



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

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Minutes of the March 19, 2024, Planning Commission Meeting.
4. **Public Hearing**
 - A. Variance request for a parking pad that encroaches into the side and rear setbacks of the property located at 4020 75th Street East. (Marco Contreras - Case No. 23-49V)
 - B. Major Site Plan Review to construct a new control building at Xcel Energy's Westcott Natural Gas Plant located at 10326 S. Robert Trail, and identified as PID No. 20-03000-25-021. (TKDA - Case No. 24-11SP)
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

Wednesday, March 19, 2024 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

Chair Weber called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. **ROLL CALL**

Commissioners Present: Jonathan Weber (*Chair*)
Scott Clancy (*Vice-Chair*)
Trisha Presley (*Secretary*)
Jason Teiken
Robert Heidenreich
Aida Schaefer
Dennis Wippermann
VACANT SEAT

Commissioners Absent: Lance Twedt - excused

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

3. **CONSENT AGENDA**

A. Minutes of the March 6, 2024, Planning Commission Meeting.

Motion by Heidenreich, Second by Presley, to Approve the minutes of the March 6, 2024, Planning Commission meeting as they were submitted.

Ayes: 7

Nays: 0 Motion Carried.

4. **PUBLIC HEARING**

A. Comprehensive Plan Amendment to change the land use designation for about 4.5 acres from the current MDR, Medium Density Residential, to LMDR, Low-Medium Density Residential, and for about 0.50 acres from MDR, Medium Density Residential, to LDR, Low Density Residential, for the property located at 1845 77th Street West. (Steve Grebin - Case No. 24-10PA)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice. Notices were mailed to 46 property owners on February 29, 2024.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Commissioner Clancy questioned if there were additional overlay districts that would trigger the need for City Council review of proposals.

Associate Planner Botten clarified that the current zoning is agricultural, and it is in the Northwest Area Overlay District. If the Comprehensive Plan Amendment is approved, the next

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

step would be to Rezone and Plat the parcel, along with any other requirements that may be needed.

Planning Commission Discussion

Motion by Clancy, Second by Wippermann, to Adopt additional emails from residents into the public record that were received for this specific item.

Ayes: 7

Nays: 0 Motion Carried.

Opening of Public Hearing

Steve Grebin, 1974 77th Street West, Applicant, stated that he received the staff report and understood it. He is requesting to change the density from medium density, 40-60 units for 5 acres down to low-medium density, 20-40 units.

Ann Ulrich, 7623 Bennett Court, presented a petition signed by 91 residents opposing any zoning that would allow for multi-unit dwellings. Ms. Ulrich stated as reasons for opposition, the existing character of the neighborhood, which is currently all single-family homes, and mentioned that there are already traffic issues/risks to pedestrians due to lack of sidewalks and a sharp turn on one of two neighborhood entry/exit points on 77th Street West. These issues would be worsened with increased daily traffic in/out of the neighborhood. The petition signatories' desire to preserve the natural habitat in the property's backyard. Given the existing traffic issues and the current lack of multi-family homes in Orchard Heights, other areas of the city would be better suited for multi-family housing. Reject this proposal and recommend that the City Council do the same.

Chair Weber clarified that the specific design of the development is not in question at tonight's meeting, the request is to change the land use designation set in the 2040 Comprehensive Plan, adjusting from Medium to Low-Medium density.

Eric Holm, 1928 77th Street West, stated that the needed infrastructure for this project is not in place, and that the area needs a traffic study. The intersection of Yankee Doodle Road and 77th Street needs a traffic signal, especially with future development from the trail project nearby. There are also no parks in the neighborhood.

Chair Weber clarified that if the Comprehensive Plan Amendment is approved, the developer would submit an application with their plans for review. If the Comprehensive Plan is not amended, a developer can submit for a higher-density project as the parcel is currently guided medium density.

Bret Otzenberger, 1970 77th Street West, stated that the public hearing notice sent to residents mentioned 20 townhomes on one lot, which is why residents are commenting on the specific plan. Questioned why this parcel was zoned medium density in the first place. According to the zoning map, there are also single-family homes guided for medium density nearby (east of Argenta and north of Highway 55.)

Chair Weber inquired about the single-family homes guided for medium density in the area east of Argenta and north of Highway 55. City Planner Hunting stated that area is the Peltier Development and was approved as a Planned Unit Development (PUD) with single-family lots.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

Associate Planner Botten clarified that the land use guide for the Peltier Development area is still guided for medium density.

Chair Weber stated that Comprehensive Plans are set years in advance. The Planning Commission reviews broader districts and must meet density and rates for certain areas of the city based on the Metropolitan Council's plans. In the last Comprehensive Plan process, more density was needed in certain areas around arterial corridors.

Ann Ulrich, 7623 Bennett Court, stated that the area should be rezoned to low density for single-family homes.

Irene Schultz-Albert, 7643 Bennett Court, stated that the area has changed a lot in 20 years, with a large increase in townhomes and apartments. The property owner can still sell the parcel as a single-family lot, regardless of the zoning.

Laura P.L. Bordowitz, 3278 Rolling Hills Drive, Eagan, questioned why the area is being rezoned for less density when the proposal is to put in townhomes which seem to be of a higher density.

Chair Weber clarified that the current designation of medium density would allow for 40 townhomes on the 5-acre property. The lowered density, low-medium density, only allows the developer to put in 20 townhomes.

Laura P.L. Bordowitz, 3278 Rolling Hills Drive, Eagan, stated that regardless of the zoning, the neighborhood is currently all single-family homes, this development would create a very dense corner.

Chair Weber asked about a nearby area in Eagan that borders the neighborhood and includes townhomes. It was clarified that the neighborhood does not connect to the neighborhood of the proposed project.

Beth Rocheford, 1966 77th Street West, questioned what would happen if the request were denied.

Associate Planner Botten stated that the Planning Commission is an advisory commission, their recommendation is tentatively scheduled go to before the City Council on April 8th. If the City Council denies the amendment, the property would stay medium density and it would be up to the future landowner what they do with the land. If the landowner wanted to put in single-family homes, they would have to get a Comprehensive Plan Amendment for lower density, just as the applicant is currently seeking.

Beth Rocheford, 1966 77th Street West, questioned whether the lot could be turned into a park.

Associate Planner Botten stated that there are no current plans for a park to be placed in the area, but the plat would go to the Parks Commission for review and comment.

Eric Holm, 1928 77th Street West, questioned what the current zoning for the parcel is.

Chair Weber stated that it is agricultural but that the lot is guided medium density residential.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

Eric Holm, 1928 77th Street West, clarified that no one knows what will happen with this property. He mentioned it could become Section 8 housing and indicated he has concerns about it. He pointed out that the current house is not connected to sewer and water.

Dave Harpster, 7673 Bennett Court, questioned what the process would be to change the zoning to LDR.

Chair Weber stated that the land owner or applicant for the property would submit an application.

Irene Albert, 7643 Bennett Court, inquired about whether an amendment for the property could go from medium density to low density, instead of the proposed low-medium density.

Chair Weber stated that it could, but the proposal has to come from the owner of the property.

Laurence P.L. Bordowitz, 3278 Rolling Hills Drive, Eagan, inquired whether the low-medium density request makes the Comprehensive Plan more difficult to oppose.

Katie Retka, 561 77th Street West, Eagan, stated that the earlier-referenced townhomes are not a part of the Burr Oaks/Orchard Hills neighborhood.

Chair Weber closed the public hearing.

Planning Commission Discussion

Motion by Clancy, Second by Wipperman, to Accept the three resident comments stating desire against change request.

Ayes: 7

Nays: 0 Motion Carried.

Chair Weber stated that it's nice to see density being lowered instead of raised, and that other areas also seek higher-density projects at the entrance to a neighborhood.

Commissioner Teiken quoted the 2040 plan: "Residential neighborhoods will contain a variety of housing types and levels of affordability." Teiken stated that this proposal is a lower-density than what is being seen in other areas, so there is more of a transition in this location.

Commissioner Schaefer stated that it is difficult to exit the neighborhood currently. Low-medium density and medium density are both too dense for the turn on 77th Street. Schaefer stated that density close to Highway 55 makes sense generally, but the existing roads in this location could lead to backups onto Highway 55. If the amendment is approved, there's a process to follow, and the developer will bring a plan before the commission; if the amendment is not approved, someone in the future could request that the area be rezoned as low density.

Commissioner Clancy stated that he agrees medium density would be egregious for this neighborhood, and that it would be in the neighborhood's best interest to change the land use to low-medium density. Clancy stated that the proposed amendment gives the neighborhood more control to limit development and make the density increase more gradual.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

Commissioner Schaefer inquired if a developer could currently submit a proposal that meets the specifications for medium density and go straight to the permitting process, without a Comprehensive Plan Amendment.

Associate Planner Botten stated that a potential buyer would not currently need a Comprehensive Plan Amendment to submit a proposal that met the requirements for medium density. There would still be a public process for approval, but it would be difficult for the City to deny a proposal that met land use requirements.

Chair Weber inquired if there are future plans for realignment of 77th Street.

Associate Planner Botten stated that the Engineering Department reviewed traffic in the area at a high level, and Dakota County's Capital Improvement Plan for 2026 focuses on Argenta Trail and Highway 55, and the 77th Street intersection appears to be included with that study.

Commissioner Presley inquired how many single-family homes would be allowed on the property if it was low density.

Associate Planner Botten stated that low density allows for 1 - 4 units per acre.

Commissioner Wippermann stated that whatever is decided with this parcel will likely be the same use for the parcel directly to the east. Wippermann is concerned with adding units to the area, given the traffic issues.

Commissioner Schaefer inquired about the possibility of including a statement recommending a lower density in the Planning Commission's recommendation to the City Council.

City Planner Hunting clarified that if the Planning Commission is not supportive of making a change, they could also recommend a city-initiated Comprehensive Plan Amendment to change this parcel to low density.

Commissioner Clancy stated that it is not the role of Planning Commission to provide their opinion on land use and that they should just consider the facts in front of them.

Planning Commission Recommendation

Motion by Clancy, Second by Heidenreich, to Approve the Comprehensive Plan Amendment from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential and LDR, Low Density Residential subject to the three conditions listed in the staff report.

Ayes: 6

Nays: 1 (Wippermann) Motion Carried.

The item is tentatively scheduled to go before the City Council on April 8, 2024.

Recess at 8:05 p.m.

Meeting resumed at 8:11 p.m.

B. Preliminary Planned Unit Development Amendment and Final Planned Unit Development to increase the unit numbers and site plan changes to construct a four-story, 242-unit apartment building on property located at 70th Street West and Agate Trail, identified as PID No. 20-56900-13-010. (Yellow Tree Development - Case No. 24-08PUD)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice. Notices were mailed to 8 property owners on February 29, 2024.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Planning Commission Discussion

Commissioner Clancy inquired if parking is allowed along Agate Trail. City Planner Hunting stated that based on width, it would be allowed on one side of Agate Trail as well as on 71st Street (on the south side of the structure).

Commissioner Clancy inquired about overflow parking availability. City Planner Hunting stated that parking would be available along the city streets.

Commissioner Wipperman questioned if the footprint of the building changed or the number of floors to allow for the increase in units. City Planner Hunting stated that the layout of the building changed and that in the originally approved plan the number of floors was not specified.

Commissioner Clancy questioned if the original plan had an insufficient number of parking stalls. City Planner Hunting confirmed that it did and that the original plan was a concept plan.

Commissioner Schaefer stated that the request contains a 65-unit increase, a shortfall of 73 parking spots, and fewer trees. City Planner Hunting confirmed the first two but clarified that the landscaping is a condition of approval; they will need to provide more trees. Schaefer questioned whether the unit increase corresponds with the parking stall shortfall. Hunting clarified that in the Northwest Area, the required amount of parking is 1.87 times the number of units. For 180 units, that would be 336 parking stalls required. The current proposal includes 381. Schaefer clarified that if the units were not increased, they would have more than sufficient parking with 381 stalls. Hunting confirmed, but the developer might alter other things if the unit increase were to be denied. Schaefer inquired if the developer would still meet the density requirement without the unit increase. Hunting confirmed that they would. Schaefer inquired what the reasoning is for the unit increase. Hunting stated that would be a question for the applicant.

Commissioner Presley questioned whether street parking would be allowed during winter months. City Planner Hunting stated no, overnight street parking is not allowed in winter per city ordinance.

Chair Weber clarified that with the current number of planned parking stalls, they could have 204 units based on the city code.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

Opening of Public Hearing

Robb Lubenow, 1834 East 38th Street, Minneapolis, Yellow Tree Development, Applicant, stated that he had received the staff report and understood it. The building will be a mixed-income, mixed-age building for young people, teachers, retirees, etc. Parking is planned by looking at the bedroom numbers & usage information in the metro area. The company's internal metrics indicated that the current parking plan will have 30 extra parking spaces, after accounting for visitors and maintenance worker parking spaces.

Commissioner Heidenreich inquired about snow removal during the winter months. Mr. Lubenow stated that the snow will be retained on site when possible and hauled off site when necessary.

Pete Keely, 708 15th Ave Northeast, Minneapolis, Collage Architects, stated that the footprint of the building is the same; the shape of the building changed to create more interest and to give nearby neighbors on the south side more space. He explained that this building will predominantly have studio and one-bedroom units. The International Traffic Engineers Group data was used to argue that one parking stall per bedroom, plus visitors, will be an appropriate estimate for a building of this type. Outdoor amenity spaces with trees and plantings will be added, rather than big areas of impervious surfaces. The owners are confident the proposal contains enough parking to lease the units.

Commissioner Clancy inquired about monitoring guest parking. Mr. Lubenow stated that the enclosed as well as exterior parking spots will be assigned, and there will be set aside visitor parking and maintenance spaces, with overnight parking potentially not allowed in exterior spaces. The proposed 30 percent increase in units did not come from increasing the building size or number of residents; it came from shifting to smaller units. The proposal has more than the required amount of enclosed parking.

Commissioner Schaefer inquired about the rationale for the unit increase. Mr. Lubenow stated that the nodes of the new design allow for more amenities for residents. He estimated that the project initially had over half 2-bedroom units, which is not consistent with the entry-level renter (down to 60% AMI) target of his company's development. Additionally, he stated that the current design allows for more efficiency.

Commissioner Schaefer stated that the preliminary design was for larger family units, and this design is more for single people, but probably would allow for about the same number of residents. Mr. Lubenow stated that he would have to look at the original plan to confirm that.

Commissioner Schaefer inquired about nearby public transport. Mr. Lubenow stated that there is a bike path nearby but no bus stops. Schaefer stated that the residents of the building will then most likely need a car.

Chris Becker, 1210 70th Street West, stated that he is not against mixed-use development as a housing affordability tool, but is opposed to this market-value, high-density development. Large complexes dilute the feeling of the neighborhood. With there being no public transportation in the area, there is an anticipation of increased congestion and risks to pedestrians.

Linda Becker, 1210 70th Street West, stated that she is opposed to the size of the building, as it will dwarf the 26 houses that will be built adjacent to the complex. There are currently no four-story buildings in the Northwest Area. The four-story building will define the character of the

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

neighborhood, and there is no buffer in this case between the large building and the single-family homes. Consider adding buffers and deny the unit increase.

Chair Weber closed the public hearing.

Planning Commission Discussion

Motion by Clancy, Second by Teiken, to Adopt additional emails and renderings into the public record that were received for this specific item.

Ayes: 7

Nays: 0 Motion Carried.

Chair Weber stated that it's a nice change that the apartment building is being proposed in advance of the single-family homes around it.

Commissioner Clancy stated that the Northwest Area has been targeted to increase density. There are benefits of increased density to the city, including increased commercial reach and more parks and trails made possible by an increased tax base. The applicant's current plan fits that goal, and that the parking does not concern him given his knowledge of parking usage in the metro area.

Commissioner Schaefer stated that she was hoping to get more information on the rationale for the unit increase, and that it seems like it is more an economic decision that makes sense for the developer than a decision based on changing for demographics/demands. She is reluctant to approve 64 more units.

Chair Weber stated that the staff report contains a breakdown of the proposed unit mix and inquired if the original proposal that was approved included a similar breakdown. Hunting stated that the original did not, the plan was more conceptual, without elevations or mention of unit types.

Chair Weber inquired about the maximum allowable building height of 70 feet. Hunting stated the building height is found to be a maximum of 62 feet. Mr. Keely confirmed that the maximum building height is 62 feet.

Commissioner Heidenreich stated that the parking is not adequate for the proposed unit increase. He is not opposed to high-density housing but is not willing to waive the parking requirement.

Chair Weber echoed the concern about the possibility of not having enough parking.

Commissioner Wippermann stated that he considers a four-story building too high for a residential area.

Chair Weber stated that the maximum building height in the Northwest Area Overlay District is 70 feet.

Commissioner Teiken stated that there is importance in having a variety of housing and affordability levels. With the units being smaller, there will be fewer people and thus fewer vehicles per unit. There's no public transit currently in this area, but with more people, there could be a call for more transit options; with growth comes commensurate services.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

Planning Commission Recommendation

Motion by Clancy, Second by Teiken, to Approve the Preliminary PUD Amendment and Final PUD subject to the seven conditions noted in the staff report.

Ayes: 4

Nays: 3 (Heidenreich, Schaefer, Wippermann) Motion Carried.

The item is estimated to go before the City Council the 2nd week of April.

C. Major Site Plan Approval to construct parking lot improvements for a bus corral on the north side of the building at Hilltop Elementary School located at 3201 68th Street East (Bolton & Menk, Inc. - Case No. 24-09SP)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice. Notices were mailed to 115 property owners on February 29, 2024.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Planning Commission Discussion

Chair Weber inquired about a potential owner of a small portion of property. City Planner Hunting stated that according to Dakota County, the School District, and our city Attorney it was found that no one owns the property.

Commissioner Schaefer questioned if they would maintain a play area for the children. City Planner Hunting stated that Inver Grove Heights Schools Superintendent Dave Bernhardson can answer that question.

Opening of Public Hearing

Bill Diede, 3300 Fernbrook Lane North, Plymouth, Bolton & Menk, Inc., Project Engineer, Applicant, stated that he has read the staff report and understands it. In addition to bus parking stalls, the area will be marked for hard-surface play (e.g., foursquare.)

Commissioner Clancy questioned if the school was seeking a quiet title action plan to determine property ownership of the area with no owner.

Dave Bernhardson, 2990 80th Street East, Inver Grove Heights School District, Superintendent, stated that the School District extensively researched the property and found no owner, and that if someone does come forward, they will work through that process. The school has green play space, and when parking stalls are not being used for buses, this area will be used as a recess play space. It will also be used for special events. This solution will keep the buses out of the residential area in front of the school where they are currently dropping off.

Commissioner Teiken inquired about the corral's impact on congestion. Superintendent Bernhardson stated that this change will expedite traffic in the area during the morning and afternoon rush. The contracted bus company, Safeway, is just north of the area, so it will be easy access for them as well.

Planning Commission Meeting Minutes

Wednesday, March 19, 2024

William Frison, 6802 Carleda Avenue East, stated that he lives on the south side of the school, and the bus traffic is currently terrible. The corral would make things worse.

Chair Weber stated that this proposal moves the traffic to the north side of the building.

Superintendent Bernhardson stated that he spoke with the property owner of the apartment building located north of the school, and they're in support of the corral because it will provide easier access for the children to the school.

Chair Weber closed the public hearing.

Planning Commission Recommendation

Motion by Wippermann, Second by Schaefer, to Approve a Major Site Plan Approval for the bus corral parking lot expansion, subject to the five conditions listed in the staff report.

Ayes: 7

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on April 8, 2024.

5. REGULAR BUSINESS

None.

6. ADJOURN

Motion to adjourn the meeting at 9:21 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.



Planning Commission Report

MEETING DATE:	April 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 ten-foot side and rear setback.

BACKGROUND

The Commission passed a motion to table this item at the January 16, 2024, Planning Commission meeting in order for the applicant to complete a lot consolidation with Dakota County that would result in the combination of the two abutting parcels owned by the applicant.

With the lot consolidation complete, the applicant's property is now 11,946 square feet (0.27 acres) in size. The lot has an existing building that has been historically used as a barber shop and office space. The applicant purchased the property with the intent of using the site for his existing furniture delivery business. The applicant installed the concrete pad for the storage of a semi-truck. After conversations with city staff, the applicant learned about the encroachment violations and that outdoor storage of a semi-truck is not an allowed use in the B-2, Neighborhood Business zoning district. The applicant has found a location off-site to store the semi-truck 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 ten-foot setback for parking abutting residential property. The applicant's lot, existing building, and existing parking lot are legal non-conforming.

EVALUATION OF REQUEST

SURROUNDING USES.

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	Townhomes	Zoned: R-3B, Multiple-Family Residential	Guided: MDR, Medium Density Residential

ENGINEERING.

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

The B-2, Neighborhood Business zoning district allows up to 75% impervious surface, which is 9,960 square feet on the applicant's parcel. Including the requested parking slab, the property would be at about 6,204 square feet of hard surface, complying with zoning code requirements.

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, the City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

City Code requires a ten-foot side and rear yard setback for parking in the B-2, Neighborhood Business district, when abutting residential property. The intent of the setback requirement is to provide room for utilities, drainage, and to have green space and separation between properties. The request is consistent with the Comprehensive Plan as the lot is guided NC, Neighborhood Commercial and the parking improvements are an accessory to the business use 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(s) allowed in the Neighborhood Commercial district. Staff finds the request to encroach into the side (east) setback would be in-line with the existing building and a reasonable request as the setback line has been established by the legal non-conforming building. Staff believes the encroachment into the rear (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 (east) and rear (south) 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 structure.

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 (side) 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 area has been installed; the applicant would have to remove the portion of the parking pad that is in violation if the Variance is denied.

ALTERNATIVES

A. Approval. If the Planning Commission finds the request to be acceptable, the Commission should make the following recommendation:

- Approval of a Variance to allow a parking pad to be located within the side and/or rear setback 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 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 structure that does not comply with setback requirements. This reduced setback was established with the construction of the building prior to 1964.

B. Denial. If the Planning Commission does not favor the proposed request, the Commission should recommend 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 July 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 rear (south) lot line and therefore recommends Denial of the parking lot encroachment.

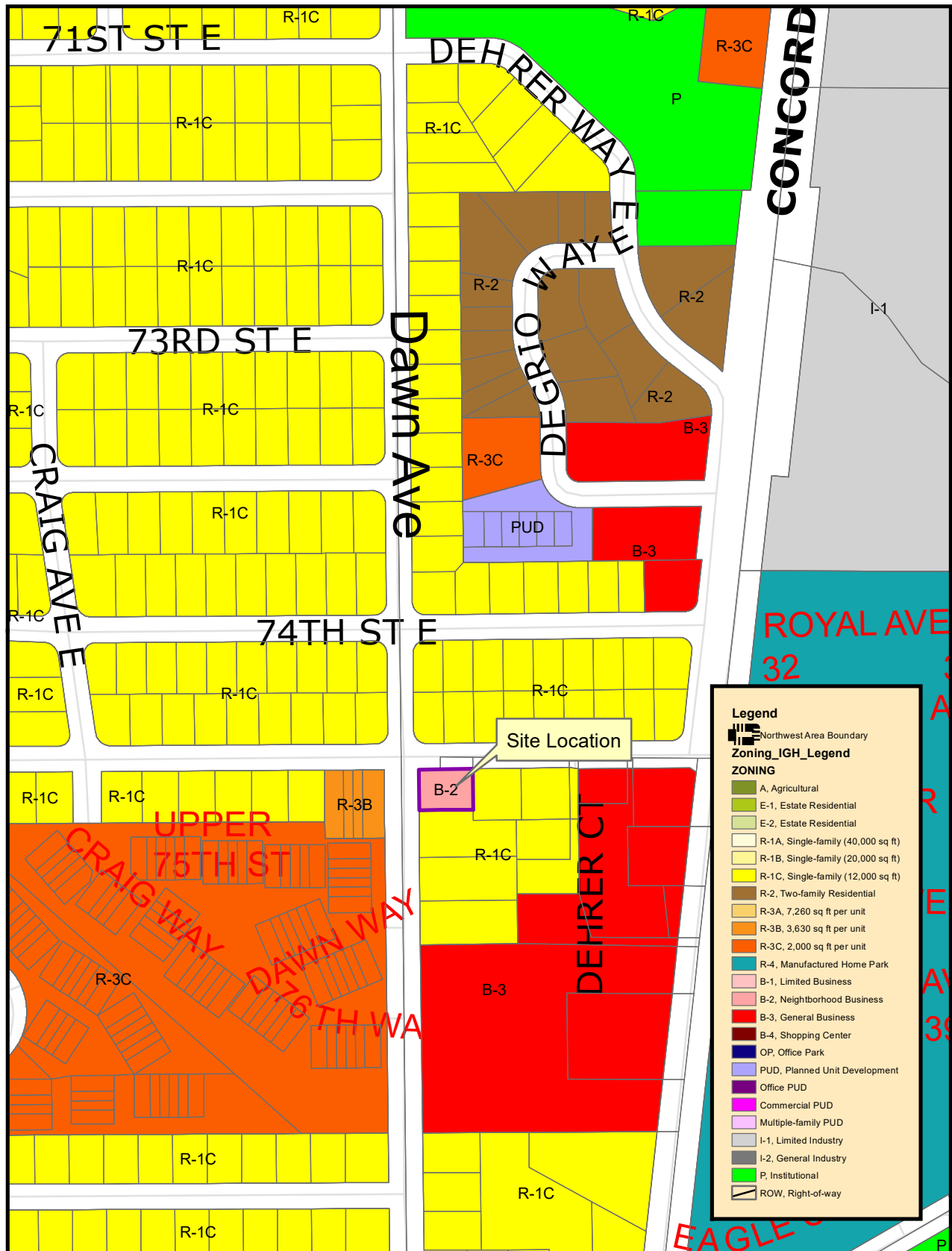
Staff is in support of the setback Variance along the side (east) lot line based on the information in the preceding report and recommends Approval subject to the conditions and rationale listed in Alternative A.

ATTACHMENTS

1. Zoning and Location Map
2. Photos of the Parking Pad
3. Minutes from the January 16, 2024 Planning Commission Meeting



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 COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED

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





PLANNING COMMISSION MEETING MINUTES

JANUARY 16, 2024

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)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice. Notices were mailed to 7 property owners on December 27, 2023.

Presentation of Request

Associate Planner Heather Botten presented a summary of the staff report.

Planning Commission Discussion

Commissioner Clancy questioned how much of the pad would have to be removed to bring it into compliance. Botten stated about 5 feet.

Commissioner Heidenreich inquired about the impervious surface available on the lot. Botten stated that impervious surface regulations are different in commercial compared to residential zoning districts. The applicant does have documentation that he owns both the lot that the pad is located on and the empty lot next to it. Dakota County has not updated their records to show that. Once that is sorted out, the intent is to consolidate the two parcels into one parcel. If he is able to consolidate into one parcel, then the site would not exceed the maximum impervious surface available. If the consolidation does not happen the City would see how much of the slab is removed, and then, if need be, work with the applicant to figure out a stormwater solution is needed.

Commissioner Heidenreich stated that in his opinion the Commission should wait to see if the parcels are consolidated before making a decision on the proposed request. Botten stated that is an option that the Commission can take.

Opening of Public Hearing

Marco Contreras, 6237 Boland Court, Applicant, stated he has read and understands the report.

Commissioner Schaefer questioned how the slab will be used. Mr. Contreras stated that the original intent was to park a semi-truck, since that is not allowed, looking into new options. Possibly building an addition or a garage or just keeping it as is. Botten stated that building a structure would require a separate Variance application.

Commissioner Twedt inquired as to who would be parking on the slab. Mr. Contreras stated that it would be for trucks used for his business.

Chair Weber closed the public hearing.

Planning Commission Discussion

Commissioner Schaefer stated that it seems premature to be making a decision on the proposed Variance.

Commissioner Twedt stated that he agrees that it does seem premature to make a decision, before Dakota County has their part sorted out.

Commissioner Presley inquired if there is a timeline as to when a decision needs to be made. Botten stated that the City has extended the 60-day review period to the max of 120-days, if tabled, it should be tabled to a specific date. Another option would be to make a decision and move it onto City Council.

Chair Weber stated if the applicant is allowed to keep the slab but must remove 5 feet. What would the restrictions be if the applicant decides to add onto the building. Botten stated the setbacks for a structure would be greater than a parking slab.

Commissioner Heidenreich stated that he would like to table the request until there is more information available.

Botten stated that the maximum impervious surface allowed in the B-2 zoning district is 75% of the lot size and setbacks for a building are 30 feet (front), 10 feet (side), 30 feet (rear) or 1.5 building height, whichever is greater.

Chair Weber reopened the Public Hearing and asked the Applicant to come back up to the podium. Weber asked Mr. Contreras if the pad can only stay as a parking pad, and cannot be built on, would you keep it.

Mr. Contreras stated that he would not remove it. If it were removed, there would be a hole.

Commissioner Clancy questioned if there is any interest in making a decision and adding additional conditions. The slab could stay with the removal of the area that is impeding over the setback.

Commissioner Heidenreich stated that he is concerned about the potential stormwater regulations.

Planning Commission Recommendation

Motion by Twedt, Second by Heidenreich, to Table the item for a future Planning Commission meeting within the 120-day review period.

Ayes: 8

Nays: 0 Motion Carried.



Planning Commission Report

MEETING DATE:	April 16, 2024
CASE NO:	24-11SP
APPLICANT:	TKDA
PROPERTY OWNER:	Northern States Power Co. / Xcel Energy
REQUEST:	Major Site Plan Review
LOCATION:	10326 South Robert Trails
COMPREHENSIVE PLAN:	GI, General Industrial
ZONING:	I-2, General Industrial
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A **Major Site Plan Review** to add a two-story, 20,160 gross square foot building along with other property improvements.

BACKGROUND

The applicant is requesting a Major Site Plan Review to add a two-story, 20,160 gross square foot building to the existing Xcel Energy Wescott fuel storage campus. Three smaller buildings will be demolished to construct the new control building. Employee parking will also be expanded, and stormwater treatment constructed.

The property is about 139 acres in size, with an additional 100+/- acres in property owned by NSP/Xcel Energy surrounding the parcel, for a total of about 239 acres of contiguous property.

EVALUATION OF REQUEST

SURROUNDING USES.

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

North	NSP Property & Residential	Zoned: A, Agricultural	Guided: RDR, Rural Density Residential
East	NSP Property & Residential	Zoned: A, Agricultural	Guided: RDR, Rural Density Residential
South	NSP Property	Zoned: I-2, General Industrial	Guided: Private Open Space

West	Railroad Right-of-Way & South Robert Trail		
------	--	--	--

SITE PLAN REVIEW.

The proposed property improvements include the removal of three existing buildings and the construction of one new, two-story, 20,160 gross square foot pre-cast building to be used for a control center, office, shop, training room and various support spaces to meet the sites needs. The improvements also include stormwater treatment and expansion to the employee parking lot.

Zoning and Comprehensive Plan Consistency. The property is zoned I-2, General Industry and guided GI, General Industrial. The overall uses on the property are not changing. The Zoning and Comprehensive Plan designations are consistent with the proposed site plan improvements.

Setbacks. The building will be located over 300 feet from the closest property line, exceeding setback requirements.

Exterior Building Materials. The exterior of the building would be precast concrete, complying with code requirements.

Access. Secured access to the site would not change; there is one main entrance off South Robert Trail.

Parking. The parking lot is located over 300 feet from the closest property line, exceeding the setback requirements. The parking is for employees only. The building would not be open to the public.

Engineering. Reviewed the plans and has been working with the applicant on stormwater and grading requirements. Engineering has made recommendations on conditions that should be added to the approval; these conditions have been included in the list of conditions at the end of this report. Final site, grading, stormwater management, and erosion control plans shall be approved by the City Engineer prior to City Council review.

Fire Marshal and Building Official. All plans shall be subject to the review and approval of the City Fire Marshal and Building Official at the time of building permit review.

ALTERNATIVES

A. Approval. If the Planning Commission finds the request to be acceptable, the Commission should make the following recommendation:

- Approval of a **Major Site Plan Review** to allow a two-story, 20,160 gross square foot building and other property improvements subject to the following conditions:
 - 1) The site shall be developed in substantial conformance with the plan set dated 3/18/2024, or as modified by the conditions herein. Plans are on file with the City Planning and Engineering Departments.
***The final list of approved plans and date of plans shall be the set approved and signed by the City Engineer.*
 - 2) All plans shall be subject to the review and approval of the City Fire Marshal and Building Official.
 - 3) Final site, grading, stormwater management, erosion control plans, and utility plans shall be approved by the City Engineer.

4) The developer shall meet the conditions outlined in the City Engineers review memo dated 3/27/2024, and any subsequent correspondence.

5) The City Code Enforcement Officer, or other designee, shall be granted right-of-access to the property at all reasonable times to ensure compliance with the conditions of this permit.

B. Denial. If the Planning Commission does not favor the proposed request, the Commission should recommend denial. With the recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

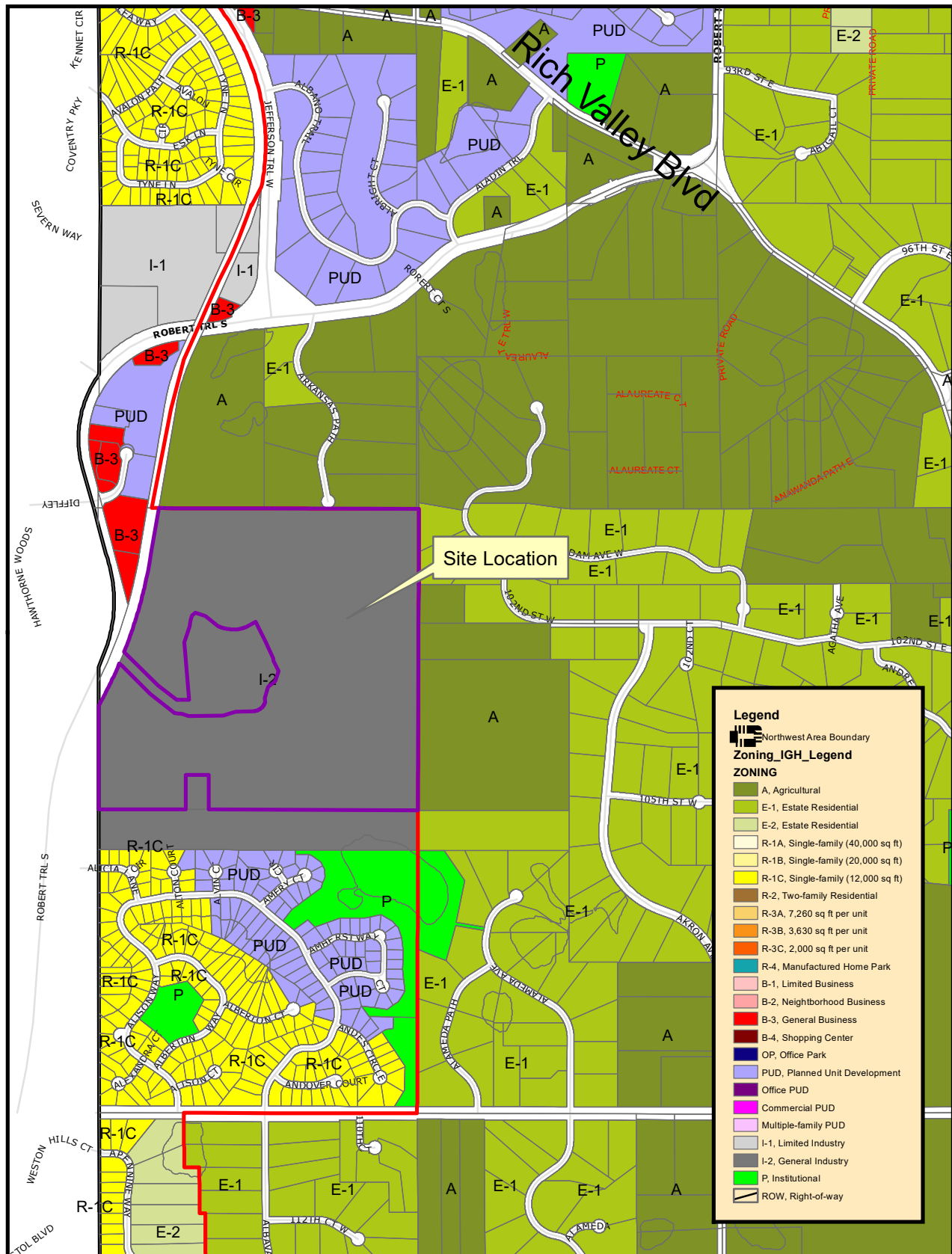
Based on the information in the preceding report and the conditions listed in Alternative A, Staff is recommending Approval of the request.

ATTACHMENTS

1. Zoning and Location Map
2. Application Narrative
3. Lot Site Plan
4. Site Plan Zoomed-In
5. Exterior Elevation



10326 Robert Trail South Case No. 24-11SP



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.
Copyright© City of Inver Grove Heights 2020



Exhibit A
Zoning and Location Map

Map not to scale



Memorandum

To: <u>City of Inver Grove Heights</u> <u>Plan Reviewer</u>	Project Reference: <u>Xcel Energy Wescott NGP</u> <u>Control Building</u>
From: <u>Craig Coil – Project Manager</u> <u>Ursula Larson – Project Architect</u>	TKDA Project No.: <u>14963.069</u>
Date: <u>Monday, March 18, 2024</u>	Xcel Project No.: <u>----</u>

Wescott Natural Gas Plant – New Control Building

The Westcott Natural Gas plant is located at 10326 South Robert Trail, Inver Grove Heights, Minnesota. The campus consists of the natural gas plant, an approximately 5,600-square-foot control and maintenance facility and series of maintenance/storage outbuildings.

To meet the growing demand for office space at the site, Xcel Energy plans to relocate primary operations to a new control building on the site east corner of the plant. The two-story, 20,160 square-foot facility will upgrade the control center to state-of-the-art operation equipment, provide necessary office, shop, flex space/training room, locker rooms, and various support spaces to meet the site's needs.

Three smaller storage buildings will be demolished on the site to make room for the new facility and improve circulation. To maintain plant operations, the existing control building will remain and serve as a utility/shop building. Site improvements for the project include grading as required, expanding the employee parking on site, stormwater management, a new septic system. Domestic water for the new facility will be provided by an existing well on site. Water service for the fire protection will be via the existing fire suppression system on site, fed from the water tower to the west.

AMK:CWC:amc

K:\n-z\Xcel\14963069\09_Deliverables\01_Milestones\20240220_CUP Package\Xcel Wescott Narrative.docx



LEGEND

- LIMITS OF DISTURBANCE
- PROJECT AREA
- PROPERTY LINE
- RIGHT OF WAY
- ADJACENT PROPERTY LINES
- MAJOR CONTOUR (5') - EXISTING
- MINOR CONTOUR (1') - EXISTING
- EXISTING FENCE
- VEGETATION EDGE
- OVERHEAD POWER LINES
- BUILDING OUTLINES

TOTAL PARCEL AREA - 139.0 ACRES

PROPERTY LINES AND INFORMATION PROVIDED BY DAKOTA COUNTY
PROPERTY INFORMATION ONLINE GIS
DISCLAIMER: THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY
AND SHOULD NOT BE SUBSTITUTED FOR A TRUE TITLE SEARCH,
PROPERTY APPRAISAL, SURVEY, OR FOR ZONING VERIFICATION.
DAKOTA COUNTY ASSUMES NO LEGAL RESPONSIBILITY FOR THE
ACCURACY OF THE DATA ON THIS WEBSITE.

OWNER

Xcel Energy

CORPORATE HQ: 414 MCCOLLET HALL, MP 5.00
XCEL ENERGY COPYRIGHT: THIS DOCUMENT IS THE PROPERTY OF
XCEL ENERGY CORPORATION ALL RIGHTS RESERVED, 2011

CONSULTANT NAME: LOGO

CONSULTANT PROJECT NO. 1498369

TKDA

STAMP:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
THAT I AM A duly LICENSED CIVIL ENGINEER UNDER THE
LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: _____ DATE: _____

PRINTED NAME: _____

LICENSE NO. _____

WESCOTT NATURAL GAS PLANT

CONTROL BUILDING

10326 S ROBERT TRAIL

INVER GROVE HEIGHTS, MN 55077

PRELIMINARY - NOT FOR CONSTRUCTION

KEY PLAN

XCEL ENERGY #
800002219334

ISSUE
CITY REVIEW RESUBMIT

ISSUE DATE
03.18.2024

REV	DATE ISSUED	DESCRIPTION
A	03/18/2024	CITY REVIEW

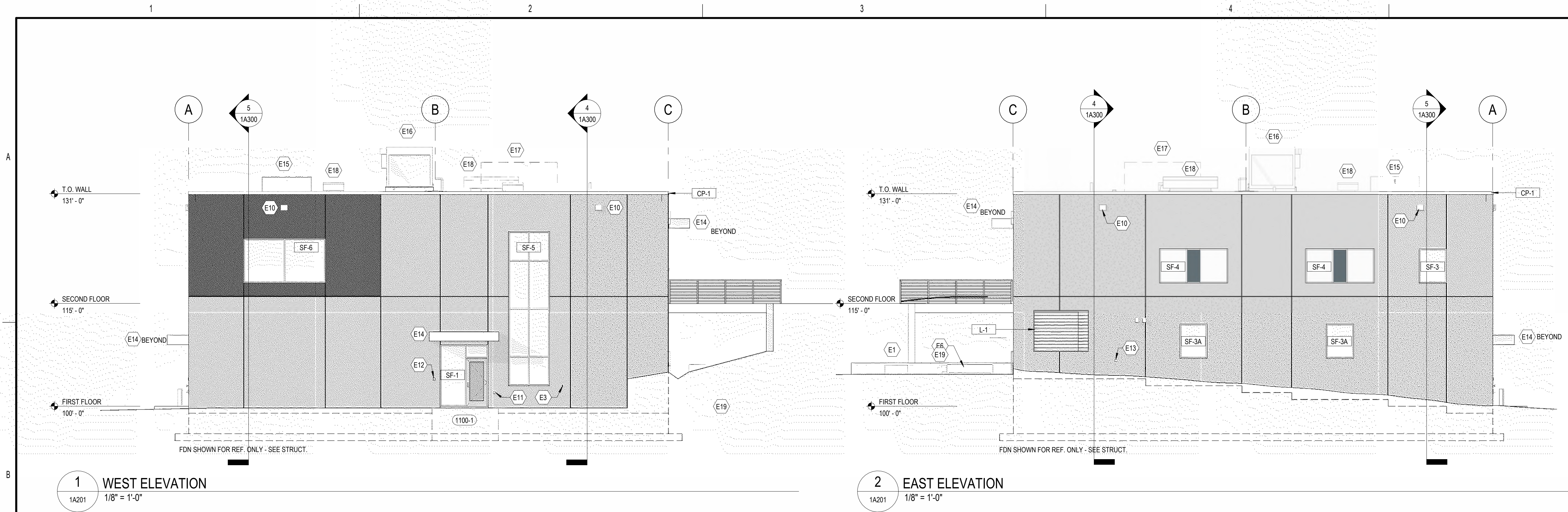
SHEET TITLE

LOT SITE PLAN

SHEET NUMBER

C400





PC LEGEND	
	PC-1 DARK GRAY/BLACK ACID ETCH FINISH
	PC-2 WHITE ACID ETCH FINISH
	PC-3 WHITE EXPOSED AGGREGATE

EXTERIOR MATERIALS SCHEDULE					
TYPE MARK	DESCRIPTION	PRODUCT STYLE/TYPE	COLOR	SPEC. SECTION	COMMENTS
PC-1	PRECAST CONCRETE	EXPOSED AGGREGATE	BLACK ONYX	03 41 00	
PC-2	PRECAST CONCRETE	ACID ETCH FINISH	ANTIQUE WHITE	03 41 00	
PC-3	PRECAST CONCRETE	EXPOSED AGGREGATE	ANTIQUE WHITE	03 41 00	
CP-1	COPING	PREFINISHED METAL	TO MATCH HM	07 62 00	
HM	HOLLOW METAL AND DOOR FRAME	HOLLOW METAL	BLACK PEPPER (PT-8)	08 11 13	INSULATED
OH	OVERHEAD DOOR	THERMALLY BROKEN SECTIONAL	GRAY	08 36 13	INSULATED
L-X	LOUVER	FIXED	COLOR MATCH PC-2	09 91 19	--
SF-4	STOREFRONT	THERMALLY BROKEN	BLACK ANNOIDIZED	08 41 13	

KEYNOTES

- E1 CONCRETE BLOCK RETAINING WALL - SEE CIVIL AND LANDSCAPE.
- E2 EXTERIOR CONCRETE BOLLARD - SEE DETAIL 11/13300 FOR DIAMETER, HEIGHT, AND FOOTING INFORMATION. SEE DETAILS 91A500 AND 91A500 FOR BOLLARD LOCATION INFORMATION, AS OCCURS.
- E3 HOSE BIB - SEE PLUMB.
- E4 OVERFLOW DRAIN - SEE PLUMB.
- E6 CONDENSING UNIT - SEE MECH.
- E10 WALL PACK - SEE ELEC.
- E11 RECEPTACLE - SEE ELEC.
- E12 CARD READER - SEE ELEC.
- E13 FIRE ALARM STROBE - SEE ELEC.
- E14 CANOPY WITH SOFFIT MOUNTED LIGHTING FIXTURE - SEE WALL SECTIONS AND ELEC.
- E15 ROOF HATCH - SEE SHEET 1A121 ROOF PLAN.
- E16 ROOF MOUNTED CONDENSING UNIT - SEE SHEETS 1A121 ROOF PLAN AND 1M301 MECHANICAL ROOF PLAN.
- E17 INTAKE HOOD - SEE SHEETS 1A121 ROOF PLAN AND 1M301 MECHANICAL ROOF PLAN.
- E18 RELIEF HOOD - SEE SHEETS 1A121 ROOF PLAN AND 1M301 MECHANICAL ROOF PLAN.
- E19 PREFABRICATED PEDESTRIAN BRIDGE.



OWNER:

Xcel Energy

CORPORATE HQ: 414 NICOLET TOWER, WPLS MN
XCEL ENERGY CORPORATION. THIS DOCUMENT IS THE PROPERTY OF
XCEL ENERGY CORPORATION. ALL RIGHTS RESERVED, 2011

CONSULTANT PROJECT NO: 1483.088

444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tda.com

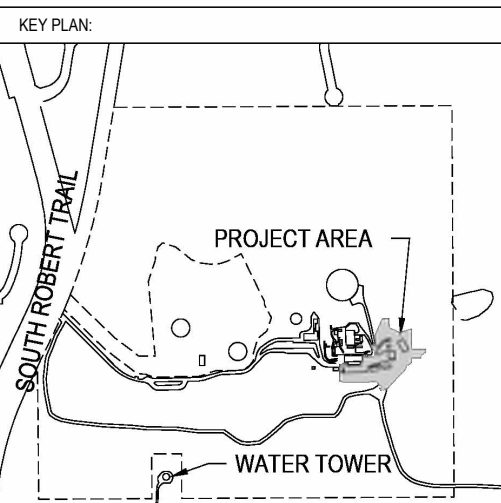
TKDA

STAMP:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND
THAT I AM A SOLE LICENSED ARCHITECT UNDER THE LAWS OF
THE STATE OF MINNESOTA

SIGNATURE: _____
PRINTED NAME: _____
LICENSE NO: _____ DATE: _____

WESCOTT NATURAL GAS PLANT
CONTROL BUILDING
10326 S ROBERT TRAIL
INVER GROVE HEIGHTS, MN
PRELIMINARY - NOT FOR CONSTRUCTION



XCEL ENERGY PROJECT #
800002219334

ISSUE
IFC

ISSUE DATE:
11.21.2023

REV	DATE ISSUED	DESCRIPTION
1	11.18.2023	SOL REVIEW
2	11.20.2023	PROPOSED SET

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
1A201