

**CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY, MINNESOTA**

**PLANNING COMMISSION MINUTES  
February 24, 2009**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, February 24, 2009, in the Council Chambers at City Hall, 1101 Victoria Curve at 7:00 P.M.

The following Commissioners were present: Chair Lally, Commissioners McManus, Norton, Povolny, Viksnins, and Hennes. Commissioner Field was excused. Those present were Civil Engineer Ryan Ruzik, Assistant to the City Administrator Jake Sedlacek, and Planner Steve Grittman. Minutes were recorded by Rebecca Shaffer.

**Election of New Officers**

Chair Lally called for nominations for the 2009 officers.

**COMMISSIONER HENNES NOMINATED COMMISSIONER JOE LALLY FOR THE OFFICE OF CHAIR. COMMISSIONER NORTON SECONDED THE NOMINATION.**

**AYES: 5  
NAYES: 0  
ABSTAIN: 1 (Commissioner Lally)**

**COMMISSIONER NORTON NOMINATED COMMISSIONER MIKE POVOLNY FOR THE OFFICE OF VICE CHAIR. COMMISSIONER VIKSNINS SECONDED THE NOMINATION.**

**AYES: 6  
NAYES: 0**

**Approval of January 27, 2008 Minutes**

**COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER VIKSNINS, TO APPROVE THE MINUTES OF JANUARY 27, 2009 AS PRESENTED.**

**AYES: 6  
NAYES: 0**

**Hearings**

**PLANNING CASE #09-01  
Lincoln Danforth, Yardscapes Inc. for Tracy Crocker  
Wetlands Permit to Install Fence**

Planner Steve Grittman reintroduced this case, which was tabled from the January 27, 2009 Planning Commission meetings. The property is located at 665 Hidden Creek Trail, which is single family home, zoned R-1 and guided for low density residential.

Mr. Grittman said the applicant is requesting approval of a wetlands permit that would accommodate the construction of a fence within the wetland buffer in side portion of the property. Mr. Grittman explained the layout of the home and the proposed landscaping to be done, and noted that part of the proposed fence would run approximately 50 feet from the wetland, which is within the required 70 foot setback to the wetland. Mr. Grittman said there is also a conservation easement around the wetland as well.

Mr. Gritman said that there was some concern expressed during the public hearing on January 27<sup>th</sup>. After hearing the responses from the public hearing, the Planning Commission voted to table this discussion until the February 24<sup>th</sup> Planning Commission meeting to allow time for the applicant and the home owners association to have more dialogue. The city received a letter the next day from the Hidden Creek Homeowners Association informing the city that they no longer in opposition to this request for a permit.

Commissioner McManus asked Mr. Gritman if there have been other cases where domestic grasses were allowed within the buffer area. Mr. Gritman said this is true and it is a common practice to have natural grasses planted in these areas.

Commissioner Viksnins said he wanted to make sure for the record that the Planning Commission will be making their recommendation based on the merits of the case at hand, and that the only reason it was tabled in January was to allow for further discussion and to encourage cooperation with the home owners association.

It is noted that the applicant was not in attendance. Chair Lally therefore opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

**COMMISSIONER POVOLNY MOVED, SECONDED BY COMMISSIONER VIKSNINS, TO CLOSE THE PUBLIC HEARING.**

**AYES            6**  
**NAYES         0**

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER MCMANUS, TO RECOMMEND APPROVAL OF THE WETLANDS PERMIT AS PROPOSED WITH THE CONDITIONS AS OUTLINED IN THE PLANNERS REPORT.**

**AYES            6**  
**NAYES         0**

**PLANNING CASE #09-04**  
**Boyd Knudsen, Knudsen Carpentry, Inc**  
**629 Hampshire Drive**  
**Variance to the Front Yard Setback**

Planner Steve Gritman reviewed a map showing the location of 629 Hampshire Drive, which is a single family parcel, zoned R-1 Single Family and occupied by a single family home. The applicant, Knudsen Carpentry, approval of a variance to the required front yard setback of 30 feet for the construction of an open porch with a roof for the homeowner, Dawn Caruso.

The applicant will be replacing the existing concrete stoop. The existing roof is non-conforming and encroaches into the setback by 3½ feet. This roof and the pillars will be removed, and a new roof and pillars will be constructed that will only reach up to the second story and extend 7 feet from the home.

Mr. Gritman said the city has, in the past, granted some front setback encroachment variances where applicants are seeking better protection from the elements. In this case, the front door of the home currently is exposed to intense heat from sunlight, and the property owner has replaced the door three times. Staff feels that the hardship is the intense exposure to the sun as well as the need for protection from rain/snow as well, and recommends approval of the variance as stated in the Planners Report.

Mr. Boyd Knudsen, 1830 Stillwater St., White Bear Lake, MN, reviewed a site plan and drawing of the proposed addition.

Commissioner Povolny asked about the existing posts. Mr. Knudsen explained how the existing posts and roof will be taken down and new ones constructed over the existing footings, and the that new construction will only go up to the bottom of the second floor level.

Chair Lally opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER POVOLNY, TO CLOSE THE PUBLIC HEARING.**

**AYES           6**  
**NAYES         0**

Commissioner McManus said he does not see the string rule coming in to play as the road is curved.

**COMMISSIONER HENNES MOVED, SECONDED BY COMMISSIONER MCMANUS, TO APPROVE THE VARIANCE, AS PROPOSED.**

**Commissioner Norton asked for a friendly amendment to add that the motion is based on the findings of fact as outlined on Page 4 of the Planners Report. Commissioner Hennes accepted the friendly amendment.**

**AYES           6**  
**NAYES         0**

**PLANNING CASE #09-05**

**Eric Bergum, Krech Exteriors**

**1199 Culligan Lane**

**Variance to the "String Rule" Front Yard Setback and Critical Area Permit**

Mr. Grittmann shared a map showing the location of 1199 Culligan Lane, which is zoned as Single Family Residential and is located into the Mississippi River Corridor.

The property owners are seeking approval to have a roof constructed over their front stoop of the existing home. The hardship is being identified as having protection from the elements as well as making the home aesthetically pleasing.

Mr. Grittmann showed how the home is situated between two other homes, and how the string rule would apply. Mr. Grittmann said the city has, in the past, granted some front setback encroachment variances where applicants are seeking better protection from the elements. In this case, the front door of the home currently is exposed to intense heat from sunlight, and the property owner has replaced the door three times. Staff feels that the hardship is the intense exposure to the sun as well as the need for protection from rain/snow as well, and recommends approval of the variance as stated in the Planners Report.

As the property is located within the Critical Area, a permit is also needed. As part of this project, no landscaping or paving will be done, therefore the project should not have any negative impacts in the area. Staff also recommends approval of the Critical Area Permit as presented.

Commissioner McManus asked how the neighbors felt. Mr. Sedlacek indicated the list of residents that were notified of this project and the public hearing. Mr. Grittmann said he has not received any input by any of the neighbors.

Commission Viksnins asked Mr. Grittmann to again describe how the string rule would apply and the hardship. Mr. Grittmann drew a line on the map indicating how the string rule would apply, and said the hardship has been identified as protection from weather and providing a more pleasing look to the home. Commissioner Viksnins said an additional finding would also be that the way the home is placed on the lot would cause a hardship to the string rule, and that the deterioration of the home would also be a hardship.

Mr. Eric Bergum, Krech Exteriors, shared photos of the home, showing the water damage to the home from the rain.

Mr. Povolny asked if there were footings under the posts. Mr. Bergum said that was correct.

Chair Lally opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER VIKSNINS, TO CLOSE THE PUBLIC HEARING.**

**AYES               6**  
**NAYES            0**

**COMMISSIONER VIKSNINS MOVED, SECONDED BY COMMISSIONER NORTON, TO APPROVE THE REQUEST FOR A VARIANCE AND CRITICAL AREA PERMIT BASED ON THE FINDINGS OF FACT INDICATED IN THE PLANNERS REPORT ON PAGE 5, WITH THE IDENTIFICATION OF A HARDSHIP BEING THE DETERIORATION OF THE HOME DUE TO SOUTHERN SUNLIGHT EXPOSURE AND TO PROTECT THE HOME FROM DAMAGE DUE TO THE ELEMENTS..**

**AYES               6**  
**NAYES            0**

**Verbal Review**

Mr. Sedlacek gave the following verbal review:

PLANNING CASE #09-01           Lincoln Danforth, Yardscapes, Inc.           Wetlands Permit

- Tabled by the City Council and sent back to the Planning Commission

PLANNING CASE #09-02           Paul and Megan Plum           Variance to the Front Yard Setback

- Approved by the City Council as recommended by the Planning Commission

PLANNING CASE #09-03           Old Fire Hall           Site Rezoning and Comp. Plan Amend.

- Residents were re-notified of the public hearing to be held at the February 17, 2009. Four homes were represented and expressed their opposition. These residents expressed their concerns about the rear of the existing buildings and the poor maintenance issues on those buildings. The City Council then decided to withdraw the application and continue keeping the property on the market as a residential use.

Other updates:

- Mr. Sedlacek provided information of government training courses available to commission members which is paid by the city.
- Mr. Sedlacek sent copies of the zoning ordinance to the commissioners for review. Any feedback / edits are due back to Steve Gritman by March 23<sup>rd</sup>.
- Spring Cleanup – scheduled for May 2<sup>nd</sup>.

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER HENNES, TO ADJOURN THE MEETING AT 7:30 PM**

Respectfully submitted,

Rebecca Shaffer, Recording Secretary