



**MINUTES
PLANNING COMMISSION
October 19, 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.

II. Roll Call

Members Present.....Chairperson Erin Nichols-Matkaiti, Commissioners Liza Allen, ,
Youssef Enanaa, and Jeanne Frischman,

Members Absent.....Commissioners Todd Biedenfeld, Eric Nelsen, and Tim
McQuillan

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

III. Approval of Agenda

Motion by Commissioner Frischman, seconded by Commissioner Enanaa, to approve the October 19, 2021 agenda as presented.

Approved 4-0.

IV. Approval of Minutes

Minutes from September 21, 2021

Motion by Commissioner Frischman, seconded by Commissioner Allen, to approve the September 21, 2021 meeting minutes as presented.

Approved 4-0.

V. Report from City Council Liaison

Councilmember Abdulle provided the Commission with an update from the City Council. He stated the City recently hired a Diversity, Equity and Inclusion Coordinator. He explained this individual has deep roots in the community and would greatly enrich the City of New Brighton. He reported the Council supported the US Bank TIF and proposed development moving forward at its last meeting. He explained 10% of the units within this development would be affordable at 60% AMI.

VI. Public Hearing

None.

VII. Business Items

(A) Special Use Permit: Request from Mike Blomquist and Raynie Sutherland for authorization to construct a garage larger than 624 square feet meeting all other zoning requirements on the property at 720 McCallum Road – PID 32-30-23-33-0073.

Assistant Director of Community Assets and Development Gozola reported Mike Blomquist and Raynie Sutherland, owners of 720 McCallum Drive, are seeking to construct a detached garage on their property “...to enclose multiple personal belongings so they are out of sight and properly stored.” Neighbors are adamantly opposed to the application citing mainly an alleged illegal home occupation currently operating from the property. The item was tabled for consideration in September as the proposed two-story garage at the time was deemed to not comply with codes, and the applicant was given a chance to amend the plans prior to a final recommendation begin made for Council consideration. Staff provided further comment on the new plan for a one-story garage and recommended approval of the Special Use Permit, based on the findings of fact and subject to the following conditions:

1. The Special Use Permit shall authorize the location and size of garage as shown on the Certificate of Survey for 720 McCallum Drive dated 9/20/21; any changes to the location or size of the garage addition shall require an amendment to this permit.
2. Roof and exterior color and material(s) must be consistent and complimentary with the principal structure.
3. Final height of the detached garage must be consistent with the revised plan set submitted on 10/14/21 or as may be amended by the Planning Commission or City Council under any approval.
4. No commercial or home occupation activity shall be conducted within the detached garage.
5. Final building plans must show the resulting drainage patterns around the structures will not adversely impact neighboring properties.

6. The nonconforming shed shall be removed from the property entirely, or relocated to a conforming location elsewhere on the property
7. The garage shall be in compliance at all times with the City Code and Zoning Code.
8. Unimproved surfaces around the garage disturbed before and during this project shall be restored with typical residential landscaping (grass, planting beds, etc.).
9. Prior to issuance of a building permit, the applicants shall demonstrate to the satisfaction of the City that Twin Cities Construction Company LLC, or any other business, is no longer being illegally being run as a home occupation from 720 McCallum Drive.
10. The applicants agree and acknowledge they fully understand the City's home occupation regulations, and will always operate within such regulations if/when operating a home occupation.
11. If the applicants are found to be out of compliance with home occupations requirements at any time in the future:
 - a. The City will proceed immediately to citing the property for separate violations for each day a business is illegally operating; and
 - b. If the garage is used in any way in support of an illegal home occupation, the violation shall be grounds for revocation of this special use permit by the City Council. Should the SUP be revoked, the applicants agree to remove the garage at their own expense within one year of the revocation action.

Chair Nichols-Matkaiti requested clarification on Condition 1 and asked if this referred to the area of the garage. Assistant Director of Community Assets and Development Gozola reported this was the case.

Commissioner Frischman asked if the purpose of having the building 16 feet was to have more storage space inside. Assistant Director of Community Assets and Development Gozola explained one foot was for the additional height on the garage door in order to allow the applicant to get his vehicle in the garage. He stated the need for the additional space would have to be deferred to the applicant.

Commissioner Frischman discussed how the proposed garage would be built into a hill and asked what the height difference on this building would be if that extra foot were removed. Assistant Director of Community Assets and Development Gozola stated the new garage would be six inches taller than the current garage.

Chair Nichols-Matkaiti stated she could support an eight foot garage door for the accessory structure. She asked if the Commission could support the overall height of the garage being 18 inches taller versus six inches taller than the existing structure.

Commissioner Frischman reported this request was before the Commission for consideration because it was more than 624 square feet. She noted if the applicant would have requested a garage smaller than 624 square feet, the Commission wouldn't even be considering this matter. Assistant Director of Community Assets and Development Gozola stated this was correct.

Chair Nichols-Matkaiti asked if staff had an idea on what was an acceptable level when it comes to height differential. Assistant Director of Community Assets and Development Gozola commented he couldn't say there was a strict line that was followed. He noted since he began with the City in 2018 there has not been a garage that has gotten this much attention.

Chair Nichols-Matkaiti explained the proposed structure was on the opposite side of the house from the garage and was setback. She did not believe the 18 inches would be noticeable. She commented if the Commission believes the building was compatible, the Commission can move the item forward. However, if the Commission believes the structure was not compatible, the Commission can recommend denial with stated rationale.

Commissioner Frischman stated she would have loved for this garage to come in at 624 square feet and for the Commission to not have to make a determination on this matter. However, because the garage came in larger than was required, her inclination was to deny the request. She did not want to infringe on the neighborhood and did not want to create an enforcement problem for the City. She indicated she would have liked for this garage to come in at 624 square feet.

Chair Nichols-Matkaiti commented this was not the option before the Commission for consideration.

Commissioner Enanaa stated the code requires the garage to be matching or compatible and noted the proposed garage does not match.

Commissioner Allen asked if staff had a map showing the location of the proposed garage. Assistant Director of Community Assets and Development Gozola reviewed an aerial of the property and noted the location of the proposed garage. He reported all setback requirements were being met.

The Commission reviewed the eight criteria that had to be considered with special use permits.

Commissioner Enanaa asked if the application was aware of the 11 conditions being recommended by staff. Assistant Director of Community Assets and Development Gozola reported staff made the applicant aware of the 11 conditions.

Commissioner Frischman questioned if the request could be denied based on criteria 7. Assistant Director of Community Assets and Development Gozola stated this was not typically a trigger for denial, but rather could be grounds for requiring additional screening of the structure.

Further discussion ensued regarding staff's interpretation of matching or compatible.

Chair Nichols-Matkaiti asked if the Commission believed a garage that was 18 inches taller than the previous structure was a compatibility concern.

Commissioner Enanaa believed this to be true.

Commissioner Frischman stated she was struggling with supporting this project moving forward.

Motion by Commissioner Frischman, seconded by Commissioner Allen, to recommend the City Council deny the requested special use permit based on the following findings of fact: Criteria 6 requires roof and exterior colors be consistent and complimentary with the principal structure and the roof as proposed would be taller than the attached garage on the existing home and therefore we find it not compatible with the property as proposed.

Motion Failed 2-2.

Assistant Director of Community Assets and Development Gozola explained the split recommendation would be forwarded to the Council and the differences of opinion would be described.

VIII. Adjournment

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

Approved 4-0.

Meeting adjourned at 7:21 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola", written in a cursive style.

Ben Gozola

Assistant Director of Community Assets and Development