

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 1, 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
Dennis Wippermann
Christine Koch
Harold Gooch
Tony Scales

Commissioners Absent: Damon Roth (excused)
Pat Simon (excused)
Mike Schaeffer

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the May 18, 2010 meeting were approved as submitted.

AMAZING GRACE LUTHERAN CHURCH – CASE NO. 10-17PRV

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a Major Site Plan Review to reconfigure and reconstruct the existing parking lot, and a variance to allow a five foot side yard setback for a parking lot for the property located at 7160 South Robert Trail. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to improve and reconfigure their existing gravel parking lot. The lot will be paved, curbed, striped, and stormwater infiltration systems will be added which meet the Northwest Area Stormwater Manual requirements. He advised that the applicants are also requesting a variance as they are proposing a five foot setback from the south property line whereas ten feet is required. Staff is recommending that the applicant dedicate a 66 foot wide public easement to the City for the future alignment of Allen Way. Mr. Hunting advised that this afternoon it was determined that staff would like to recommend adding a condition that the applicant hook up to sewer and water within two years of the approval. The City would be willing to consider various financing options to help spread out the cost of those fees. In regards to the variance request, staff feels there is a hardship in that the future realignment of Allen Way has impact on the church's ability to reconstruct the parking lot, and having to adhere to the requirements of the Northwest Overlay District Stormwater Manual requires a larger footprint to install the infiltration basins in the parking lot islands. Staff feels the request meets the variance criterion and they recommend approval of both requests, with the conditions listed in the report and two additional conditions to 1) require that the applicant hook up to sewer and water within two years of approval and, 2) require that the plans be subject to the approval of the Fire Marshal, including fire lane striping on the internal portions of the lot.

Commissioner Wippermann asked who owned the triangular piece to the northwest of the future Allen Way, to which Mr. Hunting replied the piece would continue to be owned by the church.

Commissioner Wippermann asked what the future use would be for that property, to which Mr. Hunting replied it was unknown at this time.

Commissioner Wippermann asked what the plans were for the holding pond that was currently located where the future Allen Way would be situated, to which Mr. Hunting replied that would be addressed at such time as Allen Way was rebuilt.

Commissioner Hark asked when Allen Way was expected to be reconfigured, to which Mr. Hunting replied that no specific timeline had yet been determined.

Commissioner Hark asked if the existing fire hydrant on the Inver Glen property was active, to which Mr. Hunting replied he believed it was.

Commissioner Gooch asked if the church would be compensated when the realigned Allen Way cut through their property.

Mr. Hunting replied that the City is requesting that the property be dedicated rather than purchased.

Commissioner Gooch questioned whether the applicants could refuse to let the road go through their property.

Mr. Hunting replied that if the City did not require a dedicated easement at this point they would have to purchase the land at such time as the road was realigned.

Chair Bartholomew asked if the County was requiring that Allen Way be relocated to the proposed location.

Mr. Hunting replied in the affirmative, stating that both the County and the State preferred that Allen Way be moved further away from the 70th Street/South Robert Trail intersection.

Chair Bartholomew asked if the proposed realignment was already accepted by the County, to which Mr. Hunting replied in the affirmative.

Commissioner Koch referred to a recent *Insights* article recommending the use of asphalt-based sealcoat vs. coal tar-based varieties, and asked for clarification on the material being used for this project.

Mr. Hunting replied he was not sure, but assumed the traditional asphalt used for parking lots and streets was the asphalt-based material.

Opening of Public Hearing

Cameron Kruse, 588 Sutcliff Circle, Mendota Heights, stated he was a member of Amazing Grace Lutheran Church and headed their Property Ministry Team.

Chair Bartholomew asked if the applicant was aware of the two proposed additional conditions regarding sewer and water hook-up and striping of fire lanes.

Mr. Kruse advised that he was made aware of the added conditions earlier in the day. He explained that the church has had a gravel parking lot since 1983 and would like to upgrade it in the hopes that it will help attract new members. He advised that the church has been very active in the community, including in the Northwest Area planning and in helping Inver Glen Senior Living

get their site approvals. He stated that asking the church to dedicate the easement for Allen Way is not consistent with the conversations they have had in the past with City staff, and they believe they should be compensated for the property at such time as the road is realigned. He stated when the road is realigned their property will be cut in half and the northwest corner will be minimally usable. Mr. Kruse stated they previously had discussions with the City regarding extending the sewer and water main easement across the church property so as to help the residential areas east of the church to develop. He stated they had an oral and e-mail agreement to do this with the understanding that the church would not have to hook up until such time as there was an easier and cheaper way of hooking up. He stated the church's well and drainfield systems are working well, and they cannot afford the expense of hooking up to sewer and water at this time. He stated they have two 10,000 gallon tanks in their basement for the sprinkler system which was put in in 2003 at the request of the fire marshal. Mr. Kruse stated that while they are anxious to cooperate with the City, they ask that they be treated fairly and be compensated for their loss of property at such time as the road is realigned.

Chair Bartholomew stated a condition of approval for the church addition in 2001 was that the church would hook up to water when available. He asked if the applicant would be willing to hook up to sewer and water when available rather than being required to hook up within two years.

Mr. Kruse replied that would be reasonable depending on the definition of "available". He stated he feels the sewer and water would be "available" at such time as the line is brought across their property. He stated the church does not have the funds to hook up to utilities at this time and they would prefer not to have to make a commitment to hook up at any specified period of time other than at such time as it is extended across the church property.

Chair Bartholomew asked the applicant if it was his understanding that any church property needed for the realignment of Allen Way would be purchased, to which Mr. Kruse replied in the affirmative.

Commissioner Hark asked if fire safety was the primary reason for the proposed two year sewer and water hook-up.

Mr. Hunting replied that was part of it, as the Fire Marshal would always prefer that the church be hooked up to City water. He stated the other factor was that the City Administrator saw this as an opportunity to recoup some of the costs for the trunk lines that have been put in place. He stated because of development slow-down there may not be any sewer and water hook ups for five years or more.

Commissioner Hark stated it sounded like the church had an agreement with the City that they would not have to hook up to sewer and water until it was made available.

Mr. Hunting stated he could not speak to that as he was not involved in any of those discussions.

Commissioner Wippermann asked why the recommendation changed, noting that the staff report states the church would **not** be required to hook up to sewer and water at this time.

Mr. Hunting replied that the City Administrator disagreed with staff's interpretation and wanted to add that condition.

Commissioner Gooch asked where the nearest sewer and water line was currently located, to which Mr. Kruse replied along Inver Glen's northern property line.

Commissioner Gooch commented that that appeared to be the closest point to the church property.

Mr. Kruse advised that the intent was for lines to be extended across the church property to ultimately serve development to the east.

Commissioner Gooch asked how close the existing line was to the church.

Mr. Kruse replied it was approximately 125 feet to the corner of their building, but once the lines were extended to the east it would be approximately 75 feet. Mr. Kruse stated the bigger issue was the timing and that they were not anticipating the large expense so soon. He stated if the City were to force them to hook up to sewer and water at this point it would terminate their project.

Commissioner Wippermann commented that according to the staff report the City cannot require the applicants to connect until lateral lines are extended to the property with individual service stubs.

Planning Commission Discussion

Chair Bartholomew asked for clarification of the City's previous conversations with the applicant and whether there was discussion of it being a dedicated easement or a purchased easement.

Mr. Hunting advised he was not involved in any of the discussions regarding the road easement.

Chair Bartholomew stated there appeared to be a disconnect between the property owners and the City as to the right-of-way and he suggested perhaps tabling the request for more discussion. He asked Mr. Kruse if his understanding was that the Church would be compensated for the road right-of-way.

Mr. Kruse replied in the affirmative. He stated he was extensively involved in the Church's discussions with the City and it was always his understanding that the church would be compensated for the property.

Chair Bartholomew asked if the applicant was certain he did not want to table the request for further discussion.

Mr. Hunting advised that from staff's perspective there was nothing further to discuss as the City Attorney, Community Development Director, Public Works Director, City Engineer, and Assistant City Engineer had no recollection of any conversations regarding compensation for the right-of-way.

Chair Bartholomew stated there seemed to be a lot of confusion regarding the road right-of-way.

Mr. Hunting stated it would be within the Commission's purview to recommend that some of the conditions not be included.

Commissioner Wippermann stated it would be difficult for him to recommend dedication of the property since the realignment of Allen Way seemed to reduce the property value rather than enhance it.

Commissioner Gooch stated the realignment landlocked the church as well, and could hinder future growth.

Chair Bartholomew stated he would be in favor of striking Condition 3 as the easement would not add value to the property.

Chair Wippermann stated he would be in favor of striking Condition 3 as well, and also the proposed additional condition requiring hook up to sewer and water within two years. He stated, however, that he would not be opposed to requiring the dedication of a trail easement.

Chair Bartholomew stated he would support striking a condition regarding hook up to sewer and water as well.

After some discussion, it was determined that a condition requiring the applicants to hook up to sewer and water within two years was not listed as a condition of approval, and therefore the Commission could choose not to add it as an additional condition.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Gooch, to recommend approval of a variance to allow a five foot side yard setback for a parking lot, with the hardship as stated, and a Major Site Plan Review to reconfigure and reconstruct the existing parking lot, excluding Condition 3 which requires a dedicated right-of-way, and an added condition requiring that the project meet all Fire Marshal recommendations, including fire lane striping on the internal portions of the parking lot.

Motion carried (6/0). This item goes to the City Council on June 14, 2010.

OTHER BUSINESS

Mr. Hunting advised that the June 15, 2010 Planning Commission has been cancelled.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary