

# **SUPPLEMENTAL PACKET**

5.A.

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

## Meeting Date May 15, 2018

### Council Action Memo

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: May 15, 2018  
Re: Minutes of the April 27, 2018 Regular City Council Meeting – **Supplemental**

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Council member Richter has indicated that the findings related to the Council's action on a zoning application are generally not included in the meeting minutes, but rather are reflected in the approved resolution. He has requested that, because all of the findings related to the approval of the Afton Creek Preserve PLCD Subdivision were included in the draft minutes of the April 17, 2018 Council meeting, the findings related to the denial of the Subdivision should also be included in the minutes. The denial findings are attached.

**Resolution DENYING Public Park and Road Dedication at 5550 Odell  
Avenue South, Afton, MN**

**Background.** Portions of Afton Ordinances relevant to this matter include the following:

**12-55. *Street, local*** means a street intended to serve primarily as an access to abutting properties.

**12-55. *Street, collector*** means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

**Sec. 12-1377. Land requirements**

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

**Sec. 12-2375. General standards for approval.**

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site

**Sec. 12-2377. Coordination with subdivision regulations.**

C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

**Sec. 12-2379. General development plan.**

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

**FINDINGS**

**EXHIBIT Y**

City does not accept a dedication of a public park and public road right of way through a rural residential lot at 5550 Odell Avenue based on the following findings:

1. The park and road dedication would require tearing down an existing home at 5550 Odell Avenue (Lot) on a 5-acre lot in the middle of an established subdivision, St. Croix Valley Estates, that is of record and platted over 20 years ago to provide a park and access connection to Odell Avenue;
2. On its own, there is no public purpose or need for a public road right of way through the Lot because it does not connect to any other public road and is not part of any public road plan or system;
3. On its own, a park is unsuitable at this location because:
  - a. The Lot is not identified in the 2012 Parks Plan as suitable parkland.
  - b. The Lot is not suitable because it has an occupied dwelling and outbuildings on it and is located in the middle of an established subdivision.
  - c. The Parks Plan requires a clear use for land but the only use for the land is for placement of the public road through a park solely to access other land inconsistent with City ordinances.
  - d. The Lot, located in the middle of an established subdivision with a proposed road through it, does not provide aesthetic, recreational or scenic value, protect natural or cultural resources, wildlife habitat, unique landforms, nor does it link to other current recreational areas as recommended in the Parks Plan to be suitable park land.
  - e. Odell Avenue has steep grades, sharp curves, variable geometry, and reduced site lines that are unsuitable for public bike access to the Lot.
  - f. Odell Avenue is not identified in the Park Plan page 21 as a potential bike route for access to the Lot.
  - g. A park at this location would have a negative impact on traffic safety because it would add traffic to traffic on Odell Avenue, a local road designed primarily for residences that abut it and because it has steep grades, sharp curves, variable geometry, and reduced sitelines.
  - h. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan, paragraph 11.H that recommends that parks be planned based on input from residents because the residents surrounding the proposed park and within ½ mile of the park are strongly opposed to a park at this location.

4. As part of an access to the proposed Afton Creek Preserve development as shown on the preliminary plat application, the proposed park and public road right of way connection with Odell Avenue would have the following impacts:
  - a. The proposed road would change Odell Avenue from a local street (as defined in Sec. 12-55) to a collector street (as defined in Sec. 12-55) and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, and sharp curves;
  - b. Burden and devalue properties that abut the Lot who would have a public road and park adjacent to their properties where before their lots were adjacent to another lot in the middle of a long-time platted subdivision;
  - c. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties;
  - d. Disrupt the peace, harmony, and security of a long time existing platted subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.
  - e. Create a road access for the PLCD outside of the PLCD development boundaries through a Lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a PLCD development design that is unified within its own boundaries.
  - f. Tear down an existing home on a Lot in the middle of a long-time platted subdivision to construct a road and park that would bisect and change the nature such subdivision in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
  - g. Create a road and park against running adjacent and along the boundaries of existing properties in the middle of an established subdivision and otherwise interfere with the peace, harmony, and security of the entire subdivision neighborhood in violation of Sec. 12.2379.B.2 that requires that the

development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.

5. The residents of the subdivision, St. Croix Valley Estates and the Forbes addition, and surrounding community are against the creation of a public park and road that would require tearing down a home in the middle of this long-established subdivision to bisect it with a road.

**Resolution DENYING Rezoning of Parcel at 14220 60<sup>th</sup> Street from Rural  
Residential to Agricultural  
FINDINGS**

Portions of Afton Ordinances relevant to the denial of the rezoning are as follows:

**Sec. 12-80. Amendments and rezonings.**

C. Application. Where an amendment to this article is proposed by a property owner, an application therefore shall be filed with the City Administrator; such application shall be accompanied by development plans, if any, for the use which requires the rezoning.

J. Agreement with comprehensive plan. In granting or recommending any rezoning provided for in this article, the Planning Commission and Council shall find that the proposed development conforms substantially to the policies, goals and standards of the comprehensive plan.

**Sec. 12-1377. Land requirements**

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

**Sec. 12-2375. General standards for approval.**

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

1. The preservation and land conservation development is consistent with the comprehensive plan of the City

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

**Sec. 12-2379. General development plan.**

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district.

The rezoning is DENIED based on the following findings:

1. The character of the neighborhood surrounding the subject parcel has not changed to suggest a rezoning is required;
2. The subject parcel is currently used for residential purposes consistent with its current zoning and adjacent land use;
3. There will be no change in use of the parcel to agriculture as the end result of the rezoning and the parcel will remain in residential use;
4. The subject parcel abuts and is directly adjacent to a large area zoned Rural Residential;
5. As required by Sec. 12.80.C, the use identified that would require the rezoning is a proposed development known as the Afton Creek Preserve PLCD.
6. In the proposed PLCD, the rezoning would convert a current 5-acre rural residential lot at 14220 60<sup>th</sup> Street to agriculture zoning so that this lot can be included within the boundaries of the proposed development and be used as a road access for the development.
7. The proposed access road at 14220 60th Street intersects 60th Street near the south end of Trading Post Trail and would add traffic to the north at a curve that is substandard in its width, geometry, and sitelines.
8. The proposed access road at 14220 60th Street would add traffic to the south on 60th street that has reduced sitelines, steep grades, reverse curves, and a poor quality intersection at 60th Street and Oakgreen Avenue.
9. The proposed access road at 14220 60<sup>th</sup> Street concentrates traffic and related stormwater runoff immediately adjacent to one of the highest quality areas of Trout Brook on the site with perennial stream flows.
10. The proposed access road at 14220 60th Street would create an excessive burden on streets that serve the proposed PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
11. The proposed PLCD development that necessitates the rezoning does not conform substantially to the policies, goals and standards of the Comprehensive Plan as required for a rezoning to occur under Section 12.80.J because it is inconsistent with such stated goals and policies including but not limited to:
  - a. "Discourage residential development on lands suitable for agricultural use and adhere to planning practices that will allow farms to operate without external pressures." Page 27 paragraph 8 (2015)

- b. "The residents of the City of Afton value the agricultural economy and rural character that an agricultural environment provides. This Plan intends to preserve agricultural land for permanent agricultural use, and does not accept the belief held by some that agricultural use is merely a temporary use or that agricultural lands are merely a holding area for future residential or other development." Page 21

12. The rezoning is solely for the convenience and pecuniary interest of the developer to facilitate the proposed development known as the Afton Creek Preserve.

13. The proposed rezoning will have an adverse effect on the health, safety, and general welfare of the community because it will facilitate the proposed PLCD development whose impacts have not been adequately addressed including those related to traffic safety, placement of a park and road access through an established neighborhood on Odell Avenue, density, and interference with an existing long time agricultural business as set forth below;

- a. Change Odell Avenue from a local street to a collector street and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, sharp curves, and variable geometry thus creating an excessive burden on streets that serve the PLCD
- b. Disrupt the peace, harmony, and security of a long time existing platted subdivision, St. Croix Valley Estates, by placing a park and road access in the middle of such subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.
- c. The proposed park and road access through the middle of the subdivision are strongly opposed by residents of the subdivision and surrounding community because they would disrupt the peace, harmony, and security of this long established neighborhood.
- d. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties.
- e. The PLCD surrounds an existing horse rescue and retirement farm/facility located at 13926 60th Street clustering its housing density on the north and east boundaries of the farm with a conservation easement providing public access and walking trails bordering the west side of the farm.
- f. The PLCD with its density clustered around a long time operating farm will have an adverse effect on the farm, is incompatible with this existing land use in the Agricultural Zoning district, and does not harmonize with the area surrounding the project in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site

- g. The density of the development is too high given the sensitive nature of the land with steep slopes and an adjacent stream and the recommendations of the Afton Natural Resources and Groundwater Committee with respect to lot configuration have not been fully incorporated in the plan.

## **Resolution DENYING Preliminary Plat Application for Afton Creek Preserve, Afton, MN**

**Background.** Portions of Afton Ordinances relevant to this matter include the following:

**12-55. Street, local** means a street intended to serve primarily as an access to abutting properties.

**12-55. Street, collector** means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

**Sec. 12-1377. Land requirements**

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

**Sec. 12-2373. Purpose.**

The purposes of this article are:

B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City. (emphasis added)

**Sec. 12-2375. General standards for approval.**

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

1. The preservation and land conservation development is consistent with the comprehensive plan of the City.

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

B. The tract is a minimum of eighty (80) contiguous acres in size and that all of the following conditions exist:

1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.

2. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.

**Sec. 12-2377. Coordination with subdivision regulations.**

C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

**Sec. 12-2379. General development plan.**

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

1. The proposed PLCD is in conformance with the comprehensive plan.
2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district.

5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

## **FINDINGS**

The City denies the Preliminary Plat Application for the Afton Creek Preserve PLCD (Project) based on the following findings:

1. The proposed access road/park at 5550 Odell Avenue (Lot) would require tearing down an existing home on a Lot in the middle of an existing subdivision, St. Croix Valley Estates, that is of record and platted over 20 years ago to provide an access connection between Odell Avenue and the Project. As a result the road would:
  - a. Change Odell Avenue from a local street to a collector street and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, sharp curves, and variable geometry thus creating an excessive burden on streets that serve the PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
  - b. Burden and devalue properties that abut the Lot who would have a public road/park adjacent to their properties where before their lots were adjacent to another lot in the middle of a long-time platted subdivision
  - c. Disrupt the peace, harmony, and security of a long time existing platted subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.

- d. Create a road access outside of the PLCD development boundaries through a Lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a PLCD development design that is unified within its own boundaries
  - e. Bisect and change the nature such subdivision in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
  - f. Create a road/park running adjacent and along the boundaries of existing properties in the middle of an established subdivision and otherwise interfere with the peace, harmony, and security of the entire subdivision neighborhood in violation of Sec. 12.2379.B.2 that requires that the development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
  - g. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties
2. The proposed access road at 14220 60<sup>th</sup> Street intersects 60<sup>th</sup> Street near the south end of Trading Post Trail and would add traffic to the north at a curve that is substandard in its width, geometry, and sitelines
  3. The proposed access road at 14220 60<sup>th</sup> Street would add traffic to the south on 60<sup>th</sup> street that has reduced sitelines, steep grades, reverse curves, and a poor intersection at 60<sup>th</sup> Street and Oakgreen.
  4. The proposed access road at 14220 60<sup>th</sup> Street would create an excessive burden on streets that serve the PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
  5. The grading necessary to accommodate the proposed access at 14220 60<sup>th</sup> Street would interfere with sensitive slopes in excess of 12 percent and in some cases 18 percent
  6. The proposed lot sizes in the PLCD are smaller than most of the existing lots abutting the PLCD and such proposed lots are clustered in an area that abuts these existing lots thus increasing the overall density in the immediately surrounding area. Accordingly, the proposal is in violation of Sec. 12-2375.B.1 and 2 because it would not benefit the area

surrounding the project or surrounding residential land uses to a greater degree than development allowed within the underlying zoning district.

7. The PLCD is inconsistent with the Comprehensive Plan (CP) in violation of Sec. 12-2375.A.1 and Sec. 12-2379.B.1 because it:
  - a. changes the character of the community by converting prime agricultural land to residential development (CP page 22, paragraph 3 [2015])
  - b. does not preserve the rural agricultural character of southwest Afton or encourage agricultural uses (CP page 26)
  - c. does not discourage residential development on lands suitable for agricultural use and adhere to planning practices that will allow farms to operate without external pressures (CP page 27, paragraph 8)
  - d. fails to value the agricultural economy and rural character that an agricultural environment provides (CP page 21)
  - e. fails to preserve agricultural land for permanent agricultural use (CP 21)
8. The PLCD surrounds an existing horse rescue and retirement farm/facility located at 13926 60<sup>th</sup> Street clustering its housing density on the north and east boundaries of the farm with a conservation easement providing public access and walking trails bordering the west side of the farm.
9. The PLCD with its density clustered around a long time operating farm/horse rescue/retirement facility would have a negative impact on it and is incompatible with this existing land use in the Agricultural Zoning district and does not harmonize with the area surrounding the project in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
10. The PLCD proposal conveys maximum density development rights to the PLCD owner in this section, potentially resulting in a taking of landowner's development rights at 13926 60<sup>th</sup> given the ordinance restrictions on the number of lots developable in each section in the agricultural zone.
11. The PLCD is proposing at least 4 times the number of homes than could be developed on the site based on the underlying zoning district because the owner owns only limited areas of 300 feet on a public road, the ag zone does not allow construction of a public road, and because large portions of the site are undevelopable because of stream, wetlands and steep slopes. Accordingly, the proposal is in violation of Sec. 12-2375.B.1 and 2 because it would not benefit the area surrounding the project or surrounding agricultural and residential land uses to a greater degree than development allowed within the underlying zoning district.

12. The proposed clustering of lot density around an existing long operating farm and the related negative impacts on the business is a violation of Sec. 12-2379.B.2 because it would have an undue and adverse impact on the reasonable enjoyment of neighboring property and is detrimental to surrounding uses.
13. The PLCD as proposed does not preserve the health, safety, and welfare of the citizens of the City as required by Sec.12-2373.
14. The lot at 5550 Odell needs to be joined to the PLCD for road access because there is no preexisting public road through it connecting Odell Avenue to the PLCD. This lot has previously been subdivided to its maximum density, and can not be joined to the PLCD in accordance Sec. 12-2377.C.
15. A park at 5550 Odell Avenue (Lot) is unsuitable because:
  - a. The Lot is not identified in the 2012 Parks Plan as suitable parkland.
  - b. It has an occupied dwelling and outbuildings on it and is located in the middle of an established subdivision.
  - c. The Parks Plan requires a clear use for land but the only use for the land is for placement of the public road through a park solely to access other land inconsistent with City ordinances.
  - d. The Lot, located in the middle of an established subdivision with a proposed road through it, does not provide aesthetic, recreational or scenic value, protect natural or cultural resources, wildlife habitat, unique landforms, nor does it link to other current recreational areas as recommended in the Parks Plan to be suitable park land.
  - e. Odell Avenue has steep grades, sharp curves, variable geometry, and reduced site lines that are unsuitable for public bike access to the Lot.
  - f. Odell Avenue is not identified in the Park Plan page 21 as a potential bike route for access to the Lot.
  - g. A park at this location would have a negative impact on traffic safety because it would add traffic to traffic on Odell Avenue, a local road designed primarily for residences that abut it and because it has steep grades, sharp curves, variable geometry, and reduced sitelines.
  - h. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan, paragraph 11.H that recommends that parks be planned based on input from residents because the residents surrounding the proposed park and within ½ mile of the park are strongly opposed to a park at this location.

16. The density of the development is too high given the sensitive nature of the land with steep slopes and an adjacent stream and the recommendations of the Afton Natural Resources and Groundwater Committee with respect to lot configuration have not been fully incorporated in the plan.

**RESOLUTION 2018-17**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DENYING THE ESTABLISHMENT OF A PUBLIC ROAD RIGHT OF WAY THROUGH THE LOT AT 5550 ODELL AVENUE SOUTH**

**WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

**WHEREAS,** JP Bush Homes has proposed a preliminary plat for a PLCD subdivision that includes a loop road providing vehicular access to Odell Avenue.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby DENY the establishment of a public road right-of-way easement through the lot at 5550 Odell Avenue based on the findings listed below:

Findings:

1. There is no pre-existing public purpose or need for a public road right of way through the lot because it does not connect to any other public road and is not part of any public road plan or system.
2. The proposed public road through the middle of a platted rural residential lot in an established subdivision on Odell Avenue disrupts long-established expectations of land use, lot configurations, and residential use by adjoining property owners that induced them to buy and invest in their properties.
3. The acceptance would enable vehicular access from the proposed development through the Odell Avenue subdivision, disrupt the peace, harmony, and security of this established neighborhood, and fail to harmonize with the existing adjacent neighborhood as required by Sec. 12-1377.
4. The public road acceptance would create a road access outside of the proposed development boundaries through a lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a proposed development design that is unified within its own boundaries.
5. There would be an adverse impact from the proposed development on traffic along Odell, a local road designed primarily for residences that abut it, and because Odell Avenue has areas of steep grades, sharp curves, variable geometry, and reduced sightlines.
6. The proposed roadway adjacent to existing properties would detract from the value and enjoyment of their land and interfere with their peace, harmony and security in violation of Sec. 12.2379.B.2 that requires that the proposed development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
7. The proposed roadway adjacent to existing properties on Odell would detract from the value and enjoyment of the existing landowners and interfere with their peace, harmony and security in violation of Sec. 12.2379.B.2 that requires that the proposed development not have an undue and adverse impact on the reasonable enjoyment of neighboring property
8. The proposed road would change Odell Avenue from a local street that serves as *primary means of access to*

**EXHIBIT Z**

**RESOLUTION 2018-17**

*abutting property* (as defined in Sec. 12-55) to a collector street that *serves as a trafficway for a neighborhood* (as defined in Sec. 12-55) and negatively impact the Odell Avenue subdivision by introducing more traffic onto Odell Avenue from the proposed development.

9. The predominant public opinion is in opposition to accepting a public road dedication at the Odell Location.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17TH DAY OF APRIL, 2018.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Richter:  
Palmquist:  
Ross:  
Nelson:  
Bend:

**RESOLUTION 2018-18**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DENYING THE AFTON CREEK PRESERVE PRELIMINARY PLAT FOR A PRESERVATION AND LAND CONSERVATION DEVELOPMENT (PLCD) SUBDIVISION AT 14622 60<sup>TH</sup> STREET AND PARCELS WITH PID NUMBERS 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 AND THE PARCEL WITH PID NUMBER TO BE ASSIGNED (33.028.20.33.000X described in document No. 4142813).**

**WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

**WHEREAS,** JP Bush Homes has applied for a Preliminary Plat at 14622 60<sup>th</sup> Street and the parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813); and

**WHEREAS,** the application proposes a Preservation and Land Conservation Development (PLCD) subdivision of the existing parcels to create eighteen lots; and

**WHEREAS,** City staff reviewed the request and drafted a report for consideration; and

**WHEREAS,** the Planning Commission held a public hearing on the application at its regular meeting of March 5, 2018 and recommended DENIAL of the preliminary plat on a vote of 5-2-0; and

**WHEREAS,** the City Council heard the request at its regular meeting on March 20, 2018, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby DENY the Afton Creek Preserve Preliminary Plat at 14622 60<sup>th</sup> Street and parcel with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813), based on the findings listed below.

Findings:

1. The proposal does not better adapt itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
2. The proposal would not benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
3. The proposal would not provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
4. The uses proposed will have an undue and adverse impact on the reasonable enjoyment of neighboring property and will be detrimental to surrounding uses.
5. The proposed total development is not designed in such a manner as to form a desirable and unified environment within its own boundaries.

**EXHIBIT AA**

**RESOLUTION 2018-18**

6. The public opinion is predominantly in opposition
7. The proposed development does not harmonize with the existing development adjacent to the project site
8. The proposed development does not benefit the site and the surrounding area to a greater degree than would a development based on the underlying zoning
9. The proposed development would have an undue and unreasonable impact on the neighboring properties
10. The HOA covenants have restrictions that prohibit uses allowed in the Ag and RR zones, i.e. the keeping of horses and other animals
11. The proposed plat incorporates an intersection with 60<sup>th</sup> Street near a curve on Trading Post Trail that is substandard in terms of width and geometry.
12. The proposed street connection to Odell Avenue introduces a new street into an existing, settled neighborhood.
13. The proposed development would add traffic to Odell Avenue, 60<sup>th</sup> Street and Trading Post Trail.
14. The project would place lots adjacent to the adjoining horse farm, replacing the existing agricultural use.
15. The grading necessary to accommodate the roadway proposed for access to the development from 60<sup>th</sup> Street would impact existing vegetation and sensitive slopes.
16. The amount of development on the parcel would impact both stormwater and groundwater.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF MARCH, 2018.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Richter:  
Palmquist:  
Ross:  
Nelson:  
Bend:

**RESOLUTION 2018-19**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION DENYING THE AFTON CREEK PRESERVE CONDITIONAL USE PERMIT FOR A PRESERVATION AND LAND CONSERVATION DEVELOPMENT (PLCD) SUBDIVISION AT 14622 60<sup>TH</sup> STREET AND PARCELS WITH PID NUMBERS 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 AND THE PARCEL WITH PID NUMBER TO BE ASSIGNED (33.028.20.33.000X described in document No. 4142813).**

**WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

**WHEREAS,** JP Bush Homes has applied for a Conditional Use Permit for the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) subdivision at 14622 60<sup>th</sup> Street and the parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813); and

**WHEREAS,** the application proposes a Preservation and Land Conservation Development (PLCD) subdivision of the existing parcels to create eighteen lots; and

**WHEREAS,** City staff reviewed the request and drafted a report for consideration; and

**WHEREAS,** the Planning Commission held a public hearing on the application at its regular meeting of March 5, 2018. Because the Planning Commission recommended DENIAL of the Afton Creek Preserve Preliminary Plat on a vote of 5-2-0, their recommendation resulted in the DENIAL of the Conditional Use Permit also; and

**WHEREAS,** the City Council heard the request at its regular meeting on March 20, 2018, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Afton does hereby DENY the Conditional Use Permit for the Afton Creek Preserve PLCD subdivision at 14622 60<sup>th</sup> Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813), based on the findings listed below.

Findings:

1. The proposal does not better adapt itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
2. The proposal would not benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
3. The proposal would not provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.

**EXHIBIT BB**

**RESOLUTION 2018-19**

4. The uses proposed will have an undue and adverse impact on the reasonable enjoyment of neighboring property and will be detrimental to surrounding uses.
5. The proposed total development is not designed in such a manner as to form a desirable and unified environment within its own boundaries.
6. Public opinion is predominantly in opposition
7. The proposed development does not harmonize with the existing development adjacent to the project site
8. The proposed development does not benefit the site and the surrounding area to a greater degree than would a development based on the underlying zoning
9. The proposed development would have an undue and unreasonable impact on the neighboring properties
10. The HOA covenants have restrictions that prohibit uses allowed in the Ag and RR zones, i.e. the keeping of horses and other animals

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF MARCH, 2018.**

**SIGNED:**

\_\_\_\_\_  
Richard Bend, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by:  
Second by:  
Richter:  
Palmquist:  
Ross:  
Nelson:  
Bend:

10.C.12 (NEW)

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

**Meeting Date May 15, 2018**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moore, City Administrator  
Date: May 15, 2018  
Re: Relocation of City Hall Flag Illumination Light

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The light that illuminates the flag at City Hall is currently attached to the south wall of the City Hall building. The property owner to the south has indicated the light has an adverse impact and has requested that the light be relocated. Staff has obtained a price quote from the electrician who initially installed the light fixture to relocate the light fixture from the wall to the ground adjacent to the flag pole, so that the light shines up vs. out. The cost of the relocation is \$670.00. The cost could be paid from the Repair and Maintenance line-item of the Buildings and Land budget.

**Council Action Requested:**

**Motion regarding the relocation of the City Hall flag illumination light at a cost of \$670.00.**

10.C.13 (new)

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

**Meeting Date May 15, 2018**

**Council Action Memo**

To: Mayor Bend and Members of the City Council  
From: Ron Moorse, City Administrator  
Date: May 15, 2018  
Re: Tree Removals on City Property Adjacent to 15960 35<sup>th</sup> Street

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The City owns a parcel of property adjacent to 15960 35<sup>th</sup> Street. There are five trees on the City's property that are hanging over structures on the adjacent property and could cause damage if they fell. (See the attached photo). The owner of the property at 15960 35<sup>th</sup> Street has expressed concern about potential damage. Staff has obtained the attached proposal from SavATree for removal of the trees at a cost of \$1,650. The cost could be paid from the brush and tree removal line item of the Streets budget.

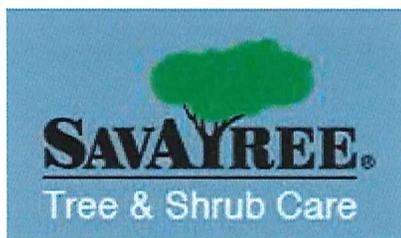
**Council Action Requested:**

**Motion regarding the proposal from SavATree for removal of the five trees on the City's property adjacent to 15960 35<sup>th</sup> Street at a cost of \$1,650.**









SavATree &  
 12450 Hudson Road S., Afton MN 55001  
 P: 651-964-4001 F: (715) 749-3465  
 E: afton@savatree.com

## Estimate # 206064 Prepared By Scott Henke

**ISA Certified Arborist**  
**shenke@savatree.com**

### Estimate for

Ken Johnson - City Of Afton

### For Service At:

3033 St. Croix Tr. S., Afton MN 55001

**Account Key:** 1017952

## Recommendations

### General Tree Care

#### General Tree Care

\$1,650.00

All trees are located on City of Afton property (north of residence on 35th st s -east of St croix trail ).

One (1) 24" DBH Boxelder (Acer negundo), NE corner of small red shed - remove to ground level.

One (1) 18" DBH Boxelder (Acer negundo), NW corner of small red shed - remove to ground level.

One (1) 6" DBH Elm, American (Ulmus americana), North of property - remove to ground level for access.

One (1) 13" DBH Elm, American (Ulmus americana), North of structure - remove deadwood 2" Dia and larger overhanging private residence.

One (1) 10" DBH Boxelder (Acer negundo), North of structure - remove to ground level.

Equipment : spider lift, loader truck or chip truck, bobcat or mini loader, plywood.

Notes: access from city property along back side of properties, lay down plywood when in residence yards all precautions taken to minimize disruption to turf -we will need to be set up on residents property for removal of one boxelder. Some smaller trees may need do be removed on city property for access. Haul away all debris from removals and pruning. Cut all stumps low - no stump grinding required.

#### Identified hazards and obstacles

Hazard: Decay

Obstacle: structures

General Tree Care	\$1,650.00
Recycling	\$0
Cabling & Bracing	\$0
Special Work / Special Equipment	\$0
Stump Grinding	\$0
Permit(s)	\$0
Plant Health Care	\$0
Lawn Care	\$0
Irrigation	\$0

This proposal has been provided to you on a confidential basis. We kindly request that neither this proposal nor any of its contents be reproduced or shared with any competitor without the prior written consent of SavATree.

Sales tax, if applicable, will be added to the amounts of this estimate per your local and state tax jurisdiction.

If you wish to pay via credit card, please enter deposit amount and click button to pay. A deposit of 50% may be required prior to the commencement of General Tree Care work. Thank you!

Note: Included in this program is 1 service for a total of \$1,650.00.




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## OUR UNCONDITIONAL GUARANTEE

Should our service fall short of your expectations, please contact us immediately and we will do everything we can to make it right! Rev. 3-2-2018 aso-pdf 22618

**Fully Licensed & Insured**

**Tree Care Industry Accredited**



**[Testimonials](#)**

**[www.savatree.com](http://www.savatree.com)**

**[VIEW FULL TERMS AND CONDITIONS](#)**