

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

May 21, 2007

Present: Christine Bray, Holly Borrelli, Elizabeth Mursko, Kevin Fernandez, Craig Johnston, Gene House, Dean Strehlau and Glenn Larson

Absent: Todd Berg

Staff Present: City Planner, Dick Thompson and City Clerk, Kim Points

1. **CALL TO ORDER**

Chair Fernandez called the meeting to order at 7:01 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

A MOTION was made by Commissioner House to approve the agenda as presented. Commissioner Johnston seconded the motion. MOTION carried unanimously.

4. **APPROVAL OF MINUTES, APRIL 16, 2007**

Commissioner Borrelli corrected the spelling of her last name.

A MOTION was made by Commissioner Bray to approve the April 16, 2007 Minutes as amended. Commissioner House seconded the motion. MOTION carried unanimously.

5. **NEW BUSINESS**

a. **Dvorak CUP Application, Public Hearing, Dick Thompson** – Chair Fernandez opened the public hearing at 7:05 p.m.

Mr. Tom Dvorak, the applicant, is requesting a Conditional Use Permit to allow grading and land reclamation. The proposed project is to add up to 15,000 cubic yards of fill to his property, as shown on the grading plan. The Grant Zoning Ordinance requires a Conditional Use Permit for land reclamation and grading of 50 cubic yards or more.

City Planner Thompson recommended that grading of the CUP for grading should be subject to the following conditions:

1. That a time limit for the embankment work be set to September 30, 2007.
2. That grading and land reclamation may not exceed a maximum of 15,000 cubic yards of fill. The Grading Plan provided exceeds the amount of fill requested by the Applicant. The Applicant shall provide a plan that matches the application.
3. That all work must be on the property and outside of public right-of-way and/or easements.
4. That work associated with the approved land reclamation and grading cannot damage adjacent roadways or ditch systems. Repair will be required by the Applicant at their own cost as determined necessary by the City of Grant. Dust control must be managed by either watering the roadway or applying calcium chloride.
5. That traffic control (warning signs, cones, barrels, and trucks hauling signs) shall be provided as determined by the City Engineer in accordance with the Minnesota Manual of Uniform Traffic Control Devices.
6. That a 48-hour notice is to be provided to the City Engineer prior to work commencing. Personnel representing the City and other permitting agencies shall have a right-of-entry to inspect work being completed on the property.
7. An approved Minnesota Pollution Control Agency NPDES permit must be provided to the City. As part of this permit the Applicant must restore the area within 14 days after completing work.
8. That the Applicant's work be completed within 6 weeks from commencement. Working hours shall be restricted to 7:00 AM to 7:00 PM, Monday through Friday.
9. That the Applicant re-submits their Valley Branch Watershed District permit to include the revised scope of work and provide a copy of the permit to the City.
10. That all conditions of the Valley Branch Watershed District permit are met.
11. The Applicant is to provide As-Built Drawings of the finished grade.
12. That all fees are paid.

Mr. Jerry Linquist, 7421 Jamaca Avenue, came forward and stated he estimates that over 60,000 cubic yards of dirt have already been brought in by Mr. Dvorak. He stated the applicant already has an outbuilding on his property. He stated he does not understand why the applicant needs that much dirt and there have been trucks coming by

every 15 minutes for the last 3 months. He stated that is not acceptable. He expressed concern regarding contaminants in the dirt and ruining the paved portion of the roadway.

Ms. Bonnie Wyscopp, 9186 68th Street, came forward and expressed concern regarding the number of trucks in the area, what is in the dirt, impact on environment, the view and erosion. She also stated she is concerned about a precedence being set.

Chair Fernandez closed the public hearing at 7:15 p.m.

Mr. Dvorak came forward and explained the non-compliance issues that have occurred in the past noting the fill is not contaminated.

The Planning Commission expressed concerns regarding drainage, road damage, the slope, erosion, the grading plan, watershed permit, the vagueness of the plan, compliance issues and well as enforcement.

City Engineer Hankee came forward and advised she had recommended a CUP because of the concerns of residents. She noted the permit from the Valley Creek Watershed states up to 1,000 cubic yards of fill could be brought in.

Mr. Dvorak questioned the possibility of allowing the CUP to take effect again next year if there are no problems. He stated it is a problem that the permit would expire on September 30, 2007 and he would have to apply again causing a financial strain.

MOTION by Commissioner Johnston, to recommend approval of the Conditional Use Permit, based on the twelve conditions outlined in the staff report. Commissioner House seconded the motion.

Commissioner Mursko suggested a friendly amendment that the permit would be in effect again after road restrictions are lifted in the spring of 2008 and continue after review until September 30, 2008.

Commissioner Johnston and Commissioner House agreed to the friendly amendment.

MOTION carried with Commissioner Larson voting nay and Chair Fernandez abstaining.

b. Reiland Subdivision Application, Public Hearing, Dick Thompson - Mr. Brad Reiland, applicant, came forward and provided the background on the project advising he would like to move forward. He asked the Planning Commission for comments on the variance request for the length of the cul-de-sac and the preliminary plat.

Chair Fernandez opened the public hearing at 7:55 p.m.

Ms. Sharon Schwarze, 10707 Joliet Avenue N, came forward and stated she is opposed to granting the variance for the length of the cul-de-sac. She stated there has only been one variance approved for the extended length of a cul-de-sac within the City in ten years and that one was much shorter in length.

Ms. Julie Urban, 9423 71st Street N, came forward and asked for clarification on the location of the proposed project.

Mr. Bill Madline, 8949 68th Street N, came forward and stated the roadway was put in before the term cul-de-sac was invented. He questioned whether it is really a cul-de-sac and stated that technically it should be called a cul-de-sac road.

Mr. Andy Schultz, 6920 Jamaca, came forward and expressed concern that the drainage for the proposed plan points right to his property. He also indicated he is not happy about the road.

Mr. Harold Peterson, representative for Mr. Reiland, came forward and stated they are not proposing any changes to the current drainage and will have to do a model for the watershed district. He pointed out the existing drainage on the property in question.

Mr. Bill Blama, 6502 Jamaca, came forward and asked how 68th Street is classified as a cul-de-sac road and asked if anything will be done to the roadway to support the additional traffic.

Chair Fernandez closed the public hearing at 8:05 p.m.

City Planner Thompson noted the staff report is incorrect by indicating it is a cul-de-sac roadway. It is a dead end road. He stated the proposed plan meets the density requirements and most of the issues can be resolved. The main issue is the length of the cul-de-sac that results in the variance application. The review of the plan indicates there is a hardship so the plan meets the criteria set forth for a variance.

City Planner Thompson suggested the possibility of the City amending the ordinance to allow longer cul-de-sacs within the City and denying the variance request. Future projects like this would then be able to move forward.

City Planner Thompson recommended conditional approval of the variance for the cul-de-sac length for the Gateway Vistas subdivision request, to allow a temporary cul-de-sac extending to the northern property line, of 2,735 feet in length. The Planners find that a hardship exists based on the following findings:

1. 68th Street is the only way to gain access to the subject property.
2. Due to the property's zoning and size, the density permitted for the subject property is four lots.
3. In order to subdivide the property and provide public road frontage to each lot, extension of the 68th Street cul-de-sac is required.
4. There are no other streets in the vicinity with which the proposed road could connect with in order to create a through street rather than a cul-de-sac.
5. The Gateway Trail forms a non-crossable boundary on the west side of the property.

The Planners recommend approval of the Gateway Vista Major Subdivision preliminary plat located at 8765 68th Street North, with the following conditions:

1. That the final plat is consistent with the Preliminary Plat received by the City May 9, 2007.
2. The wetland delineation is verified by the Washington Conservation District or Valley Branch Watershed District.
3. That the proposed sewage treatment system areas are approved by Washington County Department of Public Health and Environment.
4. That the cul-de-sac is a temporary cul-de-sac constructed to the northern property boundary.
5. That the portion of the land for the road linkage (118 by 66 feet) is dedicated to the City.

6. That the land for the proposed right of way extending the cul-de-sac to the northern property line is dedicated to the City.
7. That the Applicant calculates the grazable acreage and that the number of horses is reduced accordingly.
8. That the property owner applies for a Certificate of Compliance within 30 days of the signing of the final plat for accessory structures.
9. That the Engineer's comments are addressed.
10. That any comments from the Washington Conservation District and Valley Branch Watershed District are addressed.
11. That all fees are paid.

Mr. Peterson indicated the developer does agree with the Planner's recommended conditions of approval noting the cul-de-sac is a temporary cul-de-sac.

City Attorney Vivian outlined the criteria regarding hardship of land issues in terms of the variance application.

City Engineer Hankee advised the limiting of lengths of cul-de-sacs within the City's ordinance is to promote through roads. She stated it is good planning to promote future through roads when properties eventually subdivide or develop.

MOTION by Commissioner Johnston to recommend approval of the preliminary plat based on the conditions outlined in the staff report. Commissioner House seconded the motion.

City Attorney Vivian suggested a friendly amendment to include a condition that the Developer also enters into a Development Agreement with the City prior to final plat approval.

Commissioner Johnston and Commissioner House agreed to the friendly amendment. MOTION carried with Commissioner Bray voting nay and Commissioner Larson and Chair Fernandez abstaining.

Commissioner Bray stated she would like to change her vote to a yea vote because she thought the Commission was voting on the variance request and not the preliminary plat.

MOTION by Commissioner House to recommend approval of the variance request based on conditions outlined in the staff report, adding conditions #4, 5, 6 noted under the preliminary plat recommended conditions of approval. Commissioner Johnston seconded the motion. MOTION carried with Commissioner Bray voting nay and Chair Fernandez and Commissioner Larson abstaining.

- c. **Langer CUP Application, Public Hearing, Dick Thompson** – Mr. David Langer came forward and provided the background on the proposed project noting three potential business owners are present this evening.

Chair Fernandez opened the public hearing at 9:00 p.m.

Mr. Randy Greeley, 10955 62nd Street, came forward and asked for clarification on the number of business owners being proposed and what types of businesses they are. He also asked why there are currently stakes in the ground in that area noting only a portion of the property is zoned commercial.

Mr. Langer advised the stakes in the area are for geo probes for the septic system. He indicated he has no intention of adding additional buildings.

Ms. Sharon Schwarze, 10707 Joliet Avenue N, came forward and stated the referred to the re-subdivision ordinance. She stated office condominiums and shopping centers are not allowed within the ordinance and the proposed plan does not meet the 2 ½ acre lot requirements.

Mr. Langer explained the type of proposed uses and address issues regarding the condominium style as well as retail shopping uses. He noted the property will stay light manufacturing. He listed and described each business proposed to occupy the building.

Mr. Steve Send, 10925 62nd Street, came forward and expressed concern regarding traffic, proposed storage facility and screening.

Mr. Langer explained the fencing play, proposed screening and vehicle storage plan.

Mr. Joe Plumbo, 6120 Lake Elmo Avenue, came forward and requested a copy of the application and expressed concern regarding a “revolving door” type of development

and a CUP for each occupant. He noted that at least the City knew what they had with the Tenure CUP.

Mr. Farrell, 10958 62nd Street, came forward and expressed concern regarding lights, noise, vandalism and traffic. He stated he does not want it in his backyard.

Chair Fernandez closed the public hearing at 9:16 p.m.

City Planner Thompson advised he reviews proposals based on City Ordinances. He indicated he believes the issues relating to this proposal can be addressed. The condominium style is an issue and there is a combination of uses being proposed. There are two parcels so it could be divided into two CUP's.

City Attorney Vivian noted the developer has the right to "condominium" the property. The second issue is the shopping center. The City has to look at the ordinance and definitions of a shopping center.

The Planning Commission expressed concern for the proposal in terms of usage, retail shopping center, over riding CUP, condominium style building, control measures as well as enforcement issues.

City Attorney Vivian stated he could anticipate problems with an all encompassing CUP if only one user violates the CUP. He stated he would support the idea of separating the parcel into two CUP's. He indicated it does not make sense to have six separate CUP's because there is a not a physical division of the property.

Commissioner Mursko requested two separate applications and a more detailed staff report if the developer wishes to proceed with two separate CUP's.

Mr. Langer indicated he is in agreement with continuing the current CUP on one parcel and coming back for another CUP for the other parcel. He referred to the enforcement issue and stated all owners are required to abide by the rules and there would be a declaration of those rules included in the agreements.

MOTION by Commissioner Bray, to table the Langer CUP discussion until Mr. Langer comes back with two separate CUP proposal for Building A and Building B/C.

Commissioner Mursko seconded the motion. MOTION carried with Commission Larson voting nay and Chair Fernandez abstaining.

The Planning Commission requested an updated report on the proposal from the City Planner. Chair Fernandez requested Commissioners forward their concerns regarding the proposal to the City Clerk to forward to the City Planner.

MOTION by Commissioner House to schedule another public hearing regarding the CUP at the June 18, 2007 Planning Commission Meeting. Commissioner Johnston seconded the motion. MOTION carried unanimously.

6. **OLD BUSINESS**

There was no old business.

7. **NEXT PLANNING COMMISSION MEETING**

The next Planning Commission Meeting is scheduled for June 18, 2007, 7:00 p.m.

8. **ADJOURNMENT**

A MOTION by Commissioner House to adjourn the meeting at 10:05 p.m. Commissioner Strehlau seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk