

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, July 2, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**

- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 18, 2013.**

- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 BEVERLY ANDERSON – CASE NO. 13-25W**
Consider a Waiver of Plat to subdivide a property into two lots. This request is for the property located at 7070 Bester Avenue.

Planning Commission Action _____

- 4. OTHER BUSINESS**

- 5. ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 18, 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
Paul Hark
Pat Simon
Victoria Elsmore
Bill Klein
Annette Maggi

Commissioners Absent: Harold Gooch

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the June 4, 2013 Planning Commission meeting were approved as submitted.

ROBERT THOMAS HOMES – CASE NO. 13-22C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow the maximum impervious surface coverage to increase up to an additional 10 percent, for the property located at 7681 Addisen Court. 3 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is currently building a new house, and the proposed house, driveway, sidewalk and porch would be over the maximum impervious allowed by 114 square feet. The applicant, however, is asking for an additional 250 square feet of impervious to provide leeway for a future shed or patio. This would result in 43% coverage whereas 40% is allowed. Rather than constructing a rain garden, the developer is proposing to expand an infiltration basin directly behind the respective lot to address any additional stormwater run-off created by the additional impervious surface. This basin is on an outlot owned by the City. Because of this, a stormwater maintenance agreement is no longer necessary so Condition #1 can be removed. The homeowner will be required to pay an additional stormwater utility fee to cover the cost of the City's maintenance. Staff recommends approval of the request as presented.

Chair Hark asked for clarification of how the infiltration basin would be expanded.

Mr. Hunting replied those details had not yet been finalized. He noted that the basin would not be constructed until most of the homes were built.

Chair Hark asked for clarification of how the two proposed infiltration basins were connected.

Mr. Hunting replied he was unsure of whether they were connected by pipe.

Commissioner Maggi asked when the area was anticipated to be built out.

Mr. Hunting replied it would likely be built out by the end of the year.

Commissioner Wippermann asked what the minimum lot size was for normal sized lots.

Mr. Hunting replied the minimum lot size in the R-1C district is 12,000 square feet.

Commissioner Wippermann noted that the lots in question were almost half that. He stated the fact that they were already asking for an exception demonstrated that the lots were too small to accommodate the size houses they wanted to build, and he felt it unlikely they would have these issues on a reasonably sized lot.

Commissioner Lissarrague was concerned about the precedent this would set, and the potential for future requests for additional impervious from both new homeowners as well as existing homeowners.

Commissioner Klein asked if any consideration had been given for pervious driveway construction.

Mr. Hunting replied that was a possibility; however, pervious or porous pavement would still be considered as hard surface.

Commissioner Simon asked if they could deny a conditional use permit if the applicant met the conditions, and she asked for clarification of whether the PUD had previously been changed to allow a wider driveway.

Mr. Hunting replied they would not have a basis for denying a conditional use permit provided they satisfied the requirements. In regard to the wider driveway, Mr. Hunting advised if they wanted to go wider than 20 feet they would have to incorporate some porous pavement. The developer built larger ponds and infiltration systems to accommodate the additional runoff that would be created by the three-car garages and wider driveways built without porous pavement.

Commissioner Simon stated when this development was first brought forward she envisioned more green space rather than holding ponds.

Commissioner Klein stated this development had more green space than most areas, and noted that the holding ponds were surrounded by vegetation.

Commissioner Simon agreed, but stated the City allowed five foot setbacks in exchange for more green space and she was disappointed to see congested houses and holding ponds rather than green space.

Because construction had already been started, Commissioner Wippermann questioned Condition #2 which referred to a cash escrow being submitted prior to any work being done.

Mr. Hunting replied that construction had already started because the permit was issued based on a lesser coverage that met the requirements. The planning commission could therefore modify the language in that condition.

Commissioner Simon suggested they delete the first portion of Condition #2 and begin with the word 'an'.

Mr. Hunting agreed with Commissioner Simon's recommendation.

Commissioner Lissarrague asked for clarification of the amount of impervious being proposed.

Mr. Hunting replied they were proposing 41% of impervious surface but are asking for an additional 136 square feet (43%) to allow for a potential future shed or patio.

Commissioner Lissarrague stated he was still concerned about setting a precedent, and asked what would happen if everyone in that development was given additional impervious surface.

Mr. Hunting stated many of the lots may not be capable of meeting the criteria for a conditional use permit for additional impervious surface.

Commissioner Klein stated it was fairly rare that engineering staff was in favor of such a request.

Chair Hark stated there were likely 10-12 lots where a holding pond would not be possible.

Commissioner Klein stated it was unlikely most property owners would want a holding pond on their property in exchange for additional impervious surface.

Opening of Public Hearing

Peter Rein, Project Manager for Robert Thomas Homes, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff recommendations and agreed with the conditions listed in the report, including the elimination of Condition #1.

Mr. Rein replied in the affirmative.

Commissioner Simon asked what precipitated this request.

Mr. Rein replied that the property had already been purchased by the homeowner and when the survey came back they realized they were over the impervious surface maximum.

Commissioner Klein asked if the homeowner was aware of the situation should they want to put in additional impervious surface.

Mr. Rein replied in the affirmative, stating they were asking for more than what was currently being proposed to allow the homeowner some leeway to put in a future patio or shed if they would choose to.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein to approve the request for a conditional use permit to allow the maximum impervious surface coverage to increase up to an additional 10 percent, for the property located at 7681 Addisen Court, with the conditions listed in the report **and the elimination of Condition #1.**

Chair Hark asked if the motion included **modifying the language in Condition #2 to eliminate the verbiage 'prior to any work being done on the site'.**

Commissioner Klein replied that the motion included the modification of Condition #2.

Second by Commissioner Elsmore.

Motion carried (5/3 – Lissarrague, Simon, Wippermann). This item goes to the City Council on June 24, 2013.

The meeting was adjourned by unanimous vote at 7:20 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

Engineering. The Engineering Department has reviewed the waiver of plat. The applicant's property is currently hooked up to city services. The owner shall abandon the existing connection that runs along the southern part of the property and construct a new sewer service for the existing home. The new lot can utilize the existing southern service connection. The applicant shall comply with the code requirements relating to the capping and abandoning the old well and septic system. Parcel B will require a custom grade agreement when a house is built between the City and property owner, this will include a storm water management plan. Engineering is requesting standard drainage and utility easement around the two proposed parcels; these easements will have to be done by document prepared by the applicant.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:

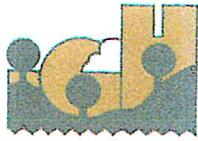
- Approval of the **Waiver of Plat** for the two lot single family lot split subject to the following conditions:
 1. The waiver of plat shall be in substantial conformance with the plans on file with the Planning Department dated December 18, 2006 except as may be modified by the conditions below.
 2. Park dedication shall be a cash contribution for one lot of \$4,011 to be paid at time of the release of the waiver of plat resolution.
 3. The applicant shall draft an agreement dedicating drainage and utility easements around both Parcels A and B as noted in the Engineer's review memo dated June 26, 2013.
 4. A Custom Grading Agreement shall be prepared by the City Attorney and executed by both the City and future property owner of Parcel B prior to issuance of a building permit.
 5. Prior to site disturbance of Parcel B, a storm water management plan approved by the City Engineer is necessary to protect adjacent and downstream properties from adverse impacts.
 6. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.

- B. Denial.** If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

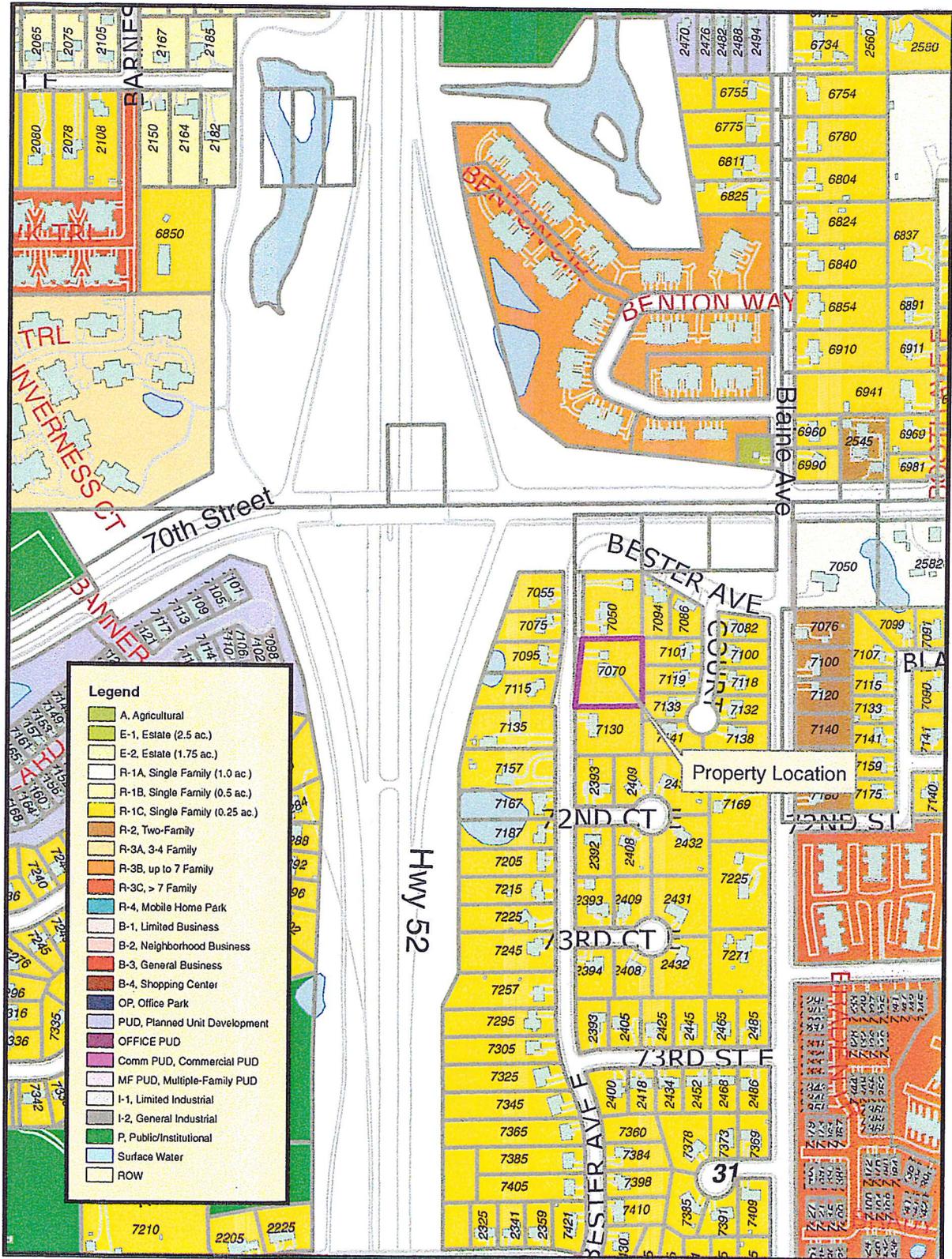
RECOMMENDATION

The Planning Division recommends approval of the waiver of plat subject to the conditions listed in Alternative A.

Attachments: Exhibit A - Location Map
 Exhibit B - Survey



Anderson - Waiver 7070 Bester Ave



Map not to scale

Exhibit A
Zoning and Location map

