

CITY OF GRANT
MINUTES

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DATE : January 7, 2025
TIME STARTED : 6:32 p.m.
TIME ENDED : 7:50 p.m.
MEMBERS PRESENT : Councilmember Rog, Cornett,
Cremona and Mayor Giefer
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Planner, Jennifer Haskamp; City Treasurer, Sharon Schwarze; and Administrator/Clerk

CALL TO ORDER

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

PUBLIC INPUT

Mr. Loren Sederstrom, 9330 107th St N, came forward and congratulated those that were elected and stated he would like to serve on the Cable Commission on behalf of the City of Grant.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

City Attorney Vivian provided the Oath of Office to Mayor Jeff Giefer, Council Member Lindsay Cremona and Council Member Ben Cornett.

Mayor Giefer presented a plaque to previous Mayor Jeff Huber and thanked him for his years of service to the City.

SETTING THE AGENDA

Council Member Cornett moved to approve the agenda, as presented. Council Member Cremona seconded the motion. Motion carried unanimously.

CONSENT AGENDA

- December 2024 Bill List, \$107,740.00 Approved
- Clerk 2025 Pay Increase – 3% per 2025 Budget Approved
- 2024 Pay Equity Report Approved

1 Washington County, 2024 Election Expense Approved

2
3 Woodchuck, ROW Trees Approved

4
5 OMG, Final Pay Voucher, \$13,746.86

6
7 **Council Member Rog moved to approve the consent agenda, as presented. Council Member**
8 **Cornett seconded the motion. Motion carried unanimously.**

9
10 **STAFF AGENDA ITEMS**

11 **City Engineer, Brad Reifsteck (no action items)**

12
13 **City Planner, Jennifer Haskamp**

14
15 **PUBLIC HEARING, Consideration of Resolution No. 2025-01, Variance Request for Side Yard**
16 **Setback, 7076 Lone Oak Trail** – City Planner Haskamp advised Applicant and Owner Streetcar
17 Holdings, Inc. dba White Oaks Savanna (“Applicant”) is requesting a variance from the minimum
18 side yard setback at 7076 Lone Oak Trail N. The subject property is located in the northeasterly
19 corner of Lake Elmo Ave N (CSAH 17) and Lone Oak Trail N in the White Oaks Savannah (WOS)
20 subdivision. The Applicant is the developer and owner of the WOS subdivision, and the subject
21 property is a vacant lot that is subject to the WOS development agreement executed within the City,
22 and private covenants and architectural restrictions.

23
24 A duly noticed public hearing has been published, and letters were sent to adjacent property owners
25 within a ¼-mile (1,320 ft) of the property. The public hearing has been scheduled for the regular City
26 Council meeting on January 7, 2024.

27
28 The following staff report summarizes the requested variance, existing conditions, draft findings, and
29 conditions of approval.

30
31 **PROJECT SUMMARY**

Applicant/Owner: Streetcar Holdings, Inc.	Lot Size: 7.0 Acres Location: 7076 Lone Oak Trail N, Grant, MN 55082 PID: 25.030.21.33.0001 Land Use: RR/AG Zoning: A1
Request: The Applicant is requesting a variance from the minimum side yard setback abutting a County Road to construct a single-family residential structure on the subject property.	

32
33 The Applicant is requesting a variance from the 65-foot side yard setback to encroach approximately
34 25-feet into the required setback from the western property line abutting the CSAH 17 right-of-way.
35 Per the Applicant’s narrative and the documentation provided, the proposed use of the lot for a single-

1 family detached residential structure is not feasible because the 65-foot setback constrains the
2 buildable area. The site plan is provided in Attachment B.

3
4 City Planner Haskamp stated City Code Sections 32-59 and 32-60 establish the criteria to review and
5 approve variance requests. The variance application process requires the Applicant to prepare a
6 statement of reasons why the request is made describing the hardship (or practical difficulty)
7 describing how, “the proposed use of the property and associated structures in question cannot be
8 established under the conditions allowed by this chapter or its amendments and no other reasonable
9 alternate use exists; however, the plight of the landowner must be due to physical conditions unique
10 to the land, structure or building involved and are not applicable to other lands, structures or buildings
11 in the same zoning district....Economic considerations alone shall not constitute a hardship.” The
12 Applicant’s narrative is provided in Attachment B and describes their reasons for the variance
13 request.

14
15 In addition to City Code, the Applicant must comply with the requirements established by the
16 Development Agreement for the WOS subdivision as well as the terms and conditions of the Final
17 Plat. The analysis that follows provides an overview of the process from the preliminary and final plat
18 which is relevant to the variance request due to the CSAH 17 right-of-way dedication required as part
19 of the final plat.

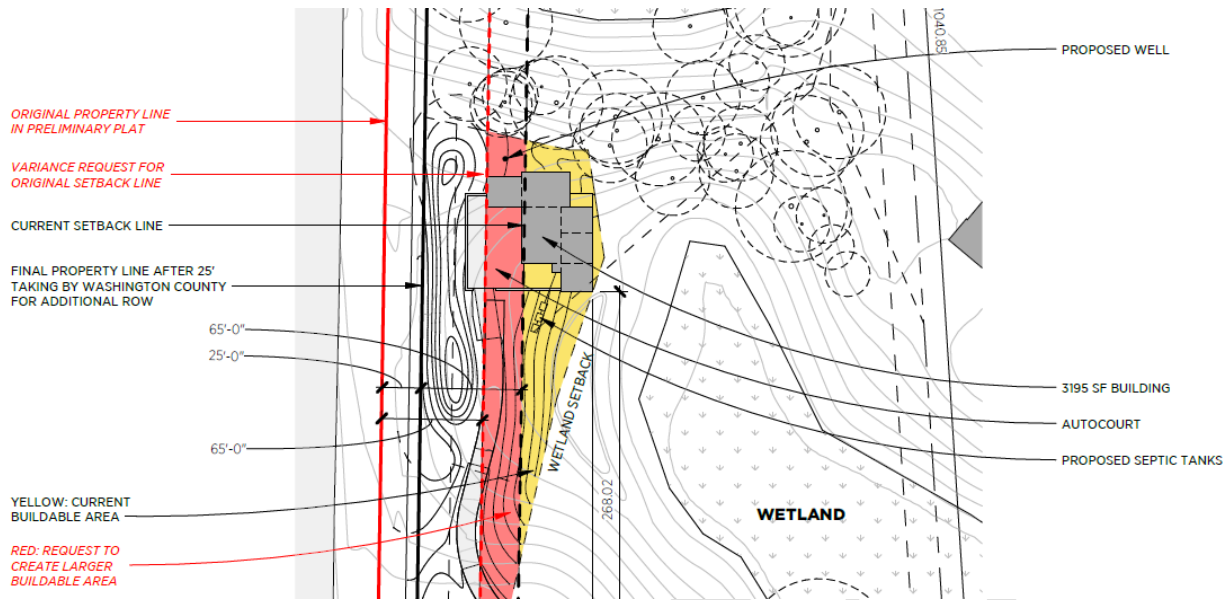
20
21 The subject lot is approximately 7.0 acres located in the White Oaks Savanna subdivision and was
22 platted in 2018. The lot is bordered by Lake Elmo Ave N (CSAH 17) to the west and Lone Oak Trail
23 N to the south with access to the lot from Lone Oak Trail N. There are two (2) wetland areas that
24 surround the identified buildable area on the lot, which were delineated as part of the platting process.
25 The site has an established white oak savanna with 31 heritage oak trees, all of which will remain as
26 part of the proposed project, and varied topography that slopes down towards the delineated wetland
27 areas.

28
29 During the Preliminary Plat and Final Plat process the buildable area on the subject lot was identified.
30 The buildable area was delineated outside of all required setback areas, wetlands, wetland buffers,
31 woodland preservation areas and rights-of-way. After these areas were excluded, the buildable area
32 on the lot was generally identified as the southwester quadrant of the property abutting the CSAH 17
33 right of way. The buildable area is required to accommodate all principal and accessory structures,
34 driveways, stormwater facilities, septic system and well.

35
36 After receiving Final Plat approval from the City, the Final Plat was circulated for review by different
37 governmental bodies. The Washington County Department of Transportation conditioned their
38 approval and required Streetcar Holdings, Inc. to dedicate an additional 25-foot strip abutting the full
39 westerly property line of the subject lot for future right-of-way. This condition had the effect of
40 moving the western lot line to the east by 25-feet, and consequently shifted the setback line. The
41 resulting width of the buildable area was reduced from about 65-feet to approximately 40-feet. The
42 buildable area with existing right-of-way setback, wetland setback and physical constraints is
43 highlighted in yellow in Figure 1 below. The requested variance area is identified in pink.

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1 **Figure 1. Current Buildable Area with Setbacks and Physical Constraints**



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The Applicant is requesting a variance from the 65-foot side yard setback to encroach approximately 25-feet into the setback area to allow for a more reasonable area to site the improvements. This would effectively push the setback line to the location that was approved as part of the initial Preliminary Plat.

City Planner Haskamp advised dimensional requirements are established in Chapter 32, Section 246 of the City’s Code. Properties that are zoned A1 are subject to a minimum side yard setback of 65-feet when the side yard abuts a road right-of-way (corner lot). The variance request is summarized below (see Attachment B for the site plan):

Minimum Side Yard Setback (from street in case of corner lot)	Proposed	Variance	Description
65’	40’	25’	The proposed side yard setback aligns with what was initially approved by the City as part of the Final Plat process. The variance from the setback will allow for a portion of the attached accessory structure to encroach into the setback area. All portions of the Principal Structure will meet the required setback.

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City Planner Haskamp advised when evaluating a variance request, the applicant must demonstrate that “1) the proposed use of the property... in question cannot be established under the conditions allowed by this chapter and no other reasonable alternate use existing; 2) the plight of the landowner must be due to physical conditions unique to the land ... and are not applicable to other lands ... in

1 the same zoning district; and 3) the unique conditions of the site cannot be caused or accepted by the
2 landowner...” The following analysis is provided in response to each criterion:

3
4 **1) *Proposed Use is Reasonable***

5
6 The WOS subdivision was platted with the intent of developing each lot with a single-family
7 residential structure. All lots within the subdivision were determined to meet the minimum
8 design criteria and requirements as part of the Preliminary and Final Plat process. The
9 Applicant is requesting the variance to allow for the construction of a single-family detached
10 structure that is comparable in size and scale to the other lots/homes developed within the
11 subdivision. It is reasonable to use the property in a manner that is consistent with the
12 subdivision intent and to request a variance from the standard so that a home can be built that
13 is consistent with the surrounding properties and neighborhood.

14
15 The Applicant has provided their analysis in Attachment B.

16
17 **2) *Physical Conditions are unique to the land.***

18
19 The lot slopes downward towards the wetland areas on the north half and eastern edge of the
20 properties. As shown on the site plan, a variable 75-foot setback from the wetland edge was
21 established during the preliminary and final plat process. The white oak savanna on the
22 property bisects the lot and the heritage trees are unique to the property and are intended to be
23 preserved as part of the conservation subdivision. The natural characteristics and limitations,
24 in combination with the right-of-way acquired from Washington County during the Final Plat,
25 constrain the suitable area for a new single-family residential structure and required septic
26 system on the lot. Washington County requested the additional right-of-way after all of the
27 site planning, including wetland buffers, were completed which significantly altered the
28 buildable area on the lot. The physical conditions of the property are unique to this lot and are
29 not present on any other lot within the WOS subdivision. While the natural characteristics
30 were present during the platting process, the additional right-of-way requested by Washington
31 County at the late stages of the project had unintended consequences to the buildability of the
32 subject lot.

33
34 The Applicant has provided their analysis in Attachment B.

35
36 **3) *Unique Conditions are not caused by the landowner.***

37
38 The additional right-of-way, in combination with the physical constraints were not created by
39 the landowner, and Staff believes that the Applicant has demonstrated an effort to work with
40 and integrate the existing site conditions into development of the lot. Staff also believes that

1 the requested variance has been minimized to the extent possible and reflects what was
2 initially approved by the City as part of the Final Plat process.

3
4 The Applicant has provided their analysis in Attachment B.

5
6 The intended use of the subject property is not feasible with the current lot constraints. There are also
7 no viable alternative locations for the single-family structure because of the limited buildable area. As
8 demonstrated on Figure 1 and in Attachment B, the buildable area must accommodate the principal
9 and accessory structures as well as the septic system.

10
11 The lot was approved for a single-family residential lot as part of the Final Plat process, and therefore
12 it is reasonable for the Applicant to develop the site for its intended use. Further, it is reasonable and
13 desired for the lot to be developed with a structure of similar value as the other lots within the
14 subdivision.

15
16 The lot is a part of the WOS subdivision and homes within the subdivision are generally large,
17 custom-built properties. It is generally desirable to have similar valued properties within the
18 subdivision, which requires certain structural improvement values to support the cost of the lot/land.
19 While this is in part due to economic considerations, it is also important to the long-term
20 sustainability of the housing stock within the subdivision. While the Applicant's narrative describes
21 some economic factors, they are not the sole reason for the request. The request is related to
22 economic considerations; however, staff has determined that the other variance criteria are met.

23
24 No additional engineering comments are provided. All future construction on the lot must comply
25 with the terms of the development agreement which requires review and approval of certain permits
26 by the City Engineer and Building Official.

27
28 It is the Applicant's responsibility to determine if any additional permitting is necessary from the
29 Browns Creek Watershed District (BCWD) at time of building permit. The Applicant must also
30 obtain a permit from the Washington County Department of Public Health and Environment prior
31 to installation of the septic system. No other agency review is required.

32
33 The following draft findings related to the hardship (practical difficulty) are provided for your
34 review and consideration:

- 35
36
- 37 ■ The additional right-of-way required by Washington County for CSAH 17 during the Final
38 Plat of White Oaks Savanna moved the side yard setback line on the property at 7076 Lone
39 Oak Trail N., east by approximately 25-feet which consequently shifted the side yard
40 setback line and further constrained the buildable area.
 - 41 ■ The additional 25-foot right-of-way extended the full length of the side-yard on the subject
42 lot and directly impacted the buildable area which abuts the CSAH 17 right of way on the
subject lot.

- 1 ▪ The suitable area to site the proposed single-family structure is further constrained by the
- 2 existing wetlands, wetland buffers, topography, and vegetation. These features are
- 3 naturally occurring and are unique to the subject property.
- 4 ▪ The proposed use of the lot to develop a single-family detached residential structure is a
- 5 reasonable use of the property and the strict application of the City's ordinances would not
- 6 permit the construction as proposed.
- 7 ▪ The proposed variance is consistent with the Comprehensive Plan and the Zoning
- 8 Ordinance which permits and encourages rural residential uses.
- 9 ▪ The Applicant has minimized the variance to the extent possible and is proposing a
- 10 buildable area that aligns with the initial Preliminary Plat approval.
- 11 ▪ The requested variance is not driven by economic considerations alone.

12
13 *Draft Conditions as noted in the Attached Resolution:*

- 14
- 15 ▪ The Applicant must comply with all applicable terms and conditions of the Development
- 16 Agreement when developing the lot.
- 17 ▪ No further encroachment into the side-yard shall be permitted, except for the
- 18 improvements as noted on the Site Plan.
- 19 ▪ The Applicant must obtain the proper permits from the Washington County Department of
- 20 Public Health and Environment prior to installation of the septic system.
- 21 ▪ The Applicant shall be required to obtain any necessary permits and/or approvals from the
- 22 Browns Creek Watershed District prior to construction. A copy of any correspondence or
- 23 permits shall be provided to the City prior to construction.

24
25 Staff recommends approval of the requested variance. A draft resolution of approval for your
26 review and consideration is provided in Attachment A.

27
28 **Council Member Cremona moved to open the public hearing at 6:57 p.m. Council Member**
29 **Cornett seconded the motion. Motion carried unanimously.**

30
31 Mr. Matt Eddy, 7060 Lake Elmo Ave N, came forward and asked if a variance would be required if
32 the lot were ten acres.

33
34 **Council Member Cornett moved to close the public hearing at 7:01 p.m. Council Member**
35 **Cremona seconded the motion. Motion carried unanimously.**

36
37 **Council Member Cornett moved to adopt Resolution No. 2025-01, as presented. Council**
38 **Member Cremona seconded the motion. Motion carried unanimously.**

39
40 **City Attorney, Nick Vivian**

41
42 **Consideration of DNR Lease, Stillwater Oaks** – City Attorney Vivian advised Stillwater Oaks
43 Association ("Association") has asked the City for assistance in facilitating use of land

1 regulated by the Minnesota DNR. The Association requires a storm sewer pipeline to serve the
2 homes within its development. The pipeline is required to cross the Brown's Creek Trail
3 which is regulated by the Minnesota DNR. The DNR will not lease directly to a private entity
4 but will lease the land to the City and allow the City to sublease to the Association. The portion
5 of the Gateway Trail area required for the storm sewer pipeline location and installation is 20
6 feet wide and 193 feet long consisting of approximately .09 acres.

7
8 Attached is a copy of the proposed Miscellaneous Lease ("Lease") between the State of
9 Minnesota and the City of Grant. Exhibit A to the Lease depicts the Lease Premises. Also
10 attached is the Sublease with the Association with passes all term, covenant and condition of
11 the Lease through to the Association, makes the Association responsible for performance of
12 the Lease obligations and includes indemnification of the City for any losses the City might
13 sustain. The Sublease requires the Minnesota DNR's consent.

14
15 The sole use of the Leased Premises is for a drainage ditch, installation and use of a
16 stormwater pipe and related drainage facilities. City Staff recommends approval.

17
18 City Attorney Vivian advised he has no issues with the lease and the HOA is ultimately
19 responsible. The lease will need to be renewed at some point in future. The Engineer has
20 no concerns regarding water plow in the ditch and there is also a drainage pond. The
21 Request is at the discretion of the Council.

22
23 Mr. Jason Palmby, Developer, came forward and stated to ask for additional improvements
24 as part of the development is problematic. This is not a significant overflow and updating
25 the City on the HOA Financials could be a condition of approval.

26
27 City Attorney Vivia stated this is for overflow purposes only and there are other storm
28 ponds that have to be maintained. The HOA will maintain the ponds and pipes. An escrow
29 could be required.

30
31 **Council Member Cremona moved to approve DNR Lease with the addition of the**
32 **HOA Financial Statements, Emergency Contacts and Board information must be**
33 **submitted to the City annually as well as an escrow provided for repairs to be**
34 **determined by the City Engineer. Council Member Rog seconded the motion. Motion**
35 **carried unanimously.**

36
37 **NEW BUSINESS**

38 **Consideration of Ordinance No. 2025-83, 2025 Fee Schedule** – Staff recommended some of the
39 City fees be increased as presented in the draft ordinance.

40 **Council Member Cornett moved to approve Ordinance No. 2025-01, as presented. Council**
41 **Member Rog seconded the motion. Motion carried unanimously.**

1 **Consideration of Resolution No. 2025-02, Summary Publication of Ordinance No. 2025-83 –**
2 Staff advised Resolution No. 2025-02 authorizes summary publication of Ordinance No. 2025-83.

3
4 **Council Member Cornett moved to adopt Resolution No. 2025-02, as presented. Council**
5 **Member Cremona seconded the motion. Motion carried unanimously.**

6 **Consideration of 2025 City Council Meeting Schedule –** Staff advised a 2025 meeting schedule
7 was provided in the packet for approval. It was noted all meetings are subject to change.

8 **Council Member Cremona moved to approve the 2025 City Council Meeting Schedule, as**
9 **presented. Council Member Cornett seconded the motion. Motion carried unanimously.**

10 **Consideration of 2025 Appointment List –** Staff advised a draft appointment list was provided in
11 the Council packets. New appointments need to be made for Deputy Mayor and Investment Advisor.

12 **Council Member Rog moved to approve the 2025 Appointment List, as amended. Council**
13 **Member Cornett seconded the motion. Motion carried unanimously.**

14 **Consideration of December 3, 2024 City Council Meeting Minutes – Council Member Cornett**
15 **moved to approve December 3, 2024 City Council Meeting Minutes, as presented. Council**
16 **Member Rog seconded the motion. Motion carried with Council Member Cremona abstaining.**

17 **Consideration of Resolution No. 2025 – 03, Declare Council Vacancy –** Staff advised the Council
18 must declare a vacancy for the vacant City Council seat. At the next meeting the Council will
19 consider appointing someone to that vacant seat.

20 Council directed staff to post the vacancy on the City website and advised anyone who is interested to
21 contact their Council Members directly.

22 **Council Member Cremona moved to adopt Resolution No. 2025-03, as presented. Council**
23 **Member Cornett seconded the motion. Motion carried unanimously.**

24
25 **UNFINISHED BUSINESS**

26 **DISCUSSION ITEMS** (no action taken)

27 **Staff Updates** (updates from Staff, no action taken)

28 **City Council Reports/Future Agenda Items**

29
30 **COMMUNITY CALENDAR JANUARY 8 THROUGH JANUARY 31, 2025:**

31 **Mahtomedi Public Schools Board Meeting, Thursday, January 9th and January 23rd,**
32 **Mahtomedi District Education Center, 7:00 p.m.**

33 **Stillwater Public Schools Board Meeting, Thursday, January 9th, Stillwater City Hall, 7:00 p.m.**

34 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

35 **Martin Luther King Day, Monday, January 20th, 2025**

36
37 **ADJOURNMENT**

1 **Council Member Cornett moved to adjourn at 7:50 p.m. Council Member Cremona seconded**
2 **the motion. Motion carried unanimously.**

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5 These minutes were considered and approved at the regular Council Meeting February 4th, 2025.

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Kim Points, Administrator/Clerk

Jeff Giefer, Mayor

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APPROVED