

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

**PLANNING COMMISSION MINUTES
April 26, 2005**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, April 26, 2005 in the Council Chambers at City Hall, 1101 Victoria Curve at 7:30 pm.

The following Commissioners were present: Chair Lorberbaum, Commissioners B. McManus, Miller, Betlej, Dolan, Hesse, and M. McManus. City Staff present were City Engineer Sue McDermott and Administrative Assistant Patrick C. Hollister. Also present was Planner Steve Grittman. Minutes were recorded by Becki Shaffer.

Approval of March 30, 2005 Minutes

Page 3, 5th paragraph, should read:

“Acting Chair Dolan said it is his understanding that the easement was granted to the City as part of the platting process, and the specific terms of the scenic easement are not to ~~is to now~~ allow encroachment of any kind into the area. Mr. Grittman said he sees no negative impact with the pool being located within the wetland buffer.”

Page 4, 2nd paragraph would be reworded as follows:

”Commissioner Miller questioned if ~~said that~~ the applicant knowingly put the pool within the wetlands area without consideration for a fence. Mr. Chapman said there is room for the fence along the easement line.

Page 4, motion – changes in red

“COMMISSIONER B. MCMANUS MOVED, SECONDED BY COMMISSIONER MILLER, TO CLOSE THE PUBLIC HEARING.

Further Discussion

Commissioner B. McManus asked if the City has any power to recommend such an action that goes against the scenic easement. Mr. Grittman said it appears that the easement is in favor of the City and the City can amend this agreement if they wish to. Commissioner B. McManus said it would then appear that the City will need to amend or waive the pool issue in addition to the fence issue. Mr. Grittman said the pool is not encroaching into the scenic easement, but still needs to have a wetland permit granted.

**5 AYES
0 NAYS
 MOTION CARRIED**

Acting Chair Dolan closed the public hearing.

ACTING CHAIR DOLAN, SECONDED BY COMMISSIONER M. MCMANUS TO RECOMMEND APPROVAL OF THE WETLANDS PERMIT FOR THE POOL UPON THE CONDITION THAT THE FENCE BE LOCATED TO AVOID THE ENCROACHMENT INTO THE SCENIC EASEMENT, WITH THE ADDITIONAL CONDITION THAT THE CITY CONFIRMS THAT THE FENCE MEETS THE HEIGHT AND OPENNESS REQUIREMENTS.

Further Discussion

Acting Chair Dolan referred to the Staff Recommendation about additional landscaping and does not feel it’s necessary to impose that restriction.

Commissioner Miller said that any acceptions to the giving up of the scenic easement would be a City Council issue.

Commissioner B. McManus said the applicant is taking an optional stance, wanting to do the best he can for his site, and that the property is totally usable inside the requirements.

4 AYES
1 NAYS (Commissioner Hesse)
MOTION CARRIED

Page 7, 8th paragraph should read:

“Commissioner B. McManus said this project will improve the appearance of the building, and the neighborhood would benefit from that.”

COMMISSIONER B. McMANUS, SECONDED BY COMMISSIONER DOLAN, TO APPROVE THE MINUTES OF MARCH 30, 2005 AS AMENDED.

5 AYES
0 NAYS
2 ABSTENTIONS (Chair Lorberbaum and Commissioner Betlej)
MOTION CARRIED

Chair Lorberbaum thanked Commissioner Dolan for chairing the March 30th meeting.

HEARINGS

PLANNING CASE #05-08

Opus

820 – 840 Sibley Memorial Highway

CUP, Comprehensive Plan Amendment, Rezoning, Subdivision, Critical Area Permit, Variance Request

Mr. Gritman introduced the preliminary development plan for a PUD. Mr. Gritman said there is also a request for an amendment to the Comprehensive Plan to change the land use design from Industrial to Medium/High Density Residential. The project proposes 54 units of townhouses which are arranged in clusters of 2-unit buildings access from both Highway 13 and Wachtler Avenue. There are also two condominium buildings with contain 30 units each.

In the original concept plan, the streets were proposed to be private, however, it was the City Council’s desire to have public streets. It is noted that public streets require right of way at 60-ft., and the developer wishes to make private streets with a right of way of 50-ft. There is also issue concerning the units that have the front-loaded garages; the plans show setbacks as little as 17-ft. to the property line and 25-ft. to the curb. This latter dimension is too short and visitors parking in the driveway would block the sidewalk, and come close to hanging out into the street. Staff recommends a setback of 20-ft. for the side-loaded garages and 30-ft. for front loaded garage units.

Staff also recommends reduction in units in the northeast corner as the unit encroachment can cause significant impact on the existing tree cover.

Impervious surface coverage is noted as 26.4% of the 25-acre site.

The condominium building is three stories in height, exceeding the Critical Area height restrictions. Mr. Gritman suggested moving the two buildings further to the west, although placing the buildings there could create the need for additional variances.

Commissioner M. McManus asked about traffic pattern changes long term. Mr. Grittmann said the intent of the traffic study was to estimate trips that are being generated now. Commissioner M. McManus said it would be better to have the studies address how the traffic could be affect in the future.

Commissioner M. McManus referred to the memo received from Dakota County Plat Division, which states concerns about traffic volumes and noise levels along Wachtler. Mr. Grittmann said there is a 100-ft. setback from Wachtler, which is more than the City requires, and there will be additional trees planted to address the noise concerns.

Commissioner Hesse asked how Staff's recommendations for the garages setbacks would affect the rest of the building. Mr. Grittmann further explained using the map on how these setbacks would affect the development.

Commissioner Hesse expressed the need for a more long term detailed traffic study.

Commissioner Dolan said he was surprised that the report shows a significant reduction in traffic. Mr. Grittmann said he was also surprised.

Commissioner Dolan asked if there are any renderings provided to show the visual impact of the condominiums from the neighbors perspective. Mr. Grittmann said there were no such renderings available.

Commissioner Dolan asked if the cars parked in the driveway would cause a safety issue. Mr. Grittmann said it would in relation to snow plowing and utility maintenance.

Commissioner Dolan said it is the recommendation of the Planner to reduce the impervious surface and asked how this could be done. Mr. Grittmann said there will need to be some units removed.

Commissioner Dolan asked how the City should be thinking when complying with the DNR regulations for the Critical Area. Mr. Grittmann said the City is the regulatory body and has its specific ordinances, but also encourages and respects the opinion of the DNR.

Chair Lorberbaum said she is in favor of all the streets being public streets. Mr. Grittmann said the City Council also has a strong desire to keep these streets public.

Chair Lorberbaum asked how much fill will be coming in. Mr. Grittmann said the specifications would be part of the PUD and Critical Area Permit. Chair Lorberbaum said there is some question on this issue and will need further clarification from the applicant.

Chair Lorberbaum asked if the Planner was comfortable with the amount of visitor parking for the condominiums. Mr. Grittmann said he was.

Commissioner Betlej asked for clarification on the application process in this case. Mr. Hollister said the Concept Plan and Preliminary Plans go to both Planning Commission and City Council, but the final Development Plan goes to City Council.

Commissioner Betlej asked about the caliber of trees that would be removed and replanted. Mr. Grittmann said there was a landscape plan but did not have a comparison on the removal/replacement process.

Commissioner Betlej referred to the traffic study and said there are 116 units, with 2 vehicles per unit. The traffic study suggested that peak traffic would contain 8 cars per hour and questions the assumptions on peak usage. Mr. Grittmann said he did not reanalyze the traffic study and will take another look. These numbers usually come out of standard manuals and Mr. Grittmann said that the total numbers did surprise him at first, but does not believe they are grossly out of line.

Commissioner Miller asked if the current sanitary sewer system would be able to handle the new development. City Engineer McDermott said the system will be able to handle this.

Commissioner Miller said he would like to have this plans come back to the Planning Commission again before the final goes to City Council. Chair Lorberbaum said that if the Planning Commission tables this discussion, it has to come back to the Planning Commission again for a final recommendation to the City Council.

Commissioner B. McManus asked if the plans were drawn to scale with the road widths that are necessary. Mr. Grittmann said the plans have been drawn with a 50-ft. right of way width for the loop street, and the two side private streets have been drawn at 28-ft. width, which would be wide enough to carry two way traffic and one sided street parking.

Commissioner B. McManus asked if the fire department reviewed the plans. Ms. McDermott said the fire marshall reviewed the plans and has no concerns.

Commissioner B. McManus said there are a lot of units jammed into this area and is concerned about the visibility of the condominium buildings.

Chair Lorberbaum said the Commission asked the applicant to remove the fourth floor, and add a pitched roof. At the neighborhood meeting, the revised plans showed the changes, however the building is now taller than the original with the 4th floor.

Commissioner M. McManus asked if the Parks Commission's recommendation about the trail system has been considered. Mr. Grittmann said their recommendations have been forwarded to the City Council. Commissioner Betlej asked if the trail has been designed to be placed within the right of way, or will there need to be some easements along the way? Mr. Grittmann said he does not know if easements will be necessary. Ms. McDermott said there will be a feasibility study done, and it is the intention of the City to keep the trail within the right of way.

David Menke, Vice President of The Opus Group, reviewed the site plan and answered questions from the Commission.

Mr. Menke said the calculations have been done with the finding that that the use of the sanitary sewer will be less than it is currently being used today.

Mr. Menke shared some basic elevations and floor plans of the proposed townhomes. Average price of these townhomes range from mid-\$500,000 to +\$700,000.

Mr. Menke reviewed the condominium building plans which show three floors, 10 units per floor, underground parking, and club room amenities. There has been green space created between the two buildings. Pricing on this units range from mid-\$300,000 to low \$500,000.

Mr. Menke said there was a good turnout at the neighborhood meeting, which was held at the Mendakota Country Club. Since that meeting, Opus has held one-on-one meeting sessions with all but one of the immediate five homes that affront the development. Mr. Menke showed some rough images of what the view from one of these five homes would look like and talked about the challenges with the grading.

Commissioner M. McManus asked who would be living in these homes. Mr. Menke said they would be empty-nesters and young professionals.

Commissioner M. McManus asked for Opus' comments regarding the Parks Commission recommendations. Mr. Menke explained how the trail system would connect into this development.

Commissioner M. McManus asked about movement inside the development. Mr. Menke said there will be tremendous trail opportunities with the sidewalk system, and reviewed the layout of the development to explain how the sidewalks will be constructed.

Commissioner Hesse commented on the possible impacts that the Wachtler access will have on the neighboring driveways. Mr. Menke said the drawing was a little deceiving and did not show the actual sizing of the area, therefore the neighboring driveways will not have much negative impact from this access.

Commissioner Hesse asked about the length of the driveways and would there be a safety issue? Mr. Menke said the shortest length would be 25-ft., but others are longer.

Commissioner Dolan asked for an update on the environmental studies. Mr. Menke said the studies were completed and were all clear. There are processes that need to be followed when demolishing a building and they will be very careful with that.

Commissioner Dolan said he likes the condominium buildings where they are located on the plan and asked for more clarification on what the visual views will look like from the Cherry Hill homeowners.

Commissioner Dolan asked about the parking for the condominiums. Mr. Menke said there are approximately 50 stalls below grade to serve 30 units, as well as 23 visitor stalls outside.

Chair Lorberbaum thanked the applicants for their willingness to work with Staff and the City to better refine these plans.

Chair Lorberbaum said she would like to see all the streets as public and the applicant may wish to come back to the Planning Commission with some alternatives. Mr. Menke said he believes that the request from the Mayor and City Council for private streets comes from a maintenance issue.

Chair Lorberbaum said the plans were not signed by the Architect and should be.

Commissioner Betlej asked about the replacement caliber of the trees. Mr. Menke introduced Craig Nelson, Damon Farber Associates, as the landscape consultant for this project. Mr. Nelson said the number of caliber inches that are being replaced is 1,750. This relates to the removal of 350 trees and replacing with 686 trees. Many of the trees on this site are diseased and damaged, and there is an opportunity to re-forest this piece of property with select hardwoods, including oaks, ash and birch. In addition, there are over 1,300 flowering shrubs and over 600 coniferous shrubs and small trees, giving a very lush environment.

Commissioner Betlej said there will be 1,300 caliber inches taken out in hardwoods. Mr. Nelson said they have estimated more than that.

Commissioner Betlej asked the applicant to clarify all the setbacks to make sure it was understood by everyone.

Commissioner B. McManus said the applicant has been very responsive to comments made by the Planning Commission, and he wants to be sure the condos will have outdoor balconies and patios on both sides of the building. Mr. Menke said that was correct.

Commissioner B. McManus asked about the lighting for the project. Mr. Menke said the street lights and other detailed lighting have been indicated on the plans.

Todd Polum, SRF Consulting Group, has performed the traffic analysis and shared that information with the Planning Commission. Mr. Polum said his company always references the "IT Trip Generation Manual" when conducting these studies. This is the basis upon all the analytical decisions that are provided to the City.

Commissioner M. McManus asked who was involved in these trips? Mr. Polum said the study contained information collected during the peak hour in the morning, and the peak hour in the evening which focuses on the people living in the development. Chair Lorberbaum asked for the defined peak hours. Mr. Polum said he did not have that information at this time, but feels it would be about 6:00 am to 8:00 am for the morning, and 4:30 pm to 6:30 pm in the afternoon.

Upon questions from several commission members about how the trips were calculated, Mr. Polum always replied that the numbers come from the book and there were no actual physical traffic studies done specifically to this neighborhood. Chair Lorberbaum asked if more information could be provided based on the actual development's number of units and surrounding neighborhood traffic patterns.

Commissioner B. McManus asked for more information regarding the two ponds on the site. Normal water elevation of large pond would be about 70-ft. Commissioner B. McManus said there is a safety concern with children. Mr. Menke asked Mr. Nelson to address this question. Mr. Nelson said it is the intent of the applicant to handle storm water with sloping and vegetating edges preventing steep drop offs. By using native vegetation, the water is filtered and handled properly.

Chair Lorberbaum opened the public hearing.

Gail Foreman, 688 Woodridge Dr., said she believes this is a wonderful project to accommodate empty nesters and does not see any concerns with additional traffic. Mrs. Foreman said the type of people that will be able to afford these townhouses will have to be higher caliber, and not a first time homeowner.

Barbara Tischard, 1380 Wachtler Avenue, said she appreciates and respects the efforts of those parties involved and said this was her first notice of this property. Her first concern is the rezoning to the highest density allowed, and finds the condominium buildings to be the most objectionable. Ms. Tischard said she appreciates that Opus has visited with the closest neighbors as well. She had questions regarding fill and the heights of the buildings. Ms. Tischard asked what a “stacked stall” was.

Mr. Tom Becker, Project Manager Opus Group, said showed a sideways elevation of the buildings to give a better understanding on how the grading will be in relation to the elevation. Mr. Menke described a “stack garage” as parking one car in front of the other.

Carolyn Olson, 1512 Wachtler, thanked Commissioner Hesse for acknowledging the problem of the driveways along Wachtler as Ms. Olson’s driveway is one of them. Ms. Olson said Ecolab currently serves as the flood plain for water and would not like to see the water come across the road. Ms. McDermott said she does not have all the design calculations yet and will be looking into this as she is aware of the concerns.

Gail Schalb is one of the neighbors that would be directly adjacent to the back of the condominium and feels these buildings are very huge and overbearing.

Mr. Mike Salmon, 1001 Overlook Road, currently owns real estate and has on occasion, worked with Opus and said they do a very fine job, and feels this development will be an asset to the community.

Jerry Schwartz, 1474 Wachtler, expressed his concerns about the density lines along the west side of the property and the traffic. Mr. Schwartz is concerned that an actual traffic study was not done in the area. Mr. Schwartz said Wachtler Avenue is a county road that is in disrepair.

Randy Levish, 1330 Wachtler, expressed his concerns about the elevation of the condominiums. Mr. Levish said he was not included in, nor aware of, the neighborhood meeting.

