

# PLANNING COMMISSION MEETING MINUTES

## CITY OF GRANT

April 18, 2017

**Present:** John Rog, James Drost, Jerry Helander, Jeff Schafer, Jeff Geifer and Robert Tufty

**Absent:** Darren Taylor

**Staff Present:** City Planner, Jennifer Haskamp; 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 Schafer to approve the agenda as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

### 4. APPROVAL OF MINUTES, March 16, 2017

MOTION by Commissioner Drost to approve the March 16, 2017 Minutes, as amended. Commissioner Tufty seconded the motion. MOTION carried unanimously.

### 5. NEW BUSINESS

There was no new business.

### 6. OLD BUSINESS

**Consideration of Application for Major Subdivision, 11253 75<sup>th</sup> Street N and 11601 75<sup>th</sup> Street N** – City Planner Haskamp advised the Applicant, Bob Appert on behalf of Streetcar Holdings is requesting approval of a Preliminary Plat to subdivide the properties located at 11253 and 11601 75<sup>th</sup> Street North. The properties have historically been known as the “Carlson Farm” and the “Masterman Farm” and both farms contain several PIDs of varying acreages (see table below). Collectively the Carlson Farm and Masterman Farm contain approximately 318 acres, and the Applicant is proposing to subdivide the properties into 29 rural residential lots and 2 large-lot agricultural properties. The following summary information is provided to assist in your review and consideration:

Applicant: Streetcar Holdings, LLC	Site Size: <b>-318</b> Acres (Total)
Owners: Robert Carlson Estate (Linda Powell, trustee) David Washburn (Masterman Farm)	Request: Major Subdivision – Preliminary Plat To create 31 lots
Zoning & Land Use: A-1 Proposed Plat Name: Farms of Grant	PIDs Carlson: 2503021310002 (6.18 Ac.) 2503021320001 (73.16 Ac.) 2503021340001 (74.96 Ac.) 3603021210001 (40.05 Ac.)
Address: 11253 75 <sup>th</sup> Street N. (Carlson) 11601 75 <sup>th</sup> Street N. (Masterman)	PIDs Masterman: 2503021420003 (12.26 Ac.) 2503021430002 (20.08 Ac.) 2503021420002 (25.43 Ac.) 2503021430001 (20.11 Ac.) 3603021120002 (8.87 Ac.) 3603021120001 (31.24 Ac.)

At the regular March Planning Commission meeting staff presented a full staff report of the site plan, preliminary plat and supplemental materials submitted by the Applicant. The following staff report should be reviewed in conjunction with the Staff Report dated March 8, 2017, as staff did not re-state information that was provided for and analyzed within the previous report. Instead the following staff report is focused on review of additional materials and any revisions that have been made to the Site Plan and Preliminary Plat in response to comments and recommendations heard at the March meeting and received from other regulatory agencies.

City Planner Haskamp advised on March 16, 2017 the Planning Commission held their regular meeting to consider the request for major subdivision of approximately 318-acres of land historically known as the Masterman and Carlson Farms. Staff provided a presentation of the Staff Report dated March 8, 2017 to the Planning Commission which

reviewed the proposed subdivision for consistency with the City subdivision and zoning ordinances. After staff's presentation, the Applicant and Owner briefly presented their application and addressed some of staff's questions identified within the Staff Report.

After presentation of the Staff Report, the Planning Commission opened the Public Hearing. The Public Hearing was published in the City's official newspaper and individually addressed letters were sent to property owners within 1,250-feet of the Project as required by the City's ordinances. The Planning Commission Meeting Minutes from the March 16<sup>th</sup> Public Hearing contain the official record of the proceedings and are not detailed in the following staff report. The Public Hearing was closed on March 16, 2017. There were several reoccurring concerns/comments heard during public testimony which are summarized in the following list. Staff has provided a summary response to each identified issue/concern immediately following the issue which is shown in *italics*:

- Safety of access locations of new roadway on Lake Elmo Avenue ("CR-17") and 75<sup>th</sup> Street North ("CSAH 12")  
*The Applicant hired a consultant to prepare a short traffic analysis related to access locations which addressed the number of projected trips generated because of the development, access spacing and sight distance analysis. A more detailed description of this information can be found in subsequent sections of this report, and the Traffic Memo prepared by the Applicant is also attached to this staff report for review and consideration.*
- Concern of construction traffic – particularly on CR-17 due to nature of rolling topography in this area.  
*The City understands the concern regarding construction traffic, and identifying a safe construction traffic route should be identified if the project is approved. Staff would suggest that the proper 'route' be identified within the Development Agreement, and that a condition of the Preliminary Plat be added to ensure that the construction traffic be directed to the safest haul/construction route throughout project development.*
- Concerns regarding lot sizes, particularly the dominance of lots ranging in size between 5.0 and 7.0 acres, and the impression that the lot sizes were a 'variance' from the city's ordinances.  
*As detailed in the staff report dated March 8, 2017, the minimum lot size in the A-1 zoning district is 5.0 acres. All proposed lots meet or exceed the minimum lot size, and thus require **NO variances** from the lot size requirements are needed. Comprehensively the project exceeds the minimum gross density of one lot per 10 acres, and thus **NO variances** from the density requirements are needed. All lots within the proposed*

*subdivision meet the City's minimum lot size and density requirements as stated within the March Staff Report.*

- Questions regarding how to permanently protect the two large agricultural tracts (Lot 1 and 17, Block 1) from further subdivision into perpetuity.

*There are several ways in which the two large lots will be protected into perpetuity if the subdivision is approved. The City will require a Deed Restriction in the form of a Covenant be recorded against both lots detailing that there are no additional density units available to the lots, or stated another way, that the two large lots may not be further subdivided. This restriction will also be identified within the Development Agreement and Homeowners Association (HOA) documents to ensure that all future owners in the neighborhood understand the restriction. The HOA documents and the Covenants will also protect the right of the large lot owners to continue agricultural uses if desired.*

- Adjacent property owners to the east and west of the new roadway expressed concern of proximity of new roadway to their homes, and the potential for impact from headlights, sound, etc.

*The Applicant has submitted a screening plan to address some of these potential issues and concerns which is attached for your review and consideration. Staff reviewed the screening plan which is detailed in subsequent sections of this staff report.*

- Concern of adequate septic sites, protection and ensuring each lot has adequate area; questions regarding how this is achieved when custom grading.

*The Applicant has completed soil testing to demonstrate that there is adequate area on each created lot for a primary and secondary septic site, and have submitted the preliminary results to Washington County Environmental Services. To ensure these sites are protected during construction, staff would recommend including a condition that septic sites must be roped off prior to any site work occurring to ensure that they are undisturbed during construction. Staff would further suggest that a condition be added that final design and proper permits must be obtained prior to issuance of a building permit on each lot. These conditions should also be addressed within the Development Agreement.*

- Concerns regarding surface/storm water runoff and disturbance of wetland areas on-site versus cropland areas

*The proposed subdivision is subject to the applicable rules and regulations regarding stormwater which are regulated by the City and the Browns Creek Watershed District (BCWD). Additionally, a wetland delineation was completed last fall/winter which must be submitted for formal review and approval by the LGU. Any wetland*

*disturbance/alterations will be required to follow all rules for wetland mitigation and replacement. Staff would recommend that a condition be included in the preliminary plat approval that stormwater permit approval and wetland delineation approval shall be completed prior to Final Plat of any portion of the Project. Further if any wetland replacement is required, that the wetland replacement plan be addressed within the Development Agreement.*

- Questions regarding well and septic distance separation, as well as viability of installing new wells given concerns over water table and aquifer.

*The well locations are not identified on the preliminary plat which is typical for custom built and graded lots. The city is not the permitting authority for well installation, and therefore the Applicant will be required to obtain all necessary permits and approvals from the appropriate agency(s). The Applicant will be subject to all state, county, and local rules for adequate setbacks between wells and septic systems/drainfields. Staff would recommend that this be included as a condition of preliminary plat approval and that such language should also be included within the Development Agreement.*

Once the public hearing was closed the Planning Commission requested that the Applicant update their drawings to reflect the recommendations of the city staff, and to address some of the concerns and comments heard during public testimony. Additionally, at the meeting staff indicated that Washington County was in process of performing a detailed review of the plat with respect to the access locations and their formal review letter was anticipated the week following the Planning Commission meeting. As such, the Planning Commission requested that the Applicant also address the concerns and comments of Washington County once the review letter was received. Staff has included a copy of the review letter received by Washington County, and will address their comments in subsequent sections of this report.

As stated in the March 8, 2017 staff report, the proposed Project is subject to the City's and the BCWD's stormwater rules and regulations. The Applicant is working through the permitting process with the BCWD, and if any substantive changes to the preliminary plat are required to comply with the BCWD rules, the Project may be subject to additional review by the Planning Commission. Staff would recommend including this as a condition of Preliminary Plat approval.

Washington County has reviewed the proposed access locations as stated within their letter dated March 23, 2017. As previously noted, at the time of this staff report they have not had time to review the Traffic Memo prepared by Spack Consulting on behalf of the Applicant. Staff has forwarded the Memo to Washington County and will provide an update, if available, at the Planning Commission meeting.

Additionally, the Applicant has submitted an application to Washington County for preliminary review of the soil sampling conducted for the septic drainfields. At the time of this report the County had not responded. Staff will provide a verbal update, if available, at the Planning Commission meet and would recommend including a condition that Final Plat will not be granted without preliminary review from Washington County.

The following conditions are proposed for your review and consideration related to the plat:

- An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans depicting any necessary changes and/or modification shall be submitted for review and approval of city staff within 12-months of Preliminary Plat approval.
- The Applicant shall obtain all necessary stormwater permits from the BCWD and such permits shall be acquired prior to the City granting any Final Plat of the Project.
- If the BCWD permitting process results in any substantive changes to the Preliminary Plat then the Applicant may be required to submit a revised Preliminary Plat for review and consideration by both the Planning Commission and City Council.
- The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the Project being granted.
- If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final Plat of the Project being granted.
- A letter from Washington County Environmental Services shall be provided indicating that the proposed primary and secondary septic sites meet their standards and requirements, and that adequate area exists on each lot to accommodate a septic system. Such letter shall be provided prior to granting any Final Plat of the Project.
- The Applicant will be required to enter into a Development Agreement prior to the City granting any Final Plat of the Project to ensure that the requirements and conditions as set forth herein are complied with, and ensure the installation of the subdivision infrastructure.
- The Applicant shall obtain all necessary permits for installation of individual wells serving each lot, and such permits shall be obtained prior to the City issuing any Building Permit for such lot.
- The City Engineer shall identify a preferred construction route to be used throughout construction of the Project. The route shall be agreed to with the Applicant and identified within the Development Agreement.
- The Applicant shall be allowed to Phase the project as depicted on the exhibit identified as “Phase Plan” and dated 4/10/2017 which shall be incorporated into the Development Agreement.

- The full public right-of-way of Street A shall be dedicated at time of Phase I Final Plat.
- The Applicant shall obtain access permits from Washington County prior to the City granting any Final Plat of the Project.
- The Applicant shall be required to install all necessary improvements to CR 17 and CSAH 12 as agreed to, and conditioned by, Washington County. Such improvements shall be included and addressed within the Development Agreement.
- The Development Agreement shall include language regarding the Restrictive Covenants affecting Lots 1 and 14, Block 1 with respect to density allocation, and that such properties may not be further subdivided.
- Site improvements as described within Section 30-194 shall be agreed to and identified within a Development Agreement.
- The Applicant shall be required to install the trees as identified on the Landscape Screening Plan, and such trees shall be installed with Phase I, and locations coordinated with the land owner.
- A street name for the proposed Street A shall be provided prior to granting any Final Plat of the Project.
- The Applicant shall prepare the Homeowners Association (HOA) documents which shall be reviewed by the City Attorney, at a minimum, and any modifications necessary made prior to Final Plat approval.
- The Applicant shall prepare a Restrictive Covenant for Lot 1 and Lot 14, Block 1 indicating that the properties may not be further subdivided. The City Attorney shall review and approve the restrictive Covenant prior to the City granting any Final Plat of the Project.
- The Restrictive Covenants and Development Agreement shall be recorded at Washington County with the Phase I Final Plat.
- The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City issuing any grading permits on the subject property.
- The Applicant shall be required to obtain all septic permits, based on actual design of a principal structure, prior to the city issuing a building permit.

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

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

- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

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

- The proposed FOG preliminary plat is consistent with the City's adopted Comprehensive Plan.

Commissioner Tufty inquired about the thought of moving the lot lines away from the roadway. City Planner Haskamp advised the applicant did not move the road area in outlots that could accommodate another row of trees. On the actual project site the County proposed an easement to the property.

Commissioner Helander stated the property in question places the road 25 feet from the property line. City Planner Haskamp stated that if the current structure does not meet the setbacks it would be deemed a legal non-conforming lot or use.

Commissioner Geifer asked if it is typical to do plantings/screening on the adjacent property as opposed to the project site. City Planner Haskamp stated it is not necessarily typical but it is not unusual. The screening in this case would be better and the City has no standards in terms of what plantings need to be done. Landscaping/screening is subjective. Often staggering is done and in this case, the plan takes into account the plantings that are already there so the end result is the same as staggering.

Commissioner Drost commented on the safety of the road and read the traffic statements from Spack which did not take into account weather conditions. A warning sign should be put at the top of the hill. Site and speed is a problem and accidents will happen.

City Planner Haskamp advised the traffic analysis and spacing guidelines come from the County and they have jurisdiction on the road. The study included trips at full plan build out and the industry standard was used for the trips per day in that land use category. She reviewed the traffic study and components that were used in the study that are required by Washington County. The County will be reviewing the traffic plan and will project feedback as well as potential road improvement requirements. There are a lot of conditions in terms of approval but that is not unusual as many other agencies have jurisdiction. The final plat also has to come back for approval and has to be consistent with the preliminary plat.



The Commission suggested a condition be placed on the approval relating to discussions with property owners about the plantings.

City Planner Haskamp suggested language to the seventh bullet note from the bottom be added that if the adjacent landowners prefer screening planted on the development site that will be accommodated at Outlots A and B.

Motion by Commissioner Tufty to recommend approval of application of major subdivision as amended. Commissioner Geifer seconded the motion. Motion carried unanimously.

**7. ADJOURNMENT**

MOTION by Commissioner Schafer to adjourn the meeting at 7:53 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk

APPROVED