INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

Tuesday, May 19, 2009 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR MAY 5, 2009

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 PARAGON POOL AND SPA – CASE NO. 09-11V

Consider A **Variance** to exceed the allowed maximum impervious surface coverage to install a concrete walk around a pool for property located at 10664 Alicia Circle.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 5, 2009 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present:	Dennis Wippermann Harold Gooch Tony Scales Mike Schaeffer Tom Bartholomew Paul Hark Christine Koch Damon Roth
Commissioners Absent:	Pat Simon (excused)
Others Present:	Tom Link, Community Development Director Allan Hunting, City Planner Jennifer Emmerich, Assistant Planner

DRAFT

APPROVAL OF MINUTES

The minutes from the April 21, 2009 meeting were approved as submitted.

OLI SMITH – CASE NO. 09-09V

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a variance to construct a porch addition that would exceed the allowed maximum impervious coverage standard for the property located at 10857 Andes Circle. 4 notices were mailed.

Presentation of Request

Ms. Emmerich presented the request as detailed in the report. She advised that the applicant is requesting a variance to construct a porch addition onto their existing home which is located in a Planned Unit Development zoning district that is single-family residential in nature. The applicant would like to construct a 196 square foot porch addition onto the rear of the home. Ms. Emmerich advised that the applicant's existing impervious coverage plus the requested porch addition would bring the impervious coverage total to 23.5% whereas City Code allows for a maximum of 20%. Staff recommends denial of the request as it does not meet the variance criterion and could set a precedent.

Chair Bartholomew asked if the proposed addition would have complied with the previous impervious coverage requirements, to which Ms. Emmerich replied in the affirmative.

Opening of Public Hearing

The applicant, Oli Smith, 10857 Andes Circle, noted that the City was considering raising the allowed impervious coverage percentage and that this addition would likely comply with those raised standards.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. Smith replied in the affirmative.

Chair Bartholomew asked the applicant to state the hardship, to which Mr. Smith replied he could not.

Commissioner Koch asked if the applicant was proposing to construct the addition on a portion of the existing deck.

Mr. Smith replied that the addition would be constructed on half of his existing deck which had an area underneath that would remain open.

Planning Commission Discussion

Commissioner Hark asked how close the City was to completing their engineering analysis in regards to impervious coverage in the R districts.

Mr. Link advised that engineering staff would be doing city-wide stormwater analysis of various subdivisions and would then turn that information over to a consultant for further analysis. He advised they were approximately 2-3 months away from completion of that study.

Chair Bartholomew asked who made the determination that the proposed additional impervious coverage would not have a negative impact on adjoining properties, as stated in the report.

Ms. Emmerich replied that determination was made by the Engineering Department, and she added they have also recommended conditions which would mitigate stormwater generated from the additional impervious surface.

Commissioner Wippermann stated this was another in a series of similar requests for variances for exceeding impervious surface, and that part of the hardship in the past has been the recent change in the ordinance. He asked if the subject area was developed based on the previous ordinance which allowed 30% or 4,000 square feet of impervious coverage, to which Ms. Emmerich replied in the affirmative.

Commissioner Wippermann stated there should be no issues with the handling of stormwater since the system was built under the previous ordinance and therefore would be designed to handle runoff from 30% or 4,000 square of impervious coverage. Commissioner Wippermann stated he supported the variance and questioned whether the City should be requiring a rain garden or other measures since they did not appear to be necessary.

Ms. Emmerich stated that the proposed engineering study would determine whether or not this subdivision could handle more than 20% impervious coverage.

Commissioner Hark stated he did not support the request due to lack of hardship and the fact that the current ordinance allowed only 20% of impervious coverage whereas 23.5% was being proposed.

Chair Bartholomew stated it would be difficult for the Commission to support the request without a hardship. He added that although this particular lot was large enough to handle the runoff, the area as a whole may not be able to collectively handle the stormwater from 30% impervious surface.

Commissioner Roth stated more clarification was needed as to what was considered pervious and impervious. He noted that although decks were considered pervious, many had no space between the boards.

Commission Koch asked if the floor of the proposed porch would be solid, to which Mr. Smith

replied in the affirmative, stating it would have a roof as well.

Commissioner Koch asked if the structure was considered to be impervious because of the solid floor.

Ms. Emmerich stated the addition was considered impervious because of the roof. She advised that decks are considered pervious whereas a structure on a property is considered impervious.

Commissioner Schaeffer stated the goal of the Planning Commission was to determine whether the application was consistent with the current standards.

Planning Commission Recommendation
Motion by Commissioner Schaeffer, second by Commissioner Hark, to deny the request for a variance to exceed allowed maximum impervious surface coverage for a porch addition for property located at 10857 Andes Circle.

Motion failed (3/5 – Gooch, Wippermann, Roth, Koch, Scales).

Motion by Commissioner Gooch, second by Commissioner Koch, to forward the request for a variance to exceed allowed maximum impervious surface coverage for a porch addition, for property located at 10857 Andes Circle, on to City Council without a recommendation.

Motion carried (5/3 – Hark, Schaeffer, Bartholomew). This matter goes to the City Council on May 11, 2009.

MGT DEVELOPMENT (SUPERTARGET) – CASE NO. O9-10PUD

Reading of Notice
Commissioner Hark read the public hearing notice to consider a PUD Development Plan Amendment for Lot 1, Block 1, Argenta Hills relating to Floor Area Ratio (FAR) requirements and site plan requirements, for the property located on the north side of Highway 55 and west of Highway 3. 6 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request involved only Lot 1, Block 1, Argenta Hills, the Target site, with no changes being proposed for the balance of the PUD. Mr. Hunting advised that the proposal is to reduce the size of the building from 176,409 to 134,800, changing the location of the main pedestrian walkway spine one row of parking to the south, and modifying the exterior elevations of the Target building to reflect the smaller store. He advised that the modifications would drop the overall FAR for the commercial portion from .20 to .17, and the amount of parking would now exceed the maximum allowed since it was built based on the previously proposed 176,409 square foot building. Staff reviewed the request against the ordinance criteria and feels it would create no negative impacts, would have no effect on the City's ability to provide service or utilities to the site or elsewhere in the Northwest Area, and would have no negative financial impacts since Target has already paid their plat and permit fees based on a 176,409 square foot building. Staff recommends approval of the request.

Chair Bartholomew asked if approval of this amendment would prohibit Target from increasing the size of the building in the future.

Mr. Hunting replied it would not.

Commissioner Wippermann noted that he had issues with the residential piece of this development and asked if the proposed change affected only the Target site, to which Mr. Hunting replied in the affirmative.

Opening of Public Hearing
The applicant, Greg Munson, 2737 Fairview Avenue, advised the request would impact the commercial center only.

Commissioner Wippermann asked what the construction schedule was for this project.

Mr. Munson advised it was currently projected for an October 2010 opening. He noted if they received City Council approval on Monday, the request would then be subject to internal approval from Target.

Chair Bartholomew asked if the applicants felt that potential future expansion plans would eliminate any impact regarding the FAR.

Mr. Munson replied it was his hope that the economy would improve and allow them to utilize the property to the maximum extent.

Planning Commission Recommendation
Motion by Commissioner Schaeffer, second by Commissioner Wippermann, to approve the request for a PUD Amendment to the site plan for Lot 1, Block 1, Argenta Hills, located on the north side of Highway 52/55 and west of Highway 3 with the condition listed in the report.

Motion carried (8/0). This matter goes to the City Council on May 11, 2009.

ADJOURNMENT
Chair Bartholomew adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: May 15, 2009 **CASE NO.:** 09-11V

APPLICANT: Paragon Pools

REQUEST: A variance to exceed the allowed maximum impervious coverage.

HEARING DATE: May 19, 2009

LOCATION: 10664 Alicia Circle, Inver Grove Heights, MN

COMP PLAN: LDR, Low Density Residential

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning, Engineering **PREPARED BY:** Jennifer Emmerich, Assistant Planner

---

BACKGROUND

The applicant is requesting a variance to construct a pool and patio on their lot, which is located within the R-1C, Single Family Residential District. Currently the lot features the applicant's home and attached garage. The applicant would like to remove an existing patio and install a below-ground pool with a five foot concrete apron. The lot calculations are as follows:

	Square Feet	Percentage
Lot Size	12,137	-
Existing Impervious Coverage (House, garage, driveway, patio)	3,548	29.2%
Impervious coverage to be removed (existing patio)	(-) 620	-
Proposed additional impervious coverage (patio and pool)	(+) 870	-
Total impervious coverage requested	3,798	31.2%
Total difference in impervious coverage (variance request)	250	2%

Currently City Code allows for a maxim impervious coverage of 20%. However, the applicants constructed 29.2% of the impervious coverage when City Code allowed for a maximum of 30% of impervious coverage. Therefore, that coverage was constructed legally and the variance is only for the additional 2% (250 s.f.) of impervious coverage.

SPECIFIC REQUEST

The applicant is requesting to remove an existing patio and install a below-ground pool and surrounding patio. To do so, they would be exceeding the allowed maximum impervious coverage standard and has made application for a variance in accordance with the Inver Grove Heights Zoning Ordinance, Section 515.80 Subd. 7.b.1.

SURROUNDING USES

The subject site is surrounded by single-family residences, all zoned R-1C, Single Family Residential Zoning District and guided LDR, Low Density Residential.

EVALUATION OF REQUEST

As indicated earlier, the applicant is requesting a variance to exceed the allowed maximum impervious coverage on an R-1C zoned lot. City Code Section 515.59, states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

   The general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does not have any conditions that make it unique for the zoning district it is in. Furthermore, the applicant is not being denied reasonable use of the property as the lot currently features a single-family home and attached garage. However, the applicants are proposing to remove an existing patio to significantly reduce the resulting total impervious coverage. Furthermore, the impervious coverage increase is marginal.

b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

   The application is not contrary to the Comprehensive Plan as the future land use is Low Density Residential.

c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

   There is no hardship relating to the request as the impervious coverage standard is not precluding the property owner from reasonable use of the property. The site already features a principal dwelling with an attached garage. However, the additional impervious coverage being requested is not unreasonably large and the resulting percentage are only 2% above the existing impervious coverage.

d. Economic considerations alone do not constitute an undue hardship.

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

AGENCY REVIEW

Engineering Department: The Engineering Department has reviewed the request. They support the request with the conditions listed below.

Fire Marshall: Has reviewed the application and has no comment on the request.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

A. **Approval.** If the Planning Commission favors the requested Variance, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan dated April 20, 2009 on file with the Planning Department.

2. The applicant/homeowner shall mitigate the storm water footprint by treating the increased storm water runoff from the additional 2% of impervious surface.

3. A signed and notarized storm water facilities maintenance agreement as approved by the City Attorney and Public Works Director shall be submitted prior to issuance of the building permit. The City Attorney will draft the agreement and fees associated with drafting and recording the agreement will be withdrawn from the Engineering Escrow up to the amount approved.

4. An Engineering Escrow in the amount $250 (or $1/sf of the additional impervious space to be treated, whichever is greater) shall be submitted prior to issuance of the building permit. Engineering review, field inspections, City Attorney and non-compliant erosion control expenses shall be drawn from the Engineering Escrow. Any amount of escrow not utilized shall be returned to the Applicant/Owner when the Engineering Division deems the project complete (facilities properly constructed and turf established).

5. The Engineering Division will provide the rain garden size, depth, and standard detail for the rain garden feature based on new standards currently being developed. The standards will incorporate sizing the rain garden according to the soil type and infiltration capability. This method of addressing additional impervious space for single family resident additions is being proposed to reduce the burden, costs, and time for single family residents to mitigate the storm water footprint when requesting variances to exceed the impervious space requirements.

6. The Engineering Division will field verify the location of the rain garden in the field with the owner/developer, to include a visual investigation of underlying soils as exposed by the owner. The field investigation will determine the proper location and size of the rain garden in order for it to receive sufficient storm water runoff for treatment.

7. The erosion control and storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.

Hardship: A hardship must be stated if approval of the variances is recommended.

B. **Denial** If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance does not preclude the applicant from reasonable use of the property as the lot already features a single-family home and attached garage.
2. The request lacks any hardship unique to the property.
3. Approval of the variance could set a future precedent for lots to exceed the allowed impervious coverage in the R-1C, Single Family Residential Zoning District.
4. The addition would be a convenience to the applicant not a necessity.

RECOMMENDATION

Staff believes there are not unique circumstances on the property and that the hardship criterion has not been met. Therefore, staff recommends denial of the variance request as presented.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site Plan

Paragon Pool Variance Request
Case No. 09-11V

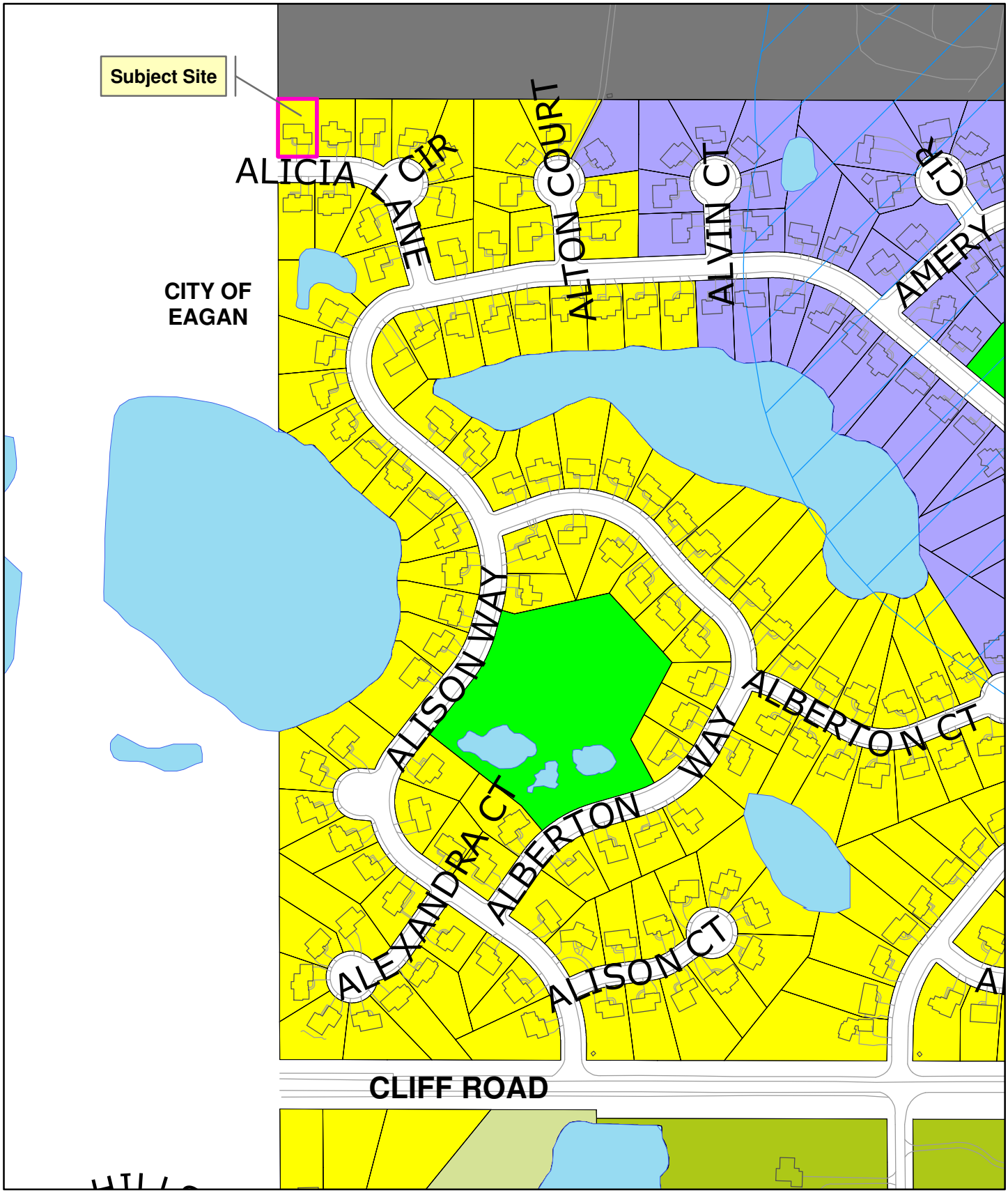


Exhibit A
Zoning Map

4-14-9

Paragon Pool and Spa

RECEIVED
APR 20 2009

305 Stillwater Road
~~Mahtomedi, MN~~ 55090
(651) 653-6807
~~FAX: (651)~~ 653-1104

13999 North 60th Street
Stillwater, MN 55082
(651) 439-5632
FAX: (651) 439-5233

TO WHOM IT MAY CONCERN,

MY NAME IS MIKE HENRY, OWNER OF PARAGON POOLS. I AM REQUESTING A VARIANCE FOR ABEVEGROUND POOL AT 10664 ALCUR CIRCLE. APPROXIMENT SQUARE FOOTAGE OF CONCRETE AROUND POOL IS 870 SQFT. THE PATIO IN BACK YARD WILL BE REMOVED. THAT PATIO IS 620 SQFT. I AM LOOKING FOR VARIANCE OF 250 SQFT. OVER & ABOVE WHAT THE HOUSE, DRIVEWAY & GARAGE ALREADY HAVE.

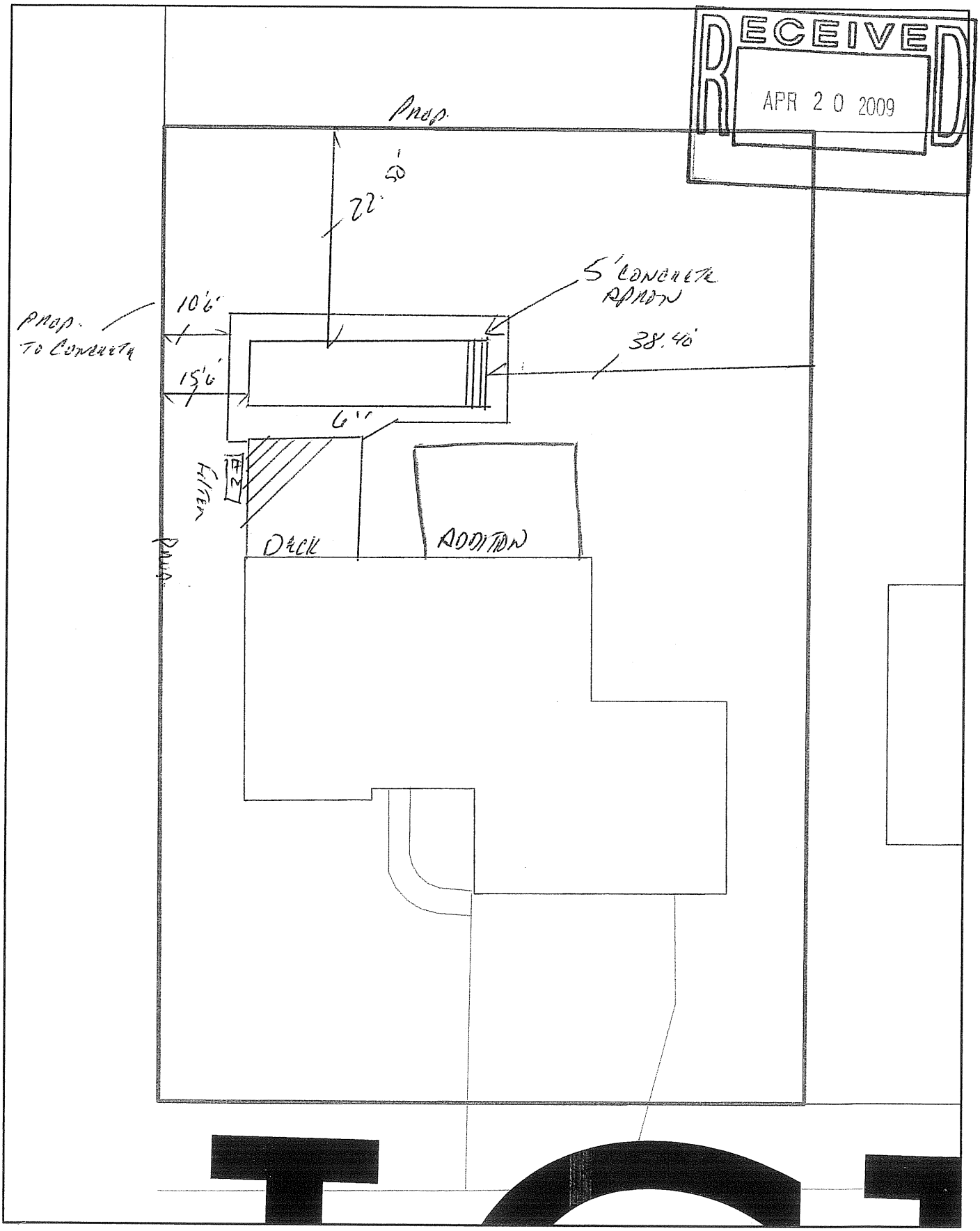
THANK-YOU

Mike Henry

651 208-7954

EXHIBIT B

RECEIVED
APR 20 2009



10064 DILLON WHITMORE RESIDENCE

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Planning Commission

FROM: Allan Hunting, City Planner

DATE: May 13, 2009

SUBJECT: ORDINANCE AMENDMENT REGARDING IMPERVIOUS SURFACE

At the May 11 City Council meeting, The City Council directed the Planning Commission to hold a public hearing regarding an interim or temporary change to the Zoning Ordinance regarding maximum impervious surface. This resulted as part of the Oli Smith Case No. 09-09V. The City Council could not find a hardship for this request, but also recognizes that the newly adopted maximum of 20% impervious surface coverage needs attention.

The City is in the process of conducting a more detailed study including looking at additional neighborhoods to determine the amount of existing impervious surface. This will be used to make a recommendation on impervious surface maximum requirements for single family neighborhoods. This is expected to be completed mid to late summer. In the mean time, Council wants to adopt an ordinance to allow additional impervious surface until the detailed study is done. Staff has prepared a public hearing notice for a public hearing which will be held on June 2, 2009. You will receive a staff report containing background information and recommendation. The City Council will review the item at their June 8 meeting.