

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 17, 2018 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Commissioner Scales called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tony Scales  
Dennis Wippermann  
Pat Simon  
Elizabeth Niemioja  
Brett Kramer  
Jonathan Weber  
Armando Lissarrague  
Annette Maggi (arrived at 7:40 p.m.)

Commissioners Absent: Joan Robertson (excused)

Others Present: Tom Link, City Administrator  
Allan Hunting, City Planner  
Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the June 19 Planning Commission meeting were approved as submitted.

### **MEI MEI MAK – CASE NO. 18-36PDA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a zoning code amendment to the Bishop Heights Planned Unit Development to allow for a massage therapy business on Lot 3, Block 1, Bishop Heights 4<sup>th</sup> Addition, for the property located at 5751 Blaine Avenue. 9 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting an amendment to the Bishop Heights PUD Ordinance to allow for a massage therapy business to be located within an existing building. The massage therapy business would lease 1,300 square feet of space and would not have more than three employees working at one time. The Bishop Heights PUD was set up with its own ordinance with each parcel of property being approved for certain uses. The original approval for the site was for 9,100 square feet of retail space. The PUD currently allows retail/restaurant with a drive-through and feline veterinary clinic. The massage use does not fall under any of the permitted categories, therefore the ordinance needs to be amended to reflect the proposed use. Massage therapy is a permitted use in all of the B districts. The current PM traffic counts on this lot include the building that is all retail, which has a higher traffic demand than the proposed massage clinic, therefore in this case we would not be modifying the traffic counts in the PUD ordinance. Staff does not believe parking would be a concern with this use. Staff recommends approval of the request. Staff did not hear from any neighboring property owners.

#### **Opening of Public Hearing**

Mei Mei Mak advised she was available to answer any questions.

Lisa Diehl, the leasing agent for Inver Grove Marketplace, advised she would be assisting Ms. Mak this evening.

Commissioner Scales asked the applicant if she read and understood the report.

Ms. Mak advised that she understood a little.

Ms. Diehl advised that they have walked Ms. Mak through the application.

Commissioner Scales closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Lissarrague, second by Commissioner Niemioja, to approve the request for a zoning code amendment to the Bishop Heights Planned Unit Development to allow for a massage therapy business on Lot 3, Block 1 Bishop Heights 4<sup>th</sup> Addition, for the property located at 5751 Blaine Avenue.

Motion carried (7/0). This item goes to the City Council on July 23, 2018.

**BETH AND STEVE HOEPPNER – CASE NO. 18-34C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface for the property located at 6511 Arctic Way. 8 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, presented the request as detailed in the report. She advised that the property is in the Blackstone Ridge PUD development. This PUD allows for 3,704 square feet of impervious surface per lot. City Code allows an additional impervious surface amount up to 10% of the lot size with a conditional use permit. The applicants would like to add a porch addition to their property that is currently under construction. The proposed porch would exceed the maximum impervious allowed but would be within the additional 10% allowance. The applicant has agreed to comply with the stormwater treatment requirements on the property which would help maintain the drainage and stormwater runoff from the abutting property owners. Staff recommends approval of this request with the conditions listed in the report. Staff did not hear from any surrounding property owners.

Commissioner Niemioja asked if the rain garden would be part of the required infiltration system.

Ms. Botten replied in the affirmative.

Commissioner Wippermann noted that the subject lot was fairly large at 16,000 square feet.

Ms. Botten stated that the amount of impervious surface allowed in this PUD was not based on lot size, but rather there a specific amount was allowed for each lot in this PUD. She explained that a 12,000 square foot lot would be allowed the same amount of impervious surface as a 16,000 square foot lot in this PUD.

Commissioner Simon asked if this was the first CUP that had been requested in Blackstone Ridges.

Ms. Botten replied in the affirmative.

**Opening of Public Hearing**

Beth and Steve Hoepfner, 6511 Arctic Way, advised they were available to answer any questions.

Commissioner Scales asked the applicants if they read and understood the report.

The Hoepfners replied in the affirmative.

Commissioner Scales closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for a conditional use permit to exceed the maximum impervious surface on the property located at 6511 Arctic Way, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on July 23, 2018.

**JAN AND LINDA JENSEN – CASE NO. 18-35V**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance to adjust a lot boundary that creates a lot less than the required 2.5-acre minimum lot size requirement, for the property located at 2701 – 87<sup>th</sup> Street. 25 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the two abutting properties involved are zoned E-1, Estate, which requires a 2.5 minimum lot size. Due to a property line dispute a judge ordered a portion of Parcel 2 to be sold to Parcel 1, along with a lot boundary adjustment. This lot boundary adjustment decreases the size of Parcel 2 and causes it to be non-conforming as it would be less than the required 2.5 acres. Because of the court order, the lot line will change with or without the requested variance. To avoid confusion in the future, and any potential impact that the current owner might have when selling the property, they are asking for the variance to make it a legal lot of record. A practical difficulty can be found in that this is due to a court order and approving the variance would make the lot a legal lot of record. Staff recommends approval of the request with the condition listed in the report. Staff did not hear from any of the surrounding property owners. The owner of Parcel 2 is in agreement with the request and the owner of Parcel 1 is the applicant.

Commissioner Scales asked what the consequence would be of not getting the variance.

Ms. Botten replied that Parcel 2 would be considered a non-conforming lot.

Commissioner Scales asked when that would become an issue.

Ms. Botten replied it could have an impact if the homeowner applied for a building permit, but mostly a lender may not like the fact that it is a non-conforming lot.

Commissioner Niemioja asked if approving the variance would make this a legal non-conforming lot.

Ms. Botten replied that it would not change the zoning, but there would be a variance on file against the property stating that the City approved it to be a legal lot of record.

### **Opening of Public Hearing**

Jan Jensen, 2585 – 87<sup>th</sup> Street East, stated he was available to answer any questions.

Commissioner Scales asked the applicant if he read and understood the report.

Mr. Jensen replied in the affirmative.

Commissioner Lissarrague asked if the property lines had been established to the satisfaction of the court and both neighbors.

Mr. Jensen replied in the affirmative, stating the judge approved the property lines and ordered judicial markings to be set.

Mark and Cindy Nordstrom, 2701 – 87<sup>th</sup> Street East, stated that getting the variance would benefit them by making this a legal lot of record.

Commissioner Scales closed the public hearing.

### **Planning Commission Discussion**

Commissioner Weber asked if it was common for the neighboring property owner to make application versus the affected property owner.

Ms. Botten replied that it was possible but not common; however, both owners were required to sign off on the request.

Mr. Nordstrom advised that the reason Mr. Jensen submitted the application was because part of the settlement was that Mr. Jensen would take care of everything.

### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a variance to adjust a lot boundary that creates a lot less than the required 2.5-acre minimum lot size requirement, for the property located at 2701 – 87<sup>th</sup> Street.

Motion carried (7/0). This item goes to the City Council on July 23, 2018.

Commissioner Niemioja added that the variance request was unique and specific to this parcel.

## **CITY OF INVER GROVE HEIGHTS – CASE NO. 18-39S**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat to create a two-lot, three outlot subdivision to be known as McGroarty Park 1<sup>st</sup> Addition, for the property located at 5861 Blaine Avenue. 27 notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City is initiating a request to subdivide a portion of City-owned land between the west side of Highway 52 and Blaine Avenue, south of Upper 55<sup>th</sup> Street. The plat would consist of two lots and two outlots. The owners of the AmericInn Hotel are looking for a permanent location for their park-n-ride lot that they are currently operating out of the theater parking lot, with a potential future convention/meeting room being added to the hotel. They approached the City about purchasing some land for the operation. AmericInn is looking at purchasing a 2.5-acre parcel which would be Lot 1. Lot 2 would be retained by the City and sold at a later date. Outlot A is a remnant parcel

divided by the Highway 52 right-of-way and would become part of McGroarty Park on the west side of the highway. Outlot B would be for future development. A 20-foot trail easement shall be dedicated with the plat. The property was originally given to the City for park purposes but over the years the Councils have chosen not to use it as a park. The property has been guided for Office for at least the last 20 years. The City received two emails from neighboring property owners, both of which were distributed to the Commission.

Commissioner Simon asked who would pay for the construction of Blackshire Court should the AmericInn purchase be approved.

Mr. Hunting replied that the street would not be built with this development as AmericInn would access the property through their existing lot. If it was built the cost would be assessed back to the property owners who would gain benefit from that street.

Commissioner Wippermann asked how selling a portion of this property would impact the plan for this whole area becoming an office campus.

Mr. Hunting replied that it is not looked at as a detriment because the northern portion would likely be developed separately from the southern portion due to significant topographical changes.

Commissioner Scales closed the public hearing.

#### **Opening of Public Hearing**

Brett Rose, 5861 Blaine Avenue, advised he was available to answer any questions.

Commissioner Scales asked the applicant if he read and understood the report.

Mr. Rose replied in the affirmative, but advised they had a concern about the drainage easement shown on the southern portion of Lot 1.

Mr. Hunting advised that the easement would be discussed at such time as development occurred, including potential adjustment of the easement.

Cynthia Smith, 5986 Blaine Avenue, stated that prior to purchasing their home in 2016 they spoke with the City and looked at the comprehensive plan to see what the future use was for the property across from them. It was designated as Office. According to the comprehensive plan Highway 52 may get expanded to six lanes and she was concerned about the noise impact that removal of the existing vegetation would have on nearby residents. She stated the homeowners in her neighborhood relied on plans published by the City before investing in their homes and she was concerned about the negative impact this would have on her neighborhood. She felt that an office complex like CHS would enhance the property whereas the proposed Regional Commercial would be detrimental. She does not want to be looking at a parking lot. Ms. Smith stated the property should remain zoned as is as residents should be able to rely on what the City commits to regarding land use.

Jim Murphy, 6042 Blaine Avenue, agreed with Ms. Smith's concerns, stating the proposed change would be detrimental to the neighbors. He advised that if the existing hill is removed to do the proposed work it would result in excessive noise which is currently buffered by the trees and he was concerned about the negative impact this would have on their property values and quality of life.

Commissioner Scales asked for clarification of the current guiding for the subject property.

Mr. Hunting replied that it has been guided for Office for at least 20 years and it was assumed it would develop into an office park.

Commissioner Niemioja asked if the City had ever marketed this area for office development.

Mr. Link replied that two of the three parcels were owned by the City; the middle parcel was owned by MNDOT. The City has expressed an interest to MNDOT to acquire the property to the south, but they have not yet been successful. If at some point that parcel is purchased it would create a much larger parcel and they would actively market the property at that time.

Commissioner Niemioja asked how long that has been in the works.

Mr. Link replied they have been working on environmental investigation, negotiations, etc. for 5-10 years.

Commissioner Weber noted that the Dakota County website states that the middle parcel is owned by the City.

Mr. Link advised that the County records are incorrect in this case; it is actually owned by MNDOT.

Dan Capiz, 5964 Blaine Avenue, advised that he and his family live across the street from the subject property, which is currently wooded and makes a natural buffer from Highway 52. He advised that he had discussions prior to buying his home 10 years ago regarding this property and was told there was no plan to build at this time, but it was zoned for office. He stated that to live across the street from a park and then to have it taken away for a parking lot or commercial project was concerning and changed everything a person feels about their property. He stated there were some minor disturbances due to the foot traffic in this area, but this would open it up to even more potential issues.

Commissioner Scales asked Mr. Capiz if he was aware when he bought the property that it was guided for office across the street.

Mr. Capiz replied it was described as being similar to the offices up the street which would have been fine with them.

Chair Maggi asked if there were ordinance rules about noise control from the highway or buffer distances.

Mr. Hunting replied there were no buffer requirements for office or commercial in regard to the highway noise. He noted that tree removal would occur no matter what the development was, but future buildings may act as a buffer.

Brett Rose, 5861 Blaine Avenue, advised that because they were concerned about minimizing the impact to the neighbors they chose to expand to the south instead of the east so the neighbors could retain the tree buffer.

Commissioner Niemioja asked if AmericInn's park-n-ride lot at the theatre was already filled.

Mr. Rose replied they are proposing to move from the park-n-ride lot from the theater location to the subject property.

Ms. Smith stated the concern is not just with what was being proposed today but what could happen in the future if this gets rezoned. She suggested that AmericInn use available commercial

lots that were already appropriately zoned rather than trying to change the land use on this property. The current park-n-ride lot has semi's and people hanging around at night which is not what they want in their residential neighborhood, especially with a daycare across the street. Whatever goes in on this property should blend with the existing community and the neighbors are asking the Commission not to approve something that would negatively impact the neighbors.

Commissioner Scales asked Ms. Smith what she would like to see on this property.

Ms. Smith replied that when they moved in they were told it would likely be either nothing or a larger complex like CHS, which she feels would be a nice addition to the community and would blend with the surrounding area. She did not feel the proposed use would be a good fit for this community.

Linda Murphy, 6042 Blaine Avenue, advised that when they purchased their home they were told this property would have no tall commercial buildings, and that if it was developed it would be manicured two story office buildings. She advised that currently the property is being used informally as a park by people walking it with their children and pets and she questioned why this land was never developed into a park. She was opposed to the zoning change and how it would negatively affect their property values.

Commissioner Scales asked staff when the property was donated to the City.

Mr. Hunting stated he was unsure, but that it was likely prior to the highway being built.

Molly Steiner, 6008 Blaine Avenue, agreed with the previous neighbors' comments, stating she never would have purchased her home had she known there was the potential for what was being proposed. She stated she had three children and had safety concerns about the proposed use.

Vance Grannis, 9249 Barnes Avenue, gave the history of the parcel. He advised that it was given to the City shortly after it was incorporated in 1965. It was given to them by the South St. Paul Kiwanis Club who had used it for boy scout camping, etc. The property was later split when Highway 52 was built. The parcel owned by MNDOT was previously the South St. Paul Rod and Gun Club.

Brett Rose, 5861 Blaine Avenue, said it was his understanding that the property was not being rezoned, but rather the request was just for a preliminary and final plat.

Mr. Hunting replied in the affirmative, stating the application is only for the subdivision. If that gets approved and the land is sold, they would then have to come back with a request to rezone just this one lot.

Commissioner Scales asked for clarification of the anticipated use for the balance of the property.

Mr. Hunting replied that from the City's perspective there is no plan for the balance of the parcels. They would remain as McGroarty Park at this time.

Commissioner Weber asked what the maximum height allowed would be for the current land use designation of Office PUD.

Mr. Hunting advised they would look that up in the Zoning Code

Ms. Smith stated that although the building could be taller, there were other requirements in City Code specifying that the plan include landscaping and that it must blend with the neighborhood.

Commissioner Niemioja advised that those would be required of a parking lot as well.

Commissioner Scales closed the public hearing.

### **Planning Commission Discussion**

Commissioner Lissarrague stated that he sympathized with the neighbors who relied on the information they were given when they invested in their homes and were now being told something different.

Commissioner Niemioja stated that while the comprehensive plan can be amended, she was concerned that this land had not yet been marketed. She was reticent to subdivide the property, and ultimately rezone it, and lose the potential opportunity for something like an office complex. She noted there were other ways for Americlnn to expand their park-n-ride parking and would like City Council to address this matter before making a decision.

Chair Maggi agreed, stating that City Council denied the first apartment proposal at Argenta Hills as they felt it was premature. She felt the same way about this project and did not want to subdivide it before marketing it for a higher and better use.

Commissioner Lissarrague stated this was similar to a recent application in which the neighbors were opposed to a park being subdivided into three lots; in that instance the Planning Commission listened to the neighbors.

### **Planning Commission Recommendation**

Commissioner Weber asked if they could move the application forward without a recommendation.

Mr. Hunting replied in the affirmative, adding that if they were not in favor they could also recommend denial.

Commissioner Wippermann stated this is a fairly large piece of property that has the potential to do something great; therefore, he was opposed to parceling off property at this point and was concerned that this would be different from what the neighbors had been told would occur on this property.

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to deny the request for a preliminary and final plat to create a two-lot, two outlot subdivision to be known as McGroarty Park 1<sup>st</sup> Addition, for the property located at 5861 Blaine Avenue, based on there not being enough effort put into marketing the property and that subdividing it at this time was premature and would impact the current vision for the property.

Commissioner Niemioja noted that the difference she sees between this property and the Argenta Hills property is that the Argenta Hills property had been heavily marketed whereas this property had not.

Motion carried (8/0). This item goes to the City Council on August 13, 2018.

Mr. Hunting addressed Commissioner Weber's previous question, stating that height would be approved by the PUD. For reference, the Industrial Office Park district allows a maximum height of 60 feet and Office Park allows up to 100 feet in height.

Commissioner Weber pointed out that the neighbors could potentially be looking at a multi-story building if an office park was built across the street.



## **HAMPTON COMPANIES – CASE NO. 18-37PUD**

### **Reading of Notice**

There was no public hearing notice.

### **Presentation of Request**

Mr. Hunting explained the request as detailed in the report. He advised that Hampton Companies has submitted the final plat and final development plan for Scenic Hills, a 67-unit single-family development and 32-unit assisted living building. They are consistent with the preliminary plans approved by Council. Staff recommends approval of the request.

Commissioner Simon asked what the separation was between the homes.

Mr. Hunting replied there was a 5-foot setback on each side for a total separation of 10 feet.

Commissioner Simon asked if sidewalks were proposed on the private roads.

Mr. Hunting replied there would only be sidewalks on the public streets.

Commissioner Weber asked if Condition 18 had been amended.

Mr. Hunting replied it had not, it was the original verbiage from the preliminary plat.

Commissioner Weber asked if the Abbott's would be required to connect to the public road and whether they would have constant access throughout the development process.

Mr. Hunting replied that the Abbott's would have constant access and would ultimately access the private road.

Commissioner Simon pointed out a typo on the first page, second paragraph of the report.

### **Opening of Public Hearing**

Joel Larson, 1341 County Rd D Circle, Vadnais Heights, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Larson replied in the affirmative.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Commissioner Wippermann advised that because of the 10-foot separation and small lots he would be voting no. He was concerned about the precedent this would set and he could see no reason to deviate from the normal guidelines as it was not designated as affordable housing, senior housing, etc.

Commissioner Simon advised she would be voting no as well because of the 10-foot separation.

### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Weber, to approve the request for a final plat and final PUD Development Plan for Scenic Hills.

Motion carried (5/3 - Wippermann, Simon, Maggi). This item goes to the City Council on August 13, 2018.

**CASEYS RETAIL COMPANY – CASE NO. 18-33SC**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat to create a one-lot, two outlot subdivision to be known as Robert Curve Second Addition, a conditional use permit to allow a convenience store with gas sales on the property, and a vacation of all existing drainage and utility easements within Outlot B, Robert Curve for the property located at Outlot B, Robert Curve. 16 notices were mailed.

**Presentation of Request**

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is proposing a gas station/convenience store located on the east side of Highway 3 at future Diffley Court. The request includes replatting the Outlot B, Robert Curve, to create a new lot for the development. An easement created for a stormwater pond as part of the original plat will need to be modified to accept a new design for the stormwater pond. There will be two access points onto Diffley Court. A conditional use permit is being requested to allow for a convenience store with gas sales. Staff is working with the applicant on compliance with maximum size standards for the signage. Engineering is generally satisfied with the plans; there will be some minor refinements before final approval. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Wippermann asked if Diffley Court would be a city or private street.

Mr. Hunting replied it would be a public city street.

Commissioner Wippermann asked if the traffic signals had been dealt with as far as who paid for them.

Mr. Hunting replied in the affirmative, stating the improvements have been addressed.

**Opening of Public Hearing**

Jerry Sergeant (spelling?), Casey's General Store, One Convenience Boulevard, Ankeny, Iowa, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Sergeant replied that he had not, but that his engineers had. He displayed a 3D rendering of the proposed store during both daytime and evening hours. He noted that the sign may not be shown in its exact location, but he feels confident that issue will be resolved.

Commissioner Wippermann asked if they had any other Casey's stores in the Twin Cities area.

Mr. Sergeant replied in the affirmative, stating they have stores in Ramsey, Anoka, and Blaine.

Commissioner Lissarrague stated he was familiar with these stores and looked forward to having one in the City.

Mr. Hunting recommended that Condition 3 for the preliminary and final plat be stricken as it was a duplication of Condition 1.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Wippermann, to consider the request for a preliminary and final plat to create a one-lot, two outlot subdivision to be known as Robert Curve Second Addition, a conditional use permit to allow a convenience store with gas sales on the property, and a vacation of all existing drainage and utility easements within Outlot B, Robert Curve for the property located at Outlot B, Robert Curve, with the deletion of Condition 3 for the preliminary and final plat.

Motion carried (8/0). The item goes to the City Council on July 23, 2018.

**OTHER**

**CITY OF INVER GROVE HEIGHTS (BILJAN) – CASE NO. 18-42X**

Tom Link, Community Development Director, advised that Tim Biljan, the owner of a residential and commercial lot at 6639 Concord Boulevard, approached the City expressing an interest in selling his property. The property lies in a site identified for redevelopment. The comprehensive plan speaks to the importance of economic development and redevelopment. It also identifies four main sites the City is focusing on; this property lies in one of those sites. Staff recommends that the Planning Commission find the acquisition to be consistent with the comprehensive plan.

Commissioner Simon asked if the Hillside Senior Housing rendering portrayed in the packet was just an example of what that area could become.

Mr. Link replied in the affirmative, stating it was just a concept plan of a mixed-use development.

Commissioner Kramer recused himself from the vote as the property owner was his father-in-law.

Motion by Commissioner Scales, second by Commissioner Simon, to find the acquisition of 6639 Concord Boulevard to be consistent with the comprehensive plan.

Motion carried (7/0).

**MISCELLANEOUS**

Mr. Hunting noted that the Planning Commission's next meeting is scheduled for August 7, the same night as 'Night to Unite'. Commissioners discussed whether to keep the meeting on schedule or cancel it due to lack of a quorum. After taking a vote it was determined there would be a quorum, therefore the meeting will remain as regularly scheduled.

The meeting was adjourned by unanimous vote at 8:30 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary