

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

**PLANNING COMMISSION MINUTES
JULY 25, 2023**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, July 25, 2023 in the Council Chambers at City Hall, 1101 Victoria Curve at 7:00 P.M.

The following Commissioners were present: Chair Litton Field, Commissioners Cindy Johnson, Brian Petschel, Brian Udell, Jason Stone, and Andrew Katz. Those absent: Commissioner Patrick Corbett.

Approval of Agenda

The agenda was approved as submitted.

Approval of April 25, 2023 Minutes

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER UDELL TO APPROVE THE MINUTES OF APRIL 25, 2023.

AYES: 6

NAYS: 0

Hearings

**A) PLANNING CASE 2023-07
DOUDA AND KIRBY, 5 DORSET ROAD AND 3 DORSET ROAD – MINOR
SUBDIVISION AND VARIANCE**

Planning Consultant Haskamp explained that Jackie Douda is the applicant and owner of the property located at 5 Dorset Road, and Mary and Tim Kirby are the applicants and owners of the property located at 3 Dorset Road. The subject application includes two requests, a variance from the minimum lot width/frontage on 5 Dorset Road and a lot line rearrangement/adjustment of the shared property line between the two subject properties.

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

Planning Consultant Haskamp 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.

Chair Field opened the public hearing.

Jackie Douda and Mary Kirby were present to address any questions. They were in agreement with the lot line adjustment.

Commissioner Katz asked if there is a reason this is being done now.

Ms. Douda commented that she moved into the property in October and discovered that the lot line does not match with how the properties are being used.

Ms. Kirby commented that they purchased their property in 1991 and discovered the lot line boundaries when they had a survey done but the previous owners were not interested in adjusting the lot line. She commented that they were thrilled to have a new neighbor that was interested in completing the adjustment.

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

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

AYES: 6

NAYS: 0

Commissioner Johnson commented that the lots are currently conforming, and this change would create a nonconforming lot, therefore she had some concerns about that. She asked if there would be other options to accomplish the outcome the applicants would like.

Planning Consultant Haskamp commented that they are currently working on updating the zoning code and many of the lots in this area have 70 to 100 feet of frontage. She commented that the 85 feet would fall under the minimum width standard being discussed under the new zoning code update.

Commissioner Johnson stated that she believes this lot exceeded the maximum lot size being discussed for that zoning district as they have been discussing. She asked if there would be an option to create an easement for the portion of the lot being adjusted so the property owners could continue to use as they have been without creating a nonconforming lot.

Chair Field noted that the applicants have submitted this proposal as presented and they cannot tell the applicants what to do or not do.

Commissioner Johnson commented that she was simply asking if there was another way to resolve this issue without creating a nonconforming lot.

Commissioner Petschel commented that this would be very similar to the Saint Thomas Academy lot line adjustment with Patterson Dental, where there was an assumption of where the lot line was that dictated the use of the property for years and the line was later adjusted. He noted that in this

instance the lot already has a nonconforming standard in the setback and therefore he was not too worried about creating another.

Commissioner Stone commented that there are two property owners that seem to be very fair to each other and it would seem to make sense to grant this request. He was not concerned with the proposal as presented. He did not think an easement would solve the issue.

Commissioner Petschel commented that the practical difficulty was that the lot line was not drawn normal to the road and the orientation of the house reflects a lot line that was drawn normal to the road.

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE LOT LINE ADJUSTMENT AND VARIANCE BASED ON THE FINDINGS OF FACT SUPPORTING THE REQUEST, WITH THE FOLLOWING CONDITIONS:

1. APPLICANTS MUST RECORD THE LOT LINE ADJUSTMENT (MINOR SUBDIVISION) AT DAKOTA COUNTY INDICATING THE NEWLY REVISED PROPERTY DESCRIPTIONS FOR THE RESULTING LOTS.
2. ALL TRANSFER OR DEED DOCUMENTS WHICH CONVEY THE PORTION OF LANDS UNDER THE LOT LINE ADJUSTMENT AND LOT SPLIT PROCESS SHALL BE RECORDED WITH DAKOTA COUNTY.

AYES: 5

NAYS: 1 (JOHNSON)

Chair Field advised the City Council would consider this application at its August 2, 2023 meeting.

**B) PLANNING CASE 2023-11
KEELEY, 1661 MAYFIELD HEIGHTS ROAD – VARIANCE**

Planning Consultant Haskamp explained that Thomas and Maureen Keeley are the applicants and owners of the property located at 1661 Mayfield Heights Road, and they are requesting a variance from the Accessory Building standards to permit two detached garages on the subject property.

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

Planning Consultant Haskamp 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 denial of this application based on the findings.

Chair Field opened the public hearing.

Thomas Keeley, applicant, stated that they are trying to take an old home, keeping it as original as they can, and add a two-car garage to make the property more functional.

Commissioner Katz asked if the applicant understands the staff recommendation for denial.

Mr. Keeley commented that he does not.

Commissioner Petschel commented that he does not believe that staff sees an obvious practical difficulty and asked the applicant if he has input on that topic. He explained that something about the property would need to present a burden that would prevent the project from being completed in a normal way.

Mr. Keeley commented that they want to keep the originality of the existing structure and he would use the existing structure as his home office, as he works from home. He commented that it would seem wasteful to remove a structure that is functional and could be useful. He stated that the two-car garage would be functional for their vehicles, and they would be removing a large shed from the property. He asked the options that they would have if this were to be denied.

Commissioner Petschel commented that there are implications to denial and if it seems unlikely to pass, the applicant could ask to table the request to revise the plans.

Chair Field noted that a denial would mean that the applicant could not come back with the request for another six to 12 months.

Commissioner Stone asked if the applicant has reached out to the City to speak about the request.

Mr. Keeley replied that he had not.

Commissioner Stone noted that perhaps that would be the first step, to reach out to staff to gain additional input on the number of structures allowed.

Chair Field noted that some of that information is within the staff report.

Commissioner Petschel commented that he likes the project and thinks it is cool but has to make his decision based on the City regulations.

Mr. Keeley asked if he would need to look at options to revise his plan if this were tabled.

Chair Field agreed that if this were tabled, he would recommend reaching out to staff to talk about what would be allowed and how to revise his plans.

Mr. Keeley agreed that he would like the request to be tabled.

Planning Consultant Haskamp provided details on the review timeline, noting that a decision would need to be made by October 24th. She stated that the Commission would need to take action at its September meeting at the latest.

Chair Field stated that he could agree to an extension which would remove that time constraint.

Mr. Keeley agreed to an extension.

Chair Field commented that the applicant and staff could work out the details of an extension and work together to determine how the plans could be revised.

Commissioner Katz asked if the applicant could withdraw his request if desired to remove the time constraints as well.

Planning Consultant Haskamp stated that if the applicant wants to work with staff, she would recommend tabling to prevent the applicant from paying another application fee. She commented that she would be happy to work with the applicant. She commented that there may have been some miscommunication as she only spoke with the builder and not the applicant directly.

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

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER PETSCHER, TO TABLE THE REQUEST AND KEEP THE PUBLIC HEARING OPEN.

AYES: 6

NAYS: 0

**C) PLANNING CASE 2023-12
LEMKE, 1924 COVENTRY CT – CONDITIONAL USE PERMIT**

Planning Consultant Haskamp explained that the applicants are seeking a Conditional Use Permit (CUP) to permit the expansion of their existing attached private garage. If the proposed expansion is approved, the total garage square footage will be approximately 1,300 square feet.

Hearing notices were published and mailed to all properties within 350-ft. of the site; one member of the public made an inquiry regarding the proposed project.

Planning Consultant Haskamp 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 Petschel asked if the wall separating the two primary areas was not removed, would that still be a garage. He asked if it would still be considered a garage if a vehicle could not be stored inside it.

Planning Consultant Haskamp did not believe the Code was that specific.

Commissioner Johnson asked if a driveway would be needed to access the garage.

Commissioner Petschel commented that they could be storing a lawnmower inside.

Planning Consultant Haskamp replied that would be a better question of the applicant on how he would intend to access the garage. She stated that a driveway would not be required for a riding lawnmower but again noted that the applicant could provide the additional explanation on how this would be used.

Chair Field opened the public hearing.

Tim Lemke, applicant, stated that he does not plan to park cars or trucks in this garage and would park a snowmobile or ATV in the garage along with miscellaneous storage. He commented that in the front he would like to bump out the garage by four feet to allow additional space to maneuver around his truck when in the third stall of the garage. He stated that he did offset a bit on the side that would be visible to the neighbor. He commented that when looking from the front the addition would be negligible.

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

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER PETSCHER, TO CLOSE THE PUBLIC HEARING.

AYES: 6

NAYS: 0

COMMISSIONER JOHNSON MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR THE EXPANSION OF THE EXISTING ATTACHED GARAGE LOCATED AT 1924 COVENTRY COURT, BASED ON THE FINDINGS OF FACT OF SUPPORT, WITH THE FOLLOWING CONDITIONS:

1. THE PROPOSED EXPANSION OF THE EXISTING ATTACHED GARAGE MUST COMPLY WITH THE APPLICANT'S SUBMITTED PLANS DATED JUNE 28, 2023.
2. THE PROPOSED EXPANSION SHALL BE CONSTRUCTED IN COMPLIANCE WITH ALL APPLICABLE AND OTHER CITY CODE AND MINNESOTA STATE BUILDING CODES.
3. THE APPLICANT SHALL OBTAIN A BUILDING PERMIT PRIOR TO COMMENCEMENT OF ANY SITE ACTIVITIES OR CONSTRUCTION.
4. ALL GRADING AND CONSTRUCTION ACTIVITIES AS PART OF THE PROPOSED DEVELOPMENT SHALL 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.
5. RESIDENTIAL CONSTRUCTION HOURS ARE 7 A.M. TO 8 P.M. ON WEEKDAYS, AND 9 A.M. TO 5 P.M. ON WEEKENDS. THESE WORK HOURS SHALL BE STRICTLY ADHERED TO BY THE APPLICANT AND ALL CONTRACTORS WORKING ON THE PROPERTY.

6. APPROVAL OF THE CONDITIONAL USE PERMIT IS CONTINGENT UPON CITY COUNCIL APPROVAL.

AYES: 6

NAYS: 0

Chair Field advised the City Council would consider this application at its August 2, 2023 meeting.

New/Unfinished Business

No comments.

Adjournment

THE MEETING WAS ADJOURNED AT 7:56 P.M.

AYES: 6

NAYS: 0