



**MINUTES
PLANNING COMMISSION
March 16, 2021 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m. by Chairperson Nichols-Matkaiti. Due to the COVID-19 pandemic this meeting was held virtually.

II. Roll Call

Members Present.....Chairperson Erin Nichols-Matkaiti, and Commissioners Liza Allen, Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, Tim McQuillan, and Eric Nelsen

Members Absent.....None

Also PresentBen Gozola (Assistant Director of Community Assets and Development) and Councilmember Abdullahi Abdulle

III. Approval of Agenda

Chair Nichols-Matkaiti requested the addition of Item C under New Business Recommending a Chair and Vice Chair for 2021-2022.

Motion by Commissioner Frischman, seconded by Commissioner Allen, to approve the March 16, 2021 agenda as amended.

A roll call vote was taken. Approved 7-0.

IV. Approval of Minutes

Minutes from February 16, 2021

Motion by Commissioner McQuillan, seconded by Commissioner Enanaa, to approve the February 16, 2021 meeting minutes as presented.

A roll call vote was taken. Approved 7-0.

V. Report from City Council Liaison

Councilmember Abdulle introduced himself to the Planning Commission noting he was a Somali immigrant that has been living in New Brighton for the past five years and has been in the United States for the past 10 years. He explained he went to Minnesota State University in Mankato where he studied civil engineering and has a masters in urban planning. He noted he worked for the City of Minneapolis at this time. He reported he was raising his young family with two small boys in the community.

VI. Public Hearing

None.

VII. Business Items

(A) Minor Subdivision: Request from Do Nguyen to authorize removal of an existing house to legally subdivide the property at 2530 Silver Lake Road into two (2) buildable parcels – PID 18-30-23-21-0032.

Assistant Director of Community Assets and Development Gozola reported Do & Bryan Nguyen are seeking approval to remove the existing home at 2530 Silver Lake Road in order to split the land into two conforming buildable parcels. Provided all improvements are removed leaving no nonconformities to the new lot line, this is a permissible lot split subject to conditions. Staff provided further comment on the request and recommended approval of the Minor Subdivision, based on the findings of fact and subject to the following conditions:

1. The land must be cleared of all improvements as a condition of any subdivision approval
2. Park dedication in the amount of \$1,825 shall be paid prior to the subdivision being filed with Ramsey County.

3. Regarding lot access for both Parcel A and Parcel B:
 - a. Only one driveway access will be allowed to Silver Lake Road.
 - b. The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive to the north.
 - c. The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.
4. Engineering comments in the 3/9/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
5. A notice of intent shall be submitted to the Rice Creek Watershed District if planned projects will disturb more than 5,000 square feet of land.

Chair Nichols-Matkaiti stated this appeared to be a straight forward request. She asked if staff provided the conditions for approval to the applicant. Assistant Director of Community Assets and Development Gozola explained staff had forwarded this information to the applicant.

Motion by Commissioner Frischman, seconded by Commissioner Allen, to recommend the City Council approve the proposed subdivision based on the findings of fact and recommended conditions.

A roll call vote was taken. Approved 7-0.

(B) Ordinance 880: Short Term Rentals. An ordinance to establish permit requirements for short-term (14-day or less) rental properties.

Assistant Director of Community Assets and Development Gozola reported short term rentals are currently defined as any dwelling being rented for a period of 14 days or less. Anyone who wants to conduct a short term rental must acquire a permit each year. Exceptions would be renting of individual rooms, and if the owner lives at the property and will be present during the rental period. It was noted all short term rental permits would expire on December 31st of each year. Permits obtained between November 1st and December 31st run through December 31st of the following calendar year. All short term rentals must have a resident agent who can/will respond to problems. Documentation of occupants is required and the list must be made available to the city upon request. Specific information must be posted in the rental for occupant's reference (contact info for the agent, property address, diagram of emergency exits). The owner is responsible for occupants adhering to all applicable ordinances & laws. A first offense requires owner to take actions necessary to prevent further violations. A second offense within 365 days of an initial violation results in immediate permit suspension and review by the City Council. Council can then reinstate, amend conditions, or revoke the short term rental permit after a public hearing. Properties with revoked permits cannot obtain a new permit for 365 days. Persons who have a permit revoked cannot be issued a new short term rental permit for 365 days. Staff commented further on other communities are responding to short term rentals and recommended approval of the proposed Ordinance.

Commissioner Biedenfeld asked if the non-owner occupied dwelling referred to the owner not being present or was this not a primary residence. Assistant Director of Community Assets and Development Gozola reported if the owner was present at the time of the rental, this type of permit would not be required. However, if this was a secondary residence, a short term rental permit would be required.

Commissioner Biedenfeld questioned if the offenses would be counted per address or per license holder. Assistant Director of Community Assets and Development Gozola stated this would be counted per property.

Commissioner Biedenfeld inquired if the permit lasted for one year, or was a new permit required for each rental. Assistant Director of Community Assets and Development Gozola stated one permit was required for a calendar year.

Commissioner Enanaa asked how the ordinance would be communicated to the public. Assistant Director of Community Assets and Development Gozola explained staff looked at the AirBNB's and Vrbo's in the City and had sent letters to these properties.

Commissioner Frischman questioned why the City was considering a permit and not a license. Assistant Director of Community Assets and Development Gozola stated the City did not want to get into inspections for short term rentals. He commented further on how the City of Roseville was addressing short term rentals.

Commissioner Frischman discussed the enforcement piece for short term rentals. She questioned if a fire inspection should be required. Assistant Director of Community Assets and Development Gozola explained if the City went the licensing route, a fire inspection would be required. However with the permit, the City's intent was to gather information on who was renting their home out on a short term basis.

Commissioner Frischman inquired if the Public Safety Commission had addressed this matter as well. Assistant Director of Community Assets and Development Gozola commented he was not the staff liaison for the Public Safety Commission and he was uncertain if this group would be reviewing the short term rental ordinance.

Commissioner McQuillan asked how many units were being rented short term in New Brighton at this time. Assistant Director of Community Assets and Development Gozola estimated the City had four to six homes being rented.

Commissioner McQuillan stated when he first read this, he was concerned that the City was looking for an issue but after reading through it fully, he understood the City would have a minimal impact on several homes.

Commissioner Nelsen questioned where staff came up with the 30 minute drive time from the short term rental home. Assistant Director of Community Assets and Development Gozola commented he believed this was a reasonable amount of time to address concerns at short term rental properties.

Chair Nichols-Matkaiti suggested the language require property owners to either live or work within 30 minutes of the property, but not both. Assistant Director of Community Assets and Development Gozola explained this was not set in stone, but he believed 30 minutes was a good starting point.

Commissioner Frischman stated she was pleased to see the City putting some sort of regulation in place for short term rentals.

Commissioner McQuillan agreed the City was moving in the right direction.

Commissioner Nelsen inquired how residents would know this Ordinance was in place and a permit had to be acquired prior to renting out their home. He wondered how staff would monitor the use of AirBNB's or Vrbo's in the City. Assistant Director of Community Assets and Development Gozola commented this has not been fully thought through by staff, but periodically staff can visit the sites to see what pops up and staff can reach out to new rental properties.

Councilmember Abdulle discussed how the Council would address problem properties that are short term rentals. He reiterated that the Council does not anticipate there would be a lot of concerns but wants to have regulations in place, should a concern arise. He thanked the Planning Commission for their questions and comments regarding this Ordinance.

Assistant Director of Community Assets and Development Gozola thanked the Commission for their feedback and stated he would pass this information along to the City Council next week.

(C) Election of Chair and Vice Chair for 2021-2022.

Assistant Director of Community Assets and Development Gozola requested the Commission make a recommendation for Chair and Vice Chair for the remainder of 2021 and first part of 2022.

Motion by Commissioner Biedenfeld, seconded by Commissioner Allen, to recommend the City Council appoint Erin Nichols-Matkaiti Chair of the Planning Commission for 2021-2022.

A roll call vote was taken. Approved 7-0.

Motion by Commissioner McQuillan, seconded by Commissioner Allen, to recommend the City Council appoint Jeanne Frischman Vice Chair of the Planning Commission for 2021-2022.

A roll call vote was taken. Approved 7-0.

VIII. Adjournment

Motion by Commissioner Frischman, seconded by Commissioner Allen, to adjourn the meeting.

A roll call vote was taken. Approved 7-0.

Meeting adjourned at 7:31 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development