

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, August 4, 2021 - 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

### **1. CALL TO ORDER**

Commissioner Weber called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Jonathan Weber  
Robert Heidenreich  
Dennis Wippermann  
Pat Simon  
Scott Clancy  
Joan Robertson  
Anthony Scales  
Kate Challeen

Commissioner's Absent: Elizabeth Niemioja (excused)

Staff Present: Allan Hunting, City Planner  
Heather Botten, Associate Planner  
Kim Fox, Community Development Specialist

### **2. APPROVAL OF THE PLANNING COMMISSION MINUTES**

There were no minutes to approve at this time.

### **3. APPLICANT REQUESTS AND PUBLIC HEARINGS:**

#### **AARON STADT - CASE NO. 21-47V**

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

Commissioner Simon read the public hearing notice to consider the request by Aaron Stadt - Case No. 21-47V. The request involves property located at 9240 Inver Grove Trail. The request consists of a variance to allow more than one detached accessory building on the property and for the structure to be 1,800 square feet in size whereas 1,715 square feet is the maximum size allowed. Notices were mailed to 7 property owners on July 22, 2021.

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

Heather Botten, Associate Planner, explained the request as detailed in the report. She stated the property is located on the east side of Inver Grove Trail. It is zoned E-1, Estate Residential District. The Applicant's property has a single-family home on it that was built in 1937, and an existing 440 square foot detached garage. The Applicant is proposing a new 1,800 square foot detached structure on the property. The Applicant's property is allowed one detached accessory building up to 1,600 gross square feet. In the Applicant's narrative, that number was taken including the right of way. She said when looking at the lot size and buildable area, the right of way amount is excluded, which is why they are allowed the 1,600 square foot maximum. The Applicant is looking for more usable inside storage space for his property. The current detached garage acts more as an attached garage would. The Applicant states that the layout and age of the house is not conducive to adding on an attached garage. The proposed structure would be in compliance with other Code requirements such as setbacks, impervious surface, and exterior building materials. She stated the City Council has reviewed and modified the size and number of accessory structures over the years. In the last year the size allowance was changed for lots that are 3.4 to 5 acres in size to have greater square footage for accessory structure size. The Applicant's property

doesn't have an attached garage. The Code does not have flexibility for properties that do not have an attached garage, the possibility to have more detached structures. The Applicant's property is in a developed residential neighborhood with a variety of lot sizes and types. Due to the fact there is not an attached garage, adding a second structure over 100 feet from the edge of the road does not appear to affect the character of the neighborhood. The request for a larger structure may be considered a convenience and not a Practical Difficulty as they could remove the existing structure and add the larger structure at the 1,600 square foot size. Staff believes the direction from the city is to limit the size and number of accessory buildings on properties to control the massing, bulk, and overdeveloping of accessory structures on properties. Staff doesn't believe there is sufficient rationale to support the variance criteria and recommends denial of both requests as proposed. She stated if the Commission recommends approval of one or both requests, there are four conditions listed in the staff report that should be included with the approval motion. She said there is comment from one of the abutting property owners who is in support of the request.

Commissioner Robertson said it appears there is another shed or small building on the property. She asked why that wasn't counted and if there is an understanding why it wasn't on the drawing or counted.

The Applicant asked where it was located.

Commissioner Robertson responded it was located on the south side.

The Applicant responded that is a tool shed located next to his garden.

Ms. Botten responded if the structure is less than 120 square feet it is not counted towards the number of accessory structures allowed on the property.

Commissioner Scales asked if there is a size limit on an attached garage.

Ms. Botten responded there is not, as long as they are in compliance with impervious surface and setbacks.

Commissioner Challeen stated in the past they have brought up the question if a detached garage, since it's a garage, if it should be considered another accessory building on the property. She asked if the Council has addressed that question yet. She questioned if a detached garage has to be considered a separate building or if it could be considered part of the main dwelling.

Ms. Botten responded she doesn't believe that has been discussed. If detached from the structure they have always counted it as a detached building.

### **Opening of Public Hearing**

Aaron Stadt, 9240 Inver Grove Trail, stated he has read and understood the report. He said it is an older home and didn't want to add on to the house because it's so old. Adding a new structure onto an old structure would be strange. He said it sounded like if he did add onto his home, he could go as big as the impervious footage would allow. He doesn't want to have to do that but commented that it sounds like a pretty good option for space compared to a 1,600 square foot building. He asked if a structure that size would be allowed to be built onto a house.

Commissioner Scales responded Code allows it.

Mr. Stadt asked if he would need to update his septic system if he were to add onto his home.

Ms. Botten responded that would be a question for the Building Official but believes as long as he

is not adding bedrooms, he should be fine.

Mr. Stadt commented if this doesn't go through, he asked about the side setbacks for an accessory structure if he knocks down the current garage and builds a structure there.

Ms. Botten responded if the structure is over 1,000 square feet it would require a 50-foot setback from all property lines.

Mr. Stadt referred to the front of his home and asked where the setback measures from. He asked if it was 30 feet from the center of the road.

Ms. Botten replied she did not have that information but could provide it to him.

Mr. Stadt said his lot was longer than it was wide with most of it being pastureland. He is looking to use the space for convenience and possibly farm the land. He said it would be nice to get equipment to help.

Commissioner Robertson said she viewed the property from the road. For the age of the home and the garage, it looks very good. She noticed there was an access door on the lower level of the house that already faces the garage. She asked how difficult it would be to attach a garage there. She said as of now, the city has not changed its designation of a detached garage as non-accessory. She said she was curious about the blue shed.

Mr. Stadt responded there is a shed on top of the hill on the south side that he uses it to store his garden equipment. It is 96 square feet in size. He would like to condense everything into one building. He responded about adding onto the front stating it probably wouldn't work well with having the bedrooms and bathroom windows there. He felt it would be more conducive on the north side of his home. He said it was looking like a good option for space, he would definitely consider that option.

Commissioner Weber closed the Public Hearing.

### **Planning Commission Discussion**

Commissioner Scales commented that he grew up two houses down from this house. The house is very unique in style. He thought attaching something to it would be a mistake and could overpower the home. He doesn't believe it would fit the neighborhood, house, and style. He felt what was being asked for was very reasonable. He requested breaking it down into two pieces. He said some of the old homes were not built with attached garages, he doesn't like the idea of penalizing someone who has a detached garage. He didn't like the idea of him having to tear down a perfectly good structure. He said the property has been maintained very well over the years. He stated he could support the two structures with the Practical Difficulty/hardship being there is no attached garage, and the topography of the land. He said the Commission has always struggled to find a Practical Difficulty with the square footage, the City Council has more leeway than the Planning Commission.

Commissioner Robertson stated in terms of the size of the accessory structure, the City Council very clearly parceled out how size is to be determined. She felt that was not as big an issue as having the precedent setting of allowing another accessory structure. She mentioned this question comes up a lot, most of the time the Commission has denied them because they are not consistent with the city's current Ordinances and Codes for two accessory structures on a piece of property less than 5 acres. She said if doing this now, they are doing it knowing it is inconsistent with Code. She felt that may spark City Council. She said she gives a lot of consideration to precedent. Once they allow a 1,600 square foot second accessory structure on a property, they have no recourse to saying no to anyone else, other than the fact the garage is detached, which has never been used

as a Practical Difficulty.

Several Commissioners responded that not having an attached garage has been used as a Practical Difficulty before.

Commissioner Robertson stated she does not see a Practical Difficulty as much as she would like to. She cannot support it at this point but would make a strong recommendation to the City Council that they actually tackle this. As it sits now, she cannot support.

Commissioner Weber stated they did a wonderful job as a Planning Commission to propose something in regard to looking at accessory structure sizes on lots bigger than 3.5 acres. He is leaning towards discussion on zoning certain properties too. For example, E-1's like this, which have larger properties that don't have an attached garage, there could be another avenue they could look at instead of having all these variance applications. He stated the Planning Commission is repeatedly seeing the same thing and repeatedly struggling. The homeowner should be allowed to do what they want to do but it doesn't meet City Codes. He said he would like to sit down, draft something, and put in front of the Commission and then in front of the City Council. Something that says in the E-1 Districts with over 3 acre lots, be allowed to do something different than what City Code states. He said if uncomfortable with how City Code reads now, yet comfortable with the idea of people being able to do this, but not allowing it now because of City Code and the structure. He said there is a way for them to move it forward. Approving this wouldn't set that direction but is an opportunity to look over what has been done over the last several years.

Commissioner Clancy was in agreement with how to address this issue tonight as a Planning Commission, as opposed to something more permanent being addressed by the City Council. He said if wanting to approve tonight under the Motion of allowing the detached garage stay based off the look, amenity, and appearance of the garage. He requested whoever makes the Motion take into consideration that in a sense of the structure looking nice, some may not be as economically well off as others.

Commissioner Challeen stated she would like to further formalize something that goes to the City Council about detached garages not being considered an accessory structure. She believes this is what is tripping them up. She would not want to make it contingent on property size. Regardless of property size it shouldn't be considered an accessory structure.

Commissioner Weber added as long as it's primary use is a garage.

Commissioner Scales stated there is a difference between a precedence at the Planning Commission and a precedence the Council and the city have set. In the city the precedent has been set that they have given people a second garage. He doesn't believe one has been turned down as it has gone through Council and been built. He felt the Planning Commission is limited because they struggle with a Practical Difficulty. He thinks within the city the precedence has been set that a detached garage is treated separately from an attached garage. Numerous ones have been done. There have been some the Planning Commission has turned down that the City Council has not. He believes a precedence has been set in the city that detached garages can have a secondary structure.

Commissioner Robertson proposed a timely way to see if they can get Council to act without denying. She asked if this was something they could temporarily table. And then draft a recommendation to the City Council for a timely response so they are able to come back and address this question. She said she wants to understand what the Applicant is asking for. She stated the City Council did not address this when addressing the previous issue.

Ms. Botten responded the Planning Commission does have the option to table the request. She

said the process of going to Council and asking them to do an Ordinance Amendment could take 3-6 months. She was unsure that was the choice the Commission would want to take with this request if looking for an Ordinance Amendment.

Commissioner Scales asked what the timeline was for responding to the Applicant.

Ms. Botten responded once it made application the city has 60 days to respond to the Applicant and make a formal Motion. The city can extend that an additional 60 days, but they try to keep all reviews within a 60-day timeline.

Commissioner Wippermann said he was also concerned about the precedence that gets set. What is being proposed does not meet the criteria as per the Code. From that standpoint he is not in favor of approving the request.

### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Challeen, to approve the two accessory structures with the 4 conditions listed in the packets. The hardship is the detached garage since it does not have an attached garage for property located at 9240 Inver Grove Trail.

Motion fails (4/4).

Councilmember Scales stated it is very difficult to make a recommendation on this because of the hardship. They have struggled with this over the years. He supports it, believes it appropriate for the neighborhood, there are plenty of other buildings in the area, doesn't believe it is out of character, and is far enough away that it doesn't affect any neighbors or sights from the road. He said he would support this and requests the Council to look at it closely and approve.

Commissioner Weber asked what the lot size was if going on the County website. He said it could be referenced as a certain amount of acreage with the city saying a different acreage. He understands the right of way.

Ms. Botten responded the County website has both, the lot size of 3.57 and the .22 under right of way.

Commissioner Weber understands that with the 3.57 rationale the new ratio system works out in the Applicant's benefit. He said the Commission has to follow the Amended City Code when looking at the actual acreage.

Motion by Commissioner Simon, second by Commissioner Clancy, to deny the accessory structure size variance on the fact that the facts don't present/satisfy the criteria needed to show a Practical Difficulty on the lot to grant a variance allowing a structure more than 1,600 square feet for property located at 9240 Inver Grove Trail.

Motion carried (8/0). This item goes to the City Council on August 23, 2021.

## **US HOME CORP / HIGHLANDS - CASE NO. 21-48PUD**

### **Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for US Home Corporation - Case No. 21-48PUD. The request involves property located west of Highway 3 between 72<sup>nd</sup> Circle and Auburn Lane. The request consists of rezoning a parcel to R-1C PUD Single Family Residential Planned Unit Development, a Preliminary Plat for a 51 lot, 2 Outlot Subdivision, and a Preliminary PUD Development Plan for a 50 lot Single Family Development.

Notices were mailed to 116 property owners on July 22, 2021.

### **Presentation of Request**

Allan Hunting, City Planner, stated the parcels are located near Highway 3, 72<sup>nd</sup> Court, and Auburn Lane. The proposal is to rezone the property to an R-1C PUD and a Plat and PUD for a 51-lot Single Family Subdivision. Information on the request:

- 51 lots including the existing homestead of the Jacoby site and 50 new building sites.
- The land is approximately 30.8 acres in size and guided for LDR (Low Density Residential) at 1 - 4 units per acre.
  - The density would be for 2 units per acre.
- Consistent with the Comprehensive Plan, meets all open space requirements.
- The majority of open space is in the outlots in the southwest/southeast corners where the regional basins are located, and stormwater management would be.
  - Those areas would be deeded to the city.
- Setback for the front is proposed at 25 feet.
- Side yards would have a 15-foot separation.
- Rear yards would be 35 feet.
- Corners would be at 20 feet.
- Meets impervious surface requirements.
- Preliminary Plat is for 51 lots total.
  - There are 50 new building sites.
- Lots range from 8,700 to 34,000. Most are in the 8,000 to 11,000 square foot range with a width in the 66-70-foot range.
- The plan shows a proposed park area around Outlot B.
  - It would provide a trail link from the trail in Argenta Hills and connect up to a trail in the Peltier Development.

He said the Interim Parks Director would be going on site to look at whether it makes sense to have any park development due to steep terrain, or if there would be something better suited on Outlot A.

- The Parks Commission will be reviewing this item at their meeting on August 11<sup>th</sup>.
- Park location will be based on a recommendation from the Parks Commission.
- The street pattern is an extension of Auburn Lane that will go up to 72<sup>nd</sup> Court, provide a second access point for this development and for the Argenta Hills development.
- There would be a cul de sac extending west.

He stated there are two flexibility requests with the PUD:

1. The Code had still envisioned a 20-foot separation to provide room for rain gardens. Those have never been practical and are not used in any development. The Developer is proposing down to 15 feet, standard R-1C separation.
  2. The cul de sac length is approximately 630 feet, maximum is 500. Due to the change of design of the street system they are left with having to do a cul de sac at that point. Staff does not see an issue with the cul de sac length.
- Tree Preservation: Significant amount of topography and trees.
    - Will be tree removal as a part of the grading.
    - The Tree Preservation Plan shows short a significant number of trees and would have to be sorted out as they go through the process tonight.

He stated Staff recommends approval of the plan as presented. Noting, through email, the Planning Commission was sent two other emails from two other property owners with comments on this development.

Motion by Commissioner Simon, second by Commissioner Robertson, to approve the additional emails and add them to the record.

Motion carried (8/0).

Commissioner Weber asked if there was a way to see the road alignment going into the Peltier property in comparison to this alignment.

Mr. Hunting referenced a diagram stating 72<sup>nd</sup>, through the 2012 Collector Street Study, would go through to match up with the 72<sup>nd</sup> Court on South Robert. The original idea was changed to make a cul de sac and future extension of 72<sup>nd</sup> whenever those parcels develop, routing north and connecting up to 72<sup>nd</sup> for a continual east/west route as a collector between Argenta Trail and Highway 3.

Commissioner Weber referenced the southern road on the east side of the Peltier property and asked if that was where the trail connection came in.

Mr. Hunting responded the trail connection comes through and links up with the existing trail in Argenta Hills.

Commissioner Weber said topography is hindering the connection between the two developments.

Mr. Hunting responded in the affirmative. There were other factors such as alignment. He said the road alignment for Peltier Reserve is moving forward with City Council.

Commissioner Weber stated there was an opportunity to have it on the record so the public knows there are hinderances to the area. His thought when he looked at it, is if connecting a trail, they should be able to connect a road, but there are differences.

Commissioner Clancy asked about one of the emails the Planning Commission received from Peter Tonnison regarding the Client he is representing. Item #2 made a request asking why they cannot be included in the same lot that isn't being developed, Lot #51. He asked if Staff has reviewed it or knew why that couldn't be included.

Mr. Hunting responded application can be made, the city doesn't make a decision about which lots would be included. The Developer worked with the Jacoby property because they needed to get an extension to 72<sup>nd</sup>. The property on the north can develop whenever they would like to. The city doesn't have an obligation to include them in this development

Commissioner Simon referenced an email from Mr. Marish regarding the retaining walls on Properties 39, 40, and 41. They spoke of 20-foot-high retaining walls in order to hold land back. She asked if the Engineer looked seriously enough at the possibility of a threat to the houses below.

Mr. Hunting responded the City Engineer was aware of that plan. They would have to get Permits and have professional Engineers involved in designing those walls to hold the soil back.

Commissioner Simon said they would have to do soil borings to find out if it is clay.

Commissioner Robertson referenced the email that came from Peter Tonnison which states in Item #6, provisions of the City Code section demand this property be included. She asked if Staff was aware of the City Code section being referred to.

Mr. Hunting responded Staff looked into that as well as the City Attorney and wasn't sure what their comment was. The city isn't obligated to include. Their land is guided LDR for sewer development, when ready to develop they can develop in the same pattern as this one. There is nothing that says they have to be included.

### **Opening of Public Hearing**

Melissa Duce, Land Entitlement Manager with US Homes/Lennar, 16305 36<sup>th</sup> Avenue North, Plymouth, stated she has read and understood the report from Staff. She said they have looked at previous Applications, density requirements, and the challenging terrain of the site. They believe they came up with a thoughtful neighborhood that meets densities assumed in the Comprehensive Plan and northwest area density requirements. One of the challenging factors of the site is the road connections. When beginning this project, they reviewed the 2012 Northwest Area Connector Plan which allowed for the connection to the northwest corner. Changes were made and the longer cul de sac is a result of how that changed and the differing issues in connecting to the Peltier project to the west. She said with varying elevations and trying to match streets they are faced with considerable topography changes from the existing homes to the north to the new homes along the northern edge. There will be retaining walls installed. She said they do not have fully engineered drawings yet; those will come as a part of the final plat. It would give the opportunity to look through drawings that will include soil borings and understanding the Geotech in all locations along the wall. There have been comments from residents. They have met with them on site for a better understanding of the impacts along the property line.

She said in response to an email from Mr. Dena, he had talked about removing two homesites #39 and #40. Removing those two home sites brings them below the minimum marginally. Because they don't know what the impacts would be for grading, with cutting out that section they may run into issues and create more retaining walls. She said they have worked through the process to try to pull those retaining walls away from the northern property line. Initial plans had it running straight up. As they looked into it further, they were able to pull them away a bit and save some trees along the existing residences. She said they are running into an issue where 75<sup>th</sup>, if pulling those walls away from the existing homes, pinch a backyard on the north side. Also, if moving 75<sup>th</sup> Street to the south, it will pinch the backyards to the south of 75<sup>th</sup>. She felt they are on a teetering ridge due to the basins on the south and elevations to the north. They will have a better understanding of the size of the retaining walls once final grading plans are completed. That would be part of the final plat submittal.

She said she received an email from a resident by the name of Georgia. Neighborhood notices were sent out. She included her contact information on the notices if people were not available to attend the virtual meeting. No contact was received until they saw this email come through from Georgia. She said the way they may have interpreted the adjacency that was called out, in looking at the plan, may have been assuming that 72<sup>nd</sup> Court was something they were creating as a through street and not in response to the collector and street plan. She said residents of the northwest area have really been pushing and asking for parks. They are excited to be able to create a park area in either of the outlots and establish a trail connection to the new property on the west side. They will be connecting the park area in the southwest corner via another trail that comes off of Auburn Lane. The Parks Department would use that for maintenance purposes and to be able to get emergency vehicles back in the area.

Commissioner Weber referenced the walls asking if 10 years down the road someone buys a lot and builds a home, and the wall starts to crumble. He asked if it would be a part of an HOA. He asked if there would be a maintenance agreement set in place for the wall and insurance for the wall itself through the HOA.

Ms. Duce agreed it would be a part of an HOA and would have insurance. She said there is a difference between the terracing effect. They looked at what HOA's typically like to see for landscaping. Knowing it is not an easy place to get to, there is a good plan for maintenance that is great to look at and easy to maintain.

Commissioner Challeen asked what the strategy was for replacement of the trees being removed.

Ms. Duce responded at first they tried to replace all of them, and it looked a bit chaotic and impossible to install and maintain. They do not want to plant them all having only a fraction of them survive. She said it is intended to make sure each homesite has one tree in the front yard and one tree in the back. Where they don't have walls, they would have a 10-15-foot tree buffer. Separating some of the lots that back up to the open spaces. There are boulevard trees and a couple of spots on the northwest corner they would be able to fill in trees that have been removed for grading along the existing resident site. She said knowing they can't replace all of them, they are willing to pay the penalty or plant trees elsewhere in the city.

Commissioner Robertson asked to see the diagram with reference to the trees and where the walls end. She asked why the ends of the walls extended upward toward the edge of the property on the north side. She said it seems they cut off in places and doesn't understand why.

Ms. Duce replied it was difficult to see off of the diagram. They were trying to eliminate them where they could. As they got to the north corner the slope is 3-1 where they can maintain trees and basically leave it the way it is.

Commissioner Robertson stated there is generally a belief they will be safe from the challenges of running water without the wall.

Ms. Duce responded in the affirmative. The landscape plan is where they show a significant number of trees and plantings being put in the northern portion to eliminate erosion.

Commissioner Robertson said she was very impressed with the list of every tree, how big they were, and where they were located. It shows the diversity of growth. She said there was a drawing in the packet that signified all of the different trees. She asked if it was the proposed tree plan that doesn't include existing trees. She felt the plan looked like a lot of trees were coming out. She is aware that building houses means taking trees away. She said for the next plat, to the degree that they could keep it densely wooded because it is so much of the beauty of the property.

Ms. Duce responded the shaded portion shows existing trees that remain.

Brad Kirschenheiter, 1230 70<sup>th</sup> Street West, stated he purchased the property about four years ago. At that time, they knew development was imminent. For many reasons they are welcoming it and are excited for it. At that time crude plans were put together for the proposed development. They are not against retaining walls as long as they are done right, built well, and safe. Each retaining wall is retaining 10 feet of soil, with slope between, above, and below them. He said from his corner of the property is a 32-foot drop, with his house above it on clay. He stated clay acts in a volume movement when the moisture content changes. He has had numerous discussions about this with Ms. Duce and wanted the Commission to be aware of the situation with the following points:

1. Retaining wall design.

He said with an Engineering background and friends in Engineering, they are very concerned about the long term retainability of these retaining walls. He had asked Ms. Duce that once someone is on board, he would like to talk with the Engineer directly to understand the design and performance characteristics of the walls.

2. Drawing of the soil underneath his property.

As stated earlier the clay reacts in a volume type motion depending on the moisture content. He has a block foundation for his home and is concerned the drastic change in topography will significantly affect the moisture content under his home and cause differential shortening around the foundation and foundation failure. He asked where the liability lands on this. He said he would like this question answered.

3. HOA Association would be set up to maintain.

He requested to know the contract person's name and address in case of issues.

4. Tightness of the area.

He stated he has been working with Ms. Duce on possible solutions. He offered a land swap where they could clip the corner of his property to create a better buffer.

5. Believes Lennar needs to focus heavily on a corner.

The change in elevation concerns him. He was unsure who would buy one of those lots as it goes from the back of the home to a 3/1 slope, retaining wall, 30-foot wall. He said a snowstorm in a certain direction could put a large quantity of snow in their backyards. When that snow starts melting it would be an issue.

He believed a good solution would be to get rid of Lots 39 and 40, and widen 38 and 41 and give those homes a side yard rather than a backyard.

Jill Wiedemann-West, 7525 Autumn Way, stated her home was the first home in the development and has been there almost 11 years. She requested a couple of considerations in advance of final plat and presentation to the City Council. With retaining walls, she believes there needs to be consideration with the level of depth. She requested consideration as it can create an adverse impact to the homes already built. She has a lot of concern about preservation of the green space. This includes drainage and wetland areas. These are areas that, when she purchased her home, there was a lot of discussion related to soil type and things that needed to be done to be able to manage shifting drainage situations. She was concerned how deep the elevation is down to the wetland. She also has concerns about the loss of trees and what it does for the environment. The biggest concern she has was with traffic. She said South Robert is a super highway and these are family communities. There are a lot of little ones, they need to be thinking about the traffic on South Robert and the neighborhoods affected by the speed on South Robert. She said the area is very busy and fast, there is a lot of volume. She felt there needs to be more consideration about the additional flow of 51 homesites. She said while it doesn't relate to her they were promised a park system when the first Argenta Hills went in. When the second Argenta Hills went in they were promised another park system to support the very young communities. Neither of those have been seen. She has noticed parks on plat maps before and wants to be sure they hold developments accountable to spaces for kids to be able to play.

Joel Jacoby, 1060 70<sup>th</sup> Circle West, stated he was a part of the Northwest Area Task Force for a while. He said he had been privy to plans in the last few years that have turned his stomach. When he noticed this one, the privacy it keeps for them is phenomenal. He has granted access across his lot because they didn't want to sell land. He encouraged the Commission to move this item forward. He felt Jill Fleming deserved to sell her land. He said the retaining walls on his end offer a lot of privacy and he has no problem with those.

Shane Pavel, 1130 70<sup>th</sup> Street West, asked why the northwest area is getting developed now and what data is there that shows the area needs this development.

Mr. Hunting responded the northwest area has been a project that has gone on for 10-15 years. Planning in the area occurred in the 1980's when a 10-acre overlay was established. It has progressed further, Council looked at it to extend and develop, there were Task Forces, studies done, Comprehensive Plans have addressed it in the last two rounds, an Ordinance for the northwest area was adopted in 2007, MUSA Boundary was extended before that, and sewer and water plans were developed. The northwest area was set up in the early 2000's when development planning started to urbanize the area and get things going. He said they are seeing more now due to market demands.

Commissioner Challeen asked Mr. Hunting if they were ahead of schedule, on schedule, or behind schedule in terms of the Comprehensive Plan or Northwest Quadrant Plan.

Mr. Hunting responded the Comprehensive Plans don't have phasing timings in them anymore. It was behind because of slow development at first. There was the recession, the city had bonded for the main trunk lines, no development came. It has started to develop around 2012-2014. There is

very high demand for the entire metro area and across the country for housing. That is triggering the demand extending in this direction for both single family and multiple family.

Ashley Kimlinger, 7501 Auburn Lane, stated they have lived in the area for eight years and are the very last house before the dead end. They have cherished every moment of having the private cul de sac. She agreed they have been promised a park. They have put their basketball hoop into the street for kids to play. She said they knew this day would come and have accepted that. She asked that the following be taken into consideration:

1. Park Issue. They were never looking for a grand or 20-acre park. She knows plans are in motion. It is too far for comfort for her to send her kids there. All they wanted in her neighborhood was a playground. She said this can't be another instance that it didn't work out.
2. Construction traffic. She was concerned about the construction traffic coming through their neighborhood for the next 2-3 years with the number of kids running around playing. She hoped there would be an alternative during the construction period.

She noted an email exchange between the City Planner and Ms. Duce stating that Lennar sent out a letter about neighborhood meetings in July. She said she has never received a letter and didn't believe her neighbors did either.

Commissioner Weber asked when going to do a final plat and PUD, if they could put in place on-site construction traffic only.

Mr. Hunting responded the Engineering Department establishes the routing for grading construction. Once getting to housing, there would not be any restrictions. He believed once home building began, those vehicles would use whatever public streets are available at the time.

Commissioner Weber recalled an instance where he believed they couldn't do the final connection until a certain percentage of the construction had been done. He said this could be discussed further when doing a final plat and PUD.

Kirk Koudelka, 7523 Auburn Court, agreed with what has been said before, the parks is one of them. He asked how these two developments, new and existing, would be connected to the eastern part of Inver Grove Heights in terms of trails and sidewalks. He said there was a divide because of Robert Street. With crossing and more traffic, that becomes more difficult. He asked how this all comes together as a plan to make one community. He said traffic was another concern in the neighborhood. He said they would voice support for restrictions on traffic coming in through 72<sup>nd</sup> Court and the new roads going in. He said the mention of a certain capacity before the actual neighborhood would be connected would be one, they would support. The benefit would be for those in the neighborhood.

Commissioner Weber said from what he knows there isn't going to be anything east of the Canvas neighborhood. As developments go toward the Golf Course, trail connections would be coming with those. He said this development would allow for their trail connection to go up through the Peltier property and then to the west, from there it goes to 70<sup>th</sup>, then north and east from there.

Mr. Koudelka wanted to make sure they see those connections. He referenced the corner of 70<sup>th</sup> and Robert Street and the new development going in and questioned if there was a connection platted there for the future on both sides of 70<sup>th</sup>. If waiting for everything to come in place and then putting in pieces, people will say it should have been done at that point and it's too late now. He said they should be thinking of this now as they are planning for the entire region and make sure connections are put in. He said putting them in now while construction is being done is the time to do it instead of later.

Commissioner Challeen stated she noticed what she assumes were sidewalks going north on

Auburn Lane. She asked if there was a sidewalk system in their area.

Mr. Koudelka responded there are trails behind their home. From the Target there are sidewalks that go up a bit to Robert Street but then end. They are looking for further connections to the east.

Commissioner Challen asked if there was a plan to add sidewalks once the connection is made.

Commissioner Simon stated when the city enlarges 70<sup>th</sup> Street/Lone Oak, they would be putting a sidewalk on one side the entire length. This would be from Highway 55 all the way as far east as they can do it.

Mr. Hunting responded it would be done by the county. He said he believes there are trails on both sides of all county roads. That would go in with the reconstruction of 70<sup>th</sup>.

Jill Wiedemann-West, 7525 Autumn Way, wanted to clarify stating that South Robert Street is a County Road. There is a very small sidewalk coming off the roundabout down on Amana Way. It doesn't extend. The intersection with 51 homes coming out of it is an area where the bus stops and picks up kids. What she believes Mr. Koudelka was trying to say is that there are no safe ways to navigate outside of the neighborhood. She said trails would be great, but there is still a safety concern about the traffic volume connected with the county road and what is coming in and out of the new development.

Mr. Koudelka referenced Robert Street on a map stating when going up there is a very steep drop off to the east and west sides. there is a planned outlot area. He suggested maybe one of the trails could go in there with an underpass giving access to the Golf Course and to the north and east.

Mr. Hunting stated Highway 3 is a State Road. He believed there were long range plans for a trail on the east side. He was unsure on underpasses, that would be a state project.

Commissioner Weber said when the Peltier Property came in front of the Commission there was suggestion of an underpass, but it is a county road, and out of city hands. Suggestions can be made.

Commissioner Weber closed the Public Hearing. He reopened the Public Hearing for further questions with the Applicant.

Commissioner Clancy asked if Ms. Duce wanted to respond to questions, or if he could ask a question.

Ms. Duce stated she took good notes during the discussion. She apologized to those that did not receive notices for the neighborhood meeting. She would check what happened there. She would be willing to send out information to those that want to see the plan. She said her contact information is available to all. She responded to the following questions and concerns:

- They have looked at trying to understand what the construction staging would look like if it would come from the north or the south. As soon as this is known they will make sure to communicate the information.
- Field Staff would be on site that all residents would have access to.
- Keeping residents safe while creating new areas for families to move into is of the utmost importance to them.
- Knows parks are a big deal and wants this to happen. It helps their future residents and helps create community that existing residents are looking for. She said they would be before the Parks and Recreation Commission next week.

Commissioner Clancy had a question about the overall layout of the current development. He said there have been some comments regarding Units 39 and 40. He knows there is a density requirement. He asked how final this layout of homes was and if there is more thought to consider with general layout.

Ms. Duce responded they are still in the preliminary stages. She said everyone has a different idea of what a yard should look like. There are residents that like having retaining walls in their backyards because it gives a sense of privacy. She said they feel the way this community has been designed; they have flexibility. They would have a better understanding once they are able to determine what the soils are like.

Commissioner Weber closed the Public Hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Robertson, second by Commissioner Scales to accept the US Homes Corp/Highlands, Case. No. 21-48, for the rezoning of the property to R-1C PUD, Preliminary Plat, and Preliminary PUD Development Plan with all the conditions listed.

Commissioner Wippermann stated the pictures included with the information looked substantial. The price listed was also substantial. He was glad to see a lot width be a minimum of 65 feet instead of 40-50 feet. He liked the side yard setbacks. He supports the project and will be voting yes.

Motion carried (8/0). This item will go to the City Council on August 23, 2021.

#### **4. OTHER BUSINESS**

Commissioner Robertson wanted to make sure as all these things move to City Council, that the City Council hears the request and recommendation to address the issue of the number of accessory buildings being tied to the size of the property. She asked if there was leeway around considering detached garages as Practical Difficulties.

Mr. Hunting stated the Parks Commission will be looking at this on their Agenda on August 11<sup>th</sup> at 7:00 p.m. People can come and comment.

Commissioner Robertson asked how that was publicized.

Mr. Hunting responded it is noticed on the city website.

Commissioner Robertson stated on occasion she sees notices posted on Facebook and feels they do a really good job. She was unsure if the city uses Facebook to publicize this kind of opportunity.

#### **5. ADJOURN**

The meeting was unanimously adjourned at 8:34 p.m.

Respectfully submitted,

Sheri Yourczek  
Recording Clerk