

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, March 6, 2018 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR FEBRUARY 7, 2018.
Minutes from February 20, 2018 are not yet available; they will be included with the next available packet.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 GREGORY GROVER - CASE NO. 18-06V (Tabled from February 20, 2018)

Consider a **Variance** from the front yard setback to construct a garage 26-feet from the front property line whereas 50-feet is required for the property located at 7231 Cahill Avenue.

Planning Commission Action _____

3.02 ADAM MILLER - CASE NO. 18-10V

Consider a **Variance** to allow an accessory building to be located 35 feet from the side property line whereas 50 feet is required.

Planning Commission Action _____

3.03 GWEN LYSNE - CASE NO. 18-11Z

Consider a **Rezoning** of three parcels from R-1C, single-family to B-3, General Business for the three lots located west of 6591 Concord Blvd.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, February 7, 2018 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tony Scales
Dennis Wippermann
Jonathan Weber
Pat Simon
Annette Maggi
Elizabeth Niemioja
Armando Lissarrague

Commissioners Absent: Joan Robertson (excused)
Brett Kramer (excused)

Others Present: Tom Link, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the December 5, 2017 meeting were approved with one change as noted. The minutes from the January 16, 2018 Planning Commission meeting were approved as submitted.

INDUSTRIAL EQUITIES, LLP – CASE NO. 18-02ZPA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a rezoning of the property from P, Public/Institutional to I-1, Limited Industry or I-2, General Industry, or IOP, Industrial Office Park, and a comprehensive plan amendment to change the land use designation from P/I, Public/Institutional to LI, Light Industrial or GI, General Industrial or IOP, Industrial Office Park. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is anticipating developing the subject property with a 95,250 square foot office/warehouse building and parking lot. The request is to change the land use designation from Public/Institutional to General Industrial and to rezone the property from P, Institutional to I-2, General Industry. The property was zoned and guided for Public/Institutional in the early 2000's when three church groups bought the lots for future church locations. To date, only the lot with the existing cemetery has done any improvements; the other two lots remain vacant. In 2016 Red Pine Partners asked to change the guiding to Limited Industrial for an outdoor storage facility while waiting for utilities to be available. City Council denied that application as they were concerned of land use compatibility, access, and felt that the proposed use did not provide enough benefit to the City to justify the land use change. The surrounding land uses include Public/Institutional to the east, Limited Industrial and the manufactured home park to the south, large lot residential and agricultural uses to the north, and industrial to the west. The proposed land use would be consistent with the industrial uses to the west and east, but could potentially conflict with the residential to the north, east, and south. The City is aware of some traffic issues with UPS trucks leaving the Eagan facility and taking Argenta Trail to Yankee Doodle Road. The other issue is

what to do with Auburn Path, which was originally anticipated to extend northward. Council will ultimately determine if Auburn Path is going to be extended as a public street or if it should be vacated and become a private drive. A 30-foot-wide easement should be dedicated for the future extension of the Dakota County Lebanon Trail. The site currently is not served by municipal water and sewer. Service could occur once the trunk lines are extended under Highway 55, or the site could get service from the City of Eagan with a joint powers agreement. The report lays out rationale both for and against the proposed land use change. The rationale for the change includes 1) it would be consistent with the industrial uses to the west and south, 2) it would allow for future tax revenue base whereas the current use would most likely be tax exempt, 3) it has the potential to generate employment and a variety of goods and services, and 4) would allow a broader range of uses. The rationale against the land use change includes 1) a potential negative impact on development potential for some of the nearby vacant land, 2) traffic, and 3) the extension of Auburn Path could create a land use conflict with future residential development. Both I-1 and I-2 generally allow the same type of uses; however, nearly all uses allowed in the I-2 district are permitted uses whereas many are conditional in the I-1 district. Auto related uses are allowed in the I-1 but not in the I-2. The uses that the applicant anticipates would be allowed in either the I-1 or I-2 zoning categories. Staff believes that appropriate use of the property is industrial but is not recommending a specific category (I-1 or I-2).

Chair Maggi asked who owned the abutting Public/Institutional properties.

Mr. Hunting replied one was owned by a church group and the other was a cemetery owned by the Weber family.

Chair Maggi asked if staff had discussed the option of rezoning the property to I-1 rather than I-2.

Mr. Hunting replied that staff raised the issue at the plan review meeting, and also published for all the different categories to leave the option open should the Planning Commission or Council prefer I-1 to I-2.

Commissioner Simon asked if the proposed building would be similar to the schematic in the packet.

Mr. Hunting replied it would be almost identical to the drawing in the packet, and advised that the Planning Commission would be reviewing the site plan at their next meeting.

Commissioner Lissarrague asked if the use the applicant was proposing would be allowed in both I-1 and I-2.

Mr. Hunting replied that the office-related warehouse uses they have described would fit in either category. The difference would be most uses in I-2 would be permitted whereas many would be a conditional use in the I-1 which requires they go through the CUP process.

Commissioner Weber clarified that the two abutting Public/Institutional parcels paid taxes and were not tax exempt. He asked if the applicant was requesting to rezone both Outlot A and D.

Mr. Hunting replied in the affirmative.

Opening of Public Hearing

John Allen, Industrial Equities, 321 – 1st Avenue N, Minneapolis, advised that they are a bit unique as they do not do third-party construction, but rather build, own, and manage their buildings. They design and build properties that are at the high end of the industrial market place; their buildings are characterized by more glass, parking, landscaping, and brick and precast aggregate exteriors.

He advised they would prefer I-2 zoning as the high tech flex industrial type users they are anticipating (i.e. medical device manufacturing, biotech, etc.) will go to another city where they can get in immediately rather than go through the lengthy conditional use permit process that would be required in I-1. He advised they are not interested in low tech users as they cannot afford their rents, and the companies they attract would benefit the City as they typically have a large number of employees and are high paying jobs. He advised they have many industrial buildings in other cities that butt up beautifully with high end residential neighborhoods. The proposed building is designed with the truck access docks facing away from the residential areas and he believes the building would help buffer residents from the undesirable uses in the Eagan industrial area to the west. They are happy to provide an easement for the Dakota County Mendota-Lebanon Regional Trail as it is a good amenity for their future employees. They will be able to bring utilities to their property through an easement they will be acquiring from a contiguous property owner.

Commissioner Lissarrague asked about the building drawing provided in the packet.

Mr. Allen explained that was the actual design they would be bringing to the next meeting for approvals.

Mr. Hunting noted that three emails from residents were distributed to Commissioners at tonight's meeting; one was in support, one was not in support, and the other felt there should be more information before a recommendation was made.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann questioned how the applicant could respond in a timely manner should someone want to do manufacturing in the I-1 district.

Mr. Hunting clarified that Mr. Allen was requesting I-2 because manufacturing would be a permitted use that would not require any further zoning approvals, whereas in the I-1 district they would have to come back through the public process for a conditional use permit. He noted that a couple years ago City Council had staff look at the I-2 district as they wanted to streamline the zoning process and make more uses permitted in the I-2 in order to give some buildings along Clark Road more flexibility and negate the need for the CUP process. Mr. Allen is asking for that same consideration.

Chair Maggi asked if landfills were allowed in the I-2 district.

Mr. Hunting replied they would not be allowed on the subject property as landfills were only allowed in the Integrated Resource Management Overlay District.

Commissioner Weber asked what the height restrictions were in the I-2 district.

Mr. Hunting replied buildings in the I-1 district were allowed a maximum height of 60' and buildings in the I-2 district were allowed a 45' height maximum or up to 60' with a CUP.

Commissioner Weber asked what the height was of the proposed building.

Mr. Allen replied the highest point would be approximately 33'.

Commissioner Scales stated that he supported a rezoning to I-2 rather than I-1 as it would likely result in a nicer building, tenant, and neighbor.

Commissioner Niemioja supported a rezoning to I-2 as well, stating it would streamline the process and the anticipated tenant would likely be a respectful neighbor for the area.

In regard to voting on this request, Chair Maggi asked for confirmation that Commissioner Weber did not feel he had a conflict of interest with being a property owner in the area.

Commissioner Weber replied that he did not own the property, rather it was owned by his father.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to approve the request for a rezoning of the property from P, Public/Institutional to I-2, General Industry, and a comprehensive plan amendment to change the land use designation from P/I, Public/Institutional to GI, General Industrial.

Motion carried (7/0). This item goes to the City Council on February 26, 2018.

CITY OF INVER GROVE HEIGHTS – CASE NO. 18-04ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for an ordinance amendment allowing short-term parking and park-and-fly facilities as an interim use in B-3, B-4, and P zoning districts. No mailings were required for this request.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the zoning code currently does not address park-and-ride or park-and-fly situations and therefore they would not be an allowed use. Last year Council discussed this topic at two work sessions and directed staff to draft an ordinance to allow these types of uses with an interim use permit. Based on a meeting that the City held with some business representatives it was determined that there are currently two business in the City that would be affected by a potential ordinance change. One would be the Americinn, which currently leases 175 parking spaces from the AMC theatre lot in addition to the spaces at the hotel. The majority of these vehicles would be stored overnight for one night or more. This would be more of a park-and-fly service. The other business is Rochester Bus Lines, who have been operating a park-and-ride from the old Rainbow parking lot since 2007. They offer commuter bus travel to Rochester each weekday morning and return from Rochester in the evening. No overnight parking is allowed. The benefits of allowing short-term or airport parking include that they provide a service to local businesses and for residents to park their vehicles for a short amount of time while they commute or ride a bus with other people, there are environmental benefits from fewer vehicles traveling on the road, and park-and-fly facilities provide a service to travelers that is an alternative to airport parking. Possible concerns with these parking facilities are that parking lots generate a lesser tax base and create fewer employment opportunities than a commercial building, there could be a potential impact to stormwater systems, there may be high traffic volumes that impact the road systems during peak drop off and pickup times, there could be increased criminal activity and public safety concerns for vehicles stored for a longer period of time, and the parking reduces the number of parking stalls required for the actual business. Staff is proposing the language listed in the report to amend the code to allow this interim use. If an ordinance amendment is adopted, a separate interim use permit application would be required, which would include neighbor notification, a public hearing, and the ability to add conditions to that specific property. Staff supports the request with the language as listed in the staff report.

Chair Maggi asked if interim use permits were good for a certain amount of time.

Ms. Botten replied there is no specific amount of time attached to interim use permits. During the application process the City could specify an expiration date; they would be allowed a one-time extension as well.

Commissioner Simon asked if there were security requirements for park-and-fly, and asked how they would differentiate between park-and flies and park-and -rides.

Ms. Botten stated any security requirements could be added during the interim use permit process. Currently the movie theater lot is not screened.

Commissioner Simon asked if they allowed long-term parking at the movie theater.

Ms. Botten replied that the representative could best address that, but she believed long-term parking was taking place.

Opening of Public Hearing

Brett Rose, Americinn, 5861 Blaine Avenue, advised that they currently provide security for the park-and-fly area. They are in the process of purchasing additional property from the City to expand the operation. Once that is acquired it will be fenced in and security cameras will be installed.

Commissioner Lissarrague asked if they typically had an attendant on duty 24 hours a day.

Mr. Rose replied in the affirmative, stating they have someone patrolling both lots.

Christian Holter, Commuter Services Manager, Rochester City Lines, 1825 N. Broadway, Rochester, stated they supported the request and would like to continue to provide the services they have been providing the community for the last 11 years.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request for an ordinance amendment allowing short-term parking and park and fly facilities as an interim use in B-3, B-4, and P zoning districts.

Motion carried (7/0). This item goes to the City Council on February 26, 2018.

OTHER BUSINESS

Transient Lodging – Case No. 17-33ZA

Heather Botten, Associate Planner, advised that last year City Council reviewed transient lodging (short-term rentals) at two work sessions and directed staff to amend the city code to prohibit transient lodging. The Planning Commission then held a public hearing and did not support the ordinance to prohibit them. On the third reading Council decided to reverse their earlier decision and directed staff to possibly allow short-term rentals with conditions and to bring it back to the Planning Commission and the Housing Committee for discussion. After comments are received, staff will bring the item back to the Planning Commission for a public hearing and then to City Council for their review. Transient lodging is rental of a dwelling unit for less than 30 consecutive days. Anything longer than that involves the rental license section of the code. The benefits of

allowing short-term rentals include providing an alternative to a hotel stay, providing an opportunity for a large family or group to stay in one place instead of numerous hotel rooms, provides an alternative for business travelers, and provide residents an opportunity to rent their home for additional income. The potential concerns of allowing short-term rentals include additional traffic, high occupant turnover could negatively impact the neighborhood, there could be disruption to the abutting residents, and it may cause complaints of noise, underage drinking, and other nuisances. Staff believes that if short-term rental is to be allowed, it should be done by interim use permit (IUP). An IUP requires neighbor notification, allows for enforcement through the termination of the permit, and allows for conditions to be added specific to a location. Staff discussed adding a condition that no additional guests be allowed after a designated time (i.e. 10:00 p.m.) and a condition requiring off-street parking. Short-term rental ordinances from the cities of Duluth, Stillwater, and Prior Lake were included in the packet as an example of what other cities have implemented for conditions.

Chair Maggi asked for clarification as to why the Council reversed their decision.

Ms. Botten stated Council decided to continue the discussion after hearing from residents in the community who have been successfully running short-term rentals and spoke favorably of them.

Commissioner Weber asked if interim use permits required a public meeting.

Mr. Botten replied in the affirmative.

Commissioner Weber asked if there was a way to streamline that, such as issuing a rental license.

Ms. Botten stated that was something the Commissioners could discuss. She advised that having an IUP would give the City more enforcement leverage should someone violate the requirements and would make it easier to monitor.

Commissioner Lissarrague asked whether licensing required neighbor notification.

Ms. Botten replied it did not.

Commissioner Lissarrague stated as a resident he would prefer to be notified of a potential short-term rental in his neighborhood.

Commissioner Scales asked what the process was for someone running a commercial business from their property.

Ms. Botten replied that the home occupation ordinance required businesses to be run out of the principal dwelling, not an accessory building or garage. Some uses also require a conditional use permit.

Commissioner Scales asked what recourse the City would have should someone start running a business out of their accessory building/garage.

Ms. Botten replied that code enforcement would send them a letter, give them a date by which they must comply, and eventually it could go to court if the property was not brought into compliance.

Commissioner Niemioja stated she liked the Stillwater ordinance requirement in which a public hearing is held to give the neighbors an opportunity to voice objections within a specific amount of time. The receipt of three substantiated relevant complaints automatically revoked the rental license. She contacted the Inver Grove Heights Police Department, who stated they did not

receive any calls over Super Bowl weekend in regard to complaints from people renting out their homes for the event. In her opinion there would be a limited number of serious problems with this issue.

Ms. Botten stated she spoke with the Police as well and was told there were not only no calls to VRBO's, but they also had not received any complaints recently on the nuisance property that initially started this discussion.

Chair Maggi asked if the City was equipped to manage such requirements as the owner keeping a guest record and providing that to the City.

Ms. Botten responded that information would only need to be provided if there was an actual nuisance call out to the property.

Chair Maggi asked if staff had considered limiting the number of short-term rentals within the City.

Ms. Botten replied they had not anticipated it being an issue since Inver Grove Heights was not necessarily a high traffic tourist destination; however, they could add that standard.

Commissioner Lissarrague asked staff to clarify ADU's versus short-term rentals.

Ms. Botten advised that if an individual lived in a single-family dwelling and then built an ADU, if they were no longer using that ADU for their family member they could, hypothetically, rent both the ADU and the principal dwelling as short-term rentals. A performance standard could be added to the ordinance allowing only one rental unit on a property.

Commissioner Lissarrague asked how difficult it would be to revoke a license for a nuisance property.

Commissioner Simon liked the language in the Stillwater ordinance which gave the City the authority to revoke the license after receiving three legitimate complaints.

Ms. Botten advised that if the complaints were justified, in such an instance it would be brought before the Council and Council would then revoke that permit.

Commissioner Simon asked staff to address hosted rentals versus an owner not being home.

Ms. Botten replied staff determined that it would be almost impossible to enforce and unfair to require someone to stay home 24 hours a day while they had a renter. As an alternative, some cities require that the house be homesteaded.

Commissioner Simon asked if the owner would have to provide contact information so if there was an issue they could contact the owner within a reasonable amount of time.

Ms. Botten replied that the City could require the owner to provide the City with contact information or the owners could give their contact information to the abutting neighbors so they could contact the owner directly with any issues rather than getting the police involved.

Commissioner Lissarrague asked how they would monitor how long someone had stayed at a location, whether it was the same people, etc.

Ms. Botten replied that the City would not be checking to see whether people had stayed at least two days, more than 29 days, etc. She advised that a minimum two day/maximum 29 day stay

would have to be listed in the rental agreement and as a condition of approval. It would be up to the neighbors to contact the City if they were seeing a high turnover of renters, stays for longer than 29 days, nuisances, etc., in which case the City would then look into it.

Commissioner Niemioja liked the specificity in the Prior Lake 'disorderly conduct' section, which described what actions were prohibited and noted that criminal charges did not necessarily have to be brought to support a determination of disorderly use.

Ms. Botten stated it appears as if the Planning Commission generally supported transient lodging, but were undecided yet on the process by which to allow them.

Commissioner Weber asked what actions a person would have to take for a long-term rental.

Ms. Botten replied that they would need to apply for a rental license which would include a background check and lengthy application with associated fee.

Commissioner Weber was concerned about the complexity of an interim use permit versus a license.

Commissioner Scales supported having a process for short-term rentals.

Chair Maggi liked that the interim use permit process included neighbor notification and gave them an opportunity to comment.

Commissioner Niemioja asked if there was a way to provide neighbor notification for a license.

Ms. Botten stated the way the rental license ordinance was currently written it would not include neighbor notification; however, if the City drafted a license specifically for transient lodging they could probably add a notification process to that.

Commissioners Weber and Niemioja responded that they would be more open to that option.

Commissioner Scales stated in his opinion short-term and long-term rentals were quite different as long-term was essentially running a business, which should include some governance. He supported having neighbor notification as transient lodging was more likely to have nuisance type issues.

Commissioner Niemioja asked if chicken licenses required neighbor notification.

Mr. Link replied that the chicken license process was unique, and required an application, compliance with certain standards, neighbor notification, and an objection period. If there were any neighbor objections staff does not have the authority to approve it and it must then go to City Council.

Commissioner Scales asked if chickens were allowed in all residential areas.

Mr. Link replied that the urban chicken ordinance applied to just the sewered areas. The estate and agricultural areas had different standards. In regard to enforcement, he advised that an IUP would be easy to enforce, but he would have to research how enforcement would work with a license. Transient lodging does not fit with the existing rental license program.

Commissioner Weber would prefer a simpler way to approach this.

Chair Maggi asked how many short-term rental units were currently in the City.

Ms. Botten replied that she was aware of ten; however, only three rented out their entire dwelling and could accommodate a family. The others just rented out a bedroom.

Chair Maggi took a vote on which process Commissioners preferred. 5 Commissioners preferred the interim use permit process and 2 preferred a license with notice.

Commissioner Lissarrague asked about allowing only one rental dwelling unit per property.

Ms. Botten stated that language could be added as a performance standard in the interim use permit section of the code.

Commissioner Niemioja asked if that requirement could go with the licensing process as well.

Ms. Botten replied that if they just notified the neighbors but did not hold a public hearing they would lose the capability of adding specific conditions to individual lots.

Commissioner Simon advised that the regulations listed on page 3 of the planning report covered much of tonight's discussion relating to conditions she would like to see enforced.

Pine Bend Landfill

Mr. Link advised that tonight the Planning Commission would be provided with background material and an explanation of the request. On February 20 the Planning Commission will make a recommendation to the City Council. He explained that the landfill is proposing to increase the slope of the landfill from 5:1 to 3:1. The footprint and height will remain the same. He discussed the history of the site, stating the landfill started in the early 1970's, groundwater contamination was found in the late 1980's, and the City changed the zoning ordinance in 1991 to prohibit landfills which prohibited any expansion. In 1991 the City negotiated a Non-Conforming Use Certificate and Host Community Agreement. Approvals were received for various accessory uses (i.e. compost site, electrical general facilities, etc.) and in 2004 the City approved an expansion. The property is zoned I-2 and sits in the Integrated Resource Management Overlay District. At its next meeting the Planning Commission will be asked to approve a zoning ordinance amendment, a conditional use permit, and an NCUC amendment to allow the expansion.

Commissioner Weber asked if there would be any road improvements associated with the proposed expansion.

Mr. Link replied there would be no road improvements to 117th Street tied to the Pine Bend Landfill expansion; however, the City and County recognized that improvements are needed.

Commissioner Weber asked if the SKB landfill was capped and closed.

SKB is considering a series of three applications. SKB recently submitted an application for their expansion area; however, it was incomplete. A full application may be forthcoming.

Commissioner Lissarrague asked if the NCUC was good for perpetuity.

Mr. Link replied in the affirmative.

Commissioner Lissarrague asked if the CUP was good for perpetuity as well.

Mr. Link stated that the City approved a CUP in 2004 for a finite sized expansion. There is no time limit for the CUP but there is a capacity limit.

Commissioner Lissarrague asked when the landfill was last tested for contamination.

Mr. Link replied there is constant on-going testing of the landfill by the MPCA, County, and City.

Jeff Marone, General Manager of Republic Services, the owner of Pine Bend Landfill, gave an overview of the company, introduced the Republic Services team, provided a site history, and invited Commissioners to take a tour of the landfill.

Aaron Janusz, Environmental Manager of Republic Services, advised that they have been operating as a municipal solid waste landfill since the early 1970's. They were originally an unlined landfill but in the mid-1980's they realized there was leachate getting into the groundwater, so they built their first lined landfill in 1986. They performed a vertical expansion in 2005. The total area is approximately 356 acres, they take in 1,200 tons of waste per day, produce 3,000 cubic feet per minute of landfill gas which is converted into electricity, and they collect 7.5-9 million gallons of leachate per year, which is then hauled out. They are very highly regulated by the State, City, Dakota County, and the Metropolitan Council. They also have regular City/County/State meetings. Environmental monitoring is done through groundwater monitoring wells, including two springs, monitoring probes, and surface scans. Regarding the groundwater, they are seeing a decrease in VOC's and a greater decrease of proximity to the landfill. He explained that they are proposing to steepen their slopes by converting the existing 5:1 final cover areas to 3:1 slopes.

Commissioner Weber asked if the expansion was proposed to be over the lined or unlined area.

Mr. Janusz replied it would be in the unlined area. They are proposing to put a new liner down which will provide a better barrier.

Commissioner Weber asked if that would allow them to capture the leachate that is leaking out.

Mr. Janusz replied in the affirmative. He advised that the expansion would not increase the footprint or height; would reduce infiltration and increase gas collection efficiency in the unlined area, add 3.5 million cubic yards of disposal capacity, and extend the life of the landfill to 2030.

Commissioner Lissarrague asked what the life of the landfill would be without the expansion.

Mr. Janusz replied the landfill currently has 4-5 years left.

Commissioner Lissarrague noted that closing the landfill in 4-5 years would result in job loss.

Mr. Janusz showed a cross section of the current and proposed slopes and explained the permitting process for the proposed side slope modification.

Tom Shustarich, Wenck Associates, discussed the technical items, mainly slope stability, leachate collection, gas system construction, and surface water management design issues. The proposed expansion would meet the MPCA's 3:1 landfill slope requirements.

Commissioner Niemioja asked how they could increase the slopes without destabilizing it.

Mr. Shustarich replied that they analyze the engineering properties of the waste; particularly the amount of settlement that has taken place and will take place in the future.

Commissioner Niemioja asked if additional testing and monitoring would take place.

Mr. Shustarich replied in the affirmative, stating that the liner and soils would have to be tested prior to any liner going down. He explained the leachate collection system, which would include sump collection areas, storage tanks, and pumping stations. The leachate is loaded into tanker trucks and brought to the wastewater treatment plant. For the gas system construction, they are proposing to use a horizontal gas collection system rather than vertical.

Commissioner Weber asked if a deeper pipe would draw less oxygen than a shallower pipe.

Mr. Shustarich replied that with this depth they would be concerned about drawing a heavy vacuum when using a vertical pipe.

Mr. Janusz added when drilling these gas wells they want to stay at least 10 feet above the liner.

Mr. Shustarich stated the steeper slopes will increase the velocity of the water coming down the slope, but not the volume. The surface water will then be directed to existing stormwater ponds. There will be no additional stormwater to collect; it will just be getting to the holding ponds faster.

Commissioner Lissarrague asked what the biggest contaminant was in the leachate.

Mr. Janusz responded that the groundwater contamination found in the groundwater was VOC's. They no longer see that in their leachate.

Mr. Shustarich advised that they will construct the side slope in four cells, with each cell being approximately 20 acres in size. Phase 6 will allow the office and scale infrastructure to stay in place until the final cell is completed. The existing topsoil and rooting zone soil will be stripped and stockpiled for future reuse and a new liner system will be put in place.

Commissioner Simon asked if this would be monitored post-closure.

Commissioner Janusz replied in the affirmative, stating by law they must perform post-closure monitoring for 30 years. To exit post-closure monitoring they must demonstrate that there is no groundwater contamination and no gas or leachate being generated.

Ms. Botten advised she would send commissioners information regarding a tour of the landfill/recycling plant.

Jeff Ubl, Barr Engineering, summarized the work they have been doing for the City regarding the side slope expansion proposal. He advised they have mainly been providing technical support for the MPCA application regarding gas migration, the draft EAW, and four rounds of application review. When reviewing the MPCA permit application they looked at twelve different items, but focused mostly on waste acceptance, groundwater monitoring, leachate recirculation, solid waste composting, groundwater quality, and surface water management. They are in the process of preparing a letter to the City on these topics which will be included in the next Planning Commission packet. During that review they identified three potential environmental benefits with the side slope expansion, including improvement in groundwater quality because of the addition of a liner/cover over old unlined waste, new pumping stations could potentially remove more gas from the unlined area, and additional gas will be generated which can be converted to electricity.

Chair Maggi asked if there were any safety concerns with the proposed 3:1 slope.

Mr. Ubl replied that there was more risk to a 3:1 slope from an environmental standpoint as far as the potential for surface water eroding the final cover. Pine Bend Landfill has addressed those concerns; however, with their surface water management system and they have also increased their financial assurance. He advised that Pine Bend and other landfills have successfully used 3:1 slopes in the past.

Commissioner Lissarrague asked who was more likely to be hurt by that risk.

Mr. Ubl replied Pine Bend Landfill.

Commissioner Lissarrague asked if residents would be impacted by the expansion.

Mr. Ubl replied that he did not believe there would be any impact to residents, but rather there would be improvement to the groundwater quality. He advised that the surface water system is designed for a 100-year storm; if there was a 1,000-year storm there could be some additional erosion of the final cover system. That erosion; however, would be conveyed to the sedimentation basin and then there would be some overflow of water. The landfill would then remove that sediment.

Mr. Link advised Commissioners to contact him with any questions. He advised that MPCA received a few comments from residents during the EAW process, most of which were concerns regarding traffic or nuisances (i.e. litter, odor, etc.) which are common with any major industrial use. In this case the neighbors are quite a distance away.

Commissioner Lissarrague asked why the MPCA was involved.

Mr. Link replied that the MPCA was involved because of environmental impacts. Any landfill that operates in the state needs a permit from MPCA by law.

Commissioner Weber asked if the packets could be distributed earlier than usual because of the size.

Mr. Link replied that staff would try to get the packets out earlier if possible.

Comprehensive Plan Update

Mr. Hunting advised that a comprehensive plan update open house will be held on February 15 from 4:30 – 7:00 in the National Guard Armory Building.

The meeting was adjourned by unanimous vote at 9:25 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

HEARING DATE: March 6, 2018

CASE NO.: 18-06V

APPLICANT & PROPERTY OWNER: Gregory Grover

REQUEST: Variance from the front yard setback

LOCATION: 7231 Cahill Avenue

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



This item was tabled at the February 20, 2018 meeting because the applicant was not in attendance. Staff followed up with the applicant who then submitted the attached letter on why he was not, and is not, planning to attend the public hearing.

Staff recommends the Planning Commission make a recommendation to City Council based on the information that was presented to them at the February 20th meeting.

2-23-18

Apparently there was a question by the planning commission as to why I didn't attend the last meeting .At a previous variance hearing regarding the height of a fence at 5975 Concord Blvd. Dennis Wippermann made the comment [I don't like variances] and Annette Maggi also commented on the quality of the fence and stated that I should have hired experts. Mr.Wippermann's comments were most certainly expressing prejudice and bias and Ms. Maggi 's comments were outside the realm of her very limited job as chair of the planning commission ,she is not a building inspector. I will not appear in front of any committee that show such a callous lack of respect toward an applicant. Furthermore you need to stick to the subject at hand and not wander off into territory that is none of your concern and to which you have no authority.

Any further tabling of my application will result in a complaint to an administrative law judge .

Greg Grover

cc George Tourville, Tom Link and Annette Maggi

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 28, 2018

CASE NO: 18-10V

HEARING DATE: March 6, 2018

APPLICANT/PROPERTY OWNER: Adam Miller

REQUEST: Variance from setbacks for an accessory structure

LOCATION: 1358 Courthouse Boulevard

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to construct a new accessory structure. The structure consists of a metal shipping container and a wood frame building constructed around the container. Total gross square footage would be 1,320 square feet. The overall footprint of the building is 1,000 square feet, but there would be a second story over the metal shipping container. Total height of the structure would be 25 feet to the top of the roof line. The applicant originally proposed the building with a height of 29 feet. The applicant has since revised their plan to avoid a variance from maximum height. There are no other accessory structures on the property. The applicant indicates the building is needed to store personal property and will not be used for any commercial business. The property is located within the Northwest Area which limits buildings used for agricultural purposes and commercial greenhouses, horse stables be allowed only by Interim Use Permit. The applicant has indicated the building will not be used for these purposes.

The applicant was issued a permit for a 1,000 square foot foundation slab last year setback 35 feet from the nearest property line.

The property is approximately 10.5 acres in size. Maximum total gross square footage for an accessory structure on a lot of this size is 2,400 square feet. Any accessory structure greater than 1,000 gross square feet must be setback at least 50 feet from all property lines. In this case, a setback variance is being requested from the 50 foot setback.

SPECIFIC REQUESTS

The variance request consists of the following:

1. Variance to allow an accessory structure greater than 1,000 gross square feet to be setback 35 feet from the east property line, whereas 50 feet is required.

EVALUATION OF THE REQUEST

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

North – Hwy 55.

East – Single family residential; zoned A; guided RDR.

West – Single family residential; zoned A; guided RDR.

South – Single family residential; zoned A; guided RDR.

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 variances, 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 City recognizes that within the large lot rural residential portions of the City, larger accessory structures can be appropriate. The gross square footage does not exceed the maximum. While larger structures are to achieve a greater setback, the topography limits the possible location of structures on the lot. Staff does believe the variance request is consistent with, or in harmony with the zoning ordinance and comprehensive plan.

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

Larger accessory structures are allowed on agricultural zoned property. The proposed structure does not exceed maximum size limits. Accessory structures are a typical use on acreage property.

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

The property contains a body of water close to the center of the site. The land drops off steeply down to the water body. There is approximately 70 feet between the property line and the drop off. The steep topography greatly limits buildable areas on the lot. The applicant proposes to have the building as far from the property line as topography allows. Lot topography provides unique circumstances to create a practical difficulty.

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

Larger accessory buildings are typical in large lot areas. A setback reduction of 15 feet would 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 of these requests.

Engineering has reviewed the application and noted that if the variance is approved a grading plan and erosion control plan must be submitted to the city and approved by the City Engineer before a building permit can be issued. Engineering also notes that a storm water management plan may be necessary if land disturbance is more than 1,000 square feet.

The metal storage container that would be part of the structure does not meet the exterior building surface requirements. The applicant has agreed to place the same siding material used on the structure walls over the exterior of the one side of the metal storage container. The whole structure would then comply with exterior material standards. This should be a condition of approval.

ALTERNATIVES

- A. **Approval:** If the Planning Commission finds the application acceptable, the request should be recommended for approval subject to the following conditions:
- a. The site shall be developed in substantial conformance with the Site Plan dated 1/29/18 on file with the Planning Division except as modified herein.
 - b. A drainage plan and erosion control plan shall be submitted to the City and approved by the City Engineer prior to issuance of a building permit and shall also be subject to comments made in memo from City Engineer dated 2/1/318
 - c. The exposed metal siding of the storage container shall be covered by the same exterior siding as used on the rest of the accessory structure.
 - d. The accessory building shall not be used for a commercial use, home occupation or for storage related to a commercial use.
 - e. The accessory structure shall be for personal use only. No use of the structure for agricultural or commercial greenhouse or commercial horse stable shall be allowed unless an interim use permit is approved by the City Council.

Practical difficulty: The steep topography of the lot limits the location of structures thus providing a practical difficulty to approve the variance.

- B. **Denial.** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Based on the topographic limitations of the lot, staff recommends approval of the setback variance as presented.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Site Plan
Exhibit D – Topography Map
Exhibit E – Building Elevations

Allan Hunting

From: adam Miller <adam.miller.john@gmail.com>
Sent: Friday, February 23, 2018 9:51 AM
To: Allan Hunting
Subject: Re: Variance Application

Allan,

I have revised the building design and have made adjustments to the roof line so the overall building height of the accessory structure will be 25 feet. I am no longer in need of a height variance. I am in the midst of correcting the plans to show the changes and will submit the corrections as soon as possible. Thank you for your time.

Adam Miller

612-916-5399

On Thu, Feb 22, 2018 at 1:22 PM, Allan Hunting <ahunting@invergroveheights.org> wrote:

Adam,

Per our phone conversation today, you indicated you are going to make adjustments so the overall building height of the accessory structure will be 25 feet. Could you please respond in your own words this is what you intend to do. That will eliminate the need for a height variance. Your application will then be just for the setback variance.

Thanks

Allan Hunting

Allan Hunting | City Planner

Tel: [651-450-2554](tel:651-450-2554) | Fax: [651-259-8044](tel:651-259-8044)

City of Inver Grove Heights | [8150 Barbara Ave | Inver Grove Heights | Minnesota | 55077](https://www.invergroveheights.org)

ahunting@invergroveheights.org | www.invergroveheights.org

Jan 29, 2018

Variance Request:
Adam Miller
1358 Courthouse Blvd
Inver Grove Heights, MN 55077
Parcel: 20-00700-79-012

To Whom It May Concern:

This is a request for Variance at the above address for set back distance allowed from the east property line and allowed height of structure.

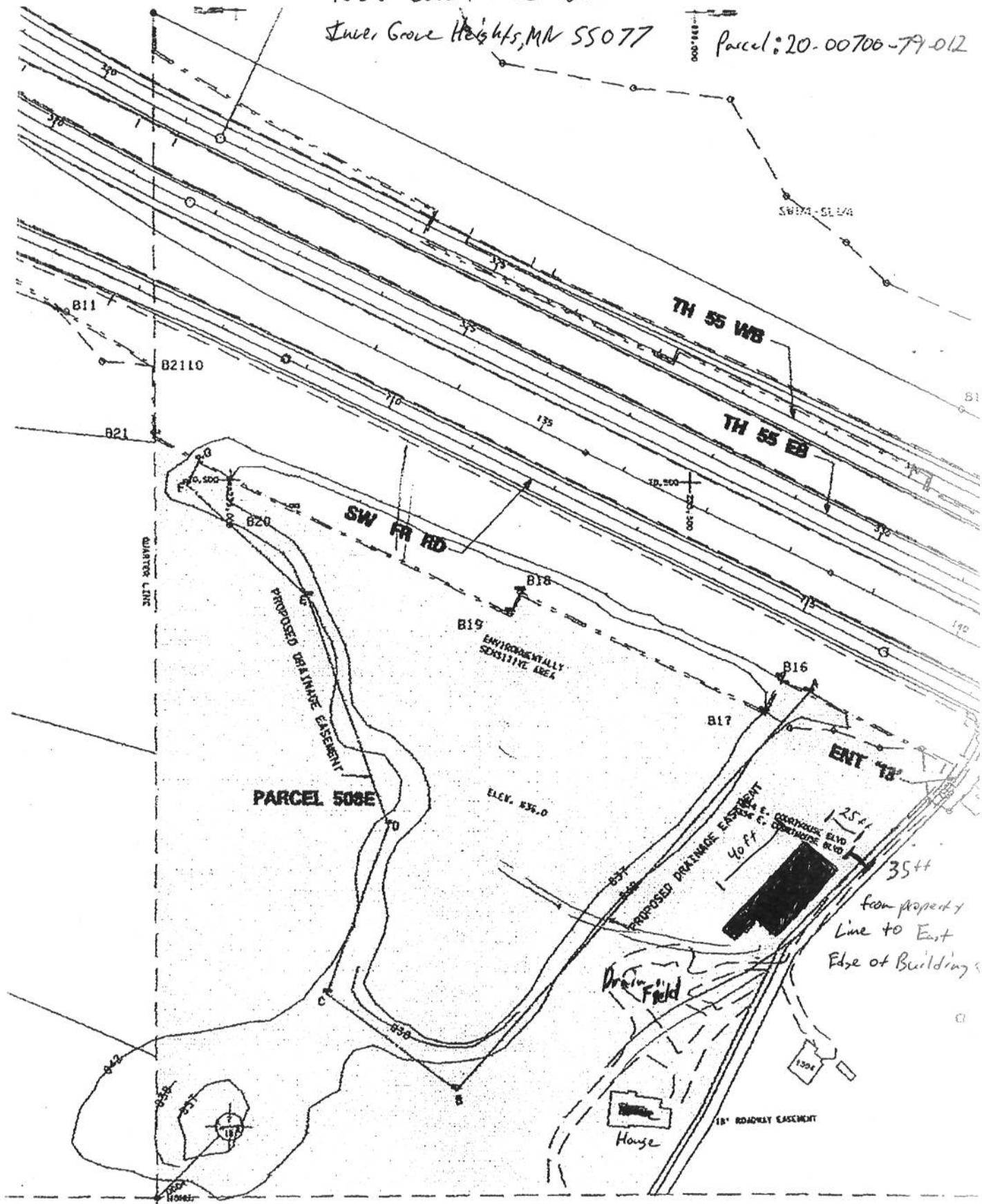
The topographical nature of the property as well as set backs from water wright of ways does not allow for the proposed structure to meet the required 50ft set back from the east property line. Besides where the house and drain field are placed on the property, this is the only practical building site for an accessory structure on the property. As it sits, a 1000 sq ft approved and permitted slab was poured 35ft west of the east property line in the Fall of 2017 in anticipation of building an accessory structure. After the submitted structure passed the Engineering review, planning brought to our attention that because of the vertical storage space the proposed structure did not meet the set back or height requirements of what was allowed, as it's total square footage, not footprint, exceeded the 1000 sq ft limit. Because of the small footprint for the building site due to the topographical nature of the property as well as set backs from water wright of ways, we are forced to build up vertically in order to meet our structure needs. As of now, there are no accessory structures on the property of which we are allowed per our zoning up to 2400 sq ft of outbuilding.

Thank you for your consideration

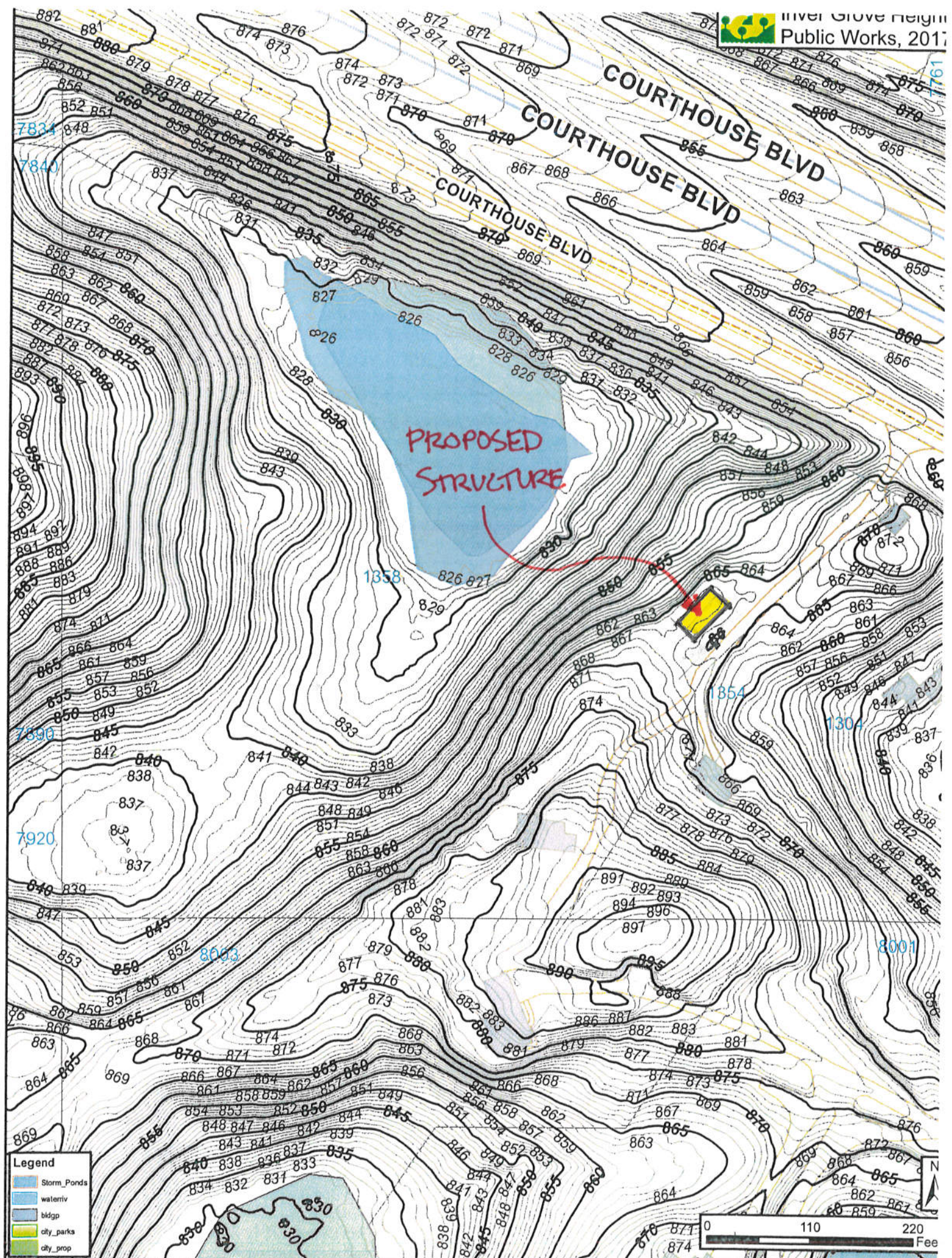
Adam Miller

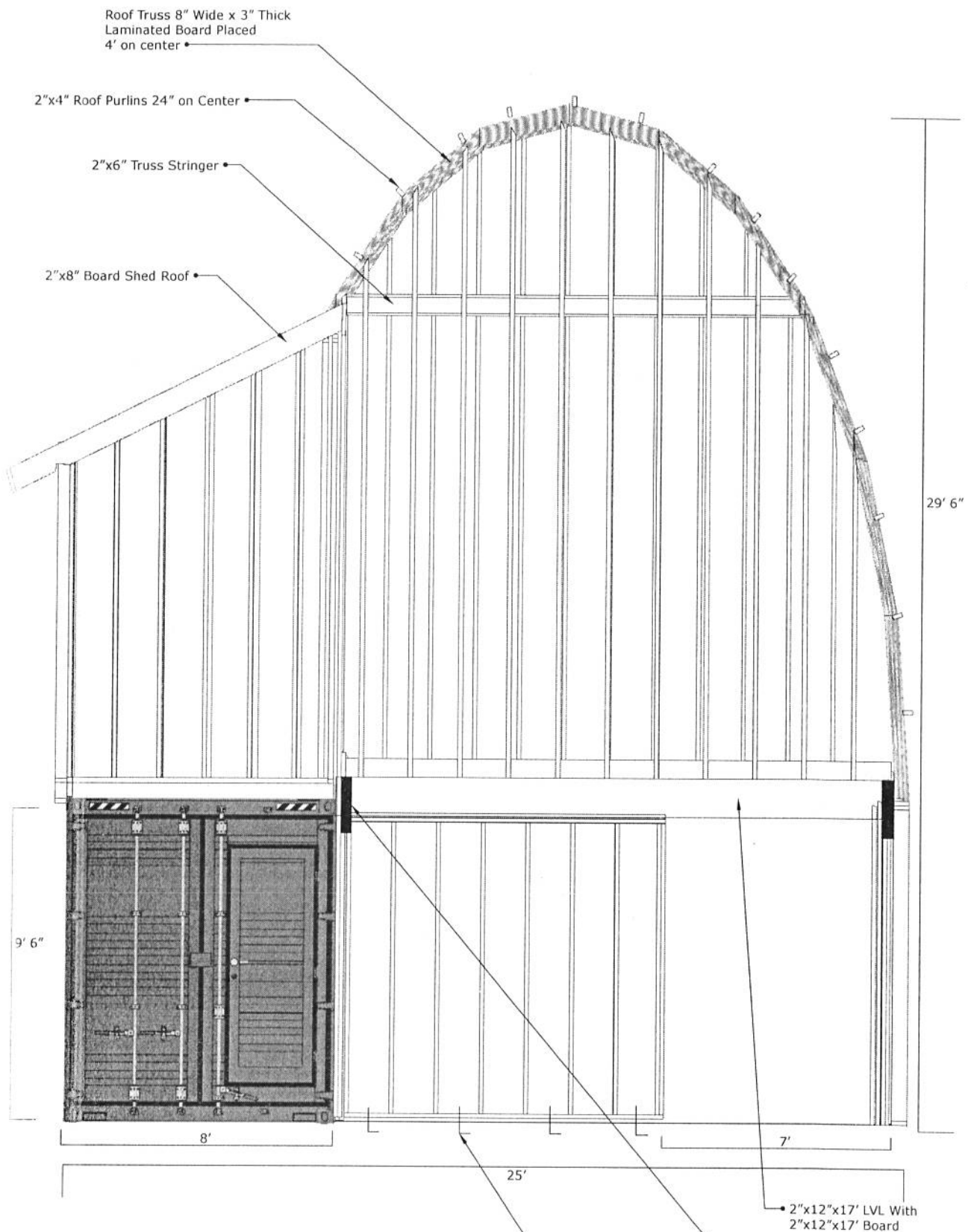
1358 Courthouse Blvd
Inver Grove Heights, MN 55077

Parcel: 20-00700-79-012



Site plan





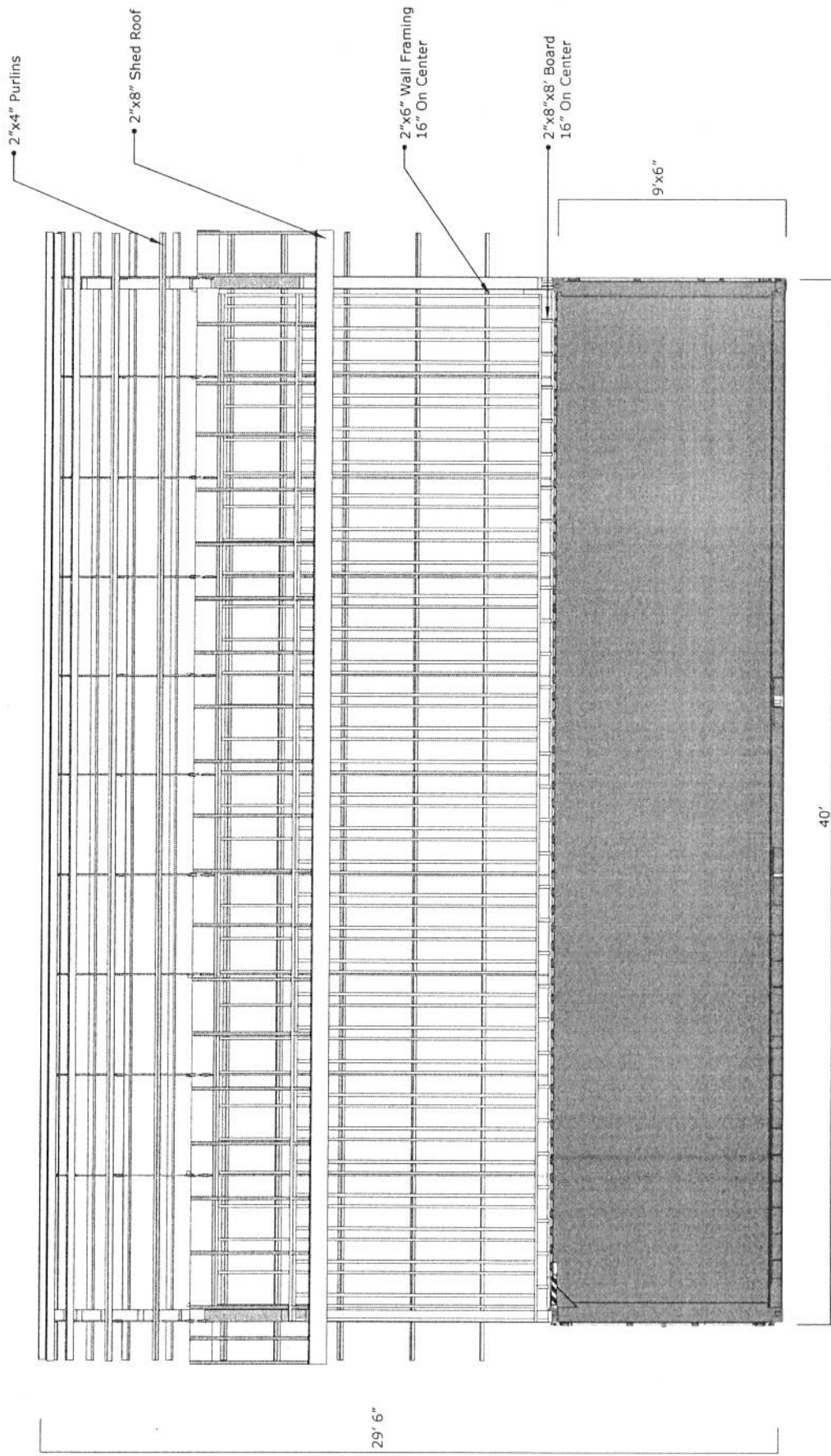
Barn Sided:
1/2" LP Smartside
Panels.

Roof:
Pro-Snap Steel Roof System Secured
To Purlins Every 24" As Suggested By
Manufacturer Over Full Synthetic
Ice And Water Roof Coating

Framing:

All Walls Constructed Using 2"x6"
Board Lumber Placed 16" on Center

Scale: 3/8" = 1'



Scale: 1/4" = 1'

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

HEARING DATE: March 6, 2018

CASE NO: 18-11Z

APPLICANT & PROPERTY OWNER: Mike and Gwen Lysne

REQUEST: Rezoning

LOCATION: 66th Street and Concord

COMPREHENSIVE PLAN: Mixed Use

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant's property is located a half block west of Concord Boulevard, along 66th Street behind Inver Grove Auto. The applicant owns three parcels totaling approximately .45 acres. The request is to change the zoning of the parcels from R-1C, single-family to B-3, General Business. If the rezoning is approved, it is the owner's intent to sell the parcels to Inver Grove Auto for an expansion of their business. In order for the expansion to occur, a conditional use permit amendment would then be required which includes public review and comment.

Specific Request

a) A Rezoning of the three parcels from R-1C, single-family to B-3, General Business

EVALUATION OF THE REQUEST

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

North- Single Family Residential/service garage; zoned R-1C, Single-family Residential; guided Mixed Use

East - Used Car dealership; zoned B-3, General Business; guided Mixed Use

West- Single Family Residential; zoned R-1C, Single-family Residential; guided LDR, Low Density Residential

South-Single Family Residential; zoned A, Agricultural; guided Mixed Use

REZONING

The City Code, Title 10-3-5 states that a rezoning request must be “in the best interest of the physical development of the City” in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

Infrastructure The property has access to City water and sewer but no additional connections are proposed with the potential expansion of Inver Grove Auto.

Neighborhood Compatibility The property to the east is zoned commercial and the owner would like to expand their business onto the three proposed parcels. There are residential homes to the north, west, and south of the proposed parcels. The proposed parcels have some challenging topography that would provide a buffer between the possible car sales lot and residential homes. When looking at other commercial businesses along Concord it is common for the business to utilize the entire block for commercial uses before the residential neighborhoods starts further west, up the hill. The Mixed Use land use designation also incorporates the entire block west of Concord.

2030 Comprehensive Plan

The property is currently zoned R-1C, Single-family Residential and guided Mixed Use. On a flat piece of paper the property looks like a viable piece of property for residential or commercial. When looking at the actual site, there are some major topographical challenges for development of the parcel.

The 2030 Comprehensive Plan defines Mixed Use as: *areas that consist of lots or parcels that contain a mix of retail and service commercial, office, institutional, higher density residential, public uses and/or park and recreation uses, organized in a pedestrian friendly environment.*

The current single-family zoning is not compatible with the land use designation of Mixed Use, the proposed zoning of B-3 would be more in line with the Comprehensive Plan.

Concord Boulevard Plans

In 2006, the applicant requested a Comprehensive Plan Amendment to change the land use designation to LDR, Low Density Residential. The application was withdrawn late in the process due to the fact staff was recommending denial of the request as the goals of the 1998 Concord Neighborhood Plan were to provide commercial development along a one block radius of Concord Boulevard. Since this time, the applicants have tried to market the property as mixed use/residential with no avail.

The redevelopment of the Concord Blvd area has been a slow process; however, the City has seen improvements with the County road improvements to Concord and the addition of Heritage Village Park and the Swing Bridge.

In 2012, the City adopted a new Concord Boulevard Neighborhood Plan. This plan states: *The area along Concord Boulevard generally between Delilah Avenue and 68th Street presents the greatest opportunity*

for commercial land uses that are more goods oriented along with restaurants, bars, and professions services. The retail uses are envisioned as free standing commercial uses or potentially multi-tenant structures. The area between 65th Street and 66th Street also is important as a gateway into the water front district and Heritage Village Park. A strong retail presence at this node will be important as a signature icon to the district.

Staff believes that a rezoning of the proposed parcels to be in the best interest of the City. Although an expansion of a used car dealership may not be the strong retail presence envisioned, it would still be a commercial expansion of an existing business. In the future if the site would ever redevelop, a car sales lot has minimal site improvements and could make the site more viable for future retail development.

ALTERNATIVES

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

- A. **Approval.** If the Planning Commission finds the application acceptable, the Commission should recommend approval of the Rezoning as presented.
- B. **Denial.** If the Planning Commission does not favor the proposed requests the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

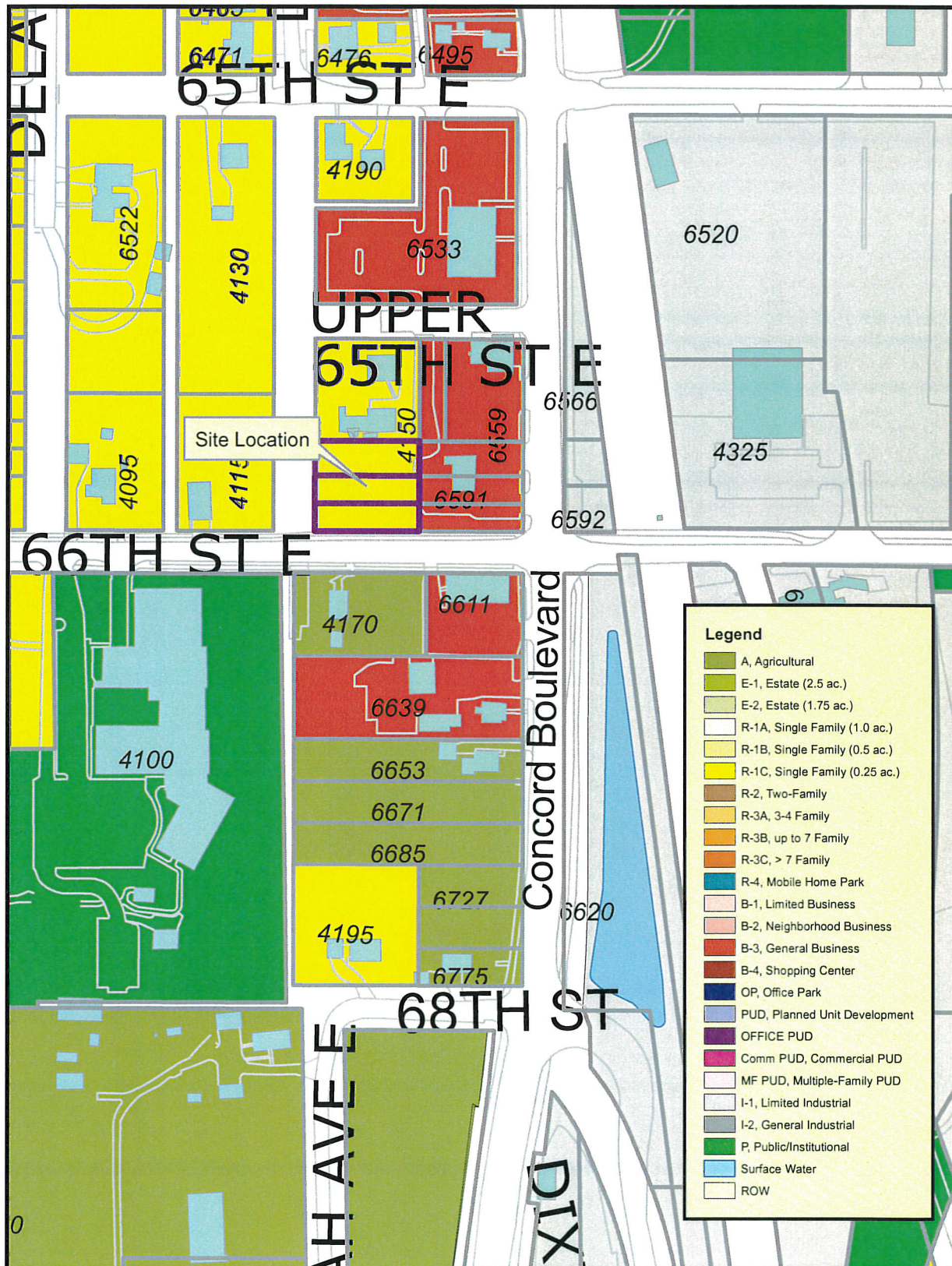
RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request as presented.

Attachments: Exhibit A - Location/Zoning Map
 Exhibit B - Comprehensive Plan Map
 Exhibit C - Narrative



Lysne Case No. 18-11Z



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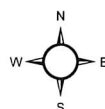
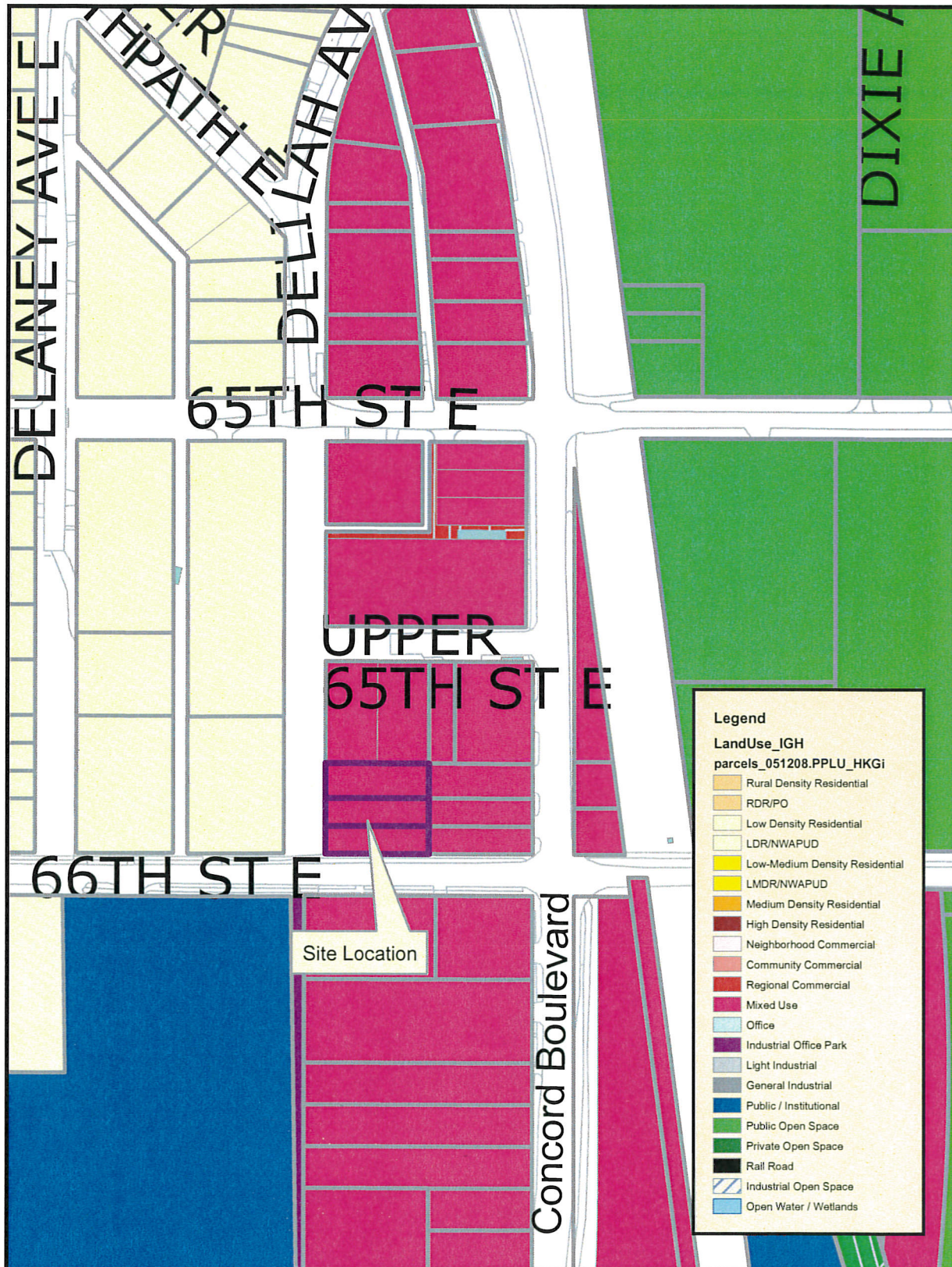


Exhibit A
Zoning and Location Map
Map not to scale



Lysne Case No. 18-11Z



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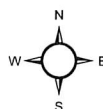


Exhibit B
Land Use Map
Map not to scale

City of I.G.H. Planning commission:

I would like to rezone the 3 lots to merge them with the business Inver Grove Auto which currently attach to the existing lots. Property is currently zoned single family would like to have it rezone it to fit the cities comp plan for proper zoning and sale to the new owner to be.

Thanks,

Gwen Lysne

A handwritten signature in blue ink, appearing to read "Gwen Lysne", written in a cursive style.

2/01/2018

A handwritten mark in blue ink, resembling a stylized capital letter "C" or a checkmark, located in the bottom right corner of the page.