

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 6, 2021 - 7:00 p.m.
REMOTE MEETING

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

Commissioners Present: Elizabeth Niemioja
Annette Maggi
Dennis Wippermann
Pat Simon (joined at 7:14 p.m. due to connection issues)
Scott Clancy
Kate Challeen
Joan Robertson
Jonathan Weber

Commissioners Absent: Brett Kramer (excused)

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

Chair Niemioja thanked Annette Maggi for her service as former Chair of the Planning Commission, explained the public participation process, and noted that Commissioner Simon was having temporary issues with her connection to the virtual meeting.

APPROVAL OF MINUTES

The minutes from the February 16, 2021, March 2, 2021, and March 16, 2021 Planning Commission meetings were approved as submitted.

OTHER BUSINESS

CITY OF INVER GROVE HEIGHTS - CASE NO. 21-23X

Jake Moser, Civil Engineer, advised that the Planning Commission is being asked to review City Project 2020-06 for its consistency with the comprehensive plan. He explained that the project includes the reconstruction of a failing public stormwater basin outlet pipe at 1301 - 50th Street East. The project will be funded with stormwater utility funds and special assessments.

Motion by Commissioner Weber, second by Commissioner Maggi, to find the capital expenditures for City Project 2020-06 to be consistent with the Comprehensive Plan.

Motion carried (7/0).

APPLICANT REQUESTS AND PUBLIC HEARINGS

JIM AND LORA KRECH - CASE NO. 21-18S - table until April 20, 2021

Reading of Public Notice

Commissioner Weber read the public hearing notice to consider the request for a preliminary and final plat for a subdivision to be known as Oakbush Fifth Addition, adjusting existing lot boundaries, a vacation of drainage and utility easements within Lot 4, Block 1, Oakbush Second Addition, Lot 2, Block 1, Oakbush Third Addition and Lot 1, Block 1, Oakbush Fourth Addition, and a variance from lot width, for the property located at 2585 - 62nd Street. 31 notices were mailed.

Motion by Commissioner Wippermann, second by Commissioner Challeen, to table this request to April 20, 2021.

Motion carried (7/0).

RYAN IHLE - CASE NO. 21-20V

Reading of Notice

Commissioner Weber read the public hearing notice to consider the request for a variance from setbacks for a garage addition, for the property located at 7755 Boyd Avenue. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting to construct a 5.5' x 32' addition onto the existing attached garage. Currently the property has a single stall attached garage and the homeowner would like to expand it to a two-stall garage. Typically, a garage would require a five-foot side yard setback. In this case, however, the lot was platted with a six-foot drainage and utility easement, therefore, the addition would have to be located out of the six-foot easement. Reviewing the site plan that was submitted by the applicant and aerial photos, it appears that the addition could be as close as 1-2 feet from the property line. If the variance is approved a condition of approval would be to hire a registered surveyor to make sure the garage and all overhangs would not encroach over the property line. If desired, the applicant could construct a 1,000 gross square foot detached accessory building on the property. Staff believes that denying the variance would not preclude the applicant from reasonable use of the property, approval of the variance could set a precedent, and there is lack of a practical difficulty. Staff recommends denial of the request as presented. Staff heard from one neighbor who sent the email that was included in the packet. Their concern was that the garage would go over the property line, which would be a condition of approval.

Commissioner Simon advised that she had resolved her connection issues.

Opening of Public Hearing

Roland Braucks, 4041 Tenth Avenue South, Minneapolis, Production Manager, advised he was available to answer any questions.

Chair Niemioja asked Mr. Braucks if he read and understood the report.

Mr. Braucks replied in the affirmative and asked how large a detached structure would be allowed if they could not do the garage addition.

Ms. Botten replied that a property in this zoning district would be allowed up to a 1,000 gross square foot detached garage.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja stated that she did not see a practical difficulty.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Maggi, to deny the request for a variance from setbacks for a garage addition, for the property located at 7755 Boyd Avenue.

Motion carried (8/0). This item goes to the City Council on April 26, 2021.

KIEHM CONSTRUCTION - CASE NO. 21-19CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit for a contractor shop and a variance from setbacks, for the property located at 2660-50th Street. 255 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that in 2019 Council approved a conditional use permit for a contractor's yard and a setback variance from Blaine Avenue for a landscaping business. The applicant is proposing some modifications to the approved site plan, including moving the 5,088 square foot building further south on the property and putting the parking area in front of the building and therefore they are requesting a conditional use permit amendment. They are also requesting a variance to allow the building to be setback 10 feet from the south property line whereas 40 feet is required. Most of the existing vegetation will be retained along 50th Street. The emails received from neighbors were submitted to commissioners prior to the meeting. Staff recommends approval of requests. Staff believes the property has unique circumstances in that the south property line abuts MNDTO right-of-way so there are no other buildings to the south, and the highway road surface would be approximately 200 feet from the building.

Chair Niemioja asked for clarification that they could proceed with their original plan without any other approvals.

Mr. Hunting replied in the affirmative.

Commissioner Simon questioned whether 50th Street was constructed to handle heavy-duty trucks.

Mr. Hunting replied that he did not know the construction details of 50th Street but stated it was always anticipated that this road would be able to handle that traffic as it has been guided and zoned for commercial for a number of years.

Steve Dodge, Assistant City Engineer, stated that 50th Street is designated as a State Aid Street and is part of the future pavement management program.

Commissioner Challeen asked what the substantive differences were between the original approved design and what was being proposed tonight besides its increased size and change of location.

Mr. Hunting replied that the building being larger, the parking lot now being located on the east side of the building, and the building being moved further south were the primary changes.

Opening of Public Hearing

Nick Lawrence, 8415 - 220th St W, Lakeville, stated he was available to answer any questions.

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

Mr. Lawrence replied in the affirmative. He advised that traffic should not be an issue. The owner currently has two regular sized pickup trucks which typically go out in the morning and come back in the evening.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja stated the proposed change would be almost more beneficial for the neighborhood.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Challeen, to approve the conditional use permit amendment for a contractor shop and a variance from setbacks, for the property located at 2660-50th Street, with the conditions and practical difficulty as listed in the report.

Motion carried (8/0). This item goes to the City Council on April 26, 2021.

PRECISION SIGNS - CASE NO. 21-21V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow more than one free standing sign on the property, for the property located at 11380 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 applicant is proposing two freestanding signs 110 feet apart whereas 200 feet is the required separation between signs in industrial districts. The signs would be about 24 square feet in size and would be located on both sides of the main driveway. The property is about 25 acres in size, has about 850 feet of road frontage, and there are two access points. The intent of the sign ordinance is to allow for signage visibility and safe identification for a property, but it is also to prevent sign clutter or sign pollution. Staff believes that the property can be used in a reasonable manner without the need for a variance, there is enough room on the property to comply with the sign regulations, approval of a variance could set a precedent, and if there is concern of visibility the sign size could increase up to 100 square feet in size. Staff recommends denial of the request. Staff did not hear from any of the abutting property owners.

Commissioner Maggi asked if the signs were directional in nature or to designate an entrance versus an exit.

Ms. Botten displayed a depiction of the proposed signs and stated that they are somewhat directional, but if the name of the business is on the signs then it must comply with the sign code.

Opening of Public Hearing

The applicant was not present.

Chair Niemioja closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber to deny the variance request for a variance to allow more than one free standing sign on the property, for the property located at 11380 Courthouse Boulevard, with the three conditions listed in the report.

Commissioner Challeen asked for clarification about the arrows on the signs and where they were directing traffic to.

Ms. Botten replied that both signs had arrows pointing into the development.

Commissioner Challeen questioned whether they signified something important to someone driving

onto the property.

Ms. Botten replied that a two-sided sign would provide the same benefit.

Second by Commissioner Clancy.

Motion carried (8/0). This item goes to City Council on April 26, 2021.

ALLIANT VENTURES III, LLC - CASE NO. 21-22AC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the parcel from E-1, Estate Residential District to R-3C, Multiple Family Residential District, a preliminary plat for a 20-unit townhome development to be known as Pine Bend Estates 2nd Addition, a conditional use permit for a townhome multiple family development, a variance from the front yard setbacks, and any other variances related thereto, for the property located at PID 20-57520-00-040. 6 notices were emailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to develop the second phase of the Pine Bend Estates project. The first phase consisted of 14 single family homes. The second phase consists of 20 townhome units on the west 5.5 acres of the site. The request consists of a rezoning from E-1, Estate Residential to R-3B, Multiple Family Residential, a preliminary plat for a 20 lot and one common lot plat, a conditional use permit for the 20 townhome units, and a variance from the front yard setbacks to 25 feet, whereas 30 feet is required, and from building separation for the end units to 20 feet, whereas 30 feet is required. The project complies with the density requirements for LDR, Low Density Residential. He advised that there is a powerline easement on the eastern half of the site which dictates that development be on the western side. They are proposing one public street coming off of Cahill Avenue with a cul-de-sac. Because of the constraints of the site staff believes there is justification for the variances. There were a number of emails submitted and considerable concern was expressed with the location of the access point onto Cahill. The applicant proposed the current location because of its alignment with the sewer and water stubs. Staff recommends approval of the project pending the outcome of the street discussion that will likely occur at tonight's public hearing.

Chair Niemioja asked if there was discussion about putting in a left turn lane into the neighborhood.

Mr. Hunting advised that the applicant originally provided a general traffic analysis that discussed right turns but not left turns. Late today they provided additional information which staff is still analyzing.

Commissioner Simon asked for clarification of a claim by Bonnie and Dave Gibbens that the easement under the powerline shifted so it is no longer centered under the powerline. She asked if a landowner had the right to shift that.

Mr. Hunting replied that the powerline easement is a recorded document and cannot be shifted. He does not believe it has shifted but stated the applicant could better address that.

Opening of Public Hearing

Bob Machacek, 4655 Nicols Road, Eagan, advised he was available to answer any questions.

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

Mr. Machacek replied in the affirmative. He advised that they believe this type of housing product fits in this area and any technical questions about the powerline easement could be addressed by his engineer.

Chair Niemioja noted a typo in the minutes from the neighborhood meeting regarding the date being 2021 rather than 2001. She asked for clarification about traffic.

Mr. Machacek stated that Mr. Dodge asked for a traffic memo, which they provided. Last Friday Mr. Dodge asked for more detail and they were able to provide the City with more extensive analysis this afternoon. It is not an in-depth report, but the memorandums provided did not seem to warrant any turn lanes and the question of site distances and stoppages were somewhat addressed by information from MNDOT charts.

Commissioner Simon asked if the 100-foot easement on either side of the powerline was changed at some point in time.

Mr. Machacek replied that the easement was a recorded document and could not be changed.

John Molinaro, Pioneer Engineering, stated that the recorded document for the NSP powerline easement has not changed and was recorded with Dakota County in the 1960's. For whatever reason the powerline has always been offset to one side within that easement.

Commissioner Weber stated he was comfortable with the easement location as Pioneer Engineering's drawing was consistent with what was shown on the Dakota County website.

Commissioner Clancy asked if it was possible to increase the separation between buildings to 30 feet given the easement.

Mr. Machacek replied that what is being presented is what they deem the best layout for this type of product.

Commissioner Wippermann asked what the anticipated price range would be and would they owner-occupied or rentals.

Mr. Machacek stated they had not yet identified a builder, but he anticipated they would run \$350,000-\$425,000 and were not projected to be rentals.

Dave Gibbens called in to comment on the request but experienced feedback due to a bad connection and eventually hung up.

Commissioner Niemioja advised Mr. Gibbens that the Planning Commission had received his email comments but unfortunately were not able to hear him when he called in.

Mr. Machacek stated he was surprised to see Mr. Gibbens' negative comments in his email as he had attended a virtual neighborhood meeting and had not relayed any such concerns at that time.

Commissioner Niemioja noted that the Planning Commission appreciates all comments from residents and takes them into account when making their recommendation.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Challeen asked if the Planning Commission needed to review the traffic analysis

that was given to staff earlier today before making their recommendation.

Mr. Hunting replied that the Planning Commission had the option to request additional information before making a recommendation, or they could move this forward knowing that the additional information would be analyzed by staff prior to this going to City Council.

Mr. Dodge asked for confirmation that the Planning Commission had received the neighbor emails.

Mr. Hunting replied that all emails had been sent to the Planning Commission prior to tonight's meeting.

Mr. Dodge stated that within the comments received via phone calls or emails, there were some concerns about the intersection traffic at this location because of its proximity to the curve of Cahill Avenue. That concern was brought up to Mr. Machacek, who had his traffic engineer review it and provide a summary. Staff then asked Mr. Machacek for additional information, which he provided today. Engineering staff is going to ask Mr. Machacek to continue to respond to citizen and staff concerns and Engineering staff will then review those responses. He believes it would be acceptable at this point to make any approval conditional on the City Engineer's approval of the traffic report and responses to citizen and staff requests. One of the suggestions that was brought up in an email was to connect this development to Old Concord Boulevard. At this point they are moving forward with what is proposed in the report; going towards Old Concord Boulevard is something the applicant would have to respond to.

Mr. Machacek asked if his engineer could respond to reconfiguring the access to Old Concord Boulevard.

Chair Niemioja replied in the affirmative.

Mr. Molinaro advised that changing the roadway to head north to Old Concord Boulevard would be a significant engineering challenge because of significant terrain, easement, and access issues.

Commissioner Weber stated that the STS traffic study it states there would be more trips entering this development from the north than from the south. He agreed that this area was difficult, but he did not think the traffic from 20 townhomes at this price point would be an issue and he would be comfortable moving it forward with an added condition that City Council look at the more in-depth traffic study for this property.

Commissioner Robertson stated she was very familiar with this area and in her experience, it can get congested in the mornings and afternoons with buses and other traffic. Currently it is manageable, but they have not yet added in the traffic from the single-family home portion of this development. At some point there may be a bus entering and exiting the single-family development, so she is hesitant to approve this plat without a more definitive traffic analysis.

Chair Niemioja stated that she understood Commissioner Robertson's concern.

Commissioner Maggi stated that working environments have shifted dramatically in the last year and there is no data a traffic engineer could pull right now to address that. Therefore, they should be careful about how much weight they put into a traffic analysis as many employers are now saying their staff are never going back into the office full-time and it is hard to predict future traffic numbers.

Chair Niemioja agreed with Commissioner Maggi's point and stated she would like to see this move forward but recognized the need to be cognizant of traffic.

Planning Commission Recommendation

Motion by Commission Weber to approve the request for a rezoning of the parcel from E-1, Estate Residential District to R-3C, Multiple Family Residential District, a preliminary plat for a 20-unit townhome development to be known as Pine Bend Estates 2nd Addition, a conditional use permit for a townhome multiple family development, a variance from the front yard setbacks, and any other variances related thereto, for the property located at PID 20-57520-00-040, with the conditions and practical difficulty as listed in the report.

Commissioner Simon asked Commissioner Weber if he wanted to add a condition that the City Engineer approve a traffic report in response to citizen concerns.

Commissioner Weber stated that rather than adding that as a condition, he added a recommendation onto his motion that City staff review the traffic report that was received and include it in the packet going to City Council.

Second by Commissioner Challeen.

Commissioner Robertson stated she was uncomfortable recommending approval of this request without having been able to review the traffic report received today.

Motion carried (7/1 - Robertson). This item goes to the City Council on April 26, 2021.

Chair Niemioja recognized Commissioner Robertson's point and hoped that City Council would pay close attention to the traffic report and the comments made by the Planning Commission.

BUILDER LOT GROUP (PELTIER) - CASE NO. 21-12PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agricultural to PUD, Planned Unit Development, and a preliminary plat and preliminary PUD development plan for a 126-lot single family subdivision and a 180-unit apartment building, for the property located at 7250 Argenta Trail and 1266 - 70th Street. 59 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 develop a 48-acre property with a project consisting of 126 single family lots of differing lot sizes and widths and an apartment pad with up to a 180-unit apartment building. The project provides for the extension of Alverno Avenue, a collector street extending from the current end point in Argenta Hills up to 70th Street. Additional local streets and street stubs would be provided to link the property between Argenta and South Robert with a connected local street network. Open space and trails are proposed throughout the project. The applicant is proposing a temporary roadway as a second access until land develops around the site and the other local streets can be connected. The plat consists of 52 lots that are 36-38 feet wide and generally 4,500-13,000 square feet in size, 36 lots that are 50-52 feet wide and 4,800-6,500 square feet in size, 16 lots that are 60 feet wide and 5,500-7,500 square feet in size, and 20 lots that are 65 feet wide and 8,000-10,000 square feet in size. The applicant is requesting flexibility from setbacks and separation for the lots up to 60 feet wide to have a 10-foot separation, for those that are 65 feet wide to have a 15-foot separation and corner lots to have a 15-foot setback from the street. They are also requesting flexibility from maximum impervious surface standards for the R-1C and R-3A zones and to allow 35% undisturbed open space as opposed to 50%. The number of streets they have to construct and the ponding that has to be done would require a significant amount of grading and tree removal, so the applicant would like some flexibility from the reforestation

requirements. However, the tree protection regulations cannot be processed as part of a PUD flexibility request, but rather must be a variance from the standard. What to do with the request and how to replant the required trees is a discussion that should be conducted further with Planning Commission and City Council. The Parks Commission will be reviewing the plat on April 14. Likely it will result in a cash contribution as the City recently purchased park property southwest of this area which would be served by this development. All emails that were received from neighboring property owners were provided to the Planning Commission. Staff recommends approval of the request.

Chair Niemioja asked for clarification of whether they were addressing a variance tonight for the reforestation issue.

Mr. Hunting replied that normally the Planning Commission would not address reforestation but, because it was such a significant amount, they would like to hopefully get some suggestions through a discussion.

Chair Niemioja asked who would make the determination on a speed limit, noting that the applicant was requesting it be 30 MPH.

Mr. Hunting was not sure how speed limits were determined but because of the density, numerous accesses, and curves he assumed it would be 30-35 MPH.

Steve Dodge, Assistant City Engineer, replied that the speed limits would be determined by following the general guidance of the Northwest Area Collector Street Study.

Chair Niemioja asked if the Housing Committee had made a recommendation on this development.

Mr. Hunting replied that the Housing Committee was apprised of this project but did not make a specific recommendation.

Commissioner Maggi asked how the density of this project would compare to that of Argenta Hills.

Mr. Hunting replied that the density of this project would be greater than that in Argenta Hills as the guiding for this land included some Mixed Use and High Density Residential versus the Low-Density Residential guiding for Argenta Hills. The proposed lots are also narrower to achieve the densities the Comprehensive Plan calls for.

Commissioner Clancy asked if the Parks Commission had been consulted on this development and, if not, were there any park needs the Planning Commission should address.

Mr. Hunting replied that the Parks Commission will be reviewing the plat on April 14. He is anticipating this being a cash contribution because there are no park needs designated on this land or near here in the overall Northwest Area Park Plan. The park needs for this area have likely been met with the land that was purchased southwest of this development.

Commissioner Robertson would like to recommend that the City and County look at the potential for busing for this area as it was densely packed and there would likely be many transportation needs.

Commissioner Weber asked how pedestrians would cross Argenta from the park trail, stating he hoped it would be a safe option such as via a bridge or a tunnel.

Mr. Hunting replied that at this time there are no plans to build a tunnel or bridge. The County's direction is for there to be a mid-block crossing point to the west side, rather than at an intersection,

where it will then funnel down into the future park.

Commissioner Weber was concerned about safety considering the speed of that road.

Commissioner Simon was concerned about the speed on Alverno Avenue due to its downhill slope, numerous homes and driveway entrances, and no stop signs. She referred to an email from Dina Marius that included a drawing indicating that the proposed road would eventually run into his house. She stated it appears as if two houses would be impacted by the east-west roads and questioned whether that should be taken into consideration with this plat. Mr. Marius also had concerns about a retaining wall being built in sandy soil.

Mr. Hunting suggested those concerns be discussed with the applicant.

Commissioner Challeen asked for clarification on reforestation, since clearly they could not replace all the trees that would be removed.

Mr. Hunting advised that when a developer cannot physically fit all the trees on the site, the code provides the option to either plant trees on City property or pay cash in lieu into a tree fund.

Commissioner Challeen asked what the various colors on the rendering represented.

Mr. Hunting replied that they designated open space and contiguous areas.

Commissioner Wippermann asked if there was a rendering available of the home designs being considered for the 36-foot lots.

Mr. Hunting replied that the applicant had not provided any renderings at this point.

Opening of Public Hearing

Melvin Brown Moore, 14560 Wilds Parkway, Prior Lake, advised he was available to answer any questions.

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

Mr. Moore replied in the affirmative.

Chair Niemioja asked Mr. Moore if he included the comments from the February 4 neighborhood meeting in the packet.

Mr. Moore asked his legal counsel to respond to that question.

Dwayne Sikich, Builders Lot Group, 9531 West 78th Street, Eden Prairie, advised that he submitted the neighborhood comments to planning staff.

Mr. Hunting advised that he did not include the comments in the Planning Commission packet.

Commissioner Simon questioned why they would not install stop signs, especially on Alverno Avenue.

Mr. Moore advised that the City and its consultants determine where stop signs would go. Builder Lot Group advocates for traffic control and would support getting as many stop signs as is permitted.

Commissioner Simon stated she would prefer a 30 MPH speed limit.

Mr. Moore stated they would prefer a lower speed limit as well.

Commissioner Simon asked about Mr. Marius's concern with the corner of 72nd Street and Aladin Trail.

Mr. Moore stated that the interior streets they are proposing align with the future streets that were laid out by the City's consultants.

Mr. Sikich agreed that they laid out their streets based on the City's Northwest Area Collector Street pattern. Builders Lot Group is not using 72nd Street and has no homes fronting on it. He advised that he spoke with Mr. Marius extensively at the neighborhood meeting and explained that they have to abide by the direction given to them by the City. Regarding Mr. Marius's retaining wall concern, they do not intend to construct a retaining wall in that location. They are stopping the road short of the property line and grading a slope in that ties into Mr. Marius's property on our side.

Steve Soltau, Builders Lot Group, commented that Alverno Avenue was originally required to be a collector street and had an 85-foot right-of-way and a 45-mph speed limit. At the neighborhood meeting it was made abundantly clear that the neighborhood did not want it to be a collector street. Builders Lot feels that Alverno is parallel to what is functioning as a collector street (Argenta Trail) and they wanted to calm the traffic on Alverno. The County, however, controls Argenta Trail and considers it an arterial. The Northwest Area Collector Street Study considers this a neighborhood collector. The City's consultant, WSB, ultimately sent back a design recommendation that reduced the street width which in turn reduced the impact on trees. The primary discussion at the neighborhood meeting was the speed of Alverno and Builders Lot Group is supportive of the effort to reduce the size of it, calm traffic, and control the speed off traffic on that roadway.

Commissioner Simon was concerned about speed, especially during the winter months as there are many accidents on 70th Street from Argenta to Robert.

Mr. Soltau noted that 70th Street is a County-controlled road and looked at as an arterial. They will be cutting the grade with some of the upcoming work which will hopefully make it safer.

Commissioner Maggi asked the applicant what the intended size and price point of the homes would be.

Mr. Moore replied that initially they presented a project with lower density and larger pads, but because the NWA Overlay calls for more density, the plan being presented tonight had the least amount of density they could get to match up with the area demands. They anticipate the smaller homes to run \$390,000-\$425,000 and the larger homes \$1M-\$1.2M.

Chair Niemioja asked the applicant to speak more about reforestation.

Mr. Moore replied that they are considering providing trees to homeowners after the home is built. They generally plant two trees per yard but where possible they could plant as many as 4-6 trees per yard. They are also talking about bringing in larger trees or spading in some of the larger trees on site.

Marius Dina, 1234 - 70th Street West, stated he supported maximizing property tax revenue but also wanted to protect the environment where possible. He stated the Northwest Area Collector Street Study was obsolete and the alignment of the street system no longer makes sense. He was concerned about the number of trees being removed, particularly in the Road B area. He noted the steep topography in that area as well and suggested they move Road B further south to save trees and resolve the elevation issue. He stated that building a retaining wall would be problematic and

he suggested adding more apartments to the proposed apartment complex to compensate for decreasing the number of single-family lots.

Commissioner Wippermann asked what type of buyer the developer anticipated for the various areas in this plat.

Mr. Moore replied that the smaller properties are designed as detached villas which would likely appeal to people over 60. They anticipate people looking to step up to a bigger home to be interested in the \$1M home range.

Mr. Hunting commented on the road concerns brought up by Mr. Marius. He displayed a map showing the layout of the project which closely aligned with the street layout from the 2012 NWA Collector Street Study. He advised that the City Engineer is still reviewing the proposed street design and will be bringing final recommendations to the City Council meeting. He advised that the plat includes a standard condition that all plans are subject to review and approval of the City Engineer. Engineering's final recommendation will go to City Council when it goes for the preliminary plat.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Maggi noted that when the Argenta Hills development came in they were told that people are wanting those very small lots, yet we have seen the people that live there come in repeatedly asking for variances or complaining that they have no yard space and need a park. She is hesitant to approve another development with exceedingly small lots. She shares Commissioner Weber's concern about people having to cross a busy street to get to the park and the fact that many people will say it does not solve their problem because of that.

Commissioner Robertson agreed with Commissioner Maggi's comments, stating that the Argenta development was a new concept at the time with the small lots, large homes, and minimal separation. This time around her hope is that people will see what the product looks like before they buy and will realize that the density does not allow any room for a park. She believed that it was important to address the issue of having to cross a busy street.

Commissioner Wippermann stated he continues to have numerous concerns about small lots with little separation, including fire safety, appearance, access, and inability to accommodate porches, etc. due to the minimal lot size. While he understands that PUD's have the ability to have some flexibility, but in his opinion the proposed 36-foot-wide lots was too extreme compared to the R-1 guidelines of 85-foot minimums. The developer is also proposing lots only half the size of what the minimum in R-1 districts is. He does not support the project.

Commissioner Weber asked how wide the Watermark Properties lots were on the corner of 70th Street and Highway 3.

Mr. Hunting did not recall but thought they were between 35-40 feet.

Commissioner Weber stated he would like to know if the Peltier Reserve lot widths were similar to those approved for the Watermark Properties development as the two developments were relatively close to each other. He liked the project but would recommend a pedestrian bridge or underpass on Argenta so residents could safely cross the road.

Chair Niemioja asked Commissioner Weber his thoughts about the reforestation issue.

Commissioner Weber stated that he supported the developer's plan to spade in larger trees to gain

caliper inches.

Commissioner Challeen asked if it was possible to provide 45–75% reforestation on this property with the proposed density.

Mr. Hunting replied that he was not sure but would like the developers to factor in additional trees to see where they land. He questioned whether homeowners would want 4-6 trees on their lot and advised that while reforestation was not within the Planning Commission's purview, they could recommend to City Council that the developers move towards planting as many trees as possible in their development and try to avoid planting elsewhere or paying into the tree fund.

Commissioner Challeen asked if it could be a combo platter of planting a certain percentage and the balance be cash put towards the tree fund.

Mr. Hunting replied in the affirmative. The Planning Commission would then see how it all shook out in the final plat plans.

Chair Niemioja supported Commissioner Challeen's reforestation and tree fund combination suggestion.

Commissioner Maggi stated in her opinion this development was too extreme. The beauty of the Northwest Area was the trees and the topography, and she was struggling to approve a plan that removed most of the trees and flattened the land so they could build densely packed homes. Her biggest regret was approving the Settlers Ridge plat Highway 3 and 65th Street which resulted in massive tree removal, grading, and retaining walls. She questioned why the developer would not want to maintain the natural topography and trees and perhaps build more million-dollar homes rather than so many smaller ones.

Chair Niemioja stated that the County and City needing Alverno as a collector road was not the only thing to consider.

Commissioner Weber stated he looked at it from the mindset of this being their first shot at it. They would likely make changes before the final plat and perhaps they could save trees if the street width was reduced.

Chair Niemioja asked staff to address comments from Eric Lutz with Sambatek stating that they are approved for the smaller 36-foot-wide street and a slower road.

Mr. Hunting replied that the reduced right-of-way and street width should reduce the grading and help save some trees. The final plat design will have a narrower north-south collector street.

Chair Niemioja asked if the new reforestation percentages had been calculated yet.

Mr. Hunting replied the updated calculations would not be determined until the final plan set was completed.

Mr. Dodge advised that reducing right-of-way and street width allows for denser development which is needed in the Northwest Area so they can try to maintain open spaces and forestry. It is a balancing act for everyone to work together to accomplish this. He noted that in the Watermark Properties development the 35-40-foot lots were all on private roads whereas the subject properties were on a neighborhood collector road. As mentioned by Commissioner Weber, there will be back and forth discussions with the applicants, engineering, and our consultants before this is finalized.

Commissioner Robertson asked for clarification about whether the narrowest lots were intended for

villa-type homes.

Mr. Hunting advised that question could best be answered by the applicant.

Mr. Soltau advised that this property has a lot of challenges, including its unusual shape, a powerline and pipeline running through it, steep topography, and heavy forestation. Because of this, getting a functioning layout that meets all the requirements has been a challenge. They have already gone through over a dozen iterations and there will be additional changes moving forward. Meeting the infrastructure needs of this area also requires a fee structure that is double what they have seen in surrounding communities for similar development opportunities. To work around these challenges, they designed their original plan; however, they were told to increase the density. This was unusual for them as they are typically asked to decrease the density. In achieving that density, they have to balance that against the impact on trees, the cost of infrastructure, and the other challenging components of this area, which is why they have seen an evolution of a mixture of lots and product type. There is a lot of additional cost with building oversized roads, and they are challenged by having to put in a collector street as well as 72nd Street, which has no benefit to them. He referred to the neighborhood comments regarding the location of the intersection and advised that they put the intersection exactly where the Northwest Area Collector Street Study requires it to be. Single level living opportunities are in high demand as baby boomers continue to age but want to live near their families. The small lots will be ideal for that, while the apartment offering will be another housing opportunity. The project includes higher density apartment living, villas, moderate sized lots, and large estate type lots with overviews of wetlands and ponds. It is not a case of them trying to eke out every lot they can, but rather them trying to meet the Northwest Area requirements of the City. He stated they were told by the County to move the trail crossing to a mid-block location. They do not necessarily disagree with the concerns of a mid-block crossing of an arterial road, but they are just responding to direction from the County.

Mr. Moore replied to an earlier question, stating that the smaller lots will be used for villa homes.

Commissioner Weber advised that he looked back at the Watermark Properties application and noted that they approved 30-foot-wide lots for this development. Since Watermark is less than a mile from the subject property, he would have a difficult time saying no to 36-foot-wide lots for this request. He was a little concerned about some of the lots on the south side that abut the neighboring single-family properties, but he would be agreeable with moving it forward knowing that reducing the size of the road may add some trees back in, and they might even fall within the threshold, and knowing that they would see it again with the final plat.

Chair Niemioja asked Commissioner Weber if his recommendation would be that upon recalculation of the reforestation, if they are over the threshold there is nothing further to do, and if they are still under the threshold, they should consider spaded trees and planting additional trees on these properties.

Commissioner Weber did not think they should address reforestation at this point knowing that changes would be made, but rather make recommendations when the final plat is submitted.

Commissioner Challeen asked if they could expect any changes to the preliminary plat based on tonight's discussion, such as narrowing the road.

Mr. Hunting replied that the developer would not be submitting a revised preliminary plat but rather any changes would be reflected on the final plat.

Planning Commission Recommendation

Motion by Commissioner Weber, second to Commissioner Robertson, to approve the request for a rezoning of the property from A, Agricultural to PUD, Planned Unit Development, and a preliminary

plat and preliminary PUD development plan for a 126-lot single family subdivision and a 180-unit apartment building, for the property located at 7250 Argenta Trail and 1266 - 70th Street, with the conditions listed in the report knowing that Commissioners would get to review this again for the final plat.

Motion carried (5/3 - Maggi, Wippermann, Challeen). This item goes to the City Council on April 26, 2021.

Chair Niemioja asked if the Planning Commission meetings would continue to be virtual for the near future.

Mr. Hunting replied in the affirmative, stating that the meetings will continue in a virtual format until more of the general public gets vaccinated and there is more of a comfort level regarding safety.

The meeting was unanimously adjourned at 9:37 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary