

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 3, 2015 – 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: Armando Lissarrague
Joan Robertson
Annette Maggi
Pat Simon
Tony Scales
Harold Gooch
Bill Klein

Commissioners Absent: Dennis Wippermann (excused)

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the January 6, 2015 Planning Commission meeting were approved as submitted.

JAMES CUNNINGHAM – CASE NO. 15-02V

Reading of Notice

Commissioner Simon read the public notice to consider the request for a variance from the Critical Area standard 10-13-9.h. which prohibits improvements on slopes 18% or greater, and a variance from the Critical Area standard 10-31C-16.B which requires all development to be setback no less than 40 feet from the top of the bluff for lots created before 1989, for property located along Dalton Court. 7 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant owns a six acre parcel that he would like to sell to a future owner for construction of a single-family home. The property has severe topography and is within the Critical Area Overlay District and is therefore subject to the Critical Area restrictions. The applicant is proposing a building pad area and requesting a variance from setbacks to allow a future home within the building footprint and a gazebo to be located further east at the highpoint on the lot. The access would be via an easement from Dalton Court. A 40 foot setback is required from the top of the bluff for lots created before 1989. A variance is necessary to create any kind of a buildable area. The applicant is proposing a 50' x 76' pad; however, staff is suggesting a 35' x 60' pad which would allow a ten foot setback from bluff lines. Staff does not support a variance for a gazebo as it is not necessary for reasonable use of the property. The DNR is recommending denial of the request but their comments are recommendations only and reducing the size of the building pad would likely address some of their concerns. Staff would not support the variance as proposed for the building pad, but would support a variance with a reduced building pad of 35' x 60'. A variance is also being requested to allow improvements on slopes 18% or greater. This involves some of the stormwater improvements that would be needed and staff would support that variance with a reduced building pad size.

Chair Maggi asked for clarification of the allowed setback, noting that the DNR report referenced a 100 foot setback.

Mr. Hunting advised that the setback is 40 feet on this particular lot per an exception provision in the City Code for lots created prior to 1989.

Chair Maggi asked how long the variance would be in place.

Mr. Hunting replied two years.

Commissioner Robertson asked if the building pad would include a garage as well.

Mr. Hunting replied in the affirmative.

Opening of Public Hearing

James Cunningham, 1015 N. Third Street, South St. Paul, advised he was available to answer any questions.

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

Mr. Cunningham replied in the affirmative. He advised that the gazebo was actually a suggestion by the City Engineer and he felt it would be a good selling point. He advised he would like to be allowed at least a 40' x 70' building pad.

Chair Maggi asked Mr. Hunting if he was aware of the gazebo discussion.

Mr. Hunting recalled a gazebo being suggested at a meeting and subsequently it was put on the plans.

Mr. Cunningham stated if the builder would remove seven feet of dirt in order to reduce the driveway slope the flat area would likely be expanded. He asked staff if engineering requirements 10, 11 and 12 were for the seller or the buyer.

Mr. Hunting replied the requirements applied to whoever came in for the building permit.

Mr. Cunningham advised he was concerned about being able to sell his property with so many stipulations as to where they could build, how large a footprint they were allowed, multiple financial sureties being required, etc. He questioned whether a room under and above a Spancrete garage would be allowed as it would make the property more saleable and he hoped that City Council would support a 40' x 70' building pad.

Chair Maggi asked the applicant if he wanted Commissioners to consider the building pad size he requested or the building pad recommended by staff.

Mr. Cunningham stated he was hoping they could agree on a compromise.

Commissioner Simon asked the applicant if he understood that Condition 2 prohibited a building pad larger than 35' x 60'.

Mr. Cunningham replied in the affirmative and asked if the Planning Commission could consider a compromise on the square footage.

Chair Maggi replied in the affirmative.

Mr. Cunningham stated he would be agreeable to a 40' x 70' building pad.

Mr. Hunting stated he was more concerned about the building pad width than the length. He advised that he would prefer a 35' width which would allow for a 10 foot flat area around the building in which would allow for construction equipment maneuverability, etc. He believed that increasing the width could potentially encroach into the bluff setbacks and create issues with erosion.

Chair Maggi asked Mr. Hunting if he would be agreeable to a 35' x 65' building pad.

Mr. Hunting replied in the affirmative.

Commissioner Klein asked if staff would be agreeable to 70' in length.

Mr. Hunting stated he would have concerns about going beyond 65' in length.

Commissioner Robertson stated she was uncomfortable considering a compromise until she had received feedback from the parties involved in the first recommendation.

Mr. Hunting responded that tabling the request would not be beneficial as no additional study would be done regarding the length. He advised that Commissioners had the option to approve the variance as requested, deny the variance as requested, or consider a modified request by Mr. Cunningham.

Commissioner Simon asked the applicant if he would like the Commission to make their recommendation on a 35' x 65' building pad.

Mr. Cunningham replied in the affirmative.

Commissioner Simon noted that that would include the garage as well.

Mr. Cunningham responded that he understood.

Lea Kammerer, 3600 – 102nd Street East, advised that she owned the property west of the proposed development, over which Mr. Cunningham purchased an easement from Merlin Anderson, and was concerned about the proposed drainage design and how it might impact her property.

Mr. Hunting explained the proposed stormwater design plan.

Chair Maggi asked if the stormwater design would be finalized once a building plan was received.

Mr. Hunting replied in the affirmative.

Commissioner Gooch asked Ms. Kammerer where the house was located on her property.

Ms. Kammerer replied there was no house.

Mr. Hunting advised that all planning and engineering conditions must be met, including sureties, and the water running from the proposed driveway could not negatively impact the abutting lots.

Ms. Kammerer stated she was pleased to hear it would not negatively impact the abutting properties.

Mr. Hunting advised that all lots in the City were to be designed so as not to negatively impact the

abutting properties.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi advised that both Mr. Hunting and Mr. Cunningham identified obvious practical difficulties for the variance.

Commissioner Robertson asked if the gazebo and the building pad would be done in two separate votes.

Mr. Hunting replied that voting separately on the two items would be advisable, and he suggested that Mr. Cunningham clarify whether or not he was still interested in proceeding with the gazebo.

Mr. Cunningham advised he would like to get approval for a gazebo as it may help him sell the property.

Commissioner Klein asked the applicant if he would like the Commission to vote on the building pad and gazebo separately.

Mr. Cunningham replied in the affirmative.

Commissioner Lissarrague stated he did not have an issue with the gazebo request and asked how other Commissioners felt.

Commissioner Klein replied that he did not have an issue with the gazebo either.

Commissioner Robertson asked if the DNR or the City had specific concerns regarding the gazebo.

Mr. Hunting replied there were no unique concerns regarding the gazebo.

Chair Maggi advised that the challenge was to find a practical difficulty for the gazebo variance.

Mr. Hunting stated in his mind the gazebo was different than the principle structure and was not necessary for reasonable use of the property.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Simon, to approve the request for a variance from the Critical Area standard 10-13C-16.B which requires all development to be setback no less than 40 feet from the top of the bluff for lots created before 1989, for a building pad not in excess of 35' x 65', with the practical difficulty being the topography and the Critical Area setbacks.

Commissioner Scales asked staff if they were comfortable with a 35' x 65' building pad.

Mr. Hunting replied in the affirmative.

Motion carried (7/0).

Motion by Commissioner Simon, second by Commissioner Robertson, to deny the request for a variance from the Critical Area standard 10-13C-16.B for a gazebo due to the lack of a practical difficulty.

Commissioner Klein noted that whoever purchased the property could come back and request a

variance for the gazebo at a later date.

Motion carried (7/0).

Mr. Hunting clarified that staff recommends approval of the variance for development on slopes 18% or greater as there is no place on the lot where stormwater improvement construction could take place without encroaching into 18% or greater slopes.

Commissioner Simon asked where the modified language for the 35' x 65' building pad would be inserted into the nine conditions listed in the report.

Mr. Hunting stated that Condition 2 should be changed from 35' x 60' to 35' x 65'.

Commissioner Simon asked for clarification regarding Condition 3 regarding the gazebo.

Mr. Hunting replied that Condition 3 should be removed since the actions were taken separately.

Chair Maggi asked if Condition 6 addressed the 18% variance request.

Mr. Hunting replied that the Commission would want to use the same set of conditions with the change to Condition 2 and the removal of Condition 3. He suggested that the Commission revisit the vote for the principle structure, if it was agreeable with the motioner and seconder, to clarify that the vote included the changes to the conditions.

Chair Maggi asked if the motioner and the seconder were agreeable to the change in Condition 2 to 35' x 65' and the removal of Condition 3.

Commissioners Klein and Simon agreed to the change in the conditions.

Motion carried (7/0).

Motion by Commissioner Simon, second by Commissioner Robertson, to approve a variance from the Critical Area standard 10-13C-9.h to allow development on slopes of 18% or greater, with the eight conditions listed in the report, for property located off Dalton Court.

Commissioner Scales asked for clarification of whether this would require a second \$4,000 escrow.

Mr. Hunting replied that only one \$4,000 engineering escrow would be required.

Motion carried (7/0). This item goes to the City Council on February 23, 2015.

OTHER BUSINESS

Mr. Hunting advised Commissioners that at upcoming meetings they would likely be seeing the final plat for Blackstone Vista, the realignment of Argenta Trail, and possibly a comprehensive plan amendment regarding sewer alignment on 69th Street.

Chair Maggi asked when the Planning Commissioner vacancy would be filled.

Mr. Hunting replied likely sometime in February.

The meeting was adjourned by unanimous vote at 7:50 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary