

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

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

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

Commissioners Present: Joan Robertson  
Elizabeth Niemioja  
Annette Maggi  
Brett Kramer  
Dennis Wippermann  
Pat Simon  
Kate Challeen  
Scott Clancy

Commissioners Absent: Jonathan Weber (excused)

Others Present: Allan Hunting, City Planner  
Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the June 16, 2020 Planning Commission meeting were approved as submitted.

Chair Maggi welcomed newly appointed Commissioners Kate Challeen and Scott Clancy to the Planning Commission.

### **KIMLEY-HORN & ASSOCIATES – CASE NO. 20-19S**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one-lot, one outlot subdivision to be known as Robert Curve Third Addition, for the property identified as PID No. 20-64441-00-020. 33 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the proposed plat of Robert Curve Third Addition includes replatting a portion of an outlot to create a new lot prior to construction of a 5,100 square foot automotive repair center. The proposed preliminary and final plat would be a two-lot, one-outlot subdivision. Lot 1 would contain the existing Casey's General Store. Lot 2 would contain the approved automotive repair center. Outlot A would be for future development. The plat has been sent to MNDOT for their review. No comments have been received to date. Staff recommends approval of the request with the four conditions listed in the report. Staff did not hear from any of the surrounding property owners.

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

Christian Jones, Kimley-Horn, 767 Eustis Street, St. Paul, advised he was available to answer any questions.

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

Mr. Jones replied in the affirmative.

Chair Maggi closed the public hearing.

### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a preliminary and final plat for a two-lot, one outlot subdivision to be known as Robert Curve Third Addition, for the property identified as PID No. 20-64441-00-020, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on July 27, 2020.

### **TITAN LAND – CASE NO. 20-17PA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planning Unit Development, and a comprehensive plan amendment to change the land use from IOP, Industrial Office Park to HDR, High Density Residential, for the property located at 1462 – 80<sup>th</sup> Street. 10 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 change the land use designation of approximately 10 acres from IOP, Industrial Office Park to HDR, High Density Residential and to change the zoning to R-3C/PUD. The property is bordered by 80<sup>th</sup> Street to the north, Highway 55 to the south, between Babcock Trail and South Robert Trail. The applicant has provided a preliminary concept of what they are proposing. The plan includes a 150-unit apartment building and 30 townhomes. If the comprehensive plan amendment and rezoning requests are successful, a plat, PUD, and CUP would be required before development could occur. He summarized the rationale both for and against the request as listed in the staff report. The comprehensive plan amendment and rezoning would not become effective until a PUD plan was approved. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Clancy asked if these ten acres would reduce the anticipated amount of land reserved for IOP in the City, or would it be relocated to a different area of Inver Grove Heights.

Mr. Hunting replied that the comprehensive plan identifies 89 acres as guided for IOP. If this is approved, it would reduce that number to 79 acres for future development. IOP is primarily along main highway routes so opportunities are limited

Chair Maggi noted that staff has indicated that the City is having discussions with a developer about potentially constructing an apartment building across from Target.

Commissioner Robertson noted that the comprehensive plan is a guide rather than a mandate and asked if there were any vacant properties in the industrial park along Carmen Avenue on the east side of the City.

Mr. Hunting replied that the area being referred to is Southeast Industrial Park. There might be one or two vacant parcels; however, one was to remain permanently vacant as open space. He pointed out locations of the other properties in the City guided IOP.

Commissioner Robertson commented that if the other properties in this immediate area guided IOP were to develop as such, the subject property would be surrounded by industrial.

Commissioner Niemioja asked for clarification that there was residential to the north.

Mr. Hunting replied in the affirmative, stating a nursing home was being built and 60 plus villa lots were approved to the northwest of this property.

Commissioner Challeen stated in her opinion the proposed project would fit well with the nearby residential and golf course properties.

Chair Maggi asked if sidewalks and trails, etc. would be addressed later with the plat request.

Mr. Hunting replied in the affirmative. He advised that the County would eventually be improving 80<sup>th</sup> Street at which time they would likely put in trails along both sides of the road.

### **Opening of Public Hearing**

Peter Stalland, 19356 Meadowridge Trail N, Marine on St Croix, advised he was available to answer any questions.

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

Mr. Stalland replied in the affirmative. He advised that there is a strong demand for a higher end market rate apartment project in the City. He noted this would generate tax revenue for the City and would be an asset to the community.

Commissioner Niemioja asked if the proposed apartments would be workforce housing.

Mr. Stalland questioned the definition of workforce housing but stated this would not be subsidized housing in which they would get financing from governmental agencies to restrict the rents to affordability.

Chair Maggi asked the applicant to address the intended demographic.

Mr. Stalland replied that the apartment building would have studio, 1, 2, and 2 bedrooms plus den units. The people choosing to live in this project would likely range from younger professionals to older couples. The townhouses would likely be 2 and 3 bedroom and would probably attract families because of their size.

Mary T'Kach, 7848 Babcock Trail, asked for clarification of the total number of units proposed.

Mr. Stalland replied that at this time the assumption is 150 apartment units and possibly 30 townhome units. The townhomes would be a second phase of the project.

Ms. T'Kach asked if the townhomes would be rental or owner-occupied and what would the price range be.

Mr. Stalland replied they would be rentals with an estimated cost of \$1700-\$3,000 per month.

Ms. T'Kach asked if they would market the apartments to a specific demographic.

Mr. Stalland replied no, it would be more of a mix.

Ms. T'Kach asked with the various potential development projects coming to this side of the City, have any comprehensive traffic studies been done on how this would impact 80<sup>th</sup> Street. She questioned whether the City was committed to working with the County to ensure there were pedestrian-friendly or other modes of transportation available to get citizens from this location to

the amenities off 80<sup>th</sup> Street (i.e. library, community center, community college, schools, etc.).

Mr. Hunting replied that such things would be looked at when Dakota County improves 80<sup>th</sup> Street. The timing of that would be development driven. Until then there would likely be turn lane improvements put in to accommodate this project.

Chair Maggi asked staff to address Ms. T’Kach’s question about whether the traffic pattern was looked at more broadly rather than just this one piece.

Mr. Hunting replied in the affirmative, stating that the County reviews the plan and will make recommendations on access points, turn lanes, etc. from a traffic standpoint. He does not think this project would generate more traffic than the industrial use it was originally intended for.

Mark Welsh, G-Cubed Engineering, 14070 Highway 52 SE, Chatfield, MN, advised that they have had preliminary conversations with Dakota County who has unofficially said we will have to provide a turn lane and bypass lane. They have also provided a width of right-of-way for a pathway. The streets are currently considered under capacity and with the proposed improvements and addition of housing the traffic level would still be considered a low concern. The proposed development would help drive additional transit options to this area.

Commissioner Niemioja asked if the Housing Committee had a position on this proposal.

Ms. T’Kach stated that the Housing Committee had only limited discussion on this project so she was unsure where they would have landed on this; however, the Housing Committee does recognize the need for a variety of housing in the City.

Commissioner Robertson asked for clarification of whether there would be areas devoted to parking and green space for the proposed development.

Mr. Stalland showed where the open space, recreation area (playground, barbecue, courtyard with outdoor fireplaces, etc.), walking paths, and parking would be located.

Mr. Welsh noted that there is an existing lowland area that is heavily wooded that they are hoping to maintain without having to grade it. The open space they are proposing will provide enjoyment for residents as well as the public as they drive by.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Chair Maggi stated that from her perspective this was a difficult decision because population density is a key factor in securing business in the City; however, she does not want to take industrial land away from a business perspective either.

Commissioner Niemioja noted that typically there is opposition from neighboring property owners on high density housing requests but in this instance that was not the case. This is fairly close to other residential and seems to fit well in the area. Because of the other projects in the works for this area, she was concerned about whether the City and the County were working together to consider the impact if all the projects were to move forward. She noted that the comprehensive plan is a malleable document; however, the City wanted to keep this area Industrial Office Park, which is somewhat unique and fits better in this area. She recognizes that the City needs high density housing, and she appreciates that this is a different type of apartment building that we have need for in this City, especially so close to the Vikings stadium. She would have liked to hear the Housing Committee’s thoughts on this.

Commissioner Robertson stated she was less concerned about losing a percentage of industrial office space than she was with the need to bring activity to the City. A development such as this would help this area thrive and would draw bike trails, people using 80<sup>th</sup> Street to use the library, etc.

Commissioner Wippermann was concerned about the location because of the limited amount of available land in the City designated for office park. If this were to be approved, it is likely that a proposal for additional residential to the east of this property would come in and soon there would be no vacant IOP available for new projects. He would prefer to preserve this for office park which would provide good paying jobs and improve the tax base.

Commissioner Clancy stated this project will hopefully attract new families who will spend their money in Inver Grove Heights. He would have liked to know what the anticipated apartment rents would be.

Commissioner Kramer stated in his opinion multi-family housing is as good a fit for this property as industrial office park, especially with its proximity to the golf course, Target, the Grove, schools, etc. Regarding the discussion of preserving this land for a future office park, he noted how long it has taken United Properties to put shovels in the ground across the highway from this property. The retail space across from Target has also been mostly vacant for nearly ten years. He supports the request as it would be an asset to the community and would bring individuals and families that would frequent IGH businesses.

Commissioner Challeen stated in her opinion the site is more suitable for residential housing than industrial office park, especially with the existing lowland.

Commissioner Simon also believed this was a good fit for the property, especially with the senior building across 80<sup>th</sup> Street and the parcel's unusually narrow configuration. She noted that the industrial office park property behind Walmart sat vacant for years until a senior housing project finally came in. She supports the request.

Chair Maggi stated you need to build density in order to build business and so it kind of comes down to what comes first. Commissioners seem generally supportive of this being a logical place to look at a density change.

### **Planning Commission Recommendation**

Motion by Commissioner Robertson, second by Commissioner Kramer, to approve the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planning Unit Development, and a comprehensive plan amendment to change the land use from IOP, Industrial Office Park to HDR, High Density Residential, for the property located at 1462 – 80<sup>th</sup> Street, with the conditions listed in the report.

Motion carried (7/1 - Wippermann). This item goes to the City Council on July 27, 2020.

### **OTHER BUSINESS**

#### **Accessory Structure Discussion**

Heather Botten, Associate Planner, explained that City Council directed staff to review the zoning ordinance relating to the maximum size allowed for accessory structures in the R-1 districts. The Planning Commission is to discuss the current code requirements and suggest changes if they feel it necessary. Currently in the R-1 districts accessory you are allowed to have one detached

accessory structure up to 1,000 gross square feet regardless of what the lot size is. In the Agricultural and E-1 districts on lots less than 2.5 acres you are allowed to have the same as the R-1 lots. For lots 2.5 to 5 acres in those districts you are allowed to have one detached accessory structure up to 1,600 gross square feet in size. On lots 5 acres or greater in those districts you are allowed to have two structures per lot with a total of 2,400 gross square feet. Staff reviewed the zoning requests over the last 10 years and found there were three variance requests for accessory structure size in the R-1 districts. The largest building approved was 1,440 square feet on a one-acre parcel. The other approvals were for a 1,200 square foot building on a 2.36-acre parcel and a 1,152 square foot building on a 9,500 square foot lot. All three variances were approved. City Council also approved three requests for two detached accessory structures whereas only one was allowed. All three of these requests had a gross total of 1,000 square feet or less when you combined the two structures together. During the most recent variance discussion Council felt that a larger size may be appropriate if there were no impervious surface issues and setbacks could be met. In most R-1 districts they are allowed to have 30-40% impervious surface, which includes structures, driveway, patios, sidewalks, etc. Accessory structures over 1,000 square feet in the Ag and E-1 districts require a 50-foot setback from all property lines. The majority of urban lots would not be able to meet that setback. None of the variances approved for larger accessory structures in the R-1 district were at a 50-foot setback. The average two-car garage would be about 576 square feet and the average three-car garage would be about 768 square feet. Any recommended changes would be brought to the City Council at a work session.

Chair Maggi thanked City Council for responding to the Planning Commission request to look at this issue. She was surprised to hear there had only been three variance requests in the last ten years and hesitated to change a policy because of only three requests.

Ms. Botten stated she was also surprised by that number but noted that in the Ag and E-1 districts there were 10 separate requests for accessory structure size variances.

Commissioner Niemioja asked what the average setbacks were for the larger structures approved in the R-1 district.

Ms. Botten replied that the most recent variance was approved at a 5-foot side and 8-foot rear setback. The 1,440 square foot structure was approved at a 6-foot side setback. The 1,200 square foot structure was at least 20 feet from the property line but was on a two-acre lot.

Commissioner Robertson stated that in previous discussions City Council has expressed concern about clumping accessory buildings in an area where lot sizes are small. The last variance that was approved was on a lot only 9,500 square feet in size, which is a common lot size in the center of the City. She is concerned about changing the maximum structure size on lots with similar lot size and the precedent this would set. If the City agrees to allow a 1,200 square foot building people would eventually come in asking for an additional 200 square feet. She questioned whether another tier could be added to allow for a slightly larger building on lots of a certain size in the R-1 district.

Chair Maggi asked if staff was aware of other cities using a percentage of lot size to determine maximum size allowed.

Ms. Botten replied that staff turned this around pretty quickly and had not had a chance to look at other communities.

Commissioner Kramer stated in his opinion homes that already have an attached garage and want an additional structure is a completely different situation from a homeowner with no attached garage, such as the last variance that was approved. He could think of no way to deal with this

except to continue reviewing requests on a case-by-case basis.

Chair Maggi questioned whether it was a big enough issue to change the code versus managing it with variance requests.

Commissioner Robertson replied she thinks it is an issue that should be addressed. She stated that she struggled with saying they should consider a detached garage situation differently than an entity that has an attached garage since the average three-car garage is less than the allowed 1,000 square feet.

Commissioner Challeen stated she does not think that three requests over 10 years justifies changing code; however, she was surprised at the minimal setbacks that were approved.

Commissioner Niemioja said the issue is that the structure size variances being requested do not have a practical difficulty. If they amend the code to allow a 1,200 square foot people will come in with a request for a 1,400 square foot building but no practical difficulty. She does not think there is any specific number they could set that would solve the problem. Unfortunately, these requests will always have to go to City Council because the Planning Commission cannot approve them without a practical difficulty. She has a hard time with the minimal setbacks being allowed as it seems like it would be troublesome for the neighbors. She believes they need to continue to take these on a case-by-case basis.

Chair Maggi asked if a vote was needed on this discussion.

Ms. Botten replied they did not need a vote. If everyone was on the same page, she would recommend providing a summary of their discussion to City Council.

Chair Maggi stated she is hearing a general consensus that it probably does not make sense to amend the ordinance with the limited number of variances. She questioned whether they should discuss Commissioner Kramer's point about whether or not the applicant has an attached garage.

Ms. Botten noted that out of the six variance requests for size or number of structures, only two did not have an attached garage.

Chair Maggi asked if those were approved.

Ms. Botten replied that all six were approved.

Commissioner Robertson asked staff to clarify again the requests that had attached garages and then requested variances for an additional accessory building larger than 1,000 square feet.

Ms. Botten replied that a 1,200 square foot building was requested on a 2.36-acre parcel and a 1,440 square foot building was requested on a 1.09-acre parcel.

Chair Maggi summarized that the general consensus was that the Planning Commission would recommend leaving code as is, but they see value in reviewing this information periodically to ensure that no adjustments are needed.

#### **Officer Elections**

Motion by Commissioner Niemioja, second by Commissioner Wippermann, to nominate Annette Maggi as Chair of the Planning Commission.

Motion carried (8/0)

Motion by Commissioner Simon, second by Commissioner Wippermann, to nominate Liz Niemioja as Vice-Chair of the Planning Commission.

Motion carried (8/0).

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to nominate Pat Simon as Secretary of the Planning Commission.

Motion carried (8/0).

Commissioner Robertson commended new Commissioners Clancy and Challeen on their preparedness and articulate comments.

The meeting was unanimously adjourned at 8:24 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary