

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 1, 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 (Chair)
Dennis Wippermann
Anthony Scales
Scott Clancy
Robert Heidenreich
Kate Challeen
Jonathan Weber

Commissioner Absent: Joan Robertson (excused)
Jaime Besser (excused)

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

2. ROLL CALL

3. CONSENT AGENDA

A. Approval of Minutes from the October 4, 2022, Regular Planning Commission Meeting.

The Planning Commission Meeting Minutes for October 4, 2022, were approved as submitted.

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

A. Request by Bituminous Roadways for a Temporary Sand and Gravel Zoning Ordinance for the mining and processing of sand and gravel at 11201 Rich Valley Boulevard. (Bituminous Roadways – Case No. 22-37ZC)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Bituminous Roadways, Inc. for property located at 11201 Rich Valley Blvd. The request consists of an Ordinance Amendment for the renewal of a five-year Sand and Gravel Overlay Permit and a Conditional Use Permit Amendment for the mining and processing of sand and gravel, an asphalt plant and contractor's yard with open storage and a five-year sand and gravel overlay district for the property.

Notices were mailed to 28 property owners on October 20, 2022.

Presentation of Request

City Planner Hunting gave a presentation and summary of the staff report for the Planning Commission.

Mr. Hunting explained that it was discovered that there was a discrepancy in the published and mailed public hearing notices. The discrepancy was that a parcel that needs to be included because the mining does go into that parcel was not included in the mapping or the location description. The public hearing notices will be sent out again to surrounding residents and published in the paper for a future meeting date that is yet to be determined.

Opening of Public Hearing

Kent Peterson, 6130 150th Street, Prior Lake, Bituminous Roadways, Applicant, stated he has read and understands the staff report. Mr. Peterson stated that he received an email from Mr. Hunting that included questions from Commissioner Heidenreich. One of the questions was about two wells that were not identified. There are two wells on the site sticking out of the ground on the property that were not identified on the plans. The property was originally a homestead. One well was sealed when the property was purchased. Mr. Peterson stated that he wasn't aware of the other well and the first time he had seen it was the picture that Mr. Heidenreich had sent to him. Mr. Peterson stated that he will look into that well and confirm that it is sealed properly.

Commissioner Heidenreich stated that his concern is that the mine has reached the aquifer. Certain toxins have shown up in reports that haven't been there before. Mr. Heidenreich suggested that a meeting be held with a third-party expert that can explain to the residents and commission what is happening on this site. Mr. Peterson stated that he would welcome the idea. Commissioner Heidenreich stated that an independent and unrelated engineering company should review the test results. Barr Engineering has miss calculated projects before and doesn't trust their review.

Chair Niemioja stated that it has been identified that the Commission cannot make a decision tonight because of the notices needing to be redone. More information is also needed about specific topics.

Commissioner Scales inquired what the main purpose would be to bring in a third-party engineering company. Barr Engineering is hired by the City of Inver Grove Heights. Mr. Hunting confirmed that is correct. They are hired to review the environmental projects. Commissioner Scales stated that having personal opinions and not expertise knowledge on this topic.

Commissioner Heidenreich stated that the City of Inver Grove Heights has been given the authority to regulate the licenses and permitting. Commissioner Heidenreich doesn't think that the test results are being reviewed well enough and questioning why the chemicals continue to increase beyond the allowed limits.

Mr. Peterson questioned if Barr Engineering could review and comment on the testing results. Commissioner Heidenreich stated that would be a decision for the Planning Commission.

Chair Niemioja stated that we do agree that there is more information that the Planning Commission would like to see.

Mr. Peterson confirmed that an analysis of the testing results should happen to provide more information.

Commissioner Challeen questioned if clean soil backfills enough to eliminate risk of contamination. Mr. Peterson confirmed that it is and identifies areas to avoid. Commissioner Challeen inquired about what their rapid response is in the event of an emergency.

Michaela Whelan, 10830 Nesbitt Avenue South, Bloomington, Sunde Engineering, stated a different company put together the Spill prevention plan. Mining closer to the well water, that company would review this plan again.

Mr. Peterson stated that he will review and follow up.

Commissioner Heidenreich inquired about the foundry sand that is being stored on the south east corner of the property. Explain what they are and that they are high in brass, copper, iron and aluminum. Mr. Peterson stated that the sand is located north of the Wicker property. A lot of testing has been done on the sand and that it hasn't moved. Commissioner Heidenreich stated that there is sand in the north but that the plans also show that the sand is located in south east corner. Mr. Peterson stated that must have been prior to expanding.

Commissioner Clancy inquired what foundry sand is. Mr. Peterson stated that it's a sand created by a company out of Minneapolis. They tested it and wanted to see the sand used, and it was brought to the property in the 90's to be blended with current sand. The site ended up accumulating more than what could be used. The leftover sand hasn't moved and has been in place for the last 20 years.

Chair Niemioja stated that the proposed next step should be to have Mr. Hunting and the applicant review and collect additional information.

Commissioner Heidenreich inquired about the past and future storage of moss shingles. Mr. Peterson stated that they would bring shingles to their site and ground them up and reuse it in the asphalt mixtures. The process hasn't been done onsite for almost 10 years now.

Commissioner Challeen inquired if this item could go before the Environmental Commission before it is brought back to the Planning Commission. Mr. Hunting confirmed that it will.

Chair Niemioja closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Wippermann to continue the proposed Bituminous Roadways item until further notice.

Motion carried (7/0).

B. Request by Builders Lot Group for a Preliminary and Final Plat for Peltier Reserve 2nd Addition and a Planned Unit Development to change the approved front yard setback for the development. (Builders Lot Group - Case No. 22-46PUD)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Builders Lot Group for property identified as Outlot L, Peltier Reserve and generally located at Agate Trail and 72nd Street. The request consists of a Preliminary and Final Plat for Peltier Reserve 2nd Addition and a Planned Unit Development to change the approved front yard setback for the development.

Notices were mailed to 5 property owners on October 20, 2022.

Presentation of Request

City Planner Hunting gave a presentation and summary of the staff report for the Planning Commission.

Opening of Public Hearing

Steven Soltau, 9531 W. 78th Street, Suite 135, Eden Prairie, Builders Lot Group, Applicant, stated that he read and understands the staff report. Is available for any questions.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann stated that usually a 30-foot minimum front yard setback is required, this project has already been granted a 25-foot minimum front yard setback and is now requesting a 20-foot minimum. Doesn't see the change enhancing the appearance or livability of the neighborhood. Will be voting no for that part of motions.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Scales to approve the Preliminary and Final Plat of Peltier Reserve 2nd Addition.
Motion carried (7/0).

Commissioner Weber stated that the proposed setbacks are common in the Northwest Area but questioned if they are common in Settlers Ridge and other surrounding developments. Mr. Hunting stated the code does allow for a 20-foot minimum front yard setback and is an automatic that doesn't need to be requested. Developers are asking for both 20- and 25-foot minimums.

Commissioner Challeen questioned if the changing the Planned Unit Development Amendment would affect anything beyond the Northwest Area or if it is only for the proposed development. Mr. Hunting stated that the change is only for this development.

Motion by Commissioner Scales, Second by Commissioner Weber to approve the Planned Unit Development Amendment to show a 20-foot minimum front setback as shown on the PUD Applied Standards plan dated 10-19-2022.
Motion carried (6/1). Wippermann.

This item goes before the City Council on November 28, 2022.

4. OTHER BUSINESS

None.

5. ADJOURN

The Planning Commission Meeting adjourned at 7:41 p.m.

Minutes prepared by Community Development Support Specialist Stacy Bodsberg.