

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

TUESDAY, SEPTEMBER 6, 2016 – 7:00 p.m.

Lower Level Training Room - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 16, 2016**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 MEGAN & TODD PARSONS - CASE NO.16-41V

Consider a **Variance** to allow an attached garage 27 feet from the front property line whereas 30 feet is the required setback. This request is for the property located at 7175 Blake Avenue.

Planning Commission Action _____

3.02 CASTAWAYS MARINA - CASE NO.16-39V

Consider the following requests for the property located at 6140 Doffing Avenue:

- a) **Conditional Use Permit Amendment** to modify the location of the new storage building.

Planning Commission Action _____

- b) A **Variance** to allow a five foot side yard setback for a storage building.

Planning Commission Action _____

3.03 DEALS WITH WHEELS, LLC – CASE NO. 16-38V

Consider a **Variance** to allow a four foot parking setback from the front property line whereas 10 feet is required. This request is for the property located at 6250 Concord Blvd.

Planning Commission Action _____

3.04 PULTE HOMES OF MINNESOTA – CASE NO. 16-40PA

Consider a **Comprehensive Plan Amendment** to change the land use designation from LI, Light Industry to LDR, Low Density Residential. This request is for the property located west of Jefferson Trail, south of Wescott Road.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 16, 2016 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Elizabeth Niemioja
Pat Simon
Tony Scales
Armando Lissarrague
Joan Robertson
Dennis Wippermann
Luke Therrien
Annette Maggi
Jonathan Weber

Commissioners Absent:

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

APPROVAL OF MINUTES

The August 3, 2016 Planning Commission minutes were approved as submitted.

INVER GROVE STORAGE – CASE NO. 16-37C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one lot subdivision, a conditional use permit amendment to construct an additional mini-storage building on the property, and a variance from the maximum wall sign size allowance in the I-1 zoning district, for the property located at 9735 South Robert Trail. 16 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to construct a three-story 32,412 square foot climate controlled building located on the northwest corner of the property. The building would be located on existing impervious surface. To be in compliance with the original approval, the applicants are requesting a preliminary and final plat for a one lot subdivision. Mini-storage facilities are a conditional use in the I-1 district. There are nine existing cold storage buildings on the property. A lighting plan has not been submitted but the lighting must be downcast and comply with the foot candle requirements. The applicant is requesting a variance from the maximum size of a wall sign in the I-1 zoning district. They are requesting a 240 square foot wall sign on the new building whereas 100 square feet is the maximum allowed. The proposed sign does not appear to have an adverse impact on the neighboring properties and takes up less than 10% of the actual wall surface area. The code allows a building with at least 50,000 gross square feet to have a 350 square foot sign. The proposed building is 32,000 gross square feet but when calculating all of the buildings on the property the gross square footage exceeds 50,000 square feet. Therefore, staff believes that a 240 square foot sign would meet the general purpose and intent of the zoning code. Additionally, the building is located over 300 feet from South Robert Trail, along a bend in the road. For public safety reasons a larger signs seems like a reasonable request, as the location of the building and the traffic speeds of South Robert Trail may make it difficult to read a 100 square foot sign. Staff recommends approval of the requests with the conditions listed in the report. Staff did not hear

from any neighboring property owners.

Chair Maggi asked if it was common for the conditions of previous approvals not to be identified during the sale of property.

Ms. Botten replied it would not come up during the title search.

Chair Maggi asked if there were any other signs on the property and, if so, what size were they.

Ms. Botten replied there was a freestanding sign on the property but she did not recall its exact size.

Chair Maggi referred to Ms. Botten's previous comment regarding the signage allowed for a 50,000 square foot building and noted there was other signage on the property that would relate to the total signage allowed on the site.

Commissioner Simon questioned whether the 2-3 existing signs on the property would be included in the total signage amount.

Ms. Botten replied in the affirmative. The applicants were allowed a certain amount of gross square feet of signage for the entire property; the existing signage along with the proposed wall sign would count towards that number.

Opening of Public Hearing

Quinn Hutson, CNH Architects, advised he was representing the owner and was available to answer any questions.

Chair Maggi asked Mr. Hutson if he read and understood the report.

Mr. Hutson replied in the affirmative. He advised that the proposed building is quite a ways from the road and a 100 square foot sign would not be visible from that distance.

Commissioner Wippermann asked the applicant why they needed such a large sign in addition to the existing freestanding sign.

Mr. Hutson replied that the sign would be an opportunity to tell the public that climate controlled storage was now available, as well as where it was located.

Commissioner Wippermann asked what the proposed sign would say.

Mr. Hutson replied 'Climate Controlled Storage'.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann stated his only concern was with the signage variance as he felt it did not meet the guidelines for approval in regard to a practical difficulty.

Chair Maggi noted that staff identified a practical difficulty in the report.

Ms. Botten advised that staff believes a practical difficulty can be found in the fact that the extra size is needed for public safety and visibility purposes from South Robert Trail.

Commissioner Wippermann requested that the variance portion of the request be voted on separately.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Scales, to approve the request for a preliminary and final plat for a one lot subdivision and a conditional use permit amendment to construct an additional mini-storage building on the property, for the property located at 9735 South Robert Trail.

Motion carried (9/0).

Commissioner Wippermann was concerned about the precedent this would set, stating there were likely many businesses in town set back from the highway that would like a larger sign to attract more business.

Chair Maggi recalled that a larger sign was approved for A & W so they would have visibility from the highway.

Commissioner Niemioja considered this request for a wall sign to be different from that of a freestanding sign, and stated she was not aware of any storage business that does not identify their cold storage units.

Commissioner Scales supported the request and was pleased to see this business expansion.

Motion by Commissioner Scales to approve the variance to exceed the maximum size allowance for a wall sign in the I-1 zoning district.

Commissioner Lissarrague felt the practical difficulty stated by staff was too general and would prefer to have the Commission come up with a better one.

Chair Maggi asked for clarification that Commissioner Scales' motion on the table was based on the practical difficulty as stated by staff.

Commissioner Scales replied in the affirmative.

Motion seconded by Commissioner Robertson.

Motion carried (6/3 – Wippermann, Simon, and Lissarrague). This item goes to the City Council on August 22, 2016.

CITY OF INVER GROVE HEIGHTS – CASE NO. 16-29ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment relating to administrative review of major site plan reviews for the I-2, General Industry Zoning District. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the two ordinance amendments being presented tonight were discussed by City Council in an effort to streamline the process for amendments to previously approved plans. Mr. Hunting advised that the I-2 zoning district, which was intended to be heavier industrial, exists in two areas of the City;

one is in the southeast part of the City along Clark Road and Highway 52/55 and the other is the NSP site on the west side of Highway 3. Staff does not anticipate any redevelopment of the NSP site; therefore this application is essentially limited to the one small area. Per Council direction, staff prepared an ordinance amendment to allow administrative review of amendments to previously approved conditional use permits and site plan reviews in the I-2 zoning district. Staff would still do a full review of any application against the ordinance requirements, but it would be done at a staff level and would be issued with the building permit. Any new conditional uses, variances or changes to conditions of approval would still require a public hearing and review by the Planning Commission and City Council. Staff recommends approval of the request.

Commissioner Scales asked if the City could require something be corrected should staff inadvertently miss something during their administrative review.

Mr. Hunting replied that was a difficult question to answer as it would depend on what was missed, the level, and when it was discovered.

Commissioner Scales stated he was concerned about having one less level of scrutiny, although he understood the reason for trying to speed up the process.

Commissioner Robertson was also concerned about losing that additional level of scrutiny, stating that the Planning Commission has often raised issues that had not initially been brought up. She asked if the recent request for a change related to front yard setbacks in Blackstone Ponds would be affected by this amendment.

Mr. Hunting replied it would not as staff could only administratively approve an application that meets performance standards. The recent Blackstone Ponds request did not comply with the code so it would have to go through the public review process.

Chair Maggi noted that anyone requesting reduced setbacks would have to go through the public review process.

Commissioner Weber asked for clarification of a statement in the report that building projects consisting of less than 10% of the floor area (500 square feet maximum) would require no site plan review, just a building permit.

Mr. Hunting advised that that language was already in place in the current ordinance.

Commissioner Wippermann stated his understanding is that this amendment was precipitated by a project on Clark Road in which someone constructed a building and then later built a second identical building but had to go through the process twice. He questioned why the developer did not ask for approval for both buildings right away rather than having to go through the process twice.

Mr. Hunting replied that staff has always suggested that applicants come through with the entire project at once if they know their future plan.

Commissioner Wippermann noted there had been a lot of building in the Clark Road area recently and asked how many acres were still available for development.

Mr. Hunting replied he was unsure of the acreage size but believed there were 2-3 parcels remaining.

Commissioner Wippermann stated the proposed amendment would apply to only a limited amount

of projects as there were so few acres remaining.

Commissioner Robertson asked for clarification that this would apply to only two areas of the City – Clark Road and the NSP site.

Mr. Hunting replied in the affirmative.

Tom Link, Community Development Director, explained that the Council's rationale was that the area on Clark Road/Highway 52 is a heavy industrial area with very few residents living there. The proposed amendment would have a limited application to that one neighborhood and there would not be as many conflicts as you might find elsewhere in the community.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Robertson stated this amendment would provide a good opportunity to streamline the process and be more welcoming to new business.

Commissioner Niemioja supported the request.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Weber, to approve the request for an ordinance amendment relating to administrative review of major site plan reviews for the I-2, General Industry Zoning District.

Motion carried (9/0). This item goes to the City Council on September 12, 2016.

CITY OF INVER GROVE HEIGHTS – CASE NO. 16-30ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment relating to changes to permitted and conditional uses in the I-2, General Industry Zoning District. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Council discussed changing many of the existing conditional uses in the I-2 district to permitted uses as a means of streamlining the process. Staff is also using this opportunity to do some cleanup and remove some oddball uses. The proposed amendment would include changing a contractor's yard and open storage to a permitted use, semi-truck repair would not be a permitted use but they would check with the Fire Marshal to make sure no additional language should be included, commercial telecommunication and radio towers would be combined, paint and wallpaper sales, stone and monument sales, and meat processing would be removed, impound lots and auto auction sales would be combined, warehousing, wholesaling, and distribution would be changed to a permitted use, a maximum height of 45 feet would be allowed as a permitted use for wind power converters, and mini-storage, including outdoor vehicle storage, would be added to the list of permitted uses.

Commissioner Weber noted that meat processing was currently a permitted use only in the I-2

district, and asked if staff was considering allowing it as a conditional use in another district.

Mr. Hunting replied that staff was recommending it be removed from the I-2 district and not allowed in any other district either. He explained that previously there was a meat processing company off of Clark Road which has since left.

Commissioner Weber questioned whether a VonHanson's or other meat market could locate to the City.

Mr. Hunting replied that a meat market such as VonHanson's would be considered retail sales rather than meat processing.

Commissioner Simon pointed out a few typographical errors in the land use table.

Mr. Hunting advised he would make the referenced changes.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve the request for an ordinance amendment relating to changes to permitted and conditional uses in the I-2, General Industry Zoning District.

Motion carried (9/0). This item goes to the City Council on September 12, 2016.

OTHER BUSINESS

Commissioner Simon asked when the comprehensive plan review would begin.

Mr. Link replied that Commissioners would likely see it after the first of the year.

Commissioner Simon asked if Planning Commissioners would receive a general calendar of meetings they would be asked to attend.

Mr. Link replied in the affirmative.

The meeting was adjourned by unanimous vote at 7:40 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

REPORT DATE: September 1, 2016

CASE NO: 16-41V

HEARING DATE: September 6, 2016

APPLICANT/PROPERTY OWNER: Megan & Todd Parsons

REQUEST: Variance from the front setback requirements

LOCATION: 7175 Blake Path

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is requesting a variance from the front setback requirement to allow the construction of a garage addition 27 feet from the corner front property line whereas 30 feet is the required setback. The 22x13 foot addition would be kept in line with the existing garage maintaining the current 30' setback to the front property line to the east but would encroach three feet into the corner front property line to the south.

SPECIFIC REQUEST

The following specific application is being requested:

- 1) A variance from the front yard setback to construct a garage addition 27 feet from the corner front property line whereas 30 feet is the required setback.

EVALUATION OF THE REQUEST

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

North - Single Family Residential; zoned R-1C; guided Low Density Residential

South - Townhomes; zoned R-3C multi-family; guided Medium Density Residential

West - Single Family Residential; zoned R-2; guided Low Density Residential

East - Single Family Residential; zoned R-1C; guided Low Density Residential

VARIANCE REVIEW

City Code Title 11, 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.*

Allowing a third stall garage addition onto the existing single-family home would be in harmony with the general purpose and intent of the comp plan which designates the property as a single-family neighborhood. The addition would be kept in line with the existing garage, maintaining the front setback from Blake Path.

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

A third stall garage addition is a reasonable request for a single family home. One of the functions of a front yard setback is to maintain consistency of structure placement and aesthetic qualities from street view. When looking at the consistency of structure placement there is one other home on this segment of 72nd Street, which is also a corner lot, that has a garage located about 20 feet from the corner front property line. The applicants are asking for a three foot variance to be located 27 feet from the property line. Aesthetically the addition would be similar materials to the home and partially screened from view from 72nd Street. In respect to the land use, impervious surface, other setbacks and code requirements the request is in harmony with the provisions in the zoning ordinance.

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

The applicant's are requesting a typical size third stall garage addition onto their existing garage. The applicant's property is a corner lot which requires front setbacks to be met on both sides of the property abutting right-of-way. The intersection of Blake Path and 72nd Street is more of a change in direction than an intersection. It is not a through street and only caters to local traffic. The location of the existing home is not pushed as far north as code would allow; the home is located 15 feet from the side property line whereas 10 feet is the minimum side setback. If the home was located at the 10 foot setback there would be enough room to add the third stall. Additionally, the proposed third stall would be further away from 72nd Street than the garage on the abutting property which has about a 20 foot corner front setback.

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

Staff does not believe this variance would alter the essential character of the locality. A three stall garage is not out of character for a single-family neighborhood. The abutting home to the west sits closer to 72nd Street than the proposed addition. The addition would be partially screened with trees and it would not be any closer to Blake Path than the existing garage, meeting the 30 foot setback requirements. Also, the addition would be constructed with siding that matches the existing house.

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

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

ALTERNATIVES

The Planning Commission has the following alternatives 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 condition:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

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

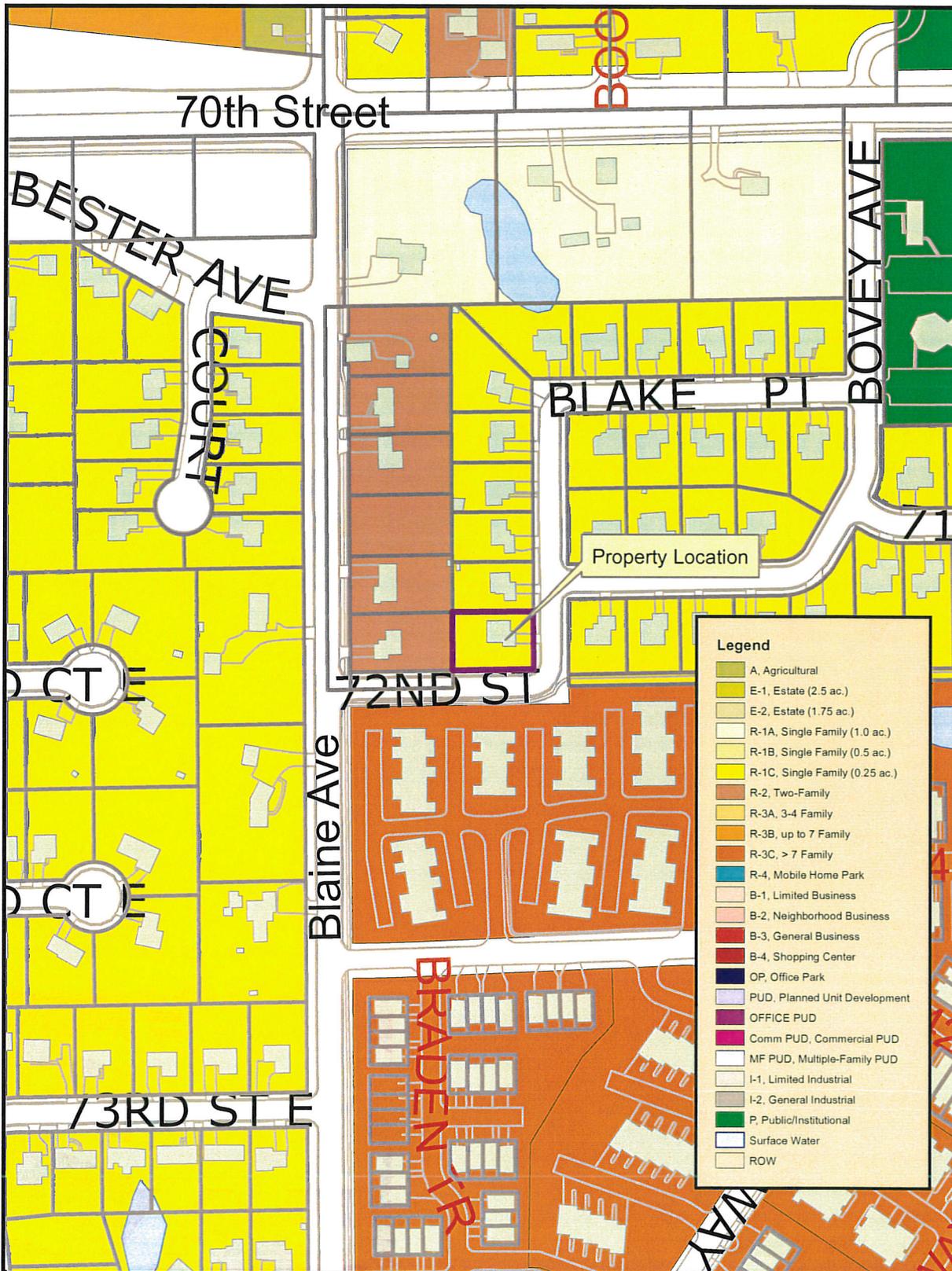
RECOMMENDATION

The request is not out of character for the neighborhood and is consistent with the comprehensive plan. A garage addition is a typical improvement for a residential property and a three foot setback encroachment does not appear to have any adverse impacts on the neighboring properties. A third stall addition is a reasonable request and the setback would be further away from 72nd Street than the abutting property to the west. Based on the information in the preceding report and the one condition listed in Alternative A, staff is recommending approval of the setback variance.

Attachments: Location Map
 Site Plan
 Applicant Narrative



7175 Blake Path Case No. 16-41V



N
Map not to scale

Exhibit A
Zoning and Location Map

7/31/2016

City of Inver Grove Heights
Planning Division
8150 Barbara Ave.
Inver Grove Heights, MN 55077

To Whom It May Concern,

I am writing this letter to request a variance on my property, located at 7175 Blake Path, Inver Grove Heights, MN 55076. My husband and I would like to request an additional (3) feet for the purpose of constructing an addition to the current garage, for the purpose of additional storage/parking. The house is located on a corner lot, and the garage is on the side that parallels the street. (There are no neighbors present on that side).

Thank you for your consideration.

Sincerely,

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

Megan Parsons

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

REPORT DATE: September 1, 2016

CASE NO: 16-39V

HEARING DATE: September 6, 2016

APPLICANT/PROPERTY OWNER: Castaway Marina

REQUEST: A Conditional Use Permit Amendment to modify the location of the new storage building and modified variance from property line setback.

LOCATION: 6140 Doffing Avenue

COMPREHENSIVE PLAN: Mixed Use

ZONING: I-1, Limited Industrial
Critical Area Overlay District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

On April 25, 2016, City Council approved a CUP amendment and Variance to allow for the construction of a 34'x120' two story storage building that would be placed near the existing old home on the site, parallel to the levee. A 5 foot side yard setback variance was also approved.

Castaways began pre construction work this summer and discovered some scattered buried debris on part of the area where the building was to be located. To avoid disturbing the soil in this area, the applicant is proposing to shift the building 90 degrees from the original location so the building would be perpendicular to the levee. The building would still be proposed 5 feet from the property line, but rather than the 34 foot wall being 5 feet, the new orientation would have the 120 foot wall 5 feet from the property line. The lower level of the building would be used for storage only and would be designed to flood in the event of a flood.

EVALUATION OF THE REQUEST

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

North - City owned open space; zoned P; guided Park

East - Mississippi River

West - City owned open space; zoned I-1/P; guided Park

South - Marinas; zoned I-1; guided Mixed Use

SITE PLAN REVIEW

Setbacks. All other setbacks would remain as originally approved other than the 120 foot wall would be 5 feet from the property line abutting the parcel just purchased by the City from the marina.

Parking. Approximately 10 parking spaces would be removed with the new orientation, however the lot contains sufficient parking for the marina use and so there are no issues with some parking spaces being removed.

Exterior Materials. The building would have horizontal lap siding on all four sides. The lower level would contain a row of garage doors for the storage area. The building complies with exterior materials standards.

Engineering. The new building orientation requires less disturbance into the levee which was of some concern to the Engineering Department. Engineering continues requiring applicant to verify the integrity of the levy is maintained.

GENERAL CONDITIONAL USE PERMIT REVIEW

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use of a marina is consistent with the goals, policies, and plans of the Comprehensive Plan; the proposed storage building does not have an impact to the overall land use.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The property is zoned I-1, Limited Industrial; the use of a marina is consistent with the intent of the I-1 zoning district. The property also lies within the Critical Area Overlay District. Marinas are allowed in the district. A structure is allowed in the flood fringe of the river with proper flood proofing.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed storage building would not have a detrimental effect on public improvements in the vicinity of the project. The building is setback to the far east side of the lot maximizing its setback from the road and distance from the Heritage Village park land which is located directly west of the site.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

This use does not appear to have any negative effects on City facilities or services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*
 - i. *Aesthetics/exterior appearance*
The building complies with exterior materials standards
 - ii. *Noise*
The storage building would not generate noises that are inconsistent with uses in the I-1 zoning.
 - iii. *Fencing, landscaping and buffering*
No additional screening or landscaping is required.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The use of the property as a marina is appropriate considering its location to the river. The property is of sufficient size for the improvements proposed.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety or welfare. The building would be constructed to meet all flood proofing requirements.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

Impervious surface would be slightly reduced on the lot. The building would not create any adverse impacts to storm water or to the river.

VARIANCE REVIEW

The City Council approved the 5 foot side yard setback with the practical difficulty being the City purchase of the land impacts possible locations of the building to comply with setback requirements and physical constraints on the property including the levy. The same issue exists again; the only difference is that the setback variance would be over a greater length of building.

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 proposed building would comply with setbacks as the property exists today. The purchase of the property by the City creates an internal setback conflict. The structure is situated to be most efficient and practical for its use and topography on the site.

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

The proposed building would be consistent with uses associated with a marina. The setback issue is created by the purchase of the newly created lot by the City.

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

The setback variance is being created by the request of the City to purchase land in order to remove residential structures within the floodplain. City has been using DNR funds for this purpose over the last 10-15 years. Moving the proposed storage structure to the south impacts access to the top of the levee and parking. The building location optimizes the open space from the street and keeping an open space corridor between the lot and the city park on the west side of Doffing Avenue.

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

There are other marinas in the area with structures on the lots. The variance would not have an impact on the areas as the lot abutting would be owned by the City as open space, thus there would be no impact to another property by letting a structure be closer to the property line.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for the request.

ALTERNATIVES

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

- Approval of a **Conditional Use Permit** Amendment for Castaways Marina to allow for the addition of a 120 ft x 34 ft storage building subject to the following conditions:

1. Resolution No. XXXX shall become null and void and shall be replaced by the terms of this conditional use permit.
2. The site shall be developed in substantial conformance with the following plans on file with the Planning Division except as modified herein:

Outdoor storage area on southern lot	09/08/15
Site Plan dated	08/05/16
Overall Grading Plan dated	06/18/08
Grading Plan for Storage Building	3/29/16

3. The marina must combine the tax parcels and show proof of recording with Dakota County before a building permit can be issued.
4. The storage building shall be required to comply with all flood proofing and building code standards.
5. Prior to issuance of any permits, all comments from the City Engineer memo dated 4/14/16 shall be addressed to the satisfaction of the City Engineer.
6. The seasonal storage of trailers and small boats is allowed on the south parking lot as shown on the plan dated 09/08/15 from October 1 – April 30 of each year.
7. Open storage of boat trailers only shall be allowed only in the area designated in the northwest corner of the site as shown on the site plan dated December 3, 2001, subject to the following conditions:
 - a. Boat trailers shall be allowed to be stored on the site from April 1 through October 31 of each year. All boat trailers shall be removed during the winter season from November 1 through March 31.
 - b. No more than 15 boat trailers shall be stored in the storage area at any one time.
 - c. Boat trailers to be stored on site shall be limited to 22 feet in length.
 - d. Only boat trailers belonging to boaters at Castaways Marina, Inc. shall be allowed to be stored on site.
 - e. No storage of boats shall be allowed at any time.
8. No fuel facilities or boat launch shall be provided without approval of the City Council.

9. The parking areas shall be striped and a containment device shall be added to protect the vehicles from the proposed steep slopes (i.e. curb, bumper stops, guardrail, etc.)
 10. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
- Approval of an amended **Variance** for Castaways Marina to allow a five foot setback for the new storage building subject to the following conditions:
 1. The site shall be developed in substantial conformance with the following plans on file with the Planning Division except as modified herein:

Site Plan for Storage Building dated 8/5/16

2. The storage building shall be required to comply with all flood proofing and building code standards.
3. Prior to issuance of any permits, all comments from the City Engineer memo dated 4/14/16 shall be addressed to the satisfaction of the City Engineer.

Practical difficulty: The City purchase of the land impacts possible locations of the building to comply with setback requirements and physical constraints on the property including the levy.

- 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 conditional use permit amendment and amended variance for Castaways Marina.

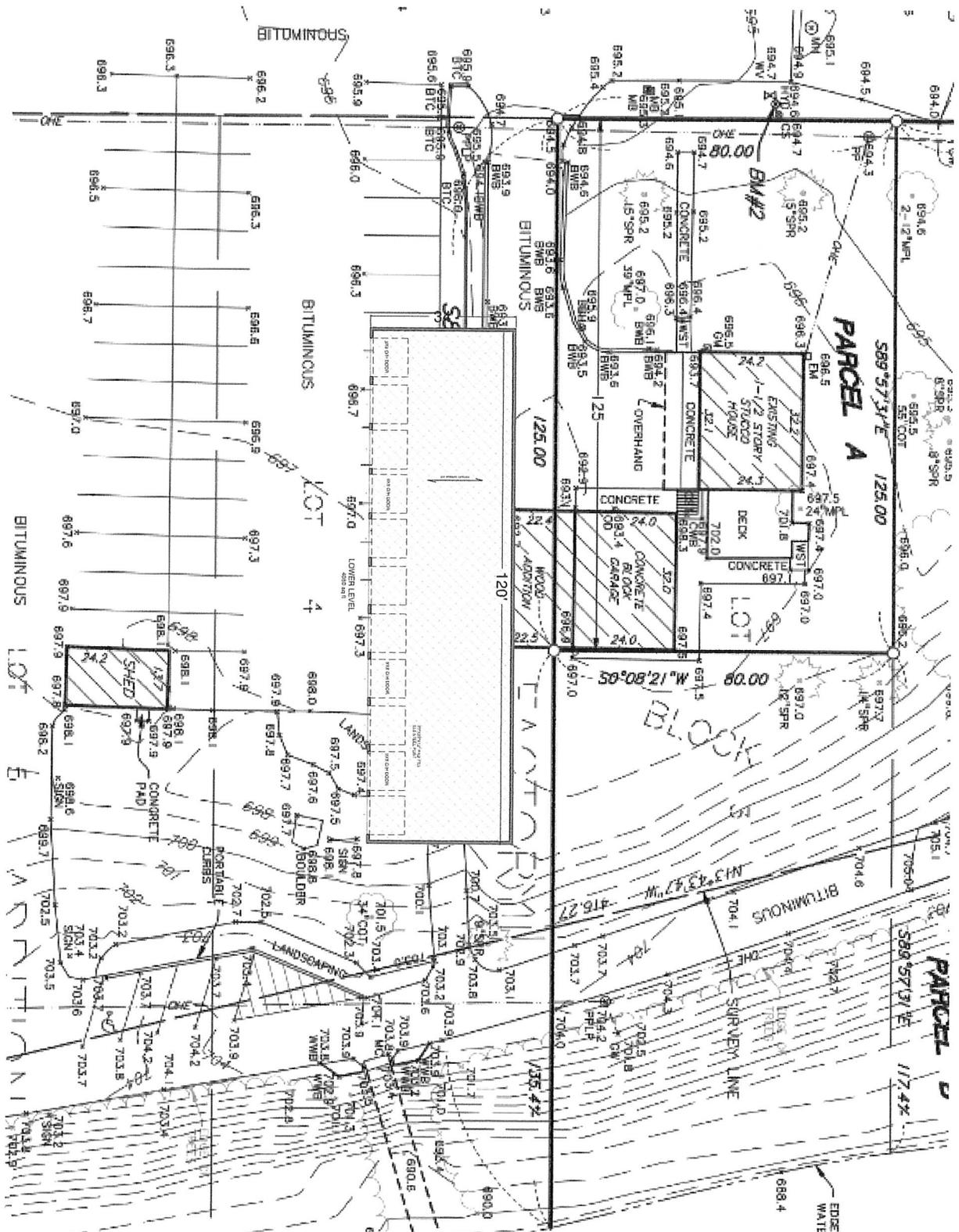
Attachments: Exhibit A – Zoning and Location Map
Exhibit B- Proposed Site Plan
Exhibit C – Approved Site Plan from April, 2016 approval
Exhibit D – Building Elevations and Floor Plans



Location Map

CASE NO. 16-39V



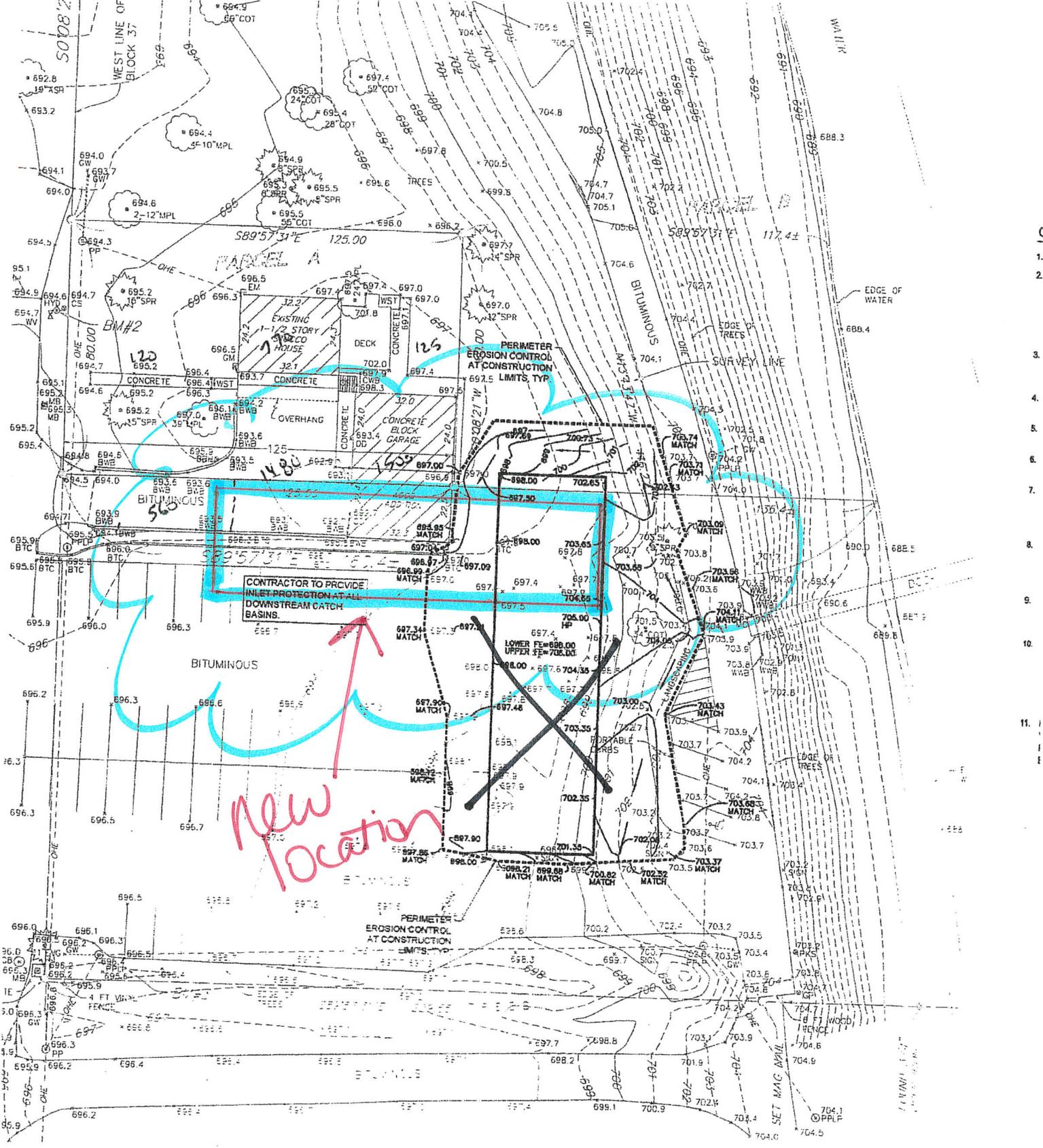


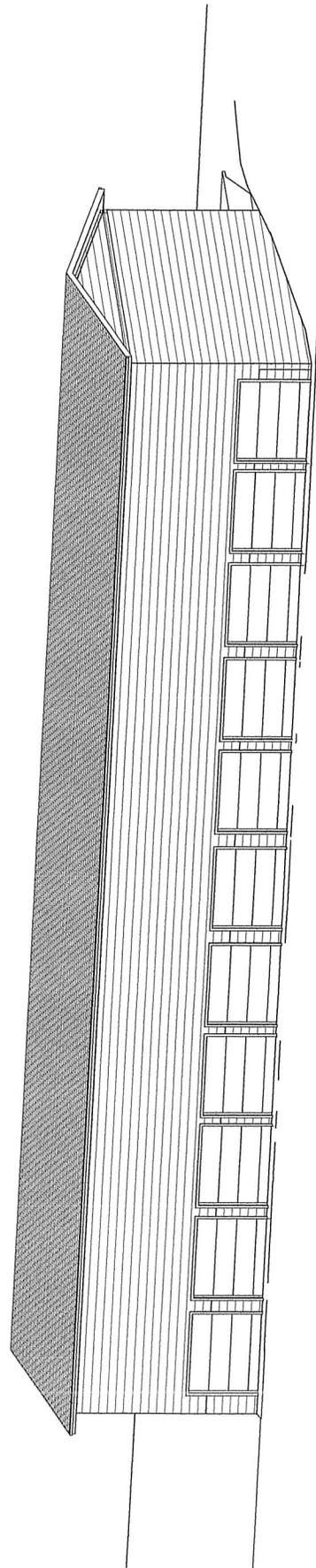
DESIGN BY: Paul T. Vogstrom
8-5-16

Castaways Marine
6140 Doffing Ave.
Inver Grove Heights

PAUL THOMAS
DESIGN BUILD
612-250-9400

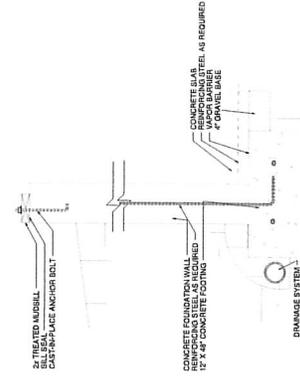
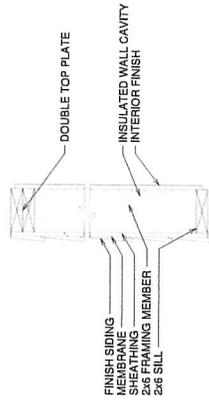
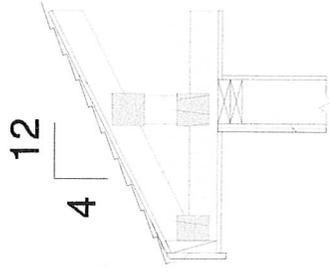
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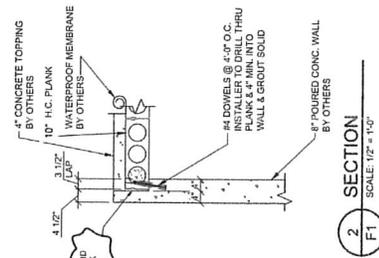
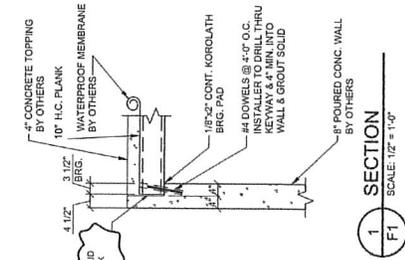
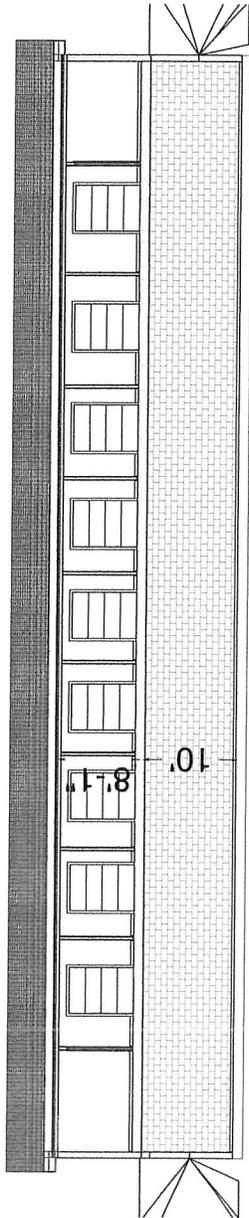


FRONT ELEVATION

REAR ELEVATION



Basement Foundation: Unfinished



P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 1, 2016

CASE NO: 16-38V

HEARING DATE: September 6, 2016

APPLICANT/PROPERTY OWNER: Deals With Wheels, LLC

REQUEST: A variance to allow a four foot setback whereas 10 feet is required.

LOCATION: 6250 Concord Blvd.

COMPREHENSIVE PLAN: LI, Light Industry

ZONING: I-1, Light Industrial

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

The applicants are requesting an after-the-fact variance to allow a four foot front parking setback whereas 10 feet is required. The applicants paved a 10 foot boulevard area unaware a setback was required. The applicants stated the area that was paved was a weedy area that collected garbage; they felt the property would look better aesthetically if it was entirely paved. The applicants were originally requesting a zero setback but after meeting with staff they amended their request to have a four foot setback along with a cedar fence and cedar planter boxes to provide a buffer between the parking and the property line.

City Code requires a 10 foot setback for parking areas in the I-1 district. The function of a front yard setback is to maintain consistency of parking setbacks and aesthetic qualities from street view. In this case, the setback also provides a safe distance from parked vehicles to the existing public sidewalk.

SPECIFIC REQUEST

The following specific application is being requested:

- 1) A variance to allow parking four feet from the front property line whereas 10 feet is required.

EVALUATION OF THE REQUEST

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

North - Industrial; zoned I-1; guided Mixed Use

South - Auto Sales; zoned B-3, General Business; guided Mixed Use

West - Single Family Residential; zoned R-1C; guided Mixed Use
East - R/R and Heritage Village Park; zoned P; guided Public Open Space

Engineering. The Engineering Department takes no exception to the added pavement since they are a fully paved lot and are in a high underground rock area that does not allow infiltration storm water features per MPCA rules.

Landscaping/Buffer Area

The applicants paved the only open space on their property. Section 10-15-11A of the city code states: *All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site.*

Although the area may not be ideal for grass, the code allows for flexibility of material used in the open space areas.

VARIANCE REVIEW

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

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

The surrounding neighborhood is zoned residential on the west side of Concord and commercial/ industrial businesses on the east side. City Code requires a 10 foot setback for parking areas in the I-1 district. The function of a front yard setback is to maintain consistency of parking setbacks and aesthetic qualities from street view. In this case, the setback also provides a safe distance from parked vehicles to the existing public sidewalk. With this in mind, granting the variance may establish a precedence that is contrary to the intent of the City Code.

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

The property is built to capacity. With the new pavement the property is 100% impervious surface. Although the I-1 district does not have maximum impervious surface requirements, setbacks are in place to provide a buffer from abutting properties

and right-of-way. The additional area proposed to be used for parking is not a requirement of city code.

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

The property was in compliance with the 10 foot parking setback prior to the new pavement being installed. The applicants stated because of the road debris and trash along the street grass was not growing in the open space. Although this may be true, the code allows for other alternatives other than grass to be placed in the open space area.

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

The City is making strides to redevelop parts of Concord Boulevard. In addition to the residential properties to the west that have grass to their front property lines, the property to the north has a buffer/landscape area between the property line and the parking lot. Although there are other properties along Concord that are paved to the front property line, staff does enforce the 10 foot parking requirement; approving a variance could alter the character of the area.

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

Economic considerations do appear to be a basis for the request as the applicants already paved the open space. To remove the bituminous and restore the area would be at the cost of the applicant.

ALTERNATIVES

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

- Approval of a **Variance** to allow a four foot parking setback whereas 10 feet is required 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 cedar fence shall be approved by the City and installed by 11-15-16.
 3. The property owner shall maintain the planting boxes with shrubs and/or plants year round.

- B. **Denial.** If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. The conditions of the property are not so limiting or unique that the property could not be used in a reasonable manner without the reduced front parking setback. The property would still function as a used auto sales lot.
2. Approval of the variance could set a precedent for other front yard parking setbacks.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance; paving the open space may be considered a convenience to the applicant, not a practical difficulty.

If the Planning Commission recommends denial of the parking setback but would allow the applicants to keep the bituminous paving, the following conditions shall be considered:

- a. The property owner shall install curb stops or a cedar fence at the ten foot setback line to maintain a ten foot parking setback at all times.
- b. The property owner shall install and maintain planting boxes with shrubs and/or plants within the 10 foot front setback area to provide a buffer from the property line to the parking area.

RECOMMENDATION

Based on the information in the preceding report and the rationale listed in Alternative B, staff is recommending denial of the variance request as staff believes the request does not meet the variance criteria. Staff also recommends the bituminous area to be removed and reestablished in accordance with City Code Section 10-15-11A.

Attachments: Exhibit A – Zoning and Location Map
Exhibit B – Narrative
Exhibit C- Site Plan

July 24, 2016

Deals With Wheels, LLC

(A licensed automobile dealership, operating in the State of Minnesota)

Request for Variance

RE: The property located at **6250 Concord Boulevard, Inver Grove Heights, MN**

To whom it may concern,

We are requesting a variance in the Zoning Ordinance 10-15A-3(B) SETBACKS. Specifically, we are requesting that we be allowed a 4' front setback (indicated in the attached Site Plan).

At our fault, we were unaware of this Zoning Ordinance until the city inspector brought it to our attention May 27th, 2016. It was brought to our attention because we had recently paved the front area of our property. It was paved by a Minnesota company we hired on May 17th, 2016.

We took the liberty of paving the front setback area without requesting permission because we didn't know that we couldn't. We noticed that many of the neighboring commercial properties on either side of ours have the same area of their property paved. We felt that it would look much better than the exposed dirt on our property, and be more consistent with the properties on either side of us. It was an honest mistake in an attempt to improve the overall esthetics of our property. We sincerely apologize for our ignorance to the Zoning Ordinance we violated.

We are now proposing that we construct a 4' tall Cedar Post and Rail fence along the front of the property. This fence would be setback 4' from the property line. In addition to the fence, we would install 4 – 5 raised Cedar planting boxes. These boxes would be filled with a tasteful variety of small shrubs and flowering plants.

We feel our proposal for variance, would maintain harmony with the general purposes and intent of the Zoning Ordinance. Granting this variance would also stay consistent with the Comprehensive Plan.

Prior to paving the "area", we did have some practical difficulties specific to our property and several others on our street. Concord Boulevard is a well-traveled road with high amounts of traffic. In the winter time, there is a lot of salt used on the roads. The salt and other garbage (antifreeze, oil, chemicals and debris) get splashed all over the "area" that is supposed to have a lawn or be landscaped. I understand that this must happen on every street in Minnesota, but due to the high vehicle traffic and types of businesses on Concord, we have a much greater exposure to this mess.

As a result of all of this, the soil of the "area" is contaminated, crushed and ripped apart. Prior to the pavement, it was barely allowing the hardiest of weeds to try and grow. It had basically become a strip of dirt that seemed to collect littered garbage. It was not pretty, nor was it easy to overlook. The raised flower boxes would significantly help prevent, if not eliminate, the soil contamination.

On a final note and as we've already indicated, granting us this variance will not alter the essential character of the locality.

Thank you for your time and consideration with our request.

Douglas Balsimo
Owner
Deals With Wheels, LLC

Matthew Balsimo
Owner
Deals With Wheels, LLC

6250 Concord Boulevard

Deals With Wheels, LLC

Legal Description:

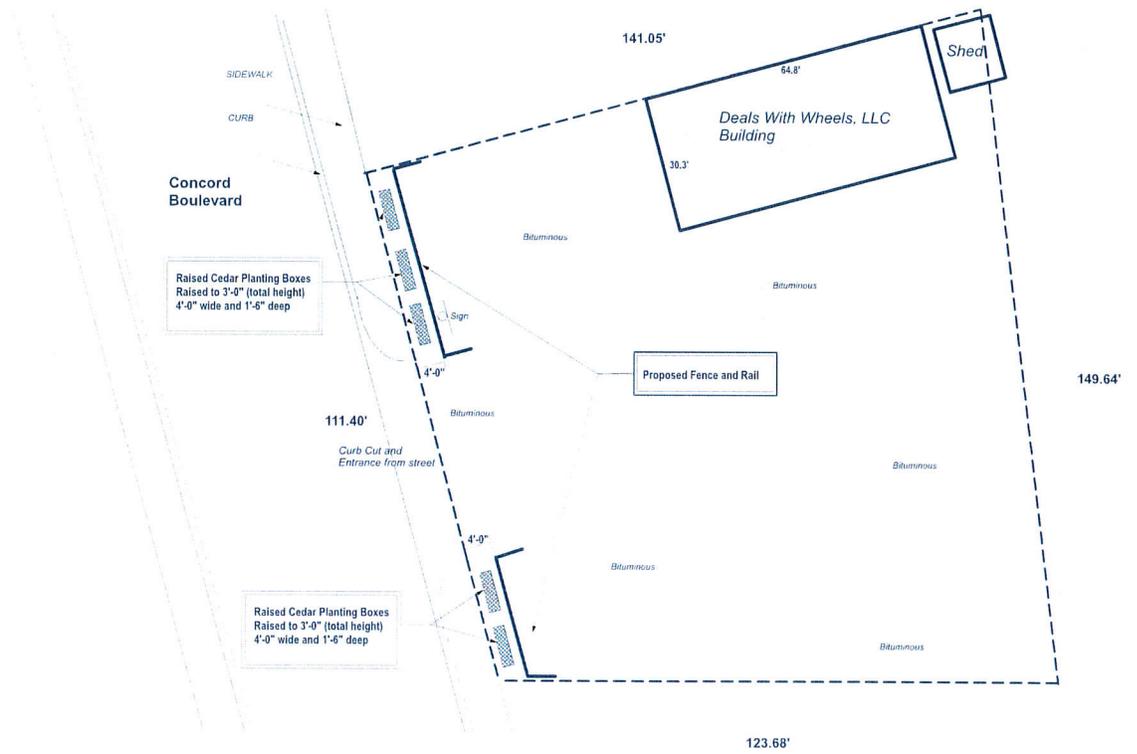
Lots 11 and 12, Block 21, and the N1/2 of vacated Wilton Street adjacent thereto, Inver Grove Factory Addition;

Request for variance:

Variance allowing a 4'-0" setback along the Front (Southwest side) of the property.



SCALE: 1/3"=10'



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

REPORT DATE: September 2, 2016

CASE NO: 16-40PA

APPLICANT: Pulte Homes of Minnesota

PROPERTY OWNER: Star Fire Property, LLC

REQUEST: Comp Plan Land Use Amendment

LOCATION: Dodd Road and Hwy 149

HEARING DATE: September 6, 2016

COMPREHENSIVE PLAN: LI, Light Industrial

ZONING: I-1, Limited Industrial

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Pulte Homes is proposing to develop a residential project on adjoining properties in both Eagan and Inver Grove Heights. The total property is approximately six acres and the project would consist of a single family development containing 21 total units in both cities. The parcel in Inver Grove Heights is 3.4 gross acres, or 2.81 net acres in size with 10 units proposed. The application consists of the following:

1. A Comprehensive Plan Amendment to change the designation from LI, Light Industrial to LDR, Low Density Residential (1-3 units/acre).

The concept plan submitted shows a development with one access to Dodd Road in Eagan. The design incorporates smaller lots sizes in order to maximize development capacity on the site. The applicant will need to apply for variances from lot size and width standards based on the concept proposed.

This request addresses only the land use change question. The applicant has submitted a concept plan of the layout for illustrative purposes only. This application does not include any requests for site plan approval. If the Comprehensive Plan is approved by the City Council, then the applicant would be required to submit an application for rezoning and platting for the residential project which would include all the site details such as lot size and layout, setbacks, landscaping, access and building design.

EVALUATION OF THE REQUEST

The subject site is surrounded by the following land uses:

North - Hwy 149

East - Light industrial uses; zoned I-1; guided LI

West - City of Eagan, single family residential

South - single family; zoned R-1C; guided LDR

The site is currently vacant in both cities. There has been numerous industrial uses over the years on the parcel in Inver Grove Heights. This property had been a subject of comp plan change back in 2003 for a town home project in Inver Grove Heights and single family in Eagan. The site was found to be contaminated with industrial waste from the previous users. Since that time, the site has been cleaned up and approved by both Dakota County and Minnesota Pollution Control Agency.

COMPREHENSIVE PLAN AMENDMENT

The portion of the property in Inver Grove Heights is designated for light industrial uses. The property in Eagan is guided for low density residential uses.

The subject site has been guided and zoned industrial since at least 1980. Since there has been some type of existing industrial use, the designation or zoning has not changed.

The text of the Comprehensive Plan defines Low Density Residential as the following:

"The low-density residential category encompasses traditional "urban" density development in Inver Grove Heights. LDR includes lots or parcels ranging from 1 unit per acre to 3 units per net acre. Substantial portions of the low-density residential area are anticipated to develop at a density of one to three units per net acre. Housing types in the low-density residential category include single-family detached homes, twin home units and lower density, townhome style developments. In all cases, low-density residential development will be served by public water and sanitary sewer systems."

The proposed project with 10 units over 2.81 net acres yields a net density of 2.81 units/acre which would be consistent with the requested change.

The Comprehensive Plan also identifies polices for each land use category that should be factored in with land use changes and development proposals. Policies that are relevant to this request include:

1. Allow infill development in a manner that protects the character of existing residential neighborhoods.
2. Maintain a circulation system that connects neighborhood areas while emphasizing a system of collector roadways to accommodate vehicular movements.
3. Provide a broad range of housing opportunities.
4. Insure that new development areas are compatible in size and scale with existing, adjacent neighborhoods.
10. Reflect the history and character of existing residential neighborhoods in future infill development with those neighborhoods.

As stated earlier, the surrounding neighborhoods to the west and south are developed with single family houses. There are also some new large lot residential houses on the east side of Hwy. 149, just to the north of the industrial uses. Directly across the highway from the subject site are some light industrial uses which have been compatible with the new housing constructed around them. All of the houses in the Coventry Path development (immediately to the south) on the west side of the highway have been constructed after the industrial uses were in place. Staff is not aware of any noise or other land use incompatibility issues with the houses along Hwy 149 or across from the industrial uses. Residential development would be consistent with the existing residential to the west and south. Changing the designation would make the whole area on the west side of Hwy. 149 residential.

The site is not a good candidate for continued industrial uses. The site has no direct access from either Dodd Road or Hwy 149. Access is via a private easement across the property to the north in Eagan right next to the railroad tracks. Based on this criterion alone, residential would be a better fit as access can be obtained for the whole site through Eagan onto Dodd Road.

Staff finds the request to Low density residential to be compatible and consistent with the residential pattern of development in the neighborhood.

ALTERNATIVES

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

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be recommended for approval:
 - o Approval of the **Comprehensive Plan Amendment** to change the land use designation of the property from LI, Light Industrial to LDR, Low Density Residential subject to the following conditions:
 1. The comprehensive plan amendment will not become effective until the applicant receives final plat and development plan approval from the City Council.

2. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
3. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

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

RECOMMENDATION

The Planning Division finds that the redevelopment of the site to residential would be a better fit since there is residential to the south and west. Staff recommends approval of the request to LDR subject to the conditions listed in the report.

Attachments: Exhibit A - Comp Plan Map/existing and proposed
 Exhibit B - Applicant Narrative
 Exhibit C - Concept Plan



Tipperary Land Use Amendment



Existing Land Use



Proposed Land Use





“TIPPERARY”
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT
INVER GROVE HEIGHTS, MINNESOTA
August 1, 2016

Introduction

Pulte Homes of Minnesota (“Pulte”) as applicant is pleased to be submitting this application for Comprehensive Plan Amendment.

Pulte’s company vision is **“Building Consumer Inspired Homes and Communities to Make Lives Better”**. We are one of the largest national homebuilders in the United States with corporate offices in Atlanta, Georgia. We currently operate under three distinct brands of homebuilding throughout the United States: Pulte Homes, Centex Homes, and Del Webb. Pulte’s Minnesota Division has an office in Eden Prairie and will construct approximately 400 homes in the Twin Cities market in 2016.

Pulte will act as both developer of the property and builder of the homes within a new neighborhood proposed as “Tipperary”. The primary contact for Pulte is:

Paul Heuer, Director of Land Planning & Entitlement
952-229-0722
Paul.Heuer@PulteGroup.com
7500 Office Ridge Circle, Suite 325
Eden Prairie, MN 55344

Property Legal Description

PID 10-01300-78-010
SECTION 13 TWN 27 RANGE 23 PT OF S 1/2 OF SE 1/4 S & E OF SAR #7

PID 10-02400-01-010
SECTION 24 TWN 27 RANGE 23 PT OF N 1/2 OF NE 1/4 BEG NE COR S 132 FT W PARR WITH N LINE 351.91 FT TO C/L CR #63 NE ON C/L 161.98 FT TO N LINE E ON N LINE 257.38 FT TO BEG

PID 10-02400-02-012
SECTION 24 TWN 27 RANGE 23 PT OF NE 1/4 COM NE COR S ON E LINE 132 FT TO PT OF BEG CONT S 256.50 FT W PARR N LINE 515.13 FT TO C/L CR #63 NE ON C/L 303.11 FT E PARR N LINE 351.91 FT TO PT OF BEG

PID 20-01800-57-010
SECTION 18 TWN 27 RANGE 22 SW 1/4 OF SW 1/4 S & W OF HGWY & SW 50 FT OF ADJ 200 FT RR R/W

PID 20-01900-30-010
SECTION 19 TWN 27 RANGE 22 N 3 ACS W OF RR OF NW 1/4 OF NW 1/4 & SW 50 FT OF ADJ 200 FT RR R/W

Key Facts

- Development has 3.41 acres in Inver Grove Heights and 4.23 acres in Eagan
- Existing zoning is I-1 Limited Industrial
- Proposed zoning is R-1C
- 10 residential housing units in Inver Grove Heights (21 total)
- Gross density is 2.93 units/acre in Inver Grove Heights
- 50 feet right-of-way and 28 feet streets (face to face of curb)

Single Family Dimension Standards (minimums)

Lot Width	65 feet
Minimum area	8,000 square feet
Front yard setback	30 feet
Side yard setback to home	6 feet
Side yard setback to garaged	5 feet
Rear yard setback	15 feet

Comprehensive Plan Considerations

The following supportive information is provided in consideration of the application for the Land Use Guide Plan Amendment.

Land Use Location Criteria

Low density residential housing is located directly to the south. The proposed land use is consistent with adjacent land uses and is therefore consistent with the goals and objectives of the Comprehensive Plan.

Supply and Demand

Our market research indicates that there is a demand for various housing products in this sub-market which are not fully being met. The housing product proposed in this application will serve an existing need among existing Inver Grove Heights residents as well as residents outside of the City.

Impacts on Other Comprehensive Plan Elements

Transportation – The State and County, and major City street systems in this area have been completed and appear to have adequate capacity to handle the incremental traffic generated from this infill site.

Sanitary Sewer – The City and Metropolitan Council sanitary sewer systems have been designed for and have adequate capacity to serve this infill site.

Water – The City’s water system has been designed for and has adequate capacity to serve this infill site. We anticipate making a connection between the Inver Grove Heights and Eagan water systems, thereby strengthening and providing redundancy to both systems.

Surface Water – We are not aware of any regional storm water capacity issues. We will meet all water quality requirements throughout the site.

Parks and Open Space – Park dedication fees will be paid. Such fees can go toward the creation and expansion of the existing City park system.

Neighborhood Vision

Use of this property is governed by a number of constraints and attributes:

1. Constraints – There are a number of constraints for this property: A functioning railroad to the east, an existing power line within the railroad right-of-way, TH 149 to the east, and limited access.
2. Attributes – The primary positive attribute of this property is that it is located within the highly acclaimed Rosemount-Apple Valley-Eagan School District.

The above listed property characteristics are inherent to the property. Given these traits, we determined that the highest and best use for the property is value oriented single family housing. We are confident that this will be a highly desirable neighborhood in the eyes of the home buying public and the City.

Example Schedule

The following preliminary schedule for development is envisioned based on current information:

Summer 2017	Grading
Summer 2017	Utilities and streets
Fall/Winter 2017/2018	Begin selling homes
2018/2019	Full development buildout

This submittal includes:

- *Comprehensive Plan Amendment application*
- *Application fee*
- *Mailing labels with abstractors certificate*
- *This narrative with legal description included*
- *Survey*
- *Land Use Map*

