

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

**PLANNING COMMISSION MINUTES  
MAY 27, 2025**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, May 27, 2025, in the Council Chambers at City Hall, 1101 Victoria Curve, at 7:00 P.M.

The following Commissioners were present: Acting Chair Patrick Corbett, Commissioners Cindy Johnson (arrived at 7:20 p.m.), Brian Udell, Jason Stone, Jeff Nath, and Steve Goldade. Those absent: Chair Litton Field.

**Election of Planning Commission Vice Chair for 2025**

Acting Chair Corbett commented that he appreciated that the item was tabled at the last meeting in his absence. He stated that while he has enjoyed serving as Vice Chair for the last few years, he would gladly provide the opportunity to someone else to serve.

Commissioner Stone volunteered to serve.

ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO ELECT JASON STONE AS VICE CHAIR FOR 2025.

AYES: 5

NAYS: 0

**Approval of Agenda**

The agenda was approved as submitted.

**Approval of March 31, 2025 Minutes**

COMMISSIONER GOLDADE MOVED, SECONDED BY COMMISSIONER NATH, TO APPROVE THE MINUTES OF MARCH 31, 2025.

AYES: 5

NAYS: 0

**Hearings**

A) **PLANNING CASE 2025-03  
SPENCER MCMILLAN, 1707 DELAWARE AVENUE AND ADJACENT  
VACANT PARCELS – PRELIMINARY PLAT**

Community Development Manager Sarah Madden explained that the applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and two vacant parcels are all owned by Spencer McMillan, the applicant. The proposed plat is entitled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Hearing notices were published and mailed to all properties within 350-ft. of the site; seven written comments were provided in the packet, along with two additional written comments provided at the dais.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Commissioner Johnson arrived.

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked for more details on the decision timeline related to the Wetland Conservation Act (WCA).

Community Development Manager Sarah Madden reiterated that the decision is still pending while that review is completed and confirmed that the related condition of approval would address that item.

Acting Chair Corbett stated that much of the feedback received from residents was related to the potential wetland impacts. He clarified that is being reviewed under a separate application and is not part of the discussion tonight.

Community Development Manager Sarah Madden confirmed that is a separate application. She noted that there was a public comment period for the wetland request, which is why many of the comments were related to that topic.

Acting Chair Corbett asked if there is a limit on the amount of wetland that can be impacted without replacement.

Community Development Manager Sarah Madden confirmed that is true.

Acting Chair Corbett stated that while it appears the applicant's request would be just under that maximum disturbance threshold, the narrative also mentions that additional wetland impacts may occur by each lot in the future, and asked for more information.

Community Development Manager Sarah Madden replied that the applicant is requesting the full amount allowed under a de minimis request. She stated that if there were future wetland impacts

as the individual home lots are created, they would need to come forward with new wetland applications, as there would not be any further exemptions allowed.

Acting Chair Corbett commented that he would not want to see three of these lots become unbuildable because of wetland impacts, but it seems that each lot would be buildable as proposed. He also asked for details on who makes the decision related to wetlands and impacts.

Community Development Manager Sarah Madden commented that wetlands two and three are adjacent to the potential driveways and, therefore, those wetland impacts had been accounted for. She explained that staff reviews an exemption request under the WCA Ordinance within the City Code.

Commissioner Stone asked who would pay for the utility connections, roadways, fire hydrants, and stormwater management.

Community Development Manager Sarah Madden replied that the developer/applicant would be responsible for the public improvements associated with the project. She commented that following construction and inspection, the City would take over management of those improvements.

Commissioner Stone asked the definition of a heritage tree.

Natural Resources Coordinator Krista Spreiter replied that a significant tree is six inches or greater, while a heritage tree is 24 inches or greater. She commented that there is more than one heritage tree, but only one is proposed for removal.

Commissioner Stone asked how the residents in the area were made aware that the wetland process was separate from this public hearing.

Natural Resources Coordinator Krista Spreiter replied that the WCA process does not have a notice requirement unless those property owners requested notification. She stated that anyone who expressed interest in this matter ahead of time was sent notice.

Commissioner Stone recognized that many residents in that area are interested in the wetlands portion of the request and asked if they were not notified.

Natural Resources Coordinator Krista Spreiter replied that the WAC notice is only done by request, but it is public information. She stated that the public comment period for the WCA ended on May 13<sup>th</sup>.

Commissioner Udell referenced draft condition 14 and asked for clarification on the order of operations.

Community Development Manager Sarah Madden explained that the street construction and utility installation would be the first step, and as part of that, the applicant would be required to remove the existing cul-de-sac to create a straight street.

Acting Chair Corbett asked if the additional land that is no longer used for the road would be dedicated to the neighbors.

Community Development Manager Sarah Madden replied that the land is not automatically vacated as right-of-way. She stated that if the neighbors wanted to request the right-of-way to be vacated, they would need to make that separate request to the City.

Commissioner Goldade referenced the culvert that would be placed and asked if that water is from Hidden Creek.

Public Works Director Ryan Ruzek replied that staff refer to that drainageway as Marie Creek. He noted that Hidden Creek does not actually exist as it is groundwater.

Commissioner Goldade asked who would document the conditions of the creek over time.

Public Works Director Ryan Ruzek explained the path the water flows prior to reaching this point, noting the water goes through pipes throughout that process until Nature Way, where it goes through a 36-inch culvert.

Commissioner Goldade asked if that is taken into account as part of the wetland application.

Public Works Director Ryan Ruzek commented that there is a stormwater management report, which is in a preliminary stage. He stated that the City is currently objecting to the current stormwater design and is requiring the water to be managed publicly rather than requiring treatment to be provided on individual lots.

Commissioner Stone asked if the City has approved the stormwater management plan.

Public Works Director Ryan Ruzek commented that the Commission is reviewing the plat at this time, and the draft conditions would need to be corrected before a final plat application would be considered.

Commissioner Stone asked if it would make sense for the City to approve that element before the Commission makes its decision.

Public Works Director Ryan Ruzek commented that any approval of the Commission would be contingent upon meeting all the conditions as drafted prior to final plat. He commented that those issues do not need to be resolved prior to preliminary plat.

Acting Chair Corbett asked if the culvert and stormwater management would be part of the wetland decision.

Public Works Director Ryan Ruzek replied that the WCA application only looks at the potential wetland impacts. He commented that the City will review the overall hydrology and stormwater management separately from the WCA request.

Community Development Manager Sarah Madden commented that the culvert construction is included in one of the potential wetland impacts because of the impact that construction would have on the wetland. She stated that the condition related to stormwater management was included for the applicant to address prior to final plat.

Acting Chair Corbett referenced lot six and asked for clarification related to the easement and setback.

Community Development Manager Sarah Madden explained that the driveway is five feet from the property line, which does meet the driveway setback. She stated that the easement width is 15 feet in that location, and therefore, the driveway will be within an easement.

Public Works Director Ryan Ruzek commented that the setback is met, and driveways are allowed within drainage and utility easements.

Acting Chair Corbett stated that it seems like there is bad language within the cul-de-sac ordinance and asked whether that could be addressed or cleaned up, as it seems unenforceable.

Community Development Manager Sarah Madden commented that the language “shall not normally” exists several times in the subdivision ordinance, and perhaps the original intent was to allow flexibility. She stated that staff will be looking at all the subdivision ordinance language with the City Attorney as a separate project, noting that will come before the Planning Commission at a later time. She noted that this request must then be considered under the current ordinance language.

Acting Chair Corbett asked why the language is included if it is not enforceable.

Community Development Manager Sarah Madden stated that it is assumed that the intent is related to turnaround access for a fire truck and related to safety. She stated that the Fire Marshall did review the request and has no concerns with the length or plan as currently drawn.

Acting Chair Corbett opened the public hearing.

Spencer McMillan, applicant, thanked staff for working with him over the past 18 months. He stated that he was told during the first round of review that there cannot be additional wetland impacts after the WCA plan is approved, and everything proposed must occur all at once.

Natural Resources Coordinator Krista Spreiter stated that a future property owner could come in and request a replacement plan, but could not request further exemptions.

Paul Pontinen, 1760 Ridgewood Drive, commented that they share a 320-foot boundary with lot six and therefore have concerns. He wanted a more accurate count of the significant and heritage trees along their property lines, so he measured the trees himself last week. He reported 18 significant trees and six heritage trees. He noted that he did not measure the trees or bushes under six inches, and also did not measure on the McMillan property. He provided information on the

critical root zone for trees and wanted to ensure that the trees, and their root zones, for his property and on the property line would be protected. He was concerned that the potential driveway for lot six could impact the critical root zone for those trees.

Acting Chair Corbett commented that he was unsure where the driveway could be moved by 40 feet, but appreciated the concern.

John Weikert, 1737 Delaware Avenue, stated that his concern is also related to lot six. He asked why anyone would want to put a home on the lowest, wettest, steepest, most environmentally sensitive portion of the property. He proposed that lot six be eliminated and that land be added to one of the other lots. He noted that the other lots have more desirable building areas, and removing lot six would remove a lot of the problems. He stated that area of the property often floods and was unsure why anyone would want to build on that area. He stated that if the City approves this, he believed the City would be setting itself up for problems in the future.

Kris Fischer, 1775 Ridgewood Drive, was unsure of the measurements from Marie Avenue to the proposed new end of Ridgewood Drive and asked if there are any comparable cul-de-sac lengths in the community.

Sean Fahnhorst, 1767 Ridgewood Drive, stated that two years ago, the City introduced a living streets policy that promised engagement with the stakeholders in the design of all streets, and commented that the process did not occur for this project.

Commissioner Goldade asked the resident to share the three commonsense proposals that he included in his email.

Mr. Fahnhorst reviewed his suggestions related to the living streets questionnaire, onsite mitigation for tree replacement should be required, and there should be a no net loss requirement for the wetlands. He commented that the wetland on this property also goes onto all of the adjacent properties, and he did not want to see impacts on any property as a result of this action. He asked the recourse that adjacent properties would have if the changes on this property causes flooding of another home as a result of this development.

Commissioner Johnson asked the document the resident found the no net loss for wetlands.

Mr. Fahnhorst replied that he did not have that information with him but could follow up with an email.

Jonathan Deering, 1759 Ridgewood Drive, commented that his property is south of proposed lot one. He asked for clarification on the proposed routing of the road. He stated that it was mentioned that Ridgewood Drive would be the only access point. He asked if there was consideration made to provide access from Delaware to reduce the wetland impacts and concerns with the cul-de-sac length. He referenced the Orchard Heights case and stated that Judge did not rule against City Code, but found that the variance was met, therefore, he did not believe a Judge would rule against City Code. He stated that routing was approved because they were attempting to avoid wetland impacts. He referenced the intent to develop the Super Block 21 and stated that this could create

a cul-de-sac that is a full city block. He acknowledged the validity of the wetland delineation, but commented that if the date were seven days later, it would no longer be valid. He stated that delineation is as small as it would ever be, noting the dry conditions when it was completed.

Susan Micevych, 1778 Ridgewood Drive, stated that a few years ago, there was a variance requested to build a stadium at Sibley Memorial High School, which brought forward concerns from this neighborhood because of the impacts. She felt that the neighborhood is being placed in a similar situation where it will face impacts. She noted that it took several years to mitigate the noise concerns from the stadium. She asked why this would be approved now if additional wetland impacts are anticipated and would be pushed on future property owners. She asked the Commission to delay the decision until more information is made available. She believed that their property values would be impacted by the construction process and the addition of six homes in the area. She asked who would be responsible for redoing the cul-de-sac and how it would be landscaped. She also noted the increased traffic that would come down the cul-de-sac and how that could increase further if it were extended to Foxwood Lane in the future. She was unaware that the wetland report had to be requested and therefore requested that the eight homes on Ridgewood be provided with that report.

Jill Lipset, 1770 Ridgewood Drive, commented that she just moved to her property two months ago and therefore is still learning and appreciates the input that has been provided by her neighbors. She commented that she previously lived on Dodd Road and moved to her property to have more privacy, which would be impacted by the additional lots and construction. She asked for information on the length and phasing of construction. She stated that lot six would be most impactful to her property and seems to stick out as a sore thumb. She agreed that the lot should be removed.

Jim Kolar, 1695 Delaware, stated that he has appeared before this Commission many times related to requests for the development of this property. He noted that this proposal is significantly different than the previous proposal from Mr. McMillan and this creates a much denser development. He stated that he has supported the requests for development that have been presented for this property with the stipulation that his interests not be adversely harmed nor his property become landlocked, whether intentionally or unintentionally. He stated that he has repeatedly asked the Commission and Council to take a comprehensive approach to the planning of the Super Block, which has not occurred, as he would remain the sole 10-acre owner if this proposal is approved. He stated that he is generally supportive of the request, and while he appreciated that the utility easement would be extended for both water and sewer, he would also want a similar 60-foot nub from the cul-de-sac towards his property. He stated that without that, he would be limited in the potential development of his property. He believed that Ridgewood provided foresight for development that he should be granted as well. He noted that the stub provided by Ridgewood provides access for the McMillan property, and he is asked for the same. He stated that he agreed with the five-acre lots previously proposed for the McMillan property but noted that this is a much denser proposal. He asked that the Commission think forward to allow future development to the north. He stated that the back acreage of his property could accommodate the development of four to five lots and could provide additional opportunity for the Bader property. He stated that if the access that was provided to the McMillans is similarly provided to him, he would then provide similar connectivity to the Bader property. He stated that

if a comprehensive approach is taken, a better public safety solution could be provided, noting that a fire gate could be installed in the future for emergency access at Foxwood.

Acting Chair Corbett asked if the resident has concerns with more density as proposed.

Mr. Kolar replied that he will match whatever density there is of the surrounding development. He stated that in the previous proposal, he would have matched a five-acre lot, but with this density proposed, he would expect to match that as well. He stated that he is not interested in developing in the near future, but does not want to be landlocked.

Max Lipset, 1770 Ridgewood, echoed the comments his wife made related to a desire for privacy. He commented that the neighbors have been extremely welcoming to them as they joined the community. He referenced the renaming of the High School to Two Rivers and believed that wetlands near a school with that name should be preserved. He asked about the impacts that this development would have on the wildlife in the area. He asked if there has been a comprehensive study on potential endangered species that could be going through the property. He commented that he has known Mr. McMillan since high school and has no ill feelings towards him or his property rights, but also believes that there is value in maintaining the wetland.

Mr. McMillan stated that they have been working on this project for about 16 months and have tried every alternative and option. He noted that there is a giant wall of wetland along Delaware, and therefore, providing access from Delaware would have a much greater impact on the wetland. He commented that there were normal precipitation levels during the wetland delineation, as noted in that report. He disagreed that this is similar to Foxwood, as the road in Foxwood is only 50 feet wide with buildings that do not meet the setback requirements. He commented that there were many variances in that proposal, which did not leave much room for future development. He stated that this plan meets the requirements of the City Code, and the request tonight is related only to the plat request and not the wetland request. He stated that there are 5.5 acres of wetland and he is trying to mitigate the impact to the extent possible, noting that there will be a very small impact that falls below the de minimis.

Seeing no one further coming forward wishing to speak, Acting Chair Corbett asked for a motion to close the public hearing.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO CLOSE THE PUBLIC HEARING.

AYES: 6

NAYS: 0

Commissioner Goldade asked staff to review the implications of the wetland review, the decision tonight, and how those interact.

Community Development Manager Sarah Madden stated that the action tonight is a recommendation from the Commission to the City Council related to the preliminary plat. She stated that the wetland impacts and request for exemption are not the purview of the Planning

Commission. She explained how the WCA review is completed, involving the Technical Evaluation Panel (TEP) and the different agencies involved.

Acting Chair Corbett asked for more information on the living streets policy and whether it should have been followed in this process.

Public Works Director Ryan Ruzek stated that the City developed that policy within the last 12 months. He stated that he reviewed the policy today, and the only element that would seem to apply is that the road width could be reduced. He noted that a narrower roadway could also reduce environmental impacts.

Acting Chair Corbett asked staff for more information on the no net loss policy for wetlands.

Natural Resources Coordinator Krista Spreiter stated that perhaps that is from the Surface Water Management Plan, or a similar document. She stated that it is always the goal of the City to conserve wetlands; however, under WCA, there are impacts allowed for development.

Acting Chair Corbett referenced lot six and the neighboring property. He asked if the placement of that home could be challenged based on a previous decision of the Council that homes should not be placed so far back as to be out of continuity with the neighborhood.

Public Works Director Ryan Ruzek replied that the zoning code has been revised, and the applicant has met the building setback lines. He was unsure if they would need to look at the string lines for lot six, as that is a requirement of R-1, but this is zoned R-E.

Community Development Manager Sarah Madden believed that only applies to R-1, but could find that information prior to the City Council meeting. She also noted the differences in home placement for the adjacent lots.

Acting Chair Corbett stated that it appears that staff finds this request in accord with the Comprehensive Plan.

Community Development Manager Sarah Madden confirmed that to be true.

Commissioner Johnson stated that the Comprehensive Plan speaks of development that does not prohibit or landlock other properties from future development and asked how that would be addressed.

Community Development Manager Sarah Madden stated that the proposal shows an easement extension and that the resident was requesting an extension of the right-of-way as well. She commented that a 60-foot easement width is provided on the current plans, and that condition could be amended to require the 60-foot easement and right-of-way.

Public Works Director Ryan Ruzek commented that a second cul-de-sac could also be added to Delaware to provide access to the northern properties.

Community Development Manager Sarah Madden stated that they did review the option of access from Delaware, but that would require even more wetland impacts along with demolition of the existing home, and therefore, staff found the stub from the Ridgewood Drive cul-de-sac to be the feasible option.

Commissioner Johnson asked how the Tree Preservation Ordinance would relate to the property line of lot six and the proximity to the property line. She stated that perhaps the driveway could curve away from the property line to lessen the impact on the trees.

Community Development Manager Sarah Madden commented that there is a driveway setback from the property line, but there is also a wetland buffer setback requirement that would come into play.

Natural Resources Coordinator Krista Spreiter stated that within the forestry management plan, any trees to be preserved must have protections in place as shown on the plan. She stated that does not address neighboring property trees, but that could be added to the forestry management plan.

**ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO TABLE CASE #2025-03 BASED ON NEW QUESTIONS THAT HAVE COME TO LIGHT, POTENTIAL CONFLICTS WITH THE COMPREHENSIVE PLAN AND THE ABILITY FOR FUTURE DEVELOPMENT, AND THE POSITION OF LOT SIX RELATED TO CONTINUITY IN THE NEIGHBORHOOD BASED ON PREVIOUS RULING OF THE CITY COUNCIL.**

Further discussion: Commissioner Goldade stated that he is also interested in knowing the results of the WCA decision before making a decision.

AYES: 6

NAYS: 0

Acting Chair Corbett commented that he will work with staff to address the concerns he brought forward before the Commission revisits this next month.

### **New and Unfinished Business**

#### **B) PLANNING CASE 2025-06 CONDOOR CORPORATION, 2320 LEXINGTON AVENUE – CONCEPT PUD**

Community Development Manager Sarah Madden explained that the applicant, Condor Corporation, is seeking a Planned Unit Development – Concept Plan Review for an addition to the Lexington Heights Planned Unit Development located at 2320 Lexington Avenue. The subject site is currently zoned R-3 Multi-Family Residential and was developed as a Planned Unit Development in 1983 for a three-building, 225-unit apartment development. Once a PUD has been approved, it typically serves as a form of zoning category (overlay) on a site, however, the apartment complex properties have remained under the R-3 High Density Residential District since their development, as all current and past zoning maps for the City have identified the sites as R-3 zoning. This does not negate the fact that the City adopted a Resolution for a Conditional Use

Permit (CUP) and PUD to establish the Lexington Heights Planned Unit Development. The City recently adopted a new zoning ordinance that modified the way that the City acknowledges and processes PUDs. As this application moves forward in the PUD Amendment process, part of the requested approvals will be a rezoning request to acknowledge the PUD overlay district.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Jon Riley, applicant, commented that his family has owned the property for over 45 years, noting that his father originally developed and built the property. He stated that they do not have a lot of detail as this is a concept plan, but there is excess land on the north end of the site, and he believes a new apartment building would fit nicely into that area and provide nice amenities for the residents. He welcomed input from the Commission.

Acting Chair Corbett commented that he appreciates the applicant bringing this forward early to obtain input. He asked for input on the change from 650 to 700 square feet.

Mr. Riley replied that originally they envisioned corporate offices on the first floor, but believed they would be eliminating those offices, which would create space for larger units and/or more amenities. He stated that they believe the residents will desire larger units.

Commissioner Goldade asked if the new building would go into the existing parking lot.

Mr. Riley commented that the building would not go into that parking area, but the parking would be reconfigured.

Commissioner Goldade asked if the trees to the north would be impacted.

Mr. Riley commented that there are some trees there, and he would minimize the removal to the extent possible. He stated that there are not many trees in the area proposed for building, as there was previously a helipad in that location.

Commissioner Goldade referenced the driveway furthest to the north, asking and receiving confirmation that the driveway would provide two-way access. He asked if the lost stalls to the east would be replaced with a 1:1 ratio in the north.

Mr. Riley commented that it would not be a 1:1 replacement as the property is currently overparked.

Commissioner Goldade asked why a four-story building would be put in when the others are three-stories.

Mr. Riley replied that it would provide more units and more opportunities for people to live in the community.

Commissioner Stone asked if the rent prices would be similar.

Mr. Riley anticipated that the rent would be higher than the existing building, but in line with The Reserve and newer constructed properties.

Commissioner Johnson asked if this would be a pet-friendly building.

Mr. Riley stated that the rest of the property is not pet-friendly, but many of his developments in other communities are pet-friendly. He stated that decision is yet to be determined.

Commissioner Johnson stated that if the building is going to accept pets, she would request a fenced outdoor area for pets to go to the bathroom. She encouraged the applicant to look at their tree and landscaping to provide natural species. She asked if the applicant would consider realigning the driveway to allow for a native buffer between the subject property and the neighboring property. She appreciated that the applicant would be increasing the bedroom unit range size, similar to other recently developed apartment complexes.

Acting Chair Corbett asked if the applicant had watched the proceedings from the AtHome Apartment project.

Mr. Riley commented that he is familiar with that development and its review.

Acting Chair Corbett commented on some of the concerns the Commission had with the density, but recognized that it is ultimately a decision of the City Council.

Mr. Riley thanked the Commission for their comments.

#### **Staff Announcements / Updates**

Community Development Manager Sarah Madden commented that she anticipates that the June meeting agenda will be robust. She provided an update on recent actions of the City Council and other items of interest to the Commission.

Commissioner Johnson asked if the Commission should review the subdivision ordinance in a workshop setting.

Community Development Manager Sarah Madden commented that she originally planned to present that at the June meeting, but agreed that it would perhaps be best to review the draft in a workshop setting. She noted that she could send an email to determine the availability of the Commission. She provided additional information on the housing needs study completed by Dakota County CDA, and related specifically to Mendota Heights. She commented that the presentation is available during the recording of the May 6<sup>th</sup> City Council meeting. She noted that she also has a copy of the full report for the county.

#### **Adjournment**

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER JOHNSON, TO ADJOURN THE MEETING AT 9:39 P.M.

AYES: 6

NAYS: 0