

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 15, 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)
Jonathan Weber (Secretary)
Robert Heidenreich
Dennis Wippermann
Aida Schaefer
Jason Teiken
Lance Twedt
Trisha Presley

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

3. CONSENT AGENDA None.

4. 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 industrial building on property located at 8245 Argenta Trail. (Bulk Fluid Systems - Case No. 23-29S) Item was tabled at the Tuesday, July 18, 2023, Planning Commission meeting.

Presentation of Request

City Planner Hunting presented a review summary of the staff report.

Planning Commission Discussion

Commissioner Weber recused himself from this item and took a seat in the audience.

Public Hearing (Stayed Open from July 18, 2023)

Chris Wilke, 820 Concord Street North, So. St. Paul, President, Bulk Fluid Systems, Applicant, stated that he apologizes for missing the July 18, 2023, Planning Commission meeting. Bulk Fluid Systems was started in 1998 by his father and supplies windshield wiper fluid to gas stations for bulk use. Minnesota is the company's largest market. The company is rather small and has only 11 employees. Two tanker trucks and a couple of pick-up trucks are used to service and install. So, there will not be a lot of traffic. The company is very conscientious about spills. Explains how the methanol breaks down. The request for the larger tank size is so that the trucks do not need to come onsite as often. That size isn't ideal to place inside the building, but rather outside. The tanks will be installed by a licensed contractor and inspected by the Fire Marshal. They have never had a tank spill. The employees follow a process to avoid spilling access liquid

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when distributing from tank to truck.

Commissioner Teiken questioned where tanks are located at their other locations. Mr. Wilke stated that they are located outside and have similar setups.

Commissioner Clancy questioned if a bollard system will be used around the tanks to prevent any clashes with the trucks. Mr. Wilke stated that there will be a solid bollard wall with screening.

Commissioner Schaefer inquired what the risks would be for the nearby neighborhood. Mr. Wilke stated that the chance of an explosion is small, because of the required safety standards that are all followed. It's ventilated properly and all City and State guidelines are followed. Commissioner Schaefer inquired what would entail if the 25,000-gallon tank exploded. Mr. Wilke stated that would be difficult to imagine because of the safety standards put in place. A malicious act would have to be done for that to happen. Commissioner Schaefer inquired if the vapors would have an impact on the surrounding animals and residents. Mr. Wilke stated that methanol is a simple alcohol, and our earth is set up to break it down within days. There is no smell to it, and there would be no effects to neighbors. You would have to be in extremely close contact, inhaling and you would get dizzy.

Commissioner Heidenreich stated that there are additional sprinklers and fire hydrant required by the Fire Marshal, and questioned is there a reason the hydrant cannot be located on your own property. Mr. Wilke stated that he would be happy to accommodate and move the location of the fire hydrant. Hunting stated that the existing water utilities are located on the east side of the road, that would be why the hydrant is located where it is located.

Motion by Teiken, Second by Clancy, to accept the three received resident emails onto the agenda and minutes for the meeting.

Ayes: 8

Nays: 0 Motion carried.

Jonathan Weber, 10394 Andrea Trail, stated that he would like to request that the fire hydrant be moved off the cemetery property.

Ralph Taylor, 8334 Argenta Trail, stated that there are residents that live about 600 feet from the proposed tanks. HUD specifications recommend that tank storage be one mile from residents. There are other properties within Inver Grove Heights that are less populated and would be a better option.

Chair Niemioja questioned if it is a HUD law or recommendation that we are not aware of. Hunting stated that it must be a recommendation, as HUD doesn't have regulatory authorization. Niemioja questioned whether the applicant had looked at other available properties throughout the City of Inver Grove Heights and maybe located closer to the refinery. Mr. Wilke stated that two years ago along with the City Fire Marshal they started to look at different properties. This site works well because their mechanic is the current owner of the property.

Elizabeth Peterson, 33 Summit Court, St. Paul, questioned why this location and so close to

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other residents. There are many different properties available throughout Minnesota that are not located next to a residential neighborhood in case something bad happened. Ms. Peterson held a sign that read "Flammable liquids and families don't mix".

Monica Pitterle, 9096 Altman Court, stated that six or eight additional employees will not have an impact on the neighborhood traffic. The addition of tanker trucks may have an impact on the flow. Ms. Pitterle read from a google search that methanol is very toxic to inhale and poisonous.

Marta Haynes, 9408 Aladin Trail, stated that she lives in the neighborhood and boards her horse at nearby RM Ranch. Surprised that the risk of having the tanks at this location and so close to residential properties, that there has to be some sort of economic impact. Ms. Haynes stated that she appreciated Commissioner Schaefer's comment on how would you comfort a horse owner, and the explanation that was given from the applicant for that question wasn't comforting. The HUD recommendation will hopefully be taken into consideration.

Kassandra Fries, 7920 Alberta Way, stated that the location is their homes. Would like to know what the City's future plans are. Would like to see this area stay preserved. If the zoning is changed for this application, could see future properties change zoning as well.

Sarah Myer, 1712 82nd Street West, stated that there is concern for the vapor that will be in the air and the unknown fumes. What if the methanol gets into their well water, they don't test the well every year and would possibly not know right away.

Chris Wilke, 820 Concord Street North, So. St. Paul, Applicant, stated that methanol is dangerous to humans and is a toxic chemical. The Department of Transportation requires if there is a spill of 800 gallons of pure methanol, that it is reported, and the Minnesota Pollution Control Agency has stricture requirements on spills and reporting. The company has safety policies that are submitted to the Fire Marshal and to the Minnesota Pollution Control Agency.

Liz Dylan, 3630 Winter Drive, Eagan, stated that she is not a resident but that her horses are boarded at RM Ranch in Inver Grove Heights. Concerned about rezoning, and how that could open doors.

Public Hearing closed at 7:48 p.m.

Planning Commission Discussion

Chair Niemioja stated that gas tanks are located near residential properties, seems similar, people know that they shouldn't smell the gas tanks or light a match because they will blow up. Would suggest to City Council that the application be pending on approval of further review by the potential risk from the City Engineer.

Commissioner Clancy stated that going to the far reach of the potential of something catastrophic happening. The Rezoning wouldn't be out of character for this site, with the zoning of the surrounding sites. Would support approval of the application.

Commissioner Wippermann stated that he is not in support of approving, because after the Rezoning there is no limit of how many gallons can be stored on site.

Commissioner Heidenreich stated that he is in favor. The prevailing winds run north and west

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and would then blow anything over unpopulated parcels. Methane does dissipate very quickly. Lives near the refinery and would feel safe living near this site as well.

Commissioner Schaefer stated that there are concerns about the rezoning and that the buffer between the existing industrial and residential properties would be removed. The economic advantage to the applicant is the reason he is selecting this parcel and not looking at parcels located further away from residents.

Commissioner Teiken stated that the parcel is already zoned industrial, and the rezoning is only going up one industrial zone. But concerned about what Commissioner Wippermann stated on that there is no limit to the gallons of tanks on the property.

Commissioner Presley stated that she agrees the parcel is already industrial and moving the zoning up industrial, she would approve.

Commissioner Twedt stated that the Fire Department has been consulted, and do not have concerns. Supports this reasonable request.

Planning Commission Recommendation

Motion by Clancy, Second by Presley, to Approve the Comprehensive Plan Amendment, Rezoning, Preliminary & Final Plat, and Preliminary & Final PUD with conditions listed in the staff report, plus review moving the fire hydrant from the east side of Auburn Path to the west side of Auburn Path.

Ayes: 5

Nays: 3 Teiken, Schaefer, Wippermann. Motion carried.

Item tentatively goes before City Council September 11, 2023.

B. Consider a Variance for a fence that is higher than the allowed 42 inches at 6790 River Road and identified as 20-00200-57-010. (Jeremy Clark - Case No. 23-33V)

Reading of Public Notice

Secretary Weber read the Public Hearing Notice. The notice was mailed to 3 properties on July 27, 2023.

Presentation of Request

City Planner Hunting presented a summary of the staff report on behalf of Associate Planner Botten.

Opening of the Public Hearing

Jeremy Clark, 3500 Dodd Road, Eagan, Applicant, stated that he read and understands the staff report. Is available for questions.

Public Hearing closed at 8:08 p.m.

Chair Niemioja stated that there are multiple practical difficulties for this application, the bedrock situation, the location of the parcel being next to the city park that is unique.

Planning Commission Recommendation

Motion by Weber, Second by Heidenreich, to Approve a Variance to construct a fence within the shoreland setbacks subject to the condition listed in the staff report and the rationale used for the Variance Practical Difficulty.

Ayes: 9

Nays: 0 Motion carried.

Item goes before City Council tentatively September 11, 2023.

Chair Niemioja moved to recess at 8:09 p.m. for a five-minute break.

Meeting reconvened at 8:14 p.m.

C. Consider a Comprehensive Plan Amendment to change the Land Use of the easterly 2.37 acres of Outlot D, Argenta Hills from Regional Commercial to High Density Residential to allow for a multi-family development at PID No. 20-12050-00-040. (BJ Baas - Case No. 23-30CPA)

Reading of Public Notice

Secretary Weber read the Public Hearing Notice. The notice was mailed to 139 properties on July 27, 2023.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Planning Commission Discussion

Commissioner Clancy questioned if this would be the last step for the developer to start building. Hunting stated that the applicant would have to come back and apply for Rezoning, Preliminary and Final Plat and Site Plan applications.

Commissioner Weber inquired if the water retention on Outlot D would be utilized by Outlot C. Hunting stated that the original stormwater plan would still have to be followed. This topic would be part of the Site Plan review if it would get to that point.

Motion by Weber, Second by Twedt, to accept the twenty-one received resident emails onto the agenda and minutes for the meeting.

Ayes: 9

Nays: 0 Motion carried.

Opening of the Public Hearing

David Fisher, 6718 Cove Point Road, Minnetrista, Applicant, presented a PowerPoint providing further detailed information on the proposed project.

Chair Niemioja questioned what the total height of the proposed apartment building would be. Mr. Fisher stated that it would have underground parking, and four floors above ground would be 60 feet. The two-story townhomes would be 20 feet, three-story section of the apartment building 40 feet and the southernmost section of the apartment building will be four stories and would be in the higher 50's - 60 feet high.

Commissioner Teiken inquired about the contaminated soil section of the parcel, and if it's

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considered unbuildable, what it would they do with it. Mr. Fisher stated that a structure cannot be placed in that section. A playground or gazebo would be an option that the soil would be able to hold.

Commissioner Clancy questioned when the soil borings were last done. Mr. Fisher stated that they were done in the last couple of years.

Commissioner Twedt inquired if the development needed the additional 2 acres. Mr. Fisher stated that the acreage is not needed. It needs to be done to clean up the plat and for future buyers and lenders.

Nick Monson, 8953 Almquist Way, Chief Operating Officer, Hemple Real Estate, stated that the properties were purchased about a year ago. The builder that has been chosen is long term, they aren't looking to build and flip. Confident that as this project moves forward the surrounding outlots will get developed as well.

Commissioner Clancy inquired if there was information on the soil directly east on Outlot C. Mr. Monson stated that the soil on Outlot C is good. Soil borings have been done and have come back fine.

Commissioner Weber inquired to Mr. Hunting if the parcel to the west is large enough to hold a big box store. Hunting stated that there are power lines that run through and is not sure how many acres are buildable. Mr. Monson stated that they believe that at least half of the lot is buildable.

Keith Carlson, 7634 Addisen Path, questioned if Outlot C is still zoned for commercial. Mr. Hunting stated that it is. Mr. Carlson questioned if in the future Outlot C would be changed to residential as well. Mr. Hunting stated that if this proposal were approved, with the number of rooftops, it would probably stay commercial. Mr. Carlson questioned if the unbuildable space on Outlot D, would it be able to hold a park, baseball field, or soccer field. Mr. Carlson questioned if the 2018 CUP has an expiration date. Hunting stated that it does not.

Samantha Fitzgerald, 7668 Addisen Path, stated that there are no other areas for retail, it has been stated that this area has been wanted to stay as commercial. For many years the surrounding residents and the City Councils have fought to keep this area zoned commercial. The high density also does not fit in this neighborhood, with apartments abutting directly to single-family homes. Would ask you to deny the proposed change.

Lisa Nathe, 7650 Addisen Path, stated that with the size of the proposed apartment building and the addition of the vehicles. The traffic would increase greatly. Would like to see the property be green space, a park, or retail and places to shop.

Katie Pluff, 7670 Addisen Path, stated that they have been involved in the process of the potential changes to these lots since the beginning. Confused by the fact that they thought the lot was only high density if the last developer came back with a plan application, and they did not. Finds it hard to think that 200-unit apartment building would make a difference, with the surrounding development that is currently happening. Agrees that the traffic will increase and would not be good. Doesn't want to look at a 60-foot-tall apartment building.

Commissioner Weber stated that if a regional commercial development were to build a building, they would be able to build a 60-foot-tall building without needing to come through

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this process.

Heather Thornton, 7621 Addisen Path, stated that she is torn and would like clarification on the past approval of the conditional approval, and how even when the property has changed owners, the conditional approval is still in place.

Senior Planner Hunting stated that the City Attorney has stated that this sort of approval is tied to the land and not to the property owners. The conditional approval is that the City Council is supportive of the change, but the site plan has to be approved and then the designation will be changed on the zoning maps.

Ms. Thornton reiterated that as the property is zoned today it is still commercial, but the conditional approval is for high density residential, and today's request is for the small strip of the 2 acres to be added to the conditional approval that would still be subject to the approval of a Site Plan.

Commissioner Weber clarified that regional commercial is still what this property is zoned. The item tonight is cleaning up the conditional approval of high density residential, so that the applicant can apply for a Site Plan and that would still have to come before the Planning Commission and the City Council. Mr. Hunting confirmed that is correct.

Chair Niemioja questioned how having the apartments built makes a difference in getting other commercial opportunities to the surrounding outlots. Mr. Monson stated that as a developer if they could sell acre by acre to commercial users they would, financially, be beneficial. The current commercial buildings have vacancies from 2011, from when the building was built. Implementing higher density into commercial areas helps with bringing the commercial areas work. Retail patterns have also changed in the last five years.

Commissioner Weber inquired if the design of the apartment building was ever considered to include retail on the first floor, and then the apartments on the upper floors. Mr. Monson stated that those sorts of buildings are very expensive and not economically successful. There is still a lot of acreage left in this area for commercial use. Mr. Fisher stated that the developer perspective is that that type of building is very difficult to manage. The tenants are completely different and have many different needs. They work better in a downtown location.

Commissioner Teiken stated that in the past there have been conversations about what type of retail can be attracted to this area. Mr. Monson stated that the OEA with Target gets less restrictive the further away the property is from Target. Mr. Monson stated that he does have a memo from the City Attorney that explains why the conditional approval is still valid on the property.

Jince Joseph, 7674 Addisen Court, stated that selected his home because it is a 196-school district. Is concerned that bringing a large apartment building will raise the class sizes at their schools. Concerned that there are no parks nearby.

OyeSpa, 7741 Alman Trail, stated that the business has been at this location for almost three years, business has been okay, but not enough traffic. Having the apartment building will help the surrounding businesses and bring in additional commercial.

Commissioner Schaefer inquired if a condition on a stipulation for what the unbuildable area of the parcel can be used for can be added. Mr. Hunting stated that there is no authority to tell

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future developers what they can do with their land. There wouldn't be a rationale to add that kind of condition. Ms. Schaefer stated that listening to the comments of the neighbors and that they would like more green space and park land near their homes. Mr. Hunting stated that would be reviewed during the Site Plan review process. The developer is not required to provide anymore green space, that has already been met. The Planning Commission could make a recommendation to City Council but that would be made during the Site Plan process.

Mr. Fisher stated that as the developer they are upfront with their plans and ideas for the property. There will be an empty space and that will be included in our site plan. Discussions will be had in the future as to what it will be.

Samantha Fitzgerald, 7668 Addisen Path, stated that Mr. Fisher stated in an email that the open space would not be for the public, but for the residents of the apartment building. Wouldn't be helpful for the surrounding neighborhood.

Mr. Fisher clarified that was said in the email to Ms. Fitzgerald because the land will be open space, but legally am not sure of the liability of having the space available for public use. The discussion will be had further in the future.

Public Hearing Closed at 9:31 p.m.

Planning Commission Discussion

Commissioner Teiken stated that he is in support and was in attendance during the 2021 development discussions and was in support of the need for housing. Any number of additional housings is helpful. The proposed development is a lot less intense than the 2021 development and the Planning Commission approved it 6-3. The land hasn't changed, there is still a struggle to get commercial to this area. We can be assisting with two large issues, housing and bringing additional traffic to current and potential future commercial.

Commissioner Weber stated that his point of view is they're cleaning up something so that the developer can market the land properly.

Commissioner Schaefer stated that she would like to see the memo from the City Attorney for reference.

Chair Niemioja stated that cleaning up the guidance and the potential development to come, is in favor.

Planning Commission Recommendation

Motion by Weber, Second by Clancy, to Approve the Comprehensive Plan Amendment subject to the conditions listed in the staff report, and the additional condition of adding the memo from July 9, 2021, from the City Attorney to the City.

Ayes: 8

Nays: 0 Motion carried. Schaefer Abstained from Voting.

Item tentatively goes before City Council September 11, 2023.

5. REGULAR BUSINESS

A. Proposed Multiple Family Ordinance Revisions - Presentation by Kim Lindquist, Community Planning and Economic Development Director, WSB Associates.

City Planner Hunting explained the reasons for reviewing the Ordinance and introduced Kim Lindquist.

Kim Lindquist, WSB Associates, presented her powerpoint presentation showing what potential changes will be proposed.

6. ADJOURN

Motion to adjourn the Planning Commission Meeting at 9:58 p.m.

Respectfully submitted, Community Development Support Specialist Bodsberg.