

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 5, 2022 – 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.

Commissioners Present: Elizabeth Niemioja
Dennis Wippermann
Pat Simon
Anthony Scales
Kate Challeen
Jonathan Weber
Robert Heidenreich
Scott Clancy

Commissioners Absent: Joan Robertson (excused)

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES

A. Approval of Minutes for March 15, 2022

The minutes were not available this evening. They will not be approved until distributed at the next meeting.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

A. Consider a Vacation of Easements to reduce the corner front easement from ten feet to five feet on the properties located at 7735 and 7736 Adler Trail (Alliant Ventures - Case No. 22-16VAC)

Reading of Public Notice

Commissioner Simon read the Public Hearing Notice to consider the request for Alliant Ventures – Case No. 22-16VAC. The request involves property located at 7735 Adler Trail and consists of a vacation of easement to reduce the front drainage and utility easement from 10 feet to 5 feet. Notices were mailed to 4 property owners on March 23, 2022.

Presentation of Request

City Planner Allan Hunting presented the request to vacate a portion of a drainage and utility easement along a private road. The easement is 10 feet, the Applicant proposes reducing it down to five feet total. This is located in the Scenic Hills Development with 80th Street to the south and Highway 3 to the west. The streets are in, units are being constructed. The lots are located at the northern end of the project on Adler. The original plans for the PUD had 5-foot setbacks between each unit, including up to the street. Typically, there is a 10-foot easement, this should have been 5 feet. The Applicant provided information showing there are no public or private utilities within the easement. Engineering doesn't have any issues with vacating the easement. Planning does not have any issues with it because it is consistent with the PUD Development Plan which showed a 5-

foot setback. Staff and Engineering recommend approval of the vacation as presented.

Commissioner Weber inquired if one request was addressed on Academy Lane before.

Mr. Hunting replied in the affirmative saying they were going to combine two lots and needed to vacate the internal easements.

Commissioner Simon questioned if Mr. Hunting was aware that the map included in the packet has Adler Trail with the end listed as Academy Lane.

Mr. Hunting replied the Surveyor probably did not have the latest street names when preparing their exhibits.

Commissioner Simon mentioned that the map has Adler Trail listed.

Mr. Hunting replied Adler Trail is the correct name.

Opening of Public Hearing

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the vacation of the drainage and utility easement as presented with the Condition noted by Staff for property located at 7735 Adler Trail for Alliant Ventures – Case No. 22-16VAC.

Motion carried (8/0) - This item will go before the City Council on April 25th, 2022.

B. Consider a Variance to install a pool and concrete surround within the corner setback on the property located at 4067 87th Street E. (Robin O'Reilly - Case No. 22-13V)

Reading of Public Notice

Commissioner Simon read the Public Hearing Notice to consider the request for Robin O'Reilly – Case No. 22-13V for property located at 4067 87th Street East. The request consists of a variance to install a pool and concrete surround within the corner front setback requirement and any other related variances. Notices were mailed to 7 property owners on March 23rd, 2022.

Presentation of Request

Associate Planner Heather Botten presented a request for property located on the corner of 87th and Crismon Way. The lot is zoned R-1C Single Family Residential. The front portion of the property is about 102 feet in width, going north the property narrows and is about 61 feet in the back of the property. The property is located on a curve. The Applicant is requesting a variance to construct a pool and concrete walkway about 21 feet from the property line. Due to the curve in the road, the encroachment is not as great with about 27 feet from the corner of the walkway closer to the house. Code requires pools and perimeter walkways maintain the setback requirements. In this case, due to the corner lot, there are two front yard setback requirements. They have a 30-foot front setback along 87th plus along Crismon Way. Internal side and rear setbacks for a pool would be 10 feet. Because of the corner lot the Applicant is requesting an encroachment variance of 21 feet instead of the required 30 feet. Right-of-way in the area is about 12 feet. The pool and walkway would be located over 30 feet from the curb. Staff believes the Applicant is proposing the pool in a reasonable area of the property. If moving the pool further to the east there are topography and berm challenges. This property is unique due to the curve in the road, there is no place on the property this pool could be constructed and comply with setback requirements. For

neighborhood aesthetics, the view would be visible from the right of way and abutting property owners. Staff believes keeping the pool in line with the house would visually have a lesser impact to people driving along the street and from abutting property owners. Staff believes there is rationale to support the request with the practical difficulty discussed and stated in the report with the four conditions listed. To note: One of the conditions is that the pool and surrounding walkway be kept in line with the westerly plane of the house. If the Commission does not agree but still wanted to support the request, the condition can be removed. Staff heard from one neighboring property owner who came in with general inquiries about the request.

Commissioner Simon asked if the pool and walkway were fine in terms of impervious surface.

Ms. Botten replied they were within the impervious surface requirements. The pool is not counted, the walkway is.

Commissioner Simon mentioned it looked like fill was brought in for a hockey rink. She asked if that was built up and if it was fairly new.

Commissioner Challeen asked if fencing was planned around the pool and if it needed its own variance.

Ms. Botten replied a fence is not planned at this time. The Applicants are proposing a hard cover over the pool for which a fence would not be required.

Chair Niemioja commented code allows for automatic covers.

Ms. Botten agreed. She stated it would be in lieu of a fence. If the Applicant chooses to put in a fence at a later time, she was unsure if a variance was needed as it would depend on height and location. She felt they should be able to put in a fence and comply with Code requirements.

Opening of Public Hearing

Robin O'Reilly, 4067 87th Street East, has read and understands the report.

Commissioner Simon asked if fill was brought in. She mentioned there wasn't any grass as they go down the hill to the neighbor to the north.

Ms. O'Reilly responded that initially there was a hill going up behind them, there wasn't a lot of space there and was unusable yard. The hill would go up and then into a steep drop off. That was leveled in anticipation for building this project. They temporarily put a hockey rink up.

Commissioner Wippermann asked if the pool would be going where the hockey rink is now.

Ms. O'Reilly responded it would be very close to that spot. The rink is a lot bigger with how it is situated.

Richard Schwab, 4067 87th Street East, said the rink is bigger than the pool. He was unsure how it compared with the apron around the pool.

Commissioner Wippermann mentioned that one of the conditions was to keep it in line with the house. He questioned if that was acceptable/workable for the Applicant.

Ms. O'Reilly responded they believed so. They came up with a plan based on recommendations from the pool, landscape, and how they were going to use it. Having received the report, they would still be working with a Landscaper to make sure it fits what their needs are.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Weber asked what the distance from the pool edge to the edging was if pushing the Applicant to lose that amount on the side in order to be in alignment with the house.

Ms. Botten thought it could be 4 feet, but did not have that information available.

Commissioner Weber's concern was with aesthetics and looking at this from an insurance standpoint. If too narrow on an end of the pool that seems to be the shallow end where there would be a lot of foot traffic, it would be difficult for them to decrease that edge because that would be where they would have a lot more people going in and out of the pool.

Chair Niemioja mentioned that was a point well made from a practical use of the pool.

Commissioner Weber said he did not want to narrow it up so much that it isn't useable.

Chair Niemioja asked Commissioner Weber if were to make the Motion, if he would strike that Condition.

Commissioner Weber responded in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the Variance with 3 out of the 4 Conditions listed with the rationale and practical difficulty listed in the Staff Report. The 4th Condition was omitted because safety is a concern with too narrow of a pad on that side.

Commissioner Challeen questioned if removing the Condition completely, if they would be leaving it wide open for how much they can encroach into the easement.

Ms. Botten replied it would still need to be approved on the site plan that was submitted/dated 1/12/2022.

Commissioner Weber said he could strike Condition #4 and utilize the site plan that was submitted on 1/12/2022.

Ms. Botten mentioned it is covered in Condition #1.

Chair Niemioja stated the original Motion stands with the original second by Commissioner Scales.

Motion carried (8/0). This item goes before the City Council on April 11, 2022.

C. Consider a Conditional Use Permit Amendment to expand the uses at the marina by adding a pavilion and a structure on the property located at 4455 66th Street E (River Heights Marina - Case No. 22-15CA)

Reading of Public Notice

Commissioner Simon read the Public Hearing Notice to consider the request for River Heights Marina – Case No. 22-15CA located at 4455 66th Street East. The request consists of a Conditional Use Permit Amendment to expand the uses on Marina property by adding a Pavilion and a movable structure, and a Variance from the exterior building material requirements for a structure and any other related variances. Notices were mailed to 7 property owners on March 23rd, 2022.

Presentation of Request

City Planner Allan Hunting pointed out the request deals with the Conditional Use Permit, not Variances. The property is the River Heights Marina located at 65th Street with Doffing to the west. The Application consists of an Amendment to the site plan to allow for 4,000 square feet of a concrete area that would be covered with an open sided pavilion rooftop to protect from the elements. The plan identifies an 8x20 structure that currently exists on the property. The plan notes that any approvals do not grant approvals for the use of that building currently. It is a shipping container the Applicant would like to use for an outdoor bar area. The container would require modifications and approvals from the Building Official to have occupancy.

The area being addressed is a flat area that has access via stairs from the restaurant. It is currently used for recreational purposes. The Applicant would like to have a hard surface and a roof over it so they can use it during all-weather elements over the summer. The location is outside of a floodway, in the flood fringe; of which an open sided building is allowed. It is far away from any setbacks and any wetlands on the west side. Engineering has reviewed the request and has no issues with the impervious surface because it will naturally drain to the west. There is vegetation to treat the water before it would go into the wetlands. Staff does not have any issues with it, it conforms with all requirements. It's an addition to the Marina and around the restaurant area for additional uses for Patrons. Staff recommends approval of the Conditional Use Permit Amendment with the Conditions listed in the report.

Commissioner Weber asked if they are planning to allow the Applicant to utilize the structure as additional seating for the restaurant.

Mr. Hunting replied that the Applicant wanted to use it as part of a serving facility that would be tied to the restaurant, they would be serving beer. He was unsure of the specific details. It would require some modifications. Any occupancy has to meet Building Code standards, which is currently does not.

Opening of Public Hearing

Joe Harms, 2185 67th Street, has read and understands the report.

Commissioner Weber asked if the prolonged use of this would be for additional seating for the restaurant.

Mr. Harms replied no, the area is currently used for a sport court area for Bags (Cornhole, Bean Bags). They are trying to eliminate the weather. The establishment has gone to a seasonal, 7 months out of the year business, they would like to take the weather out of it.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Weber, to approve the Conditional Use Permit with the 3 listed Conditions for property located at 4455 66th Street E (River Heights Marina - Case No. 22-15CA).

Motion carried (8/0). This item goes before the City Council on April 25th, 2022.

4. OTHER BUSINESS

5. ADJOURN

The meeting was unanimously adjourned at 7:26 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Secretary

DRAFT