

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 16, 2019 – 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: Armando Lissarrague  
Elizabeth Niemioja  
Tony Scales  
Dennis Wippermann  
Pat Simon  
Annette Maggi  
Jonathan Weber  
Joan Robertson  
Brett Kramer

Commissioners Absent:

Others Present: Allan Hunting, City Planner  
Eric Carlson, Director of Parks and Recreation

### **APPROVAL OF MINUTES**

The minutes from the April 2, 2019 Planning Commission meeting were approved as submitted.

### **WILLIAM D. KRECH – CASE NO. 19-07SZC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary plat and preliminary PUD for a 26-lot subdivision and a rezoning of the property from A, Agricultural to R-1C/PUD, Single-family, for the property located at 2001 – 120<sup>th</sup> Street. 51 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the subject property is in the southwest corner of the City. The applicant is proposing to develop a 26-lot single-family project on the 11-acre parcel. The request is for a rezoning to R-1C/PUD, a preliminary plat, and a preliminary PUD. Staff compared the proposed density to the R-1C standards and the Low-Density Residential category of the comprehensive plan. If you take out the streets, the net area is 9.49 acres. Using the R-1C 12,000-square foot minimum lot size, the theoretical maximum would be 34 units whereas the applicants are proposing 26. Using the LDR standards of 1-3 units per acre, the 9.49-acre parcel would allow 28 units whereas 26 are being proposed. The applicants are preserving some open space and are proposing lot sizes ranging from 7,162 square feet to 14,130 square feet in size, with the smallest lot width being 55 feet. These lots would be comparable to those approved in the Northwest Area. The applicant is requesting flexibility from setback standards to allow a 25-foot front and corner setback whereas 30 feet is required, and a 15-foot separation between buildings whereas 20 feet is required. The site is heavily wooded. The applicant plans to remove 56% of the trees. A total of 902 caliper inches are required to be replanted. The applicant is proposing to replace 564 caliper inches, which leave the plan short 338 caliper inches. The applicant is requesting flexibility so that the required planting does not crowd out the lots and kill the trees. The applicant must pay both Eagan and Inver Grove Heights park dedication fees. The project is proposing to extend Azure Lane to the southern boundary for future connection that will ultimately connect to an extension of 120<sup>th</sup> Street

in Eagan and Rosemount. There will be one cul-de-sac on the west side. Concerns have been raised regarding additional traffic volumes on the local streets with this project. There are currently 11 homes that have driveways on Azure. The addition of the 26 proposed homes would equal 37 driveways. Based on the 11 existing driveways on Azure Lane and the proposed 26, staff believes there would be about 370 vehicle trips per day on Azure that could funnel out to the different streets. According to the City Engineer, a typical residential local street is designed for between 3,000 to 5,000 vehicle trips per day; therefore, the addition of 26 homes should not overburden the street system. The plan identifies two potential wetlands. Since both are in an outlot, the wetlands would not be impacted. Mr. Hunting advised that Condition 2(d) can be stricken as it does not apply. Commissioners were provided electronic and hard copies of emails received from neighbors.

Chair Maggi asked staff to point out the adjacent neighborhoods and lot sizes.

Mr. Hunting stated that the properties to the east are larger lots, the parcel to the south is about 11 acres, and the properties to the north are zoned R-1C but average about 20,000 square feet in size.

Commissioner Lissarrague asked how a person would get from the subject parcel to Highway 3 or Cliff Road.

Mr. Hunting showed the various available routes using a diagram.

Commissioner Wippermann asked which city (Eagan or Inver Grove Heights) would review this to make sure there is an adequate water supply and sewer capability to serve the proposed development, as well as existing properties.

Mr. Hunting replied that Eagan would review the utilities as they were calculating utility connection fees; however, they had already determined they had the capacity to address utility needs per R-1C standards.

Chair Maggi questioned how wide the driveway could be if the lot was only 35 feet.

Mr. Hunting replied 25 feet as it must have at least a 5-foot setback on either side.

Chair Maggi asked what the standard two-car driveway width was.

Mr. Hunting replied 18-20 feet.

Chair Maggi asked if the Planning Commission would be approving exact numbers with this PUD or whether the applicant had the flexibility to change the setbacks.

Mr. Hunting replied that the Commission would be approving the exact numbers listed in the report.

Commissioner Simon noted that the proposed lot sizes were as small as 7,162 square feet, far below the 12,000 square foot minimum R-1C standards. She asked for clarification that they would be allowed up to 40% impervious surface.

Mr. Hunting replied in the affirmative.

Chair Maggi asked if individual lot owners could request a variance on top of that.

Mr. Hunting replied they had the ability to request a conditional use permit for an additional 10%,

just as any other lot owner.

Commissioner Weber asked if setbacks were measured from the building pad or the roof overhang.

Mr. Hunting replied that setbacks were measured from the exterior vertical wall.

Commissioner Robertson asked how wide a typical overhang would be.

Mr. Hunting replied 2-3 feet.

Commissioner Wippermann asked what the gap was on the preliminary plat between Lot 7, Block 1 and Lot 1, Block 2.

Mr. Hunting replied it was an access to Outlot B.

Commissioner Niemioja asked if the City needed access to Outlot B.

Mr. Hunting replied the City did not need access to Outlot B as it was a private outlot.

Commissioner Weber asked if the proposed streets were public or private.

Mr. Hunting replied public.

Commissioner Simon asked if homeowners could request to have more than 40% impervious surface.

Mr. Hunting replied in the affirmative, stating they could request a conditional use permit to allow an additional 10%; anything above that would require a variance. Any impervious surface over what is proposed would require additional stormwater treatment.

Commissioner Lissarrague asked what the average lot size was in the adjacent development.

Mr. Hunting replied approximately 20,000 square feet.

### **Opening of Public Hearing**

Dick Braun, Sunfish Lake, representing Amberwood Development, advised that regarding the previous question about capacity, the Eagan City Engineer confirmed they had the capacity to supply services for this site through the City of Eagan.

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

Mr. Braun replied in the affirmative.

Commissioner Niemioja asked if the developer planned to do anything with Outlot B other than keep it as open space.

Mr. Braun replied they did not.

Commissioner Niemioja asked if ownership of the outlots would transfer to the homeowners once all lots were sold.

Mr. Braun replied that it would be a divided interest amongst the 26 individual owners.

Commissioner Robertson asked if there was a way to reconfigure the plat to have more equitably sized lots that meet the 12,000 square foot minimum.

Mr. Braun replied that their original plat was a 22-lot development, but it was later changed as 95% of the trees would have to be removed. Because there were so many high-quality trees on this parcel, they decided to go in a different direction and changed the plat to the one being proposed.

Chair Maggi asked how large the house pads were.

Mr. Braun replied that he believed they were 40' x 69'.

Chair Maggi asked what the smallest lot width was on the proposed plat.

Paul Cherney, Pioneer Engineering, replied 55 feet.

Commissioner Robertson asked how much separation there would be between buildings.

Mr. Braun replied 15 feet.

Chair Maggi asked for an explanation of the relationship between the applicant and the trust.

Mr. Braun explained that the property is owned by the trust until such time as the development is fully approved.

Chair Maggi asked staff to confirm that the PUD would stay with the land.

Mr. Hunting replied in the affirmative.

Mr. Braun showed a rendering of examples of proposed homes for the site.

Commissioner Niemioja asked if they were proposing primarily two-car garage homes.

Mr. Braun replied in the affirmative, stating some lots may offer a three-car garage.

Commissioner Niemioja asked if they planned to market to older empty-nesters.

Mr. Braun stated that is primarily who they anticipate purchasing this type of product.

Commissioner Niemioja asked if this neighborhood would have an age restriction.

Mr. Braun replied it would not.

Commissioner Wippermann asked if the proposed homes had basements.

