

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

**PLANNING COMMISSION MINUTES
April 25, 2007**

The regular meeting of the Mendota Heights Planning Commission was held on Wednesday, April 25, 2007, in the Council Chambers at City Hall, 1101 Victoria Curve at 7:30 P.M.

The following Commissioners were present: Chair Dolan, Commissioners McManus, Norton, Povolny, Lally, Hennes, and Viksnins. Also present were Mendota Heights Public Works Director Sue McDermott, Assistant to the City Administrator Jake Sedlacek, and Planner Bob Kirmis. Minutes were recorded by Nancy Bauer.

Introduction of New Commissioner

Commissioner Dolan introduced new Commissioner Ansis Viksnins.

Mr. Viksnins said he has lived in Mendota Heights for 13 years and lives in the copperfield area. He is a litigation attorney in Minneapolis. He has a wife and two children. He started the year on the Airports Relations Commission, however after one meeting he had the opportunity to join the Planning Commission.

Approval of February 27, 2007, Minutes

Commissioner Dolan moved, seconded by Commissioner McManus to approve the minutes.

**AYES 7
NAYES 0**

Hearings

**PLANNING CASE #07-06
Randall Johnson
2219 Swan Court
Wetlands Permit**

Planner Bob Kirmis introduced himself and said he was standing in for Mr. Grittmann who had a conflict with tonight's meeting.

Mr. Kirmis reviewed a map showing the location of 2219 Swan Court. The applicant is seeking a wetland permit to remove some wetland vegetation to allow access on Rogers Lake to accommodate a small sail boat. There are no improvements planned for the property only the removal of some vegetation. This is a straight forward application and is recommended for approval of the permit provided the applicant does not remove any other vegetation then what is planned in the swath.

Commissioner Hennes asked if the swath was 15 feet wide and if the sailboat would be docked in the area.

The homeowner replied that the swath is 15 feet and the sail boat would be pulled on shore where the land is flat.

Joy Johnson, 2219 Swan Court, said she had no access to the lake because of all the cattails.

Commissioner Lally asked what kind of boat it was.

Ms. Johnson said it was an 8 foot long 4 foot wide sailboat.

Commissioner McManus asked the applicant why they picked 15 feet to clear of cattails.

Ms. Johnson replied that this winter when they went ice skating they walked through the cattails creating a path and it is next to their neighbors, the Eides, where it is clear of cattails, creating a wider space to get the boat to shore.

Chair Dolan asked Mr. Kirmis how the applicant could show there is no vegetative impact.

Mr. Kirmis recommended the applicant show some documentation or statement that no vegetative removal would occur than what is approved with the permit and that it be put in the file. Also, note that the permit was approved with no additional vegetative removal.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner McManus moved, seconded by Commissioner Norton to recommend approval of the wetlands permit with the condition that there be no excessive impact to the vegetation provision.

AYES 7
NAYES 0

PLANNING CASE 07-07
Gary Jones
2213 Swan Court
Wetlands Permit

Mr. Kirmis summarized the wetlands permit to allow the construction of a dock and mowed pathway to be located within 100 foot buffer area of Rogers Lake for his home at 2213 Swan

Court. This property is located directly north of the previous applicant's property. The proposed dock would be seasonal in nature and would slightly alter the shoreline by removing some existing brush and undergrowth to accommodate the dock. The placement of docks is allowed, if they are seasonal in nature, and no permanent structures are involved. This is a simple application and approval was recommended subject to the preservation of the existing undercover in the wetland buffer, and that the dock be seasonal and no permanent structures be added, such as footings.

Chair Dolan remembered a dock application that was before the Planning Commission a couple of months ago and asked if there was anything specific in the City Ordinances regarding docks.

Public Works Director McDermott answered that the City has no specific City Ordinances regarding docks.

Chair Dolan asked who regulates the definition of seasonal docks.

Public Works Director McDermott responded they are regulated by the Minnesota Department of Natural Resources.

Commissioner Hennes asked how wide the pathway was.

The homeowner responded it was about three feet wide.

Brian Hendrick, 2213 Swan Court, co-applicant of the wetlands permit had nothing to add to the discussion.

Commissioner McManus said there were some nice small trees on the property and he hopes the owners will prune the trees rather than cut them down, which is only his advice and not direction from the Planning Commission.

Commissioner Povolny asked how long the dock was proposed to be.

Mr. Hendrick responded that it would be a 10 foot dock.

Commissioner Lally asked what the definition of a seasonal dock is.

Mr. Hendrick responded that he would follow what his neighbors were doing and that is leaving the dock in at all times because the water is so shallow and the posts don't move too much.

Commissioner Lally asked then if seasonal meant that docks don't have to be taken out but can be removed.

Public Works Director McDermott said that is correct.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner Lally moved, seconded by Commissioner Norton to recommend approval of the wetlands permit for the construction of a seasonal dock consistent with the recommendation of the planner.

AYES 7
NAYES 0

PLANNING CASE 07-08
Vernon Edgerton
686 2nd Avenue
Conditional Use Permit

Mr. Kirmis summarized the conditional use permit for Mr. Edgerton, 686 2nd Avenue, saying the applicant wants to construct a fence up to six feet in height on his property located within the 30-foot setback area off of Vandall. The fence will be black chain link mesh to contain the owner's dog. The fence is proposed to be located three feet from the right-of-way line. A fence does exist along Vandall in the street right-of-way and is a non-conforming structure on City property. The applicant's proposal is positive by lessening the degree of non-conformity. The conditional use permit according to Ordinance is to ensure that the proposed fence will not interfere with the character of the neighborhood or with the public's health, safety and welfare. The City has approved similar fence requests of this nature. Approval has been recommended as proposed.

Vern Edgerton, 686 2nd Avenue, said he wanted to move the fence in three feet from the lot line so it is not encroaching on City property.

Commissioner Viksnins asked about the condition of the current fence.

Mr. Edgerton answered that the current fence is 32 years and is 36 inches.

Commissioner Viksnins asked if there were other fences in the immediate area.

Mr. Edgerton answered there were other fences in the immediate area.

Commissioner Povolny asked if it was a five foot or six foot fence.

Mr. Edgerton said it was a five foot fence.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

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

Commissioner Povolny moved, seconded by Commissioner Norton to recommend approval of the conditional use permit for a five foot fence.

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

PLANNING CASE 07-09
Simon Abramovich
719 Spring Creek Circle
Wetland Permit

Commissioner McManus is a neighbor of Mr. Abramovich and asked to be excused from this discussion.

Mr. Kirmis summarized the wetlands permit for Mr. Abramovich, 719 Spring Creek Circle. The applicant is seeking approval of a wetlands permit to alter the grade of their rear yard area that abuts the wetland buffer area. They are proposing to bring the grade down two to three feet to allow the installation of windows for the lower level of the home to provide view and daylight. Mr. Kirmis suggested that the applicant identify existing landscaping plantings so that a follow up inspection can take place to ensure that there is no landscaping removal, and it is recommended that the permit be approved.

Commissioner Lally asked if a portion of the house encroached on the wetland buffer already and if the backside of the house was having the work done.

Mr. Kirmis reviewed his map showing the proposed work being done on the rear of the house and there is already a wetland encroachment of the house.

Commissioner Lally asked if the issues were the alteration of the grading and what portion of the house would encroached in the north east area.

Commissioner Norton said looking at the map - the top of the house is to the north and the work will be done on the east side of the house. In the future, there may be a proposal for a porch on the west side of the home where there is now a deck. The grading work will be done on the east side of the home and a few feet in the 100 foot buffer area.

Mr. Abramovich, 719 Spring Creek Circle, showed on the grading map where the work will be done on the east side of the house and said it does not effect the natural existing grading.

Commissioner Povolny asked what the height above the water level it will be.

Mr. Abramovich responded that right now it was 55-58 feet and would change to 66-68 feet which would be about a 12 foot difference.

Commissioner Povolny asked what elevation the applicant was digging down to.

Mr. Abramovich responded 3 feet down.

Commissioner Povolny asked at what level the creek was.

Mr. Abramovich responded that it was 55 feet.

Commissioner Povolny commented that was eight feet.

Commissioner Viksnins asked what kind of windows were in there now.

Mr. Abramovich responded skinny windows.

Mr. Viksnins asked what kind of windows they would be putting in.

Mr. Abramovich responded regular size windows – width of about 24 inches, and height he didn't remember.

Commissioner Viksnins asked if they were egress windows.

Mr. Abramovich responded that he was correct.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 6
NAYES 0

Commissioner Norton moved, seconded by Chair Dolan to recommend approval of the wetlands permit subject to the condition that the applicant document existing vegetation and proposed landscaping.

AYES 6
NAYES 0

PLANNING CASE 07-11
Noel Nelson
933 Delaware Avenue
Conditional Use Permit

Mr. Kirmis reviewed the conditional use permit for Noel Nelson, 933 Delaware Avenue. The applicant is proposing to replace a dilapidated, single stall detached garage with a new, two stall garage measuring 440 square feet in size. A variance is also needed for the construction from the 10 foot rear setback yard requirements. The proposed detached garage would be four feet from

the rear property line, resulting in a six foot variance. There are no issues in regard to the conditional use permit. Detached, two stall garages are common to the neighborhood. The garage is to be finished in vinyl siding with a gabled roof. To ensure compatibility, it was recommended that the garage match the principal building in color and – while not a requirement – match the roof pitch to the principal building as well.

In regard to the variance - the existing garage is on the rear property line the proposal is to increase that setback to four feet is positive in the undesirable set back conditions. However, in variances you need to demonstrate undue hardship and part of that is - can you meet the required setbacks. It does appear the garage could be shifted to the south to meet the 10 foot setback and also to the east and that setback could be met. It would result in a little bit of a curve in the driveway. It is possible to meet the setback of the Ordinance. We recommend approval of the conditional use permit for the detached garage and the variance we do not feel that approval is justified, because there is an opportunity to meet the 10 foot setback.

Commissioner Hennes asked where the garage is drawn on the map if it is at four or 10 feet.

Mr. Kirmis said it was shown at four feet.

Commissioner Hennes then asked if Mr. Kirmis recommended that the garage have a 10 foot setback and the applicant wanted it setback at four feet.

Mr. Kirmis responded that was correct. The garage could be shifted to the south east to meet the 10 foot setback.

Commissioner Hennes then asked if the garage were shifted south east would there need to be an adjustment to the driveway.

Mr. Kirmis responded that there would need to be an adjustment.

Commissioner Lally asked if there were a public policy on why 10 feet was preferred over the 4 foot setback.

Mr. Kirmis said there could an issue with emergency vehicles to the backyard.

Mr. Lally asked if emergency vehicles could fit between the porch and the proposed garage.

Mr. Kirmis replied he didn't think so.

Mr. Lally asked if emergency vehicles could enter the property from the north.

Mr. Kirmis replied that the applicant shouldn't rely on neighbors for access to his own property. He also added that there is a building code requirement of six foot separation between a principal building and a detached building.

Chair Dolan asked if that was why they can't move it directly to the east because they are going into the six feet and are coming south.

Mr. Kirmis replied yes.

Commissioner Hennes asked what the distance was between the house and the garage if the applicant was allowed a 10 foot setback.

Mr. Kirmis replied that at a four foot setback it would be three feet.

Commissioner Povolny responded if you added six feet to it you would almost be flush with the porch. It is an older portion of Mendota Heights and like an inner city lot. They are tighter areas in the older neighborhoods. It looked like there was suppose to be an alley back there and it never happened. Given that four feet is generous and if it were me I would put the garage back where the original garage was. The garage is conforming with the neighbors to the north. If you look down the lots, there are other garages farther back. The utility company must do service through the driveways.

Commissioner Lally asked why the upcoming Ryan application off of Highway 55 was being recommended for approval and this residential variance was being recommended for denial. That is why I asked about public purpose. Their proposal is a four foot setback for additional space between the garage and porch. Would there be enough space for an emergency vehicle to get through there.

Commissioner Povolny said that an emergency vehicle would never get back there.

Mr. Kirmis said impeding the supply of light and air is the general reason for setbacks. I agree with Commissioner Povolny's comments about putting the proposed garage where the existing garage is located, it is the most efficient use of the property because of the dead zone. However if you are inclined to recommend the approval of this request you can base it on - that it is an improvement of an existing nonconforming situation and bringing it closer to conformity. It will also provide an area behind the garage for maintenance and if the building is on the lot line you are dependent on your neighbor's property for ladders, ect., if you were to paint or do other maintenance.

Commissioner Viksnins asked if there were any grading issues dependent on where the garage is built.

Mr. Kirmis replied that he was not aware of any grading issues.

Public Works Director McDermott replied there are no grading issues and that the property was really flat.

Commissioner Viksnins asked if there were any vegetation issues.

Commissioner McManus said there was a vegetation issue. If the garage is moved to the south, a tree would have to be removed or a tight bend added to the driveway.

Commissioner Povolny said he thinks that four feet is reasonable and if you move it further out it would encroach on the house.

Commissioner Norton said he understands there is a five foot utility easement for the power company. Does the garage have to be five feet from the utility pole?

Chair Dolan said a plan does reference a five foot easement for utility lines, but does not show the boundaries of the easement.

Commissioner Hennes asked about past practices for requests like this and if there is any precedent.

Mr. Sedlacek replied that you should look at the nature of the hardship for each case individually.

Noel Nelson, 933 Delaware Avenue, the applicant said they would have liked to stay on the lot line, but found out about the five foot easement. The power pole is one foot behind his lot line and he has to come forward four feet. To come forward 10 feet would put the garage by the porch and enclose the back yard. To come to the south, the tree would have to come out.

Chair Dolan asked if they would have to rearrange the driveway if he put the garage to the south.

Mr. Nelson responded that he would.

Commissioner Hennes asked if there was 10 foot setback could you push a wheelbarrow between the garage and porch.

Mr. Nelson responded about five feet.

Commissioner Norton asked if the tree was really a 50 inch diameter tree that would have to be removed.

Mr. Nelson replied no, it was a large tree about 15 inches in diameter.

Commissioner McManus was not sympathetic of building on the lot line because how could things be maintained and asked if a fence was behind the garage.

Mr. Nelson responded there is a fence, which has been maintained with no setback.

Commissioner McManus said if the tree was ignored, the garage could come out 10 feet and move south 10 to 15 feet and enhance the backyard and not hurt the side lot.

Mr. Nelson responded that he wanted to put a cement slab on the south side of the garage for his boat.

Commissioner McManus said the dilemma becomes one of reasonableness, the nature of the neighborhood, and the fact that so many others are built on the lot line. You are trying to get it into conformance. I think the consideration to the community is the tree.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner McManus moved, seconded by Commissioner Lally to recommend approval of the conditional use permit with the condition that the existing garage slab be removed and also, the garage match the principal building in color and the roof pitch match that of the principal building.

Commissioner Lally moved, seconded by Commissioner Hennes to recommend approval of the variance from the rear yard setback allowing the four foot setback in consideration that the new two car garage is an improvement of an existing nonconforming use and that the variance would allow additional room for maintenance and maintain access to the utility.

AYES 7
NAYES 0

Mr. Nelson asked if the roof pitch on the garage needed to match the principal building as a requirement of the conditional use permit.

Mr. Kirmis responded that it was recommended and that it should be considered.

Chair Dolan said the Planning Commission recommended it as part of their motion and he should discuss it with the City Council why it might not be appropriate.

PLANNING CASE 07-12

Carol Nelson
1312 Wachtler Avenue
Conditional Use Permit

Mr. Kirmis said the applicant, Carol Nelson, 1312 Wachtler Avenue, is requesting a conditional use permit for the construction of a detached garage. The applicant proposes to replace a dilapidated, two stall garage with a new garage. It would be built in the same footprint as the previous garage and would be elevated one foot higher than the previous garage to address some drainage problems. The applicant has indicated that it is dilapidated and has some significant foundation failure that is unrepairable. The new garage would mimic the existing garage in appearance and would include dormer roof elements. In addition to the conditional use permit, there is a critical area permit to allow the reconstruction of the garage within the critical area of the Mississippi River. The proposed garage would meet applicable setback requirements from the bluff line as well as structure height requirements in the critical area. Approval was recommended of the conditional use permit and critical area permit for the construction of a detached garage.

Commissioner McManus asked if the garage would be reconstructed almost identical to the existing garage.

Mr. Kirmis replied that is correct except it will be elevated by one foot from the previous elevation.

Commissioner McManus said he can't see the impact of this project on the Mississippi River.

Ms. Carol Nelson, 1312 Wachtler Avenue, said the garage that is there now is damaged beyond repair because of surface water coming down from the hill and there is an underground spring. The new garage will have a drainage system underneath it and is being elevated a foot for drainage around it. In the first year at the residence, a retaining wall was built around the garage so the hill could be moved back because the water was not going around the garage but through it, it's all about water damage. The new garage will be a little bit smaller than the old garage.

Commissioner Povolny asked if the stone wall would be left in place.

Ms. Nelson responded that two people that came and looked at the garage said they could take down the garage without damaging the stone wall. It has to stay there.

Commissioner Povolny asked if the stone wall was secure enough to put in a new garage.

Ms. Nelson responded that yes it was.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner McManus moved, seconded by Commissioner Hennes to recommend approval of the conditional use permit and critical area permit with the condition that the City Engineer would comment and recommend any temporary erosion controls with the homeowner.

AYES 7
NAYES 0

PLANNING CASE 07-10
North of Northland Drive and East of Highway 55
R.J. Ryan Construction
Variance

Mr. Kirmis said the applicant, R.J. Ryan, has requested a variance from the 100 foot structure setback requirement along Highway 55. The variance is necessary to allow the construction of a 10,348 square foot office building upon a 1.3 acre parcel of land located north of Northland

Drive and east of Highway 55. A building setback of 89 feet 5 inches has been proposed resulting in a setback encroachment of just over 10 feet.

The Zoning Ordinance established a criteria for review of variances for these applications and as part of that and we looked to make a finding of an undue hardship or difficulty. The parcel is narrow in width/depth and there is width of 202 feet between Highway 55 and Northland Drive. After applying a 100 foot setback from Highway 55 that leaves a 30 foot setback from Northland Drive, and leaving a building footprint width of 72 feet. The primary issue is the City has granted setbacks to properties to the north. The applicant is asking for similar treatment as the neighboring lots in the area. It is recommended approval of the variance.

Commissioner Hennes asked what the properties were to the north and if the properties to the south were developed.

Mr. Kirmis replied there are no addresses on the map.

Mr. Hennes asked what was between the properties, SuperAmerica is on the corner.

Someone from the audience answered that it was Cress Publishing.

Commissioner Viksnins asked what were the reasons for issuing the variances to the northern properties.

Mr. Kirmis replied that he was not part of the process. But believes that the lots are narrow for business zone. Earlier we were told to look at variances on a case by case basis and now we are asked to look at what was done to the northern lots.

Mr. Sedlacek responded that page 2 of the planning memo explains the unique circumstances and hardship of this lot. The applicant has information on what is typical of a commercial lot.

Commissioner McManus asked what the setback is recommended by the planner and the setback for the east end on Northland Drive.

Mr. Kirmis replied that 30 feet is the Ordinance requirement.

Commissioner McManus asked if they were going to sneak roughly 10 feet from the Highway 55 setback and leave the others untouched.

Mr. Kirmis replied that he believes that it is the applicant's intentions and he would be matching the setback of other lots on Highway 55.

Commissioner McManus said he has a hard time understanding how this is a hardship, because the owners know the parcel is narrow when they bought it. It appears to be totally insignificant off 10 feet off the setback. Would you again describe the hardship?

Mr. Kirmis said this is an indirect hardship and goes back to when the lots were platted. The lot is not conducive to commercial development. Most ordinances state there must be something

unique about the individual parcel that is related to narrowness, that is a word that is applied here, and fits. There is a little bit of a precedent issue here.

Commissioner Povolny asked if SA were 100 feet from the Highway.

Mr. Kirmis replied SA does not meet the setback.

Commissioner McManus asked if there were any safety issues along Highway 55.

Mr. Kirmis replied that state highways have a clear zone within their right-of-way.

Mr. Hennes asked what was going in the office building and is sympathetic to the request. If we stick to the 100 foot setback, how much square footage would be lost and would it affect their ability to do business.

Nate Sherburn of R.J. Ryan stepped up to the podium and said the question was a legitimate question. He said Gabriel Financial Group is going to occupy and own the building. They will be the sole occupant. We are complying with the setbacks on three sides. If we shrunk the building by 10 feet it would not be an efficient building and a lot of office space would be lost. The building would be long and narrow.

Commissioner Lally asked Mr. Sherburn to describe the hardship.

Mr. Sherburn replied that there is a 75 foot wide pipeline easement running through the site which encumbers the parcel. It almost cuts the lot in half. That is the main inconvenience of the site.

Commissioner Hennes said that you are really hemmed in and you can't go any further south.

Mr. Sherburn said that we are stuck by Highway 55 and the pipeline easement.

Commissioner Viksnins asked when the owner acquired the parcel.

Mr. Sherburn stated that he doesn't think the ownership has changed yet.

Mr. Viksnins asked again what was to the north and south of the parcel.

Mr. Sherburn stated that Cress Publishing was to the north and to the south the lot is vacant.

Commissioner McManus asked about the topography on Highway 55.

Mr. Sherburn said there is a 12 foot elevation change on Highway 55.

Commissioner McManus asked about the vegetation on the property.

Mr. Sherburn said there is very little vegetation on the site.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner Lally moved, seconded by Chair Dolan to recommend approval of the applicants variance request as proposed based on the finding that the applicant has shown a hardship in complying with the zoning ordinance by that the subject site is deficient in terms of buildable area and such deficiency would deny the applicant reasonable use of its property.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

PLANNIG CASE 07-14
United Properties
North of Interstate 494 and east of Pilot Knob Road
Comprehensive Plan Amendment

Mr. Kirmis stated that Dale Glowa on behalf of United Properties has requested approval of a comprehensive plan amendment to change the guided land use of a 3.5 acre parcel of land located north of Interstate 494 and east of Pilot Knob Road from industrial to business.

A previously established 20 year old covenant had directed the construction of a restaurant and has recently expired. The applicant indicated that they have not been able to attract a quality restaurant to the site. Under the existing current industrial designation restaurants are allowed uses as are office and industrial buildings. The requested comprehensive plan amendment would allow an 8,000 foot square retail center and a 5,000 square foot gas/convenience store on the site.

When considering comprehensive plan amendments the surrounding properties are examined. Industrial uses are guided to the north, east and west of the property site. Within Eagan at the SW quadrant of the if the intersection a parcel was recently changed to be guided as mixed use designation.

The site offers excellent visibility and accessibility. Commercial uses are more dependent upon visibility than business park uses. The gas/convenience store is a little more intense and would generate the highest amount of traffic, activity and lights. Issues related to appropriateness are considered a policy matter ultimately determined by City Officials. One of the things to consider

in this motion is to consider what conditions are dictated by the zoning that is applied, with a specific site plan. The current request is for a general commercial designation and the City can further refine the uses by applying what commercial zoning district you choose.

Commissioner Povolny asked about the gas station part of the plan and if there were going to be hour restrictions on it.

Mr. Kirmis is not aware of that part of the plan. Gas/convenience are conditional use permits within cities and the Planning Commission and City Council can address hours of operations.

Chair Dolan asked, if the Planning Commission liked the application and didn't like the gas portion, could the Planning Commission approve the plan and then discuss the gas portion when the applicant comes back with the zoning portion of the plan.

Mr. Kirmis said the Planning Commission could pass a statement along to the City Council.

Chair Dolan asked about any traffic issues that the Planning Commission should be concerned about.

Mr. Kirmis said he thought the streets are able to handle industrial or commercial traffic. There may be interaction with trucks and everyday drivers. The property is on the corner of an industrial site.

Chair Dolan asked if he thought that traffic would be a significant issue.

Mr. Kirmis replied he did not.

Chair Dolan said the report said there would be lighting and visual impacts of the area that are inconsistent. Do you think that is true or just want the Planning Commission to consider this?

Mr. Kirmis replied he wanted the Planning Commission to consider it.

Chair Dolan asked if there were any close residential areas.

Mr. Kirmis responded that there were not.

Commissioner Viksnins asked for an explanation of what the City of Eagan was doing. Eagan has recently made changes to its comprehensive plan and would be Mendota Heights be consistent or inconsistent with Eagan.

Mr. Kirmis said Mendota Heights would be more consistent.

Commissioner Lally was looking at exhibit C1 in the packet and the entrance and exit ramp from 494 is at the bottom of the property and has a light. Northland Drive just has a stop sign. Would additional traffic control be needed and would it need to be discussed with MnDot and the County.

Mr. Kirmis said that would be addressed later when firm plans are submitted down the road. The plans in the packet are just informational; we are not looking at details right now.

Commissioner Lally said time spent at a restaurant and at a gas/convenience store are different and I was thinking of traffic.

Public Works Director McDermott responded that if this plan moves forward it would require a lot division and a plat would be sent to the county and state for their review at that time.

Commissioner Hennes asked if you could have a restaurant under the industrial zoning.

Chair Dolan responded that yes.

Commissioner McManus asked about lighting at night and how it would change the area.

Mr. Kirmis said lighting is used to draw users to the site.

Dale Glowa and Drew Johnson from United Properties stepped up to the podium. Mr. Glowa said he didn't have a clue about what will be going on the site. The land was bought in 1955 and hoped to develop it in the 60's. In the 80's we started to develop the park. We are not proposing a project tonight, we are just asking for a change from the comprehensive plan amendment. This property has been zoned industrial since day one. It is 3.76 acres. What is important is to change the comprehensive plan so we can approach retail type tenants with confidence.

The intent was to attract a restaurant to this site but a restaurant would not come in because there were not enough "rooftops" in the area - meaning residents. United Properties is trying to maintain our 20 year old business park and the City's tax base. We also want to continue to serve our tenants with other services. Tenants would like a coffee shop, dry cleaners, deli and restaurant. The gas element is important from a tenant standpoint.

Commissioner McManus said that the city does not need a typical 70's strip mall and hopes they can make it as nice as the business park is.

Commissioner Povolny said it's a good project and is needed.

Commissioner Dolan asked if there would be any conflict with traffic from the business park to the new development.

Mr. Glowa didn't think so but it depends on the mix of tenants and they aren't known yet. There is one million square feet of mostly office space in the existing business park.

Commissioner Lally asked if the yellow parcels on the map are still available.

Mr. Glowa responded they are still available.

Commissioner Lally asked if there was space available on Highway 55.

Mr. Glowa responded yes and that he was working on some deals.

Commissioner Lally asked if the 3.76 acres included right-of-way.

Mr. Glowa responded that no - it did not.

Commissioner McManus asked if United Properties was in a race with the new Eagan development.

Mr. Johnson responded that United Properties just found out it was approved.

Commissioner McManus asked if there was a critical mass of people moving through the park to make this work.

Mr. Johnson yes there was. There was a preliminary look at doing this.

Chair Dolan opened the public hearing. Seeing no one come forward to speak, Chair Dolan asked for a motion to close the public hearing.

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

AYES 7
NAYES 0

Commissioner Lally moved, seconded by Commissioner McManus to recommend approval of the comprehensive plan amendment as requested by the applicant subject to the review and approval of the Metropolitan Council on the basis that the commercial use is consistent with the plan for the area and is compatible with the existing and surrounding uses.

AYES 7
NAYES 0

PLANNING CASE 07-13
Mendota Mall Associates
Highway 110 and Dodd Road
PUD Concept Review

Mr. Kirmis said Mendota Mall Associates are requesting a concept plan review relating to the expansion of the Mendota Plaza shopping center. The expansion would be in the form of two additional buildings in the northeast corner of the property. Specifically, a 7,200 square foot restaurant and a 7,200 square foot retail building are proposed in the northeast corner of the site. The southeast and southwest areas of the site are to be reserved for future development. Right in/right out access from Highway 110 would need approval by the Minnesota Department of Transportation. A major component of the project is the private street linkage between Highway 110 and South Plaza Drive. There may be a higher volume of traffic through the area and the street standards should exceed city street standards. South Plaza Drive should become an uninterrupted loop to the north and that the cul-de-sac should "T" into the CDA building. Another issue is whether or not a drive through lane is anticipated on the east side. If so, issues

associated with vehicular stacking space, loading areas and off street parking conflicts need to be addressed. This site will be a visible site and some theme should be given to the center. A question would be - would the retail center and the route on the south and east side have drive through facility if so, there could be stacking issues. Another thought is whether or not the theme of the Village of Mendota Heights should be mimicked in this project.

Commissioner Lally asked if driving into the CDA off Dodd Road would I get directed 20 feet into the development and then back into the CDA housing.

Mr. Kirmis responded there would be a stop sign condition and 90% of the traffic will be using the development not the secondary route for the CDA housing. It will enhance the center making it more desirable.

Commissioner Lally asked if a letter of intent is required for this type of development. There has been some turnover at the existing shopping center and empty spaces in the Town Center development.

Mr. Sedlacek responded there is no requirement for a letter of intent. This is a risk the developer assumes. There is no process for the City to enforce letters of intent for developments.

Commissioner Viksnins asked if there were any buffer plans between the development and the Dodge Nature Center.

Mr. Kirmis replied he believes the plan is not that far ahead yet.

Commissioner Viksnins said putting a restaurant next to the nature center seems kind of odd.

Chair Dolan asked if a plan was required that shows a complete development instead of just the portion they are developing now.

Mr. Kirmis replied it is typical of cities to get a conceptual plan to plan for traffic issues.

Chair Dolan asked if Mr. Kirmis would recommend that now.

Mr. Kirmis said he would defer that question to the City Engineer because there is a concern with the private street.

Commissioner McManus asked if this was a specific concept or a general concept – should we react to whether they should have a restaurant and retail building on the site.

Mr. Kirmis replied you need to comment on both of the uses being proposed and the configuration of the site related to streets and access.

Aaron Hemquist, RLK Incorporated, and Jack Amdal, KKE Architects, stepped up to the podium. Mr. Hemquist said the property that includes Mendota Plaza includes 21 acres. The plan is to construct a restaurant and retail with a right in from Highway 110 and the main road connection to South Plaza Drive. There is a pond on site and we plan to expand the pond. There is an existing ditch that is 20 feet and we would level that out and extend utilities as necessary to

provide service for the buildings. There is a patio planned for the restaurant site that overlooks the pond. The pond will be ringed with a retaining wall, fence, waterfall and will be a main feature. An extensive sidewalk system is planned that will connect to Dodd Road and father down to South Plaza Drive. We don't know what is going to happen to the east portion of the property yet.

Mr. Amdal showed building A on the western portion of the plan that is planned to have a restaurant with a patio. Multi tenants are being look for. The restaurant would be a quick, casual restaurant with 3,500 square feet and a chance to sit down and eat. The color of the building would have dark brick like the original building. It is designed with a base middle and a top to the building. Glazing is rather tall which is like the project next door. The other building would face Highway 110 with lots of inviting windows. Materials are going to be varied - not uniform.

Commissioner Hennes asked if the gentlemen owned the entire site including the plaza.

Mr. Amdal said they are representing the owner who does own the whole site.

Commissioner Hennes asked if there are plans with the existing building, because some of it is empty now.

Mr. Amdal said the owner is looking for tenants to fill the empty space. The intent is the two new buildings should draw tenants to the older building.

Commissioner Lally asked if the access off of Highway 110 currently exists or is proposed.

Mr. Hemquist said it is a proposed access off Highway 110 and the owners were deeded the land for the access.

Commissioner Lally asked if permission then exists.

Mr. Hemquist replied that permission does exist.

Commissioner Lally asked about tenants in the existing building - they don't stay - are there any plans to improve the existing building.

Mr. Amdahl responded that the new buildings will attract other tenants to the area. There are no plans now for improvements to the existing building but it is planned to be done down the road. The Mendota Plaza owner also owns Crystal Shopping Center and Moundsvew Shopping Center.

Commissioner Lally asked about the new development across the street - are there enough roof tops and traffic to attract a restaurant.

Mr. Amdahl responded there is enough traffic to sustain the new buildings. The proximity to Highway 110 is excellent and it has great visibility.

Commissioner Lally said he would like to see more work on the Mendota Plaza and commitments from prospective tenants coming into the new buildings

Commissioner Hennes said the site is tired, the existing building is tired and the site is underused. It's nice what you are talking about and I would like to see what you see for the entire site.

Commissioner Viksnins thought there should be concern that by building these structures you run the risk of losing existing tenants in the plaza. Is there a possibility of building in the south west corner rather than the north east corner?

Mr. Hemquist said they would prefer to build in the north east corner but the south west corner has the most visibility and in the future we could build in the north east corner.

Commissioner Viksnins asked if there had been any thought on how the Dodge Nature Center and the new buildings would coexist.

Mr. Hemquist said the nature center is 14 or 15 feet higher than the development and would be close to roof top level and would provide its own buffer with a slope up to the Dodge Nature Center.

Chair Dolan asked if Mr. Amdahl could elaborate on the roads to the south.

Mr. Hemquist responded they have looked at quite a few ideas before they came forward with the plans. The road will act as a conveyance of the site and it is there to not chew up the land.

Chair Dolan asked about direct access to South Plaza Drive.

Mr. Hemquist said he would work with City staff to get a better solution there.

Chair Dolan said he thought it was weird to construct new buildings, keep the façade of the plaza the same and have people drive through the back of the tired building. Are there any thoughts on how long it would take to fully develop the site. You did give some thought to the development with the Town Center development.

Mr. Hemquist said yes they have and would compliment the Town Center site.

Chair Dolan asked why they put the restaurant to the west.

Mr. Hemquist replied because of the pond feature.

Chair Dolan said there was some traffic counts or will there be a traffic study done.

Mr. Hemquist this is very initial.

Commissioner Povolny likes the project but also thinks the façade on the existing building needs some work to match the new building. Access off Highway 110 is going to help.

Commissioner Norton said he agrees with the other comments about the existing building. Maybe give the plaza a face lift first then add the new buildings or do it at the same time seems

Chair Dolan asked when the property would be purchased.

Mr. Sedlacek responded hopefully in 30 days.

Commissioner Norton moved, seconded by Commissioner Povolny to adjourn the meeting at 10:17 P.M.

Respectfully submitted,

Nancy Bauer, Recording Secretary