

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

**PLANNING COMMISSION MINUTES  
JUNE 24, 2025**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, June 24, 2025, in the Council Chambers at City Hall, 1101 Victoria Curve, at 7:00 P.M.

The following Commissioners were present: Chair Litton Field, Commissioners Patrick Corbett, Cindy Johnson, Brian Udell (arrived at 7:40 p.m.), Jason Stone, Jeff Nath, and Steve Goldade. Those absent: None

**Approval of Agenda**

The agenda was approved as submitted.

**Approval of May 27, 2025 Minutes**

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO APPROVE THE MINUTES OF MAY 27, 2025.

AYES: 6

NAYS: 0

**Hearings**

**A) PLANNING CASE 2025-07  
DANIEL MICHEL, 1341 CHERRY HILL ROAD – VARIANCE**

Community Development Manager Sarah Madden explained that Daniel Michel is requesting a variance to residential fence height standards for his property located at 1341 Cherry Hill Road. The applicant's existing rear yard fence is nine feet in height, and the existing side yard fence is six feet in height. The request is to replace the six-foot segment of fencing on the side property line with fencing nine feet tall, consistent with the existing rear yard segment, and tapering to six-foot fencing as the fence segment proceeds west.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

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).

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

Commissioner Johnson asked if the distance of 15 feet from the property line is referencing the corner of the fence.

Community Development Manager Sarah Madden replied that the existing fence is roughly located on the property line; therefore, that distance would be measured from the corner of the fence, which is the property line.

Commissioner Corbett asked how the dimensions were decided.

Community Development Manager Sarah Madden explained how she created that recommendation, noting that is open to adjustment from the Commission.

Commissioner Stone asked if the property owner would be required to maintain the grass on the other side of the fence.

Community Development Manager Sarah Madden replied that the property owner would be responsible for mowing their own property. She stated that the boulevard between the trail and the fence is currently maintained by the applicant and would continue to do so.

Commissioner Corbett asked for more information on the grade changes between the properties.

Community Development Manager Sarah Madden stated that the grade changes are east to west. She stated that the prior approval considered the grade changes between the property line and the trail.

Danny Michel, applicant, stated that he likes the recommendation from staff to taper the fence as that would flow more with the contours of the land. He stated that the property behind the fence is the Dakota County right-of-way, noting that he has received permission from the County to maintain that area and plant bushes. He asked for clarification on the degree of the taper for the fence, noting that he cannot receive a quote from a fence company without that information. He stated that they enjoy their backyard and just want the property to be safe for their children. He noted a previous tree that needed to be removed and bushes that did not work, which would have provided the desired privacy. He commented that the fence seems to be the best option.

Commissioner Goldade asked if there had been a conversation with the property at 1411 Farmdale, as they would see the taller fence.

Mr. Michel replied that he had been told by neighbors that the property owner is not currently in the home, so they were unable to obtain his signature.

Chair Field opened the public hearing.

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

COMMISSIONER JOHNSON MOVED, SECONDED BY COMMISSIONER CORBETT, TO CLOSE THE PUBLIC HEARING.

AYES: 6

NAYS: 0

Commissioner Corbett stated that he mostly aligns with the amended recommendation by staff. He stated that his question was related to where the tapering begins. He stated that someone standing on a deck and seeing into someone else's backyard would not be justification alone for a taller fence.

Commissioner Johnson agreed with the comment that neighbors standing on a porch and seeing into another yard would not be a practical difficulty. She stated that she could agree with a taller fence at the corner, but was unsure that 15 feet was the right length for the taper. She stated that she would like the fence to meet the six-foot height sooner rather than later, as that is the standard.

Community Development Manager Sarah Madden explained how she came to the 15-foot length recommendation. She recognized that the applicant wanted clarification on the type of taper and noted that while she did not specify the method of taper, the Commission could provide input.

Commissioner Stone commented that he had a similar fence and elevation change, noting that they installed a six-foot fence that ended up being 4.5 feet. He stated that he does not oppose the request.

Commissioner Johnson stated that she could support either the terraced or angled taper, but did not want to see the nine-foot extend for a long stretch into the neighbor's yard.

Commissioner Corbett agreed that the practical difficulty loses its argument at some point, as the practical difficulty is Wachtler. He stated that he trusts the staff recommendation and that the staff and the applicant could decide on the type of taper.

Commissioner Johnson referenced the side property line, which abuts 1411, and asked the distance of the property line.

Community Development Manager Sarah Madden replied that the existing fence in that location is 105 or 106 feet.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER GOLDADE, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST, WITH CERTAIN CONDITIONS BASED ON CERTAIN FINDINGS OF FACT, AS INCLUDED, ALONG WITH THE FOLLOWING CONDITIONS:

1. THE PROPOSED HIGHER FENCE SHALL REQUIRE A BUILDING PERMIT (INSTEAD OF ZONING PERMIT) AS PER MINNESOTA STATE BUILDING CODES.
2. THE PROPOSED FENCE SHALL NOT EXCEED NINE FEET IN HEIGHT, AS MEASURED AT A POINT SIX INCHES BELOW THE TOP OF THE SUPPORTED POSTS.

3. THE PROPOSED FENCE SHALL TAPER FROM NINE FEET TO SIX FEET, BEGINNING AT THE POINT 15 FEET INWARD TO THE WEST FROM THE EXISTING FENCE BOUNDARY ADJACENT TO WACHTLER AVENUE.

AYES: 6

NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

**B) PLANNING CASE 2025-08  
GLENN BARON, 1415 MENDOTA HEIGHTS ROAD – CONDITIONAL USE  
PERMIT AMENDMENT**

Community Development Manager Sarah Madden explained that Glenn Baron represents The Heights Social and Racquetball Club in their request to modify their Conditional Use Permit approval for outdoor commercial recreation, which was approved by the City in February 2024. Outdoor commercial recreation use is a conditional use in the I-Industrial zoning district when accessory to an approved indoor commercial recreation use.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

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).

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

Commissioner Corbett referenced the recommended condition that the activity would be seasonal and asked if that is necessary.

Community Development Manager Sarah Madden commented that was a carryover condition from the previous approval, but agreed that could be omitted.

Commissioner Johnson appreciated the lighting information that was supplied. She asked if the lighting is downcast.

Community Development Manager Sarah Madden confirmed that all exterior lighting in the city is required to be downcast.

Glenn Baron, applicant, and Frank Zenk were present to address any questions of the Commission. Mr. Zenk stated that they are very excited to bring this outdoor padel activity to the community. He provided background information on the planning that has been done to properly plan for this use and welcomed any questions.

Chair Field commented that the charts provided were amazing.

Commissioner Goldade recognized the value that the indoor portion of the business has added to the community. He asked why the business is interested in expanding outdoors for such a short season.

Mr. Zenk replied that they would like to provide an exciting venue for their members in the summer, and people like to be outdoors when they can. He stated that padel also benefits from not having the limitation of a roof. He stated that pickleball players might enjoy the indoor environment because of the type of ball used and to avoid the wind, where the wind and outdoor environment add to the enjoyment of padel.

Mr. Baron commented that they have also run out of indoor space.

Mr. Zenk commented that they would not intend to use the outdoor courts once the snow falls. He agreed that it would be helpful to remove that condition or clarify that the area will not be used during times of snow.

Commissioner Johnson commented that this is an allowed use in the industrial district, and there has been no negative impact on residential properties in terms of noise or sound.

Commissioner Udell arrived.

Chair Field opened the public hearing.

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

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

AYES: 7

NAYS: 0

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER JOHNSON, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT FOR 1415 MENDOTA HEIGHTS ROAD, BASED ON THE FINDINGS OF FACT AND WITH THE FOLLOWING CONDITIONS:

1. ALL PARKING FOR THE MULTI-TENANT BUILDING MUST BE ACCOMMODATED ON SITE. ANY INDICATION THAT THE SITE IS UNDER PARKED MAY RESULT IN REQUIRED AMENDMENT TO THE SITE PLAN AND/OR THE CONDITIONAL USE PERMIT.
2. THE HOURS OF OPERATION FOR THE OUTDOOR COMMERCIAL RECREATION (PADEL AND PICKLEBALL COURTS) SHALL BE LIMITED TO 6 A.M. TO 11:30 P.M.

3. THE EXTERIOR LIGHTING SHALL NOT EXCEED A READING OF .2 FOOT-CANDLES WHEN MEASURED AT THE PROPERTY LINES.
4. SITE GRADING, EROSION CONTROL, AND STORMWATER MANGEMENT PLANS SHALL BE PROVIDED WITH A BUILDING PERMIT APPLICATION WHICH SHOW EXISTING CONTOURS, PROPOSED GRADING ELEVATIONS, STORMWATER MANGEMENT DETAILS, AND EROSION AND SEDIMENT CONTROL.
5. ALL GRADING AND CONSTRUCTION ACTIVITY MUST BE IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT.

AYES: 7

NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

**C) PLANNING CASE 2025-09  
DARREL TUTEWOHL, 2150 AZTEC LANE – VARIANCE**

Community Development Manager Sarah Madden explained that Darrel Tutewohl is seeking to construct a new three-season porch onto the single-family home located at 2150 Aztec Lane, in the place of a currently existing rear deck. The request requires a variance from rear yard setback requirements for such an addition in the R-1 Zoning District.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

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).

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

Commissioner Johnson asked if the impervious surface was calculated for the property.

Community Development Manager Sarah Madden replied that the property still meets the impervious surface calculation as the porch is the same size as the deck.

Commissioner Corbett asked if there is an overlay for older homes.

Community Development Manager Sarah Madden replied that is incorrect, as that was removed in the recent ordinance update.

Commissioner Goldade asked for details on the ownership of the rear property and the plans for development.

Community Development Manager Sarah Madden replied that the Dakota County Community Development Agency owns that property, and at this time, there is no plan to develop this site.

Darrel Tutewohl, applicant, stated that they have been at the property for 53 years. He explained that the deck is starting to deteriorate, and with their age, they would like more protection from the sun and insects. He noted that the porch would be slightly smaller than the deck to be flush with the wall. He stated that they are attempting to obtain to do what they can do on their small lot.

Chair Field opened the public hearing.

Gary Fischbach, 2150 Fox Place, stated that he also has a three-season patio on his home. He stated that he likes to see people improving their property and enjoying their property. He commented that the neighbors support this project and enjoy the wooded Dakota County property behind this property. He asked that the Commission support the request.

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

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

AYES: 7

NAYS: 0

Commissioner Corbett commented that the justification of the applicant's narrative was off, but noted that the explanation of staff was correct, and therefore, his motion is based on the recommendation and justification provided by staff rather than the applicant.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE 15-FOOT VARIANCE REQUEST FOR CONSTRUCTION OF THE PROPOSED PORCH, BASED ON THE FINDINGS OF FACT AND SPECIFIC CONDITIONS OF APPROVAL AS INCLUDED HEREIN, WITH THE FOLLOWING CONDITIONS:

1. THE 15-FOOT SETBACK VARIANCE IS EXCLUSIVELY FOR THE CONSTRUCTION OF A 10 X 12 THREE-SEASON PORCH IN THE REAR YARD.
2. THE APPLICANT SHALL NOT DEVIATE FROM THE PORCH PLAN UNDER THIS APPLICATION REVIEW WITHOUT FIRST SEEKING AND RECEIVING CITY APPROVALS, UNLESS CITY CODE PROVIDES FOR CERTAIN OR ALLOWABLE IMPROVEMENTS TO BE MADE WITHOUT ANY ADDITIONAL APPLICATION REVIEW PROCESS.
3. NO WORK BEGINS ON THE PROPOSED PORCH CONSTRUCTION UNTIL A BUILDING PERMIT HAS BEEN ISSUED BY THE CITY.

Further discussion: Commissioner Johnson stated that even though it is a smaller lot size, the impervious surface maximum is still not exceeded.

AYES: 7

NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

**D) PLANNING CASE 2025-10  
NORTHERN STATES POWER COMPANY (XCEL ENERGY), 800 SIBLEY  
MEMORIAL HIGHWAY – MRCCA PERMIT AND CONDITIONAL USE  
PERMIT**

Community Development Manager Sarah Madden explained that Xcel Energy (Northern States Power Company) is seeking approval of a Mississippi River Corridor Critical Area (MRCCA) Permit and Conditional Use Permit, in order to authorize the construction of a new 24 x 24 electronic control center within the fenced compound area at the Sibley Propane Plant facility, located at 800 Sibley Memorial Highway.

Hearing notices were published and mailed to all properties within 350-ft. of the site; no comments or objections to this request were received.

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).

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

Commissioner Johnson asked for clarification on the square shown in the overlays and asked if that is the proposed location for the improvement.

Community Development Manager Sarah Madden replied that square is a quirk of the Dakota County system and is not a specific part of this request. She confirmed that no tree removal is required.

George Wojcicki, Xcel Energy, provided additional details on the proposed structure. He noted that the existing building would remain as file storage.

Michael Mohs, Xcel Energy, stated that this plant is a peaking plant and represents a significant load that is required when the coldest weather comes around. He stated that the construction season is very tight.

Chair Field opened the public hearing.



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

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

AYES: 7

NAYS: 0

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER CORBETT, TO RECOMMEND APPROVAL OF THE PROPOSED MRCCA PERMIT AND AMENDED CONDITIONAL USE PERMIT REQUEST FROM XCEL ENERGY AND FOR THE PROPERTY LOCATED AT 800 SIBLEY MEMORIAL HIGHWAY, WITH THE FOLLOWING CONDITIONS:

1. THE NEW IMPROVEMENTS AND WORK DESCRIBED, ILLUSTRATED, AND DETAILED ON THE “SIBLEY PROPANE PLANT” PLANS, DATED 5-27-2025, AND ANY OTHER PLANS RELATED TO THIS PROJECT, SHALL BE THE ONLY WORK OR IMPROVEMENTS ALLOWED AND APPROVED UNDER THIS NEW MRCCA PERMIT.
2. FULL EROSION AND SEDIMENTATION MEASURES WILL BE PUT IN PLACE PRIOR TO AND DURING GRADING AND CONSTRUCTION WORK ACTIVITIES.
3. ALL GRADING AND CONSTRUCTION ACTIVITIES WILL BE IN COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY’S LAND DISTURBANCE DOCUMENT. THE APPLICANTS MUST SUBMIT AND RECEIVE A SWPPP PERMIT AND NPDES PERMIT (IF NECESSARY) PRIOR TO THE START OF ANY NEW CONSTRUCTION WORK.
4. ALL WORK ON SITE WILL ONLY BE PERFORMED BETWEEN THE HOURS OF 7 A.M. AND 8 P.M. MONDAY THROUGH FRIDAY; 9 A.M. TO 5 P.M. WEEKENDS.

AYES: 7

NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

### **New and Unfinished Business**

#### **A) TABLED PLANNING CASE 2025-103, SPENCER MCMILLAN – 1707 DELAWARE AVENUE – PRELIMINARY PLAT**

Chair Field noted that he was not present at the last review, and the statement was made that he might have a conflict of interest as he lives in this area. He stated that after a conversation with the City Attorney, it was determined that he does not have a conflict of interest.

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 the two vacant parcels are all owned by Spencer McMillan, the applicant in this planning case. The proposed plat is titled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Community Development Director Sarah Madden stated that in 2021, an application was submitted to the City for the subject site (by a different applicant and property owner) with a very similar proposal for subdivision of the existing three parcels into three new lots of record (Planning Case No. 2021-19). That prior application was withdrawn before the public hearing at the Planning Commission. Within the prior applicant's written notice of withdrawal, they indicated that the applicant team was unable to come to an agreement with the seller and property owner regarding a request for dedicated right-of-way along Delaware Avenue for Dakota County. The property sold following this withdrawn application, and the item in this planning case is a separate application by the current applicant and property owner.

Community Development Director Sarah Madden stated that this current property owner and applicant submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings from March – June of 2024, and the City Council was not supportive of the applicant's prior request to defer public improvements. Ultimately, the applicant withdrew that prior application in order to resubmit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

Community Development Manager Sarah Madden stated that this item was presented under a fully noticed public hearing process on May 27, 2025, and nine residents spoke at that public hearing. Written comments have also been received for this item and are included in the report. As of the submittal of this report, there were seven instances of public comment and have been included in the public comments.

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).

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

Commissioner Stone asked if the wetland impacts would not be approved until August 19<sup>th</sup>.

Community Development Manager Sarah Madden replied that she does not have a specific date that the City will act on that. She stated that the TAC has met and recommended approval.

Commissioner Stone stated that he would prefer to wait until that approval is gained.

Community Development Manager Sarah Madden stated that this is a preliminary plat, and both matters can run concurrently. She stated that one does not have to be approved before the other,

and the recommendation on the wetland will be provided to the City Council for consideration. She stated that the City needs to take action on both the preliminary plat and the wetland by August 19<sup>th</sup>. She stated that tabling this would limit the amount of time the City Council can consider and discuss this item.

Commissioner Stone commented that the majority of concern from the neighborhood is related to building on wetlands.

Commissioner Corbett stated that things can keep moving in parallel, and if the wetland is not approved as recommended, this would not be approved by the City Council. He stated that he would not want to table again, as that would limit the ability of the City Council to have more than one discussion.

Commissioner Stone asked if this decision would be part of the review for the wetland.

Community Development Manager Sarah Madden replied that those are separate applications and reviews, noting that the wetland decision is not based on the proposed preliminary plat recommendation and is instead reviewed under specific criteria and involves other agencies with that type of jurisdiction. She confirmed that the recommendation of the Planning Commission on this case has no bearing on the wetland decision.

Commissioner Corbett asked and received confirmation that the other agencies involved in the wetland review have already recommended approval.

Commissioner Goldade referenced the comments made by a resident at the last meeting related to the Comprehensive Plan and asked if staff believes that there should be a comprehensive plan for the development of this area or whether development can be done piece by piece. He wanted to ensure that the Koehlers could develop their property in the future.

Community Development Manager Sarah Madden replied that the Comprehensive Plan of the City mentioned the R-E properties and the ability for future development if streets and utilities are extended. She stated that residents have stated that they would like an overall plan for all potentially developable properties, but individual property owners have the right to develop their property alone. She stated that the applicant has included the preliminary easement to the north for utilities, which abuts the Koehler property. She stated that City staff does not recommend that to be dedicated as right-of-way and prefers the easement option.

Commissioner Goldade asked if the tree replacement would be done onsite.

Community Development Manager Sarah Madden stated that there is a related condition recommended that addresses that issue. She stated that an attempt must be made to replace trees onsite prior to providing an alternative replacement measure. She stated that the applicant has stated that not all trees can be replaced onsite, and an arborist would make the determination as to whether it is feasible.

Commissioner Johnson referenced the issue of right-of-way and stated that it is her understanding that the original cul-de-sac did have a right-of-way and not just easements, which allows for Mr. McMillan to extend the cul-de-sac. She commented that if it were just an easement, it is her understanding that the two adjacent property owners could veto the right-of-way that would be needed. She stated that the new cul-de-sac would be 25 feet and would not provide compliant right-of-way; therefore, adjacent property owners could not use that for future development. She believed that a compliant 60-foot right-of-way should be required to allow the northern property owner to develop in the future.

Commissioner Udell stated that there is language in the Comprehensive Plan preventing property from becoming landlocked.

Community Development Manager Sarah Madden replied that the preliminary plat in this application shows a 60-foot-wide easement.

Commissioner Johnson stated that she would prefer to have this as a right-of-way rather than an easement.

Commissioner Corbett agreed it would be reasonable to request that be right-of-way rather than an easement.

Commissioner Udell agreed.

Commissioner Corbett referenced lot six and stated that he would like the City Council to consider whether the omission of that lot would placate the neighborhood, as that one home seems to impact the residents more than the others.

Commissioner Johnson stated that there are forestry requirements to replace trees on the property, but also recognized potential impacts that could occur to trees on adjacent properties if that lot were developed. She stated that there seems to be agreement that the 60-foot right-of-way should be required in place of the easement. She was unsure how to detail the comments related to the potential elimination of lot six and tree impacts.

Commissioner Corbett was unsure of how lot six could be denied, as it would be a preference of the neighborhood and not anything violating ordinance or requiring a variance.

Commissioner Udell agreed with the concern related to the trees on the existing lot adjacent to lot six, but recognized that some of that is speculative. He stated that a tree could die in five years, but that does not necessarily mean it is a result of development.

Commissioner Corbett commented that there are many driveways in the same proximity throughout the city. He stated that if a driveway could not be closer than 40 feet to a big tree, that would be impossible to enforce within the community, and many properties would be out of compliance.

Commissioner Stone commented that it seems there are different concerns members have on this request.

Commissioner Udell stated that, based on the role of the Planning Commission, he appreciates staff following up on the concerns raised at the last meeting. He agreed that the requirement of right-of-way should be included. He recognized that the wetlands review is outside of the purview of the Commission, and everything else complies. He stated that the City Council has more discretion, but the Commission is where it is, as the request meets the requirements.

Commissioner Johnson asked how the language could be worded to ensure protection of the trees on adjacent properties.

Community Development Manager Sarah Madden asked if the Commission simply wants it communicated to the Council, as she can do that in her presentation and within the staff report, or whether they were looking to add another condition. She stated that the urban forest preservation ordinance does not speak to impacts on adjacent properties, and therefore, she would not recommend adding language to that condition. She agreed that it would be broad to just state construction impacts, as that could be dust, noise, or other code enforcement items.

Public Works Director Ryan Ruzek commented that for street projects, they require roots to be treated and sealed. He stated that there would be difficulty in stating that a driveway could not be constructed that meets the City Code.

Commissioner Johnson commented that there will be impacts to those trees on the adjacent property and wanted to ensure that assisting this resident in moving forward does not cause detriment to another resident.

Commissioner Corbett suggested making a new condition stating that an attempt must be made to mitigate damage to trees on adjacent properties.

Community Development Director Sarah Madden stated that if the condition is added, she would recommend language similar to what Public Works Director Ryan Ruzek suggested. She stated that the procedure for the tree permit does include those protective measures, and it is implied for off-site impacts as well.

Commissioner Johnson stated that, in her opinion, there will be no protection that will help those trees, and she would rather require replacement.

Commissioner Corbett stated that perhaps the applicant would potentially be liable for tree replacement on the adjacent property.

Community Development Manager Sarah Madden noted that would be outside of the scope of authority within preliminary plat. She stated that there may be some wiggle room on where the driveway could be located as long as the property setback of five feet is met, along with the wetland buffer requirement. She stated that a large-scale adjustment could not be made because of the location of the wetland and its required buffer.

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER NATH, TO RECOMMEND APPROVAL OF THE APPLICATION OF SPENCER MCMILLAN FOR THE PRELIMINARY PLAT OF A SIX-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS MCMILLAN ESTATES, BASED ON THE FINDINGS OF FACT AS INCLUDED HEREIN, WITH THE FOLLOWING CONDITIONS:

1. THE PRELIMINARY PLANS PRESENTED UNDER THIS PLAT REQUEST DO NOT REPRESENT OR PROVIDE APPROVAL OF BUILDING PAD SITES, SETBACKS, ACCESSORY STRUCTURES, OR DRIVEWAY ALIGNMENTS. FINAL LAYOUTS MUST MEET R-E ZONE STANDARDS AND SHALL BE APPROVED UNDER SEPARATE BUILDING PERMITS FOR EACH LOT.
2. A BUILDING PERMIT, INCLUDING ALL NEW GRADING AND DRAINAGE WORK, MUST BE APPROVED BY THE CITY PRIOR TO ANY NEW CONSTRUCTION WORK.
3. THE DEVELOPER/APPLICANT SHALL SUBMIT FINAL GRADING AND UTILITY PLANS AND A DIMENSIONED SITE PLAN WITH ASSOCIATED EASEMENTS, SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT AND ENGINEERING DEPARTMENT AS PART OF ANY BUILDING PERMIT APPLICATION.
4. ALL NEW CONSTRUCTION AND GRADING ACTIVITIES THROUGHOUT THIS DEVELOPMENT SITE AND ON EACH NEW BUILDABLE LOT SHALL BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, AS WELL AS IN COMPLIANCE WITH THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT.
5. STORMWATER MANAGEMENT SHALL BE MANAGED FOR THE ENTIRE DEVELOPMENT AND DEDICATED IN A UTILITY EASEMENT AS PART OF THE FINAL PLAT. STORMWATER MANAGEMENT FOR WATER QUALITY MANAGEMENT SHALL NOT BE DEFERRED TO THE INDIVIDUAL SINGLE-FAMILY HOME LOTS.
6. PUBLIC UTILITY EASEMENT LOCATIONS, INCLUDING EASEMENTS FOR STORMWATER MANAGEMENT FACILITIES AND BEST MANAGEMENT PRACTICES (BMP) AREA(S) MUST BE ESTABLISHED, APPROVED BY THE CITY, AND INCLUDED IN THE FINAL PLAT PRIOR TO RELEASE OF THE FINAL PLAT FOR RECORDING WITH DAKOTA COUNTY.
7. ALL WETLAND IMPACTS SHALL BE IN COMPLIANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES, INCLUDING TITLE 12-ZONING, SECTION 12-4A-4: WETLAND REQUIREMENTS AND TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 4: WETLAND CONSERVATION.
8. THE FOREST MANAGEMENT PLAN SHALL BE UPDATED TO INCLUDE THE REPLACEMENT OF TREE REMOVAL IMPACTS, IN ACCORDANCE WITH TITLE 15-ENVIRONMENTAL STANDARDS, CHAPTER 3: URBAN FOREST PRESERVATION. AN ATTEMPT MUST BE MADE TO MITIGATE TREE REMOVAL IMPACTS ON SITE PRIOR TO PROVIDING AN ALTERNATIVE TREE REPLACEMENT MEASURE TO THE CITY.
9. IN LIEU OF LAND DECIMATION, THE DEVELOPER/APPLICANT SHALL PAY A PARK DEDICATION FEE IN THE AMOUNT OF \$4,000 PER UNIT (6 LOTS =

\$4,000/UNIT, OR \$24,000) IS TO BE COLLECTED AFTER CITY COUNCIL APPROVAL AND BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.

10. ANY NEW OR EXISTING SANITARY OR WATER SERVICE LINES MUST BE REVIEWED BY THE PUBLIC WORKS DIRECTOR AND/OR ST. PAUL REGIONAL WATER SERVICES PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.
11. THE APPLICANT/DEVELOPER MUST PROVIDE A BEST MANAGEMENT PRACTICES (STORMWATER MANAGEMENT) AGREEMENT TO THE CITY AS PART OF THE BUILDING PERMIT SUBMITTAL AND REVIEW PROCESS FOR EACH NEW HOME AND NEW IMPERVIOUS SURFACE.
12. A DEVELOPMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS AND UTILITIES SHALL BE EXECUTED TO THE SATISFACTION OF THE CITY COUNCIL BEFORE THE FINAL PLAT IS RELEASED FOR RECORDING WITH DAKOTA COUNTY, AND BEFORE THE ISSUANCE OF ANY PERMITS.
13. THE APPLICANT/DEVELOPER SHALL INSTALL ALL PUBLIC IMPROVEMENTS, INCLUDING THE EXTENSION OF THE PUBLIC STREET IDENTIFIED ON THE PLAT AT RIDGEWOOD DRIVE AND THE NECESSARY UTILITY INSTALLATIONS, IN COMPLIANCE WITH ALL CITY REQUIREMENTS, PRIOR TO THE APPLICATION OF ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.
14. THE EXISTING CUL-DE-SAC “BULB” OF THE EXISTING RIDGEWOOD DRIVE MUST BE REMOVED AND RECONSTRUCTED TO CITY STREET STANDARDS PRIOR TO APPLYING FOR ANY BUILDING PERMIT FOR PRIVATE CONSTRUCTION OR IMPROVEMENTS WITHIN THE PLAT.
15. THERE MUST BE A 60-FOOT RIGHT-OF-WAY DEDICATED TO THE NORTH BOUNDARY OF THE PLAT.
16. AN ATTEMPT MUST BE MADE TO MITIGATE TREE DAMAGE TO ADJACENT PROPERTIES.

Further discussion: Commissioner Corbett asked that the Council consider lot six and whether it could be eliminated, and the Commission agreed.

Chair Field commented that this is a much more intense development than what was considered earlier this year, and he would have preferred the previous development proposal. He recognized that there is no way this could be denied because it meets all requirements.

Commissioner Corbett commented that the previous application had more errors and therefore did not conform with the City Code.

Chair Field commented that the previous application would have been better for the neighbors, noting that he agrees with the right-of-way requirement to support the preservation of development rights for the Koehlers.

Commissioner Goldade stated that if he were to vote with his heart, he would vote no, but recognizes that is not his job and the request meets all requirements. He believed that the Commission has done its job in ensuring that all requirements are met.

Commissioner Johnson agreed that it is the job of the Commission to ensure consistency with ordinances and the Comprehensive Plan and to protect the rights of those looking to develop and residents surrounding the subject property.

AYES: 7

NAYS: 0

Chair Field advised that the City Council would consider this application at its July 1, 2025, meeting.

### **Staff Announcements / Updates**

Community Development Manager Sarah Madden provided an update on planning cases recently considered by the City Council and other items of interest to the Commission. She noted that she will be planning to hold a worksession in the coming months.

Commissioner Corbett asked for information on PUDs and whether they are reversible.

Community Development Manager Sarah Madden replied that is a change in zoning, and therefore, a zoning change would be necessary to remove that PUD.

Public Works Director Ryan Ruzek noted that approvals for a PUD have a specified timeline for when development must begin.

### **Adjournment**

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER CORBETT, TO ADJOURN THE MEETING AT 9:23 P.M.

AYES: 7

NAYS: 0