

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 16, 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
Lance Twedt
Robert Heidenreich
Amy Hunting

Commissioners Absent: Aida Schaefer - excused
Dennis Wippermann - excused

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

3. CONSENT AGENDA

A. Minutes of the June 18, 2024, Planning Commission Meeting.

Motion by Twedt, Second by Presley, to approve the minutes as submitted.

Ayes: 6 (Hunting Abstained)

Nays: 0 Motion Carried.

4. PUBLIC HEARING

A. Planned Unit Development Amendment to allow for the use of a business and trade school in the Bishop Heights District located at 5786 Blackshire Path. (Hilda Ortiz Vega - Case No. 24-18PUD)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

The applicant is opening a beauty school. The operation will involve one to three students, plus the instructor. Parking needs would not exceed the spaces designated for each unit in the Blackberry Town Office Park. The proposal is to amend the Southeast Quadrant PUD Ordinance, which required uses to be specifically approved due to past traffic concerns.

Planning Commission Discussion

Commissioner Hunting questioned if the wording could be changed to specifically add beauty schools as an approved use, rather than trade schools generally, to avoid allowing more disruptive types of trade schools.

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City Planner Hunting confirmed that was possible.

Opening of Public Hearing

Hilda Ortiz Vega, 2045 Safari Heights Trail, Eagan, Applicant, stated that she has read and understands the staff report.

Commissioner Hunting inquired how the applicant knew that a Planned Unit Development Amendment was required.

Ms. Ortiz Vega stated that City approval was needed as part of the application paperwork for the business.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting recommended rewording the Amendment to specifically allow beauty schools.

Chair Weber agreed.

Planning Commission Recommendation

Motion by Hunting, Second by Clancy, to approve an Amendment to the Southeast Quadrant PUD Ordinance to recommend the allowed use be listed as beauty school within Blackberry Town Office Park.

Ayes: 7

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on July 22, 2024.

B. Variance from Ordinance 10-15-17 for the exterior building materials of a structure located at 11300 Rich Valley Boulevard. (Republic Services - Case No. 24-20V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The site is zoned I-1, Limited Industry. This is an after-the-fact Variance request to allow steel siding on more than 1/3 of the building. Steel siding is currently on the entire perimeter of the structure. The building is an accessory use on the property. The structure complies with other zoning requirements, such as setbacks and impervious surfaces.

The primary rationale for the exterior building materials requirement is aesthetic appeal. This structure is used as a control room and blowers for the nearby RNG facility, the structure is not visible from the public right-of-way or open to the public. Therefore, staff recommends approval of the request with one condition listed.

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Commissioner Heidenreich inquired if the two property owners nearby were served public hearing notices. Botten confirmed that they were. There have been no comments from abutting property owners.

Commissioner Hunting inquired if the property owners of the abutting properties are able to see the building. Botten stated that they cannot. Hunting questioned about any non-aesthetic rationales for the exterior building materials requirement. Botten stated that the rationale for the requirement is aesthetic.

Commissioner Clancy inquired about the background behind the Variance request. Botten stated that the applicant's contractor had applied for a building permit when the structure was being put in, and at the time, it was noted that a Variance was needed. There was a change in contractors, and the building was subsequently constructed without an approved permit. Site owners then checked on permitting, and the need for a Variance was reasserted.

Opening of Public Hearing

Aaron Janusz, 2495 117th Street East, Republic Services, Applicant, stated that he has read and understands the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting stated that if the building was visible from the road, she would not be in favor of the Variance. But given that the building isn't visible, she is in favor.

Commissioner Clancy agreed.

Commissioner Heidenreich noted that this sets a precedent.

Chair Weber stated that setting precedent was an issue for him as well; the lack of visibility from the right-of-way is reason enough for him to approve the Variance.

Commissioner Clancy stated that the building's use and lot type are additional reasons to approve the request in this case.

Chair Weber recommended removing the language about not being visible from public right-of-way to avoid setting precedent.

Commissioner Clancy suggested replacing the visibility rationale with language about the specific use of the property.

Planning Commission Recommendation

Motion by Clancy, Second by Teiken, to approve a Variance from the exterior building materials requirements subject to the one condition replacing the "non-visible" portion of the rationale with the specific use of the owner of the land.

Ayes: 7

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 12, 2024.

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C. Conditional Use Permit for an Essential Service Building to expand an existing electrical power substation; and a Variance from Ordinance 10-15-12 for the installation of a ten-foot-high fence located at 2015 105th Street East. (Xcel Energy - 24-23V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

Xcel Energy power substation that has been in existence since at least 1962. The applicant is proposing to expand the equipment on site. By code definition, Essential Service Structures (and equipment) require a Conditional Use Permit.

The Variance is for a ten-foot fence in order to meet federal guidelines that require electric operators to provide more security at substations.

Staff are not aware of any concerns about adding equipment and supports approving the Variance due to the practical difficulty of the federal regulations. Staff recommends approval of both requests as presented.

Planning Commission Discussion

Commissioner Clancy inquired if there were landscaping requirements.

City Planner Hunting answered no; they're just providing additional landscaping because of the residence to the east to provide additional screening. However, there's no requirement for that per Code.

Opening of Public Hearing

Michael Wilhelmi, 1700 E. County Road E., White Bear Lake, Xcel Energy, Applicant, stated he has read and understands the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting stated that she is familiar with the site and is in favor of approving the Conditional Use Permit and the Variance.

Planning Commission Recommendation

Motion by Clancy, Second by Presley, to approve the Conditional Use Permit for an Essential Service Structure to allow expansion of the existing electrical substation subject to the two conditions listed and the Variance to allow a ten (10) foot tall fence whereas seven (7) feet is the maximum allowed by City Code (with the practical difficulty that the fence needs to be in compliance with the Federal Energy Regulatory Commission) subject to the conditions listed in the staff report.

Ayes: 7

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 12, 2024.

D. Preliminary and Final Plat to consolidate two parcels; Vacation of certain Drainage and Utility Easements; and a Conditional Use Permit Amendment for the expansion of an automobile and off-highway vehicle sales lot located at 1290 50th Street East. (RJ Ryan Construction - Case No. 24-19CS)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

This property is zoned B-3, General Business. This is a three-part request: replat of a two-lot subdivision (Whitaker Addition), vacation of the internal Drainage and Utility easements, and Conditional Use Permit Amendment to add a 13,900 square foot building, along with parking lot and storm water improvements

The new plat is a one-lot subdivision to be known as Lot 1, Block 1, Whitaker 2nd Addition. Park dedication would be required on the outlot portion (3.82 acres at \$7,000/acre). Park dedication is not required for existing Lot 1, as it would have been paid for at the time of site development for that parcel. The plat was sent to MnDOT for their review as the property abuts a highway.

The original plat had internal Drainage and Utility Easements. The new plat would have perimeter easements on the property (standard for access purposes). The request includes vacating an old roadway easement; the access to the property is off 50th Street, so that access is no longer necessary. Engineering has reviewed the plans and is working with the applicant on storm water requirements. They are agreeable to the proposed vacation of the easements on the original plat.

The proposed new building is to the south of the existing building. The access to the property is not changing. The proposed building and parking lot meet and exceed setback requirements. The proposed building consists of painted concrete panels, complying with exterior building materials requirements. Applicant has submitted landscaping plans that comply with landscaping requirements.

The proposed expansion and site improvements are consistent with the goals and policies of the Comprehensive Plan. The future land use of this parcel is designated as regional commercial, and vehicle sales is consistent with the uses envisioned within that district. There do not appear to be negative effects on city facilities. Engineering, Fire, and Building Inspections are all reviewing plans and will review the civil and building plans prior to any approval for work being done on the site.

Thus, staff recommend approval of all the requests with the conditions listed. There have been no comments from surrounding property owners.

Chair Weber confirmed that the Planning Commission recently allowed parking on the back lot of this site.

Opening of Public Hearing

Jack Grotkin, 6390 129th Street, Apple Valley, RJ Ryan Construction, Applicant, noted that the application indicates that the building will be painted, but they decided to do an exposed

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aggregate structure instead. Mr. Grotkin stated that he has read and understands the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Clancy stated that this seems like a straightforward request due to compliance with Code requirements.

Planning Commission Recommendation

Motion by Clancy, Second by Hunting, to approve the Preliminary & Final Plat of Whitaker 2nd Addition subject to the four conditions listed in the staff report; Approval of the Vacation of certain Drainage and Utility Easements subject to the condition listed in the staff report; and Conditional Use Permit for the expansion subject to the 13 conditions listed in the staff report.

Ayes: 7

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 12, 2024.

5. REGULAR BUSINESS

City Planner Hunting stated that the next regular Planning Commission meeting will be on Wednesday, August 7th, 2024.

6. ADJOURN

Motion to adjourn the meeting at 7:35 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.