Inver Grove Heights Planning Commission
Tuesday, January 16, 2024 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, January 16, 2024, will be provided to the Council at or before the January 16, 2024 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Election of Officer**
   - **A.** Election
4. **Consent Agenda**
   - **A.** Minutes of the December 19, 2023, Planning Commission Meeting
5. **Public Hearing**
   - **A.** Variance request for a parking pad that encroaches into the side and rear setbacks of the property at 4020 75th Street East (Marco Contreras - Case No. 23-49V).
6. **Regular Business**
7. **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, December 19, 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) Dennis Wippermann Jason Teiken Trisha Presley Robert Heidenreich Aida Schaefer Lance Twedt
Staff Present:	Allan Hunting, City Planner Stacy Bodsberg, Community Development Support Specialist

3. CONSENT AGENDA
A. Minutes of the December 5, 2023, Planning Commission Meeting

The minutes from the December 5, 2023 meeting were approved as presented.

4. PUBLIC HEARING
A. Request for an Amendment to the Bishop Heights Ordinance to allow a fast-food restaurant within the existing multi-tenant building and adjusting trip generation for the parcel located at 5751 Blaine Avenue (Tono Pizzeria – Case No. 23-50ZCA).

Reading of Public Notice
Commissioner Weber read the Public Hearing Notice. Notices were mailed to 20 property owners on November 30th, 2023.

Presentation of Request
City Planner Allan Hunting discussed the area off of 55th Street and Blaine Avenue. This is a two part amendment to Bishop Heights Ordinance to allow for a fast/casual restaurant. Parking requirements and demands have been checked. Staff feels there is adequate parking. The trip generation would go up. A running tab is kept for all uses in the Bishop Heights Ordinance. Staff sees no issues with the use or parking and recommends approval of the Amendment to the Ordinance that addresses the use and trip generation.

Opening of Public Hearing
Dario Klasic, 905 Jefferson Avenue, St. Paul, stated he has read and understands the report. He stated that they own the strip mall and would like to put the restaurant they own into the strip mall and bring the community another food choice.

Commissioner Schaefer asked if the space was right next to the Caribou Coffee.

DRAFT

Mr. Klasic replied it is not. It is the space that used to be a massage business. The current chiropractic business located next door would like to downsize so they would also be using some of the square footage from the chiropractic office.

Chair Niemioja closed the public hearing.

Planning Commission Recommendation

Motion by Weber, Second by Clancy, to Approve the Amendment to the Southeast Quadrant PUD Ordinance to allow the uses for the Lot 3, Block 1, Bishop Heights 4th Addition, for the retail restaurant with drive thru, changing it to sit down restaurant, and amending the trip generation table to include the trips assumed for the new restaurant for the request located at 5751 Blaine Avenue (Tono Pizzeria – Case No. 23-50ZCA).

Ayes: 9
Nays: 0 Motion carried.

This item tentatively goes before the City Council on January 22, 2024.

5. REGULAR BUSINESS None.

6. ADJOURN

City Planner Allan Hunting mentioned this would be Chair Niemioja's last meeting as she has been elected to the School Board. The City of Inver Grove Heights prepared a plaque thanking her for her eight years of service.

Chair Niemioja thanked staff for all they have done along with the multiple Mayor's, Councilmembers, and colleagues. She has enjoyed every minute.

Motion to adjourn the meeting at 7:09 p.m.

Respectfully submitted by Recording Secretary Sheri Yourczek

DRAFT

Agenda Item 5.A.

Planning Commission Report

MEETING DATE:	January 16, 2024
CASE NO:	23-49V
APPLICANT:	Marco Contreras
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance to allow a parking pad within the side and rear setbacks.
LOCATION:	4020 75th Street East
COMPREHENSIVE PLAN:	NC, Neighborhood Commercial
ZONING:	B-2, Neighborhood Business
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A Variance (after-the-fact) to allow a parking pad within the required 10-foot side and rear setback.

BACKGROUND

The applicant's property is 7,125 square feet (0.16 acres) in size. The lot has an existing building that historically was used as a barber shop and offices. The current property owner purchased the property with the intent of using the site for his existing furniture delivery business. The concrete pad was installed for the storage of a semi-truck. After conversations with city staff, the owner learned about the encroachment violations and that outdoor storage of a semi-truck is not a permitted use in the B-2 zoning district. The owner has found a location off-site to store the semi and is continuing with the Variance request to allow the encroachment of a parking pad into the side and rear setbacks.

The applicant installed the parking pad about three feet from the side and rear property lines. City Code requires a 10-foot setback for parking abutting residential property. The applicant's lot, existing building, and existing parking lot are legal non-conforming.

EVALUATION OF REQUEST

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

North, South, & East:	Single-Family Residential	Zoned: R-1C, Single-Family Residential	Guided: LDR, Low Density Residential
West:	Vacant	Zoned: B-2, Neighborhood Business	Guided: NC, Neighborhood Commercial

Engineering. Engineering has reviewed the request and takes no exception to the setback Variance. Drainage and impervious surface of the site would be reviewed after the decision of the Variance takes place.

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 as 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.*

City Code requires a ten-foot side and rear yard setback for parking in the B-2 district, when abutting residential property. The intent of the setback requirement is to provide room for utilities, drainage, and have a green space and separation between properties. The request is consistent with the Comprehensive Plan as the lot is guided neighborhood commercial and the parking improvements are an accessory to the business uses on site.

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

The property is a legal non-conforming lot. The use of the property has historically been commercial and is proposed to continue to be a use allowed in the neighborhood commercial district. Staff finds the request to encroach into the side setback in-line with the existing structure to be a reasonable request as the setback line has been established by the legal non-conforming structure. Staff believes the encroachment into the south setback to be contrary to the intent of the Zoning Ordinance and may set a precedent for other parking lot encroachments.

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

The encroachment into the side and rear setbacks is the plight of the landowner as they did not research or contact the City to find out the rules and regulations prior to the installation of the parking pad. Staff does believe though, that the encroachment into the side (east) setback is unique as it is in-line with the existing legal, non-conforming building.

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

One of the functions of setback requirements is to maintain consistency of structure and parking placement and aesthetic qualities from street and neighboring views. Staff does not believe the proposed encroachment to the east would alter the essential character of the locality as the setback has been established with the current building. The proposed, reduced setback to the south (rear) lot line could impact the drainage onto the neighboring residential property and would allow vehicles to be parked within a few feet of a residential property.

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

Economic considerations do appear to be a basis for this request. The parking pad has been installed. The property owner would have to remove the portion of the parking pad that is in violation if the Variance is denied.

ALTERNATIVES

A. <u>Approval.</u> If the Planning Commission finds the request to be acceptable, the Commission should recommend approval of the request(s) with at least the following conditions:

- Approval of a Variance to allow a parking area to be located within the side and/or rear 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. The owner must work with the City Engineering Department to calculate impervious surface and manage stormwater runoff as needed to comply with City Code.

Practical Difficulty for the rear (south) setback: To be stated.

Practical Difficulty for the side (east) setback: The parking slab would be in line with the existing legal non-conforming building that does not comply with setback requirements. This reduced setback was established with the construction of the building prior to 1964.

B. <u>Denial.</u> If the Planning Commission does not favor the proposed request(s), 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 parking encroachments.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance.

With at least the following condition:

1. The parking area(s) in violation shall be removed and sod or landscape installed by June 30, 2024.

RECOMMENDATION

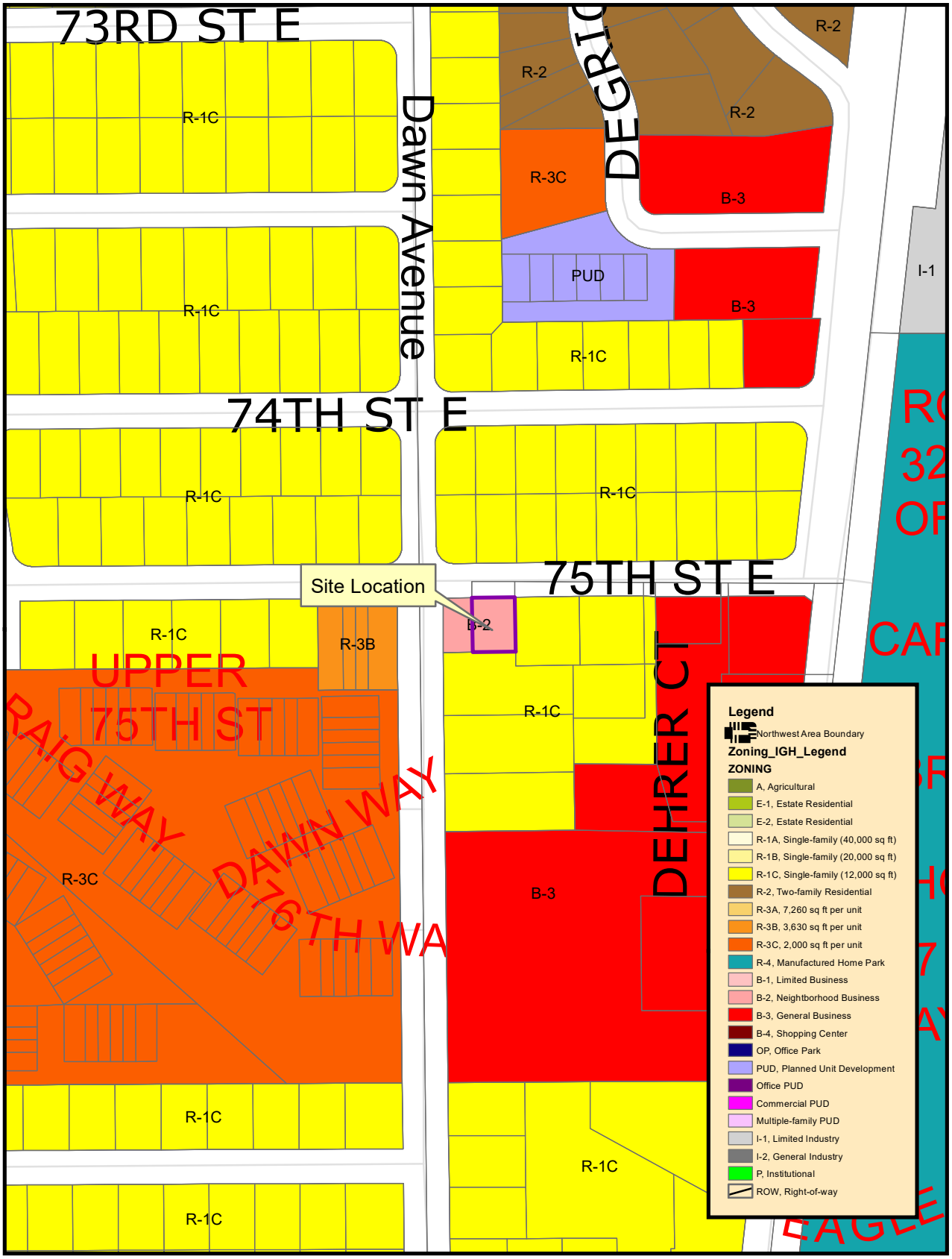
Based on the information in the preceding report staff does not believe there is sufficient rationale to support the criteria of a Variance for the south lot line and therefore recommends Denial of the parking lot encroachment.

Staff is in support of the setback Variance along the east property line based on the information in the preceding report and the conditions and rationale listed in Alternative A.

ATTACHMENTS

1. Zoning & Location Map
2. Photos of Parking Pad

4020 75th Street
Case No. 23-49V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION 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
Map produced by the City of Inver Grove Heights GIS Dept.
Copyright© City of Inver Grove Heights 2020

Exhibit A
Zoning and Location Map

Map not to scale