

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, August 5, 2015 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Armando Lissarrague  
Joan Robertson  
Annette Maggi  
Tony Scales  
Dennis Wippermann  
Pat Simon  
Bill Klein

Commissioners Absent: Elizabeth Niemioja (excused)  
Harold Gooch (excused)

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

### **APPROVAL OF MINUTES**

The minutes from the July 21, 2015 Planning Commission meeting were approved as submitted.

### **LORI BARR - CASE NO. 15-30SV**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard. 31 notices were mailed.

#### **Presentation of Request**

Ms. Botten explained the request as detailed in the report. She advised that the applicant is requesting to plat a five acre property into two buildable single family lots, each 2.5 acres in size. The proposed plat is consistent with the E-1 zoning and Rural Density Residential guiding. Access to the property would be off of Courthouse Boulevard. Staff is recommending the driveways be combined into one access point to provide a safe stopping distance off of Courthouse Boulevard. The applicant is in agreement to this condition. Engineering is requesting two drainage easements on the property across the 100-year emergency overflow routes. A custom grading agreement and stormwater facilities maintenance agreement would be required prior to any issuance of building permits. The applicant is requesting a variance from the minimum lot width requirement for Lot 1 to allow a lot width of 155 feet whereas 200 feet is required. Although the property meets the minimum lot size requirements for a lot split, the property is not physically large enough to comply with the minimum lot width requirements without granting some type of variance. The proposed lot sizes would be about the same or larger than the other lots in the area and having a reduced lot width on one of the lots would not have a direct impact to the neighborhood. Staff recommends approval of the request with the six conditions listed in Alternative A. Staff received a few general inquiries from neighbors but no one expressed any concerns.

Commissioner Simon asked staff to define the practical difficulty.

Ms. Botten replied that the property is not wide enough for a lot split to comply with the minimum lot width requirements, there would be no impact to the surrounding neighborhood, it was not the

applicant's fault that the lot was not large enough, and the lot split is in compliance with all other code requirements.

Commissioner Robertson questioned the practical difficulty being the lot not being the right size since the applicant was aware of the lot size prior to purchasing it.

Chair Maggi asked for clarification of whether only a portion of the lot did not meet the width requirements.

Ms. Botten replied the applicants needed a variance for the entire width of Lot 1.

Commissioner Lissarrague asked if the other lots in that area were 2.5 acres in size.

Ms. Botten replied that the lots in the neighborhood were about 2.5 acres in size, with the exception of a few to the north being smaller.

**Opening of Public Hearing**

Lori Barr, 10133 Barnes Trail, advised she was available to answer any questions.

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

Ms. Barr replied in the affirmative.

Commissioner Robertson stated that the applicants were not listed as the current owners of the property, and asked if this application was based upon their desire to purchase the property.

Ms. Barr replied in the affirmative, stating they had a contingency agreement with the owners.

Commissioner Lissarrague asked if the lot purchase was contingent on the ability to split the lots.

Ms. Barr replied in the affirmative, stating she could choose not to buy the property if their request was denied.

Commissioner Lissarrague asked the applicant if she planned on living on one of the lots.

Ms. Barr replied in the affirmative.

Carol Gilberg, 9465 Courthouse Boulevard, stated she lived north of the subject property and that everyone should have to abide by the rules.

Commissioner Lissarrague asked Ms. Gilberg how large her lot was.

Ms. Gilberg replied just over an acre.

Commissioner Klein stated her lot was much smaller than the 2.5 acre lots in the neighborhood.

Ms. Gilberg replied that she had lived there for 25 years and was grandfathered in. She stated it was not fair to grant a variance to one property owner and not another.

Commissioner Lissarrague asked Ms. Gilberg what her main concern was.

Ms. Gilberg replied that she was concerned about the potential impact to a wetland that was on both her property and the subject property.

Chair Maggi advised that the drainage had already been reviewed by the Engineering staff.

Ms. Botten advised there would be an easement over that wetland area to ensure that the neighboring properties would not be impacted.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Commissioner Wippermann stated he did not support the variance request due to lack of a practical difficulty.

Commissioner Robertson asked whether the two lots would have one shared access on Courthouse Boulevard that would split into two private driveways with two separate addresses.

Ms. Botten replied in the affirmative.

Commissioner Lissarrague stated he did not see a practical difficulty. He advised that he lived on a five acre lot and would be disappointed if his neighbors asked for variances to subdivide their lots.

Chair Maggi stated that would be a different scenario since the applicants in this case were meeting the 2.5 acre minimum lot size.

### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Klein, to approve with the request for a preliminary and final plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard, with the practical difficulty being the lot width.

Motion failed (3/4 – Lissarrague, Simon, Robertson, Wippermann).

Motion by Wippermann, second by Commissioner Simon, to deny the request for a preliminary plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard, due to lack of a practical difficulty.

Motion carried (4/3 – Maggi, Klein, Scales). This item goes to the City Council on August 24, 2015.

## **THE CHARTER SCHOOL FUND (ATHLOS ACADEMIES) – CASE NO. 15-31PR**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to allow for the construction of a 90,000 gross square foot building, along with other property improvements, for the property located at 9725 S. Robert Trail. 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 major site plan approval to construct a two level school building approximately 90,000 gross square feet in size, and other property improvements, subject to the City Council approving a rezoning and comprehensive plan amendment. The Council tabled the comprehensive plan and rezoning request at their July 27<sup>th</sup> meeting for more review of financial

and traffic impacts. It is scheduled to be brought back to City Council on September 14. It is the applicant's desire to move forward with the site plan review process and bring it to the Council at the same time as the rezoning and the comprehensive plan amendment, with the understanding that if the comprehensive plan and rezoning are denied the site plan approval would also be denied. If approved, the existing building on the site would be demolished and a 90,000 gross square foot building, new parking area, athletic field, and play area would be constructed, in addition to stormwater features, driveway, and other property improvements. Originally, the applicants were proposing a 30 foot setback from the drive area to the northern property line. After meeting with neighbors and hearing their concerns, the applicants reduced the amount of green space around the building and moved the drive area 49 feet from the northern property line. In doing so, they were able to eliminate a proposed retaining wall. To accommodate the neighbors request for privacy the applicants are proposing a six foot solid fence along the north and west property lines where improvements are being made near residential homes. The site would be served off one access point onto Robert Street, which is a State highway. The applicant would have to meet all MnDOT requirements, including a traffic study to determine the impacts of the project to Robert Street. Staff recommends approval of the 90,000 square foot building, subject to the rezoning and comprehensive plan amendment being approved, with the 12 conditions listed in Alternative A. She advised that staff heard from one neighbor, whose email is included in the report.

Commissioner Klein asked if they intended to remove most of the existing trees on the north portion of the site, stating he could understand why the neighbors would want screening during the winter once the leaves fell.

Ms. Botten replied that would be a better question for the applicant as she had not seen the revised grading plan.

Commissioner Wippermann asked how far the existing pavement was from the northern drive to the property line.

Ms. Botten replied approximately 30 feet.

Commissioner Robertson asked for clarification that the focus of tonight's discussion should be on the site plan review.

Ms. Botten replied in the affirmative.

### **Opening of Public Hearing**

Ken Tucker, 855 Broad Street, Boise, Idaho, advised he was available to answer any questions.

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

Mr. Tucker replied in the affirmative. He advised that they met with the neighborhood in late July and then modified their site plan to accommodate some of their concerns. In regard to the previous question regarding landscaping, he advised that they intend to leave the existing trees, as well as supplement with evergreens and other trees, to offset the impact of leaves falling, and would work with staff and the neighbors on how much gets added.

Commissioner Klein asked if they planned to install barriers on certain areas of the steep and winding driveway.

Mr. Tucker stated they planned to resurface and widen the driveway, and could add barriers if there was a safety issue.

Commissioner Wippermann asked how they planned to accommodate parking for special events, such as concerts or teacher conferences.

Mr. Tucker replied that for special events they would allow cars to park back-to-front around the perimeter drive aisle, and would have a stacking lane for parents dropping off and picking up.

Commissioner Wippermann asked if they were in a position to accommodate potential MnDOT requirements, such as a bypass lane for northbound traffic or a special turn lane for southbound traffic.

Mr. Tucker replied in the affirmative, stating they were meeting with MnDOT in two weeks to discuss the traffic study.

Commissioner Klein hoped they would reconfigure that entire area because of the existing businesses and lack of good sight lines.

Commissioner Wippermann stated he appreciated the accommodations the applicants had made to the neighbors.

David Samuelson, 9468 Tyne Lane, whose property borders the northern portion of the subject property, stated he was opposed to the request. He advised that they purchased their property 17 years ago with the understanding that it was a very private lot, and he was concerned about the fact that they were proposing to erect a two-story 90,000 square foot building behind him which could not be completely screened by evergreens. He advised that the second level of his home would be ground level with the proposed parking lot which would likely allow anyone on the second floor to look down into his home.

Commissioner Klein asked how far away Mr. Samuelson's home was from the proposed building.

Ms. Botten replied that his house was approximately 80 feet from the property line.

Chair Maggi asked if that would be a total of 130 feet to the building.

Ms. Botten replied it would be more than 130 feet as it was 50 feet from the property line just to the drive.

Mr. Samuelson stated the proposed building would dramatically change the look of their neighborhood.

Chair Maggi asked Mr. Samuelson if the subject property was zoned industrial when he purchased his home.

Mr. Samuelson replied that it was; however, the proposed building was much different from what is there now.

Commissioner Lissarrague asked if his concern was the school or the size of the building.

Mr. Samuelson replied his concern was the size of the proposed building and the change in privacy they would be experiencing.

Commissioner Lissarrague asked if he would prefer a one story building.

Mr. Samuelson stated that would help with privacy; however, car lines going around the perimeter of the school and activities at night could completely change his property.

Commissioner Scales asked staff what type of uses would be allowed on this industrial property without the need for a variance.

Ms. Botten stated the maximum height allowed in I-1 was 60 feet (at least three stories), and there could be more truck traffic, more storage, etc.

Commissioner Scales wanted everyone to understand what could potentially go on that site.

Mr. Samuelson stated if such a business was proposed neighbors would likely oppose that request as well.

Chair Maggi stated if no exceptions were needed it may not come before the City.

Commissioner Robertson advised Mr. Samuelson that City Council may end up choosing to retain this property for industrial use, which would significantly change the potential of how that property could be used.

Jim Thorn, 509 Severn Way, and Jerry Hersman, 505 Severn Way, Eagan, advised they were available to answer any questions.

Mr. Thorn advised that their lots back up to the west side of the subject property. He stated that unlike the neighbors to the north; however, they had not seen a depiction of their sight lines. He advised that the main level of their homes were eye level with the parking lot.

Commissioner Robertson reiterated that if the property remained industrial there was the potential for something very different to occur on that property.

Mr. Thorn advised that he was not opposed to having a school on the property, but was concerned about the impact of the perimeter drive, the sight line from the house to the property, and tree removal. He stated that the first proposal showed a lot of tree removal on the western side of the property bordering his neighborhood.

Commissioner Simon asked if the developers met with the neighbors to the west as they had with the neighbors to the north.

Mr. Thorn replied in the affirmative, stating they seemed to have accommodated the neighbors on the north but had not yet addressed the issues on the Eagan side.

Mr. Hersman was concerned about the potential for parents to drop their kids off in his cul-de-sac so they could walk through his yard to get to the school rather than using the Robert Trail access. He asked for clarification on the length of the western fence and whether there would be team activities on the playground at night.

Mr. Tucker replied that the fence was proposed to go the entire length of the western side of the building and that activity on the playground would only occur during the day.

Mr. Hersman stated the school would be a good addition to the neighborhood.

Paul Brown, 9446 Tyne Lane, stated that based on the previous plan his property was the one most impacted by the proposal. He questioned why the City would willingly lose the tax base that

has been being paid on this industrial property.

Chair Maggi stated that financial matters were the City Council's purview.

Mr. Brown stated he was pleased that the applicants have accommodated the neighbors by changing their plan; however, he was concerned about the impact to his back yard and would like to see a detailed drawing of exactly which trees would be retained, where the fence would be located, etc. He was also concerned about the traffic, stating it was a narrow roadway under the railroad bridge and there were heavy traffic backups starting at 3:30 when the employees of Thomson Reuters let out. He stated if development had to happen behind his home, a school was likely the best option.

Mike Fallon, 9452 Tyne Lane, requested that the developer communicate with the neighbors on the work being done and that there be some marking done in regard to tree removal, edge of construction, etc.

Heather Caldentey, 9472 Tyne Lane, asked the school to continue to work with the neighbors on the tree line as it was important for both noise and visual screening, and stated that a school was a good option as compared to the unknown.

Chair Maggi stated she supported the request.

Commissioner Wippermann noted that District 196 is contemplating building a new elementary school, and stated perhaps this school would eliminate the need for that.

Chair Maggi closed the public hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Wippermann, to approve the request for a major site plan review to allow for the construction of a 90,000 gross square foot building, along with other property improvements, for the property located at 9725 S. Robert Trail, with the twelve conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on September 14, 2015.

Commissioner Simon asked the applicant to provide additional maps and information to Mr. Thorn and Mr. Hersman.

#### **OTHER BUSINESS**

Ms. Botten stated that the August 18 Planning Commission meeting has been cancelled.

The meeting was adjourned by unanimous vote at 7:54 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary