

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 6, 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. OATH OF OFFICE

Community Development Support Specialist Bodsberg administered the Oath of Office to two new Planning Commissioners Aida Schaefer and Jason Teiken.

3. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Robert Heidenreich
Dennis Wippermann
Aida Schaefer
Jason Teiken

Commissioners Absent: Jonathan Weber (Excused)
Scott Clancy (Excused)
Lance Twedt (Excused)
Vacant

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

4. ELECTION OF OFFICERS

Chair Niemioja stated that new commissioners are seated annually, with that the election of Chair, Vice-Chair and Secretary will be conducted.

Motion by Wippermann, Second by Heidenreich, to nominate Elizabeth Niemioja for the position of Chair.

Ayes: 5

Nays: 0 Motion carried.

Motion by Heidenreich, Second by Wippermann, to nominate Scott Clancy for the position of Vice-Chair and Jonathan Weber for the position of Secretary.

Ayes: 5

Nays: 0 Motion carried.

5. CONSENT AGENDA

A. Approval of the May 2, 2023, Planning Commission Meeting Minutes.

B. Approval of the May 16, 2023, Planning Commission Meeting Minutes.

Minutes approved as submitted.

6. PUBLIC HEARINGS

Chair Niemioja stated that item 6.D. on the Planning Commission agenda, request from RhinoTech Inc., has withdrawn their application and is no longer on the agenda for tonight's meeting.

A. Consider a Request by Brett Phares, 6938 Booth Ave, for a Variance to allow a Lot Line Adjustment that creates a lot to be less than eighty-five (85) feet wide and a Variance to allow an accessory structure on a lot before a primary structure. (Case No. 23-20V)

Reading of Public Notice

Commissioner Heidenreich read the Public Hearing Notice. The notice was mailed to 7 properties on May 18, 2023.

Presentation of Request

Senior Planner Hunting presented a summary of the staff report.

Planning Commission Discussion

Commissioner Wippermann inquired if the accessory structure as it stands today would be considered a legal non-conforming structure. Hunting stated that because of the size of the shed a building permit was not required. It would not be a legal conforming structure because at no time was it ever allowed or legal. Wippermann stated that the proposed change in lot lines would not change the shed status. Hunting confirmed that is correct.

Opening of the Public Hearing

Brett Phares, 6938 Booth Ave, Applicant, confirmed that he has read and understands the staff report. Mr. Phares questioned if the shed could stay in its current place until the newly created lot was sold. He needs it to stay in place to store lawn equipment that is used to take care of the empty lot. Niemioja questioned if there was a concrete slab under the shed. Phares stated that there is not, the shed is on concrete blocks. Will look into moving the shed with a bobcat onto his lot.

Ilya Zubarev, 17218 Finch Path, Farmington, 55024, inquired if the concrete blocks are mortared in place if that would be considered a Practical Difficulty. Mr. Phares stated that the blocks are not mortared and only stacked.

Planning Commission Recommendation

Motion by Heidenreich, Second by Wippermann, to Approve the Variance Request to Allow a Parcel with less than 85 feet of Lot Width at Setback Line subject to the Conditions listed in the Staff Report and based on the Practical Difficulty listed in the Staff Report.

Ayes: 5

Nays: 0

Motion carried.

Item goes before City Council June 26, 2023.

Commissioner Schaefer questioned what the rationale or intent is behind the rule that a primary structure must be on a lot before an accessory structure. Hunting stated that the assumption is that with single family properties there would be a primary structure before you would have an accessory to the primary structure. Schaefer questioned if the two lots are owned by the same people would the accessory structure still be in violation. Hunting stated that it would be, because the lots are still considered two separate lots regardless of ownership.

Brett Phares, 6938 Booth Ave, Applicant, stated that he would like the accessory structure to be grandfathered in because when they purchased the properties, they were surveyed wrong. Was under the impression that they were purchasing one parcel of land, not two separate parcels.

Motion by Heidenreich, Second by Schaefer, to Deny the Variance Request to allow an Accessory Structure on a Lot Prior to the time of Construction of the Principal Structure.

Ayes: 5

Nays: 0 Motion carried. Item goes before City Council June 26, 2023.

B. Consider a Request by Ryan Rechtzigel, 5850 Asher Ave, for an after-the-fact Variance to allow a detached accessory structure 1,365 square feet in size, whereas 1,000 gross square feet is the maximum size allowed. (Case No. 23-23V)

Reading of Public Notice

Commissioner Heidenreich read the Public Hearing Notice. The notice was mailed to 4 properties on May 18, 2023.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Opening of the Public Hearing

Ryan Rechtzigel, 5850 Asher Ave, Applicant, stated that he has cars and tools that he uses for his occupation as a tile layer that he would like to have stored inside a garage. The neighbor has over 2,000 square feet of garage space allowed on his property. A contractor was hired to build the garage and he was under the impression that a permit was pulled and done correctly. Chair Niemioja questioned if he operates his business out of the garage. Mr. Rechtzigel stated that he is a one man show and that the garage just houses the tools.

Commissioner Heidenreich questioned if tile setters are required to be licensed contractors. Mr. Rechtzigel stated that he does not have a contractor's license, he is a subcontractor. His jobs are only finishers, tiling floors, and showers.

Jacob Buendorf, 6601 Buckley Circle, stated that he has no relation to the applicant, but has experienced the process of building a detached garage. Understands the frustration with lot sizes and zoning requirements. Doesn't believe that requiring the applicant to take down the garage is an acceptable punishment. The garage doesn't impact the city or residents in a negative way that would warrant a substantial cost to the applicant.

Planning Commission Discussion

Chair Niemioja stated that while working at Salem Elementary she has seen the structure. It looks aesthetically nice but is large. Unfortunate that there wasn't a building permit pulled originally.

Tuesday, June 6, 2023

Commissioner Heidenreich stated that the City Council has more flexibility over this sort of situation than the Planning Commission. A precedence does not want to be set.

Commissioner Wippermann stated that he is concerned that they would be setting a situation where it would be easier to ask for forgiveness than for permission. A reasonable practical difficulty would have to be found and am not sure what that would be.

Commissioner Teiken questioned if the neighbors garage space is 2,000 square feet as the applicant implied. Mr. Rechtzigel stated that the accessory structure is about 1,200 square feet and there is about a 900 square foot attached garage. His one garage is still smaller than the neighbors two garage buildings square feet. Teiken stated that because the applicant doesn't have space for an actual garage, would that be able to be used as a practical difficulty. Mr. Rechtzigel stated that the original garage was a tuck under garage, that had flooded and when the past owners went to fix the issue, they didn't fix it correctly.

Commissioner Heidenreich questioned if the rules change if the applicant is running a business out of his home/garage. Botten stated that home occupations are not allowed to run out of residential accessory buildings. Mr. Rechtzigel stated he needs a secure place to store his own personal tools and vehicles.

Commissioner Schaefer questioned if a breezeway was built connecting the primary and accessory structures, would it still be considered an accessory structure. Botten stated that a breezeway doesn't work towards connecting the two structures. There would have to be shared walls, that had foundation and footings, for it to be considered an attached structure. If that was possible, it would be considered a house addition.

Planning Commission Recommendation

Motion by Heidenreich, Second by Wippermann, to Deny the Variance Request for an Accessory Structure 1,365 square feet whereas 1,000 feet based on the Conditions listed in the Staff Report.

Ayes: 5

Nays: 0 Motion carried. Item goes before City Council June 26, 2023.

C. Consider a Request by Ilya Zubarev, PID No. 20-81403-00-010, for a Comprehensive Plan Amendment to change the Land Use from Mixed Use to MDR, Medium Density Residential for a potential townhome development located on a lot at the southeast corner of Buckley Way and Buckley Circle. (Case No. 23-21PA)**Reading of Public Notice**

Commissioner Heidenreich read the Public Hearing Notice. The notice was mailed to 70 properties on May 18, 2023.

Presentation of Request

Senior Planner Hunting presented a summary of the staff report.

Planning Commission Discussion

Commissioner Schaefer questioned if the environmental concerns are making it hard for a commercial loan and development. Wouldn't it be more concerning to have residential development on the site. Hunting stated that the landowner would have to do environmental reviews before they did go ahead and develop the land.

Opening of the Public Hearing

Ilya Zubarev, 17218 Finch Path, Farmington, Applicant, stated that he has read and understood the staff report. The unique property has been listed as possibly being contaminated.

Businesses that would want to develop the site would want to use a small business administration loan, but that sort of loan cannot be used on this sort of land. The property has been for sale for over 20 years, with potential businesses interested but with the archive of potentially being contaminated can't be developed using business loans. By changing the land use to medium density residential, the plan would be to build townhomes using a conventional loan. The first phase would include three townhomes, with the first home being for his family, the next home for his mother and the third home for his brother. The interest in this specific property is because it is small enough that they can afford. Tests were done on this property and all the results came back below the Minnesota pollution standards. That shows that it is safe to develop the property, but the site remains on the archive.

Chair Niemioja questioned what the target price for each unit would be. Mr. Zubarev stated that the plan is to not sell any of the units. Family and friends should be able to fill them, in-between they would be rented to reasonably vetted people.

Commissioner Schaefer questioned staff if TIF loans would be available to help develop this property. Community Development Director Rand stated cities often do have TIF loans available to help offset costs with some properties. The City of Inver Grove Heights does not have any TIF districts.

Jacob Buendorf, 6601 Buckley Circle, stated that he lives next door to the property that is being discussed. Not opposed to new development, worried about changing from commercial to residential. Is a fan of the 2040 Comprehensive Plan and the plan for this area. Would like to see the zoning stay Mixed Use and keep the assortment available in the area. Concerned that the backyards of the townhomes would be a concern for neighboring commercial properties.

Janice Darsow, 6610 Buckley Circle, stated that her backyard faces the property. Is not opposed to change but is wondering if the townhomes will be like the surrounding townhomes. Would the proposed 10 units be feasible on this property. Hunting stated that the applicant would have that figured out during the Site Plan review and may not be able to get to 10 units.

Mr. Zubarev showed the design of what the townhomes would look like. Is also open to different design options.

Beth Marschall, 6640 Buckley Circle, stated that she has lived there for 35 years, and the lot has always been empty. If the change goes through, then doesn't end up happening. Can the property be changed back to Mixed Use. Hunting stated that if the City Council approved the Site Plan the guiding and rezoning would change to residential. If the project doesn't happen, and a different applicant proposes a new project for a different land change.

Questioned if the townhomes would be built right away. Mr. Zubarev stated that three units would be built right away and then sporadically over 10 years span.

Ms. Marschall stated that when it comes to having the townhomes being rentals, a lot of the neighbors are seniors and with the turnover that rental units create.

Natasha Zubarev, 17218 Finch Path, Farmington, Co-Applicant, stated that they have rented the basement of their current house in the past, and have made sure that all the renters have been vetted as safe. They plan on moving into the community and will be living on site and will have kids in the next few years. Also, hoping that a lot of their friends will live on site as well.

Beth Marschall, 6640 Buckley Circle, stated that the corner that the parcel is in, it not very safe, people really speed and it's a very busy area. Parking may also be an issue, and especially during Inver Grove Heights Days.

Jacob Buendorf, 6601 Buckley Circle, questioned what the minimum number of units would be considered medium density residential. Hunting stated that medium density residential range is 8-12 units per acre and this parcel is 0.92 acre. Mr. Buendorf questioned what would happen if the applicant was only able to afford to build the three first units. Hunting stated that he is not sure that has ever been the case with a project.

Chair Niemioja questioned if there was ever a thought to subdivide the units instead of renting them. Mr. Zubarev stated that they would be subdivided and if they do need to sell off a couple at a time if they need.

Commissioner Teiken questioned how many units at a time would potentially be rented. Mr. Zubarev stated that the idea would be to have all 10 units have family and friends living in them and in between, renters that they get to know.

Marie Gadway, 6601 Buckley Circle, #104, stated that having the units being rented shouldn't be a problem because the owners will also be living on site.

Planning Commission Discussion

Commissioner Heidenreich stated that the land has been vacant for 35 years, obviously what they have been trying isn't working. Recommend the change and have more residents.

Commissioner Teiken stated that there is street facing commercial space available along Cahill Ave, the need for housing is there.

Chair Niemioja stated that their points are all well made. The property fits well with medium density residential bordering the site.

Commissioner Wippermann stated that it seems to be an appropriate change for the property.

Planning Commission Recommendation

Motion by Wippermann, Second by Heidenreich, to Approve a Comprehensive Plan Amendment Request Subject to the Conditions listed in the Staff Report.

Ayes: 5

Nays: 0 Motion carried. Item goes before City Council June 26, 2023.

7. COMMISSION AND STAFF COMMENTS

None.

8. ADJOURN

Motion to adjourn the Planning Commission Meeting at 8:56 p.m.

Respectfully submitted, Community Development Support Specialist Bodsberg