

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JULY 11, 2018**

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Tracy Jones, Brandon Sampair, Dan Soler and Susan Stewart. Commissioners Mike Hedquist and Chantell Knauss were absent with prior notice. Also in attendance were City Planner Erin Perdu, Mayor Jud Marshall and Administrative Support Specialist Patricia McGing.

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 JUNE 13, 2018 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Jones seconded the motion to approve the minutes of the June 13, 2018 regular Planning Commission meeting as written. The motion was unanimously approved.

4a. CONSIDER APPROVAL – Request from Phillip Williams and Katherine Christopher for a minor subdivision in order to combine and divide the properties described as 250 Laurel Road and PID 20.030.21.21.0046 into two lots, and a variance from the minimum front yard setback requirement.

Planner Perdu provided a power point presentation and said the applicants are requesting a minor subdivision and lot combination for the purpose of shifting the common lot line to create a more buildable lot on the existing vacant single family lot. The two parcels to be divided and combined have a total area of 97,994 square feet. There is currently a single family home on the eastern lot. They are also requesting a 10' reduction in the front yard setback for a principal structure. The proposed setback is 20' where a minimum of 30' is required. This would allow for a larger building envelope for a single family home on proposed Parcel B. All other lot requirements, i.e., minimum lot area, width and depth meet the ordinance requirements. Utilizing the overhead, she identified the wetland boundaries and said a wetland delineation has been prepared. Because there is no increase in the number of lots, a parkland dedication fee is not required.

The reconstructed alignment on Quail Street will follow the historic alignment. The centerline of Quail Street lies about 12' – 15' from the centerline of the dedicated right-of-way. The actual roadway is not centered within that right-of-way. This would lessen the impact of a front yard setback variance for this property. A grading plan will be required at the time a building permit is pulled. New sanitary sewer and water services were supplied to this undeveloped property as part of the recently completed Quail Street utility extension project.

4a. (Continued)

Planner Perdu said the request is consistent with the Comprehensive Plan, the lot requirements in the R1-C zoning district, and minor subdivision and variance standards. Staff is recommending approval.

Commissioner Stewart asked if the 97,994 square feet in area includes the wetland. Planner Perdu said yes, but the net area for both parcels exceed the minimum area requirements.

Mr. Phillip Williams, 250 Laurel Road, said that he had nothing to add; the Planner's presentation covered it all.

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

Commissioner Soler said he supports this action. He usually wouldn't support a variance for the unknown, but there is a lot of right-of-way.

Commissioner Soler moved, and Commissioner Jones seconded the motion to recommend the City Council approve a resolution approving a minor subdivision and variance for the property located at 250 Laurel Road and PID 20.030.21.21.0046 as outlined below. The motion was unanimously approved.

**RESOLUTION APPROVING A MINOR SUBDIVISION AND VARIANCES FOR THE
VACANT PROPERTY LOCATED AT 250 LAUREL RD. AND THE UNADDRESSED
PROPERTY DIRECTLY TO THE WEST OF 250 LAUREL ROAD
PIDS: 20.030.21.21.0046 & 20.030.21.21.0018.**

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owners Phillip Williams & Katherine Christopher for a minor subdivision and variance to combine the existing two lots and create two new buildable lots on the existing property located at 250 Laurel Rd. and immediately adjacent to 250 Laurel Rd. (PIDs 20.030.21.21.0046 & 20.030.21.21.0018) on June 11, 2018, legally described as follows:

LOTS 7 AND 8, "LAURELSIDE," WASHINGTON COUNTY, MINNESOTA AND LOTS 7 AND 8, BLOCK 141 OF THE RECORDED PLAT OF WILDWOOD, WASHINGTON COUNTY MINNESOTA. TOGETHER WITH THE SOUTHWESTERLY ½ OF VACATED LINDEN STREET ADJOINING LOT 7, BLOCK 141, WILDWOOD AND LYING BETWEEN THE EXTENSIONS ACROSS IT OF THE SOUTHEASTERLY LINE OF QUAIL STREET AND THE SOUTHEASTERLY LINE OF LOT 7 BLOCK 141, WILDWOOD.

4a. (Continued)

WHEREAS, the Applicant has requested a minor subdivision and variance 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 requests based on the related documents shown in the Applicants' Application at their regular meeting on July 11, 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

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 request: a 10 ft. reduction in the required front yard setback for proposed 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 a single family home 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 (the wetland and location of the road right-of-way) 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;

4a. (Continued)

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;
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-C – Low-Density Residential Zoning District.

This item will be heard at the July 17, 2018 City Council meeting.

4b. **CONSIDER APPROVAL - Request from Lake Area Discovery Center, on behalf of Saint Jude of the Lake Church, 700 Mahtomedi Avenue, for a conditional use permit amendment to allow up to 104 children in the daycare center.**

Planner Perdu introduced the item and said the applicant is requesting a conditional use permit amendment to allow up to 104 children at the daycare center located at St. Jude of the Lake Church. As a matter of background, in 2001, a conditional use permit was approved for a nursery school for up to 20 children. In 2011, a CUP amendment was approved for up to 54 children and in 2014, St. Jude's Middle School closed. Another amendment was approved in 2015 to allow for up to 84 children using the former Middle School space. The applicant is now requesting an increase of 20 for a total of 104 students. No changes to the building footprint or hours of operation are proposed. Staff is broken up into four categories and adequate parking and traffic circulation is available for the requested CUP amendment. The request meets the City's conditional use permit criteria, and staff is recommending approval with the same conditions original to the CUP:

- Hours of operation – 6:30 – 6:00 p.m., Monday through Friday
- Any future signs must be consistent the city's sign ordinance

4b. (Continued)

Ms. Janet Miller, Lake Area Discovery Center representative, said there is great education opportunities in Mahtomedi. They have had a long waiting list for over three years.

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

Mr. Fritz Noch, attorney for resident Jeffrey Lundstrom, said Grove Street used to be a dead-end street. Since the city opened the street up to the church's parking lot, there has been an increase in traffic which has impacted the neighborhood. The applicant's request for additional children would be 100% increase in students. He is requesting the Planning Commission not approve this request as it has been a problem.

Chairperson Rogosheske asked if the neighbors had a traffic count done. Mr. Noch said no, but there has been an increase in traffic and less privacy for the neighborhood. He said they are preparing a petition to close the entrance to St. Jude's at Grove Street.

Mr. Kevin McCalib, 505 Warner Avenue North, said when Grove Street was opened, delivery trucks and buses were not supposed to use this entrance; they are now. Grove Street has become a thoroughfare. He has no bad feelings for the daycare center, but there has been an increase in traffic to St. Jude's.

Chairperson Rogosheske asked if he was aware of any injuries that have occurred as a result. Mr. McCalib said no. Mr. Noch said no injuries but many close calls.

Ms. Miller explained that the kids play on the parking lot. There are only 47 children currently in the school where it used to be 320 students. They open up at 7:00 a.m. and rope off an area by the Grove Street entrance for the safety of the children. Parents cannot get out that way now, so they have to use the main lot to get out on Mahtomedi Avenue. She said no one has ever come to her to voice their concern about the traffic; not a single phone call or email. An option would be to have the buses drop off at 8:30 a.m. and could have the parents drop off at 7:30 – 8:15 a.m.

Mr. Jeffrey Lundstrom, 136 Grove Street, said he is greatly affected by the traffic. Grove Street was opened up in 2004-2005, and he wants it to be a dead-end again.

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

Commissioner Jones said there are a lot less students now in St. Jude's School; 320 versus 47 students.

Commissioner Sampair commented that the Middle School closed down about three years ago.

Commissioner Stewart said that they were not here to discuss closing Grove Street.

4b. (Continued)

Commissioner Sampair said he agreed. Based on the number of kids, he has no problem with their request. The two neighbors can get together to discuss this.

Commissioner Soler moved, and Commissioner Stewart seconded the motion to recommend the City Council approve a resolution approving a conditional use permit amendment to allow a licensed daycare facility for up to 104 children in association with the Lake Area Discovery Center at St. Jude of the Lake Church located at 700 Mahtomedi Avenue as outlined below. The motion was unanimously approved.

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO
ALLOW A LICENSED DAY CARE FACILITY FOR UP TO 104 CHILDREN IN
ASSOCIATION WITH THE LAKE AREA DISCOVERY CENTER AT ST. JUDE OF
THE LAKE CHURCH LOCATED AT 700 MAHTOMEDI AVENUE**

WHEREAS, the Applicant, Janet Miller with Lake Area Discovery Center (LADC) on behalf of St. Jude of the Lake Church, filed an application on June 11, 2018 with the City of Mahtomedi requesting an amendment to the conditional use permit to allow a licensed day care facility for up to 104 children in association with St. Jude of the Lake Church located at 700 Mahtomedi Avenue. The subject property is legally described as follows:

Parcel 1: Lots 1, 2, 3, 4, 5, Block 6, Lots 6, 7, 8, 9, 10 and 11, Block 6; and Lots 6, 7, 8, 9, 10 and 11, Block 7, all in Lake View, Washington County, Minnesota, together with that part of vacated Grove Street which accrued thereto by reason of the vacation thereof.

AND

Parcel 2: That part of NW ¼ of Section Twenty-nine (29), Township Thirty (30) North, Range Twenty-one (21) West, Village of Mahtomedi, Washington County, Minnesota described as follows:

Beginning at the Northeast corner of Lot Eleven (11), Block Seven (7) Lake View, said Northeast corner being on the Northwestern right-of-way line of The Minneapolis and St. Paul Suburban Railroad Company; thence Easterly on the easterly extension of the North line of said Lot Eleven (11) to its point of intersection with the Southeasterly right-of-way line of The Minneapolis and St. Paul Suburban Railroad Company, thence Southwesterly on the Southeasterly right-of-way line of The Minneapolis and St. Paul Suburban Railroad Company to its point of intersection with a line which is 30 feet north of and parallel with the South line of Fir Street, Village of Mahtomedi, produced; thence Westerly on a line which is 30 feet north of and parallel with the South line of Fir Street, Village of Mahtomedi, produced; thence, to its point of intersection with the Northwestern right-of-way line of The Minneapolis and St. Paul Suburban Railroad Company, said point also being the Southeast corner of Lot Eleven (11), Block Six (6), Lake View; thence Northeasterly on the Northwestern right-of-way line of the Minneapolis and St. Paul Suburban Railroad Company to the point of beginning.

4b. (Continued)

WHEREAS, on July 11, 2018 the Planning Commission reviewed and considered the request for a conditional use permit amendment application, reports, documents, testimony and other materials presented, and made a recommendation to the City Council to approve the requested conditional use permit amendment; and

WHEREAS, on July 17, 2018 the City Council reviewed and considered the reports, documents, testimony, and other materials presented;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Mahtomedi that an amendment to the conditional use permit to allow a licensed day care facility for up to 104 children in association with St. Jude of the Lake Church located at 700 Mahtomedi Avenue, is approved with a finding that the requested amendment to the Conditional Use Permit satisfies all criteria for approval described in Chapter 11, Section 11.01, 8.21, C of the Mahtomedi Legislative Code. Specifically, the Council finds the following:

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance,
2. The proposed use promotes the objectives of the Ordinance and the overall Comprehensive Plan of the City; and
3. The proposed use as a licensed day care facility will not modify or enlarge the existing building, parking, or landscaping and therefore will remain harmonious to the adjacent buildings and properties, and will not adversely affect the neighborhood.

NOW THEREFORE BE IT FURTHER RESOLVED, by the City Council of the City of Mahtomedi that the approval of the amendment to the conditional use permit described herein is contingent on the following:

1. The nursery school program shall operate as a day time school between the hours of 6:30 AM – 6:00 PM, Monday through Friday. Changes to the hours of operation may be reviewed and approved by the City Administrator, serving as the Zoning Administrator, unless determined by the City Administrator that such changes require the review and approval by the Planning Commission and City Council;
2. Any future signs must be consistent with Mahtomedi's Sign Ordinance for the nonresidential uses in residential districts, and shall require the issuance of a sign permit from the City of Mahtomedi.

This item will be heard at the July 17, 2018 City Council meeting.

4c. CONSIDER APPROVAL – A request from Rick and Tara Meyer for a rear yard setback variance in order to construct a deck at 580 Eastgate Parkway

Planner Perdu gave an overview of the written report she prepared regarding the request. The applicants are proposing to construct a deck at the property located at 580 Eastgate Parkway. The main portion of the deck measures 17' x 16' with two smaller portions wrapping around either side. The deck encroaches into the rear setback 11.8' from the required minimum rear yard setback of 25'. She briefly reviewed the variance criteria, and said the proposed deck is consistent with the ordinance. However, there is some possibility for reconfiguring the deck to take advantage of extra room on the sides, reducing the encroachment into the rear yard setback. Staff recommends approval of the requested variance; however, staff would strongly recommend consideration of a reduced variance that would also allow for construction of a deck but with reconfiguration of the deck to take advantage of extra space on the sides.

Commissioner Soler said that a 29.2' rear yard setback does not give the owner much room to construct a deck.

Mr. Rick Meyer, 580 Eastgate Parkway, said the Planner gave an accurate summary of his request. They have looked at alternate options; however, they have a window well on the west side of their home, and they do not want to face East Avenue on the east side of their home.

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

Commissioner Stewart moved, and Commissioner Jones seconded the motion to recommend the City Council approve a resolution approving a variance to allow for a reduction in the rear setback requirements in the R1-D Single Family Residential District for the purpose of constructing a deck at 580 Eastgate Parkway, as outlined below. The motion was unanimously approved.

RESOLUTION APPROVING A VARIANCE TO ALLOW FOR A REDUCTION IN THE REAR SETBACK REQUIREMENTS IN THE R1-D SINGLE-FAMILY RESIDENTIAL DISTRICT FOR THE PURPOSE OF CONSTRUCTING A DECK AT THE PROPERTY LOCATED AT 580 EASTGATE PARKWAY

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owner Rick & Tara Meyer for a variance to allow for a reduction in the required rear yard setbacks for the construction of a deck on the property located at 580 Eastgate Parkway (PID 29.030.21.11.0085) on June 11, 2018, legally described as follows:

BLOCK 2 LOT 7 EASTGATE SUBDIVISION 2ND ADDITION

4c. (Continued)

WHEREAS, the Applicant has requested a 11.8' variance from rear yard setback to allow for the construction of a deck (excluding landing and stairs) that sits 13.2' from the rear lot line; 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 July 11, 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 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.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' variance request for an 11.8' rear setback variance based on the following findings:

1. The requested variances are 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 variances are justified for the following reasons:
 - a. The configuration and existing setback of the home presents a practical difficulty to meeting the setback requirements.
 - b. The conditions upon which this application for variances is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
 - c. The purpose of the variances are not based exclusively upon a desire to increase the value or income potential of a parcel of land. The purpose of the request is to construct a rear deck, which is a permitted purpose in the R1-D district.
 - d. The alleged practical difficulties are caused by this Ordinance and have not been created by any persons presently having an interest in the parcel of land. The configuration of the home and the home's location on the lot is not a condition created by the current owner.
 - e. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land nor shall it alter the essential character of the neighboring lots and the locality. The size, design and placement of the deck abuts an outlot open space area and has been approved by the Eastgate Homeowners Association.
 - f. The proposed variance is in keeping with the spirit and intent of the Ordinance.

4c. (Continued)

- g. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- h. The variance is consistent with the Comprehensive Plan.

4d. **CONSIDER APPROVAL –Request from Jay and Jessica Shortridge for a Conditional Use Permit for a side yard setback reduction in order to expand the existing attached garage at 65 Pine Street.**

Planner Perdu provided an overview of the application. The applicants are proposing to add on to the existing attached garage. The minimum side yard setback in the R1-E District is 10% of the lot width – 4’ in this case. The garage is proposed to be 2.5’ from the property line, requiring a 1.5’ reduction to the side setback requirement. The application conforms with the CUP criteria and is consistent with the ordinance and comprehensive plan intent. She said the engineering considerations are that the area the additional garage space is being constructed upon is already an impervious surface. However, the garage will now encroach on an area typically reserved to handle drainage between properties. It is recommended that a gutter be installed on the south side of the new garage addition and that the downspout for the gutter be directed to the west into a grassy area towards the lake side of the property. Staff recommends approval with the condition that gutters be installed.

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

Commissioner Jones moved, and Commissioner Stewart seconded the motion to recommend the City Council approve a resolution approving a conditional use permit for reduction in the side yard setback for a principal structure on property located at 65 Pine Street with the condition that gutters be installed on the south side of the new garage addition and that the downspout for the gutter be directed to the west into a grassy area towards the lake side of the property, as outlined below. The motion was unanimously approved.

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR REDUCTION IN THE SIDE YARD SETBACK FOR A PRINCIPAL STRUCTURE ON THE PROPERTY LOCATED AT 65 PINE STREET, PID 20.030.21.23.0070

WHEREAS, the City of Mahtomedi received a request from the Applicants and Property Owners Jay & Jessica Shortridge on June 13, 2018 for a Conditional Use Permit on their property located at 65 Pine St. The property is legally described as follows:

THOSE PARTS OF LOTS 4, 10 AND 11, BLOCK 4, MAHTOMEDI, BEING A REARRANGEMENT OF PART OF MAHTOMEDI ASSEMBLY WASHINGTON CO.

4d. (Continued)

MINN. ACCORDING TO THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHINGTON COUNTY, MINNESOTA, AND THAT PART OF THE VACATED ROAD LYING NORTHERLY OF SAID LOTS 4 AND 10, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE S.E, ASSUMED BEARING, ALONG THE SOUTHERLY LINE OF SAID LOT 11 A DISTANCE OF 125.72 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10, WHICH CORNER IS WITNESSED BY A JUDICIAL LANDMARK SET ON A BEARING OF S.W. A DISTANCE OF 30.36 FEET, FROM SAID SOUTHEAST CORNER, OF LOT 10; THENCE S.W. ALONG THE SOUTHERLY LINE OF SAID LOT 10, A DISTANCE OF 30.36 FEET, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE S., ALONG THE SOUTHERLY LINE OF SAID LOT 10, A DISTANCE OF 86.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE NORTHWESTERLY, INTERIOR ANGLE 108, ON A BEARING OF N.35 W.20.00 FEET TO A JUDICIAL LANDMARK; THENCE N.39 E.69.06 FEET TO A JUDICIAL LANDMARK; THENCE N.82E. 12.01 FEET TO A JUDICIAL LANDMARK; THENCE N.78 E. 37.31 FEET TO A JUDICIAL LANDMARK; THENCE S.87 E. 38.30 FEET TO A JUDICIAL LANDMARK; THENCE S.24 E. 2.90 FEET TO A JUDICIAL LANDMARK; THENCE S.40 E. 8.80 FEET TO A JUDICIAL LANDMARK; THENCE S.83 E. 44.50 FEET TO A JUDICIAL LANDMARK; THENCE N.72 E. 65.20 FEET TO THE EASTERLY LINE OF SAID LOT 11, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE S.W. 10.96 FEET TO THE POINT OF BEGINNING, TOGETHER WITH THAT PART OF GOVERNMENT LOT 2, SECTION 20, T.30N., R.21W., WASHINGTON COUNTY, MINNESOTA LYING WITHIN THE PLAT OF MAHTOMEDI ASSEMBLY WASHINGTON COUNTY, MINNESOTA, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHINGTON COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 10, BLOCK 4, MAHTOMEDI, BEING A REARRANGEMENT OF PART OF MAHTOMEDI ASSEMBLY WASHINGTON CO. MINN?. ACCORDING TO THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER, WASHINGTON COUNTY, MINNESOTA, WHICH SOUTHEAST CORNER IS WITNESSED BY A JUDICIAL LANDMARK SET ON THE SOUTHERLY LINE OF SAID LOT 10 A DISTANCE OF 30.36 FEET SOUTHWESTERLY FROM SAID SOUTHEAST CORNER; THENCE S.W. (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID LOT 10, A DISTANCE OF 30.36 FEET, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE CONTINUE S.W., ALONG THE SOUTHERLY LINE OF SAID LOT 10, A DISTANCE OF 86.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 10, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED, SAID POINT BEING MARKED BY A JUDICIAL LANDMARK; THENCE NORTHWESTERLY, INTERIOR ANGLE 108 ON A BEARING OF N.W., 20.00 FEET TO A JUDICIAL LANDMARK; THENCE S.W., 7.69 FEET TO A JUDICIAL LANDMARK; THENCE S.W., 76 FEET MORE OR LESS, TO THE

4d. (Continued)

SHORELINE OF WHITE BEAR LAKE; THENCE SOUTHEASTERLY ALONG SAID SHORELINE 20 FEET MORE OR LESS TO THE INTERSECTION WITH A LINE WHICH BEARS S.W. FROM THE AFOREDESCRIBED POINT OF BEGINNING; THENCE N.E., 67 FEET, MORE OR LESS, TO A JUDICIAL LANDMARK WHICH IS S.W. 13.45 FEET FROM THE AFOREDESCRIBED POINT OF BEGINNING; THENCE N.E. 13.45 FEET TO THE POINT OF BEGINNING AND THERE TERMINATING; SUBJECT TO THE FOLLOWING:(1) THE PROPRIETARY AND SOVEREIGN RIGHTS OF THE STATE OF MINNESOTA TO ALL THAT PORTION OF LAND LYING BELOW THE NATURAL ORDINARY HIGHWATER MARK THEREOF, NOT INTENDING, HOWEVER TO DEPRIVE THE FEE OWNER OF USUAL RIPARIAN RIGHTS THAT ATTACH TO THE LAND RIPARIAN TO A NAVIGABLE PUBLIC BODY OF WATER INCIDENT TO THE OWNERSHIP THEREOF. (2) THE PUBLIC'S RIGHT TO USE FOR CASUAL PEDESTRIAN TRAVEL, WITHOUT OTHERWISE RESTRICTING THE RIGHTS OF THE FEE OWNER TO THE FULL USE AND, WASHINGTON COUNTY, MINNESOTA.

WHEREAS, the Applicant has requested a conditional use permit to allow for a reduction in the side yard setback to accommodate an addition to the 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 July 11, 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 a reduction in the required side 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.

4d. (Continued)

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.

NOW THEREFORE BE IT FURTHER RESOLVED that the Conditional Use Permit is approved with the following condition:

1. The owner install a gutter on the south side of the new garage addition and that the downspout for the gutter be directed to the west into a grassy area towards the lake side of the property.

This item will be heard at the July 17, 2018 City Council meeting.

5. STAFF REPORT – None Scheduled

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

In response to a question from Commissioner Soler, Administrator Support Specialist McGing said that the new apartment building, Mahtomedi Flats, has been completed and apartments have been rented.

Copies of the recent City Council and other City Commission minutes may be found 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 7:46 p.m. The motion was unanimously approved.

MAHTOMEDI PLANNING COMMISSION MEETING MINUTES
July 11, 2018

-14-

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

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:

PATRICIA K. MCGING
ADMINISTRATIVE SUPPORT SPECIALIST