

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 7, 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
Elizabeth Niemioja
Bill Klein

Commissioners Absent: Harold Gooch

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

APPROVAL OF MINUTES

The minutes from the June 16, 2015 Planning Commission meeting were approved as submitted.

CHURCH OF ST. PATRICK/CEMETERY – CASE NO. 15-22ZA

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 a columbarium as a permitted or conditional use in the P, Public/Institutional zoning district. No notices were mailed.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that the applicant would like to place a columbarium in their cemetery and are requesting a zoning code amendment to allow columbariums as a permitted use associated with a cemetery. City Code currently allows mausoleums on cemetery property. A columbarium is similar to a mausoleum, housing urns instead of bodies. There are currently four cemeteries in Inver Grove Heights. Staff recommends approval of the request.

Opening of Public Hearing

Father Bob Hart, 3535 – 72nd Street East, and Cindy Reckinger, 6521 Craig Avenue East, advised they were available to answer any questions.

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

Father Hart replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Klein, to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) to allow a columbarium as a permitted use in the P, Public/Institutional zoning district.

Motion carried (8/0). This item goes to the City Council on July 27, 2015.

CARIBOU COFFEE COMPANY – CASE NO. 15-24PDV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a zoning code amendment to the Bishop Heights Ordinance to allow for a 3,160 square foot restaurant with a drive-through on Lot 3, Block 1 Bishop Heights 4th Addition, and a variance from the required perimeter setbacks for a drive lane, and any other variances related thereto, for the property located at 5743 Blaine Avenue. 9 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to add a drive-through to the existing Caribou Coffee location on the south side of the building at 5743 Blaine Avenue. They also plan to expand their restaurant space in the building from 1,760 square feet to 3,160 square feet. Because restaurant space has a different parking and traffic demand, the Bishop Heights Ordinance needs to be amended to reflect the additional restaurant space. The applicant is also requesting a variance to allow a portion of the drive-through pavement to encroach four feet into the 10 foot setback along Upper 55th Street. Justification for the variance is that the property to the west has a right-of-way width about 25 feet less than the subject property. The requested encroachment would extend no further toward the street than the drive isles on the property to the west. Staff recommends approval of the request with the conditions listed in Alternative A.

Chair Maggi asked for clarification regarding the additional restaurant space being added.

Mr. Hunting stated they were not adding onto the building, but rather expanding their space within the existing building. Staff is not concerned about losing parking spaces, especially since many customers will likely use the drive-through rather than walking into the store.

Commissioner Robertson asked what was currently in the additional space they would be occupying.

Various Commissioners advised it was vacant space.

Commissioner Wippermann asked if the fire hydrant near the Caribou Coffee space needed to be relocated.

Mr. Hunting replied it did not.

Commissioner Wippermann noted two transposed numbers on Page 4 of the staff report.

Planning Commission Discussion

Paul Meyer, Paul Meyer Architects, 15650 – 36th Avenue N, Plymouth, representing Caribou Coffee, advised he was available to answer any questions.

Chair Maggi asked Mr. Meyer if he read and understood the report.

Mr. Meyer replied in the affirmative. He stated that the proposed improvements would have minimal impact to the utilities and would not require fire hydrant relocation.

Commissioner Klein asked if there would be ample room for snow storage.

Mr. Meyer replied that the proposed project would actually add green space. Snow removal would be handled the same as previous years by either being pushed to the green space or hauled offsite.

Chair Maggi asked what the estimated timing was for the expansion.

Mr. Meyer stated his understanding was that Caribou Coffee had the project scheduled for 2016. He advised the expansion for the restaurant would include Einstein Bagels, and the drive-through was necessary to support that expansion.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the zoning code amendment to the Bishop Heights Ordinance to allow for a 3,160 square foot restaurant with a drive-through on Lot 3, Block 1 Bishop Heights 4th Addition, for the property located at 5743 Blaine Avenue, with the two typo corrections as noted.

Motion carried (8/0).

Motion by Commissioner Simon, second by Commissioner Robertson, to approve the request for a variance from the required perimeter setbacks for a drive lane, with the practical difficulty as stated by staff.

Motion carried (8/0). This item goes to the City Council on July 27, 2015.

JON SKOGH – CASE NO. 15-13ZA (continued from June 16, 2015 meeting)

Mr. Hunting summarized the request to allow for an accessory dwelling unit in a detached structure on a lot over 2.5 acres in size in the E-1 zoning district, and the staff's decision to look at the broader picture of allowing ADUs throughout the City. A draft ordinance was provided which was based on ordinances from other cities. The ADU would have to meet building and fire code requirements and a detached unit should have as separate address.

Commissioner Lissarrague recommended that detached ADUs have separate utilities from the principle structure, questioned whether a new septic system would be necessary on large lots, and was concerned about the City's ability to enforce the ordinance.

Mr. Link advised that septic systems were subject to MPCA regulations, and an ADU would require analysis of the existing septic system to determine whether it is functioning properly and is large enough to accommodate the ADU or whether a new or enlarged septic system must be installed.

Chair Maggi asked if the regulations addressed utilities as well.

Mr. Link replied he was unsure of the State requirements regarding utilities. He advised that the City Council is currently considering a rental licensing program. The program would require someone renting to get a license from the City, as well as meet certain minimum requirements. The way the ordinance is currently drafted an accessory dwelling unit would be exempt if it is being rented out by a family member; an affidavit would have to be signed by the owner affirming that the person renting is a family relative. This would give the City some control; however, the difficulty would be in monitoring it.

Chair Maggi asked if there were likely multiple regulations in the City that were difficult to enforce.

Mr. Link replied in the affirmative. He stated the City does not have a proactive code enforcement program, but rather reacts to citizen complaints. If a complaint is received they follow up on it; in most cases people are willing to comply with the code and simply were not aware of the requirements.

Commissioner Klein stated once the family member moved out or died most vacant units would likely be rented out to a non-family member.

Commissioner Robertson was concerned about the impact detached ADUs would have on the aesthetic of neighborhoods with small lot sizes and the potential for them to be a permitted use, which would give the neighbors no control over the situation.

Chair Maggi asked Commissioner Robertson what she would recommend for a minimum lot size for detached ADUs.

Commissioner Robertson replied one acre.

Commissioner Niemioja asked what the minimum lot size should be for ADUs that are part of the principle structure.

Commissioner Robertson stated she was not concerned about a minimum lot size for an interior unit because of the multiple codes in place for single-family homes (i.e. setbacks, impervious surface, etc.).

Commissioner Scales did not feel lot size was an issue for detached ADUs as the regulations in place regarding detached accessory structures would likely prohibit most small lots from having a detached ADU.

Commissioner Robertson was not comfortable with assuming the regulations would disallow detached ADUs on smaller lots, stating there were always exceptions.

Commissioner Wippermann stated that having a detached garage was much different than having a detached living space.

Commissioner Niemioja stated that aesthetically a garage would be similar to an ADU.

Commissioner Wippermann stated that character, livability, and privacy would be impacted significantly more with a family living in a unit versus a garage.

Commissioner Scales asked if a detached ADU required a full driveway.

Mr. Hunting replied in the affirmative, stating that would not be possible on most standard city lots.

Commissioner Niemioja stated with an interior ADU; however, the only issue would be parking and notification to the City.

Commissioner Robertson stated many of the cities that allowed ADUs were in tight urban areas with significant density; therefore, adding an ADU did not result in a drastic change. She was concerned; however, about the impact it would have on the neighbors in a more suburban area.

Commissioner Lissarrague stated there seemed to be two issues at hand; a homeowner wanting to convert their garage into living quarters for their elderly parents and someone wanting to create a separate living space for their children. He felt the Skogh application was an ideal testing ground for this type of living arrangement.

Commissioner Simon questioned whether they would consider portable ADUs, stated the ADU should not be allowed to be sold separately from the primary residence, questioned whether deed restrictions would be necessary, and stated other cities defined the difference between a duplex and a single-family home as having separate utilities.

Chair Maggi asked if the draft ordinance addressed temporary structures.

Mr. Hunting replied the draft ordinance did not have any provisions to allow for temporary structures.

Chair Maggi asked if deed restrictions would be applicable in Minnesota.

Mr. Hunting replied he was unsure if that was necessary.

Mr. Link advised that in some parts of the country they do not have strong zoning laws and therefore rely more heavily on private restrictions. That is typically not the case in Minnesota. He stated that conditional use permits, and any related restrictions, were filed with Dakota County. An advantage of the conditional use permit is that the City is the enforcing body; with deed restrictions the enforcement responsibility lies with the neighboring property owners.

Commissioner Scales asked how many local communities had licensing requirements.

Mr. Link replied that most cities in the vicinity had license requirements for rental units.

Commissioner Scales asked if the City currently required separate utilities for detached accessory structures.

Mr. Link replied he was unsure.

Commissioner Scales believed that utilities for a detached accessory structure were currently allowed to come off the primary structure. If that is the case, he did not see any reason to require separate utilities for a detached ADU.

Commissioner Robertson asked if staff was aware of language in current ordinances regarding utilities for a detached structure.

Mr. Link replied he did not believe it was addressed in City Code, and was unsure if it was regulated by State Building Code.

Commissioner Niemioja referred to City Code regarding accessory farm residences, stating a person with a primary farm residence owning over 20 acres is allowed to have someone else living on their property as long as that person is working on the farm and the residence is compliant with other city code. Therefore, there are codes existing that start to address the ADU issue. She noted that the Urban Land Institute's Inver Grove Heights Housing Audit advised with our growing population the City is going to need to increase the number of households; ADUs would be a way to do that. She stated the aging population does not necessarily want to live in a retirement community, but rather would like to live near their children. ADUs would also be a good way for millennials to be able to afford to live independently. She stated that ADUs already exist in the

community and by codifying them they could be controlled and regulated. She pointed out that there are no occupancy rules for related people in the city and a homeowner could have 20 people living in their home. She stated that in established neighborhoods with smaller lot sizes it does not seem like a detached ADU would necessarily fit; however, perhaps they could have an interior ADU. She stated that while additional people living in an ADU could result in less privacy, the extra people could also provide extra safety. She suggested a one acre minimum for detached ADUs.

Commissioner Robertson stated there was a different set of issues with detached ADUs versus interior and she asked if they should have two separate ordinances.

Mr. Hunting replied he would prefer to have only one ordinance. He advised that the draft ordinance addressed both interior and detached ADUs, and that appropriate requirements could be added for the two types of ADUs.

Commissioner Lissarrague asked for more information regarding portable structures.

Commissioner Simon replied that portable structures were typically small units with wheels.

Chair Maggi stated that ADUs were not necessarily for aging parents, stating there was a significant small home movement amongst millenials.

Commissioner Lissarrague stated he would like detached ADUs to have separate utilities, be allowed only on lots over one acre in size, and recommended at such units be licensed and monitored annually.

Opening of Public Hearing

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

Mr. Skogh advised that they already have separate electric service to the building in question, will bring in gas service, are planning to install a separate septic system, and would do whatever was required for the well.

Chair Maggi noted that current codes and policies in place would dictate many of the decisions regarding ADUs.

Mr. Skogh advised that when they originally built this garage they had no intention of using it as living space. Because a larger setback is needed for living space than for a garage, they would have to come back for a variance from setback requirements.

Commissioner Robertson asked what Mr. Skogh's thoughts were on the accessory unit should his daughter decide to move out.

Mr. Skogh stated they had no plans to rent it and would likely use it as a guest house for visitors.

Commissioner Niemioja advised that an ADU would likely increase his property value.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Klein asked for clarification regarding a specific property in the City that had servants' quarters on it.

Mr. Link stated that would not be allowed by current code and may have been considered a legal non-conforming use.

Chair Maggi stated the Planning Commission seemed to be generally supportive of allowing accessory dwelling units, believed interior and detached ADUs should be treated differently, and recommended establishing a minimum lot size. She asked Commissioners if they were comfortable with a one acre minimum lot size for detached structures.

Commissioner Wippermann stated he would prefer a 2.5 acre minimum as it would provide property owners more flexibility in regard to location of the ADU.

Commissioner Klein agreed with a 2.5 acre minimum.

Commissioner Scales advised that he favored a one acre minimum, stating he was hesitant to limit it to 2.5 acres because of the many lots in the outlying areas in which the acreage was sold off in five acre parcels but the original home was on a one or two acre parcel.

Chair Maggi stated Commissioners should also discuss the maximum structure size allowed on a one acre parcel versus 2.5.

Mr. Hunting advised that lots less than 2.5 acres are allowed one 1,000 square foot detached accessory structure, lots greater than 2.5 acres are allowed one 1,600 square foot structure, and lots five acres or greater are allowed up to two accessory structures with a maximum of 2,400 gross square feet combined.

Chair Maggi stated it would seem reasonable to use the same size limitations for ADUs as are currently allowed for detached accessory structures.

Commissioner Klein stated if a property owner had an existing accessory building they would have to look at a smaller footprint when adding an ADU.

Commissioner Robertson noted that properties less than five acres were allowed only one detached building so the existing detached structure would have to be removed if they wanted an ADU.

Commissioner Simon stated they also had the option of putting the ADU in the existing accessory structure.

Chair Maggi asked if ADUs were inclusive of the existing code regarding number of allowed accessory buildings.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann recommended that ADUs be allowed by conditional use permit which would require neighbor notification and provide an opportunity for them to provide input on a situation that may interfere with their quality of life.

Commissioner Robertson stated she also supported allowing ADUs by conditional use permit.

Chair Maggi stated staff's recommendation was for ADUs to be a permitted use because of the time and cost involved in the conditional use permit process.

Commissioner Lissarrague suggested the Commission first address the Skogh application because of the time constraints and then move onto ADUs in general.

Chair Maggi advised there was no way to separate the two; approving the Skogh request would be approving an ordinance.

Commissioner Niemioja responded they could separate out the Skogh application by requiring conditional use permits only on lots less than 2.5 acres.

Chair Maggi asked staff to discuss permitted use versus conditional use.

Mr. Hunting stated staff felt that ADUs within the principle dwelling would not have a significant impact on the neighbors and should be a permitted use. The Commission may want to consider a conditional use permit for detached ADUs; however, which would have a greater potential impact to residents. Conditional use permits require additional fees and 7-8 weeks time.

Chair Maggi asked Commissioner Wippermann what his rationale was for wanting to require a conditional use permit for an ADU when a garage of the same size would be a permitted use.

Commissioner Wippermann stated that living space had more potential impact to neighbors than would a garage (lights, people coming and going, etc.).

Commissioner Lissarrague stated the conditional use permit process could result in one person being allowed to have an ADU and another person being denied.

Commissioner Wippermann stated that was no different than variance requests.

Commissioner Niemioja asked if the draft ordinance was written for both interior and detached ADUs to be a permitted use.

Mr. Hunting replied in the affirmative. He clarified that it would be difficult to deny a conditional use permit request as long as the applicant met the performance standards.

Commissioner Scales asked if there were restrictions on wells.

Mr. Link stated he was unsure of how the State plumbing code addressed wells, but stated each single-family lot must have their own well.

Commissioner Scales stated that must be a new regulation as there were many shared wells in the City and he wanted to make sure the City was not putting restrictions in place for ADUs that were different from what was allowed for other structures.

Commissioner Robertson questioned whether it was necessary to get this detailed since issues such as shared wells were already addressed in code.

Commissioner Scales stated it should be addressed since Commissioner Lissarrague was recommending separate utilities for detached ADUs.

Mr. Hunting stated that utilities were regulated by state building, plumbing and electrical code and the City must abide by those codes and cannot be more restrictive.

Chair Maggi asked if Commissioners were comfortable with a one acre minimum for detached ADUs.

Half of the Commissioners responded they would prefer a 2.5 acre minimum.

Commissioner Scales believed that one acre would be appropriate because of the increased setbacks necessary for an ADU.

Chair Maggi stated the trend was for smaller lots and homes and she would support a one acre minimum.

Commissioner Klein stated many ADUs would likely be installed on lots with well and septic and he was concerned about the impact of additional wells and septic.

Chair Maggi questioned how many requests they would receive because of the significant cost of constructing an ADU.

Commissioner Scales stated most property owners would likely run a line from their house rather than dig an additional well for an ADU.

Commissioner Klein stated it was more an issue of septic systems creating problems in well fields.

Commissioner Niemioja stated because there currently was no occupancy maximum anyone in the City could have extra people in their home, which would impact the well system, and she felt they were muddling the issue a bit on the septic matter.

Commissioner Robertson commented that currently the trend may be for smaller lots and larger houses, but she was uncomfortable compiling ordinances based on trends that would likely shift.

Commissioner Wippermann asked what the lot size requirements were for the E-1 and E-2 zoning districts.

Mr. Hunting advised that E-2 was an older designation which had a 1.75 acre minimum, E-2 required a 2.5 acre minimum, R-1A required a 40,000 square foot minimum, R-1B required a 20,000 square foot minimum, and R-1C required a 12,000 square foot minimum.

Commissioner Niemioja felt that ADUs would offer a different and creative housing solution which would help fulfill the Comprehensive Plan's goal of diversifying the housing options in the community. She felt this was a good alternative to something like a high-rise.

Commissioner Wippermann asked if ADUs would count towards the maximum number of dwelling units allowed for existing developments.

Mr. Hunting replied there was nothing prohibiting the addition of ADUs from subdivisions.

Commissioner Wippermann stated that having a number of ADUs in a neighborhood could result in an exceedance of the units allowed in a specific development. He stated some of the reports that were provided to Commissioners made note that ADUs counted towards the overall density and in many cases was a limiting factor as there were only so many units allowed in a specific development.

Commissioner Niemioja advised that Apple Valley allowed only three ADUs per neighborhood.

Commissioner Wippermann asked for clarification of whether occupancy could be restricted to relatives.

Mr. Link replied there were two different sets of regulations. The draft ordinance in the zoning regulations does not specify who lives in an ADU; however, when you get into rental licensing in some cases if you have a relative living there you are exempt from licensing requirements.

In regard to minimum lot size, Commissioner Scales suggested the Commission leave the split vote as is and let Council read the minutes and make their own decision.

Commissioner Robertson questioned whether there was a third option for minimum lot size.

Commissioner Niemioja advised that for consistency in code she would like to opt for either one or 2.5 acres.

Chair Maggi asked if the Commission could move the application forward with a split recommendation on the minimum lot size.

Mr. Hunting replied in the affirmative.

Chair Maggi asked Commissioners if detached ADUs should be allowed by permitted use or conditional use.

Commissioner Klein recommended it be a permitted use because of the paperwork and cost involved in a conditional use permit.

Commissioner Niemioja stated the conditional use permit process seemed unnecessarily burdensome.

Commissioner Scales agreed with allowing detached ADUs as a permitted use, and stated likely there would be very few of these structures.

Commissioner Robertson stated she would prefer they be allowed by conditional use permit to allow the neighbors to have some input.

Chair Maggi read through the draft ordinance to see if there were any comments.

Commissioner Niemioja questioned whether Commissioners wanted to require registration for interior ADUs.

Mr. Hunting replied that the draft ordinance required city registration for both interior and detached.

Commissioner Wippermann suggested limiting the number of occupants to two versus three which would cover a situation of caring for elderly parents and would minimize parking impacts from a potential rental situation with three unrelated individuals.

Commissioner Scales stated he was uncomfortable limiting it to two occupants, stating if a couple had a child they would no longer qualify.

Chair Maggi asked if anyone other than Commissioner Wippermann felt strongly about reducing the total occupancy to two.

No other Commissioners responded.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to approve the request for an ordinance amendment allowing accessory dwelling units (ADU) on a city-wide basis, which would also address the property located at 1355 – 96th Street East, with the minimum lot size for a detached ADU to be either one acre or 2.5 acres on a split vote.

Motion carried (8/0). This item goes to the City Council on July 13, 2015.

CITY OF INVER GROVE HEIGHTS – CASE NO. 15-25ZA

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 restaurants as an accessory use to a golf course in a P, Public/Institutional zoning district. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that it was discovered that a restaurant use was inadvertently left out of the uses allowed at golf courses. Staff is presenting this ordinance amendment as a housekeeping item to make clear a restaurant is allowed as part of a golf course; the ordinance amendment is for publicly owned golf courses only.

Commissioner Klein suggested allowing a restaurant at both public and private golf courses.

Mr. Hunting stated the Planning Commission could add that to their recommendation; however, at this point staff was addressing the ordinance specifically for Inverwood. He stated if Arbor Pointe Golf Course was ever interested in adding a restaurant they could make a request to the City at that time.

Commissioner stated he would prefer to include it now rather than making them go through a separate process.

Commissioner Wippermann questioned why they would not want to include both public and private.

Mr. Hunting replied that staff did not analyze the private golf course situation and therefore were not sure if there were any issues or not.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Wippermann, to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) to allow restaurants as an accessory use to a golf course, **whether it is publicly or privately owned.**

Chair Maggi noted that she did not open the public hearing as there was no one in the audience.

Motion carried (8/0). This item goes to the City Council on July 13, 2015.

ATHLOS ACADEMIES – CASE NO. 15-23PAZ

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from I-1, Limited Industry to P, Institutional and a Comprehensive Plan Amendment from

LI, Light Industrial to P/I, Public/Institutional, for the property located at 9725 S. Robert Trail.

Mr. Hunting advised that this item is being tabled to the July 21, 2015 Planning Commission meeting.

Commissioner Klein asked where the applicants were intending to locate.

Mr. Hunting provided the requested information.

Motion by Commissioner Scales, second by Commissioner Robertson, to table the request for a rezoning of the property from I-1, Limited Industry to P, Institutional and a Comprehensive Plan Amendment from LI, Light Industrial to P/I, Public/Institutional to July 21, 2015.

Motion carried (8/0).

The meeting was adjourned by unanimous vote at 8:50 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary