

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 21, 2012 – 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
Dennis Wippermann
Pat Simon
Harold Gooch
Tony Scales
Paul Hark
Victoria Elsmore

Commissioners Absent: Mike Schaeffer

Others Present: Allan Hunting, City Planner

SALAS TRUCKING – CASE NO. 12-02VAC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a vacation of unimproved right-of-way (Chester Avenue) and the alley right-of-way east of Lots 9-11, Block 2, Laura Riebe Addition, generally located in the vicinity of 6080 – 6202 Concord Boulevard. 1 notice was mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting to vacate the unimproved right-of-way south of 6080 Concord Boulevard as well as a segment of alley right-of-way east of 6080 Concord Boulevard. He advised there is an overlap in the legal descriptions from this property and the property to the south. The vacation request would resolve that discrepancy and the landowners have agreed upon a new property line. Although there are no road improvements in the right-of-way there is an existing storm sewer. Engineering staff supports the vacation provided drainage and utility easements are granted to the City as well as an encroachment agreement. The applicant has submitted a survey which addresses all the City Engineer's comments and leaves no outstanding issues. The Planning and Engineering staff recommend approval of the request with the three conditions listed in the report.

Chair Bartholomew asked if the applicant had received a copy of the memo from Tom Kaldunski, City Engineer.

Mr. Hunting replied in the affirmative.

Commissioner Hark asked for clarification of the alley right-of-way segments.

Mr. Hunting replied this appears to be the only alley right-of-way behind these particular lots on this block; the right-of-way is not needed for future or present public access. Engineering staff would like to retain a 10 foot easement for any future stormwater needs.

Chair Bartholomew asked how the easement would limit the property owner's use of the property.

Mr. Hunting replied that structures would be prohibited in the easement.

Opening of Public Hearing

Bob Travers, 971 Sibley Memorial Highway, Lilydale, advised he was here on behalf of Juan Salas, the applicant, and the adjoining neighbor, Mr. Barry. He stated the two adjoining parcels emanate from two different plats which have extremely ambiguous legal descriptions. As a result, the two parcels overlap rather significantly. Approval of this vacation will eliminate title concerns and establish accurate lot lines. Mr. Travers advised that Mr. Barry is asking for assurance that the vacation would not interfere with the current and future use of his existing building.

Chair Bartholomew asked how the situation would be handled should the building encroach into the easement.

Mr. Hunting replied that if the building was determined to be conforming but the new property line would bring it closer than the required setback, it would become non-conforming. This would restrict any future expansion without City approval. Another option would be to request a variance at the same time which would make the building conforming to the new property line. He advised that Mr. Barry's property is in a different plat than Mr. Salas's, however, and he would have to review the plat to establish whether the building was currently conforming or non-conforming.

Chair Bartholomew asked if the applicant would like to table the request to give staff time to review the issue, or if they would prefer to move it forward with the assurance that there would be a resolution.

Mr. Travers asked to rephrase the concern, stating Mr. Barry would like to know if his building could be sold or rebuilt to the existing footprint should it suffer destruction.

Mr. Hunting advised that a non-conforming building can be reconstructed with just a building permit within a certain timeframe.

Commissioner Simon asked if the building could be expanded should it burn down.

Mr. Hunting advised that a non-conforming structure could be expanded up to 30% by conditional use permit but would have to be rebuilt in the same general area as the existing footprint.

Mr. Travers stated that based on that information, Mr. Salas would like to move forward with the application as it appears that Mr. Barry is in agreement as well.

Chair Bartholomew asked Mr. Travers if he read the memo from the City Engineer and if he was in agreement with the conditions listed in the report.

Mr. Travers replied in the affirmative.

Planning Commission Discussion

Chair Bartholomew stated he supported the request.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales, to approve the request for a vacation of unimproved right-of-way (Chester Avenue) and the alley right-of-way east of Lots 9-11, Block 2, Laura Riebe Addition, generally located in the vicinity of 6080 – 6202 Concord Boulevard with the three conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on March 12, 2012.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary