MAHTOMEDI PLANNING COMMISSION
AGENDA
6:30 P.M.
SEPTEMBER 9, 2020
Meeting to be held via teleconference pursuant to Min. Stat. Sec. 13D.021
Join Zoom Meeting via Zoom teleconferencing website:
https://tinyurl.com/MahtSeptPC
You will be prompted to enter the meeting password: 287054
Join Meeting Via Telephone:
Dial: (312) 626-6799
Enter Meeting ID: 973 4501 3371  Password: 287054

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. APPROVAL OF THE AUGUST 12, 2020 REGULAR PLANNING COMMISSION MEETING MINUTES

4. PUBLIC HEARINGS
   a. CONSIDER APPROVAL – Request from Marvin and Linda Holmstrom for a minor subdivision and variance to create three (3) lots at 195 Bevins Lane and described as PID 32.030.21.24.0004
   b. CONSIDER APPROVAL – Request from Nicole and David Gillet for a minor subdivision to create three (3) lots at 188 Bevins Lane and described as PID 32.030.21.24.0009

5. STAFF REPORT
   a. Zoning Ordinance Updates – Community Character Discussion

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

7. ADJOURNMENT
To: Members of the Planning Commission  
From: Scott Neilson, City Administrator  
Date: September 8, 2016  
Subject: PLANNING COMMISSION MEETING SEPTEMBER 9, 2020

The meeting of the Mahtomedi Planning Commission will be held on **Wednesday, September 9, 2020, 6:30 p.m. at the Mahtomedi City Hall.** Please contact me or Luann Tombreull at 651-426-3344 if you will be unable to attend this meeting via teleconference. In addition to reviewing the material below, please visit the site(s) that are subject to the business items and contact staff if you have any questions or require additional information prior to the meeting.

**APPROVAL OF AGENDA**

The agenda, as presented or modified, is in order for adoption by the Commission.

**APPROVAL OF MINUTES**

The minutes of the August 12, 2020 regular Planning Commission meeting are enclosed on pages **1-16** for your review. These minutes, as presented or modified, are in order for adoption by the Commission.
Chairperson Rogosheske convened the regular Planning Commission meeting telephonically at 6:30 p.m. with the following members in attendance: Greg Maples, Dan Soler, Peter Frank and Tony Chesak. Also in attendance were City Planners Hannah Rybak and Erin Perdu, Engineer John Sachi and Office Assistant Luann Tombcull.

Absent with prior notice: Susan Stewart and Chantell Knauss.

APPROVAL OF THE AGENDA

Commissioner Frank moved, and Commissioner Soler seconded the motion to approve the agenda as presented. The motion was unanimously approved by roll call vote: Yea: Soler, Maples, Frank and Rogosheske Nay: None.

APPROVAL OF THE JULY 8, 2020 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Maples seconded the motion to approve the minutes of the July 8, 2020 regular Planning Commission meeting as written. The motion was unanimously approved by roll call vote: Yea: Soler, Maples, Frank and Rogosheske Nay: None.

4a. CONSIDER APPROVAL – Request from Allen Holcomb on behalf of Holcomb Rev. Trust for a Minor Subdivision to create three (3) lots and three (3) Variances at 182 Bevins Lane and described as PID 32.030.21.24.0008

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting approval for a minor subdivision creating three (3) lots and three variances at the property located at 182 Bevins Lane. The existing home is proposed to remain on Parcel B, with the proposed Parcel A and C to be developed for single-family homes.

She stated that the applicant is proposing three (3) variances for Parcel A, as it is impacted by the presence of the large wetland and its frontage on the cul-de-sac. She noted that the following variances are being requested:

- A variance of 2,214 square feet from the minimum required net area of 11,900 square feet
- A variance of 1.86 feet from the required minimum lot depth of 125 feet
- A variance of 10 feet from the required front yard setback of 30 feet
4a.  (Continued)

In reviewing the minor subdivision, the following criteria are being met:

- No more than three (3) new lots will be created
- The lot to be divided is in a location where conditions are well defined
- The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code
- The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision

The property is located within the R1-C Zoning District and the proposed minor subdivision is consistent with the City of Mahtomedi’s Comprehensive Plan.

The Site and Grading Plan shows that the two lots impacted by wetlands, proposed parcels A and C, can meet the wetland buffer requirements.

In all residential subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for a public recreation space or open space. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, or other public ways. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a fee equal to $3,000 per new dwelling unit for single family residence, whichever is the lesser of the two. Therefore, the applicant is required to pay $6,000 for Park land dedication.

The applicant has provided a tree inventory along with the application for this subdivision. Because the exact locations of the future homes have not been decided yet, tree removal and replacement will be evaluated on an individual lot basis at the time of each lot applying for a building permit.

The site is considered heavily wooded, so a replanting of one (1) tree for every three (3) removed will be required. Replanting of trees on the site should be a mix of deciduous and evergreen species and specified by ordinance.

Criteria met for approving the variance are:

- Practical difficulties as opposed to mere inconvenience.
- Conditions unique to the land.
- Difficulties are posed by the Ordinance, not the property owner.
- Granting the variance is not detrimental and it does not alter the essential character of the locality.
4a. (Continued)

- Variance is in keeping with the spirit and intent of the Ordinance.
- The variance will not impair adequate light and air or result in additional congestion, fire
danger or harm to public safety.
- Is consistent with the Comprehensive Plan.

Engineer Sachi reviewed the plans and offered the following comments:

- The site grading will be reviewed as each house plan is submitted for a building permit,
and sediment and erosion control plans will be reviewed at that time.
- Stubs for City sewer and water will be installed for each proposed lot this summer during
the street and utility project that is currently underway.
- Appropriate lot line drainage and utility easements are shown on the certified survey
map. These easement descriptions shall be provided to the City. The City Attorney will
draft the appropriate easement document for recording.
- The applicant shall provide the City with a legal description for the ponding area on the
southwestern portion of Parcel A over the existing wetland. The City Attorney will draft
the appropriate easement document for recording.
- The drainage swale that currently exists along the eastern side of Parcel C will be re-
directed and regraded to the eastern edge of Parcel C to lie within the 10-foot common lot
line drainage and utility easement. This work can be done when the building permit for
the house plan on parcel C is submitted.
- Any permits necessary from the Valley Branch Watershed District must be obtained.

Planner Rybak stated that, based on the criteria in this report, staff recommends approval of the
requested minor subdivision and variances at 182 Bevins Lane subject to 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 $6,000 cash in lieu of parkland dedication.
4. Legal descriptions for lot line drainage and utility easement must be provided.
5. Any permits necessary from the VBWD must be obtained.
6. Any area of wetland buffer encroachment shall be replaced with the exact square footage
of the encroachment.
7. The wetland buffer boundary shall be marked with VBWD signs.
8. The Applicant must provide a legal description for a drainage easement over the entirety
of the wetland on Parcel A.
9. The City Attorney will draft all of the aforementioned easement documents for recording.
4a. (Continued)

Upon a question by Commissioner Frank, Engineer Sachi stated that the property owner is required to abandon his septic once he hooks into city sewer. He noted that City Ordinance requires connection to City Sewer within five (5) years of sewer being available.

Upon a question by applicant Mrs. Holcomb about the excessive width of the street, Engineer Sachi stated that the width is the dedicated right-of-way. He noted that the fifty (50) foot right-of-way width would be needed if say in 25 years there is a need for storm and gutter in the area.

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

Hearing no comments, the Public Hearing was closed.

Commissioner Soler stated that this is a reasonable request and is in support the request.

Chair Rogosheske stated that he agrees with Commissioner Soler and is also in support.

Commissioner Soler moved, and Commissioner Chesak seconded the motion to recommend the City Council approve a resolution approving a minor subdivision and three (3) variances at the property located at 182 Bevins Lane as outlined in Exhibit C. The motion was unanimously approved by a roll call vote: Yea: Soler, Maples, Frank, Chesak and Rogosheske   Nay: None.
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. __________

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY
LOCATED AT 182 BEVINS LN., PID: 20.030.21.24.0008

WHEREAS, the City of Mahtomedi received a request from the Applicant, Allen Holcomb, on behalf of the property owner, Holcomb Rev. Trust, for a minor subdivision resulting in three lots at the property located at 182 Bevins Ln. on July 10, 2020, legally described as follows:

Lot five (5), Block one (1), Bevins Acre Lots, according to plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

EXCEPTING THEREFROM:

The East (E) ten (10) feet of Lot five (5), Block one (1), Bevins Acre Lots, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

(Document No. 336317) Subject to a 10 foot drainage and utility easement in, over and upon, described as follows:

The West (W) Ten (10) feet of the East (E) Twenty (20) feet of Lot Five (5), Block One (1), Bevins Acre Lots, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

WHEREAS, the Applicant has requested a minor subdivision and three variances to allow for the division of the property to create three residential lots; 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 August 12, 2020; 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; 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 following variance requests: a 2,214 sf net lot area variance for Parcel A; a 1.86 ft. lot depth variance for Parcel A, and a 10 ft. front yard setback variance for Parcel A 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 cul-de-sac and wetland on Parcel A present practical difficulties to compliance with the ordinance;

2. The proposed use for a single-family dwelling is reasonable for the zoning district;

3. The purpose of the variances 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 parcels are not posed by the property owner;

5. Granting the requested variances would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;

6. The proposed variances are in keeping with the spirit and intent of the Ordinance;

7. Allowing the requested variances 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 variances are consistent with the Comprehensive Plan.

NOW THEREFORE BE IT FURTHER 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-C – 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 $6,000 cash in lieu of parkland dedication.

4. Legal descriptions for lot line drainage and utility easements must be provided.

5. Any permits necessary from the VBWD must be obtained.

6. Any area of wetland buffer encroachment shall be replaced with the exact square footage of the encroachment.

7. The wetland buffer boundary shall be marked with VBWD signs.

8. The Applicant must provide a legal description for a drainage easement over the entirety of the wetland on Parcel A.

9. The City Attorney will draft all of the aforementioned easement documents for recording.

Adopted by the City Council of the City of Mahtomedi on August 18, 2020.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk
4b. **Request for approval of a minor subdivision at the property located at 175 Bevins Lane and described as PID: 32.030.21.24.0006**

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting a minor subdivision creating three (3) lots at the property located at 175 Bevins Lane. The existing home is proposed to remain on Parcel C, with the proposed Parcel A and B to be developed for single-family homes.

The City project extending public utilities to these parcels is currently underway and the properties were recently rezone from RR-Rural Residential to R1-C Low Density Residential.

In reviewing this request for a minor subdivision, the following criteria have been met:

- Three lots being proposed.
- The lot to be divided is in a location where conditions are well defined.
- The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code.
- The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision.
- The proposed minor subdivision is consistent with the Comprehensive Plan.
- The proposed lots within the minor subdivision each meet the R1-C Zoning requirements.

Planner Rybak stated that the City Engineer has determined that a wetland delineation must be performed and a drainage easement be recorded over the wetland. The wetland is located on proposed Parcel C, which is the lot on which the existing home will remain.

She noted that Parkland dedication will be a flat fee of $3,000 per new dwelling, which will be a total $6,000 for the two proposed lots.

The applicant has provided a tree inventory along with the application for the subdivision. Because the exact locations of the future homes have not been decided yet, tree removal and replacement will be evaluated on an individual lot basis at the time of application for building permit.

The site is not considered heavily wooded, so a replanting of one (1) tree for each tree (1) removed will be required. 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.
4b. (Continued)

City Engineer Sachi has reviewed the plans and offers the following comments:

- The site grading will be reviewed as each house plan is submitted for a building permit, and sediment and erosion control plans will be reviewed at that time.
- Stubs for City sewer and water will be installed for each proposed lot this summer, during the street and utility project that is currently underway.
- Appropriate lot line drainage and utility easements are shown on the certified survey map. These easements descriptions shall be provided to the City. The City Attorney will draft the appropriate easement document for recording.
- The applicant has agreed to grant the City a 20 foot wide watermain easement running along the shared property line of Parcels A and B, and then west along a portion of the rear property line of Parcel B. The easement is properly shown running along the shared property line. However, the easement is only shown 10 feet in width instead of 20 feet where it runs along the rear property line of Parcel B. The 20 foot width is only needed for about 50 feet from the common lot line of Parcels A and B westerly lot common lot line of lots 17 and 18 of Bichner Woodland Acres. The Applicant must work with the City Engineer to provide the proper easement description, which will then be drafted by the City Attorney and legally recorded.
- The applicant shall provide the City with a legal description for the ponding area on the western edge of Parcel C, over the existing wetland. The City Attorney will draft the appropriate easement for recording.

Planner Rybak stated that based on the criteria in this report, staff recommends approval of the requested minor subdivision at 175 Bevins Lane, subject to 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 $6,000 cash in lieu of Parkland dedication.
4. Legal description showing the full watermain easement shall be provided.
5. A legal description showing the full watermain easement shall be provided.
6. The Applicant shall remove the shed from proposed Parcel B prior to the recording of the subdivision.
7. Any permits necessary from the Valley Branch Watershed District must be obtained.
8. Wetland delineation must be completed for the wetland on proposed Parcel C, in order to properly describe the required easement.
9. The wetland buffer boundary shall be marked with VBWD signs.
10. The Applicant must then provide a legal description for a drainage easement over the entirety of the wetland.
11. The City Attorney will draft all of the aforementioned easement documents for recording.
Applicant Rose Urbina stated that the water is always high in her back yard.

Chair Rogosheske opened the Public Hearing for comment at 7:07 p.m.

Hearing no comments, the Public Hearing was closed at 7:09 p.m.

Commissioner Soler stated that this application is pretty straight forward and fits well in the R1-C Zoning District and therefore, is in support of this request.

Commissioner Maples moved, and Commissioner Soler seconded the motion to recommend City Council approve a resolution approving a minor subdivision and three (3) variances at the property located at 175 Bevins Lane as outlined in Exhibit C. The motion was unanimously approved by a roll call vote: Yea: Soler, Maples, Frank, Chesak and Rogosheske. Nay: None.
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. __________

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY
LOCATED AT 175 BEVINS LN., PID: 32.030.21.24.0006

WHEREAS, the City of Mahtomedi received a request from the Applicant and
property owner, Rose Urbina, for a minor subdivision resulting in three lots at the
property located at 175 Bevins Ln. on July 13, 2020, legally described as follows:

Lot 3, Block 1, Bevins Acre Lots, according to the plat on file and of record in the office of the Register of deeds in and for
the County of Washington, State of Minnesota.

(Document No. 309021) Subject to an easement for or right of way for the construction, improvement, operation and
maintenance of a public road, upon and across the following land described as follows, to-wit:

All that part of the Southerly 30 feet of Lot 3, Block 1, Bevins Acre Lots, lying westerly of Bevins Lane as plotted.

(Document No. 4015540) Partial Vacation of street/public road easement situated in the City of Mahtomedi, County of
Washington, State of Minnesota, as dedicated by Book 320 of Deeds, page 714, upon and across the following land described
as follows, to-wit:

All that part of the Northernly 20 feet of the Southerly 30 feet of Lot 3, Block 1, Bevins Acre Lots, lying westerly of
Bevins Lane as plotted.

(Document No. 4015540) Subject to a permanent easement for drainage and utility purposes, over, across, under and through
the following land described as follows, to-wit:

All that part of the Southerly 10 feet of the Northernly 20 feet of the Southerly 30 feet of Lot 3, Block 1, Bevins Acre
Lots, lying westerly of Bevins Lane as plotted.

WHEREAS, the Applicant has requested a minor subdivision to allow for the
division of the property to create three 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 August 12, 2020; 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-C – 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 $6,000 cash in lieu of parkland dedication.
4. Legal descriptions for lot line drainage and utility easements shall be provided.
5. A legal description showing the full watermain easement shall be provided.
6. The Applicant shall remove the shed from proposed Parcel B prior to the recording of the subdivision.
7. Any permits necessary from the VBWD must be obtained.
8. A wetland delineation must be completed for the wetland on Parcel C, in order to properly describe the required easement.
9. The wetland buffer boundary shall be marked with VBWD signs.
10. The Applicant must then provide a legal description for a drainage easement over the entirety of the wetland.
11. The City Attorney will draft all of the aforementioned easement documents for recording.

Adopted by the City Council of the City of Mahtomedi on August 18, 2020.
Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk
5. **STAFF REPORT**
   
a. **Century Avenue Small Area Plan update.**

   Planner Perdu introduced the item and said the discussion this evening is in regards to Century Avenue Small Area Plan that has been previously reviewed by the City Council’s November 19, 2019 work session. The Plan has been funded by a grant from the Washington County CDA (Community Development Agency). Its adoption has been delayed by COVID as well as the reliance of County Road 120 and future turnback of the road to Washington County.

   The purpose of the Plan is to study the area in more detail than the recently completed draft 2040 Comprehensive Plan and provide guidance on the feasibility of future land uses, infrastructure (roads and utilities) and economic development activities. The goal of the Small Area Plan is to help set a clear vision for the area that can be used when discussing the area with potential developers and to spur future investments.

   The plan was provided to Chris Eng at the Washington County CDA for comment along with a couple area developers to obtain feedback, and the Plan has been updated based on all of this feedback. The Plan is now ready for Planning Commission recommendation to Council for adoption.

   The Small Plan provides a clear vision of the type, scale and intensity of development that the City wants in this area. It also provides an assessment of development trends, market forces and demands to ensure that the vision is achievable.

   Current property owners include a single owner for the commercial center, and approximately 7 different owners for the 18 parcels on the north part of the site. One property owner owns several of the larger parcels and the City owns one of the vacant parcels in the subject area.

   There was interest in both 2005 and again in 2016 for a possible hotel in this area, but concluded that the market area could not support a hotel in this area.

   The City’s 2040 Comprehensive Plan designates this site as a probable redevelopment site for mixed residential/commercial use, with the future Land Use Plan guides the study as Mixed Residential/Commercial.

   The shopping center maintains a nice mix of uses, including three restaurants, two health and beauty service establishments, a school district office, and two retail locations: a liquor store and tobacco shop. The busiest time of day for the center is in the evenings, due to the restaurants and liquor store.

   Recently, the City has been actively working with the other major property owner on getting the site redeveloped with a mixture of residential and commercial uses that are consistent with the
5a. (Continued)

Zoning and Comprehensive Plan for the area. However, several immediate obstacles have prevented that redevelopment from getting off the ground, namely:

- The inability for the property owner to assemble the other small parcels.
- The lack of vision for the interaction between the commercial and residential uses on the site
- The need for design and cost estimates for infrastructure
- The funding gaps in the pro forma

There are five homes located on the study site, with the majority being owner occupied. Six of the property owners were interviewed to gather feedback about future land use plans for the area, and how it might relate to their property. Two of the property owners that were more resistant to change ultimately stated that they may be willing to sell their property under the right circumstances. Two of the property owners, including one that owns some vacant parcels, were very receptive to the idea of redevelopment at this site. The final two property owners were relatively indifferent, but in conclusion there are no major obstacles standing in the way of selling their property.

The owner of the shopping center was unavailable for an interview. However, a representative from the management company indicated that the current owner is happy with the performance of the shopping center and does not have any desire to redevelop it.

Several parties are currently negotiating the turnback of Century Avenue/TH120 from MNDOT to Ramsey and Washington Counties, with the terms of the turnback not yet decided. The options and obstacles being discussed are:

1. A three-lane concept
2. A four-lane concept
3. The need for additional right-of-way of up to 180 feet wide
4. The single-family homes within the proposed new right-of-way

Currently the entire site is zoned MU-PUD – Mixed Use Planned Unit Development, but much of the language is outdated and does not match the current goals for the site as described in this plan. While the City waits for the first step in the implementation process to take place (the redesign and turnback of Century Avenue), work on the zoning district should take place. Several updates should be made to the district to facilitate the redevelopment envisioned in this plan. See agenda packet for specifications.
MAHTOMEDI PLANNING COMMISSION MEETING MINUTES
August 12, 2020

5. STAFF REPORT
   b. Ordinance Amendment Work Plan and Intent Edits.

Planner Perdu introduced the item and indicated that the work plan is organized into two phases: The first focused on updates mandated by the Comprehensive Plan, the second are other items related to City Council priorities.

She noted that the first item for discussion and updates is the overall intent section of the ordinance. (See intent on pages 92 & 93 of the agenda packet).

Commissioner Soler stated that he has some thoughts about this and will e-mail them to Planner Perdu.

Discussion on this topic will continue during the next several months with both the Planning Commission and City Council.

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

7. ADJOURNMENT

There being no further discussion, Commissioner Soler moved, and Commissioner Frank seconded the motion to adjourn the regular Planning Commission meeting at 7:58 p.m. The motion was unanimously approved by roll call vote: Yea: Soler, Chesak, Frank, Maples and Rogosheske Nay: None.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:

LUANN TEMBREULL
OFFICE ASSISTANT
MEETING DATE: September 9, 2020

AGENDA ITEM 4a

4a. CONSIDER APPROVAL – A request from Marvin and Linda Holmstrom for a minor subdivision and variance to create three (3) lots at 195 Bevins Lane.

ACTION TO BE CONSIDERED: To recommend the City Council approve or deny a request for a Minor Subdivision to create three (3) lots and a Variance at 195 Bevins Lane.

FACTS:
- The City is in receipt of an application from Marvin and Linda Holmstrom for the request outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.

BACKGROUND:
- City Planner’s report on pages 1, 8, 13
- Location map on page 2
- Application on pages 2-3, 3-2
- Draft Resolution on pages 3-3, 3-6
CITY OF MAHTOMEDI MEMORANDUM

To: Planning Commission Members
   Scott Neilson, City Administrator

From: Hannah Rybak, City Planner
      Erin Perdu, AICP, City Planner
      John Sachi, City Engineer

Date: September 3, 2020
      Planning Commission Regular Meeting September 9, 2020

WSB Project No. 015205-000, Phase 012

Request: Request for approval of a minor subdivision and three variances at
the property located at 195 Bevins Ln., PID: 20.030.21.24.0004.

GENERAL INFORMATION

Applicant/Owner: Marvin & Linda Holmstrom

Location: 195 Bevins Lane

Existing Land Use / Zoning: Residential; zoned R1-C Low Density Residential District

Surrounding Land Use / Zoning:
   North: Residential; zoned R1-C Low Density Residential District
   East: Residential; zoned R1-C Low Density Residential District
   South: Undeveloped & Residential; zoned R1-C Low Density Residential District
   West: Residential; zoned R1-C Low Density Residential District

Comprehensive Plan: The 2040 Comprehensive Plan guides this property for Low Density Residential land use.

Deadline for Agency Action:
   Application Date: 08-12-20
   60 Days: 10-11-20
   Extension Letter Mailed: N/A
   120 Days: 12-10-20

OVERVIEW.
The Applicant is requesting a minor subdivision of the subject parcel resulting in three single-family lots. The total lot area of the subject parcel is 42,126 square feet. There is currently one single-family home on the property. This home is proposed to remain and would sit on proposed Parcel A. Proposed Parcels B and C would be developed for single-family homes.
The City project extending public utilities to these parcels is currently underway. The properties were recently rezoned from RR – Rural Residential to R1-C Low Density Residential.

This application also includes a request for a variance for the driveway of existing Parcel A. The Applicants wish to keep part of their original driveway, and it is located two (2) feet from the newly created side property line between proposed Parcels A and B. The request is for a variance of three (3) feet from the required driveway setback of five (5) feet.

MINOR SUBDIVISION REVIEW

1. Ordinance Authority.

*Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision,* allows minor divisions of an existing lot with several conditions:

   1. *The division will result in no more than three (3) new lots;*
      Three lots are proposed. **Criterion met.**
   2. *The lot to be divided is in a location where conditions are well defined;*
      **Criterion met.**
   3. *The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code;*
      A variance has been requested for the one area (Parcel A driveway) that does not conform to Zoning Code requirements. **Criterion met.**
   4. *The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision.*
      **Criterion met.**

2. Consistency of the Request with the Comprehensive Plan 2008-2040. The 2040 Comprehensive Plan guides this property for Low Density Residential land use. Low density residential allows single-family residences at 1-5 dwelling units per acre. The proposed minor subdivision is consistent with the Comprehensive Plan.

3. Consistency with Lot Requirements of the R1-C Zoning District. The property is located within the R1-C Zoning District. The proposed lots within the minor subdivision must adhere to the following dimensional standards:

   **Minor Subdivision Evaluation**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required in R1-C Zoning District</th>
<th>Proposed</th>
</tr>
</thead>
</table>
   | Lot Area     | 11,900 SF                       | Parcel A: 18,302 SF  
   |              |                                 | Parcel B: 11,915 SF  
   |              |                                 | Parcel C: 11,905 SF  |
   | Lot Width    | 85 feet                         | Parcel A: 136.72 ft.  
<p>|              |                                 | Parcel B: 89.10 ft.   |</p>
<table>
<thead>
<tr>
<th>Parcel</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>133.78 ft.</td>
</tr>
<tr>
<td>B</td>
<td>133.73 ft.</td>
</tr>
<tr>
<td>C</td>
<td>133.66 ft.</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>125 feet</td>
</tr>
</tbody>
</table>

4. **Parkland Dedication.** Section 11.02, Subdivision 10, B (4) (a): Land Requirements — Residential, states that ‘In all new residential subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for a public recreation space or open space. In the City’s sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, or other public ways.’

Section 11.02, Subdivision 10, B (5)(a): Cash Requirements: Amount of Payment Required states that, ‘When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of land shall be determined by utilization of tax assessment records, a report from a certified appraiser, or by agreement between the City Council and the subdivider.

The 2020 Fee Schedule adopted by the City Council requires a minimum of 10% of the fair market value of the land prior to subdivision OR a fee equal to $3,000 per new dwelling unit for single family residence, whichever is less.

In this instance there are two new lots being created. According to 2020 data from Washington County, the appraised value of the property is $362,700. The flat $3,000 per lot fee is less than 10% of the market value of the land prior to the subdivision; therefore the applicant must pay $6,000 for park land dedication.

5. **Tree Preservation.** The applicant has provided a tree inventory along with the application for the subdivision. Because the exact locations of the future homes have not been decided yet, tree removal and replacement (tree preservation plan) will be evaluated on an individual lot basis at the time of application for building permit.

The site is not considered heavily wooded so a replanting of one (1) tree for one (1) removed will be required. Any trees that will be ultimately removed due to their locations (including those in the building pads, driveways, streets and holding pads) 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.

**VARIANCE REVIEW**
1. **Ordinance Authority.** Chapter 11, Section 11.01, Subdivision 8.20, Section C provides for variances from the terms of the Zoning Ordinance if the City Council finds failure to grant the variance will result in practical difficulties on the applicant.

2. **Consistency of the Request with the Standards for Granting a Variance.**
   1. *Practical difficulties as opposed to mere inconvenience.*
      
      The ‘practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way, but cannot do so under the rules of the ordinance.

      There are no real practical difficulties that prevent the Applicants from complying with the minimum required driveway setback. The driveway can be expanded out in other areas to allow vehicles to turn around, and still comply with the setback. **Criterion not met.**

   2. *Conditions unique to the land.*
      
      There are no conditions unique to the land that impact the requested setback variance. **Criterion not met.**

   3. *Purpose is not solely financial.*
      
      The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.

      The purpose of the request is for convenience of vehicles using the driveway, not solely financial. **Criterion met.**

   4. *Difficulties are posed by the Ordinance, not the property owner.*
      
      The property owner is subdividing the property, and the newly created property line is what is creating the difficulty. **Criterion not met.**

   5. *Granting the variance is not detrimental and it does not alter the essential character of the locality.*
      
      The requested variance will not impact the essential character of the locality. The driveway would remain in the location where it exists today. If the variance were to be granted, the future owner of Parcel B will have purchased the property with the driveway already there. **Criterion met.**

   6. *Variance is in keeping with the spirit and intent of the Ordinance.*
      
      This variance request is made out of convenience, not necessity. This is not consistent with the intent of the Ordinance. **Criterion met.**

   7. *Variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.*
Not applicable.

8. Consistency with the Comprehensive Plan.

Criterion not met.

ENGINEERING CONSIDERATIONS

The City Engineer has reviewed the plans and offers the following comments:

- The site grading will be reviewed as each house plan is submitted for a building permit, and sediment and erosion control plans will be reviewed at that time.
- Stubs for City sewer and water are being installed for each proposed lot during the street and utility project that is currently underway.
- The driveway for parcel A must be routed entirely onto Parcel A when a building permit is approved and processed for Parcel B.
- Appropriate lot line drainage and utility easements are shown on the certified survey map. These easement descriptions shall be provided to the City. The City Attorney will draft the appropriate easement document for recording.
- Any permits necessary from the Valley Branch Watershed District must be obtained.

RECOMMENDATION

Based on the criteria in this report, staff recommends approval of the requested minor subdivision at 195 Bevins Ln., subject to 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 $6,000 cash in lieu of parkland dedication.
4. The driveway for parcel A must be routed entirely onto Parcel A when a building permit is approved and processed for Parcel B.
5. If a driveway setback variance is not granted, the Applicant must alter the driveway to meet the required setback when a building permit is approved and processed for Parcel B.
6. Legal descriptions for lot line drainage and utility easements area must be provided.
7. Any permits necessary from the VBWD must be obtained.

Staff recommends denial of the requested variance for a reduction to the required side yard setback for a driveway, as practical difficulties were not demonstrated.

POTENTIAL ACTION

1. Request Additional Information and Continue the Meeting. The Applicant appears to have provided enough information for the Planning Commission to make a recommendation to approve or deny the request. Should the Planning Commission
request additional information from the Applicant, the Planning Commission should continue the meeting until a later time.

2. **Approval (with or without conditions) of the Request.** In the event of a decision to recommend approval (with or without conditions), the Planning Commission may refer to Exhibit C, and may modify the draft resolution for approval to include any conditions that it deems necessary.

3. **Denial of the Request.** In the event the Planning Commission chooses denial of the requested conditional use permit, it should clearly state its reasons for the denial and direct staff to prepare a resolution of denial.

**ATTACHMENTS**

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit A:</td>
<td>Location Map</td>
</tr>
<tr>
<td>Exhibit B:</td>
<td>Application</td>
</tr>
<tr>
<td>Exhibit C:</td>
<td>Draft Resolution – Approving the Minor Subdivision</td>
</tr>
<tr>
<td>Exhibit D:</td>
<td>Draft Resolution – Approving the V</td>
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</tbody>
</table>
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY: 195 Bevins Lane

LEGAL DESCRIPTION OF PROPERTY: Lot (1) Block (1) Bevins Acres Lots

OWNER: Name Martin Holmstrom Address 195 Bevins Lane, Mahtomedi, MN 55115

Phone: Home 651-770-3989 Business 651-271-2530

APPLICANT: (if other than owner)
Name ___________________________ Address ___________________________

Phone: Home ___________________________ Business ___________________________ FAX ___________________________

Type of Request
____ Rezoning
____ Conditional Use Permit
____ Site Plan
____ Interim Use Permit
____ Minor Subdivision Plan for Subdivision (more than 3 lots)
____ Amendment to Ordinance
____ Administrative Site Plan Review -
____ Appeal of an Administrative Decision

Description of Request Minor subdivision resulting in 3 single family lots

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

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<tr>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>GIVEN</th>
<th>NOT GIVEN</th>
<th>UNDECIDED</th>
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<tbody>
<tr>
<td>D. Miller</td>
<td>138 Bevins Ln</td>
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<td></td>
</tr>
<tr>
<td>J. Fischer</td>
<td>141 Bicher Ln</td>
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<tr>
<td>S. C. L.</td>
<td>174 Bicher Ln</td>
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<tr>
<td>B. Bichner</td>
<td>164 Bichner</td>
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</table>

SUPPORT:

- Preliminary
- Grading and Drainage Plan
- Utilities Plan
- Site Plan
- Landscape Plan
- Building Elevation
- Sign Plan
- Registered Land Survey
- Narrative of Project
- Copy of Property Deed(s) (For Conditional Use Permit Applications)

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

Owner’s Signature

Applicant’s Signature

Date

$\frac{1}{12}/20

BELOW IS FOR USE BY CITY OFFICIALS

Application received with fee of $2,525 on $\frac{1}{12}/20

Amount of cash deposit for City consultant costs $\text{amt}$

Action by Planning Commission on

Action by City Council on

(Revised January 2011)
STREET ADDRESS OF PROPERTY: 195 Bevins Ln.

LEGAL DESCRIPTION: Lot 1, Block 1 Bevins Acre Lots

OWNER: Name Marvin & Linda Holmstrom Address 195 Bevins Lane, Mahtomedi

Phone: Home 651-770-8989 Business FAX

APPLICANT: (If other than owner)
Name __________________________ Address __________________________

Phone: Home __________________________ Business __________________________ FAX __________________________

TYPE OF STRUCTURE: ☑️ single unit double unit ☑️ multiple unit ☑️ Driveway

GARAGE: single double addition

DESCRIPTION OF BUILDINGS, ADDITIONS AND ALTERATIONS (INCLUDE BUILDING PLANS):
Existing driveway will not meet side yard setback from newly created lot line

________________________________________________________

PROVIDE A DESCRIPTION OF THE OVERALL PROJECT INCLUDING ITS HEIGHT AND DIMENSIONS:
Requesting a variance for an existing driveway to remain following subdivision of property

________________________________________________________

STATEMENT OF THE PRACTICAL DIFFICULTY/REASONS FOR THIS VARIANCE. ATTACH LETTERS, PHOTOGRAPHS OR OTHER EVIDENCE IF APPROPRIATE:
Existing driveway

________________________________________________________

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

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<th>SIGNATURE</th>
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</table>

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. In addition, to the best of my knowledge, the above statements are true and correct.

Owner's Signature

Applicant's Signature

Date

8/26/2020

Date

Fee Received: $2,250

Receipt #: ____________________________

PC Approve: ________________________

PC Deny: __________________________

CC Approve: ________________________

CC Deny: __________________________
Engineers Certificate

and that I, am a duly registered Professional Engineer under the laws of the State of Minnesota.

I hereby certify that this plan, specifications, or report was prepared by me or under my direct supervision.

Respectfully submitted,

[Signature]

L. F. Land Surveying, Inc.

June 14, 1994

Your car verses 29.5 feet with no variance.

With the variance as shown on the Conceptual Grading and Utility Plan, this will allow 32.5 feet to back up and turn.

33 feet

A normal parking spot is 16 feet to 20 feet in length with a 3 feet radius and 10 feet drive which totals 31 feet.

I request a variance 2 feet from the side property line.

Dear Ms. Rybak,

Job No. 2020226

Re: 195 Revers Lane, Mahtomedi, MN

Mahtomedi, MN 55115

600 St. Vrain Road

City of Mahtomedi

Ms. Hannah Rybak, City Planner

August 19, 2020
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. __________

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY
LOCATED AT 195 BEVINS LN., PID: 32.030.21.24.0004

WHEREAS, the City of Mahtomedi received a request from the Applicants and
property owners, Marvin and Linda Holmstrom, for a minor subdivision resulting in three
lots at the property located at 195 Bevins Ln. on August 12, 2020, legally described as
follows:

Lot 1, Block 1, Bevins Acre Lots, Washington County, Minnesota

WHEREAS, the Applicant has requested a minor subdivision to allow for the
division of the property to create three 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 September 9, 2020; 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 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.
NOW THEREFORE BE IT FURTHER RESOLVED that the Applicants 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 $6,000 cash in lieu of parkland dedication.

4. The driveway for parcel A must be routed entirely onto Parcel A when a building permit is approved and processed for Parcel B.

5. If a driveway setback variance is not granted, the Applicant must alter the driveway to meet the required setback when a building permit is approved and processed for Parcel B.

6. Legal descriptions for lot line drainage and utility easements area must be provided.

7. Any permits necessary from the VBWD must be obtained.

Adopted by the City Council of the City of Mahtomedi on September 15, 2020.

__________________________________________
Judson Marshall, Mayor

Attested:

__________________________________________
Jerene Rogers, City Clerk
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _______

RESOLUTION DENYING A VARIANCE FOR A REDUCTION IN THE REQUIRED SIDE YARD SETBACK FOR A DRIVEWAY ON THE PROPERTY LOCATED AT 195 BEVINS LN., PID: 32.030.21.24.0004

WHEREAS, the City of Mahtomedi received a request from the Applicants and property owners, Marvin and Linda Holmstrom, for a variance to reduce the required side yard setback for a driveway at the property located at 195 Bevins Ln. on August 12, 2020, legally described as follows:

Lot 1, Block 1, Bevins Acre Lots, Washington County, Minnesota

WHEREAS, the Applicant has requested a variance of 3-feet from the required minimum side yard setback for a driveway of 5-feet; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Application at their regular meeting on September 9, 2020; 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 deny 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 not been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi denies the variance request of 18-feet from the minimum required corner side yard setback based upon the following findings of fact:

The requested variance is not 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 not justified for the following reasons:

1. There is no practical difficulty associated with the request to reduce the required driveway setback. There is ample opportunity to add on to the driveway elsewhere out of the setback.

2. There are no conditions unique to this property that would necessitate a setback variance for the driveway.
3. Because the variance request stems from the subdivision of the property owner’s parcel, the difficulties are posed by the property owner, not the Ordinance;

4. The proposed variance is not in keeping with the spirit and intent of the Ordinance, as the request for variance is made out of convenience.

Adopted by the City Council of the City of Mahtomedi on September 15, 2020.

____________________________
Judson Marshall, Mayor

Attested:

____________________________
Jerene Rogers, City Clerk
4b. CONSIDER APPROVAL – A request from Nicole and David Gillet for a minor subdivision to create three (3) lots at 188 Bevins Lane.

ACTION TO BE CONSIDERED: To recommend the City Council approve or deny a request for a Minor Subdivision to create three (3) lots at 188 Bevins Lane.

FACTS:
- The City is in receipt of an application from Nicole and David Gillet for the request outlined above.
- The application has been reviewed by City staff and consultants and is in order for consideration at this time.

BACKGROUND:
- City Planner’s report on pages 38-42
- Location map on page 41
- Application on pages 44-48
- Draft Resolution on pages 49-50
CITY OF MAHTOMEDI MEMORANDUM

To: Planning Commission Members
   Scott Neilson, City Administrator

From: Hannah Rybak, City Planner
      Erin Perdu, AICP, City Planner
      John Sachi, City Engineer

Date: September 3, 2020
      Planning Commission Regular Meeting September 9, 2020

WSB Project No. 015205-000, Phase 013

Request: Request for approval of a minor subdivision at the property located at 188 Bevins Ln., PID: 32.030.21.24.0009.

GENERAL INFORMATION

Applicant/Owner: Nicole & David Gillet

Location: 188 Bevins Lane

Existing Land Use / Zoning:

   Residential; zoned R1-C Low Density Residential District

Surrounding Land Use / Zoning:

   North: Residential; zoned R1-C Low Density Residential District
   East: Undeveloped; zoned R1-C Low Density Residential District
   South: Residential; City of Pine Spring
   West: Residential; zoned R1-C Low Density Residential District

Comprehensive Plan: The 2040 Comprehensive Plan guides this property for Low Density Residential land use.

Deadline for Agency Action:

   Application Date: 08-14-20
   60 Days: 10-13-20
   Extension Letter Mailed: N/A
   120 Days: 12-12-20

OVERVIEW.
The Applicant is requesting a minor subdivision of the subject parcel resulting in three single-family lots. The lot area of the subject parcel is 43,710 square feet. There is currently one single-family home on the property. This home is proposed to remain, and would sit on proposed
Parcel A. There is an existing shed currently located on proposed Parcel B. Proposed Parcels B and C would be developed for single-family homes.

The existing driveway serving the home does not meet the required side yard setback. This property line is not being altered by the subdivision, so this nonconformity is allowed to remain as-is.

There is approximately 400 square feet of wetland near the southwest corner of the subject property. The City Engineer has determined that a wetland delineation does not need to be performed as part of the subdivision process and that the presence of the wetland has no impact on the subdivision.

The City project extending public utilities to these parcels is currently underway. The properties were recently rezoned from RR—Rural Residential to R1-C Low Density Residential.

MINOR SUBDIVISION REVIEW

1. Ordinance Authority.

   Chapter 11, Section 11.02, Subdivision 10, E: Minor Subdivision, allows minor divisions of an existing lot with several conditions:

   1. The division will result in no more than three (3) new lots;
      Three lots are proposed. Criterion met.
   2. The lot to be divided is in a location where conditions are well defined;
      Criterion met.
   3. The newly created property lines will not cause any resulting lot to be in violation of the Zoning Code;
      Criterion met.
   4. The proposed division must be prepared by a registered land surveyor and must show the original lot and the proposed subdivision.
      Criterion met.

2. Consistency of the Request with the Comprehensive Plan 2008-2040. The 2040 Comprehensive Plan guides this property for Low Density Residential land use. Low density residential allows single-family residences at 1-5 dwelling units per acre. The proposed minor subdivision is consistent with the Comprehensive Plan.

3. Consistency with Lot Requirements of the R1-C Zoning District. The property is located within the R1-C Zoning District. The proposed lots within the minor subdivision must adhere to the following dimensional standards:

   Minor Subdivision Evaluation

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required in R1-C Zoning District</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>11,900 SF</td>
<td>Parcel A: 19,908 SF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcel B: 11,901 SF</td>
</tr>
</tbody>
</table>

-39-
4. **Parkland Dedication.** *Section 11.02, Subdivision 10, B (4) (a): Land Requirements – Residential*, states that ‘In all new residential subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for a public recreation space or open space. In the City’s sole discretion, the ten percent (10%) may be calculated on the net area, which shall be the gross area of the subdivided property minus the area of wetlands, lakes, and streams below the ordinary high water mark. The land dedicated for public use shall be in addition to property dedicated for streets, alleys, easements, or other public ways.’

*Section 11.02, Subdivision 10, B (5) (a): Cash Requirements: Amount of Payment Required* states that, ‘When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a cash fee in lieu of such land dedication. The subdivider shall be required to pay a fee equal to ten percent (10%) of the fair market value of the land prior to subdivision or pay a cash fee as established by Ordinance of the City Council, whichever is the lesser of the two. The market value of land shall be determined by utilization of tax assessment records, a report from a certified appraiser, or by agreement between the City Council and the subdivider. The 2020 Fee Schedule adopted by the City Council requires a minimum of 10% of the fair market value of the land prior to subdivision OR a fee equal to $3,000 per new dwelling unit for single family residence, whichever is less.

In this instance there are two new lots being created. According to 2020 data from Washington County, the appraised value of the property is $427,300. The flat $3,000 per lot fee is less than 10% of the market value of the land prior to the subdivision; therefore the applicant must pay $6,000 for park land dedication.

5. **Tree Preservation.** The applicant has provided a tree inventory along with the application for the subdivision. Because the exact locations of the future homes have not been decided yet, tree removal and replacement (tree preservation plan) will be evaluated on an individual lot basis at the time of application for building permit.

The site is considered heavily wooded so a replanting of one (1) tree for every three (3) trees removed will be required. Any trees that will be ultimately removed due to their locations (including those in the building pads, driveways, streets and holding pads) 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.

The City Engineer has reviewed the plans and offers the following comments:

- The site grading will be reviewed as each house plan is submitted for a building permit, and sediment and erosion control plans will be reviewed at that time.
- Stubs for City sewer and water are being installed for each proposed lot during the street and utility project that is currently underway.
- Appropriate lot line drainage and utility easements are shown on the certified survey map. These easement descriptions shall be provided to the City. The City Attorney will draft the appropriate easement document for recording.
- The applicant shall provide the City with a legal description for the small ponding area on the southwestern portion of Parcel A over the existing wetland. The City Attorney will draft the appropriate easement document for recording.
- The drainage swale that currently exists just west of Parcel A will be re-directed and regraded by the adjacent property owner. The new drainage swale will partially lie within the proposed drainage and utility easement along the west property line of Parcel A.
- Any permits necessary from the Valley Branch Watershed District must be obtained.

RECOMMENDATION

Based on the criteria in this report, staff recommends approval of the requested minor subdivision at 188 Bevins Ln., subject to 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 $6,000 cash in lieu of parkland dedication.
4. Legal descriptions for lot line drainage and utility easements, as well as the ponding easement, shall be provided.
5. Any permits necessary from the VBWD must be obtained.

POTENTIAL ACTION

1. Request Additional Information and Continue the Meeting. The Applicant appears to have provided enough information for the Planning Commission to make a recommendation to approve or deny the request. Should the Planning Commission request additional information from the Applicant, the Planning Commission should continue the meeting until a later time.

2. Approval (with or without conditions) of the Request. In the event of a decision to recommend approval (with or without conditions), the Planning Commission may refer to Exhibit C, and may modify the draft resolution for approval to include any conditions that it deems necessary.
3. **Denial of the Request.** In the event the Planning Commission chooses denial of the requested conditional use permit, it should clearly state its reasons for the denial and direct staff to prepare a resolution of denial.

**ATTACHMENTS**

<table>
<thead>
<tr>
<th>Exhibit A:</th>
<th>Location Map</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit B:</td>
<td>Application</td>
</tr>
<tr>
<td>Exhibit C:</td>
<td>Draft Resolution – Approving the Minor Subdivision</td>
</tr>
</tbody>
</table>
APPLICATION FOR CONSIDERATION OF REQUEST
CITY OF MAHTOMEDI, MINNESOTA

STREET ADDRESS OF PROPERTY: 188 Bevins Lane

LEGAL DESCRIPTION OF PROPERTY: Parcel ID # 320-302-124-0009

OWNER: Name Nicole & David Address 188 Bevins Lane

Phone: Home 651-488-6483 Business 612-708-9556 FAX 651-298-0665

APPLICANT: (if other than owner)
Name __________________________ Address __________________________

Phone: Home __________________ Business __________________ FAX __________________

Type of Request
___ Rezoning
___ Conditional Use
___ Permit
___ Site Plan
___ Interim Use Permit
___ Administrative Site Plan Review
___ Appeal of an Administrative Decision

___ Minor Subdivision
___ Plan for Subdivision (more than 3 lots)
___ Amendment to Ordinance
___ Concept Plan Review
___ Final Plat

Description of Request __________________________

________________________

________________________

IF POSSIBLE, OBTAIN THE SIGNATURES OF ALL ADJACENT PROPERTY OWNERS:

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>ADDRESS</th>
<th>GIVEN</th>
<th>NOT GIVEN</th>
<th>UNDECIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicole</td>
<td>182 Bevins Lane</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Helton</td>
<td>195 Bevins Lane</td>
<td></td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

Information Provided:
___ Preliminary Plat
___ Grading/Drainage Plan
___ Utilities Plan
___ Site Plan
___ Landscape Plan
___ Building Elevation
___ Sign Plan
___ Registered Land Survey
___ Narrative of Project
___ Copy of Property Deed(s) (For Conditional Use Permit Applications)

(SEE OTHER SIDE)
As the applicant, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project.

Owner's Signature: [Signature]
Date: 8/11/2020

Applicant's Signature: [Signature]
Date: 8/11/2020

BELOW IS FOR USE BY CITY OFFICIALS

Application received with fee of $250.00 on 8/14/20 by
Amount of cash deposit for City consultant costs $2000.00
Action by Planning Commission on
Action by City Council on

(Revised January 2011)
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. __________

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY
LOCATED AT 188 BEVINS LN., PID: 32.030.21.24.0009

WHEREAS, the City of Mahtomedi received a request from the Applicants and
property owners, Nicole and David Gillet, for a minor subdivision resulting in three lots
at the property located at 188 Bevins Ln. on August 14, 2020, legally described as
follows:
Lot 6, Block 1, Bevins Acre Lots, and the East 10 feet of Lot 5, Block 1, Bevins
Acre Lots, Washington County, Minnesota

WHEREAS, the Applicant has requested a minor subdivision to allow for the
division of the property to create three 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 September 9, 2020; 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 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

1

-49-
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.

NOW THEREFORE BE IT FURTHER RESOLVED that the Applicants 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 $6,000 cash in lieu of parkland dedication.

4. Legal descriptions for lot line drainage and utility easements, as well as the ponding easement, shall be provided.

5. Any permits necessary from the VBWD must be obtained.

Adopted by the City Council of the City of Mahtomedi on September 15, 2020.

__________________________
Judson Marshall, Mayor

Attested:

__________________________
Jerene Rogers, City Clerk
MEETING DATE: September 9, 2020

AGENDA ITEM 5

5. STAFF REPORT

a. Zoning Ordinance Updates – Community Character Discussion on pages 5.2 - 5.8
Memorandum

To: Planning Commission Members  
CC: Scott Neilson, City Administrator  
From: Erin Perdu, AICP, Senior City Planner  
Date: 09/03/2020  
Re: Zoning Updates – Community Character Discussion  
WSB Project No. 013679-000

Background

As you will recall, the topic of how to regulate infill and redevelopment in historic Mahtomedi areas was high on the priority list for our zoning work. There have been concerns over the past couple of years about the volume of applications for deviations from the ordinance, particularly in the R1-E district. These requests usually involve new building on small, many times non-conforming, lots or tear-down and rebuilds on lots with existing cottage-type homes.

Some key ordinance provisions to keep in mind as we begin this analysis:

- Existing, non-conforming lots in all single-family residential districts are deemed buildable if they are at least 6,240 sf in size and 48 feet wide.
- The intent of the R1-E district describes the area as one with cottages built in the ‘20s and ‘30s and a number of characteristics that contribute to its charm, including:
  - Narrow, meandering streets with few cars and many pedestrians;
  - Irregular, unpredictable pattern of streets, blocks, lots and open spaces;
  - Tightly-spaced housing reflecting the summer cottage era on White Bear Lake;
  - Unusual building placement on small lots, creating interesting open spaces, gardens and private spaces;
  - Diverse housing style, size, quality, and value;
- To preserve these characteristics, the R1-E district establishes “extraordinary zoning procedures” by adapting the regulations that govern residential development in other areas of the City. These include:
  - Using Conditional Use Permits instead of Variances for deviations to setbacks, lot dimensions, and expansions of non-conforming structures with the idea that “regulations tailored to existing conditions on a case-by-case basis will allow the most compatible development to occur”
  - Relaxed front yard requirements on through lots
  - Front yard setback averaging
  - Sliding side yard setbacks based on the width of the lot
  - Sliding building coverage requirements based on lot size

We will begin with an assessment of the issues and discussion of possible remedies. Staff will then work to draft language for your review at the October Meeting.

Issues

During the joint work session with City Council, several key issues were identified:

Sightlines
• Sightlines being blocked because of front yard (or riparian yard) setback CUPs
• Ability to see children at play — safety issues
• Maintenance of lake views for homes that sit back farther than the ordinance minimum setback
• View of the sky impacted by tall structures

CUPs instead of variances in the R1-E
• Evaluation of conformance to community character leads to allowing deviations because other lots have the, which leads to development at the “lowest common denominator”
• Conditional Use criteria are easier to meet than variance criteria, leading to many more approvals

Out-of-scale construction
• Tear-downs and rebuilds result in new homes that are significantly larger and/or taller than surrounding homes
• Building large homes on small parcels is resulting in overcrowding
• Consistency in size with neighboring structures

Side setbacks
• Concerns that side setbacks are too small, resulting in overcrowding, fire safety issues and blocking access to sunlight for neighboring structures
• Bumpouts, cantilevers, and other features that encroach into side setbacks exacerbate this problem
• There is little room left for maintenance and access to rear yards

Front yards
• The ordinance is unclear about which is the front yard on a riparian lot
• Maximum setback requirements sometimes result in structures being constructed significantly closer to the lake than its neighbors, obstructing views
• The same thing happens along streets, which limits clear sightlines down the street

Possible Remedies
There are several possible modifications we can consider to address these issues, some of which help with more than one problem. Sample language and/or analysis for each of these is attached for your consideration:

• Front setback averaging — Implement a requirement that takes in to account the distance of the homes on either side of a riparian property from the Ordinary High Water Level (OHWL). The required setback from the OHWL of White Bear Lake is 75 feet. There are many riparian properties that contain homes that are setback much further than that minimum. When a new, large home is constructed closer to the OHWL than the neighboring homes, it cuts off views and negatively impacts the existing homes. Implementing a requirement that a setback for a new or remodeled home be similar to the neighboring structures will preserve the character of the area and neighboring views. However, implementing this average setback requirement may cause hardships for lots that are shallower than their neighbors and therefore may not have as much room to set the home back from the lake. Please refer to Appendix A for example ordinances that illustrate averaging setback distances of principal structures on abutting lots to calculate the front setback for new homes.

• Changes to how height is measured to take into account fill that is brought onto a lot under construction, grades of surrounding properties. Also consider restrictions on roof pitch, or change how height is measured on a gable, hip, mansard or gambrel roof so that
structures don't have unnecessarily large volumes of unused space. Appendix B shows example ordinances from other communities that illustrate other ways of measuring principal structure height.

- **Variance instead of CUPs** for ordinance deviations – the PC should consider which types (if any) of deviations are appropriate for CUPs and which should be converted to variances as in other residential districts. This stipulation could be removed entirely, and all requests for adjustments to standards could be processed through variances.
  - Additionally, certain types of projects could remain CUP's (example: additions or remodels of up to 49% of the floor area of the structure processed through CUP, 50% and over processed through variance) which would continue to allow homes to be reasonably updated using the CUP criteria, but large projects like teardowns and rebuilds would need to meet the stricter variance criteria.

- **Changes to side setback requirements**, which may include increasing the percentage of lot width that is required for side setback, increasing the minimum side setback, or changing how side setback is calculated. This may also include removal of many of the currently permitted encroachments into side setbacks.

- **Neighbor notifications** – concerns have been raised about projects that may significantly impact property values but do not require any land use approvals (like CUPs or variances). Should additional neighbor notification be required for such projects?

- **Bulk standards** – currently the bulk of a structure is regulated by height and building coverage (and in the Shoreland Overlay, impervious surface coverage). The City could consider additional regulations on the size and bulk of new structures such as floor-area ratio standards.

**Intent**

To re-cap a topic from last month, I am including proposed revisions to the intent of the zoning ordinance for your feedback. During the work session there were a few additions that were discussed. Below is a redlined version of the intent. Please provide any comments or edits at the meeting.

**Statement of Legislative Intent:** This Ordinance is adopted to:

A. Protect and promote the public health, safety and general welfare of the community.
B. Classify properties into zones and districts reflecting their peculiar suitability for particular uses, densities and development patterns.
C. Guide future land development to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities.
D. Provide for sequential planned development that will allow the efficient and orderly expansion of utility systems without premature urbanization of existing undeveloped land.
E. Preserve the unique character and individuality of the City's historic growth pattern.
F. Regulate the location, construction, alteration and use of buildings, structures and land.
G. Conserve property values.
H. Insure adequate light, air, privacy and convenience of access to property.
I. Prevent the overcrowding of land and the undue concentration of population.
J. Fix reasonable standards to which building structures and uses shall conform.
K. Lessen congestion in the public streets by providing off-street parking of motor vehicles and off-street loading and unloading of commercial vehicles.
L. Facilitate adequate transportation, water, sewage disposal, education, recreation and other public facilities and requirements.
M. Provide for safe, accessible connections between land uses that include provisions for vehicles, pedestrians, bicyclists, and use of transit.
L. N. ______ Provide performance standards that allow the flexible use of properties in ways that do not negatively impact surrounding uses.

O. ______ Prohibit the use of buildings, structures and lands that are incompatible with the intended use or development of lands within the specified zones.

M. ______ Allow for a diverse range of housing options.

N. ______ Protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare and other pollution and hazards in the interest of the public health, comfort and general welfare.

Q. ______ Conserve natural resources and maintain high standards of environmental quality.

P. ______ Preserve significant open spaces and conserve the natural and scenic beauty and attractiveness of roadsides of the City.

Q. ______ Preserve the quality of surface waters and guide the prudent development of shoreland areas.

R. ______ Preserve and protect the capacity of flood plains and natural ponding areas to carry, hold and discharge excess surface waters.

S. ______

V. ______ Support local businesses with flexibility to operate creatively without negatively impacting surrounding properties.

T. ______ Provide for the administration of this Ordinance and define the powers and duties of the various administrative officers and bodies.

U. ______ Provide for the enforcement of this Ordinance and prescribe penalties for the violation of its provisions or any future amendments.
Appendix A: Example Front Setback Standards

1. City of Tonka Bay Zoning Code, § 1011.03 Subdivision 5d

   "For riparian lots, no principal structure or building addition shall be located closer to the ordinary high water mark than the greater of fifty (50) feet, or the average setback of the two adjacent riparian principal structures on either side of a proposed building site. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to the part of the said principal structure that is closest to the lake."

2. City of Wayzata Zoning Code, Chapter 991.09 Subsection D2

   "No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark than the greater of:

   a) Seventy-five feet;
   b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
   c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
   d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake."
Appendix B: Example Methods of Measuring Height of Principal Structures

**Wayzata**

"Building Height." The vertical distance above a Grade Plane measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, to the uppermost point on a shed, round or arch type roof, or to the average height of the highest gable of a pitched, hipped or gambrel roof. Modifications to the site grading that would affect the grade plane of a lot shall not be undertaken as a means of achieving increased building height, unless approved by the City Council. The height of a stepped or terrace building is the maximum height of any segment of the building.

**Tonka Bay**

Building Height, Principal Buildings. The height of principal buildings measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a shed, round or other arch-type roof, or to the average height of the highest gable of a pitched or hipped roof.

a. The top peak of any portion of roof shall not exceed the allowable building height in the applicable zoning district by more than five (5) feet without a conditional use permit subject to the following (amended August 2, 2007):

1. For each additional one (1) foot or fraction thereof increase over the threshold established above, (amended August 2, 2007) front and side yard setback requirements shall be increased by one (1) foot.

2. The construction does not limit solar access to abutting and/or neighboring properties.

3. The provisions of Section 1003.01.8, conditional uses, are considered and satisfactorily met.

**Minnetonka**

"Building height" - the vertical distance between the ground elevation abutting a building and the midpoint elevation of the highest gable of a pitched or hipped roof, the deck line of a mansard roof, or the highest point of a flat roof or a parapet wall. The ground elevation used to measure building height will be selected from one of the following, whichever results in the greater height:

a) When the change in grade within the footprint of the building is equal to or less than 10 feet, the highest ground elevation abutting the building will be used.

b) When the change in grade within the footprint of the building is greater than 10 feet, an elevation 10 feet higher than the lowest ground elevation abutting the building will be used.
Prior Lake

A distance to be measured from the mean curb level along the front lot line or from the finished grade level for all that portion of the structure have frontage on a public right-of-way to the top of the roofline of a flat roof; to the deck line of a mansard roof; to the uppermost point on a round or other arch type roof, or the mean distance to the highest gable on a pitched or hip roof.

Orono

Building height means the vertical distance between the highest existing ground level or ten feet above the lowest ground level, whichever is lower, and the top of the cornice of a flat roof, or the deck line of a mansard roof, or the uppermost point on a round or other arch-type roof, or the median height of the highest gable of a pitched or hipped roof. Topographic changes which elevate the adjoining ground level above the existing terrain shall not be considered in determining building height.

White Bear Lake

Building Height. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

Waconia

Building Height: The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

Burnsville

BUILDING HEIGHT: The vertical distance from: a) the average elevation of the adjoining ground level, or b) the established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

Lakeville

BUILDING HEIGHT: A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.
6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

A copy of the recent City Council and other City Commission minutes may be found the City’s website. If Commission members have questions regarding these or other City activities, staff will be happy to respond to them.

7. ADJOURNMENT