

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

Tuesday, June 2, 2009 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR MAY 19, 2009

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 JODY & DAN LISSON – CASE NO. 09-12V - *tabled until June 16, 2009*
Consider the following requests for property located at 7140 Bovey Avenue:

A.) A **Variance** to construct a home addition that would exceed the allowed maximum impervious coverage.

Planning Commission Action _____

B.) A **Variance** to construct a gazebo that would encroach within the front yard setback.

Planning Commission Action _____

3.02 CITY OF INVER GROVE HEIGHTS – CASE NO. 09-13ZA.

Consider a **Zoning Code Amendment** to modify Section 515.80 Subd. 8 of City Code relating to increasing the maximum impervious surface coverage in the R-1A, B and C zoning districts. This ordinance amendment may include the requirement of a Conditional Use Permit.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 19, 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: Harold Gooch
Tom Bartholomew
Paul Hark
Christine Koch
Damon Roth

Commissioners Absent: Pat Simon (excused)
Tony Scales (excused)
Dennis Wippermann (excused)
Mike Schaeffer (excused)

Others Present: Allan Hunting, City Planner
Jennifer Emmerich, Assistant Planner

APPROVAL OF MINUTES

The minutes from the May 5, 2009 meeting were approved as submitted.

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

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a variance to install a pool and surrounding concrete that would exceed the allowed maximum impervious coverage, for the property located at 10664 Alicia Circle. 5 notices were mailed.

Presentation of Request

Ms. Emmerich presented the request as detailed in the report. She advised that the applicants are requesting a variance to remove an existing patio and install a below-ground pool with a concrete apron and patio. Ms. Emmerich advised that the applicants currently have 29.2% of impervious coverage, but would have 31.2% if the concrete apron and patio were to be constructed. Staff recommends denial of the request as it does not meet the variance criterion.

Chair Bartholomew asked if the applicants would be allowed to install 620 square feet of impervious coverage with no variance if they removed the existing 620 square foot patio, to which Ms. Emmerich replied in the affirmative.

Opening of Public Hearing

The applicant, Molly Whitmore, 10664 Alicia Circle, stated she was available to answer any questions.

Chair Bartholomew asked the applicant to state the hardship.

Ms. Whitmore advised that the pool was needed as she had health issues which prevented her from doing high impact exercise.

Chair Bartholomew advised that the impervious coverage ordinance would only affect the proposed concrete apron and patio, and would not preclude the installation of a pool.

Ms. Emmerich asked the applicant if they were proposing to install a patio between the house and pool, as indicated by Mike Henry from Paragon Pools.

Ms. Whitmore stated they did not plan to install a concrete patio. However, they were considering installing some fieldstone and mulch on the Northeast side of the pool.

Ms. Emmerich advised that the proposed apron around a 40' x 20' pool would result in approximately 620 square feet of impervious coverage.

Chair Bartholomew asked what size pool was being installed, to which Ms. Whitmore replied 36' x 18'.

Ms. Emmerich asked the applicant if she would be willing to construct only the area around the pool.

Ms. Whitmore stated that installation of the mulch and field stone area was dependent on what was discussed at this meeting.

Ms. Emmerich advised that if field stones were installed tightly together they were considered impervious.

Ms. Whitmore stated it would be predominantly a mulched area with a few pavers to stabilize the area.

Chair Bartholomew advised that anything in addition to the pool apron would be subject to a variance.

Ms. Whitmore stated they would install only the pool apron and would come back for a variance if at any time in the future they decided to put in the patio area.

Chair Bartholomew stated the applicant should indicate on the building permit that they were installing 620 square feet or less of impervious coverage.

Ms. Whitmore asked if the mulched area would require a building permit.

Ms. Emmerich replied it would not, but advised that the applicants should indicate all work to be done on their building permit for the pool.

Chair Bartholomew stated it appeared as if the proposed concrete apron for the pool would result in less impervious coverage than was what being removed.

Ms. Whitmore withdrew her application for a variance to exceed the allowed maximum impervious coverage.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:13 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

MEMO
CITY OF INVER GROVE HEIGHTS

TO: Planning Commission
FROM:  Heather Botten, Associate Planner
DATE: May 28, 2009
SUBJECT: Case No. 09-12V Lisson

This request was on the Planning Commission agenda the same night the City is holding a public hearing to discuss modifying the maximum allowed impervious surface requirements. City staff has decided to table the Lisson request for 2 weeks to allow the Planning Commission and City Council time to discuss the code changes.

recommended that the total maximum impervious coverage in the R-1A, R-1B and R-1C Districts be 20%.

However, the analysis of impervious surface coverage looked at a small, subset of developed residential areas. Along with their 20% recommendation, Engineering also recommended that a larger scale analysis be completed to confirm that the actual impervious area in the developed area is close to what was assumed when the storm water system serving the area was designed. This large-scale study is currently being conducted and will be available later in the year.

During the May 11, 2009 City Council meeting, Council discussed modifying the allowed maximum impervious surface in the “R” Districts. This amendment would temporarily increase the impervious surface standard until the impervious surface study is completed and the permanent code change is adopted. Most of the discussion focused on raising the allowed maximum impervious surface to 25% of the lot area. Furthermore, Council discussed requiring a Conditional Use Permit for impervious surface between 25% and 30%. They felt that the raising the allowed maximum impervious surface standard and requiring a Conditional Use Permit for up to 30% would be reasonable.

Current Regulations. Currently Section 515.80 Subd. 8. Allows for a maximum of 20% of impervious surface. Furthermore, a Conditional Use Permit can be obtained to exceed 20% coverage on lots that do not meet the minimum lot size.

Proposed Ordinance Language. Consistent with Council’s direction, staff has prepared language that would raise the allowed maximum impervious surface to 25% and allow for a Conditional Use Permit on lots that have 25% to 30% of coverage. The new language is shown underlined and highlighted in Exhibit A. Again, it is expected that this ordinance will be revisited in a few months, after the more comprehensive study is complete.

ALTERNATIVES

The alternative courses of action the Planning Commission has available include the following:

- A. **Approval.** If the Planning Commission finds the proposed amendment language to be acceptable, the Commission could recommend adoption of the attached ordinance amendment.
- B. **Modified Approval.** If the Planning Commission finds it acceptable to change the current maximum impervious surface requirements, but is not in agreement with the recommendation, the Commission could recommend adoption of a modified amendment.
- C. **Denial.** If the Planning Commission does not find it necessary to modify the existing language, the Commission could recommend denial of the proposed ordinance amendment.

RECOMMENDATION

Based on the City Council's comments and direction, Staff recommends that the ordinance be modified as follows:

- Allow a maximum of 25% impervious coverage in the R-1A, B and C Zoning Districts.
- Require a Conditional Use Permit for lots with from 25% to 30% of impervious surface.
- Adopt the attached definition of impervious surface

Attachments: Proposed Ordinance Amendment
May 11, 2009 City Council Minutes

Exhibit A

Subd. 8. "R-1A, B, C" One-Family Residential District.

A. Purpose. The “R-1” Residential District is established for existing and future One-Family detached dwelling areas which are provided with full urban services.

B. Bulk Standards. The following standards apply in the “R-1A, B, C” One-Family Residential Districts

1. Minimum Standards*

Lot Area ¹	
R-1A	40,000 square feet
R-1B	20,000 square feet
R-1C	12,000 square feet (interior lot) 12,500 square feet (corner lot)
Lot Width ²	
R-1A	170 feet (interior lot) 200 feet (corner lot)
R-1B	100 feet (interior lot)
R-1C	85 feet (interior lot) 100 feet (corner lot)
Front Yard Setback	30 feet
Side Yard Setback**	10 feet
Rear Yard Setback	30 feet
Height (max.)	35 feet
<u>Impervious Surface (max.)</u>	<u>(See B.4.)</u>

* All standards are minimum requirements unless noted

** An attached garage with no living space above, below, in front of or behind it, it may meet the minimum side yard setback standard for accessory structures found in Subparagraph 2 below rather than the larger setback required of principle structures as found in this table.

¹ Additional Minimum Lot Area Requirements:

If the lot is not served by municipal water and sewer, then the minimum lot area in each of the above listed zoning districts shall be two and one-half (2-1/2) acres. Provided, however,

- a. if the subject lot is a lot of record as of February 1974 and is not served by municipal water or sewer, then the minimum lot area in each of the above listed zoning districts shall be 40,000 square feet.
- b. if the subject lot is a lot of record as of February 1974 and is not served by municipal sewer but is served by municipal water, then the minimum lot area shall be 20,000 square feet.

² Additional Minimum Lot Width Requirements:

- a. If the subject lot is not served by municipal water or sewer, then the minimum lot width shall be 170 feet for an interior lot and 200 feet for a corner lot or that minimum lot width as set forth above, whichever is greater.
- b. If the subject lot is not served by municipal sewer but is served by municipal water, then the minimum lot width shall be 100 feet or that minimum lot width as set forth above, whichever is greater.

2. Accessory Structure Standards*

Maximum size	1,000 square feet
Maximum number	1
Front Yard Setback	30 feet
Side Yard Setback**	5 feet
Rear Yard Setback	8 feet
Height (max.)	25 feet

* All standards are minimum requirements unless noted

** An attached garage with no living space above, below, in front of or behind it, it may meet the minimum side yard setback standard for accessory structures rather than the larger setback required of principle structures as found in Subparagraph 1 above.

3. Thoroughfare Setback Standards*

Type of Thoroughfare	Right-of-way Width	Minimum Setback
Interstate or State Highway	150 feet or greater	50 feet
Major Arterial	150 feet or greater	The greater of 50 feet or 125 feet from road centerline
Minor Arterial	100 to 120 feet	The greater of 50 feet or 100 feet from road centerline
Community Collector Street	80 feet or greater	The greater of 40 feet or 70 feet from road centerline
Neighborhood Collector Street	60 to 80 feet	30 feet

* All standards are minimum requirements unless noted

4. Impervious Surface Standards

a. For lots that meet the minimum lot size requirement:

1. A maximum of 25% of impervious surface is allowed.
2. Up to 30% of impervious surface may be allowed by Conditional Use Permit, provided the following criteria are met:
 - a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
 - b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.

- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
 - d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
 - e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
 - f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
- b. For lots that do not meet the minimum lot size requirement:
- 1. A maximum of 25% of impervious surface is allowed.
 - 2. A Conditional Use Permit, may be obtained to exceed the allowed maximum impervious surface, if the following criteria are met:
 - a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
 - b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
 - c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
 - d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
 - e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
 - f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
- C. Allowable Uses. See Table in Section 515.80, Subd. 4 for a listing of allowable uses within this District.

Ms. Lanoue explained that Ehlers and Associates have solicited bids for General Obligation Capital Improvement Bonds, Series 2009A. She stated that the City applied to Standard and Poor's for a rating on the bond issue and the City was upgraded to an "AA" rating.

Jonathan North, Ehlers and Associates, explained that bids were received for the \$9,900,000 bond that was authorized to be sold by the City Council to finance the construction of the Public Safety Addition and City Hall Remodeling Project No. 2008-18. He reiterated that the City received an upgraded "AA" rating from Standard and Poor's. He stated seven bids were received and the low bid was submitted by UBS Financial Services, Inc. with a true interest cost of 4.0334%. He added that the projected total interest expense was \$8,405,495.00 and the actual total interest expense is \$6,678,294.00 for a savings of \$1,727,201. He noted that the upgraded bond rating contributed to the receipt of strong bids.

Motion by Madden, second by Piekarski Krech to adopt Resolution No. 09-90 Awarding the Sale of General Obligation Capital Improvement Bonds, Series 2009A to UBS Financial Services, Inc. in the amount of \$9.9 million dollars

Ayes: 3

Nays: 1 (Grannis) Motion carried.

COMMUNITY DEVELOPMENT:

B. CITY OF INVER GROVE HEIGHTS; Consider Resolution Authorizing Submittal of the Inver Grove Heights Comprehensive Plan to the Metropolitan Council

Mr. Link stated that the City Council preliminarily approved the Comprehensive Plan on November 24, 2008. He explained that the Comprehensive Plan was distributed to surrounding cities, counties, and other agencies for review and comment. He stated that the mandatory six month review and comment period ended on April 8th, and the City received comments from five municipalities, Dakota and Washington Counties, the MN Department of Transportation and the Gun Club Lake Watershed Management Organization. He noted that additional language was inserted regarding the study of a future Mississippi River bridge crossing as a result of comments received from Cottage Grove and Washington County, and clarifications were made to the transportation chapter based on comments received from Dakota County and the MN Department of Transportation.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 09-91 Authorizing Submittal of the Inver Grove Heights Comprehensive Plan to the Metropolitan Council

Loren Scherff, 1320 105th St. E., asked for clarification regarding the procedure going forward.

Mr. Link responded that the Comprehensive Plan would be submitted to Metropolitan Council within the next couple of weeks. He indicated that review by the Metropolitan Council would take approximately two to four months and he would expect to receive their response by August or September. He stated that after the Metropolitan Council's response has been received, the Comprehensive Plan would be brought back to the City Council for formal adoption.

Mr. Scherff asked to be notified of meetings at which the Comprehensive Plan would be discussed.

Ayes: 3

Nays: 1 (Grannis) Motion carried.

C. OLI SMITH; Consider a Resolution relating to a Variance to exceed the maximum allowed impervious surface coverage for a porch addition for property located at 10857 Andes Circle

Mr. Link explained that the applicant is requesting a variance to construct a 196 square foot porch addition onto the back of the existing home. He stated that the lot is 14,434 square feet and City Code allows for a maximum of 20%, 2,886 square feet, of impervious coverage. He explained that the house, driveway, patios and sidewalks cumulatively account for 3,204 square feet of impervious coverage, and the proposed porch addition would increase the impervious coverage to 23.5% of the lot. He stated that the property does not have any conditions that make it unique for the zoning district in which it is located, and

the applicant is not being denied reasonable use of the property. He added that staff recommended denial of the request due to lack of hardship and potential for a precedence being set if the variance request were to be approved. He noted that the Planning Commission voted to send the application to City Council without a recommendation on a 5-3 vote.

Oli Smith, 10857 Andes Circle, stated that the addition would be constructed on the existing deck which has an area underneath that would remain open for water drainage. He explained that the existing deck has been there for eight years was designed to comply with the previous impervious coverage requirements. He stated that the City's current impervious coverage standards were too restrictive and have a negative effect on property values. He noted that if the Council were to considering raising the maximum allowed impervious coverage percentage that the proposed addition would likely comply with those standards. He stated that the back of his property is a designated conservation easement that he is not allowed to mow and is classified as a wetland so there are a lot of mosquitoes present in the summer. He added that he has planned to install a rain garden to handle additional runoff.

Mayor Tourville questioned where the proposed rain garden would be located on the property.

Mr. Smith responded that the City Engineer identified several possible locations on the property. He stated that the ordinance seems to be directed towards smaller lots and reiterated that the neighborhood was designed to comply with the previous standard of 30% maximum allowed impervious coverage. He explained that his neighbors support his plans for the addition.

Councilmember Madden asked when the impervious surface standards were going to be reviewed by staff and brought back to the Council for further discussion.

Mr. Thureen explained that engineering staff have had discussions with various consulting firms and are in the process of collecting the necessary information.

Councilmember Madden commented that the 20% maximum is too restrictive, especially on a larger lot. He stated that he favors the applicant's request, but would have a hard time approving it without a hardship.

Mayor Tourville agreed that the current percentage is too restrictive and suggested that the hardship may be that the request is being considered under the current impervious surface regulations when the applicant is only replacing the existing deck with a screen porch and is not proposing to add anything that is not already there. He stated that the rain garden is a good amenity.

Councilmember Piekarski Krech noted that the applicant's inability to mow in the conservation area may contribute to the health and safety issue.

Councilmember Grannis stated that it would be a hard to approve the request without a legal hardship. He suggested that Council direct staff to send the ordinance back to the Planning Commission to consider increasing the maximum allowed impervious surface coverage on an interim basis.

Councilmember Piekarski Krech stated that she would be willing to support an interim percentage of 25%.

Councilmember Madden agreed that he would support an interim increase to 25%.

Mr. Kuntz suggested that perhaps the Planning Commission should consider an allowable percentage range and landowners that request impervious coverage outside of, or beyond that range would need to obtain a Conditional Use Permit.

Motion by Madden, second by Piekarski Krech, to extend the sixty-day deadline and table the item to July 27, 2009

Ayes: 4

Nays: 0 Motion carried.

Motion by Madden, second by Grannis, to direct the Planning Commission to consider changing the maximum impervious surface coverage standards to a percentage within a range of 20-30% and to consider that requests not meeting the revised standards would require a Conditional Use Permit.

Ayes: 4

Nays: 0 Motion carried.

D. MGT DEVELOPMENT; Consider a PUD Amendment to the Site Plan for Lot 1, Block 1, Argenta Hills located on the north side of Hwy 52/55, west of Hwy. 3

Mr. Link stated that MGT Development submitted a revised plan for Lot 1, Block 1, of Argenta Hills. He explained that the revised plan consists of reducing size of the Target Store from 176,409 to 134,800 square feet, changing the location of the main pedestrian walkway one parking aisle to the south, and changing the elevation of the building to reflect the smaller store. He stated that the floor ratio area of the PUD would be reduced from 20% to 17%. He explained that the reduction in building size, reduced FAR, and changes to the parking lot and building exterior do not have a negative impact on the overall PUD or to the Northwest Area Quadrant as a whole. He added that stormwater design and management would not be affected. He noted that would be no financial impact with the reduced building size because permit fees were paid based on the larger footprint and no refund of fees is being requested. He stated that both Planning staff and the Planning Commission recommended approval of the PUD Amendment.

Councilmember Piekarski Krech questioned how the proposed building size would compare to the store located in West St. Paul.

Greg Munson, MGT Development, responded that the West St. Paul store is approximately 175,000 square feet.

Mayor Tourville clarified that the Target corporation feels that the revised footprint will work better in this area.

Councilmember Piekarski Krech expressed concerns regarding job impact and reductions to product lines offered because of the scaled down version of the store. She stated that people would continue to shop at the West St. Paul location if the new location did not offer the same amenities.

Mr. Munson reiterated that Target feels the amended footprint will better serve the area. He explained that the main difference will be that bakery and deli products will be brought in rather than prepared onsite. Jackie Bell, Target Development Manager, explained that the proposed layout has been studied extensively and it has tested and been received very well by Target customers. She stated that there will be an appropriate mix of items suited for the consumers in the area and that Target will continue to be the one-stop shopping experience that their customers want.

Mr. Madden stated that the Target Corporation wants a store to be located in Inver Grove Heights and he trusts that they understand the market know which products to provide to make the store successful.

Councilmember Piekarski Krech stated that she wants to make sure that the residents of the City are being served and that they will not view the changes as that the City is getting a lesser product.

Mr. Munson stated that they want to see the project continue to move forward and to that end have continued to meet every condition in the development contract even though construction was delayed.

Councilmember Piekarski Krech asked when the store would be built if the PUD Amendment was approved.

Ms. Bell responded that the store would be scheduled to open in October of 2010.

Councilmember Madden stated that getting the project started would increase the tax base and start to create jobs.

Mayor Tourville agreed that supporting the amendment would get development started again and feels

MEMO
CITY OF INVER GROVE HEIGHTS

TO: Planning Commission

FROM: Thomas J. Link, Director of Community Development

DATE: May 29, 2009

SUBJECT: Planning Commission Appointments



I am pleased to report that the City Council, this last Monday night, reappointed all of the incumbents to the Planning Commission. Tom Bartholomew, Harold Gooch, and Paul Hark, were all reappointed to three year terms.

Staff is very appreciative of the strong working relationship which we have with Planning Commissioners. We recognize the time, effort, and dedication that each of you contribute to your community. The experience that Planning Commissioners bring to their job, especially veteran members of the Commission, is very valuable to Inver Grove Heights. The experience is particularly important as we continue on to implement the new Comprehensive Plan and the recent planning studies and zoning ordinance/stormwater regulations in the Northwest Area.

Again, congratulations to Tom, Harold, and Paul and thanks to all Commissioners for your time and effort.

TJL/kf