

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
MARCH 13, 2019**

Vice Chairperson Sampair convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Tracy Jones, Dan Soler and Susan Stewart. Absent with previous notice were Chair Rogosheske, Commissioners Mike Hedquist and Chantell Knaus. Also in attendance were City Planner Hannah Rybak, City Engineer Nick Guilliams, Mayor Jud Marshall and City Clerk Jerene Rogers.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE DECEMBER 12, 2018 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Stewart moved, and Commissioner Soler seconded the motion to approve the minutes of the December 12, 2018 regular Planning Commission meeting as written. The motion was approved.

4. PUBLIC HEARING

4a. CONSIDER APPROVAL – Request from Paul DeWitt, on behalf of Jack Cedarleaf II, for a rezoning from A-Agriculture to R1-B Low Density Residential and a preliminary plat in order to develop the property located at 927 Arcwood Road into three single-family lots.

Planner Rybak said the applicants are proposing to split the existing 1.91-acre property into three single-family residential parcels. In addition to the subdivision, a rezoning for A-Agriculture to R1-B Low Density Residential has also been requested. The property currently has an existing home with one accessory structure. There is a twenty-foot driveway easement running through the middle of the property. The driveway provides access from Arcwood Road to the parcel to the south of the subject property. She said Arcwood Road would be extended along the current driveway easement and end in a cul-de-sac, which will serve the three new lots, as well as property to the south.

Planner Rybak stated all three lots will meet the required dimensions for the R1-B Zoning District. Additionally, the City's ordinance contains requirements for allowable shoreland alterations. Any alterations in wetland buffers or shoreland impact zones will be required to be restored per the City. She stated the City Forester has reviewed the map indicating the trees that are being proposed to be removed as well as the map of replacement trees. The Forester indicated these maps can be a part of the overall request and constitute part of the replanting plan, but by themselves, they are an incomplete preservation plan. A complete preservation plan is required with final submittal so a final determination can be made as to approval.

4a. (Continued)

Planner Rybak said there are two new lots being created and the applicant will need to pay \$6,000 for parkland dedication fee.

Engineer Guilliams said there are several issues that must be addressed to the satisfaction of the City Engineer as a condition of approval. The street and utilities within this subdivision will be public upon completion of construction of the public infrastructure by the developer and acceptance by the City Engineer. A storm sewer maintenance agreement shall be executed between the developer and the City regarding maintenance of the ponding area.

Planner Rybak said based on the revised plans; staff recommends **conditional approval** of the rezoning and minor subdivision request with the following conditions:

1. The Applicant shall pay cash in lieu of parkland dedication in the amount of six thousand dollars (\$6,000). The cash shall be due as stated in the Development Agreement.
2. The Applicant shall enter into a Maintenance Agreement and Development Agreement that is satisfactory to the City Attorney.
3. Any vegetation or topographic alterations in wetland buffers or shoreland impact zones will be required to be restored per City ordinance and as approved by City Engineer. Alterations shall be conducted in a manner that ensures the smallest amount of bare ground is exposed for the shortest time possible. This includes site grading completed within the buffer. Any site work completed in the buffer shall be stabilized with an approved native/wetland buffer seed mix.
4. Driveway locations and slopes will be finalized and approved with building permit plans. Driveways are required to meet City Ordinance requirements for width and safe distance from the intersection of nearby public roadways.
5. All stormwater management BMPs, and EOFs will be the responsibility of the property owners and shall be located within drainage and utility easements as required by the Engineer at final review. All stormwater BMPs will be located outside of the City Right-of-Way.
6. The applicant is required to provide a copy of the signed VBWD permit to the City prior to issuance of building permit.
7. The developer will be required to pay all necessary City and MCES access fees and contact the City prior to connecting to the utility mains. The roadway must be restored as approved by the City following connection.
8. The developer shall submit final plans related to City utilities, storm water management, grading, sediment and erosion control acceptable to the City Engineer as part of the final plat submittal and prior any construction work on the site.

4a. (Continued)

9. All comments from the memo “Cedarleaf Point, Stormwater Review, Submittal 1,” dated March 1, 2019 must be addressed.
10. All comments from the memo “Cedarleaf Point Second Addition Preliminary Plat Review,” dated March 4, 2019 must be addressed.
11. The applicant shall submit a tree preservation plan per the requirements in this report. No permits will be issued until that plan is approved by the City Forester.
12. The adjacent private property owners must quit claim their private access easement rights to the City in the location of the new Arcwood Road plat right-of-way to be dedicated pursuant to the Cedarleaf Point Second Addition plat.

Mr. Paul DeWitt, DeWitt Homes, said they propose to split the property into three residential lots. He indicated that he spoke with Mark Liner and Dana Paulson regarding the tree in question in their email. He said they will try to stay as far away from the property line as possible. He said the tree is 10’ into their property.

Vice Chairperson Sampair opened the public hearing to the audience for commentary at 6:52 p.m.

Joe McGraw, 260 Wildridge Road, said during construction of the first addition they had a river of mud in their backyard. He would encourage the developer to put the silt fence up as soon as possible. He has concerns about the raingardens handling the drainage for the two homes adjacent to the location where it is proposed. He wants to make sure the water runs in the correct direction. They are also concerned with tree preservation.

Bill McCarthy, 145 Edgecumbe Drive, is also concerned with tree replacement. He asked who will final the tree plan and who will enforce the plan.

Julie McGraw, 260 Wildridge Road, is concerned with diversity of trees planted. She indicated that in the first addition only spruce trees have been planted. She is happy to see that white pine is proposed to be planted here.

Hearing no more public commentary, the public hearing was closed at 7:00 p.m.

Vice Chair Sampair asked that silt fence be installed before any earth is moved.

Engineer Guilliams said we have inspectors who will be ensuring the installation of silt fence before the project begins.

Planner Rybak said Tree Forester Steve Schumacher will approve and enforce the final tree plan. She said no permits will be issued until the Forester approves the tree plan.

4a. (Continued)

Commissioner Soler said this will be a nice addition to the area. He said he is confident the stormwater, utility and tree issues are all solvable and he trusts staff to take care of them.

Commissioner Soler moved to recommend the City Council approve a Resolution Approving a Request for a Rezoning from A-Agriculture to R1-B Single Family Residential and a Minor Subdivision (Including Preliminary and Final Plat Approval of Cedarleaf Point 2nd Addition) to Create Three Single Family Lots from the Current one lot at the Property Located at 927 Arcwood Road, PID: 31.030.21.13.0003 with the twelve conditions outlined in the Planner's report and outlined below. Commissioner Jones seconded the motion, and the motion was unanimously approved.

**RESOLUTION APPROVING A REQUEST FOR A REZONING FROM A-
AGRICULTURE TO R1-B SINGLE FAMILY RESIDENTIAL AND A MINOR
SUBDIVISION (INCLUDING PRELIMINARY AND FINAL PLAT APPROVAL OF
CEDARLEAF POINT 2ND ADDITION) TO CREATE THREE SINGLE-FAMILY LOTS
FROM THE CURRENT ONE LOT AT THE PROPERTY LOCATED AT 927
ARCWOOD RD., PID: 31.030.21.13.0003**

WHEREAS, the City of Mahtomedi received a request from the Applicant Paul Dewitt on behalf of the Owners Jack Cedarleaf II for a rezoning from A-Agriculture to R1-B Single Family Residential and a minor subdivision (including preliminary and final plat approval of Cedarleaf Point 2nd Addition) to split the existing 1.91-acre property into three parcels on the property located at 927 Arcwood Rd. (PID 31-030-21-13-0003) on February 12, 2019, legally described as follows:

Commencing at a point on the North line 400.00 feet West of the Northeast corner of said Southwest Quarter of the Northeast Quarter, said North line has an assumed bearing of South 89 degrees 3 minutes 30 seconds West; thence South 5 degrees 5 minutes 22 seconds East 546.78 feet; thence South 0 degrees 53 minutes 23 seconds East 107.00 feet; thence South 17 degrees 58 minutes 18 seconds East 189.58 feet to the point of beginning of the land to be described; thence South 89 degrees 11 minutes 15 seconds West 217.00 feet; thence South 50 degrees 41 minutes 15 seconds West 196.00 feet more or less to the shoreline of the lake; thence Southeasterly along the shoreline of said lake to its intersection with a line 215.00 feet North of and parallel with the South line of said Southwest Quarter of the Northeast Quarter; thence North 89 degrees 11 minutes 15 seconds East along said line to a point 445.00 feet West of the East line of said Southwest Quarter of the Northeast Quarter; thence North 61 degrees 40 minutes 15 seconds East 216.50 feet; thence North 17 degrees 58 minutes 18 seconds West 177.90 feet to the point of beginning and there terminating.

WHEREAS, the Applicant has requested rezoning of the property from A-Agriculture to R1-B Single Family residential because of the extension of public water and sewer service to the property; and

4a. (Continued)

WHEREAS, the Applicant has requested a minor subdivision (including preliminary and final plat approval of Cedarleaf Point 2nd Addition) to allow for the creation of three lots for the future construction of single family homes; 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 March 13, 2019; and

WHEREAS, the City Council reviewed and considered the reports, documents, testimony, and other materials presented; and

WHEREAS, the City Council can approve a rezoning if it finds that the standards for rezoning as described in Chapter 11, Section 11.01, Subdivision 8.17.E: Zoning Map Amendment of the Mahtomedi City Code have been met; 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.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' rezoning and major subdivision (including preliminary and final plat approval of Cedarleaf Point) requests based on the following findings:

1. All required information for a zoning map amendment and minor subdivision has been supplied.
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-B – Single-Family Residential Zoning District.

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Council's approval of the requested minor subdivision (including preliminary and final plat approval of Cedarleaf Point 2nd Addition) is contingent on the following:

1. The Applicant shall pay cash in lieu of parkland dedication in the amount of six thousand dollars (\$6,000). The cash shall be due as stated in the Development Agreement.

4a. (Continued)

2. The Applicant shall enter into a Maintenance Agreement and Development Agreement that is satisfactory to the City Attorney.
3. Any vegetation or topographic alterations in wetland buffers or shoreland impact zones will be required to be restored per City ordinance and as approved by City Engineer. Alterations shall be conducted in a manner that ensures the smallest amount of bare ground is exposed for the shortest time possible. This includes site grading completed within the buffer. Any site work completed in the buffer shall be stabilized with an approved native/wetland buffer seed mix.
4. Driveway locations and slopes will be finalized and approved with building permit plans. Driveways are required to meet City Ordinance requirements for width and safe distance from the intersection of nearby public roadways.
5. All stormwater management BMPs, and EOFs will be the responsibility of the property owners and shall be located within drainage and utility easements as required by the Engineer at final review. All stormwater BMPs will be located outside of the City Right-of-Way.
6. The applicant is required to provide a copy of the signed VBWD permit to the City prior to issuance of building permit.
7. The developer will be required to pay all necessary City and MCES access fees and contact the City prior to connecting to the utility mains. The roadway must be restored as approved by the City following connection.
8. The developer shall submit final plans related to City utilities, storm water management, grading, sediment and erosion control acceptable to the City Engineer as part of the final plat submittal and prior any construction work on the site.
9. All comments from the memo "Cedarleaf Point, Stormwater Review, Submittal 1," dated March 1, 2019 must be addressed.
10. All comments from the memo "Cedarleaf Point Second Addition Preliminary Plat Review," dated March 4, 2019 must be addressed.
11. The applicant shall submit a tree preservation plan per the requirements in this report. No permits will be issued until the City Forester approves that plan.
12. The adjacent private property owners must quit claim their private access easement rights to the City in the location of the new Arcwood Road plat right-of-way to be dedicated pursuant to the Cedarleaf Point Second Addition plat.

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4a. (Continued)

Adopted by the City Council of the City of Mahtomedi on _____, 2019.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

5. STAFF REPORT - NONE

6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

Commissioner Soler moved and Commissioner Jones seconded the motion to reschedule the April 10, 2019 Planning Commission meeting to Thursday, April, 11, 2019 due to the Board of Review. The motion was unanimously passed.

7. ADJOURNMENT

There being no further discussion, Commissioner Stewart moved, and Commissioner Jones seconded the motion to adjourn the regular Planning Commission meeting at 7:15 p.m. The motion was unanimously approved.

Respectfully submitted by Jerene Rogers, City Clerk.

APPROVED:

BRANDON SAMPAIR
VICE CHAIRPERSON

ATTESTED:

JERENE ROGERS
CITY CLERK