

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

Tuesday, March 16, 2010 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR March 2, 2010**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 **STEVE WATRUD – CASE NO. 10-06ZAC**

Consider the following requests for property located at 10967 Clark Road:

A.) A **Zoning Code Amendment** to allow impound lots in the I-2 zoning district as a conditional use.

Planning Commission Action _____

B.) A **Conditional Use Permit** for an impound lot located in the I-2 zoning district.

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 2, 2010 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tom Bartholomew
Paul Hark
Mike Schaeffer
Pat Simon
Damon Roth
Dennis Wippermann
Harold Gooch
Tony Scales

Commissioners Absent: Christine Koch (excused)

Others Present: Allan Hunting, City Planner
Steve Dodge, Assistant City Engineer

APPROVAL OF MINUTES

Commissioner Wippermann noted the following statement on Page 6 of the minutes: "Commissioner Wippermann recommended that a letter go out to contractors as well." He advised he was not the one who made that statement.

Clerk Fox advised that according to her notes Commissioner Hark had actually made that statement and she would correct the minutes accordingly.

The minutes from the February 16, 2010 meeting were adopted as corrected.

JAMES BROWN – CASE NO. 10-05Z

Presentation of Request

Commissioner Simon read the public hearing notice to consider the request for a rezoning from E-1, 2.5 Acre Estate Residential to E-2, 1.75 Acre Estate Residential, a waiver of plat to subdivide the property into two parcels, and a variance to allow an existing accessory structure on a lot without a principle structure for the property located at 1186 – 90th Street. 39 notices were mailed.

Opening of Public Hearing

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Mr. Brown originally made application last fall to divide his parcel into two parcels. The Planning Commission reviewed the request and recommended denial. The City Council then reviewed the item over three meetings, could not determine a hardship, but ultimately felt a rezoning might be a possible option. Council then directed the Planning Commission to hold a public hearing regarding a rezoning. Mr. Brown therefore withdrew his application and has now resubmitted for a rezoning. In addition to the rezoning request, Mr. Brown is also requesting a waiver of plat to divide the existing parcel into a 1.75 acre parcel and a 1.88 acre parcel, as well as a variance to allow an accessory structure on a lot without a principle structure. Mr. Hunting stated it is the intent of the Comprehensive Plan to restrict lot sizes in the rural non-sewered areas to 2.5 acres or larger, the proposed rezoning would result in spot zoning as the surrounding properties are zoned E-1, and it would be contrary to previous actions of the City Council in the 1970's when they tried to

consolidate lots to make them consistent with zoning. In regards to the waiver of plat, Mr. Hunting advised that access continues to be an issue as the current road does not comply with either city or state fire code standards. Staff does not have issues with the variance request and believes it would not have a negative impact on the intent of the ordinance. Staff does not support the request as it would be a spot zoning and would be contrary to the intent of the Comprehensive Plan.

Commissioner Gooch asked for clarification of the location of the structures on the lots, to which Mr. Hunting advised that an accessory structure and the house would be located on the proposed southern lot and the barn would be on the northern lot.

Commissioner Simon asked if staff heard from any of the neighbors, to which Mr. Hunting replied he had one general inquiry and the e-mail distributed to the Planning Commission that was opposed to the request.

Opening of Public Hearing

The applicant, Jim Brown, 1186 – 90th Street East, advised that when he purchased the property he believed he was buying two lots. Through research it has been discovered that the proposed plat is how the land was originally laid out; with the subject having two separate property identification numbers. It is unclear, however, how they were combined, whether it was done by the City, the County, or a previous owner. Mr. Brown stated he believes the proposed lots would fit with the neighborhood.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if the property now had one property identification number rather than two, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if there was any history on how the properties got changed to one tax ID, to which Mr. Brown replied it was still unclear but likely got changed sometime between 1955 and 1977.

Gordy Leach, 1240 – 90th Street, stated he was a neighboring property owner and he supported the request. He stated he may want to subdivide himself someday and did not think the proposal would greatly change the characteristics of the neighborhood. Mr. Leach recommended that the road be looked at for future improvement, but stated he has lived there since 1980 and encountered no problems.

Commissioner Wippermann questioned how the City could deny future requests for spot zoning if this were to be approved.

Mr. Hunting replied that each request would be looked at individually, however it could make it more difficult for the City to deny a request if there was a history of it.

Commissioner Simon stated she was opposed to the request as it was a spot zoning and was contrary to the intent of the Comprehensive Plan to have everything south of Highways 52/55 be 2.5 acres or larger in size.

Commissioner Hark stated he felt it was spot zoning, but it was only a moderate change that would not be out of character for the neighborhood.

Chair Bartholomew stated that because the lot was previously two separate parcels, he would

support the request which would reestablish the lot as two separate properties.

Commissioner Gooch referred to the letter from the neighboring property owner that opposed the request which stated that there were at least two other lots that would potentially subdivide their property as well. He questioned at what point they would say you can subdivide a 3.63 acre parcel but not a 2.5, and he felt the whole look of the neighborhood would change if the rezoning was approved.

Chair Bartholomew stated in his opinion the request would be a historical correction as the subject site was originally two parcels.

Commissioner Wippermann stated he was opposed to the request as he was concerned about spot zoning and felt that the people that built in that area did so with the expectation that there would be consistency in the size of the lots around them. He added that his understanding was that the area was established as E-1 zoning because the intent was to have non-sewered lots be at least 2.5 acres in size.

Commissioner Gooch asked if the Commission had previously denied a request for a similar request in the same neighborhood.

Mr. Hunting replied that there was an application for a two lot subdivision a few years back for a lot south of the subject site. He stated the lots in that request complied with the minimum lot size for the E-1 district, but the issue was that 90th Street did not meet code requirements. The applicant eventually withdrew that application before Council ever took action on it.

Commissioner Wippermann stated the City specifically created two different zoning districts (E-1 and E-2) because they wanted different densities in different areas, and he was concerned about the potential for future subdivision requests should this be approved.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Simon, to deny the request for a rezoning from E-1, 2.5 Acre Estate, to E-2, 1.75 Acre Estate, based on not supporting spot zoning and the request being contrary to the intent of the Comprehensive Plan.

Motion carried (5/3 – Bartholomew, Schaeffer, Hark). This item goes to the City Council on March 22, 2010.

Chair Bartholomew advised there was no need to vote on the waiver of plat or variance since the Planning Commission recommended denial of the rezoning.

CITY OF INVER GROVE HEIGHTS (Impervious Surface) – 09-44Z

Public Hearing (continued from February 16, 2010)

Chair Bartholomew advised that this item was tabled from the last meeting for further review and additional information.

Mr. Hunting advised there was concern at the last meeting regarding some fairness issues with the ordinance design and that it caused some inequity for different lot size categories. After further research, and a meeting with Commissioner Wippermann, staff is recommending adoption of the table listed in the report as Alternate #1.

Mr. Dodge explained the modifications in Alternative #1, stating that the new table eliminated inequities while still being simple enough to use. He discussed the 9,000-12,500 tier which allows

a maximum of 35% but not less than 3,600 square feet. Mr. Dodge explained that 3,600 square feet is derived by calculating 40% (from the tier above) of 9,000.

Chair Bartholomew stated the proposed table removed the inequities while still being understandable. The only concern he had was that the calculations involved in converting acres to square footage could be cumbersome.

Commissioner Wippermann thanked staff for their work on the impervious surface restructuring.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the zoning code amendment regarding impervious surface using Alternate Table #1 as listed in the report.

Motion carried (8/0). This item goes to the City Council on March 22, 2010.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

REPORT DATE: March 10, 2010

CASE NO: 10-06ZAC

HEARING DATE: March 16, 2010

APPLICANT/PROPERTY OWNER: Steve Watrud

REQUEST: A zoning code amendment and conditional use permit to allow an impound lot in the I-2 zoning district

LOCATION: 10967 Clark Road

COMPREHENSIVE PLAN: GI, General Industrial

ZONING: I-2, General Industry

REVIEWING DIVISIONS: Planning

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The proposed request is for an after-the-fact zoning code amendment and conditional use permit to operate an impound lot on an I-2 zoned property. A complaint was received regarding an impound lot being operated in the area without approval. After staff investigation it was found that an impound lot was being operated on site without proper approvals. The lot is about 6.45 acres in size. The impound lot is currently operated by East Metro Towing and located in the northwest corner of the property. The applicant has an existing conditional use permit for the property to allow outside storage associated with a contractor's yard.

Impound lots are conditionally allowed in the I-1 zoning districts. The request is to amend the Zoning Ordinance to allow such use in the I-2 district as well.

The specific request consists of the following:

- A.) A **Zoning Code Amendment** to allow impound lots in the I-2 zoning district as a conditional use.
- B.) A **Conditional Use Permit** for an impound lot to be located in the I-2 zoning district.

There are no proposed changes to the existing building or impervious surface on site. The outdoor storage area for the impound lot would consist of an inventory area. No fluids would be drained from vehicles on the site and no parts are removed. New vehicles are inspected for fluid leaks upon arrival and any leaks are stopped.

EVALUATION OF THE REQUEST

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

North	Industrial; zoned I-2; guided GI, General Industrial
East	Sure Lock Storage; zoned I-2; guided GI, General Industrial
South	Vacant; zoned I-2; guided GI, General Industrial
West	Vacant; zoned I-2; guided GI, General Industrial

ZONING CODE AMENDMENT

The main issue with this request is whether impound lots are an appropriate and desirable land use in the I-2 zoning district.

The purpose of the I-2 district, as defined in the Zoning Ordinance, is as follows:

“The purpose of the I-2 General Industry District is to provide for areas, which because of the availability to thoroughfares and railroads, suitable topography, and isolation from residential areas, are appropriate for industrial uses which are of a more intense nature. The I-2 District also allows certain businesses necessary to complement general industrial uses.”

The Comprehensive Plan identifies policies and goals for the industrial districts. Policies identified for both the Light Industrial and General Industrial categories include the following:

1. Provide opportunities for new industrial development, expansions of existing uses and the redevelopment of existing industrial uses to expand employment opportunities and to serve existing businesses in the community.
2. Improve the appearance of existing industrial areas and minimize adverse impacts on the community’s image and development potential.

Impound lots are generally found in industrial areas, as residential neighbors are not big supporters of such uses in their neighborhoods. The City currently allows impound lots in the I-1 zoning district, it would seem reasonable to also conditionally permit them in the I-2 zoning district with the same performance standards.

GENERAL CONDITIONAL USE PERMIT REVIEW

(This section reviews the plans against the CUP criteria in the Zoning Ordinance assuming the proposed ordinance amendment is adopted and that the City finds this to be an acceptable use.)

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

One of the policies of the industrial districts is to “Improve the appearance of existing industrial areas and minimize adverse impacts on the community’s image and development potential.” Assuming the Council finds this to be an

acceptable use, the proposed use would not have a negative impact for the industrial areas as set forth in the Comprehensive Plan.

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 applicant's property is zoned industrial. If the proposed zoning code amendment is found to be acceptable, the proposed project would be in compliance with the Zoning Ordinance.

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

The proposed use would not have a detrimental effect on public improvements in the vicinity of the project.

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*

No changes are being proposed to the existing building.

The plan does not identify any lighting details. If lights are installed the source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

- ii. Noise*

Any vehicle noise would not out of the ordinary for the I-2 zoning district.

- iii. Fencing, landscaping and buffering*

There is an existing chain link fence located around the impound lot area. If approved, solid screening would be required along the east and a portion of the south fence lines.

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.*

Access to the site is not changing. There are currently two access points onto the site from Clark Road. The amount of traffic would not be out of the ordinary for an industrial zoned area. The site is developed; there are no changes being proposed to the building or impervious surface on the property.

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.

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

This use would not have any negative effects on the environment.

IMPOUND LOTS PERFORMANCE STANDARDS

Impound lots are subject to the five performance standards listed in the zoning ordinance, Section 10-15-29.

- A. *No vehicle is kept on the property for a period longer than sixty (60) days, except when the vehicle is part of a police investigation.*

This will be listed as a condition of approval. The applicant has stated that on average vehicles are on the lot about 30 days. The City's code enforcement capabilities are limited and therefore cannot assure full compliance with the conditions of approval at all times. Compliance will depend primarily on the management of the operation.

- B. *All areas used for the storage or parking of vehicles are surfaced with an impervious material.*

The site is currently surfaced with recycled asphalt that is occasionally rolled and oiled. The applicant has stated this process will be done again in the spring. This is the same material that was approved for the auto auction that was going to be located to the north. This material meets the intent of the code.

- C. *A storm water drainage plan is approved by the director of public works.*

Engineering has reviewed this proposal against the existing storm water management plan for the site and finds the request to be acceptable.

- D. *The impound storage area is screened from all abutting properties and the public right-of-way in accordance with Section 10-15-9 of this chapter.*

Screening by ordinance requires a solid fence or wall no less than 5 feet, nor more than 6 feet tall. Other impounds lots have been required to provide solid fencing to screen from view. A

6. Stacking, dismantling, “cannibalizing” or parting out vehicles or otherwise operating the property as a salvage yard shall be prohibited.
7. A site inspection shall be done when the screening is to be installed to make sure the amount of screening proposed is adequate. If additional screening is needed, it shall be installed as required by the Planning Department.
8. All sections of the screening fence shall be at all times, maintained and repaired as necessary.
9. Any expansion of the use as shown on the site plan requires additional city approvals and is not part of this conditional use permit.

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

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

Attachments: Location Map
Applicant Narrative
Site Plan



Watrud Case # 10-06ZAC

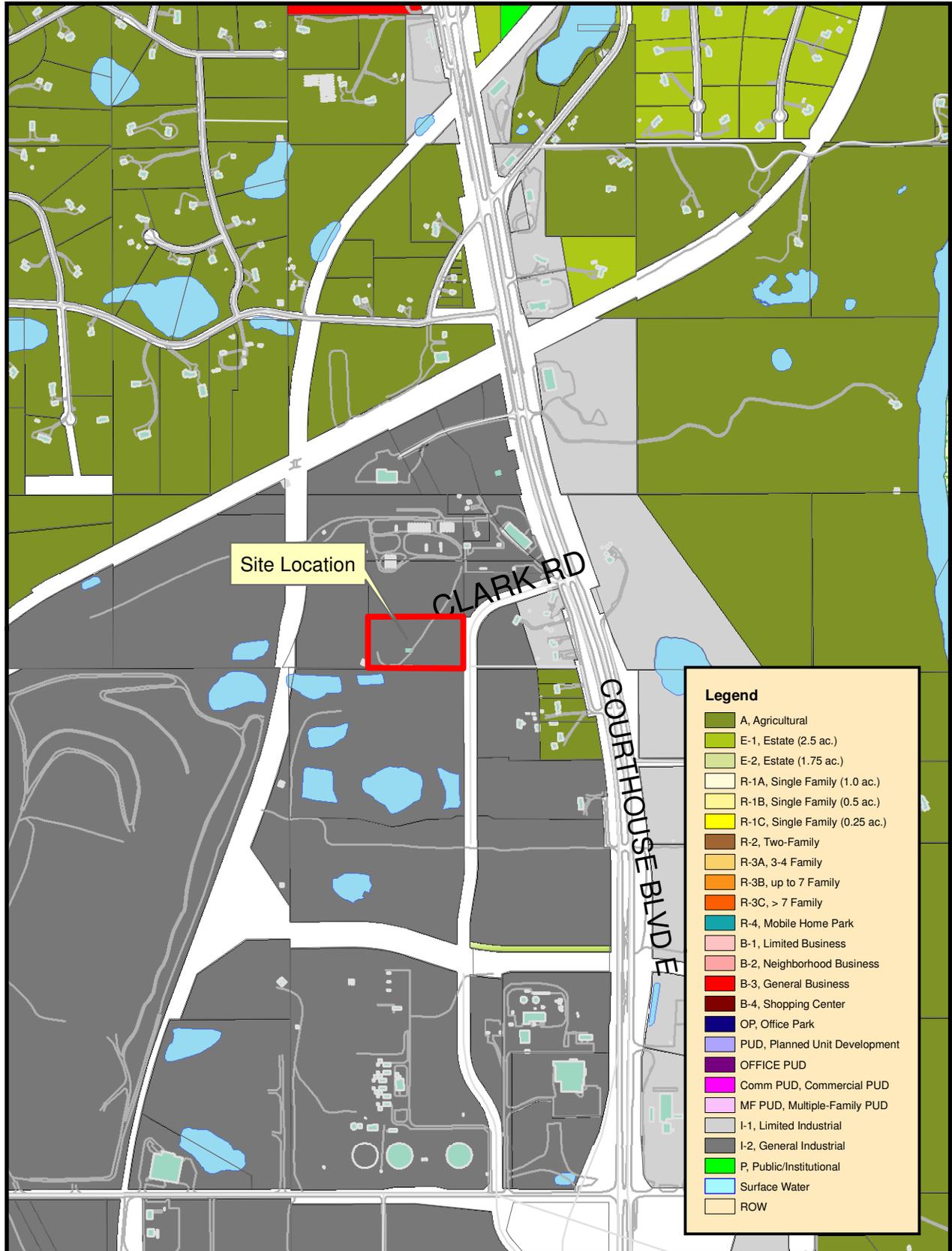


Exhibit A
Zoning Map

February 1, 2010

City of Inver Grove Heights
Attn: Alan Hunting
8150 Barbara Avenue
Inver Grove Heights, MN 55076

Dear Alan:

Enclosed is a planning Application for a Zoning Code Amendment.

We would request to change the current zoning ordinance to allow impound lots in I2 districts.

We feel that I2 zoned districts within the City would be just as suitable for impound lots as are currently allowed in only I1 districts.

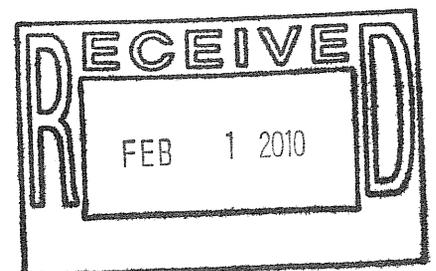
Thank you for your assistance in this matter.

Sincerely,



Steven R. Watrud
9070 90th Court E.
Inver Grove Heights, MN 55076
612-270-0208

Enc.

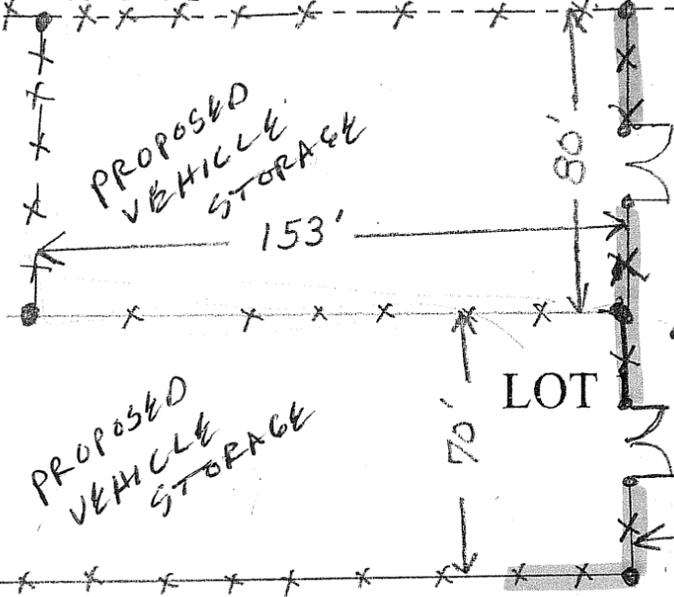


'B'

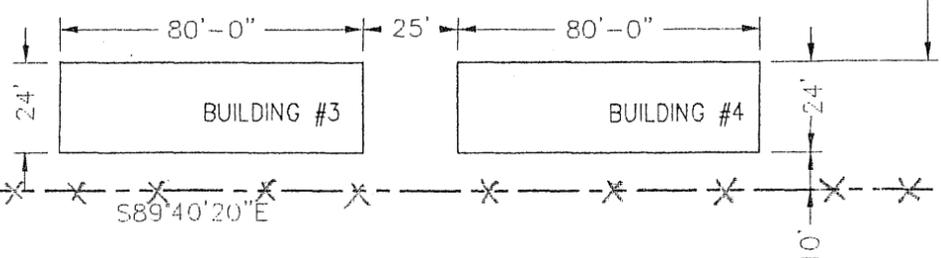
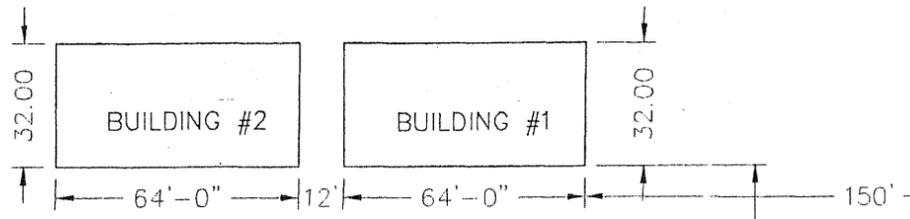
385.65'

S00°08'06"E

N89°48'46"E



Area to be a solid screen



S89°40'20"E

720.43'

EXISTING BITUMINOUS

EXISTING BUILDING
10967 CLARK RD

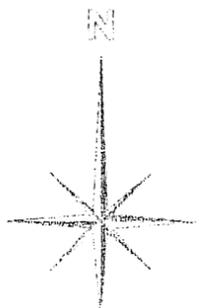
EXISTING BITUMINOUS

EXISTING BITUMINOUS

593.13'

N00°12'38"W

CLARK ROAD



RECEIVED

FEB 1 2010

PLOT PLAN

SCALE: 1" = 50'-0"

10967 CLARK ROAD PROPERTY
 LOT 1 BLOCK 1 GAINES 2nd ADDITION
 P.I.D. # 20-28401-010-01

WATROD PROPERTIES LLC.

'C'