



PLANNING COMMISSION AGENDA

SEPTEMBER 10, 2018

7:00 pm

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Mark Nelson
 - e) Lucia Wroblewski
 - f) Jim Langan
 - g) Roger Bowman
 - h) Annie Perkins
 - i) Justin Sykora
- 4. APPROVAL OF AGENDA –**
- 5. APPROVAL OF MINUTES –**
 - A. August 6, 2018 Meeting Minutes
- 6. REPORTS AND PRESENTATIONS – None**
- 7. PUBLIC HEARINGS –**
 - A. Application by Eric and Kaya Cook and Ken and Linda Johnson for a Minor Subdivision for a Lot Line Rearrangement at 3787 St. Croix Trail and 3752 River Road.
 - B. Application by Ken and Linda Johnson for a Variance at 3752 River Road
 - C. Application by Joe Bush for an Amended Conditional Use Permit to amend the conditions of the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) Subdivision at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813).
 - D. Application by Roger Mireau at 12225 Hudson Road Requesting a Substantially Similar Use Determination
- 8. NEW BUSINESS – None**
- 9. OLD BUSINESS -**
 - A. Ordinance Amendment to Allow Swimming Pool Auto Covers as an Alternative to a Fence Enclosure
 - B. Update on City Council Actions – Council Highlights from the August 21, 2018 Council meeting - attached.
- 10. ADJOURN –**

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
August 6, 2018

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1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM
 2. **PLEDGE OF ALLEGIANCE** – was recited.
 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, James Langan, Mark Nelson, Annie Perkins, Scott Patten. A Quorum was present. Absent were Lucia Wroblewski, Sally Doherty, Justin Sykora, (all excused).
ALSO IN ATTENDANCE – City Council member Joe Richter, City Administrator Ron Moore, City Clerk Julie Yoho
 4. **APPROVAL OF AGENDA** – Motion/Second Patten/Nelson To approve agenda. Passed 6-0
 5. **APPROVAL OF MINUTES** –
 - A. June 4, 2018
Motion/Second Bowman/Langan To approve minutes of June 4, 2018 with change noted. Passed 5-0-1 (Patten abstain due to absence)
 - B. July 9, 2018
Motion/Second Patten/Nelson To approve minutes of July 9, 2018 with changes noted. Passed 4-0-4 (Bowman & Langan abstain due to absence)
 6. **REPORTS AND PRESENTATIONS** – none
 7. **PUBLIC HEARINGS** –
 - A. River Valley Riders
Chair Kopitzke opened the public hearing at 7:08.
Moore provided the following summary:
In 2009, the River Valley Riders obtained approval of a Conditional Use Permit (CUP) for an outdoor riding arena for therapeutic riding and carriage driving for people with special needs at 2007 Neal Avenue. The outdoor riding arena was the first stage of a much larger master plan for an indoor riding arena and related indoor spaces. River Valley Riders has now applied for an amended CUP to allow the second phase of their riding arena master plan to proceed. The second phase is the construction of an indoor riding arena to extend the number of months per year during which it can provide therapeutic riding and carriage driving for people with special needs. This second phase of the master plan does not include related indoor spaces such as offices, a public viewing area or a restroom. These spaces will be constructed in a third phase of the master plan

Cheryl Holdt, River Valley Riders; Summarized their application. This phase is for the indoor arena. The next phase will include the office and restrooms. They are meeting with the Valley Branch Watershed later this week.

No other comments were received

Public hearing closed at 7:15 pm

Patten asked where the porta potty is located. (On west side of outdoor arena. Plan to move one closer to indoor arena after construction with canopy)
Bowman asked about the next phase timing (Phase 3 is 2-3 yrs. out)
Patten asked about parking (gravel, sufficient space. No increase in amount of people on the property at any one time, but will extend the season - less than 30 people total, 1-6 riders with support staff.)
Patten asked about lighting (indoor will have lighting, existing in parking lot and outdoor)

56 Patten asked about the color (earth tones)
57 Langan asked if clients can ride off property (no)
58

59 **Motion/Second Bowman/Perkins To recommend approval of the River Valley Riders Amended CUP**
60 **application with findings and conditions listed.**

61 **Findings**

62 **The following is a recommended set of findings.**

- 63 1. **In 2009, a CUP was approved for the subject property for an outdoor riding arena as the**
64 **first phase of a master plan that included an indoor riding arena**
- 65 2. **River Valley Riders has applied for an amended CUP to construct an indoor riding arena**
- 66 3. **The subject property is zoned Ag which allows an indoor riding arena with a conditional**
67 **use permit**
- 68 4. **As part of the outdoor riding arena construction, the bulk of the drainage infrastructure for**
69 **both the outdoor riding arena and the indoor riding arena was installed**
- 70 5. **The outdoor riding arena operates with a portable restroom. The indoor riding arena will**
71 **serve the same clients as the outdoor riding arena.**
- 72 6. **The City's Building Official has indicated the continued use of the portable restroom on an**
73 **interim basis is allowed with approval by the Washington County Public Health**
74 **Department.**

75 **Conditions**

76 **The following is a recommended set of conditions.**

- 77 1. **The property owner shall obtain approval from the Washington County Public Health Department**
78 **for continued use of the portable restroom for the indoor riding arena use.**
- 79 2. **A permit shall be obtained from the Valley Branch Watershed District (VBWD), and all**
80 **requirements of that permit shall be met**
- 81 3. **Grading and drainage improvements shall be constructed according to final plans approved by the**
82 **VBWD. Silt fences or other types of erosion control shall be properly installed prior to**
83 **construction; and shall be maintained in good condition until the construction is complete.**
- 84 4. **Any additional lighting shall be subject to review and approval by the City Engineer and City**
85 **Administrator.**
- 86 5. **Non-compliance with the conditions of this permit shall be considered a violation, and may result in**
87 **revocation of this permit.**
- 88 6. **Construction shall begin within one year of the date of issuance of this permit or the**
89 **permit shall become null and void.**

90
91 **Passed 6-0**

92
93 **B. Steve and Jennifer Knuth / Nathan Landucci, Landucci Homes Variance Application**
94 **Chair Kopitzke opened the public hearing at 7:23pm**

95
96 Administrator Moore provided the following summary:

97 Steve and Jennifer Knuth/Nathan Landucci, Landucci Homes have applied for a variance to allow the 40-
98 acre property on the north side of Valley Creek Trail, approximately 1300 feet east of Neal Avenue, with
99 Property Identification Numbers 17.028.20.24.0001 and 17.028.20.24.0002, to be accessed via a
100 driveway from Neal Avenue through a private easement across an adjacent parcel to the north to serve a
101 proposed house on the property. Nathan Landucci, Landucci Homes, currently owns 120 acres of land in
102 several adjacent parcels north of Valley Creek Trail and East of Neal Avenue, including the two subject
103 parcels totaling 40 acres. Steve and Jennifer Knuth are interested in purchasing the two parcels totaling
104 40 acres on the north side of Valley Creek Trail, approximately 1300 feet east of Neal Avenue, for a
105 home site. Due to steep topography and the location of a tributary to Valley Creek on the parcels, the
106 southern portions of the parcels are not buildable. The Knuth's would like to build a house on the north
107 side of the tributary. They propose to access the property from Neal Avenue via a driveway constructed

108 on a private easement through an adjacent parcel to the north. The length of the driveway would be
109 approximately 2,800 feet. The property would be given a Neal Avenue address to facilitate public safety
110 access.

111
112 Todd Erickson, civil engineer for the applicant; Stated the easement is 66' wide. Plan to grade within
113 easement to meet standards. Drainage and culverts will be needed also. Plan meets DNR and watershed
114 requirements. Cul-de-sac at end of easement/gravel and also at house for turnaround space.

115 Jim Cox, Neal Ave, across from entrance. Concern over equipment parking and staging for building along
116 Neal. Traffic on Neal moves fast. Would like more information on proposed development.

117 Todd Erickson stated the parcel would have open space along the easement. Land to the east could have 9
118 lots.

119 Bowman asked if we approve this is it preliminary approval for a development? (no)

120 Cox asked if the access could be off Valley Creek with a small bridge as the water there is seasonal.

121 Monica Taylor, 12999 22nd St. Asked to discuss the concerns of 9 more houses in future. That is the
122 concern. Neal has nonstop traffic currently. When clearing the land, the equipment was parked in front of
123 her house.

124 Donna Dalton 13258 Valley Creek Trail, west of parcel. Stated that seasonal runoff comes from all the
125 farmland in the area. High nitrogen in their water, had to install filters. Critical to control. This will possibly
126 become a road with impervious surface. Need to consider future runoff if development happens. Also who
127 would be assessed for private driveway and public road?

128 Moose answered that the developer would cover costs, long term maintenance city responsibility.

129 Ken Conrad, owns land to south. Driveway will abut. If changed to public street is there change in taxes or
130 upkeep?

131 Moose replied if it is a public road the city maintains. If adjacent, you would have a double frontage lot.

132 Unsure if County assessor will change.

133 Conrad asked why can't the driveway be moved north? Also concerned about master plan.

134 General discussion was held over whether or not the future development should be discussed now during
135 the public hearing. Council member Richter pointed out that the applicant references future development
136 in the information for this application. Langan noted that the application specifically references converting
137 to a public road so does merit discussion.

138 Jennifer Backes, 2333 Neal. Concerned about runoff with the large valley there.

139 Erickson stated there will be culverts in that area to address runoff. The easement has to align with 22nd and
140 be adjacent as this is where the farm road is. Equipment can be staged elsewhere.

141
142 No other comments were received

143
144 **Motion/Second Patten/Bowman To close public hearing. Passed 6-0-0.**

145 Public hearing closed at 8:02 pm.

146
147 Discussion

148 Kopitzke asked if the proposed PLCD was in the public notice (no, just in the application)

149 Patten stated we always look at future plans, if known.

150 Kopitzke asked about the alternative - to bridge the waterway to the south

151 Langan stated he feels the driveway could be anywhere, it's here for convenience. He asked if
152 the DNR denied a bridge. Erickson replied the DNR would allow at narrowest point, clear span of 80'.
153 They are utilizing an old farm road at this location

154 Perkins stated she is uncomfortable with the unknowns. Intrusive for 1 home that doesn't exist and owner
155 doesn't own yet. The variance is on plight of the landowner.

156 Patten asked if there is a copy of the topo map? How far does farm road go back? (Meanders thru property)

157 Patten asked about the slope (8% within easement)

158 Kopitzke stated in the past could see water in the creek

159 Patten stated if falls under shoreland

160 Patten asked how much of 40 acres will remain farmland. (haven't decided)
161 Nelson asked how many culverts will be along the driveway (3, the width of the driveway).
162 Nelson asked why 66 wide? (for construction)
163 Nelson stated he is unsure why they need so much width. (for future)
164 Perkins potential runoff controls? (silt fence, bio logs, erosion blanket)
165 Perkins stated that the topography here is sensitive. Changing the land should be done in a way to improve
166 things, not negatively impact. Could they go across the tributary with a variance? (possibly). Perkins stated
167 that it seems like a lot for one home. The width, impact to other homeowners. Doesn't fit description of
168 plight of landowner for a variance.
169 Langan asked about the west side of Neal - there are homes that cross the tributary, were they built with
170 variance?
171 Moose replied it was before the ordinance regarding driveways in shoreland zones.
172 Kopitzke stated that one condition of doing a variance is to do as little as possible.
173 Moose noted that this is in a DNR protected waterway, if you build a bridge here it sets precedent as there
174 are many locations in Afton that are similar. The DNR leaves it up to the city to decide if a crossing will be
175 allowed. Then DNR and VCWD rules and regulations will apply to design.

176
177 **Motion/Second Bowman/Kopitzke To recommend the City Council grant a variance for 33' wide**
178 **driveway easement at northern portion of the 66' shown as the existing farm road; with condition**
179 **that this is not a preliminary PLCD approval; and improvement will be made to current runoff**
180 **conditions.**

181 Administrator Moose noted the maximum width for a driveway is 22'. How wide is easement v.s.
182 construction easement?

183 Conrad proposed 33' width to allow for drainage and pondage and temporary construction.

184 Moose recommended stating width of driveway easement, width of construction easement

185 **Bowman amend 33' to 22' wide on north side of proposed access with construction easement of 33'.**
186 **(Kopitzke second)**

187 Perkins stated that the variance language doesn't cover self-created circumstances by purchasing a property
188 that doesn't have access off a public road.

189 Administrator Moose stated the city attorney said the tributary crossing the property creates a unique
190 circumstance.

191 Perkins stated the creek has always been there, it's pre-existing. No one lives there yet. No access without
192 a variance.

193 **Motion Conditions**

- 194 **1. The subject parcel shall be given a Neal Avenue address to facilitate public safety access**
- 195 **2. A turnaround, meeting the requirements of Sec 12-84 E, shall be provided at the end of the**
- 196 **driveway to enable public safety vehicles to turn around to exit the property**
- 197 **3. The two subject parcels totaling 40 acres shall be combined**
- 198 **4. A driveway permit is required and the driveway shall meet all driveway standards and shall be**
- 199 **subject to review and approval by the City.**

200 **Four additional conditions:**

- 201 **5. Easement width not to exceed 22' on the north side of access**
- 202 **6. A construction easement granted as needed**
- 203 **7. This is not pre-approval for a PLCD**
- 204 **8. Construction must improve current runoff conditions**

205
206 **Motion Vote, 3-3. Split decision, Planning Commission doesn't recommend.**

207
208
209 C. Ordinance Amendment to allow Swimming Pool auto covers as alternative to a fence enclosure
210 Chair Kopitzke Opened the public hearing at 8:52 pm
211 Administrator Moose provided the following summary:

212 The City Code currently requires a fence enclosing a pool to prevent entry to the pool accidentally or
213 without proper supervision. Several residents have recently inquired about using an auto cover as an
214 alternative to a fence enclosure. While aesthetics and the difficulty of working a fence into existing patio
215 and backyard layouts are some primary reasons, the quality auto covers also provide a high level of safety
216 and security.

217 An auto cover is attached to the pool to fully cover the pool to prevent entry. Auto covers are not rigid,
218 but can support the weight of several adults. The proposed ordinance language requires the auto cover to
219 be able to support a minimum of 500 pounds. Auto covers can open and close electronically, and can be
220 connected to a key pad so that they can only be opened with a code. The ordinance language also
221 requires the auto cover to meet the American Society for Testing and Materials (ASTM) Standard F1346-
222 91 for auto covers and to be UL listed.

223 Approximately 60 cities and counties in the metro area now allow auto covers as an alternative to fence
224 enclosures for pools.

225 Because the fence requirement for pools is in the zoning code, a change to allow auto covers requires an
226 ordinance amendment with a public hearing. The Council has referred an ordinance amendment
227 regarding pool auto covers to the Planning Commission for a public hearing and a recommendation. The
228 ordinance amendment is attached. Also attached are ordinances from the Cities of Scandia and Inver
229 Grove Heights that allow pool auto covers as an alternative to fence enclosures for swimming pools.

230
231 Brian Warden 42nd St S, Stated he is considering a pool and would like the option to have an auto cover rather
232 than a fence. Seals off the pool rather than the deck.

233
234 No other comments were received

235
236 **Motion/Second Patten / Nelson To close the public hearing. Passed 6-0-0.**

237
238 Public hearing closed at 8:58 pm

239
240 Patten stated that he likes the concept

241 Kopitzke stated that a fence keeps animals and other people out; however he can see the merit of this.
242 Perkins stated that the homeowner has to remember to close the cover.

243 Warden stated that it is in the owner's best interest to keep it closed to reduce chemical use and evaporation
244 Langan stated that he has researched these covers. Insurance rates are higher, more accidents occur. They are

245 not sold as a safety barrier, sold as heat retention and evaporative barrier. That says something about liability.
246 The covers are often left open. Large municipalities are not approving. Should run through attorney to look at

247 liability. Opposed to.
248 Kopitzke asked about details in the ordinance language.

249 Langan stated he is concerned about relaxing the ordinance
250 Patten stated that the new ordinance language is stronger on fencing

251 Langan stated he concerned about liability and would like the city attorney to review.
252 Patten recommended adding "auto cover" language to item 13.

253 Perkins stated she is not comfortable eliminating fence requirement
254

255 **Motion/Second Patten/Perkins To continue the item discussion to the next planning commission meeting**
256 **when more members are present. And get legal opinion from attorney and information from city**
257 **engineer. Passed 5-0. (Bowman left meeting prior to discussion)**

258
259 **8. NEW BUSINESS - none**

260
261 **9. OLD BUSINESS –**

262 A. Update on City Council Actions
263 1. Council highlights from the July 17, 2018 City Council meeting

Council member Richter provided a summary of the Council meeting.

10. ADJOURN

Motion/Second Nelson/Langan To adjourn. Passed 6-0-0.

Meeting adjourned at 9:24 pm.

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on September 10, 2018 as (check one): Presented: _____ or Amended: _____

DRAFT

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

Planning Commission Memo

Meeting: September 10, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: September 5, 2018

Re: Application by Eric and Kaya Cook and Ken and Linda Johnson for a Minor Subdivision for a Lot Line Rearrangement at 3787 St. Croix Trail and 3752 River Road - **Public Hearing**

Eric and Kaya Cook and Ken and Linda Johnson have applied for a minor subdivision for a lot line rearrangement to transfer 1.8 acres of property from 3787 St. Croix Trail, to be combined with the property at 3752 River Road to make the 3752 River Road parcel conforming to the minimum 5-acre lot size. The application does not create any additional lots. The application is for a minor subdivision vs. a simple subdivision because the existing parcels are nonconforming. The 3752 River Road parcel is currently nonconforming regarding lot size. The 3787 St. Croix Trail parcel is nonconforming due to its access being provided through a private easement driveway through the 3752 River Road Parcel rather than directly from its frontage on St. Croix Trail. Access from St. Croix Trail is not possible due to very steep slopes.

The current and proposed lot sizes are as follows:

	<u>Current Lot Size</u>	<u>Proposed Lot Size</u>
3787 St. Croix Trail	18.4 Acres	16.6 Acres
3752 River Road	3.3 acres	5.1 acres

A survey showing the current and proposed parcels is attached.

Scenic Easements

The minor subdivision regulations require that all areas with slope of 12% or greater be placed into a scenic easement. Attached is a sketch showing the areas on the property with steep slopes. The surveyor is in the process of adding these steep slope areas to the survey. As indicated above, the parcel at 3787 St. Croix Trail is accessed through the 3752 River Road parcel with a private easement driveway. Portions of this driveway cross areas with slopes of 12% or greater. The existing driveway area should be exempted from the scenic easement restriction regarding driveways. The owners of the 3787 parcel would also like to extend the existing driveway on their property so that it is closer to the existing house. This may require a variance to enable disturbance of slopes greater than 12%. They are requesting the Planning Commission to consider an exception to the driveway restriction for a possible driveway extension, subject to approval of a variance application.

Findings

The following is a recommended set of findings. The Planning Commission may revise the findings as desired.

1. The two parcels in the proposed subdivision are zoned Rural Residential
2. The land to the south, west and east of the subdivision is zoned Rural Residential and the land to the north is zoned VHS-R.
3. The proposed minor subdivision does not create any additional lots.
4. The proposed subdivision adds 1.8 acres to the 3752 River Road parcel, which is currently nonconforming with a lot area of 3.3 acres vs. the required minimum lot area of 5.0 acres.

5. The parcel at 3787 St. Croix Trail obtains its access from a private driveway easement through the 3752 River Road parcel.
6. The parcels include areas with slopes of 12% and greater.

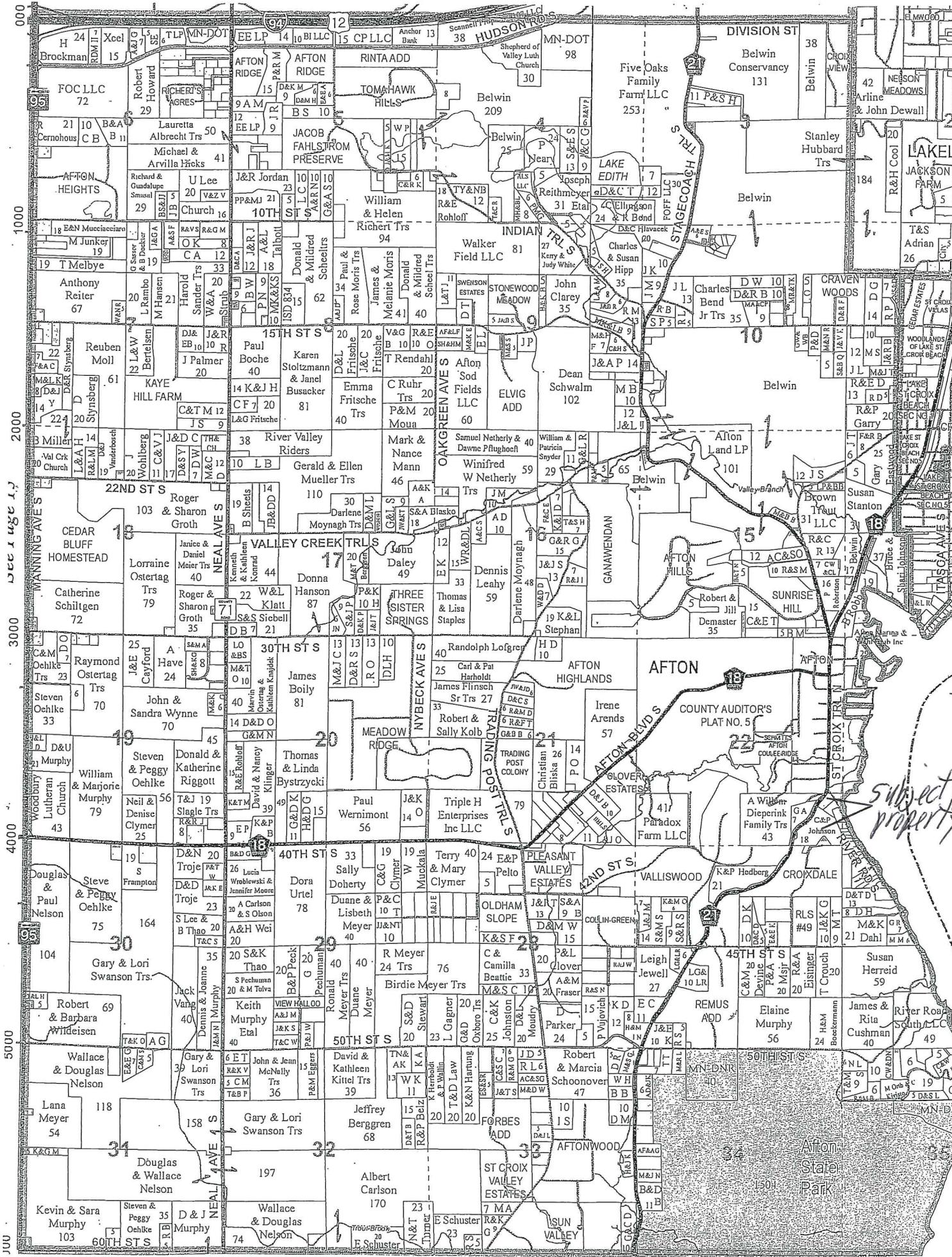
Conditions

If the Planning Commission decides to make a recommendation for approval, the following is a recommended set of conditions of approval. The Planning Commission may revise the conditions as desired.

1. Scenic easements shall be placed on all areas with slopes of 12% or greater.
2. The area of the existing driveway serving the 3787 St. Croix Trail parcel shall be exempted from the scenic easement restriction regarding driveways.
3. The property owners shall each execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision

Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning the Eric and Kaya Cook and Ken and Linda Johnson application for a minor subdivision at 3787 St. Croix Trail and 3752 River Road with findings, and conditions if applicable.



subject property

EASEMENT A

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota described as follows:

Commencing at the southeast corner of said Section 22; thence North 00 degrees 07 minutes 19 seconds East, along the east line of the Southeast Quarter of said section, 258.00 feet; thence North 22 degrees 54 minutes 55 seconds West 459.09 feet; thence Northwest 55 degrees 34 minutes 55 seconds West 395.88 feet to the POINT OF BEGINNING; thence North 55 degrees 34 minutes 55 seconds West 140.53 feet to a point on the easterly right of way line of St. Croix Trail South as shown on Washington County Highway Right of Way Plat Number 45 - C.S.A.H. 21, on record at the Washington County Register of Deeds Office, and a point of curvature; thence northeasterly, along said easterly right of way line, 151.55 feet along the arc of a non-tangential curve, concave to the southeast, with a central angle of 08 degrees 30 minutes 31 seconds, a radius of 1020.52 feet and a chord which bears North 32 degrees 13 minutes 54.5 seconds East 151.41 feet; thence South 00 degrees 31 minutes 46 seconds East 85.48 feet, thence South 37 degrees 58 minutes 36 seconds East 114.92 feet; thence South 49 degrees 07 minutes 19 seconds West 48.05 feet to the POINT OF BEGINNING.

This easement contains 12,251 square feet - 0.281 acres, more or less.

EASEMENT B

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota described as follows:

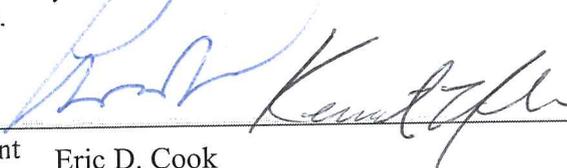
Commencing at the southeast corner of said Section 22; thence North 00 degrees 07 minutes 19 seconds East, along the east line of the Southeast Quarter of said section, 258.00 feet; thence North 22 degrees 54 minutes 55 seconds West 459.09 feet; thence Northwest 55 degrees 34 minutes 55 seconds West 395.88 feet to the POINT OF BEGINNING; thence North 49 degrees 07 minutes 19 seconds East 48.05 feet; thence South 43 degrees 11 minutes 39 seconds East 216.65 feet; thence North 55 degrees 34 minutes 55 seconds West 223.80 feet to the POINT OF BEGINNING.

This easement contains 5,201 square feet - 0.119 acres, more or less.

RECEIVED
AUG 23 2018
CITY OF AFTON

Z18-24

CITY OF AFTON
MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
Eric & Keya Cook	3787 St. Croix Trail S	Afton	MN	55001	612-805-3598
Applicant (if different than owner)	Address	City	State	Zip	Phone
Eric & Keya Cook	3787 St. Croix Trail S	Afton	MN	55001	612-805-3598
Project Address					
3787 St. Croix Trail S (Eric & Keya Cook)/3752 River Road S (Ken & Linda Johnson)		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
RR	Residential	22.028.20.44.0017/22.028.20.44.0002			
Description of Request Applicant requests approval for a transfer of 1.8 acres from 3787 and combining it with an adjoining property located at 3752 River Road. Applicant further requests approval for driveway easements. 1.8 acres and easements are referenced on Survey.					
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 Eric D. Cook					August 20, 2018 Date
Make checks payable to City of Afton:					
<u>FEES:</u>		<u>Escrow:</u>			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
				DATE PAID:	<u>8-23-18</u>
				CHECK #:	<u>100</u>
				RECVD. BY:	<u>[Signature]</u>
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

Receipt:# 402979

WAR \$46.00
CONV \$5.00
SDT \$1699.50
Transferred Entered
CRV Filed
No Delinquent Taxes

Return to:
SOLUTIONSTAR/TITLE365 -
PENN
ATTN: RACHEL ROHBECK
345 ROUSER ROAD, SUITE
300
CORAOPOLIS PA 15108

4161085



Certified Filed and/or recorded on:

7/17/2018 1:55 PM

4161085

Office of the County Recorder
Washington County, Minnesota
Jennifer Wagenius, County Recorder
Kevin Corbid, Auditor Treasurer

File Number: DS7110-18000472

eCRV Number: 828011

Deed Tax Due: \$ 11699.50

After Recording Return to:
Title365
345 Rouser Road, Bldg 5, Ste 101
Coraopolis, PA 15108

TAX MAILING ADDRESS: Eric D. Cook and Keya M. Cook, 2098 Cottage Grove Drive,
Woodbury, MN 55129

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER

~~22-028-20-44-0017~~ 22.028.20.44.0017

SPECIAL WARRANTY DEED

Nationstar Mortgage LLC, hereinafter grantor, whose tax-mailing address is 8950 Cypress Waters Blvd., Coppell, TX 75019, for \$515,000.00 (Five Hundred Fifteen Thousand Dollars and Zero Cents) in consideration paid, grants with covenants of special warranty to Eric D. Cook and Keya M. Cook, hereinafter grantees, whose tax mailing address is 2098 Cottage Grove Drive, Woodbury, MN 55129, the following real property:

The land hereinafter referred to is situated in the City of Afton, County of Washington, State of MN, and is described as follows:

Lying and being in the County of Washington, and legally described as follows:

Parcel 1:

That part of SE ¼ of the SE ¼ of Section 22, Township 28, Range 20, described as follows: Beginning at the SE corner of said Section 22; thence North 0 degrees, 31 minutes along the East line of said Section 22 for a distance of 258 feet; thence North 22 degrees 30 minutes 42 seconds West for 463.5 feet; thence North 55 degrees 10 minutes 42 seconds West for 145 feet; thence South 26 degrees 13 minutes 49 seconds West for 514.51 feet; thence South 60

degrees, 35 minutes, 41 seconds West for 40 feet to the intersection with a line run 300 feet North of as measured at right angles and parallel to the South line of the said SE quarter of said SE quarter of said Section 22: thence South 89 degrees 51 minutes 44 seconds West along said parallel line for 570.63 feet to the center line of St. Croix Trail; thence South 2 degrees 41 minutes 40 seconds East along said centerline for 73.08 feet; thence South 43 degrees 17 minutes West along said center line for 181.35 feet; thence South 19 degrees 56 minutes 28 seconds West along said center line for 101.44 feet to the South line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 22; thence North 89 degrees 51 minutes 44 seconds East along said South line for 1285.42 feet to the point of beginning except that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 28, Range 20 described as follows:

Beginning at a point of the South line of said Section 22 distant 273.92 feet West of the SE corner of said Section; thence South 88 degrees 42 minutes 44 seconds West (assumed bearing) along said South line 378.85 feet; thence North 32 degrees 49 minutes 29 seconds East 220.94 feet; thence North 37 degrees 20 minutes 56 seconds East, 49.50 feet; thence North 60 degrees 02 minutes 56 seconds East, 61.60 feet; thence South 36 degrees 59 minutes 36 seconds East, 291.27 feet to an iron pipe; thence South 1 degree 17 minutes 16 seconds East, 14.62 feet to the point of beginning.

Parcel 2:

All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 28, Range 20, Washington County, Minnesota that is described as follows: Commencing at the Southeast corner of said Section 22; thence North 0°0'31" East, along the East line of said Section 22, for 258.0 feet; thence North 22°30'42" West for 463.5 feet; thence North 55°10'42" West for 145.00 feet to the point of beginning; thence continuing North 55°10'42" West for 412.92 feet to the centerline of St. Croix Trail (Coulee Road); thence South 27°59'07" West along said centerline, for 481.64 feet; thence South 57°25'56" West, along said centerline for 323.78 feet; thence South 2°42'20" East, along said centerline, for 107.27 feet to the intersection with a line run 300.00 North of, as measured at right angles, and parallel to the South line of the Southeast Quarter Southeast Quarter of said Section 22; thence North 89°51'44" East, along said parallel line for 570.63 feet; thence North 60°35'41" East for 40.00 feet; thence North 26°13'49" East for 514.51 feet to the point of beginning.

Parcel 3:

All that part of Government Lot 4, Section 23, Township 28, Range 20, lying South of a line described as follows: Commencing at a point on the west line of said Government Lot, 258 feet North of the Southwest corner of said lot; thence Easterly and parallel with the South line of said Lot, 35 feet to a point (hereinafter called "Point A"); thence Easterly and parallel with the South line of said lot, 30 feet to a point; thence South 18 degrees 30 minutes East 84.05 feet to a point; thence East and parallel with the South line of said lot to the West Shore of Lake St. Croix and there terminating. Except that part of said Government Lot 4 lying South of the following described line: Commencing at the Southwest corner of said Government Lot 4; thence Northeasterly to a point which is 222 feet Southeasterly of Point A on a line running South 18 degrees 30 minutes East from said Point A, at the intersection

of said line with the center of creek; thence Northeasterly along the center line of said creek to its intersection with the River Road as now located and traveled, said intersection being 90 feet, more or less, north of the south line of said Government Lot 4, thence east and parallel with said South line of said lot to the West Shore of Lake St. Croix and there terminating.

APN: 22-028-20-44-0017

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behalf of the grantees forever.

Grantor covenants to and agrees with Grantee, that Grantor will warrant and defend the property conveyed unto the Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through, from, or under the Grantor and no others whatsoever.

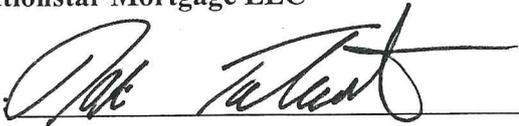
The seller(s)/grantor(s) certify that he/she/they do not know of any wells on the described real property.

If a well does exist on the property, a well disclosure certificate accompanies this document.

The seller(s)/grantor(s) are familiar with the property described in this instrument and he/she/they certify that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate.

Executed by the undersigned on May 8, 2018:

Nationstar Mortgage LLC

By: 

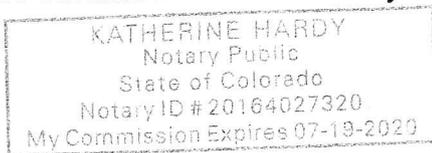
Printed Name: Noemi Talamantes

Its: Assistant Secretary

STATE OF Colorado

COUNTY OF Douglas

The foregoing instrument was acknowledged before me on May 8, 2018 by Noemi Talamantes its Assistant Secretary on behalf of **Nationstar Mortgage LLC**, who has produced Assistant Secretary Cert as identification, and furthermore, the aforementioned person has acknowledged that his/her signature was his/her free and voluntary act for the purposes set forth in this instrument.




Notary Public

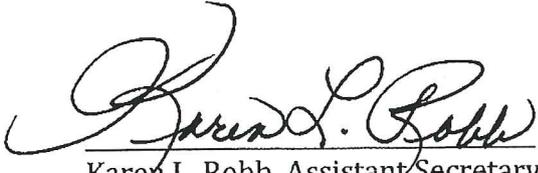
This instrument prepared by:

Jay A. Rosenberg, Esq., Minnesota Bar Number 0397875; Rosenberg LPA, Attorneys At Law,
3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax: (866) 611-0170.

Exhibit
Assistant Secretary's Certificate

I, Karen L. Robb, the duly elected, qualified and acting Assistant Secretary of Nationstar Mortgage LLC, a limited liability company duly organized and existing under the laws of the State of Delaware (the "Company"), hereby certify that I have access to the records and minutes of the proceedings of the Board of Managers of the Company, that pursuant to resolutions of the Board of Managers of the Company, each of the individuals on the attached Exhibit A has been duly delegated to the position set opposite his or her name with authority to execute the types of documents set forth beside his or her name, effective as of the dates set forth, and that such appointments have not in any way been rescinded, modified or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Company on May 3, 2017.


Karen L. Robb, Assistant Secretary



Nicole Lugar	Assistant Secretary	n/a	Lien Releases, Endorsements, Affidavits, Allonges, Assignments, Transfer Documents, Certifications, any other similar (Document)	01/14/15
Nicole Veney	Assistant Secretary	n/a	Lien Releases, Endorsements, Allonges, Affidavits, Assignments, Transfer Documents, Certifications, any other similar (Documents)	06/25/15
Nisha Patel	Limited Vice President	n/a	Reconveyance, Satisfaction of Mortgage, MERS Documents, GNMA Documents, Assignments, Lien Releases, Instruments of Conveyance and other similar (Documents)	08/08/16
Nita Patel	Assistant Secretary	n/a	Foreclosure Documents, Assignments, Affidavits, Deeds, Instruments of Conveyance, any other similar (Document)	07/17/12
Noah Heldt	Assistant Secretary	n/a	Assignments, REO Property Sales Contract (Document), HUD-1 or Similar Form (Document), Deeds, Instruments of Conveyance, any other similar (Document)	07/01/11
Noemi Talamantes	Assistant Secretary	n/a	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)	04/13/17
Norse Lockhart	Assistant Secretary	n/a	Foreclosure Documents, Assignments, Affidavits, Deeds, Instruments of Conveyance, any other similar (Documents), MERS Documents, GNMA Documents	06/18/15
Omar Basped	Assistant Secretary	n/a	Allonges, Loan Mods Agreements, MERS Documents, Assignments, Lien Releases, GNMA Documents, Instruments of Conveyance and other similar documents	08/19/16
Paige Baudin	Assistant Secretary	n/a	Loan Modification Agreements, Affidavits, Intake Sheets, Tax Information, Certificate of Residence, Form FP 7/C, MERS Documents, GNMA Documents, HUD Subordinate Documents, 258A Affidavits, Assumption Agreements	11/17/15
Paige Cornuauud	Assistant Secretary	n/a	Allonges, Loan Mods Agreements, MERS Documents, Assignments, Lien Releases, GNMA Documents, Instruments of Conveyance and other similar documents	08/19/16
Parivash Amini	Assistant Secretary	n/a	Endorsements, Allonges, Assignments, MERS Documents	07/17/12
Patricia Brown	Assistant Secretary	Foreclosure Specialist	Foreclosure Documents, Assignments, Affidavits, Deeds, Instruments of Conveyance, any other similar (Document)	10/24/13
Patricia McCutchen	Assistant Secretary	n/a	REO Property Sales Contract (Document), HUD or Similar Form (Document), Deeds, Assignments, Affidavits, Instruments of Conveyance, Other Similar (Document)	08/14/15
Patricia White	Assistant Secretary	Assistant Vice President	Allonges, Loan Mods Agreements, Assignments, Lien Releases, GNMA Documents, Instruments of Conveyance and other similar (Documents)	10/03/16
Patrick Michael De Jesus	Assistant Secretary	n/a	Foreclosure Documents, Assignments, Affidavits, Deeds, Instruments of Conveyance, any other similar (Document), MERS Documents	04/08/14
Patrick Odimula	Assistant Secretary	n/a	Loan Modification Agreements, Affidavits, Intake Sheets, Tax Information, Certificate of Residence, Form FP 7/C, MERS Documents, GNMA Documents, HUD Subordinate Documents, 258A Affidavits, Assumption Agreements	08/13/15
Patrick Struck	Assistant Secretary	n/a	Affidavits	11/18/10
Patrick Valliere	Assistant Secretary	n/a	Foreclosure Documents, Bankruptcy Documents, Proofs of Claim, Reaffirmation Agreements, Assignments, Affidavits, Deeds, Instruments of Conveyance, any other similar (Document)	01/25/16

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

Planning Commission Memo

Meeting: September 10, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: September 5, 2018

Re: Application by Ken and Linda Johnson for a Variance at 3752 River Road - **Public Hearing**

To consider an application by Ken and Linda Johnson for a variance at 3752 River Road to allow an addition to their existing house that would have a setback of 121 feet from the centerline of St. Croix Trail vs. the required setback of 150 feet. The existing house, which was built in 1875, has a legally nonconforming setback of 100 feet from the centerline of St. Croix Trail. The proposed addition is on the side of the house facing away from St. Croix Trail, but also extends south of the existing house at a setback of 121 feet from the centerline of CR 21 vs. the required 150 foot setback, which causes the need for the setback variance (see the attached site plan).

The proposed addition extends to the south of the existing house to avoid eliminating the only remaining window facing east from the kitchen and family room. The existing driveway that accesses the property along the south side of the house from St. Croix Trail would be eliminated. The proposed addition would be a non-rental guest apartment that would enable the Johnsons to remain in the house under the care of one of their two children at such time as that would become necessary.

Findings

The following is a recommended set of findings. The Planning Commission may revise the findings as desired.

1. The subject property is zoned Rural Residential, as are the properties to the south, east and west. The property to the north is zoned VHS-R. A portion of the property is bounded on the east by the St. Croix River.
2. The existing house was built in 1875, prior to the existence of St. Croix Trail.
3. The existing house is located 100 feet from the centerline of St. Croix Trail vs. the required setback of 150 feet.
4. The proposed addition is located 121 feet from the centerline of St. Croix Trail.
5. The existing house has a kitchen that faces east located in the southeastern portion of the house.
6. If the addition was to be located completely to the east of the existing house, the only window facing east from the kitchen and the family room would be eliminated.

Conditions

If the Planning Commission decides to make a recommendation for approval, the following is a recommended set of conditions of approval. The Planning Commission may revise the conditions as desired.

1. The existing bituminous driveway located directly to the south of the existing house shall be completely removed.

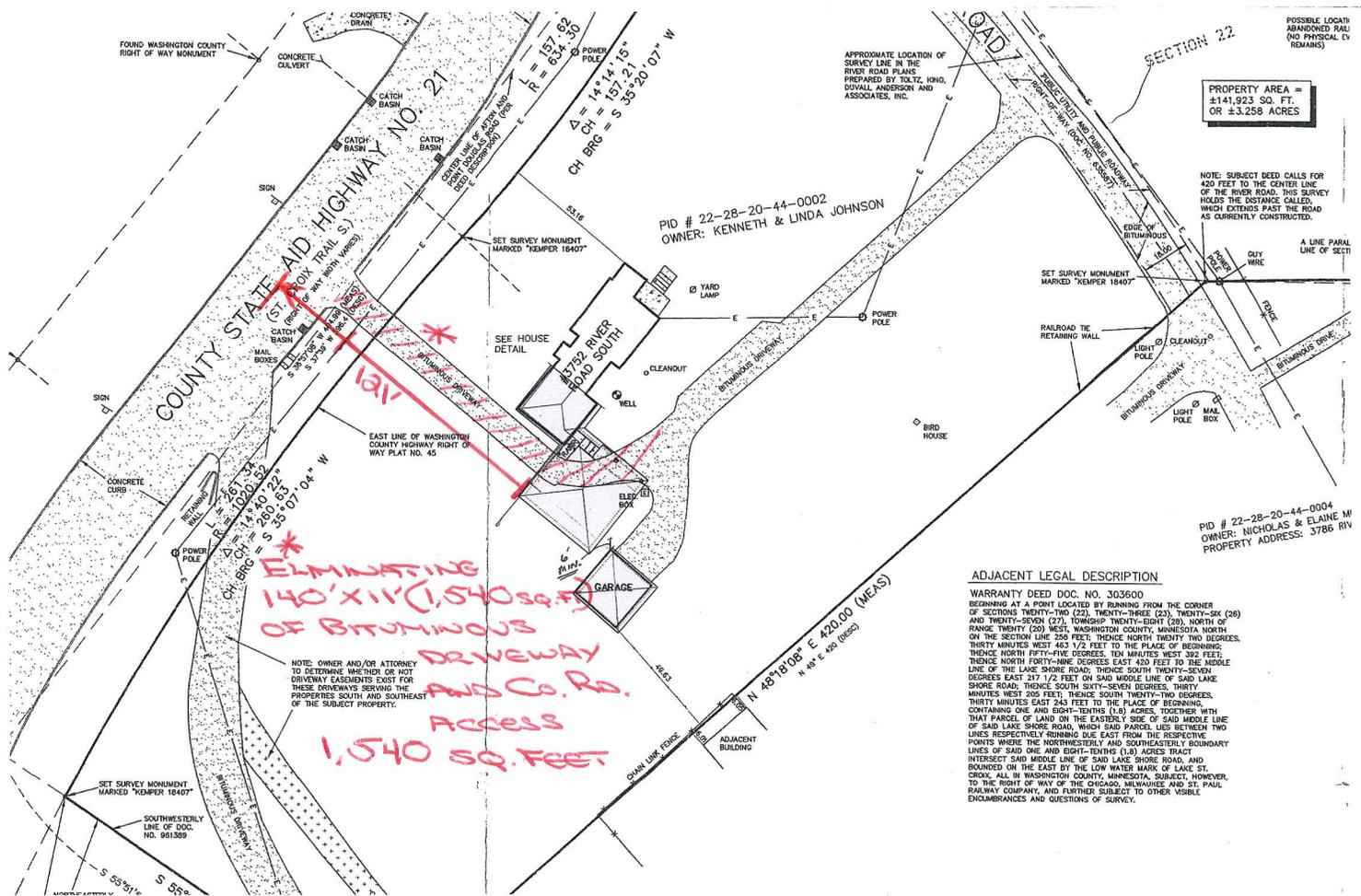
Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning the application by Ken and Linda Johnson for a Variance at 3752 River with findings, and conditions if applicable.

FLOOR & ROOF LOADING			
FLOOR FINISH	LOAD PER SQ. FT.	ROOF FINISH	LOAD PER SQ. FT.
CONCRETE	150	GRAVEL	10
CEILING	10	WOOD SHAKES	10
WALLS	20	ROOFING	10
MEASUREMENTS	AS SHOWN	MEASUREMENTS	AS SHOWN

ABC Arrow
 BUILDING CENTER
 876 COUNTY ROAD U
 HUDSON, WI 54096
 PH: 763.288.2271
 FAX: 763.288.2804

BID SET
REVISION DATE
8.15.2018
DATE SET DATE



PROPERTY AREA =
 ±141,923 SQ. FT.
 OR ±3.258 ACRES

NOTE: SUBJECT DEED CALLS FOR 420 FEET TO THE CENTER LINE OF THE RIVER ROAD. THIS SURVEY HELDS THE DISTANCE CALLED, WHICH EXTENDS PAST THE ROAD AS CURRENTLY CONSTRUCTED.

PID # 22-28-20-44-0004
 OWNER: NICHOLAS & ELAINE M
 PROPERTY ADDRESS: 3786 RIV

ADJACENT LEGAL DESCRIPTION

WARRANTY DEED DOC. NO. 303600
 BEGINNING AT A POINT LOCATED BY RUNNING FROM THE CORNER OF SECTIONS TWENTY-TWO (22), TWENTY-THREE (23), TWENTY-SIX (26) AND TWENTY-SEVEN (27), TOWNSHIP TWENTY-EIGHT (28), NORTH OF RANGE TWENTY (20) WEST, WASHINGTON COUNTY, MINNESOTA, NORTH ON THE SECTION LINE 258 FEET, THENCE NORTH TWENTY TWO DEGREES, THIRTY MINUTES WEST 483 1/2 FEET TO THE PLACE OF BEGINNING; THENCE NORTH FIFTY-FIVE DEGREES, TEN MINUTES WEST 392 FEET, THENCE NORTH FORTY-NINE DEGREES EAST 420 FEET TO THE MIDDLE LINE OF THE LAKE SHORE ROAD; THENCE SOUTH TWENTY-SEVEN DEGREES NORTH 217 1/2 FEET ON SAID MIDDLE LINE OF SAID LAKE SHORE ROAD; THENCE SOUTH SIXTY-SEVEN DEGREES, THIRTY MINUTES WEST 205 FEET, THENCE SOUTH TWENTY-TWO DEGREES, THIRTY MINUTES EAST 243 FEET TO THE PLACE OF BEGINNING, CONTAINING ONE AND EIGHT-TENTHS (1.8) ACRES, TOGETHER WITH THAT PARCEL OF LAND ON THE EASTERLY SIDE OF SAID MIDDLE LINE OF SAID LAKE SHORE ROAD, WHICH SAID PARCEL LIES BETWEEN TWO LINES RESPECTIVELY RUNNING DUE EAST FROM THE RESPECTIVE POINTS WHERE THE NORTHWESTERLY AND SOUTHEASTERLY BOUNDARY LINES OF SAID ONE AND EIGHT-TENTHS (1.8) ACRES TRACT INTERSECT SAID MIDDLE LINE OF SAID LAKE SHORE ROAD, AND BOUNDED ON THE EAST BY THE LOW WATER MARK OF LAKE ST. CROIX, ALL IN WASHINGTON COUNTY, MINNESOTA, SUBJECT, HOWEVER, TO THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY, AND FURTHER SUBJECT TO OTHER VISIBLE ENCUMBRANCES AND QUESTIONS OF SURVEY.

NOTE: OWNER AND/OR ATTORNEY TO DETERMINE WHETHER OR NOT DRIVEWAY EASEMENTS EXIST FOR THESE DRIVEWAYS SERVING THE PROPERTIES SOUTH AND SOUTHEAST OF THE SUBJECT PROPERTY.

HOMEOWNER, CONTRACTOR AND CITY INSPECTOR TO VERIFY ALL DIMENSIONS IN RELATION TO PROPERTY LINES AND SETBACKS AND EASEMENTS

SITE PLAN
 1" = 20'-0"

PRELIMINARY
 PROPERTY OF ARROW BUILDING CENTER

DIMENSIONS, DRIVEWAY & BUILDING LOCATIONS ARE APPROXIMATE FIELD VERIFY

BUILDER NAME
JOHNSON HOME ADDITION
 3786 SOUTH RIVER ROAD, AFTON, MN 55001

DATE	DATE
SCALE 1/4" = 1'-0" OR AS NOTED	DATE
1-1	DATE

City of Afton, Minnesota VARIANCE QUESTIONNAIRE

Applicants Kenneth L. and Linda L. Johnson
Phone Home 651-436-1107 Cell 651-387-6587 (Ken) 651-346-9494 (Linda)
Mailing Address 3752 River Road South, Afton
Property Address for variance Same as above

Variance request description: Requesting a variance for set back from County Road 21 in order to build an attached mother-in-law apartment to existing home.

Criteria #1 Our home was built in the late 1880's and Ken's grandfather purchased the home in 1905 from the Pennington sisters. His father and aunt were born in the house. Ken's father purchased the home in 1960 and that is when Ken first moved in. We purchased it in 1977 and built the kitchen/family room addition and our sons were the fourth generation in the home. As a family we hope to remain in the house as long as possible and it will be turned over to the next generation. The mother-in-law apartment would allow for us to remain on the property under care of one of our two children (both of whom want the house) and their children would someday inherit the house.

Due to the position of the existing house on the property and the location of our reasonably new garage, (along with restrictions of building closer to the river) the proposed site for the new apartment is the only one that would not cut off the kitchen window and leave no outside air or light to the existing kitchen/family room from that direction.

Criteria #2 When the current home was constructed there was not a County Road on the western side of the building and from attached survey you can see the home is only 53.16 feet from the edge of the right of way. Proposing to add to the rear of the house would put the addition closer than our proposed 121' and moving it to the east would block access to our garage.

The proposed site will eliminate the driveway entrance from County Road 21 and remove approximately 1,540 square feet of impervious/bituminous surface (140' x 11').

Criteria #3 Due to the narrowness of our lot and the fact that much of it falls in the river protection area, and a close neighbor to the east, and bluffs behind this is the only possible building site according to our builder and our architect.

Criteria #4 As third generation homeowners we did nothing to contribute to these circumstances and it was the change of County setbacks that created this problem. In 1977 we added on the kitchen/family room and received all required permits and that entire addition is within the 150' setback.

Criteria #5 No

Criteria #6 Yes, and as the proposed apartment would be 121' from the County road center line the request is for a less than a 30' variance.

Criteria #7 No, our request would not be detrimental to the ordinance or to properties in the same zone. The drawings show the proposed building would have the same windows, siding, roof line and color, railings and decking as the current building. It would enhance the property not detract from it or the surrounding neighbor's homes.

Criteria #8 No, or only in the sense that we wish to be able to remain on our property under the care of our children in the future.

Criteria #9 No

Criteria #10 No

- FLOOR & ROOF LOADING -			
DECK LOADS (LIVE/FIN)	ROOF LOADS (LIVE/DEAD)	WIND (MIN/MAX)	SEISMIC (LIVE/DEAD)
10/20	20/40	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2
5/10	10/20	15/15	0.2/0.2

ABC Arrow
BUILDING CENTER

876 COUNTY ROAD JJ
Hudson, WI 54096
PH: 762.863.3131
FAX: 762.862.8504

BID SET
8.15.2018

CHECK SET DATE
CHECK SET DATE
FINAL CHECK SET DATE
REVISION DATE
REVISION DATE

BUILDER NAME
JOHNSON HOME ADDITION
3182 SOUTH RIVER ROAD, AFTON, MN 55001

ALL WORK SHOWN ON THESE PLANS IS CONCEPTUAL ONLY AND IS NOT TO BE CONSIDERED A CONTRACT DOCUMENT. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND REQUIREMENTS FOR AND FURNISH ALL BLOCKINGS, STIFFENERS, BRACING, FASTENERS, HARDWARE, ETC. NECESSARY FOR INSTALLATION.

DESIGN AND FURNISH HEADERS AS REQUIRED AT ALL BEARING WALL AND NON-BEARING WALL CONDITIONS. SIZE AS REQUIRED TO CARRY ANY POINT LOAD CONDITIONS FROM ABOVE.

WHERE WOOD FRAMING SIZES ARE INDICATED, MANUFACTURER TO VERIFY SIZE AND SPACING REQUIRED TO MAINTAIN MINIMUM L/480 DEFLECTION.

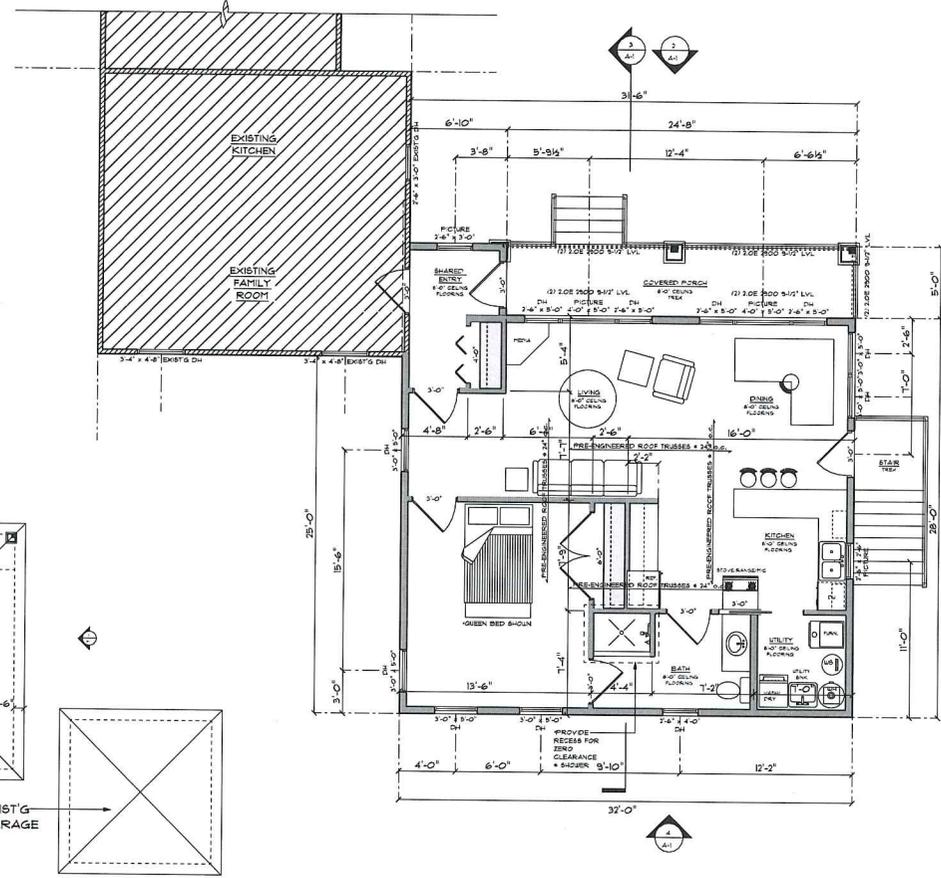
CONCRETE CONTRACTOR TO VERIFY SLAB SIZE AND REINFORCING REQUIREMENTS PER CODE.

MAINTAIN MIN. 3" CLEAR COVER TO REINFORCING.

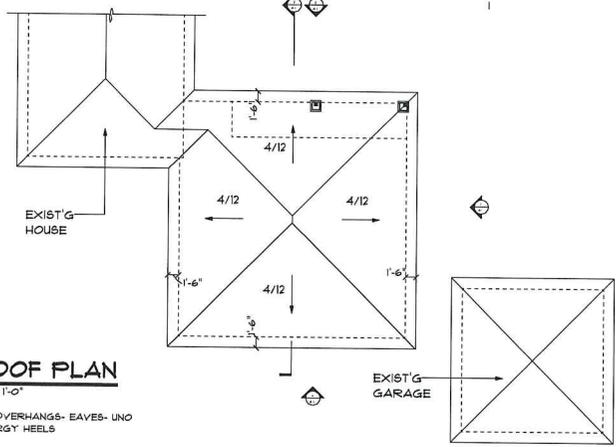
SLAB DESIGN BASED ON AN ALLOWABLE SOIL BEARING PRESSURE OF 2,000 PSF. THIS VALUE TO BE VERIFIED BY CONTRACTOR. NOTIFY OWNER IF QUESTIONABLE SOILS ENCOUNTERED.

ALL HEADERS TO BE (2) 2X10'S UNLESS OTHERWISE NOTED.

ALL HEADERS 6'-0" WIDE AND LARGER TO HAVE MINIMUM OF 2 TRIMMERS UNDER EACH END UNLESS OTHERWISE NOTED.



MAIN LEVEL
1/4" = 1'-0"



ROOF PLAN
1/8" = 1'-0"
-24" OVERHANGS- EAVES- UNO
-ENERGY HEELS

ALL WOOD I-JOIST FRAMING, HEADERS, WOOD LVL OR STEEL BEAMS AND ROOF TRUSSES INDICATED ON THESE PLANS IS CONCEPTUAL ONLY AND ARE TO BE DESIGNED BY THE MANUFACTURER. VERIFY ALL POINT LOAD AND BEARING CONDITIONS AND COORDINATE POSTS AND BEARING REQUIREMENTS WITH THE BUILDER. FOLLOW MANUFACTURERS RECOMMENDATIONS AND REQUIREMENTS FOR AND FURNISH ALL BLOCKINGS, STIFFENERS, BRACING, FASTENERS, HARDWARE, ETC. NECESSARY FOR INSTALLATION.

DESIGN AND FURNISH HEADERS AS REQUIRED AT ALL BEARING WALL AND NON-BEARING WALL CONDITIONS. SIZE AS REQUIRED TO CARRY ANY POINT LOAD CONDITIONS FROM ABOVE.

WHERE WOOD FRAMING SIZES ARE INDICATED, MANUFACTURER TO VERIFY SIZE AND SPACING REQUIRED TO MAINTAIN MINIMUM L/480 DEFLECTION.

CONCRETE CONTRACTOR TO VERIFY SLAB SIZE AND REINFORCING REQUIREMENTS PER CODE.

MAINTAIN MIN. 3" CLEAR COVER TO REINFORCING.

SLAB DESIGN BASED ON AN ALLOWABLE SOIL BEARING PRESSURE OF 2,000 PSF. THIS VALUE TO BE VERIFIED BY CONTRACTOR. NOTIFY OWNER IF QUESTIONABLE SOILS ENCOUNTERED.

PRELIMINARY
PROPERTY OF ARROW BUILDING CENTER

GENERAL NOTES

MAIN LEVEL (ADDITION):
863 TOTAL SQ. FT.
FIELD VERIFY ALL PLATE HEIGHTS
MARVIN WINDOWS- VERIFY WITH OWNER
ALL HEADERS TO BE (2) 2X10'S UNLESS OTHERWISE NOTED.

ALL HEADERS 6'-0" WIDE AND LARGER TO HAVE MINIMUM OF 2 TRIMMERS UNDER EACH END UNLESS OTHERWISE NOTED.

718-23

RECEIVED

AUG 23 2018

CITY OF AFTON

CITY OF AFTON VARIANCE APPLICATION

Owner	Address	City	State	Zip	Phone
Kenneth & Linda Johnson 3752-River Road So. Afton, MN 55001 651-436-1107					
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
3752-River Road So. AFTON MN 55001					
Zoning Classification	Existing Use of Property	PID# or Legal Description			
RR	RESIDENTIAL	22.028.20.44.0002			
Please list the section(s) of the code from which the variance(s) are requested.					
SET BACK FROM COUNTY ROAD					
Description of Request					
REQUEST TO BUILD AN ATTACHED MOTHER-IN-LAW SPACE TO OUR EXISTING HOME.					
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		
Kenneth Johnson Linda L. Johnson			8/20/18		
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.					
FEES:		DEPOSITS:			
Variance	\$250	\$600	TOTAL: \$850.00		
Renewal/Extension	\$250	\$350	DATE PAID: 8-20-18		
			CHECK #: 188442679		
			RECVD BY: [Signature]		
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

EXHIBIT OF LAND EXCHANGE BETWEEN COOK AND JOHNSON

Located in the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West and part of Government Lot 4 of Section 23, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota.

LEGEND

- ⊙ FOUND COUNTY SECTION CORNER, AS NOTED
- SET 1-3/8" X 18" CAPPED IRON PIPE, WEIGHING 1.50 LBS. PER FOOT, UNLESS NOTED
- FOUND 3/4 INCH IRON PIPE, UNLESS NOTED
- ⊙ JUDICIAL LAND MONUMENT
- ⊙ WASHINGTON COUNTY R.O.W. MONUMENT, 2 INCH ALUMINUM CAP, STAMPED AS NOTED

LINE TABLE

LINE	BEARING	LENGTH
L1	N81°20'04"E	37.03'
L2	N84°27'51"E	38.03'
L3	N74°07'05"E	16.05'
L4	N56°56'17"E	12.40'



BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, T28N, R20W; LINE BEARS N00°07'19"E

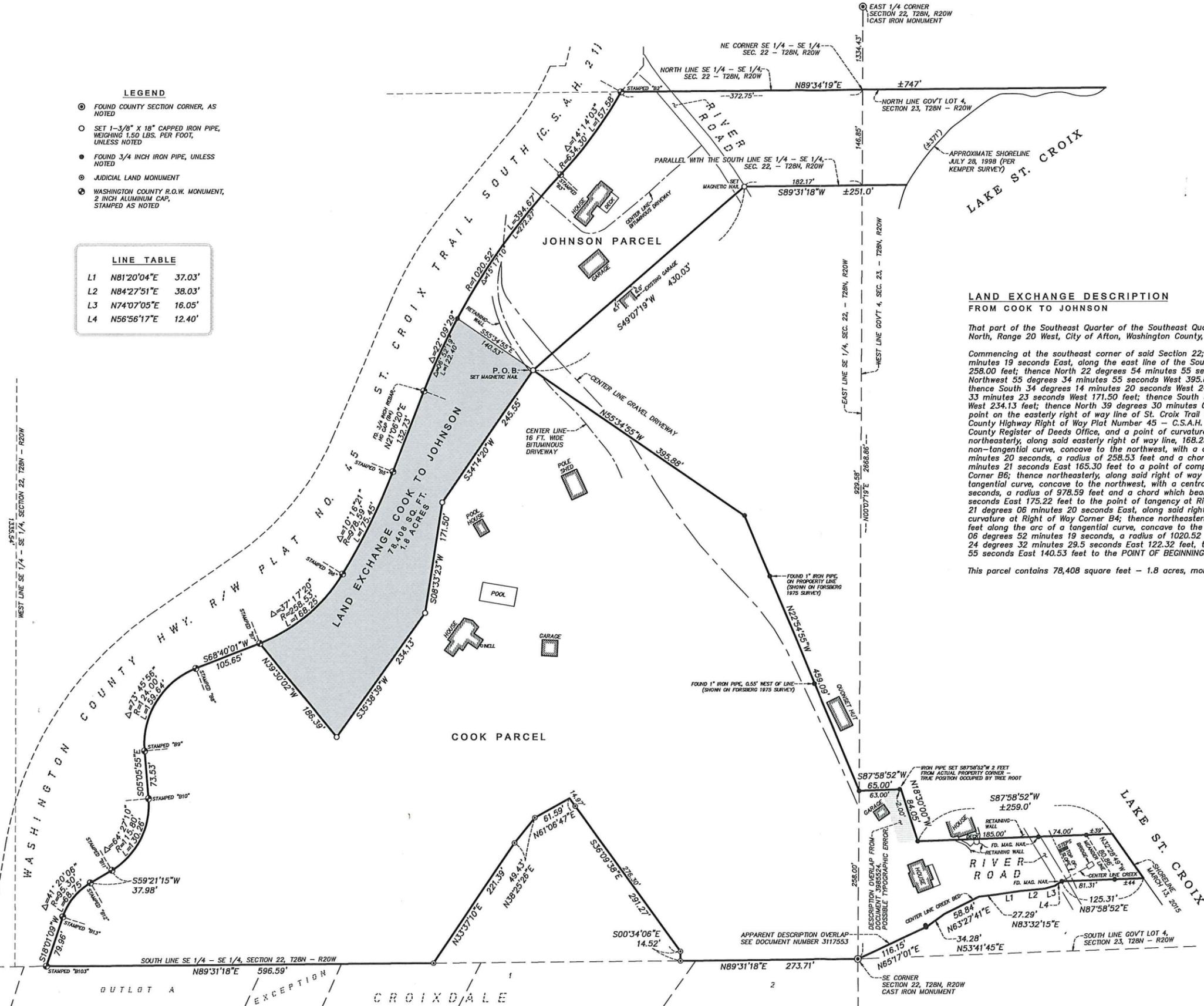
0 40 80 160
1 INCH = 80 FEET

LAND EXCHANGE DESCRIPTION FROM COOK TO JOHNSON

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota described as follows:

Commencing at the southeast corner of said Section 22; thence North 00 degrees 07 minutes 19 seconds East, along the east line of the Southeast Quarter of said section, 258.00 feet; thence North 22 degrees 54 minutes 55 seconds West 459.09 feet; thence Northwest 55 degrees 34 minutes 55 seconds West 395.88 feet to the POINT OF BEGINNING; thence South 34 degrees 14 minutes 20 seconds West 245.55 feet; thence South 08 degrees 33 minutes 23 seconds West 171.50 feet; thence South 35 degrees 38 minutes 39 seconds West 234.13 feet; thence North 39 degrees 30 minutes 02 seconds West 186.39 feet to a point on the easterly right of way line of St. Croix Trail South as shown on Washington County Highway Right of Way Plat Number 45 - C.S.A.H. 21, on record at the Washington County Register of Deeds Office, and a point of curvature at Right of Way Corner B7; thence northeasterly, along said easterly right of way line, 168.25 feet along the arc of a non-tangential curve, concave to the northwest, with a central angle of 37 degrees 17 minutes 20 seconds, a radius of 258.53 feet and a chord which bears North 50 degrees 01 minutes 21 seconds East 165.30 feet to a point of compound curvature at Right of Way Corner B6; thence northeasterly, along said right of way line, 175.45 feet along the arc of a tangential curve, concave to the northwest, with a central angle of 10 degrees 16 minutes 21 seconds, a radius of 978.59 feet and a chord which bears North 26 degrees 14 minutes 30.5 seconds East 175.22 feet to the point of tangency at Right of Way Corner B5; thence North 21 degrees 06 minutes 20 seconds East, along said right of way, 132.73 feet to a point of curvature at Right of Way Corner B4; thence northeasterly, along said right of way, 122.40 feet along the arc of a tangential curve, concave to the southeast, with a central angle of 06 degrees 52 minutes 19 seconds, a radius of 1020.52 feet and a chord which bears North 24 degrees 32 minutes 29.5 seconds East 122.32 feet, thence South 55 degrees 34 minutes 55 seconds East 140.53 feet to the POINT OF BEGINNING.

This parcel contains 78,408 square feet - 1.8 acres, more or less.



WEST LINE SE 1/4 - SE 1/4, SECTION 22, T28N - R20W

SOUTH LINE SE 1/4 - SE 1/4, SECTION 22, T28N - R20W

APPARENT DESCRIPTION OVERLAP SEE DOCUMENT NUMBER 3117553

SOUTH LINE GOV'T LOT 4, SECTION 23, T28N - R20W

SE CORNER SECTION 22, T28N, R20W CAST IRON MONUMENT

OUTLOT A

CROIXDALE

2

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

Planning Commission Memo

Meeting: September 10, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: September 5, 2018

Re: Application by Joe Bush for an Amended Conditional Use Permit to amend the conditions of the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) Subdivision at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813). - **Public Hearing**

Joe Bush has applied for an amended Conditional Use Permit to revise four conditions of the approval of the Afton Creek Preserve PLCD subdivision to enable the existing house on the parcel at 5550 Odell Avenue to be relocated to a conforming location on the parcel rather than being removed from the property (see the attached site plan). The application does not propose any changes to the subdivision layout. The requested revisions to the four conditions would make the owner of the 5550 Odell parcel responsible for the maintenance of the parcel, rather than the developer; would enable the existing house on the parcel to be relocated to a new location on the parcel, rather than being removed from the parcel; and would allow construction work on the parcel related to the relocation of the house, but not related to the construction of the subdivision. The requested revisions to the conditions are outlined below.

Requested Revisions to Conditions of Approval

1. Condition #3.

Current language: The developer shall provide an acceptable method of ensuring adequate long term maintenance of the 5550 Odell Avenue parcel.

Requested revised language: The developer shall provide an acceptable method of ensuring adequate long term maintenance of the 5550 Odell Avenue 60' Road Right of Way area and landscape improvements.

2. Condition #50.

Current language: Will Carlson will at his expense install a 60' road access to the development through the lot at 5550 Odell Avenue. Included will be the removal of existing structures, erosion control management, complete road installation, boulevard/tree landscape. Similarly, Will Carlson, at his expense, will install bituminous improvements on 60th Street as determined necessary by the City Council.

Requested Revised language: Will Carlson at his expense install a 60' road access to the development through the lot at 5550 Odell Avenue. Included will be either the removal or relocation of existing structures. Any relocation of the existing structures must comply with section 12, for a buildable lot. In addition: Will Carlson will install, erosion control management, complete road installation, boulevard/tree landscape. Similarly, Will Carlson, at his expense will install bituminous improvements on 60th Street as determined necessary by the City Council.

3. Condition #56.

Current language: No construction related traffic to be allowed on Odell.

Requested revised language: No construction related traffic to the development be allowed other than work related to the Parcel located at 5550 Odell Avenue.

4. Condition #63

Current language: The developer/HOA shall be responsible for on-going maintenance of the 5550 Odell parcel

Requested revised language: The developer/HOA shall be responsible for the on-going maintenance of the 5550 Odell Avenue 60' Road Right of way and its landscape features.

Buildability of the 5550 Odell Parcel

The conditions of approval of the subdivision require an easement for a public street through the 5550 Odell parcel to be provided by the developer. Because the street right-of-way is not being dedicated to the City, it continues to be owned by the property owner and included in the calculation of the size of the lot. Therefore, the lot continues to meet the five-acre minimum lot size. The existing house could be moved to a new location on the lot that would meet all setback requirements. However, the City's Planning Consultant's view is that having a five-acre lot that is bisected by a public road is contrary to the spirit and intent of the 5-acre lot size requirement and he would not recommend such a lot be allowed.

Findings

The following is a recommended set of findings. The Planning Commission may revise the findings as desired.

1. The conditions of approval of the Afton Creek Preserve PLCD subdivision include the removal of all structures from the 5550 Odell parcel
2. The parcel at 5550 Odell Avenue is five acres in size
3. The parcel contains an existing house
4. The existing house could be moved to a new location on the lot that would meet all setback requirements
5. The parcel is planned to have a public road running through it on a sixty foot wide public roadway easement

Conditions

If the Planning Commission decides to make a recommendation of approval, the Planning Commission may include conditions if desired.

Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning the application by Joe Bush for an Amended Conditional Use Permit to amend the conditions of the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) Subdivision at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813), including findings, and conditions if applicable.

Ron Moore

From: Joe Bush <joe@joebushmn.com>
Sent: Monday, August 27, 2018 7:22 AM
To: Ron Moore; 'Joe Dudley'; 'Steven Opheim'
Subject: Afton Creek conditions of approval modifications.
Attachments: img289.pdf; ODELL_CONCEPT_8-24-18.pdf

Ron

Attached is a copy of the conditions of approval taken from the final resolution. There are several items that Mr. Carlson requests the Planning Commission and subsequent City Council consider for modification. The attached pages of the resolution are marked. The deadline for making these requests are Monday the 27th at 9AM. The attached map represents the potential planned house relocation.

Condition #3. (request to say) The developer shall provide an acceptable method of ensuring adequate long term maintenance of the 5550 Odell Avenue 60' Road Right of Way area and landscape improvements.

Condition #50. (request to say) Will Carlson at his expense install a 60' road access to the development through the lot at 5550 Odell Avenue. Included will be either the removal or relocation of existing structures. Any relocation of the existing structures must comply with section 12, for a buildable lot. In addition: Will Carlson will install, erosion control management, complete road installation, boulevard/tree landscape. Similarly, Will Carlson, at his expense will install bituminous improvements on 60th Street as determined necessary by the City Council.

Condition #54. (request to say) No construction related traffic to the development be allowed other than work related to the Parcel located at 5550 Odell Avenue.

Condition #63 (request to say) The developer/HOA shall be responsible for the on-going maintenance of the 5550 Odell Avenue 60' Road Right of way and its landscape features.

Ron

These requests related to the Odell parcel allow the possibility of the existing house to be relocated and used as a homestead. (attached sketch)

Joseph Bush
Real Estate Professional
Designer & Builder
of Memorable Homes
Direct: [651.775.4222](tel:651.775.4222)
jpbushhomes.com

RESOLUTION 2018-18

1. E-mail from South Washington Watershed from John Loomis, Water Resources Program Manager.
2. Washington Conservation District letter from Jay Riggs, District Manager of the Washington Conservation District.
3. Minnesota Land Trust letter from Wayne Ostlie refusing neighbors' preferred alternative.
4. Map of neighbors' preferred alternative.
5. Letter to Council stating the ten signatory's preference for the neighbors' preferred alternative.
6. Map developer presented to neighbors on which their slightly different map was based.
7. Map showing eastern one-third of the development does not meet the Metropolitan Council's Prime Ag Criteria.
8. Map showing the drainage easement covering most of the eastern one-third of the development and the high value ecological resources protected by the conservation easement.

Conditions

1. Access and traffic related issues shall be subject to review and approval by the City Engineer.
2. The developer shall obtain and provide an easement providing access to Odell Avenue prior to the approval of the final plat.
3. The developer shall provide an acceptable method of ensuring adequate long term maintenance of the 5550 Odell Avenue parcel.
4. Street-related designs and specifications, including but not limited to right-of-way width, shall be subject to further comment and recommendation by the City Engineer to insure they meet Afton's standards.
5. The acceptability of the drainage and utility easement within Lot 4, Block 3 and related maintenance responsibilities shall be subject to further comment and recommendation by the City Engineer.
6. The plat drawing shall be modified such that the side lot lines of Lot 2, Block 3 shall be drawn substantially at right angles to straight street lines and radial to curved street lines.
7. The two open space parcels shall be designated as outlots.
8. The applicant identify the proposed ownership and management of the conservation areas. This issue should be subject to further comment and recommendation by the City Attorney.
9. The applicant provide explanation (acceptable to the City) regarding the lack of proposed front yard tree plantings for Lot 8, Block 2.
10. In accordance with the submitted seeding plan, pre-development seeding with a prairie grass/wildflower mix shall be provided on all lots and on the open space parcels. Maintenance responsibilities associated with the seeded areas shall also be addressed by the applicant (to the satisfaction of the City).
11. Wetland-related issues shall be subject to review and approval by the City Engineer.
12. The proposed 20-foot wide access easement width between Lots 5 and 6, Block 2 shall be determined acceptable to the City Engineer and/or Fire Chief.
13. Easements for drainage and utilities shall be provided over individual lots as recommended by the City Engineer.
14. The City Engineer and/or Washington County Department of Public Health provide review and approval regarding the need to update the previously provided soils report to correspond to the updated plat drawing.
15. Review of proposed septic designs and final septic permits shall be received from Washington County prior to building permit approval.
16. The applicant shall pave 60th Street from Trading Post Trail to Neal Avenue.
17. The farm access shall be prohibited as a construction thoroughfare or road during development of the PLCD and redeployed to the benefit of the neighborhood.
18. All proposed right-of-way dedication and street construction plans are subject to review and approval of the City Engineer.

RESOLUTION 2018-18

19. Driveways accessing the proposed lots shall comply with Section 12-84 of the Zoning Ordinance.
20. All grading, drainage and erosion control issues are subject to review and approval by the City Engineer and South Washington Watershed District.
21. All drainage and utility easements shall be subject to review and approval of the City Engineer.
22. Park dedication requirements shall be satisfied at the time of final plat approval.
23. The Developer shall enter into a Developer's Agreement with the City regarding the installation of required improvements, and shall provide financial guarantees as required in Sections 12-1471 to 12-1476 of the subdivision ordinance.
24. The developer shall grant a conservation easement over the required open space parcels to the Minnesota Land Trust, the provisions of which shall be approved by both the City and the Minnesota Land Trust.
25. The final plat shall contain as built house locations and residential site grading plans.
26. The final plat maps shall show septic sites conforming to Afton's ordinance requirements including but not limited to setback requirements.
27. The homeowner's association restrictive covenants shall contain a provision that in the event the homeowner's association becomes insolvent or ceases operating control shall at its option be transferred to the city of Afton or another method of succession shall be dictated by the City.
28. The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the city.
29. The provision in the homeowner's association restrictive covenants allowing changes in lots upon the vote of 2/3 of the residents shall be changed to comply with Afton's requirements.
30. The public walking paths shall be added to the plat maps.
31. The city of Afton shall be a named insured on the homeowner association insurance policy and the policy shall cover those risks identified by the city, including but not limited to coverage for personal injuries and any other losses occurring as a result of the public use of the walking trails on the conservation area.
32. The homeowner's association shall be required to indemnify and hold the city of Afton harmless from all losses incurred as a result of the public's use of the conservation area walking trails.
33. Covenant amendment provisions in the homeowner's restrictive covenants permitting changes after a certain number of years have passed shall be amended to remove the current conflict with restrictions on future subdivision of PLCD lots and other provisions of Afton's ordinances.
34. Architectural controls shall be removed from the homeowner's association restrictive covenants.
35. Prairie Restoration shall be the vendor planting the conservation easement and the initial planting of all residential lots with a seed mix matching the one submitted with the preliminary plat application.
36. The reference to a lot 20 shall be removed from the final plat documentation.
37. Provisions on setbacks shall be removed from the homeowner's restrictive covenants and Afton's restrictions shall control.
38. The provisions restricting certain pets shall be removed from the homeowner's restrictive covenants; Afton's ordinances shall control pets.
39. Residential lots shall be subject to perpetual easements in favor of the other lot owners in the development and the city of Afton requiring that 60% of each lot remain planted in natural prairie and appropriate language shall be inserted in the homeowner's association documents to insure enforcement of maintenance of these prairie areas.
40. All bid documents received by the developer must be approved by the City's engineers prior to acceptance.
41. No work shall commence until the final plat has been approved.
42. The letter of credit securing performance shall include amounts necessary to pay the city's engineers for on-site monitoring, review of plans and specifications and intermediate and final certifications of completion required prior to all final releases.

RESOLUTION 2018-18

43. All fund releases shall be based on completion of plans and specifications and sign-off by the city's engineers.
44. The final release of funds shall not occur until all improvements in the development, including construction of homes and accessory structures on all lots, has occurred.
45. The development agreement shall be personally guaranteed by Wil Carlson in a form acceptable to the city.
46. Costs of completion shall be calculated based on an assumed annual 4%, year over year, with provision for a 10-year build-out.
47. The final plat application shall include estimated initial costs including but not limited to grading, surface water controls and roads and also a final cost estimate, both of which shall be subject to approval by the city's engineers.
48. No final plat approval shall occur until both the development contract and the tri-party agreement between the developer, the city and the Minnesota Land Trust has been executed by all parties.
49. Plat improvements and off-site improvements shall be separately secured by separate letters of credit.
50. Will Carlson will at his expense install a 60' road access to the development through the lot at 5550 Odell Avenue. Included will be the removal of existing structures, erosion control management, complete road installation, boulevard/tree landscape. Similarly, Will Carlson, at his expense, will install bituminous improvements on 60th Street as determined necessary by the City Council.
51. Will Carlson will provide proof of his funding capabilities to the City of Afton. Funding for the City's security of development completion and any release of funds must be approved by City staff, consultants and City Council.
52. Lots 1,2,3,4 Block 2, abutting the Turner Rohde Horse Farm, will have a 100 foot setback instead of the required 50 foot setback. Will Carlson will install evergreen trees and prairie grass as a screening buffer within the 100 foot setback area. Tree height will be a minimum of 12 feet with proper spacing for screening.
53. Lot 13 Block 2 and lots 1,2,3, 4 Block 3 that are abutting the Graham, Dawson/Lewandowski, McConnell, Rickard, Mettler, Dickes and Forbes properties will also have an increased setback of 100 feet. Will Carlson will also provide evergreen trees in locations that help screen sightlines to new homes.
54. Will Carlson has 2.5 acres of land abutting the Turner Rohde Horse Farm that are not being used in the development site requirements or lots. He offers either an easement for use of this land or the sale of this land for \$1.00 to the Turner Rohde Horse Farm owners.
55. Will Carlson will transfer ownership of the farm access road at no cost to either or both Dawson/Lewandowski and McConnell, the abutting property owners.
56. No construction related traffic to be allowed on Odell.
57. Tree border to be provided to block farm access road from the development on eastern boundary.
58. Tree border to be provided along eastern boundary of the development abutting existing properties.
59. The Home Owners Association (HOA) plan and documents to be reviewed and approved by the city attorney.
60. HOA to develop stormwater pond maintenance plan for eastern boundary.
61. A minimum of a 48 hour notice shall be provided to the Turner Rohde Horse Farm in advance of controlled burns for the maintenance of the prairie grass, and the burning shall be done only when the prevailing winds will carry all or most of the smoke away from the Horse Farm.
62. City to review and approve a tree/vegetation plan for the 100 foot setback area abutting the Turner Rohde Horse Farm, and no tree removals shall be allowed in this area without the approval of the City.
63. The developer/HOA shall be responsible for on-going maintenance of the 5550 Odell parcel.

RECEIVED

AUG 28 2018

Z18-25

CITY OF AFTON

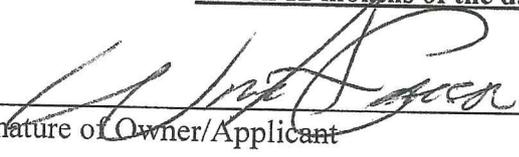
CITY OF AFTON CONDITIONAL USE PERMIT APPLICATION

(Reference Code Section 12-78; also see Section 12-134 Use Table)

Owner	Address	City	State	Zip	Phone
WILL CARLSON		AFTON	MN.		
Applicant (if different than owner)	Address	City	State	Zip	Phone
J.P BUSH HOMES	1980 QUASAR AVE	LAKELAND			651-775-4222
Project Address					
14220 60 TH ST S.	AFTON	MN	55001		
Zoning Classification	Existing Use of Property	PID# or Legal Description			
		AFTON CREEK PRESERVE			

Description of Request
 REQUEST TO MODIFY CONDITIONS OF APPROVAL #3, #50, #56, #63 FOR THE PURPOSE OF USING 5550 DWELL AVE AS A BUILDABLE SINGLE FAMILY LOT.

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. If work authorized by this Conditional Use Permit is not started within 12 months of the date issued, this CUP will EXPIRE and be INVALID.

Signature of Owner/Applicant 

Date 8/27/18

Make checks payable to City of Afton:

FEES:

CUP \$250
 Amended CUP \$250
 City Engineer _____
 Other _____

ESCROW DEPOSIT:

CUP Escrow \$600
 Amend CUP Escrow \$350
 Engineer Escrow _____
 Other _____

TOTAL: 600⁰⁰

DATE PAID: 8/27/18

CHECK #: 6380

RECVD. BY: ijm/dm

ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION

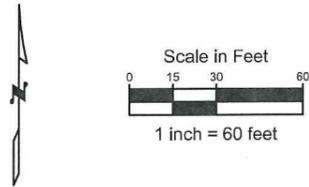
CONCEPT SKETCH

LOT 1, BLOCK 2, ST. CROIX VALLEY ESTATES, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

Bearings and distance are as recorded on the plat of ST. CROIX VALLEY ESTATES.

Contours are at 2 foot intervals, elevations are based on the N.A.V.D. of 1988 and were derived from data published by the Minnesota Department of Natural Resources.

Aerial imagery was obtained from Washington County.



BUILDING SETBACKS:

- ROAD CENTER LINE - 105 FEET
- SIDE YARD - 50 FEET
- REAR YARD - 50 FEET

I hereby certify that this survey, plan or report 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.

Landmark Surveying, Inc.

Milo B. Horak

Milo B. Horak, License No. 52577

Date: August 24, 2018

JOB NO. 2016-64

Landmark Surveying, Inc.

21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: inthefield@frontiernet.net



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

Planning Commission Memo

Meeting: September 10, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: September 5, 2018

Re: Application by Roger Mireau at 12225 Hudson Road Requesting a Substantially Similar Use Determination - **Public Hearing**

Roger Mireau, the owner of the property at 12225 Hudson Road, would like to enable a heavy equipment rental business to operate on the 12225 Hudson Road property. The list of uses allowed in the I-1A zoning district does not include heavy equipment rental. Mr. Mireau has requested a determination that a heavy equipment rental use is substantially similar to the current use operating on the property at 12225 Hudson Road through a Conditional Use Permit (CUP). The request is based on the "Determination of Similar Uses" process set out in Sec. 12-133 of the Zoning Code below. Attached is a letter from Roger Mireau, owner of the property, describing the current use on the property as well as the use proposed as a substantially similar use. Also attached are photos of the current use, photos of the proposed use and invoices and a spreadsheet regarding the rental of pieces of heavy equipment that were stored on the property.

Sec. 12-133 Zoning district map

D. Determination of similar uses. Any landowner may request a determination that a use not included in any district of this article is substantially similar to a use classified as permitted, conditionally permitted or other specially permitted in the zoning district in which the property is located. An application for such a determination shall be filed with the City Administrator who shall refer it to the Planning Commission. The Planning Commission shall review the application in accordance with this article and the comprehensive plan and forward a recommendation of approval or denial to the City Council along with an explanation for taking such action. If the City Council determines the use is substantially similar to a use included in these regulations, such use shall thereafter be an allowable use whenever the similar listed use is authorized.

Planning Commission Review

The process for the determination of similar uses involves a review and recommendation by the Planning Commission along with an explanation for the recommendation. The review involves a comparison of the existing conditionally permitted use with the proposed use.

Comparison of Current Use to Proposed Use

The current use on the property is a construction contracting use that was approved through a CUP in 2005. (See the attached approval resolution). The CUP is for a warehousing use with office space and exterior storage of equipment and materials, subject to screening of the exterior storage.

The definition of Warehousing is as follows:

Warehousing means the storage of materials or equipment within an enclosed building as a principal use, including packing and crating.

The definition of Exterior Storage is as follows:

Exterior storage (includes open storage) means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

The definition of Office Uses is as follows:

Office uses means those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, governmental office, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting, and similar uses.

Mr. Mireau has indicated the existing use has involved the exterior storage of heavy equipment and office uses, and the rental of heavy equipment when it is not needed for the construction operation.

The warehousing definition does not include heavy equipment rentals, and the CUP did not specifically allow heavy equipment rentals. The zoning code does not allow the rental of cars, trailers, campers, trucks and similar equipment, but is silent regarding the rental of heavy equipment.

Findings

The following is a recommended set of findings. The Planning Commission may revise the findings as desired.

1. The subject property is zoned I-1A Industrial
2. The subject property currently has a construction contracting business allowed by a CUP for warehousing, office uses and exterior storage
3. The construction contracting business has involved the exterior storage and periodic rental of unused heavy equipment
4. The heavy equipment rental use involves the exterior storage of heavy equipment
5. The warehousing definition does not include heavy equipment rentals, and the CUP does not specifically allow heavy equipment rentals.

Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning the request from Roger Mireau at 12225 Hudson Road for a determination that a heavy equipment rental use is substantially similar to the current warehousing/office/exterior storage use operating on the property through a Conditional Use Permit (CUP).

subject property





July 24, 2018

Attention Mr. Ron Moore
City Administrator

This letter is in regards to 12225 Hudson Road, Afton, which is currently owned and occupied by CKC Contracting, Incorporated. A buyer for the above-mentioned property has submitted an offer and we believe the business wanting to occupy the property is the same or at least substantially similar to CKC Contracting, Inc. We are requesting, via this letter, a determination for same or similar business under the current CUP associated with this property.

Since 2005, CKC Contracting Inc has operated a construction company at this address and used the building and fenced area for storage of heavy equipment, parts and materials for the job they are hired to complete. The building also houses his employees, maintains, cleans and repairs all heavy equipment. Over the years the company has also rented heavy equipment; attached is a spreadsheet outlining some of those transactions as well as the invoices associated with those rentals.

The business that would be going in to the property is the same or similar in that they would maintain, repair and clean the heavy equipment before sending it out to a job site. 85% of their equipment is on the job sites, leaving only 15% of the equipment at the property in question. Their goal is to have the equipment out on the job site or that piece of equipment is not making them money. Below please see some marketing of these types of companies. I have also attached some photos of one of their current properties, as you can see the lot is pretty bare, again the only equipment that is on site would be that equipment that needs maintenance or waiting to be rented. I have also attached pictures of CKC's fenced area, which you can see has a lot more materials and equipment than the prospective buyers tenant. Please notice the "FRONT VIEW" picture of CKC that shows you can see very little from the road. You also have the pictures of the yard to see how much is really in the fenced area. You cannot see anything from interstate 94.

BLUELINE EQUIPMENT RENTAL

BlueLine Rental is one of North America's strongest and dominant equipment rentals and sales companies, with over 140 branch locations nationwide, you will find BlueLine in most every state in the nation. BlueLine Rental boasts the youngest, most well-maintained fleet of construction equipment in the industry, such as backhoe and skid steer loaders, compact wheel loaders, compact excavators and compaction equipment – the rental centers carry a comprehensive line of essential equipment and tools for the construction, commercial, industrial and homeowner markets. The company focuses on daily, weekly and monthly rentals. With a diverse customer base across multiple industries, including construction, oil and gas, industrial manufacturing, infrastructure, power, and metals and minerals.

United Rentals

United Rentals is the largest equipment rental chain in North America with an integrated network of over 880 rental locations in 49 states and Canadian provinces. The company's approximately 12,700 employees serve construction and industrial customers, utilities, municipalities, homeowners, and others. The company offers for rent approximately 3,300 classes of equipment with a total original fleet cost of \$8.7 billion.

URI was founded in 1997 by then Chairman and CEO Bradley Jacobs. Over the last twenty years, United Rentals has grown dramatically through acquisitions and consolidation. Notable acquisitions include: U.S. Rentals, Inc., RSC Holdings, Inc., National Pump, and most recently NES Rentals and Neff Corporation

Regards,



Roger Mireau
Owner
CKC Contracting, Inc.

Photos of the property at 12225 Hudson Road
with the current construction contracting use





















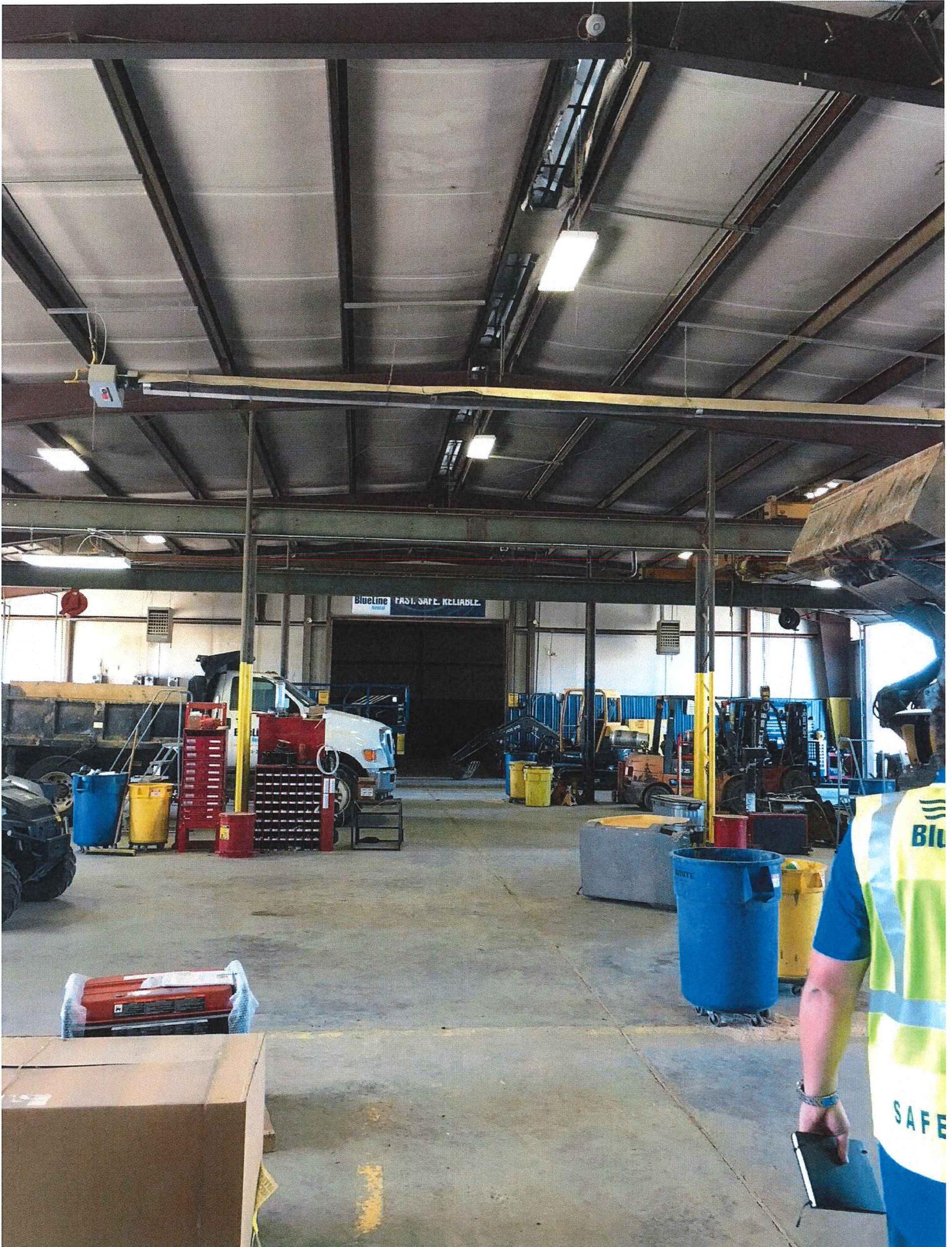


Photos of a property with the
heavy equipment rental use

















12225 Hudson Road
Heavy equipment rental
spreadsheet and invoices

PCL Construction Services, Inc.
 12200 Nicollet Ave. So.
 Burnsville, MN 55337

INVOICE # PR # 29
 PAGE: 2 of 2

PROJECT: So. Mpls. Regional Service Center

DATE: 11/10/16

SUBJECT: PR #29

Revised Per City Requirements 4" & 6" Water Service Fed from 22nd Ave South

PCL PCL # CKC Project # 15-573

Item	DESCRIPTION	UNIT	QUANTITY	Unit Cost	LABOR	Equipment Cost	MATERIAL	Subcontractor	TOTAL
	Foreman/Operator	hrs	40.00	70.31	2,812.40				\$ 2,812.40
	Laborers	hrs	120.00	63.80	7,656.00				7,656.00
	Truck Driver/Operator	hrs	8.00	65.68	525.44				525.44
	Equipment								
	Truck, Tools, Fuel	hr	40.00	33.00		1,320.00			1,320.00
	Quad	hr	8.00	77.00		616.00			616.00
	228 Komatsu	hr	24.00	116.00		2,784.00			2,784.00
	Sheepsfoot	hr	10.00	45.00		450.00			450.00
	190 John Deere	hr	6.00	137.00		822.00			822.00
	Turtle Tamper	day	2.00	170.00		340.00			340.00
1	20' Trench Box	wk	1	1,172.00		1,172.00			1,172.00
6	Plates 6x20	wk	1	244.00		1,464.00			1,464.00
	Mobilization 5% Fuel, Maintance, PM Vehicles, Misc					549.69			549.69
	Materials and General Services								
	Materials						14,258.00		14,258.00
							0.00		0.00
							0.00		0.00
	Subcontractors							\$ 2,083	2,083.00
	City Permits							4,632.44	4,632.44
	City Paving							5,250.00	5,250.00
	SUBTOTAL				10,993.84	9,517.69	14,258.00	11,965.44	46,734.97
	OH & P (10%) 5% Equipment & Materials				1,099.38	475.88	712.90		2,288.16
	Subcontractor (5 %)							598.27	598.27
	TOTAL CHANGE ORDER REQUEST				12,093.22	9,993.58	14,970.90	12,563.7	49,621.40

Clarifications:



12225 Hudson Road South • Afton, MN 55001 • PHONE: (651) 436-4160 FAX: (651) 436-4161

Affirmative Action / Equal Opportunity Employer

Adolfson & Peterson
6701 West 23rd St.
Minneapolis, MN 55426

Invoice #
10/23/2015

Project: U of M Walkways
Rental of Walkways

CKC Project #6182 A&P Project Number 006649

Breakdown for

Labor				
Truck Drvr/Opr.	13.00 Hours @	71.61		930.93
Equipment				
Semi/Trailer	13.00 Hours @	90.00		1,170.00
5 6 x 20 Cross Walks	1.00 Month	2,480.00		12,400.00
4 6 x 20 Cross Walks	1.00 Month	2,480.00		9,920.00
				\$24,420.93
			10%	<u>2,442.09</u>
				\$26,863.02

RDM III LLC

12225 Hudson Rd S
Afton, MN 55001

Invoice

Date	Invoice #
7/17/2018	2513

Bill To
Dispatch Trucking Inc. 1974 Pond View Drive S.E. Lonsdale, MN 55046

Ship To
U of M Project #18634

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
18634			7/17/2018			

Quantity	Item Code	Description	Price Each	Amount
8.75	Trucking	Quintaxel Trucking/Hauling 7-11-2018 Ticket #1319 Dispatch #118144	102.00	892.50
10.75	Trucking	Quintaxel Trucking/Hauling 7-12-2018 Ticket #1320 Dispatch #118145	102.00	1,096.50
12	Trucking	Quintaxel Trucking/Hauling 7-13-2018 Ticket #1321 Dispatch #118146	102.00	1,224.00
12.75	Trucking	Quintaxel Trucking/Hauling 7-16-2018 Ticket#1322 Dispatch #118147	102.00	1,300.50

			Total	\$4,513.50
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RDM III LLC

12225 Hudson Rd S
Afton, MN 55001

Invoice

Date	Invoice #
7/3/2018	2509

Bill To
Miller Excavating 3636 Stagecoach Trail N. Stillwater MN 55082

Ship To
Hardrives

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			7/3/2018			
Quantity	Item Code	Description			Price Each	Amount
1	Trucking	Quintaxel Trucking/Hauling 6-26-2018 Ticket #1309 Miller #51520			103.00	103.00
1	Trucking	Quintaxel Trucking/Hauling 6-26-2018 Ticket #1309 Miller #52005			103.00	103.00
					Total	\$206.00

RDM III LLC

12225 Hudson Rd S
Afton, MN 55001

Invoice

Date	Invoice #
7/9/2018	2511

Bill To
Miller Excavating 3636 Stagecoach Trail N. Stillwater MN 55082

Ship To
Hardrives North Port

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			7/9/2018			
Quantity	Item Code	Description			Price Each	Amount
9.5	Trucking	Quintaxel Trucking/Hauling 7-2-2018 Ticket #1314 Miller#52006			103.00	978.50
10.25	Trucking	Quintaxel Trucking/Hauling 7-3-2018 Ticket #1315 Miller#52153			103.00	1,055.75
8.75	Trucking	Quintaxel Trucking/Hauling 7-5-2018 Ticket #0841 Miller#52158			103.00	901.25
7	Trucking	Quintaxel Trucking/Hauling 7-6-2018 Ticket #1317 Miller#52156			103.00	721.00
					Total	\$3,656.50

RESOLUTION 2005 –34

**CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT AS REQUESTED BY
ROGER MIREAU, FOR CKC CONTRACTING.**

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** CKC Contracting have made application to the City of Afton for a Conditional Use Permit to operate a contracting firm in the Industrial District; and
- WHEREAS,** the Afton Planning Commission and Afton City Council reaffirmed the use as being permitted in the Industrial Zoning District as a warehouse, being the principal use of the premise is intended for the storage and transportation of materials; and
- WHEREAS,** the Afton Planning Commission had conducted a public hearing on July 11, 2005 and recommend approval of a Conditional Use Permit that same night; and
- WHEREAS,** the City Council has reviewed the record of the public hearing and the recommendations of the Planning Commission at it's July 19, 2005 meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Afton hereby grants a Conditional Use Permit to Roger Mireau, for CKC Contracting to operate a contracting firm located at 12175 Hudson Road South, Afton, Minnesota; subject to the following conditions;

1. The applicant must recalculate the site coverage/impervious surface in a manner that includes all gravel coverage. Should the site coverage exceed 25 percent, the applicant must demonstrate to the City Engineer that all requirements of Section 12-132 (b)(12) have been met.
2. An eight foot high screened security fence shall enclose and screen all areas designed for exterior storage and trees shall be planted along the exterior to shield.
3. The applicant shall submit to the City a specific list of materials that may be stored outside of the building. Exterior storage shall not include hazardous waste, oils, gas or other equipment not associated specifically with the principal use.
4. The design review committee must review and approve the building design and materials
5. Landscape plan shall be revised to include additional landscaping around the perimeter of the site with a landscaped buffer area to along the northern berm to screen the site from the interstate.
6. The source of all lighting must be hooded or controlled so as not to light adjacent property or public right-of-way.
7. The applicant shall submit a detailed signage plan for the proposed monument sign that is consistent with Section 12-210 of the Zoning Ordinance.

RESOLUTION 2005-34

8. The applicant shall adhere to Section 12-132(c) (1-5) and enter into a development agreement with the city, as well as post a cash escrow deposit or an irrevocable letter of credit, equal to 150 percent of the City Engineer's estimate to satisfy any conditions agreed to in the development agreement.
9. No equipment, vehicles or machinery is allowed to be stored outside of the enclosed fenced in area
10. Compliance with conditions of this permit shall be monitored on a periodic basis
11. Non-compliance with the conditions of this permit shall be considered a violation; and, may result in revocation of the permit
12. An amended conditional use permit shall be required for any future expansions or alterations.
13. Obtain a Valley Branch Watershed District permit

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 19^h DAY OF JULY, 2005.

SIGNED:

Dave Engstrom, Mayor

ATTEST:

Mitchell Berg, City Administrator

MOTION by Meyer	Mucciacciaro
Seconded by Nelson	Meyer
Mucciacciaro:	Yes
Nelson:	Yes
Meyer:	Yes
Nolz:	Yes
Engstrom:	Yes

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

Planning Commission Memo

Meeting: Sept. 10, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: September 5, 2018

Re: Ordinance Amendment to Allow a Swimming Pool Auto Cover to be Used as an Alternative to the Current Requirement of Fencing to Completely Enclose Swimming Pools

The Planning Commission, at its August 6, 2018 meeting, held a public hearing regarding the attached ordinance amendment to allow a swimming pool auto cover as an alternative to a fence enclosure, and discussed the proposed ordinance amendment. The Planning Commission had a number of questions and concerns regarding the safety and security of the auto cover vs. a fence enclosure, and continued its consideration of the ordinance amendment to its September 10 meeting.

Questions Raised by the Planning Commission

The following are the questions raised by the Planning Commission at its August 6 meeting.

1. The City of Scandia ordinance regarding auto covers allows auto covers or other protective devices so long as the degree of protection afforded by the substituted device or structures is not less than the protection afforded by the enclosure, gate and latch described above for fences. The Planning Commission asked what standards are used by the City to make the determination that an auto cover provides at least the same level of protection as a fence with an auto-locking gate. The City of Scandia does not have a set of specific standards for making that determination. They rely on the ordinance requirements that the device complies with the American Society for Testing and Materials (ASTM) Standard F1346-91 (2003) or most recent ASTM standard; and is sufficient to support the weight of 500 pounds minimum and completely covers or encloses the pool.
2. Because most of the cities that allow auto covers as an alternative to a fence enclosure are small, the Planning Commission requested staff to contact a larger city regarding its view of auto covers vs. fence enclosures. Staff contacted the City of Woodbury regarding auto covers. The Woodbury building official indicated that the City has not allowed auto covers as an alternative to fences because they believe a fence provides a greater level of protection. Even if the gate of a fence is unlocked, the fence is still a barrier, at least visually. If an auto cover is left open, there is no barrier.
3. The Planning Commission questioned whether the City would have any liability related to allowing auto covers vs. fences. Both the City Attorney and the League of Minnesota Cities Insurance Trust (who is the City's liability insurance carrier) have advised that the City would not take on liability by allowing the auto cover vs. a fence.

Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning an ordinance amendment to allow a pool auto cover to be used as an alternative to the current requirement of fencing to completely enclose swimming pools.

ORDINANCE 03-2018

COUNTY OF WASHINGTON CITY OF AFTON

AN ORDINANCE AMENDING CHAPTER 12 REGARDING AUTO COVERS FOR SWIMMING POOLS

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following sections of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the ~~strike through~~ language.

Sec. 12-219. Swimming pools.

A. A pool is defined as any swimming pool, outdoor hot tub, or other pool of any type with a capacity of over 3,000 gallons or with a depth of over 3½ feet of water.

B. In all zoning districts where single- and two-family dwelling units are permitted uses, the following standards apply:

1. An Administrative Permit shall be required for any pool.
2. Any swimming pool requiring an Administrative Permit shall also be required to obtain a building permit.
3. An application for an Administrative Permit shall include a site plan showing:
 - a. The type and size of pool;
 - b. Location of pool;
 - c. Location of house, garage, fencing and other improvements on the lot;
 - d. Location of structures on all adjacent lots;
 - e. Location of filter unit, pump and writing indicating the type of such units;
 - f. Location of back-flush and drainage outlets;
 - g. Grading plan, finished elevations and final treatment (decking, landscaping, etc.,) around the pool;
 - h. Location of existing overhead and underground wiring, utility easements, trees and similar features; and location of any water heating unit.
4. Pools shall not be located within 20 feet of any septic tank, drainfield or line nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front, side or rear yards.
5. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
6. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

ORDINANCE 03-2018

7. The necessary precautions shall be taken during construction to:
 - a. Avoid damage, hazards or inconvenience to adjacent or nearby property; and
 - b. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.
8. All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
9. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.
10. The filter unit, pump, heating unit and any other noise making mechanical equipment shall be located at least 50 feet from any neighboring residential structure and not closer than ten feet to any lot line.
11. Lighting for the pool shall be directed toward the pool and not toward adjacent property.
12. ~~Fencing at least five feet in height shall completely enclose all pools.~~ **A safety fence of a non-climbable type at least five (5) feet in height, with a self-closing and latching gate, shall completely enclose the pool, or a pool auto cover approved by the City shall be an acceptable enclosure so long as the degree of protection afforded by the pool auto cover is not less than the protection afforded by the enclosure, gate and latch described above for fences; the pool auto cover complies with the American Society for Testing and Materials (ASTM) Standard F1346-91 (2003) or most recent ASTM standard and is UL listed; and is sufficient to support the weight of 500 pounds minimum and completely covers or encloses the pool. The applicant shall submit documentation verifying that the proposed cover meets the required standard. The substitution with such a pool auto cover shall be done by the issuance of a Building Permit.**
13. Required structure or fencing shall be completely installed within three weeks following the installation of the pool and before any water is allowed in the pool. A financial guarantee shall be required to assure erection of the structure or fence.
14. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the appointed health officer.
15. All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.
16. Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

ORDINANCE 03-2018

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS ____ DAY OF ____, 2018.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:

Second by:

Palmquist:

Richter:

Ross:

Nelson:

Bend:

Council Highlights

August 21, 2018 Regular Council Meeting

- The Council approved the River Valley Riders Amended CUP Application Regarding an Indoor Riding Arena at 2007 Neal Avenue
- The Council approved the Steve and Jennifer Knuth/Nathan Landucci, Landucci Homes variance application for the property on Valley Creek Trail approximately 1300 feet east of Neal Avenue to allow the only access to the property to come from a driveway through the adjacent property to the north, with the condition that the easement for the driveway be limited to a width of 22 feet and that a conservation easement be placed on the property to prevent subdivision of the parcel.
- The Council did not approve funds for decorative street light dimming, a covered entrance area for City Hall, or the replacement of the City Hall outdoor bulletin board.
- The Council approved Pay Voucher No. 15 from Geislinger for the Downtown Village Improvement Project and Pay Voucher No. 2 from Great Northern Landscapes, Inc. for the Downtown Village Landscape Improvement Project