

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 17, 2022 – 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
Anthony Scales
Jonathan Weber
Robert Heidenreich
Scott Clancy
Joan Robertson

Commissioners Absent: Kate Challeen (excused)

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

Others Present: Brad Scheib, Hoisington Koegler Group

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR APRIL 5, 2022 AND APRIL 19, 2022:

The Planning Commission Meeting Minutes for April 5, 2022 and April 19, 2022 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

A. Consider the following requests for Inverpoint Business Park (United Properties Case No. 22-19PUD):

- 1. A preliminary and final plat for a two lot, one outlot subdivision to be known as Inverpoint Business Park Third Addition;**
- 2. A final PUD development plan for buildings 4 and 5 at Inverpoint Business Park;**
- 3. A conditional use permit to allow manufacturing in Buildings 4 and 5 in the Industrial Office Park District.**

Reading of Public Notice

Commissioner Simon read the Public Hearing Notice to consider the request for property located along Courthouse Boulevard, west of Barnes Avenue, identified as Outlot A, Inverpoint Business Park. The request consists of a preliminary and final plat for a two lot, one outlot subdivision to be known as Inverpoint Business Park Third Addition. A final PUD development plan for buildings 4 and 5 at Inverpoint Business Park, and a conditional use permit to allow manufacturing in Buildings 4 and 5 in the Industrial Office Park District. Notices were mailed to 9 property owners on May 4, 2022.

Presentation of Request

City Planner Allan Hunting discussed the final stage of the Inverpoint Business Park preliminary and final plat for Outlot A to be replatted into two lots and one outlot. Each of the two buildings, 4

and 5, would be on their own individual lot, an outlot contains the wetland and storm ponding.
Review:

- Buildings are in the same location.
- Parking arrangement is the same.
- Building 4 is a little smaller. It was originally at 144,000 square feet, now about 15,000 square feet smaller than the original plans.
- Building 5 is the same.
- Same architecture, will match existing buildings.
- Landscape plan is consistent with the others.
 - Increasing the landscaping on the backside of building 4 because a segment of it wouldn't be blocked by building 5 (loading dock side). This is additional screening than what was on the preliminary plan.
- The conditional use permit would be for the buildings, the same as what has been approved for the other buildings.

Staff recommends approval of the application as presented with the conditions listed in the report.

Chair Niemioja referenced the condition relating to the trail and asked if there was 200,000 square feet completed and a year has passed, jointly, the trail is off the table. She questioned if it was no longer in consideration by the developer.

Mr. Hunting replied once 200,000 square feet was occupied the city could consider constructing a trail. The new Parks and Recreation Director is looking into it and will eventually bring something to the Council.

Opening of Public Hearing

Connor McCarthy, United Properties, 651 Nicollet Mall, Minneapolis, has read and understands the report. He stated that they are under construction with the third building. They have had good success with clients like Simpson Strong Ties and Skyline Displays. They are looking to continue that with the 4th and 5th final buildings in the business park.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Clancy, to approve the requests for:

1. A preliminary and final plat for a two lot, one outlot subdivision to be known as Inverpoint Business Park Third Addition;
2. A final PUD development plan for buildings 4 and 5 at Inverpoint Business Park;
3. A conditional use permit to allow manufacturing in Buildings 4 and 5 in the Industrial Office Park District for Inverpoint Business Park (United Properties Case No. 22-19PUD) subject to the conditions stated in the staff report.

Motion carried (8/0). This item will go before the City Council on June 13th, 2022.

B. Consider a Comprehensive Plan Amendment and Rezoning for the properties located at 9395 Old Concord Blvd, 9431 Old Concord Blvd and 9475 Old Concord Blvd (Blue Ribbon Builders - Case No. 22-18PAZ).

Reading of Public Notice

Commissioner Simon read the Public Hearing Notice to consider the request for Blue Ribbon

Builders, LLC, Case No. 22-18PAZ. The request involves parcels located at 9395, 9431, and 9475 Old Concord Boulevard. The request consists of a Comprehensive Plan Amendment to change the guided land use of the three parcels from MDR-Medium Density Residential and HDR-High Density Residential, to LI-Light Industrial. A rezoning of the three parcels from A-Agriculture to I-1-Limited Industry. Notices were mailed to 63 property owners on May 4, 2022.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located between Cahill Avenue and Old Concord. There are three contiguous parcels that total a little over 10 acres. There are single family homes to the north and to the east, commercial development to the west, and right of way to the south. The applicant requests a change of zoning from A-Agricultural to I-1 Limited Industrial District. The applicant also requests a change to the comprehensive plan designation. It is currently HDR and MDR, they are requesting a change to LI – Light Industrial District. The applicant is proposing a Garage Condo Development. Request in front of the Commission is just for the land use changes. If the applicants are successful with rezoning and the comprehensive plan amendment, they would then apply for a plat and conditional use permit. At that time is when they would look at the site design, access, and tree preservation. The comprehensive plan designation is what may be the most appropriate future land uses for the property and are determined by:

- Surrounding land uses
- Infrastructure available
- Location of the properties

The current guide of MDR (Medium Density Residential) allows for residential uses of 8-12 units an acre. HDR (High Density Residential) has 12+ units per acre. Townhomes or apartments would typically be in these designations. The applicant is requesting it be LI, Light Industrial. Light Industrial areas provide opportunities for:

- New industrial developments
- Expansion of existing uses
- Redevelopment of existing industrial areas
- Sometimes offer additional employment opportunities
- Serve existing businesses in the community

Examples of Light Industrial:

- Manufacturing, contractor's yards, truck and freight terminals, garage condos

The proposed use would be a low intensity use and could complement the properties to the west.

Other reasons to support the request:

- Change to industrial has potential to generate employment
- Increase tax base
- Provide a variety of goods and services to the community

Garage condos are unique and could bring in customers from surrounding areas that would visit and frequent other local businesses. Reasons to not support the request:

- There are no other industrial types of uses in the area
- Expanding industrial uses along Cahill could be a major change in land use direction in the comprehensive plan
- Garage condos are not large employers
- Amending the land use on three parcels to industrial opens up potential future use for any kind of industrial I-1 development
- In the future if it were to change, having the I-1 zoning could have a bigger impact to neighboring businesses, residential uses, local streets, and the neighborhood.

The current zoning of agriculture is considered by staff as more of a holding zone. It's anticipated that a rezoning would take place on this property no matter what kind of development, be it residential, commercial, or industrial. The I-1 zoning is intended to have the continued operation of light manufacturing, warehousing, wholesaling businesses. Infrastructure is in place to

accommodate an industrial use. Surrounding uses to the west are commercial and could compliment that use. There is single family to the north and east. Staff does not believe the proposed industrial zoning would complement those residential uses. The proposed change is a significant departure from existing established uses in the area, while low intensity, a more intense use is a possibility. Staff is not supporting the request for the comprehensive plan change or zoning change. If the Commission supports the request, there are conditions in the report staff recommends be included. Staff has heard from two residents. The Commission has received copies of emails.

Chair Niemioja mentioned she did not notice much relating to medium and high density residential. There has been a lot of high and medium density placement lately. She questioned if there was a good balance at this point and if the housing stock was becoming more balanced.

Ms. Botten replied losing the higher density residential uses could be added as a reason to be against it.

Chair Niemioja commented years ago the city was underserved in medium/high density, that seems to have recovered. She questioned if the city was close on that.

Mr. Hunting replied he was unsure of the exact percentage but believed looking at the Met Council goals for mixed housing, this parcel factored into it. Some of the infill pieces looked to be candidates/possibilities for higher density residential. There was an overall factor for the city to provide a wide range of housing. This wouldn't put them in the negative.

Commissioner Robertson mentioned she is familiar with the area, there is a new housing development to the south. She commented that immediately to the north there is more construction/development to be happening before getting to Old Concord Boulevard. She asked if that was already designed for residential development.

Ms. Botten replied there were no current applications.

Commissioner Robertson mentioned that housing stock is what is currently being built on the corner of Inver Grove Trail and Cahill. She questioned property immediately north and asked what the guiding was.

Mr. Hunting replied it was guided residential, low density/single family.

Commissioner Scales questioned if changing to I-1 and this project doesn't go through, if someone could come in and put a manufacturing plant in without having to come back for approvals, because it would already be zoned industrial.

Ms. Botten replied as current conditions read, the rezoning and comprehensive plan would be contingent upon approval of a development plan. If the City approved their development plan, and the applicant does not come forward with construction, then yes, another Industrial use could be constructed on the property. For example, if starting Phase 1 with one building and do not complete the project, someone else could come in and redevelop the site as an industrial use.

Commissioner Scales mentioned there have been projects that have gone through and never happened, the land sits there. With the guiding it could be a heavier use than what this request is. He questioned if there would be any say in that.

Ms. Botten responded if a permitted industrial use was proposed, a major site plan approval would still be needed which would require going through the public process.

Commissioner Scales mentioned with a permitted use they wouldn't be able to stop a manufacturing plant, but the Commission would oversee the review of the design.

Ms. Botten responded that was correct. If the approval of garage condos was received but never came to fruition, only partially developed, that is what could happen.

Commissioner Robertson said any permitted use would be eligible to be built on the parcel as long as they were a permitted use. She felt this opens a set of new possibilities/challenges due to rezoning the property. There is a permitted use list of what could go on the property.

Ms. Botten replied in the affirmative.

Commissioner Weber mentioned the Eagan Car Club was done under a PD. He asked if there was a reason why they couldn't do a PD, only do this change, and only allow this use.

Ms. Botten replied the PUD would still be the underlying I-1 zoning. The city PUD doesn't restrict to just one use. The underlying zoning would still be industrial and what would be permitted. All the uses listed in the land use table if permitted or conditional use would still be allowed within the PUD.

Chair Niemioja mentioned one additional letter was received today along with the emails and letters. She requested a motion be made to get them into the record.

Motion by Commissioner Weber, second by Commissioner Robertson, to accept all letters and emails received into the record.

Motion carried (8/0).

Opening of Public Hearing

Doug Johnson, Blue Ribbon Builders, 6526 Doffing Avenue, said he has read and understands the report. He mentioned there is some support for the project and wanted to hear comments from the public hearing.

David Gibbens, 9655 Inver Grove Trail, lives near the area but is not the property under development. He referenced the intersection of Old Concord where it goes west to Cahill, he is east of that in the "L" shaped property north of the pond. He referenced the question of having other high-density development going on in the area and referred to 13 homesites and west of that where 20 townhomes were approved. He referred to the home sites on Carbon Court saying the Realtors selling them say they are 2-3 single family homes. He felt it was high density with 20 sites on four acres. He asked if the properties were currently served by sewer and water and if the east side was not.

Chair Niemioja replied they are served by sewer and water; the east side was not.

Mr. Gibbens said he has an issue with drainage that the city has mismanaged in the area for about 30 years. He said he would discuss this further with Public Works Director Brian Connolly.

Chris Short, 9277 and 9295 Old Concord Boulevard, mentioned rezoning I-1 and not having it be restricted to other things in the future, the roads would not be able to support that kind of traffic. There are no sidewalks in the area. He mentioned it has been zoned Agriculture/Low Density/High Density forever, it seemed like a big step. He questioned what it does to the property values and property taxes of the 6 people north of it. What the traffic would do to his home value and his

neighbors. He said he did not mind the garage condos but was concerned if it did not work out. He mentioned it was wooded land and was very concerned.

Stacey Christenson, 9242 Cheney Trail, agreed with what Mr. Short said. He mentioned there was a lot of residential housing, a school, and more housing being built. He wasn't concerned with the garages but with what would happen if the garages did not go through. There could be kids walking home from school with semi-trucks driving by, it could be a higher traffic area. He says no to the change because it cannot be limited to the garages.

Tara Josephs, 9360 Old Concord Boulevard, stated the neighborhood is quiet, residents live there due to the peace and privacy. She requests the project only have the entrance on Cahill and no sidewalk. She was concerned about the wildlife and trees on the 11.5 acres. She knows something will go in the area at some point, if approving a garage build, she felt they could hopefully work with the builders, if townhomes, there would be other changes. She referenced the verbiage used that could be unclear to many without expression on the meaning of what is being discussed. She asked the Commission to consider the previous residents' comments. She mentioned as residents, they would appreciate the garages because they know it would change to something and do not want townhomes for their safety, privacy, and the wildlife in the area. She asked how many feet a structure can be built from a property line.

Ms. Botten replied that it depends on what zoning district. In industrial, it is 40 feet.

Ms. Josephs asked what the plan was for car entrances for the new build if approved.

Ms. Botten replied they were not looking at a site plan at this time.

Ms. Josephs asked if the residents would be assessed taxes or fees if sidewalks and roads go in.

Ms. Botten replied they would not be assessed for a private development.

Ms. Josephs inquired about value of home changes.

Mr. Hunting replied he was unsure.

Chair Niemioja mentioned that the current long-term plan of the comprehensive plan is to eventually do some sort of medium/high density housing. The proposal before the Commission would be to change that to new zoning. She asked Ms. Josephs if she was fine with the change to garages as long as it's the garages.

Ms. Joseph responded she was fine with whatever zoning would allow a garage condo project.

Chair Niemioja replied that would be industrial. If the applicant does not end up completing the project the zoning change would allow for a number of other industrial type uses.

Ms. Joseph said she believed the applicant would be able to build garages. She did not want townhomes.

Commissioner Robertson said the Commission and staff use language applied to zoning ordinances. She thanked Ms. Joseph for mentioning that it can be confusing. She said the purpose of the Planning Commission is to focus on the land use and the impacts of changing land use for the city as a whole and taking into account all said.

Mr. Chris Short mentioned he was not concerned of the garages. He was worried something could

go wrong with the garages or in five years from now the garages are sold and something else goes in that he doesn't want. The garage condos are probably their best-case scenario. He commented that rezoning to light industrial is a big change, it opens the possibility of a lot of different things.

Commissioner Heidenreich mentioned it was currently zoned high density residential.

Chair Niemioja said it was zoned agriculture as a holding pattern for high density. The comprehensive plan is a long-term plan for the city; the long-term plan had been for medium/high density residential. There is a proposal to change the zoning and comprehensive plan immediately to light industrial.

Mr. Chris Short mentioned the business might be great for the next five to ten years, but things could take a turn. He mentioned if a caveat could be put in stating that only garages could go in would be preferable. He said all residents would likely be fine with the garages being put in, they would like them set back away from them. He was unsure how going to light industrial would impact over time.

Ms. Botten explained the comprehensive plan and zoning, stating the Short's property to the north is a split zone, similar to the three lots under discussion. With high/medium density, it could be apartments in one place, townhomes in another, or developed as a whole site. With straight zoning requirements and no variances, for a high-density residential district, there is a maximum building coverage of 20% and a maximum impervious surface coverage of 40%, this potentially means a lot of green space. With an industrial development there is a maximum building coverage of 30% and no maximum impervious surface, it could be a lot greater. There would still be tree preservation, landscaping, setbacks and stormwater requirements that would dictate some open space on the property.

Commissioner Weber asked what led staff to believe that I-1/L-I was the specific route to go. He asked if it was known they would be condos, if they would be rented on a monthly basis, or purchased as condos. Condos were different than storage units to him. With condos there is ownership and value in each unit, he doesn't understand why they went light industrial in I-1 because they could have done this in a different fashion.

Ms. Botten replied during the zoning code amendment to allow the use, it was determined this be a similar use to what a mini storage may be. There was no guarantee if they were condos or just one big plat they rent. Mini storage facilities are now allowed in the I-1 or I-2 industrial districts and not in the B-3 zoning.

Commissioner Weber asked for clarity from the applicant if the plan is to sell them as units or with being an ownership/association group and renting them on a regular basis.

Craig Kromery, 3700 94th Street East, Blue Ribbon Builders, replied they would be individually owned condos.

Commissioner Simon asked if there would be an association.

Mr. Kromery responded in the affirmative.

Commissioner Robertson mentioned the term condo changes the perception of a building like this. They are used to the term condo as a purchased living arrangement. She felt that was where the confusion was.

Commissioner Weber mentioned that five miles away from this is the Eagan Auto Motorplex. It's

the same philosophy as this, sold as individual units, roads, curb, gutters, and member facility (clubhouse) is all maintained by the association. The owners can sell their own individual units and put them back on the market to sell.

Commissioner Robertson questioned how it was zoned.

Commissioner Weber replied Eagan's zoning is a PD. It sits next to five other storage facilities zoned industrial. He referenced the Dakota County GIS regarding ownership stating each one of those slots is a condo that is sold individually as addressed units like any other condos. For example, they build condos and sell out 40% of them. There is condo ownership involved in that, it has to be maintained as condos. It cannot be turned into a rental type property. He said that is where he has a difficult time. This is like a mini storage and had to be put in this zoning. He mentioned it was a drastic change from residential to light industrial that it's hard for the Commission to decide. He said he wished it would have been done in a different way.

Commissioner Scales questioned what would stop them from renting it, just like people rent their houses.

Commissioner Weber replied the Condo Association can set rules.

Chair Niemioja mentioned that the greater risk would be not getting through development. If it is rezoned and they don't actually get to this and another "I" use comes in, it could be bad.

Commissioner Weber believed this significant of a zoning change didn't need to happen. He does not see that this needs to fit in the same zone as a storage facility.

Commissioner Robertson asked what Commissioner Weber believed the zoning should be given the city's options.

Mr. Johnson, Blue Ribbon Builders, responded that he hears the concerns about trees and wildlife. When planning the development, they would only access from Cahill Avenue, not Old Concord. They plan, with the east side that borders Old Concord around and back to Cahill, to put a berm in with trees around and privacy fencing so it has no huge impact to the neighborhood around the Old Concord site. It would be more toward the commercial side where Tractor Supply and Walmart are. He referred to the term condo and how it's thought of as residential saying that was because that's what a lot of people think they are. A condo allows for a zero-lot line for properties to not have all the setbacks single family residential would. He mentioned what they were doing was putting in garages and selling them. They would be building them as they sell them, it would be phased, that way it keeps the integrity of the development and traffic flow to a minimum. The exterior would consist of smart board or Hardie board with windows and brick on the front. The buildings would be dressed up nice. He mentioned the last time they were before the Commission discussing the ordinance change it was how to zone this. He thought they could have done where the city narrows what is allowed on land use, be it PUD or a mixed-use type development that gives the city a lot more focus on how to zone the property. He said his plan would not be industrial, it would be like an extension of a garage from a home.

Commissioner Weber referenced Upper 55th and Blaine where there is a development that is all condos, business properties. He asked what that zoning was.

Mr. Hunting replied it was Bishop Heights, a Planned Unit Development (PUD). He said he was unsure of the category, but thought it may be commercial. They are offices.

Commissioner Weber said these would be saleable condo spaces, garages. He mentioned that he goes to these places all of the time and takes his kids to car shows. After the first week of people

owning them, they are not garages, they become man caves and Tupperware parties. They are amazing. He doesn't understand why they went with that intense of a use and put garage condos into a limited industry when they could have done something like the office type condo units and made it more feasible while not opening themselves up to having something else go in if this didn't happen. He said he wished this could be looked at from a different angle. He felt the applicant was pinned in a corner having to do I-1 or I-2 and then the Commission doesn't really like that. He asked if there was any way they could make a recommendation to go back and look at garage condos for a PUD type setting, not in an L-1, maybe a B-4.

Mr. Hunting replied that recommendation could be made. One thing the Council considered with use is that they did not want it in any of the commercial districts. The rules were changed to take mini storage out of B-3. That left industrial, typically seen in those types. Staff did not believe appropriate for a commercial business district; City Council agreed and chose to go with industrial zoning. He said the Commission could make that recommendation. All of the planned unit developments are based on existing categories. In the northwest area it's either R-3, A, B, or C, or R-1 planned unit development. Arbor Pointe has its own ordinance. Bishop Heights is the same way, it's a large master planned PUD with a lot of different uses and has its own ordinance to go along with it. There are no small planned unit developments that have their own ordinances.

Commissioner Weber questioned the commercial and office PUD zoning.

Mr. Hunting replied some of those are only intended for Bishop Heights planned unit development. They do not apply to all areas of the city.

Jodi Short, 9345 Old Concord, asked if there was any way it could stay the same as Commissioner Weber stated, or have different zoning than light industrial and still be allowed.

Ms. Botten replied that was something the Commission could make a motion on to consider. She mentioned that the city recently went through a process based on the applicants request for garage condos, to change the zoning code to allow this type of use in the city. Prior to their making application, garage condos were not allowed in the city. It was decided to allow garage condos in the I-1 and I-2 zoning.

Ms. Jodi Short asked the builder if this doesn't pass and stays high density, if he would look at building townhomes or apartments with this property. She asked if he thought garage condos would be best for this area.

Mr. Johnson, Blue Ribbon Builders, replied their intention is to do garage condos on that property. They are willing to work with the city to get the right zone for this. He felt it would be better if it was in a commercial or business type of setting, then a specific use can be put on for the site property with that zoning. He said they would adhere to that. As of right now there are no plans to do any high density.

Rick Thram, KW Commercial Real Estate, represented the seller of the property, mentioned the seller is an elderly individual who has been looking to sell this property for some time. He felt this might be the highest and best use for him to achieve those goals. He has received many inquiries about doing high density from well-funded and well-respected apartment developers. That may be the direction this would go if this request is not approved. He said they would love to see it go this way.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja said she doesn't see a need for more high or medium density housing as being a pressing matter. The concern is if something happens to the applicant and this doesn't get finished. What would happen in an L-I and what they would do if there is massive manufacturing. She recalled having the conversation about commercial and having a locked off and being a low traffic piece. That seemed to have been a zoning issue too. She was unsure there was a perfect fit, it almost seems like it needs a new designation. She mentioned the neighbors seemed to be happy with this exact development, there is a little risk.

Commissioner Scales said if taking the project out of it for light industrial, he would say absolutely not. It's the wrong zoning, wrong use for that space. One thing that caused pause for him was that these units were built to suit. Meaning one could sell, then nothing else could sell. That land could go back and be used for anything else industrial. He felt the zoning was important for the area. When this was first presented, he was against it because it looked like a self-storage unit, he still felt somewhat the same, but felt the use was different. To him, industrial zoning was a big leap. If this project didn't work, he couldn't see a manufacturing plant there.

Commissioner Robertson mentioned in similar situations the term "spot zoning" has been used. There is nothing around this area that is equivalent in zoning. There is commercial, the intent of those is to employ people, sell services, and goods. When spot zoning is approved for a similar and specific project, even if liking the project, if that project doesn't become garage condos, it's still a useful property/building for another industry. The ability to limit the industry is quite restricted, for that reason, she has concerns there are risks.

Chair Niemioja asked Staff if there was any injunctive type action the city Legal Counsel could take if this were to fall through before completion. She questioned if the zoning could be reverted back if this project fell through before completion.

Mr. Hunting replied he did not believe so.

Commissioner Weber referenced Arbor Pointe and Bishop Heights PUD's, saying those were given designations when they were set up; there are a variety of things there. He asked if there was a way to tie this zoning to its own PUD and set conditions on that. He felt Bishop Heights had several conditions they had to follow. He asked if this could be zoned L-1 with a PUD on top of it, within the PUD set conditions that are allowed for that property. He didn't understand how that was any different than looking at a large area development like Bishop Heights.

Commissioner Scales questioned what the land designation would be for the new owner if everything was torn down in Bishop Heights.

Ms. Botten replied they have their own ordinance that was created, different than the PUD's in the northwest area. Historically, the city has not done separate ordinances for each small PUD.

Commissioner Weber referred to the small commercial building, the Dance Studio, sitting 50 feet from this and asked how they came to that realization and how the zoning went through.

Ms. Botten replied the parcel had to go through a process to change the zoning to commercial, similar to the zoning districts across the street on the west side. They had to go through this process to rezone and do the comprehensive plan amendment.

Commissioner Weber asked if someone came in and said they would build an office building with condos in it, if it would be put in a business use.

Ms. Botten replied they would ask for zoning to commercial. If the applicant was proposing condos

for commercial or business offices, that's what staff would have them do. In this case they are garages. While individually owned, there is storage of boats, RV's, trailers, and cars; it's not being used for offices.

Chair Niemioja said this was incredibly unique.

Commissioner Weber replied its unique to the metro area. With many other cities, guys buy \$100,000 square foot warehouses to do this in.

Commissioner Scales questioned if it still would be 30 years from now.

Commissioner Weber replied in the affirmative.

Commissioner Robertson said the Commission sees value in the proposal from Blue Ribbon Builders. She asked if there were other properties available appropriately zoned for this.

Ms. Botten replied she was unsure what was for sale in the industrial zones but generally there are Industrially zoned properties in the southern part of the city, off of Jefferson Trail, 149, Concord area, Doffing, Claude Avenue, and Carmen Avenue.

Commissioner Robertson referenced Carmen Avenue and asked if this would fit that zoning.

Ms. Botten replied in the affirmative.

Commissioner Scales said his challenge would be to go back to the city and legal counsel to see if there is a way of doing this to tie this use to this property without having to make it industrial.

Chair Niemioja asked if this could be tabled with a recommendation.

Ms. Botten replied the request could be tabled for staff to discuss with Legal, this could be more than two weeks to set up the meeting and have that discussion.

Commissioner Weber mentioned the applicant took the right step to get garage condos put into a zoning. He felt bad because that step was taken and now the Commission feels this wasn't the greatest idea. He felt as a city they could look at this and say that the neighbors are in support if it is this use.

Commissioner Clancy agreed that calling this I-1 is a step too far in this case. In a project sense it is a different scenario. He felt they should say the Commission is going to recommend rejection based off of changing the zoning to I-1 with a note to city and staff that they be challenged in a way to allow this particular property/business into the area.

Commissioner Robertson said the question for her, recognizing there are other concerns the Commission takes into account with variances, are aesthetics, fit with the neighborhood, fit with the larger areas around it. Her question was if this was a good place. With residential and the school around it, she questioned if this is what they want there.

Chair Niemioja asked Commissioner Robertson if she preferred keeping with medium/high density residential.

Commissioner Robertson replied as it sits now, she believed there was logical thinking with the comprehensive plan developed for the area. She is concerned when veering significantly away from current zoning. She said she wonders what kind of precedent is set and how it would fit 20

years from now when developing the rest as designed by the comprehensive plan.

Chair Niemioja replied that can also go towards the housing stock. The comprehensive plan is a living breathing document that can be changed. High/medium density may not be the appropriate thing anymore. She said if a motion to table was made, she would want information on that too, if there was a compelling reason to stick with the comprehensive plan guidance or not. She mentioned she would love to see this in any other I-1.

Commissioner Robertson was interested in making a straight motion because the Commission already knows how the city defines zoning uses. She was unsure how long it would be for another legal type process to find different/unique zoning. She was not supportive in tabling.

Commissioner Heidenreich said the neighbors are in favor of car condos, the builder wants to build car condos. The risk of not doing this is that there could be something else worse in the future. He believed it was worth the risk of leaving this as light industrial and letting them put in car condos. If that doesn't happen and the Realtor says they would pursue high density housing, they would request a zoning change at that time. He was in favor of passing it the way it is knowing there is a risk. He felt car condos were perfectly situated with Tractor Supply and would block highway noise.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Heidenreich, to approve the Comprehensive Plan Amendment from MDR and HDR (Medium/High Density) Residential to Light Industrial, subject to the three conditions and approve the rezoning of the property from Agriculture to I-1, Light Industry with the one condition listed.

Motion fails (4/4) - Clancy, Robertson, Wippermann, Scales. This item goes before the City Council on June 13, 2022.

Commissioner Weber recommended the City Council look at this in a manner of possibly doing something different where the condo idea doesn't fall under mini storages and to do this in a less intensive use type zoning.

Chair Niemioja added to not allow it in other areas they do not want it.

C. Consider an Ordinance Amendment to City Code Title 10, Chapter 13, Article C - Critical Area Overlay District (City of IGH – Case No. 22-21ZA).

Reading of Public Notice

Commissioner Simon read the public hearing notice for Case No. 22-21ZA. The request consists of an ordinance amendment to Title 10, Chapter 13, of the City Code Zoning regulations to repeal in its entirety and replace Article C – Critical Area Overlay District with new regulations per adopted rules. No notices were mailed.

Presentation of Request

City Planner Allan Hunting mentioned that Brad Scheib from Hoisington Koegler Group is in attendance and would be doing the presentation to help staff with the ordinance. Tonight, is the public hearing. The city needs to update it's Critical Area Overlay District, the Mississippi River Corridor Critical Area. It is the final step of the process when State Legislature required the DNR update the rules, which took place a few years ago. The critical area chapter of the comprehensive plan was updated, and now they have to update this ordinance. In that process the DNR prepared a model ordinance for cities to adopt. He stated Mr. Scheib would give a rundown of the process the DNR took and a summary of the updated ordinance. The Planning Commission would then

make a recommendation.

Brad Scheib, Hoisington Koepler Group, 800 Washington Avenue Northeast, Minneapolis, mentioned that a State Law created a need for this, which led the way for:

- Ordinances
- Policy actions
- New rules and a need to update the ordinance

The Mississippi River Corridor is a 72-mile corridor that stretches through the metro area, it's also referred to as MNRA, the National Park Services designation of the Mississippi National River Recreation Area. They protect: natural, scenic, recreational, and transportation. There are 25 different jurisdictions that have this responsibility to zone property and establish the critical area overlay.

The MRCCA Plan adopted was a chapter of the comprehensive plan adopted in 2019. In addition to the DNR's public engagement process, there was public engagement when going through the comprehensive plan update, the critical area was a specific component. Input received for the comprehensive plan was based on feedback from the community as to what they see as important conservation areas or PCA, Primary Conservation Area, and public river corridor views to the river and from the river. Those are two of the new things that need to be codified into the ordinance. He mentioned that the city's zoning code was last modified in 2004 and adopted in the 1990's. To help update the code the model ordinance was used and they made sure to bring forward relevant pieces that were unique to Inver Grove Heights. Where the model ordinance was more restrictive, they retained them.

Primary Conservation Areas (PCA's):

- Shore Impact Zones (SIZ)
- Bluff Impact Zones (BIZ). The bluff plus a 20-foot buffer. For example: Drainage areas, animal habitats (skunks, racoons); are mapped to some degree. When a project comes forward staff uses the ordinance language so those areas would be identified and protected.

Public River Corridor Views

- More challenging.
- Identify key areas with a view to the river from public properties. The idea is to protect those views.
- Discusses views across the river onto other property, typically in another jurisdiction creating a challenge for staff about how to regulate.

These items are addressed when someone comes in and wants a conditional use permit or a variance. This was wrapped into the model ordinance.

MRCCA Districts - New Districts were established:

- River Neighborhood District. Limited number of properties between the railroad tracks that have river frontage. They are older platted residential lots.
- Urban Mix District. Redevelopment area near the Marina's and Heritage Village Park. The most intense development is allowed here.
- Separated from the River District. Away from the water front, there is no connection there. Little less restrictive.
- Rural and Open Space District. Most restrictive area. Keeping things setback from the river, preserving open space, and natural resources. A lot is publicly owned.

Standards were kept intact from the existing code with the exception of being able to go higher in the urban mix neighborhood.

Vegetation removal:

- Impacts of those that have property closest to the river that says if grading the property, changing the contours, or moving dirt; 10 cubic yards or 1,000 square feet is the new threshold. A plan needs to be submitted to the city engineering department for review and a

permit is needed.

- Rip rap guidance rules have not changed. There are certain things that can be done on the shoreline that do not need a permit.

Ordinance Adoption: City procedures will be followed and have not been changed.

Commissioner Simon mentioned there have not been a lot of variances in the Mississippi River Corridor and asked if any variances have been done.

City Planner Allan Hunting replied staff receives one or two. There have been very little requests in the critical area mainly because things are already developed.

Mr. Scheib mentioned that looking at the riverfront property the city has, it's a very limited number of lots because of the railroad tracks and land topography. Lots are further up and larger. He said the ordinance was submitted to the DNR and have received one comment back which was a good thing. This will implement a state rule

Commissioner Weber referenced a property in the city on the southern side by Macalester College that was for sale with a potential of subdivisions.

Mr. Hunting replied if it was the one, he was thinking of it has many more challenges besides a critical area. He mentioned one thing that makes the ordinance adoption a bit easier, in the southern part of the city is already owned by the DNR, the Scenic Natural Area and Macalester College owns much of that. It's not in private ownership, nobody can try to develop that and request variances. Where there are residential lots, 99% already have a house on it. In mixed use along Concord and Heritage Village Park, rules are relaxed more than the original, there are greater heights they can do. This ordinance for urban areas is better than the current one because it's less restrictive.

Commissioner Weber said there was a request from someone looking to build a pole building down by the river. He questioned if there was an issue with the height restriction.

Mr. Hunting replied it applies to the urban area where there would be new housing down by the marinas, the height can go up to 65 feet.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Simon, to recommend to approve the Ordinance Amendment to City Code Title 10, Chapter 13, Article C - Critical Area Overlay District (City of IGH – Case No. 22-21ZA).

Motion carried (8/0).

4. OTHER BUSINESS

Elections will be done in June.

5. ADJOURN

Motion to adjourn by Commissioner Simon. The Planning Commission unanimously adjourned at 8:48 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary