

Approved as Presented
September 8, 2021

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
AUGUST 11, 2021**

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

Absent with prior notice: Chantell Knauss.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE JUNE 9, 2021 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Maples seconded the motion to approve the minutes of the June 9, 2021 regular Planning Commission meeting as written. The motion was unanimously approved.

- 4a. **CONSIDER APPROVAL – Request from Custom Craft Builders, on behalf of Brandon and Gabrielle Iwaszko for a Conditional Use Permit to allow the construction of a two-story accessory structure with basement, with an accessory dwelling unit to be located within the accessory structure, at 355 Quail Street and described as PID 17.030.21.34.0058.**

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting approval for a Conditional Use Permit to construct a detached multi-story accessory dwelling unit. The property is zoned RR – Rural Residential, Single-Family Residential and is on septic. The proposed accessory structure is 912 square feet. This proposed structure meets all the required criteria.

Engineer Sachi stated that he has reviewed the plans and noted that grading of the site will be reviewed with the building permit application. The erosion control that is shown on the site plan is adequate and he does not anticipate that there will be any issues with the site grading or impacting adjacent properties.

Planner Rybak stated that based on the criteria in her report, staff recommends approval of the requested Conditional Use Permit with the following conditions:

4a. (Continued)

1. The accessory dwelling unit must conform to all requirements of Chapter 11, Section 11.01, Subdivision 9.1, Section E.
2. A grading plan shall be submitted for approval prior to the issuance of a building permit.

Applicant, John Comb of Custom Craft Builders, stated that Planner Rybak did a great job in presenting his proposal. He noted that he has been working on this project for the past 8 – 9 months and feels it is a great use of the property.

There being no questions of the applicant by the Commissioners, Chair Rogosheske opened the Public Hearing at 6:38 p.m.

There being no comments, the Public Hearing was closed at 6:39 p.m.

Upon a question by Commissioner Soler, Planner Rybak stated that this request for a Conditional Use Permit is due to the request of a three (3) level accessory structure and the dwelling unit with-in the structure.

Commissioner Frank and Chair Rogosheske both agree that this is a reasonable request.

Commissioner Soler moved, seconded by Commissioner Chesak, all members voting in favor, the Planning Commission recommends the City Council approve a resolution approving a Conditional Use Permit for a multi-story accessory structure and an accessory dwelling unit within that structure at the property located at 355 Quail Street as outlined in Exhibit C.

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

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A MULTI-STORY ACCESSORY STRUCTURE AND AN ACCESSORY DWELLING UNIT AT THE PROPERTY LOCATED AT 355 QUAIL ST, PID 17.030.21.34.0058

WHEREAS, the City of Mahtomedi received a request from the Applicant, Custom Craft Builders, on behalf of property owners Brandan & Gabrielle Iwaszko, on July 15, 2021 for a conditional use permit to allow a multi-story accessory structure and an accessory dwelling unit at the property located at 355 Quail St. The property is legally described as follows:

TO BE INSERTED

WHEREAS, the Applicant has requested a conditional use permit to allow the construction of a multi-story accessory structure and associated accessory dwelling unit; and

WHEREAS, the proposed accessory structure meets all other zoning requirements for the RR Rural Residential District; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Application at their regular meeting on August 11, 2021; 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' request for a conditional use permit for multi-story accessory structure and 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 conforms to the District and conditional use provisions and all general regulations of the Ordinance;
2. The proposal does not involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons;
3. The proposed accessory structure is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;
4. The proposed accessory structure 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 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 Applicant must meet the following conditions for conditional use permit approval:

1. The accessory dwelling unit must conform to all requirements of Chapter 11, Section 11.01, Subdivision 9.1, Section E.
2. A grading plan shall be submitted for approval prior to the issuance of a building permit.

Adopted by the City Council of the City of Mahtomedi on August 17, 2021.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

5. STAFF REPORT
a. Zoning Updates

Planner Rybak introduced the item and indicated that the City Council has expressed a desire to take a look at the current regulations that pertain to accessory structures and compare them to other cities. Therefore, staff has created a table showing how other cities regulate accessory structures. (See Exhibit B & C of this planning packet). Staff is requesting input from the Planning Commission in this regard.

Currently, the only mechanism that Mahtomedi has to alter a lot line is through a minor subdivision process. The minor subdivision process is extensive and requires a significant investment into plans and review. Other cities, however, have a process in place for such situations. Staff recommends that Mahtomedi adopt a procedure for this with the following accomplishments:

1. Allow staff to review lot line adjustments administratively and provide documentation to Washington County for recording.
2. Allow City Council to review and approve an easement agreement, if required.
3. Allow staff discretion to require minor subdivision process if appropriate – this would prevent any potential abuse of the lot line adjustment process.
4. Lot line adjustment may not be used for a subdivision that would create an additional lot.
5. Lot line adjustment may not increase any non-conformity, but could be used to make an existing nonconformity less nonconforming.
6. Lot line adjustment may not be used in a situation where public improvements are required.

Commissioner Soler stated that he likes the idea of having staff approve applications that are just moving a lot line. The consensus of the commission is in agreement with Commissioner Soler.

Planner Rybak noted that her report of this discussion will be brought back to the commission at their October Planning Commission meeting.

Residential Wind Energy:

Planner Rybak stated that staff has had several inquiries from residents regarding the installation of rooftop wind turbines. In the interest of allowing as many sustainable energy options as possible, staff recommends adopting regulations that would allow smaller scale wind energy conversion systems (WECS) in all zoning districts, as a permitted accessory use.

After much discussion, it was the consensus of the commission that roof-top WECS be allowed, but not to exceed 4-5 feet high and taking in consideration of vibration and noise regulations. It was noted that the League of Minnesota Cities is also looking into the ramifications of roof-top WECS, and the commission is interested in their findings.

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

- 7. ADJOURNMENT**

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

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



LUANN TEMBREULL
OFFICE ASSISTANT