

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 6, 2016 – 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: Elizabeth Niemioja
Pat Simon
Tony Scales
Joan Robertson
Dennis Wippermann
Luke Therrien
Annette Maggi
Jonathan Weber

Commissioners Absent: Armando Lissarrague (excused)

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The August 16, 2016 Planning Commission minutes were approved as submitted.

MEGAN AND TODD PARSONS – CASE NO. 16-41V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow an attached garage 25 feet from the corner front property line whereas 30 feet is required, for the property located at 7175 Blake Avenue. 5 notices were mailed.

Chair Maggi asked staff to clarify whether the variance was for 25 feet or 27 feet.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned single-family residential and is surrounded by single-family to the north, west, and east and multiple-family residential to the south. The applicant is requesting a variance from the corner front setback requirement to allow the construction of a 22 x 13 foot garage addition to be 27 feet from the property line whereas 30 feet is required. The building would be 25 feet from the overhang; however, setbacks are taken from the actual wall which would be setback 27 feet whereas 30 feet is required. Ms. Botten noted that the proposed addition would be kept in line with the existing garage, there is one other home on this segment of 72nd Street that has a garage located about 20 feet from the corner front property line, the proposed addition would be further back than the garage on the abutting property, and the addition would be partially screened from 72nd Street. Staff recommends approval of the request with the condition listed in the report. Staff did not hear from any of the abutting property owners.

Chair Maggi asked how long the current owners have owned the property.

Opening of Public Hearing

Todd Parsons, 7175 Blake Path, advised he has owned the property for ten years.

Chair Maggi asked if the setback was in existence when the applicant purchased it.

Mr. Parsons replied in the affirmative.

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

Mr. Parsons replied in the affirmative. He advised that the other homes in his neighborhood were built by the same company, but they have two and a half or three stall garages. He would like to build a third stall to eventually park a vehicle for their daughter.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated it seemed like a reasonable request but the challenge would be to find a practical difficulty. She noted that recently less consideration has been given to the point of practical difficulties.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Robertson, to approve the request for a variance to allow an attached garage 27 feet from the corner front property line whereas 30 feet is required, for the property located at 7175 Blake Avenue, with the practical difficulty being the fact that the home is on a corner lot which requires they meet two front yard setbacks.

Motion carried (8/0). This item goes to the City Council on September 12, 2016.

CASTAWAYS MARINA – CASE NO. 16-39V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to add a new storage structure on the north end of the parking lot and a variance to allow a structure to encroach into the required setback area, for the property located at 6140 Doffing Avenue. 4 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Council granted a conditional use permit and variance in April for the construction of a 34' x 120' two-story storage building that would be located parallel to the levee and set back five feet from the newly created line of the property that the City purchased from the applicant. During preconstruction work some bad soils were discovered. To avoid disturbing the soil in this area, the applicant is proposing to shift the building from the original location so the building would be perpendicular to the levee with the same five foot setback from the north property line. Engineering staff prefers the new alignment as the new building orientation results in fewer disturbances into the levee. There are no issues with the proposed removal of parking spaces. Staff recommends approval of the request.

Commissioner Robertson noted that the longer side of the building would now be facing north and asked what was located along that side.

Mr. Hunting replied that the building would be facing Castaway Marina property and a parcel owned by the City. He noted that the house would be removed from the City-owned property and it would remain as open space.

Commissioner Simon asked if the entrance from the berm to the building would still be constructed.

Mr. Hunting replied that the applicant could better address that question.

Commissioner Robertson noted that a substantial amount of space would be available because of the reorientation of the building and asked how that space would be used.

Mr. Hunting replied it would remain as open space.

Opening of Public Hearing

Tom Lind, 6140 Doffing Avenue, advised he was available to answer any questions.

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

Mr. Lind replied in the affirmative. He advised that they contacted the County once they became aware of the bad soils. By rotating the building they will save approximately \$45,000 in soil correction, \$10,000-\$15,000 in construction costs, and their utilities will be decreased as well. They still plan to build a drive from the top of the levee to the building; however, it will be 34 feet wide rather than 120 feet wide. In regard to parking, they are eliminating nine spaces but gaining eleven in the garages and two on top of the levee.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, for approval of the request for a conditional use permit amendment to add a new storage structure on the north end of the parking lot and a variance to allow a structure to encroach into the required setback area, for the property located at 6140 Doffing Avenue, with the conditions listed in the report and the practical difficulty as stated.

Motion carried (8/0). This item goes to the City Council on September 12, 2016.

DEALS WITH WHEELS LLC – CASE NO. 16-38V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a zero foot front parking setback whereas 10 feet is required, for the property located at 6250 Concord Boulevard. 3 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicants are requesting an after-the-fact variance to allow a four foot front parking setback whereas 10 feet is required. She advised that originally the applicants were asking for a zero setback, but after meeting with staff they amended their request to have a four foot setback along with a cedar fence and cedar planter boxes to provide a buffer between the parking and the property line. The applicant stated the area that was paved was a weedy area that collected garbage and they felt that paving it would be more aesthetically pleasing. Although the area may not be ideal for grass, the code allows for flexibility of material used in the open space areas. The functions of a front yard setback are to maintain consistency of the parking setbacks and the aesthetic qualities from street view. In this specific case it also provides a setback from a sidewalk that abuts right up to the property line. Engineering takes no exception to the request as the property is in a high underground rock area that does not allow infiltration stormwater features per MPCA rules. Staff recommends denial of the request as they believe the conditions of the property are not unique, approval of the request could set a precedent for other front yard parking setbacks, and a practical difficulty has not been shown. Staff is also recommending that either the

bituminous be removed or that it be reestablished to meet the code requirements. Staff has included suggested conditions should the Planning Commission recommend approval or denial of the parking setback but wish to allow the applicants to keep the bituminous paving. Staff has not heard from any of the abutting property owners.

Chair Maggi noted that the property immediately south of the subject property does not appear to have a 10 foot setback either.

Ms. Botten advised that they should be complying with the 10 foot front parking requirements as well; however, our code enforcement program is reactive rather than proactive so the code enforcement officer does not pursue it unless a complaint is received.

Chair Maggi added that the setback area was also paved.

Ms. Botten agreed, but stated they should still be complying with the 10 foot parking setback.

Commissioner Wippermann added that there were vehicles parked right up to the sidewalk on the neighboring property.

Commissioner Simon noted that on the other hand there were properties to the north that had nicely landscaped boulevards.

Commissioner Wippermann asked if the guidelines were different for the property to the south as it was zoned differently than the subject property.

Ms. Botten replied they would still have to comply with a ten foot parking requirement.

Commissioner Wippermann asked why the neighboring property was zoned differently than the rest of the neighborhood.

Ms. Botten replied that it used to be a restaurant and the zoning was never changed.

Opening of Public Hearing

Mathew and Douglas Balsimo, 6250 Concord Boulevard, advised they were available to answer any questions.

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

The Balsimos replied in the affirmative.

Douglas Balsimo noted that a neighboring car lot had vehicles parked up along the sidewalk without any separation.

Mathew Balsimo stated they tried to improve the property after purchasing it and were not aware there was a setback as many of the nearby properties parked right up to the sidewalk.

Commissioner Robertson stated that while some properties had vehicles parked directly up to the sidewalk, there were other properties that had grass and other landscaping along the sidewalk even though they were subject to the same challenges of salt, oil, chemicals, etc. She was concerned about yet another after-the-fact request for a variance, and that people using the sidewalks would be bumping up against parked vehicles.

Chair Maggi asked the applicant if they would be willing to install curb stops as suggested by staff.

Douglas Balsimo replied in the affirmative, stating that a reduced setback would allow for better maneuvering in and out for their customers.

Mathew Balsimo stated that the proposed configuration would provide better access and traffic flow to their site.

Commissioner Robertson asked how the proposed barriers would help with maneuverability.

Mathew Balsimo replied that customers often times park irregularly and the additional six feet would separate the vehicles and allow for more room to turn around.

Commissioner Weber asked how far the front of the building was from the front property line.

Douglas Balsimo replied approximately 60 feet.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated that while she appreciated the desire to improve the area, all property owners have to deal with difficulty landscaping around salt and chemicals on their property. She was also concerned about trying to fix mistakes after the fact; however, she wanted the business to be successful and was not opposed to the potential solution of allowing them to keep the paving and add curb stops and planters.

Chair Maggi stated the challenge is that the parking setback is not being enforced on the neighboring properties.

Commissioner Scales supported adding a fence or curb stop rather than having the commercial property owner fight all summer to keep landscaping in good condition on a busy road.

Chair Maggi questioned whether Commissioners preferred curb stops or a fence.

Commissioner Scales asked the applicant what they would prefer.

Douglas Balsimo stated that personally he liked the idea of curb stops with planter boxes.

Chair Maggi asked if that recommendation would technically be a denial of the request.

Ms. Botten stated it would depend on whether the Planning Commission would support the four foot front parking setback.

Commissioner Weber stated the practical difficulty for approval could be that if they denied the request it would be too difficult to get cars in and out successfully.

Commissioner Robertson asked if approving this would set a precedent as they are aware there are other properties out of compliance but we do not have the means to enforce compliance.

Ms. Botten replied not necessarily since they would still be enforcing conditions and providing a separation and buffer area with the planters.

Commissioner Simon asked if the four foot setback included the planters and curb stops.

Ms. Botten replied they would be asking for a four foot parking setback, and within that four feet Commissioners could amend the conditions to require that a 'curb stop' be installed rather than a 'cedar fence', along with planters.

Mathew Balsimo asked if the bumpers could encroach inside the corridor.

Ms. Botten replied that would have to be clarified as well.

Mathew Balsimo stated it would be four feet from the sidewalk to the bumpers and then within those four feet is where the planters are located.

Commissioner Robertson stated that what she was hearing was that the front grills of the cars would be four feet from the sidewalk and within that space would potentially be planters with flowers.

Mathew Balsimo noted that when vehicles pull up to a curb stop the bumper goes over the curb stop until the tires hit.

Commissioner Robertson suggested requiring a six foot parking setback which would allow two feet of additional space for the grill of the cars to go over the curb stops.

Commissioner Therrien stated they would not necessarily drive the vehicles all the way up to the curb stop, especially if the car had a low profile. He stated they could say the bumper had to be at least six feet from the sidewalk.

Commissioner Niemioja stated there was not much difference between six and ten feet.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a variance to allow a four foot front parking setback whereas 10 feet is required, for the property located at 6250 Concord Boulevard, with a condition requiring curb stops and planters and given a practical difficulty of safety and maneuvering on the lot if that variance is not given.

Commissioner Wippermann stated he would be voting no as the Planning Commission's duty was to try to follow the ordinances as closely as possible, he felt there was a lack of a practical difficulty, and allowing four feet versus ten feet was too much of a lessening of the requirements.

Motion carried (5/3 – Wippermann, Robertson, Simon). This item goes to the City Council on September 26, 2016.

Chair Maggi agreed with Commissioner Wippermann that the practical difficulty criterion was very difficult in these unique situations.

PULTE HOMES OF MINNESOTA – CASE NO. 16-40PA

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 of the property from LI, Limited Industry to LDR, Low Density Residential, for the property located on the west side of Jefferson Trail, south of Wescott Road. 49 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 develop adjoining vacant land in Eagan and Inver Grove Heights. The project would consist of 21 residential units in both cities; 10 of which would be in Inver Grove Heights. The applicant is requesting a comprehensive plan amendment to change the designation from LI, Light Industrial to LDR, Low Density Residential. The property had been a subject of a comprehensive plan change in 2003 for a townhome project. The site was found to be contaminated; however, and the developer withdrew. The property has since been cleaned up and approved by Dakota County and the MPCA. The property to the south and west are single-family residential, with some industrial uses on the east side of Highway 149. The subject site does not have direct access to Highway 149 and therefore would not function well as an industrial use. Staff recommends approval of the request.

Commissioner Simon asked if staff heard from any neighbors.

Mr. Hunting replied they had not.

Opening of Public Hearing

Paul Heuer, Pulte Homes, 7500 Office Ridge Circle, Eden Prairie, advised he was available to answer any questions.

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

Mr. Heuer replied in the affirmative. He advised that they held a neighborhood meeting and invited residents from both Eagan and Inver Grove Heights within 350 feet of the property. Three residents attended the meeting. His sense was that they were not opposed to the use.

Don Mele, 501 Tyne Lane, advised that the property used to be a landfill for battery casings. He stated approximately ten years ago they removed two feet of soil from his property and the subject property and replaced it with clean soil. He questioned how a former landfill could get a clean bill of health after removing only two feet of soil.

Mr. Hunting advised that is governed by the county and the state, it went through the clean up process, and both agencies were satisfied.

Commissioner Scales stated his recollection was that it was never a landfill but rather an industrial use.

Mr. Hunting agreed that it was formerly an industrial use.

Mr. Mele questioned how clean the site could be as battery casings still rise to the surface of his property. He asked who was responsible for any potential health issues should they build on the subject property.

Mr. Heuer stated they were wary of this site when they heard about its history; however, they feel very comfortable now after having their own professional firm review the environmental reports and other information from the seller. Their trusted environmental firm was reassured with the level of thoroughness of the previous sellers and the environmental work performed.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Robertson asked if the Eagan portion of the project had already received approvals.

Chair Maggi advised that the Eagan portion was already guided correctly.

Commissioner Robertson asked if there were environmental concerns on the Eagan side as well.

Mr. Hunting replied that he believed the operation occurred only in Inver Grove Heights.

Mr. Mele advised there was previously a home on the Eagan side which was demolished and buried.

Chair Maggi stated that apparently the experts have determined this site to be environmentally safe so the Planning Commission's job was to determine whether or not low density residential was an appropriate land use for this site.

Commissioner Weber asked if now would be the time to discuss lot sizes, etc.

Chair Maggi replied it was not as the request was just for a comprehensive plan amendment.

Commissioner Simon asked if this would be considered equivalent to the Northwest Area, because your 65 foot widths are not that problematic in the NWA.

Mr. Hunting stated he just pointed out that what we did in the concept plan would say they are going to have to be applying for some variances. It is consistent with the lot sizes in Eagan, they are smaller than the Coventry development, but are of similar size to the ones we have been seeing in the Northwest Area. They are viable lots and at this point they plan to meet all the standard setbacks.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Weber, to approve the request for a comprehensive plan amendment to change the land use designation of the property from LI, Limited Industry to LDR, Low Density Residential, for the property located on the west side of Jefferson Trail, south of Wescott Road, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on September 26, 2016.

Commissioner Wippermann requested that when the plat request comes before the Planning Commission staff also provide the standards for the properties to the south for comparison purposes (i.e. setbacks, lot sizes, etc.).

Chair Maggi asked for clarification of the approval process for this development which is partly in Eagan.

Mr. Hunting replied there will be joint power agreements for the roads, utilities, etc. but the Planning Commission's focus would be only on the ten lots in Inver Grove Heights.

The meeting was adjourned by unanimous vote at 7:58 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary