

## **PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS**

Tuesday, February 16, 2010 – 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  
Mike Schaeffer  
Pat Simon  
Damon Roth  
Dennis Wippermann  
Christine Koch  
Harold Gooch  
Tony Scales

Commissioners Absent:

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

### **APPROVAL OF MINUTES**

The minutes from the January 19, 2010 meeting were approved as submitted.

### **CITY OF INVER GROVE HEIGHTS – 2010 IMPROVEMENT PROGRAM**

#### **Presentation of Request**

Allan Hunting, City Planner, advised that the Planning Commission is being asked to review the Public Works 2010 Improvement Program for consistency with the City's Comprehensive Plan.

Chair Bartholomew asked if the Planning Commission would at some point review the entire Capital Improvement Plan (CIP).

Scott Thureen, City Engineer, advised that the process has changed this year and the Finance Department is now responsible for putting together the CIP. He explained that they broke out the six identified 2010 improvement programs as the City will soon be holding public hearings on them. Mr. Thureen explained the six programs being reviewed, including safety improvements on Upper 71<sup>st</sup> Street, 59<sup>th</sup> Street improvements being done in conjunction with the third phase of Concord Boulevard, and four projects which are part of the City's Pavement Management Program.

Chair Bartholomew asked Mr. Thureen if he was aware of anything being proposed that would be in conflict with the City's Comprehensive Plan, to which Mr. Thureen replied he was not.

Commissioner Gooch asked what caused the extensive heaving that occurred on certain portions of Broderick Boulevard and Cahill Avenue in Arbor Pointe.

Mr. Thureen replied that the condition Commissioner Gooch was referring to was 'tenting'. He advised that 'tenting' was not confined to only Arbor Pointe, but rather could be found in many parts of the metro. Mr. Thureen explained that through the course of the winter runoff carrying de-icing chemicals runs into cracks in the bituminous pavement. The salts and chemicals then build up in the aggregate base, separate soils, and eventually cause heaving at the crack.

Commissioner Gooch asked if the new de-icing chemicals were causing the heaving.

Mr. Thureen replied that some of the chemicals which enable the salt to work at lower temperatures may help create the problem. He stated that the further you go into the winter, and the more freeze/thaw cycles you have, the worse the problem becomes. Mr. Thureen added that the City has been reducing its salt usage in the last couple of years by modifying the type of chemicals it uses and applying it more accurately.

Commissioner Simon asked if the Planning Commission would be reviewing the final CIP, to which Mr. Thureen replied that he anticipated that the Finance Department would bring it before the Commission.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Schaeffer, to determine that the 2010 Improvement Program is consistent with the Comprehensive Plan.

Motion carried (9/0).

Mr. Hunting advised that the Planning Commission's recommendation on the specified programs would go to City Council at such time as they acted on each particular project.

**WADE AND JESSICA SHORT – CASE NO. 10-02V**

**Presentation of Request**

Commissioner Simon read the public hearing notice to consider the request for a variance to eliminate the screening of the rooftop mechanical units on a commercial building, for the property located at 9332 Cahill Avenue. 4 notices were mailed.

**Opening of Public Hearing**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request is to vary from the City Code requirement that all rooftop mechanical units be screened from public view. Mr. Hunting stated one of the conditions of approval for the Short Dance Studio is that the rooftop equipment be screened. He stated that currently the rooftop mechanical units are visible from Cahill from both the south and the north, as well as from the highway. He stated all the other commercial buildings in Arbor Pointe, with one exception, have screened rooftop mechanical units. Staff feels that economic considerations appear to be the basis for the request. Staff feels the variance criterion has not been met and therefore they recommend denial of the request with the condition and rationale as listed in Alternative B of the staff report.

Mr. Hunting noted that although the applicant was not present tonight, staff still recommended taking action in order to avoid delaying the application.

Chair Bartholomew asked staff for details of the building in Arbor Pointe with exposed rooftop mechanical units.

Mr. Hunting advised that one of the retail buildings by Rainbow appeared to be missing screening. He stated he was unsure of the history of that building, but advised that the Code clearly states that screening is required.

**Opening of Public Hearing**

There was no public testimony.

**Planning Commission Discussion**

Commissioner Koch asked if the City Code specified what type of screening was required, to which Mr. Hunting replied it did not; it was left up to the applicant to determine.

Commissioner Koch asked for clarification that economic hardship might be the basis for the variance, to which Mr. Hunting replied that staff believed it was a portion of the applicant's rationale, however, economic considerations are not a viable hardship. .

Commissioner Wippermann stated he was opposed to granting a variance as it would set a negative precedent. He added that development of the properties to the north and south would make the rooftop mechanicals even more noticeable.

Commissioner Simon stated she was opposed to the request as well. She advised that at the time of plat approval the applicants specifically stated to the Planning Commission that they understood and agreed with the conditions of approval, including the requirement for rooftop mechanical screening.

Chair Bartholomew stated there was no hardship and he did not support the request.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance to eliminate the screening of the rooftop mechanical units on a commercial building for the property located at 9332 Cahill Avenue, based on the rationale as listed in Alternative B and the one condition listed in the staff report.

Motion carried (9/0). This item goes to the City Council on February 22, 2010.

**CITY OF INVER GROVE HEIGHTS – CASE NO. 09-44Z**

**Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to the Zoning Ordinance relating to the maximum allowed impervious surface coverage in the single-family residential zoning districts including A, E-1, E-2, R-1A, R-1B, and R-1C. No notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that City Council directed staff to conduct additional research on impervious surface coverage in regards to the temporary ordinance amendment they adopted last year (which expires in June, 2010) which raised the allowed impervious coverage to 25% and gave the option to get a conditional use permit for up to 30%. In response to the request, engineering staff has since finished the necessary studies to establish an appropriate maximum impervious coverage, as listed in the staff report. Mr. Hunting advised that the proposed amendment only affects the single family residential zoning districts and does not have an impact on the commercial, industrial, or multi-family lots, nor the Northwest Area. Staff is recommending that the building coverage standards be eliminated from the E-1 and E-2 zoning districts and impervious coverage maximums be applied to those districts. Staff is also proposing that the City no longer limit impervious surface coverage by the single family residential zoning district, but rather by lot size. Mr. Hunting advised that staff analyzed the variance applications that were processed over the last two years with the existing 25% limit. Of the 16 cases reviewed, there would be only one variance and five conditional use permits required if they were reviewed against the proposed impervious surface limits. Mr. Hunting advised that staff is still recommending that residents be allowed to request a conditional use permit for

additional impervious surface coverage; but be required to provide additional mitigation as outlined in the seven conditions of approval. Mr. Hunting advised that staff recommends approval of the ordinance amendment as proposed.

Commissioner Wippermann asked if the proposed ordinance amendment changed any other bulk standards (i.e. setbacks, accessory buildings, etc.), to which Mr. Hunting replied it did not.

Commissioner Wippermann asked if homeowners could still request a variance if they wanted to exceed the allowed conditional use permit percentages, to which Mr. Hunting replied in the affirmative.

Chair Bartholomew suggested modifying the CUP column on the proposed table to read '**an increase up to**' so as to avoid a misunderstanding that an additional 50%, 45%, etc. of impervious surface could be gained.

Commissioner Simon asked if all the approved rain gardens in the City would be inventoried in the City's list of private stormwater facility systems in GIS.

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

Steve Dodge, Assistant City Engineer, advised that all stormwater systems in the City, including private ones, would be located by GPS and would be required to have stormwater facility maintenance agreements.

Commissioner Simon asked how future homebuyers would be made aware of private stormwater facilities and their required maintenance.

Mr. Dodge replied that all stormwater facility maintenance agreements would be recorded at the County; therefore, homebuyers would learn of the facilities during a property search.

Commissioner Simon questioned whether potential homeowners would do a property search.

Mr. Dodge stated that realtors typically do property searches. He added that at some point in the future, if staffing levels are available, the City would like to send an annual follow-up letter to all homeowners with private stormwater facilities.

Chair Bartholomew asked if homeowners could incorporate any of the approved private stormwater facility methods, not just rain gardens, to which Mr. Dodge replied in the affirmative.

Chair Bartholomew restated that the City was not specifically requiring a rain garden, just advising that it was probably the best option. He then referred to the Impervious Surface Lot Sampling Table and questioned why lots less than 9,000 square feet were only allowed 40% when the lot sampled actually had 45% of existing impervious surface.

Mr. Dodge replied that 40% of impervious surface would be consistent with NRCS recommendations. He noted that property owners also had the option of requesting a conditional use permit for up to 50%.

Chair Bartholomew stated it was unlikely they would run into many issues as there weren't a lot of lots under 9,000 square feet in the city.

Mr. Dodge asked planning staff if there were any variances requested in the past for lots less than 9,000 square feet.

Mr. Hunting replied he was unsure but knew there were few lots of that size. He stated that staff would look further into this issue.

Chair Bartholomew asked staff to explain the GIS system.

Mr. Dodge advised that GIS (Geographic Information System) is a global computer drafting system that the City uses for various different reasons. He advised that the system is linked to Dakota County and consists of many layers (i.e. roadways, aerial photography, stormwater facilities, streets, water mains, etc.). The system was used when doing the analysis for this request to determine exact impervious surface on lots and developments.

Chair Bartholomew asked if there had been any consideration to a water issue that had been brought to the City's attention a couple months ago in the southern part of the city.

Mr. Dodge stated he did not personally work on the McDonald application, but he knew staff had reviewed the situation and determined there was a high water table in that area. He was not sure of the final status, but stated staff was looking into ways of solving the problem, perhaps with the utilization of additional storm systems and sump pumps.

Commissioner Wippermann stated he felt the proposed table was not equitable. He advised that a homeowner with a 17,000 square foot lot would be allowed 5,100 square feet of impervious surface (30%) whereas someone with a 17,100 square foot lot would only be allowed 4,275 square feet of impervious surface (25%) because it moved them down to the next category.

Mr. Hunting advised that no matter where you make the lot size break that situation will always occur.

Commissioner Wippermann suggested perhaps using a graduated system where a person with a 17,100 square foot lot would be allowed 30% of the first 17,000 square feet and then 25% of the additional 100 square feet. He stated that if using the table proposed by staff a lot owner would have to have a 20,400 square foot lot in order to be allowed the same 5,100 square feet of impervious surface as a person with a 17,000 square foot lot.

Commissioner Schaeffer advised he had the same concern as Commissioner Wippermann, stating there was an even greater inequity between the 2.5 - 5 acre category and the 5 acres or above. He stated a graduated table would be more equitable and consistent.

Mr. Dodge stated staff would look further into the possibility of a graduated table, but pointed out that landowners did have the option of requesting a conditional use permit for additional impervious surface.

Commissioner Wippermann suggested for lots greater than 5 acres perhaps allowing 10% with a maximum of one acre.

Commissioner Simon asked if the conditional use permit percentages would also have to be modified if it was changed to a graduated system.

Mr. Dodge stated he was concerned that a graduated system would be too complicated and cumbersome.

Commissioner Wippermann stated he understood Mr. Dodge's concerns but yet wanted the ordinance to be fair to all homeowners.

Commissioner Gooch questioned whether someone with a 17,100 square foot lot would have to start their calculations at the top of the table (i.e. 40% of the first 9,000 square feet, 35% of the next 3,500 square feet, etc.).

Commissioner Wippermann stated although what Commissioner Gooch was suggesting could be done, he didn't feel they would necessarily have to walk it all the way up. He pointed out that it would, however, increase the impervious surface coverage.

Mr. Dodge advised that the proposed percentages follow the NRCS recommendations as well as standards that are used by stormwater design professionals. He stated he would have to re-evaluate the graduated system being discussed to ensure it would not overtax the city's stormwater system. He advised that the table proposed by staff is an amount the City is comfortable with.

Commissioner Hark stated that while he appreciated Commissioner Wippermann's concerns, he felt the table proposed by staff was acceptable and easy to understand, especially with the possibility of a conditional use permit for additional impervious surface. Commissioner Hark questioned how the public would be made aware of the new standards.

Mr. Hunting stated the information would be put on the City's website as well as in the *Insights* newsletter.

Commissioner Hark recommended that a letter go out to contractors as well.

Commissioner Roth suggested that an impervious surface calculator be put on the City's website to enable the public to determine the impervious surface allowed for their lots.

Chair Bartholomew requested that Mr. Dodge provide the rationale for the specific lot size break points prior to this item going to City Council.

Mr. Dodge advised that the recommendations being presented tonight were based on a year and a half of research done by staff, and would keep it simple as well as meet the national guidelines for stormwater design. He stated they specifically broke the majority of the city lots (those between 9,000 and 25,000 square feet) into three tiers in order to evenly distribute impervious surface.

Commissioner Schaeffer commented that if someone were just over the break point perhaps we could deal with it on a case-by-case basis by considering the inequity an acceptable hardship for a variance.

Commissioner Wippermann stated he believed that would leave too much to subjective determination and would to some extent negate the hardship regulation. He suggested the item be tabled.

Commissioner Scales asked what the rationale was for determining the proposed break points. He questioned whether the majority of the lots within each category fell in the middle of the break points, stating that if that was the case there would not be many people affected by the inequity.

Mr. Hunting replied that staff analyzed the lot sizes and compared them to lot coverage and determined the specific tiers based on that information.

Mr. Dodge stated that the ordinance needs to be simple enough for developers to use without difficulty, and he advised that the proposed table was much better than other ordinances in the metro area.

Commissioner Roth thanked staff for their hard work on the proposed amendment.

Commissioner Wippermann agreed that the proposed table was much better than the existing requirements; he was simply concerned about the equity issue.

Chair Bartholomew stated that seeing the rationale for the different tiers and percentages would determine whether there was even an issue.

Commissioner Wippermann reiterated that he would like to table this item pending further information from staff regarding the various tier rationale and research into whether a graduated table would be possible.

Commissioner Simon asked if tabling the item would affect the scheduled March 8 City Council date, to which Mr. Hunting replied it would likely shift it to a later agenda.

Commissioner Schaeffer stated he was concerned that if a graduated system was adopted the percentages for each tier would likely have to be lowered in order to stay within the maximum overall allowed impervious surface for the stormwater system as a whole.

Commissioner Scales reiterated that using a bell curve to show where the existing lots fit into the various proposed tiers would help predict whether or not inequity would be an issue.

Mr. Dodge advised he would use GIS to determine how many lots fit into each tier, etc.

Motion by Commissioner Wippermann, second by Commissioner Simon, to continue to March 2 the request for an ordinance amendment to the Zoning Ordinance relating to maximum allowed impervious surface coverage in the single family residential zoning districts including A, E-1, E-2, R-1A, R-1B, and R-1C pending further information from staff regarding the various tier rationale and research into whether a graduated table would be possible.

Motion carried (9/0).

Commissioner Simon asked the Commissioners to bring their staff reports for this item to the next meeting.

## **CITY OF INVER GROVE HEIGHTS – CASE NO. 09-44Z**

### **Reading of Notice**

There was no public hearing notice.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Planning Commission is being asked to make a recommendation on whether the purchase of the subject property is consistent with the Comprehensive Plan. He advised that the City is considering purchasing excess MnDOT property located at the southeast corner of 80<sup>th</sup> Street and Barbara Avenue. He stated it is guided and zoned Public/Institutional therefore any City-type use would be consistent with the current guiding and zoning. Staff finds that the purchase of the property is consistent with the Comprehensive Plan.

Commissioner Simon noted there were deep depressions on the property and a lot of fill would be needed.

Mr. Hunting agreed, adding that some research into the cost had already been done as one of the options was expanding the parking for the community center.

Commissioner Simon asked if they would have to adhere to the impervious surface and tree ordinance regulations, to which Mr. Hunting replied the tree ordinance regulations would apply and they would need to comply with the impervious surface requirements for the P district.

**Opening of Public Hearing**

There was no public testimony.

**Planning Commission Discussion**

Commissioner Gooch asked what the purchase price would be.

Tom Link, Community Development Director, stated discussions regarding the cost were still in progress. He advised that the City's appraisal valued the land at approximately \$300,000. The State, however, originally asked \$400,000-\$500,000.

Commissioner Gooch asked for history of the property.

Mr. Link advised that the State originally purchased the property from a private landowner. They have since determined it is no longer needed and they will thus follow their policy for disposition of excess property.

Commissioner Simon stated that additional parking was desperately needed for The Grove and perhaps for the new City Hall as well.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Koch, to recommend that the purchase of the property located at the southeast corner of 80<sup>th</sup> Street and Barbara Avenue for a future municipal use is consistent with the Comprehensive Plan.

Motion carried (9/0).

**OTHER BUSINESS**

Mr. Link advised that the Met Council Environmental Committee and Community Development Committee recommended approval of the Inver Grove Heights' Comprehensive Plan. It will now go to the full Metropolitan Council in the next couple weeks and, if approved, will likely go to City Council in March.

Commissioner Simon asked if the issues raised by the Metropolitan Council regarding housing numbers, etc. were resolved.

Mr. Link replied in the affirmative, stating that Met Council felt comfortable with it once the City explained their calculations and rationale.

Commissioner Wippermann questioned the review process for neighboring cities' comprehensive plans.

Mr. Link replied that staff reviews the comprehensive plans, compares them against our own, and provides comment. They look for things such as land use conflicts, consistency in road classification, park and trail alignments, environmental protection language, etc. Mr. Link advised

that Commissioners were welcome to request copies of that correspondence.

Commissioner Simon asked for the meeting schedule regarding the interchange at Argenta between Sunfish Lake and Mendota Heights.

Mr. Link advised that a neighborhood meeting was scheduled next week for the residents in Mendota Heights and Sunfish Lake. A date has not yet been set for the open house, but it would likely be scheduled for March.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 8:19 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary