

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

Tuesday, April 17, 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  
Paul Hark  
Victoria Elsmore  
Tony Scales

Commissioners Absent: Harold Gooch  
Mike Schaeffer

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

### **APPROVAL OF MINUTES**

The minutes from the March 20, 2012 meeting were approved as submitted.

### **IGH INVESTMENTS LLC (ARGENTA HILLS) – CASE NO. 12-06PUD**

#### **Reading of Notice**

No public hearing notice.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Planning Commission is being asked to review the final plat and final PUD plans for Phase 4 of Argenta Hills for compliance with the approved preliminary plat and PUD conditions of approval. He advised that the 23 proposed lots will complete the balance of this neighborhood. MNDOT approved the plans for the Highway 3 right turn lane and the City anticipates that construction will begin this spring or summer. Staff finds the plans to be consistent with the preliminary plat and plans and recommends approval of the request.

Chair Bartholomew referred to Condition #6 and asked if the park dedication fee rate had changed.

Mr. Hunting replied that the rate had not changed in the last few years; however, staff added Condition #6 to prevent potential future issues should the rate be modified.

Commissioner Simon asked if the outlots shown on the plat were all open space.

Mr. Hunting replied in the affirmative, stating they were either permanent open space or open space used for the stormwater system.

Commissioner Simon noted that the outlot letter designations shown on the Final Utility and Street Construction Plan were different than those on the plat displayed by Mr. Hunting during his presentation.

Mr. Hunting stated the plat he displayed was an earlier version. The current outlot designations

are referenced in the final plat documents and development agreements.

Commissioner Simon noted that some of the building pads shown on the plan appeared as if they encroached into the five foot easement.

Mr. Hunting replied that all homes in this plat would have to meet the five foot setback requirement, and the figures shown simply represented a general building pad area.

Commissioner Simon asked where the final access would be located for the Edgerton and Pilhofer properties.

### **Opening of Public Hearing**

The applicant, Jacob Fick, 16972 Brantdjen Farms Drive, Lakeville, replied that the driveway for both residents would continue to move as construction dictates; however, they would maintain access for both homeowners and would ultimately provide a permanent access road via the neighborhood to the west.

Chair Bartholomew asked if the applicant was agreeable with the two conditions listed in the report.

Mr. Fick replied in the affirmative.

### **Planning Commission Discussion**

Commissioner Wippermann stated that although the homes being built were attractive, he would be voting against the request as he had an issue with the lot sizes and setbacks. He stated the homes were too close together and he preferred a 20 foot separation between buildings rather than the 10 feet being proposed. He was also opposed to the proposed lots being substantially smaller than the 12,000 square foot minimum required in other parts of the City.

### **Planning Commission Recommendation**

Motion by Chair Bartholomew, second by Scales, to approve the request for a Final Plat and Final PUD Development approval for Argenta Hills 4<sup>th</sup> Addition, for the property located along Auburn Court and Autumn Way.

Motion carried (6/1 – Wippermann). This item goes to the City Council on April 23, 2012.

## **CITY OF INVER GROVE HEIGHTS – CASE NO. 12-07ZA**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) relating to allowing Community Gardens as a permitted use in residential and public/institutional zoning districts. No notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that staff was contacted by an individual looking to create a community garden on the grounds of the Grace Church of the Nazarene on 80<sup>th</sup> Street and Blaine Avenue. The zoning ordinance currently does not address community gardens, so staff brought this to the attention of City Council. The Council directed staff to do some research, prepare an ordinance amendment, and hold a public hearing. Staff reviewed a number of resources on community gardens, as well as what is being done in other cities. He summarized the main points of the ordinance which was based on requirements from other cities that regulate this use. Staff recommends the ordinance amendment as drafted.

Chair Bartholomew asked what the process would be for requesting a community garden.

Mr. Hunting replied that anyone desiring to create a community garden would have to abide by the regulations; no permit would be necessary.

Chair Bartholomew stated the 20 foot setback could be confusing in the Agricultural district as they are accustomed to being allowed to plant right up to the property line.

Commissioner Lissarrague asked if staff was aware of any communities that recently turned down a request for community gardens and if so, what were their concerns.

Mr. Hunting replied that West St. Paul was the only city he was aware of that had concerns with community gardens. He was not familiar with the specific situation but saw a reference in the paper about a concern regarding the potential of attracting rodents.

Commissioner Wippermann asked how the City would handle a request for a community garden using the current zoning ordinance.

Mr. Hunting replied that technically they would not be allowed as they are not addressed in the City's zoning code.

Commissioner Simon stated she was opposed to the fence requirement.

Mr. Hunting stated this was a Council recommendation as they wanted to block the visibility of the gardens from major roads.

Commissioner Wippermann stated that building a fence would be cost prohibitive. Also, he would prefer to look at a garden rather than a fence. He also did not see a need for Condition #L regarding paths.

Mr. Hunting noted that Condition #L does not require paths, but rather establishes guidelines should someone want to construct a walkway. Mr. Hunting advised that Condition #G allows for landscape/plant screening as well as traditional fencing.

Commissioner Elsmore asked if the cities of Burnsville or Minneapolis required screening or fencing.

Mr. Hunting replied they did not.

Commissioner Hark asked if community gardens would be allowed in the Industrial zoning districts via a conditional use permit.

Mr. Hunting replied they would not.

Commissioner Hark questioned why community gardens would not be allowed on commercial or industrial properties, stating they would be a prime location for this type of use. He asked if other cities permitted community gardens in their commercial areas.

Mr. Hunting replied that he has seen it done in various ways. Prohibiting them in industrial and commercial districts was staff's recommendation as they felt they were not appropriate in these areas and could potentially inhibit business.

Mr. Link stated that part of the rationale is economic development; staff feels that commercial and industrial properties could be put to a higher and better use than community gardens.

Commissioner Hark stated that gardens are not permanent, however, and are low impact.

Commissioner Wippermann advised that the company he retired from had a facility in Bloomington in a commercial area. An organization that ran a food shelf came to them looking to establish a community garden. They set up a community garden on the Bloomington property and it was extremely successful. He felt that in many cases commercial areas are more appropriate than residential because some residents may not want the increased traffic and parking or strangers coming into their neighborhood.

Commissioner Scales and Commissioner Lissarrague stated they were opposed to the fence requirement.

Commissioner Elsmore stated her understanding was that screening was only required along arterial roads. She noted that a property owner located on an arterial road could in many cases locate their garden on a portion of the property away from the arterial in order to avoid the fencing requirement.

Commissioner Simon stated she would like the fencing requirement removed. She also recommended that community gardens be allowed in industrial zoning districts, noting that they would likely have an abundance of open space available.

### **Opening of Public Hearing**

Deanna Hussman, representing Grace Church of the Nazarene, stated the church would like to be good stewards of their land and use the lower portion of their land to create a community garden. Some of the produce would go to Neighbors Inc. and individuals would be able to grow produce for themselves.

Barbara Curchack, 456 Thompson Avenue West, West St. Paul, stated she was a faculty member at Inver Hills Community College (IHCC). She advised that IHCC plans to create a community garden on their property. They are hoping to create community on the campus through this garden and are committed to starting without any fencing so people feel connected. She noted that a downfall of a fence is that it provides shade which could make full sun plants more difficult to grow.

Chair Bartholomew recommended that Condition #N be removed, stating that dead plant material is typically left in until the spring to prevent erosion.

Ms. Curchack stated their gardens will retain the plants over winter in order to create a richer soil.

Denise Thatcher, stated she had a BA in Agriculture and a Masters in Plant Pathology and Integrated Production and Pest Management and will be working with Grace Church on their community garden.

### **Planning Commission Discussion**

Chair Bartholomew summarized the comments heard by Commissioner's, stating it sounded as if the Commission would like to consider modifying the following conditions: 1) modify Condition #A to allow community gardens in all zoning districts, 2) remove Condition #G regarding fencing, 3) remove Condition #K regarding the 20 foot setback, and 4) remove Condition #N regarding removal of dead plant material.

Commissioner Lissarrague questioned whether Condition #L should be addressed.

Commissioner Wippermann recommended removing Condition #L regarding walkways.

Commissioner Elsmore noted that Condition #L does not require paths, but rather states that they *may* be installed.

Commissioner Wippermann stated the condition was not necessary as paths are already allowed.

Mr. Hunting stated the intention of the condition was to suggest materials that would and would not be allowed should someone want to install a path.

Ms. Curchack argued that certain situations would require a substantial pathway for accessibility issues. She advised that IHCC is planning on creating an ADA accessible outdoor classroom which would require pavement.

Commissioner Wippermann asked if Condition #O was intended for when the garden was completely done, not the end of each growing season.

Mr. Hunting replied in the affirmative. He stated that leaving open soil after the garden had ceased would violate the city's stormwater management requirements.

Commissioner Hark suggested modifying the definition of Community Garden by adding the verbiage 'or an organization' after 'maintained by a group of individuals'.

Commissioner Wippermann asked if there would be any merit to allowing community gardens by CUP on the smaller residential lots.

Chair Bartholomew replied that he did not anticipate there being a drive for community gardens on small plots.

Mr. Hunting asked for clarification on whether the Commission wanted all of Condition #G removed, stating the intent of the first part of the condition was to clarify that if someone were to install a fence around the community garden they would have to comply with the requirements.

Chair Bartholomew, Commissioner Wippermann, and Commissioner Simon recommended that Condition #G be removed entirely.

Commissioner Elsmore suggested removing only the last sentence of Conditions #G and #N and leaving the remainder.

Commissioner Simon agreed that the first two sentences of Condition #N should remain.

Commissioner Wippermann questioned why any of Condition #G was needed since fence requirements were already addressed in the City's zoning ordinance.

Commissioner Elsmore stated the information would be helpful for someone putting together a community garden by helping them avoid the cumbersome process of going through the zoning code.

Commissioner Hark suggested that staff create an informational flyer/handout with recommendations and suggestions for community gardens rather than including the information in the ordinance.

Chair Bartholomew asked the Commissioners' opinion regarding striking all or part of Condition #G.

The majority of Commissioners recommended striking Condition #G in its entirety.

Chair Bartholomew suggested striking Condition #K regarding a 20 foot setback.

Commissioner Elsmore asked for the background on Condition #K.

Mr. Hunting replied that it came from another municipality's code with the intent being to minimize impact to the neighboring properties in regards to runoff, pesticide and fertilizer drift, etc.

Commissioner Lissarrague asked the previous speakers from the audience for their opinion regarding a setback.

Ms. Thatcher stated that a five foot setback would be more reasonable, adding that a 20 foot setback would not be enough to prevent pesticide drift and that runoff should be minimal since most gardens were built on flat land.

Commissioner Hark suggested requiring a 'reasonable' setback rather than a specific number.

Mr. Hunting stated staff would prefer a specific setback rather than 'reasonable' so it would be enforceable.

Commissioner Simon recommended a five foot setback.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve the Ordinance Amendment to Title 10 of the City Code (Zoning Code) relating to allowing community gardens as a permitted use with the following changes to the recommended conditions: 1) adding 'or an organization' to the definition of community garden, 2) modifying Condition #A to allow community gardens in all zoning districts, 3) removing Condition #G, 4) modifying Condition #K to require a five foot setback rather than a 20 foot setback, 5) removing Condition #L, and 6) removing the last sentence of Condition #N.

Motion carried (7/0). This item goes to the City Council on April 23, 2012.

#### **OTHER**

Mr. Hunting reminded Commissioners that their joint meeting with the City Council is scheduled for May 14, 2012 at 5:30 PM. Commissioners should contact staff with any topics they would like to discuss at the meeting.

#### **ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary