

## **PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS**

Wednesday, August 6, 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  
Bill Klein (arrived at 7:01)  
Dennis Wippermann  
Joan Robertson  
Annette Maggi  
Harold Gooch

Commissioners Absent:

Others Present: Tom Link, Community Development Director  
Allan Hunting, City Planner  
Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the July 15, 2014 Planning Commission meeting were approved as submitted.

### **GATEWAY CHRISTIAN CHURCH – CASE NO. 14-28C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow a church to be operated out of an existing building located in a B-3, General Business zoning district, for the property located at 5300 S. Robert Trail, Suite 200. 4 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to lease about 6,300 square feet of the existing Salem Square building for Gateway Christian Church. Churches are a conditional use in the B-3, General Business district. No new buildings are proposed for the property and there are no changes to the exterior of the building or the parking lot. Staff recommends approval of the request with the three conditions listed in the report. Staff did not hear from any neighboring property owners.

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

Richard Farrell, 1424 – 5<sup>th</sup> Avenue South, South St. Paul, stated he was available to answer any questions.

Chair Hark the applicant if he reviewed and understood the report.

Mr. Farrell replied in the affirmative.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Lissarrague, to approve the request for a conditional use permit to allow a church to be operated out of an existing building located in a B-3, General Business zoning district, for the property located at 5300 S. Robert Trail, Suite 200.

Motion carried (9/0). This item goes to the City Council on August 11, 2014.

**INVER GROVE STORAGE – CASE NO. 14-26C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow outdoor storage and the sales and rental of U-Haul vehicles and equipment, for the property located at 9735 South Robert Trail. 18 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned I-1, Limited Industrial. The applicant is requesting a conditional use permit (CUP) to allow the storage and rental of U-Hauls. The site currently has a CUP for the mini-storage facility and outdoor storage relating to the mini-storage facility. The U-Haul display and storage would be located on the northwest portion of the property behind the mini-storage buildings. No other site improvements are being proposed at this time. There are four parking stalls for customers on the site, including one handicapped space. Based on the parking demand of the applicant's similar property on Highway 52, the existing parking would be sufficient to accommodate the U-Haul rental. U-Haul storage would not be allowed in the customer area, with the exception of picking up or dropping off a vehicle. Staff recommends approval of the request with the five conditions listed in the report. Staff did not hear from any neighboring property owners.

Chair Hark asked if this was an amended or new CUP.

Ms. Botten replied it was a new CUP specifically for the U-Haul display and storage.

Commissioner Maggi asked if there was a specific time limit on the CUP.

Ms. Botten replied there was not, and the CUP was tied to the property.

Commissioner Simon noted that the applicant's narrative indicated there would be two parking areas for U-Hauls.

Ms. Botten explained that the applicant originally asked for space on the outside of the fence for U-Haul storage. After review of the customer parking, staff and the applicant agreed that the only U-Haul storage would be behind the fence on the northwest portion of the property.

Commissioner Simon asked if Condition No. 5 would clarify that storage would not be allowed outside the fence.

Ms. Botten replied in the affirmative.

**Opening of Public Hearing**

Larry Koland, 4813 Blaine Avenue, advised he was available to answer any questions.

Chair Hark asked if the applicant reviewed the staff report.

Mr. Koland replied in the affirmative.

Chair Hark asked if the U-Haul storage would be visible from the road.

Mr. Koland replied it would not be visible unless a customer was dropping off a truck. He advised that U-Haul customers are allowed to drop off trucks at any location. If a truck were dropped off it would then be moved to the back. If the back was full, it would be moved to the Highway 52 site.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a conditional use permit to allow outdoor storage and the sales and rental of U-Haul vehicles and equipment, for the property located at 9735 South Robert Trail.

Motion carried (9/0). This item goes to the City Council on August 25, 2014.

**ANDERSON JOHNSON ASSOCIATES (SIMLEY HIGH SCHOOL) – CASE NO. 14-25C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum height requirement for a building addition located in the P, Institutional zoning district, for the property located at 2920 – 80<sup>th</sup> Street. 37 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the school district is proposing to construct an auditorium addition on the north side of the building. A portion of the addition would be 50 feet in height, exceeding the maximum height requirement. Buildings in excess of 40 feet in height are conditionally permitted in the P, Institutional district. The additional height would be located over the stage area and is needed to raise and lower the backdrops and scenery. The school district is also adding a 2,000 square foot cafeteria addition and a 2,000 square foot concession stand. No public process is required for these additions; administrative review would be done through the building permit process. The overall number of parking stalls would be reduced by 39 spaces, but would still comply with the zoning code's minimum parking requirements. Staff recommends approval of the request with the seven conditions listed in the report. Staff heard from one property owner to the south that had general inquiries and voiced no concerns.

Commissioner Klein asked what the rationale was for the City's 40 foot height requirement. He stated it was likely in place because of fire; however, the fire department now has the ability to reach greater heights.

Ms. Botten replied she was unsure of the rationale for the 40 foot height requirement, and noted that all zoning districts have a maximum height requirement.

Commissioner Klein noted that in certain parts of the city there was a maximum height requirement because of the airport.

Commissioner Simon stated the issue could be planes from the South St. Paul Airport.

Ms. Botten advised there were no concerns with the airplanes in this area as it was not in the airport overlay district.

**Opening of Public Hearing**

Jay Cameron, 3663 Park Center Boulevard, St. Louis Park, Architects Rego and Youngquist, stated he was available to answer any questions.

Chair Hark asked if the applicant reviewed and understood the report.

Mr. Cameron replied in the affirmative.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Maggi, second by Commissioner Simon, to approve the request for a conditional use permit to exceed the maximum height requirement for a building addition located in the P, Institutional zoning district, for the property located at 2920 – 80<sup>th</sup> Street, with the seven conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on August 25, 2014.

**GROVELAND HEIGHTS – CASE NO. 14-21PUD**

**Reading of Notice**

There was no public hearing notice published and no notices were mailed to neighboring property owners.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting approval of the final plat and final PUD development plan for the 49 lot single-family Groveland Heights Addition (formerly Fox Glen). The details of the stormwater design are still being worked out as it is dependent upon land owned by the City and Mr. Rechtzigel. The design will be finalized prior to going to City Council. The developer is planning to do grading and utility work later this summer, with home construction hopefully starting in 2015. The sanitary sewer system will ultimately get hooked up to the force main that is yet to be completed. Staff recommends approval of the request with the six conditions listed in the report.

Commissioner Simon referred to Condition No. 25 from the preliminary plat approval requiring a 15 foot minimum separation, and asked why it was not carried over to the final plat conditions of approval.

Mr. Hunting replied that the final plat must comply with the preliminary plat and PUD conditions of approval and that is why it was not necessary to list it out as a separate condition for the final plat.

Commissioner Simon wanted to ensure a 15 foot separation was maintained on all lots.

Mr. Hunting confirmed that the developers were required to abide by the approved plans which have five and ten foot side setbacks built in.

Commissioner Robertson noted that two of the conditions require further work with the adjacent landowner, and she asked if those understandings would be finalized prior to this item going to the City Council.

Mr. Hunting replied in the affirmative.

Commissioner Gooch referred to the side yard setbacks being five and ten feet, and asked if two five foot setbacks could be adjacent to each other to equal a ten foot separation.

Mr. Hunting replied they could not as a fifteen foot minimum separation was required.

Commissioner Wippermann asked what process the developer would have to go through if they wanted to change that in the future.

Mr. Hunting replied they would have to request a PUD amendment and go back before the Planning Commission and City Council.

Commissioner Wippermann stated he would like to add a Condition 7 to the final plat requiring a 15 foot minimum building separation.

Commissioner Simon agreed with Commissioner Wippermann's recommendation.

Commissioner Wippermann asked why the development name was changed from Fox Glen.

Mr. Hunting replied the City already had a townhouse development with the name Fox Glen.

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

Rick Murray, Meridian Land Company, advised he was available to answer any questions.

Chair Hark asked if he had reviewed and understood the staff report.

Mr. Murray replied in the affirmative.

Chair Hark closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Klein supported the request, stating it would be beneficial to the tax base and the school district, and would help pay for the sewer extension.

#### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a final plat and final PUD development plans for Groveland Heights, a 49-lot single-family subdivision, for property located on 80<sup>th</sup> Street between Highway 3 and the golf course, **with an additional condition requiring that a minimum building separation of 15 feet be maintained on all lots.**

Motion carried (9/0). This item goes to the City Council on August 25, 2014.

#### **PETER BURCHARD – CASE NO. 14-27SCV**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat approval of Oakbush Fourth Addition, a vacation of related easements, a conditional use permit to exceed the maximum impervious surface, and a variance to exceed the maximum height

requirements for a single-family home, for the property located at 6124/6070 Blaine Avenue. 24 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 to combine two lots into one and obtain a portion of another parcel to the back of it. No park dedication would be required for this plat. As a result of the replat easements from Oakbush Third Addition would be vacated and new perimeter easements would be rededicated. The applicant is also requesting a conditional use permit to allow a home to be 39 feet in height whereas 35 feet is the maximum height allowed. Because more than 50% of the lower level of the proposed three-story home would be exposed, the building height must be measured from the lowest floor elevation whereas homes are typically measured from the established grade at the front of the house. In addition, the applicant is proposing two-foot floor trusses instead of the standard one foot, thus adding additional height. Because of the steep topography of the property only two levels will be visible from the street. The closest neighboring home to the northeast would be located at least 150 feet away from the house and heavily screened with trees. The second conditional use permit request is to exceed the impervious surface. The applicant is requesting that 2,700 additional square feet be allowed on the property. This number is conceptual at this point. Mr. Burchard calculated what his maximum future needs would be for the property and is requesting that amount as it is easier to install stormwater features during the construction process rather than building the house and adding them later on. The applicant is proposing numerous rain gardens, perhaps a retention tank, and would also incorporate permeable pavers on the property. Staff recommends approval of the request with the conditions listed in the report. We have heard from four residents who called with general questions. No concerns were noted.

Chair Hark asked if the stormwater management system would consist of more than one of the referenced systems.

Ms. Botten replied that at this point the applicant was looking to incorporate all the systems.

Chair Hark stated he would support the elaborate system since the engineering staff was satisfied with it.

Ms. Botten advised that the plan could be changed, and would ultimately be dependent on the applicant working with the engineering staff to come up with a system that everyone was agreeable to and met the engineering requirements.

Chair Hark asked if the additional height of the house was to allow the water to drain.

Ms. Botten replied that the 24" floor trusses were being used to provide more of a natural drain to the street.

Commissioner Maggi asked what the additional impervious surface was being requested for.

Ms. Botten replied that it was not tied to anything specific, but at this point it would include the driveway, house, and perhaps a walkway or patio around a future pool.

Commissioner Maggi noted that the property sloped to the back and questioned whether additional impervious surface would impact the home at the bottom of the basin.

Ms. Botten replied it should not as the purpose of the proposed stormwater facilities was to treat the water onsite.

Commissioner Klein said we have had some major washouts on the cul-de-sac on the other side and he would like to be assured that would not happen again.

Ms. Botten advised that the applicant is requesting what is allowed by our code with a CUP.

Commissioner Robertson asked staff to clarify what criteria an individual must meet to exceed the maximum impervious surface standard.

Ms. Botten stated the criteria is outlined in the City code, including an approved stormwater system and grading plan, entering into a stormwater facility maintenance agreement, paying an escrow, soil testing, etc.

Commissioner Simon stated that the report refers to engineering recommendations; however, she could not find them in the conditions.

Ms. Botten replied they were the conditions listed for the impervious surface CUP.

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

Peter Burchard, 232 – 11<sup>th</sup> Avenue South, South St. Paul, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff report.

Mr. Burchard replied in the affirmative.

Commissioner Simon asked if the applicant would use the existing flat surface or if fill would be brought in for the building pad.

Mr. Burchard replied the proposal was to cut and fill; however, they would not know if the soils were satisfactory until soil tests were completed.

Commissioner Wippermann asked if a CUP for impervious surface could be avoided if the lot were 13,500 square foot larger.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked if fewer special stormwater facilities would be needed as well.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked the applicant if he considered buying a larger lot.

Mr. Burchard replied that because of the steep topography of this lot, purchasing more land would not give him any more area to install stormwater facilities, and he was also limited to what the abutting landowner would sell him.

Commissioner Wippermann stated one reason he advocated for larger lots was that it negated the need for costly extra features and agreements.

Commissioner Gooch noted this was actually two lots and it still did not work.

Commissioner Robertson asked the applicant what his need was for the additional impervious

surface.

Mr. Burchard replied that the biggest part was the driveway.

Commissioner Robertson asked if the proposed driveway would require more impervious surface than a home of that size typically would.

Mr. Burchard replied in the affirmative, stating because of the 11 foot drop in elevation from the road they would have to go further out to keep the grade fairly flat.

Commissioner Maggi asked if there was a garage up front and another around back.

Mr. Burchard replied the garage was down below, not up front, but the driveway would have a drop off area at the front door.

Commissioner Simon asked how much of the additional 2,700 square feet of impervious surface being requested was for the pool and the surface around it. She advised she would have an easier time supporting the request if it could be reduced.

Ms. Botten replied that the pool itself is not considered impervious; however, the additional surface being requested would allow them the flexibility to put in hard surface around a pool, sidewalks, an accessory structure, patio, etc.

Commissioner Maggi asked if the applicants request additional impervious surface in the future.

Ms. Botten replied in the affirmative, stating if this were approved they could still come back for more as they were below the 10% allowed by code.

Commissioner Robertson asked for clarification if there was the potential for a pool with surrounding impervious surface in addition to the proposed house and driveway.

Mr. Burchard replied in the affirmative. In response to a request by Commissioner Robertson, he showed the area where a pool could potentially be located, and also where the house below his property was located.

Chair Hark closed the public hearing.

### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Gooch, to approve the request for a preliminary and final plat approval of Oakbush Fourth Addition, a vacation of related easements, a conditional use permit to exceed the maximum impervious surface, and a conditional use permit to exceed the maximum height requirements for a single-family home, for the property located at 6124/6070 Blaine Avenue, with the conditions listed in the report.

Commissioner Maggi advised she was uncomfortable with the CUP being requested for impervious surface and would vote no if it was included in the overall motion.

Commissioner Wippermann amended his motion to exclude the conditional use permit for impervious surface.

Commissioner Gooch agreed with the amendment to the motion.

Motion carried (9/0).

Motion by Commissioner Wippermann, second by Commissioner Scales, to approve the request for a conditional use permit to exceed the maximum impervious surface, for the property located at 6124/6070 Blaine Avenue, with the conditions listed in the report.

Motion carried (6/3 – Robertson, Maggi, Simon). This item goes to the City Council on August 25, 2014.

### **160 INVESTMENTS, LLC (ARGENTA HILLS 9<sup>TH</sup>) – CASE NO. 14-24PUD**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agricultural to R-1/PUD, single-family residential within the Northwest Area Overlay District, a preliminary and final plat approval of Argenta Hills 9<sup>th</sup> Addition, and a preliminary PUD development plan amendment for a 13 lot residential subdivision to be known as Argenta Hills 9<sup>th</sup> Addition, for property located Amana Trail. 11 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting to amend the preliminary PUD development plan and plat for what they anticipate to be the last phase of residential development in the Argenta Hills PUD. Due to changes in the future county road alignments the amount of land that can be developed in the final phase of Argenta Hills has been reduced. The current plan shows 76<sup>th</sup> Street as a through street rather than a cul-de-sac. The overall design of this phase follows the same design standards as they have been carrying throughout the entire project. They are again requesting flexibility from setback and separation requirements, driveway width, and corner side yard setbacks. Staff recommends approval of the request, with the 37 conditions listed in the report.

Commissioner Gooch stated the applicant was requesting to deviate from numerous standard requirements and questioned whether variances should not have been requested.

Mr. Hunting replied stating with PUD's, the applicant would request flexibility rather than a variance. He advised that all flexibility being requested with Argenta Hills 9<sup>th</sup> has been approved with the previous phases, with the exception of the current request for a reduced setback along Amana Trail.

Commissioner Simon referred to a statement in the report that the lot widths ranged from 60 to 65 feet; however, six lots had a front footage of 55 feet or less.

Mr. Hunting replied that staff measures lot width at the setback rather than the street.

Commissioner Simon asked how far the homes would be set back.

Mr. Hunting replied a minimum of 20 and a maximum of 30 feet.

Commissioner Simon asked which side of the street the sidewalk would be located on.

Mr. Hunting replied that had not yet been determined, but staff had no preference.

Commissioner Simon expressed concern that putting the sidewalk on the side with 52 foot front footages would set the houses back further. She asked for clarification regarding the airport noise overlay district and whether it ended at the Eagan border.

Mr. Hunting advised there were two different airport overlay zones and one of them carried into Inver Grove Heights and had minimum attenuation standards.

Commissioner Klein asked if a lift would be needed for the water pressure since with the grade was going uphill.

Mr. Hunting replied the realignment would not have a negative impact on the water pressure and a lift would not be necessary.

Commissioner Simon asked if staff heard from any neighboring property owners.

Mr. Hunting replied they had not.

Commissioner Klein advised he preferred the revised through street rather than the previously proposed cul-de-sac.

### **Opening of Public Hearing**

Jacob Fick, 160 investments, 16972 Brandtjen Farm Drive, Lakeville, advised he was available to answer any questions.

Chair Hark asked the applicant if he understood the report.

Mr. Fick replied in the affirmative. He advised that the original plat was a 21 lot cul-de-sac. The county then changed the way they wanted to intersect Amana Trail with Argenta so final design is a 13 lot development with a through road to the north. He advised that the proposed homes require a 50 foot building pad so the lots would be a minimum of 60 feet wide at the setback. Some of the lots would be narrower at the street because of the curve of the road; however, whether there was a sidewalk or not the homes would be setback 20 feet from the front property line and would be at least 60 feet wide at the setback.

Chair Hark asked what side of the road the applicant planned to construct the sidewalks.

Mr. Fick replied they would prefer the inside as it would require less sidewalk, but they would leave that decision up to staff. He advised that because of the road elevations the homes would be separated both vertically and horizontally. The homes would likely be 2,800 to 3,600 square feet in size and would be the last residential component on the north side of Amana Trail.

Commissioner Gooch asked if there would be a 20 foot separation between houses.

Mr. Fick replied there would be a 10 foot separation between houses; five feet on each side at a minimum. He advised that because of the curving of the road most homes would have a 10 foot separation only at certain points of the house with the remainder of the house having an increased separation.

Commissioner Scales asked if that was the same separation that has been applied throughout the rest of the Argenta Hills neighborhood.

Mr. Fick replied in the affirmative.

Commissioner Scales asked if staff anticipated continuing a 10 foot separation throughout the remainder of the Northwest Area.

Mr. Hunting replied that this area may be unique as Groveland Heights and another recent application were both proposing 15 foot separations.

Commissioner Scales asked if a 15 foot separation was the standard throughout the other parts of the City.

Mr. Hunting replied in the affirmative.

Chair Hark closed the public hearing.

### **Planning Commission Discussion**

Commissioner Wippermann stated he continued to be concerned with the small lot sizes and 10 foot separation, and therefore would be voting no on this request as he has with the previous residential phases. He felt that in the long-term homeowners would want to add patios, three-season porches, etc. and would likely be requesting variances and conditional use permits. He also felt the small lots were aesthetically unappealing.

Commissioner Gooch agreed with Commission Wippermann's concerns, stating he would be voting no as well.

Chair Hark stated the homes were selling so perhaps it was what the market wanted.

Commissioner Gooch stated he did not believe that, but rather felt they had no choice as this was the only product available.

Commissioner Simon stated she had been involved with the Northwest Area planning since the beginning, and the Argenta Hills neighborhood was not what she had envisioned. Clustering was anticipated to allow for open space; however, she was anticipating trees and open space rather than houses with big holes between them for stormwater ponding. She stated that although the homes themselves were attractive and the trees were still young, it was not what she was envisioning and she would be voting no on this request.

Commissioner Scales stated that the City has been debating over lot size and separation for years. He recalled similar discussions when the lots sizes went from ten acres down to five acres, etc. He stated the market seemed to want neighborhoods like this and he did not feel it was his place to tell people what they wanted and where they wanted to live. Because of this he stated he would support this request, however, he would probably not support other developments with ten foot separations.

Commissioner Maggi stated she understood and agreed with the comments from her fellow Commissioners; however, she did not feel it was fair to the developer to deny the request in the last phase of the development.

Commissioner Robertson questioned the validity of the assumption that smaller lot sizes and separation were what the market wanted.

Commissioner Klein agreed with Commissioner Maggi that it did not make sense to deny the request in the ninth phase. He noted that the project had been downsized from 21 lots to 13, and he liked the new road alignment heading up to the north where more homes would hopefully be built in the future.

Commissioner Lissarrague stated he supported the request.

**Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Klein, to approve the request for a rezoning of the property from A, Agricultural to R-1/PUD, single-family residential within the Northwest Area Overlay District, a preliminary and final plat approval of Argenta Hills 9<sup>th</sup> Addition, and a preliminary PUD development plan amendment for a 13 lot residential subdivision to be known as Argenta Hills 9<sup>th</sup> Addition, for property located Amana Trail.

Motion carried (5/4 - Gooch, Wippermann, Robertson, Simon). This item goes to the City Council on August 25, 2014.

**OTHER BUSINESS**

Commissioner Klein advised that he attended the funeral for Officer Patrick and a representative from the City of Mendota Heights asked that he pass along their appreciation for the help from Inver Grove Heights' Police and Fire departments as well as the well wishes from residents.

Commissioner Klein noted that the primary election was taking place on August 12<sup>th</sup>.

The meeting was adjourned by unanimous vote at 8:29 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary