

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 16, 2021 - 7:00 p.m.
REMOTE MEETING

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

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

Commissioners Absent:

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

APPROVAL OF MINUTES

The minutes from the February 2, 2021 Planning Commission meeting were approved as submitted.

TIM SALSCHIEDER - CASE NO. 20-51V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow one detached accessory building 2,400 gross square feet in size located within the 50-foot setback requirement, and any other variances related thereto, for the property located at 2306 - 99th Street. 10 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is about 4.5 acres in size and consists of a single-family home with an attached garage, a pool, and a very large drainage and utility easement on the western portion of the property. About a month ago the Planning Commission reviewed a request for three variances on this property. The City Council then reviewed it and tabled it for the applicant to consider different alternatives. The original request included variances to allow two detached accessory buildings on the property whereas one is allowed. One of the structures was proposed at 1,750 square feet whereas 1,600 is the maximum allowed, and it was located within the 50-foot setback requirement along the north and east property lines. The Planning Commission denied the request as proposed but supported a setback variance for the structure to be 1,600 square feet in size or less. Tonight, the Planning Commission is being asked to consider a new proposal for two variances. The applicant is requesting one detached structure on the property to be up to 2,400 gross square feet in size whereas 1,600 square feet is the maximum allowed, and for it to be located within the 50-foot setback requirement from the north and east property lines. In this scenario the applicant would also like to construct a gazebo on the property near the pool but there would not be any walls so it would not count towards the number of accessory buildings allowed on the property. Staff believes the size of the proposed larger structure is contrary to the intent of the city code, lots to the north, east and south of the property would have to comply with the same requirements as the applicants, the proposed size could have an impact on the character of the neighborhood, and staff

believes that the request would be a convenience for the applicant rather than a practical difficulty. Staff recommends denial of the request as proposed. Staff would, however, support a setback variance for a structure 1,600 gross square feet or smaller to be located 10 feet from the east property line and about 25 feet from the north property line, with the practical difficulty being the large drainage and utility easement, topography, and the location of the drainfield, house and pool on the property. Staff heard from three neighbors with the revised notice, all who had general questions about the request.

Chair Maggi asked if the applicants built the house.

Ms. Botten replied in the affirmative.

Commissioner Weber asked for staff's understanding of City Council's discussion, stating they seemed to steer the applicant in the direction of building one larger structure versus two smaller ones.

Ms. Botten replied her take from the Council meeting was that they may support one structure on the property versus two. They did not allude to any specific size they would consider for that one structure. After the City Council meeting the applicant decided to move forward with one 2,400 square foot structure. Because this was a substantial difference from the initial request staff decided to bring the request back before the Planning Commission. If the applicant had just withdrawn the request for the second building but left the proposed building at 1,750 square feet, it would not have gone back before the Planning Commission.

Commissioner Simon asked if Condition 7 should be removed.

Ms. Botten replied that if the Planning Commission recommends approval of a 2,400 square foot building that condition would then be changed or eliminated.

Chair Maggi asked if the applicant would comply with impervious surface guidelines with a 2,400 square foot building.

Mr. Botten replied they would exceed the impervious surface maximum allowed on the property with a 2,400 square foot building. Therefore, if the variance is approved the applicant would then work with engineering staff on a Storm Water Facilities Maintenance Agreement (SWFMA).

Commissioner Simon asked if a 1,600 square foot building would comply with impervious surface standards.

Ms. Botten replied that it was her understanding that no matter the size of the proposed building they would be over the impervious surface maximum allowed.

Commissioner Robertson asked for clarification of how impervious surface was now calculated and whether a variance was needed.

Ms. Botten advised that the way impervious surface is calculated has not changed, but rather the process for residents to exceed the maximum. Instead of going through the public process of getting a conditional use permit, applicants now work with the engineering staff to acquire a SWFMA. In this case the applicant would not need a variance for additional impervious surface as they are exceeding the maximum, but not the additional 10%.

Opening of Public Hearing

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

Tim Salscheider, 2306 - 99th Street, replied in the affirmative. He stated that his property is unique in that he has an 11,000-square foot driveway. Also, all his impervious surface will continue to drain to the drainage easement area on his own property. He noted that the Planning Commission previously recommended approval of a variance for the 10-foot setback of a 1,600 square foot building. Even though this building is larger, in his opinion a building is a building. He felt that City Council led him in the direction that they would perhaps approve a larger structure if there was only one rather than two.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated the challenge will be defining a practical difficulty for a 2,400 square foot accessory structure.

Commissioner Wippermann asked if the surrounding properties would be subject to the 1,600 square foot maximum.

Ms. Botten replied in the affirmative.

Commissioner Wippermann stated this would be the exception in the neighborhood and would set a substantial precedent of a 50% increase over the code standard.

Commissioner Niemioja supported the setback variance with topography being the practical difficulty. However, she does not think a building is just a building and was concerned that this could set a precedent that residents could build a structure of any size as long as they do not build multiple structures. She would also be reluctant to use the 11,000 square foot driveway as impervious surface justification since there are many large driveways in the city.

Commissioner Weber stated he would prefer that maximum building size be determined on a ratio basis rather than tied to a specific lot size of 2.5 or 5 acres. A lot 5 acres or larger would allow a 2,400 square foot building. The subject property is so close to 5 acres that he could support allowing a building size close to 2,400 based on lot size ratio.

Commissioner Robertson asked what size structure would be allowed if this lot was 5 acres.

Ms. Botten replied that a lot 5 acres or greater in this zoning district would be allowed up to two detached accessory structures totaling up to 2,400 gross square feet.

Commissioner Robertson stated that recognizing that we do not yet have a code that allows the size of the accessory building to be built based on a ratio, she opposed the first proposal of 1,750 square feet based on precedent and lack of a practical difficulty and she opposed this one as well which is 50% larger than the original request. Commissioner Robertson then experienced technical difficulties and temporarily lost connection to the meeting.

Commissioner Kramer applauded the applicant for going through the proper process. He agreed with Commissioner Weber's suggestion to look at revising the code to perhaps calculate accessory structure size using a ratio system. At this time, however, they need to abide by the current regulations. In this case he does not believe it changes the character of the neighborhood because only two neighbors would be able to see the proposed building; however, it would set a precedent that could potentially alter the neighborhood in the future. He would like to find a way to allow the applicant to get his building built but, in his opinion, it should be a little closer to what the maximum allowed is at this point.

Commissioner Simon stated she could not find a hardship and was concerned about the precedent

this would set if a 2,400 square foot building was allowed. She has seen the allowed size of accessory structures increase continually over the years and for those reasons she could not support the request for a 2,400 square foot building.

Commissioner Weber asked if they could deny the variance to allow a 2,400 square foot building based on lack of a practical difficulty but base the second variance on a ratio and recommend approval of a variance to allow a 2,169 square foot building within the setback. That way if Council decided to move forward with that recommendation, they would not have to bring the request back before the Planning Commission.

Ms. Botten suggested to instead make a motion to approve the setback variance but eliminate the condition limiting the building to 1,600 gross square feet.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Robertson, to deny the request for a variance to allow one detached accessory building 2,400 gross square feet in size, for the property located at 2306 - 99th Avenue, due to lack of a practical difficulty.

Motion carried (9/0).

Motion by Commissioner Weber, second by Commissioner Kramer, to approve the request to allow a structure larger than 1,000 gross square feet to be located 10 feet from the east property and about 25 feet from the north property, with Conditions 1-6, excluding Condition 7, and the practical difficulty as listed in the report.

Motion carried (9/0). This item goes to the City Council on March 8, 2021.

M/I HOMES - CASE NO. 21-06PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the guided land use from P, Institutional to MDR, Medium Density Residential, a rezoning from P, Public/Institutional to PUD, Planned Unit Development, a preliminary plat and preliminary PUD for an 80-lot development (10 single-family homes, 70 townhomes), and a conditional use permit for a 70-lot townhome development, and any other variances related thereto, for the former South Grove Elementary school site. 137 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to develop the former South Grove Elementary school site into a residential neighborhood consisting of 70 townhome units and 10 single-family homes. The project is proposed as a planned unit development (PUD) to provide some flexibility in design. The applicants are requesting to change the land use from Public/Institutional to MDR, Medium Density Residential and the zoning from P, Institutional to R-1C/PUD, Single Family Planned Unit Development and R-3B, Multiple Family Planned Unit Development. The site is currently surrounded by a mix of residential uses including townhomes and single-family homes. Staff feels the proposed land use and zoning designations would be consistent with the neighborhood. The plans include extending Cloman Way from the north and constructing a new east-west street that would connect to Clayton Avenue. The balance would be private roads. The public streets would be 28 feet wide which would allow parking on one side. Some of the private streets would be 28 feet wide as well which would provide additional parking on one side. They have provided some guest parking spots as well. The applicant is requesting flexibility from standards to allow 26%

building coverage whereas 20% is the maximum allowed. Lot sizes in the single-family neighborhood would range from 6,875 square feet to 9,713 square feet and lot widths would be 55 feet and Lot 1 would be 80 feet. Townhome lots do not have a required minimum lot size or width. The applicants are requesting some internal setback reductions to the front yards and to allow a separation of 15 feet whereas 20 feet is the code standard. All perimeter setbacks would be met. Overall impervious surface of the site would be below allowed impervious surface for both zoning standards. The PUD requires 15% of the site to be in permanent open space and it will be provided primarily in the southeast corner of the site. Most of the trees would be removed but they are meeting the requirements for general landscaping and reforestation. Generally, the stormwater system would be accommodated with a stormwater pond in the southeast corner and it would flow into existing storm systems for the area. Engineering held another virtual meeting last week with three of the residents in the Oaks townhomes to answer some of their questions on stormwater and ponding concerns. Staff believes their questions were answered, and they were satisfied that the design of the system would not add additional runoff going eastward. By code, a conditional use permit is required for all multiple-family developments. The project complies with the review criteria. He noted that the packet included 2 or 3 emails from residents and Planning Commissioners received two additional emails sent separately. He also had a phone conversation with someone living at the Oaks who had some concerns. Staff recommends approval of the request with the conditions listed in the report.

Chair Maggi asked what happened with a previous proposal for this site.

Mr. Hunting replied that the City received an application 3-4 years ago for a couple of apartment buildings and some townhomes, but it was withdrawn before going through the public review process.

Chair Maggi asked if this property was owned by the school district.

Mr. Hunting replied in the affirmative.

Chair Maggi asked if the sale of the property would be between the school district and the developer.

Mr. Hunting replied in the affirmative, stating the City had no involvement in the sale and does not own the property.

Commissioner Simon referred to the preliminary plat and asked for clarification of what looked like proposed buildings within a drainage and utility easement.

Mr. Hunting explained that the verbiage was referring to a common open space area and the driveway area; the lots are separate from any of the drainage easements.

Commissioner Simon asked if there were any comments from the fire department.

Mr. Hunting replied that Fire had no issues with the request as it met their requirements.

Commissioner Simon asked if the fire department required sprinklers in these townhomes.

Mr. Hunting suggested they ask the developer that question.

Commissioner Simon asked if the neighbors to the north would be able to access their backyards once this property was developed.

Mr. Hunting suggested that the applicant address that question.

Commissioner Niemioja asked if this lot was too small for a school to be built under current codes.

Mr. Hunting replied that he was unsure.

Commissioner Niemioja asked if these would be rental or owner-occupied units.

Mr. Hunting replied they will be for sale (\$300,000-plus per unit).

Commissioner Niemioja noted the traffic concerns raised by neighbors and asked what safety measures would be put in place around this neighborhood.

Mr. Hunting replied that the public works director had hoped to have a response to that question for this meeting but was unable to draft it in time.

Commissioner Niemioja asked if Mr. Dodge could address some of the engineering concerns from the surrounding homeowners.

Steve Dodge, Assistant City Engineer, stated the concerns from the Oaks were mainly about drainage coming off the impervious surface towards the Oaks property to the north or east. The developer will be capturing their impervious surface stormwater and they are providing a drainage swale on the north and east that directs stormwater to the proposed pond in the southeast corner of the site. The City has advised the developer that the proposed drainage swale should have the capacity to convey a 100-year storm event. Because they manage things under winter conditions as well, the developer must leave some extra space for water to move. The developer agreed to look at the areas around Lots 13, 22, 14 and 21 to make sure they have the capacity to treat any water draining that way. The Oaks was also concerned about snow storage and the developer advised they left enough space for snow storage, which would drain towards the pond. Some of the backyards of the Oaks have seen water up to their porches. The developer, the City, and the City's water resources engineer, Barr Engineering, are going to look at the flood elevations for the area, the stormwater management plan, and the emergency overflows to verify that the neighbors on all borders of the plat are protected. Generally, the Oaks seemed to be receptive of the developer's responses and the City requirements.

Chair Maggi noted that the Planning Commission generally looks at stormwater management within the plot of land being developed at the time but asked if engineering staff looked at stormwater management more comprehensively, such as within a five-mile radius.

Mr. Dodge replied in the affirmative, stating they look not only at the subject property, but also at adjacent and downstream properties and the comprehensive design of the trunk storm sewer system.

Commissioner Weber asked if the 10 single-family lots on the southern portion of the plat needed to meet the R-1C 100-foot minimum lot width requirement for corner lots and 85-foot for interior lots.

Mr. Hunting replied that part of their request is for flexibility from the standard lot sizes to allow those to be reduced to 55-feet wide and about 6,800 square feet in total area, with corner lots being a bit larger.

Chair Maggi stated they should consider is how the reduced lot sizes would impact potential homeowner requests for decks and patios in the future.

Commissioner Wippermann stated that typically when the City agrees to flexibility requests for a

PUD project, they get something in return, such as extra open space. He asked what the City was gaining in this case.

Mr. Hunting replied it is an opportunity to develop the site to its fullest potential while providing current trends in development that the market is looking for (i.e., smaller lots and reduced lot widths).

Commissioner Wippermann stated the neighborhood to the south had much larger lots compared to what is being proposed and questioned why they were allowing them to pack so many homes onto this piece of property.

Opening of Public Hearing

John Rask, M/I Homes, 5354 Parkdale Avenue, St. Louis Park, advised he was available to answer any questions.

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

Mr. Rask replied in the affirmative. He advised that M/I Homes purchased Hans Hagen Homes about 5 years ago but have been building and developing land in the Twin Cities for nearly 60 years. They were brought into this site by Dick Braun and Mark Gunther, who thought they would be a good fit for this project given the type of townhomes they build and how this site was laid out. To answer previously asked questions, he advised that the units would be fully sprinkled. Each unit has its own fire suppression system as required by code. Regarding access to the back yards for the development to the north, Mr. Rask advised that the Oaks townhome fences were constructed along the property line which in essence landlocked themselves. They spoke with some of the members of the Oaks HOA Board about that issue and agreed to provide access over that area for any of the adjacent residents that would need to get access to the rear of their fence. In response to the question about whether this site was too small for a school, his understanding was that there was no specific minimum lot size for a school and in this case the school district likely just decided the site was not adequate and elected to sell it. Regarding price and ownership, the townhomes are all for sale units with prices starting at \$300,000-\$350,000, depending on what upgrades buyers choose. All units are three bedrooms, 2.5 baths, and range in size from 1,750 to 2,400 square feet. The single-family villa homes are one-level living. They do not have age restrictions on the homes, but they are designed for the empty nester with main floor master and laundry and smaller lots that are easy to maintain. A patio space design is provided outside the 30-foot setback. The homeowners in the single-family villas will own and maintain their own home but must still adhere to association guidelines, such as not being allowed to build a shed or house addition. The homes will sell in the upper \$300,000's to low \$400,000's. Regarding parks, these homes are not being marketed to families with children so likely that will not be a factor. Also, they realize that the single-family lots are not as large as those to the south, but the idea was to provide an appropriate transition from the single-family neighborhood to the townhomes and apartments to the north. Regarding traffic, they normally do not do traffic studies for townhome communities less than 100-150 units. With townhomes in general there is not a peak demand like you would have in commercial areas where everyone arrives and leaves at the same time. It is similar to single-family neighborhoods with the exception that family size and traffic counts tend to be lower in townhomes than single family. They have worked with the Oaks and understand their concerns and are working through that with the City and their stormwater consultant to come up with a plan that addresses those concerns. The Oaks have existing drainage problems, and their goal is not to add to their problem and perhaps even help them by rerouting stormwater.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi appreciated that the neighbors raised valid questions and the developers seem to

have addressed those concerns. She had some concerns about smaller lot sizes based on historical precedence but felt perhaps the single-family homes being targeted to empty nesters would make a difference.

Commissioner Clancy stated the lot size question is still debatable, but the applicant's explanation for why they are the size that they are makes sense. He felt confident that many of the questions posed by the surrounding residents have been answered and he was reassured that the building department will have another chance to look at drainage and utility easements.

Commissioner Niemioja appreciated Mr. Dodge addressing her main concern, which is stormwater management. She believes that traffic will be addressed at some point and having the patio built into the design and this being part of an HOA makes her more comfortable with the single-family home lot sizes.

Commissioner Wippermann stated he did not have an issue with the smaller lots since they were being built as villa homes targeted for empty nesters, similar to what was approved in the Canvas development. He would have had an issue if it were designated as a regular single-family area with families and youngsters.

Commissioner Kramer stated he was comfortable with the smaller lots knowing that there were only 10 villa homes and he felt it would provide a natural progression of uses and densities. He stated this property has been vacant for a long time and he thinks this development will bring vibrancy to the neighborhood with more people walking, using Oakwood Park, and visiting local businesses.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a comprehensive plan amendment to change the guided land use from P, Institutional to MDR, Medium Density Residential, a rezoning from P, Public/Institutional to PUD, Planned Unit Development, a preliminary plat and preliminary PUD for an 80-lot development (10 single-family homes, 70 townhomes), and a conditional use permit for a 70-lot town home development, for the former South Grove Elementary school site, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on March 8, 2021.

The meeting was unanimously adjourned at 8:23 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary