

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 17, 2014 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Paul Hark  
Pat Simon  
Tony Scales  
Armando Lissarrague  
Bill Klein  
Dennis Wippermann  
Harold Gooch  
Joan Robertson

Commissioners Absent: Annette Maggi (excused)

Others Present: Tom Link, Director of Community Development  
Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the June 3, 2014 Planning Commission meeting were approved as submitted.

### **WATRUD PROPERTIES – CASE NO. 14-19VA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a zoning code amendment to allow an office/warehouse as a conditional use in the I-2, General Industry district, a conditional use permit to allow for office/warehouse, contractor's yard, and outdoor storage in the I-2 zoning district, a variance to allow outdoor storage less than 100 feet from an A, Agricultural zoned property, and any other variances related thereto, for the property located on the east side of Clark Road, south of 10900 Clark Road. 6 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is currently vacant. There have been past requests for this property that have been approved by the Planning Commission and City Council, but for reasons beyond the City's control it was never developed. The applicant is proposing to develop the site with a 26,400 square foot office/warehouse building. Currently office/warehouse is not allowed in the I-2 district and therefore a zoning code amendment to allow this type of use as a conditional use in the I-2 district is required. The applicant is requesting two conditional use permits; one to allow office/warehouse and the other to allow a contractor's yard and outdoor storage. Variances are also being requested from the outdoor storage setback requirement and screening requirements from agricultural zoned property. Staff supports the addition of office/warehouse as a conditional use in the I-2 district. The conditional use permit (CUP) request is unique in that the applicant is proposing to construct a multi-tenant building without having the end users in place. The CUP would be for a contractor's yard and outdoor storage that would include landscaping material, vehicles and equipment relating to a business and saleable product. This would not include vehicles for sale, storage of vehicles, propane tanks, mini-storage facility, and storage containers. Access to the site would be via two entrance points onto Clark Road. The applicant is requesting two variances. The first is to allow outdoor storage to be setback 40 feet from agriculturally zoned property whereas 100 feet is required, and the other is to allow a chain link fence whereas solid

screening is required. Ms. Botten noted there are three houses to the east of the subject property that are zoned Agricultural. The long-range plan for this area is industrial. When the residential properties are sold they more than likely will be rezoned and developed as industrial. The intent of the ordinance requirements is to protect permanent agricultural and residential uses from being adversely affected by neighboring industrial development. Allowing a chain link fence and storage within the required buffer will not alter the character of the area as industrial outdoor storage already exists to the north and south of these properties. Additionally, the homes are at a much higher elevation than the subject property so solid screening around the storage would not provide any benefit to the abutting residential properties. Staff recommends approval of all five requests. Staff heard from one abutting business owner and one abutting residential property owner. Generally speaking they were both in support of the request, but had concerns about the blanket CUP approval and what would be stored there. After going through the list of what staff was recommending the neighbors were okay with it. The residential property owner requested that additional landscaping be planted along the back of his property for screening.

Chair Hark asked staff to define storage of vehicles.

Ms. Botten replied the intent was not to allow vehicles for sale to be stored. Staff does not want this property to be used as mini-storage; however, personal vehicles and vehicles related to the business would be allowed.

Commissioner Simon asked if it was problematic that only one variance was listed in the public hearing notice.

Ms. Botten replied it was not, stating the second variance was covered by the verbiage 'and any other variances related thereto'.

Commissioner Simon noted that the applicant was requesting the ability to have storage trailers/containers; however, staff was recommending they not be allowed.

Ms. Botten agreed that there was a difference between what the applicant was requesting and what staff was recommending, but moving forward staff would only want to allow what was listed in the staff report.

Commissioner Lissarrague asked how far the three houses to the east were from the property line.

Ms. Botten replied that she had not done any measurements, but estimated they were about 150 feet from the outdoor storage.

Commissioner Wippermann questioned why approvals were necessary when there were a number of different businesses in the building across the street, similar to what was being proposed with this request.

Mr. Botten advised that the building across the street was approved as a contractor's yard rather than an office/warehouse. The owner has received various approvals throughout the years for the different uses on the property. The applicant presented the building being discussed tonight as an office/warehouse, and staff agreed. Ms. Botten stated the request for this building was different in that they were not sure who the end users would be.

Commissioner Robertson asked if there was a full listing of what uses would be disallowed on this property.

Ms. Botten replied in the affirmative, stating there was a 12 page list in the zoning code as to which

uses were allowed in the City.

Commissioner Robertson asked if the applicant was aware of and would be compliant of the referenced list.

Ms. Botten replied that the applicant was aware of the list; however, he may not agree with staff's recommendation.

**Opening of Public Hearing**

Steve Watrud, 9070 – 90<sup>th</sup> Court, advised he was available to answer any questions.

Chair Hark asked if the applicant read and understood the staff report.

Mr. Watrud replied in the affirmative. He advised that he is requesting a broad enough scope of uses so as to avoid having to go through the CUP process for every specific use. He questioned why office/warehouse would not be allowed in the I-2 district, the heaviest industrial zone in the City. He stated that outside storage is very important to the type of tenant he would be renting to in that area and he does not want to be confined to just the few items listed in staff's report. His tenants would likely have products or equipment they want to keep in storage containers rather than a heated building to keep them secure and out of the elements. He stated many times he would not have 60-90 days to go through the CUP process, and if he was going to build this building and bring businesses to the City, he felt it would only be fair not to make him come to the City every time he wants to ask for something.

Commissioner Scales asked why staff would be concerned about a contractor or business owner storing extra equipment and materials in a storage container.

Ms. Botten replied that staff is not saying storage containers would not be allowed on the property, just that an additional CUP may be required. She advised that other business owners have had to get a separate CUP for storage containers because they do not meet the City's exterior building material requirements. Staff feels that some uses, such as storage containers and mini-storage, are more intense and therefore staff and neighbors should be allowed to review the request during the CUP process.

Commissioner Scales asked if a storage container would be the same as a truck trailer.

Ms. Botten replied they were different.

Mr. Watrud stated they were very similar.

Ms. Botten stated that semi-trailers related to a business located there would be acceptable as part of a contractor's yard.

Commissioner Scales stated if the storage containers were related to the business located there he found it difficult to see the difference.

Ms. Botten stated that the Planning Commission could recommend that storage containers be allowed; however, staff felt they were a more intense use that may require additional review.

Mr. Watrud stated storage containers were essentially semi-trailers without the wheels.

Commissioner Simon noted that the storage facility on Highway 52 was allowed to have storage containers on site.

Ms. Botten advised that the mini-storage facility Commissioner Simon was referring to received a separate CUP to allow them to have storage containers on their property. Staff is recommending that Mr. Watrud do the same if he finds that storage containers are necessary.

Commissioner Lissarrague asked the applicant how many tenants he anticipated having in the proposed building.

Mr. Watrud replied two to six.

Commissioner Lissarrague noted that those companies would bring jobs to the City. He asked which uses staff was not allowing.

Ms. Botten replied that staff was recommending that the applicant apply for a CUP for any use listed in the land use table as a conditional use (i.e. mini-storage, auto sales, propane tanks, etc.).

Commissioner Lissarrague asked if Mr. Watrud was accurate when he stated it could take 60 to 90 days to go through the CUP process.

Ms. Botten replied that the City is required to act on an application within 60 days unless an extension is granted.

Mr. Watrud questioned why he would be allowed to bring in semi-trailers but not storage containers. He advised that he previously had an impound lot in the building across the street. When he discovered that the lot was out of compliance he applied for a CUP; however, by the time he got through the process the tenant had moved out and the space lay vacant for a year and a half. He is asking for a broader scope of uses for this building in order to avoid a similar situation. He stated that tenants wanting to locate their business in this area are looking for smaller buildings with a lot of outside space to store their product. Often they would rather use storage containers to keep everything dry and secure rather than paying for heated space.

Commissioner Simon asked who was using the existing brick building on the east end of the property.

Mr. Watrud replied that Mid-State stored their trucks inside.

Commissioner Simon noted there were trucks parked outside the building as well.

Chair Hark asked the applicant what his plans were for the upper level abutting the three residential properties.

Mr. Watrud stated they were planning to terrace the steep grade change and were requesting a variance so as to utilize a greater amount of the site.

Chair Hark asked what they would do with the driveway to the existing block building.

Mr. Watrud replied that would remain.

Chair Hark asked if the applicant planned to park trucks along the drive next to the three residential properties.

Mr. Watrud stated that was an access. There is a fenced in storage area that is shown on the plans.

Commissioner Simon asked if the existing block building would be independent from tonight's request.

Mr. Watrud replied it would be for the time-being.

Commissioner Klein stated there was a need for affordable space in the industrial area and this was a good fit that would bring in additional tax base.

Commissioner Wippermann asked if the proposed gray rock face building would be painted or have any accent color.

Mr. Watrud replied he was unsure as he had not made any final decisions on the design. He advised it would look similar to the building across the street.

Allan Sachwitz, 11105 Courthouse Boulevard, advised he was the southernmost residential home to the east of the subject property. He advised that he had no issues with permitting storage trailers but had concerns regarding potential erosion because of the steep slope on the east side of the lot. He was also concerned about the hours of operation, stating that he hoped the businesses would not be open on weekends.

Chair Hark stated because this was a spec project it may be a challenge for the applicant to provide an answer to the question regarding business hours.

Mr. Watrud stated it was not his intent to have the businesses open seven days a week; however, there could be instances in which it was necessary. He stated he could not dictate noise and hours of operation; however, typically contractors would not be working seven days a week. Also, any noise generated from a tenant would be insignificant compared to the noise from the highway.

Chair Hark closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Simon stated she would be voting against the variance to exempt the applicant from screening requirements from the residential properties. Rooftop screening, ground mounted screening, and screening from the west and the south of the property was required, but yet they were requesting no screening for the residential properties to the east because of the hill.

Chair Hark asked Mr. Sachwitz for his opinion regarding the fencing.

Mr. Sachwitz advised that because of the significant elevation change he would not see the fence and therefore was agreeable to having no solid screening.

Commissioner Simon rescinded her opposition to the variance from screening requirements.

Commissioner Wippermann stated if the fence was installed on top of the hill it would screen the residents' from the applicant's property, and Mr. Watrud could still add a second fence for security if desired. He also had an issue with staff's suggestion that the zoning code was essentially the practical difficulty. He stated that could set a precedent for future variances using the code as a practical difficulty. He would be voting against the variance as he did not feel it met the variance criteria.

Commissioner Gooch stated it appeared as if the existing block building was right on the property line.

Commissioner Simon questioned whether a setback would be required for that building.

Ms. Botten replied that today the building would be required to be setback from the property line; however, it was built years ago.

Commissioner Gooch noted that if the fence was installed at the proper setback the building would be outside of the fence.

Ms. Botten stated that if the neighbors agreed the fence could be put on the neighboring properties as well.

Commissioner Scales advised he would like to see storage containers allowed on this industrial property and felt it was minor compared to many of the surrounding uses. He stated if tenants were unable to have storage containers they would bring in semi-trailers instead, and he would prefer to look at storage containers.

Ms. Botten noted there would be warehouse space available as well to store products indoors.

Chair Hark stated in his mind there was a distinction between a tenant needing to store items related to his business and someone who was in the business of storing.

Commissioner Scales stated he was recommending that business owners be allowed to store their business related items in a storage container; he was not recommending a self-storage facility.

Commissioner Robertson asked Commissioner Scales to clarify his concern.

Commissioner Scales stated he wanted to give the applicant the option to choose whichever type of storage container his tenants may want to use.

Chair Hark stated this was a unique application because some tenants may not need outdoor storage whereas others would.

Commissioner Klein asked the applicant if he would rent storage space to individuals other than his six tenants.

Mr. Watrud replied it was possible. He stated he did not plan to make this a mini-storage but would perhaps rent space to a plumbing contractor wanting to store pipe, for example. He stated he was not asking for anything different than what was being done around him. He advised that he spoke with staff regarding whether there was even a need for a fence because of the grade difference and advised that if he installed a solid fence the neighbors would never see it but rather would look over the top. He stated that his current building does not have rooftop screening but yet it has no aesthetic detriment to the community. He stated he has already brought six businesses to the city and he will bring more as long as the City does not make it too restrictive to do so.

Commissioner Robertson asked for clarification of whether Mr. Watrud had stated earlier that he may rent storage space for outside storage independent of the entities renting space in his office/warehouse building.

Mr. Watrud replied in the affirmative.

Chair Hark advised that although he was not opposed to the request, he felt they should state a practical difficulty other than the code for the reasons stated previously by Commissioner

Wippermann. He suggested perhaps using the fact that the residences to the east were at a higher elevation.

Ms. Botten advised that staff also looked at the uniqueness of the property and the fact that there were only three agricultural properties remaining and they were guided for future industrial use.

Mr. Watrud agreed that the uniqueness of the property was that the agricultural properties would eventually be changed to industrial. He noted that Mr. Sachwitz was currently trying to sell his property.

Commissioner Lissarrague stated that this business fit the unique location and he would support staff's recommendation, stating perhaps City Council could clean up any uncertain items.

Commissioner Robertson agreed with Chair Hark that the Planning Commission should find a practical difficulty other than the code.

Commissioner Gooch stated in his opinion the practical difficulty was that an I-2 zoned property required a 100 foot buffer when next to an agriculturally zoned property. In this instance, however, the agricultural property would be rezoned to industrial in the future.

#### **Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the zoning code amendment to allow office/warehouse as a conditional use in the I-2, General Industry district, a conditional use permit to allow an office/warehouse building in the I-2 zoning district, a conditional use permit to allow a contractor's yard, outdoor storage, **and storage containers if they are part of the renters' business** in the I-2 zoning district, a variance to allow outdoor storage less than 100 feet from an A, Agricultural zoned property, and a variance to not be required to install solid screen fencing from the A, Agricultural property, **with the practical difficulty being that the agricultural properties abutting the subject property were guided for future industrial**, with the conditions listed in the report, for the property located on the east side of Clark Road, south of 10900 Clark Road.

Motion carried (7/1 - Simon). This item goes to the City Council on July 14, 2014.

The meeting was adjourned by unanimous vote at 7:54 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary