

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 16, 2020 – 7:00 p.m.  
\*\*REMOTE MEETING\*\*

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

Commissioners Present: Tony Scales  
Joan Robertson (arrived at 7:05 p.m.)  
Jonathan Weber  
Elizabeth Niemioja  
Annette Maggi  
Brett Kramer  
Armando Lissarrague  
Dennis Wippermann

Commissioners Absent: Pat Simon (excused)

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

### **APPROVAL OF MINUTES**

The minutes from the June 2, 2020 Planning Commission meeting were approved as submitted.

### **COMMONBOND COMMUNITIES – CASE NO. 20-16Z**

#### **Reading of Notice**

Commissioner Scales read the public hearing notice to consider the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planned Unit Development, for PID No. 20-14168-00-050. 32 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to rezone a 12.8-acre parcel from A, Agricultural to R-3C, Multiple Family PUD. The property is located on Old Argenta Trail and Highway 55. R-3C would be consistent with the Medium Density Residential (MDR) guiding of the property which allows for 8-12 units per acre. If this request is successful, the applicant's plan would be to develop a two-building apartment project for a total of 120 units. He noted that it is a typical development pattern to have higher density uses along major roads and he showed a concept plan of how the applicant envisions the property. Access is the biggest issue. Currently the site only has access to Argenta Court (Old Argenta Trail) which leads to Archer Avenue. There must be two public ways in and out of the project. Dakota County has indicated no new access points to new Argenta Trail would be allowed. Access alternatives must be determined before an application for development is submitted. Staff recommends approval of the request. Mr. Hunting noted that 13 emails from residents stating their concerns were provided to Commissioners prior to tonight's meeting.

Chair Maggi summarized the emails received from residents, stating they were opposed to the rezoning, with traffic issues and loss of the natural buffer being primary concerns.

Commissioner Kramer asked what would happen if the rezoning were approved but the project ultimately did not move forward.

Mr. Hunting replied that the rezoning would remain in place.

Commissioner Wippermann asked if the Peltier property between old and new Argenta was privately owned.

Mr. Hunting replied in the affirmative. Mr. Peltier also owns land on the east side of Argenta Trail as the new road bisected his property.

Commissioner Wippermann asked how the Peltier property was guided and zoned.

Mr. Hunting replied that it was changed from Community Commercial to Medium Density Residential in the 2040 comprehensive plan when it was recognized that it was not viable for commercial development. Higher density residential is a typical land use along major highways.

Commissioner Wippermann asked if there had been any discussion with the landowner or County regarding the Access B option indicated in the packet.

Mr. Hunting was unsure if the applicant had had discussions with the landowner. He advised there have been preliminary discussions with Dakota County about access points. Dakota County advised there could not be an access directly across from Amana Trail because of a potential future interchange in that area. The other option would be to move the access to the north on Argenta. The County has concerns about that. If they were to agree to an access there it would have to be a right-in right-out.

Commissioner Wippermann asked if traffic from the Peltier property would also go to Archer Trail were it ever to be developed.

Mr. Hunting replied that was unknown and would depend on how this project's access was ultimately determined.

Chair Maggi questioned whether they could legally deny the rezoning as it was consistent with the comprehensive plan.

Mr. Hunting replied they could perhaps qualify a denial with rationale such as it being premature if they would like to see something resolved first.

Commissioner Lissarrague was concerned about approving this without the access issue resolved as in his opinion using Archer Trail would be devastating to the neighborhood. He understood that it was just a rezoning at this point, but in the past access had already been determined when the request was made.

Mr. Hunting replied that typically you will see a rezoning application with a development plan; however, one is not required.

Commissioner Robertson asked if they could approve the rezoning with a condition that the access issue be resolved.

Mr. Hunting replied that rezonings could not have conditions but you could make the comment that although you were recommending approval, you recognize that the access needs to be addressed before a development plan was approved.

Chair Maggi asked if a second access point was required for this to move forward.

Mr. Hunting replied that two ways in and out would be required with a development plan.

Commissioner Weber stated the steep topography west of Argenta Trail would make it difficult to put in a roadway. He would prefer the second access point be an extension of the frontage road along Highway 55 which would draw traffic away from the neighborhoods.

Mr. Hunting stated there are existing wetlands and a regional basin that would make extending the frontage road difficult, but it may be possible to run a public street westward and then north back towards 70<sup>th</sup> Street.

Commissioner Scales stated the applicant did not need to provide a concept plan tonight and could have asked for the rezoning without a plan. In his opinion the access was not necessarily germane to tonight's request for a rezoning, but rather would be part of a subsequent application if the developer decides to move forward.

### **Opening of Public Hearing**

Andy Hughes, Commonbond Communities, 1080 Montreal Ave S, St. Paul, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the staff report.

Mr. Hughes replied in the affirmative. He stated he recognized that if this development plan were to proceed, they would have to get subsequent approvals which includes resolving the access issue. The realignment of Argenta Trail created the issue for this property, the Peltier property, and the adjacent triangular parcel.

Commissioner Lissarrague asked if there was a way to make two accesses that did not go through the neighborhood to the north.

Mr. Hughes stated that the primary option is extending Archer onto Argenta. Another potential option would be extending a new road to Argenta south of that access point; however, that is unlikely because of topography issues. Another potential option would be to go west to try to minimize the impacts to the residential neighborhood.

Samantha and Ken Zarsky (spelling?) stated their main concerns were the access point, the negative impact low income housing would have on their property value, and the impact the increased traffic would have to children's safety.

Robert Slattery, 7250 Archer Trail, was opposed to the rezoning, stating it would have multiple negative impacts to their neighborhood. He stated that Archer Trail had multiple blind spots and he was concerned about people using their neighborhood as a shortcut. He chose to live here because it was secluded and quiet and the addition of two apartment buildings would make it an undesirable place to live.

Sondee Kdafor (spelling?) asked for clarification of the ownership and the standards for Medium Density Residential.

Chair Maggi replied that MDR allows for 8-12 units per acre for density, and the concept plan shows 9 units per acre.

Mr. Hunting stated that the property was in private ownership.

Mr. Kdafor stated the reason he was asking if the property was public or private was because there

is a need for a park in this neighborhood. There are many children living in this neighborhood, and he is concerned about their safety due to traffic increases from the proposed apartment buildings.

Verda Sites, 7219 Archer Trail, stated a major concern is traffic. There are many children in this neighborhood who would be at risk for potential accidents. It would also open up the natural barrier between their property and the freeway. They purchased their lot because it backed up to the tree line and paid a premium for that. She was also concerned about water flow and where the drainage from the apartment buildings would go.

Catherine Cascalenda, 7221 Archer Trail, stated that in addition to the traffic and access concerns, losing the natural space that so many people enjoy would be devastating. Even if this project does not move forward, approving a rezoning would open it up to other developers.

Chair Maggi acknowledged the 13 emails received prior to tonight's meeting and closed the public hearing.

### **Planning Commission Discussion**

Commissioner Niemioja stated she understood the traffic concerns brought up by the residents. She noted; however, that the comprehensive plan was the product of extensive public surveys, public input, and hours of work by staff, consultants, City Council, and Planning Commissioners. How the City was going to use the space they have left was well thought out and this is the ideal location for this type of project. Tonight, she will support the rezoning; however, if the development plan comes back in the next phase with an access going through the neighborhood, she would likely not support that. She noted that the issue of parks has come up many times; however, for various reasons the Parks Director has stated that will not occur in that location. She understands the neighbors wanting to keep this as a natural area, but much work has been done on the comprehensive plan to allow for this rezoning.

Chair Maggi asked when this area was changed to Medium Density Residential.

Mr. Hunting replied that it was Community Commercial in the 2030 comprehensive plan, but as the roadway system was established it was recognized that it was not viable for commercial due to lack of direct access. It was changed to Medium Density Residential in the 2040 comprehensive plan.

Commissioner Scales stated he sympathized with the residents; however, the same arguments were likely made from the people around them when their neighborhoods were being developed. The Planning Commission hears arguments about increased traffic and loss of habitat with every development, but they have to look to the comprehensive plan and how we are guiding the community for growth. He stated he supports the request.

Commissioner Robertson reiterated that right now the issue is rezoning of the property which has been part of a plan for a substantive amount of time. No one is saying they must go through the Blackstone property for access. The Planning Commission hears the concerns and there will be multiple opportunities for the neighbors to have input on the final plan.

Commissioner Lissarrague stated the reason he asked to be appointed to the Planning Commission was because he was concerned about the right of property owners to enjoy their property without unnecessary nuisances. He advised the neighbors they are going to have opportunities to give their input to the Planning Commission and City Council once they get to that part of the development process.

Commissioner Kramer stated he struggled with approving the request knowing that it could not be

used for what they are proposing as it stands right now; however, he would reluctantly support the change to let it continue in the process

Commissioner Weber asked at what point does a development need two accesses.

Mr. Hunting replied that two accesses are required almost anywhere in the city. If this had been developed as single-family homes, they would still need two ways in and out.

### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planned Unit Development, for PID No. 20-14168-00-050.

Motion carried (8/0). This item goes to the City Council on June 22, 2020.

## **CITY OF INVER GROVE HEIGHTS – CASE NO. 20-15ZA**

### **Reading of Notice**

Commissioner Scales read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) to remove mini-storage and outdoor vehicle storage as a conditional use in the B-3, General Business District. No notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City Council directed staff to hold a public hearing with the Planning Commission regarding amending the zoning code to remove mini-storage facilities and outdoor vehicle storage as an allowed use in the B-3 district. Mini-storage is currently allowed in the B-3 district by conditional use permit (CUP) and as a permitted use in the I-1 and I-2 districts. The ordinance presented would remove the mini-storage use from the B-3 district and keep it as an allowed use in the I-1 and I-2 districts. Staff sent a notice of tonight's meeting to the three mini-storage businesses that are on properties currently zoned B-3. He heard from one of those individuals who stated he did not have an issue with the proposed change based on the long-range plans for his property.

Commissioner Weber stated there were a number of vacant B-3 properties in the City and he would have liked to see those property owners notified of the proposed change. He asked how many such properties there were in the city.

Commissioner Kramer stated that according to the map in the packet there appeared to be 21 vacant B-3 properties.

Commissioner Weber asked if they could put a moratorium on mini-storages rather than doing an ordinance change.

Mr. Hunting replied that was an option; however, Council chose instead to amend the ordinance.

Commissioner Weber hoped that staff would notify owners of vacant B-3 properties prior to the Council meeting.

Commissioner Niemioja asked why Quality Moving & Storage on Claude Way was not included in the map of mini-storages in the City.

Mr. Hunting replied that they have never received a CUP for mini-storage so perhaps they are

more of a moving company versus mini-storage.

Commissioner Niemioja liked the idea of a moratorium and supported having mini-storages located in non-commercial areas.

Commissioner Robertson was concerned about the precedent it would set to contact every owner of B-3 vacant property. She noted that those property owners have had opportunity for quite some time to request a CUP and have not done so.

Chair Maggi commented that it was possible someone could have only recently purchased a B-3 property and had not yet had the chance to apply for a CUP.

Commissioner Weber stated there are not a lot of B-3 properties in the City and they may have been purchased for a long-term investment. Notifying the owners would give them a chance to comment.

Commissioner Scales stated eliminating a use is the same process as adding a use, and the City does not notify property owners of those amendments either. He supported the proposed ordinance amendment to prevent more self storages along the City's main roadways in the future.

Commissioner Kramer stated we are not placing a moratorium on mini-storage so if someone owns a B-3 property and they are looking to build a mini-storage facility, they could request a change in zoning to be in compliance.

### **Opening of Public Hearing**

Jeff Polacek, owner of Stagecoach Storage, 7649 Concord, asked what was driving the need to remove mini-storage from the B-3 district.

Mr. Hunting replied that both the Planning Commission and City Council were concerned about the number of storage facilities that exist and when the property on Cahill Avenue was approved for self-storage they felt the B-3 district was not the appropriate district for additional mini-storage facilities.

Mr. Polacek asked how this would affect his existing storage facility which is in the B-3 district.

Mr. Hunting replied that his use can continue. It would become a legal non-conforming use which would have some limitation to the size of any building expansions that could occur.

Mr. Polacek stated that based on that it would be in his best interest to support the change because then there would be a limited supply and an increasing demand. However, approving this would be a disservice to people who need this service. He proposed that the City work with businesses like his and come up with plans that make them fit into the area better so that the neighbors are accommodated and the people who need the services are accommodated.

Chair Maggi clarified that this change only impacted the B-3 district; mini-storage units would still be allowed in the I-1 and I-2 districts.

Mr. Polacek asked how this ordinance amendment would restrict any potential development of their business going forward.

Mr. Hunting replied that it would become a legal non-conforming use which puts some limitations on expansion of the facility. These limitations were included in the letters that were sent out to B-3 storage facility property owners.

Mr. Polacek stated this type of storage is critical to small businesses and homeowners and it is extremely difficult to find cities that will allow it. To meet this demand, he proposed they work together to find a way to make these facilities less obtrusive and more acceptable to the City rather than disallowing them in the B-3 district.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) to remove mini-storage and outdoor vehicle storage as a conditional use in the B-3, General Business District.

Commissioner Niemioja agreed that there was a demand for storage units but would like to keep some areas commercial-friendly areas for businesses such as restaurants or stores.

Motion carried (8/0). This item goes to the City Council on July 13, 2020.

**OTHER**

Chair Maggi noted that it was Commissioner Scales and Lissarrague' s last night on the Planning Commission and thanked them for their many years of service.

The meeting was unanimously adjourned at 8:19 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary