

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 7, 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
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the April 16, 2019 Planning Commission meeting were approved as submitted.

TIM AND AMY JOHNSON – CASE NO. 19-12C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed on the property located at 3790 – 80th Street. 35 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to construct a garage/basketball court addition, as well as a driveway expansion. Adding the additional hard surface would put the homeowner over the maximum allowed. The applicant is therefore requesting a conditional use permit to add 543 square feet of impervious surface above what is allowed on his property. The applicant is working with the Engineering staff regarding meeting the stormwater requirements. Staff recommends approval of the request with the conditions listed in the report. Staff heard from two abutting property owners, both in support of the request.

Commissioner Wippermann asked if an actual structure was being proposed or just a sport court.

Ms. Botten replied that the applicant was proposing a multi-use garage addition.

Opening of Public Hearing

Tim Johnson, 3790 – 80th Street, advised he was available to answer any questions.

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

Mr. Johnson replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a conditional use permit to exceed the maximum impervious surface allowed on the property located at 3790 – 80th Street.

Motion carried (9/0). This item goes to City Council on May 28, 2019.

ANDY CALTON – CASE NO. 19-10CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum amount of impervious surface allowed on a property and a variance to allow a home addition within the front yard setback, for the property located at 7540 River Road. 8 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to construct a home addition that would include an eight-foot porch that would encroach into the front setback. The home on the property was built in 1900; because of that the current structure does not meet our setback requirements. The house is located about 19 feet from the easement line and about 48 feet from the edge of the road. Although the porch addition would be only eight feet from the property line, it would be about 37 feet from the edge of the road. Adding the additional hard surface would also put the homeowner over the maximum allowed impervious surface. Therefore, they are requesting a conditional use permit to exceed impervious surface above the allowed amount but within the additional 10% allowed with a CUP. The applicant is proposing the addition in the most reasonable area of the property that provides the least amount of land and building alteration, while meeting the needs of the applicant. They cannot build to the north as their septic system is located there. River Road has a mix of newer and older homes, many of which pre-date 1960. Most of the homes that pre-date 1960 are encroaching within the front yard setback. Staff believes a practical difficulty can be found based on the age and location of the existing home, the location of the septic system, and other setbacks that are currently established along River Road. Staff recommends approval of the request with the conditions listed in the report. Staff heard from one neighboring property owner who is in support of the request.

Commissioner Weber noted that the applicant also owned the property directly south of the subject property and asked if there was a reason staff did not look at both parcels in their total area.

Ms. Botten stated that staff considered consolidating the two properties but, after subtracting the road easement, combining the two parcels did not benefit the applicant.

Commissioner Robertson asked if the road easement along River Road was unusually large.

Ms. Botten replied that although it looked like a large easement, River Road was just very narrow.

Commissioner Robertson asked if the easement existed in case sometime in the future the road became so well-travelled that it needed to be expanded.

Ms. Botten replied in the affirmative but stated currently Public Works has no plan to widen the

road.

Opening of Public Hearing

Andy Calton, 7540 River Road, advised he was available to answer any questions.

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

Mr. Calton replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Commissioner Niemioja, second by Commissioner Wippermann, to approve the request for a conditional use permit to exceed the maximum amount of impervious surface allowed on a property and a variance to allow a home addition within the front yard setback, for the property located at 7540 River Road, with the practical difficulty as listed and the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

WADE SCHOWALTER – CASE NO. 19-11C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed on a property, for the property located at 6950 River Road. 15 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant recently purchased the property and has realized that the current configuration makes it difficult for him to turn into the garage with a vehicle; therefore, he would like to expand his driveway. The applicant is requesting a conditional use permit to add 2,400 square feet of impervious surface which is within the additional 10% allowed by CUP. Staff recommends approval of the request with the conditions listed in the report. Commissioners were provided with an email from a neighboring property owner who is in support of the request.

Commissioner Scales noted that there have been many requests for impervious surface CUP's and suggested that City Council and/or staff direct the Planning Commission to review the impervious surface maximums to see if they need to be adjusted.

Opening of Public Hearing

Wade Schowalter, 6950 River Road, advised he was available to answer any questions.

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

Mr. Schowalter replied in the affirmative and noted that the neighbors to the south and north of him were present tonight.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for

a conditional use permit to exceed the maximum impervious surface allowed on a property, for the property located at 6950 River Road, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on May 28, 2019.

BWBR ARCHITECTS – CASE NO. 19-15PR

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a major site plan review to construct a parking deck and other campus renovations, for the property located at 5500 Cemex Drive. 44 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that CHS is proposing to add a one level deck over a portion of the existing parking lot to address their parking shortage. This addition will add a total of 243 new spaces. Staff recommends approval of the site plan as presented.

Opening of Public Hearing

Ian Ellis, CHS Facilities Director, 5500 Cenex Drive, advised he was available to answer any questions.

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

Mr. Ellis replied in the affirmative, adding that they are growing and need the additional parking.

Commissioner Wippermann asked how long construction would take and what the interim plan was for parking.

Mr. Ellis replied that the construction team would be brought in from a remote location in Sunfish Lake. For CHS employees they will be leasing space in front of the Inver Grove Heights Community Center and running a shuttle. In addition, CHS is considering paying for Uber rides for employees that live close, and they will likely increase the number of employees working remotely. The project is anticipated to start in June 2019, they will get some of the parking back in September, complete all aspects of the ramp in December, and put the second layer of asphalt underneath next Spring.

Commissioner Niemioja thanked CHS for partnering with Salem Hills School and allowing them to use some of their overflow parking on Cenex Drive and Babcock. She stated she understood the need for additional parking as the CHS lots were always full.

Mr. Ellis replied that the school district has offered to let CHS use a portion of their parking lot during construction.

Commissioner Weber asked how they planned to remove the snow from the proposed parking deck.

Mr. Ellis explained that the snow would be pushed off the east side of the reinforced deck into the existing snow storage area. There were additional plans in place if needed.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for a major site plan review to construct a parking deck and other campus renovations, for the property located at 5500 Cemex Drive, with the condition listed in the report.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

DAKOTA COUNTY – CASE NO. 19-09PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a comprehensive plan amendment to change the 2040 planned land use from RC, Regional Commercial to P/I, Public Institutional, for property located on the corner of Concord Boulevard and Courthouse Boulevard. 7 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the City acquired an 11.6-acre parcel to construct the City's third fire station. Through the administrative subdivision process the parcel was subdivided into two lots. The fire station is being constructed on the northwesterly portion and Dakota County is requesting that the remaining 6.18 acres be guided to P/I, Public/Institutional. If the comprehensive plan amendment is approved, the County would then make application for a rezoning and major site plan review for an office and training facility on the site. Staff recommends approval of the request with the two conditions listed in the report.

Commissioner Wippermann asked what type of training would be done at the proposed facility.

Ms. Botten replied that the applicant could better answer that question.

Commissioner Kramer asked if there had been any private interest in this property for a commercial use.

Mr. Hunting replied he was not aware of any inquiries for commercial use on this property.

Opening of Public Hearing

Julie Drolet, 5553 Fairmont Shores Trail, Prior Lake, representing Dakota County, advised she was available to answer any questions.

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

Ms. Drolet replied in the affirmative. She advised it was a SMART building (Safety and Mental Health Alternative Response Training Center) which would work with regional crisis intervention training, as well as CJEN, a Drug Task Force Center, and other offices.

Commissioner Niemioja asked if the proximity of the 917 school had any influence on the SMART building being constructed in this location.

Ms. Drolet replied she was not aware of any connection.

Commissioner Robertson asked if the proposed training facility would serve all of Dakota County.

Ms. Drolet replied in the affirmative, stating in some cases greater Minnesota as well.

Mark Engen, 9255 Courthouse Boulevard, asked what the hours of operation would be.

Ms. Drolet replied the building would have typical business/office hours for the most part, with the exception of boats being stored for the Parks and Rescue Recovery Unit to get equipment out to a site quicker.

Anthony Kadrlik, 9361 Buckley Court, stated he lived across the street from the subject parcel on Courthouse Boulevard. He asked about the proposed parking location and lighting, stating currently the property was a wooded area that acted as a buffer from the highway.

Ms. Botten replied that a concept plan was submitted, which shows the parking areas closer to the highway and Concord Boulevard rather than Courthouse Boulevard. The concept plan is subject to change once they make application. The applicants will have to submit a lighting plan, but there should not be any glare onto Mr. Kadrlik's property based on foot-candle limits and required downcast shoebox style lighting.

Mr. Kadrlik asked where the sewer and water would be accessed from.

Ms. Botten replied the sewer and water was coming from the same area as the fire station and should not have an impact on Courthouse Boulevard.

Planning Commission Discussion

Commissioner Weber asked if the City currently owned the land and would be selling it to the County.

Ms. Botten replied in the affirmative.

Commissioner Weber asked when the property was changed to Regional Commercial.

Mr. Hunting advised that it has been guided Regional Commercial for at least the last two comprehensive plans.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a comprehensive plan amendment to change the 2040 planned land use from RC, Regional Commercial to P/I, Public Institutional, for property located on the corner of Concord Boulevard and Courthouse Boulevard. with the conditions as listed.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

SOURCE LAND CAPITAL – CASE NO. 19-14ZPD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of property from A, Agricultural to R-1C/PUD, a preliminary plat for a 66-lot subdivision to be known as Windsor Ridge, and a preliminary PUD for 66 single-family homes on 30.25 acres, for property located at 6477 Robert Trail South. 14 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 a 66-lot, two-outlot single-family development on a 30-acre parcel to be

named Windsor Ridge. They are requesting a rezoning to single-family residential, as well as approval of a preliminary plat and a preliminary PUD. The property is located at the corner of the future 65th Street and Highway 3. The lots range in size from 8,260-21,379 square feet, with the average lot size being approximately 10,000 square feet. Lot widths range from 65-70 feet, with street right-of-way being 50-60 feet wide. Street widths would be 28 feet wide with parking allowed on one side and sidewalks on one side. Park dedication would be by cash contribution. The applicants are requesting flexibility in four different categories, including building separation of 15 feet versus 20, setback reductions for two lots along Highway 3 and one along 65th Street. Staff raises some concerns with reduced setbacks along Highway 3 because of its proximity to the higher volume road. Staff would recommend the 50-foot setback be maintained for all lots. Staff does not have much concern for the setback request along 65th Street in which a small corner of the house would encroach into the setback. The applicant is also requesting a total impervious surface coverage up to 30% versus 25% per lot to allow for amenities such as patios and pools. The applicant is requesting the reforestation threshold be 50% as opposed to the current standard of 30%. The last flexibility request is to allow a 720-foot long cul-de-sac as opposed to the 500-foot maximum. Staff supports the request except for the setbacks from Highway 3. The reforestation shortage must still be addressed. Staff recommends approval of the request with the conditions listed in the report. Staff received a couple emails/letters late in the day and they have been presented to Commissioners tonight.

Commissioner Robertson asked for clarification of how percentages relating to tree removal/reforestation were determined.

Mr. Hunting stated that properties that must conform to the tree preservation ordinance must be a woodland, which means it is at least one acre in size and has a certain number of significant trees or a certain percentage of tree cover.

Commissioner Robertson asked if the reforestation was tied to the number of lots rather than the total number of trees.

Mr. Hunting replied that it is not tied to the number of proposed lots but rather the size and amount of tree canopy on the site. He added that it was an attempt to discourage clearcutting without penalty of having to replant. Staff recognizes that the topography and proposed construction will require tree removal.

Commissioner Robertson questioned how developers would replace the necessary trees in a heavily wooded area like this taking into account the new elements being added (i.e. sidewalks, streets, etc.).

Mr. Hunting stated there is nothing new in this particular development, they are just attempting to minimize disturbance.

Commissioner Niemioja asked if cash contributions typically went into the parks fund.

Mr. Hunting replied that the ordinance allows developers either to pay the equivalent rate, which goes into the park tree fund, or trees are planted on other city park property.

Commissioner Simon questioned how the developers would keep water from flowing from the disturbed land down to the undisturbed land with the gradients being so close.

Mr. Hunting stated the applicant could better address that question.

Commissioner Wippermann noted a discrepancy in the report regarding total developable area.

Mr. Hunting replied that the number on page 2 was a typo; the total developable area was 27.72 acres.

Opening of the Public Hearing

Pat Hiller, Source Land Capital, introduced his team Chase Peterson with Source Land Capital, Greg Franson with Barr Engineering, Ryan Bluhm with Westwood Engineering, Attorney David Lutz, and Paul Heuer with Pulte Homes. He advised that this parcel has challenging terrain and therefore the center cul-de-sac will be cut down about 30 feet and the street north of it will be 20-24 feet lower than that. Because of the significant amount of grading necessary there will be areas where it will be impossible to retain trees. They are spending a significant amount of money in potential cash penalties and reforestation and are asking for leniency regarding tree reforestation.

Commissioner Robertson asked the applicant if the proposed tree plantings along Highway 3 would benefit the two homes requesting flexibility from setback.

Mr. Hiller replied in the affirmative, stating the trees would act as both a sound and site buffer from Highway 3.

Commissioner Simon asked how they planned to prevent water from running down into the undisturbed area.

Mr. Hiller replied that would be addressed in the erosion control plan that would be part of the final plan set; it would be double silt fenced plus any other erosion control measure deemed necessary.

Chair Maggi was concerned about allowing additional impervious surface knowing the potential for future homeowners to come in wanting additional impervious surface for sport courts, pools, etc.

Mr. Hiller advised that the reason they requested 30% versus 25% was to allow for such future amenities and to avoid the need for homeowners to come back for approvals in the future.

Commissioner Simon stated she was involved in the drafting of the Northwest Area water implementation and was always told that water must be maintained on the property being developed; however, in this case it was not.

Mr. Hiller replied that the standards are very specific and technical, but they do not require that all of it must be maintained on the site.

Commissioner Simon stated in her mind it was not acceptable to affect someone else's property with runoff from an adjoining property.

Greg Franson stated the standards for the Northwest Area require that you do not increase the runoff from a five-year storm event. In this case that rainstorm is about 3 ½ inches. A certain amount of that water becomes runoff during existing conditions, and a certain amount of that water becomes runoff during the proposed conditions, and typically more because of the increased impervious area. This is achieved by adding infiltration areas and directing the water to those areas and letting it infiltrate.

Chair Maggi noted that a significant amount of dirt was going to be removed, which normally would have held water, and asked if those types of factors were taken into consideration.

Mr. Franson replied that those factors are considered in the standards. He advised that only the first several inches of dirt take up water, so they do not consider there to be a vast 20-foot reservoir

underneath. When the stormwater is modeled in a 3 ½ inch storm 1 ½ inches may soak into the ground and the other 2 inches runs off. They do their stormwater modeling according to the specific requirements laid out in the Northwest Area ordinance.

Commissioner Wippermann questioned why the area in the southeast portion of the plat was considered undisturbed open space when work is currently being done there.

Mr. Hiller advised that the area Commissioner Wippermann was referring to was sold to the City for the purpose of constructing a stormwater pond for the Highway 3/65th Street project. The area where the applicants are proposing to construct holding ponds is northwest of that. He showed where the pipe is located that goes under Highway 3 and where an outlet control structure would be built to limit the rate and volume of water exiting the site.

Commissioner Weber asked how Street 1 aligned with the current neighborhood to the south.

Mr. Hunting replied that it was directly across from the existing street to the south.

Commissioner Weber asked if that would be a controlled intersection.

Mr. Hunting was unsure but believed there would be stop signs, with 65th being a through street.

Commissioner Weber asked if the applicants had worked with the property owner to the west as he was concerned about the skewed angle of the north end of Street 1.

Ryan Bluhm, Westwood Engineering, replied in the affirmative and explained that the intention was to keep the road in an arc so lots could be constructed against the existing wetland.

Mr. Hunting presented a drawing from the Northwest Area Collector Streets Study, showing that the street in question would eventually meander northward rather than westward.

Commissioner Robertson asked for clarification of where water would be routed to after going through the culvert and under Highway 3.

Mr. Hiller advised that the culvert has been in place for years and goes under Highway 3 to the Nichols property. The outlet control structure they will be constructing is meant to manage the additional stormwater that will result in the pond from the hard cover they are adding. Their proposal meets the City's standards for the Northwest Area.

Chair Maggi asked for clarification of whether water was required to be maintained on the site or was allowed to leave the property being developed.

Mr. Hunting replied that the overall stormwater management plan shows the regional basins, as well as the outlets and overflows. Water naturally flows from regional basins to the next property if the water gets high enough; that pattern was created by the glaciers and must continue. The applicants will be adding rate control and management to ensure water does not leave the site faster than it previously did.

Chair Maggi stated the concern is that the applicants will be compounding the water coming off the property. She asked Mr. Franson to address how this was looked at.

Mr. Franson stated when they ran through the stormwater modeling for existing conditions, they took into account the existing depression in the southeast corner of the Windsor Ridge property and quantified what the rate was for different storms and how much volume went out to the Nichols

property. Then they looked at how much additional volume would be leaving the site as opposed to existing conditions and determined that a riser should be added at the west end of the culvert to prevent the volume from increasing.

Commissioner Robertson asked if the intent was to allow the water to pond there versus just the culvert with no controls.

Mr. Franson replied in the affirmative, stating the culvert could still be in place but the water will now pond and once it gets high enough it would spill over, enter the culvert, and proceed over to the regional basin on the Nichols property as it currently does.

Commissioner Weber asked for clarification of the grade change at the north end of Street 1.

Mr. Bluhm stated there is a significant high point at the property line, so they are trying to keep the road as high as possible in order to match grade.

Commissioner Weber asked what the grade change was from the house pad to the back of the lot for Lot 1, Block 1.

Mr. Bluhm replied from the swale in the back to the top of the slope is approximately a 12-foot height difference.

Commissioner Weber asked if they were going to have a 12-foot wall in their back yard.

Mr. Bluhm replied it would be a slope, not a retaining wall.

Commissioner Weber asked what the estimated height was of the retaining wall on the north side of the plat.

Mr. Bluhm replied there were a couple of retaining walls ranging from 8-14 feet in height.

Commissioner Weber questioned how they would mitigate the water coming from the ten-acre parcel to the north draining into the five parcels with a 14-foot retaining wall in their backyard.

Mr. Bluhm replied that a significant amount of water currently drains onto these properties and the proposed stormwater plan will actually reduce that. Their final plan will include sedimentation ponds, double silt fences, blanketing, and regular inspections.

Commissioner Simon noted that it is the homeowner's responsibility to manage their stormwater, and if they have no control over what comes down into their property, they are stuck trying to fix it.

Mr. Bluhm stated all the lots will be landscaped with sod and the only water homeowners would be managing would be from their own roofs.

Commissioner Niemioja asked what the reasoning was behind the requested 15-foot building separation.

Mr. Hiller replied that 15 feet is the industry standard for this density.

Commissioner Weber asked at what point of drop do single site retaining walls require permits or fencing.

Mr. Hunting replied that permits and engineered drawings were required for retaining walls four

feet or higher.

Bill Nichols, 6302 South Robert Trail, stated he has owned the 30-acre parcel to the east since 1995. He is disappointed that the City has not been better at addressing his concerns. He stated he welcomes Pulte to the neighboring property, but they have been given bad information which is compounding the problem. He stated for 25 years he did not see water coming out of the existing culvert except for in a frozen state after a snow melt and normally any water would naturally infiltrate in within 24 hours. However, once the Highway 3 project started last fall all the grading that has washed away came down the hill onto his property. They underestimated the water that was going to come to his property and acquired a temporary easement; however, they are now beyond the temporary easement and still trying to stop the flow of water coming onto his site. He could have taken the water if it was sent clean and slow, but the way it has pummeled the land he cannot take any more. He referred to an area in the southeast corner of the subject property, stating it is labeled as undisturbed yet part of it has been graded by the City for the 65th Street project. Also, the area Source Land Capital is claiming will give him potential relief for the holding pond will be deeply disturbed before they are done, and all that water will flood his property. He showed photos of his land and the dirt that has washed into his ponding area. He showed a diagram of how the Windsor Ridge property currently functions and where the water naturally flows. He compared that to what is now proposed to flow towards his property, stating much of the water used to go in another direction but will now come towards his land. They should manage the water on their own site rather than pushing it to his property. The basin they are proposing is not large enough to contain this amount of stormwater and the developer should decrease the amount of building pads.

Commissioner Robertson asked Mr. Nichols if the runoff and dirt shown in the photos primarily entered his property as a result of the Highway 3 project.

Mr. Nichols replied in the affirmative.

Commissioner Robertson asked for clarification that what Mr. Nichols is experiencing at this point is not an impact from the Windsor Ridge project as it has not started yet.

Mr. Nichols replied in the affirmative but stated the Windsor Ridge project would compound the problem until they fix it. He advised there is an existing sand vein on the corner of 65th Street and therefore water historically infiltrates into the ground the way it's supposed to rather than going through the culvert. When they widened the road, however, they buried the sand vein and now the basin is full of sand, silt and clay and water runs through the culvert like a fire hose.

Brad Lojovich, 6385 South Robert Trail, stated he has lived there since 1980, during which time he has seen water sitting for more than two days only one time; it normally just drains into the soil. However, since Highway 3 has been worked on every time it rains there is a large pond down there and the proposed development will likely exacerbate the problem. He is concerned that the proposed pond in the southeast corner will leach into his property as well. The other concern he has is that the Dakota County website shows his north property line going through the middle of his garage; however, it is supposed to be 25 feet north of his garage. Windsor Ridge's attorney, David Lutz, advised that the County has stated they will revise the property line once the Windsor Ridge plat is recorded. He wants this on record since the property line was in its correct location prior to this application. He questioned how big the trees would be that were planted, noting that this area currently has mature oak, maple, ash, and birch trees.

Commissioner Weber questioned whether moving Mr. Lojovich's property line would affect the proposed plat.

Mr. Lojovich stated that the County is saying the property line should be 40 feet north of his garage; however, he told them to put the line 25 feet north of his garage as that is the required setback.

Attorney David Lutz stated that he contacted Dakota County to advise them of the property line discrepancy. They stated they were aware of the error and would correct it when the plat was finished. The diagram Windsor Ridge is using for their plat is correct.

Commissioner Weber asked what the setback was from Mr. Lojovich's property line to his garage.

Mr. Lutz replied 25 feet.

Mr. Lojovich stated the City did a poor job of policing contractors during the Highway 3 construction project and there were several issues (i.e. dust and mud). He hoped the City would be better at overseeing the Windsor Ridge project. He was also disappointed as he had an agreement with the City for a temporary easement; however, they never told him it would be a 1:4 grade.

Bob Dalsin, 6637 Robert Trail South, stated the City took part of his 20-acre property along Highway 3, part of his property along 65th Street, the property west of him is being developed, and now Source Land Capital is proposing to develop the property north of him. He has lost his seclusion, is getting frustrated, and does not see any benefit to the proposed plat.

Josh Miller, 50 Woodridge Lane, Sunfish Lake, stated his property is not directly impacted by this development but he has the foresight to see what is coming his way. First the Viking facility was built, then a warehouse was built, and then trees started being removed for new housing developments. He enjoys the rural feel he currently has and is concerned about how this will impact natural resources, such as water. He was concerned about how these additional houses would affect the aquifer, stating his well sits higher than the aquifer Inver Grove Heights pulls from which negatively affects his water supply. He also had safety concerns with the additional traffic this development would generate, as well as its potential impact on Horseshoe Lake. Regarding stormwater management for a five-year storm, he questioned if the proposed plan would handle it if things continue to change and next year there is an even worse five-year storm.

Mr. Lojovich asked they could get some better signage for the 65th Street/Highway 3 project, stating the current signs do not notify drivers that the road is closed at Lone Oak Road.

Mr. Hunting stated he would ask the City's engineering department to relay the request to the proper person.

Bonnie Troye, 50 Woodridge Lane, asked if it was correct that the developer would be 500 trees short.

Chair Maggi replied in the affirmative.

Ms. Troye asked if the penalty for not replacing those 50-year old trees was to pay into the City's park fund.

Chair Maggi replied in the affirmative.

Ms. Troye stated it seems like every day there is another area getting torn down in order for houses to be built on top of each and she would likely never in her lifetime see trees that big again.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated they want development in the city, but she wants to make sure this would not negatively affect the Nichols property.

Commissioner Weber questioned why they were not looking at 100-year events versus 5-years, as that is what they have used in the past. There is a lot of grade change, tree removal, and retaining walls being proposed and he would prefer to see more data than what has been presented.

Commissioner Simon agreed, stating she would like to see a 100-year study as well. She advised that she lives west of the Blackstone developments, yet it has affected her neighborhood. Their roads were constantly wet this spring which she had not seen in 22 years. She does not want Mr. Nichols or any other landowner to have to be responsible for handling something that is a consequence of allowing this development to go through unless there is either more discussion or studies done. They need to slow down.

Chair Maggi asked Commissioners what changes they would like to see in the proposal as the City does need development.

Commissioner Robertson stated she wants to honor the concerns that were expressed about this project, but at the same time she believes we have expertise in our own engineering group, and she would feel uncomfortable denying the request because development is needed on both sides of Highway 3. Instead, she would prefer to table the request and ask the different engineering perspectives to come together to address a much larger rainfall, the concerns of the Nichols property, and the desire of Inver Grove Heights to develop this property.

Commissioner Scales questioned whether the issue was truly from this future development or was it from the Highway 3 construction. He would like to have people involved in this explain how things changed with the Highway 3 construction and will any such problems go away once it is completed.

Commissioner Lissarrague asked Mr. Nichols if he felt his concerns had been validated by the City.

Mr. Nichols stated he did not.

Chair Maggi stated perhaps they should look at this more broadly and consider what is happening on the Nichols property.

Commissioner Scales clarified that he likes the development being proposed and wants the project to move forward; he just needs more information.

Commissioner Lissarrague agreed, stating he was not trying to discourage the applicants.

Commissioner Weber stated he liked the idea of developing in this area, he just needed the 100-year rain event numbers before he could approve it.

Commissioner Niemioja stated her concern is the precedent this would set with impervious surface. In the past they have allowed setbacks to be reduced to 15 feet and now that seems to be the standard. She is concerned the same thing could happen with allowing 30% impervious surface. If that happens the water impacts would be concerning as water is different from aesthetics and can be devastating to adjoining properties. The forestation issue is also close to her heart and she agrees that they are missing some information.

Commissioner Wippermann asked if there were time limit issues regarding tabling the request.

Mr. Hunting stated Commissioners could table the request as the City has the authority to extend the 60-day review.

Chair Maggi summarized where she believed the group was at, stating Commissioners would like to table the request to request more information primarily around water flow and impact within this plat of land, as well as neighboring plats of land, but Commissioners are generally supportive of the development with the stated issue addressed.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Robertson, to table the request for a rezoning of property from A, Agricultural to R-1C/PUD, a preliminary plat for a 66-lot subdivision to be known as Windsor Ridge, and a preliminary PUD for 66 single-family homes on 30.25 acres, for property located at 6477 Robert Trail South, until further information is provided to the Planning Commission on stormwater, road continuity between the neighboring properties, and what the effects of grading are for that stormwater in a 100-year plan and its impact on this and neighboring properties.

Motion carried (9/0).

The meeting was unanimously adjourned at 9:25 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary