

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 18, 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: Brett Kramer
 Armando Lissarrague
 Elizabeth Niemioja
 Tony Scales
 Dennis Wippermann
 Pat Simon
 Annette Maggi

Commissioners Absent: Jonathan Weber (excused)
 Joan Robertson (excused)

Others Present: Allan Hunting, City Planner
 Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the November 7, 2018 and November 20, 2018 Planning Commission meetings were approved as submitted.

SHAWN BRIGGS – CASE NO. 18-60C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow a mini-storage facility with outdoor vehicle storage, for the property located at 9725 South Robert Trail. 57 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a conditional use permit for a mini-storage facility with an outdoor storage component, a variance from fence height, and a potential variance from landscaping requirements. The applicant is proposing to convert the existing building into a climate-controlled self-storage facility, add several cold storage buildings, and construct a new office structure directly off South Robert Trail. The ring road would be modified to change some of the turning radiuses to fit larger trucks, two security gates will be added, and the perimeter will be fenced. An 8' tall solid fence would be constructed to screen the outdoor storage from the residents to the north and west. The storage complex would be surrounded by an 8' chain link and solid fence. A variance for fence height is required as the maximum height allowed is 7' and screening requirements reference a 5 to 6' fence. Staff believes there is rationale to allow the higher fencing because of its secluded nature and need for added security. In addition, the applicant is proposing a reduced amount of landscaping. The plans indicate plantings around the new office building but no additional plantings around the existing building and new cold storage buildings. The site is 63 overstory trees short. Staff did not make a recommendation on a landscaping variance but rather have laid out pros and cons. Staff recommends approval of the CUP and the variance for the fence height and have laid out options for the landscaping.

Commissioner Simon asked if sanitary sewer would be extended only to the office building.

Mr. Hunting replied in the affirmative.

Commissioner Simon asked if utilities had already been extended that far.

Mr. Hunting replied they were nearby and there was an easy means of getting them to the office.

Commissioner Lissarrague asked how many mini-storage facilities were currently in the city.

Mr. Hunting replied there were approximately 11.

Opening of Public Hearing

Kathy Anderson, Architectural Consortium, advised she was available to answer any questions. She introduced Brian and Shawn Briggs, the developers and business owners, as well as Steve Johnston with Elan Civil Engineering.

Chair Maggi asked the applicant if she read and understood the report.

Ms. Anderson replied in the affirmative. She stated this was a great reuse of the site as it would produce low traffic volumes and be screened from the neighboring residential area.

Commissioner Niemioja asked the applicant to comment on the landscaping issue.

Ms. Anderson stated it did not make sense to add additional trees within the perimeter area as it was heavily wooded. They are, however, adding full landscaping around the proposed office area.

Commissioner Niemioja asked if there would be minimal disruption to the heritage trees.

Ms. Anderson replied in the affirmative.

Commissioner Simon asked where the tree removal would occur on the site.

Steve Johnston, Elan Civil Engineering, showed where the trees would be removed. He advised that they are installing a fence 10' from back of curb and approximately 30' off the property line. The existing trees within that 30 feet will remain. They are unable to plant between the back of curb and the fence as the stored vehicles will overhang the curb by 10 feet. The renters do not care if there is landscaping on the site and the neighbors will continue to see the existing vegetation. They are proposing a taller fence to provide more screening and preserving as much of the buffer as is reasonable around the perimeter, which they think is a good offset to the trees.

Commissioner Simon suggested adding trees on the outside of the fence near Building G facing Robert Street.

Mr. Johnston explained that most of the tree removal would take place in the proposed stormwater facility areas, parking areas, water main access areas, and on slopes. He noted that several trees have grown up through the parking lot pavement; they will be removed also.

Commissioner Wippermann asked where the 8' solid fence would be located.

Mr. Hunting showed where the solid fence was being proposed.

Commissioner Wippermann questioned why the solid fence did not extend further to the east on the northern side of the site, stating there was little vegetation in that area.

Mr. Johnston explained that the solid fence screens the outside storage, as required by code. The remaining fencing will be for security reasons and will be vinyl-coated black chain link.

Paul Welter, 9458 Tyne Lane, stated he lived on the north side of the site where the fence is proposed to go from solid to chain link. He noted that his living room faces the north door of the existing building and, while he was not opposed to the request, he would like to see the solid fencing extended to block his view of the building. He was also concerned about light pollution; a solid fence would help block the security lights, as well as smartly designed lighting. He requested that they retain as much existing natural vegetation as possible and hoped any security cameras would not invade any of the neighbors' privacy.

Commissioner Niemioja asked Mr. Welter if he preferred additional landscaping or more solid fencing.

Mr. Welter stated that unless the landscaping was evergreen, he would prefer more solid fencing.

Paul Brown, 9446 Tyne Lane, agreed with Mr. Welter's comments. He stated they recently lost a box elder tree and now they are looking right at the dilapidated white building. Losing the tree made it obvious that they need a barrier. He would like to see the solid fence go beyond his house to help screen his neighbors' view of the property. He thinks this is a good reuse of the property but would appreciate getting a solid barrier.

Jerry Kotzenmacher, 9387 Tyne Lane, would also like a higher fence and recommended that the solid fence go all the way around the corner to mitigate the noise. He did not support the request and felt the formerly proposed school would have been a better fit.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Kramer noted that the applicants were 63 trees short and questioned whether they could incorporate some of those trees into the landscaping to help mitigate the views of the building for the neighboring property owners.

Commissioner Niemioja asked if the trees growing in the parking lot pavement were included in the tree count.

Mr. Hunting replied they were not. What is growing in the parking lot would be considered scrub trees and could be cleared out if desired.

Commissioner Wippermann stated he was not concerned about the tree shortage as long as there was adequate screening along the north side of the site.

Chair Maggi asked the applicants what their preference was regarding additional trees versus fencing.

Mr. Johnston stated that it made sense to plant additional conifers near 9458 Tyne Lane as there was a natural gap in the trees there. He hesitates to add trees to the east, however, as that is a good location for storing snow. He noted that there are alternatives for the fence other than solid wood.

Ms. Anderson stated it would not be economically feasible to extend the wood fence as has been suggested tonight. She showed a more economical solution, which was to provide solid screening

by adding slats to the chain link fence.

Commissioner Scales asked the applicants if they would rather plant extra trees or put in a solid fence.

Ms. Anderson replied that she would prefer a slatted chain link fence as it would provide both security and screening.

Mr. Johnston noted that they are not required to screen the building, just the outside storage. It made sense to him; however, to add trees to the natural gap in landscaping on the eastern edge of the storage area.

Commissioner Lissarrague asked how far east it would be financially feasible to extend the solid fence.

Mr. Johnston stated that once you extend it past one house, then the next house is going to want a solid fence as well. He did not think it made sense to wrap the fence around further than proposed as there was nothing to screen from at that point.

Ms. Anderson stated adding slats to the chain link portion of the fence would solve the issue.

Commissioner Scales stated he did not think it was necessary to extend the wood fence but would support adding slats to the chain link fence.

Commissioner Simon asked for clarification of where the natural gap was in vegetation.

Mr. Brown replied that the box elder tree was lost at 9446 Tyne Lane.

Chair Maggi noted there was also a natural gap at 9458 Tyne Lane.

Commissioner Simon stated there also is no vegetation in front of 9446 Tyne Lane.

Ms. Anderson advised that the visibility to the building has existed long before this.

Commissioner Niemioja stated the applicants have met the requirements for the CUP, she believes they have met the requirements for the fence variance, but she does not see a practical difficulty for the second variance. She understands the applicant's argument that they have met the code requirements regarding the fence and she does not want to discourage this project from happening as some of the neighbors are in favor of this project. She would support either adding slats to the chain link fence or denying the landscape variance and asking the applicant to put in more trees.

Chair Maggi noted that the homes were hundreds of feet from the building, questioned whether 63 trees were too much of a drop from the landscape requirements, and asked if perhaps there was a happy medium.

Commissioner Scales supported the landscaping variance, stating he was not concerned about the tree shortage.

Commissioner Niemioja asked what the practical difficulty would be.

Commissioner Scales stated he would use the practical difficulty stated in the report.

Commissioner Niemioja questioned whether they were making a decision on the variance, making

a suggestion regarding the fence, or were they putting on record that they looked at aesthetic considerations and felt it reasonable for Council to consider a slatted chain link fence.

Commissioner Scales suggested adding a recommendation to the motion that slats be incorporated into the chain link fence to a certain point.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Kramer, to approve the conditional use permit to allow a mini-storage facility with outdoor vehicle storage with the listed conditions, a variance for fence height, and a variance from the minimum landscape standards, with a recommendation to put slats in the chain link fence up to the property line between 9446 and 9442 Tyne Lane, with the practical difficulty as stated in the staff report.

Motion carried (7/0). This item goes to the City Council on January 14, 2019.

CITY OF INVER GROVE HEIGHTS – CASE NO. 17-33ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment relating to the regulation of allowing transient lodging out of residential homes by an interim use permit. No notices were required to be mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She provided background information, advising that a public hearing was held in 2017 to prohibit transient lodging. At the third reading of the ordinance amendment Council reversed their decision and in the summer of 2018 directed staff to move forward with an ordinance amendment to allow transient lodging with an interim use permit. The City considers transient lodging (short-term rentals) as occupancy of less than 30 consecutive days. Anyone wanting to rent their home longer than 30 days would have to comply with the rental section of City Code, including getting a rental housing permit. Interim use is defined as a temporary use of a property until a particular date, occurrence of a particular event, or until zoning regulations no longer permits. If the ordinance amendment is adopted, a separate interim use permit application would be required by each property owner interested in transient lodging on their property. The process would include a neighbor notification, public hearing, and it would allow for conditions to be added to each specific property. The proposed fee for a transient lodging IUP would be \$296. The IUP ordinance allows for specific conditions that would apply to all properties that would have transient lodging on their property. Staff provided a list of 7 conditions that would be applicable to all short-term rental properties. Additional conditions may be added to individual IUP requests (i.e. expiration date, site plan, or maximum number of renters allowed). Staff recommends approval of the ordinance as presented with the condition listed in Alternative A. The Planning Commission is being asked to provide further direction on how long a permit would be in effect for each individual applicant.

Commissioner Wippermann asked if standard IUP's have an expiration date.

Ms. Botten replied in the affirmative.

Commissioner Wippermann supported establishing a time limit but was unsure of the exact number.

Ms. Botten noted that the time limit would not be in the actual ordinance, but rather would be determined when an applicant comes in for a permit as one of the conditions.

Commissioner Lissarrague asked if more than one person rented a space together, could one person rent the space for 30 days under their name and then the other person rent it for the next 30 days.

Ms. Botten replied that staff would not be monitoring that and it would be on the honor system. If a neighbor complained; however, they could review the rental agreement.

Commissioner Kramer asked for clarification that an individual wanting to rent their property on a long-term lease would not need an interim use permit.

Ms. Botten replied that was correct.

Commissioner Kramer asked what the reasoning was for making transient lodging an interim use versus keeping it within the rental policies and what was the differentiation between the two.

Ms. Botten replied that short-term rental was more like an actual business, somewhat similar to a hotel. Long term rentals go through a separate permitting process and there is no notification to the neighborhood.

Commissioner Niemioja stated this all stemmed from one short-term rental property owner who was abusing the system and allowing parties to take place. Therefore, she understood why no guests would be allowed after a certain time, but she felt it would be difficult to enforce. She was concerned about letting every permit have a different expiration period and would prefer they all have a standardized, set time limit.

Commissioner Simon agreed with establishing a specific length of time for everyone unless there was a change of ownership, in which case they would start over again.

Chair Maggi asked if that was inherent in an IUP.

Ms. Botten replied not necessarily. She stated they could add language regarding a change of ownership or a certain date, whichever happens first. She noted that although no notices were required to be mailed for this public hearing, as a courtesy staff notified the people that were involved with this topic last year as well as one additional person.

Opening of Public Hearing

Nancy Pone, 8336 River Road, advised that she came tonight to hear the details about what was being proposed.

Chair Maggi asked Ms. Pone if she currently ran an VRBO.

Ms. Pone replied in the affirmative, stating they rent out their home while they are traveling or away on business.

Chair Maggi asked if the proposed ordinance seemed reasonable to her.

Ms. Pone replied in the affirmative. She advised that she has not yet had a bad experience with renters, she has special rental insurance, the websites themselves have safeguards in place, and she was concerned when the city was previously considering prohibiting short-term rentals.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked if Commissioners had recommendations on permit length.

Commissioner Scales asked what the rental housing permit term was, stating that two years seemed reasonable.

Chair Maggi agreed that a two- or three-year term seemed reasonable, and she felt that the proposed ordinance would allow short-term rentals but also protect neighboring property owners.

Ms. Botten agreed with a previous comment that having after-hour guests would be difficult to enforce but stated the ordinance conditions give the police department leverage when responding to complaints.

Commissioner Lissarrague asked what the penalty would be for violating the conditions.

Ms. Botten stated that would likely depend on how major the infraction was; minor violations may just be documented whereas major violations could result in revocation.

Commissioner Lissarrague asked if there was anything in the language stating that the permit can be rescinded for a violation.

Ms. Botten replied there was no specific language addressing that; it would be handled like normal property complaints. In response to a previous question, Ms. Botten advised that the rental housing license was for a two-year period.

Commissioner Niemioja asked if neighbors would get notified if a permit got revoked.

Ms. Botten replied she did not believe so as it would go directly to City Council and would not be brought before the Planning Commission.

Commissioner Niemioja asked what would stop the violator from continuing if the neighbors were not aware the permit had been revoked.

Ms. Botten replied that the complainant would be notified of the revocation if they requested to be kept updated on the situation.

Commissioner Scales stated it would likely be handled like any enforcement action in the city in which the complainant receives communication from code enforcement as to any actions taken regarding the specific issue.

Chair Maggi asked commissioners how long they thought IUP's should be valid.

Commissioner Wippermann suggested either a two or three year term.

Commissioner Kramer recommended two years; the same as the rental housing license.

Commissioner Simon reiterated that a change of ownership should also terminate the permit.

Chair Maggi asked if the two-year recommendation would be added as a condition.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to approve the request for an ordinance amendment relating to the regulation of allowing transient lodging out of residential

homes by an interim use permit, with a recommendation that interim use permits be valid for two years.

Motion carried (7/0). This item will go to the City Council on January 28, 2019.

OTHER

Mr. Hunting advised that the January 2, 2019 Planning Commission meeting has been cancelled.

The meeting was unanimously adjourned at 8:01 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary