



City of Afton

PLANNING COMMISSION AGENDA

May 2, 2016

7:00 pm

1. **CALL TO ORDER -**
2. **PLEDGE OF ALLEGIANCE –**
3. **OATH OF OFFICE - REAPPOINTMENT**
 - A. **James Langan**
4. **ROLL CALL -**
 - Barbara Ronningen (Chair)
 - Sally Doherty
 - Kris Kopitzke
 - Mark Nelson
 - Judy Seeberger
 - Lucia Wroblewski
 - Scott Patten
 - Jim Langan
5. **APPROVAL OF AGENDA –**
6. **APPROVAL OF MINUTES -**
 - A. April 4, 2015 Meeting Minutes
7. **REPORTS AND PRESENTATIONS – None.**
8. **PUBLIC HEARINGS -**
 - A. Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive
 - B. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail
9. **NEW BUSINESS – None**
10. **OLD BUSINESS -**
 - A. Comprehensive Plan Update Process
 1. Land Use Classifications
 2. Identification of Issues for Review
 - B. Draft City Council Minutes -
 - C. Update on City Council Actions -
11. **ADJOURN -**
 - This agenda is not exclusive. Other business may be discussed as deemed necessary. --

A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
April 4, 2016, 7:00 PM

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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

6
7 2. **PLEDGE OF ALLEGIANCE** – was recited.

8
9 3. **OATH OF OFFICE - REAPPOINTMENTS**

10 A. James Langan and Mark Nelson – James Langan had an excused absence. Administrator Moose
11 administered the Oath of Office to Mark Nelson for reappointment to a 3-year term.

12
13
14 4. **ROLL CALL** – Present: Wroblewski, Kopitzke, Seeberger, Patten, Nelson, and Chair Ronningen. Excused
15 absences: Langan and Doherty. **Quorum present.**

16
17 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Attorney Fritz Knaak, Mayor Richard Bend,
18 City Administrator Ron Moose and City Clerk Kim Swanson Linner.

19
20 5. **APPROVAL OF AGENDA** –

21 **Motion/Second: Wroblewski/Seeberger. To approve the April 4, 2016 Planning Commission agenda as**
22 **written. Motion carried 6-0-0.**

23
24 6. **APPROVAL OF MINUTES** –

25 A. March 7, 2016 Planning Commission Meeting Minutes – Line 36, add to “overall density of “...one per
26 10 acres.” Line 90, delete the first two sentences; Line 180, end the sentence after “Rural Residential District”
27 Change the next sentence to read, “He did not know how many have historical structures possible for this use.”

28
29 **Motion/Second: Patten/Kopitzke. To approve the March 7, 2016 Planning Commission Meeting minutes**
30 **as amended. Motion carried 5-0-1 (Abstain: Seeberger).**

31
32 7. **ELECTION OF OFFICERS** -

33 A. **Chair** - Barbara Ronningen was nominated and voted in as Chair on a vote of 5-0-1 (Abstain: Ronningen.)

34 B. **Vice-Chair** - Scott Patten was nominated and voted in as Vice-Chair on a vote of 5-0-1 (Abstain: Patten.)

35 C. **Secretary** - Kris Kopitzke was nominated and voted in as Secretary on a vote of 5-0-1 (Abstain: Kopitzke.)
36

37 8. **REPORTS AND PRESENTATIONS** – none.

38
39 9. **PUBLIC HEARINGS** –

40 A. Islamic Society of Woodbury/East Metro application for a Conditional Use Permit for a Place of
41 Worship at 12585 Hudson Road – Chair Ronningen opened the Public Hearing at 7:07 p.m.

42 Administrator Moose reiterated that applications must meet the city’s zoning standards and described that
43 the purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in
44 considering the nature of the adjoining land or buildings, the effect upon traffic, and other factors the City deems
45 important in determining the effect of the general welfare, public health and safety. Moose indicated the Islamic
46 Society of Woodbury/East Metro has applied for a conditional use permit for the construction of a place of
47 worship at 12585 Hudson Road. A place of worship is allowed in the Rural Residential zone with a conditional
48 use permit. The applicant has withdrawn their request for a driveway variance, as they have relocated and
49 redesigned the driveway to avoid any disturbance to areas with slopes 18% or greater. The facility will be used
50 primarily for worship services on Fridays (approximately 200 people); for weekend school, primarily for school
51 age children, on Sundays from 10:00 a.m. to 2:00 p.m.(100 students and teachers); and for social events on
52 weekend evenings (150 to 200 people). The proposed building design includes two minaret-type elements which
53 meet the height allowance for church spires. There will be no loud speakers on the minarets or the exterior of the

54 building. The property is located on the south side of Hudson Road approximately one-half mile east of
55 Manning Avenue. The property is bordered by light industrial zoning on the north and west, and by rural
56 residential zoning on the east and south. The proposed building will be located in the north-central portion of the
57 site, with parking to the west and north of the building. The southern portion of the property will be rented for
58 growing crops; it will continue as an agricultural use. The existing accessory buildings will be used for storage
59 of equipment related to a planned community garden. The existing house will be used in conjunction with the
60 use of the open field area on the northeast portion of the property. The house can provide shelter and restroom
61 facilities that are more convenient to the field than the proposed new facility. The house will also be used for
62 other social activities that are more suited to a smaller space than to the new facility. The proposal includes 1.54
63 acres, or 5.27% of impervious coverage, which is less than the maximum allowed coverage of 10%. Primary
64 and secondary septic systems have been identified, Washington County Public Health indicated that, based on a
65 soil report received on March 7, 2016, it is highly likely that the soils are suitable for the required septic
66 systems. The proposal meets all required setbacks. The proposed parking area meets the wetland setback and is
67 allowed to be located within the powerline easement. The City Engineer has reviewed the parking area and
68 number of spaces required, and has indicated the parking meets requirements. The code requires 94 parking
69 spaces and 94 spaces are being provided. The City Engineer has reviewed the lighting plan, and has indicated it
70 generally meets the City's requirements, but may exceed the allowed illumination level in some areas. The final
71 lighting plan will need to meet the City's requirements. The City Engineer has reviewed the landscaping plan
72 and determined it generally meets the City's requirements. However, it does not indicate landscaping on the
73 sloping areas of the right-of-way; the applicant should provide ground cover detail for these areas to assure the
74 area is maintained with appropriate ground cover. The proposed construction meets the thresholds that require a
75 Valley Branch Watershed District (VBWD) permit. The applicant will submit the grading and drainage plan to
76 the VBWD for their permit review. A condition of the approval of the conditional use permit will be the
77 approval of a permit by the VBWD. The City Engineer has reviewed the proposed grading and drainage plan.
78 While the plan appears to work conceptually, the City Engineer has requested more detailed information
79 regarding the infiltration capability of the pond, including soils and the water table in the area of the proposed
80 infiltration pond. Because the property is large enough to allow flexibility in the final drainage solution, the City
81 Engineer is not requiring additional information or plan modifications at this time. The conditions of the CUP
82 approval include the requirement that the final drainage solution needs to be approved by both the City Engineer
83 and the Valley Branch Watershed District.

84 Irfan Ali, applicant representative, spoke about the members of their Islamic Center board and their
85 connections to the professional and greater community. He indicated that there will be no exterior noise
86 generating device used for their call to worship. He felt the majority of traffic will be coming off of I-94 and
87 Manning Avenue to Hudson Road to access their site. He committed to working with the City Engineers to
88 address concerns about "over-lighting" the parking, but maintained they wish to have a level of lighting for safe
89 and secure access of visitors to the property.

90 91 Public Comment

92 Chair Ronningen emphasized that public comments should be restricted to those relevant to the conditional use
93 permit and issues of land use.

94 1) Randy Brenner, 354 Minar Avenue S, lives to the east of the proposed site, hopes to hear the laughter of
95 children coming from the site.

96 2) Iman Zeman, 4100 East 66th St, Inver Grove Heights, requested support of this institution, as he felt they
97 would be good neighbors.

98 3) Ted Schmitz, 12774 3rd Street S, had concerns about several issues in the proposal, which were
99 addressed by staff or the applicant indicating that all city zoning codes will be complied with.

100 4) Lazlo Farago, 382 Minar Avenue S, was concerned about noise levels from the site, especially during
101 festivals or events, and suggested a more solid barrier to the residences on the east.

102 5) Samuel Wolff, Summit Avenue, St. Paul, commented that he felt this use would make a wonderful
103 addition to the city.

104 6) Laverne Nelson, 12838 2nd Street S, was concerned about the traffic flow from I-94 to Manning and
105 onto Hudson Road, indicating several accidents have occurred at these busy intersections.

106 7) Sandra Paulson, 322 Minar Avenue, felt the noise level would be loud and suggested additional trees to
107 buffer sound transfer to the residential neighborhood to the east.

108 8) Jay Sperry, 13840 Tomahawk Lane S, a 16-year resident, is concerned about the traffic on Hudson
109 becoming even busier than it already is. He also did research that showed there is a 10% reduction to property
110 values when a mosque goes in an area. He believes there is no Muslim community in Afton.

111 9) Bob Dickie, 15887 35th Street S, resident of Afton since 1984, felt downward casting lights are what the
112 Lutheran church has down the road, and felt the ordinances should and would be applied fairly to this
113 application.

114 10) Naima Kahn, 3165 Frontier Drive, Woodbury, commented that she commutes to St. Paul every day
115 from Woodbury and is familiar with traffic on Manning Avenue and Hudson Road. She commented that she has
116 not seen any problems with traffic flow on Hudson Road. She felt that this worship place will be similar to the
117 Lutheran Church that is just down the road. She personally is very glad this facility is going in; she stated that
118 having a worship community makes her feel less socially isolated. Chair Ronningen commented that for
119 comparison, Shepherd of the Valley, the Lutheran Church on Hudson Road has ten times the membership of this
120 proposed use. So, by comparison, this use should not bring that great an impact on traffic flow on Hudson Road.

121 11) George Erler, 12748 3rd Street S, was concerned about the driveway onto Hudson Road. Moose
122 confirmed that a MN/DOT permit will be required for the driveway off of Hudson Road.

123 12) Anthony Tedesco, 7990 Forest Blvd, Woodbury, felt the members of this worship community would be
124 welcoming and felt the differences in religion are very small. He supports the approval.

125 13) Brad Bechel, 12350 8th Street Ct S, asked about the watershed drainage on the site. Administrator
126 Moose and Chair Ronningen indicated that with the addition of the infiltration ponds, the rate of runoff would
127 be no greater, and probably would be much less, than what currently exists on the site.

128 14) Patricia Swanson, 14810 42nd St S, wondered how many Muslims are Afton residents. Chair Ronningen
129 informed the city does not have that data, but the applicants are residents in the fact that they are landowners of
130 the property. Swanson asked if the money used for this project is from foreign or domestic sources; what is the
131 cost of the facility; has a social impact study been done? Ronningen informed these items do not pertain to the
132 application before the Planning Commission.

133 15) Karen Weiss, 13575 40th Street S, asked if the existing house will be occupied. Moose replied that the
134 applicants have indicated the house will not be used as a dwelling unit, but it is planned to be used as meeting or
135 support space for activities happening on the property.

136 16) Ahmad Shamsi, 9568 Hillingdon Road, Woodbury, commented he has had the honor of maintaining the
137 property (mowing grass) since it was purchased, and hopes to continue maintaining the property so as to be a
138 good neighbor.

139 17) Alberta (Gillespie?), 7585 (Radio Drive?), felt the social impact would be a benefit.

140 18) Dr. Rwoof Reshi, 9337 Wedgewood Drive, Woodbury, felt the designation of their worship group
141 should not be “part of ‘them’ in the community; but rather, be “part of ‘this’ community.”

142 19) Jaylani Hussein, Executive Director of CAIR-MN (Council on American-Islamic Relations), 1650 Hwy
143 36, Roseville, informed that the first mosques appeared in the area in 1921, this community of worshipers looks
144 forward to being welcomed as a new neighbor and as a tremendous asset to the community.

145
146 **Motion/Second: Patten/Kopitzke. To close the Public Hearing at 7:56 p.m. Motion carried 6-0-0.**

147
148 Commission Discussion

149 Commissioners asked about the continuation of a portion for farming and if the existing house will ever be
150 used as a dwelling unit, much like a parsonage, or if staff will be have offices there?

151 Ali replied that the southern 19 acres will continue to be rented out for agriculture and the Center will pay
152 taxes on that portion of land. The house is planned to be an ancillary use for recreational activities or for other
153 small meeting spaces. They have no plans at this time for having it be used as a dwelling.

154 Ronningen advised that current practice for churches is to offer a housing subsidy for ministers, rather than
155 provide living facilities on site.

156 Kopitzke asked whether the CUP should address all of the uses on this site, as there seem to be three
157 separate uses: place of worship, residence, and agricultural uses.

158 Moore advised that each of those can be handled within the conditions imposed on the CUP approval.

159 The City Attorney advised that the City can create a condition for review and approval for additional uses
160 on the property, such as a dwelling or agricultural use. Especially uses related to the mission or the religion,
161 such as a kid's group home, for instance, is allowed and can be added now as a condition or later as an
162 amendment to the CUP.

163 It was asked if the numerous small sheds will remain in use. The applicant indicated they intend that the
164 sheds will remain and be in use for equipment, for use by the farmer, and used for the community garden.

165 Moore indicated that since the property is more than 20 acres, they have an unlimited amount of accessory
166 buildings available.

167 Additional questions about the Center's daily and weekly activity were expressed.

168 The applicant detailed that they have prayers five times a day of which 5 to 100 people could attend;
169 however, there will be no public (exterior) call to prayers. Social activities will happen several days a week and
170 a weekly service will take place (similar to other religious organizations).

171
172 **Motion/Second: Kopitzke/Wroblewski. To recommend approval to the City Council for the Islamic**
173 **Society of Woodbury/East Metro application for a Conditional Use Permit for a Place of Worship at**
174 **12585 Hudson Road, with the conditions presented, and adding conditions 13, 14, and 15.**

175
176 **Conditions**

177 **The following is a list of recommended conditions to be placed on the Conditional Use Permit**

- 178 1. Easements as required by the City Engineer shall be granted
- 179 2. Scenic easements shall be placed on all slopes greater than 18%,
- 180 3. The property owner shall execute a scenic easement agreement
- 181 4. The property owner shall obtain a septic permit from the Washington County Public Health
- 182 Department
- 183 5. Any permits required by Mn/DOT, including permits for the driveway, shall be acquired and all
- 184 requirements placed on the permits shall be met
- 185 6. A permit shall be obtained from the Valley Branch Watershed District, and all requirements of
- 186 that permit shall be met
- 187 7. The grading and drainage plan shall be constructed according to final plans approved by the City
- 188 Engineer. Silt fences or other types of erosion control shall be properly installed prior to
- 189 construction; and shall be maintained in good condition until the construction is complete.
- 190 8. The lighting plan shall be subject to review and approval by the City Engineer and City
- 191 Administrator.
- 192 9. No unscreened outdoor storage shall be permitted on the site.
- 193 10. No loud speakers shall be placed on the minarets or the exterior of the building resulting in noise
- 194 disturbance to the neighbors.
- 195 11. Non-compliance with the conditions of this permit shall be considered a violation, and may result
- 196 in revocation of this permit.
- 197 12. Compliance with conditions of this permit shall be monitored on a periodic basis.
- 198 13. Notification to the city is required if the house becomes occupied.
- 199 14. The Agricultural use is allowed on the south portion of the parcel.
- 200 15. Additional screening shall be added as a vegetative buffer on the east side of the house. Applicants
- 201 shall work with the City Engineer for appropriate vegetation.
- 202

203 **Motion carried 6-0-0.**

204

205 **9. NEW BUSINESS –**

206 **A. City of Woodbury Comprehensive Plan Amendment, Stonemill Farms 16th, Project No. 24-2016-00201**
207 - Administrator Moose summarized the request from the City of Woodbury to amend their Comprehensive
208 Plan. The amendment would change the use of a vacant piece of property in the Stonemill Farms development,
209 at the corner of Settlers Ridge Parkway and Lake Road and would allow for 5.66 acres to be guided as medium
210 density residential instead of neighborhood commercial. This would enable the construction of a townhome
211 development similar to what is being constructed to the east of this property.

212
213 **Commissioners voiced support for the change from neighborhood commercial to medium density**
214 **residential for the City of Woodbury Comprehensive Plan Amendment, Stonemill Farms 16th, Project No.**
215 **24-2016-00201. This recommendation will advance to City Council at their April 19th meeting.**
216

217 **8. OLD BUSINESS -**

218 **A. Comprehensive Plan Update Process** – Chair Ronningen said to get the process going, she will provide
219 updates to the Afton data provided from Met Council. Staff was directed to send PC members the Met Council
220 definitions of land use, so that discussion can begin, particularly with regard to the definition of “commercial.”
221 Commissioners should review the current Comprehensive Plan to determine if other changes should be
222 considered to ensure, for instance, that the “strategies” are not obsolete, whether new land use sections need to
223 be added, or whether language indicating “such as” can be listed as a guide going forward, but not be a
224 definitive list of land uses. Riparian buffers and wildlife corridors should be reviewed and determine if the city
225 is providing adequate protections. Commissioners were interested in having data from the MN Department of
226 Transportation on traffic counts for Manning Avenue and whether the road is sufficient for traffic now and what
227 they may see for future use levels.

228 Chair Ronningen indicated that after gathering this data and having initial discussions at the May 2016 PC
229 meeting, that perhaps a joint PC/CC work session should be planned.

230
231 **B. Draft City Council Minutes** – were provided in the packet.

232
233 **C. Update on City Council Actions** – Administrator Moose reported on Council actions of the March
234 meeting.

235
236
237 **10. ADJOURN –**

238
239 **Motion/Second: Nelson/Wroblewski. To adjourn the meeting at 8:49 p.m. Motion carried 6-0-0.**

240
241 Respectfully submitted by:

242
243
244 _____
245 Kim Swanson Linner, Deputy Clerk

246
247 **To be approved on May 2, 2016 as (check one): Presented: _____ or Amended: _____**

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: May 2, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: April 25, 2016

Re: Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive – **Public Hearing**

Chaim Teitelbaum has applied for a minor subdivision at 15511 Afton Hills Drive to subdivide the existing fifteen-acre parcel into three, five-acre residential parcels. Each parcel would obtain its access directly via a driveway from Afton Hills Drive. The most westerly parcel overlays an existing home while the two new parcels to the east would accommodate new home construction.

Minimum Requirements

Each of the three parcels meets all minimum requirements, including the following

1. 300 feet of width on a public road right-of-way
2. Five acre lot size
3. 2.5 acres of contiguous buildable area
4. Land suitable for driveway access

Septic System Sites

Soil borings have been completed for septic system sites on the two new parcels. The soil borings indicate the soils appear to be suitable for septic systems. Additional soil testing, percolation tests and a septic design will be required before a septic permit can be granted by Washington County. It is recommended that obtaining a letter from the Washington County Septic Inspector indicating the suitability of soils for septic system sites be a condition of approval.

Park Dedication. Recognizing that the two new parcels will impact the City's park system, park dedication will be required. The 2012 Parks Plan does not appear to direct any land dedication to occur at or near the subject site. This being the case, a cash contribution in lieu of land dedication may be required (7.5 percent of the pre-development value with a minimum of \$5,000 per lot and a maximum of \$10,000 per lot). As the Park Committee is addressing the question of land dedication vs. a cash contribution at its April 27 meeting, the recommendation from the Park Committee will be provided at the Planning Commission meeting.

Dedication of Easements. The City Engineer has indicated drainage and utility easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines and 5 feet wide along the side property lines. These easements are reflected in the subdivision survey, and dedication of drainage and utility easements as required by the City Engineer should be a condition of approval.

Scenic Easements

The property to be subdivided includes significant areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they are placed into scenic easements as part of the subdivision process.

Natural Features. The Subdivision Ordinance (Section 12-1257) directs the preservation of natural site features including large trees. While it does not appear that the proposed subdivision will have any significant impacts in this regard; home, accessory building and driveway placement should give due consideration to the preservation of significant trees.

Access Easement. Access to the abutting parcel to the south is provided via an easement through proposed Parcel C. The location of this easement divides Parcel C into two halves. While this may be a topic that is separate from the minor subdivision application, Parcel C may be more desirable/useable if the easement were relocated or shifted so that vehicle traffic would not bisect the new lot.

Findings

1. The subject property is located in the Rural Residential zone, as is all property surrounding it
2. The Rural Residential zone allows residential use with five-acre minimum lot size
3. The subdivision meets all subdivision requirements

Conditions

If the Planning Commission recommends approval of the subdivision application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

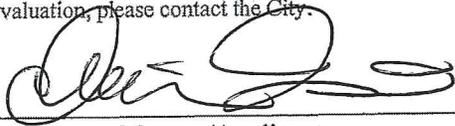
1. Easements as required by the City Engineer shall be granted
2. All drainage and utility easements shall be subject to the review and approval of the City Engineer.
3. All grading, drainage and erosion control issues shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
4. Scenic easements shall be placed on all slopes greater than 18%
5. The developer shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
6. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance
7. The applicant shall obtain a letter from the Washington County Septic Inspector indicating the suitability of soils for septic system sites for the two new parcels
8. All driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.

Planning Commission Direction Requested:

Motion regarding a recommendation concerning the Chaim Teitelbaum Minor Subdivision application at 15511 Afton Hills Drive, including findings, and conditions if applicable.

Z16-09

CITY OF AFTON
MINOR SUBDIVISION PERMIT APPLICATION

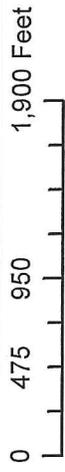
Owner	Address	City	State	Zip	Phone
Chaim Teitelbaum	15511 Afton Hills Drive S.	Afton	MN	55001	612-382-2037
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address	AFTON		MN	55001	
Same					
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Rural Residential	Rural residential	15.028.20.43.0008			
Description of Request					
Split the existing 15 acre parcel into three 5 acre lots.					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
 Signature of Owner/Applicant				4-18-16 Date	
Make checks payable to City of Afton:					
FEEES:		DEPOSITS:			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
10-day Notice; 120-day deadline; 60-day ^{auto} approval;				DATE PAID:	4-18-16
				CHECK #:	1596
				RECVD. BY:	
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					



Parcel ID: 1502820430008

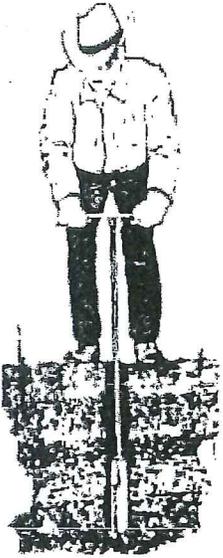
Parcel Address:

15511 AFTON HILLS DR S, CITY OF AFTON



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



Dave Brown
drufusb1@yahoo.com
651-788-3296
L#3649 C#9370

PERCOLATION REPORT

WISE RESOURCE MANAGEMENT DOESN'T COST...IT PAYS

15511 Afton Hills Drive S. Afton, MN 55001

3/4/2016

6 soil borings were recently conducted (3/4/16) for the proposed land split of the above named property at 15511 Afton Hills Drive S. in Afton, MN. The proposed split is to separate two 5 acre properties from the existing 15 acre plot and 3 soil borings were conducted on each split.

This is preliminary soil testing for this land split and the final decision for this site will be made by Washington County. Additional soil testing, percolation tests and a septic design will be required before a septic permit can be granted. Trenches and absorption widths will need to observe setbacks of 10 feet from any lot line and at minimum 20 feet from any house, building with footings and neighboring ISTS soil treatment areas. Setbacks from any lake, stream or river will also need to be observed and these distances vary pertaining to the type of waterway. Individual wells will need to observe a 50 foot setback from any soil treatment area.

All wastewater treatment sites are to be cordoned off prior to the start of any construction activity. No construction traffic or grading is permitted in the soil treatment area (STA). All proposed wastewater treatment sites are to be protected with a visual barrier to prevent construction traffic from encroaching into the test area and possibly causing irreversible soil damage in respect to the on-site wastewater treatment and absorption areas.

All soil borings have been marked on the property and attached are the soil boring logs.

David R. Brown
L#3649 C#9370

Log of Soil Borings

Location: 15511 Afton Hills Drive S. Afton, MN 55001

Date: 3/4/2016

Boring Hole Depth in Inches	Texture	Color	Boring Hole Depth in Inches	Texture	Color
B1	Lot 1		B5		
0-18	Sandy Loam	10YR3/3 Frozen 3"	0-16	Medium Sand	10YR3/3
18-32	Sandy Loam	10YR3/4	16-37	Medium Sand	10YR3/6
32-72	Medium Sand	10YR3/6	37-78	Medium Sand	10YR4/6
72-75	Limestone	Restriction			
B2			B6		
0-20	Silt Loam	10YR3/3	0-11	Medium Sand	10YR3/3
20-43	Loam	10YR3/2	11-50	Medium Sand	7.5YR4/6
43-54	Medium Sand	10YR3/6	50-72	Medium Coarse Sand	10YR4/4
54-77	Very Fine Sand	10YR4/6			
B3			B7		
0-12	Loam	10YR2/2			
12-32	Silt Loam	10YR2/2			
32-50	Sandy Loam	10YR3/4			
50-78	Medium Sand	10YR4/6			
B4	Lot 2		B8		
0-15	Sandy Loam	10YR3/3			
15-45	Medium Sand	10YR3/6			
45-60	Medium Sand	10YR4/6			
60-77	Medium Sand	10YR5/4			

Individual (s) to Joint Tenants:

Current Tax Paid in Full 9/22/92

No delinquent taxes and transfer entered; Certificate of Real Estate Value (✓ filed () not required Certificate of Real Estate Value No. September 10, 19 92

R. V. Stafford
County Auditor

by Sherry A. Miller
Deputy

STATE DEED TAX DUE HEREON: \$ 957.00

Date: August 7, 19 92

710344
OFFICE OF
COUNTY RECORDER
WASHINGTON COUNTY

SEP 15 4 01 PM '92
710344

Linda Briske

(reserved for recording data) 1700

FOR VALUABLE CONSIDERATION, James G. Ashman and Patricia L. Ashman, Husband and Wife, Grantor (s),

[marital status]

herby convey (s) and warrant (s) to Chaim Teitelbaum and Amy M. Silberberg, Grantees as joint tenants, real property in Washington County, Minnesota, described as follows:

'See attached legal

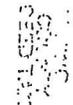
MINNESOTA CONSERVATION FUND
WASHINGTON COUNTY
\$5.00 FEE PAID
M. S. 473H - 92-09-11 DATE
#D47,172 INITIALS Jan

OFFICE OF COUNTY RECORDER
WASHINGTON COUNTY, MN

WELL CERTIFICATE RECEIVED

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

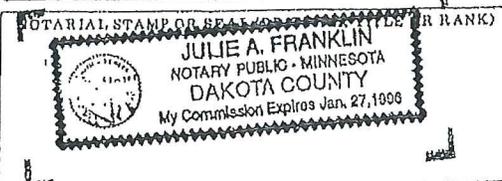


Affix Deed Tax Stamp Here

James G. Ashman
Patricia L. Ashman

STATE OF MINNESOTA }
COUNTY OF Ramsey } ss.

The foregoing instrument was acknowledged before me this 3rd day of August, 19 92, by James G. Ashman and Patricia L. Ashman, Husband and Wife, Grantor (s).



Julie A. Franklin
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this Instrument should be sent to (include name and address of Grantee):

Chaim Teitelbaum
Amy M. Silberberg
15511 Afton Hills Drive
Afton, Mn 55001 and

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Equity Title Services
6800 France Avenue South
Suite 220
Edina, Mn 55435

Approved for recording:

Thomas J. Radio
Thomas J. Radio
City Attorney

C. I. TITLE INC.
P. O. BOX 17268
ST PAUL, MN 55117
215 2045 (1/88)

2025 SEP 11 1992

Individual (s) to Individual (s)

811206

COUNTY OF WASHINGTON

AUG 5 11 29 AM '94

811206

Judy Cameron

19.50 Jon Kingstad (reserved for recording data)

No delinquent taxes and transfer entered; Certificate of Real Estate Value () filed () not required Certificate of Real Estate Value No.

August 5, 19 94

R. H. Stafford County Auditor

by Kathleen C. Toole Deputy

STATE DEED TAX DUE HEREON; \$ 394.35

Date: August, 19 94

FOR VALUABLE CONSIDERATION, James G. Ashman and Patricia L. Ashman, Husband and Wife, Grantor (s), hereby convey (s) and warrant (s) to Chaim Teitelbaum and Amy M. Silberberg, Grantee (s), real property in Washington County, Minnesota, described as follows:

See attached legal

Sellers know of no wells on the above described property

(If more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

- (1) Building and zoning laws, ordinances, State and Federal regulations. (2) Restrictions relating to use or improvement of the premises without effective forfeiture provision. (3) Reservation of any minerals or mineral rights to the State of Minnesota. (4) Utility and drainage easements which do not interfere with present improvements. (5) Rights of tenants, if any.

5-aug-94 WASHINGTON COUNTY No. 1278 Paid tax hereon of \$394.35 Conservation Fund m.s. 4731 \$5.00 Paid J.H. STAFFORD, Auditor-Treasurer by K.C. TOOLE

James G. Ashman

Patricia L. Ashman

STATE OF MINNESOTA } COUNTY OF Washington }

The foregoing instrument was acknowledged before me this 4th day of August, 19 94, by James G. Ashman and Patricia L. Ashman, Husband and Wife, Grantor (s).

NOTARIAL STAMP OR SEAL, (OR OTHER TITLE OR RANK)



Jon Erik Kingstad SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Chaim Teitelbaum Amy M. Silberberg 15511 Afton Hills Drive Afton, MN 55001

THIS INSTRUMENT WAS DRAINED BY (NAME AND ADDRESS)

Jon Erik Kingstad, Esq. St. Croix Law Center 310 S. St. Croix Tr. P.O. Box 318 Lakeland, MN 55043

having a radius of 385.60 feet, a central angle of $34^{\circ}36'52''$, a distance of 232.96 feet to a Judicial Landmark; thence $S1^{\circ}07'45''E$, along a line marked by Judicial Landmarks and their southerly extension, a distance of 523.04 feet to a point which is 150.00 feet North of the south line of the North Half of the Southeast Quarter ($SE \frac{1}{4}$) of the Southwest Quarter ($SW \frac{1}{4}$); thence $N88^{\circ}16'03''E$, parallel with the south line of the Southwest Quarter ($SW \frac{1}{4}$), a distance of 74.50 feet; thence $N88^{\circ}47'32''E$, parallel with the south line of the Southeast Quarter ($SE \frac{1}{4}$), a distance of 99.00 feet; thence $S1^{\circ}08'41''E$, parallel with the west line of the Southeast Quarter ($SE \frac{1}{4}$), a distance of 367.59 feet to its intersection with a line bearing south $88^{\circ}47'32''W$ from the point of beginning; thence $N 88^{\circ}47'32''E$ a distance of 35.00 feet to the point of beginning.

Containing 5.0 acres more or less.

Subject to easements of record, if any.

NO DELINQUENT TAXES AND TRANSFER ENTERED
WASHINGTON COUNTY, MINNESOTA

August 5 1994
R. H. STAFFORD, AUDITOR-TREASURER
By Kathleen O Toole
DEPUTY

GRANFORS, JAMES D
PO BOX 114
AFTON, MN 55001

ROBERT D & JILL M DEMASTER REV
TRS
152525 AFTON HILLS DR
AFTON, MN 55001

HANSON, JOAN K
15707 AFTON HILLS DR S
PO BOX 396
AFTON, MN 55001

FRIEDLANDER, RUTH M 255
KELLOGG BLVD E #504
ST. PAUL, MN 55101-1468

SARA OLSON SCOVILL TRS
15340 AFTON HILLS DR S
AFTON, MN 55001

BARRETT, DONALD D & JEANNE M
15526 AFTON HILLS DR S
AFTON, MN 55001

ANASTOS, GEORGE J & LINDA W
15650 AFTON HILLS DR S
AFTON, MN 55001

PALMEN, GARY A & JENNIFER J
15698 AFTON BLVD S
AFTON, MN 55001

PESAVENTO, LOUISE
15785 AFTON HILLS DR S
AFTON, MN 55001

TEITELBAUM, CHAIM & EVELYN
15511 AFTON HILLS DR S
AFTON, MN 55001

DALEY, JOHN R & MARGARET A
325 SAINT ANNES PKWY
HUDSON, WI 54016-8071

RESENQUIST, RONALD R
PO BOX 23
AFTON, MN 55001

KAYE, ROBERT J & KATHERIN G
15600 AFTON HILLS DR S
AFTON, MN 55001

CITY OF AFTON
3033 ST CROIX TRL S
PO BOX 219
AFTON, MN 55001-0219

POTTER, TIMOTHY J
15790 AFTON HILLS DR
AFTON, MN 55001

BROOKE D MORDY TRS
1585 DODD RD #203
MENDOTA HEIGHTS, MN 55118

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: May 2, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: April 27, 2016

Re: Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – **Public Hearing**

Background

The properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail are both owned by Brown Trout LLC. The properties are zoned Rural Residential. The property at 15311 Putnam Boulevard has historically had its public road frontage and its driveway access directly from Putnam Boulevard. In 2008, the City decided to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct. Although the road has been closed, the road right-of-way has not been vacated. At the time of the road closure, the owner of the property also owned the property to the south at 2573 Stagecoach Trail, and used a driveway from Stagecoach Trail to access the property. Since that time, the existing houses on both properties have been removed and both properties were purchased by Brown Trout LLC.

Variance to Sec. 12-84 Driveway access permits and standards

When Brown Trout LLC applied for a building permit for a new house on the 15311 parcel, staff notified them that, because the property could no longer use Putnam Boulevard, a variance was required to enable the only access to the property to come through the 2573 Stagecoach Trail property on a driveway easement. Because the property owner was unaware of this requirement and had planned to begin construction of a house on the 15311 parcel, based on advice from the City Attorney, the property owner was allowed to begin construction of the house subject to a written agreement that the certificate of occupancy for the house would not be granted until the access issue was resolved through a variance process. The property owner has applied for a variance to the requirements of paragraph A of Sec. 12-84 Driveway access permits and standards, which are as follows:

A. Access required. All lots or parcels shall have direct adequate physical access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels.

In the case of this parcel, the City closed the road on which the parcel has its frontage, making it impossible to access the parcel from its public road frontage. Because the closure of Putnam Boulevard did not occur through a right-of-way vacation process, there was no public hearing or notification to affected property owners. Also, because the former property owner chose to access the property through the 2573 Stagecoach Trail property, the City had not been advised of an access issue caused by the closure of Putnam Boulevard. The purpose of the variance application is to resolve the

loss of access onto Putnam Boulevard by allowing the only access to the 15311 parcel to be from Stagecoach Trail through an easement on the adjacent 2573 Stagecoach Trail property.

Minor Subdivision

The property owner is proposing a lot line rearrangement to partially correct a very irregular property line, to reflect corrections to property ownership boundaries and to enable a new house on the 15311 parcel to meet the side yard setback. The minor subdivision is not creating any additional lots. It is realigning the lot line between the two subject parcels.

The property owner is building a new house on the 15311 parcel. While the initial house plans met the southern side yard setback, plan revisions resulted in a portion of the garage and the septic system being located too close to the side property line. When staff conducted the zoning and permit reviews for the proposed new house, the site plan did not include the property line between the 15311 parcel and the 2573 parcel. This resulted in the review process overlooking the fact that a portion of the garage and the septic system did not meet the required side yard setback. The lot line rearrangement proposed in the minor subdivision application will enable both the garage and the septic system to meet the sideyard setback requirements.

A lot line rearrangement can be accomplished through a simple subdivision if both parcels involved are fully conforming both before and after the subdivision, but requires a minor subdivision if there are existing non-conformities. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable area of 2.5 acres and minimum lot width of 300 feet, the 2573 parcel has a number of legally non-conforming buildings that do not meet required setbacks. Also, although the 15311 parcel has 300 feet of frontage on Putnam Boulevard, the parcel cannot use this frontage for access because of the closure of Putnam Boulevard. The minor subdivision reflects access through an easement on the 2573 parcel. These existing non-conformities required the lot line rearrangement to be accomplished through a minor subdivision.

Surveys

Attached are a survey showing the existing two parcels and the proposed new house and a survey showing the proposed two parcels and the proposed new house, including the driveway easement through the 2573 Stagecoach Trail parcel.

Address Change

To address the issue of adequate access for emergency and public safety vehicles, staff recommends the address of the property be changed to a Stagecoach Trail address, since that is where the emergency vehicles will be accessing the property.

Dedication of Easements. The City Engineer has indicated drainage and utility easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines and 5 feet wide along the side property lines. These easements are to be reflected in the subdivision survey, and dedication of drainage and utility easements as required by the City Engineer should be a condition of approval.

Scenic Easements

The properties involved in the subdivision include significant areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they should be placed into scenic easements as part of the subdivision process.

Driveway

Driveway construction will need to comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer. A driveway easement to allow access to the 15311 parcel from the 2573 parcel will need to be recorded with the subdivision.

Findings of Fact

The Planning Commission's recommendation needs to be based on a set of findings of fact. The findings of fact that are used as the basis of the Commission's recommendation should be listed.

Staff Findings: The following general findings are offered by staff for review and consideration by the Planning Commission:

1. The applicant has submitted all necessary documents needed for a variance and minor subdivision
2. The property at 15311 Putnam Boulevard has 300 feet of frontage on Putnam Boulevard
3. Prior to the closure of Putnam Boulevard, the property obtained its access from Putnam Boulevard
4. The City closed Putnam Boulevard to traffic
5. The property no longer has the ability to obtain its access from Putnam Boulevard
6. The property is able to obtain its access from Stagecoach Trail through an easement on the 2573 Stagecoach Trail parcel
7. The subject properties are located in the Rural Residential zone, as is all property surrounding them
8. The Rural Residential zone allows residential use with five-acre minimum lot size
9. The minor subdivision is not creating any additional lots. It is realigning the lot line between the two subject parcels.
10. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable area of 2.5 acres and minimum lot width of 300 feet, there are also a number of existing non-conformities.
11. The existing non-conformities required the lot line rearrangement to be accomplished through a minor subdivision rather than a simple subdivision.

Staff Recommendation

If the Planning Commission determines that the findings support the approval of the variance application and the minor subdivision application, staff recommends the following conditions be placed on the approval recommendation. In addition, staff recommends the Planning Commission identify any other reasonable conditions to be placed on the approval.

Conditions

If the Planning Commission recommends approval of the subdivision application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

1. The address of the 15311 Putnam Boulevard parcel shall be changed to a Stagecoach Trail address to facilitate response by emergency and public safety vehicles
2. Easements as required by the City Engineer shall be granted
3. All drainage and utility easements shall be subject to the review and approval of the City Engineer.

4. All grading, drainage and erosion control plans shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
5. Scenic easements shall be placed on all slopes greater than 18%
6. The applicant shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
7. Driveway construction shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.
8. A driveway easement to allow access to the 15311 parcel from the 2573 parcel shall be recorded with the subdivision

Planning Commission Recommendation Requested

Motion regarding the Brown Trout LLC variance application at 15311 Putnam Boulevard and the Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail, with findings, and conditions if applicable.

Z16-12

CITY OF AFTON VARIANCE APPLICATION

Owner	Address	City	State	Zip	Phone
Brown Trout, LLC	PO Box 157	Lakeland	MN	55041	612-386-4962
Applicant (if different than owner)	Address	City	State	Zip	Phone
Bruce Lenzen	106 Buckeye St # 202	Hudson	WI	54016	651-329-4060
Project Address					
15311 Putnam Blvd S/ 2573 Stagecoach Trail S		AFTON	MN	55001	

Zoning Classification	Existing Use of Property	PID# or Legal Description
Rural Residential	Single Family Residential	15.028.20.41.0012

Please list the section(s) of the code from which the variance(s) are requested.

12-84 /12-132

Description of Request

Variance for driveway access to existing lot due to City closure of Putnam Blvd

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.

Signature of Owner/Applicant  Date 4/15/16

Make checks payable to: **City of Afton**

If multiple variances are necessary from the applicant only **one** fee is required. However, the deposit fee must be multiplied by the number of variances sought.

<u>FEES:</u>	<u>DEPOSITS:</u>		
Variance	\$250	\$600	TOTAL: <u>\$800</u>
Renewal/Extension	\$250	\$350	DATE PAID: <u>4-18-16</u>
			CHECK #: <u>3226</u>
			RECVD BY: <u>RJM/dw</u>

5/3/16 - 15 day deadline
6/17/16 - 60 day deadline
8/16/16 - 120 day deadline

ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION

Z16-13

CITY OF AFTON MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
Brown Trout, LLC (Tim Rivas)	PO Box 157	Lakeland	MN	55043	
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
15311 Putnam Blvd S / 2573 Stagecoach Trail S		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Rural Residential	Single Family Residential	15.028.20.41.0012 & 0013			
Description of Request					
To modify an existing lot line to better fit the existing use and maintain proper setbacks.					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
			4/13/16		
Make checks payable to City of Afton:					
FEES:		Escrow:			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
4-28-16 - 10 day notice				DATE PAID:	4-18-16
8-16-16 - 120 day deadline				CHECK #:	3227
10-15-16 - 60 day final approval				RECVD. BY:	RM/aa
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

Applicant(s): _____ Brown Trout, LLC (C/O Tim Rivas)
Phone: _____ 612-386-4962
Mailing Address: _____ PO Box 157 Lakeland MN 55043 _____
Property Address for variance: 15311 Putnam BLVD S / 2573 Stagecoach Trail S

Variance request description: 12-84 (A) Access required / Driveway access permits and standards. Road access for private residence, due to closure of Putnam BLVD S. Parcel A 300' Frontage requirement cannot be met.

City Ordinance Section number(s), that variance is requested for: 12-84 / 12-132

Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

Criteria #1 *The requested use, must be a reasonable use in order to receive a variance. Applicant - Please explain why the proposed use which requires a variance is a reasonable use for this property? The property is zoned for single family residence and when the City of Afton closed Putnam Blvd, the required frontage for the existing lot no longer existed.*

Criteria #2 *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control. Applicant - What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?*

Explain? Property owner did not create this hardship.

Criteria #3 *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

Applicant - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: In order to meet City requirements for access, applicant requires variance to be compliant.

Criteria #4 *The special conditions or circumstances do not result from actions of the applicant.*

Applicant - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: Property owner did not create hardship.

Criteria #5 *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

Applicant - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: Property is zoned for residential use.

Criteria #6 *The variance requested is the minimum variance which would alleviate the hardship.*

Applicant - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: The requested variance is designed to meet the minimum driveway standard.

Criteria #7 *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.* **Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: Variance would have no effect on adjacent properties.

Criteria #8 *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.* **Applicant** - Is the requested variance for economic reasons?

Explain: Variance requested is to allow permitted use of property.

Criteria #9 *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.* **Applicant (optional), PC** - Is the property in a Flood Plain District? Yes No

Criteria #10 *Variations shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.* **Applicant** - Is the variance for earth-sheltered construction? Yes No

ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.

Criteria #11 *Variations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: Variance would have no effect on character of area.

Criteria #12 *Variations shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan. Applicant (Optional), PC* - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: _Variance corrects access issue which was not created by applicant.

Subdivision Narrative
Brown Trout, LLC (Tim Rivas)

In 2015 an application was made and construction commenced to build a new home on property referred to as Parcel "A" owned by Brown Trout, LLC along Stagecoach Trail South and Putnam Trail South. Brown Trout, LLC owns 2 adjacent parcels at this location, Parcel "A" and Parcel "B". Prior to construction, past land records and a previous survey were reviewed to identify the extents of what was under ownership. However, there are no current plans to sell Parcel "B" so the attention turned to focusing heavily on the desired house layout and best fitting the topography while maintaining the required setback from the bluff.

During the building permit approval for Parcel "A" it was requested that a formal easement be developed for access to Parcel "A" through Parcel "B" due to the fact that Putnam Blvd had been discontinued. In the process of recently creating this easement, it was discovered that the building location and proposed septic location infringe upon Parcel "B". This was not an initial concern based upon the first house concept, but additional modifications and layout changes occurred, but the resulting changes were not compared to the property line and this issue was overlooked. This would obviously be something that should be rectified if Brown Trout, LLC were to ever attempt to sell Parcel "B".

Therefore, this application proposes to modify the existing lot line to insure that the new home and septic system meet applicable ordinance requirements. The size and frontage of both parcels will remain the same and will now better reflect the existing land use.

EXISTING SITE SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

SONNENTAG CONSULTING, LLC.

616 TOWER RD.
HUDSON, WI 54016
PH. 651-334-3332

LAND SOLUTIONS
GRANBERG & SONNENTAG
PH. 715-246-7529

PROJECT:
BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

NOTES:

LEGEND:

- PROPERTY LINE
- EXISTING BITUMINOUS EDGE
- EXISTING GRAVEL EDGE
- FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- FOUND 1" OUTSIDE DIAMETER IRON PIPE
- FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (W/CAP #13774)
- SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (W/CAP #48650)
- SET SURVEY MARK NAIL

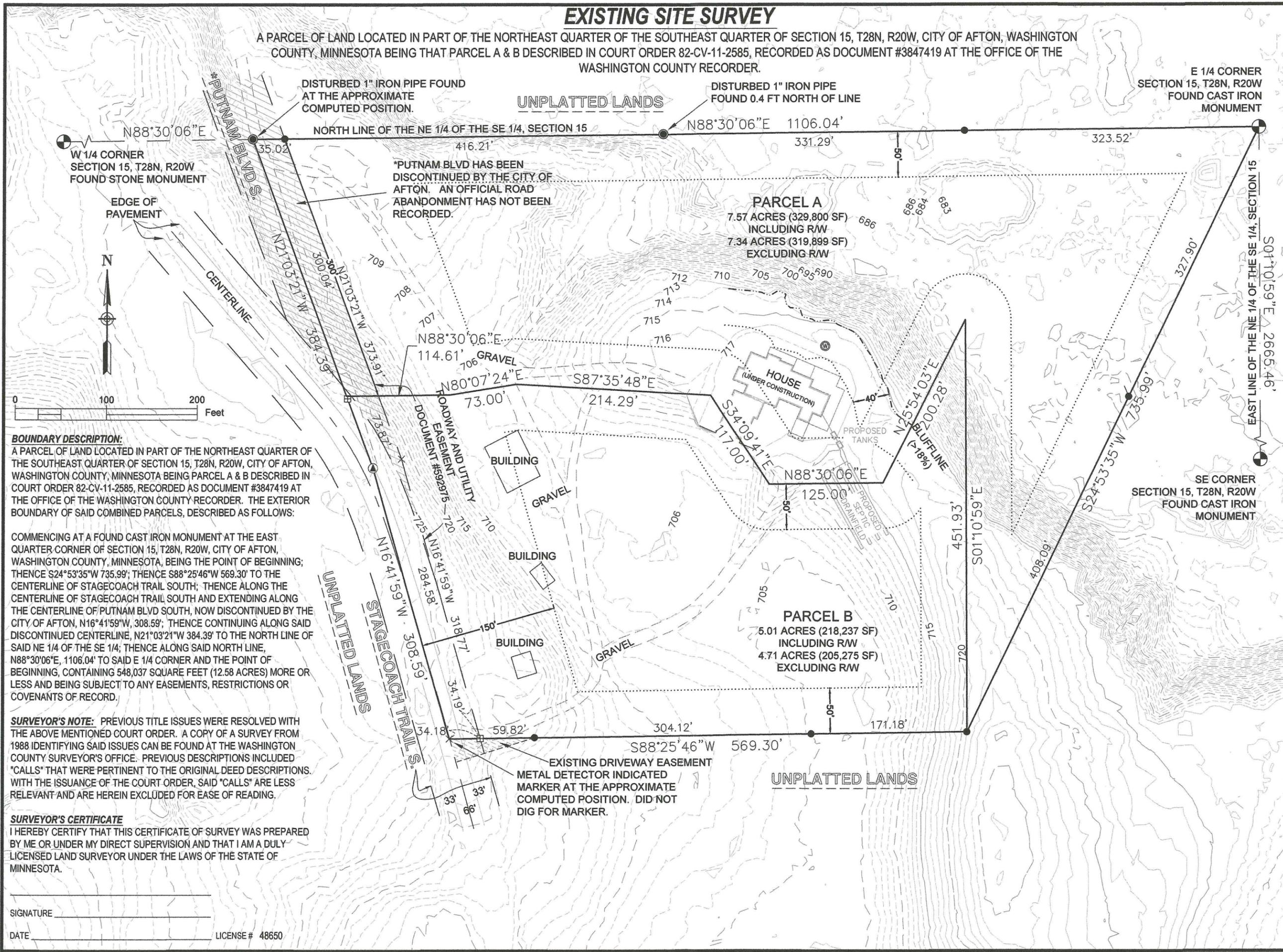
BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

DRAWN BY: JMS
CHECKED BY: JWG
DATE: 04/01/16
DWG FILE: 113-LEZEN (RIVAS)
REF FILE:
JOB NUMBER: 113-LEZEN (RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16

SITE SURVEY

SHEET NO.
1 OF 1



CERTIFICATE OF SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

SONNENTAG CONSULTING, LLC.

616 TOWER RD.
HUDSON, WI 54016
PH. 651-334-3332



PROJECT:
BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

NOTES:

LEGEND:

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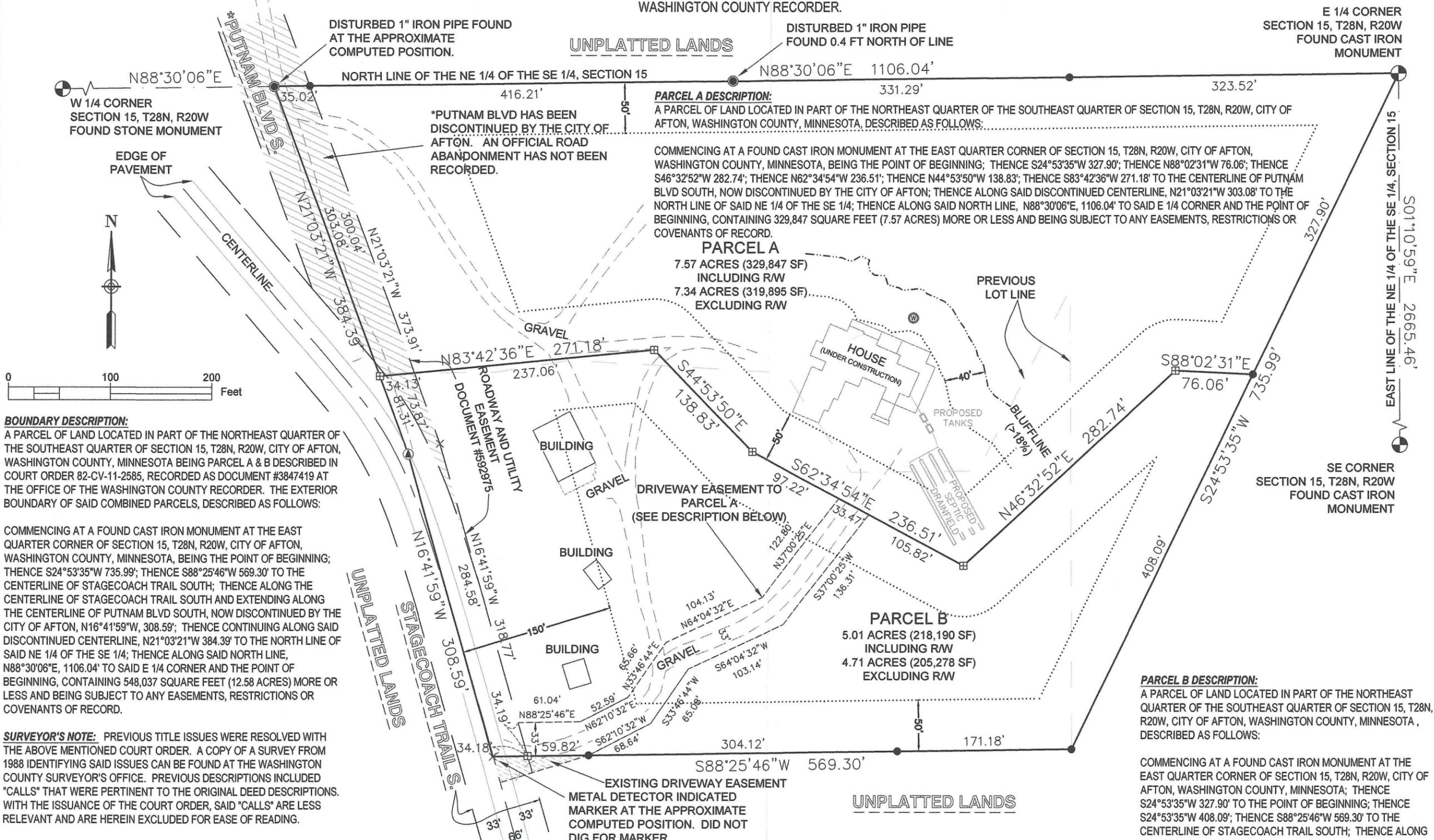
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DRAWN BY:	JMS
CHECKED BY:	JWG
DATE:	04/01/16
DWG FILE:	115-LEZEN (RIVAS)
REF FILE:	
JOB NUMBER:	115-LEZEN (RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16

CERTIFICATE OF SURVEY

SHEET NO.
1 OF 1



BOUNDARY DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

SURVEYOR'S NOTE: PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LICENSE # 48650

EASEMENT DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35"W 735.99' TO THE SOUTHEAST CORNER OF PARCEL B; THENCE ALONG THE SOUTH LINE OF PARCEL B, S88°25'46"W 475.30' BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S88°25'46"W 59.82' TO THE WESTERLY RIGHT OF WAY LINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, N16°41'59"W 34.19'; THENCE N88°25'46"E 61.04'; THENCE N62°10'32"E 52.59'; THENCE N33°46'44"E 65.66'; THENCE N64°04'32"E 104.13'; THENCE N37°00'25"E 122.80' TO THE SOUTHWESTERLY PROPERTY LINE OF PARCEL A; THENCE ALONG SAID PROPERTY LINE S62°34'54"E 33.47'; THENCE S37°00'25"W 136.31'; THENCE S64°04'32"W 103.14'; THENCE S33°46'44"W 65.08'; THENCE S62°10'32"W 68.64' TO THE SOUTH LINE OF PARCEL B AND THE POINT OF BEGINNING, CONTAINING 13,847 SQUARE FEET (0.32 ACRES) MORE OR LESS.

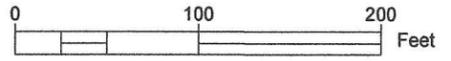
PARCEL A DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 327.90'; THENCE N88°02'31"W 76.06'; THENCE S46°32'52"W 282.74'; THENCE N62°34'54"W 236.51'; THENCE N44°53'50"W 138.83'; THENCE S83°42'36"W 271.18' TO THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON; THENCE ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 303.08' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 329,847 SQUARE FEET (7.57 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

PARCEL A
7.57 ACRES (329,847 SF) INCLUDING R/W
7.34 ACRES (319,895 SF) EXCLUDING R/W

PARCEL B DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA; THENCE S24°53'35"W 327.90' TO THE POINT OF BEGINNING; THENCE S24°53'35"W 408.09'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 81.31'; THENCE N83°42'36"E 271.18'; THENCE S44°53'50"E 138.83'; THENCE S62°34'54"E 236.51'; THENCE N46°32'52"E 282.74'; THENCE S88°02'31"E 76.06' TO THE POINT OF BEGINNING, CONTAINING 218,190 SQUARE FEET (5.01 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.



(Top 3 inches reserved for recording data)

TRUSTEE'S DEED
by Individual Trustee

Minnesota Uniform Conveyancing Blanks
Form 10.4.1 (2013)

eCRV number: Exempt

DEED TAX DUE: \$ 1.65

DATE: June 27, 2014
(month/day/year)

FOR VALUABLE CONSIDERATION, Robert Rivas and Carol J. Rivas
(insert name of each Trustee)

_____, as Trustees
of the Robert Rivas and Carol J. Rivas Revocable Trust of 1995
(insert name of Trust)

("Grantor"), hereby conveys and quitclaims to Brown Trout, LLC, a Minnesota limited liability company
(insert name of each Grantee)

("Grantee"), real property in Washington County, Minnesota, legally described as follows:

See attached Exhibit A

PINs: 15.028.20.41.0012, 15.028.20.41.0013

The consideration for this deed is less than \$500.00 as it is a conveyance from a revocable trust to its wholly owned limited liability company without actual consideration and subject to Minimum Deed Tax under exempt code number 18.

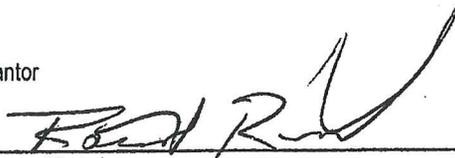
Check here if all or part of the described real property is Registered (Torrens)

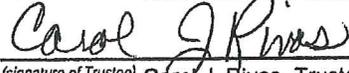
together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor


(signature of Trustee) Robert Rivas, Trustee


(signature of Trustee) Carol J. Rivas, Trustee

State of ~~Minnesota~~, County of ST-CROIX
WISCONSIN,

This instrument was acknowledged before me on 00/27/2014, by Robert Rivas and Carol J. Rivas
(month/day/year) (insert name of each Trustee)

as Trustee of the Robert Rivas and Carol J. Rivas Revocable Trust of 1995
(insert name of Trust)



Karrie Marie Hoffman
(signature of notarial officer)

Title (and Rank): Manager

My commission expires: 04/13/2018
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Paul G. Hoffman
Michael Best & Friedrich LLP
Two Riverwood Place, Suite 200
N19 W24133 Riverwood Drive
Waukesha, WI 53188

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

Brown Trout, LLC
c/o Robert Rivas and Carol J. Rivas
P.O. Box 157
Lakeland, MN 55043

EXHIBIT A
LEGAL DESCRIPTION

PARCEL A:

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 660.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line which if extended would intersect the centerline of Stagecoach Trail South (a.k.a. Afton and Lakeland Road) at a distance of 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, for a distance of 158.52 feet, more or less, to the point of intersection with the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter, said point of intersection also being the point of beginning of the parcel being described; thence North 01 degree 10 minutes 59 seconds West along said westerly line 451.93 feet; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet; thence North 34 degrees 09 minutes 41 seconds West 117.00 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence North 21 degrees 03 minutes 21 seconds West along said centerline 300.05 feet, more or less, to the northerly line of said Northeast Quarter of the Southeast Quarter; thence North 88 degrees 30 minutes 06 seconds East along said northerly line, 1106.04 feet, more or less, to said northeasterly corner of the Northeast Quarter of the Southeast Quarter; thence South 24 degrees 53 minutes 35 seconds West 735.99 feet, more or less, to the point of beginning.

Containing 7.57 acres, more or less, subject to the right-of-way of Putnam Boulevard South (a.k.a. Afton and Lakeland Road).

PARCEL B:

All that part of the Northeast Quarter of the Southeast Quarter of Section 15, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter, thence South 01 degree 10 minutes 59 seconds East, assumed bearing, along the easterly line thereof 660.00 feet; thence South 88 degrees 49 minutes 01 seconds West 165.00 feet; thence South 88 degrees 25 minutes 46 seconds West along a line hereinafter referred to as "Line A" to a point in the centerline of Stagecoach Trail South, (a.k.a. Afton and Lakeland Road), said point being 660.00 feet South of the North line of said Northeast Quarter of the Southeast Quarter, said point also being the point of beginning of the parcel being described; thence North 88 degrees 25 minutes 46 seconds East along said "Line A" 569.30 feet, more or less, to the westerly line of the East 323.52 feet of said Northeast Quarter of the Southeast Quarter; thence North 01 degree 10

minutes 59 seconds West along said westerly line 451.93 feet; thence South 25 degrees 54 minutes 03 seconds West 200.28 feet; thence South 88 degrees 30 minutes 06 seconds West 125.00 feet thence North 34 degrees 09 minutes 41 seconds West 117.00 feet; thence North 87 degrees 35 minutes 48 seconds West 214.29 feet; thence South 80 degrees 07 minutes 24 seconds West 73.00 feet; thence South 88 degrees 30 minutes 06 seconds West 114.61 feet, more or less, to the centerline of Putnam Boulevard South (a.k.a. Afton and Lakeland Road); thence South 21 degrees 03 minutes 21 seconds East along said centerline 84.34 feet to an angle point in said Afton and Lakeland Road; thence South 16 degrees 41 minutes 59 seconds East along said centerline 308.59 feet to the point of beginning.

Containing 5.01 Acres, more or less.

Subject to the right-of-way of Putnam Boulevard South and Stagecoach Trail South, both formerly known as Afton and Lakeland Road.

**CITY OF AFTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, May 2, 2016 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider the Brown Trout LLC minor subdivision application at 15311 Putnam Boulevard and 2573 Stagecoach Trail to rearrange the lot line between the two properties.

Materials will be available for viewing at the Afton City Hall, 3033 St. Croix Trail, Afton MN. The materials will also be available on the City website at www.ci.afton.mn.us. All interested persons are encouraged to attend the public hearing. A quorum of the City Council or another Commission may also be present to receive information at the meeting.

Ron Moorse
City Administrator
City of Afton

**CITY OF AFTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, May 2, 2016 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider the Brown Trout LLC variance application at 15311 Putnam Boulevard to enable the only access to the 15311 Putnam Boulevard property to be through an easement on the 2573 Stagecoach Trail property.

Materials will be available for viewing at the Afton City Hall, 3033 St. Croix Trail, Afton MN. The materials will also be available on the City website at www.ci.afton.mn.us. All interested persons are encouraged to attend the public hearing. A quorum of the City Council or another Commission may also be present to receive information at the meeting.

Ron Moorse
City Administrator
City of Afton

Easy Peel® Labels
Use Avery® Template 5160®

SEIDL TAMMY L & AUGUST H LARENZIE
or Current Resident
2696 STAGECOACH TRL
AFTON MN 55001

TREAT JAMES R
or Current Resident
PO BOX 117
AFTON MN 55001

BORGWARDT MARK A & BARBARA K
or Current Resident
PO BOX 223
AFTON MN 55001-0223

WEBER CAROL J & CONNIE LEMIRE & COLLEEN J NOWACKI
or Current Resident
1159 9TH AVE S
SOUTH ST PAUL MN 55075

STANTON SUSAN J
or Current Resident
PO BOX 236
LAKELAND MN 55043

ROBERTSON PAUL D
or Current Resident
PO BOX 5
AFTON MN 55001-0005

BROWN TROUT LLC
or Current Resident
PO BOX 157
LAKELAND MN 55043

BELWIN CONSERVANCY
or Current Resident
1553 STAGECOACH TR S
AFTON MN 55001

BELWIN
or Current Resident
1553 STAGECOACH TRL S
AFTON MN 55001

SCHUMANN DENNIS C & LINDA A
or Current Resident
2598 STAGECOACH TRL S
AFTON MN 55001

▲  Bend along line to
Feed Paper  expose Pop-up Edge™

CARLSON ALBERT W & SANDRA P
or Current Resident
2534 STAGECOACH TR S
AFTON MN 55001

MUNSON ROY D
or Current Resident
2626 STAGECOACH TRL S
AFTON MN 55001

STAGECOACH PORPERTIES LLC
or Current Resident
488 ATWATER CIR
SAINT PAUL MN 55103



City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: May 2, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: April 25, 2016

Re: Comprehensive Plan Update Process

Identification of Comprehensive Plan Policies, Issues and Language to be Reviewed

At the March 7 Planning Commission meeting, Chair Ronningen asked that the Comprehensive Plan update process be included on each Planning Commission agenda. She also asked that the Planning Commission members each review the Comprehensive Plan to identify any policies, issues, language, etc. that should be addressed during the Comprehensive Plan update process, so the Commission can develop a list of items to be addressed and build them into the update process.

Land Use Classifications

Chair Ronningen has provided the attached land use classification listing from the Metropolitan Council for review and discussion by the Planning Commission, particularly in relation to commercial uses.

Planning Commission Direction Requested:

Provide direction related to the Comprehensive Plan update process

The land use categories used prior 2000 were based on original categories established in 1962 and have been subject to only minor modifications over the years (1966, 1975, 1984, 1990, and 1997 -- NOTE:1962, 1966 and 1975 are not in electronic form). In 2000, the classification scheme changes significantly.

CLASSES FOR 1984, 1990 AND 1997 LAND USE (LUSE1984, LUSE1990 & LUSE1997)

LUSE1984, LUSE1990 and LUSE1997:

1984, 1990 and 1997 land use codes (2 digit integer field type)

00 = No Data (for 1984 and 1990 only)

01 = Single Family Residential

02 = Multi-Family Residential

03 = Commercial

04 = Industrial

05 = Public Semi-Public

06 = Airports

07 = Parks & Recreation Areas

08 = Vacant/Agricultural

09 = Major Four Lane Highways

10 = Open Water Bodies

11 = Farmsteads

12 = Extractive (1997 only)

41 = Industrial Parks not Developed

51 = Public & Semi-Public Vacant

54 = Public Industrial (1997 only)

DETAILED DESCRIPTIONS:

00 - No Data

The exterior boundary of the seven county metro area was different for the 1984 and 1990 land use layers than it was for the 1997 and 2000 layers. The more accurate 2000 boundary is used in this combined dataset. For this reason a number of small sliver polygons exist around the boundary with no land use values 1997 and earlier.

01 - Single Family Residential

Includes all individual, free standing single family housing (including manufactured housing). Within the MUSA (metropolitan urban service area) and in residential developments outside the MUSA, the lot lines visible on the photos were used for determining residential land use boundaries. Where residential developments were visibly not complete, the undeveloped area was classified as vacant. For the scattered, rural residential areas outside the MUSA, only the portion of lots used for residences was assigned to the residential category.

02 - Multi-Family Residential

Includes all multiple dwelling units such as duplexes, bungalows, twin homes, townhouses, quad homes and apartment complexes. Also, buildings that are primarily apartments that have some group dining facilities are included (however, not those buildings that fit the census definition of 'Group Quarters', such as, dormitories, nursing homes or medical care facilities).

03 - Commercial

Includes all retail sales, services, hotels and motels, health care facilities (e.g. medical and dental

clinics and offices and medical laboratories, but not hospitals and nursing homes) and recreational services that are predominantly privately owned and operated for profit (e.g. theaters, bowling alleys, equestrian ranches) except golf courses. Hospitals and nursing homes are included in the 'Public & Semi-Public' category and golf courses are in the 'Parks & Recreation Areas' class. For large shopping centers, only actual developed areas are shown. This is done so that over the years new development can be shown (e.g. restaurants or gas stations on perimeter roads).

04 - Industrial

Includes the Federal Standard Industrial Classification (SIC) codes 14 through 50. This includes manufacturing, transportation, construction, communications, utilities, and wholesale trade. Also included in the 'Industrial' category are some horticultural specialty land uses (e.g. large greenhouses that do not sell to the public). As of 1997, gravel pits and quarrying have been placed in a new category called 'Extractive' and all publicly owned areas that are predominantly of industrial nature have been placed in a new category called 'Public Industrial.'

05 - Public Semi-Public

Includes the land under and adjacent to schools (public and private), hospitals, churches, cemeteries, ice arenas and all facilities of local, state and federal governments, including convalescent homes, mental institutions and penal facilities maintained by any level of government. All lands within the boundaries of these institutions and facilities are included in this category. However, in certain instances unused lands were included in the 'Public & Semi-Public Vacant' category (e.g. the University of Minnesota's property in Rosemount, or part of the land adjacent to the Minnesota Veterans Home in Hastings).

06 - Airports

All types of airports.

07 - Parks & Recreation Areas

Includes all parks (city, regional and state), wildlife refuges, playgrounds, zoos, gun clubs, golf courses and similar areas (this includes DNR wildlife management areas and scientific and natural areas). Parks are delineated using their actual boundaries taken directly off comprehensive plans, park maps or county parcel data.

08 - Vacant/Agricultural

Includes land identifiable from aerial photos as open and in agriculture uses, other uses where no buildings are present or unused land. Please note that indoor horticultural specialty land uses (the growing of nursery stock, flowers, seeds, sod and food crops in large greenhouses that do not sell to the public; and large concentrations of agricultural buildings (e.g., barns, sheds and silos)) are included in the 'Industrial' category where they can be delineated. Where residential uses are on larger lots, the residential land use category may include only the house and mowed portion of the parcel, with the rest being placed in this Vacant and Agricultural category.

09 - Major Four Lane Highways

Includes only the major interstate freeways and 4 lane divided highways with rights-of-way of 200 feet or greater. Also included in 1997 are all 4-lane roads with a Metropolitan Council functional class designation of 'Principal Arterial.'

10 - Open Water Bodies

Includes lakes larger than 5 acres and rivers wider than 200 feet.

11 - Farmsteads

Includes only that portion of land that encompasses the buildings on the farmstead.

12 - Extractive

New category in 1997. Includes all gravel pits and quarries.

41 - Industrial Parks not Developed

Parcels of land in a designated (named) industrial park but not developed.

51 - Public & Semi-Public Vacant

A government or university owned parcel of land that is undeveloped (e.g. part of arsenal site in Arden Hills or the University property in Rosemount).

54 - Public Industrial

New category in 1997. Includes all publicly owned areas that are predominantly of an industrial nature (e.g. waste water treatment plants, city bus garages, and Dept. of Transportation sand and salt stockpiling areas). In the past, some of these have been coded as industrial and others as public.

CLASSES FOR 2000, 2005 and 2010 LAND USE (LUSE2000, LUSE2005 & LUSE2010)

LUSE2000, LUSE2005 and LUSE2010:

2000 and 2005 land use codes (3 character text field type).

100 = Agricultural

111 = Farmstead

112 = Seasonal/Vacation

113 = Single Family Detached

114 = Single Family Attached

115 = Multifamily

116 = Manufactured Housing Parks

120 = Retail and Other Commercial

130 = Office

141 = Mixed Use Residential

142 = Mixed Use Industrial

143 = Mixed Use Commercial and Other

151 = Industrial and Utility

153 = Extractive

160 = Institutional

170 = Park, Recreational, or Preserve

173 = Golf Course

201 = Major Highway

202 = Railway

203 = Airport

210 = Undeveloped

220 = Water

DETAILED DESCRIPTIONS (NOTE: not in numeric order):

SINGLE FAMILY RESIDENTIAL

Land used exclusively for residential purposes and containing a single dwelling unit. Includes the following four codes:

111 - FARMSTEAD

Land that encompasses the single family residential dwelling and associated buildings of a farm. Associated buildings of a farm may include buildings used for animal husbandry (barns, chicken coops, grain solos, etc.) along with accessory uses, provided that such accessory uses are incidental to the agricultural activities.

112 - SEASONAL/VACATION

Land meeting the general definition of single-family residential containing a dwelling unit occupied seasonally or used as vacation property.

113 - SINGLE FAMILY DETACHED

Land meeting the general definition of single-family residential and detached from any other residential dwelling unit (i.e., with open space on all four sides, includes detached town homes).

116 - MANUFACTURED HOUSING PARK

Land meeting the general definition of Single-Family, Detached dwelling and designated for the placement of multiple manufactured housing structures. Note: this classification IS NOT used for an individual manufactured home.

MULTIFAMILY RESIDENTIAL

Land used exclusively for residential multiple-family dwellings containing a building or multiple buildings. Includes the following two codes:

114 - SINGLE FAMILY ATTACHED

Land meeting the general definition of multifamily residential containing two or more attached dwelling units (share a common wall, each with primary ground floor access to the outside regardless of the number of units or size. Ex: Attached townhouse, double bungalow, triplex, etc.

115 - MULTIFAMILY

Land meeting the general definition of multifamily residential containing two or more attached dwelling units, one or more not having primary ground floor access to the outside. Ex: Apartment building, condominiums or elderly housing - with minimal assisted living facilities - with a main entrance for all residents.

Note: Where it was not possible to differentiate between these two categories based on aerial photography and assessors data, the next criteria for differentiation was the number of units. If an indistinguishable parcel contained two to four units, it was coded Single Family Attached. If it had 5 or more units, it was coded Multifamily. If the number of units also was not available, then the final distinction was made using the house like test. If it looked like a house from the photo (e.g. large house split into apartments), it was classified as Single Family Attached, otherwise it became Multifamily.

COMMERCIAL

Includes the following two codes:

120 - RETAIL AND OTHER COMMERCIAL

Land used for the provision of goods or services. This category is for general sales and services that comprise the vast majority of establishments typically associated with commercial land use. This

category is used as the default for commercial/retail land uses. Ex include: store, restaurant, hotel, bank, Metrodome, Excel Center - large commercial stadiums or arenas, Mini-storage, Canterbury Downs, YMCA, seasonal RV-Parks, American Legion, thrift stores (e.g. Goodwill, Salvation Army, etc) skeet clubs and outdoor gun ranges (large game/gun clubs (80+ acres) should be Park, Recreation or Preserve).

130 - OFFICE

Land used predominantly for administrative, professional, or clerical services. Examples are, law offices, accounting firms, clinics (but not hospitals), and veterinarian clinic or hospital.

MIXED USE

Land containing a building with mixed uses. Includes the following three codes:

141 - MIXED USE RESIDENTIAL

Land containing a building with multiple uses in combination with at least a residential unit(s). Examples include: Galtier Plaza in St. Paul, a mom & pop bakery with living space above it.

142 - MIXED USE INDUSTRIAL

Land containing a building with multiple uses in combination with industrial uses and NO residential units. An example would be a building containing a warehouse, offices, and stores.

143 - MIXED USE COMMERCIAL AND OTHER

Land containing a building with multiple uses but with NO residential units or industrial uses. An example would be a building containing commercial shops, childcare facility, offices, and/or restaurants. Downtown areas usually have buildings where the first and/or second floor is commercial and the rest is office (e.g. Lawson Software Building), these types of buildings would be coded under this category.

INDUSTRIAL

Includes the following two codes:

151 - INDUSTRIAL AND UTILITY

Land containing manufacturing, transportation, construction companies, communications, utilities (including water towers) or wholesale trade. This category includes publicly owned industrial lands (e.g. waste water treatment plant, warehouses (including commercial warehouses), automotive junk yards, and some special horticultural uses (large greenhouses that do not sell to the public).

153 - EXTRACTIVE

Land containing extractive industry (Ex: Gravel Pits and Quarries).

160 - INSTITUTIONAL

Land used primarily for religious, governmental, educational, social, cultural or major health care facilities - patients with overnight stays (Ex: hospitals, schools, places of worship, cemeteries, city halls, museums, and county and state fairgrounds).

NOTE: All land should be classified based on use NOT Ownership! If land is owned by a church but appears to be Single-Family, Detached housing, say for the minister, or clergy, then the land use should be Single-Family, Detached residential NOT Institutional.

Institutional category includes all publicly owned land that is not clearly in any other category (e.g. not in office, parks, or industrial, etc.). Clinics and health care facilities where there are only out-patient

procedures will be classified as Office NOT Institutional.

PARK AND RECREATION

Includes the following two codes:

170 - PARK, RECREATIONAL OR PRESERVE

Land used for park and recreational assembly (Ex: community level ball fields, regional or small urban parks - public or private, playgrounds, rest areas, and other venues - indoors or outdoors - for sporting events or like purposes). Also includes passive activity uses such as park preserves, wildlife refuges, habitat area, public plazas, river walk, DNR owned land, greenways, and other public or private preserved land.

173 - GOLF COURSE

Land used for golfing, including driving range and practice areas and in most cases includes all land belonging to a country club if the predominant land use is golf course.

TRANSPORTATION

Includes the following three codes:

201 - MAJOR HIGHWAY

Major roadway strips of land or area, on which a vehicular rights-of-passage exists under the following conditions: all interstate highways; all 4-lane divided highways with rights-of-way of 200 feet or greater in width; or all 4-lane roads with a Metropolitan Council functional class designation of 'Principal Arterial'.

NOTE: Where closely aligned frontage roads exist along vehicular rights-of-way which meet the preceding criteria, these frontage roads will be included in the total rights-of-way. Additionally, land uses occurring within a Major Highway rights-of-way, as specified above, but clearly has a different use (i.e., agriculture - row crops) are to be classified by its actual use. In addition, for consistency, if some major roadways that don't meet the above criteria yet have been classified as a Major Highway in past land use dataset, will remain Major Highway.

202 - RAILWAY

Land used and occupied or intended to be occupied by multiple-track railroad lines or similar use including railroad classification, storage and repair yards, intermodal containerized freight and transload facilities, depots, etc. that could be classified under an industrial land use.

203 - AIRPORT

Land used for the operation of aircraft and any related uses that are on the airport property (Ex: parking lot or car rental) Uses such as ball fields on the airport property would not be included in this category.

100 - AGRICULTURAL

Land used for agricultural purposes. Includes discernable cultivation (Ex: ground tillage or crop rows) horticulture, floriculture (exotic flowers), viticulture (grapes) activities, pasture, and a broad range of other agricultural activities (Ex: horse boarding and training, kennels, sod farms, tree farms, fish production and processing, storage areas or buildings). Agricultural buildings (including feedlots) that are not part of the farmstead (see definition below) are included in this category. Note: Not all agricultural lands are discernable based on available data (aerial photography and assessors data). Thus, a significant amount of agricultural land may be placed in the Undeveloped category. Previously, large feedlots were put in the industrial category.

210 - UNDEVELOPED

Land not currently used for any defined purpose that may or may not contain buildings or other structures or has no discernable use based upon the aerial photos or available data. Undeveloped may include non-protected wetlands or lands currently under development.

220 - WATER

A body of open water or flowing waterway inclusive within a discernable shoreline. This typically does not include wetlands or periodically flooded areas. Generally only features three acres or greater in size are to be delineated. Areas definable as another land use type will not be depicted as in the Water category (e.g. major highway bridge over a river and marina).

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PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

DRAFT City Council Regular Meeting Minutes
April 19, 2016
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Bend.

2. **THE PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL:** Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. **Quorum Present.**

ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Todd Hubmer, Planning Commission Vice Chair Scott Patten, City Administrator Ron Moore and City Clerk Kim Swanson Linner. City Accountant, Tom Niedzwiecki, joined the meeting in progress.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of April 19, 2016 – Administrator Moore indicated that the applicant for Item 9C1 arrived at the meeting and saw the crowd and asked that their agenda item be withdrawn from this agenda and placed on the May 17 CC meeting agenda.

Motion/Second: Richter/Palmquist. To approve the agenda of the April 19, 2016 Regular City Council Meeting as amended. Motion carried 5-0-0.

5. **APPROVAL OF MINUTES** -

A. Minutes of the March 15, 2016 Regular City Council Meeting –

Motion/Second: Richter/Ross. To approve the minutes of the March 15, 2016 Regular City Council meeting as presented. Motion carried 5-0-0.

B. Minutes of the March 16, 2016 Special Council Meeting –

Motion/Second: Richter/Ross. To approve the minutes of the March 16, 2016 Special City Council meeting as presented. Motion carried 5-0-0.

C. Minutes of the March 16, 2016 Joint City Council Work Session with the Natural Resources and Groundwater Committee – Administrator Moore stated that the minutes for this meeting were not received by the city to include in the packet.

Motion/Second: Bend/Palmquist. To continue the minutes of the March 16, 2016 Joint City Council and Natural Resources & Groundwater Committee meeting to the May agenda. Motion carried 5-0-0.

5. **PUBLIC INPUT** –

Mayor Bend explained how the City Council will consider the land use application and conditions that are legally able to be put on that application; that this land use application has and will be considered just as any other applicant or organization. He apprised the public of the Federal Justice Department regulations and pointed out the available handouts for the public. He noted that each speaker will have 3 minutes and that comments should be relevant to the application for the conditional use permit and issues of land use.

1) Mukhtar Thakur, 10090 Bridgewater Pkwy, Woodbury, supported the mosque.

2) Sandra Paulson, 322 Minar Avenue, felt the noise level would be loud and suggested additional trees to buffer sound transfer to the residential neighborhood to the east.

3) Maher Mahmood, 10870 Ashley Lane, the current Islamic Center played an important part in his youth and future; he supports the land use for the mosque.

- 56 4) Anthony Tedesco, 7990 Forest Blvd, Woodbury, has been involved in this worship community for 2 years;
57 he also attends Catholic, Lutheran and Jewish religious services and contended that all are considered
58 descendants of Abraham.
- 59 5) Naima Kahn, 3165 Frontier Drive, Woodbury, considered the project to be a good neighbor.
- 60 6) Les Farago, 382 Minar Avenue S, was concerned about noise and light from the site and suggested more
61 barriers for the residences on the east.
- 62 7) Patricia Swanson, 14810 42nd St S, felt the pressur to erect & fund this facility is coming from outside
63 Afton. She felt there should not be a zoning change to allow this [none is required] and wondered if this is
64 an invasion from Jihad.
- 65 8) Carol Ellingson, 1002 Stagecoach Trl S, spoke about the United States commitment to the freedom of
66 religion and that the government shall not interfere. She supported the Council approving the land use
67 application for freedom of religion.
- 68 9) David Nimmer, 1736 Kerry Lane, Woodbury, stated he is a member of Memorial Lutheran Church and he
69 welcomes this new religious community to Afton.
- 70 10) Robert Swenson, Lakeland, commented that he spent 10 years in Saudi Arabia and lived 2 blocks away
71 from a mosque; he never felt safer and never met nicer people. He supported and encouraged the mosque
72 being built and felt it would add to the City of Afton.
- 73 11) Jaylani Hussein, Executive Director of CAIR-MN (Council on American-Islamic Relations), 1650 Hwy 36,
74 Roseville, informed that he is a Muslim, but his education is as a Planner; he commented that the proposed
75 plans for the mosque recognize the aesthetics in Afton and felt this facility in this community fills a
76 cohesive need. He mentioned that the first mosques appeared in Iowa and North Dakota in the early 1900's.
- 77 12) Jon Kroschel, 15106 50th Street S, he felt that the Council has a difficult decision at this time, but that this
78 is an opportunity for Afton to make a positive statement and approving the CUP moves the community in
79 the right direction.
- 80 13) Trent Farago, 875 Alex Lane, Hudson, WI, agreed that the light and noise issues should be handled fairly
81 and consistently, as throughout Afton.
- 82 14) Dave Kephart, 380 Morgan Ave S, was concerned about the drainage on the property and wanted the City
83 to ensure that neighboring properties would not be adversely affected by more drainage. He contended that
84 nobody knew about this project being proposed.
- 85 15) Steven Swanson, 14810 42nd Street S, was concerned about home values and felt the neighboring properties
86 to the east would be devalued.

87
88 **6. REPORTS/PRESENTATIONS -**

89 **A. Sheriff's Monthly Report** –Deputy Laura Jackson, relief duty officer for Deputy Sullivan, reported that the
90 deputies are aware of the areas speeders frequent, they continue to caution residents about IRS scams and
91 “grandparent” scams, recent mail thefts are being investigated, and they will enforce the DNR rules and cities
92 ordinances for firearms and hunting.

93 **B. Sgt. Lonnie VanKlei** – Speed Enforcement, reported that they often have the shift deputies do speed patrols
94 while on regular duty on Afton's regular contract. They can also provide extra patrols on weekends, as in the past,
95 for Afton on the stretches of concern. The noise related to speed can be trickier to enforce, but they do what they
96 can defend in court.

97 **C. Tom Niedzwiecki, Budget Report** – [This item will “float” until Mr. Niedzwiecki arrives from another
98 meeting.]

99 **D. Lower St. Croix Fire District Report** – Nelson did not attend; Bend indicated he had nothing to report.

100
101 **7. CONSENT AGENDA** – Item C was pulled from the Consent Agenda. Administrator Moorse indicated there
102 was a Supplemental Claims for the Local Historic Designation consultant, Tom Zahn. It was added as Item 7E.

103 **A. Just and Correct Claims**

104 **B. 4M Fund Transfer – MARCH - Resolution 2016-18**

105 **C. AABA Request for Waiver of Park Reservation Fee for Farmers Market**

106 **D. Afton Historical Museum Request for Temporary Liquor Licenses**

107 **E. Supplemental Claim - Local Historic Designation consultant, Tom Zahn**

109 **Motion/Second: Palmquist/Ross. To approve the Consent Agenda, Items A, B, D and E. including Resolution**
110 **2016-18. ROLL CALL: All Ayes. Motion carried 5-0-0.**

111
112 C. AABA Request for Waiver of Park Reservation Fee for Farmers Market – Richter pulled the item to
113 discuss the reasons why Council would waive the fee for the Farmers Market use of Town Square Park. It was
114 noted that the Farmers Market only uses one corner of the Park and a handful of local farmers and businesses are
115 making an attempt to draw traffic to Afton. The organizers of the Market are all volunteers.

116
117 **Motion/Second: Richter/Ross. To waive the reservation fee to reserve Town Square Park for the Farmers**
118 **Market for 2016 [no beginning or ending dates were stated on the application]. Motion carried 5-0-0.**

119
120 **5. CITY COUNCIL BUSINESS -**

121 **A. Planning Commission Report** – Vice Chair Scott Patten was in attendance for the Planning Commission.

122 1. Islamic Society of Woodbury/East Metro Application for a Conditional Use Permit for a Place of
123 Worship at 12585 Hudson Road – Resolution 2016-19 – Administrator Moorse reviewed the application of the
124 Islamic Society of Woodbury/East Metro for a Conditional Use Permit for the construction of a place of worship
125 (mosque) at 12585 Hudson Road. He noted that a place of worship is allowed in the Rural Residential zone with a
126 conditional use permit and the conditional use permit process allows the City to review the proposed use and place
127 conditions on the use to address any concerns regarding the impacts to the site and neighborhood. Project details are:
128 The proposed building will be located in the northwestern portion of the site, with parking to the west and north of
129 the building. The southern portion of the property is planned to continue to be used for agricultural use.
130 The applicant has relocated and redesigned the driveway to avoid any disturbance to areas with slopes 18% or
131 greater. The facility will be used primarily as follows: worship services on Fridays in the early afternoon
132 (approximately 200 people); weekend school, primarily for school age children, on Sundays from 10:00 a.m. to
133 2:00 p.m.(100 students and teachers); and, social events on weekend evenings (150 to 200 people). The building
134 includes two minaret-type elements as aesthetic elements that are not functional. There will be no loud speakers on
135 the minarets or the exterior of the building resulting in any kind of noise disturbance to the neighbors. The proposal
136 includes 1.54 acres, or 5.27% of impervious coverage, which is less than the maximum allowed coverage of 10%.
137 The proposal includes primary and secondary septic system sites. These sites will require soil testing prior to
138 approval of the sites. Chris LeClair, of Washington County Department of Public Health indicated that, based on a
139 soil report received on March 7, 2016, it is highly likely that the soils are suitable for the required septic systems.
140 The proposal meets all required setbacks. The proposed parking area meets the wetland setback and is allowed to
141 be located within the powerline easement. The City Engineer has reviewed the parking area and number of spaces
142 required, and has indicated the parking meets the 94 parking spaces required. The lighting shows fixtures with
143 downcast lighting, light standards are 25 feet high, with some to be mounted on foundations 3 feet above grade for
144 a total height of 28 feet. This is within the maximum allowed 35 foot height. The City Engineer has reviewed the
145 lighting plan, and has indicated it generally meets the City’s requirements, but may exceed the allowed illumination
146 level in some areas. The final lighting plan will need to meet the City’s requirements. The applicant has indicated
147 they are open to revising the lighting plan to limit impacts on neighboring properties while ensuring safety for those
148 using the driveway and parking lot. The City Engineer has reviewed the landscaping plan and indicated it generally
149 meets the City’s requirements. The plan includes five coniferous trees and twenty-three deciduous trees or shrubs.
150 The plan does not indicate landscaping on the sloping areas of the right-of-way. The applicant should provide
151 ground cover detail for these areas to assure the area is maintained with appropriate ground cover. The Planning
152 Commission’s recommendation included a condition calling for additional screening to create a buffer zone on the
153 east side of the existing house be added to the landscape plan. The proposed construction requires a Valley Branch
154 Watershed District (VBWD) permit. A condition of the conditional use permit approval will require a permit by the
155 VBWD. The City Engineer has reviewed and approved the conceptual grading and drainage plan, however, they
156 have requested more detailed information of the infiltration capability of the pond, including soils and the water
157 table. Because the property is large enough to allow flexibility in the final drainage solution, the City Engineer is
158 not requiring additional information or plan modifications at this time. The conditions of the CUP approval will
159 include the requirement that the final drainage solution needs to be approved by both the City Engineer and the
160 Valley Branch Watershed District. At the April 4 Planning Commission meeting, there was discussion regarding
161 the use of the existing house on the site. The applicant indicated the existing house will mainly be used in

162 conjunction with the use of the open field area on the northeast portion of the property to be used as a play field for
163 soccer and other games and for picnics. The house can provide shelter and restroom facilities that are more
164 convenient to the field than the proposed new facility. The house will also be used for other social activities that
165 are more suited to a smaller space than to the new facility. The applicant provided a letter to the city regarding the
166 use of the house for occasional temporary lodging for visiting scholars and imams (similar to pastors), lecturers,
167 specialized prayer leaders and other similar individuals. The condition in the CUP house shall require the applicant
168 to notify the City if the residential use of the house changes from the use described in the letter. The staff findings
169 of fact reiterated the above details of the CUP in meeting the city's requirements. Moore reviewed the standards
170 the city follows in approving Conditional Use Permits and pointed out a federal statute called the Religious Land
171 Use and Institutionalized Persons Act (RLUIPA) standards, copies of which were provided for meeting attendees.

172
173 Council Discussion

174 Council members agreed with the Conditions as listed in Resolution 2016-19. They deleted from # 10:
175 "resulting in noise disturbance to the neighbors" and agreed that the screening listed on # 13 would include
176 additional tree and/or berm screening.

177 The issues of lights intensity and noise were discussed and Council felt any issues not complying with Afton's
178 standards should be followed up on by staff.

179
180 **Motion/Second: Bend/Palmquist. To grant the approval Resolution 2016-19 for a Conditional Use Permit for**
181 **the Islamic Society of Woodbury/East Metro for the construction of a place of worship (mosque) at 12585**
182 **Hudson Road, with conditions as stated in the resolution. ROLL CALL: All Ayes. Motion carried 5-0-0.**

183
184 2. City of Woodbury Comprehensive Plan Amendment, Stonemill Farms 16th, Project No. 24-2016-
185 00201 – Administrator Moore reported on an amendment proposed to the City of Woodbury Comprehensive Plan.
186 The amendment would change the use of a vacant piece of property in the Stonemill Farms development, at the
187 corner of Settlers Ridge Parkway and Lake Road. The amendment would allow for 5.66 acres to be guided as
188 medium density residential instead of neighborhood commercial. This would enable the construction of a
189 townhome development similar to what is being constructed to the east of the property. The Comprehensive Plan
190 update process includes an opportunity for neighboring cities to comment on the proposed amendment.

191
192 **Motion/Second: Palmquist/Nelson. To state to the City of Woodbury that the City of Afton has no comment**
193 **about their Comprehensive Plan Amendment for Stonemill Farms 16th, Project No. 24-2016-00201. Motion**
194 **carried 5-0-0.**

195
196 **B. Engineering Report –**

197 1. Staff Report/Council Update – City Engineer Todd Hubmer reported on the progress of the
198 archeological studies, the legislation session items being considered and how they might affect project funding, and
199 Washington County's construction timeline for County Road 21.

200
201 **C. Administration –**

202 1. Thomas Lehmann Request to Discuss Driveway Permit Denial at Stagecoach Trail and Sand Hill Road
203 – [This item was withdrawn from the agenda by the applicant prior to the meeting and will be placed on the May
204 agenda.]

205
206 Item 7C. Tom Niedzwiecki, Budget Report – reported that the Expenses show only about 16% to date, but that is
207 deceiving, as there are large items billed out quarterly (emergency services) that are not showing up yet. He
208 indicated that the Financials will soon reflect estimates for the entire year (much like the former cash flow reports
209 by Jim Bougie) which will then show the seasonal and quarterly expenditures.

210
211 2. Ordinance Amendment Regarding Firearms – Ordinance 04-2016 – Administrator Moore reported
212 that the City's current ordinance regarding the possession of firearms was preempted by State Statute 471.633 and
213 by the Minnesota Personal Protection Act. State statute 471.633 preempts the authority of cities to regulate
214 firearms, with the exception of the discharge of firearms and the adoption of regulations identical to state law. The

215 Minnesota Personal Protection Act, which was passed in 2003, allows a person to carry a handgun with a permit.
216 State statute 624.714 provides regulations regarding carrying a firearm. Cities have the ability to adopt local
217 regulations limiting the brandishing and discharge of weapons within the city and the possible ability to regulate
218 establishments where handguns may be present. For instance, because the law makes it a crime to possess a pistol
219 while under the influence of alcohol, the city may be able to adopt an amendment to its liquor regulations, requiring
220 all liquor license holders to ban handguns. The drafted ordinance amendment revises the City's firearms ordinance
221 to eliminate the regulation of the possession of firearms.

222
223 **Motion/Second: Bend/Richter. To adopt Ordinance 04-2016 amending Sec. 14.1. Use, possession of weapons**
224 **to eliminate the regulation of the possession of firearms, with a friendly amendment accepted to change the**
225 **word "possession" in the title to "discharge." ROLL CALL: Ayes-Ross, Richter, Nelson, Bend. Nay-**
226 **Palmquist. Motion carried 4-1-0.**

227
228 3. Agreement with Afton Historical Society regarding Mount Hope Cemetery Maintenance and
229 Restoration – Council Member Stan Ross, who is also the President of the Afton Historical Society (AHS), made a
230 presentation to Council outlining the proposal from the Afton Historical Society for the maintenance and restoration
231 of Mount Hope Cemetery, including a request for funding from the city of \$9,000 per year to have the AHS restore
232 and maintain the pioneer cemetery.

233
234 **Motion/Second: Palmquist/Nelson. To approve an Agreement with the Afton Historical Society for the**
235 **maintenance and restoration of Mount Hope Cemetery including funding, not to exceed \$9,000 annually**
236 **from the City to the Afton Historical Society. Motion carried 4-0-1 (Abstain: Ross).**

237
238 4. Draft Ordinance Regulating the Use and Maintenance of City-owned Cemeteries – Administrator
239 Moose indicated that a draft model ordinance was provided by the City Attorney to Council in the Supplemental
240 Packet. To give Council time to review and consider this model ordinance, it was suggested tabling the item.

241
242 **Motion/Second: Bend/Nelson. To table the draft model ordinance to the May 17 City Council meeting.**
243 **Motion carried 5-0-0.**

244
245 5. Speed Enforcement – [This item was moved up to 9C2, but is recorded here.] Sgt. Lonnie Van Klei
246 indicated that the Sheriff's Office has the authority to put out a "directed patrol" by the department on slow days, in
247 order to enforce speeding violations. However, the City can authorize the same extra patrols as has been done in
248 past years.

249
250 **Motion/Second: Palmquist/Bend. To authorize extra speed enforcement patrols for three (3) 4-hour shifts,**
251 **possibly two hours at two locations, on sunny weekend days, in coordination with the Sheriff's Office and**
252 **Afton's City Administrator. Motion carried 5-0-0.**

253
254 6. Appointment of Annie Perkins to the Middle St. Croix Water Management Organization Board –
255 Administrator Moose reported that Annie Perkins, who was recently appointed to the City's Natural Resources and
256 Groundwater Committee, has expressed her interest in serving on the Middle St. Croix Water Management
257 Organization (MSCWMO) Board.

258
259 **Motion/Second: Palmquist/Nelson. To appoint Annie Perkins to the MSCWMO Board. Motion carried 5-0-0.**

260
261 7. Branding Committee Volunteers – Administrator Moose indicated five more volunteers have applied
262 to serve on the Afton Branding Committee: Julia Welter, Raenette Manderfeld-Pung, Darcy Gaspar, Dan Jarvis and
263 Laurel Ross. If appointed, they will join previously appointed Lucy McAllister, Jeff Brower and Scott Patten.
264 Council Member Stan Ross will act as liaison to the Committee.

265
266 **Motion/Second: Palmquist/Ross. To appoint Julia Welter, Raenette Manderfeld-Pung, Darcy Gaspar, Dan**
267 **Jarvis and Laurel Ross as additional members to the Afton Branding Committee. Motion carried 5-0-0.**

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8. Liability Coverage and Statutory Liability Limits – Administrator Moose explained that Minnesota has statutory tort limits that place a limit on the amount a claimant can recover on a tort liability claim. The City purchases liability insurance in excess of the statutory tort liability limits because the statutory liability limits do not extend to a federal liability claim. Because the City purchases excess liability coverage, it is required to make an election as to whether to waive the statutory liability limits to the extent of its liability coverage. In the past the City has not waived the statutory liability limits.

Motion/Second: Nelson/Richter. To not waive the monetary limits on tort liability established by Minnesota Statutes, Section 466.04. Motion carried 5-0-0.

9. Schedule Work Sessions – Administrator Moose explained that there are several topics for discussion at a Council Work Session. There also needs to be a joint work session with the Planning Commission about goals for 2016 and the Comp Plan update. Staff will schedule a work session for early May. Topics included:

1. Expansion of Valley Branch Watershed District’s Septic System Inspection Program related to Kelle’s Creek Water Quality.
2. Goals for 2016.
3. Updates to ordinance requirements related to accessory buildings.
4. Discussion of amount of detail to be provided in the City Council meeting minutes.
5. Discussion regarding the protection of man-made steep slopes.
6. Downtown Improvement projects update.

Council prioritized items 1, 2 and 4 for discussion at an early May Council Work Session to be scheduled.

10. Seasonal Maintenance Worker – Administrator Moose indicated the city had advertised for a part-time seasonal maintenance position, but did not receive any applications. Staff met with the 2015 seasonal maintenance worker and recommends hiring this qualified candidate.

Motion/Second: Nelson/Palmquist. To hire part-time seasonal maintenance worker, Todd O’Leary, who was the 2015 seasonal maintenance worker. Motion carried 5-0-0.

D. Committee Reports -

1. Public Works – meeting is next week.
2. Personnel – Ross
3. Parks – none
4. HPC/DR – monthly meeting tomorrow.
5. Natural Resources and Groundwater – had a joint meeting with City Council at their March meeting; monthly meeting is tomorrow.
6. High Speed Internet – the grant agreement will be done at the end of the week.

10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES

- A. Ward 1 Council Member Palmquist – announced Robin McDowell won a Pulitzer Prize today.
- B. Ward 2 Council Member Richter – none.
- C. Ward 3 Council Member Ross – none.
- D. Ward 4 Council Member Nelson – none.
- E. Mayor Bend – indicated he was impressed with the Afton residents on the support of the CUP and how the community handled the conflict and differences well.
- F. City Attorney Knaak – Prosecution Report on file; he noted that not as many are using the Hearing Officers this year.
- G. City Administrator Moose – none.

11. ADJOURN –

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Motion/Second: Palmquist/Nelson. To adjourn the meeting at 10:17 p.m. Motion carried 5-0-0.

Respectfully submitted by:

Kim Swanson Linner, City Clerk

Approved by Council (on May 17, 2016) as (check one): Presented: _____ Amended: _____

Signed by Mayor Richard Bend _____ Date _____