

Approved as Presented
November 10, 2021

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
OCTOBER 13, 2021**

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 Lacy Smieja and Tony Chesak. Also in attendance were City Planner Brandy Howe, City Engineer John Sachi, Mayor Jud Marshall and Office Assistant Luann Tembreull.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE SEPTEMBER 8, 2021 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Frank moved, and Commissioner Smieja seconded the motion to approve the minutes of the September 8, 2021 regular Planning Commission meeting as written. The motion was unanimously approved.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Ralph & Kelly Cardinal for a Conditional Use Permit to allow an accessory dwelling unit at 29 Birchwood Road and described as PID – 30.030.21.41.0017.

Planner Howe introduced the item and provided a power point presentation. The applicant is proposing to construct a two-story accessory structure that will replace an existing detached garage. With an accessory dwelling unit (ADU) proposed on the upper level.

The property is zoned R1-D Low Density Residential and is in the Shoreland Overlay District.

The applicant is proposing to demolish their existing detached garage and replace it with a larger two-story accessory structure. The upper living space will include a bedroom, a bathroom and an open kitchen/dining/living room space with the main level containing the garage and work-shop space.

Planner Howe noted that all criteria standards for allowing an accessory dwelling unit are being met for this application.

City Engineer Sachi noted that he has reviewed the plans and has no concerns with the grading and stated that the grading and erosion control plan will be reviewed with the building permit application.

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4a. (Continued)

Planner Howe stated that based on the criteria in this report, staff recommends approval of the requested conditional use permit to allow a multi-story accessory structure with an accessory dwelling unit at 29 Birchwood Road subject to the following conditions:

1. The ADU must conform to all requirements of chapter 11, Section 11.01, Subdivision 9.1, Section E.
2. A grading and erosion control plan shall be submitted for approval prior to the issuance of a building permit.

Chair Rogosheske opened the Public Hearing for comment at 6:38 p.m.

Hearing none, the Public Hearing was closed at 6:39 p.m.

Commissioner Soler moved, and Commissioner Maples seconded the motion to recommend the City Council approve a Conditional Use Permit for a multi-story accessory structure and an accessory dwelling unit at the property located at 29 Birchwood Road.

**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 29 BIRCHWOOD RD, PID
30.030.21.41.0017**

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owners Ralph and Kellie Cardinal, on September 15, 2021 for a conditional use permit to allow a two-story accessory structure and an accessory dwelling unit at the property located at 29 Birchwood Rd. The property is legally described as follows:

Lot 5 and all that part of Lot 6 of C.C. Kuhl's Subdivision that is encompassed by a line described as follows:
Beginning at the Southwesterly corner of said Lots 5 and 6; thence North 35°29' East, along the Northwesterly line of Lots 5 and 6, for 250.95 feet; thence South 28°39'58" West 245.56 feet to a point on the Southerly line of Lot 6, that is 30.0 feet (arc distance) Southeasterly of the Southwest corner; then Northwesterly along the Southerly line of Lot 6, for an arc distance of 30.0 feet to the Point of Beginning, Washington County, Minnesota

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

WHEREAS, the proposed accessory structure meets all other zoning requirements for the R1-D Low Density Residential and Shoreland Districts; 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 13, 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 and erosion control 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 October 19, 2021.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

4b. **CONSIDER APPROVAL – Amendments to Section 11.02 Subdivision Regulations; Section 11.01, Subd. 9.4, A: Wind Energy Conversion Systems (WECS); Section 11.01, Subd. 9.6, G: Swimming Pool; Section 11.01, 11.36, E, 2: Placement, Height, Design of Structures; Section 11.01, 11.36, E, 3: Shoreland Alternations.**

Engineer Sachi introduced the item and noted that he has been working with Planner Rybak in regards to zoning updates within the City's ordinances. He noted that this group of amendments include some clarifications and clean-up recommendations by Staff. He said text amendment for Section 11.01 Subd, 9.6 is recommending allowing pools for the front yard of riparian lots, since the front yard is the lake side for these properties. He noted that the table will be removed from Section 11.01, Subd. 11.36 regarding Additional Structure Setbacks along with other amendments regarding additional setbacks. He stated that a new subdivision will be added to Section 11.02, Subd. 6.0 regarding Lot Line Adjustments, which will allow property owners to move a property line without being required to use the minor subdivision process, as long as several criteria are met.

Upon a question by Commissioner Soler, Engineer Sachi stated that within the definition of materials used for retaining walls, the use of "stone", "boulder" or even "wood" is allowed, but not "block".

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

Hearing no comments, the Public Hearing was closed at 6:56 p.m.

Commissioner Maples moved, and Commissioner Smieja seconded the motion to recommend the City Council approve Ordinance 2021-32 an Ordinance Amending Mahtomedi City Code Chapter 11, Section 9.0 Related to Swimming Pool Setbacks and Barriers. The motion was unanimously approved.

Commissioner Knauss moved, and Commissioner Soler seconded the motion to recommend the City Council approve Ordinance 2021-33 an Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.36 Related to Certain Setbacks and Shoreland Alterations. The motion was unanimously approved.

Commissioner Chesak moved, and Commissioner Maples seconded the motion to recommend the City Council approve Ordinance 2021-34 and Ordinance Amending Mahtomedi City Code Chapter 11, Section 11.02 Related to Lot Line Adjustments. The motion was unanimously approved.

CITY OF MAHTOMEDI, WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO.

AN ORDINANCE AMENDING MAHTOMEDI CITY CODE CHAPTER 11,
SECTION 11.02 RELATED TO LOT LINE ADJUSTMENTS

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

Section One. Amendment. Chapter 11, Section 11.02, subdivision 3 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:

Lot Line Adjustment. A lot line adjustment is defined as an adjustment between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater or lesser number of parcels than originally existed are not thereby created.

Section Two. Amendment. Chapter 11, Section 11.02, subdivision 6 of the Mahtomedi City Code is hereby added as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code. Current subdivision 6 and all remaining subdivisions are renumbered to reflect the addition of this subdivision 6.

6.0 Lot Line Adjustment.

A. Administrative Approval Permitted. Lot line adjustments meeting the specified criteria may be reviewed and approved administratively by the Zoning Administrator.

B. Application Submittal. A complete application shall be submitted to the Zoning Administrator and shall include payment of the required fees. The application shall include the

following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:

1. A narrative statement describing the lot line adjustment
2. Proof of ownership
3. A certificate of survey showing the following:
 - a. The dimensions of the lots
 - b. The area of the lots, all corner elevations
 - c. All existing structures, including dimensions to existing and proposed property lines
 - d. All visible encroachments
 - e. All easements of record
 - f. The proposed altered lot lines
 - g. Existing and proposed legal descriptions

C. Approval Criteria. Lot line adjustments shall only be approved if they meet the following criteria:

1. No new parcels are created through the adjustment of the lot line(s)
2. Will not cause any structure to be in violation of any zoning code requirements.
3. If a lot line adjustment involves an existing non-conforming lot, the lot line adjustment shall serve to decrease the non-conformity.
4. Lot line adjustment shall not cause any new nonconformity.
5. The parcels to be adjusted may not have been previously altered in any way in the previous two (2) calendar years.
6. No public improvements shall be necessary.
7. Any easement agreements necessary shall be approved by the City Council.

D. Approval or Denial. The Zoning Administrator or their designee shall approve or deny the request in writing. Upon written approval of the request, the applicant shall be responsible for filing the subdivision or combination survey with the County Recorder's office as applicable. If the request is denied, the Zoning Administrator or their designee shall provide to the applicant a written statement of denial stating the reasons for the denial. The Zoning Administrator may require utilization of the minor subdivision process or platting to alter property lines, if appropriate.

Section Three. 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 _____, 2021.

Motion for adoption by:

Seconded by:

Ayes:

Nays:

Abstained:

None

Absent:

CITY OF MAHTOMEDI

By _____

Judson Marshall

Its: Mayor

Attest:

By: Jerene Rogers

Its: City Clerk

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

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

There being no further discussion, Commissioner Smieja moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 7:00 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



LUANN TEMBREULL
OFFICE ASSISTANT