

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, NOVEMBER 16, 2021 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR NOVEMBER 3, 2021.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 GEORGE GUEVARA - CASE NO. 21-59V

Consider a variance to allow a porch addition within the front setback for the property located at 7086 Delaney Avenue.

Planning Commission Action _____

3.02 SOLOMON DAVID - CASE NO. 21-60PAZ

Consider the following requests for the property located at 10045 Courthouse Blvd:

- a) A comprehensive plan amendment to change land use from RDR, Rural Density Residential to Light Industrial

Planning Commission Action _____

- b) A rezoning from B-3, General Business District to I-1, Limited Industry District

Planning Commission Action _____

3.03 CITY OF INVER GROVE HEIGHTS (Kundla property) - CASE NO. 21-61Z

Consider a rezoning from A, Agricultural to P, Public/Institutional for the property located at 8296 Babcock Trail.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, November 3, 2021 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja
Dennis Wippermann
Pat Simon
Joan Robertson
Anthony Scales
Kate Challeen
Scott Clancy
Jonathan Weber

Commissioner's Absent: Robert Heidenreich (excused)

Staff Present: Heather Botten, Associate Planner
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR OCTOBER 5, 2021

The Planning Commission Meeting Minutes for October 5, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

NICK AND KRISTIN BUCHHOLZ - CASE NO. 21-58V

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request by Nick and Kristin Buchholz, Case No. 21-58V, for property located at 6825 Blaine Avenue. The request consists of a variance from the maximum size of an accessory structure allowed on an R-1C zoned property and any other related variances. Notices were mailed to four property owners on October 20 and 26, 2021.

Presentation of Request

Heather Botten, Associate Planner, advised the property is zoned R-1C (single family residential district) and is .59 acres in size. The Applicant requests constructing a 1,344 square foot detached accessory building on the property. The lot has a single-family home with an attached two car garage and two detached structures. By Code, the property is allowed to have one detached accessory building up to 1,000 gross square feet. The two structures have received Permits from the city; one was in 1988 for a 672-foot structure located in the back, the other in 1999 for a 484 square foot carport. The carport is currently fully enclosed with a lean-to up to the property line (the city did not approve the lean-to). The Applicant would remove both existing structures and construct one new building as the same footprint as the existing structures including the lean-to space. The proposed structure would be in compliance with other Code requirements such as setbacks, impervious surface, and exterior building material requirements. The proposed structure is located in the northwest corner of the property

abutting MnDOT right of way to the west, over 100 feet away from the neighboring home, and 190 feet away from Blaine Avenue. The proposed structure does not alter the character of the neighborhood. The two existing structures are in need of repair, the owners would remove the lean-to. Ms. Botten mentioned earlier this year the city increased the maximum accessory structure size in Ag and E-1 properties on lots that were 3.4 to 5 acres in size. Staff suggests limiting the size in urban areas. The Applicant could remove the two existing structures and construct one structure up to 1,000 gross square feet in size. Staff believes the request for additional size is a convenience to the Applicant and not a Practical Difficulty. Staff does not believe there is sufficient rationale to support all variance criteria and recommends denial of the request as presented.

Ms. Botten stated one written comment was received from the neighbor to the north (Commission has received a copy) in support of the request. A phone call was received from the neighbors across the street who had no issues with the request.

Commissioner Scales asked if the request included the lean-to. When adding the two buildings he had a total of 1,156.

Ms. Botten responded in the affirmative.

Motion by Commissioner Weber, second by Commissioner Simon, to add the letter into the record.

Motion carried (8/0).

Ms. Botten suggested the Commission verify the size of the structures with the Applicant. The information presented was in the Building Permit file, what was actually constructed may be different.

Opening of Public Hearing

Nick Buchholz, 6825 Blaine Avenue, said he has read and understands the report. He responded to the question regarding size of the buildings and had a total of 1,344, the lean-to is not included in the square footage.

Mr. Buchholz said he cannot sacrifice losing the square footage, if he can't take them down, he would remodel them. He currently must drive through the middle of his yard to utilize the building in the back. He said it would be beneficial to him and his neighbors to not have to look at the current buildings.

Commissioner Robertson asked what the Applicants action would be regarding the attached lean-to that was never approved.

Mr. Buchholz responded he bought it that way, he was unsure what he could do about it. He doesn't want to lose the space. He said he would rather tear everything down and start over.

Commissioner Robertson asked if he would leave the lean-to there.

Mr. Buchholz responded he was unsure what his options were. He needs the space for items he cannot have out in the yard that others may not like to see such as ladders and pump jacks. He said the structure is falling apart and the lean-to would probably go away on its own. He would

rather it be taken down and build new to match the home.

Chair Niemioja asked the Applicant if 1,156 was a possible size.

Mr. Buchholz responded he measured both structures, the amount was 1,344. That was why he kept the number the same, he didn't want to downsize. He said he would consider coming down in size a little, 1,000 square feet wasn't worth him tearing down both structures.

Chair Niemioja asked if there was concrete beyond what is existing with the structures.

Mr. Buchholz responded there was nothing further.

Commissioner Robertson wanted clarification that the Applicant was aware the city has a maximum size for structures when it comes to lot size.

Mr. Buchholz responded he was aware.

Commissioner Robertson asked the Applicant if he operates a business from his home. She questioned if his home was also the business site.

Mr. Buchholz responded he doesn't operate from his home but does operate a business. He said the business is out of Lake Elmo.

Commissioner Robertson requested additional information about what is being stored.

Mr. Buchholz responded he has a work truck and a personal truck that sit outside, two trailers. And four wheelers. He said it would be nice to have everything put away. He doesn't want those items sitting outside and has no other option. He said the current buildings look awful and his neighbors have said they wanted it torn down. He commented that 1,000 square feet wouldn't be enough, if it didn't work out, he would remodel the current structures.

Commissioner Robertson addressed Ms. Botten asking if it would require a permit if the Applicant chose to remodel the existing structures.

Ms. Botten responded in the affirmative.

Chair Niemioja said in looking at the neighborhood there are a lot of people with multiple buildings on their property. The current two buildings have been permitted. She said the Commission has to find a reason that makes an exception to the rule. Practical Difficulties used in the past have been topography or a pre-existing condition. Convenience is not something used.

Mr. Buchholz responded he understood. The buildings are bad and need to be rebuilt.

Commissioner Challeen mentioned if the square footage was less and are consolidating from two buildings down to one, she questioned if there were advantages to having everything in one space.

Mr. Buchholz responded it would be beneficial.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Weber asked what the setbacks were from the side and rear property.

Ms. Botten responded it would be 5-foot side, 8-foot rear.

Commissioner Scales questioned as long as the Applicant stays under the allotted impervious surface the Applicant could build any size attached garage he wanted.

Ms. Botten agreed.

Commissioner Scales said the Applicant was already approved for the 1,156 square footage he currently has when adding the two. He said he cannot find a Practical Difficulty, but would support the square footage the Applicant currently has if a Practical Difficulty could be found. He said the Applicant was approved twice; he was unsure what the Practical Difficulty could be.

Chair Niemioja questioned if that could be a Practical Difficulty.

Ms. Botten responded a carport is supposed to be open on all sides and doesn't count as an accessory structure. A roof could still be put up without sides and have different requirements for a carport.

Commissioner Scales asked if a carport currently counted as an accessory structure.

Ms. Botten responded it does not, there are maximum size requirements. The Permit was for a carport which would have been allowed at that time.

Commissioner Weber commented if the Applicant noticed there were two Permits pulled, it would look like the two structures were permanent structures. He said it was hard for him to tell someone with two structures on their property that they are going to conform with one structure. He said it was hard for him to say no. He was unsure why they couldn't use a Practical Difficulty of two permanent structures on a property that should have only had one and the Applicant is conforming to that use. He said he felt that to be viable.

Chair Niemioja said she felt history has been used as a Practical Difficulty in the past. She said she felt it would work, but didn't believe it would justify the requested 1,344, 1,156 would justify. The lean-to wouldn't count.

Mr. Buchholz said he didn't know how to prove the square footage.

Commissioner Weber replied they are going off of the Permits.

Chair Neimioja stated if making a justification they would have to rely on the documents the city has.

Commissioner Robertson commented that she thinks about the question of precedent and the slippery slope. She said she understands what is proposed at 1,156 could benefit the neighbors and address recurring requests from others. She said she could not agree to anything that allowed two structures. She agreed that consolidating two into one is a good plan. She said she

could approve the 1,156 if the Commission agreed.

Chair Niemioja addressed the slippery slope comment stating there were two Permits. She said the neighborhood is full of buildings she did not believe to be permitted. It's unusual to have two permitted structures.

Commissioner Weber asked if they are referencing interior square footage.

Ms. Botten responded for Permits; buildings are measured on the exterior. She said for the size allowed, she could go inside. Impervious surface calculations are outside.

Commissioner Weber asked if impervious surface would be questioned if putting up a 1,156 square foot building.

Ms. Botten responded no; they should be within what is allowed for the property. Everything currently there has been there prior to 2010 and grandfathered in, footprints would remain the same.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the variance for property located at 6825 Blaine Avenue to allow an accessory structure of 1,156 square feet in size, interior square footage, with the six items listed and the Practical Difficulty being that the Applicant purchased property that had two Permitted structures and is now trying to conform with city rules and regulations in downsizing to one structure.

Motion carried (8/0). This item will go before the City Council on November 22, 2021.

Commissioner Robertson said she appreciated how this worked out for the Applicant. She requested clarification on whether interior or exterior square feet should be counted. She asked for that information to be built into the criteria used.

Ms. Botten responded she would provide that information to the Commission

4. OTHER BUSINESS

5. ADJOURN

The meeting was unanimously adjourned at 7:24 p.m.

Respectfully submitted, Sheri Yourczek, Recording Clerk



CASE NO: 21-59V

APPLICANT AND PROPERTY OWNER: George Guevara

REQUEST: Variance to allow a porch addition to encroach into the front yard setback

HEARING DATE: November 16, 2021

LOCATION: 7086 Delaney Avenue

COMPREHENSIVE PLAN: LDR

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is proposing to construct an open porch onto the front of the existing house. The porch would have a gambrel roof, about 11' x 18' in size. At the closest point, the porch would be located about 19 feet from the front property line. A porch requires a setback of 30 feet from the front property line.

The zoning ordinance allows uncovered porches, decks, and entry landings to encroach into the front yard up to 24 feet from property line. In this case since the porch area would be covered, this section of the code does not apply.

The applicant lives on a bubble cul-de-sac with the home placed near the middle of the property. The neighborhood is developed with single-family homes to the north, west and south and an apartment building to the east. The addition would be in compliance with other code requirements such as side setbacks, exterior building materials and impervious surface.

EVALUATION OF THE REQUEST

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

North, South and West: Single family; zoned R-1C; guided LDR, Low Density Residential
East: Multi-family; zoned R-3C; guided MDR, Medium Density Residential

VARIANCE

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 porch addition would be consistent with a residential use identified in the comprehensive plan. A covered porch is considered part of the principal structure and therefore requires a 30-foot front setback. An open deck (no roof) would be allowed to encroach up to 6 feet within the front setback. Staff does not believe the variance request is consistent with, or in harmony with the zoning ordinance.

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

A porch expansion would be considered using the property in a reasonable manner. Decks and porches are typical expansions of single-family homes, however, size of expansions are limited to maintaining setbacks. A reasonable use for the property has been established with the home on the lot, with space on the rear of the home to add the desired porch addition that could comply with setbacks. Allowing the proposed location and size of the porch would be a convenience to the property owner not a practical difficulty.

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

The lot is somewhat unique in that it is located at the beginning of a bubble cul-de-sac. Because of this, the northwest corner of the home is located about 48 feet from the front property line whereas the southwest corner is about 30 feet from the front property line. If the home was positioned differently on the property, the porch could have potentially been constructed within the front setback requirements.

Additionally, the property has a three-story apartment building located directly to the east of the site that has six decks that overlook the applicant's property, reducing the amount of privacy the homeowner has in the back yard which makes a porch addition to the rear of the home less than desirable.

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

The porch addition would not be positioned in front of the plane of the home to the north, nor is there a home directly across the street that would be impacted by the location of the porch. The property to the south may have their front view altered by the setback encroachment and the proposed addition would be the closest structure to the property line when comparing to the other homes in the cul-de-sac.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for either of these requests.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Variance** to allow an 11' x 18' porch addition within the front yard setback subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. All requirements of a building permit review shall be met.

Practical Difficulty: To be stated

- B. Denial.** If the Planning Commission does not favor the proposed variance request, 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 as the established home provides reasonable use and there is space on the rear of the property to add a porch addition that would comply with setback requirements.
2. Approval of the variance could set a precedent for other encroachments within the front yard setback.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance. Allowing a porch addition to encroach within the front setback appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

RECOMMENDATION

The lot does have some unique constraints, however there is reasonable use of the property with the home. A porch addition may be considered a nice amenity and there is room on the property to construct the porch on the rear of the home that would be in compliance with code requirements.

Based on the information in the preceding report and the reasons listed in alternative B, staff does not believe there is sufficient rationale to support all criteria of a variance review and therefore recommends denial of the requests as proposed.

Attachments: Location Map
Applicant Narrative
Site plan/Aerial photo
Concept photo

7086 Delaney Ave
Case No. 21-59V

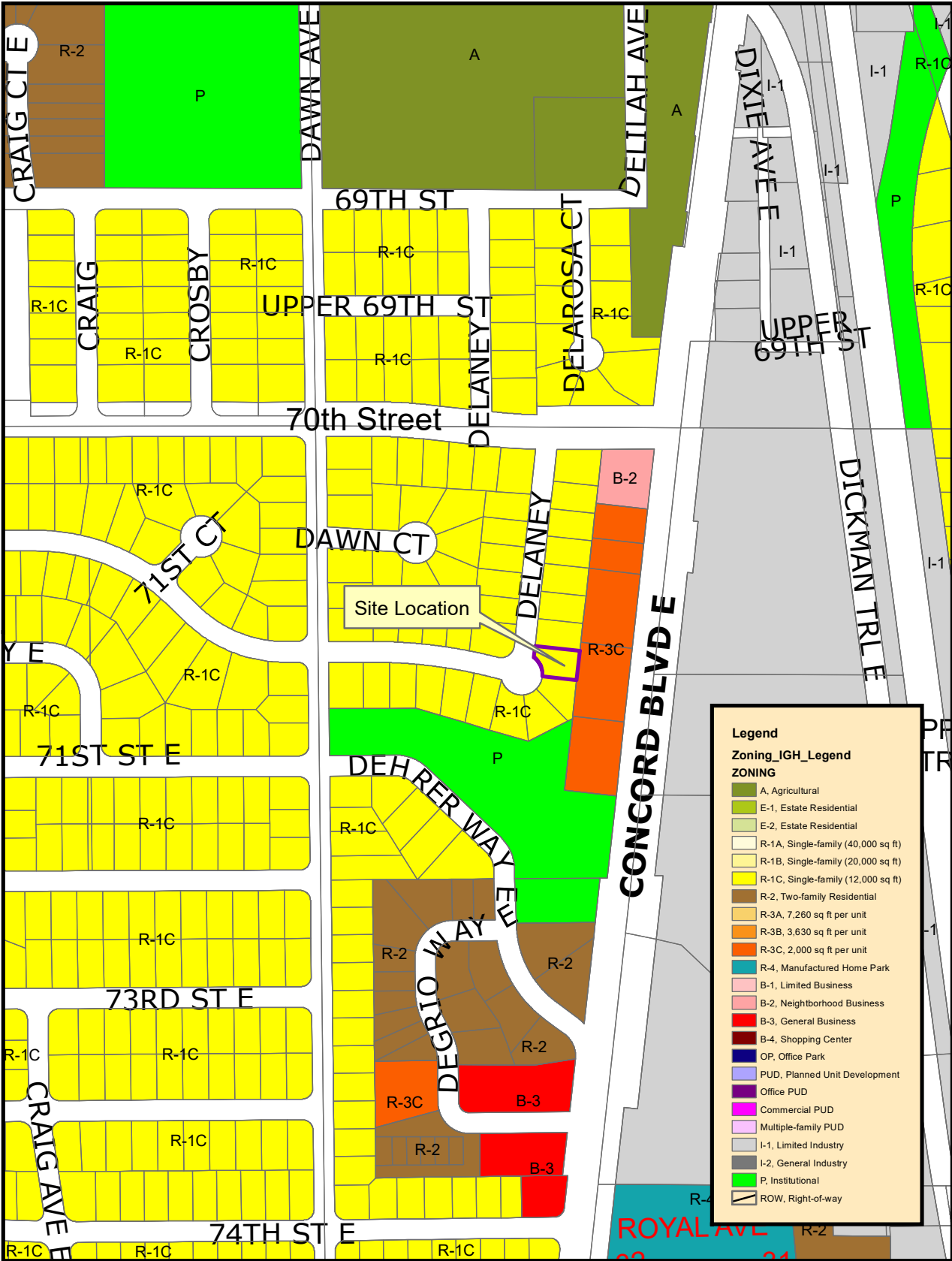


Exhibit A
Zoning and Location Map

Map not to scale

Name and addresses:

No neighbor directly across the street (71st Street)

Ryan Andrews
7098 Delaney Ave
Inver Grove Heights, MN 55076

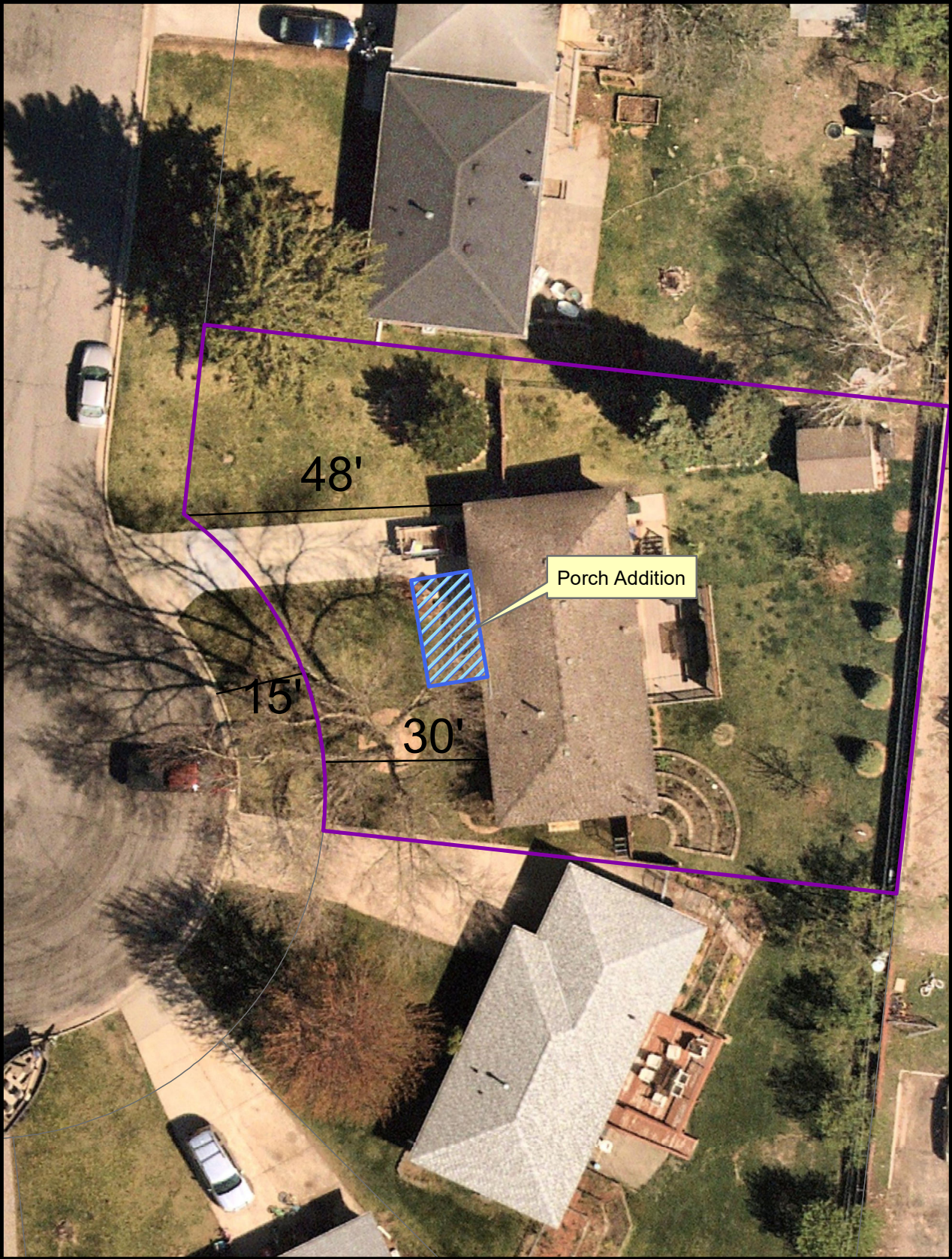
Heather Beeler
7072 Delaney Ave
Inver Grove Heights, MN 55076

We are asking the city for a variance to add a front porch to our home. We live on a partial cul-de-sac, 71st Street and Delaney Ave. There are no neighbors directly in front of our house. Our property is unique in size and shape. The house was built at an angle to the street. The northwest side of the house is further away from the street compared to the southwest side.

We always enjoyed spending time in our front yard. During the September 17th storm, we lost a huge tree that fell on our house. This created a lot of damage and we are in the process of rebuilding. We no longer have shade in our front yard. During the summer months the sun sets in front of our house. We are unable to enjoy our back yard due to the lack of privacy. There is an apartment complex directly behind us. The apartment building has six decks that face our deck and playground right behind our fence.

We would like to build an 11x18 open front porch. The design is a simple gable roof with cedar posts. See picture example below:

7086 Delaney Ave
Case No. 21-59V



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Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit E
Aerial photo with general setbaks
Map not to scale





CASE NO: 21-60PAZ

APPLICANT: Solomon David

PROPERTY OWNER: Solomon David

REQUEST: Comprehensive Plan Amendment to change land use from RDR to Light Industrial and Rezoning from B-3, General Business District to I-1, Limited Industrial District

HEARING DATE: November 16, 2021

LOCATION: 10045 Courthouse Boulevard

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: B-3

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to change the land use designation and rezoning of a 7.85 acre parcel. The applicant had always intended to operate or sell to a business to do mini-storage on the site. In March 2021, the City Council amended the zoning ordinance to remove mini-storage as an allowed use in the B-3 District. This was in response to the mini-storage building that was approved on Cahill Avenue across from Cub Foods. During that application discussion, the Council decided they did not want any further mini-storage operations in the B-3 general business district but wanted them more along major roadways and in the industrial districts. Mr. David spoke at the public hearing and at the council meetings voicing his concerns that the ordinance change would have an impact on his property and future plans. The Council was receptive to reviewing a zoning change to the property since it was along a highway and there was already a mini-storage operation to the south.

With the rezoning request, a comprehensive plan amendment must also be processed so the future land use and zoning are consistent. The parcel has been zoned B-3 since the early 1990's, but for some reason, the comp plan land use plan has always remained residential.

The applicant is not proposing any development at this time. When development does occur, an application for a conditional use permit will be required.

SURROUNDING USES

The subject property is surrounded by:

North Single family home; zoned E-1; guided RDR.

East Hwy 52/55

West Single family home; zoned A; guided RDR

South Single family home, vacant, mini-storage; zoned A, I-1; guided RDR, LI

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel is currently guided Rural Density Residential.

RDR is defined in the 2040 Comprehensive Plan as follows:

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

Light Industrial is defined in the 2040 Comprehensive Plan as follows:

"Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesaling trade. Light Industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme south portions of the city."

Rezoning Request. The applicant is requesting a rezoning to I-1 to allow the property to be used for mini-storage which is a conditional use in the I-1 District.

The Zoning Ordinance defines the purpose of the I-1 District as

"The I-1, limited industry district is intended for the continued operation of light manufacturing, warehousing, and wholesale businesses."

Existing surrounding uses. There is an existing mini-storage facility immediately south of this property which has been in place for a number of years. The site had been a restaurant before that. In 2008, a comprehensive plan amendment and rezoning was approved for the property south of the subject site and immediately west of the mini-storage from RDR to Light Industrial. The site has not been developed as an industrial use.

The subject site and the current mini-storage have access onto the MnDOT frontage road along Hwy 52/55. This frontage road then connects up with Concord Boulevard. No access is needed through residential neighborhoods.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- Approving the Comprehensive Plan Amendment from RDR, Rural Density Residential to LI, Light Industrial subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
 2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
- Approving the Rezoning of the property from B-3, General Business District to I-1, Limited Industry District.

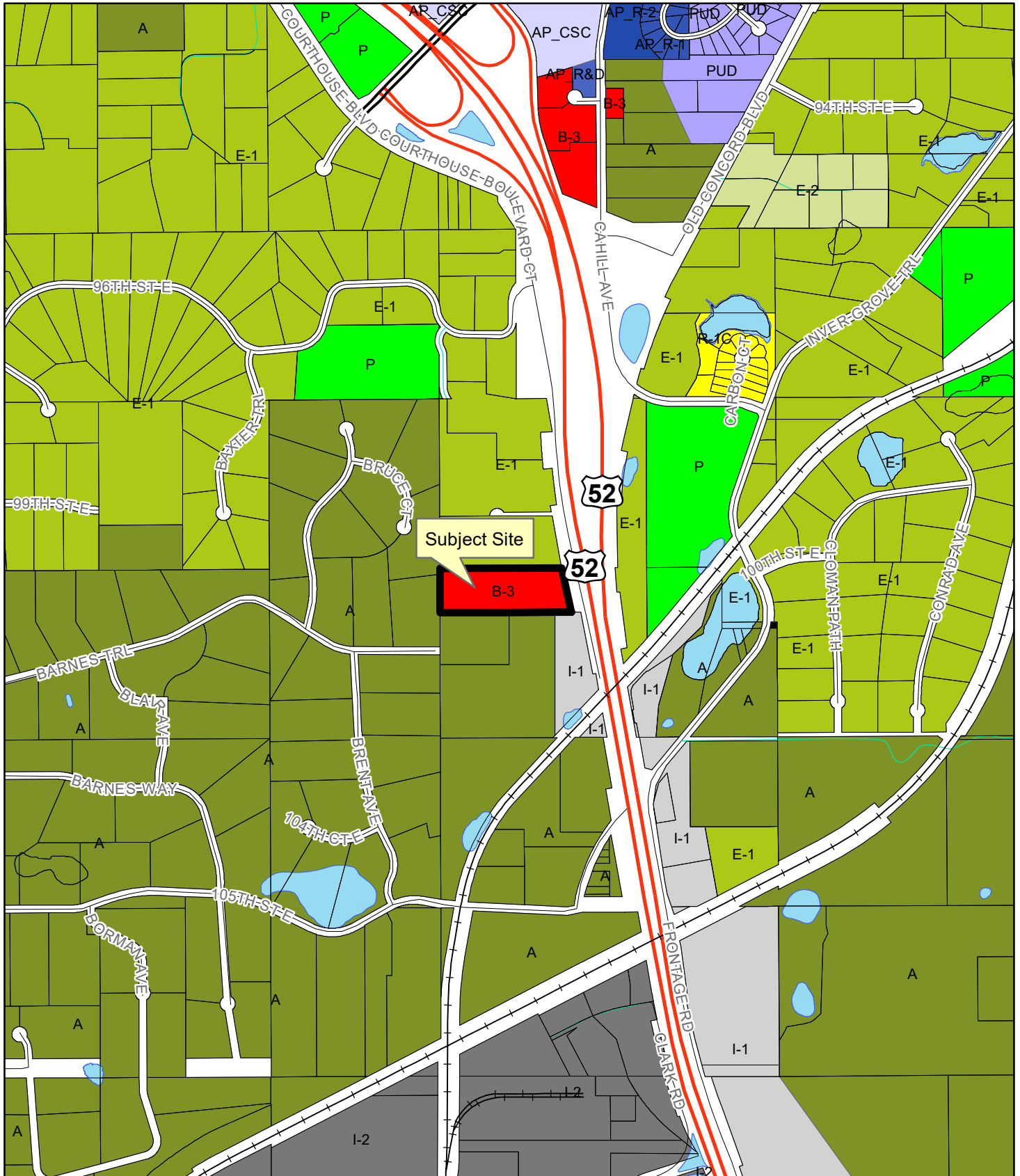
B. Denial If the Planning Commission does not favor the comprehensive plan amendment and rezoning, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

When Council amended the ordinance to eliminate mini-storage from the B-3 District, it had a negative impact on the property owner since that was a possible use the landowner was contemplating. During the ordinance amendment review, the landowner did state their objections and the Council recognized the impact and indicated the landowner should apply to change the zoning to the I-1 district since there was existing industrial zoning in the area and I-1 allows for mini-storage.

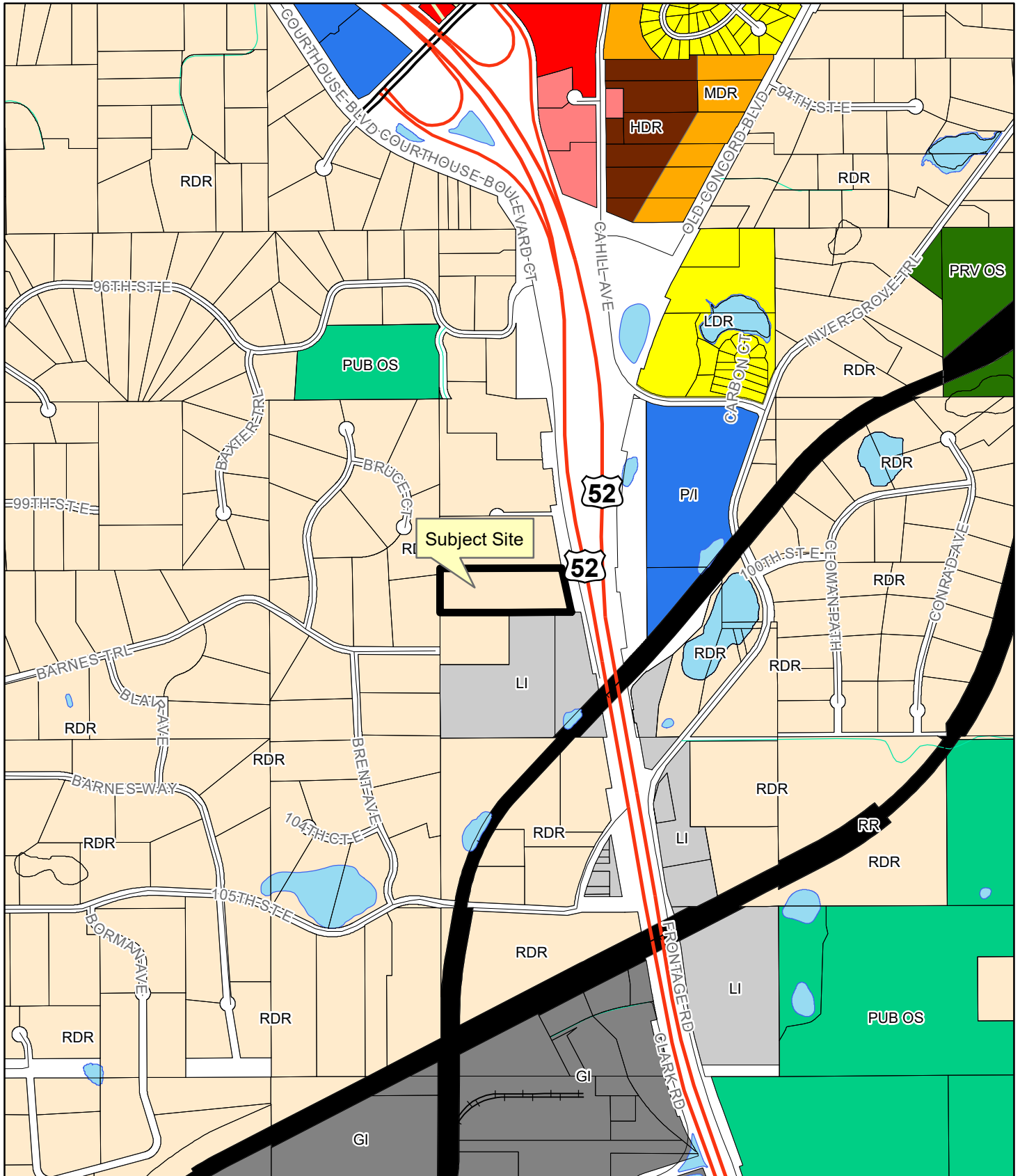
The request is consistent with other industrial guided properties to the south. This property has access to the MnDOT frontage road with connection to Concord Boulevard.

Attachments: Existing Zoning Map
Existing Comp Plan Map





Comp Plan Land Use Case No. 21-60PAZ





CASE NO: 21-61Z

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: City of Inver Grove Heights

REQUEST: Rezoning from A, Agricultural District to P, Institutional District

HEARING DATE: November 16, 2021

LOCATION: 8296 Babcock Trail

COMPREHENSIVE PLAN: Public/Institutional

ZONING: A

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

In May, 2021, the City Council approved the purchase agreement to buy the Thomas Kundla property for public purposes, including potential use as an expansion site for the City's Public Works Department. The property is located immediately south of the existing Public Works garages. The City had acquired the property at the end of the Babcock Trail cul-de-sac a number of years ago for the same purpose. This whole area will someday be an expansion of the city facilities campus.

A rezoning of the property to Institutional is required so it can be used for a public purpose at a future date. The comp plan land use designation is currently Public/Institutional for future public uses.

SURROUNDING USES

The subject property is surrounded by:

North Public Works garages; zoned P; guided Institutional
East Hwy 52/55 storm drainage pond
West Church; zoned P; guided Industrial
South Public Works storage area; zoned P; guided Institutional

EVALUATION OF REQUEST

Rezoning

The City Code, Title 10-3-5 states that a rezoning request must be "in the best interest of the physical development of the City" in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

The rezoning would be consistent with the current comp plan designation for public use. This area has been intended for an expansion of the city hall complex and a future use would be consistent with the surrounding uses.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- Approving the Rezoning of the property from A, Agricultural District to P, Institutional District.

B. Denial If the Planning Commission does not favor the rezoning request, 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

Staff recommends approval of the rezoning.

Attachments: Location Map
Existing Zoning Map
Existing Comp Plan Map



Location Map

Case No. 21-61Z



