



Inver Grove Heights Planning Commission
Tuesday, November 7, 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 Tuesday, November 7, 2023, will be provided to the Council at or before the November 7, 2023 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Minutes of the October 17, 2023, Planning Commission Meeting.
4. **Public Hearing**
 - A. Request for a Variance to construct a home addition that encroaches on the front setback located at 6930 Carmen Avenue. (Brian Carpenter - Case No. 23-44V)
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, October 17, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Vice Chair Clancy called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present:

Scott Clancy (Vice Chair)
Jonathan Weber (Secretary)
Dennis Wippermann
Lance Twedt
Trisha Presley
Robert Heidenreich
Aida Schaefer

Commissioners Absent:

Elizabeth Niemioja (Chair) (excused)
Jason Teiken (excused)

Staff Present:

Allan Hunting, City Planner
Stacy Bodsberg, Community Development Support Specialist
Brian Connolly, Public Works Director
Adam Lares, Parks and Recreation Director

3. CONSENT AGENDA

A. Minutes of the October 3, 2023, Planning Commission Meeting

The minutes were approved as presented.

4. PUBLIC HEARINGS

A. Request a Preliminary Plat for a nine (9) lot subdivision, Rezoning from B-3, General Business to R-3B, Multiple Family, Conditional Use permit for a townhome development, Variances from the front interior and perimeter setbacks. (Ilya Zubraev/Buckley Corner - Case No. 23-42SZC)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. Notices were mailed to 70 property owners on September 29, 2023.

Presentation of Request

City Planner Allan Hunting discussed the 0.92-acre site. The City Council approved the Comprehensive Plan Amendment to change the designation from Community Commercial to MDR, Medium Density Residential, in June 2023. The request:

- Rezoning: Current zoning is B-3, requires rezoning to R-3B. Multiple family is consistent with a townhome and consistent with the Comprehensive Plan Designation. Staff does not see any issues with the rezoning request.
- Preliminary Plat: Consists of a 9 lot plat, divided into 9 lots, one lot for each unit. The shared driveway would be on a private road easement. Plat will have all required

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

perimeter, drainage, utility, and stormwater system easements. Plat is consistent with city code standards.

- Conditional Use Permit (Site plan review for the townhouse development). Meets all setbacks with exception to:
 - Perimeter setback is short of the required amount on Buckley Way.
 - Internal private roadway variance is being requested.
 - Private road length variance is being requested.

Conditional Use and Performance Standards:

- Building and impervious surface coverage complies.
- Park dedication would be in the form of cash at a rate of \$4,000 per unit for a total of \$36,000.
- Access and street will be served by one access point onto Buckley Circle. All 9 units would share a private roadway/driveway. Staff sees no issues with that or its location.
- Engineering has done a preliminary review of grading and utilities and did not see any issues. Those would be finalized with final plat.
- Fire Marshal has reviewed. The driveway needs to be built all at once, at the beginning for fire emergency access.
- Parking would meet requirements as the units have two enclosed and two driveway spaces.
- Landscaping requires one tree per unit. Applicant would use a mix of shrubs and deciduous which complies with standards.

Variances:

- Building setback along Buckley Way. In the townhouse section, there is a requirement that there be a 40 foot setback from a building to a public street, all other multiple family sections list 30 feet. Applicant is proposing 36 feet. Staff does not have an issue with this as proposed.
- The private roadway would be 20 feet wide. Code requires 30 feet. Staff stated that it seems reasonable to allow.
- Building setback. 30 feet is required, proposing a 20 foot long driveway. There are numerous other townhouse developments that have 20 foot driveways. Staff determined this is not out of character for the request.

Staff is supportive of the variances proposed. For rezoning, preliminary plat, conditional use permit, and variances, staff recommends approval of all four with the conditions listed in the staff report.

Commissioner Schaefer referenced the private roadway and fire safety questioning if there needed to be a cul-de-sac or area for a fire truck to be able to turn around.

City Planner Hunting replied that can be required in certain instances. The Fire Marshal did not request it with this request.

Opening of Public Hearing

Ilya Zubarev, 17218 Finch Path, Farmington, stated he has read and understands the report. He addressed the fire code question stating there is a fire apparatus access code. The road would have to be 300 feet long before requirements kick in. They do not meet the requirements for it to be a fire access road due to project size.

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

He stated the original comprehensive plan amendment listed 10 units. With .92 acres they can only do 9 units. The roof is mono-pitched facing south for carbon zero/net energy zero, and consists of solar shingles with electric running off the solar. It will not be 30 feet from the street, there is a 10 foot easement from the street curb to the property line which he counted as part of the footage. It comes 46 feet to the curb. The 20 feet they have is longer than the required driveway length. You cannot legally fit another car on 30 feet. The variances match the neighborhood. They would have less impervious surfaces, which is environmentally better.

Commissioner Weber referenced the three-phase build plan stating that Phase 1 states 3 units. He asked if that would be a continuous build and if there would be separation between the 3 units and the 2 additional units that would be built.

Mr. Zubarev replied those would be continuous, there would not be separation with the 2 additional units. Phase 2 consists of the last 2 buildings on the south end. Phase 3 would be all 4 units on the north end.

Commissioner Weber asked if the third unit would be sided at the end.

Mr. Zubarev replied that it would be sided with a concrete wall. When the last 2 units are built, the concrete wall will be a part of the separating wall that goes between the units.

Commissioner Weber mentioned one of the requests was to pay \$4,000 per unit as they build.

Mr. Zubarev replied the fee is supposed to be paid before a building permit is issued. He was hopeful, since they only have the building permit for the first three units in the first phase, to pay it then. The remainder would be paid when the next two are built and then when the four are built. He said he was told that another way to do it would be in each final plat. He would have to redo another final plat for Phase 2 with another final plat for Phase 3. He said that sounded like a lot of wasted city time.

Commissioner Weber asked if it could be done by definition of the code. If doing a final plat and having so many units, if they didn't have to follow that for the park dedication.

City Planner Hunting responded in the affirmative and stated it would have to be addressed by the Council with the development agreement. He shared that park dedication has been paid in phases before.

Commissioner Weber suggested it be added to the suggestion to the Council.

City Planner Hunting replied it could be added. What is being presented now is the preliminary overall plan. With final plat comes the development agreement and the discussion of phasing.

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

Janice Darsow, 6610 Buckley Circle, lives south of this development in a townhome of five. She shared the ages in the development as being late 60's, 71, 72, 75, and 91. She was not aware of this design. She said the last time this was discussed there were two stories; with the garage underneath there would be three stories. Where the trees are is her back patio. She is concerned about the construction and how long this will take. She said she does not have a problem with this development. When it was first proposed they were told it would be family and friends. She suggested doing two stories, including garages within the first level. She said this will be a tower townhome. When coming into the development, these will over tower their townhomes, she does not believe that is a good vision. She suggested 4-5 individual townhomes, or connected, one level, similar to what she has. She asked where the kids would play. She does not have a problem with people developing this land. She asked for harmony and balance with what already existed 35 years ago.

Beth Marschall, 6640 Buckley Circle, said she has lived there since December 10, 1988; they were the first family in the development. She does not have a problem with the land being developed, it has been vacant forever. She has a problem with the height and doing it in phases. She said it wasn't fair to them, who have been there for years, to have to put up with construction for 6, 8, and 10 years. She wants it quiet, to get it over and done with. She said there has to be a way, either federal, city, county, or state, to be able to get this development done at one time. She shared that the applicant invited them to a meeting. She was unable to attend and spoke with them on the phone and was told they had to give up things, they would be painting the townhomes the same color as their townhomes. She said it would be difficult for an older person to walk up those steps. It does not fit the one level townhouses. She mentioned the five in their townhomes do not like the height. She asked about her property taxes and if they would go down when people see this. She suggested driving by the area and asked if the Commission would like this in their neighborhood. She said it will not be done on a timely basis, it's not fair to those in the neighborhood. She mentioned that the city had a meeting on being business friendly and having businesses come into the city. There were concerns about the way Cahill and Concord look and that it does not look well organized or welcoming. She said Cahill and Concord are disasters. She stated that the city needs to do a better job of putting things where they belong and making them more uniform. Even though the meeting was for businesses, this proposal is the same idea.

Marie Gadway, 6601 Buckley Circle, Unit 104, had questions about the way these are set up. She liked the solar panels but since they are facing south she asked where the snow would go. She asked if the snow would be going onto the property of the townhomes behind it. She asked if the buildings would have decks. She questioned where a recreational area would be. She was concerned about the height and would like to see no more than 2 stories. She said they had the same problem a couple of years ago when someone wanted to place apartments in the area.

Ms. Darsow asked if they did a vision of the five lower townhomes and suggested they have an established rental in their bylaws. She mentioned that 9 units were a lot with family and friends, if there is a disagreement and someone moves that becomes an empty vacant townhome. She said she would hate to see all these townhomes, other than their families, change the density income. She requested the bylaws be established before this goes to the

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

City Council. Her concern is having their investments go down because of the unbalance of this development.

Vice Chair Clancy clarified the questions to be asked of the applicant:

- Concerns regarding snow control, potential for decks, and the recreational area.

Mr. Zubarev addressed the question of height stating the property is on a downhill slope from the other townhomes, there is a berm at the back of which they plan to cut some out for a drainage and utility easement. It would be pushed up to meet the second floor. From the property line they would not see the top of the building, they would see a 17 foot façade. He addressed snow, stating it would fall off the back and would not traverse 30-40 feet from the building to the property line and would still be on their property. There are no plans for decks, they may put pavers in for a patio. He addressed a recreational area stating there would be a backyard with open space.

Commissioner Weber asked if the units would be rentals or ownership based.

Mr. Zubarev replied they would own all of them. The plan is to have friends and family rent them.

Commissioner Weber asked if they plan on establishing an HOA.

Mr. Zubarev replied that he believed they needed to have one via city code. They are the only two owners, it would be like other HOA's regarding snow and grass removal/upkeep.

Ms. Darsow commented that a ball would go onto her patio. She asked if it was designed for overflow parking.

Vice Chair Clancy replied the way the area is designed is not meant for overflow or street parking. Parking is driveways only.

Natasha Zubarev, 17218 Finch Path, Farmington, MN, stated everyone is talking about the height. The area was meant for mixed business use, there would have been at least a 2 story building that could have been much bigger than what is being proposed. It would have more impervious surface. She said it seems tall but is within city regulations. If it was any other business, it would have been much taller due to use of the space.

Ms. Marschall stated all the office buildings in the area are one level. She said a few years ago another company tried to put in a tall apartment building with 52 units on the other side. The neighborhood came together to say it was too big/too high. She said the probability of a business higher than one level would likely be no, due to the people that live in the area.

Ms. Darsow stated the land has been there before 1956, the grass was never cut in all those years. If there was a business along that street, it would be better. She would be honored to have a business on that corner. She didn't care if it was 10 stories high because it was

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

bringing money into the community. Her biggest worry is if this would become less than median density income, it was designed for a business.

Vice Chair Clancy closed the Public Hearing.

Planning Commission Discussion

Commissioner Twedt questioned if this was going to be rented, why they needed a CIC Development (Common Interest Community). He said the Department of Commerce designates townhome HOA's as Common Interest Communities because they have land around them that is common but not owned by residents. If strictly a rental, he was unsure they would need to establish a CIC. One person owns the building, one person is responsible for upkeep, maintenance, and snow. He said he was confused about this.

Vice Chair Clancy replied that would likely be a topic for the City Council to determine. He said it was a good comment to include in the recommendation as a part of the development agreement.

Commissioner Twedt said he believed rental units impact the variances. He was not saying that the variances should/should not be positively or negatively acted on. He was hopeful his question would be answered by staff or Council.

Vice Chair Clancy replied that it would make a good recommendation when making a motion.

Commissioner Weber understood the neighbors' concerns. He said the Commission looks at this as land use and can only look at the land use portion. From a land use perspective, he would be in favor of the project with some of the concerns addressed by the Commission. The park dedication that was discussed could be a part of the development plan. He suggested the development plan also include what was brought up by Commissioner Twedt. He said if it is an ownership arrangement, the applicants can deal with the property how they personally chose to. If they sell off units, they would legally be required to put in an HOA.

Commissioner Schaefer mentioned #5 states "economic considerations alone do not constitute a hardship". She questioned if there were 8 units if they would be able to design and not need the variances.

Vice Chair Clancy listed the variances:

- Setback from the roadway
- Private road width
- Building setback per private road

He asked Commissioner Schaefer if there was reason to believe to deny the request based on the possibility that something could be done further. He said they could ask that question to understand how to make that work inside of the land.

Commissioner Weber mentioned if looking at other multi-family in the city, they only declare a 30 foot setback; the code will likely change. He referenced the private roadway being 20 feet whereas 30 feet is required. He said the city and the applicant have both illustrated that

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

neighboring neighborhoods have the same issue. It was hard for him to tell the applicant when adjacent property is held by a different standard. The driveway is the same issue. He said this has been noticed with multiple large developers and neighborhoods to make minor adjustments so they can get in the density required for the land. If trimming back units to try to offset the variances, the applicant would lose the density on the property.

Commissioner Schaefer said if trimming back to 8 units, the applicant may be able to achieve what they are asking for without getting a variance. It would not address what the neighbors are concerned about. The way she looks at it is if having 8 units, would they still be interested in doing this. If not, it would be an economic consideration that should be taken into consideration when reviewing the request. She agreed they should not be held to a higher standard if others are not. She said the land has not been used, nobody has wanted to build on it commercially, it is around a corner and hard to see. She questioned if there was an economic issue.

Vice Chair Clancy asked Commissioner Schaefer if an economic consideration should be added as a practical difficulty for approving something tonight, or if it is being stated as something to note or correct.

Commissioner Schaefer replied it is something that should be noted or corrected.

Commissioner Heidenreich asked if the park dedication fee is a part of the approval when releasing the plot. He referenced #2 and questioned if they do not pay the \$4,000 until they receive the permit.

Commissioner Weber replied if approving #2, it currently forces them to pay the \$4,000 per unit when they get the plat. He said he was questioning if it could be added as a part of the development agreement so they can do it in phases.

Commissioner Heidenreich said if doing it in phases, the \$4,000 seven years from now will not have the same value. He would like to see the entire \$4,000 paid for the plat at this time or have a condition added that it is at the current park dedication fee at the time.

City Planner Hunting replied that is the way the code/statute is currently written. If the park dedication fee goes up, the applicant would have to pay the current fee. They will not be locked in at \$4,000.

Commissioner Weber asked if a suggestion could be made for the Council to review.

City Planner Hunting replied in the affirmative.

Planning Commission Recommendation

Motion by Weber, Second by Presley to Approve Rezoning from B-3, General Business, to R-3B, Multi-Family Residential; Approve the Preliminary Plat of Buckley Corner townhomes subject to the eight conditions, with a note to City Council to work on the Park Dedication per unit as permit is issued with all rules and regulations that follow; Approve the Conditional Use Permit for the nine townhouse development subject to the conditions of the Preliminary Plat; and Approve the Variances one, two and three with the one condition listed using the practical difficulties listed in the packet.

Ayes: 7

Nays: 0 Motion carried.

This item will tentatively go before the City Council on November 13th, 2023.

5. REGULAR BUSINESS

A. Review of the Inver Grove Heights Five-Year Capital Improvement Plan (2024-2028) for consistency with the Inver Grove Heights Comprehensive Plan.

City Planner Allan Hunting stated that the Planning Commission is required to make a recommendation and sign a resolution that the presentation (CIP) is consistent with the Comprehensive Plan.

Parks and Recreation Director Adam Lares presented the 2024-2028 Capital Improvement Plan (CIP). The CIP is a 5-year outlook on projects prioritized by staff. Projects are based off city and partner agency projects. This helps staff determine short term and long term funding decisions for the next 5 years.

The Planning Commission's Role: Per State Statute, review and recommend CIP approval to the City Council. The CIP maintains compliance with the Comprehensive Plan.

CIP: Last Year versus This Year:

2023-2027 CIP:

- Pavement Management Initiatives
- Utility Projects (water, sewer, storm)

2024-2028 CIP:

- Pavement Management Initiatives
- Utility Projects (water, sewer, storm)
- City Facilities
- Community Center
- Parks
- Golf Course

City Facilities, Community Center, and Golf Course are not subject to Commission approval.

2024-2028 CIP Parks Improvements:

The main funding source is \$300,000 annually allocated towards park capital replacement.

Overview:

- Heritage Village Park Phase 5 Construction, 45%
 - Also received \$2 million dollars in state bonding
- Parking lot and trail reconstruction, 21%

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

- Playground replacement, 16%
- Tennis Court and Outdoor Hockey Rink reconstruction, 13%
- Skate Park replacement, 3%
- Equipment, 2%

Parks 2024 Projects:

- Groveland Park Parking Lot
- Salem Hills Parking Lot
- The courts at Oakwood/Skyview Parks (pickleball or tennis courts)
- Woodchipper
- HVP (Heritage Village Park) - Phase 5 (Playground, Splash Pad, parking lot expansion on the east side): \$2.6 million dollars
 - Total Projects: \$3,525,600

A balance will be carried over from 2023 in the Parks Capital Replacement Fund, money from the State, and \$300,000 allocated yearly for Park Capital Replacement.

Parks 2025 Projects:

- Salem Hills Playground
- Hockey Rink at Oakwood Park
- Hockey Rink at Groveland Park
- Playground at Southern Lakes Park
- Parking Lot at Rich Valley (three parking lots, all three are 20+ years, saving for the next several years, PMP savings for the 2029 project) in the amount of \$250,000.
 - Total Projects: \$625,000

Parks 2026 Projects:

- South Valley Park Trail (from 70th Street to 80th Street)
- Sleepy Hollow Playground
- Groveland Tennis Courts
- Parking Lot for Rich Valley (Saving \$250,000 for the 2029 project)
 - Total Projects: \$500,000

Parks 2027 Projects:

- VMCC Skate Park
- VMCC Park Playground
- Parking Lot for Rich Valley (Saving \$250,000 for the 2029 project)
 - Total Projects: \$700,000

Parks 2028 Projects:

- Ernster Park Playground
- Lions Park Playground
- Parking Lot for Rich Valley (Saving \$250,000 for the 2029 project)
 - Total Projects: \$550,000

Commissioner Weber asked when the splash pad was approved for Heritage Village Park.

Parks and Recreation Director Lares replied Phase 5 includes the inclusive playground that has been fully designed with landscape structures. The splash pad has been conceptually designed. Staff are working with the subcommittee of the Parks and Recreation Advisory Commission on this. A bonding request was approved and awarded for 2025 construction.

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

Commissioner Weber asked if the plan was to do all three of Rich Valley's parking lots at the same time.

Parks and Recreation Director Lares replied that is the goal. They are looking for a 2-week shutdown period closer to fall.

Commissioner Schaefer referenced future action plans in the Comprehensive Plan stating the first thing was to work to acquire lands for future parks and expansion of existing parks. She requested additional information.

Parks and Recreation Director Lares responded as it relates to the capital improvement plan, it is existing infrastructure. This looks at current amenities and structures within the current parks system. Relating to future acquisition/development of future parks in the northwest area, the plan guides for 4-5 new parks. The Parks and Recreation Advisory Commission and the subcommittee group are actively looking and will be presenting on potential acquisition parcels. Three brand new parks have recently been brought online: Argenta Hills Park, Overlook Ridge Park, and Vista Pines Park.

Commissioner Schaefer asked if funding for purchasing land for parks would come out of the capital budget.

Parks and Recreation Director Lares replied no, Capital Replacement Fund 401 is strictly used for capital replacement improvements. Park Dedication fees are from the Parks Development and Acquisition Fund.

Commissioner Schaefer asked when prioritizing projects for replacement versus acquisition, if they were separate prioritizations.

Parks and Recreation Director Lares replied they are typically separate because one is for existing infrastructure, beyond their life cycle/condition based. For example: South Valley Park's playground, warming house, and pavilion.

Commissioner Schaefer commented when replacing, information was listed in different ways. She did not understand what the #1 or #2 priorities were.

Parks and Recreation Director Lares responded it's based on time. Anything in 2024 has a higher prioritization over 2028. They look at repairs and courts. With Heritage Village Park Phase 5, a segment of funding was from Park Development and Acquisition. Prioritization is based on annual year. He said they only budget for what they can afford in that year. For 2024, all projects listed have funding.

Commissioner Twedt referenced courts, playgrounds, hockey rinks, and the skate park, asking how they go about determining tennis courts versus pickleball courts. He asked if they use a survey and neighborhood comments.

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

Parks and Recreation Director Lares replied there was a three month engagement process with Oakwood and Skyview courts. 1,300 residents around both parks were targeted with questions. There was an online survey, social media posts, city website listing, direct mailers, and information included in the newsletter. There were three open houses; one at each location and one at the community center. Once feedback was gathered information was given to the full Parks and Recreation Advisory Commission regarding what courts they should be replaced with. There were over 270 participants in the survey for both courts.

Commissioner Schaefer questioned what was assumed for inflation rates.

Parks and Recreation Director Lares replied they do 5-10% depending on the item. Sometimes they get closer to 20%.

Public Works Director Brian Connolly presented in Public Works:

Pavement Management Local Projects:

- 87% of costs comes from the annual pavement management initiative projects. There are 6-7 miles of roadway rehab done every year.
- Maintenance Projects are at 11%.
 - Capital funds reinvest in infrastructure and increase the value. This includes:
 - Broad area patching, crack sealing, thin overlays and micro surfacing, traffic calming, and safety improvements.
- Sidewalks, Trails & Studies, 2%
 - Grant funds were received for a project next year for ADA Intersection Improvements
 - Trail reconstruction/extensions
 - Traffic studies such as yellow flashing arrows on some of the signals and a traffic study for Cahill Avenue which is a four lane road with no turn lanes.

5 Year Pavement Management Local Streets cost: \$82,229,657

Pavement Management Initiative (PMI):

Project Selection Criteria:

Before 2021, 2-3 miles of roads were done per year, this has more than doubled since then.

- Pavement Condition Index (PCI). Rating of pavement condition from 0-100. 100 is brand new with zero needing new/replacement.
- Age, maintenance costs, past prioritization, public utility condition

Annual Project Goals:

- 6-7 miles of roads per year
- Combine neighborhood streets into a single project
- Focus on multiple rehabilitation techniques

Other Key Pavement Management Projects:

- Cahill Avenue Traffic Study. To be done within the next couple of years.
- Miscellaneous County Road Studies
- Babcock Trail Gap from Upper 55th Street to I-494
 - Primary trail gap. Received grant funding. Construction will begin in 2025. This is a joint city/county effort.
- 117th Street Reconstruction

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

- Began final design in 2023. Looking to construct in 2025/2026. Secured \$13 million dollars in Freight Grants and State Bonding money. Also, a joint city/county effort.

2023-2027 CIP Utility Improvements:

There are three Utilities: sanitary sewer, watermain, and storm sewer.

- Partner Projects, 1%
- Non-utility city projects, 51% (pavement management project)
- Sanitary Sewer Utility Projects, 48%
 - Sewer Rehabilitation (lining), Sewer Cleaning and Televising, Lift Station Rehabilitation

Sanitary Sewer Utility 5-Year CIP: \$7,701,300

Water Utility Projects:

- Partner Projects, 1%
- Non-Utility City Projects, 29%
 - 2024-2028 PMI Projects
- Water Utility Projects, 70%
 - Well and Booster Pump Inspection and Rehab (7 wells in town), Water Treatment Plant Rehabilitation, Automated Meter Infrastructure (ability to do remotely), Northside Water Tower Painting (between Highway 3/Highway 52)

Water Utility 5-Year CIP: \$17,951,000

Storm Sewer Utility Projects:

- Partner Projects, 4%
- Non-Utility City Projects, 63%
 - 2024-2028 PMI Projects
- Storm Sewer Utility Projects, 33%
 - Groundwater Monitoring, Sewer Televising, minor drainage improvements, Pond Cleanout & Outfall Program, MS4 Implementation Efforts, Water Resource Management Plan Update (has not been updated since 2018, did not merge/work well with the northwest area storm sewer plan. Looking to merge both and have a single Water Resource Management Plan for the entire community).

Storm Sewer Utility 5-Year CIP: \$5,226,000

Commissioner Weber asked if the Dakota County Greenway Bike Project would take place in 2024.

Public Works Director Connolly replied that is a county project. The county is starting a three-phase project. There are several greenways they are working on. Some are half built in the city. The Mississippi River Regional Trail is fully constructed through Inver Grove Heights, almost down by 117th Street. There is the Veterans Memorial Greenway, north of Cliff Road, near Barnes Avenue that would have a Trailhead at Rich Valley Park. The first phase begins next summer. The other two phases, in Eagan and Inver Grove Heights, are still in the future. Plans have not been noticed for those yet.

Vice Chair Clancy asked if the Water Treatment Rehabilitation Project will begin at the end of 2024. He asked if it was on the original schedule to begin.

Planning Commission Meeting Minutes

Tuesday, October 17, 2023

Public Works Director Connolly replied the original schedule was to start this winter and be able to get it fully implemented. They will be bidding the project this spring. Through the preliminary design effort staff discovered it was not likely to be able to get all of the materials needed; some had six month lead times. If bidding in December it would have meant the equipment would have arrived in June/July, which is the worst time to take the treatment plant partially offline because it is when there is the highest water usage. Some work will be done over the summer, but the treatment plant will not be taken offline until next September/October.

Public Works Director Connolly discussed the Relation to the Comprehensive Plan:

- Chapter 5 Transportation:
 - System preservation is key to a functioning infrastructure system.
 - Scheduling and prioritizing projects provides cost effective solutions to managing assets.
- Chapter 6 Parks and Recreation:
 - Preserving and maintaining our parks and natural areas are an important need to residents to maintain a healthy and active community.
 - Focus on maintaining and improving existing facilities.
- Chapter 7 Sanitary Sewer:
 - Sewer cleaning and maintenance extends existing infrastructure lifespan.
 - Sewer inspection and lining reduces inflow/infiltration.
- Chapter 8 Water Supply Plan:
 - Maintenance is critical to the sustainability of our water infrastructure.
 - Key maintenance activities at the Water Treatment Plant are required to ensure compliance with Minnesota Department of Health requirements.
 - Effective metering program includes replacement and upgrade of meters as the system ages.
- Chapter 10 Surface Water Management:
 - Management of stormwater includes maintenance of a functional stormwater system.

Next Steps:

- Resolution of CIP Review and Comprehensive Plan Conformance
- Staff would bring this before the City Council on November 13, 2023

Motion by Twedt, Second by Heidenreich, to approve the proposed Capital Improvement Plan for the period of 2024-2028. The Commission finds that it is consistent with the City's 2040 Comprehensive Plan.

Ayes: 7

Nays: 0 Motion carried.

This item will tentatively go before the City Council on November 13, 2023.

6. ADJOURN

Motion to adjourn the meeting at 7:40 p.m.

Respectfully submitted by Sheri Yourczek, Recording Secretary



Planning Commission Report

MEETING DATE:	November 7, 2023
CASE NO:	23-44V
APPLICANT:	Brian Carpenter
PROPERTY OWNER:	Jacob & Elizabeth Crandall
REQUEST:	Variance to allow a porch addition to encroach within the front yard setback
LOCATION:	6930 Carment Avenue
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Single Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A **Variance** to allow a front setback of 25 feet whereas 30 feet is the required setback for a porch addition.

BACKGROUND

The property experienced a house fire which requires the original single-family home to be rebuilt. The homeowners are using the original foundation from the home that was built in 1960 but are using this opportunity to increase the size of the home by adding a second story. Additionally, the owners are hoping to add a front porch that would encroach into the front setback. The neighborhood is developed with single-family homes to the north, west and east. Mt. Bethel Church is located to the south of the property. The addition would be in compliance with other city code requirements such as side setbacks, exterior building materials and impervious surfaces.

The porch would be located about 25 feet from the front property line. A porch requires a front setback of 30 feet. The zoning ordinance allows uncovered porches, decks, and entry landings to encroach into the front yard up to 24 feet from the property line. In this case, since the porch area would be covered, this section of the code would not apply.

EVALUATION OF REQUEST

North, West, & East:	Single-family	Zoned: R-1C, Single-family Residential	Guided: LDR, Low Density Residential
South	Church	Zoned: P, Public	Guided: P/I, Public/Institutional

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

VARIANCE

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 as practical difficulties. The applicant's request is reviewed below against such criteria.

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

A covered porch is considered part of the principal structure and therefore requires a 30-foot front setback. An open deck (no roof) would be allowed to encroach up to 24 feet from the front property line. Staff does not believe the Variance request is consistent with, or in harmony with, the Zoning Ordinance.

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

Decks and porches are typical expansions of single-family homes. However, size and location are limited to maintaining setbacks. A reasonable use for the property has been established with the home, with space on the rear of the home to add the desired porch that could comply with setbacks. Allowing the proposed location would be a convenience to the property owner, not a practical difficulty.

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

The site is unique in that the rebuild of the home is limited to the location of the original foundation, which complies with the 30-foot front setback. The applicant would like to make the property more aesthetically pleasing by adding a front porch, encroaching into the setback.

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

Although the porch addition would enhance the curb appeal of the home, it would be the closest structure to the front property line when compared to the other homes in the neighborhood. The property to the north is the most directly affected property, which would be at least 60 feet between their home and the proposed porch.

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

Economic considerations do not appear to be a basis or a sole basis for this request.

ALTERNATIVES

The Planning Commission has the following actions available on the following request:

A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be taken:

- Approval of the **Variance** to allow a porch addition within the front yard setback is 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. All requirements of a building permit review shall be met.

Practical Difficulty: To be stated.

B. Denial. If the Planning Commission does not favor the proposed Variance 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 as the proposed home provides reasonable use and there is space on the rear of the home to add a porch addition that would comply with setback requirements.
2. Approval of the Variance could set a precedent for other encroachments within the front yard setback.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. Allowing a porch addition to encroach within the front setback appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

RECOMMENDATION

The lot does have some unique constraints. However, there is reasonable use of the property with the home. A front porch addition may be considered a nice amenity, but there is room on the property to have an uncovered front entrance or to construct the porch on the rear of the home that would be in compliance with code requirements.

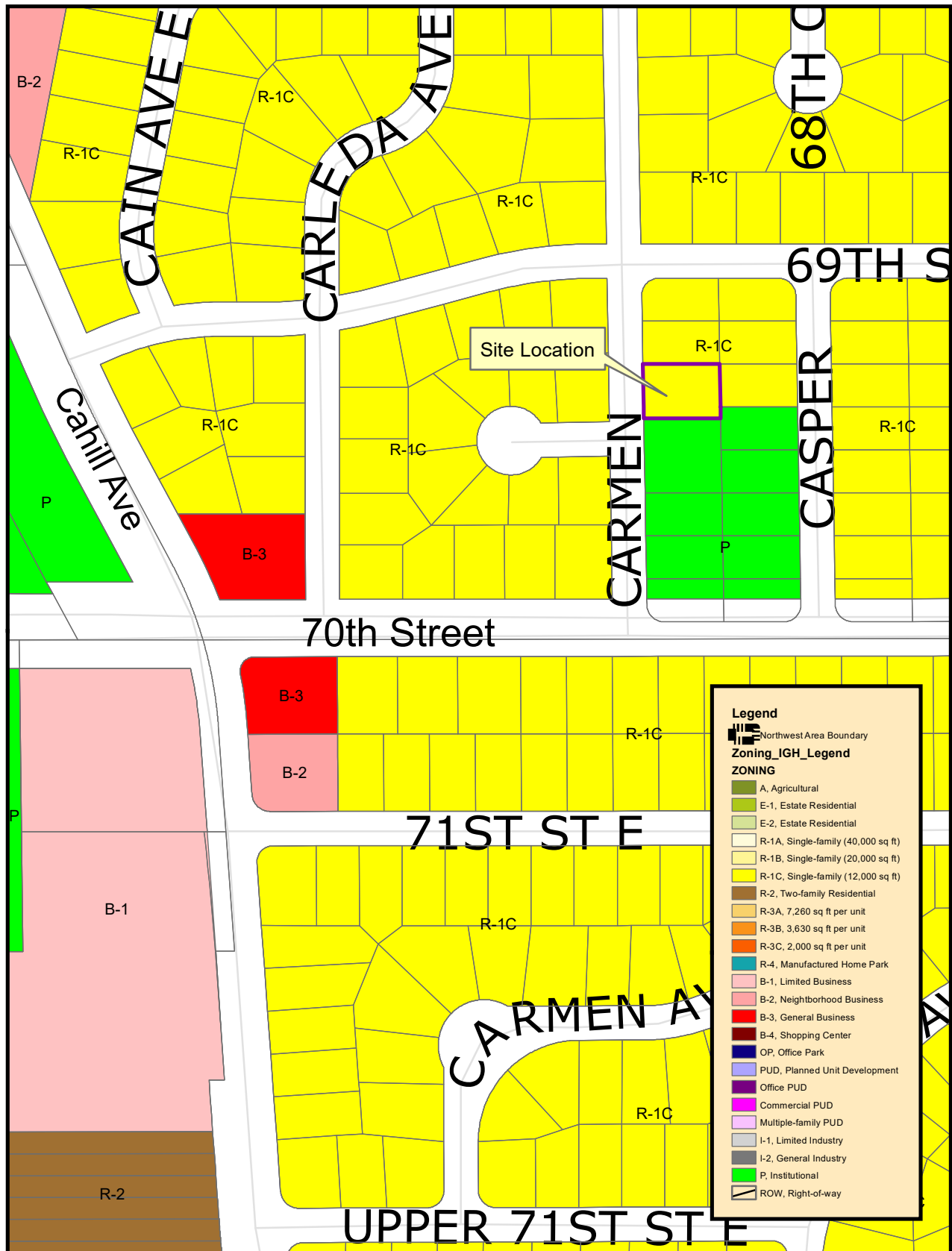
Based on the information in the preceding report and the reasons listed in Alternative B, staff does not believe there is sufficient rationale to support the criteria of a Variance review and therefore recommends Denial of the request as proposed.

ATTACHMENTS

1. Location Map
2. Applicant Narrative
3. Site Plan
4. Elevations



6930 Carmen Avenue Case No. 23-44V



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

I am writing to formally request a building variance to permit the construction of a front-covered porch that encroaches on the front property line setback. The setback of the residence complies with the current setback requirements; however, I believe that granting this variance will greatly enhance the aesthetics of the property, increase its curb appeal, and maintain the essential character of the neighborhood.

Background: The residence is located at 6930 Carmen Ave, within the South Grove No 4 neighborhood. The family that owns this home has suffered a devastating fire loss that requires them to move into temporary housing while the reconstruction occurs. This fire loss is the impetus for the reconstruction and remodeling of the residence. The neighborhood boasts a rich heritage characterized by its charming, cozy, and welcoming atmosphere. Several homes in the community feature front porches, which serve as a hub for social interaction, fostering a sense of belonging among residents. When reconstruction is complete the family would love to use this porch to reengage with the neighborhood.

Proposed Improvement: I propose constructing a front covered porch that would extend approximately 25' 2" from the front property line. The fascia line would only extend 3' past the current garage fascia line. This porch will not only provide the family with a space to enjoy the outdoors in various weather conditions but will also enhance the aesthetic appeal of the home. The design of the porch is in harmony with the architectural style of the neighborhood, blending seamlessly with the existing structures and maintaining the essential character of the area.

Reasons for the Variance: While I understand the importance of zoning regulations in maintaining uniformity and safety within the community, I believe that granting this variance is justified for several reasons:

1. **Preservation of Neighborhood Character:** The front porches in the neighborhood contribute significantly to the welcoming and close-knit atmosphere of the community. The proposed porch addition will align perfectly with this character, preserving the essence of the community.
2. **Increased Curb Appeal:** The addition of a front porch will undoubtedly enhance the curb appeal of this property. It will provide a visually pleasing focal point that complements the existing architecture while adding to the overall attractiveness of the neighborhood.
3. **Community Engagement:** The neighborhood thrives on interaction among residents. A front porch is not just a space; it's a platform for building community bonds. It encourages neighbors to gather, converse, and strengthen the sense of unity that defines the area.
4. **Practical Difficulty:** The current location of the home, complying with the setback requirement, poses a practical difficulty in creating a functional covered front deck without encroaching on the setback. The existing foundation is being used for the reconstruction. Moving the house back from the property line is not practical. The variance would alleviate this challenge and enable the homeowner to maximize the use of the property.

Considerations: I am committed to ensuring that the construction adheres to all city codes and regulations, does not interfere with traffic or public access, and remains consistent with the aesthetics of the neighborhood.

I kindly request that the planning commission review my application for a building variance favorably, understanding that it aligns with the essential character of the neighborhood and will contribute positively to the community. I am more than willing to address any concerns or questions the commission may have regarding this proposal.

Thank you for your time and consideration of my request. I look forward to the opportunity to discuss this proposal further during the upcoming review.

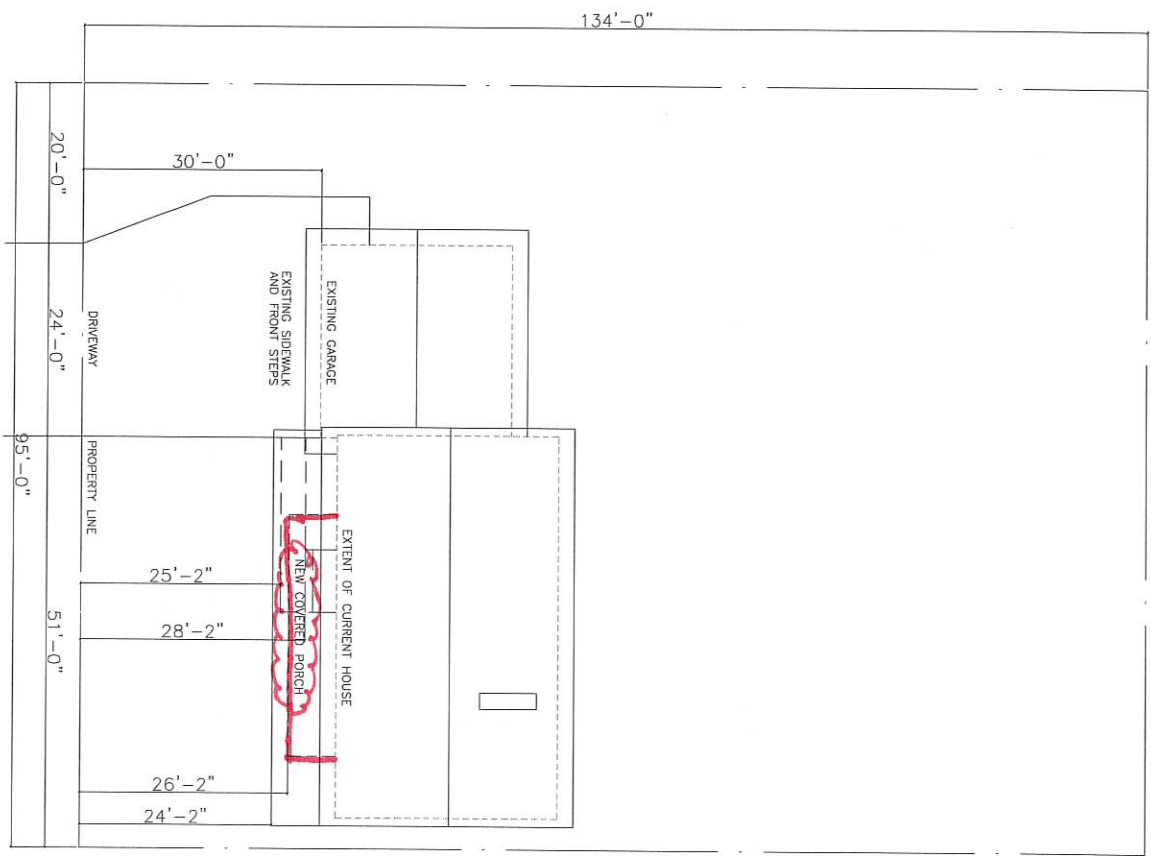
Sincerely,

Brian Carpenter

Director

Capital City Construction and Remediation

PROJECT FOR:
 JAKE & LIZ CRANDALL
 6930 CARMEN AVE
 INVER GROVE HEIGHTS, MN
 55076



DESIGN FOR: JAKE & LIZ CRANDALL 6930 CARMEN AVE INVER GROVE HEIGHTS, MN 55076	GENERAL CONTRACTOR: CAPITAL CITY CONSTRUCTION EAGAN, MN 55121 651-994-6844	DESIGN BY: GATES DESIGNS GREEN BAY, WI 920-246-3913
SITE PLAN		
SCALE: 3/32"=1'-0"		
FINAL DATE: 9/11/2015		
REVISED DATE: 9/9/2015		
10-2-2015		
PLAN #:		
23-0415		
SHEET		
1A		
OF 15 SHEETS		

A PROJECT FOR:
JAKE & LIZ CRANDALL
6930 CARMEN AVE
INVER GROVE HEIGHTS, MN
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DESIGN BY:	GATES DESIGNS GREEN BAY, WI 920-246-3913
GENERAL CONTRACTOR:	CAPITAL CITY CONSTRUCTION EAGAN, MN 55121 651-994-6844
DESIGN FOR:	JAKE & LIZ CRANDALL 6930 CARMEN AVE INVER GROVE HEIGHTS, MN 55076
TITLE PAGE	SCALE: 1/4"=1'-0"
FINAL DATE:	9/1/2023
REVISED DATE:	9/5/2023
PLAN #:	23-0613
SHEET	1
OF 15 SHEETS	