

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 2, 2021 - 7:00 p.m.
REMOTE MEETING

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

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

Commissioners Absent:

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

DAVID AND PAULINE NOVACK - CASE NO. 20-11V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow more than one detached accessory building on a property and a variance to allow a structure to be located six feet from the rear property line whereas 8 feet is required, for the property located at 8775 Bacardi Avenue. 4 notices were mailed.

Chair Maggi advised that this item has been tabled to March 16, 2021.

Motion by Commissioner Wippermann, second by Commissioner Simon, to table the request for a variance to allow more than one detached accessory building on a property and a variance to allow a structure to be located six feet from the rear property line whereas 8 feet is required, to March 16, 2021.

Motion carried (9/0).

AURIANNA NORWOOD - CASE NO. 20-10V

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a variance to allow more than one detached accessory building on a property and a variance to allow a detached accessory dwelling unit (ADU) on a lot less than one acre in size, for the property located at 640 - 9th Avenue. 5 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant would like to construct a detached 480 square foot building that would be used as an ADU on the rear of their property. This requires a variance to allow a detached ADU on a lot less than one acre in size and a variance to allow a second detached accessory structure. The lot is just short of a half-acre in size and has an existing detached garage. When the ADU ordinance was being created in 2015 lot size was discussed. The Housing Committee felt it was important to

establish a minimum lot size to help minimize the impact and density. They had suggested a lot size as low as 12,000 square feet. The Planning Commission then discussed the ordinance and felt a larger lot size was necessary and recommended a one acre minimum. City Council ultimately approved a one acre minimum. The limit on the number of accessory structures was to limit the mass and bulk of structures on a lot. When the ordinance was created the intent was to exclude this type of situation of having multiple detached structures on smaller lots. Staff does not support the variances as presented.

Commissioner Niemioja asked why the applicant stated they could not add an ADU onto their existing accessory structure.

Mr. Hunting replied that adding onto the existing building would likely exceed the maximum size allowed and would trigger a variance.

Commissioner Robertson stated she visited the site and found the existing accessory structure to be much larger than a typical detached garage. It also appeared to have an addition built onto the back of it. She asked if there was an additional small building near the rear property line.

Mr. Hunting advised that the existing accessory structure appeared to be about 1,000 square feet in size.

Commissioner Robertson asked how large a standard double-car garage would be.

Mr. Hunting was not sure but believed it would be 400-500 square feet.

Opening of Public Hearing

Aurianna Norwood, 640 - 9th Avenue South, advised she was available to answer any questions.

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

Ms. Norwood replied in the affirmative. She advised that the garage is a little extended so it can house their pool equipment. They do not have an additional structure in the back yard. She stated they are mindful of the size limitations and therefore since the maximum size allowed is 1,000 square feet on an acre lot, they would agree to only building a 500 square foot structure on their half-acre lot if the variance were to be approved.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated that historically the Planning Commission has been generally supportive of the ADU concept and the flexibility it provides for families. The challenge for her in this request is trying to find a practical difficulty.

Commissioner Challeen asked if she could ask a question of the homeowner.

Chair Maggi replied in the affirmative and reopened the public hearing.

Commissioner Challeen asked the applicant if she had considered adding an ADU above her existing structure.

Ms. Norwood replied that the principal structure was already a two-story home and would have too much impact on the neighborhood if an additional story was added. If they added onto the existing detached structure it would exceed the height limit and would be too close to the property line.

Commissioner Niemioja asked the applicant if she currently lived on the subject property.

Ms. Norwood replied in the affirmative.

Commissioner Robertson asked if the applicant was proposing something similar to a tiny house and what living space would be included in the 400-500 square foot ADU.

Ms. Norwood replied it was her understanding that tiny houses were generally on wheels, but this would be a permanent structure. The intention is for the structure to include a living area, kitchen, bedroom and bathroom for one or two people.

Chair Maggi closed the public hearing again.

Commissioner Niemioja stated she read the applicant's narrative carefully, including the Planning Commission and City Council discussion regarding Case 20-07V. At the time she voted against using the lack of a detached garage as a practical difficulty because she felt it was a slippery slope. City Council ultimately approved the request using that as a practical difficulty; however, in that instance they were asking to expand one building to be slightly larger. At the end of the discussion Council asked that the Planning Commission address this ordinance again. She would like Council to consider whether the City should increase the allowed size of accessory units. The Council minutes talk about the number of equipment and vehicles people have and are trying to store in accessory buildings to improve the aesthetics of their neighborhood. One councilmember suggested perhaps looking at allowing an accessory building to be larger rather than having multiple buildings. She would support City Council asking the Planning Commission to look at what would be the appropriate size of one accessory unit. She does not see a practical difficulty in this request so it would be difficult for her to vote in favor using today's standards. Now that the ADU ordinance has been in place for five years perhaps it is time to reassess whether ADU's are working and whether the criteria should be modified.

Commissioner Robertson suggested that whether detached garages should be counted as accessory units was worthy of a discussion. In this case she does not see how an ADU could be added to the current detached garage because it was already so large, and the property appears to be densely packed. She could not vote in favor of the request due to lack of a practical difficulty and the fact that the lot was already packed with buildings.

Commissioner Challeen agreed that it would be great to discuss whether detached garages should be considered an accessory structure. She considers ADU's to be a great addition for multi-generational living.

Commissioner Niemioja supported having a discussion about perhaps not counting detached garages as an accessory structure.

Chair Maggi stated the challenge was that even if they considered the idea of a detached garage not being counted as an accessory structure, they would still have the issue of the variance to allow an ADU on a lot under one acre in size.

Commissioner Kramer appreciated that the applicant used a ratio system to propose an ADU that was half the size of what was allowed on a one-acre parcel. He felt this could set a dangerous precedent; however, as the city was filled with 12,000 square foot lots. If those homeowners used the same system, they could have 250 square foot ADU's all over the city. He thought a ratio system was worth looking into but since it was not yet in place, they could not base their decision on that tonight.

Planning Commission Recommendation

Motion by Commissioner Kramer, second by Commissioner Weber, to deny the request for a variance to allow more than one detached accessory building on a property and a variance to allow a structure to be located six feet from the rear property line whereas 8 feet is required, for the property located at 8775 Bacardi Avenue.

Commissioner Challeen asked if there was a way to include a statement to City Council along with their vote.

Chair Maggi replied in the affirmative, stating they would address that after the vote.

Motion carried (9/0). This item goes to the City Council on March 22, 2021.

Chair Maggi stated she would like to put on record to the City Council that the Planning Commission suggests that they revisit the ADU ordinance policies and look at whether detached garages should be considered accessory structures. This could be done through joint meetings with the Housing Committee, Planning Commission, and City Council or something along those lines.

Commissioner Weber suggested they also look at utilizing ratios for lot sizes regarding accessory structures or other variances.

Commissioner Niemioja stated the Planning Commission should address accessory unit size as requested by City Council during the discussion for Case No. 20-07V.

JAEGER CONSTRUCTION (HYUNDAI) - CASE NO. 21-0 9CUP

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment for a 2,000-square foot building addition, and any variances related thereto, for the property located at 1290 50th Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is 4.85 acres in size and is zoned B-3, General Business. The applicant would like to construct a 1,999-square foot addition on the west side of their existing building. When staff was reviewing this request, it was noted that the property to the south (which is also owned by Hyundai) had some grading and storage expansion taking place; a separate conditional use permit will be submitted soon to address that activity. The proposed addition would be located over existing impervious surface and no new hard surface would be added. Access would not be changing. The site would lose 5 parking stalls but the number of parking spaces for the sales lot still exceeds minimum code requirements. All customer and employee parking shall be clearly marked on site and no sales inventory should be stored in that area. The proposed addition, when added to the addition that was done in 2018, trigger the need for stormwater management on site. The applicant will work with staff for approval of a stormwater management plan. Staff recommends approval of the request with the 12 conditions listed in the report. Staff did not hear from any neighboring property owners.

Commissioner Weber asked if the work being done on the lot to the south was created by the new owner or something that has been going on for a long time.

Ms. Botten replied there has been additional grading taking place over the past year, but she is not sure when management changed hands. They need to get the site brought back into compliance.

Opening of Public Hearing

Barry Jaeger, 8308 Averno Avenue, advised he was available to answer any questions.

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

Mr. Jaeger replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Kramer, to approve the request for a conditional use permit amendment for a 2,000-square foot building addition, and any variances related thereto, for the property located at 1290 50th Street, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on March 22, 2021.

SKIGH DEVELOPMENT - CASE NO. 21-02PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the guided land use from NC, Neighborhood Commercial and LDR, Low Density Residential to MDR, Medium Density Residential 8-12 Units Per Acre, for the property located at 5871 Cahill Avenue. 40 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 for two parcels on Cahill Avenue from NC, Neighborhood Commercial and LDR, Low Density Residential to MDR, Medium Density Residential. They plan to redevelop the two lots with a 26-unit three-story apartment building. The existing site has a single-family home on the south lot and an auto repair shop on the north lot. The north lot was rezoned to commercial in the 1990's to allow for the auto repair shop. There is currently a mix of uses and densities in the immediate area, including office, commercial, single-family residential, and multiple-family residential, and it is located on two streets that are essentially arterial streets (Cahill Avenue and Upper 55th Street). He noted that the densities being proposed are similar to multiple-family densities on the east side of Cahill Avenue but there are no other multiple-family projects on the west side of Cahill until you get to Upper 62nd Street. The Planning Commission is only addressing the land use change tonight. If approved the site plan would be addressed at a later date. Staff is supportive of the request and believes it would be consistent with some of the surrounding land uses. He noted that 4-5 emails were received from residents and provided to the Planning Commission.

Chair Maggi asked what the elevation drop was between the subject parcels and the lots to the west.

Mr. Hunting suggested that the applicant address that question.

Commissioner Robertson asked how long the property had been on the market and whether anyone had showed interest in purchasing it over the last couple years.

Mr. Hunting did not know how long the property had been for sale and stated he had not spoken to anyone else interested in developing this property.

Commissioner Wippermann asked how long this property had been designated as Neighborhood Commercial.

Mr. Hunting replied at least since the 2030 comprehensive plan and perhaps longer than that.

Opening of Public Hearing

Scott England, DJR Architecture, advised he was available to answer any questions.

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

Mr. England replied in the affirmative. He advised that his client is interested in developing this parcel as a multi-family residential property and therefore they are requesting a comprehensive plan amendment. Cahill Avenue is an arterial and, as such, is guided for more intense uses. The proposed project seems to be a reasonable transition between the single-family residential neighborhood to the west and the more intense uses north and east of the property. Regarding a previous question about elevation changes, there is an elevational drop of 15 feet from the northeast corner to the southwest corner and a 35' grade change from the northeast to the northwest. He advised there is rather steep topography on the site but there is a flat section in the center where the single-family home currently sits.

Commissioner Robertson asked how close the abutting houses on Burke Trail were to the property line.

Mr. England stated the houses were about 200 feet from the property line.

Mr. Hunting agreed that it was in the range of 200-250.

Joel Johnson, 5889 Burke Trail, advised that he and his neighbors have been vandalized on many occasions. The police have been called for these events and they point out that the multi-family housing is directly across the street on Upper 55th Street. He is opposed to this project and does not want this multi-family project so close to him and his neighbors.

Chair Maggi noted that there were no representatives from the police department at tonight's meeting and planning staff was not versed in crime statistics.

Tom McDonough, 5903 Burke Trail, stated there have been quite a few serious accidents on Cahill and she questioned if a traffic study had been done to analyze the infrastructure needed to support an additional 26 housing units.

Commissioner Niemioja asked staff to comment on that as she has heard in the past that certain commercial can draw more traffic than residential.

Mr. Hunting replied that if this project moves forward the City would have the applicant do a traffic study. Engineering would look at that and see if improvements would be required, such as a right turn lane. He added that multi-family units can often generate less trips per day than single-family.

Chair Maggi asked Mr. England if this apartment building would be market rate housing.

Mr. England replied in the affirmative, stating it would be considered middle to upper market rate.

Jenny Finwall, 5905 Cahill Avenue, stated she lived just south of the subject property and her main concern was the impact of noise and light pollution from the parking lot. She asked if the applicant would consider flipping the building so the parking lot was on the north side facing Walgreens. She asked if any fencing or privacy screening was planned for the neighbors.

Commissioner Niemioja asked Ms. Finwall if she would prefer commercial development or was she just interested in getting screening.

Ms. Finwall replied she would rather it be residential, which is why she bought there so she could have a larger lot.

Chair Maggi clarified that the current zoning would allow a commercial entity to be constructed on the property.

Commissioner Niemioja asked Ms. Finwall if she had a preference between commercial or residential or was she mostly concerned about screening.

Ms. Finwall stated she would prefer the property remain low density residential, but if it changes, she does not want to be looking at cars and lights every day.

John Maloney, 5888 Burke Trail, stated that his property butts up to the proposed development and he was opposed to the comprehensive plan change. He stated that he researched the concepts of the comprehensive plan which was last updated in 2019. A tremendous amount of work went into getting this plan in place and it is an important document. It contains many important points, such as that it is a way for the City to actively plan for its future so that the physical form of the community represents what the community wants it to be rather than reacting to trends and patterns from outside forces. It concerns him that a proposed development asking for a change to the comprehensive plan is getting a serious look. The community relies on those plans for the protection of their property, values, and where they live. The density of his neighborhood is 1-2 homes per acre and the proposed project would be close to 12 units per acre. If this change is approved, perhaps others along Cahill will want to do the same. He feels they need a buffer between the commercial uses and low density residential, like his neighborhood. He is opposed to the density being proposed and asks that the planning commission protect the citizens in the community by denying this request.

Eric Matthews, 5948 Burke Trail, stated he agreed with Mr. Maloney and was concerned that approval of this request would set a precedent for future changes along Cahill. He has heard from many people that the City has too many apartments and not enough businesses. They had 17 neighbors sign a petition stating they were opposed to this proposal. Of those questioned, 100% were in opposition of the proposed project.

Commissioner Niemioja asked Mr. Matthews if he spoke with every person on the petition and noted that they were not copied on the email and there were no signatures.

Mr. Matthews stated that either he or Mr. Maloney spoke to everyone on the list but did not get signatures as it did not seem appropriate to knock on doors during a pandemic. They then compiled the responses into the document that was submitted.

Commissioner Weber asked what building height would be allowed if this remained commercial.

Mr. Hunting replied that the maximum height allowed in B-2 or B-3 would be 35 feet, which is the same height allowed for multiple-family residential.

Commissioner Challeen asked how long this property has been on the market as a saleable property.

Mr. England stated he was unsure how long it had been on the market but has been working with this client for several months. He responded to some of the comments from the neighbors.

Regarding crime rates, this property will be overseen by a professional management company who will make sure they get responsible residents without criminal records, etc. Regarding traffic counts, they will agree to do a TDMP when they get to that part of the process. Regarding impact concerns from the neighbor to the south, during the site plan review they can discuss screening, etc. but they would definitely provide a landscape buffer along the south property line to shield any parking lot lights.

Commissioner Weber advised that he found the listing for this property and it has been listed for 445 days as a potential commercial lot for sale.

Commissioner Kramer asked if the land use would revert back to its original guiding if the project never moved forward.

Mr. Hunting replied that the land use would not officially change until a site plan was approved.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Weber stated both parcels would likely have to be combined as he did not think a commercial building would fit solely on the north property based on the lot dimensions. It has been listed on the MLS as a commercial property for well over a year and no one has shown interest in it, so he would be in favor of the request at this point. Leaving the southern parcel as LDR would be ideal but he does not think anyone could develop just the northern parcel.

Commissioner Clancy stated he was planning on saying that Cahill Avenue has been specifically targeted as a special street with mixed uses and they should stick with the plan. However, if the property has been on the market for as long as the listing states and they are not seeing traction he is unsure what to do.

Commissioner Robertson commended the neighbors who took the time to make their concerns known, stating it was very helpful. She agreed that the comprehensive plan is a guide that they must consider very carefully; however, it is not written in stone and in certain situations it is prudent to reconsider portions of it. In this case she thinks they should consider a change. This portion of Cahill Avenue has a McDonalds, pharmacy, restaurant, and multi-unit living options. She questioned whether LDR would even fit on that parcel. She was concerned about the impact a commercial entity would have on the Burke Trail neighbors as far as noise and the lack of criteria in place like there would be for multiple-family housing. She believed that a multi-family building placed there with care and consideration could be beneficial for that portion of Cahill.

Commissioner Niemioja advised that the comprehensive plan is only revised every 10 years so there are principles in place to help the City determine when a change may be needed. Diversity of housing is one of those guiding principles the City is trying to strive for and this type of housing in this space could be helpful and fits within the vision of our community. She would like to have the Housing Committee look at this prior to it going before City Council. In her opinion this project acts as a good buffer between low density residential and everything on the north and east of this parcel. She appreciated the emails that were sent but stated it would be more meaningful to get a letter from each person as it would have given her a better idea of where each individual stood. The other option would be to have them copied on the email. She understands that change is hard, especially when it involves a vacant property.

Commissioner Robertson stated this type of housing would provide an opportunity for individuals to shop in our neighborhoods and support local restaurants and businesses. In order to get businesses to thrive you need people, and in order to get people you need businesses. It is a fine balance.

Chair Maggi thanked everyone for their thoughtful discussion of the residents' concerns and the vision for the city and how land use decisions get made.

Planning Commission Recommendation

Commissioner Weber, second by Commissioner Challeen, to approve the request for a comprehensive plan amendment to change the guided land use from NC, Neighborhood Commercial and LDR, Low Density Residential to MDR, Medium Density Residential 8-12 Units Per Acre, for the property located at 5871 Cahill Avenue, subject to the conditions listed.

Motion carried (9/0). This item goes to City Council on March 22, 2021.

OTHER BUSINESS

Heather Rand, Community Development Director and Interim City Administrator, discussed a recent City Council action. One of the items on their last work session was a discussion about increasing public accessibility and participation in City Council meetings as well as making their meetings more efficient. One of their solutions, that they directed staff to pursue, is an ordinance change to move the start time of their meeting from 7 PM to 6 PM for their regular meetings. The belief is that if they start their meetings earlier perhaps the public would be more apt to participate or provide public comment. They are also suggesting that consideration be given for perhaps moving the Monday night City Council meetings to Tuesday. Currently City Council meets on the 2nd and 4th Mondays whereas Planning Commission meets on the 1st and 3rd Tuesdays. If Council chooses to move their meetings to Tuesdays, there should be no impact for regular meetings. However, City Council has their work sessions on the 1st Monday of the month. If they choose to be consistent and move their work sessions to Tuesday as well the Planning Commission should have a conversation about potentially changing their meeting night. No decision has been made yet, but Commissioners should start thinking about how this could impact them. The Planning Commission is highly valued, and they want to make sure they do not move forward with something that could negatively affect Commissioners. Commissioners should feel free to reach out to Councilmembers with any input.

Commissioner Weber asked if Ms. Rand could suggest to Council that they create a liaison position from the Planning Commission who could attend Council meetings and voice some of the suggestions from the Planning Commission rather than asking staff to do it. He stated he would be willing to fill that position.

Ms. Rand thanked him for the suggestion and stated she would try to express that to City Council. She urged Commissioner Weber to feel free to reach out to them on his own as well.

Commissioner Robertson agreed with Commissioner Weber's suggestion, stating having a liaison can clarify what the thinking was behind certain decisions, make the process easier, and the exchange of ideas at the time they occur can be extremely helpful.

The meeting was unanimously adjourned at 8:40 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary