

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 5, 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)
Jonathan Weber (Secretary)
Dennis Wippermann
Robert Heidenreich
Jason Teiken
Trisha Presley
Aida Schaefer

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

Commissioners Absent: Lance Twedt (Excused)

3. CONSENT AGENDA

A. Minutes of the November 21, 2023, Planning Commission Meeting

The minutes from the November 21, 2023, meeting were approved as presented.

4. PUBLIC HEARING

A. Request for a Variance to construct a new cantilever and entrance that encroaches on the front setback on property located at 6940 Craig Avenue. (Randy Boyden - Case No. 23-48V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. Notices were mailed to 9 property owners on November 16, 2023.

Presentation of Request

Associate Planner Heather Botten presented the request for property located north of 70th Street and east of Craig Avenue. The property is zoned R-1C, single family residential district. The property had a house fire which requires rebuilding the original home. The homeowners can use the original foundation of the home, built in 1964. They are looking to increase the size of the home by adding a second story and a garage addition behind the existing garage. Both additions comply with setback requirements. The owners want to add a covered entranceway and a cantilever that would encroach into the front setback. The front entrance would be about 27 feet from the property line, the cantilever would be about 28 feet from the front property line whereas 30 feet is the required setback for both features. The additions would be in compliance with other zoning code requirements such as side setbacks, exterior building materials, and impervious surface. The encroachments of the cantilever and front entrance does not appear to

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have a negative impact on the neighborhood. The site is unique as they are able to rebuild using the existing foundation and the existing setbacks. The boulevard in the area is 15 feet in width, the cantilever and the front porch would both be 40 feet from the actual road. Staff recommends approval of the request with the two conditions listed in the staff report. Staff has not heard from any of the surrounding property owners. The applicant has said they have spoken with the surrounding property owners who have stated they are in support.

Commissioner Weber asked if the setbacks were the same on both sides of the street and if it was measured from the center line or curb edge.

Associate Planner Botten replied the setbacks were the same. It is measured from the property line, which is the edge of the boulevard.

Commissioner Weber asked if the property lines were identical on both sides of the street.

Associate Planner Botten replied in the affirmative.

Commissioner Heidenreich asked if there was a survey. He said it appears the property lines were offset 10 feet on one side of the street and 20 feet on the other.

Associate Planner Botten replied a survey has not been done and is not required for the proposed improvements. Setbacks were taken from the property line, not from anything dealing with the edge of the road. The boulevard on their side of the road is about 15 feet in width from the edge of the curb to where their property line is. She was unsure if the dimensions were the same across the street.

Commissioner Weber stated that a plat would show both sides of the street.

Associate Planner Botten replied a survey is lot specific. A plat shows right-of-way width, not where the road is in placement with the right-of-way.

Opening of Public Hearing

Randy Boyden, 6940 Craig Avenue, Applicant, stated he has read and understands the report. He was hopeful the Commission would be supportive of the request. They are trying to improve the property.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Wippermann stated this situation is similar to one that was discussed at a previous meeting. That request was supported, and he would support this request.

Planning Commission Recommendation

Motion by Wippermann, Second by Schaefer, to Approve the Variance with the two conditions and rationale listed in the staff report for property located at 6940 Craig Avenue.

Ayes: 8

Nays: 0 Motion carried.

This item tentatively goes before the City Council on December 11, 2023.

B. Request for a Preliminary Plat for a three lot, two outlot plat; and Vacation of an existing drainage and utility easement; and a Preliminary Planned Unit Development to develop a 157-unit townhouse, 2 building retail project; and Rezoning from A, Agricultural to R-3C/PUD, Multiple Family Residential Planned Unit Development District and B-3/PUD, General Business Planned Unit Development District. (Stuart Development Corporation - Case No. 23-46PDZ)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. Notices were mailed to 86 property owners on November 16, 2023.

Commissioner Twedt arrived to the meeting at 7:09 pm

Presentation of Request

City Planner Allan Hunting presented the requests for property located on the west side of Argenta Trail, south of 70th Street. This is a four (4) part application:

1. Rezoning: The Comprehensive Plan for the property is mixed use; intended for high density residential and part commercial. The comprehensive plan recommends a 70/30 mix with 70 being residential and 30 being commercial. 157 units comes in at 12 units per acre. Zoning would be R-3C for multiple family and B-3 for general business and is consistent with the Comprehensive Plan. The subdivision plat consists of 3 lots and 2 outlots separated by the public street dedication. The townhomes and clubhouse are being platted on the southern half of the site in the 3 lots. Outlot B would be future retail, Outlot A is a remnant piece between the development and the public street.
2. Vacation: The City created/dedicated a 60 foot wide Easement. A connection to Argenta Trail would no longer be allowed. The area includes public utilities. The applicant is requesting to reduce the width of the Easement, vacate it in its entirety, and to rededicate the northern half to allow for more space for some of the units. Engineering reviewed and is comfortable with the width proposed.
3. PUD/Site Plan: The project includes the townhome units on the southern half, future phase of retail on the west side, and stormwater ponding on the east side. The townhomes consist of a mix of 2 story (west half) and 3 story (east half) units and a mix of 3, 4, 5, and 6 unit buildings. The project conforms to all standards in the northwest area. There are flexibilities being requested.
4. Setbacks: From the property lines/right of way along public street. Requesting the side walls on both sides to be 10 feet from the right of way of Archer Trail, 30 feet is required.

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There is a reduction in the rear yard setback along 71st where 30 feet is required, the request is for 15 feet. Setback from the right of way for the clubhouse is less. When taking into account the extra wide right of way, it is a significant distance from the street. The Council has approved setback flexibilities for other projects in the past. Staff has not noted an issue with those, they are similar with what has been approved before. Setback for the townhome building coverage is because they are proposing 2 story buildings and need larger footprints. The coverage would be 28% where 20% is the maximum by code. Reducing the height of the structures requires a wider footprint. Staff reviewed and found that it meets all standards with exception to those addressed. Staff recommends approval of the request with the conditions listed in the report.

Vice Chair Clancy requested confirmation that the request reaches the bottom end of the units per acre usage for this land with 12.9. He asked if the applicant provided what the units per acre would be if switching to a vertical build but still met the setback requirements.

City Planner Hunting replied that no alternatives were given.

Vice Chair Clancy asked if there were setback requests along Argenta Trail or 70th Street.

City Planner Hunting responded no, those far exceed the requirements.

Commissioner Weber referenced an area and asked how close they were to the drainage and utility easement.

City Planner Hunting responded it would be outside of that with the revised drainage and utility easement, but close. There is no required setback from those easements. Engineering checked to make sure if any work needed to be done, it would be sufficient from where the pipes are. This has been addressed and fixed since the first set of plans were submitted.

Motion by Weber, Second by Heidenreich, to Accept the communications received from residents into the record.

Ayes: 9

Nays: 0 Motion carried.

Opening of Public Hearing

Ryan Dunlay, 1000 West 80th, Bloomington, Stuart Development Corporation, Applicant, stated they are a local development company that owns and manages apartments in the Twin Cities and Wisconsin. They have been doing this since 1970 and still own the first building they built in 1970. He stated he has read and understands the report. He mentioned with the density on this project, a vertical project could hold up to 420 units with 35 per acre. After receiving comments from the neighbors they felt that townhomes were a good transition from the neighborhood.

Chair Niemioja asked when the 2nd Phase of commercial would begin.

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Mr. Dunlay responded that they met with the city's Retail Consultant and asked what was recommended for the location. They are unsure today what would go there. As development and people come to the area, they will market the area accordingly.

Commissioner Schaefer referenced the report where there were questions about the delineation of wetlands and that it could not be determined until next year. She asked how that would affect the net developable area and what it could do for the number of units. Mr. Dunlay replied a report was done, he did not believe there was an issue.

Commissioner Schaefer questioned what the impact would be if there was an issue.

Mr. Dunlay responded that he did not know the impact because they do not know that there is one. If something needed to be done they would have to work around it.

City Planner Hunting stated the developer did a wetland delineation report which was submitted through the Wetland Conservation Act process with Dakota County Soil and Water. They did a site walk of the area and thought there may be some vegetation approximately 900 square feet in size. This would not have any impact on the development or on the net developable area due to the small size. Due to the lateness of the season this would have to be re-evaluated in the spring for Soil and Water to determine if it is a wetland area. The area he believes they are referencing may be a part of the ponding area, not the developable area.

Commissioner Schaefer requested more information about the trees. Her understanding was that all of the trees would be removed and the excess over the 40% would be replanted, but not right away. She asked where there would be trees.

Robert Binder, Landscape Architect, Civil Site Group, replied they are not removing all of the trees. There is an area with heritage trees that they would not remove. They are replacing and developing the southern half first. They would hold off on the trees in the north area until they are almost done with the area.

Commissioner Schaefer asked where the trees would go in the residential section.

Mr. Binder responded that there are a couple different types of trees they are required to have. Street trees would be placed in a regular pattern. There are residential/street trees between the different sets of buildings. They consist of ornamental and deciduous type. The heaviest amount of trees they are doing are along the east and west side consisting of evergreens for screening. The north side would be last. Adjustments would be made depending on what is in the commercial area. They will be enhancing the trees in the pond area.

Commissioner Schaefer asked about trees on the west side as buffer for the existing neighborhood and the timing of them.

Mr. Binder replied the trees would go in later in the process because grading has to be done. Areas that need to be done sooner can be selected.

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Chair Niemioja mentioned based off neighborhood meetings, it sounded like the density was taken down to make things easier.

Mr. Dunlay replied there was concern. In terms of what could be placed there with density and zoning, he felt it boded well with them by trying to be neighborly. The rooftops on the west side tie in with the rooftops of the homes. They were also able to move it 5 feet further away from the property line bringing the total to 35 feet.

Amanda Smoot, 7287 Archer Trail, stated that she thought the minimum setbacks were 30 feet, but the applicant was going to do 50 feet. She asked if that was correct. The buffer area is her main concern. She was not opposed to the development, her concern was that it was too close to their neighborhood without an adequate buffer. She referenced the Blackstone Pond townhomes across from their single family homes stating it is a nice little community with a wonderful buffer. This area is a cornfield, there are no trees or berm, those would come at an added expense to the developer. She said it feels like this is in their development. She asked if there could be more buffer and to move it over more to the north.

Chair Niemioja asked Ms. Smoot if she was thinking of more trees and a potential land berm.

Ms. Smoot replied yes. She referenced a development behind Walmart by the school stating the berm was probably already there, the building seemed to be similar but cannot be seen from the single family development. She did not feel this request was in line with other things that have been approved in recent years. She said it felt like this high density development is in their development without the adequate buffer. She requested more buffer and to move it over. She is not opposed to the development. The commercial area would be right up against their development.

Chair Niemioja asked if there was discussion about a 50 foot setback and if it could work out.

Mr. Dunlay replied their building to the single family building is 55 feet. They moved the building setback an 5 additional feet since that meeting. Some of the properties, building to building, would be much bigger such as 110. At the closest it was 55.

Chair Niemioja asked if additional trees and a land berm could be a possibility.

Mr. Binder replied there is a retaining wall. A berm takes a lot of space to do. They did not feel there was enough space to be able to do it. He said it was something that may be able to be fine-tuned over time. He did not believe a berm would fit in that type of space.

Commissioner Weber asked what the height of the retaining wall was.

Mr. Binder replied it was less than 6 feet tall and tapers out at the end.

Commissioner Weber asked if it had to have fencing on top. He thought anything over 36 required fencing.

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City Planner Hunting replied it might. It would be reviewed in more detail at the final plan set.

Mr. Binder mentioned it was at the end of a driveway. They would likely have something there to be safe.

Anitha Radhakrishnan, 1626 73rd Street, asked what type of commercial establishment they were thinking of.

Mr. Dunlay responded the market would determine that. He could not answer the question precisely at this time. It could be some neighborhood type retail such as a small daycare.

Chair Niemioja asked what the height restriction was for commercial in that area.

City Planner Hunting replied it is 35 feet.

Abe Joseph, 1651 71st Street, stated Blackstone Ponds is nearby with 100 unit townhomes. This request is for 150 units. He asked if there was any rationale towards that.

City Planner Hunting replied it may have been what they could fit in that area. The comprehensive plan could have been different there, being medium density residential. With this location there is a higher density, mixed use. This developer is working on the minimum side of the current comprehensive plan for the number they are proposing.

Mr. Joseph did not feel there was enough room to accommodate 150+ units. He said they moved to Inver Grove Heights to be in a calm and quiet area. He was unsure why they wanted to make the area congested. He said there is no idea who would come in business wise. He asked how they can ensure nothing else is coming in there.

Chair Niemioja replied some of the questions regarding designation of the land was dealt with years ago, now it is being addressed. There is a need to meet certain housing requirements in the city. This developer could put in significantly higher density than what they are asking to do. They are trying to fit in better. Instead of putting in, for example, 400 units the developer is trying to make it fit with 157, create more housing, respecting the neighbors, and making more of a transition. She said with commercial there would be code restrictions as far as what type of business can go in there. It could not be a school like District 196 or 199. When the final plat comes forward there would be parameters.

City Planner Hunting replied the zoning will establish a list of allowed uses. Something could develop and be a permitted or conditional use, over time it could change and become a different kind of use. It's not critical to know the use as this time because over time it could change.

Chair Niemioja closed the Public Hearing.

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Planning Commission Discussion

Commissioner Weber asked if storage was taken out of B-3 zoning district.

City Planner Hunting replied that was correct.

Vice Chair Clancy said the applicant has provided a good response to some of the setbacks they have requested variances on. He agrees with staff's recommendation of accepting the setbacks. It is fair use of the land given the topography.

Chair Niemioja appreciated the discussion about the buffer. She would like to put in a recommendation that it continues to be examined. If there were better trees or a better option, she would like this to be an open discussion.

Commissioner Teiken stated this discussion reminds him of the other potential development in the empty lot across from Target. One of the reasons why they felt good in doing that is because it was a lower density than it could have been and was situated in a way where it was a little set back from the other single family homes and developments. He said this seems to fit with some of things the city is looking for. He said he is for a variety of housing. This is an applicant that is receptive to the neighborhoods comments on the buffer and setbacks. This request is in the northwest area where they want to see this kind of development happen.

Commissioner Schaefer said this will create a new neighborhood of approximately 350 people and 100 children. Something to think about would be where those children would play. There is a new pocket park in the area that is small for the existing neighborhood but well used. She questioned if there was the infrastructure to handle more kids into the school district. She was aware there is a clubhouse with pool, but was concerned about where to play with the kids.

Chair Niemioja thought that was a School District 196 development. She asked if the new Parks Director would be coming before the Commission to provide an update.

City Planner Hunting replied there is nothing scheduled. The Parks and Recreation Advisory Commission recommended cash contribution for this development probably because there is a park south of this location called Vista Pines.

Planning Commission Recommendation

Motion by Weber, Second by Clancy, to Approve the Preliminary Plat, Preliminary PUD, Rezoning, and Vacation of the Easement per document 3127042 subject to the 17 conditions listed and to include the comments that were discussed for property located at 7101 Argenta Trail.

Ayes: 9

Nays: 0 Motion carried.

This item tentatively goes before the City Council on January 8, 2024.

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5. REGULAR BUSINESS None.

6. ADJOURN

Motion to adjourn the meeting at 7:56 p.m.

Respectfully submitted by Recording Secretary Sheri Yourczek