

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 16, 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: Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the March 2, 2010 meeting were approved as submitted.

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

#### **Presentation of Request**

Commissioner Simon read the public hearing notice to consider the request for a Zoning Code Amendment to allow impound lots in the I-2 zoning district as a conditional use, and a Conditional Use Permit for an impound lot located in the I-2 zoning district, for the property located at 10967 Clark Road. 3 notices were mailed.

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

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the 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 along Clark Road, across from Sure Lock Storage. Currently impound lots are allowed as a conditional use only in the I-1 zoning district. Staff believes an impound lot would be an appropriate use in the I-2 zoning district. Ms. Botten advised that the proposed conditional use permit complies with the required criterion. She stated staff is recommending that the five performance standards, relating to impound lots, listed in the zoning ordinance be applied to this request. She advised that the proposed request meets all performance standards with the exception of the screening requirement. Currently there is a chain link fence around the impound lot but Code requires that the impound storage area be screened from all abutting properties and right-of-way. Therefore staff is recommending that solid fencing be required along the eastern and northern boundaries, as well as a portion of the southern boundary per the revised screening plan dated 3/16/2010. Ms. Botten stated that slats inserted into the chain link fence are not an acceptable screening method. Staff recommends approval of the request with the conditions listed in Alternative A, including a modification to Condition 1 changing the date of the site plan to the revised plan dated 3/16/2010.

Commissioner Simon asked if it was unusual to have a CUP within a CUP.

Ms. Botten replied in the affirmative, stating it was more common for applicants to request a CUP amendment for the same use. In this case, however, the applicants were requesting a different

use.

Commissioner Simon asked what would happen if the CUP was granted and the owner sold the property, to which Ms. Botten replied that the CUP would stay with the property.

Commissioner Wippermann asked if there was potential for future development to the west, to which Ms. Botten replied there was not as it was an old landfill site.

Chair Bartholomew asked if staff heard from any of the neighbors, to which Ms. Botten replied they did not hear from any of the abutting neighbors but did hear from one resident who was in the audience tonight.

### **Opening of Public Hearing**

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

Chair Bartholomew asked how long the business had been in operation, to which Mr. Watrud replied five years with no complaints.

Chair Bartholomew asked if the applicant knew the use was in violation of the zoning code, to which Mr. Watrud replied he did not.

Chair Bartholomew asked how many vehicles were on the lot, to which Mr. Watrud replied there were typically about 30 vehicles at any one given time. He advised it was mainly a repossession lot where vehicles were impounded for a short period of time until transport was available.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, particularly conditions 3, 4, 6, and 7.

Mr. Watrud stated his only issue was the requirement for solid fencing. He stated the lot had minimal visibility as it was 400 feet from Clark Road and was shielded 90% by his building. He stated he has never received any complaints, solid fencing would be more difficult to maintain, the chain link fence provided more security than a solid fence as anyone breaking into vehicles would be more visible, and it was unlikely any development would occur on the abutting properties as the property was surrounded by a propane tank farm, a contaminated landfill, and railroad tracks. Mr. Watrud stated he would prefer to use slatting that would be inserted into the existing chain link fence. He advised the slats he was proposing were ¼" thick and rigid as opposed to the older style thinner slats.

Rodney Bosworth, 7818 Davidson Court and 7401 Dickman Trail, stated he was the owner of Southeast Towing and had no issue with Mr. Watrud's construction yard or with Minnesota Recovery Bureau (MRB); however, he was opposed to allowing East Metro Towing to operate in the proposed area. Mr. Bosworth stated that towing businesses should only be allowed in the I-1 zoning district, the cars being brought in would likely be heavily damaged and unsightly, it would be spot zoning, this was an after-the-fact request and the applicant did not go through the proper procedures, and the City would gain no tax base from East Metro Towing.

Commissioner Simon asked for clarification of the split zoning on the Sure Lock Storage property.

Ms. Botten advised it was a multi-zoned property; I-1 and I-2. She stated that Sure Lock Storage has an interim use on the property; not a conditional use permit. She noted there were I-1 properties located in both the northern and southern portions of the City, however, I-2 was limited to just the southern end.

Commissioner Simon asked if East Metro Towing could potentially use the Sure Lock Storage site if their request was not approved, to which Ms. Botten replied that the entire Sure Lock Storage site was already approved for the storage facility.

Mr. Watrud rebutted Mr. Bosworth's comments, stating the City received income from East Metro Towing as the taxes which he paid were based on the lot and building worth, there was no visibility of the East Metro Towing site from Highway 52/55, it would not become a junk yard, the owner was an Inver Grove Heights resident, and the use would not be out of character for the neighborhood. Mr. Watrud stated that I-2 was a more appropriate zoning district than I-1 for an impound lot as it was less restrictive and allowed more intense uses.

Chair Bartholomew asked how many rental tenants were on site, to which Mr. Watrud replied there were two. He stated that Minnesota Recovery Bureau had been there over five years and East Metro Towing had been there 4-6 months.

Chair Bartholomew asked if the owner of East Metro Towing was an Inver Grove Heights resident, to which Mr. Watrud replied in the affirmative.

Commissioner Hark asked what the difference was between the two businesses.

Mr. Watrud replied there was no difference although Minnesota Recovery Bureau was larger in scale. He explained that Minnesota Recovery Bureau worked with a lot of car dealerships by picking up vehicles when people were behind on their payments, and bringing them to the site where they sat for approximately a week until a transport vehicle arrived and hauled them away.

Mr. Bosworth stated the two businesses were different in that East Metro Towing was not a clean operation and brought in wrecked vehicles, possibly from rollovers, which could sit in the lot for quite awhile leaking oil and gas. However, Minnesota Recovery Bureau brought in clean vehicles that were simply repossessions, not vehicles involved in accidents. Mr. Bosworth stated he had vehicles at his impound lot that had been there for as long as four years as they were involved in a police investigation.

Mr. Watrud stated that East Metro Towing was not a junk yard; they just tow vehicles and impound them. He advised that the only time a vehicle could be in the lot longer than 60 days was if it was involved in a police investigation. Mr. Watrud stated he planned to run a clean site and wanted the opportunity to rent his property in order to generate revenue to pay his City taxes.

### **Planning Commission Discussion**

Chair Bartholomew stated that although he appreciated Mr. Bosworth's concerns, he supported the request and felt this was an appropriate location for this type of operation. He stated he felt comfortable that Mr. Watrud would continue to keep the yard clean as he had in the past.

Commissioner Hark asked if the I-2 zoning district was limited to the southern portion of the City, to which Ms. Botten replied in the affirmative.

Commissioner Hark stated he was disappointed that the business had been operating improperly up to now; however, he felt the use was appropriate for the I-2 zoning district, especially since it was the only I-2 area in the City. He added that he was not sure whether solid screening was necessary as there was no visibility from the east. Commissioner Hark stated the 60 day rule was unenforceable as the City did not have the money or staff to monitor the site every day and mark cars.

Chair Bartholomew stated he was concerned as well that there had been a company operating here for five years without the proper approvals.

Ms. Botten advised that unfortunately the City does not have the staff to proactively inspect all properties in the City for compliance. She added that when the complaint came in, the code compliance specialist notified Mr. Watrud of the infraction and he responded in a timely manner and made application to correct the situation.

Chair Bartholomew asked if there was any specific reason impound lots were not included as an allowable use in I-2.

Ms. Botten replied there was not. She stated that impound lots were added specifically for Mr. Bosworth's operation, and no requests for impound lots had been received since then.

Commissioner Simon asked how this violation was missed with Mr. Watrud's previous request for his building.

Ms. Botten replied she did not believe the business was in operation at the time of Mr. Watrud's variance request in 2004.

Mr. Watrud stated he built the building in 2002, requested a variance for the outbuildings in 2004, and the business in question came in in 2005 or 2006.

Commissioner Simon stated she did not remember seeing the chain link fence at the time of the variance request.

Mr. Watrud stated the fence was in place at that time. He advised he was not trying to conceal the rental businesses; he just assumed impound lots were allowed in the I-2 district.

Mr. Bosworth clarified the history of impound lots being allowed in the I-1 district. He stated that approximately 20 years ago there was no area in the City zoned for an impound lot. After meeting with staff and going before the Planning Commission and City Council, it was determined that impound lots would be appropriate in the I-1 district.

Mr. Watrud stated that twenty years ago the only industrial area in the City was along Concord as everything on Highway 52/55 was still farms.

Commissioner Roth stated he supported the request and believed that the applicant would run a professional operation. He stated that if complaints were received the City had the option of rescinding the conditional use permit.

Commissioner Wippermann stated he supported the request and felt impound lots would fit well in the I-2 zoning district since it generally allows more intense uses than the I-1.

### **Planning Commission Recommendation**

Motion by Commissioner Scales to approve the request for a Zoning Code Amendment to allow impound lots in the I-2 zoning district as a conditional use, and a conditional use permit for an impound lot located in the I-2 zoning district, for the property located at 10967 Clark Road with the conditions listed in Alternative A, including a modification to Condition 1 changing the date of the site plan to the revised plan dated 3/16/2010.

Commissioner Schaeffer asked if the Commission needed to discuss the recommended style of screening.

Chair Bartholomew stated the staff recommendation does not allow for slats.

Motion seconded by Commissioner Schaeffer.

Ms. Botten stated that if the applicant would like to propose slatting they could bring the sample slats to the City Council meeting.

Motion carried (7/1 – Simon). This item goes to the City Council on April 12, 2010.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary