

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

**PLANNING COMMISSION MINUTES
SEPTEMBER 26, 2023**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, September 26, 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 Patrick Corbett, Cindy Johnson, Brian Petschel, Brian Udell, Jason Stone, and Andrew Katz. Those absent: None

Approval of Agenda

The agenda was approved as submitted.

Approval of August 22, 2023 Minutes

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER KATZ TO APPROVE THE MINUTES OF AUGUST 22, 2023.

AYES: 7

NAYS: 0

Hearings

**A) PLANNING CASE 2023-15
PATRICK AND MARY O'REILLY, 614 HIDDEN CREEK TRAIL – LOT LINE
ADJUSTMENT**

Planning Consultant Jennifer Haskamp explained that Mr. Patrick and Ms. Mary O'Reilly are requesting consideration of a simple lot line adjustment on a five-acre parcel of land that they currently own, located at 614 Hidden Creek Trail.

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.

Commissioner Katz asked if there are records to determine how this was approved in the first place.

Planning Consultant Jennifer Haskamp believed it was related to the pool and fence and the improvements predate the record retention requirements.

Commissioner Johnson asked if they attempt to have straight lines for lot lines or whether the jog would not matter.

Planning Consultant Jennifer Haskamp replied that the intent would be to right angles as you could drop pins and run a string.

Chair Field opened the public hearing.

Partick O'Reilly, applicant, commented that the intent is to clarify the lot line as they have been in the home for eight years. He believed that this issue existed for ten years before they moved into the home.

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

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

AYES: 7

NAYS: 0

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER STONE, TO RECOMMEND APPROVAL OF THE LOT LINE ADJUSTMENT 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.

FURTHER DISCUSSION: CHAIR FIELD NOTED THAT THE APPLICANT IS A NEIGHBOR OF HIS AND HE SUPPORTS THE REQUEST. HE NOTED THAT THE PLAT WAS CREATED AT A TIME WHEN AN EASEMENT WAS RELEASED, SUBJECT TO THAT PLAT. HE STATED THAT WHILE HE SUPPORTS THIS, THAT DOES NOT MEAN THERE WOULD BE SUPPORT FOR OTHER CHANGES TO THE PLAT.

AYES: 7

NAYS: 0

Chair Field advised the City Council would consider this application at its October 17, 2023 meeting.

**B) PLANNING CASE 2023-16
LCS COMPANY, 1480 SIBLEY MEMORIAL HIGHWAY – VARIANCE**

Planning Consultant Jennifer Haskamp explained that the applicant, LCS Company, is requesting consideration of a variance from the required side and rear yard setback to build an addition onto the existing industrial building located at 1480 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.

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.

Commissioner Katz asked how this property is outside of the MRCCA.

Planning Consultant Jennifer Haskamp replied that the MRCCA border jogs and confirmed that this site is not within the MRCCA.

Public Works Director Ryan Ruzek replied that this site is closer to the Minnesota River rather than the Mississippi River.

Commissioner Katz noted that this is next to Highway 13 and asked if there would need to be any type of traffic study or related improvement.

Planning Consultant Jennifer Haskamp replied that the addition would not require additional parking as the site was already designed to support this level of parking and therefore a traffic study is not needed.

Chair Field opened the public hearing.

Ryan Nichols, representing the applicant, introduced the other members of the project team present tonight and noted that they are present to address any questions.

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: 7
NAYS: 0

COMMISSIONER PETSCHER MOVED, SECONDED BY COMMISSIONER CORBETT, TO RECOMMEND APPROVAL OF THE VARIANCE BASED ON THE FINDINGS OF FACT SUPPORTING THE REQUEST, WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL SUBMIT A LANDSCAPE PLAN THAT IDENTIFIES THE TREE REMOVAL ALONG THE EAST PROPERTY LINE AND THE TREE REPLACEMENT PLAN. THE CITY STAFF SHALL REVIEW AND APPROVE THE LANDSCAPE PLAN PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.
2. THE APPLICANT MUST OBTAIN ALL NECESSARY PERMITS FROM THE PUBLIC WORKS DIRECTOR AND COMPLY WITH THE LAND DISTURBANCE REQUIREMENTS.
3. THE APPLICANT MUST OBTAIN ALL REQUIRED CITY PERMITS, INCLUDING BUT NOT LIMITED TO, A GRADING PERMIT AND BUILDING PERMIT.
4. THE APPLICANT MUST OBTAIN ANY NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES WITH JURISDICTION OVER THE PROJECT.
5. IF ANY CHANGES TO THE PLAN SET ARE PROPOSED, THE APPLICANT MUST COME BACK TO THE CITY TO DETERMINE THE PROPERTY PERMITTING PROCESS.

FURTHER DISCUSSION: CHAIR FIELD ASKED IF THE UNIQUE CHARACTER OF THE LOT SHOULD BE SPECIFIED IN FINDING SIX.

COMMISSIONER PETSCHER REPLIED THAT WAS IMPLICIT AND NOTED THAT IT IS THE EXPANSION OF THE RIGHT-OF-WAY THAT CAUSED THE ISSUE. HE PROVIDED SOME EXAMPLE LANGUAGE THAT COULD BE ADDED TO THAT FINDING.

AYES: 7

NAYS: 0

Chair Field advised the City Council would consider this application at its October 17, 2023 meeting.

**C) PLANNING CASE 2023-19
JOSE LUIS BARBA, 599 CALLAHAN PLACE – LOT SPLIT**

Planning Consultant Jennifer Haskamp explained that the applicant, Jose Luis, Barba, is requesting a lot split of the property located at 599 Callahan Place. The proposed lot split will result in two single-family residential lots, and both are planned to be developed with a new structure.

Hearing notices were published and mailed to all properties within 350-ft. of the site; the City received one inquiry from a resident regarding this item.

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.

Commissioner Petschel asked the right the City would have to force the work if a bond is held.

Planning Consultant Jennifer Haskamp provided additional details on that process related to the temporary living agreement.

Commissioner Katz stated that nothing was mentioned about park dedication related to the lot split. He asked for details on the order of operation and asked if the park dedication fee would be charged once the lot split is completed.

Public Works Director Ryan Ruzek replied that when there is a plat, park dedication is typically required at the time of plat but for a lot split that could be required at the time of the building permit.

Commissioner Stone asked what would stop the resident from going to court to say they do not want to tear down the house once the new home is built.

Planning Consultant Jennifer Haskamp replied that the City Attorney would get involved if that were to occur. She noted that she has seen these types of agreements in other cases and if a bond or letter of credit is held, along with the temporary living agreement, that would provide the necessary documentation.

Chair Field noted that the bond or letter of credit would be used to demolish the structure upon the agreement if that were to occur.

Chair Field opened the public hearing.

Jose Luis Barba and Sarah Barba, applicants, introduced themselves and are present to address any questions. He thanked staff for their cooperative efforts, noting that they had previously been working with prior Community Development Director Tim Bennetti. He stated that they relocated to Minnesota to be closer to his wife's family and they are building their forever home.

Mrs. Barba commented that they are living in an outdated home, and they realized that they could not renovate the home and therefore chose to build a new home to support their family as they have three children.

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 PETSCHER, TO CLOSE THE PUBLIC HEARING.

AYES: 7
NAYS: 0

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER PETSCHER, TO RECOMMEND APPROVAL OF THE LOT SPLIT BASED ON THE FINDINGS OF FACT SUPPORTING THE REQUEST, WITH THE FOLLOWING CONDITIONS:

1. APPLICANT MUST RECORD THE LOT SPLIT (MINOR SUBDIVISION) AT DAKOTA COUNTY INDICATING THE NEWLY CREATED PARCEL A AND PARCEL B.
2. THE APPLICANT IS PERMITTED TO LIVE IN THE EXISTING HOME DURING CONSTRUCTION. THIS IS A TEMPORARY LIVING AGREEMENT THAT IS ONLY PERMITTED WHILE THE NEW HOME IS BEING CONSTRUCTED.
3. ONCE A CERTIFICATE OF OCCUPANCY IS GRANTED FOR THE NEW HOME, THE EXISTING HOME MUST BE DEMOLISHED WITHIN 120 DAYS.
4. A LETTER OF CREDIT OR BOND, IF REQUESTED BY THE CITY COUNCIL, MUST BE SUBMITTED TO COVER 125 PERCENT OF THE ESTIMATED DEMOLITION COSTS. THE LOC OR BOND MUST BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
5. THE RESOLUTION AND LETTER OF CREDIT (OR SIMILAR) MUST BE RECORDED AT DAKOTA COUNTY AND MUST BE OF RECORD ON BOTH CREATED PARCELS.
6. 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.

FURTHER DISCUSSION: COMMISSIONER PETSCHER ASKED IF THE 120 DAYS WOULD BE ENOUGH TIME TO BUILD A HOME. IT WAS CLARIFIED THAT TIME PERIOD APPLIES TO THE TIME THAT WOULD BE ALLOWED TO DEMOLISH THE OLD HOME AFTER THE CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE NEW HOME.

CHAIR FIELD ASKED IF A CONDITION SHOULD BE ADDED RELATED TO PARK DEDICATION.

COMMISSIONER KATZ COMMENTED THAT HE WOULD LIKE TO SEE THAT FEE ADDED AS A CONDITION.

PLANNING CONSULTANT JENNIFER HASKAMP STATED THAT CONDITION SEVEN COULD BE ADDED TO STATE "PARK DEDICATION FEE MUST BE COLLECTED ON THE NEW LOT PRIOR TO OBTAINING THE BUILDING PERMIT."

COMMISSIONERS CORBETT AND PETSCHER AGREED TO THE ADDITIONAL CONDITION. THE APPLICANTS ALSO AGREED TO THE ADDITIONAL CONDITION.

AYES: 7

NAYS: 0

Chair Field advised the City Council would consider this application at its October 17, 2023 meeting.

New/Unfinished Business

**A) PLANNING CASE 2023-05
ROBERT WHEBBE, 598 SIBLEY MEMORIAL DRIVE – VARIANCE AND
CONDITIONAL USE PERMIT**

Planning Consultant Jennifer Haskamp explained that at the regular Commission meeting in April, a duly noticed public hearing was held to consider a request for a Conditional Use Permit (CUP) and variance for a new garage addition on the property located at 598 Sibley Memorial Highway. The applicant and owner, Robert Whebbe, proposed to construct an attached three car garage addition on the existing home, which required a variance from the maximum permitted height to allow the garage to exceed the height of the principal structure and a CUP to allow a 1,500 square foot garage. After the public hearing and discussion, the Commission tabled the request so the applicant would work with staff to revise the plans for the garage to minimize the size/scale of the structure to reduce the variance requested and to redesign the garage to better match the character of the subject property and surrounding neighborhood. The applicant has worked with staff to accomplish those objectives and the revised design is before the Commission. The proposed revision does not require a new public hearing.

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.

Chair Field recalled that when this was considered in April, the public hearing was left open. He asked if there has been any feedback from the neighbors that previously expressed concern about the design.

Planning Consultant Jennifer Haskamp replied that they have not received any feedback from those parties. She noted that the input at that time was that they desired the structure to be smaller and that has been done, reducing the size by 500 square feet. She noted that the applicant had planned to attend but perhaps was called away for work.

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

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

AYES: 7

NAYS: 0

Commissioner Stone stated that he liked the addition to enclose the existing garage but asked how that could be required.

Public Works Director Ryan Ruzek replied that would be a question for legal counsel as an attached and detached garage would not be allowed.

Planning Consultant Jennifer Haskamp noted that the condition would require that be enclosed and a letter of credit could be required, which would be an incentive for the applicant to follow through.

Chair Field confirmed the consensus of the Commission to support the additional condition for enclosing the existing one car garage.

COMMISSIONER KATZ MOVED, SECONDED BY COMMISSIONER **UDELL**, TO RECOMMEND APPROVAL OF THE REQUEST FOR A VARIANCE AND CONDITIONAL USE PERMIT TO CONSTRUCT AN APPROXIMATELY 988 SQUARE FOOT DETACHED GARAGE ON THE PROPERTY LOCATED AT 598 SIBLEY MEMORIAL HIGHWAY BASED ON THE FINDINGS OF FACT THAT SUPPORT THE GRANTING OF THE VARIANCE, WITH THE FOLLOWING CONDITIONS:

1. THE PROPOSED GARAGE AND ALL OTHER RELATED IMPROVEMENTS SHALL BE CONSTRUCTED IN COMPLIANCE WITH ALL APPLICABLE CITY CODE AND STATE OF MINNESOTA BUILDING CODE STANDARDS.
2. APPROVAL OF THE VARIANCE IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE APPLICATION AND CORRESPONDING SITE PLAN. IF THE VARIANCE AND CUP ARE APPROVED BY THE CITY COUNCIL, THE:
3. APPLICANT SHALL OBTAIN A BUILDING PERMIT FOR CONSTRUCTION OF THE PROPOSED GARAGE WITHIN ONE (1) YEAR FROM SAID APPROVED DATE.
4. **APPLICANT MUST ENCLOSE THE ATTACHED 1-CAR GARAGE, WHICH MUST BE COMPLETED WITHIN SIX MONTHS OF COMPLETING THE PROJECT, AND AN ACCEPTABLE SURETY BOND OR LETTER OF CREDIT WILL BE REQUIRED AS DETERMINED BY THE CITY ATTORNEY.**

FURTHER DISCUSSION: CHAIR FIELD STATED THAT HE LIKES TO HAVE THE APPLICANT PRESENT AND ASKED IF THAT COULD BE REQUIRED FOR THE APPLICANT TO ATTEND THE CITY COUNCIL MEETING.

PLANNING CONSULTANT JENNIFER HASKAMP COMMENTED THAT SHE COULD SUGGEST THAT BUT IT COULD NOT BE REQUIRED.

AYES: 7
NAYS: 0

Chair Field advised the City Council would consider this application at its October 17, 2023 meeting.

Adjournment

COMMISSIONER CORBETT MOVED, SECONDED BY COMMISSIONER JOHNSON, TO
ADJOURN THE MEETING AT 8:02 P.M.

AYES: 7

NAYS: 0