

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 1, 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: Paul Hark  
Pat Simon  
Dennis Wippermann  
Tony Scales  
Bill Klein  
Annette Maggi  
Harold Gooch

Commissioners Absent: Victoria Elsmore (excused)  
Armando Lissarrague (excused)

Others Present: Tom Link, Community Development Director  
Allan Hunting, City Planner  
Heather Botten, Associate Planner  
Steve Dodge, Assistant City Engineer

### **APPROVAL OF MINUTES**

The minutes from the September 17, 2013 Planning Commission meeting were approved as submitted.

### **BRUCE CORDS – CASE NO. 13-47VAC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation and rededication of certain public drainage and utility easements within the plat of Marcott Woods 2<sup>nd</sup> Addition. 6 notices were mailed.

Chair Hark advised that the request was being continued to the October 15, 2013 Planning Commission meeting.

### **DARREN AAMOT –C ASE NO. 13-44C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow sheet metal siding on an accessory building, for the property located at 1985 – 102<sup>nd</sup> Street. 27 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned E-1 and is 2.5 acres in size. The applicant would like to construct a 972 square foot accessory building with sheet metal siding which is allowed on buildings in the A and E-1 zoning districts by conditional use permit. There is a landlocked stormwater basin on the property; therefore any grading or filling near the basin below the 866 contour would require a land alteration permit. The proposed building is shown at approximately 871 elevation. Staff did not hear from any of the surrounding property owners. Staff recommends approval of the request with

the six conditions listed in the report.

Commissioner Simon asked where the basin was located on the lot.

Ms. Botten displayed a diagram showing the basin located near the center of the lot.

Commissioner Simon asked for an explanation of the term terminal basin.

Ms. Botten replied it was the end point; a basin that would not continue or discharge to any other basins.

Commissioner Klein asked where the power lines were located.

Darren Aamot advised the center poles were east of the property line.

### **Opening of Public Hearing**

Darren Aamot, 15635 Cornell Trail, Rosemount, advised he was available to answer any questions.

Chair Hark asked if the applicant reviewed the report and understood the recommendations.

Mr. Aamot replied in the affirmative.

Chair Hark asked if the applicant agreed with the conditions listed in the report.

Mr. Aamot replied most of them. He questioned the 866 threshold, stating he was previously given the number 865.

Steve Dodge, Assistant City Engineer, stated the actual number was 865.6 and they rounded it up to 866. He advised that staff is comfortable with this number until at some point in the future a stormwater model is done to identify the 100-year, 10-day snow melt high-water line. He advised this is a terminal landlocked basin with 19 acres of land draining to it.

Mr. Aamot stated he heard from the neighbors that a study had been done on the lot to the west of him in the early 90's and asked if that was kept on record.

Ms. Botten replied staff was not aware of any such study and believed it would have been brought up during this review.

Commissioner Gooch asked if the color of the proposed siding would match the house.

Mr. Aamot replied it was their intent for the accessory structure to match the gray of the house. He asked if a structurally engineered design would be necessary to build a seven foot boulder retaining wall.

Chair Hark asked if the boulder wall was related to the conditional use permit request.

Mr. Aamot replied it was not.

Chair Hark suggested the applicant discuss the retaining wall with staff outside of the meeting.

Chair Hark closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Klein, to approve the request for a conditional use permit to allow sheet metal siding on an accessory building, for the property located at 1985 – 102<sup>nd</sup> Street, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on October 14, 2013.

**DAN VUJOVICH – CASE NO. 13-48C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed, for the property located at 9209 Chapman Court. 30 notices were mailed.

Chair Hark advised that Commissioner Maggi would be abstaining from voting on this request.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to add a 240 square foot deck and covered porch addition to the back of his house. The existing impervious surface on the lot is already 150 square feet over the maximum allowed. The applicant is requesting a conditional use permit for 300 square feet to allow for future additions. The applicant will be required to mitigate the additional 300 square feet being proposed. The applicant has been working with the Engineering Department and is proposing to install a rain garden. The applicant must also enter into a stormwater facilities maintenance agreement as the rain garden must be maintained by the property owner. Staff recommends approval of the request.

**Opening of Public Hearing**

Dan Vujovich, 9209 Chapman Court, advised he was available to answer any questions.

Chair Hark asked if the applicant reviewed the report and agreed with the conditions listed.

Mr. Vujovich replied in the affirmative. He thanked staff for their help, stating he and his contractor were unaware of the new rule that went into place in 2010 regarding impervious surface standards.

Chair Hark closed the public hearing.

**Planning Commission Discussion**

Commissioner Simon referred to a statement in Mr. Dodge's memo requiring that an annual inspection and maintenance report be submitted. She questioned who would do the annual inspection, and stated she did not recall seeing this requirement before.

Mr. Dodge advised this was a fairly new condition. He explained that even though the rain garden would be a private facility, it would also be part of the City's overall storm water management system. Staff is therefore requesting that the applicant enter into a stormwater facilities maintenance agreement, which would include an annual requirement for the owner to fill out a one page document stating they are doing their annual maintenance and that it is a functional stormwater facility.

Commissioner Simon asked if someone would go to the site and inspect the rain garden.

Mr. Dodge replied that the City does not have the staff available to inspect private systems.

**Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the request for a conditional use permit to exceed the maximum impervious surface allowed, for the property located at 9209 Chapman Court, with the conditions listed in the report.

Motion carried (6/0 with 1 abstention – Maggi). This item goes to the City Council on October 14, 2013.

**RICHARD LAMETTRY – CASE NO. 13-17C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow an automobile and off-highway vehicle sales lot, for the property located at 4700 South Robert Trail. 9 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to relocate his existing business to the Slumberland site located at 4700 South Robert Trail. The property is zoned B-3, General Business and the applicant is asking for a conditional use permit to allow automobile and off highway vehicle sales on the property. The applicant would be renovating the existing building and adding a 600 square foot addition onto the front of the building as well as a parking lot on the east side of the building. The Engineering Division has been working with the applicant on stormwater, grading and utility requirements. The owner is proposing to manage the additional impervious surfaces by incorporating an underground infiltration and storage facility below the pavement which outlets to a small treatment basin before being rerouted to the regional basin north of the property. Staff recommends approval of the request with the 11 conditions listed in the report. Staff heard from two of the abutting property owners, Fine Associates and Good Samaritan Society. Good Samaritan's main concern was flooding to their parking lot.

Commissioner Wippermann asked if Condition 3 should read 'There shall be no **outdoor** storage of vehicle parts'.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked if tree replacement would be necessary.

Ms. Botten replied that the amount of land being impacted did not trigger tree replacement.

Commissioner Wippermann asked if all the runoff from the expanded parking lot would be contained on the LaMettry property.

Ms. Botten stated the runoff should not be any worse than the existing as the applicant would be treating all additional impervious surface on the property.

Mr. Dodge stated there is an area of concern in which erosion has been occurring from the Southridge Center parking lots. This erosion is in an area in which LaMettry is proposing to build a retaining wall. Because of this, the City has contacted Fine Associates, the managing entity of Southridge Center, and requested they provide the City with a plan to address the issue. Because there has been a history of high water and flooding in the area, staff is requiring that Mr. LaMettry create an underground storage system which meets the stormwater management requirements. Engineering staff recommends approval of the site as proposed.

Chair Hark asked if staff was aware of any complaints from the Good Samaritan Society.

Mr. Dodge stated he was aware of a complaint, prior to him working for the City, in which there was some minor water and flooding in the low area. He advised that staff will continue to work with property owners to treat the impervious surfaces as they reconstruct or redesign their properties.

**Opening of Public Hearing**

Richard LaMettry, 10 East Mendota Road, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff recommendations.

Mr. LaMettry replied in the affirmative.

Commissioner Simon emphasized Conditions 2, 3 and 4 to the applicant.

Pam Schulz, Administrator of Good Samaritan Society, stated they have on-going water issues every spring due to rain, snow, or blocked drainage, and in the last 10 years they had water backed up half way to their building. She stated the drive down to their center is a fairly narrow roadway and there is only room for one large vehicle at a time. They have emergency vehicles coming in on a daily basis, as well as large delivery vehicles. Because of this, they keep in close contact with their neighbors to ensure they have access availability 24/7. There is no parking along that roadway because Good Samaritan is landlocked and they have an access easement between Slumberland and Volkswagen. She was also concerned about aesthetics in regard to the proposed parking lot and removal of vegetation.

Chair Hark asked the applicant if she mentioned the emergency vehicle concerns to staff.

Ms. Schulz replied she had not. The main concern she brought up to staff was the potential for runoff from the proposed additional impervious surface.

Chair Hark asked if people were aware that parking was prohibited on the roadway.

Ms. Schulz replied in the affirmative, stating there were signs posted. She was concerned about whether there would be signage coming out of LaMettry's in terms of emergency vehicles having the right-of-way.

Commissioner Klein asked if the roadway was a private driveway or a public road.

Ms. Schulz replied it was a private drive.

Commissioner Klein asked who handled the plowing for the road.

Ms. Schulz advised that Good Samaritan did most of the plowing last winter as they have to ensure everything is plowed at all times. She stated last year the neighbor at the top of the hill was not getting the snow pushed back enough so they called the city, who helped get the problem resolved.

Commissioner Klein asked if the storm sewers to the north had been maintained recently.

Mr. Dodge replied he was unsure of the maintenance activity, but could look into it and also look into identifying what is private versus public utilities on the property.

Mr. LaMettry responded to some of Ms. Schulz's concerns, stating there should be less runoff with what was being proposed than is currently existing. In regard to the snow concern, he advised they do not want snow piled on the road either and they have a double deep parking lot in the back to accommodate snow storage. He advised it was common knowledge that emergency vehicles have the right-of-way so that should not be an issue.

Chair Hark closed the public hearing.

**Planning Commission Discussion**

Commissioner Klein stated he was pleased that LaMettry's was moving into the Slumberland property and felt it was a good fit.

**Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Gooch, to approve the request for a conditional use permit to allow an automobile and off-highway vehicle sales lot, for the property located at 4700 South Robert Trail, **with the addition of the word 'outdoor' to Condition 3.**

Motion carried (7/0). This item goes to the City Council on October 14, 2013.

The meeting was adjourned by unanimous vote at 7:45 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary