

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 16, 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
Tony Scales
Dennis Wippermann
Pat Simon
Harold Gooch
Elizabeth Niemioja

Commissioners Absent: Bill Klein

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

APPROVAL OF MINUTES

The minutes from the June 2, 2015 Planning Commission meeting were approved as submitted.

STEVEN WATRUD – CASE NO. 15-19RCV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to construct a 22,400 square foot office/warehouse building, a conditional use permit to allow for a contractor's yard and outdoor storage in the I-2 zoning district, a variance to allow outdoor storage less than 100 feet from an A, Agricultural zoned property, a variance from screening requirements along residential properties, and any other variances related thereto, for the property located at 10982 Clark Road. 8 notices were mailed.

Presentation of Request

Ms. Botten explained the request as detailed in the report. She advised that the applicant received approvals in 2014 to construct one office/warehouse building on the southern part of the property along with an approved outdoor storage area. The applicant is now proposing to construct an additional 22,400 square foot building on the property and to expand the outdoor storage area. City Code requires a major site plan review for any buildings to be constructed on the property. The applicant is also requesting a conditional use permit to expand the contractor's yard and the outdoor storage area, a variance to allow storage less than 100 feet from agricultural property, and a variance from screening requirements. City Code requires outdoor storage to be setback a minimum of 100 feet from the lot boundary abutting residential districts. The property east of the subject property is currently zoned A, Agricultural; however, since the long range for those properties is industrial, it would seem requiring a 100 foot buffer in this case to be a practical difficulty by not allowing a greater use of the property. The applicant is requesting a 10 foot setback. Staff is suggesting a 20 foot setback which would be consistent with the parking setback required abutting residential properties in the I-2 district. In regard to the screening variance, City Code requires a solid fence along the entire eastern property line. The homes located to the east are at a higher elevation than the proposed development; therefore solid screening along the entire boundary would not be beneficial to the abutting property owners. The applicant is proposing to

plant 13 trees on the northeast part of the property to provide screening between the residential property and the outdoor storage at the closest point. It has been the City's interpretation over the years that landscaping requirements cannot be used to satisfy both screening and landscaping requirements; therefore staff is recommending that an additional 13 trees be planted elsewhere on the property. Staff recommends approval of the major site plan review and the conditional use permit, with the conditions listed in Exhibit A. Staff does not support the variances as proposed, but would support an outdoor storage setback of 20 feet instead of the proposed 10, and would support the screening variance provided an additional 13 trees are planted elsewhere on the property.

Commissioner Simon asked if the first building was approved with a 40 foot outdoor storage setback on the southern portion of the property.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Steve Watrud, 9070 – 90th Court, advised he was available to answer any questions.

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

Mr. Watrud replied in the affirmative.

Commissioner Niemioja asked the applicant what the practical difference was between a 10 foot and 20 foot setback.

Mr. Watrud replied it would provide him more storage area.

Commissioner Niemioja noted that the first building was approved with a 40 foot storage setback.

Mr. Watrud explained that a 40 foot setback was not a hindrance on the south side of the property because the grade was such that a retaining wall would have been necessary against the abutting property. The grade levels off; however, as it goes north.

Commissioner Gooch asked if the building would have multiple tenants.

Mr. Watrud replied in the affirmative.

Commissioner Robertson asked the applicant what types of tenants he planned to lease to.

Mr. Watrud replied he was not sure of the exact tenants; however, it would be similar to the type of businesses renting space in his first building (i.e. contractors, landscapers, etc.). He advised that the property was industrially zoned so he would not have retail uses there.

Commissioner Wippermann asked if staff heard comments from any neighbors.

Ms. Botten replied that she received one inquiry from the Pikes, the property owners to the east of the proposed building.

Shirley Pike, 11025 Courthouse Boulevard, questioned whether the setback proposed by the applicant would be 10 feet from her west property line.

Mr. Watrud replied in the affirmative.

Ms. Pike asked if the proposed trees would be planted within that 10 foot setback.

Mr. Watrud replied in the affirmative.

Ms. Pike asked if the proposed parking lot lights would be downcast.

Mr. Watrud replied they would be shoebox downcast lights similar to what is there now.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked if the Commissioners wanted to approve the four requests separately or all at once on a white ballot.

Commissioner Simon recommended they consider the four requests separately.

Commissioner Robertson advised that she supported staff's recommendation of a 20 foot setback, stating a 10 foot setback seemed too narrow.

Planning Commission Recommendation

Motion by Commissioner Scales, second Commissioner Gooch, to approve the request for a major site plan review to construct a 22,400 square foot office/warehouse building, for the property located at 10982 Clark Road.

Motion carried (8/0).

Motion by Commissioner Gooch, second by Commissioner Lissarrague, to approve a conditional use permit to allow for a contractor's yard and outdoor storage for items such as landscaping materials, vehicles and equipment relating to a business and saleable product, with the conditions listed in the report, for the property located at 10982 Clark Road.

Motion carried (8/0).

Commissioner Simon questioned why a 40 foot setback would not work on the north portion of the site since it worked on the southern portion of the site.

Mr. Watrud explained that on the south part of the property the grade was such that if he wanted to get within a 20 foot setback a retaining wall would have to be constructed whereas the grade levels off on the north end of the property. He noted that he plans to remove the existing cement building on the east property line.

Commissioner Simon asked the applicant what he intended to do with that area.

Mr. Watrud replied that it would be graded and sloped from east to west.

Commissioner Niemioja recommended a 20 foot setback, stating the trees could be removed at a later date to make more room for storage should the property to the east become industrial.

Commissioner Lissarrague asked if the Pikes were the neighbors most affected.

Mr. Watrud replied in the affirmative.

Commissioner Lissarrague noted that the Pikes were agreeable to a 10 foot setback.

Mr. Watrud asked when he could speak to the application.

Chair Maggi reopened the public hearing.

Mr. Watrud advised that he had an issue with the screening requirements and did not believe he should have to plant 13 trees in addition to the 13 he would be planting on the northeast portion of the site. He stated it would be a waste of money to put them in if they might be removed at a later date as was suggested by Commissioner Niemioja. He noted that his Counsel, Vance Grannis, has written a letter outlining the items being objected to.

Commissioner Lissarrague advised that Commissioners received a copy of the referenced letter.

Chair Maggi closed the public hearing.

Commissioner Scales advised that he would support a 10 foot setback, especially since the abutting residents did not raise any concerns.

Motion by Commissioner Scales, second by Commissioner Gooch, to approve a variance to allow a 10 foot setback from agricultural property, for the property located at 10982 Clark Road.

Commissioner Wippermann advised that he would be voting no as he believed the setback should be at least 20 feet.

Chair Maggi and Commissioner Niemioja also supported a 20 foot setback.

Motion failed (3/5 – Niemioja, Maggi, Simon, Robertson, Wippermann).

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to approve a variance to allow a 20' setback from agricultural property, for the property located at 10982 Clark Road.

Motion carried (8/0).

Commissioner Gooch did not feel it necessary to require the applicant to plant 13 additional trees on the property, stating numerous trees were not always appropriate on industrial property, did not necessarily lend any beauty to the area, and could end up being unsightly as they age.

Chair Maggi asked Commissioner Gooch if he was saying that the trees would provide the screening and no fence would be necessary.

Commissioner Gooch replied in the affirmative.

Commissioner Wippermann asked Commissioner Gooch if he was suggesting that the trees used for screening would count towards the landscaping requirements.

Commissioner Gooch replied in the affirmative.

Commissioner Niemioja agreed that neither the fence nor additional trees were necessary, and that the 20 foot setback was the more important buffer.

Motion by Commissioner Robertson, second by Commissioner Scales, to approve a variance from the outdoor storage screening requirements, for the property located at 10982 Clark Road.

Motion carried (8/0). This item goes to the City Council on June 22, 2015.

GREGORY LEE AND DL SCOFIELD – CASE NO. 15-18V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a six foot solid fence on the corner front property line whereas 42 inches is the maximum height allowed along the front property line, and any other variances related thereto, for the property located at 3593 – 72nd Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a variance from setbacks to allow the construction of a six foot high solid wood fence on the corner front property line whereas 30 feet is required. The proposed fence would replace an existing chain link fence. The property is located at the corner of Cloman Avenue and 72nd Street. Code requires any fence within the front yard to be no higher than 42 inches and to be at least 75% open. The reasons for the rule appear to be mainly for traffic visibility at intersections and driveway access points, visibility of property addresses for emergency vehicles, and aesthetics. The code considers both frontages on a corner lot as “front yards” by definition. In this case the fence is proposed in the applicant’s side yard but by the City’s definition it is considered a front yard. The applicant could comply with the zoning code by constructing a six foot privacy fence at a 30 foot setback and utilizing the western portion of the property as a fenced in area. The location of the proposed fence is out of any sightlines of intersections and would not interfere with traffic visibility. The property owners to the north, who would be most directly affected, have submitted a letter in support of the request. Staff does not believe the request meets the variance criteria and recommends denial of the request.

Commissioner Wippermann asked if the existing chain link fence was 42 inches in height.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked for clarification of its current location and where the fence would be located if it complied with code requirements.

Ms. Botten replied the existing chain link fence was on the property line whereas the required 30 foot setback would place the fence near the house.

Commissioner Wippermann asked if a variance had been received for the existing fence location.

Ms. Botten replied that no variance was needed as the existing chain link fence is 42 inches or shorter and meets code requirements.

Commissioner Robertson asked for clarification as to whether the challenge becomes if the chain link fence is replaced with a solid fence that is significantly higher.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Greg and Debbie Scofield, 3593 – 72nd Street East, advised they were available to answer any questions.

Chair Maggi asked the applicants if they read and understood the report.

Mr. Scofield replied in the affirmative and advised they received no objections from neighboring property owners.

Chair Maggi asked the applicants why they wanted to replace their existing fence with a six foot high wood fence.

Ms. Scofield replied it was a safety issue as they own two dogs and have experienced other dogs lunging at or jumping over their existing 42 inch fence.

Commissioner Niemioja asked if the applicants had experienced multiple incidents of dogs jumping over their fence.

Mr. Scofield replied in the affirmative, stating it has occurred numerous times over the years. He noted that a solid fence would help in that it would eliminate any eye-to-eye contact with other dogs.

Commissioner Lissarrague asked what the Scofields what breed of dogs they owned.

Mr. Scofield replied Portuguese water dogs.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked if the applicants would need a variance if they chose to install a 42 inch wood fence.

Ms. Botten replied in the affirmative.

Commissioner Simon asked if having a 42 inch wood fence would improve the situation since dogs walking by would not see their dogs.

Ms. Scofield replied it might improve the situation but would not resolve it as dogs walking by would still be aware of their dogs.

Commissioner Simon asked the applicants if they would be willing to compromise with a 42 inch wood fence.

Commissioner Niemioja stated it appeared as if the existing fence was 42 inches in height.

Mr. Scofield replied that it was actually 48 inches in height.

Commissioner Lissarrague asked the applicants how they used their dogs.

Ms. Scofield replied they were very active with their dogs, including senior citizen therapy, nose work, etc.

Commissioner Lissarrague asked if the training was done on the premises.

Ms. Scofield replied that much of it was done at home, but also at various training facilities.

Commissioner Robertson asked the applicants if they were proposing to replace both the existing wood fence and chain link fence with a six foot wood fence.

Mr. Scofield replied in the affirmative.

Ms. Scofield stated aesthetically it would look better to have the same type of fence throughout.

Commissioner Lissarrague supported the request, stating this was a unique situation in which the applicants lived on a corner lot and were requesting a six foot fence because they train dogs.

Commissioner Scales stated he was opposed to the request as he was concerned about setting a precedent and felt there were likely many residents in the City who owned dogs and lived on a corner lot. He stated he would have less concern with a six foot chain link fence.

Commissioner Robertson was concerned about setting a precedent as well, stating the next situation could be children rather than dogs.

Commissioner Lissarrague asked if there were other six foot fences on corner lots in the City.

Ms. Botten replied in the affirmative.

Commissioner Lissarrague stated it seemed as if the precedent had already been set.

Ms. Botten advised that some of the fences were approved by variance, some may have been installed without City approval, and some may have been situations in which the corner lots were back to back which would not impact the neighboring property owner.

Commissioner Lissarrague asked what the basis was for granting the other variances.

Ms. Botten replied she could not recall the exact situations, with the exception of a recently approved variance for a fence in the front yard of a property across the street from the community center which had lights shining into their windows.

Commissioner Robertson asked if the fences noted by Ms. Botten were solid wood or chain link.

Ms. Botten replied they were solid wood fences.

Commissioner Niemioja stated she was concerned about setting a precedent and potentially blocking traffic sightlines.

Chair Maggi asked if any of the commissioners could define a practical difficulty.

Motion by Commissioner Wippermann, second by Commissioner Scales, to deny the variance request for a variance to allow a six foot fence along a corner front property line whereas 30 feet is the required setback, for the property located at 3593 – 72nd Street, based on the three reasons listed in Alternative B of the staff report.

Motion carried (7/1 – Lissarrague). This item goes to the City Council on June 22, 2015.

RYLAND HOMES – CASE NO. 15-12PUD

Reading of Notice

There was no public notice and no notices were mailed to neighboring property owners.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that the applicant has submitted the final plat and final development plan for Blackstone Ponds 1st Addition. The plan consists of 46 townhome units plus ten outlots. Improvements include a public street, a storm ponding system, and the Mendota-Lebanon Hills Regional Trail. Staff recommends approval of the request subject to the conditions listed in the report.

Planning Commission Discussion

Commissioner Wippermann asked if all townhouse units had two-car garages.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked for clarification regarding comments in the report pertaining to Condition 4 which states “outlots that will be owned by the homeowners association and the city.”

Mr. Hunting advised that the outlots would not be jointly owned, but rather some would be owned by the City and others would be owned by the Homeowners Association.

Commissioner Wippermann asked if the setbacks referred to in Condition 26 were from the lot line or the proposed building.

Mr. Hunting replied that setbacks would be measured from the building.

Commissioner Wippermann referred to the planned expansion of 70th Street, and asked if additional space was being required above and beyond the required 50 foot setback from 70th Street.

Mr. Hunting replied that an additional 75 foot half right-of-way was being dedicated with the plat to provide for the expansion.

Commissioner Simon noted an error in the staff report in which a reference to a 106 unit project should be changed to 104.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the Final Plat and Final PUD Development Plan for Blackstone Ponds 1st Addition.

Motion carried (8/0). This item goes to the City Council on June 22, 2015.

JON SKOGH – CASE NO. 15-13ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code Zoning Regulations to allow for Accessory Dwelling Units (ADUs) on single-family properties. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a zoning code amendment to allow an accessory dwelling unit within an existing detached accessory structure. The zoning code currently allows only one single-family dwelling unit per lot. A dwelling unit includes the living, bath, sleeping spaces, and kitchen. A resident can create a separate area for living, bath and sleep spaces, but a full kitchen is not

allowed and is the point at which the code differentiates between the two. Staff has received a few requests regarding the creation of a second unit within a single-family home in the past and has seen this on building permit plans for new houses or remodels. These individuals have had to modify their plans so there was no complete permanent kitchen in the space. The City's Housing Committee has put ADU's on their list of topics the Council should consider to allow for an additional housing option for its residents. Staff is looking at the issue of whether we should allow accessory dwelling units, whether they are in homes or in detached accessory structures. Since this request came in as a zoning code application, the City must take action on the request within 60 days, or within an additional 60 day extension granted by the City. Staff is requesting input and discussion from the Planning Commission tonight on the issue of ADU's.

Mr. Hunting advised that he drafted a matrix summarizing the research done by the Housing Committee regarding cities in the metro area that allow accessory dwelling units. He went through each of the categories on the matrix, stating they relate to both the Skogh application as well as overall accessory dwelling units in a home or detached structure. He advised that typically these would be restricted to single-family zoning districts (A, E, and R-1) since they are already allowed in multi-family districts. Some cities allow ADUs as a permitted accessory use and others by conditional use. Requiring a conditional use permit results in a more lengthy process which can be financially burdensome, and includes neighbor notification and a public hearing process. Allowing ADUs in detached accessory structures would appear to have more potential impacts to neighboring property owners. Because of this, perhaps there should be a minimum lot size required. The Housing Committee felt that 12,000 square feet would be a good starting point as it is the minimum lot size in the R-1C district. To illustrate how many lots in the City were 12,000-20,000 square feet and 20,000-1 acre in size in a single-family zoning district, Mr. Hunting created a map showing how many lots this could potentially affect. He found that a lot minimum of 12,000 square feet would eliminate most of the homes in the South Grove and Northwest Area because they were on smaller lots. Some communities allow detached structures only on their larger lot size zoning districts. An existing detached structure could be converted to an ADU but would have to meet the building code requirements. The Fire Marshal requires that there be some type of surface leading up to the detached unit so emergency vehicles could gain access if necessary. Another item to discuss is setbacks and whether ADU's should have to meet the same setbacks as primary structures. Staff believes that impervious surface and maximum structure size should remain the same. All the cities on the matrix allowed one additional dwelling unit per lot. Staff would recommend some type of tracking system that would alert police and fire in the case of an emergency. All cities also required that the property owner must occupy one of the dwelling units. The Housing Committee is recommending that the minimum dwelling size be 250 square feet with a maximum of 1,000 square feet. Most communities have either limited the number of bedrooms or the number of occupants that could live in a unit. The Housing Committee felt that the number of bedrooms could be monitored through building permits and they are recommending ADU's be limited to no more than three occupants. Some cities either prohibit or restrict separate entrances to ADU's and ask that any additions or detached units have a similar exterior to the principle structure. Staff believes it is especially important to have addresses on detached accessory dwellings for emergency access purposes; this could be done using the same address as the principle structure plus an 'A', '1/2', etc. Currently only one off-street parking space is required in the single-family zoning; this can be within a garage or out in the open. The Housing Committee is recommending there be at least three off-street parking spaces within a lot with an ADU.

Since this request came in as a zoning code application, the City must take action on the request within 60 days, or within an additional 60 day extension granted by the City. Because this is such a complex issue it could be broken into two parts. If the Planning Commission is agreeable with the general idea of allowing ADU's, and supportive of the specific request, an ordinance could be created addressing this narrow application. This would allow more time to discuss the issues with allowing ADU's in a larger context since it would include all single-family residential zoning districts.

The City is required by law to act on the Skogh's application. If the Planning Commission is comfortable with the concept of ADU's they could break this out into two pieces; address the requirements necessary for the applicant's application and then deal with the City-wide ADU ordinance. The Commission is being asked to consider whether they are supportive of allowing ADUs, whether they are supportive of allowing them in a detached accessory structure, what the minimum lot size should be (the Skogh property is in a 2.5 acre minimum zoning district so the minimum should be at least that), should these be a permitted accessory use or a conditional use, how much parking should be required, and should there be a tracking mechanism. A draft city-wide ordinance is included in the packet to be used as a guide. Staff requests input on this issue.

Chair Maggi asked what percentage of the lots in the City were 12,000 to 20,000 square feet in size.

Mr. Hunting replied that he did not have that number available.

Chair Maggi stated there seemed to be a fair difference between the 12,000-20,000 square foot lots and the 20,000-1 acre lots. She asked if the current impervious surface rules would apply to properties with a second dwelling.

Mr. Hunting replied that staff would recommend the impervious surface maximums remain the same.

Commissioner Simon stated a 1,000 square foot mother-in-law apartment could be as large as some homes.

Mr. Hunting replied that theoretically an entire 1,000 square foot structure could be converted into a living area.

Commissioner Robertson asked if there were any communities that had studied this issue and decided not to permit accessory dwelling units.

Mr. Hunting replied that he called the adjacent communities of West St. Paul, South St. Paul, and Mendota Heights and was told they did not allow ADU's; however, he did not have any background on why they were not allowed or whether there were any other cities who discussed this issue and decided not to allow them.

Commissioner Robertson stated that in order to be objective she felt they needed to learn from the communities that have studied this issue and decided not to allow ADU's, not just the criteria established by communities that do allow them. She asked if a homeowner wanting to put a second story on a garage would still have to meet the City's maximum height requirement.

Mr. Hunting replied in the affirmative.

Commissioner Robertson stated she was reluctant to move forward with the Skogh application until there was a more unified plan for ADU's throughout the City. She stated she lived in an area of 12,000-15,000 square foot lots and was concerned about the potential for all of those lots to have an accessory dwelling unit.

Commissioner Scales asked if property owners would be required to comply with current building size requirements.

Mr. Hunting replied in the affirmative.

Commissioner Niemioja stated that the public policy behind supporting people and their families at any age was an important policy, whether it is to care for an elderly adult or perhaps to support an adult son or daughter with a young child.

Commissioner Lissarrague stated he supported the Skogh request in which a daughter, who grew up in Inver Grove Heights, wanted to come back with her husband and live with her parents.

Commissioner Scales asked how ADU's were handled in the past, stating many homes were built with full kitchens in the basement in the 1950's and 1960's and many were rented out as well.

Mr. Hunting stated that in the 23 years he has worked for the City they have not been permitted. He was unsure of the background on whether they were ever permitted, but stated likely they were never officially sanctioned by the City.

Commissioner Scales asked if Mr. Hunting was saying it was never a permitted use.

Mr. Hunting replied he was unsure of how ADU's were interpreted at that point in time but they have never been permitted in the zoning ordinance.

Commissioner Lissarrague stated in the Skogh situation it was not really a rental situation but rather a family living with their parents and helping take care of the acreage in the years to come.

Commissioner Scales pointed out that although this situation was family, the next may be a rental situation.

Commissioner Lissarrague suggested the Commission look specifically at the Skogh request tonight.

Chair Maggi asked what the rationale would be for requiring a rental agreement.

Mr. Hunting stated that even if an ADU was built for a family member at some point in time they would have an empty unit and would have the ability to rent it. The idea is to allow people another opportunity for a housing alternative that may be less expensive than a standard apartment building. If a property owner created an ADU they would have the option of living in either the principle structure or the ADU.

Chair Maggi asked if an ADU would require a rental license.

Mr. Hunting stated one of the recommendations in the draft ordinance is that these types of units not fall under the scrutiny of the rental regulation requirements. Because of this staff feels there should be a tracking mechanism. Anyone wanting to convert their space properly, or build a new unit, would need a building permit and perhaps they could establish a list via those building permits. This type of tracking mechanism would be especially important for emergency services, but also would be a good idea in general.

Commissioner Lissarrague asked the difference between allowing these as a permitted accessory use versus a conditional use, stating that allowing them by conditional use and requiring that it be a family member could solve the problem.

Mr. Hunting replied that a permitted accessory use would allow an ADU as long as it met the specific criteria of the ordinance. If this was done by conditional use it would entail an eight week process, including an application, monetary fee, notice to the paper, notice to residents, public hearing, and approval by City Council.

Commissioner Robertson stated if one of her neighbors were to build a 1,000 square foot detached ADU it would affect her view, backyard aesthetics, etc. She asked which of the two processes would require notice to the neighbors.

Mr. Hunting replied the conditional use permit.

Chair Maggi asked for clarification on what the likelihood would be of being able to build a 1,000 square foot detached dwelling on a 12,000 square foot lot with an existing principle structure.

Mr. Hunting stated likely only a small amount of the properties shown on the map would be able to build a 1,000 square foot detached dwelling unit on their property because of the restrictions that would be in place, especially maximum impervious surface, setbacks, and required access to the structure.

Commissioner Lissarrague asked if staff wanted feedback from the Planning Commission on minimum lot size, stating that changing the required minimum lot size to an amount larger than 12,000 square feet might resolve Commissioner Robertson's concern.

Mr. Hunting replied the draft ordinance was based on recommendations from the Housing Committee, but staff would also like to have recommendations from the Planning Commission.

Commissioner Scales stated he was not overly concerned about minimum lot size, stating the restrictions would likely prohibit most smaller lots from having a detached accessory dwelling.

Mr. Hunting stated an additional level of restriction would be setbacks, especially if the City determined that ADU's should meet principle structure setbacks. If this were the case most accessory structures would require variances to convert to living space.

Commissioner Simon asked if there were many residences in the City that used ½ in their address.

Mr. Hunting replied he was unsure as all the addressing was done by the County until a few years ago. He advised they would have to use ½ or a letter to distinguish the additional address as it would have to fall within the existing address numbers and meet the even/odd spacing guidelines.

Commissioner Simon advised that in addition to allowing the residents of an ADU to receive mail, the address would also alert the City that it was an ADU.

Commissioner Wippermann asked if currently owners of single-family homes were allowed to rent out rooms.

Mr. Hunting stated there was nothing in the zoning ordinance that prohibited room rental at this point as long as they shared cooking facilities.

Commissioner Wippermann asked if they could require that any ADU occupants be related to the property owner.

Mr. Hunting replied it was a possibility; however, it would be difficult to monitor and to determine whether residents were related.

Commissioner Gooch asked if this ordinance would pertain only to detached structures rather than allowing homeowners to add a second kitchen to their principle structure and essentially creating a duplex.

Mr. Hunting replied that the draft ordinance addressed both topics.

Commissioner Gooch stated it seemed as if this would change the definition of single-family zoning as they would be creating duplexes in single-family zoned areas. He was concerned about parking, how this would affect property values, and stated it was not fair to residents who invested in a single-family home to now have the potential for a duplex next door.

Chair Maggi asked for clarification of whether a separate entrance would be required if the second living area was within the primary dwelling.

Mr. Hunting replied that the draft ordinance did not require it; however, the Commission could add such language. He stated he did not see that as being necessary, especially since in the case of a fire emergency personnel would go through the entire house regardless of where the fire was located.

Commissioner Scales stated there was likely a larger percentage than people realized of homes in Inver Grove Heights with separate kitchens and two families living in them, especially in the outlying areas of the City. He was in favor of adopting an ordinance that would provide structure and help with code enforcement.

Commissioner Gooch stated the fact that there were currently rental units operating illegally did not make it right.

Commissioner Scales stated this has been occurring in the outlying areas for years and likely the neighbors were not even aware there were multiple families living in these homes. He stated that the numerous existing requirements in place would make a good starting point for this process. He advised that converting a garage to living space would be expensive, which would be another reason why he does not anticipate a lot of homes adding an extra unit to their home.

Commissioner Niemioja stated that baby boomers are coming back to live with their children, whether or not the City gives them the legal right to have a second kitchen in their home. She supported creating an ordinance that would allow the City to have more control over this process and keep better track of such units. She stated it is a burden to create a new living structure and it would be unfortunate for a property owner to be prohibited from ever using such a space once their family member no longer was living there.

Commissioner Robertson stated she was concerned about the fact that allowing ADU's would in essence be creating two living structures on a lot that was zoned for single-family. She asked for clarification in regard to allowed parking.

Mr. Hunting advised that the draft ordinance recommended a minimum of three parking spaces; no maximum was stipulated. Staff is also suggesting a limit of three occupants to each second living unit which limits the impact.

Chair Maggi stated that the other regulations in place, such as impervious surface maximums, would likely keep situations from getting out of hand.

Opening of Public Hearing

Jon Skogh and Kayla Harren, 1355 – 96th Street East, advised they were available to answer any questions.

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

Mr. Skogh replied in the affirmative. He advised that he has lived on his 2.7 acre property for 20 years and plans to remain there. He stated his daughter and her husband moved back and have been living in his basement. They are all looking for more privacy; however, and are requesting they be allowed to build an apartment over their existing detached garage. This would also be an opportunity for the children to help care for the property and the Skoghs as they grow older.

Ms. Harren stated from a neighbor's perspective nothing would change as they were already living on the property and the building already exists; they would simply be separating the living spaces.

Chair Maggi asked where the closest neighboring home was located.

Mr. Skogh showed an aerial of the neighborhood, stating the area was heavily treed and the nearest homes were built quite a ways away. He stated they planned to add a dormer onto the existing detached accessory structure and the living space would be in the upstairs.

Commissioner Niemioja asked how a fire truck would access the garage.

Mr. Skogh stated they would install an asphalt driveway coming off their existing driveway.

Commissioner Gooch asked why the applicants would not subdivide the property and build a house on the new property.

Mr. Skogh stated they were not interested in subdividing and felt the proposed request would be their best overall value.

Commissioner Robertson asked the applicants if they used the detached garage as their primary garage.

Mr. Skogh replied they did not as they had an attached garage. He advised that originally the detached structure was built to store yard equipment and a classic car.

Commissioner Robertson asked the applicant what his thoughts were on the use of his investment should his daughter choose to no longer live in the detached accessory dwelling.

Mr. Skogh advised that if they left he could perhaps use it as a guest house, or if his daughter started a family perhaps his daughter could move into the primary residence and he and his wife could move into the accessory structure.

Jim Zentner, 8004 Delano Way, a member of the Housing Committee, stated they hope to make a presentation to the Planning Commission in the month of July regarding a housing audit that was done by the Urban Land Institute. He advised that the demographics are changing very rapidly and how we look at usages of land and housing needs to adjust to that change. He stated that while he understood the sentiment that a single-family area is created for single families, there is not much difference between two families of three living on a property versus a single family of ten people. He stated the Housing Committee supports the applicant's application, stating this area of the City can easily accommodate a detached accessory dwelling and it begins to move towards where the Committee would like to with the accessory dwelling unit issue.

Chair Maggi asked Mr. Zentner for the Housing Committee's rationale behind the 12,000 square foot minimum lot size recommendation.

Mr. Zentner stated they based that number on what other communities were using and they also

felt it was a size that could likely accommodate an additional detached dwelling without infringing on setback rules, views, and environment. He advised that 12,000 square feet was a starting point so it could be opened up for debate. He stated it was unlikely that a 1,000 square foot building would be built on a 12,000 square foot lot.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked for clarification of the options regarding this request.

Mr. Hunting stated if the Planning Commission wanted to minimize the impact to the City as a whole they could focus specifically on the Skogh request and perhaps set a minimum of 2.5 acres or limit it to the E-1 zoning district. In regard to setbacks, Mr. Hunting advised that the existing accessory building on the Skogh property is 1,000 square feet in size and 17 feet from the property line which complies with the zoning code. They are allowed to expand the building to 1,600 gross square feet; however, anything over 1,000 square feet requires a 50 foot setback from property lines. The applicant may therefore have to come back with a variance request to allow for an ADU not meeting the 50 foot setback. The Planning Commission is asked to look at whether or not they want to allow reduced setbacks for existing dwellings.

Chair Maggi asked if the Planning Commission approved an ordinance tonight that would allow the Skoghs to move forward, would any change made by City Council then replace what the Commission approves tonight.

Mr. Hunting stated Commissioners should be careful not to establish regulations that would allow the Skoghs to move forward but that would tie their hands citywide.

Chair Maggi asked if the Planning Commission had the option to move it forward to City Council without a recommendation.

Mr. Hunting replied in the affirmative, stating they could also discuss this again in two weeks if they needed more time.

Chair Maggi stated another option would be to deny the request in order to allow staff and the Housing Committee more time to pull together additional information.

Mr. Hunting replied in the affirmative, stating they could deny the request until they had time to look at the bigger picture. This, however, would delay the process for the applicant.

Commissioner Robertson stated because this was the first time they had discussed this issue, she would prefer to table the request until she could do more research. If they could not table the request tonight, she would have to recommend denial.

Chair Maggi asked staff if it was feasible to gather additional information before the next meeting.

Mr. Hunting stated he could not guarantee he would be successful in finding additional information as he was unaware of any city that had discussed the issue and decided not to allow ADU's.

Chair Maggi asked the Commission if they were generally in favor of allowing accessory dwellings. The response resulted in about half the Commissioners being either undecided or not in favor of the general concept.

Commissioner Scales stated he was in favor of allowing ADU's, it is already being done throughout

the City and this would allow it to be regulated. He would be more comfortable sending it to Council without a recommendation rather than denying the request.

Commissioner Gooch asked if the Skogh property was subdividable.

Mr. Hunting replied it could not be subdivided without a variance.

Commissioner Gooch advised that the Commission had reviewed similar situations in the past in which the applicants had subdivided their property so their children could build a home.

Chair Maggi asked the undecided Commissioners what additional information they would need in order to make a decision.

Commissioner Robertson stated she would prefer not to send this to Council without a recommendation as the Planning Commission has been asked for their input regarding the creation of this ordinance. She advised that she remained undecided because she did not know anything about why cities may have decided not to allow ADU's. She advised she would be willing to do an internet search on this topic if they were able to table the request.

Commissioner Niemioja noted that Council would have an opportunity to review the minutes of this meeting so they would be aware of the Commission's analysis of the issue.

Commissioner Simon stated she would like to know why the cities of West St. Paul, South St. Paul, and Mendota chose not to allow ADU's.

Chair Maggi stated it was her understanding that ADU's were not necessarily denied in the aforementioned cities, but rather the issue had not necessarily been raised.

Mr. Hunting advised that Chair Maggi was correct.

Commissioner Simon stated she was comfortable with having granny flats, but was concerned about what would be done with such living spaces once grandma was gone. She stated this was similar to a recent request from a couple who wanted to house college students from another country.

Chair Maggi asked Commissioner Simon what additional information would help her make a decision.

Commissioner Simon stated she was unsure because it was difficult to control who would live in these structures.

Chair Maggi stated Mr. Zentner's point was that from a density perspective it does not matter since a property could have a family of ten that is related versus two families that are not related with the same amount of people.

Commissioner Lissarrague recommended that the Commission work through the process since Council had asked them for input. If there were concerns about allowing ADUs on a 12,000 square foot lot perhaps they should forward it on with a 2.5 acre minimum. He advised that the subject residence was an expensive property and likely the owners would be careful when choosing a tenant should their children leave. He noted that no one is able to control their neighbor, with or without an ADU.

Chair Maggi stated the concern is that if they approve this request then anyone with a 2.5 acre

parcel who meets the other criteria would be allowed to have an ADU. There is no way to approve just the one request.

Commissioner Lissarrague stated they could if they approved it as a conditional use permit.

Chair Maggi advised that was not the request brought before the Commission.

Commissioner Lissarrague stated the request could be changed.

Commissioner Gooch advised it could not be changed by the Commission.

Mr. Hunting stated this must be done by ordinance, even if allowed by a conditional use permit versus a permitted use.

Chair Maggi questioned whether there was a benefit to tabling the request for two weeks.

Commissioner Scales asked how much time the City had to act on the request.

Mr. Hunting stated if they extended the 60 days action would need to be taken by August 18, 2015. This would allow for three readings at City Council and an additional Planning Commission meeting if necessary.

Commissioner Scales asked if two weeks would give the undecided commissioners time to do additional research.

Commissioners Simon and Robertson replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Scales, to table the request for an ordinance amendment to Title 10 of the City Code Zoning Regulations to allow for Accessory Dwelling Units (ADUs) on single-family properties to July 7, 2015.

Motion carried (8/0).

Chair Maggi reminded Commissioners that their role was to focus on land use.

Commissioner Wippermann asked staff to re-contact the cities that indicated they did not have an ordinance to find out if the topic had ever been considered and, if so, why they made their decision.

Commissioner Simon asked if they could receive the responses as soon as possible via email.

Chair Maggi thanked the Commissioners for their thoughtful discussion.

The meeting was adjourned by unanimous vote at 9:27 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary