INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, JUNE 3, 2014 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR MAY 6, 2014 AND MAY 20, 2014**

3. **OTHER BUSINESS**

   3.01 **NORTHWEST AREA STORM WATER UPDATE PRESENTATION** - by City Engineer, Tom Kaldunski

4. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

   4.01 **THOMAS MILLAN - CASE NO. 14-18V**
   Consider a **Variance** to allow two detached accessory buildings on a property whereas one is allowed in the R-1C zoning district. This request is for the property located at 3183 – 70th Street.

   Planning Commission Action _____

5. **ADJOURN**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 6, 2014 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Paul Hark
Pat Simon
Tony Scales
Armando Lissarrague
Annette Maggi
Victoria Elsmore
Bill Klein
Dennis Wippermann
Harold Gooch

Commissioners Absent:

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

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APPROVAL OF MINUTES

The minutes from the April 15, 2014 Planning Commission meeting were approved as submitted.

ANTHONY MICKELSON – CASE NO. 14-13V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a six foot privacy fence within the corner front yard setback, for the property located at 7413 Cloman Way. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the request is for the property located on the corner of Cleve and Cloman. Since the property is a corner lot it is looked at as having two front yards. The applicant would like to construct a six foot solid fence 17 feet from the front property line whereas 30 feet is required. The main concern is that this area acts as the front yard for the property owner to the northwest. That neighbor would not be allowed to have a fence over 42 inches in height located in their front yard and the proposed fence could prevent visibility in their front yard. Because the applicant would be allowed to install a fence 30 feet from the property line or a fence 42 inches or shorter in height along that property line it could be considered a convenience. Approving a fence higher than 42 inches could set a precedent for fences in other front yard requests. Staff recommends denial of the request. Staff received an email from a neighboring property owner in support of the request which is included in the packet. Staff also received a phone call from the neighbor next door who was in support of the request.

Chair Hark noted that the corner lot two doors down from the applicant had a fence which appeared to be in the same location as the proposed fence. He asked if that was something the City had previously approved.

Ms. Botten replied she was unsure of the details of that fence, stating it was possible the fence had

been built without a permit or that they had applied for a permit at a time when the code was interpreted differently.

Commissioner Simon noted that it was a six foot solid wooden fence.

Anthony Mickelson, 7413 Cloman Way East, stated he would like to show photographs of existing fences within a two block radius of his house that were closer to the road than what he was proposing.

Commissioner Simon asked the applicant if he knew when the fence two doors down from him was installed.

Mr. Mickelson replied that his neighbor told him t was constructed 8-10 years ago. He showed photos of the previously referenced fence two doors away from him, a photo of a fence on the corner of Clayton and 75th which was eight feet from the road, and a photo of a fence on the corner of Cloman and 75th which was six feet from the road. He advised that he plans to store his boat inside the proposed eight foot recessed area next to his house as he does not have any room on his driveway and would like to avoid parking the boat on the grass in the front yard. He would like the fence to be solid because of the privacy it would provide and to discourage his dogs from barking at pedestrians walking by his home.

Opening of Public Hearing
Chair Hark opened the public hearing.

There was no other public testimony

Chair Hark closed the public hearing.

Planning Commission Discussion
Chair Hark stated normally he would deny a request such as this; however, with a similar fence being two doors down a precedent has already been set.

Commissioner Simon questioned how they could deny the request when there was an existing fence in the same location as what was being proposed located so close to the subject property. She advised she would be voting for approval.

Commissioner Lissarrague stated he supported the request as well due to the fact that there were similar existing fences in the neighborhood.

Commissioner Wippermann stated he could understand why the applicant was requesting the fence based on what he has seen in his neighborhood; however, the fact that others have not complied with ordinance requirements does not mean that the remainder of the City does not have to follow the guidelines.

Chair Hark stated one of the issues they had was finding a practical difficulty.

Commissioner Gooch suggesting passing it on without a recommendation due to the fact that there were out of compliance fences throughout the City, but yet there was no practical difficulty for this request. He stated the City needed to enforce its codes and felt it would be unfair to the homeowner to deny the request.

Commissioner Scales stated it bothered him that the City did not seem to be enforcing its own codes and perhaps City Council should decide whether the City should change their regulations or

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work on enforcing them.

Commissioner Klein stated the dilemma was that it is difficult to have an ordinance where one size fits all, especially with all lots being different sizes. He stated that South Grove lots in particular tend to be smaller so there is not much room to work with when putting up a fence.

Commissioner Elsmore stated the Commission's charge was to determine whether or not the request meets the variance guidelines and then forward it on to Council, who has more flexibility. She noted they do not know the history of the other fences and they may very well have come in and gotten permission for them.

Commissioner Lissarrague stated because they do not know the history of the other fences he would prefer to pass it on without a recommendation rather than deny it.

Chair Hark stated the City Council had a much broader perspective, but the Planning Commission had a rather narrow focus in being charged to determine whether the request meets the variance criteria or not. He could find no practical difficulty.

Commissioner Maggi asked if the practical difficulty could be that the applicant technically has two front yards and no side yard. A practical difficulty is defined as circumstances that are unique to the property not created by the land owner. The applicant did not create the fact that he has two front yards by City Code.

Chair Hark stated in his mind it could not be used as a practical difficulty, and he asked for staff's opinion.

Mr. Hunting responded that the intent of the words 'unique to the property' was to mean a particular property. He advised there are numerous corner lots throughout the City so having two front yards would not make it unique. He noted that owners of corner lots are not penalized as extra width and area requirements are factored into the Code to address corner lots.

Planning Commission Recommendation
Motion by Commissioner Wippermann, second by Commissioner Scales, to deny the request for a variance to allow a six foot privacy fence within the corner front yard setback, for the property located at 7413 Cloman Way, based on the three findings listed in the staff report.

Motion carried (7/2 – Simon, Gooch). This item goes to the City Council on May 12, 2014.

MERIDIAN LAND COMPANY – CASE NO. 14-12PUD

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agricultural to R-1/PUD, Single-Family Residential within the Northwest Area Overlay District, a preliminary plat approval of Fox Glen consisting of 44 lots and 3 outlots, and a preliminary PUD development plan amendment for the 44 lot residential subdivision to be known as Fox Glen. 5 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property was recently approved for a comprehensive plan amendment that changed the property from High Density to Low-Medium Density. The applicant is now before the Planning Commission with three additional requests for the platting and rezoning. The property is currently zoned A,

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Agricultural and the applicant is requesting to rezone it to R-1C/PUD, which is a single-family PUD for the Northwest Area. They are also requesting a preliminary plat consisting of 49 buildable lots and four outlots; the outlots would be for stormwater purposes and would be owned by the City. They are also requesting a preliminary PUD for the Fox Glen PUD. The applicants are requesting flexibility to allow a 15 foot separation between units whereas a 20 foot separation is required. The objective for the 20 foot separation was to allow enough room for rain gardens or infiltration basins to be constructed between houses. That is unlikely to occur so the applicant is requesting a 15 foot separation which would be consistent with the standard required separation in the other parts of the City. Staff supports the separation and flexibility request. Based on the ordinance, the maximum impervious surface coverage allowed is 25% unless a request for flexibility is granted. The applicant is requesting flexibility from the requirement that any portion of a driveway greater than 20 feet in width be constructed of a porous pavement material. The applicant plans to incorporate the additional runoff into their storm water design. The Argenta Hills development was granted this same flexibility and no known issues exist with this flexibility. Staff supports this request. To fund the utility improvements in the Northwest Area, the Council adopted a funding resource of collecting connection fees at time of development. The densities proposed for the Fox Glen project are less than what was assumed to be built here in the Northwest Area Planning Analysis. The applicant will be required to pay the shortfall in building permit fees so the City can recoup the money that they had assumed for this land. There are no planned park areas in the vicinity of the project; therefore, staff recommends cash in lieu of park land for the Fox Glen project. The site plan identifies a sidewalk along the east side of the main street. Code requires a sidewalk on one side of all streets. Therefore a condition of approval is that streets B and C be required to have sidewalks on one side excluding any cul-de-sac portions. In regard to streets and connectivity, staff is comfortable with the street layout and its alignment with the future County Road 28 realignment. A temporary turn-around for street C will be required.

Chair Hark asked where the two temporary turnarounds would be located.

Mr. Hunting replied that one temporary turnaround was shown on the site plan on Lot 1, Block 3. Staff is requiring an additional turnaround in the general location of Lot 5, Block 4. Access to the Abbott parcel shall remain open at all times and the developer will be responsible for establishing a permanent driveway access to the new public street. The proposed landscape plan meets the reforestation and tree planting totals; however, some minor modifications of placement will be done with the final PUD design. The grading and stormwater plan has a pond that extends onto the neighboring property owned by another resident and the City. The City has received an application from the neighbor and this ponding would be part of their project. Staff recommends approval of the request with the 24 conditions listed in the request.

Chair Hark stated he was surprised that there was a market for houses so close to each other.

Commissioner Wippermann referred to the statement in the report that 'there are no minimum lot size or width standards in the Northwest Area, so no lot size review is necessary'. He stated that he found that troubling and has never seen that type of statement in a staff report before. He commented that the Planning Commission always reviews at least the lot sizes.

Mr. Hunting responded that the comment was in reference to plats normally being reviewed as to whether they meet minimum lot size standards. There is flexibility as to the lot size in the Northwest Area and it is not important in a detailed review as to whether or not it meets the criteria; that is all built into the design of the PUD.

Commissioner Wippermann stated there was flexibility on lot sizes with all planned unit developments within the City with the idea being the City should receive some offsetting benefits in return. He questioned how Commissioners could envision the development without knowing what

lot sizes and setbacks were being proposed.

Commissioner Simon stated she was aware there was no minimum lot size required in the Northwest Area; however, she did not remember anything stating it should not be reviewed.

Mr. Hunting stated that staff did a review.

Commissioner Wippermann asked whether the Planning Commission could review it as well.

Mr. Hunting replied that was what they were doing tonight.

Commissioner Wippermann stated they needed the lot sizes and setbacks to complete a review.

Commissioner Simon advised that the lot dimensions were listed on the site plan.

Commissioner Wippermann stated that fortunately the developer included a statement as to how the proposed development compared to the City's guidelines; however, he would have preferred to receive that from the City.

Commissioner Simon stated there was no distance listed from the edge of the house to the edge of the lot and a person had to guess where the house pads were in comparison to that of the one next to it.

Mr. Hunting stated the applicants must meet all setback requirements, and the pads shown on the plans indicated the general location and were not necessarily shown in their final location.

Commissioner Simon asked if the applicants could move the pad as long as they stayed within the five foot perimeter easements.

Mr. Hunting replied they could not be any closer than five feet from the side property line. If they were five feet on one side they would have to be at least feet from the other side property line in order to maintain a 15 foot separation. This requirement was typical of any standard subdivision and there was always some play in where the house was ultimately located.

Commissioner Simon stated this was the first application she remembered where the distance between the corner of the pad and the corner of the lot was not listed for a lot in the Northwest Area. She questioned whether any application in the Northwest Area would be allowed to move the house pads from where they were shown on the plans.

Mr. Hunting stated that would be true of any application in the City, not just the Northwest Area.

Commissioner Simon stated at the time they established the rules that point was not made clear enough for her and she would not have supported only a five foot side setback.

Mr. Hunting noted there was also a 20 foot separation requirement.

Commissioner Simon pointed out that some of the maps showed 49 lots whereas others showed 44.

Mr. Hunting stated the most recent plans were the ones showing 49 lots. The older plans showing 44 lots were used as a reference only because he did not have the revised plans.

Commissioner Simon asked if it was problematic that the public hearing notice referenced 44 lots.

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Mr. Hunting replied in this instance it was not an issue. He advised that the notice must be published early on in the process and in this instance the City was trying to achieve more density so the additional five lots brought them closer to the City's goal.

Commissioner Simon asked what the status was on the Malensek conservation easement.

Mr. Hunting replied he was unsure.

Commissioner Simon asked if the Metropolitan Council had approved the comprehensive plan change for this property.

Mr. Hunting replied they were currently reviewing it.

Commissioner Simon asked if this could no longer go forward if the comprehensive plan change was denied.

Mr. Hunting replied in the affirmative, stating the plat was conditioned upon Metropolitan Council approval.

Commissioner Simon questioned whether rain gardens would ever be able to be constructed between houses as anticipated since homes could not be built without disturbing the land.

Mr. Hunting stated the engineers now recognize that in order for this to work two houses must be built simultaneously so the grading work would be done at the same time. This situation could happen, however, it is unlikely and subsequently developers are requesting a smaller separation since the rain gardens are not going to be utilized in the design.

Commissioner Simon stated that it appeared as if a portion of the right-of-way along 80th Street was not the full 50 feet from the center line.

Mr. Hunting advised that the center line of the existing right-of-way and the center line of the rebuilt road were different. The applicant worked with Dakota County to determine where they should be measuring from. This will eventually start the 'S' curve when County Road 28 is rebuilt.

Commissioner Simon stated she would like to change the word 'must' in Condition 18 to 'is required to'.

Mr. Hunting stated that was the intent; however, the Commission had the ability to change the wording.

Commissioner Wippermann asked where the 15 foot minimum separation was spelled out in the conditions.

Mr. Hunting replied that was part of the flexibility; however, a condition could be added specifying a 15 foot minimum separation.

Commissioner Wippermann stated he would like to add that requirement as Condition 25.

Commissioner Klein asked if there would be enough room on these lots for homeowners to add impervious surface for patios, sheds, etc.

Mr. Hunting stated these lots would be treated the same as any others in the City, and any

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homeowner wanting to exceed the maximum impervious surface allowed would have to go through the conditional use permit process and, if approved, they would have to treat the additional surface and the runoff it creates.

Opening of Public Hearing

Rick Murray, 3600 American Boulevard West, Bloomington, advised he was available to answer any questions.

Chair Hark asked if he had read and understood the staff report.

Mr. Murray replied in the affirmative. He advised that all lots will maintain a 15 foot separation and the houses will comply with the 20-30 foot front yard setback. They have a substantial concern; however, with the impervious surface requirements. They recently met with builders to determine what product they foresee for this neighborhood. They plan to do two different products; some with 60 foot pads overlooking the golf course and the woods, and some with 50 foot pads. Based on 25% impervious surface calculations, 2,606 square feet of impervious surface would be allowed. They have found that they need more than that and are therefore requesting flexibility to allow up to 30% of impervious surface. Mr. Murray advised that because of the impervious surface restrictions most, if not all, of the homes would be two-story. He showed renderings of possible homes that could be built on the lots.

Commissioner Maggi asked what the dimensions were of one of the potential homes being shown.

Mr. Murray replied the house and garage were 60 feet wide and 45 feet deep, for a total of 3,626 square feet. If they were allowed 30% of impervious surface this house would fit on one of the larger lots.

Commissioner Wippermann asked how much the homes would be sold for.

Mr. Murray replied the home prices would range from $380,000-$450,000.

Commissioner Wippermann asked if most of the homes would have three-car garages.

Mr. Murray replied in the affirmative.

Commissioner Wippermann asked why the applicant was proposing 49 lots whereas their original proposal was for 44.

Mr. Murray replied that because the projected land use was originally for 91 units, the units they do not build will cost them approximately $10,000 apiece. Therefore it behooves them to try to get as many lots as possible in their subdivision. Another factor was that the County will be taking less property for CSAH 28 than they had originally thought so they have more land to work with.

Commissioner Wippermann noted that initially the applicants were proposing 70 foot minimum lot widths; however, now there were many lots 65 feet or less in width.

Mr. Murray replied they reduced some of the lot sizes to gain additional lots. They are retaining 70 foot lot widths on the eastern side of the development and smaller lots on the western side.

Commissioner Maggi questioned if they could meet the 15 foot separation on the narrower lots since they had not shown any homes less than 50 feet in width.

Mr. Johnson replied it was their intent for all lots to be 65 feet or wider at the setback. He noted

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that while some lots were less than 65 feet in the front they widened out in the back.

Mr. Murray stated it was their intention to have no variances.

Commissioner Klein asked how the impervious surface would be affected if they installed rain gardens between lots along the front curbs.

Mr. Hunting replied that it would not have any impact on allowed impervious surface but could reduce the size of some of the proposed ponds.

Commissioner Lissarrague asked if smaller lots and larger houses was a common trend throughout the metro.

Mr. Murray replied in the affirmative.

Chair Hark asked whose property the temporary lift station would be located on.

Mr. Murray replied that the lift station was proposed to be on the City's property as part of a land swap.

Chair Hark asked if it was an above ground structure.

Mr. Murray replied it would be underground, with only the control panel and electricity being above ground.

Chair Hark asked what would happen when the temporary lift station was no longer needed.

Mr. Murray replied it was his understanding that when CSAH 28 is completed the sewer would then run down to the roundabout.

Chair Hark closed the public hearing.

Planning Commission Discussion
Commissioner Gooch asked where the side setback was measured from and if this would look similar to the Argenta Hills development.

Mr. Hunting replied that setbacks were measured from the vertical surface, with a two-foot roofline encroachment allowed into the setback. He stated these houses would have a 15 foot minimum separation whereas most of the houses in Argenta Hills had a 10 foot separation.

Commissioner Scales asked if a 15 foot separation was the standard throughout the urban areas of the City.

Mr. Hunting replied in the affirmative.

Planning Commission Recommendation
Commissioner Klein advised that he supported the request as the City has been looking to develop this area for quite awhile.

Motion by Commissioner Klein to approve the request for a rezoning of the property from A, Agricultural to R-1/PUD, Single-Family Residential within the Northwest Area Overlay District, a preliminary plat approval of Fox Glen consisting of 49 lots and 4 outlots, and a preliminary PUD development plan amendment for the 49 lot residential subdivision to be known as Fox Glen.

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Commissioner Maggi noted that mention had been made of adding another condition.

Commissioner Klein stated his motion included an additional condition requiring a 15 foot separation.

Chair Hark asked for clarification of the verbiage for the proposed Condition 25.

Commissioner Wippermann proposed that Condition 25 require a minimum of a 15 foot separation between structures.

Commissioner Simon asked if Commissioner Klein would be amenable to changing the word 'must' in Condition 18 to 'is required to'.

Chair Hark stated he did not feel it was necessary as they both meant the same thing.

Second by Commissioner Gooch.

Commissioner Wippermann asked if the Planning Commission should address the applicant's request for flexibility to allow up to 30% of impervious surface.

Mr. Hunting replied that if the Planning Commission was comfortable with allowing an overall maximum impervious surface of 30% it should be added as a condition. They could also add language requiring that the applicant design stormwater systems to accommodate the additional impervious surface and the runoff that would be created.

Commissioner Simon asked Commissioner Klein if he was amenable to adding that language as a condition.

Commissioner Klein replied in the affirmative.

Commissioner Maggi stated that it must be made clear to the developer that the City is making allowances up front to avoid requests for variances coming in later.

Commissioner Klein stated the applicants should inform the buyers of how much room they would have to install anything additional.

Motion carried (9/0). This item goes to the City Council on May 27, 2014.

BIAGINI PROPERTIES – CASE NO. 14-11PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a final plat for a one lot subdivision, a preliminary and final PUD development plan for a one lot subdivision as required by the Northwest Area Overlay District to allow a 9,400 square foot building and related improvements on the property, a rezoning of the property from P, Institutional to P, Institutional/PUD to allow for development in the Northwest Area, and a zoning code amendment to allow a crematorium, columbarium, and mortuary as a permitted or accessory use in the 'P' district, for the property located at 8225 Argenta Trail. 12 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised

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that the original property, about 40 acres in size, was approved for a cemetery in 1975. In 2001 the plat of Gene Worrell Church Acres was approved. This plat consisted of three outlots that were planned for three different church sites. Outlots A & C are currently vacant. Outlot B is the proposed property which is currently operating as a green cemetery. There is also a single-family home on that property which is slated to be removed. The applicants are proposing to construct a 9,400 square foot building which would operate as a full service mortuary including a mausoleum, cremation, chapel, gathering area, and dining area. The proposed plat is a one lot subdivision that would be about 2.96 acres in size with the remaining property in outlots. The plat would be known as Prairie Oaks Memorial Eco Gardens. Since the property is located in the Northwest Area the property is required to be zoned as a PUD. The property is zoned P, Institutional and is proposed to be changed to P, Institutional/PUD. The land uses allowed are the same in the P and the P/PUD zoning districts. Currently mortuaries and crematoriums are only allowed in most of the commercial districts, therefore, the applicants are asking for a zoning code amendment to allow a crematorium, columbarium, and a mortuary as an accessory use to a cemetery in the P district. The access to the property would be off of Auburn Path. The applicants are requesting flexibility from the parking requirements to allow 53 parking spaces whereas 41 is the maximum allowed, with the potential for an additional 10 depending on the future need. Staff is comfortable with the proposed amount of parking as long as any spaces above 31 be constructed of pervious parking material. Staff received three phone calls from residents who had general inquiries and did not state any concerns. Five emails were also received from residents opposed to the request, copies of which were distributed to the Commission. The main concern from the residents was the crematorium and the environmental and health impacts it may have. The City does not have specific regulations pertaining to the operation of crematoriums nor do we have any experts in this field. The City relies on the Minnesota Department of Health as the regulatory agency and prior to operation the applicant must obtain all necessary federal, state, and local permits. Any emissions would have to meet MPCA standards. Staff has done some research and discovered there is a growing concern about the amount of mercury that is emitted from the fillings and cavities of deceased. Information is inconclusive about the amounts actually released into the air and its impact on groundwater as there are many different sources that emit mercury. Staff recommends approval of the four requests with the conditions listed in the report.

Commissioner Simon asked if the applicants would have to pay additional fees once sewer and water becomes available in addition to the plat connection fees they are being asked to pay up front.

Mr. Hunting replied in the affirmative, stating that additional fees would be collected once sewer and water becomes available. At this time they are proposing well and septic.

Commissioner Simon asked if having a mortuary and crematorium on well and septic would be problematic.

Mr. Hunting replied that the applicant must comply with all necessary State and local permits. The City will determine what type of system should be used based on the building use and occupancy.

Commissioner Simon questioned if there was any concern with wells drawing water from the naturally decomposing bodies in the green cemetery. She noted there were wells in her area that were only 75 feet deep and she questioned whether there was a depth requirement with a green cemetery that close.

Ms. Botten replied there were no requirements that she was aware of.

Commissioner Klein questioned if there would be enough parking spaces, noting that large funerals could generate excessive amounts of vehicles.

Mr. Hunting agreed that in extreme events there could be a parking shortage; however, the intent of the Northwest Area was to reduce impervious parking.

Opening of Public Hearing
Dick Biagini, Biagini Properties, 2935 Country Drive, Little Canada, advised he was available to answer any questions.

Chair Hark asked if he read and understood the staff report.

Mr. Biagini replied in the affirmative. He advised that for large funerals they could utilize the interior roads for additional parking.

Commissioner Klein asked how many vehicles that would accommodate.

Mr. Biagini replied at least 50.

An unknown person in the audience advised they could also have temporary parking on the grass if necessary.

Tony Weber, 300 Salem Church Road, West St. Paul, explained that the purpose of a green cemetery was to prohibit anything that would contaminate the groundwater and soil such as embalming fluid, metal coffins, or concrete. He intends someday to place the property into a land conservancy to be used as a public space with benches, picnic tables, and a bark chip walking path. They plan to plant trees, grasses, and flowers that are indigenous to the area. The marking stones will be indigenous to the area as well. Mr. Weber asked if anyone noticed any odor or smoke from the crematorium next to City Hall.

Ms. Botten advised that bodies were not cremated at that location, but rather sent off-site.

Mr. Weber read some highlights from a report from the Matthews Company which produces and installs the cremation equipment. He stated the equipment operates without smoke or odor, the emission levels were less than half the allowable standards, and residents in the area would not be aware this equipment was operating. He stated that all machinery that performs combustion gives off byproducts that are referred to as particulate matter. Because of the proposed equipment's high quality standards these byproducts are not visible nor is there an odor of the material being combusted. He stated the equipment operates automatically and has built-in pollution detection equipment that constantly supervises the operation. Mr. Weber showed a diagram of an emission comparison of residential fireplaces, diesel trucks, a restaurant cooking 100 hamburgers an hour, and the cremator. The graph indicated that a residential fireplace released 6-8 times the contaminants as a cremator. It also maintained that diesel trucks put out significantly more nitrous oxides than a cremator.

Chair Hark asked if there were State requirements pertaining to emissions.

Mr. Weber replied in the affirmative, stating both the MPCA and the Department of Health had emission requirements.

Chair Hark asked if there was any kind of accommodation made before the cremation takes place to eliminate heavy metals.

Mr. Weber replied that they remove pacemakers but leave anything stainless steel in the body as it does not dissipate.

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Chair Hark asked if they removed metal dental materials.

Mr. Weber replied with the permission of the family they are removed; without permission they are not. He stated studies have shown that the mercury from fillings was insignificant compared to most other things a person would burn, including stove wood.

Commissioner Lissarrague asked how long the cremator was anticipated to be in operation each day.

Mr. Weber replied that at 1,600 degrees it takes 1 – 1½ hours to cremate a body.

Commissioner Lissarrague asked how many bodies they anticipated cremating per day.

Mr. Weber replied that the incinerator would run a maximum of 2-3 hours a day as two funerals a day was about the limit for their facility.

Commissioner Klein asked if the applicant would cremate bodies from other mortuaries.

Mr. Weber replied he would not.

Commissioner Klein asked if that was stated in writing.

Mr. Weber replied they were entitled by law to cremate more than two bodies a day; however, they only want to bury people in their cemetery or put their ashes in their columbarium.

John Wendt, 8804 Argenta Trail, stated he teaches environmental law and environmental management at the University of St. Thomas. He stated that in most cases crematoriums belong in areas zoned for industrial and that placing a crematorium in this area would be incompatible with the surrounding residential land uses. He advised that it is distasteful to some homeowners to live next to a crematorium, the area homeowners could experience a substantial impairment of their enjoyment of their property, and it could make it more difficult for them to sell their homes. Also a crematorium could introduce potential dangerous toxins into the residential areas and that introducing vaporized mercury into a residential neighborhood was an inadvisable risk. He stated the State legislature is currently working on putting limits on crematorium emissions. He questioned how this would affect the water table and felt there were too many potential dangers associated with this request. He read excerpts from an interview with the owner of a crematorium in Houston, who stated he probably would not want his house next to a crematorium. He stated many cities have faced this issue and denied the requests. He urged the Commission to deny the request and live up to the City's mission of providing services and facilities that enhance the quality of life in the community.

Chair Hark asked how old the crematorium was in Houston.

Mr. Wendt replied two years old.

Chair Hark asked if there were any administrative rules relating to emissions from a crematorium.

Mr. Wendt replied none that he was aware of, although he knew it was regulated by the Department of Health.

Commissioner Maggi stated the rules may not be specific to this use but be comprehensive in a different set of emissions.

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Commissioner Lissarrague asked how close this was to the nearest neighbor.

Ms. Botten replied that the closest home was about 500 feet away to the north.

Jonathon Weber, 3301 Rolling Hills Drive, Eagan, stated he was the son of the property owner, Tony Weber, but also lives in the area with his wife and two small children. He advised that the concerns of the crematorium were his concerns as well so he did some research and feels comfortable with what is being proposed. He stated the company they are working with manufactures the most efficient and environmentally clean cremation equipment available and the unit being proposed is one of the only ones that comply with the Green Burial Council guidelines.

Chair Hark asked if Mr. Weber would be working at the subject site.

Jonathon Weber replied in the affirmative.

Linda-Dehrer-Wendt, 8804 Argenta Trail West, stated there were many wells in the area and she was concerned about mercury and toxins from the decomposing bodies leaching down to the water table. She stated that every body reacts differently to toxicities so what is deemed safe for one individual may not be for another. She supported the removal of pacemakers, but stated there were many other toxic emissions associated with burning a body such as silicone implants, metals, etc. She stated she worked at the university many years and when they did cremations there was an odor. She was concerned about the potential for incinerator noise and for ash to enter the air due to equipment error. She asked the Commission to consider how this would negatively affect the surrounding home values and potential for resale, and she felt this did not belong in a residential area.

Ralph Taylor, 8334 Argenta Trail, stated he has lived in the area for 34 years. Because of the many past and current industries in the vicinity the EPA watches this area very closely. He stated that although it was supposedly a residential area, in reality it was more of an industrial area because of the heavy truck traffic and excessive noise. He stated he was not opposed to the request as he felt the potential noise, pollutants, and traffic from the mortuary/crematorium would be minimal compared to that of the existing industries in the area.

David Jansen, 7985 Argenta Trail, advised that he owned the home closest to the proposed building and was opposed to the project. He had an issue with what could be added on top of the current request, as well as an issue with the method in which this was being requested from the planning department. He stated he has lived on his 5 acre property for 4 years and his driveway runs on an easement along the cemetery's northern property line. When he purchased his property he was aware of the small farm cemetery to the south and his impression was that a church would go in on the other lots. He stated that although the staff report refers to the property to the south being zoned industrial, in reality it is residential. He was surprised to see the City supporting such a radical shift in zoning which would allow industrial/commercial activities in a residential area. He stated this was not a church-owned cemetery as was likely originally approved back in 1975, but rather a for-profit business seeking to add adjunct services which were traditionally kept separate in the funeral industry. Historically cemeteries have been allowed to exist next to residential homes, funeral homes in commercial areas, and incineration facilities in industrial areas. He requested they abide by the City's 2030 Comprehensive Plan to ensure that future residential development materializes and to prevent home values in the neighborhood from declining. He stated only a certain type of person would purchase a home next to a crematorium. Mr. Jansen asked if there had been any burials on the property, stating there were multiple plats.

Ms. Botten replied there were bodies buried on the proposed Outlot B.

Mr. Jansen stated there were many questions that should be answered before this goes to Council for approval and he felt the City had an obligation to question this non-standard method of burial rather than relying on the State. He had concerns about the environment and requested that environmental studies be conducted to ensure the groundwater, air, and land were not polluted. He asked if the applicants would be allowed to release human remains on the property, whether they would provide screening, what qualifications were necessary of the individuals running the equipment, what are the buffer zones to the residential areas, how would this impact future developments, and how would this affect the area if the developer gained control of the two abutting parcels. He stated there was rising concern regarding the safety of incinerating human remains, and given the proximity of numerous single-family homes it would be prudent for the City to require environmental studies be done to determine the possible impact. Mr. Jansen felt the intense use being proposed would infringe on his rights as a homeowner and he questioned whether he must close his windows to keep the odor, smoke and toxins out of his home, would he be expected to turn his music down or stop mowing his lawn in order to respect the solitude of those using the proposed walking paths, who would be responsible for policing the park and what hours would it be open. He was opposed to a zoning change and felt that crematoriums and funeral facilities were not an accessory use to a cemetery but rather, if they were allowed at all, they should be a conditional use subject to a CUP application and hearing. Given a number of potential issues on the environmental impact the City should also consider the completion of an environmental assessment worksheet (EAW). Mr. Jansen asked what the height of the smokestack would be.

Commissioner Maggi asked who owned the two abutting vacant parcels of land.

Ms. Botten replied they were each owned by a different owner.

Commissioner Simon asked if the applicants would be allowed to still use the existing driveway on the east side of the property off of Argenta Trail.

Ms. Botten replied they would not.

Commissioner Lissarrague asked if this would be the first green cemetery in Minnesota.

Ms. Botten replied there were hybrids in other cemeteries, but this was the first solely green cemetery in Minnesota.

Michael Tebbitt, 7920 Alberta Way, stated that by approving this request they would be moving industrial uses further into the residential area which was planned for low density housing when he purchased his property. He was concerned about the potential for them to add more crematoriums or increase their business by cremating bodies from the outside if this was rezoned.

Cindy Tebbitt, 7920 Alberta Way, asked if the Commissioners had read her letter.

The Commissioners replied that they had.

Ms. Tebbitt stated she lived in the neighborhood and was concerned about how this would impact her property value, her ability to sell her home, and her health, stating even the smallest amount of mercury was an issue. Ms. Tebbitt stated there were too many unknowns and no one knew for a fact how many cremations would take place in the future and how it would impact the neighborhood. She stated this would be spot zoning and the property should remain as it was intended when the neighboring residents purchased their properties.

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Mr. Tebbitt stated that no one in the community would have known about this had their neighbor not contacted them and he felt that more notices should be mailed in a rural area such as this.

Commissioner Klein asked staff if a sign was posted notifying the public that a zoning request was being proposed.

Ms. Botten replied in the affirmative, stating it was located along Argenta Trail.

Ms. Tebbitt advised that they rarely travel that direction.

Commissioner Simon advised that the zoning itself was essentially not changing, but rather they were requesting to add a PUD. A zoning code amendment was being requested; however, to allow a crematorium, columbarium and mortuary as an accessory use to a cemetery but the zoning would remain Public, Institutional which is what it was previously.

Mary Wilczyk, 8003 Courthouse Boulevard, stated she was disappointed that they were not notified of the request and stated she did not travel the portion of Argenta Trail where the sign was posted. She recommended they extend the notification range beyond 350 feet. Ms. Wilczyk asked who owned the property and what their relationship was to Biagini Properties. She was concerned about potential emissions and the impact to her well and septic. She advised that it was a busy residential area with a playground, recreational activities taking place, children crossing the road, YMCA activities, and horses and she was disappointed that the City would consider the proposed use in an area where people have been enjoying their acreage.

Chair Hark asked Mr. Weber what they would do with the ashes.

Mr. Weber replied that the ashes were normally buried in one of their gravesites, taken home, or put into the columbarium in an urn.

Chair Hark asked for clarification about the cremation equipment, including how high the smoke stack would be.

Mr. Weber replied there would be no noise, smoke, or odor emitted from this unit and therefore no smoke stack was needed but rather it would be vented out the side of the building.

Chair Hark asked Mr. Weber if his son would be employed at this location.

Mr. Weber replied that his son would be very involved in the cemetery and the operation of the mortuary.

Chair Hark asked who owned the property.

Mr. Weber replied that he owned the property and Mr. Biagini was the contractor. He read an excerpt from an article stating that 92% of all human crematories were located in cemetery or funeral home settings and the vast majority of these types of businesses were situated in residential and commercial areas.

Commissioner Elsmore asked if a body could be interned at this cemetery if it had been cremated at a different location as long as it was cremated in the correct way.

Mr. Weber replied in the affirmative, stating that all cremations were acceptable and that the difference comes into play when a body is buried as he would not allow embalming fluids or metal coffins.

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Commissioner Elsmore asked if the issue with the removal of metal dental materials was related more to cremation than burial.

Mr. Weber replied in the affirmative, stating as a result of that the toxins would be extracted with the screening and the emission controls and there would be no smoke emitted.

Commissioner Simon asked if there were qualifications required to run a crematorium.

Mr. Weber replied in the affirmative, stating licenses and certifications were required for every facet of the business.

Commissioner Simon asked if an EAW report was required for a crematorium.

Mr. Weber replied that the State has accepted their complete plan as it stands, with the crematorium included.

Commissioner Klein asked how long a body could be shown since no embalming fluid was allowed.

Mr. Weber advised they have a family viewing within 12-24 hours of death and after that the body is not shown to the public. Bodies must be buried within three days unless they are put in a cooler to allow for more time.

Commissioner Lissarrague inquired as to where Mr. Weber had gotten the facts that he had presented, and asked what the MPCA had to say regarding their methods.

Mr. Weber replied that the State Health Department has been very encouraging, especially as it relates to ground and water pollution.

Commissioner Lissarrague encouraged the applicant to get such information to the neighbors.

M. Weber advised that information was available on their website.

Commissioner Lissarrague stated that information from the MPCA was especially important.

Mr. Weber replied he would see that information from the MPCA was added to their website as well as a comparison of a traditional burial to a green burial in terms of the differences in the toxins going into the earth and the groundwater.

Chip Andrews, 8715 Alverno Avenue, stated the proposed business would be a detriment to future residential development in the area and did not belong in this location. He was concerned about the potential devaluation of surrounding residential property values and he would like a study to be done to determine the potential impact this would have on groundwater and air quality. He stated he lived near a crematorium at one point and it emitted an unpleasant odor. He questioned how no smoke would be emitted, stating anything that burns produces smoke. He advised that his well was only 130 feet deep and he was concerned about ground pollutants.

Commissioner Simon asked if the manufactured home park was hooked up to City sewer and water.

Ms. Botten replied in the affirmative.

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Linda Dehrer-Wendt, 8804 Argenta Trail, referred to a 2003 article maintaining that the risk of still birth was 4% higher and the risk of life-threatening brain abnormalities 5% higher among babies whose mothers lived near a crematorium.

Commissioner Elmore asked Ms. Dehrer-Wendt what the source was.

Ms. Dehrer-Wendt replied that she found it on www.ejnet.org . Canada's Interior Health Authority and the Chief Medical Officer of British Columbia advised that crematoria could have a negative impact on health and should not be located in residential neighborhoods.

David Jansen, 7985 Argenta Trail, stated he would like more information to be made available about the project before making a determination. He also had concerns about the method in which this was being requested, stating that whether or not this was a zoning change it was amending the zone to allow two uses that previously were not allowed. He felt it was a way to get around having to change the 2030 comprehensive plan.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Maggi stated that this industry and this state was heavily regulated and therefore she did not have many concerns regarding emissions and pollutants as there was a system in place to manage that.

Commissioner Elsmore stated she supported the request and appreciated the fact that there was an option for green burial in the City. She stated that many of the neighbors' concerns were the same concerns of the landowner and that she did not believe the landowner would propose a crematorium if it would be harmful; especially after going to the time and trouble to make this a green cemetery.

Commissioner Lissarrague stated that he learned through personal experience that what the State claims to be safe is not always the case. In his situation outdoor wood boilers were allowed in Minnesota but they turned out to be a large contributor of carcinogens. He stated that emissions from anything put into fire were not good for a person's health. He asked his fellow Commissioners to consider how devastating this could be to the neighbors, stating to have purchased a home with this industry already in place was one thing but it was different to have it go in after the fact. He stated there were many unknowns and he had not seen any information yet from the MPCA.

Commissioner Wippermann advised that he was opposed to putting a commercial/industrial use such as crematoriums in a public/institutional area, stating it was no different than spot zoning.

Commissioner Klein stated the only issue he had with the request was the crematorium; he would support the mortuary and columbarium. He felt that crematoria equipment belonged in an industrial area and that approving this would exacerbate the existing traffic and noise issues in the area.

Chair Hark stated this was likely a highly efficient burner and should not be equated with an outdoor wood burner. The fact that it can be vented out the side indicates it runs quite clean.

Commissioner Scales stated that he supported the request as he has seen nothing to indicate it would be an improper use of the space. He did not have concerns with the request as his experience with industries through the years has shown that they are heavily regulated. He stated there was a possibility that this could actually enhance property values in the future.

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Commissioner Klein suggested that each item be voted on individually.

Planning Commission Recommendation
Motion by Commissioner Klein, second by Commissioner Maggi, to approve the request for a final plat for a one lot subdivision.

Motion carried (7/2 – Wippermann, Lissarrague).

Motion by Commissioner Klein, second by Commissioner Elsmore, to approve the request for a preliminary and final PUD development plan for a one lot subdivision as required by the Northwest Area Overlay District to allow a 9,400 square foot building and related improvements on the property.

Motion carried (7/2 – Wippermann, Lissarrague).

Commissioner Klein asked if the rezoning related to the zoning code amendment request.

Mr. Hunting replied it was separate, and that the rezoning was in response to the fact that all properties in the Northwest Area must be zoned as a PUD. The land uses allowed would be the same in the P as they would be in the P/PUD zoning district.

Commissioner Klein clarified that a crematorium would still not be allowed in a P/PUD.

Motion by Commissioner Klein, second by Commissioner Gooch, to approve the request for a rezoning of the property from P, Institutional to P, Institutional/PUD to allow for development in the Northwest Area.

Motion carried (7/2 – Wippermann, Lissarrague).

Motion by Commissioner Klein to approve a zoning code amendment to allow columbariums and mortuaries as an accessory use to a cemetery in the 'P' district.

Commissione Klein advised that he was excluding crematoriums from his motion.

Second by Commissioner Simon.

Commissioner Elsmore asked if a secondary motion could be made specifically for the crematorium.

Mr. Link replied in the affirmative, stating each use could be voted on separately.

Commissioner Maggi asked Commissioner Wippermann if he felt the mortuary and columbarium were also spot zonings.

Commissioner Wippermann replied in his opinion the mortuary would be a spot zoning, but not the columbarium.

Commissioner Maggi suggested they vote on each of the three uses individually.

Commissioner Klein withdrew his motion.

Commissioner Simon withdrew her second.

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Motion by Commissioner Scales, second by Commissioner Elsmore, to approve the request for a zoning code amendment to allow a crematorium as an accessory use to a cemetery.

Motion failed (3/6 – Gooch, Maggi, Wippermann, Simon, Lissarrague, Klein).

Motion by Commissioner Klein, second by Commissioner Maggi, to approve the request for a columbarium as an accessory use to a cemetery.

Motion carried (7/2 – Wippermann, Lissarrague).

Motion by Commissioner Scales, second by Chair Hark, to approve the request for a mortuary as an accessory use to a cemetery.

Motion carried (5/4 – Maggi, Wippermann, Simon, Lissarrague).

This item goes to the City Council on May 12, 2014.

The meeting was adjourned by unanimous vote at 10:14 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 20, 2014 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present:	Paul Hark Pat Simon Tony Scales Armando Lissarrague Annette Maggi Bill Klein Dennis Wippermann Harold Gooch
Commissioners Absent:	Victoria Elsmore (excused)
Others Present:	Allan Hunting, City Planner

GREGORY MICHAEL DAMIANI – CASE NO. 14-16CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow sheet metal siding on an accessory building in the E-1, Estate Residential zoning district, and a variance to allow a 2,200 square foot accessory building whereas 1,600 square feet is the maximum size allowed, for the property located at 8709 Ann Marie Trail. 43 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is allowed one detached accessory structure up to 1,600 square feet in size. The applicant is proposing to add 1,600 square feet onto his existing 600 square foot detached garage, for a total of 2,200 square feet. The applicant is requesting to have corrugated siding on a portion of the building. Sheet metal siding is allowed on accessory buildings in this zoning district by conditional use permit (CUP). Staff recommends denial of the variance for the reasons stated in the report, and approval of the CUP for sheet metal siding for a detached building up to 1,600 square feet in size, with the conditions listed in Alternative A.

Chair Hark asked what size building would be allowed if the lot were five acres or greater.

Mr. Hunting replied up to two structures would be allowed, for a total of 2,400 square feet.

Commissioner Lissarrague asked if staff received any comments from neighbors opposed to the request.

Mr. Hunting replied they received one general inquiry from a neighbor, but no negative comments.

Commissioner Simon asked for clarification of the amount of impervious surface being proposed.

Mr. Hunting advised the applicants were allowed a maximum of 17,869 square feet of impervious surface and were proposing 15,031; thereby complying with code requirements.

Opening of Public Hearing
Gregory Michael Damiani, 1691 East Rose Avenue, St. Paul, advised he was available to answer any questions.

Chair Hark asked if the applicant had read and understood the report.

Mr. Damiani replied in the affirmative. He advised that he has been doing extensive remodeling work on the property since he purchased it in February. His family hopes to move in September 2014. He stated he needs the requested amount of space to store his equipment, such as his 28 foot travel trailer, fish house, boat, etc. He stated that he does triple-towing, which totals 63 feet in length, and he intends to use the natural driveway to pull through since it is difficult to maneuver. He plans to remove a portion of the original driveway and replace it with trees and a berm. He stated the configuration of the property is such that only a quarter section is considered back yard. The new driveway would just be used in the summer and would be made of Class 5 gravel. He showed a rendering of what the home would look like when the remodeling was complete, including a new attached garage. He stated that expanding the size of the proposed attached garage would require the removal of three desirable trees.

Chair Hark asked the applicant if he had spoken with any of the neighbors.

Mr. Damiani replied he had spoken with the property owner directly behind him (who he shared the driveway with) and he had not voiced any concerns. He also spoke with Gary Kaufenberg, who was in the audience tonight.

Chair Hark asked if the applicants planned to move into the house before the full remodel was complete.

Mr. Damiani replied he anticipated a September move-in when the renovation was complete.

Gary Kaufenberg, 8699 Ann Marie Trail, stated he was the neighbor that would be most affected and he was concerned with the size of the proposed building, the amount of power being brought in, and the potential for it to change into a commercial enterprise. He recommended denial of the variance.

Commissioner Lissarrague asked Mr. Kaufenberg if he would be able to see the proposed detached garage in the summertime.

Mr. Kaufenberg replied in the affirmative.

Chair Hark closed the public hearing.

Planning Commission Discussion
Chair Hark stated that although the subject property was larger than the others in the neighborhood and had been sitting vacant for quite some time, he did not see a practical difficulty and he felt the request was more of a convenience.

Commissioner Klein stated he would prefer to vote on the two requests separately.

Planning Commission Recommendation
Motion by Commissioner Klein, second by Commissioner Gooch, to approve the request for a conditional use permit to allow sheet metal siding on an accessory building, with the four conditions listed in the report, for the property located at 8709 Ann Marie Trail.

Motion carried (8/0).

Commissioner Wippermann noted that prior to 2006 only 1,000 square feet was allowed, it was then raised to 1,600 square feet, and the applicant was now requesting an additional 600 square feet. He stated there was a lack of practical difficulty and the request did not meet the variance guidelines.

Commissioner Lissarrague asked if the applicant could gain the requested square footage by building a larger attached garage instead.

Mr. Hunting replied in the affirmative, stating there were no specific size limits for attached garages.

Commissioner Lissarrague stated had a neighbor not come forward in opposition he would have supported the request. In his opinion the practical difficulty was that the owner could build a larger attached garage instead; however, it would require removal of three desirable trees and likely reduce neighboring property values.

Commissioner Scales stated that using that as a practical difficulty could result in many oversized buildings in the City, and therefore he would not support it.

Motion by Commissioner Maggi, second by Commissioner Simon, to deny the request for a variance to allow a 2,200 square foot accessory building whereas 1,600 square feet is the maximum size allowed, based on the lack of a practical difficulty.

Motion carried (8/0). This item goes to the City Council on June 9, 2014.

KURT RECHTZIGEL – CASE NO. 14-14PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the land use designation from HDR, High Density Residential to MDR, Medium Density Residential, for the property located at 1407 – 80th Street. 4 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Rechtzigel property abuts the Fox Glen property which was recently approved for a comprehensive plan amendment to an LMDR. The applicant is requesting a comprehensive plan land use change from High Density Residential (HDR) to Medium Density Residential (MDR) for a future proposed townhome development of about 20 units. The property was designated as MDR in the 2030 Comprehensive Plan. It was increased in 2010 when the landowners of this property and those to the west and north applied for and received a comprehensive plan amendment to change the property to HDR. The applicant has been working with the Fox Glen developers in regard to stormwater and utilities. The applicant is currently in negotiations with the City in regard to a land swap for the old Schroeder property. Based on current market trends it does not appear likely that higher density residential development would occur at this location, staff feels the townhouse project would provide a good mix of housing, the project meets the projected density for the financial assumptions, and therefore staff recommends approval of the request.

Chair Hark clarified that the only request being considered tonight was the comprehensive plan amendment, and he asked if the project details would come back at a later date.

Mr. Hunting replied that if the comprehensive plan was approved by City Council the applicant would then come back with a preliminary plat and preliminary PUD plan.

Commissioner Wippermann noted that the applicant was using the same development name as an earlier request for single-family lots to the west, and asked if they were two separate groups.

Mr. Hunting replied in the affirmative, stating there were two different ownerships but they would work together regarding grading, utility, and stormwater.

Opening of Public Hearing

Kurt Rechtzigel, 1407 East 80th Street, advised he was available to answer any questions.

Chair Hark asked if the applicant had read and understood the report.

Mr. Rechtzigel replied in the affirmative. He advised that originally there were three separate landowners looking to combine their properties into one parcel and construct a high density townhome development. The market then went soft and the land sat dormant. He is working with the developers of the proposed Fox Glen single-family homes on certain items to make the development work for all parties. He is also working on a land swap with the City for the old Schroeder property.

Commissioner Gooch noted that the neighboring property was recently re-guided for low density residential and he asked if it was the applicant's desire for his property to be low density as well.

Mr. Rechtzigel replied it was not. He advised that he had an existing house and outbuilding on his property which would have to be moved or demolished and, therefore, in order for this to be financially feasible he would have to be able to put 20 units in the development.

Commissioner Gooch asked how many low density lots he could get on his property.

Mr. Rechtzigel replied 5 or 6.

Commissioner Wippermann asked if the applicant would be using the same builders as the single-family section.

Mr. Rechtzigel replied he would not. He advised they would be working together on some items, however, noting that Meridian Land Company would like to install a sewage ejection pump on his property. The land swap between he and the City would allow that to happen. The land swap would also give the City access to the holding pond and infiltration areas for maintenance.

Commissioner Wippermann asked what the approximate price range would be for the townhouses.

Mr. Rechtzigel replied $200,000-$250,000. He provided a rendering of the general design of the townhomes, stating they would be multi-level units with two-car garages.

Commissioner Wippermann asked if the townhouses would be owner-occupied.

Mr. Rechtzigel replied in the affirmative, stating they would have individual utility services and would pay association dues to cover maintenance costs.

Commissioner Wippermann questioned if the proposed townhouses would complement the single-family residences going up immediately to the west and whether they would affect property values.

Mr. Rechtzigel replied they would be similar in style and design. He advised that Meridian Land Company gave him permission to use the renderings and they supported his proposal.

Commissioner Lissarrague asked if the townhomes would be two-story on slab.

Mr. Rechtzigel replied they would be multi-level three-bedroom units with daylight windows on the lower level.

Chair Hark closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a comprehensive plan amendment to change the land use designation from HDR, High Density Residential to MDR, Medium Density Residential, for the property located at 1407 – 80th Street, with the two conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 9, 2014.

OTHER BUSINESS
Chair Hark thanked Victoria Elsmore for her service as a Planning Commissioner.

The meeting was adjourned by unanimous vote at 7:43 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: May 29, 2014 **CASE NO:** 14-18V

HEARING DATE: June 3, 2014

APPLICANT/PROPERTY OWNER: Thomas Millan

REQUEST: Variance to allow two detached accessory buildings on a property whereas one is allowed in the R-1C zoning district

LOCATION: 3183 70th Street

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family zoning

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner HB

BACKGROUND

The applicant is requesting a variance to allow two detached accessory buildings on the property whereas the total number of detached accessory buildings shall be limited to one in the R-1C zoning district. The property includes a home that was built in 1967 that does not have an attached garage. There is one detached, two car garage on the property along with a small 8′ x 10′ shed. The applicant is proposing to remove the small shed and replace it with an 18′ x 18′ (324 square feet) structure. The zoning code permits a maximum of one detached accessory structure in the R-1C zoned lots, sheds 120 square feet or less are exempt from this requirement.

The applicant has stated the additional structure is needed to store his own personal items. The accessory building would be in compliance with setbacks and impervious surface standards.

SPECIFIC REQUEST

The following specific application is being requested:

1) A variance to allow two detached accessory buildings on a property whereas one is the maximum allowed in the R-1C zoning district.

EVALUATION OF THE REQUEST

SURROUNDING USES: The subject site is surrounded by the following uses:

North, South, West and East-	Single Family Residential; zoned R-1C; guided Low Density Residential

VARIANCE REVIEW

City Code Title 11, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variance, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The surrounding neighborhood is zoned and developed residential. Staff believes the intent of the maximum number of accessory buildings allowed on a property assumes the property would have an attached garage, allowing for one additional detached structure. The ordinance provision is not meant to penalize properties that do not have an attached garage, limiting the property to one accessory building. Allowing an accessory building on the property would be in harmony with the general purpose and intent of the comprehensive plan which is a single family housing neighborhood.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

In all single-family residential districts the Zoning Ordinance considers detached accessory buildings to be a reasonable use. The difficulty lies in the fact that the zoning code does not contemplate for a property that does not have an attached garage, therefore limiting the number of accessory buildings to one. The majority of homes today are constructed with garages attached to the home and then allowed a detached accessory building up to 1,000 square feet in size. The size of the two accessory buildings together on the applicant's property would be less than 1,000 square feet, complying with the maximum size typically allowed.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The house was built in 1967 with a detached garage; at that time detached garages were common. Although there are a number of properties in the northeast part of Inver Grove Heights that may not have attached garages, staff believes the intent of the ordinance is not meant to penalize properties that do not have an attached acecessory structure.

4. *The variance will not alter the essential character of the locality.*

Small, detached accessory buildings are not out of character for this area. Aesthetically the proposed location of the structure would meet setbacks and would not be visible from the road. In respect to the land use, impervious surface, other setbacks and code requirements the request is in harmony with the provisions in the zoning ordinance.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

The Planning Commission has the following actions available for the request:

A. Approval If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. A grading/erosion control plan shall be required at the time of the building permit application; this shall include drainage swales around the building.

B. Denial If the Planning Commission does not favor the proposed variance, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

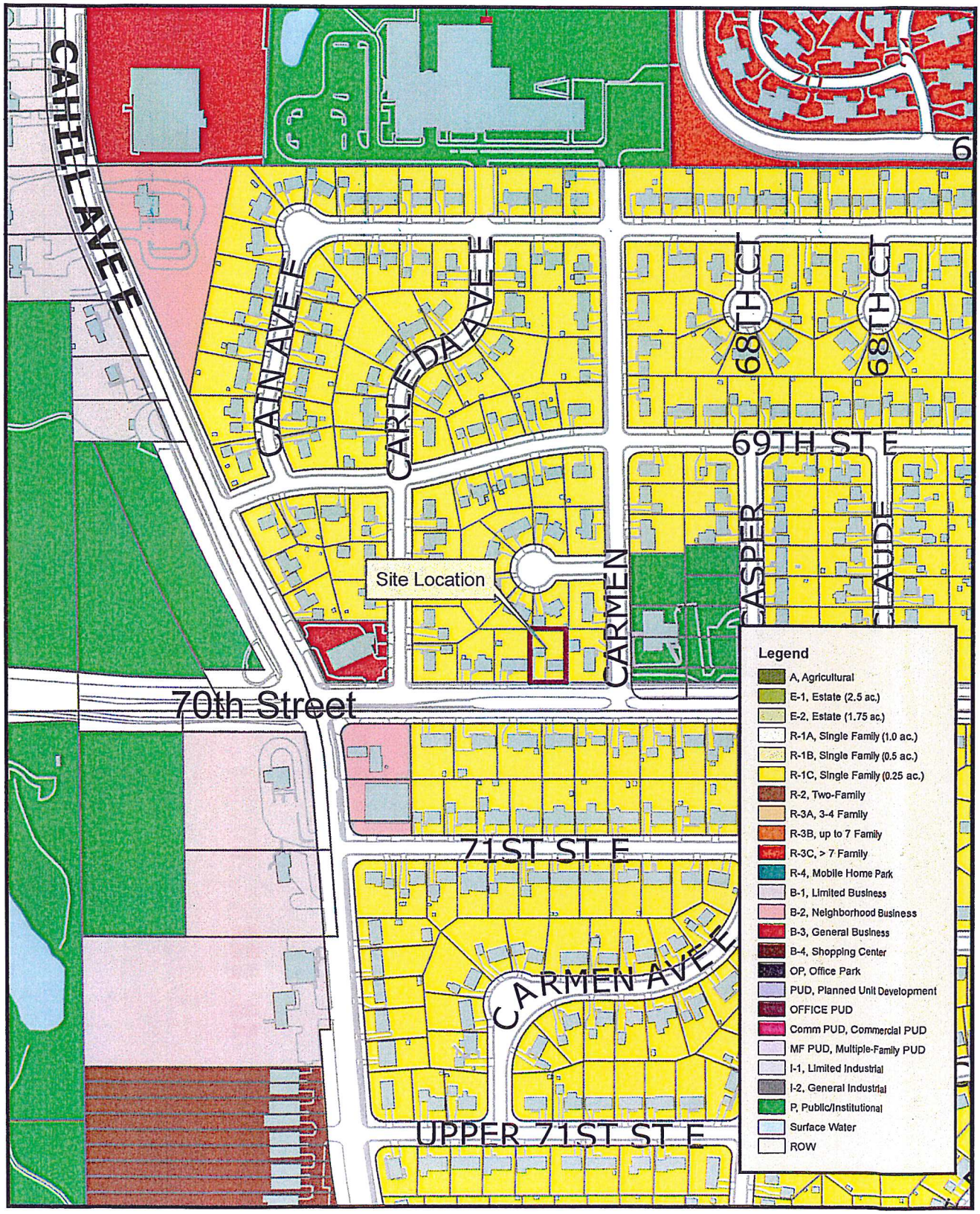
RECOMMENDATION

The request is not out of character for the neighborhood and is consistent with the comprehensive plan. An accessory building is a typical improvement for a residential property and the structure does not appear to have any adverse impact on neighboring properties. Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the setback variance.

Attachments: Location Map
Site Plan
Applicant Narrative

Map not to scale

Thomas Millan
Case No. 14-18V



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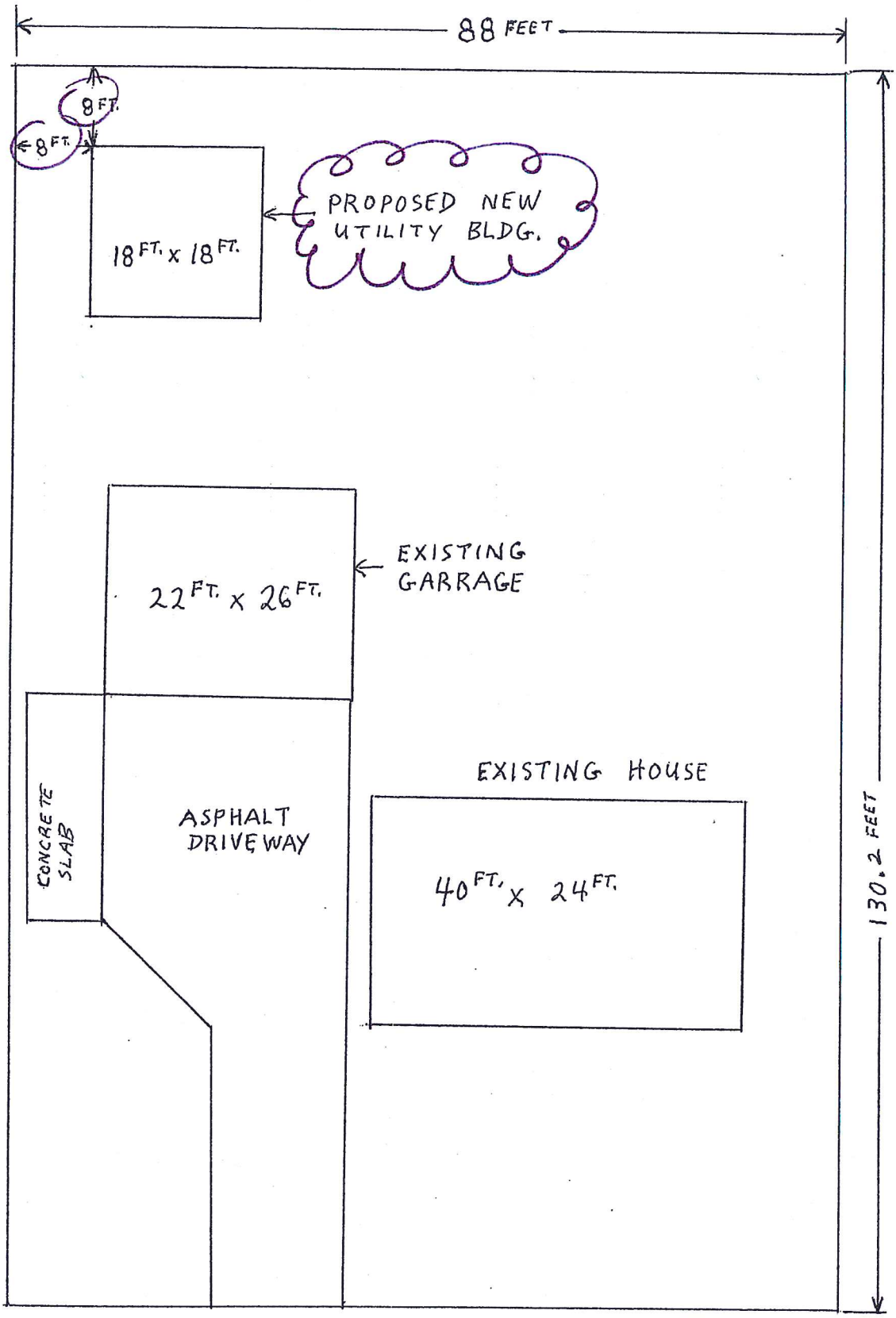
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

Exhibit A
Zoning and Lcoation Map

SCALE

$\frac{1}{16}$ IN = 1 FOOT



3183 E. 70TH STREET, INVER GROVE HEIGHTS, MN. 55076
SOUTH GROVE NO. 11 / LOT, 12 / BLOCK, 7
PROPERTY I.D. 20 71160 07 120

3185 70th STREET EAST

INVER GROVE HEIGHTS

MINN. 55076-2160

(LEGAL DESCRIPTION)

SOUTH GROVE NO. 11

LOT 12

BLOCK 7

PROPERTY ID 20 7160 07 120

LOT SIZE 88' WIDE X 130.21 DEEP

11,458.48 SQ FT

35% Allowed HARD SURFACE = 4010.46 SQ FT

HARD SURFACE USED = 3979.72 SQ FT

BLACKTOP, 1303.4 SQ.FT.

CEMENT, 448.32 "

HOUSE, = 1232. "

GARAGE, 672. "

NEW BLDG. 324 "