

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 2, 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
Harold Gooch
Tony Scales

Commissioners Absent: Christine Koch (excused)

Others Present: Allan Hunting, City Planner
Steve Dodge, Assistant City Engineer

APPROVAL OF MINUTES

Commissioner Wippermann noted the following statement on Page 6 of the minutes:
“Commissioner Wippermann recommended that a letter go out to contractors as well.” He advised he was not the one who made that statement.

Clerk Fox advised that according to her notes Commissioner Hark had actually made that statement and she would correct the minutes accordingly.

The minutes from the February 16, 2010 meeting were adopted as corrected.

JAMES BROWN – CASE NO. 10-05Z

Presentation of Request

Commissioner Simon read the public hearing notice to consider the request for a rezoning from E-1, 2.5 Acre Estate Residential to E-2, 1.75 Acre Estate Residential, a waiver of plat to subdivide the property into two parcels, and a variance to allow an existing accessory structure on a lot without a principle structure for the property located at 1186 – 90th Street. 39 notices were mailed.

Opening of Public Hearing

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Mr. Brown originally made application last fall to divide his parcel into two parcels. The Planning Commission reviewed the request and recommended denial. The City Council then reviewed the item over three meetings, could not determine a hardship, but ultimately felt a rezoning might be a possible option. Council then directed the Planning Commission to hold a public hearing regarding a rezoning. Mr. Brown therefore withdrew his application and has now resubmitted for a rezoning. In addition to the rezoning request, Mr. Brown is also requesting a waiver of plat to divide the existing parcel into a 1.75 acre parcel and a 1.88 acre parcel, as well as a variance to allow an accessory structure on a lot without a principle structure. Mr. Hunting stated it is the intent of the Comprehensive Plan to restrict lot sizes in the rural non-sewered areas to 2.5 acres or larger, the proposed rezoning would result in spot zoning as the surrounding properties are zoned E-1, and it would be contrary to previous actions of the City Council in the 1970's when they tried to consolidate lots to make them consistent with zoning. In regards to the waiver of plat, Mr. Hunting

advised that access continues to be an issue as the current road does not comply with either city or state fire code standards. Staff does not have issues with the variance request and believes it would not have a negative impact on the intent of the ordinance. Staff does not support the request as it would be a spot zoning and would be contrary to the intent of the Comprehensive Plan.

Commissioner Gooch asked for clarification of the location of the structures on the lots, to which Mr. Hunting advised that an accessory structure and the house would be located on the proposed southern lot and the barn would be on the northern lot.

Commissioner Simon asked if staff heard from any of the neighbors, to which Mr. Hunting replied he had one general inquiry and the e-mail distributed to the Planning Commission that was opposed to the request.

Opening of Public Hearing

The applicant, Jim Brown, 1186 – 90th Street East, advised that when he purchased the property he believed he was buying two lots. Through research it has been discovered that the proposed plat is how the land was originally laid out; with the subject having two separate property identification numbers. It is unclear, however, how they were combined, whether it was done by the City, the County, or a previous owner. Mr. Brown stated he believes the proposed lots would fit with the neighborhood.

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

Chair Bartholomew asked if the property now had one property identification number rather than two, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if there was any history on how the properties got changed to one tax ID, to which Mr. Brown replied it was still unclear but likely got changed sometime between 1955 and 1977.

Gordy Leach, 1240 – 90th Street, stated he was a neighboring property owner and he supported the request. He stated he may want to subdivide himself someday and did not think the proposal would greatly change the characteristics of the neighborhood. Mr. Leach recommended that the road be looked at for future improvement, but stated he has lived there since 1980 and encountered no problems.

Commissioner Wippermann questioned how the City could deny future requests for spot zoning if this were to be approved.

Mr. Hunting replied that each request would be looked at individually, however it could make it more difficult for the City to deny a request if there was a history of it.

Commissioner Simon stated she was opposed to the request as it was a spot zoning and was contrary to the intent of the Comprehensive Plan to have everything south of Highways 52/55 be 2.5 acres or larger in size.

Commissioner Hark stated he felt it was spot zoning, but it was only a moderate change that would not be out of character for the neighborhood.

Chair Bartholomew stated that because the lot was previously two separate parcels, he would support the request which would reestablish the lot as two separate properties.

Commissioner Gooch referred to the letter from the neighboring property owner that opposed the request which stated that there were at least two other lots that would potentially subdivide their property as well. He questioned at what point they would say you can subdivide a 3.63 acre parcel but not a 2.5, and he felt the whole look of the neighborhood would change if the rezoning was approved.

Chair Bartholomew stated in his opinion the request would be a historical correction as the subject site was originally two parcels.

Commissioner Wippermann stated he was opposed to the request as he was concerned about spot zoning and felt that the people that built in that area did so with the expectation that there would be consistency in the size of the lots around them. He added that his understanding was that the area was established as E-1 zoning because the intent was to have non-sewered lots be at least 2.5 acres in size.

Commissioner Gooch asked if the Commission had previously denied a request for a similar request in the same neighborhood.

Mr. Hunting replied that there was an application for a two lot subdivision a few years back for a lot south of the subject site. He stated the lots in that request complied with the minimum lot size for the E-1 district, but the issue was that 90th Street did not meet code requirements. The applicant eventually withdrew that application before Council ever took action on it.

Commissioner Wippermann stated the City specifically created two different zoning districts (E-1 and E-2) because they wanted different densities in different areas, and he was concerned about the potential for future subdivision requests should this be approved.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Simon, to deny the request for a rezoning from E-1, 2.5 Acre Estate, to E-2, 1.75 Acre Estate, based on not supporting spot zoning and the request being contrary to the intent of the Comprehensive Plan.

Motion carried (5/3 – Bartholomew, Schaeffer, Hark). This item goes to the City Council on March 22, 2010.

Chair Bartholomew advised there was no need to vote on the waiver of plat or variance since the Planning Commission recommended denial of the rezoning.

CITY OF INVER GROVE HEIGHTS (Impervious Surface) – 09-44Z

Public Hearing (continued from February 16, 2010)

Chair Bartholomew advised that this item was tabled from the last meeting for further review and additional information.

Mr. Hunting advised there was concern at the last meeting regarding some fairness issues with the ordinance design and that it caused some inequity for different lot size categories. After further research, and a meeting with Commissioner Wippermann, staff is recommending adoption of the table listed in the report as Alternate #1.

Mr. Dodge explained the modifications in Alternative #1, stating that the new table eliminated inequities while still being simple enough to use. He discussed the 9,000-12,500 tier which allows a maximum of 35% but not less than 3,600 square feet. Mr. Dodge explained that 3,600 square

feet is derived by calculating 40% (from the tier above) of 9,000.

Chair Bartholomew stated the proposed table removed the inequities while still being understandable. The only concern he had was that the calculations involved in converting acres to square footage could be cumbersome.

Commissioner Wippermann thanked staff for their work on the impervious surface restructuring.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the zoning code amendment regarding impervious surface using Alternate Table #1 as listed in the report.

Motion carried (8/0). This item goes to the City Council on March 22, 2010.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary