



Inver Grove Heights Planning Commission
Wednesday, August 2, 2023 at 7:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Stacy Bodsberg (sbodsberg@ighmn.gov). Comments received prior to 4:00 p.m. on Wednesday, August 2, 2023, will be provided to the Council at or before the August 2, 2023 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Approval of the July 18, 2023, Planning Commission Meeting Minutes.
4. **Public Hearing**
 - A. Consider a Comprehensive Plan Amendment to change the land use from CC, Community Commercial to LI, Light Industrial, Rezoning from B-3, General Business District to I-1, Limited Industry District, and a Conditional Use Permit for a contractor's yard with outdoor storage for the property located at 9150 Jefferson Trail. (Corey Dotas - Case No. 23-28ZC)
 - B. Consider a Variance for an accessory structure exceeding the allowable square footage on the property at 1565 82nd Street West. (Tim Hill - Case No. 23-32V)
5. **Regular Business**
6. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Stacy Bodsberg, Community Development Support Specialist, at 651.450.2545 or sbodsberg@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 18, 2023 – 7:00 p.m.
City Council Chambers – 8150 Barbara Avenue

1. CALL TO OFFICE

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 Stacy Bodsberg administered the Oath of Office to appoint new Planning Commissioner Trisha Presley.

3. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Scott Clancy (Vice Chair)
Jonathan Weber (Secretary)
Dennis Wippermann
Aida Schaefer
Jason Teiken
Lance Twedt
Trisha Presley

Commissioners Absent: Robert Heidenreich (excused)

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

4. CONSENT AGENDA

A. Approval of the June 20, 2023, Planning Commission Meeting Minutes.

Minutes approved as submitted.

5. PUBLIC HEARINGS

A. Consider a Comprehensive Plan Amendment, Rezoning from I-1, Limited Industrial to I-2/PUD, General Industrial/Planned Unit Development; and a Preliminary & Final Plat for a two-lot subdivision; and Preliminary & Final PUD Plan for a 5,600 square foot industrial building on property located at 8245 Argenta Trail. (Bulk Fluid Systems - Case No. 23-29S)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. The notices were mailed to 9 property owners on June 30th, 2023.

Presentation of Request

City Planner Allan Hunting discussed the proposal of a manufacturing use that would make windshield washer fluid. Improvements on the site include a 5,600 square foot building and 4 above ground storage tanks on the south side of the building; the largest one would be a 20,000-gallon tank containing methanol. The property is currently zoned and guided Industrial, I-1. It is proposed to change to I-2. It has been zoned since 2002. A manufacturing use is a

Tuesday, July 18, 2023

conditional use in the I-1 district, a permitted use in the I-2 district. The property is currently divided into 2 lots under the same ownership. The applicant would be purchasing the northern lot, platting involves slightly changing the boundaries. The rezoning request to I-2 is due to the fact that the city fire code does not allow above ground storage tanks for the size proposed. A comprehensive plan change would have to occur to keep the zoning in the land use categories consistent with one another. The applicant proposes rezoning the northern portion of the lot to general industrial, which is consistent to the property that is directly to the north. Staff does not see any issues with the plat. To note, the Dakota County Regional Trail, (Mendota Lebanon Hills Regional Trail) would run along the west boundary as it gets built. At this time a 30-foot-wide trail easement is required to be dedicated for the future County trail.

Site Plan:

- 2 curb openings
- Storage tanks on the south side
- No other improvements to Auburn Path are required
- Project complies with performance standards of the northwest area with the exception of the following. Applicant requests flexibility:
 - Front yard/parking lot would be at front property line
 - Rationale is that Auburn Path has an odd existing right of way
 - Due to the unique configuration of the right of way, staff supports
 - Meets required minimum open space requirements for disturbed/undisturbed
 - Due to narrow lot width, requesting flexibility
 - Significant amount of the lot is still open space, staff does not see an issue with the request

The applicant indicated there would be approximately six (6) employees working on site and making deliveries. There would be two trucks per day coming in and out of the site. Property is within the Joint Powers Agreement with Eagan for utilities. The Interim Fire Marshal and the current Fire Marshal reviewed the site and brought up the issues about the tanks and what is required for fire code. No concerns were raised.

Staff recommends approval of all of the requests: Comprehensive Plan, rezoning, platting, and PUD for the site plan approval. He stated there were emails received today from residents.

Motion by Clancy, Second by Twedt, to Accept the correspondences received into the record.

Ayes: 8

Nays: 0 Motion carried.

Commissioner Weber recused himself from this item as he will be speaking on behalf of one of the parcels.

Planning Commission Discussion

Chair Niemioja stated that she was confused about the open space requirements and park dedication.

City Planner Hunting replied Lot 2 exists with an existing building, none of those standards apply to the other lot. It is only for the lot that has the proposal for the new property. It has to meet 20% of open space, they are required to pay park dedication for the lot being created.

Chair Niemioja questioned if the tanks were indoors, could the applicant have the proposed business on this site at it's current zoning of I-1. She asked if it would be the same if the tanks were underground.

City Planner Hunting replied zoning in that section of the fire code states outdoor tanks would not apply. It would be inside that they would have to meet building and fire code requirements. If it is allowed by fire code inside of the building, the action would require a Conditional Use Permit for the I-1 zoning. I-1 currently allows for a manufacturing use. If underground the same rules would apply. The rule only applies to above ground storage tanks.

Chair Niemioja questioned if this was an above ground gas tank, if it was the equivalent to the type of zoning put on a gas station.

City Planner Hunting stated that it would be the same. Gas tanks are underground. If there were other flammable liquids, the same rules would apply.

Commissioner Twedt questioned if the size of the tanks were known.

City Planner Hunting replied that the Fire Marshal indicated 1-20,000-gallon tank for methanol, 2-9,000-gallon tanks and a 1-2,500-gallon tank would hold windshield washer fluid.

Commissioner Twedt questioned what size tanks were acceptable as currently zoned.

City Planner Hunting responded that 1-500-gallon tank or a 1,000-gallon double wall tank would be allowed by the Inver Grove Heights Fire Code.

Commissioner Twedt questioned if there was a traffic study done, and how many trips per day and what type of vehicle.

City Planner Hunting replied with the volumes indicated by the applicant, there was not a traffic study done. There would be two of their trucks daily and car traffic from workers coming and going. Staff was told it would be a low volume user.

Commissioner Schaefer stated that her understanding is if changing to Industrial-2, there is no limit on tanks. She questioned if what was in the plan may or may not be completed and if I-2 allows for more than that.

City Planner Hunting replied the four (4) tanks are what is being proposed. There is no limit to the amount of storage capacity in I-2.

Chair Niemioja stated that the limit would be the 40-foot setback and the size of the lot.

City Planner Hunting agreed.

Chair Niemioja questioned what the number is of I-2's available in the city.

City Planner Hunting responded the only other I-2 zoning is southern, along Highway 52 and Clark Road, and the Xcel storage tank facility on South Robert Trail on the west side. There are 1-2 pieces left in the proposed location.

Chair Niemioja questioned if there has been anything negative with regards to the I-2 zoning adjacent to this property.

City Planner Hunting stated not that staff was aware of.

Opening of the Public Hearing

City Planner Hunting mentioned he did not believe the applicant was in attendance but was aware of the meeting taking place. He said he did not believe the Planning Commission would be able to complete the discussion without the applicant present for questions.

Chair Niemioja said she had questions for the applicant. She did not want to waste anyone's time that came to the meeting and still wished to hear comments from those in attendance.

Jonathan Weber, 10394 Andrea Trail, referenced the property layout shown and questioned why the City has a different layout than Dakota County does. Two parcels are split in half, there is not a bump out in the back.

City Planner Hunting replied that is what is being proposed. They are proposing a change in the plat to shrink it up.

Mr. Weber asked if the applicant could make a proposal with the neighboring property owner to widen it to meet the 100 feet required.

City Planner Hunting replied that would be a question for the applicant.

Mr. Weber stated when reviewing the documents, he noticed there was a master flow fire hydrant that is now placed on the cemetery property. He asked if there was a reason for that.

City Planner Hunting replied it is in the right of way, it could not be on cemetery property.

Mr. Weber stated that the road was put in after the cemetery was open and operational. There is a body that is placed less than 3 feet from where the proposal is. He asked to have engineering look at the road. When the building to the north was put in on Auburn Path the sanitary sewer was plunged and the holes cut into the road were never paved over. He has personally been filling them with dirt.

City Planner Hunting replied engineering would look into that.

Mr. Weber summarized his concerns as being the fire hydrant location, if they are required to have a 100-foot width, could they negotiate with the landowner to the south to get the 100-foot width of open space, and that the landscape plan spoke of tearing out established pine trees on the front of the property, he asked if the landscaping requirements were still met.

City Planner Hunting stated that the applicant still meets the landscaping requirement.

Ralph Taylor, 8334 Argenta Trail, stated that his concern was about the hazards with methanol. He said he received a letter because he is 350 feet from the site; there are 1,000 people that live near the park, downwind from the facility. There is the YMCA close by with children outside. He said after he checked with the Fire Marshal, he noticed fire suppression was missing. He mentioned the protection being done on the project is not for the people of Inver Grove

Heights, it's to protect the tanks from fire. There is no suppression for if there is a spill. He said he had received a letter from city staff that listed H3 High Occupancy type, high hazard. Methanol is extremely explosive and highly hazardous when it burns. He said he spoke to the Fire Marshal and referenced the UPS propane tank that is directly west of the location, close to 200 feet. His concern was in the spring if the tank is overfilled, it over pressurizes, the City of Eagan would burn the tank off. He said it didn't seem appropriate with the hazards. There would be 10,000-gallon tankers going in and out of the site. The road does not need that type of traffic. He said it was inappropriate for the location and hazards to people.

Kassandra Fries, 7920 Alberta Way, stated that she wished the applicant was present because she has questions. She said the business was just established in 2015 per the Secretary of State website. She said she might be a little more comfortable with their experience if it was a 30-40-year-old business. She is concerned with the age and level of experience they have. She said their website states they operate throughout the Midwest. She asked if there were other locations they were operating out of. The number of trucks leaving the facility sounded low to be servicing that many states. She has concerns with the materials that would be stored there. A majority of property owners in the area have wells, any type of spill would concern her. She referenced the Cottage Grove area and 3M, stating the concerns there. Methanol can cause issues with central nervous systems. Toxic levels can cause blindness and birth defects. She said if this goes to I-2 it can change. If the business sells the property later to another industrial business, the possibilities are unlimited as far as what else could be there. She said there is already a concern with traffic; it picks up at times, the curves are concerning.

Jess Donnolly, 1712 82nd Street West, stated that she has the same concerns as Mr. Taylor. She is concerned about safety. With unlimited possibilities, there are a lot of residents in the area. Accidents happen. She said she hopes the Planning Commission listens to the residents.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja stated that there are gas stations located right next to residences in this town. She knows there are safe ways to have tanks. She said she doesn't understand without asking the applicant why this couldn't be indoors. She does not know the answers to the questions raised by residents regarding suppression within the building, where the placement has to be and why. She said it was tough to make a decision or vote in favor because she does not have enough information.

City Planner Hunting said the Commission has the ability to table the item and wait for the applicant to attend so questions can be answered. The applicant was aware of the meeting, they had conversations about whether he should bring someone else with him. He was unsure why the applicant was not in attendance.

Chair Niemioja said her reluctance with that is there are many people in attendance, having them come back is tough.

Commissioner Twedt questioned, for example, if the Planning Commission were to act positively on the application and it went to the City Council who also acted positively. During construction of the building and tanks, he asked if there were further permits that would need to be pulled so if the fire department had concerns about any type of suppression issues they

could be addressed at that time.

City Planner Hunting replied if the City Council approved this it would require building permits. It would be reviewed by the Inspections Department and the Fire Marshal. Those would all have to be submitted and reviewed before permits are issued.

Commissioner Clancy stated that it didn't seem out of character for what that area has already been slated for. Making the step to General Industrial, or I-2, seems in character with the zoning plan. He said having worked in this line, he would echo comments made regarding safety and fire suppression, he knows that nothing would ever happen without those approvals. He addressed above ground versus underground tanks stating that having additional information from the applicant would be beneficial. There are pros and cons to having above versus below ground tanks with concerns about knowing if anything were to spring a leak or fail. It is easier to see above ground versus below ground. That may be a reason the applicant would state. He said that would lead to questions about what the applicants plan of protection would be. He would prefer more information on a protection plan of the tanks outside of the building.

Commissioner Schaefer agreed the area is Light Industrial, she thought a change to General Industrial and within that a change to I-2 is a significant change to the character of what is going on in the area. She commented that looking back at the decisions the City Council made over the last two years when there has been an attempt to increase the zoning toward industrial, have been rejected. The City Council has listened to the concerns of residents and wanted to create a buffer area between residential areas and decided not to change the zoning into industrial because of those concerns. She is concerned about the methanol storage; accidents happen. It brings a risk into a community that is not necessary. She said she feels like they are stuffing something hazardous into a small area. Even though direct neighbors are industrial, beyond that is residential, when the wind blows, methanol irritation to lungs and optic nerves are damaging. She is concerned about bringing something that is risky into that neighborhood.

Chair Niemioja commented that she felt the City Council has also declined to change industrial to other things because they want to keep industrial too. As it's zoned, it can happen if they put a roof over this right now.

Commissioner Schaefer said there would be a limit of the amount of storage material.

Chair Niemioja responded if putting a roof over it, they could fill it up. She asked City Planner Hunting if the tanks were interior, if the applicant could store as much as they wanted to.

City Planner Hunting replied it was his understanding they could. There could be limits with building and fire codes. They could have something greater than 500 or 1,000 inside.

Commissioner Schaefer said if it was inside the facility would have to be bigger and it wouldn't meet the required setbacks.

Commissioner Teiken said he was leaning towards tabling the item. The move from I-1 to I-2 in this instance is determined by the magnitude of the tanks in question. To better understand the reason behind that magnitude, making a decision on I-2 without hearing from the applicant is getting too far ahead. He said there is a sense of procedural fairness that would be missing if not hearing from the applicant. If tabling, he asked if it would be tabled for the next meeting or if

they would need to have another round of public hearing notices mailed to residents.

City Planner Hunting stated that the Planning Commission would pick the meeting date. Time is needed to get information together. Due to his vacation during the next meeting, this item would go to the second meeting in August. If tabling the Commission would have to state the date it would be tabled to during the motion, then there would not have to be a new notice.

Chair Niemioja said this Commission has tabled items, denied items, and approved items when the applicant has not shown up. All are options.

Commissioner Wippermann said he would be in favor of tabling. His options were to table or deny.

Commissioner Presley agreed with tabling. She said there are issues the Commission does not know, they do not have the right information to move forward.

Commissioner Twedt said they need to be conscious of the fact if the application meets all city standards, on what grounds would they deny.

Planning Commission Recommendation

Motion by Presley, Second by Teiken, to Table the request for a Comprehensive Plan Amendment, Rezoning from I-1, Limited Industrial to I-2/PUD, General Industrial/Planned Unit Development; and a Preliminary & Final Plat for a two-lot subdivision; and Preliminary & Final PUD Plan for a 5,600 square foot industrial building on property located at 8245 Argenta Trail. (Bulk Fluid Systems - Case No. 23-29S), to the August 15, 2023, Planning Commission Meeting.

Ayes: 6

Nays: 1 Twedt. Motion carried.

Commissioner Weber recused himself from this item.

Chair Niemioja asked if the Commission could keep the emails and the petition with the record. People are free to send any other information or attend the meeting.

City Planner Hunting stated that the Commission may want to vote to reopen the public hearing to make sure the record reflects that the hearing will be continued.

Motion by Clancy, Second by Wippermann, to Reopen the Public Hearing of this item to be held at the August 15, 2023, Planning Commission Meeting.

Ayes: 7

Nays: 0 Motion carried.

Commissioner Weber recused himself from this item.

6. REGULAR BUSINESS

Chair Niemioja stated that the next Planning Commission meeting is scheduled on National Night Out and Election Night, August 1st. She questioned if the meeting during National Night Out would be moved.

City Planner Hunting replied because National Night Out is not an official sanctioned event or

city event, the meeting on August 1st is not being moved.

Commissioner Weber stated the Insights calendar shows the meeting was moved to August 2nd.

City Planner Hunting replied he would check on the date and let Commissioners know.

7. ADJOURN

Motion to adjourn the Planning Commission Meeting at 7:49 p.m.

Respectfully submitted, Recording Secretary, Sheri Yourczek.

DRAFT



Planning Commission Report

MEETING DATE:	August 2, 2023
CASE NO:	23-28ZC
APPLICANT:	Corey Dotas
PROPERTY OWNER:	C & J, LLC
REQUEST:	Comprehensive Plan Amendment, Rezoning and Conditional Use Permit
LOCATION:	9150 Jefferson Trail
COMPREHENSIVE PLAN:	CC, Community Commercial
ZONING:	B-3, General Business
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The specific requests for the project include the following:

1. A Comprehensive Plan Amendment to change the land use from CC, Community Commercial to LI, Light Industrial.
2. A Rezoning from B-3, General Business District to I-1, Limited Industry District.
3. A Conditional Use Permit for a contractor's yard with outdoor storage.

BACKGROUND

The applicant purchased the property located at 9150 Jefferson Trail in December 2021, with the intent of running his business out of it. The applicant is currently operating his tree service business on the property. This type of use would be considered a “contractors’ yard with outdoor storage” in the zoning code. A contractor’s yard is a conditional use in the I-1 District and a permitted use in the I-2 district. The property is currently zoned B-3, General Business, and guided CC, Community Commercial. The applicant is requesting a Comprehensive Plan Amendment to change the land use to Light Industrial and change the zoning to I-1, Limited Industry District, along with a Conditional Use Permit for the use of a contractor’s yard.

The lot is 1.14 acres in size. There is an existing home on the property that was built in 1926 and a couple of detached accessory buildings. The home is not allowed to be used for residential purposes, but the use of an office, meeting room, and break room is acceptable. The applicants business generally operates Monday - Friday.

EVALUATION OF REQUEST

Surrounding Uses

The following land uses, zoning districts, and comprehensive plan designations surround the subject property:

<u>North:</u>	Truck Repair	<u>Zoned:</u> I-1, Limited Industry	<u>Guided:</u> LI, Light Industrial
<u>East:</u>	Single-Family	<u>Zoned:</u> A, Agricultural	<u>Guided:</u> RDR, Rural Density Residential
<u>West:</u>	Railroad/MnDOT Right-of-Way/Single-Family	<u>Zoned:</u> R-1C, Low Density Residential	<u>Guided:</u> LDR, Low Density Residential
<u>South:</u>	Single-Family	<u>Zoned:</u> A, Agricultural	<u>Guided:</u> RDR, Rural Density Residential

Comprehensive Plan Amendment

The subject parcel is currently guided Community Commercial and proposed Light Industrial. Each is defined in the 2040 Comprehensive Plan as follows:

Community Commercial is defined in the 2040 Comprehensive Plan as:

“Community commercial areas included lots or parcels that contain retail sales and services located along community collector and arterial roadways that serve the community. Community commercial areas differ from neighborhood commercial areas in that they are more intensive and are designed to attract customers from a wider trade area. As such, the goods and services that are available in community commercial areas are broader in scope such as restaurants, private recreational facilities, professional services offices, small-scale printing, etc.”

Light Industrial is defined in the 2040 Comprehensive Plan as:

“Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city”.

The existing commercial zoning is a spot zoning with no other commercial properties located in the area. The proposed industrial use is a low impact use with other industrial zoning to the north. The property is a unique shape located along Hwy 149 and CSAH 71 that makes access a challenge. A high traffic use, open to the general public, would not be a good fit for this location.

Any action of a Comprehensive Plan change by the City is still controlled by the approval by the Met Council of the City’s 2040 plan. Once a Comprehensive Plan Amendment is approved by the City the request is sent to Met Council for their review.

Rezoning

The City Code, Title 10-3-5 states that a Rezoning request must be in the best interest of the physical development of the City in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

Infrastructure

City sewer and water are available to the site. No additional roadways or other public improvements are necessary with this request.

Comprehensive Plan Consistency

With the approval of the requested Comprehensive Plan Amendment, the Rezoning would be consistent with the 2040 Comprehensive Plan.

Neighborhood Compatibility

The property is triangular in shape, located between a state highway and a county road. The property is screened with existing vegetation from the property owners to the south and east. There is almost 200 feet, with Jefferson Trail/ Hwy 149 and railroad tracks located between the applicant's property and the residential properties to the west. The request does not appear to have any adverse impacts on the neighboring properties.

Staff believes the proposed zoning would be compatible with the existing, established uses in the neighborhood.

General Site Plan Review

Setbacks: There are no building additions or changes to the exterior proposed at this time. Setbacks have been met for the parking and outdoor storage area.

Access: The applicant received an access permit from Dakota County to locate the main access for the business off of Rich Valley Boulevard instead of Jefferson Trail.

Signage: Signage is not approved as part of the Conditional Use Permit request. Signage on the property shall follow Section 10-15E of the City Code. A building permit is required for any new signs or changes to the existing signs.

Engineering: Engineering has reviewed the plans. The site drains into a MnDOT right-of-way. The applicant received a MnDOT drainage permit for the stormwater runoff. Engineering takes no exception to the request.

Conditional Use Permit Review

This section reviews the plans against the Conditional Use Permit criteria in the Zoning Ordinance (Section 10-3A).

1) The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.

With the approval of the Comprehensive Plan Amendment, the use would be consistent with the goals, policies, and plans of the Comprehensive Plan. A contractor's yard is consistent with the uses envisioned in the industrial district.

2) The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.

The property would be zoned Industrial. The land use of the contractor's yard is consistent with the intent of the I-1 zoning district.

3) *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed use would not have a detrimental effect on public improvements in the vicinity of the property.

4) *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police, and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

The existing improvements do not appear to have any negative effects on City facilities or services.

5) *The use is generally compatible with existing and future uses of surrounding properties, including:*

i. Aesthetics/exterior appearance

There are no additions proposed to the existing structures. The applicants cleaned up the property and added landscaping.

ii. Noise

The proposed use would not generate noises that are inconsistent with I-1 zoning or with the background auto/truck noise from the highway.

iii. Fencing, landscaping, and buffering

Screening is required from the abutting residential properties. There is existing vegetation screening the business from the residential property to the south and east. The applicant has planted trees to screen the business from the residential lots to the west.

6) *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The applicant moved the main access of the business to the Rich Valley Boulevard side of the property for safer traffic movement compared to the Jefferson Trail/Highway 149 side of the property. Setbacks have been met for the outside storage of vehicles and equipment.

7) *The use does not have an undue adverse impact on public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety, or welfare.

8) *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater, and air quality.*

The proposed use does not appear to have an undue adverse impact on the environment. The applicant received a MnDOT drainage permit addressing stormwater runoff on the site.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

A. Approval: If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:

- Approving the Comprehensive Plan Amendment from CC, Community Commercial to LI, Light Industrial subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
 2. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
- Approving the Rezoning of the property from B-3, General Business District to I-1, Limited Industry District.
- Approval of the Conditional Use Permit for a contractor's yard with outdoor storage subject to the following conditions:
 1. Development of the site shall be in substantial conformance with the site plan on file with the Planning Department except as it may be modified by the conditions below.
 2. The house is not allowed to be used for residential purposes.
 3. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
 4. The applicant must apply for and obtain a building permit for any signage or building improvements.
 5. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

B. Denial: Should the proposed request, or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

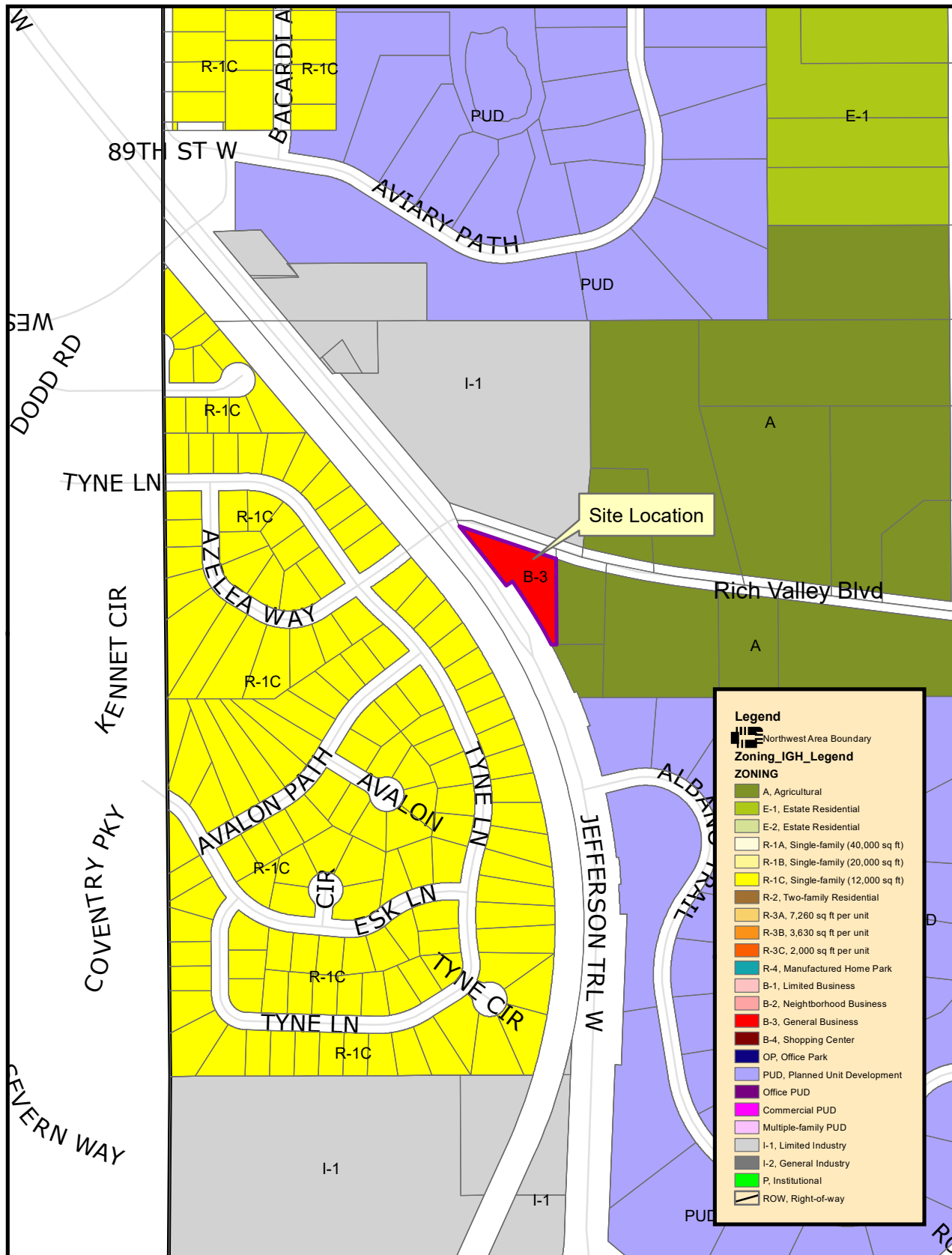
Staff recommends approval of the three-part request with the conditions listed in Alternative A.

ATTACHMENTS

1. Zoning and Location Map
2. Comprehensive Plan Map
3. Applicant Narrative
4. Site Plan
5. Aerial Photo of Site



9150 Jefferson Trail Case No. 23-28ZC



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

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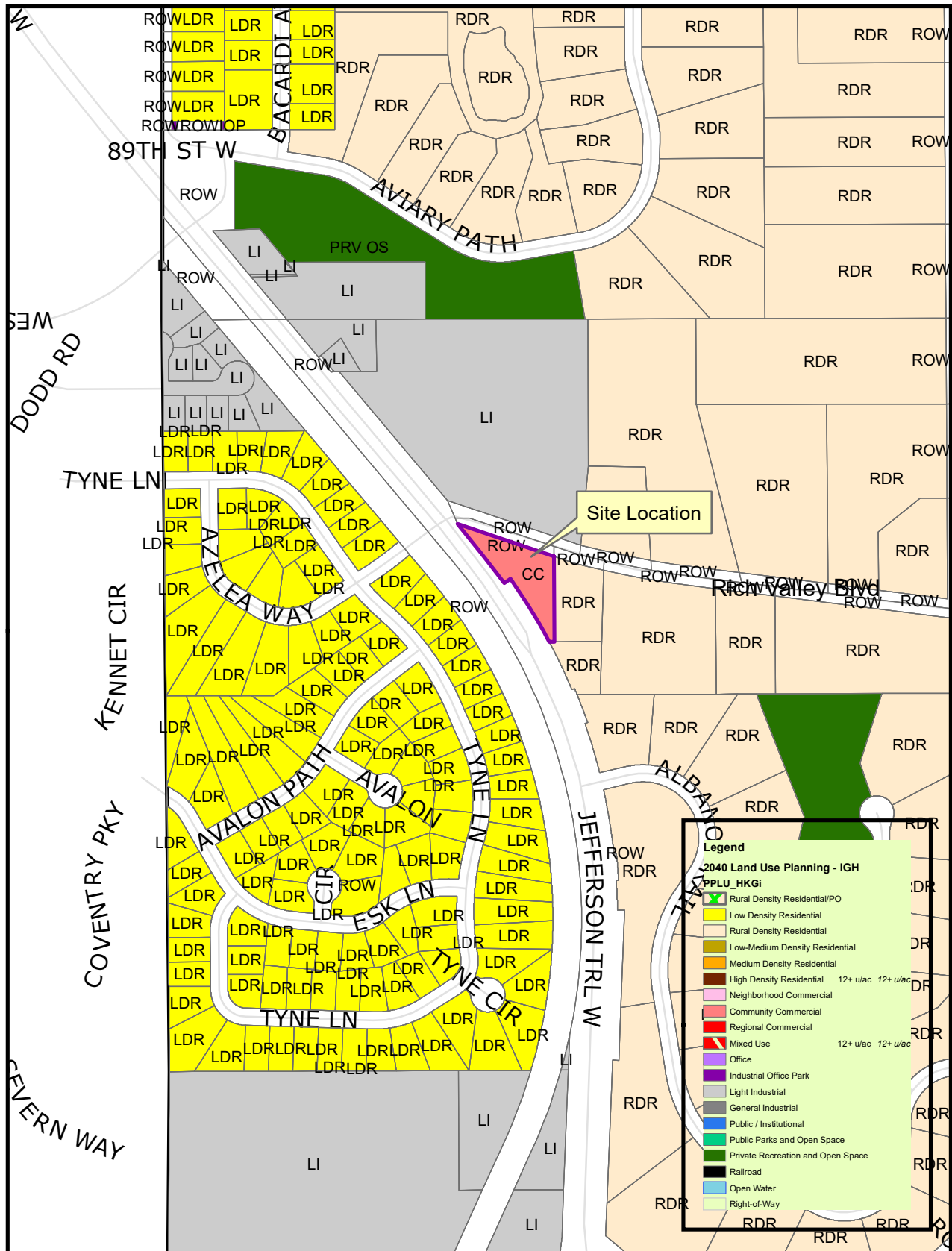


Exhibit A
Zoning and Location Map

Map not to scale



9150 Jefferson Trail Case No. 23-28ZC



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Exhibit B
2040 Comprehensive Plan Map

9150 Jefferson Trail

The Property owner would like to use the commercial property that he purchased in December 2021 to run his business-Valley Tree Service, Inc. from.

-The vehicles and equipment that are stored at this property are as follows:

Two Log trucks

Chip Truck

Bucket Truck

Nifty Fifty Lift

-There will be no chemicals or other Class V storage on this property and all parking of equipment/vehicles is at least 10 feet from abutting boundaries.

-Number of employees: 3

-The use of the existing buildings:

House- The house will be vacant with the exception of a room used for an office and the former kitchen as a meeting/break room.

Garage- A cube van, truck and mower are stored in the garage along with chain saws and tools.

Shed- Tools

Please see the attached document for the following information:

-Four company vehicles are parked along the side of the property. These vehicles are left overnight and on weekends (these positions are marked in red).

-A Nifty Fifty Lift is parked evenings and weekends (position is marked in yellow).

-Three employee cars are parked on business days (these positions are marked in blue).

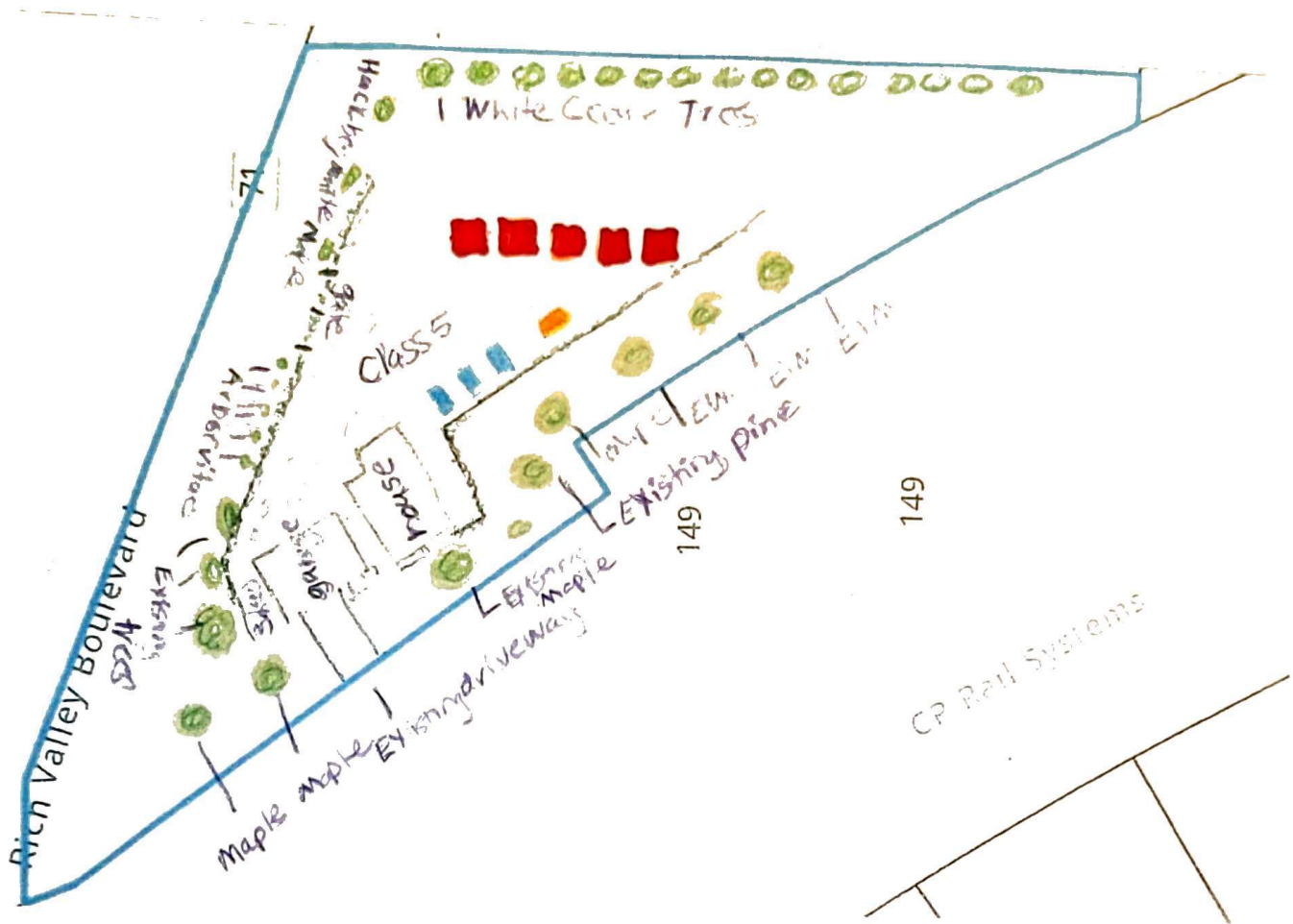
-A 6X3 foot Dumpster is located on the property (position is marked in orange).

-Additional footage of an existing 6-foot chained link fence has been added for approximately 395 feet of fencing (location of the fence is in black) (a permit from the city was received prior to the installation).

-Maple, Elm, Hackberry and Arborvitae trees with 1.5-2 inch diameter trunks have been planted at least 5 feet from all property lines (positions are marked in green).

-Class 5 rock has been laid in the fenced in areas (marked in gray).

Screening will be provided along the property boundary to the West. The screening that is used will be determined by what is required.



Company vehicles and equipment (marked in red).

Employee parking (marked in blue).

The onsite 6X3 dumpster (marked in orange).

Additional footage of an existing 6-foot chained link fence has been added for approximately 395 feet of fencing (the location of the fence is marked in black) (a permit was received from the city prior to installation).

Class 5 rock has been laid in the fenced in areas (marked in gray).

Maple, Elm, Hackberry and Arborvitae trees with 1.5-2 inch diameter trunks have been planted 5 feet from all property lines (locations are marked in green).

Approximately 15 White Cedar evergreen trees will be planted to provide screening along the property boundary to the East (locations are marked in green).



486

312

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427

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Planning Commission Report

MEETING DATE:	August 2, 2023
CASE NO:	23-32V
APPLICANT:	Tim & Debra Hill
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance to exceed the maximum size of an accessory building
LOCATION:	1565 82nd Street West
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A Variance from City Code Sections 10-7-2.B and 10-15-18 to allow an accessory structure 3,704 square feet in size whereas 2,400 square feet in size is the maximum allowed.

BACKGROUND

The applicant's property is 13.01 acres in size, after excluding the right-of-way. The lot consists of a single-family home with an attached garage and a barn that has had a portion converted to residential space.

It is the applicants desire to add a residential addition to the barn for the principal living space on the property and then utilize the original home as an accessory building. Therefore, the applicant is requesting a Variance to exceed the maximum accessory structure size to allow the original primary residence and attached garage to be utilized as an accessory structure. The total gross square footage of the home and garage is 3,704 square feet. Rural residential property, greater than five acres in size, are allowed a maximum of 2,400 gross square feet for accessory buildings.

The applicant has stated that the structure is needed for storage of his own personal items. The accessory building would be in compliance with other zoning code requirements such as exterior building materials, setbacks and impervious surface standards.

The applicant has referenced a possible future lot split, and at that time one of his kids could occupy the original home. The property is located within the Northwest Area (NWA) of the City and is planned to have access to future city utilities. Based on the applicant's lot size, a lot split would not be allowed per the NWA requirements, as a minimum of 20 acres is required for a lot split prior to utilities becoming available. The City allows an accessory dwelling unit (ADU's) on a property, but the original home exceeds the maximum square footage allowance of 1,000 square feet for an ADU.

EVALUATION OF REQUEST

The following land uses, zoning districts, and comprehensive plan designations surround the property:

<u>North, South & East:</u>	Single-Family	Zoned: A, Agricultural	Guided: LMDR, Low-Medium Density Residential
<u>West:</u>	Vacant	Zoned: P, Public	Guided: P/I, Public/Institutional

Engineering.

Engineering has reviewed the request and takes no exception to the Variance.

VARIANCE REVIEW

City Code Title 10, Chapter 3. Variances, states that the City Council may grant Variances when they are in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested Variance, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

The City recognizes that within the large lot, rural residential portions of the city, larger accessory structures can be appropriate. The regulations on gross square footage and total number of accessory buildings were designed to limit the massing of structures in the rural areas of the city. City Council has recently directed staff to review the accessory structure size regulations for lots larger than five acres. This Code Amendment will be brought to the Planning Commission and City Council later in 2023.

Staff does not believe the size of the proposed accessory building to be consistent with, or in harmony with the current Zoning Ordinance.

2. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

Staff believes the proposed size of the accessory structure to be contrary to the intent of the Zoning Ordinance and may set a precedent for other large accessory buildings.

3. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The property owner has created the need for the Variance request. Choosing to add an addition to the barn instead of renovating or demolishing the home was the choice of the homeowner. Utilizing the original home as a storage building that exceeds the maximum square footage for an accessory building may be considered a convenience to the applicant, not a practical difficulty.

4. *The Variance will not alter the essential character of the locality.*

The residential properties surrounding the applicant are generally large lot residential. Due to the size of the lots, existing vegetation, and the fact that the structure is existing, changing the use of the structure to an accessory building does not necessarily appear to alter the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do appear to be a basis for the request as demolishing the structure will cost more than changing the use of the structure to an accessory structure.

ALTERNATIVES

A. Approval: If the Planning Commission finds the request to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

- Approval of a Variance to allow an accessory structure 3,704 square feet in size whereas 2,400 gross square feet is the maximum size allowed on the property subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial use, storage related to a commercial use, or home occupations.
 3. The accessory structure will not be allowed to be used as habitable space unless approved by City Council.

Practical Difficulty: To be stated.

B. Denial: If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the Variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the Variance could set a precedent for other accessory building size Variances on large lot residential property.
3. The facts presented do not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. The property owner is creating the need for the Variance by changing the principal structure on the property to an accessory structure.

Denial of the Variance request to allow an accessory structure 3,704 square feet in size whereas 2,400 gross square feet is the maximum size allowed shall include the condition that the original home shall be demolished or removed from the property by: date TBD.

RECOMMENDATION

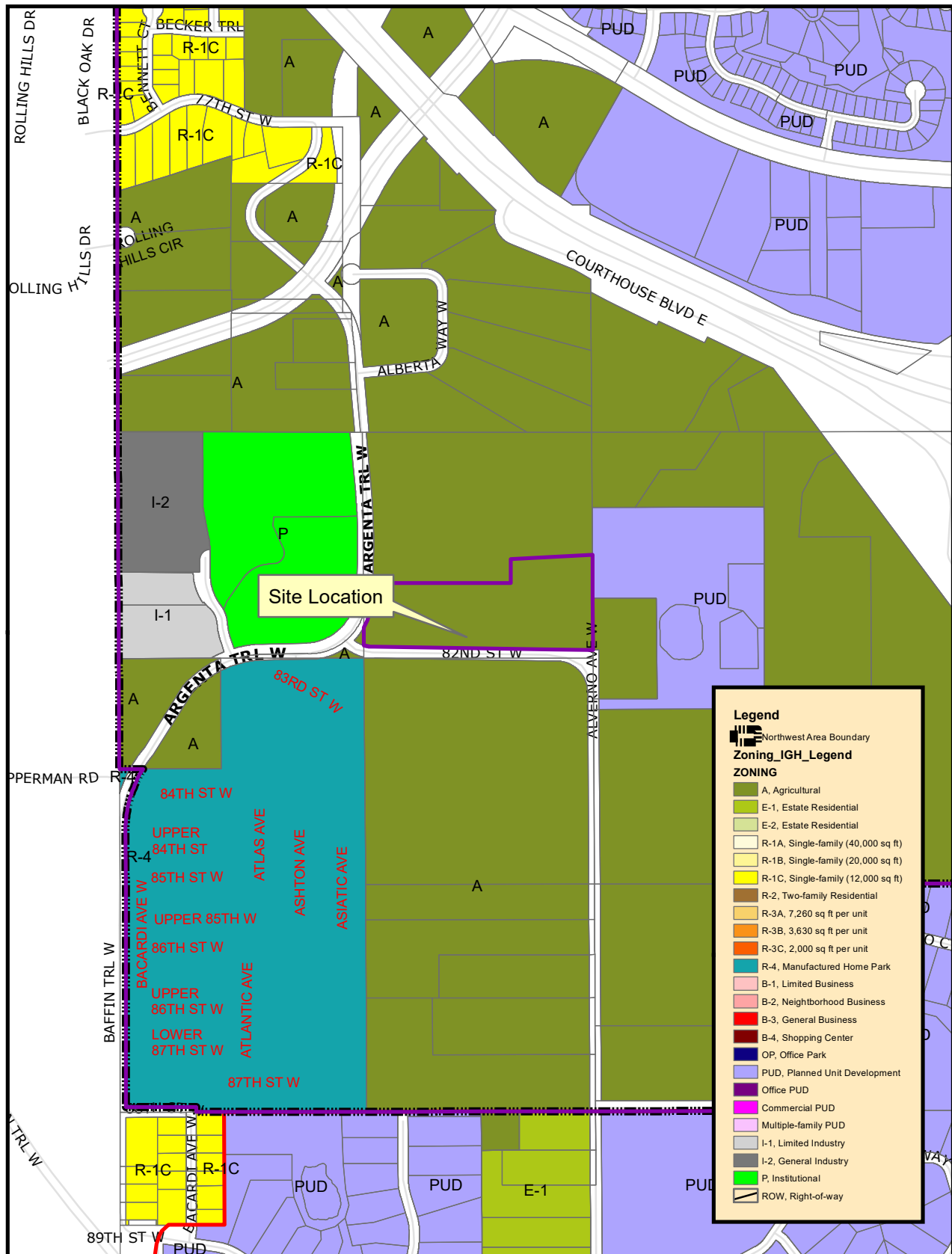
Based on the information in the preceding report and the reasons listed in Alternative B, staff does not believe there is sufficient rationale to support the Variance criteria and therefore recommends denial of the Variance request as proposed.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan



1565 82nd Street Case No. 23-32V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED RECORD. INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

Map not to scale

July 3rd, 2023

City of Inver Grove Heights
8150 Barbara Ave
Inver Grove Heights, MN 55077

RE: Variance for Accessory Structure for Tim and Deb Hill residence

City Staff,

On behalf of Tim and Deb Hill, please accept this application for a variance for an accessory structure exceeding the allowed square footage in the Hills zoning.

Background:

The Hills own approximately 15 acres at 1565 82nd Street West. The current structures include a former residential structure, a new residential structure attached to what is referred to as “the barn” and a third accessory structure of agricultural origins. The Hills are in the process of having architectural drawings completed for an addition to the newer residential structure which will add more bedrooms, living space, garage space and plans for a future in ground pool. The former residential structure, which has been disconnected from the onsite well since November of 2020 and is currently used for storage, creates a problem in permitting as it exceeds the allowed accessory structure square footage.

Because the Hill’s property is so large, it is conceivable that it could be developed in the future. Development could create multiple lots requiring platting, a simple lot split to create another residence or another opportunity based on growth within Inver Grove Heights. At this time, the most likely option is for the Hills to split the former residence off and bring it into compliance as a residential structure for one of their kids to start their family in. Because the timeline for needing that split is not immediate, the Hills do not wish to proceed with creation of a new parcel or make costly improvements to the former residence. They need to build their addition but do not wish to remove the former residence.

The solution is a variance which allows for the former residence to remain as an accessory structure until a later date. The Hills will continue to maintain the former residence for storage uses until which time they propose to make improvements requiring additional applications to the City. This process benefits the City as it allows future flexibility in how the Hills property may be developed. The remainder of this letter outlines the practical difficulties the Hills face and reason for support of this variance request.

Variance Request

Per Title 10, Chapter 3, Section 4 of the City Code, the City Council may grant Variance in instance where practical difficulties exist where the property owner proposes to use the property in a reasonable manner not permitted by Zoning Ordinance. The determinations are listed below in italics with the explanation of how the Hill’s situation and request is reasonable and in the interest of both the City and the property owner and their legal rights.

1. *A practical difficulty exists, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the property* - The Hills property is unusually large and was originally agricultural in nature. The City Zoning Ordinance does provide

a solution involving subdivision of the property but that process is premature in the Hills long term options for the property and does not benefit the City or the Hills.

2. *A practical difficulty means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance* - The Hills would use the former residence for storage, not different than a detached garage or shed, which is reasonable use of the existing structure.
3. *The Variance is not detrimental to the public welfare or the neighborhood in which the property is located* - The variance is for an existing structure and has no negative impact on the public or neighborhood.
4. *The Variance does not affect the supply or light and air to adjacent properties* - The allowance to leave the former residence in place, nor the plans for the Hills to construct additions to their current residence, has no impact on adjacent properties due to the unique size of the parcel they own.
5. *The Variance is in keeping with the spirit and intent of the City Code and Comprehensive Plan* - The Variance maintains the property within compliance and allows for the Hill's improvements to their property. When the Hill's proceed with a Land Subdivision application, the City will review the circumstances of that application which is likely to allow for removal of the need for the variance.

Please review the variance application and schedule for the next available Planning Commission and City Council meetings. Upon acceptance, the Hills will submit architectural plan and updated site/grading plans including stormwater treatment plans for the increase in impervious surfacing.

Sincerely,

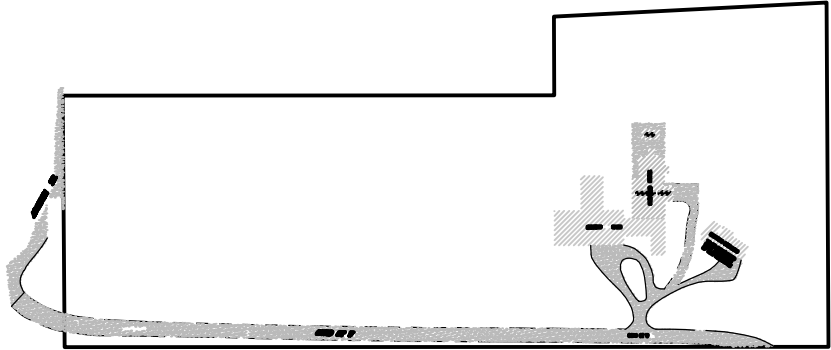
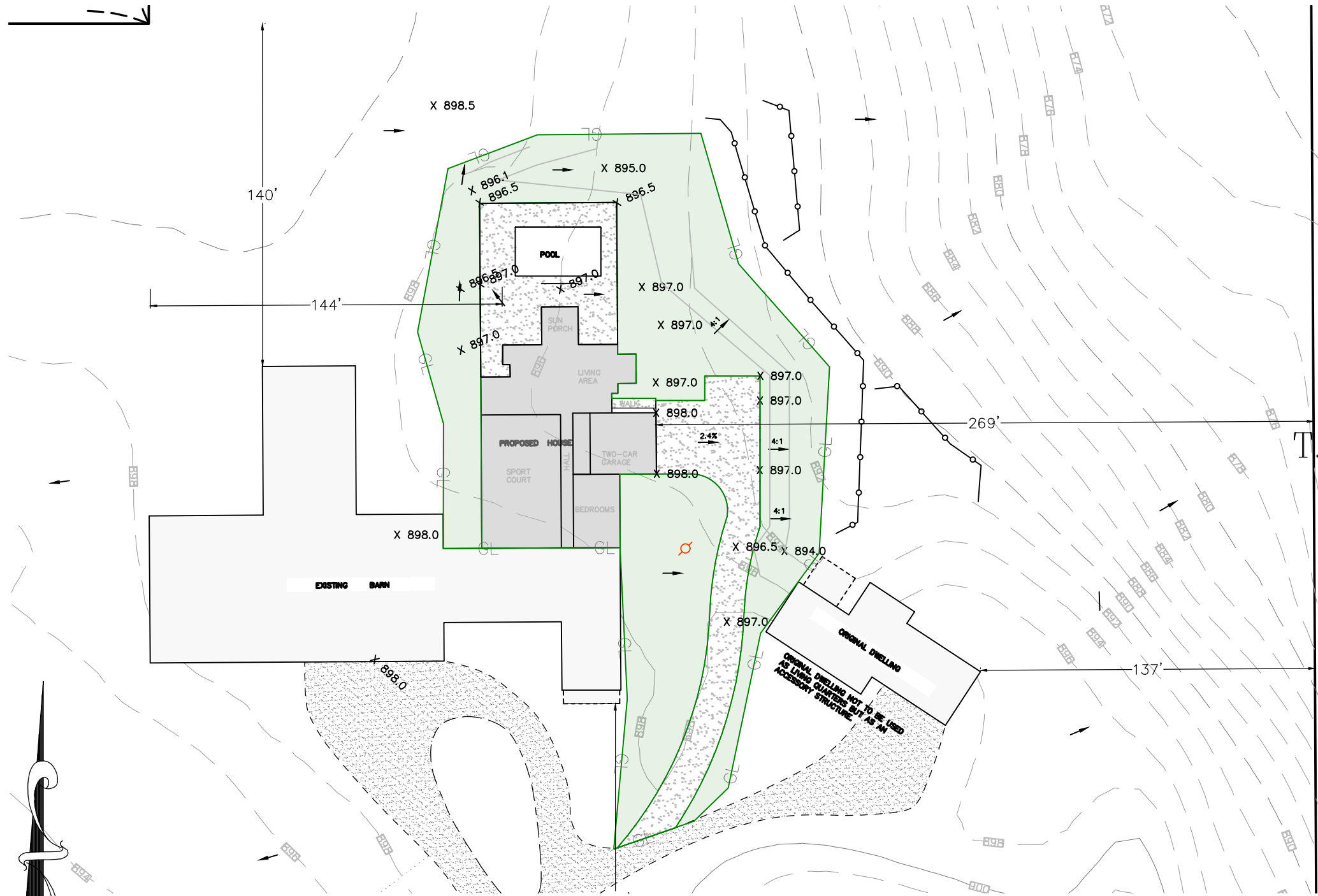
Mark Welch, PE

Enclosures:

Variance Application and Property Access Consent Form

Site and Grading Plan - Hills's proposed addition identifying the proposed improvements provided the variance is approved.

TIM HILL BUILDING ADDITION – SITE AND GRADING PLAN



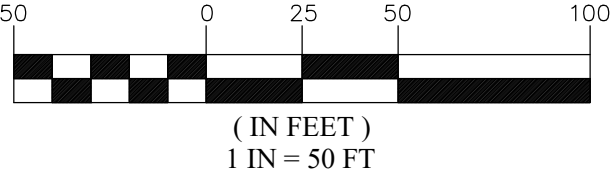
VICINITY MAP

T. 107 N., R. 14 W., SEC. 7
"NOT TO SCALE"

LEGEND

- MAJOR CONTOUR
- MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- EASEMENT LINE
- BITUMINOUS SURFACING
- BUILDING
- PROPOSED BITUMINOUS SURFACING
- SILT FENCE OR BIOROLL PER IGH STD. PLATE
- GRADING LIMITS
- PROPOSED SPOT ELEVATION
- PROPOSED SLOPE
- SEEDING/SOD AREA

GRAPHIC SCALE



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Mark R. Welch MARK R. WELCH
DATE 3/20/23 REG. NO. 42736

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DATE: 3/31/2022
Prepared For:
TIM HILL
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SHEET 1 OF 2 FILE NO: 22-033