INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

WEDNESDAY, NOVEMBER 6, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR OCTOBER 15, 2013.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

   3.01 **MARY T'KACH - CASE NO. 13-50V**
   Consider the request for a **Variance** to allow a seven foot high fence along the front property line whereas 42 inches is the maximum height within the front yard setback. This request is for the property located at1987 – 80th Street.

   Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 15, 2013 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Paul Hark Pat Simon Tony Scales Bill Klein Harold Gooch Victoria Elsmore (arrived at 7:02)
Commissioners Absent:	Dennis Wippermann (excused) Annette Maggi (excused)
Others Present:	Tom Link, Community Development Director Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the October 1, 2013 Planning Commission meeting were approved as submitted.

BRUCE CORDS – CASE NO. 13-47VAC

Reading of Notice

The public hearing notice was read at the October 1, 2013 Planning Commission meeting.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant owns two lots next to each other; there is a house on the east lot, the west lot is vacant. The applicant is proposing to shift the back lot line 16 feet; therefore, the perimeter drainage and utility easements need to be vacated and rededicated along the new boundary. Staff recommends approval of the request.

Opening of Public Hearing

Bruce Cords, 2893 – 96th Street East, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff recommendations.

Mr. Cords replied in the affirmative.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Simon, to approve the request for a vacation and rededication of certain public drainage and utility easements within the plat of Marcott Woods 2nd Addition.

Motion carried (7/0). This item goes to the City Council on October 28, 2013.

POWER DYNAMICS (JIM MUELLER) - CASE NO. 13-49SU

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a determination of substantially similar use status for a use that is not specifically listed as permitted, conditional or accessory in the B-3, General Business district. The City is being asked to consider whether a business use that is primarily office-showroom with a component of warehousing, but with ancillary manufacturing, is substantially similar to office-showroom or is substantially similar to printing and publishing, for the property located at 7365 Concord Boulevard. 35 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property is zoned B-3 and there is currently a printing business on-site, which is an approved use in the B-3. The owner is planning to sell the property to another company, Power Dynamics, which is essentially a sales/distribution company. The only issue is that they manufacture some gaskets. Manufacturing is not allowed in the B-3 district. The ordinance does not define a threshold of how much of a business's operation is manufacturing. In this case, manufacturing is a small portion of their operation, and the piece of equipment they use takes up only a small amount of the total floor area. The manufacturing could be considered ancillary to the office showroom use. The Planning Commission is being asked to determine if the proposed use, along with its manufacturing portion, is substantially similar to office-showroom which is a permitted use in the B-3 district. Staff suggests that the manufacturing portion be limited to a maximum size and are asking the Planning Commission to discuss a recommended percentage of floor area allowed. Staff recommends finding the proposed use substantially similar.

Commissioner Klein asked what staff recommended for maximum floor ratio.

Mr. Hunting replied perhaps 10-15% of the total floor area; definitely less than 25%.

Commissioner Simon noted that the case number on the public hearing notice was different than the one listed on the agenda and asked which was correct.

Mr. Hunting advised that the case number was 13-49SU.

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

Mr. Hunting replied he was aware of only one inquiry.

Opening of Public Hearing

Nick Wall and Bryan Rieken, 2971 Seneca Road, advised they were available to answer any questions.

Commissioner Klein asked the applicant what percentage of floor area they would recommend for the manufacturing portion.

Mr. Wall replied that 10% would be adequate.

Commissioner Klein suggested allotting more than that to allow for future expansion.

Chair Hark asked if the applicants would be melting anything or generating fumes.

Mr. Wall replied they would not. He stated the manufacturing was done on a small electronic die press.

Commissioner Simon asked the applicants how many gaskets they manufactured per day.

Mr. Wall replied approximately 500 a day.

Mr. Rieken advised they make gaskets from one inch to 30 inches in size. Of the 500, approximately ten would be the large ones.

Mr. Wall advised they were all dry gaskets; they do not mold anything.

Commissioner Simon asked how many employees were needed to run the electronic press.

Mr. Wall replied one.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark suggested a limit of 20% of the total floor area.

Commissioner Klein supported 20% as well.

Commissioner Simon stated 10-15% should be sufficient since they were currently using only 3-4% of the proposed space.

Commissioner Gooch supported 20%, stating the proposed use was no different than printing presses.

Commissioner Lissarrague agreed with a 20% limit.

Commissioner Elsmore stated that 10-15% would allow for future expansion as it would allow almost 10 times more than what they were currently using.

Commissioner Simon asked if the applicant agreed with the four conditions listed in the report.

Mr. Wall replied in the affirmative.

Commissioner Lissarrague asked the applicant if he preferred 15% or 20%.

Mr. Wall replied he would like to be allowed 20%.

Commissioner Elsmore stated if the City was trying to make this as substantially similar as the other uses that are allowed in the B-3, it would make sense to limit this to ensure it maintains the statutory requirement of ancillary use. She pointed out that the applicant was not pleading for 20%.

Commissioner Klein asked if staff agreed with Commissioner Elsmore.

Mr. Hunting replied that staff was not suggesting a specific number; ultimately it would be a policy decision by Council to determine that number.

Commissioner Simon asked if this request would be specific to this particular business or to the property.

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Mr. Hunting replied it was tied to the property. If another user came in and manufactured something different, as long as they met the conditions of approval and were proposing a substantially similar use, it would be acceptable.

Commissioner Simon noted that someone could come in with a use that was smellier and messier.

Mr. Hunting replied it would be possible; however, if something was proposed that produced noxious fumes the City might determine that was not Council's intent.

Planning Commission Recommendation
Motion by Commissioner Gooch, second by Commissioner Scales, to recommend to City Council to find the proposed use to be similar to Warehouse Office and Showroom which is a permitted use, with ancillary manufacturing, with the four conditions listed in the report, **including Condition 4 limiting the manufacturing portion of the business to 20% of the floor area of the building.**

Motion carried (6/1 - Simon). This item goes to the City Council on October 28, 2013.

VANCE GRANNIS JR – CASE NO. 13-34ZA

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to allow 'Outdoor Skills and Environmental Education Center' as a permitted use with performance standards in the E-1 zoning district, and a Comprehensive Plan Amendment involving text change and land use map changes to add the designation of Private Recreation/Open Space to the subject property addressing the use of property as an Outdoor Skills and Environmental Education Center, for property located on the west side of Barnes Avenue in the general vicinity of 9249 Barnes Avenue. 80 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is moving forward with his nature center project. The proposed amendments would allow him to try to seek funding and proceed with the conservation easement. Mr. Hunting displayed a diagram of the proposed site plan, including the Grannis homestead, the interpretive center site, as well as a future senior housing site. In order to accomplish this, some zoning code and comprehensive plan amendments are necessary. The applicant is requesting a comprehensive plan amendment to change the land use designation of the properties to a dual designation of RDR, Rural Density Residential and PO, Private Open Space. The Private Open Space category was included in the 2030 Comprehensive Plan and was created specifically for a use such as the one being proposed. Retaining the RDR as well would allow the property to develop as single family residential should the nature center not come to fruition. In order for both categories to specifically address the use, staff is suggesting text changes to both the RDR and PO districts. Since the use would involve a senior living facility on a private system, the RDR district has to identify this specific higher density use in conjunction with a nature center. More text is suggested in the PO district to further define the intent of nature centers. The applicant is also requesting an amendment to the zoning ordinance to allow the outdoor skills/nature center as a permitted use in the E-1 district. The nature center also proposes a senior housing component. New construction of the proposed facilities would require a site plan review by staff, the Planning Commission, and City Council. Staff recommends approval of the request with the conditions listed in the report.

Chair Hark asked if there were other areas in the City with 120 or more contiguous acres.

Mr. Hunting replied there were currently no such areas, and he doubted there were any properties that could combined in the future to equal 120 contiguous acres.

Chair Hark asked how staff arrived at a limit of 53 senior housing units.

Mr. Hunting replied that number was based on the density that would be allowed in the E-1 district, which is one unit per 2.5 acres. Dividing the gross acreage by 2.5 equaled 53 units.

Commissioner Klein supported the request and felt it would be beneficial to the City.

Commissioner Simon asked if Item D of the proposed zoning code amendment granted the City the power to remove or terminate the conservation easement.

Mr. Hunting replied it did not; it was meant to clarify that the easement was permanent and that any effort to remove it would require city consent.

Commissioner Simon stated it was her understanding that conservation easements were permanent.

Mr. Hunting stated this language was established as a safeguard in case there was a process by which someone could have it removed.

Commissioner Simon voiced concern that a future City Council could remove the conservation easement.

Commissioner Lissarrague asked for clarification of the senior housing timeframe.

Mr. Hunting advised that the senior housing would be a future phase and would require site plan approval, including a public hearing and Council approval.

Commissioner Scales was concerned about the precedent the senior housing would set in a rural area and the potential for others with acreage to make application to build multi-unit buildings.

Mr. Hunting noted that the language stipulates the senior center must be tied to a nature center so it would not be allowed anywhere else in the RDR.

Commissioner Scales asked if a property owner in the RDR could ask to develop their property into multiple-family but tie it to something else other than a nature center.

Mr. Hunting replied in theory anyone can ask for anything; it does not mean it would be approved.

Commissioner Gooch questioned whether allowing senior housing, which would be a medium or high density use, would prompt others in the RDR to request higher density uses.

Mr. Hunting replied that residents always have the option to do that.

Commissioner Gooch advised this would set a precedent, however.

Commissioner Klein stated it would be cost prohibitive because the area was not served by City sewer or water.

Mr. Link advised that initially staff had concerns about allowing multiple-family in the RDR district as well. However, after further review and discussion, staff is recommending approval because of

the fact that the senior housing is tied to a nature center and the fact that it still adheres to the overall density of the property (one unit per 2 ½ acres). Staff looks at this as similar to the clustering being done in the Northwest Area.

In response to an inquiry from Commissioner Elsmore, Mr. Hunting explained that the senior housing and interpretive center sites, as well as the Grannis homestead, would not be part of the conservation easement.

Commissioner Lissarrague asked for confirmation that the neighbors in the area would be notified if the senior housing were to move forward.

Mr. Hunting replied that the neighbors would be notified of the public hearing, a notice would be put in the paper, and the request would be reviewed by the Planning Commission and the City Council.

Opening of Public Hearing

Vance Grannis Jr., 9249 Barnes Avenue, stated the conservation easement was permanent and it would take legislative action to remove it.

Jay Ross, 2120 – 96th Street East, asked what type of activities would take place in the outdoor skills area.

Chair Hark stated a list of possible activities could be found in the planning report.

Mr. Ross voiced his concern regarding a rifle range, and asked if the rifle range program could be expanded in the future.

Chair Hark advised that action had already been taken regarding the gun range and it was not part of this application.

Mr. Ross asked when the senior housing would be built.

Chair Hark stated that was unknown at this time as they were still in the pre-planning stages.

Mr. Ross was concerned about a senior building being built near his home as he purchased his property because of the quiet and rural nature of the area. He asked how many stories high the senior building would be.

Commissioner Klein advised a plan had not yet been submitted, but the maximum amount of units allowed was 53.

At Commissioner Klein's request, Mr. Ross pointed out his property location.

Commissioner Klein advised Mr. Ross that he was quite a distance from the senior housing location.

Mr. Ross responded that he would still have to drive by it every day. He supported the nature center but had concerns regarding the senior center.

Brandon Merrill, 8804 Brunell Way, stated he owned a lot in Shamrock Oaks and questioned if the senior center could potentially trigger sewer and extension to this area.

Mr. Hunting advised that this property would have to be on its own private system since municipal sewer was not planned for this area.

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Commissioner Klein stated extending sewer and water to this area would be very difficult and would not be cost effective.

Mr. Merrill asked where the primary entrance would be located.

Mr. Hunting pointed out the location, stating that the primary entrance to the site would be in the general area of the existing dirt driveway.

Eileen Lee, 1900 – 86th Street East, stated last year the neighbors were told of the gun range, today they were being advised of the senior housing site; she questioned what else was planned for this site that they did not yet know about.

Chair Hark advised there could be no more building on the property once the conservation easement was put in place.

Dawn Nakashima, 2070 – 86th Street East, asked for more information regarding the rifle range and the type of outdoor skills being taught at the nature center.

Mr. Link advised there was no gun or rifle range on the property. What was approved is a DNR gun safety training program which takes place 3-4 times a year. It is supervised and takes place at a specific location on the property.

Ms. Nakashima asked where that would be located.

Mr. Hunting showed the general area of the gun safety training program.

Ms. Nakashima asked if precautions for public safety were put in place.

Chair Hark advised this had been discussed thoroughly and was approved last year. He suggested Ms. Nakashima contact Mr. Hunting after the meeting to get a list of outdoor skills to be taught at the nature center.

Ms. Nakashima was given a copy of the application.

Mr. Grannis advised they would be teaching beekeeping, maple syruping, decoy placement, camping, hiking, as well as many other skills as listed in the planning report. He added that a preschool is also being proposed in conjunction with the senior center. The senior living center building will be designed to be as environmentally friendly as possible, and the plan is to plant 20-30 foot tall trees which will help screen the building from Barnes Avenue.

Marsha Workman, 2465 – 91st Street, stated she lived across the street from the subject site and supported the proposal, stating it was a wonderful opportunity for the residents of Inver Grove Heights.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark stated he was in favor of the request and felt a nature center would be beneficial to the City.

Commissioner Scales asked if the senior living center could be setback further from Barnes Avenue.

Mr. Hunting advised that the drawing in the packet was conceptual and did not represent a final plan.

Commissioner Lissarrague stated he supported the request with the knowledge that a public hearing would occur if and when the senior living facility was built.

Commissioner Elsmore stated she was not opposed to the nature center, but would be voting no as she did not support changing City ordinances for one specific proposal.

Commissioner Scales supported the request, stating there were so few areas like this left in the Twin Cities.

Commissioner Klein stated he was in favor of the request, noting that it would be reviewed by City Council as well as Met Council.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Simon, to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to allow 'Outdoor Skills and Environmental Education Center' as a permitted use with performance standards in the E-1 zoning district, and a Comprehensive Plan Amendment involving text change and land use map changes to add the designation of Private Recreation/Open Space to the subject property addressing the use of property as an Outdoor Skills and Environmental Education Center, for property located on the west side of Barnes Avenue in the general vicinity of 9249 Barnes Avenue.

Motion carried (6/1 – Elsmore). This item goes to the City Council on October 28, 2013.

The meeting was adjourned by unanimous vote at 8:18 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: October 30, 2013 **CASE NO:** 13-50V

HEARING DATE: November 6, 2013

APPLICANT & PROPERTY OWNER: Mary T'Kach

REQUEST: Variance to allow a seven foot high fence along the front property line

LOCATION: 1987 - 80th Street

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1B, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a Variance to allow the construction of two fence segments seven feet high, located within the front yard. The zoning code requires any fence within a front yard to be no higher than 42 inches and be at least 75% open. The reasons for the rule appear to be mainly visibility for traffic and emergency vehicles along the street and driveways. A second reason would be aesthetics, both in uniformity along front views and visual appeal.

The property is located along 80th Street/ County Road 28, across from the Veterans Memorial - Community Center. The applicant is requesting a 66 foot segment of fence to be located along the front property line, about 12 feet from the sidewalk and 27 feet from the curb. The second segment would be 18 feet of fence located along a secondary drive area about 20 feet from the sidewalk. The applicant has stated the purpose of the seven foot fence along the front property line would be to mitigate the lights shining into the house from the Community Center traffic and to reduce some of the noise pollution from 80th street. The applicant is proposing a fence with an alternating off-set pattern with landscaping to soften the visual look along 80th Street (see attachment E).

SPECIFIC REQUEST

The following specific application is being requested:

A.) A **variance** to allow a seven foot high fence along the front property line whereas 30 feet is the required setback for fences taller than 42 inches.

EVALUATION OF THE REQUEST

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

North–Residential; zoned R-1B, single-family; guided LDR, Low Density Residential
West - Residential; zoned R-1B, single-family; guided LDR, Low Density Residential
East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
South - Community Center/Armory; zoned P, public/institutional; guided P/I, Public Institutional

VARIANCE REVIEW

City Code Title 11, Chapter 3. **Variances,** states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning 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, City Code 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.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The area is developed with other single family homes to the north, west and east. The code allows fences 42 inches or shorter within the front yard setback; allowing a fence taller than this could set a precedent for other fences located in the front yard.

The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential which would contain typical accessory structures or improvements such as fences.

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

The applicant's request is to encroach into the front yard setback for two segments of fencing. The location of the fence would be out of any traffic sight lines along 80th Street. The maximum length of the large segment would be 66 feet, extending a little beyond the length of the house, not across the entire length of the property. The shorter segment of fencing would be no longer than 18 feet in length. Traffic visibility leaving the residence should not be impacted as there would be over 25 feet between the fence and the curb.

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

The house was built in 1949, prior to the Community Center being constructed. This situation is not unique as there are other instances throughout the city where properties are located along busy county roads or across from churches, schools, businesses, etc. that could also be impacted by vehicle lights and noise.

The zoning code allows fences 42 inches or shorter within the front yard setback. The height of the proposed fence may be considered a convenience to the applicant, not a practical difficulty. The applicant could construct a seven foot fence 30 feet from the front property line, complying with code requirements or move the fence closer to the home reducing the size of the variance requested.

4. *The variance will not alter the essential character of the locality.*

There are fences in all residential neighborhoods. One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed seven foot fence would be one of the only fences along the front lot line in this particular residential area. Staff has felt front yard encroachments can have a greater impact on the character of the neighborhood compared to side or rear encroachments.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

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

Approval: If the Planning Commission finds the Variance to be acceptable, the Commission has the following options:

A. Approval of the Variance to allow the construction of a seven foot high solid fence in the front yard whereas 30 feet is the required setback for fences taller than 42 inches subject to the following conditions:

1. The fence location shall be in substantial conformance with the site plan dated 10-25-13 on file with the Planning Department.

2. The fence must be located on the land owner's property and out of the County right-of-way.
3. A County work permit is required for equipment located within the County right-of-way.

Denial: If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

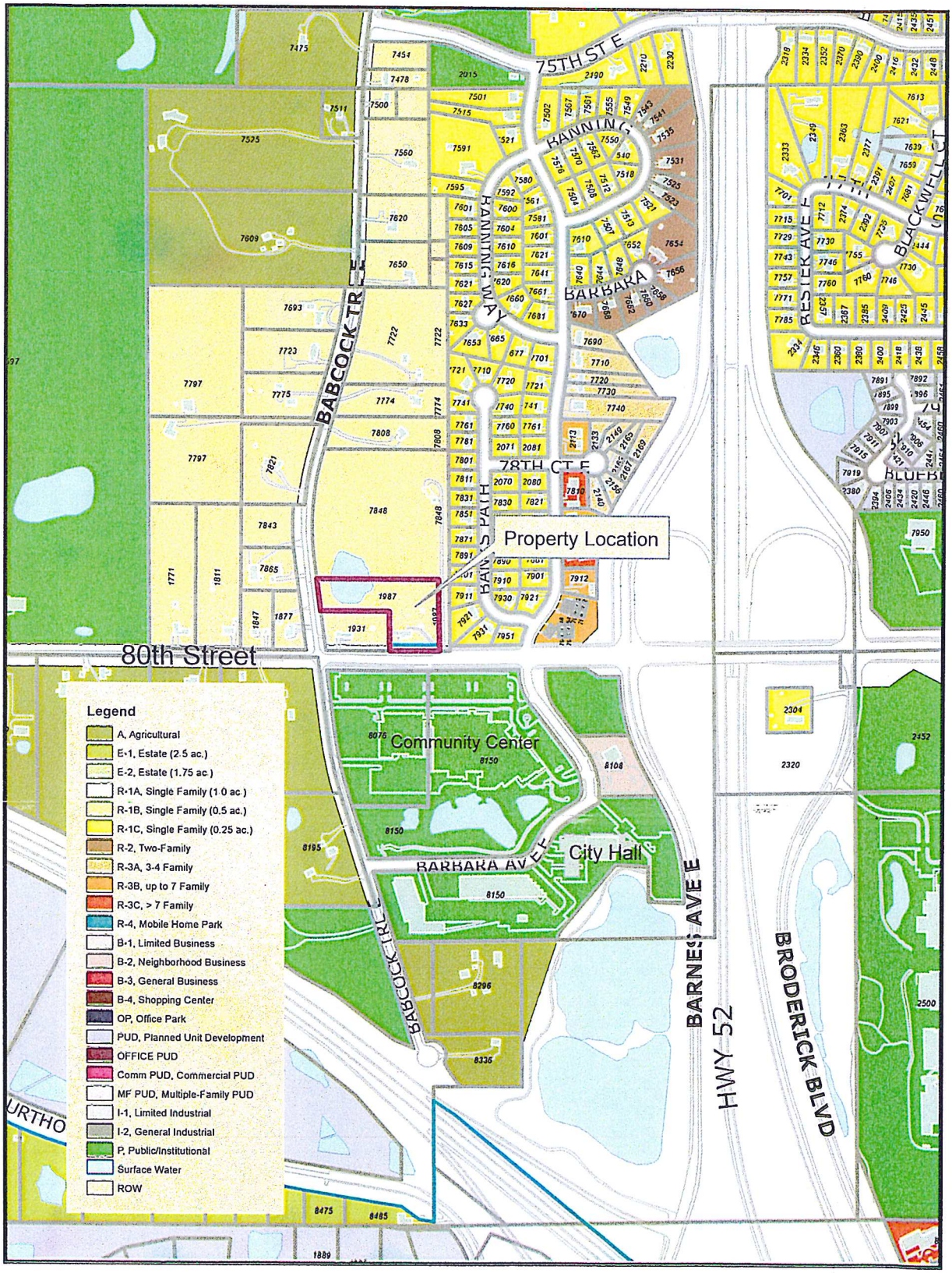
1. Denying the variance request does not preclude the applicant from reasonable use of the property as the property would still function as a single family residence.
2. Approval of the variance could set a precedent for other fences taller than 42 inches located within the front yard.
3. Staff does not believe there are practical difficulties in complying with the official control as the applicant could install the fence 30 feet from the front property line complying with code requirements or locate the fence closer to the home reducing the size of the variance requested.
4. Approval of the fence along the front lot line could alter the character of the neighborhood as it would be the only solid seven foot fence along the front property line in this area.

RECOMMENDATION

Staff believes the variance request is a significant request and the site and situation is not unique. Additionally, the applicant did not identify practical difficulties to comply with the ordinance. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments:
A) Location Map
B) Applicant Narrative
C) Site Plan
D) Aerial Photo
E) Fence Design

Fence Variance
1987 - 80th Street



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Map not to scale

Exhibit A

Zoning and Location Map

October 7, 2013

Inver Grove Heights Planning Commission
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Dear Planning Commission Members:

I am requesting a variance from the existing city code that limits front yard fences to 42 inches in height and "have at least 75% of its area open for clear visibility, i.e. chain link," so that I am allowed to construct an opaque fence 12 feet from the front sidewalk and up to seven feet in height on my property at 1987 80th Street East.

Growing traffic on 80th St., brought on by both new construction in the Northwest Area, and the large increase in truck traffic brought on by this construction and deliveries to the new Target store, 80th Street has become an excessively loud and dangerous roadway. In addition, the lights from cars in the parking lot on 80th Street and the building security lights from the National Guard Amory and the Community Center, shining into the house, makes for an unpleasant residential situation. Lastly, the snow plow vehicles, that plow the parking lot on 80th Street in the middle of many winter nights, creates excessive noise and light pollution that is a hardship for this property.

By constructing an opaque fence, I hope to mitigate the lights shining into the house and some of the noise pollution associated with the street and the parking lot.

There will be landscaping on the street side of the fence to try to reduce the noise further and also to create a pleasant visual esthetic for the public.

If you have any questions, please feel free to contact me at 651-455-8452.

Thank you for your consideration of this request.

Sincerely,

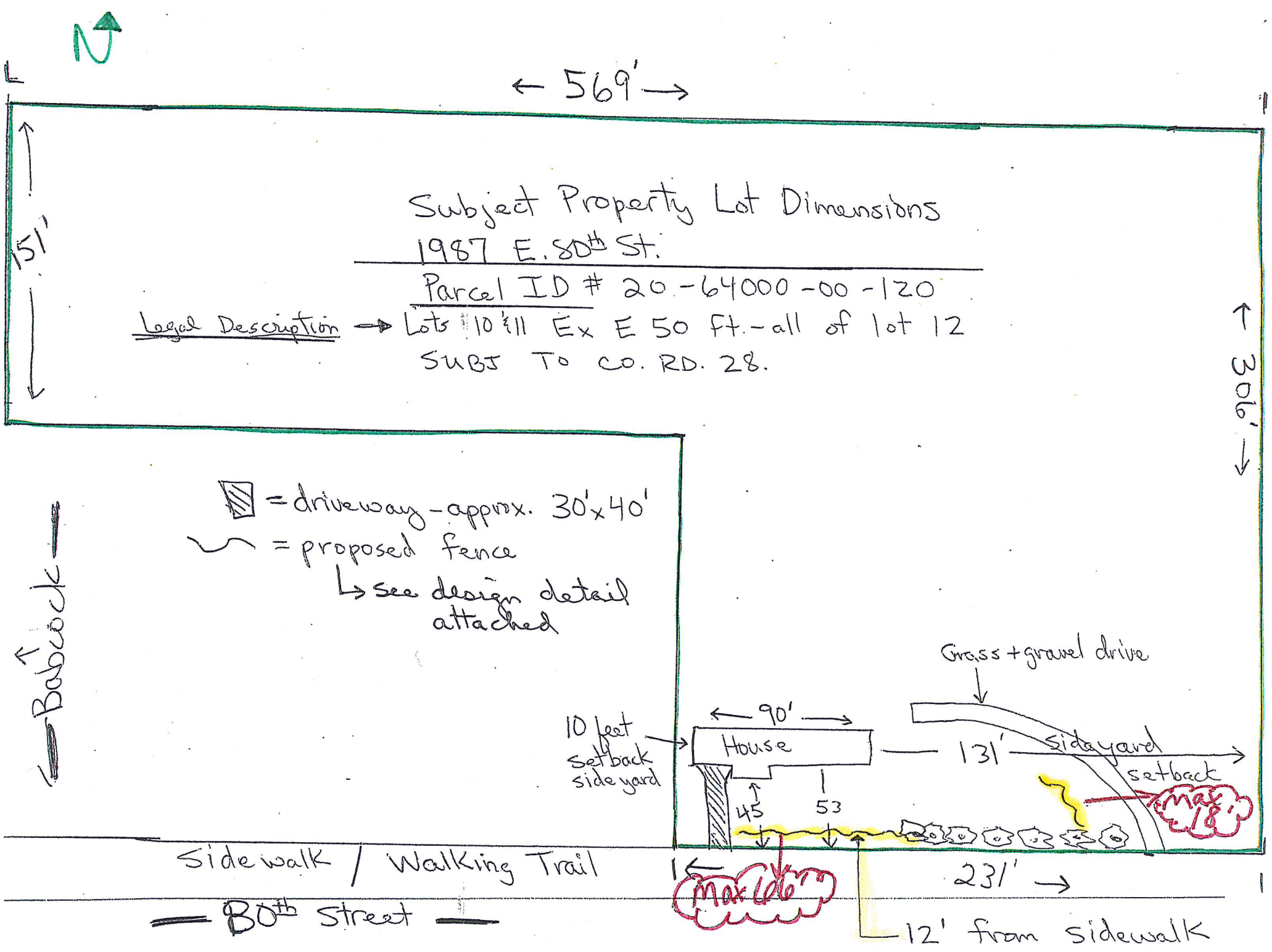
Mary T'Kach, owner
1987 80th Street East
Inver Grove Heights, MN 55077

Subject Property Lot Dimensions

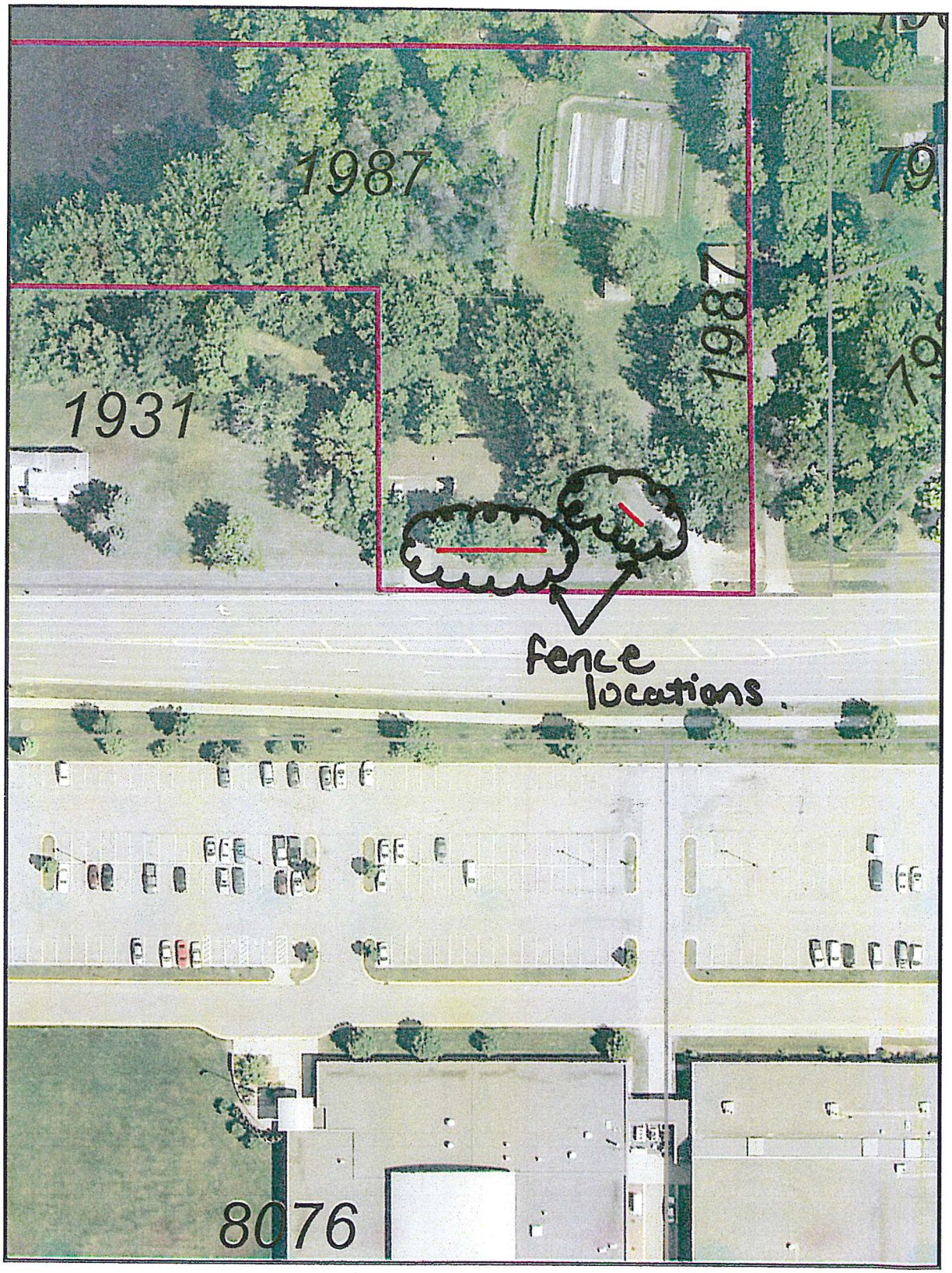
1987 E. 80th St.

Parcel ID # 20-64000-00-120

Legal Description → Lots 10 & 11 Ex E 50 ft. - all of lot 12 SUBJ TO CO. RD. 28.



Mary T'kach
Fence Variance



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Map not to scale

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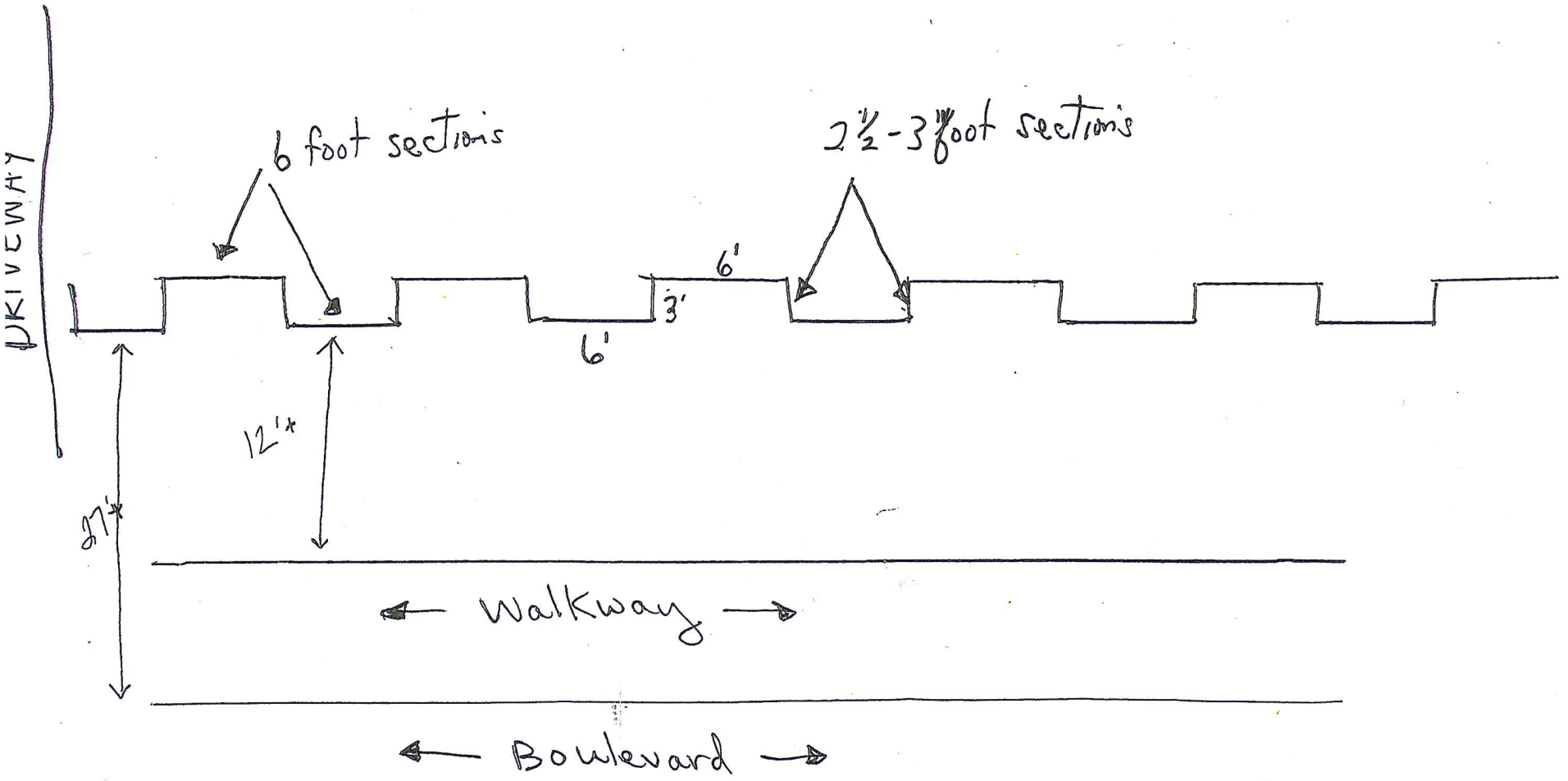
Fence Design Detail