

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, AUGUST 18, 2020 – 7:00 p.m.**

NOTICE TO RESIDENTS: The Planning Commission is taking proactive steps to prevent the spread of Covid 19 by meeting remote. People wishing to testify at the public hearing should call into the meeting using the following information:

Phone number: 651-450-2471

Individuals may submit written public comments in advance of the meeting by emailing comments to Kim Fox (kfox@invergroveheights.org). Comments received prior to 4:00 p.m. on Monday, August 17, 2020, will be provided to the Planning Commission before the August 18, 2020 meeting.

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JULY 7, 2020 AND JULY 21, 2020

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 MIKE JANSSEN - CASE NO. 20-22V

Consider the following requests for the property located at 2785 104th Court:

- a) A variance to allow two detached accessory buildings for personal use whereas one is the maximum allowed.

Planning Commission Action _____

- b) A variance to allow a side yard setback of 15 feet for an accessory building whereas 25 feet is required.

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, July 7, 2020 – 7:00 p.m.
REMOTE MEETING

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

Commissioners Present: Joan Robertson
Elizabeth Niemioja
Annette Maggi
Brett Kramer
Dennis Wippermann
Pat Simon
Kate Challeen
Scott Clancy

Commissioners Absent: Jonathan Weber (excused)

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

APPROVAL OF MINUTES

The minutes from the June 16, 2020 Planning Commission meeting were approved as submitted.

Chair Maggi welcomed newly appointed Commissioners Kate Challeen and Scott Clancy to the Planning Commission.

KIMLEY-HORN & ASSOCIATES – CASE NO. 20-19S

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one-lot, one outlot subdivision to be known as Robert Curve Third Addition, for the property identified as PID No. 20-64441-00-020. 33 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the proposed plat of Robert Curve Third Addition includes replatting a portion of an outlot to create a new lot prior to construction of a 5,100 square foot automotive repair center. The proposed preliminary and final plat would be a two-lot, one-outlot subdivision. Lot 1 would contain the existing Casey's General Store. Lot 2 would contain the approved automotive repair center. Outlot A would be for future development. The plat has been sent to MNDOT for their review. No comments have been received to date. Staff recommends approval of the request with the four conditions listed in the report. Staff did not hear from any of the surrounding property owners.

Opening of Public Hearing

Christian Jones, Kimley-Horn, 767 Eustis Street, St. Paul, advised he was available to answer any questions.

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

Mr. Jones replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a preliminary and final plat for a two-lot, one outlot subdivision to be known as Robert Curve Third Addition, for the property identified as PID No. 20-64441-00-020, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on July 27, 2020.

TITAN LAND – CASE NO. 20-17PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planning Unit Development, and a comprehensive plan amendment to change the land use from IOP, Industrial Office Park to HDR, High Density Residential, for the property located at 1462 – 80th Street. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to change the land use designation of approximately 10 acres from IOP, Industrial Office Park to HDR, High Density Residential and to change the zoning to R-3C/PUD. The property is bordered by 80th Street to the north, Highway 55 to the south, between Babcock Trail and South Robert Trail. The applicant has provided a preliminary concept of what they are proposing. The plan includes a 150-unit apartment building and 30 townhomes. If the comprehensive plan amendment and rezoning requests are successful, a plat, PUD, and CUP would be required before development could occur. He summarized the rationale both for and against the request as listed in the staff report. The comprehensive plan amendment and rezoning would not become effective until a PUD plan was approved. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Clancy asked if these ten acres would reduce the anticipated amount of land reserved for IOP in the City, or would it be relocated to a different area of Inver Grove Heights.

Mr. Hunting replied that the comprehensive plan identifies 89 acres as guided for IOP. If this is approved, it would reduce that number to 79 acres for future development. IOP is primarily along main highway routes so opportunities are limited.

Chair Maggi noted that staff has indicated that the City is having discussions with a developer about potentially constructing an apartment building across from Target.

Commissioner Robertson noted that the comprehensive plan is a guide rather than a mandate and asked if there were any vacant properties in the industrial park along Carmen Avenue on the east side of the City.

Mr. Hunting replied that the area being referred to is Southeast Industrial Park. There might be one or two vacant parcels; however, one was to remain permanently vacant as open space. He pointed out locations of the other properties in the City guided IOP.

Commissioner Robertson commented that if the other properties in this immediate area guided IOP were to develop as such, the subject property would be surrounded by industrial.

Commissioner Niemioja asked for clarification that there was residential to the north.

Mr. Hunting replied in the affirmative, stating a nursing home was being built and 60 plus villa lots were approved to the northwest of this property.

Commissioner Challeen stated in her opinion the proposed project would fit well with the nearby residential and golf course properties.

Chair Maggi asked if sidewalks and trails, etc. would be addressed later with the plat request.

Mr. Hunting replied in the affirmative. He advised that the County would eventually be improving 80th Street at which time they would likely put in trails along both sides of the road.

Opening of Public Hearing

Peter Stalland, 19356 Meadowridge Trail N, Marine on St Croix, advised he was available to answer any questions.

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

Mr. Stalland replied in the affirmative. He advised that there is a strong demand for a higher end market rate apartment project in the City. He noted this would generate tax revenue for the City and would be an asset to the community.

Commissioner Niemioja asked if the proposed apartments would be workforce housing.

Mr. Stalland questioned the definition of workforce housing but stated this would not be subsidized housing in which they would get financing from governmental agencies to restrict the rents to affordability.

Chair Maggi asked the applicant to address the intended demographic.

Mr. Stalland replied that the apartment building would have studio, 1, 2, and 2 bedrooms plus den units. The people choosing to live in this project would likely range from younger professionals to older couples. The townhouses would likely be 2 and 3 bedroom and would probably attract families because of their size.

Mary T'Kach, 7848 Babcock Trail, asked for clarification of the total number of units proposed.

Mr. Stalland replied that at this time the assumption is 150 apartment units and possibly 30 townhome units. The townhomes would be a second phase of the project.

Ms. T'Kach asked if the townhomes would be rental or owner-occupied and what would the price range be.

Mr. Stalland replied they would be rentals with an estimated cost of \$1700-\$3,000 per month.

Ms. T'Kach asked if they would market the apartments to a specific demographic.

Mr. Stalland replied no, it would be more of a mix.

Ms. T'Kach asked with the various potential development projects coming to this side of the City, have any comprehensive traffic studies been done on how this would impact 80th Street. She questioned whether the City was committed to working with the County to ensure there were pedestrian-friendly or other modes of transportation available to get citizens from this location to

the amenities off 80th Street (i.e. library, community center, community college, schools, etc.).

Mr. Hunting replied that such things would be looked at when Dakota County improves 80th Street. The timing of that would be development driven. Until then there would likely be turn lane improvements put in to accommodate this project.

Chair Maggi asked staff to address Ms. T'Kach's question about whether the traffic pattern was looked at more broadly rather than just this one piece.

Mr. Hunting replied in the affirmative, stating that the County reviews the plan and will make recommendations on access points, turn lanes, etc. from a traffic standpoint. He does not think this project would generate more traffic than the industrial use it was originally intended for.

Mark Welsh, G-Cubed Engineering, 14070 Highway 52 SE, Chatfield, MN, advised that they have had preliminary conversations with Dakota County who has unofficially said we will have to provide a turn lane and bypass lane. They have also provided a width of right-of-way for a pathway. The streets are currently considered under capacity and with the proposed improvements and addition of housing the traffic level would still be considered a low concern. The proposed development would help drive additional transit options to this area.

Commissioner Niemioja asked if the Housing Committee had a position on this proposal.

Ms. T'Kach stated that the Housing Committee had only limited discussion on this project so she was unsure where they would have landed on this; however, the Housing Committee does recognize the need for a variety of housing in the City.

Commissioner Robertson asked for clarification of whether there would be areas devoted to parking and green space for the proposed development.

Mr. Stalland showed where the open space, recreation area (playground, barbecue, courtyard with outdoor fireplaces, etc.), walking paths, and parking would be located.

Mr. Welsh noted that there is an existing lowland area that is heavily wooded that they are hoping to maintain without having to grade it. The open space they are proposing will provide enjoyment for residents as well as the public as they drive by.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated that from her perspective this was a difficult decision because population density is a key factor in securing business in the City; however, she does not want to take industrial land away from a business perspective either.

Commissioner Niemioja noted that typically there is opposition from neighboring property owners on high density housing requests but in this instance that was not the case. This is fairly close to other residential and seems to fit well in the area. Because of the other projects in the works for this area, she was concerned about whether the City and the County were working together to consider the impact if all the projects were to move forward. She noted that the comprehensive plan is a malleable document; however, the City wanted to keep this area Industrial Office Park, which is somewhat unique and fits better in this area. She recognizes that the City needs high density housing, and she appreciates that this is a different type of apartment building that we have need for in this City, especially so close to the Vikings stadium. She would have liked to hear the Housing Committee's thoughts on this.

Commissioner Robertson stated she was less concerned about losing a percentage of industrial office space than she was with the need to bring activity to the City. A development such as this would help this area thrive and would draw bike trails, people using 80th Street to use the library, etc.

Commissioner Wippermann was concerned about the location because of the limited amount of available land in the City designated for office park. If this were to be approved, it is likely that a proposal for additional residential to the east of this property would come in and soon there would be no vacant IOP available for new projects. He would prefer to preserve this for office park which would provide good paying jobs and improve the tax base.

Commissioner Clancy stated this project will hopefully attract new families who will spend their money in Inver Grove Heights. He would have liked to know what the anticipated apartment rents would be.

Commissioner Kramer stated in his opinion multi-family housing is as good a fit for this property as industrial office park, especially with its proximity to the golf course, Target, the Grove, schools, etc. Regarding the discussion of preserving this land for a future office park, he noted how long it has taken United Properties to put shovels in the ground across the highway from this property. The retail space across from Target has also been mostly vacant for nearly ten years. He supports the request as it would be an asset to the community and would bring individuals and families that would frequent IGH businesses.

Commissioner Challeen stated in her opinion the site is more suitable for residential housing than industrial office park, especially with the existing lowland.

Commissioner Simon also believed this was a good fit for the property, especially with the senior building across 80th Street and the parcel's unusually narrow configuration. She noted that the industrial office park property behind Walmart sat vacant for years until a senior housing project finally came in. She supports the request.

Chair Maggi stated you need to build density in order to build business and so it kind of comes down to what comes first. Commissioners seem generally supportive of this being a logical place to look at a density change.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Kramer, to approve the request for a rezoning of the parcel from A, Agricultural to R-3C, Multiple Family Planning Unit Development, and a comprehensive plan amendment to change the land use from IOP, Industrial Office Park to HDR, High Density Residential, for the property located at 1462 – 80th Street, with the conditions listed in the report.

Motion carried (7/1 - Wippermann). This item goes to the City Council on July 27, 2020.

OTHER BUSINESS

Accessory Structure Discussion

Heather Botten, Associate Planner, explained that City Council directed staff to review the zoning ordinance relating to the maximum size allowed for accessory structures in the R-1 districts. The Planning Commission is to discuss the current code requirements and suggest changes if they feel it necessary. Currently in the R-1 districts accessory you are allowed to have one detached

accessory structure up to 1,000 gross square feet regardless of what the lot size is. In the Agricultural and E-1 districts on lots less than 2.5 acres you are allowed to have the same as the R-1 lots. For lots 2.5 to 5 acres in those districts you are allowed to have one detached accessory structure up to 1,600 gross square feet in size. On lots 5 acres or greater in those districts you are allowed to have two structures per lot with a total of 2,400 gross square feet. Staff reviewed the zoning requests over the last 10 years and found there were three variance requests for accessory structure size in the R-1 districts. The largest building approved was 1,440 square feet on a one-acre parcel. The other approvals were for a 1,200 square foot building on a 2.36-acre parcel and a 1,152 square foot building on a 9,500 square foot lot. All three variances were approved. City Council also approved three requests for two detached accessory structures whereas only one was allowed. All three of these requests had a gross total of 1,000 square feet or less when you combined the two structures together. During the most recent variance discussion Council felt that a larger size may be appropriate if there were no impervious surface issues and setbacks could be met. In most R-1 districts they are allowed to have 30-40% impervious surface, which includes structures, driveway, patios, sidewalks, etc. Accessory structures over 1,000 square feet in the Ag and E-1 districts require a 50-foot setback from all property lines. The majority of urban lots would not be able to meet that setback. None of the variances approved for larger accessory structures in the R-1 district were at a 50-foot setback. The average two-car garage would be about 576 square feet and the average three-car garage would be about 768 square feet. Any recommended changes would be brought to the City Council at a work session.

Chair Maggi thanked City Council for responding to the Planning Commission request to look at this issue. She was surprised to hear there had only been three variance requests in the last ten years and hesitated to change a policy because of only three requests.

Ms. Botten stated she was also surprised by that number but noted that in the Ag and E-1 districts there were 10 separate requests for accessory structure size variances.

Commissioner Niemioja asked what the average setbacks were for the larger structures approved in the R-1 district.

Ms. Botten replied that the most recent variance was approved at a 5-foot side and 8-foot rear setback. The 1,440 square foot structure was approved at a 6-foot side setback. The 1,200 square foot structure was at least 20 feet from the property line but was on a two-acre lot.

Commissioner Robertson stated that in previous discussions City Council has expressed concern about clumping accessory buildings in an area where lot sizes are small. The last variance that was approved was on a lot only 9,500 square feet in size, which is a common lot size in the center of the City. She is concerned about changing the maximum structure size on lots with similar lot size and the precedent this would set. If the City agrees to allow a 1,200 square foot building people would eventually come in asking for an additional 200 square feet. She questioned whether another tier could be added to allow for a slightly larger building on lots of a certain size in the R-1 district.

Chair Maggi asked if staff was aware of other cities using a percentage of lot size to determine maximum size allowed.

Ms. Botten replied that staff turned this around pretty quickly and had not had a chance to look at other communities.

Commissioner Kramer stated in his opinion homes that already have an attached garage and want an additional structure is a completely different situation from a homeowner with no attached garage, such as the last variance that was approved. He could think of no way to deal with this

except to continue reviewing requests on a case-by-case basis.

Chair Maggi questioned whether it was a big enough issue to change the code versus managing it with variance requests.

Commissioner Robertson replied she thinks it is an issue that should be addressed. She stated that she struggled with saying they should consider a detached garage situation differently than an entity that has an attached garage since the average three-car garage is less than the allowed 1,000 square feet.

Commissioner Challeen stated she does not think that three requests over 10 years justifies changing code; however, she was surprised at the minimal setbacks that were approved.

Commissioner Niemioja said the issue is that the structure size variances being requested do not have a practical difficulty. If they amend the code to allow a 1,200 square foot people will come in with a request for a 1,400 square foot building but no practical difficulty. She does not think there is any specific number they could set that would solve the problem. Unfortunately, these requests will always have to go to City Council because the Planning Commission cannot approve them without a practical difficulty. She has a hard time with the minimal setbacks being allowed as it seems like it would be troublesome for the neighbors. She believes they need to continue to take these on a case-by-case basis.

Chair Maggi asked if a vote was needed on this discussion.

Ms. Botten replied they did not need a vote. If everyone was on the same page, she would recommend providing a summary of their discussion to City Council.

Chair Maggi stated she is hearing a general consensus that it probably does not make sense to amend the ordinance with the limited number of variances. She questioned whether they should discuss Commissioner Kramer's point about whether or not the applicant has an attached garage.

Ms. Botten noted that out of the six variance requests for size or number of structures, only two did not have an attached garage.

Chair Maggi asked if those were approved.

Ms. Botten replied that all six were approved.

Commissioner Robertson asked staff to clarify again the requests that had attached garages and then requested variances for an additional accessory building larger than 1,000 square feet.

Ms. Botten replied that a 1,200 square foot building was requested on a 2.36-acre parcel and a 1,440 square foot building was requested on a 1.09-acre parcel.

Chair Maggi summarized that the general consensus was that the Planning Commission would recommend leaving code as is, but they see value in reviewing this information periodically to ensure that no adjustments are needed.

Officer Elections

Motion by Commissioner Niemioja, second by Commissioner Wippermann, to nominate Annette Maggi as Chair of the Planning Commission.

Motion carried (8/0)

Motion by Commissioner Simon, second by Commissioner Wippermann, to nominate Liz Niemioja as Vice-Chair of the Planning Commission.

Motion carried (8/0).

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to nominate Pat Simon as Secretary of the Planning Commission.

Motion carried (8/0).

Commissioner Robertson commended new Commissioners Clancy and Challeen on their preparedness and articulate comments.

The meeting was unanimously adjourned at 8:24 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 21, 2020 – 7:00 p.m.
REMOTE MEETING

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

Commissioners Present: Joan Robertson
Elizabeth Niemioja
Annette Maggi
Brett Kramer
Dennis Wippermann
Pat Simon
Kate Challeen
Scott Clancy
Jonathan Weber

Commissioners Absent:

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

MIRANDA CARLSON – CASE NO. 20-20C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit (CUP) to operate a beauty salon as a home occupation, for the property located at 8135 Claymore Avenue. 37 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting to operate a one-chair beauty salon in a portion of the lower level of her house. A beauty/barber shop is a conditional use in the R-1C residential district. The beauty shop must be operated within the home itself, evidence of the home occupation must not be visible from the street, hair care product sales are only to be sold incidentally to customers who are on the site for hair care appointments, demand for parking shall not exceed three parking spaces for the occupant and customers, and the home occupation shall be conducted solely by the principal occupant of the house. Staff believes that the applicant has met the home occupation criteria and general CUP criteria, and that traffic will not be an issue due to the limited nature of the business. Staff recommends approval of the request with the seven conditions listed in the report. Staff heard from five neighbors, including four emails that were provided to the Planning Commission prior to the meeting. Two neighbors supported the request, two neighbors were opposed to the request, and one had general questions.

Opening of Public Hearing

Miranda Carlson, 8135 Claymore Avenue, advised she was available to answer any questions.

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

Ms. Carlson replied in the affirmative. She advised that she only works with one customer at a time and a portion of her business would still be off-site at a different salon location. Only her regular long-time clients would come to her home.

Commissioner Clancy asked how late the business would be open in the evening.

Ms. Carlson replied that the latest she would want a client in her chair would be 7:30 PM.

Commissioner Challeen asked how many clients the applicant might get on a high-volume day.

Ms. Carlson replied four people.

Commissioner Robertson asked the applicant if she anticipated ever having more than two clients at a time in her salon: one in her chair and one waiting.

Ms. Carlson replied she would not. Her routine is to work on one client until they are done, allow time for cleaning and sterilizing the space, and then take the next customer.

Commissioner Robertson asked if the next client would be sitting in a chair waiting.

Ms. Carlson replied that no one is allowed in the building until it is their appointment time. She would be allowing time between each appointment so there would not be a client waiting.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi noted that beauty salons are an allowed use in this zoning district with a conditional use permit.

Commissioner Wippermann asked what the logic was behind the former State requirement that in-home beauty salons have a separate entrance to the outside of the home.

Ms. Botten replied her understanding was that the State at one point required a handicapped accessibility entrance to the outside; that is no longer a State requirement for in-home beauty salons.

Commissioner Wippermann noted that home occupations are not to be visible from the street; however, there may be a business sign posted in the yard which seems contradictory.

Ms. Botten replied that the requirement was directed more towards visible storage of equipment or materials, etc. In this case all equipment would be in the lower level of the applicant's house so it should not be an issue.

Commissioner Wippermann asked if there was a maximum amount of signage allowed.

Ms. Botten replied in the affirmative, stating the applicant would be allowed one sign up to 12 square feet in size. She advised that she has never issued a sign that large, however, in a residential district.

Commissioner Robertson asked for more clarification about the State no longer requiring a separate entrance.

Ms. Botten advised that the reason that staff added that condition 18 years ago was to comply with State requirements. The current State requirements no longer require the outside entrance.

Commissioner Niemioja asked for clarification that the City recently approved another home salon without a separate entrance.

Ms. Botten replied in the affirmative, stating a similar request was approved in 2019.

Commissioner Niemioja noted that in Ms. Botten's response to one of the neighbor emails she included the link to a survey about a possible amendment to the home occupation section of the code. She hoped anyone watching tonight's meeting would go to the website and participate in the survey.

Commissioner Robertson stated she reviewed the emails received from neighbors and believes that the ordinance requirements and conditions in place would alleviate the concerns mentioned in the emails.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Simon, to approve the request for a conditional use permit (CUP) to operate a beauty salon as a home occupation, for the property located at 8135 Claymore Avenue, with the conditions listed in the report.

Motion carried (8/0). This item goes to City Council on August 10, 2020.

OTHER BUSINESS

City of Inver Grove Heights – Case No. 20-21X

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City and Mr. Rechtzigel have been in discussions to swap land in order to provide more buildable area for Mr. Rechtzigel and to provide a larger preserved area for a regional basin for the City. The land purchase/sale would be consistent with the goals of regional basin stormwater management plans in the Comprehensive Plan. Even though this is essentially a swap of equal land, the Planning Commission is to make a recommendation on whether the capital expenditure is consistent with the comprehensive plan. Staff recommends that the land purchase be found consistent with the comprehensive plan.

Commissioner Simon asked if the legal descriptions would be registered with the County should the land swap be approved and, if so, who would be responsible for that.

Mr. Hunting replied that the legal descriptions would be changed, but he was not sure whose responsibility it would be to record them.

Commissioner Challeen asked if money would change hands in a land swap.

Mr. Hunting replied that no real money would change hands. Rather, the swap of equal square footage would be done through purchase agreements.

Motion by Commissioner Wippermann, second by Commissioner Weber, to recommend that the proposed land swap and project is consistent with the comprehensive plan.

Motion carried (9/0)

Northwest Expansion AUAR Update

Heather Botten, Associate Planner, advised that the original Northwest Expansion Alternative Urban Areawide Review (AUAR) was completed in 2005, with updates occurring in 2007 and 2014. Because the City's NWA is not completely developed, and it's been over 5 years since the last

update, the City is required to do another update. The City hired consulting firm Kimley-Horn to complete the update. The AUAR Update incorporates information from the 2040 comprehensive plan, along with any development updates that have occurred over the last five years. The AUAR is an inventory of the NWA's environmental and cultural resources, analyzes the environmental impacts of sanitary sewer and water extension, and provides mitigation strategies for remediating those environmental impacts. Included in the packet are letters that were received and how they were addressed. The AUAR update was sent to 16 different agencies for comment.

Commissioner Niemioja thanked staff for this informative document.

Commissioner Wippermann asked why on Table 7-1 Industrial and related Office was either not listed or was now measured in square footage rather than acres.

Ms. Botten believed the consultant thought it best to be consistent and list everything in square footage versus acreage.

Commissioner Simon questioned why her well location was listed as unknown on Page 38 even though she has sent her well location and associated information to both the County and the City several times, most recently to City Engineer Tom Kaldunski.

Ms. Botten apologized, stating that wells are tracked at the County level. She suggested that Commissioner Simon send her the information, otherwise she would follow up with Tom Kaldunski.

Chair Maggi asked if this update was for informational purposes with no action was needed.

Ms. Botten replied in the affirmative.

Ms. Botten noted that the August 4 Planning Commission meeting has been cancelled. The August 18 meeting will be held remotely via Zoom.

The meeting was unanimously adjourned at 7:33 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: August 18, 2020

CASE NO: 20-22V

APPLICANT/PROPERTY OWNER: Mike Janssen

REQUEST: Variance from accessory structure setbacks and number of accessory structures

LOCATION: 2785 104th Court

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to construct a 520 square foot accessory structure next to the existing attached garage. The closest point of the proposed structure would be 15 feet from the side property line. The property is zoned A, Agricultural. The side yard setback for all structures in the A district is 25 feet. There are also 4 existing accessory structures on the lot. Three of the structures would be classified as agricultural use and one a standard accessory structure. The property is 4.84 acres in size (minus roadway easements). With the proposed structure, there would be two accessory structures used for personal (non-agricultural) uses. Lots less than 5.0 acres in size are allowed only one detached accessory structure with maximum size of 1,600 gross square feet. Agricultural use buildings are exempt from the number and size requirement.

SPECIFIC REQUESTS

The request consists of the following:

1. Variance to allow an accessory structure with a 15 foot side yard setback whereas 25 feet is required in the A, Agricultural district.
2. Variance to allow two accessory structures on a lot less than 5.0 acres.

EVALUATION OF THE REQUEST

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

North - Large lot single family residential; zoned A; guided RDR
East - Large lot single family residential; zoned A; guided RDR
West - Large lot single family residential; zoned A; guided RDR.
South - Large lot single family residential; zoned A; guided RDR.

VARIANCE REVIEW

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The regulations on size and total number was designed to limit the massing of structures in the rural areas of the city. The existing and proposed personal use structures are relatively modest in size totaling only 52 square feet above the maximum size of a structure. The overall size is generally consistent, but allowing two goes beyond the intent. Only a portion of the proposed garage would be within the required setback.

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

The applicant notes one of structures is used for some ag uses and some personal uses. Code has been interpreted that if the structure is not used solely for ag uses, it must be counted towards allowed accessory structures. The new structure would be used for personal uses but there is a mix of uses in the other structure. All of the non-agricultural buildings would have a total of approximately 1,652 square feet which is just above the allowed total maximum

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

The lot is a metes and bounds description which would include roadway easements in the total area. The total area of the lot with easement area is 5.2 acres. The current zoning code excludes road easement area from the lot area used to determine lot size. Removing the road easement for the cul-de-sac and where the lot touches 105th Street is 4.84 acres. Counting the road easement, the lot would be over 5.0 acres and would not need the variance for two accessory structures.

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

The existing attached garage is approximately 20 feet from the property line. The proposed garage would be 15 feet at the closest point and the setback would increase closer to 28 feet at the front corner. There are no structures close to the property line on the property to the east. This setback would not appear to alter the character.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis or a sole basis for this request.

ALTERNATIVES

A. **Approval:** If the Planning Commission finds the application acceptable, the following requests should be recommended for approval:

- Approval of a Variance to allow a second accessory structure subject to the conditions listed below.
 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 accessory structure shall meet the required 30 foot setback from the cul-de-sac right-of-way line along 104th Court.
- Approval of a Variance to allow a side yard setback of 15 feet subject to the conditions listed below.
 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 accessory structure shall meet the required 30 foot setback from the cul-de-sac right-of-way line along 104th Court.

Practical difficulty:

- The lot size of the lot became less than 5.0 acres based on the change in subdivision code that excludes road easement from land area.
- The setback at the front corner of the accessory structure would meet side yard setbacks. Not all of the structure falls within the required setback.

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 number and setback 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 applicant already uses one of the accessory structures for personal use.

RECOMMENDATION

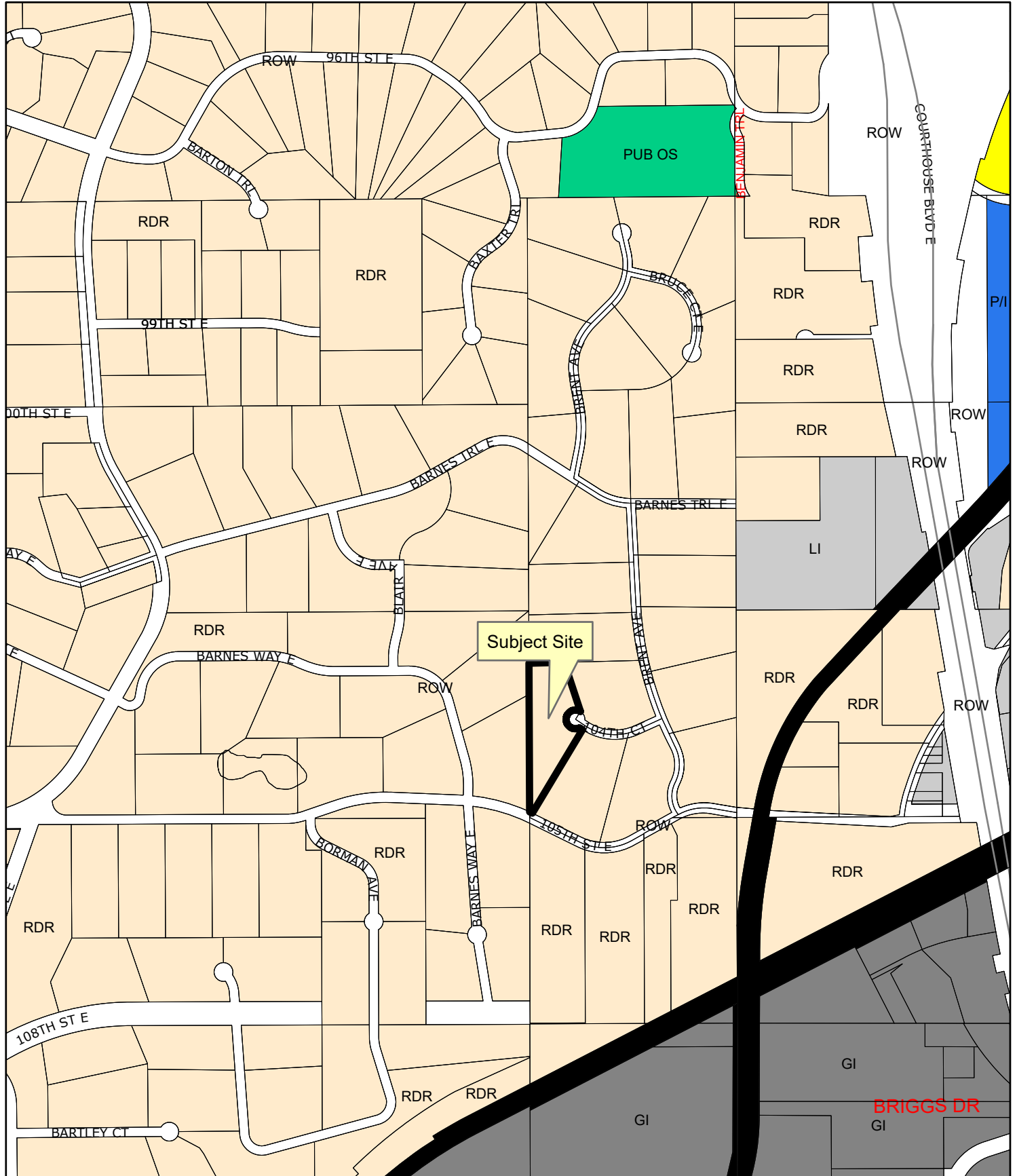
There appears to be a practical difficulty found to support both variance requests. Staff would recommend approval of the variances with the conditions listed.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative and additional information
Exhibit C – Map Showing Approximate Setbacks



Location Map

Case No. 20-22V



Council members,

We would like to build a small detached garage next to our present garage. It would be 26' x 20' but where we need to put it would leave the back corner 15' from the side property line. We have a letter from our neighbors saying it would not be a problem with them.

With Mike being in a wheelchair, he needs enough space to get in and out of his van so that we have no room for another vehicle in our present garage. The new one would also need to be located on the driveway for proper access. Looking at the plat map you'll see that our well is on one side of the driveway and ditches are at the bottom. We can't put it on the west side of the driveway because then it would sit right in front of the house and in front of the front door. I think you'd agree that would be unsightly and unacceptable from a property value perspective. It can't go farther down the driveway toward the road because the slope of the ground would make it too difficult to match up with the slope of the driveway. We also want to heat it for use as a year-round workshop so it would be best to have it near the house for gas and electric access. So you see, there is no other place we can put it.

Looking at a satellite view you'll see that there is a large area of trees and undergrowth on a hill behind where the back of the garage would be and between it and the neighbor's house. It would be sided and painted to match our house. Our property wraps around the entire cul-de-sac so from a neighborhood perspective it would fit right in and not be a hindrance or annoyance to anyone.

Mike & Matty Janssen

A handwritten signature in black ink that reads "Mike Janssen". The signature is written in a cursive, flowing style.

2785 104th Ct. E.

Property Information Search

Search Address or Parcel ID

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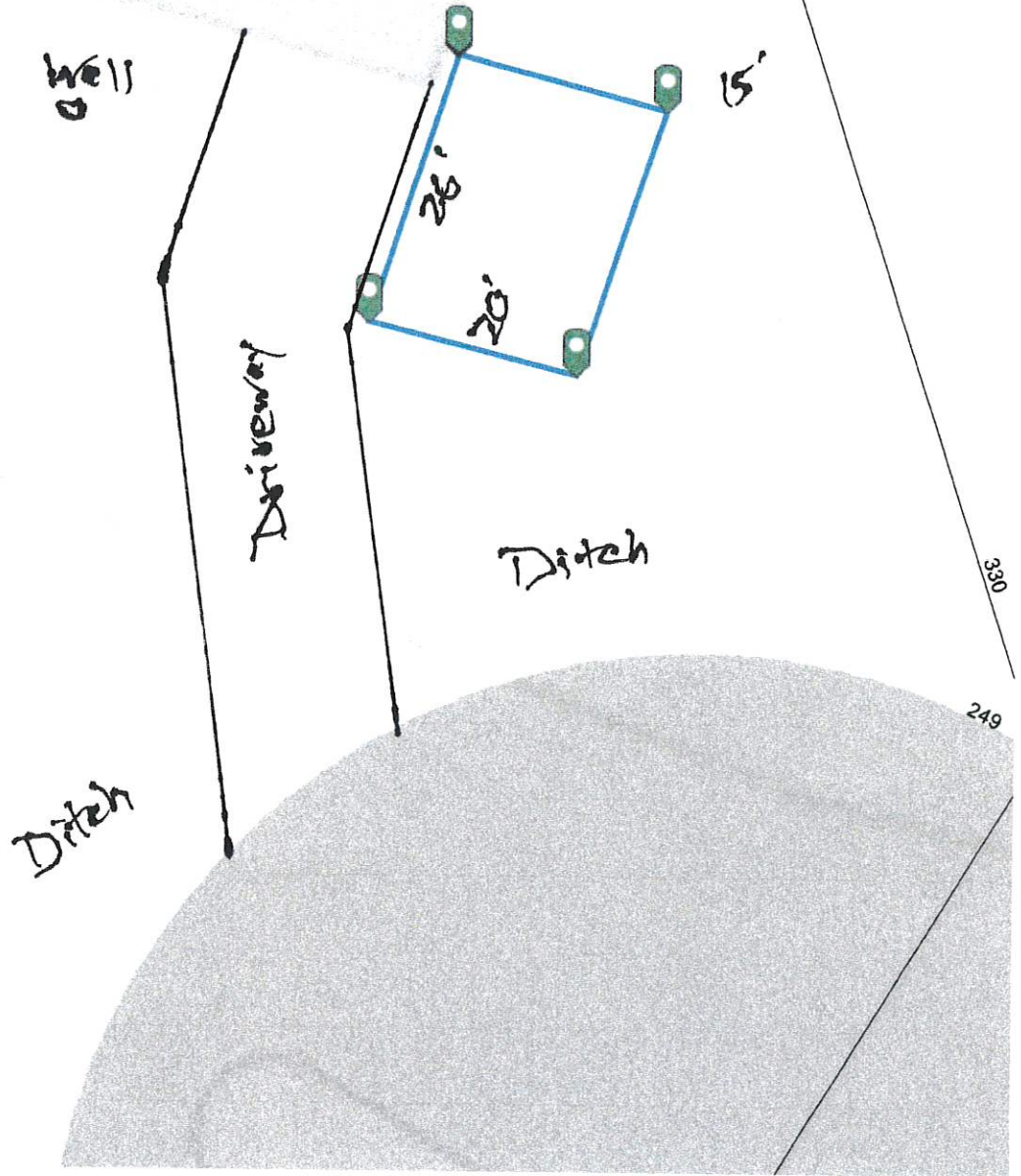
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Property



From: [MIKE JANSSEN](#)
To: [Heather Botten](#)
Subject: Re: additional info and comments
Date: Tuesday, August 4, 2020 11:05:06 AM

Heather,

Thanks for the info.

Actually it's a little of each. We use it for hay storage and things like our tractor etc. along with personal items.

Mike

On 08/04/2020 10:45 AM Heather Botten <hbotten@invergroveheights.org> wrote:

Hi Mike,

Thank you for the additional information regarding the accessory structures on your property. Is the pole barn used for animal or farm related activities or for personal use? I am trying to determine if you also need a variance from the number of accessory buildings on your property.

Attached, for your information, are the comments received from the Engineering Department.

If you have any questions please let me know.

Regards,

Heather

Heather Botten | Associate Planner

Tel: (651) 450-2569

City of Inver Grove Heights | 8150 Barbara Avenue | Inver Grove Heights |
Minnesota | 55077

hbotten@invergroveheights.org | www.invergroveheights.org



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From: [MIKE JANSSEN](#)
To: [Heather Botten](#)
Subject: RE: variance application
Date: Thursday, July 23, 2020 5:49:40 PM

Heather,

We have a pole barn that is 27'x36' with a boat shelter on the side that is approx. 8'x20'. We have an animal barn that is 18'x26', an animal shelter in our back pasture that is approx. 10'x12' and a chicken coop that is approx. 10'x12'.

Mike

On 07/23/2020 2:15 PM Heather Botten <hbotten@invergroveheights.org> wrote:

Hi Mike,

Can you please tell me what is going on with the other accessory structures on your property. How many are there and what are the sizes.

Thanks,

Heather

On 07/09/2020 3:51 PM Heather Botten
<hbotten@invergroveheights.org> wrote:

Hi Mike,

As discussed, your property located at 2785 104th Street is zoned

Ag. The front yard setback for an accessory structure is 30 feet and the side yard setback is 25 feet. As requested, attached is the application for a variance. If you have any questions please let me know.

Regards,

Heather

Heather Botten | Associate Planner

Tel: (651) 450-2569

City of Inver Grove Heights | 8150 Barbara Avenue | Inver
Grove Heights | Minnesota | 55077

hbotten@invergroveheights.org | www.invergroveheights.org



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Heather Botten | Associate Planner

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Minnesota | 55077

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Map Showing Structure Location and Approximate Setbacks

