

**CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY, MINNESOTA**  
**PLANNING COMMISSION MINUTES  
June 27, 2006**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, June 27, 2006 in the Council Chambers at City Hall, 1101 Victoria Curve at 7:30 pm.

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The following Commissioners were present: Chair Lorberbaum, Commissioners McManus, Lally, Povolny, Dolan, Hesse and Harms. Also present were Mendota Heights City Engineer Sue McDermott and Planner Steve Gritman. Minutes were recorded by Becki Shaffer.

Chair Lorberbaum thanked Mr. Patrick Hollister for his services while with the City of Mendota Heights. Mr. Hollister has left his position as Administrative Assistant for the City. City Engineer McDermott will be taking over some of Mr. Hollister's duties until his replacement has been named.

**Approval of May 24, 2006 Minutes**

Page 8, the motion second from the bottom of the page should read as follows:

“COMMISSIONER MCMANUS MOVED, SECONDED BY CHAIR LORBERBAUM, TO RECOMMEND TABLING THIS CASE BASED ON THE FINDING THAT ~~ADEQUATE STUDY~~ INADEQUATE STUDIES OF ALTERNATIVE SITES HAVE BEEN COMPLETED AND ~~SUFFICIENT~~ INSUFFICIENT INFORMATION IS PROVIDED TO MAKE A DECISION.”

Page 9, the vote on motion (middle of page) should read as follows:

4 AYES  
2 NAYS (Commissioners McManus, Lally)  
~~MOTION FAILED~~ CARRIED

Page 11, 6<sup>th</sup> paragraph should read as follows:

“Commissioner Dolan asked if the area of the driveway which was currently ~~encroaches~~ encroaching onto the neighbor's property will be re-seeded. Mr. Gardner said those details will have to be worked out with the neighbor, and consent will have to come from the neighbor to do such work.”

Page 11, 7th paragraph should read as follows:

“Commissioner Dolan asked what plans are in place to correct the fencing. Mr. Gardner said he is not aware of that any plans are for the fences. Mr. Hollister said there is an issue with a fence that is higher than 3-ft within 30-ft of the property line against the public right of way, which is in non-conformance. Commissioner Dolan said this fence needs to either be removed or placed back further.”

Page 13, motion (middle of page) should read as follows:

“CHAIR LORBERBAUM MOVED, SECONDED BY COMMISSIONER HESSE, TO RECOMMEND APPROVAL OF THE CRITICAL AREA PERMIT FOR GRADING, DRIVEWAY REALIGNMENT, PAVING AND FOR THE FILL SUBJECT TO THE APPROVAL OF THE PLANS FOR NORTH AND SOUTH BY THE CITY ENGINEER WITH THE UNDERSTANDING THAT THE AREA OF THE DRIVEWAY THAT IS CURRENTLY GRAVEL, THE PLAN FOR RESTORATION BE APPROVED BY THE CITY TO MAKE SURE THE SOIL IS SUFFICIENTLY DEEP AND THAT IT CAN BE RESODDED AND RESTORED TO ITS ORIGINAL CONDITION, AND CORRECTION OF THE DRAINAGE ISSUES CAUSED BY THE RECENT ADDITION OF FILL TO THE PROPERTY.”

Page 19, 1<sup>st</sup> paragraph should read as follows:

“Chair Lorberbaum asked if the ~~4-in~~ one-inch rock base for the walkway deteriorate over time. Mr. Gritman said this is an effective groundcover and makes a good pathway. It’s actually used in a lot of state parks.”

Page 19, 9<sup>th</sup> paragraph:

“Chair Lorberbaum asked Staff to research this case and come back to the Planning Commission with information.” ... Chair Lorberbaum asked Ms. McDermott when this information will be presented. Ms. McDermott said she has some information to share at this time based on research of both the ordinances and the DNR regulations, and would be able to provide more information at the next meeting if the Planning Commission would feel is necessary. Chair Lorberbaum said asked Ms. McDermott to share the information she has at the end of the public hearings.

Page 20, under Further Discussion, paragraph should read as follows:

**“Commissioner Dolan said he is still concerned about the absence of regulations on docks in the ordinances. ~~to go forward to apply to future applications for dockage.~~ Commissioner Dolan said he would recommend the City to encourage the Planner to come back with a recommendation for dock language in the ordinance.”**

**COMMISSIONER LALLY MOVED, SECONDED BY COMMISSIONER HARMS, TO APPROVE THE MINUTES OF MAY 24, 2006 AS CORRECTED.**

7 AYES  
0 NAYES  
MOTION CARRIED

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**HEARINGS**

**PLANNING CASE #06-19**

**Opus Corporation  
Highway 13 and Wachtler  
Minor Amendment to The Summit of Mendota Heights Planned Unit Development, Final Plat, Conditional Use Permit, Critical Area Permit, Variance, and a Wetlands Permit.**

Mr. Gritman shared a map showing the location of 820 and 840 Sibley Memorial Highway, also known as the Summit Residential Project, where the applicant is requesting the following: Minor Amendment to The Summit of Mendota Heights Planned Unit Development (to allow for fence and monument sign), Final Plat (to correct inconsistency in original plat), Conditional Use Permit (fence closer than 30’ to the R.O.W.), Critical Area Permit (fence and monument sign structures with in the Critical Area), Variance (sign closer than 30’ to R.O.W.) and a Wetlands Permit.

Mr. Gritman said this project is currently under construction. Mr. Gritman said the Wetland Permit is no longer necessary given the work that is being done is showing that the permit is not needed.

The Final Plat revisions are proposed to allow for the changes in the drainage patterns in Outlot A.

Fencing is proposed along Highway 13 that will serve as the boundary back yard for the residents to allow some privacy for those residents. The fence is proposed to be 6-ft in height, and made of cedar and stone posts. The posts will be 6½ ft. in height. Those dimensions comply with the ordinance. In this case, the proposed fence encroaches 3-ft. into the setback in some locations and the CUP is required to allow for that encroachment.

The PUD Amendment is necessary to encompass all these changes and revise the final PUD.

The applicants are seeking a variance to allow for some signage that would serve as entrance monuments signage for the project. There are two areas of signage, one being along the Wachtler entrance, which would be a smaller post with the nameplate (Summit).

These posts are proposed to be 20-ft from the right of way, and the code requires the signs to be 30-ft. There are two larger signs proposed to be placed at the Highway 13 entrance. These signs are proposed to be setback at 25-ft. The message plates on all signs meet the sign requirements, but the location and the structure that is encroaching into the 30-ft. setback. A variance is needed to allow for the encroachment of both these locations.

Staff feels the plat is in order, and it appears the fence would be consistent with code requirements. Staff also feels that the Critical Area Permit is in order as there would be no impacts from these structures on the Critical Area, and suggests that the fence variance as requested is not appropriate the signs can be located in a reasonable way that would meet the setbacks.

Commissioner Dolan asked for more clarification regarding the drainage issues with the outlots. Mr. Gritman said it was his understanding that the drainage is not going across the same location as originally planned and the outlet location was switched.

Commissioner Lally asked for some history on this project. Commissioner Lally asked if the developer lost a lot due to the drainage easement. Ms. McDermott said this was a line adjustment. Commissioner Lally asked for some clarification on the signage ordinance. Mr. Gritman said he believes that the ordinance is in place to ensure visibility, lineage and aesthetic impact. Commissioner Lally said he noticed quite a few residential areas with monument signs that seem to be closer to the roadway than what the 30-ft setback ordinance requires. Mr. Gritman said he is only aware of variances granted to industrial park areas, and is not aware of any variances granted for residential, but would be willing to do some research on this.

Commissioner McManus said he noticed the same as Commissioner Lally did and is interested in how Hidden Creek, which is a very recent project, has their signage closer to the road and slipped by the ordinance. Commissioner McManus said this area is very nice and did not seem to impair his visibility while he drove through the area. Commissioner McManus questioned whether the rules should be adhered to even if it would seem that the construction of these monument signs in the neighborhood seem to have no adverse affect. Mr. Gritman said if the Planning Commission feels that a lesser setback is appropriate for these types of signage, then it may be wise to suggest that the ordinance be revised so that variances would not have to be required.

Commissioner Lally said that the signage at Park Place on Wachtler contains a sign on both side of the center medium, and are similar to the proposed signs in this case.

Chair Lorberbaum asked if the setbacks for monuments are to be consistent with other signs in the area. Mr. Gritman said these were routinely granted where it was felt that the rear yard spaces needed some additional privacy beyond what a 3-ft. fence would provide. Chair Lorberbaum said if there is a hardship, it would be a hardship of the applicant's making because they plotted the buildings, and now are saying they want more of a back yard. Chair Lorberbaum asked if, as a condition of giving that permit, the City could require the applicant to put screening on the outside of the fencing. Mr. Gritman said that would not be an uncommon condition.

Mr. Craig Nelson, representing Damon Farber Associates, is the landscaping architect on this project. Mr. Nelson explained how the monuments would look like and how they would be placed. Mr. Nelson provided drawings that show how the entrances would look like with various setbacks and clearances from the road. Mr. Nelson said that bringing the signs closer to the entrances will give the development more presence without impacting the road.

Mr. Nelson said the fence does not go all the way to Wachtler, but ends approximately 30-ft from the property line on the south side. The fence is staggered for aesthetics and strength as a long singular fence would not be as strong. The back of the fence would sit 32-ft from the right of way, and the front is 27-ft. from the right of way. There will also be plantings placed along the outside of the fencing to soften its appearance; these plantings will include evergreens and shrubs of color.

Commissioner Harms thanked Mr. Nelson for his explanations to give a better perspective on the aesthetics of the property. Commissioner Harms asked Mr. Nelson if he had looked at other signs along Wachtler to see how far back they were set back. Mr. Nelson said he did not.

Commissioner Hesse asked for the reasoning behind choosing this size of signage. Mr. Nelson said it was an aesthetic judgment as this is a residential project and would like to keep the scale more pedestrian, and allowing it to be more of a gateway into the project rather than an announcement on Wachtler.

Commissioner Dolan asked if the signs would be harder to see if they were set 30-ft back. Mr. Nelson said they would be off Highway 13 because of the extensive right of way that exists, along with the higher speed of traffic. Commissioner Dolan asked what the plans are for the center island. Mr. Nelson said there will be some low plantings placed there, only reaching a maximum of 3-ft

tall. Mr. Nelson said they did not want to put a monument sign on the island is due to visibility concerns for both vehicles entering or existing the project, and for pedestrians as well.

Commissioner Dolan asked if the plantings were indicated on the landscape plan. Mr. Nelson said the final plans will show these plantings.

Chair Lorberbaum said she appreciates the clarity that Mr. Nelson gave to this proposal, and said it would help if the plans would show the types of plantings when presenting to the City Council. Chair Lorberbaum said this development looks to be a quality residence and is beautiful, and does not feel anyone will have trouble finding this development. Chair Lorberbaum asked why this type of signage is necessary, as there appears to be no need for directional signage. Mr. Nelson said it was for prestige, and the developer has a bit of ego in this proposal.

Commissioner Povolny said he likes this proposal, especially the fencing. Commissioner Povolny asked Ms. McDermott if there are any plans for widening the road. Ms. McDermott said that is not in any plans at this time.

Commissioner Lally asked for clarification on the plantings that are to be done for the neighbors. Mr. Nelson said the promise has been made to the residents along Cherry Hill for additional screening and Opus has laid out some materials suggesting what the residents want. Mr. Nelson said his staff will work with the residents at the time of planting to make sure the plantings are in the desired locations, and will add to the landscaping if appropriate.

Commissioner Lally said it was his understanding that many of the units in this development have already been sold, so the monument will not serve as a promotional sign. Mr. Nelson said that was his understanding.

Commissioner Lally asked how many residents will be in this development. Mr. Nelson said approximately 150.

Commissioner Lally asked Mr. Nelson to provide a hardship for the variance request. Mr. Nelson said it would be the size of the right of way of Highway 13, and the speed of traffic on Highway 13 is higher than most neighborhoods. The hardship for Wachtler would be that the 30-ft setback requirement is very extreme in his opinion, and in some cases, unnecessary.

Commissioner Lally asked who will be installing the walking path. Ms. McDermott said the developer will install, but the City will pay for it through a credit as part of the park dedication fee.

Commissioner McManus asked if the monuments will be lit. Mr. Nelson said the ones along Highway 13 will be lit.

Chair Lorberbaum asked for clarification on the lighting plan. Mr. Nelson said they have been reviewing the guidelines and requirements of the City's ordinances, and will be planning their lighting accordingly in working with electrical designers.

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

**COMMISSIONER LALLY MOVED, SECONDED BY COMMISSIONER HESSE, TO CLOSE THE PUBLIC HEARING.**

7      AYES  
0      NAYES  
      MOTION CARRIED

**COMMISSIONER LALLY MOVED, SECONDED BY COMMISSIONER HESSE, TO RECOMMEND APPROVAL OF THE REQUEST FOR PUD AMENDMENT, CHANGES IN FINAL PLAT, CONDITIONAL USE PERMIT FOR THE FENCE, CRITICAL AREA PERMIT FOR THE FENCE, AND VARIANCE FOR THE SIGNS AS PROPOSED BY THE APPLICANT.**

Further Discussion

Commissioner McManus said it would be appropriate to make these decisions based on the fact that the highway is large and traffic travels at higher speeds, and that it would be aesthetically pleasing. Commissioner McManus said he will cite this statement as the definition of a hardship.

7 AYES  
0 NAYS  
MOTION CARRIED

Ms. McDermott said the July 5<sup>th</sup> City Council meeting has been cancelled and will hold their next regular meeting on July 18<sup>th</sup>.

Chair Lorberbaum recommended that the applicant comes to the City Council prepared to talk about the landscaping outside of the fencing, and the lighting of the sign.

**PLANNING CASE #06-20**  
**Bob Dahm/Bruce and Susan Elliott**  
**1875 Hunter Lane**  
**Critical Area Permit**

Mr. Grittmann reviewed the site map showing the location of 1875 Hunter Land, which is a single family parcel. The applicants are seeking a Critical Area Permit to allow for the construction of an in-ground swimming pool and some pool equipment to be located at on the rear portion of the property.

Mr. Grittmann said the construction with this application will not be visible from the river and it appears the pool and equipment will have minimal, if any, impact to the surrounding properties or grade. There will not be any vegetation removal and this application will also comply with the requirement that any construction is at least 40-ft back from the edge of the bluff.

Mr. Grittmann said the applicant will surround the pool with the required fencing and actual construction of the pool meets all city ordinances. Mr. Grittmann said the applicant has included the fence design in their submittals, showing a wrought-iron style fencing, 5-ft in height, which is also in compliance with requirements.

Mr. Grittmann said Staff recommends approval of this project as submitted, with the following conditions:

- o The pool equipment be located at least 10-ft from the side property line. The site plan shows it to be about 5 to 6 feet from the property line.
- o City Engineering Department review and approval.

Mr. Bob Dahm, Bur Oak Landscaping, spoke on behalf of the property owners. Mr. Dahm said the pool equipment will be located at a minimum of 10-ft from the property line as requested, and there was an error on the plans. The timeline for this project is 2 weeks, weather permitting, and all the soil will be disposed of immediately.

Commissioner Povolny asked about any adverse affects to the neighbors. Mr. Dahm said this property will be properly screened.

Chair Lorberbaum opened the public hearing.

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

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

7 AYES  
0 NAYES  
MOTION CARRIED

**COMMISSIONER DOLAN MOVED, SECONDED BY COMMISSIONER POVOLNY, TO RECOMMEND APPROVAL OF THE CRITICAL AREA PERMIT AS PRESENTED, SUBJECT TO THE CONDITIONS SET FORTH IN THE PLANNERS REPORT, SPECIFICALLY THE APPLICANT SHALL SUBMIT INFORMATION ON DESIGN AND**

**MATERIALS OF FENCING, WHICH HAS ALREADY BEEN DONE, AND THE APPLICANT SHALL BE REQUIRED TO SHIFT THE POOL EQUIPMENT TO THE NORTH WITH A MINIMUM OF 10-FT. SIDE SETBACK, WHICH THEY HAVE AGREED TO DO, AND THE APPLICANT SHALL ADHERE TO FURTHER RECOMMENDATIONS BY THE CITY ENGINEER AS THE PROJECT PROGRESSES.**

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

Mrs. Susan Elliot, 1875 Hunter Lane, said it was her understanding in talking with City Administrator Jim McDanielson, that this case is scheduled for the special June 28<sup>th</sup> meeting of the City Council. Ms. McDermott said that was correct.

**VERBAL REVIEW – Sue McDermott**

- |                      |  |                                     |
|----------------------|--|-------------------------------------|
| PLANNING CASE #06-09 | Dianne Wilke   | Variance Request                    |
| •                    | City Council approved as recommended by the Planning Commission.   |                                     |
| PLANNING CASE #06-11 | T-Mobile   | CUP, Wetland Permit, Code Amendment |
| •                    | City Council tabled this case as the Police Chief was directed to find alternate sites in which to house the public antenna that will be needed, specifically the water tower location.  |                                     |
| PLANNING CASE #06-13 | Kevin Gardner  | Critical Area Permit                |
| •                    | City Council approved as recommended by the Planning Commission, with conditions that the property corners along the east side be restored (Mrs. Schmidt's property). The applicant has submitted revised plans that have not yet been approved. Commissioner Lally asked for the timeline on this case. Ms. McDermott said the work needs to be completed by the end of August. There was a deadline to submit a plan by the end of June, at which time a plan was submitted but not approved. A new plan was just received today but not yet reviewed. Drainage and removal of fill issues have not yet been resolved. |                                     |
| PLANNING CASE #06-15 | Thomas Ullman  | CUP and Variance                    |
| •                    | City Council approved as recommended by the Planning Commission.   |                                     |
| PLANNING CASE #06-16 | Thomas Wohlers   | CUP                                 |
| •                    | City Council approved as recommended by the Planning Commission.   |                                     |
| PLANNING CASE #06-17 | Ronald Buelow  | Critical Area Permit                |
| •                    | City Council approved as recommended by the Planning Commission.   |                                     |
| PLANNING CASE #06-18 | Steven Weintraut   | Wetlands Permit                     |
| •                    | City Council approved as recommended by the Planning Commission.   |                                     |

Ms. McDermott said upon further research by Mr. Hollister, the last request for a dock was about two years ago, and was denied by the City Council through the Wetlands Permit process. There are no provisions in the ordinance for allowing or disallowing docks. The DNR regulates everything below the ordinary high water level which is an elevation which is set by the DNR and if a dock is placed below that elevation, the City would have no regulatory authority on this.

Chair Lorberbaum asked about the dock at Visitation School. Ms. McDermott said that was approved with the Wetlands Permit.

Commissioner Dolan said as point of clarification for Mr. Weintraut, the Wetland Permit was approved, but the dock was not approved as proposed.

Commissioner Lally asked for clarification that the material in the ordinances regarding wetlands are not subject to discretion by the City, but are directions from the State. Ms. McDermott said the Wetlands Permit is the city ordinance, but there are other State mandated regulations that everybody has to follow.

**Other Business**

Chair Lorberbaum reminded the audience that the normal City Council meeting, originally scheduled for July 4<sup>th</sup>, has been cancelled and encouraged everyone to come to see the fireworks at Mendakota Country Club, as well as the Cliff Timm Fishing Derby on July 12<sup>th</sup> at 6:30 on Rogers Lake.

Ms. McDermott said the City Council is seeking a volunteer from the Planning Commission to work on the parking ordinance committees. Commissioner Lally said he would be willing to serve on the committee, with Commission McManus as 1<sup>st</sup> alternate, and Chair Lorberbaum as 2<sup>nd</sup> alternate.

**COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER HARMS, TO ADJOURN THE MEETING AT 8:45 PM.**

**7      AYES  
0      NAYS  
      MOTION CARRIED**

Respectfully submitted,

Becki Shaffer, Recording Secretary