

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, FEBRUARY 21, 2012 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR January 17 and February 9, 2012.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **SALAS TRUCKING – CASE NO. 12-02VAC**
Consider a **Vacation** of street right-of-way located between 6080 Concord Blvd. and 6202 Concord Blvd. and the alley right-of-way east of 6080 Concord Blvd.

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.

Ms. Gill stated they do not want residents filling their garage with so much storage that their vehicle cannot fit inside. They depend on their resident caretaker to ensure residents are using their garages for parking. The CDA also does 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. 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 as 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 walking trail on College Trail.

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

Tom Hillstrom, 8425 Brewster Avenue, stated he was not aware of any 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 the Committee 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 at the point where the subject property meets the existing roadway on the Granite Bluff property the grades will be at the same elevation; however, they will not be connecting to it. He advised that for unknown reasons 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 previously had tennis courts on it.

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

Mr. Hunting replied in the affirmative.

Chair Bartholomew stated 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 connecting the subject property to Blaine Avenue.

Commissioner Gooch stated 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 property maintenance issues with trash, etc.

Commissioner Wippermann advised he supported the request, 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 (7/0). 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 COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Thursday, February 9, 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
Dennis Wippermann
Pat Simon
Harold Gooch
Tony Scales

Commissioners Absent: Paul Hark (excused)
Mike Schaeffer
Victoria Elsmore

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Scott Thureen, Public Works Director

DAVID WHEATON – CASE NO. 11-34VAC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a vacation of unimproved right-of-way generally located east of Conrad Avenue and north of 102nd Street, owned by Macalester College. 4 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant, Macalester College, is requesting to vacate the unimproved road right-of-ways within Dorr's Third Inver Grove Addition, which was platted in 1888. Macalester College is in negotiations with Dakota County to protect a large portion of the property with a permanent conservation easement. He advised that from a planning perspective, 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-ways should be vacated. During the Engineering Department's review they found a study that was prepared in 2000 which addressed some concerns of pond KP-34 relating to future storm water routing. The study suggested three possible storm water alignments and determined that the most likely would be what is known as the northern alignment. Engineering supports the vacation request but is recommending that a 30 foot wide drainage easement be dedicated over the portions of the property that relate to the proposed northern alignment. Staff recommends approval of the request with the four conditions listed in the report.

Commissioner Simon asked why they chose the northern alignment over the other two.

Scott Thureen, Public Works Director, advised that the northern alignment is the longest of the three routes, however, because of the grades and the potential to have some open channel it was the preferred alignment in the study. He advised that it may be that the City would never need an outlet but if they do this is the only viable location in this area. Engineering feels that some public means of access must be retained if the right-of-way is to be vacated.

Commissioner Lissarrague asked if the railroad could potentially hinder the project since part of the recommended alignment lay in the railroad right-of-way.

Mr. Thureen stated the City would need a permit and license from the Union Pacific Railroad to build a storm water system along the recommended alignment.

Commissioner Simon questioned why the College was being required to grant access rather than putting in the conditions that they would cooperatively work with the City if a storm water system was needed in the future.

Mr. Thureen replied that the City feels they need leverage in the future since they are giving up existing right-of-way, and it makes sense to acquire access now when the City has the opportunity.

Commissioner Simon asked if there was the potential for the railroad to deny access.

Mr. Thureen stated he believed they would be able to get across the railroad.

Opening of Public Hearing

The applicant, David Wheaton, Macalester College, 1600 Grand Avenue, St. Paul, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant had any concerns about the conditions.

Mr. Wheaton stated he perceived the conditions regarding a future access as a separate issue from the vacation request.

Chair Bartholomew asked if the applicant was stating he was opposed to the conditions listed in the report.

Mr. Wheaton replied they were in favor of vacating the unimproved right-of-ways but needed to sit down with the City regarding granting access for a future storm water system.

Chair Bartholomew stated that staff is recommending approval based on the four conditions listed in the report; therefore the applicants should state which conditions they were opposed to.

Commissioner Lissarrague asked if the applicant had a chance to review the request and the four conditions.

Mr. Wheaton replied in the affirmative.

Commissioner Lissarrague stated the applicant's reservations about the conditions should be cleared up before going any further.

Al Singer, Dakota County Land Conservation Manager, advised that the subject property is considered high quality and sensitive and therefore the County has been working with Macalester College to protect it with a permanent conservation easement. The County has received public and private funds to put towards this conservation easement. If they do not close this easement by the June funding deadline they will lose \$400,000. He advised that conservation easements protect the natural resource values of the property and do not allow roads or drainage easements. This raises a sequencing issue. The County would be agreeable to allowing the drainage easement to go onto the property prior to the County acquiring the easement because they want to avoid putting a conservation easement on first then putting a drainage easement over the top. He stated that theoretically they could go ahead with the conservation easement and except out the

street right-of-way. If we were to do that the City would not be allowed to put a drainage easement over the County's conservation easement. However, the County and the College are willing to work cooperatively with the City by allowing them to put a drainage easement in place beforehand. The issue, however, is gaining access to this easement for construction purposes. The subject property has steep slopes and sensitive soils and is used for research purposes. It does not meet the intent of the College nor the County to have a wide open agreement that allows the City at some future time to construct and maintain this type of facility. He stated it does not seem logical to condition the street vacation on the drainage easement, especially since none of the platted right-of-ways would have been used for putting in the recommended drainage alignment. Mr. Singer advised that the County would also be willing to not put an easement on the south side of the railroad tracks to preserve a potential corridor on College property along the railroad.

Commissioner Simon asked if the applicant would be amenable to tabling the request to allow them time to discuss the issue with City staff.

Mr. Hunting advised that the 60 day limit expires on February 14 therefore, without the applicant's consent to an extension; action should be taken tonight so it could go to City Council on February 13.

Commissioner Lissarrague asked what would happen if there was a need for that easement today.

Mr. Thureen replied that the City would approach the property owner regarding acquisition of the necessary easements. If that were not possible, staff would then have a discussion with the City Council regarding possible eminent domain.

Commissioner Simon asked if the City could put eminent domain on a conservation easement.

Mr. Singer replied they could not, which is why the sequencing is so important. They would like to be cooperative in meeting the needs of the City; however, the issue is they do not want to have a blanket agreement for a potential access road that could significantly damage the bluff lands. They also want to keep moving this forward so they do not miss the deadline and lose their funding.

Chair Bartholomew stated that Condition 1 makes it clear that it is going to be a 30 foot wide easement over those portions of the college property labeled parts A and B.

Mr. Thureen stated they also need access to the easement area for future construction of the storm system.

Commissioner Lissarrague stated it sounds as if the project could potentially be hindered should the college not agree with the proposed plan.

Mr. Singer stated the County and the College are willing to work in good faith to determine a route for the best possible access if something like this was ever needed. However, they are not prepared to guarantee an access for something that is conjectural at this point in time. He stated they also object to Condition 4 as they feel it is unreasonable to require the applicant to pay for the costs incurred for the drafting and preparation of the easement documents since it is the City that is requiring the drainage easement.

Chair Bartholomew stated it sounds like the applicants are agreeable to the vacation with a condition that the applicant work cooperatively and in good faith with the City to potentially design and construct a storm water system and that the City pay the legal fees instead of the applicant.

Mr. Singer stated the County and the College would agree 1) to a 30 foot wide drainage easement

over areas A and B as proposed by the City, 2) that the County would not put a conservation easement on a strip 30 feet to the east of the rail line to allow the City not to use railroad right-of-way to get to areas A and B, and 3) the College would work in good faith with the City to find a correct alignment and the technology and access to allow this drainage easement to be implemented if a need has been demonstrated that is in the public interest to provide an outlet for storm water to River Lake.

Chair Bartholomew asked if Mr. Singer was stating they wanted to be involved in how the actual development occurs.

Mr. Singer stated the exact design details are undetermined at this time so they are suggesting that as a condition there be an agreement between the College and the City that they would work in good faith to come up with a suitable design and location to deal with the storm water for this part of the City and that there be no financial burden on the College to pay for the legal expenses to draft the necessary documents.

Commissioner Simon asked if the applicants agreed to any of the stated conditions.

Mr. Singer replied that he agreed with Conditions 1 and 2 but objected to Conditions 3 and 4.

Mr. Hunting stated a portion of the College property abuts Inver Grove Trail so that is a logical route for getting trucks in and out of the property. The rest of the details would have to be worked out after Council approval as they are getting close to the 60 day deadline. The City at this point would just like a guarantee that they will have some kind of access in the future.

Commissioner Simon asked how close the actual route would be to Inver Grove Trail.

Mr. Hunting replied that none of the details have been determined at this point.

Chair Bartholomew asked for clarification that the applicants are agreeable with Conditions 1 and 2 and would like Condition 3 modified to the language suggested earlier by Mr. Singer.

Mr. Singer replied in the affirmative.

Planning Commission Discussion

Commissioner Lissarrague stated that Conditions 1 and 2 are irrelevant if Condition 3 is not met.

Chair Bartholomew agreed, but advised that the applicant has stated they are willing to grant access; however, they want to be involved in the discussions. He stated the Commission could either eliminate Condition 3 altogether or state that the City will work closely with the property owner in granting future access. He added that he would be in favor of having the City pay for the legal costs.

Commissioner Lissarrague stated he would support having the City pay for legal costs but was concerned about Condition 3.

Commissioner Wippermann agreed that Condition 4 should be eliminated, but stated Condition 3 should specify there is going to be a working relationship between the College and the City to determine appropriate access to the easement.

Chair Bartholomew stated he supported changing Condition 3 to the verbiage suggested by Mr. Singer regarding the City and College working cooperatively in gaining access to the property.

Commissioner Lissarrague stated he would prefer that the language be more specific so anyone reading the condition 20 years from now would be clear on its intent.

Commissioner Gooch stated the way he reads Condition 3 it simply says 'they shall enter into an agreement to grant access', the terms of which could be determined at a later date. He suggested leaving Condition 3 as is but omitting Condition 4.

Commissioner Scales asked why the applicants were being asked to pay for legal fees for something they do not need or want.

Mr. Hunting replied it is the City's standard practice with all developments that the applicant pays their share of some of the easement costs.

Commissioner Scales stated the applicants should not be forced to pay those costs.

Chair Bartholomew recommended approving the request with Conditions 1 and 2 as stated, dropping Condition 4 or restating it to say that the City will pay for the fees associated with the easement, and modifying Condition 3.

Planning Commission Recommendation

Motion by Commissioner Bartholomew, second by Commissioner Wippermann to change Condition 3 to state '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', and to omit Condition 4.

Commissioner Gooch stated Condition 3 is of utmost importance as the City needs to gain access otherwise Conditions 1 and 2 will probably not be allowed.

Commissioner Lissarrague suggested omitting Condition 4 but leaving Condition 3 remain as written, stating any changes could be done at the City Council level.

Chair Bartholomew stated he thinks Condition 3 is too strong and binds the College to entering into an access agreement even if it is contrary to what they want.

Commissioner Gooch stated the College and the City would still have to come to an agreement that was satisfactory to both parties.

Commissioner Simon stated if the applicant would choose not to cooperate, however, they would still get their dedication.

Commissioner Scales supported Chair Bartholomew's motion.

Motion carried (4/2 – Lissarrague, Gooch).

Motion by Chair Bartholomew, second by Commissioner Wippermann, to approve the request for a vacation of unimproved road right-of-way generally located east of Conrad Avenue and north of 102nd Street, owned by Macalester College, with the three conditions as restated.

Motion carried (4/2 – Lissarrague, Gooch). This item goes to the City Council on February 13, 2012.

INVER GROVE STORAGE – CASE NO. 12-01IUP

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an interim use permit extension to continue the use of allowing metal portable shipping containers and storage pods associated with the mini-storage facility, for the property located at 10125 Courthouse Boulevard. 9 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned I-1, Limited Industrial. In April 2004, Inver Grove Storage received an interim use permit to allow metal portable shipping containers or storage pods associated with their conditional use permit for a mini-storage facility. The approved interim use permit expires on April 1, 2012 so the applicants are requesting a one time extension of an approved use with no changes to the use of the property. She advised that an interim use is defined as a temporary use of a particular property until the occurrence of a particular date, event, or until zoning regulations no longer permit the use. Staff recommends a 10 year extension; however, the applicant is asking for a 20 year extension. Staff feels the extension proposed by the applicant goes beyond the purpose and intent of the interim use permit and would make the storage pods become almost a permanent use of the property. Staff recommends approval of a 10-year interim use permit from the expiration date with the conditions listed in Alternative A.

Commissioner Gooch asked what would happen if a 10 year extension was granted.

Ms. Botten replied that at the end of 10 years the applicant would have to either 1) stop using the pods or remove them from the property, 2) work with staff to amend the Zoning Code to allow it as a permanent use, or 3) amend the Interim Use Ordinance.

Commissioner Lissarrague noted there was a 12 year extension granted to another property along Highway 52 and asked for clarification of the City's guidelines regarding the length of interim use permit extensions.

Ms. Botten replied that staff recommended a 10 year extension for the business in question; however, the City Council granted a 12 year extension because of the fact that that applicant had to come in for an extension less than a year after receiving the original interim use permit. She advised this is only the City's second request for an interim use permit extension and staff has recommended 10 years for both.

Commissioner Lissarrague asked if staff recommends 10 years for all extensions or looks at each request individually.

Ms. Botten replied they look at each request separately.

Commissioner Simon asked if a permit was required for signage on retaining walls or fences.

Ms. Botten replied it requires a permit if it is advertising a business.

Commissioner Simon asked if the applicant had a permit for the existing signage on their fence.

Ms. Botten replied she was unsure.

Commissioner Simon advised there was also signage on a trailer sitting in front of the business.

Ms. Botten replied that the City has no regulations specifically prohibiting advertising on a vehicle.

Commissioner Simon asked if an original condition for this property was that signage would not be allowed on vehicles and asked if U-Haul vehicles were allowed to be parked outside the fence.

Mr. Hunting replied that the condition did not restrict business signage, but rather prohibited individuals from putting sale signs on their vehicles being stored. He advised that U-Haul trucks were allowed to be parked outside the fenced area of the property.

Commissioner Simon asked if staff heard from any of the neighbors.

Ms. Botten replied they had not.

Opening of Public Hearing

The applicant, Larry Koland, 4813 Blaine Avenue, gave a brief background of the property, stating they originally built an outdoor storage facility because it would have little impact to the site and would be a good fit until such time as they could potentially redevelop it to a higher and better use. Shortly after they opened the facility they decided to add storage containers/pods which required no footings, would not move, and would have little activity. At that time they worked with Tom Link, Community Development Director, and drafted the City's first interim use permit to allow the use of containers in a self storage facility. They were granted an interim use permit for 8 years. At this time they would like to continue this use and are asking for a 20 year extension versus the 10 years recommended by staff. Mr. Koland explained the commercial mortgage process and advised they may not be able to retain their mortgage if they lose the containers which are a third of their income. As far as staff's contention that this would become almost a permanent use, Mr. Koland stated they are hoping for development to occur in this part of the City and that the site can be redeveloped sooner than 20 years to a higher and better use. If it does not, however, at the end of 20 years the containers will be removed. Mr. Koland disagreed with staff's statement that 10 years would be an adequate amount of time to have a return on the property. He advised that the intent of the interim use permit was to provide flexibility for business owners, not to have a return on the property. Mr. Koland then addressed previous questions from Commissioners, stating that at the end of the extension period the containers/pods would be removed and likely replaced with recreational vehicles. In regards to the question about the arbitrary timeline, he stated the storage lot south of them on Highway 52 met their trigger event and therefore the owner was forced to request an extension. After meeting this trigger event he was still granted another 12 years.

Chair Bartholomew asked what the current surface was of the storage facility.

Mr. Koland replied that it was Class V.

Chair Bartholomew stated that storing recreational vehicles would be more intrusive than storage pods in that there would be the potential for dripping fluids.

Mr. Koland agreed, stating there would also be more traffic and they would have a less uniform appearance than the matching pods.

Chair Bartholomew asked if all the containers were filled.

Mr. Koland replied that two were currently vacant.

Chair Bartholomew asked if the containers were leased or owned.

Mr. Koland stated they purchased the containers.

Commissioner Lissarrague asked if the applicant was agreeable with the conditions listed in the report, with the exception of changing Condition 3 from 10 years to 20 years.

Mr. Koland replied in the affirmative.

Planning Commission Discussion

Commissioner Lissarrague stated he supported giving the applicant a 20 year extension or more.

Commissioner Gooch agreed with Mr. Koland's contention that losing the use of the containers/pods would likely affect his business loan, questioned why shipping containers were not an allowed use in a storage facility, and recommended a 20 year extension or perhaps 30.

Chair Bartholomew advised he supported a 20 year extension, stating it has been a well run business and it would not be fair to limit them during these tough economic times.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Lissarrague, to approve the request for a one and only extension to an interim use permit to allow metal portable shipping containers or storage pods associated with a conditional use permit for a mini-storage facility with the conditions as listed and **a modification to Condition 3 to change the expiration date from April 1, 2022 to April 1, 2032.**

Motion carried (6/0). This item goes to the City Council on February 27, 2012.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:28 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

REPORT DATE: February 14, 2012

CASE NO: 12-02VAC

HEARING DATE: February 21, 2012

APPLICANT & PROPERTY OWNER: Salas Trucking

REQUEST: Vacation of road and alley right-of-way

LOCATION: Generally located at 6080 Concord Blvd

COMPREHENSIVE PLAN: Mixed Use

ZONING: I-1, Limited Industry

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting to vacate the road right-of-way south of 6080 Concord Boulevard and the alley right-of-way east of 6080 Concord Boulevard located in the Laura Riebe Addition. The existing rights-of-way are not improved and removing the right-of-way would create larger lot sizes, helping with the redevelopment of the Concord area.

EVALUATION OF THE REQUEST

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

North - Industrial; zoned I-1, Limited Industry; guided Mixed Use

East - Railroad right-of-way/Heritage Village Park; zoned P; guided Park

West - Residential; zoned R-1C, Single-family; guided Mixed Use

South - Industrial; zoned I-1, Limited Industry; guided Mixed Use

SITE PLAN REVIEW

The right-of-ways in question were platted in 1939. The alley right-of-way is 16 feet wide, if vacated all of the property would go to 6080 Concord. The road right-of-way, for what would have been Chester Avenue, is 30-35 feet wide. The road easement runs from Concord and dead ends at the railroad tracks. There is no public road right-of-way on the east side of the railroad tracks. The abutting property owners have worked out an agreement and the majority of the property would go to 6080 Concord Blvd. Although there are no road improvements in the right-of-way there is an existing storm sewer. Engineering staff supports the vacation of the right-of-ways provided easements are granted to the City. Engineering is requesting to retain the existing footprint of Chester Street right-of-way as public drainage and utility easement, with a minor

exception for the existing building to the south. Additionally, a drainage and utility easement shall be provided in the southwest corner for the overhead power lines and a 10-foot drainage and utility easement along the alley right-of-way due to the ponding that occurs on the property.

The Planning, Parks, and Fire Department take no exception to the proposed vacation of right-of-ways. The applicant has been working with the Engineering Department and submitted a survey demonstrating the requested easements. Engineering has reviewed this survey and finds it to be acceptable.

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 conditions:

1. The vacation of right-of-way shall be consistent with the survey dated November 21, 2011 and the Easement Exhibit dated February 7, 2012 on file with the Planning Department except as may be modified by the conditions below.
2. The applicant shall meet the conditions outlined in the City Engineers review letter dated February 1, 2012 and subsequent correspondence.
3. An easement and encroachment agreement shall be prepared by the City Attorney and executed by both the City and the property owners prior to the vacation of the right-of-way.

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

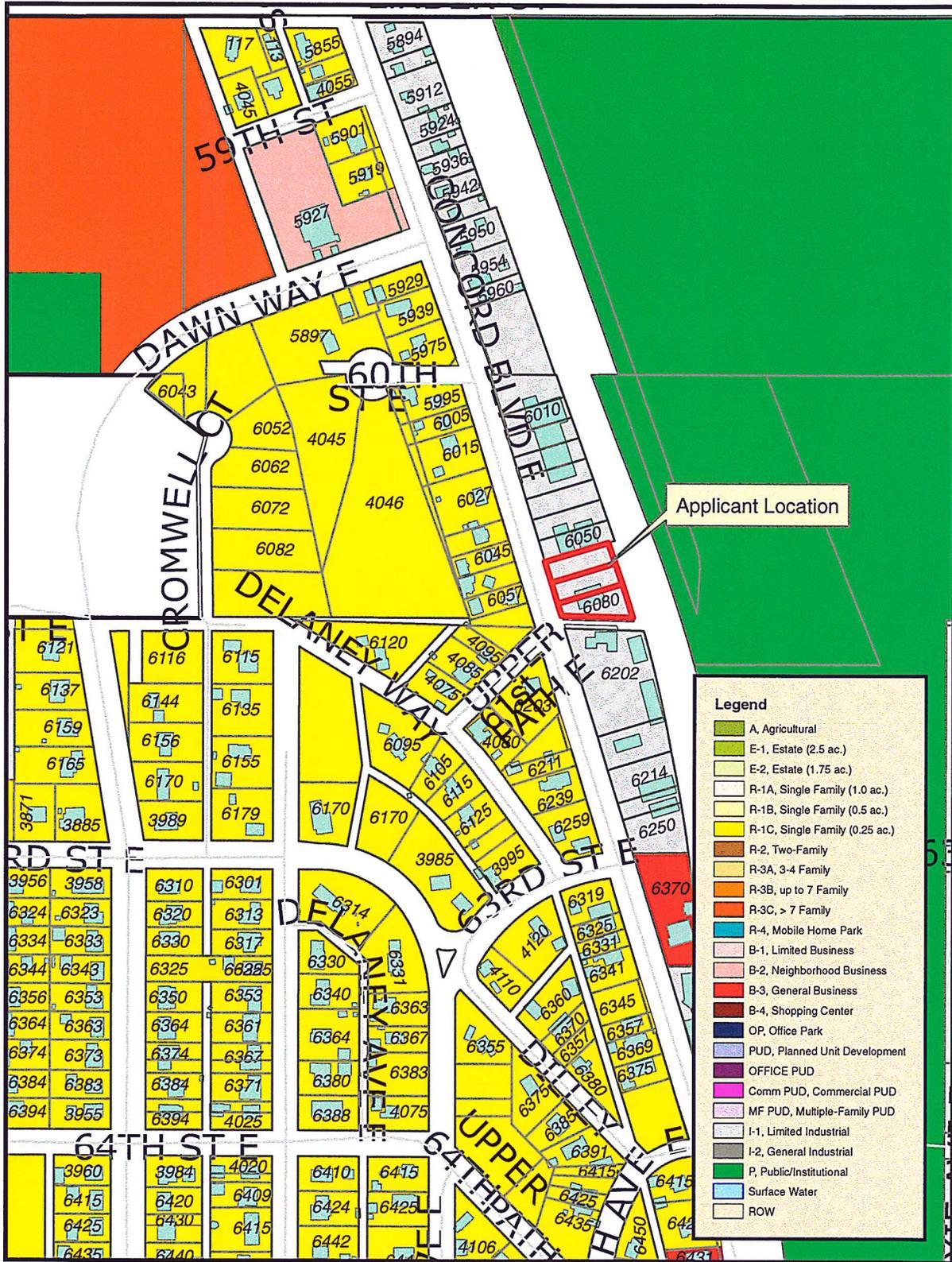
RECOMMENDATION

Based on the information in the preceding report, 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: Zoning and Location Map
 Area to be Vacated
 Right-of-way to be Vacated
 Easements to be Dedicated



Salas Trucking Case No. 12-02VAC



Applicant Location

- Legend**
- 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



Exhibit A
Zoning and Location Map



Salas Trucking Case No. 12-02VAC

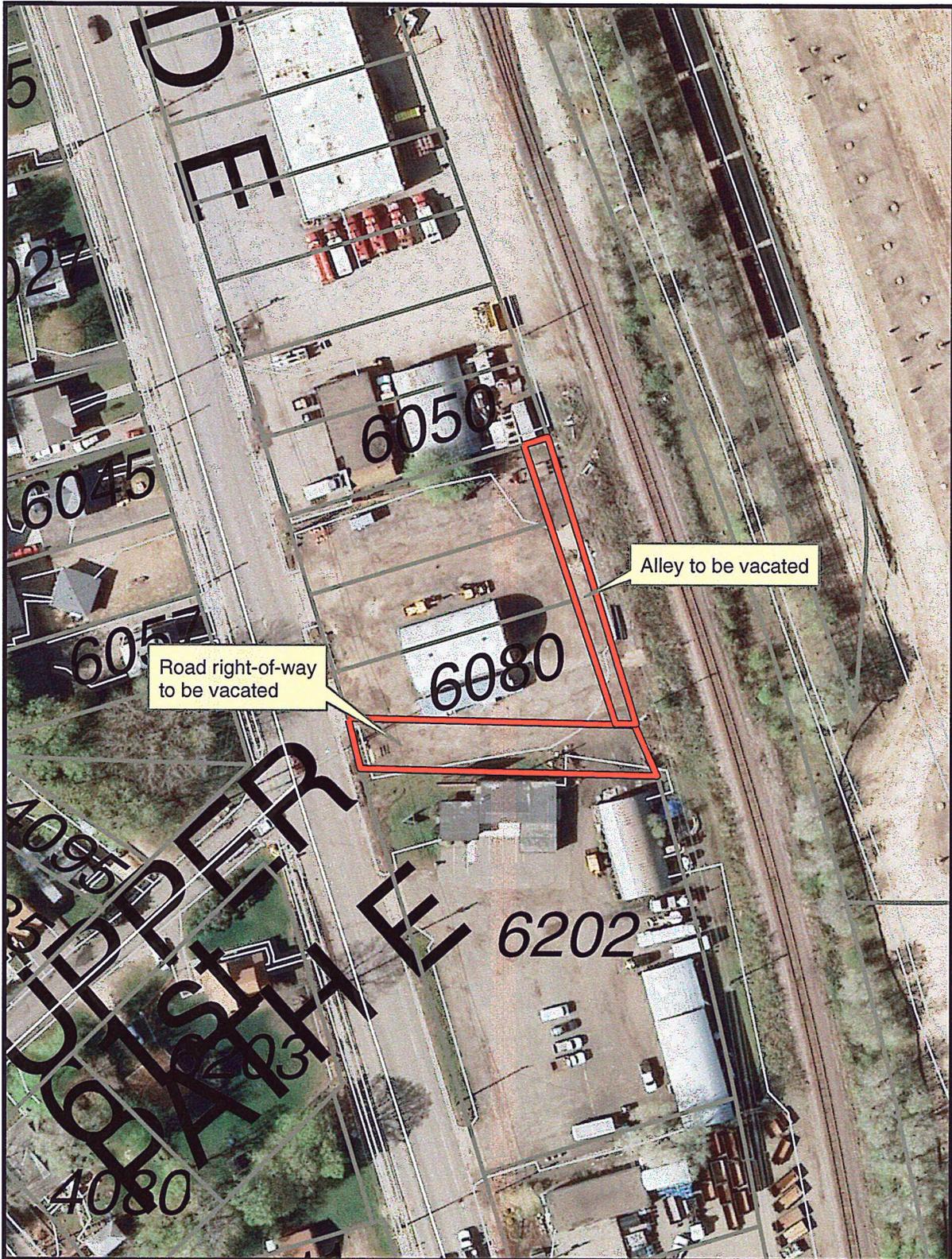
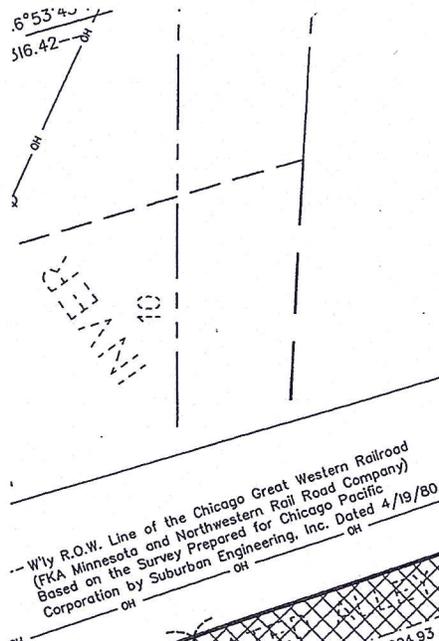


Exhibit B
Area to be vacated



-- W'ly R.O.W. Line of the Chicago Great Western Railroad (FKA Minnesota and Northwestern Rail Road Company) Based on the Survey Prepared for Chicago Pacific Corporation by Suburban Engineering, Inc. Dated 4/19/80.

