

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

Tuesday; September 16, 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  
Armando Lissarrague  
Annette Maggi

Commissioners Absent:

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

### **APPROVAL OF MINUTES**

The minutes from the September 2, 2014 Planning Commission meeting were approved as corrected.

### **PAUL AND STACY MARION – CASE NO. 14-36V**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a deck addition to be located about 61 feet from the Ordinary High Water (OHW) whereas 75 feet is the required setback, for the property located at 1905 – 63<sup>rd</sup> Street. 5 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned R-1C, Single-Family Residential. The applicant would like to replace their existing deck and add an additional two feet onto the back of the deck. The deck is currently located about 63 feet from the Ordinary High Water mark (OHW). Adding the two feet being requested would move the deck about 61 feet from the OHW whereas 75 feet is required. The two foot expansion would not require any additional footings. Shoreland requirements are in place to minimize the impact to the shoreland and protect water bodies. The deck already encroaches into the setback, so approving the variance would intensify the existing impact. The request was sent to the DNR and has been reviewed by the City's Engineering Department; neither had any concerns or comments. Staff recommends denial of the request due to the lack of a practical difficulty. Staff has not heard from any neighboring property owners.

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

Paul Marion, 1905 – 63d Street East, advised he was available to answer any questions.

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

Mr. Marion replied in the affirmative. He advised that there are decks in his neighborhood that are

closer to the water than what he is proposing, and that updating the deck would bring the deck and railings into compliance with current building codes and would allow him to move his grill two feet further from the house. He advised that many of the codes refer to a 'recreational lake' and 'public waters'; however, the water body behind his home was actually more of a drainage ditch.

Commissioner Simon asked the applicant when his house was built.

Mr. Marion replied 1991.

Chair Hark closed the public hearing.

### **Planning Commission Discussion**

Commissioner Wippermann asked if the shoreline setback requirements were based on DNR recommendations.

Mr. Hunting replied in the affirmative, stating that local jurisdictions adopt their regulations based on the setbacks established by the DNR and are not allowed to adopt something less than the DNR established minimums.

Commissioner Wippermann stated that apparently the DNR was not concerned about what was being proposed as they made no comment.

Ms. Botten replied in the affirmative.

Commissioner Gooch stated in his mind they were not encroaching any further into the setback since they would be using the existing footings.

Commissioner Klein stated that the two feet being requested was so minimal that he had no issue with the request.

### **Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Lissarrague, to approve the request for a variance to allow a deck addition to be located about 61 feet from the Ordinary High Water (OHW) whereas 75 feet is the required setback, for the property located at 1905 – 63<sup>rd</sup> Street.

Motion carried (9/0). This item goes to the City Council on September 22, 2014.

## **BENNETT BENSON – CASE NO. 14-33V**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance to allow two detached accessory buildings on the property whereas one detached accessory building is allowed, for the property located at 5906 Asher Avenue. 6 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 R-1B, Single-Family Residential. The applicant is requesting to allow two detached accessory buildings on the property whereas one is allowed. The property currently has an attached garage and a 12' x 12' detached shed. The applicants are in the process of constructing a new, larger accessory building on the property and they would like to keep the existing shed. The applicant's property is located in a developed neighborhood with trees surrounding the property; both sheds are located along the northern property line. If the existing

shed was 120 square feet or less it would be exempt from building codes and the maximum number of accessory buildings allowed on a property. In this case the structure is 144 square feet in size. Staff recommends denial of the request due to lack of a practical difficulty. Staff received two letters of support from residents living across the street from the subject property.

Commissioner Simon asked staff to discuss impervious surface.

Ms. Botten advised that the applicant would not be exceeding the maximum impervious surface allowed, even with the second accessory structure.

Commissioner Robertson asked if staff received any feedback from the neighbor to the north.

Ms. Botten replied they had not.

Commissioner Scales asked if a variance to allow a second accessory structure would not have been necessary had the applicant's existing shed been 10' x 12' rather than 12' x 12'.

Ms. Botten replied in the affirmative.

Commissioner Robertson asked when this home was built, stating the Planning Commission recently heard a similar request regarding a home in an older residential area.

Ms. Botten replied that she was unsure of when the house was built; however, she believed the request being referred to was different as it did not have an attached garage.

### **Opening of Public Hearing**

Bennett Benson, 5906 Asher Avenue, advised he was available to answer any questions.

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

Mr. Benson replied in the affirmative. He presented a letter of support from his neighbor to the north who would be most impacted by the request.

Chair Hark received the letter.

Mr. Benson stated that the existing shed tied in with his fence and was an integral part of enclosing his dogs in his back yard. Also, the existing shed was built on a cement pad and the structures would be mostly hidden by trees on the north, east, and south and only minimally visible from the east.

Commissioner Gooch asked where the driveway to the new garage would be located.

Mr. Benson replied that he did not plan on installing a driveway as he would not be driving vehicles into the building, with the exception of lawn mowers and motorcycles.

Commissioner Robertson asked the applicant if he planned on having an entry to the new garage.

Mr. Benson replied in the affirmative, stating he planned to have a 4' x 15' slab in front of the new shed.

Commissioner Robertson asked if the additional impervious surface for the entry would affect the maximum impervious surface.

Ms. Botten replied that the entry slab would factor into the total amount of impervious surface on the property; however, they would still be under the 5,100 square feet of hard surface allowed.

Commissioner Maggi asked the applicant how long he had lived in his home.

Mr. Benson replied that the house was built in 1961 and he has lived there since 1997.

Commissioner Simon asked the applicant how he got to his shed, stating she saw vehicle tracks.

Mr. Benson replied that there was a gate between the house and the existing shed, and the tracks were from the construction vehicles.

Chair Hark closed the public hearing.

### **Planning Commission Discussion**

Chair Hark stated this was a difficult request because had the shed been only two feet smaller a variance would not be necessary; however, the zoning code required a practical difficulty.

Commissioner Robertson was concerned about the precedent this would set; especially when she was aware that this type of request may arise again and the fact that the City had codes in place to address them.

Commissioner Scales stated that he supported the request and did not think the intent of the code was to force a homeowner to remove a shed because of two extra feet. He advised that the Planning Commission recently recommended approval of a similar request for two detached structures on a smaller lot.

Commissioner Lissarrague stated it was a bigger nuisance to have the homeowner remove the existing shed, leaving only a slab, than to leave the shed in place.

### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Klein, to approve the request for a variance to allow two detached accessory buildings on the property whereas one detached accessory building is allowed, for the property located at 5906 Asher Avenue.

Commissioner Wippermann was concerned about the precedent this would set and the potential for the variance requests to get larger.

Motion failed (4/5 – Maggi, Wippermann, Robertson, Simon, Hark). This item goes to the City Council on September 22, 2014.

## **KEH & H (MORRIE'S MAZDA) – CASE NO. 14-35CA**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to expand the parking lot facilities and add a car wash for the property located at 16 Mendota Road. 7 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 conditional use permit amendment to expand the outdoor storage area and to add a future car wash to the existing building. Morrie's currently operates out of the

building west of this property. The current tenant of 16 Mendota Road will continue to operate on the property until their lease is up or they find a new location. An internal access point would be added to connect the two Morrie's parcels. Staff recommends approval of the request with the nine conditions listed in the report. Staff received a call from one property owner who had general questions.

**Opening of Public Hearing**

Karl Schmidt, 2749 Dean Parkway, Minneapolis, advised he was available to answer any questions.

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

Mr. Schmidt replied in the affirmative.

Commissioner Simon asked how long Carhop had a lease for 16 Mendota Road.

Mr. Schmidt replied ten years. He advised that Carhop was willing to relocate as soon as they found an agreeable location.

Commissioner Simon asked if the front parking area would be used for sales once Carhop left.

Mr. Schmidt replied it would be used for overflow storage, not sales.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a conditional use permit amendment to expand the parking lot facilities and add a car wash, for the property located at 16 Mendota Road, with the nine conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on October 10, 2014.

**JIM DEANOVIC (BLACKSTONE) – CASE NO. 14-22PUD**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a Preliminary Plat and Preliminary PUD Development Plan for a three part residential PUD on three separate parcels consisting of 305 residential units on single-family and townhouse lots, a rezoning of the parcels to R-1C/PUD and R-3B/PUD in the Northwest Area Planned Unit Development, a Comprehensive Plan Amendment consisting of the following changes: 1) land use map change for Blackstone Ridge from LMDR, Low-Medium Density Residential and MDR, Medium Density Residential to LDR, Low Density Residential, 2) land use map change for Blackstone Vista from LMDR to LDR and from IOP, Industrial Office Park, MDR, CC, Community Commercial to LDR; and in the alternative, the additional Comprehensive Plan Amendments are being proposed: 3) amending the land use plan to add the following land use categories: 1) LDR-NWPUD, Low Density Residential Northwest Area PUD and 2) MDR-NWPUD, Medium Density Residential Northwest Area PUD including new text for these categories, 4) amending Chapter 7 of the Comprehensive Plan relating to the future sewer and water map for the Northwest Area, and 5) amending Chapter 2 relating to changes to the exception neighborhood Leitch Estates noted in MUSA Expansion Exceptions, for the property located along the north side of County Road 26 near the Eagan border, east of the intersection of Argenta Trail, and County Road 26 and on the west side of Argenta Trail, south of County Road 26. 209 notices were mailed.

### **Presentation of Request**

Tom Link, Community Development Director, advised that the applicant has submitted an application for a three part residential subdivision in the Northwest Area (NWA). The first phase, Blackstone Vista, is southwest of 70<sup>th</sup> and Argenta. The second phase, Blackstone Ponds, is northwest of 70<sup>th</sup> and Argenta and lies to the west of the Leitch Estates neighborhood. The last phase, Blackstone Ridges, is northeast of 70<sup>th</sup> and Argenta. He discussed some of the work that the City has completed in regard to this development, including a land use projection, financial update for the NWA utilities, a regional basin update, feasibility report on the extension of utilities, preliminary design of utility extension, review of Deanovic concept plans, update of the Northwest Area Park Plan, Dakota County approval of two of the plats, and the recent City Council selection of a contractor for a final design of the utilities. There continues to be work that needs to be done, most pertaining to either the utilities or the transportation. To some extent it is a 'leap frog' development in that the development is not adjacent to where the sewer ends now and so the City would have to extend the sewer across intervening properties to get to the Deanovic property. That involves preparing a final design of utilities, identifying and acquiring the necessary easements, identifying funding for easement acquisition and construction of utilities, approving that funding, and awarding a contract for the construction of the utilities.

There are two transportation issues; Argenta Trail and collector streets. The City has been studying transportation in this area for some time. The City plans for a future interchange at Hwy 55 and Argenta Trail, a future interchange on I-494, and a realignment of Argenta Trail from its current terminus at 70<sup>th</sup> Street and Argenta Trail. Argenta is an extension of Yankee Doodle Road in Eagan and will eventually be a major arterial. Traffic studies indicate that in 20-30 years this could be a six-lane road, for which the County will require a 200 foot right-of-way. The alignment of Argenta Trail has not yet been determined; there are three possible options: 1) put all right-of-way on the Blackstone Ridge plat, which would significantly reduce the development potential of the property, 2) move it west to the eastern edge of Leitch Estates, which would require acquisition of a portion or all of 10-15 residential properties, or 3) put the right-of-way on the property line – half on the Deanovic property, half on Leitch Estates. There is a power line in this corridor; however, which is estimated to cost a million dollars to move.

The second transportation issue is collector streets. The City's Collector Street Study identifies two collector streets through the Ridges plat. The City currently does not have a policy on dedication of right-of-way for these roads or the funding of construction. These policies should be in place before the City makes any recommendation on subdivision plats that are impacted by these issues. More time is needed for the Council to adopt a policy on right-of-way dedication and funding.

The sewer that was extended to 80<sup>th</sup> Street and Robert Trail has not generated the development that the City anticipated. Extending the utilities to the Deanovic properties would open up additional properties to utility connections and hopefully generate that development. The proposed development would provide for the current residential market, which is primarily single-family residential.

Commissioner Simon asked for clarification of the Argenta Trail realignment shown on the Northwest Area Collector Street System Study map.

Mr. Link showed the alignment on the map, stating the plans have been to extend Argenta Trail north from the 70<sup>th</sup> and Argenta Trail intersection up to an interchange on I-494.

Commissioner Simon stated that the Comprehensive Plan had always shown the interchange at that location; however, at the open house the County had talked about moving the I-494 interchange to the east of the location shown on the map. She advised that at those meetings the

County had asked citizens and representatives from Sunfish Lake, Mendota Heights, and Inver Grove Heights for their input on its location.

Commissioner Klein agreed with Commissioner Simon's comment, stating one of the reasons they chose that location was because it was in Inver Grove Heights rather than Sunfish Lake.

Mr. Link stated his recollection was that there was an issue of maintaining a minimum spacing between the Robert Street and Dodd Road interchanges, and therefore the intent was to put the interchange at the location shown on the map, but it would be on the south side of I-494 so it would not extend into Sunfish Lake.

Commissioner Simon stated the map they had shown at the open house was different from the one Mr. Link was referring to. She advised that at the meeting the County had brought forward three different alignment options. One option showed the alignment where the No. 7 collector street was currently being shown on the map and that was the preferred alignment by the citizens because that way the developers could deal with it rather than existing homeowners having to sell or give up their land in order to put in the interchange.

Mr. Link stated his recollection what that the plan had always been for Argenta Trail to extend north from its current location at 70<sup>th</sup> and Argenta; however, whether that goes east onto the Deanovic property or west onto the Leitch Estates property has not yet been decided.

Commissioner Simon asked for clarification of whether Argenta Trail could potentially be six lanes wide at 70<sup>th</sup> Street.

Mr. Link replied that in the next 20-30 years Argenta Trail could eventually be six lanes wide as this would be a major road connecting two future interchanges and tying into Yankee Doodle Road.

Commissioner Simon stated previously the plans were to cul-de-sac the end of Argenta Trail.

Mr. Link replied that the concept plan still shows the south end of the existing Argenta Trail being changed to a cul-de-sac just north of 70<sup>th</sup> Street.

Commissioner Robertson asked if the intent was to make decisions now based on Argenta Trail potentially being six lanes wide.

Mr. Link replied in the affirmative, stating the County would like to get a 200 foot right-of-way now rather than having to acquire it after development occurs. He advised that the actual construction may start off as a two-lane or four-lane and be expanded as the need arises.

Commissioner Robertson asked if the same number of existing residences would be impacted whether all 200 feet of right-of-way was on Leitch Estates or if it was split with 100 feet on the Deanovic property and 100 feet on Leitch Estates.

Mr. Link replied that he was unsure as that part of the analysis had not yet been done. He advised that before a final alignment would be selected additional investigation and a public participation process would have to take place.

Commissioner Simon asked if a noise study would be necessary.

Mr. Link replied that he was unsure to what extent the County takes noise into consideration.

Commissioner Simon advised that a noise study was done with 70<sup>th</sup> Street, and if it were widened it

would impact everyone along 70<sup>th</sup> Street.

Mr. Link advised there would be a dozen or so criteria that the County and City would look at, and noise may be one of them. He advised that the County and City share the costs of County roads, including the cost of acquisition; the County pays 55% and the City pays 45%.

Commissioner Maggi asked if it was correct to assume that these issues would be present anytime development was initiated in this quadrant of the City, and were not necessarily tied to this specific development.

Mr. Link replied that most of the issues being discussed tonight were typical of all development proposals (collector streets, utilities, etc.). The Argenta Trail alignment was somewhat unique; however, and would affect properties along that alignment.

Allan Hunting, City Planner, displayed a map of the three proposed development areas and discussed the specific items being request tonight. He advised that the applicants are requesting a Comprehensive Plan Amendment to change the land use on 40 acres of property in Blackstone Vista from IOP-Industrial Office Park, CC-Community Commercial, and MDR-Medium Density Residential to LDR-Low Density Residential, and 40 acres in Blackstone Ridge from LMDR-MDR to LDR. Since the number of units would be decreased, language would be added requiring that the developer pay back the trunk fees to the assumed number. The Sanitary Sewer map would be changed to reflect the proposed change in routing of the sanitary sewer. Leitch Estates, which lies between two of the proposed plats, was identified in the Comprehensive Plan as a neighborhood in which sewer was not planned to run through. If the main trunk line would be extended along 69<sup>th</sup> Street, which is part of this exception neighborhood, language should be added allowing the City Council to do this.

Mr. Hunting advised that all PUD developments in the NWA must be rezoned to a PUD. The applicant is requesting that this property be rezoned from A, Agricultural to R-1C/PUD and R-3B/PUD. The developers have done a fairly good job of providing the necessary open space and contiguous open space. In the Vista and Ponds developments they have some pinch points on the 100 foot corridor but are hitting the other numbers. In the Ridges the open space is more broken up and the design does not provide for a contiguous open space as intended by the code. Staff prepared a concept greenway/open space plan and recommends that the design of Ridges be modified to provide more contiguous open space. In regard to impervious surface, overall the total project falls within the impervious surface maximums. Staff is recommending that a specific impervious surface calculation be done for each lot at time of final plat review. There are currently no plans for city parks in any of these areas so the developer will be required to pay park dedication fees. Each development will have some trails and also sidewalks on one side of the street to provide connectivity. Tree reforestation would be met when combining the three plats together.

The applicants are not planning to install infiltration basins between buildings and are therefore requesting flexibility from the 20 foot separation between buildings. They are proposing a 5 foot setback on the garage side and a 10 foot setback for principal structures. They are also looking for flexibility to allow a 15 foot corner lot setback rather than a 20 foot setback, some flexibility from the 100 foot open space corridor width as there are pinch points, and flexibility from the need for porous pavement beyond a 20 foot driveway width.

In regard to financing, Council directed that the cost of the trunk utilities be borne by the developers. An analysis was done for each parcel to determine its development capacity. An analysis has been done to compare the development assumptions versus the proposed, and there is a million dollar shortage. City Council will have to address this as financial issues are not the

Planning Commission's purview.

Commissioner Robertson asked for clarification that there were no parks planned within any of the three subject areas.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked for clarification of whether parks were required when areas reached a certain density.

Mr. Hunting replied nothing was automatically required by density. The Parks Department recently did an analysis of future park needs and none were identified on any of these three specific parcels. He advised that future parks in the area would be under the purview of the Park and Recreation Commission.

Commissioner Klein asked if any possible park areas were identified in the Northwest Area.

Mr. Hunting replied in the affirmative, stating he did not have a map with him tonight showing specific locations.

Commissioner Simon stated it was her understanding that one was planned for the northeast corner of Robert and 70<sup>th</sup> and possibly another on the southeast side of Argenta and 70<sup>th</sup>. She pointed out a typo on page 18 in which the word 'no' was missing in regard to the need for specific tree location. She asked if they were following the Shoreland Overlay District regulations for the Ponds development.

Mr. Hunting replied in the affirmative.

Commissioner Simon noted an inconsistency in the various documents in the proposed number of homes in the Ponds development.

Mr. Hunting replied that the number was reduced throughout the application process as the developer became aware of the setback requirements from Franke Lake.

Commissioner Simon asked if the DNR provided any comments regarding this application.

Mr. Hunting advised that staff only notifies the DNR if the proposal does not comply with their requirements. Since this application followed the standards no notification was sent.

Commissioner Simon asked if the DNR needed to be notified if the area was considered sensitive.

Mr. Hunting replied he was not aware of such a designation.

Commissioner Simon replied there is a map showing sensitive areas throughout Dakota County. .

Mr. Hunting replied that would not tie into the shoreland regulations.

Commissioner Simon asked if staff received comments from the Fire Marshal.

Mr. Hunting replied they had not yet received comment.

Commissioner Simon stated she was concerned about the potential lack of turnaround ability in some of the roads that did not end in a cul-de-sac.

Tom Kaldunski, City Engineer, discussed the utilities study. He advised that a number of sanitary sewer options were considered for the Argenta District. The existing sanitary sewer ends in Argenta Hills 8<sup>th</sup> and 9<sup>th</sup>. Option 1B shows a gravity sewer being extended through the Peltier property and across Argenta Trail to the top of the hill in the Vista development. At this point a force main would follow the roads to the northwest corner of Vista at 70<sup>th</sup> Street, where the developer would provide land to the City for a lift station. Sanitary sewer would then continue into the Ponds area and move east. Two parcels in that area would be adversely affected by the sanitary sewer alignment. The sanitary sewer would then follow 69<sup>th</sup> Street to the existing Argenta Trail location, go slightly to the north, and come through a wooded area to what we have assumed to be an alignment along the west side of the Ridges development, at which point it would eventually go to the north.

Chair Hark asked why they would not run the sewer east on 70<sup>th</sup> Street.

Mr. Kaldunski replied that the alignment reflected in Option 1B would be more cost effective. Also, the grade on 70<sup>th</sup> Street is too steep for a County road and therefore when the County ultimately improves the road it would require a major excavation. They do not want to install utilities where there are unknown future grades. He showed a previous alignment from the 2030 Comprehensive Plan, stating that moving it to the current proposed alignment would result in a significant cost savings.

Commissioner Klein stated there was a property owner who has been requesting sewer and water who would have been serviced with the previous alternative and could have helped pay for it.

Mr. Kaldunski stated the steep topography in that location would make utility extension difficult. He advised that they also looked at Option 2B, which was almost identical to 1B with the exception of bringing the sanitary sewer south of 70<sup>th</sup> Street instead of along 69<sup>th</sup> Street; Option 1B would result in a much lower cost.

Commissioner Robertson asked why 2B would be more costly.

Mr. Kaldunski replied because the sewer depth on 69<sup>th</sup> Street would be 15-25 feet deep whereas Option 2B would be 40-50 feet deep. He advised that a trunk watermain system would also be constructed, which would be a grid and looping system. The trunk watermain would roughly follow the same alignment as the sanitary sewer and would be done in phases.

Commissioner Klein asked if it would be awhile before they had a complete looping system.

Mr. Kaldunski replied they were looking to achieve that as soon as possible. The first phase would have the majority of the loop in it, but there would be a gap from Argenta to the lift station until a road right-of-way was available through the Ridges property.

Commissioner Klein asked if there would be a dead end in the interim.

Mr. Kaldunski replied in the affirmative.

Commissioner Robertson asked if Option 1B was the option that would go through an existing residential area.

Mr. Kaldunski replied in the affirmative.

Commissioner Robertson asked if Option 2B would disrupt an existing residential area.

Mr. Kaldunski replied that Option 2B would go through undeveloped property south of 70<sup>th</sup> Street.

Commissioner Robertson asked if the cost difference between Option 1B and 2B was approximately \$350,000.

Mr. Kaldunski replied in the affirmative. He discussed estimated construction costs.

Chair Hark asked if Mr. Kaldunski's PowerPoint presentation was available on the City's website.

Mr. Kaldunski replied in the affirmative. He advised that the City has gone through a federal review and gotten its first step of approval on the I-494 interchange location.

Chair Hark asked if the federal government had any say on the south end of Argenta Trail at Highway 55.

Mr. Kaldunski replied they did not. He gave an overview of stormwater management, and advised that they identified the regional basins and have hydrologic models for the amount to be stored in them and predicted high water elevations. He advised that staff is fairly comfortable with what they are seeing from a stormwater perspective in the Vista and Pond developments. The Ridges is more problematic from our Northwest Area standards.

Chair Hark asked if there were setbacks from the power lines.

Mr. Hunting replied there could be no structures within the power line easement but there were no required setbacks from the easement.

Commissioner Simon asked how wide the power line easement was.

Unknown person in audience replied that the easement was 75 feet wide.

Mr. Kaldunski stated there were still some outstanding issues to work through in this development and they have been outlined in the report.

Commissioner Klein asked if staff felt comfortable enough to proceed at this point with all the outstanding questions.

Mr. Link replied that by statute the City must act before the end of October. Staff's recommendation is to table to request until the next commission meeting because of the application's size and complexity.

Chair Hark stated the realignment of Argenta Trail was a significant issue and he asked if there would be more clarity around the road issue at the next meeting. .

Mr. Link replied there would not as the analysis of the Argenta Trail alignment would take more time. He advised that the Planning Commission had two options; the first would be to deny the request, based on it being premature, until a more detailed analysis of the Argenta Trail alignment could be accomplished. Another option would be to approve the request subject to that analysis being done. One of the conditions that staff would like to explore further is whether the plat could be approved conditional upon a subsequent comprehensive plan amendment to determine that alignment. If that alternative were to work the plat could be approved but it would be subject to another comprehensive plan amendment that would take another 120 days to analyze, hold another public hearing, etc.

Chair Hark stated a third option would be to send it on to City Council with no recommendation. He asked for clarification if Council action had to be taken within 120 days.

Mr. Link replied in the affirmative, stating the Planning Commission would have to take some form of action at their next meeting in order for Council to meet the 120 days.

Commissioner Simon asked if tabling it would give them enough time to cover a neighborhood meeting and address questions regarding the exception neighborhood and the Ridges road issues. She stated that if the Commission acts on the preliminary PUD, and City Council approves it, Conditions 38 and 39 give them power to start easement acquisition. She was concerned about whether this included 69<sup>th</sup> Street and stated she had many issues and questions.

Mr. Hunting stated those were issues that Council would have to determine and the Planning Commission would have to take some action before Council discussion would take place.

Commissioner Klein stated it would be helpful if staff could have another neighborhood meeting before this went to Council to try to iron out some of the issues.

Mr. Link stated that staff was considering tonight's meeting as a replacement for a neighborhood meeting. He advised that staff is recommending tabling this for two weeks; however, they likely would not have a lot more information at that time. He noted that there were many conditions attached to the option to approve, including approval of the water and sewer alignment, Argenta Trail alignment, etc.

### **Opening of Public Hearing**

Ian Peterson, Vice President of Ryland Homes, advised he was available to answer any questions. He advised that Jim Deanovic, the property owner, and Dan Schmidt, Sathre-Bergquist, were also present.

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

Mr. Peterson replied in the affirmative.

Jim Abbott, 6720 Argenta Trail, stated he had lived in his home for 32 years and had concerns about the wetlands and the potential for wildlife loss.

Martha Zachary, 6921 Arkansas Avenue West, stated she has lived in her home since 1961 and was opposed to Option 1B. She stated the extension down 69<sup>th</sup> Street would go through her property, she was concerned about the potential for additional variances, did not want to lose the tranquility of her neighborhood, and asked the City to look at the big picture for the little buck people rather than the little picture for the big buck people.

Kyle Van, 6660 Argenta Trail, stated that as a resident of the Leitch Estates neighborhood he was concerned with the proposed realignment of Argenta Trail through the east side of Leitch Estates, the possibility of losing his home, how this would impact property values, how the alignment could be changed after such a significant investment of time, money and public input was made in doing the County's Regional Roadway System Visioning Study and the Northwest Area Expansion Collector Street System Plan, the contradiction to the City's policy to focus on preservation and maintenance of existing neighborhoods, to require that future street alignments fit the contour of the natural landscape, the lack of a funding source and official plan for an interchange to be installed on either I-494 or Highway 55, the impact of the proposed extension of 69<sup>th</sup> Street with utilities underneath on the existing wetlands and safety concerns regarding its proximity to 70<sup>th</sup>

Street, and the fact that private property would have to be seized to enable its construction. The Comprehensive Plan also includes a policy to insure that new development areas are compatible in size with existing adjacent neighborhoods; however, he did not feel the proposed townhome development was compatible with the large lots in Leitch Estates.

Ed Joseph, 1735 – 70<sup>th</sup> Street West, stated that he received two letters a few years ago; one advising that his neighborhood was exempt from sewer and water, and the other indicating that a portion of his property had been designated as a wildlife corridor and green space and therefore should never be built on. He questioned how this plan would impact that corridor and the wildlife living there and advised that the proposed sewer alignment would go through his garage, he was concerned about the amount of grading that would be associated with the 69<sup>th</sup> Street extension, and the impact this would have on his neighbors' property and the existing ponds on 69<sup>th</sup> Street. He was also concerned about the proposed density on the property adjacent to his, stating it was incongruent to the larger lots of the surrounding area.

Dick Roberts, 1655 – 68<sup>th</sup> Street West, advised that he served on the Planning Commission during the development of the Northwest Area and had some concerns. He stated it was determined at that time that separated parcels, such as those being proposed, could not be combined to hit the impervious surface percentages. Each individual parcel had to stand on its own otherwise they would not meet the stormwater management goals. He was also concerned about the proposed reduction in separation. He advised that a lot of work and expense went into the planning of the Northwest Area and it could all be destroyed by making some bad decisions.

John Todd, 6689 Argenta Trail, stated he had concerns regarding the impact this would have on Franke Lake and whether the catch basins would be adequate. In regard to parkland, he questioned whether they would ultimately take land from existing homeowners rather than having the developer provide it.

Mr. Hunting stated that it would likely be a combination of land acquisition and dedication.

Mr. Todd stated that if parkland was needed because of the proposed development density then the developer should bear that rather than the existing homeowners.

Diane Larson, on behalf of her father who has owned 6818 Argenta Trail since 1961, stated that the proposed road would go through the middle of her father's shed. She was concerned about the potential impact to the integrity of her father's recently installed well, and the fact that Argenta Trail may now go on her father's land when historically it has always been planned to go east of the power lines. She stated that her father has recently moved out because he is in need of round the clock nursing care and he therefore needed the equity from his home to pay for that care; she stated that tabling this and waiting would not help her father who needed access to his equity.

Joe Vogel, 6963 Arkansas Avenue, stated that if 70<sup>th</sup> Street widened to a four-lane road his lot would be sandwiched between that and the 69<sup>th</sup> Street extension. He stated the proposal would divide a neighborhood of residents who have been there 20-50 years and who did not need sidewalks or parks. He suggested they do a loop road off of 70<sup>th</sup> Street to achieve the two access points for the Ponds development rather than going down 69th. He stated the long-term residents should have a say over the future development, and perhaps the City or County should have bought the right-of-way rather than the developer.

Nicola Abbott, 6720 Argenta Trail, stated she owned two properties; one for their home and one was a pasture for their horse. She questioned what she would do with her horse if they lost part of the property for Argenta Trail. She stated it was wrong to take the properties of citizens who have lived in the City for years rather than using the undeveloped space east of the power lines simply

because it was more convenient and the developer could make more money.

Maria Gillespie, 6712 Argenta Trail, was opposed to the request and stated that 12 years ago the City allowed them to install a well and septic and build a house that they would hopefully live in the rest of their life. She was concerned that that could all be taken away with this development.

Ted Kasel, 6854 Argenta Trail, stated that the proposed realignment of Argenta Trail would be approximately 10 feet behind his home, he preferred the previously proposed alignment, and questioned why the road would be moved westerly where there were numerous homes rather than to the east which was undeveloped.

Dennis Wolfe, 6742 Argenta Trail, stated that spending a million dollars to move the power line to accommodate the new Argenta Trail would likely be less than it would cost to acquire the existing homes. He asked the City to consider the expense and hardship they would create for the existing property owners that have been supporting the City for years.

Chad Hagman, 6710 Argenta Trail, stated the proposal would be detrimental to the wildlife, force out homeowners, and do what the City had previously stated it would not do to these residents.

Debra Van, 6660 Argenta Trail, asked the City to look out for them as a community by not bowing to the developer and changing this area forever.

Joe Vogel, 6963 Arkansas Avenue, stated he was concerned about the impact this development would have on existing water bodies and infiltration and hoped the developer would work with the neighbors.

Nicola Abbott, 6720 Argenta Trail, asked the developers to consider building large homes on three acre properties rather than the proposed dense development, stating the profit would likely be the same, the damage would be minimized, and it would be more congruous with the existing neighborhood.

Mark Van, 6660 Argenta Trail, stated that he contacted the Minnesota Department of Transportation and they stated that although Inver Grove Heights had shown an interest in putting in an interchange on I-494, it would be done only when they had determined there was a need for it.

Commissioner Lissarrague asked what the lots sizes were in the impacted neighborhood.

Mr. Vogel replied he was not sure, but guessed they ranged in size from 1-3 acres.

Commissioner Simon advised that many of the lots were ½ acres.

Ms. Larson requested that the Planning Commission deny the request tonight. She stated there were too many uncertainties and she questioned whether the density of the prospective development would eventually necessitate a new school being built.

Ted Kasel, 6854 Argenta Trail, asked what the plan would be for moving the power line and whether it would be moved closer to the existing neighborhood.

Mr. Link stated that would have to be studied and was unknown at this time.

Commissioner Wippermann asked if the public hearing should be held open until the next meeting if the Planning Commission were to table the request.

Mr. Link replied in the affirmative, stating that the Chair had the option to shut down the public discussion to give Commissioners time to discuss the proposal without closing the public hearing.

Chair Hark asked if there was any more public testimony.

There was no response from the audience.

Chair Hark stated that Commissioners had the option to approve the request with the conditions listed, deny the request, table the request until the next meeting, or move it forward to City Council without a recommendation.

Commissioner Maggi recommended tabling the request to the next meeting, and asked if their questions to staff and the developer should be addressed now or at the next meeting.

Commissioner Klein stated it was a long process that would likely take months to get worked out. He recommended forwarding the request on to City Council without a recommendation, stating many issues needed to be addressed before this was finalized.

Commissioner Maggi believed that they had the responsibility as a commission to do their due diligence, ask the necessary questions, and then move it forward with a recommendation.

Commissioner Klein questioned what more information they could obtain, stating they were not engineers or accountants.

Commissioner Scales stated he would like the opportunity to ask more questions and would be more comfortable sending this to Council with the future road right-of-way on the Deanovic property rather than Leitch Estates.

Commissioner Lissarrague stated he would like to keep the public hearing open to allow the public to give more input if they had more to add.

Chair Hark advised it remained open. He stated he continued to recommend that this be moved forward without a recommendation, stating it was unlikely they would have the answers to their questions by October 7 and most of the issues were out of the Planning Commission's purview.

Commissioner Robertson favored a continuation of the discussion, stating that getting more input and understanding would help the City Council with their decision making.

Commissioner Simon suggested that a neighborhood meeting be held prior to the next Planning Commission meeting to give neighbors in this area a chance to address the outstanding issues. She stated many questions needed to be answered before she could make a recommendation, including answers regarding hydrologic issues, how this would impact the landlocked pond south of 69<sup>th</sup> Street, would the exception neighborhood be forced to hook up to utilities, etc. She stated this impacts this neighborhood as much as it does the developer and people need to know the details so they can comment.

Commissioner Klein stated that City Council would have to answer most of those questions.

Commissioner Lissarrague advised the neighbors that the Commission realized this was a beautiful area and understood that it was an emotional issue.

Chair Hark reiterated that the Planning Commission was not charged with addressing financial

issues.

Commissioner Gooch stated he did not feel the Commission could make a recommendation without knowing the details of the final road alignment.

Chair Hark asked staff what the likelihood was that there would be a definitive answer regarding the road alignment by October 7.

Commissioner Maggi stated one of her concerns was that it was almost 10:00 at night and the Commissioners had not even started to ask their questions of staff or the developer.

Chair Hark replied that Commissioners could ask those questions tonight.

Commissioner Wippermann stated that Commissioners received these materials 2-4 days ago, it was the first they had ever heard of this development, there was a lot of testimony from the public, and he would recommend tabling it as he wanted time to review it.

**Motion by Commissioner Wippermann, second by Commissioner Maggi, to table the requests until October 7 and keep the public hearing open.**

Commissioner Klein suggested that Commissioners get their questions to staff before the next meeting.

Ian Peterson stated some of the issues brought up tonight were out of their control, such as density. He stated they would like to build large homes on large lots but they are already paying a density penalty of about a million dollars. He stated he would appreciate hearing any comments anyone had from a planning perspective, stating it would help them be better prepared.

**Motion carried (9/0). This item is tabled until October 7, 2014.**

Commissioner Klein stated that residents should forward their questions to staff as well.

Commissioner Robertson asked if notices would be sent for the next meeting.

Mr. Link replied that no additional notices would be mailed as it had been announced at this meeting that it will be considered at the October 7<sup>th</sup> Planning Commission meeting. He advised that since the public hearing was not closed he would anticipate the Commission again taking comments at the next meeting.

Commissioner Wippermann stated it was a good idea to get questions to staff prior to the meeting so they could be prepared to answer them; however, he would like the questions to be asked at the meeting as well as it would be beneficial for all to hear.

Mr. Link stated that he would bring two maps to the next meeting, one showing the proposed interchange and the other being the City's Park Plan.

Nicola Abbott, 6720 Argenta Trail, stated there seemed to be two separate issues; the road alignment and approval of the development. In her opinion the development should not be approved before there were answers for the road; they should be dealt with simultaneously.

The meeting was adjourned by unanimous vote at 10:05 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary