

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**THURSDAY, FEBRUARY 9, 2012 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR January 17, 2012.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **DAVID WHEATON – CASE NO. 11-34VAC**

Consider a **Vacation** of unimproved road right-of-way generally located east of Conrad Avenue and north of 102nd Street, owned by Macalester College.

Planning Commission Action _____

 - 3.02 **INVER GROVE STORAGE – CASE NO. 12-01IUP**

Consider an **Interim Use Permit** extension to continue the use of allowing metal portable shipping containers or storage pods associated with a mini-storage facility. This request is for the property located at 10125 Courthouse Boulevard.

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, January 17, 2012 – 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
Armando Lissarrague
Paul Hark
Dennis Wippermann
Pat Simon
Harold Gooch
Tony Scales

Commissioners Absent: Mike Schaeffer
Victoria Elsmore (excused)

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

APPROVAL OF MINUTES

The minutes from the January 3, 2012 meeting were approved as submitted.

DAKOTA COUNTY CDA – CASE NO. 10-27CS

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a final plat for a one lot subdivision, a conditional use permit to construct a 24 unit multi-family development, a conditional use permit to exceed 25% impervious surface coverage in the shoreland overlay district, a variance from the internal private roadway minimum width, and a variance from the minimum setback requirement between two buildings for the property located east of Blaine Avenue, along College Trail. 17 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Dakota County Community Development Agency (CDA) is proposing a 24 unit multiple family affordable/workforce housing project. The property is currently zoned and guided for multiple family residential. The proposed plat consists of one lot on 2.92 acres of land. The proposed 24 units will result in an overall density of 8.2 units per acre. Park dedication will be required and staff is requesting a 10 foot trail easement along the south property line to be used for a future trail. The proposed development will have 13 guest parking spaces. The entire property is within the Shoreland Overlay District; therefore impervious surface coverage is limited to 25% of the lot but may be increased by conditional use provided the City has an approved stormwater management plan affecting the subject site. In this case the proposed property improvements would total about 40% impervious surface, and the applicant is working with the City to approve a stormwater management plan for the parcel. The DNR has received the plans but the City has received no comment from them. The first variance is to allow a 20 foot private roadway whereas 30 feet is required. Parking would be prohibited along the proposed road. Staff and the Fire Marshal are comfortable with the loop layout design being proposed. The second variance being requested is to allow a 42' building separation whereas 60 feet is required. The applicant is providing a recreation area/tot lot to the west of Building 2 and staff feels there is ample area between the

units. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Simon stated typically the fire marshal required two entrances to a development.

Mr. Hunting agreed, stating in this instance, however, the fire marshal was comfortable with the proposed arrangement.

Commissioner Simon asked if the proposed development could utilize the existing semi-driveway on the Granite Bluff property.

Mr. Hunting stated there were no cross access easements put in place in regards to that driveway so the CDA will not be using that access. However, it would likely give the fire department another means of getting a truck or hose to other parts of the complex if needed.

Commissioner Simon asked if the apartment complex to the west was still owned by the college.

Mr. Hunting replied he did not believe it was.

Commissioner Lissarrague asked when the subject property was rezoned to R-3C.

Mr. Hunting replied 1987.

Commissioner Lissarrague asked if the homes in the area were built before or after the 1987 rezoning.

Mr. Hunting replied that most of the nearby residential units were built after the rezoning to multiple family housing had occurred.

Commissioner Wippermann asked who would enforce the no parking regulations on the internal roadway.

Mr. Hunting replied that no parking signs would be posted per the Fire Marshal and the City would enforce the parking through its fire code requirements.

Commissioner Lissarrague asked if the issues mentioned in a letter from a neighbor in regards to Granite Bluff Apartments were on-going.

Mr. Hunting replied he was not sure as Planning staff had no involvement with those types of issues.

Commissioner Wippermann asked for clarification that Granite Bluff Apartments was not operated by the CDA.

Mr. Hunting replied it was not.

Chair Bartholomew asked how long the typical timeframe was for a response from the DNR.

Mr. Hunting stated the DNR should respond within 60 days, but typically the City would receive a response only if they had questions or comments. Staff is assuming they have no issues since they did not forward on a response.

Chair Bartholomew asked what would happen if a response was received after the 60 day period.

Mr. Hunting replied that staff would likely review their comments; however, the DNR does not have approval authority and the City is not obligated to meet their request.

Opening of Public Hearing

The applicant, Kari Gill, Dakota County CDA, explained that the CDA is proposing this development to help further their mission of providing workforce housing opportunities. She stated the site is appealing because of its proximity to the college and the demand for affordable housing in Inver Grove Heights. Construction is expected to begin in 2013 and be completed in 2014. Ms. Gill explained that the CDA creates a public/private partnership for the purpose of developing workforce housing for moderate income families. The CDA would be the developer and property manager for the site. They have constructed 19 such developments throughout Dakota County with two of those being in Inver Grove Heights. She stated there are approximately 540 households on the waiting list for the two developments in Inver Grove Heights. Ms. Gill explained the income guidelines, and advised that the rent in similar developments was \$630-\$685 per month. She advised that the CDA does extensive screening, including rental, credit and criminal background checks. They also have an onsite resident caretaker to assist with property management.

Chair Bartholomew asked if the applicants were in agreement with the ten conditions listed in the report.

Ms. Gill replied in the affirmative.

Commissioner Lissarrague asked what the rate of vacancy was at the CDA's two existing multi-family housing developments in Inver Grove Heights.

Ms. Gill replied they have no vacancies as there are 540 families on the waiting list.

Commissioner Lissarrague asked what the vacancy rate was for Granite Bluff Apartments.

Ms. Gill replied that she was unsure as it was not owned or managed by the CDA. She added that the CDA's policy requires that not all of the adults in the household can be full-time students.

Commissioner Wippermann asked why the property owner in the staff report was listed as Inver Hills Family Limited Partnership.

Ms. Gill replied that each development has a unique name but the CDA is the general partner and is hired to manage the property. The limited partner in most cases is US Bank, who is 99.9% owner.

Commissioner Wippermann asked if the tenants would be required to sign a lease with regulations in regards to storage, parking, etc.

Ms. Gill replied in the affirmative, stating they have a very extensive lease and they enforce the requirements.

Chair Bartholomew asked for clarification of garage storage requirements.

Ms. Gill stated they don't want residents filling their garage with so much storage that their vehicle cannot fit inside. They depend on their resident caretaker to make sure residents are using their garage for parking. They also do annual inspections of the individual units.

Commissioner Hark asked if each unit would be responsible for their own garbage.

Ms. Gill stated the CDA contracts for the trash service and it is included in the rent. Each unit has bins that are kept in the garage and pulled out on trash day.

Jim Riley, 8255 College Trail, stated his experience is that tenants of CDA housing are typically very respectful of their neighbors as they do not want to get evicted. He stated he does have a concern, however, about the safety of College Trail. He stated it should be improved and widened and a walking path should be added prior to construction of the development. He stated he was concerned about the potential for school children to cross private property to get to the middle school and high school and he did not want his tax dollars spent for this type of public development. He stated he did not see a hardship and asked if one was still required for a variance.

Chair Bartholomew advised that the variance criteria recently changed and a hardship is no longer required.

Commissioner Hark asked staff to address the future plans for College Trail.

Mr. Hunting stated the improvement of College Trail is in the 5 year CIP but it would likely occur within three years. It will be reconstructed back to the same design, a two-lane rural road because that is all the traffic volumes are suggesting. At the same time they will be extending and constructing the trail along the north side of College Trail.

Tom Link, Community Development Director, advised that the timing of road construction and improvements was under the purview of the City Council and he suggested the issue be raised at the City Council meeting.

Chair Bartholomew noted that the City Council would also be made aware of the concerns through the Planning Commission minutes. He stated he thought there was a walking trail to the north of the subject property heading to the school.

Mr. Hunting stated he was unsure, but noted that the subject property directed abuts the school property to the north.

Commissioner Simon stated Exhibit A showed what appeared to be a walking path from the north end of the subject property to the school. She asked for clarification of the location of the proposed trail.

Mr. Hunting advised that the walking trail would be constructed on the north side of College Trail and tie in with the existing trail by the senior project on Broderick and College Trail.

Tom Hillstrom, 8425 Brewster Avenue, stated there were no groomed trails from this property to the school. He stated that the owner of 8215 College Trail had at one time requested to expand his driveway and was denied as he would be filling in the watershed. Therefore, he questioned why an exception would be made for this property to exceed 25% impervious surface coverage in the watershed area, and stated he felt the 20 foot wide roadway would be problematic.

Jim Zentner, 8004 Delano Way, Chair of the Inver Grove Heights Housing Committee, stated they supported the request as there is a strong need in the City for workforce housing. He stated the Comprehensive Plan outlines this need and he feels the City has an obligation to try to fulfill it. The Housing Committee is hoping that tenants of this type of housing would eventually purchase homes in Inver Grove Heights as their earnings increase. He stated neighboring residents should take comfort in the knowledge that CDA projects are well managed and well governed. He

supported improvements to College Trail and stated an important benefit of this location is that public transit is available.

Cameron Kruse, 588 Sutcliffe Circle, Mendota Heights, spoke in favor of the proposed project, stating the CDA does an excellent job of design, construction, and management. He advised he is a member of a ministry team at Amazing Grace Lutheran Church at 71st and South Robert Trail which has been involved in and concerned about the availability of workforce housing in northern Dakota County for the last ten years.

Planning Commission Discussion

Commissioner Simon asked if any retaining walls would be constructed on the property.

Kim Bretheim, LHB Architects, replied a retaining wall will be constructed along the east property line as well as one along the north side of the pond that will be created. He advised that the grades will be at the same elevation at the point where the subject property meets the existing roadway on the Granite Bluff property; however, they will not be connecting to it. He advised that for some reason the right-of-way is 17 feet wider in front of the subject property than it is on either side of it.

Commissioner Simon asked if the applicants planned to retain the existing trees on the east and north side of the property.

Mr. Bretheim replied that the trees on the east property line appear to be entirely off the property, and some of the trees on the north end will be affected as they extend into the grading area.

Commissioner Wippermann asked if the units had single or double car garages.

Mr. Bretheim replied they were all single car tuck under garages with room for one car in the apron and half a car per unit in the visitor parking area.

Chair Bartholomew asked who owned the property west of the subject parcel along College Trail.

Mr. Hunting replied he was unsure.

Mr. Hillstrom stated the property used to have tennis courts on it which were operated by Granite Bluff.

Chair Bartholomew asked if the property in question was zoned Public/Institutional.

Mr. Hunting replied in the affirmative.

Chair Bartholomew stated that he was in favor of the request; however, he would like to see the road issues addressed as well as the addition of a temporary walking trail from the subject property west to Blaine Avenue.

Commissioner Gooch stated the CDA does a good job of managing their property and he supported the request. He recommended constructing a trail connecting the subject property to the existing trail on Blaine Avenue and suggested the City's Code Compliance Specialist be sent to Granite Bluff Apartments to ensure there were no issues with trash, etc.

Commissioner Wippermann advised he supported the requesting, stating the CDA facilities he was familiar with were attractive and well managed.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales, to approve on a white ballot the request for a final plat for a one lot subdivision, a conditional use permit to construct a 24 unit multi-family development, a conditional use permit to exceed 25% impervious surface coverage in the shoreland overlay district, a variance from the internal private roadway minimum width, and a variance from the minimum setback requirement between two buildings for the property located east of Blaine Avenue, along College Trail.

Commissioner Hark stated he supported the request. He suggested the residents that testified tonight bring their concerns before the City Council.

Commissioner Lissarrague stated he supported the request; however, he would like the City to take a look at the safety issue of pedestrians walking along College Trail.

Motion carried (9/0). This item goes to the City Council on February 13, 2012.

OTHER BUSINESS

Mr. Hunting reminded the Planning Commission that their next meeting is rescheduled to Thursday, February 9 due to Caucus Night.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:03 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 1, 2012 **CASE NO:** 11-34VAC

HEARING DATE: February 9, 2012

APPLICANT/PROPERTY OWNER: David Wheaton (Macalester College)

REQUEST: Vacation of road right-of-way

LOCATION: East of Conrad Avenue and north of 102nd Street

COMPREHENSIVE PLAN: Private Open Space

ZONING: Public/Institutional

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting to vacate all of the rights-of-way within the plat of Dorr's Third Inver Grove Addition. Macalester College is in negotiations with Dakota County to protect a large portion of the College's Katharine Ordway Natural History Study Area with a permanent conservation easement. The existing rights-of-way are not improved and removing the right-of-way would further permanently protect the property as open, natural land free from development.

EVALUATION OF THE REQUEST

Surrounding Uses. The subject site is surrounded by the following uses:

- North - Katharine Natural History Study Area; zoned Public/Institutional; guided Private Open Space.
- East - Mississippi River.
- West - Railroad Tracks, Large Lot Residential; zoned E-1, Estate; guided Rural Residential.
- South - Vacant; zoned A, Agricultural; guided Rural Residential.

ANALYSIS

The plat of Dorr's Third Inver Grove Addition was platted in 1888. It appears it was platted near the same time the railroad was going through Inver Grove along the river. Sometime after the plat was recorded, a portion of railroad right-of-way was obtained through the western portion of the site running north-south. The platted land is located on very rugged terrain in a heavily wooded area along the river. There is no other platted or developed land in the area because the terrain is so restrictive. As such, no improvements or any structures were ever built in the plat.

From a planning perspective, since the land is part of the college property and used as a natural area, it would be logical to support the vacation request as the land could not be developed in the pattern it was platted and since it appears no streets would ever be built, the right-of-way should be vacated.

The Engineering Department during their review, did find a document that was prepared in 2000, Study of High Water Levels at Pond KP-34 prepared by Barr Engineering relating to future storm water routing and improvements. The plan was prepared to address specific issues for a pond between Concord Boulevard and Inver Grove Trail, the study was also used as part of the studies for development in the Northwest Area and how the storm water system would be designed. To relieve pressure from an existing pond that was experiencing high water levels, three possible storm water outlet alignments to the river were studied (see Figure 8 exhibit). All three were in the vicinity of the vacation request. Engineering determined that some public means of access must be retained if the right-of-way was to be vacated.

The Engineering Department did some further review on the three possible alignments and determined that the most likely would be what is known as the northern alignment. Engineering then flagged the approximate location in the field so the applicant could see it physically on land. Since a study identified a future storm water system routing in the area of the vacation request, The city would be willing to consider vacating the ROW's platted in the 1880's if we received a 30 foot wide Drainage easement on the northern alignment labeled as parts A and B, shown on the map prepared by the City Engineer dated 2/2/12. . A 30 foot easement would work for the city if we use the existing ravines or install a storm sewer sometime in the future. The easement would be a standard drainage only easement that allows the city the ability to use it well into the future.

No improvements are currently being planned because the city has taken steps to provide for storm water management in our NW area that promotes infiltration and storage of water using existing basins. This is well documented in the city's 2008 Water Resources Management plan and in the 2006 Storm Water Manual for the NW Area. Infiltration is also being promoted by the LMRWMO and MPCA as part of the Lake Pepin TMDL study. Engineering wants to preserve an option for the city in the future in the event that an outlet is needed per our Barr Engineering study.

Engineering recommends that the city obtain a 30 foot wide easement for drainage purposes in exchange for vacating the right-of-way. The Map labeled "Area Requested for Drainage Easement" identifies the extent of the easement request over Macalester owned land.

All of Engineering's comments are summarized in the attached e-mail from Tom Kaldunski, City Engineer, dated 2/1/12.

All of the necessary easement and cooperative agreement documents would be prepared by the City Attorney and would be reviewed and approved by City Council before the vacation is recorded with the County. Staff is recommending that the costs incurred for drafting the documents and preparation of easement descriptions and possible staking of easement boundaries on the property to be paid by the applicant.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the Vacation and the Dedication of the drainage and utility easements, as shown on the attached exhibits, to be acceptable, the Commission should recommend approval of the request with at least the following condition:

1. The applicant shall grant a 30 foot wide drainage easement over those portions of the college property, labeled parts A and B, as shown on the map prepared by the City Engineer dated 2/2/12. The easement agreement shall be prepared by the City Attorney and approve by Council prior to recording the vacation.
2. The City and Macalester College shall enter into an agreement outlining terms under which the City and Macalester College would work cooperatively in the future to secure the final alignment of the storm sewer system. The document shall be prepared by the City Attorney and approve by Council prior to recording the vacation.
3. The City and Macalester College shall enter into an agreement to grant access to the easement area for future construction of the storm system. The document shall be prepared by the City Attorney and approve by Council prior to recording the vacation.
4. The costs incurred for drafting the documents and preparation of easement descriptions and possible staking of easement boundaries on the property to be paid by the applicant.

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

or the basis for the denial should be given.

RECOMMENDATION

Based on the information in the preceding report, staff is recommending approval of the vacation of right-of-ways provided there are dedication of easements and agreements as listed in Alternative A.

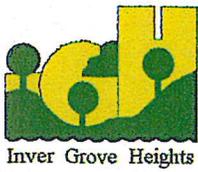
Attachments: Location Map
Rights-of-way to be vacated
E-mail Memo from City Engineer/with maps (February 1, 2012)
E-mail Memo from County/College (February 1, 2012)
Map Showing Area Requested for Easement
Map of Figure 8



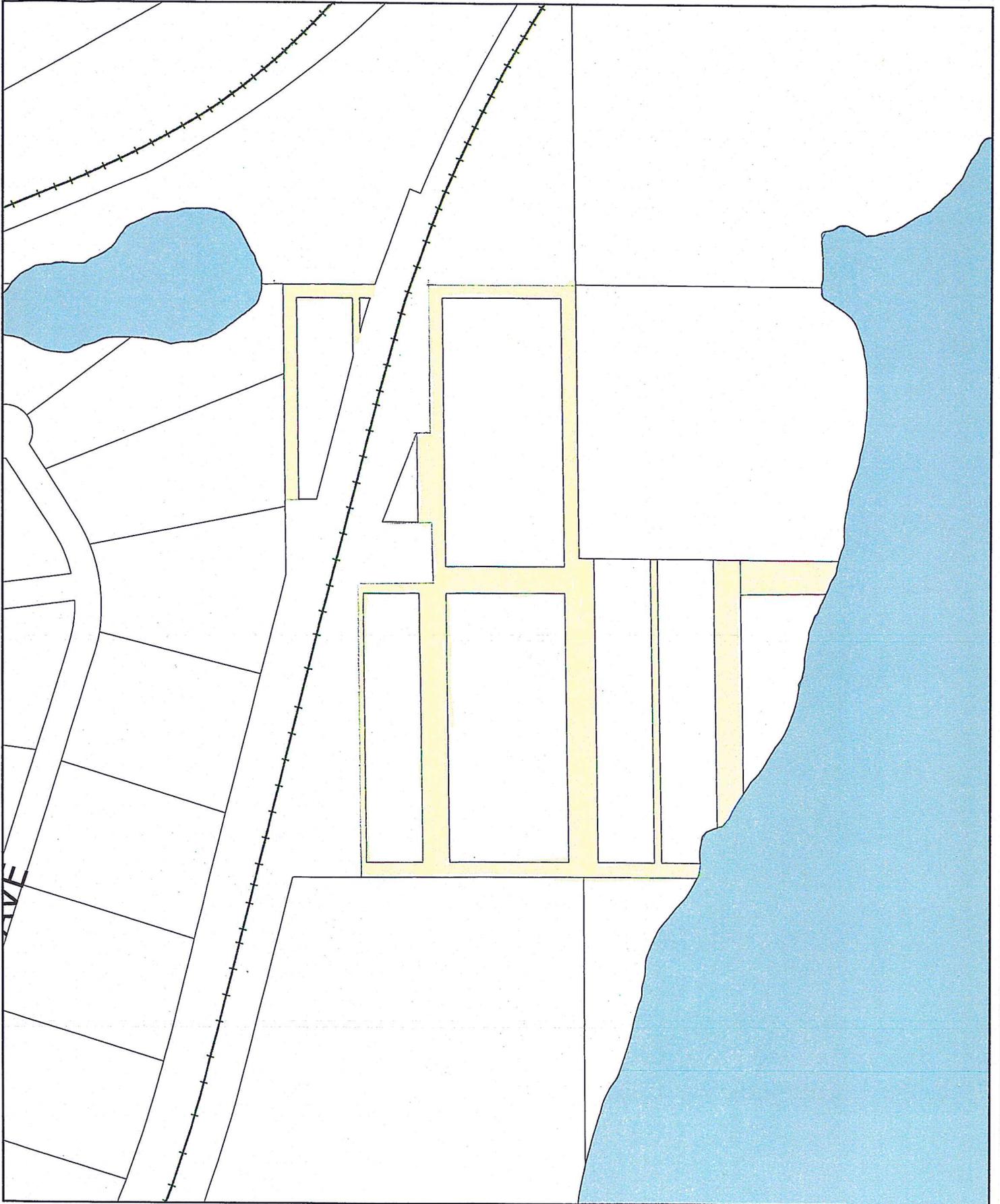
Location Map

Case No. 11-34VAC





Right-of-Way Vacation Case No. 11-34VAC



E-MAIL FROM
CITY ENGINEER

Allan Hunting

From: Tom Kaldunski
Sent: Wednesday, February 01, 2012 12:00 PM
To: Allan Hunting
Cc: Singer, Al; Timothy J. Kuntz; Scott Thureen
Subject: Easement for Storm Sewer outlet for KP34 thru Macalester property
Attachments: scan022955.pdf

Allan ,

I have reviewed the proposed easement across the Macalester College property for the city's future storm system outfall from pond KP 34 as identified in a study by Barr Engineering . The city and Macalester college and Dakota county have been discussing the granting of a 30 foot drainage easement to the city as part of the city agreeing to vacate some Existing Right Of Way from an 1880's plat . Attached are drawings that illustrate the city preferred storm system alignment from the Barr study , and a second map illustrates the Railroad ROW and Macalester property .

The engineering division would support the vacation of the old ROWs platted in the 1880's, if the College grants a 30 foot easement on the red alignment to the city at this time . The city has received a quote for preparing the legal description of the easement at a cost of \$780 and a estimate of \$ 4,325 to stake the easement . The city would require the college or Dakota county to fund this survey work related to the easement .

The city will want the college to grant a 30 foot wide drainage easement across its land . The drawings indicate areas A & B which are the easement locations from the college . The map also indicates the RR ROW in yellow . The city would have to secure a permit and license from the Union Pacific Railroad for those segments . That process would be done at a later date by the city . The city understands that there would be some expense related to securing the RR permits .The easements shown as A & B should be granted via a documents prepared by the city attorney and recorded at this time , before the ROW vacation is completed .

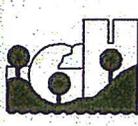
As for the RR ROW portions of the red alignment , the city would want a document prepared by the city attorney outlining the terms under which the city and Macalester college would work cooperatively in the future to secure the final alignment of the storm sewer system . If addition Easement was need from the college they would agree to grant it after the city has done additional studies and topographical surveys to clarify the final alignment to be used for construction in the future .

The city will also want the college to grant access to the city and its agents or contractors from Inver Grove Trail to the easement shown on the red alignment . The city attorney would draft an access agreement . I believe access would come from the driveway serving 9550 Inver Grove Trial and allow driving thru the grassy areas to the railroad ROW

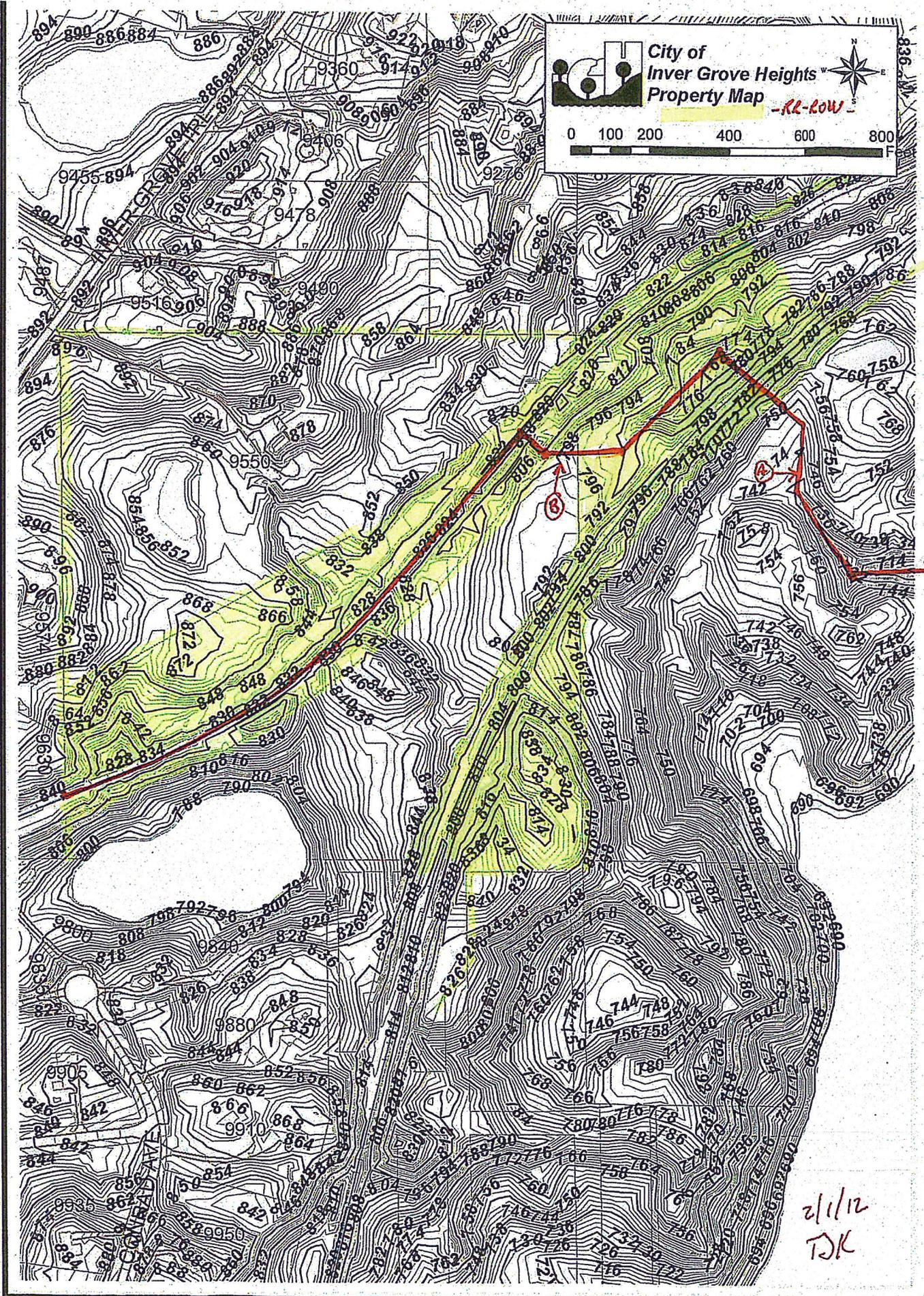
The city would also want to recognize that other alignments were identified in the Barr study . The Red alignment was the recommended option . The city would want to include language in the agreement that would allow the college and the city to consider an alternative alignment in the future , such as the green alignment from the Barr study , utilizing trenchless technology to install the storm system . This option could be exercised by both parties upon mutual agreement on the optional alignment and trenchless technology that would not cause a significant disruption of the exiting woodlands . If the option was exercised some time in the future , the city would then vacate the red alignment easement .

The city attorney will need to draft legal documents to record the terms as we have discussed with all parties . The city would request that the college or Dakota county fund the cost of the attorneys work to prepare the documents.

Thomas J. Kaldunski, PE
City Engineer

 City of
Inver Grove Heights
Property Map *-R2-Low-*

0 100 200 400 600 800



2/1/12
TJK



LEGEND

- Proposed Outlet Route C
- Alternative Outlet Route B
- Alternative Outlet Route A
- Study Area
- Minor Watersheds
- Buildings
- Water
- Contours

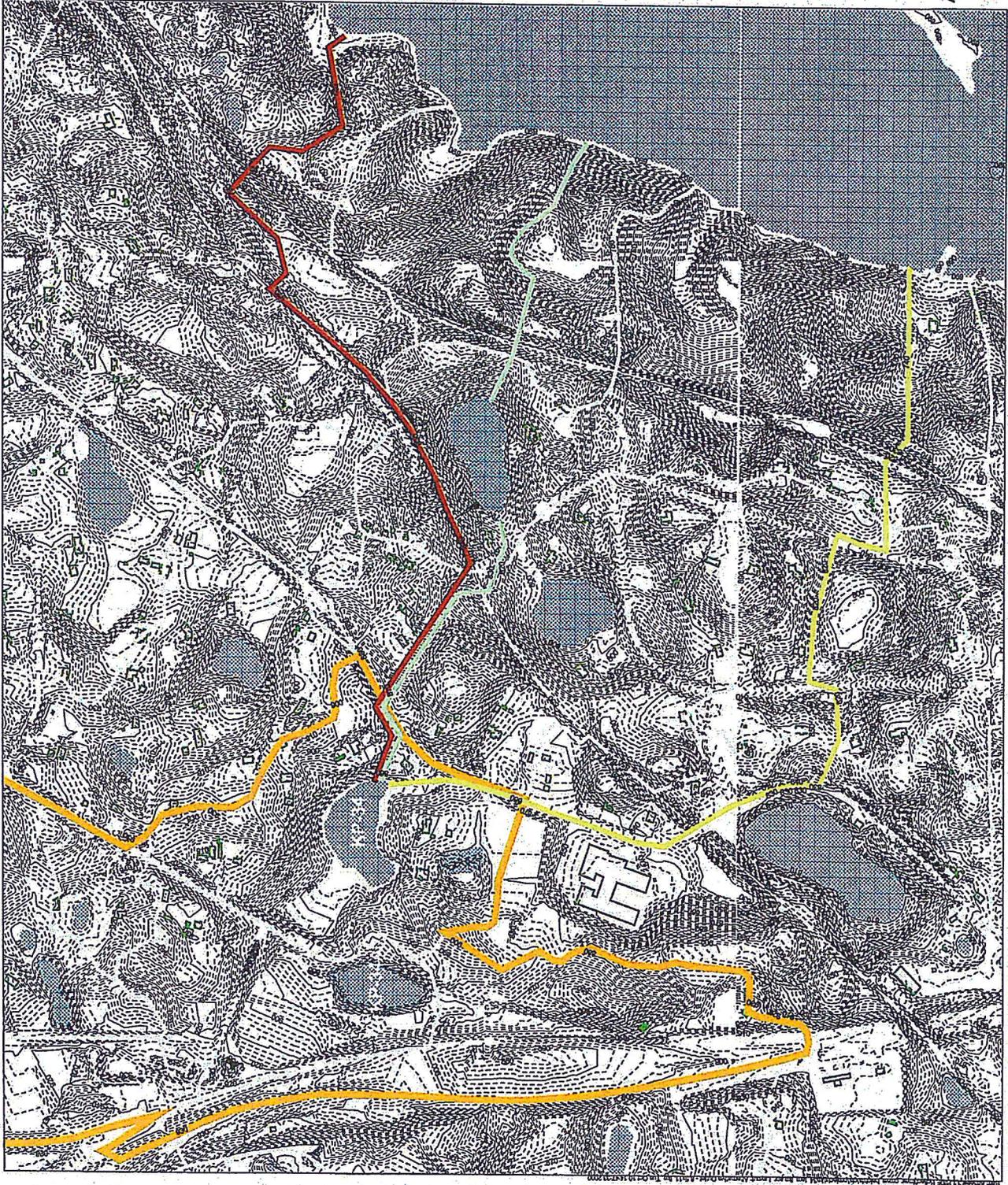


Figure 8

**ALTERNATIVE OUTLET ROUTES FROM KP-34
Inver Grove Heights, MN**

E-MAIL FROM
COUNTY/COLLEGE

Allan Hunting

From: Singer, Al [Al.Singer@CO.DAKOTA.MN.US]
Sent: Wednesday, February 01, 2012 6:01 PM
To: Tom Kaldunski; Allan Hunting
Cc: Timothy J. Kuntz; Scott Thureen
Subject: RE: Easement for Storm Sewer outlet for KP34 thru Macalester property

All,

I agree with many of the suggestions that Tom has included in his email pertaining to the drainage issue.

I also had a conference call with Macalester College this morning based upon the conversation that I had with Tom on Tuesday. I will try to consolidate their position into this response.

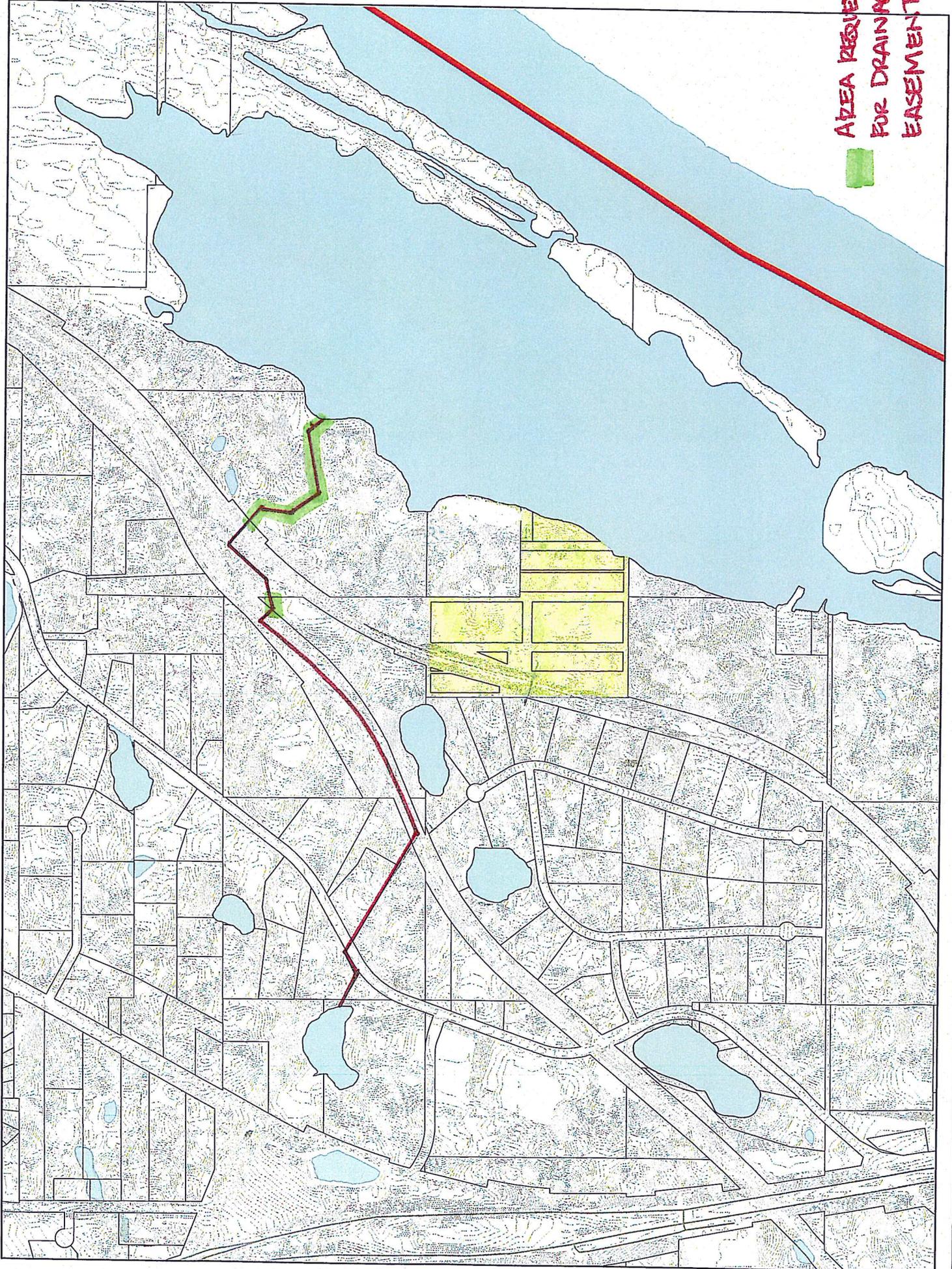
- It is the College's position that the street vacation should not be conditioned upon the drainage easement agreement. They are unrelated issues and should stand on their own merits. They would still like to proceed with vacation request as planned in February. One clarifying question, since the city is requesting the retention of the southern east-west ROW, does the College have to formally amend the application?
- The College and the County are amenable to not putting an easement along a 30-foot wide strip on the east side of the main Union Pacific rail line to preserve a potential corridor on College property along the railroad.
- The College and the County continue to accept a 30-foot wide drainage easement in both location A (between the railroad tracks) and B (between the eastern rail line and River Lake). The area between the tracks may have to be slightly expanded to accommodate the necessary equipment to jack a pipe beneath the east rail line. This drainage easement would be recorded prior to and referenced in the conservation easement between the County and the College.
- By virtue of the location and terms of the easement, the County would be involved in any future storm water system on the property. Given the questionable reality of the actual need and timing issues related to funding, it seems impractical to do the necessary studies that would identify a legally described access. Therefore, the County and the College cannot agree to guarantee unknown permanent or temporary road access within the conservation easement-especially east of the eastern rail line.
- The College is willing to work with the city on an agreement that says in essence..... recognizing the importance of this natural area and its current use, the College and the city would work cooperatively and in good faith in which the college provides access by the city or designee to potentially design and construct a storm water pipe/system within the college property between the two rail lines and to provide an appropriate outlet to River Lake on, over or under college property.
- Since this drainage easement and associated agreement is being requested entirely by the city, it seems reasonable that the city should pay the necessary legal fees for preparing the various documents.

Thoughts or questions? Please let me know. Thanks!

Al

**Al Singer, Land Conservation Manager
Dakota County**

AREA RESERVED
FOR DRAINAGE
EASEMENT



**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE: February 1, 2012 **CASE NO:** 12-01IUP
HEARING DATE: February 9, 2012
APPLICANT: Inver Grove Storage
REQUEST: Interim Use Permit Amendment
LOCATION: 10125 Courthouse Boulevard
COMPREHENSIVE PLAN: LI, Light Industrial
ZONING: I-1, Limited Industrial
REVIEWING DIVISIONS: Planning **PREPARED BY:**  Heather Botten
Associate Planner

BACKGROUND

In April 2004, Inver Grove Storage received approval of the first interim use permit issued by the City of Inver Grove Heights to allow metal portable shipping containers or storage pods associated with a conditional use permit for a mini-storage facility.

An interim use is defined as a temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use. Interim uses are typically uses that are not appropriate based upon strict application of Zoning Code restrictions, existing development and proposed future land-use plans. However, they may have merit as uses for some intermediary period of time.

The applicant's property is approximately 5.5 acres in size and zoned I-1, Limited Industrial. A conditional use permit for outdoor storage was approved in 2003. The conditional use permit stays with the property. The approved Interim Use Permit for the storage pods expires on April 1, 2012. The interim use ordinance allows a one time extension of an approved use. The applicant has requested an extension of the Interim Use Permit with no changes to the use of the property.

EVALUATION OF THE REQUEST

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

North – Large lot residential; zoned B-3, General Business; guided RDR, Rural Density Residential.

East - Hwy 52/55; zoned I-1, Limited Industrial and E-1, Estate Residential; guided LI, Light Industrial and RDR, Rural Density Residential
West - Large lot residential; zoned A, Agricultural; guided RDR
South - RR tracks, large lot residential; zoned A; guided RDR

There are seven Interim Use Permits that have been approved in the City since the ordinance first became effective in April 2004. As mentioned earlier, the intent of the Interim Use Permit is to allow a temporary use of a property. Interim use permits, by City Code, are allowed a one time extension. This request is the second interim use permit extension in the City.

The applicant is requesting a 20-year extension from the expiration date (until April 1, 2032). Staff feels that the time extension proposed by the applicant goes beyond the purpose and intent of an interim use. Interim uses are designed to be such uses, or part of a use that do not necessarily fit the long range plan for a particular area of the city, but have merit until there is final development of that particular parcel or the larger area around the parcel. The storage pods have been in place for eight years. By extending another 20 years, the storage pods almost become a permanent use. Staff is recommending approval of a 10-year extension (until April 1, 2022) for the storage pods from the expiration date. Staff feels this is an adequate amount of time for the property owner to have a return on the property, meet the intent of the interim use ordinance and still meet the City's goals in the Comprehensive Plan of encouraging more intense industrial development in this area. The City has granted one other Interim Use extension along Hwy 52 for a similar storage use. This extension was granted for 12 years, expiring August 1, 2020.

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 actions should be recommended for approval:

- Approval of a one and only extension to an **Interim Use Permit** to allow metal portable shipping container or storage pods associated with a conditional use permit for a mini-storage facility:
1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified herein:

Parking Plan	dated 06/17/03
Fence/Lighting Plan	dated 06/17/03
Pod Storage Plan	dated 09/26/03



Inver Grove Storage Case No. 12-01IUP

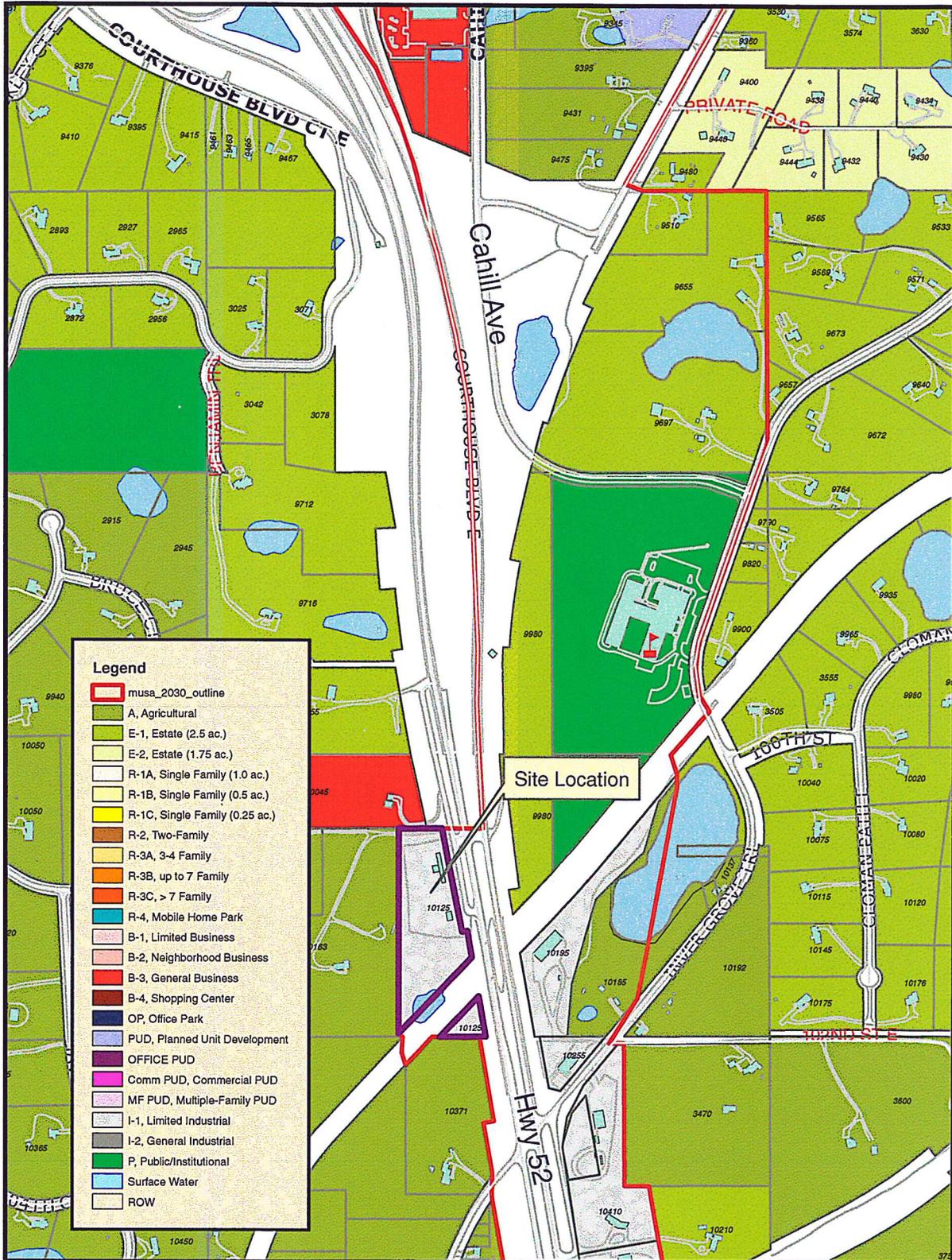


Exhibit A
Zoning and Location Map

MEMO

TO: City of Inver Grove Heights, Planning Division
FROM: Inver Grove Storage, LLC (dba, Inver Grove Storage & Rental)
Lawrence Koland and Jerry Kotzenmacher
DATE: December 21, 2011
SUBJECT: Interim Use Permit - One Time Extension

BACKGROUND

Inver Grove Storage & Rental has previously been granted conditional use to provide outdoor storage and UHaul rental services. In 2004 the Applicants made a request through application for an Ordinance Amendment to establish Interim Use within the City of Inver Grove Heights. Ordinance 1088, Interim Use, and Resolution 04-67 Interim Use Permit to allow metal portable shipping containers or storage pods were granted by City Council in April 2004.

REQUEST FOR INTERIM USE PERMIT - ONE TIME EXTENSION

The Applicants hereby request to extend the existing Interim Use Permit for a period not to exceed 20 years from the said date granting such time extension. The ultimate trigger event has always been to find a better "higher" end use for this location. The site remains ready to rapidly change to meet future land use goals. Today, as in 2004, little has changed and it remains unclear as to a possible higher end use for this location.

The Applicants are not requesting any changes to existing Conditional or Interim Uses in effect. Likewise, Applicants are not requesting any variations from the parking, fence, lighting or storage pod plans currently on file with the City Planning Department.

SITE CONSISTANCIES

The Applicants request for extension remains consistent with current Comprehensive Plans and Zoning Codes.

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