

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 17, 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*)
Scott Clancy (*Vice-Chair*)
Trisha Presley (*Secretary*)
Jason Teiken
Lance Twedt
Amy Hunting
Robert Heidenreich
Aida Schaefer
Dennis Wippermann

Commissioners Absent: None.

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

3. CONSENT AGENDA

A. Minutes of the September 4, 2024, Planning Commission Meeting.

Motion by Heidenreich, Second by Wippermann, to approve the minutes as submitted.

Ayes: 9

Nays: 0 Motion Carried.

4. PUBLIC HEARING

A. Vacation of a portion of Temporary Drainage and Utility Easement; and Conditional Use Permit for the use of a Daycare Facility Located at 7761 Amana Trail. (InSite Development - Case No. 24-35VAC)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Daycare facilities are considered a conditional use in commercial shopping center districts. However, a Conditional Use Permit was not included when the Planned Unit Development for this project was approved in June. Staff deems the proposed use consistent with the Comprehensive Plan, and there do not appear to be negative effects on city facilities or services. Dropoff would be in front of the main doors, and employee parking would be on the outer perimeter. Exterior building materials and landscaping will be consistent with other buildings in the development and in compliance with code requirements. Engineering has reviewed and agrees with the vacation of the paved portion of the easement (not the area with the rain garden/ponding).

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Staff recommend approval of the Conditional Use Permit and the Vacation of a portion of the Easement. Staff have not heard from surrounding property owners.

Planning Commission Discussion

Commissioner Clancy inquired if a rationale for approval was needed. Botten stated that there is not.

Commissioner Wippermann inquired if there will be a playground for the facility, and if a fence will be around the perimeter of the site. Botten stated that there will be, and the fence will only be around the perimeter of the playground area.

Opening of Public Hearing

Sean Graham, 1400 16th Street, Suite 300, Oak Brook, IL, InSite Real Estate, LLC, Applicant, stated that he has read and understood the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Recommendation

Motion by Clancy, Second by Schaefer, to Approve a Conditional Use Permit to allow a daycare facility on Lot 3, Block 2, Argenta Hills subject to the conditions listed in the staff report; and to Approve a Vacation of a portion of a Temporary Easement as depicted on the plan labeled Vacation Depiction.

Ayes: 9

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 23, 2024.

B. Major Site Plan Review for an Essential Service Building Expansion; and Variances from the Maximum Fence Height Requirement Located at 11548 Clark Road. (Xcel Energy - Case No. 24-34SPV)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The proposal is for an expansion of the Rich Valley Substation, on the east side of Clark Road. Essential Services is a permitted use in the I-2, General Industry District. However, the size of the expansion triggered the Major Site Plan Review process.

There do not appear to be negative effects on city facilities or services. Access to the property is not changing. Stormwater retention ponds (on north and south sides) will be designed to city standards.

The applicant is also requesting a Variance for both the Inver Hills Substation and Rich Valley Substation. The fence height proposed is due to federal regulations to enhance security. There do not appear to be adverse impacts on the neighborhood, and visibility should not be impacted.

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Staff recommends approval of the Major Site Plan and Variances. Staff has not heard from surrounding property owners.

Opening of Public Hearing

Brian Sullivan, 414 Nicollet Mall, Minneapolis, Xcel Energy, Applicant, stated that he has read and understood the staff report. The existing substation is not big enough to meet the growing needs of the area.

Chair Weber closed the Public Hearing.

Planning Commission Recommendation

Motion by Hunting, Second by Clancy, to Approve a Major Site Plan Review for an Essential Service Structure expansion of the existing electrical power substation subject to the conditions listed in the staff report; and Approve the Variances to allow the fence height of ten feet tall whereas seven feet is the maximum allowed by City Code subject to the condition listed in the staff report.

Ayes: 9

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on October 14, 2024.

C. Rezoning from A, Agricultural to R-3A, Multiple-Family Residential Located at 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

Associate Planner Botten and Community Development Director Ziemer presented a summary of the staff report.

The Rezoning would make the area consistent with the underlying 2040 Comprehensive Plan's land use LMDR, Low-Medium Density Residential. State statute requires land use and zoning to not be inconsistent with each other.

The property is 77 acres and currently has one single-family house and some accessory structures. The site is located in the Northwest Area, which was guided for future development in the 2040 Comprehensive Plan. Existing density designation for Low-Medium Density Residential is 4 to 8 units per acre.

The applicant's concept plan is for a mix of single-family homes and townhomes, also includes two parks. The net density would be just over 4 units per acre.

If the Rezoning is approved, then a Planned Unit Development and plat approvals would be required. It would be noticed for public comment, and site design and review, including setbacks and landscaping, would be considered as part of those processes.

Community Development Director Ziemer stated that the environmental review processes are established by the Environmental Quality Board (EQB). An Environmental Assessment Worksheet (EAW) is used to determine if an Environmental Impact Statement (EIS) is needed. These two processes are site/development specific. For entire areas, an Alternative Urban

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Areawide Review (AUAR) is completed. For the Northwest Area, this review was completed in 2005. It has been updated every 5 years subsequently.

These processes are meant to raise awareness of potential environmental impacts to assist in mitigating them.

The authority for decisions related to environmental review rests with the City. The Environmental Quality Board is an administrating agency – they ensure that the City follows the EIS/EAW/AUAR process and rules.

Staff is currently analyzing whether further review is needed for this development, given the existing AUAR. The results of this analysis will be presented to the City Council on October 14th; whether additional review is needed will be determined at that point.

However, keeping land use consistent with zoning is part of complying with state statute, so staff recommends approval of the rezoning to R-3A.

Chair Weber clarified that the Planning Commission should only consider the rezoning question.

Planning Commission Discussion

Commissioner Twedt questioned what the density would be with the change of the rezoning request. Botten stated that the rezoning would match the existing land use designation of LMDR which allows for the density of 4 to 8 units per acre.

Commissioner Hunting confirmed that 4 units is the minimum for LMDR.

Commissioner Teiken inquired about whether there is an end point for AUARs. Ziemer stated the next five-year report for the Northwest Area AUAR should be completed by May 2025, but approval of that report may take longer.

Opening of Public Hearing

Tom LaSalle, 2001 Killebrew Drive, Suite 100, Bloomington, National Land Holdings, Applicant, stated that he has read and understood the staff report. Since the August meeting, the changes have been made to the original plans in response to neighbor and Planning Commission concerns.

Bill Griffith, 8300 Norman Center Drive, Suite 1000, Minneapolis, Larkin Hoffman, Representative with Applicant, commented that this project started with the Northwest Area Plan, which calls for a range of housing types. Resident and Commissioner concerns were mostly about the proposed apartment building north of 70th Street, which has been moved to the west and replaced with 45 townhomes. Some single-family lots on the north side of the site were also removed and replaced with a public park. The apartment building was moved to another site to the west in order to create a density gradient from the single-family lots to the east and the town homes in the center. Mr. Griffith stated that this project is now closer to the minimum density designated. The project uses existing sewer infrastructure and will help the City to pay back bonds. Clarified that more details will be coming later; this concept plan is to illustrate the developers' overall intention. Another change made since the August Planning Commission meeting is the addition of a park in the north that will connect the area to Harmon Park. In the future, as other properties develop, the City could request a green corridor. This also creates an 80-foot buffer from the townhomes to the northern property line of the site, meaning there will be a 200-foot buffer to neighboring properties to the north. The buffer area to the east will be

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300-500 feet to the nearest properties. The plan is to clear only dead trees from this area; other trees will be retained in their natural state.

Mr. Griffith summarized the changes made to the plan since August (in addition to the density gradient created by moving the apartment building to a different site):

- There are now about 9.5 acres of park space, with one park moved to be adjacent to the pond.
- There will be an extension of 65th Street within the site, with an adjacent trail system.
- Water mains will be looped for public safety.
- Allen Way will be brought up to connect for future development to the north to bring roads and infrastructure through to the north more efficiently.

In response to environmental concerns raised, the extensive environmental review has already taken place as part of the AUAR – he clarified that the same questions are raised in both these area-wide reviews and the EAW/EIS process.

Commissioner Hunting stated that she approves of the decrease in density to the southeast corner of the property. The Canvas development nearby has single-family homes on very small lots, and it's very popular. Inquired if there could be single-family homes on smaller lots instead of the townhomes in the southwest. Mr. Griffith stated that the entire site would be zoned R-3A under this proposal, which would give the developers flexibility to consider that as an option. However, the developers need to stay above 4 units per acre for market feasibility.

Commissioner Schaefer stated that the density could be doubled if zoning was changed to R-3A. Mr. Griffith stated that is technically correct, but topography and sewer capacity limit that. Getting more density on the site would be challenging (street layout, grading, etc.) There could be more or fewer single-family homes or townhomes, but there would be no apartment buildings, as they are not allowed under the R-3A zoning.

Craig Hillegas, 6755 Arlene Avenue, expressed opposition. Cited a desire to make the area Low Density Residential due to potential issues from both access points being on 70th Street.

Rue Shibata, 6190 S. Robert Trail, expressed opposition. City staff have not been forthcoming in their communication. The previous property was zoned Agricultural due to a request from the previous property owner. Inquired if the overall density will be around 4 units per acre, Low-Medium Density is needed and expressed doubt about the feasibility of the proposed lot sizes.

Chair Weber stated that the guiding in the 2040 Comprehensive Plan, which was completed in 2019, underlies the zoning of the area.

Brook Williams, 3515 78th Street East, stated that the last environmental review was completed in October 2019, and that a five-year update/more recent information is needed before this rezoning moves forward. Explained the importance of protecting the environment by developing in a series of smaller stages. The City Council can ask for an Environmental Impact Statement to be completed.

Diane Rademacher, 6560 Arlene Avenue, expressed opposition. Would like to see single-family homes in the area and is concerned about a street going into the development being too close to Arlene Avenue.

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Chair Weber inquired about a city-owned easement on the north side of the property. Ziemer confirmed in the affirmative. The easement exists on plans to show where the road would go through.

Therese Petersen, 6525 Arlene Avenue, stated that the easement is on her property, but the easement shown on plans is larger than what was granted; it has not yet been purchased/secured. Questioned why the Comprehensive Plan doesn't show the current zoning of Agricultural. The area should be shown as Agricultural in the 2040 Comprehensive Plan.

Community Development Director Ziemer stated that the LMDR land use guidance, which was set as part of the 2040 Comprehensive Plan adopted in 2019, underlies the zoning. The corresponding zoning for LMDR is R-3A. Land use doesn't have to comply with zoning; zoning must comply with land use.

Timothy Petersen, 6525 Arlene Avenue, expressed opposition due to the topography of the property. Protecting the watershed long-term must be considered. Doesn't believe the 9 acres of park land is adequate considering the many acres that will be developed.

Larry Nelson, 6855 Arlene Avenue, expressed opposition because the developer could increase density to 8 units per acre under the proposed zoning change. Inquired for more transparency with the site plan. Expressed distrust about whether there will be adequate buffer provided to the north. Inquired whether it will be the city's responsibility to get rid of the building that is currently on the property. He said that there could be significant water/runoff issues involved and pointed out that developers on the nearby Arbor Pointe project ended up dissolving the company due to similar issues. He believes the sewer expansion was a mistake, and he said the Northwest Quadrant should not have to pay for that mistake.

Kyle Corniea, 3915 Canter Glen Drive, Eagan, expressed opposition. Current residents will be punished through eminent domain if this project goes through.

Lynne Nelson, 6855 Arlene Avenue, expressed opposition as a long-time resident of the area with an easement on her property. Stated that neighborhood residents were in favor of less-dense proposals, but City Council denied them. The Northwest Quadrant is currently forested. The city wants to maximize taxable units to address old utility bonds, but she is more concerned about preserving wetlands and protecting the environment more generally for future generations. The concept map could be changed at any time to increase the density.

Chair Weber stated that specific development applications/plans would come in front of commission in the future. Plans would need to be approved by both the Planning Commission and the City Council.

Andrew Hansen, 6750 Arlene Avenue, expressed opposition. Inquired about the topography and stated that this project would be better off in the far northwest area, which is currently farmland and has less dramatically varied topography than the area to the south and east. The lower density would be more appropriate for the area and called for additional research prior to rezoning the area.

Karen Vandavelde, 6565 Arlene Avenue, expressed opposition. Stated that residents want an EAW, which should show impacts to wildlife, air quality, wetlands, and overall wellbeing of Inver Grove Heights residents. She asked for long-term sustainability to be considered, not just economic benefits. The Northwest Quadrant is known for its woods and hills. There are many implications for community health and safety with this rezoning. Asked the Planning

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Commission to think about environmental considerations, including protecting endangered species.

Mary Hillegas, 6765 Arlene Avenue, expressed opposition. She thanked the developers for getting the density down to around 4 units per acre. Questioned whether it was possible to change it to LDR instead so that developers cannot increase the density above 4 units per acre. She referenced widespread neighborhood opposition. Inquired about the logic of inserting a higher density project in the middle of an area with lower density. Zoning the area to allow for 8 units per acre creates fear for current residents.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Schaefer inquired as to whether it was possible to request an environmental review before changing the zoning. Ziemer stated that there is already a review in place (AUAR). Schaefer questioned when the next AUAR update is due and mentioned the number of higher-density projects approved recently. Ziemer stated that the last one was completed in May 2020, the update is due to be completed again by May 2025. The AUAR considers the Comprehensive Plan; it includes many potential impacts of the maximum unit count indicated in the Comprehensive Plan. The update in 2025 may trigger further environmental review, but there are already triggers for mitigation if development will impact a wetland. City staff are working with developers to mitigate environmental impacts. MnDOT and Dakota County are also coordinating with developers on traffic matters, e.g. Dakota County will be holding an open house on October 8th to present plans for the reconstruction of 70th Street and gather feedback.

Commissioner Schaefer clarified that the new AUAR update is due in 8 months, and the previous AUAR considered LMDR guiding on the entire parcel.

Commissioner Hunting inquired whether the area could be zoned for low density. Associate Planner Botten stated that a zoning of R-1C would not allow townhomes.

Commissioner Schaefer inquired whether there was a way of instituting a 4 unit per acre maximum. Ziemer stated that the developer could request a re-guiding of the property from LMDR to LDR, but that the Planning Commission is obligated to look at the current request using the existing land use guiding.

Commissioner Twedt clarified that only residential single-family homes, two-family dwellings, and townhomes will be allowed under R-3A.

Commissioner Clancy stated that he saw no reason to diverge from the Comprehensive Plan and encouraged residents to continue to be involved in the process.

Planning Commission Recommendation

Motion by Clancy, Second by Hunting, to Approve the Rezoning from A, Agricultural to R-3A, Multiple-Family Residential.

Ayes: 9

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on October 14, 2024.

5. REGULAR BUSINESS

None.

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6. ADJOURN

Motion to adjourn the meeting at 8:41 p.m.

Respectfully submitted by Will Cl Ashe, Recording Secretary.