

SUPPLEMENTAL PACKET

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

Planning Commission Memo

Meeting: June 6, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: June 20, 2016

Re: Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail - **Supplemental**

Background

The Planning Commission, at its June 6, 2016 meeting, considered and recommended denial of the Brown Trout LLC application for a minor subdivision for a lot line rearrangement at 15311 Putnam Boulevard and 1573 Stagecoach Trail. The denial recommendation is based on Sec. 12-132. B. including the paragraph 3 requirement to combine two adjacent lots that are under common ownership and do not meet the full width or area requirements. Brown Trout LLC has withdrawn its variance application and has requested that the Council continue action on the minor subdivision application to its July 19 meeting. Based on the applicant's request for the continuation, the Council packet did not include the application materials that had been provided to the Planning Commission. Mayor Bend has requested the application materials be provided so that the Council can address the Sec. 12-132. B. requirements, including the paragraph 3 requirement to combine two adjacent lots that are under the same ownership and do not meet the full width or area requirements. The Sec. 12-132 B language is provided below. The application materials are also attached.

Sec. 12-132. B. Exceptions to minimum area, height, and other requirements:

1. For the purpose of this article, the term "existing lot" means a lot or parcel of land which was of record as a separate lot or parcel in the office of the county recorder, on or before the adoption date of the ordinance from which this article was derived, except as provided for in Subsection (B)(2).
2. Except in the VHS-R and VHS-C zoning districts, any such lot or parcel created in accordance with the City subdivision ordinance, article VI of this chapter, which contains at least 2 1/2 acres of buildable or net developable area as defined by this article and has at least 60 percent of the required frontage on an improved public street for the zoning district in which it is located shall be considered buildable provided the lot or parcel can comply with all other requirements of this article, including Subsection (B)(3) of this section.
3. If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this article, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of this Article.

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

Planning Commission Memo

Meeting: June 6, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: May 31, 2016

Re: Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail

Background

The properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail are both owned by Brown Trout LLC. The properties are zoned Rural Residential. The property at 15311 Putnam Boulevard has historically had its public road frontage and its driveway access directly from Putnam Boulevard. In 2008, the City decided to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct. Although the road has been closed, the road right-of-way has not been vacated. At the time of the road closure, the owner of the property also owned the property to the south at 2573 Stagecoach Trail, and used a driveway from Stagecoach Trail to access the property. Since that time, the existing houses on both properties have been removed and both properties were purchased by Brown Trout LLC.

Brown Trout LLC proposed a variance to allow the access to the Putnam Boulevard parcel to come from an easement through the Stagecoach Trail property. Brown Trout LLC also proposed a minor subdivision to relocate the lot line between the Putnam Boulevard and Stagecoach Trail parcels. The Planning Commission, at its May 2, 2016 meeting, continued action on the variance and minor subdivision applications due to concerns about the feasibility of two driveways on the Stagecoach Trail parcel and to enable the applicant to consider combining the parcels to eliminate the need for both the variance and the subdivision.

The applicant has revised the minor subdivision plan to relocate the lot line between the two parcels so that the new house is located on the Stagecoach Trail parcel. This enables the new house to obtain its access directly from Stagecoach Trail, rather than through an easement. The minor subdivision also proposes that the access to the redesigned Putnam Boulevard parcel be provided from a driveway that accesses the Putnam Boulevard right-of-way and that is constructed in the Putnam Boulevard right-of-way to connect with Stagecoach Trail. This driveway would require a license agreement to allow the use of the Putnam Boulevard right-of-way, but would eliminate the need for a driveway access variance. The driveway is proposed to be located such that it does not appear that Putnam Boulevard is open to public vehicular traffic. The proposed driveway plan is being provided to Washington County for their review. The County's review comments will be provided at the meeting.

Surveys

Attached are a survey showing the existing two parcels and the proposed new house, a survey showing the proposed two parcels and the proposed new house, including the driveway for the Putnam Boulevard parcel being located in the Putnam Boulevard right-of-way and connecting to Stagecoach

Trail, and an enlargement of the portion of the survey showing the proposed driveway in the Putnam Boulevard right-of-way.

Dedication of Easements. The City Engineer has indicated drainage and utility easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines and 5 feet wide along the side property lines. These easements are to be reflected in the subdivision survey, and dedication of drainage and utility easements as required by the City Engineer should be a condition of approval.

Scenic Easements

The properties involved in the subdivision include significant areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they should be placed into scenic easements as part of the subdivision process.

Driveway

Driveway construction will need to comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer. A license to use the public right-of-way for the driveway to serve the Putnam Boulevard parcel would need to be recorded with the subdivision.

Findings of Fact

The Planning Commission's recommendation needs to be based on a set of findings of fact. The findings of fact that are used as the basis of the Commission's recommendation should be listed.

Staff Findings: The following general findings are offered by staff for review and consideration by the Planning Commission:

1. The property at 15311 Putnam Boulevard has 300 feet of frontage on Putnam Boulevard
2. Prior to the closure of Putnam Boulevard, the property obtained its access from Putnam Boulevard
3. The City closed Putnam Boulevard to traffic, but did not vacate the Putnam Boulevard right-of-way
4. The proposed driveway location to access the 15311 Putnam Boulevard parcel would require a license to use the Putnam Road right-of-way.
5. The subject properties are located in the Rural Residential zone, as is all property surrounding them
6. The Rural Residential zone allows residential use with five-acre minimum lot size
7. The minor subdivision is not creating any additional lots. It is realigning the lot line between the two subject parcels.
8. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable area of 2.5 acres and minimum lot width of 300 feet, there are also a number of existing legal non-conformities and the new house and septic system require the proposed lot line realignment to meet the required side yard setback.

Staff Recommendation

If the Planning Commission determines that the findings support the approval of the minor subdivision application, staff recommends the following conditions be placed on the approval recommendation. In addition, staff recommends the Planning Commission identify any other reasonable conditions to be placed on the approval.

Conditions

If the Planning Commission recommends approval of the subdivision application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

1. Easements as required by the City Engineer shall be granted
2. All drainage and utility easements shall be subject to the review and approval of the City Engineer.
3. All grading, drainage and erosion control plans shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
4. Scenic easements shall be placed on all slopes greater than 18%
5. The applicant shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
6. Driveway construction shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.
7. A license to use the public right-of-way for a driveway to serve the 15311 parcel shall be recorded with the subdivision

Planning Commission Recommendation Requested

Motion regarding the Brown Trout LLC Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail, with findings, and conditions if applicable.

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

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

B. Permit required. Construction or alteration of all driveways onto city streets, approved private roads, county roads, and state roads shall require a driveway access permit. All driveways onto a street designated as a state highway shall require an access permit from the state. All driveways onto a street designated as an approved private road or city street shall require an access permit from the City Engineer. All driveways onto a county road shall require an access permit from the county highway department and must meet all county regulations. A performance deposit shall be required as per the City ordinance.

C. Permit application. All applications for a city driveway permit shall be submitted to the Zoning Administrator. Applications shall include:

1. Application for driveway permit;

2. A site plan drawn to scale including, but not limited to, the following information: Proposed location of driveway, all structures on the lot, septic system drainfield, well, and major topographic features;

3. Financial guarantee;

4. Copy of an issued county or state access permit if required.

D. Driveway design standards. All driveways and all applications for such shall indicate that the proposed driveway meets the following standards:

Maximum slope 12%, but driveways with slopes greater than 10% must have bituminous surface
Minimum width 12 feet

Maximum width 22 feet

Minimum clearance each side of centerline 6 feet, but if less 10 feet bituminous surface may be required by City Engineer

Surface strength Minimum of 6 inches class V gravel or its equivalent as determined by the City Engineer

Culverts Size and type to be determined by the Zoning Administrator as per engineering standards.

Aprons or an alternative as per engineering standards shall be required.

Maximum side 4:1, but slopes as steep as 3:1 may be allowed in an area of fill subject to approval of the City Engineer. Where existing slopes are steeper than 3:1, a driveway may be permitted upon compliance with a stabilization plan prepared by a registered professional engineer to City Engineer satisfaction.

Minimum width in right-of-way 16 feet

Maximum grade in right-of-way 3%

Minimum turning radius onto street 5 feet

Maximum turning radius onto street 15 feet

Minimum driveway angle in right-of-way 60°-90°

Minimum vertical clearance 12 feet

Minimum lot line setback 10 feet

Minimum setback from principal structure 3 feet

Minimum setback from intersection of two or more rights-of way 60 feet (20 feet in VHS)

All applications for a driveway permit that do not meet these minimum standards shall submit any additional information as may be required by the Zoning Administrator.

E. Turnaround. All residential structures set back more than 150 feet from the centerline of the fronting city street or approved private road shall provide a turnaround in the driveway near the principal structure. The turnaround area shall be a minimum of 40 feet by 50 feet, have a minimum turning radius of 45 feet if a cul de-sac, or be a design approved by the Zoning Administrator. All turnarounds shall have the same surface strength as required for the driveway.

F. Permit issuance restricted. No building or septic permit shall be issued for a particular parcel of property until a driveway permit has been approved or issued.

G. Conformity of work. Before any site preparation work is done, that part of the driveway located in the street right-of-way shall be constructed according to the permit.

H. Number and type. The number and types of driveways onto city streets may be controlled and limited in the interests of public safety and efficient traffic flow as determined by the Zoning Administrator.

EXISTING SITE SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

SONNENTAG CONSULTING, LLC.

616 TOWER RD.
HUDSON, WI 54016
PH. 651-334-3332



PROJECT:

BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

NOTES:

LEGEND:

- PROPERTY LINE
- - - EXISTING BITUMINOUS EDGE
- · - · EXISTING GRAVEL EDGE
- ⊙ FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
- ⊙ FOUND 1" OUTSIDE DIAMETER IRON PIPE
- ⊙ FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (W/CAP #13774)
- ⊞ SET 3/4" X 18" REBAR WEIGHING 1.502 LBS PER LIN. FT (W/CAP #48650)
- ⊙ SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

DRAWN BY: JMS
CHECKED BY: JWG
DATE: 04/01/16
DWG FILE: 115-LEZEN (RIVAS)
REF FILE:
JOB NUMBER: 115-LEZEN (RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16

SITE SURVEY

SHEET NO.
1 OF 1

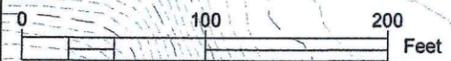
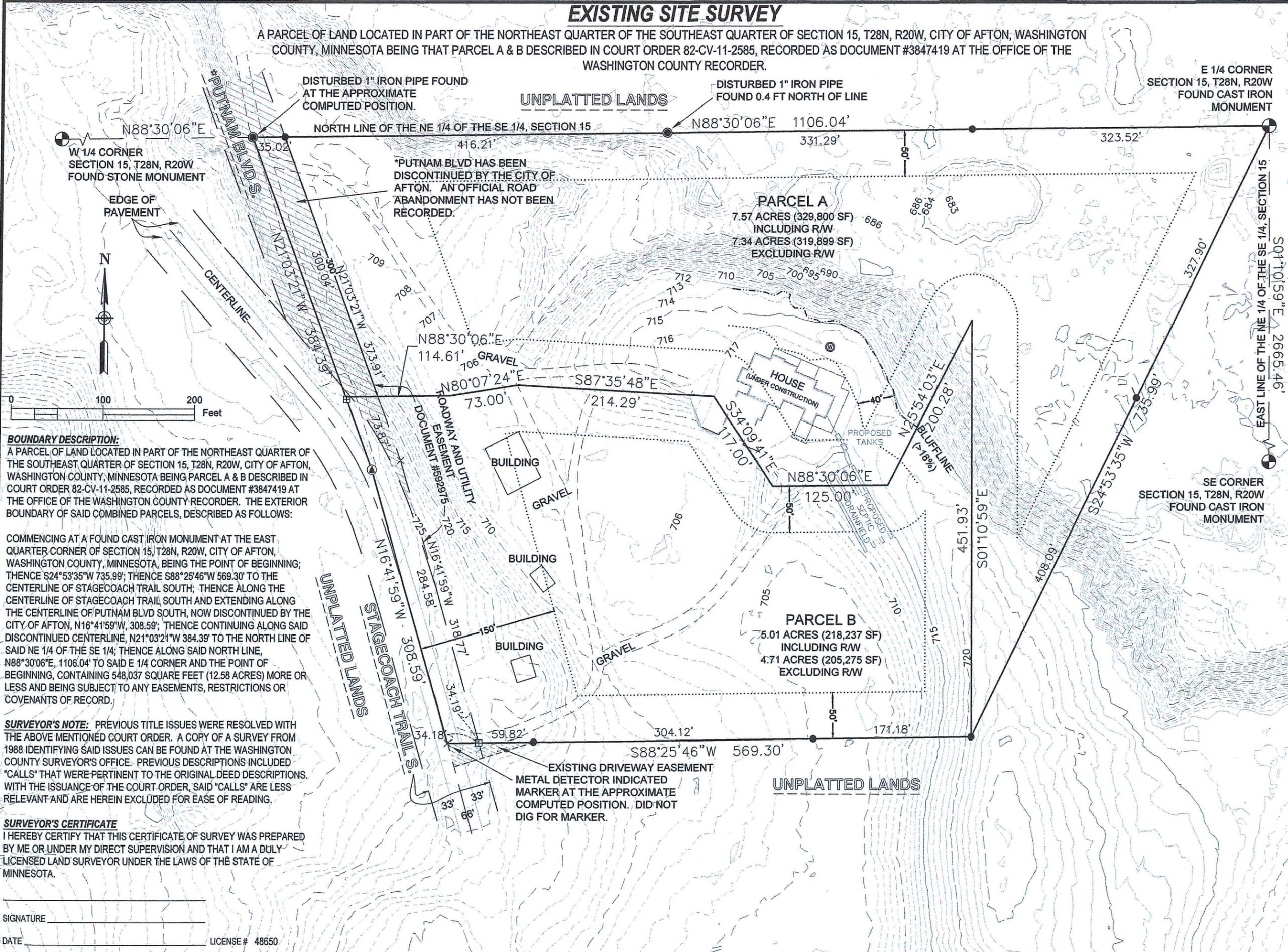
BOUNDARY DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

SURVEYOR'S NOTE: PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LICENSE # 48650



EXISTING SLOPES AND BUILDABLE AREA

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

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PROJECT:
BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

LEGEND:

- SLOPES 12-18%
- SLOPES > 18%

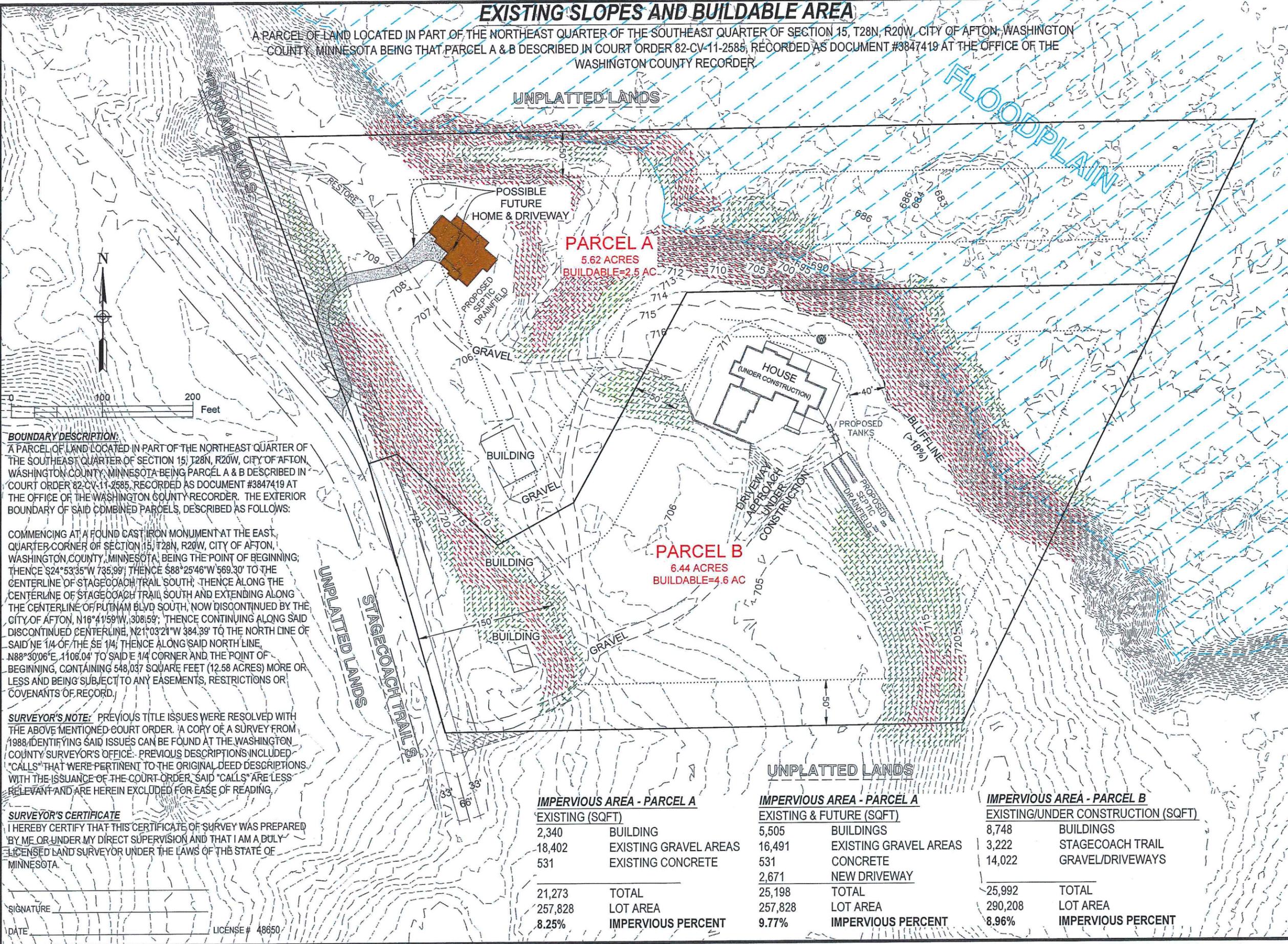
NOTE:
BUILDABLE AREA = LOT ACREAGE,
EXCEPT THE FOLLOWING AREAS:

- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON
NAVD 1988 DATUM DERIVED FROM
LIDAR DATA AVAILABLE THROUGH
THE MN GEOSPATIAL INFORMATION
OFFICE. APPROXIMATE SLOPE
CATEGORIES WERE GENERATED
FROM THE LIDAR SURFACE MODEL.

DRAWN BY:	JMS	
CHECKED BY:		
DATE:	04/01/16	
DWG FILE:	113-LENZEN (RIVAS)	
REF FILE:		
JOB NUMBER:	113-LEZEN (RIVAS)	
REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/16/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16

SLOPES & BUILDABLE AREA
SHEET NO.
1 OF 1



BOUNDARY DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

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SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LICENSE # 48650

IMPERVIOUS AREA - PARCEL A

EXISTING (SQFT)	
2,340	BUILDING
18,402	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
21,273	TOTAL
257,828	LOT AREA
8.25%	IMPERVIOUS PERCENT

IMPERVIOUS AREA - PARCEL A

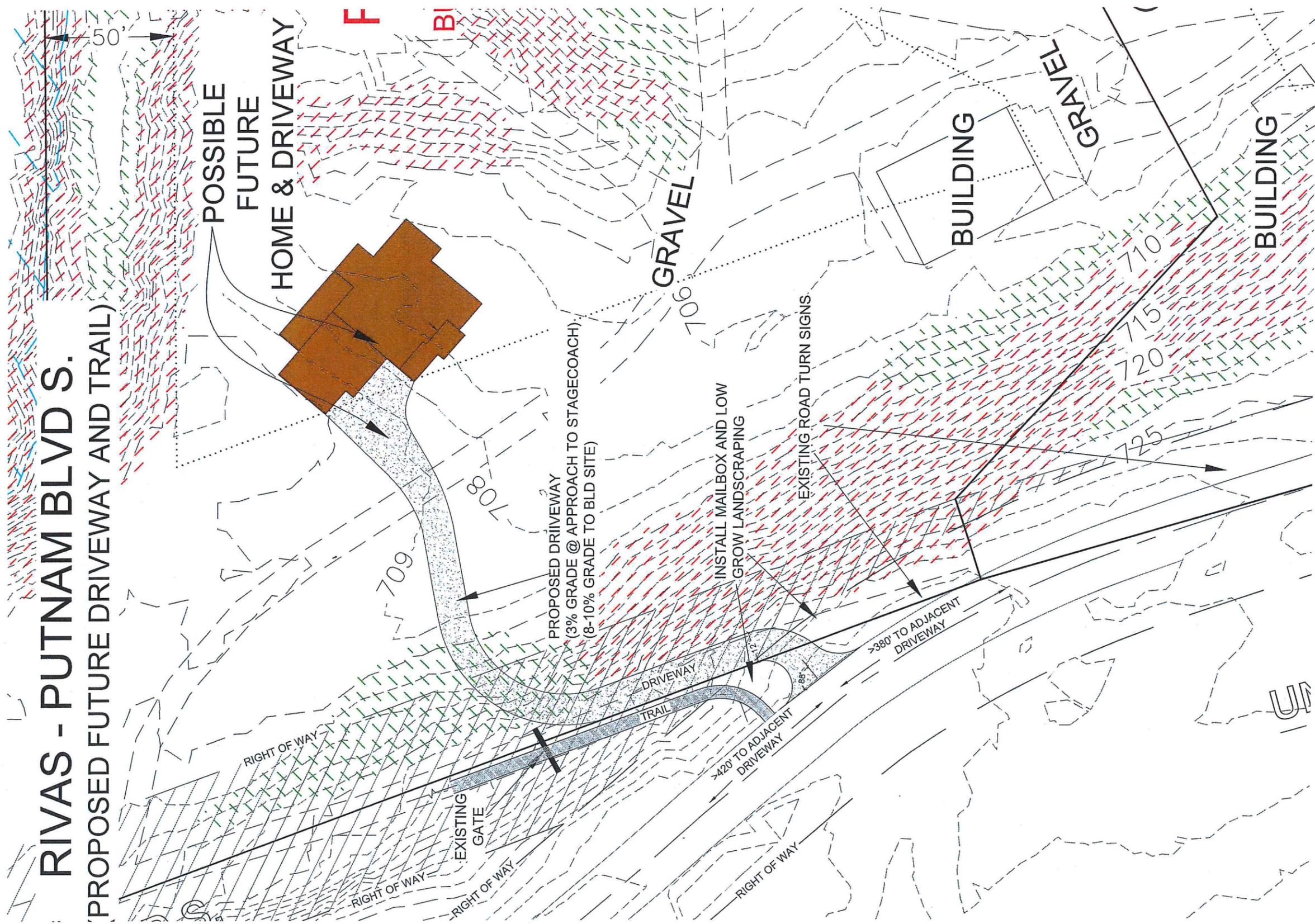
EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
16,491	EXISTING GRAVEL AREAS
531	CONCRETE
2,671	NEW DRIVEWAY
25,198	TOTAL
257,828	LOT AREA
9.77%	IMPERVIOUS PERCENT

IMPERVIOUS AREA - PARCEL B

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,022	GRAVEL/DRIVEWAYS
25,992	TOTAL
290,208	LOT AREA
8.96%	IMPERVIOUS PERCENT

RIVAS - PUTNAM BLVD S.

PROPOSED FUTURE DRIVEWAY AND TRAIL



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

Meeting Date June 21, 2016

Council Action Memo

To: Mayor Bend and Members of the City Council
From: Ron Moore, City Administrator
Date: June 21, 2016
Re: June Engineering Staff Report – **Supplemental (Closed Session)**

Easement Acquisition

As part of the Downtown Improvements Project, the City acquired a temporary easement for drainage on the parcel at 2829 St. Croix Trail. It has now been determined that, in order to provide for long term access, a permanent easement should be acquired. Based on an appraisal to determine the value of the easement, a proposed offer for the easement has been developed. The proposed offer is reflected in an Authorization to Present Offer that is being provided in a confidential envelope. The Council's discussion of this offer will need to occur in a closed session.

COUNCIL ACTION REQUESTED:

Motion regarding the Authorization to Present Offer for the acquisition of a permanent easement on the parcel at 2829 St. Croix Trail.