

**CITY OF NOWTHEN
PLANNING & ZONING COMMISSION MEETING
TUESDAY, August 24, 2021**

Present: **Dale Ames** **Harold Jorgensen**
 Martin Bies **Kelly Pearo**
 Lars Carlson **Rob Schiller**
 Dan Haapala **Jeff Pilon – Council Liaison**

Others: **City Planner, Liz Stockman; Administrative Assistant, Lisa Lorensen**

Approve/Amend tonight’s meeting agenda of August 24, 2021. Motion by Pearo to approve; 2nd by Carlson; Motion Carried.

June 22, 2021 Planning & Zoning Meeting Minutes were amended on page 2; changed to Haapala instead of Carlson. Motion by Haapala to approve amended minutes; 2nd by Pearo; Motion Carried.

- 1. Public Hearing – Kontz Property, 81xx 181st Avenue NW –** Don Jensen of DJ2DMJ Planning LLC is requesting approval of a three (3) lot split on behalf of the Kontz Family Trust. The 40-acre parcel is currently being farmed and located just east of 8301 181st Avenue. The Kontz family wishes to split off Parcel A (11.07 ac) and Parcel B (5.0 ac) in order to sell the lots for single family residential uses, leaving Parcel C (23.42 ac) undeveloped farmland. (PID 32-33-25-44-0001)

Planner Stockman presented her report. This is a 40-acre parcel that is in a trust, so the family has hired Mr. Jensen to help with the process. He would like to see either 2 or 3 lots split, and recommendation tonight is his goal. This property is right on 181st Avenue, which is a minor arterial street, and is right next to the Greenwaldt property, which recently went through a parcel split. She pointed out the parcels requesting to be split for selling to potential buyers and the remaining farmland. There is a large wetland on the north side of the property as well as some smaller wetlands identified in the wetland delineation. There is a street shown coming through from the north, but after the wetland laws changed and knowing that the crossing would be so significant, this will likely never happen. It is not being considered with this application and will remain a cul-de-sac. This Concept Plan shows a 2-lot split. Stockman met with Jensen a couple times to figure out how the parcels would end up splitting. Jensen developed the concept presented. When the Greenwaldts split, they were required to incorporate any future subdivision with the Kontz property. A cul-de-sac is shown with the 2 lots requesting to be split and creates a critical street connection with the local streets. As a staff concern, City Ordinance requires a connection to local streets, especially to minimize direct lot access onto main arterial roadways and collector streets. City Engineer is not in favor of either of these lots splitting. Planner Stockman is more inclined to allow the 11-acre parcel to be split and not the smaller one because the larger one has easier potential to split in the future. A street connection should be considered. The applicants have stated that it is premature to look into that at this time, as the desirability of an 11-acre lot is popular here. With the 5-acre average requirement, it is more difficult to subdivide a 40-acre parcel and make it work monetarily due to wetland and street requirements. The Concept presented at this meeting is trying to avoid through streets. Stockman displayed the conceptual street plan that was part of the Greenwaldt split. Two streets were shown to go through the Paulson property, but the wetland is estimated to be significantly larger, so most likely there will only be one street there. Connectivity has been considered for these three properties since 2017. Anoka County arterial classification map was shown. Jensen’s other option would be just to split the 11-acre piece off and leave the remainder as farmland. Ordinances relative to this application were presented:

- Local street service; lots backing up, rearing of lots upon the Right-of-way of all major thoroughfares with intersections limited
- Permanent cul-de-sacs shall be allowed only where one or more of the following criteria have been met:
 - 1) where topography conditions warrant such or 2) through street is not physically feasible.
- Minimize cul-de-sacs because they are challenging to maintain

- Direct vehicular access from individual lots to arterial and collector streets shall be discouraged and may be prohibited by the City Council.

TPC did not make a recommendation as she wants some feedback from the Commission. The City Planner is allowed to do a two-lot subdivision administratively, but she did not feel comfortable moving ahead Administratively. When a concept involves streets, it needs to come for discussion. Two concepts show how a through street could work. There is enough depth once a Right-of-Way easement is given to Anoka County for 181st Avenue. The street concept could work if the Commission thinks it is important – one option goes to the north and another option goes to the south.

Park & Trail Dedication fees need to be discussed also – whether to pay park dedication fees for two lots or all three lots, as Parcel C will be left as agricultural land but would still be considered a legal lot of record as a buildable lot.

Mailings and postings completed.

Applicant Don Jensen representing the Kontz family trust addressed the Commission. He wanted to affirm that this is an Administrative lot split, and much of the discussion so far is dealing with platting ideas or long range development. Part of the consideration is regarding 181st Ave and a lot of wetlands immediately north. The notion that it is tying into a series of other properties for “neighborhooding” and connectivity is limited, as demonstrated by the maps and a slow drive past the properties. Environmental sensitivity is in fact important in both Ordinance and practicality. Septic system preliminary information was provided so homebuyers have choices of where they want to locate. The 11-acre parcel is being sought by the marketplace, a representative of the owner, and Edina Realty, as they try to sell the property as a fiduciary matter for the mother. There is a market for the slightly bigger lot, and it is the most desirable home site. The street concept may be presented as feasible from a practical point of view for the City, but it is not for the family. As opposed to Administrative lot splits, when Platting, a land owner must account for much more than the road layout. Developability, septic system placement, etc. Nowthen septic rules are some of the toughest in the area because of the separation requirements, thus the greatest cost per septic system when it is not in sand. That creates a burden to the homebuilder. When building city streets, there are costs for the street, engineering, ponding requirements, etc. This consumes more of the property and the dollars need to be added to the feasibility sketch. Regarding the decision of whether to grant this property a two-parcel or a three-parcel layout, much of the buildable land will be chewed up by any type of ponding scheme if a frontage road layout is desired, financially feasible and environmentally sensitive.

In the sketch plan stage, the City approves a concept, and then either staff or the applicant goes to the highway department to confirm they can accomplish something as simple as a road location. In this specific situation, Anoka County has already had the opportunity to review the proposed three-parcel layout regarding relative driveway placement in relation to 181st Ave. The County had no issue with drafting a letter to the City Planner and the City because their concerns of safety and sight lines were addressed. There is merely a concept plan to address the City's Comprehensive Plan questions. His plan has shared access with the two new parcels and the remnant parcel with its field access off 181st and was considered to be a permissible design. The County letter regarding this plan was included in the packet, and they believe it meets their criteria. Jensen believes that approval from the County shows prudent planning.

Jensen also asked the Commission to consider the 160 acres to the east. That family has been in the community for a long time and has shown no interest in developing. Planner Stockman indicated a ½ mile spacing criteria between city streets she was hoping to hit, but he believes it would need to be changed to something between ¼ to ½ mile spacing. His drawings show road access, if feasible and Greenwaldts were included, that would hit the ½ mile spacing and potentially allow for some future development opportunity of the larger parcel. If the city were to honor the ½ mile spacing rule for streets accessing on Baugh, the next access point would need to be on the Greenwaldt property.

The Kontz family needs to consider how much will be invested and will there be any left over to pay for goods and services being created. The remnant parcel is still a good, viable parcel for farming, and it is more saleable for someone desiring to do hobby farming, etc. It makes no sense for the Kontz property to make plats and push roads in a variety of different directions when there have been no imminent applications, in particular, to the east. In the best interest of the family trust fiduciary plans, Jensen is requesting approval of his plan to split off 11 acres, leaving the remnant parcel as farmland, able to be accessed and farmed as a rental farm property. There are still future development opportunities. The road layouts presented require wetland considerations, fill options, and ponding. The Kontz trust is not interested in being road builder or developer, but from an estate planning perspective, it is appropriate to allow the 40-acre parcel to be broken into more desirable parcels for the community. What they have presented is the 11-acre, the 5-acre, and the remnant parcel to be split off as of this calendar year. Delays in the approval will push out construction dates for the hopeful buyer of the 11-acre parcel until the winter or possibly even next year. They are willing to pay whatever park fees required, but he thinks the farmland park fees should wait to be expected until it becomes developed. The Trust is not interested in pursuing a Platting process with this parcel. Realtor, Gregg Roeglin, was present and available to answer questions.

Ames said that the Commission is required to look at the future with regard to roads and plans. Stockman confirmed and said she is more comfortable with Johnson's 2-lot option, as it would allow street access. However, allowing Parcel A (11 acres) should only be approved with restrictions preventing flag lots or any variances because that is what eventually happens when a parcel is left alone and subdivided around it. It's big enough to split, but if it isn't eventually served it with a local street, the city gets a special request coming back to allow street access that could have been prevented from the start. With the 2-lot split there is more potential for getting a parcel that backs up to 181st. Parcel B gets in the way of subdividing anything, because it is not subdividable. No problem with Parcel C, as it has potential. Recommendation to move the north line of Parcel B to get it out of the wetland area in case a cul-de-sac is ever needed in a future road design.

Soil borings were taken to confirm that the 6 buildable areas, and each had 1 ½ to 2 feet of cover. Discussion about soil separation rules and expense for home builder/buyer. Septic investigator said that in several instances the good road building sites are also good for home building and these two plans may interfere with each other. The County has approved one shared access point for the two driveways and has approved that the 5-acre piece and the 11-acre piece would each have a distinct driveway coming together to the shared access point. County road has two field access approaches where the bump out of the pavement is 50' wide to access this property.

If the 20 acres is purchased to develop, then platting conversations would be necessary. Discussion about developability of the remaining agricultural 20 acres and the ½ mile separation requirement of city streets, and potential street maintenance concerns. Requirements are that the road frontage should be 150 feet with 300 feet at the building site. Discussed the potential of a compromise by adjusting Parcel shapes and leaving a gap for an easement between parcels for future road access, which would be more compatible with the ½ mile separation requirement. Stockman said it is challenging and liked the idea of compromising. Pearo agreed with the County letter and recommendations, and she also agreed to restrict flag lots and variances in future splits. Access point to the farmland is already in place, so is not a concern at this time. The 50' wide approaches were most likely added so preserve the road edge at the field access roads already there. Pearo is supportive of the 3-lot split and the suggestion to reshape lots to be split, with or without the easement. An easement is not desired at this point, but leaving a strip between parcels A and B would allow for future road possibilities if Parcel C should develop.

Discussed further splitting and legal implications. A property can only be split by the same owner one time by metes and bounds. Any further splits (Parcel C) would need to be platted. If the Kontz family wishes to administratively split, agreeing to reshape the 3 lots and allow the road easement as the Commission recommends and submit a revised drawing for approval, the City Council could approve the plan at its September 14, 2021 meeting. Jensen said they would like to have at least two lots split approved, in case the engineered revised drawing for three lots isn't ready for the council meeting, and do not wish this to be tabled.

Recommendation from Commission is to shorten and widen Parcel B for approval at this time. Any development of Parcel C would need to come in from County Rd 64 or through the Greenwaldt property to the west.

PUBLIC COMMENTS - None

PUBLIC HEARING CLOSED

Planner Stockman will prepare Findings of Fact, with for a 3-lot split with the adjustments for a future street on the north side of Parcel B, with the ability to abut up to Parcel A for a future split of Parcel A. Space between parcels will be left so that access and east/west road connection in the future are available, but no public road easement will be requested at this time as there is no buildable site being requested that would require that. There will be conditions regarding review and approval of wetland delineation (NOD), MNRAM buffer zones defined – forego applying buffers on Parcel C while in Ag status until it is removed from Ag status, lot buildability for Parcels A and B and also Parcel C as it is saleable, park dedication fees for all 3 lots, primary and backup septic sites and lowest floor elevations for Parcels A & B, minimum 12-ft wide driveway and turnaround capabilities for large trucks and no special use permits or flag lots allowed for Parcel A, revise & resubmit survey with all the required information, and any future subdivision shall be platted. If the applicant only wants one lot split approved, that can be determined at the Council meeting on September 14, 2021. Discussed collecting park dedication fees for Parcel C farmland now vs. whenever it is developed. Majority of Commission agreed to include park dedication fee requirement for all 3 lots.

MOTION BY AMES TO RECOMMEND THE LOT SPLIT WITH THE CHANGES DESCRIBED ABOVE. 2nd by HAAPALA. ALL IN FAVOR. MOTION CARRIED.

Motion to adjourn by Schiller; 2nd by Pearo. All in favor. Motion Carried. Adjourned at 8:41 PM.

Respectfully submitted,

Lisa Lorensen, Administrative Assistant

Dale Ames, Chairman