

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, August 7, 2024 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Weber called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Jonathan Weber (*Chair*)
Trisha Presley (*Secretary*)
Jason Teiken
Lance Twedt
Amy Hunting
Robert Heidenreich
Aida Schaefer
Dennis Wippermann

Commissioners Absent: Scott Clancy (*Vice-Chair*) - excused

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

3. CONSENT AGENDA

A. Minutes of the July 16, 2024, Planning Commission Meeting.

Motion by Twedt, Second by Presley, to approve the minutes as submitted.

Ayes: 8

Nays: 0 Motion Carried.

4. PUBLIC HEARING

A. Variance from the required setback to install a fence on the front perimeter of the property located at 6202 Concord Boulevard. (Landscapes Unlimited - Case No. 24-25V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Staff recommends denial of the Variance based on lack of practical difficulty. However, if approval is granted, staff recommends a condition for a setback of five feet from the property line for pedestrian accessibility and snow clearing along the sidewalk.

Opening of Public Hearing

Nick Morter, 3060 Shadow Ridge Drive, Rockford, Landscapes Unlimited, Applicant, said that the fence is needed to keep the business secure and that the 30-foot setback per code would impact maneuverability in the parking lot and force employees to park outside the fence, which is not preferred.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Heidenreich stated that he is in favor of allowing the six-foot fence along the front property line without the condition of a five-foot setback. Requiring the 30-foot setback would result in vehicles backing up across the sidewalk, endangering pedestrians. The proposed six-foot fence fits the character of the neighborhood.

Commissioner Hunting stated that she drove past the property and the site looked clean and orderly. But there is no practical difficulty and was not in favor of the Variance.

Commissioner Twedt stated that he was in support of the Variance and asked for elaboration on staff's reasoning for recommending denial. Associate Planner Botten stated that denial would not preclude the applicant from reasonable use of the property, approval of the Variance could set a precedent for other fence encroachments along Concord Boulevard, and the six-foot fence does not appear to be dictated by unique circumstances on the property.

Chair Weber inquired whether a four-foot-high fence could be placed directly on the property line. Botten confirmed that it could be. Weber asked whether there was any distinction between residential and industrial zoning districts in the city code sections on fence requirements. Botten stated that there is not.

Chair Weber referenced a recently approved Variance for fencing in an industrial zoning district and stated that he was in favor of approval but was not sure about practical difficulty.

Commissioner Heidenreich stated that the practical difficulty would be employee parking being outside of the fence and asserted that employees backing up would create a safety concern for pedestrians. He advocated for Inver Grove Heights doing more to retain businesses.

Chair Weber suggested making a recommendation to City Council and staff to update City Code to differentiate between the fence requirements for residential zoning districts versus industrial zoning districts.

Commissioner Twedt stated that due to the railroad behind the property, access must come from the front.

Commissioner Wippermann stated that he did not see a practical difficulty and that a six-foot fence would detract from the appearance of the area.

Community Development Director Ziemer stated that Variance requests must meet a practical difficulty standard, where the onus is on the applicant to prove it. He added that the five-foot setback is recommended due to the likelihood of snow removal causing fence maintenance issues, which would be on the property owner to address.

Commissioner Heidenreich stated that the County should purchase an easement then from the property owner in that case.

Chair Weber stated that he understands the request for the five-foot setback; with a six-foot fence, additional taxpayer expenses might be incurred for snow removal from the road. He outlined the Commission's options: a six-foot fence 30 feet back from the property line, a

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Variance to allow the fence up to the property line, or a request to the applicant to put the fence five feet back from the property line.

Commissioner Heidenreich stated that he trusts the applicant to know the risks of putting the fence up against the sidewalk, and he does not believe it would be appropriate for the Commission to request action in this case.

Commissioner Schaefer stated that she agreed with Commissioner Wippermann that a six-foot fence would change the look of the area and present a winter safety issue for pedestrians on the sidewalk. She is in favor of the six-foot fence with a five-foot setback.

Commissioner Heidenreich stated that accounting for this common use would require Dakota County to obtain an easement.

Commissioner Presley stated that approving a six-foot fence would set a precedent for other commercial properties.

Commissioner Heidenreich said that industrial and commercial properties have different needs from residential properties and suggested changing the city code to account for this.

Commissioner Teiken stated that not all businesses need or would want to put up a fence.

Commissioner Twedt articulated the practical difficulty as risk to the property owner's equipment.

Commissioner Heidenreich added that the 30-foot setback would create a safety concern for pedestrians from trucks backing up onto the sidewalk.

Planning Commission Recommendation

Motion by Twedt, Second by Heidenreich, to approve a Variance to construct a six-foot chain link fence within the front yard, with a five-foot setback subject to the conditions listed in the staff report.

Ayes: 6

Nays: 2 (*Wippermann, Hunting*) Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

B. Variance from the maximum fence height allowed at the property located at 1260 105th Street East. (Xcel Energy - Case No. 24-26V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Staff recommend approval with the listed condition, as the proposed 10-foot fence would ensure the protection of an essential service and does not appear to have an adverse impact on the neighborhood or road visibility.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Planning Commission Discussion

Commissioner Teiken clarified that this is a different site from the recently approved Xcel Energy site.

Commissioner Hunting mentioned that higher fencing was required at that site and asked if higher fencing was required for this site. Associate Planner Botten stated that there are differences between the two sites, but that the 10-foot-high fence is a recommendation at both sites.

Opening of Public Hearing

Brian Sullivan & Sydney Gabriel, 414 Nicollet Mall, Minneapolis, Xcel Energy, Applicant, stated that they received and understood the staff report. Mr. Sullivan stated that a few years ago, in response to an uptick in trespassing incidents at energy facilities nationwide, FERC (Federal Energy Regulatory Commission) issued requirements for utility providers to improve facility security. Xcel Energy then hired a consultant who provided recommendations based on perceived risk at each location, and the proposal is in line with those recommendations.

Chair Weber questioned why the fencing is not weaved. Mr. Sullivan said that open chain links are being used to maintain site visibility.

Commissioner Teiken questioned whether the FERC issued recommendations or requirements. Mr. Sullivan stated that the FERC issued rules, which Xcel Energy are following.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Teiken stated that this is an essential service and is in favor of approving.

Commissioner Hunting stated that she is also in favor of approving due to the site's specific nature.

Planning Commission Recommendation

Motion by Hunting, Second by Wippermann, to approve a Variance to allow a fence ten feet tall whereas seven feet is the maximum height allowed by City Code subject to the one condition listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

C. Comprehensive Plan Amendment and Rezoning portions of the properties located at 6570 S. Robert Trail, 6680 S. Robert Trail, and 1401 70th Street East. (National Land Holdings, LLC - Case No. 24-22PAZ)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

The developer is proposing a mixed-product-type development that includes 752 units (524 apartments, 145 townhomes, and 83 single-family lots). The current Comprehensive Plan guide is Low-Density Residential and Low-Medium-Density Residential on the properties. The proposed change is to High-Density Residential for one area (which also includes an Institutional-guided Park) and Low-Medium Density Residential for the rest, with another high-density pocket (and another Institutional-guided Park) on the southern half of the site.

The zoning is currently Agricultural, which for this area functions as a holding zone until development occurs. The zoning would be two R-3C areas for apartments, R-3B for townhomes, R-1B for single-family, with the two parks zoned Institutional.

The proposed higher-density development abuts higher-traffic roads. The topography for that area is also more suited for high-density projects (relatively open and flat). Given these factors, as well as the proposed density transition to single-family homes to the east and the existence of an already City Council approved higher density project nearby, staff feels this use fits the area, and staff supports the developer's request.

Planning Commission Discussion

Chair Weber inquired about the number of units proposed for the Canvas apartments nearby. City Planner Hunting stated that it was approximately in the range of 100 to 150 units. Weber inquired about the roadways. Hunting stated that there is neighborhood connector streets included in the proposal to provide access (two points onto S. Robert Trail, with 65th Street as an option for the future). He clarified that the details would be reviewed and addressed as part of a plat process and PUD development application.

Commissioner Heidenreich inquired about the 65th Street Area Plan created in June 2023, which outlined a timeline for a public engagement process culminating in a final report in November 2023. Requested more background on that plan and context for the proposal. Hunting stated that there were two open houses held as part of the public engagement process. The Planning Commission approved the plan and made a recommendation. The City Council approved one option at the April 22, 2024, meeting and the approved report is in that City Council packet. Heidenreich inquired if the report is publicly available. Hunting confirmed that it is, as it's a part of the City Council packet for that meeting date. Heidenreich stated that he and others were surprised by the scope of the project.

Commissioner Schaefer inquired whether there will be a trail through the area. City Planner Hunting stated that the City Council approved a general plan as fitting within the roadway network, not any specific land uses. However, the developer has been working with Parks and Recreation Director Adam Lares, and there will be trail networks and public parks as part of this development.

Opening of Public Hearing

Tom LaSalle, 2001 Killebrew Drive, Suite 100, Bloomington, National Land Holdings, Applicant, stated that he had read and understands the staff report. Mr. LaSalle stated that they had accommodated the findings of the 65th Street Area Plan study and held neighborhood meetings, making changes in the plan to improve access in the north, allow for adding utilities in the future, and add single-family properties on the eastern side of the property to address neighbors' concerns.

Bill Griffith, 8300 Norman Center Drive, Suite 1000, Minneapolis, Larkin Hoffman, Representative with Applicant, stated that the development team has worked to achieve balance with density,

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

housing types, open space, and completion of the roadway network. The plan preserves natural features and connects to trail networks. The development utilizes infrastructure that the city built to allow an increase in density in the Northwest Area. The development is medium overall (8 units per acre), with a transition from higher to lower. The vegetated buffer area along the property line will be left in natural condition (with some thinning). From the lots to the nearest neighbors to the east, there is 300 to 750 feet of separation. Feedback from the City has been incorporated throughout the planning process, including a long pause to clarify the vision for the area.

Commissioner Heidenreich questioned what would happen if the current property owners to the north refused to sell in the future. Mr. Griffith referred to two property owners in the area who are amenable. He said eminent domain is a city question; the developer's charge is to ensure that the roads and trails can connect and align. Heidenreich stated that 11 homes to the north are also part of this plan; and expressed interest in whether these homeowners were also amenable.

Commissioner Hunting inquired about the reason for including an apartment building in the middle of the single-family area in the southern portion of the property. Mr. Griffith pointed out that there is a less than 2% vacancy rate in the Inver Grove Heights apartment market, per a recent Maxfield Research report. Apartments need to be part of the project to meet the market demand. The apartment building referenced will have buffer spaces on several sides, which were added during an extensive revision process.

Chair Weber referenced two resident emails and a letter from Larkin Hoffman answering neighbor questions from their neighborhood meeting.

Motion by Presley, Second by Twedt to add the emails and letter into the record.

Ayes: 8

Nays: 0 Motion Carried.

Rue Shibata, 6190 S. Robert Trail, expressed opposition. Mr. Shibata lives to the north and is not in favor of the plan due to the lack of a buffer area to the north and overall density. He referenced other neighbors also being opposed and said that much more could be done to accommodate their concerns. He said development could occur without changing the zoning. He is concerned about the potential for traffic congestion.

Chair Weber reiterated that the question is whether to follow the Comprehensive Plan in terms of the zoning.

Brook Williams, 3515 78th Street East, expressed opposition, conceding the need for affordable housing but citing concerns about the environmental impact of developing the area. She also felt more study is needed to address the potential environmental concerns with the number of units proposed with this development.

Kyle Corniea, 3915 Canter Glen Drive, Eagan, expressed opposition to changing the zoning. Stated that a low vacancy rate is good for property owners and that decisions should not be made based on what is best for developers.

Larry Nelson, 6855 Arlene Ave, expressed opposition. Mr. Nelson lives to the east of the properties in question. He said he asked about development projects recently and was told that no developments were planned nearby. Also referenced a potential issue with roadways: Angus

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

and Arlene would both intersect 70th Street with only a short distance between them and that would be a difficult problem to solve. Mr. Nelson inquired about the plan for dealing with an existing agricultural well on the property.

Lynne Nelson, 6855 Arlene Ave, expressed opposition to the apartment building on 70th Street due to it not fitting with the single-family homes that are currently in the area. When trees are cut down to allow for density, wildlife is negatively affected, and the character of the area is altered.

Diane Rademacher, 6560 Arlene Ave, expressed opposition to the apartment building on 70th Street. If Agnus Avenue went through, Arlene Avenue would have its access eliminated. Ms. Rademacher inquired about a Dakota County Park being built in the area.

Craig Hillegas, 6755 Arlene Ave, expressed opposition due to the current single-family homes in the area. Inquired as to where the density numbers in the Comprehensive Plan came from and asked that the density stays at 4 homes per acre at most.

Therese Petersen, 6525 Arlene Ave, expressed opposition. Stated that she asked about potential development projects in the area recently, and they were not given any notice or information about this project. The area's planned higher density was not considered when the golf course was put in; now, density is being forced into a small amount of space.

Brook Williams, 3515 78th Street East, stated that Minnesota Rule 4410.2300 EIS (requiring an environmental impact statement) should apply here.

City Planner Hunting clarified that an environmental review was done - because it's a larger area, that review took the form of an AUAR (Alternative Urban Areawide Review). Hunting stated that more detailed environmental impact information would be reviewed at the time of an actual development. Ms. Williams stated that the AUAR focuses on roadways and utilities, not the environmental impact on, for example, groundwater.

Ryan McAnnany, 1526 70th Street East, expressed opposition due to the rapid pace of growth this development would represent. Mr. McAnnany lives on the south side and an apartment building doesn't fit the area.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Schaefer inquired about the density difference between the current Comprehensive Plan zoning versus the proposed zoning change.

City Planner Hunting estimated the current allowable density at 780 units.

Chair Weber stated that the current guided land use of the area is agricultural.

City Planner Hunting amended that; the current zoning is agricultural, but the current guided land use is Low-Density Residential and Low-Medium-Density Residential.

Commissioner Schaefer clarified that the proposed plan is for 752 units.

City Planner Hunting stated that the proposed overall density is 8 units per acre.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Chair Weber stated that the total land is 108 acres, but only 88.5 acres are developable land, so the net density is 8.58 units per acre.

Commissioner Schaefer inquired as to how net developable land is calculated. City Planner Hunting stated that rights-of-way for arterial roads and wetlands are automatically taken out when determining net developable area; it's what is used for density determinations in the design plan.

Commissioner Schaefer questioned whether, given this, 780 units are possible under the current guided use for the area.

Community Development Director Ziemer responded that someone could build a project with close to that many units under the existing land use. The proposed change is to move the greater density area to the west (which is currently LDR) so that the portion to the east could be used for townhomes and single-family homes.

Commissioner Schaefer stated that she heard aesthetic and traffic concerns from community members about those unit numbers.

Community Development Director Ziemer updated his earlier estimation to share that the current land use guidance would allow for roughly 736 units in the area; the net change with what is being proposed is 16 units.

Commissioner Hunting stated that she saw a nice transition in the proposal, except for the apartment building in the southern area. Hunting inquired as to what the Commission could do if they like the plan aside from that. City Planner Hunting stated that the proper action would be to recommend denial of the Comprehensive Plan Amendment, with a comment to Council that the Planning Commission would support a plan that did not contain the apartment in the southern area.

Chair Weber suggested that the residents to the north could propose a development plan for 1 unit per acre.

Commissioner Teiken stated that a low vacancy rate means there's more demand than supply, which leads to prices rising. He agrees with staff that this proposal meets the policies made to address the City's housing supply problem. Detailed information about what goes where will come later, as will environmental impact information. He is in favor, as rezoning would be in keeping with the policies in the Comprehensive Plan.

Chair Weber clarified that the high-density portions are not in keeping with the current Comprehensive Plan.

Commissioner Hunting suggested making a motion to approve with a note saying the southeastern portion is not a good fit.

Community Development Director Ziemer stated that because the development plan is for several separate parcels, the Commission could recommend approval of some and denial for others.

Chair Weber inquired that the request was for three separate parcels. City Planner Hunting confirmed that is.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Community Development Director Ziemer stated that each individual parcel would have to be reguiled with the current proposal.

Commissioner Hunting stated that she would be in favor of handling them as separate parcels.

Commissioner Heidenreich stated that there would be a negative impact on the current residents to the north of the property. He opposes the possibility that the city would take property from current residents for the roadway network; he wants to see a plan that doesn't have roads going through properties not owned by the developer.

Community Development Director Ziemer stated that developers are obligated to ensure roads connect to future parcels; they must provide a concept plan that shows how roads could extend to existing property lines. This doesn't mean homeowners are required to sell.

Commissioner Schaefer stated that separating the parcels would not address the issues that residents raised. The Commission needs to consider resident concerns and give developers a chance to amend their plans.

Commissioner Hunting questioned why denying one parcel request wouldn't work.

Chair Weber stated he would rather leave the high-density area where it is in the proposal, as it's close to a transportation corridor.

City Planner Hunting stated that the LMDR, Low-Medium Density Residential area could be kept as it is, with single-family zoning proposed to the east.

Planning Commission Recommendation

Motion by Hunting, Second by Twedt, to approve the Comprehensive Plan Amendment and Rezoning requests for 6570 S. Robert Trail and 6680 S. Robert Trail, subject to the conditions listed in the staff report.

Ayes: 5

Nays: 3 (*Schaefer, Weber, Heidenreich*) Motion Carried.

Motion by Hunting, Second by Presley, to deny the Comprehensive Plan Amendment and Rezoning requests for 1401 70th Street and recommend to remove the apartment building proposed.

Ayes: 5

Nays: 3 (*Wippermann, Twedt, Teiken*) Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

5. REGULAR BUSINESS

A. Final Plat & Final Planned Unit Development to develop a 159-unit townhouse and 2 building retail development located at 7101 Argenta Trail. (Stuart Development Corporation - Case No. 24-24PUD)

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Outlot B will be commercial, and Outlot C is designated for stormwater ponding.

Planning Commission Meeting Minutes

Wednesday, August 7, 2024

Staff recommends approval.

Planning Commission Discussion

Commissioner Wippermann inquired whether the townhome buildings would be two- or three-story (as initially planned). City Planner Hunting stated that they will.

Commissioner Schaefer stated that when the preliminary plan was approved, there were concerns in the southwest portion about the distance between the existing homes and the proposed development. Hunting stated that the units that changed from the preliminary plan were not in the area Commissioner Schaefer was referencing.

Planning Commission Recommendation

Motion by Heidenreich, Second by Wippermann, to approve the Final Plat and Final PUD Development Plan for Archer Trail subject to the three conditions listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

6. REGULAR BUSINESS

City Planner Hunting stated that the next regular Planning Commission meeting will be on Tuesday, August 20, 2024.

7. ADJOURN

Motion to adjourn the meeting at 9:27 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.