

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, AUGUST 17, 2021 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JULY 6, 2021 AND JULY 20, 2021

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 PRESTIGE POOLS - CASE NO. 21-49V

Consider a variance to allow a pool within the front and side yard for the property located at 8 High Road.

Planning Commission Action _____

3.02 NORTHERN STATE POWER COMPANY - CASE NO. 21-51SCV

Consider the following requests for the property identified as PID No. 20-02900-75-021.

a) A preliminary and final plat for a one lot subdivision.

Planning Commission Action _____

b) A variance from the minimum lot size in an agricultural district.

Planning Commission Action _____

c) A conditional use permit for an essential service building.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 6, 2021 - 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.

Commissioners Present: Elizabeth Niemioja
Robert Heidenreich
Dennis Wippermann
Pat Simon
Scott Clancy
Joan Robertson
Anthony Scales
Kate Challeen

Commissioners Absent: Jonathan Weber

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Tom Kaldunski, City Engineer

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR MAY 18 & JUNE 1.

The Planning Commission Meeting Minutes for May 18, and June 1, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

SUSTAINABLE 9 AND DESIGN - CASE NO. 21-40V

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for Sustainable 9 and Design - Case No. 21-40V. The request involves property located at Dalton Court PID No. 20-02300-26-011 and consists of a variance from the bluff line setback for the construction of a new home. Notices were mailed to 7 property owners on June 24th.

Presentation of Request

Heather Botten, Associate Planner, noted only one of the two variances were listed. The second is:

- Variance from the critical area standard which prohibits development on slopes of 18% or greater.

The property is located at the end of Dalton Court, east of Inver Grove Trail. The railroad runs along the east of the property. The property is zoned E-1, Estate Residential District, 5.88 acres in size, and located within the Mississippi River Critical Area. The Applicant would like to construct a single-family home on the property 10 feet from the top of bluff, whereas 40 feet is required in the Critical Area District. The property has a lot of topographical challenges restricting the potential buildable area of the site. All other Code requirements such as impervious surface, height requirements, and perimeter setbacks would be met. In 2015 the

property received variance approval for a new home. A variance becomes void after two years unless used. The single-family home was not built, a new different owner is looking to receive the same setback approval. Engineering has reviewed the request and states once the final plans are ready to be reviewed, a custom grading agreement and stormwater agreement would be required. Those would be handled separately with the Engineering Department and not tied to the variance.

The natural topography of the site limits possible buildable area on the property. Without the variance from the bluff setback, there would not be any buildable area. Construction would not negatively affect any views or cause stormwater erosion control problems for surrounding properties. The location of the home is about 2,500 feet from the main channel of the Mississippi River and would not have any negative impacts to the river views. Staff believes the steep and restrictive topography limits the buildable area on the lot, a setback of 10 feet provides a reasonable building pad. Staff recommends approval of the request with the 7 conditions listed in the report. Staff has not heard from any of the surrounding property owners.

Chair Niemioja asked about the governing law and if there would be DNR opposition or national scenic easement here.

Ms. Botten responded there was no scenic easement. Staff sent the request to the DNR for their review, no comment has been received.

Commissioner Robertson said the required setback would be 40 feet. 10 feet seems quite a difference from 40 feet. She asked if different configurations have been looked into. With as much acreage as there is, she questioned potential changes to give a setback between 10-40 feet.

Ms. Botten responded the survey indicates where a 20-foot setback would be. Staff believes a 10-foot setback is reasonable. It's still a long narrow house. In 2015 the Commission approved a building pad that had flexibility.

Opening of Public Hearing

Mike Gray, Unfold Architecture, representing Sustainable 9 in their absence, understood the report. He responded to Commissioner Robertson's inquiry stating the previous variance had a 35x60 foot pad. They are looking to use the 10-foot setback because it gives more flexibility as they design. The previous request of 35 feet was pushing the 10-foot setback. They are looking to have more flexibility to pinch the home down lower/thinner than 35 feet and use it to expand in two small spots a bit more than 35 feet. They could use that space to try to get a bit more width in the house and make it a functional floor plan. He commented the intention is to not go any further than what was approved in 2015. They would still abide by the exact same setback previously approved.

Commissioner Robertson asked if other designs had been considered that may not abut closely to the bluff.

Mr. Gray responded in the affirmative. The one they are currently working on doesn't hit the 10-foot setback on any side. They are using that as their limits. It's already a narrow and long house. Being efficient with the floor plan and layout, lends itself to need as much as the width as they can get without pushing the setback. They are being mindful of this along with the slope stability and soil. They are working with geotechnical engineers to make sure it is a sufficient

structure and design. Many configurations have been looked at. It's a challenging lot given the length and narrow aspect.

Commissioner Scales said the topography of the lot is challenging. The discussion has been if they could move the house around. Knowing that lot he believes it's limited to where it is without a lot of earthwork.

Mr. Gray stated moving further toward the river would be too pinched, further back would be too sloped. There is a natural plateau on the lot, they are trying to work within the 10-foot setback on that plateau to minimize as much earthwork as possible.

Shelly Tudino, 9172 Dalton Court, referenced the variance approved in 2015 and the topographical maps. She asked if those maps were new, or the ones used in 2015. Having lived there for seven years she has watched the side of that hill gently erode each year. She wanted to make sure they would not be in any danger of that collapsing.

Ms. Botten responded the map in the packet is a new site plan. The applicant has done soil testing for the house and septic to ensure the soils are strong enough to hold what is being proposed.

Chair Niemioja commented the City Engineer would have the final approval.

Ms. Botten responded in the affirmative.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja said this was pretty straightforward and did not believe there was a clearer practical difficulty.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Clancy, to approve both variances:

1. A variance from the Critical Area standard 10-13C-16. B which requires all development to be set back no less than 40 feet from the top of the bluff for lots created before 1989.
2. A variance from the Critical Area standard 10-13C-9.h which prohibits development on slopes of 18% or greater. The construction of storm water improvements and for the well and septic system would be on slopes of at least 18%.

along with the seven conditions listed, with the Practical Difficulty being as stated.

Motion carried (8/0). This item goes to City Council on July 26, 2021.

JAEGER CONSTRUCTION - CASE NO. 21-39C

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request by Jaeger Construction, Case No. 21-39C. The request involves property located south of 1290 50th Street and consists of a Conditional Use Permit Amendment for outdoor vehicle storage on property south of the main Hyundai building. Notices were mailed to 4 property owners on June 24,

2021.

Presentation of Request

Heather Botten, Associate Planner, stated the request is for property located on the east side of Robert Street, north of 494, for part of the Hyundai Dealership but a separate tax parcel. The parcel is 3.82 acres in size. The Applicants seek approval of a conditional use permit amendment to include the overflow storage area be included with the conditional use permit approved for the Hyundai Dealership. This would have overflow parking for 227 parking spaces. The area is not intended for customer use. Access to the property is not changing and involves going through the Hyundai Dealership to the overflow area. Landscaping is required for the site based on 1 tree for 10 parking spaces, equaling 23 required trees. The landscape plan has not been submitted yet, but will need to be prior to final release of approvals. The Applicant is waiting to finalize stormwater and grading plans. Engineering has looked at the request and made the condition recommendations included in the report. Barr Engineering is looking at the stormwater for the site. A stormwater facilities maintenance agreement would be required. Staff is in the process of getting that completed and would be approved at the Council level. General CUP criteria has been met along with setback requirements, perimeter setbacks, and stormwater treatment. There are no environmental concerns on the property. MnDOT will be reviewing the permit for any kind of work done in MnDOT right of way or with the stormwater basin. The property is not located in any type of shoreland or critical area. Staff recommends approval of the request with the 10 conditions listed in the report.

Opening of Public Hearing

Barry Jaeger, 2317 Waters Drive, read and understood the report. He had no comments.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Robertson, to approve the Conditional Use Permit Amendment for Jaeger Construction, Case No. 21-39C, along with the 10 Conditions as listed.

Motion (8/0). This item goes to City Council on July 26, 2021.

AMBERWOOD, LLC - CASE NO. 21-36PUD

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for Amberwood, LLC - Case No. 21-36PUD. The request involves property located at 11723 Azure Circle and consists of a Planned Unit Amendment to allow a sign within the required setbacks. Notices were mailed to 26 property owners on June 24, 2021.

Presentation of Request

Heather Botten, Associate Planner, stated the request is for property located in the southwest corner of the city's part of the Amberwood planned unit development. The property is zoned PUD. The request is to amend the approved planned unit development to allow flexibility from the City Code to allow a sign to be located 5 feet from the property line, whereas 10 feet is required. The sign would be 28 square feet in size, in compliance with what is allowed on the property. It would be located on an existing retaining wall that was put in to save a tree. There

is room on the wall to comply with the 10-foot Zoning Code requirement. Staff does not believe there is a public benefit to amend the PUD to allow flexibility from setback requirements. Staff recommends denial of the request. If the Planning Commission decides to recommend approval there are two conditions in the report that should be included. Staff has not heard from any of the neighbors.

Commissioner Robertson asked where there was a spot to comply with the 10-foot requirement on the retaining wall.

Ms. Botten referenced a diagram stating it would be shifted over to another part of the wall.

Commissioner Robertson said it appears it would not be centered on the wall.

Ms. Botten responded in the affirmative.

Chair Niemioja questioned how far back the tree was.

Ms. Botten was unsure.

Commissioner Heidenreich said he drove by there today. The tree doesn't exist, the wall could be moved with a small piece of equipment and relocated. He doesn't see a reason to put a sign there anymore.

Ms. Botten said the request wasn't for the wall, it was for the location of the sign.

Opening of Public Hearing

Dick Braun, 2471 Angel Road, stated he read and understands the report.

Chair Niemioja stated the Heritage Tree is no longer there. She asked if there was a change in plans.

Mr. Braun stated the tree is gone as of Saturday. They were disappointed the tree didn't come through over the winter. They are dealing with a tree that is no longer there and a wall that is centered. They have a request for a centered sign on that wall and feel it is a logical spot. The sign is 10 inches tall and 10 feet long. The boulevard is 15 feet, they are still 5 feet back from the boulevard and 20 feet off of the road/back of the curb. He believed practical difficulties were something the Planning Commission would have to answer if there is one, they can find. A nice development was put together, the sign is aesthetically something they request to have centered on the wall. It's a high-quality metal sign with aluminum lettering that is ½ inch thick. It will be mounted with metal brackets on top of the stone and should be there a long time. Overall, it would look more appealing. He stated Ms. Botten is correct in that it could be slid over to the right 5 feet, but doesn't look right then.

Chair Niemioja stated she drove in there and everything looks lovely. The picture the Commission has in their packets includes the Mapleton wall. Using the practical difficulty of the tree would have been great, but the tree is no longer there. Currently there are many plantings and perennials on every layer of the wall which would block the sign being discussed. She asked why a monument isn't proposed where the tree used to be, which would be in compliance and perfectly centered.

Mr. Braun responded they have since sold the property and are building a custom home on top. Plantings on the three tiers would not impede vision of the sign. They felt it was a sign that would blend in with the landscaping. The landowner has not made any comments about it, and have no problem with where the sign was at. They planned on putting additional plantings on top of the hill where the tree was. They were advised to wait at least a year or two for the deterioration of the stump and roots before planting. Otherwise, he would come up with another landscaping plan on top of the wall.

Commissioner Challeen asked if the sign could be moved 10 feet back on the top tier.

Mr. Braun responded they had not thought or discussed it. He believes the tree came down in the last 45 days. There was never really any discussion after that.

Commissioner Simon asked if the distance was known for the front of the top tier and if it met the 10-foot setback.

Mr. Braun responded it probably would. It is an additional 12 feet back. It would be 12 feet back from where the sign was at and meet requirements. They would probably not put a sign up if that was the case. They don't want it to be on top of a hill.

Chair Niemioja questioned if they didn't want the sign on the top row of the Mapleton.

Mr. Braun responded correct.

Chair Niemioja closed the Public Hearing.

Planning Commissioner Discussion

Commissioner Robertson said looking at the picture, everything she sees suggests where the sign is currently placed seems to be aesthetically appropriate. The wall is already there, tree or not. There is a part of the wall that is already outside of the accepted parameter. She felt uncomfortable saying it's a very nice sign, fits in the middle, and looks good there, but it can't be done. She felt jostling it around a bit to get it further back would be suitable, from her perspective.

Chair Niemioja stated her concern is the narrative that its only for the economic benefit to the Developer. If the Commission doesn't say yes to this, it's not going to happen. She agrees aesthetically and felt where the tree was would have been a great spot. If looking at PUD language, they could state flexibility from Code requirements to create a better overall design. If she were to make the Motion that would be what she was looking at.

Commissioner Clancy clarified the wall was granted leeway to sit within the setback boundaries of the property. He questioned if this was already infringing on another city code requirement that had to get through Planning Commission previously.

Ms. Botten responded retaining walls do not have setback requirements and are allowed to be located within a setback.

Commissioner Simon said the report talks about flexibility from code requirements "shall only be granted for the purpose of creating a better overall design and an improved living environment. Not solely for the economic advantage of the Developer". That is a counter argument for her.

Commissioner Scales had no issue with where they want to place the sign. It's a nice location, it would look nice. He would like to approve this and sees no issue, but was unsure if they could with the current language.

Chair Niemioja said when discussing a PUD, they are not completely looking for a practical difficulty. She asked if it was about fitting within the guidance of a PUD.

Ms. Botten responded they are not looking for a practical difficulty. They are looking for flexibility from the Code.

Chair Niemioja asked if it was possible to use the purpose of creating a better design as justification.

Ms. Botten responded yes, if that's what the Commission feels would work. Some people may think shifting it off to the side and adding landscaping to offset the other side may be a better overall design. She questioned if there was a public benefit to having it be in the center versus meeting setbacks.

Commissioner Robertson referenced the comment "the belief that it is solely for the economic benefit of the Applicant" and asked if they are saying the placement of the sign is because it is economically better/economic benefit because he doesn't have to pay for a redesign. She questioned if they say the other criterion for such a PUD is the flexibility for a creative approach to make it appear professionally done and better.

Chair Niemioja stated the confusing part is that part of the narrative focuses on the amount of resources they spent on the tree to save it.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Challeen to approve Amending the approved Planned Unit Development for Amberwood, LLC - Case No. 21-36PUD, property located at 11723 Azure Circle, consisting of a Planned Unit Amendment to allow a sign within the required setbacks, based on the fact that it is a better design for the Development.

Motion carried (6/2 - Heidenreich, Simon). This item goes to the City Council on July 26, 2021.

AT HOME APARTMENTS - CASE NO. 21-45PUD

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for At Home Apartments, Case No. 21-45PUD. The request involves property located in the northwest quadrant of Highway 3 and 70th Street. The request consists of rezoning the property from A - Agriculture to PUD - Planned Unit Development. This is for a preliminary plat and preliminary PUD for a 3 lot, 4 outlot, multiple family project to be known as At Home Apartments. Notices were mailed to 75 property owners on June 24, 2021.

Presentation of Request

Allan Hunting, City Planner, stated the project location is on the north side of 70th Street and west side of Highway 3, consisting of 57 acres. They are proposing the Phase 1 section be a

mixture of townhomes, twin homes, and apartment for a total of 266 units. There would be future apartments consisting of 2 buildings with about 300 units total and 16,000 square feet of retail. The project includes a four-acre site for a public park. He referenced a map of the location stating rezoning consists of the west side of the site as follows:

- There would be R-3C zoning on the site for locations labeled C3.02 and C3.03
- R-3B in the center bottom portion
- Park area is Outlot A, 4 acres in size, located at the top center

Project meets all setback requirements, complies with separation, impervious surface, and building coverage. Proposed open space areas, disturbed/undisturbed:

- Open space along the whole western boundary
- Internal open space around ponding areas
- Open space over a larger ponding area
- Area anticipated to be a future railway/pathway up to the city park

Consistent with the Comprehensive Plan

- Medium density on the west side (8-12 units per acre)
- High density residential (12-35 units per acre)
- Mixed use. Mix of retail or residential. If residential (12-35 units per acre). Mixed use would be the future retail portion.
- Proposed city park would have access from Agate Trail, 67th, and provides a public access area.

The Interim Parks and Recreation Director along with the Parks and Recreation Advisory Commission would determine what that park would be.

The Developer would be constructing public and private streets through the project.

- Agate Trail, a public street from 70th Street
- Build a section of 67th Street to join existing section built there
- Units would be served off of a private road system
- The second phase would have 67th Street built out to Highway 3. It terminates at that point with both turning movements

To be noted in the report, the county is doing significant road improvements on 70th and Argenta Trail beginning later this fall. That could have impacts on the routing of traffic and potential timing of this development. He stated John Sass, from Dakota County, is available to answer questions. The City Engineer is also available to answer questions on the city street design. The city doesn't have any direct involvement in the county projects. Parking was discussed for the project:

- Parking at the site meets or exceeds parking requirements on all townhome and twin home buildings.
- The apartment building is short approximately 21 spaces.
 - Required having half underground/half above ground.
 - As noted, the Northwest Area PUD Ordinance allows that to occur. For example: "Parking allotments less than the minimum parking spaces required may do so provided the final plan includes an area dedicated for those future parking needs".
 - Final PUD plans have to provide an area for the additional 21 spaces.
 - Dakota County and MnDOT would be reviewing.

Dakota County has looked at this a couple of times in concept and are satisfied with the intersection point at Agate. It will be part of 70th Street to determine what turn lanes and improvements would go in the area. MnDOT would review for any right of way needs. They have approved a right in/right out for commercial and anticipate turning in both directions because 67th Street would dead end. With the county, the Applicant for commercial is to have a

¾ intersection point at 70th for flow to serve commercial. Staff recommends approval of the project as proposed with the 17 conditions listed in the report.

Chair Niemiera asked for an update on 70th, such as what is going to take place and a timeline.

John Sass, Dakota County Project Manager, Dakota County Transportation Department, responded bids were opened two weeks ago. They have a low bid but are waiting on the Office of Civil Rights to approve the DBE goals and Contract because there is Federal Aid and State Bonding money for the project. They hope to be able to award to the low bid in a week.

Timeline:

- Fall 2021:
 - Build the new alignment of County Road 63 from 65th Street up through the cornfield to the cell tower on 63rd Street.
- In 2022:
 - Build the new alignment of County Road 63 by Blackstone Ridge.
 - Roundabout at the new 63 location, the south side of County Road 26 from Trunk Highway 3, to the roundabout at 63.
 - The south side of 26, slightly west of the roundabout.
 - All of 63 from the roundabout south to the new signal at Argenta.

Commissioner Simon asked if the map shown was located on the website.

Mr. Sass responded no. Portions of work would be done as follows:

- Some of the dirt from the west side of Blackstone would be used to build an area.
- Trunk Highway 55 is going to be under construction in 2022 up to the airport to Trunk Highway 3.
- From the roundabout north, in spring 2022 through June 1st, they would be able to build the roundabout with another alignment built after June 1st using Highway 55 as the detour.
- Build the south side between the new roundabout to the new roundabout at Trunk Highway 3. Winter 2022, the eastbound lane should be built and able to be driven on.
 - There is a roughly 30-foot cut, lowering the hill with a lot of grade changes.
 - Maintain access to residential properties where the new entrance is for the development on the north and the development on the south occurs.
 - Another entrance on the south for the area known as Peltier on 72nd Street.

Chair Niemioja referenced Manage Area 3 and asked for an explanation on the assessments for natural resources.

Mr. Hunting responded there was a natural resources inventory done in early 2000, looking at vegetation and species. They were labeled to levels of importance/not important, if it was something that should be preserved, things that had been altered over time, or a natural regrowing back. Nothing had high priority. Most areas in the northwest area were a lot of Manage 3 and 4, and may show old fields where there was nothing unique to the area or to save. Manage 3 had no unique features the inventory identified saving. Those are typically in Manage 1 or 2.

Chair Niemioja asked for further explanation on going from B to C. She asked what could be done in the parcel without the zoning change.

Mr. Hunting responded with the northwest area, zoning needs to be matched up to the Comprehensive Plan and density. He referenced a map with the following information:

- For C3.02 and C3.03 and the number of units in the area, it would be an R-3C.
- For larger buildings, the 10 units and apartments, its defined as R-3C in the Zoning Ordinance.
- The center bottom portion would be R-3B, less dense. The primary item is the number of units per building.
- Future apartments referenced as C3.04 and C3.05 would be R-3C because they are over 7 units to a building.

He responded about the zoning change stating it is currently zoned agriculture. It requires rezoning and would have to be rezoned to Comprehensive Plan designations. It is multiple family and would have to be rezoned to a multiple family designation.

Commissioner Simon said the application paperwork was different than she was used to. There were no schematics on lots, dimensions, or height of buildings. She asked if it was because it was rental.

Mr. Hunting responded there would be some rentals and associations. The units are not on their own indivual lots.

Commissioner Simon said she didn't know how tall a 10-unit townhome would be.

Commissioner Robertson said she looked at all the schematics. She was having trouble with some of the designs. She asked for clarification on the map shown, recognizing that some things are coming later. The Commission still has to approve the zoning changes whether they discuss what would be built there or not. They would need to look at the land use and zoning changes for all "C's", C3, C4. She questioned if they were looking at all parcels not just one.

Mr. Hunting responded they are looking at the PUD Plan for the entire parcel. They are requesting the rezoning of the west half/Phase 1.

Opening of Public Hearing

Leanna Stefaniak, At Home Apartments, stated they are a locally based property management and development company in St. Paul, Minnesota. She has read and understands the report.

Chair Niemioja referenced Page 2, subsection Community Impact paragraph 1, where it talks of a summary of a neighborhood meeting. She could not locate that item in her packet.

Ms. Stefaniak responded what took place was submitted and summarized for the Commission. A neighborhood meeting was held on May 24th virtually. There were 10 community members in attendance. During that meeting it was explained who At Home was and what the concept and vision was for the site. It was an informal discussion based on the number of people in attendance. The meeting went well, the neighbors raised good questions about traffic and density. She stated they realized there is a bit of development fatigue happening in the area and wanted to be sensitive about that. The site as planned requires a high level of density, they are trying to stay at the lowest end of that as possible. As a Developer, they try to preserve the natural contours and aesthetics as much as they can in a development. That is the reason for the circular pattern, it is a way they are trying to maintain the open space. The Developers plan is to dedicate four acres back to the city for the development of a park which is something they would like for their community as well as the neighbors.

Chair Niemioja said the Commission has received 9 additional emails since the 4:00 p.m. cut off, and 6 emails included in their packets, which they will enter into the record. One of the main issues that has come up was the positioning of the different buildings on the site and trying to understand the locations. She asked for an explanation and if there is flexibility.

Ms. Stefaniak responded the contours and terrain is complicated on the site. There are a lot of significant grade changes when moving east to west. Most concerns from the emails she read was about the location of the apartment building. It is placed where it is due to the grading on the site. The apartment building itself acts as a sort of retaining wall in dealing with the development in the area. There is concern it would abut neighbors' yards, 67th Street is there creating a buffer. The landscape plan calls for significant buffering with trees along the backside of the apartment building and 67th. There is also shrubbery and other things to create screening. The trees are thoughtfully picked to provide canopy coverage. They want to screen their own residents as much as they want to provide a screen for the neighbors.

Chair Niemioja was unsure of the height and asked for a comparable development in town.

Ms. Stefaniak responded she didn't have a comparable in town. The apartment building is three stories above one level of underground parking.

Commissioner Robertson referenced a three-story apartment building and how that height compares to a three-story house. She questioned if each level was higher than a comparable home. She asked if someone owning a three-story home on the other side of 67th would see the three-story building sits higher than a three-story home would.

Ms. Stefaniak responded the actual rentable square feet of the level has 9-foot ceilings, with possible exception to the top floor which could have a higher ceiling height of 10 feet. There is the potential to see the top level depending on how they design the roof line.

Chair Niemioja asked to address the parking shortage with the apartment building.

Ms. Stefaniak responded respectfully stating, the parking requirements in the city are a bit antiquated as it relates to new multi-family apartment development. Many communities have had the 2 to 2.5 stall per unit requirement. The proof of parking concept in nearby suburbs can be lower such as 2 to 1, and still have adequate parking. She stated they own and manage 5,000 units and have developed over 1,000 in nearby communities. In this city, they are 21 short of what is required. As a Developer, they believe it is adequately parked. They do not have reserved, but do a parking flow model to help save parking space. If someone is gone it can be utilized by someone else. They try to keep most parking within the building as they try to keep the site as green as possible by not having a lot of impervious surfaces. Having an unused parking lot can be an eyesore for the community. At this ratio, the parking would be about 1.8.

Chair Niemioja stated the narrative states they would start with Lot 1, Block 1 and 2, then Lot 2, Block 2 with Outlot C unknown. She requested a timeline to see how this could logistically work.

Ms. Stefaniak responded assuming they can get through entitlements and approvals in a timely fashion, they would like to start with construction, the extension of Agate Trail and 67th, with mass grading this fall. Construction would start in spring 2022 for a 2023 delivery.

Commissioner Robertson found the emails very helpful. They clarified things for her that she had not thought of. She thanked those that wrote in. She picked out some questions from the emails, one of which was that the city is looking at more development of rental property. She asked what the market analysis says about the need for additional rental apartments.

Ms. Stefaniak responded there has been a change in housing dynamics over the last decade. They are seeing a lot of people entering that stage of life that want to downsize and have a more maintenance free living. That sparked an increase in multi family development, especially on the higher end with luxury Class A properties like the one they are proposing to build. It's a rent by choice lifestyle in this area over the last 10 years. It's for communities trying to determine if they are aging out, continuing to grow. What product types are needed to help keep the community vibrant, young, moving forward, and allow for turning over of housing stock for younger families to come in and be able to purchase a home. This allows a housing option that may not have been available before.

Commissioner Robertson said her question is related to rental in this area. She asked why here, why in this price range. She asked if the more specific market analysis says more rental is needed in Inver Grove Heights.

Ms. Stefaniak responded a full market study has not been done. Theirs is based off of experience building around this community. She said having done The Reserve at Mendota Village, and several projects in Eagan, the demand, the wait list, and the rate of lease up shows there is a continued demand for this type of product in the area. Especially since there are more employers in the area such as Vikings Lakes and the Vikings Training Facility. The Met Council has charged the city with putting in multi-family, those are numbers she can pull from their report if needed.

Commissioner Robertson stated she is referencing multi-family rental.

Ms. Stefaniak responded multi-family is rental, not condominium. In Minnesota multi-family isn't privately owned.

Commissioner Simon asked how tall the 10-unit building would be and if it was two or three story. She asked if there were any visual examples of their product the Commission could go see.

Ms. Stefaniak responded 2 story. It is designed to look like a large manor house. There is parking and apartments within the 10-unit, 2 story. She responded there were other similar product types in town. There is a larger campus in Woodbury doing that style complex, but not one they have done. She said images and renderings can be provided for the Commission.

Chair Niemioja asked for more information on "self-managing property". She requested an address of a place where they can go to see one of their self-managed properties.

Ms. Stefaniak responded self-manage means they own and manage all of their properties. Developers either flip, or hire a third-party management company unrelated to the ownership group. They own and operate all of their own. She responded a place to visit would be The Reserve at Mendota Village on Highway 62.

Commissioner Robertson referenced two items mentioned in the emails. One of them expressed the potential this would become Section 8 housing. She said she often hears if there

are going to be apartment buildings there is going to be increased crime. If these entities are self-managed, she asked about security, attention to details, or if they are relying on individuals reporting and the Police Department responding. She asked how security concerns were addressed.

Ms. Stefaniak responded they do not do Section 8 housing. Self-managing means her company manages it. Tenants would not manage the property. All of their properties have on site property management. There is an on-site rental office staffed 7 days a week during extended normal business hours. They are there to help with package delivery, monitor the site, and tenant complaints. All buildings have secured entry done by code system or fobs. They have on call emergency maintenance, staffed 7 days a week. She responded about increased crime with apartments saying that may be true in some areas, she felt it was a bad rap on multi-family. They are proud of the people they rent to who come from all sorts of backgrounds. At Home Apartments does criminal, financial, and background screening on every person that applies.

Commissioner Wippermann referenced the narrative statement in the Commission packets where the first paragraph discusses "intends to improve the property by developing a rental community with 242 housing units". Two paragraphs later it says "proposed project is a 266-unit rental community" and site examples such as twin homes, cottages, equal 292.

Ms. Stefaniak responded it should be 266.

Chair Niemioja stated several emails have come in before 4:00 p.m. yesterday, and then this evening. She requested a Motion to make those a part of the record.

Motion by Commissioner Simon, second by Commissioner Wippermann to enter all emails received into the record.

Motion carried (8/0).

Jeffrey Bergquist, 1100 70th Street West, said he doesn't recall receiving any package. His concern is once something is rezoned, it can't be un zoned. He was concerned about being all rental units. Based on housing prices, there is great demand for single family. His preference would be a non-rental approach. He commented that rental properties are only as good as their management and tenants. Single family housing has a slow turnover rate and maintaining the property themselves has pride in ownership. Rental properties have a more fluid clientele. He said if management goes downhill, tenants move out, rental rates are reduced to get vacancies filled, and then it's a downhill spiral. He commented they are not managing the whole property. The entire east side would be regulated off to another Developer, there would be no control over what those properties are. He prefers having retail space opposed to 300 apartment units. Based on the lack of retail space being sold in the Target development, he was unsure how much retail was needed in the area. The city has been working on developing the northeast quadrant since before the housing bust in 2006 and just broke ground. He attended meetings on that property and received statements from Developers saying they would try to maintain the integrity of the landscape and preserve oak trees. Looking at that property now, there isn't a green stick in sight due to the grading that has been done. Taking out large oaks and replacing them with small crab apple trees isn't the same aesthetic. He was concerned with the type of trees. Looking at the proposal he felt there was no way those would be level parking lots. They would need some type of grade which creates a higher run off issue. His understanding was there wasn't any rainwater storm sewers in the area. He would like to see a more

comprehensive plan for what they intend to do.

City Engineer Tom Kaldunski addressed the stormwater management in the northwest area saying the city is unique because they have higher quality requirements than most. The focus of the area would be addressed on the east side. There are large wetlands in the southwest quadrant down by 70th Street next to Blackstone Ridge. On 67th Street there is a large basin to the west of Blackstone Ridge which deals with some of the runoff from this site. Some facilities have been built; the Developer would be required to install more facilities. The biggest criteria is as these basins are preserved/expanded, they have to hold the 10 day/100-year snow event. This development is designed for a 7.5-inch rainfall on frozen ground. Using that as a primary calculation for stormwater, they are getting the ponds needed. The northwest area has a lot of sandy soils. The requirement is they have to infiltrate the 5-year rainfall event, or 3.6 inches of rain. The first 3.6 inches of rain should never leave the site with the remainder held in a pond and slowly let out. The rates that leave the site would be at or equal to what comes down. He believes they have a good system in place.

Commissioner Challeen asked for more information on any new storm sewers that may be a part of this.

Mr. Kaldunski responded there are new storm sewers under any of the streets shown. A map was displayed and the following information was shared:

- Located in the C4.02 quadrant, near 67th Street, there is a very large pond
- There is existing wetland in the southwest corner, in C4.03
- There is a large pond to the east of the existing wetland

He said there are storm sewer systems throughout the internal area of the townhomes that drain to various places.

- Near the park area, there is a large basin in the C4-05 which would be expanded
- Near the large basin there is a water quality treatment basin. If going into that and clean the water up, it goes into a basin that infiltrates and goes into a culvert under MnDOT Highway 3 and into the Canvas site.

There are storm sewers and control structures planned throughout the streets.

Commissioner Simon said there are two different watershed districts within this development. She asked if the Gun Club and Eagan watershed would drain into basins in the northwest and southwest corners.

Mr. Kaldunski responded those are ones that eventually reach Eagan. He said they have observed the Blackstone Ridge feature for awhile and rainfalls have occurred into that one and have not had water deeper than a foot in that pond. The systems are working.

Commissioner Simon said since Blackstone Ridge was developed, more water runs down toward Argenta than before. She felt this was due to more impervious surface compared to the farm fields there prior.

Chair Niemioja followed up on a comment made by Mr. Bergquist and asked for an explanation on city parameters. Under the two Comprehensive Plans, this had been zoned for high density and mixed use. She asked for an explanation about how that works.

Mr. Hunting responded the guiding for the property is mixed use/high density with 8-12 units per acre. They could get some single family that would be 8 units similar to those in the Peltier

Reserve which are very narrow 35-40-foot lots. That Developer chose to do something like that for a for sale product. This Developer proposes a twin home townhouse project which fits the designations. It could be multiple family, twin home, or someone could try to do a single-family project development which creates narrow lots, narrow separation setbacks, and other things the Planning Commission has raised concerns about in the past.

Commissioner Simon referenced narration in the Comprehensive Plan based on the acreage/existing land use saying the land area would have allowed a density range of 542 to 1,360 units. That could have been what they could have developed. The total project has 592 units. She felt they have done a fairly good job of keeping a lot of open space. It looks like they have done their work in trying to keep the natural topography of the area without flattening the whole thing out.

Chris Becker, 1210 70th Street West, lives south of the project. His first impression was that this was an impressive design. A park is needed in the northwest quadrant area and hopes for more to come. He said rental in the city is really low, rental units are needed. The way the design is creates a sense of community combining commercial. They were promised commercial on the northeast section of Robert Street, many were anticipating it. He referenced the conversation about renters and felt they are spoken about in a way that anticipates negative. He hoped they would have a continued look at this development. He said the northwest area currently has extremely high-end cost building. There is a report he heard about recently that says the number of people who live and work in Inver Grove Heights is pitifully low. When talking to others he hears this is a place they would like to live and work. He felt they needed to be aware with a complex of 592 units there be something that isn't just upper high end market rate. Something that could also appeal to starting teachers and Police Officers. He stated in recent studies they are finding that people who serve the community have a healthier community if they also live in the community. He hoped they would develop more rental units. He looks forward to the plan moving forward. He said rezoning for higher density is important and encourages it. He hopes to have further conversations about the type of units that go in there that serve a broader part of their community.

Marius Dina, 1234 70th Street, agrees 100% about what Mr. Becker said. The only caveat is the way retail is done in this section, it's silly because nobody comes. Target was built and was initially supposed to be a Super Target and wasn't. Then they built the little buildings that are still empty. He commented discussions were had with the people who own those buildings a few years ago. The city keeps scattering little buildings and nobody comes to them. He suggested instead of having apartments, put a Cub Foods and something else, then people will start showing up.

Susan Huggins, 1100 West 70th Street, said they went through a whole ordeal when the roundabout was placed on Robert Street and west 70th Street last summer. This will be right across from all homes. She said there are four houses on 13 acres with two left. The county bought the first two homes, one home was taken already, and the second home they are keeping up for SWAT Training. She said she has never had her mail stolen so many times since she has been there. The Police Officer she reported it to said it has been an issue, even with the new complex by Target. She suggested doing a survey to find out what would be helpful in the stores. The homes don't bother her as much as the retail part that would be right across her driveway. The steepest part of their driveway is a 15% grade. When 70th was taken in last summer for the roundabout it was taken down 17 feet and was not tied into their private driveway until she did a lot of begging. She would like to know what their plans are because it

sounds like it would have to go down further. She said the rental houses would be up higher and rain would come down. She said at one point they were offered to buy the properties in front of them, even though they were told it wasn't buildable until there is city sewer/water. Her concern was how they get in and out of their driveway.

Mr. Sass responded about the driveway stating they would be putting it back at the same slope it is at today, but a little longer. They are providing a flat area where the bituminous walk is. Getting it better than it was today would require going into her yard and changing the yard quite a bit. They didn't want to do that acquisition.

Denise Svendsen, 6594 Agate Trail, noticed on the development that Agate Trail is to continue on through the planned unit development. Currently Agate Trail going north to 65th Street has several young families and children. The children are on sidewalks and streets. Her concern is with Agate Trail continuing through to their Agate Trail to get to 65th Street and over Robert Street. She proposed Agate Trail be closed at the development, the continuation would direct traffic to 70th and turn onto Highway 3. That would redirect a lot of the high-density development away from their blocks that have children. She suggested this be looked into. They bought into the Lennar Development, didn't know about this plan coming up, and doesn't believe they should use their existing residential street to direct other traffic out. She asked how much of the high-density development is either Government Subsidy or low-income rentals.

Chair Niemioja responded there is not affordable housing in this development. She asked City Planner Hunting about the possibility of closing off the neighborhood and how that has been thought out.

Mr. Hunting responded Agate Trail is following the 2012 Collector Street Study. It would be north/south from Amana and then to 65th Street. It would not be closed off. Once other routing is out there, there would be different ways to head out. They could go 67th Street to Highway 3, or Argenta to 70th.

Commissioner Challeen asked what type of traffic controls a collector street would have.

Mr. Kaldunski referenced the 2012 Collector Street Study and pointed out Agate Trail stating it would eventually get to 60th Street someday (the Ace in The Hole property). The road going to the north is not expected to have as much traffic. Residents are allowed to park on it. The design for 67th Street goes to Highway 3 and eventually future Argenta. It would be a 36 back-to-back street (8-foot wider street). If future Argenta is there, the distance is shorter than going to the north. The same applies for when 67th Street goes to Highway 3 and from 67th Street and Agate going south onto 70th Street. He responded about traffic control and said the likelihood of closing the road is nil. They look at "Warns" in the Minnesota Manual on Uniform Traffic Control Devices. If there is a lot of traffic and need stop signs or flashing lights, they use Warns to make those decisions. They need to see the traffic before they can put those in.

Commissioner Challeen asked if the narrower width of the street dictates speed limit.

Mr. Kaldunski responded no. Speed limit is a State Law, 30 miles per hour everywhere unless signed differently.

Chair Niemioja asked about speed bumps.

Mr. Kaldunski responded speed bumps are great on private roads and parking lots. They do not go on city streets.

Andrew Berglund, 6628 Agate Trail, stated he and his wife moved in about 1.5 years ago. They love the area and city and go for a lot of walks. Putting in this type of neighborhood jeopardizes a lot. He felt they are underestimating the traffic. Going from Eagan onto 494, in Google Maps, will have people routed in through the south area of their neighborhood. There have been close calls with kids on bikes. If they are opening Agate Trail all the way up, there would be more instances. He said people would not go to the roundabout by the Holiday Station, they would go up through Agate and the neighborhood. The apartment complex would be in his backyard. He doesn't believe a couple of trees are going to block him from seeing the apartment if it is 3-4 stories tall. He asked to restructure it and put it closer to 70th Street. He understands the need to address a density issue, but feels it could be solved with single family development.

Chair Niemioja commented that Argenta would be connecting with 494 at some point.

Mr. Hunting agreed and said Argenta would go up to 65th Street, 65th Street would run east/west through to Eagan. It is the vision to connect to 494, but hasn't been studied beyond that.

Pete Grayson, 6692 Agate Trail, abuts the proposed new park. He has a lot of reservations about this new development, too many to discuss this evening. There were too many for the email he wrote. He appreciates the Commission taking this seriously. He believes the requestor has put together a decent plan, it is a good company. He believes this is the wrong place. It's not the right place for a huge multi-family/high density complex including an apartment development. He said it would be about a 10-foot grade where the apartment complex would be going from backyards on 66th Street. The apartment building would tower over the entire neighborhood. There is no doubt from the top of the apartment building that every home in Settler's Ridge could be seen. He questioned why they want to put it there. He understands the topography issues and that it may be more costly to put somewhere else. He questioned why they would put the densest place right next to the existing development. He said traffic is another issue. If someone is on the north side of the property, they are not going to go back out to 70th Street, they would come back through Settler's Ridge. He learned this evening that 70th would be closed during construction. He asked where all the trucks and heavy equipment would come from. He believed it would come right down Agate Trail, there would be no other way to go. He said the timing is problematic. He has lived in many places and has seen high end rental housing last for 5-10 years, after that, it tends to decrease. At their community meeting it was discussed about having a 2.5-3-year time period for the average rental. That doesn't build community, those are transients. That changes everything they want for the city. He is glad someone is looking at the property, but there are other ways to do this.

Dan Schonhardt, 1358 66th Street, referenced the topography and questioned why they couldn't move the apartment further south. He asked how tall this would be above his home and how close. He asked for further discussion about trees.

Chair Niemioja stated the placement of the apartment building was discussed with the Applicant. She asked if the apartment location was set in stone if approving tonight. She asked if the Council can work with the Developer to move it to a more suitable area.

Mr. Hunting responded Council would have the ability to make comment/other

recommendations. If the Commission doesn't like that and wants to approve, they make it a condition that it be relocated.

Chair Niemioja said when on the corner and looking across the street at the Holiday Gas Station, and further down to high-density senior living at Inver Glen, it seems natural that high density would be in that section. She understands why the retail is there, but questioned why high density couldn't be. She asked the Developer if they would be willing to some type of agreement to avoid using trucks on Agate Trail during construction. She asked how the property would be accessed and what would be built first.

Ms. Stefaniak responded where the apartment building is located works with the contours of that specific area. It is purposeful so they can maintain as much green space as possible. Moving buildings and shifting where the apartment building goes, loses green space and more trees. The building acts as the buffer, works with contours and grading, acts as its own retaining wall, especially when 67th comes in. The reason they liked this site versus others was to preserve as much open space, utilize natural aesthetics, and build within the natural contours. They can continue to discuss if that can be moved with Staff and Council but would be giving on other things. She responded about Agate Trail stating that and 67th Street would have to be done together. They need Agate Trail to get to other parts of the site. During the summers of 2022/2023 they would be losing their 70th and Agate Trail extensions and access while there is work on 70th Street. 67th and Agate becomes the point for them to access the site during various seasons. Once in the site and appropriately staged, that would be addressed. Commissioner Robertson was becoming more concerned about the location of the apartments. The reasons for the location is valuable, but comes at a cost to someone else. She would like to step back and look more comprehensively at the whole space and what is most beneficial to people if putting the apartment there. She suggested looking at the entire property, some they own and some left for development decisions. She struggles with the statement "that is where it has to go" pertaining to apartment location.

Chair Niemioja suggested turning it so it is parallel to the park and shifting Road A. She did not want anyone coming away from the discussion thinking anyone is against renters. She wanted to make sure the transition is strong when driving through Settler's Ridge. They are limited by the guiding document of the Comprehensive Plan.

Ms. Stefaniak said she would like to bring up Brady, who works with Sambatek, their Civil Engineering Firm, to answer questions about some of the contours and challenges. One of the reasons driving the apartment building is the density requirements for this specific area. They are penalized if they don't build the density high enough. Discussions can be had to make it more workable from a city approval standpoint. How the land use is guided and requirements the city has drives some of this conversation and concern, it's not just At Home driven.

Brady Busselman, Sambatek, 12800 Whitewater Drive, Suite 300, Minnetonka, stated a site like this is far too complex to workshop it here. The site is complicated based on topography. One of the items they were charged with was to work within the contours. That is how they arrived at the site plan. Items taken into account:

- Have to tie into the elevations at 70th.
- They are hitting Agate Trail on the other side.
- Constrained at the other end of 67th Street.
- Look at how to fill in and maintain heavily wooded areas that are amenities.
 - That sets where Road A aligns, and Road C and B.

- There are maximum grades they try to maintain
 - Have ADA Accessibility to the best of their ability on sidewalks.
- Try to get an amenity out of the lots by creating look outs and avoiding retaining walls.
- Have a 30-foot buffer from the wetland on the southwest corner.
- For ponding, following natural draining patterns.

He stated as an Engineer they don't want to say they can't do it, but it has been put through the ringer on the site with a lot of thought.

Commissioner Challeen understood the density requirements. She asked what it would do with compliance requirements if the apartment was two stories instead of three and if it brings them under a required level.

Ms. Stefaniak responded they would lose unit count. A two-story building would bring them at the lower end. 541 is the very lowest. 1,300 is the highest. Currently they are at 590. Losing a floor means they lose 20 units.

Commissioner Wippermann asked if At Home plans on selling it.

Ms. Stefaniak referenced the layout and stated C4.04 would be another Developer. The apartment building in section C4.02 is the one At Home would develop, own, and manage.

Commissioner Wippermann asked if consideration was given to continuing with townhomes and twin homes and not do the apartment building.

Ms. Stefaniak responded that was a consideration, it came down to a density issue.

Commissioner Robertson needed to understand the density requirement better and who sets it. She asked who was telling At Home how many units are needed.

Ms. Stefaniak responded it is based on land uses and the City Comprehensive Plan. It's not set by her; it's set by the Comprehensive Plan and City Code.

Commissioner Robertson commented based on what they know about the Comp Plan, she asked if it had to be at the level suggested.

Mr. Hunting responded they are a little bit over. It was the financial models from the northwest area when the Council approved what the funding would be for trunk sewer and water. That is what provided the number of units from the Comprehensive Plan and how many units each parcel had to provide based on the designation. If they don't hit the minimum number of units, the Developer has to pay the difference out of pocket.

Commissioner Robertson asked if there was leeway with the requirements for density. She asked if they could drop below what they currently have without penalty. She questioned if there was a point where there would be no penalty to the Developer and less impact on the surrounding neighborhood.

Ms. Stefaniak replied she would need to have further discussion with the City Planner. She didn't feel they had much leeway, but is open to further discussion. They have had conversations, but have yet to determine what that number is.

Denise Svendsen, 6594 Agate Trail, was concerned about Agate Trail and the possibility of heavy equipment on the street. She asked who was responsible for repairing the road from the wear and tear of the development.

Mr. Kaldunski responded large items such as earth movers and bulldozers would come off of 70th Street in the early phases. He doesn't believe they would be hauling away large amounts of dirt off the site. Getting equipment to the site should happen from existing roads. Over time a concrete crew would come in for curb and sidewalks. There would be options until its known exactly where the county project is. Agate Trail is one option. A temporary road could be built to get to a spot. With Agate Trail, he said they built a good road consisting of 2 feet of sand, 6 inches of gravel, and 4 inches of asphalt. That is enough for most typical trucks. He doesn't expect a typical dump truck to have much of an effect on it. Scuffing the surface is a concern and would watch those that unload bulldozers to make sure they don't scrape existing pavement. If that occurs, its superficial and something a sealcoat can take care of. Maintenance of a city road is the city's responsibility. If the Developer damages the road, they would be requested to pay for it. They receive sureties on all developments that give cash dollars to deal with issues related to the development. Developers give 100% of construction costs, plus 25%.

Ms. Svendsen was concerned about the water and how it travels with all the hard surface that is going in with the development. She asked if there was a Water Conservation Board that has reviewed the plan to find out where the water would be going.

Mr. Kaldunski responded he reviews sewer and water plans, stormwater management, and makes sure they have the models. Below Agate Way and 70th has a good treatment pond, retail has a couple of treatment ponds. Anything relating to stormwater management runs through him. It takes his approval to get it approved. There is the Lower Mississippi Watershed Management Board on one side, and another Board on the Eagan side. He manages all of that for the city.

Julie Schonhardt, 1358 66th Street West, said the apartment complex would tower over their backyard. They picked this home to raise their daughter and family here. This would be their forever home. They are passionate about fighting this. When they heard about the potential development they are already considering wanting to leave. She asked the Commission to consider getting rid of high density. Having an apartment overlook a backyard where kids are playing, she didn't believe anyone would want that for their family.

Mr. Bomma, 1382 66th Street, commented an apartment is coming to the opposite of his backyard. He recommends decreasing the size of the apartment from 3 stories to 2 stories.

Tony Jawor, 6892 Alverno Court, stated the topography of the area where they are planning to put the apartment, 3 stories would be 35 to 40 feet tall. It would be a giant cube everyone in the northwest corner would see. It is the highest topography in the entire area. Everyone would see it. He expressed concern about traffic with construction, painters, and framers; for years people would go in there using side streets. Once the construction is done, there would still be work on 70th. All those units would be driving through their neighborhood. He is not opposed to rentals, there is pride in ownership. He said the entire development of Settler's Ridge moved in and had no idea there would be a giant apartment complex in their backyard. Had he known, he would have reconsidered doing everything he had done on his property. He wanted the Commission to understand what the scenery would look like with a giant 40-foot building on top of the hill.

Mr. Schonhardt wanted to clarify what he had heard when it was mentioned they could lower the apartment building to two stories. He also wanted to clarify that the Engineer said it could also be moved.

Chair Niemioja responded she believed there was less potential for removing it, but felt it could possibly be knocked down a story.

Ms. Stefaniak responded they could continue to discuss the height of the apartment building. The earlier discussion about removing the apartment building and not being penalized from a density perspective is on the table as something to consider. Trying to determine what can and cannot be considered with the preliminary plat and PUD designation. Those are required for development in this area. It is something they need to finalize in order for them to continue to move forward.

Ms. Huggins, 1100 West 70th Street, complimented the Engineer saying the drainage on 70th and Robert Street has been spectacular. What they ended up doing with her driveway last year was great. She asked now that they don't own most of it this time around and the county does, if they would go all the way up past it. She has a lot of compassion for those speaking today. The retail area would be across the street from them, they are more tucked away and secluded. She would be heartbroken if she got a mortgage and a building popped up and not able to see the sun. She has a lot of empathy for the homeowners and the builder. She said the people that were there first have a right to be put first.

Chair Niemioja closed the public hearing.

Planning Commissioner Discussion

Chair Niemioja stated one item to keep in mind is how they are guided on the Comp Plan. She asked the Commission to think of suggestions they can make to the City Council about how this fits in with the beautiful development of Settler's Ridge.

Commissioner Scales stated those involved in the Comp Plan spent a lot of time on it. He has been involved in the last two Comprehensive Plans. This was an area they spent a lot of time discussing. He was involved when Settler's Ridge came through. He hears and understands what residents are saying and takes it to heart. The Commission heard a lot the same arguments from a different group of people when the topic of Settler's Ridge came up. They hear it throughout the development process. The Commission doesn't take it lightly, they listen and pay attention. He said he appreciates the time everyone took coming here. This area has been discussed for 20 years and has been guided high density for that long, if not longer. He supports the plan.

Commissioner Robertson said she was on the Commission when Settler's Ridge came through. They did their best to create the kind of environment that people who were going to buy in places like Settler's Ridge could consider their forever homes. She understands that it has always been known the area has been zoned high density residential. It shouldn't come as a surprise. She believes that is something the people in Settler's Ridge need to be aware of. The community needs to be accountable for the fact that they can honor what the Comprehensive Plan says for this area without asking the other people who moved in when approving Settler's Ridge. She understands rezoning the property from Agricultural to multiple family. She doesn't have to say the plan must include an apartment building on the side bordering Settler's Ridge.

She can support rezoning, but cannot approve the preliminary plat as it currently sits. The apartment building causes a problem for her.

Chair Niemioja asked if the Commission could approve the preliminary plat with suggestions to the City Council that they have reservations about the location and height of the apartment building.

Mr. Hunting responded the Commission could take action of approving with changes or recommend denial until changes were made. He commented that maybe the Commission finds those to be big issues, the way this plan is proposed should be changed. He suggested recommending denial or supporting it with conditions such as the apartment building be moved.

Chair Niemioja questioned timing. She recommends the Commissioners be cognizant of the impacts to the surrounding area. Development happens and impacts everyone. She liked the idea of a temporary driveway as a way to create access points. Some suggested some sort of condition be added where alternative access points to the extent reasonable could be utilized first. For the apartment issue, she asked Commissioner Robertson what her suggestion would be.

Commissioner Robertson responded she believes they need to take a stronger stand on the apartment building. She is for rezoning, believes it is reasonable, and would approve. Given the way this is currently written she could not approve the preliminary plat for the design that includes the apartment building butting up to Settler's Ridge. She would want that stronger than just a recommendation.

Commissioner Challeen proposed an alternate of approving both rezoning and the preliminary plat with an added condition that the apartment building height not exceed two stories.

Commissioner Scales struggles with this. One of the concerns he has is that they try to re-engineer projects. In the end they don't get a product, they get a vacant area. He said a couple of years go by and they get different proposal that is not as nice as what was being proposed. He becomes leery when they start designing something for the Developer because it's been done before and have made a development non-buildable. It doesn't make financial sense for a Developer to come in and it sits vacant longer. He stated he personally like this, as is.

Chair Niemioja said the purview on land use doesn't allow them to get into the financial costs and benefits. She would approve with making the suggestion that they ask Council to specifically look at location and height. It is outside of the Commission's realm to say they want to re-engineer it. She wasn't sure they have enough of the full picture to make a recommendation beyond the full scope and realm of Council's purview. As a condition she would say there are concerns and would ask the City Council to look at the following:

- Location and height of the apartment building
- Access to the property minimizing construction traffic to surrounding neighborhoods

Commissioner Challeen asked for clarification on the difference between a recommendation and a condition.

Chair Niemioja responded a condition would be to make the apartment building 2 stories or less. She recommends Council take a look with the Developer and utilize their full scope of

power, height, and location, things that go beyond the Planning Commission.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales to rezone the property for At Home Apartments, Case No. 21-45PUD from A-Agriculture, to R-3B Multiple Family Residential and R-3C Multiple Family Development.

Motion carried (8/0).

Motion by Commissioner Scales, second by Commissioner Clancy, to approve the Preliminary Plat and the Preliminary PUD with the 17 listed conditions, and recommend the City Council take into account the concerns of citizens and the Commission in regards to the location and height of the apartment building and traffic access for construction.

Motion carried (7/1 - Robertson). This goes to City Council on July 26, 2021.

A short break was taken by the Commission at 9:44 p.m. The Commission continued the meeting at 9:51 p.m.

BUILDER LOT GROUP/ PELTIER RESERVE - CASE NO. 21-44PUD

Reading of Public Notice

Commissioner Simon stated there was no notice because it was read at the last meeting.

Presentation of Request

Allan Hunting, City Planner, stated this is the final PUD and Plat proposal for Peltier Reserve. The property is south of the project previously discussed. This is for a smaller detached single-family owner-occupied project that hits densities the Developer was looking for. The final reviews the plan against preliminary approvals. At the City Council meeting there were a couple of changes:

1. Dedication of a city park
 - a. 2 lots. Dedicating some land over the easement for park

The Interim Parks and Recreation Director has been working with the Developer and would be visiting the site to determine how the park area would lay out.

2. Extensions of Roads
 - a. 72nd Street. Through the Collector Study this is still an east/west collector street. It will eventually meander over to Highway 3 at 72nd Court and join on the east side. It goes up Allen Way, and then further north. The routing was changed and went north of where it was before to provide different opportunities for landowners in the area.
 - b. 71st Street. Was originally going to extend and continue east. That will now stop.

The City Engineer was heavily involved in changing some of these and could answer any questions. He is also working and meeting with the Developer and landowners at the site to work out design configurations. The City Engineer fully supports the road realignments.

- The Engineer is still working with the Developer to finalize grading and stormwater plans.
- Working on setting up a meeting with the City Attorney to work on the Development Contract. Getting a Draft put together.
- Once those are all in place, this would be taken to City Council for action.

This meets all other conditions of approval. Staff recommends approval of the Final Plat and

Final PUD as presented.

Opening of Public Hearing

Melvin Moore, 14560 Wiles Parkway Northwest, Prior Lake, has read and understands the report. He is available for questions.

Chair Niemioja said the addition of the park is wonderful.

Marius Dina, 1234 70th Street West, appreciates that the Commissioner's think out of the box. He thanked Tom for showing up on site, they are both Engineers. He shared from an environmental and an engineering perspective. He agreed with Commissioner Robertson's statement that many things come at a cost to somebody else. He felt a part of this application comes to a cost of himself. He said he was here to fight, unlike others who say they are moving, he is not, he is here to stay and is not a quitter. He displayed an aerial photo and pointed out the location of his property. He said he attended a Zoom meeting with discussion about 72nd Street would be going in an area he felt would be a total disaster, it would destroy a 30-foot hill. The City Council was instrumental once he showed them what the road would do to the hill. As a result of that, the Peltier Development gained one lot. He said if a person had not seen Inver Grove Heights for the last 20 years and comes through in 10 years, they would not recognize the place. They have seen the destruction of the forest over by Target and what is currently happening all around. When it comes to planning and the environment, looking at the map, it would be the only place left in the whole quadrant with trees, with topography natural to the location. He placed an updated map of the area from an aerial view stating they want to route a road right through his property. The entire area in white on the map is the forestry he had shown on the overhead photo. There are seven people living there. If allowing 1,000's of people to live in the area, he questioned why they can't respect those left and leave them be. In these plans he sees destruction and will not allow it to happen. He would not sell anything for the road to ever be built. The property will go to one of his kids unless the United States becomes Communist, in which case all properties would be confiscated, not just his. He said the road will never be built. He asked for compassion and to do what he said in the email, eliminate 72nd Street, it has no value. He said this was just a requirement by someone who thought there should be a road there. He asked why. Mr. Dina discussed engineering and stated the property located at 1224, looking at the contours, in 450 feet the elevation goes up by 75 feet, an angle of 10 degrees. He asked why they would want to put a road there and asked for an explanation. The road would destroy the entire forest. He said if he wasn't pushing back the Developers would have done exactly what the city said because of some plan that was developed in 2012. He said the homeowner's matter.

Chair Niemioja said the Commission hears what Mr. Dina is saying. She requested hearing from Mr. Kaldunski.

Mr. Dina stated his first proposal is to eliminate 72nd Street. He knows he is not going to sell the property even if he is the last guy standing. As an Engineer he likes to do compromises. His compromise plan has been turned down.

Chair Niemioja asked who turned his compromise down.

Mr. Dina responded it was turned down as unacceptable by Tom. He said his current proposal, which is acceptable, is to eliminate a portion. They would gain one more lot. They could continue the proposed 72nd through the Becker property and his property, tie into an area,

continue in parallel with another road, and eliminate a stop which belongs to Glenlin, who has also said he doesn't plan to sell. The road would continue along instead of curve, it would go straight to allow for additional lots. That is the counterproposal he was willing to compromise on if the road was needed. He doesn't believe the road makes any sense.

Mr. Kaldunski said they have a very good project in front of them along with the development by the Developer. He said he had just received Mr. Dina's items last night and hasn't had as much time to review as others may have. He put up a map so the Commission could get the entire picture of what the road may become. He has met with Mr. Dina and addressed his concerns. They took one road out at an 8% grade that would likely have a cul de sac and connect to another property called the Fleming site. He referenced another road on the map stating when he met with Mr. Dina and the neighbors, they discussed the road and thought they reached a compromise that left some room to move the road if he would like a different curve in it. He said Mr. Dina prefers the road move up further toward the top of the property and are working on putting in a location that would end to allow for Mr. Dina to have room to move the road as he sees fit some day in the future. The road reaches over to Blackstone Vista, to an intersection as 72nd Street. The county has the area bid and built and will be under construction with the project following it. He said when Mr. Dina suggested taking out a road or two, he cut off access to the Glenlin property. It's not a good planning aspect. He referenced a road going near Mr. Dina's property stating it's a 6% grade. Those are acceptable for neighborhood collector roads. That road then continues to 72nd Court. He understands that Lennar, who would be working in that section, has been working with Mr. Jacoby and have struck a deal. He thought it could pertain to a few lots between Highway 3 and the new road. They have always had the plan to reroute Allen Way which would eventually go to the Canvas development. This would be a long-range continuous road for neighbors to go from one place to another without having to go on a four-lane highway. He believed this was important for the Planning Commissioner's to see. He said they are not in a big hurry to build it. He doesn't have a problem letting Mr. Dina sit there with the flexibility he believed the proposal gave him. He can do that when he comes forth with a solid development proposal, or his children can. They are not in a rush. In the long term, the road is needed.

Chair Niemioja asked if there was an option to move forward more quickly with a plan that is agreeable.

Mr. Kaldunski responded yes. The plan they are getting from the Peltier property works the way it has been laid out. The road is stopping about halfway between. Mr. Dina can wiggle that to wherever he wants in his development proposal as long as he meets criteria.

Chair Niemioja asked how close that road can go to the pipeline if it were to take a sharp turn.

Mr. Kaldunski responded as far as he knew he can put curb about a foot away from the gas line easement. The boulevard could be on the gas line easement, which the city uses to plow snow on. He noted to keep in mind that Dakota County has been working on a new visioning plan. That is how they would be getting some intersections. Looking at the conceptual drawing from Mr. Dina, the idea of a road coming through at the top was not a road that could work from a traffic perspective. If that was done, people would want to go right down 71st Street to get onto another road. The location is too close to the planned roundabout. They don't want to drop that amount of traffic in there and make them go north to get back to the neighborhood. It would defeat the purpose of the long-range plan.

Chair Niemioja asked if the other side of Mr. Dina's property was low density. She was thinking about the traffic that is trying to go all the way through and trying to determine what the traffic pressure would be going west.

Mr. Hunting responded it is LDR (low density residential).

Mr. Kaldunski stated there is commercial in the area and an apartment. He was unsure on the number for traffic pressure. They could do studies, but that is what the update would tell them. He said the road recommended by Mr. Dina makes no sense for the area because they don't want that traffic dropping out at 71st Street. There is a spot where an access is blocked from a person developing their property with the same happening in another location.

Chair Niemioja appreciates the planning of trying not to cut a piece of property in half.

Mr. Kaldunski responded Mr. Dina has full flexibility in what the city is providing him in the current proposal by the Developer.

Commissioner Challeen asked for more information. She understands the idea of more flexibility. She asked if the landowner has the right to dictate how a street would route through their property. She asked if it was a private road or 72nd.

Mr. Kaldunski responded Mr. Dina could come in with a development plan to make the road go differently.

Chair Niemioja said she was trying to determine what to do because once this happens, it would be difficult to fix.

Mr. Kaldunski mentioned that during the Development Agreement phase they would tell the Developer to stop short. They would give the city the money to build that portion of the road and have terms in the Development Agreement.

Commissioner Robertson questioned the type of flexibility Mr. Dina would really have. For example, if saying the line drawn would be right behind the homes being proposed to be built, they don't want a road there. She asked what kind of flexibility he really has.

Mr. Kaldunski referenced the map and responded there is space available for Mr. Dina to consider on most of the western line. Mr. Dina gets to make the choice in a development proposal in the future. The city would stop the road short and would get the land and right of way to do that. Whether it is 5, 10 or 100 years from now, the decision would be made at that time.

Commissioner Robertson asked if that was practical.

Mr. Kaldunski responded it works well from an Engineering perspective. He has spoken with the Fire Chief. It would be a very short piece of road the city would be putting in.

Commissioner Scales felt some of the confusion is that road would not be going in until someone develops the property. If sitting for 50 years, the road isn't going in. It's all based on the development proposal that comes.

Chair Niemioja was worried because when a stub is put in, there is an intention to put a road.

Mr. Kaldunski said the reason they didn't stop at the intersection was because the Fire Department needs to get to the back of those houses.

Commissioner Simon referenced a map of the location and asked if it couldn't be stubbed where Mr. Dina indicated instead of going all the way over to the end of the property.

Mr. Kaldunski responded that would be telling them to go back to the original plan which Mr. Dina didn't like.

Commissioner Simon asked Mr. Dina if he was ok with the stub going where she indicated. She said she knows where they want it, but felt it was better than stubbing all the way at the end of the lot.

Mr. Dina responded about Mr. Kaldunski's questions referencing the map of the elevation with 72nd Street, 905 is where the circle is. The property at 1224, has 975, that is the difference between an elevation of 905 and 975. It is about 450 feet. The proposed road would go about 75 feet and would have to cut through his property even if having the so-called flexibility. The pipeline is nearby. He commented there was no way it could be routed without losing part of a forest. Doing that would result in a sharp turn to go down. That is what he was trying to explain from an engineering perspective.

Chair Niemioja asked if the lower half of the property was his home.

Mr. Dina responded in the affirmative. He asked to be taken seriously, he will not sell a square foot with this plan. He did not care about the money. The property cannot be taken with eminent domain because it is not a county road. If coming down the road by his property, there are two directions people could take. He questioned what difference it would make because he didn't believe it made a difference with two roads. With the road on the top, the city is trying to put a separator in. He didn't feel one is needed.

Mr. Moore stated his partner Steve and himself have worked diligently with Tom Kaldunski and his office, Consultants, and Engineers. Respectfully they seek to work with the city and respect the work the city has put into future road connections that sit outside of their boundaries. They recognize that those connections would be going through neighboring properties and would raise concerns. This is a legitimate concern. They tried to work through this and believed they were at an agreement. This information is new. He believed his partner Steve had an email and follow up conversations with the property owner indicating an agreement. He was unsure redesigning would stop. They have to respect the city process and as a Developer, that is what they intend to do.

Commissioner Challeen asked if the agreement reached was related to stubbing the street for now and letting it rest that way until later decisions were made.

Mr. Moore responded the landowner has said he does not intend to sell. That statement has been made several times. He believes addressing the landowners' issues was to move the road to where it currently sits from the previous design. There was no further conversation about how far the stub goes. They were open to where the stub stops and relied on Mr. Kaldunski, the Fire

Department, and other Departments to make that decision.

Mr. Dina said there is no room. It would destroy a lot of the forest. He didn't believe it would work. He was unsure how a sharp turn would be better. He pointed out a location on the map that was before the proposed road stating it would gain another property which is revenue for the city. He didn't believe anyone would go on the proposed street. If someone wanted to go from the east side of Highway 3 to Argenta, it wouldn't be on this road, he would go through the roundabout and go off on 70th Street. He asked why the road was considered. He referenced the current plan stating Jacoby, himself, and another homeowner would have to sell to build and for the road to happen. If one of them doesn't sell the road doesn't happen. He mentioned if done on the property line, people would be more flexible. There could be negotiations. The way it is proposed, there is no negotiation. He agreed this was the time to make changes, nothing has happened, it's on paper so far. He asked not to get stuck into an ideology when there is no study. For the study that took place in 2012, he attended, and asked if the terrain was looked into. The response was that was the last thing they do. He said the first thing he would do is look at the terrain. He felt the entire study was bogus. He asked this to be rethought.

Mr. Kaldunski responded that the information Mr. Dina is making on that study is not accurate. There are profiles of all roads studied. To say they didn't do that is incorrect. He takes issue with the study being attacked.

Mr. Dina responded he was entitled to his opinion and felt the study was bogus. The study has had modifications. If the study was a good study the modifications would not have happened. Wrong information gives wrong results. He said if the city wants to get this built at some point, the second proposal is the only one he can do. Once other people are developing, he is willing to sell the city a small portion of the northern side to build 72nd Street.

Commissioner Challeen asked for clarification from the City Engineer about fire and needing to have something for the trucks to get in and what bearing that has on the placement of this stub.

Mr. Kaldunski responded they have had conversations with the Fire Marshal who makes sure that there are certain lengths and distances before getting to turnarounds. Their standard is as long as you don't go more than 150 feet on a dead-end road, they can back out of it.

Mr. Dina commented he doesn't understand how it works, but looking at properties he asked why none along the border needed a back access for fire.

Mr. Kaldunski responded that is what the Fire Marshal suggested.

Mr. Dina stated if the road ends, it would be no different than any other house anywhere in the area. Nobody has to access anything from the back of any other house. They do not access his home in the back. He questions the theory. He asked to consider the alternative other than abandoning 72nd all together.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja referenced the work the Developer's have done on the property stating it has been a nice tweaking of the issues raised previously. Concerns that were raised at the time were

addressed. She said it was nice to see a park come in. She referenced Mr. Dina's issue and stated it was outside the specific issue. She was hopeful City Council would take into account the question about if the fire stub was needed. She would like to hear if the city was interested in getting that street built anytime soon.

Commissioner Wippermann said when they first looked at this, he addressed concern about the small lots. He is still concerned. He referenced the preliminary plat, sheet 2, in the middle of the page up on top, it shows lot designation and indicates side house/garage side setback of only five feet. Unless the lot is only 60 feet wide, then it goes to 7.5. For a majority of the lots, it would be 10 feet between houses. He felt that wasn't enough space. It doesn't allow people to have plantings or shrubbery on the sides of their homes. Planting something may result in having to walk onto the neighbor's yard to get into their own backyards. He referenced L4.00, tree replacement saying it provides information they used to receive with other plans such as square footages and lot size. He said they don't seem to be receiving those anymore. One category says there are 41, 35-45-foot-wide lots and 45-60 has 36 lots, 60 plus has 45. 2/3 of the lots are narrower than 60 feet. He felt the houses would look like row houses. They all look like they are together. He said he would be voting no because he isn't comfortable with voting for lots that are normal standard for R-1 which is 85 feet wide even though the city does not do anymore. He felt 70 should be the minimum, not in the 30's and 40's.

Commissioner Heidenreich struggles with why the roads can't be moved to accommodate Mr. Dina's property. It makes good sense. He felt it is setting them up to put a development right through his property in the future. He felt it was a simple accommodation to split the property line between him and his neighbor and put the road there. He would vote no for many reasons. If that could be addressed, it would push him into a yes.

Commissioner Simon concurs with Commissioner Wippermann. She remembers when it came through before, she looked at lot sizes, the majority of homes being put in are 30 and 35, 40 and 45. She has trouble with 15 feet. 10 feet on one side and 5 on the other. Having 5 feet each, meaning 10 feet between homes, she would not vote for that and feels it wasn't necessary.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner to deny based on the size of the lots.

Commissioner Challeen said before the Motion is made, she wasn't here when the preliminary came through. She asked how it was approved and what changed.

Commissioner Simon responded it wasn't a split vote, and it wasn't 9/0. It was due to differing opinions.

Commissioner Robertson asked if they can go back to that meeting and tell the Commission the results. She asked if that would be difficult to do.

Mr. Hunting responded it would be difficult to do. He asked the Commission to keep in mind that the project has already received preliminary approval. The Commission's job is to determine if the final plans are consistent with the preliminary plans. They cannot start re-designing the project.

Commissioner Simon asked if they can't vote no for the same reason's, they voted no last time.

Mr. Hunting responded the decision is different this time. With that preliminary, there was a reason to review design. They are not reviewing designs now. They are reviewing if the plans are consistent with the preliminary plans and with the conditions of approval. He did not believe it was a proper Motion to deny something. He was unsure of the grounds. If it is consistent with the conditions and the preliminary, if it is, then it would have to be a positive recommendation.

Commissioner Simon stated some changes were good and positive. They don't have a choice but to vote yes, whether they disagree or not.

Commissioner Clancy responded unless there is something new to state that they find is not consistent with what was asked the first time.

Commissioner Robertson understands what Mr. Hunting is saying. The preliminary approval came from the City Council. This Commission could have said no, but the City Council approved it, leaving the Commission with the accountability to approve the final.

Commissioner Scales stated if a Motion was made to approve, they could still vote no. If the Motion was made to deny they would have to come up with a reason. He doesn't believe there is one.

Chair Niemioja stated there were conditions that were met by the Developer. She doesn't see a problem with the plan. She looks at what was considered last time and how they are meeting the requirements.

Commissioner Simon withdrew the Motion.

Motion by Commissioner Scales, second by Commissioner Clancy to approve the Final Plat and Final PUD.

Motion split (fails) (4/4 - Wippermann, Simon, Heidenreich, Robertson).

Chair Niemioja stated to Mr. Dina that she hopes City Council will take into account this possibility. She would love to see the road get finished now so they have that flexibility. She said it seems like the Developer and Engineer worked really hard.

4. OTHER BUSINESS

5. ADJOURN

The meeting was unanimously adjourned at 10:54 p.m.

Respectfully submitted,

Sheri Yourczek
Recording Clerk

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 20, 2021 - 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.

Commissioners Present: Elizabeth Niemioja
Robert Heidenreich
Dennis Wippermann
Pat Simon
Scott Clancy
Joan Robertson
Anthony Scales
Kate Challeen
Jonathan Weber

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Tom Kaldunski, City Engineer
Kim Fox, Community Development Specialist
Others Present: Bryan Harjes, Landscape Architect, Principal, HKGi

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JUNE 15, 2021

The Planning Commission Meeting Minutes for June 15, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

JOSHUA AND ELIZABETH SCHMIDT - CASE NO. 21-31Z

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for rezoning of property located at 4046 66th Street, from R-1C, Single Family Residential, to R-2, two Family Residential, or a Conditional Use Permit for a 3-Unit Multiple Family Dwelling. Notices were mailed to 29 property owners on July 8th, 2021.

Presentation of Request

Heather Botten, Associate Planner, stated the request is for property located south of 66th Street, East of Dawn. It is zoned R-1C single family residential. The Planning Commission reviewed this property a few weeks back. At that time the Applicants were requesting the property to be rezoned to R-3A multiple family which would allow for a tri-plex. Tonight's request is to change it to an R-2, two-family residential district. Throughout the public process, the Applicant met with the Fire Marshal and City Building Official. The Applicant decided not to pursue the use of a tri-plex due to some of the Building Code requirements. They are looking for the property to be rezoned to R-2, which allows for a single family or two-family dwelling. The house was built in 1960, when constructed it was built with the option to be used as a multi-family home. At this time there are no physical changes to the exterior of the property. With a duplex there would be minor changes internally that the Applicant would work with the Inspections Department. If

rezoning is approved, there would not be other public processes or zoning approval. A duplex is a permitted use, not a conditional use in the R-2 District. Rezoning to R-2 is consistent with the Comprehensive Plan designation of low density residential. Surrounding uses of the property:

- R-2 zoning to the west
- School property/Public Institutional District to the south
- Single family to the north and east

Staff believes the proposed zoning would be compatible with existing developed uses in the neighborhood and recommends approval of this zoning change. She said that one neighboring property owner sent an email. The Commission should have received a copy.

Chair Niemioja commented a lot of these issues are getting beyond the scope of what they are dealing with. She questioned if a property line dispute would be resolved elsewhere.

Ms. Botten responded it would be a civil matter.

Commissioner Robertson was thankful for the explanation of the term duplex. She was struggling with the term two family residential because she had not heard it referred to. It would be a typical duplex with full kitchen facilities in each unit. She asked if each unit would have its own Postal Code/mailbox or address.

Ms. Botten responded that would be a question for the Applicant, but they could have a Unit A and Unit B. They don't have to have separate numbers. If desired, they can be given a separate address.

Motion by Commissioner Simon, second by Commissioner Weber, to add the email into the record.

Motion carried (9/0).

Opening of Public Hearing

Elizabeth Anderson Schmidt, 4046 66th Street, stated she has read and understood the report. She responded that her husband, child, and her mother, have moved into this address. They are utilizing it as a single-family home. She did not believe there was a need for a secondary address, but could if the Commission required.

Chair Niemioja asked if they were still seeking the zoning change.

Ms. Schmidt responded in the affirmative. She said they would like to have it as a duplex so her mom can have her own space. They can continue to use it as a multi-family while they have their own space and her mom has hers.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja asked if ADU's (Accessory Dwelling Units) needed a larger property size than this.

Ms. Botten responded it is one acre for a detached structure. An attached one included in the structure can be any size. ADU's could be looked at separately because they look at the maximum size of that unit.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Weber, to approve the rezoning from R-1C Single Family to R-2, for property located at 4046 66th Street, Case No. 21-31Z.

Motion carried (9/0). This item goes to City Council on August 9, 2021.

TRAVIS CALLSTROM - CASE NO. 21-43ZS

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for Travis Callstrom - Case No. 21-43ZS. The request involves property located at 8308 Alverno Avenue and consists of:

- A. A rezoning of the property from A, Agriculture, to PUD/Planned Unit Development.
- B. A Preliminary Plat and Preliminary PUD for the plat to be known as 8308 Alverno Avenue.

Notices were mailed to nine property owners on July 8, 2021.

Presentation of Request

Allan Hunting, City Planner, stated the property is approximately 22 acres, located near 82nd Street which turns into Alverno, Yankee Doodle Road, and Highway 55 to the north. The Applicant is proposing to take the 20+ acre lot and create two new lots per the allowance in the northwest area. They would be creating 2-1.5 acre lots with the balance of the property going into an outlot for future development. There is an existing house and a carriage house on the property. No new houses would be built. They are just creating a 1.5-acre lot around the two buildings on the east side. They would be sharing a driveway and would create a driveway easement to access out onto Alverno West. He stated the Northwest Area Overlay District allows for this type of subdivision where there is not sewer and water readily available and the property has at least 20 acres. They can do something up to 10 acres. This meets all the planning northwest area performance standards. He stated Engineering has raised some comments about what they would like to have dedicated with the plat. There are regional basins on the property. They are requesting:

- Drainage and utility easement be established around boundaries/high water mark they established and those be dedicated on the plat.
- Connection point easement so they can gain access to the pond if needed.
- Standard drainage and utility easements around the whole property.
- Requesting a 40-foot half right-of-way (ROW) for future road that would be serving when development comes in from developing on the south side of the highway.

Road issues were discussed in the report. The Commission would learn more about those in the Small Area Studies. This is consistent with what they think the main collector would do.

Mr. Hunting stated rezoning is another part of this because the Code says in order for this to be approved, they have to rezone the property to an Agriculture PUD, becoming a holding zone. It zones everything PUD, the Ag PUD would be rezoned when the land owner develops the balance of the outlot. Staff recommends approval of the Preliminary Plat and rezoning with the conditions listed in the report.

Commissioner Weber said for a road like that they typically look for 80 feet. If putting the 40-foot roadway half easement in now, he asked if they would be seeking a 40-foot half easement from the southern property owner at some point. He asked if that would be a dedication of the roadway easement, or if there was monetary value.

Mr. Hunting responded that was correct about the 40-foot half easement. He replied the roadway easement would be dedication.

Commissioner Robertson asked if the Commission has seen this request before, or a request on this property a couple of years ago.

Mr. Hunting responded he hasn't seen anything like this on the property. There was one other Application in the northwest area where a lot was created using that portion of the Zoning Code. It was for what was known as the Fleming parcel. One lot was created, similar to this where it had a driveway access heading out to 70th Street.

Commissioner Weber responded there was an application two years ago for two parcels south of this.

Opening of Public Hearing

Travis Callstrom, 8308 Alverno Avenue, has read and understands the report. He purchased the property because he wanted to be in the country. It's unique because it is 20 acres with two homes on it. The intention is not to develop the property, but to keep it as is. He said they are creating two parcels so they can sell one to offset the cost and keep the other parcel. He wasn't aware of the strings attached to it; he was hoping to keep the property as it is. They would have two properties, subdivided, nothing would be impacted other than the legal description. He hoped for two addresses. He said both properties are separated with utilities, septic, and well. There is already a driveway easement. When he purchased the property, he didn't know there would be strings attached, he wasn't intending to develop.

Chair Niemioja asked what strings the Applicant was referring to.

Mr. Callstrom responded the division of property is based on an existing Ordinance. The decision to purchase this property was based on the ability to carve the two 1.5 acre lots. Not to further subdivide it. Nothing is changing about the home; the two properties were already there. They created two separate legal addresses for taxation and sell ability. He would keep the remaining outlot agricultural for his kids. He said this was not a subdivision, the two homes exist. Nothing was mentioned in the Ordinance about having to give up land rights or easements for rezoning. When he wrote the offer, nothing was said. Doing this would keep everything as and establish two Property ID's and addresses. Public utilities are not available, he would like to have them at a more appropriate time. He would be giving up land rights when it's subdividable in the future when there are city utilities. At that point he would like to have a future conversation.

Mr. Hunting responded Engineering is looking at this and knows the northwest area has established regional basins in the city plan. Creating these when it comes time to plat is a requirement. They are looking to establish easements around those ponds now so they are protected into the future whenever it develops. Staff is looking at the right of way based on potential future planning. Perimeter easements are typical of any subdivision, they are 5-10 feet on a boundary. He said he understands from the Applicant's side and can discuss further with the City Attorney about whether those things are appropriate at this level or if they can be acquired when the outlot, would be developed.

Chair Niemioja questioned if the outlot was going to have to be rezoned again for development. If approved this evening it would be in Ag holding.

Mr. Hunting responded Agriculture is the holding, that is what the Northwest Area Overlay District says in the Ordinance. It requires the land to be rezoned to Ag PUD, its mandatory. He said it was a question of the timing of other easements or any other right of way. He can only speak on Engineering's recommendation, but can look into it further before it goes to the City Council.

Commissioner Simon asked Mr. Callstrom if he knows if the regional basins were listed on his property description and if it was listed as a pond or regional basin. If something was written to give a clue these would be used.

Mr. Callstrom responded what he knows is from going through Engineering. There are 800 of them in the State of Minnesota that are naturally created and take surrounding water. He said they are not changing anything, not adding on or building new homes, they would not be affected.

Commissioner Simon said its considered part of his land. She asked the City Planner if that information was listed anywhere. She questioned if it is to be automatically assumed if having water in your backyard and it's in your land/lot only, its automatically going to be considered a regional basin and used by the city, county, or somebody.

Mr. Hunting responded the city has an established Regional Basin Plan the City Council approved. It identifies all regional basins in the city. They are all a part of Stormwater Management Plans and identified in the Comprehensive Plan.

Commissioner Simon stated the reason she was asking is because when she purchased their property 22 years ago, there was a pond in the back and it wasn't listed on anything in the city as a regional basin. She asked how citizens who own the property were notified.

Mr. Hunting responded the study may not have been done then, the basins may not have been needed or established, and the stormwater system wasn't created. Engineering is always updating. He was unsure how citizens were notified.

Commissioner Robertson said she assumed a Title search or a review prior to purchasing the property would have identified those as regional basins.

Commissioner's Weber and Simon both responded no.

Commissioner Robertson asked Commissioner Weber for more information.

Commissioner Weber stated Regional Basins are established by the city during studies that are done to look at collectors of water for major areas. He stated for example, he bought his lot and did not know it was sitting on a watershed. He did as much homework as he knows how to do. While pulling in Permits for his build he found out he had a huge drainage and utility easement on his property and had to work around those constraints. Regional basins are different because they collect water from multiple areas. That information won't be found on a tax search or a legal description. The only way you can find it is if you are overly doing your homework and looking at different maps the city has to offer. It is on the city website. He said giving the city access to a water basin is not giving up your land, it's giving access to make sure that watershed is not demised, so people are not filling it in with dirt. When splitting a lot up like this, giving up

that much land isn't really giving it up, it's giving access. He stated the 40-foot roadway easement is a different conversation. Regional water basins are imperative for cities to have for anything that goes on in the area and wants to make sure they are not disturbed or ruined. He questioned if Mr. Callstrom was fine with giving the city a right to the ponds, or apprehensive to saying the city has access to sections of his land.

Commissioner Heidenreich referenced the 40-foot easement, being that it is dedicated, it means he is giving it to the city for free. If he doesn't do that, he asked if the city has to condemn or pay him fair market value for those 40 feet in the future, if there is a need, as a consideration.

Chair Niemioja said the question is if it is now or in the future.

Commissioner Heidenreich stated if dedicating it now, he can't go back and say when it's needed, now they don't have to pay him for it. He felt that may be something he would want to hold on to for the future.

Mr. Callstrom responded when making the purchasing decision, none of that was listed. The amount of money he paid for 22 acres in that School District is significant. To give that up when it's not even developable or being paid for it when he doesn't want it developed. He would like to relinquish the control over it. He understands the watershed, he doesn't want to maintain the ponds. Giving up his road into his home is a different story.

Commissioner Scales wanted to clarify and asked if his plans for the future are not to develop.

Mr. Callstrom responded his current plans are only to develop the two lots and wait.

Commissioner Scales asked if it would make a difference instead of breaking it up into "three" parcels, they broke it up into two and left the house on the acreage. He asked if that would change the city thought on this.

Mr. Hunting responded the current design of the plat isn't driving Engineering's comments.

Commissioner Weber said it sounded like the Applicant wanted to retain priority ownership over the majority of the land.

Commissioner Scales questioned if it would change the thought process if putting the house with the acreage, instead of leaving the property without the house attached to it.

Mr. Callstrom said he had looked into a lot when he went to Contract on it. He felt the way it was explained to him was very confusing. Doing it the way Commissioner Scales mentioned it accomplishes the same thing for him. He was unsure of the implications.

Mr. Hunting stated the problem with is the Applicant would be creating another lot. The Code says there has to be an outlot in there for the balance of it. They cannot create a new lot on its own, leaving the house on the other. There would be nothing left for future developments. He compared it to an old farmstead with 40 acres, farm is on the corner, create another one-acre lot for the children, the rest could be developed. If done that way, there isn't any potential for the site to be developed. The only way it could work was to create a lot around each of the houses and the balance in outlot or it would not be consistent with the Ordinance.

Thomas Schaefer, 8420 Alverno Avenue, located to the south, said by Mr. by these actions, it sounds like he is giving up 40 feet.

Mr. Hunting responded he is not giving up anything. That would be in the future, whenever he would develop.

Mr. Schaefer asked if he wasn't giving up land when a road goes through.

Mr. Hunting responded it would be when he gives up his property for development. That would be dedicated for future road or for the road that would be developed at that time.

Mr. Schaefer commented if he chose not to develop his property, then surrounding properties don't get a road because he is choosing not to develop his.

Mr. Hunting responded that would be a City Council decision. If it was needed to extend a collector street and there was a property owner, they would need to acquire land for the right of way.

Mr. Schaefer stated his concern is that they are one of two dirt roads in the city. The decisions of development by people coming in are potentially changing the way they live. They get less than 100 cars a day by their home, with this, there could be thousands. He doesn't see how this makes sense. He said if all were in agreement to develop property is one thing. There would be owners having to make decisions based on someone else. He felt they are being forced into things.

Chair Niemioja stated Mr. Schaefer's property would not be forced into anything at this time. His point is well taken. She said in the future, this could possibly occur.

Mr. Schaefer stated he is very concerned about it.

Aida Schaefer, 8420 Alverno Avenue, stated she was under the understanding that in the area where they live, minimum size lots were five acres because of septic and well requirements. She asked for better understanding. She said she understood each parcel would have a building with septic and well on it, but didn't understand how each could have them and be potentially approved to have 1.5 acre lots when the requirement is supposed to be five acres.

Mr. Hunting responded this part of the city is in the Northwest Area Overlay District. It is in the MUSA (Metropolitan Urban Service Area) Boundary for future sewer and water development. Properties will eventually develop in time. Sewer and water would come from either the Eagan direction or from the area of Target. The land has the provision that someone can create a 1.5 acre lots around an existing house until sewer and water comes. The two lots would be larger than others around them, with the balance of the outlot to be served by sewer, water, and urban development pattern once those utilities are available.

Chair Niemioja stated there is no current plan to bring sewer and water across the road at this moment.

Mr. Hunting responded not at this exact moment, but they are getting inquiries about Developers. The Commission would be learning more from the Small Area Study discussion coming up on the agenda. There is potential for development on the south side of the highway

that could be happening in a year or two.

Ms. Schaefer asked about the rationale for the five-acre requirement. She felt 5 acres was needed to properly manage the septic drainfield. She questioned why they don't have 1.5 acre lots everywhere if each can have their own well and septic.

Mr. Hunting responded those lots would get city sewer and water once available. They would have to be connected up whenever that develops. The standard five acres zoning is in other areas of Ag. outside of the northwest area for larger lots for the spreading of septic and wells. Criteria is designed anticipating development will occur on that parcel and other lots around it will eventually be hooked up to the municipal system, then septic systems would go away.

Ms. Schaefer said it still didn't make sense to her that two separate houses with separate well and septic can be switched into 1.5 acre lots. She asked why they wouldn't be able to do that elsewhere. For example, if she wanted to subdivide into a bunch of 1.5 acre lots and build a place and set up their own septic and well it would be the same thing except, she would be spending a lot of money putting well and septic in if the city would be bringing water later on. She asked if there was an environmental side to 1.5 or 5 acres, and if an environmental study was done in that area to see if it was fine to have septic or sewer on 1.5 acres.

Mr. Hunting responded the septic systems already exist. It was more of a density exercise as opposed to well or septic. The Code is set up for future planning as opposed to being an area of the city where sewer and well is not planned. Then they would have 2.5 acres as the minimum size for a new lot and permanently be on well and septic, not an urban system. He said that was established when the overlay district was put in place. He was unsure of the details to allow someone to create a lot until a time sewer became available.

Chair Niemioja stated one or two parcels at 1.5 acres isn't the issue, it's when there would be development on a larger scale. Then city sewer and water would come through. For example, for 18 lots, not creating 18 lots with septic.

Mr. Hunting stated it was a density of one per 10. This has been in place in the northwest area since 1988. There was a time a lot couldn't be created on less than 10. When the Ordinance went into effect, and then with MUSA, this was a provision to allow that exception to occur if having a big enough parcel and knowing sewer and water would eventually get to these areas.

Ms. Schaefer asked if an environmental study was done.

Mr. Hunting responded there were significant studies done in the northwest area when the AUAR (Alternative Urban Areawide Review) was done. It is a temporary situation. The septic systems were already approved there so soils can handle the systems. Studies were done in the early 2000's.

Ms. Schaefer stated she has concerns about decisions made now that would impact their northern boundary. This is assuming they would be stuck with the other 40 feet. On their western boundary on Alverno, they have given up 30 feet to the road. Now they may have to give up 40 feet on the northern side. For the southern side, the city plans to have some water items go through the bottom of their property. She said it's cutting up her property and making it very different from what they intended when buying more than five years ago. She has a lot of concerns with what the city is looking to do with respects to the impact on them.

Commissioner Robertson said she understood what Ms. Schaefer was saying. When development is proposed to occur, it sounds like there is interest in developing land around where she is located. She said there is a significant process that goes into place when a development is proposed. That information is available through public hearings, city notices, and would be the time for further discussion, now it's premature.

Ms. Schaefer said there is a precedence being set that is going to make it a lot easier for development to happen. If there is already a right of way given on half a road, it's a lot of easier to impose the right of way on the rest of the road. If the road goes north/south instead of east/west that would have a completely different impact on them. She said Mr. Callstrom isn't trying to do anything nasty to them, its an unintended consequence for them that things will be set in motion beyond their control. She said even though these are decisions for the future, they would be based on what is already in place.

Chair Niemioja stated that was a great point, there may be several on the Commission that want more information on the right of way issue.

Mr. Callstrom agrees with what has been said. He felt he is somewhat in control with his "hands tied" only to follow an Ordinance that was already existing when he bought the property. He did not realize how his purchasing this property can impact his neighbors and future development. He doesn't want to change it. He is giving up 40 feet for free and potentially the neighboring 40 feet would be needed when there was a plan. He said if putting this in an outlot, that should be a conversation down the road, just like it should be with neighbors. They paid for and own the land. He understands the situation with ponds, he disagrees with giving up the rights to the land.

Commissioner Robertson referenced the original map and asked where Mr. Callstrom's access currently is. She asked if that driveway would be converted into a 40-foot road.

Chair Niemioja responded the driveway is in and out of the easement. It may still need to be addressed. She said that it was a surprise to the Applicant that he is dedicating 40 feet.

Commissioner Heidenreich stated it is being proposed that someday there may be a road along the property line. I would be centered on the property line, with 40 feet from his property and 40 feet from the neighbors. The city is trying to acquire that land in advance as dedication rather than taking.

Commissioner Robertson responded she understands. The desire of the city, based on engineering, is to have that land dedicated now for a road, as proposed to later.

Mr. Hunting responded cities can require dedications of easements and right of way through a planning process.

Commissioner Robertson asked if the current owner is seeking to have the property rezoned. Chair Niemioja responded it is going to have be rezoned to Ag, to be held for the next set of rezoning. In her opinion, that would be a great time to get the dedication, if Engineering would agree with it. They may be able to move forward with the water portion as a half way point.

Vern Wilczyk, 8003 Courthouse Boulevard, lives on the north end of this section. He said there

is a pond on the property and a yellow easement going around it on a map. He asked what that meant. Most of that pond is on his property.

Mr. Hunting responded that means as a part of the Stormwater Management Plan, regional basins were identified as areas that will collect water when the land develops. Those areas will infiltrate. There would eventually be an easement around it that will be preserved and protected because they are needed to handle stormwater management. These were created when glaciers came through, filtered the water back down to the aquifers, and need to be protected and preserved.

Chair Niemioja stated if Mr. Wilczyk does not sell or redevelop his property, nothing would happen.

Mr. Hunting responded in the affirmative. It would only be dedicated onto the property; nothing would happen any further.

Mary Wilczyk, 8003 Courthouse Boulevard, asked if that pond is a part of the outlot. She stated she was part of a Zoom meeting and at one point during that conversation there was discussion about 28 potential lots. She asked if that was where those lots were located. She asked if someone purchases the outlot, if there were 28 lots designated for the area. She asked if they were considered ponds, regional waterways, or wetlands.

Mr. Hunting responded in the affirmative, it would be the area on the subject lot. He responded about the 28 lots and displayed a map from one of the small area studies. The design shows conceptual plans about how some of those properties would potentially develop by meeting the Comprehensive Plan. On the lot, development would occur higher in the area. He was unsure how many that would be. What she may have been referring to was a higher area that was conceptual. It was used as an illustration to determine usable area based on the Comprehensive Plan with 1-4 units per acre. That is the outlot. He responded about ponds, saying he wasn't an Engineer, but knew that many are wetlands because they were natural basins, some may be dry areas as water collects and soak in.

Commissioner Weber asked if they could put up a regional basin map.

Mr. Hunting was unsure what the most recent one was and responded they don't have the means to pull anything up.

Commissioner Heidenreich stated regional basins can never have houses on them, they are protected. There are easements around them to protect them from homes encroaching the zone.

Commissioner Weber offered an example stating if 20 homes go there, water off of roofs, driveways, and roads, needs to go somewhere. The city likes to maintain regional basins for if and when development happens. They can't always fit enough water collection on each piece of property, regional basins take over for that.

Chair Niemioja stated it may not look like a pond at any point, but is still a protected basin.

Ms. Wilczyk said all planning they see is potential. She referenced one of the maps with development shown and there was talk about a road and how it curves off.

Mr. Hunting responded the plans show potential by illustrating development patterns and justifying next steps. It's not how they would look, but how they might look. He responded about the road that curved stating it will likely be discussed in the next Agenda Item.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja understood what Engineering was trying to do. She felt the right of way is a bit premature and unnecessary. She said the basins are going to need to be protected and was a reasonable ask. She did not see why the right of way has to happen now.

Commissioner Scales agreed and said the city got a bit ahead. He understands the reasoning behind doing this ahead of time, but does not see a purpose in it at this stage. He would prefer pulling the right of way out and has no issues pulling out the regional basins because they could be discussed in the future. If someone wanted to leave it in, he was fine with it also. He felt a lot went here that isn't necessary at this stage. It overcomplicated the request.

Commissioner Heidenreich said he felt it was pretty cool that they have a regional basin on their property because it would never get developed. They won't have to look at homes in those areas. He would be in favor of the easement around those, but still thinks it's premature.

Councilmember Robertson stated that is why she was so confused about why a current driveway serves a purpose to something in the future. She would concur with retaining the requirement for the regional basins and easements that exist. She was uncomfortable with dedicating 40 feet at this time.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the rezoning from Ag to Ag/PUD Planned Unit Development for property located at 8308 Alverno Avenue.

Motion carried (9/0).

Motion by Commissioner Weber, second by Commissioner Scales for the Preliminary Plat for two lot, one outlot, subdivision to be known as Carriage Heights. Leaving in #1, 3, and 5. Remove the Drainage and Utility Easements around the Regional Basins, and remove the 40-foot half right of way that shall be platted.

Commissioner Weber explained why he left out the regional basins because if they are going to look at the right of way in a future use, he believes the regional basins can be looked at in a future use, because at this time the property owner is not planning on doing anything near those regional basins. He said why put the caveat on him now until something else changes.

Commissioner Weber stated they are leaving #2 and #4 out of the Motion.
Commissioner Robertson said the Applicant has the potential.

Commissioner Weber responded he does not have the potential to do anything in that outlot unless he comes back before the Commission.

Chair Niemioja asked if that was correct. If on his own land, could he put in anything.

Mr. Hunting responded on an outlot; he could not build any structures.

Motion carried (8/1-Robertson). This item goes to City Council on August 9, 2021.

4. OTHER BUSINESS

**Small Area Plans: Argenta Small Area Plan
 South of Highway 55 Small Area Plan
Presentation of both plans by Bryan Harjes from HKGi**

City Planner, Allan Hunting stated the city has not done many small area plans. Bryan Harjes from HKGi, who has done the Comprehensive Planning, is here to speak about these items. HKGi was hired to look at two areas for small area plans:

1. One is on the north side of the Highway. Located by Highway 55 and Argenta. Blackstone Vista is a single-family development in the area. The proposal was looking at multiple family. Currently there is only one way in and out for the parcel. There were questions about how to get other access points to the property and potential land use.
2. South of the highway. The area just discussed. Looking at the parcel for development potentials and maybe some industrial. The City Council approved to have a plan created. They would look at what the implications would be. Also looking at street systems, roadways, utilities, and development of the area.

He stated that is what each of these plans help to try to cover. The Planning Commission will review. The action would be if supporting, make a recommendation supporting the design of the plan, or make a recommendation if there are things not comfortable with and specify that some modifications should be made. This will go to the City Council sometime in August.

Chair Niemioja stated there would not be a public hearing for this item tonight. If people have questions, they can email or call the Planning Department.

South of Highway 55 Small Area Plan:

Bryan Harjes, Landscape Architect, Principal, at HKGi, stated they are a Landscape Architect Urban Planning Firm in Minneapolis. He began with the South of Highway 55 Plan first since that item was just discussed:

South of Highway 55 Small Area Plan:

The plan originally started through two rounds of virtual engagement. Initial conversations were about issues and opportunities with property owners. A second meeting was held to articulate the findings.

Core Issues:

- Timing of development was a big concern.
 - Two parcels were interested in going with development earlier. Others were looking much longer term. That plays into the timing of utilities and infrastructure.
- City of Eagan. With some of the industrial uses to the west, traffic is a concern.
 - How traffic can potentially be managed.
- Dakota County has a longer-term plan through its Visioning Study for realignment of a roadway to allow a more regional connection to Highway 55.
 - Topic of concern to some of the property owners.
 - This is on the County's plan to continue to look at it much longer term as development continues.
- Utility Costs and Timing.

Opportunities:

- Large undeveloped tracks of land in the area.
- Integrate some of those near-term development interests with market momentum and longer-term planning.

Project website and resources were provided to the public.

- Began to map all existing features.
- Woodlands toward the north/northeast. Outside of the project area.
- Current land use guidance: Predominantly low density residential.
- Areas guided as institutional, or currently guided/developed as industrial to the west.
- Areas where there are topographic relief.
 - Where water tends to go towards the east/northeast in drainage ways.
 - Also flowing to the south and east.
- A Sub Watershed District map was used to understand the flow of surface water with topography.
 - Leads into larger basins to the east and south.
- Watermain. In addition to sanitary sewer.
 - Alverno boundary shows everything to the west of the line gets serviced to the City of Eagan through a Joint Powers Agreement.
 - Everything to the east gets serviced to the City of Inver Grove Heights.
- Of the study area, there was only one parcel interested in developing at this current time.
- The analysis tried to understand if the Joint Powers Agreement (JPA) is to the west of Alverno and if there is opportunity to allow any additional capacity for development to go to Eagan.
 - Looked at an Elevation Analysis, with potential sewer elevations.
 - Look at where else they could reach to potentially have gravity flow sewer to the City of Eagan.
 - Learned there is an opportunity near term to allow some development potential with modification to the JPA. Mostly because if this was the only option to go in the near term, development costs for a Lift Station, forcemain, and watermain were too expensive to get that development to take place. It needed a broader area of development to allow that infrastructure to help pay for itself in the northwest area.

Proposed Development Concept:

- From what could become more near-term development projects in the area with sewer and water service to Eagan.
 - Upgrades to Argenta Trail to a point they would realign the intersection of current Argenta Trail and transition to the existing gravel drive there today, to allow development to the north be able to take place in the near-term capacity.
 - Sewer and water would be routed back to the City of Eagan.
 - Stormwater areas would be accommodated to the far northeast corner of the development site.
- Expand Study area.
 - Remaining lands currently undeveloped would have the financial capacity to pay for additional infrastructure costs needed in the area. Includes:
 - Lift Station
 - Force main to pump it back to the gravity system
 - Watermain
 - Roadway network established

He stated the plan displayed is very conceptual. It is very high level and fairly conservative for overall development so they can better understand the remaining development areas. For

example, the HM Ranch property to the south, the Chase property to the east, and the property belonging to Mr. Callstrom. They had heard through the process that the Schaefer's were not intending on development so they didn't include that in the potential initial analysis for infrastructure costs and what development would incur. What is shown is an overall plan for development that would allow an early phase of development that could go to the City of Eagan, and a longer-term phase served by a Lift Station, forcemain, and watermain that would route along a collector road to connect back up to the more regional roadway prescribed by the county for Argenta Trail. There are a series of identified wetland basins along the south and north/northeast portion.

Proposed Land Use:

- More employment uses to the northwest
- Low Density Residential
- Medium Density Residential

Proposed Sanitary Sewer:

- Potential Lift Station
 - Gravity sewer flows for future development to the location.
 - Forcemain to connect back up to the north part of the city infrastructure plan.

Parks, Trails, and Open Space:

- Opportunity for a potential neighborhood park.
 - Integrated with a woodland complex central to the larger area of land to the east.
 - Trail connections.
 - Planned greenway route, for the Mendota Heights/Lebanon Hills Greenway
- Preserving basins for infiltration in certain areas such as Alverno Avenue and towards the northeast.

Proposed Phasing:

- Area to the north/west. Services to Eagan.
- Longer term development where services would be provided by the City of Inver Grove Heights to take place in the future.

Chair Niemioja commented it great to see a park in the plan, it would be a huge deal for this kind of density.

Commissioner Weber referenced the 2040 Comprehensive Plan stating it's difficult for him to conceptualize anything industrial on the east side of Argenta. Seeing those two large buildings on the roughly 40-acre parcel concerns him.

Mr. Harjes responded through part of the engagement process there was a property owner and their representative interested in that development. They wanted that product type in that location. The parcel shown below it also has a long-term need for the land use guidance in that location. Currently it is preferred it remain in a residential state with his current home site. He stated their guidance was in response to that outreach. Looking at the regional roadway facility for Argenta Trail, he would think that 82nd would be the cutoff point for additional employment base/land use. Beyond that would be residential. He said a lot of conversation was had between property owners to the north and Mr. Hill about near term buffers, what needs to be done to ensure that can be in place, across property lines, preservation of existing tree lines, dedication of additional space for a buffer, and landscape areas between those sites.

Chair Neimioja asked about light industrial.

Mr. Harjes responded it is a lot of what is seen along the Highway 55 corridor to the east and

what is currently there to the west on the north side.

Commissioner Challeen wanted more information on traffic routing with the new collector road, as it comes out to the northeast. It looks to go out to a frontage road. She thought that would be a lot of traffic going out onto a small frontage road.

Mr. Harjes responded the frontage road runs next to Highway 55 with a right in/right out access. Longer term the frontage road access may have to go away. They may have access out to Highway 55. The roadway allows a key connection northeast to southwest for development to get out to larger roadways. The location was identified due to existing grade. There is roughly 50-60 feet of grade change on the western side of Highway 3 making it difficult to have a roadway connection happen south of the interchange.

Commissioner Weber asked if it would be a roundabout. He drives this every day and noticed a larger Police presence due to the number of people that speed once they go south. He liked the plan but that would be an issue for him with that many residents in the area and being their fastest way to get to Highway 55. He said he noticed on the plan that the deadly intersection at Highway 55 and Argenta/Yankee Doodle is going to change.

Mr. Harjes said they could speak with the State about the roundabout area. He said he could discuss it with the next plan. There has always been a desire to plan for a grade separated interchange in that location. Timing is the question. They are trying to accommodate a near term access and still allow for longer term planning to accommodate a grade separated interchange.

Chair Niemioja asked if the Commissioners were supportive of this plan.

Commissioner Scales stated for a conceptual plan it makes sense. This makes a great start.

Mr. Hunting stated this is conceptual for planning purposes. It looks at, for example, if the landowner where the industrial building might go, came in and applied for a Comprehensive Plan Amendment, then the city has to start and study it. Now it has been looked at. It doesn't mean this is the direction it would go. He said the Commission isn't approving a land use plan. The Commission is looking conceptually at how the area may develop if getting these types of patterns. He said the Commission may receive an application they wouldn't like and can recommend denial. This is for planning purposes so they know where roadway systems would go, brings up topics of larger transportation issues, dump out areas, and what other improvements might be needed. If the Commission is supportive of this, it would be a recommendation of support of the plan as presented.

Commissioner Weber questioned if someone came in, wanted to buy the Chase property now, and wanted a large development, if supporting this plan, could some of the guidance of the plan be imposed onto the buyer of the property. Or if they could come in with their own conceptual drawing.

Mr. Hunting responded this doesn't lock anyone into the development pattern. It is a concept based on current Comprehensive Planning. What was shown is if the western half is served by Eagan, they need to make sure there is enough development potential on the east half that can pay for city, trunk sewer, and water. This shows land density can be created that would be high enough and generally pay for itself. Someone may come in with an entirely different idea. They are not holding anyone to this plan. It is to illustrate potentials and that the developer would be covering the large-scale payment of trunk utility fees.

Commissioner Robertson said that explanation was helpful as she was wondering what drove the line for what goes to Eagan versus what goes to Inver Grove Heights. It was regarding if the density on the Inver Grove Heights side was sufficient enough to pay for infrastructure that needs to be there.

Mr. Hunting responded the Eagan/Inver Grove Heights was more topography and depth. There would have to be gravity systems and how to do them.

Mr. Harjes said it wasn't only the elevation, it is the use. Light industrial use doesn't carry the capacity of flow that residential use does. That allowed the City of Eagan to say they do have additional capacity to allow that to take place.

Commissioner Weber referenced a diagram and asked if the sanitary sewer shown on the left was existing or proposed.

Mr. Harjes showed a plan routing for how sanitary service would be proposed through the area. They did the additional topographic analysis; the Development Planner did a logical routing for utilities and infrastructure. That is why the adjusted plan to the south follows the connected elements tying the area together.

Commissioner Weber had a concern about one sanitary sewer line going through a cemetery.

Mr. Harjes responded that was existing mapping that was carried forward at a really high level. That would be refined, there would be a map for it.

Chair Niemioja stated there has been good discussion and questions. She felt Commissioner Scales summed it up nicely about points they liked about the plan.

Argenta Small Area Plan:

Mr. Harjes stated this was a similar process. Website was useful for outreach to property owners in the area. They conducted a set of meetings to understand the analysis and conditions out there and to review conceptual ideas with landowners and residents.

Northwest Small Area Plan: Key Topics of the Planning Effort.

Issues:

- The site has significant topographic change. Over 70 feet in some locations. Makes development challenging.
- Transportation network and development access.
 - Biggest concern from the Blackstone Vista neighborhood.
 - If any additional capacity would have to come through their neighborhood.
 - Is there another way they can find access to those development parcels without having that happen.
- Ability to preserve some of the tree line existing today.
- Have land use separation between existing uses further down, and industrial uses there today.
- Potential new uses.
- Highway sound buffer.

Opportunities:

- Potential additional access. Speaking with the county on this. Still conversation to be

had. The plan has a recommendation to explore and look at additional access with the extension of Amana Trail.

- New Neighborhood Park Space off of Argenta Trail.
 - Extended some of the trail planning to integrate the area.

Existing Conditions:

- Fairly heavily wooded on parcels to the south and west.
- A lot of grade change with drainage.
 - Heading down to an identified regional basin in the southwest corner.
- Land use is guided:
 - Predominately residential.
 - Medium density residential near the intersection of Amana Trail and Argenta.
 - Industrial with properties to the south.
 - Neighborhood mix to the north.
- Access and transportation improvements:
 - Argenta Trail would be upgraded. Lane widths to be determined. Planned improvement that takes place in 2022.
 - Lone Oak improvement project. Controlled access points. Right in/right out. Full access. Plan for a folded diamond interchange.

Commissioner Weber asked if Amana Trail would lose access to southbound/northbound on Argenta. It would be the road next to Target. He asked if that would go under Argenta.

Mr. Harjes believed they would have another folded diamond. He responded about the Argenta crossing stating it would likely go over Argenta in the future. There is a shift in the roadway to build a bridge to go up and over.

Chair Niemioja asked about Amana.

Mr. Harjes responded it would be a full signalized intersection at the end of an off ramp. Going north or south on Argenta or going straight through on Amana.

Commissioner Weber responded that gives road access to the park through a controlled intersection.

Mr. Harjes responded there could have been no access. It would have been an interchange on-ramp without access in a location. They are trying to better understand what the access would be.

Commissioner Simon asked if the north end of Argenta at 70th, near Old Argenta Trail, where it goes onto 70th, would be dead ended or right in/right out only.

Mr. Hunting responded he was unsure, but felt that whole segment goes away.

Commissioner Challeen said the last time they looked at the park, it was bigger. She asked if this view cut into what was park dedication.

Mr. Harjes responded on the southern boundary with the way the exhibit reads it does cut in a little bit.

He continued with Existing Conditions:

- Early recommendations from previous plans showed a Lift Station that would serve all of the area in this location. It has been refined.

- Watermain would connect back to the existing system.

Proposed Development Concept(s):

Preferred Concept:

- Alternate concept depending upon access resolution with Dakota County.
 - Went through a planning process with Dakota County. Had two meetings. Their comfort level on the access would hinge upon an upcoming study they have beginning soon that would extend into the first quarter of 2022.
 - It's called a Regional Roadway Visioning Study that more comprehensively looks at an area up to Sunfish Lake, potential interchange at 494 and Amana Trail, further south down to the City of Inver Grove Heights southern border, and further to the west including some of the City of Eagan. This will help better inform them of what Argenta Trail would be and help understand what access controls they could potentially have on the area of Argenta Trail and Amana.

He said that shows the two approaches. If looking at this the way the circles on one of his diagrams was laid out, the northwest area would stay similar to a low-density residential concept:

- There would be a slight reduction in the land use from low to medium, down to low density.
- Similar development to what neighboring Blackstone Vista has today.
- Still have to maintain the individual access point. There would be no additional access to Lone Oak in that location.

They wanted to understand how the pattern of local roadways would work for existing development and still allow for development in the area.

- The area can get gravity flow sewer to the existing Lift Station there today. This would reduce infrastructure costs of the entire area.
- Do not have to extend forcemain and gravity flow through the whole area.
- In the southwest, they spoke with two parcel owners, Mr. Povolny and Mr. Schaaf.
 - Engineering spoke with Mr. Schaaf about his property. A bulk of his property has an identified regional basin on it. That's where all the water comes down to this point.
 - There are still negotiations about easements for the regional basin.
 - That access would still remain to both parcels off of Highway 55.
 - They would look at another expansion of the Joint Powers Agreement due to low flow industrial uses that could go to the City of Eagan. That could extend the area further reducing infrastructure costs for additional capacity.

South of the existing neighborhood:

- Preservation of the tree line.
- Opportunity for another trail connection.
- Two parcels:
 1. Owned by Mr. Schmidt with 13 acres.
 2. Owned by Triangle Rubbish with 4 acres.
- Looking at a phased approach for potential redevelopment longer term if Triangle Rubbish were to look for a new location or acquisition of the parcel to allow for redevelopment.
- A roadway access point would come in and serve the existing development.
- Part of the idea for this use, and the number of trips for the use, is a temporary roadway of the extension of Amana Trail that would provide access and alleviate the pressure of trips coming through the neighborhood in that location.
- Long term, the roundabout interchange would still allow access to the neighborhood

and not close it off as an interchange. That provides the safest access they can think of in the location and still accommodates a long-term interchange. The timing could be years away.

- One other option: If the county says they cannot have that access, they need to stay with the current land use guidance which is medium density residential. That transportation would not have access back to Amana Trail, and would come back up through the neighborhood and back out through its existing access.
- Topography and stormwater would drive the number of units in the location. That determines the layout.

Proposed Land Use:

- Parks, trails, and open space. Park plans are out for bids.
- Extended tree buffer along steeper slopes.
- Integrating a lower loop trail to link neighborhoods and provide additional access to the park.

The city will be involved as a technical advisory group for a part of the plan with Dakota County and the roadway corridor.

Chair Niemioja stated everything seems to hinge on the county.

Mr. Harjes responded they tried to articulate the best way they could for both near and long-term opportunities. Bolton & Menk worked with them on the plan. The county still wants to be reassured about overall development numbers and what that means for trips through the entire stretch, what kind of pressure that would put on the intersection near term, and if it were a temporary access. Particularly the short distance from Amana Trail to Highway 55 and if it has the capacity to handle what they think it needs to handle in the near term. He said these are the questions they need to answer with the next study.

Commissioner Weber referenced Argenta north from Highway 55, stating it was said Amana Trail would potentially maintain a stop lighted access. He referenced the next connection to the north and asked if that was right in/right out for both sides or if it was a four-way intersection.

Mr. Harjes responded it is currently guided as a $\frac{3}{4}$ intersection. It's a left in, no left out, right in/right out access.

Commissioner Weber said he asked that question because the Peltier Development was just before them. He was concerned about kids. Getting them across the street to the park is priority #1 to him. Residents have been wanting a park in the area for years, now they just have to get them there.

Mr. Hunting responded the Peltier plan has allowed for a full interchange at 72nd. In the Regional Update, the county would look again and compare it to their traffic volumes to determine if they would be fine with changing it from $\frac{3}{4}$ to a full access. He stated the City Engineer has been pushing that the city plan has always been a full access due to being limited in the area. Everything is potential in design, it could occur.

Chair Niemioja stated comments from residents have been about keeping the green space buffer. It fits with the overall policy and guiding principles of the Comprehensive Plan. It's something that needs to be kept in mind for the area. Residents have said keeping the green space is really important. She liked that.

Steven Schmidt, Intersection of Highway 55 and Argenta Court, appreciates the time and effort the Consultant has provided as well as Heather Botten and Allan Hunting with developing this plan. There are two Schmidt sites, his brother also owns part of it. He said if this were to be developed in terms of the higher density, it is necessary the access and connection at Amana take place. He hopes that is a win for the city. If that doesn't happen his long-term concern is whether there is really a development there because of topography. Medium density has 8-12 units per acre. The site showed 36 units. He wasn't sure they could get much more than 36 units which falls far below medium density. He knows if trees are taken down, the city gets charged and they have to be replaced. If it ends up with not enough connections due to zoning, the city pays for that too. He was hoping to get the road access so it is a win for all. He is doing his part by helping push the county to help as well.

Commissioner Weber asked if they didn't recently just look at a HDR apartment complex for that site and if it was approved.

Mr. Hunting responded it was tabled at the Applicants request due to concerns about the access and connection points. They were looking at 160 units and were issues with access going back through a single-family neighborhood. That was put on hold to get the study done. Staff looked at how that can occur, but are waiting for the county to do the Regional Roadway Visioning Study and what the results of that would be. Traffic volumes will dictate what will work.

Councilmember Challeen asked when the study would be published.

Mr. Hunting responded they just went out for proposals; the process could take about a year.

Mr. Harjes responded it was about a 9-month process, it could be done in Quarter 2 of 2022.

Chair Niemioja stated it was wonderful to see this kind of planning. They know it's not set in stone or permanent.

Mr. Hunting stated the next Planning Commission meeting will be on Wednesday, August 4th, instead of Tuesday. Tuesday conflicts with Night to Unite. This allows for Commissioner's to be involved in their neighborhood Night to Unite gatherings.

Commissioner Robertson said she found the Small Area Study very informational. She assumes this would be shared with City Council. She said at one of the last City Council meetings there had been a question about a need to have more studies, surveys, and input before making decisions. She hopes the information shared tonight helps answer some of those questions for the City Council.

Mr. Hunting responded it would be shared at a City Council meeting with Mr. Harjes presenting just like this evening.

Councilmember Weber asked if they could make the regional basin and watershed district maps right on the zoning maps page.

Commissioner Wippermann asked if this becomes part of the Comp Guide Plan and if so, if the Met Council has to approve it.

Mr. Hunting responded no; it is just a planning document. When applications for comp plan would come in, this would help. It does not change anything or is submitted as a comp plan

amendment.

5. ADJOURN

The meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Sheri Yourczek
Recording Clerk

DRAFT



PLANNING REPORT

CASE NO: 21-49V

APPLICANT: Prestige Pools

PROPERTY OWNER: Sena Ayse Kihitir

REQUEST: Variance to allow a pool within a front and side yard

HEARING DATE: August 17, 2021

LOCATION: 8 High Road

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: E-2, Estate Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a variance to allow a pool to be located with the front and side yard of a property whereas a pool is only allowed within a rear yard. The property is a riparian lot, abutting Dickman Lake. The above water lot size of the property is 1.66 acres. Dickman lake is a recreational development lake, requiring a 100-foot structure setback from the OHW (ordinary high water) for unsewered lots. The existing home is constructed on the easterly side of the lot, near the rear setback line. If it was the applicants desire to install the pool within the rear yard a variance from shoreland setbacks would be needed which would also require notification to the DNR. The proposed pool would be located about 60 feet from the front lot line and over 75 feet from the side lot line, exceeding setback requirements.

SPECIFIC REQUESTS

The applicant is requesting the following:

- 1) A **variance** to allow an in-ground swimming pool within the front and side yards of a residential property.

EVALUATION OF THE REQUEST

The land uses, zoning districts and comprehensive plan designations surround the subject property: Single family; zoned E-2, Estate Residential; guided LDR, Low Density Residential

VARIANCE

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

Allowing a pool on the property would be in harmony with the general purpose and intent of the comprehensive plan which guides the property single family residential. The proposed pool would meet all other zoning code requirements including impervious surface and setbacks from the side and front property lines

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The two general reasons for not allowing pools in the front and side yard areas are to enhance neighborhood aesthetics and maintain a measure of privacy for swimmers. If pools cannot easily be seen from the street, this not only makes the pool more private, but it also preserves the residential streetscape.

The applicant is proposing the pool within the most reasonable area of the property that provides the least amount of land alteration while meeting the needs of the applicant. Adding the pool to the rear of the home would require a variance from shoreland setbacks and would visually have a greater impact from lake views. Aesthetically, the applicants live on a private road, with trees around the property that would provide privacy for swimmers.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The lot layout is unique; the lot is 1.66 acres in size and there is not a place on the property to install a pool that would comply with code requirements. Due to the large setback from the lake any pool would require a shoreland setback variance in the rear yard. Additionally, installing the pool in the rear yard would have an impact to the septic mound system. The home is constructed on the easterly portion of the lot, providing a large side yard.

4. *The variance will not alter the essential character of the locality.*

One of the functions of setback requirements is to protect the shoreland and maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed pool is located out of the shoreland setback and would be located over 60 feet from abutting property lines, complying with all setback requirements. Staff does not believe the improvements would alter the essential character of the

neighborhood as the pool would be located over 200 feet from the closest principal structure.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for this request.

ENGINEERING REVIEW

Engineering has reviewed the request and has stated an easement shall be given over the 100 year high water line. The applicant shall continue to work with the City to secure final approval of the easement.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Variance** to allow an in-ground pool within the front and side yard of a residential property subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. Final site, grading, and erosion control plans shall be approved by the City Engineer.
 3. An easement agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to issuance of a building permit for a pool.
 4. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

Rationale: The request is not out of character for the neighborhood and is consistent with the comprehensive plan. The location of the pool does not appear to have an adverse impact on the neighboring properties or the shoreland. The property is unique in that the 1.66 acre lot is located off a private road and due to the large setback from the lake, septic mound system, and the required pool locations by code any pool would require a variance. Installing the pool with the front and side yard would protect the shoreland.

B. Denial. If the Planning Commission does not favor the proposed variance, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

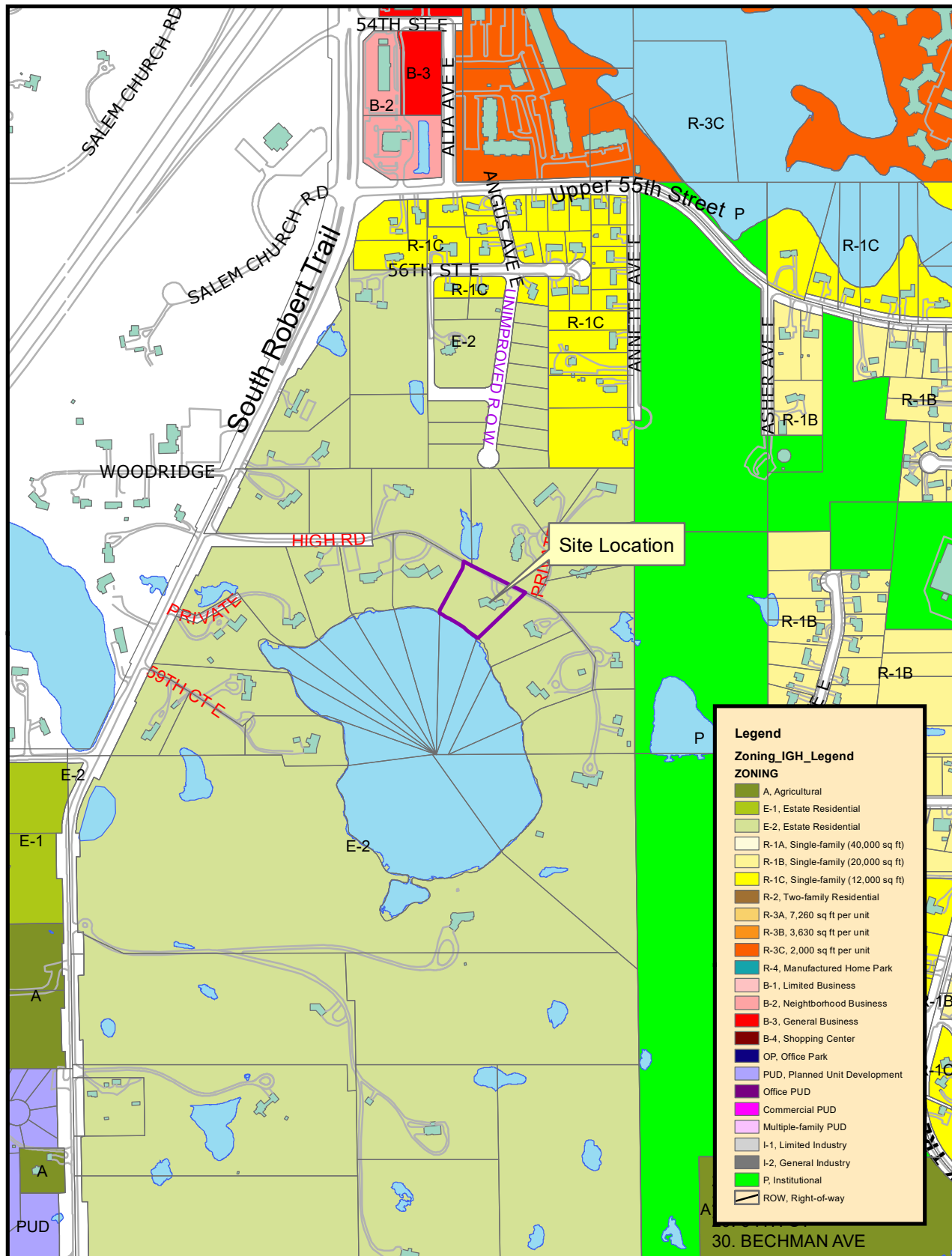
RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the requested variance.

Attachments: Zoning and Location Map
Narrative
Site Plan



8 High Road Case No. 21-49V



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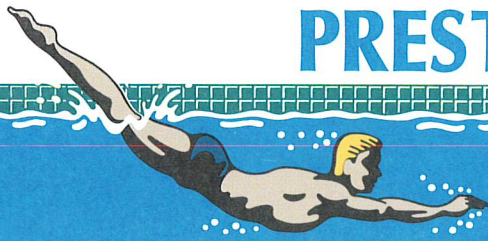
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Exhibit A
Zoning and Location Map

Map not to scale

PRESTIGE POOLS



651.490.1399

prestigepools.com

87 County Road C West • St. Paul, MN • 55117

Monday, July 19, 2021

SUBJECT: 8 High Road, Inver Grove Heights, MN 55077: Variance Application

Thank you for considering our request for this variance.

Although the preferred placement of the swimming pool would be behind the house, there exists two impediments preventing this location as an option. The first being a 100' lake setback that exists for both visual and environmental reasons. The majority of the rear of the house is at or near this 100' setback. Additionally the mound for the septic system sits behind the home and would also require a variance to place a pool closer to the system than is currently allowed.

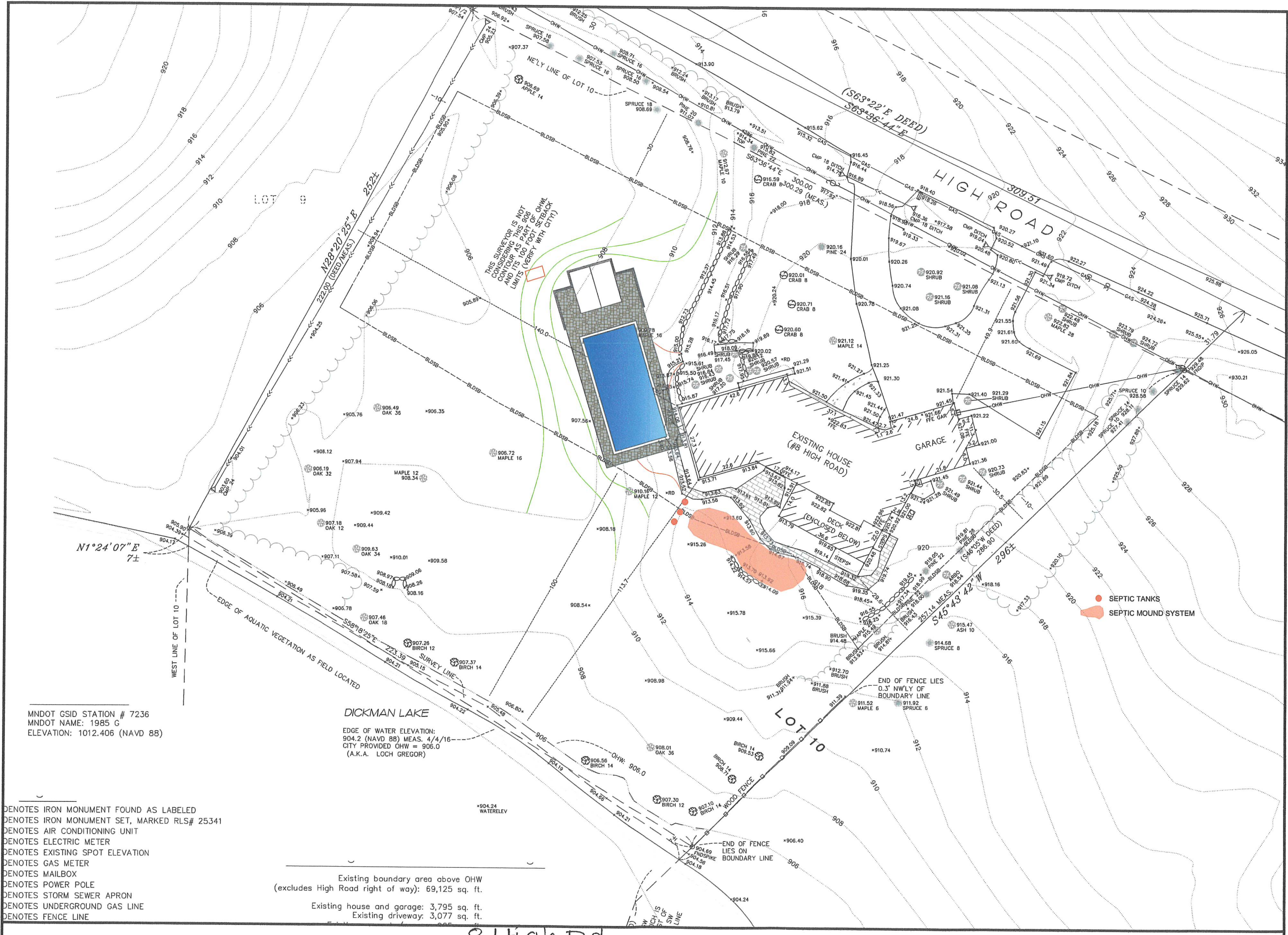
In our opinion, the placement of the pool in the side yard would not have an adverse effect from a visual standpoint of neighbors and would be much less visible from the neighboring property owners viewing it from other vantage points across the lake.

We believe an addition of a swimming pool is not an unusual property improvement given the number of pools currently present in the neighborhood and surrounding area.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Henry". The signature is fluid and cursive, with a large initial "P" and "H".

Pat Henry



MNDOT GSID STATION # 7236
MNDOT NAME: 1985 G
ELEVATION: 1012.406 (NAVD 88)

DICKMAN LAKE

EDGE OF WATER ELEVATION:
904.2 (NAVD 88) MEAS. 4/4/16
CITY PROVIDED OHW = 906.0
(A.K.A. LOCH GREGOR)

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- DENOTES AIR CONDITIONING UNIT
- DENOTES ELECTRIC METER
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- DENOTES MAILBOX
- DENOTES POWER POLE
- DENOTES STORM SEWER APRON
- DENOTES UNDERGROUND GAS LINE
- DENOTES FENCE LINE

Existing boundary area above OHW
(excludes High Road right of way): 69,125 sq. ft.
Existing house and garage: 3,795 sq. ft.
Existing driveway: 3,077 sq. ft.

8 High Rd

SCALE: 1" = 40'

URBAN ESCAPES LANDSCAPE & DESIGN CO.

PROJECT TITLE:

SHEET TITLE: SITE PLAN

PROJECT NUMBER:	12345
MWO NUMBER:	12345
DRAWN BY:	ME
CHECKED:	12345
DATE:	OCTOBER 2, 2011

REVISIONS:

SHEET NUMBER:
A-1
2 OF 20

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PLANNING REPORT

CASE NO: 21-51SCV

APPLICANT: Northern State Power Company (NSP), d/b/a Xcel Energy

PROPERTY OWNERS: Flint Hills Resources Pine Bend LLC

REQUEST: Preliminary and Final Plat for a one lot subdivision, Variance from the minimum lot size, and a Conditional Use Permit for an essential service building.

HEARING DATE: August 17, 2021

LOCATION: Property identified as PID No.: 20-02900-75-021

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant has submitted a request to plat a .65 acre portion of a 36.41 acre parcel for an essential service use. The proposed lot would be located along 105th Street, .24 acres of the land would be dedicated right-of-way to Dakota County CSAH 73 and the remaining .41 acres would be used by Xcel Energy. The parcel would be abutting an existing .44 acre parcel owned by NSP. The property is zoned agricultural, which requires a minimum five-acre lot size.

The proposal includes the installation of a 360 square foot building. Essential service buildings are a conditional use in residential zoning districts. The site would be used for a new regulator facility that captures methane from the landfill and converts it into an energy resource that will be added to the natural gas system.

SPECIFIC REQUESTS

The application consists of the following:

1. A Preliminary and Final Plat for a one-lot subdivision.
2. Variance from the minimum lot size in an agricultural district
3. Conditional use permit for an essential service building

EVALUATION OF THE REQUEST

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North Park; zoned P, Institutional; guided PUB OS, Public Open Space
East Essential service and single family; zoned A, Agricultural; guided RDR, rural density residential
West Cemetery; zoned P, Institutional; guided P/I, Public/Institutional
South Single family; zoned A, Agricultural; guided RDR, rural density residential

PRELIMINARY AND FINAL PLAT

Zoning and Comprehensive Plan Consistency. The property is zoned A, Agricultural and guided RDR, Rural Density Residential. Essential service uses are a permitted use and essential service buildings are a conditional use. The zoning and comprehensive plan designations are consistent with the proposed plat.

Lots & Blocks. The proposed project consists of platting a .41 acre (.65 acres minus .24 acres right-of-way) parcel from a larger 36.41 acre parcel. The A zoning district requires a five-acre minimum lot size. A variance from lot size requirements is discussed later in the report. Standard perimeter easements shall also be demonstrated on the final plat.

Park Dedication. There are no plans for park land in this area of the City; therefore, park dedication would be in the form of a cash contribution. Current cash contribution would be \$5,000 per acre. In this case, the total lot area is .41 acres for a total of \$2,050. This fee is paid at time of plat release for recording.

Engineering. Engineering is agreeable to the plat and has made recommendations on conditions that are included at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction plans. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.

Dakota County Review. The request was sent to Dakota County for plat review and compliance with County roads and right-of-way requirements. Final plat approval will be contingent on the County's comments.

SITE PLAN REVIEW

Access/Streets. Access will be off the existing driveway located within the parcel to the east, also owned by NSP. An access agreement will be required as the parcels will remain as two separate tax parcels.

Setbacks. Structure setbacks will be met.

Landscaping. Landscaping is not required for the proposed plat and use.

Lighting. The site plan does not show and details of lighting. If lighting is installed, all exterior lighting shall be diffused or directed away from all property lines and right-of-way. The direct source of light shall not be visible from any abutting property lines.

VARIANCE

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request to create a lot that does not meet minimum lot size requirements in the Agricultural district is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The zoning code does not address minimum lot sizes for essential service uses. The proposed building use is conditionally permitted, therefore staff believes the request would be consistent with the zoning code and comprehensive plan.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The proposed lot size has the least amount of impact and disturbance to the adjoining properties. The lot size is sufficient for the applicant and the use of the property. The property would be considered an essential service and is necessary to capture methane from the Landfill and convert it into an energy resource that will be added to the natural gas system.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The proposed use of the property is unique. The building is an unmanned facility which does not require a well, septic, or drainfield location as a typical single-family home would. Providing this service on a .41 acre parcel instead of 5 acres would minimize the impact and direct benefit to the adjacent properties.

4. *The variance will not alter the essential character of the locality.*

The new lot would be abutting an existing parcel owned by NSP, utilizing an existing access point. The lot size variance would not alter the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis or a sole basis for the request.

GENERAL CONDITIONAL USE PERMIT REVIEW

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The essential service use and building is consistent with the goals, policies, and plans of the Comprehensive Plan.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The property is zoned agricultural. The proposed essential service structure is a conditionally permitted use in agricultural zoning district.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed use will not create any adverse physical impacts upon the neighborhood. The closest home to the east will be over 400 feet away from the proposed structure.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

The proposed improvements do not appear to have any negative effects on City facilities or services. Engineering, Fire, and Inspections would all review and approve plans for code compliance.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

- i. Aesthetics/exterior appearance*

The proposed structure would be a prefab building that would be in compliance with code requirements.

- ii. Noise*

The facility is an unmanned building, there should not be any noises out of the ordinary coming from the site.

- iii. Fencing, landscaping and buffering*

The property will be secured with a fence. Landscaping is not required for the site.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

Access to the site is not changing. The amount of traffic in and out of the property is minimal. Setbacks will meet or exceed code requirements.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

This use would not have an undue adverse impact on the environment. All surface water runoff will be treated on site.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following actions should be recommended for approval:

- Approval of a **Variance** to allow a lot size less than five acres in size in the agricultural zoning district subject to the following conditions:
 1. The site shall be developed in conformance with the plans on file with the Planning Department.

Practical difficulty: The proposed use is an essential service; the zoning code does not address lot sizes when the use is an essential service. The onsite building would be an unmanned facility which does not require a well, septic, or drainfield location. The proposed size of the lot has the least amount of impact and disturbance to the adjoining properties.

- Approval of the **Preliminary and Final Plat** of Rich Valley Gas Plant subject to the following conditions:
 1. The final plat and development plan shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.
 2. The final plat shall demonstrate standard perimeter drainage and utility easements.
 3. A Stormwater Facilities Maintenance Agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to the release of the final plat.

4. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.
 5. The applicant shall provide a driveway access agreement between the two abutting parcels owned by NSP.
 6. Final plat approval shall be subject to the review and approval of Dakota County.
 7. Park dedication fee equal to \$2,050 shall be paid to the City prior to the release of the final plat.
- Approval of a **Conditional Use Permit** for an essential service building subject to the following conditions:
 1. The site shall be developed in substantial conformance with plans on file with the Planning Department except as may be modified by the conditions below.
 2. All final development plans shall be subject to the review and approval of the City Fire Marshal.
 3. The developer shall meet the conditions outlined in the City Engineers review memos and any subsequent correspondence.
 4. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.

B. Denial. If the Planning Commission does not favor the proposed application, or portions thereof, the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

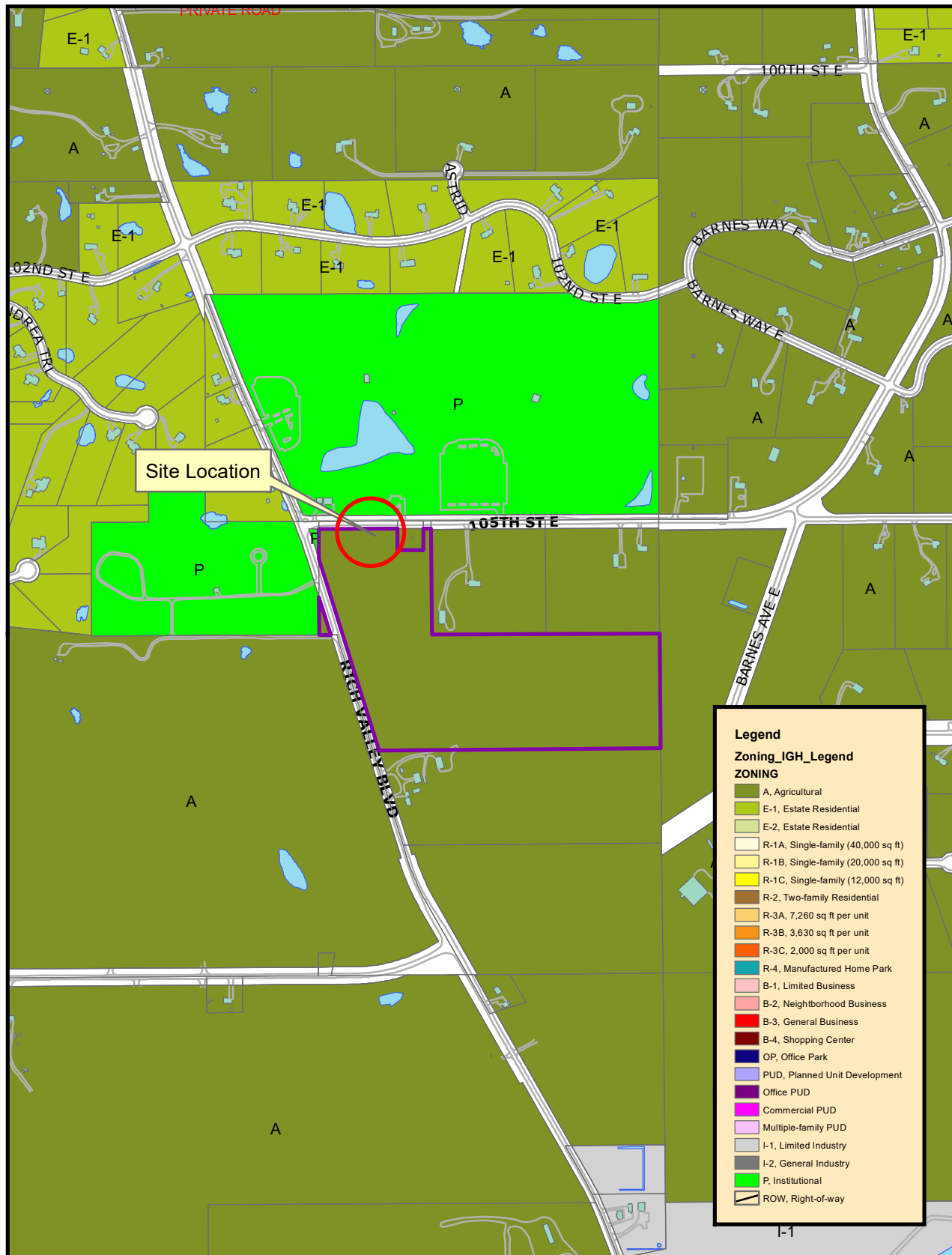
RECOMMENDATION

Based on the information in the preceding report, staff recommends approval of all requests with the conditions listed.

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Narrative
Exhibit C - Preliminary Plat
Exhibit D- Elevation of proposed structure.



NSP Case No. 21-51SCV



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Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A Zoning and Location Map

Map not to scale



414 Nicollet Mall 06
Minneapolis, MN 55401

1-800-895-4999
xcelenergy.com

**Preliminary and Final Plat Application
Conditional Use Permit and Variance Request
Rich Valley Gas Plant
July 21, 2021**

Applicant:

Northern States Power Co. d/b/a Xcel Energy
414 Nicollet Mall, 06
Minneapolis, MN 55401
Brian Sullivan: 612-330-5825
Email: brian.e.sullivan@xcelenergy.com

Property Owner:

Option Agreement FHR to NSP

Northern States Power Co. d/b/a Xcel Energy
414 Nicollet Mall, 06
Minneapolis, MN 55401
Parcel ID Number: 20-02900-75-021

Project Summary:

Xcel Energy is proposing to construct a Renewable Natural Gas facility next to our existing Rich Valley Gas Plant located on 105th St. E in Inver Grove Heights, MN. To move forward with the project Xcel is proposing to plat approximately .65 acres to the west of the Xcel Energy property.

Project Location:

Dakota County, (Section 29 Township 029 Range 022).
Property Address: xxxx 105th St., Inver Grove Heights, MN

Project Overview:

The purpose for subdividing the property is to facilitate the installation of a Renewable Natural Gas facility which will insert methane generated at the Pine Bend Land into the natural gas pipeline system that supplies the southeast metro.

Access to the property will be through the existing Rich Valley Gas Plant facility to the east and will utilize the existing 105th Street driveway. which abuts the north property line. Dakota County operates 105th Street and .24 acre of land will be dedicated for right of way. The surrounding land uses are agricultural except for the natural gas facility to the east.

Zoning:

Jurisdiction is Inver Grove Heights

Existing Zoning: Agricultural –

Minimum lot size is 5 acres

Proposed Lot size .41 acres (.65 acres minus .24 acres road dedication)

Existing and Proposed Use: Renewable Natural Gas Facility

Lot requirements

Minimum lot size is 5 acres

Proposed Lot size .41 acres (.65 acres minus .24 acres road dedication)

Lot width 200 feet

Front yard setback 30 feet

Side yard setback 25 feet

Rear yard setback 60 feet

Height (maximum) 35 feet

Operational Plan:

The existing Xcel Energy facility is designed with one controlled access point located on 105th Street which will serve the existing facility and the proposed facility. The proposed Facility will be an unmanned facility that can be monitored remotely. Periodically technicians will inspect and maintain the facilities.

Reforestation & Landscape Plan:

There is not any landscape vegetation on the existing facility, and we are proposing not to seed the areas surrounding the facility with a pollinator mix of native plants. Because of the nature of the facility landscaping is not proposed. Security and safety requirements are paramount, and landscaping would interfere with sight lines.

Security Standards:

The proposed Inver Hills Tank Farm will have a security fence surrounding the facilities. Access to the property will be controlled and monitored. Security lighting is provided.

Access and Parking:

Access will be via an existing drive from 105th St. As noted earlier this is an unmanned facility. Parking will be provided within the facility.

Grading, Drainage, Erosion Control and Utilities:

A grading, drainage and erosion control plan are provided.



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Street Plan:

The property will use the existing drives to provide access to the facilities

Wetlands:

There are no wetlands located on site.

Variance Request:

Xcel Energy is requesting a variance from the 5-acre lot minimum to allow for the construction of the new facility. Creating a larger lot ties up existing farmland and would inhibit the future development of the parcel. The variance request does not affect the functionality of the property, nor does it affect life or safety measures

The variance will allow for the addition of a new facility that captures methane from the Pine Bend Landfill and converts it into an energy resource that will be added to the natural gas system that supports the southeast metro.

Xcel Energy submits this application for a Preliminary & Final Plat, Variance and Conditional Use Permit for review by the City of Inver Grove Heights to ensure that this facility is compatible with applicable zoning requirements. However, by this application, Xcel Energy does not waive or subordinate its utility rights and obligation to implement the proposed plan.

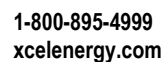
Thank you for your time and consideration.

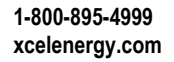
Regards,

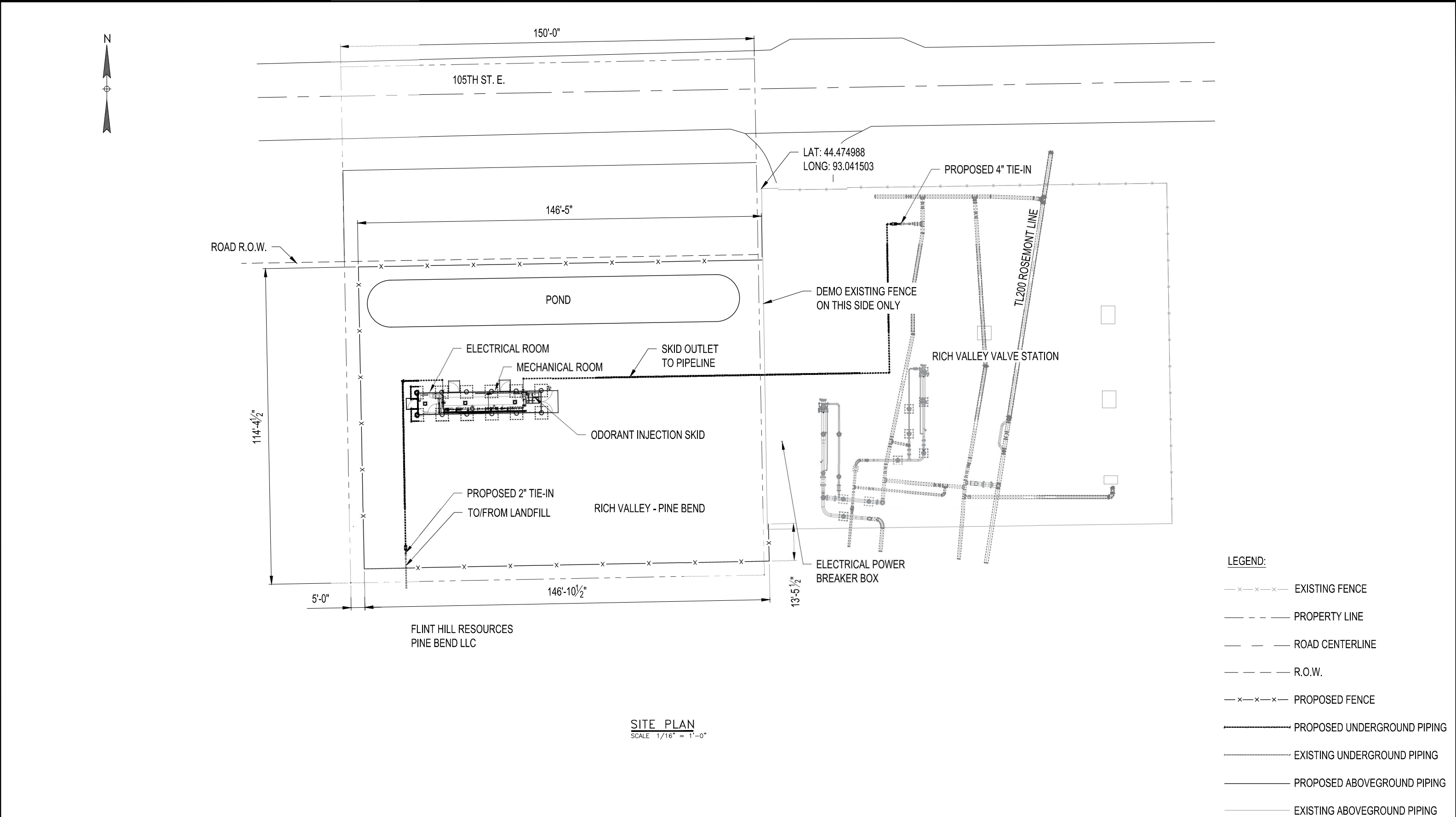
Brian Sullivan
Siting and Land Rights Agent
P: 612.330.5925 | C: 612.366.0234 | F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com

Location Map
Rich Valley Gas Plant

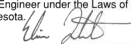


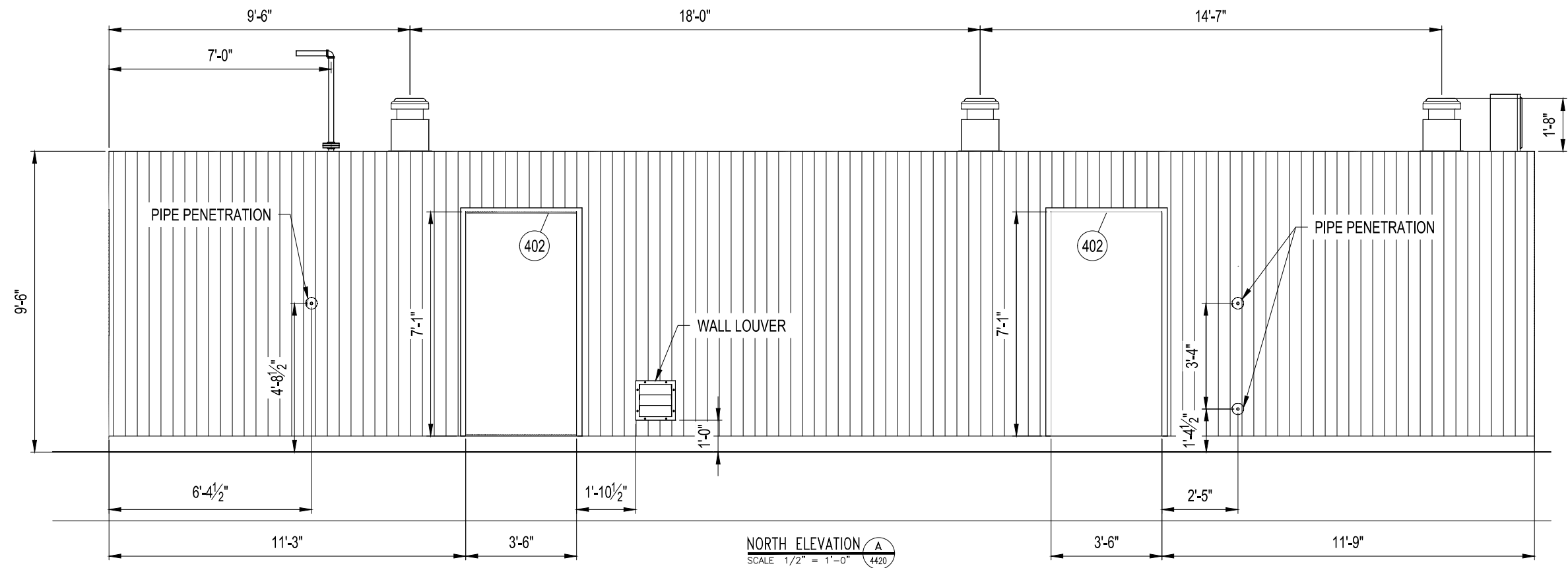




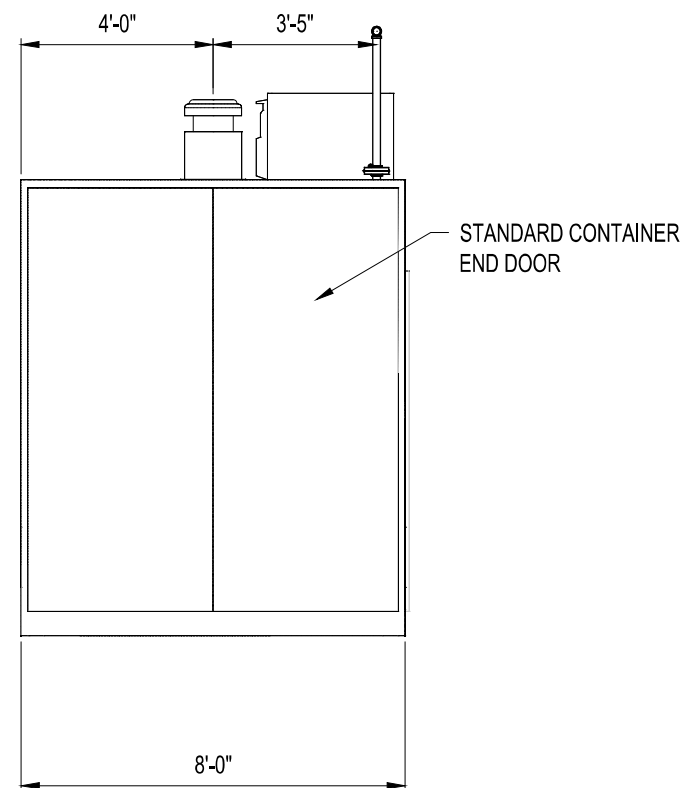


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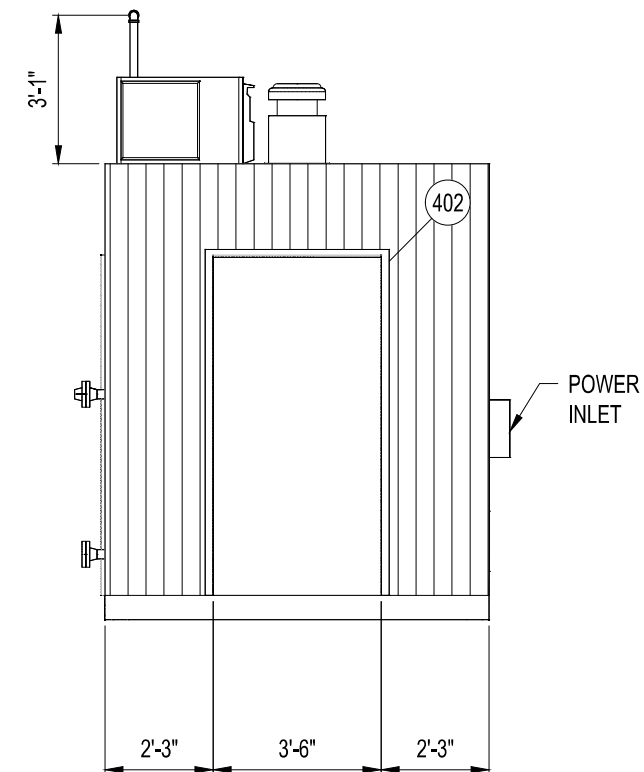
 FLOC: GT - 000000002000 - STA - RS0000R580	PROFESSIONAL ENGINEER I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the state of Minnesota.  Signature: Typed or Printed Name: Edwin A. Overholt Date: 07/09/2021 License Number: 54191	 1401 Blake Street, Denver, CO 80202 (303) 623-3345	HISTORY		DATE		REVISIONS				PINE BEND RNG INTERCONNECT OVERALL SITE PLAN				DRAWING	
			DRAWN BY: LLC		01/15/21		NO.	DESCRIPTION		BY					DATE	
			DESIGNED BY: AJS		01/15/21		0	ISSUED FOR CONSTRUCTION		SLG	07/09/21					
			CHECKED BY: ED		07/09/21											
			APPROVED BY: ELS		07/09/21											
IN SERVICE DATE:																



NORTH ELEVATION A
SCALE 1/2" = 1'-0" 4420



EAST ELEVATION B
SCALE 1/2" = 1'-0" 4420



WEST ELEVATION C
SCALE 1/2" = 1'-0" 4420

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PROFESSIONAL ENGINEER
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the state of Minnesota.
Signature: [Signature]
Typed or Printed Name: Jose Gutierrez
Date: 07/09/2021 License Number: 58552



HISTORY	DATE	NO.	REVISIONS DESCRIPTION	BY	DATE
DRAWN BY: LLC	01/29/21	0	ISSUED FOR CONSTRUCTION	SLG	07/09/21
DESIGNED BY: MA	01/29/21				
CHECKED BY: JG	07/09/21				
APPROVED BY: ELS	07/09/21				
IN SERVICE DATE:					

PINE BEND RNG INTERCONNECT
ENCLOSURE DETAIL DIAGRAMS

SERVICE CENTER: NEWPORT

LOCATION: RICH VALLEY VALVE STATION

DIVISION: D230

CITY/COUNTY: INVER GROVE HEIGHTS/DAKOTA

TYPE: TRANSMISSION

DRAWING
4421



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