

approved as Presented
April 13, 2022

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
MARCH 16, 2022**

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Chantell Knauss, Greg Maples, Lacey Smieja, Tony Chesak and Peter Frank. Also in attendance were City Planner Hannah Rybak, City Engineer John Sachi, Mayor Jud Marshall and Office Assistant Luann Tembreull.

Absent with prior notice: Dan Soler.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE FEBRUARY 9, 2022 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Chesak moved, and Commissioner Maples seconded the motion to approve the minutes of the February 9, 2022 regular Planning Commission meeting as written. The motion was approved.

4. PUBLIC HEARING

4a. CONSIDER APPROVAL – Request from GreenHalo Builds LLC, on behalf of property owner Ronald Kadera for a minor subdivision resulting in two lots at 1401 Harmony Drive.

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting a minor subdivision to split the subject parcel into two lots for the creation of two future new single-family homes. A single-family home was located on the northern portion of the property, until a fire damaged the home in November of 2021. The home has been demolished and the foundation removed. The existing shed was not damaged by the fire, and remains on the proposed Parcel B.

The area is currently zoned R1-D, so the building coverage is based on a formula derived from the size of the lot. All criteria is being met to allow for a minor subdivision at this property.

With one new lot being created, a flat fee of \$3,000 is due to the City for Parkland Dedication.

An inventory of existing trees is shown on the existing survey. The site is not considered heavily wooded, so replanting of one (1) tree for every one (1) tree removed will be required. Any trees that will be ultimately removed due to their locations shall be considered and accounted for. Trees utilized for replanting should be suitable to the site and represent a mix of deciduous and evergreen species that reasonably represent the trees removed and meet the criteria as specified by ordinance.

4a. (Continued)

Engineer Sachi stated that he has reviewed the plans and had the following comments:

- Appropriate side, front and rear lot line drainage and utility easements will be required. Legal descriptions are to be provided by the applicant and the City Attorney will draft the easements and include them as part of the minor subdivision agreement.
- The sanitary sewer and water available to this home site is in Harmony Drive. However, the sanitary sewer currently only serves the northeastern portion of the parcel. The sewer service for the NE parcel is already very shallow (only about 4 ½ feet deep). In order to serve a second home on this site, the sanitary sewer service to the second home would have to be a pumped system connecting to the existing system via a forcemain and will likely and will likely require an extension of the existing sewer main in Harmony Drive. The watermain runs along the entire extent of Harmony Drive. New service lines and/or sewer mainline will have to be installed by the property owner to the existing sewer and water mains in the street, which will require cutting into the street and repairing it upon completion. A water and sewer connection plan will have to be approved by the City Engineer as part of the building permit application.
- The sanitary sewer invert elevation at the northeastern end of the property is at about 956.25'. Given the proposed house as shown there will be an elevation issue, as the existing ground elevation for the parcel is at 956.0 already. The house will have to be raised and/or a pumped system will be required to serve this other lot with sanitary sewer.
- A final grading and erosion control plan will be required to be approved by the City Engineer as part of the building permit application and will require all of the appropriate setbacks for wetlands and buffer zones from the adjacent wetland.

Based on the fact and submitted plans, staff recommends approval of the requested minor subdivision at 1401 Harmony Drive with the following conditions:

1. The Applicant must enter into a minor subdivision agreement with the City.
2. A Tree Preservation and Replacement Plan must be approved by the City Forester prior to the removal of any trees and issuance of any grading or building permit.
3. The Applicant shall pay \$3,000 cash in lieu of parkland dedication.
4. Appropriate side, front and rear lot line drainage and utility easements will be required. Legal descriptions are to be provided by the applicant and the City Attorney will draft the easements and include them as part of the minor subdivision agreement.
5. A final grading and erosion control plan will be required to be approved by the City Engineer as part of the building permit application and will require all of the appropriate setbacks for wetlands and buffer zones from the adjacent wetland.
6. Any permits necessary from the RCWD must be obtained.
7. The minor subdivision agreement will not be released by the City for recording until a plan for sanitary sewer and water service to the properties has been developed by the property owner and approved by the City Engineer.

4a. (Continued)

Applicant, Mr. Kevin vonRiedel of Sovereign Land Services, stated that he has nothing to add.

Chair Rogosheske opened the Public Hearing at 6:40 p .m. for comments.

Mr. Darrell Berg of 110 Wildwood Bay Drive stated that he is speaking for the Wildwood Bay Homeowners Association and is wondering if the owner of the parcel in question would be interested in purchasing the small triangular piece of property adjoining their property that is owned by the Association. He would also like to request that the two new homes be constructed with two different plans.

Hearing no further comments, Chair Rogosheske closed the Public Hearing at 6:44 p.m.

Commissioner Chesak stated that he noticed in the agenda packet that the homeowner of 158 Wildwood Bay Drive is opposed to this plan and would like to address their concerns. Engineer Sachi stated that one new home will not make a big traffic difference and that he is not aware of any site line problems at the intersection of Harmony and Briarwood. He also noted that one of the driveways for this parcel might even be off Briarwood Avenue.

Upon motion by Commissioner Maples, seconded by Commissioner Knauss, the Planning Commission recommends the City Council approve a resolution approving a minor subdivision at the property located 1401 Harmony Drive as outlined in Exhibit C. The motion was unanimously approved.

CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _____

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY LOCATED AT 1401
HARMONY DR., PID: 20.030.21.13.0075

WHEREAS, the City of Mahtomedi received a request from Applicant, Greenhalo Builds, LLC, on behalf of property owner, Ronald Kadera, for a minor subdivision resulting in two lots at the property located at 1401 Harmony Dr. on February 11, 2022, legally described as follows:

(LEGAL DESCRIPTION AS SHOWN ON WARRANTY DEED DOCUMENT NO. 3143261)

LOTS 22 AND 23 AND THE SOUTHERLY 50 FEET OF LOT 24, BLOCK 144, WILDWOOD

NOT INCLUDED IN THE ABOVE LEGAL DESCRIPTION IS THE VACATED LINCOLN STREET ACCRUING TO THE ABOVE BY REASON OF THE VACATION THEREOF AS DESCRIBED IN DOCUMENT NO. 465410 CONSULT TITLE COMPANY TO ADD THIS PORTION TO THE TITLE COMMITMENT.

NOTE: "THE SOUTHERLY 50 FEET OF LOT 2" IS CONSIDERED AMBIGUOUS. COUNTY MAPPING, FOUND MONUMENTS, AND OCCUPATION LEAD ONE TO BELIEVE THAT THIS LEGAL DESCRIPTION IS INTENDED TO CONVEY ALL OF LOT 24. WE HAVE SHOWN THIS ON THE SURVEY. CONSULT A TITLE COMPANY IF ACCEPTABLE OR FOR A SOLUTION TO RESOLVE THIS AMBIGUITY.

WHEREAS, the Applicant has requested a minor subdivision to allow for the division of the property to create two residential lots; 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 16, 2022; 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, 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 Applicant's 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-D – Low-Density Residential Zoning District.

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

1. The Applicant must enter into a minor subdivision agreement with the City.
2. A Tree Preservation and Replacement Plan must be approved by the City Forester prior to the removal of any trees and issuance of any grading or building permit.
3. The Applicant shall pay \$3,000 cash in lieu of parkland dedication.
4. Appropriate side, front and rear lot line drainage and utility easements will be required. Legal descriptions are to be provided by applicant and the City Attorney will draft the easements and include them as part of the minor subdivision agreement.
5. A final grading and erosion control plan will be required to be approved by the City Engineer as part of the building permit application and will require all of the appropriate setbacks for wetlands and buffer zones from the adjacent wetland.
6. Any permits necessary from the RCWD must be obtained.
7. The foundation of the burned home currently located on the property must be removed. The minor subdivision agreement will not be released by the City for recording until this condition is satisfied.
8. The minor subdivision agreement will not be released by the City for recording until a plan for sanitary sewer and water service to the properties has been developed by the property owner and approved by the City Engineer.

Adopted by the City Council of the City of Mahtomedi on April 5, 2022.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

4b. **CONSIDER APPROVAL – Request from Crown Castle USA Inc., for a conditional use permit to allow the co-location of six (6) new antennas on the existing telecommunications tower at 2111 Briarwood Avenue.**

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting a conditional use permit to co-locate six (6) wireless communication antennas on top of an existing telecommunications tower, along with the installation of a mount to accommodate the new equipment. The tower is owned by Crown Castle, but the land is owned by the City. Therefore, the City receives money from them through a lease.

The original CUP was approved in 1999, for construction of the tower. Additionally approved antennas were added in 2002, 2005, and 2007

The area is currently zoned P – Park Lands and Antenna and Tower Overlay District.

All criteria for approving this conditional use permit are being met.

Based on the criteria in this report, staff recommends conditional approval of the requested conditional use permit to allow for the placement of six (6) antennas and associated ground equipment on the tower at the property located at 2111 Briarwood Avenue. Subject to the following conditions:

1. The antennas must be painted to match the existing antennas on the tower.
2. The Applicant shall submit written documentation certifying that the proposed antennas will not interfere with public safety communications, or ensure upon installation and transmission of new signals, that no interference with the other antennas and providers will occur and shall make every effort to correct any problems or concerns.
3. The Applicant must address any issues raised by the City of Mahtomedi staff and consultants in their review of the request.
4. The Applicant must obtain all permits from other agencies as may be applicable.
5. No construction or installation of equipment on the subject site may commence until a building permit has been issued.
6. No change in the use of a tower or antenna may be made without the consent of the City Administrator after the Applicant provides the City Administrator with all information the City Administrator may reasonably require to determine that the modification in service or use will not cause the antenna or tower to violate the performance standard set forth in the Ordinance or the conditions of the existing conditional use permit.
7. The permit holder must remove any abandoned or unused towers or portions of towers within twelve (12) months of the cessation of operations at the site unless the City Council approves a time extension.

MAHTOMEDI PLANNING COMMISSION MEETING MINUTES
March 16, 2022

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4b. (Continued)

In response to an e-mail from resident, Bill Coleman regarding possible additional noise with additional equipment, Engineer Sachi stated there will be no additional generators with this request, just antennas and they do not make noise. He noted that the existing generator is for back-up use only, and that the generator is used maybe one day a year.

Planner Rybak noted that the applicant called this morning and said he was sick and unable to attend this evenings meeting.

Chair Rogosheske opened the Public Hearing at 6:55 p.m. for comments.

Hearing none, he closed the Public Hearing at 6:56 p.m.

Upon motion by Commissioner Frank, seconded by Commissioner Chesak, the Planning Commission recommends the City Council approve a resolution approving a conditional use permit to install a total of six (6) antennas on the existing tower and associated ground equipment on the property located at 2111 Briarwood Avenue as outlined in Exhibit D. The motion was unanimously approved.

**CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT INSTALL A
TOTAL OF SIX (6) ANTENNAS ON THE EXISTING TOWER AND
ASSOCIATED GROUND EQUIPMENT ON THE PROPERTY LOCATED AT
2111 BRIARWOOD AVE. N, PID 20.030.21.21.0021.**

WHEREAS, the City of Mahtomedi received a request from the Applicant, AT&T on January 24, 2022 for a Conditional Use Permit to install a total of six (6) antennas on the existing tower structure and to install associated ground equipment at the property located at 2111 Briarwood Ave N. The property is legally described as follows:

LOTS 6 THRU 11 REARR TO BLOCK 135 EXCLUDING LOTS 1-3, 15, 17, WILDWOOD ADDITION,
WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Planning Commission and City Council reviewed and considered the above referenced request based on the submitted plans; 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 16, 2022; 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 to install a total of six (6) antennas on the existing tower structure and install associated ground equipment at the property located at 2111 Birchwood Ave N.

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 telecommunications equipment found in *Chapter 11, Section 11.37*;

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 proposed use is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
5. The proposed use produces a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.
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 City Council of the City of Mahtomedi establishes the following conditions of the Conditional Use Permit Approval:

1. The antennas must be painted to match the existing antennas on the tower.
2. The Applicant shall submit written documentation certifying that the proposed antennas will not interfere with public safety communications, or ensure upon installation and transmission of new signals, that no interference with the other antennas and providers will occur and shall make every effort to correct any problems or concerns.
3. The Applicant must address any issues raised by the City of Mahtomedi staff and consultants in their review of the request.
4. The Applicant must obtain all permits from other agencies as may be applicable.
5. No construction or installation of equipment on the subject site may commence until a building permit has been issued.
6. No change in the use of a tower or antenna may be made without the consent of the City Administrator after that Applicant provides the City Administrator with all information the City Administrator may reasonably require to determine that the modification in service or use will not cause the antenna or tower to violate the performance standard set forth in the Ordinance or the conditions of the existing conditional use permit.
7. The permit holder must remove any abandoned or unused towers or portions of towers within twelve (12) months of the cessation of operations at the site unless the City Council approves a time extension.

Adopted by the City Council of the City of Mahtomedi on April 5, 2022.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

5. STAFF REPORT -

- DISCUSSION ON ZONING ORDINANCE AMENDMENTS

Planner Rybak stated that she is nearing the end of reviewing and amending certain ordinances. The three remaining are “Woodland Preservation”, “Sign” and “Sustainability”. She noted that there needs to be clarification between the written building height standard and the diagram within the ordinance.

Engineer Sachi noted that for clarification, a “CUP” is allowing something with conditions, and a “Variance” needs to prove a hardship.

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

7. ADJOURNMENT

There being no further discussion, Commissioner Smieja moved, and Commissioner Maples seconded the motion to adjourn the regular Planning Commission meeting at 7:12 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



LUANN TEMBREULL
OFFICE ASSISTANT