

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 5, 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
Harold Gooch
Pat Simon
Christine Koch
Dennis Wippermann
Damon Roth
Mike Schaeffer

Commissioners Absent: Tony Scales (excused)

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the September 21, 2010 meeting were adopted as corrected.

PDB AUTOCARE LLC – CASE NO. 10-31CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to amend the approved site plan allowing for a 30' x 34' building addition, for the property located at 6466 Cahill Avenue. 19 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 construct a 1020 square foot addition to the back of the Sinclair gas and service station located at the northeast corner of Cahill and 65th Street. Additional improvements will be made to the inside of the front of the building as well. Mr. Hunting advised that a conditional use permit for an automobile service station was issued around 1972. An amendment was later approved in 1994 to add a propane tank. No additional impervious coverage is being added since the addition will be constructed over existing bituminous. He noted that Engineering has reviewed the request and is requiring the applicant construct two depression ponds on their property to address stormwater runoff. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Simon asked if the proposed depression ponds would be rain gardens, to which Mr. Hunting replied in the affirmative.

Commissioner Simon asked if Condition 8 covered the maintenance of the rain gardens, to which Mr. Hunting replied in the affirmative.

Opening of Public Hearing

The applicant, Paul Boehme, 1232 Wilderness Park Court East, Eagan, stated he would have to get permission from the abutting landowner as a portion of one of the proposed rain gardens would

be located on the property to the north.

Mr. Hunting stated the City Engineer would finalize the design and ensure the rain garden was located only on the applicant's property.

Chair Bartholomew reiterated Condition 11 regarding prohibiting storage of vehicles for a period longer than 48 hours, and Condition 12 prohibiting the sale of motor vehicles on the property.

Mr. Boehme stated normally he pushed vehicles he was working on into the garage in the evening; however, occasionally there may be an exception.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Schaeffer, to approve the conditional use permit amendment to amend the approved site plan allowing for a 30' x 34' building addition, with the 13 conditions listed in the report, for the property located at 6466 Cahill Avenue.

Motion carried (8/0). This item goes to the City Council on October 11, 2010.

CITY OF INVER GROVE HEIGHTS – CASE NO. 10-04ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Chapter 10 of the City Code (Zoning Ordinance) relating to improvements located in the side and rear yard setback areas and an ordinance relating to a permit being required prior to the expansion or construction of a driveway. No notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that over the past year the City Council has reviewed a few requests for driveway encroachments into the side yard setback and the City drainage and utility easements. Council subsequently directed staff to hold a public hearing regarding the regulation of driveway setbacks. Council direction given to staff was to keep the five foot driveway setback from side and rear property lines and to look into a permitting process for driveways. Additionally, new language is to be considered to further enforce the setback requirement on a going-forward basis and to establish existing encroachments as legal non-conformities. While existing encroachments would be allowed to remain as legal non-conformities, the future encroachment of bituminous, concrete or paving blocks would not be allowed within that setback area without an approved variance and hardship. Ms. Botten advised that, based on Council direction, the driveway section of the ordinance and the five foot side and rear setback shall remain. In an effort to protect the City's easements and the setbacks, staff drafted proposed code language that would require a driveway permit and the internal procedure for obtaining the permit. Staff has discussed a \$25 permit processing fee to obtain such a permit. Staff recommends approval of the proposed ordinances in the report.

Commissioner Simon asked if the legal non-conforming driveways could at any point in time be repaired or expanded, to which Ms. Botten replied they could be repaired or replaced but could not be expanded without an approved conditional use permit.

Commissioner Hark asked if the temporary ordinance would be in effect for only one day, to which Ms. Botten replied in the affirmative.

Commissioner Wippermann asked for clarification of the intent of the one day ordinance.

Ms. Botten explained that the existing encroachments which have been created over the years are technically illegal uses because the City has always had a five foot setback for driveways. The City cannot grandfather in an illegal use; therefore, they are creating an ordinance for one day to allow them to become legal non-conforming uses.

Commissioner Wippermann asked what would happen if a homeowner with an existing gravel driveway in the setback area wanted to blacktop it.

Ms. Botten advised that gravel driveways are not allowed in the Residential districts. In the Agricultural and Estate districts they are allowed; however, the City would be able to regulate a new driveway or expansion through the permit process.

Chair Bartholomew asked if gravel or Class 5 would be permitted up to the property line, to which Ms. Botten replied in the affirmative, stating many people use it for landscaping material.

Chair Bartholomew asked how the driveway ordinance treated landscaping rock or Class 5, to which Ms. Botten replied that the ordinance currently does not address landscaping materials.

Commissioner Hark asked whether the surrounding communities required a driveway permit and if so, what the fee amount was.

Ms. Botten advised that South St. Paul requires a permit but allows driveways right up to the property line. She was unsure of the permit fee.

Chair Bartholomew asked what the City's smallest permit fee was, to which Ms. Botten replied \$15 for a temporary sign permit.

Commissioner Wippermann asked if the proposed ordinance language required a permit to replace a driveway.

Ms. Botten stated the City would encourage it, but it would not be required.

Commissioner Gooch asked if surrounding cities allowed driveways right up to the property line.

Ms. Botten stated that out of the five cities that staff contacted (Eagan, Burnsville, South St. Paul, Farmington, and Woodbury) only South St. Paul did not require a setback. Farmington and Woodbury require a five foot setback, South St. Paul requires no setback unless it's for an RV greater than 23 feet in length, Burnsville has a two foot setback, and Eagan was somewhat ambiguous.

Opening of Public Hearing

There was no public testimony.

Planning Commission Discussion

Commissioner Roth stated he did not support the proposed ordinance and felt the City should enforce the five foot setback by requiring that homeowners remove any encroachments into the setback. He stated both the homeowner and contractor have a responsibility to research and verify code requirements prior to installation of projects, and he was opposed to requiring yet one more permit.

Chair Bartholomew stated he supported the proposed ordinance since historically the City has not been aggressive in asking homeowners to remove their encroachments into setbacks, and the proposed language would at least allow the City to prevent future setback violations.

Commissioner Gooch stated that many homeowners have widened their driveways into the setbacks in order to store trailers, boats, RVs, etc. rather than parking them on the street. Because eliminating that parking would likely result in increased street parking, he would consider allowing driveways to go within two feet of the property line or perhaps right up to it. He supported grandfathering in existing encroachments.

Chair Bartholomew stated that allowing driveways to go up to the property line could cause impervious surface issues as driveways were factored into maximum impervious surface calculations.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve an ordinance amendment to Chapter 10 of the City Code (Zoning Ordinance) relating to improvements located in the side and rear yard setback areas, an ordinance relating to a permit being required prior to the expansion or construction of a driveway, and a temporary ordinance regulating certain materials located in setback areas.

Motion carried (6/2 – Roth, Koch). This item goes to City Council on October 25, 2010.

OTHER BUSINESS

Allan Hunting, City Planner, advised that the first meeting in November was scheduled for Wednesday, November 3rd due to November 2nd being Election Day.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:27 PM.

Respectfully submitted,

Kim Fox
Recording Secretary