

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

**PLANNING COMMISSION MINUTES
AUGUST 22, 2023**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, August 22, 2023 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, Brian Petschel, Brian Udell, Jason Stone, and Andrew Katz. Those absent: Chair Litton Field.

Approval of Agenda

The agenda was approved as submitted.

Approval of July 25, 2023 Minutes

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER KATZ TO APPROVE THE MINUTES OF JULY 25, 2023.

AYES: 6

NAYS: 0

Hearings

**A) PLANNING CASE 2023-13
JEREMIAH BATTLES/JON AND HILLARY LENZ, 1666 MAYFIELD HEIGHTS
ROAD – MRCCA CRITICAL AREA PERMIT**

Planning Consultant Jennifer Haskamp explained that owners Jon and Hillary Lenz are proposing to construct an addition onto their principal structure (residential home) which requires a Mississippi River Corridor Critical Area (MRCCA) permit. The property is located within the MRCCA overlay district and any improvements and/or expansion of the structure is required to obtain a MRCCA Critical Area Permit.

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 Jennifer 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.

Acting Chair Corbett invited the applicant or their representative to come forward.

Jeremiah Battles, architect representing the applicant, stated that he is present to answer any questions. He provided a summary of the addition requested that would provide more usable space for the residents. He stated that this project would also address the drainage issues that exist on the property and make the backyard more walkable for the family.

Commissioner Katz referenced the letter from the applicant that states that no trees would be removed.

Mr. Battles commented that was the initial intent but that has been changed as two trees would be removed as part of this project and several trees would be planted.

Commissioner Katz asked and received confirmation that the updated plan shown in the packet is the current plan.

Commissioner Johnson commented on the two tree species that would be removed.

Tim Johnson, landscaper for the project, provided more details on the two trees proposed for removal. He noted that both of the trees are in decline and commented that they have consulted with an arborist. He provided details on the trees proposed to be planted as well as treatments that would be done on existing trees to protect them.

Commissioner Johnson commented that typically with the removal of trees in the MRCCA they request native species to be planted.

Mr. Johnson replied that sugar maples are native as are the birch.

Acting Chair Corbett opened the public hearing.

John Lenz, homeowner, commented that he has lived in the home for 6.5 years and in this area for about 10 years. He stated that he presented to the Council in 2013 to petition for turtle crossing signs at Rogers Lake. He stated that his family is committed to the area and their home but need more space as they have another child they are expecting. He thanked staff for their cooperation during this process.

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

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

AYES: 6
NAYS: 0

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER KATZ, TO RECOMMEND APPROVAL OF THE MRCCA CRITICAL AREA PERMIT REQUEST FOR 1666 MAYFIELD HEIGHTS ROAD, WITH THE FOLLOWING CONDITIONS:

1. A BUILDING PERMIT, INCLUDING A FULL GRADING PLAN, MUST BE APPROVED BY THE CITY OF MENDOTA HEIGHTS PRIOR TO THE COMMENCEMENT OF ANY SITE WORK.
2. THE PROPOSED PROJECT MUST COMPLY WITH ALL REQUIREMENTS OF THE CITY'S LAND DISTURBANCE GUIDANCE DOCUMENT. ALL PLANS MUST BE REVIEWED AND APPROVED BY THE PUBLIC WORKS DIRECTOR.
3. ALL EROSION CONTROL REQUIREMENTS AS APPROVED IN THE EROSION CONTROL PLAN MUST BE PUT IN PLACE PRIOR TO THE COMMENCEMENT OF ANY GRADING AND SITE WORK ACTIVITIES. SUCH MEASURES MUST REMAIN IN PLACE FOR THE DURATION OF THE CONSTRUCTION ACTIVITIES UNTIL PROPER SITE RESTORATION PLANS ARE COMPLETED.
4. ALL GRADING AND CONSTRUCTION ACTIVITY MUST COMPLY WITH APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS AND CODES.
5. THE LANDSCAPE PLAN MUST BE PLANTED AND INSTALLED PER THE PLANT SCHEDULE IDENTIFIED ON THE LANDSCAPE PLAN. ANY DEVIATION FROM THE PLANT SCHEDULE MUST BE WITH AN APPROVED NATIVE PLANT, OR AN AMENDMENT TO THE PERMIT MAY BE REQUIRED.
6. THE FUTURE PERGOLA IDENTIFIED ON THE PLAN SET DATED JULY 20, 2023 SHALL NOT REQUIRE A SEPARATE MRCCA PERMIT PROVIDED IT COMPLIES WITH, AND MATCHES, THE PLANS.
7. ALL WORK ON SITE WILL ONLY BE PERFORMED BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. MONDAY THROUGH FRIDAY; 9:00 A.M. TO 5:00 P.M. ON WEEKENDS.
8. ALL DISTURBED AREAS IN AND AROUND THE PROJECT SITE SHALL BE RESTORED AND HAVE AN ESTABLISHED AND PERMANENT GROUND COVER IMMEDIATELY AFTER THE PROJECT IS COMPLETED.

AYES: 6
NAYS: 0

Acting Chair Corbett advised the City Council would consider this application at its September 5, 2023 meeting.

Commissioner Johnson thanked staff and the applicant for the thorough application as well as the detailed landscaping plan and additional trees that will be planted.

**B) PLANNING CASE 2023-14
GLENN BARON– ZONING CODE TEXT AMENDMENT**

Planning Director Jennifer Haskamp explained that the applicant, Glenn Baron on behalf of Drop Shot, LLC is requesting consideration of a Zoning Text Amendment to permit Commercial Outdoor Recreation uses in the Industrial Zoning District. Per City Code Section 12-1L-8, any owner of a property within the City may request an amendment to the Zoning Code. The applicant

has specifically requested an amendment to Section 12-1G-2: Conditional Uses, which is subsection of Article G. Industrial District regulations. The proposed amendment is to add “Commercial Recreation, Outdoor” to the City Code.

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 Director Jennifer 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.

Acting Chair Corbett referenced principle uses and asked how that would apply to a multi-tenant building.

Planning Consultant Jennifer Haskamp commented that in that scenario, the business requesting the outdoor use would become the principle use and the other business would be the secondary. She stated that the owner of the building would also need to be a part of the application in that scenario.

Commissioner Petschel asked what would prevent someone from renting a closet in the building to then receive an accessory use for outdoor space.

Planning Consultant Jennifer Haskamp replied that the use of the closet is not a principle use. She commented that there would need to be synergy between the two spaces.

Commissioner Katz used the scenario that a bar would like a volleyball court outside and asked if that would be allowed.

Planning Consultant Jennifer Haskamp confirmed that would be correct.

Acting Chair Corbett invited the applicant to address the Commission.

Glenn Baron, applicant, stated that he owns the building at 1415 Mendota Heights Road, and they are hoping that this change would be approved. He explained that they are in the process of building this club and the outdoor space would be an amenity as they could then offer pickleball courts indoor and outdoor.

Sheldon Voss, General Manager for the new club, commented that the outdoor courts would be a great amenity to market for recreational players and members.

Acting Chair Corbett opened the public hearing.

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

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

AYES: 6
NAYS: 0

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER PETSCHER TO RECOMMEND APPROVAL OF DRAFT ORDINANCE NO. 579 AS PRESENTED.

FURTHER DISCUSSION: ACTING CHAIR CORBETT COMMENTED THAT THIS IS ALIGNED WITH WHAT THE COMMISSION HAS BEEN TALKING ABOUT.

AYES: 6
NAYS: 0

Acting Chair Corbett advised the City Council would consider this application at its September 5, 2023 meeting.

New/Unfinished Business

Planning Consultant Jennifer Haskamp reminded the Commission of the upcoming workshop to be held the following Tuesday. She noted that the application tabled at the last meeting has been withdrawn by the applicant at this time.

Adjournment

COMMISSIONER UDELL MOVED, SECONDED BY COMMISSIONER KATZ, TO ADJOURN THE MEETING AT 7:39 P.M.

AYES: 6
NAYS: 0