

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday; September 2, 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: Bill Klein
Dennis Wippermann
Joan Robertson
Harold Gooch
Paul Hark
Pat Simon
Tony Scales

Commissioners Absent: Armando Lissarrague (excused)
Annette Maggi (excused)

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the August 19, 2014 Planning Commission meeting were approved as submitted.

WOODDALE BUILDERS, INC – CASE NO. 14-30C

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 allowed on a property, for the property located at 9063 Altman Court. 58 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 a CUP to exceed the impervious surface allowed on the property. The applicant is currently building a new home and infiltration system on the property. The applicant is requesting a maximum of 26,000 square feet of hard surface to be allowed on the property. The applicants have calculated what their maximum future needs would be for the property and are 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. Impervious surface can be increased by up to 10% of the lot area with a CUP; on this specific lot the 10% would allow an additional 10,992 square feet of hard surface. The applicants are proposing 9,665 square feet of additional hard surface. Staff recommends approval of the request with the conditions listed in the report. Staff heard from one neighboring property owner who had general questions.

Commissioner Klein noted that the lot was heavily wooded and asked if the existing trees would likely provide screening between the proposed house and the abutting home on Altman Court.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Steve Schwieters, Wooddale Builders, advised he was available to answer any questions.

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

Mr. Schwieters replied in the affirmative.

Chair Hark asked why the applicants did not ask for the maximum amount of impervious surface.

Mr. Schwieters replied that the storm water management systems were complicated and they wanted to ensure they did not exceed the maximum.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Wippermann, to approve the request for a conditional use permit to exceed the maximum impervious surface allowed on a property, for the property located at 9063 Altman Court, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on September 22, 2014.

THOMAS LEACH – CASE NO. 14-31V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance from the setback requirements for a parking lot on a commercially zoned property, for the property located at 6426 and 6399 Cahill Avenue and 3095 – 65th Street. 9 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the owner of the Bierstube property installed five parking spaces in two separate locations (10 spaces total) on his property without verifying setbacks or property lines or contacting the City. The parking spaces are partially located on neighboring properties. Parking spaces in the B-3 district are required to have a minimum five foot setback from property lines. The City became aware of the violation when a complaint was received. The applicant is requesting to keep the ten spaces where they are located which requires variances from three separate parcels since both parking areas encroach onto the abutting properties. The applicant received written and verbal permission from the abutting property owners to encroach onto their property. For the reasons stated in Alternative B of the staff report, staff recommends denial of the request. Staff received an inquiry from one neighboring property who questioned whether this would impact 65th Street, which it would not.

Chair Hark asked if the eastern most property owned by Mr. Leach would be available for parking.

Ms. Botten replied in the affirmative.

Chair Hark asked when the two paved areas in question were installed.

Ms. Botten replied last fall.

Commissioner Scales questioned why the City was involved since there were no issues with the adjoining property owners.

Ms. Botten replied that parking of any kind required a five foot setback from the side and rear

property lines.

Commissioner Gooch asked if the applicant had permission to have the parking spaces on the adjoining properties.

Ms. Botten replied that Mr. Leach received verbal and written permission from the abutting property owners after the fact. The applicant would not be granted permanent right of access to the property; however, as the other property owners could tell him at any time he could no longer park there.

Chair Hark asked for clarification that it was not an easement.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Tom Leach, 6760 Arkansas Avenue, advised he was available to answer any questions.

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

Mr. Leach replied in the affirmative.

Chair Hark asked when the pavement was installed in the two areas in question.

Mr. Leach replied a little over a year ago. He advised that he used to own the car wash property and built the parking spaces at that time. When he sold the property four months ago they wanted 20 feet beyond the north end of the building, so that property went to the new owner.

Chair Hark asked what happened with the five spaces on the north side of the property.

Mr. Leach replied that he had the lot surveyed; however, he used the wrong survey stake in error. He then explained the situation to the affected landowner and offered to remove the parking spaces. The landowner said they could remain and she would sign a letter stating as such, providing she could request they be removed at any time.

