

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

Tuesday, December 7, 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  
Pat Simon  
Dennis Wippermann  
Tony Scales  
Damon Roth  
Paul Hark  
Mike Schaeffer

Commissioners Absent: Christine Koch (excused)  
Harold Gooch (excused)

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

### **APPROVAL OF MINUTES**

The minutes from the November 16, 2010 meeting were approved as submitted.

### **CITY OF INVER GROVE HEIGHTS – CIP**

#### **Presentation of Request**

Allan Hunting, City Planner, asked the Planning Commission to make a recommendation to the City Council on the 2011-2015 Capital Improvement Plan (CIP) in regards to its consistency with the Comprehensive Plan.

Ann Lanoue, Finance Director, advised that the proposed CIP includes analysis of the financial impact of the projects to City taxpayers. Ms. Lanoue advised that all 2011 funds are positive except for the golf course; therefore, the City will need to identify funding sources before the golf course projects can move ahead. She advised that each of the projects will need to go before the City Council for specific approval prior to proceeding with any of the projects. Ms. Lanoue advised that the 2011-2015 CIP identifies \$55 million in projects whereas previous CIPs have had up to \$110 million. The CIP also includes a table which illustrates the effect of capital improvement projects and the related debt levy on the tax rate.

Chair Bartholomew questioned the financial impacts of the recent Rock Island Swing Bridge fire, to which Ms. Lanoue replied it was all covered under the builder's risk insurance and the CIP was not affected.

Commissioner Simon questioned why the widening of 70<sup>th</sup> Street from Eagan to Babcock Trail was no longer listed in the CIP, to which Ms. Lanoue replied it must have been changed per the County.

Commissioner Simon questioned whether anything on the County's CIP for the next couple years should be on the City's CIP as well, to which Ms. Lanoue replied in the affirmative.

Commissioner Wippermann questioned the 'Arbor Pointe Street Lighting' project, stating he was under the impression that street lights were maintained by the power companies.

Ms. Lanoue stated that project is still identified in the CIP as the City pays for new street lighting, and that Scott Thureen is reviewing who has to pay for what.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Roth, to determine that the 2011-2015 Capital Improvement Plan is consistent with the Comprehensive Plan.

Motion carried (7/0). This item goes to the City Council on December 13, 2010.

**STEVEN O'CONNOR – CASE NO. 10-37C**

**Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for a Conditional Use Permit to expand a legal non-conforming use by converting a tuck-under garage to living space for the property located at 3333 – 72<sup>nd</sup> Street. 49 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 convert his existing tuck-under garage into living space. The house is located seven feet from the side property line whereas 10 is required. Since the house was built prior to the setback requirement, it is a legal non-conformity. City Code states a lawfully existing nonconforming structure may conditionally expand its gross floor area by up to 30%. Staff recommends approval of the request with the conditions listed in Alternative A.

Commissioner Simon asked if the nonconforming CUP review criteria listed in the report was something new, to which Mr. Hunting replied it was not and had always been in the ordinance.

Commissioner Wippermann asked if there was enough room on the lot to meet setbacks should a garage be built on the west side of the home, to which Mr. Hunting replied in the affirmative. He stated they are also well below the impervious surface maximum.

Commissioner Wippermann asked if garages are required on a single family home, to which Mr. Hunting replied they are not, however, there must be space on the lot for at least one parking spot.

**Opening of Public Hearing**

The applicant, Steven O'Connor, 3333-72<sup>nd</sup> Street, advised he was available to answer questions.

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

**Planning Commission Discussion**

Commissioner Wippermann asked why this was not a variance request.

Mr. Hunting replied that since the applicant was not expanding the dimensions, they were legally allowed to expand a non-conformity. A variance was not required since the setback had already been established.

Chair Bartholomew asked what the procedure would be if the applicant wished to expand greater than 30%, to which Mr. Hunting replied they would need a variance.

**Planning Commission Recommendation**

Motion by Commissioner Schaeffer, second by Commissioners Scales and Wippermann, to approve the request for a conditional use permit to expand a legal non-conforming use by converting a tuck-under garage into living space for the property located at 3333 – 72<sup>nd</sup> Street, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on December 13, 2010.

## **FRIENDS OF THE MISSISSIPPI RIVER – CASE NO. 10-35WAV**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for an ordinance amendment to Sections 10-13C-7 and 10-13C-15(E) of the Inver Grove Heights City Code relating to the Critical Area Overlay District to allow a minimum lot size of 5.0 acres for single-family residential provided there is at least 20 contiguous acres surrounding the 5.0 acres that have been designated by the Commissioner of the DNR as Scientific Natural Area per State Statute and Rules, a variance from the platting requirements to allow a second waiver of plat on a property for a two-lot subdivision, and a waiver of plat for a two-lot subdivision for the property located at 10620 Courthouse Boulevard. 4 notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the DNR is proposing to purchase a 66 acre parcel from the Rehtzigels to add to the Pine Bluffs Scientific Natural Area. The balance of the property would remain in the Rehtzigel's hands for the time being. In order to accomplish this lot split a variance, waiver of plat, and an ordinance amendment are needed. Mr. Hunting advised there are time frame limitations placed on the funding needed for the purchase and therefore the DNR would like a resolution by the end of the year. He advised that staff supports the goal of the DNR to purchase and preserve 66 acres of the Rehtzigel property and finds that putting the land into the proposed conservation area is consistent with the Comprehensive Plan. Staff is therefore proposing a narrowly structured ordinance which specifically addresses the Rehtzigel property and prevents other parties from doing the same thing. In regards to the variance for a second waiver of plat, Mr. Hunting advised that in 2008 the City acquired an eight acre parcel from the Rehtzigels for the construction of a storm water pond. Staff supports the variance because the first waiver was at the City's request, they are not creating any additional buildable lots, and the request meets the variance criteria. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew asked if the hardship for the waiver of plat variance would be the situation created by the City previously purchasing land for storm water purposes, to which Mr. Hunting replied in the affirmative. He stated that subdivision regulations have a less strict hardship criterion and therefore the City has more latitude on granting variances.

At Commissioner Hark's request, Mr. Hunting showed the location of the nearest homes, stating he did not believe any of them had the ability to subdivide or were greater than 10 acres in size.

### **Opening of Public Hearing**

Tom Lewandski, 360 Robert Street North, Suite 400, St. Paul, stated his job as Conservation Director for Friends of the Mississippi River involved him reaching out to landowners along the Mississippi River in regards to natural resource restoration and protection. His discussions with the Rehtzigels began in 2006.

Chair Bartholomew asked if the urgency to get this done before the end of the year was due to funding deadlines, to which Mr. Lewandski replied in the affirmative, stating they have a grant from

the Metro Greenways Program which goes away January 1, 2011.

**Planning Commission Discussion**

Chair Bartholomew stated he supported the request in its entirety.

Commissioner Hark credited the work done by the staff and city attorney and commended the Rechtzigels on providing land that everyone in the City will be able to enjoy.

Mr. Lewandski stated he appreciated staff's help in creating a solution that worked for everyone.

**Planning Commission Recommendation**

Commissioner Wippermann, second by Commissioner Simon, to approve the ordinance amendment to the Critical Area Overlay District to allow a minimum 5.0 acre lot size for residential purposes when specifically associated with the land being designated by the DNR as part of the Pine Bluff Area Scientific and Natural area, a variance from the Subdivision Code to allow a second waiver of plat on a property, and a waiver of plat for a two lot subdivision, for the property located at 10620 Courthouse Boulevard, with the conditions listed in the report..

Motion carried (7/0). This item goes to the City Council on December 13, 2010.

Ruth Rechtzigel, 10620 Courthouse Boulevard, stated they could not have left their land in better hands.

**POVOLNY SPECIALTIES – CASE NO. 10-01C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit to allow an expansion of a manufacturing and assembly facility and a conditional use permit for outdoor storage, for the property located at 7350 Courthouse Boulevard. 11 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 an addition onto the existing manufacturing building. The addition would consist of a 19,000 square foot addition to the existing building and a 2,100 square foot detached building. The expansion would occur in two stages. Mr. Hunting advised that when the business was first established, a conditional use permit was not required. Since that time, changes to the zoning code now require a CUP for a manufacturing business. Mr. Hunting advised that the applicant also plans to store company trucks and trailers outdoors; therefore a conditional use permit for outdoor storage is required as well. Mr. Hunting advised that, with a couple minor modifications which are listed in the conditions, the proposal meets all performance standards. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew asked if it would be problematic that the applicant is anticipating a completion time of 5-6 years, however, the CUP has a two year expiration date.

Mr. Hunting advised that the expansion merely had to be started within two years, and the phasing could proceed as necessary afterward.

Commissioner Simon asked if the proposed building shown on the southwest corner of the site plan was part of the second phase of the expansion, stating it wasn't included in the impervious surface calculations.

Mr. Hunting recommended that the question be answered by the applicant, and stated that the building coverage is well under the allowed maximum.

Commissioner Simon asked for clarification that the third building would be included because it is part of the approved site plan, to which Mr. Hunting replied in the affirmative.

**Opening of Public Hearing**

The applicant, Mike Povolny, 1901 South Lexington, Mendota Heights, advised Commissioner Simon that the proposed building she referred to on the site plan was actually part of Phase 2. He stated that he needs the entire proposed expansion; however, he may have to build it in phases for economical reasons.

Chair Bartholomew asked if the applicant was agreeable with the 13 conditions listed in the report, to which Mr. Povolny replied in the affirmative.

Chair Bartholomew asked if the requirements (landscape, parking spaces, etc.) would change if the applicant scaled back the expansion.

Mr. Hunting replied in the affirmative, stating that the conditions were structured in such a way as to adjust for the different phasing.

Mr. Povolny advised that the ponding for the entire site will be done right away. He noted that there is a pipeline running through the property, some parts of which have already been removed by the City.

Mr. Hunting advised that any removal would have been done by developers, not the City.

Mr. Povolny stated he is planning to remove the remaining pipe in the easement and it will need to be capped as well. At the same time, they will dig the pond. He advised that the configuration of the ponds may be adjusted, however, they will not be built over the pipeline.

Commissioner Simon asked if the applicant was agreeable with Condition 12 which requires screening of the rooftop equipment, to which Mr. Povolny replied in the affirmative.

Commissioner Hark asked if the applicant was agreeable to storing only trailers and trucks outdoors.

Mr. Povolny stated it was his understanding that only licensed vehicles could be stored outside.

Commissioner Hark asked if the existing boats, televisions sets, roll offs, etc. currently being stored outside on the property would be removed.

Mr. Povolny stated everything will be stored inside once the expansion is complete.

Commissioner Wippermann asked the applicant what Povolny Specialties manufactured and assembled, to which Mr. Povolny replied traffic management equipment, such as lighting equipment and traffic signal and lighting cabinets.

Commissioner Simon asked if there were any anticipated access issues with MNDOT.

Mr. Hunting replied there should be no issues as the applicant is proposing no changes to the existing access.

Commissioner Simon asked what would happen if MNDOT decided to eliminate the existing access in the future, to which Mr. Hunting replied MNDOT would have to provide the applicant with another access.

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

Mr. Hunting referred to Commissioner Hark's earlier comment regarding outdoor storage, and advised that the Commission could specify in the conditions what is allowed and what is not.

Commissioner Hark questioned whether a specific condition was necessary and thought perhaps the applicant's stated intention to store everything inside was adequate.

Chair Bartholomew stated he was concerned about limiting outdoor storage in the event that the applicant needed to store raw materials.

Commissioner Hark stated he was not concerned about raw materials, just old televisions, cars, etc.

Mr. Hunting stated they could leave the request as is and address any issues as they would a complaint.

**Planning Commission Recommendation**

Motion by Commissioner Schaeffer, second by Commissioner Simon, to approve the request for a conditional use permit to allow an expansion of a manufacturing and assembly facility, and a conditional use permit for outdoor storage, with the conditions listed in the report, for the property located at 7350 Courthouse Boulevard.

Motion carried (7/0). This item will go to the City Council on December 13, 2010.

**OTHER BUSINESS**

Mr. Hunting advised that the December 21 meeting has been cancelled.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:47 PM.

Respectfully submitted,

Kim Fox  
Recording Secretary