

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 3, 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  
Pat Simon  
Dennis Wippermann  
Mike Schaeffer  
Tony Scales

Commissioners Absent: Paul Hark (excused)  
Christine Koch (excused)  
Damon Roth  
Harold Gooch

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

### **APPROVAL OF MINUTES**

The minutes from the October 19, 2010 meeting were approved as submitted.

### **CASTAWAYS MARINA INC. - CASE NO. 10-34WAV**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a waiver of plat for a lot split, and a rezoning of the property from I-1, Limited Industry to P, Public/Institutional, for the property located at 6140 Doffing Avenue. 1 notice was mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the City Council approved a transfer of .36 acres of property from Castaways Marina to the City which would be part of the future Heritage Village Park. Prior to the conveyance of the transfer of property a waiver of plat and a rezoning should take place. The waiver of plat consists of dividing a 3.74 acre parcel into two parcels. The .36 acre parcel would be combined with the City-owned parcel to the west. To be consistent with the future land use, the .36 acre parcel should be rezoned from I-1, Limited Industry to P, Public/Institutional. Staff recommends approval of the request.

Commissioner Simon asked where the proposed 6' chain link fence would be located, to which Ms. Botten replied along the northern edge of the pond.

Commissioner Wippermann asked how the .36 parcel would benefit the City, to which Ms. Botten replied it would gain them access to water and additional land for the future Heritage Village Park.

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

John Remington, President and COO of Castaways Marina, 6140 Doffing Avenue, advised he was available to answer any questions.

Commissioner Simon asked what the rationale was for acquiring the property.

Mr. Remington replied that the land was essentially wetland and would give the City access to the pond. He stated this specific site was selected because with the proposed fence in place, it would prevent the public from entering Castaways Marina from the park with a minimal amount of fencing.

Commissioner Wippermann asked what the cost of the fence would be, to which Mr. Remington replied he believed around \$600.

### **Planning Commission Discussion**

Commissioner Wippermann asked if the Park and Recreation Commission recommended approval of the request, to which Mr. Hunting replied in the affirmative, adding that the City Council had approved the acquisition of the parcel as well.

### **Planning Commission Recommendation**

Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the request for a waiver of plat for a lot split, and a rezoning of the property from I-1, Limited Industry to P, Public/Institutional, for the property located at 6140 Doffing Avenue.

Motion carried (5/0). This item goes to the City Council on November 22, 2010.

## **GERTENS GREENHOUSES – CASE NO. 10-32PUD**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amending Ordinance #946 to rezone additional land to Commercial Planned Unit Development District and to change the site plan and allowed uses for the greenhouse expansion, and a PUD Amendment to change Resolution No. 98-210 to allow for the greenhouse expansion, for property located at 5500 Blaine Avenue. 32 notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Gertens is proposing to amend their existing PUD approval and request a rezoning to allow the construction of a phased project which includes combining the existing greenhouses with additions to fill in gaps and to construct an additional 250,000 square foot greenhouse over existing growing fields on the south side of the property toward Upper 55<sup>th</sup> Street, east of Blaine. The applicants have requested to rezone Tract F from Commercial PUD to PUD. Staff, however, recommends rezoning only the northern portion of Tract F in order to retain future commercial or office use on the Upper 55<sup>th</sup> Street frontage. Mr. Hunting advised that it is his understanding that the applicant has recently agreed to rezone only the northern portion of Tract F to the Bishop Heights PUD with the southern portion retaining the existing Commercial PUD designation. He advised that the dividing line would be approximately 50 feet south of the proposed full expansion of the greenhouse. Mr. Hunting advised that the applicants are proposing to provide landscape screening along the east boundary line from the proposed greenhouse to Upper 55<sup>th</sup> Street and then along Upper 55<sup>th</sup> Street in front of the proposed stormwater pond. He advised that there is an existing wetland located along the eastern boundary where the greenhouse is proposed. The applicant has indicated that they plan on filling the wetland to provide for the greenhouse. Because the wetland is governed under the Wetland Conservation Act, a wetland replacement plan would be required to be submitted and reviewed by the Environmental Commission and approved by the City Council. Mr. Hunting advised that the City Engineering Department and the applicant are currently working on a solution to the storm drainage volume control issue which may have an impact on the ultimate maximum size of the greenhouse. Engineering has recommended

that a condition be put in place that the ultimate size of the greenhouse allowed be based on further studies of the storm water system. Mr. Hunting advised that the site is not in compliance with Condition 9 of Resolution 98-210 as the greenhouses in Tract B are set back 8 feet from the property line whereas 30 feet is required. The applicant is requesting flexibility to allow the greenhouses to remain in their current location. Staff recommends approval of Alternative B which rezones only the northern half of Tract F.

Chair Bartholomew asked if staff felt that the remaining southern portion of Tract F would be large enough for a future commercial/office development and associated parking, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked if Alternative B (approval in part) included the 21 conditions listed in the report, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked if staff received any feedback from the applicant regarding the 21 conditions, to which Mr. Hunting replied he was not aware of any issues raised by the applicants regarding the conditions.

Commissioner Wippermann asked if staff's understanding was that the applicant was agreeable with Alternative B which rezones only the northern half, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann referred to an email received from Terry Mcnellis, one of the owners of the abutting Blackberry Pointe Apartment complex, and asked if the requests by Mcnellis were satisfied by the proposed landscaping plan.

Mr. Hunting replied in the affirmative, stating he was not completely clear, however, on the part regarding fencing.

Commissioner Wippermann asked if the submitted landscape plan showed the fencing to be toward the Gerten property so the trees and bushes would screen the fence from the neighboring apartment complex.

Mr. Hunting replied he could not see all the detail in the plan, but advised that the Commission could add that requirement as a condition.

### **Opening of Public Hearing**

The applicant, Lewis Gerten, 5910 South Robert Trail, stated they contacted representatives from the Blackberry Pointe Apartment complex and believe they are comfortable with what is being proposed.

Chair Bartholomew asked if the applicant was in agreement with Alternative B, to which Mr. Gerten replied in the affirmative. He added that the request is a long-term plan for Gertens.

Peter Coyle, Larkin Hoffman, the applicant's legal counsel, stated they will resolve the outstanding technical issues to facilitate the City in meeting its future development objectives for Upper 55<sup>th</sup> Street. He advised that although their original request was for Alternative A, they have formally notified City staff that they are modifying their request to the proposed Alternative B, subject to the conditions listed in the report. Mr. Coyle advised that he was not able to review the report until yesterday and therefore had comments on several conditions. Mr. Coyle requested that Condition 1 be modified to allow a maximum greenhouse height of 30 feet rather than 22 feet as 30 feet is allowed by code. He requested that Condition 6 be removed as they have been using buildings P and Q for many years as seasonal outbuildings and they would like to keep them in place. Mr.

Coyle requested that Condition 12 be removed as they felt it was no longer necessary. He stated if at some point in time the City decided to put a collector street through that area they could acquire the ROW at that time. In reference to Condition 13 regarding trip allocation, Mr. Coyle suggested that in planning jointly for the future development of the properties adjoining Upper 55<sup>th</sup> Street, they should be thinking how best to allocate trips to those parcels to ensure something is put in that can be supported by traffic counts. Mr. Coyle requested the verbiage in Condition 17 be modified to make it clearer that they could pursue the entire greenhouse project, albeit in phases, subject to Council approval and resolution of the drainage issues.

Chair Bartholomew asked if staff was agreeable with modifying the verbiage in Condition 17 as requested by Mr. Coyle.

Mr. Hunting stated the intent was not to allow only one phase; therefore, staff would work with the applicant to modify that condition prior to it going to City Council.

Chair Bartholomew asked if staff could accommodate the other requests by Mr. Coyle on the aforementioned conditions, such as requesting that they be allowed a greenhouse height of 30 feet rather than 22 feet as listed in Condition 1.

Mr. Hunting replied he would be agreeable with the comments made on Condition 1. In regards to Condition 6, Mr. Hunting stated he believed the intent was for the public not to be allowed in buildings P and Q.

Commissioner Simon advised that Gertens does allow public in buildings P and Q.

Mr. Hunting stated he could not speak to that condition as it predated his history.

Mr. Gerten stated the historic buildings are used seasonally by the public, and he had no recollection as to why that condition was created.

Chair Bartholomew asked if allowing the public in buildings P and Q would violate any code standards.

Mr. Hunting replied that he would check with the Chief Building Official as to any possible code violations, but stated much of the history of that condition was gone as the City Planner and Building Official who originally worked on this project were no longer with the City.

Chair Bartholomew stated his only concern regarding that condition was if there was a public safety issue.

Mr. Coyle stated it was acceptable to the applicant to continue the conversation regarding Condition 6.

Chair Bartholomew asked if staff had a comment on Mr. Coyle's request to strike Condition 12 regarding the removal of certain buildings due to the construction of a future collector street.

Tom Link, Community Development Director, stated he was hesitant to strike Condition 12 as his recollection was that there was rationale for it. He believed it was either that the City objected to the buildings in question unless there was the ability to remove them at a later date, or perhaps some of the buildings were in City right-of-way. He stated he believed the condition was to accommodate Gertens for the time being while at the same time leaving the City's options open for the development of the roadway system in the area.

Commissioner Simon questioned whether perhaps it was more of a ghost platting.

Mr. Link stated he recalled that at one point Gertens had requested that some of the unused street right-of-way be vacated. The City denied that application because they wanted to preserve their options in that area.

Chair Bartholomew asked if they could leave that condition in with the knowledge that there will be some discussion with the applicant as to the rationale.

Mr. Link recommended that both Conditions 6 and 12 remain with the understanding that the request has been made and will be reviewed by City staff.

Chair Bartholomew asked staff to comment on Mr. Coyle's request to revisit the trip count in Condition 13.

Mr. Link gave a brief background of the traffic studies done in the Southeast Quadrant in the 1990's, stating there is concern of the traffic constraints in that area, including the close proximity of Blaine Avenue to the freeway ramps. He advised that the studies they have done indicate there are enough trips remaining for the vacant property in the Southeast Quadrant, however, staff is considering doing another traffic study to review the current conditions and how they relate to the existing and future traffic system.

Chair Bartholomew asked if staff could review Condition 13 prior to it going to City Council.

Mr. Link stated that 208 trips would cause no issues with the current proposal. He stated the long-range question is what they want to see for commercial development along the Upper 55<sup>th</sup> frontage and whether there is enough traffic capacity to handle it.

Mr. Gerten stated originally he advised that this project would not generate additional jobs, however, he has since determined that it would likely generate additional hours from his current part-time employees.

#### **Planning Commission Discussion**

Chair Bartholomew clarified the discussion regarding the conditions addressed by Mr. Coyle, including the modification of Condition 1, to continue conversation regarding Condition 6, for staff to do further research regarding right-of-way as it relates to Condition 12, and the modification of Condition 17 to clarify that the entire greenhouse project would be approved, pending Council approval, not just Phase 1.

Commissioner Schaeffer questioned whether the Commission should add a requirement regarding the configuration of the fencing and landscaping plan to satisfy the email received from the Blackberry Pointe Apartments.

Chair Bartholomew stated he saw no issue with adding Condition 22 to ensure that the fence was installed on the Gerten side with the vegetation being planted closer to Upper 55<sup>th</sup> Street and Blackberry Trail so as to screen the fence from the neighboring property. He stated he supported the request.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for an Ordinance amending Ordinance #946 to rezone additional land to Commercial Planned Unit Development District and to change the site plan and allowed uses for the greenhouse expansion, and a PUD Amendment to change Resolution No. 98-210 to allow for the greenhouse expansion,

with the conditions listed in the report, and the added verbiage and comments to the conditions as discussed, with the modification to Condition 1 to allow a greenhouse height up to 30 feet rather than 22, to continue conversation regarding Condition 6, for staff to do further research regarding right-of-way as it relates to Condition 12, the modification of Condition 17 to clarify that the entire greenhouse project would be approved pending Council approval rather than just Phase 1, and the addition of Condition 22 requiring that the proposed fencing be planted along the Gerten property in such a way that the vegetation would help screen the fence from the neighboring properties.

Motion carried (5/0). This item goes to the City Council on November 22, 2010.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:58 PM.

Respectfully submitted,

Kim Fox  
Recording Secretary