

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 7, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Scott Clancy (Vice Chair)
Kate Challeen
Robert Heidenreich
Joan Robertson

Commissioners Absent: Dennis Wippermann (excused)
Jonathan Weber (excused)
Jaime Besser (unexcused)
Vacant

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Heather Rand, Community Development Director
Stacy Bodsberg, Community Development Support Specialist

3. APPROVAL OF MINUTES

A. Approval of Meeting Minutes from the February 21, 2023, Regular Planning Commission Meeting.

The meeting minutes from February 21, 2023, were approved as submitted.

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

A. Consider a Request by S.M. Hentges & Sons Inc. for a determination of short-term mining of sand and gravel being used on the nearby Lone Oak/70th Street & Argenta Trail road project. (23-04M)

Presentation of Request

City Planner Allan Hunting discussed a request for a recommendation by the Planning Commission to the City Council regarding a clause in the ordinance allowing for a temporary short-term operation for sand removal for road construction. This is a county project with S.M. Hentges as the general contractor for the project located at 70th Street and Argenta Trail. The sand would be used for the base of the 70th Street road construction project. The project would begin May/June 2023 with completion by the end of September 2023.

Sand removal normally falls under a sand and gravel overlay district which is intended for long term many year excavations.

Planning and Engineering agree this meets the criteria for the short-term operation clause and recommend the Planning Commission make the recommendation. If the City Council agrees, land removal would be through a land alteration permit issued through the engineering department.

Planning Commission Discussion

Commissioner Robertson asked if there were any residential around the area. Mr. Hunting replied it is empty other than one home.

Commissioner Challeen asked if the house in the area was owned by the person letting the land be used for excavation.

Mr. Hunting replied in the affirmative.

Chair Niemioja mentioned there is no public hearing on this item. She invited comments and questions from anyone wishing to speak.

Joe Miller, S.M. Hentges and Sons, 650 Quaker Avenue, Jordan, Minnesota, 55352, introduced himself and stated the request is for short-term use to get sand out on the public road. They would restore everything once complete. He mentioned it was helpful to have this done in the area versus having to truck in the sand and gravel. It helps with import and export of the material and prevents numerous trucks from coming into the area.

Commissioner Robertson asked about safety around the area with digging and the disruption of soil. She questioned if the area was fenced during that time and if there would be a risk if someone was trespassing.

Mr. Miller replied that 70th Street would be closed for the 2023 road project from the Robert Street roundabout to Dodd Road. Local traffic would be allowed in some spots. The property being used is a hill, they are shaving the top off the hill; there are no big holes for risk of falling.

Commissioner Challeen asked what the implications were with the project in the event of a huge storm without fencing and landscaping being put up.

Mr. Miller responded by taking the hill down they would be creating less runoff/flow hitting the ground. The runoff would come onto the site with erosion measures in place. This lessens the burden.

Mr. Hunting mentioned that engineering requires a land alteration permit. There will be erosion control measures they would have to address as a part of the permit before storm events.

Commissioner Robertson said she was impressed that the sand and materials can be removed and used in the area.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Heidenreich, to make a recommendation to the City Council to move forward with the project by S.M. Hentges & Sons Inc. for the determination of short-term mining of sand and gravel being used on the nearby Lone Oak/70th Street & Argenta Trail road project. (23-04M) as described.

Motion carried (5/0).

B. Consider a Request by Gary Lusso, 7142 River Road, for a Conditional Use Permit to exceed the maximum impervious surface allowed within the Shoreland District and a Variance from the setback requirements for a garage addition. (23-05CV)

Reading of Public Notice

Commissioner Clancy read the Public Hearing Notice to consider the request for Gary Lusso, 7142 River Road, Case No. 23-05CV CUP, for property located at 7142 River Road, identified as PID# 20-01100-30-090. The request consists of a Conditional Use Permit to exceed the maximum impervious surface allowed within the shoreland district and a variance from the setback requirements for a garage addition. Notices were mailed to 18 property owners on February 22, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located at Upper 71st Street and River Road, zoned R-1C, single family residential district. The applicant proposes an 840 square foot garage and home addition added onto the south side of the existing home. The addition would be located within the required front setback and exceeds the maximum amount of impervious surface allowed on the property located within a shoreland district. The original home was constructed in 1958, prior to the adoption of the city code or shoreland regulations. In 2014 the applicant received permission to have a second story added. The proposed addition and driveway added to go to the garage are estimated to be 1,300 square feet of hard surface. Adding this new hard surface would increase the total amount of impervious on the property to about 33%. The shoreland district has a maximum amount of 25%. That amount can be increased with the approval of a conditional use permit and a stormwater management plan. The shoreland and critical ordinance requirements are in place to minimize the impact to the river. The applicant has hired a company to help with the design of a stormwater management system. Staff will have to approve the stormwater management plan prior to this item going before the City Council. With the setback variance, one of the functions of setbacks is to maintain consistency of structure placement and the aesthetic qualities from the river, street, and neighboring views.

Staff does not believe the improvements to be out of character for the area and would be consistent with setbacks found on other neighboring properties. Staff believes a practical difficulty can be found based on the age and location of the existing home and the other setbacks already establishing along River Road. She noted that the setback variance from the actual road is about 35 feet, plenty of room for parking. With the approval of the stormwater management plan, staff recommends approval of the variance and the conditional use permit with the conditions listed in Alternative A.

She mentioned that staff did hear from one resident who had concerns regarding the current aesthetics of the property and some clutter outside. It was the residents hope the addition would help clean up the property and bring those items inside of the garage.

Opening of Public Hearing

Gary Lusso, 7142 River Road, stated he has received the survey and gave a copy to the City Planner. He said he has hired Pioneer to do the stormwater evaluation. He understands the conditions that go along with the approval. He mentioned that the property next to him likely has 98% impervious. There has been a history in the area. He said he was confident that any water coming off the impervious surface would not drain into the river, it would meet DNR requirements.

Chair Niemioja asked if the DNR has reviewed this item.

Ms. Botten replied that the DNR has been sent some information but needed additional information regarding stormwater management.

Commissioner Robertson mentioned she drove past the property today and noted the question posed by the individual regarding the property as it stands. She asked the applicant how doing this project could impact the neighbor's concern.

Mr. Lusso replied he understands and has spoken to his neighbors. The items are the typical things you put in the side of the yard. He has two boats; one boat goes in the river in the summer, the other in the garage. The items noted are construction debris that would be cleaned up.

Commissioner Robertson asked if he had a driveway that would lead into the new addition.

Mr. Lusso responded there is an existing driveway going to the two-car garage. The new garage would have a driveway. He would like to remove the existing driveway to have less impervious surface.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Robertson requested additional information about the impervious surface. She questioned if the same standard applies with general residential.

Ms. Botten replied there are still requirements outside of the shoreland area that they are allowed the maximum amount based on lot size. City code allows an additional 10% of lot size, which used to be a conditional use permit, but is now no longer required. Now applicants only need to work with the engineering department to determine a stormwater management plan. The shoreland ordinance is separate and takes precedent over regular requirements, at 25% maximum. If the applicant's property were not located in the shoreland district, based on lot size, the applicant could have up to 35% impervious surface. Due to the location in the shoreland district it is 25%. Anything above that requires a conditional use permit. There is no maximum amount.

Commissioner Robertson questioned if it was in compliance with the impervious surface expectation as it is currently described.

Ms. Botten responded in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Clancy, to approve the request for a Conditional Use Permit to exceed the maximum impervious surface compliant with what is required for the Shoreland District and the variance for the setback requirements consistent with the neighborhood and using the practical difficulty as described by staff for property located at 7142 River Road. (23-05CV)

Motion carried (5/0). This item will go before the City Council on April 10, 2023.

5. OTHER BUSINESS None.

6. COMMISSION AND STAFF COMMENTS None.

7. ADJOURN

The Planning Commission Meeting was adjourned at 7:25 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Secretary