

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 6, 2010 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tom Bartholomew
Paul Hark
Mike Schaeffer
Pat Simon
Dennis Wippermann
Harold Gooch
Tony Scales
Christine Koch

Commissioners Absent: Damon Roth (excused)

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

APPROVAL OF MINUTES

The minutes from the March 16, 2010 meeting were approved as submitted.

INVERSON – CASE NO. 10-10PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a Comprehensive Plan Amendment to change the land use designation from MDR, Medium Density Residential to HDR, High Density Residential for the property located north of 80th Street, and west of the golf course. 3 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing a future multiple family development with an anticipated density of 19 units per acre whereas only 12 units per acre is allowed under the current designation. He stated that the project site consists of three different parcels, with a total of 24 net developable acres, which is bounded on the north and west by the Malensek property. He noted that Mr. Malensek has been in discussion with the County for a number of years regarding the possibility of designating his 49 acre parcel as permanent open space. If this should occur the subject parcels would be set up as an island which would allow more density flexibility to the subject site. Mr. Hunting noted that the project would meet the County's access spacing requirements for 80th Street and staff feels it would be consistent with the surrounding residential land uses and the industrial office park to the south. He added that the additional density from an HDR designation would help support the commercial properties in the area as well. Mr. Hunting stated that one could argue, however, that it was not a good fit to have High Density Residential next to Low Density Residential. Mr. Hunting stated the land layout limited the applicant's ability to have a second access, especially if the Malensek property was designated as permanent open space. He advised the applicant would then have to create an emergency access in addition to the public access. Staff finds that the change to High Density Residential is compatible with the proposed and existing surrounding land uses and they recommend approval of the request.

Chair Bartholomew asked for clarification of details regarding an emergency access.

Mr. Hunting replied it would be a paved surface with a gate and would be used strictly for emergency access.

Commissioner Wippermann asked if there was any effort made to include the lot in the southeast corner of the proposed project, to which Mr. Hunting replied it was not as it was owned by the City and would be utilized as part of the City's regional stormwater basin.

Commissioner Simon noted that the proposed emergency access would be placed over existing wetlands, and asked if either of the ponds would be utilized as stormwater overflows for the Northwest Area.

Mr. Hunting stated he was not sure, but added that the Engineering staff reviewed the request and did not point out any issues with the paved road shown on the plan.

Commissioner Simon asked if the paved emergency access would be figured into the impervious surface total, to which Mr. Hunting replied in the affirmative.

Commissioner Simon asked if there was any specific timeline yet for designating Mr. Malensek's property as permanent open space, to which Mr. Hunting replied none that he was aware of.

Commissioner Simon asked if Mr. Malensek was mailed a notification of the public hearing, to which Mr. Hunting replied in the affirmative.

Commissioner Simon asked if the Malenseks owned a second parcel in the area, to which Mr. Hunting replied in the affirmative, stating that parcel, however, was outside the 350 foot notification area.

Commissioner Simon asked if staff heard from any of the neighbors, to which Mr. Hunting replied he did not.

Commissioner Simon asked if the 80th Street right-of-way had already been removed from the sketch plan, to which Mr. Hunting replied it had not.

Commissioner Simon asked if the applicants could submit their preliminary and final plat at the same time, to which Mr. Hunting replied they could not.

Commissioner Hark asked if there were any areas in the City where there was only one public access and a smaller emergency access, to which Mr. Hunting replied he could not think of any offhand.

Commissioner Simon stated she believed there was a senior housing development on Babcock Trail with only one public access.

Commissioner Gooch asked which drawing was correct, the sketch plan showing 11 buildings or the other drawing showing only 7 buildings.

Mr. Hunting replied that the layout and design were strictly conceptual, and only the land use was being reviewed at this point.

Opening of Public Hearing

Joel West, Yaggy Colby Associates, advised he was representing the owners and would address some of the previous questions. Mr. West advised that the two plans were conceptual at this point,

and the exact size, shape, and number of buildings may vary. He added that the plans were meant to show building size, how the project would look in 3D, and to demonstrate that all the buildings could comfortably fit on the site. Mr. West advised that the proposal meets all the Northwest Area requirements for infiltration and stormwater, and the owners are proposing to install a buffer area along the northwest property line which would help buffer the property from any future uses on the Malensek property. Mr. West advised that they calculated traffic projections for the area with development and determined that the existing transportation infrastructure would be sufficient for the existing two-lane roadway, even though it is proposed for a four-lane roadway. He then displayed the County's proposed realignment of 80th Street, indicating a short connecting road between the subject property and 80th Street through the Malensek property. He noted that if the Malensek property became permanent open space there would be two competing public interests (road connectivity vs. open space) at work which hopefully the County would resolve.

Chair Bartholomew asked if the applicant was in agreement with the two conditions listed in the report, to which Mr. West replied in the affirmative.

Commissioner Wippermann asked if consideration had been given to developing the site using the densities allowed for the current designation of Medium Density Residential.

Mr. West replied in the affirmative, but stated that in order to meet the stormwater infiltration requirements of the Northwest Area Ordinance they needed to add more units in order to achieve the right balance of density and price point.

Commissioner Wippermann asked if the proposed units would be owner-occupied or rental, to which Mr. West replied that had not yet been determined.

Commissioner Wippermann asked when the applicants anticipated starting construction, to which Mr. West replied he was unsure but that it could be yet this year.

Kurt Rechtzigel, 1407 E. 80th Street, advised he was one of the three property owners and was pleased to see development being proposed, especially in the current economic times.

Planning Commission Discussion

Commissioner Wippermann stated he did not see any overriding reason why the recently updated Comprehensive Plan should be changed and therefore he would likely be voting against the request. He stated this was the first major project to be proposed since the completion of the 2030 Comprehensive Plan and he did not want to send a signal to developers that it was easy to change the long-range plan for the City.

Chair Bartholomew stated that while he agreed with Commissioner Wippermann, it was anticipated that the Northwest Area would be challenging and that some flexibility would be needed. He stated he felt the proposed density was appropriate for the area and he supported the request.

Commissioner Schaeffer stated there was considerable discussion when developing the Comprehensive Plan regarding potential difficulty in getting the proper density in the Northwest Area due to topography issues. He stated he was in favor of the request and felt that certain areas would end up being less dense than anticipated which would offset these numbers and result in a density balance for the area as a whole.

Commissioner Simon stated she did not see any overriding reason to change the density and was concerned about isolating this property should Mr. Malensek's property be turned into permanent open space.

Commissioner Scales stated he was in favor of the request and did not want to disallow the project because of something that may or may not happen with the Malensek property.

Commissioner Hark stated he was concerned about there being only one public access as well as having high density residential surrounded by low density.

Planning Commission Recommendation

Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the Comprehensive Plan Amendment to change the land use designation from MDR, Medium Density Residential to HDR, High Density Residential for property located north of 80th Street and west of the golf course, with the two conditions listed in the report.

Motion carried (6/2 – Simon, Wippermann). This item goes to City Council on April 26, 2010.

CITY OF INVER GROVE HEIGHTS – CASE NO. 10-13X

Reading of Notice

There was no public hearing notice for this request.

Presentation of Request

Allan Hunting, City Planner, advised that the City Council is in the process of reviewing a purchase agreement for the purchase of property located at 8485 Courthouse Boulevard Court and have asked the Planning Commission to make a recommendation as to whether or not the capital expenditure is consistent with the City's Comprehensive Plan. Mr. Hunting advised that the 2030 Comprehensive Plan identifies a future trail segment along one side of Courthouse Boulevard Court. If this property was acquired the City would have more room to accommodate a potential trail on the south side of the road. Mr. Hunting advised that the Planning Commission could recommend that the capital expenditure 1) **is** consistent with the City's Comprehensive Plan, 2) **is not** consistent with the Comprehensive Plan, or 3) has no relationship to the Comprehensive Plan.

Chair Bartholomew asked why there was no staff recommendation.

Mr. Hunting advised that staff does not always provide a recommendation when an item has been directed down from City Council. He added that in this instance the statute is looking for an action by the Planning Commission.

Chair Bartholomew questioned why additional right-of-way (ROW) was needed as it appeared there was ample existing space for a trail.

Mr. Hunting advised there was an existing 80 foot half right-of-way from the centerline on the south side of Courthouse Boulevard Court.

Chair Bartholomew asked if some of Mr. Lethert's property was in the existing ROW.

Mr. Hunting replied that some of the driveway appeared to be in the ROW but he was unsure of the history regarding that.

Chair Bartholomew asked if there was a recommendation from Park and Recreation, to which Mr. Hunting replied none that he was aware of.

Commissioner Hark asked if the 80 foot half ROW ran the entire length of the south side of Courthouse Boulevard Court, to which Mr. Hunting replied in the affirmative.

Chair Bartholomew stated that a portion of the Lethert property appeared to have more than 80 feet of ROW.

Commissioner Schaeffer asked for history of the potential future trail and the construction timeframe.

Mr. Hunting stated that City Council would make a determination on whether or not a trail would be constructed once 200,000 square feet of the United Properties site was built out. If Council determined a trail would go in it would need to be constructed within a year.

Commissioner Schaeffer asked whether or not the residents supported the trail, to which Mr. Hunting replied there were residents on both sides of the issue.

Commissioner Gooch asked what the purchase price was for the subject property, to which Mr. Hunting replied the cost should not have a bearing on the Commission's decision.

Commissioner Gooch stated he would be more likely to support the request if the land was being sold at a reasonable price and there was a potential use for it in the future.

Mr. Hunting stated that regardless of the cost, the Planning Commission was to determine whether or not the capital expenditure was consistent with the Comprehensive Plan or whether there was no relationship.

Chair Bartholomew asked Mr. Link what the purchase price was, to which Mr. Link replied at this point that information was confidential.

Commissioner Wippermann stated the question still remained as to what the need was for this property.

Mr. Link stated the question before the Planning Commission was not whether there was a need but rather whether or not it was consistent with the Comprehensive Plan.

Chair Bartholomew stated he felt the expenditure was contrary to the Comprehensive Plan as a tax paying parcel which was not needed would now be taken off the tax roll.

Commissioner Koch asked how the potential purchase was initiated, to which Mr. Hunting replied he was unsure.

Chair Bartholomew recommended tabling the item until hearing from Park and Recreation as to whether or not this property was important to them.

Opening of Public Hearing

David Lethert, 8485 Courthouse Boulevard Court, stated he felt the property purchase was consistent with the Comprehensive Plan and would allow the trail to be constructed a safe distance from Courthouse Boulevard. He stated that once the United Properties site was developed his family would be negatively impacted by the significant traffic, noise, and pollution. He stated that City Council originally turned down the United Properties application because of problems such as the traffic. Mr. Lethert stated there was currently no existing trail on Courthouse Boulevard West, just a tentative blacktop addition on the south side that ran to the end of his property and did not connect to anything. Mr. Lethert advised that if the City purchased his property they could put in a walking trail to a park, adding that a park was needed in that area and was supposed to be put in as part of the Manley development. Mr. Lethert stated that if his home remained the steep slopes

would require retaining walls in order to accommodate a walking trail. Mr. Lethert showed a diagram which would incorporate his property and reroute the United Properties traffic away from the residents to the west of his property. He advised that the purchase price being discussed was well below the appraised value.

Commissioner Hark asked if the easements were in effect when he purchased his property.

Mr. Lethert replied that the easements were in effect, however, the City Attorney has stated there were substantial problems with the easements as they were written. Mr. Lethert stated if the purchase was not approved the City could end up in court fighting for easements. Mr. Lethert advised that for unknown reasons one part of his house was built within five feet of the property line; he believes the original survey was incorrect. When Manley developed Orchard Trail, however, they gave the Lethert's a 20' x 150' strip of property on the south side so they would be in compliance with setback requirements. He stated that strip of property would go to the City if they proceeded with the purchase his property. Mr. Lethert asked if this strip of property was included in the drawing provided by staff.

Mr. Hunting replied it was not as he was unaware that was part of Mr. Lethert's property.

Chair Bartholomew asked if the alternate road configuration suggested earlier by Mr. Lethert was in the City's plans.

Mr. Hunting stated to his knowledge there was nothing in the works; however, it was something that could be considered in the future.

Commissioner Gooch asked if staff felt the United Properties development would ever take place, to which Mr. Hunting replied he was confident it would be built once the economy recovered.

Commissioner Hark suggested the item be tabled until they received more information from the Parks Department to alleviate the lack of clarity.

Commissioner Schaeffer stated this item was scheduled to go to Council on 4/12/10, and asked if they absolutely needed a recommendation by then.

Mr. Link stated he did not know if there was a deadline as he was not involved in the negotiation of the purchase agreement.

Chair Bartholomew stated there seemed to be a complete lack of clarity regarding this request.

In regards to the timetable, Mr. Lethert stated he put money down on a townhome and if this purchase was not approved by April 30 he would lose the opportunity to purchase it.

Chair Bartholomew stated it was frustrating that the Commissioners were not provided this information and had to learn it from a citizen.

Mr. Lethert stated he would prefer the Commission make a recommendation tonight, one way or the other, rather than tabling it.

Commissioner Wippermann asked for clarification regarding a statement in the staff report discussing a 2/3 vote by Council.

Mr. Hunting explained that according to State Statute the Council could make a capital expenditure without a Planning Commission recommendation with a supermajority vote (4/5). However, if the

Planning Commission made a positive recommendation it would require only a simple majority (2/3).

Commissioner Gooch suggested the item be passed along without a recommendation.

Chair Bartholomew stated he was uncomfortable making a recommendation without more information, and asked staff if they could pass the request on without a recommendation.

Mr. Link stated he was unsure, and that the statutory language would have to be reviewed with the City Attorney. He advised that passing it on without a recommendation could be considered a negative recommendation.

Commissioner Simon asked if it was accurate to say that whether they sent it on without a recommendation or with a negative recommendation the item would still be considered at the April 12 Council meeting; it would only change whether a 2/3 vote or a 4/5 vote was needed.

Mr. Link replied in the affirmative.

Planning Recommendation

Motion by Chair Bartholomew, second by Commissioner Simon, that the purchase of the property located at 8485 Courthouse Boulevard Court is not consistent with the Comprehensive Plan.

Commissioner Koch asked for clarification of why Chair Bartholomew felt this was not consistent with the City's Comprehensive Plan.

Chair Bartholomew stated he felt the expenditure was contrary to the Comprehensive Plan as a tax paying parcel which was not needed would now be taken off the tax roll and no longer be a revenue source for the City. He stated the Comprehensive Plan specifically states that density is needed to pay for infrastructure.

Motion carried (6/2 – Koch, Wippermann). This item goes to the City Council on April 12, 2010.

OTHER BUSINESS

Mr. Hunting advised that the Planning Commission's annual joint meeting with City Council is scheduled for May 10 at 5:30 p.m. in Council Chambers.

Commissioner Schaeffer and Mr. Link announced the dates for the City's upcoming Town Hall meetings.

Commissioner Simon asked if the County had scheduled an open house yet for Inver Grove Heights residents regarding the Argenta interchange, to which Mr. Link replied an exact date had not been set but it would likely take place in early May.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:08 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary