

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 21, 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
Jonathan Weber

Commissioners Absent: Dennis Wippermann (excused)
Jaime Besser (excused)
Vacant

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

3. APPROVAL OF MINUTES

A. Approval of Meeting Minutes from the March 7, 2023, Regular Planning Commission Meeting.

The meeting minutes from March 7, 2023, were approved as submitted.

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

A. Consider a request by Michael Santema, 2421 105th Street East, for a Variance to exceed the maximum size of an accessory structure allowed on a residential property. (23-06V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Santema, Case #23-06V, for property located at 2421 105th Street East, identified as PID#20-84775-03-070. The request consists of a Variance to construct a 4,050 square foot detached accessory building and to allow more than one detached accessory building on the property. Notices were mailed to seven (7) property owners on March 2, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the property located on the east side of Barnes Avenue, north of 105th Street, zoned Agricultural. The property is 5.13 acres in size. The lot consists of a single family home with an attached garage and an old 160 square foot milkhouse on the property. A large wetland intersects the property. Because it is not DNR protected wetland, the land underneath it can be included toward the size of the lot when looking at the buildable area. The applicant requests a Variance to construct a detached accessory building, 4,050 square feet in size. Rural Residential properties greater than five acres are allowed to have a maximum of two detached accessory buildings with a gross square footage of 2,400 square

feet. The applicant states the additional size is needed to store his own personal items. The accessory building would be located at least 60 feet to the closest property line, in compliance with setbacks and impervious surface requirements. All zoning requirements would be met with exception to the size. The city recognizes that larger structures may be appropriate with large lot residential areas. Regulations on gross square footage and the number were created to regulate the massing of structures on larger lots. The City Council reviewed and modified the size and number of accessory structures in 2021, when the size allowance was increased for lots 3.4 to 5 acres in size. Lots greater than 5 acres were not reviewed. Staff does not believe the Variance to allow the additional size to be consistent with the Zoning Ordinance and believes it may be considered a convenience to the applicant and not a practical difficulty. Staff recommends denial of the request with the rationale stated in the report. Staff has not heard from any surrounding property owners.

Chair Niemioja requested clarification on the 3-5 acre detached accessory building size and range.

Ms. Botten replied the total square footage allowed would be lot size multiplied by 480 square feet.

Commissioner Robertson asked what the maximum size would be for this property using that formula.

Commissioner Weber responded that it would be 2,467.20.

Commissioner Challeen noted the maximum size indicates greater than or equal to five acres. She does not believe anything should be calculated higher than 2,400.

Mike Santema, 2421 105th Street, said he has read and understands the report. He said he did have a practical difficulty; after 40 years he discovered that the pond is not a DNR wetland. The entire acreage can now be used. The pond cuts him off from the backside of the property.

Commissioner Robertson shared that she viewed the property from the street today and noticed a very large non-permanent structure.

Mr. Santema replied it is a poly tarp with a dirt floor.

Commissioner Robertson asked if there was another building close to it.

Mr. Santema replied he has two of the poly tarps, he also has the old milkhouse that is over 100 years old.

Commissioner Robertson asked what the plans were for the poly tarp buildings with dirt floor. She questioned if the building proposed would be located on the exact spot.

Mr. Santema replied those would be removed and not used again. They only last three years before needing to be retarped. The tarps are 20 feet long and 10 feet long. The new building would start about the center of the longer one going backwards. He would stop at the 60-foot setback.

Commissioner Robertson asked how high the building would be and if it would be single-story.

Mr. Santema replied for now it would be 14 feet, he is contemplating going 16 feet. There is currently a motorhome sitting there. All that is visible is the top air conditioners due to the property elevation. All that would be seen from the road would approximately 4 feet of the building.

Commissioner Robertson asked for the length and width of the proposed building.

Mr. Santema replied that it would be 54 feet wide, 75 feet long, and 4,050 square feet.

Commissioner Heidenreich asked if the motorhome would be parked outside the new structure. He had noticed a couple of motorhomes there. He questioned if the other vehicles would go into the building. He also noticed a new sawmill.

Mr. Santema replied the motorhome would be sold. He has another motorhome for parts. After taking out the parts needed, he would junk it. The other vehicles are collector items that would go into the building. He addressed the sawmill stating he has eight large oak trees that died, and he would be cutting them up.

Commissioner Heidenreich mentioned there was an additional garden shed next to the driveway and asked if that would be retained.

Mr. Santema replied that is his wife's she shed. She is a master gardener and wants to move into the new shed. His living room and dining room are where she propagates plants.

Commissioner Robertson asked what the size of the gardening shed was.

Mr. Santema responded it is 8x8 without footings, on blocks.

Chair Niemioja asked if there was a concrete slab anywhere on the property this structure would go on.

Mr. Santema replied there is concrete on the neighbor's property.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja said she liked the idea of cleaning up the area.

Commissioner Weber asked when the large building on the property to the south was built. He said he felt it may be close to the same size as the building under discussion.

Ms. Botten agreed it was close to the same size but could not recall when it was built. It was built as an agricultural building.

Commissioner Weber questioned if this could be called an agricultural building the applicant's wife would propagate flowers in.

Ms. Botten replied that does not qualify as an agricultural use. If it is a building primarily being used for agricultural uses, it is exempt from size restrictions.

Commissioner Heidenreich questioned if there was a window on the south side that would let plants grow, if it would be an agricultural building.

Ms. Botten replied the primary use of the building would not be for agricultural uses.

Commissioner Weber mentioned he knows the neighborhood well, there are multiple large buildings. He asked what their definition of agricultural uses was.

Ms. Botten replied that city code has a definition but generally uses would be primarily for hay, animals, tractor(s), etc.

Commissioner Challeen said she did not believe they could come up with a practical difficulty that would work. She said she sees the benefits of having one when driving by the property. Aesthetically it wouldn't be a detractor to make this change. She was unsure what the Planning Commission does with a situation like this.

Chair Niemioja said she did not believe it was within the Commission's power to avoid the practical difficulty issue. She stated that a motion could be made with a recommendation to the point made by Commissioner Challeen. She mentioned she looked through her notes for a practical difficulty on going over in size and found it has been due to pre-existing slab square footage. She was unable to find a practical difficulty in this situation.

Commissioner Robertson shared having visited the site as it exists now, the building proposed would be equal to or larger than what is already there with the tarp buildings. She found the proposed size to be an overwhelming presence on the lot given its location relative to the house and size of the house. She finds it difficult to double what is allowable in size. It is far in excess of what the City Council established a few years ago.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Heidenreich, to deny the request by Michael Santema, 2421 105th Street East, (23-06V), for a variance to exceed 4,000 square feet, well over the maximum size allowed for an accessory structure on a residential property.

Motion carried (6/0). This item will go before the City Council on April 10, 2023.

B. Consider the following requests by SMNPT 1, LLC, for property located at Blaine Avenue and Upper 55th Street, PID No. 20-14153-01-020 (23-09PUDA):

- 1. Ordinance Amendment to the Southeast Quadrant Planned Unit Development Ordinance to allow a 2,350 square foot restaurant with a pick-up only drive through window; and**
- 2. Preliminary and Final Planned Unit Development approval for the restaurant.**

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for SMNPT 1, LLC, Case #23-09PUDA. The request involves property located at Blaine Avenue and Upper 55th Street, PID #20-14153-01-020. The request consists of a Planned Unit Development Amendment to develop a site to contain a single restaurant tenant building. Notices were mailed to 14 property owners on March 2, 2023.

Presentation of Request

City Planner Allan Hunting discussed the request for vacant property located at Blaine Avenue and Upper 55th Street. The property is owned by Key Community Bank who is selling the parcel for development. The area is known as Southeast Quadrant PUD/Bishop Heights. For every use that comes in, the PUD Ordinance is amended to allow the use specifically. The request is for a 2,300 square foot Chipotle sit down restaurant. There would be a drive-up window for pick-up of online orders only. The Commission would also review the preliminary and final site plan. The project consists of the building, parking, the drive-up window area, and a drive out only onto a private road that serves the other two strip centers. This meets parking requirements, has plenty of stacking space for pick up, and utilizes the existing entrance point. To improve internal traffic, staff recommends installation of a stop sign to control traffic. There is an existing stop sign on the north side. The proposal complies with landscaping and exterior materials and meets code. Staff recommends approval of the site plan and ordinance change as presented and listed in the staff report.

Opening of Public Hearing

Paul Tucci, 11985 Technology Drive, stated he has read and understands the report. He mentioned that the building size is 2,371 square feet.

Commissioner Robertson asked when construction would begin if approved.

Mr. Tucci replied if they could receive a permit today, they would start tomorrow. The goal is to get the store built and operating this calendar year. Due to the slope they need to put a retaining wall on the west side of the property. He said they were able to get some additional hard surface from Key Community Bank which allowed the height of the wall to come down. The only thing they still have to paper is with the adjoining north and south property owners regarding current retaining walls. They would like to be in the ground on the project mid-May.

Chair Niemioja asked about the concept of the pick-up window and if it was the new way of the future or something new with Chipotle.

Mr. Tucci replied it was something Chipotle was working on pre-COVID. With COVID, it exploded favorably. It is something new. About 40% of sales go through that window. The technology allows a customer to pull into the lot, send in an order, and a text would be sent when ready. People move through the window with items already paid for. This is not a pull up order window, it's digital pick up. It will state digital pick up lane to ensure people know it is not an order lane, it's a pick up lane. He mentioned that traffic counts had to be shared.

Commissioner Weber asked where snow from the parking lot would go.

Mr. Tucci replied if having a year like this one, it would be trucked off site. There is room at the far east end, the other side of the shared drive lane, and on the north side. If allowed, another option would be to use 3-4 of the angled parking stalls in the back.

Commissioner Weber said his concern with pushing snow onto the east side is that it may create a view blockage for people in and out.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Clancy, to approve the Ordinance Amendment to the Southeast Quadrant Planned Unit Development to allow the 2,350 square foot restaurant with a pick-up only drive thru window and the preliminary and final Planned Unit Development approval for the restaurant with the five (5) conditions listed for property located at Blaine Avenue and Upper 55th Street, PID No. 20-14153-01-020, (23-09PUDA).

Motion carried (6/0). This item will go before the City Council on April 10, 2023.

City Planner Hunting stated the date would be April 24, 2023 as staff works through the improvement agreement and makes sure plans are approved before going to the City Council.

C. Consider a request by Paws Abilities Dog Training, 6475 Cahill Avenue, for a Zoning Code Amendment & Conditional Use Permit to allow for the operation of a dog training business. (23-07CZA)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Paws Abilities Dog Training, Case# 23-07CZA. The request involves property located at 6475 Cahill Avenue, PID# 20-88120-01-010. The request consists of a Zoning Code Amendment and Conditional Use Permit to allow for the operation of a dog training business and any related variances. Notices were mailed to 40 property owners on March 2, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the west side of Cahill Avenue, north of 65th Street, zoned B-3, General Business District. The applicant is requesting to operate a dog training business within the existing multi-tenant commercial building. Current city code does not address dog training facilities; therefore, it would not be allowed. The applicant requests amending the code to add a definition and to amend the land use table to have this be an allowed use.

Staff believes this type of use be a conditional use as it is similar to doggy daycare, which is also a conditional use. The property the applicant is planning to utilize is .9 acres in size. Current building tenants include Bike King, Little Caesar's, and J's Fish and Chicken. The dog training

facility would be located in the northern half of the building with approximately 6,200 square feet. Staff reviewed the CUP criteria and believes with the approved amendments; a dog training facility would be a good use in the B-3 District. The B-3 District is for service type uses. There are no proposed building additions or changes to the exterior at this time. Access to the property will not change with one point off of Cahill Avenue and the other off of 65th Street. Parking was reviewed and meets parking requirements. The applicant states they would likely be busiest at night and on weekends. That may be the same as some of the other businesses in the building. If parking becomes an issue, there is on-street parking along 65th Street. Outdoor areas the dogs may use would have to be picked up daily. Owners would have to pick up after their pets; workers would go out nightly to ensure waste is picked up. Barking would be mitigated by an existing concrete block firewall between the businesses, the suspended ceiling, and a rubberized floor installed by the applicants which would help absorb some of the sounds. Staff believes the general CUP criteria has been met and recommends approval of the zoning code amendments and the CUP for the proposed use with the seven conditions listed in the report. Staff has not heard from any of the surrounding property owners.

Chair Niemioja asked if dog grooming facilities were placed in the B-3.

Ms. Botten replied there are some, but is not currently listed as a separate land use category.

Opening of Public Hearing

Sara Reusche, 13816 Shelly Lane, Burnsville, stated she has read and understands the report. The following was shared about the business and policies:

Paws Abilities Dog Training has been in business for 24 years. They started in 1999. There are currently two facilities: one of similar size in Oronoco (near Rochester) and a site in Eagan. There are 40 team members total between the two locations. They also virtually offer online dog training services with clients all over the world. She shared that they have the highest number of certified professional dog trainers in the State of Minnesota. The Certification Council for Professional Dog Trainers is a voluntary organization that provides independent certification. Their field is currently un-regulated. The Certification Council for Professional Dog Trainers does a really nice job of making sure people meet the criteria of veterinary references, experiences, and hands on experience of at least 300 hours. Applicants have to pass a four-hour written exam. If becoming a certified professional dog trainer, they would have to re-certify every three years by showing they have obtained a certain number of continuing education credits. A good deal of their trainers are already CPDP's, those that are not are working towards their exams, with three people testing this spring.

Offered services include:

- A variety of training services and classes
- Private one on one training
- Day training where they go to people's homes to work with the dogs one on one and transfer those skills to the owner
- Puppy socialization
- Dog sports
- Problem solving. Behavioral issues
- They do not board dogs

Company values are compassion, integrity, joyfulness, community, and a drive to continue education. There are protocols on board in terms of cleanliness with a checklist that must be completed when training is finished for the night.

Chair Niemioja asked if Inver Grove Heights was selected because they are on a corridor from Eagan and Oronoco.

Ms. Reusche replied they have a large number of clients who come from Inver Grove Heights. They have noticed that Inver Grove Heights is becoming known as being a dog friendly community with the newer dog park. This is an opportunity to expand that and help the city become known as a dog friendly community.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja said she believes Inver Grove Heights is becoming a dog friendly place. She loves the dog park and their groomer. This would be a nice addition.

Commissioner Challeen questioned what would be done with dog waste.

Commissioner Robertson mentioned she takes the comment about being a dog friendly city as a compliment to the city. She shared that a few weeks back there was a large article in the St. Paul paper about doggy daycares. She thought the concept was brilliant. She was happy this proposal guides the city into that kind of thinking. She was pleased this proposal was brought to the city.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the Zoning Code Amendment to Section 10-2-2 Definitions and 10-6-2 Land Uses Table and approve the Conditional Use Permit to allow the dog training facility subject to the 7 conditions listed for Paws Abilities Dog Training, 6475 Cahill Avenue, (23-07CZA).

Motion carried (6/0). 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 7:48 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary