

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
OCTOBER 11, 2023**

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Dan Soler, Greg Maples, Chantell Knauss, Peter Frank and Tony Chesak. Also in attendance were City Planner Lori Johnson, City Engineer John Sachi and Office Assistant Luann Tembreull.

Absent with prior notice: Commissioner Lacey Smieja.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE SEPTEMBER 13, 2023 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Maples seconded the motion to approve the minutes of the September 13, 2023 regular Planning Commission meeting as written. The motion was unanimously approved. Chair Rogosheske abstained from voting since he was not in attendance at the September planning meeting.

4. PUBLIC HEARING

- 4a CONSIDER APPROVAL - Request from Geoffrey and Jean Ratte for a Conditional Use Permit to allow the replacement of an existing accessory structure. Conditional use permit approval is required for the two-story accessory structure, an accessory dwelling unit within the accessory structure, and the reduced rear yard setback from Park Avenue at the location at 721 Park Avenue.**

Planner Johnson introduced the item and provided a power point presentation.

Planner Johnson stated that the Applicants are proposing to tear down and replace an existing legal-nonconforming accessory structure at the subject property. The existing structure is a two-story detached, single-stall garage, with a dwelling unit on the upper level. It is approximately 13.5 feet by 24.5 feet totaling 339 square feet. The structure was likely constructed in 1942, along with the principle structure. It is not possible to fit a modern vehicle into the garage.

The structure currently sits approximately 1.5 feet from the north side property line, and extends approximately two feet over the rear property line, into the right-of-way of Park Avenue. The structure has fallen into a state of disrepair and is not usable or safe.

4a. (Continued)

The proposed replacement structure is 16 feet by 25 feet, with a 16 foot by 8 foot covered porch at the back of the structure. The result is a combined footprint of 528 square feet. The proposed structure will allow for one modern car to park in the lower level, with an accessory dwelling unit on the upper level. The Applicants do not intend to rent out the accessory dwelling unit; they intend to utilize it for family members who visit their home.

The Applicant has provided letters of support from the property owners to the north, south and across the street. These letters express that the neighbors would prefer that the new structure be constructed one foot off the property line; similar to the existing structure, rather than having it set back eight feet, for aesthetic purposes.

It was noted that all criteria are being met in regards to accessory dwelling unit standards along with standards for granting a conditional use permit,

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

- The removal of the small portion of the existing garage that juts out into the right-of-way is a positive aspect of this proposal.
- The new garage and apartment would not change drainage flow or require any significant grading on site.
- A sediment and erosion control plan during the construction period would be reviewed and approved as part of the building permit for the structure.
- The sanitary sewer and water connections to the ADU will be reviewed at the time of the building permit. The service for the ADU must be served from the primary building as per city code and not separately run out to the main lines in the street.

Based on the findings in this report and submitted plans, staff recommends approval of the requested conditional use permit, subject to the following conditions:

- A building permit application shall be submitted for review and approval prior to construction.
- Structure shall be constructed as shown on the site plan submitted with this application.
- A sediment and erosion control plan during the construction period would be reviewed and approved as part of the building permit for the structure.
- The sanitary sewer and water connections to the ADU will be reviewed at the time of the building permit. The services for the ADU must be served from the primary building as per city code and not separately run out to the main lines in the street.

4a. (Continued)

Upon a question by Commissioner Frank, Engineer Sachi noted that this request is CUP instead of a Variance due to the zoning in this area.

Upon a question by Commissioner Soler, Engineer Sachi noted that homes with lakeshore property, the rear yard setback is off the street.

Upon a question by Commissioner Chesak, Engineer Sachi stated that the height of the proposed structure is not going to be taller than the principle home.

The Applicants, Geoffrey and Jean Ratte, had no comments, so Chair Rogosheske opened the public hearing at 6:42 p.m.

Hearing no comments, the public hearing was closed at 6:43 p.m.

Commissioner Knauss stated that she likes this proposal and that the change will be better.

Commissioner Knauss moved, and Commissioner Frank seconded the motion to recommend the City Council approve a resolution approving a conditional use permit for replacement and expansion of a legal nonconforming detached garage on the property located at 721 Park Avenue as outlined in Exhibit C. The motion was unanimously approved.

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

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
REPLACEMENT AND EXPANSION OF A LEGAL NONCONFORMING
DETACHED GARAGE ON THE PROPERTY LOCATED AT 721 PARK AVE.,
PID 29.030.21.22.0060.**

WHEREAS, the City of Mahtomedi received a request from the Applicants Geoffrey and Jean Ratte on September 8, 2023 for a conditional use permit to allow the replacement and expansion of a legal nonconforming garage. The conditional use permit specifically allows for the following:

- a reduction to the required rear setback from 8-feet to 1-foot; and
- approval of a two-story accessory structure; and
- approval of an accessory dwelling unit

The property is legally described as follows:

**LOT 2 AND THE NORTH HALF OF LOT 3, LAKEVIEW REARRANGEMENT,
WASHINGTON COUNTY, MINNESOTA**

WHEREAS, the Applicants have provided plans showing the removal and replacement of an existing legal nonconforming two-story detached garage; and

WHEREAS, the proposed replaced garage conforms to the north side yard setback, where the existing structure does not; and

WHEREAS, the proposed replaced garage corrects an existing encroachment into the Park Ave. right-of-way; and

WHEREAS, the proposed structure meets all of the requirements of the Zoning Ordinance, except for the standards for which the conditional use permit has been requested; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the application at their regular meeting on October 11, 2023; and

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

WHEREAS, the City Council 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 to replace and enlarge the existing nonconforming structure.

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 attached garage is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;
4. The proposed attached 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 proposal promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City;
6. The property is appropriate for an accessory dwelling unit.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council's approval of the variance request is contingent on the following:

1. A building permit application shall be submitted for review and approval prior to construction.
2. Structure shall be constructed as shown on the site plan submitted with this application.
3. A sediment and erosion control plan during the construction period would be reviewed and approved as part of the building permit for the structure
4. The sanitary sewer and water connections to the ADU will be reviewed at the time of the building permit. These services for the ADU must be served from the primary building as per city code and not separately run out to the main lines in the street.

Adopted by the City Council of the City of Mahtomedi on _____, 2023.

Richard Brainerd, Mayor

Attested:

Jerene Rogers, City Clerk

4b. **CONSIDER APROVAL – Ordinance Amendments to Section 11.01, Subd. 10.1, C: Building Height; Section 11.01, Table 11.0 A: Land use Table**

Engineer Sachi introduced the item and presented a power point presentation. He noted that through building permit review, it has become apparent that part of the way that the Zoning Ordinance guides height to be measured is overly restrictive. Therefore, he is recommending amending the ordinance to say “The top peak of any portion of a roof shall not exceed the allowable building height in the applicable zoning district by more than ten (10) feet, rather than the five (5) feet that was previously approved..

Commissioner Frank stated that he would like to make an amendment to 11.01, Subd. 11.1 Land Use Table, in that the word “Rules” should be changed to the work “Statute” per indicated on the State’s web site.

Chair Rogosheske opened the public hearing at 6:48 p.m.

Hearing no comments the public hearing was closed at 6:49 p.m.

Upon motion by Commissioner Soler, seconded by Commissioner Knauss, the Planning Commissioner recommends City Council approve an Ordinance Amending Mahtomedi City Code Chapter 11, Section 10.1 (C) related to building height. The motion was unanimously approved.

Upon motion by Commissioner Chesak, seconded by Commissioner Maples, the Planning Commissioner recommends City Council approve an Ordinance Amending Mahtomedi City Code Chapter 11, Section 11, Section 11.01, Subd. 11.1 Table 11.0 A Land Use Table with the change in the word “Rules” be changed to the word “Statute”. The motion was unanimously approved.

CITY OF MAHTOMEDI, WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO.

AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 11,
SECTION 10.1 (C) RELATED TO BUILDING HEIGHT

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

Section One. Amendment. Chapter 11, Section 10.1 (C) of the Mahtomedi City Code is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

10.0 General Development Standards.

10.1 General Standards. Except hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

C. Building Height

1. Measuring Building Height.

- a. **How to measure height of buildings:** Building height is the vertical distance measured from the average ground level surrounding the proposed structure, prior to construction, to the top cornice line of a flat and mansard roof, to the uppermost point on a round, or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof. The average ground elevation at least five (5) years prior to construction is measured at the corners of a principal or accessory building footprint. Said average ground elevation shall be established from topography maps or certified survey, and shall be verified by the City Engineer or designee.
- b. The top peak of any portion of a roof shall not exceed the allowable building height in the applicable zoning district by more than ten (10) five (5) feet.

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council of the City of Mahtomedi on the ____ day of _____, 2023.

Motion for adoption by:

Seconded by:

Ayes:

Nays:

Abstained:

None

Absent:

CITY OF MAHTOMEDI

By

Richard Brainerd

Its: Mayor

Attest:

By: Jerene Rogers
Its: City Clerk

(Published in the *White Bear Press* on _____)

CITY OF MAHTOMEDI, WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. _____

AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 11, SECTION
11.01, SUBD. 11.1, Table 11.0 A LAND USE TABLE

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

Section One. Amendment. Chapter 11, Section 11.01, subd. 11.1, Table 11.0 A: Land Use Table of the Mahtomedi City Code is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council on the ___ Day of _____, 2023.

Motion for adoption by:

Seconded by:

Ayes:

Nays:

Abstained:

None Absent:

CITY OF MAHTOMEDI

By _____

Richard Brainerd

Its: Mayor

Attest:

By: Jerene Rogers
Its: City Clerk

(Published in the *White Bear Press* on _____)

- 5. STAFF REPORT – None Scheduled**
- 6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.**
- 7. ADJOURNMENT**

There being no further discussion, Commissioner Soler moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 6:53 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:



ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



LUANN TEMBREULL
OFFICE ASSISTANT