

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 4, 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
Paul Hark
Dennis Wippermann
Annette Maggi
Pat Simon
Harold Gooch
Tony Scales
Victoria Elsmore

Commissioners Absent:

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

APPROVAL OF MINUTES

The minutes from the August 21, 2012 meeting were approved as submitted.

CLARK ROAD PROPERTIES – CASE NO. 12-22IUP

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an Interim Use Permit to allow a mini-storage facility with metal portable shipping containers for storage, for the property located at 11305 Clark Road. 10 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 utilize a portion of the property as mini-storage until such time as the property can redevelop with a use consistent with the I-2 zoning. The applicant is requesting a ten year interim use permit for a mini-storage operation which would consist of the use of metal storage containers for enclosed storage on the front half of the lot and an open storage area on the west half. He noted that Council has approved similar interim use permits in the area as well as a 20 year extension to a site which lies along Hwy 52/55. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Simon asked if it was an issue that the applicant was requesting 47 spots for metal containers whereas 55 were shown on the site plan.

Mr. Hunting replied it was not an issue

Commissioner Simon asked if staff heard from any of the neighbors.

Mr. Hunting replied they had not.

Commissioner Simon suggested they add a condition prohibiting 'for sale' signs on the stored vehicles.

Commissioner Wippermann asked if the interim use would transfer to the new owner should the property be sold.

Mr. Hunting replied in the affirmative, stating it would transfer with the land for the remaining balance of the interim use period.

Opening of Public Hearing

The applicant, Max Steinger, 3070 Lexington Avenue South, Eagan, advised he was available to answer any questions.

Chari Bartholomew asked if the applicant was in agreement with the conditions listed in the report, including the recommended condition by Commissioner Simon regarding 'for sale' signs.

Mr. Steinger replied in the affirmative.

Chair Bartholomew asked when they anticipated occupying the mini-storage area.

Mr. Steinger replied prior to December 1, 2012.

Commissioner Simon asked what kind of fence would be installed.

Mr. Steinger replied it would be a cyclone fence with an electric gate.

Allan Sachwitz asked what kind of vehicles would be stored on the property and what the hours of operation were.

Mr. Steinger replied that only small vehicles would be stored, such as boats or trailers.

Commissioner Simon noted that the narrative states the hours of operation would be 6:00 am to 8:00 pm.

Mr. Steinger stated that was correct.

Chair Bartholomew asked if anyone could enter the facility after hours using a swipe card.

Mr. Steinger replied they not could as the entrance gate would be locked at 8:00 pm.

Planning Commission Discussion

Commissioner Gooch asked for clarification on the interim use permit in regards to sale of the property.

Mr. Hunting advised that the property is zoned I-2, and if the applicant sells the property it would likely be to someone wanting to develop it for an I-2 use and it would be unlikely they would continue using it as a mini-storage.

Chair Bartholomew asked if the interim use could go to the purchaser for the balance of the interim use period.

Mr. Hunting replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the request for an

Interim Use Permit to allow a mini-storage facility with metal portable shipping containers for storage, for the property located at 11305 Clark Road, with the six conditions listed in the report as well as **an added condition that no 'for sale' signs be allowed on stored vehicles.**

Motion carried (9/0). This item goes to the City Council on September 10, 2012.

LESLIE SCHWEGEL – CASE NO. 12-25V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow the construction of a six foot high solid wood fence 22 feet from the front property line, whereas 30 feet is required, for the property located at 7807 Cooper Avenue. 5 notices were mailed.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is proposing to construct a fence which would go into the 30 foot setback from the north property line. The code requires that any fence within a front yard be no higher than 42 inches and be at least 75% open. The reasons for the rule appear to be mainly visibility and aesthetics. Staff has interpreted the code such that if all lots on the same block are all sides or rears and face a street, they have been allowed solid fences to the property line since they act as side or rear yards. The conflict occurs when the property next door is an actual front yard, which is the situation in this case. In this particular situation the applicant has already modified his plan and reduced the visual impact from the initial proposal. The proposed fence line does not protrude much out in front of the property to the east. He advised that although the request is consistent with the Comprehensive Plan and does not affect the character of the neighborhood, staff feels the situation is not unique and there is a lack of a practical difficulty. Therefore staff recommends denial of the request.

Opening of Public Hearing

The applicants, Les and Cheryl Schwegel, 7807 Cooper Avenue, advised they were available to answer any questions. Mr. Schwegel stated the proposed fence would reduce the traffic noise, prevent destruction of his garden, would be an aesthetic improvement, and would hide his garden and wood pile from view. He stated it would not cause visibility issues and he noted that other properties in the City had fences within the setback area and therefore there was a fairness issue.

Mrs. Schwegel stated they recently removed some overgrown evergreens in order to improve their property, and the proposed fence would allow them to maintain the privacy the evergreens had previously given them. She stated the neighbors had no issues with the request and she advised that the home was situated as it was because they originally planned to install solar panels.

Commissioner Wippermann asked if the arborvitaes shown in the drawing would remain in place if the fence was built.

Mr. Schwegel replied in the affirmative, stating he recently planted the shrubs after removing some evergreen trees.

Commissioner Wippermann noted that the plantings would somewhat hide the fence from view.

Mr. Schwegel agreed, stating the shrubs should grow to four feet in diameter and 12-15 feet in height.

Chair Bartholomew stated the Planning Commission was bound by statute and therefore without a practical difficulty it would be difficult for them to approve the request. He advised that the City

Council, however, had more leeway.

Mrs. Schwegel stated they went through the proper channels by getting a permit, yet it seemed as if they were being treated unfairly because they have seen fences within the setback on other properties within the City. She added that the variance process was confusing.

Commissioner Elsmore asked if the applicant had minimized the encroachment into the setback as much as possible.

Mr. Schwegel replied in the affirmative, stating he needed room between the existing shed and the fence for maintenance, painting, etc.

Commissioner Gooch stated if the applicants built the fence in line with the existing shed they would then meet the required setback.

Mrs. Schwegel advised if they did that they would lose the space in which they stored firewood.

Commissioner Gooch suggested the firewood be stored in another part of the yard.

Mr. Schwegel stated it would not look right to build the fence in line with the shed.

Mrs. Schwegel stated the fence would eventually be hidden behind the shrubs.

Commissioner Lissarrague stated the applicant was a meticulous homeowner and he could understand his point of view as to how the fence would look if it was built in line with the shed. He questioned what the consequences would be should someone fail to obtain a permit.

Mr. Hunting replied that if someone did work without a permit the Inspections Department would charge them double fees. If there were other violations it would go through the code enforcement process.

Commissioner Lissarrague asked if it could create an issue if someone was in violation and tried to sell their home.

Mr. Hunting replied that at this time the City did not require truth in housing inspections prior to selling a home.

Mrs. Schwegel asked if the City would enforce construction done without permits.

Mr. Hunting advised that typically the violator is asked to get the necessary permits and comply with City Code.

Chair Bartholomew advised that the City has the right to ask that something be moved if the work was done without a permit or does not comply with code. He stated he was aware of several driveways that were required to be moved in the past.

Commissioner Lissarrague stated it was his understanding that a \$700 fine could be imposed for a code violation.

Chair Bartholomew stated he would likely vote for denial as he was bound by statute; however, he supported the applicant's desire for a fence and questioned why vegetation was allowed in the setback area but a fence was not.

Commissioner Hark asked how far the shed was from the proposed fence line.

Mr. Schwegel replied eight to nine feet.

Commissioner Hark suggested that Mr. Schwegel move the fence closer to the shed to minimize the setback encroachment.

Commissioner Hark asked how long the fence was.

Mr. Schwegel replied 33 feet.

Commissioner Hark asked if the City had come across a similar situation in the last several years where a variance was requested for just a segment of the yard rather than the length of the property.

Mr. Hunting replied that he recalled only one similar situation; however, in that instance they installed a chain link fence.

Mrs. Schwegel stated there was a variance recently approved on Concord Boulevard.

Mr. Hunting advised that variance was for fence height, not location.

Chair Bartholomew advised that the Planning Commission would provide a recommendation, and the City Council would see the discussion in the minutes and make the final determination.

Planning Commission Discussion

Chair Bartholomew suggested installing a 42 inch high fence which would eventually be hidden by the recently planted arborvitaes.

Commissioner Lissarrague stated that although he would like to see some leniency in regards to this request, it would be difficult for the Planning Commission to recommend approval as it did not meet the variance criteria.

Planning Commission Recommendation

Motion by Commissioner Elsmore, second by Commissioner Simon, to deny the request for a variance to allow the construction of a six foot high solid wood fence 22 feet from the front property line, whereas 30 feet is required, for the property located at 7807 Cooper Avenue, due to the lack of a practical difficulty.

Motion carried (9/0). This item goes to the City Council on September 10, 2012.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:42 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary