

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, JUNE 21, 2011 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 7, 2011

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 CITY OF INVER GROVE HEIGHTS – CASE NO. 11-15ZA

Consider an **Ordinance Amendment** to Chapter 10-3-4 of the City Code (Zoning Ordinance) relating to criteria granting a VARIANCE.

Planning Commission Action _____

3.02 KAY DICKISON – CASE NO. 10-26V

Consider the following requests for property located at 7521 River Road:

a) A **Variance** from the bluff line setback to construct a 160 square foot structure in the bluffline whereas 40 feet is the required setback.

Planning Commission Action _____

b) A **Variance** from the front yard setback for an accessory building to be located 20 feet from the front property line whereas 30 feet is required.

Planning Commission Action _____

3.03 CITY OF INVER GROVE HEIGHTS– CASE NO. 11-14Z

Consider a **Rezoning** from A, Agricultural District and R-1B, Single Family Residential District to P, Institutional District for the properties located at 8336 Babcock Trail and along the 7400 block of River Road.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 7, 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
Dennis Wippermann
Mike Schaeffer
Harold Gooch
Victoria Elsmore
Armando Lissarrague

Commissioners Absent: Paul Hark (excused)

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

Chair Bartholomew welcomed new Commissioners Victoria Elsmore and Armando Lissarrague. He also thanked former Commissioners Christine Koch and Damon Roth for their service on the Planning Commission.

APPROVAL OF MINUTES

The minutes from the May 17, 2011 meeting were approved as submitted.

SAYYAD HUSSAIN – CASE NO. 11-10Z

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from B-1, Limited Business to B-3, General Business, and a Comprehensive Plan Amendment to change the land use from NC, Neighborhood Commercial to CC, Community Commercial, for the property located at 5465 Babcock Trail. 49 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property is currently a gas station and convenience store. The owner would like to add a small-scale auto sales lot on the east side of the property. The B-1 zoning does not allow for auto sales, however, so the applicant is requesting a rezoning to B-3, a district in which auto sales is allowed by conditional use. The existing Comprehensive Plan designation would also have to be changed to a higher intensity designation to be consistent with a B-3 zoning. He advised that the B-3 zoning designation allows other more intensive commercial uses that may not be appropriate in this area. He added that the City Council has a history of trying to limit car sales to what is known as the 'Iron Triangle' in the Highway 3/Highway 110 area, as well as a few used car lots along Concord Boulevard. Allowing car sales on the subject property would be inconsistent with the direction that Council has been heading. Staff recommends denial of the request.

Commissioner Simon asked if the applicant was planning to close the store and operate solely as a

used car sales lot.

Mr. Hunting replied that the applicant is proposing to keep the gas station and convenience store open but supplement his income by adding auto sales.

Commissioner Simon asked if the zoning still had to be changed if they were adding only a small sales lot to their existing use, to which Mr. Hunting replied in the affirmative, stating automobile sales is not allowed at all in the B-1 district.

Opening of Public Hearing

The applicant, Sayyad Hussain, 5465 Babcock Trail, stated he was requesting to add a small auto sales lot on his property as he needed the additional income to remain in business.

Chair Bartholomew stated that while he appreciated Mr. Hussain's attempt to supplement his business, the Planning Commission was going to have a difficult time recommending approval of the request as this particular area was not conducive to auto sales.

Mr. Hussain stated the additional sales lot would not a minimal impact as it would only bring in a few additional customers each day whereas the existing gas station/convenience store served 400-500 people each day. He stated he has 10 parking spaces in front of the store for his gas station customers, but has 25 parking spaces on the east side sitting vacant. He noted that he has allowed neighbors to successfully sell their vehicles in his lot, and he stated he would be agreeable to the City putting a limit on the number of cars he could sell.

Chair Bartholomew stated that approving this request would set a precedent and make it difficult for the City to deny future requests for automobile sales.

Commissioner Simon stated this would have long-term implications as once the zoning was changed the applicant could sell the property and the next owner would be able to incorporate any of the uses allowed in the B-3, many of which would not be desirable in this neighborhood.

Commissioner Lissarrague asked for clarification of who was asking to sell their vehicles in the applicant's lot, stating that he spoke with some of the neighbors and they were not in favor of the request.

Mr. Hussain replied that the neighbors asked to park their vehicles in his parking lot to sell their used cars as individuals. He stated that he has worked hard to improve the property, including resurfacing the parking lot.

Gordon Anderson, 5447 Babcock Trail, agreed that Mr. Hussain has improved the property since purchasing it, however, he thought that most of his neighbors at Cedarwood Condominiums would not be in favor of the request as an auto sales lot could make it more difficult for them to sell their homes. He stated he was concerned as well about the potential for a more intense use if the property was sold.

Planning Commission Discussion

Commissioner Simon asked if staff heard from any neighbors other than the emails included in the report.

Mr. Hunting replied that he received a couple other phone calls from neighbors who raised some concerns and had general inquiries, however, they did not give their names.

Chair Bartholomew asked for clarification of the difference between automobile sales and parking a

vehicle in a lot with a for sale sign.

Mr. Hunting stated he did not know the exact ordinance language offhand, but the City's intent was not to have vehicles for sale parked in any commercial area regardless of the zoning.

Chair Bartholomew noted that he has seen for sale signs in vehicles all over the City and asked if perhaps the trigger was if they were parked overnight.

Mr. Hunting stated that while this was likely occurring in the City, it was not allowed. If someone were to bring a violation to the attention of the City, they would inform a Code Enforcement Officer.

Commissioner Schaeffer stated that while he appreciated Mr. Hussain's attempt to expand his business, he felt the long-term implications of a zoning change on this specific property would be detrimental to the area.

Planning Commission Recommendation

Motion by Commissioner Schaeffer, second by Commissioner Wippermann, to deny the request for a rezoning of a property from B-1, Limited Business to B-3, General Business, and a Comprehensive Plan Amendment to change the land use from NB, Neighborhood Business to CC, Community Commercial, with the five conditions listed in the report, for the property located at 5465 Babcock Trail.

Commissioner Wippermann asked if he could make a friendly amendment to **change the language in Condition 1 to read 'is' not appropriate as opposed to 'may not be' appropriate.**

Commissioner Schaeffer agreed to amend his motion as recommended by Commissioner Wippermann.

Motion carried (8/0). This item goes to the City Council on June 13, 2011.

MICHIAL MULARONI (HEPPNERS AUTO BODY) – CASE NO. 11-13V

Reading of Request

Commissioner Simon read the public hearing notice to consider the request for a variance to construct an addition onto an existing building that is located within the side yard setback for the property located at 6042 Claude Way. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property abuts the South St. Paul Airport on the east and is surrounded by industrial uses to the north, west and south. The original building and addition were constructed 30' from the property line which was the required side yard setback at the time. In 2002, however, the setback was amended from 30' to 40'. The applicants are now proposing to construct a 48' x 60' addition and are requesting a variance from side yard setback as the proposed addition would be 30' feet from the property line whereas 40' is required. Due to the property's proximity to the runway the property owner would also have to file all required FAA forms prior to construction. To meet the City's planting requirements, three trees are required to be planted on the site; staff is recommending that those be planted along the western property line. She advised that this is the first variance public hearing that has been brought before the Planning Commission since the Governor signed into law the new variance language. She explained that variances may now be granted when the applicant establishes that there are practical difficulties in complying with the official control as well as fulfilling the other variance criteria. The request complies with that criteria

and staff recommends approval of the request with the five conditions listed in the report.

Commissioner Simon asked if the form(s) referred to in Condition 2 had to be signed off on by the FAA, to which Ms. Botten replied in the affirmative.

Commissioner Simon asked if the City's approval would be precluded if the FAA denied the application, to which Ms. Botten replied in the affirmative.

Commissioner Elsmore asked if the applicants received FAA approval in 2007 when they received their first variance approval, and asked why the building addition was not completed at that time.

Ms. Botten stated the FAA approval was not a condition of approval from the City but the addition would have still been required to obtain any FAA approvals. She recommended that the question as to the building's completion be referred on to the applicant.

Commissioner Wippermann asked if staff heard from any of the neighboring property owners, to which Ms. Botten replied they had not with the exception of the South St. Paul Airport Manager.

Public Hearing

The applicant, Michial Mularoni, 6191 Crackleberry Trail, Woodbury, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the five conditions listed in the report, particularly Conditions 2 and 5.

In regards to Condition 2, Mr. Mularoni stated he believed the statute did not apply to their situation and he would contact the FAA to clarify whether they were exempted from this requirement. He stated FAA approval was not required with their original construction, their first addition, or their 2007 variance request. In response to Commissioner Elsmore's earlier question, Mr. Mularoni advised that the second addition was not built after their 2007 approval because of a business decision by the owner.

Chair Bartholomew advised that whether FAA approval was required or not would need to be resolved. He stated that he supported the request.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioners Scales and Schaeffer, to approve the request for a variance to construct an addition onto an existing building that is located within the side yard setback, for the property located at 6042 Claude Way, with the five conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 13, 2011.

STEPHEN WEBB – CASE NO. 11-11C

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit to allow an amateur radio tower in excess of height allowed in a residential district, and a variance to exceed structure height in the Critical Area Overlay District, for the property located at 10115 Cloman Path. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant has requested a CUP for a 65 foot tall amateur radio tower to be erected in the southwest corner of the 2.5 acre property. He advised that a variance is also being requested to exceed the 35 foot maximum structure height in the Critical Area Overlay District whereas 65 feet is being proposed. The applicant is proposing the tower to be setback 70 feet from west and south property lines. This would put the fall zone of the tower entirely on the subject property. Staff submitted an application to the DNR as a courtesy; their comment is not required. He advised that there is a high tree canopy in the area and the tower would not be visible from the river. In staff's opinion the request satisfies the variance criteria and they recommend approval of the request with the conditions listed in the report.

Chair Bartholomew referred to a previous request on Upper 55th Street where height was an issue and asked if the subject site was too far away from the airport for height to be a concern.

Mr. Hunting replied that the tower would have to be 200 feet above the airport elevation for it to become an issue.

Commissioner Simon asked if staff received any comments from the DNR, to which Mr. Hunting replied they had not.

Commissioner Simon asked if staff received any comments from the neighbors.

Mr. Hunting replied that he received one phone call with a general inquiry and another from the property owner just south of the subject property who raised some concerns about the height of the proposed tower.

Commissioner Wippermann referred to mention in the report of the potential for television interference and questioned why the tower was not moved further away from the house to the south.

Mr. Hunting recommended that the applicant answer the question about tower location. He noted that most people use cable so the impact on television reception was likely minimal and he added that the taller antennae would help minimize any television interference as well.

Opening of Public Hearing

The applicant, Stephen Webb, 10115 Cloman Avenue, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant agreed with the three conditions listed in the report, to which Mr. Webb replied in the affirmative.

In response to Commissioner Wippermann's question regarding the location of the tower, Mr. Webb agreed that a better location might be further north while remaining 70 feet from the property lines. He stated his main concern was minimizing the antennae visibility from the property owner to the south, and he would like the flexibility to move the tower from the location shown on the site plan.

Commissioner Wippermann asked if the entire back of the lot was wooded, to which Mr. Webb replied in the affirmative.

Commissioner Elsmore asked if the applicant had ever installed a 35 foot or shorter tower on the property.

Mr. Webb stated he currently had a shorter temporary antennae set up for doing antennae tests, and distant stations were unable to hear him which is a result of antennae height. He advised that if 55 feet is adequate he will not add the extra ten feet. He advised that all receivers must be FCC compliant and with the improvements in receiver circuitry and with cable being the primary source of television and radio, there is virtually no problem with interference. He advised that raising the antennae height reduces any RF radiation as well.

Commissioner Schaeffer asked if the neighbors would potentially see any effects on their cell phone strength, to which Mr. Webb replied there would be no interference with phone service.

Commissioner Simon asked if Condition 1 could be reworded to allow the applicant the flexibility to move the tower a little further north while still maintaining a 70 foot setback, to which Mr. Hunting replied in the affirmative.

Planning Commission Discussion

Chair Bartholomew stated the language could be modified to read that 'prior to a building permit, the applicant has the option of moving the location of the tower providing it remains 70 feet from the property line'.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Elsmore, to approve the request for a conditional use permit to allow an amateur radio tower in excess of height allowed in a residential district, and a variance to exceed structure height in the Critical Area Overlay District, for the property located at 10115 Cloman Path, with the three conditions listed with the report with an amendment to Condition 1 to read **"The radio tower shall be constructed on the property at least 70 feet from all property lines. Any alteration from the location shown on the site plan dated 5/6/2011 shall require City approval prior to issuance of building permits."**

Motion carried (8/0). This item goes to the City Council on June 27, 2011.

LUTHER NISSAN KIA – CASE NO. 11-12CA

Reading of Request

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to add an addition to the existing auto sales building, increase the size of the parking lot, and allow two temporary sales trailers on the northern storage lot, for the property located at 1470 – 50th Street. 7 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 a 20,200 square foot building addition, a 43,100 square foot parking lot expansion, and a temporary location for two sales trailers to be located on the northern storage lot. Staff has not heard from any neighboring property owners. She advised that the proposed improvements meet or exceed all review criteria. Therefore, staff recommends approval of the request with the 20 conditions listed in the report.

Commissioner Simon asked if staff received any comments from the Fire Marshal, to which Ms. Botten replied they had not.

Commissioner Simon asked if there were any impacts to the shoreland due to the northeastern tip of the parking lot in the southern parcel being in the Shoreland Overlay District.

Ms. Botten replied that the parking lot was existing and the proposed addition would have no impact to that shoreland. The City's Engineering Department is working with the applicants to ensure that the stormwater runoff does not impact the MNDOT pond.

Opening of Public Hearing

Jonathan Baker, 150 S. 5th Street, the architect for the project, clarified that although the planning report states that no fencing was requested, the applicants intend to install a four foot chain link fence on the top of the proposed retaining wall in the southern portion of the site. He advised that the report states the two temporary trailers would be located on the northern portion of the site. The applicants, however, are considering placing one on the north lot and one on the south lot. He advised that the trailers will be exclusively for use during construction and will be removed once the building is completed.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, in particular Condition 15 which requires that the temporary trailers be removed by June 1, 2012.

Ms. Botten advised that the date would be addressed during the development meeting and would perhaps be modified.

Chair Bartholomew asked if the applicant was agreeable with Condition 19, to which Mr. Baker replied in the affirmative.

Chair Bartholomew asked if staff had any issue with the proposed fence or moving one of the temporary trailers from the north lot to the south lot, to which Ms. Botten replied they did not.

Chair Bartholomew asked if the expansion would include an increased labor force for the dealership.

Linda McGinty, Luther Companies, stated it could result in the hiring of 10-12 new employees.

Planning Commission Recommendation

Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the request for a conditional use permit amendment to add a 20,200 square foot building addition and a 43,100 square foot parking lot addition to the existing site along with two temporary sales trailers for the property located at 1470 – 50th Street.

Chair Bartholomew reiterated that he would like the removal date of the temporary trailers clarified.

Motion carried (8/0). This item goes to the City Council on June 27, 2011.

OTHER BUSINESS

Chair Bartholomew asked if the Planning Commission would receive clarification on the new variance language, to which Mr. Hunting replied in the affirmative, stating the City Attorney would provide information to that regard at the next Planning Commission meeting.

Chair Bartholomew adjourned the meeting at 8:09 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◦STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◻*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◻ALSO ADMITTED IN MASSACHUSETTS
◻ALSO ADMITTED IN OKLAHOMA

TO: Inver Grove Heights Planning Commission
FROM: Timothy J. Kuntz
DATE: June 17, 2011
RE: Revised Variance Ordinance

Last fall, we met and discussed the revisions to be made to the City's variance ordinance in light of the Minnesota Supreme Court decision in the Krummenacher case. During the past legislative session, the Minnesota Legislature responded to the decision in that case, and enacted a law revising Minn. Stat. § 462.357, which now allows a municipality to grant a variance when "practical difficulties" exist in complying with the zoning ordinance. The attached draft ordinance will bring the City Code provisions related to variances in line with this new standard for granting a variance. The new standards for granting a variance are outlined below:

1. The variance must be in harmony with the general purposes and intent of the Zoning Ordinance.
2. The variance must be consistent with the Comprehensive Plan.
3. The applicant must show that there are "practical difficulties" in complying with the Zoning Ordinance:
 - a. Property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the owner.
 - c. The variance will not alter the essential character of the locality.
 - d. Economic considerations alone do not constitute practical difficulties.
4. The variance may not allow a use not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located.
5. The City may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10, CHAPTER 3, ARTICLE 4 REGARDING VARIANCES FROM THE ZONING ORDINANCE; TITLE 10, CHAPTER 13, ARTICLE B, SUBPART 6, PROVISION D REGARDING VARIANCES IN THE SHORELAND MANAGEMENT OVERLAY DISTRICT; TITLE 10, CHAPTER 13, ARTICLE G, PROVISION D REGARDING VARIANCES IN THE SAND AND GRAVEL OVERLAY DISTRICT; TITLE 10, CHAPTER 15, ARTICLE J, SUBPART 5 REGARDING MINOR PROJECTS; TITLE 10, CHAPTER 16, ARTICLE 5, SUBPART A REGARDING ENLARGEMENT AND ALTERATIONS OF NONCONFORMITIES; AND TITLE 11, CHAPTER 1, ARTICLE 5 REGARDING SUBDIVISION REGULATION VARIANCES

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Title 10 Chapter 3, Article 4 of the Inver Grove Heights City Code is hereby amended to read as follows:

10-3-4: VARIANCES:

A. Authority: Pursuant to Minnesota Statutes, Section 462.357, subd. 6, as it may be amended, ~~the council may grant variances from the strict application of the provisions of this title and impose conditions on the variances so granted, where practical difficulties in complying with the zoning ordinance exist and where the standards contained in this chapter for granting a variance have been met. The authority to grant a variance also includes the authority to grant a variance from the restrictions placed on nonconformities.~~

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Deleted: where practical difficulties or undue hardships result from carrying out the strict letter of the regulations of this title

B. Application And Procedure: Application for a variance shall be filed with the planning division for scheduling before the planning commission and city council. The council and planning commission may hold a public hearing on the variance request if they deem it necessary or advisable. Where the planning commission or city council shall determine that a public hearing is necessary or advisable, the application, public hearing, notice and procedure requirements for variances shall be the same as for amendments set forth in section 10-3-5 of this chapter. The city council shall act upon the application within the time limits established by Minnesota statutes section 15.99.

C. Referral To Planning Commission: Before authorization of any variances, the request therefor shall be referred to the planning commission for study concerning the effect of the proposed variance upon the comprehensive guide plan and on the character and development of the

neighborhood and for its recommendation to the council in connection with such request. The planning commission shall make its recommendation after the request is referred to it, and if no recommendation is made within that time, the council may act without the recommendation. The planning commission may recommend such conditions related to the variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable. (Ord. 1098, 11-8-2004)

D. Approval Or Denial Of Variance:

1. a. The planning commission may recommend to approve, approve with conditions, or deny a request for a variance. The city council may deny or approve such variances and impose conditions thereon.

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b. Variances shall only be granted

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(1) When they are in harmony with the general purposes and intent of the zoning and subdivision ordinances; and

Deleted: In making its recommendation, the planning commission shall consider the following factors and the city council, in acting upon a request for a variance, shall only grant a variance if the applicant demonstrates to the city council that the following factors have been met:

(2) When the variances are consistent with the comprehensive plan.

Deleted: That circumstances exist that are special and unique to the structure or land under consideration and such circumstances do not apply generally to other land or structures in the district in which the subject structure or land is located.

c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Deleted: That the granting of the application will not be contrary to the spirit and intent of this title and the comprehensive plan.

d. "Practical Difficulties," as used in connection with the granting of a variance, means that:

Deleted: (3) That the granting of such variance is necessary as a result of a demonstrated undue hardship and will not merely serve as a convenience to the applicant. Undue hardship means that all of the following circumstances exist:

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

Deleted: (A) The subject property cannot be put to a reasonable, beneficial use unless the variance is granted.¶

(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

(B) The plight of the landowner is due to circumstances unique to the subject property not created by the landowner.¶

(3) The variance, if granted, will not alter the essential character of the locality.

(C) The variance, if granted, will not alter the essential character of the locality.¶

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(4) That economic considerations alone do not constitute an undue hardship if reasonable beneficial use for the subject property exists under the terms of this title. ¶

e. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes Section 216C.06, subd. 14, when in harmony with the zoning ordinance.

b. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.¶

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f. The council may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

Deleted: A variance shall be granted for earth shelter construction as defined in Minnesota statutes section 216C.06, subdivision 14 when such construction and variance are in harmony with this title.¶

g. The council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

d. A variance may not permit any use that is not permitted under this title for property in the zone where the affected person's land is located.¶

h. The council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

e. A variance may permit the temporary use of a one-family dwelling as a two-family dwelling.¶

f. The council may impose conditions in the granting of a variance to ensure compliance and to protect adjacent properties.

i. Approval of a variance shall require a majority of the city council present. (Ord. 1221, 11-8-2010)

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2. The council may deny variances, and such denial shall constitute a finding and determination that the conditions required for approval do not exist.

E. Violation; Termination Of Variance: A violation of any condition set forth in granting a variance shall be a violation of this title and also automatically terminates the variance.

F. Lapse Of Variance: A variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two (2) years, may provide. The city council may grant a single one year extension, the request for which must be submitted to the city planning division at least sixty (60) days prior to the date upon which the variance would become void. (Ord. 1098, 11-8-2004)

Section 2. Amendment. Title 10 Chapter 13, Article B, Subpart 6, Provision D of the Inver Grove Heights City Code is hereby amended to read as follows:

D. Variances:

1. Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

Deleted: Variances may be granted only in accordance with Minnesota statutes chapter 462. A variance shall not circumvent the general purposes and intent of this article. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the city council will also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The city shall hear and decide requests for variances, including variances for sewage treatment systems in shoreland districts, in accordance with the rules that the city has adopted for consideration of variances in section 10-3-4 of this title. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection E of this section shall also include the summary of the public record/testimony and the findings of fact and conclusions, which supported the issuance of the variance.

3. For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. All variances granted shall require reconstruction of a nonconforming sewage treatment system.

Section 3. Amendment. Title 10, Chapter 13, Article G, Subpart 6, Provision D of the Inver Grove Heights City Code is hereby amended to read as follows:

D. Variances: Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

Deleted: The council may grant variances to any provision of this article where the intent and purpose is being met and where compliance would cause an undue hardship. In the granting of said variance, the council may impose special conditions.

Section 4. Amendment. Title 10, Chapter 16, Article 5, Subpart A of the Inver Grove Heights City Code is hereby amended to read as follows:

10-16-5: ENLARGEMENT; ALTERATIONS:

A. A lawfully existing nonconforming structure or structure containing a legally existing nonconforming use may expand its gross floor area by ten percent (10%) if the following criteria are satisfied:

1. A complete building permit application shall be submitted to the building inspections division, found satisfactory and issued prior to the commencement of any work on the expansion.

2. The structure expansion shall meet all of the bulk standards for the zoning district within which the structure is located. A variance may be applied for if the structure expansion could not meet the respective bulk standards. Variations may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

Deleted: The variance application and its review by the city shall be regulated according to section 10-3-4 of this title.
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3. If an expansion is requested under this subsection, the city may impose standards and/or conditions upon the underlying nonconforming use or structure for purposes of health, safety or welfare.

Section 5. Amendment. Title 10, Chapter 15, Article J, Subpart 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

10-15J-5: MINOR PROJECTS:

B. Procedure: Administrative review approval of eligible site plans shall be subject to the following procedural requirements:

1. Plan review will be in accordance with established procedures including the coordinated review by other city departments and divisions as determined by the zoning administrator.

2. Site plans involving properties within approved planned unit developments shall be subject to applicable evaluation criteria in this article.

3. Any variance proposal will automatically require the entire application to be processed in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

Deleted: in accordance with the planning commission review and city council approval provisions of section 10-3-4 of this title.
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4. Administrative approval including all applicable conditions and requirements shall be made in writing by the zoning administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.

5. Any unresolved dispute as to administrative interpretation of this code, this title, or policy requirements may be formally appealed pursuant to this article.

6. Site plans involving conditionally permitted uses are subject to the review requirements found in chapter 3, article A of this title.

Section 6. Amendment. Title 11, Chapter 1, Article 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

A. Permitted Variances:

1. ~~Variances: Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.~~
(Ord. 1038, 7-8-2002)

Deleted: Hardship Cases

Deleted: The design standards in this title are to be followed unless the city council shall permit a variance

2. Large Scale Developments: The standards and requirements of this title may be modified by the city council in the case of a plan and program for a neighborhood unit which, in the judgment of the city council, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which will also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord. 1038, 7-8-2002; amd. 2008 Code)

Deleted: because of unusual hardship due to the topography, placement of buildings or other factors making it reasonable to vary the standards set forth herein without nullifying the intent and purpose of the comprehensive plan or this title

(Ord. 1038, 7-8-2002)

Deleted: B. Conditions Of Variances: In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 6. Effective Date. This ordinance shall be in force and effect upon its adoption and publication according to law.

Passed this ____ day of _____, 2011.

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy City Clerk

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10, CHAPTER 3, ARTICLE 4 REGARDING VARIANCES FROM THE ZONING ORDINANCE; TITLE 10, CHAPTER 13, ARTICLE B, SUBPART 6, PROVISION D REGARDING VARIANCES IN THE SHORELAND MANAGEMENT OVERLAY DISTRICT; TITLE 10, CHAPTER 13, ARTICLE G, PROVISION D REGARDING VARIANCES IN THE SAND AND GRAVEL OVERLAY DISTRICT; TITLE 10, CHAPTER 15, ARTICLE J, SUBPART 5 REGARDING MINOR PROJECTS; TITLE 10, CHAPTER 16, ARTICLE 5, SUBPART A REGARDING ENLARGEMENT AND ALTERATIONS OF NONCONFORMITIES; AND TITLE 11, CHAPTER 1, ARTICLE 5 REGARDING SUBDIVISION REGULATION VARIANCES

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Title 10 Chapter 3, Article 4 of the Inver Grove Heights City Code is hereby amended to read as follows:

10-3-4: VARIANCES:

A. Authority: Pursuant to Minnesota Statutes, Section 462.357, subd. 6, as it may be amended, the council may grant variances from the strict application of the provisions of this title and impose conditions on the variances so granted, where practical difficulties in complying with the zoning ordinance exist and where the standards contained in this chapter for granting a variance have been met. The authority to grant a variance also includes the authority to grant a variance from the restrictions placed on nonconformities..

B. Application And Procedure: Application for a variance shall be filed with the planning division for scheduling before the planning commission and city council. The council and planning commission may hold a public hearing on the variance request if they deem it necessary or advisable. Where the planning commission or city council shall determine that a public hearing is necessary or advisable, the application, public hearing, notice and procedure requirements for variances shall be the same as for amendments set forth in section 10-3-5 of this chapter. The city council shall act upon the application within the time limits established by Minnesota statutes section 15.99.

C. Referral To Planning Commission: Before authorization of any variances, the request therefor shall be referred to the planning commission for study concerning the effect of the proposed variance upon the comprehensive guide plan and on the character and development of the

neighborhood and for its recommendation to the council in connection with such request. The planning commission shall make its recommendation after the request is referred to it, and if no recommendation is made within that time, the council may act without the recommendation. The planning commission may recommend such conditions related to the variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable. (Ord. 1098, 11-8-2004)

D. Approval Or Denial Of Variance:

1. a. The planning commission may recommend to approve, approve with conditions, or deny a request for a variance. The city council may deny or approve such variances and impose conditions thereon.

b. Variances shall only be granted

(1) When they are in harmony with the general purposes and intent of the zoning and subdivision ordinances; and

(2) When the variances are consistent with the comprehensive plan.

c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

d. "Practical Difficulties," as used in connection with the granting of a variance, means that:

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

(3) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

e. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes Section 216C.06, subd. 14, when in harmony with the zoning ordinance.

f. The council may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

g. The council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

h. The council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

i. Approval of a variance shall require a majority of the city council present. (Ord. 1221, 11-8-2010)

2. The council may deny variances, and such denial shall constitute a finding and determination that the conditions required for approval do not exist.

E. Violation; Termination Of Variance: A violation of any condition set forth in granting a variance shall be a violation of this title and also automatically terminates the variance.

F. Lapse Of Variance: A variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two (2) years, may provide. The city council may grant a single one year extension, the request for which must be submitted to the city planning division at least sixty (60) days prior to the date upon which the variance would become void. (Ord. 1098, 11-8-2004)

Section 2. Amendment. Title 10 Chapter 13, Article B, Subpart 6, Provision D of the Inver Grove Heights City Code is hereby amended to read as follows:

D. Variances:

1. Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

2. The city shall hear and decide requests for variances, including variances for sewage treatment systems in shoreland districts, in accordance with the rules that the city has adopted for consideration of variances in section 10-3-4 of this title. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection E of this section shall also include the summary of the public record/testimony and the findings of fact and conclusions, which supported the issuance of the variance.

3. For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. All variances granted shall require reconstruction of a nonconforming sewage treatment system.

Section 3. Amendment. Title 10, Chapter 13, Article G, Subpart 6, Provision D of the Inver Grove Heights City Code is hereby amended to read as follows:

D. Variances: Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.

Section 4. Amendment. Title 10, Chapter 16, Article 5, Subpart A of the Inver Grove Heights City Code is hereby amended to read as follows:

10-16-5: ENLARGEMENT; ALTERATIONS:

A. A lawfully existing nonconforming structure or structure containing a legally existing nonconforming use may expand its gross floor area by ten percent (10%) if the following criteria are satisfied:

1. A complete building permit application shall be submitted to the building inspections division, found satisfactory and issued prior to the commencement of any work on the expansion.
2. The structure expansion shall meet all of the bulk standards for the zoning district within which the structure is located. A variance may be applied for if the structure expansion could not meet the respective bulk standards. Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.
3. If an expansion is requested under this subsection, the city may impose standards and/or conditions upon the underlying nonconforming use or structure for purposes of health, safety or welfare.

Section 5. Amendment. Title 10, Chapter 15, Article J, Subpart 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

10-15J-5: MINOR PROJECTS:

B. Procedure: Administrative review approval of eligible site plans shall be subject to the following procedural requirements:

1. Plan review will be in accordance with established procedures including the coordinated review by other city departments and divisions as determined by the zoning administrator.
2. Site plans involving properties within approved planned unit developments shall be subject to applicable evaluation criteria in this article.
3. Any variance proposal will automatically require the entire application to be processed in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.
4. Administrative approval including all applicable conditions and requirements shall be made in writing by the zoning administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.
5. Any unresolved dispute as to administrative interpretation of this code, this title, or policy requirements may be formally appealed pursuant to this article.
6. Site plans involving conditionally permitted uses are subject to the review requirements found in chapter 3, article A of this title.

Section 6. Amendment. Title 11, Chapter 1, Article 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

A. Permitted Variances:

1. Variances: Variances may be granted from the strict provisions of this article in the manner and subject to the standards provided for granting variances by section 10-3-4 of the City Code.. (Ord. 1038, 7-8-2002)

2. Large Scale Developments: The standards and requirements of this title may be modified by the city council in the case of a plan and program for a neighborhood unit which, in the judgment of the city council, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which will also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord. 1038, 7-8-2002; amd. 2008 Code)

(Ord. 1038, 7-8-2002)

Section 6. Effective Date. This ordinance shall be in force and effect upon its adoption and publication according to law.

Passed this ____ day of _____, 2011.

George Tourville, Mayor

ATTEST:

Melissa Rheame, Deputy City Clerk

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 16, 2011

CASE NO.: 10-26V

HEARING DATE: June 21, 2011

APPLICANT AND PROPERTY OWNER: Kay Dickison

REQUEST: A variances to encroach into setback requirements along the bluff line and the front yard.

LOCATION: 7521 River Road

COMP PLAN: LDR, Low Density Residential

ZONING: R-1B, Single Family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

This request was brought in front of you in 2010. At that time the applicant was asking for multiple accessory building and setback variances. The request was tabled at the City Council meeting until the variance criteria was changed at a legislative level. Since the original submittal the applicant has amended the request and is only asking for the setback variances.

The applicant would like to construct one detached accessory buildings on the 2.92 acre property. The structure would be 160 square feet in size with a 96 square foot deck, located on the sliver of property closest to the river. The structure is proposed at 20 feet from the right-of-way line whereas 30 feet is required and it would be located in the bluffline whereas 40 feet is the required setback from the top of bluff. The lot is unique in that it is one tax parcel divided by railroad right-of-way and River Road. The original home has been removed and the applicant is currently constructing a new home on the larger piece of land.

SPECIFIC REQUEST

The following specific applications are being requested:

- 1) A variance from the bluff line setback to construct a 160 square foot structure in the bluffline whereas 40 feet is the required setback.

- 2) A variance from the front yard setback for the accessory building to be located 20 feet from the front property line whereas 30 feet is required.

EVALUATION OF REQUEST:

SURROUNDING USES: The subject site is surrounded by the following uses:

North - Single Family Residential; zoned R-1B; guided Low Density Residential
South - Single Family Residential; zoned R-1B; guided Rural Density Residential
West - Zoned R-4, Manufactured Home District; guided Medium Density Residential
East - River

DNR REVIEW

We received comment from the DNR on the original request. They are opposed to the City granting the variance as proposed.

VARIANCE

Mn Statutes Section 462.357, subdivision 6. **Variations**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the official control (city 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, State Statute 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.*

Shoreland regulations are in place to preserve and enhance the quality of surface waters and conserve the economic and natural environmental values of shorelands. By allowing the proposed accessory building, the surrounding properties would not be negatively impacted and the location of the accessory structure would be located in an area that would have a minimal impact to the bluffline and front property lines. Therefore the addition would not be contrary to the zoning code. The application is not contrary to the Comprehensive Plan as the future land use is low density residential.

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

The property to the north of the applicants has a home located at about the same setback as the proposed accessory building. The portion of property located between River Road and the river is unbuildable without a variance. The size of the structure is relatively small and not out of character for this area. Therefore, the request to construct the accessory building would be a use that is reasonable for this parcel.

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

Because of the size and lot dimensions of the parcel, a variance would be required to build anywhere on the parcel. The property is unique in that it is one tax parcel divided by road and railroad right-of-way.

4. *The variance will not alter the essential character of the locality.*
The building addition does not appear to have a negative impact on the character of the locality. The properties to the north and south of this parcel have homes located at about the same setback as the proposed accessory building.
5. *Economic considerations alone do not constitute an undue hardship.*
This request is not due to economic circumstances.

ALTERNATIVES

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

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

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. The accessory structures shall not be used for commercial uses or storage related to a commercial use.
3. A grading/erosion control plan will be required at the time of the building permit application.

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

RECOMMENDATION

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

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site & Building Plans

June 2011 Variance Information for 7521 River Road:

1. Setbacks for an accessory structure on the narrow, unique, river side of lot:

160 sf structure, with 96 sf deck = 256 total sf.

	<i>Required</i>	<i>Request</i>
East:	40 ft from bluff line	20 ft from bluff line
West:	30 ft from River Road r/w	20 ft from RR r/w
North:	10 ft	comply
South:	10 ft.	comply
Height:	10 ft grade- mid-roof slope	comply

2. Variance conditions:

- Request is not caused by anyone presently having an interest in the property or by previous owners.
- The variance is not detrimental to the public welfare or the neighborhood.
- It does not increase traffic congestion, increase fire hazards, endanger the public safety, detrimentally affect property values, or negatively affect the supply of light and air to adjacent properties.
- It is in keeping with the spirit and intent of the City Code and Comprehensive Plan.

3. Practical and logistical reasons that support request for variance:

- Narrow, river side area but no request for water, septic, or land disruption (structure on piers).
- "Connect", use, establish, and control the disconnected river side of lot.
- Add interest and use (life jackets, safety poles, line, lighting by river access, etc.) to the vacant lot with a water-oriented structure and a "contemplative retreat" (not a storage building).
- Construct a structure that complements the rural cluster design of the primary house and attached garage currently under construction.
- The city road divides the property and creates two "front yards" with which to comply.

4. Request to deny the DNR bluffline setback for above practical and logistical reasons.

- DNR's setback (Fall 2010 letter) of 75 ft with no city utilities is based on assumption that building requested involves water/septic. This does not apply.
- DNR and city code allow local controls for "water-oriented accessory structures" to be located closer to public waters than the structure setback if:
 - it meets terms of reducing visibility from public waters
 - no water supply or sewage treatment
 - no human habitation, etc.

5. Addresses of neighbors:

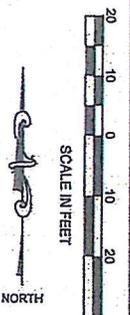
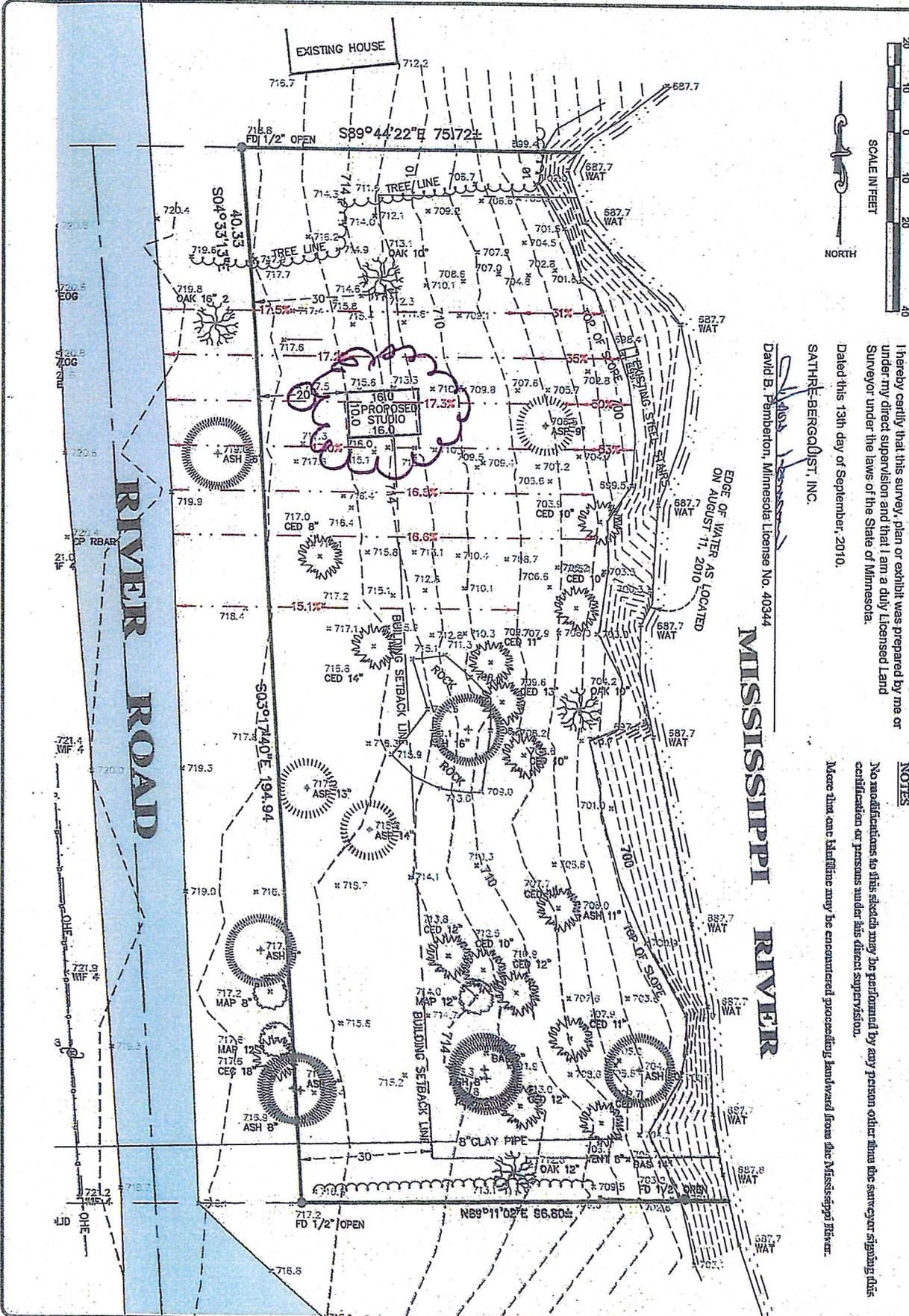
Howard and Lee Ann Harvey, 7515 River Road

Iva Sampson, 7600 River Road

Greg & Robin Sampson, 7540 River Road

6. Survey/site design attached.

Submitted by Kay Dickison



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

Dated this 13th day of September, 2010.

SATHRE-BERGQUIST, INC.

David B. Pemberton, Minnesota License No. 40344

MISSISSIPPI RIVER

NOTES

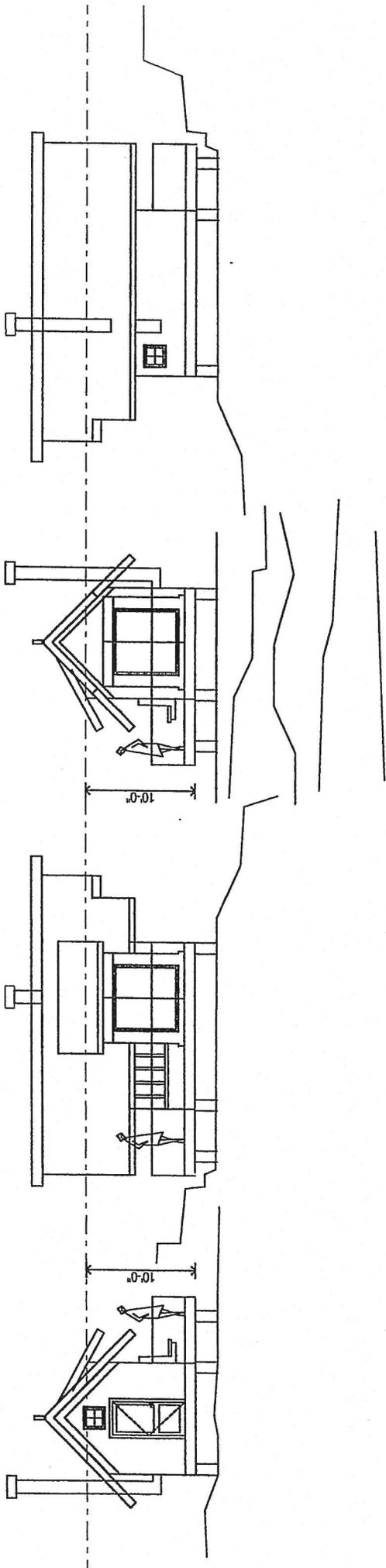
No modifications to this sketch may be performed by any person other than the surveyor signing this certification or persons under his direct supervision.

More than one deadline may be encountered proceeding landward from the Mississippi River.

DRAWN/C	DBF
DATE	08/17/12
BOOK/T	195/1
JOB N	198922
DWG. N	P/PROJ. E

CERTIFICATE OF SURVEY
 PREPARED FOR
KAY DICKSON

SATHRE-BERGQUIST, INC.



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

REPORT DATE: June 13, 2011

CASE NO: 11-14Z

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: City of Inver Grove Heights

REQUEST: Rezoning

HEARING DATE: June 21, 2011

LOCATION: 7400 Block of River Road and 8336 Babcock Trail

COMPREHENSIVE PLAN: Park and Public/Institutional

ZONING: A, Agricultural and R-1B, Single Family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Earlier this year, the Council approved an amendment to the Zoning Ordinance to allow outdoor storage on Public zoned property for local governmental use. The Council approved outdoor storage to be utilized on six sites that are either currently being used for storage or have been used in the past. These six sites have been used to store trees, brush, soil and some materials used for city projects over the years. Of the six sites identified, four were already zoned P, Institutional. The two sites being reviewed now are zoned Agricultural and Residential. Both sites are guided in the Comp Plan as Park or Public/Institutional. The City Council directed staff to hold a public hearing to rezone the two sites to P, Institutional.

The two sites in question are; Site 1) property at the end of Babcock Trail behind the Public Works Maintenance facility also known as the Kuchera Property and Site 2) the old waste water treatment plant property located between River Road and Dickman Trail at the 7400 block also known as the Gish Property.

EVALUATION OF THE REQUEST

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

Site 1)

North: Single family residence; zoned A; guided Public/Institutional

East: Highway right-of-way

West: Highway right-of-way

South: Highway right-of-way

Site 2)

North: Single family residence; zoned R-1C; guided LDR

East: Mississippi River

West: Industrial properties; zoned I-1; guided Light Industrial

South: Single family residence; zoned R-1B; guided LDR

ANALYSIS

Site 1 is currently guided Public/Institutional as is the entire city owned property around the municipal building campus. A rezoning to Institutional would be consistent with the comp plan guiding as it would be used for governmental purposes. This is one of the sites that would most likely be used for the temporary storage/staging of ash trees if the emerald ash borer problem is found in the city. The property is approximately 2.0 acres in size.

Site 2 is currently not active. It has been used over the years for storage of city project materials and brush and debris. Only small areas of the property have ever been used for storage. Access to the site is from Dickman Trail but is currently barricaded to stop illegal dumping and trespassing. There are no current plans to utilize the site for any other purposes and the site is used infrequently and would not change with the rezoning. This site is currently guided Park. A rezoning to Institutional would also be consistent with the guiding as it would be used for governmental purposes. The property is approximately 6.9 acres in size.

ALTERNATIVES

The Planning Commission has the following actions available:

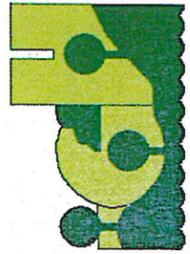
- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
 - o Approval of the **Rezoning** of the parcels to P, Institutional District.

- 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

Staff recommends approval of the request to rezone the properties to P, Institutional District.

Attachments: Map showing approved areas designated for outdoor storage
Zoning and Comp Plan Map for Site 1
Zoning and Comp Plan Map for Site 2

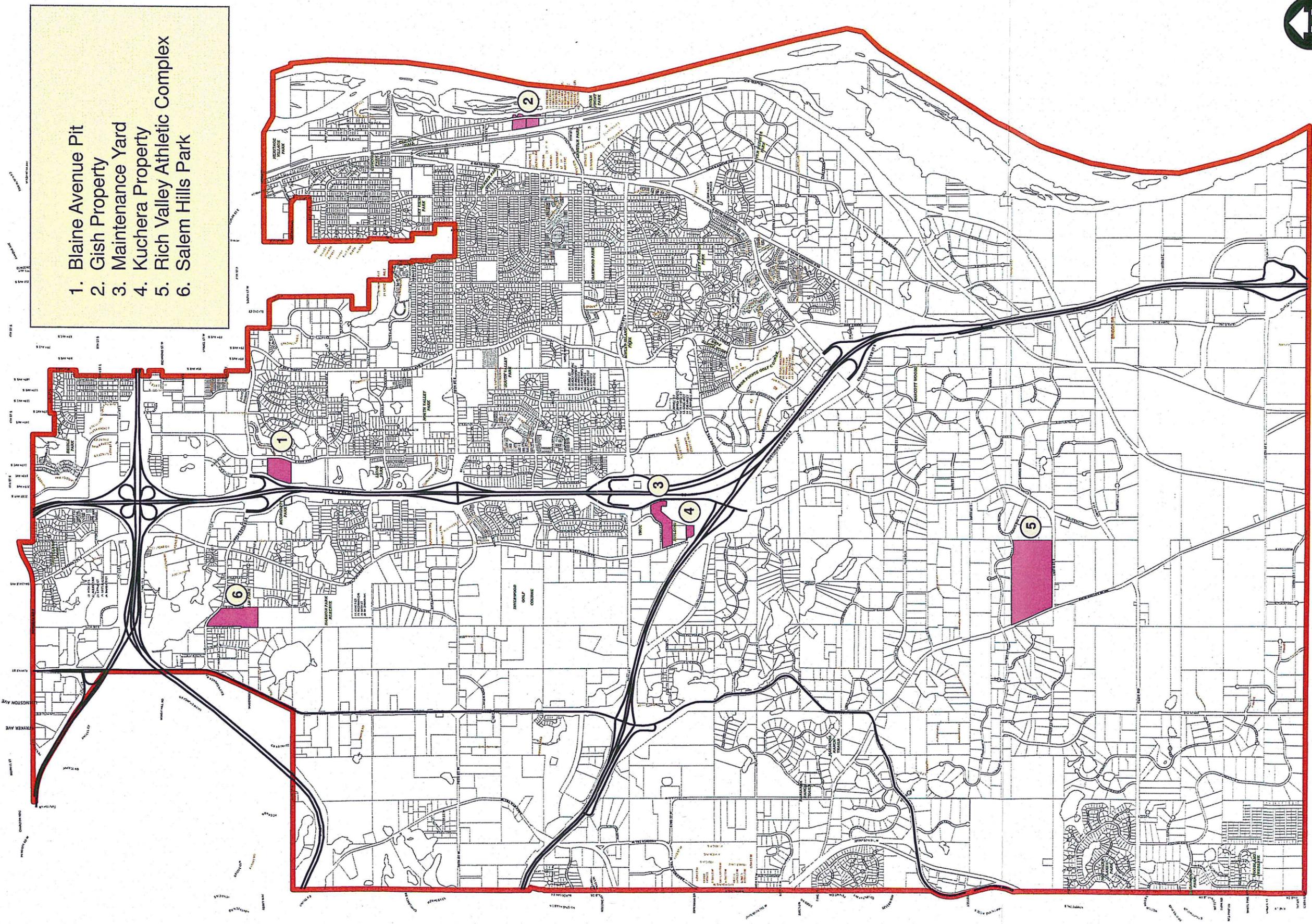


Inver Grove Heights

Areas Designated for Outdoor Storage

areas identified by the Public Works and Parks and Recreation Departments

May 9, 2011



- 1. Blaine Avenue Pit
- 2. Gish Property
- 3. Maintenance Yard
- 4. Kuchera Property
- 5. Rich Valley Athletic Complex
- 6. Salem Hills Park

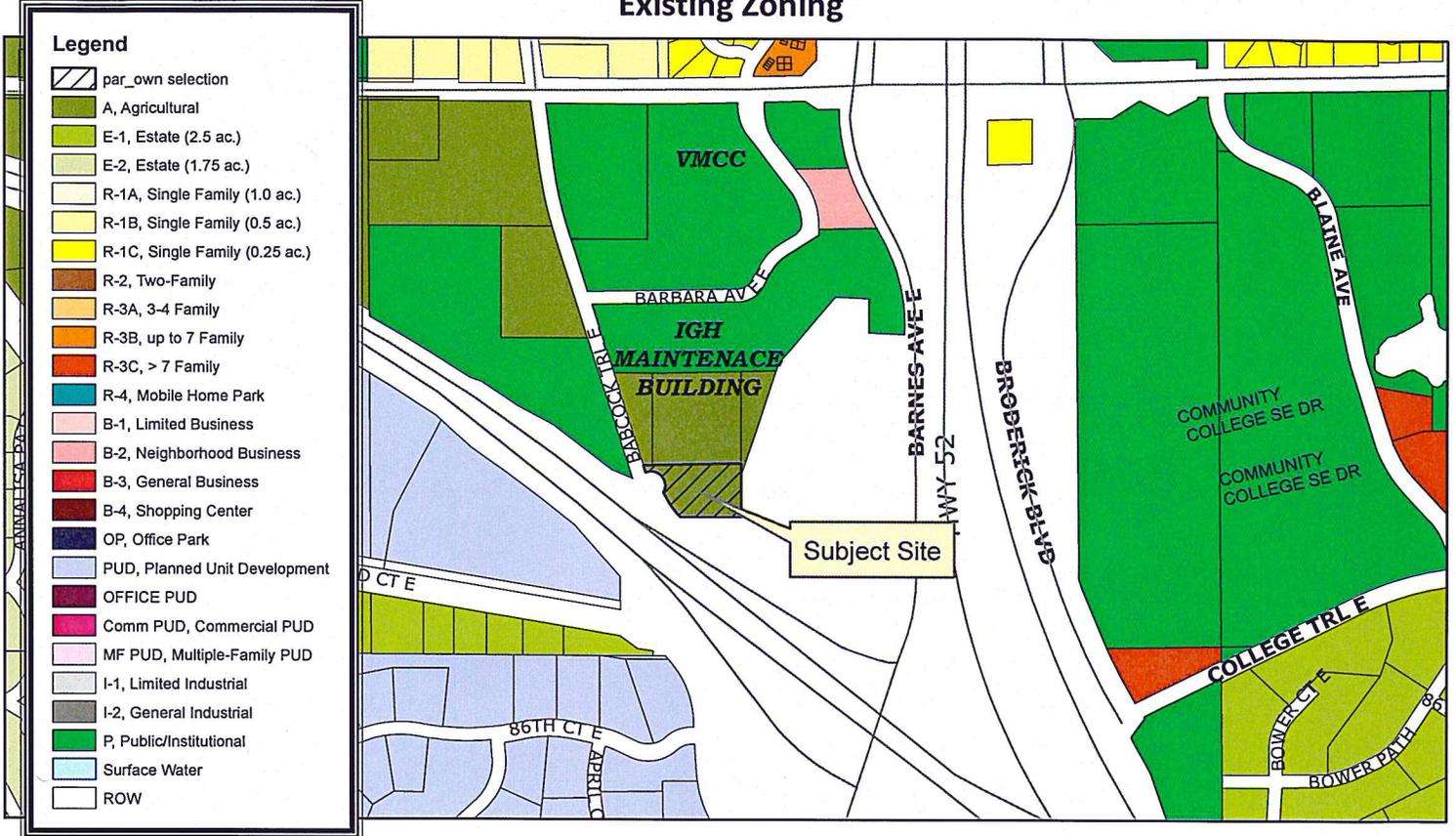


Current Zoning and Comp Plan Map

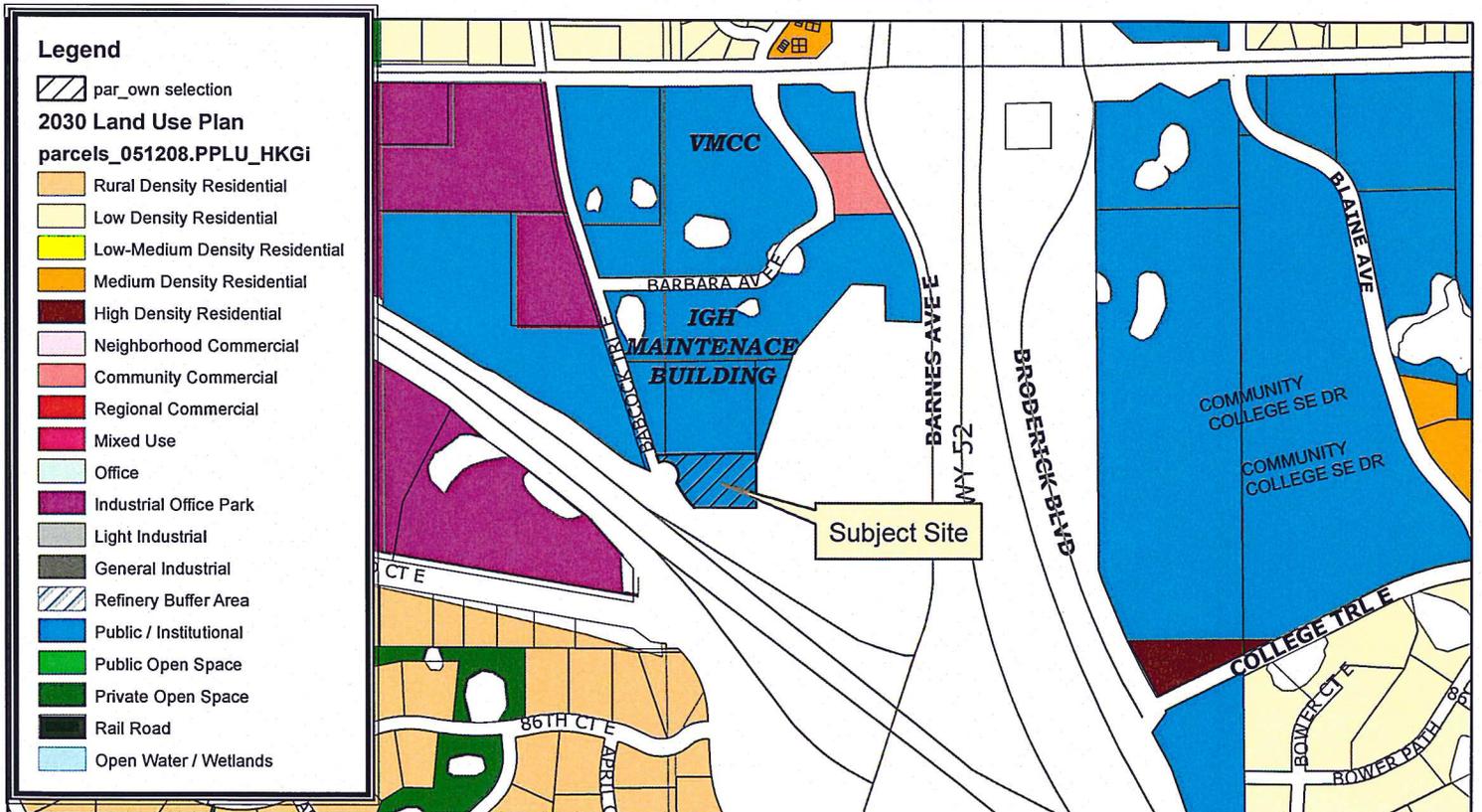


Site 1

Existing Zoning



Existing Land Use Designation





Current Zoning and Comp Plan Map

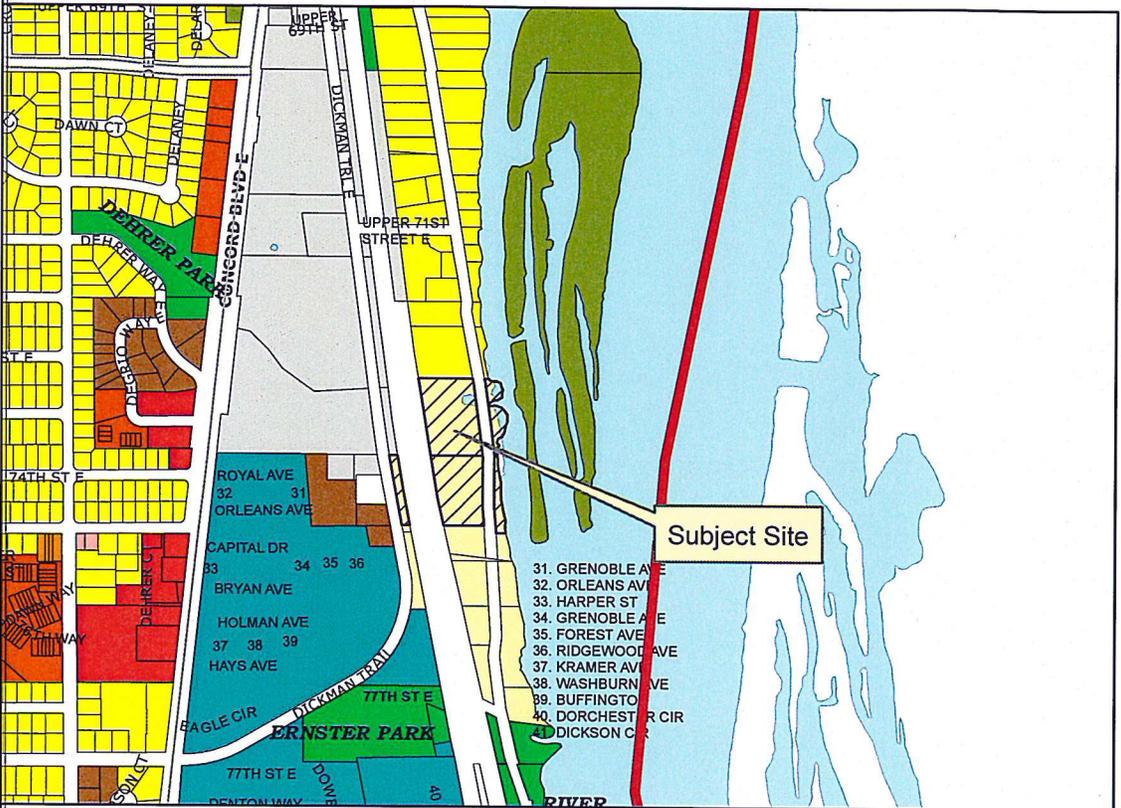
Site 2

Existing Zoning



Legend

- par_own selection
- A, Agricultural
- E-1, Estate (2.5 ac.)
- E-2, Estate (1.75 ac.)
- R-1A, Single Family (1.0 ac.)
- R-1B, Single Family (0.5 ac.)
- R-1C, Single Family (0.25 ac.)
- R-2, Two-Family
- R-3A, 3-4 Family
- R-3B, up to 7 Family
- R-3C, > 7 Family
- R-4, Mobile Home Park
- B-1, Limited Business
- B-2, Neighborhood Business
- B-3, General Business
- B-4, Shopping Center
- OP, Office Park
- PUD, Planned Unit Development
- OFFICE PUD
- Comm PUD, Commercial PUD
- MF PUD, Multiple-Family PUD
- I-1, Limited Industrial
- I-2, General Industrial
- P, Public/Institutional
- Surface Water
- ROW



Existing Land Use Designation

Legend

- par_own selection

2030 Land Use Plan
parcels_051208.PPLU_HKGi

- Rural Density Residential
- Low Density Residential
- Low-Medium Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Mixed Use
- Office
- Industrial Office Park
- Light Industrial
- General Industrial
- Refinery Buffer Area
- Public / Institutional
- Public Open Space
- Private Open Space
- Rail Road
- Open Water / Wetlands

