

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, MAY 17, 2016 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR APRIL 19, 2016 AND MAY 3, 2016.**
  
3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 RUSS GOHL - CASE NO.16-15V**

Consider a request for a **Variance** to allow a garage 22 feet from the front property line whereas 30 feet is required for the property located at 5935 Babcock Trail.

Planning Commission Action \_\_\_\_\_

**3.02 FRIEMANN COMPANIES – CASE NO. 16-16ZV**

Consider the following requests for property located at 7535 Cloman Way:

a) A **Rezoning** of the property from R-3A, multiple-family to R-2, two-family residential.

Planning Commission Action \_\_\_\_\_

b) A **Variance** from the R-2 minimum lot size and width requirements for a duplex.

Planning Commission Action \_\_\_\_\_

**4. OTHER BUSINESS**

**5. ADJOURN**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or [kfox@invergroveheights.org](mailto:kfox@invergroveheights.org)

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 19, 2016 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Commissioner Gooch called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Dennis Wippermann  
Elizabeth Niemioja  
Bill Klein  
Pat Simon  
Tony Scales  
Harold Gooch  
Armando Lissarrague  
Annette Maggi

Commissioners Absent: Joan Robertson (excused)

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

### **APPROVAL OF MINUTES**

The April 5, 2016 minutes were not yet available and will be approved at the May 3, 2016 meeting.

### **WAKOTA STORAGE – CASE NO. 16-04C (tabled from March 15)**

#### **Reading of Notice**

The notice was read at the March 15 Planning Commission meeting.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant has submitted a request for a conditional use permit (CUP) to allow a ministorage facility on the vacant property located on the southwest corner of Blaine Avenue and 50<sup>th</sup> Street. The applicant is proposing four storage buildings; one would be heated and the other three would be considered cold storage. No outdoor storage would be permitted on the site. The property is currently three separate tax parcels which the applicant will combine into one buildable lot if the CUP is approved. There would be one access point along 50<sup>th</sup> Street. The zoning code requires the equivalent of 52 trees to be planted on the property; the landscaping plan demonstrates the equivalent of 65 trees that are a mixture of over-story, shrubs, and ornamental trees. The applicant has been working with the engineering department regarding the grading and stormwater requirements. Final plan details will be reviewed and approved by the City Engineer prior to any work commencing on the site. Staff recommends approval of the request with the ten conditions listed in the report. Staff heard from the president of the HOA across the street who expressed concerns with noise and traffic at the intersection of 50<sup>th</sup> and Blaine. Staff also heard from the property owner to the west who had no issues with the request.

Commissioner Wippermann asked if a tree survey was conducted.

Ms. Botten replied it was not as the request did not meet the requirements for tree preservation.

Commissioner Gooch asked if this was the location of the formerly proposed Hitching Post.

Ms. Botten replied in the affirmative.

**Opening of Public Hearing**

Scott Askew, 13602 Dellwood Way, Rosemount, advised he was available to answer any questions.

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

Mr. Askew replied in the affirmative.

Commissioner Wippermann asked if Building B would only be accessed from the south.

Mr. Askew replied in the affirmative, stating there would be no doors on the north side.

Commissioner Wippermann asked if those units would be extra long.

Mr. Askew replied they would not, rather there would be an interior hallway dividing the units up.

Daniel Dietrich, 4837 Bissett Lane, advised he was president of the homeowners association for the townhomes north of the subject property. He noted that the tall trees on the subject property were removed last fall, which caused increased noise from I-494. He noted that the proposed trees to be planted would not be as tall as the ones that were removed and therefore not as effective of a sound barrier. He asked what the hours of operation would be and requested a four-way stop at Blaine and 50<sup>th</sup> Street to slow down traffic.

Ms. Botten responded that the proposed access complied with the access spacing guidelines for the corner of Blaine and 50<sup>th</sup> Street. Staff does not anticipate traffic being a concern as this use does not have peak a.m. traffic and high impact use. In regard to the tree removal, Ms. Botten advised that the applicant owned the property last fall and had the right to remove any trees on the property.

Mr. Askew advised that currently they own a similar storage facility in Rosemount which has 9 a.m. to 5:30 p.m. office hours Monday-Friday and Saturdays 9 a.m. to 3:00 p.m., and gate hours 6 a.m. to 9 p.m. He added that occasionally a customer is allowed after hour access if necessary. The proposed facility may also be open Sundays noon – 3 p.m. so as to develop a clientele.

Ms. Botten clarified that there would not be an additional 65 trees planted, but rather the equivalent of 65 trees which could include shrub plantings.

Mr. Dietrich advised that Blaine Avenue is a main thoroughfare which carries a lot of traffic. He was concerned about an increase in traffic and questioned how he could pursue slowing traffic down at the corner of 50<sup>th</sup> and Blaine, perhaps with a four-way stop.

Mr. Hunting replied that the Public Works Director could best address the question of traffic control.

Commissioner Klein stated there would be no traffic coming from 50<sup>th</sup> Street west of the subject property as it was a dead end with only two residential properties on it. He asked if there were stop signs on Blaine Avenue at 50<sup>th</sup> Street.

Mr. Dietrich replied there were no stop signs on Blaine Avenue, just 50<sup>th</sup> Street.

Commissioner Klein commented that the signs should be on Blaine Avenue rather than 50<sup>th</sup> Street.

Mr. Dietrich asked how many storage units were being proposed.

Mr. Askew replied that tentatively they are planning to have 440 units of various sizes which would likely generate minimal traffic.

Mr. Dietrich stated the noise level from I-494 increased substantially once the trees were removed last fall.

Chair Maggi closed the public hearing.

**Planning Commission Discussion**

Commissioner Niemioja stated that while she sympathized with the homeowner's concerns, she felt this was a good use of space next to the freeway and that the proposed buildings may provide a beneficial buffer.

**Planning Commission Recommendation**

Motion by Commissioner Niemioja, second by Commissioner Scales, to approve the request for a conditional use permit to allow a mini-storage facility on the property located at the southwest corner of 50<sup>th</sup> Street and Blaine Avenue.

Motion carried (8/0). This item goes to the City Council on May 9, 2016.

**GLG PROPERTIES (GERTENS) – CASE NO. 16-05IUP (tabled from April 5)**

**Reading of Notice**

The notice was read at the April 5 Planning Commission meeting.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Gertens Greenhouse is proposing to amend their existing PUD to allow the addition of a 5.7 acre parcel on the east side of the site. Gertens has owned this parcel for a few years and are proposing to use it as growing fields. There is an existing home on the property which would be used for housing employees. The property is currently zoned MF PUD in the Bishop Heights PUD and is guided for low density residential. All uses within the Bishop Heights PUD are approved individually and therefore a rezoning/ordinance amendment to commercial PUD and a comprehensive plan amendment to regional commercial would be required. The changes to the property would be primarily related to engineering and stormwater. Engineering staff is working with the applicant to finalize the proposed stormwater system plans. An issue was raised late Friday afternoon by the Public Works Director in regard to whether a permanent cul-de-sac should be built at the end of Brent Avenue since a northerly extension may no longer be necessary. The Public Works Director has raised this as a point to be addressed by City Council. Staff feels that Gertens should be part of the solution and therefore a general condition has been added in regard to this issue. Staff recommends approval of the request as presented with the 19 conditions listed in the report.

Chair Maggi asked staff to address the guiding for the abutting properties.

Mr. Hunting stated because the zoning is Agricultural, which is a permitted use, it has not triggered a change in the comprehensive plan.

Chair Maggi asked if Gertens owned the property north of the subject property.

Mr. Hunting replied they did not.

Commissioner Simon stated that building a cul-de-sac in the proposed location would be difficult because of the steep topography.

Mr. Hunting replied that the bubble may have to extend a bit further.

Commissioner Simon questioned why they would build a retention pond on the property south of the subject property rather than piping the stormwater to the existing low area that was currently holding the water.

Mr. Hunting stated that question could be better answered by the applicant or their engineer.

Commissioner Klein stated they were overdeveloping it and a cul-de-sac would only serve a few townhouses.

Commissioner Wippermann questioned why the property south of the subject property would not change as well.

Mr. Hunting replied that the subject property required a change, whereas the property referred to by Commissioner Wippermann did not.

#### **Opening of Public Hearing**

Lewis Gerten, 5910 S. Robert Trail, advised he was available to answer any questions.

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

Mr. Gerten replied in the affirmative. He felt that the cul-de-sac issue should be looked at as completely separate from his application as the two things were disconnected except as leverage. He noted that he did not see a picture of it until this meeting.

Chair Maggi asked for clarification of whether the Planning Commission's recommendation would include the details of the cul-de-sac.

Mr. Hunting replied that it was raised as an issue, staff feels it warrants further discussion, but the condition was written in very general terms. If the Planning Commission feels strongly that it should be removed they could include that in their recommendation.

Chair Maggi read Condition 18 aloud.

Commissioner Scales stated the way he reads the condition is that staff is not telling Mr. Gerten the cul-de-sac must be on his property but rather stating it needs to be discussed.

Mr. Hunting agreed with Commissioner Scales' statement.

Mr. Gerten questioned why the cul-de-sac was coming up now as the townhomes were built 12 years ago, it has never come up in previous conversations, and he has lived there his entire life and was not aware of any issues. He felt it was clumsy to have this discussion as the proposed cul-de-sac location was not even on the same parcel as the subject property.

Commissioner Simon asked how the fire department would access the buildings on the back side.

Mr. Link replied he did not recall the details; however, that likely was an issue that the Fire Marshal

considered when that development was approved.

Jacob Steen, attorney with Larkin Hoffman, 8300 Norman Center Drive, Bloomington, agreed with staff's recommendation with the exception of Condition 18. He had several objections to the cul-de-sac, including that it was a dead end with an existing turnaround that has sufficed for approximately 12 years when the apartments were built, he was not aware of any previous public safety issues, the townhomes could be accessed internally through the development drives, and he did not see any benefit that has not already been addressed through the existing turnaround. He stated the proposed cul-de-sac would require a significant dedication of land by Gertens for something totally unrelated to this application, was not feasible due to the significant grade change between Brent Avenue and the Gerten site, and would require a significant amount of earth moving and disruption to the Gerten site. He stated that although Condition 18 was written fairly broadly it appears that it is engineering staff's intent to try to use this as an opportunity to leverage Gertens to supply land for the City's right-of-way that they should have dedicated in 2004 when the development was initially created. For those reasons they are requesting approval of the application striking Condition 18.

Chair Maggi asked if it was realistic to think that Brent Avenue would ever have been extended northward given the topography.

Mr. Hunting replied that he was unsure but at the time the townhome development was proposed the layout would have been looked at by Public Works and Engineering.

Carson Dibble, 1156 – 9<sup>th</sup> Avenue South, South St. Paul, asked the applicant if he planned to bring in a significant amount of fill in order to use it as a growing field.

Mr. Gerten replied that would be an engineering question, but he believed they would be mostly shifting the soil from one spot to another to create the two holding ponds.

Mr. Dibble asked if machinery would be used to access the plants and trees in the growing fields.

Mr. Gerten replied there would be some tractor traffic during the day; however, he was not aware of any noise complaints regarding traffic on their other growing fields. He stated the majority of the tractors would come through 8 p.m.–5 p.m. on weekdays and very rarely on weekends. He added that there would be no lights or after hour activities either.

Mr. Dibble stated his only concern was that removal of the existing vegetation would increase the already high level of dust blowing off the growing fields.

Mr. Gerten stated this was the first dust complaint he had heard of. He advised that they have had a lot of construction activity for the last 4-5 years and he believed the dust was likely due to construction-related activity rather than the nursery fields. He noted that the issue would likely be resolved soon as they were nearing the end of their construction.

Janice Thury, 1148 – 9<sup>th</sup> Avenue South, South St. Paul, was concerned about the dust, the noise from the tractors and irrigators, and the potential for people to use this as a back way of getting into Gertens.

Mr. Gerten stated that employees living in the existing house would continue to use that road but there would be no tractor traffic.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Wippermann, to approve the request for a comprehensive plan amendment to change the future land use designation from LDR, Low Density Residential to RC, Regional Commercial, a planned unit development amendment to allow for the growing field expansion, and an amendment to Ordinance #1230 by rezoning Parcel G to Commercial Planned Unit Development District and to change the site plan and allowed uses for the addition of the added growing field, with the conditions listed in the report striking Condition 18.

Motion carried (8/0). This item goes to the City Council on May 9, 2016.

**RIVER HEIGHTS LAWN AND LANDSCAPE – CASE NO. 16-10C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow a contractor's yard with outdoor storage on an I-1 zoned property, and a conditional use permit to allow the outdoor storage of boats, trailers, and RV's, for the property located at 9601 Jefferson Trail. 13 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that this request is zoned I-1, Light Industrial, and is the former Absolute Trailer property. The applicant has submitted a request for a conditional use permit (CUP) to operate a contractor's yard with outdoor storage and to allow the storage of boats, trailers, and RV's on the property. The property consists of two separate tax parcels. The applicant is proposing to use the existing building on the south parcel as an office and the existing impervious surface for the parking and storage area. No new additional impervious surface is proposed at this time. It is staff's understanding that the applicant would also like to use the northern parcel similar to what the previous owner did. If that is the case they shall submit a plan to staff to be included with the City Council review prior to them making a decision. The applicant is planning to remove and replace some of the landscaping around the building to improve the aesthetics of the property. A six-foot privacy fence is proposed along Jefferson Trail. Engineering has been working with the applicant regarding grading and stormwater requirements. Staff recommends approval of the request with the seven conditions listed in the report and an added condition that a revised plan be submitted prior to City Council review if the applicant would like to utilize the northern parcel at this time. Staff distributed an email to Commissioners from one neighbor who was not in support of the request as they are concerned about a negative impact on property values and feel it could be visually displeasing.

Commissioner Simon asked why the two tax parcels were not combined into one.

Ms. Botten replied the applicant was not required to combine the two parcels into one as there were no buildings crossing over the property line.

Commissioner Simon asked if there would be a septic inspection, stating it was likely the new business would have more employees than the former business.

Ms. Botten stated that the building would have to meet all building and fire code requirements in order to get a certificate of occupancy.

Commissioner Simon stated it was her understanding that the sale of a building required a septic inspection.

Commissioner Wippermann asked if the proposed fence would be a security fence or a privacy fence.

Ms. Botten replied it would be a solid privacy fence.

Commissioner Gooch stated he would like to see a semblance of order as to how the vehicles were being parked, stating the former owner had vehicles parked everywhere.

Ms. Botten stated at this time they do not have the boats, trailers and RV's laid out in parking stalls and drive aisles but she would think they would have to in order for customers to maneuver and utilize their vehicles.

**Opening of Public Hearing**

Nick Marsden, 10267 – 102<sup>nd</sup> Ct W, advised he was available to answer any questions.

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

Mr. Marsden replied in the affirmative. In regard to a previous question regarding the septic system, he believed the property was hooked up to City services. They plan to store the equipment on the northwest corner of the property. He advised they have already started cleaning up the site and he runs a neat, orderly company.

Commissioner Klein asked the applicant why he was requesting to store recreational vehicles when he was a landscaping company.

Mr. Marsden replied this was a larger parcel than he needed for the landscape business and he felt this was a creative way to utilize the excess land and gain additional income. He advised he did not plan to begin storage immediately as he may need some of the land for storage of trees, shrubs, etc.

Commissioner Gooch asked if the lean-to and other items next to the building had been removed from the property.

Mr. Marsden replied in the affirmative.

Scott Paulson, 9252 Albano Trail, was concerned about the proposed storage of boats, trailers, etc. and would like to see it tabled.

Commissioner Klein asked if it would be a permitted use for the owner and employees of the landscape business to store their personal recreational vehicles on the property.

Mr. Hunting replied typically contractor's yard would only be for business-related equipment; however, it likely occurs on many lots in the City.

Chair Maggi asked if in theory the applicant could charge his friends a nominal fee and then technically it is a business.

Mr. Hunting replied the applicant is applying for the outdoor storage so it would be allowed to occur under the conditional use permit.

Commissioner Lissarrague asked Mr. Paulson if there were trees between his home and the subject property.

Mr. Paulson replied that his home was on a hill looking down over Jefferson Trail and was not a wooded lot.

Commissioner Lissarrague asked Mr. Paulson if he overlooked the subject property.

Mr. Paulson replied that he could see much of the subject property from his home.

Rich Kruger, 9333 Albano Trail, stated he lived across the street from the subject property and was concerned about the vehicle storage portion of the request. He stated because his neighborhood sits up so high no fence would be able to screen the property from them. He stated that typically storage facilities have buildings in the front and outdoor parking in the back where it is concealed. In this case, however, the RV's and boats would be highly visible as they would be stored right off the road. He questioned if six feet was the standard height for fencing or were there other heights contemplated for different uses.

Commissioner Klein replied that six feet was the standard.

Mr. Kruger reiterated that a six foot fence would not hide anything, he was concerned that the owner may not be familiar with running a storage business, and he would like to see that portion of the business struck.

Chair Maggi closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Scales stated he had no issue with the storage request and believed that from a business standpoint it would be in the owner's best interest to keep the site in good shape.

Commissioner Niemioja agreed with Commissioner Scales, asked how the City would enforce this should the property become disorderly, and stated since the City is contemplating restricting the parking of recreational vehicles in the front yard residents would likely need a place such as this to store their vehicles.

Ms. Botten stated Condition 2 requires that the storage area be kept in a neat and orderly manner and that all licensable vehicles have a current license and be in operable condition.

Commissioner Niemioja asked if it would be up to the neighbors to call if they felt there was a problem.

Ms. Botten replied in the affirmative.

Commissioner Klein stated this would be an improvement from the former business and he hoped the owner would add some landscaping screening as well as the fence.

Commissioner Simon asked if it would be possible to add a condition prohibiting for sale signs, sale of items from the storage yard, containers, etc. which were conditions for other storage facilities in the City. She asked if there was a specific set of rules for storage that would be attached to the proposed conditions

Ms. Botten replied there was not, but the Planning Commission could add a condition.

Commissioner Simon advised she would like such a condition added.

Commissioner Klein agreed with Commissioner Simon's suggestion.

**Planning Commission Recommendation**

Motion by Commissioner Klein to approve the request for a conditional use permit to allow a contractor's yard with outdoor storage on an I-1 zoned property and a conditional use permit to allow the outdoor storage of boats, trailers, and RV's, for the property located at 9601 Jefferson Trail, with the seven conditions listed in the report, the additional condition from staff that if the applicant would also like to use the northern parcel they must submit a plan to staff prior to going to City Council, and an added condition prohibiting for sale signs and the sale of vehicles.

Mr. Kruger asked if there was a height restriction on how tall RV's could be.

Chair Maggi replied there was not.

Mr. Kruger asked if they would entertain such a restriction.

Commissioner Klein advised that RV's were only built to a certain height.

Commissioner Simon stated that to her knowledge no other storage facilities had that restriction.

Second by Commissioner Scales.

Motion carried (8/0). This item goes to the City Council on May 9, 2016.

**CASTAWAYS MARINA & CITY OF INVER GROVE HEIGHTS – CASE NO. 16-11CV & 16-12V**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to add a new storage structure on the east end of the parking lot and a variance to allow a structure to be located five feet from the property line, whereas 40 feet is required, for the property located at 6140 Doffing Avenue. 2 notices were mailed.

Commissioner Simon read the public hearing notice to consider the request for a variance to allow the creation of a new lot with less than required minimum lot size and width standards in the I-1 zoning district, for the property located at 6140 Doffing Avenue. No notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the City has been in negotiations with Castaways Marina to purchase the house and surrounding land so as to continue the City's efforts to remove residential structures out of the floodplain. The property is zoned I-1 and the minimum lot size and width in that district is one acre and 100 feet. The parcel of land to be purchased is 10,000 square feet in size; therefore the City is requesting a variance to allow the creation of a parcel smaller in size than the minimum standards. If the City purchases the property they would do an administrative subdivision to create the parcel. The marina currently uses the garage on the subject property for storage. The proposed two-story storage building would replace and expand that storage capacity. The applicant is requesting a CUP amendment to allow for that addition. A variance from setbacks is also being requested as the building would be setback five feet from the new property line. Staff does not see an issue with creating a small parcel because the City is purchasing just enough land for the purpose intended, and it will remain in open space and not developed. The marina setback variance is created by the access roads to the levee, parking lot, and the request of the City to purchase land. Staff sees these as practical difficulties and recommends approval of the two applicant requests as presented.

Chair Maggi asked if anyone was living in the residence on the subject property.

Mr. Link advised the residence was vacant.

Chair Maggi questioned why the City desired to purchase the subject property even though the residence was not inhabited.

Mr. Link replied that the purpose of the City's ongoing program to acquire properties in the floodplain was to remove the buildings so as to reduce damage to property and damage to life, and also to make it easier for the City to fight floods. He advised in the past the City has had to sandbag the building and pump out water when there have been floods.

Commissioner Klein asked if the City would be held harmless should the proposed building flood.

Mr. Link replied that the proposed building would be designed to withstand floodwaters. Also, as part of this sale there is an agreement between the marina and the City relieving the City from the responsibility and obligation of having to protect the building. Part of the agreement requires that the City provide access to the marina, however, they will not have to pump in order to protect the new storage building.

#### **Opening of Public Hearing**

Tom Lind, 6140 Doffing Avenue, stated he was available to answer any questions.

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

Mr. Lind replied in the affirmative. He clarified that the lower level of the proposed building would be poured concrete garage space built to comply with the code required for building in a floodplain. If the river rises they will move the vehicles out and let it flood. The second story will house mini-storage units and will be three feet higher than the top of the levee which will alleviate any potential flooding issues. The units will be sold to members of their marina.

Mr. Link advised that Mr. Lind has been working closely with staff and is very knowledgeable about building code requirements in the floodplain.

Chair Maggi closed the public hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Lissarrague, to approve the requests for a conditional use permit to add a new storage structure on the east end of the parking lot, a variance to allow a structure to be located five feet from the property line whereas 40 feet is required, and a variance to allow the creation of a new lot with less than required minimum lot size and width standards in the I-1 zoning district, for the property located at 6140 Doffing Avenue, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on April 25, 2016.

#### **MIHM CUSTOM HOMES – CASE NO. 16-06PUD**

##### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agricultural to R-1C/PUD, Single-Family Residential, a preliminary plat for a 44 lot,

two outlot subdivision, and a preliminary PUD Development Plan for a 44 unit single-family development, for property located on the west side of Highway 3 between future 65<sup>th</sup> and 67<sup>th</sup> Streets. 14 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing a 44 lot, two outlot single-family development that would receive its sewer and road extensions from Blackstone Ridge. Lot sizes range from 8,000–15,000 square feet and average 65 feet in width. The street system consists of a north-south collector and two local street stubs leading west into Blackstone Ridge. Sidewalks are proposed on all the local streets. The site requires some reforestation and takes into account the manmade pine plantation. The applicant is requesting flexibility from the Northwest Area standards to allow a 15 foot separation between houses, a 25 foot front setback, a 20 foot corner lot setback, 30.18% impervious surface, and driveways be allowed to be full length and width with non-porous pavement. Staff recommends approval of the request.

Chair Maggi asked for clarification of the proposed side setbacks.

Mr. Hunting replied they would maintain a 15 foot separation but it would not necessarily be a strict 5 and 10.

Commissioner Simon noted an error on Page 8 of the report in regard to financial implications.

Mr. Hunting advised he would review and correct the statement regarding the financial implications of 44 lots versus 99 lots.

Commissioner Simon questioned why, in instances where pine plantations were removed, applicants would get credit for replacing trees with more pines.

Mr. Hunting replied that pine plantations are planted tight together with the intention of logging them, whereas the replacement pines would be planted in a different manner, function as landscaping, and would likely be a different species.

Commissioner Simon questioned whether the Northwest Area requirements should be changed since all the larger developments in the Northwest Area have requested the same flexibility.

Mr. Hunting replied that staff has been making note of the flexibilities that are repeatedly being requested and a discussion will likely take place to determine whether some of the requirements should be changed.

Commissioner Simon asked if they would also need to change the stormwater manual.

Mr. Hunting replied he would look into it but did not believe so.

Chair Maggi was concerned that they have been making adjustments development by development rather than someone looking at the entire area comprehensively to determine what the overall impact would be of changing the rules.

Commissioner Simon agreed, stating the Northwest Area has difficult topography, water is difficult to keep on site, and they keep making exceptions.

Mr. Hunting agreed that the difficult topography is making it hard for developers to get the density they need. Mr. Hunting stated that Engineering continually looks at the larger drainage areas and

basins to make sure they are not shorting themselves, they have had a few updated studies done, and the stormwater is being looked at with every development.

Commissioner Scales stated his understanding was that it was still handling the same amount of water in the same amount of space; it is just that instead of having rain gardens between every house runoff goes to a big holding pond like the City has done for years. The same development is still handling the same amount of water.

Mr. Hunting stated they are all designed to the same standards in the Northwest Area; they just might be larger basins as opposed to individual rain gardens.

Commissioner Gooch stated this particular property was changed from Medium Density to Low Density, so in reality it would have been a worse situation than it is now.

Commissioner Niemioja asked for clarification of the reforestation issue since the people in this area may like more trees as there are no parks in this area.

Mr. Hunting advised that if the developer cannot physically fit all of the plantings on the property they have the option of requesting Council to allow them to pay a fee in lieu of planting. The applicant's reforestation and landscape plans, however, comply with City standards.

#### **Opening of Public Hearing**

Tom Mihm, 842 Ivy Lane, Eagan, advised he was available to answer any questions.

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

Mr. Mihm replied in the affirmative. He provided a color rendering showing the proposed tree plantings.

Chair Maggi closed the public hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the request for a rezoning of the property from A, Agricultural to R-1C/PUD, Single-Family Residential, a preliminary plat for a 44 lot, two outlot subdivision, and a preliminary PUD Development Plan for a 44 unit single-family development, for property located on the west side of Highway 3, between future 65<sup>th</sup> and 67<sup>th</sup> Streets, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on May 9, 2016.

#### **OTHER BUSINESS**

Tom Link, Community Development Director, advised that staff is preparing to start the comprehensive plan update. The Planning Commission's role will likely start late 2016 or early 2017. Many of the issues being raised tonight will be discussed as part of that update.

The meeting was adjourned by unanimous vote at 8:50 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 3, 2016 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Commissioner Gooch called the Planning Commission meeting to order at 7:00 p.m.

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

Commissioners Absent: Annette Maggi (excused)

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The April 5, 2016 minutes were approved as submitted.

### **ALFRED WILLENBRING – CASE NO. 16-13IUP**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an interim use permit to allow a contractor's yard with outdoor storage on an A, Agricultural zoned property, for the property located at 1185 – 80<sup>th</sup> Street. 6 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting an interim use permit to allow a portion of his property to be utilized as a contractor's yard with outdoor storage for a landscaping company. The applicant is requesting the interim use be allowed for a period of five years. The property is currently zoned A, Agricultural, which does not allow for contractor yards. The City became aware of the business through a complaint received by code enforcement. During meetings with staff to resolve the issue, the landowner indicated his intentions were to allow the business for a period of time until he could sell his land for development. Staff suggested he apply for an interim use permit. No buildings or improvements are proposed for the site. An interim use is a temporary use of a property until a particular date, event, or where there is going to be a change to the character of the neighborhood. In this case the subject area will likely develop into commercial or high density residential once 80<sup>th</sup> Street is realigned and sewer is available. Staff received comment from one property owner who had no objections. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Wippermann asked how many people were notified of the public hearing.

Mr. Hunting displayed a map showing the parcels that were notified and their proximity to the subject property. He noted that the lots in this area are large and therefore there were only six within the 350 foot radius.

Commissioner Wippermann asked if there was also a sign posted on the property.

Mr. Hunting replied a sign was not posted since this was only a temporary use and no changes/additions to the property were being proposed.

Commissioner Lissarrague asked if staff knew whether the complaint was from a neighbor.

Mr. Hunting replied he was not sure.

Commissioner Lissarrague stated the complainant may not have been one of the six properties that were noticed.

Commissioner Wippermann asked if the complainant would be notified as part of the process.

Mr. Hunting replied they would not be noticed as part of the application process as that was a separate matter. He noted that the complaint could have come in anonymously.

Commissioner Gooch asked what the property to the west was zoned which consisted of a storage facility.

Mr. Hunting replied B-3.

Commissioner Gooch asked if the applicant could request his property be rezoned to B-3 as well.

Mr. Hunting replied in the affirmative, stating that entire corner was guided Community Commercial.

Commissioner Robertson asked if the interim use permit could be shortened from the five year maximum.

Mr. Hunting replied in the affirmative, stating the maximum was five years but if the landowner sold his property to someone else the interim use would disappear.

Commissioner Robertson asked if the interim use permit would follow the property.

Mr. Hunting replied that the interim use permit would expire when the term expired.

### **Opening of Public Hearing**

Alfred Willenbring, 1185- - 80<sup>th</sup> Street, advised he was available to answer any questions.

Commissioner Gooch asked the applicant if he read the report.

Mr. Willenbring replied in the affirmative. He advised that his renter was on a month-to-month lease so if the road were to come through the lease could be terminated within 60 days.

Commissioner Simon asked the applicant if he was aware the use could last for up to five years.

Mr. Willenbring replied in the affirmative.

Commissioner Simon advised the applicant he could terminate it at any time.

Mr. Willenbring stated he understood. In regard to the previous question about the complaint, he advised that the complaint did not pertain to this piece of property and has since been resolved.

Commissioner Gooch closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Klein to approve the request for an ordinance amendment to add 'contractor's yard with outdoor storage' in the A, Agricultural zoning district to the list of interim uses, for the property located at 1185 – 80<sup>th</sup> Street.

Commissioner Wippermann was concerned about changing the ordinance and setting a precedent for all agriculturally zoned property. He suggested restricting the ordinance amendment to apply only to property zoned A, Agricultural and guided for commercial.

Commissioner Klein supported Commissioner Wippermann's recommendation.

Commissioner Scales asked if any property owner could request an interim use permit.

Commissioner Wippermann reiterated that it was setting a precedent.

Commissioner Gooch questioned whether we were changing the ordinance.

Mr. Hunting replied they would be changing a section of the ordinance pertaining to interim uses.

Commissioner Wippermann asked if it was possible to restrict the ordinance change strictly to agriculturally zoned property guided for commercial.

Commissioner Simon asked if that would be a condition of approval.

Commissioner Wippermann replied it would be part of the ordinance change rather than a condition.

Commissioner Klein stated an ordinance change typically takes requires three readings.

Mr. Hunting replied this was a minor change which Council has always done in one reading. Approval of this would add 'contractors yard with outdoor storage' in the A, Agricultural zoning district to the list of interim uses. An applicant would then have to get an interim use permit and meet the criterion. He stated if the Commissioners were comfortable with Commissioner Wippermann's suggestion they should make a recommendation and he will verify that that can be done.

Commissioner Robertson was somewhat reluctant to add the suggested clause 'guided for commercial' as there may be other individuals of agriculturally zoned property whose land might eventually become developed but has not yet been guided for commercial.

Commissioner Scales stated any landowner could request an interim use permit; Commissioner Wippermann's recommendation would avoid setting a precedent on all agriculturally zoned property.

Commissioner Lissarrague stated he lived in the Agricultural zoning district and agreed with Commissioner Wippermann's suggestion.

Commissioner Wippermann restated his suggested verbiage.

Commissioner Klein restated his motion to approve the request for an ordinance amendment to add 'contractor's yard with outdoor storage' for properties in the A, Agricultural zoning district **that**

**are guided commercial** to the list of interim uses.  
Second by Robertson.

Motion carried (8/0).

Motion by Commissioner Klein, second by Commissioner Scales, to approve the interim use permit to allow a contractor's yard with outdoor storage on an A, Agricultural zoned property, for the property located at 1185 – 80<sup>th</sup> Street, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on May 23, 2016.

## **OTHER BUSINESS**

### **Recommendation on Consistency with the Comprehensive Plan for a City Improvement Project (Argenta Trail ROW)**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that in 2015 Council approved a comprehensive plan amendment to adopt a realignment of Argenta Trail. As part of that action Dakota County was asked to prepare a joint powers agreement with the City addressing the acquisition and dedication of a 365 foot wide strip of land along the west side of the Blackstone Ridge plat for the future realignment of Argenta Trail. That document referenced a payment to the owner in the amount of \$2.4 million dollars. The Planning Commission is being asked to make a recommendation that the expenditure of funds for this right-of-way is consistent with the comprehensive plan. Staff recommends that the project expenditure be found consistent with the comprehensive plan.

Commissioner Simon questioned why the Planning Commission was acting on this request since financial matters were typically not within their purview.

Mr. Hunting replied that State Statute requires the Planning Commission to make a recommendation on capital improvement projects' consistency with the comprehensive plan.

Commissioner Klein questioned whether there would be any financial participation by the State.

Mr. Hunting stated he was not involved in the financial matters and could not comment on how it was funded.

Commissioner Klein stated he would like his comment reflected in the minutes so hopefully it could be answered at a later date.

Commissioner Simon asked what percentage of the total would be paid by the City.

Mr. Hunting replied that would be determined by City Council.

Commissioner Wippermann asked if the City was paying for the power line right-of-way, stating it appeared to be part of the 265 foot strip of land.

Mr. Hunting replied in the affirmative, stating that was part of the agreement.

Commissioner Wippermann asked if the power line would be relocated.

Mr. Hunting replied that the power line would remain in place. He advised the County needed additional land so part of the agreement was for a 265 foot corridor rather than 200.

Motion by Commissioner Scales, second by Commissioner Robertson, that the project expenditure is consistent with the comprehensive plan.

Motion carried (8/0).

Mr. Hunting advised Council would take action on this item at one of their meetings in May 2016.

Commissioner Simon asked when staff planned to hold officer elections.

Mr. Hunting replied they would hold elections in June after the commissioner appointments have been completed.

Commissioner Robertson asked when the City Directory would be updated.

Ms. Fox advised it would be completed after the May commission appointments.

The meeting was adjourned by unanimous vote at 7:30 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

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**REPORT DATE:** May 11, 2016                      **CASE NO.:** 16-15V

**HEARING DATE:** May 17, 2016

**APPLICANT AND PROPERTY OWNER:** Russ Gohl

**REQUEST:** A variance from the front yard setback requirements

**LOCATION:** 5935 Babcock Trail

**COMP PLAN:** LDR, Low Density Residential

**ZONING:** R-1B, Single-family residential

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten  
Associate Planner



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## **BACKGROUND**

The existing home, built in 1956, does not have an attached garage on the property. The property does not have direct road frontage and is a wooded lot with some topographical changes. The applicant would like to construct a two-car, attached garage on his property 22 feet from the front property line whereas 30 feet is the required setback. The proposed garage would be 30' x 24' in size.

The applicant stated he would like to clean-up his property. To construct the attached garage he would be removing an existing hoop structure and small shed. Additionally, the property had an 18x20 foot structure that was located 10 feet off the front property line; the applicant moved this structure to construct the attached garage. The proposed garage would be in compliance with all other setback, size, and impervious surface requirements.

## **SPECIFIC REQUEST**

The following specific application is being requested:

- 1) A variance from the front yard setback requirement to construct an attached garage 22 feet from the property line whereas 30 feet is required.

## **SURROUNDING USES:**

The subject site is surrounded by single-family homes, all zoned R-1B, Single Family Residential and guided LDR, Low Density Residential.

**EVALUATION OF REQUEST:**

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 to encroach into the front setback 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 surrounding properties are zoned and developed residential. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as a residential lot.

In respect to the use of the land, impervious surface, other setbacks and code requirements the request is in harmony with the provisions in the zoning ordinance.

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

A two-car attached garage is a reasonable use on a residential property. The property owner would be cleaning up his property by removing two non-conforming structures and adding a two-car attached garage. The size of the garage is not out of character for the residential area.

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

The home was constructed prior to the adoption of a city code and was built without an attached garage. South and west of the existing home the property changes in elevation. Locating the garage in an area to meet setbacks would result in moving earth and trees and building a number of retaining walls.

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

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The property does not have direct road frontage; the garage addition would be located behind trees and a neighboring home. The property owner most directly affected supports the variance request (letter attached). Staff does not believe the addition of a two-car attached garage would alter the essential character of the locality.

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

Economic considerations do appear to be a basis for this request as adding the garage in a different location would require grading of the property and retaining walls which would be an additional cost.

## **ALTERNATIVES**

The Planning Commission has the following alternatives available for the requested action:

**A. Approval** If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. A grading/erosion control plan will be required at the time of the building permit application.

**B. Denial** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

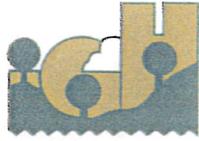
## **RECOMMENDATION**

The request is not out of character of the neighborhood and it is consistent with the comprehensive plan. An attached garage is a typical improvement for a residential property and the reduced setback does not appear to have any adverse impacts on the neighboring properties. Staff believes a practical difficulty can be found for a front yard setback variance due to the topography of the lot and the location of the existing home built prior to a City having a code.

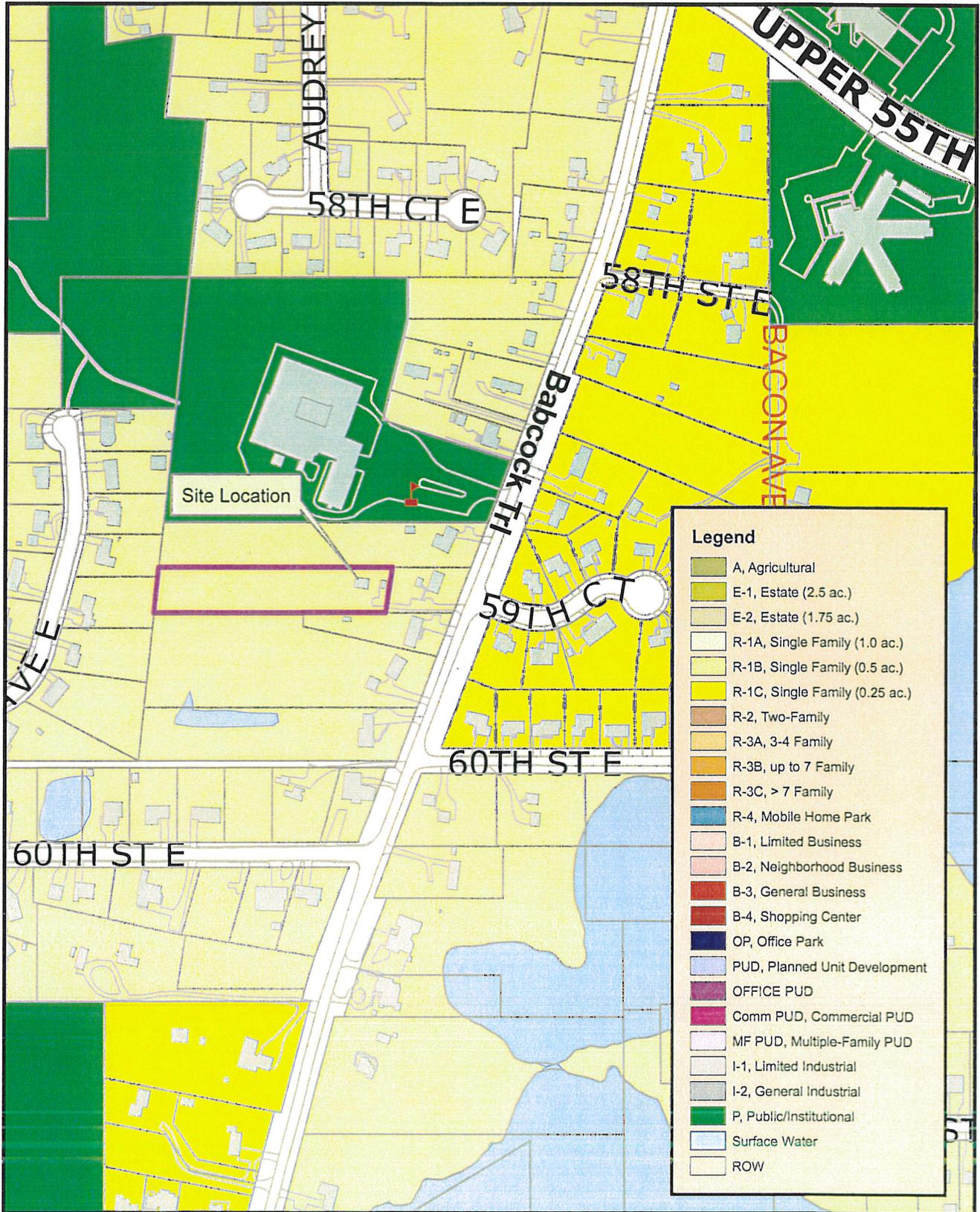
Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of a 22 foot setback from the front property line.

Attachments: Exhibit A - Location/Zoning Map  
Exhibit B - Applicant Narrative  
Exhibit C - Site Plan  
Exhibit D - Aerial Picture  
Exhibit E - Exterior Elevation  
Exhibit E- Email from neighbor

Map not to scale



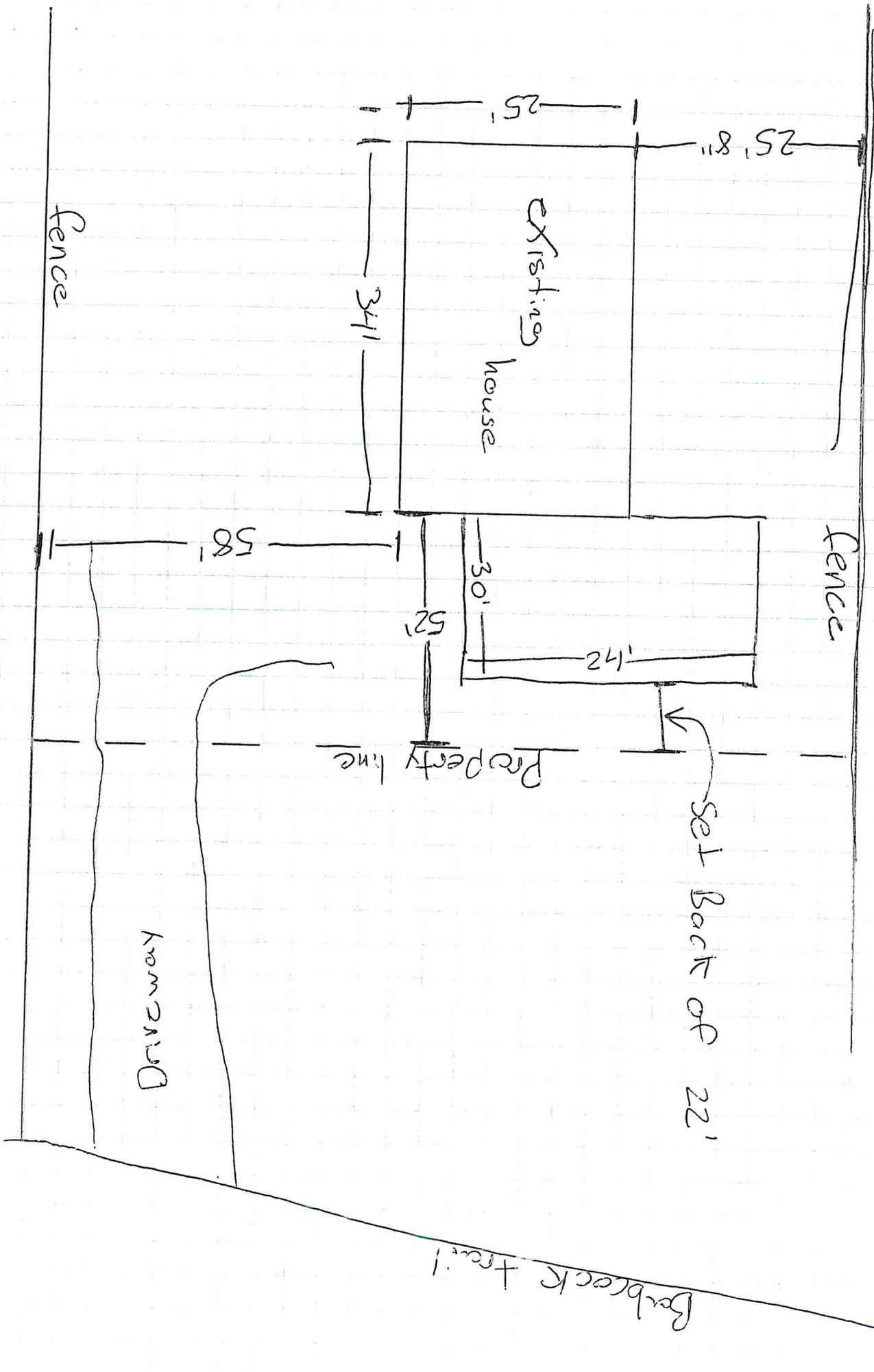
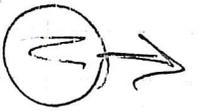
# Gohl Case No. 16-15V



N  
 This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

**Exhibit A**  
**Zoning and Location Map**

would like to BUILD a garage onto  
existing house on the East side this  
is the only good spot to put it Due  
to a big tree and steep hill on  
the south side and if I would  
Put ~~it~~ on the west side would have to  
add onto the Driveway and BUILD two  
or three retaining walls



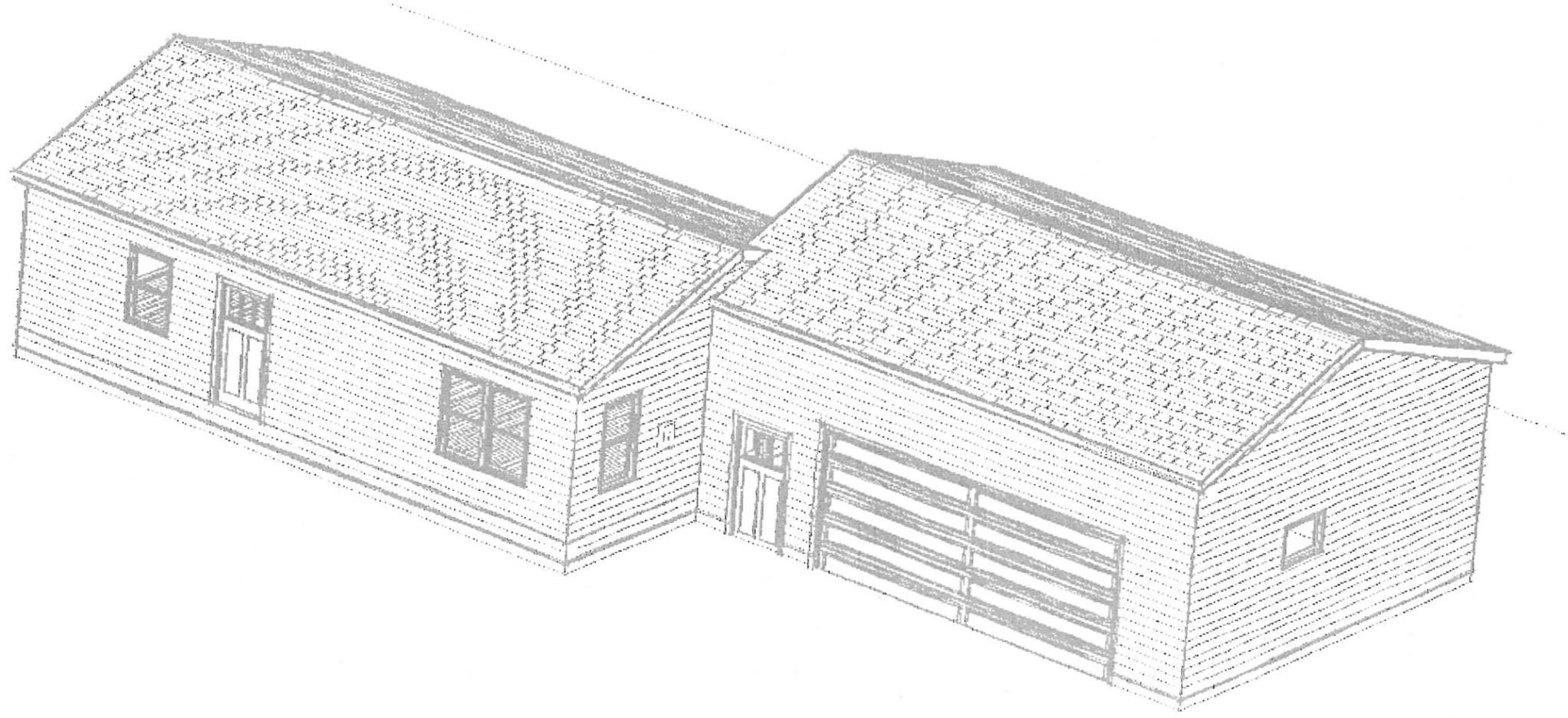
Map not to scale



# Gohl Case No. 16-15V



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nor a survey and is not intended to be used as one.  
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herein contained.



Designed By: Bart Ikens

B<sup>2</sup> Design Build LLC  
14505 South Roberts Trail  
Rosemount, MN 55068  
(651) 333-9394  
Lic. # BC639128

SHEET:  
**A-2**

PROJECT DESCRIPTION:

5935 Babcock Trail  
Inver Grove Heights

B<sup>2</sup> Design Build LLC. assumes no responsibility for structural or dimensional errors or omissions. The contractor and / or home owner must verify and check all notes, dimensions, elevations, sections and floor plans prior to the start of construction and be responsible for the same.

DATE:  
3/29/2016

SCALE:  
3/16"=1'

## Heather Botten

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**From:** Martin Triviski [timmy1337lawl@yahoo.com] -5921 Babcock Trl.  
**Sent:** Monday, May 09, 2016 2:50 PM  
**To:** Heather Botten  
**Subject:** Russ Gohl case no.16-15V

To whom it may concern. My name is Martin Triviski and I am the neighbor of Russ Gohl. Russ can put his garage anywhere on his property he wants I have no concerns with it.

Sent from my iPhone

**P L A N N I N G     R E P O R T**  
**C I T Y   O F   I N V E R   G R O V E   H E I G H T S**

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**REPORT DATE:** May 11, 2016

**CASE NO:** 16-16SV

**HEARING DATE:** May 17, 2016

**APPLICANT/PROPERTY OWNER:** Friemann Companies

**REQUEST:** A rezoning of the property from R-3A to R-2 and a lot size and width variance to allow a duplex on the property.

**LOCATION:** 7535 Cloman Way

**COMPREHENSIVE PLAN:** LDR, Low Density Residential

**ZONING:** R-3A, multiple-family

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Heather Botten   
Associate Planner

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**BACKGROUND**

The applicant's property is .18 acres (7,986 square feet) in size and zoned R-3A, multiple-family residential. The property was once home to the "little green" store. The building has been vacant for a number of years. The applicant is requesting to renovate the existing building on the property and add two garages to the site to turn the property into a duplex.

The current zoning of R-3A allows a 3 or 4 unit building on the parcel. The property is not large enough to accommodate a 3 or 4 unit building; therefore, the applicant is requesting to rezone the property to R-2, two-family residential to utilize the property.

**SPECIFIC REQUEST**

The following specific applications are being requested:

- 1) A rezoning of the property from R-3A, multiple-family to R-2, two-family.
- 2) A variance from the minimum lot size requirements to allow a duplex to be located on a lot 7,986 square feet in size whereas 15,000 square feet is required and the lot width of 72.5 feet whereas 100 feet is required.

**EVALUATION OF THE REQUEST**

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

- North - Duplex; zoned R-3A; guided LDR
- East - Multiple-family residential; zoned R-3A; guided LDR
- West - Church; zoned P; guided Public/Institutional
- South - Office; zoned R-3A; guided LDR

### **SITE PLAN REVIEW**

Setbacks. The existing building, built in 1961, is a legal non-conforming structure. The two garage additions would comply with setback requirements for the R-2 zoning district.

Impervious surface. The site is currently about 100% impervious surface. The applicant would be removing some of the existing hard surface to provide green space for his tenants.

Access. Access to the property is not changing. There would be one access point onto Cloman Way.

Exterior Materials. The building would have horizontal lap siding on all four sides. The building complies with exterior materials standards.

Engineering. The Engineering Department has reviewed the plans and has noted their comments in a separate memo that is part of the conditions of approval. No storm water treatment facilities are required. Impervious surface would be reduced on the property. The use of the property would not create any adverse impacts to storm water compared to what is existing on the property.

### **REZONING**

City Code, Section 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.

#### Infrastructure

City sewer and water are available to the site. If one shared system is used with the duplex a maintenance agreement shall be required between the tenants of the two buildings. This agreement shall be submitted to the City prior to building permit issuance.

Access to the property would not be changing; there is one access point onto Cloman Way. No additional roadways or other public improvements appear to be necessary with this request.

#### Comp Plan Consistency

The property is guided LDR, Low Density Residential which allows for density of 1-3 units an acre. The applicant is requesting the lot to be rezoned to R-2, two-family residential. The proposed rezoning would be consistent with the Comprehensive Plan.

#### Neighborhood Compatibility

The property is an existing lot of record. Even though the site requires a variance from the minimum lot size and width requirements the type of product proposed fits with the neighborhood. There are other multi-family units to the north and east of this parcel. The applicant is planning to utilize the existing building on site and reduce the amount of impervious

surface. The request does not appear to have any adverse impacts on the neighboring properties.

### VARIANCE REVIEW

If the proposed rezoning is approved, the applicant is requesting a variance from the minimum lot size requirements to allow a duplex to be located on a lot 7,986 square feet in size where as 15,000 square feet is required and 72.5 feet wide whereas 100 feet is required. .

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 surrounding neighborhood is guided for low density residential. The use of the property for a duplex would be consistent with the surrounding neighborhood.

Allowing a smaller lot size and width could provide for a different housing opportunity in that it may be more affordable to more individuals. The comprehensive plan states the City should provide affordable housing option when possible.

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

The property is not physically large enough to comply with the residential minimum lot size and width requirements. Any redevelopment of the site would require variance approval.

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

The property was originally developed in 1961, prior to the adoption of a city code. The lot size and width do not meet current code requirements and is considered a legal non-conforming lot. Any type of redevelopment would require variance approval .

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

The lot size and width variance would not impact the character of the neighborhood. In respect to the use of the land and setback and code requirements the request is in harmony with the provisions in the zoning ordinance.

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**

- A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:
- Approval of a **Rezoning** from R-3A, multiple-family to R-2 two-family residential.
  - Approval of a **Variance** to allow an R-2 lot 7,986 square foot in size and 72.5 feet wide 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. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.
    3. If the duplex has one shared utility system a maintenance agreement shall be required between the tenants; this agreement shall be submitted to the City prior to building permit issuance.
- B. **Denial.** If the Planning Commission does not favor the proposed application, the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

### **RECOMMENDATION**

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the rezoning and variance requests.

Attachments: Exhibit A – Zoning and Location Map  
Exhibit B – Narrative  
Exhibit C- Survey  
Exhibit D – Exterior Elevations

Map not to scale



# Friemann Companies Case No. 16-16ZV



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

**Exhibit A**  
**Zoning and Location Map**

## Request for Rezoning/Variance of 7535 Cloman Way East, Inver Grove Heights

Thank you for your consideration of this request. I purchased the above referenced property in June of 2015. Our intention, initially, was to acquire the property, demolish the structure and build a duplex. We worked with Allen and Heather in the planning department. They were very helpful. In the process of planning and researching our options we came to understand the existing structure was a very sound and functional building. Additionally it was determined that the structure was completely constructed of concrete and would be very challenging to remove. There is one section of the existing property that requires a variance as it rests on the property line to the West. The existing structure does not impact the property to the West where the variance is requested. The property to the West is a church with a wide open field between our structure and the church building. We will be improving the structure with new siding and roofing materials and the area requiring a variance will be greatly improved over its current condition.

We have met with an engineer and an architect to determine we could remodel the existing structure into a quality, aesthetically pleasing residential duplex. The use of the existing structure in its existing space is the most economically viable option. The new use complies with the Comprehensive Plan of the city of Inver Grove to move away from small non-conforming commercial sites to a residential status.

The building is a legal non-conforming structure that was built prior to the 1965 incorporation and the first city zoning ordinances. We are not encroaching any closer we are just improving the existing structure.

Thank you for your consideration,

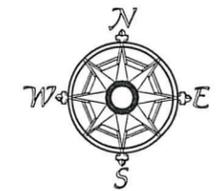


Brian K Friemann

# Certificate of Survey

~ for ~ Friemann Companies, INC.

of: 7535 Cloman Way  
Inver Grove Heights, MN 55076



## DESCRIPTION OF PROPERTY:

That part of the Northwest Quarter of the Southeast Quarter of Section 10, Township 27, Range 22, Dakota County, Minnesota, described as follows: Commencing at the Northwest corner of said quarter section, thence East on the north line thereof, 396.00 feet; thence South parallel with the West line thereof, 150.00 feet; this being the point of beginning of the tract to be described; thence South parallel with said West line, 72.50 feet; thence East parallel with said North line, 125.00 feet; thence North parallel with said West line, 72.50 feet; thence West parallel with said North line to the point of beginning. Subject to easements of record.

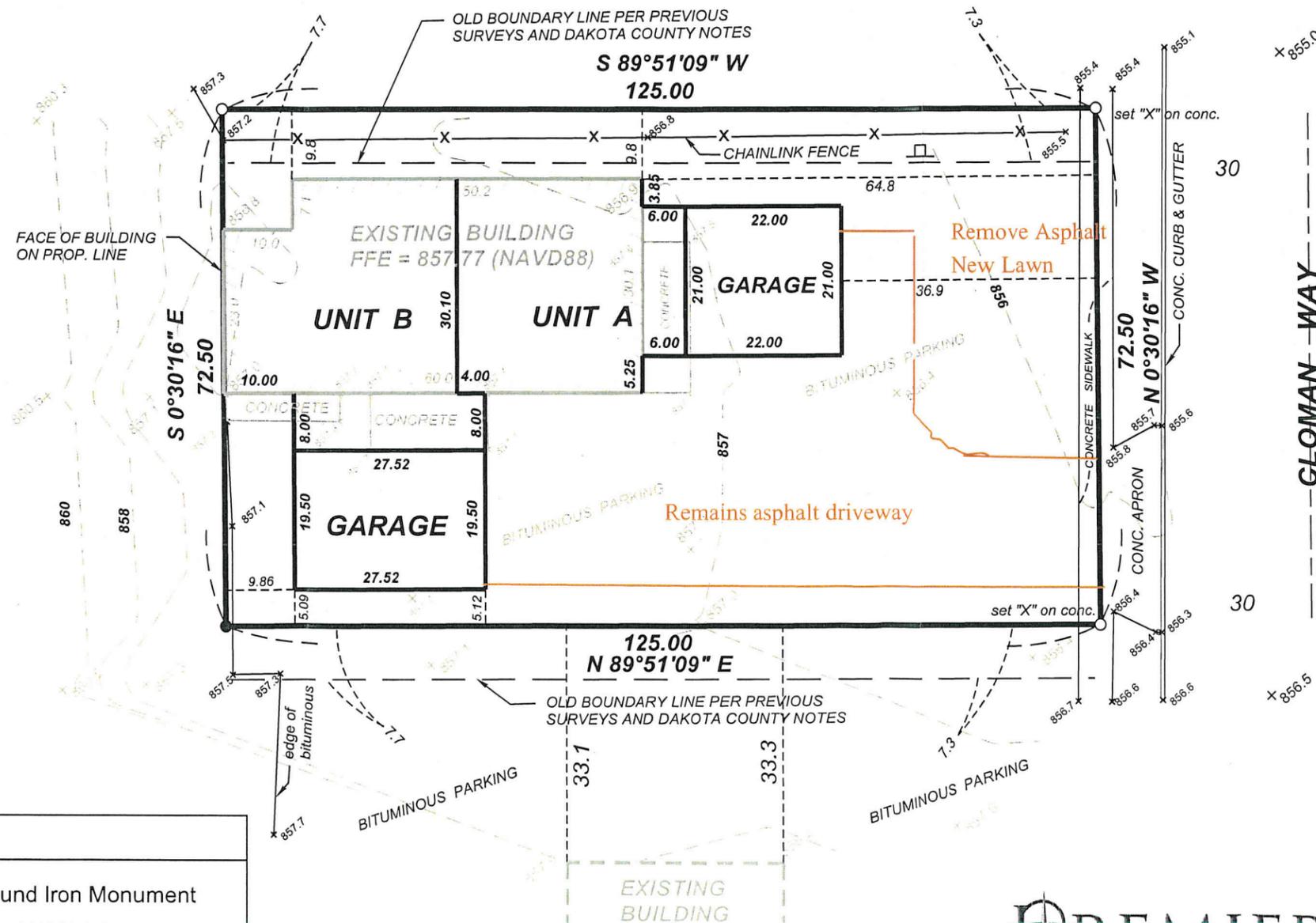
## SURVEY NOTE:

Title issues may exist on this property. A previous survey of this property stated: Based on the note from a previous survey which stated that the plat of Amos Addition, which lies North of this property, was monumented in 1965, based on a monument at the West quarter corner of said Section 10, which later was proved to be in error. The correct corner was found to be approximately 18 feet north of that location, by the County Surveyor, and as a result, the irons set in Amos Addition and the curbs and roadway of 175th Street E. are approximately 7.5 feet (in our general vicinity) further South than they should be, according to the correct section corners. Some owners in the neighborhood may have been occupying these "too far south" lines. Consult with legal counsel as necessary.

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische      22703      04/04/16  
Steven V. Ische      License No.      Date

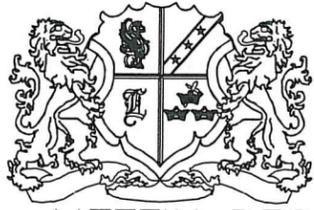
LEGEND	
●	Found Iron Monument
○	Set 1/2" X 14" Iron Pipe
×	Spot Elevation
□	Sign



PROJ. #1282-02

**PREMIER**  
LAND SURVEYING, LLC

952-443-3010



LITTFIN DESIGN

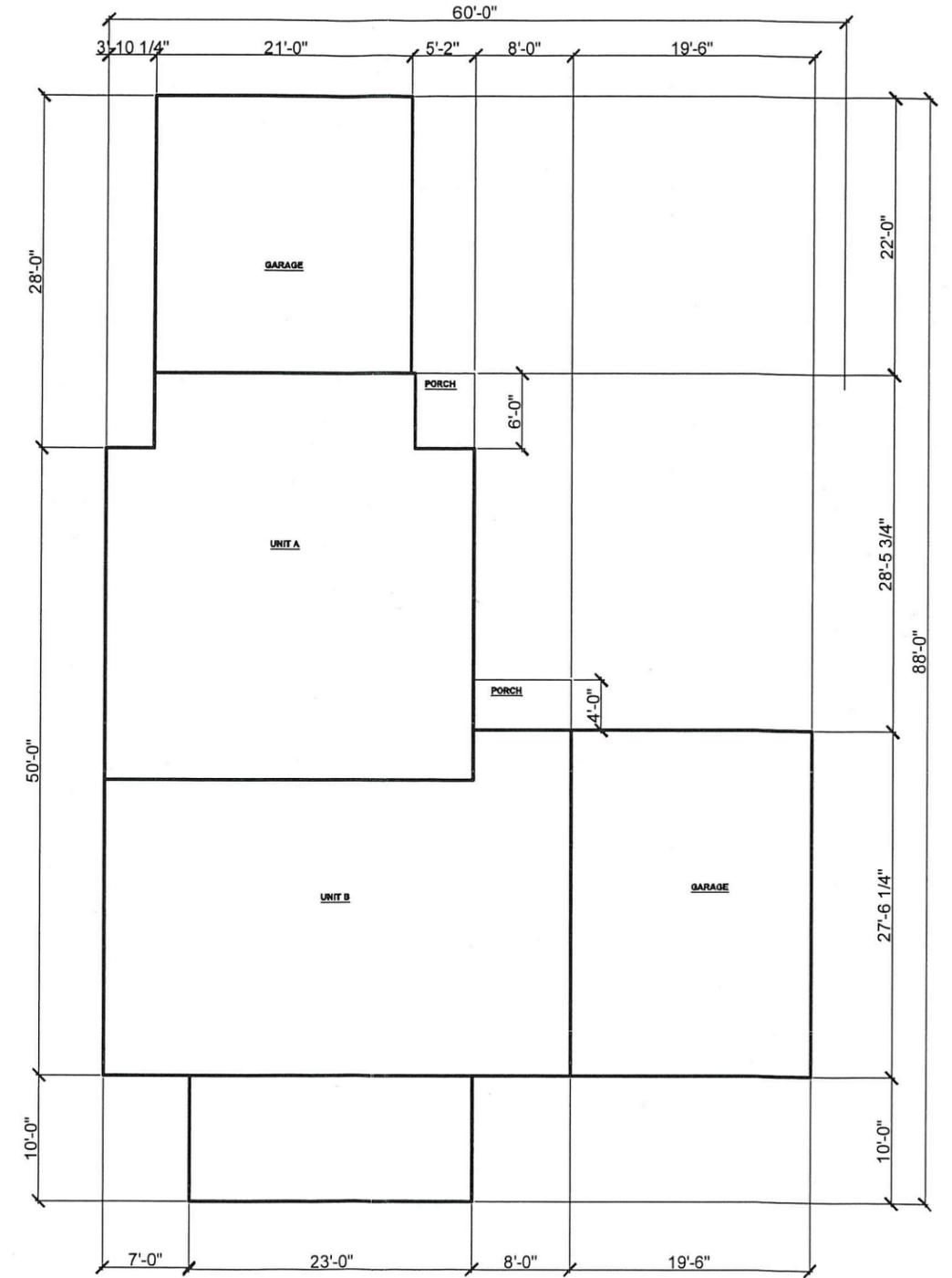
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MLITTFIN@HOTMAIL.COM



SOUTH VIEW



EAST VIEW



D