

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

**PLANNING COMMISSION MINUTES
April 22, 2008**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, April 22, 2008, in the Council Chambers at City Hall, 1101 Victoria Curve at 7:30 P.M.

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

Approval of March 25, 2008 Minutes

Commissioner Field moved, seconded by Commissioner Norton, to approve the minutes of March 25, 2008 as presented.

**AYES 6
NAYES 0
ABSTAIN 1 (Commissioner Viksnins)**

Hearings

**PLANNING CASE #08-10
Nicholas Henke / Dakota Fence
1911 Knob Road
Wetlands Permit**

Mr. Grittmann reviewed a map showing the location of 1911 Knob Road, which is a single family parcel. The property is both zoned and guided for low density residential uses and is occupied by a single family home. The applicant is proposing to construct a fence in the rear portion of the property, enclosing most of the rear portion of the property and the end of the fence will extend into the corner of the house (approx. 49 ft to the edge of the wetland).

The applicants are proposing a black chain link fence and the only disturbance to the soil will be from placing the posts into the ground. There will be no alteration to the grade and no other disturbance to that area and Staff is recommending approval.

Nicholas Henke, 1911 Knob Road, introduced his wife and contractor, Ron Miller from Dakota Fence Minnesota.

Commissioner McManus asked to see a picture of the fencing. Mr. Miller presented a picture for review.

Commissioner Viksnins moved, seconded by Commissioner Norton, to approve close the public hearing.

**AYES 7
NAYES 0**

Commissioner McManus moved, seconded by Commissioner Field, to approve the wetlands permit as presented.

**AYES 7
NAYES 0**

PLANNING CASE #08-11
Mendota Mall Associates LLP
Trunk Highway 110 and Dodd Road
Preliminary PUD Review

Commissioner Field asked to make an announcement before the discussion begins. Commissioner Field said he has concurred with Staff and the City Attorney that he is the Chair-elect for the Dodge Nature Center and they advised that Commissioner Field has no conflict of interest although the property is adjacent to the property in question.

Mr. Gritman reviewed an aerial photo showing the location of 1911 Knob Road.

Mr. Gritman reviewed some history, Staff comments, and details of the preliminary plan:

- This is a project that has been before the City before in a concept stage
- Tonight's request is for a preliminary plan PUD and preliminary plat that would create the individual parcels and rezoning request of the property that would rezone all of the parcels to mixed use PUD.
- In regards to the concept plan, the City Council, the Planning Commission and Staff has given considerable amount of feedback to the applicant. Staff has worked with the applicant on specific identified items that were identified by the Council.
- It was noted that the area includes a McDonald's restaurant and an Amoco gas station.
- There is strip of land to the northeast that is owned by MnDOT and separates the parcel from the Dodge Nature Center.
- The applicant has two plans to propose at this time, one is an overall future development site plan and the other is a Phase I site plan that is part of the initial PUD consideration.
- A portion of the existing strip mall will be removed to accommodate the Walgreen's building on the west side of the property.
- The first phase of the project includes a retail building, combination retail / restaurant building along Highway 110 in concert with the new access from Highway 110. The main access to the project would be off Dodd Road. The City had indicated that the applicant makes an effort to create a streamlined traffic pattern, but one that also broke some direct access between South Plaza and Highway 110. There were some concerns of potential cut-through traffic.
- Future phase plans include office / retail in the northwest corner, office / retail and housing in the southeast corner. A child care facility is planned for the southern portion and a future office building is planned for the southwest corner.
- Additional staff comments in detail can be found in the Staff Report. There are a number of outstanding issues and Staff is not recommending approval but agree that the applicant is getting closer:
 1. The proximity of buildings to Highway 110.
 2. Treatment of the creek / drainage. A letter from Dakota County was received just before the meeting indicating that they have interest in this area to establish a greenway area through this area and identify it as a potential route and would like to have more discussion on this.
 3. Clustering of buildings and creation of a unique, integrated mixed use development. Still concerns about the relationships of the buildings. This is an automobile-related shopping center and is different from what the Council wants to see.
 4. Architectural treatment of the existing building, including both materials and building elevations.
 5. Architectural treatment of the proposed buildings, especially the east exposure of the retail building facing the entrance drive.
 6. The City will not have received plat comments from MnDOT as of the public hearing date.
 7. The grading plan is unclear as to the quantity of import or export excavation amounts, and may require a separate conditional use permit for this activity.

Commissioner Field asked if the tree buffer to the east is on the MnDOT right of way. Mr. Gritman said that was correct, and this would obviously require approval from MnDOT. One of the concerns is long term maintenance. Commissioner Field asked if anything was submitted from MnDOT. Mr. Gritman said he has not seen anything.

Commissioner Hennes asked Mr. Gritman if he has a general sense of how the water will work its way through the property. Mr. Gritman said it is a little vague and the applicant has identified an area with a trail and there are some discussions points that talk about restoring the drainage way as a nature greenway, using this as an aesthetic item. More discussion is needed on this topic.

Commissioner Hennes asked if right of way can be used for trails. Mr. Gritman said it can be.

Commissioner Hennes said he is curious to know what motivated the change in the pond. Mr. Grittmann said he presumes it is from some requests that were made.

Commissioner Viksnins asked if the Planning Commission is being asked to comment on the entire unit development, or simply the first phase. Mr. Grittmann said the Planning Commission is being asked to do a little of both. The overall site plan would stand as a concept plan for future phases, and the Planning Commission will see those plans over time as buildings come in to the site. Mr. Grittmann said the Planning Commission is also being asked to look at Phase I as a finished project.

Commissioner Viksnins asked if Mr. Grittmann was comfortable with the setbacks on Highway 110. Mr. Grittmann said the PUD is intended in allowing flexibility, and it's Staff's opinion that the lesser setbacks in this case are a tradeoff for eliminating the present hardscape parking lot adjacent to the Highway 110 exposure. Mr. Grittmann said it is his opinion that the building should be the front door to the project rather than the parking lot, or an area that is felt should be screened with landscaping. It is the Council's view to have extra space, and more green space.

Commissioner Viksnins asked about the clustering and taking the two retail buildings and combining into one larger building, and asked if this has been discussed in more detail. Mr. Grittmann explained how this plan shows the applicant's attempt to bring these buildings closer, giving a larger issue to the pedestrian emphasis. Even though there are sidewalks, this parcel is more auto-driven than pedestrian friendly; the parking lots are separating the pedestrians from the buildings.

Commissioner Viksnins asked Mr. Grittmann what he would like to see that is not in this current draft. Mr. Grittmann said he believes the front line of the existing building does benefit from the side improvements, and believes that it would benefit from additional vertical mix (this is a very linear / horizontal building). The back of the building is still dominated by the existing block construction, and needs to be made to look like more on an entry to the building.

Commissioner McManus said he sees that the developer and the architects have spent hundreds of hours planning this project, and now a letter was received from Dakota County on the day of the public hearing which brings up some very serious matters of interest and concern. These issues include green space issues and recreational issues, and if he were the developer, he would ask where these people were weeks ago before time was spent on this parcel. The Planning Commission should take some time now to see what the County thinks. Commissioner McManus said it would have been very helpful if the County would have taken its interest in this project long before this meeting. Commissioner McManus said regardless of the timing, he does not see how this project can proceed without looking at these issues – they seem very interested in the creek, pathways, and the human quality of this project. Commissioner McManus said he wonders if it would be wise to table this project until more discussion and information is obtained.

Commissioner McManus said the huge parking lot in front of the existing mall still remains and does not believe the applicant has thought enough on this. Commissioner McManus said he still sees a strip mall and sees some real serious concerns.

Chair Lally said the Planning Commission received additional letters before the meeting that were not included in their packets. These letters include: an email from Kari Gill dated April 18th, Dakota County CDA; a letter from Gregory Konat, Director of the Dakota County Physical Development Division; a letter from Howard Paster, dated April 18th; which included letters from David Koch of The Koch Group, LLC; and Richard of CAMBRIDGE Commercial Realty

Chair Lally reviewed the 7 points in the Planners Report and said the only change that was identified in the report was the location of the pond. Chair Lally said it would seem that the applicant, after all this time spent on the plans and discussions, would have addressed these issues by now and incorporate some of those concerns into a different plan instead of submitting the same plan with a minor modification. Chair Lally said if there are still a lot of outstanding issues, as there appears to be, he does not know whether the Planning Commission is in the best position to make a decision at this time.

Chair Lally said he understands the flexibility with the PUD, and said the impervious surface was only 1% higher than the requirement. Chair Lally said he would think MnDOT may want to comment on the use of the right of way, and perhaps may want some compensation for this property.

Commissioner McManus said he does not know how he could vote one way or another at this time and asked what would happen if the Planning Commission votes to table this application. Mr. Grittmann said the zoning ordinance gives the Planning Commission some time to respond, the Council cannot act on a request that the Planning Commission has not made a recommendation on. Mr. Grittmann said he believes there is sufficient time to table and come back at the next Planning Commission meeting for discussion before the Council could act.

Commissioner Field said he believes this project has been around for many times, and suggested to proceed with the public hearing, keeping it open until the May Planning Commission meeting.

Commissioner Norton asked if the applicant would be able to bring back a new plan in May. Mr. Gritman said the applicant would have to keep the same plan, but could bring along a revised plan as well. In addition, the 60-day rule can be expanded to 120 days.

Commissioner McManus said this project will most likely be around for 150 years, and believes all parties can take the time to do it right. Assistant to the City Administrator Jake Sedlacek said the application date was April 15th; the 60-day rule would expire on June 14th. Commissioner Field said the Planning Commission has a lot of time, and pointed out that Dakota County's response was a little less than a week of when the final plat was submitted.

Chair Lally said there seems to be plenty of time to deal with this tonight and go to the May meeting if necessary.

Commissioner Field said it is his understanding that the Planning Commission does not have a complete analysis of the traffic report.

Chair Lally asked if there were any desires to table this case. Commissioner Field said he would like to proceed with the public hearing at this time as there may be people in the audience wishing to speak to this.

Chair Lally asked the applicant to comment, and asked Mr. Howard Paster if he had any issues with Chair Field's position with Dodge Nature Center.

Mr. Howard Paster, Paster Enterprises, said he did not have any objection to Commissioner Field's participation in this case.

Mr. Paster presented a PowerPoint presentation outlining what has been their history of this case. Mr. Paster said it would be helpful to step back and review the recent history of where this project is today.

- Spring, 2003 – Paster Enterprises came before the Planning Commission and City Council to discuss redevelopment and expansion plans in concept form.
- Fall, 2005 – Paster Enterprises purchased parcels 35 – 38 from MnDOT.
- Spring, 2007 – Paster Enterprises came before the Planning Commission and City Council for a second round of discussions. Comments and feedback were obtained
- Summer, 2007 – Paster Enterprises came before the Planning Commission with a request for re-zoning and comprehensive plan amendment. At that time, the Planning Commission recommended approval of this request.
- Fall, 2007 – Paster Enterprises came before the City Council and City Council ended up tabling this application and formed a subcommittee with members of the City Council, Staff, and the applicant to further discuss how to make all parties' goals align. There were two meetings, and it was then decided that all issues were addressed.
- Winter, 2007/2008 - Paster Enterprises came before the Planning Commission and City Council, after getting all the comments from both entities, came back now (April, 2008) with the present requests/application.

Mr. Paster said he feels his staff has worked very hard to address all the city's concerns and are very excited about the new plans. Mr. Paster said he hopes to move forward quickly and come back with final plans and specs in May and June, and begin remodel of the existing building in spring 2009. Afterwards, construction of the Walgreens building will begin. The housing is projected to be done in 2010, and the office/retail by 2012.

Mr. Paster said they are here to talk about Phase I, which includes the 7,200 sq. ft. restaurant building (Lot 3), 72,000 sq. ft. retail building (Lot 4), 14,800 sq. ft. Walgreens (Lot 1), and a remodel and reduction of size for the existing building (Lot 2).

Mr. Paster said the majority of the comments from City Council have been taken care of. Mr. Paster said in relation to the proximity of buildings to Highway 110 – Paster Enterprises feels that they have accomplished these concerns by eliminating all the parking that was facing Highway 110. Landscaping has been increased in this green space. The building was pushed back 125 ft and the pond area was increased.

Mr. Paster touched on another concern, the relationship between the properties. Paster Enterprises has met with all four neighbors to explain how the plans are proceeding. Extensive work has been in progress with Jane McKay from McDonalds and has been providing materials and details. Discussions have been held with Dodge Nature Center on planting materials and screening on the buffer along the MnDOT property.

Mr. Paster said the Dakota County CDA is aware of all the plans and are in support of these plans.

Mr. Paster said the traffic study was for the entire site including the McDonalds piece.

Chair Lally explained that the process that Paster Enterprises is going through is no different that the process would be for any other applicant.

Mr. Aaron Hemquist, Professional Engineer for RLK Inc., said significant changes have been made along Highway 110 right of way and reviewed the site plan and landscaping plan.

Mr. Hemquist said they do have to apply for a permit from MnDOT for the use of the land between the applicant's property and the nature center, and they do not anticipate any issues. They also need to get approval from MnDOT for the access from Highway 110.

Mr. Hemquist talked about shared parking and indicated where the sidewalks will be located.

Chair Lally asked what would happen should MnDOT not give approval for the Highway 110 access. Mr. Hemquist said they don't anticipate any problems with this.

Mr. Hemquist talked about the drainage issues and indicated how the water will flow from the holding pond, and using a 6-in. pipe running under most of the property. Mr. Hemquist indicated where the open spaces will be placed.

Mr. Hemquist reviewed the parking layout, and said the large existing parking lot has been broken up into the sections.

Mr. Hemquist said they will not be using much export and import materials, but rather will use the existing materials and reposition the soils as needed.

Mr. Hemquist said they were surprised about the CDA letter and cannot respond to it at this time.

Commissioner Hennes asked for clarification how the area for the gas station will be redesigned. Mr. Hemquist explained how there will be some green space at the entrance/exit point, and indicated where the cars will be stored.

Commissioner Viksnins asked for clarification on where the City and the applicant are apart in regards to the Highway 110 setbacks. Commissioner Viksnins said it appears the applicant is saying this is as far back as they can go to be viable. Mr. Hemquist said this is a unique situation where there is an existing building on the site and it's not feasible to take down this building and start from scratch.

Commissioner Viksnins asked if there is any way at all to move back even 10 to 15 feet, and if so, what would the impact be. Mr. Hemquist said they have not been given a specific setback number to adhere to. Ken Henk, Paster Enterprises, explained that the required setback is 60 ft., and they are well beyond that. The only feasible way to make this work would be to move the buildings further to the south, thereby eliminating parking spaces. Mr. Henk said although they are not as far back as McDonalds, there has been substantial landscaping planned along Highway 110. At the City Council's suggestion, the parking was moved way down from the highway so cars would not be seen from the passing cars.

Commissioner Viksnins referred to the clusters and asked if there is more that can be done in terms of clustering the buildings along the east portion of this property. Mr. Henk said these buildings are conceptual only, and will be coming forward to the Planning Commission at a later date. Should this large retail building become a restaurant, there will be more parking needed. Mr. Henk said the only zoning regulation that the City has regarding clustering is for residential development only.

Commissioner Viksnins said he is concerned that given the market conditions, these other buildings (in the Phase II concept) may never be built.

Commissioner Norton said if the two retail/restaurant buildings are built closer to the existing building, and the future office/retail space moves to the north end of the property, would that not accomplish some of the goals for clustering, and at the same time, creating a buffer between the highway and the parking spaces. Commissioner Norton said he personally does not have as much an issue with seeing a parking lot as he goes along Highway 110. Commissioner Norton asked if this was ever considered. Mr. Henk said they have looked at that option. The consensus of the special committee was this plan that is currently being presented.

Commissioner Viksnins asked if the applicant met with Dakota County about the letter. Mr. Henk said he only received the letter this morning and said this is private property and that the eminent domain laws could take the land. The applicants are willing to work through this, but feel they should not be penalized and the whole process stopped just because there is a plan from the County. Mr. Henk said he is all for preserving green space, and has been researching discussions on the internet that are being held between the City of Eagan and the County.

Commissioner Viksnins asked why the creek is not preserved in this case. Mr. Henk said this was initially thought to use as a "river walk" five years ago, and in the 1970's, the city cut that area down. The banks are very severe and deep. Mr. Henks explained on the site plan how that creek would have been planned.

Commissioner Povolny asked how the buildings in the northwest corner will handle deliveries. Mr. Henk explained how the buildings will handle deliveries, and how the trash will be contained inside the buildings.

Commissioner Povolny asked for clarification of the turnaround in the northeast corner. Mr. Henk said that is for a drive thru restaurant.

Commissioner Povolny asked how the water levels will be maintained. Mr. Henk said there is sufficient clay to hold the water to it does not infiltrate back into the water table.

Commissioner Povolny asked if the existing parking lot will be replaced. Mr. Henk said they are debating on whether they want to complete tear out and replace that area or just sealcoat it.

Commissioner McManus said he sees some good things happening here. He sees this property has having two clusters of buildings that have no connection to each other. There are no connections to the parking from the residential building. Commissioner McManus said the applicant is still having a problem trying to disguise this strip mall.

Commissioner McManus said the Planning Commission is not trying to harass the applicant, and it may seem as though they are micro-managing, but that is because the applicant is asking for a PUD and the city has the right to give input. Commissioner McManus asked the applicant to not assume that the Planning Commission can ignore the letter that just came to them.

Mr. Henk explained that a new tenant that will be coming into the portion of the existing building where Royal Star Furniture may want that much parking space.

Mr. Henk reviewed the plan showing the delivery docks / service areas for the south side of the existing building.

Commissioner McManus asked if the plan was taken to the subcommittee and has the applicant asked the subcommittee what they would do? Mr. Henk said they started with their plan, and Mr. Gritman and his staff took the city's comments and came up with a plan of their own. Everyone sat down and took the two plans and pulled pieces from each of them and made compromises along the way, giving the plan that is here today. Commissioner McManus said the area around the Walgreens is a nice canvas, but it is too bad they don't all relate to each other.

Jack Amsdel, Project Manager, KKE Architects, reviewed the renditions and elevation drawings, which were also handed out to the commissioners. Design standards have been sent with the proposal that also contains signage. Mr. Amsdel said the style and materials will be continuous throughout the project. Mr. Amsdel said the extensive landscaping will give a layered look from Highway 110 southward. Mr. Amsdel said visibility is very important to retailers. A pylon sign will be placed along Highway 110 on the northeast right in/right out access. There is now an existing one on the Dodd road entrance/exit and one in the middle of the site.

Mr. Amsdel said the biggest plus of moving the buildings back off Highway 110 is the creation of the dogleg design of the pond. With that, the new restaurant has been broken with a west and north façade to it. There are now two separate dining areas that overlook the pond.

Mr. Amsdel described how the lighting will be placed, incorporating more light in the evenings as well as using sconce-like designs.

Mr. Amsdel reviewed the layout for the entrance, which will be very heavily landscaped. There will be no foot traffic near these entrances, and no trails connecting along Highway 110 for safety reasons.

Mr. Amsdel reviewed the Walgreen site and showed on the elevation plan how this store will not look like most Walgreens, but will tie in with the rest of the buildings.

Mr. Amsdel reviewed the modifications that will be made to the existing building, indicating the changes that will bring new trash and loading dock areas. These areas will be heavily landscaped. Additional parking spaces have been added for the dentist office.

Mr. Amsdel talked about the buildings that are tentatively planned for Phase II – office buildings and child care center.

Commissioner Povolny asked if the block wall on the back of the existing building will be painted or will there be more materials put there to match the rest of the building. Mr. Amsdel said it will be painted black. Commissioner Povolny said he is concerned that if this is just painted, the paint will not last (flaking off) and it will look much like it does today. Commissioner Povolny suggested that more work be done on the back to update with the materials that are being used throughout the rest of the project.

Commissioner McManus said this block wall looks much like the inside of the Minnesota State Prison. Commissioner McManus said besides that, most of the project looks good.

Commissioner McManus referred to the south east side of the existing building and asked how high that wall will be to screen from the residential portion to the southeast. Mr. Amsdel said this wall will be the height of the rest of the building and will be properly screened from the residents.

Commissioner McManus asked for clarification on the trash layouts. Mr. Amsdel indicated the trash areas.

Commissioner McManus asked if there will be protection from the summer sun for the outside diners. Mr. Amsdel provided a picture of a trellis that will be placed along the north and south of the building.

Commissioner McManus asked about the marquee of the Walgreens. Mr. Amsdel explained how the Walgreen's logo will be placed. Commissioner McManus said he believes it is ugly.

Commissioner Povolny said there are a lot of things he likes about the project, but that block wall needs to be addressed.

Commissioner McManus said he agrees with Commissioner Povolny's comments and the applicant has done a great job on the main areas.

Commissioner Norton said it is in the best interest of the project to look as good as it can.

Commissioner Povolny asked about the parking lot lighting. Mr. Henk said there are seven existing 40-ft poles in the parking lot and these will be reused in the larger parking lot. Mr. Henk said there will be shoe-box type fixtures around the Walgreens with 30-ft high poles, and fifty-four 15-ft. high poles with the shepherd hook type (gull wing) fixtures.

Chair Lally opened the public hearing.

Jane McKay, owner of McDonalds Restaurant, Mendota Plaza, expressed her concern with the traffic queue for her drive up window and said it's a very tight fit and would like to have more space in that area. Ms. McKay said the corporate office in Chicago owns the property under her restaurant and they are the ones that will be signing off on this proposal. The Pastors have forwarded a drawing for review. Ms. McKay said with the entrances and exits as designed, there is no adequate space to allow trucks to come in for delivery. There is also concern on the wording of the easements for access to this property from the Pastor property and losing 8 to 10 parking stalls. Ms. McKay said she also has a concern about how the creek will affect the property. Ms. McKay said at this point, the corporate office is involved in discussions with the developer.

Chair Lally asked Ms. McKay if it is anticipated that issues will be resolved in a timely manner. Ms. McKay said she is not sure as the County also has something to do with it.

Commissioner Field asked if the loss of those parking spaces create any problem with McDonald's compliance with parking requirements for the restaurant. Mr. Grittman said to his recollection, there was an excess of spaces.

Al Singer, Parks and Open Space Department, Dakota County, said this is one of those interesting situations where clearly the County does not have land use authority and typically does not get involved in these kinds of land use decisions. Mr. Singer said, on the other hand, he and his colleagues are trying to encourage the city to take a step back and really look at how this site is in context with the city. Mr. Singer said there have been a lot of discussions about specific elements on this particular proposal. Mr. Singer said the County feels this site is really key in terms of thinking about systems throughout the city and the County. Mr. Singer said the County has been working very cooperatively with the city in regards to Pilot Knob and the North Urban Regional Trail, and intend to close on the conservation easement of the Dodge Nature Center on May 1st investing \$500,000 to help protect that property.

Mr. Singer said the County is interested in continuing to work with all the cities, particularly the City of Mendota Heights. Mr. Singer said he previously served on the city's Park and Recreation Commission and is very familiar with this area. Mr. Singer said the County has been trying to think a little more innovatively. The County sees a separation of lots of different elements such as water, recreation, open space, and development and the County is trying to see how these things can function much more integratively. Mr. Singer said instead of separating these things out, the County believes there is a lot of merit in thinking about all these amenities can fit more collaboratively together.

Mr. Singer said the County is not trying to do eminent domain, but just suggesting that it is a benefit to the city, residents and County to think how all these pieces can all fit together.

In looking at this particular site, there is a well known golf course on the southwest corner, the Dodge Nature Center of 170 acres, a lot of investment on the north site (The Village) and then Valley Creek Park on the northwest side. There is water that travels through this area and a regional trail, mixed development (Copperfield and Friendly Hills) which does not have an easy way to access The Village or Valley Creek Park and so one of the things to think about is how all these pieces fit together. Mr. Singer also talked about the possibilities should Highway 110 become a transit line in the future.

Mr. Singer said the County became interested in this development when Public Works Director Sue McDermott came to the County for the comprehensive plan draft study. This is why there has been a last minute response from the County.

Commissioner McManus said much time and work has been put into this process, and now the County wants to get involved, and how can this be accomplished in a timely fashion that will make sense to the people trying to do something with this site.

Commissioner McManus asked if there would also be any money involved in this project should the County get involved.

Mr. Singer said the County staff has pledged to work with the city and the developer in an expedient way because they recognize a significant amount of time and money has already been invested in this. They are not looking to go out and make extra work for people, but they feel this is significant enough that the County's transportation, planning, parks, and water people will set aside some time to work on this and throw out some concepts. There is also County money that is available to help do this work. If this becomes a regional trail, there is Council money available. Part of it is packaging, trying to find the private and public approach that may be appealing enough to have more private investors make this happen.

Commissioner McManus asked if the County views this as feasible option. Mr. Singer said the County looks to be a leader as there are no other counties that do this kind of work, and believes a lot can happen in taking short steps. Mr. Singer said he recognizes that the developer has already invest time and money, and suggested that a meeting between parties can be help to explore some of the ideas, then ultimately it will be the city and the developer that will have to make a decision as the County has no authority. These are just suggestions.

Commissioner McManus said the developer will have to be convinced that this is a feasible project. Mr. Singer said people used to look at land use by either land development or land conservation. Mr. Singer said people are recognizing that their property values go up significantly when there is property that is preserved.

Commissioner Hennes said he previously brought up the question as to whether there was any feasibility of running a trail on MnDOT's property to the east and he would be very dubious as to pulling anything off that is close to this in the 60 to 120 day timeframe.

Mr. Singer said there is potential to restore the stream on MnDOT's property and making this an amenity instead of putting it through a 6 inch pipe making it disappear. Mr. Singer said he does not have all the answers, but this warrants enough attention to consider it.

Commissioner Povolny asked how the developer will be compensated by losing one whole building should the water remain an entity as Mr. Singer described. Mr. Singer said the County is suggesting that the creek would be located so it does not have to disappear into the pipe and it would not change what would happen to the development itself. Mr. Singer said he believes potential restaurant patrons would much rather be looking at 156 acres of open space than a storm water pond that will eventually fill in and have salt and sediment. Mr. Singer suggested turning the buildings around and take advantage of the amenities of the site.

Commissioner Norton said he believes there are issues with the grading that may not allow this suggestion, and there may be the possibility that Dodge Nature Center will not want their property to be able to view the development.

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

Commissioner Norton moved, seconded by Commissioner Hennes, to approve close the public hearing.

AYES **7**
NAYES **0**

Commissioner McManus said he might wish to move to table this.

Commissioner Field said he would suggest re-opening the public hearing thereby allowing any input from Dakota County to come back, as well as receiving comments from the public and allowing the applicant to respond. In addition, this would give time for the applicant to bring answers to some questions that still remain.

Commissioner McManus asked if this will provide enough time for the necessary discussions or will the Planning Commission see again the superficial plan that they just heard.

Chair Lally said there would an opportunity to view the seven points outlined in the Planners Report.

Commissioner Field moved, seconded by Commissioner Norton, to reopen the public hearing.

Commissioner Field said he would like to ask the applicant their opinion on the 30 day extension. Commissioner Povolny said the needs to be a point to where there is enough information to make a decision. Commissioner Field said he does not feel they have enough information.

Chair Lally said there are a number of items where the applicant indicates that they have responded to all the Council's and Commission's questions, but the Planners Report indicates there have been no changes.

AYES **7**
NAYES **0**

Chair Lally asked Mr. Paster to respond to Commissioner Field's question. Commissioner Field restated his question: does the applicant feel that within the next 30 days there will be additional information as clearly in his mind, he would probably vote in opposition based on this is not a complete application. There are some pieces missing and it would appear that MnDOT says they can get the traffic study in the next 30 days. Commissioner Field said he would like to keep this process moving and may be convinced later.

Mr. Paster offered an alternative and said he would prefer to have the Planning Commission approve the application contingent upon the seven conditions that the city feels has not been satisfied.

Commissioner Field said that sounds like a great idea, but until everyone sits down as a group and discuss this, he does not know if this will be satisfactory or not. Commissioner Field said he understands what the applicant is trying to do but it does not work for him.

Commissioner Hennes said this makes sense as there are too many unanswered questions.

Commissioner McManus said he feels very strong that whatever the Planning Commission does here, this property will be around for a very long time. Commissioner McManus said the timing is very poor, and that the City and the County have worked extremely well together on several projects. There are many natural resources, and have been offered an opportunity to have knowledgeable people put some serious discussion on the table.

Commissioner Viksnins said he sense that if this goes to a vote tonight, it will be a vote to deny. The question is on the applicant to whether it would be better to vote denial or to table.

Mr. Paster asked for a recess to allow him to consult with his team. Chair Lally called for a recess at 10:45 pm.

Chair Lally reconvened the meeting at 10:50 pm.

Mr. Paster said there was talk about MnDOT looking at a traffic study. Mr. Paster said MnDOT is not looking at a traffic study, and their only involvement/comment is in regards to the easement to the east of the property. This is procedural in nature and typical to have MnDOT's comments on that come back to the City.

Mr. Paster said, as it relates to McDonald's easement, they are working with them and this does not have anything to do with this application or the City.

Mr. Paster said, as it relates to the importing and exporting of fill, they did address this during the presentation and this is not part of the process. If there are questions in the future, Mr. Paster said he would be happy to address them in the conditional use permit.

Mr. Paster said, as it relates to the proximity of the buildings to Highway 110 and treatment of the creek / drainage way, the clustering of buildings, the architectural treatment of the existing buildings, and the proposed buildings and how they all tie together, the City specifically set up that subcommittee to address issues, and those issues have never been brought up at those meetings. Mr. Paster said, with all due respect, they really need to have Council comments on those issues to be able to go forward.

Mr. Paster said he feels that they provided what the Council and Planning Commission has asked for and are requesting that the Planning Commission recommend approval.

Chair Lally said it is important to know what MnDOT thinks on this project. Chair Lally said the grading plan is a part of the application and as a result, needs to have that information also.

Chair Lally said with regards to the proximity of the buildings to Highway 110 and the clustering, there were discussions with the Council and the Planning Commission, the Planners Report shows these concerns were not addressed.

Commissioner McManus moved, seconded by Commissioner Field, to approve close the public hearing.

AYES	7
NAYES	0

Commissioner Field moved, seconded by Commissioner Viksnins, to recommend denial of the PUD request as presented based on the seven findings as presented the Planners Report have not been satisfactorily addressed.

Commissioner Hennes asked for clarification that this motion would be denial and the applicant will have to file a new application. Chair Lally said this is only a recommendation for denial and that the City Council will make that determination.

Commissioner Hennes said he would rather keep the public hearing open to allow the applicant to come back without having go through the application process again.

Chair Lally said he believes there are many golden opportunities that can be explored and there are legitimate concerns.

Commissioner Viksnins said he believes the Planning Commission is not in the position to approve this tonight, and told the applicant that views are not miles apart and there are specific issues that were raised by the Planner that needs to be addressed and the applicant's staff is willing to negotiate on. Commissioner Viksnins said comments made by his colleagues seem to be precipice here and the Planning Commission will either approve this or it will never be done. Commissioner Viksnins said the applicant is not far away in his opinion, but they are not there yet. Commissioner Viksnins encouraged the applicant to engage in some discussion and good faith negotiation.

Commissioner Field said he echoes those comments, and is much warmer to this plan, and could have been persuaded. But the applicant's request that the commission approve now is driving his motion.

Commissioner McManus asked if a friendly amendment would be accepted to include serious discussion to the document received for Dakota County.

Commissioner Field accepted the friendly amendment.

AYES 6
NAYES 1 (Commissioner Hennes)

Comprehensive Plan Draft Review

Mr. Grittmann handed out a copy of the draft of the comprehensive plan and said there are some holes in it that are being filled in. Mr. Grittmann said this will give the Planning Commission time to review this and would like to have a public hearing at the May meeting.

Discussion of Planning Commission Meeting Time

Mr. Sedlacek said the City Council will be changing their start time to 7:00 pm and is seeking to find out if the Planning Commission wishes to do the same.

Commissioner McManus moved, seconded by Commissioner Norton to change the start time for the Planning Commission meetings to 7:00 pm beginning with the July, 2008 meeting.

Chair Lally asked if this was presented to the cable people. Mr. Sedlacek said a feeler email went to them saying the Council changed and that the Planning Commission may do the same.

AYES 7
NAYES 0

Verbal Review

- ♦ This case was withdrawn.

Planning Case No. 08-07 Betty Schuster Lot Split

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

Planning Case No. 08-08 St. Thomas Academy Conditional Use Permit

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

Planning Case No. 08-09 Awada / Anzion Lot Line Adjustment / Variance

- ♦ Approved by the City Council as recommended by the Planning Commission. The applicants are still to get the results of the survey to the Council.

Mr. Sedlacek reviewed the following items that were not on the agenda.

- Par 3 Golf Course is open for the new season – same hours, same fees. Hours are posted on the City’s website under “What’s New”.
- Spring Cleanup is scheduled for Saturday, May 3rd from 8:00 am to 2:00 pm. This event will be hosted at Mendota Plaza.

Chair Lally moved to adjourn the meeting 11:15 pm

Respectfully submitted,

Rebecca Shaffer, Recording Secretary