

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 5, 2017 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tony Scales
Armando Lissarrague
Dennis Wippermann
Jonathan Weber
Joan Robertson
Elizabeth Niemioja
Annette Maggi
Pat Simon

Commissioners Absent: Luke Therrien

Others Present: Tom Link, Community Development Director
Allan Hunting, City Planner

APPROVAL OF MINUTES

The August 15, 2017 Planning Commission minutes were approved as submitted.

CITY OF INVER GROVE HEIGHTS – CASE NO. 17-45X

Reading of Notice

Commissioner Simon read the public hearing notice to hold a public hearing to consider recommendations regarding the repeal of Title 10, Chapter 5, Section 11 of the Inver Grove Heights City Code and the enactment of Title 5, Chapter 5, Section 11 of the Inver Grove Heights City Code related to predatory offender residency restrictions. No notices were mailed.

Presentation of Request

Bridget Nason, Levander, Gillen & Miller, explained the request as detailed in the report. She advised that in 2016 the City adopted an interim ordinance which established temporary predatory offender residency restrictions to allow for the study, adoption, or amendment of controls related to the residency of predatory offenders. Following completion of that study, an ordinance has been prepared which will repeal the interim ordinance and enact permanent predatory offender residency restrictions in the City. The interim ordinance ended up being codified within the zoning ordinance itself, so the first part of the ordinance officially repeals the interim ordinance. The second part of the ordinance establishes permanent residency restrictions for certain designated predatory offenders. The restrictions will be located in Title 5, Chapter 5, Section 11 of the City Code which is the Police, Health and Safety section. The ordinance establishes a 1,000-foot buffer zone from places where children are likely to congregate (i.e. schools, libraries, houses of worship), with a few exceptions.

At Commissioner Niemioja's request, Ms. Nason displayed a map indicating the areas in the City within the 1,000-foot buffer.

Commissioner Niemioja asked what the reason was behind the immediate family member residence exception.

Ms. Nason advised that the family exception was more common than not and allowed predatory

offenders to live with certain family members.

Commissioner Lissarrague asked if the ordinance pertained to only Level III offenders.

Ms. Nason replied in the affirmative, stating the definition of a designated predatory offender was essentially a Level III offender.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated she did not have a problem with the ordinance as written, but felt the family exception was a good question for City Council to consider as it involved a large area of the city.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Lissarrague, to the repeal of Title 10, Chapter 5, Section 11 of the Inver Grove Heights City Code and the enactment of Title 5, Chapter 5, Section 11 of the Inver Grove Heights City Code related to predatory offender residency restrictions.

Motion carried (8/0). This item goes to the City Council on September 11, 2017.

JOE LEVI – CASE NO. 17-34C

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit to allow sheet metal siding on a detached accessory building, for the property located at 8803 Inver Grove Trail. 77 notices were mailed.

Chair Maggi noted that Commissioners received a copy of an email from a neighbor.

Mr. Hunting advised that was the only email staff received from neighboring property owners.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property is zoned A, Agricultural and is 5.33 acres in size. The property currently has a single-family home and a 572 square foot detached structure. The applicant is proposing to construct an 1,800 square foot accessory structure, which would comply with the number of accessory buildings and size requirements for the property. The new structure would have the corrugated metal siding, which requires a conditional use permit. The request meets the sheet metal siding and general CUP criteria. Engineering is requesting an easement over a low spot on the west side of the property for drainage purposes and to protect its natural basin. Staff recommends approval of the request.

Commissioner Niemioja asked for clarification regarding the required sheet metal gauge.

Mr. Hunting replied that the applicant is proposing 28-gauge whereas 29 is required. This complies with the requirements as the smaller the number the thicker the metal.

Commissioner Simon asked if there were any color restrictions in the code.

Mr. Hunting replied there were not.

Commissioner Scales asked if the Planning Commission could suggest that the drainage easement not be required.

Mr. Hunting replied in the affirmative.

Commissioner Scales questioned the need for it on a five-acre parcel.

Mr. Hunting stated he did not have much background on the requested easement, but believed it would negate the need for additional treatment.

Chair Maggi noted that the conditions were not specific and simply stated that prior to commencement of any grading the final grading, drainage, and erosion control plans shall be approved by the city engineer.

Opening of Public Hearing

Joe Levi, 8803 Inver Grove Trail, advised he was available to answer any questions.

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

Mr. Levi replied in the affirmative.

Commissioner Wippermann asked what color the proposed building would be.

Mr. Levi replied it would be earth tones.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a conditional use permit to allow sheet metal siding on a detached accessory building, for the property located at 8803 Inver Grove Trail.

Motion carried (8/0). This item goes to the City Council on September 11, 2017.

CITY OF INVER GROVE HEIGHTS – CASE NO. 17-39VAC

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for the vacation of a permanent drainage and stormwater ponding easement, for the property located at 6070 Cahill Avenue. 13 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City acquired a drainage and utility easement over the northeast corner of the River Heights Vineyard Church property to be used for ponding capacity to address some flooding issues at Carleda Way and 64th Court. Based on a request by the landowner, the City Engineering Department did further research and determined it is not feasible at this time to complete the stormwater rerouting for which the easement was originally acquired. Therefore, they are

comfortable releasing the easement. Engineering recommends vacation of the existing drainage and utility easement.

Chair Maggi noted that part of the reason the Planning Commission approved a previous variance for this property was because of the easement.

Mr. Hunting clarified that the previous variance request was associated with a different private easement which is still in existence; not the easement being discussed tonight.

Chair Maggi asked for clarification of whether the stormwater rerouting would never happen in this area or was it just not feasible at this time.

Mr. Hunting advised he did not have enough information to answer that question.

Commissioner Robertson asked what the stormwater plan was for that area should they vacate the easement.

Mr. Hunting replied he was unsure.

Commissioner Scales stated it appears the City is using a blanket approach lately and acquiring drainage easements for all building projects without having the background behind whether or not they will be used. He suggested the City review its process on applying drainage easements.

Commissioner Robertson stated she would need to know what protections are going to be put in place for the properties to the north and east of this parcel before she could recommend approval of the vacation.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated because engineering has stated they do not need this easement for the safety of the area she is comfortable moving this forward; however, she wishes they had more information from engineering explaining what is now in place for stormwater management.

Chair Maggi agreed that more information would be helpful, especially since there is a potential for increased impervious surface with the proposed building addition.

Mr. Hunting advised that the applicants will have to treat the additional runoff for their proposed building addition.

Chair Maggi advised that the report from the City Engineer states there is a known flooding issue at Carleda Way and 64th Court but that it is not feasible at this time to complete the stormwater rerouting. She asked for clarification as to why they could not do the rerouting.

Mr. Hunting responded that apparently there are other options to address the historical flooding issue on Carleda Way and 64th Court.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to approve the request for the vacation of a permanent drainage and stormwater ponding easement, for the property located

at 6070 Cahill Avenue.

Commissioner Robertson advised that she could not approve the request at this time as she needed more information on the safeguards in place for the Carleda Way neighborhood.

Commissioner Scales stated his understanding was that stormwater could not get to the easement area in question even if it flooded on Carleda Way.

Motion failed (4/4 – Wippermann, Robertson, Simon, and Maggi)

Chair Maggi asked if it was possible to table the request until they could get additional information from engineering.

Mr. Hunting replied in the affirmative.

Commissioners Simon and Robertson supported tabling the request for additional information.

Commissioner Niemioja stated that additional information would likely help City Council as well.

Motion by Commissioner Simon, second by Commissioner Robertson, to table the request for the vacation of a permanent drainage and stormwater ponding easement, for the property located at 6070 Cahill Avenue, to the September 19 Planning Commission meeting.

Motion carried (8/0).

OTHER BUSINESS

CITY OF INVER GROVE HEIGHTS (McPhillips) – CASE NO. 17-38X

There was no public hearing notice.

Presentation of Request

Tom Link, Community Development Director, explained the request as detailed in the report. He advised that the owners of 6940 and 6950 Dixie Avenue approached the City and expressed an interest in selling their two single-family residential properties to the Inver Grove Heights Economic Development Authority (EDA). The Planning Commission is being asked to consider whether the City acquisition of these two properties is consistent with the comprehensive plan. The comprehensive plan includes several statements regarding the importance of economic development and the role of the EDA, and specifically states that the City should support redevelopment efforts for the Concord Neighborhood. Mr. Link advised that the Concord Boulevard Neighborhood Plan, adopted in 2012, identifies this neighborhood as one of four 'catalyst' sites. The City's plans are to acquire properties from willing sellers, assemble them into larger parcels, remove the structures, and at some future time sell them for redevelopment. Staff recommends that the acquisition be found consistent with the comprehensive plan.

Commissioner Simon asked for clarification of which parcels in this neighborhood were owned by the City.

Mr. Link displayed a map indicating which of the parcels were currently City-owned.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Lissarrague, to recommend approval of

the request to find the acquisition of the properties at 6940 and 6950 Dixie Avenue consistent with the Inver Grove Heights Comprehensive Plan.

Motion carried (8/0).

The meeting was adjourned by unanimous vote at 7:40 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary