



PLANNING COMMISSION AGENDA

APRIL 2, 2018

7:00 pm

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. OATHS OF OFFICE –** Annie Perkins and Justin Sykora
- 4. 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
- 5. APPROVAL OF AGENDA –**
- 6. APPROVAL OF MINUTES –**
 - A. March 5, 2018 Meeting Minutes
- 7. REPORTS AND PRESENTATIONS – None**
- 8. PUBLIC HEARINGS –**
 - A. Nicholas Squires Variance Application at 14641 Afton Boulevard
 - B. Matt Cooper/GSP Industries Group LLC Variance Application at 3988 River Road
- 9. NEW BUSINESS –**
 - A. Proposed Revisions to Industrial Zone Regulations Regarding Uses and Architectural Standards
- 10. OLD BUSINESS -**
 - A. Update on City Council Actions – Council Highlights from the March 20, 2018 Council meeting - attached.
- 11. ADJOURN –**

-- This agenda is not exclusive. Other business may be discussed as deemed necessary. --

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
March 5, 2018

- 1
2
3
4
5 1. **CALL TO ORDER** – Vice Chair Scott Patten called the meeting to order at 7:00 PM
6
- 7 2. **PLEDGE OF ALLEGIANCE** – was recited.
8
- 9 3. **OATH OF OFFICE** – Lucia Wroblewski
10
- 11 4. **ROLL CALL** – Present: Vice Chair Scott Patten, Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Jim
12 Langan (arrived late), Roger Bowman, Sally Doherty. A Quorum was present.
13 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moorse, City Clerk
14 Julie Yoho, City Engineers Nick Guilliams, Todd Hubmer, Sean Delmore; City Planner Bob Kirmis
15
- 16 5. **APPROVAL OF AGENDA** –
17 **Motion/Second: Doherty/Nelson To approve the Agenda of the March 5, 2018 Planning Commission**
18 **meeting. Passed 6-0-0.**
19
- 20 6. **APPROVAL OF MINUTES** –
21 A. February 5, 2018 Meeting Minutes –
22 **Motion/Second: Kopitzke/Wroblewski To approve the meeting minutes of the February 5, 2018**
23 **Planning Commission Regular Meeting as amended. Passed 5-1-0. (Doherty abstain due to absence)**
24
- 25 7. **ELECTION OF OFFICERS**
26 Nominations for chair: Wroblewski nominate Doherty. Doherty nominate Patten. Patten nominate Kopitzke.
27 Doherty would prefer support role, remove from consideration
28 Patten would like to withdraw himself from leadership position
29 Kris Kopitzke for Chair, Passed 5-0-1 (Kopitzke abstain)
30
31 Vice Chair: Nelson nominate Doherty
32 Sally Doherty for Vice Chair, Passed 5-0-1 (Doherty abstain)
33
34 Secretary position: Doherty nominate Patten for Secretary
35 Scott Patten for Secretary - Passed 5-0-1 (Patten abstain)
36
- 37 8. **REPORTS AND PRESENTATIONS** – none
38
- 39 9. **PUBLIC HEARINGS** –
40 A. **Matt Cooper Variance Application at 3988 River Road**
41 Chair Kopitzke opened the public hearing at 7:15pm
42 Administrator Moorse provided the following information:
43 Background
44 Matt Cooper, who has a purchase agreement on the property at 3988 River Road, has applied for variances
45 necessary to allow an addition to the existing house to provide a two-stall garage with living space above.
46 Existing Substandard Structure
47 The existing house is substandard in regard to both the front yard setback and the bluff setback. The house
48 has a front yard setback of 97 feet vs. the required 105 feet. Because the house is built into the bluff, it has
49 essentially a zero bluff setback vs. the required 100 foot setback. Also, the driveway serving the existing
50 garage has a slope of approximately 18% vs. the allowed slope of 12%. The house meets the 200 foot setback
51 to the Ordinary High Water mark (OHW) of the river.
52 Proposal
53 The existing house has a small one-stall tuck-under garage with a deck above. The proposed garage addition
54 would replace a portion of the existing garage and deck, would expand the footprint of the house to the north
55 by approximately 22 feet, and would expand the garage apron to the north by approximately 40 feet. The new

56 garage and living space above would mirror the two-story portion of the existing house, with the exception
57 that the roof peak of the addition is proposed to be 2'4" higher than the existing two-story portion of the
58 house, in order to allow a 9' ceiling height. The construction of the proposed addition and a retaining wall
59 would require grading and excavation in an area with a slope greater than 12%. These grading activities
60 would require erosion control measures. The additional impervious surface would require a drainage plan to
61 manage and treat the drainage prior to flowing down to the street and to the river.

62 The variances necessary to allow the addition are as follows:

- 63 1. A variance to allow a front yard setback of 92.4 feet vs. the required 105 feet
- 64 2. A variance to allow a bluff setback of zero feet vs. the required 100 feet
- 65 3. A variance to allow grading in an area with a slope greater than 12%
- 66 4. A variance to allow a driveway with a slope of 15% vs. the required maximum slope of 12%.
- 67 5. A variance to allow the roof peak height on the addition to be 2'4" higher than highest roof peak
68 on the existing house.

69
70 Kathy Madore, representing the homeowner, handed out extra materials with photos of neighboring
71 properties. Existing home is not insulated for winter use, was a summer home.

72
73 Motion/Second Bowman/Doherty To close public hearing. 6-0-0.
74 Hearing closed at 7:22pm

75
76 Discussion

77 Wroblewski stated she has concerns about drainage and driveway slope

78 Madore indicated the driveway would be changed to a switchback and grading will be done for drainage and
79 driveway

80 Bowman asked about the extent of excavation for drainage, and the height of the retaining wall as it appears
81 to range from 6-8' on the north side. Also the design appears to put part of the structure further into the bluff

82 Gary Borland, representing the homeowner answered that the drainage specifics are still being worked out

83 Doherty questioned the overall structure height

84 Madore explained they are looking to install insulation and ducting, would like to have a range to work
85 within.

86 Nelson stated that a variance should be granted only for minimum requirements. That would be an 8' ceiling
87 not 9'.

88 **Motion/Second: Patten/Doherty Move to table until next month to review the new information
89 presented tonight; also the applicant is not completely certain of details at this time. The Planning
90 Commission would like more information.**

91 Discussion

92 Doherty stated that it appears that the applicant is following feedback, we just need more information.

93 Madore stated this is the second buyer for this property, and would just like to get conceptual design
94 approved.

95 Bowman stated it is difficult to support due to extensive excavation for drainage off the hillside / bluff. There
96 are too many open questions.

97 Motion Vote

98 **All aye, passed 7-0-0. Table until April**

99
100 **B. Nicholas Squires Variance Application at 14641 Afton Blvd.**

101 Chair Kopitzke opened the public hearing at 7:37 pm

102 Administrator Moose provided the following information:

103 Background

104 Nicholas Squires is proposing to construct a 1,920 square foot accessory building in the front yard of his
105 property at 14641 Afton Boulevard. A photo showing the type of building proposed is attached.

106 The property does not have any frontage on Afton Boulevard, but is located at the end of a private driveway
107 that serves several properties. The parcel is 11 acres, which allows an accessory building up to 2,500 square
108 feet. The side and rear setbacks for an accessory building up to 1500 square feet are 50 feet. The setbacks for
109 an accessory building greater than 1500 square feet are 100 feet.

110 While the required front yard setback is generally 105 feet from the centerline of a public road, the property
111 does not have frontage on a public road. A relatively recently adopted ordinance requires the setback from
112 the front property line for properties without frontage on a public road to equal the required rear yard setback.
113 Also, locating an accessory building closer to the front lot line than the house requires the building to be
114 screened from the public road and from neighboring properties. There is a substantial amount of screening
115 between the proposed building location and the adjacent properties.

116 Because the proposed accessory building is larger than 1500 sq. ft., the required front and side yard setbacks
117 are 100 feet. The accessory building is proposed to be located with sideyard setbacks of 300 feet and 250
118 feet, and a front yard setback of 54 feet. As shown on the attached site plan, only a relatively small portion of
119 the property is suitable for a building site, due to topography. The existing house, drainfield and well take up
120 a significant amount of the buildable area.

121 Variance Needed

122 To allow the proposed accessory building, a variance to allow a front yard setback of 54 feet vs. the required
123 100 feet is necessary.

124
125 Nicholas Squires, applicant, stated he would like setback to build the structure

126
127 Peg Nolz, 15339 Afton Blvd., stated an unimproved public road comes into the corner of the property. Also
128 the house is in shoreland management area by Kells creek. Asked if the DNR was notified?
129

130 **Motion/Second: Nelson/Doherty To close public hearing. Passed 7-0-0**

131 Hearing closed at 7:45 pm
132

133 Discussion

134 Doherty asked Nolz about the unimproved public road ~~eu~~-de-saecul-de-sac.

135 Nolz said city could build road there. The existing driveway is over an easement on adjacent property. There
136 is confusion over front lot line location.

137 Administrator Moorse stated he would check the ~~eu~~-de-saecul-de-sac ownership with the County.

138 Chair Kopitzke stated there are potentially two different variances needed. Would recommend the applicant
139 withdraw his application to reset the 60 day clock rather than send to the City Council with wrong variance.
140 Have to be distance from bluffline 40'. 200 from edge of stream.

141 Bowman asked why it couldn't be built closer to ~~eu~~-de-saecul-de-sac – well and septic

142 **Squires agreed to withdraw the application and submit with Moorse's help regarding the on the
143 shoreline requirements.**

144 Doherty noted that the shape of the lot and ~~eu~~-de-saecul-de-sac here remind her of the importance of
145 following ordinances.
146

147 **C. Afton Creek Preserve Application for Rezoning, Preliminary Plat and Conditional Use Permit for a
148 Preservation and Land Conservation Development (PLCD) Subdivision to create 18 lots on 219 acres of
149 land at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002,
150 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned
151 (33.028.20.33.000X described in document No. 4142813).**
152

153 Chair Kopitzke opened the public hearing at 7:52pm
154

155 Administrator Moorse provided the following information:

156 Included in the packets is the Planning Consultant's report regarding the Afton Creek Preserve application for
157 Rezoning, Preliminary Plat and Conditional Use Permit for a Preservation and Land Conservation

158 Development (PLCD) Subdivision to create 18 lots on 219 acres of land. The report includes a number of
159 exhibits provided by the applicant and the City Engineer. Also included are letters from residents regarding
160 the application.

161
162 Bob Kirmis, City Planner, Provided a summary of the changes since the last application in October. Included
163 in the packet is his full written report. Several items to note: An amendment to the EAW is not needed. There
164 is justification to approve the rezoning. The 5 acre parcel right of way needs to be established prior to final
165 plat. The proposal does not require variances. PLCD language allows for a longer cul-de-sac. Lot 4
166 configuration has changed. Lot 2 side lot lines need to be adjusted. Open space exceeds required minimum.
167 Trees have been added. Open space allows for 5 acre lots in Ag area. Does not fulfill park dedication
168 requirements. 5 acre parcel connecting to Odell includes park dedication. Applicant had neighborhood
169 meeting with an alternative design; however the Planning Commission is to consider the application in front
170 of you. Staff recommends approval with conditions noted in report.

171
172 Nick Guilliams, City Engineer, stated that from a traffic and stormwater management standpoint, he could
173 recommend approval of this prelim plat.

174
175 Sean Delmore, City Engineer, stated that based on information provided and analysis done the 30 mph
176 posting on Trading Post Trail is verified. Based on a 35mpg speed for Odell the intersection is acceptable.
177 The report from Spack Consulting appears to meet requirements.

178
179 Todd Hubmer, City Engineer, stated that the drainage is adequate. Also the conversion of Ag land greatly
180 reduces the rate of runoff. Further review of final plat will take place.

181
182 Joe Bush, Developer, stated that with this design the land in the shoreland area has no development activity.
183 The conservation land is preserved in perpetuity. The Odell access splits traffic.

184
185 Mary McConnell, 5680 Odell, stated that this site has challenges and poor access. The Odell access involves
186 tearing down a home on a lot in an established subdivision to allow for a public road. Sets a precedence for
187 the city. There is no need for public road except for the development. Road must be preexisting, so it has to be
188 approved prior to prelim plat. Overall density averages are too high, the lots are condensed into ½ the
189 available space. Surrounding lots are all larger than 5 acres. One finding has to be it benefits area. Farm
190 access road issues, would like it conveyed to adjacent landowners. Alternative concepts of a 9 lot proposal
191 were withdrawn because the Land Trust is not interested in smaller parcel. Other partners could take
192 conservation area.

193
194 Doug Forbes 5460 Odell Ave., ~~Would~~ would be directly affected by the Odell access road. Seems the
195 ordinances are being overlooked. Previous owner had looked at developing this land, found other options are
196 too expensive. I went through the correct process to develop land, expect others to do the same.

197
198 David Husbey, stated he has concerns about traffic safety with right-hand- only turn. Un-enforceable.

199
200 Kevin Herboldt, 14099 50th St, asked if anyone has looked at traffic impacts on 50th St?

201
202 Guilliams answered that WSB has not looked at 50th St impacts.

203
204 Patti Wallin 14099 50th St., concerned about Odell access safety – the road is hilly and curvy. 35 mph is too
205 fast. Study 50th and Odell. After paving, 50th speeds are too fast.

206
207 Nancy Turner 13926 60th St., Bought an Ag property in Ag zone for Ag use. This puts her horse farm in the
208 middle of a housing development. The buffer she had in mind was not trees, as the developer is offering. Will

209 be only Ag property in 200 acres of Ag land. The intersection of Trading Post and 60th is dangerous.
210 Currently 8 cars go past her property daily. This is huge increase. Offended by the trees, would like a
211 conservation easement. The development option presented at the mtg-meeting on Feb 25th is one she could
212 live with.

213
214 Patrick Leahy, Odell, stated that the non-profit horse sanctuary purposely located in Afton based on the
215 ordinances. Suggested conservation easements around south between the horse sanctuary. Is the developer
216 donating land to Land Trust? Selling land? This park on Odell is not wanted. Encourage you to deny approval
217

218 Christian Dawson 5888 Trading Post Trail, expressed frustration over 15 months of feedback not being
219 listened to. Now they are tearing down a house in platted subdivision. Ordinances are set up to discourage
220 land prospecting, but that is what they are trying to do.

221
222 David Husbye, stated the most recent traffic study was done on 6 cars on snow
223

224 Rebecca Stahl, 5554 Trading Post Trail, Asked why they other design isn't up for review? Would like to see.
225

226 Peg Nolz, stated the County gave approval for 10 septic systems.
227

228 Craig Cook 5133 Odell, hHas traffic concerns. His house is the first driveway at bottom of hill, always very
229 careful pulling out of his driveway as people cannot see. Regarding the park, there are maintenance concerns,
230 it is of no benefit to neighbors, no one wants it. The proposal doesn't meet ordinances or comp plan.
231

232 Jim Rickard 5650 Odell aveAve. pProvided written comments as he was unable to attend. Has concerns over
233 the access road on Odell. The design sets precedence for future.
234

235 Pat ?, 50th St, asked how long can this go on?
236

237 Anonymous speaker, stated development is coming to Afton. It would be nice to have trails in new area.
238 Conservation area protects the land better than ag uses.
239

240 Craig Cook, stated the Ordinances and rules need to be followed. No one is saying land can't be developed.
241

242 Kevin Herboldt, 14099 50th asked if a study has been done on runoff and impervious surface road been done
243 for Odell?
244

245 **Motion/Second Doherty/Patten To close public hearing. Passed 7-0-0**

246 Hearing closed at 8:56 pm.
247

248 Discussion

249 Nelson stated that it is the opinion of the city attorney that zoning still applies and inclusion in the plat
250 requires a variance or rezoning.

251 Wroblewski read ordinance language for PLCDs regarding rezoning

252 Doherty stated we are to look at the 5 acre parcel without context of the PLCD

253 Nelson stated that the neighbors provided input on a court case where there was no compelling reason to
254 rezone

255 Wroblewski stated that we are being asked to not consider the PLCD for the road on Odell, but we clearly
256 have to consider the PLCD. Setting a precedent here.

257 Chair Kopitzke stated that they are tied together

258 Doherty agreed that Odell is tied; the zoning is separate from the PLCD

259 Attorney Knaak stated that Odell typically wouldn't be considered part of the development. Normally would
260 have a preexisting road and development.

261 Wroblewski stated that the comprehensive plan is the City's bible. It states that rural areas are worth
262 preserving. After all this time, it doesn't feel that the developer has taken the ordinances or comp plan
263 seriously. Or that there has been a true listening session. Feels like they don't care about the neighbors or the
264 community. Must meet provisions of ordinances: must benefit. Proposed uses cannot have adverse impact on
265 enjoyment of neighboring property and use. Must work with neighbors. Conservation portion is awesome;
266 but we can't have that override all the other "musts" in the PLCD language.
267 Chair Kopitzke stated that it must harmonize with existing development. Road proposal goes against. The
268 covenants in the development are not what Afton is about. Creating something that is not Afton is not
269 harmony.
270 Patten asked if the Parks commission had recommended approval of park acceptance?
271 Wroblewski stated she was liaison to Parks meeting. They addressed it only as a public connection to larger
272 park easement.
273 Doherty agreed that it could provide connection.
274 Kopitzke asked about development rights. Have all the rights been transferred for quarter section from horse
275 property to this? Who has rights on quarter quarter section? Would like legal issues answered regarding
276 correct number of lot sizes for density
277 Nelson stated that 6 quarter-quarter sections gives 18 total. 1 is there already. Average density cannot exceed
278 underlying, so that is 17 lots max
279 Administrator Moore stated that when there is a PLCD it increases density to 24, less the 1 lot Turner farm
280 Nelson stated it refers to underlying zoning district.
281 Administrator Moore stated the comp plan refers to 4 per quarter-quarter-quarter in a PLCD
282 Chair Kopitzke stated that in the ordinance it "cannot exceed".
283 Nelson stated that the ordinance isn't written right.
284 Doherty recommends that we look at both sides of this. We told them to ask for no variances; that has been
285 achieved. We asked for a better traffic solution and the preserve the most pristine part of land; that has been
286 done. It seems there may need to be some give to develop 200 acres into a PLCD.
287 Patten agreed that the no variance requirement, he has delivered. Would like to ask Mr. Bush about the other
288 version. Is this the best version?
289 Bush answered yes.
290 Patten stated that with the park no one wants and preexisting roadway condition, he can't make that leap.
291 Then the PLCD is not feasible.
292 Kirmis recommend you include that as finding in recommendation for denial
293 Wroblewski stated that 35 mph on Odell is too fast. The Cul-de-sac length can be extended
294 provided it allows for preservation in the PLCD.
295 Nelson noted that the cul-de-sac is straight now.
296 Doherty recommend that for discussion we break into 3 topics: Rezoning, Consideration of prelim plat
297 approval with Odell; and CUP.
298 Administrator Moore explained that the CUP allows for specific conditions to mitigate issues. Plat is more
299 engineering and traffic.
300
301 **Motion/Second: Doherty/Nelson To recommend approval of the rezoning request from Rural**
302 **Residential to Ag zoning to the City Council with the finding that Ag is a down zoning and no change in**
303 **use.**
304 Discussion
305 Nelson stated there is no real change in use to justify it being zoned ag.
306 Chair Kopitzke stated the only reason to do it is to allow development on rest of 40 acres.
307 Doherty stated that this 5 acre parcel is a peninsula on its own surrounded by ag land.
308 Wroblewski stated that if an applicant came in with a zoning request, we would ask why it is being done. She
309 cannot ignore the fact that it is being done for the PLCD.
310 Administrator Moore noted the considerations in staff memo pages 6-7
311 Nelson stated that the citizens group referenced there should be some mistake in the original zoning to require
312 this change

313 **Motion vote:**
314 **2 Aye, 5 Nay, Failed 2-5-0.**
315

316 Procedural discussion:
317 Patten stated that the right angles on lot lines discussed on page 10 should be a condition of plat
318 Attorney Knaak stated that the Odell property would have to be dedicated and accepted by the City Council
319 before approval of the final plat
320 Bowman stated we should discuss Odell first, separate from the plat
321

322 **Motion/Second: Bowman/Wroblewski to recommend that the City Council not accept the parkland or**
323 **the dedication of the road based on following findings:**
324 **1. Has nto benefit the City and it's citizens.**
325 **2. Additional maintenance with no perceived benefit.**
326 **3. Seen by residents to detract from value and enjoyment of land.**
327 **4. Access fails to harmonize with surrounding development.**
328 **5. There will be an adverse effect on traffic along Odell.**
329 **6. Land for the park is not currently in the 2012 Parks Plan.**
330 **7. The Parks Plan requires land to be suitable for park, this is not since a resident still lives on it.**
331 **8. Parks Plan requires a clear use for land; other than road there is no use. A road through a park**
332 **is inconsistent with city ordinances.**
333 **9. According to Parks Plan it does not provide recreational or scenic value, protect natural**
334 **resources, wildlife habitat, unique landforms, nor does it link current recreational areas.**
335 ~~**10. Citizens would like non-motorized trails according to the Parks survey. This does not provide.**~~
336 **11. Motion coincides with predominant public opinion we've received.**

337 Discussion
338 Doherty stated the potential virtues are that it could bring two communities together. It also allows access to
339 the conservation easement land.
340 Nelson stated the road ROW would allow space for a bike path. Strike the motorized trail comment.
341 Patten suggested to amend the findings (all agreed) to:
342 **12. This is a fully platted, existing neighborhood for over 30 years.**

343 Motion Vote
344 **Passed 7-0-0.**
345
346

347 **Motion/Second: Kopitzke/Patten Move to recommend approval of the Preliminary Plat for the Afton**
348 **Creek Preserve Preservation and Land Conservation Development (PLCD) to the City Council with**
349 **the following findings and conditions:**

350 **Findings:**
351 **1. Commitment that 60th Street will be paved**
352 **2. The PLCD design results in a land use density which is below the applicable AG, Agricultural**
353 **zoning district density requirement.**
354 **3. The proposed land use is consistent with the City's overall land use plan for the area.**
355 **4. The proposed land use is consistent with the proposed land use in the City's 2040**
356 **Comprehensive Plan.**
357 **5. The PLCD design results in the ability to protect the sensitive environmental features on the**
358 **site by preserving all lands near the trout stream.**
359 **6. Proposed lot sizes in the PLCD design are consistent with, or greater than, the lot size in**
360 **surrounding neighborhoods.**
361 **7. The preservation and conversion of the conservation area to native habitat would be beneficial**
362 **for stormwater, groundwater, and wildlife habitat and would be a positive amenity for the**
363 **community.**

- 364 8. Zoning Ordinance requirements imposed upon PLCD developments have been satisfied.
365 9. Traffic generated by the project is within the capabilities of streets which serve or will serve the
366 subdivision.
367 10. The proposed plat incorporates an intersection with 60th Street near a curve on Trading Post
368 Trail that is substandard in terms of width and geometry.
369 11. The City has not identified a need for park land in the area of the Odell access street. In this
370 regard, the plat is inconsistent with the City's 2012 Park Plan.

371
372 **Conditions:**

- 373 1. The City approve the rezoning of the property formerly described as 14220 60th Street from
374 RR, Rural Residential to AG Agriculture.
375 2. Access and traffic related issues shall be subject to further comment and recommendation by
376 the City Engineer.
377 3. The Odell Avenue right-of way be dedicated to the City prior to City approval of the Afton
378 Creek Preserve final plat.
379 4. The City Council confirm that the proposed cul-de-sac length (1,700 feet), within the context of
380 a PLCD, is considered acceptable.
381 5. Street-related issues, including but not limited to right-of-way width, shall be subject to further
382 comment and recommendation by the City Engineer.
383 6. The acceptability of the drainage and utility easement within Lot 4, Block 3 and related
384 maintenance responsibilities shall be subject to further comment and recommendation by the
385 City Engineer.
386 7. The plat drawing shall be modified such that the side lot lines of Lot 2, Block 3 shall be drawn
387 substantially at right angles to straight street lines and radial to curved street lines.
388 8. The two open space parcels shall be designated as outlots.
389 9. The applicant identify the proposed ownership and management of the conservation areas.
390 This issue should be subject to further comment and recommendation by the City Attorney.
391 10. The applicant provide explanation (acceptable to the City) regarding the lack of proposed front
392 yard tree plantings for Lot 8, Block 2.
393 11. In accordance with the submitted seeding plan, pre-development seeding with a prairie
394 grass/wildflower mix shall be provided on all lots and on the open space parcels. Maintenance
395 responsibilities associated with the seeded areas shall also be addressed by the applicant (to the
396 satisfaction of the City).
397 12. Wetland-related issues shall be subject to further comment and recommendation by the City
398 Engineer.
399 13. The proposed 20-foot wide access easement width between Lots 5 and 6, Block 2 shall be
400 determined acceptable to the City Engineer and/or Fire Chief.
401 14. Easements for drainage and utilities shall be provided over individual lots as recommended by
402 the City Engineer.
403 15. The City Engineer and/or Washington County Department of Public Health provide comment
404 and recommendation regarding the need to update the previously provided soils report to
405 correspond to the updated plat drawing.
406 16. Review of proposed septic designs and final septic permits shall be received from Washington
407 County prior to building permit approval.
408 17. City Officials determine desired park land dedication and/or equivalent cash contribution
409 requirements.
410 18. The applicant shall pave 60th Street from Trading Post Trail to Neal Avenue.
411 19. The farm access shall be prohibited as a construction thoroughfare or road during development
412 of the PLCD and redeployed to the benefit of the neighborhood.
413

414 Motion Vote

415 **2 Aye, 5 Nay, Failed 2-5-0.**
416

417 **These would be findings of denial in accordance with Attorney Knack's recommendation to articulate**
418 **specific points:**

- 419 Predominance of public opinion.
- 420 Does not harmonize with area surrounding project site
- 421 Does not benefit surrounding area to a greater degree

422
423 **In support of the project:**

424 Preliminary plat did not require variances and did achieve an optimum conservation easement as desired
425 by the ~~state~~ commission commission.

426
427 Bob Kirmis stated that if the preliminary plat has been denied, the CUP is also denied.
428

429 **Chair Kopitzke also noted:**

- 430 -Ordinance 12-2377 mentioned buy Wroblewski regarding the fact that the land was previously
- 431 developed to maximum density. Also 12-2373 a3 has to harmonize with existing development.
- 432 -~~Cannot~~ A PLCD cannot have an adverse impact on enjoyment of neighboring property.

433
434 10. NEW BUSINESS – none

435
436 11. OLD BUSINESS –

437
438 B. Update on City Council Actions

- 439 1. Council highlights from the February 20, 2018
- 440 Council member Richter provided a summary of the Council meeting.

441
442 12. ADJOURN

443 **Motion/Second: Wroblewski/Bowman To adjourn. Passed 7-0-0**

444 Meeting adjourned at 10:37 pm
445
446
447
448

449 Respectfully submitted by:

450 _____
451
452 Julie Yoho, City Clerk
453
454

455 **To be approved on April 2, 2018 as (check one): Presented: _____ or Amended: _____**

<p>City of Afton 3033 St. Croix Trl, P.O. Box 219 Afton, MN 55001</p>
--

Planning Commission Memo

Meeting: April 2, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: March 27, 2018

Re: Nicholas Squires Variance Application at 14641 Afton Boulevard

Background

Nicholas Squires is proposing to construct a 1,920 square foot accessory building in the front yard of his property at 14641 Afton Boulevard. A photo showing the type of building proposed is attached.

The property does not have any frontage on Afton Boulevard, but is located at the end of a private driveway that serves several properties and is also located at the end of a platted but unimproved public street right-of-way. The parcel is 11 acres, which allows an accessory building up to 2,500 square feet. The side and rear setbacks for an accessory building up to 1500 square feet are 50 feet. The setbacks for an accessory building greater than 1500 square feet are 100 feet.

While the required front yard setback is generally 105 feet from the centerline of a public road, the property does not have frontage on an improved public road. Because the property does not abut an existing improved public right-of-way or an approved private road, the property does not have a front lot line. (from Sec. 12-55. Definitions: *"Lot line, front means that boundary of a lot which abuts an existing improved public right-of-way or an approved private road.*

Lot line, side means any boundary of a lot which is not a front lot line or a rear lot line"

Based on these definitions, the northwestern lot line of the property, which faces Afton Boulevard and intersects the bulb of the cul-de-sac of the unimproved right-of-way, is a side lot line.

Because the proposed accessory building is larger than 1500 sq. ft., the required side yard and rear yard setbacks are 100 feet. The accessory building is proposed to be located with a setback to the northeast side lot line of 250 feet and a setback from the rear lot line of 300 feet. The setback from the northwest side lot line is proposed to be 54 feet vs. the required 100 feet. The accessory building is also proposed to be located 250 feet from the center of the platted cul-de-sac bulb, so that if the cul-de-sac is constructed in the future, the building will meet the required front yard setback.

As shown on the attached site plan, only a relatively small portion of the property is suitable and available for a building site, due to topography and the location of the well and drainfield.

There is a creek running along the southern and western edges of the property, and there is a steep slope running down to the creek. The accessory building is proposed to be located 211 feet from the creek. The

required setback is 200 feet. The building is proposed to be located 51 feet from the crest of the bluff that leads down to the creek. The required setback is 40 feet.

Variance Needed

To allow the proposed accessory building, a variance to allow a front yard setback of 54 feet vs. the required 100 feet is necessary.

Public Hearing

The public hearing is an opportunity for the public to ask questions and provide comments regarding the application.

Findings

The following is a list of recommended findings. The Planning Commission may want to provide additional findings.

1. The property and all surrounding property is zoned Rural Residential
2. The parcel is 11 acres, which allows an accessory building of up to 2,500 sq. ft.
3. The property is very oddly shaped, with triangular shaped property lines
4. Large portions of the property have slopes that are not suitable as building sites
5. An accessory building of up to 1500 sq. ft. could be constructed in the proposed building location without the need for a variance.
6. The perimeter of the property is heavily wooded.
7. The proposal would not disrupt the existing natural vegetation
8. The proposed accessory building meets the stream and bluff setback requirements
9. The parcel abuts a platted but unimproved public right-of-way.

Conditions

If the Planning Commission recommends approval of the variance application, the Commission may also place conditions on the approval to mitigate the impact of the variance. The following are recommended conditions.

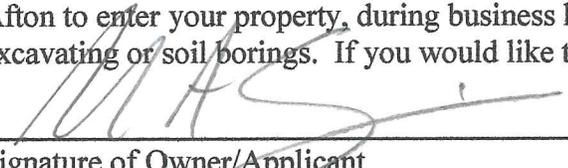
1. Any disturbed soils shall be restored as soon as possible, and any erosion control measures recommended by the City Engineer shall be put in place prior to construction and kept in place for the period recommended by the City Engineer.
2. Existing vegetative screening shall be maintained
3. The color of the building shall be earth tone

Planning Commission Recommendation Requested:

Motion regarding a recommendation concerning the Nicholas Squires variance application at 14641 Afton Boulevard, with findings, and conditions if applicable.

CITY OF AFTON VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Nicholas Squeres	14641 Afton Blvd.	Afton	MN	55001	651-343-7033
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
14641 Afton Blvd S		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
RR	Homestead	see attached			
Please list the section(s) of the code from which the variance(s) are requested.					
Sec 12-132-9.A		Accessory buildings setback			
Description of Request					
to reduce the 100 ft side yard setback for Accessory building over 1500 sq ft. to 54' due to topography, existing lot dimensions and placement of well and septic drain field / All shoreland management setbacks are exceeded					
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.					
					3-18-18
Signature of Owner/Applicant					Date
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:		ESCROWS:		TOTAL: \$850.00	
Variance	\$250	\$600	DATE PAID: 2-14-18		
Renewal/Extension	\$250	\$350	CHECK #: cash		
			RECVD BY: dm		

DEED TAX DUE HEREON: \$ _____
Date: 2-5-2015

FOR VALUABLE CONSIDERATION, Janice Odegaard and Lester B. Odegaard, as Trustee(s) of the Janice Odegaard Revocable Trust U/A dated November 6, 2006, and any amendments thereto, Grantor(s), hereby conveys to Nicholas A. Squires and Brittany M. Darst, Grantee(s), as Joint Tenants, real property in Washington County, Minnesota, described as follows:

SEE ATTACHED LEGAL

together with all hereditaments and appurtenances belonging thereto.

Check box if applicable:

- The Seller certifies that the seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described property have not changed since the last previously filed well disclosure certificate.

TRUSTEE(S)

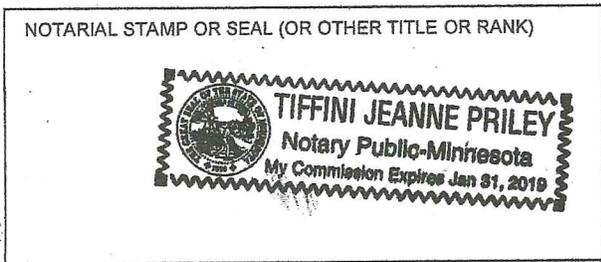
Janice Odegaard
Janice Odegaard

Lester B. Odegaard
Lester B. Odegaard

Affix Deed Tax Stamp Here

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

This instrument was acknowledged before me on January 27, 2015 by Janice Odegaard and Lester B. Odegaard, as Trustee(s) of the Janice Odegaard Revocable Trust U/A dated November 6, 2006, and any amendments thereto, Grantor(s).



Tiffini Priley
Signature of Person Taking Acknowledgment

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)

Burnet Title
5151 Edina Industrial Boulevard, Suite 500
Edina, MN 55439

14-19143/

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

Nicholas A. Squires
Brittany M. Darst
14641 Afton Boulevard South
Afton, MN 55001

All that part of the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21, Township 28, Range 20, Washington County, Minnesota described as follows: Commencing at the SW corner of the SE $\frac{1}{4}$ of said Section 21; thence North along the West line of said SE $\frac{1}{4}$ to the center line of Minnesota Highway No. 95; thence Northeasterly along said center line to a point on said center line which is located 1860.76 feet Southwesterly of the intersection of said center line with the East line of said SE $\frac{1}{4}$; said distance being measured along said centerline; thence Southeasterly at right angles a distance of 1106 feet to the point of beginning of the land to be described; thence Southwesterly to a point on a line drawn at right angles to the center line of said Minnesota Highway No. 95 through a point on said center line located 1365.40 feet Northeasterly of the intersection of the West line of said SE $\frac{1}{4}$ with the center line of said Minnesota Highway No. 95, said point on said line being 1106 feet Southeast of the center line of said Minnesota Highway No. 95; thence Northwesterly along said line 400 feet; thence Southwesterly at right angles to a point on the South line of said SE $\frac{1}{4}$; thence East along the South line of said SE $\frac{1}{4}$ to the point of intersection with a line drawn at right angles to the center line of said Minnesota Highway No. 95 through a point on said center line located 1860.76 feet Southwesterly of the intersection of said center line with the East line of said SE $\frac{1}{4}$; thence Northwesterly along said line to the point of beginning.

Applicant(s): Nicholas Squires
 Phone: 651-343-7033
 Mailing Address: 14691 Afton Blvd S
 Property Address for variance: same

Variance request description: Sec 12-132-9.0A Accessory building
100' Front yard set back to be reduced to
54' over 1500 sqft

City Ordinance Section number(s), that variance is requested for: Sec. 12-132, 9.0A
all shore line management minimum set backs are exceeded

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

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

Criteria #1 The requested use, must be a reasonable use in order to receive a variance. **Applicant** - Please explain why the proposed use which requires a variance is a reasonable use for this property?

1920 sq ft is the minimum size to accommodate parking, storage and a small work/hobby space. I have practical difficulty placing an adequate size structure with 100' setbacks on a

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

Explain? the lot shape is very irregular. Topography limits buildable area. Much of that buildable area is consumed by the house well and septic drain field

we have 11 very well screened & secluded acres

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

Applicant - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: I believe most 1/2 acre lots would accommodate a building over 1500 sqft without a variance

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

Applicant - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: no all conditions are existing

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

Applicant - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: no it would only allow us parking/storage and a small work/hobby area.

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

Applicant - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: my practical difficulty is 1500 sqft is inadequate to store and protect vehicles, grounds care equipment and personal property. I would like to build to 2,500 sqft max

Criteria #7 The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone. **Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity? Explain: the 1920 sqft is a compromise and an effort to make reasonable request

Applicant - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity? Explain: I believe the ordinance is so essential character is maintained and you don't have your scenery dominated by huge ugly buildings this building will have tasteful appearance and well screened location

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

Is the requested variance for economic reasons?

Explain: no, but I can not justify the time effort and cost to construct a building (1500 sqft) that I know will be inadequate

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

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

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

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

Explain: only positive affect, as all personal property will

be stored inside a tastefully built, discreetly located
structure that is ergonomically located in relation to principal structure

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

Explain: Absolutely in harmony. I believe the general

purpose is so that all structures be built in a

tasteful manner to preserve the natural beauty of

this area, and to maintain essential character. The 1920 sqft

Building would aid in my efforts to preserve the condition

of my personal property, as opposed to everything sitting

out side rusting or hidden in tacky, poor looking

temporary shelters.

Afton Blvd
approx 1,000 Feet
from northern property line
North



Green area represents 40x37.5 conforming building site

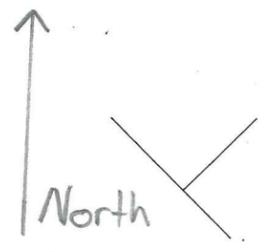
Red area represents 40x48 and the additional 420 sq ft relating to the variance application

22' Between primary and accessory structures

Property is 11 acres heavily wooded

Accessory structure 40x48 1920 sq ft

Set back to Future public road	250'
Set back to NW property line	54' *
Set back to North property line	250'
Set back to bluff line	51'
Set back to creek	211'



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

Planning Commission Memo

Meeting: April 2, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: March 27, 2018

Re: Matt Cooper/ GSP Industries Group LLC Variance Application at 3988 River Road

Background

Matt Cooper, who had a purchase agreement on the property at 3988 River Road, had applied for variances necessary to allow an addition to the existing house to provide a two-stall garage with living space above. The purchase agreement has now been assigned to GSP Industries Group LLC, who desires to continue the same variance application.

Application Tabled at March 2 Meeting

After the public hearing was held at the March 2 meeting, the Planning Commission discussed the need to review information provided to the Commission by the applicant at the meeting and the need for more information to enable the Commission to understand the impacts and the need for variances, and tabled consideration of the application to its April 2 meeting to enable the applicant to provide additional information. Based on the Planning Commission discussion, staff requested the following list of information from the applicant. Some of this information was provided and is attached. The information that was **not** provided by the applicant is shown in bold.

- A copy of the assigned purchase agreement
- A site plan showing the proposed location of the new driveway, the location of the new garage, the location of the rain garden and the location of any retaining walls
- A grading plan that shows the extent of grading and excavation for the garage, the rain garden and the driveway, the heights of any retaining walls, (are retaining walls required for the driveway?) the slope of the new driveway and how the drainage in the area of the new garage and driveway is going to be managed.**
- A construction drawing of the new addition that shows the ceiling joists, insulation requirements, etc. that are requiring the roof to be higher than the existing two story roof, as well as the proposed height of the roof.**
- **A narrative that explains in detail the need for living space above the garage, including how the living space above the garage relates to the existing living space and any planned changes to the existing living space. (The information does not show how the lower level space is planned to be used in relation to the remainder of the house.)**

The current application materials still fall short of providing adequate information. The lack of information makes it difficult, and in some cases impossible, to take action on variances. For example, there is no information regarding the proposed slope of the driveway, which is going to need a variance for exceeding the

maximum allowed slope. There is also no information that shows the height of the roof and that demonstrates the need for a height variance. In addition, the driveway plan shows two access points to River Road. Staff recommends this not be allowed due to the lack of need for two access points and due to the additional grading and impervious surface it would require.

Staff Recommendation

Staff recommends the Commission's consideration of the application be continued to the May 7 Planning Commission meeting so that adequate information can be provided. (Staff has provided a letter to the applicants extending the allowed review period by an additional 60 days to June 5, 2018.)

Planning Commission Recommendation Requested:

Motion regarding continuing the Matt Cooper/GSP Industries Group LLC variance application at 3988 River Road to the May 7, 2018 Planning Commission meeting.

March 26, 2018

To: Ron Moorse, Afton City Administrator and Planning Commission Members

From Kathy Madore, Edina Realty

Re: 3988 River Road, Afton
Garage / Kitchen Addition

We are submitting a request for a 22' wide x 32' deep (704 sf) addition to the existing footprint. We have deleted 4' x 32' (of the existing footprint 128 sf). The garage will be dug down approximately 2 feet to accommodate 1 step into house from garage and allow at least 9 feet of height for top of garage floor.

The present great room and kitchen have vaulted ceilings with no room for insulation. The worst case is the roof must come off to have room for 1 foot of insulation. We have attached photos of the great room. We have attached what the kitchen looks like now, so you can see there really is not a kitchen.

We have submitted a rendering of the proposed main level layout. Currently there is only a curved staircase coming from the walkout level to the main level and the staircase needs to be functional for year-round living. That stairway will be closed off and a new stairway will be relocated to the other side of the house. The current stairway is on the south end of the home and the new staircase will be located towards the north end of the home. The bath on this level is from the 1930's. This has been used as a seasonal residence for over 18 years and needs to now be used as a year-round residence.

The intent is not to raise the roof! It would only be done if the need arises to add insulation above the vaulted great room and other ceilings if needed. If we do not need to take the roof off any of the house and we can do internally that will be done. They will not know until they actually get in there.

The kitchen area is being lowered in the garage, so it will flow open into the great room with the intent that kitchen / great room and dining will all be open.

We would appreciate your approval.

Thank you for your time and consideration.

Kathy Madore

Edina Realty

651-592-4444

TheMadores@edinarealty.com

www.TheMadores.edinarealty.com

Member of Chairman's Circle 2002-2018

ASSIGNMENT OF PURCHASE AGREEMENT

FOR VALUE RECEIVED, Matthew A. and Kristy M. Cooper (referred to as "Assignor"), hereby assigns all right, title and interest in that certain purchase agreement by and among Assignor as buyer and John and Kathleen Orner (referred to as "Sellers"), dated January 1, 2018, for the sale and purchase of the following described real property: 3988 River Road South, Afton MN 55001 – Long Legal

including all right, title and interest in and to any and all earnest money to GSP Industries Group LLC (referred to as "Assignee").

The Assignor warrants and represents that said contract is in full force and effect and is fully assignable.

The Assignee hereby assumes and agrees to perform all the remaining and executory obligations of the Assignor under the contract and agrees to indemnify and hold the Assignor harmless from any claim or demand resulting from non-performance by the Assignee.

The Assignor warrants that the contract is without modification, and remains on the terms contained.

The Assignor further warrants that it has full right and authority to transfer said contract and that the contract rights herein transferred are free of lien, encumbrance or adverse claim.

This assignment shall be binding upon and inure to the benefit of the parties, their successors and assigns.

 <small>Authentisign</small> <hr/> <small>3/7/2018 4:03:51 PM CST</small> Assignor	Date: <u>03/07/2018</u>
 <small>Authentisign</small> <hr/> <small>3/7/2018 4:48:09 PM CST</small> Assignor	Date: <u>03/07/2018</u>
<small>Authentisign</small> <hr/> GSP Industries Group LLC <small>3/7/2018 8:11:12 AM CST</small> Assignee	Date: <u>03/01/2018</u>
<hr/> Assignee	Date: _____

J. Haas Excavating, LLC
1324 East Kinnickinnic Dr
Roberts, WI 54023
jhaasexcavating@gmail.com

Attn: Gary Borglund

RE: 3988 River Road, Afton, MN

Addressing the water/drainage concerns on the property at 3988 River Road, Afton.

We plan to regrade behind the house to attain proper drainage and install a swail to redirect the water to the front of the property with its final destination being an 8'x50'x2' holding pond that we will install. Upon approval the actual size and dimension of the swail and holding pond will be determined by an engineering firm, the numbers used here are approximate.

To lessen the severity of the driveway incline we plan to move the driveway south and put a switch back in it for a more gradual slope. Upon approval actual degree of slope and switchback to be determined by an engineering firm.

Any questions can be directed to Jeff Haas, 715-760-0416

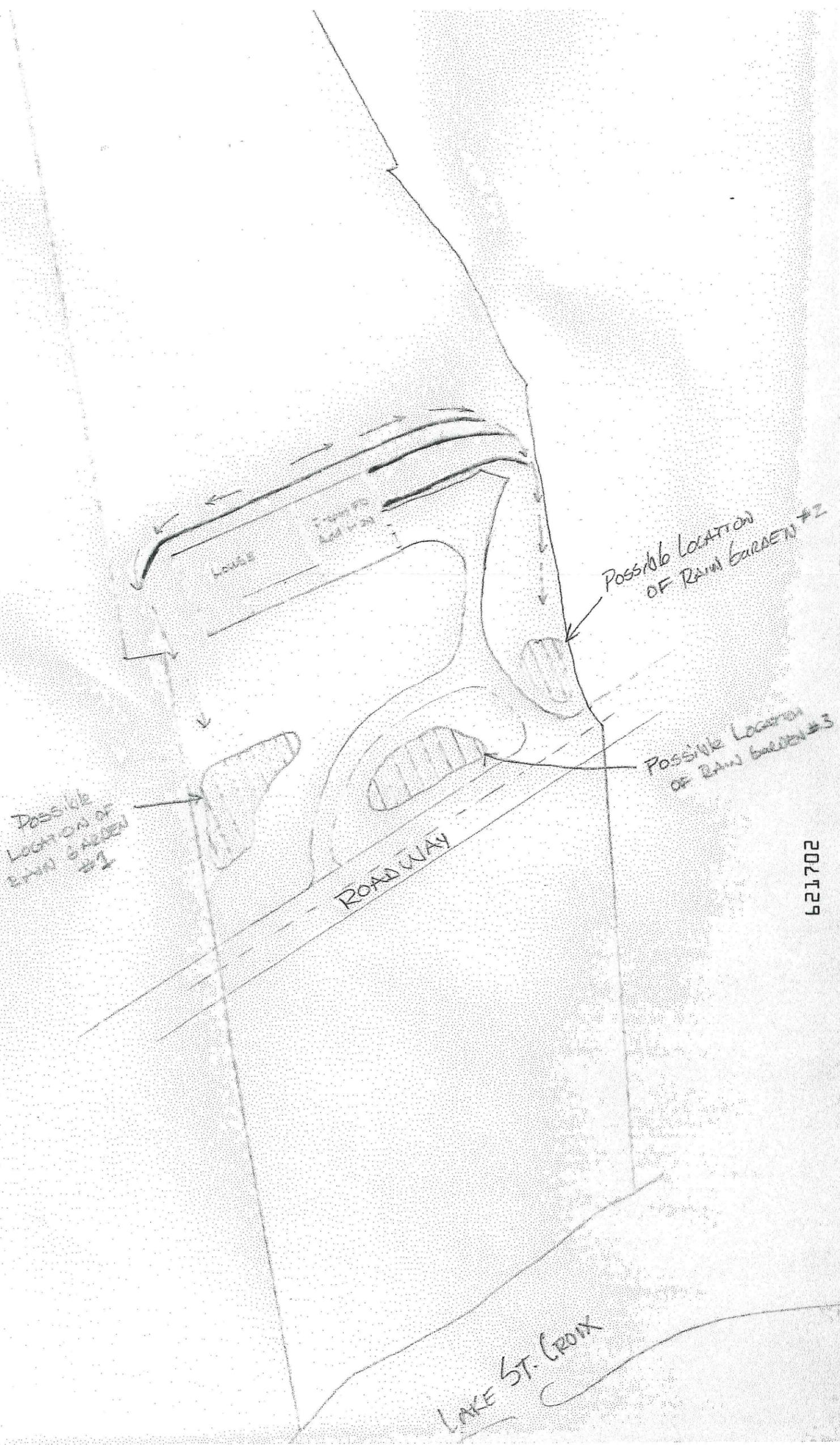
Sincerely,

Jeff Haas

J. Haas Excavating, LLC

PIN 23.028.20.33.0011
Address 3988 RIVER RD S
Owner ORNER JOHN E & KATHLEEN Q
Class Residential





621702

STATE OF MINNESOTA

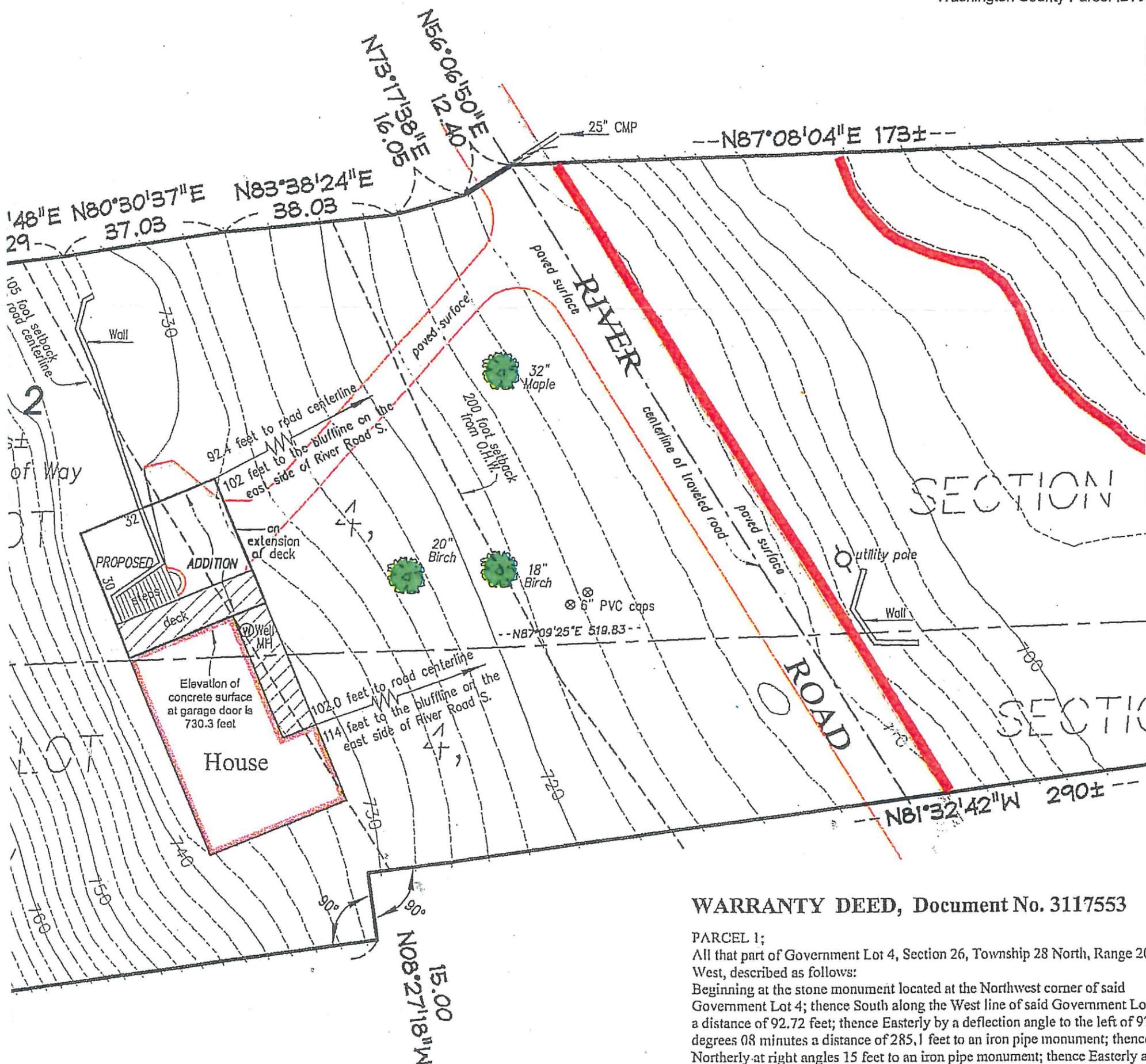
PLAT OF SURVEY

PRELIM

LOT 4, SECTION 23, TOWNSHIP 28 NORTH, RANGE 20 WEST,
 LOT 4, SECTION 26, TOWNSHIP 28 NORTH, RANGE 20 WEST,
 OF AFTON, WASHINGTON COUNTY, MINNESOTA

SITE ADDRESS
 3988 River Road
 Afton, MN 550

Washington County Parcel ID: 2



PANORAMIC PHOTOGRAPH LOOKING EAST FROM AREA OF PROPOSED ADDITION



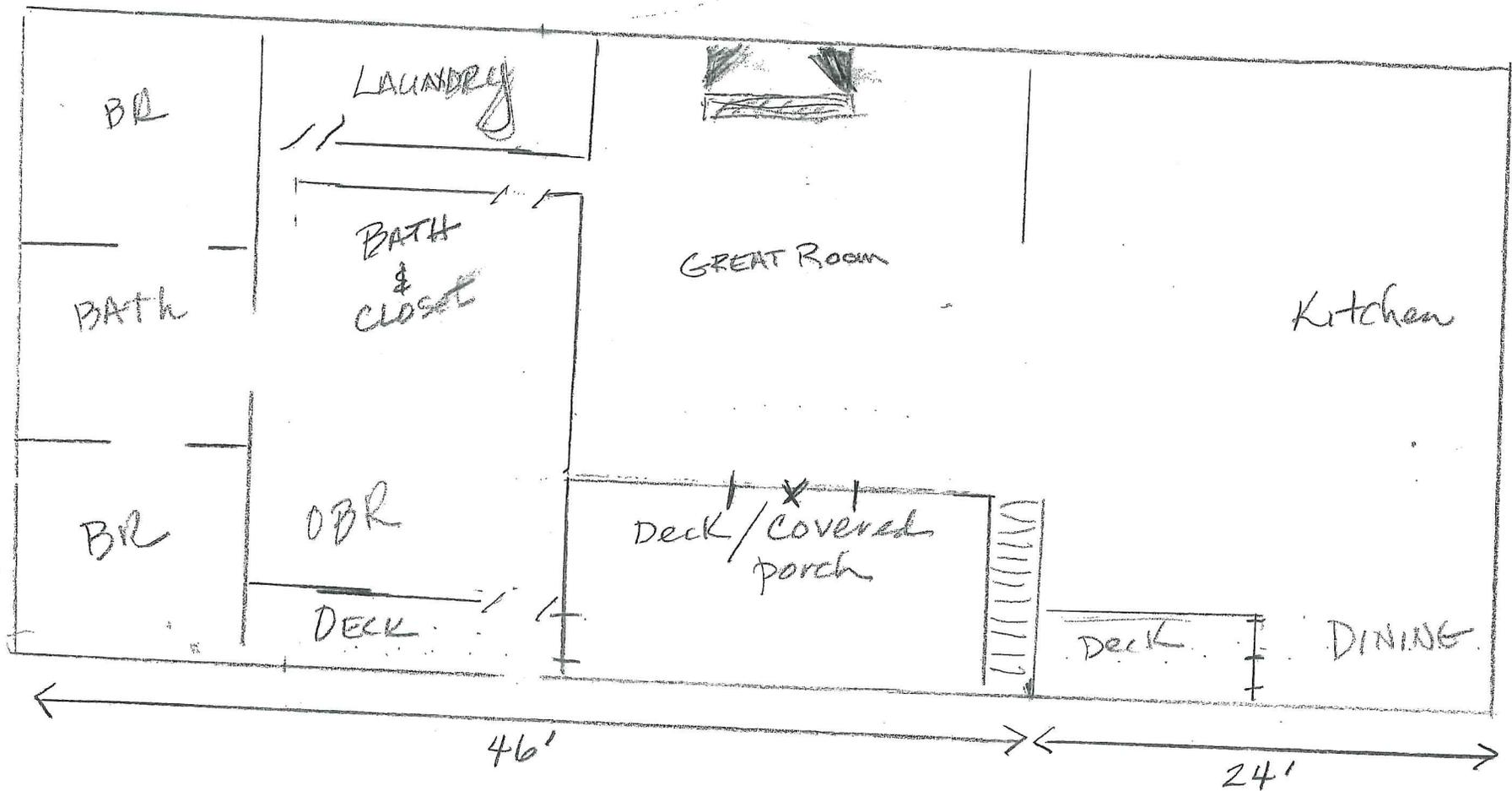
WARRANTY DEED, Document No. 3117553

PARCEL 1;
 All that part of Government Lot 4, Section 26, Township 28 North, Range 20 West, described as follows:
 Beginning at the stone monument located at the Northwest corner of said Government Lot 4; thence South along the West line of said Government Lot 4 a distance of 92.72 feet; thence Easterly by a deflection angle to the left of 97 degrees 08 minutes a distance of 285.1 feet to an iron pipe monument; thence Northerly at right angles 15 feet to an iron pipe monument; thence Easterly at right angles to the Westerly shoreline of Lake St. Croix; thence Northerly along the Westerly shoreline of Lake St. Croix to the North line of said Government Lot 4; thence Westerly along said North line to the point of beginning.

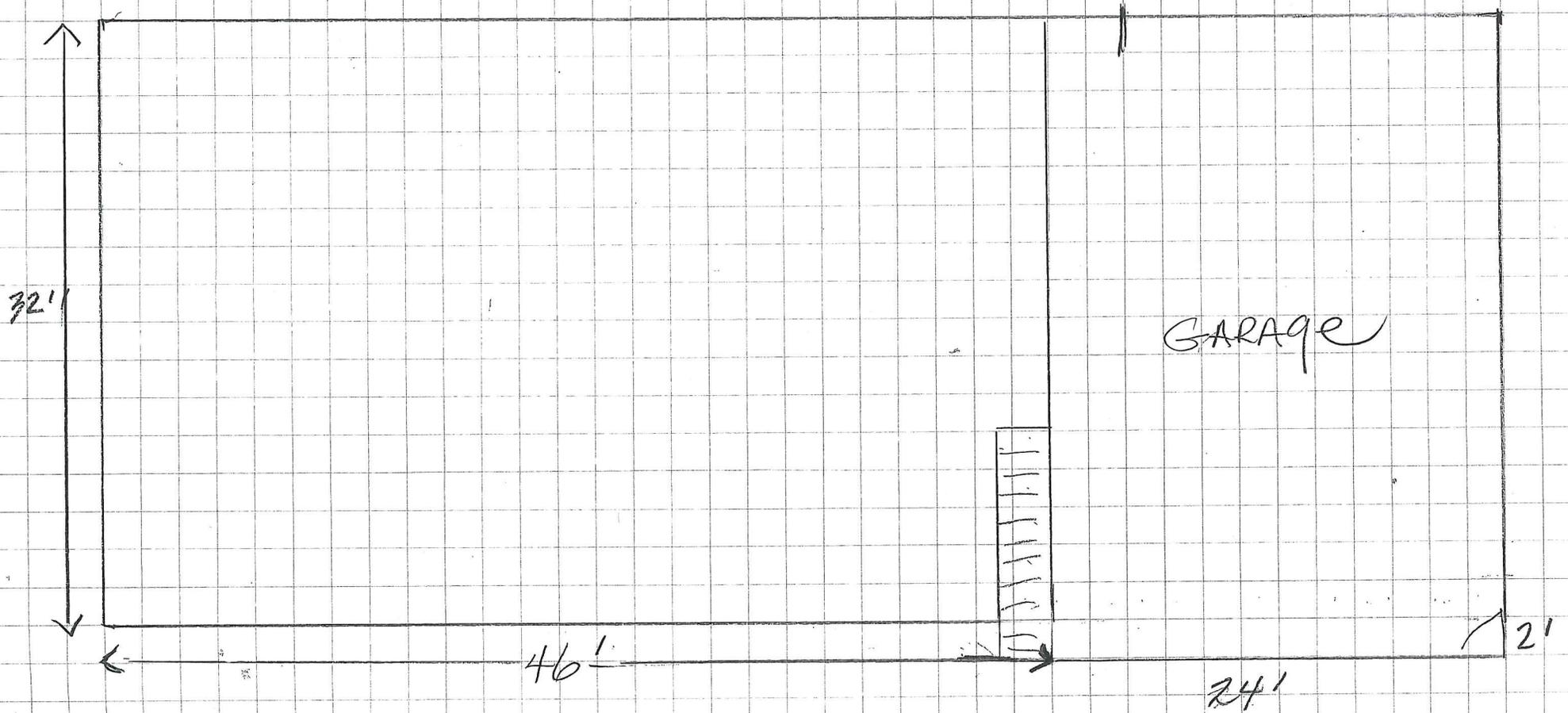
PARCEL 2;
 That part of Government Lot 4, Section 23, Township 28 North, Range 20 West...

CURRENT HOUSE IS NOW 50' x 32'

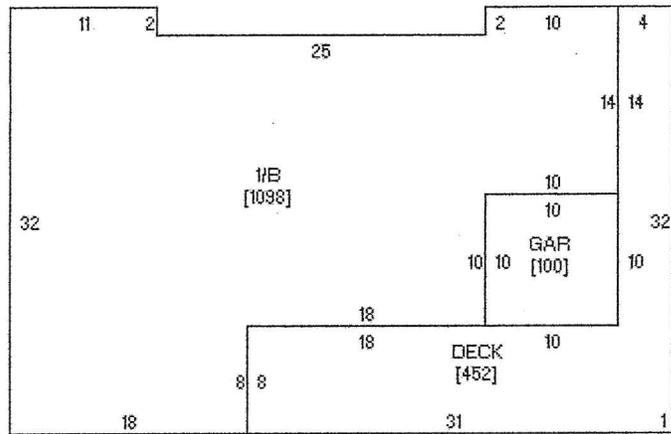
SO Addition is 22' x 32' to FACILITATE A GARAGE
AND Kitchen on main level



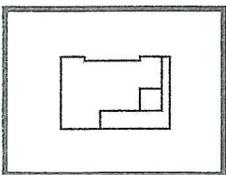
LOWER LEVEL



Sketch

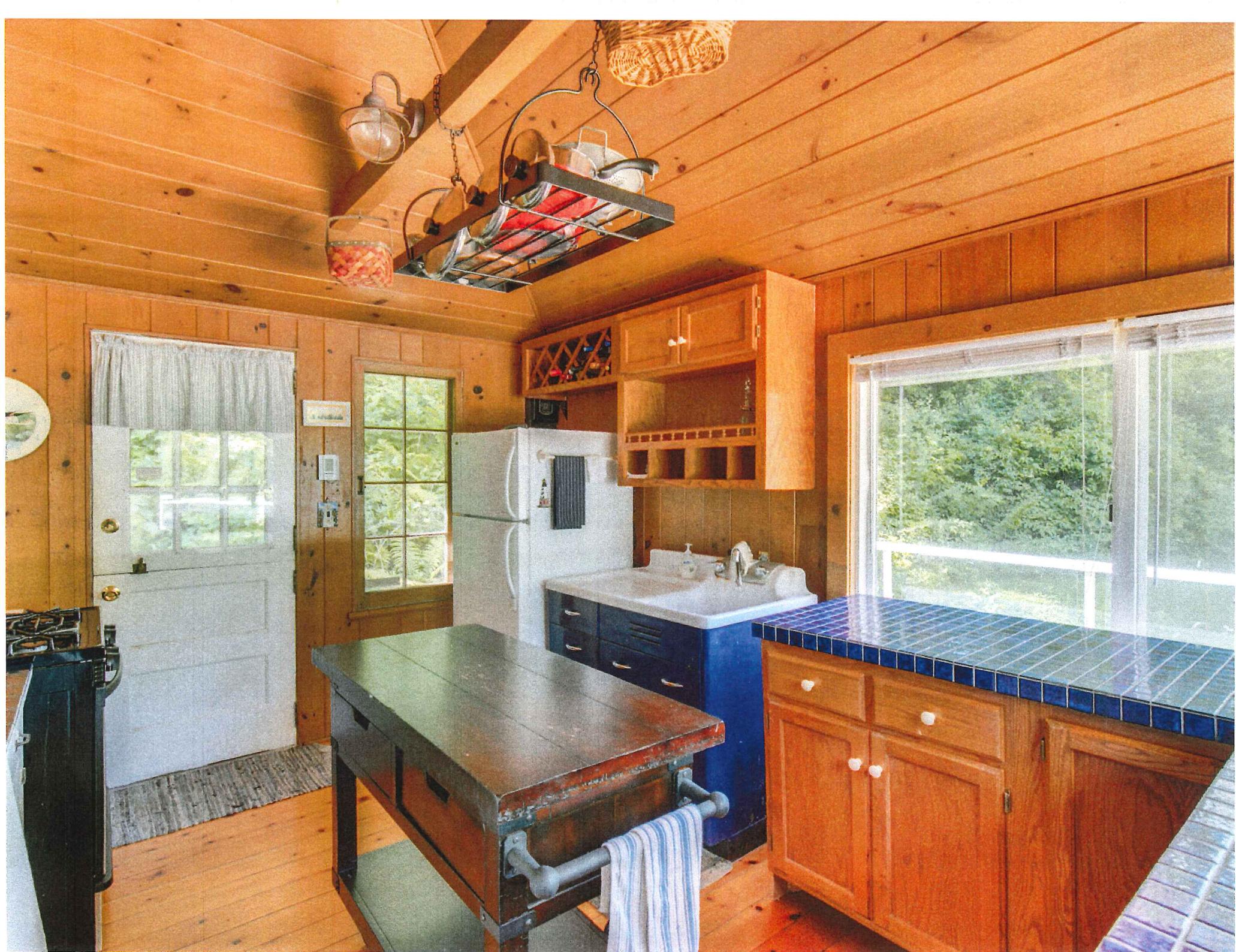


1 / 1



GIS Map Information













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

Planning Commission Memo

Meeting: April 2, 2018

To: Chair Kopitzke and members of the Planning Commission
 From: Ron Moore, City Administrator
 Date: March 16, 2018
 Re: Industrial Ordinance Revisions

In July of 2017, the Council established a moratorium on the consideration of new zoning applications, the issuance of new permits for use or any expanded new use of land currently identified as being industrially zoned within the City in which exterior storage of any sort is to be used or proposed. The purpose of the moratorium was to provide an opportunity for the City to conduct further study for the purpose of consideration of possible revision and amendments to the City's official controls to address issues related to its use classifications as identified in Section 12-134, most specifically to those matters related to exterior storage in industrially zoned areas within the City. The purpose of such revisions and amendments is to create a clearer and more updated regulatory framework. The moratorium expires on June 15, 2018.

After the moratorium was put in place, the Council authorized Mayor Bend, Council member Nelson and Administrator Moore to review the industrial zone regulations and provide recommendations for amendments. This group has met with Chris Eng, Washington County Economic Development Director, and has reviewed lists of allowed light industrial uses from other cities, to identify desired and feasible uses in the industrial zones, as well as currently allowed uses that would hinder the ability to obtain the desired uses. The group has also discussed uses that do not fit the rural character desired in Afton. In addition, the group identified a number of currently allowed residential-related uses that would conflict with industrial uses.

The group also reviewed landscaping and design standards from other cities to update the existing Industrial district standards to better match and facilitate the types of uses desired. The following are proposed additions to the current list of allowed uses in the industrial zones, a list of currently allowed uses proposed to be deleted, and proposed revisions to the existing architectural standards and landscape requirements. These proposed revisions are being provided to the Planning Commission for review and feedback, so that an ordinance amendment reflecting proposed changes can be prepared and a public hearing can be held at the May 7 Planning Commission meeting.

Uses to be Added to the List of Permitted Uses in the Light Industrial Zones

- Data Center
- Laboratory, dental, medical
- Flex office (i.e. for engineers, architects, accountants), 5,000 square feet or less in floor area, when located in a multi-tenant building
- Office/warehouse (e-commerce - taking and fulfilling orders, 5,000 square feet or less in floor area, when located in a multi-tenant building
- Teaching and training facility without outdoor areas, equipment or storage for training and instruction. (not commercial - operated by a company for its own employees)
- Business service (IT, accounting, etc.)
- Distribution center, 100,000 square feet or less in floor area (warehousing for distribution, no motor freight trailers parked/stored)

Uses to be Added to the List of Conditional Uses in the Light Industrial Zones

- Teaching and training centers with or without outdoor areas, equipment or storage used for training and instruction (not commercial - operated by a company for its own employees)
- Laboratory, research and development.

Uses to be Deleted from the list of Allowed Uses in the Light Industrial Zones

Note: Any currently allowed use that is currently operating will become legally nonconforming and will be allowed to continue but not to expand.

- Blacktop or crushing operations for Hwy construction (temp.)
- Exterior sales and storage (wholesale only)
- Garage, storage commercial (mini storage)
- Terminal – transportation and motor freight
- Transportation School
- Residential waterfront uses
- Residential S-F detached housing
- Riding stable
- Private swimming pool
- Private tennis courts
- Recreation equipment storage – private
- Arts and Crafts studio
- Nature Center
- Schools - Public

Clarification of Exterior Storage and Screening Definitions and Requirements

- Exterior storage includes parking of motor freight trailers, school buses and equipment.
- Exterior storage-screened: Requires a wall made only of materials allowed to be used for the principal structure, requires vegetative screening of the wall, and limits the area of exterior storage to a maximum of 10% of the area of the principal structure.
- For Nursery uses: any exterior storage, including storage of plants for sale, needs to be fully screened.
- Additional screening requirement in the I1c zone
 - A 95% opaque vegetative screen is required along the entire southern and eastern boundaries of the I1c zone

Additional Industrial District Architectural Standards and Design Standards (revised language is underlined)

Sec. 12-143. Light Industrial (I-1A), Light Industrial (I-1B), and Light Industrial (I-1C).

A. Purpose. The purpose of these districts is to preserve land along major traffic routes to be used by industrial uses that will provide a sound tax base for the City.

B. Permitted Uses. As permitted and regulated in Section 12-134.

C. Accessory uses. As permitted and regulated in Section 12-134.

D. Architectural Standards.

1. In the industrial zone structures must be of fire resistive construction and exterior surfaces of all structures must be faced with brick, stone, architectural concrete (block), precast concrete, EIFS/stucco panels, or glass of earthtones or other tones or colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

1. Architectural Review. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.

2. Blank facades without windows and doors are prohibited.
3. All sides of structures shall have the same quality of architectural treatment.
4. Variety and creativity in building façade is encouraged through changes in building materials (but not in quality of materials), the height and placement of windows and doors, and roof lines. Primary facades should not present a continuous wall without architectural details that add visual interest.
5. Minimizing continuous expanses of wall through façade articulation, recession or projection is encouraged.
6. The incorporation of topographical features into the form of the structure when possible, utilizing natural grades to create unique design, is encouraged.
7. Rooftop Equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the property line(s) that abuts a street. A cross sectional drawing shall be provided that illustrates the sight lines from the ground level view.
8. Rooftop solar collectors, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner that prevents reflected glare and obstruction of views from other sites and structures. Screening may be in the form of walls constructed of the same building material and that match the coloring of the principal building
9. Roofline. Roof slopes shall not exceed 1:12 for all principal buildings.
10. Overhead Garage Doors. Overhead garage doors shall not be visible from a public street and shall not exceed 10% of the perimeter of the building exterior
11. Fuel Storage Tanks Prohibited. Above ground and underground fuel storage tanks are prohibited
12. Delivery, service, storage, maintenance and trash collection areas shall be located out of view from the public right-of-way or substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.
13. All permanent utilities connecting to a building shall be underground.

E. Landscaping Standards. All properties zoned Light Industrial shall be landscaped in accordance with the following:

1. Total green space shall be a minimum of 20% of the gross lot area.
2. The minimum number of major or overstory trees on any given site shall be as indicated below. These are the minimum substantial plantings, in addition to other understory trees, shrubs, flowers, and ground cover deemed appropriate for a complete quality landscape treatment of the site.
 - a. Industrial sites shall contain at a minimum the greater of one (1) tree per 500 square feet of gross building floor area, or one (1) tree per 25 lineal feet of site perimeter.
3. Minimum Size of Plantings. Required trees and shrubs shall be of the following minimum planting size:
 - a. Deciduous trees-Three (3) inches in diameter as measured 6 inches above ground.
 - b. Coniferous trees- Six (6) feet in height.
 - c. Shrubs- Shrubs used for screening shall be in #5 containers.
4. Sodding and Ground Cover. All areas not otherwise improved in accordance with approved site plans shall be planted with tough native materials where appropriate to reduce the amount of watering

required and to increase permeability of the site as approved by the Planning Commission and City Council.

5. The front or side yard from a public street shall be at least 10 feet deep, measured from the street right-of-way line. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, this front or side yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.

6. Buffer Yard. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide a landscaped buffer yard a minimum of 100 feet in width along the boundary of the residential property to provide screening. Where the use is adjacent to property zoned for industrial use, a landscaped buffer yard a minimum of 50 feet in width shall be required. The screening required in this section shall provide 95 percent opacity year round.

a. Plant Units Required. Within the landscaped buffer yard, a minimum of two hundred (200) plant units shall be required for each one hundred (100) feet of property line. Credit for plant units shall be assigned as follows:

Vegetation	Plant Unit Value
Evergreen Trees	15
Deciduous Trees	10
Evergreen/Coniferous Shrubs	5
Shrubs/Bushes	1

8. Landscape Guarantee. An agreement will be signed between the City and the owner which states that in exchange for issuance of a building permit, the owner will construct, install, and maintain all items shown on the approved plan and that he/she will replace and/or correct any deficiencies or defaults that occur in the plan for a period of two complete growing seasons subsequent to the installation of the landscaping plan. ~~A letter of credit or cash deposit landscaping performance bond~~ will be submitted along with the agreement at this time.

a. If after two growing seasons all the commitments are met, then the ~~letter of credit or cash deposit bond~~ and contract agreement are released to the applicant or property owner.

b. According to ordinance, the developer/owner is responsible for permanently maintaining the landscaping in a neat and proper fashion.

9. It shall be the responsibility of the current property owner to see that the approved landscaping plan is maintained in an attractive and well-kept condition. Maintenance shall include replacement of dead or damaged plant material; the furnishing and installation of mulch; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the city to ensure the requirements of this section are met. Any action that reduces canopy cover and/or landscaping below what is required in this section shall require in-kind replacement. Failure to maintain a landscape area shall be deemed a violation of this article.

10. Parking areas that contain more than four parking spaces shall be landscaped throughout the lot to the extent of at least ten percent of the hard surface area of the parking lot and driveways to the public right-of-way, as measured from the outside curb. These landscaped areas shall consist of curb islands approximately ten feet in width at the ends of each row of parking, excluding locations of handicapped spaces. Curb islands shall also be designed to break up longer rows of parking. Where feasible, linear parking lot landscaped islands, parking lot rain gardens, depressed infiltration curb islands, and demonstrated parking areas shall also be included in the parking lot design. A combination of at least one tree and shrubs or semi-annual flower species plants shall be planted in curb islands or interior parking lot open space for each ten required parking spaces. Where the city determines that the parking lot design cannot reasonably accommodate curb islands or other landscaping open space features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lots.

All landscaping shall comply with Sections 12-191 and 12-192.

F. Lighting. The following shall apply to all Industrial properties in addition to the requirements set forth in Section 12-195.

1. Any light fixture intended to illuminate the site shall contain a cutoff which directs the light at an angle of ninety (90) degrees or less. Exposure of the light source shall not be permitted in view of adjacent property or public right-of-way.
2. The maximum height above the ground grade for light fixtures mounted on a pole is twenty-five (25 feet).
3. No light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator and the Design Review Commission.
4. All light poles shall be black or another similarly dark color.

PLANNING COMMISSION DIRECTION REQUESTED:

Staff is requesting feedback regarding the draft ordinance revisions to guide the preparation of an ordinance amendment to be brought back to the May 7 Planning Commission meeting for a public hearing.

Council Highlights from the March 20, 2018 Council Meeting

- The Council denied the acceptance of the dedication of the 5-acre parcel at 5550 Odell Avenue as parkland with the reservation of a public road right-of-way easement
- The Council approved the rezoning of the five acre parcel at 14220 60th Street from Rural Residential to Agriculture
- The Council tabled action on the Afton Creek Preserve Application for Preliminary Plat and Conditional Use Permit to the April 17, 2018 Council meeting
- The Council appointed Annie Perkins and Justin Sykora each to three year terms on the Planning Commission
- The Council appointed Bob Dickie to a three year term on the Parks Committee
- The Council approved an extension of the current Building Inspection Services Agreement to December 31, 2018
- The Council received an update regarding the planning process for Jessie Diggins Day, which is scheduled for May 12
- The Council declared May 12 as Jessie Diggins Day
- The Council approved the removal of the two old outhouses at Town Square Park