

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 6, 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: Joan Robertson
 Annette Maggi
 Dennis Wippermann
 Elizabeth Niemioja
 Bill Klein
 Tony Scales

Commissioners Absent: Armando Lissarrague (excused)
 Harold Gooch (excused)
 Pat Simon (excused)

Others Present: Allan Hunting, City Planner
 Heather Botten, Associate Planner
 Tom Kaldunski, City Engineer

APPROVAL OF MINUTES

The minutes from the September 1, 2015 Planning Commission meeting were approved as corrected.

CITY OF INVER GROVE HEIGHTS

Presentation of Request

Mr. Hunting advised that the Planning Commission is being asked to make a recommendation on the consistency with the comprehensive plan for two city improvements projects.

Tom Kaldunski, City Engineer, explained the detail of City Improvement Projects 2015-12 and 2015-16 for trunk sewer and water in the Northwest Area. He advised that City Project 2015-12 consists of a water main loop that will be constructed from the intersection of the future Argenta Trail and 65th Street easterly to Babcock Trail. The watermain project will look at two options. Option 1, which follows the 65th Street alignment, has challenging topography and would be more costly. Option 2, which would follow an alignment north of Option 1, would be less costly and would help the previously proposed Loch Gregor development. There is also a small portion of proposed watermain on 70th Street, which would make an interconnection from the lift station on the Blackstone Vista project to the City of Eagan as a way of backing up both cities' water systems. Staff recommends that the Planning Commission find the project to be consistent with the comprehensive plan.

City Project 2015-16 includes a trunk sewer line from 70th Street to 65th Street through the future Blackstone Ridge development and a watermain trunk going through the Blackstone Ponds development. Staff recommends that the Planning Commission find the project to be consistent with the comprehensive plan.

Commissioner Klein asked if the Planning Commission was also being asked to recommend approval of Option 2.

Mr. Kaldunski replied that City Council would make that determination, but staff was recommending Option 2 due to it being the lower cost alternative.

Commissioner Klein stated he would support Option 2, especially as it would benefit the proposed Loch Gregor development.

Commissioner Robertson asked if Option 2 would increase the cost of connection fees to potential homebuilders along 65th Street.

Mr. Kaldunski replied that the trunk fees would be the same; however, development along the future 65th Street alignment would likely come at a later date because of its challenging topography.

Commissioner Klein asked if Eagan would be participating in the cost of the lift station.

Mr. Kaldunski replied they would not as the lift station would serve only the City of Inver Grove Heights. Eagan would, however, be utilizing the interconnection of the water system.

Commissioner Klein asked if an additional water tower was planned for this area for the water pressure.

Mr. Kaldunski replied it was not, noting that the pressure in this area was very high and they would actually be reducing the pressure to get it in a more normal range. He advised that there were other areas in which Inver Grove Heights had interconnections with Eagan and that in this case the well would be closed except for emergency situations where the cities agree to open it up because one has a need.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Klein, to find City Improvement Projects 2015-12 and 2015-16 to be consistent with the Inver Grove Heights Comprehensive Plan.

Commissioner Klein stated he assumed they were also approving Option 2.

Mr. Hunting advised that the Planning Commission was only being asked to make a recommendation on the projects' consistency with the comprehensive plan; City Council would determine which option to choose.

Motion carried (6/0). This item goes to a public hearing on October 26, 2015.

XCEL ENERGY – CASE NO. 15-36CV

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a conditional use permit to construct a 3,200 square foot building, and a variance from the exterior building material requirements, for the property located at 10325 South Robert Trail. 35 notices were mailed.

Presentation of Request

Ms. Botten explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit to add a 3,200 square foot building to the existing Xcel Energy Wescott campus with steel siding around the entire structure. Ms. Botten advised that the property is approximately 150 acres in size, with an additional 100 acres owned by Xcel surrounding it, for a total of 250 acres. City Code allows a maximum of one-third of a building wall to be steel siding; the applicant is requesting a variance to allow 100% of the building to be the steel siding. The proposed building is not visible from the right-of-way or any of the adjoining properties and is a

secured site that is not open to the public. Staff believes that the general conditional use permit and variance criteria have been met and they recommend approval with the conditions listed in the report. Staff did not hear from any of the neighboring property owners.

Commissioner Wippermann asked what the practical difficulty was.

Ms. Botten replied there were some reasons listed in the report, and she advised that the request met the variance criteria in that it was in harmony with the general purpose and intent of the City Code and Comprehensive Plan, the property and building were being used in a reasonable manner, and it was not altering the essential character of the locality.

Commissioner Klein asked what the property was zoned.

Ms. Botten replied I-2.

Commissioner Wippermann asked if the existing Xcel buildings had variance requests.

Ms. Botten replied she was unable to find any variance requests for this specific property, but noted that many of the structures were constructed prior to the zoning code being in effect. She advised that other NSP and Xcel properties throughout the city have requested similar exterior building materials.

Opening of Public Hearing

Jake Sedlacek, Xcel Energy, 3000 Maxwell Avenue, Newport, stated their goal was to safely deliver gas in the area and keep the buildings out of sight.

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

Mr. Sedlacek replied in the affirmative. He advised that he had an updated site plan and has been working closely with engineering staff to meet all their requirements.

Commissioner Klein noted that the buildings were very well hidden from sight.

Alan Garske, 10591 Amery Circle, asked where the proposed building would be located.

Ms. Botten pointed out the proposed location.

Mr. Garske agreed that the building would be out of sight.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated that she supported the request as the building would not be visible to surrounding properties, and that part of the practical difficulty was that the proposed siding would be consistent with the other buildings on the property, many of which were constructed prior to codes being in place.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Robertson, to approve the request for a conditional use permit to construct a 3,200 square foot building, and a variance from the exterior building material requirements, for the property located at 10325 South Robert Trail.

Motion carried (6/0). This item goes to the City Council on October 12, 2015.

JENNIFER CHRISTENSEN – CASE NO. 15-37V

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a variance from the minimum lot size and width requirements for a new single-family lot, and a variance from the rear yard setback for the existing home, for the property located at 4701 Barbara Avenue. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to subdivide their half acre property. In order to do so, they need a variance from the minimum lot size and width requirements for Lot 2 and also a variance from the rear yard setback for Lot 1. The code has a provision that allows existing lots of record to be considered conforming if they meet 70% of the minimum lot size requirements for that zoning district. Lot 1 complies with the regular lot size and width requirements. Lot 2 would meet the 70% rule but still requires a variance as it would be a new lot. The proposed 8,900 square foot lot is comparable to new lots being approved in the Northwest Area and could accommodate a single-family home that complies with setback and impervious surface requirements. The comprehensive plan states that affordability is an important component to the overall housing plan in the city, and the minimum lot size and width requirements in the R-1C district are not always practical in trying to enforce and provide affordable housing in the city. The proposed lot split meets these goals of the comprehensive plan. Even though it would be the smallest lot in this neighborhood, staff believes that allowing a lot split would not alter the character of the neighborhood as there are a variety of lot sizes in the area, including multi-family townhomes and some lots north of 47th Street that do not meet the current minimum lot size standards. In regard to the rear yard setback variance for the existing home, this lot is a corner lot and as such would have two front yards. The way our code defines rear yard is the side opposite the shortest road dimension, making the new southern lot line the rear property line for Lot 1 even though the west property line functions as the rear lot line. Staff recommends approval of the variance requests. Staff heard from two surrounding property owners; one who had general questions and the other who had concerns on the impact to the neighborhood.

Chair Maggi asked if the elevation changes on the subject lot had been addressed.

Ms. Botten replied that engineering has reviewed it and the applicant would have to ensure that they do not affect the stormwater runoff or adversely impact the neighborhood. Additional review would be done if approved.

Commissioner Wippermann asked if a sign should have been posted notifying neighbors of the request.

Ms. Botten replied that signs were not posted for variances.

Commissioner Wippermann stated his understanding was that the 70% guideline only applied to existing lots created prior to the establishment of the current standards, and he questioned why that rule would apply in this case.

Ms. Botten replied that would be up to the Commission to decide, but staff looked at it as there were similar lots in the city that do meet those requirements that we have allowed new houses to be built on.

Commissioner Wippermann asked if staff knew the value of what was proposed to be built.

Ms. Botten replied they did not.

Commissioner Wippermann asked what the City's definition was of 'affordable housing' and what criteria must be met in order to qualify.

Mr. Hunting replied that when staff used the term 'affordable' they were not tying it to affordable housing by definition as to a program or price of the unit compared to a person's income. Rather they were referring to as the city matures there may be some infill with smaller lots which typically would be a more affordable lesser cost.

Commissioner Wippermann asked if the current code dictated that affordable housing would not have to follow the standards.

Mr. Hunting replied there were no special stipulations for affordable housing.

Commissioner Wippermann asked what practical difficulty would apply to this request.

Ms. Botten replied they were proposing to use the property in a reasonable manner, the proposed single-family lot would be consistent with the surrounding neighborhood, the proposed lot split would meet the goals of the comprehensive plan to provide an affordable housing opportunity, would meet all other setback and impervious surface requirements, and was at a disadvantage because of how the code defines rear yard on a corner lot.

Commissioner Wippermann advised that in his opinion the stated practical difficulty seemed like a bit of a stretch, he was concerned about the precedent this would set, and the potential for other property owners to split their lots and disregard the code standards in order to create an affordable house opportunity.

Chair Maggi asked staff for examples of other locations in the city in which variances were approved against the requirements for new lots.

Ms. Botten replied that recently a lot split was approved for a property in the estate zoning district, and other variances have been approved as well from the minimum lot size requirement. In regard to setting a precedent, she noted that other larger lots may not have the same opportunity to split their lot as this was on a corner lot which had a direct access onto Barbara Avenue.

Commissioner Wippermann stated he was concerned as there were many areas of the city with larger lots that would have the ability to split their parcel.

Commissioner Robertson stated that when the question was asked about practical difficulty for this and the Xcel request Commissioners were told how the other criteria had been met, but the question about physical difficulty was not addressed. She added that the need for affordable housing is being used to justify the request; however, there is no clear definition of what that term means. She stated she was not comfortable with the vague definition of the term 'affordable housing' and the pattern of moving away from clear intent on physical difficulty.

Commissioner Scales stated there have been several similar requests recently for lot splits, one of which was recently approved because both lots would have road access. His concern was that they were starting to make recommendations without having a clear understanding of what the requirement was (i.e. access, lot width, etc.). He would like to have a clear understanding of the City's criteria for recommending approval of lot splits as likely there would be many similar requests

in the future.

Mr. Hunting replied that at this point staff looks at them on a case-by-case basis.

Chair Maggi asked if they would have to meet the new lot criteria.

Ms. Botten replied in the affirmative.

Commissioner Niemioja questioned how they could approve a request based on affordability when they had no proposed value for the new lot.

Opening of Public Hearing

Jeff Hawkins, 2074 - 47th Street E, advised he was representing the homeowner, who has been teaching abroad for the last two years. During this time she has been renting her home out, and the renters approached her in regard to purchasing her home. Ms. Christensen would like to keep her house but is interested in the possibility of splitting her lot so she could sell it to her current tenants.

Chair Maggi asked Mr. Hawkins if he read and understood the report.

Mr. Hawkins replied in the affirmative. He advised that if the variances for the lot split were approved they would then address the grading, house design, lot price, etc. He stated he knew of no practical difficulty except that the renters would like to stay in the neighborhood, and Ms. Christensen does not want to sell the house as she plans to move back into it next summer to care for her brother who is a vulnerable adult. He advised that the southern part of her lot has not been used in the last 10-15 years since her children moved out.

Commissioner Klein asked Mr. Hawkins if his property adjoined the subject property.

Mr. Hawkins replied it did not, that he lived two houses away.

Cindy Stoffel, 4741 Barbara Avenue, stated she owned the lot directly south of the subject property. Ms. Stoffel was concerned about how this would impact the value of her property. She stated this new lot would be 10-15 feet below street level and she was concerned about how the grading would impact her lot both aesthetically and in regard to drainage. She stated the lots south of the subject property were large lots, which was one of the things that drew her to the area. She advised there were other options for the tenants in regard to affordable housing and staying in the neighborhood other than splitting this lot, noting that many homes on the smaller lots have come up for sale in the last couple years.

Commissioner Klein asked Ms. Stoffel if the existing pine trees were on her property.

Ms. Stoffel replied that the majority of the pines were between her lot and the one south of her. She advised there was a large ravine on the subject property which had many large trees that would be impacted by any grading that would occur.

Commissioner Klein asked if staff knew the bounce of the holding pond near the corner of 47th Street and Bacon, stating that it has flooded in the past.

Mr. Hunting replied that he did not.

Ms. Stoffel advised that it flooded often.

Commissioner Klein asked if it typically flooded onto the subject property.

Ms. Stoffel replied that the existing topography has prevented the water from going up that far.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated it was difficult for her to find the variance in harmony with the comprehensive plan without further clarification on affordability and the value of the new lot, questioned whether building a house on a single-family lot reached the City's desired level of affordability, and felt there was a lack of a hardship, stating there were many other housing opportunities for the tenants in the city.

Commissioner Robertson stated that the applicant himself has indicated that he does not see a practical difficulty and that this is in the preliminary stages. She felt it was premature to approve something at this point that has the potential to set a precedent elsewhere in the city.

Commissioner Wippermann stated he was not in support of the variance and believed it would set an inappropriate precedent.

Chair Maggi suggested they vote on the variances separately.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Robertson, to deny the request for a variance from the minimum lot size and width requirements for a new single-family lot, for the property located at 4701 Barbara Avenue.

Motion carried (6/0).

Motion by Commissioner Robertson, second by Commissioner Wippermann, to deny the request for a variance from the rear yard setback for the existing home, for the property located at 4701 Barbara Avenue.

Motion failed (2/4 – Niemioja, Maggi, Scales, and Klein).

Motion by Commissioner Niemioja, second by Commissioner Scales, to approve a variance from the rear yard setback for the existing home, with the practical difficulty being having two front yard designations because of how the code defines rear yard on a corner lot, for the property located at 4701 Barbara Avenue.

Motion carried (4/2 – Robertson, Wippermann). This item goes to the City Council on October 26, 2015.

Commissioner Robertson thanked the applicant for bringing this forward as it demonstrated that more clarification was needed regarding minimum lot sizes for new lots and the criteria for 'affordable housing'.

Chair Maggi stated it was her understanding there were guidelines in place regarding minimum lot sizes for new lots.

Ms. Botten stated there were existing guidelines in place that varied for the different zoning districts.

Commissioner Klein stated that is the key, we have to look at the neighborhoods individually and lot sizes can be designed by neighborhood by looking at the average, which the City has not done.

OTHER BUSINESS

Northwest Area Update

Allan Hunting, City Planner, summarized the single-family residential developments in the Northwest Area that have been approved by the City Council over the last seven years, including nine phases of Argenta Hills, Groveland Heights (which has since been abandoned by the developer), Blackstone Vista, Ponds and Ridge, and Hannah Meadows, which will be considered by the Planning Commission and City Council later this month.

Commissioner Klein asked if there were ever plans for a commercial use in the Hannah Meadows development.

Mr. Hunting replied that originally the parcel was guided Mixed Use. After reviewing the plan with Dakota County and MnDOT they discovered that a commercial use no longer seemed viable due to the future roundabout and limited access.

Commissioner Klein stated that apartments would likely generate more traffic than would a commercial use.

Mr. Hunting stated there were areas along 70th Street designated Mixed Use on the west side of Robert Trail where staff sees a better opportunity for commercial uses.

Commissioner Robertson asked how the future roundabout would impact the gas station on the southeast corner of the intersection of 70th Street and South Robert Trail.

Mr. Hunting replied that the roundabout will be somewhat northeast of the center of the intersection and as such will not impact the gas station but will impact the Hannah Meadows site.

Chair Maggi asked if staff anticipated additional proposed developments in the coming months.

Mr. Hunting replied that the City received a sketch plan application for the property immediately east of Blackstone Vista by the same developer, and have also been talking with a couple landowners interested in developing their properties to primarily single-family residential.

Commissioner Robertson asked if anyone else expressed interest in the abandoned Groveland Heights development.

Mr. Hunting replied there have been no inquiries regarding that area.

Commissioner Niemioja asked if a committee had been established to deal with the potential influx of the future Vikings headquarters.

Mr. Hunting replied that staff will be reviewing the negative and positive impacts to the Northwest Area and anticipate meeting with the City of Eagan and voicing the City's concerns or support.

The meeting was adjourned by unanimous vote at 8.09 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary