

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, April 5, 2011 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR MARCH 15, 2011**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **BITUMINOUS ROADWAYS INC– CASE NO. 11-04CA**
Consider a **Conditional Use Permit Amendment** to add a 1,600 square foot building to the existing asphalt plant operation located at 11201 Rich Valley Boulevard.

Planning Commission Action _____

 - 3.02 **CITY OF INVER GROVE HEIGHTS – CASE NO. 11-05ZA**
Consider a **Zoning Code Amendment** to allow outdoor storage in a P, Public Institutional Zoning District when associated with local government use.

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 15, 2011 – 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
Pat Simon
Tony Scales
Paul Hark
Damon Roth
Dennis Wippermann

Commissioners Absent: Harold Gooch (excused)
Christine Koch (excused)
Mike Schaeffer (excused)

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the January 18, 2011 and February 15, 2011 meetings were approved as submitted.

RJ RYAN CONSTRUCTION – CASE NO. 11-02CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit amendment to add an addition to the existing auto sales building located at 1290 – 50th Street. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit amendment to add an 860 square foot addition to the existing building. Staff recommends approval of the request with the conditions listed in Alternative A.

Commissioner Simon asked if staff heard from any of the six notified property owners, to which Ms. Botten replied they had not.

Chair Bartholomew asked if the seven conditions listed in Alternative A were carried over from the previous conditional use permit, to which Ms. Botten replied in the affirmative. She stated the only change was the dates listed in Condition 1.

Opening of Public Hearing

The applicant, Brian Trombley, RJ Ryan Construction, 6781 Country Oaks Road, Excelsior, stated his client, Inver Grove Hyundai, was proposing to build an addition that would accommodate more vehicles in the 'write-up' area.

Chair Bartholomew asked if the applicant was agreeable with the 17 conditions listed in Alternative A, to which Mr. Trombley replied in the affirmative.

Commissioner Simon asked if the expansion area would be designated as customer parking only, to which Mr. Trombley replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the conditional use permit amendment to add an addition to the existing auto sales building located at 1290 – 50th Street, with the seven conditions listed in the report.

Motion carried (6/0). This item goes to the City Council on April 11, 2011.

CITY OF INVER GROVE HEIGHTS (GERTENS PROPERTY) – CASE NO. 11-01Z

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning from A, Agricultural district to Comm PUD, Commercial Planned Unit Development district, for the property located on the northeast corner of Upper 55th Street and Blaine Avenue. 24 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that subsequent to the recent approval of the Gertens greenhouse expansion, the City Council requested staff initiate a rezoning for the parcel in question. The parcel is owned by Gerten Greenhouses and is currently being used mostly as growing fields. The property is zoned Agricultural, however, staff is recommending it be changed to Commercial Planned Unit Development which is a designation the City uses in the Southeast Quadrant as a temporary holding zone. If development would occur in the future, the parcel would likely be changed to Planned Unit Development. He stated the proposed rezoning would be consistent with the Comprehensive Plan designation for the property, as well as with the other properties in the southeast quadrant that are zoned Comm-PUD prior to a specific development plan being approved. He advised that the City hopes to convert the property fronting Upper 55th into commercial development at some point in time. Staff recommends approval of the request.

Commissioner Hark asked what the advantages and disadvantages of the rezoning would be for Gertens.

Mr. Hunting replied that Gertens would be able to continue their growing field operation as a legal non-conforming use, and the rezoning would likely increase the value of the property as there would be more allowable uses.

Commissioner Hark asked if Gertens was in agreement with the proposed rezoning.

Mr. Hunting replied that his understanding from correspondence he received from Gertens' legal counsel was that they do not object as long as the development contract and maintenance agreements were completed as anticipated.

Opening of Public Hearing

Lewis Gerten, 5500 Blaine Avenue, stated that while he did not have any objections to the zoning change itself, he was concerned about the timing because the development agreements and drainage permit had not yet been finalized.

Chair Bartholomew asked if the Commission could perhaps table the request until the development agreements were complete.

Mr. Hunting stated they could table the request, however, if the rezoning was approved staff's intention was to put the rezoning on the same Council agenda as the final improvement agreements. He stated Gertens already received approvals for the expansion but were simply waiting for final documents from the City and stormwater permits from other agencies.

Chair Bartholomew asked if Mr. Gerten would be agreeable to putting this item on the same Council agenda as the improvement agreements, to which Mr. Gerten replied in the affirmative.

Planning Commission Discussion

Commissioner Simon asked how the Planning Commission should direct staff to bring the rezoning and development agreements to City Council at the same time, to which Mr. Hunting replied it should be part of the motion rather than an added condition.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Roth, to approve the rezoning from A, Agricultural to Comm PUD, Commercial Planned Unit Development for the parcel located on the NE corner of Upper 55th and Blaine Avenue, with the intention that the request gets delayed until such time as the final improvement agreements for the Gerten expansion go to City Council.

Motion carried (6/0).

RIVER COUNTRY CO-OP – CASE NO. 11-03CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit amendment to add an addition to the existing convenience store and other property improvements, for the property located at 3240 – 57th Street. 38 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 an addition and remodel to the existing vacant gas service station located on the southwest corner of 57th Street and Carmen Avenue. The proposed plans include an 800 square foot addition and remodel, two additional fuel pumps and canopy, an LP fill station, one additional buried fuel tank, and additional landscaping. She advised that the request complies with the City's CUP criteria, including the landscaping requirement, however, staff is recommending that all landscaping be located outside the 20 foot utility easement on the north property line. She advised that the Parks Department has commented that there is a gap in the City's trail system along 57th Street between Cahill and Carmen. The City is therefore requesting that the applicant grant the City a 15 foot trail/sidewalk easement along the northern property line so that in the future the City may consider the construction of a trail/sidewalk. The applicant has been working with the City Engineering Department regarding stormwater runoff and has agreed to add a rain garden to reduce the amount of runoff on the property. Staff recommends approval of the request with the conditions listed in Alternative A. She advised that staff heard from four residents who were all in support of the request.

Chair Bartholomew pointed out a typo in Condition 10, to which Ms. Botten replied that the word 'screening' should be replaced with 'equipment'.

Commissioner Simon asked what the hours of operation would be, to which Ms. Botten replied she was unsure and noted there were no restrictions on hours.

Opening of Public Hearing

Tom Boland, River Country Co-op, 1231 Alameda Street, St. Paul, referred to Condition 3 regarding exterior lighting. He advised that they plan to reuse the existing lights by the entry points and on the canopy. The new canopy and any lights on the building would be downcast and the new canopy lights would be flush-mounted or screened on the side.

Chair Bartholomew asked if staff would be agreeable to that, to which Mr. Hunting replied in the affirmative, stating the applicants could reuse the existing lights as long as they were not changing anything.

Mr. Boland stated they would screen the sides of the fixtures if at some time in the future they switched to more energy efficient lighting on the existing canopy. Mr. Boland also stated he had no issue with a trail going through the utility easement as long as it did not change the curb cut or interfere with traffic coming on and off the site.

Ms. Botten stated the trail would be located within the easement area and should not have any negative impact on the site. She added that any change to the curb cut would be at the cost of the City.

Mr. Boland stated they intended to retain the existing rate sign.

Commissioner Simon asked if the applicants would be performing oil changes or servicing autos, to which Mr. Boland replied they would not.

Commissioner Simon asked what the hours of operation would be, to which Mr. Boland replied the longest day would likely be 5:00 a.m. to midnight.

Commissioner Simon noted that the City had a noise ordinance and asked if the applicants would have a PA system.

Mr. Boland replied that by law they needed to have a PA system, however, they would not use it at night.

Chair Bartholomew asked if the pumps were credit card operated and would be open 24 hours a day, to which Mr. Boland replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Roth, second by Commissioner Wippermann, to approve the request for a conditional use permit amendment to add an addition to the existing convenience store, along with other property improvements, for the property located at 3240 – 57th Street with the conditions listed the report.

Motion carried (6/0). This item goes to the City Council on April 11, 2011.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:31 PM.

Respectfully submitted,

Kim Fox
Recording Secretary

EVALUATION OF THE REQUEST

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

North	Zoned Agricultural; guided Industrial Open Space
East	Industrial property; zoned I-1, Limited Industry; guided Light Industrial
South	Residential and Bituminous Roadways; zoned Sand and Gravel Overlay District / A, Agricultural; guided Industrial Open Space
West	Zoned Agricultural; guided Industrial Open Space

SITE PLAN REVIEW

Setbacks. The proposed building is located over 500 feet from the closest property line, exceeding setback requirements.

Parking/Access. Access to the site is not changing; there is one entrance off of Rich Valley Boulevard along the east side of the property.

Tree Preservation/Landscaping. No landscaping is required with the proposed addition.

Engineering. Engineering has reviewed the request and has commented that they take no exceptions to the proposed plans.

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 is consistent with the goals, policies, and plans of the Comprehensive Plan. The future land use of this parcel is Industrial Open Space and the sand and gravel permit is a conditional use allowed to continue operating without further restrictions.

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 agricultural with a sand and gravel overlay. The land use of a mining pit is consistent with the intent of this zoning district.

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

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

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.*

The new building 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 proposed building would be constructed with similar materials as other buildings on site. The building is located in a pit and not visible from Rich Valley Boulevard.

- ii. Noise*

The additional building on site would not generate noises that are inconsistent with the Sand and Gravel Zoning District.

- iii. Fencing, landscaping and buffering*

No landscaping is required for the additional building on the property.

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. The amount of traffic would not be out of the ordinary for an industrial area. Setbacks exceed code requirements.

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.*

The proposed addition would not generate any surface water or groundwater runoff that would leave the site.

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 taken:
- Approval of a **Conditional Use Permit Amendment** to add a 1,600 square foot building to the existing asphalt plant operation (the conditions listed below are carried over from the existing CUP, #3 is the only added condition):
 1. Resolution No. 07-122 and the conditions therein shall become null and void.
 2. All terms and conditions of the approval of the temporary Sand and Gravel Zoning District for the property shall apply to all the operations on the site specifically stated herein, except where said terms and conditions may be modified by the conditions below, then the conditions of this permit shall prevail.
 3. The 1,600 square foot building shall be constructed in substantial conformance with the site plan on file with the Planning Department dated 3/1/11.
 4. Approval of this conditional use permit shall be valid for the duration of the Temporary Sand and Gravel Zoning or until such time that the sand and gravel operation on site shall cease to continue if such time frame is shorter. The sand and gravel operation and the approval granted herein shall terminate concurrently.
 5. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations on the site and resumption of operation will not be permitted until such violation is rectified.
 6. The processing of the sand and gravel shall include, but not limited to; mining, crushing, screening, washing, sorting and blending into and stockpiling a variety of aggregates, and the recycling and stockpiling of concrete and rock products.
 7. The contractor's yard shall be used in substantial conformance with the plan entitled "Existing Conditions" dated 1/8/07, on file with the Planning Division.
 8. The washing operation shall use only water obtained from storm water ponds and shall not use any ground water from wells.
 9. The location of the asphalt plant shall remain in its existing position and shall not be relocated.
 10. All buildings shall be removed from the site within three (3) months of the closure of the facility.

11. The area on the site plan identified as woods on the west side that is not being excavated shall be preserved and no cutting of trees shall occur as a result of the mining operation. A restrictive covenant shall be placed over this portion of the site to insure its protection.
 12. Storage of equipment and vehicles for Rainbow Painting shall be limited to the building designated "garage" on the approved site plan and the adjacent area located south of the metal building.
 13. All plans submitted by the applicant shall be subject to the review and recommendations made by the City Engineer and Director of Public Works.
 14. Monitoring shall be conducted at the single ground water well on site known as the "Rainbow well" and on the Todd Wicker and Robert Plan property, that consists of arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, DRO, GRO, phenol, pH, electric conductivity and alkalinity. The monitoring shall occur at half the wells one year and the other half the next year. Parameters and protocols shall be as agreed to by Dakota County, the City and Bituminous Roadways.
 15. The owner shall provide the City Engineering Division full access to the property for an annual storm water maintenance, erosion control, and sediment control inspections.
- 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: Zoning/Location Map
Narrative
Site Plan
Aerial Photo
Picture of building



11201 Rich Valley Boulevard CUP Amendment

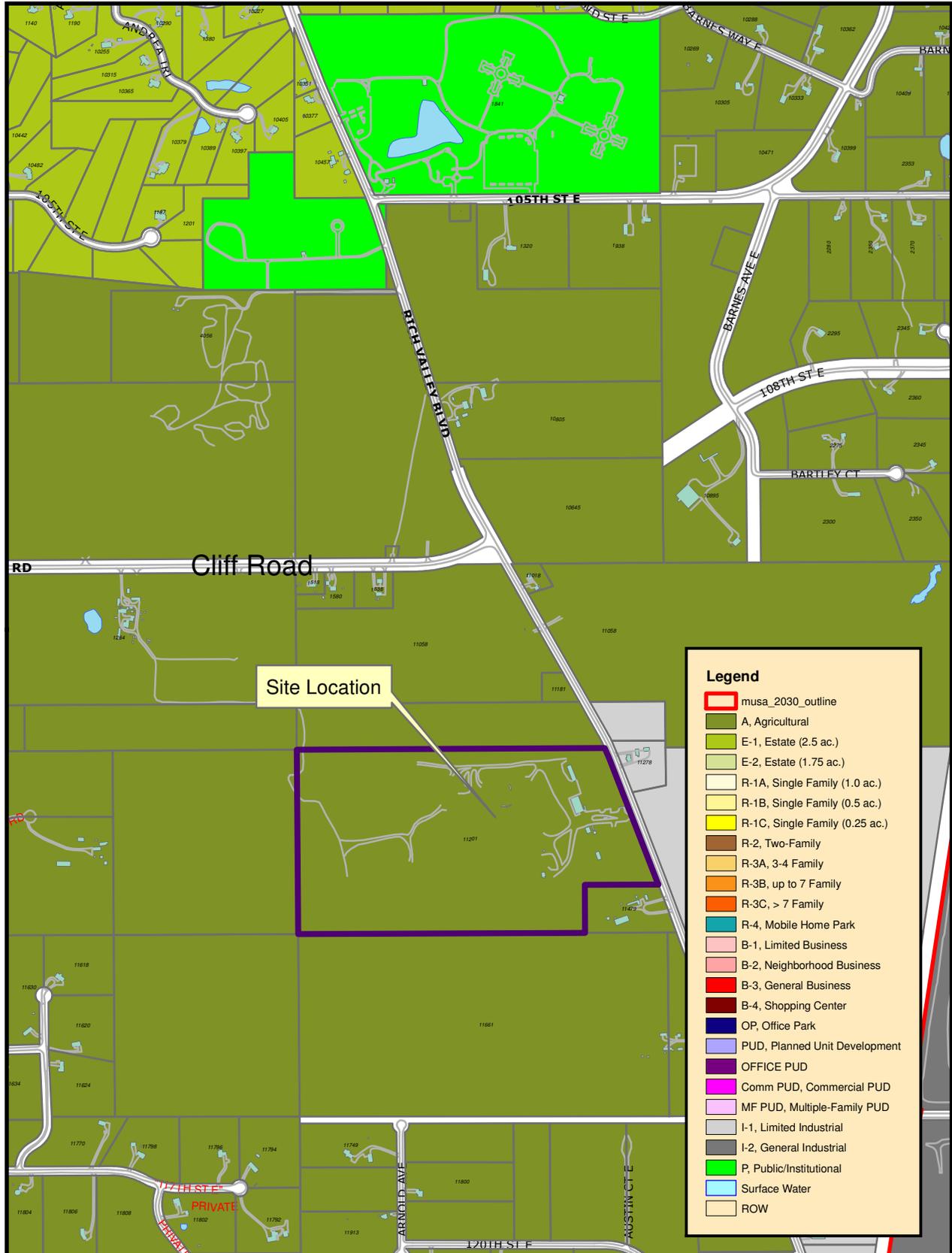


Exhibit A
Zoning and Location Map



BITUMINOUS ROADWAYS, INC.

1520 COMMERCE DRIVE / MENDOTA HEIGHTS, MN 55120 / PHONE (651) 686-7001 / FAX (651) 687-9857

February 21, 2011

Allan Hunting
City of Inver Grove Heights
8150 Barbara Ave.
Inver Grove Heights, MN 55077

Re: Amendment to CUP No. 07-22

Dear Mr. Hunting:

Bituminous Roadways, Inc. currently operates a sand and gravel mining facility located in the southern portion of Inver Grove Heights. This application pertains to an Amendment of the Conditional Use Permit associated with the facility.

The site includes both the original mining operation and asphalt production plant which has been permitted since 1974 and the southern portion of the mining operation which was originally permitted in 2002. During the 2002 permitting process, both facilities were combined into one permit to facilitate the five year permit review and renewal process. The permit is currently scheduled for review in 2012.

The site is operating in accordance with the Conditional Use Permit 07-122. Activities allowed under the permit include mining and processing (crushing, screening, and washing), stockpiling, loading and hauling, reclamation, and operation of an asphalt plant and contractors yard.

The Amendment that is being sought is for the addition of a 40'x40' metal building adjacent to the asphalt plant. The location of this building is shown on the attached site plan. Also attached is a picture of what the building will look like. The purpose of this building is to store polymer pellets that are used in blending with asphalt. A portion of the building will also be used to perform asphalt cement testing. This building's purpose is to serve the existing asphalt plant. It will be removed from the site when the asphalt plant is removed.

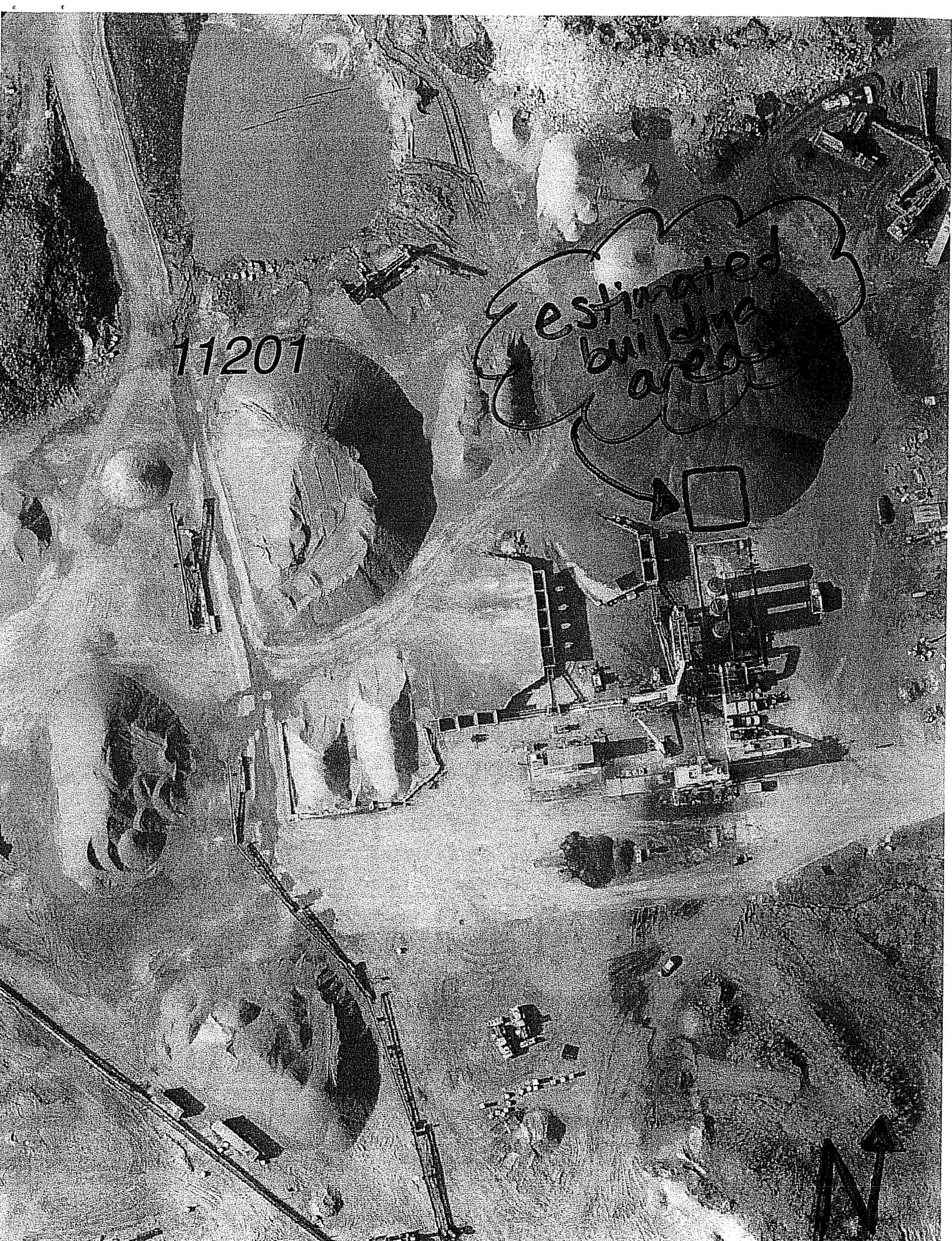
I appreciate your consideration.

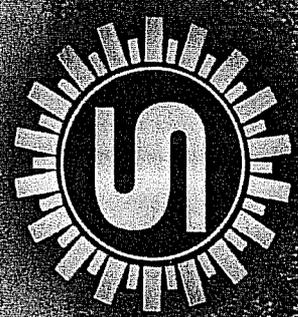
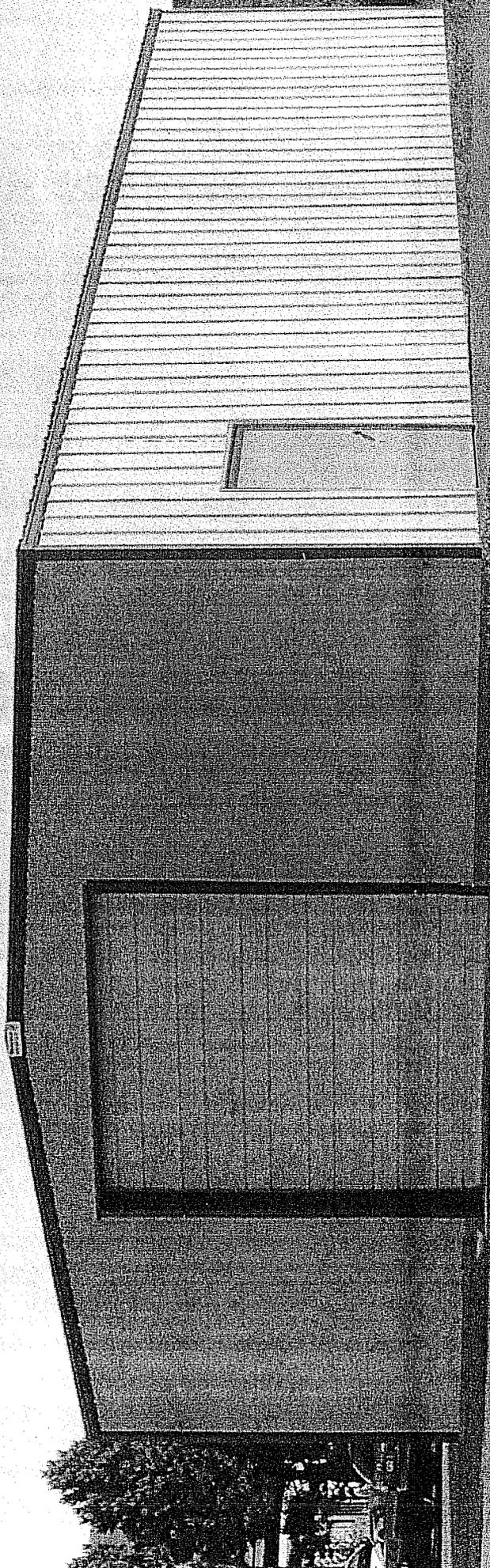
Sincerely,

Kent Peterson
President

11201

estimated
building
area





SUNWARD CONSOLIDATED GROUP

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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: March 28, 2011

CASE NO: 11-05ZA

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: N/A

REQUEST: Zoning Ordinance Amendment relating to Open Storage in the "P" District

HEARING DATE: April 5, 2011

LOCATION: N/A

COMPREHENSIVE PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

In 2010, the Parks Department began addressing the issue of Emerald Ash Borer and what impacts it will have on the City. The Parks Department presented information to the Council indicating that over a number of years, the City will be need to remove ash trees that become infested with the emerald ash borer larvae on city owned property and within street right-of-ways. As the trees are cut, they will need to be stockpiled before they are chipped. The City needs to explore finding suitable emergency marshalling yards - suitable for on-site tub grinding of EBA confirmed trees that need to be removed. The need for emergency storage areas has come up before with any summer wind storms that impact large areas of the city where there are significant downed trees and broken branches that need to be cleaned up and stored until they can be chipped. During the periods of extensive Dutch Elm Disease in the 80's and 90's, this same issue of needed stockpiling areas has come up.

There are no specific regulations in the Zoning Ordinance on addressing storage or emergency storage for this type of material. After consulting with the Parks Director, it was determined that the most logical places for the storage of the diseased ash trees would be on city owned property. In all most all cases, city owned property is zoned P, Institutional. After discussing this issues with other city staff members, it was determined that the code should be amended to take care of this void of regulations and put something in the ordinance that would allow for outdoor storage when it involves work by the local government on city property. An amendment to the Zoning Code is therefore being recommended by the Planning Division.

EVALUATION OF THE REQUEST

Staff is recommending an ordinance amendment that would allow outdoor storage as a permitted use in the P, Institutional District when it is associated with municipal government use only. Allowing only for municipal government use would preclude other uses such as churches or school districts or other government agencies from using land they own that is zoned P, Institutional for outdoor storage. While the need for the amendment arose with the discussions of emerald ash borer, allowing the general outdoor storage language would allow other storage as the need or a specific issue came up.

ALTERNATIVES

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

- A. **Approval.** Recommend Approval of the Ordinance Amendment as presented or with recommended changes:
- B. **Denial.** Recommend denial of the Ordinance Amendment as presented.

RECOMMENDATION

Recommends approval of the ordinance amendment to allow outdoor storage in the P, Institutional District.

Attachments: Ordinance Amendment

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10,
CHAPTER 6, SECTION 2 REGARDING ALLOWING OUTDOOR STORAGE IN THE
P, INSTITUTIONAL ZONING DISTRICT**

The City Council of Inver Grove Heights does hereby ordain:

SECTION 1. Amendment. Title 10, Chapter 6, Section 2, of the Inver Grove Heights City Code is hereby amended to add the following to the land use matrix table:

LAND USES IN ALL NONRESIDENTIAL DISTRICTS

Use	Zoning District
	P
Outdoor Storage associated with municipal government use only	P

SECTION 2. Effective Date. This ordinance shall be in force upon its adoption and publication.

Passed this _____ day of _____, 2011.

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy City Clerk