

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 1, 2014 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Paul Hark
Pat Simon
Tony Scales
Armando Lissarrague
Annette Maggi
Victoria Elsmore (arrived at 7:05)
Harold Gooch
Bill Klein

Commissioners Absent: Dennis Wippermann (excused)

Others Present: Tom Link, Community Development Director

APPROVAL OF MINUTES

The minutes from the March 18, 2014 Planning Commission meeting were approved as submitted.

JEFF LEYDE – CASE NO. 14-09ZPA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the land use designation from LDR, Low Density Residential to HDR, High Density Residential, and a rezoning of the property from R-1A and R-1C, single-family to R-3C, multiple-family to allow for a senior living facility, for the property generally located at Brent Avenue between 49th and 50th Streets. 66 notices were mailed.

Presentation of Request

Tom Link, Community Development Director, explained the request as detailed in the report. He advised that the applicant is proposing to change the land use designation of approximately 3.4 acres from Low Density Residential to High Density Residential. The property was platted in the 1880's and the existing lots are very small, have steep slopes, and are unbuildable with today's zoning ordinance. There are also some platted roads that were never developed. The applicant would like to construct a one building 52- unit senior housing development as well as some new single-family lots on the vacant abutting land. The issue before the Planning Commission tonight is what is the appropriate land use for this property. If the applicant is successful in getting approval of this request, they will come back at a later date for a second public hearing to consider the details of the actual site design. The current designation for the property is Low Density Residential (1-3 units per acre) which would typically include single-family homes, twinhomes, or low density townhome units. The proposal to change it to High Density Residential would provide for densities of 12 units or greater per acre and would typically include apartments, condos, or senior housing. The arguments for the proposed land use change include the property having development limitations because of steep topography and the need for ponding. Also, having a single building could reduce the amount of grading and tree removal necessary. Because of the existing multiple family development to the west it could be argued that this is not out of the ordinary for the general area. Senior housing typically generates less traffic and noise concerns in comparison to standard multiple family developments, and there continues to be a need for senior housing. The arguments against the proposed land use change are that the proposed density is a

large departure from the surrounding area and could create land use incompatibilities. Also, the proposed three story building would be taller, and the massing much greater, than the surrounding buildings, and the proposed density of 15 units per acres is considerably greater than the surrounding neighborhood. Also this type of spot zoning is typically to be avoided. Staff is concerned about spot zoning, the precedent this could set, and the size and density of the proposed development in comparison to the surrounding properties, and they are therefore recommending denial.

Commissioner Scales asked if an apartment building could be built on this property if the land use change was approved and the proposed project did not go through.

Mr. Link replied it was possible; however, the City could investigate alternatives that could tie it to this specific senior housing project.

Commissioner Gooch was concerned about making a permanent land use change for a potential development opportunity and asked if there was a way to look at the finished product and what it is going to be before making land use changes.

Mr. Link replied there were two methods for the property owner to pursue. One was to request approval of the site plan, CUP, rezoning, and the comprehensive plan amendment all at one time. The disadvantage of this is that it requires a lot of cost to the property owner to get into that level of detail without having direction from the City. The other method is to come in with the land use changes first to get an indication from the City as to whether the general concept is acceptable before putting the added cost and effort into working out the details. If the proposed land use change is approved the applicant would then come back for CUP and plat approvals.

Commissioner Gooch noted that since staff has recommended denial the applicant has already received their answer from the City.

Mr. Link responded that the applicants also want to hear the Planning Commission and City Council recommendations as they could be different from staff's.

Commissioner Simon asked if the infill that would be necessary for this development would be comparable to the steep slopes in the 79th and Blanchard area.

Mr. Link replied that level of detail would not be looked at unless the proposal proceeded forward.

Commissioner Klein asked if the County was on board with the proposed senior housing project.

Mr. Link replied it was his understanding that it would be a private senior housing project and that Dakota County CDA would not be involved.

Commissioner Gooch asked how many of the seven single-family lots were buildable.

Mr. Link replied that to his knowledge there were actually nine single-family lots; all of them buildable.

Opening of Public Hearing

Jeff Leyde, 14931 – 108th Street, Hastings, and David Steele, 4807 Slater Court, Eagan, advised they were available to answer any questions.

Chair Hark asked if Mr. Leyde read and understood the staff report.

Mr. Leyde replied in the affirmative.

Mr. Steele advised that the Leyde and Kelm families have owned and paid taxes on this real estate for 65 years. They have 325 units that they manage in the south metro, including Inver Grove Heights. They recently redeveloped an 11 unit development on 81st Street and have a successful relationship with the City. The property in question tonight lies between 49th and 50th Streets. The applicants plan to install the street themselves per City specifications, and then dedicate it to the City. The proposed project is compatible with the existing sewer and water. The proposed overall density is 12 dwelling units to 1 acre, and it will change to 15 dwelling units to 1 acre once the street is dedicated. The building shown on the site plan is 348 feet long and 61 feet wide; however, the size may be reduced by 20%. The building is designed right now for 1,000 - 1,200 square foot units but may be shrunk to 750 – 950 square foot units. Any reduction in the building size would come off the west side which would be the most advantageous to the neighbors as the other three sides are much less developed. In addition to the proposed senior housing building, there would be nine single-family lots that could be developed later on.

Commissioner Klein asked the applicant where the existing high power lines were located.

Mr. Steele replied the 70 foot high lines were north of the proposed parking area and were approximately 40 feet wide. He advised that most homeowners would have a 61 foot end view of the proposed building. The development will have on-site retention, and parking will be 1.5 spaces per unit with one space for each unit in the underground parking and 28 surface spaces. If this is approved they will try to save as many trees as possible on the perimeter of the site. The recently completed traffic study showed the proposed building would increase the average daily trips by 12.5%. Half the traffic would likely go to Blaine and the other half to 7th Avenue, and he noted a four way stop sign could be added to alleviate any congestion at 7th and 50th. Mr. Steele quoted some statistics showing there was a large demand for senior housing.

Chair Hark asked how the applicants defined 'senior'.

Mr. Steele replied anyone 55 and older.

Chair Hark asked how they determined the traffic study numbers.

Mr. Steele replied he believed they based it on multifamily residential with an occupancy of 1.5 residents per unit, which would be the worst case scenario.

Commissioner Elsmore asked how the applicants would proceed if this was denied by Council.

Mr. Steele stated they were not sure how else they could economically develop the property, especially with the steep topography.

Commissioner Maggi asked why the applicants were trying to develop this property now after holding onto it for more than 60 years.

Mr. Steele replied because the market has improved.

Mr. Leyde advised this was essentially his wife's grandparents' land which has not been farmed for many years. The three family members, the Schmandts, Kelms, and Ullrich's, have been paying property taxes on the vacant land and no one had an inclination to try to develop it. Recently his wife's grandfather passed away. They investigated several different development scenarios but found that because of the ponding requirements and the amount of fill required, it would not be suitable for single-family.

Christopher Solberg, 4938 Boyd Avenue, stated he was opposed to the request as he did not feel it complemented or was consistent with the neighborhood, and he believed the proposed building would decrease property values. He advised that he would not have known of this request had a sign not been posted. He recommended that the applicants work with the neighborhood to find an acceptable plan that everyone could agree on.

Commissioner Lissarrague asked what the age was of most of the properties on Boyd Avenue.

Mr. Solberg replied that his property was built in 2008 and his neighbors were built around that same timeframe as well.

Commissioner Lissarrague asked what the approximate market value was of that particular block.

Mr. Solberg advised he bought his property for \$350,000 in December of 2013.

Commissioner Lissarrague asked if he knew there was the potential to develop the housing project on the lot behind him when he purchased his property.

Mr. Solberg replied he did not and had he known about this proposal he would not have purchased the property. He advised that he checked with the Community Development Director prior to purchasing his home and there was no zoning request at that time.

Commissioner Simon asked Mr. Solberg if he was one of the 66 people that received notification of the public hearing.

Mr. Solberg replied he was not.

Commissioner Simon suggested Mr. Solberg request to have his name put on a mailing list for future notifications.

Chair Hark asked where his property was located.

Mr. Solberg advised his property abutted the subject property.

Commissioner Lissarrague advised Mr. Solberg that he received a copy of the email he sent to Mr. Hunting.

Bill Dumond, 4922 Boyd Avenue, advised that he would be greatly impacted by this proposal as the entire back of his home would now face the 61 foot wide end of the proposed building. He asked Mr. Link for clarification of his previous statement that the lots as currently platted were unbuildable.

Mr. Link replied they were unbuildable because of the dimensions of the lots, being less than 40 feet, does not comply with the ordinance requirements.

Mr. Dumond was opposed to the request and did not feel it fit with the neighborhood. He suggested developing the property into single-family lots as originally intended, but perhaps combining them to create larger lots. He advised that although there is a need for senior housing, it does not mean it is appropriate in this location. He asked how many studies had been done so far for this development.

The applicant's civil engineer, Jon Faraci, 2065 – 63rd Street E, replied the only study they did was

a traffic study; however, they also met with the City Engineer regarding the drainage requirements. They did not do any earthwork studies, but under the current configuration of the single family lots extensive fill and tree removal would be necessary. Constructing the proposed senior building would require much less tree removal and fill. He advised that in 1982 the homeowners petitioned for Bryce Avenue to go through so water and sewer was put in by the City and the lots were going to be developed at that time. Due to the recession and high interest rates; however, the single family lots were never pursued. He noted that if the property were developed into single family lots, rather than the senior building, the surrounding property owners, having a direct use, would get assessed for the development of the road.

Commissioner Klein asked if Boyd Avenue had sewer and water.

Mr. Faraci replied in the affirmative.

Mr. Dumond stated that the presentation proved that the roads could be put in and the property used as intended for single-family homes. Although it may be more expensive he did not feel it was the City's job to reduce development expenses for someone trying to change the land use. He advised it has been stated by Mr. Steele that this would increase the market values of the surrounding properties; however, they have done no study to prove that statement. He was concerned about the possibility of the land use being changed and the proposed project not going through. He stated that even if it was stipulated that the development had to be for adults 55 or older what would stop them from putting in a full nursing home, assisted living facility, or some other communal living center in which delivery trucks, employees, etc. would be coming and going. He questioned whether the owner of the senior housing facility could change their mind a couple years down the line and convert the building to Section 8 or some other form of an apartment building. If this is approved he would like there to be enough stipulations to prevent this from occurring. He believes this will be a detriment to his home and thinks the neighborhood should be given a chance to research into how this would affect the value of their homes.

Jason Price, 4916 Boyd Avenue, stated that prior to recently purchasing his home he had his realtor research into the zoning and property records of the lots in question and also spoke with his builder. No one was aware of any upcoming projects, they felt it was unlikely to be developed in the near future, and it was zoned for single-family. He predicated the purchase of his lot on that information and would not have purchased this lot had he known this project was being considered. He stated that looking at a large building versus open space would drastically reduce the enjoyment and potential resale of his property. Mr. Price urged that a specific detailed plan be in place before considering the proposed major land use change. He noted that there were no guarantees at this point and the developers could change the plan by moving the building closer to the existing homes, add more stories, etc. He added that although the developers would be paying for the street and then donating it, they were the only ones that would be benefiting from it.

Commissioner Lissarrague asked Mr. Price when he purchased his lot and who he bought it from.

Mr. Price replied he purchased his lot from a builder in June of 2013.

Commissioner Gooch asked Mr. Price how wide his lot was.

Mr. Price replied approximately 80 feet.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Klein asked if duplexes or fourplexes would be allowed under the current guiding.

Mr. Link replied that Low Density Residential allows up to three units to the acre so single-family, twinhomes, or a low density townhome development would fit into the density range. He stated that 10-12 units would be the maximum allowed on that property if it remained Low Density Residential, regardless of what type of units.

Commissioner Klein commented that they have been successfully building homes in Argenta Hills despite the steep topography and significant ponding required.

Commissioner Lissarrague stated he was concerned about spot zoning and what could happen if the land use was changed but the proposed senior building did not move forward.

Commissioner Scales was opposed to spot zoning as well and did not want to set a precedent.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Lissarrague, to deny the request for a comprehensive plan amendment to change the land use designation from LDR, Low Density Residential to HDR, High Density Residential, and a rezoning of the property from R-1A and R-1C, single-family to R-3C, multiple-family to allow for a senior living facility, for the property generally located at Brent Avenue between 49th and 50th Streets, based on it being a spot zoning and the fact that the applicant has the ability to develop the property within the current zoning.

Chair Hark asked if spot zoning was illegal.

Mr. Link replied that spot zoning is not illegal but is generally discouraged.

Chair Hark stated he would be voting for denial as he did not feel the need for senior housing was a persuasive reason to put the proposed building on this particular piece of property, and that going from Low Density to High Density was too radical of a change and was inconsistent with the surrounding neighborhood.

Motion carried (8/0). This item goes to the City Council on April 28, 2014.

Mr. Price asked for clarification of the process moving forward.

Chair Hark explained that the request would be forwarded on to City Council, who would make the final decision regarding this matter. If the land use change was approved the developer would have to come back for another public hearing regarding a conditional use permit.

Commissioner Klein added that a comprehensive plan amendment would need Metropolitan Council approval as well.

Mr. Dumond asked if notification would be sent out to the neighbors regarding the 4-28-14 Council meeting and asked where they could get a copy of the minutes from this meeting.

Mr. Link replied that neighbors would not receive additional notice and advised that the minutes would be available on the City's website the Friday prior to the Council meeting.

OTHER BUSINESS

Mr. Link stated he hoped all Commissioners were able to attend the April 17th Commissioner Appreciation Dinner.

The meeting was adjourned by unanimous vote at 8:12 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary