

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, November 9, 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: September 13, 2022
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Application for Conditional Use Permit, Asphalt Paving Business and Storage, 7559 Jamaca Ave N
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

September 13, 2022

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

Absent: Matt Fritze

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

1. CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES, AUGUST 10, 2022

MOTION by Commissioner Helander to approve the August 10, 2022 Minutes, as presented. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for Major Subdivision-Stillwater Oaks Preliminary Plat – City Planner Swanson advised 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.

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-foot of the subject Project, as required in Section 30-58 of the Subdivision ordinance, informing them of the application request and public hearing.

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

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.

City Planner Swanson stated 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.

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.

City Planner Swanson advised 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.

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.

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.

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.

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.**

City Planner Swanson advised 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.

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.

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.

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.

City Planner Swanson stated that 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.

MOTION by Commissioner Tronrud moved to open the public hearing at 7:04 p.m. Commissioner Helander seconded the motion. MOTION carried unanimously.

Mr. Ken Hanson, 8765 Kimbro Ave. N, came forward and inquired about how many of the lots are affected by the pipeline as well as how many soil borings and depth of the borings were taken in the "shop" area of the golf course. He suggested the developer be required to create public space for the development. He asked about any special covenants and suggested solar panels be required. He asked who would be responsible for the plowing and maintenance of the cul-de-sacs and expressed concern regarding aquifers and traffic patterns.

Mr. John Harvey, 8845 Lansing Ave., came forward and asked how he can get the packet that the Planning Commission is looking at. He asked if written responses would be received and asked how an upgrade on McKusick can be done.

Mr. Robert Bielenberg, 11360 88th Street, came forward and stated an upgrade is needed on McKusick as well as 88th Street due to the cul-de-sacs.

Mr. David Kramlich, 8355 Lake Elmo Ave. N, came forward and expressed concern regarding construction traffic as gravel roads are already in rough condition.

Mr. Tom Lund, 11540 McKusick, provided an email stating he is interested in the plan for the entrance to cul-de-sac B. He expressed a safety concern regarding the 50 mph speed limit on McKusick in relation to those using the trail and at the intersection.

MOTION by Commissioner Gagliardi to close the public hearing at 7:22 p.m. Commissioner Tronrud seconded the motion. MOTION carried unanimously.

City Planner Swanson advised the City does not have a park dedication ordinance so public space is not required. The City does not regulate or enforce private covenants such as architectural standards or solar panel requirements. The City would be responsible for road maintenance and plowing as private roads are not allowed in Grant. The permitting authority for wells is the DNR. The City Engineer will provide an analysis of the traffic patterns and will also include traffic counts in terms of a golf course vs. homes. A remediation of the soils was done last year.

Mr. Jason Palmby, Developer, came forward and noted the three pages of front elevations should not have been in the submitted materials as the homes will be larger and custom built. There is only one phase to the development and soil boring locations will be provided.

Mr. Scott Dahlke, Engineer, pointed out the pipeline easement noting it goes through both the north and south plans and will remain in place. Lot 8 will be modified and Lot 12 has 169 feet of width to provided as uniform lots as possible. Lots 3 and 4 do not have enough width but another option for the cul-de-sac can be considered or a variance could be submitted. Tract N can be made a part of Lot 11 and a HOA will be created.

City Planner Swanson advised the City has been very consistent with lot lines and straightening those lot lines. It is not the City's job to design the project. If the project does not meet current ordinances on the lot width and length a variance would have to be applied for. The City Council is less stringent on being perfectly perpendicular. There is a removal plan for all the wells along with the current septic. Street A is in the same location and the easement area will have to be wider. The City Engineer will be reviewing that and providing a report to the City Council. He also indicated the cul-de-sacs do meet current City ordinance. The applicant did not submit anything on the soil remediation but that can be a condition of approval.

Chair Huttemier stated most of the issues raised have been addressed except for the concern relating to Lot 3 and 4.

City Planner Swanson noted any approval this evening does not include housing plans. Those will have to be approved as well. It is up to the Applicant to solve the problem and meet the standards for Lots 3 and 4.

MOTION by Commissioner Tronrud to recommend approval of Application for Major Subdivision-Stillwater Oaks, based on all conditions and to include additional conditions relating to 1) Lot lines on Lot 11 and 12; 2) Remediation information submitted; 3) Existing wells and septic removal; and 4) providing for 20 more feet of frontage on Lot 8. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Tronrud to adjourn at 8:10 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Planning Commission Meeting Minutes
August 10, 2022

Respectfully submitted,

Kim Points
City Clerk

DRAFT



STAFF REPORT

To: Mayor and City Council
Kim Points, City Clerk/Administrator

Date: November 1, 2022

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

RE: Application for a Conditional Use Permit to operate an asphalt paving business and storage at 7559 Jamaca Ave N

From: Jennifer Haskamp
Consulting City Planner

Background

The Applicant, Ryan Conlin on behalf of A.R.C Paving Inc, is requesting a Conditional Use Permit (CUP) on the subject property to allow for equipment storage and staging to support the small asphalt paving business (seasonal) from the site. As described by the Applicant, the principal use of the property is storage of equipment and staging of equipment that is used for the off-site asphalt paving operations. Activities on the site will primarily be seasonal occurring between April and November of each year. The proposed use includes parking of large vehicles and equipment on the site, employee parking of personal vehicles during the day when off-site work is conducted, and routine maintenance of the equipment needed for the business. The Applicant has indicated that future administrative/office uses at the site may occur, but such activities would be accessory to the principal equipment storage uses on the site.

Public Hearing

A duly noticed public hearing is scheduled for November 9, 2022, and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant: Ryan Conlin, A.R.C. Paving Inc. Owner: FJB Properties	Site Size: 1.27 Acres (55,321 SF)
Zoning: A2 - Agricultural Small Scale Future Land Use: Rural Residential/Ag	Request: Conditional Use Permit (CUP)
Address: 7559 Jamaca Ave. N. Grant, MN 55082	Location Description and PIDs: PID 27.030.21.23.0004, subject property generally located northeast of the 75 th Street N and Jamaca Ave. N.

The Applicant is requesting a new CUP to permit equipment storage and staging operations associated with a small asphalt paving business. A summary of the proposed use of the site is as follows:

- Storage of equipment that supports a small asphalt paving business. The asphalt paving business activities are conducted off-site and various locations and projects.



- Activity on the site will include staging of equipment for the day's business activities and picking up of equipment. The site will primarily be active between April and late November.
- No storage of asphalt is proposed on site. A stockpile of Class 5 on the property during the active months is requested.
- Employees will come to the site in the morning to pick up their equipment for the day and will leave their personal vehicles on the site. At the end of a work day the equipment will be returned to the site and stored and personal vehicles picked up.
- Potential use of the existing buildings with future improvements may allow for accessory administrative/office uses to support the operation.
- Off-season storing and maintenance of equipment, with occasional running of equipment.

The business currently operates with a fleet of four (4) dump trucks, a semi/trailer combination, a tool truck/trailer combination, two (2) small tool trucks, a mid-size excavator, a road grader, three (3) skid steers, and six (6) rollers. During the operational season, a typical day of operations generally starts at 6 am and ends around 5 pm. The Applicant indicated that the time frame could vary depending on weather and workload. The typical day starts with approximately 30 - 45 minutes of warming up trucks, fueling and swapping equipment on trailers based on the day's work schedule. The Applicant has indicated that aside from the pick-up and drop-off activities, the site will generally be vacant. A rough concept of how the site would be used and function during the active season is provided as Attachment C Proposed Site Operations Layout.

As stated in the Applicant's narrative, the current business has 5 employees (combination of both part time and full time) and they hope to grow to 8 - 10 employees in the future. To support the employees and use of the site, the Applicant indicated they would like to install a well and septic system on the property if the CUP is approved. Staff discussed this with the Applicant and learned that the existing buildings on the site are not functional for the type of business proposed and there is not useable drive-in maintenance space which is desirable for the business. The Applicant indicated that in the future they are interested in modifications to the building that may include full demolition of the structures depending on the access location, etc. If new structures are constructed, depending on their function, a well and septic may be required, and it is possible that no suitable location for a septic drainfield exists. If that were to occur, they would consider installing a system with a holding tank. Further analysis regarding the buildings, future plans, and utilities are provided in subsequent sections of this report. Finally, the Applicant indicated that during the winter months the equipment will be parked and stored on site and that routine maintenance may occur during the winter months, but generally the site will be relatively quiet between December and March.

Review Criteria

The City Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

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



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

Section 32-245 Table of Uses establishes the list of permitted and conditionally permitted uses in the City. Subsection (b) states, “Uses shall be allowed according to the use table in subsection (c) of this section. When a specific use is not listed, the closest similar listed use shall determine the restrictions and conditions which apply.”

The Table of Uses identifies “Storage – As a Principal Use” as permitted with a Conditional Use Permit and references Section 32-316 for additional criteria and standards.

Existing Site Conditions

The subject site is located at 7559 Jamaca Avenue N., and is described as being in the Northwest Quarter of Section 27, Township 30, Range 21 (27.030.21.23.0004). The parcel is approximately 1.27 acres, is fairly regular in shape, and is bordered by Jamaca Avenue N., on the west. The majority of the site is either paved with bituminous or improved with gravel surface and includes an existing principal structure and two accessory buildings that are clustered on the eastern portion of the property. The entire perimeter of the property is fenced, and the fence along the Jamaca frontage which appears to be a standing seam steel, green, fence product that is 100% opaque that screens all activities internal to the site.

The site is generally located in the southwestern quadrant of the City, generally on the northeast corner of the 75th Street N and Jamaca Avenue N intersection. The Mahtomedi School Campus including the Wildwood Elementary School is located just west of the subject site. Other uses surrounding the site include a mix of agricultural and rural residential uses. The most recent use of the site was Floyd’s Auto Sales which was a business use that operated with a Conditional Use Permit to sell used cars.

Comprehensive Plan Review

The site is guided RR/AG – Rural Residential/Agricultural in the City’s adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed exterior storage use to support the asphalt paving business is similar to other contracting businesses in the City such as HVAC equipment storage, roofing material storage, etc., where the business operations and activities primarily occur off-site and the property is used for materials and vehicle storage as well as support administrative services. Depending on the conditions established for the proposed business operations and provided a CUP is obtained, the proposed operation could be consistent with the adopted Comprehensive Plan.

Zoning/Site Review

The Applicant submitted a Certificate of Survey and a Proposed Site Operations Layout to demonstrate the proposed site storage configuration and operations (See attachments). The following dimensional review is provided for review and consideration.



Dimensional Standards

The following site and zoning requirements in the A2 district related to the proposed application. The following review is conducted focusing on the submitted site plan. Staff comment is in italics.

Dimension	Standard
Minimum Lot Area	5 Acres
Frontage on an Improved Public Road	300'
Front Yard	65'
Side Yard Setback (from street in case of corner lot)	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Non-accessory, non-dwelling structures	Per Permit (requires CUP and Building Permit)
Impervious surface coverage	50%
Floor Area Ratio	30%

Proposed Use

The Applicant's narrative describes his business as an off-site seasonal asphalt paving business and the proposed use of the site is for year-round equipment storage to support the business. While the Applicant's business is an asphalt operation, no asphalt will be stored or processed on site. Instead, the principal use of the site is for equipment storage and staging to support the off-site asphalt operations. Therefore, the principal use of the site is most similar to exterior storage and staging uses that support the business operations and exterior storage is permitted as a principal use if a conditional use permit is obtained in the A2 zoning district.

Section 32-246 and 32-83 establishes that the existing Floyd's Auto sales CUP is a non-conforming use that if terminated can only be replaced by a business operation that is established as either permitted or permitted with a Conditional Use Permit. The proposed operation, if determined to be a Principal Storage Use, is conditionally permitted and therefore 1) establishes the use as conforming; and 2) will eliminate the previous non-conforming auto sales use.

Given the proposed operations and existing improvements on the site, transitioning the site to a use that is permitted or conditionally permitted is desirable as it eliminates/reduces the amount of non-conformity on the site.

Lot Area, Lot Frontage and Access

Lot Area

The subject property is approximately 1.27 acres and does not meet the minimum lot size requirement. However, the lot and use of the parcel for non-residential uses was established as part of the previous CUP issued for Floyd's Auto Sales that remains in effect until a new conforming use is established. Given that there is an existing CUP that establishes the use of the site for a



business that has similar characteristics to the subject request, staff would generally consider the Lot Area as legally non-conforming.

Lot Frontage

Per the submitted Certificate of Survey the westerly border of the subject site abuts the Jamaca Avenue N. roadway and there is approximately 201-feet of frontage. The subject parcel does not meet the required minimum lot frontage; however, the lot is a legal lot of record and is considered legally non-conforming.

Access

The subject project is accessed from Jamaca Avenue N., via a large driveway that is located approximately 250-feet from the Jamaca (CSAH 9) and 75th St. N. (CSAH 12) intersection. No changes to the access are proposed as part of this application; however, the Applicant has indicated that they may explore moving the driveway location to improve the site circulation. Since Jamaca Avenue N., is a County Road any request to modify or change the driveway would be subject to the Washington County permitting process and approval. ***Staff recommends including a condition that any modifications to the access must obtain an access permit from Washington County.***

Setbacks

As shown on the Certificate of Survey submitted by the Applicant, there is an existing principal structure, carport and accessory structure located on the site. A storage container with approximately 301 square feet is also identified adjacent to the accessory structure, and it is assumed to be movable/temporary. The existing principal building is located approximately 52-feet from the roadway edge per Washington County GIS records and 21.6-feet from the existing fence line (front).

The existing shed is located approximately 45-feet from the roadway edge and approximately 25-feet from the existing fence line (front). The shed is setback approximately 32.4-feet from the northerly (side) property line. The carport is setback similar distance from the roadway and fence line and is positioned adjacent to the principal structure.

As shown on the Certificate of Survey the location of the existing buildings do not meet the front yard setback. Since the buildings are existing, they are considered legally non-conforming structures. As legally non-conforming commercial structures no enlargement of the structures is permitted. ***Staff recommends including a condition that since the existing structures are legally non-conforming no enlargement (footprint or height) of the structures is permitted and any contemplated improvements must meet the standards for maintenance of structures that are non-conforming as established in Section 32-80.***

Additionally, as noted on the Applicant's general Proposed Site Operations Layout the Applicant is considering the removal of the existing buildings and constructing a new building(s) in the future. ***Since plans for any future***



**Principal Structure,
Accessory Buildings
and
Parking/Coverage
Standards**

buildings are unknown staff recommends including a condition that any new or proposed structures on the site will be required to meet all setback requirements in place at the time of the application; and that depending on the size and use of such structure contemplated, that an amendment to this CUP may be required.

Principal & Accessory Structures

The existing CUP issued for the Auto Sales business (Floyd's) permitted the existing principal building to be used for commercial use which is approximately 2,122 SF. There are two accessory buildings on the subject site – a shed that is 376 SF and carport that is 247 SF for a total of 623 SF of accessory buildings on site. There is also a storage container denoted on the Certificate of Survey which is assumed to be a temporary/moveable structure which does not meet the accessory building standard definitions. In total there is approximately 2,745 SF of permanent structural buildings on with an additional 247 SF of temporary building area. *Since the lot is non-conforming, staff recommends including a condition that the amount of building square footage may not exceed 2,992 SF unless the CUP is amended. If demolition of the existing buildings is proposed depending on the layout and size of the proposed buildings an amendment to the CUP may be required.*

Coverage Requirements

Section 32-246 establishes that the maximum percent of coverage of a site, where coverage includes parking areas or structures of any type, is 50%. As shown on the Certificate of Survey approximately 90% of the site is improved with either structures, gravel or bituminous surface and only a small area between the road right-of-way and the existing fence is impervious, as well some green space within the required setback area. Section 32-246 also stipulates that the maximum floor ratio is 30%. Given the total building area is 2,992 SF and the lot size is approximately 1.27 acres the Floor Ratio is approximately 5%, which meets the City's requirements. As developed, the current site does not meet the City's coverage requirements due to the extensive gravel/bituminous area. Similar to the structure locations, the impervious/coverage is established as legally non-conforming; however, certain standards regarding grading, stormwater, etc., may still be required depending on the level of improvements at the site. *Staff recommends that a condition be included to address any stormwater, grading, or site alteration requirement established in the City Engineer's memo that will be submitted under separate cover.*

Parking & Parking Lot Requirements

As shown on the Applicants Proposed Site Operations Layout, to support the proposed equipment storage operations nearly the full site must be improved. As stated in the narrative the asphalt paving equipment is large and requires significant area to make the turning movements on the site. While the Applicant did not identify any additional improvements to this area as part of the



application, given the change in use, discussion regarding the appropriate materials for the storage/parking area should be addressed. Per section 32-373 Surfacing and drainage, "...all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer..." ***Staff requests discussion by the Planning Commission regarding improvements to parking/equipment storage area to determine if additional improvements are recommended. In addition, staff requests discussion regarding the amount and quantity of gravel and/or bituminous area since the existing improvements do not meet the City's ordinances.***

At a minimum, if the Planning Commission determines that the existing condition is acceptable, it is likely that the Applicant will continue to make improvements to the equipment storage/parking area in the future. Therefore, it is possible that future permitting and analysis from the City Engineer may be required particularly if any grading is proposed. ***Staff recommends including a condition that any future conversion of the gravel area or bituminous area to a different material may require a grading permit from the City Engineer, and depending on the plans may require an amendment to the CUP.***

Parking of Equipment

As shown on the Proposed Site Operations Layout submitted by the Applicant, the proposed Truck/Equipment Parking is on the southeast corner of the site. The configuration allows for the site circulation to occur in the south half of the site, and for equipment storage and drop-off to be located in one area with the fueling tank station to occur on the way out of the site. The location of the equipment storage/parking is reasonable, but it is not possible to verify that the area is adequate to support the equipment identified by the Applicant's narrative without more details. ***Staff recommends including a condition that an updated Proposed Site Operations Layout must be submitted to demonstrate the parking area and to confirm that the circulation route is functional.***

Lighting

The proposed lighting is not included on the site plan and is not described in the Applicant's narrative. However, staff spoke to the Applicant and he stated that he would like to install some lighting for security purposes near the principal structure, the employee parking and the truck parking/loading areas. Section 32-321 Lighting, lighting fixtures and glare states that lighting shall not exceed 25 feet or the maximum height of the principal building. The standards further stipulate that lighting may not spill onto adjacent residentially zoned/used land or onto the public right-of-way. ***Staff recommends including a condition that a lighting plan, including location and fixture specifications must be submitted for review and approval by staff prior to any installation. If necessary, a photometric plan may be requested to demonstrate compliance with the City's lighting standards and regulations.***



Signage

A specific sign plan was not submitted as part of this application. However the Applicant indicated to staff that they would like to install a sign on the exterior fence of the property similar to the Floyd's sign that is currently present. **Staff recommends including a condition that any proposed signage must comply with the size, quantity and location standards as established for the A2 zoning district. Any deviation of the standards will require either a separate CUP or an amendment to this CUP.**

Landscaping/Fencing

The entire perimeter of the site is fenced with a green 100% opaque material. The Applicant is not proposing to alter or change the fencing as part of this Application. No landscaping is proposed as part of this application.

Utilities (Including Fueling)

Well & Septic System

The existing property is not served by a well or septic system. The Applicant has indicated that they will periodically wash equipment on the site so a well must be installed. **Staff recommends including a condition that all proper permitting must be obtained from the MDH and/or MnDNR to install a well on the site.**

As noted in the narrative, the Applicant is also interested in installing a septic system on the site. Since the site is nearly fully improved, there likely is not adequate space to install a drainfield. **Staff recommends including a condition that a permit must be obtained from Washington County for installation of any septic system, including tank or other system type.**

Fueling Station

The Applicant has indicated that they need to have a fuel tank on site so that the equipment can be properly maintained and fueled. The proposed location is depicted on the Proposed Site Operations Layout. Staff did not identify any specific standards in the Zoning Ordinance regarding onsite fuel tanks, but supports the location as identified on the Proposed Site Operations Layout diagram which locates it further away from the structures on site and away from adjacent residential uses. **Staff recommends including a condition that any required MPCA permits for onsite fuel tanks must be obtained and evidence of such permits must be provided to the City.**

Operations

The hours of operation given in the narrative are as follows:

- Running the trucks, setting up for the workday: Approximately 6:00 am – 6:45 am.
- The site would generally be vacant during the day.
- Returning trucks and equipment, preparing up for the next workday: Approximately 5 pm.

Based on discussion with the Applicant and the submitted narrative no clients will visit the site, and no subcontractors will use the property. The onsite activity



will generally be comprised only of the owner's activity and their employees. ***Staff recommends including a condition that no public or retail sales are permitted on the site, and that operations shall generally be restricted to the activities noted in the Applicant's narrative.***

The Applicant has stated that they will store the identified equipment on the site and that the employees will pick up the equipment for the off-site activities planned for the day. In addition to the equipment, the Applicant notes on the Proposed Site Operations Layout the desire to keep a back-up stockpile of class 5 on the site. While not a structure, the height should generally be controlled in a similar way so as not to be visible from adjacent residential parcels or the public right-of-way. ***Therefore, staff recommends including a condition that addresses the height of the class 5 stockpile.***

The Proposed Site Operations Layout provides a general concept of the operations. The diagram is helpful to understand the intended operations on the site, however, it is not scalable and it cannot be verified that the areas are adequate to support the proposed activities. ***Staff recommends including a condition that the Proposed site Operations Layout be updated to reflect the appropriate scale and dimensions of the designated areas so that it can be confirmed that the areas can support the intended activities*** (e.g. the equipment storage area should include dimension of the dump trucks/rollers/etc., to ensure that the area is large enough and that the circulation plan works.)

In addition to the circulation pattern, as described by the Applicant, the morning activities include warming up of the equipment for 30-45 minutes. While a short period of time, if this activity occurs at 6 am it could be loud and/or disturb adjacent residential uses and therefore should be located as far from the northerly property line as possible. ***As such, staff recommends including a condition that the area designated for morning equipment warm-up must be located on the south side of the site as shown on the Proposed Site Operations Layout.***

Noise

Based on the Applicant's narrative the most activity on the site will occur at the beginning of the day when the equipment is picked up and at the end of the work day when the equipment is dropped off. As discussed previously, the Applicant has indicated that the equipment will need to be "warmed up" in the mornings before leaving the site. This activity has the potential to disturb adjacent residential uses and therefore the activity should occur as far away from the northern property line as possible. As previously noted staff recommends a condition to address this issue. In addition, all noise on the site is subject to the standards established by the MPCA. ***Staff recommends including a condition that all operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day.***



Engineering Standards

There are no improvements to the site identified as part of the application, although the Applicant has indicated a desire to change the access location and potentially make modifications to the building location and configuration. The City Engineer is reviewing the Application based on the existing conditions and the potential future improvements. An engineering memo will be emailed to the Planning Commission prior to the meeting.

Other Agency Review

The property is within the Valley Branch Watershed District (VBWD) and it is the Applicant's responsibility to obtain any necessary permits. While the Applicant does not have immediate plans to grade or alter the property, there may be required stormwater improvements to the site based on the proposed use. As previously mentioned, the site is located off of Jamaca (CSAH 9) which is a County Road. The Applicant must work with the County to determine if an access permit is required or if moving the access driveway is allowed. Additionally, Washington County Environmental Services is responsible for all septic permitting and the Applicant must work with them to determine if there is a solution on the site.

Action requested

Staff is recommending approval of the CUP for Equipment Storage and Staging for an Asphalt Paving Business. The following draft conditions are provided for your review and consideration.

1. The existing structures are legally non-conforming and no enlargement (footprint or height) of the structures is permitted. Any improvements must meet the standards for maintenance of structures that are non-conforming as established in Section 32-80.
2. Any new or proposed structures on the site is required to meet all setback requirements in place at the time of the application.
3. The maximum total square footage of buildings permitted on site is 2,992 SF. Any proposal that increases the total building square footage, whether new or existing or some combination, may require an amendment to the CUP.
4. If demolition of the existing buildings is proposed depending on the layout, size, use and height of the proposed buildings an amendment to the CUP may be required.
5. The hours of active seasonal operations shall be annual from April 1st through November 30th of each year. The hours associated with the seasonal operations shall be as follows:
 - a. Monday through Friday 6 AM to 6 PM.
 - b. Saturday 7 AM to 5 PM.
 - c. No operations shall be permitted on Sundays.
6. There shall be no restriction on the hours of operation for administrative support, or routine equipment maintenance provided such activities do not adversely impact adjacent residential (specifically excessive noise, fumes or other noxious activities).
7. Any stormwater, grading, or site alteration must be reviewed and approved by the City Engineer.



8. All comments provided in the City Engineer's memo must be addressed and all required permits obtained.
9. Any future improvements of the gravel area or bituminous area, including the conversion to a different material may require a grading and/or stormwater permit from the City Engineer, and depending on the plans may require an amendment to the CUP.
10. The Applicant shall submit an updated Proposed Site Operations Layout to confirm that the equipment parking area is of sufficient size to store all of the Applicant's equipment, and to confirm that the circulation route is functional.
11. A lighting plan, including location and fixture specifications must be submitted for review and approval by staff prior to any installation. If necessary, a photometric plan may be requested to demonstrate compliance with the City's lighting standards and regulations.
12. Any proposed signage must comply with the size, quantity and location standards as established for the A2 zoning district. Any deviation of the standards will require either a separate CUP or an amendment to this CUP.
13. All permits must be obtained from the MDH and/or MnDNR to install a well on the site.
14. A septic permit must be obtained from Washington County for installation of any septic system, including tank or other system type. Such permit must be secured prior to any approval of a Building Permit for a new structure.
15. Any required permit for the access from Washington County must be obtained, and any required improvements as a result of changing the access location are the sole responsibility of the Applicant.
16. Any required MPCA permits for onsite fuel tanks must be obtained and evidence of such permits must be provided to the City.
17. No public or retail sales are permitted on the site, and that operations shall generally be restricted to the activities noted in the Applicant's narrative.
18. The height of the class 5 stockpile may not exceed the height of the principal building and must be fully screened from the public road right of way and any adjacent residential use.
19. The area designated for morning equipment warm-up must be located on the south side of the site as shown on the Proposed Site Operations Layout. Such activities must be located as far from any adjacent residential use on the property and must properly screened.
20. All operations must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day. This must be strictly adhered to especially for equipment idling that includes the morning pick-up and any idling associating with equipment maintenance.
21. No change to the fencing is approved as part of this CUP. If any changes are proposed that do not comply with the City's fence standards, an amendment to this permit may be required.

Attachments:

Applicant's Application

Certificate of Survey

Proposed Site Operations Layout



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

Pd 9/26/22
 \$3,400.00 Check #126

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

CONDITIONAL USE PERMIT

Application Date:	
Fee: \$400	Escrow: \$3,000

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): 2703021230004		LOT SIZE: 1.27 acres
PROJECT ADDRESS: 7559 Jamaica Ave Grant, MN 55082	OWNER: Name: FJB Properties Address: 7559 Jamaica Ave City, State, Zip: Grant MN 55082 Phone: 612-849-0469 Email: floydsauto@aol.com	APPLICANT (if different from Owner): Name: Ryan Conlin Address: 10710 88 th St. N. City, State, Zip: Grant, MN 55082 Phone: 651-307-5777 Email: arc paving@gmail.com
BRIEF DESCRIPTION OF REQUEST: We are requesting to use property for small asphalt paving business. Parking of trucks and equipment.		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process. - Division 5. Conditional Use Permits 32-141 through 157, others		

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	Fee Title Property Owner (If different from Applicant)
Name: <u>Ryan Conlin</u> <small>(Please print)</small>	Name: <u>FJB Properties, LLC</u> <small>(Please print)</small>
Address: <u>10710 88th St. N.</u>	Address: <u>7559 Jamaica Ave N</u>
City, State, Zip: <u>Grant, MN 55082</u>	City, State, Zip: <u>Grant MN 55082</u>
Phone: <u>651-307-5777</u>	Phone: <u>(651) 395-8200 651-395-7200</u>
Cell Phone: <u>" "</u>	Cell Phone: <u>612-849-0469</u>
Email: <u>arc paving@gmail.com</u>	Email: <u>FloydsAuto@aol.com</u>
Signature: <u>[Signature]</u>	Signature: <u>Sharon Jensen</u> Sharon Jensen
Date: <u>9-17-22</u>	Date: <u>9/17/2022</u>

Checklist:

Please review the attached checklist. Minnesota State Statute 15.99 provides the City of Grant 15 business days to determine the application's completeness. 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 the deadline.

According to Minnesota State Statute 15.99 a Conditional Use Permit has a Statutory review period of 60 days, with the City's ability (which includes city staff and consultants) to extend the review for an additional 60 days if necessary due to insufficient information, directive to provide additional information, the tabling or postponement of an application, lack of quorum, or schedules.

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 often 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.


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

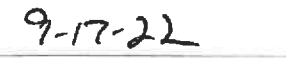
Applicant

Fee Title Property Owner

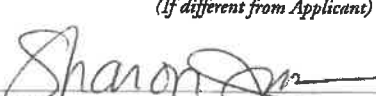
(If differs from Applicant)





Signature


Printed Name


Date



Signature


Printed Name


Date

Conditional Use Permit Checklist:

- Statement acknowledging that you have contacted the other governmental agencies such as watershed districts, Washington County departments, state agencies, or others that may have authority over your property for approvals and necessary permits.

- Paid Application Fee: \$400

- Paid Escrow*: \$3,000 *Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$3,000 will be billed to the Applicant.

Materials that may be required upon request:

- Survey of the Property: An official survey, by a licensed surveyor, may be requested with the application. The survey shall be scalable and either Full Scale, or Half Scale (11"x17") as requested by the Zoning Administrator.

- Full scale plans at a scale not smaller than 1"=100'

- Sanitary and stormwater plans.** Sanitary and/or stormwater plans may be requested depending on the proposal of the Conditional Use Permit.

- Wetland Delineation.** If the proposed project is near a potential wetland boundary or setback, delineation may be required to fully evaluate and approve, or deny, the Conditional Use Permit.

A.R.C. Paving Inc.

P.O. 401 Hugo Mn 55038
Ryan Conlin 651-307-5777

A.R.C. Paving Inc. is a small residential/commercial asphalt paving business operating since 2005. It is owned by myself and my wife, Holly. We have 5 full time/part time employees and hope to grow to 8-10 employees in the future.

We operate currently with a fleet of 4 dump trucks, a semi/trailer combo, a tool truck/trailer combo, 2 smaller tool trucks, a mid-size excavator, a road grader, 3 skid steers, and 6 rollers. The property would be used to park and maintain our equipment along with general maintenance consisting of oil and tire changes, washing of trucks and other routine maintenance.

A.R.C. Paving Inc. is a seasonal business beginning in April and ending in November. We start getting our equipment and vehicle fleet ready in March to ensure it is operationally and legally sound for the upcoming season. During our operating season, a typical day starts at 6 A.M. ending approximately at 5 P.M. Depending on weather and workload that time frame could vary. The start of day consists of 30-45 minutes of warming up trucks, fueling, and swapping equipment around on trailers to fit the needs of the day's projects. At the end of the day, the trucks are parked and sometimes equipment is swapped around in preparation for the following day. Overall, we are a quiet tenant being we are absent from the property most of the day. Also, being a seasonal company, winters are used for storing, maintaining and running equipment on occasion.

The property currently does not have sewer or water. We would like to install a well and some form of septic in the very near future upon acceptance of this permit application and acquisition of the property.

I believe this request for A.R.C. Paving Inc. to operate out of the property, fits the City of Grant's Comprehensive Plan. The property is near a high-volume traffic intersection and is completely fenced and shielded from view. Also, on the Generalized Land Use Map, the parcel we are requesting a permit for (7559 Jamaca Ave) is described as Retail and Other Commercial. My wife and I have been raising our family in Grant for the last 8 years and would love the opportunity to operate our small business close to home and help serve our community.

Attachment C: Existing Conditions
7559 Jamaca Avenue

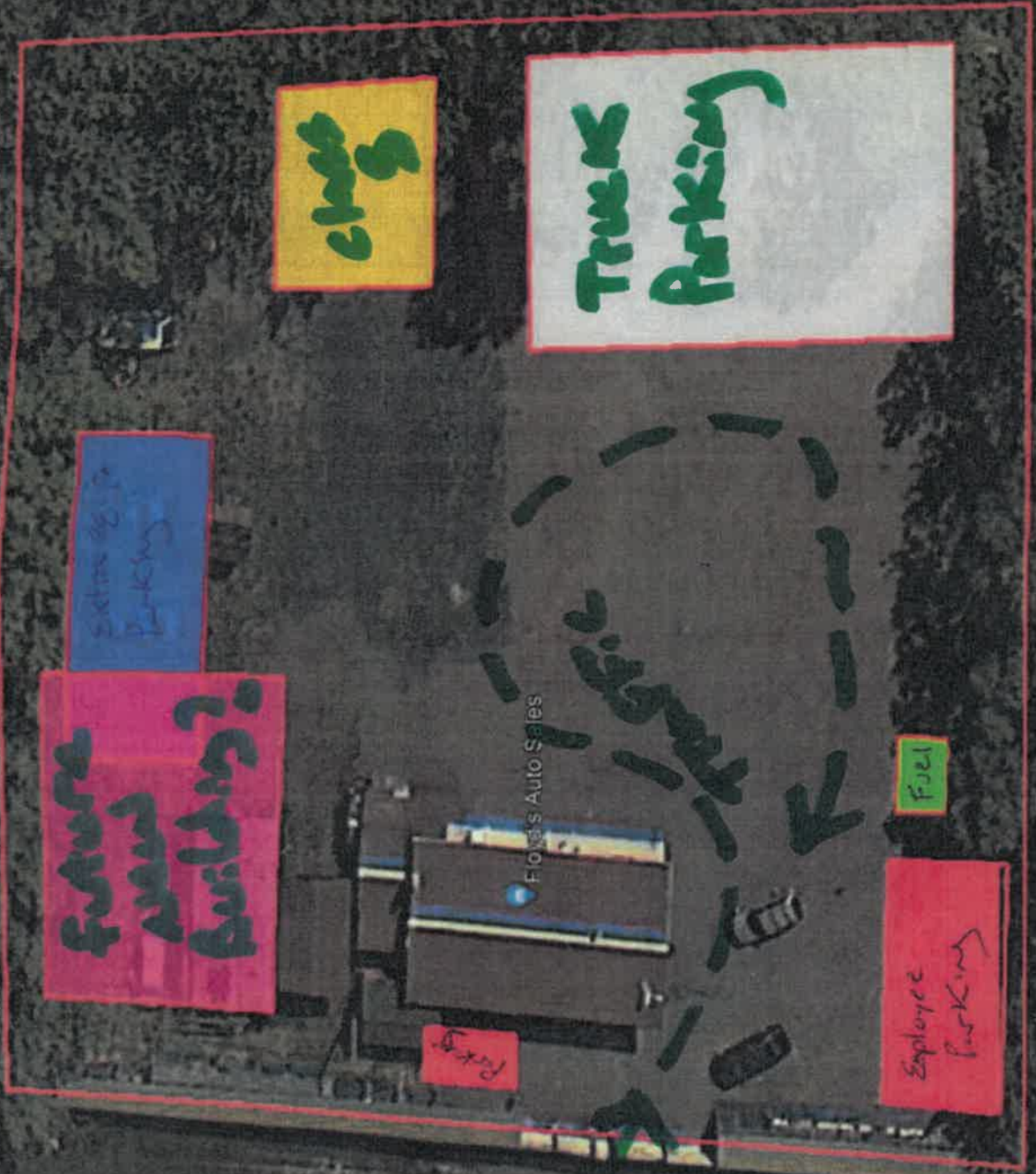


Source: Washington County GIS
Created 10.21.2022

Map

Description for your map

- Floyd's
- Polyga
- Polyga
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Jamaica Ave N

Earth

100 ft