



Inver Grove Heights Planning Commission
Wednesday, September 4, 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 Wednesday, September 4, 2024, will be provided to the Council at or before the September 4, 2024 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Minutes of the August 7, 2024, Planning Commission Meeting.
 - B. Minutes of the August 20, 2024, Planning Commission Meeting.
4. **Public Hearing**
 - A. Conditional Use Permit to construct an essential service building and Variances from setback requirements, and the maximum fence height around the perimeter of the property identified as PID No. 20-02910-76-021. (Xcel Energy - Case No. 24-32CV)
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, August 7, 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*)
Trisha Presley (*Secretary*)
Jason Teiken
Lance Twedt
Amy Hunting
Robert Heidenreich
Aida Schaefer
Dennis Wippermann

Commissioners Absent: Scott Clancy (*Vice-Chair*) - excused

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

3. CONSENT AGENDA

A. Minutes of the July 16, 2024, Planning Commission Meeting.

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

Ayes: 8

Nays: 0 Motion Carried.

4. PUBLIC HEARING

A. Variance from the required setback to install a fence on the front perimeter of the property located at 6202 Concord Boulevard. (Landscapes Unlimited - Case No. 24-25V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Staff recommends denial of the Variance based on lack of practical difficulty. However, if approval is granted, staff recommends a condition for a setback of five feet from the property line for pedestrian accessibility and snow clearing along the sidewalk.

Opening of Public Hearing

Nick Morter, 3060 Shadow Ridge Drive, Rockford, Landscapes Unlimited, Applicant, said that the fence is needed to keep the business secure and that the 30-foot setback per code would impact maneuverability in the parking lot and force employees to park outside the fence, which is not preferred.

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Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Heidenreich stated that he is in favor of allowing the six-foot fence along the front property line without the condition of a five-foot setback. Requiring the 30 foot setback would result in vehicles backing up across the sidewalk, endangering pedestrians. The proposed six-foot fence fits the character of the neighborhood.

Commissioner Hunting stated that she drove past the property and the site looked clean and orderly. But there is no practical difficulty and was not in favor of the Variance.

Commissioner Twedt stated that he was in support of the Variance and asked for elaboration on staff's reasoning for recommending denial. Associate Planner Botten stated that denial would not preclude the applicant from reasonable use of the property, approval of the Variance could set a precedent for other fence encroachments along Concord Boulevard, and the six-foot fence does not appear to be dictated by unique circumstances on the property.

Chair Weber inquired whether a four-foot-high fence could be placed directly on the property line. Botten confirmed that it could be. Weber asked whether there was any distinction between residential and industrial zoning districts in the city code sections on fence requirements. Botten stated that there is not.

Chair Weber referenced a recently approved Variance for fencing in an industrial zoning district and stated that he was in favor of approval but was not sure about practical difficulty.

Commissioner Heidenreich stated that the practical difficulty would be employee parking being outside of the fence and asserted that employees backing up would create a safety concern for pedestrians. He advocated for Inver Grove Heights doing more to retain businesses.

Chair Weber suggested making a recommendation to City Council and staff to update City Code to differentiate between the fence requirements for residential zoning districts versus industrial zoning districts.

Commissioner Twedt stated that due to the railroad behind the property, access must come from the front.

Commissioner Wippermann stated that he did not see a practical difficulty and that a six-foot fence would detract from the appearance of the area.

Community Development Director Ziemer stated that Variance requests must meet a practical difficulty standard, where the onus is on the applicant to prove it. He added that the five-foot setback is recommended due to the likelihood of snow removal causing fence maintenance issues, which would be on the property owner to address.

Commissioner Heidenreich stated that the County should purchase an easement then from the property owner in that case.

Chair Weber stated that he understands the request for the five-foot setback; with a six-foot fence, additional taxpayer expenses might be incurred for snow removal from the road. He outlined the Commission's options: a six-foot fence 30 feet back from the property line, a

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Variance to allow the fence up to the property line, or a request to the applicant to put the fence five feet back from the property line.

Commissioner Heidenreich stated that he trusts the applicant to know the risks of putting the fence up against the sidewalk, and he does not believe it would be appropriate for the Commission to request action in this case.

Commissioner Schaefer stated that she agreed with Commissioner Wippermann that a six-foot fence would change the look of the area and present a winter safety issue for pedestrians on the sidewalk. She is in favor of the six-foot fence with a five-foot setback.

Commissioner Heidenreich stated that accounting for this common use would require Dakota County to obtain an easement.

Commissioner Presley stated that approving a six-foot fence would set a precedent for other commercial properties.

Commissioner Heidenreich said that industrial and commercial properties have different needs from residential properties and suggested changing the city code to account for this.

Commissioner Teiken stated that not all businesses need or would want to put up a fence.

Commissioner Twedt articulated the practical difficulty as risk to the property owner's equipment.

Commissioner Heidenreich added that the 30-foot setback would create a safety concern for pedestrians from trucks backing up onto the sidewalk.

Planning Commission Recommendation

Motion by Twedt, Second by Heidenreich, to approve a Variance to construct a six-foot chain link fence within the front yard, with a five-foot setback subject to the conditions listed in the staff report.

Ayes: 6

Nays: 2 (Wippermann, Hunting) Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

B. Variance from the maximum fence height allowed at the property located at 1260 105th Street East. (Xcel Energy - Case No. 24-26V)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

Staff recommends approval with the listed condition, as the proposed 10-foot fence would ensure the protection of an essential service and does not appear to have an adverse impact on the neighborhood or road visibility.

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Planning Commission Discussion

Commissioner Teiken clarified that this is a different site from the recently approved Xcel Energy site.

Commissioner Hunting mentioned that higher fencing was required at that site, and asked if higher fencing was required for this site. Associate Planner Botten stated that there are differences between the two sites, but that the 10-foot-high fence is a recommendation at both sites.

Opening of Public Hearing

Brian Sullivan & Sydney Gabriel, 414 Nicollet Mall, Minneapolis, Xcel Energy, Applicant, stated that they received and understood the staff report. Mr. Sullivan stated that a few years ago, in response to an uptick in trespassing incidents at energy facilities nationwide, FERC (Federal Energy Regulatory Commission) issued requirements for utility providers to improve facility security. Xcel Energy then hired a consultant who provided recommendations based on perceived risk at each location, and the proposal is in line with those recommendations.

Chair Weber questioned why the fencing is not weaved. Mr. Sullivan said that open chain links are being used to maintain site visibility.

Commissioner Teiken questioned whether the FERC issued recommendations or requirements. Mr. Sullivan stated that the FERC issued rules, which Xcel Energy are following.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Teiken stated that this is an essential service and is in favor of approving.

Commissioner Hunting stated that she is also in favor of approving due to the site's specific nature.

Planning Commission Recommendation

Motion by Hunting, Second by Wippermann, to approve a Variance to allow a fence ten feet tall whereas seven feet is the maximum height allowed by City Code subject to the one condition listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

C. Comprehensive Plan Amendment and Rezoning portions of the properties located at 6570 S. Robert Trail, 6680 S. Robert Trail, and 1401 70th Street East. (National Land Holdings, LLC - Case No. 24-22PAZ)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

City Planner Hunting presented a summary of the staff report.

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The developer is proposing a mixed-product-type development that includes 752 units (524 apartments, 145 townhomes, and 83 single-family lots). The current Comprehensive Plan guide is Low-Density Residential and Low-Medium-Density Residential on the properties. The proposed change is to High-Density Residential for one area (which also includes an Institutional-guided Park) and Low-Medium Density Residential for the rest, with another high-density pocket (and another Institutional-guided Park) on the southern half of the site.

The zoning is currently Agricultural, which for this area functions as a holding zone until development occurs. The zoning would be two R-3C areas for apartments, R-3B for townhomes, R-1B for single-family, with the two parks zoned Institutional.

The proposed higher-density development abuts higher-traffic roads. The topography for that area is also more suited for high-density projects (relatively open and flat). Given these factors, as well as the proposed density transition to single-family homes to the east and the existence of an already City Council approved higher density project nearby, staff feels this use fits the area, and staff supports the developer's request.

Planning Commission Discussion

Chair Weber inquired about the number of units proposed for the Canvas apartments nearby. City Planner Hunting stated that it was approximately in the range of 100 to 150 units. Weber inquired about the roadways. Hunting stated that there is neighborhood connector streets included in the proposal to provide access (two points onto S. Robert Trail, with 65th Street as an option for the future). He clarified that the details would be reviewed and addressed as part of a plat process and PUD development application.

Commissioner Heidenreich inquired about the 65th Street Area Plan created in June 2023, which outlined a timeline for a public engagement process culminating in a final report in November 2023. Requested more background on that plan and context for the proposal. Hunting stated that there were two open houses held as part of the public engagement process. The Planning Commission approved the plan and made a recommendation. The City Council approved one option at the April 22, 2024, meeting and the approved report is in that City Council packet. Heidenreich inquired if the report is publicly available. Hunting confirmed that it is, as it's a part of the City Council packet for that meeting date. Heidenreich stated that he and others were surprised by the scope of the project.

Commissioner Schaefer inquired whether there will be a trail through the area. City Planner Hunting stated that the City Council approved a general plan as fitting within the roadway network, not any specific land uses. However, the developer has been working with Parks and Recreation Director Adam Lares, and there will be trail networks and public parks as part of this development.

Opening of Public Hearing

Tom LaSalle, 2001 Killebrew Drive, Suite 100, Bloomington, National Land Holdings, Applicant, stated that he had read and understands the staff report. Mr. LaSalle stated that they had accommodated the findings of the 65th Street Area Plan study and held neighborhood meetings, making changes in the plan to improve access in the north, allow for adding utilities in the future, and add single-family properties on the eastern side of the property to address neighbors' concerns.

Bill Griffith, 8300 Norman Center Drive, Suite 1000, Minneapolis, Larkin Hoffman, Representative with Applicant, stated that the development team has worked to achieve balance with density,

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housing types, open space, and completion of the roadway network. The plan preserves natural features and connects to trail networks. The development utilizes infrastructure that the city built to allow an increase in density in the Northwest Area. The development is medium overall (8 units per acre), with a transition from higher to lower. The vegetated buffer area along the property line will be left in natural condition (with some thinning). From the lots to the nearest neighbors to the east, there is 300 to 750 feet of separation. Feedback from the City has been incorporated throughout the planning process, including a long pause to clarify the vision for the area.

Commissioner Heidenreich questioned what would happen if the current property owners to the north refused to sell in the future. Mr. Griffith referred to two property owners in the area who are amenable. He said eminent domain is a city question; the developer's charge is to ensure that the roads and trails can connect and align. Heidenreich stated that 11 homes to the north are also part of this plan; and expressed interest in whether these homeowners were also amenable.

Commissioner Hunting inquired about the reason for including an apartment building in the middle of the single-family area in the southern portion of the property. Mr. Griffith pointed out that there is a less than 2% vacancy rate in the Inver Grove Heights apartment market, per a recent Maxfield Research report. Apartments need to be part of the project to meet the market demand. The apartment building referenced will have buffer spaces on several sides, which were added during an extensive revision process.

Chair Weber referenced two resident emails and a letter from Larkin Hoffman answering neighbor questions from their neighborhood meeting.

Motion by Presley, Second by Twedt to add the emails and letter into the record.

Ayes: 8

Nays: 0

Motion Carried.

Rue Shibata, 6190 S. Robert Trail, expressed opposition. Mr. Shibata lives to the north and is not in favor of the plan due to the lack of a buffer area to the north and overall density. He referenced other neighbors also being opposed and said that much more could be done to accommodate their concerns. He said development could occur without changing the zoning. He is concerned about the potential for traffic congestion.

Chair Weber reiterated that the question is whether to follow the Comprehensive Plan in terms of the zoning.

Brook Williams, 3515 78th Street East, expressed opposition, conceding the need for affordable housing but citing concerns about the environmental impact of developing the area. She also felt more study is needed to address the potential environmental concerns with number of units proposed with this development.

Kyle Corniea, 3915 Canter Glen Drive, Eagan, expressed opposition to changing the zoning. Stated that a low vacancy rate is good for property owners and that decisions should not be made based on what is best for developers.

Larry Nelson, 6855 Arlene Ave, expressed opposition. Mr. Nelson lives to the east of the properties in question. He said he asked about development projects recently and was told that no developments were planned nearby. Also referenced a potential issue with roadways: Angus

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and Arlene would both intersect 70th Street with only a short distance between them and that it would be a difficult problem to solve. Mr. Nelson inquired about the plan for dealing with an existing agricultural well on the property.

Lynne Nelson, 6855 Arlene Ave, expressed opposition to the apartment building on 70th Street due to it not fitting with the single-family homes that are currently in the area. When trees are cut down to allow for density, wildlife is negatively affected, and the character of the area is altered.

Diane Rademacher, 6560 Arlene Ave, expressed opposition to the apartment building on 70th Street. If Agnus Avenue went through, Arlene Avenue would have its access eliminated. Ms. Rademacher inquired about a Dakota County Park being built in the area.

Craig Hillegas, 6755 Arlene Ave, expressed opposition due to the current single-family homes in the area. Inquired as to where the density numbers in the Comprehensive Plan came from and asked that the density stays at 4 homes per acre at most.

Therese Petersen, 6525 Arlene Ave, expressed opposition. Stated that she asked about potential development projects in the area recently, and they were not given any notice or information about this project. The area's planned higher density was not considered when the golf course was put in; now, density is being forced into a small amount of space.

Brook Williams, 3515 78th Street East, stated that Minnesota Rule 4410.2300 EIS (requiring an environmental impact statement) should apply here.

City Planner Hunting clarified that an environmental review was done - because it's a larger area, that review took the form of an AUAR (Alternative Urban Areawide Review). Hunting stated that more detailed environmental impact information would be reviewed at the time of an actual development. Ms. Williams stated that the AUAR focuses on roadways and utilities, not the environmental impact to, for example, groundwater.

Ryan McAnnany, 1526 70th Street East, expressed opposition due to the rapid pace of growth this development would represent. Mr. McAnnany lives on the south side and an apartment building doesn't fit the area.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Schaefer inquired about the density difference between the current Comprehensive Plan zoning versus the proposed zoning change.

City Planner Hunting estimated the current allowable density at 780 units.

Chair Weber stated that the current guided land use of the area is agricultural.

City Planner Hunting amended that; the current zoning is agricultural, but the current guided land use is Low-Density Residential and Low-Medium-Density Residential.

Commissioner Schaefer clarified that the proposed plan is for 752 units.

City Planner Hunting stated that the proposed overall density is 8 units per acre.

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Chair Weber stated that the total land is 108 acres, but only 88.5 acres are developable land, so the net density is 8.58 units per acre.

Commissioner Schaefer inquired as to how net developable land is calculated. City Planner Hunting stated that rights-of-way for arterial roads and wetlands are automatically taken out when determining net developable area; it's what is used for density determinations in the design plan.

Commissioner Schaefer questioned whether, given this, 780 units are possible under the current guided use for the area.

Community Development Director Ziemer responded that someone could build a project with close to that many units under the existing land use. The proposed change is to move the greater density area to the west (which is currently LDR) so that the portion to the east could be used for townhomes and single-family homes.

Commissioner Schaefer stated that she heard aesthetic and traffic concerns from community members about those unit numbers.

Community Development Director Ziemer updated his earlier estimation to share that the current land use guidance would allow for roughly 736 units in the area; the net change with what is being proposed is 16 units.

Commissioner Hunting stated that she saw a nice transition in the proposal, except for the apartment building in the southern area. Hunting inquired as to what the Commission could do if they like the plan aside from that. City Planner Hunting stated that the proper action would be to recommend denial of the Comprehensive Plan Amendment, with a comment to Council that the Planning Commission would support a plan that did not contain the apartment in the southern area.

Chair Weber suggested that the residents to the north could propose a development plan for 1 unit per acre.

Commissioner Teiken stated that a low vacancy rate means there's more demand than supply, which leads to prices rising. He agrees with staff that this proposal meets the policies made to address the City's housing supply problem. Detailed information about what goes where will come later, as will environmental impact information. He is in favor, as rezoning would be in keeping with the policies in the Comprehensive Plan.

Chair Weber clarified that the high-density portions are not in keeping with the current Comprehensive Plan.

Commissioner Hunting suggested making a motion to approve with a note saying the southeastern portion is not a good fit.

Community Development Director Ziemer stated that because the development plan is for several separate parcels, the Commission could recommend approval of some and denial for others.

Chair Weber inquired that the request was for three separate parcels. City Planner Hunting confirmed that is.

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Community Development Director Ziemer stated that each individual parcel would have to be reguiled with the current proposal.

Commissioner Hunting stated that she would be in favor of handling them as separate parcels.

Commissioner Heidenreich stated that there would be a negative impact on the current residents to the north of the property. He opposes the possibility that the city would take property from current residents for the roadway network; he wants to see a plan that doesn't have roads going through properties not owned by the developer.

Community Development Director Ziemer stated that developers are obligated to ensure roads connect to future parcels; they must provide a concept plan that shows how roads could extend to existing property lines. This doesn't mean homeowners are required to sell.

Commissioner Schaefer stated that separating the parcels would not address the issues that residents raised. The Commission needs to consider resident concerns and give developers a chance to amend their plans.

Commissioner Hunting questioned why denying one parcel request wouldn't work.

Chair Weber stated he would rather leave the high-density area where it is in the proposal, as it's close to a transportation corridor.

City Planner Hunting stated that the LMDR, Low-Medium Density Residential area could be kept as it is, with single-family zoning proposed to the east.

Planning Commission Recommendation

Motion by Hunting, Second by Twedt, to approve the Comprehensive Plan Amendment and Rezoning requests for 6570 S. Robert Trail and 6680 S. Robert Trail, subject to the conditions listed in the staff report.

Ayes: 5

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

Motion by Hunting, Second by Presley, to deny the Comprehensive Plan Amendment and Rezoning requests for 1401 70th Street and recommend to remove the apartment building proposed.

Ayes: 5

Nays: 3 (Wippermann, Twedt, Teiken) Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

5. REGULAR BUSINESS

A. Final Plat & Final Planned Unit Development to develop a 159-unit townhouse and 2 building retail development located at 7101 Argenta Trail. (Stuart Development Corporation - Case No. 24-24PUD)

Presentation of Request

City Planner Hunting presented a summary of the staff report.

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Outlot B will be commercial, and Outlot C is designated for stormwater ponding. Staff recommends approval.

Planning Commission Discussion

Commissioner Wippermann inquired whether the townhome buildings would be two- or three-story (as initially planned). City Planner Hunting stated that they will.

Commissioner Schaefer stated that when the preliminary plan was approved, there were concerns in the southwest portion about the distance between the existing homes and the proposed development. Hunting stated that the units that changed from the preliminary plan were not in the area Commissioner Schaefer was referencing.

Planning Commission Recommendation

Motion by Heidenreich, Second by Wippermann, to approve the Final Plat and Final PUD Development Plan for Archer Trail subject to the three conditions listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on August 26, 2024.

6. REGULAR BUSINESS

City Planner Hunting stated that the next regular Planning Commission meeting will be on Tuesday, August 20th, 2024.

7. ADJOURN

Motion to adjourn the meeting at 9:27 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 20, 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*)
Trisha Presley (*Secretary*)
Jason Teiken
Lance Twedt
Amy Hunting
Robert Heidenreich
Aida Schaefer
Dennis Wippermann

Commissioners Absent: Scott Clancy (*Vice-Chair*) - excused

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

3. CONSENT AGENDA

None.

4. PUBLIC HEARING

A. Variance from the Exterior Building Material Requirements and Side Setback Requirements for a Structure Located at 7280 Dickman Trail. (T & J Stanton FLP - Case No. 24-27V)

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 Variance requested is to allow a hoop structure 22 feet from the side property line, whereas 40 feet is the required setback in the I-1, Limited Industrial District.

The applicant installed the structure in 2020 to shelter materials from outside elements and it's 1,200 square feet in size. Staff asserts that all new buildings should be constructed to meet City Code requirements, and this situation does not appear to meet the criteria for unique circumstances. The building could have been constructed to code, and the applicant has not made an attempt to meet the requirements. The structure was installed without a building permit, and without consulting city staff. The recommendation is for denial of both Variance requests. Staff has not heard from surrounding property owners about this request.

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Opening of Public Hearing

Ryan Stanton, 7280 Dickman Trail, Applicant, stated that he read and understood the staff report. Mr. Stanton stated that the hoop structure is a canopy to cover bins. Similar canopy structures are in use on many agricultural sites and contractor sites to minimize runoff/erosion issues. The cost of the structure is about \$15,000 and did not consider the structure a building or would have sought a permit; considers it outdoor storage. Willing to take the covering off but would suggest adding this type of structure to the City Code.

Chair Weber questioned if the structure could be moved to comply with the side setback requirements. Mr. Stanton confirmed that it could be.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting inquired about the definition of a building and whether this structure met that definition. Botten stated that the Building Division reviewed the request and stated that a building permit would be required.

Commissioner Heidenreich questioned what inspections of the structure would be done. Botten stated that a Minnesota-licensed Structural Engineer would sign off on the building plans determining what materials it consists of including compliance with snow and wind load requirements.

Community Development Director Ziemer stated that the Minnesota State Building Code identifies these structures as permanent when over a certain size. They need to be constructed for parameters like wind load and snow load. These structures are only permitted in Agricultural and Rural Residential Districts. This type of structure is not allowed in Industrial Districts due to exterior building material requirements.

Commissioner Heidenreich inquired about the relevant section in the Building Code. Ziemer stated that specific information can be provided to the Commission, but there are two sections relevant, one for temporary structures and one for membrane/hoop structures. Heidenreich inquired if a permit would be required for a backyard tent used for a party. Ziemer stated that if people are going to be on the inside/under the tent, a permit is required for safety but that it also depends on the size of the structure.

Chair Weber stated that he was familiar with the company of the hoop structure mentioned in the packet, ClearSpan, and they do provide stamped engineered plans included with these structures. He asked if the issue was the exterior materials. Botten clarified that ClearSpan was one builder of a similar type of structure indicated by the applicant, not necessarily the company used for the structure installed on the site. She said that compliance with Building and Fire Code would be handled through the permit process, not the Variance process; for the Variance request, the matter in question is the exterior building material.

Commissioner Schaefer inquired if the structure would conform to code without the cover. Botten stated that if the structure was not covered, it would not be considered a structure for zoning purposes. Therefore, it would not be subject to the side setback requirement or the exterior building material requirements.

Chair Weber questioned whether it would be possible to put this Variance request on hold.

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Ziemer stated that the Planning Commission could request that the City Council direct staff to review the subject matter. Staff have already started looking into the topic.

Chair Weber inquired whether a City Code revision would be possible. Botten stated that her recommendation would be to act on the applicants request and separately make a request to the City Council to amend the Zoning Ordinance.

Commissioner Heidenreich stated that the product under the hoop structure was black dirt and inquired if that would be exempt. There are similar agricultural buildings along Barnes Avenue. Botten clarified that the applicant's property is zoned Industrial. Heidenreich inquired what the property along Barnes Avenue was zoned. Chair Weber stated that area is zoned Agricultural and is permitted to have that sort of structure. Chair Weber clarified that this was true for Agricultural properties 2.5 acres or larger.

Commissioner Hunting stated that she went out to visit the site, and the structure was difficult to find; therefore, she does not see an aesthetic impact. However, she also said she did not see any practical difficulty. She recommended denying the Variance request and recommending that City Council amend the code for industrial areas (I-1 and I-2) to allow these structures with some restrictions (e.g., on number of structures per site and/or size of structures.) She said the structure makes functional sense for industrial areas.

Chair Weber checked in with the applicant about potentially denying the Variances but requesting that City Council look into changing the code. Mr. Stanton stated that he would have put in an application for the City Code amendment himself, but this time of year is his busy time for business. Chair Weber inquired if Mr. Stanton would move the structure to be compliant with the setbacks. Mr. Stanton confirmed that he would.

Commissioner Heidenreich stated that the City should be creative in advising City Council to approve this type of structure for Industrial areas.

Commissioner Wippermann stated that he was not in favor of asking City Council to review the City Code generally and that he was not in favor of hoop structures specifically.

Planning Commission Recommendation

Motion by Weber, Second by Heidenreich, to deny a Variance to allow a structure not meeting the exterior materials standard for industrial buildings and to recommend that City Council direct staff to research adding standards for hoop structures to City Code in order to allow them in Industrial areas.

Ayes: 8

Nays: 0 Motion Carried.

Motion by Weber, Second by Twedt, to deny a Variance to allow the structure with reduced side yard setback.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

B. Variance from the Required Side Setback to Build a New Structure Located at 10037 Barnes Trail. (Nathan Diamond - Case No. 24-30V)

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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 applicant is requesting a Variance to build a 1,600-square-foot accessory building within the side setback requirements located 40 feet from side property line, whereas City Code requires buildings this size to be 50 feet from property lines. The proposed structure would be 160 feet from the closest neighboring home to the west and complies with other zoning code requirements, such as impervious surface and exterior building material requirements.

The site is unique in that it has 680 feet of road frontage. There is a 200-foot-wide Northern States Power easement along the north side of the property and about 65 feet of grade change. Due to the size of the lot and the structure's location, the proposed building does not appear to adversely impact neighboring properties.

Staff recommends approval of the setback Variance with the three conditions listed.

Staff has not heard from surrounding property owners.

Opening of Public Hearing

Nathan Diamond, 10037 Barnes Trail, Applicant, stated that he has read and understood the staff report.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting stated that when visiting the property, observed that there is not a better location for the structure. Therefore, is in favor of approval.

Planning Commission Recommendation

Motion by Presley, Second by Schaefer, to approve a Variance to construct a detached accessory structure within the side setback, using the rationale stated and subject to the three conditions listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

C. Interim Use Permit to Operate a Park-and-Fly in the Parking Lot Located at 6588 Cahill Avenue. (Inver Grove Hospitality / AmericInn - Case No. 24-28IUP)

Reading of Public Notice

Secretary Presley read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

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The property is zoned B-4, Shopping Center.

The applicant received an Interim Use Permit with a one-time extension to operate a park-and-ride facility at the AMC Theatre lot, which is set to expire January 10th, 2025. A new Interim Use Permit is being requested to operate the park-and-ride at this new location's east side, rear parking lot.

The 192 parking spaces that would be used for the park-and-fly is not needed by the current retail tenants.

This Permit request is for five years, with a one-time extension allowed. No fencing is proposed. Security cameras will be on site. The drivers from the AmericInn Hotel would access the parking lot from Carmen Ave, not Cahill Ave. Conditions of approval would state that as a requirement. However, given the absence of fencing, people could drive through the park-and-ride area.

The potential for increased public safety calls is a concern. In consultation, the Police Chief recommended having at least two weeks of memory storage for the security cameras to allow for follow-up if coming back from a longer trip. The Chief also requested 24-hour contact information for the park-and-fly operation.

The Fire Department also reviewed this request and said that fencing around the perimeter of the property would impact traffic flow. Also, fencing would limit maneuverability for fire trucks. Therefore, fencing is not recommended by Public Safety.

Staff recommend approval with the conditions listed and has not heard from surrounding property owners.

Planning Commission Discussion

Commissioner Schaefer inquired about requiring a deadline for having the cameras operational. Botten stated that they would be expected to be operational by the time the park-and-fly begins operation. That could be clarified and added to the conditions.

Commissioner Teiken inquired if this is in addition to the AMC location or replacing the location. Botten stated that this request is replacing the AMC lot Interim Use Permit as it is due to expire January 10, 2025. Teiken inquired about the reason for changing the location. Botten stated that Interim Use Permits are only permitted a one-time extension, and the City Council granted that extension with it expiring on January 10, 2025. Teiken stated that security was an issue at the AMC location, and would explain the number of conditions proposed.

Opening of Public Hearing

Ali Hasan, 307 Liberty Corner Road, Far Hills, New Jersey, Applicant & Owner of Hotel, and Evelyn Sanchez, 5861 Blaine Avenue, Applicant & Manager at Hotel, stated that they read and understood the staff report.

Mr. Hasan stated that it's a park-sleep-fly. All guests using the lot are staying at the hotel for at least one night. The owner of the property is against adding fencing around the perimeter of the area. This location is one of the only properties near the hotel that is zoned correctly for an Interim Use Permit that also meets the size requirements.

Chair Weber closed the Public Hearing.

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Planning Commission Discussion

Commissioner Hunting stated that this is a wide-open parking lot. However, the area that they're proposing to utilize is somewhat isolated from sight. Has heard about an increased level of police calls for this area and is concerned about cars being parked overnight. Is not sure security cameras and lights being enough, feels that more security measures may be needed. Would support the request with a guardhouse and a 24-hour security guard.

Commissioner Heidenreich stated that the additional lights, traffic, and cameras may deter problems and will be a benefit to the Police Department with the documentation of the problems that may occur.

Chair Weber questioned if there would need to be an indemnification clause with the City. Community Development Director Ziemer stated that legally, the City would not be responsible or liable for crime in the context of the vehicles; this risk would fall onto the hotel.

Commissioner Presley inquired if power/infrastructure currently at the site is sufficient to allow for the security measures listed. Botten stated that with the current commercial buildings there, there should be enough infrastructure.

Mr. Hasan stated that there is currently a night-time security guard staffed, and a guard booth could be on site, but cannot be up right away.

Planning Commission Recommendation

Motion by Hunting, Second by Schaefer, to approve the Interim Use Permit to allow a park-and-ride facility as proposed subject to the conditions listed in the staff report, including an additional condition for a 24-hour security guard and have a permanent guard booth available as soon as possible.

Ayes: 8

Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on September 9, 2024.

5. REGULAR BUSINESS

A. Discussion Only about the Pine Bend Landfill Vertical Capacity Expansion Request Located at 2495 117th Street East. (BFI Waste Systems - Case No. 24-21NCUC)

Presentation of Request

City Planner Hunting and Bryan Pitterle, Senior Civil Engineer, Barr Engineering, presented Pine Bend Landfill's vertical capacity expansion request.

Overview

1. Pine Bend Landfill Background
 - a. Pine Bend Landfill is a sanitary landfill accepting a mix of municipal, non-hazardous industrial, construction and demolition debris, non-infectious waste, and asbestos.
 - b. Its design capacity is 33,937,400 cubic yards.
 - c. Its estimated annual fill rate is 600,000 cubic yards per year.
 - d. The landfill's remaining life is estimated at about five years.
2. Proposed Expansion

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- a. The vertical capacity expansion (Phase 7) would increase the size by roughly 8 million cubic yards.
 - b. 3:1 final cover slopes would be maintained on all sides of the landfill.
 - c. This would extend the life of the landfill about 13 years.
 - d. The height would be increased to 86.8 feet at the highest point.
 - e. Current views and 2042 renderings were shown for locations including Rich Valley Boulevard, Bailey Trail, Highway 52/55, and the trailhead of Mississippi River Greenway.
3. Task Timeline and Government Roles
 - a. MPCA (Minnesota Pollution Control Agency) issues solid waste permits and enforces requirements.
 - b. Dakota County develops and enforces conditions of County approvals.
 - c. The City of Inver Grove Heights develops and enforces conditions of City approvals.
 - d. In 2022, Pine Bend Landfill submitted a request for Major Modification to the MPCA.
 - e. The MPCA determined no Environmental Impact Statement was needed and issued an Air Quality Permit in November 2023.
 - f. Pine Bend Landfill submitted an application to the City in June 2024.
 - g. Public meetings are currently occurring.
 - h. The process for approvals is City, County, then MPCA.
4. Requests for City Approval
 - a. Zoning Ordinance Amendment for Interim Resource Overlay District (put in place to avoid allowing additional landfills in the 1990s; allows for expansion of landfill via Conditional Use Permit)
 - b. Conditional Use Permit to allow the vertical capacity expansion
 - c. Non-Conforming Use Certificate Amendment to document the allowed expansion and maximum elevation increase
5. 2018 Conditional Use Permit Overview

This permit set out specific conditions and established a legal process related to approval. It also:

 - a. Reaffirmed and ratified the 2004 CUP
 - b. Authorized the side slope capacity expansion
 - c. Required conformance to submitted development plans
 - d. Required compliance with state rules and MPCA solid waste permit
 - e. Restricted queueing on 117th
 - f. Required hooking up leachate system to the sanitary sewer when available
 - g. Required compliance with state rules and MPCA (surface and groundwater monitoring, gas and leachate extraction, liner leak detection, and leachate transportation and treatment)
 - h. Required Pine Bend to bring gas migration into compliance with Minnesota Rule 7035.2815 by January 1, 2025.
 - i. Ongoing monitoring system
 - i. Required the maintenance of the MPCA air emissions permit
6. Barr Engineering's Review
 - a. City's landfill consultant
 - i. Completes technical reviews of landfill applications and reports on behalf of the City
 - ii. Advises the City on environmental matters related to landfills in IGH
 - iii. Recent Technical Support

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1. Reviewed and commented on the Environmental Assessment Worksheet (EAW) from the MPCA
 - a. Numerous clarifications and corrections requested
 - b. MPCA reviewed and addressed those
2. MPCA permit application
 - a. Topics Reviewed: waste acceptance, groundwater monitoring system, leachate recirculation, solid waste composting, groundwater quality, surface water management, waste capacity, liner and leachate collection system design, gas monitoring and gas extraction/treatment systems, final cover design, closure/post-closure/contingency action, operations and maintenance plans, and financial assurance cost estimates
 - b. Four rounds of review letters
3. Pine Bend Landfill's application to the City
 - a. Verified that recommendations from the MPCA were included in the application
 - b. Recommended modifications to the Ordinance, the NCUC, and the CUP
 - c. Focused on four key areas: groundwater quality, surface water management, waste capacity, and gas monitoring / gas extraction/ treatment systems
 - d. Letter included summary of Pine Bend Landfill's application to the City and City's regulatory history
 - e. Technical review of MPCA permit application and recommendations/modifications
 - f. Discussion of environmental considerations
 - i. Increased visibility (height) and potential increase in litter and odor
 - ii. Benefit: additional landfill gas that would be converted to natural gas
 - iii. No impact to subsurface gas migration likely
 - iv. Potential negative impacts to surface water, though these could be mitigated through management
 - g. Summary and conclusions

Chair Weber inquired about litter. Mr. Pitterle stated that there are mitigation plans in place, but increased height means increased wind impacts regarding litter. Weber questioned if the slope's increased height will lead to an increased rate for surface water flow. Pitterle stated that management plans are in place to address this.

Commissioner Hunting questioned as to why an Environmental Impact Statement (EIS) was not needed. Mr. Pitterle stated that the decision is up to the Minnesota Pollution Control Agency (MPCA) whether more in-depth environmental review is needed. Hunting inquired what criteria would require an EIS. Pitterle stated that an EIS was not needed because the footprint of the landfill is not changing.

Commissioner Twedt asked how the initial height of the landfill was established and whether any county, state, or EPA regulations apply. Hunting stated that he did not have that information.

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Commissioner Twedt questioned if a height limit was in place. Hunting stated that reduced equipment maneuverability and loads on the extraction pipes limit the maximum height at the current footprint.

Commissioner Twedt inquired about the weight loads on extraction pipes. Mr. Pitterle stated that the weight loads were considered. Twedt questioned what would happen if the planned weight was exceeded. Pitterle stated there would be strain on the liner and concerns with slope stability. However, in the existing footprint, it would be difficult to go higher due to the slope.

Commissioner Twedt clarified that year 2042 would be the end of the landfill. And inquired about gas collection and whether the City benefits financially from that. Hunting stated that the gas is collected through pipes. The methane is converted to a quality gas used commercially. The City has no financial stake in that process.

Commissioner Schaefer inquired as to where the waste comes from. Aaron Janusz, Environmental Manager, Pine Bend Landfill, stated that the waste comes from the City, Dakota County, and transfer centers around the state, including Eden Prairie, Delano, and Blaine. Schaefer confirmed this is a 25 percent increase in the landfill's capacity, and it is expected to last 13 years. The metro's population is increasing; without other efforts to reduce or recycle waste, the fill rate could be significantly higher than anticipated. Schaefer inquired when potential impacts to surface water would get mitigated by the final cover. Mr. Janusz said that it would be six to seven years before the final cover process began. Sections of the final cover would be added every two years. Schaefer questioned whether that meant surface water impacts would not be mitigated for the first six years. Janusz stated that's not the case; there would be concrete or riprap to handle the surface water runoff. Schaefer inquired as to if the concrete benches will help mitigate surface water. Janusz stated that the benches would catch surface water and send to a chute.

Commissioner Teiken inquired as to potential other uses for the landfill once the final cover is in place. Chair Weber stated that there are legal requirements for monitoring the site, which limits other uses. Mr. Janusz stated that solar energy generation is one possibility. Mr. Pitterle confirmed that solar is an option, though the slope somewhat limits the potential for energy generation.

Commissioner Hunting stated that she was a member of the Dakota County Planning Commission and that they are studying waste management in Dakota County. She pointed out that we will always need landfills. There are types of waste that have no other destination. If Pine Bend was not allowed to expand, there would have to be another landfill. She pointed out that trying to get a new landfill approved would be difficult. She said Dakota County has found Pine Bend Landfill to be a good neighbor. She commended Pine Bend Landfill for their response to concerns, successful inspections, and forward-thinking efforts. She said she is in favor of the expansion.

Planning Commission Discussion

On the occasion of City Planner Hunting's last Planning Commission meeting, Community Development Director Ziemer and the Planning Commission commended City Planner Hunting for his 31 years of service to the City and thanked Mr. Hunting for helping the City grow and develop, and he wished him the best.

6. REGULAR BUSINESS

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Associate Planner Botten stated that the next regular Planning Commission meeting will be on Wednesday, September 4, 2024.

7. ADJOURN

Motion to adjourn the meeting at 8:29 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.

DRAFT



Planning Commission Report

MEETING DATE:	September 4, 2024
CASE NO:	24-32CV
APPLICANT:	Xcel Energy
PROPERTY OWNER:	Northern States Power Company
REQUEST:	Conditional Use Permit and Variance
LOCATION:	4682 Babcock Trail / PID No. 20-02910-76-021
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Low Density Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- Variance to allow a ten (10) foot tall chain link fence whereas seven (7) feet is the maximum height allowed.
- Variance to allow an Essential Service Building to be located within the required 50 foot setback from residential zoned property.
- Conditional Use Permit for an Essential Service Building in an R-1C zoning district.

BACKGROUND

Xcel Energy is proposing to update the natural gas distribution system and replace and increase the size of an equipment enclosure. The property is located in a residential zoning district. Essential services are a permitted use in all districts, but essential services buildings are a conditional use in all districts except I-2.

Xcel Energy is also requesting a Variance from fence height to install a new 10-foot-tall chain link security fence around the perimeter of the lot. The maximum fence height in the city is seven feet. The additional three feet of fence height is being requested to enhance physical security measures to lessen overall vulnerability against physical attacks of the gas distribution facility.

EVALUATION OF REQUEST

SURROUNDING USES.

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

North	Residential	Zoned: R-1C	Guided: LDR, Low Density Residential
West	Vacant	Zoned: R-1C	Guided: Public Open Space
South	Residential	Zoned: R-1C	Guided: LDR, Low Density Residential
East	Residential	Zoned: R-1C and P	Guided: LDR, Low Density Residential and Public Open Space

SITE PLAN REVIEW.

Setbacks. The new equipment structure is proposed to be 576 square feet in size, replacing a 256 square foot structure. City code requires a 50-foot setback for essential service structures from any property zoned Residential or Estate. The property is 100 feet in length; therefore, any essential service building would require a setback variance. The new equipment building would be at the same setback as the previous structure along the north and east property line and about 16 feet closer to the south property line.

Access. Access to the site is not changing; there is one access point off Babcock Trail.

CONDITIONAL USE PERMIT (CUP) REVIEW.

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use is consistent with the goals, policies, and plans of the 2040 Comprehensive Plan. The regulator station has been in place since the mid-1970's.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

This standard would be met. Essential Service Structures are a conditional use in all districts except the I-2, General Industry district. The larger building will house more of the equipment inside, which will be more visually appealing to the abutting neighbors.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

This standard would be met. The site has been an essential service use for about 50 years, and the proposed structure would not pose any additional issues with surrounding land use.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the city to provide such services in an orderly, timely manner.*

The proposed request does not appear to have any negative effects on City facilities or services. The site only has intermittent activity by Xcel Energy staff for routine maintenance.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

a) *Aesthetics/exterior appearance*

The old building was in poor condition, and the new building will improve the visual appeal of the facility.

b) *Noise*

The proposed structure would enclose more of the onsite equipment than the old one, reducing the overall noise to the surrounding property owners.

c) *Traffic*

Traffic is not an issue. The site would only have intermittent employee traffic.

d) *Drainage*

If needed, a grading and erosion plan will be approved by the city engineer at the time of building permit.

e) *Fencing, landscaping and buffering*

No new landscaping is being proposed.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The site has been used as an essential service site since the mid-1970's. The lot is 100 feet in width, so a variance is required for the location of the proposed structure to encroach within the 50-foot setback. All other zoning, building and fire codes would be met.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

Staff are not aware of any public health, safety or welfare issues associated with the proposal.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

The site has operated without any issues and no new issues are expected to arise with the proposed improvements.

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, 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.*

The requests are not contrary to the area as defined in the Comprehensive Plan.

Fence: The use of the property is an essential service, which is a permitted use in the residential zoning districts. The site is currently protected by a chain link fence. A taller fence with one inch chain link openings installed for security purposes appears to be in harmony with allowing essential service uses in residential areas.

Setback: As discussed above, the proposed essential service building is conditionally permitted. The property is not large enough to comply with the minimum setback

requirements. The proposed structure would meet other code requirements such as exterior building materials.

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

Fence: The essential service use on the property of a gas distribution center has an existing chain link fence that is subject to security risks due to its height and size of the grid openings that allows for easier scaling of the fence. The security upgrades include installing a new fence around the facility that will discourage unauthorized access; improve safety; and prevent damage to the equipment inside. There is no barbed wire proposed, only the 10-foot-tall fence with smaller opening chain link.

Setback: A 50-foot setback from all property lines leaves no buildable site on the property unless a variance is granted. The proposed location of the structure would be the most reasonable as it would not be any closer to the north and east property lines than the established setback of the old shed. The proposed structure would be located about 16 feet closer to the south property line due to the increase in size of the structure.

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

Fence: The need for additional height is based on Federal Regulations to provide enhanced physical security measures for critical facilities to lessen the overall vulnerability of the power system against physical attacks.

Setback: The essential service use is on the residential zoned property has been in operation since the mid-1970's. The property is 100 feet in width, as noted above, a 50-foot setback from property lines leaves no buildable site on the property unless a variance is granted.

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

Fence: One of the functions of height requirements is the aesthetic qualities from street and neighboring views. The proposed fence would be located in the same location as the existing fence, about 16-17 feet off the sidewalk and up to the property lines along the north, east and south lot lines.

Setback: The new building is replacing an old, deteriorating structure. The location of the building would be at the same setback to the north and east lot lines. Due to the increase in size, the building would be located 16 feet closer to the property line to the south.

The variances do not appear to alter the character of the neighborhood.

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

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

ALTERNATIVES

The Planning Commission has the following actions available for the proposed request:

A. Approval. If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- Approval of the **Conditional Use Permit** for an Essential Service Structure to allow expansion of the existing electrical power substation subject to the following conditions:
 1. The site shall be developed in substantial conformance with plans on file with the Planning Department except as may be modified by the conditions below.
 2. All final development plans shall be subject to the review and approval of the City Inspections and Fire Departments.
- Approval of the **Variance** to allow a fence ten feet tall whereas seven feet is the maximum allowed by code subject to the following condition:
 1. The fencing shall be consistent with the Fencing Plans showing the location and type of fence to be constructed.

Rational: The proposed ten-foot chain link fence does not appear to have an adverse impact on the neighborhood or affect visibility along Babcock Trail. The property's use is an essential service. The additional fence height is based on Federal Regulations to provide enhanced physical security measures for critical facilities to lessen the overall vulnerability of the power system against physical attacks and protect the community.

- Approval of the **Variance** to allow a 576 square foot structure to encroach within the required 50-foot setback subject to the following condition:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

Rationale: The request is not out of character for the neighborhood and is consistent with the comprehensive plan. The setback encroachments do not appear to have an adverse impact on the neighboring properties. The property is unique in that it is 100 feet wide, requiring a 50-foot setback would make the property unbuildable. The proposed structure would be located at the same setbacks as the old building to the north and east.

B. Denial. If the Planning Commission does not support the requests, the Commission could recommend denial of the proposed requests. With a 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 conditional use permit and variances as presented.

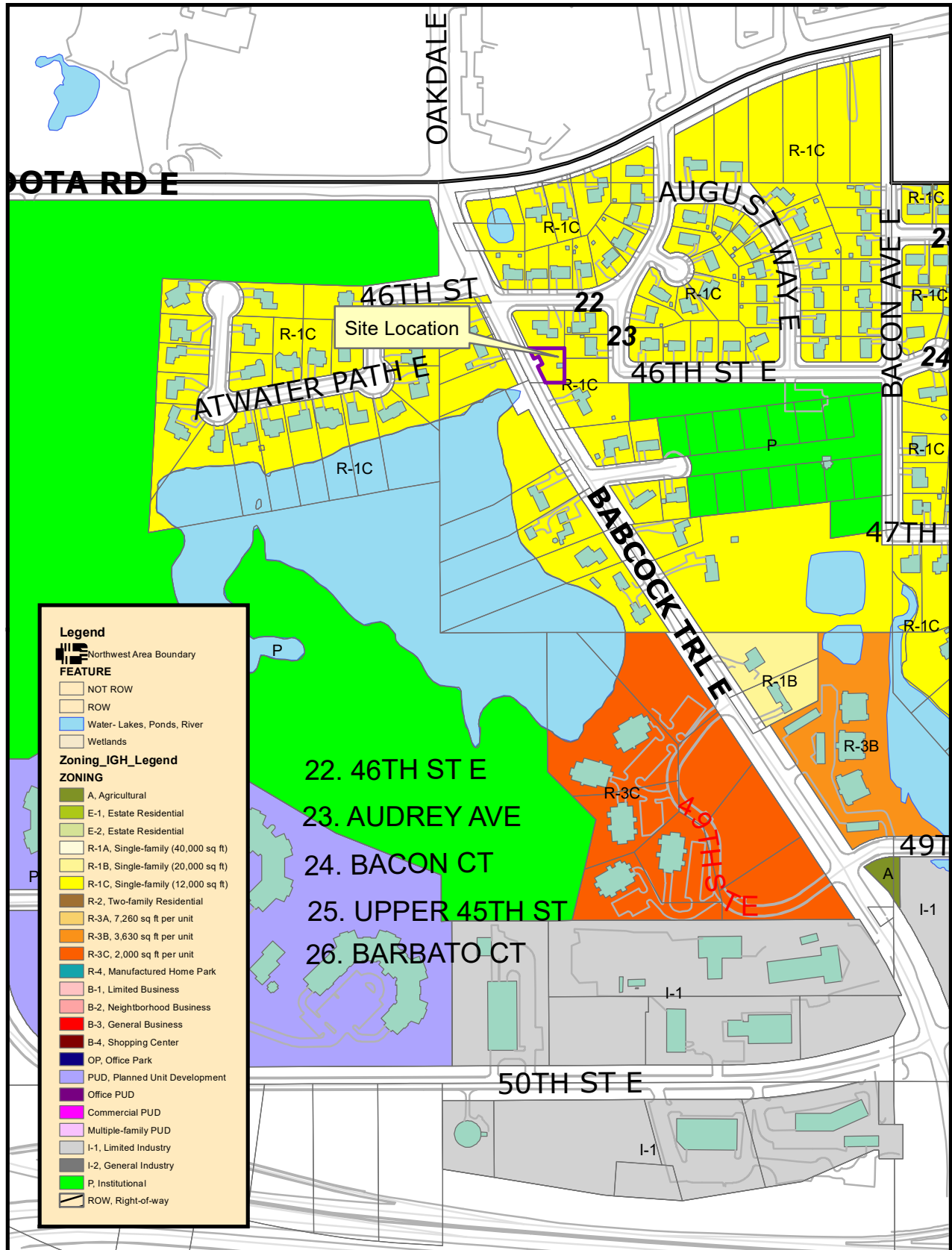
ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan
4. Fence Plan

5. Building Elevations



Xcel Energy Case No. 24-32CV



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

Map not to scale



July 31st, 2024

Revised August 22nd, 2024

Planning and City Council Members

City of Inver Grove Heights – Permits & Inspections

8150 Barbara Ave

Inver Grove Heights, MN 55077

Heather Botten and Jordan Doucette

Variance and Conditional Use Request – Setback Requirement

Xcel Energy Gas Regulator Facility

Address: 4682 Babcock Trail

PID: 20-02910-76-021

To the Planning and City Council Members of Inver Grove Heights,

Ensuring the natural gas distribution system is updated and secure is a top priority for Xcel Energy and our partners across the natural gas industry. As advancements in technology are deployed, this responsibility grows. That being said, the replacement of the gas regulator station at 4682 Babcock Trail is essential. The new facility will replace the existing regulator station and “relief valves” over-pressure protection (OPP), with a fully enclosed regulator substation.. This update provides increased safety for both Xcel employees and the public and ensures proper function so that the surrounding community of Inver Grove Heights can reliably receive natural gas.

The gas facility and the structures and devices that support the facility are an integral part to the delivery of gas to our customers. By replacing the regulator station and relief valve, the risk of natural gas release if the main regulator fails is eliminated. Currently there is a relief valve, which would vent gas to the atmosphere instead if a problem is detected. The new station includes a second regulator which will sense that there is an issue and will take over for the main regulator. This reduces our environmental footprint by eliminating the risk of carbon emission into the surrounding environment.

In addition we plan to replace the existing building with an new equipment enclosure which will hold all of the above ground regulator station equipment. The old building was in poor condition, and the new building will improve the visual appeal of the facility. Without the building, the community would see an industrial looking regulator station with above grade piping and equipment. As well as providing a greater visual appeal, enclosing the regulator station in a new building will reduce the noise emittance of the regulator station. Without the building, there would be noise associated with the station that the nearby neighbors have previously encountered. The new building will also make maintenance easier, as it keeps the equipment out of the elements during maintenance and provides better access for Xcel employees. The building will also secure the facility, making it more difficult for someone to impact the station’s operation accidentally or intentionally. Safety and security are of the utmost importance to Xcel, and by replacing the existing building, we can ensure greater safety of the surrounding residential community.

The upgrades are part of Xcel Energy's comprehensive efforts to secure and maintain our gas facilities in the communities we serve. Xcel seeks a variance to the setback requirements, in addition to a conditional use permit for the construction of an updated gas regulator facility. The specific provision in the City Code in which this variance is requested is:

10-2-2: Definitions: Essential Service Building:

ESSENTIAL SERVICES BUILDINGS:	Buildings necessary for the provision of essential services, including, but not limited to, telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within fifty feet (50') from any lot line of an abutting lot in an R or E district.
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Xcel Energy is requesting the following variance to the ordinance:

- Variance from the 50' essential service building setback requirement.
- Variance to allow for a 10; tall chain link security fence.
- Conditional Use Permit for an Xcel gas regulator station and distribution facility (essential service) located in a R1-C district.

The property is in the R1-C zoning district and is approximately .29 acres in size.

The regulator station has been in place since the mid 1970's. Due to the size of the lot, .29 acres, the setback standard is impossible to comply with. The new building is replacing the old one in the same location. This request is reasonable since the new building seeks to replace the existing building in the same location on the property. This variance is in harmony with the goals of the ordinance to maintain the character of the area as well as to promote safety. The Comprehensive Plan of the city is also consistent with our request as the plan outlines the importance of utility upkeep to prevent community risk and environmental harm. By replacing the building and the equipment of our facility, we seek to maintain the community development standards of safety and community wellness.

Xcel Energy (Northern States Power Co.) is the owner of this property. The contact information for Xcel is an address of 414 Nicollet Mall, Minneapolis, MN 55401, and a phone number of 612.216.9229 or 612-216-8083. The valued cost of this project is \$700,000 for all construction materials and labor costs.

The situation is unique to our facility because as a gas distribution center, there is an increased responsible to maintain, secure, and upgrade our facility. This facility helps provide natural gas to the surrounding Inver Grove community, and this upgrade would ensure proper function, reduced risk, and greater aesthetics for the area. The practical difficulty that exists at this location is the character of the property. Since there is an existing regulator facility, the granting of this variance would not change the existing layout or character of the facility. Upgrading to a newer and nicer building would increase safety as well as make the area look nicer.

The three conditions for a variance request: uniqueness to the property, the project remaining consistent with public interest, and lack of reasonable use without the variance are covered in our project description. In terms of being unique to the property, the site has been as an essential service for decades and the shape and size of the property create a practical difficulty in maintaining the facility as a regulator station. With the implementation of new standards and advances in equipment design, there is a strong need to update our facility for reliability,

environmental, and safety reasons. This project is not contrary or detrimental to the public welfare, as the proposed facility supports these interests by providing safe and reliable nature gas to the surrounding community. The proposed use of the property does not affect the supply of light or air to the surrounding properties. Last, there is no reasonable use of the land without the variance. Without the ability to update the facility, the reasonable use of the land as an essential service is non-existent. The building is located to support the community in providing natural gas. Since the property is only .29 acres in size, trapezoidal in shape, and is bounded by a roadway, there is little space to move the location of the regulator station to be 50' from the neighboring parcel. Rebuilding the facility and updating the equipment does not pose a risk to the community, as it will be the same distance from the property line as the existing building is. Not only does this proposed project provide secureness for our facility, but it promotes community safety. It is paramount to keep this facility updated, secure, and aesthetically pleasing to the surrounding residential community, hence the necessity for this variance and conditional use permit to continue its use as an essential service.

The existing gas facility is an essential service that supplies natural gas and power to the business and residents of Inver Grove Heights and the surrounding communities. The upgrades proposed will help ensure the safety of the public and employees of Xcel Energy; and help provide safe and reliable power for years to come. Attached for your review and approval is the variance and CUP application, site plan, legal description, and photos of the property. Xcel Energy respectfully requests your approval of our variance and conditional use permit request.

Regards,



Sydney Gabriel
Siting and Land Rights Intern
P: (612) 216-9229
E: sydney.gabriel@xcelenergy.com

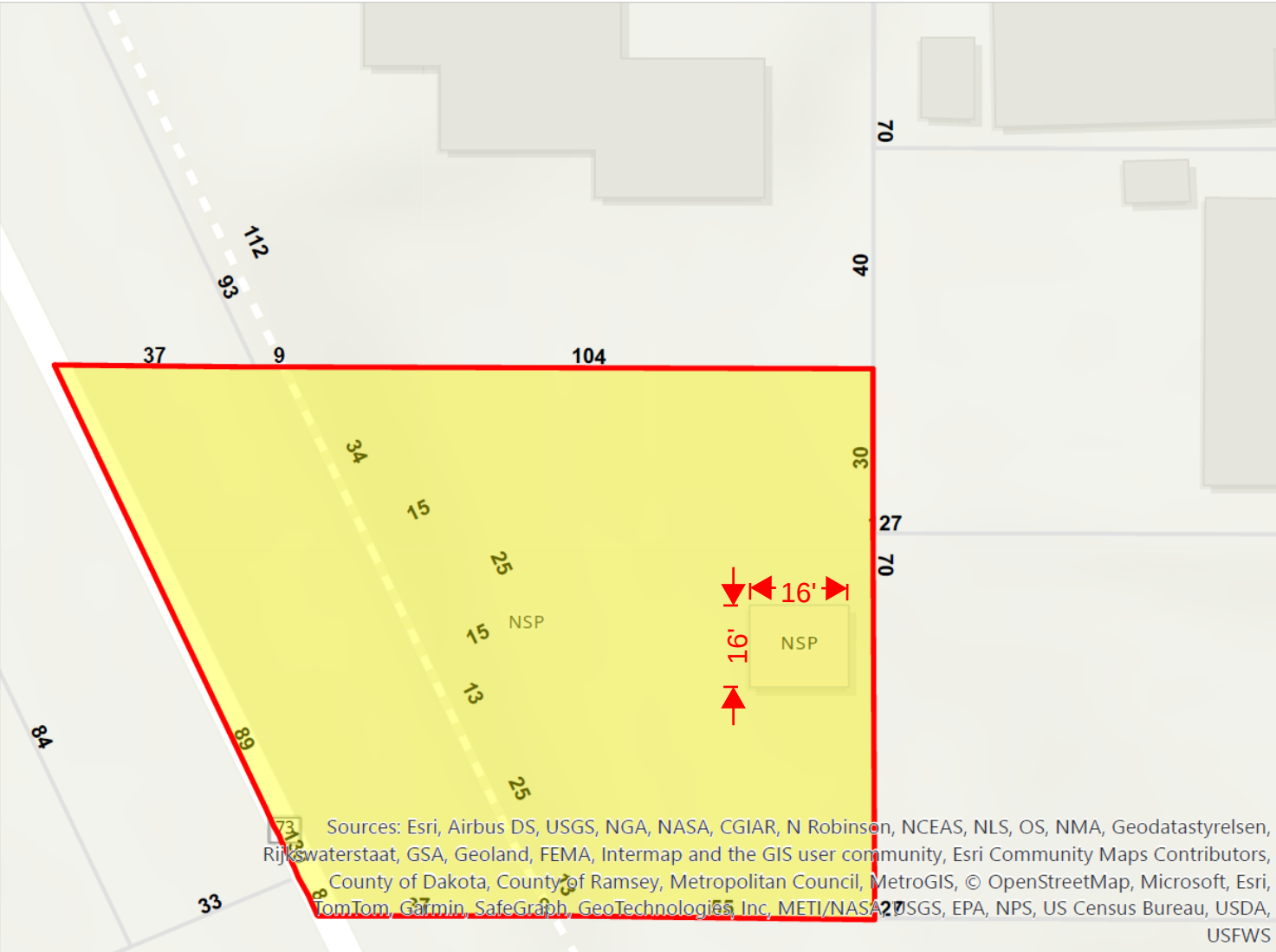


Brian Sullivan
Siting and Land Rights
P: 612.216.8083 | C: 612.366.023
E: brian.e.sullivan@xcelenergy.com

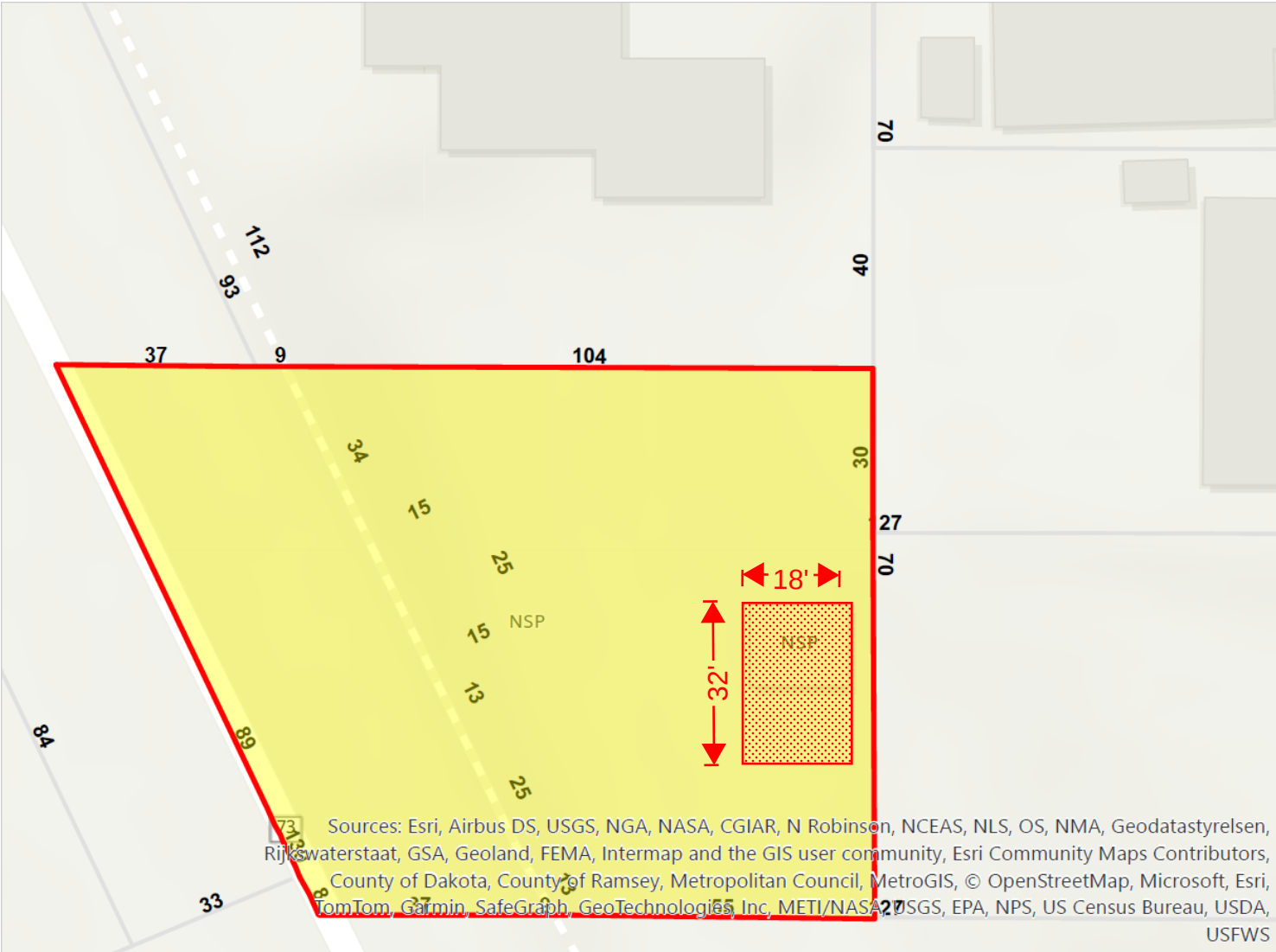
EXISTING SITE PHOTOS

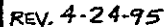


EXISTING 16X16 REGULATOR BUILDING

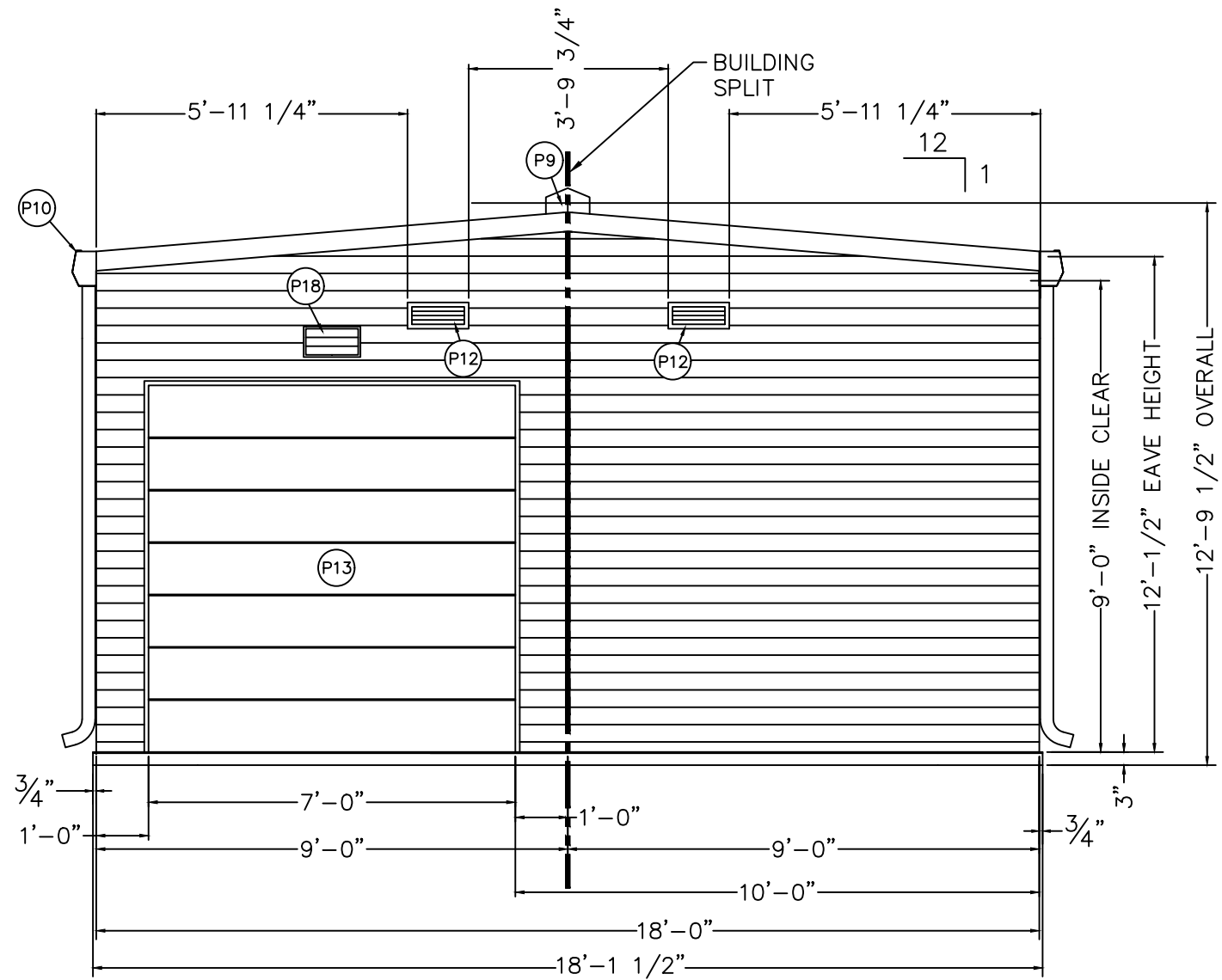


PROPOSED 18X33 REGULATOR BUILDING

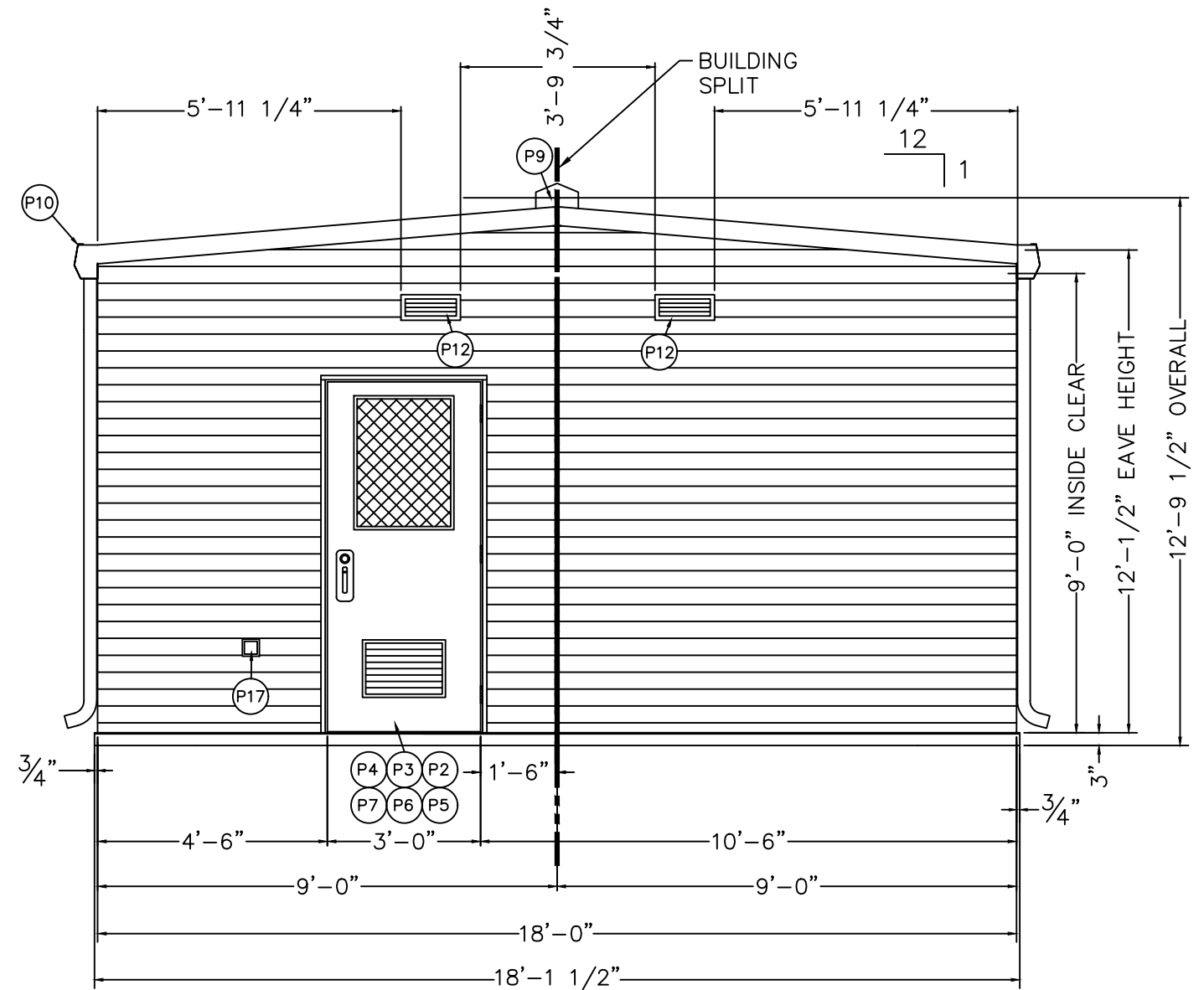




REG. NO. 361



NORTH WALL



SOUTH WALL

1
A3

EXTERIOR ELEVATIONS
NTS

For Approval Only

7:32 am, Aug 21 2024

	PHASE	DESCRIPTION	DFTR.	CKR.	DATE
NO	0	DRAWINGS FOR APPROVAL 'A'	SA	CS	06/11/2024
NO	1	DRAWINGS FOR APPROVAL 'A'	SA	CS	06/20/2024
NO	2	DRAWINGS FOR APPROVAL 'A'	SA	CS	06/24/2024
NO	3	DRAWINGS FOR APPROVAL 'A'	SA	CS	08/20/2024

NOT TO SCALE



STEEL-SPAN, INC.
METAL BUILDINGS AND COMPONENTS

630 BLACKMAN STREET
HARVARD, IL 600332331
Phone (815) 943-7431

PROJECT NAME:
Station R361 Babcock Trail Regulator Building

LOCATION:
4682 Babcock Trail Inver Grove Heights, MN 55077

CUSTOMER:
Excel Energy

JOB NO.
15490-NEL

DRAWING NO.
A3