Chair Hark asked what would happen if the landowner decided to sell and the new owner did not want the parking spaces.

Mr. Leach replied that he would physically remove the pavement.

Commissioner Klein advised that the property to the north was heavily wooded and the owner would not see the parking spaces. Also, the person who purchased the car wash would have known the spaces were there when he bought it.

Mr. Leach advised that the car wash has an easement over a portion of the Bierstube property so the car wash patrons can exit west to his property to get to 65th Street.

Chair Hark stated he had more of an issue with the parking spaces to the north than the car wash spaces.

Nevin Raghuvver, 6251 Queensland Lane North, Maple Grove, owner of the neighboring car wash, advised that he had an understanding with Mr. Leach that he could use the parking area in question until such time as he told him he did not want him to use it any more. If anything was changed today, he would like those changes clearly outlined.

Commissioner Robertson asked Mr. Raghuveer if he had any more formal documentation, other than the letter included in the packet, should it become an issue of contention.

Mr. Raghuveer replied he did not, but that if the variance was granted he would want something more sophisticated in terms of documentation stipulating that the parking would cease immediately upon his request. He advised that at this point; however, he did not have an issue with the spots being used for parking.

Eileen Wojowitz, co-owner with her sister and other family members of 6399 Cahill Avenue, stated she was upset that Mr. Leach had installed the parking spaces a year ago without asking and had not said anything to them until recently when a complaint had been made and he wanted a letter from her sister giving him permission to retain the parking spaces.

Mr. Raghuveer asked if the variance would be granted on each situation individually.

Ms. Botten replied there would be three separate variances; one for each parcel.

Mr. Raghuveer asked if all three would be denied if one was not approved.

Ms. Botten replied the Commission could decide on each lot individually.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Gooch questioned if Mr. Leach could request a variance on someone else's property.

Ms. Botten replied that he could because he had written permission from the abutting landowners giving approval for the encroachment.

Chair Hark asked if the far eastern portion of Mr. Leach's property ever filled up with parked cars.

Mr. Leach replied that it filled up on Wednesdays when the church was having a function.

Commissioner Robertson asked for clarification of how the error was made regarding the parking area next to the car wash.

Mr. Leach replied that the car wash property belonged to him at the time the additional parking spaces were installed.

Commissioner Robertson asked if the challenge came when he sold the car wash property.

Mr. Leach replied in the affirmative.

Commissioner Klein stated it was often difficult to find a parking space at Bierstube, the neighbors were agreeable to him using the ten parking spaces, and he supported the request as he did not want to lose another local business.

Commissioner Robertson asked Ms. Wojkowitz if the letter of permission was from her sister, Diane Knuckey, but not necessarily the other co-owners of the property.

Ms. Wojkowitz advised that her sister had spoken to her and the other co-owners regarding the

situation and they had given her the power to make the decision.

Commissioner Scales supported the variance request and felt the landowners should work it out amongst themselves.

Commissioner Wippermann supported the staff's recommendation of denial as the request did not meet the variance criteria and he did not think a variance should be granted based on whether or not the neighbors agreed.

Commissioner Scales did not want to hamper a business, stating the three businesses worked it out amongst themselves.

Chair Hark agreed with Commissioner Wippermann that the request did not meet the variance criteria.

Commissioner Klein did not think a variance was necessary and the landowners could work it out themselves.

Commissioner Wippermann stated the Planning Commission is charged with following the ordinances established by the City Council.

Commissioner Klein asked what prompted this request.

Ms. Botten replied that staff received a complaint about the the parking locations. Staff then went to the site and noticed it was in violation. A letter was then sent to Mr. Leach stating he could either remove the parking spaces or request a variance because he was not meeting the five foot setback requirement in the zoning code.

Commissioner Robertson stated from her perspective the need for parking was a Bierstube issue which should not be placed on neighboring property owners.

Commissioner Klein stated it was a bigger issue than that as there were other tenants there as well.

Commissioner Robertson questioned what weight the letters from the two neighbors would hold in court and she was concerned about the potential for future conflict.

Commissioner Klein replied that Mr. Leach has stated on record that he would remove the parking spaces whenever he was requested to do so.

Chair Hark stated there was a lack of a practical difficulty.

Planning Commission Recommendation

Motion by Commissioner Simon to deny the request for a variance from the setback requirements for a parking lot on a commercially zoned property, for the property located at 6426 and 6399 Cahill Avenue and 3095 – 65th Street, based on the reasons stated in Alternative B, including the lack of a practical difficulty.

Commissioner Gooch stated he saw a practical difficulty in the lack of parking and the property being essentially landlocked. He stated parking was not allowed on Cahill or 65th and there were no other lots nearby that could be used for overflow parking.

Chair Hark questioned if the lack of parking would constitute a practical difficulty.

Ms. Botten stated the applicant was currently meeting the parking requirements of the zoning code, the applicant could install an overflow parking area on the eastern part of the property, or he could purchase property from the landowners to the north and east and put in parking that meets setbacks and complies with code requirements.

Second by Commissioner Wippermann.

Motion carried (4/3 – Gooch, Klein, Scales). This item goes to the City Council on September 8, 2014.

CHS, INC – CASE NO. 14-32V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to expand the parking lot facilities and pedestrian access, and a variance from the front yard setback requirements for a parking lot, for the property located at 5500 Cenex Drive. 53 notices were mailed.

Presentation of Request

Allan Hunting, Associate Planner, explained the request as detailed in the report. He advised that CHS is proposing to add additional parking on property they own on Cenex Drive across the street from their main campus. A variance is being requested to allow the parking lot to be 10 feet from the property line whereas 30 feet is required in the B-1 district. CHS is working towards minimal impacts to the existing grades and tree stand on site. The practical difficulty is that requiring compliance with the setbacks would impact existing grades and require more tree removal. Since there would be a significant amount of employees crossing Cenex Drive, CHS is proposing a pedestrian crossing for safety. The location of the pedestrian crossing is still being worked out between the applicant and the City. The Public Works Director prefers the crossing to be at the Babcock/Cenex intersection; however, the final location has not yet been determined. Staff recommends approval of the request, with the final design of the crosswalk to be determined and approved by the Public Works Director.

Commissioner Robertson asked staff to comment on the potential impact the proposed parking lot could have on traffic flow.

Mr. Hunting replied that traffic volumes have not been raised as a concern by the City Engineer or Public Works Director, and his understanding is that current traffic volumes are not at the level where traffic safety improvements would be necessary.

Commissioner Klein asked if Cenex Drive was a public or private street.

Mr. Hunting replied it was a public street.

Commissioner Simon noted there were often semi-trailers parked along Cenex Drive.

Commissioner Klein stated that the additional parking was necessary as CHS was anticipating additional employees.

Commissioner Simon was concerned about the proposed location for the crosswalk, and suggested it be located further east on Cenex Drive.

Commissioner Klein agreed with Commissioner Simon's recommendation.

Mr. Hunting replied that the proposed location is believed to be the closest route that could provide the best possible safety for a crosswalk.

Commissioner Wippermann asked staff for clarification regarding the proposed additional landscaping referred to in the report.

Mr. Hunting advised that the proposed plantings are shown on the landscape plan. He advised that additional shrubs were proposed along Babcock Trail to break up the visibility; however, it is difficult to fit plantings in along Cenex Drive as the City Engineer does not want plantings inside City easements.

Commissioner Robertson stated she had a traffic concern regarding the proposed crosswalk from the proposed parking lot over to the Cenex building and the fact that it sits just inside a right turn lane off of Babcock. She questioned whether approving the request would also be approving the crosswalk at the proposed location.

Mr. Hunting replied that technically that was not part of the request since the pedestrian crosswalk, which would be within the public right-of-way, was not a land use issue that would normally be addressed by the Planning Commission. The crosswalk would be handled through the Public Works Department.

Commissioner Klein suggested the City consider speaking with the County regarding the possibility of installing a traffic signal at that location.

Commissioner Scales did not think the parking lot would be any less safe than the current parking situation, stating that currently employees park on the street and walk across traffic.

Commissioner Klein stated the traffic would likely be most active in the morning as employees arrived at work and in the evening when they left. He suggested they have a safety patrol member on duty during those hours.

Commissioner Gooch stated that the original crosswalk location away from the intersection would be safer than the one near Babcock. It was also a more logical location as people typically take the shortest route.

Opening of Public Hearing

Ian Ellis, Cenex Facilities Manager, 5500 Cenex Drive, advised he was available to answer any questions.

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

Mr. Ellis replied in the affirmative.

Chair Hark asked if the proposed additional parking was for current or future needs.

Mr. Ellis replied that the parking lot would provide a safer parking situation for the employees currently parking on the street, and they also anticipate adding another 50 employees this winter. He advised they could work with the proposed location for the crosswalk, although in the winter employees would likely take the shortest route.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Simon, to approve the request for a major site plan review to expand the parking lot facilities and pedestrian access, and a variance from the front yard setback requirements for a parking lot, for the property located at 5500 Cenex Drive.

Motion carried (7/0). This item goes to the City Council on September 8, 2014.

OTHER BUSINESS

Northwest Area Overlay District Review

Allan Hunting introduced Brad Scheib, Hoisington Koegler Group Inc., who was involved in early discussions regarding the Northwest Area.

Chair Hark asked if the PowerPoint presentation being presented tonight was available on the City's website.

Mr. Hunting replied it was not, but that he could make it available on the website.

Mr. Scheib presented an overview of the Northwest Area Overlay District. He advised that although his firm was involved in the early Northwest Area discussions, his involvement did not begin until 2001 or 2002. He explained that the 1998 Comprehensive Plan was the catalyst for discussions regarding development in the Northwest Area since it was one of the remaining places where future development could occur. There was a lot of public engagement during this process, and the conversation ultimately led to the creation of an advisory committee. The main concern was the cost of infrastructure and the implications of development patterns in doing that. The plan called for a new pipe to be installed to pipe stormwater to the Mississippi River. The Northwest Quadrant Study was prepared by Hoisington Koegler, in collaboration with a natural resource based engineering firm, the University of Minnesota, and an engineering firm specializing in wetlands. The key questions were can the Northwest Quadrant develop using creative land use patterns that minimize the need for traditional stormwater management, and how could it work with private property rights, zoning, and market place economics. The study looked at the area between 70th and Highway 55, and Argenta Trail and Robert and what they had to do from a development standpoint to get the number of units necessary to support leaving 25-20% of that area as open space. They then began a series of more in-depth studies for the entire Northwest Area, which included a significant public participation process. In 2004 the Natural Resource Inventory and Management Plan was prepared which outlined a strategy for managing the site and identified areas to be preserved as open space corridors. A Northwest Quadrant Hydrologic and Hydraulic Analysis was also done which showed where the water was flowing and identified which basins were most suitable for infiltration retention. In 2005 the Northwest Area Water and Sanitary Sewer Extension Feasibility Report was prepared which focused on providing sewer and water services up to 70th Street. The Alternative Urban Area-Wide Review (AUAR) was completed and evaluated the impact development would have on traffic and natural resources. The AUAR is required to be updated every five years. The Stormwater Manual was then developed which serves as a resource by illustrating acceptable practices and procedures for designing, construction and maintenance of on-site stormwater systems and tying into the regional system. This manual is very innovative and is often referred to as a model. In 2008 the City's Comprehensive Plan was updated to reflect the Northwest Area planning that had been done since 1998. The Northwest Area Collector Street Plan was prepared and looked at the logical network of arterial and collector streets that would be necessary to serve this area, and established guidance for spacing, street design, and access to property. In working towards establishing a regulatory

approach in the Northwest Area the City looked at a variety of approaches to accommodate the non-traditional development pattern across the Northwest Area necessary for the proposed stormwater management approach to be feasible. It was determined that the PUD Overlay District was the most logical approach. The Northwest Quadrant PUD Overlay District was then established. The exception neighborhoods identified in the Comprehensive Plan are not required to comply with the Northwest Quadrant Overlay District. The normal PUD procedures were revised to allow for flexibility in use and design to achieve the broader goals of preserving open space and accommodating enough growth and development to support the financing for the infrastructure. It was understood from the beginning that PUDs would involve trade-offs, and that the City might have to compromise on design in order to get other things relevant to the stormwater aspect of the Northwest Area. He advised that all developments must be processed as a PUD. There are regulations in place which establish a baseline for what the City is trying to achieve; however, some flexibility may be required to achieve the broader goals. Because of this, language was intentionally put into the ordinance stating 'unless otherwise approved by the City Council'. The ordinance language works towards providing more open space, preserving high-quality natural resources, and the clustering of housing. The ordinance also establishes a minimum density. They are also trying to encourage diversity of housing types and a PUD could consist of a mix of housing types. The financing of infrastructure in the Northwest Area is unique as it is 100% reliant on connection fees. To date services are available up to 70th Street and the City knows how many units are needed to pay for that investment that has been made. Staff therefore evaluates all projects to make sure they achieve the targeted density.

Mr. Hunting summarized the applications that came in for the Northwest Area since the ordinance was adopted in 2007, including 1) the United Properties industrial office park, 2) Southview Senior Housing, 3) McGough – Argenta Hills commercial and residential, 4) Loch Gregor and Hartford, which never materialized, and 5) Groveland Heights, which was recently approved.

Mr. Scheib advised that a financial challenge was created when the market moved away from the multi-family projects that were assumed towards single-family detached.

Commissioner Klein asked how the valuation of the single-family homes compared to that of a duplex.

Mr. Scheib replied two connection fees versus one.

Commissioner Klein noted that the valuation of the homes thus far has been around \$350,000.

Mr. Hunting replied that he could not compare the actual valuation as the City has not received an application for a townhome project. Mr. Hunting advised that the projects thus far have either achieved or exceeded the 20% open space, as well as the disturb and undisturb ratios. However, the 100 foot wide continual corridor has been hard to hit and some flexibility has been approved. He advised that projects have been getting approved with structures being closer together than what was originally planned. The main reason for this is that it was originally assumed that rain gardens or other stormwater features would be located along common property lines between homes. In reality that does not work well because the two units must be built at the same time and there are maintenance issues with having two landowners. He agreed with Mr. Scheib that the primary market seems to be for single-family detached so they have been struggling to get a mix of housing types. Developers have been requesting, and receiving, flexibility for a narrower side yard on corner lots. Argenta Hills has a 10 foot minimum separation between homes, however, the other projects that have been requested are proposing a 15 foot separation, which is the standard throughout most of the City and seems to be typical in all suburban development.

Commissioner Robertson asked if the removal of stormwater features between homes has

presented any problems.

Mr. Hunting replied that it has not negatively impacted the overall stormwater goals. The stormwater is either going to larger regional basins or stormwater features are being set up on individual lots.

Vance Grannis Jr, 9249 Barnes Avenue, asked if there was any attempt to get landowner and developer input regarding the flexibility and changes being requested.

Mr. Scheib replied they were not recommending any changes to the ordinance. Mr. Scheib explained that the intention behind a PUD is for every product that comes in to have some flexibility built in as to how it is implemented and each is required to have a public hearing.

Mr. Hunting stated that City Council has not directed staff to look at changing the ordinance to reflect the requested flexibilities and issues being raised.

Chair Hark asked if density was the primary issue.

Mr. Hunting replied in the affirmative, stating it was mostly due to current market demand. He advised the reason the code uses PUDs is because it allows for flexibility and applicants do not need to apply for variances.

Mr. Grannis stated the present system in reality is actually not very flexible, and more flexibility should be allowed.

The meeting was adjourned by unanimous vote at 8:37 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary