

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 4, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Scott Clancy (Vice Chair)
Robert Heidenreich
Joan Robertson
Jonathan Weber
Dennis Wippermann

Commissioners Absent: Kate Challeen (excused)
Jaime Besser (excused)
Vacant

Staff Present: Allan Hunting, City Planner
Stacy Bodsberg, Community Development Support Specialist

3. APPROVAL OF MINUTES

A. Approval of Meeting Minutes from the March 21, 2023, Regular Planning Commission Meeting.

The meeting minutes from March 21, 2023, were approved as submitted.

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

A. Consider a request by the City of Inver Grove Heights (23-10X):

- **Heritage Village Park, request to Rezone property from I-1, Limited Industry to P, Institutional District.**
- **Highlands at Settlers Ridge Park, Lot 30, Block 1, request to Rezone property from R-1C/PUD, Low Density Residential to P, Institutional District, and a Comprehensive Plan Amendment to change the land use from LDR, Low Density Residential to Public Park & Open Space.**
- **Kundla Property, PID Numbers 20-01700-01-021 & 20-01700-31-011, request to Rezone property from A, Agricultural to P, Institutional District.**
- **Peltier Reserve Park, Lot 1, Block 1, Peltier Reserve 2nd Addition, request to Rezone property from R-1C/PUD, Low Density Residential to P, Institutional District and a Comprehensive Plan Amendment to change the land use from LDR, Low Density Residential to Public Park & Open Space.**
- **Vista Pines Park, PID Numbers 20-00700-33-021, 20-00700-06-013 & 20-00700-06-015, request to Rezone property from A, Agricultural to P, Institutional District and a Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to Public Park & Open Space.**

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Inver Grove Heights 23-10X. The request consists of a Comprehensive Plan Amendment to change the current land use designation for: Vista Pines, Highlands at Settlers Ridge, and Peltier Reserve Parks, to public park and open space and Rezoning of the park within Vista Pines, Highlands at Settlers Ridge, and Peltier Reserve Parks, and the Kundla Property, to P - Institutional District. No notices were mailed out.

Presentation of Request

City Planner Allan Hunting discussed bringing the maps up to speed with the recent acquisitions of park land. Some are rezonings and comprehensive plans, some are rezonings only.

Heritage Village Park:

- Most of the property has already been zoned Public Institutional
- Other properties were acquired at a later date
- Park development is in some locations
- Rezoning only

Highlands at Settlers Ridge:

- Council approved one lot to be the park in the neighborhood
- Currently LDR, change to Public Open Space
- Rezoning goes from PUD to Public Institutional for park purposes

Vista Pines Park:

- New park that just opened off Argenta Trail
- Land was guided MDR, will be changed to Public Open Space
- Consistent from Ag. To Park

Peltier Reserve Park:

- Lot was recently acquired with a subdivision
- Land was guided LDR, will be changed to Public Open Space
- Rezoned from a PUD to Public Park

Kundla parcel:

- Located by City Hall
- Will be a part of the expansion of the maintenance facility campus
- Was guided to public uses, rezoning to the same purpose

All the above mentioned are to bring the zoning and land use to be consistent with current or future use of the properties.

Opening of the Public Hearing

Commissioner Wippermann requested confirmation from staff that the Parks and Recreation Commission has reviewed and approved the locations and topography of the sites, and are suitable for what is being proposed.

Mr. Hunting replied that Parks and Recreation have approved everything, as well as Heritage Village and Peltier Reserve. Staff is working with the Commission and the public on designs of the parks.

Commissioner Robertson was happy to see the Commission is doing this now. She was glad there are more parks in the northwest area and that they were able to pull this much together.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Weber, to adopt staff's recommendation as presented for the City of Inver Grove Heights (23-10X).

Motion carried (6/0). This item will go before the City Council on April 24, 2023.

5. OTHER BUSINESS

A. Subdivision Ordinance - Language for Premature Subdivision Applications

City Planner Hunting stated that the City Attorney noticed the subdivision code didn't have any language to address premature subdivision applications. Someone had applied for a subdivision in a part of the city where there isn't adequate sewer, water, streets, or storm systems and is not consistent with the Comprehensive Plan. There were not specific words in that section of the Ordinance to deny the application.

- Also includes information on the Capital Improvement Plan and if improvements were not going to happen for a couple of years
- Lack of adequate drainage if there are not sufficient stormwater systems in the area
- Water supply
- Not having streets, sewer, or water would be the most common

The City Council will have their first reading on the Ordinance on Monday.

This does not require any recommendation from the Commission. Amendments and changes to a subdivision ordinance does not require public hearings in front of the Planning Commission.

Chair Niemioja referenced "inconsistent with the Comprehensive Plan" stating there has been a lot of applicants coming to the Commission trying to change the Comprehensive Plan. The language states they "may" be denied. She said she felt it was permissive, discretionary language. She asked who makes the determination this would be an automatic rejection or not. She referenced items 2-7 that seem to focus on infrastructure issues and commented that "inconsistent with the comprehensive plan" was more ambiguous.

Mr. Hunting replied he was unsure of an answer because this has not been used yet. If it was a big change, developers are usually requested to bring that forward first on it's own merit. This ordinance would not apply because it's for subdivisions. He said the city has enough options if asking to change the land use. The Council could say no, referencing the 2024 Comprehensive Plan that states it should be single family and not some other use. That would be enough basis to deny. He mentioned when there is a subdivision there are details of the plan, it can more easily be directed to say it's premature because there are not other improvements, or not scheduled to be installed two or more years out.

Commissioner Weber referenced Section A. "Burden of Proof shall be on the subdivider to demonstrate to the City Council that it is not premature". He mentioned a parcel of land that was just sold on 70th Street that was listed as a "subdividable" piece of property on the north side of the golf course. There is not city sewer/water in that area. He asked if that would be considered a premature subdivision because it does not run down south to the property from 70th, or if was not something they would consider premature because the developer could bring sewer and water down the private drive.

Mr. Hunting replied if a developer had the means to get sewer and water to the property, it probably would not be. If coming in and saying they want to subdivide the property and the city would have to provide sewer and water to them, the answer would be no because it was either not available or wouldn't be for a number of years. It would be the same if wanting to pay for a public street to come into the property.

Commissioner Weber mentioned sometimes when forcing the burden of proof on the landowner it creates confrontation. He said it felt like the city was saying it wasn't there so they were not going to deal with it versus someone coming in with an application and working through the scenario.

Mr. Hunting replied the words may be included to show a developer what they tried to accomplish to get utilities there. If a developer makes application, it is up to them to prove they can adequately serve that development. The burden of proof is on them to show that they can do it and not expect the city to accommodate.

Commissioner Weber said he didn't want to put an ordinance in that would deter people from developing.

Chair Niemioja said this should be applied fairly and equitably across every applicant. Her concern was the way she reads it, it could be easily denied in some cases and not in others with the burden of proof issue.

6. COMMISSION AND STAFF COMMENTS

City Planner Hunting reminded the Commission that reappointments are coming up. If a Commissioner wants to be re-appointed, they would need to reapply. This applies to Commissioner's Challeen, Robertson, and Clancy. The number of applications that have come in so far have been light. If the Commission is aware of anyone else that may be interested, please get the word out.

Commissioner Weber asked if the fourth spot would be filled.

Mr. Hunting replied it was his understanding it would be filled. The City Council makes the final determination.

Chair Niemioja shared that it has been a joy being a part of this group. She enjoys working with everyone and learning about the city.

Mr. Hunting shared that the Parks and Recreation Advisory Commission and the Environmental Commission are also looking for Commissioners.

Commissioner Heidenreich mentioned that last October the Commission visited with Bituminous Roadways and were given a continuation until February. The Commission has not heard anything, he requested an update.

Mr. Hunting replied staff has all background information. This would come before the Planning Commission at the first meeting in May. It would be before the Environmental Commission at their first meeting in April.

7. ADJOURN

The Planning Commission Meeting was adjourned at 7:19 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary