

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

Tuesday, August 21, 2012 – 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  
Armando Lissarrague  
Paul Hark  
Dennis Wippermann  
Annette Maggi  
Pat Simon

Commissioners Absent: Harold Gooch (excused)  
Tony Scales (excused)  
Victoria Elsmore

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

### **APPROVAL OF MINUTES**

The minutes from the August 9, 2012 meeting were approved as submitted.

### **WILLIAM KRECH – CASE NO. 12-24VAC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation of a portion of a public drainage and utility easement within the plat of Forest Ridge to allow for a house expansion, for the property located at 10118 Adam Avenue. 6 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant would like to construct an addition onto the existing house. Part of the addition would encroach into the easement; therefore a vacation is being requested. Engineering has reviewed the request and is recommending approval provided the applicant rededicates additional easements as outlined in the report in order to retain the same volumes for the existing storm water pond. Staff recommends approval of the request with the condition listed in the report.

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

The applicant, Bill Krech, 10040 Inver Grove Trail, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the condition in the report.

Mr. Krech replied that he was agreeable with the custom grading and encroachment agreements, but not the hold harmless or restricted land use agreement. He advised that currently his attorneys were in discussion with the City Attorney to determine whether or not those agreements were necessary.

Chair Bartholomew asked what the applicant's concern was with the restricted land use.

Mr. Krech replied that they are looking to get a certain area of the back of the property that is an

emergency overflow for a 500-year storm event. He questioned why this was brought up last Thursday as part of the Scope of Work when it had not been discussed in 2004 when the lot was developed, or in 2007 when the house was constructed. He stated any necessary easements should have been designed at the time of development.

Chair Bartholomew asked what the reason was for the restricted land use.

Mr. Hunting replied that he was unsure as he had not been involved in those discussions.

Chair Bartholomew questioned why there was a hold harmless since the applicant's request appeared to up to Code regarding elevation.

Commissioner Lissarrague asked if the Engineering recommendation just recently came forth.

Mr. Hunting replied in the affirmative, stating he had been unaware of any issues.

Commissioner Wippermann stated it appeared as if the Planning Commission's recommendation tonight would not include the applicant's stated concerns as the Engineer's report they would be voting on was dated August 10 which was prior to the discussion that took place last Thursday.

Mr. Krech stated there was reference to entering into a hold harmless agreement in the August 10 engineering memo. He stated the original intent of the hold harmless was if an addition was put on which did not follow the regulatory flood plan, however, in this case they were 1.6 feet over the high water mark.

Derek Bongard, stated he owned the lot next door to the subject property and asked if the City Engineer was present to answer questions.

Chair Bartholomew replied that he was not.

Commissioner Simon advised that the City Engineer would be available at the City Council meeting.

Mr. Bongard stated the elevation of the proposed easement was much different than the one being vacated and therefore he questioned whether the holding area volume would remain the same. He questioned why he was held accountable for meeting all regulations on his property whereas the next door neighbor was being allowed to do something totally different.

### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request based on the information in the report.

Mr. Hunting clarified that the documents brought up by the applicant were always handled at the City Council level and were rarely included in the Planning Commission packet.

### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a vacation of a portion of a drainage and utility easement for the property located at 10118 Adam Avenue, with the condition listed in the report.

Commissioner Simon asked that it be noted that the Planning Commission had questions regarding the concerns brought up by Mr. Krech.

Motion carried (6/0). This item goes to the City Council on August 27, 2012.

**160 INVESTMENTS, LLC (ARGENTA HILLS 5<sup>TH</sup>) – CASE NO. 12-23PUD**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a 1) Comprehensive Plan Amendment to change the land use category from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential, 2) Rezoning of a property from A, Agricultural to R-1C/PUD, Single Family, 3) Preliminary and Final Plat for a 39 lot single family subdivision, 4) Preliminary PUD Development Plan Amendment to modify the original plan from a 44 unit townhouse development to a 39 lot single family development, and 5) Final PUD Development Plan for the plat of Argenta Hills 5<sup>th</sup> Addition, consisting of 39 lot single family lots and a series of outlots, for the property located north of Amana Trail and west of South Robert Trail and identified as PID No. 20-12050-00-061. 19 notices were mailed.

**Presentation of Request**

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is requesting various approvals for the fifth phase of the residential development in the Argenta Hills PUD. Based on market demands, the applicant is requesting a change from the original plan of 44 townhome units to 39 detached single family homes on lots approximately 60 feet in width. He advised that the neighborhood was originally approved at 5.7 units per acre; the proposed density would be 5.3 units per acre. He advised that the proposed plat has the same general configuration and main access point as originally proposed. The applicant is requesting flexibility from two standards found in the Northwest Overlay District Ordinance. The first is to allow three driveways to be longer than 30 feet, and the second is to have the driveways be allowed to be wider than 20 feet without having to use pervious materials. Staff supports the two flexibility requests. The applicant has agreed to pay the connection fees for the additional five lots that were originally proposed. He advised that the Fire Marshal has determined that a second access is no longer necessary with the reduced lots, and the plat will have a minimum of 10 foot spacing between units. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew stated it appeared as if the density would be minimally affected.

Mr. Hunting agreed, stating the density decrease could be made up in future developments.

Chair Bartholomew asked what the recourse would be if City Council did not approve the request.

Mr. Hunting replied the applicant would have to revise the plan to something that would achieve the same density as originally proposed. It would be difficult, however, because of the physical constraints of the property.

Commissioner Hark asked if this addition would include sidewalks.

Mr. Hunting replied it would not.

Commissioner Maggi asked how far they were into the Argenta Hills development.

Mr. Hunting advised that this is essentially the second neighborhood in the residential portion; the west section of the residential area is yet to be developed. In regards to the commercial area, the Target store is complete and three Main Street buildings are currently under construction. The remainder of the commercial area is yet to be developed.

Commissioner Maggi noted that only 519 caliper inches of trees will have been planted with this

addition, leaving a balance of 1,700 caliper inches of additional tree reforestation. She questioned why they were behind on the reforestation this far into the development.

Mr. Hunting explained that the 2,219 caliper inch requirement was for the entire Planned Unit Development and that they were not behind as there were a number of additional trees to be planted with the remaining undeveloped residential and commercial phases.

Commissioner Maggi asked if the expectation would be that the applicant would meet the 2,219 caliper inch requirement when the development was complete.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked what the lot widths were in the residential neighborhood along Autumn Way.

Mr. Hunting replied they were 66 feet wide.

Commissioner Simon asked if they needed to make mention in the conditions that the Fire Marshal is no longer requiring the second access.

Mr. Hunting replied that by approving the plan as presented the Planning Commission would be recognizing that the second access is no longer necessary.

Commissioner Simon asked if staff received any comments from neighbors.

Mr. Hunting replied they did not.

Commissioner Simon asked for clarification of the proposed driveway widths.

Jacob Fick, 160 Investments, advised that the driveways would be 20 feet wide at the street connection point and would taper out to a three-car garage width. It would not affect any street parking. They are requesting flexibility to allow the amount over 20 feet to not be done in pervious materials. He stated the intent of the requirement is to minimize the overall impervious surface of the site to 25%; without using pervious materials they will be between 21-23%.

Commissioner Simon stated that when drafting the Northwest Area Ordinance they never discussed constructing 20 foot wide driveways and then tapering them out.

Mr. Hunting stated the Code states that a 20 foot driveway is the maximum width allowed; however, it can be wider providing the additional width be done in pavers. He interprets that as it was anticipated there would be three-car garages built in that area. He advised that requirement was based solely on storm water, and in this case they are well under the 25% impervious surface maximum.

Chair Bartholomew asked if Engineering was agreeable with not requiring pervious pavers.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann referred to Condition 4 on page 6 of the report which states that improvements were allowed in the open space areas. He asked how 'improvements' would be defined.

Mr. Hunting replied that referred to City improvements such as trails.

Commissioner Simon suggested clarifying that only 'City' improvements were allowed.

Mr. Hunting stated the Planning Commission could specify that only public improvements were allowed. He advised that the City Attorney would draft specific documents for those areas which would spell out what was allowed in the disturb and undisturbed areas.

Mr. Link advised that he has heard from developers and representatives from other cities that the trend throughout the metropolitan area is that there is no market for townhomes while single family homes seem to be selling.

**Opening of Public Hearing**

Jacob Fick, 160 Investments, 16972 Brantdjen Farms Drive, Lakeville, said he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report.

Mr. Fick replied in the affirmative. He advised the reason for the request is that currently the market demand is for single-family homes whereas existing townhomes can be purchased for less than they can build them for.

Chair Bartholomew asked if the proposed three-car garages were market driven.

Mr. Fick replied in the affirmative.

Commissioner Lissarrague asked what the estimated price range would be.

Mr. Fick replied \$325,000 - \$425,000.

Commissioner Wippermann asked if the builder would be the same one that built the first addition on Autumn Way.

Mr. Fick replied it would be a different builder.

Commissioner Wippermann stated that originally the townhome concept was proposed as a buffer from the commercial to the single family residential areas, and asked what would now be used as a buffer for the homes that back up to the commercial site.

Mr. Fick replied there would be a set of ponds along Amana Trail in back of the addition which would be embellished with trees, etc.

Commissioner Wippermann asked if there was any thought given to fencing along that area.

Mr. Fick replied they preferred to use landscaping as a buffer as opposed to fencing and planned to put in a substantial amount of landscaping. He noted that the homes along Amana Trail were walkouts so putting in fencing would buffer mostly the basement view. He added that residents, however, would be allowed to install fencing on their properties.

Commissioner Wippermann stated he was concerned about the potential for each homeowner to install a different type of fence which could end up being aesthetically displeasing. He noted they could require that any fencing be constructed of a certain type of material.

Commissioner Simon asked if this would be part of a homeowners association.

Mr. Fick replied that the addition would be part of a very minimal homeowners association. He stated their intent was to have any potential fencing hidden by trees and landscaping.

Commissioner Lissarrague stated the association could prohibit fencing.

Mr. Fick stated they were trying to limit any restrictions.

Chair Bartholomew noted there was 40 to 53 feet between the back lot line and Amana Trail.

Mr. Fick agreed, stating the water, topography and landscaping should adequately buffer the area. In regards to Commissioner Maggi's earlier comment regarding total tree numbers, Mr. Fick stated that once the sewer line and permanent trail was in place they plan to soften the experience with tree plantings, and stated that once they start planting large trees the remaining balance would dwindle fairly quickly.

An unknown gentleman advised he was here for the William Krech request.

Chair Bartholomew advised the gentleman that the item had already been discussed but the public hearing could be viewed on the City's website, he could speak with the applicant who was still in City Hall, or he could attend the City Council meeting on August 27.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request.

Commissioner Wippermann expressed concern over the small sized lots in this addition and stated that allowing 60 foot lots was too much of a deviation from the R-1C standard of 85 foot minimum lot widths. He noted that the Northwest Area guidelines indicate a 20 foot separation between homes, however, only 10 feet is being proposed. Because of this he does not support the request.

Commissioner Lissarrague stated he supported the request and understood the need to change from single family homes to multifamily.

Commissioner Hark asked if the word 'public' should be added to Condition 4.

Mr. Hunting asked for clarification of where the verbiage should be inserted.

Commissioner Hark replied on page 6 of the report, Condition 4, right before the word 'improvements'.

Mr. Hunting replied that the language referred to by Commissioner Hark was not the actual condition, but rather a description of the intent of the condition. He advised that the City Attorney will draft two documents spelling out specifically what would and would not be allowed in those areas, however, he could add some language to specify only public improvements.

Chair Bartholomew stated the Planning Commission's intent was to make it clear that no private improvements were allowed within those areas.

Commissioner Maggi asked what the rationale was for allowing the smaller width lots in this development.

Mr. Hunting advised that the vision for the Northwest Area from the beginning was to cluster development and have smaller lots, thus the Northwest Area has no minimum lot size or width

requirements. This area was designed to retain all the stormwater in the general area. In order to do that a significant amount of land needs to be left in open space for stormwater retention and preservation of some of the natural features. To do that and yet achieve the desired density, developments are consolidated into a smaller area which results in smaller lots. He advised there is a reference in the Ordinance to a 20 foot separation; however, that was written assuming there would be rain gardens installed between lots. The City has since discovered that would result in maintenance issues; therefore rain gardens will not be placed between lots but rather in common areas and within City easements so the City can ensure they are maintained properly. He advised it is unlikely the Northwest Area will have any 85 foot wide, standard R-1C lots.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve on a white ballot the request for a 1) Comprehensive Plan Amendment to change the land use category from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential, 2) Rezoning of a property from A, Agricultural to R-1C/PUD, Single Family, 3) Preliminary and Final Plat for a 39 lot single family subdivision, 4) Preliminary PUD Development Plan Amendment to modify the original plan from a 44 unit townhouse development to a 39 lot single family development, and 5) Final PUD Development Plan for the plat of Argenta Hills 5<sup>th</sup> Addition, consisting of 39 lot single family lots and a series of outlots, for the property located north of Amana Trail and west of South Robert Trail, with the conditions listed in the report and **additional verbiage to Condition 4 specifying that only public improvements are allowed in the open space areas.**

Motion carried (5/1 – Wippermann). This item goes to the City Council on September 10, 2012.

#### **ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 8:01 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary