

- 1
- 2
- 3
- 4
- 5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:02 PM
- 6
- 7 2. **PLEDGE OF ALLEGIANCE** – was recited.
- 8
- 9 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Roger Bowman, Sally
- 10 Doherty, Justin Sykora, James Langan. A Quorum was present. Absent were Scott Patten & Annie Perkins
- 11 (excused)
- 12 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moorse, City Clerk
- 13 Julie Yoho
- 14
- 15 4. **APPROVAL OF AGENDA** –
- 16 **Motion/Second: Bowman/Wroblewski To approve the agenda of the May 7, 2018 Planning**
- 17 **Commission meeting. Passed 7-0-0.**
- 18
- 19 5. **APPROVAL OF MINUTES** –
- 20 A. April 2, 2018
- 21 **Motion/Second: Nelson/Wroblewski To approve the minutes of the April 2, 2018 Planning**
- 22 **Commission meeting as presented. Passed 7-0-0.**
- 23
- 24 6. **REPORTS AND PRESENTATIONS** – none
- 25
- 26 7. **PUBLIC HEARINGS** –
- 27 A. **Tom Hinz Variance Application at 4787 Manning Ave**
- 28 Chair Kopitzke opened the public hearing at 7:04 pm.
- 29
- 30 Administrator Moorse provided the following summary:
- 31 Background
- 32 Thomas and Louise Hinz are proposing to relocate the driveway at 4787 Manning Avenue to the north to
- 33 provide a safer entrance to Manning Avenue. The property is 4.7 acres and is zoned Agriculture, as is the
- 34 property to the north, south and east. The current driveway has a poor sightline to traffic coming over a hill
- 35 to the south. The Minnesota Department of Transportation (Mn/DOT), which is constructing road
- 36 improvements on Manning Avenue in the area of 4787 Manning Avenue, has proposed relocating the
- 37 driveway to the north to improve the sightline. Because the preferred location of the driveway is in the area
- 38 of an existing culvert under Manning Avenue, the driveway is proposed to be located north of the culvert,
- 39 three feet from the north property line. Plans from Mn/DOT showing the existing driveway, the proposed
- 40 driveway and the existing culvert located between the existing and proposed driveways are attached. The
- 41 proposed plans require a variance to the required ten foot sideyard setback.
- 42 The City Engineer has viewed the current and proposed driveway location, and is recommending the
- 43 driveway be moved to the proposed location to improve the safety of access to Manning Avenue.
- 44 Variance Needed
- 45 To allow the proposed driveway relocation, a variance to allow a sideyard setback of 3 feet vs. the required
- 46 10 feet is necessary.
- 47
- 48 Tom Hinz, Applicant, stated he would like to move the driveway for safety reasons
- 49
- 50 No other comments were received from the public
- 51
- 52 **Motion/Second Doherty/Bowman to close public hearing. Passed 7-0-0.**
- 53 Public Hearing closed at 7:08 pm.
- 54
- 55 Discussion

56 Bowman asked if the neighbor has had any comments. Hinz replied that it is farmland that was handed down.
57 No comments have been received.
58 Wroblewski asked if it will make a significant difference. Hinz replied yes it will help.
59 Langan asked if an engineer had ever looked at from the state. Hinz replied that yes, if it was a road
60 intersection they would relocate. Since it's a driveway there is not enough traffic.
61 Langan asked if moving the driveway would be in compliance with standards.
62 Doherty asked if there was support from MNDOT. Administrator Moose replied that there is a sketch from
63 MNDOT depicting where the new driveway would go. The City engineer looked at and recommended
64 moving the driveway.
65 Doherty asked if there minimum driveway separation in Ag zone? Would moving the driveway potentially
66 affect the neighbor in the future? Administrator Moose replied yes, separation is 300'. Would potentially
67 impact neighbor by 7 feet.

68
69 **Motion/Second Wroblewski/Nelson To recommend approval of the variance request to relocate the**
70 **driveway with findings listed below and conditional to removal of current driveway.**

71 **Findings**

- 72 1. **The property and all surrounding property is zoned Agriculture**
- 73 2. **The parcel is 4.7 acres.**
- 74 3. **The property is located on Manning Avenue, on which the amount of traffic has been increasing.**
- 75 4. **The sightline from the existing driveway to traffic coming over a hill from the south is**
76 **inadequate.**
- 77 5. **The Minnesota Department of Transportation (MN/DOT) which is constructing road**
78 **improvements on Manning Avenue in the area of 4787 Manning Avenue, has proposed**
79 **relocating the driveway to the north to improve the sightline.**
80 **5a. MN/DOT proposed the new location**
81 **5b. Conforming setback would interfere with culvert location**
- 82 6. **An existing culvert under Manning Avenue requires the driveway to be moved farther north**
83 **than otherwise necessary to provide an adequate sightline.**
- 84 7. **The City Engineer is recommending the driveway be moved to the proposed location to improve**
85 **the sightline to traffic and the safety of access to Manning Avenue.**

86 Discussion

87 Langan stated he is bothered that the neighbor hasn't commented. Administrator Moose described the
88 process of mailing notification. It is a rented farm field.

89 Doherty added findings 5a & 5b.

90 **Vote 7-0-0 passed.**

91
92 B. Ray Pruban Minor Subdivision at 2158 Oakgreen Ave

93 Chair Kopitzke Opened public hearing at 7:21 pm

94
95 Administrator Moose provided the following summary:

96 Ray Pruban has applied for a minor subdivision at 2158 Oakgreen Avenue to subdivide the existing 45 acre
97 parcel into three lots. Mr. Pruban has a purchase agreement on the property that is subject to approval of
98 the minor subdivision.

99 **Minimum Requirements**

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

- 101 1. 300 feet of width on a public road right-of-way
- 102 2. Five acre lot size
- 103 3. 2.5 acres of contiguous buildable area
- 104 4. Land suitable for driveway access

105
106 The subdivision meets the following Agriculture zone requirements

- 107 1. Density of 3 lots per qtr-qtr section

108 2. The access for each parcel is through a driveway directly from Oakgreen Avenue

109 3. The driveways are a minimum of 300 feet apart

110 **Septic System Sites**

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

116 **Park Dedication**

117 Recognizing that the two additional parcels will impact the City's park system, park dedication will be
118 required. The 2012 Parks Plan does not appear to direct any land dedication to occur at or near the subject
119 site. This being the case, a cash contribution in lieu of land dedication may be required (7.5 percent of the
120 pre-development value with a minimum of \$5,000 per lot and a maximum of \$10,000 per lot). The Parks
121 Committee addressed the question of land dedication vs. a cash contribution at its April 25 meeting, with
122 the recommendation that a cash contribution be required in lieu of a land dedication.

123 **Drainage and Utility Easements**

124 The City Engineer has indicated that 10 foot wide drainage and utility easements are required along the
125 perimeter of each parcel. These easements are reflected in the subdivision survey, and dedication of
126 drainage and utility easements as required by the City Engineer should be a condition of approval.

127 **Scenic Easements**

128 The property to be subdivided includes areas of land with slopes of 18% or greater. To protect these areas
129 with steep slopes, they are required to be placed into scenic easements as part of the subdivision process.
130 While the subdivision survey labels these as conservation easements, the survey will be corrected to label
131 them as scenic easements.

132 **Public Road Right-of-Way**

133 While there is a 16.5 foot wide strip of property under separate ownership between the Oakgreen Avenue
134 road surface and the subject property, this strip is overlaid by public right-of-way easements that provide
135 access to the subject property along Oakgreen Avenue. These easements are shown on the survey.

136
137 In the southeast corner of the subject property, a portion of the Oakgreen Avenue road surface is on the
138 subject property. A public road right-of-way easement should be dedicated over this area.

139
140 **Natural Features**

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

145 **Pre-existing Storm Water Pond and Easement**

146 In the southeast corner of the subject property, the survey shows a surface water drainage easement and
147 grades related to a stormwater pond. The easement and pond are pre-existing.

148
149 Ray Pruban, applicant, stated he would like to build green homes on the lots.

150
151 Krista Anderson, 2170 Oakgreen Ave S. Borders this property. Would like to subdivide in the future has
152 questions about how this will affect.

153
154 Administrator Moore explained there are two easements along the road for access. There is a 16.5 foot wide
155 strip of property under Anderson's ownership between the Oakgreen Avenue road surface and the subject
156 property, this strip is overlaid by public right-of-way easements that provide access to the subject property
157 along Oakgreen Avenue.

158
159 Pruban stated he is unsure how the easement impacts as there are other conditions that would have to be met

160
161 No other comments were received

162
163 **Motion/Second Bowman/Doherty to close public hearing. Passed 7-0-0.**

164 Public Hearing closed at 7:36 pm.

165
166 Bowman asked Krista Anderson how this impacts them. Anderson replied that it crosses their 16.5' piece of
167 land which has an easement over. The piece has its own property ID and they are taxed on it.

168 Nelson stated that the cul-de-sac is at quarter-quarter section line and asked about further subdivision because
169 the plan shows 2 house units in the NE qtr-qtr.

170 Pruban stated he had looked at creating 4 lots, but parcel "C" cannot be subdivided due to inadequate road
171 frontage.

172 Doherty stated that south of this is zoned RR.

173 Nelson stated he was concerned there would be additional subdivision in future

174 Bowman asked about the ravine area and if house site on lot "c" should move north.

175 Pruban replied it is a large area of open farm field where there is some grade for a walk out. Home locations
176 are preliminary. He owns the quarter-quarter section.

177
178 **Motion/Second Doherty/Nelson To recommend approval of the Ray Pruban minor subdivision
179 application with findings and conditions below, noting the 5th finding that no variance is needed.**

180 **Findings**

- 181 1. The subject property is located in the Agriculture zone, as are the properties to the west, north
182 and east. The properties to the south are zoned Rural Residential.
183 2. The Agriculture zone allows residential use with five-acre minimum lot size at a density of 3
184 lots per qtr-qtr section.
185 3. The property includes a full qtr-qtr section plus an additional 5 acres to the southwest.
186 4. The subdivision meets all subdivision requirements
187 5. No variance is required
188 6. A 16'.5 strip of property exists under easement with separate ownership outside the road bed.

189
190 **Conditions**

- 191 1. Easements as required by the City Engineer shall be granted
192 2. All drainage and utility easements shall be subject to the review and approval of the City
193 Engineer.
194 3. All grading, drainage and erosion control issues shall be subject to review and approval by the City
195 Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
196 4. Scenic easements shall be placed on all slopes greater than or equal to 18%.
197 5. The developer shall execute a scenic easement agreement and shall record the scenic easement
198 concurrent with the subdivision
199 6. A public road right-of-way easement shall be dedicated over the area where the Oakgreen Avenue road
200 surface is on the subject property
201 7. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance
202 with Section 12-1270 of the Subdivision Ordinance
203 8. The developer shall obtain a letter from the Washington County Septic Inspector indicating the
204 suitability of soils for septic system sites
205 9. Permits for individual septic systems to serve new homes on each of the parcels shall be
206 obtained from the Washington County Public Health Department at the time of application for
207 building permits for those homes, and all requirements of the septic permits shall be met.
208 10. All driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to
209 review and approval by the City Engineer.

210
211 Discussion

212
213 Kopitzke stated he would prefer cash in lieu of parks dedication in the conditions
214 Langan stated he has issue with the access. This is not public use of property which is how the easement is
215 written. Would like to see clarification from city attorney to address these concerns.
216 Doherty/Nelson friendly amendment to add 6th finding “A 16’.5 strip of property exists under easement with
217 separate ownership outside the road bed”.

218
219 **Motion Vote, Passed 5-2 (Bowman, Langan Nay)**
220

221 **8. NEW BUSINESS**

222 A. Schedule Special Planning Commission meeting

223 A Special Planning Commission meeting will be scheduled for May 23 to discuss the CUP application
224 received from Afton Marina.
225

226 **9. OLD BUSINESS –**

227 A. Draft Ordinance Amendment with Proposed Revisions to Industrial Zone Regulations

228 Council extended the moratorium & will review again at their meeting on the 15th. Another draft will be
229 coming and a date for the public hearing will need to be scheduled.

230 Discussion was held over proposed changes.

231 Bowman stated the overall issue is traffic and seeking higher quality use. Try to be restrictive as possible.

232 Kopitzke stated he does not like the architectural standards.

233 Other items noted included allowing fuel storage by variance, wording in item #4, retaining general language
234 for review of architectural design, add plant value to offer alternative to lawn, consider if 10% garage door
235 restriction is too limiting, consider allowing certain types of retail such as Ag supplies, and retain nursery
236 use.
237

238 B. Update on City Council Actions

239 1. Council highlights from the April 17, 2018 Council meeting

240 Council member Richter provided a summary of the Council meeting.
241

242 **10. ADJOURN**

243 **Motion/Second Wroblewski/Bowman To adjourn. Passed 7-0-0.**
244

245 Meeting adjourned at 8:53 pm
246
247
248

249 Respectfully submitted by:

250
251 JY

252 Julie Yoho, City Clerk
253
254

255 **To be approved on June 4, 2018 as (check one): Presented: _____ or Amended: X**