

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 21, 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
Dennis Wippermann
Pat Simon
Joan Robertson
Anthony Scales
Kate Challeen
Jonathan Weber
Robert Heidenreich

Commissioner's Absent: Scott Clancy (excused)

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR NOVEMBER 16, 2021

The Planning Commission Meeting Minutes for November 16, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

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 located at the northwest quadrant of Highway 3 and 70th Street. The request consists of a Comprehensive Plan Amendment for Lot 1 Block 2, depicted on the Preliminary Plat of At Home Apartments dated June 7, 2021, from HDR (High Density Residential) to MDR (Medium Density Residential) and a rezoning of lots depicted on the Preliminary Plat of At Home Apartments dated June 7, 2021, from A, Agriculture District, for:

- Lot 1 Block 1
- Lot 1 Block 2

to R-3B Multiple Family Residential Planned Unit Development. Notices were mailed to 75 property owners on December 8, 2021.

Presentation of Request

Allan Hunting, City Planner, discussed the action/request for clarification of the appropriate zoning and Comprehensive Plan designation for the project. No changes were made to the site plan, of which the Planning Commission has already reviewed. When the project was reviewed and initially proposed, the property was looked at to be an R-3C zoning because of the apartment building. Since then, further review was done and determined that different zoning would better fit the project. Both lots have a density of just over 8 units per acre. R-3C zoning requires a minimum of 12, R-3B requires a minimum of 8. A PUD Ordinance provides the means to approve projects with more flexibility and density, design and factors that normally wouldn't be allowed in straight zoning. The northwest overlay is the same, it just has specifics to the product types allowed.

The project itself doesn't fit well with either R-3C or R-3B zoning because of the density and some of the product mix in those two categories. There is a range of product such as the apartment, twin homes, six-unit complexes, 10-unit complexes, and fours. This has a range of product type Staff has not noticed before with any application. The R-3C doesn't fit because it's meant for 12 units or over, R-3B seems a better fit. The unit mix with buildings of more than 5 units are exceeded on both Blocks, the overall density of 8+ units per acre fits the R-3B.

There is a section in the Northwest Overlay District that provides the means to allow flexibility from standards provided the project meets certain criteria. Staff believes R-3B fits the proposed density of the project and is consistent with the Comprehensive Plan of MDR (8-12 units per acre). The Planning Commission and Council are being asked to determine if the flexibility of the unit type is consistent with the intent of the Code. If it is, Staff recommends approval of the R-3B zoning with the flexibility from the unit count which would allow the apartment building. While referencing the Northwest Area Ordinance, the intent was to provide more flexibility in the unit mix for a project. R-3, A, B, or C, allows only a multiple family building of a maximum number of units. It did not allow for single family, two family, or twin. The PUD allows the flexibility, but caps a certain percentage of the unit types. Part of the flexibility request is for both lots of the unit mix proposed, if in the R-3B, allows a maximum of 50% of the units could only have buildings of 5 units or greater.

- On Lot 1 Block 1, the unit mix would be 72%, where it is greater than 5 units per building.
- On Lot 1 Block 2, 86% of those would be greater.

This would be a part of the flexibility request to allow the R-3B. It needs flexibility in allowing buildings with more than 5 units per acre at a higher percentage than what is allowed in the PUD Ordinance.

Mr. Hunting addressed the Comprehensive Plan Amendment portion of the request. If having R-3B with Lot 1 Block 2, (8 units per acre), it is currently guided HDR which is greater than 12 units per acre. This needs to be changed to reduce the density so it matches the R-3B zoning category. The request, if acceptable, is to approve R-3B zoning for both lots in Phase 1 with the flexibility to have a greater percentage of units that are in buildings of 5+ units or greater and to address and approve the Comprehensive Plan Amendment from HDR to MDR.

Chair Niemioja asked if the Applicant or Staff noticed the issue.

Mr. Hunting responded Staff noticed it during further review of the categories and looking further into the Ordinance. This type of product type had not been addressed before; it was a new review.

Commissioner Robertson said with zoning all of this R-3B, she questioned if she was correct that this was a better fit for the project. In terms of density, designates this with a lower density than a R3-C would be, which has an average of 8 units per acre minimum.

Mr. Hunting replied it is the bottom minimum of MDR. R-3B fits better because it has a minimum of 8, R-3C has a minimum of 12. The Applicant is proposing 8.25 on one lot and 9.4 on the other, which wasn't consistent with the overall density. The issue is with the unit mix. The R-3B normally would not allow to have as many units in the larger sized buildings proposed. The Ordinance allows for flexibility with meeting criteria in the Ordinance.

Chair Niemioja stated an email was received before the record became public, two additional emails were also received. She requested a Motion be made accepting those into the record.

Motion by Commissioner Weber, second by Commissioner Scales, to accept the emails into the record.

Motion carried (8/0).

Leanna Stefaniak, 1722 Diane Road, Mendota Heights, stated she has read and understands the report. Due to the unique mix to provide this type of lifecycle housing, the gap was noticed by Staff. As the Applicant, she is trying to fix it so it matches the medium density which was always their intent. They are trying to clean it up to move forward.

Opening of Public Hearing

Benjamin Stone, 1378 66th Street West, said he was partially responsible for why this request is back in front of the Planning Commission and not awaiting approval from the City Council. He provided a packet to the Planning Commission at the October 5th Meeting. The argument was made that a lot designated medium density residential could not be zoned R-3C even though the Planning Commission approved At Home's Preliminary application at that meeting. He said he kept pressing the issue by asking the city for clarification. He sent numerous emails to the City Attorney and inquired at two City Council meetings. Nearly four weeks later he received an answer that a thorough review was done and At Home's proposal did not comply with City Code. Lot 1 Block 1 designated MDR could not be zoned R-3C, it could only be zoned R-3B. He said he can confidently say there are critical flaws with the rezoning request and the Planning Commission should be aware of them before approving the request.

He described what he was referencing. Within Phase 1, At Home has plans for a mix of duplexes, 4-unit, 6-unit, 10-unit apartments, and one 95-unit apartment. According to the zoning ordinances of the northwest overlay, the duplexes, 4-unit and 6-unit apartments can be constructed on land zoned R-3B. The 10-unit and 95-unit apartment buildings can only be constructed on land either zoned R-3C or mixed use. This information is spelled out in Article J of the City Code titled Northwest Overlay District. Up until now there has only been one interpretation of the City Code regarding R-3B and R-3C zoning within the northwest overlay. The first time this proposal was before the Planning Commission was on July 6th. He mentioned that the Planning Commission asked the City Planner to explain why R-3C zoning, not R-3B zoning, was being requested for Lot 1 Block 1. He said at 52 minutes and 50 seconds into the meeting the City Planner replied "the primary thing is the number of units per building. When getting to the larger buildings, the 10-unit buildings and the apartment, that pushes them into the R-3C. That is how it is defined in the Zoning Ordinance". Regarding the apartments in Phase 2 the City Planner had stated "the future apartments would be R-3C because they are over 7-units to a building, that puts them in the highest level".

Mr. Stone said the last time they were in front of the Planning Commission on October 5th, the Attorney for At Home Apartments said "R-3C is required because there is a square that doesn't quite fit there". With the new request, the city is stating how they have been interpreting the City Code all these years has been wrong. An alternative interpretation of the City Code that actually allows large apartment buildings on land zoned R-3A and R-3B within the northwest overlay. He finds the timing of the new discovery to be highly suspect. Spending any time examining their interpretation it doesn't hold up to scrutiny.

He displayed two graphs showing the current zoning and their new interpretation. The first graph allows for greater flexibility of the number of units allowable within a structure on a lot. For example, R-1C can only have a single unit housing structure. The northwest overlay can have up to 4-units within a structure. In each example he gave the northwest overlay's current interpretation allows for greater flexibility. With R-3A it allows up to 7 units and as low as one. R-3B is the same. R-3C is where they get the large apartment buildings.

He displayed a second graph with the new interpretation that shows R-3A can have a 95-unit apartment building on it. It is the low to medium density planned use. The same also applies to R-3B and R-3C. There is hardly any difference.

Mr. Stone requested the following items:

-Read the entirety of Article J and determine whether there is any legitimacy in the Planning Staff's new interpretation of the City Code that allows the largest type of apartment buildings on land zoned R-3A and R-3B.

If still unsure, consider consulting with the City Attorney or a Land Use Attorney.

-Consider the immediate and long-term implications of legitimizing the Planning Staff's highly tenuous interpretation of the City Code allowing Developer's to build large high-density apartments on lots designated medium/low medium density. This undermines the primary function of the high-density land use designation.

He questioned what incentive exists in keeping a lot HDR if a developer can now build the same structures previously reserved for high density lots on low density land. Developers can avoid the complexity of designing high density PUD's in addition to avoiding the higher parkland dedication requirements, extra trunk utility charges, and other miscellaneous expenses involved in a high-density development.

He commented this was exactly what At Home was trying to do. Future Developer's will do the exact same thing.

-Do the right thing. The City Code serves multiple functions, one is to act as a commonly understood guideline for residents, Developer's, Commissioner's and city Staff. Conveniently introducing the interpretation of City Code for the obvious benefit of a Developer at the expense of existing residents is not right, there seems to be a lack of integrity.

Chair Niemioja appreciated the incredible work done by Mr. Stone.

Chair Niemioja questioned this especially since recently receiving interpretation surrounding changing calculations for square footage. She asked how Legal Counsel has looked at this interpretation.

Mr. Hunting replied this was the first project they have ever had with a unit mix like this. Everything has been either single family or apartments that fit into a category. This request was looked at in further detail and fully reviewed with the City Attorney. The determination from Staff was that R-3B fit better but requires Council to approve flexibility from the northwest area standards as Code allows, to allow the different type of unit mix. The Council still has to approve flexibility on the project and to allow an R-3B zoning.

Commissioner Robertson said the information provided by Mr. Stone raised legitimate questions for her. She asked what the newly found information was. She was asking because of the precedence question.

Mr. Hunting responded Staff did a deeper dive into the review and determined the R-3C didn't fit the densities of what the project was. It took more analysis and a different look because they had not encountered this kind of a project before. It was a first for Staff. As they dug deeper and reviewed it with the Attorney, they realized there should be a different zoning fit than what was originally thought to be the right one.

Commissioner Weber mentioned that he thought of this the same way the Commission looked at storage facilities. Storage facilities used to be allowed in the B-3, a Code Amendment was made to change and not allow it. When he looked at the City Code for this it's pretty specific that they could have a permitted use for R-3A's, R-3B's, and R-3C's based on multifamily dwellings. He asked if the 7+ unit would be looked at in a R-3B instead of being in R-3C.

Mr. Hunting replied it would be looked at by the Council on a case-by-case basis to determine if it is consistent with the intent of the Code.

Commissioner Weber asked if it was technically a conditionally permitted use.

Mr. Hunting replied it was similar.

Commissioner Weber said if someone was looking for a conditionally permitted use they would have to come in before the Commission and present.

Mr. Hunting responded in the affirmative.

Commissioner Challeen asked for a better understanding of the idea of flexibility in interpreting the Code for the northwest quadrant versus achieving perfection. A perfect fit for zoning isn't going to be found, based on research done, she questioned if this was the best fit for what is planned. She asked if there were other alternatives for zoning that haven't been before the Commission.

Mr. Hunting responded after review by the City Attorney, Staff felt this was the best approach. R-3C doesn't work with density. The City Council has approved other projects where there have been narrower lot separations between buildings, driveways wider than required, or impervious surface. It's been done before in the northwest area, but have never encountered this type of development and how to have it fit the Zoning Ordinance.

Commissioner Simon questioned if it means with other things allowed based on a case-by-case basis such as wider driveways, it seemed once they started that, it was requested more often. She asked if approving, if this could be the standard for multiple Developers coming in. A case-by-case basis still gets approved at the City Council level.

Mr. Hunting replied it was difficult to say, they won't know what's coming in. There have been several developments. This one has been very unique; their intent was trying to achieve something that fit an overall unit count density and provide open space. The Ordinance made it hard to figure out where it fit. He didn't feel it was likely to happen, but felt it was a difficult question to answer. Commissioner Robertson mentioned what causes her concern, like Commissioner Simon had asked, is what would stop other developers from coming in and using the same argument. It talks precedent. By approving calling this an R-3B with an area of it at a density higher than R-3B, they are in fact setting a precedent to any other Developer coming in to do this same thing. The Developer would have to come before the Planning Commission in advance for a different type of Permit.

Julie Stone, 1378 66th Street, referenced the northwest overlay Article J, and the table presented that says 50% of the units can be over 5 units per building. The fact that At Home is at 86% of that is reason to say no. She said they are already over the large structured units. She referenced the interpretation they have had up to this point saying that buildings could be up to 7 units in a structure in R-3B. What is being requested is a 95 unit. She felt that absurd, and to say they have another interpretation to force this to work did not seem right especially to residents who live around it and the expectations they have of their zoning. She referenced the chart from the northwest overlay that said 50% can be 5+ units and indicated that right below that it says as long as it follows the underlying Zoning District, which is clarified up to 7-unit structures. She did not see how this interpretation could even hold up to that statement. They could say they could throw the statement out and not use the statement. She questioned why they would do that. She mentioned it also said if there is any conflicting interpretation the strictest interpretation should apply. She felt that was reason enough to not allow the apartment building. They are not saying this land shouldn't be developed, they are saying it needs to be done in the right way. She suggested the PUD should be reworked and looked at. The city shouldn't change the interpretation of the Code so it works out for the Developer, the Developer should change their layout so it works for the city.

Ms. Stone displayed a diagram of the area and mentioned during Phase 1 across the road, the apartment building should easily fit that location. They wouldn't need a Comprehensive Plan change. She suggested keeping the Phase 1 area high density and moving the apartment building

to that area and lower density structures where the apartment building is currently depicted. Where the apartment building currently sits, creates, according to the City Engineer, a lot more traffic for those living adjacent in Settler's Ridge. She said there were concerns about the road and the road out to Robert Street would not be built for a very long time according to the Developer. Moving the apartment to the high-density area mitigates the problem, then they would use the road out to 70th.

Chair Niemioja asked the City Planner to address how the lots were split before in terms of high density/medium density. She felt the apartment building cut into the high-density piece at one point, the topography is what placed it there.

Mr. Hunting replied the Developer looked at the land and topography and had their reasons and rationale about where the apartment would best fit. Staff has looked at this with a mix of units. The Developer does have the concentration of the apartment building, the balance of that side is very low density, it comes in at 8 units per acre. It's concentrated in one area where the unit count goes up.

Chair Niemioja thought she recalled that half or a quarter of the building hit high density.

Mr. Hunting responded he thought that may be a part of the Comprehensive Plan map. It picked property lines as the break between MDR and HDR. When looking at developments, they look at if the project is going to be consistent to where the line is, the line isn't a hard/fast. With an overall PUD they look to blend how they would be. Some units would go over the line but still match the densities of the area. The way Agate Trail angles and bends to the east and swung into HDR, the apartment building could have been in both.

Benjamin Stone, 1378 66th Street West, displayed a diagram of the apartment shown on the high-density side. He mentioned without a change in the number of units and trees cut down, structures can be moved to the right spot and right zoning that meets density requirements for high density. It doesn't meet density requirements for low density. The city would get more money because they would lose money for trunk fees if going from high density to medium. He suggested changing the medium density to low/medium density, the city preserves trunk fees and everything complies.

Chair Niemioja requested the Applicant come forward, she was curious about Mr. Stone's plan. She requested the Applicant explain their plans and why things are where they are at.

Leanna Stefaniak, 1722 Diane Road, Mendota Heights, said she appreciated Mr. Stone moving buildings around, it's more complicated than that and discussed many times before. The site has interesting topography that requires certain grading and retaining walls, things have to be placed the way they are. They could move a building, but then would have miles of retaining wall in order to support it. She mentioned with respect to Mr. Stone, they have had the City Engineer, Sambatech, Civil Engineers, and Public Engineers, work on the site specifically as it relates to where buildings are placed. They have spent a lot of time and money on this and trust that their analysis is correct.

She referenced the zoning question and what Mr. Hunting had said earlier. Many conversations have been had with city Staff, the City Attorney, and Land Use Attorneys. This area is complicated because there is an underlying zoning question, the Northwest Overlay District, and PUD. All three combined are complex. One of the goals of the northwest overlay was to provide a diversity of housing product/stock, which is what they are trying to do with their plan. That creates some flexibility. PUD's are designed for cities to allow for accommodations for certain zoning underlying requirements. It's gives the Council the ability to make discretionary decisions if they can determine the accommodation doesn't harm the environment around it, is consistent with the surrounding use, poses a threat to public safety, and preserves trees. All things they have tried to protect and adhere to along the way. City Staff and the City Attorney have spent a lot of time

reviewing this and trying to determine how to best fit all three zoning categories on one piece of property. She encouraged the Commission to give discretion to the City Attorney in their analysis.

Kris Staples, 6503 Arctic Court, said his wife Kelly submitted an email and was unsure if it was received on time. He requested reading it for the record.

Chair Niemioja mentioned the email was made a part of the official record earlier. She asked if he would like to highlight some points from the email.

Commissioner Robertson appreciated Mr. Staples coming forward. The email came in at 6:12. She had no opportunity to review anything that came in so late. A highlight of the email would help.

Mr. Staples read the email stating their request is to deny At Home's request to amend the Comprehensive Plan and zoning of both lots to R-3B. The requests contradict the city plans laid out for the area. This would be the third time At Home has come before the Planning Commission on this proposal. The first two times At Home requested and the Commission approved, plans that were not consistent with city land use, zoning rules, or the Comprehensive Plan. With the work Mr. Stone has done At Home's plans were stalled and sent back to the drawing board while city Staff recalculated and the City Attorney did additional research. There are two parcels, western and eastern. The Comprehensive Plan specifies the western parcel be medium density and eastern parcel be high density. He referenced a group that made the Comprehensive Plan, made a deliberate decision to transition from low density (Settler's Ridge) to medium density, to high density, and then mixed use and retail. A plan would never have contemplated a 96-unit apartment building on medium density land next to the back yards of single-family homes. The current proposal to have units on the east side requires a Comprehensive Plan Amendment because it does not meet high density requirements. He mentioned residents of Settler's Ridge were before the Planning Commission months ago about this development, one member of the Commission advised residents that the Comprehensive Plan must be followed and that he and his colleagues spent hundreds of hours of research and dollars to put the plan in place. If that was true then, it must be true now. If the Commission votes to approve this, he hoped there was a great reason why. He mentioned At Home originally requested that a portion of the Phase 1 project be zoned R-3C. Residents went before the Commission and Council stating R-3C zoning didn't make sense and was incompatible with the goals of the Comprehensive Plan. Residents were correct and Staff currently acknowledges R-3C zoning cannot be done, the current plan falls short of that designation. Currently flexibility for R-3B zoning is being requested. At Home isn't requesting to follow the rules for zoning of R-3B, but going beyond flexible standards. This should not be allowed. R-3B zoning would preclude the 96-unit apartment building from being on Lot 1 Block 1, and precludes the 10 plex buildings from being on the eastern Lot 1 Block 2 because those structures put parcels over maximum percentages. Neither the Comprehensive Plan designation of medium density nor zoning of R-3B works in this situation, but are doing everything to accommodate the cost of the Developer which specifically in the Code says is not a reason to approve and accept. Because of that, they hope the Commission votes to deny these exceptions. He commented if this goes another direction there has to be a reason other than accommodating the Developer. There are plenty of Developers in line to develop this land. He hopes the Commission agrees with what residents have looked at and the mistakes made in the past on various levels. Those can be made up tonight by denial of these requests.

Commissioner Scales mentioned the Comprehensive Plan has always been a living breathing document. It has changed every 10 years. It's not something they "hang their hat on" completely. Most of the land in the city at one point said agriculture. If someone said it must be followed, there may be a misunderstanding of what the Comprehensive Plan is and its intention.

Commissioner Weber asked if Staff could display a map located on the city website called the Northwest Area Development Map. He inquired about what was done with the Peltier Reserve

Development. There was an apartment building there along with single family residences. He asked if that was captured under a PUD, or if it was R-3C or R-3B.

Mr. Hunting responded the apartment building on that project is an R-3C because it's on its own lot. Single families have different zoning. They don't have the blend, don't have the same issue they have here. It was a straightforward zoning exercise. The same applied to the Canvas project.

Commissioner Weber questioned why they were not going through the same process of separating out the lot for more specific zoning. He said with Peltier they did a lot split to make it fit. He didn't understand why they were looking at this one in a different way. To him it was pretty simple in solving. He suggested doing a lot subdivision, if it meets minimum requirements, do an R-1C for the apartment building and an R-1B for the rest of the property.

Mr. Hunting replied he couldn't recall everything that took place, but Staff looked into that option. It gets more complicated because of the area requirements on each lot. There were other issues where it wasn't going to fit with those standards.

The map requested by Commissioner Weber was shown. Commissioner Weber said he was trying to compare them so everyone gets an idea of what they need to look at from a Planning Commission standpoint. Pushing the higher density toward one side of the development makes sense, that got pushed to the north. His question was the whole lot subdivision. He felt this could be cleaned up quickly and not have the "grey area". He suggested doing a lot subdivision, putting the apartment building as an R-1C, and doing the rest as R-1B. This option would be cleaner to him.

Commissioner Robertson agreed with Commissioner Weber about splitting it. They are doing it after the fact, after all of this time to meet the needs of the Developer. What is being done is creating an artificial line that ignores the issues that have been present for a long time in terms of the surrounding residents. They are cleaning it up after the fact.

Commissioner Weber said it was being done prior to being broken ground. They could go back to when the Settler's Ridge development went in. These were things that were taken into consideration as far as land designation changes. Many on the Commission have gone through hours of their time discussing Comprehensive Plan Amendments and changes. He addressed the statement of slippery slope and said if allowing this to happen and the grey area to be opened up with this Developer and what would happen with the next Developer, when it could be tidied up and not be a slippery slope and have them subdivide the lot. He said anyone can buy a large chunk of land and subdivide it. For him, he would say no to exactly how it is now, but if cleaned up in an appropriate manner, he can't tell a Development they are doing the wrong thing when they are the ones putting the money and effort behind it.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Challeen believes they are wrestling with the idea this is mixed use and may need to change how they think about zoning. The city is seeing a wide range of housing types within this mixed use and the way they get to the density is because there is a 95-unit apartment building on the property. That is the very definition of mixed use and the purpose of this area. She commented it can't be fit into a neat little box.

Chair Niemioja stated that economic considerations are outside of this Commission's purview, this Commission is land use. She was unsure if there were other thoughts on how to proceed or if they have enough information to proceed.

Commissioner Scales mentioned they are here to answer whether the zoning fits the project. It's not about whether they build an apartment building or whatever is built there. It's about if the zoning matches the project. He said for him, when looking at it for a low, medium, or high density, do they look at the entire project or the building sitting on the site. If looking at the entire project, the zoning fits. If looking at one individual building, it probably doesn't. Looking at the overall project, what the city is doing fits.

Commissioner Robertson questioned if putting the numbers of units together and dividing it by the number of buildings, what the unit density would be. She asked if this was a legitimate question and way to look at it.

Commissioner Weber replied it was 8 on one, 9 on the other.

Commissioner Robertson requested the average number of units per building on the parcel.

Commissioner Weber replied there is 173 units over 29.48 acres. 5.868 per acre.

Commissioner Robertson was unsure if it applies here. There was nothing that really applies. The question becomes if looking at the entire thing, number of units, number of acres, and where they land; R-3C or R-3B.

Commissioner Weber said it would be 5.86 units per acre for the two parcels. He did the math on each and then did the math together.

Mr. Hunting stated there is 253 on both.

Commissioner Scales said it was about 8.4.

Commissioner Robertson asked if 8.4 puts it at R-3B or R-3C.

Mr. Hunting replied it would be R-3B because its 8 units per acre, MDR.

Commissioner Weber said it was the minimum for R-3B.

Chair Niemioja referenced the comment made by Commissioner Challeen in getting to perfect and said the Commission is going to have to make a Motion/recommendation with the caveat to the City Council that this is really unique and the Commission/Staff haven't dealt with anything like this before. They are trying to fit the best they can.

Commissioner Scales said for him it would be a clarification from Staff to verify. The Commission is being asked if the zoning fits the entire project not a building.

Mr. Hunting replied it was the zoning overall for the project, the unit mix and type.

Commissioner Scales said the question being asked if this fits, if it's by the site. They are not being asked to approve an apartment building or placement. The Commission is being asked if the overall density of the site matches the zoning, they are changing it to.

Mr. Hunting agreed that was the question. It includes the special condition that they would have to approve the flexibility of the unit type mix. It's not as straightforward as zoning and density. The Commission also has to go along with the fact that the product type has a larger number of buildings with greater than 5 units. With R-3B they have to say flexibility could be approved as a part of the Code to allow this mix.

Commissioner Challeen mentioned what they are really saying is that they are allowing a deviation of 22% from the 50% allowed, proposed is 72% on one Block and 86% on the other. One criteria fits well for R-3B, the other criteria is off by between 22% and 36%.

Chair Niemioja mentioned traffic safety was mentioned a lot. She asked if the traffic study was being done.

Mr. Hunting replied in the affirmative. All of those issues would be discussed at the City Council level.

Chair Niemioja assured those that sent in emails, it's not that they are not acknowledging some of those issues, it's getting outside of what they are doing tonight.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the Comprehensive Plan Amendment for At Home Apartments from HDR High Density Residential to MDR Medium Density Residential on Lot 1 Block 2 with the three conditions listed.

Motion carried (8/0).

Commissioner Weber asked if the Commission needs to approve the extra conditions.

Mr. Hunting replied the Commission would be approving the zoning to R-3B with accepting/approving flexibility from the unit percentage standard. It's part of the approval from R-3B. The Commission would have to agree that flexibility should be granted to allow the different unit percentage mix.

Commissioner Weber did not see that information written. It's why he was asking the question again.

Mr. Hunting suggested the recommendation state that it's with the flexibility of the percentages as proposed.

Chair Niemioja mentioned this subject is the sticking point. There are multiple options. The Commission can deny, state what they approve, and how they don't approve it. It gets beyond the zoning question.

Commissioner Weber said adding the point the City Planner wants them to add is a sticking point for him. If looking at the whole project and density the Commission is looking for, this meets that fact. He suggested the rest of that lie with the City Council.

Chair Niemioja mentioned if the lot was subdivided it would lie with the City Council anyway.

Motion by Commissioner Robertson, second by Commissioner Wippermann, to deny the request from At Home Apartments to convert the entire zoning to R-3B. Commissioner Robertson believes that the expectation for flexibility needed to make this fit is in excess of what the Commission's role should be in approving flexibility regarding the unit count.

Motion carried (6/2) - Scales, Challeen. This item goes to the City Council on January 24, 2022.

BLUE RIBBON BUILDERS- CASE No. 21-63PAZ

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for Blue Ribbon

Builders, LLC. Case No. 21-63PAZ for property located at 5871 Cahill Avenue. The request consists of a Comprehensive Plan Amendment to change the guided land use from NC, Neighborhood Commercial and LDR, Low Density Residential, to LMDR Low-Medium Density Residential 4-8 units per acre, and a rezoning from R-1C, Single Family Residential and B-3, General Business, to R-3B Multi Family Residential. Notices were mailed to 40 property owners on December 8, 2021.

Presentation of Request

Heather Botten, Associate Planner, presented the request for property located on the west side of Cahill Avenue, south of Upper 55th Street. This involves two parcels of land with a total of 2.24 acres. Current zoning on the northern parcel is B-3 General Business, the southern parcel is R-1C Single Family. The parcels in the 2040 Comprehensive Plan are guided as neighborhood commercial and low density. The Applicant wants to develop the two parcels into a townhome development. In order to do this, a Rezoning and Comprehensive Plan Amendment are required to be consistent with the development. If the requests are successful, an application would come before the Commission for platting and a Conditional Use Permit before any development can occur on the property. The subsequent process would provide time for public review and comment on the actual site plan and design. The proposed townhome development would consist of a maximum of 17 townhome units. At 17 units, 2.24 acres in size the density would be 7.6 units per acre. The density falls within the LMDR which allows for single family attached units and 4-8 residential units an acre. The proposed project is located in an area defined in the Comprehensive Plan as the Established Development Area and represents portions of the city that are mainly built out. Policies included in this district include:

- Allowing infill development in a manner that protects the character of existing residential neighborhoods.
- Ensure that new development areas are compatible in size and scale with existing adjacent neighborhoods.
- Provide a range of housing opportunities.
- Monitor the viability of existing commercial nodes.
- Encourage the integration of supporting residential uses where necessary.

Surrounding land uses include:

- Low density to the west and south.
- Public Open Space to the west.
- Neighborhood commercial to the north.
- Across the street to the east there is neighborhood, commercial, and medium and high density residential.

The Applicant is also proposing to rezone the property to R-3B. The R-3B District is established for multiple family dwellings up to 7 units per building with densities up to 12 units per acre. The rezoning would be in the best interest of the city. This suggests looking at factors such as infrastructure availability, compatibility with existing land uses, and consistency with the Comprehensive Plan. With this, infrastructure is currently in place to accommodate multi-family development. Surrounding land uses include:

- Commercial to the north.
- Office uses to the north.
- Multi-family and offices to the east.
- Single family residential and open space to the west.
- Single family to the south.

Staff believes the proposed R-3B zoning would be a compatible transitional use with the existing uses in the neighborhood along with it being located along a minor arterial street. The proposed zoning is compatible with the proposed land use of LMDR. The LMDR Comprehensive Plan would limit the density to 8 units per acre. Staff feels the project is consistent with the neighborhood and would not change the overall character. Staff recommends approval of the request with the conditions listed. Two residents contacted Staff with general questions about the request. One

wanted the Applicant to comment on other work they have done in the metro and if approved, what the timeline for construction would be.

Opening of Public Hearing

Doug Johnson, Owner of Blue Ribbon Builders, LLC, 474 Manor Drive, Spring Lake Park, Minnesota, 55432, stated he has read and understands the report.

Jenny Finwall, 5905 Cahill Avenue, said her property is located to the south and shares a 270-foot property line. She is against the build. There are a lot of trees and deer, her backyard is nice and quiet. She doesn't want that to change. It doesn't fit in the neighborhood. She asked what would fit, and questioned if Cahill was commercial or residential. She is aware there are several residential builds but no commercial. She displayed a panoramic picture of her back yard and asked how the townhouses would add value to existing homeowners. She is against the project and doesn't want it to change. She said she realizes the home next to hers isn't a common home people want to live in with a one car garage. She doesn't feel she should be penalized because the person next door to her never maintained their house. She believed it has other good uses and if priced correctly, she and her brother would purchase it themselves.

Kevin Sethre, 3650 73rd Street East, referenced a comment made by Commissioner Scales about how "they don't hang their hat on the Comprehensive Plan". He asked why it's an action item on the agenda if they don't hang their hat on it. He was curious about why the current Agenda Item only addresses 5871. He asked if it was because of a different zoning designation for the other lot. There are two lots involved. A map of the location was displayed.

Ms. Botten referenced the map stating it was both the lots.

Commissioner Weber said it was two PID's but one address.

Chair Niemioja responded to Mr. Sethre's question regarding the Comprehensive Plan. The Comprehensive Plan is a guiding document that has guiding principles the Commission tries to adhere to in every decision they make. The guiding principles encompass the entire plan. The land use portion of the Comprehensive Plan does change depending on discoveries, topography, soil problems, or changes in neighborhoods. Her take is the principles of the Comprehensive Plan encompass every decision on the Comprehensive Plan.

Commissioner Scales added that the Comprehensive Plan guides the way they think about the city and the way they guide development. If hanging their hat on the Comprehensive Plan, a lot of them wouldn't have a home in the city right now. It changes over time, how the city wants to grow, how the city changes.

Mr. Sethre spoke against the proposal commenting that rezoning proposals throw up a flag in established neighborhoods. Neighborhood comments are important. He mentioned Agenda Item 3.02B indicates zoning on the subject property is designated R-3B. He has learned, through sitting on a City Commission, in looking at the zoning and future use map on the city website, R-3B is defined as high density residential up to 12 units per acre. There seems to be a disconnect between that and the Comprehensive Plan. He wanted to express concern that he doesn't think it fits well with the site and has been hearing other things from residents in the neighborhood who are against it also. He doesn't live in the neighborhood, but knows people there.

Commissioner Simon asked if this double lot was before the Commission recently.

Mr. Hunting responded the Council reviewed this request a year ago for an apartment building proposal. It had a request to change the guiding to a higher density.

Commissioner Robertson asked if the entire parcel was R-3B.

Mr. Hunting replied it's proposed to be R-3B.

Commissioner Robertson asked if the area was currently guided commercial.

Mr. Hunting responded in the affirmative.

Commissioner Robertson requested seeing where the Walgreens location was on the map. The request was to take what is currently commercial and merge it into what is 3B and call the whole thing 3B.

Ms. Botten replied in the affirmative. It would take half of the lot from B-3 to R-3B and the other half from R-1C to R-3B.

John Maloney, 5888 Burke Trail, lives in the neighborhood behind the development. He said there was a proposal back in February or March on this piece of property. He thought most of the residents in the area understand that another use is in the city's best interest long term and are moving in the right direction, LMDR probably does fit. His concern with the last request was that an apartment building was too much of a change. The area liked the idea of a transition. The area in which he lives, most have been there since the day they moved in. He's been there since 1997, loves the area and neighborhood. He was concerned, when going to R-3B zoning, why they couldn't go with an R-3A classification. It changes the buildings being proposed. Looking at the buildings proposed now, they would have to seek a variance. The area he lives isn't in favor of granting variances for setbacks on the back of the property. His understanding is there has to be a 30-foot setback on the back lot line, what is proposed is within 20 feet.

Ms. Botten replied the site plan is not being reviewed at this time. Their initial draft showed a 20-foot setback. She agreed it was a 30-foot rear yard setback.

Mr. Maloney mentioned the Developer has just about the max at 8 per acre, that's 17. If cutting back two units to 15, they could have the same style of townhome. He would be comfortable with it.

Commissioner Weber mentioned it would be the same 30-foot rear yard setback for an R-3A. Density is all they would be losing.

Mr. Maloney said if going up against the back lot line at 20 feet, a variance would be needed. If they eliminated a couple of units things would be good.

Mr. Doug Johnson, Blue Ribbon Builders, said they currently have a concept type plan for rezoning. The number of buildings would determine the setbacks. They are cognizant of that and would be following the Ordinances and the setbacks.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Robertson said her understanding was that there wasn't a site plan, this is for zoning. She felt the zoning was appropriate as a transition from single family, commercial, what's on the other side of Cahill, and multiple uses around it. She responded regarding the statement of the trees in the backyard saying it's not something that R-3B mandates is going to change. All of that is subject to future discussion. She felt it was an appropriate rezoning.

Chair Niemioja said this group is notoriously difficult on variances. She believes the point is well

made that seeking a variance is hard, Practical Difficulty has to be a real thing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the Comprehensive Plan Amendment change for property located at 5871 Cahill Avenue (two parcels) from guided land use of NC, Neighborhood Commercial and LDR, Low Density Residential to LMDR, Low-Medium Density Residential, and the rezoning from R-1C Single Family Residential and B-3 General Business to R-3B Multi Family Residential with all conditions listed.

Motion carried (8/0). This item goes before the City Council on January 10, 2022.

SUMMERGATE DEVELOPMENT - CASE NO. 21-64PA

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for Summergate Development, Case No. 21-64PA for property located at 1401 70th Street. The request consists of a Comprehensive Plan Amendment to change the guided land use from LMDR, Low-Medium Density Residential to LDR, Low Density Residential; 1-4 units per acre. Notices were mailed to 29 property owners on December 8, 2021.

Presentation of Request

Allan Hunting, City Planner, described the project location on the north side of 70th Street to the east of Highway 3, land immediately east of the Canvas Development currently under construction. The Applicant has worked with Staff on layouts. The proposal concept plan is for 2 units per acre, the current Comprehensive Plan designation is 4-8 units per acre. The request is to change it to an LDR at 1-4 units per acre which is consistent with the unit count shown on the concept plan. The site has 77 gross acres, net developable area is about 67 acres. The property is currently zoned Agriculture and guided LMDR. This is to determine if it's appropriate to change the guiding from LMDR to LDR. The site plan is not being reviewed. If approved, the Developer would have to submit application for platting, PUD approval, and have a neighborhood meeting before making application. At that time is when details of a site plan would be reviewed. Project type would be consistent with an LDR designation. Surrounding uses have different densities of residential:

- The west has a higher type narrow detached single family rental project.
- To the east is an existing 2.5 acre unsewered neighborhood.
- To the north there are large lots of 5 or greater acres.
- Land to the south is larger lot residential.

The current sketch plan has about 123 lots over 66 net acres giving a density of 1.9 units per acre. The report lays out rationale for and against. There are a number of constraints on the property:

- The previous owner had expanded and created a water body in the middle.
- There is the existing house.
- A gas easement runs east/west through the project.
- The terrain.
- Street requirements further limit the developable area down to about 44 acres.

The report noted that the density from the 2030 Comprehensive Plan to the 2040 Comprehensive Plan recognized some of those restraints, reduced it, and split it down to all LMDR. The Developer has looked at this in numerous ways and is still looking at how to achieve a density from the current guiding. They propose detached single family at 2 units per acre which lines up with the LDR. To note against:

- Would be reducing the allowed density from LMDR to LDR
 - A difference in range has potential for reduced overall unit count density in the northwest area.
- Could be some impact to potential commercial and park dedication requirements if having

reduced rooftops

- o Developer could continue to try to pursue more of a different unit count and unit type to meet current guiding. From that point, may not need to be changed.
- Still need to look at the Finance Policy further.
 - o Potential to the issue of density, the assumptions, and how much it would pay towards its fair share of trunk sewer and storm systems.
 - o Something that would be addressed further at a City Council meeting.

Overall density implications for the city and comparing it to the Comprehensive Plan for density. Was at 4.43; drop in units goes down to about a 4.33 from the range of LMDR to LDR. Not a significant impact in trying to be consistent with the Comprehensive Plan. Staff believes the change to reduction would have some benefits as it would be a better transition from going west to east to existing large lot residential, has the potential for providing more open space, and more of an open space buffer along the east boundary. Staff would be supportive of the change, doesn't see a downside from financial and density, and believes there is some benefit to transition of unit types from west to east.

Chair Niemioja said a letter was received from the Housing Committee that has been submitted into the record. Two emails still need to be placed into the record.

Motion by Commissioner Robertson, second by Commissioner Weber, to add two emails into the record.

Motion carried (8/0).

Commissioner Weber asked if there would be any issues with the lot size and impervious surface on the larger home that is being left on the property.

Mr. Hunting assumed so, but hasn't been looked at in detail at this time. A larger lot around that is being proposed, but would be looked at in the overall picture.

Opening of Public Hearing

Bryan Tucker, Summergate Development, 17305 Cedar Avenue, Lakeville, said he has John Bender with Westwood Professional Services with him who is one of the Engineer's helping with the project. He has read and understands the report. He agreed with the statement that the Northwest Overlay District is complex. He has been working in this line of work for over 25 years and this has been one of the most challenging Ordinances he has run up against. He requests to develop this site at a lesser intensity than currently designated. Reasons why are listed in the report. The area is more conducive for single family, believes it's more compatible with the neighborhood, fits the topography and existing constraints. He said they acknowledge the conditions of approval Staff recommended. They acknowledge there is a gap in the utility fees that they would be responsible for if they develop at roughly half the number of units currently designated. They have been factoring that in to the review of the site.

Commissioner Wippermann asked what the price range of homes were anticipated to be.

Mr. Tucker replied pre-marketing has been done, a part of that is leading them to look at single family rather than smaller townhomes. It would likely be in the \$600,000 and up range which is typical of most new single-family housing they are doing and seeing around the area.

Mark Pieper, 7109 Fleetwood Drive, Edina, Minnesota, owns the little house on the hill located at 1415 70th Street. He would likely be impacted the most because the existing property takes up three sides of his property with exception to the road side which is 70th Street. His biggest concern is that on the 80 acres there is a beautiful home and barn with an elevator. The property comes within 20 feet of his kitchen. Within that space he ends up with the owner's commercial rubbish

recycling containers. In the summer he gets that aroma. Those are placed 20 feet from his kitchen window and have been in that location for the 3 years he's lived in the home. The commercial cans are not picked up as frequently as residential and he's left with the aroma. His concern is that he hopes he doesn't end up with everybody else's garbage can, mailbox, paper box, and that the road designed into the property be 20 feet from his kitchen window. He requested the Commission take into consideration and give him an area that trees are not destroyed to give a border to keep things further away from his kitchen window. He sits in the middle of the property and is landlocked. He would like a buffer zone a minimum of 50 feet, but prefers 100 feet away from his home.

Chair Niemioja asked if Mr. Pieper had spoken with the Developer.

Mr. Pieper responded no. He realizes he may be premature in what he has brought forward.

Chair Niemioja stated the matter under discussion this evening would not cover that particular issue.

Craig Hillegas, 6755 Arlene Avenue, east of the proposed development said current zoning is Agricultural. He suggested zoning not go as far down as Low-Medium Residential. He suggested making it Estate 2 which is 1.75 acres and gives a better buffer between Arlene Avenue. As they go further west towards Robert Street, he recommended going higher density. He stated the notice that was sent out went out to 350 feet, it wasn't far enough for the area and needed to go out further for large lots and the area around it with 5-10 acres.

Chair Niemioja replied the Planning Commission is not in charge of notices that go out, it's more of a Legal rule. She asked the City Planner where notices were located other than the city website.

Commissioner Weber mentioned residents could sign up to receive an email.

Mr. Hunting responded that it's posted on the city website and published in the St. Paul Pioneer Press. Yellow signs are also posted on the property.

Chair Niemioja referenced the E-2 designation and density requirements and asked if that designation gets them too far.

Mr. Hunting replied E-2 is a zone they don't use anymore and would be used for un-sewered. This area is within the MUSA Boundary Guide. This land has been guided for sewer development of those densities and outside of the zoning categories and current guiding. It is not intended to provide lots of that size.

Mr. Hillegas asked if that wasn't in use anymore, if there was a designation similar in lot size.

Mr. Hunting responded the current for rural is E-1, 2.5 acres for un-sewered, outside of the MUSA area only.

Mr. Hillegas asked within the MUSA area if there was a larger lot designation that could be used.

Mr. Hunting responded within the Comprehensive Plan it would be LDR, 1-4 units per acre. R-1C zoning would be a typical standard for sewer. The northwest area doesn't have a minimum lot size requirement. If fitting within the density, lot sizes can vary to whatever the Developer proposes to fit the density.

Mr. Hillegas requested having more of a buffer than Low Density Residential when abutting the larger lots. If that is the lowest, they can go, he suggests looking at another option to make bigger lots with larger houses which sell quicker. He said people are looking for larger lots and want to build bigger houses.

Dustin Oehler, 6835 Athena Way, asked when there would be discussions about how streets would be laid out and interconnected.

Mr. Hunting replied if this was successful and the Developer continues to pursue, they would be applying and platting for the PUD. That is where the detailed site plan would be done. The Developer would also have to hold a neighborhood meeting prior to making application. The neighborhood gets a chance to comment before plans are submitted and would have a chance to comment during the process. Details such as street connections, lot sizes, density, and performances would be discussed.

Andy Hansen, 6750 Arlene Avenue, agreed with what was said prior by residents that spoke. He echoed the street connection issue and had concerns about easements in the area and what the ramifications may be. He asked what the timeline would be calendar wise in terms of months.

Mr. Hunting responded he was unaware of when the Applicant would submit. The process is 2-step, preliminary plat, preliminary PUD, which is an 8+ week process. Then the Applicant comes back with final plat and PUD which could also be 6-8 weeks. There's roughly 4 months in the two approval processes.

Mr. Hansen asked what the process was Council-wise, where it goes after the Planning Commission.

Mr. Hunting replied the Planning Commission makes a recommendation that goes before the City Council for approval/denial of the land use designation.

Mr. Hansen said there are concerns about the connection of the streets. They are opposed to streets connecting into Arlene Avenue or Athena Way just because they could be done. He thought most of the traffic pattern would be going north/south. There would not be anywhere for them to go if coming into their neighborhood.

Commissioner Weber replied it looked like there was an east/west street. The Canvas Development has an east/west street. It was one of things that was discussed with the Canvas Development was to make sure there was gently sloped connections to go from that property to the property they are trying to develop. They may have a street that is going to go east to Athena from there.

Mr. Tucker, Summergate, said their objective was to get the land use guiding question out of the way because it didn't make sense for them to invest a lot of time, money, and engineering effort if the Planning Commission and City Council were not comfortable reducing the density. If this gets through the City Council towards the end of January, they would likely look at a March submittal at the earliest.

Mr. Hillegas mentioned with development happening and the statements put out by the city, they reference the existing character of an area. He didn't see that with some of the other developments, the land is devoid of trees and leveled out. It doesn't match the existing character of the area. He hoped this is one of the developments that would go against that trend and match the existing character of the area, the rolling hills, trees, water. He requested keeping it that way.

Diane Rademacher, 6560 Arlene Avenue, mentioned that she would not receive a notice for this coming next to their neighborhood because she lives on the other side of the street. They would not have received a notice for this meeting or one to meet with the builder because they don't live close enough. She requested their entire neighborhood be notified. She was sad to see a lot of the clear cutting that is going on around the city. She understood it wasn't just the city or Developer's. She liked the idea of wetlands and some of the other things shown on this plan. She

wanted a lower density. She stated there seemed to be an outlet going to 65th which is another issue that would need to be discussed. She asked if a decision has been made from the Lawyer's about the parkland it hits. It would cause the road to veer off into her neighborhood and go into other directions because of water sites. She asked if that has been cleared up yet, if the city has made a decision, or found out legally if that road could go through the edge of that park.

Mr. Hunting addressed the road and the park reference stating there were other Departments working on those discussions.

Ms. Rademacher said a Legal issue was brought up 1-2 years ago and residents never heard further.

Commissioner Weber asked which park she was referencing.

Ms. Rademacher replied Salem Hills Park. If the road is as big and wide as proposed, half would be in the park. Now there is a development coming through, the road could be going through again. There are a lot of terrain issues where the road is proposed to be. She mentioned there is a noted greenway, houses are in the way of the greenway. She was concerned about the greenway because there are a lot of large Oak trees there, land, and what it would mean to the animals. She requested receiving notice from the city on the meeting.

Chair Niemioja said she didn't believe the city has the capacity to expand notice beyond the legal requirement. She suggested checking the city website for information.

Ms. Rademacher asked if notice wouldn't be sent even if the request is made by citizens.

Off camera it was mentioned they could be notified via email.

Dustin Oehler, 6835 Athena Way, asked if the neighborhood meeting with the Developer include Arlene and Athena.

Mr. Hunting replied the Developer sets up the mailing. Staff can ask the Developer to expand and include a larger area.

Chair Niemioja closed the public hearing.

Chair Niemioja re-opened the public hearing.

Karen Vandavelde, 6565 Arlene Avenue, said the biggest concern to them is the amount of homes and size of lots. She prefers that decision not be passed because all of their homes are large. Everything is torn down around them; the area is park. People comment about the area. Putting 100 homes in would be a disaster, traffic would be terrible. It would be too many houses in the area for the rest of the area.

Chair Niemioja clarified that the request stating the Developer is asking to put less houses on the property than originally required. She asked if Ms. Vandavelde was saying to go for less houses and support this, or if she was saying no development.

Ms. Vandavelde replied she was concerned about the acreage. She sees smaller lots. The existing homes in the area all have 2.5 to 3 acres. Larger lots would be a good thing.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja said the Commission has not had a request to down-zone in a while. Having less density, as long as Staff approves, from her perspective seems like a relief. She felt the request

was a good step.

Commissioner Robertson commended those people that had concerns and felt tonight would be a good night to get their concerns on the record even if they are not subject to what is being voted on tonight. She commends them for being a step ahead. She said this is the initial place to look at density. The Developer has an obligation to provide a public meeting for all to express concerns, even concerns such as keeping it less dense. She suggested residents be alert for the public meeting to express concerns that were expressed tonight.

Chair Niemioja addressed the Housing Committee letter in which the Committee was hoping this would maintain at a higher density. She felt it was important to hear from a group of volunteers who look at the entire city as a whole trying to provide input. Nothing in the letter helps her understand why this particular parcel needs that level of diversity. She hoped the Housing Committee could flesh that out and bring it to the City Council if they believe this should stay at a higher density. She appreciated the letter. She didn't know enough information to sway her that would not change her mind.

Commissioner Challeen said when reading the letter and looking at considerations around why this would be low density residential based on some of the constraints of the land, it swayed her more towards low density rather than low medium, not based on a plan, but looking at the land and what fits.

Chair Niemioja opened the public hearing for a question from a resident.

Andy Hansen, 6750 Arlene Avenue, asked about what the Housing Committee was.

Chair Niemioja replied it is a volunteer committee. It is not televised and meets quarterly.

Mr. Hunting said they meet five times a year.

Chair Niemioja said there is information on the city website about the Committee and their purview. They look at housing stock, diversity in housing, affordable housing, senior housing and how it all fits in. The Committee takes matters as they find them interesting. Their intent is to work with Staff and if there is a concern Staff shares that with the Commission. Like any Commission position, there is the ability to apply in the spring.

Commissioner Simon asked if the Housing Committee had meeting dates located online.

Mr. Hunting replied in the affirmative.

Commissioner Scales said he drove up and down 70th and looked at this development. It's changed a lot. He grew up on a small hobby farm there which is now Athena Way, a name they found in the Dictionary to name the street. He has watched the location over the last 40 years, some has been good to see, some has concerned him. The development going down there now, the way they cleared everything, there was another development like that off of Inver Grove Trail, everything was clear cut. Once the developer came to the Commission a second time, requirements were placed that they not do that and try to maintain the character the best they can, understanding the topography has limitations. He liked the idea of the development with lower density compared to what they could have done in the area. He believes it would help as a buffer from the smaller to larger lots. He felt there was some opportunity for buffer zones. As it sits, he felt it was a good-looking start to a development.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Simon, to approve the Comprehensive

Plan from Low Medium Density Residential, to Low Density Residential, with the three listed conditions for Summergate Development, located in the Northwest Area.

Motion carried (8/0). This item will go before the City Council on January 10, 2022.

4. OTHER BUSINESS

Mr. Hunting mentioned there would not be a Planning Commission meeting held for the first meeting in January. The second January meeting will still take place.

5. ADJOURN

The meeting was unanimously adjourned at 9:25 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Clerk