

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
May 2, 2016, 7:00 PM

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

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

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

10 A. James Langan – Administrator Moose administered the Oath of Office to James Langan for
11 reappointment to a 3-year term.

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

15
16 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Administrator Ron Moose and City Clerk Kim
17 Swanson Linner.

18
19 5. **APPROVAL OF AGENDA** – Chair Ronningen added two items: Item 10.D, 2012 Park Plan; and, Item
20 10.E, Mailing Packets.

21 **Motion/Second: Wroblewski/Doherty. To approve the May 2, 2016 Planning Commission agenda as**
22 **amended. Motion carried 7-0-0.**

23
24 6. **APPROVAL OF MINUTES** –

25 A. April 4, 2016 Planning Commission Meeting Minutes – Several minor typos. Line 110, add “...mosque
26 goes in an area, (from a study in the United Kingdom).”

27 **Motion/Second: Nelson/Wroblewski. To approve the April 4, 2016 Planning Commission Meeting minutes**
28 **as amended. Motion carried 5-0-2 (Abstain: Langan and Doherty).**

29
30 7. **REPORTS AND PRESENTATIONS** – none.

31
32 8. **PUBLIC HEARINGS** –

33 A. Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive – Public Hearing –
34 Chair Ronningen opened the Public Hearing at 7:08 p.m.

35 Administrator Moose explained that Chaim Teitelbaum has requested a minor subdivision at 15511 Afton
36 Hills Drive to subdivide the existing fifteen-acre parcel into three, five-acre residential parcels. The parcels
37 would have access directly via a driveway from Afton Hills Drive. The most westerly parcel overlays an
38 existing home while the two new parcels to the east would accommodate new home construction. Each of the
39 three parcels meets all minimum requirements, including: 300 feet of width on a public road right-of-way, five
40 acre lot size, 2.5 acres of contiguous buildable area, and land suitable for driveway access. Soil borings were
41 completed for septic system sites on the two new parcels. The soil borings indicate the soils appear to be suitable
42 for septic systems. Moose indicated that the two new parcels will impact the City’s park system, therefore park
43 dedication will be required. The Park Committee addressed the issue at their April 27 meeting and
44 recommended a cash contribution in lieu of land dedication be required (7.5 percent of the pre-development
45 value with a minimum of \$5,000 per lot and a maximum of \$10,000 per lot). The City Engineer reviewed the
46 application and indicated drainage and utility easements required along the perimeter of each parcel – 10 feet
47 wide along the front and rear property lines and 5 feet wide along the side property lines are reflected in the
48 subdivision survey. Dedication of such easements are required by the City and are a condition of approval. The
49 property to be subdivided includes significant areas of land with slopes of 18% or greater. The subdivision
50 process requires protection of these areas by scenic easements. The subdivision ordinance (Sec. 12-1257) directs
51 preservation of natural site features, including large trees; therefore, home, accessory building and driveway
52 placement should give due consideration to the preservation of significant trees. Proposed Parcel C has a unique
53 and possibly problematic driveway access to the abutting parcel to the south, dividing it into two halves.

54 Chair Ronningen gave the applicant an opportunity to speak, which was declined.
55 There were no public comments.

56
57 **Motion/Second: Nelson/Wroblewski. To close the Public Hearing at 7:15 p.m. Motion carried 7-0-0.**

58
59 Commission Discussion

60 Commissioners had a concern about the driveway easement on Parcel C and the location of the proposed
61 driveway. Commissioners were unclear as to the extent driveways needed to be separated or whether a shared
62 driveway for Parcel C would require a variance. Staff and commissioners were unable to locate definitive
63 ordinance sections regarding the issues on Parcel C.

64
65 **Motion/Second: Ronningen/Nelson. To continue the Chaim Teitelbaum Minor Subdivision application at
66 15511 Afton Hills Drive, to the June 6 Planning Commission meeting to give more time to gather more
67 information about the driveway issues. Motion carried 7-0-0.**

68
69 **B. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision
70 Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Public Hearing – Chair Ronningen
71 opened the Public Hearing at 7:32 p.m.**

72 Administrator Moose reviewed the variance and minor subdivision applications for properties at 15311
73 Putnam Boulevard and 2573 Stagecoach Trail both of which are owned by Brown Trout LLC. The properties
74 are zoned Rural Residential. The property at 15311 Putnam Boulevard has historically had its public road
75 frontage and its driveway access directly from Putnam Boulevard. In 2008, the City closed Putnam Boulevard
76 to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct.
77 Although the road has been closed, the road right-of-way has not been vacated. At the time of the road closure,
78 the owner of the property also owned the property to the south at 2573 Stagecoach Trail and used a driveway
79 from Stagecoach Trail to access the property. Since that time, both properties were purchased by Brown Trout
80 LLC and existing houses on both parcels have been removed.

81 Moose explained that when Brown Trout LLC applied for a building permit for a new house on the 15311
82 parcel, staff notified them that, because the property could no longer use Putnam Boulevard, a variance was
83 required to enable the access to come through the 2573 Stagecoach Trail property via a driveway easement.
84 Because the property owner was unaware of this requirement and had planned to begin construction of a house
85 on the 15311 parcel and based on advice from the City Attorney, the property owner was allowed to begin
86 construction of the house subject to a written agreement that the certificate of occupancy for the house would
87 not be granted until the access issue was resolved through a variance process. The property owner has applied
88 for a variance to the requirements of Afton City Code:

89 **Sec. 12-84. Driveway access permits and standards.**

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

95 In the case of this parcel, the City closed the road on which the parcel has its frontage. Because the closure
96 of Putnam Boulevard did not occur through a right-of-way vacation process, there was no public hearing or
97 notification to affected property owners. Also, because the former property owner chose to access the property
98 through the 2573 Stagecoach Trail property, the City had not been advised of an access issue caused by the
99 closure of Putnam Boulevard. The purpose of the variance application is to resolve the loss of access onto
100 Putnam Boulevard by allowing the only access to the 15311 parcel to be from Stagecoach Trail through an
101 easement on the adjacent 2573 Stagecoach Trail property.

102 The property owner is proposing a lot line rearrangement to reflect corrections to property ownership boundaries
103 and to enable a new house on the 15311 parcel to meet the side yard setback. The minor subdivision is not
104 creating any additional lots; it is changing the lot line between the two subject parcels.

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

112 A lot line rearrangement can be accomplished through a simple subdivision if both parcels involved are
113 fully conforming both before and after the subdivision, but requires a minor subdivision if there are existing
114 non-conformities. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable
115 area of 2.5 acres and minimum lot width of 300 feet, the 2573 parcel has a number of legally non-conforming
116 buildings that do not meet required setbacks. Also, although the 15311 parcel has 300 feet of frontage on
117 Putnam Boulevard, the parcel cannot use this frontage for access because of the closure of Putnam Boulevard.
118 The minor subdivision reflects access through an easement on the 2573 parcel. These existing non-conformities
119 required the lot line rearrangement to be accomplished through a minor subdivision. If Stagecoach Trail access
120 for 15311 is approved, the property address must be changed to a Stagecoach Trail address, since that is where
121 the emergency vehicles will access the property.

122 The City Engineer has indicated drainage and utility easements along the perimeter of each parcel – 10 feet
123 wide along the front and rear property lines and 5 feet wide along the side property lines are to be reflected in
124 the subdivision survey and are required to be dedicated easements as required by the City.

125 The subdivision process requires protection of land with slopes of 18% or greater; these properties include
126 significant areas with steep slopes; therefore, scenic easements are required.

127 The applicant indicated that the closing of Putnam totally isolated the property. He bought the property from
128 Tom Johnson after Putnam was closed. He has torn down both parcels' existing houses. He and his family own
129 41 contiguous acres.

130 There were no public comments.

131
132 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:40 p.m. Motion carried 7-0-0.**

133
134 Commission Discussion

135 Commissioners questioned the need for a subdivision and variance if the 2573 Stagecoach Trail parcel
136 won't be sold and/or built on in the future. They suggested the applicant simply combine the two parcels in
137 order to have their driveway access to their new home. The same issues as the earlier subdivision about the
138 extent driveways needed to be separated or whether a shared driveway would require a variance were raised.
139 The question of whether cutting a parcel in half with a driveway easement also came forward for discussion.

140
141 **Motion/Second: Ronningen/Wroblewski. To continue the application for the Brown Trout LLC variance**
142 **at 15311 Putnam Boulevard and the Minor Subdivision application at 15311 Putnam Boulevard and 2573**
143 **Stagecoach Trail in order to gather additional information about the driveway access and for the**
144 **applicant to consider his option to combine the parcels, and therefore not require a variance or**
145 **subdivision. Motion carried 7-0-0.**

146
147 **9. NEW BUSINESS – none.**

148
149 **10. OLD BUSINESS -**

150 A. Comprehensive Plan Update Process – Chair Ronningen walked through each section of the Comp Plan
151 and commissioners gave brief comments about what might need updating.

- 152 1. **Background:** Ronningen provided the city with data updates from the Met Council.
- 153 2. **Environmental Resources Plan:** The NRGC should review this section at their next meeting and
154 provide comments to the PC to consider.

- 155 3. Riparian Systems and stormwater buffers and wildlife corridors should be reviewed and determine
156 if the city is providing adequate protections.
157 4. Groundwater needs to be addressed and strengthened, as the DNR has recently taken some
158 communities off of aquifers and transferred their water source to surface water. Council Member
159 Richter, attending one of the East Metro Water Resources meetings, reported the DNR saying river
160 cities will need to start thinking about getting their water from the river.
161 5. Energy needs to have wind and solar energy added. Commissioner Nelson will draft a revision.
162 6. E & R Goals & Policies
163 • 4.b. Maintain aquifer levels. The NRGC may want to strengthen goal 4.b. by adding
164 Strategies to this section. For instance, the City may want to be more involved in Metro area
165 and DNR conversations about aquifer levels and water resources.
166 • 7.c. Natural corridors. Add an accompanying item to the “policies” statements and develop
167 “strategies” for the Environmental Resources Plan section.
168 7. **Housing and Land Use Plan:** Areas to look at are:
169 • Ag Zoning District, particularly #3 that talks about the Preservation and Land Conservation
170 Development (PLCD) and other Ag density issues.
171 • Find definitions that fit Afton better, such as adding more options for Ag “activities” that
172 include elements of agribusiness. Commissioners questioned the difference in impact
173 between “home occupations” being invisible to their neighbors and some “commercial” or
174 “agriculture” activities.
175 • Affordable Housing, delete the entire paragraph, as Afton has no requirements in this area.
176 • Old Village, particularly the issues surrounding the definition of “commercial” and how that
177 relates to other areas of Afton.

178 Chair Ronningen indicated that more detailed discussions will occur at the June 6 PC meeting, so
179 commissioners should do a detailed review of sections and come with suggestions.

180 Staff was directed to post the Comprehensive Plan with the septic amendment onto the website.

181 B. Draft City Council Minutes – were provided in the packet.

182 C. Update on City Council Actions – Council Liaison Stan Ross reported on CC actions from April 19.

183
184 D. 2012 Park Plan – Chair Ronningen asked if the Planning Commission had reviewed the 2012 Park Plan.
185 Staff indicated that the Park Plan had not changed since the Planning Commission reviewed it. Therefore, the
186 City Council took action to approve the 2012 Park Plan in 2015.

187
188 E. Mailing Packets – Chair Ronningen asked if the packets can be mailed on Wednesday, so that
189 commissioners get them on Thursday. The postage on the packets indicated they were mailed Wednesday, but
190 some did not get theirs until Friday or Saturday. [A follow-up with the new Office Assistant found that she was
191 not informing the Post Office that they were all within Afton...therefore, the packets went to the Eagan sorting
192 facility. This has been corrected.] Staff intends to mail PC and CC packets on the Wednesday before meetings.
193
194
195

196 11. **ADJOURN** –
197

198 **Motion/Second: Kopitzke/Wroblewski. To adjourn the meeting at 8:39 p.m. Motion carried 7-0-0.**
199

200 Respectfully submitted by:

201
202
203 _____
204 Kim Swanson Linner, Deputy Clerk
205

206 **To be approved on June 6, 2016 as (check one): Presented: _____ or Amended: X**