

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 5, 2011 – 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
Tony Scales
Paul Hark
Dennis Wippermann
Harold Gooch
Christine Koch
Mike Schaeffer

Commissioners Absent: Damon Roth (excused)

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

APPROVAL OF MINUTES

The minutes from the March 15, 2011 meeting were adopted as corrected.

BITUMINOUS ROADWAYS – CASE NO. 11-04CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit amendment to add a 1,600 square foot building to the existing mining facility for the property located at 11201 Rich Valley Boulevard. 18 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit amendment to construct a 1,600 square foot building with sheet metal siding located on the existing mining site. The building will be located in the pit 40-50 feet below street elevation. The request complies with the conditional use permit criteria. Staff recommends approval of the request with the conditions listed in Alternative A. Ms. Botten advised that with the exception of Condition 3, all conditions were carried over from the existing CUP. Staff has not heard from any of the neighbors that were mailed notices.

Opening of Public Hearing

The applicant, Kent Peterson, Bituminous Roadways, 11201 Rich Valley Boulevard, stated he was available to answer questions.

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

Commissioner Wippermann asked if a restrictive covenant was placed on the wooded area as required by Condition 11, to which Mr. Peterson replied in the affirmative.

Commissioner Simon asked if the applicant sold sand to individuals, to which Mr. Peterson replied it was primarily for their own use.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Koch, to approve the conditional use permit amendment to add a 1,600 square foot building to the existing asphalt plant operation located at 11201 Rich Valley Boulevard, with the conditions listed in Alternative A of the report.

Motion carried (8/0). This item goes to the City Council on April 25, 2011.

CITY OF INVER GROVE HEIGHTS – CASE NO. 11-05ZA

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) allowing outdoor storage in a P, Public Institutional Zoning District when associated with local government use. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Parks Department is addressing the Emerald Ash Borer (EAB) issue and will be starting to remove infested ash trees on City-owned property and within street right-of-ways. The question was raised as to where the City should stockpile the trees before they are chipped. There are no specific regulations in the Zoning Ordinance addressing storage or emergency storage for this type of material. It was determined that the most logical place for storage of the diseased ash trees would be on City-owned property. After discussing this issue, it was determined that verbiage should be put in the ordinance that would allow for outdoor storage when it involves work by the local government on City property. Therefore staff is recommending an ordinance amendment that would allow outdoor storage as a permitted use in the P, Institutional District when it is associated with municipal government use only. Staff recommends approval of the request.

Commissioner Hark asked how long the City would be allowed to keep material on site, stating his only concern would be if items were left on public property for an extended amount of time.

Mr. Hunting replied that staff's intent was not to have a specific timeline for removal of material.

Commissioner Wippermann asked how the City managed the Dutch Elm disease infestation during the 80's and 90's.

Mr. Link stated he was not employed by the City at that time; however, typically most cities stockpiled the trees and then burned them periodically. In the case of EAB, however, the City is intending to grind up the trees to be used as mulch in City parks.

Commissioner Wippermann stated he would like the amendment to pertain only to storage connected with emergency situations; he did not feel comfortable opening it up to any kind of outdoor storage. He suggested they add the word 'emergency' outdoor storage and asked if the EAB issue would qualify under such a definition.

Mr. Link stated there would likely be non-emergency situations when the City would want to store material in a specific area for a specific purpose.

Chair Bartholomew asked if there were regulations for private property owners in regards to cleanup of diseased or storm damaged trees.

Mr. Link advised in the past the City has given private property owners a reasonable amount of time to clean up after an emergency event. He stated this request is unique in that there will be a central location for all public property and as such the quantity would be larger.

Chair Bartholomew questioned whether transporting and using affected trees as mulch complied with DNR regulations.

Commissioner Koch stated she was concerned about the storage being open-ended, and questioned why the trees would not be cut down, transported, and chipped immediately rather than being stockpiled.

Mr. Link stated his understanding is that once the EAB hits the community it will take a number of years for that work to be completed.

Commissioner Koch asked if the ordinance would give the City the authority to store anything as long as it was for municipal use.

Mr. Link replied in the affirmative. He stated the City has had various operations for Public Works throughout the community for many years. Since the current ordinance does not address municipal outdoor storage, the City is trying to clarify what is allowed through the proposed ordinance amendment.

Commissioner Simon recommended that the diseased trees be chipped as soon as possible after being felled to prevent the EAB from entering the stockpiled trees.

Mr. Hunting advised that City Council adopted an EAB management policy in 2010; this policy can be found on the City's website. At this time staff is addressing only the storage area.

Commissioner Hark asked why an ordinance amendment was needed since the current ordinance does not prohibit outdoor municipal storage.

Mr. Link replied that one could argue that if the zoning ordinance does not specifically allow a use then it is prohibited. The City is trying to clarify what is allowed and what is not.

Chair Bartholomew asked if the City had an education program in place, in conjunction with State agencies, for the residents of the City in regards to EAB management.

Mr. Link replied there had been discussion in regards to private property, but he did not recall the outcome.

Opening of Public Hearing

There was no public testimony.

Planning Commission Discussion

Commissioner Koch asked how the EAB infestation would have been handled were this ordinance amendment not requested to be put in place.

Mr. Hunting replied the City would likely have stockpiled the affected trees in a central location and no one would have questioned it.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Hark, to approve the zoning code amendment to allow outdoor storage in a P, Public Institutional Zoning District when associated

with local government use.

Commissioner Wippermann stated he would be voting no since the amendment permitted any type of outdoor storage on any City property. He stated he would support the ordinance if it pertained only to ash tree removal and emergency storage as a result of storm damage, etc.

Commissioner Simon and Commissioner Koch stated they would be voting no for the same reasons as Commissioner Wippermann.

Motion carried (5/3 – Koch, Simon, Wippermann). This item goes to the City Council on April 25, 2011.

Mr. Hunting stated he would work with the Park and Recreation Director and Public Works Director to see if they could address some of the Commission's concerns.

Chair Bartholomew adjourned the meeting at 7:29 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary