

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, July 16, 2019 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JULY 2, 2019**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**
- 4. OTHER BUSINESS**
 - 4.01 Discussion of Chapter 10-15-26: Home Occupations
- 5. ADJOURN**

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 2, 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: Armando Lissarrague
Elizabeth Niemioja
Dennis Wippermann
Pat Simon
Annette Maggi
Joan Robertson

Commissioners Absent: Jonathan Weber (excused)
Brett Kramer (excused)
Tony Scales (excused)

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

APPROVAL OF MINUTES

The minutes from the May 21, 2019 and June 4, 2019 Planning Commission meetings were approved as submitted.

DENNIS ARNTSON (NATIONAL GUARD AND ARMORY) – CASE NO. 19-26V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a solar array 30 feet from the front property line whereas 50 feet is required, for the property located at 8076 Babcock Trail. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned P, Institutional and is 6.17 acres in size. The property is owned by the MN Department of Military Affairs and is connected to the Community Center. The parking lot is shared and there is a mutual agreement that the City maintains the grass area. The applicant is requesting a variance from the front yard setback to construct a solar array 30 feet from the front property line whereas 50 feet is the required setback. Ground and roof mounted solar systems are allowed in all districts but must comply with the underlying zoning district setbacks. In this case the 50-foot setback in the P district is to provide a buffer from the abutting properties as many structures in this district are quite large. The proposed 30-foot setback is similar with the setbacks for the surrounding residential properties. To reduce the visual impact of the solar array, screening is proposed to have either slatted material or vines. A practical difficulty can be found for the front setback due to the fact that the location of the array provides the owner the best location for direct sunlight while also providing a grass buffer between the Armory entrance and the array location. Staff recommends approval of the request with five conditions. Condition 5 has been amended to read that "The State shall remove the solar panels, footings, and underground wires and restore the area following the service life of the array."

Chair Maggi asked why the applicants were proposing a ground mount versus roof mount solar array.

Ms. Botten replied that the applicant considered roof mounted as an option, but they prefer ground mounted as they are planning to replace the roof in a few years and there could be additional shading because of the higher roof over the gym floor.

Opening of Public Hearing

Dennis Arntson, 15000 Highway 115, Camp Ripley, advised he was available to answer any questions.

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

Mr. Arntson replied in the affirmative. He stated regarding rooftop solar panels, they have had to go back and revise the roof structure on other buildings based on increased snow and wind loads, changing building codes, and rooftop units not being aesthetically pleasing because of the elevated solar field.

Commissioner Niemioja asked if the solar panels would move with the sun.

Mr. Arntson replied they would not.

Commissioner Simon asked if the turf under the solar array would need maintenance once the native grasses were established.

Mr. Arntson replied that it would be maintenance-free turf.

Commissioner Wippermann asked if the proposed solar array would provide electricity strictly to the part of the building occupied by the National Guard.

Mr. Arntson replied that they are disconnected from the community utility service and it would come off the National Guard's utility meter. He added that the Community Center has a solar system of their own on the building.

Commissioner Wippermann asked what percent of their electric needs could be supplied by the proposed solar array.

Mr. Arntson replied they anticipated 30%.

Commissioner Robertson asked if the building cost versus return was favorable.

Mr. Arntson replied that it would not be a fast payback, but was more about energy resiliency for the federal government.

Chair Maggi asked for clarification of ownership and maintenance of the land.

Ms. Botten replied that the State owns the land, but the City Parks Department maintains it.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja supported the State's foresight in installing a solar array.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Robertson, to approve the request for

a variance to allow a solar array 30 feet from the front property line whereas 50 feet is required, for the property located at 8076 Babcock Trail, with the conditions listed, including amended Condition 5, and the practical difficulty as listed in the staff report.

Motion carried (6/0). This item goes to the City Council on July 8, 2019.

The meeting was unanimously adjourned at 7:13 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

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

MEETING DATE: July 16, 2019

CASE NO: 19-27X

APPLICANT: City of Inver Grove Heights

REQUEST: Zoning Ordinance Amendment

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

At the June 10, 2019 City Council meeting Council directed staff to review Chapter 10-15-26 Home Occupations relating to a possible update of the code requirements to allow the storage of business equipment and materials in accessory structures. The Planning Commission is to discuss the ordinance and suggest changes, if they feel necessary. These changes would then be brought to a City Council work session for review and then back to the Planning Commission for a public hearing.

The request to review the ordinance stems from a code amendment from a resident to allow Indoor Storage of Tree Trimming and Removal Equipment on residential property. Currently the zoning code would consider this type of use a "*Contractor's shop - indoor*" which would be a permitted use in the I-1 and I-2, Industrial zoning districts. A contractor's shop is currently prohibited on residential property.

ANALYSIS

Currently City Code does not allow Home Occupations in attached or detached accessory structures, only in the principal structure. The historical interpretation of this part of the ordinance has included all aspects of a business, such as the storage of commercial or industrial related equipment and materials in accessory buildings.

The concerns of allowing commercial and industrial uses on residential property would be:

1. Historically the City has not wanted businesses to be located out of garages/accessory buildings in residential areas as such uses are deemed incompatible, compromising the quality of life in a residential neighborhood.
2. There may be higher traffic volumes than a typical residential lot, including possible commercial vehicles, in addition to equipment coming and going on a regular basis. Allowing commercial operations leads to frequent vehicle visits by employees, customers, suppliers, and related business deliveries to occur in a residential neighborhood.

3. Adverse impact to the abutting properties in that there could be noises and other business activities that are inconsistent with residential uses.
4. It would conflict with a 2040 Comprehensive Plan policy to maintain the rural character of established neighborhoods in the Agricultural and Estate Districts.
5. Not paying fair business tax; unfair to similar small businesses who operate out of an industrial/commercial district.
6. Allowing commercial and industrial uses to be operated out of residential property takes away from the possibility of filling a vacant commercial or industrial space in the City.

ZONING CODE REVIEW

The City does allow home businesses that comply with Section 10-15-26 of the City Code (see attached). This includes requirements such as the business being engaged in only by persons residing in the subject dwelling and the home business being conducted entirely within the dwelling, not in attached or detached accessory structures. Examples of permitted home occupations include daycares, licensed massage therapy, beauty shop, and home offices.

Additionally, City Code allows for a resident to have one commercially licensed vehicle not over one-ton capacity to be parked at the residence of the owner or operator of said vehicle (Section 10-15A-3c). This provides the opportunity for a homeowner to bring a business truck or van home after work.

When discussing a possible code amendment to expand the home occupation ordinance, some things to consider are:

- Would employees be allowed?
- Would the homeowner of the stored material have to own the equipment stored on the property or could they store equipment for their employer or even their neighbor?
- If a *contractor's shop – indoor* is allowed on residential property it may be difficult to regulate what is stored inside the buildings; if tree trimming parts are ok, what about mulch/rock, merchandise purchased with the intent to sell on-line, or car parts?
- Should there be a maximum percentage of space utilized in the accessory building to not interfere with the primary residential use of the property?
- If an owner stores industrial equipment in a residential accessory building would they be able to use their home address for the business or should they have an office off site?
- Would trailers (enclosed or open) be allowed if they are stored outside?
- Should there be hours of operation to try and limit the impact to the neighbors?
- Once commercial/industrial equipment is allowed to be stored inside an accessory building it is easy to have equipment filter into outside storage. It would be difficult to enforce material/equipment stored within a privacy fence on residential property.

Lot size. Should there be a minimum lot size requirement? Converting or constructing a new accessory structure for the storage of commercial/industrial equipment would seem to have a greater negative impact in neighborhoods with small lot sizes. The minimum lot size in the E-1 district is 2.5 acres. If a change is proposed to allow the use of accessory buildings for a home occupation, staff suggests this as the minimum lot size.

Setbacks. An accessory structure in urban residential areas has setbacks of five feet side yard and eight feet rear yard. In the E-1 district (2.5 acre minimum lot size) setbacks are 10 feet for side yard and 50 feet for rear yard. Accessory structures greater than 1,000 gross square feet require 50 foot setbacks. If a building is constructed in an Industrial district that is abutting a residential district a **100-foot** setback would be required. Consideration should be taken to have larger setbacks for structures that would be used for something other than a residential use.

Impervious surface and maximum structure size. It would seem reasonable to impose the existing maximum impervious surface standards and maximum number and size of accessory structures in all residential areas of the city.

Parking/storage. There would be a definite impact on garage parking spaces and storage areas. Converting an accessory building into storage for a business eliminates enclosed parking spaces and storage space for the residential use. This could result in more vehicles, toys and yard equipment being parked or stored outside, on the driveway or yard. Adding more paving for parking pads next to the driveway increases impervious surface which adds a burden to the storm water system as well as aesthetic impacts for the neighborhood.

Building code. What about building code issues with the conversion of an existing or new detached accessory structure? The Chief Building Official stated that if the building is open to the public then it would require a change of occupancy. This change could include different electric, plumbing, windows/egress, and energy/insulation code requirements.

Code enforcement. The Rental and Code Enforcement Coordinator provided information relating to home occupation complaints received from January 2018 – June 2019 (see attached). This information is provided to demonstrate concerns relating to home businesses from Inver Grove residents.

RECOMMENDATION

Staff does not support a change to the home occupation ordinance to allow the use of detached or attached accessory buildings for business purposes based on the concerns listed in the report.

Attachments: Chapter 10-15-26: Home Occupations
Home business complaints - January 2018-June 2019

10-15-26: HOME OCCUPATIONS:

- A. Generally: In general, occupations and businesses in the city are to be conducted in commercial and industrial zoning districts, not in residential zoning districts. Exceptions to this generality include agricultural activities within agricultural zoning districts as regulated in this title, daycare as defined in section [10-2-2](#) of this title, and home occupations, provided they conform to the standards of this section.
- B. Definition: "Home occupation" means any gainful occupation meeting all of the following requirements:
1. Engaged in only by persons residing in the subject dwelling.
 2. Conducted entirely within the dwelling, not in attached or detached accessory structures.
 3. Evidence of the occupation shall not be visible from the street.
 4. No signs other than those permitted in R districts are permitted.
 5. No stock in trade is stored on the premises.
 6. On site retail sales are not involved.
 7. Entrance to the home occupation is gained exclusively from within the dwelling.
 8. When the home occupation is a beauty/barber shop, entrance to the home occupation shall be a separate, direct entrance and shall not be from within the dwelling.
- C. Professional Home Occupations: A professional person may use his/her residence for consultation, emergency treatment, or performance of religious rites, but not for the general practice of his/her profession when such general practice will involve the need for more than three (3) parking spaces for the occupant and visitors. No accessory building or attached garage shall be used for such home occupation. (Ord. 1098, 11-8-2004)
- D. Other Home Occupations: Home occupations include minor repair services, photo or art studios, dressmaking, teaching limited to three (3) students at any one time, in home daycare as licensed by the state, licensed massage therapy in accordance with the regulations of [title 4, chapter 8](#) of this code and similar uses; however, a home occupation shall not be interpreted to include tourist homes, restaurants or similar uses. (Ord. 1311, 3-28-2016)

HOME BUSINESS COMPLAINTS: January 2018 – June 2019

99th St East

RP (reporting party) states in a written complaint:

"3 skid loaders, 2 - 1-ton snow plows, 2 storage metal (shipping) storage containers and 1 large front end loader with a bucket and plow blade is all sitting on the property. I know the owner has his own business, but is this allowed? Looks like a **** hole with all of the equipment around. The front end loader is parked right along the tree line by the driveway."

Construction business on-site confirmed through inspection.

Courthouse Blvd

RP filed a complaint about a tree trimming business. They stated there was an industrial woodchipper making loud noise, some sort of crane in the yard, several people (possibly employees) frequently coming and going, and "beeping" noises from trucks and equipment constantly backing up and moving around.

Business confirmed through online advertisement and inspection.

Astrid Ave

RP states the property owner is operating some sort of business that involves buying and selling items. RP states there are numerous shipments brought to the house several times a week with a steady flow of traffic from customers. Outdoor storage of items such as hot tubs, scrap wood, machinery, several doors, several windows, etc.

Business confirmed through online advertisement and inspection.

Alverno Ave

RP states the owner's sons are operating a scrapping business and the property has turned into a scrapyard.

Business confirmed through inspection

Aviary Path

RP states there appears to be a business on-site with several trailers frequently coming and going from property.

Inspection was inconclusive. Trailers on-site, but nothing to indicate a business (no signs, no decals on trailers, no employee vehicles, etc). Explained to RP there was not enough evidence to indicate there was a business.

Carmen Ave

RP states there is a home business involving electronics repair. RP states the owner's son fixes equipment and runs tests of the electronics by turning the volume up and down repeatedly, causing a disturbance to the neighborhood.

Staff spoke with homeowner who stated it was just a hobby for his son, not a business. Without more proof it is a business, the case was closed and RP was told to contact Police on a noise complaint when necessary.

Concord Blvd

RP states there is an illegal dog kennel being operated from the home and provided staff with an advertisement on Rover.com for the kennel. RP states dogs are left outside barking and some dogs have been escaping the fence and roaming the neighborhood.

Business confirmed through inspection and online advertisement.

59th St

RP states the property owner is operating an auto repair business and leaving junk vehicles and vehicle parts in the street.

Inspection confirmed junk vehicle and refuse violations, though could not confirm if a business was being operated.

65TH St

RP states there is a catering business being run out of the home. States the occupant makes meals specifically from June 5 – July 11th (cultural foods) and leaves gas cylinders scattered throughout the deck and property and is frequently loading her vehicle for deliveries and coming and going from the property.

Staff made contact with resident who explained she cooks for friends and family during their religious holiday time but stated it is not a business.

75th St

RP states the property owner drives a large, commercial work truck/dump truck and stores it at the property, thinks it may be a home business. The truck is left to idle/warm up in the mornings and is very loud. RP states it's probably damaging the street due to its size.

Parking violation confirmed through inspection though not a home business. Notice sent

Upper 79th Ct

RP states the property owner buys and sells items, then stores them in the driveway and yard covered in tarps until they can be sold. States property is unkempt and messy.

Business confirmed through inspection and conversation with property owner.

Adam Ave

RP states there is a landscaping business being operated from the property. RP was able to provide the name of the company and stated the trucks are loud and operations begin at 6:30 each morning, often disturbing the neighborhood. Work trucks and trailers are being stored in the street overnight, including a woodchipper. One of the vehicles is not licensed.

Business confirmed through online advertisement and inspection

Babcock Trail

RP states there is some sort of landscaping or tree trimming business on site.

Inspection found a large swath of trees had been cut down and it appeared the equipment was being used for a project on the property. No indication of business.

Barnes Ave

RP states there is a stone business being operated from the property and that stone slabs and other business equipment are being stored on the property with business vehicles frequently coming and going. RP states a forklift is often used to move the slabs, producing a loud 'beeping' noise.

Business confirmed through online advertisement and inspection

Cahill Ct

RP states there is a business onsite. Owner buys and sells Big Wheel childrens cars (the larger ones kids can "drive") and has several of them (10+) stored in the driveway along with junk vehicles.

Violation confirmed through inspection though business violation couldn't be confirmed.

Cleadis Way

RP reports there is a snow removal and landscaping business on the property with business and employee vehicles coming and going and business equipment stored on site. States the traffic is frequent and vehicles are loud.

Business confirmed through inspection and decals on vehicles.

Additional home occupation complaints and inquiries that Planning Staff has been involved in over the past couple years:

- A resident who was building 4-wheelers on his property and then selling to stores
- A resident who had a retail boat display at his property
- Carpet installers who want to keep stock in their garages
- Numerous auto repair and small engine repair and landscaping businesses inquiries
- People wanting to convert barns into reception venues