

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 21, 2013 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Armando Lissarrague  
Tony Scales  
Dennis Wippermann  
Annette Maggi  
Paul Hark  
Pat Simon  
Victoria Elsmore  
Bill Klein

Commissioners Absent: Harold Gooch (excused)

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the May 7, 2013 Planning Commission meeting were approved as submitted.

### **PAWN AMERICA – CASE NO. 13-15V**

#### **Reading of Notice**

Commissioner Scales read the public hearing notice to consider the request for a variance to allow a wall sign to exceed the 100 square foot maximum in the B-3 zoning district, for the property located at 5300 South Robert Trail. 2 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Pawn America is requesting a variance to allow a wall sign larger than 100 square feet. They currently have two signs; one 99.6 square feet in size and the other 63 square feet in size. They are proposing to use the existing letters and reconfigure the two signs into one, spacing the letters farther apart to make the sign easier to read from South Robert Trail. The reconfiguration of the sign layout would result in a rectangle size of 183.3 square feet. Staff recommends approval of the request with the practical difficulty being that the sign letter size is not changing and the angle of the building and its orientation to South Robert Trail causes the visual of the sign to be at an angle which compresses the lettering spacing.

Chair Hark asked staff to clarify the traffic safety issues.

Mr. Hunting replied that the angle of the building and its orientation to South Robert Trail made it difficult for customers using South Robert Trail to travel to the store and determine where to turn.

Chair Hark asked if the applicants were essentially requesting 20 additional square feet of signage from what they had existing.

Mr. Hunting replied in the affirmative, stating the actual letters were exactly the same; it was just the way it was measured that changed the overall size.

Commissioner Simon asked how much total maximum signage was allowed, noting that they had a

freestanding sign and another wall sign on the northwest side as well.

Mr. Hunting replied that the aggregate signage on that site was well under the maximum allowed.

**Opening of Public Hearing**

John Hollenbeck, Lawrence Sign, 945 Pierce Butler Route, St. Paul, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the recommendations listed in the report.

Mr. Hollenbeck replied in the affirmative, and thanked staff for their help.

Commissioner Simon referred to a newspaper article regarding PA Exchange, and asked if the business planned to retain the Pawn America name.

Mr. Hollenbeck replied there has been no indication that this store would change their name to PA Exchange. He advised that he believed the company was going to introduce a new concept in some locations by separating the pawn business from the actual retail outlet and naming the retail portion PA Exchange.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Lissarrague, to approve the request for a variance to allow a wall sign to exceed the 100 square foot maximum size in the B-3 zoning district, for the property located at 5300 South Robert Trail.

Motion carried (8/0). This item goes to the City Council on June 10, 2013.

**DAMIAN GUON – CASE NO. 13-14CV**

**Reading of Notice**

Commissioner Scales read the public hearing notice to consider the request for a conditional use permit to allow sheet metal siding on an accessory building in the A, Agricultural zoning district, and a variance to allow a 2,400 square foot accessory building whereas 1,600 square feet is the maximum size allowed, for the property located at 7175 Angus Avenue. 13 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the subject lot is 4.74 acres in size and is located in the A, Agricultural zoning district. The applicant is requesting to construct a 2,400 square foot sheet metal accessory building on his property whereas 1,600 square feet is allowed. Sheet metal siding is allowed on pole buildings in the A zoning district by conditional use permit (CUP). Staff recommends denial of the variance request as it does not meet the variance criteria, including the lack of a practical difficulty. Staff would support a CUP for sheet metal siding for a detached building up to 1,600 square feet in size with the conditions listed in Alternative A of the report. He also noted that the applicant received a variance to allow a 2,400 square foot accessory building in 2006; however, the structure was never built and the variance has since lapsed.

Chair Hark noted that a similar request recently came before the Commission.

Mr. Hunting advised that situation was different in that the lot in that case was originally created as

a five acre parcel, which would have allowed a 2,400 square foot accessory structure. When the subdivision ordinance was subsequently put in place, however, the road right-of-way was excluded and it resulted in a lot less than five acres.

Commissioner Maggi asked how large a building would be allowed in the Agricultural zoning district if the lot was five acres or larger.

Mr. Hunting replied they would be allowed a maximum gross floor area of 2,400 square feet.

Commissioner Simon asked if Angus Avenue would eventually be extended to connect 70<sup>th</sup> Street to 80<sup>th</sup> Street.

Mr. Hunting replied he was not aware of any such discussion.

Commissioner Lissarrague asked how far the building would have to be setback from the adjacent property.

Mr. Hunting replied at least 50 feet from any property line, stating setbacks were not an issue in this case as the proposed request far exceeded any minimum setback requirements.

#### **Opening of Public Hearing**

Damian Guon, 7175 Angus Avenue East, advised he was available to answer any questions.

Chair Hark asked the applicant if he understood the staff recommendations listed in the report.

Mr. Guon replied in the affirmative.

Commissioner Lissarrague asked the applicant why he did not build the accessory structure after receiving variance approval in 2006.

Mr. Guon replied because of economic and personal reasons.

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

Mr. Hunting replied they had not.

Chair Hark closed the public hearing.

#### **Planning Commission Discussion**

Chair Hark stated he had no issues with the CUP, but was concerned about the significant increase being requested in maximum building size.

Commissioner Wippermann stated he had no issues with the CUP request either, however, he did not support the variance request as it would set a precedent.

Commissioner Klein asked if the parcel just south of Mr. Guon was buildable.

Mr. Guon replied the three acre lot was owned by Keith Carlson and was buildable.

Commissioner Klein asked if the subject lot was hooked up to City water and sewer.

Mr. Guon replied it was not.

Commissioner Klein stated it was fairly secluded in this area and he had no issue with the request.

Commissioner Scales stated he would likely vote to deny the variance request due to lack of practical difficulty; however, he would like to see the ordinance changed to allow even larger accessory structures on large sized lots.

Commissioner Maggi stated the Commission voted to deny a similar request last fall, and to be consistent she would vote against this request as well.

Chair Hark stated he would be voting to deny the request as it did not meet the variance criteria; however, he agreed with Commissioner Scales that perhaps City Council could look at reevaluating the building size allowed on larger lots.

Corey Larsen, Lester Buildings, asked the Commission to consider the fact that the applicant paid the previous application fee, received a variance, but was not able to build it because of personal hardship. He stated the building would not be very visible because it would be 200 feet deep into the property.

Commissioner Simon advised that economic considerations do not constitute a hardship, and she would have a hard time approving the variance without a practical difficulty.

Commissioner Lissarrague asked what the size guidelines were for an accessory structure prior to the ordinance change in 2006.

Mr. Hunting replied that prior to the ordinance change lots less than five acres were allowed the maximum of a 1,000 square foot accessory structure.

Commissioner Lissarrague advised Mr. Larsen of the process, stating the Planning Commission's recommendation would be forwarded to City Council for final approval/denial.

Mr. Larsen asked if the applicant would be allowed to have a 2,400 square foot building if he purchased enough additional adjacent land to total five acres.

Mr. Hunting stated such a land transaction would be problematic as it would require surveys and an application submittal. If the land was purchased from a lot that was substandard in size it could not be reduced any further without a variance.

Commissioner Lissarrague reminded the applicant that the accessory building could not be used for commercial purposes.

#### **Planning Commission Recommendation**

Chair Hark suggested the Planning Commission vote on each request separately.

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance to allow a 2,400 square foot accessory building whereas 1,600 square feet is the maximum size allowed, for the property located at 7175 Angus Avenue, for the reasons outlined in Alternative B of the staff report.

Motion carried (7/1 - Klein).

Motion by Commissioner Klein, second by Commissioner Maggi, to approve the request for a conditional use permit to allow sheet metal siding on an accessory building in the A, Agricultural zoning district, for the property located at 7175 Angus Avenue, with the conditions listed in

Alternative A of the staff report.

Motion carried (8/0). This item goes to the City Council on June 10, 2013.

**OTHER BUSINESS**

Mr. Hunting discussed the termination of agenda packet hand delivery. He advised that Commissioners have the option to access the packets electronically from the City's website or pick them up. The packets will be available at City Hall the Friday before a meeting until 4:30 p.m. After 4:30 the packets will be brought to the community center where they can be picked up after hours or on the weekend. Please contact Kim if you prefer to access your packets electronically so she can determine the appropriate amount of packets to prepare.

Commissioner Klein stated he would like the option to access packets electronically to save the City money, but receive a hard copy of any packets that were unusually large.

Commissioner Elsmore stated she has been accessing her packets electronically and felt the process worked well. It also allowed her to better view the maps using the zoom feature.

Mr. Hunting congratulated Commissioners Klein, Simon and Wippermann on their reappointment to the Planning Commission.

**ADJOURNMENT**

The meeting was adjourned by unanimous vote at 7:40 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary