INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, MARCH 17, 2020 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR FEBRUARY 18, 2020
*MINUTES FOR MARCH 4, 2020 ARE NOT YET AVAILABLE; THEY WILL BE INCLUDED WITH THE NEXT PACKET

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 INNOVATIVE BASEMENT AUTHORITY - CASE NO. 20-06CA
Consider a **conditional use permit amendment** for a contractor's yard with outdoor storage for the property located at 6265 Carmen Avenue.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 18, 2020 – 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:	Pat Simon Tony Scales Joan Robertson Jonathan Weber Elizabeth Niemioja Armando Lissarrague Annette Maggi Dennis Wippermann
Commissioners Absent:	Brett Kramer (excused)
Others Present:	Allan Hunting, City Planner Heather Botten, Associate Planner Tom Kaldunski, City Engineer

APPROVAL OF MINUTES

The minutes from the January 21, 2020 Planning Commission meeting were approved as submitted.

SOURCE LAND CAPITAL – CASE NO. 20-02PUD

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. The Planning Commission is being asked to review the final plat and final PUD development plan for Settlers Ridge North (formerly called Windsor Ridge). The 66-lot project will be done in two phases. Phase 1 consists of 25 lots and the outlots for stormwater purposes. The final plan is consistent with the preliminary plat and construction is expected to begin this spring.

Tom Kaldunski, City Engineer, gave an overview of the stormwater design. Additional stormwater management improvements were made to help infiltrate more ground and redistribute the discharge from the site. The entire site will be graded as part of Phase I. The applicants have added a stormwater system, some of the infiltration systems have been reconfigured in the southwest area after receiving better soil data, and the overflow and stormwater distribution systems were further refined.

Commissioner Niemioja asked who would be responsible for maintaining the rain gardens/basins.

Mr. Kaldunski replied that the City was responsible for the regional basins shown in green and the ones shown in salmon were the homeowners association's (HOA) responsibility.

Commissioner Simon asked who in the City would be responsible for those.

Mr. Kaldunski replied it would be a combination of divisions within the Public Works Department.

Chair Maggi asked where the water would drain to.

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Mr. Kaldunski replied that it would go through the 24-inch pipe. He noted that the basin was designed for infiltration of up to a 100-year event.

Chair Maggi asked if it would still run under Highway 3.

Mr. Kaldunski replied in the affirmative, stating a portion of MNDOT's right-of-way would always drain through the 24-inch pipe. MNDOT has had a culvert there since 1936 and it was just replaced as part of the street project.

Commissioner Simon asked if that was the same area Mr. Nichols had concerns about.

Mr. Kaldunski replied in the affirmative. He noted that the original proposal was designed to handle a 5-year rainfall, but it has since been redesigned to handle a 100-year rainfall, which was what Mr. Nichols was hoping for.

Commissioner Simon asked for clarification of the height of the proposed drainpipe in the regional basin.

Mr. Kaldunski replied that it was the lowest pipe in this regional basin which gives them the ability to drain the pond if necessary.

Commissioner Simon asked where the water would drain to.

Mr. Kaldunski replied that generally the infiltration basin would remain relatively dry, but if they opened it up it would drain into the 24-inch pipe that goes to Mr. Nichols' property. He advised that they are required; however, to notify MNDOT 48 hours in advance of such an action. The proposed irrigation system that the HOA is responsible for will pump water into underground irrigation pipes and in the case of a 100-year event the pump will automatically turn on and start sprinkling the steep slopes. This adds a redundancy to the stormwater management requirements. Similar facilities exist in Blackstone Ponds and Argenta Hills 8th/9th.

Commissioner Robertson asked if the irrigation system was intended to be used regularly, not just during a 100-year event.

Mr. Kaldunski replied in the affirmative. Whenever water gets to a set elevation it begins pumping.

Chair Maggi was concerned that the HOA may not have a commitment to maintain the stormwater management systems as their property would not be impacted by improperly working systems.

Mr. Kaldunski advised that the development agreement states that if the HOA does not maintain the facilities properly the City will do the work and invoice the HOA for the cost. He advised that the project exceeds the Northwest Area standards and he would recommend approval.

Commissioner Robertson commended staff and outside engineers for addressing the neighbors' concerns.

Chair Maggi asked where the proposed 30-foot retaining wall running parallel to South Robert Trail would be built.

Mr. Bender showed where the two-tiered wall would be located and advised that the two tiers together would be approximately 16-17 feet tall.

Commissioner Weber asked the height of the proposed wall to the south.

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Mr. Bender replied approximately 7-8 feet.

Commissioner Robertson asked for clarification that the shaded gray area was a different phase that was not being dealt with at this time.

Mr. Kaldunski replied that the gray area was Phase 2; however, the grading for Phase 2 was included in the first phase.

Commissioner Simon asked if the comments in Mr. Kaldunski's report regarding manual operation, a misaligned existing pipe, and missing details regarding two rain gardens were covered on the maps listed in the conditions.

Mr. Kaldunski replied in the affirmative.

Commissioner Simon stated there appeared to be one missing page of the overall final landscape plan.

Chair Maggi noted that the outside engineer's report and Mr. Kaldunski's report were both dated 2-14-2020; the planning commission also received their packets that same day. She questioned whether Mr. Kaldunski's comments were written in follow up to the 2-14-2020 outside engineering report or did the report come in after his comments. She stated there were several things in the outside engineering report that do not seem to be addressed in the information Commissioners received.

Mr. Kaldunski advised that staff is currently reviewing the final plans. He suggested that the outside engineer from EOR address the comments Chair Maggi was referring to and advised that anything referenced in his 2-14-2020 report was addressed in the conditions.

Commissioner Robertson asked for clarification that the final construction plans were yet to be reviewed but anything related to stormwater management was already in the listed conditions.

Mr. Kaldunski stated his understanding is that everything is outlined in the conditions and their goal is to have the final plans reviewed prior to going to City Council.

Chair Maggi asked if Mr. Nichols' property was included in the stormwater assessment as the City would not want any negative impact to neighboring parcels.

Mr. Kaldunski advised that the Nichols issue was related to the Highway 3 project in which some sediment got released. A special fitting has been added in the 24-inch pipe to prevent that from occurring again.

Chair Maggi asked if drainage still ran to that area.

Mr. Kaldunski replied that a portion of the Highway 3 right-of-way would continue to go there.

Commissioner Robertson noted that that would be MNDOT's responsibility.

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Opening of Public Hearing

Pat Hiller, Source Land Capital, advised he was available to answer any questions. The berm is being proposed to address Mr. Nichols' concern and will ensure the water is held on site and does not impact Mr. Nichols' property. They have gone through many iterations which have resulted in a plan that addresses all the stormwater concerns but still makes the project economically feasible.

Commissioner Lissarrague asked Mr. Hiller if he had met with Mr. Nichols recently.

Mr. Hiller replied not since the City Council meeting.

Chair Maggi asked the outside engineer to address the issue of the impact on the neighboring property.

Paula Kalinosky, EOR, stated that to address the runoff from the site that drains to Mr. Nichols' property in its current condition, they will be containing up to a 100-year storm event within the revised basin and will be able to draw it down through either infiltration and/or irrigation. Having looked at the modeling that was provided by the developers engineer, and through discussions with the City Engineer, EOR believes they can contain that 100-year storm and will not be sending additional water to Mr. Nichols' property. At this point they just want to make sure that all the revisions that they have proposed are transferred onto the construction plans.

Chair Maggi asked for clarification regarding several notations in the report where it was indicated things were not necessarily fully approved.

Ms. Kalinosky ran through the various notations, stating they were mostly just to make sure all the revisions they have proposed were transferred onto the construction plans or had to do with needing verification once construction started.

Commissioner Weber asked for clarification on the proposed berm wall as he was concerned about water running down the slope and ponding on the exception property.

John Bender, Westwood Engineering, explained that the highest point was actually at the western edge of the exception property and it then sloped down to Settlers Ridge North rather than up. He also described in detail the proposed stormwater flow.

Commissioner Weber asked for clarification that the exception property would not be negatively impacted by the rain garden to the north.

Mr. Bender explained the contours and how the water would flow into the infiltration basin.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann asked for confirmation that there would be a 15-foot separation between houses and questioned what minimum lot size and widths were being proposed.

Mr. Hunting replied that the lot dimensions were listed on the plat, but he believed they ranged in width from 60-70 feet.

Ms. Botten noted that as an example Lot 13, Block 2 was 8,503 square feet in size.

Commissioner Weber asked how wide Lot 10 was.

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Ms. Botten replied that it was 70 feet at the house setback.

Commissioner Scales supported the request and commended the City on addressing all the concerns voiced at the preliminary plat. He still had concerns over the MNDOT area but understood that was the State's purview.

Commissioner Weber commended everyone on the effort put into this project but questioned why the neighbors were not notified.

Mr. Hunting replied that neighbor notification was not required for final plats. He noted that Mr. Nichols was aware of the changes made regarding stormwater management.

Commissioner Weber stated he would have liked to see the neighbors notified since there were so many major improvements and changes, but he supported the request.

Commissioner Niemioja was a little concerned about some of the comments made regarding waiting for clarification, but she commended those involved on the improvements made to the plan in an effort to avoid negatively impacting the neighboring properties.

Chair Maggi asked for confirmation from staff that they felt confident that the conditions listed in the report addressed all the comments made by the outside engineering firm.

Mr. Hunting stated there is a condition that addresses that issue which states that the City Engineer must approve the plans; Mr. Kaldunski stated tonight that he is comfortable with it.

Planning Commission Recommendation
Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for a final plat and final PUD development plan for Settlers Ridge North, Phase 1, located in the northwest corner of 65th Street and South Robert Trail, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on February 24, 2020.

CITY OF INVER GROVE HEIGHTS – CASE NO. 20-05ZA

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 Chapter 15 of the City Code (Zoning Regulations) to allow sheet or corrugated metal or shaped metal as an allowed exterior building material for accessory buildings without the need for a conditional use permit in the A and E-1 zoning districts. No notices were mailed.

Presentation of Request
Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that staff suggested a review of the exterior building material requirements to allow sheet, corrugated, and shaped metal as a permitted type of material on accessory buildings in the Agricultural and E-1, Estate zoning districts. Currently our code states that these types of metal siding are prohibited in all residential zoning districts except by conditional use permit (CUP) in the Agricultural and E-1 zoning districts. The CUP process requires neighbor notification, review by the Planning Commission and City Council, and is a 6-8-week process. The zoning code has special requirements that pertain specifically to the CUP request for sheet metal and states they must have a metal thickness of at least 29 gauge and come with a 20-year manufactured warranty. Those requirements have now become an industry standard. Staff reviewed the land use

applications over the last 10 years and found there were nine CUP requests for the shaped or corrugated metal siding for detached accessory structures. All nine were approved with no extra conditions being added besides the ones for 29 gauge and 20-year warranty. Staff believes that modifying the ordinance to allow the sheet, corrugated, or shaped metal as a permitted material in the A and E-1 districts to be acceptable, would streamline the process, and would not have an impact to the Agricultural or E-1, Estate zoning districts. Staff recommends approval of the ordinance amendment.

Commissioner Scales asked if there was any discussion around building or lot size during that work session.

Ms. Botten replied there was not; that would remain the same.

Commissioner Weber asked if there was any discussion regarding color.

Ms. Botten replied there was not as currently the City does not regulate color.

Commissioner Simon asked if a building permit was required when changing the siding to sheet metal on an existing building.

Ms. Botten replied in the affirmative.

Commissioner Robertson asked what the minimum setback was from a neighboring property.

Ms. Botten advised that the size of the accessory structure is based on the lot size. Structures over 1,000 gross square feet would have a 50-foot setback and buildings less than 1,000 square feet would have a 25-foot setback.

Commissioner Robertson asked if any neighbors spoke negatively about the nine previous CUP requests for sheet metal siding.

Ms. Botten replied that she could only recall one request in which the HOA had a special provision that prohibited it.

Commissioner Lissarrague commended the City on suggesting this change.

Commissioner Wippermann asked if additional conditions were put on the nine previous CUP's.

Ms. Botten replied they were not, just the conditions regarding gauge and warranty.

Commissioner Wippermann asked if they would still have to meet those guidelines since they were in the ordinance itself.

Ms. Botten replied in the affirmative.

Opening of Public Hearing
There was no public testimony.

Chair Maggi closed the public hearing.

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Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Simon, to approve the request for an ordinance amendment to Title 10 Chapter 15 of the City Code (Zoning Regulations) to allow sheet or corrugated metal or shaped metal as an allowed exterior building material for accessory buildings without the need for a conditional use permit in the A and E-1 zoning districts.

Motion carried (8/0). This item goes to the City Council on March 9, 2020.

The meeting was unanimously adjourned at 8:00 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: March 17, 2020 **CASE NO.:** 20-06CA

APPLICANT: Innovative Basement Authority

PROPERTY OWNER: Lakeview Industrial Park

REQUEST: Conditional Use Permit for a contractor's yard with outside storage

LOCATION: 6265 Carmen Avenue

COMPREHENSIVE PLAN: IOP, Industrial Office Park

ZONING: I-1, Limited Industrial

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner HB

BACKGROUND

The applicant has submitted a request for a conditional use permit amendment to allow a contractor's yard with outdoor storage to be operated on the existing improved property. The applicant's business specializes in basement waterproofing and foundation repair. Most of the material would be stored inside the building but company vehicles along with a skid loader, excavator and an onsite dumpster would be stored outside. The applicant is also designating a holding space for rock and gravel in case it is needed.

The lot is 2.5 acres in size and zoned Industrial. There will be no additional impervious surface added to the property and no changes to the exterior of the building.

The specific request consists of the following:

A.) A **Conditional Use Permit Amendment** to allow a contractor's yard – with outside storage but enclosed with a fence.

EVALUATION OF REQUEST

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

North	Multiple Family; Zoned R-3C; Guided Medium Density Residential
East	Industrial; Zoned I-1, Limited Industrial; Guided Industrial Office Park
West	Single Family; Zoned R-1C, Single-family; Guided Low Density Residential
South	Mini Storage; Zoned I-1, Limited Industrial; Guided Industrial Office Park

SITE PLAN REVIEW

Setbacks. No changes are being proposed to the existing parking lot or building.

Parking/Storage. All employee parking and storage of material and equipment would be within the fenced area. The zoning code does not have any specific parking requirements for a contractor's yard. Staff reviewed the parking based on the applicants need; staff is comfortable with the designated parking areas provided.

Screening/Landscaping. Landscaping was installed with the Simon Delivers request; no additional landscaping is required with the proposed request. Screening the outdoor storage is required from residential uses and right-of-way. The north and west property lines have existing solid screening. The easterly part of the property has a fence with a mesh cover to screen from Carmen Avenue, complying with code requirements.

Access. Access to the site it not changing; there are two access points from Carmen Avenue.

Lighting. No changes to the lighting are proposed at this time. All parking lot lighting and building lighting shall be designed so as to deflect light away from the public street. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Signage. No signs are proposed at this time. All signs for the site require a separate sign permit and shall conform to the sign requirements of the I-1 zoning district.

Engineering. No additional impervious surface would be added to the property at this time. The City Engineering Department has reviewed the plans and takes no exception with the proposed request.

GENERAL CONDITIONAL USE PERMIT REVIEW

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

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

   This criterion is met. The Comprehensive Plan recognizes the proposed area as Industrial. A contractor's yard with outdoor storage is consistent with uses in the industrial area and with the long range plan for the area.

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

   The I-1 district is intended for the continued operation of light manufacturing, warehousing, and wholesaling businesses. The proposed use of a contractor's yard with outdoor storage is a conditional use in the I-1 district. With approval of the CUP, the request would be consistent with the zoning requirements.

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

   The use proposed does not appear to be materially injurious to existing or planned properties or improvements to the vicinity.

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

   This criterion is met; the proposed request does not appear to have any negative effects on City facilities or services.

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

   i. *Aesthetics/exterior appearance*
   No changes are proposed to the existing structure. Outside storage is not uncommon in industrial areas and will be screened from the residential properties and right-of-way.

   ii. *Noise*
   The noise from a contractors' yard is not out of the ordinary for the I-1 zoning district.

   iii. *Fencing, landscaping and buffering*
   The property is meeting the City's landscaping and screening requirements.

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

   The lot is about 2.5 acres in size. Contractor's yards are typically found in industrial areas; the proposed use is appropriate for the zoning, location, and the size of the lot.

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

   The use does not appear to have any negative effects on the public health, safety or welfare of the community.

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

   The proposed use would not have any direct impacts on the environment. No additional impervious surface would be added to the site.

ALTERNATIVES

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

A. **Approval** If the Planning Commission finds the application acceptable, the Commission should recommend approval of the Conditional Use Permit Amendment with the following conditions:

1. The site shall be developed in substantial conformance with the site plan dated 02/19/20 on file with the Planning Department except as may be modified herein.

2. The outside storage area shall be kept in a neat and orderly manner. All licensable equipment and vehicles must have a current license and be in operable condition.

3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

4. All parking lot and building lighting shall be of a shoe-box style with all lighting being diffused or direct away from all property lines and public right-of-ways. The direct source of the light shall not be visible from any abutting property lines and public right-of-ways.

5. The wood fence is a screening requirement and must be maintained. i.e. kept straight and plumb, fix any broken boards, remove graffiti, etc.
6. All signs for the site require a separate sign permit and shall conform to the sign requirements of the I-1 zoning district.
7. Erosion and sediment control practices shall be used while stockpiling material outside of the building. Erosion and sediment control practices include stockpile perimeter erosion control, storm drain inlet protection, and lot sweeping.

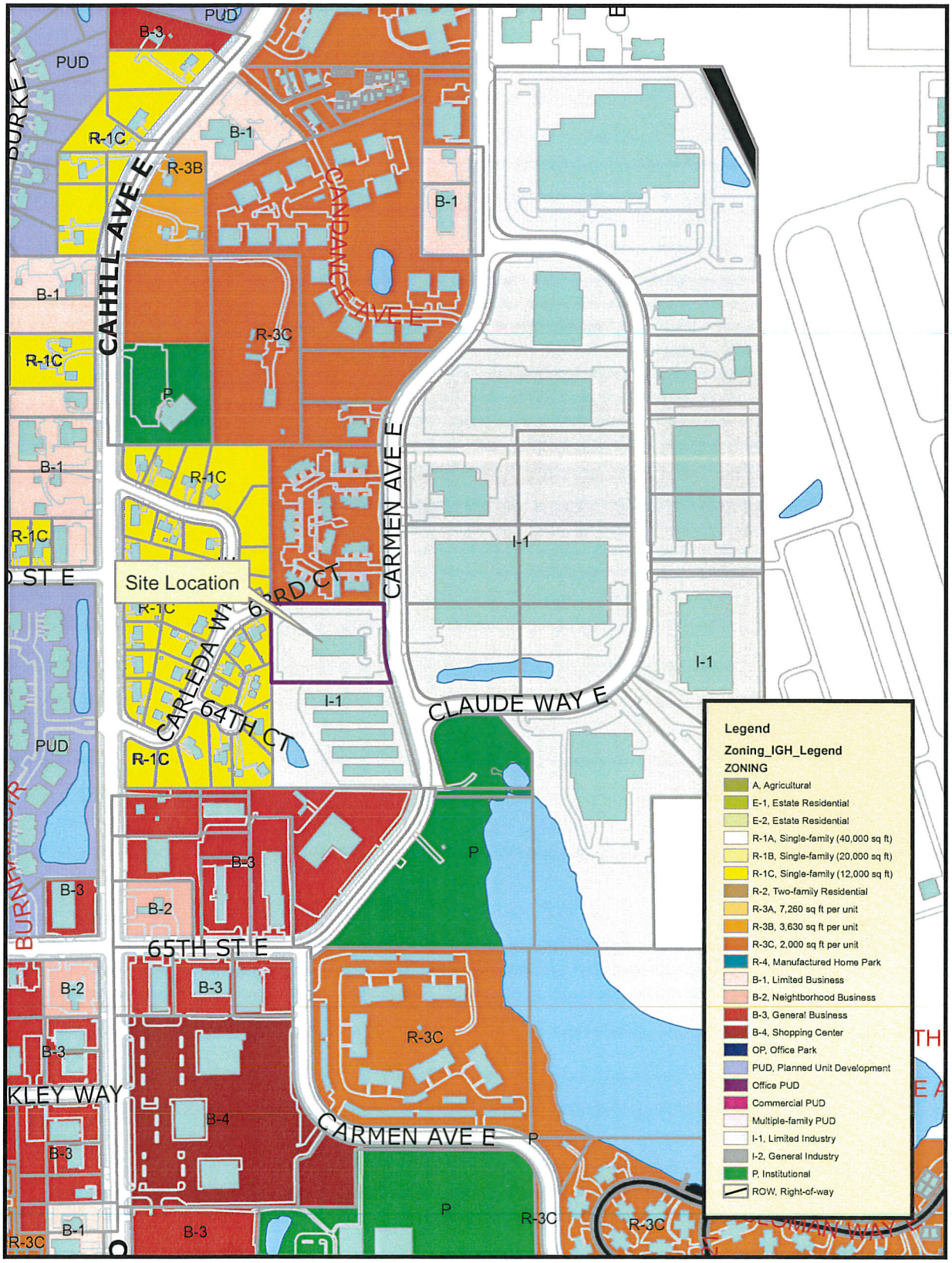
B. **Denial** If the Planning Commission finds that the proposed request is not in the best interest of the physical development of the City, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

Based on the preceding report, Staff recommends **approval** of the request with the conditions listed in Alternative A.

Attachments: Exhibit A – Location and Zoning Map
Exhibit B – Narrative
Exhibit C – Site Plan

6265 Carmen Avenue
Case No. 20-06CA



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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

Innovative Basement Authority – A Veteran Founded Company

About

In business since 2005, Innovative Basement Authority specializes in basement waterproofing, foundation repair, and other services to give you a safer, drier home. Our top priority is completing top-quality work to ensure your home is in the best possible condition. With fully trained technicians and industry-leading products, we're ready to restore your basement, foundation, or crawl space.

https://innovativebasementauthority.com/

Hours of Operation

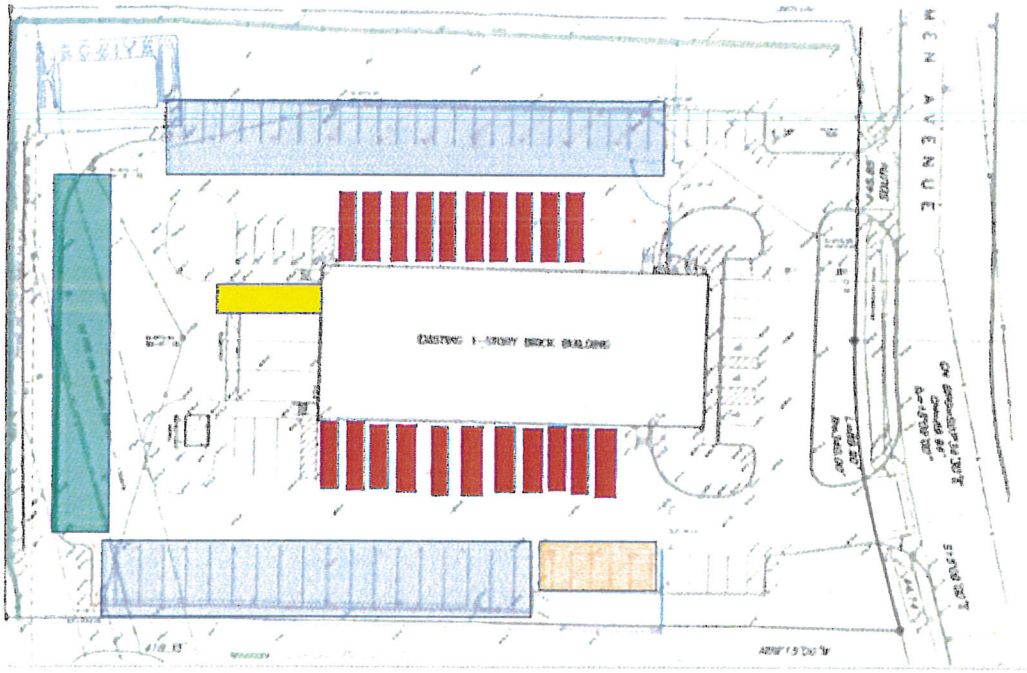
General Hours are 6am – 6pm

Crews arrive in the morning, prepare the trucks, and leave for the day. Trucks arrive back at the end of the day and are parked overnight. Occasionally, a crew will return after general hours.

Innovative Basement Authority is applying for an amendment to a Conditional Use Permit (Resolution No 15-27 & Case No 15-03C) for property located at 6265 Carmen Ave and legally described as the following:

Lot 2, Block 1, Southeast Metro Industrial Park, Dakota County, MN

We are proposing the following:



1. Innovative is looking to have permission to park company vehicles along the sides of the building, these vehicles would be left overnight and on weekends (These positions are marked in red on the diagram).
2. Employee parking available along the perimeter of the property (These positions are marked in blue on the diagram).
3. Having a position marked for an onsite dumpster (Marked in orange on diagram).
4. A parking position for excavator, skid loader, etc. (Marked in yellow on the diagram).
5. Lastly an area at the back of the property a potential area for holding rock and gravel (Marked in green on the diagram).

RECEIVED
FEB 19 2020

C