Sharon Lewis, 1300 Wachtler, said she was not notified of the neighborhood meeting, and feels that the neighbors to the east have not been probably addressed.

Mr. Hollister said the neighborhood was a private meeting held by the applicant and was not a city meeting. Opus asked City Staff for a listing of neighbors to invite to that meeting, and the City attempted to send the same list as the list used for the City’s Public Hearing meetings. Chair Lorberbaum said the private meeting was not mandatory, but only an additional informational benefit to the neighbors.

Chair Lorberbaum asked Mr. Hollister to gather names outside the Council Chambers of those residents that would like to be included on additional notifications.

Mr. Gary Sachs, 1366 Cherry Hill Road, said he would like to suggest putting the condominiums buildings on the same location that the existing Ecolab building is located. Also, if it were possible, to have balloons placed to give neighbors a better idea of what the height of the condo buildings would be.

CHAIR LORBERBAUM MOVED, SECONDED BY COMMISSIONER BETLEJ, TO TABLE THIS CASE UNTIL THE MAY PLANNING COMMISSION MEETING AS THERE ARE SOME MISSING DOCUMENTS, SUCH AS ASSOCIATION DOCUMENTS, THE APPLICANT IS GUESSING ON THE FILL, DESIGN CALCULATIONS ARE MISSING REGARDING RUNOFF, AND MORE DISCUSSION NEEDS TO BE HELD CONCERNING PRIVATE ROAD VS. PUBLIC ROADS. ALSO NEEDED ARE MORE VIEWS AND CLARIFICATIONS ON THE BUILDING ELEVATIONS.

**7 AYES
0 NAYS
 MOTION CARRIED**

**PLANNING CASE #05-12
Patrick Vocovich
748 Willow Lane
Lot Split**

Mr. Gritman reviewed an application where the applicant is seeking to divide the existing parcel at 748 Willow Lane into two single family parcel lots. Mr. Gritman said Parcel A contains the existing home and Parcel B would be east of that homesite.

Mr. Gritman said the lots surrounding this site average about 30,000 sq.ft. to over 60,000 sq. ft., and about 30,000 sq. ft. to the east and south.

Staff recommends approval as this application meets all requirements of the City with the recommendation that the existing driveway be shared between the two homes.

Commissioner Betlej referred to the neighboring lots to the south and asked if there should be concerns regarding the setbacks to the road to keep consistency throughout the neighborhood. Mr. Gritman said there are not concerns.

Chair Lorberbaum asked Mr. Gritman to show where and how he would recommend the driveway to face.

Chair Lorberbaum said there was a second map provided to the Commission and asked for clarification of the correct map to use. Mr. Gritman said the second map, which shows the property at 17,163 sq. ft.

Commissioner Dolan asked if the new lot would have sufficient frontage. Mr. Gritman said it would depend on whether it meets the zoning standards in the R-1, and believes there are no conditions that would indicate there are any problems. Commissioner Dolan asked if the City has the legal right to deny this subdivision. Mr. Gritman said he believes that the City does not have that right.

Chair Lorberbaum asked if the Commission must consider the character of the existing neighborhood. Commissioner Dolan said that the proposed subdivision must be compatible with the existing subdivision.

Leane Vocovich, 748 Willow Lane, said her husband recently hurt his back and they want to subdivide the property to gain some financial security. There are currently no plans to build or sell the property, but the Vocovich's wanted to know if a lot split would be approved if they so wished to pursue.

Commissioner B. McManus asked for clarification on the driveway to the existing home.

Chair Lorberbaum opened the public hearing.

Walt Klarkowski, 737 Willow Lane, is opposed to the subdivision as this split would be in opposition with the character of the neighborhood. The neighbor to the south, at 1870 Valley Curve Road, would actually have a home placed in front of their home.

Donna Solem, 1870 Valley Curve Road, said she lived there about 36 years and does not want to see this home in her back yard and will be very close to her property line.

Joan Brandos, a current resident at Cherry Hill, previously lived in this neighborhood and commented that this area used to be a golf course. Ms. Brandos, a real estate agent, said a subdivision would likely cause the property values to drop. These lots are very spacious and a subdivision of this lot would be very inconsistent with the neighborhood.

Richard Mink 1865 Dodd Road, said he is opposed to this subdivision as others may want to do the same.

Mrs. Vocovich said the map provided showing the 17,163 sq. ft. is not the correct map. Her son, Derek Vocovich, said he called his father, who confirmed that the correct map shows 22,351 sq. ft. These calculations include the alley.

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

COMMISSIONER BETLEJ MOVED, SECONDED BY COMMISSIONER MILLER, TO CLOSE THE PUBLIC HEARING.

7 **AYES**
0 **NAYS**
 MOTION CARRIED

Chair Lorberbaum closed the public hearing.

COMMISSIONER BETLEJ MOVED, SECONDED BY CHAIR LORBERBAUM, TO RECOMMEND DENIAL OF THE SUBDIVISION WITH THE REASONING THAT THE SUBDIVISION WILL ALTER THE CHARACTER OF THE NEIGHBORHOOD. THE REASONING BEHIND THIS WOULD BE THAT THE REALITY OF THE AREA IS THAT IT'S BEEN DEVELOPED IN TERMS OF LARGE LOTS, WHICH MOST HAVE SIGNIFICANT SETBACKS PARTICULARLY IN THE ADDITION WHERE THE ALLEYWAY GOING SOUTH FROM THE SUBJECT PARCEL AND WOULD RESULT IN A BUILDING ENVELOPE THAT WOULD SITE A HOME IN THE NEIGHBOR'S FRONT YARD.

Further Discussion

Commissioner B. McManus said it was the Planners opinion that the Commission has little option to deny this case based on his knowledge of our regulations. Is there agreement that there is some opportunity to apply judgement?

Mr. Grittman said based on other applications, the consideration being used in this case is a very difficult one to prove out. Chair Lorberbaum asked if it could be proved out based on the size that existing map shows? Mr. Grittman said it was his concern that this lot is surrounded by a wide variety of lot sizes not consistent or standard.

5 **AYES**
2 **NAYS (Commissioners Dolan and Hesse)**
 MOTION CARRIED

PLANNING CASE #05-13
Rick Fretschel - ISD #197
1897 Delaware Avenue
Zoning Ordinance Amendment for Electronic Signs, CUP, Variance

Mr. Grittman reviewed the application seeking approval of an amendment to the Zoning Ordinance that would allow for the use of electronic message board signs at the Henry Sibley High School. Mr. Grittman shared a drawing of the proposed sign.

Because the ordinance currently prohibits the use of such signs, an amendment would have to be approved and a Conditional Use Permit would have to be granted to the school. The applicants indicate that a new sign would replace an existing freestanding sign, as well as temporary hand-crafted signs that are used to provide notice of special events at the school.

It is the Planners concern that if the school is allowed to have such signage, then it could set precedence to other businesses in the community to use the same type of signage. Also, enforcement of these signs could become an issue.

There is also concern regarding the size of the signage, as well as the setback requirement of 500- ft.

Commissioner M. McManus referred to the list of other eligible properties that was provided in the Planners Report, and asked if this was the official list. Mr. Grittman said if one applies the rules that have been suggested in the Planners Report, that would be the list.

Commissioner M. McManus asked Mr. Grittman for clarification about enforcement issues. Mr. Grittman said there needs to be language in the code to prohibit inappropriate messages.

Commissioner Dolan asked where the 500-ft. setback would push the sign back to. Mr. Grittmann said the setback would push the sign down to Highway 110.

Chair Lorberbaum referred to the handmade signs that are placed along the road to advertise school events, and asked if these signs were illegal. Chair Lorberbaum believes these signs along the roadway posed safety issues. Chair Lorberbaum said she does not want to see signage along the highway because of these safety issues.

Chair Lorberbaum asked if there can be language in the ordinance that would allow this type of signage for primarily academic use, thus eliminating churches? Mr. Grittmann said he believes there is some federal legislation that restricts the City's ability to discriminate against churches. In addition, there are some churches that have schools connected with them. Mr. Grittmann said the City tries to get around that topic by saying it would be for "institutional purposes".

Chair Lorberbaum asked if the sign could later be removed if there were any enforcement issues pending. Mr. Grittmann said if the school was not following any conditions imposed on them, the City would have the authority to do that.

Commissioner Betlej said placing the signage along Delaware would be more effective given the speed limit is less.

Commissioner Betlej said he would add to the list, the church located on the south side of Highway 110, adjacent to Dodge Nature Center. Others could include St. Thomas Ice Arena

Commissioner Miller said he would not like the signage on the corner of Highway 110 and Delaware Avenue.

Commissioner B. McManus said Dodge Nature Center has signs all over the place, in the middle of a residential neighborhood. Mr. Grittmann said if they are too close to a residential property, then they could not place the signage there.

Commissioner B. McManus said the flashing of the wordage would definitely be a safety concern and asked Mr. Grittmann if he has taken this into account. Mr. Grittmann said a sign could be placed there that would not have the electronic lighting moving the words around, but that the information on the sign would be changed manually, and could use the exact style of signage as the proposal contains if the City is willing to grant the variances for the size.

Commissioner B. McManus said this is an unusual request as the school is not directly involved with the request, but rather the request is coming from a group of citizens. Mr. Grittmann said it is his understanding that the school management supports the application.

Mr. Rick Frestchel, 459 Nature View Court, West St. Paul, is the applicant on behalf of the parents group from Sibley High School.

Mr. Frestchel said he applauds the efforts of the Planning Commission for their stamina on the length of this meeting, and also the stamina of the high school students and parents for helping along on this project.

Mr. Frestchel said this project has been on-going since February, 2002. Mr. Frestchel said he is merely a representative of loyal constituents of District 197, and is a person that is trying to get something at Sibley High School that looks good and sends a message, enhancing Sibley High School.

Mr. Frestchel said he is a long time member of the Saint Paul Fire Department, and has been a Paramedic for many of those years, so safety is a very important issue to him, and is why the group did not want the signage on Highway 110. Mr. Frestchel said the group never wanted the signage there.

Mr. Frestchel referred to a letter dated April 7, 2004 from Superintendent John Longtin, fully endorsing efforts to obtain this sign for the high school. The school board is very supportive of this endeavor and it will not cost the school district anything. It is the intent of the group to have this project fully funded prior to construction, and if funds are not adequate for what is proposed, the group will not place a cheaper made sign in its place.

Mr. Frestschel shared a powerpoint presentation that shows how the wording would be displayed – this would not be a reader board, scrolling type.

Mr. Frestschel said the 500-ft. setback is very unreasonable, and believes this sign will not be obtrusive. He talked to the neighbors in the "Preserve" (the neighborhood directly across the street from the proposed sign) and no one had a problem with this signage. Mr. Frestschel said this ordinance was crafted back in the '70's, and since then, technology is different and those rules should not apply to what is there today.

Mr. Frestschel said the "gatekeeper" will be a school district employee and will have the responsibility for the sign display.

Commissioner M. McManus, who works in Anoka County, checked with the school districts in that county, asking about the signage they had; the main thing that the school officials said was that the signage should be used for advertising school events, not necessarily community events. Commissioner M. McManus said these signs were not in residential areas. Commissioner M. McManus said she appreciates all the work the students put into this project.

Commissioner Hesse asked if this project would discontinue in its efforts should the City deny the use of electronic messaging. Mr. Frestschel said this project would be discontinued.

Commissioner Dolan said he is not overly troubled with the sign and believes a school of this size needs something like this.

Chair Lorberbaum said she is comfortable with this, and has some concerns about the flashing words in segments. She would like to have all the information posted at one time so one would not have to stand and wait for more information to come with the next "flash".

Chair Lorberbaum asked if the school would be interested in placing their sign somewhere other than in the residential area, for instance, at Mendota Plaza. Mr. Frestschel said the idea of this sign is to identify Sibley High School.

Commissioner Betlej expressed a concern that the school could make money by advertising other than school/community events. Mr. Grittman said current ordinances prohibit advertising in this manner.

Commissioner B. McManus said he would like to have copies of letter from the superintendent to each of the Planning Commission members and staff.

Commissioner B. McManus said he wonders if other schools should be able to do this, and how far does the City want to go to allow these types of signs.

Chair Lorberbaum opened the public hearing.

Mary McGrory-Usset, 1827 Rolling Green Curve, said she has been a resident of Mendota Heights for about 19 years, and is also a member of the school board. The school district is not legally allowed to advertise to tell people how to vote and therefore could not post this information on a sign. The students went door to door to obtain permission/signatures to allow this sign as proposed. One of the students in attendance, Randy Tagmeier, 543 Abbey Way, said the students were instructed by the teachers to canvas the Mendota Heights residents only. Approximately $\frac{3}{4}$ of the events held at the high school are community events and the signage would then help the community. There are no other effective methods today to advertise events on a daily basis. Many of the residents that live directly around the school were in attendance at this meeting in support of this sign.

Commissioner M. McManus asked if there were any hard data to prove that these signs are bringing better attendance to events. Mary said there are a lot of people inquiring when they see the cars in the parking lots, and with the signage, they would be informed on what's going on.

As for ongoing maintenance, the school district will take complete responsibility.

Jerry Gordon, AIM Electronics in Eden Prairie, is the contractor of this signage and explained how the electronics work and how the maintenance would happen.

Mary Ann Bailey, 2132 Tree Top, said she has been a resident of Mendota Heights for 25 years, and has 4 children that have gone through the school system. Mrs. Bailey said she has chaired numerous events over the years and it's harder to get businesses to put

flyers in their places. Having a school sign such as this will help with printing costs and help with the ease of getting the word out there.

Jessie Shiftman, 5095 Diane Road, is the president of the student council and talked about how much the students and parents have contributed time to this project, and she believes that Sibley High School is the only high school in Mendota Heights and the City owes it to the community to let them know what's going on and invite them into the school for such events. This sign would be the best way to keep the community involved, and acts somewhat of a community center.

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

COMMISSIONER BETLEJ MOVED, SECONDED BY COMMISSIONER MILLER, TO CLOSE THE PUBLIC HEARING.

7 **AYES**
0 **NAYS**
 MOTION CARRIED

Chair Lorberbaum closed the public hearing.

COMMISSIONER BETLEJ MOVED, SECONDED BY COMMISSIONER M. MCMANUS, TO TABLE THIS ITEM TO THE NEXT MEETING IN ORDER TO DRAFT SOME LANGUAGE TO ALLOW THIS TYPE OF SIGN BY A CONDITIONAL USE PERMIT. SUCH LANGUAGE WOULD INCLUDE:

1. **QUALITY OF THE SIGN**
2. **ILLUMINATION OF THE SIGN**
3. **HOW OFTEN THE SIGN WOULD CHANGE**
4. **LIMIT OF WHAT MAY BE DISPLAYED ON THAT SIGN**
5. **ACCEPTABLE ZONING AND DISTANCE REQUIREMENTS FROM RESIDENTIAL AREAS**
6. **SIZE**
7. **DEFINITION OF FLASHING**
8. **TIME LIMITATIONS**

FRIENDLY AMENDMENT BY COMMISSIONER B. MCMANUS WAS ACCEPTED: TO DRAFT THIS MOTION IN SUCH A WAY THAT ONLY EDUCATIONAL INSTITUTIONS (HIGH SCHOOL LEVEL) RECEIVE PERMISSION TO DO THIS.

7 **AYES**
0 **NAYS**
 MOTION CARRIED

PLANNING CASE #05-14

Kurt Hagen
1280 Lakeview Avenue
Wetlands Permit for Home Reconstruction

Mr. Gritman introduced the application seeking approval of a wetlands permit to allow the reconstruction of an existing home on the property which was damaged by fire. The new home would be located in the same general location of the existing home, but the new home would encroach into the 100-ft. wetland buffer.

Mr. Gritman said the proposal meets all regulations and recommends approval.

Commissioner Miller said he would like to see the driveway in a location that was not on the cul-de-sac. Mr. Gritman said that would make sense.

Commissioner Miller asked if the applicant was the current property owner. Mr. Grittmann said it was his understanding that the applicant is the current property owner.

Commissioner M. McManus asked if the new septic tank would be in a different location. Mr. Grittmann said it would be preferred if the new tank would be located outside the wetland buffer.

Mr. Kurt Hagen, currently lives in Eagan, is the applicant and said that it would be the intent to demolish the existing septic system and tie into city water and sewer, which run underneath the existing driveway.

Commissioner B. McManus asked the applicant if it were possible to locate the house so that it does not encroach into the wetlands. Mr. Hagen explained that to build a new house, with the standards that require a double garage, there would be no other way to construct a home onto this lot without entering into the wetland.

Chair Lorberbaum asked how the applicant felt about moving the driveway. Mr. Hagen said the proposed location is preferred as the existing garage next door is two feet off the property line and would like to place his garage next to the one next door.

Mr. Hagen said a new home would not encroach further into the wetlands that the current one does, which would be no more than 25-ft. into wetlands. Mr. Grittmann said that if the house would encroach further into the wetlands, then trading off the driveway to be placed into another area would be a reasonable condition.

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

COMMISSIONER BETLEJ MOVED, SECONDED BY COMMISSIONER MILLER TO CLOSE THE PUBLIC HEARING.

**7 AYES
0 NAYS
 MOTION CARRIED**

Chair Lorberbaum closed the public hearing.

COMMISSIONER BETLEJ MOVED, SECONDED BY CHAIR LORBERBAUM, TO RECOMMEND APPROVAL OF THE WETLANDS PERMIT FOR A HOME RECONSTRUCTION, ALLOWING FOR A 25-FT. ENCROACHMENT INTO THE 100-FT WETLAND SETBACK, AND THAT THE EXISTING SEPTIC SYSTEM WOULD BE ABANDONED PROPERLY AND THE NEW HOME WOULD BE TIED INTO CITY SEWER AND WATER, AND THE EXISTING DRIVEWAY WOULD BE REMOVED AND A NEW DRIVEWAY WOULD BE BUILT OUTSIDE OF THE 100-FT. SETBACK.

**7 AYES
0 NAYS
 MOTION CARRIED**

**PLANNING CASE #05-16
Robert Meyer and Rhonda Simonson
1399 Clement
Variance**

Mr. Grittmann reviewed the request for a variance from the required 30-ft. setback requirement to allow a 176-sq. ft. addition to the side of the existing home. The home is located on the corner of Clement and 1st Ave., and is a non-conforming lot as it's very narrow. The addition would provide additional space for a computer room, dining room, and storage.

Mr. Grittmann said the house meets all other code requirements for setbacks. The applicant has indicated that the floor plan is difficult to use for their family and would need the addition to make more reasonable use of the home due to its age.

Mr. Grittmann said that the applicant feels that due to the narrowing of the lot, it's difficult to construct a home addition in any other way. Staff does not recommend approval based on the fact that the applicant could still make reasonable use of the property by narrowing the width of the addition.

Commissioner M. McManus asked why the shape of the lot could not be considered a hardship. Mr. Grittmann said it appears there is now reasonable use of the property as it is now, and the addition could be accommodated by the extra land to the side of the home.

Commissioner Hesse said he believed there were some flexibility for homes located on a corner lot, and struggles with the hardship reasoning

Commissioner Dolan asked if the addition could be constructed to the west, off the back of the home. Mr. Grittmann said the applicant indicated that would not be feasible.

Chair Lorberbaum said she met with the applicant who told her he tried multiple times to come up with a design to build off the back and cannot find a way to make it work.

Mr. Robert Meyer said a hardship was hard to come up with, and that he tried working with an architect in the past to come up with some ideas. Those ideas presented themselves with results being very odd shaped bedrooms and the back bedroom having no windows. Mr. Meyer reviewed the floor plan and explained his reasonings for the addition.

Chair Lorberbaum asked if there was a safety issue with the way the stairs and the front entry was laid out. Mr. Meyer said this is a very tight area and it would be a safety concern.

Commissioner Betlej said it seems that the applicant is saying that the hardship would be the size and shape of the lot which would make it difficult to use the site adequately.

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

COMMISSIONER MILLER MOVED, SECONDED BY COMMISSIONER BETLEJ, TO CLOSE THE PUBLIC HEARING.

**7 AYES
0 NAYS
 MOTION CARRIED**

Chair Lorberbaum closed the public hearing.

COMMISSIONER M. MCMANUS MOVED, SECONDED BY COMMISSIONER CHAIR LORBERBAUM, TO RECOMMEND APPROVAL OF THE VARIANCE WITH THE HARDSHIP IDENTIFIED AS THE NARROWNESS AND UNEVEN SHAPE OF THE LOT, AND THAT IT IS SUBSTANDARD IN SIZE.

**7 AYES
0 NAYS
 MOTION CARRIED**

**PLANNING CASE #05-16
Mark Fenton – ISD #197
1355 Dodd Road
CUP and Wetlands Permit for Grading Work for Playground Improvements**

Mr. Gritman introduced the case where the applicant is requesting a CUP and wetlands permit for Somerset Elementary School, to allow for fill on a recreational area on the site that would replace a portion of a basketball court, and would like to construct new playground facilities on this property.

The applicant said they are willing to construct a trail to connect with the City's trail system and would also be willing to leave the remainder of the slope in natural planting condition which would allow for better filtering of storm water. Staff recommends approval based on the application is consistent with the wetlands requirements and improving the site in terms of coverage of the creek.

Commissioner B. McManus said it appears that the fill would go right to the edge and then create a sharp drop. Commissioner B. McManus asked how the applicant will keep this creek from eroding. Mr. Gritman said it is his understanding that the construction of the new slope will actually resolve that. Commissioner B. McManus said it would only add more height.

Commissioner Betlej said the applicant would be essentially pushing the hill closer to the wetland and adding impervious surface. Mr. Gritman said he understood that the slope construction would improve the embankment, and the addition of natural grasses would help with filtration of the water.

Mr. Mark Fenton, ground supervisor for ISD #197 showed a picture of the playground and explained how the sloping would be affected. Mr. Fenton said the slope would not be greater than 1.5 going toward the creek. Mr. Fenton provided a drawing to explain how the slope would look.

Commissioner Hesse asked how the erosion was controlled. Commissioner Betlej said this creek was rebuilt about ten years ago and there is a rift-raft wall encased in a fencing material to keep the area from eroding away.

Mr. Fenton said the children tend to fall down the hill during the winter months because it's slippery. Mr. Fenton explained that the basketball court needs to be moved to allow for a flatter court and the balls will not run errant toward and down the creek.

Mr. Fenton explained how the playground is laid out and is limited in design because of the existing topography.

Commissioner Hesse asked the applicant if he would consider reinforcing one of those slopes to slow down water and how will he deal with the erosion concern. Mr. Fenton said the area is very flat and it actually holds water to the top of this valley, with some of the water flowing over the retaining wall.

Ms. McDermott recommended planting a buffer to slow down the water, using natural plantings.

Commissioner M. McManus said it is her understanding that sloping and natural plantings help control the runoff and act as a filter.

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

COMMISSIONER MILLER MOVED, SECONDED BY COMMISSIONER BETLEJ, TO CLOSE THE PUBLIC HEARING.

**7 AYES
0 NAYS
 MOTION CARRIED**

Chair Lorberbaum closed the public hearing.

COMMISSIONER B. MCMANUS MOVED, SECONDED BY COMMISSIONER BETLEJ, TO RECOMMEND DENIAL OF THIS CUP REQUEST WITH THE REASON BEING THAT THIS WILL INCREASE THE SLOPE NEAR THE PROBLEM AREA RATHER THAN REDUCING THAT SLOPE, AND THAT THE APPLICANT SHOULD TAKE MORE TIME TO THINK ABOUT HOW TO KEEP THE CHILDREN FROM CLIMBING OVER THE EDGE, AND HOW THEY WILL KEEP THE WATER FROM EXASPERATING THE CURRENT PROBLEM.

6 **AYES**
1 **NAYS (Commissioner Dolan)**
MOTION CARRIED

Commissioner M. McManus said it would be helpful if the City Engineer would take a look at what other erosion controls steps might be.

PLANNING CASE #03-04
Property Maintenance Ordinance

Mr. Hollister said the City Council wishes to place this case on the agenda for their second meeting in May. Mr. Hollister, on behalf of the City of Mendota Heights, requested the application be tabled for an additional month.

PLANNING CASE #05-17
Scott Fleming for SuperAmerica
1080 Highway 110
Amendment to CUP

Mr. Grittmann introduced the case in which the applicant is seeking an amendment to the CUP to construct a new environmental remediation facility. This item was before the City a few years ago and has received all the necessary approvals. There has been nothing changed in the plans, however the application has run out of time and the applicant was required to re-apply for this permit.

Scott Fleming, 3948 45th Avenue South, Minneapolis, works for ATC Associates, the environmental consultants for Super America, was available to answer questions.

Mr. Fleming said it is hoped to break ground only July 11th, and a completion sometime in August depending on weather.

Commissioner Betlej asked if the permit can be cancelled after the need for this facility. Mr. Fleming said that can be done, and the space will most likely be used for storage.

Ms. McDermott said the sanitary sewers may need to be updated because there will be water accessing this building. This would be a City Engineering responsibility.

Mr. Fleming said the remediation process should take about 15 months, and then will need to be monitored for about one year after that.

Commissioner B. McManus asked what the increase in square footage will be. Mr. Fleming said about 80%.

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

COMMISSIONER MILLER MOVED, SECONDED BY COMMISSIONER BETLEJ, TO CLOSE THE PUBLIC HEARING.

7 **AYES**
0 **NAYS**

CHAIR LORBERBAUM MOVED, SECONDED BY COMMISSIONER B. MCMANUS, TO RECOMMEND APPROVAL OF THE AMENDMENT TO THE CONDITIONAL USE PERMIT AS PRESENTED.

7 AYES
0 NAYS

VERBAL REVIEW – Sue McDermott

PLANNING CASE #05-09 Richard Chapman - Wetlands PermitCritical Area Permit

- City Council approved as recommended by the Planning Commission. Applicant had a new survey that showed that the fence was not in the scenic easement area.

PLANNING CASE #05-10 John Weikert / Kevin Courtney – Variance & CUP

- City Council approved as recommended by the Planning Commission.

COMMISSIONER BETLEJ MOVED, SECONDED BY COMMISSIONER MILLER, TO ADJOURN THE MEETING AT 12:50PM.

7 AYES
0 NAYS
MOTION CARRIED

Respectfully submitted,

Becki Shaffer, Recording Secretary