

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 14, 2018**

Chairperson Alex Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Mike Hedquist, Mike Myhre, Brandon Sampair, Dan Soler and Susan Stewart. Commissioner Tracy Jones was absent with prior notice. Also in attendance were Planner Hannah Rybak, City Engineer John Sachi and Administrative Specialist Patricia McGing.

APPROVAL OF THE AGENDA

Commissioner Soler moved, and Commissioner Stewart seconded the motion to approve the agenda as presented. The motion was unanimously approved.

APPROVAL OF THE DECEMBER 13, 2017 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Myhre moved, and Commissioner Hedquist seconded the motion to approve the minutes of the December 13, 2017 regular Planning Commission meeting as written. The motion was unanimously approved.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Timothy and Tamara Fagely for a Conditional Use Permit for a rear yard setback reduction in order to reconstruct an attached garage at 91 Doover Lane

Planner Rybak provided a power point presentation and said the applicants are proposing to replace the existing attached garage with a new attached garage. The existing garage is 16' deep by 20' wide. The proposed replacement garage is 22' deep by 29' 11 1/4" wide. The square footage of the garage would increase by 302'. The proposed garage does not meet the rear setback requirement, thus a conditional use permit is required. The proposed garage meets all other zoning requirements in the R1-E Historic Mahtomedi District.

The request conforms to the zoning district and CUP provisions except for the rear yard setback. It will not create any dangerous, injurious or noxious conditions, and is consistent with the neighborhood character.

City Engineer Sachi said he reviewed the plans and has no comments. The proposed roadway, storm sewer and utility improvements proposed for Doover Lane as part of the Historic District Phase 3 will not conflict with the proposed CUP.

Planner Rybak said staff is recommending approval of the proposed request.

4a. (Continued)

Ms. Tamara Fagely, 91 Doover Lane, stated that she had no further comment than what the city planner and engineer reported. She said there will be adequate room for cars to be parked on the driveway.

Chairperson Rogosheske opened the public hearing to the audience for commentary. Hearing none, the public hearing was closed.

Commissioner Stewart said she appreciated that the applicants' neighbors signed the application giving their approval. Commissioner Hedquist agreed.

Commissioner Soler moved, and Commissioner Sampair seconded the motion to recommend the City Council approve a resolution approving a conditional use permit for reduction in the rear yard setback for a principal structure on property located at 91 Doover Lane, as outlined below. The motion was unanimously approved.

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR REDUCTION IN
THE REAR YARD SETBACK FOR A PRINCIPAL STRUCTURE ON THE PROPERTY
LOCATED AT 91 DOOVER LANE, PID 29.030.21.32.0030**

WHEREAS, the City of Mahtomedi received a request from the Applicants and Property Owners Timothy and Tamara Fagely on January 5, 2018 for a Conditional Use Permit on their property located at 91 Doover Ln. The property is legally described as follows:

LOT 1, BLOCK 4, ALICIA HEIGHTS, WASHINGTON COUNTY,
MINNESOTA.

WHEREAS, the Applicant has requested a conditional use permit to allow for a reduction in the rear yard setback to accommodate a replacement attached garage; and

WHEREAS, the proposed attached garage meets all other zoning requirements for the R1-E Historic Mahtomedi Zoning District; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on February 14, 2018; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a conditional use permit if it finds that the standards for granting a conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the Mahtomedi City Code have been met.

4a. (Continued)

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' Conditional Use Permit for a reduction in the required rear yard setback. The requested conditional use permit is consistent with all the standards for granting a conditional use permit as described in Section 11.01, Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested conditional use permit is justified for the following reasons:

1. The proposal conforms to the District and conditional use provisions and all general regulations of this Ordinance.
2. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons, and complies with the performance standards in Provision D: Performance Standards herein.
3. The proposed garage is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
4. The proposed garage produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.
5. The structure is organized so as to minimize traffic congestion in the District.
6. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

4b. **CONSIDER APPROVAL – Request from Cottage Homes for a minor subdivision in order to combine and divide the properties described as PID 29.030.21.24.0105 and 29.030.21.24.0106 (located on Ash Street) into two lots, and a variance from the minimum lot width and area requirements**

Planner Rybak provided a power point presentation and said the applicant is requesting a minor subdivision and lot combination for the purpose of combining three existing parcels and creating two new buildable lots. The three parcels to be divided and combined have a total area of 21,945 square feet. The properties are currently vacant and are located in the R1-E zoning district. Three variances are required:

1. Both new parcels do not meet the minimum 10,400 square foot lot area
 - Parcel A has a net lot area of 7,412 square feet
 - Parcel B has a net area of 9,370 square feet and a total area of 14,533 square feet. State Highway 244 has a large easement through the west side of the parcel which greatly diminishes the usable area of the parcel
2. Parcel A requires a width variance – the width is 60.01' where 80' is required

4b. (Continued)

Planner Rybak explained the net area is the area of land excluding street right-of-ways, wetlands and other publicly dedicated improvements such as parks, open space and storm water management facilities. The net area is what is used for calculating compliance with minimum lot area standards. She also said the request is consistent with the Standards for Granting a Variance. There are lots in the area that have houses on 45' wide lots. The request is also in compliance with the Minor Subdivision Review criteria of the ordinance including no more than three lots are proposed, the request is consistent with Comprehensive Plan and R1-E requirements. Because there is no increase in the number of buildable lots, it is recommended that no parkland dedication fee be required.

City Engineer Sachi stated the existing topography should not cause an issue for the construction of the two future homes. The final grading and drainage plan will be required at the time a completed building permit application is turned in. MnDOT has reviewed the proposed plan and has provided a comment letter that was included in the agenda material. The access for the two reconfigured lots will be on Ash Street. Access to TH-244 will not be allowed. Currently there are no City utilities stubbed to this property. The City will be improving Ash Street in 2018 so there will be an opportunity for the properties to connect as part of that project, for a fee to the property owner.

In its current configuration, the parcel was only planned to have a \$400 pending assessment for the improvements along Ash Street. Ash Street is planned to be milled and overlaid and the parcel as it exists today would only have one assessable building site. The existing parcel is technically a corner parcel; therefore, the current parcel would only be assessed one-half of the mill and overlay rate for a parcel. With the proposed reconfiguration, there would be two parcels which could be assessed. Parcel A could be assessed the entire mill and overlay rate of \$800 and Parcel B could be assessed the standard mill and overlay rate for a corner lot of \$400. As part of the Phase 3 improvement project, the City will stub in water and sewer service lines at a cost of \$1,500 for each parcel. There should be an acknowledgement by the applicant that these additional costs will be assessed to the new parcels by signing a Waiver of Assessment Agreement.

Planner Rybak said staff is recommending approval of the request with the conditions outlined in the prepared resolution.

Commissioner Myhre thanked the Planner for explaining the net area.

Commissioner Soler said there are 45' lots in the area that could be built on with variance approval.

Dan Brown, the applicant, said they have started the engineering work requested by MnDOT.

Chairperson Rogosheske opened the public hearing to the audience. Hearing none, the public hearing was closed.

4b. (Continued)

Commissioner Sampair said it would be nice to have 80' wide lots, but the applicant tried for decent sized lots.

Commissioner Stewart expressed disappointment that there is no parkland dedication required.

Commissioner Myhre moved, and Commissioner Hedquist seconded the motion to recommend the City Council approve a resolution approving a minor subdivision and variances for the vacant property located at the northwest corner of Ash Street and Mahtomedi Avenue, as outlined below. The motion was unanimously approved.

**RESOLUTION APPROVING A MINOR SUBDIVISION AND VARIANCES FOR THE
VACANT PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE
INTERSECTION OF ASH STREET AND MAHTOMEDI AVENUE,
PIDS: 29.030.21.24.0106, 29.030.21.24.0105 & 29.030.21.24.0104.**

WHEREAS, the City of Mahtomedi received a request from the Applicant Dan Brown on behalf of the Owner Cottage Homes for a minor subdivision and variances to combine the existing three lots and create two new buildable lots on the existing property located at the northwest corner of Ash St. and Mahtomedi Ave. (PIDs 29.030.21.24.0106, 29.030.21.24.0105 & 29.030.21.24.0104) on January 13, 2018, legally described as follows:

LOTS 14, 15, 16 AND 17, BLOCK 2, FOREST HEIGHTS SUBDIVISION OF BLOCK 8, WASHINGTON COUNTY, MINNESOTA TOGETHER WITH A RIGHT OF WAY IN COMMON WITH OTHERS OVER THE NORTHERLY FIFTY (50) FEET OF LOT TWENTY-TWO (22), BLOCK 1, FOREST HEIGHTS, FOR ACCESS TO WHITE BEAR LAKE.

WHEREAS, the Applicant has requested a minor subdivision and variances to allow for combination and division of the property to create two buildable residential lots; and

WHEREAS, the proposed subdivision will not result in any new residential lots, therefore no park dedication fee is necessary; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on February 14, 2018; and

WHEREAS, the City Council can approve a minor subdivision if it finds that the standards for minor subdivisions as described in Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision of the Mahtomedi City Code have been met; and

4b. (Continued)

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the following variance requests: **a 2,988 sf. lot area variance for Parcel A; a 1,030 sf. lot area variance for parcel B and a 19.99 ft. lot width variance for Parcel A** based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

1. The configuration of the parcel, its existing size and location present practical difficulties to compliance with the ordinance;
2. The proposed use of two single family lots is reasonable for the zoning district;
3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
4. The difficulties presented by the parcel are not posed by the property owner;
5. Granting the requested variance would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;
6. The proposed variance is in keeping with the spirit and intent of the Ordinance;
7. Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
8. The variance is consistent with the Comprehensive Plan.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' minor subdivision request based on the following findings of fact:

1. All required information for a minor subdivision has been supplied.

4b. (Continued)

2. The minor subdivision meets the requirements for Minor Subdivision Approval;
3. The lot to be divided is in a location where conditions are well defined;
4. The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code;
5. The proposed division was prepared by a registered land surveyor;
6. The minor subdivision request is consistent with the City's Comprehensive Plan; and
7. The minor subdivision is consistent with the City's Subdivision Regulations and Zoning Ordinance for property in the R1-E – Historic Mahtomedi Zoning District.

NOW THEREFORE BE IT FURTHER RESOLVED that the applicant must meet the following conditions for variance and minor subdivision approval:

1. The developer shall enter into a development agreement to the satisfaction of the City Attorney and approved by the City Council.
 2. Compliance with the MnDOT requirements outlined in the February 1, 2018 review letter addressed to the City Engineer (Attachment D)
 2. All access for the proposed lots shall be off Ash Street
 3. Sanitary sewer and water service lines will be extended to Parcels A & B from the mains in the street to the property line by the City as part of the Historic District Phase 3 at a cost of \$1,500 for each parcel. These costs will be assessed as part of the Historic District Phase 3 improvement project. The developer shall waive their rights to appeal these proposed assessments.
 4. In addition to the service line extension assessments stated above, the street assessments for Ash Street shall be \$800 for Parcel A and \$400 for Parcel B. The developer shall waive their rights to appeal these proposed assessments.
- 6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.**

6a. APPOINTMENTS – Planning Commission Appointments for 3-year terms

The Commission terms of Mike Myhre and Susan Stewart will be up in March. Advertisements for openings on all of the City Commissions will be published soon, and applications will be taken through March 1, 2018. Staff is asking Mike and Susan if they wish to apply for reappointment. The openings will be for three-year commission terms.

6b. APPROVAL – Reschedule April 11, 2018 Planning Commission meeting to Thursday, April 12, 2018 due to the Board of Review

Due to the Board of Review to be held on Wednesday, April 11, 2018, the consensus of the Planning Commission was to reschedule the meeting to Thursday, April 12, 2018.

6c. Recent minutes from the City Council and other Commission’s meetings

Copies of the recent City Council and other City Commission minutes may be found on the City’s website.

7. ADJOURNMENT

There being no further discussion, Commissioner Soler moved, and Commissioner Stewart seconded the motion to adjourn the regular Planning Commission meeting at 7:05 p.m. the motion was unanimously approved.

Respectfully submitted by Patricia K. McGing, Administrative Support Specialist.

APPROVED:

**ALEX ROGOSHESKE
CHAIRPERSON**

ATTESTED:

**PATRICIA K. MCGING
ADMINISTRATIVE SUPPORT SPECIALIST**