

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

August 21, 2018

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

Absent: None

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES, June 19, 2018

MOTION by Commissioner Giefer to approve the June 19, 2018 Minutes, as amended. Commissioner Tufty seconded the motion. MOTION carried with Commissioner Fritze abstaining.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Minor Subdivision Application, 10361 110th Street North – City Planner Swanson stated the Applicants and Owners, David and Barbara Black (Applicant), are requesting approval of a minor subdivision of their property located at 10361 110th Street North. The proposed request will result in two newly created lots Parcel A and Parcel B. The existing homestead and accessory buildings are proposed to remain and are fully contained on Parcel A, and proposed Parcel B is vacant and no new structures are proposed as part of this application.

A duly noticed public hearing was published for August 21, 2018 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

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

Owner & Applicant:	David and Barbara Black
PIDs:	110302121003, 110302121004
Total Acres:	25.99
Address:	9411 Joliet Avenue North
Zoning & Land Use:	A-2
Request:	Minor Subdivision to create Parcel A (20.98 Acres) and Parcel B (5.01 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. The existing site contains a small exception parcel denoted as Parcel 2 that would be combined with Parcel A if the minor subdivision is approved. There is an existing home, two accessory buildings and two sheds on the existing property that are proposed to remain on proposed Parcel A. The existing home and accessory buildings are accessed from a single driveway that connects to 110th Street North on the northerly border of the subject property.

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

Secs. 32-246

There are two existing parcels associated with this application which are the existing homestead that is approximately 25-acres denoted as Parcel 1 on the attached survey, and a small exception parcel that is denoted as Parcel 2 on the attached survey (Attachment 2). The subject parcels are bordered by 110th Street North on the northerly property line, Kimbro Avenue North on the easterly property line and 107th Street North on the southerly property line. The existing home and accessory buildings are located near the center of the site and are accessed from a single driveway which extends to the property's primary frontage on 110th Street North. There is a small approximately 1-acre exception parcel located north of Parcel 2 that is not owned by the Applicant and is not part of this application. Based on the submitted survey there are two large accessory buildings, four sheds and silo located on the property. Per the National Wetland Inventory (NWI) and as noted on the submitted survey there is a wetland area adjacent to Parcel 2 which extends to the 110th Street North right-of-way. There are areas of steep slopes throughout the parcel which create natural 'breaks' in the topography and create areas that are naturally more suitable for buildings including the area developed with the existing home and accessory buildings.

As described in the Applicant's narrative, there is a planted approximately 4-acre prairie area on the northeast corner of the property that includes mowed walking paths which can be seen on the

attached aerial. There is also an orchard area located to the west of the existing accessory building that is planted with fruit trees. Other than these areas the site is sparsely vegetated, particularly the back third of the property near 107th Street North.

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the total 25.99-acres results in one additional lot, as the existing exception Parcel 2 is not buildable based on existing conditions. Given that Parcel 2 will be combined with Parcel A, the resulting subdivision will only create two lots (Parcel A and Parcel B). The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A-2 land use designation is to promote rural residential uses, and the proposed subdivision and combination is consistent with that objective.

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

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

Lot Tabulation:

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A*	20.98 Acres	420'	1,390'
Parcel B**	5.01 Acres	436.05'	500.05'

**Frontage on Parcel A is non-contiguous due to Exception Parcel, dimension listed is for easterly segment.*

***Frontage of Parcel B is from 107th Street North*

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

The existing homestead and accessory structures are located on proposed Parcel A and are subject to the city's setback requirements since the lot will be reconfigured. As shown, the newly created Parcel B results in a new rear-yard property line for Parcel A. As denoted there is an existing approximately 400 square foot shed on Parcel A that encroaches into the 50-foot rear yard setback. This shed must either be removed, or relocated outside of the required yard setback, to comply with the City's requirements. All other structures are outside of the required setbacks. Since the shed will encroach into the rear-yard setback, ***staff would recommend adding a condition to the subdivision approval that the shed must be removed, or relocated, prior to the sale of either parcel (Parcel A or Parcel B). All remaining structures meet the City's setback requirements.***

As shown on the attached survey, Proposed Parcel B is vacant and does not include a proposed house location or footprint. Since no structure or footprint is identified, ***staff would recommend including a condition that all future proposed structures on Parcel B, principal and accessory, shall be subject to all setback requirements in place at the time of building permit application.***

There is an existing home and accessory structures on Parcel A are served by a shared driveway that connects to 110th Street North on the northerly property line. Proposed Parcel B is located on the southwesterly corner of the property and is bordered by 107th Street North on its southern property line. No new driveways are proposed as part of this application. ***Staff would recommend adding a condition that the driveway to serve Parcel B shall connect to 107th Street, shall be setback a minimum of 5-feet from the proposed septic drainfield area as denoted on attached survey, and that a driveway permit shall be obtained from the City's Building Official when a building permit is requested to construct a new home on the parcel.***

As previously stated there are two large accessory buildings, and four sheds located on Parcel A. All structures are proposed to remain. Per Section 32-313 of the City's ordinance, parcels greater than 20-acres have no restriction on total size and number of accessory buildings. Since Parcel A as proposed is approximately 20.98-acres, the existing buildings and sheds (with the exception of the previously noted shed that encroaches into the rear yard setback), and any future accessory structures on Parcel A will comply with the City's ordinances and standards provided appropriate setbacks are met. There are no accessory buildings denoted on Parcel B as part of this application. The Applicant should be aware that accessory buildings on parcels between 5 and 9.59-acres are restricted to a total square footage not to exceed 2,500 square-feet, and a maximum of three (3) accessory structures. ***As previously noted, staff would recommend including a condition that the shed which encroaches into the rear yard be removed, or relocated, prior to the sale of either Parcel A or Parcel B. Additionally, staff would recommend including a condition that any future proposed accessory building(s) on Parcel B shall be subject to size, quantity and location as stated within section 32-313 of the City's Zoning ordinance.***

The existing home is currently served by a septic system that will continue to be used for the existing homestead. To demonstrate the buildability of Parcel B, the Applicant submitted

septic/soil borings which were submitted to Washington County for their preliminary review. Based on the preliminary results it appears that there is adequate area on Parcel B to install a septic system to support a new home, if and when, proposed. However, the location identified is near the property's frontage, and therefore careful planning should be given when siting the driveway to protect this area during any site construction process. **Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.**

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

The Applicant contacted the Browns Creek Watershed District (BCWD) and discussed the proposed minor subdivision. BCWD indicated that they would not have any concerns, but that proper erosion control permits would be required.

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

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

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

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

1. The approximately 400-square-foot shed located on Parcel A adjacent to the newly created northerly property line of Parcel B shall be removed or relocated on Parcel A outside of the rear yard setback to comply with the City's ordinances.
2. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
3. Any proposed driveway on Parcel B shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.
4. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel B.

5. Any proposed accessory buildings on Parcel B shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
6. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.
7. If, and when, a new home is proposed on Parcel B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.

MOTION by Commissioner Schafer to open the public hearing at 6:45 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Mr. Doug Brewster, 10311 107th Street, came forward and questioned the right of way, access and new driveway that appears would have to go through his property.

City Planner Swanson referred to the site plan and pointed out the right of way which typically goes to the center of the road. Title work would have to be done to determine if there is dedicated right of way or not. An easement by public use allows driveways whether right of way has been dedicated or not. At this point the driveway location is unknown.

MOTION by Commissioner Tufty to close the public hearing at 6:55 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

The Planning Commission discussed and determined a condition relating to any proposed driveway shall be setback from septic system, including drainfield and the protection of drainfields during construction.

MOTION by Commissioner Drost to recommend approval of Minor Subdivision Application, 10361 110th Street North with conditions as amended. Commissioner Tufty seconded the motion. MOTION carried unanimously.

This item will appear on the regular Council agenda September 4, 2018, 7:00 p.m.

PUBLIC HEARING, Consideration of Application for Lot Line Rearrangement, 6808 1187th Street North – City Planner Swanson advised the Applicants, William and Judy Cournoyer, are requesting approval of a lot line rearrangement of property which is Owned by the Applicants and Ms. Wegleitner. Earlier this year in February and March Ms. Wegleitner was granted a minor subdivision which created a new (approximately) 10-acre parcel that included the subject home, and a second approximately 39-acre vacant parcel. After the minor subdivision was granted Ms. Wegleitner sold the 10-acre parcel with the existing home to the Applicants. Upon the sale and transfer of the property it was determined that the existing driveway that

serves the home and the accessory building on the Applicants' parcel is actually partially located on the adjacent vacant 39-acre parcel that was retained by Ms. Wegleitner. Though the Applicants could also memorialize access through a private easement, they instead would like the easterly lot line which separates the two parcels to be adjusted so that their driveway is fully contained on their property. As noted on the application, the Applicants and Owners are in agreement with this request to rearrange the lot lines as proposed. There are no structures or other improvements proposed at this time, and this application simply considers the lot line rearrangement as requested.

A duly noticed public hearing was noticed for August 21, 2018 at 6:30 PM, and notices were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed lot line rearrangement (minor subdivision).

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

Owner & Applicant:	William and Judy Cournoyer
Owner	Sandra Wegleitner
PIDs:	0603021110003, 0603021110004
Address:	6808 117 th Street North
Zoning & Land Use:	A-1
Request:	Lot Line Rearrangement (Minor Subdivision) to reconfigure approximately 0.48 Acres to allow for the existing driveway to be contained on Parcel A

The Applicant is the current owner and occupant of the existing home located on PID 0603021110003 and addressed as 6808 117th Street North. The Applicants recently purchased the created 10-acre lot from Ms. Wegleitner who was granted a minor subdivision of the larger property earlier this year. At the time of the initial subdivision it was not known that the existing driveway that served the home and accessory building were not fully contained on the created lot. Now that the Applicants have purchased the property and determined this to be the case, they are seeking a lot line rearrangement to alter the lot configuration so that the driveway that serves their home is fully contained within their property. To achieve this objective, the Applicants have requested that approximately 0.48 Acres of their northern edge be reconfigured and transferred back to PID 0603021110004 (currently vacant and owned by Ms. Wegleitner) and in exchange Ms. Wegleitner will transfer an approximately 0.48-acre wedge of property that contains the Applicant's driveway to their property. The transfer and reconfiguration will not change the acreage of the resulting parcels and is an equal exchange of property between the two parcels.

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

- Secs. 12-261
- Secs. 32-184
- Secs. 32-246

There are two existing parcels that are the subject of this Application. Both parcels are located north of 117th Street North, Parcel A is approximately 10-Acres and Parcel B is approximately 39-Acres. Based on the Applicant's provided survey (Attachment B), the southern property line of both Parcel A and Parcel B extends to the southerly right-of-way line of 117th Street North and includes the traveled portion of the roadway within the extents of the property. Parcel A has approximately 310-feet of frontage, and Parcel B has approximately 733-feet of frontage. Both Parcel A and Parcel B are generally regular in shape, with an exception parcel located in the southeast corner of Parcel B. There is an existing homestead on Parcel A located approximately 120-feet to the east of the westerly property line and setback approximately 110-feet from the denoted right-of-way line and is approximately 150-feet from the centerline of the traveled roadway. The existing roadway and right-of-way easement along the property's frontage are fully within the Subject Parcel's boundary as indicated on the survey provided in Attachment B. There is one (1) accessory building on the site with a total square footage of approximately 2,880 square feet. The existing home and accessory building are accessed by a single driveway which provides a connection to 117th Street North. The Exception parcel is approximately three (3) acres and is not part of this review or application.

Based on the attached aerial from Washington County GIS (Attachment D), it appears that approximately the southerly two-thirds of the collective Parcel A and Parcel B has been used for agricultural production and that a ditch bisects this area from east to west and extends to adjacent properties. This ditch (or stream) is identified as a wetland per the National Wetland Inventory database. Approximately the northern third of the parcel is heavily vegetated and has not been used for agricultural production. The existing homestead and accessory building are located on Parcel A, and the driveway that serves both structures travels onto Parcel B near the existing accessory building. Topographically the site slopes high to low from both the northern and southern edges which reinforces the drainage ditch/wetland area and extends to adjacent properties as a drainageway

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-1 land use designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets the density requirements as established in the Comprehensive Plan.

The following site and zoning requirements in the A-1 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in revised Parcel A-1 and revised Parcel B-1. following summary of each created parcel is identified on the table below:

Parcel	Size	Frontage	Lot Width	Lot Depth
Parcel A	10.01 Acres	310.31'	310.31'	1,370'
Parcel B	39.11 Acres	733.53'	733.53'	1,690'

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

The existing homestead and accessory structures are located on proposed Parcel A, and are subject to the city's setback requirements given the new configuration of the lots. The existing principal structure is setback approximately 110-feet from the right-of-way line of 117th Street North which is a County road (CR-7). The revised easterly line of Parcel A will result in a greater setback from the property line of both the Principal and Accessory Buildings. With the reconfiguration the home will now be setback approximately 120-feet and the accessory building will be setback approximately 76.5-feet from the easterly property line. ***As proposed the existing home and accessory building will meet all setback requirements.***

The existing driveway that serves the home and accessory building on Parcel A is the impetus for this application. After the previous minor subdivision was completed, Ms. Wegleitner sold the created 10-acre lot that contained the home and accessory building. At the time of the sale it was found that the minor subdivision resulted in a portion of the driveway being divided partially on Parcel A and partially on Parcel B. Since the Applicants would prefer that the driveway be fully contained on property they own, they have worked out an exchange of the property with Ms. Wegleitner which is as reflected on the attached survey (Attachment B). No new access, or altered access is proposed as part of this application.

As previously stated there is one (1) accessory structure on the site which totals approximately 2,880-square feet. The structure is located on Parcel A and is accessed by the driveway that is the subject of this application. As proposed, the lot-line rearrangement will result in the driveway being fully contained within the Applicant's property and will ensure access to both the principal

structure (home) and accessory building is protected and the existing driveway will not need to be altered or moved.

The proposed lot line rearrangement is subject to the City's standards for minor subdivision which references lot configuration standards stated within the preliminary plat requirements. The proposed rearrangement results in an irregular lot shape which is not typically favored in the City without some justification. In the case of this subdivision, the Applicant is simply requesting an exchange of an approximately 0.5-acre piece of land with Ms. Wegleitner to allow for the existing driveway to be fully contained within the subject property. The proposed easterly lot line is only logical given the location of the driveway, however, if the driveway were to be relocated then the irregular lot line would fail to make sense. Staff would prefer that a straight/right angle be created but does not have a strong preference given the circumstances. However, staff would request feedback and comment from the Planning Commission regarding this issue.

The subject property is located on 117th Street North which is County Road 7, and therefore would ordinarily be subject to Washington County's review and comment. However, Washington County commented on the previous subdivision in February and the proposed lot-line rearrangement does not alter the frontage of either Parcel A or Parcel B or propose any new lots or access. Therefore, further comment from Washington County is not needed at this time. The Applicant contacted the Rice Creek Watershed District and they have indicated the proposed lot line rearrangement is not subject to their permitting process.

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

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

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

The following draft conditions are re-stated from the previous minor subdivision, no new conditions are stated at this time given that the request does not result in any new lots.

1. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
2. If new improvements on Parcel A or Parcel B appear to encroach or are within proximity to the identified wetland or its buffers based on the NWI, then a wetland delineation shall be required prior the City issuing any permit for site work or a building permit.

3. Any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County prior to the City issuing a building permit.
4. Any new access to Parcel A or Parcel B shall be subject to review and approval of Washington County.

Chair Rog stated triangle lots are not typically what the City likes to see. Commissioner Schafer referred to the City Code that states lot lines should be at right angles.

City Planner Swanson advised the minimal design standards refer to platting and this is not being platted. There is some exception within the City Code to minor subdivisions and the Planning Commission and City Council do have discretion. There have been times that the City did allow irregular lot lines. The Planning Commission could make a recommendation to straighten the lot lines, which would require an updated survey.

Mr. Bill Cournoyer, Applicant, came forward and stated he would agree to change to a rectangular shape and will finance the revised survey if the other party is agreeable. The other party wanted it this way because they believed it was best to keep the frontage the same.

MOTION by Commissioner Giefer to open the public hearing at 7:16 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

No one was present for public comment.

MOTION by Commissioner Schafer to close the public hearing at 7:18 p.m. Commissioner Drost seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Helander to recommend approval of the Lot Line Rearrangement, 6808 117th Street North, as presented. Commissioner Tufty seconded the motion.

Commissioner Tufty made a friendly amendment to include the applicant make every effort to square of the lines prior to Council consideration. Commissioner Helander agreed to the friendly amendment.

MOTION carried unanimously.

This item will appear on the regular City Council agenda Tuesday, October 2, 2018, 7:00 p.m.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Shafer to adjourn the meeting at 7:21 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

APPROVED