

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 15, 2018 – 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: Tony Scales  
Dennis Wippermann  
Pat Simon  
Elizabeth Niemioja  
Armando Lissarrague  
Joan Robertson  
Brett Kramer  
Jonathan Weber  
Annette Maggi

Commissioners Absent:

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

### **DEAN WENZEL – CASE NO. 18-25C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow steel siding on an accessory building, for the property located at 1843 – 120<sup>th</sup> Street. 102 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to construct a 2,400 square foot accessory building with sheet metal siding on his 5.47 acre, Agriculturally zoned property. Sheet metal siding is allowed on buildings in this district by conditional use permit (CUP). The proposal meets both the sheet metal siding CUP and general CUP criteria. Staff recommends approval of the request with the three conditions listed. Staff did not hear from any of the surrounding neighbors.

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

Lisa Wenzel, 1843 – 120<sup>th</sup> Street W, advised she was available to answer any questions.

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

Ms. Wenzel 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 conditional use permit to allow steel siding on an accessory building, for the property located at 1843 – 120<sup>th</sup> Street, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on May 29, 2018.

**JOHN ALLEN (INDUSTRIAL EQUITIES) – CASE NO. 18-22PUD**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation of the roadway easement in Outlot D, a final plat, and a final PUD development plan for the construction of a 110,000 square foot industrial warehouse building, for property located on the west side of Auburn Path. 3 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. The applicant is requesting the final plat and final development plan for an industrial office/warehouse development. The building will access Auburn Path. The application also includes a vacation of an existing street right-of-way easement. He advised that City Council approved the preliminary plat and development plans for the project in March 2018 with 26 conditions. The building that City Council approved was slightly larger than the one discussed at the public hearing; however, the rest of the plans remain consistent with the preliminary set. Council determined that the street easement located within existing Outlot D would not be needed and the applicant is requesting a vacation of that right-of-way easement. The applicants cannot fit any more trees on the site than are indicated in the plan and therefore staff is recommending they pay a cash contribution of \$16,800 to the tree reforestation fund. Engineering hired a consultant to do pavement strength testing on Auburn Path and Argenta Trail. The testing indicated Auburn Path and Argenta Trail from Oppermann to Auburn Path have sufficient strength to handle typical semi-truck traffic during spring load limit conditions. Argenta Trail from 82<sup>nd</sup> Avenue to Yankee Doodle; however, does not have the same pavement strength and will have restrictions in the spring time. The City Engineer recommends that a condition be added that this section not be used by semi-truck traffic during the spring weight restrictions. Staff recommends approval of the request.

Commissioner Simon asked who would monitor the spring truck traffic.

Mr. Hunting replied it was his understanding that the police enforce road restrictions.

**Opening of Public Hearing**

Matt Allen, 321 – 1<sup>st</sup> Avenue N, advised he was available to answer any questions.

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

Mr. Allen replied in the affirmative.

Chair Maggi closed the public hearing.

**Planning Commission Discussion**

Commissioner Robertson asked if there was signage indicating that that segment of road should not be used by semi-trucks during the spring.

Mr. Hunting replied that he was not sure how the tonnage was identified on roads.

Commissioner Robertson stated it was unlikely anyone would call the police regarding violations as there was only one house on that segment of the road.

Commissioner Simon suggested adding a condition requiring a sign be posted where semi-trucks would leave the site requiring semi-trucks to use the designated truck route during the spring.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for a vacation of the roadway easement in Outlot D, a final plat, and a final PUD development plan for the construction of a 110,000 square foot industrial warehouse building, for property located on the west side of Auburn Path, with the conditions listed in the report and **the addition of a fourth condition requiring a sign be posted where trucks would leave the site requiring semi-trucks to use the designated truck route during the spring.**

Motion carried (9/0). This item goes to the City Council on June 11, 2018.

**FUEL OIL SERVICE CO (HOLIDAY GAS STATION) – CASE NO. 18-23C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit amendment to demolish the existing gas station building and construct a new building with a car wash, along with other property improvements, for the property located at 7020 South Robert Trail. 13 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 take advantage of the anticipated road closure for the roundabout project to demolish the existing 2,400 square foot building and reconstruct a new 7,300 square foot gas station with a slightly different orientation. The new building would include a car wash, two access points (one on Highway 3 and one on 70<sup>th</sup> Street), and new pump islands. The applicant owns two lots; one with the existing gas station and the other just to the south that will be used for stormwater ponding. One of the conditions of approval is that the two lots be combined through platting. Staff recommends approval of the request with the conditions listed.

Commissioner Simon asked if the gas station would be on City sewer and water.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked if the existing underground tanks would be disrupted or removed.

Mr. Hunting stated the applicant will remove the existing underground tanks and install new tanks.

**Opening of Public Hearing**

Casey Beaton, Holiday Stationstores, advised he was available to answer any questions.

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

Mr. Beaton replied in the affirmative.

Commissioner Wippermann asked what progress they were making in obtaining an easement for the 70<sup>th</sup> Street entrance.

Mr. Beaton replied that the neighborhood agreement and platting process were underway.

Chair Maggi complimented the applicants on taking advantage of this opportunity to refresh and expand their building.

Kathleen Gesme, 7085 Allen Way, questioned how much dirt would be brought in to build the new

structure as there was a steep hill in that location. She asked for clarification of whether there was a holding tank on site and, if so, what it would hold.

Mr. Hunting responded that the slopes, erosion control, etc. associated with the additional fill being brought in complied with engineering standards. Also, what appeared to be a holding tank was actually an infiltration basin for stormwater runoff from the site.

Ms. Gesme questioned what the quality of that pond would be, as currently the water runs into a slough.

Mr. Hunting explained that infiltration basins are not intended to have standing water and would typically be dry except after large rains.

Commissioner Simon asked for clarification of the proposed location of the western driveway.

Mr. Hunting pointed out the proposed location.

Chair Maggi closed the public hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Wippermann, to recommend approval of a conditional use permit amendment to demolish the existing gas station building and construct a new building with a car wash, along with other property improvements, for the property located at 7020 South Robert Trail, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on June 11, 2018.

#### **McGOUGH DEVELOPMENT LLC – CASE NO. 18-24PA**

##### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the land use designation to HDR, High Density Residential, for the property located at Outlot D, Argenta Hills. 138 notices were mailed.

##### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. The request is to change the land use of Outlot D, Argenta Hills from RC, Regional Commercial to HDR, High Density Residential for an approximate 220-unit apartment building. The property to the east would remain in its Regional Commercial designation. City Council denied the previous request for a 400-unit complex, so the applicant withdrew the original comprehensive plan request. The current plan has the majority of the building further away from Amana Trail. Staff supported the original plan and continues to support this request. Tonight's request is just for a comprehensive plan amendment; they are not addressing site plan issues at this time.

Commissioner Weber asked if this would cause setback issues for potentially developing the site to the west.

Mr. Hunting replied that the proposed development would create no setback issues in regard to development of the property to the west.

Commissioner Simon asked if staff received any responses from the neighbors.

Mr. Hunting replied they did not receive any comments from the neighbors, except for the email included in the packet.

### **Opening of Public Hearing**

Dave Higgins, McGough Development, 3253 Bryant Ave S, Minneapolis, gave a brief overview, stating that McGough spent a considerable amount of effort planning this mixed-use development with a Target-anchored shopping center. They tried to make the retail component a success, however, the changes in retail after the recession have posed challenges. In 2017 they proposed a two-building luxury apartment development, which was subsequently denied by the City Council. They have since had several neighborhood meetings and individual meetings with residents and Councilmembers to make sure they understood their concerns and priorities. The information they received has resulted in the revised application before the Planning Commission today. They have addressed the density concerns by reducing the proposed density by 45% from the previous proposal. The proposed plan provides a revised building layout and they are proposing some type of open space in the front yard area; however, tonight the hearing is solely about changing the land use.

Commissioner Simon commended the applicant on the proposed park space and questioned whether it would be open to the neighbors living in the single-family homes as well.

Mr. Higgins replied in the affirmative.

Commissioner Lissarrague asked how many bedrooms the apartment units would have.

Mr. Higgins replied there were a variety of units, including studio/alcove, one-bedroom, two-bedroom, and a few three-bedroom units.

Commissioner Wippermann asked if Target had given its approval on the proposed development.

Mr. Higgins replied in the affirmative, stating Target continues to work with them on revising the controls for the area to allow the multi-family use.

Commissioner Lissarrague asked if approval of the request would be dependent on the apartment building being constructed.

Mr. Hunting replied in the affirmative.

Mr. Higgins advised that the land use change does not take effect unless there is an approved project through the public hearing process.

Commissioner Lissarrague asked if the change in land use designation would be based on breaking ground for an apartment.

Mr. Hunting replied that they could not require someone to build, but the land use change would not become effective until approved by the Metropolitan Council, and until City Council approved development plans.

Commissioner Scales stated this was covered by Condition No. 1.

Chair Maggi asked for a rough estimate of how many companies they had reached out to to fill the retail space.

Mr. Higgins replied they had contacted over 200 companies, with many of the national players

being approached multiple times.

Commissioner Niemioja asked if they used the same broker the entire time.

Mr. Higgins replied that they used the same brokerage up until January 2018. At that point they changed brokers as they wanted to show that they had tried absolutely everything. The new brokerage team did not fare any better.

Vin Parker, 7538 Alpine Court, supported the request and urged the Planning Commission to move this project forward. He was concerned that if the luxury apartments did not go in that it would instead become an industrial complex, distribution center, etc. He is concerned about diminishing property values due to lack of development, thinks that leaving the property vacant will jeopardize the existing businesses, thinks the proposed project would attract more businesses to the area, and would help the community and development of the park area. He applauded McGough for responding to the concerns of the neighborhood regarding their desire for park space and being willing to have it open to the surrounding area. He appreciated McGough holding community meetings and being transparent about their plans.

Commissioner Lissarrague asked Mr. Parker what his consensus was from the neighborhood meetings as far as those opposed or in support of the proposed development.

Mr. Parker stated in his opinion most of the neighbors were in favor of the development. He stated everyone that has shown up for the meetings has not been in favor of the request, but everyone he has spoken with has been in favor of it but did not show up for the meeting thinking it would get sorted out on its own.

Patrick Randall, 7577 Alpine Court, agreed with Mr. Parker's comments, and added that while he appreciated McGough including the neighborhood on this discussion, he thinks it is more of a city-wide discussion. He believes the luxury apartments would be preferable to a Home Depot, etc. with the associated lighting, delivery trucks, and customer traffic. He appreciated the green space being proposed as well. He stated retailers have state-of-the-art demographics, algorithms, etc. and those resources have apparently convinced them not to come to this area. Retail is changing, and part of the problem could be the configuration of the storefront retail spaces that have the parking in the back rather than the front. Regretfully he did not attend the public hearing for the original proposal, but he wanted to publicly state his approval of the project and hopes residents all over the City attend the Council meeting as it is really a city-wide issue. He noted that when Rainbow closed that was a blow to the whole city, not just the neighborhood closest to it.

Keith Carlson, 7639 Addisen Path, stated he was hoping to see more plan details tonight and asked what the plans were for the east side of the roundabout at Amana and Robert.

Mr. Hunting replied that the County is planning to extend that eastward to connect to the existing 80<sup>th</sup> Street when development occurs on the east side.

Mr. Carlson asked how that would impact traffic on Amana.

Mr. Hunting was not sure if traffic would change since there is an existing connection to 80<sup>th</sup> Street.

Mr. Carlson asked if the stop signs at Amana and Addisen were going to be removed.

Mr. Hunting stated it was a County road and he was not aware of the details of the discussion regarding the removal of signs; however, the Public Works Director perhaps knew more.

Mr. Carlson stated he heard the County was planning to remove the stop signs on Amana Trail and move the crosswalks 150 yards to the east and west of Addisen Path. He had safety concerns regarding kids crossing Amana Trail to get to the proposed park with no stop signs. He would also like details as to what type of park was being proposed (playground equipment, green space, etc.). With the removal of the signs, this may not be the best place for a park.

Chair Maggi stated tonight's public hearing was about only the comprehensive plan amendment; not the plat.

Mr. Carlson asked if staff could state the five reasons the City Council denied the original proposal.

Mr. Hunting did not have the reasons for denial accessible.

Chair Maggi noted that some of the reasons for denial may not relate to the Planning Commission's purview of just land use.

Mr. Carlson stated his biggest complaint was the height of the proposed building. He asked if a structure in multiple-family residential zoning could be as tall 70 feet.

Mr. Hunting replied that he believed so.

Mr. Carlson stated that would be way too tall and he questioned whether it was wise to lose this opportunity for retail. He asked if the remaining seven acres would continue to be zoned commercial and, if so, would approval of this set a precedent and make it easier for them to come back later for a rezoning.

Commissioner Simon stated they could not vote on what may or may not happen on properties not included in this application.

Mr. Carlson asked if McGough worked with the City Park and Recreation staff on designing the park.

Mr. Higgins stated they have had some preliminary discussions with the Parks Director but there are many other things that must be completed before designing the park. If they receive approval on the housing use they would then have discussions as to what type of park would be best while looking at budgetary considerations as well. He emphasized that this was an enhancement to this location and a buffer between the two uses; not a replacement for any City parks planned for the Northwest Area.

Mr. Carlson encouraged staff to work with the County to ensure there was a safe crossing on Amana Trail.

Chair Maggi asked Mr. Carlson what he thought should be done with this property.

Mr. Carlson replied that he did not have the answer as to what to do with the property but questioned whether they should accept the first proposal coming along or wait and see what happens once the area around the Vikings complex is developed. While this would be financially beneficial for McGough, perhaps finances should not be what dictates the City's decision. A two or three-story flat roofed apartment complex would be more appealing to him than a four-story building with a pitched roof that could be as tall as 70 feet.

Chair Maggi asked if he would be comfortable with an apartment from a land use perspective.

Mr. Carlson replied that he was not necessarily saying that. He stated he would be fine with retail on that property as he believed it would produce less activity than an apartment complex would, and in his opinion Target was a great neighbor.

Matthew Harmoning, 7618 Addisen Path, asked if the original request that came before the Planning Commission was just for the change in land use designation.

Mr. Hunting replied that the original request was for a rezoning, comprehensive plan amendment, and preliminary and final plat.

Mr. Harmoning stated that while he understood the developer not wanting to sink a lot of money into this project early in the development phase, he was concerned about the piecemeal approach being used this time and knowing that it could be changed along the way. Because he did not know all the final details of the project he was not sure whether he supported it. He needs more information. He stated it was his understanding that the City would eventually take over the park and he was not sure whether the entire city would support that.

Chair Maggi stated it was not unusual for the land use to be changed first and a site plan reviewed later. She noted there was a condition of approval stating the land use change was contingent on-site plan approval.

Mr. Harmoning asked for clarification of what would happen if a site plan was not approved.

Mr. Hunting replied that the property would remain as its current guiding if a site plan was not approved.

Jim Wilson, 7511 Autumn Way, stated he supported the request and many of his neighbors did as well. He suggested they eliminate the proposed park if it was going to cause issues.

Teri Parker-Brown, 7538 Alpine Court, supported the request, stating that leaving the property vacant posed a safety issue for potential vandalism, theft, etc. She welcomed more eyes on the neighborhood, believed that additional apartment residents could help retail, and believed the Vikings facility may bring in people looking to live in these apartments. She suggested that perhaps the storefront retail spaces were configured as they were to support foot traffic from the neighborhood.

Mr. Higgins clarified that City involvement was not required for the proposed park, however, because parks are a City function they are including them in on discussions.

Ms. Teri Parker-Brown hoped the City could find a safe way for people to cross Amana Trail as she believed a park would benefit the entire neighborhood, no matter the age of the children.

Mr. Parker agreed that the City should provide a safe way for people to cross Amana Trail.

Mr. Higgins stated they intend to approach the County about the stop signs and crosswalks on Amana Trail.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Commissioner Robertson stated it was nice to hear a differing perspective tonight as the first time this was presented the room was full of people opposed to the request. She encouraged the audience and their neighbors to attend the Council meeting.

Chair Maggi commended the applicant on addressing neighbor and Council concerns. The first time this was before the Planning Commission they recommended approval with the main push being about increasing density to support businesses; that same philosophy of why they voted the way they did still holds true in her opinion and she supported the request.

Commissioner Niemioja supported the request as she felt this was a good compromise that allows for the possibility of future retail and creates much needed housing diversity, while preserving some green space.

Commissioner Scales stated he supported the last plan, and he supported the one being presented tonight as well. He appreciated the applicants meeting with the residents and having people here tonight on both sides of the issue. He felt that Council made a mistake when they denied the original request and he believes the outcome may be different this time because of all the work the applicant has done.

Commissioner Lissarrague supported the request and felt it was a good fit for the City.

Commissioner Kramer stated that last time there were many people who sent emails or attended the public hearing in opposition of the request. This time; however, there were people on both sides of the issue and no opposing emails. That was likely because of the applicant speaking with the neighborhood and addressing their concerns in the revised plan.

#### **Planning Commission Recommendation**

Motion by Commissioner Robertson, second by Commissioner Scales, to approve the request for a comprehensive plan amendment to change the land use designation to HDR, High Density Residential, for the property located at Outlot D, Argenta Hills, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on June 11, 2018.

#### **OTHER**

Mr. Hunting reminded Commissioners of the June 5 joint meeting with the Park and Recreation Commission at 6:00 p.m. prior to the 7:00 Planning Commission regular meeting.

The meeting was adjourned by unanimous vote at 8:32 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary