MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JULY 8, 2020

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

APPROVAL OF THE AGENDA

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

APPROVAL OF THE JUNE 10, 2020 REGULAR PLANNING COMMISSION
MEETING MINUTES

Commissioner Soler moved, and Commissioner Knauss seconded the motion to approve the minutes of the June 10, 2020 regular Planning Commission meeting as written. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Stewart, Maples, Chesak, Frank and Rogosheske. Nay: None.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Robert and Erin Ostler for a minor subdivision to create 3 lots at 222 Quail.

Planner Rybak introduced the item and provided a power point presentation. The property is zoned R1-C Low Density Residential and guided by the Comprehensive Plan for low density residential. The applicants are requesting a minor subdivision of the subject parcel resulting in three single-family lots. The lot area of the subject parcel is 90,777 square feet. There is currently one single-family home on the property, which is to remain, and would sit on Parcel B. Parcels A and C would be developed for single-family homes.

Criteria is met by:
- Creating no more than three (3) new lots
- Dividing the lot in a location where conditions are well defined
- The newly created property lines not causing any new lots to be in violation of the Zoning Code
- The proposed division being prepared by a registered land surveyor and showing the original lot and the proposed subdivision
- The site and grading plan showing all three lots meeting the wetland buffer requirements
4a. (Continued)

The City requires a minimum of 10% of the fair market value of the land prior to subdividing for Parkland dedication, or a fee equal to $3,000 per new dwelling unit for single family residence, whichever is less. In this instance, the flat $3,000 per lot fee, or a total of $6,000 will need to be paid to the City for Parkland dedication.

Per the evaluation of the City Forester, the site is considered heavily wooded; therefore, a replanting of one (1) tree for every three (3) 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.

Engineer Sachi stated that there were two sanitary sewer services stubbed into the Ostler property as part of the Quail Street Utility Extension project in 2018. The northern service stubs will be used for Parcel A, while the southern ones are already connected to the existing home at 222 Quail Street. Since the property is now being subdivided into 3 lots instead of the previously noted 2 back in 2018, the service lines for Parcel C will have to be cut into the main lines in the street and the street will have to be patched upon completion of these connections. This will be addressed as part of the sewer and water connection permits.

He noted that the preliminary site grading plan is very well done. Extra erosion control will be needed uphill of the wetland locations but this will be addressed at the time of the individual building permits for Parcels A and C, and for the driveway relocation for Parcel B. The driveway slopes for Parcel B and C are quite steep, but are within the permitted grades allowed by the City. Once Parcel A begins use of the existing driveway, Parcel B must discontinue use of the existing driveway and install a new driveway off Quail Street. Driveway culverts will be required for the driveways at parcels B and C, and will require Rice Creek Watershed District permits.

Legal descriptions for lot line drainage and utility easements are required to be submitted so proper documents can be produced by the City Attorney. Five (5) foot easements along common side lot lines and ten (10) foot easements along front and rear lot lines.

The applicant will be required to enter into a Minor Subdivision Agreement with the City which will outline the conditions of approval and the easements required.

Based on the criteria in this report, staff recommends approval of the requested minor subdivision at 222 Quail Street, subject to the following conditions:
4a. (Continued)

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 future homes to be constructed on the resulting parcels must meet all setback, height, and building coverage requirements, as prescribed by the Zoning Ordinance.
4. The Applicant shall pay $6,000 cash in lieu of parkland dedication.
5. Once Parcel A begins use of the driveway shown (which is currently the driveway for Parcel B), Parcel B must discontinue use and install the driveway for Parcel B as shown. Driveway culverts will be required for the driveways at Parcels B and C. A Rice Creek Watershed District (RCWD) permit will be required for this work.
6. Evidence of the wetland exemption determination by the RCWD must be submitted prior to any filling of this area.
7. Legal descriptions for easements for the wetland area must be provided.
8. Legal descriptions for lot line drainage and utility easements must be provided.

Upon a question by Commissioner Stewart, Engineer Sachi stated that the amount of fill allowed on this property is regulated by the Rice Creek Watershed District and a permit is required.

Commissioner Soler stated that he is comfortable approving this application with the conditions outlined.

Chair Rogosheske opened the Public Hearing.

Mr. Peter Hagstrom, Quail Villas, stated that this is a special area on Quail and feels these new homes will add to this area in creating a great block of homes.

Hearing no other comments, the Public Hearing was closed.

Upon motion by Commissioner Soler, seconded by Commissioner Frank, the Planning Commission recommends the City Council approve the resolution approving a minor subdivision at 222 Quail as outlined in Exhibit C with the addition of tree removal on Quail Street for adequate visual site lines. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Maples, Stewart, Chesak, Frank, and Rogosheske. Nay: None.
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _________

RESOLUTION APPROVING A MINOR SUBDIVISION AT THE PROPERTY
LOCATED AT 222 QUAIL ST., PID: 20.030.21.21.0030

WHEREAS, the City of Mahtomedi received a request from the Applicant, Dan Thurmes on behalf of the property owners, Robert and Erin Ostler, for a minor subdivision resulting in three lots at the property located at 222 Quail St. on May 29, 2020, legally described as follows:

Lots 9, 10, and 11, Block 141 and Lots 1, 2, 3, 4, and 5, Block 142 all in the recorded plat of Wildwood, Washington County, Minnesota;

Together with that part of vacated Grant Street lying between Lot 11, Block 141, and Lot 1, Block 142, Wildwood;

Also together with that part of the Westerly ½ of vacated Grant Street adjoining Lots 1, 2, 3, 4, and 5, Block 142, Wildwood and lying between the extensions across it of the Northeasterly line of Lot 1 said Block 142 and the Southwesterly line of Lot 5, said Block 142.

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 requests based on the related documents shown in the Applicants’ Application at their regular meeting on July 8, 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 future homes to be constructed on the resulting parcels must meet all setback, height, and building coverage requirements, as prescribed by the Zoning Ordinance.
4. The Applicant shall pay $6,000 cash in lieu of parkland dedication.
5. Once Parcel A begins use of the driveway shown (which is currently the driveway for Parcel B), Parcel B must discontinue use and install the driveway for Parcel B as shown. Driveway culverts will be required for the driveways at Parcels B and C. A Rice Creek Watershed District (RCWD) permit will be required for this work.
6. Evidence of the wetland exemption determination by the RCWD must be submitted prior to any filling of this area.
7. Legal descriptions for easements for the wetland areas must be provided.
8. Legal descriptions for lot line drainage and utility easements must be provided.

Adopted by the City Council of the City of Mahtomedi on July 21, 2020.

Judson Marshall, Mayor

Attested:
Jerene Rogers, City Clerk
4b. CONSIDER APPROVAL – Consider rezoning of properties generally located in the Bevins Lane, Bichner Lane and Talahi Drive area, from RR – Rural Residential to R1-C – Low Density Residential, and described as PIDs:

<table>
<thead>
<tr>
<th>PID</th>
<th>PID</th>
<th>PID</th>
</tr>
</thead>
</table>

Planner Rybak introduced the item and stated that pursuant to the City Council’s recent approval of the extension of public utilities to several properties in the area of Bevins Lane, Bichner Lane and Talahi Drive, the City has initiated a rezoning of these properties from their current zoning of RR Rural Residential to R1-C Low-Density Residential.

The rezoning is being initiated by the City because the Rural Residential district is used only for properties without public utilities. The extension of utilities requires that the properties be rezoned.

The R1-C district was deemed the most appropriate of the Low-Density residential districts in the City given the prevailing conditions in the area. It was noted that this rezoning does not include or require any new development or subdivision of any of the properties in question. Any further subdivisions would be handled through individual applications from property owners.

Upon a question by Chair Rogosheske, Engineer Sachi stated that this area is being rezoned per a petition by over fifty (50) percent of the affected property owners.

Upon another question by Chair Rogosheske, Engineer Sachi stated that once city utilities are in the street, residents need to hook up to city sewer by a certain date, but can keep their wells.

Planner Rybak noted that these affected residents don’t need to do anything relative to the rezoning request, but need to hook into the city sewer line within five (5) years.

Chair Rogosheske opened the Public Hearing for comment.

Hearing none, the Public Hearing was closed and brought back to the commission for comment.
4b. (Continued)

Upon a motion by Commissioner Knauss, seconded by Commissioner Chesak, the Planning Commission recommends the City Council approve the resolution approving the rezoning from RR-Rural Residential to R1-C Single Family Residential as outlined in Exhibit C. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Maples, Stewart, Chesak, Frank and Rogosheske. Nay: None.
WHEREAS, the City of Mahtomedi has initiated the rezoning of the above referenced property from RR to R1-C, legally described as follows:


LOTS 1 THRU 7, BLOCK 1 AND OUTLOT A BEVINS ACRE LOTS; AND

LOTS 1-9 AND LOTS 17-26 BICHNER WOODLAND ACRES; AND

LOTS 5-8 TALAHI FIRST SUBDIVISION

WHEREAS, consistent with the intent of the City of Mahtomedi Zoning Ordinance, the rezoning is being initiated in conjunction with the provision of public water and sewer service to these properties; and

WHEREAS, the Planning Commission reviewed and considered the rezoning at their regular meeting on July 8, 2020; and

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

WHEREAS, the City Council can approve a rezoning if it finds that the standards for rezoning as described in Chapter 11, Section 11.01, Subdivision 8.17.E: Zoning Map Amendment of the Mahtomedi City Code have been met; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the rezoning based on the following findings:
1. All required information for a zoning map amendment has been supplied.
2. The Zoning Map Amendment is consistent with the Comprehensive Plan;
3. The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
4. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and
5. The properties to be amended (rezoned) are suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.

Adopted by the City Council of the City of Mahtomedi on ____________, 2020.

____________________
Judson Marshall, Mayor

Attested:

____________________
Jerene Rogers, City Clerk
4c. CONSIDER APPROVAL - Request from Thomas and Anna Albert for a variance for a reduced side yard setback in order to construct an accessory structure at 98 Dunbar Way and described as PID 31.030.21.41.0021.

Planner Rybak introduced the item and provided a power point presentation. The property is zoned R1-D Low Density Residential and the City’s Comprehensive Plan guides this property for Low Density Residential land use.

The Applicant is requesting a variance to construct an accessory structure within the required corner side yard setback of their property. The Applicants wish to place the structure in the southwest corner of their yard, because the southeast corner (interior side of the rear yard) contains an existing patio. The accessory structure is proposed to be twenty (20) feet wide by thirty (30) feet deep, or 600 square feet. Typical storage shed sizes range from anything fewer than 80 square feet up to 288 square feet (large). Therefore, the proposed storage shed is double the size of a typical large storage shed. The Applicants plan to have a PVC privacy fence installed along the west side of the property line.

The request to construct an accessory structure on the property is a reasonable use within the residential district. However, due to the existing patio in the southeast corner of the yard, the most logical location for the shed is west of the patio. However, it appears that the storage shed could be moved further east than what is being proposed. It should be noted that the presence of a patio does not constitute a practical difficulty.

Granting of this variance would be out of character with the locality because it would be significantly different than required building setback along a public right-of-way. It would also be the only accessory structure in the immediate area located so close to the street.

Therefore, based on the finding of fact in the staff report and submitted plans, staff recommends denial of the variance request because practical difficulties have not been demonstrated under the strict interpretation of the Ordinance.

However, if the Planning Commission is so inclined, a reduced variance could be considered, with a revised corner side yard setback of twenty (20) feet. A twenty (20) foot setback would be within five (5) feet of the front setback of 99 Berwick Place, and with the additional sixteen (16) foot boulevard, the impacts of the accessory structure would be mitigated and more closely follow the existing pattern of this locality. This would put the storage shed approximately thirty-six (36) feet from the edge of the public right-of-way.

Upon a question from Chair Rogosheske of the Applicant, Mr. Albert stated that they are hoping to build this shed to store their boat trailer and snowmobile trailer instead of having trailers stored all over their property.
4c. (Continued)

Chair Rogosheske opened the Public Hearing.

Mr. Tony Hoffman of 40 Berwick stated that he has several concerns. He noted that nothing of this size is in their neighborhood and that it doesn’t fit in the neighborhood. He stated that the property at 99 Berwick which abuts this property in their year yard, is vacant at this time, so those new owners don’t get a say in this request.

Hearing no further comments, the Public Hearing was closed.

Upon a question of the Applicant from Commissioner Stewart, the Applicant stated that they will access the shed through the front yard into the back yard by driving on the grass through the back yard.

Commissioner Knauss stated that a variance wouldn’t be needed if the applicant placed their shed at the southeast corner of their back yard.

Engineer Sachi stated that if the shed were moved 18’ over into the property, a variance would not be needed.

Commissioner Soler stated that he doesn’t have a problem with a shed on this property, but would be in favor of sliding the shed over 18’ further away from the proposed new fence.

Commissioner Frank concurs with Commissioner Soler regarding placing 18’ further into the yard.

Upon a question of the Applicant from Chair Rogosheske, Mr. Albert said that he will be installing a fence along the west side of his rear yard whether the shed is approved or not.

Upon another question of the Applicant from Chair Rogosheske, Mr. Albert said he would accept a decrease in his variance request.

Chair Rogosheske said he is not in favor of asking the applicant to have to move their pavers and play structure in order to insist that the shed be constructed in the southeast corner of the applicant’s rear yard.

Commissioners Frank, Soler and Maples are in support of supporting approval for a twenty (20) foot side yard setback instead of the original requested twelve (12) foot.

Commissioner Stewart stated that she supports a compromise.

Commissioner Knauss stated that she is not in support of any variance for this property.

Commissioner Chesak stated that he understands a parent needing to keep an eye on their children while they play in the back yard, but approving this request would be setting precedence. He also feels that the shed will be too high.
4c. (Continued)

After much discussion, upon motion by Commissioner Soler, seconded by Commissioner Maples, The Planning Commission recommends approval of a resolution supporting a variance of ten (10) feet from the required thirty (30) foot corner side yard setback for the purpose of constructing an accessory structure at the property located at 98 Dunbar Way. The Planning Commission finds support for the variance for the following reasons:

- The width of the right-of-way ensures that despite the variance, the structure will still be located 30 feet from the street.
- The configuration and current uses on the lot prevent the property owner from complying with the setback.
- Trees located along the rear property line and the proposed fence mitigates the impact of the setback variance.

The motion was approved by roll call vote: Yea: Soler, Maples, Stewart, Frank and Rogosheske Nay: Knauss and Chesak.
WHEREAS, the City of Mahtomedi received a request from Thomas and Anna Albert, on June 10, 2020 for a variance from the minimum required corner side yard setback for an accessory structure at the property located at 98 Dunbar Way. The property is legally described as follows:

LOT 5, BLOCK 5, ECHO LAKE ADDITION, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicant has requested a variance of 18-feet from the required minimum corner side yard setback of 30-feet for the purpose of building an accessory structure; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Application at their regular meeting on June 8, 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 place the accessory structure closer to the corner side property line than the Ordinance allows; while the use is reasonable, there is ample opportunity to move the shed out of the setback.
2. There are no conditions unique to this property that would necessitate a variance. This setback is applied to all corner lots throughout the City, and there is adequate space on the property to place the accessory structure in a location where it would meet all setbacks;

3. Because the variance request stems from the property owner's desire to place the accessory structure in the location on the property that is the most convenient for them, the difficulties are posed by the property owner, not the Ordinance;

4. Because all other structures in the area meet the minimum required setbacks along the public right of way, the setback variance would visually alter the character of the area;

5. The proposed variance is not in keeping with the spirit and intent of the Ordinance, as the intent of the Ordinance is to provide a minimum front yard setback along all street frontages.

Adopted by the City Council of the City of Mahtomedi on July 21, 2020.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk
CONSIDER APPROVAL – Request from Mike and Shanna Kempe for a Conditional Use Permit to allow for a reduction to the front and side yard setback requirements in order to add onto the home at 67 Grove Street and described as PID – 29.030.21.21.0049.

Planner Rybak introduced the item and provided a power point presentation. The property is zoned R1-E Historic Mahtomedi District and guided by the Comprehensive Plan for Low Density Residential.

The Applicant is requesting approval of a Conditional Use Permit to allow for a reduction in the front and side yard setback requirements within the R1-E Historic Mahtomedi District for the purpose of constructing an addition to the home and attached garage at the property located at 67 Grove Street.

The Applicants wish to construct an addition onto the existing home on the property that includes living space and garage space. The existing home is situated in the center of the buildable area of the lot and is approximately forty (40) feet from the front property line. The most practical location for an addition is to expand in the location of the existing garage.

The proposed front yard setback will be 27.5 feet from the front property line where a minimum of forty-five (45) feet is required, and the side yard setback will be four (4) feet, where seven (7) feet is required.

The proposed living space and garage addition conforms to all regulations, apart from the front yard and side yard setbacks for which a CUP has been requested.

The proposed living space and garage addition will not create any dangerous, injurious or noxious conditions and complies with the required performance standards, nor does it cause any safety issues for drivers on adjacent streets.

The proposed living space and garage addition would be similar to the existing pattern of homes and garages of adjacent properties.

The proposed addition is in keeping with the character of the area and will allow the Applicants to continue to reside on their property as their family expands.

The City Engineer has reviewed the application and has no considerations.

Therefore, based on the findings in this report and submitted plans, staff recommends approval of the requested conditional use permit based on the following conditions:
4d.  (Continued)

1. Any driveway expansion will be evaluated at the time of the building permit application must meet ordinance requirements for setbacks and width.
2. The height of the addition may not exceed 25 feet, measured as prescribed in the zoning ordinance.
3. A grading and sediment and erosion control plan must be submitted at the time of the building permit.
4. The Applicant must obtain documentation that the neighboring property owner is agreeable to removal of either of the trees that sit on the property line, partly on both properties.
5. Any trees removed must be replaced at a 1:1 ratio, with the species that is on the City’s approved tree species list.
6. A tree preservation and replacement plan will be required at the time of building permit.

Commissioner Knauss asked why this request is a Conditional Use Permit instead of a Variance.

Commissioner Soler stated that the RI-E Historic District was created which allows CUP’s instead of a variance, because a variance request requires a hardship, where a CUP does not.

Applicant, Shanna Kempe, stated that with their growing family, they are short on space in their home. They love the neighborhood and would hate to have to move.

Chair Rogosheske stated that he knows this neighborhood and that he thinks the addition would be very nice.

Chair Rogosheske opened the Public Hearing for comment.

Mr. Mike DeWeese, 63 Grove Street, stated that he supports what the applicant is proposing.

Hearing no further comments, the Public Hearing was closed.

Commissioner Chesak stated that he feels this addition would be a great addition to this home.

Upon motion by Commissioner Chesak, seconded by Commissioner Soler, the Planning Commission recommends the City Council approve the resolution approving a Conditional Use Permit for a reduction in the front and side yard setback for the purpose of constructing an addition onto their home at the property located at 67 Grove Street as outlined in Exhibit C. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Maples, Stewart, Chesak, Frank and Rogosheske. Nay: None.
CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _________

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
REDUCTIONS TO THE MINIMUM FRONT AND SIDE YARD SETBACK
REQUIREMENTS AT THE PROPERTY LOCATED AT 67 GROVE ST, PID
29.030.21.21.0049

WHEREAS, the City of Mahtomedi received a request from the Applicants Mike and Shanna Kempe on June 11, 2020 for a conditional use permit to allow for a reduction in the required front setback from 45-feet to 27.5-feet, and a reduction in the required side yard setback from 7-feet to 4-feet at the property located at 67 Grove St. The property is legally described as follows:
LOT 35 AND THE EASTERLY 20 FEET OF LOT 34, BLOCK 2, LAKEVIEW, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicants have requested a conditional use permit for a reduction to the required front and side yard setbacks to allow for the construction of an addition to the principal structure; and

WHEREAS, the proposed addition meets all other zoning requirements for the R1-E Historic Mahtomedi District; and

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Application at their regular meeting on July 8, 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 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 a reduction in the required front yard setback and an increase in allowable building coverage.

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 addition is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;

4. The proposed addition 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. Any driveway expansion will be evaluated at the time of the building permit application. It must meet ordinance requirements for setbacks and width.

2. The height of the addition may not exceed 25 feet, measured as prescribed in the zoning ordinance.

3. A grading and sediment and erosion control plan must be submitted at the time of a building permit.

4. The Applicant must obtain documentation that the neighboring property owner is agreeable to removal of either of the trees that sit on the property line, partly on both properties.

5. Any trees removed must be replaced at a 1:1 ratio, with a species that is on the City’s approved tree species list.

6. A tree preservation and replacement plan will be required at the time of a building permit. This will detail removals, replacements and any protection measures that will be put in place to protect remaining trees through the construction process.

Adopted by the City Council of the City of Mahtomedi on July 21, 2020.

______________________________
Judson Marshall, Mayor

Attested:
Jerene Rogers, City Clerk
5. **STAFF REPORTS – None Scheduled**

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

Copies of the recent City Council and other City Commission minutes may be found on the City’s website.

7. **ADJOURNMENT**

There being no further discussion, Commissioner Soler moved, and Commissioner Maples seconded the motion to adjourn the regular Planning Commission meeting at 8:15 p.m. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Maples, Stewart, Chesak, Frank and Rogosheske. Nay: None.

Respectfully submitted by Luann Tembreull, Office Assistant.

**APPROVED:**

__________________________
ALEX ROGOSHESKE
CHAIRPERSON

**ATTESTED:**

__________________________
LUANN TEMBREULL
OFFICE ASSISTANT