Mr. Braun replied in the affirmative, stating there were 13 walkout lots, 8 lookout lots, and 5 flat lots which could have full basements or be slab-on-grade.

Chair Maggi explained that the Planning Commission is an advisory commission whose purview is land use, not financials, etc. At the end of the public hearing they will make a recommendation to City Council, who has a much broader purview.

Prasantha Wells, 11687 Azure Lane, stated she lived on the corner lot abutting the north end of the

proposed development. She researched the City's Planning and Zoning webpage and the 2040 Comprehensive Plan and quoted several statements, including that the focus is to provide the orderly development and redevelopment of the City and that the Comprehensive Plan actively plans for the future so that the physical form of the community represents what the community wants to be rather than a reaction to trends and patterns resulting from outside forces. She was opposed to the request, stating in reviewing this request they should look at not only the technical zoning requirements for the land itself, but also at the impact to the adjacent areas and the overall look and feel of the development in conjunction with those adjacent areas. She stated there was a vast difference between what is being proposed and what already exists in Woodland Preserve and Broadmoor and that should be taken into consideration so as to remain consistent with the comprehensive plan and zoning ordinances. What is being proposed would ultimately look like an unplanned single neighborhood development. One of the comprehensive plan policies for an established development area is to ensure that the new development areas are compatible in size and scale with existing adjacent neighborhoods; however, the look and feel of the houses, reduced lot sizes and setbacks, as well as the two-car garages make it apparent that this new development area will not be compatible with the existing adjacent neighborhood. The comprehensive plan also states that appropriate buffers should be provided to accommodate the range of housing types. The proposed plat is much denser than the adjacent neighborhoods to the north, and has a different housing type, but yet no buffer is proposed to demarcate the difference in the neighborhoods. She advised that the lot immediately behind her home would face a different direction than hers and she would be looking at the side of a house. City ordinances also state there should be a planted screened easement in the Amberwood Development of sufficient depth to provide an appropriate buffer across which there should be no right of access between the northernmost lots and those of Woodland Preserve. Ordinances require that the perimeter of a PUD be designed to minimize the impact of the development on surrounding areas. In her opinion what is being proposed would negatively impact her neighborhood. She is concerned about the variances being requested, the lack of a buffer, and the inconsistency with the adjacent neighborhoods.

Commissioner Simon asked Ms. Wells what the distance was between her home and the rear property line.

Ms. Wells replied that her home was 50 feet from the rear property line and would result in an odd transition as her home faces a different direction than the proposed home next to her.

Commissioner Robertson asked Ms. Wells what the undesirable impacts were that she previously mentioned.

Ms. Wells replied having neighborhoods that do not transition well into other housing types.

Commissioner Lissarrague stated the proposed lots were not consistent with the character of the existing neighborhood.

Ms. Wells stated another impact to her neighborhood was that the trees to be retained bordered the Eagan side of the development rather than the Woodland Preserve.

Commissioner Robertson asked the developer if the intent was to remove the trees across the back yard of Ms. Wells' home.

Mr. Braun replied in the affirmative, stating they would then add some trees back in. The side yard setback of the northernmost home was 15' and they plan to plant a row of 8'-14' trees.

Commissioner Scales stated he gets concerned when they talk about buffer zones because years

ago the owners of the 5 and 10 acre lots in this neighborhood may have had similar comments when the Woodland Preserve development was proposed. He is more concerned about zoning standards and what fits with the neighborhood. If it fits the land use criteria, he thinks they would have a hard time denying the request.

Commissioner Niemioja advised Ms. Wells that the comprehensive plan can be continuously amended and revised, but stated she understood many of her arguments. She asked if there was a monument into Woodland Preserve designating the neighborhood.

Unknown person stated there was no monument sign for Woodland Preserve.

Jeff Halvorson, 4858 Sycamore Drive, Eagan, stated he lived west of the proposed development and was representing some of his neighbors as well. He stated he appreciated the proposed tree buffer between his home and the proposed development. His main concern, other than finances and density, was the additional impervious surface. He advised there is currently a lot of standing water on the subject property which often channels into Eagan. Adding more impervious surface would likely only worsen the problem.

Commissioner Niemioja asked Mr. Halvorson what the average lot size was on his street.

Mr. Halvorson replied that most of the homes were about a third-acre in size with three-car garages; completely different than what is being proposed tonight.

Commissioner Weber stated according to the drawings the land would drop off and may pull more water away.

Mr. Halvorson stated that the lots near him were likely the slab-on-grade rather than walkouts.

Heather Passe, 11671 Azure Court, presented a scaled drawing showing the lot size difference between the proposed lots and those of Woodland Preserve. She stated her home abuts the proposed neighborhood and she has concerns regarding traffic and safety. The only exit/entrance for these 26 homes comes through her neighborhood. When she built her home, she was aware that the subject property would eventually be developed but knew of the City's policy regarding new developments being compatible in size and scale with existing adjacent neighborhoods. However, the proposed development looks extremely distinct and different in size and scale from Woodland Preserve and she asked Commissioners to consider the impacts this development would have on their neighborhood.

Ryan Gore, 11670 Azure Lane, agreed with his neighbors' comments but stated his main concern was safety. He hoped that an alternate road could be created as access for this new development.

Commissioner Robertson stated she takes safety issues seriously, but according to staff the anticipated traffic would be significantly lower than what a typical local street was designed for. She asked if it was true that the traffic was anticipated to triple.

Mr. Hunting stated he was only speculating, 10 trips per day per proposed home would equal 260 trips per day.

Commissioner Robertson asked Mr. Gore how 260 additional trips per day would impact him.

Mr. Gore stated it would be a dramatic increase in vehicle trips for their quiet neighborhood.

Commissioner Scales asked how many homes would fit on this property if no variances were being

requested.

Mr. Hunting replied that the developer's original plan was for 22 lots.

Commissioner Scales noted that was only a difference of four homes.

Ms. Wells advised that variances were being requested with the original design of 22 lots.

Mr. Braun could not recall if there were any variances requested with the original request. He advised that their calculations show that the 26 proposed homes would have less of a traffic impact as they cater to 55-plus which would likely have less drivers, fewer teenagers, and possibly snowbirds whereas the homes in Woodland Preserve and Broadmoor have two-story homes with 3-car garages and likely more drivers living there. The proposed development would also have only one sanitation service, lawn service, and snowplow contractor rather than various companies coming on various days.

Ms. Passe clarified that the previous 22-lot proposal included variances from minimum lot width requirements on specific lots. Therefore, they were not really comparing a 22-lot plan to a 26-lot plan, but rather 26 to some other unknown number.

Brian Rhoades, 4913 Sycamore Drive, Eagan, was concerned about safety, stating his children walk to the nearby school. He stated it is already a very busy intersection and adding any traffic whatsoever was problematic.

Commissioner Weber stated he thought there was a bike path behind the school.

Mr. Halvorson advised that there was a gravel road south of the school. He stated there were already pinch points from a traffic standpoint.

Commissioner Robertson asked how far the pinch point was from the access out of this area.

Mr. Halvorson replied perhaps four blocks. He expressed concerns about roads getting blocked off during construction.

Commissioner Niemioja asked for confirmation that there was an access from the back of the school to White Pine Way.

Mr. Halvorson replied in the affirmative.

Commissioner Scales stated he understood the traffic concerns as there were a lot of kids trying to get to that school. He asked if there was ever a thought of sidewalks in those neighborhoods.

Mr. Hunting replied that Inver Grove Heights does not require sidewalks and he does not believe Eagan does either.

Steve Sandberg, 11686 Azure Lane, was concerned about safety as there were many young children in the neighborhood, as well as limited visibility on Azure Lane because of the tree line, grade, and curved road. He was also concerned about the inconsistency of the size and scale of the homes being proposed compared to the existing. He suggested that the developer may have chosen the 26-lot plan over the 22-lot plan because they could make more money rather than to save trees.

Commissioner Robertson noted that the streets in Woodland Preserve are wider than typical local

streets, and stated that while she was concerned about safety, they should not talk about it in relation to kids not being safe in the streets because streets were designed for cars not children.

Mr. Sandberg stated that denying the request and asking them to put more appropriate homes on the property would reduce safety risks. He noted that the applicant stated homes with three-car garages produce more traffic; however, some of the proposed homes will likely have three-car garages.

Commissioner Robertson asked the developer how many of the 26 proposed homes could have three-car garages.

Mr. Braun stated they would not know for sure until the plans were finalized, but he was told by their engineer that it would be a handful.

Commissioner Robertson asked if the majority would have two-car garages.

Mr. Braun replied in the affirmative.

Mr. Sandberg stated the fact that the applicant has given such a vague answer makes him believe that all the lots can have three-car garages. He suggested Commissioners get more facts before approving anything, including specific numbers of three-car garage lots.

Angela Gier, 11668 Azure Court, addressed a previous comment regarding children and traffic safety. She advised that she watches her children closely and does not let them play in the street; however, she has a teenage driver and her neighbors walk their dogs or their children walk to school and she is very concerned about safety (blind spots, lack of stop signs, speeding, etc.). She suggested they ask the developer to come up with a new plan that reduces safety and drainage concerns.

Gregory Hanson, Rosemount, asked who the developer was.

Mr. Braun replied William Krech.

Mr. Hanson stated the preliminary wetland plan and preliminary street plan seem to be missing. He was concerned about how stormwater would be accommodated. He stated that comparing the 22-lot plan to the 26-lot plan was like comparing apples to oranges as they had dramatically different layouts. He was concerned about the amount of impervious surface being proposed and the small lots being proposed.

Neil Mulrooney, 11617 Aileron Court, stated that his neighbors in Woodland Preserve had issues with water. This prompted City Engineer Tom Kaldunski to do some assessments of the undeveloped portion of Woodland Preserve. He determined that springs were causing water problems for property owners downhill. Because of the existing wetlands and water problems, he was concerned about the additional impervious surface exacerbating existing stormwater issues. He recommended that both surface and groundwater be addressed and stated he was concerned about the small lots and impervious surface being proposed.

Jim Bates, 11494 Armstrong Court, stated when he moved into the Broadmoor development his understanding was that Broadmoor was originally proposed for 128 lots, but they eventually brought it down to 63. He was troubled by a previous comment that if the proposal fits the PUD criteria then the Planning Commission has no choice but to approve it. If that is the case, he does not know what the function is of the Planning Commission. Comparing the proposed lots to the surrounding neighborhood it is obvious that the proposed plat is inconsistent with the character of



adjacent neighborhoods. He stated that Avery Drive is a busy street that does not need the additional traffic pressure from another development. He recommended that they adjust the plat to increase the lot size and reduce the number of homes.

Commissioner Lissarrague asked what happened in Broadmoor where the overall number of homes was reduced.

Mr. Hunting replied that he was not aware of the history of Broadmoor.

Commissioner Wippermann stated that he lived in the Broadmoor development and had also heard that the original proposal was a much higher density than what it ended up being.

Jeff Mademann, 11665 Azure Court, stated that everyone was aware that this land would eventually be developed, but the proposal was not similar in size or scale and does not blend with adjacent developments. He questioned why we were here if the Planning Commission was only going to look at whether the requirements are met. In this case they are asking for substantial variances. Currently there is a significant number of trees within this lot; to remove those and plant a single row of 8' pine trees does not really do it justice. There are only two ways to get in and out of here and both have choke points and are getting increasingly congested. They should consider adding another access point in and out of here; anyone wishing to get to the current house on this property needs to come through a neighboring property to get there. The existing road design cannot handle the current capacity, let alone another 26 houses. They are also asking to remove almost double the number of trees allowed, which is substantial. In his opinion the proposed lots are all too small to have a three-car garage. While he understands that the developer must make a profit, he would ask that they deny the request and ask the developer to provide a plan that meets the zoning criteria and does not require variances.

William Hanson, 11468 Avery Drive, stated that vehicles typically drive too fast along Avery Drive, and adding 26 additional homes would just worsen the problem.

Ms. Passe asked Commissioners to take into consideration that the children in this neighborhood walk to school; fighting with an extra 26 homes on this single exit/entry point will be unsafe.

Mr. Sandberg asked who they would contact regarding getting a flashing yellow light on the corner of Highway 3 and Red Pine Way.

Mr. Hunting replied either the City of Eagan or MNDOT.

Mr. Braun apologized for not recalling that the 22-lot development had a variance request attached to it and stated in his opinion the proposed development is a safer less intrusive development than an 85' wide standard single-family development allowable on the same parcel.

Commissioner Niemioja asked which plan was presented at the neighborhood meeting.

Mr. Braun replied the 26-lot plan.

In response to Chair Maggi's question regarding why the 22-lot plan was scrapped, Mr. Braun showed diagrams of the difference in tree removal between the two plans.

Commissioner Robertson stated the impact of tree removal on the 22-lot plan and the 26-lot plan was basically the same in regard to the two neighbors in Woodland Preserve who lived on the access point to the proposed development.

Unknown person stated there was still a benefit in saving 40% of a canopy full of black cherry and oak trees as shown in the 26-lot plan.

Unknown person asked how many of the lots in the 22-lot plan were larger than 12,000 square feet.

Ms. Passe noted that the public notice for the 22-lot plan asked for a variance from lot width requirements.

Commissioner Simon noted that was not a request from lot size; just lot width.

Unknown person asked if there was a Krech on the City Council.

Chair Maggi replied in the affirmative.

Unknown person asked if that was any relation to the applicant.

Chair Maggi replied that she did not know the family connection there, but if there was a conflict of interest people would have to acknowledge that at the Council meeting.

Jeff Herme, 11676 Asher Court, asked Commissioners to listen to the residents that live in the neighborhood versus the applicant.

Commissioner Scales advised that Commissioners must look at the guidelines they are given; they cannot take their own opinions and design neighborhoods themselves. We are here to make sure what is being proposed fits into the design of the comprehensive plan.

Mr. Herme hoped that Commissioners would take the neighbors' comments into consideration, rather than those of an outsider looking at this as just another opportunity, and consider asking for a revised plan with less density and impact on water, sewer, etc.

Commissioner Robertson encouraged residents to attend the City Council meeting as they have more leeway on how they look at requests.

Mr. Herme questioned whether there was any way they could add a road going east out to Albavar as a second access point.

Ms. Wells reminded Commissioners that one of their responsibilities was to look at the specific development being proposed and its impact to surrounding areas. In this case the proposal is significantly different in size and scale and look from Woodland Preserve as well as the broader area. She does not believe it fits the comprehensive plan for this part of Inver Grove Heights.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Chair Maggi thanked everyone for coming out tonight and presenting their points. She stated the role of the Planning Commission is in part to look consistency with the comprehensive plan. In this City many want to live on 10 acres while others want to live in a traditional neighborhood. That is the beauty of this community, but it also creates challenges. From her perspective the biggest issue of this request is the location. She does not feel that it fits the character of the 2040 comprehensive plan for this part of the city. She would have a hard time approving the request.

Commissioner Wippermann provided a history of the area, stating that the development first

originated on Apennine to the north over 20 years ago. From that point down to Ashley is the Broadmoor development. At the time the people on Apennine expressed concern regarding the high density that was being proposed and it was lessened to 63 lots. Broadmoor is at least four times the size of the subject property with 63 lots on it and complied with the proper size and spacing guidelines. The landowner and developer of the Woodland Preserve area wanted to preserve as much open space as possible so there are only 30-33 lots in that development. The Woodland Preserve total area is at least twice the size of the subject property. The subject property; however, is proposing 26 lots and is clearly out of character compared to the properties to the north. He did not support the request.

Commissioner Lissarrague thanked everyone for coming forward and he stated he understood their safety concerns. He suggested the neighbors attend the City Council meeting as they have more flexibility than the Planning Commission. He did not support the request as it did not fit the character of the neighborhood.

Commissioner Kramer stated that everyone understands that this property will eventually be developed, but the small lot sizes being proposed are out of character for the area and, in many cases, are almost half the size of a traditional City lot. He does not support the request because it does not fit the character of the neighborhood.

Commissioner Robertson stated she was pulled on this request. She realizes the importance of maintaining character, but the challenge is how far do we keep going out with that character and replicating only those types of developments because we must meet the needs of the city as a whole. She agreed that children's safety was important but there are so many variables that affect safety, such as rows and rows of three-car garages. She questioned whether we should look at the three requests separately.

Commissioner Weber stated the city needs development and growth; however, the proposed lot sizes were concerning. He would prefer they reduce the number of lots and increase lot size.

Commissioner Niemioja recognized the safety issues, stating she lived in a neighborhood of 32 houses with only one way in/out, so she understands that adding more houses is concerning. However, the city needs development, she likes the overall concept, the proposed homes are not at the front entrance of the neighborhood, and aesthetically appear to look attractive. The lot size is small though and she believes the plan could be designed better to slightly increase and equalize lot size.

Commissioner Scales stated development was good for the City, however, he does not support the request because of the lot size variances being requested.

Commissioner Simon has an issue with the flexibility request, which is basically the variances the neighbors are referring to. It is troubling that the flexibility requests keep asking for a little bit more and it is becoming overwhelming. She is also concerned about water issues associated with the amount of impervious surface being proposed on those small lots. The only place she recalls having such small lots is Argenta Hills, which she does not want to replicate. She does not support the request.

Chair Maggi asked regarding voting on the three requests separately, would it make sense to approve a rezoning to R-1C/PUD if Commissioners did not approve the preliminary plat or preliminary PUD.

Mr. Hunting replied that it does not make sense to rezone the property to R-1C/PUD if the Commission does not support the PUD as it needs to be tied to an actual PUD plan.

Commissioner Niemioja stated she would like to recommend to City Council that they send this back to be looked at again with a different plan.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Lissarrague, to deny the request for a preliminary plat and preliminary PUD for a 26-lot subdivision and a rezoning of the property from A, Agricultural to R-1C/PUD, Single-family, for the property located at 2001 – 120<sup>th</sup> Street, based on the project being out of character to the adjacent neighborhood and the variances being too significant.

Commissioner Robertson advised that she would be abstaining because she must look at the needs of the City as a whole.

Motion carried (8/0 with one abstention – Robertson). This item goes to City Council on May 13, 2019.

**CITY OF INVER GROVE HEIGHTS – CASE NO. 19-08C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow 34,500 cubic yards of fill within the flood fringe, for property located at 6701 River Road and identified as all City-owned property contained within Heritage Village Park, located west of Doffing Avenue, east of the railroad along Concord Boulevard, and north of 65<sup>th</sup> Street extending to the northern Inver Grove Heights boundary. 60 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City is requesting a conditional use permit to allow 34,500 cubic yards of fill from City street reconstruction projects to be placed in Heritage Village Park, which is within the Flood Fringe of the Floodplain. Almost 70,000 cubic yards of fill will be brought to the site, but only 34,500 of that will be placed within the Flood Fringe. The request was approved by the Environmental Commission and a letter was sent to the DNR; however, no comments have been received. Staff recommends approval of the request.

**Opening of Public Hearing**

Denise Haugum, 6140 Doffing Avenue, spoke on behalf of Castaways Marina. She advised that in 2010 a large amount of fill was brought into Heritage Village Park and caused some damage to the boats. She asked that the City be proactive in regard to ensuring this did not happen again.

Chair Maggi asked staff to address how the City mitigated the damage mentioned by Ms. Haugum.

Eric Carlson, Director of Parks and Recreation, advised that in 2010 or 2011 the City hauled a significant amount of dirt into Heritage Village Park to remediate the contamination that was found on the site. At the time there were issues with dust migrating onto some of the adjacent properties. Because of that issue, contractors hauling dirt to the site for this project are required to provide dust control. The contractors are also directed to enter the property via 65<sup>th</sup> Street, deposit the dirt, and then exit the site via Doffing Avenue.

Commissioner Wippermann asked how many feet of dirt they were planning on adding to the site.

Mr. Carlson advised that on average there would be four feet of fill added to most of the site.

Commissioner Scales asked how the City mitigated the dust issues caused by the last placement of fill on this site.

Mr. Carlson replied that the City paid to clean the awnings of the slips in Castaway Marina.

Commissioner Scales asked if the City would ensure the contractors were using proper mitigation procedures this time to avoid similar dust issues.

Mr. Carlson replied in the affirmative.

Commissioner Niemioja asked if the fill being brought in would eventually be seeded.

Mr. Carlson replied that the City would establish groundcover on the site; however, what it was planted with depended on whether Council elected to move forward with the parking lot and playground area at this time.

Ms. Haugum advised that regarding the dust issue associated with the fill that was previously brought onto this site, there was an insurance claim turned in for \$8,100 but the check received from the City was only for \$2500.

Commissioner Weber noted that the check was written to the marina and asked if any of the individual slip owners were paid directly.

Ms. Haugum replied not that she was aware of.

Commissioner Weber asked if some of the slips were privately owned.

Ms. Haugum replied in the affirmative.

Commissioner Weber asked why the city would cut a check to the marina if they were privately owned versus giving the slip owners a check.

Ms. Haugum replied that the marina maintains the property and each shareholder pays a portion towards the maintenance.

Commissioner Weber questioned whether perhaps the City paid owners privately to clean their canopies.

Ms. Haugum noted that the check was received almost two years after the damage was reported and stated if there was damage associated with the current request, she hoped there would be a more timely response.

Chair Maggi recommended that Ms. Haugum bring that issue up at the Council meeting.

Ms. Haugum questioned why the trees had been removed from the subject property.

Mr. Carlson advised that either the significant trees were not in the right location or were in an area where they would be placing four feet of fill. He noted that the tree removal had been reviewed by both the Parks Commission and City Council.

Commissioner Niemioja asked how long the grading would take.

Mr. Carlson replied that it would take place in phases, starting in May and going through the summer.

Commissioner Weber asked if it was the City's responsibility to haul the dirt coming from the 65<sup>th</sup> Street/Highway 3 project.

Mr. Carlson replied in the affirmative, stating they were able to haul it to a site that benefited the City versus hauling it out of town.

Commissioner Robertson asked for clarification that fill was being brought in to mitigate existing soil contamination.

Mr. Carlson replied in the affirmative, stating it was also a means of building up the site to avoid future flooding.

Commissioner Niemioja asked what information would be included if they received a report from the DNR.

Mr. Hunting replied that he did not anticipate receiving any comments from DNR, but they would likely look specifically at any potential impacts to the area.

Mr. Carlson advised that they notified the DNR as a courtesy since they were filling within the Flood Fringe.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Commissioner Niemioja stated she was hopeful that the City followed through with the contractors regarding dust control and that any damages would be resolved in a timely manner.

Motion by Commissioner Wippermann, second by Commissioner Scales, to approve the request for a conditional use permit to allow 34,500 cubic yards of fill within the flood fringe, for property located at 6701 River Road and identified as all City-owned property contained within Heritage Village Park, located west of Doffing Avenue, east of the railroad along Concord Boulevard, and north of 65<sup>th</sup> Street extending to the northern Inver Grove Heights boundary with the condition listed in the report.

Motion carried (9/0). This item goes to the City Council on April 22, 2019.

The meeting was unanimously adjourned at 9:53 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary