

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, September 6, 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
Armando Lissarrague
Mike Schaeffer
Harold Gooch
Tony Scales
Paul Hark
Dennis Wippermann
Pat Simon

Commissioners Absent: Victoria Elsmore (excused)

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

APPROVAL OF MINUTES

The minutes from the August 16, 2011 meeting were approved as submitted.

DALE NELSON – CASE NO. 11-23V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow an accessory building 12 feet from the rear property line whereas 50 feet is required, for the property located at 9860 Rich Valley Boulevard. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned Agricultural and is 2.4 acres in size. The applicant would like to construct a 26' x 26' accessory building 12 feet from the rear property line whereas a 50 foot setback is required. While some of the criteria have been met, staff believes that denial for the request would not preclude the applicant from reasonable use of the property, approval of the request would set a precedent, and staff believes there are no practical difficulties in complying with setback requirements. Therefore they recommend denial of the request. Ms. Botten advised that staff received an email from the neighboring property owner to the south that was in support of the request.

Commissioner Simon asked if there was a height restriction on an accessory building.

Ms. Botten replied in the affirmative, stating the maximum height was 25 feet.

Opening of Public Hearing

Dale Nelson. 9860 Rich Valley Boulevard, stated he would like to build the accessory building in the requested location because other areas of his property were either topographically unsuitable, prone to flooding, would require mature tree removal, would require additional impervious surface and relocation of an existing deep water spigot, or were not in close proximity to power. Mr. Nelson displayed a revised site plan, stating that after further review he would be willing to compromise by constructing the building 25 feet from the property line rather than 12.

Chair Bartholomew asked for clarification of the distance from the gate to the property line.

Mr. Nelson advised that the center of the gate was approximately 50 feet from the property line. He added that the proposed location would allow ample room for snow removal and continued access.

Chair Bartholomew asked for details regarding the existing water spigot.

Mr. Nelson replied that the water spigot was associated with a variance that was granted for this property for a greenhouse operation many years ago. He stated it would require considerable excavation to remove it.

Chair Bartholomew suggested moving the proposed building south and west and constructing the accessory building with the corner abutting the existing spigot.

Mr. Nelson stated that would limit his access to the yard during the winter due to snow build up.

Chair Bartholomew asked if the applicant considered lining the proposed building up with the existing garage.

Mr. Nelson replied that he ruled that out because it would severely limit his access to the driveway in the winter.

Chair Bartholomew asked how far the existing garage was set back, to which Mr. Nelson replied approximately 80 feet.

Chair Bartholomew stated it appeared as if there was room to construct the proposed building at the required setback by moving it westward.

Mr. Nelson replied that the topography in that area was sloped, they would lose two mature apple trees, and it would require additional costly impervious surface.

Commissioner Hark questioned why the proposed building could not be built at required setbacks by moving it south and west.

Mr. Nelson replied that the land was sloped in that area and that moving it to the suggested location would result in the building being too close to the existing well and would require removal of two apple trees.

Commissioner Lissarrague asked where the neighbor's home to the east was located.

Mr. Nelson replied that it was located on the southeast corner of their property and that the proposed building would not be visible from the neighbor's home.

Planning Commission Discussion

Commissioner Wippermann asked if the property directly to the east could potentially be subdivided.

Ms. Botten replied that while she did not know the exact lot size of the property to the east, she did not believe it could be subdivided as it appeared to be less than ten acres in size.

Commissioner Lissarrague stated he was concerned about the precedent this would set.

Chair Bartholomew stated it would be hard for him to support the request without a practical difficulty.

Mr. Nelson added that there were existing drainfields in the front yard in addition to much of his property being prone to flooding.

Commissioner Hark advised that he did not support the request as presented, stating it was too close to the property line regardless of the location of the neighbor's home, it would set a negative precedent, and he felt there was enough room on the lot to make it work.

Chair Bartholomew suggested the applicant be prepared to present the City Council with alternate locations for the proposed building which would reduce the requested variance.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance to allow an accessory building 12 feet from the rear property line whereas 50 feet is required, for the property located at 9860 Rich Valley Boulevard, based on the three reasons listed in Alternative B in the staff report. .

Motion carried (8/0). This item goes to the City Council on September 12, 2011.

Chair Bartholomew suggested that the applicant work on the practical difficulty and come up with some alternatives.

Unknown person asked for a definition of a practical difficulty.

Chair Bartholomew replied that the criterion is that there is no other place to put the building on the property.

INVERHILLS CHURCH – CASE NO. 11-24V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow more than one freestanding sign in the P, Public/Institutional district. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is located at the end of Babcock Trail and along Highway 55. The applicant is requesting a variance to allow more than one freestanding sign on their property which is in the Public/Institutional zoning district. The property currently has one freestanding sign near the entrance off of Babcock Trail, one wall sign on the church, and one temporary sign on the west side of the church. For better visibility purposes the property owner would like to add one additional freestanding sign along Highway 55. Ms. Botten advised that the church has 1500 feet of frontage along Highway 55. The majority of businesses along the highway are typically commercial or industrial which would allow more than one freestanding sign as long as the size of the property would allow it. Staff recommends approval of the request with the condition listed in the report.

Commissioner Gooch asked if the proposed sign would be lighted.

Ms. Botten replied in the affirmative, stating it would be backlit with a flashing message board.

Opening of Public Hearing

Ted Trenzeluk, 7305 Bancroft Way, representing Inverhills Church, stated they were requesting the signage as a means of increasing their visibility. He stated they hold numerous community events at the church, including elections, and continually hear complaints that people cannot find them.

Commissioner Simon questioned whether the sign would be visible from westbound Highway 55 because of the extensive vegetation.

Mr. Trenzeluk stated according to data received from the vendors, the sign will be visible from the highway and will be located above the vegetation level.

Commissioner Simon supported the decision to install a message board, stating drivers would need more than just an address to locate the church.

Commissioner Hark suggested the proposed sign reflect the fact that it was a polling place on Election Day.

Planning Commission Discussion

Chair Bartholomew stated there was a need for the proposed sign on this site, especially since the existing sign on Babcock was so small.

Commissioner Wippermann stated he supported the request, especially in light of the fact that the Church's direct access to Highway 55 was removed by MNDOT as part of a reconstruction project.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Wippermann, to approve the request for a variance to allow more than one freestanding sign on the property located at 8265 Babcock Trail, with the condition listed in the report.

Motion carried (8/0). This item goes to the City Council on September 26, 2011.

DAKOTA COUNTY PARKS DEPARTMENT – CASE NO. 11-25ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a subdivision code amendment (Title 11 of the City Code) to allow a subdivision for the creation of public land subject to administrative approval. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the County is in the process of obtaining rights-of-way and easements for the Mississippi River Regional Trail (MRTT) which will eventually connect to South St. Paul and Hastings. In this particular situation, the landowner has agreed to donate the land. In order to obtain the land an administrative subdivision and variance is needed. Staff is recommending a code amendment as a possible alternative that would allow divisions by and for government entities for public purpose. With the help of the City Attorney, the proposed two-part ordinance was created which would amend Items 6 and 7 of the administrative subdivision section and add a new section to the performance standards section. He advised that the proposed amendment would eliminate the sometimes lengthy subdivision requirements and allow the City to approve certain acquisitions administratively. He added that other government agencies have almost missed opportunities for funding as deadlines can be missed due to a lengthy approval processes. Staff recommends

approval of the request.

Commissioner Lissarrague asked if the amendment was for this situation only, as he was concerned about how this could potentially affect himself or other property owners.

Mr. Hunting replied that the amendment would address any situation in which property was needed for a public project. He advised that the government would still have to go through the normal process of acquisition; however, it would reduce some of the variance and subdivision approvals needed.

Commissioner Lissarrague asked if the primary reason for the amendment was to reduce the inconvenience on the part of the City.

Mr. Hunting replied in the affirmative, stating it would eliminate staff having to address some of the subdivision codes.

Commissioner Wippermann asked if other cities in Dakota County had adopted similar ordinance provisions.

Mr. Hunting replied that he was unsure.

Commissioner Gooch asked if the report was correct in stating that the County planned to construct only 1.2 miles of bicycle trail.

Opening of Public Hearing

Bruce Blair, Dakota County Parks Department, replied in the affirmative. He explained that the MRRT should be completed by 2015 and would be 27 miles long. The 27 mile trail was divided into 10 segments, with the 1.2 mile segment in question being one of the ten.

Commissioner Wippermann asked if other cities in Dakota County had adopted similar ordinance provisions.

Mr. Blair replied that he did not know of any others as this was the first time they had come across this type of issue in regards to land acquisition for the MRRT.

Chair Bartholomew asked if the amendment was still necessary with the recent change to the variance criteria.

Mr. Hunting replied in the affirmative, stating it would provide flexibility and reduce the cumbersome processes involved in land acquisition for public projects that had been approved by City Council.

Chair Bartholomew asked if the proposed amendment needed to move forward quickly for any reason.

Mr. Hunting stated originally they were anticipating late summer/fall construction, but he was not sure of the revised timeline for this trail segment.

In regards to future acquisition of property in the Northwest Area for stormwater purposes, Commissioner Simon asked if the proposed amendment would be more advantageous for the City versus the homeowner.

Mr. Hunting replied it would not affect that process; the land in the Northwest Area would be acquired through the development process and platting.

Commissioner Simon stated she was mainly concerned about how this would affect land acquisition for stormwater management purposes from existing homeowners in the Northwest Area that have ponds on their property and are within an area that would not be developed due to their small lot size. She advised she would not want to pass an amendment that would allow the City to do something similar to a taking.

Mr. Hunting stated it would not create a taking. The amendment would simply eliminate the variance process. It would still have to be part of a Council approved stormwater management plan and the City would still have to come to an agreement with the landowner.

Chair Bartholomew stated that the amendment is not a mechanism for a taking or meant to drive acquisition; it is a mechanism that allows acquisition to go through in a prompt manner.

Planning Commission Discussion

Commissioner Lissarrague stated he did not support making the acquisition process any easier than necessary, especially for something as simple as a walking trail.

Chair Bartholomew stated if the property owner was not in favor of offering their property for a public purpose, the acquisition would not occur. In this case, however, the property owner is donating his property for a trail. He stated he supported the proposed amendment, especially since the City had previously lost funding for projects due to the cumbersome timelines of the various processes.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Hark, to approve the request for a subdivision code amendment to allow subdivisions for the creation of public land subject to administrative approval.

Motion carried (7/1 - Lissarrague). This item goes to the City Council on September 26, 2011.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary