

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 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

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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 regarding 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 its 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

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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.