

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JUNE 13, 2018**

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

Chairperson Rogosheske welcomed and introduced newly appointed Commissioner Knauss to the audience and Commission.

ORGANIZATIONAL BUSINESS

Following Planning Commission appointments each year, the commission acts on organizational items. The Commission elects a Chair to work with staff in preparing the monthly agenda, facilitate the Commission meetings and act as a spokesperson for the Commission at appropriate times. The Commission also elects a Vice Chair to perform the same duties in the absence of the Chair. Over the past year, Alex Rogosheske served as Chair and Brandon Sampair served as Vice Chair.

Commissioner Soler moved, and Commissioner Hedquist seconded the motion to appoint Alex Rogosheske to serve as Chair of the Planning Commission through April 2019 and Brandon Sampair to serve as Vice Chair of the Planning Commission through April 2019. The motion was unanimously approved.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MARCH 14, 2018 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Sampair moved, and Commissioner Hedquist seconded the motion to approve the minutes of the March 14, 2018 regular Planning Commission meeting as written. The motion was unanimously approved. Commissioner Knauss abstained from voting as she was not in attendance.

4. PUBLIC HEARINGS

- 4a. **CONSIDER APPROVAL – Request from Kay Ellingwood, 76 Birch Street, for a minor subdivision in order to combine and divide the properties described as PID 29.030.21.24.0100 and 29.030.21.24.0101 (located on Birch Street) into two lots, and variances from the minimum lot width and area requirements**

4a. (Continued)

Planner Perdu provided a power point presentation and said the applicants are requesting a minor subdivision and variances for the properties described as PID 29.030.21.24.0100 and 29.030.21.24.0101. They are proposing to combine the two existing parcels and creating two new buildable lots. She said the parcels to be divided and combined have a total area of 17, 179 square feet. Currently there is a single family home on the westernmost lot. Four variances are required:

Both new parcels do not meet the 10,400 square foot lot area minimum:

- Parcel A has a lot area of 9,191 square feet
- Parcel B has a lot area of 7,988 square feet

Both new parcels do not meet the minimum lot width of 80':

- Parcel A has a width of 73.56'
- Parcel B has a width of 66.03'

Planner Perdu briefly outlined the consistency of the request:

Standards for granting a variance:

1. Practical difficulties as opposed to mere inconvenience – 3 very small, originally platted lots; shift common property line to create two more even width properties
2. Conditions unique to the land – lots created prior to ordinance requirements
3. Purpose is not solely financial – no increase in number of parcels
4. Difficulties are posed by the ordinance, not the property owner
5. Granting the variance is not detrimental and does not alter the essential character of the locality
6. Variance is in keeping with the spirit and intent of the ordinance
7. Variance will not impair adequate light and air or result in additional congestion, fire danger or harm to the public safety
8. Consistency with the Comprehensive Plan

Minor subdivision review:

1. No more than three new lots
2. Conditions are well-defined
3. Newly created lots will not create any violations of the zoning code – Variances have been requested for the four areas that would be in violation of the zoning code
4. Proposed division prepared by registered surveyor
5. Consistent with the 2030 Comprehensive Plan
6. Consistent with the R1-E lot requirements
7. Parkland dedication – none required with the request – no additional lots created

4a. (Continued)

Engineer Sachi stated the grading plan for Parcel B will be evaluated during the building permit process. Utility service stubs have already been installed for Parcel B. The driveway to Parcel A encroaches onto the adjacent property. Access rights for the driveway should be memorialized or the existing driveway moved so it does not encroach onto the neighboring property. A Waiver of Assessment Appeal Agreement should be drafted for assessing Parcel B its fair share for the improvements of Birch Street as it was not originally assessed. The assessment amount is \$5,200 for a total street reconstruction.

Commissioner Stewart asked what the reasoning was for the combining and subdividing process. Planner Perdu stated there is not an administrative process for shifting lot lines in the city's ordinance. The applicant would still have had to come to the Planning Commission for the variances.

Commissioner Soler asked what the width was of the current lot with the house on it. Would there be any logic to making that lot 80' wide? Planner Perdu said the applicant is trying to get the lots close to meeting ordinance requirements.

Ms. Kay Ellingwood, 76 Birch Street, said that her family has been in the area for 93 years. In 1955 there was a house on the one vacant lot that was torn down. She is seeking variances similar to the recent approvals for the lots on Ash and Crocus Streets. She has her neighbors' support, and doesn't feel strongly either way about the driveway (getting documentation or moving the driveway completely on her property).

The public hearing was opened to the audience for commentary.

Mr. Bob Adamson said that he has been working with Ms. Ellingwood on this application. He recommends achieving an easement for the driveway rather than moving it as it is an asphalt surfaced driveway.

There being no further comment from the audience, the public hearing was closed.

Commissioner Knauss said that she likes this proposal, but does not care for the access easement. She highly encourages moving the driveway onto their own property.

Commissioner Sampair also likes the proposal by shifting the lot lines to make them conform as much as possible. Commissioner Soler agreed.

Commissioner Stewart said that she agrees with Commissioner Knauss encouraging the applicant to move the driveway on their own lot.

4a. (Continued)

Commissioner Soler moved, and Commissioner Sampair seconded the motion to recommend the City Council approve a resolution approving a minor subdivision and variances for the properties described as PID 29.030.21.24.0101 and 29.030.21.24.0100.

Commissioner Stewart offered a friendly amendment to the motion. She requested additional language to condition #1 to state “Documentation must be provided for the driveway to Parcel A to access across the neighboring property to the south *if it is not moved from the existing location.*” Commissioners Soler and Sampair accepted the friendly amendment, and the motion was unanimously approved.

RESOLUTION APPROVING A MINOR SUBDIVISION AND VARIANCES FOR THE VACANT PROPERTY LOCATED AT 76 BIRCH STREET AND THE UNADDRESSED PROPERTY DIRECTLY TO THE EAST OF 76 BIRCH STREET, PIDS: 29.030.21.24.0101 & 29.030.21.24.0100.

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owner Kay Ellingwood for a minor subdivision and variances to combine the existing two lots and create two new buildable lots on the existing property located at 76 Birch St. and immediately adjacent to 76 Birch St. (PIDs 29.030.21.24.0101 & 29.030.21.24.0100) on May 11, 2018, legally described as follows:

LOTS 4, BLOCK 2 OF FOREST HEIGHTS SUBDIVISION OF BLOCK 8, ACCORDING TO THE PLAT THEREOF ON FILE OR OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR WASHINGTON COUNTY, MINNESOTA AND VACATED ALLEY ADJACENT TO LOT 4, BLOCK 2 FOREST HEIGHTS SUBDIVISION BLOCK 8 AND, LOTS FIVE (5) AND SIX (6), BLOCK TWO (2) OF FOREST HEIGHTS SUBDIVISION OF BLOCK 8, TOGETHER WITH THAT PART OF THE VACATED ALLEY AND ADJOINING SAID LOTS, WHICH ACCRUED TO SAID LOTS BY REASON OF THE VACATION THEREOF, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, WASHINGTON COUNTY, MINNESOTA.

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 June 13, 2018; and

4a. (Continued)

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

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 1,209 sf. lot area variance for Parcel A; a 2,412 sf. lot area variance for parcel B; a 6.44 ft. lot width variance for Parcel A and a 13.97 ft. lot width variance for Parcel B** 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.
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;

4a. (Continued)

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. Documentation must be provided for the driveway for Parcel A to access across the neighboring property to the South *if it is not moved from the existing location.*
2. A Waiver of Assessment Appeal agreement shall be drafted for assessing Parcel B its fair share for the improvements of Birch St. In this case that would be a \$5,200 assessment for a total street reconstruction.

This item will be heard at the June 19, 2018 City Council meeting.

4b. **CONSIDER APPROVAL – Request from Dan and Katie Campbell for a conditional use permit to create an accessory dwelling unit at 124 Juniper Street**

Planner Perdu provided a power point presentation and said the applicants are requesting a conditional use permit to allow for the construction of an accessory dwelling unit (ADU) at 124 Juniper Street. The ADU would be located in a detached garage located in the southwest corner of the property. The ADU is proposed to be 678 square feet and meets all of the requirements for an accessory structure in the R1-E District. The structure will also include a 506 square foot attached garage for storage. They are proposing access from the south with an alternate access from the east side.

The request is consistent with the CUP and zoning district criteria. It will not create any dangerous, injurious or noxious conditions. It is sited logically in the context of the existing home and with the neighborhood character. There will be no additional traffic, and the ADU is a reasonable use. The request is also consistent with the accessory dwelling unit standards. The site is well over the 10,000 square foot minimum lot size and parking standards. Utilities will be connected to the ADU using the same service as the principal dwelling. It will have one bedroom and the structure will have a similar appearance as the main home.

Engineer Sachi said that gutters should be installed to drain to the north. The applicants are proposing access from the Majestic Pines Church parking lot to the south. There is no formal easement agreement as the church denied their request. A condition would be to either obtain an easement from the church, or move the garage doors to the east side of building.

4b. (Continued)

Engineer Sachi said that if an easement is not acquired, the applicant would need to depict the alternate access through the pass-through garage, including a paved driveway and overhead doors on the east-facing side of the structure. The ADU would not impact the potential future streetcar trail location.

Commissioner Hedquist asked how many Accessory Dwelling Units the city currently has. Planner Perdu said one – the new garage on Park Avenue.

Ms. Katie Campbell, 124 Juniper Street, said that she was not aware conditions would be added to her request, and said she opposed the conditions for the access.

Commissioner Soler said that Ms. Campbell applied for the CUP in May, but was informed of the church's denial of her request for an easement back in February.

Ms. Campbell said that her father will be occupying the dwelling. He drives a Prius and access on the south side would allow him to drive through the church's parking lot to the garage.

Commissioner Knauss said that the applicant could construct the garage on the north side. Ms. Campbell said that it would disrupt her landscaping and that her kids play in the yard.

Commissioner Hedquist asked the applicant if they would be using the garage for business storage. Ms. Campbell said there would be no business equipment storage.

Chairperson Rogosheske said that the applicants could move the ADU closer to the principal house.

Chairperson Rogosheske opened the public hearing to the audience for commentary.

Mr. Steven Froelich, 949 Warner Avenue North, said his house borders on the east side. He expressed concern about the grading and drainage, and also concern about the business that is run out of the residence. There are frequent construction noises coming from this property.

Mrs. Steven Froelich, 949 Warner Avenue North, said all summer long there is loud sawing coming from this property and they can't enjoy their yard because of the noise. The applicants run a business out of the house; there are construction vehicles on the property. They are hostile neighbors, and she is concerned about the business. It is affecting her life.

There being no further commentary from the audience, the public hearing was closed.

4b. (Continued)

Engineer Sachi stated the application for the ADU meets the ordinance requirements, but not the garage door location. There would be no access to the garage if the applicant doesn't have an easement from the church.

Commissioner Hedquist said something doesn't smell right; the ADU is one thing, but the garage is another.

Commissioner Stewart said that there are rules for both accessory dwelling structures and garages.

Commissioner Soler said he had no problem with the ADU application. The engineer's suggested conditions are essential; we can't ignore the church's objection to an easement.

Commissioner Knauss agreed; the garage doors should be on the east side of the building.

Commissioner Sampair said that the ADU ordinance was created for the purpose the applicants have proposed. The ADU structure can be constructed without garage doors, otherwise, the access needs to be addressed.

Ms. Campbell said this will not be built if they have no access from the south. Their intent was that her father would drive through the church's parking lot. She was never told there would be conditions.

Commissioner Soler stated that accessory dwelling units are a good idea. The problem with this application is that there is a proposed garage, and the applicant needs to figure out how to get to it. We cannot allow trespassing. He supports the request with the proposed conditions.

Chairperson Rogosheske said that the neighbors expressed concerns about a business taking place at the applicant's home and with the noise. He informed the neighbors to contact the city's code enforcement officer.

Mrs. Froelich said she is also concerned about her property flooding with this structure.

Commissioner Soler said that he supports the proposal with the recommended conditions.

Commissioner Soler moved, and Commission Stewart seconded the motion to recommend the City Council approve a resolution approving a conditional use permit for an accessory dwelling unit on property located at 124 Juniper Street, as outlined below. The motion passed 4 – 2 with Commissioners Hedquist and Knauss voting no.

4b. (Continued)

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY
DWELLING UNIT ON THE PROPERTY LOCATED AT
124 JUNIPER STREET, PID 20.030.21.34.0116**

WHEREAS, the City of Mahtomedi received a request from the Applicants and Property Owners Katie and Dan Campbell on May 14, 2018 for a Conditional Use Permit on their property located at 124 Juniper Street. The property is legally described as follows:

ALL THAT PART LOT 031 DESCRIBED AS FOLLOWS: BEGINNING AT NORTHEAST CORNER SAID LOT 031 THEN WESTERLY ON NORTH LINE DIST 102FT THENCE SOUTHERLY AT RIGHT ANGLES DIST 125FT TO PART THAT IS DIST 58FT AT RIGHT ANGLES FROM EASTERLY LINE THENCE SOUTHERLY AND PARALLEL TO EASTERLY LINE DIST 107.5FT TO SOUTH LINE THENCE EAST ON SOUTH LINE SAID LOT 031 DIST 58.95FT TO SOUTHEAST CORNER THENCE NORTH ON EASTERLY LINE TO POINT OF BEGINNING

AND THAT PART GOVERNMENT LOT 004 SAID SECTION 20 DESCRIBED AS FOLLOWS: ALL THAT PART OF SOUTHEAST 1/4-SOUTHWEST 1/4 SAID SECTION 20 DESCRIBED AS FOLLOWS: BEGINNING AT PART ON WESTERLY LINE OF FORMER RIGHT-OF-WAY RR SAID PART BEING INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY WITH LINE DRAWN PARALLEL TO AND DIST 135FT NORTH OF CENTERLINE BERRITT ST IN PLAT OF EAST SHORE HEIGHTS PRODUCED WESTERLY TO SAID WESTERLY RIGHT-OF-WAY LINE THENCE EASTERLY ON SAID PARALLEL LINE TO EASTERLY LINE SAID RIGHT-OF-WAY THENCE SOUTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE TO INTERSECTION WITH SOUTH LINE SAID LOT 031, TOWN OF EAST SHORE, PRODUCED EASTERLY TO SAID EASTERLY RIGHT-OF-WAY LINE THENCE WEST ALONG SAID PRODUCED SOUTH LINE SAID LOT 031 TO WESTERLY LINE SAID RIGHT-OF-WAY THENCE NORTHEASTLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO POINT OF BEGINNING BEING A STRIP OF SAID RIGHT-OF-WAY 60FT WIDE AND APPROXIMATELY 200FT LONG TOWN OF EAST SHORE LOT 31 50510, WASHINGTON COUNTY, MINNESOTA.

WHEREAS, the Applicant has requested a conditional use permit to allow for the construction of an accessory dwelling unit; and

4b. (Continued)

WHEREAS, the proposed accessory dwelling unit meets all of the requirements of *Chapter 11, Section 11.01, Subdivision 9.1, Section E* which provides standards for accessory dwelling units; 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 June 13, 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.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' Conditional Use Permit for an Accessory Dwelling Unit

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 meets all of the standards for accessory dwelling units found in *Chapter 11, Section 11.01, Subdivision 9.1, Section E*;
2. The proposal conforms to the District and conditional use provisions and all general regulations of this Ordinance.
3. 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.
4. The accessory dwelling unit is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
5. The accessory dwelling unit produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.

4c. (Continued)

6. The accessory dwelling unit is organized so as to minimize traffic congestion in the District.
7. The proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Mahtomedi establishes the following conditions of the Conditional Use Permit Approval:

1. The applicant provide proof of easement through the Majestic Pines Church property and paved driveway from the south to the accessory structure, accessing the proposed garage doors on the south side of the accessory structure OR depiction of alternate access to the ADU through the pass-through garage including a paved driveway accessing overhead doors on the east side of the accessory structure
2. Either access to the structure must be asphalt, concrete, pavers or other acceptable hard surface material.

This item will be heard at the June 19, 2018 City Council meeting.

4c. **CONSIDER APPROVAL – Rezone properties generally located in the Quail Street and Briarwood Avenue Area from RR – Rural Residential to R1-C Low Density Residential**

Planner Perdu stated that as a follow up to the rezoning of several parcels back in March 2018, several parcels were inadvertently missed in the process. The rezoning was initiated by the extension of public utilities to several properties in the Quail Street and Briarwood area.

The public hearing was opened to the audience for commentary.

Ms. Joan Eckert, 1610 Briarwood Avenue, asked if there were more properties in the area that will be hooking up to city utilities. The streets were just finished.

There being no further comments from the audience, the public hearing was closed.

Engineer Sachi said no, these rezoning are for properties that were missed in the first go around.

Commissioner Sampair moved, and Commissioner Stewart seconded the motion to recommend the City Council approve an ordinance amending Chapter 11, Section 11.01. 5, B of the zoning code relating to zoning maps as outlined below. The motion was unanimously approved.

4c. (Continued)

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 11.01, 5., B., OF THE
ZONING CODE RELATING TO ZONING MAPS**

THE CITY COUNCIL OF THE CITY OF MAHTOMEDI ORDAINS AS FOLLOWS:

Section One. Amendment. The Mahtomedi Zoning Code is hereby amended to rezone the property described below from the current zoning designation of RR- Rural Residential Zoning District to the new zoning designation of R1-C – Low Density Residential Zoning District.

20.030.21.21.0035	17.030.21.34.0048	17.030.21.34.0051
20.030.21.21.0034	17.030.21.34.0047	17.030.21.34.0050

Section Two. Zoning Maps. The Zoning Maps of the City of Mahtomedi referred to and described in the Mahtomedi Zoning Code are incorporated by reference in Chapter 11, Section 11.01, 5., B., are so changed and shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said Zoning Maps on file in the Clerk’s Office for the purpose of indicating the rezoning hereinabove provided for in this Ordinance and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this Ordinance.

5. STAFF REPORTS

5a. INFORMATIONAL - Washington County Comprehensive Plan Adjacent Community Review

Planner Perdu said the Washington County Comprehensive Plan has been forwarded to the City for adjacent community review. She has reviewed the document and prepared comments that were provided in the agenda packet. She said if the Commission would like to add comments, to please contact her by June 15, 2018.

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

Administrative Support Specialist McGing announced that a joint City Council and Planning Commission workshop meeting has been scheduled for Tuesday, June 19, 2018 at 5:45 p.m. to discuss a pocket neighborhood development.

7. ADJOURNMENT

There being no further discussion, Commissioner Stewart moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 8:05 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