

**REGULAR MEETING
OF THE
VADNAIS HEIGHTS PLANNING COMMISSION
MARCH 23, 2021**

OPEN MEETING

Chairperson Jokinen called the Regular Meeting of the Vadnais Heights Planning Commission to order at 7:00 p.m. on March 23, 2021.

ROLL CALL

Evan Cordes	Present
Linda Bigelbach	Absent
Edward Caillier	Present
Curt Cooper, Vice Chairperson	Present
Martin Jokinen, Chairperson	Present
Joseph Stumph	Present
Jerry Moynagh	Present
Terri Dresen, First Alternate	Present
Katherine Doll Kanne, Second Alternate	Present

Also present: Kevin Watson, City Administrator; Nolan Wall, Planning/Community Development Director; Jesse Farrell, City Engineer/Public Works Director; City Attorney Caroline Bell-Beckman; Jeff Melcoch, Cable Producer; Council Liaison Steve Rogers.

APPROVAL OF AGENDA

Upon motion by Commissioner Cordes, seconded by Commissioner Cooper, it was

“RESOLVED, to approve the March 23, 2021, Regular Meeting Agenda as presented.”

Ayes – 7

Nays – 0

The motion carried.

APPROVAL OF MINUTES

Upon motion by Commissioner Cooper, seconded by Commissioner Dresen, it was

“RESOLVED, to approve the minutes of the January 26, 2021, Regular Meeting as presented.”

Ayes – 7

Nays – 0

The motion carried.

OPEN TO THE PUBLIC

Chairperson Jokinen opened the floor to the public at 7:03 p.m. for questions and comments on items not on the agenda.

As no one wished to address the Commission, Chairperson Jokinen closed the meeting to the public at 7:03 p.m.

PUBLIC HEARINGS

- A. Planning Case 21-005 – Logic Design & Architecture, Inc. – Planned Unit Development Amendment at 905 East County Road E (Vadnais Square) - WITHDRAWN.

Planning/Community Development Director Wall said the applicant has withdrawn this item from the agenda as the signage options requested were able to be achieved administratively and the request was no longer required. He noted no comments or feedback had been received from the public.

- B. Planning Case 21-003 – MSP Vadnais, LLC – Concept Planned Unit Development Plan at 3580 Arcade Street (MSP Commercial).

Planning/Community Development Director Wall said the applicant has submitted a Concept Planned Unit Development (PUD) Plan to begin the review process for construction of a new medical-office building on the subject property. The applicant conducted an informational open house on March 16, 2021. MSP Vadnais, LLC is proposing to construct an approximately 22,300 SF, one-story medical-office building. The subject property contains the existing Summit Orthopedics building/parking lot and is bound by I-35E to the east and Arcade Street to the west. The Walmart and Midwest ENT developments are to the north and undeveloped land abuts the subject property to the south. The proposed development plan is “concept” in nature and subject to change as a result of the review process, staff recommendations, public comments, and Planning Commission/City Council discussion. The proposed use is allowed within the applicable underlying zoning district and is consistent with the goals and objectives in the Plan.

Wall noted that flexibility under the PUD provisions is required from the applicable underlying City Center parking lot/circulation drive standards along Arcade Street and the northern property boundary line. According to the applicant, consideration of the proposed setback flexibilities is based on several considerations and the proposed Concept Plan contains two buildings on the existing parcel; no lot split is proposed. The proposed exterior building materials are compatible with surrounding uses and include clay brick (limestone buff and grey-brown), cast stone sills, canopies, sun shades, equipment screening, and cornices. The proposed development will include connections to existing public/private utilities and roadways and does not include any land dedicated to the public, so the applicant will most likely opt to pay the applicable park dedication fees in lieu of land dedication, as allowed by Code.

Wall reviewed proposed signage including wall signage, monument signage and freestanding signage which is consistent with others in the immediate area and then spoke

more about the proposed signage and suggestions. Wall outlined the proposed off-street parking lot that will contain 362 spaces and then reviewed traffic, access, and lot coverage. He said following the Public Hearing, the Commission will be asked to review the proposed Concept PUD Plan and advise the applicant of positive features and preliminary concerns, including staff recommendations and public comments, for consideration by the City Council, as part of a potential future Final PUD Plan, and that no formal action is required at this time.

Commissioner Cordes asked for clarification on wall signs allowed and what is being requested. Wall explained City Code currently allows only one sign per building/per tenant and noted the proposed signage was minimal and subdued and that the applicant is requesting a total of four signs, two on one elevation, none on the south elevation, and one on each of the east and north elevations, as well as one monument sign.

Commissioner Dressen asked if the applicant had secured a tenant for the site. Commissioner Caillier asked more about the requested parking flexibility and reduction in length standards and if the existing parking spaces meet the current 19-foot standard, and also asked if reducing the length from 19 to 18 feet would affect fire lane access. Wall said the proposed length of the stalls would not lead to any compromise of access lanes but just shift them one foot.

Commissioner Moynagh inquired about the three driveways versus two and the request to close one driveway access. Wall spoke about the potential to remove one driveway and its significant access point and then asked the applicant to provide further information.

Steve Miller, MSP Commercial, responded the lease would be signed this week and the tenant would be an ambulatory surgery center. He referred to the two access points requested by the tenant and signage as ways to ease locating the space by their patients.

Chairperson Jokinen opened the public hearing at 7:19 p.m. and reviewed the public comment process. There being no one that wished to speak, the Chairperson closed the public hearing at 7:19 p.m.

Commissioner Moynagh asked that there be additional discussion with the City about the need for additional signage.

Commissioner Doll Kanne asked about parking stall length and the intent of the building to serve patients for medical purposes and she asked how reducing the length of parking stalls for visitors who were mostly potential patients and potential difficulties for the potential patients to access the property and would we than be encouraging cars to go up and over the curbs. Mr. Miller noted the majority of patients would be dropped off and picked up and still be able to access the building easily.

Steve Oliver, Mohagen Hansen Architects, explained that nose-in parking over the curb would allow two feet overhang from the front wheels of a vehicle and this would allow for a wider sidewalk of seven feet to allow for sufficient space to pass, adding an 18-foot standard is common throughout the country.

Commissioner Cordes commented more about truck parking and surrounding cities' standards and possible concerns about shortening parking stalls but said his larger concern is with the signage and how the Planning Commission voted against Midwest ENT's additional signage. He said the current signage was cluttered and that he would prefer a cleaner look and that two signs are not needed on the building elevation for the same tenant. He said he hopes the applicant works with the City when finalizing the signage and that he also hopes they will minimize the signage on the building.

Commissioner Cooper said his concerns centered more around combining signs and ambulatory signs pointing in the right direction that would result in less clutter and suggested consideration of future signage on I-35E combined with any future tenants.

As no one wished to address the Commission, Chairperson Jokinen closed the public hearing at 7:26 p.m.

No action was taken, as it is not required for a Concept PUD review.

C. Planning Case 21-004 – Harstad Hills, Inc. – Rezoning, Final PUD Plan, Minor Subdivision, and Preliminary Plat at 3904, 3910, 3920, 3922, 0 McMenemy Street/0 Bear Avenue North (Bluebird Grove).

Planning/Community Development Director Wall said the applicant, with consent of the property owners, has submitted the application for consideration of a 19-lot single-family residential subdivision that would include rezoning from Residence One (R-1) to Planned Unit Development (PUD), Final Planned Unit Development (PUD) Plan, Minor Subdivision, and Preliminary Plat. Wall noted that Harstad Hills, Inc. is proposing to rezone and subdivide portions of six existing privately-owned parcels into a 19-lot single-family residential housing development. Generally, the proposed development area lies north of the existing terminus of Tessier Trail, south of Colleen Drive, east of McMenemy Street, and west of Bear Avenue North. The applicant has negotiated agreements with the existing property owners to purchase all or portions of their property to facilitate the proposed development. The Final PUD Plan/Preliminary Plat proposes to create two lots with access to McMenemy Street, 13 lots on a new cul-de-sac by dedicating right-of-way to extend Tessier Trail to Colleen Drive, and four lots on a new cul-de-sac by extending Bear Avenue North through existing right-of-way.

Wall noted that this will be the first of two public hearings and reviewed the remaining steps in the process. He noted the minor subdivision does not create any non-conformance with the existing properties in the area and reviewed the required side yard setbacks and other details of the proposed development. Wall spoke about the pavement management plan and landscape plan, utility plan, and how the proposed development would not disturb any wetland areas. Wall noted that VLAWMO will review the overall plans. Staff does recommend approval of the proposed rezoning from Residence One (R-1) to Planned Unit Development (PUD), Final Planned Unit Development (PUD) Plan, Minor Subdivision, and Preliminary Plat.

Commissioner Cordes asked if there were large differences between this proposal and the last proposal submitted by the developer. Wall responded the layout, lot design and road

connections were unchanged but the level of detail has increased to include items such as stormwater management, utility connections, grading plans and other details.

City Engineer/Public Works Director Farrell shared more about the storm sewer management plan. Commissioner Cordes asked for more information regarding concerns heard at the last public hearing surrounding drainage at Tessier Court and how the current plan might change that or improve it. Farrell said the applicant provided a level of detail and a stormwater management report produced by a professional engineer regarding how grading would direct the water appropriately. He explained how the water would leave the site and how the rate is less than what currently leaves it today. He said that the ponds are clearly designed to be oversized.

Chairperson Jokinen asked how long before the ponds silt up and need dredging. Farrell responded that property owner behavior will drive this as well as education regarding blowing lawn clippings and putting dog waste into the ponds, but he would estimate that they could go decades before needing any maintenance. He said that the City is requiring that access to the ponds being considered so that it can maintain them into perpetuity.

Martin Harstad, Harstad Hills, Inc., said they had done a lot of work with City staff and the neighbors and have tried to address everything. He then spoke how he and his surveyor noted how the previous owners put in culverts that directed any rainfall to go into the property and how the culverts channel water to the wetland on the bottom end, which certainly contributing to the water on that end. He noted that the site will be designed to slow down the water coming off the site and they have designed the ponds larger than needed. He noted that he has been unable to meet the wants of the neighbors on Bear Avenue North and noted how he tried to address their concerns but added that the Johnson's have rights as well. He said he is still open to working with the residents if they have a change of heart and want to continue discussions.

Commissioner Doll Kanne asked about construction traffic temporarily accessing from McMenemy Street through the existing drive and asked how much of a build out could occur. Harstad said it was suggested to him that they use the existing drive and they would have to do a bit of grading but will work hard to keep that drive open. Doll Kanne asked if the proposed Lots 9 and 7 would be most impacted by the construction traffic accessing through McMenemy and asked if neighbors understood the area would be developed and suggested deferring the sale of Lots 9 and 7 to assist with this change. Mr. Harstad responded the development would require taking of the existing driveway and that he will work to keep this access open as long as possible, especially during construction. He noted the premium lots are on cul-de-sacs and it could be difficult to commit to close until safety reasons require the access to be open. He spoke about the bridge that would support City vehicles and plows and the need to fill in right-of-way to build the road as well as losing capacity within the pond.

Commissioner Cordes spoke about the accuracy of the proposed \$200,000 additional cost for the bridge. Mr. Harstad said that was one of the ideas that the neighbors came up with and he researched it. Harstad said that bridges are expensive. He said you get into several hundred thousand dollars or upwards for a bridge, so it is not feasible.

Chairperson Jokinen opened the Public Hearing at 8:18 p.m. and reviewed the public comment process.

Troy Kunze, 500 Bear Avenue North, spoke about the future land use map shared with the neighborhood in December 2019 which outlined the legal basis for zoning and other ordinances. He said the documents were shared in 2018 and changes identified for future use and that property owners were notified but that Bear Avenue North was not. He spoke about the current future land use map which appeared to have changed and asked for written reasons about its authorization and why residents were not notified of this proposed change. He said this is not a legal binding document and cannot be used and said based on this data the Planning Commission should recommend denial of the road connection.

Mark Al, 3854 Tessier Trail, thanked the Commission for the opportunity to be heard and to hear others, and said there are positive aspects of the proposed development including the stormwater ponds but shared concerns about access to the development from McMenemy Street. He said he understood the need for as many homes as possible, but asked if there could be access from McMenemy Street, all the way through to the end. He spoke about the possibility of a bridge being built to access the lots on the east side, and said this should be addressed as part of setback requirements. He noted that other cities promote cul-de-sacs for many reasons, including safety, which results in higher property values and then shared his concerns about potential damage to Tessier Trail which was just redone last year. He also said that he is concerns about water ponding. Al suggested that the City require a bond from the developer to protect Tessier Trail and/or cover the costs of road repair.

Abby Burdick, 491 Bear Avenue North, shared her concerns about rejecting the bridge concept to access the homes and frustration about having Bear Avenue North extended. She said the neighborhood has offered to purchase the land in conjunction with the City to continue the nature path concept but have been told no. She said the PUD process has been a waste of time because nothing has changed and has resulted in one resident having to move and another having to remove their current garage. Ms. Burdick said the neighborhood does not understand why action by the City only benefits the developer and not the City's current residents.

Hans Henning, 486 Bear Avenue North, said the cost of the bridge, likely originated with him, and was based on documents the developer provided the neighbors regarding a MnDOT study and two case studies on bridges conducted in Minnesota. He said at the two previous public hearings, comments were included regarding the impact on residents living near the proposed development off of Bear Avenue North and the only item on the new plan is addition of trees and shrubs for screening. Mr. Henning said the landscape plan is not enough and shared concerns about a road through in front of 470 Bear Avenue and the loss of a portion of the driveway at 467 Bear Avenue as well as 38 added car trips a day. He spoke about how property values for the homes currently at the end of the street would be taken and given to the new homes and then said the City had taken actions in the past that said this street would not be extended and while not necessarily a legal vacation of the land but may be abandonment of land. He said the actions that conveyed the permanency of the road included residents being allowed to plant trees in the right-of-way, approval of the home location at 470 Bear Avenue North in close proximity to the under developed

right-of-way, the 1995 Bear Park master plan trails and the 2040 Comprehensive Plan denoting off street trail locations at Bear Park as opposed to sidewalks, and the approval of a garage location change at 467 Bear Avenue North. He showed the original plan that the resident at 467 Bear Avenue had. He noted that he and other neighbors met with the developer, and many ideas were discussed at the meeting. He said that the developer had a proposal which included purchasing a portion of the land at the end of the road to make the road straighter. He said he has spent many hours on trying to find an alternative for making this work for both parties. He asked for more facilitated discussions before any formal action is taken by the City, perhaps more workshops, etc. Henning asked the Commission to demonstrate that he is being heard by delaying any action.

Commissioner Doll Kanne thanked the neighborhood for their input and work to collaborate and then asked about the provided aerial and locations of the driveway and asked when the property owner moved if the real estate agent let them know about future development. Commissioner Stumph asked if the proposed bridge estimate included the bridge only or costs for permits and engineering work as well.

Erinn Robovsky, 515 Bear Avenue North, shared concerns that City staff and Harstad are forcing three to possibly five lots into non-conformity. She said this proposal is against City Code and would create undo hardships. She said that the residents at 470, 467, and 475 Bear Avenue North would have to disclose that their homes are non-conforming if they sell their homes which will affect their property values. She said the extension was never listed in City documents and has not been presented to the Metropolitan Council, VLAWMO, or SEH, but now shows the road and asked how that was authorized. She said that nowhere in the 2040 Comp Plan does it show that Bear Avenue North would be extended but that it does show a trail off of Bear Avenue North. She talked about how City Code requires protection of natural features such as trees, historical spots, etc., and that right-of-way must be preserved with no net loss of parkland. She said the area is an off-street trail and not intended to be a road or include homes and then commented further from the Comp Plan contradicting the proposed development that would displace families and make non-conforming lots. She referred to the petition signed by the entire neighborhood and said they were not fighting against the Johnson's right to develop their land but rather how the developer wants to use Bear Avenue North to develop it. She said the Commission should recommend denial and that Harstad should do a straight plat and meet all City Codes instead and not recommend extension of Bear Avenue North.

Ed Haddon, 532 Bear Avenue North, said he has been a resident of the City for over 45 years. He said that non-conforming uses of at least three houses remain in perpetuity and a concern and is a legal issue that needs to be addressed before the PUD moves forward. He spoke about how the extension of Bear Avenue North exceeded City Code for length of a cul-de-sac and street significantly, and then spoke about lot densities impacting surrounding areas. He said he supports the drainage plan and hopes it works and then spoke about vacation of the right-of-way and the intent over the decades for the road not to go through, adding this was not part of discussions that were held when he was serving on the Planning Commission and that the area was not designated as a right-of-way but rather a trail which is why realtors did not share with potential homeowners. He spoke about the creation of a cul-de-sac and setbacks less than 30 feet with trees and utilities in the right-

of-way and said that he is of the opinion that the facts were an inference that the City did not intend to have this as right-of-way.

Cheryl Latham, 541 Bear Avenue North, asked how construction equipment would access the new area to construct the homes.

Rob Davis, 3847 Tessier Trail, said that he thinks the development is desirable for the area, and said that he thinks the water mitigation was well done but he has strong concerns about traffic and safety of children in the area. He said he understood the bridge to be too expensive, but said that another avenue had to be identified as the neighbors have been heard and neighbors on Tessier Trail also want to keep the road dead-ended for natural space and that the City should not connect to Williams as it would result in traffic cut-throughs.

Paul Buzicky, 470 Bear Avenue North, said he agreed with the comments shared and said that the suggestions would make the development good but had concerns about the road going through their front yards and the impact of making his property non-conforming.

As no one else wished to address the Commission, Chairperson Jokinen closed the public hearing at 9:05 p.m.

Mr. Harstad responded to concerns raised during the Public Hearing and said they would be accessing the area with equipment on Bear Avenue North and that staff would inspect the road and if damaged during construction they would correct any damage. He said this is an infill development and noted everyone's home was an empty lot at one point. He explained how he met with the neighbors and made offers to address their concerns. His offers included: road realignment, landscaping, and purchasing homes at the end of the cul-de-sac. Mr. Harstad said they offered to identify trees and purchase a small section to straighten the road to address headlights shining into homes. He noted the roadway had been laid out since 1939 and the property owners have relied on that easement since they purchased the land. He said wetland regulations have changed and they can no longer cross the wetland with a road so it was likely identified in a previous Comprehensive Plan as the width of a future roadway and platted as a future roadway. He explained how he offered to sell the land at a reasonable price to keep peace in the neighborhood but was told no then noted an attorney had contacted him about selling the land but if he cannot develop the property, the Johnson's still have property rights. He then noted that the road would be extended 290 feet from center of cul-de-sac.

Commissioner Doll Kanne asked about what a plat might look like outside of the PUD process. Mr. Harstad explained that a straight plat would reduce the number of lots by three and none would be eliminated on the proposed Bear Avenue North extension. One of the proposed lots on McMenemy Street would require a variance from the lot width standard. He furthered explained that project enhancements are proposed to be included in the PUD in exchange for flexibility on certain standards and that is why he decided to go that route. He said the PUD created smaller lots which makes the lots more affordable and he then said he is offering the trail as a concession and that means smaller but more lots which would pay for items along the way to make a successful project for all involved.

Commissioner Doll Kanne asked questions regarding non-conforming uses for existing properties. City Attorney Bell-Beckman spoke about non-conforming uses and creating non-conforming uses on some of the Bear Avenue North properties and noted that staff have not concluded that would be the outcome and are not prepared to flag non-conformities. She noted the Minnesota Legislature passed, in 2011, MN State Statute Section 462.357 subd. 1.e., in response to a Minnesota Supreme Court case regarding expansion of non-conformities which does not mean one cannot use the property or improve it and they may also be able to expand it. Beckman read the law.

Chairperson Jokinen asked if non-conforming uses would impede any future sale of property. City Attorney Bell-Beckman responded a lot would not be identified as non-conforming unless the property owner wanted to do something different, such as expanding a garage.

Commissioner Stumph asked if the real estate agents have a legal right to inform a potential property owner of the adjacent properties' zoning. City Attorney Bell-Beckman said she was unsure but would assume there would be some obligation.

Commissioner Moynagh asked about vacating of the road early in the process, from a legal standpoint that is able to be used. City Attorney Bell-Beckman said that a road can only be vacated through a statutory procedure and would require the developer to get a title report, to even follow-up further, and there is absolutely no document or legal proceeding the City ever had to vacate that right-of-way.

Commissioner Cordes asked about statutory changes that may have occurred from 1938 and 1948 and how having the development in the right-of-way would affect title and if this would result in rights of adverse possession. City Attorney Bell-Beckman responded there is clear documentation after 1948 that the right-of-way was still in existence and if vacated it would have shown up. Cordes asked how does the garage that has been built in the right-of-way, how would that affect that property. Beckman said if a building official had allowed construction of a structure in the right-of-way that action cannot bind a Council to vacate or remove a right-of-way. Cordes asked if would there be any rights of adverse possession. She responded that a person cannot file rights of adverse possession against a governmental entity.

Commissioner Doll Kanne asked about potential legal action by the property owner and developer if they wanted to challenge a denial of use of the right-of-way. City Attorney Bell-Beckman said if the City denies them reasonable access they could result in legal proceedings.

Commissioner Cordes spoke about the questions regarding the Bolton and Menk report and the Comprehensive Plan aspects raised during the Public Hearing. Wall responded that there has been no change to the future land use designation of the property. All of these subject properties have been low density, for at least, since the 2000 Comp Plan. He said the City held public hearings before adoption of the 2040 Comp Plan and notified residents whose properties that the City was actively proposing changes to the land use. He reiterated that there was no changes made to these properties. He said the action was driven by the Metropolitan Council in response to the Council's suggestion that areas be shown where

additional density could be added in the City and as this area was undeveloped the future land use could be used but there had been no change in the future land use.

Commissioner Cordes said the variance requests a length of the cul-de-sac and asked how the 600 feet versus the 2,400 feet and how that would affect the proposal. Wall said it would be based on the interpretation of the definition of a cul-de-sac which is a short, minor street permanently terminated by vehicle turnaround and in this case since there is existing platted right-of-way that has not been vacated at the end of Bear Avenue North the question remains if it does meet our definition of a cul-de-sac, adding the existing condition far exceeds what City Code requires. Chairperson Jokinen noted that the City has several cul-de-sacs that are longer than 600 feet long.

Commissioner Cordes asked what would happen if we denied the proposed flexibility concerning extending the cul-de-sacs. Wall responded there would need to be deliberate discussions about whether or not this is a cul-de-sac and granting any variance.

Commissioner Doll Kanne asked about the underlying reason for the 600 feet if it included safety or other reasons. Farrell explained there are generally many benefits to cul-de-sacs but maintenance becomes a challenge as well as public safety, but it is balanced against other factors and existing conditions. He said the City has many wetlands and undevelopable areas that result in dead-ends, noting some neighborhoods even function as very long cul-de-sacs.

Upon motion by Commissioner Cordes, seconded by Commissioner Dresen, it was

“RESOLVED to recommend approval of the Rezoning, Final PUD Plan, Minor Subdivision, and Preliminary Plat requests as amended to include denial of flexibility of cul-de-sac length and the condition added that they work with the City to create an alternative entrance to the proposed Bear Avenue area, as the current proposal is not in compliance with the general safety and welfare of the community of Bear Avenue, based on the following findings of fact:

1. The proposed uses are permitted within the underlying R-1 District and are consistent with the goals and policies of the Comprehensive Plan.
2. Flexibility from certain applicable City Code standards, as part of the Planned Unit Development process, is justified based on the proposed project enhancements and allows for reasonable development of the subject properties.
3. The proposed development adds new housing stock to the community and residents to support local businesses and school district, while providing project enhancements through the PUD process that may not be otherwise be realized under the typical platting process.

Subject to the following conditions as amended:

1. A development agreement between the property owner, and all others with interests in the subject property, shall be entered into with the City, to be recorded at the applicant's cost with the offices of the Ramsey County Recorder and/or Register of Titles, prior to issuance of a building permit.
2. Appropriate permits shall be submitted for administrative review/approval, prior to commencement of any construction activities on the subject properties.

3. The developer shall participate in the construction and funding of the proposed off-street trail/boardwalk connections, the details of which are to be negotiated as part of the development agreement.
4. All new public improvements shall be compliant with the applicable City Code provisions and specifications, or as approved and addressed within a development agreement, to be reviewed and approved by the City Engineer, and be inspected, at the applicant's cost, prior to City acceptance.
5. Existing vegetation proposed to be preserved shall be done so in compliance with the applicable requirements of City Code Chapter 38, Article IV, Section 38-601(b)(11).
6. No trees, fences, or other obstructions shall be installed within the drainage and utility easements that serve as access points to the pond(s), to be denoted on final construction plans.
7. All small utilities shall be installed outside of city right-of-way and within the required drainage and utility easement(s).
8. On-street parking shall be prohibited along all sides of the proposed cul-de-sacs, unless additional analysis demonstrates acceptable emergency vehicle circulation or the radius is increased.
9. The City reserves the right to require additional landscaping during or after construction of Bear Court to ensure proper mitigation is afforded to existing residences, to be paid for by the developer.
10. Street lighting shall be required in accordance with the applicable City Code provisions and specifications, including, but not limited to Chapter 32, Article VI, Section 32-188 and Chapter 30, Article II, Division 2, Section 30-57, to be reviewed and approved by the City Engineer and addressed as part of the development agreement.
11. Recommendations concerning the wetland buffer disturbance from the VLAWMO Board of Directors shall be implemented and addressed as part of the development agreement.
12. Compliance with the conditions included in the Fire Chief's memorandum, dated 02/22/2021.
13. Compliance with the conditions included in the SEH memorandum, dated 03/12/21.
14. Compliance with the conditions included in the VLAWMO memorandum, dated 03/15/2021.
15. Compliance with the conditions.
16. Developer work with the City to create an alternative entrance from Tessier Court to the proposed Bear Avenue North area as the current proposal is not in compliance with the general safety and welfare of the community of Bear Avenue North.

Commissioner Cordes said while most of the proposal was good, including the Tessier Trail and Colleen Avenue connection, the development would significantly impact residents of Bear Avenue by increasing the number of vehicles and safety concerns with the unplanned road. He said there are alternatives that could be identified although at a cost that cost should be doable during the current booming housing market.

Commissioner Dresen said it is unfortunate to be in this position because economic development is critical to sustain the City but that being said the City also has a right and an obligation to protect and support those who already live here and that there has to be more compromise.

Commissioner Stumph said even if we vote against the proposal, legally the developer has the right to proceed because the road was never denied and a bridge is a deterrent for the accessibility of the property, and that could go to a court and the landowners could be saying that the City would be denying access to their property. He spoke about the costs of accessing the wetland and the cost of a bridge and how the Johnson's have the right to go across the cul-de-sac to be able to utilize their property. He said he is not sure that as a City we can deny it.

Commissioner Moynagh thanked everyone for the public feedback and hard work from staff and the developer, stating the City followed the legal process from the beginning and has done its due diligence with the entities involved. He commended staff on their proposed plan to create better drainage and said the developer has provided several options to address the neighborhood's concerns. He said these will be good-sized lots with a boardwalk amenity and added he would like to see measurements on the side to be rooftop and not foundation but said he is in favor of the PUD as presented.

Commissioner Caillier thanked all parties for their perspective and said while it seems we are at an impasse he is hopeful that alternatives would be identified and said he would support the motion as amended.

Commissioner Moynagh noted how the Planning Commission members are volunteers and care about the residents of Vadnais Heights and if some voted for the project it did not mean they do not care about the residents and their concerns.

Commissioner Cooper thanked everyone for the input and staff's work and said he hoped for a successful conclusion to satisfy both parties, but agreed he does not see a bridge as a feasible option and would support the project as proposed.

Chairperson Jokinen said he understands the residents and the developers concerns, but agreed a bridge was not feasible and said he will vote against the motion.

Commissioner Cordes said we should not consider this based on any potential litigation and said he respected the comments about an alternative access such as the bridge but if we do not change and make some sort of limitation as to what they can do with the land, there will be no reason for the developer to continue negotiations and this provides us an opportunity to still assist the neighborhood, the City and the developer to find a resolution.

Commissioner Stumph asked what other alternatives could possibly be done besides a bridge or using the cul-de-sac. Commissioner Cordes said he put more value on the welfare of current homeowners and said everything is reasonable with the right amount of money and if its cost prohibitive, then the development may have to be done without flexibility.

Ayes – 3 (Cordes, Caillier, Dresen) Nays – 4 (Cooper, Jokinen, Stumph, Moynagh)

The motion failed.

Upon motion by Commissioner Moynagh, seconded by Commissioner Stumph, it was

“RESOLVED to recommend approval of the Rezoning, Final PUD Plan, Minor Subdivision, and Preliminary Plat requests as presented based on the findings of fact and conditions as outlined by staff with the exception of utilizing the 10-foot rooftop measurement for the side lots.”

Planning/Community Development Director Wall clarified Commissioner Moynagh was referencing flexibility concerning measurement of a side yard setback for a principal structure. Code now says it would be measured from the foundation wall to be measured instead from the rooftop eave and that would result in 1.5-2-foot impacts.

Ayes – 4 (Cooper, Jokinen, Stumph, Moynagh) Nays – 3 (Cordes, Caillier, Dresen)

The motion carried.

NEW BUSINESS

None.

OLD BUSINESS

None.

REPORTS

A. Council Liaison

Council Liaison Council Member Rogers said he had nothing to report.

B. Planning Commissioners

Commissioner Doll Kanne shared her background and excitement to serve on the Planning Commission. The Commission welcomed Commissioner Doll Kanne to the Commission.

C. Staff

Planning/Community Development Director Wall said the City recently launched the online permitting software OpenGov for building, mechanical, and other permits which will prove to provide significant time savings, efficiency and increased level of service to the community.

City Administrator Watson shared a brief update on the Council’s goal session held last evening and the component related to economic development which will be part of the Planning Commission’s review process in the coming months.

City Engineer/Public Works Director Farrell thanked the Commission for their service.

Chairperson Jokinen thanked the public for their input this evening.

NEXT MEETING

The next Planning Commission meeting will be held on April 27, 2021.

ADJOURN MEETING

Upon motion by Commissioner Cooper, seconded by Commissioner Cordes, the meeting was adjourned at 10:06 p.m.

Respectfully submitted,
Cathy Sorensen
TimeSaver Off Site Secretarial, Inc.

Approved