A is proposed to cross the Browns Creek Trail which is the jurisdiction of the MNDNR. The Applicant must continue to work with the City and the MNDNR regarding the crossing to ensure that access to the proposed northwesterly lots is provided.

Proposed changes/Updates to Plan Set

While the Plan set is generally complete, there are some minor issues that staff recommends resolving. Preliminarily staff would request the following updates and/or information. Depending on the comments at the public hearing and Planning Commission discussion, additional items may be requested of the Applicant and can be added to this list.

- Update the Plan set to include a proposed roadway name
- Revise the configuration of Lot 8 to include 320-feet of frontage since it is a corner lot.
- Revise the configuration of Lots 3, 4 and potentially 12 for compliance with the lot design standards.
- If not already planned, Tract N should be added to Lot 11.
- Provide a buildable area analysis to demonstrate that each created lot contains 1.0 acre of buildable area per the City's definition.
- Provide any additional information, or plan changes regarding the stormwater system as required by BCWD for review and consideration of the City Engineer.
- Depending on the Planning Commission's discussion add all soil boring locations to the Preliminary Plat, if it is determined that this is required to comply with the City's ordinance standards.

Action requested:

Staff is seeking discussion, and potentially a recommendation, from the Planning Commission depending on how comfortable commissioners are with the information provided.



Attachments

Exhibit A: Application, Applicant's Narrative, and Parcel Boundaries

Exhibit B: Plan Set

Exhibit C: MNDNR Correspondence

Exhibit D: Washington County Correspondence



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

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

PRELIMINARY PLAT (MAJOR SUBDIVISION)

Application Date:	
Fee: \$1,000+\$25/lot	Escrow: \$7,000

A Preliminary Plat for a major subdivision is required to subdivide or plat a property when more than two additional parcels or lots are created in unplatted land OR two additional parcels or lots are created in platted lands. The Preliminary Plat is a map or drawing which graphically delineates the boundary or land parcels for the purpose of identification and record of title and is a part of the plan set required for major subdivision as described in this form.

PARCEL IDENTIFICATION NO (PIN): 24032122000 and 230021110002		LOT SIZE: 146 acre +/-
PROJECT ADDRESS: Stillwater Oaks	OWNER: Name: Fairway Estates of Grant Address: PO Box 302 City, State, Zip: Excelsior, MN 55331 Phone: 612-220-6641 Email: jason@palmby.com	APPLICANT <i>(If different from Owner)</i> : Name: Magellan Land Development Address: PO Box 302 City, State, Zip: Excelsior, MN 55331 Phone: 612-220-6641 Email: jason@palmby.com
BRIEF DESCRIPTION OF REQUEST: Subdivision of land		
APPLICABLE CITY CODE SECTION(S): <i>Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process.</i> <ol style="list-style-type: none"> Chapter 30, Article II Platting, Secs 30-57 through 76 Chapter 32 Zoning 		

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the city will review for completion! ***

Applicant

Name: **Magellan Land Development**
(Please print)
 Address: **PO Box 302**
 City, State, Zip: **Excelsior, MN 55331**
 Phone: **612-220-6641**
 Cell Phone: **612-220-6641**
 Email: **jason@palmby**
 Signature: _____
 Date: _____

Fee Title Property Owner *(If different from Applicant)*

Name: **Fairway Estates of Grant**
(Please print)
 Address: **PO Box 302**
 City, State, Zip: **Excelsior, MN 5531**
 Phone: **612-220-6641**
 Cell Phone: **612-220-6641**
 Email: **jason@palmby.com**
 Signature: _____
 Date: _____

Checklist:

Please review the attached checklist. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline:

All applications must be received by the deadlines as posted on the City’s website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than deadline.

According to Minnesota State Statute 462.358 a Preliminary Plat Application has a Statutory review period of 120 days, with the City’s ability to request additional information to assist in its review, and such request shall not impact the review timeline once an application has been deemed complete.

Application for Planning Consideration Fee Statement:

(Please read carefully and understand your responsibilities associated with this land use application)

The City of Grant has set forth a fee schedule by City Ordinance as posted on the City’s website. The City of Grant utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant’s responsibility.

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 and consultants. 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 Preliminary Plat.

Unless an extension of time is requested and granted by the City Council, the Applicant shall submit an application for Final Plat within 12 months of receiving Preliminary Plat approval, or the approval will expire.

I/WE UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant

Fee Title Property Owner

(If different from Applicant)

Signature

Signature

Printed Name

Printed Name

Date

Date

** For Applicant's use and records

Preliminary Plat Checklist:

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.

COPIES: One (1) Electronic copy of full submission; One (1) hard copy Full Scale plan set; Two (2) hard copy 11x17 half scale scalable plan sets.

-
- Existing Conditions Exhibit:*** A scalable existing conditions analysis, prepared by and certified by a registered land surveyor, including 100-feet of the abutting properties of record, should include the following:
- North arrow, date of survey
 - Boundary (existing or parcel) lines and dimensions with total acreage
 - Topographic Map, contour interval of 2' or less, slopes in excess of 12-percent delineated
 - Location and extent of tree cover including identification of significant trees
 - Location, including right-of-way width and names of existing platted streets, parks, or other public lands
 - Location of permanent/existing buildings and structures
 - Location and size of existing culverts, wells, septic systems or any other underground utility
 - Existing easements, including pipelines and power lines within the plat
 - Grades and location of catch basins, manholes, and street pavement width and type within the plat
 - Boundary lines of adjoining unsubdivided or subdivided land
 - Soil borings on each lot demonstrating appropriate area of individual sewage treatment system (minimum of 4 per lot)
 - Water course, marshes, 100-year flood elevation, wooded areas, rock outcrops, power transmission poles and lines, and other significant features
 - Location and extent of wetlands and streams, including Wetland Delineation
 - Other relevant information as requested by the City
-
- Preliminary Plat Exhibits:*** A scalable set of technical and construction level drawings of the proposed Major Subdivision. All drawings must be submitted to-scale, in scalable format. Depending on the complexity of the subdivision, the following information may be submitted on one drawing.
- Name and address of the owner, developer, site planner, engineer and surveyor
 - Proposed Subdivision name
 - Legal description, acreage of proposed subdivision, date of preparation and north arrow
 - Proposed lot configuration, including Outlots
 - Lot dimensions including setback lines (front, sides, rear)
 - Identify wetlands (including source), waterways and lakes
 - Identify proposed roadways including right-of-way
 - Identify buildable area, including calculated area and percent impervious
 - Proposed construction grading plan (maximum 2-foot contours) and erosion control plan
 - Proposed surface water management plan
 - Street details, including gradients of streets including plans and profiles showing location and typical cross-sections including ditches, curb (if applicable), drainage easements, catch basins, etc.
 - Proposed building location, and lowest floor elevation for each lot
 - Proposed driveway location
 - Identify location of sewage treatment areas and soil boring locations
 - Proposed landscape plan, if applicable
 - Street lighting (if proposed)
 - Subdivision Signage (if proposed)

** For Applicant's use and records

Preliminary Plat Checklist:

-
- Brief description of Subdivision

 - A copy of any proposed private restrictions

 - Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or other that may have authority over your property approvals and necessary permits.

 - Drainage and Stormwater Computations

 - Wetland Delineation and Notice of Decision (NOD), if obtained

 - Paid Application Fee: \$1,000 + \$25/lot

 - Paid Escrow*: \$7,000 *Any remaining funds, after expenses, are returned to the applicant. Expenses incurred over \$7,000 will be billed to the Applicant.

Materials that may be required upon request:

-
- If severe soil limitations for the intended use are noted in the Soil Survey on file at Washington County Soil and Water Conservation District office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.

 - Building elevations and architectural plans.

 - Homeowner's Association covenants or deed restrictions
-

STILLWATER OAKS IN GRANT

Magellan Land Development in partnership with Fairway Estates, LLC are proposing a Residential Development on the property previously known as Stillwater Oaks. It was run as a golf course until 2020. The property consists of 146 acres bisected by 88th Street

We are proposing large lots withing the development. The lots will conform to the City's development ordinances. Lots will range from 5 acre minimum to 25 acres.

The building pad sizes will consist of building pad initially, 100 feet by 200 feet. That footprint is oversized to compensate for unforeseen extra areas such as a pool or extra-large garage.

There will be no Homeowners Association. Each builder/homeowner will be responsible for their lawn and home maintenance.

The lot and home values will range from \$1,000,000 and up. The road serving the developments will be public roads.

We will be building two roads within the development that will be public roads. Storm ponding for roads will be addresses during grading of the roads. We have been in touch with the county regarding soild observation for septic areas, the preliminary letter is attached. We have also been in touch with the watershed district.

Thanks for your consideration and we look forward to working with you.

Thank you for your time;

Jason Palmby
Magellan Land Development

Villa Homes



Single Family Homes



CARRIAGE HOMES





Department of Public Health and Environment

David Brummel
Director

Jill Timm
Deputy Director

July 6th, 2022

GEO Code: 2403021220004

FAIRWAY ESTATES OF GRANT LLC
PO BOX 302
EXCELSIOR MN 55331

LOT SPLIT APPROVAL

The Department has finished conducting site reviews of the proposed lots located at 11151 88th Street North, Grant. Based on these observations and the observations of your contractors from the most recent lot layout dated July 1st, 2022, the proposed lots appear to have suitable soil for individual sewage treatment systems and the Department is approving the proposed lot split as suitable to accommodate long-term sewage treatment.

It should be noted that the soil observations conducted for these lots were preliminary and only for the purpose of determining suitability to support long-term sewage treatment. Section 9.5 of the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations (Washington County Ordinance #206) states:

Complete soil testing on each individual lot must be conducted prior to permit issuance independent of any prior subdivision or lot approval testing. For permit issuance, a minimum of four (4) soil observations encompassing the proposed sewage treatment area are required. At least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.

Before an installation permit can be issued by the Department for a specific subsurface sewage treatment system, at least four additional soil borings and at least one percolation test must be conducted by a designer licensed by the Minnesota Pollution Control Agency.

Rope off and protect the areas from all traffic. Any excavation in the primary and secondary individual sewage treatment system areas would nullify this approval and may subsequently cause the lot to be declared unbuildable. The minor subdivision is approved only for the lot configuration submitted in the application. Any changes to the lot configurations will nullify this approval.

If you have any questions or comments, please contact me at 651-430-6679.

Sincerely,

Joe Sanders
Sr. Environmental Specialist
Washington County Department of
Public Health & Environment
Joe.sanders@co.washington.mn.us



Parks and Trails Division
1200 Warner Road
Saint Paul, MN 55106

September 00, 2022

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

Dear Mayor Huber and members of the City Council,

As it concerns the proposed Stillwater Oaks Residential Development project and impacts to state-owned property associated with the Brown's Creek State Trail, the State will require that the existing trespass east of Dellwood and McKusick Roads is resolved. The preliminary plat appears to achieve this by realigning the existing ingress/egress limited access and removing the parking area. While this crossing was allowed via an existing easement for the previous use, this agreement is no longer sufficient for a public road crossing and the State would require a new easement. Reconstruction of the portion of trail affected by the construction of the new public road should be built to State engineering standards and ADA accessibility. Construction plans for the trail must be reviewed and approved by the State.

MnDNR policy states that public road crossings will require trail users to stop at the crossing. Our facility does not currently stop at this location, once the easement has been completed and the new road has been built, the DNR will install trail traffic controls requiring trail users to stop at the crossing.

Finally, an easement is also required for the proposed culvert proposed within State land. Any other use or impacts to our property will require prior DNR approval. Therefore, the most important item is to stay in communication with the DNR. The applicant should contact myself, Nathan Moe, to initiate the process to acquire the necessary easements or through the MnDNR website. More information, including the application for an easement, can be found here: https://www.dnr.state.mn.us/permits/road_crossing/index.html

Sincerely,

Nathan Moe
Acquisition and Development Specialist

Equal Opportunity Employer