

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 20, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

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

2. OATH OF OFFICE

Community Development Support Specialist Bodsberg administered the Oath of Office to re-appoint Planning Commissioner Scott Clancy and appoint new Planning Commissioner Lance Twedt.

3. ROLL CALL

Commissioners Present: Scott Clancy (Vice-Chair)
 Jonathan Weber (Secretary)
 Robert Heidenreich
 Dennis Wippermann
 Aida Schaefer
 Jason Teiken
 Lance Twedt

Commissioners Absent: Elizabeth Niemioja (Chair) (Excused)
 Vacant

Staff Present: Heather Rand, Community Development Director
 Heather Botten, Associate Planner
 Stacy Bodsberg, Community Development Support Specialist

4. CONSENT AGENDA

A. Approval of the June 6, 2023, Planning Commission Meeting Minutes.

Commissioner Wippermann stated he would like to see a correction made to the minutes on page 2, about halfway down the page. Change "An illegal non-conforming structure" to "A legal non-conforming structure".

Motion by Heidenreich, Second by Schaefer, to Approve the June 6, 2023, Planning Commission meeting minutes including Commissioner Wippermann's correction.

Ayes: 7

Nays: 0 Motion carried.

5. PUBLIC HEARINGS

A. Consider a Comprehensive Plan Amendment to change the future land use on a portion of the property located at 7950 Blaine Avenue from P, Public Institutional to HDR, High Density Residential (Stelter Enterprises-Case No. 23-26CPA).

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. The notice was mailed to 52 properties on June 1, 2023.

Motion by Heidenreich, Second by Wippermann, to accept the received resident emails and letters onto the agenda and minutes for the meeting.

Ayes: 7

Nays: 0 Motion carried.

Presentation of Request

Associate Planner Botten presented a summary of the staff report that was prepared by City Planner Alan Hunting.

Ms. Botten stated that staff has received 26 emails from residents that had been emailed to the Planning Commissioners earlier today and a hard copy of each email has been provided to each Planning Commissioner as well.

Community Development Director Rand stated that a land use trend has been increasing with churches that have surplus land and have been subdividing. Isn't only a trend in the Twin Cities but throughout the Midwest. This wasn't a trend that was predicted when the Comprehensive Plan was put together five years ago. This is why amendments are being brought to the Commission and Council. Two other churches in Inver Grove Heights have subdivided their properties and built apartments.

Planning Commission Discussion

Commissioner Weber stated that in the City Code it states that in the church properties require a 3-acre minimum requirement and that will be a Variance hurdle in the future. Botten stated that staff has discussed that with the applicant or change how they are splitting the lot. The only issue is that there is a lot of Storm water treatment proposed along that line and it makes sense to include all of it on the apartment property. Weber questioned if the church property lost that land would they have enough impervious surface. Botten stated that would be reviewed when that time comes.

Commissioner Schaefer inquired where the 55 vacant acres guided HDR and the 60 vacant acres guided Mixed Use are available property located within the city. Botten stated that land is within the Northwest Area of Inver Grove Heights that is planned for city water and sewer.

Commissioner Heidenreich inquired if the application is premature since the proposal doesn't meet the requirement of the 3-acre size requirement for the church property. Botten stated that the church does have enough land to make that requirement, depending on where the lot line is drawn. If this item is approved one of the conditions is that the Comprehensive Plan Land Use change does not go into effect until there is a development plan. If the developer is unable to meet certain requirements, the land use would revert to P, Public. Heidenreich questioned why

use this piece of land when other properties are available that are already guided High Density Residential. Botten stated that the applicant can answer that question.

Vice-Chair Clancy inquired if there had been any other proposed uses of the land. Botten stated that there had been no other development requests regarding this piece of land.

Opening of the Public Hearing

Fred Stelter, 14505 43rd Ave N, Plymouth, Applicant, stated that the church presented them with the opportunity to look at this land for development, as the church would like to open a childcare facility, and needs the funds. A couple neighborhood meetings have been held and great feedback from the neighbors residing mostly to the north of the property. The residents to the north shared that they have a lot of grading issues, and a stormwater study was completed to address those concerns and see how they could help if they placed the apartment building in the lower lot and regraded the church lot. It was found that a lot of the residents' concerns could be fixed, and the water could be routed differently. From reading through the resident comments earlier three stuck out, why here, who would be living in the building, and what's the impact on our neighborhood. Why this location, would be because the location of the property being right off Highway 52, is very attractive. It is also set back from the residential properties.

Vice-Chair Clancy questioned if the applicant had looked at any other sites for this sort of use. Mr. Stelter stated that the location of the site, with Highway 52 next door, isn't an attractive site for low density, but usually used for high density.

Commissioner Weber stated that placing a building on a site that already has water issues in the neighborhood is concerning. Mr. Stelter stated that the water study showed what was going on with the water currently. The water that is now going into the neighborhood, would now go to the stormwater pond.

Commissioner Wippermann questioned who would own and manage the apartment building. Mr. Stelter stated that is a future decision.

Matt Taufen, 7912 Blanchard Way, stated that a lot of people are opposed to the project, including himself. The decision affects a lot more residents outside of the 350 feet of residents that received the public hearing notice letter. Some neighbors didn't receive a letter and information about the meeting and project was provided to them. The apartment building would not fit in the neighborhood.

Mr. Taufen submitted a letter to the City on Friday, June 16, 2023, that was included in the staff report for the Planning Commission packet.

Gary Pieper, 7956 Blanchard Court, stated that a lot of his questions have already been answered. Doesn't seem like the building will fit on the lot or look good in the neighborhood. Townhomes or single-family homes would fit better.

Georgia Mueller, 2591 80th Street East, questioned if the developer has done any other developments like the proposed in this area. Is opposed to the apartment building and like the appropriate research to be completed.

Ms. Mueller submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Bruce Onsted, 7915 Blanchard Way, stated that people that rent, have no skin in the game. They don't take care of the area like they would if they owned property. Isn't opposed to having the land developed but would like it to not be rentals.

Jeffrey Eichstadt, 7936 Blanchard Way, questioned if the development would be condos or apartments.

Vice-Chair Clancy stated that what is being reviewed is if the high-density zoning would work on the proposed property. What exactly is going on the property isn't being looked at, it's what would be allowed to go on the property.

Mr. Eichstadt stated that the possibility of bringing criminals to the area and the increase in traffic is concerning.

Mr. Eichstadt submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Jim Douglas, 1595 86th Court East, questioned if the developer has a drawing of what the development would look like. Making such a dramatic change on no specific information. Would like to see the Comprehensive Plan not changed.

Stephanie Taufen, 7912 Blanchard Way, questioned how making such a change is being looked at without having a traffic study completed. The corner of 80th Street and Blaine Ave is very congested, and especially when school is in session or after activities. Would like to see the entire City get notified if a change to the Comprehensive Plan is proposed. If anyone on the Planning Commission are members of the Church, that is a conflict of interest and shouldn't vote.

Alan Shilepsky, 8432 Claymore Court, stated that the Comprehensive Plan was created to plan for specific uses throughout the city. A drastic change from the current zoning of Public Institutional and changing it to the complete opposite to High Density Residential.

Damaris Jugovich, 7948 Blanchard Way, stated that the church would like to open a daycare. Instead of selling the land, could they come up with the money from their congregation. Ms. Jugovich submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Brittany Skoglund, 7911 Blackstone Ave, stated that traffic and safety concerns that come with high density properties is concerning. Poor visibility to the east on Blaine Avenue and pedestrian accidents that have happened at the intersection is concerning that an increase in traffic would make worse. Questioned if the city resources, Police and Fire, can handle an increase in calls and incidents.

Bruce Onsted, 7915 Blanchard Way, stated that the item should be tabled until there is a better proposal that includes more details and specific building drawings, and driveway locations.

Jerome Jugovich, 7948 Blanchard Way, stated that the church land has always been empty. Stated that the church property needed to be 3 acres, with the proposed, the property would be 2.5 acres. A Variance will be needed in the future. Proposing to place a high density building on land that has current traffic one day a week, the item should be tabled until more specific information is included.

Mr. Jugovich submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

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Joan Wormer, 7980 Blanchard Court, stated that what the developer is asking isn't allowed, and will need a Variance in the future.

Ms. Wormer submitted a letter to the City on Monday, June 19, 2023, that was emailed and printed for the Planning Commissioners.

Commissioner Heidenreich stated that the Planning Commission is only being asked to make a recommendation to the City Council if the developer can move forward with the requested land use change.

Bruce Bruns, 7610 Banning Way, stated that the noise from Highway 52 has increased from Highway 52. Doesn't like the idea of a large apartment building that will bring in more noise into the neighborhood.

Amelia Tallarini, 2430 96th Street, stated that the grading on the church and surrounding neighborhood properties can be done without building the apartment building.

Joan Robertson, 8153 Cleadis Ave, stated that this sort of decision impacts the entire city. High density residential areas are considered transient areas. There isn't a transition or buffer on the property that is required in the Comprehensive Plan. Would like to see a single level, association neighborhood on this site instead.

Taylor Leslie, 7974 Blanchard Court, stated that they came to the neighborhood for what it is, not for a high-density neighborhood. Works from home and enjoys the quiet area as well.

Keith Schindeldecker, 2391 77th Street East, stated that he isn't happy that the public hearing notice letter was only sent out to residents within the 350 square feet radius of the project. Would like to see the property stay how it is.

James Leslie, 7974 Blanchard Court, stated that the traffic on Blaine Avenue is busy and that the road is single lane. With the addition of 100-unit building, would the roads get additional work on them to help with the additional use.

Carol Ferry, 7924 Blanchard Way, stated that their neighborhood is close and would not purchase a home near a high-density residential area. Concerned that a study out of Australia has shown that high density areas have a negative health impact on the residents.

Ms. Ferry submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Jim Douglas, 1595 86th Court East, stated that he would like the petitioner to withdraw his petition.

Commissioner Teiken questioned if there was a member of the church in attendance.

Mike Fenton, 7131 Clay Court, stated that he is a member of the church and lives in the community, so has skin in the game. There is a need for high density housing and a need for daycare. The money that will be used from the sale of the property will be used to renovate the church building to get it up to the building code for the daycare. Most of the proposed apartment building will be facing south and west. Not east towards most of the concerned neighbors.

Jerome Jugovich, 7948 Blanchard Way, questioned how much high density residential is currently zoned in Inver Grove Heights.

Vice-Chair Clancy stated that it is about 55 acres of high density residential.

Andrea Hogenson, 7985 Blanchard Way, stated that she's familiar with the need for daycare, but that there are other ways to raise the funds than building an apartment building.

Heidi Onsted, 7915 Blanchard Way, stated that the 100-unit apartment complex could potentially fill the daycare facility and the need for daycare will still be there.

Stephanie Pastirik, 7544 Borman Court, stated that there are a lot of vehicles that speed on Blaine Avenue and 80th Street. The Police Department and Fire Department are already overworked and don't have enough staff. Adding additional vehicles from the apartment building would place added strain.

Ms. Pastirik submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Frank Stelter, Plymouth, MN, Applicant, stated that they own eight apartment buildings. Have completed many projects like the proposed. At some point many people live in apartments and would be cautious, labeling them transient, criminals, or that they wouldn't have a stake in the community.

Ann Marie Nerka, 7935 Blanchard Way, stated that there is concern for the additional vehicles in the area and the current speeding issue and the safety of current residents.

Ms. Nerka submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Karen Waldemarsen, 7910 Blackstone Ave, is concerned that if the neighborhood changes that it could turn into not a very nice area.

Joan Robertson, 8153 Cleadis Ave, stated that there are other properties available to place high density housing, with 55 acres zoned high-density and 60 acres zoned mixed-use. There is enough space to have rental properties.

Planning Commission Discussion

Vice-Chair Clancy stated that he is hesitant to make the change from Public to High Density Residential but is curious to hear what the other Commissioners have to say.

Commissioner Weber stated that he has multiple concerns. Making the blanket change is not supported due to the fact that multiple proposed factors would also need Variances and/or Conditional Use Permits in the future and seems premature without hard plans.

Commissioner Schaefer stated that making a change to residential could make sense but the change to High Density Residential is too far and would change the characteristics of the existing neighborhood, there would be no buffer. Would be too big of a change for the area.

Commissioner Wippermann stated that the change would be too significant to the character of the neighborhood. Is not in favor of the proposed change.

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Commissioner Teiken stated that he is in support of the application. Research found that there is a housing vacancy shortage in Inver Grove Heights and there really is a daycare shortage. This location is so close to amenities that the City has to offer, vehicles may not always be used.

Commissioner Twedt stated that he does not support the change. Seems too drastic, there isn't a buffer.

Commissioner Weber stated that if the demands were so high for this sort of housing, the developers would be getting the buildings up. There are projects that have been approved that have yet to break ground.

Commissioner Teiken stated that when The Crossings opened, filled up very fast. Also, this is still one piece of more applications that would need to be brought before the Planning Commission and City Council.

Planning Commission Recommendation

Motion by Weber, Second by Twedt, to Deny the request for a Comprehensive Plan Amendment to change the future land use on a portion of the property from P, Public Institutional to HDR, High Density Residential based on the fact that it doesn't meet certain criteria listed in the City Code and there isn't enough information from the developer on the specifics of the development.

Ayes: 6

Nays: 1 Teiken. Motion carried. Item tentatively goes before City Council July 10, 2023.

Vice-Chair Clancy moved to recess for five minutes at 8:55 p.m.

Vice-Chair Clancy called the meeting back to order at 8:59 p.m.

B. Consider an Interim Use Permit extension for a Park-and-Fly located at 5567 Bishop Avenue (AmericInn-Case No. 23-24IUP).**Reading of Public Notice**

Secretary Weber read the Public Hearing Notice. The notice was mailed to 20 properties on June 1, 2023.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Planning Commission Discussion

Commissioner Weber questioned if the contract gets renegotiated between the hotel and the theatre, and they agree on 250 parking spaces, is it possible to leave an allowance. Botten stated that would be a condition of a maximum of spaces allowed could be added by the Planning Commission.

Opening of the Public Hearing

Julie Mannion, 5861 Blaine Avenue, AmericInn Hotel, General Manager, Applicant, stated that she has read and understood the staff report. Recently started in her current position. Would like to see the number of spaces allowed to stay at 250, as Park, Sleep, Fly is a large amount of their business. A decrease would have a great impact. In the last year the hotel has had new

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ownership take over. With this change the communication between AMC Theater and the hotel has greatly improved.

Commissioner Wippermann questioned if in order to use the parking facility the person had to be an overnight guest of the hotel. Ms. Mannion stated that it depends on how their reservation is made some choose to spend a night at either the beginning or end of a vacation, or some choose to book through different apps and only park their vehicles, they must check in with the hotel, but they are not overnight guests staying at the property.

Commissioner Weber questioned how many calls to police for break ins or thefts. Ms. Mannion stated that the guests usually do not report those incidents to the hotel directly as there is a separate agreement with Park, Sleep, Fly. Commissioner Weber questioned staff if they have been aware of any police calls. Community Development Director Rand stated that the police reports for the last 5 years have been pulled, but that they only use one address. It is hard to separate what calls are for what location on the property. The property does get a high volume of calls. City staff do have concerns that most park and fly's have fencing surrounding it and lighting, and this area has none. The use was always temporary use and that is why this would be a transition year.

Commissioner Heidenreich questioned why only one year versus five years for the Interim Use Permit. Seems like this business would draw business to the surrounding restaurants. Rand stated that it is a temporary Interim Use Permit. The City has been in discussions with the past owners to potentially acquire property next to the hotel for additional parking and a banquet facility or a different location for their park and fly use. The Bishop Heights area is a high demand area for business and AMC Theaters has discussed developing parts of their surplus parking lots.

Commissioner Weber questioned if any conditions in the lease between AMC Theatre and AmericInn Hotel would cancel the city Interim Use Permit. Ms. Mannion stated that she had not read the lease and was not sure.

Neyaz Hasan, 5861 Blaine Avenue, AmericInn Hotel, Part-Owner, stated that he doesn't have the specifics of the lease. Would be interested in exploring their options in acquiring the land to the south of their property. But only a one-year extension wouldn't be enough time to make those necessary changes.

Vice-Chair Clancy questioned if it is possible to extend an Interim Use Permit more than one time. Botten confirmed they can only be extended one time according to the City Code.

Mr. Hasan stated that with that information he would like to request a longer extension of their Interim Use Permit.

Commissioner Wippermann questioned what AMC Theater is agreeing to extending the lease. Mr. Hasan stated that it is his assumption there would be no restrictions from them.

Wippermann stated that if the theater had prospective developers, they wouldn't want to extend the lease a full five years.

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Commissioner Schaefer inquired about the discrepancy in the number of parking spaces stated in the lease, 150 or 250. Mr. Hasan stated that the lease is for 250 spaces. Botten stated that staff received an email from Luke Hilboldt at AMC Theater, and he stated that the lease includes 150 spaces. Mr. Hasan stated that he'll look into that discrepancy.

Commissioner Schaefer stated that on the original approval one of the conditions was that security shall be provided by the operator of the park-and-ride facility between the hours of 10 pm - 6 am, 7 days a week. Schaefer questioned if staff feels this condition has been followed. Botten stated that it is hard to interpret the intentions of the condition. If security was to be on site for the straight 8 hours or if only checking the site throughout the 8 hours is enough.

Commissioner Schaefer inquired when the lease negotiations would be complete with AMC Theaters. Ms. Mannion stated that she'll have to follow up with their management to get clarification and look to see if there is a copy of the lease onsite at the hotel. As far as the security, the shuttle makes regular stops almost every half hour to either pick up or drop off guests.

Planning Commission Discussion

Vice-Chair Clancy stated that he agrees with past suggestions to not be as strict on some of the details on the number of spaces but would like to focus on the City needs for the site.

Commissioner Heidenreich stated that the City has had a reputation for not being very business friendly. Sees this document as telling the business what they can and cannot do with their business and how to operate it. Doesn't think the City should be able to limit this sort of business.

Commissioner Teiken stated that he agrees that being liberal with the number of spaces makes sense, but having a stricter timeline may make the hotel move along in moving the park and ride to a different location.

Commissioner Weber stated that he agrees with only approving the extension for a year and, but the City Code only allows one Interim Use Permit extension. They wouldn't be able to continue. Botten stated that the City Code only allows a one time extension. The applicant could apply for an Amendment to the City Code to amend the Ordinance to allow for an additional extension or to amend the Zoning Code to allow park-and-rides in a commercial zoning district.

Commissioner Twedt stated that if hotel ownership is serious about acquiring the neighboring property, a one year extension would not be enough time for them to make that transition.

Planning Commission Recommendation

Motion by Weber, Second by Wippermann, to Approve an Interim Use Permit extension for the 250 number of spaces or less if identified in their lease, and the extension will expire 5 years from the date of City Council approval and be their one and only allowed extension per City Code and the rest of the listed conditions on the staff report.

Ayes: 7

Nays: 0

Motion carried.

Item goes before City Council tentatively July 24, 2023.

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7. COMMISSION AND STAFF COMMENTS

Associate Planner Botten stated that the next Planning Commission meeting is scheduled for Wednesday, July 5th and will be canceled due to lack of applications.

8. ADJOURN

Motion to adjourn the Planning Commission Meeting at 9:40 p.m.

Respectfully submitted, Community Development Support Specialist Bodsberg.