

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 1, 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: Tom Bartholomew  
Paul Hark  
Tony Scales  
Mike Schaeffer  
Pat Simon  
Damon Roth  
Dennis Wippermann  
Christine Koch  
Harold Gooch

Commissioners Absent:

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

### **APPROVAL OF MINUTES**

The minutes from the November 17, 2009 meeting were approved as submitted.

### **LIGHTHOUSE CUSTOM HOMES – CASE NO. 09-40C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to construct a driveway that would increase the total impervious coverage to 28.4%, and a variance to allow an existing driveway to encroach within the five foot side yard setback, for the property located at 11687 Azure Court. 22 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a conditional use permit to construct a 144 square foot porch addition which would bring the total impervious surface on the property to 28.4%. When staff was reviewing the survey for the addition they discovered that the driveway, which was put in by the previous builder, was encroaching into the five foot side yard setback; therefore a variance is needed as well. Engineering staff has reviewed the conditional use permit request and is recommending some conditions of approval. When staff inspected the driveway, they felt that the encroachment was only the small curved area. Staff feels that the hardship is the configuration of the garage on the lot and that the applicant would not be able to access the garage if the driveway were narrower. Staff recommends approval of the request.

Commissioner Simon asked if the driveway was approved with the original house plans or constructed at a later date.

Mr. Hunting stated it was his understanding that the driveway was put in when the house was built; however, the City does not inspect nor approve driveways and they are typically not shown on the survey.

Commissioner Simon asked if the driveway was shown on the original survey, to which Mr. Hunting

replied he did not believe it was.

Chair Bartholomew advised that Jennifer Emmerich, Assistant Planner, stated she thought the driveway was at the setback all the way to the bump out.

Mr. Hunting stated he believed as well that the bump out was the only portion of the driveway that encroached into the setback.

Commissioner Koch asked why Engineering staff suggested that the encroachment be removed.

Mr. Hunting responded that Engineering staff always prefers that improvements remain out of the easement area and their standard recommendation is that either the intruding improvement be removed or the applicant enter into an encroachment agreement with the City.

Commissioner Wippermann asked for clarification of the encroachment agreement content, to which Mr. Hunting replied it generally acknowledges there is an improvement within the easement and that the landowner must remove it in the event the City needs to access the area. The City is not responsible for replacing the improvement.

Commissioner Simon noted that a deck was being proposed as well, to which Mr. Hunting replied it was not addressed in the report as a deck is not considered impervious coverage and therefore would be allowed.

Commissioner Simon asked if staff had heard from any of the neighbors, to which Mr. Hunting replied they had not.

#### **Opening of Public Hearing**

The applicant, Mel Kuhens of Lighthouse Custom Homes, 14800 Galaxie Avenue, Apple Valley, stated he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, particularly Conditions 8, 9, and 12, to which Mr. Kuhens replied in the affirmative.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request, especially since only a small portion of the driveway encroached into the setback.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioners Koch and Schaeffer, to approve the request for a conditional use permit to construct an addition that would increase the total impervious coverage to 28.4%, and a variance to allow an existing driveway to encroach within the five foot side yard setback, with the conditions listed in the report and the hardship as listed, for the property located at 11687 Azure Court.

Commissioner Gooch asked how much it would cost the homeowner to draft an encroachment agreement, to which Mr. Hunting replied it was a standard document already drafted by the City.

Motion carried (9/0). This matter goes to the City Council on December 14, 2009.

**SKB ENVIRONMENTAL INC. – CASE NO. 09-41A**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an amendment to the existing Non-Conforming Use Certificate for a demolition debris landfill to change the location of the stormwater ponding, for the property located at 2490 – 117<sup>th</sup> Street. 10 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting to change the site plan to eliminate the storm water pond located west of the railroad tracks along the west side of the property and replace it with new ponds located within the facility property boundary. Engineering has reviewed the proposed changes and finds the plan to be acceptable. Staff recommends approval of the request with the five conditions listed in the report.

Chair Bartholomew asked if the MPCA would be adding additional conditions as part of their approval.

Mr. Hunting advised the MPCA was awaiting City action and he was unsure as to whether they would add additional conditions.

Commissioner Simon asked if staff heard from any neighbors, to which Mr. Hunting replied they had not.

Commissioner Gooch asked where the water would go once the existing stormwater pond was graded over.

Mr. Hunting responded that the City's engineering staff would review the revised stormwater plans to ensure that the proposed improvements were acceptable and controlled runoff.

**Opening of Public Hearing**

Rick O'Gara, SKB Environmental Inc., 251 Starkey Street, St. Paul, stated he was available to answer any questions.

Chair Bartholomew asked if the applicant was concerned that the MPCA would recommend modifications.

Mr. O'Gara replied he did not believe they would. He stated the MPCA had already reviewed the request and issued some comments, and were simply holding their approval pending City approval.

Chair Bartholomew questioned how it would affect the Planning Commission's recommendation if the MPCA modified the request in some way.

Mr. Hunting replied that any significant change would require that the request come back through the public hearing process.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, in particular the escrow requirement.

Mr. O'Gara stated they were currently discussing the escrow amount, but today he was in agreement with the required escrow.

Commissioner Hark asked why the applicants were proposing to change their site, to which Mr. O’Gara replied that the proposed changes would make the 7-8 acre parcel developable whereas currently it was fairly useless.

Commissioner Simon asked where the applicants planned to locate the proposed hydraulic drop structure.

Mr. O’Gara pointed out the location, stating because of the significant elevation change a dropped structure made of chain link fence and riprap would be constructed to release the energy of the water and prevent erosion.

Commissioner Wippermann asked if the applicants would be using demolition material to fill in the pond, to which Mr. O’Gara replied they would not; it would be all clean fill.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Schaeffer, to approve the request for an amendment to the existing Non-Conforming Use Certificate for a demolition debris landfill to change the location of the stormwater ponding on the property, with the conditions listed in the report, for the property located at 2490 – 117<sup>th</sup> Street.

Motion carried (9/0). This item goes to the City Council on December 14, 2009.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:23 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary