

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 17, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

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

Commissioners Present: Armando Lissarrague
Paul Hark
Pat Simon
Dennis Wippermann
Victoria Elsmore
Tony Scales

Commissioners Absent: Bill Klein (excused)
Annette Maggi (excused)
Harold Gooch (excused)

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

APPROVAL OF MINUTES

The minutes from the August 20, 2013 Planning Commission meeting were approved as submitted.

160 INVESTMENTS (ARGENTA HILLS 8TH ADDITION) – CASE NO. 13-23PUD AND 13-40PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat approval of Argenta Hills 8th Addition, a preliminary PUD Development Plan Amendment for the Argenta Hills PUD and Final PUD Development Plan for Argenta Hills 8th Addition, and a vacation of certain drainage and utility easements within the plat of Argenta Hills 7th Addition, Argenta Hills 5th Addition, and Argenta Hills, for property located north of Amana Trail and west of Addison Court. 29 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the application consists of a final plat and final PUD, as well as amended preliminary PUD development plan and plat for the eighth phase of residential development in the Argenta Hills PUD. Changes to the design were a result of a desire to reduce grading for the larger custom lots and adding a through street as required by Dakota County. A private street is being proposed for the custom graded lots; the larger lots can then be shifted westerly due to the reduced width needed for the private road easement. The final design of Outlot I will be determined once the Highway 55/Argenta Trail intersection is designed. The final plat consists of 38 lots and 10 outlots. Some of the outlots will be for future development, with the remainder either being designated as permanent open space or given to the City as part of the stormwater management plan. The applicant is also requesting flexibility from the maximum driveway width requirement in order to provide for standard three car garage driveways without installing pervious pavement. The additional impervious surface would be addressed in the stormwater design. They are also requesting to exceed the maximum driveway length for four of the lots as well as reduced setbacks for some of the corner lots. Staff supports the flexibility requests. As part of the platting, there are left over easements from previous phases that need to be vacated since they are either no longer

necessary or are overlapping. These easements should be vacated as new easements are dedicated on newer plats. Staff recommends approval of the requests with the conditions listed in the report.

Greg Graske, Emmons & Olivier, 651 Hale Avenue N, Oakdale, provided an overview of the proposed storage basins and infiltration network.

Chair Hark asked for clarification of the five year volume control standards and what it would mean to the neighborhood.

Mr. Graske replied the applicants cannot increase the volumes to the five year storm event. The applicant is proposing the larger SP 15 East basin in order to achieve that, as well as the use of other smaller basins.

Commissioner Simon stated the maps in the packet did not reference SP 15 East and she asked on which outlots the various stormwater ponds were located.

Mr. Graske advised that SP 15 East would be on Outlot G, the proposed SP 15 North would be on Outlot A, and SP 15 South would be located on Outlot H. These would replace the impacts that occurred due to Amana Trail and the north-south collector road.

Commissioner Wippermann asked for details of the proposed irrigation system.

Mr. Graske stated they were only in the preliminary design stage, but essentially it would consist of an intake structure and pumps which would deliver to designated areas.

Commissioner Wippermann asked if it involved underground storage.

Mr. Graske replied it did not but there would be storage in the basin.

Chair Hark asked how the system was activated.

Mr. Graske replied they had not finalized the details of the design yet, but typically it would be set to irrigate every other day or once the water reached a certain level.

Commissioner Wippermann asked who would maintain the basins.

Mr. Hunting replied they would be maintained by the Homeowners Association.

Chair Hark asked for clarification of Condition 8 requiring that Addisen Path be provided with a temporary turnaround or be continued out to Amana Trail.

Mr. Hunting replied that he believed the Fire Marshal got the street names mixed up and that he was actually referring to the private road rather than Addisen Path. He pointed out the existing hammerhead turnaround on the private road, stating that condition had been met.

Commissioner Wippermann questioned the rationale for the proposed road being private rather than public.

Mr. Hunting replied that by reducing the right-of-way area they could reduce the road width and move the proposed homes westerly. This would reduce grading, retain as much open space as possible, and maximize the number of homes so as to keep the lot count as close as possible to what was approved.

Commissioner Wippermann stated it appeared as if only the small east-west segment was less than 28 feet wide. Therefore, he questioned why they did not add eight feet and have a public road, especially since the abutting lots were larger in size.

Commissioner Simon asked if the reference to 'townhomes' should be eliminated from Condition No. 20.

Mr. Hunting agreed that that reference could be removed.

Commissioner Simon advised that 'townhomes' were also referenced on page 5 of the Resolution. She questioned a statement on Page 4 of the report referring to this as the final phase of residential development in the PUD, stating future residential development was planned for Outlot I.

Mr. Hunting stated that was an oversight as Outlot I would be the final phase of residential development.

Commissioner Simon questioned why the packet did not include the letter from EOR regarding storm water management.

Mr. Hunting stated he could get Commissioners a copy of that letter; however, it was intentionally left out because of it was extremely technical and staff felt the City Engineer's memo provided enough information.

Commissioner Simon noted that Tom Kaldunski stated in his memo that City Council should consider approving the preliminary plat; however, the Planning Commission was being asked to vote on both the preliminary and final plat.

Mr. Hunting stated they have worked through all the major issues and Mr. Kaldunski is recommending approval of both the preliminary and final plat.

Opening of Public Hearing

Jacob Fick, 16972 Brandtjen Farm Drive, Lakeville, 160 Investments, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the report and agreed with the conditions of approval.

Mr. Fick replied in the affirmative. He explained that they have worked extensively with staff and EOR to revise their plan to accommodate the road changes required by the County. He advised they plan to have two home products in the 8th Addition, including a continuation of the Robert Thomas Homes product as well as a larger lot, custom single-family home product off the private drive. In regard to the private road, Mr. Fick advised that the right-of-way would add 14-16 feet of width to the road and would push everything out that much further. The private road allows them to bring everything closer as well as catch the slope without having to clear out all the open space. They will also be removing one old house and relocating two driveways that currently exit out through Argenta Hills 2nd, 3rd and 4th Additions. Those homeowners will now exit out through the 76th Street cul-de-sac. The intention is to put in a stormwater irrigation system with a pump and a draw pipe which exits out into an irrigation system. Their intent is to broadcast into the disturb and undisturbed open spaces where they will have replanting, re-vegetation, and reforestation taking place. It will ultimately be maintained and owned by the Homeowners Association. There will be a sub-association that will also own and maintain the private street.

Chair Hark asked if the City would plow the private roads for a fee.

Mr. Hunting replied they would not; all maintenance would be handled by the Association.

Mr. Fick advised that every lot in Argenta Hills was sold. They have worked with City staff in regard to neighborhood drainage concerns; many of which focus around the driveway that currently exits out through the site. That driveway will be removed, seeded, and rerouted which should resolve any issues.

Commissioner Simon asked if they were proposing two 40 foot driveways and two 35 foot driveways for Lots 6-9, Block 3.

Mr. Fick replied in the affirmative.

Commissioner Simon asked if the driveways would be sloped down towards the homes.

Mr. Fick replied in the affirmative. He added that they will be required to correct the soils prior to selling the lots.

Commissioner Simon asked how they would delineate the undisturbed areas once they were done.

Mr. Fick replied they would mark the undisturbed and disturbed open space with corner markers.

Commissioner Simon asked if there would be language included in the property deed as well.

Mr. Hunting replied in the affirmative, stating documents for the disturbed and undisturbed areas would be recorded with the County and would fall in the chain of title.

Commissioner Simon asked if a representative from the Homeowners Association was present.

An unknown member from the audience advised that the Homeowners Association had not yet been established.

Commissioner Simon asked when the Association would be created.

Mr. Fick replied either at 75% build-out or 10 years. This plat should trigger the establishment of an Association.

Wayne Waslaski, 7515 Auburn Lane, Argenta Hills 4th Addition, asked what the status was of the trails that were originally planned to be part of the development.

Mr. Hunting presented a diagram of the general alignment of the proposed trail segment.

Mr. Fick stated their intent was to create a natural trail meandering through the open space in 2014. The trails tying Alpine Court to the 5th and 7th Additions would be paved yet this year.

Mr. Waslaski stated they were having drainage issues and asked how the slope would be handled and what vegetation would be added in regard to removal of the driveway.

Mr. Fick agreed that water was coming off the hill and running down the temporary Edgerton driveway. To correct that situation driveway drainage from the top of the hill will be diverted into the ravine. They will be installing a new storm sewer pipe as well as a series of local infiltration basins.

Chair Hark stated he was concerned about the water issue, and asked if staff was comfortable with the proposed plan.

Mr. Hunting replied in the affirmative, stating EOR was comfortable as well.

Steve Dodge, Assistant City Engineer, stated the Engineering staff feels very comfortable with the methods and approaches being proposed to try to maintain the stormwater flow to this area. They have worked with the neighborhood and have been able to make alterations to the plan that will hopefully resolve some of their concerns. He discussed the various methods being proposed, including grading, a pipe system, rain gardens, and requiring that the slope be armored.

Chair Hark asked how much rain this system could handle.

Mr. Dodge replied typically they design for a 10 year storm for general storm sewer; however, they put additional mechanisms in place in case of a really big event.

John Joseph, 7541 Auburn Court, asked the applicant to address the Pilhofer driveway which has been causing water issues in the back yards of his neighborhood.

Mr. Fick replied the process being used for the Edgerton driveway will be used for the Pilhofer driveway as well. The property will be graded to swale the water away from the houses, and they will use a pipe system as well as catch basins.

Mr. Joseph stated an average thunderstorm will cause water issues in the back yards of his neighbors who live on the south side of the driveway and he is concerned they will continue to have water problems.

Mr. Fick stated when the Edgerton driveway is removed they can accentuate the drainage pattern and focus it away from the back yards.

Commissioner Lissarrague asked how much rain could come down before the neighbors should worry.

Mr. Fick stated the homes would be protected even in a 500 year storm.

Wade Brost, 7527 Auburn Court, asked whose responsibility it was to remove the driveway going through the 4th Addition and when would it be done.

Mr. Fick replied it was the responsibility of 160 Investments and it was their intent to remove it yet this fall.

Mr. Joseph asked if the Edgerton driveway and berm would be removed, and he asked for clarification of the proposed reforestation.

Mr. Fick replied the existing asphalt, gravel, and black dirt berm would be removed from the temporary driveway. In regard to reforestation, he stated he could not provide specific numbers and species at this point.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for a preliminary and final plat approval of Argenta Hills 8th Addition, a preliminary PUD Development Plan Amendment for the Argenta Hills PUD and Final PUD Development Plan for Argenta Hills 8th Addition, and a vacation of certain drainage and utility easements within the plat of Argenta Hills 7th Addition, Argenta Hills 5th Addition, and Argenta Hills, for property located north of Amana Trail and west of Addison Court.

Commissioner Wippermann stated he has voted no on previous phases of this development and would do so on this request as well. His concerns were the small lot sizes and the five foot side yard setbacks. He feels the small setbacks are a potential safety issue, do not allow for landscaping on the side, give the appearance of being row houses, and could potentially create increased variance requests.

Chair Hark stated he was concerned about the stormwater runoff but felt that staff, the applicant, and the consultant provided good answers to the neighbors' concerns.

Commissioner Simon stated she would be voting in favor of this request; however, she agreed with Commissioner Wippermann's concerns regarding the setbacks and smaller lot sizes. She added that she would have a hard time continuing to grant variances in the future.

Motion carried (5/1 – Wippermann). This item goes to the City Council on September 23, 2013.

MG INVER GROVE LLC – CASE NO. 13-43CZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to conditionally allow veterinary clinics with small animals in the B-4 zoning district, and a conditional use permit for a veterinary clinic to be located at Lot 3, Block 1, Argenta Hills. 1 notice was mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the owners of the commercial buildings next to Target are looking at leasing one of the existing spaces for a specialty veterinary clinic. The zoning of the property is B-4. Veterinary clinics are allowed by conditional use in the B-1, B-2 and B-3 zoning districts, but not B-4. In staff's opinion, a veterinary clinic would function in the B-4 district as well. Staff has not included any special conditions for the CUP, but the Planning Commission may recommend additional conditions if deemed necessary. Staff recommends approval of the requests.

Commissioner Simon asked if the ordinance amendment was specific to this particular shopping center.

Mr. Hunting replied it would address all B-4.

Commissioner Simon asked if any veterinary clinics would then be allowed, regardless of size, number of animals, overnight stays, etc.

Mr. Hunting replied because it would be allowed by CUP, the Planning Commission would have the opportunity to review each request individually and recommend specific conditions if deemed necessary.

Commissioner Wippermann stated he supported the request, but suggested adding a condition that exterior dog runs be prohibited.

Opening of Public Hearing

Greg Munson, MG Inver Grove, 2737 Fairview Ave N, St. Paul, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the report and was in agreement with the conditions.

Mr. Munson replied in the affirmative. He stated the proposed specialty clinic is renowned in veterinary dermatology, works closely with local animal hospitals, and would be a new business to the City. The relationship came to be as a result of a Progress Plus Broker's Tour.

Chair Hark asked if the potential for dog waste outside the building should be addressed.

Mr. Munson replied there were already a number of neighborhood pets using the undeveloped portion of the site and the main street as a walking area. Their management team pays close attention to this as there is pet waste already. He feels that having the veterinary clinic staff addressing this as well will actually be helpful.

Commissioner Lissarrague asked if there would be an outdoor pet relief area.

Mr. Munson replied the existing landscaped boulevards would be more than adequate to accommodate those needs. He added they have no desire to request a site plan modification to make any external dog runs.

Commissioner Elsmore asked if the applicants were planning to use the entire building.

Mr. Munson replied they would be using only one of the six suites in Building I.

Commissioner Wippermann questioned where customers would park to get to the main entrance of the buildings.

Mr. Munson replied they would park in the adjoining parking lots which have ADA accessibility and a connecting sidewalk.

Commissioner Wippermann asked if there was any parking allowed in the front of the building.

Mr. Munson replied there was not.

Commissioner Elsmore asked the business owner to come to the podium.

Nicole Heinrich, a veterinary dermatologist, and Amy Haarstad, a veterinary dermatologist in-training, advised they worked for McKeever Dermatology, 7723 Flying Cloud Drive, Eden Prairie.

Commissioner Elsmore asked them to explain the services they provide.

Ms. Heinrich explained they specialize in advanced skin-related infections and diseases and do not do general veterinary care.

Commissioner Elsmore asked how many animals they would typically see in a week.

Ms. Heinrich replied approximately 20-30 a week.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark stated he supported the request and hoped this would stimulate the remainder of the development.

Planning Commission Recommendation

Motion by Commissioner Elsmore, second by Commissioner Simon, to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to conditionally allow veterinary clinics with small animals in the B-4 zoning district, and a conditional use permit for a veterinary clinic to be located at Lot 3, Block 1, Argenta Hills, **with an additional condition prohibiting exterior dog runs.**

Motion carried (6/0).

LARY SKOW – CASE NO. 13-45DCA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an amendment to the development contract for Shamrock Oaks to allow more than 5,000 square feet of impervious surface for Lot 2, Block 1 Shamrock Oaks, and an amendment to Resolution 06-61 approving the preliminary plat for Shamrock Oaks to allow more than 5,000 square feet of impervious surface, for Lot 2, Block 1 of Shamrock Oaks, for the property located at 2143 – 94th Court. 27 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned E-1 and is 2.5 acres in size. Per a condition of plat approval, this development was limited to 5,000 square feet of impervious surface. The applicant is requesting an amendment to this condition to exceed the allowed impervious surface to construct a new house, driveway and some extra impervious surface for future additions to the property. The applicant is requesting that 10,000 square feet of impervious surface be allowed on the property. Staff has determined that exceeding the 5,000 square foot maximum requirement would require an amendment to the development contract and resolution of approval, and they would also be required to follow the same conditions as obtaining a CUP to exceed impervious surface. The Engineering Department has reviewed the plans and are working with the applicant on stormwater and grading requirements. Staff recommends approval of the request with the four conditions listed in the report. Staff heard from one abutting property owner who had some general inquiries and stated he may want to do something similar with his property.

Commissioner Wippermann questioned why this area was allowed only 5,000 square feet of impervious surface while other similar sized lots in the City were allowed up to 15%.

Ms. Botten replied this subdivision was approved prior to the establishment of the current impervious surface table, and at the time there was some neighborhood concern in regard to impervious surface. Today's code would allow up to 15% of impervious surface, but since the development contract limits this subdivision that takes precedent over our zoning code.

Commissioner Wippermann asked why they would not go with 15% rather than 10,000 square feet.

Ms. Botten replied the Planning Commission could approve 15%; however, the applicant was only

asking for an additional 5,000 square feet. She noted the applicant would have to treat any impervious surface over 5,000 square feet.

Opening of Public Hearing

Lary Skow, 7567 Banning Way, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff recommendation and agreed with the conditions listed in the report.

Mr. Skow replied in the affirmative.

Commissioner Wippermann noted there was a significant drop in elevation on the lot.

Mr. Skow agreed that the lot was challenging, stating the proposed stormwater pond would not only catch runoff but would also provide fill to help build up the proposed building pad.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Wippermann, to approve an amendment to the development contract for Shamrock Oaks to allow more than 5,000 square feet of impervious surface for Lot 2, Block 1 Shamrock Oaks, and an amendment to Resolution 06-61 approving the preliminary plat for Shamrock Oaks to allow more than 5,000 square feet of impervious surface, for Lot 2, Block 1 of Shamrock Oaks, for the property located at 2143 – 94th Court, with the conditions listed in the report.

Motion carried (6/0). This item goes to the City Council on October 14, 2013.

FLINT HILLS RESOURCES PINE BEND, LLC – CASE NO. 13-41PR

Reading of Notice

Chair Hark noted that the public hearing notice was read at the August 20, 2013 Planning Commission meeting.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that Flint Hills is proposing to construct a three level office building and a 547 stall parking lot south of the existing administration building located along 117th Street. The request requires a major site plan review for the development. The applicant will be combining two lots for a total lot size of 48.32 acres. The lot consolidation will be done administratively. The proposed building would utilize the existing private drive onto 117th Street. Flint Hills is estimating there will be an additional 300 vehicles per day using that access point; therefore the applicant will be conducting a traffic study to determine the impacts of the project on the 117th intersection and on the 117th and Highway 52 intersection. The applicant will be responsible for the improvements done along 117th Street for the benefit of Flint Hills. The City of Rosemount will also need to approve the drainage directed into their community. Staff recommends approval of the request with the 15 conditions listed in the report.

Chair Hark noted that the nearest residential property was quite a distance from the subject property.

Opening of Public Hearing

Don Kern, Facility Manager for Flint Hills Resources, advised he was available to answer any questions.

Chair Hark asked if he understood the staff recommendations and agreed with the conditions listed in the report.

Mr. Kern replied in the affirmative.

Commissioner Wippermann asked if new or existing employees would be using the proposed building.

Mr. Kern replied a combination both. He stated 150 employees would be relocated from other buildings and as many as 300 new employees would be joining them as well.

Commissioner Scales stated he realized the need for additional space as his wife's office at Flint Hills was actually a closet.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a major site plan review to construct a three-story office building, along with other property improvements, for the property located at 3134 – 117th Street, with the conditions listed in the report.

Motion carried (6/0). This item goes to the City Council on September 23, 2013.

The meeting was adjourned by unanimous vote at 8:45 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary