

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 5, 2021 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

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

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

Commissioner's Absent: Jonathan Weber (excused)

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

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR SEPTEMBER 21, 2021

The Planning Commission Meeting Minutes for September 21, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

JAMES LESLIE - CASE NO. 21-55V

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for James Leslie - Case No. 21-55V. The request involves property located at 7974 Blanchard Court. The request consists of a variance from the front setback requirements for an awning and any other related variances. Notices were mailed to three property owners on September 10, 2021.

Presentation of Request

Heather Botten, Associate Planner, presented the request for property located north of 80th Street, east of Blaine Avenue, and Blanchard Court. It is zoned R-1C, Single Family Residential District. The property is .34 acres in size with a house that was created in 1895. The plat that created the lot around the house was created in 1988. A typical front yard setback from the front property line is 30 feet, this home is located about 13 feet. The Applicant is requesting a variance from the front setback to add a 5x7 overhang that would be about 15 feet from the front property. The addition would be set further back than what the current setback is. All other zoning requirements would be met. The proposed addition does not appear to alter the character of the neighborhood, as the addition is not set closer to the property line than the existing home. Staff believes the property is unique in the fact that the house was built in the late 1800's and the established setback was created later, in 1988 when the plat was created. Based on the information presented and the one condition listed in the report, Staff recommends approval of the variance request as presented. Staff has not heard from any of the surrounding property owners.

Opening of Public Hearing

James Leslie, 7974 Blanchard Court, stated he has read and understands the report.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Clancy stated this was straightforward with the rationale that the home being built at the time it was, was already impeding on the setback created in 1988. He stated due to the information there is good rationale to pass this as stated.

Commissioner Simon recommended adding the year of 1895 to the rationale of the Motion.

Planning Commission Recommendation

Motion by Commissioner Clancy, second by Commissioner Simon, to approve the request for property located at 7974 Blanchard Court, for a variance from the front setback requirement for an addition to the home with the rationale being that the home was built in 1895 and was already impeding on the setback created in 1988 with the condition listed.

Motion carried (8/0). This item will go before the City Council on October 11, 2021.

UNITED PROPERTIES - CASE NO. 21-56C

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for United Properties - Case No. 21-56C. The request involves property located at Lot 2, Block 1, InverPoint Business Park, 2nd Addition at Courthouse Boulevard west of Barnes Avenue. The request consists of a Conditional Use Permit to allow manufacturing in a 96,000 square foot industrial building and any other related variances. Notices were mailed to 10 property owners on September 10, 2021.

Presentation of Request

Allan Hunting, City Planner, discussed the InverPoint Business Park, located between Courthouse Blvd., Highway 55, and Barnes Avenue. The request is for building #2, which is part of the original PUD. Two buildings have already been constructed on the site; this building would be the third. The request is for a Conditional Use Permit over the entire building to allow for the same type of users they have in the first two buildings which does light manufacturing and assembly. Staff reviewed and supported the other two CUP's. He said the Fire Marshal and Building Official have commented if there is ever a user with hazardous waste or flammable use, they would still have to meet all building and Fire Code requirements. Staff supports the CUP as they have the other two.

Commissioner Simon asked Mr. Hunting if he had heard from any of the neighbors.

Mr. Hunting responded no, he has not.

Opening of Public Hearing

Brandon Champeau, Senior Vice President, United Properties, stated he has read and understands the report.

Chair Niemioja commented that she went to the recent Simpson Strong-Tie Open House. She said it was a wonderful event, they seem to be great neighbors. She asked if traffic has been an issue in the area. She asked if any complaints have been received.

Mr. Champeau responded they have not heard of any complaints. He said there were certain thresholds of traffic, once those are met, other improvements would have to be put in. They have not had to do this yet.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Robertson mentioned she welcomed the timeline for how the area has filled out. She said when it was initially brought forward, the stage was set without a clear understanding of how everything was going to play out. From her perspective, she believes it has positively played out more quickly than she thought it would, which is a benefit to the city.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Scales, to accept this petition for approval by United Properties - Case No. 21-56C, for a Conditional Use Permit for Lot 2, Block 1, InverPoint Business Park Second Addition along with the conditions as listed.

Motion carried (8/0). This item will go before the City Council on October 25, 2021.

AT HOME APARTMENTS - CASE NO. 21-45PUD

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for property located at the northwest quadrant of Highway 3 and 70th Street. The request consists of rezoning of the western portion of the property from A, Agriculture District, to R-3C PUD, Multiple Family Residential Planned Unit Development. A Preliminary Plat and Preliminary PUD for the 3 lot, 4 outlot multi-family project consisting of 553 residential units and 1,600 square feet of commercial development. Notices were mailed to 76 property owners on September 22, 2021.

Presentation of Request

Allan Hunting, City Planner, stated the project was initially reviewed by the Planning Commission on July 6, 2021. At that time the Planning Commission supported the request with additional conditions added:

1. Location of the Apartment Building
2. Height

The City Council reviewed the item on July 26, 2021 and tabled the request due to further discussion about the apartment building and if it could be moved. He said the Applicant came back to the City Council meeting on August 28, 2021 and presented a site plan showing a new location for the apartment building. The City Council did not have further discussion. He said Staff reviewed this and felt there were enough changes made that could impact other aspects of the plan and suggested starting over with a new Preliminary PUD and public hearing so it could be reviewed with a chance for comment. He presented the following information:

- It is the same general layout as before.
- Total units for both phases would be 553.
- Phase 1 would have 253 units.

The main change was the apartment building located along 67th. The Applicant has moved it down south further onto Agate Trail.

- The layout of Agate Trail is the same from 70th up to 67th. It would be built and connect with existing 67th.
- The segment out to Highway 3 would be done with Phase 2.
- There are slight changes to the unit mix in each of the neighborhoods:
 - Still a mixture of twin homes, 10-unit buildings, 6-unit buildings, and 4-unit buildings.
 - There is still the proposed 4-acre area for a public park. The Parks Commission would still need to weigh in on what they would propose and recommend for the space.
- Public streets would still have the same points off of Agate.

- The plan meets parking standards. It has been changed a bit with added parking; on street and guest parking areas comply with parking standards.
- Site exceeds all the open space requirements as it did before.

The Applicant requests flexibility from 3 of the setback standards:

1. With a couple of the twin home units that have a separation of less than 20. The Applicant proposes 18. Staff has a condition that this one should be changed, there is room to adjust.
2. Building #36 is down to 14 feet at the corner where it should be 20 feet. The driveways were looked at in each location and would need a 20-foot separation from the private road. Still has adequate space for parking. Staff supports this item.
3. Units along 70th. The Applicant proposes a 40-foot setback from the new right of way line. Code requires a 50-foot setback. The Council has already approved a reduced setback from a County Road on 80th Street for crossings for the apartment building which is at a 20-foot setback. The townhomes are at 30+ to 40. Staff supports this request.

He stated the Applicant had originally submitted a tree inventory of a sample area; Staff is not requiring a full tree inventory be done. This is due to time of year and timing; they would be submitting that with their final PUD Application. It would be reviewed to see what the impact would be on the development and any reforestation. Staff continues to recommend approval of the projects as they had in the past.

Chair Niemioja stated a concern raised in several emails and messages received is the splitting of the plan. The apartment building has parking and a little part of the building in HDR and part of it in MDR. She asked for further information about how it works and how they make the decision that HDR applies here.

Mr. Hunting responded the Comprehensive Plan worked from some of the original property boundaries and makes estimations of where they believe it makes sense to have density. When having multiple properties, it can't be made a hard line. The line of Agate Trail generally matches the MDR to HDR. Staff looks to have matching or consistent. MDR would be along Agate Trail, the rest is HDR and mixed use. With the acreage and 165 units, it would be just over 8 units per acre, consistent with MDR classification which allows for 8-12. The MDR classification allows for twin homes and apartments. The unit mix is consistent with the Comprehensive Plan. He said he focused most of his attention on the property west of Agate Trail for zoning to look at R-3C. There is a mix of housing types, a greater number of 5+ units per acre. The northwest area allows having a different unit mix based on percentage in each category. Going to R-3C matched more of what the higher unit buildings were. He said there are a lot of twin homes in the area. This has more twin homes than the R-3C would say they could have. It isn't an exact match but believed with more of the 5 and 6-unit buildings and the apartment building in the area, R-3C was a better match. This still meets all requirements for the Comprehensive Plan and the specific unit sized density in each multiple family zoning district. The PUD allows for flexibility of unit types, it's in the PUD Standard Ordinance and the northwest area. PUDs are to allow a different unit product type. It is something achievable without following straight zoning.

Commissioner Robertson commented the email that was just added from residents that did their own study and review raised questions for her. It was comprehensive. She questioned whether or not they would be able to add this email to the record. In the past in order to add emails they had to have specific names and signatures of all individuals who participated.

Chair Niemioja replied she believed it could still be added to the record.

Commissioner Robertson said in the past when they did the one by North Valley Park, they couldn't accept it because it didn't have those specifics. She said the email is still valuable.

Mr. Hunting said he did not see a problem with adding the email to the record.

Chair Niemioja stated it was a Petition they did not allow because there were no signatures on it. This email was submitted by Mr. Stone.

Motion by Commissioner Robertson, second by Commissioner Challeen, to approve adding this document to the public record.

Motion carried (8/0).

Commissioner Clancy stated in weeks past the plan regarding the parks, paths, and trails connecting everything has been brought up. He referenced the crossing at Agate Trail going across the County Road and asked if it was planned to combine that with the greater trail system to access this future park or if it was unknown at this time. He asked if this would be incorporated as a part of that trail system.

Mr. Hunting responded when 70th is reconstructed there will be trails on each side. In regards to the park, Agate has sidewalk, there will eventually be a trail along 67th. For the park and Phase 2, they are anticipating an open space corridor where there will be additional trail connection. None of that is definite at this point and will be reviewed at a future time.

Commissioner Clancy asked if it was too soon to try to designate anything with regards to crossing across the County Road and addressing safety precautions with accessing that part of the city. He asked how someone would get to the park safely by crossing the street. He asked if it was appropriate to address that now or save it for a park's discussion.

Mr. Hunting responded he was unsure of the details. The County is improving 70th. The only underpass they are doing is for the Lebanon/Mendota Regional Trail by Blackstone Pond. A trail connection here would link to the 70th Trail system on the north side. The area by the roundabout may have pedestrian crossings to get to the other side. He said he was not aware that there would be any direct crossing at that location.

Chair Niemioja had a question about Condition #16. She said part of the discussion in July had been about suggestions for how to manage construction. The condition states "the project will be subject to approval in phases to minimize residential traffic and disruption". She asked who would be in charge of that, who is the person/group who would make that decision.

Mr. Hunting responded he was unsure what type of discussion there was with the City Council about this. It was raised in the report at that time because they knew of all the County work being done. They found that later on, from the timing the County starts and the timing for construction on this project, they won't start grading until next year, then utilities would go in. By the time they get Permits for any of these homes there wouldn't be continual closings of roadways. There shouldn't be an issue of how they would get in and out, most of the roads should be open for traffic.

Opening of Public Hearing

Leanna Stefaniak, At Home Apartments, 1289 Grand Avenue, St. Paul, said she has read and understands the report. She stated after meeting with the City Council after discussions about the placement of the apartment building, it took about two months to work with the site plan, grading, topography, and how to find a way to have a good compromise following what they heard from this Commission, the neighborhood, and the concerns of Council Members. They were able to rotate and bring the building down. It required moving a lot of pieces around as it affects grade and topography and is why some of the other structures changed locations. She said they felt it was a good compromise, shared it with the City Council in September, but because it changed what this Commission approved, they wanted to bring it back so the Commission could see what the changes were and gather feedback. Open space and impervious surface remain the same

including park dedication.

Chair Niemioja said she watched that City Council meeting and noticed the new shading diagram that she found to be helpful. It was a graphic that showed where the shading from the buildings fell depending on time of day and where it was previously.

Pete Keely, Collage Architects, stated he has been working with At Home to help determine the new location for this apartment building. Numerous locations were tried along the site, one of things they are trying to do is to save trees. The center point location shows the area of trees they are trying to save. He said they have walked the site and taken a lift to the site. A variety of things have been done to determine where the best building site would be to save trees. The top of the knoll is what they have been trying to stay away from. It makes the location of the apartment building better. The apartment building can act as a retaining wall so they don't have to do quite as much grading. They were able to save more of the tree area by pulling the building back off of 67th, and turned the short side of the building to screen the neighbor to the north. He said there is considerably less shadows toward that direction. There were no shadows that would cross 67th. The parking lot is on the east side. One of the changes made is an upper level of parking. The entire building has full underground parking. There is access to underground parking from the south and good circulation on Agate Trail. He said the east side remains the same, some of the 10-unit buildings have shifted over. They still have the twin homes. Two corners have wetland and stormwater. They were able to work with the grading as much as possible. He said the former apartment building location was replaced with walkouts. There were grading concerns so there is quite a bit of drop off between the private road and 67th. The buildings act as a retaining wall and are 3 stories on the north side.

He displayed images of the shadow study showing various months and the effect it would have across the street. An image was shown of the view from Agate, 67th was shown with the walkouts, and the apartment building in the back. From 67th the apartment would not be visible over the townhouse buildings. The apartment building could be seen at the intersection. The walkout building is 47.5 feet from grade to the top of the peak on the north side.

Commissioner Robertson said she watched the prior City Council meeting. She commented they have done extensive work taking into consideration the experience for residents along Settler's Ridge. She said it seemed to be more than good faith, they took it seriously.

Ben Stone, 1378 66th Street West, stated there is no doubt At Home has spent a lot of time on this. He said that company is on a payroll, they get paid to do this. He said residents have put so much time and energy into this it has been a sacrifice. He stated the big concern is the western lot zoned medium density. Previously it was zoned low density residential. He said if they had done an accurate inventory of this land, he doesn't believe it would have been zoned medium density. He commented that specific section has the key natural resources that define Inver Grove Heights. The apartment building is dead center on the highest point in all of the northwest area at 1,002 feet. The building is going to be visible from downtown Minneapolis. It would change the look of the hill because they are removing 70-80% of the trees. He said if he were At Home, this location is exactly where he would have wanted this building. The area currently has a forest. He said the NRI did core sample on certain trees. The oldest one was a 24-inch White Oak that was 202 years old. There is a 42-inch White Oak nearby, and between 60 to 70 of old growth White Oaks on the property. Not only is it the highest point in the area, it has the biggest growth of White Oaks. He stated that grove is the definition of the city. He said it was difficult knowing At Home is going to come in and clear cut this. They would remove the top 37 feet of the hill to put the apartment building in. It would still be higher than what it was.

He said when he read the Comprehensive Plan and read about saving natural resources, this is what they should be saving. The apartment building and duplex's look nice, but not here. He said the area is desperate for parkland. A lot like this would never come up again. It is in the heart of

where all the dense developments would be. He asked the Commission to read the packet he provided. He asked that they not approve this yet. He commented if a real inventory was done it would see those trees. He said it wasn't a question of how much money they can pay the city to make up for this loss.

Chair Niemioja stated she worked to protect Darvan Acres in this city, that took a lot of funding. She asked Mr. Stone if he was proposing some sort of funding source to purchase this property.

Mr. Stone responded developers paid into the Park Fund. All eight developments in the northwest area have paid in cash instead of dedicating parkland. There is an accumulation of funds, Staff is trying to determine where to allot the money. Had they gone with land it would have been smarter because rebuying that land at this point would be astronomical. He said At Home has to dedicate 30% of the land. It is at the city's discretion how much of that is converted in cash. He said it makes no sense to keep putting money into this. He would rather just sit on the land, let the trees go, he wants his kids and grandkids to enjoy those trees. He stated the property that has been identified, the Cole property, has none of these natural resources, it's closer to Eagan residents and the Vikings area. He said this is nowhere near where all the density is going to be. He said they need to work toward preserving this. The Cole property is so much more valuable to the city as a commercial property, it's close to 494 and doesn't make sense as a park. He suggested having the park here.

Commissioner Robertson commented she understands his passion. She said he made a comment about purchasing the land and sitting on it. She asked who he suggests has the resources to purchase the land.

Mr. Stone responded Settler's Ridge paid in approximately \$450,000 to the Park Fund. That money can only be used for the purchase of park land for residents. It has to be in close proximity to the residents. He said his development has been waiting for a park for 4 years. Argenta Hills has been waiting 11 years and they are finally getting a return on their investment. He said they don't want to wait 11 years. The money is sitting there, at least \$1.3 million dollars. He said they don't need to buy this; they can ask for the full percentage. He said several residents have gone into great detail about how unsuitable that land is. He commented when it was realized that is the land At Home chose for the park and how terrible it is for dedication, it makes one question intentions. There would be approximately 1,300 people living in the area, maybe 2 acres out of the 4.08 acres of the park is usable. The pictures of the area describe how unsuitable the park land is. He said their community was excited when they heard this development was coming in. They were not opposed; they knew it meant a park. He said the former Parks and Recreation Director spoke with Falcon Properties about purchasing some land from the wooded lot for this community when At Home came in, and then talks ceased because the city would have discussions with At Home about getting this park land. He said expectations were high when they discovered it is on the very steepest most undevelopable part of the whole property. He stated roughly 40-45% of this is above a 12-degree grade, by City Code that is not permissible. If having a child with a stroller you wouldn't want to go anywhere near this. He said Settler's Ridge has 3.5 times the number of kids under the age of 5 as the rest of Inver Grove Heights. They need a park. This was a huge letdown and the catalyst that motivated a lot to try to do something because they can do better. He said At Home wants to start mass grading next month. They have not done a full tree inventory, which every single developer in the northwest area has done.

Chair Niemioja stated her understanding is that they would be required to do a full tree inventory.

Mr. Stone commented if he was At Home, he wouldn't want anyone to know they would be clear cutting an old grove forest. He suggested getting all the facts. He said it's not that At Home doesn't know what they are doing, the Mendota Heights location is amazing. They have plenty of land in this location. He asked if he could give 8 copies of his packet to the Commission.

Chair Niemioja requested more information about the park, the plans for topography, and this land. She asked what some of the discussions have been about that park.

Heather Rand, Community Development Director, responded the Interim Parks and Recreation Director Bob Bierscheid and former Interim Parks and Recreation Director Jon Oyanagi have met with the Developer and walked the site, they identified the suitability of the 4.02 acres. Some of it, with minor grading and tree removal, they felt was adequate for facilities. Some would continue to be wooded with hopefully some trails. There are multiple plats that are being considered or have recently been approved in the northwest area. Most recently is the Canvas Development at the northeast corner of 70th and South Robert, Peltier Reserve, and a newer plat under consideration, Highlands at Settler's Ridge, west of South Robert. She mentioned there is an 8+ acre park under development on the west side of Argenta scheduled to open in June. Improvements would be made on the County Road/Argenta Trail with a raised median and motion sensor cross walks. She responded about park development stating the current Interim Parks and Recreation Director has contracted with HKGi, a Consulting Firm, to look at potential parks that have been approved or considered. The Consultant has been requested to come back before the Parks and Recreation Commission at their October 13th meeting with a report on park concepts for each proposed park area. That includes Peltier Reserve, Highlands at Settler's Ridge, and At Home Apartments. They have also been requested to look at the most feasible trail connectivity. Based on how the meeting goes, the intent is to bring this item back before a City Council Work Session tentatively scheduled for October 18th. The At Home Apartments plat and the Highlands at Settler's Ridge would go before the City Council on October 25th. Staff is hopeful for concepts, cost estimates, and would be looking at what funds are available in Fund 402.

Commissioner Clancy wanted to clarify what Mr. Stone stated from the email received about the concern with the zoning of the western side. He asked if Mr. Stone's concern was more about park dedication, preservation of trees or natural space towards the west side of the plat, or if he was trying to loop that in with a zoning concern.

Mr. Stone responded the future land use correlates with the lot line. It is a medium density lot with a high-density structure. Another concern is that it would be zoned R-3C. Currently the density is 8 units per acre. He said there is no guarantee it would stay that way; it could be 35 units per acre. He said making it maximum density for residential when 10 years ago it was low density was a big jump. He said this seems very accelerated, if it can be slowed down maybe some of the information would get out. He said there is no need to build this anytime soon, 70th will be closed for 3 years. He said one month ago within 1.5 miles of this area there were no rental properties, in one year there will be 1,480 rental units. There won't be a shortage of rental properties.

Commissioner Robertson stated Mr. Stone raises a lot of interesting statistics. She said she understands his desire and wish to slow this down. It's not unique with almost every development they work with. There are always challenges, particularly in this market, with slowing down, sometimes slowing things down means it's gone. She said she understands his concern about density. There is only so much shifting and rearranging that can happen in Phase 1. She said she understands and loves the White Oak trees. She asked what they would be giving up to save those trees. She questioned if they give up, if they would find themselves falling below density requirements. If falling below, she questioned what the impacts of not meeting that standard would be. She said she has been on the Planning Commission long enough to see what waiting awhile means and it went away. There are costs for a lot of people when it goes away.

Mr. Stone said Phase 2 is important that it gets development. In Phase 2 the apartment building is short 116 parking spots. He did not believe the first level could be cleared and have those spots put in. He said At Home is banking on the density in Phase 2 to compensate for the lack of density in Phase 1. He said At Home hasn't found someone to develop Phase 2. He commented that Phase 2 with the commercial property on the corner is what is valuable to the city. He suggested taking a

close look at Phase 2 and see how feasible it is. He commented there is concern that this is locked up and a few years down the road At Home comes back and says that nobody wants to build a 3-story underground parking garage and can't justify the expense. He said there isn't any on street parking. 67th Street is one of the steepest hills in Inver Grove. He was unsure where the overflow parking would go.

Commissioner Challeen asked if Mr. Stone has thought about a configuration that would be acceptable.

Mr. Stone responded he has. He said he can only speak for himself but the residents of Settler's Ridge have ideas. He said the Comprehensive Plan says there is a minimum of 10 acres per 1,000 people. There will be 1,200 to 1,300 people when this is finished. They are short park. Where At Home is proposing the apartment building is the proposed greenway. He said it was like they have forgotten about all the things that used to be really important. The greenway, hill, and trees would be gone. He said they want a community that isn't flat. He asked to build on the character of the city, especially in this area. He said that when Argenta is complete this will be the primary entrance into the city with 70th being the main street. He questioned if it wouldn't be nice to have majestic oaks so old with the amazing vista. He said people would be surprised about what can be seen from the hill. There is the potential to have a marquee park there. It couldn't have been afforded to buy it from the developer, but this is an opportunity. He asked to give the percentage, per City Code, and save the Oak Grove, not chop off the top of the hill. There would still be 30 plus acres of high-density zoning. He said if they can't figure out how to build on that someone else will. This would be prime property for developers.

Commissioner Clancy stated this is the second time the Planning Commission is reviewing this Planned Unit Development. Technically this has already been approved once. There were comments from citizens that spoke up. Information presented in the packet and what has been noticed before is important. At the first meeting a lot of those comments were captured. He wanted Mr. Stone to understand that. He said they have seen a good faith effort from the developer to meet some of the standards within the confines of the economic feasibility of the area. He said the Planning Commission would be discussing this shortly to incorporate this information, there are limitations that come with this.

Mr. Stone stated it almost went through the last time this went before the City Council. If it did, they would not be having this conversation. He said the trees and hill would be gone. He said some developers could look at those trees and say how much they would have to pay to create something like this.

Commissioner Robertson commented this is where she is struggling. She hears Mr. Stone say that a developer would come and pay prime money for the area. She asked him to name a developer if he knows that to be the case. She said she understands that Mr. Stone will fight hard to find a developer because he is so passionate about this. At the same time, they hear so much about what they believe should happen and who will do it. She said they have several discussions, but lack the real information needed.

Mr. Stone responded there is such as lack of parks. If they had been building parks with the developments there now, there is no doubt the area would look nicer. It would be a more pleasant environment. The trend has been to take cash instead of parkland.

Chair Niemioja stated there are currently a number of parks in the works, unfortunately it has taken them so long to get there. They are actually getting to the point where they are actually spending money on parks.

Commissioner Robertson stated the point raised about parks has been a valuable question from

citizens in the area for so long. Her question wasn't about parks.

Mr. Stone responded this was the last area for development within the 494/694 loop, it is between a lot of really amazing cities and features. He suggested zoning the residential near 494 for business. He asked what the difference was between what Eagan has been doing right next door and what is happening here. There could be answers there.

Beth Hoepfner, 6511 Arctic Way, Settler's Ridge, stated Mr. Stone has covered most of the points she was going to speak about. She said Mr. Stone has done a tremendous amount of work for their neighborhood. The trees physically measured were done so by following the American Forestry Measuring Guidelines. 53 trees were identified, there could be more. She said there are trees over 100 years old and possibly even 200 years old, on the highest point in the northwest quadrant. She suggested the Planning Commission wait on their decision until HKGi has submitted their survey results from the Riley property for parkland. She said it seemed silly to pay for a survey if they are making a decision about a park area before the survey is seen. She requested waiting until they see the report presented on October 13th before decisions are made. She requested not taking cash instead of parkland for the area. There is no walkable park to their neighborhood at all. She stated they want the park to be where all the large trees are. She understands that means reworking the At Home plan. She commented if a tree inventory was done from the beginning, they would not have had to do two revisions already. The three areas sampled had no heritage trees on it. She said it wasn't until they went out and measured the trees that they discovered where they were. She said she was sorry they are at this point where a lot of people have spent a lot of time and money. She questioned why the biggest trees on that land were not measured in their sampling. She requested waiting until they get the park survey. Cash and land are not interchangeable, they would like to have plenty of useable land for the park. The area identified by At Home is very steep. She said that Mr. Stone was at a Park and Recreation meeting where it was mentioned if that was the land, they could place picnic tables on and a sliding hill because it's difficult land to use. She commented that wasn't what 150 toddlers were going to want to do.

Chair Niemioja asked if she had ever visited South Valley Park. A lot of people sled there.

Ms. Hoepfner responded that was one season they could use it. She said that wasn't what people think of for a community park now. There is a great piece of land that could be an awesome park, there seems to be a smarter way to do this development.

Pete Grayson, 6692 Agate Trail, said a lot of the issues brought forth before are still not accounted for in this new plan. He wanted to address traffic. He said it has not been solved, hasn't been solved coming through Settler's Ridge, and hasn't been solved for the development portion. He said this process has been extremely frustrating for him, for everyone. He feels it's frustrating and disappointing because he feels people are not doing their job. The developer didn't do their job in measuring the trees and checking the area. He felt city employees didn't do their jobs in failing due diligence. He apologized if this hurts people. He said if it were not for people like Mr. Stone, they would have 200-year-old trees gone without those questions asked. He said it was wrong and its failure. He said the city could do better. He is a fairly new resident of the city and is very disappointed. He stated he had previously come in and discussed traffic, it is still the same issue, nothing changed. The apartment building moved but didn't change any aspect of the traffic. He felt it made it worse. He stated the shortest route north out of the At Home development along Agate Trail to Robert Street is directly down Agate Trail to 65th Street and out to Robert Trail. He said the route suggested by the City Engineer is turning east on 67th to Robert Trail and then turning left on Robert Trail. That is longer than going straight down Agate Trail. Traveling through Settler's Ridge is easily the shortest and most obvious for At Home residents. He said from personal experience when he leaves his neighborhood the majority of his travel is to the north and would likely be the same because there is commercial to the north. He commented At Home residents would likely go north through Settler's Ridge. For anyone using GPS the shortest route would go straight through

Agate Trail onto 65th to Robert Street. This is before 67th Street is even on the map. Agate Trail is not equipped to handle that traffic. He said the Engineer told them this is a narrower road which would cause people not to use it. He doesn't believe it makes sense. He commented that traffic is a significant problem the city has not sufficiently investigated or addressed. He asked what the solution would be. He said he would suggest changing 67th into a ring road. It would ring around the Phase 1 development and go from 70th to Robert Street. He suggested having Agate Trail be an abutment. Agate Trail doesn't have to end, but can come off a little to the west and connect to the ring road. He said the City Engineer did not agree with any questions relating to modifying Agate Trail entry between At Home and Agate Trail. He said those plans were locked in stone the way the Engineer prescribed. He felt the Engineer was wrong here and with the preferred route. He said there were advantages to what he had just proposed. It would completely solve traffic problems coming into Settler's Ridge. He said the ring road design isn't new, it wasn't residents' idea, it was one of several options proposed by WSB for the Northwest Area Collector Street Plan.

Chair Niemioja asked if speed bumps were added to streets to try to discourage an excessive amount of traffic.

Commissioner Challeen stated she asked about speed bumps at the meeting and the response was that it was not an engineering solution the city would choose.

Commissioner Scales said it would be bad for plowing.

Mr. Grayson stated they are open to out of the box thinking. Maybe they could do a staggered entry instead of straight through. He displayed an image of the ring road he printed off of the city website. He felt there were other ways to look at this. He said he feels they are still at point where they can make some fixes to some of the mistakes and failures.

Chair Niemioja asked who Mr. Grayson has given the documents he referenced to.

Mr. Grayson responded he had not given them to anyone but could.

Chair Niemioja said the documents may be helpful for the City Engineer to look at.

Commissioner Simon stated there is a condition in the Commissioner's Packet that says if this is approved a Traffic Study is required to be submitted to the city to verify trip generation and traffic routing.

Mr. Grayson responded his real concern is that wouldn't happen if it wasn't for the residents that have stood up and said this was wrong, a failure. He said they have been lectured by City Council and this Commission. He said they are just trying to get real answers.

Commissioner Robertson stated it was her understanding that the Traffic Study was a condition the first time this came before the Commission. The Commission is aware. There is a commitment to everyone involved to make sure the condition happens.

Julie Stone, 1378 66th Street, stated they were not in attendance the last time the Planning Commission spoke regarding At Home, but did watch the meeting. She said there was a lot of emphasis from the Planning Commission on following the Comprehensive Plan and its importance. It was said how residents should be aware of what type of zoning is around them when they built their homes. She said they were aware of its designation of medium density; nobody could have expected it to be zoned high density. She feels it is important they follow the Comprehensive Plan and require they move their apartment building. She said they built their homes knowing the medium density line was there. They were told the Comprehensive Plan could be "fudged a little". She said she doesn't believe they should fudge the Comprehensive Plan a little. She believes the

apartment building should be moved over to the south side where there is high density designation, where the current 10-plexes are. She suggested the apartment building be moved to that location and would be a part of the Comprehensive Plan. She said they are not saying it shouldn't be developed, they are asking it be developed in the right way. They all built their homes based off that. She said nobody would have thought there would be an apartment building and zoned the highest density when it's designated medium density on the Comprehensive Plan.

Ms. Stefaniak responded to residents' questions and concerns stating there is a difference between the guided land use of MDR and the underlying Zoning Code. She said At Home is consistent with the MDR designation on both sides of Agate. They have 8.2 units per acre on the west side, within the range of 8-12 units per acre. MDR classification allows a variety of housing products including an apartment building. The R-3C Zoning is required because there is a gap in the Code about structure. Having a 6-plex unit in that section is why the Zoning Code recommendation was made to them in conjunction with City Staff. Not because they are trying to build high density. She said they are on the very low end of allowable medium density under the guiding plan. She stated the entire parcel could allow for over 1,000 units; they were conscientious in making sure they were not getting anywhere near that. They will not be putting 35 units an acre there, they have 8.

Ms. Stefaniak responded about Park Dedication stating they didn't put the park there because At Home wanted to put the park there. The current owners, the Riley family, have been talking with city Staff and the Interim Parks Director about this piece for Park Dedication for a while. They shared with her that this was the location those conversations landed on. She said At Home did not want to deviate on that because they knew the work that went into it. They adopted that location because that was where the Parks Director and the Riley family had already decided. It was not an At Home decision. She said they are dedicating the four acres, they are not paying cash like all the other developments had done, including Settler's Ridge. Those developers could have built a park, they did not, and paid cash. She said At Home is doing the opposite. At Home is not paying cash, they are giving land. She said they are preserving more trees than anyone else around the area has done with their development. All of Settler's Ridge's trees were taken down. Those residents were not a part of that development and bought homes after the fact. She suggested residents wait for the tree inventory study. She stated At Home did a tree sampling consistent with other large developments in the area, a study accepted by city Staff. She said they will be doing a full tree inventory which may not render in the same way people think it will. A full tree inventory may require they can put less back depending on what is really there versus what is perceived to be there. She said they have had Arborists look at this and are well versed with what is out there and understand what is perceived and the passion. She said she has to be sensitive to some of the comments made because it is anecdotal versus the data from the Engineers and Arborist that have actually gone out and studied the site.

Chair Niemioja stated there is a condition that states the tree study is coming through. She asked if the results of the tree study would be going directly to the City Council.

Mr. Hunting responded the City Council will be reviewing and approving the tree study.

Chair Niemioja stated there is no decision this Commission would have to make tonight pending any results of that study.

Ms. Stefaniak responded to a comment made that stated "some developer would come in and want to develop this". She said the Riley family has owned this for a long time. The Riley family has had conversations with many developers over the years, they chose At Home because of how conscientious At Home is with site developments and their track record. It was a conscientious decision on the Riley's part, it is their land.

Ms. Stefaniak addressed the comment about switching zoning and MDR stating it was her understanding this has been the Land Use Guide for 2040 and for 2030. That is 20 years of review

that the land would be developed in this way. She addressed the roads and the alignment of Agate and 67th stating the extension had been studied as a part of the Collector Road Study and the AUAR. It is not At Home developing it, it was following what had already been done. She said it was not At Home's plan to chop up the site. They are trying to be consistent with all the work that has already been put in the Northwest Area Corridor Study with the additional studies.

Commissioner Challeen referenced the open area shown in the picture and asked how the open area overlaps with the old grove oak trees.

Mr. Keely responded a lot of the definition is from Agate Trail, it goes through the high part of the site. That road defines all of the grading. The apartment building is going in a swath of land with the "sweet spot" of the oaks in the center. A portion of the site is fairly bare. A portion of where the apartment would go is fairly bare. Due to the apartment building shifting over, it did result in the loss of trees in one area and added trees in the center area.

Josh McKinney, Sambatek, said what is causing grades to take off the top of the knoll is the maximum amount of grades that can occur along Agate Trail. City standards could be approximately 4.5-6%. When holding that grade for long distances the highest grade occurs at that point. He said they are reducing the top of the hill. They are retaining the vast majority of trees in the center area with over 1,000 caliper inches based on their current study. As they study and get additional information from the tree survey, once the leaves drop and can get satellite service back, they can make micro adjustments to the grading to preserve additional trees as they are able.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja mentioned that having so many citizens come to the first meeting helped Staff, the City Council, and the developer work through some of these issues. She said it is hard to make everybody happy all of the time. The point of these meetings is fleshing out some of the problems.

Commissioner Scales stated his family came to the city when he was younger at a farm not too far from this location. There were a lot of large Oak trees back then. Since then, times have changed and he has watched the farm turn into a development. He said about five years ago developing this area was discussed. They had an idea of what was coming and had planned for this. He said he felt it was a really good plan for the site. He understands what residents are saying. The Comprehensive Plan is a living breathing document that changes about every 10 years. Sometimes the more they work at this, they move away from doing anything. Then, 5 or 10 years down the road they get a solution that is not ideal. He said they have seen this happen in a couple of areas in the city where they wait and what they end up getting isn't usable. He said he supports this, it's a good use of the property, the developer has done a good job being patient and working through all of the issues.

Commissioner Robertson appreciated the intensity of work that Mr. Stone and his team did. She understands when passionate about something there is a tendency to make statements that may be anecdotal in nature and reflects the passion. She said it may also raise really good questions. She stated she appreciated the fact that the Developer took those questions and applied more information to beef up the issue with the anecdotal plus the background they have. Recognizing all of that she agrees with Commissioner Scales that there is an excellent opportunity here. Waiting may give a backward look where it could be questioned why they waited. She said she cannot support waiting any longer and for that reason she is in support of the proposal as noted.

Chair Niemioja commented that she likes the Comprehensive Plan and looks at it all of the time. Following the principles of the Comprehensive Plan is always at the forefront of her mind in every decision they make. Sometimes changes are made to the Plan before it is time. It is a guiding

document, they always need to be thinking of the Plans guiding principles, she believes they are doing that here. She said it is difficult preserving green space, she doesn't see a better way of doing it than what has been proposed here and now. There has been a lot of time and energy spent on trying to do that here. She believes they are sticking with the guiding principles of the Plan with this proposal. She said she would also be in support. Her biggest concern is traffic, especially during construction.

Commissioner Clancy stated this is preliminary action for a Preliminary Plat and PUD Development. When the information comes back from the tree and traffic study, he encouraged everyone to come back and continue to review with the Commission when they go over the final development. That will be the time to make sure homework is done. Residents can hold accountable city Staff, the Planning Commission, and the Developer if any of the conditions fail.

Planning Commission Recommendation

Motion by Commissioner Clancy, second by Commissioner Challeen, to approve the Preliminary Plat, Preliminary PUD, and Rezoning subject to the 18 conditions noted for At Home Apartments - Case No. 21-45PUD located in the Northwest quadrant of Highway 3 and 70th Street.

Motion carried (8/0). This item goes before the City Council on October 25, 2021.

4. OTHER BUSINESS

5. ADJOURN

The meeting was unanimously adjourned at 7:54 p.m.
Respectfully submitted, Sheri Yourczek, Recording Clerk