

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, March 5, 2019 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR FEBRUARY 19, 2019**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 JAMES VANBUSKIRK - CASE NO. 19-06V

Consider the following requests for the property located at 9215 Rich Valley Boulevard:

- a) A **variance** to allow an accessory structure larger than 1,600 gross square feet

Planning Commission Action _____

- b) A **vacation** of existing drainage and utility easements on either side of the shared lot line between Lots 1 and 2, Block 1, Rich Valley Ponds

Planning Commission Action _____

3.02 DISCOUNT STORAGE - CASE NO. 18-55CAZ

Consider the following requests for the property located at 10805 Rich Valley Blvd:

- a) A **comprehensive plan amendment** to change the land use from RDR, Rural Density Residential to CC, Community Commercial

Planning Commission Action _____

- b) A **rezoning** of the property from A, Agricultural to B-3, General Business

Planning Commission Action _____

- 4. OTHER BUSINESS**
- 5. ADJOURN**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 19, 2019 – 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
 Jonathan Weber
 Joan Robertson

Commissioners Absent:

Others Present: Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the February 5, 2019 Planning Commission meeting were approved as submitted.

LAKEFIELD VETERINARY GROUP – CASE NO. 19-04SC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat to consolidate two lots into one, a vacation of the existing perimeter drainage and utility easements, and a conditional use permit amendment for an expansion of an existing small animal veterinary clinic, for the property located at 7109 and 7135 Cahill Avenue. 32 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is in the process of purchasing the property north of their site to expand the animal veterinary clinic. The applicant is requesting a preliminary and final plat for a one lot subdivision, consolidating the existing two lots into one tax parcel, a vacation of existing perimeter easements, and a conditional use permit amendment to add a 5,384 addition onto the existing animal hospital. Other site improvements would include removal of an existing pool, removal of the existing structure on the northern parcel, and a reconfiguration and resurfacing of the existing parking lot on the northern parcel. One of the three existing access points would be eliminated, with the other two remaining the same. Staff recommends approval of the request. Staff did not hear from any of the surrounding property owners. The applicants held a neighborhood meeting in which two couples were in attendance; both were in support of the request.

Opening of Public Hearing

Patrick Kelly, Kelly & Lemmons, St. Paul, representing the applicants, advised he was available to answer any questions.

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

Mr. Kelly replied in the affirmative. He introduced Ben Myers of Loucks Engineering, Michael Schmeling with the veterinary clinic, and Dr. Jim Winsor. He advised that the proposed expansion would provide an ADA accessible lobby, additional patient rooms and waiting areas, and an overall higher level of service for the community.

Commissioner Lissarrague noted the existing parking shortage, and asked how many additional parking spaces were being proposed.

Dr. Winsor replied that 47 additional stalls were being proposed.

Commissioner Wippermann asked how many employees worked at the animal hospital on an average day.

Dr. Winsor advised they had over 50 employees total; on an average day there would be 5-7 doctors and 30 support staff working.

Commissioner Wippermann asked if the staff members currently being shuttled in from a different location would now be parking in the proposed additional parking stalls.

Dr. Winsor replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann commented that it was good to see a local business doing well and expanding their investment in the community.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Lissarrague, to approve the request for a preliminary and final plat to consolidate two lots into one, a vacation of the existing perimeter drainage and utility easements, and a conditional use permit amendment for an expansion of an existing small animal veterinary clinic, for the property located at 7109 and 7135 Cahill Avenue, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on March 11, 2019.

The meeting was unanimously adjourned at 7:11 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

HEARING DATE: March 5, 2019

CASE NO: 19-06V

APPLICANT/PROPERTY OWNER: James VanBuskirk

REQUEST: Variance to allow an accessory structure larger than 1,600 gross square feet and a Vacation of existing drainage and utility easements on either side of the shared lot line between Lots 1 and 2, Block 1, Rich Valley Ponds

LOCATION: 9215 Rich Valley Blvd

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: E-1, Estate Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

HB

BACKGROUND

The applicant is proposing to construct a 2,382 two-story, gross square foot accessory structure. The applicant owns two parcels of land with a total of 4.87 acres in size. There is currently one single family home and no existing accessory structures on the two parcels. The applicant would like to construct the accessory building on the vacant parcel. An accessory structure is not allowed to be constructed on a property without a principal structure, therefore, the two parcels would be required to be consolidated prior to the issuance of a building permit. The lot consolidation can be done administratively. With the lot consolidation, vacation of the existing internal drainage and utility easement should be done.

The maximum size for an accessory structure on a lot larger than 2.5 acres, but less than 5 acres is 1,600 gross square feet. Any accessory structure greater than 1,000 square feet must be setback at least 50 feet from all property lines. Only one detached accessory structure is allowed on parcels less than 5.0 acres. The footprint of the proposed structure is 1,600 square feet, including the upper level that is not incorporated within the roof trusses, the total gross square feet for the accessory building would be 2,382 gross square feet. Residential property that is greater than 5 acres would be allowed an accessory structure up to 2,400 gross square feet.

The applicant has stated that the additional size is needed for his own personal space and to store his own personal items. The accessory building would be in compliance with setbacks, number of accessory structures, and impervious surface standards. The closest neighboring home would be over 300 feet away from the accessory building.

The applicants property was platted in 2006; both lots are considered buildable lots, meaning each lot could have a home and accessory structure located on it. The current owner does not have any intention on building a second home or selling the parcel for someone else to build a

home on the property. It is the owners desire to build the one detached building, accessory to the existing home on the property.

SPECIFIC REQUESTS

The applicant is requesting the following:

- 1) A **variance** to allow an accessory structure larger than 1,600 gross square feet; and
- 2) A **vacation** of existing drainage and utility easements on either side of the shared lot line between Lots 1 and 2, Block 1, Rich Valley Ponds

EVALUATION OF THE REQUEST

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

North – Single family residential; zoned PUD, Planned Unit Development; guided RDR.

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

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

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

Engineering. Engineering has reviewed the plans and has been working with the applicant on stormwater and grading requirements. The construction of an accessory building requires stormwater treatment on the property. Staff is working with the applicant on the different alternatives available. Engineering has made some recommendations on conditions that should be added to the approval. These conditions are included in the list of conditions at the end of this report.

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.*

City Council reviewed the accessory structure size requirements in 2006. Prior to 2006, all lots less than 5 acres were allowed a 1,000 square foot accessory building. The ordinance was amended to allow lots 2.5 acres or more, but less than 5 acres in size,

which are located in an A or E-1 zoning district, detached accessory structures to single-family residential uses shall not exceed a gross floor area of 1,600 square feet.

With this in mind, granting the variance may establish a precedence that is contrary to the intent of the City Code.

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

The zoning ordinance looks at gross floor area when calculating the size of accessory structures. The accessory structure section states that the gross floor area figure may exclude any usable attic space or loft space. Staff has interpreted this to be an area located within the roof truss system.

The code defines a half-story as: *a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.* Staff has used this definition when reviewing plans that any roof that has an energy wall or knee wall greater than two feet, raising the height of the roof, would count towards the gross square foot calculation. In the applicant's case this would make the proposed accessory building 2,382 gross square feet in size. The applicant has interpreted the ordinance differently than staffs and believes they are at about 2,100 gross square feet.

Staff believes the proposed size of the accessory building to be contrary to the intent of the zoning ordinance.

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

The property is 4.87 acres in size. The applicant has a four-stall attached garage and is allowed a 1,600 gross square foot detached building. The request for a larger structure would be for the property owners own personal use. This variance may be considered a convenience to the applicant, not a practical difficulty.

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

Constructing an accessory structure of any size on the vacant parcel would require a lot consolidation to combine the two buildable lots into one tax parcel. Considering the applicants property could have an additional home constructed on the existing vacant parcel, along with an accessory building the one detached structure would not alter the essential character of the locality.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for the request.

VACATION

Existing perimeter easements on the original plat are not automatically erased when lots are consolidated. Vacation of existing drainage and utility easements on either side of the shared lot line between Lots 1 and 2, Block 1, Rich Valley Ponds are being requested. The applicant shall provide a map and legal descriptions of the easements that need to be vacated. Engineering and Planning agree that the easements can be vacated as they no longer serve a purpose as perimeter easements would still be around the combined parcel.

ALTERNATIVES

A. **Approval:** If the Planning Commission finds the requests to be acceptable, the Commission should recommend approval of the requests with at least the following conditions:

- Approval of a **Variance** to allow a 2,382 gross square foot accessory building whereas 1,600 square feet is the maximum size allowed subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
 3. A grading/erosion control plan shall be required at the time of the building permit application.
 4. The two lots shall be consolidated into one tax parcel prior to the release of a building permit.
 5. A stormwater facility maintenance agreement and other agreements related thereto, shall be required to be executed between the City and the developer.
 6. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.
 7. The developer shall meet the conditions outlined in the City Engineers review memo dated 02/11/19 and any subsequent correspondence.

Practical difficulty:

- Approval of the **Vacation** of existing drainage and utility easements on either side of the shared lot line between Lots 1 and 2, Block 1, Rich Valley Ponds subject to the following conditions:
 1. Drainage and Utility easements shall be provided on the property as required by the Director of Public Works.
 2. The applicant shall provide a map and legal descriptions of the easements to be vacated.

B. Denial. If the Planning Commission does not favor the proposed request(s), it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other accessory building size variances.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. The combined lot size is 4.87 acres, they have an attached garage, and are allowed a 1,600 gross square foot accessory building.

RECOMMENDATION

Based on the information in the preceding report staff does not believe there is sufficient rationale to support all criteria of a variance review and therefore recommends denial of the request as proposed. Staff believes the applicant did not identify practical difficulties to comply with the ordinance as a 1,600 square foot accessory building could be constructed on the property and the size standards are not precluding the homeowner from reasonable use of the property. For the reasons listed in Alternative B staff is recommending **denial of the variance request**.

Based on the information in the preceding report and the two conditions listed under the vacation in Alternate A, staff is recommending **approval of the vacation of easements** as presented.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Site Plan
Exhibit D – Building floor plans
Exhibit E – Building elevations
Exhibit F – Photos (3)



9215 Rich Valley Blvd Case No. 19-06V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map
Map not to scale

Amendment

Amendment to VARIANCE STANDARDS WORKSHEET

#1. Practical Difficulties

Please see the original discussion of the Practical Difficulties to better understand this amendment.

At the meeting for the Planning Review on Feb. 13 there was some discussion of exactly “how” to compute the extra square footage we are asking for in our Variance proposal.

As stated in our original document relating to “Practical Difficulties” we are proposing to build a high quality garage next to the current dwelling. This requires (at considerable extra expense) a high pitch roof design mirroring the current dwelling. With this design comes the automatic creation of usable interior space created “within” the rafter system. The existing dwelling has used this space to create a “bonus” room above the current garages and we are also trying to maximize the usability of this space in our proposed garage.

Your building codes allow me to build a 1600 sq. foot garage – and the “bonus” room will NOT count as sq. footage as long as it is “within” the rafter system.

For cosmetic considerations the front of the proposed garages will have 2 gables as does the current house. In the house the “bonus” room stretches across all garage spaces – you can see this in one of the “house” pics included in my proposal. This works fine as all the garages are uniform length – so the entire “bonus” room created is “within” the rafter system.

We started with this plan for the new garage for the obvious cosmetic considerations – however – the new garage has a motorhome bay which is necessarily deeper than a regular automobile bay. The extra length is on the rear of the proposed garage. This unfortunately disallows the full extension of the roof line across all bays in the rear of the garage.

The obvious design amendment is to create a gable on the rear of the proposed garage on one end to cover the motorhome bay extension. This is where the question arises as to how to measure the extra space created by this gable.

The structural requirements of properly supporting this necessary gable “technically” takes it out from being “within” a rafter system and therefore counts the space created against the 1600 allowed square feet. Measured this way the extra sq. footage created would be 502.

In our original proposal we considered the “difference” between what we are allowed if we could have continued the roofline without the gable (and therefore “within” the rafter system) to what is actually created with our final design. The sq. footage measured this way is 244.

This computation is somewhat difficult to picture and I will be happy to explain further as it becomes necessary.

Please keep in mind that this variance would not be necessary at all if I owned a full 5 acres – I own 4.87 acres... At 5 acres I would be allowed 2400 square ft. for this garage.....which is far more than I am requesting in this variance request.

Original

VARIANCE STANDARDS WORKSHEET

#1. Practical Difficulties

We are proposing to build a detached garage / workshop for personal use adjacent to the current home. By increasing our investment and fully honoring the high level of the cosmetics and style of the existing building we will need to have a high pitched roof, some gables and some cosmetic add-ons. (See detail drawing of proposed building).

71045
Once you have the necessary high pitch roof you automatically have space for a "bonus room" on the 2nd floor within the already present roof rafter system. (See **house** pic for current "bonus room"). Your current building codes do not count the square footage of these bonus rooms against the allowed size of the building as they are simply a by-product of the roof design. Not only is it "free space" but it also significantly adds to the energy efficiency of the building with the added insulation value as well as add to the obvious cosmetic beauty.

The current building codes allow us 1600 sq. feet of usable space which is exactly what we designed, essentially matching the look of the attached house garage. The 2nd floor bonus room was ALL within the roof rafters as allowed and does not need any variance. However – the roof design looked a bit odd and unbalanced from the East side due to the greater depth above the longer garage section. By designing a gable on the rear of the building we not only improve the design and cosmetics but created more practical usable space.

A small part of this new space created by the gable is not "technically" inside a rafter system so it adds another 244 sq. feet to our 1600 sq. foot limit. This is why we are requesting a variance to be able to build the building per the provided plan.

It is **possible** to design this gable to "technically" be within a rafter system and not need a variance but this design diminishes the usable inner space to the point that it doesn't make sense - the interior floor space is too small to be practical.

We basically just need a variance allowing us the extra 244 square feet of allowed space.

1. The building and gable as drawn will look IDENTICAL from the outside with or without a variance. Allowing me to build WITH the variance simply makes the interior space far more practical and usable. Essentially we are asking to make the rear gable construction with regular "walls" instead of "roof trusses" which unfortunately eat up precious inner space. **Same exact look from the outside !!**
2. We are only adding 244 sq. feet to the allowed 1600 compared to the building without the gable.
3. My current lot size is approximately 4.9 acres – at 5 acres I would be allowed 2400 sq. feet for this building and would not need a variance.
4. I will be combining my 2 lots and building on an ugly bald spot on my property that the previous owners were thinking of using to build another house. They had already obtained approval for that house. This garage will be far more enhancing to the high level of the area than would be another house on a much smaller lot – right next to the current house.
5. It makes more sense and enhances the area more to have the house / garage we are proposing on a single 5 acre lot than 2 houses built right next to each other, each on a smaller 2.5 acre lot.

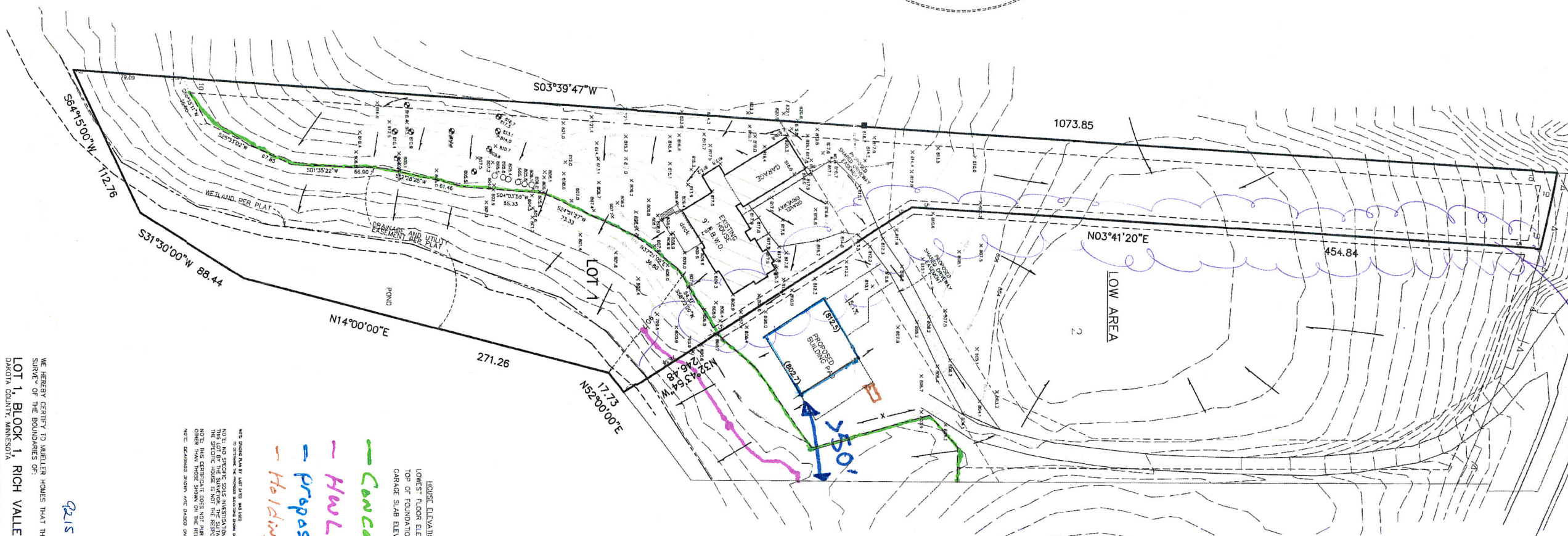
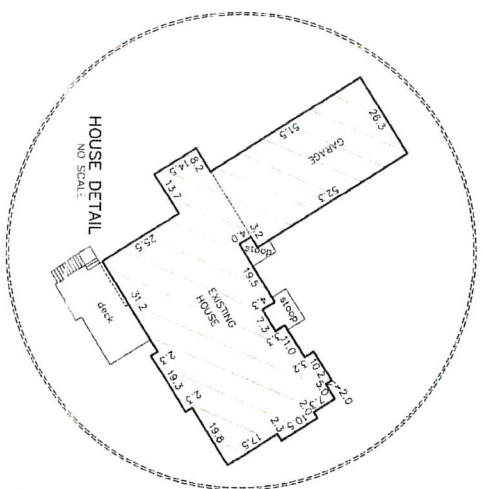
Thank you for your consideration.

ps. #6 ALL the land on both sides of me is zoned
"AGRICULTURAL"

PIONEER *engineering*
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
Medina Heights Office: 2422 Enterprise Drive, Medina Heights, MN 55120, (651) 681-1914 Fax: 681-9488
Certificate of Survey for: **MUELLER HOMES**
BUYER: MARK AND COLLEEN SUMASTER

ASSISTANT SURVEYOR: JAMES MUELLER, MUELLER GROVE FIELD OFFICE
DATE: 05/18/06
BY: JPM

earmarked to be vacated.



HOUSE ELEVATIONS: (CONCRETE) AS-BUILT
LOWEST FLOOR ELEVATION: (688.8) / 818.2
TOP OF FOUNDATION ELEV: (688.3) / 817.6
GARAGE SLAB ELEV. @ DOOR: (681.1) / 818.0

- Concretion Easement Line*
- HWL 796.56*
- Proposed Structure*
- Holding Tank Location*

NOTE: GRADE SHOWN BY LOT DATA MAY VARY FROM THE ACTUAL GRADE.
NOTE: NO SPECIFIC SOILS INVESTIGATION HAS BEEN PERFORMED ON THIS LOT BY THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR THE RESULTS OF ANY SOILS INVESTIGATION. THE SURVEYOR IS NOT RESPONSIBLE FOR THE RESULTS OF ANY SOILS INVESTIGATION. THE SURVEYOR IS NOT RESPONSIBLE FOR THE RESULTS OF ANY SOILS INVESTIGATION.
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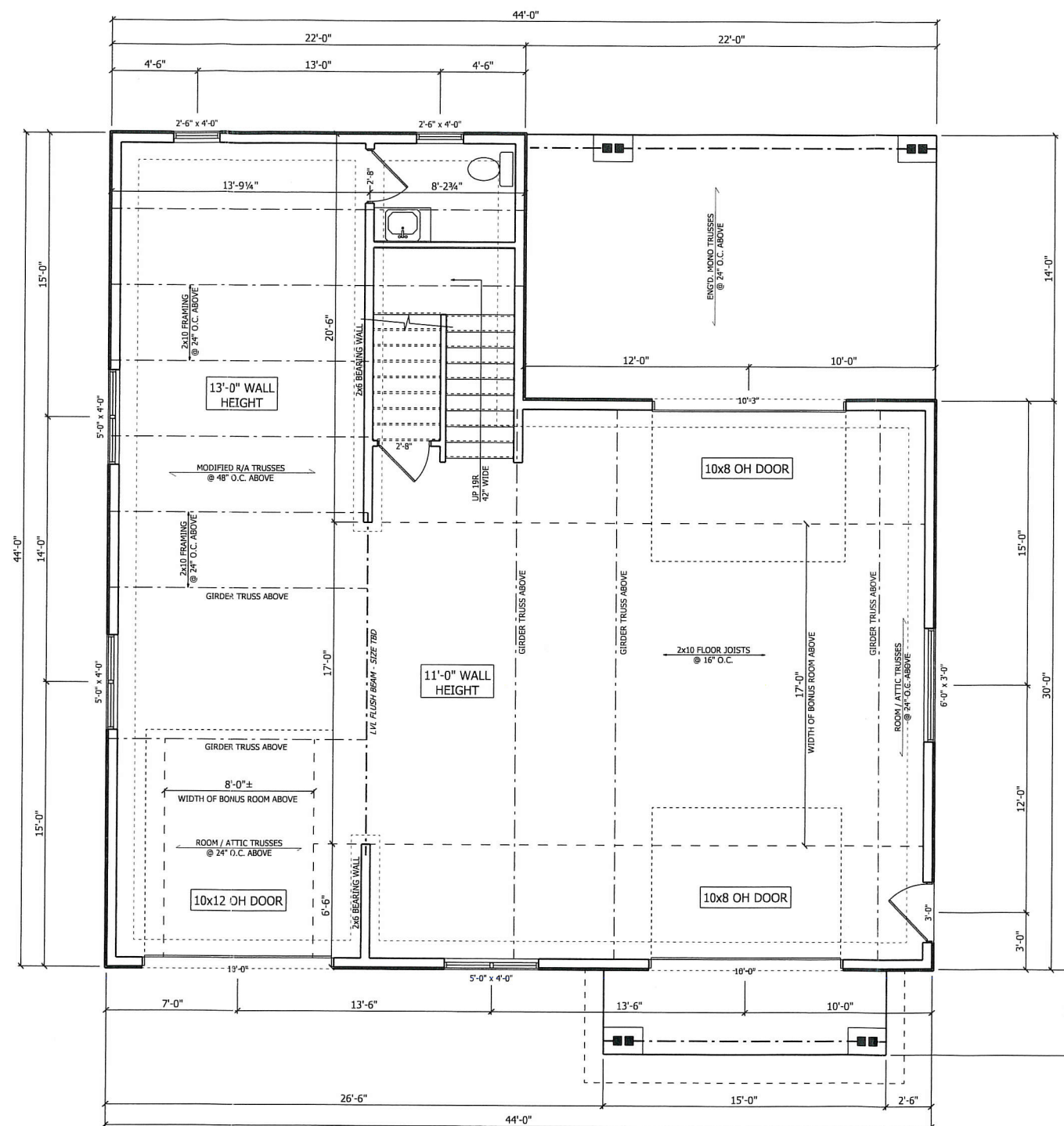
MAR 30 2012

Rich Valley Bur

WE HEREBY CERTIFY TO MUELLER HOMES THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES OF:
LOT 1, BLOCK 1, RICH VALLEY PONDS
DAKOTA COUNTY, MINNESOTA
IT DOES NOT PURPORT TO SHOW IMPROVEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN, AS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION THIS 18TH DAY OF MAY, 2011.
SCALE: 1 INCH = 40 FEET
SIGNED: *[Signature]* PIONEER ENGINEERING, P.A.
BY: *[Signature]* PIONEER ENGINEERING, P.A.

TRUSS SECTION

TRUSS SECTION



SCALE: 1/8" = 1'-0"

1540 # Finished Interior space
inside measurement

PROJECT:

DATE:

PLAN #

SHEET:

2 / 3

Rood Drafting & Design LLC
1508 Douglas Street
Menomonie, WI 54751
Ph. 715-233-3177
Cell: 715-523-3972
E-mail: dmmrood@sbcglobal.net

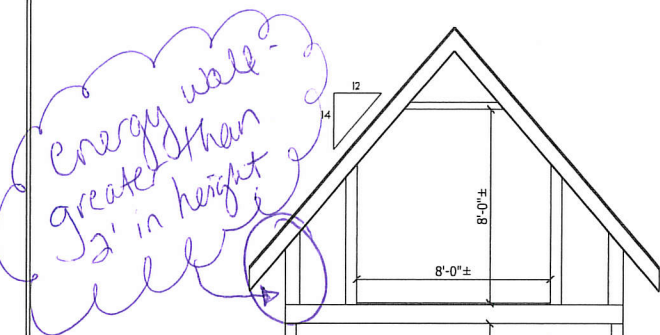
Precision Builders

These general drawings are not produced by an Architect or Engineering firm. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy:

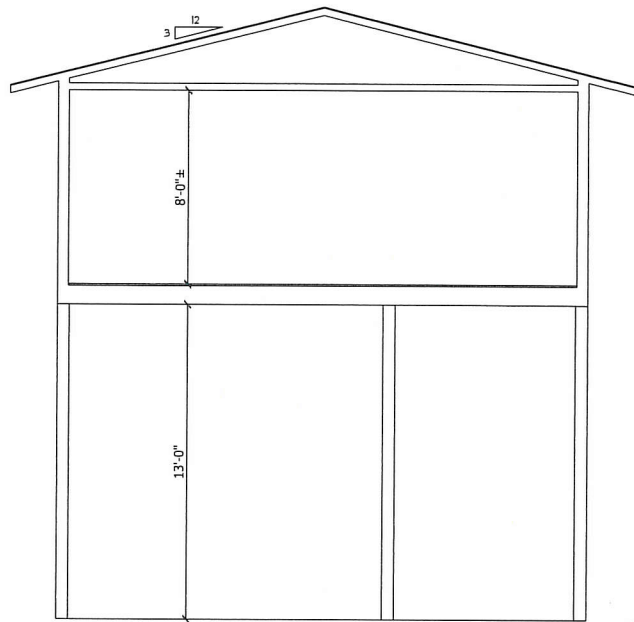
- 1) state or local building codes/regulations
- 2) the projects structural requirements
- 3) existing conditions specific to the site.

Rood Drafting & Design LLC assumes no responsibility for claims or damages arising from errors, omissions, deficiencies or defects of the drawings.

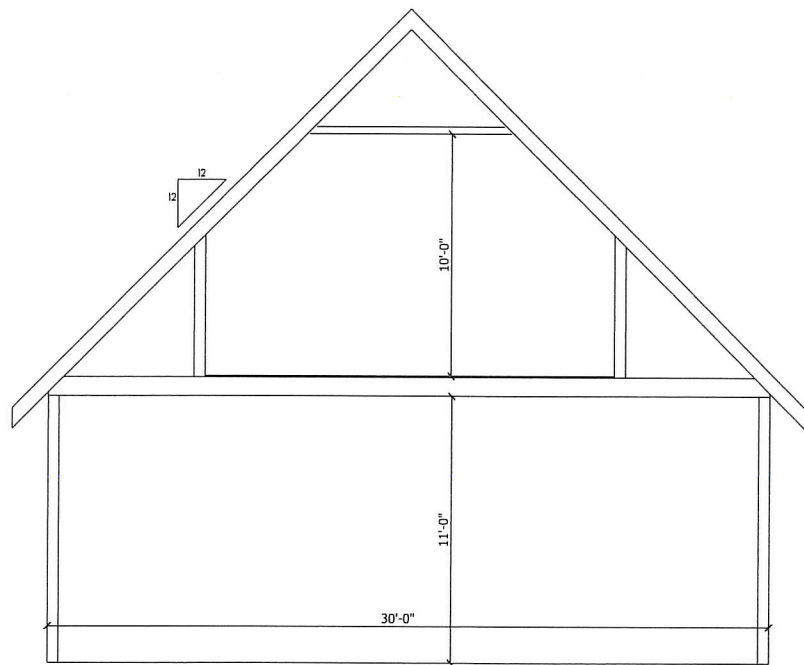
NOTE: HALF SCALE REDUCTION IF PRINTED ON 11x17 SIZE PAPER



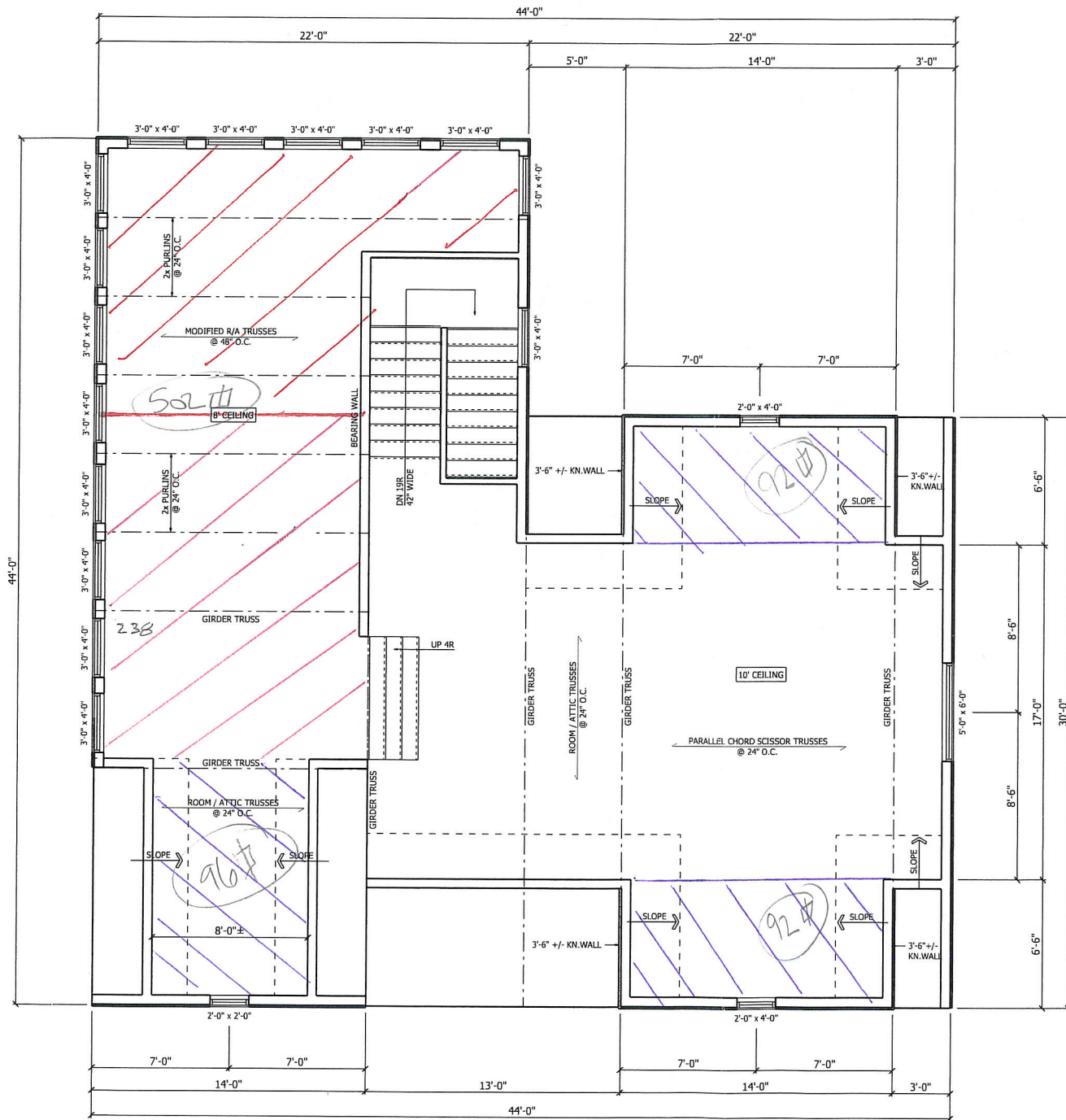
TRUSS SECTION



TRUSS SECTION



TRUSS SECTION



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

782 sqft outside of attic/loft space

These general drawings are not produced by an Architect or Engineering firm. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy:
1) state or local building codes/regulations
2) the projects structural requirements
3) existing conditions specific to the site.
Rood Drafting & Design LLC assumes no responsibility for claims or damages arising from errors, omissions, deficiencies or defects of the drawings.

Rood Drafting & Design LLC
1508 Douglas Street
Menomonie, WI 54751
Ph: 715-233-3177
Cell: 715-523-3972
E-mail: dmrood@sbcdglobal.net

Precision Builders

PROJECT: Vanbuskirk Shop

DRAWN BY: D. Rood

DATE:

PLAN #

18-122

SHEET:

3 / 3

NOTE: HALF SCALE REDUCTION IF PRINTED ON 11x17 SIZE PAPER



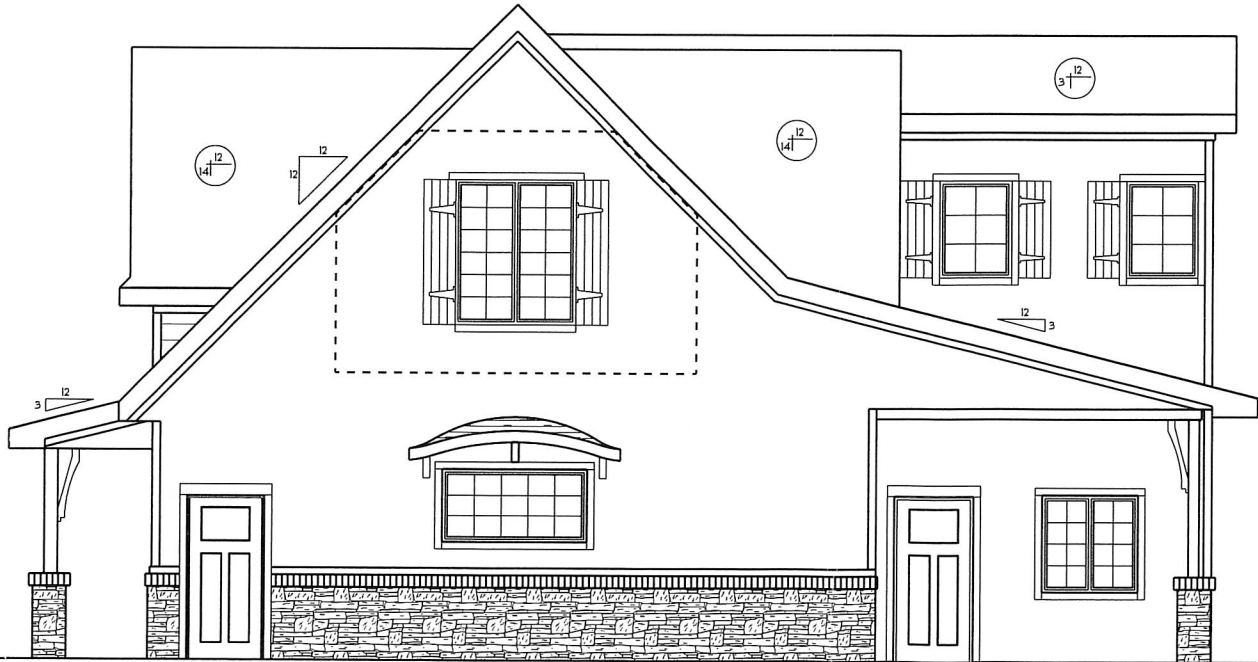
REAR



LEFT



FRONT



RIGHT

SHOP ELEVATIONS

SCALE: 1/8" = 1'-0"

These general drawings are not produced by an Architect or Engineering firm. Before construction, the customer should consult a contractor or an architect to determine if these drawings need to be changed to satisfy:
1) state or local building codes/regulations
2) the projects structural requirements
3) existing conditions specific to the site.
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1508 Douglas Street
Menomonie, WI 54751
Ph. 715-233-3177
Cell: 715-523-3972
E-mail: dmrood@sbgglobal.net

Precision
Builders

PROJECT:
Vanbuskirk Shop

DRAWN BY:
D. Rood

DATE:
11-28-18
12-27-18
12-30-18
1-4-19
1-9-19
1-20-19
2-1-19

PLAN #
18-122

SHEET:
1 / 3

E



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4

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

CASE NO.: 18-55C

APPLICANT: Discount Storage

PROPERTY OWNER: TSA Holdings, llc

REQUEST: Comprehensive Plan Amendment to change land use from RDR, Rural Density Residential to CC, Community Commercial and Rezoning from A, Agricultural to B-3, General Business.

LOCATION: 10805 Rich Valley Boulevard

HEARING DATE: March 5, 2019

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

In January, 2019, the City Council reviewed the request by Discount Storage to change the land use of the property to industrial. At the meeting, the City Council had some questions and discussion about the land use change and were mixed on their decision. The applicant then suggested a possible change to a commercial land use designation if Council was concerned about other industrial uses on this land. The Council then directed staff to hold a new public hearing to determine if a commercial land use and zoning would be more appropriate.

The Planning Commission is to make a recommendation on the request to change the land use to commercial. Mini-storage is allowed as a conditional use only in the B-3, General Business District. Therefore, only the B-3 district can be looked at for the possible rezoning. The Community Commercial land use district is the appropriate district for B-3 zoning.

The applicant is proposing to change the land use designation and rezone a 20 acre parcel for a mini-storage development. The idea would be to create a mini-storage with outdoor storage facility over approximately 17 acres of the site. The development would be an open mini-storage lot for cars, campers, trailers, boats, etc. There would not be any storage buildings. The office for the site would be located just south on Rich Valley Boulevard on land owned by the applicant. The storage space surface would be crushed rock and storm water ponding and

treatment would be required. There is an existing house along the front side of the property and the surrounding 3 acres would remain as is.

This phase of the application process will address only the land use issues. If the amendment is approved by Council, the applicant would then apply for a conditional use permit which would review the site plan details. This subsequent process provides for public review and comment on the actual site plan.

SURROUNDING USES

The subject property is surrounded by:

North	Large lot agricultural; zoned A; guided Rural Density Residential.
East	Large lot agricultural and residential; zoned A; guided Rural Density Residential.
West	Large lot agricultural; zoned A; guided Rural Density Residential.
South	Large lot agricultural; zoned A; guided Rural Density Residential.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel and surrounding properties are all guided Rural Density Residential.

Rural Density Residential is defined in the 2030 Comprehensive Plan as:

"The rural density residential category is used in this comprehensive plan to recognize a land use pattern that has become firmly established in the southern portion of Inver Grove Heights. Over the past four decades, single-family home development on lots ranging from 2.5 acres to in some cases, 10 acres has become an established pattern in southern Inver Grove Heights. At the present time, this area contains over 1,600 residences, none of which are served by municipal utilities. Because of the extensive nature of the rural density residential areas and the City's desire to accommodate a wide range of housing types, this development pattern is being considered permanent and is anticipated that future infill development will match the existing pattern.

The rural density residential category features lots or parcels of 2.5 acres or more containing detached single family housing without public water or sanitary sewer facilities. In addition to housing units, lots in this area are likely to have accessory uses such as small storage buildings associated with hobby farms and other related uses.

Substantial areas of existing development in the rural density area contain lots ranging from 5 to 10 acres. As additional lots are platted adjacent to these areas in the future, proper transitioning of lots sizes will need to be considered."

The main issue is what is the most appropriate future land use for the property. The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The land to the west, north and east abutting the parcel is owned by Flint Hills Resources. Flint Hills has purchased a number of parcels in Inver Grove Heights to create a buffer from residential uses around the refinery. The parcel and land use pattern on these parcels are essentially fixed so there would be no further residential development on any parcel Flint Hills owns. The proposed use would be low intensity for a commercial use.
- Mini-storage operations are typically low traffic generators. The site is also along Rich Valley Boulevard which is a county road. Rich Valley Boulevard is used for other non residential uses located in southern Inver Grove Heights and Rosemount.
- A change of land use to commercial has the potential to generate employment, tax base, variety of goods and services.

RATIONALE AGAINST THE LAND USE CHANGE

- There are some existing industrial uses established along the east side of Rich Valley Boulevard south of the Cliff Road intersection. Those properties are currently guided and zoned industrial. There are no other industrial or commercial type uses north of that intersection. Expanding industrial or commercial uses north of Cliff Road would be a major change in land use direction. The large lot residential and agricultural uses in the area are a long established land use pattern and recognized during the last few comprehensive plans.
- The proposed 2040 Comprehensive Plan continues to recognize the rural land use pattern and does not make any changes to the rural density residential pattern in the southern portion of the city.
- Changing to a commercial use has never been discussed or studied. This could result in negative or unintended consequences to this area because the land use pattern was always to be rural residential.
- Mini-storage operations typically are not large employers. There may be only the need for a small office support. The proposed improvements do not include any buildings at this time. An open storage lot would provide minimal tax generation for the City.
- Many commercial and industrial uses would be limited in their intensity as there is no municipal water or sewer in this area. Intensity would be limited by the size and capacity of a septic system.

Rezoning

The applicant is proposing to change the zoning to B-3, General Business District. The purpose of the B-3 district listed as follows:

“The B-3 general business district is established for large scale retail sales and services serving the region.”

The list of uses in the district are attached to this report. Once the property is zoned to B-3, it could be used for all those uses. A change to commercial zoning would be considered a “spot zoning” as no other commercial businesses are within a mile of this location.

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 make the following recommendations:

- o Approving the Comprehensive Plan Amendment from Rural Density Residential to CC, Community Commercial subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
 2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
 3. The comprehensive plan land use change shall not become effective until a land use development plan has been approved by the City Council.
- o Approving the Rezoning of the property from A, Agricultural to B-3, General Business District subject to the following:
 1. The rezoning shall not become effective until a land use development plan has been approved by the City Council.

B. Denial If the Planning Commission does not favor the comprehensive plan amendment or the rezoning, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

The proposed land use change is a significant departure from a well established land use pattern and long standing guidance from previous comprehensive plans. While the land use would typically be a low intensity use, more intense uses could be a possibility in the future. Changing to a commercial zoning would have the same negative land use impacts as there are no other commercial businesses or commercial zoning in this part of the City. The proposed use would not provide significant employment or tax generation.

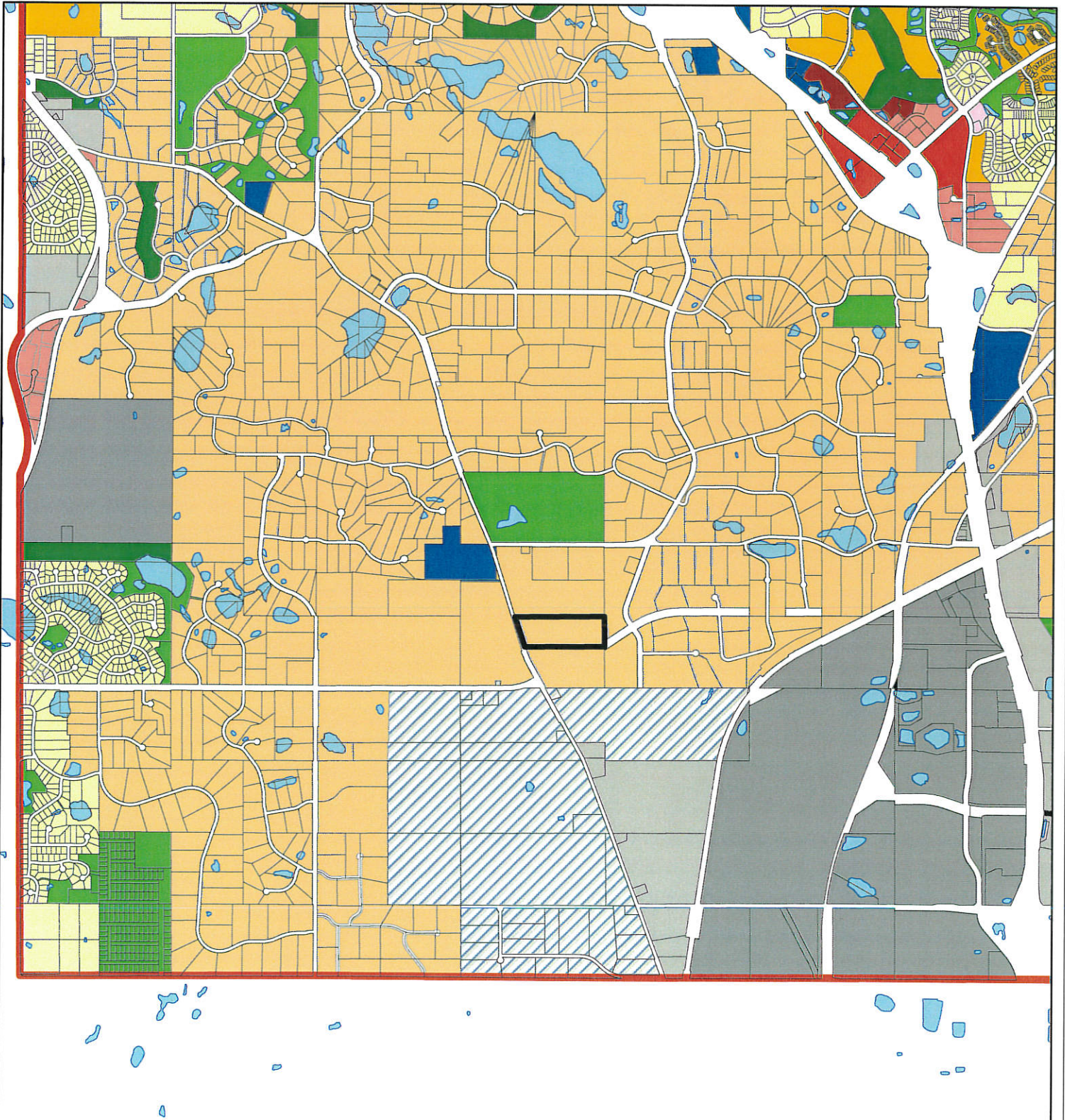
Based on the above summary, staff does not believe a change of land use to commercial would be in the best interest to the surrounding neighborhood and City.

Attachments: Existing/Proposed Comp Plan Map
Existing/Proposed zoning map
Area Land Use Plan Map
Area Zoning Map
Applicant Concept Plan
Planning Commission recommendation from industrial change public hearing
City Council minutes from January 28, 2019
Resident E-mail



Area Land Use Plan Map

Case No. 18-55C

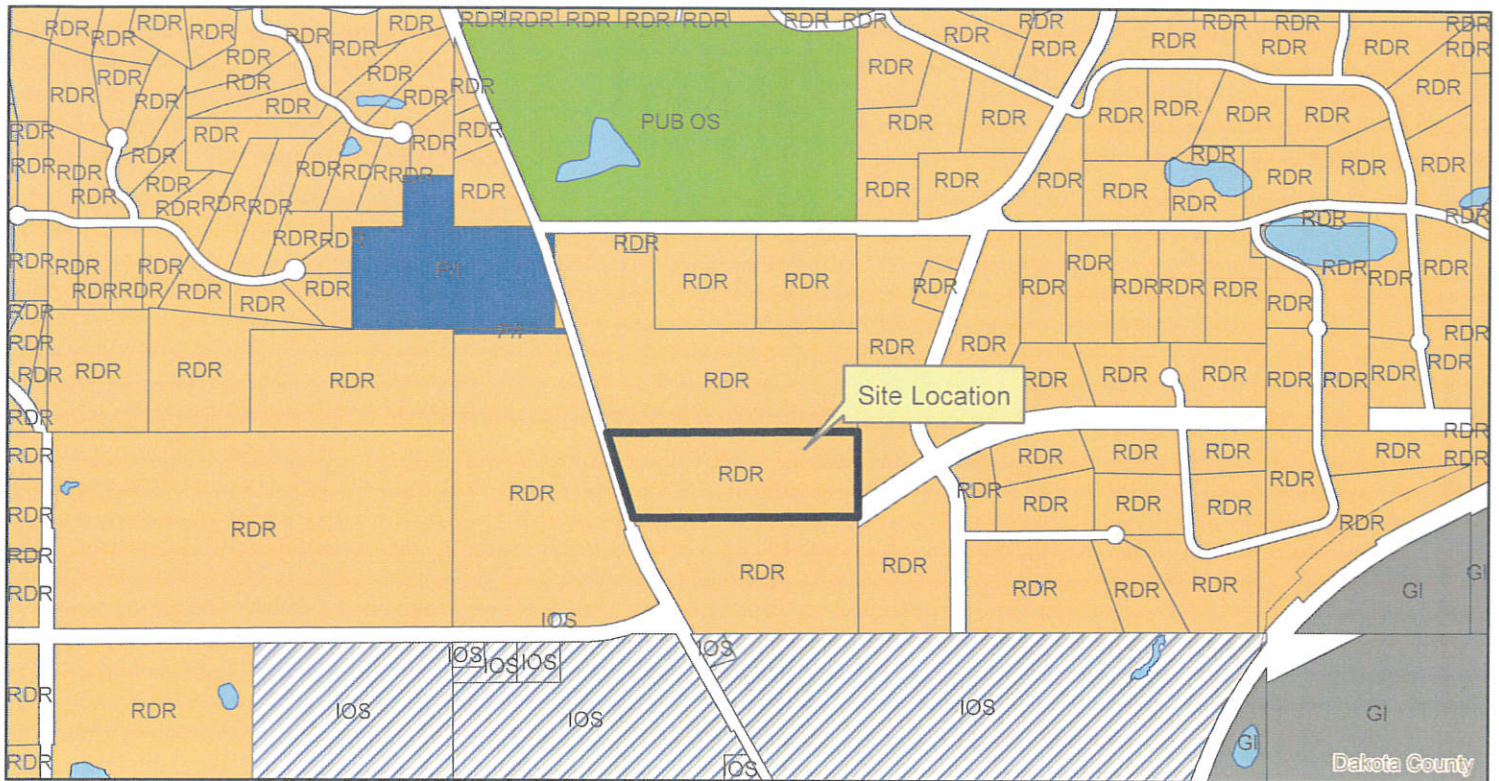




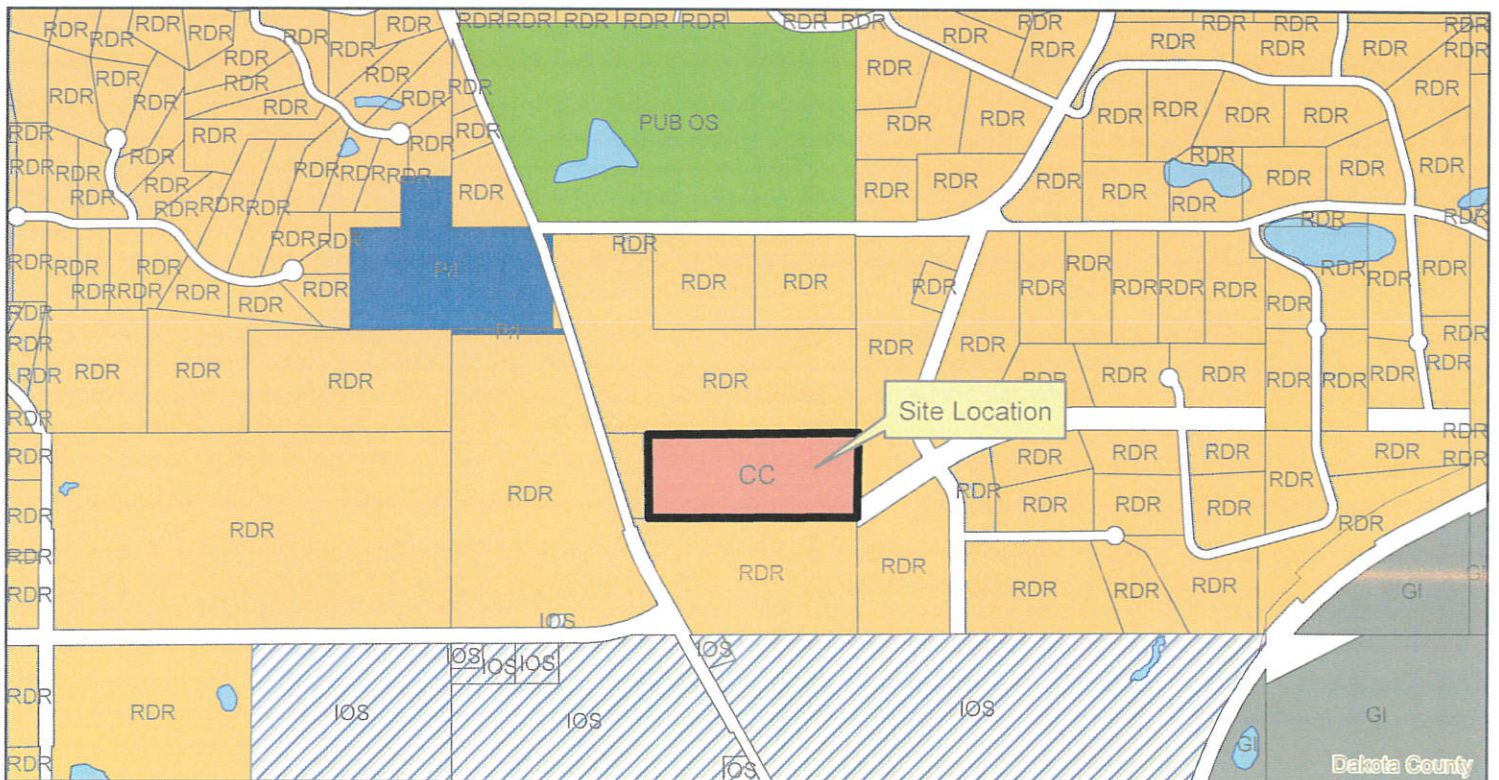
Discount Storage Comp Plan Amendment



Existing Comp Plan



Proposed Comp Plan

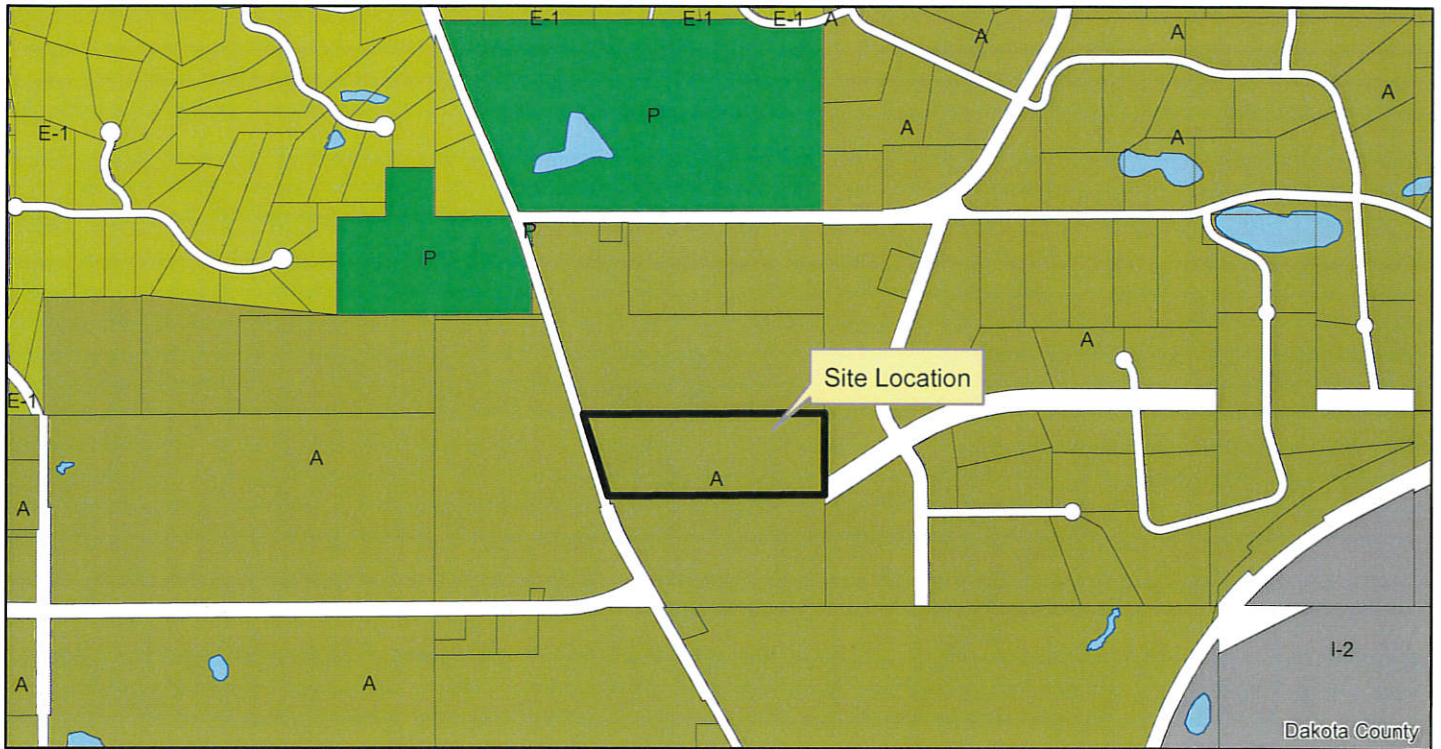




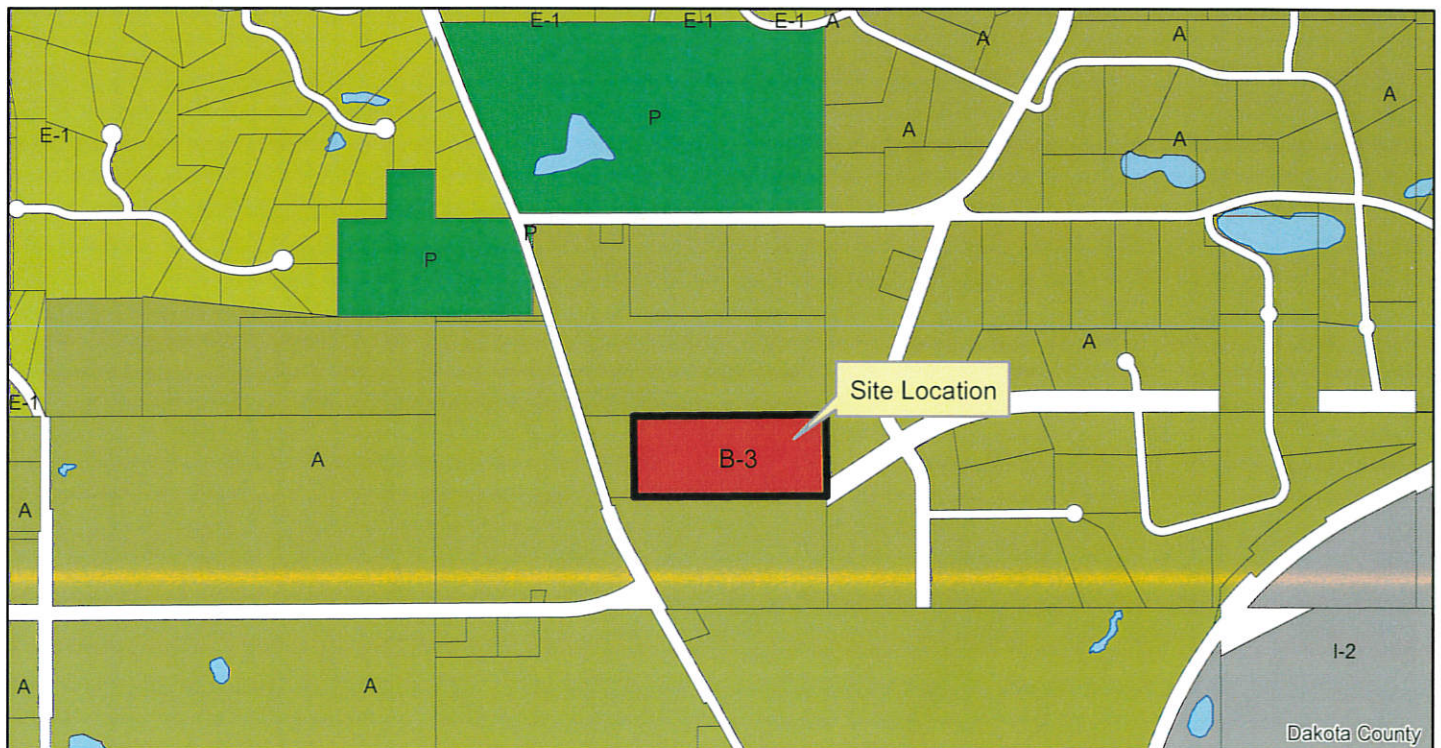
Discount Storage Rezoning Map



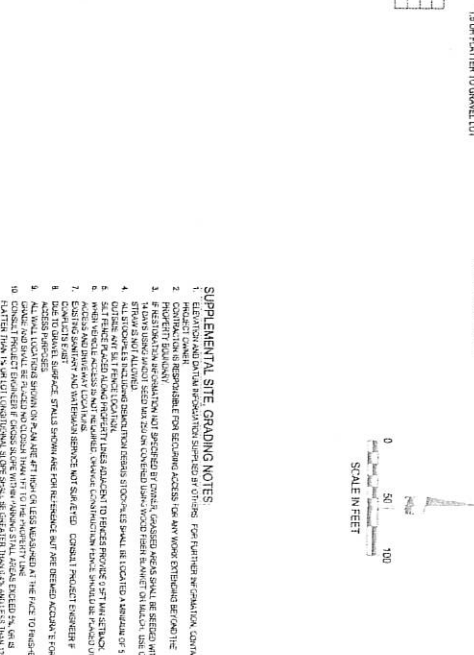
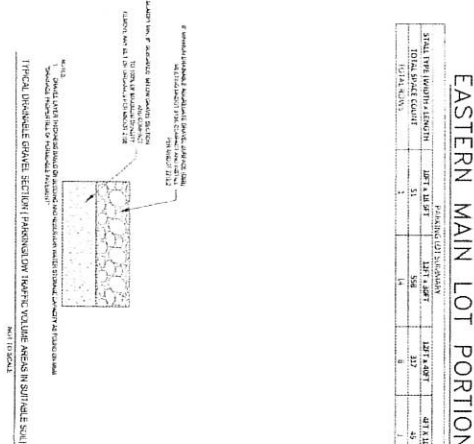
Existing Zoning



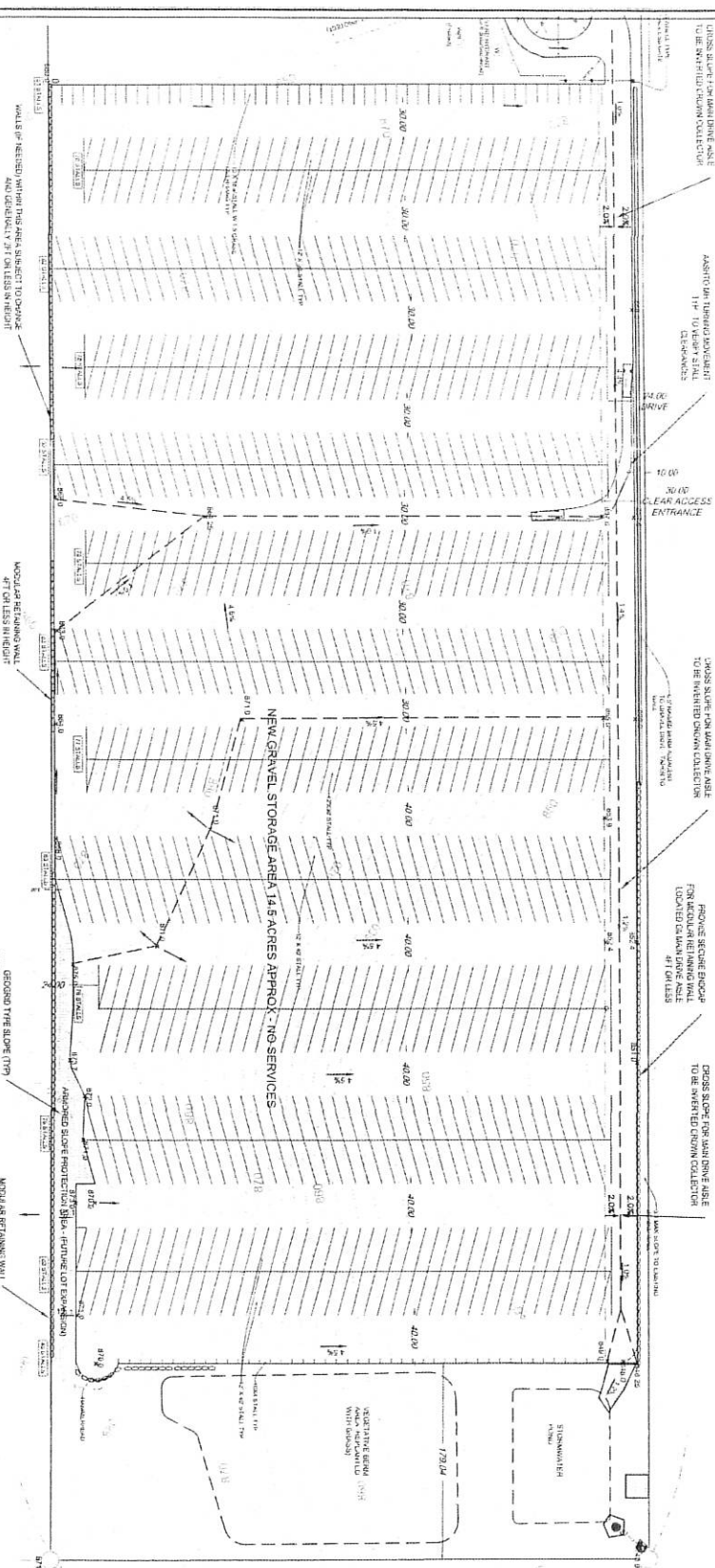
Proposed Rezoning



WESTERN ENTRANCE PORTION



DATE	10/1/2018
BY	ATP
CHECKED	ATP
SCALE	AS SHOWN
PROJECT NO.	18-SAVE-01
DRAWING NO.	2/5
PROJECT TITLE	GRADING AND SITE PLAN



DATE	10/1/2018
BY	ATP
CHECKED	ATP
SCALE	AS SHOWN
PROJECT NO.	18-SAVE-01
DRAWING NO.	2/5
PROJECT TITLE	GRADING AND SITE PLAN

GRADING AND SITE PLAN

2/5

18-SAVE-01

GRADING AND SITE PLAN

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: November 20, 2018

SUBJECT: **DISCOUNT STORAGE – CASE NO. 18-55CAZ**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agriculture to I-1, Light Industry and a comprehensive plan amendment from RDR, Rural Density Residential to LI, Light Industrial, for the property located at 10805 Rich Valley Boulevard. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to change the land use designation from Rural Density Residential to LI, Light Industrial and rezoning from A, Agricultural to I-1, Limited Industry, for a future open mini-storage facility. Staff laid out rationale both for and against in the staff report. Mr. Hunting advised that the property is surrounded and guided for large lot residential, with the closest industrial type use being south of Cliff Road. Approving this change would be a departure from the past, present, and proposed comprehensive plan. Staff does not believe a change of land use to industrial would be in the best interest to the surrounding neighborhood and City and therefore staff recommends denial of both requests.

Opening of Public Hearing

Paul Saver, 7845 Boyd Court, advised he was available to answer any questions.

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

Mr. Saver replied in the affirmative. He advised that his family has lived in Inver Grove Heights since 1870 and currently he is the Director of Development for TSA Holdings (the property owner), as well as the CEO of Action Construction and Johnson Excavating, which have operated from 10805 Rich Valley Boulevard continuously since 1972. Approximately 10 acres of that property are being taxed as Commercial-Preferred. The properties north and south of them are paying approximately \$115 per acre whereas they are paying \$340 per acre. Over the last several years Flint Hills Refinery has purchased over 3,000 acres within a mile of the refinery and the closest lot in which a home could be constructed is nearly a mile away. He believes the comprehensive plan designation of RDR for this lot is outdated. In recent years the City has purchased, and removed from the tax rolls, several industrial commercial properties along Concord Boulevard, Doffing Avenue, and Dickman Trail, further limiting where industrial uses can be conducted in the City. Between the years of 2000 and 2010 the medium income per household in IGH dropped by \$10,000, all while the cities of Eagan, Apple Valley, and Rosemount saw gains. Between TSA Holdings and himself they own six businesses that employ many people from this community and pay better than average wages. Mr. Saver said the subject property is ideally suited for industrial use considering its proximity to Pine Bend Landfill, SKB Landfill, and Flint Hills Refinery. Because the property is only 19.9 acres in size

Recommendation to City Council

November 20, 2018

Page 2

using it for agricultural purposes would be severely limited and TSA Holdings believes the City would be better served by rezoning this property to I-1.

Commissioner Robertson asked Mr. Saver to explain what Wallet Hub was, noting that he referred to a study done by them in his narrative.

Mr. Saver advised that Wallet Hub is an organization that studies small cities across the country and rates them regarding starting small businesses. He advised that Inver Grove Heights recently dropped to 154th, likely because of the vacant commercial spaces.

Commissioner Robertson advised that she was able to find the most recent study done by Wallet Hub and Inver Grove Heights came in at 49 points out of 50 for having the best business environment.

Mr. Saver asked Commissioner Robertson if she noticed that the ranking went from 6 to 154 in one year.

Commissioner Robertson replied that she believed Inver Grove Heights was still ranked 6th out of 1,261 small cities in business environment. Although she has heard people say that Inver Grove Heights has a difficult business environment for retail, the Wallet Hub study seems to indicate otherwise.

Mr. Saver stated the last study he saw ranked Inver Grove Heights overall as 154th.

Commissioner Robertson agreed, stating IGH was ranked 154 out of 1,261, which means they are in the top 11%. She thanked Mr. Saver for the additional information he provided Commissioners.

Mr. Saver replied that they do their due diligence wherever they do business so they don't set themselves up for failure.

Chair Maggi asked the applicant why he believed a house could not be built within one mile.

Mr. Saver replied because Flint Hills owns 3,000 acres within a mile of the subject property.

Chair Maggi noted that the subject property is 20 acres in size.

Mr. Saver stated regardless of its size, no one wants to build a home less than 1,000 feet from a landfill.

Chair Maggi asked Mr. Hunting to point out on a map which properties were owned by Flint Hills.

Mr. Hunting pointed out several nearby properties but was unsure of all the ownership.

Chair Maggi asked if the properties pointed out by Mr. Hunting were still guided for RDR even though they were owned by Flint Hills.

Recommendation to City Council

November 20, 2018

Page 3

Mr. Hunting replied in the affirmative.

Mr. Saver advised that Flint Hills purchased those properties to ensure that nothing was ever built on them.

Loren Scherff, 1320 – 105th Street E, stated there were lots within a mile of the subject property on which a house could built, this was spot zoning, and he questioned what other uses were allowed in I-1.

Mr. Hunting replied light service, manufacturing, auto-related uses, etc. would be allowed should it be rezoned to I-1.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi agreed that changing this to I-1 would be spot zoning.

Commissioner Wippermann asked for clarification of the right-of-way designated to the east of this property.

Mr. Hunting explained it was right-of-way that was designated years ago for the extension of Cliff Road. That plan has since been abandoned and there will be no streets built there.

Commissioner Kramer asked Mr. Hunting to elaborate on the property's current tax designation.

Mr. Hunting advised that the zoning and tax designation can be two different things. The County looks at the use of the property and taxes accordingly.

Commissioner Niemioja did not believe that changing the zoning to I-1 would fit with the guiding principles of the comprehensive plan or the overall needs of the city.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Scales, to deny the request for a rezoning of the property from A, Agriculture to I-1, Light Industry and a comprehensive plan amendment from RDR, Rural Density Residential to LI, Light Industrial, for the property located at 10805 Rich Valley Boulevard, due to the rationale listed in the report, this being spot zoning, and non-compliance with the guiding principles of the comprehensive plan.

Motion carried (8/0). This item will go to the City Council on November 26, 2018.

for one, then you have four inspections that were not necessary. He asked how they would differentiate that. He suggested something like that needs to be in the Ordinance for Excessive Consumption as he wants protection for everyone.

Community Development Director Gundlach responded that the way the Ordinance is written addresses verified issues. For example, a neighbor cannot just call on their neighbor because they don't like them. If staff goes out there and there isn't a complaint, determines there was not a need for an inspection, and Police didn't note any violations, that would not count towards their four.

Mayor Tourville stated that this wasn't crafted just for the City of Inver Grove Heights. Other cities have a nuisance ordinance as well.

City Attorney Tim Kuntz agreed that there are other Cities that have taken this route. He stated that it is motivated by having more tools to deter the activity. It is not a money maker, it's to provide a deterrent against getting into that position.

Mayor Tourville commented that when saying a deterrent, it's not saying that they are against the activities, but they are against them happening without anyone knowing about it, and neighborhoods being affected.

Motion by Piekarski Krech second by Perry to approve to Consider First Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 59-2 Concerning Nuisance Noise, Creation of a New Chapter 14 to Title 4 Creating a Permit for a Large Assembly, And Creation of a New Chapter 15 to Title 4 Concerning Excessive Consumption of City Services.

Ayes: 5

Nays: 0 Motion carried.

B. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard;
a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial.
b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.

City Planner Hunting stated that this request is to change the land use and zoning over 17 acres of a 20-acre parcel. The property is located on Rich Valley, north of Cliff Road. The request is to change from Agricultural/Rural Residential to Industrial. The intent is for a 17-acre open storage mini storage operation if the Comprehensive Plan and zoning changes are successful. He stated that the surrounding properties are either vacant, large lot residential, or have some farm related uses on them. The guiding on rural residential has been that way in the past Comprehensive Plan, the current plan, and in the 2040 proposed plan. The closest industrial businesses are south of Cliff Road. He stated that the Planning Commission recommends denial of the Application, citing spot zoning, and that the request was not consistent with the guiding principles of the Comprehensive Plan. Staff also recommends denial of the two requests.

He noted that there was an error in the staff memo on the required votes for the rezoning. He handed out a section from the code to the Council and staff. He stated that rezoning from Agricultural to Industrial use is 4/5 vote, not 3/5.

Councilmember Bartholomew commented about property located to the north and east/west owned by Flint Hills, which is set to not be built on. He asked if the South property was owned by Flint Hills.

City Planner Hunting displayed a map stating that the green property is the one in question, with the pale-yellow properties belonging to Flint Hills. South and southeast are not owned by Flint Hills, to the west is, and the southwest is also.

Councilmember Bartholomew commented that the history of those parcels is that they are not buildable and are buffers. He asked if they had heard from the property owner that is located below the Applicant's property. He asked if they were zoned the same as the Applicant's property.

City Planner Hunting responded that Flint Hills purchased those properties to provide a buffer from the refinery. They did not hear from the owner of the property to the south. They only heard from the resident to the north. He responded that the zoning was the same.

Mayor Tourville stated that Flint Hills is using the property as a buffer. They could do something with it. He commented that they could do something with it since the City doesn't have an agreement with them.

Councilmember Bartholomew asked if they have heard from Flint Hills on this. He asked about spot zoning and commented that it isn't as critical as areas that are residential. There won't be residents in that area, if anything it would be industrial. He stated that the two adjoining pieces in the east could cause problems and rise to the spot zoning. He commented that in his opinion, spot zoning isn't as critical as they are led to think when they read the report because of the property that is owned by Flint Hills.

City Planner Hunting responded that they did not hear anything from Flint Hills.

Mayor Tourville stated that they have a letter from Mr. Saver, and the email that was delivered today from Community Development Director Gundlach. He asked that they receive those as a part of the record.

Motion by Piekarski Krech second by Perry to receive the letter and email that was received today as a part of the record.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Bartholomew asked how the zoning vote went through the Planning Commission and if it was a 3/5 vote.

City Planner Hunting responded that the Planning Commission doesn't have the same rules at the Council

Paul Saver, 7845 Boyd Court, Inver Grove Heights, stated that he is the developer on the project and owns part of it. He stated that the 2030 Comprehensive Plan has an Industrial Overlay District that covers 750 acres of the property that Flint Hills owns located to the south of Cliff Road and to the east of Rich Valley. The north border is about 500 feet south of the property that he owns.

City Planner Hunting displayed a map of the area that Mr. Saver mentioned and stated that Industrial Open Space designation was intended for passive open space and agricultural use. It wasn't to allow for further industrial uses in the text of the Comprehensive Plan. It was not an industrial use category.

Councilmember Piekarski Krech commented that Mr. Saver mentions that he employs hundreds of people in town. She asked what companies are in his name. She asked if that is through a holding company because she has tried to find his name as the owner of companies and couldn't locate it anywhere.

Mr. Saver responded that he owns five construction companies. He stated that he owns E. Johnson Excavating and Ashton Construction. Those are registered to his name on the State's Website. He stated that TSA (TruSeal America) owns TruSeal America, TruCrete, and TruBoulder Walls. He stated that he represents them in this project. They own the property and he is the one that is developing it. Between the five companies, they all work together.

Councilmember Piekarski Krech commented that Industrial properties should have sewer and water, this does not. She commented that open storage isn't a benefit to the city and stated that to her personally, she finds 700 spaces of open storage somewhat tacky.

Mr. Saver responded that is the first phase of this project. After that there are two other phases that they want to do on this property, and that's to build individual storage buildings.

Councilmember Piekarski Krech asked if this was the property that already had storage.

Mr. Saver responded in the negative. He stated TruSeal owns 11278 Rich Valley, which is industrial property across the street from bituminous roadways. He commented that none of the industrial property on Rich Valley has sewer and water and probably never will.

Councilmember Piekarski Krech questioned an area that wasn't being used Industrial.

Mr. Saver responded that it is being used as industrial. TruSeal is on one piece of property and the other is being used to run an excavating company out of it. There is well and septic on both of those properties.

Councilmember Piekarski Krech stated that she envisioned this bringing more employment into the City.

Mr. Saver responded that it will raise the tax base on the property. He commented that the people that store high end recreational vehicles in a secure facility like this bring a great deal of money to the Community.

Councilmember Piekarski Krech asked if this would be staffed 24 hours a day. She asked what he would be placing the storage on. She questioned if that type of surface was allowed.

Mr. Saver responded that it would be staffed and have security 24 hours a day. He responded that the storage would be placed on Class 5 gravel.

City Planner Hunting responded that they have allowed that for storage areas in the past.

Councilmember Bartholomew asked about the owner to the south and if Mr. Saver had had any conversations with them. He asked what their opinion was of the request to change zoning and guiding to light industrial.

Mr. Saver responded that he does know them, and that if they get this project, his intention is to buy the property from them. He responded that the property is in a family Trust and has been for over 30 or 40 years. He didn't feel there would be a problem but hasn't made a firm offer on the property.

Councilmember Bartholomew commented that he was concerned about the point staff made about spot zoning.

Mr. Saver commented that he didn't want to put up anything that was unsightly in the City. He has lived here for 50 years and has a vested interest.

Councilmember Dietrich asked Mr. Saver if he could explain what Phase 1 would look like.

Mr. Saver responded that Phase 1 would include dirt work, leveling the property, and sloping it from west to east gradually. It would be fenced and have several hundred pine trees around the outside. He commented that the topography creates a barrier that's barely visible from Rich Valley and 105th Street as half of it would be below grade.

Councilmember Dietrich commented that it would look the same if not more desirable from Rich Valley than it currently does.

Mr. Saver agreed that it would look much more desirable than it looks now.

Councilmember Piekarski Krech stated that there are residential houses on 105th Street that have been there several years. She asked what the plan was so that they are not looking at this. She asked about overhead lighting.

Mr. Saver responded that the plan is to screen the north side of the property with mature trees and plantings. It will also be fenced. He commented that a large portion of this will be about two to three feet below the current grade and unlikely to be seen. There would not be lights.

Councilmember Piekarski Krech asked how they could do security without lighting.

Mr. Saver responded that they have an infrared security system that works better in the dark. They will have staff there all the time and will be driving around in an ATV. He commented that it is easier to find someone when they have to use light to find what they are doing.

Councilmember Perry asked for a brief overview of Phase 2 and Phase 3.

Mr. Saver responded that once Phase 1 is fairly filled, Phase 2 will consist of rows of buildings going from north to south, double sided, with different sizes such as 10x10 or 10x20 units.

Councilmember Piekarski Krech asked about traffic and road restrictions since there would be many vehicles coming in and out. She asked what he plans to store there. She asked if there would be industrial equipment.

Mr. Saver responded that he has spoken to the county and it's such low volume that it would not have an effect. They don't travel in and out much. He responded that they would store boats, motor homes, recreational vehicles, and travel trailers. There would not be industrial equipment, but they may allow small commercial vehicles as there is an Ordinance against having them stored on residential property.

Mayor Tourville commented that those can be parked in home owners' driveways.

Councilmember Bartholomew commented that there is a size limitation to a commercial vehicle.

Mayor Tourville stated that the plan has some retaining wall and fencing and asked that Mr. Saver take a look at the screening that he is planning.

Mr. Saver responded that he does not have a problem with doing any sort of screening that the City wants. He wants it to be attractive.

Councilmember Piekarski Krech asked if at some point it open storage would be eliminated. She asked what would be stored in the buildings.

Mr. Saver responded that it would be a mix of both open storage and buildings. He responded that people store household goods in the buildings. He stated that he has a classic automobile stored in one that he rents here in town.

Mr. Saver stated that there is a four-bedroom home on the property. The Fire Marshall has spoken about putting a second entrance in. He said that he owns his own fire truck that carries 800 gallons of water.

Councilmember Bartholomew stated that if approved, there would be some engineering requirements and added costs. He commented that the Police Department expressed concern about the traffic in and out and security and asked Mr. Saver if he has spoken with anyone about that.

Mr. Saver responded that this was the first he has heard of it, but that he wouldn't have a problem working with them. He commented that he didn't have a problem with engineering.

John Larson, 1938 105th Street East commented that he owns a ten-acre lot north of this property which has been his residence for 29 years. He moved there because it was going to stay RDR and Agricultural. He commented that the 2030 and 2040 Plans have it staying RDR Agricultural and that he is opposed to it being Industrial. He commented that Flint Hills may want industrial property on it if there is a change, and then Rich Valley Park across the street would have industrial property close by. He stated that it is very quiet out there now, he doesn't want to be sitting outside listening to an ATV patrolling all night long. He commented that the quiet was his purpose of buying the ten acres, he loves the area, he is not moving from it, and doesn't want it disrupted. He wants it to stay the way it is.

Councilmember Bartholomew asked Mr. Larson to show on the diagram, the location of his property.

Loren Scherff, 1320 105th Street East, stated that he borders Mr. Larson's property to the west. He commented that he is against spot zoning. He stated that Flint Hills owns all the property in between and bought it as a buffer. Once the area becomes more industrial, he was concerned Flint Hills may market the area. He commented that the excavator property is not an industrial use and that it concerns him. He stated that there were a lot of trees on the north side of the property and when Mr. Saver bought the property they were no longer there and came out instantly. He asked about the intent to screen. He questioned the buildings being placed on Class 5 and commented that they seem to be portable storage units. He stated that it's not a property value gain for Inver Grove, he wonders about the appearance and that this would affect their property values.

Mr. Larson commented that if it is changed to industrial, it opens the area up to all sorts of light industrial. He stated that they all have wells, they are concerned about water contamination if all this property would be put into industrial.

Mr. Saver stated that they have had this property for about three years and have not taken any trees out on the north side of the property. He asked if they could do storage in B3 Zoning. He stated that would severely limit what could be placed on the property as far as industrial. He commented if that would be better, and the City would be happy with it, he would not have a problem with B3 as long as he could still do storage. He stated that he hadn't thought about B3 before as he owns a piece of I1 just down the road.

Mayor Tourville asked what type of fencing he would have. He asked City Planner Hunting if they have requested wood fencing for storage facilities.

Mr. Saver responded that he is willing to work with the City to have whatever they want. Wood is cheaper.

City Planner Hunting responded that it depended on the situation. There has been some solid screening with the balance of it being screen link. There is a mix of both in the different storage areas throughout the City.

Councilmember Piekarski Krech asked City Planner Hunting about B3 zoning.

City Planner Hunting responded that B3 would be Conditional Use for mini storage. They would still be dealing with the issue of spot zoning. He commented that you would still have to change the Comprehensive Plan and the zoning to a B3. Now you have zoned to a commercial potential operation, which has a list of uses that go along with that. He commented that there is no commercial in the area, it's all industrial, residential, or agricultural zoning.

Mayor Tourville stated that he wasn't sure small storage was allowed to stay gravel, they have gone asphalt.

City Planner Hunting responded that if they are looking at a more permanent use, they would want to have asphalt. Gravel was allowed for a couple of situations, one was on an Interim Use Permit. He stated that if there would be buildings with footings, it would need to have asphalt and proper driveway access.

Mr. Saver responded that he would not have a problem with changing to asphalt or concrete.

Mayor Tourville asked if there was a plan for stormwater and if it has been looked at by the Engineering Department staff.

City Planner Hunting responded that the Application first came in for the Comprehensive Plan and then the Conditional Use Permit for storage. There has been some preliminary review on the plan. He stated that Engineering has reviewed and commented. He commented that when meeting with Mr. Saver later in the process, improvements were suggested. It was also suggested to split this into two parts and address the Comp Plan and then the conditional use permit.

Mr. Saver stated that Barr Engineering looked at the stormwater infiltration system at the request of the City and recommendations were made. He stated that due to that, his Engineer would be changing a few things.

Councilmember Bartholomew asked if they were to consider B3, if this would have to go back to the Planning Commission.

City Planner Hunting responded yes, it would have to go back to the Planning Commission and be republished. He stated that Mr. Saver would have to be requested to withdraw this request and make a new application for a Comprehensive Plan for Commercial.

Councilmember Dietrich asked if there would be any cost for Mr. Saver to do that.

City Planner Hunting responded that they could run the change for the zoning and start the process over working off his original Application. Mr. Saver could withdraw or amend it to say he is amending his request now to change the comprehensive and rezoning to the Commercial designation. He stated that there would be a notice, Public Hearing, and then it would go back before the City Council.

Mr. Scherff suggested getting aerials from the County to show whether trees were left or not.

Councilmember Bartholomew stated that limited industrial was too aggressive for this and wanted to look into B3. He commented that would still face spot zoning. He asked if the other owner would consider B3 for a block of property that isn't surrounded by different zoning and guidance. He commented that if Mr. Saver would consider and re-apply for a B3, it would be the direction to take.

Councilmember Piekarski Krech stated that Mr. Larson brought up a good point in that it has been guided as RDR, which means Flint Hills leaves it as that. She commented that once it starts changing, Flint Hills isn't just sitting on land. She commented that she is concerned about spot zoning and what potential uses could be.

Mayor Tourville commented that the list of light industrial versus the list of B3 is quite different. He stated that he knows a lot of Cities that deal with their larger storage areas on the peripheral of the core City, as an interim use. He commented that Flint Hills may not do anything as their business is very regulated and intense. There used to be more residential homes in the area, now there are very few. He felt the B3 would be less intense in the neighborhood and could work without sewer and water for now.

Councilmember Bartholomew agreed that B3 would be a better starting place.

Pete Tjornhom stated that he is one of the owners of TruSeal America and has one of the industrial properties located down the road. He commented that there is a farm field that divides the properties, and there is also a Dakota Electric property parking lot to the east of these homes that is surrounded by a fence and pine trees. He stated that those residents would have a more pleasant view than what they currently have. He responded about the concern with the ATV driving around constantly and stated that would not be the case. He commented that it is their goal to provide a service to the people in the area. These businesses are popular because people need the space to store items. He stated that as far as adding buildings, if it's not needed, he was fine with it, but if it was something they could do, they would attend meetings and go through the process.

He stated that they took over property from an individual who had owned it for 30 years and it needed repair. There is a shed on site that will come down and they took down dead trees. He commented that he thought that the City wanted them to have a permeable surface, and gravel wasn't allowed. The water would be rainwater running down into holding ponds. He stated that there would be another septic system on site and possibly another well. They would not do anything to cause harm to water in the area.

He commented about spot zoning and stated that it would be quiet at night with a storage unit. He stated that they are not looking to do industrial, they just want to make money on their property like others. He stated that they rent the home on the property to their employees.

Councilmember Piekarski Krech asked if he plan to fix up the home on the property.

Mr. Tjornhom responded that the home on the property would be an exemption from the acreage. It is a 20-acre property and they would be using 17 for the storage unit. The house would be an exemption to whatever the parcel would be zoned as.

John Larson, 1938 105th Street, commented that there were other places in Inver Grove that could house that storage facility that is more accessible than out in the country where they are currently at. He stated that the acreage north of the park were not notified of this change.

Mayor Tourville responded that there are not a 17-acre parcel lot that would fit the zoning.

Mr. Saver stated that they would be willing to withdraw this at the moment and go back to Planning to turn it into the B3.

Mayor Tourville commented that it may have a better chance and that the industrial zoning concerned him. He stated that the applicant would need to put in writing to staff stating that they want to take a look at the Comprehensive Plan, rezoning, and change it to B3.

City Attorney Kuntz stated that the words that Mr. Saver used was "withdraw for the moment". He stated that Mr. Saver needed to give more clarity in regard to what he has in mind. The 60-day rule states that we have to make a decision by February 21st. He stated that there is one Council meeting between now and then on February 11th, and that we need to know whether the current application from the I1 Comp Plan and I1 Zoning is given an extension under the 60-day rule. He stated that if it is, it needs to be in writing and would be best done this evening. He asked if this was a withdrawal of that, and a processing of the B3. He stated that there is the processing of two Applications, the I1 and a B3. The other way is the processing of just one Application, the B3.

Mr. Saver responded that he would like to withdraw temporarily so that they can take it back to staff.

Mayor Tourville asked if we had time for Mr. Saver to think this over and asked if it could be tabled.

City Attorney Kuntz responded that it could be tabled until February 11th. He stated that on that date Mr. Saver would need to make a decision or ask for an extension. Mr. Saver agreed to table the item.

Motion by Dietrich second by Perry to table the I1 until the first regular meeting in February. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard; a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial. b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.

Mayor Tourville asked City Planner Hunting if they can notify the neighborhood.

City Planner Hunting responded that they would renotify the neighborhood and anyone here this evening if they were not on the mailing list. He stated that in rural areas the notification is 1,000 feet of the perimeter of the site.

Ayes: 5

Nays: 0 Motion carried.

C. City of Inver Grove Heights; Consider the First Reading of an Ordinance to Allow Transient Lodging (short-term rentals) as an Interim Use in Residential Zoning Districts.

Associate Planner Heather Botten stated that discussions regarding transient lodging began a couple years ago. There was an Ordinance prohibiting transient lodging, otherwise known as short term rentals. During the Third Reading, the Council reversed the course. She stated that last summer staff was directed to allow transient lodging with an Interim Use Permit. Transient lodging is the letting or leasing of a property for less than 30 consecutive days. If anyone wanted to rent their property for longer than 30 days, they would have to comply with the Rental License Section of the City Code. She stated that Interim Use is defined as a temporary use of a property until a particular date or an occurrence of an event. A separate Interim Use Permit would be required for each property owner who was interested in a short-term rental of the property. She stated that the Permit process includes a Public Hearing, neighborhood notification, and allows the City to apply conditions to the specific property when coming through the process. The proposed fee for an Interim Use Permit would be \$296.00. She stated that staff provided a list of nine conditions that would be applied to all short-term rentals. Conditions include the formula for the number of renters and off-street parking spaces allowed for each Applicant. The Interim Use Permit is valid for two years from the approval date.

She stated that the memo included eight conditions and that the First Reading had nine conditions. Staff recommends approval of the first reading of the Ordinance with the nine conditions. She stated that the ninth condition allows for flexibility when the person comes in after the initial two years. This gives flexibility to extend it to four or six years. She stated that the Planning Commission had the Public Hearing on December 18th and recommended approval of the request with the recommendation of the two-year initial review.

Councilmember Piekarski Kresh asked how the 30-days works and if it was 30 days in total, or if it could it be 30 days to one person, then 30 days to another person, which means it's being rented all of the time. She commented that you can purchase a property as a rental property but not be renting to someone all of the time. She stated that defeated the purpose of what they were trying to do.

Associate Planner Botten responded that it is 30 consecutive days to one person. If they can find somebody different each month, that could happen. She stated that if rented out to that many people under 30 days, it would fall under this category. Longer than 30 days falls under the rental license section of the code.

Allan Hunting

From: SCOTT CLAUDIA LINDELL <cslindell75@msn.com>
Sent: Tuesday, February 26, 2019 8:39 PM
To: Allan Hunting
Subject: Discount Storage - Case No. 18-55CAZ

Dear Mr. Hunting:

We are writing in response to a letter sent to us about the rezoning of the property at 10805 Rich Valley Blvd in order to allow its use for storage. We own the property to the southeast of this property and our property's NW corner touches the SE corner of subject property. Our property is at 10895 Barnes Ave. We are having a home built on this property this summer for us to live in. We have kept horses on this property for 20 years and like it so much that we are retiring and living out there.

We apologize for the length of this email but the proposal is very disturbing to us and will impact us for as long as we live in IGH.

We are **not** in favor of the rezoning for many reasons:

-- We have seen a map of the proposed storage area and not sure if our count is correct but it shows 800 - 900 parking spots for RVs, boats, etc. It would stick out like a sore thumb and look unsightly regardless of the trees planted or fencing put up; one can't hide something like that. The topography will not hide the parking area: stand on 105th, Rich Valley or Barnes Ave and it will clearly be seen. How does two or three feet below grade hide 100s of RVs.

-- It doesn't fit in at all with the character of the surrounding area. If Comprehensive plans call for that area to be rural why was that stated as a goal if the first person that comes along (to our knowledge) wants to change the zoning, the city is going to change it? There is concern about spot zoning; this would be spot zoning. Once rezoned it opens the door to more rezoning because the city could say it's not spot zoning anymore.

-- Realistically, such a business will hardly bring any new employment. With no disrespect intended, it's hard to imagine it takes a lot of employees to run a storage facility; to us that would be part of the appeal of such a business. The administration function of the business could be blended in with the developer's other businesses. The best that can be hoped for is a 24-hour security guard job which pays minimum wage.

-- People don't come to IGH to spend money while they park or retrieve their recreational vehicles; not sure how storing RVs will bring a lot of money to the community. People use RVs to travel somewhere else to spend money. The developer states there will be little traffic on Rich Valley; how does little traffic equate to more money for the community?

-- The developer said he doesn't want to put up anything unsightly in the city. In our opinion what is there now is not very pleasant to look at. Will the same regard be given to the storage area?

-- Will we hear and see the security guard patrolling around every night on an ATV or driving a vehicle every half hour?

-- What if lighting is installed; we will live next to it and the light would literally shine on our property every night.

-- There will be 17 acres of gravel or asphalt for parking. Maintaining that large of an area with gravel after a hard, long rain will be difficult. After a hard rain where will 17 acres of surface water go? The developer said they would slope the 17 acres from west to east, that's the direction of our property. Could it reach our property if not correctly contained? Could it go to the Flint Hills property due east where we have horse pasture that we lease from Flint Hills.

-- Once approved, what are other uses the land could be put to later; something even less attractive than a storage area?

-- From reading minutes, it sounds like the developer wants to buy the 20 acres due south of proposed storage area. Is he planning on having an almost combined 40 acres of storage? That seems unheard of and the city would allow this?

-- What happens a few years down the road when this is all in the past and everyone has moved on and things start to change and promises are not kept? We will have no recourse.

-- We love that area and hate to see this happen. It really is quite unique to have such a large area in a city left rural. People that come to our property always comment on this. Beyond just adding more storage space to the many already in the surrounding area and cities, it is hard to see the positives this would bring to IGH besides some more property tax dollars.

It appears to us the city would not ask that the developer resubmit the application for rezoning if it wasn't going to approve it. Accordingly, we would respectfully ask that some stipulations be put on the business:

-- No lighting be installed where RVs, boats, etc., are going to be parked. (Developer stated it wasn't necessary but it doesn't sound farfetched that it could be added at a later date.)

-- If storage buildings are built, very minimal lightening around them at a low height, e.g., at top of garage door height.

-- A wooden solid fence be built (not a chain link fence) that will help block the view and enough trees be planted on south and east side of storage area so it might minimally help mask the 100s of RV parked there.

-- No patrolling by ATV, utility vehicle, motorcycle, etc., allowed. We are also concerned about a patrolling car or pickup headlights moving around all the time at night.

-- The storage area only be used for the reason stated by the developer: to store RVs, boats, etc., and not parts of it to be used by developer later for his other businesses.

-- Have an upper limit on number of RVs allowed to park there; is 700-800 RVs, boats, etc., not really overwhelming? If developer follows through on promise to try and "hide" the storage area and it turns out as nice looking and unseen as claimed, then increase the number allowed.

-- That water drainage from the gravel/asphalt surface does not leave the storage property and run off to surrounding properties.

-- If 20 acres south of storage property is bought by developer it won't be rezoned and/or allow more storage (40 acres of storage don't seem a little excessive?) This property runs the entire western side of our property. Why would he buy this land unless he planned on having it rezoned for more business uses? Couldn't part of the Comprehensive plan goal for this area be maintained by the city?

-- When the city allows more rezoning if developer buys the additional 20 acres, allow us an option to buy one acre of this land on eastern edge (at fair market value) to allow for a buffer zone against the light industrial or business use it gets rezoned to.

Thank you for your time and any consideration given.

Sincerely,

Scott & Claudia Lindell
Property Owners
10895 Barnes Ave
IGH, MN 55077