

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, March 4, 2020 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Pat Simon
Joan Robertson
Jonathan Weber
Elizabeth Niemioja
Armando Lissarrague
Annette Maggi
Dennis Wippermann
Brett Kramer

Commissioners Absent: Tony Scales (excused)

Others Present: Heather Botten, Associate Planner
Heather Rand, Community Development Director

SHAWN BRIGGS – CASE NO. 20-03CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to expand the existing mini-storage facility with outdoor vehicle storage, and a variance to allow a fence height of eight feet whereas seven feet is the maximum height allowed, for the property located at 9725 South Robert Trail. 61 notices were mailed.

Presentation of Request

Heather Rand, Community Development Director, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit (CUP) amendment for the full development of the property at 9725 S Robert Trail as a mini storage with outdoor storage and a variance on fence height. The improvements proposed are in phases. Phase I is the original approved plan which includes converting an existing building into climate-controlled storage and seven cold storage buildings. The amendments to the plan include the grading needed for encountered stormwater design changes and future building pad. The landscape plan would be modified to include supplemental plantings in or around the storm pond in the northeast corner of the site. Most of these improvements are already in place. Phase II improvements would include completion of grading, screening, paving, and landscape planting as they relate to the original improvements. The land south of the existing building would be graded, and improvements made to use this area as outdoor storage for RV and trailer parking. Improvements include fencing, landscaping for screening to the west, gravel base for the storage area and perimeter chain link security fencing. There would be additional tree removal to make way for these improvements. The storage area is intended to be temporary until buildings are constructed. Phase III would consist of constructing additional cold storage buildings and a climate-controlled building. No timeframe is suggested for this phase as these would be constructed as needed based on market demand. Additional landscaping and other improvements would be installed with the buildings. The phasing of the future improvements is laid out in their expected order; however, this approval does not dictate that the project must be done in that order. The applicant is also requesting a variance to allow additional screen fencing eight feet in height. After City Council approved the plans on January 14, 2019, City engineering staff were made aware of contamination within the old septic system on the site. This required changes to the original preliminary stormwater management plan and related development plans which were then incorporated into a City Council approved May 2019 Improvement Agreement for the STOR project. Additional grading and tree

removal were required to address the contamination. Residents made the City aware of these changes and the item was discussed at several neighborhood and council meetings. After additional staff review, staff found that the May 2019 Improvement Agreement was in substantial conformance with the CUP plans save and except for a grading change that resulted in the loss of certain site screening. As such, staff required the developer to revise the overall landscape plan including additional eight-foot cedar fencing, the planting of 40 additional trees, installation of a light sensor system to minimize light wash impacts, and the creation of a private conservation easement. During these discussions the applicant was also considering the future for the site and is requesting an amendment to the CUP for the full development of the site with the various phases of development that could occur. Ms. Rand commended the residents and developer for effectively working together towards a solution. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Weber asked if there was a reason they were requesting approval for all three phases rather than one at a time. He stated what is being proposed is a complete change from what was approved in Phase I. He noted that a 2-3 story climate-controlled storage building was now proposed in an area originally planned for RV parking and he questioned whether that building was ever mentioned in prior conversations with the Planning Commission.

Ms. Rand stated she was not present during the Planning Commission discussions, but had she been there she would have recommended to the development team to provide plans for their multi-phased project so as to make the public aware of what was intended for this site.

Heather Botten, Associate Planner, stated she did not recall the building being discussed with the original plans, but advised that the applicants would be better able to address that question.

Commissioner Niemioja stated she would have liked to have the minutes from the original approval included in the packet so Commissioners would have a reference point on this building and site plan.

Ms. Rand apologized for staff not including the minutes from the previous meeting in the packet.

Commissioner Robertson stated she would like to have a better understanding of the changes that were made from the original site plan and how they were resolved.

Ms. Rand displayed an overall sketch of the development as proposed if all the phases were to be complete.

Commissioner Robertson asked staff to show on the map where Phase II would fit in relation to what is currently existing.

Ms. Rand explained where the office building and renovated storage facility was located and where fencing and landscape screening would be placed.

Commissioner Weber asked how high the fence was.

Ms. Rand replied eight feet.

Commissioner Lissarrague asked if there was only one road in and out.

Ms. Rand replied in the affirmative.

Commissioner Weber asked if the vacant parcel abutting the northeast corner of the subject site

was zoned I-1.

Ms. Rand replied in the affirmative.

Commissioner Weber asked if that parcel was landlocked.

Ms. Botten replied in the affirmative.

Commissioner Weber asked if there was a County or State provision that allows future access to that property.

Ms. Botten replied that currently there was nothing proposed for access to that site. It was a tax forfeit piece that is now owned by a separate entity.

Commissioner Robertson asked if there was a potential for the landlocked piece to get access.

Ms. Botten replied that currently it only had access to it by rail. The property owner would have to obtain access either from the homeowner to the north or landowner to the east. There is a regional basin on that property as well.

Commissioner Niemioja asked who managed the basin.

Ms. Botten replied that currently it is private. If the property were to be developed the City would acquire an easement over that basin.

Ms. Rand showed a diagram of Phase II.

Commissioner Robertson asked where Phase III would be located.

Chair Maggi asked if the three-story climate-controlled building was part of Phase III.

Ms. Rand replied in the affirmative, stating Phase III included additional cold storage buildings as well. Phase II included outdoor storage for RV's and trailers. The phases may go in at different times than what is anticipated based on market demand.

Chair Maggi asked if approval today would include approval of everything related to the proposed 2-3 story climate-controlled building.

Ms. Rand replied in the affirmative.

Chair Maggi asked what the height was on the proposed building.

Ms. Rand replied the proposed height was 40 feet whereas 60 feet is the maximum allowed.

Commissioner Simon asked when the entrance to the site would be modified to provide a safer access for larger trucks.

Ms. Rand asked to have the developer speak to that.

Opening of Public Hearing

The applicant, Brian Briggs, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Briggs replied that he had not personally read the report but likely representatives from his company had. He stated one of the reasons they are looking ahead to Phase II and Phase III is to minimize the times commissioners and neighbors need to come back through this process. In response to the question about what changes have occurred, Mr. Briggs advised that as the Phase I and Phase II studies were completed, they found mild contamination in the area originally planned for stormwater infiltration. The MPCA made a recommendation relative to ponding and, in addition to some stormwater design changes, they are now proposing to construct a climate-controlled storage building where it had initially been approved for RV parking. The area will be a grassy area until Phase III development. The landscape and fencing plan were also changed to address these changes. The changes created concerns for the neighbors, however, so they have been working with them to come up with workable solutions. Those solutions are very expensive, but he is willing to incur the costs if it is something that is acceptable to the neighbors and allows them to move forward. He thinks this is a good fit for this property which has been sitting vacant for 10 years and been a blight to the community. They are building a first-rate secure self-storage facility which he feels is an improvement over other uses that are allowed on this property, such as a distribution center.

Commissioner Lissarrague asked how many storage units were proposed in total.

Mr. Briggs replied that there are 68 parking spaces in the first phase. There will be just under 300 units within the climate-controlled and non-climate-controlled buildings. Depending on the demands of the community, they could ultimately have another 10-11 parking spaces and an additional 800 storage units.

Commissioner Simon asked the applicant if he owned the existing storage facility to the west.

Mr. Briggs replied he did not.

Commissioner Simon noted the steep slopes between the subject property and the neighboring property to the west, and asked if there was a plan in place to retain the water on the subject site and ensure it did not run to the existing storage facility to the west.

Mr. Briggs replied in the affirmative.

Commissioner Simon asked if the entrance modifications had been completed yet.

Mr. Briggs replied that it was not yet finished but was planned as part of Phase I.

Commissioner Wippermann asked for clarification of the \$5,000 grant to neighbors.

Mr. Briggs explained that the neighbors were concerned about how the Phase I development changes were handled and how it affected their view, etc. To address those concerns they agreed to move the RV parking, change the fencing, provide a nature easement, put in additional plantings, and provide a \$5,000 advance to the neighbors to use in their own backyards as they see fit.

Commissioner Robertson asked to hear more information from the engineer.

Steve Johnston, Elan Design, provided some background on the site plan. He advised that the initial Phase I was designed entirely within the original existing building and the parking lot. As they approached that project; however, they discovered some contamination in the northeast corner of the site where the infiltration area was proposed. Since they could no longer do

infiltration there, the stormwater management system moved around the site. As they did that, they preserved a building area in that northeast corner of the site. The buildings that were approved last year are either built or in the process of being built. An office building was also built along South Robert Trail and they reconfigured the entrance into the site. As they started negotiating with the neighbors it became obvious that they should establish an overall plan for the site rather than piecemealing it. After many discussions it was determined that it made the most sense to put a climate-controlled storage building in the northeast corner of the site. Regarding the abutting landlocked parcel mentioned earlier, he advised that is shown on all City maps as a stormwater pond. It had gone tax forfeit and the State put it up for auction. The State did not contact the City to ask if they wanted the property for their stormwater pond even though that is what it was planned for, and instead someone purchased it for back taxes. The property sits on the railroad line, is in the flood zone, has no street access to it, and is essentially undevelopable. We are not providing access to it because there is no reason to.

Commissioner Weber asked Mr. Johnston if he was saying if the owner requested access, he would not provide it.

Mr. Johnston stated that was not what he was saying, and he could not speak for the developer as to whether he would provide access. His point was that the property is intended to store stormwater. Access would have to be arranged through the private road. For the next part of the plan they took off the top of the hill and created a plateau that they could use for development. Stormwater runoff is designed to flow towards the stormwater ponds in the east. He clarified that Phase I is what was approved last year, Phase II is essentially preparing the site for development, and Phase III is constructing buildings.

Commissioner Robertson asked if the City Engineer had approved the design.

Mr. Johnston replied that since they did not receive any comments from the City Engineer asking for changes, he assumes that he has no issues with it. He noted that there are technical engineering comments that need to be addressed prior to going to City Council.

Commissioner Robertson asked if the City's engineering staff were a part of the process.

Mr. Johnston replied in the affirmative.

Commissioner Weber asked Mr. Johnston to address why the Barr Engineering report refers to a one-inch infiltration rate rather than a 100-year event as is typical with most developments, the discrepancy with the weir outlets for Phase III, and the recommended modifications to the culvert outlet.

Mr. Johnston replied that they have designed the system to infiltrate 1.1 inch, which exceeds City standards, and he intends to resolve the weir design discrepancy and culvert outlet but did not have enough time to do that before tonight's meeting. He advised that they are providing rain control in all directions up to and including the 100-year event. The items mentioned in Barr's report are technical engineering items that they are in the process of working out and do not change the plan from a planning perspective. He anticipates them being resolved prior to going to City Council.

Commissioner Niemioja stated she would have liked to see those changes as well since the Planning Commission hears a lot of the complaints from affected property owners.

Chair Maggi asked how close the proposed and existing buildings would be from the closest residential property.

Mr. Johnston replied that the Phase III building would be 130 feet from the property line to the north and the buildings on the west would be 100 feet from the property line. They plan to screen the buildings from residents using tree plantings and fencing.

Commissioner Robertson asked if the applicants had to go through this process with the City of Eagan as well since the west side of the parcel abuts Eagan.

Mr. Johnston replied they did not, although City staff may have shared this information with Eagan.

Grant Robbins, 9432 Tyne Lane, stated there have been many discussions between the neighbors and City Council, staff, and the developers. The neighborhood is generally owned by a group of people who have lived there for 15-plus years. When the neighborhood was developed there was a medical device manufacturing company on the subject site, and it was heavily wooded. Regarding previous comments about what the original plan was, he advised that once the contamination was found in an area on the edge of an infiltration basin, the plan was then reworked. During that phase there were substantial changes made to the northeast portion of the site. The pad where the future climate-controlled storage building would be built was not in the original plan. The pad moved closer to the residential properties and the capacity was increased. The changes from the original plan made after the City Council approved the final plans were the reason for all the neighborhood/developer/staff discussions.

Chair Maggi asked for clarification on whether the stormwater pond was changed to allow for future development or because of contamination issues.

Ms. Rand replied she was not comfortable commenting as she was not involved enough.

Commissioner Robertson asked if what the neighbors saw for Phase I included the Phase III climate-controlled building.

Mr. Robbins replied that the original approvals did not include that building. He pointed out an area where approximately two acres of trees were removed which were intended to stay in place, which is what got the neighbors involved.

Commissioner Weber stated what he is hearing is that because the pond changed all the trees got removed, which allowed for Phase III to be an option whereas with the original plan a Phase III building would not fit on the site.

Mr. Robbins replied that for that building to fit trees would have had to have been removed and further changes would have needed to be made to the stormwater pond. The neighborhood's concern with the tree removal was primarily that the only roadway in and out of the site was supposed to be fully sheltered by mature trees; once the trees were gone they became aware that they were going to have headlights shining into their homes 24-hours a day. In response to that they worked collaboratively with the developers and staff on determining what changes needed to be made to provide screening for the residential properties.

Commissioner Robertson asked if the trees and vegetation that were approved with Phase I in that area were subsequently removed.

Mr. Robbins replied in the affirmative, stating the removal was approved by the City's engineering department after-the-fact. The City has stated that the plans as built are in substantial conformance with the CUP, except for a grading change that resulted in loss of site screening. The subsequent discussions between the developer

and neighbors have been about improving the site screening to make up for the additional tree removal. What is in front of you today is the revised plan they came up with. The plan includes an 8-foot cedar fence and conservation easement, both of which are very important to the neighbors. These will help screen site traffic and future development activity from the neighbors. There are also ten trees proposed along the fence line to make it look more attractive than a fence. The original plan was for RV and vehicle storage to be on the northeast portion of the site. The Tyne Lane neighbors advised the developer that they would prefer to see something other than vehicle storage in that area. They honored that request and are now proposing to construct a climate-controlled storage building instead. The developers have also agreed to a conservation easement which will ensure nothing could damage the trees or landscaping in that area. He noted that the developer will be giving \$5,000 to some adjacent residents so they can install additional screening on their side of the property line as well. He advised that there are three LED lights in particular that are problematic for the residents because their bedrooms sit at a lower elevation than the lights and therefore the bulb is visible from their homes and the light is very intense. The developer has agreed to install a shield around those lights to prevent the bulbs from being visible from the neighborhood. There are also three pole lights that have partial shields. This has provided some help but depending on which house you are in and which angle you are looking at; those lights are still a problem. To remedy that they have agreed to continue around the light with the shielding. The applicant also agreed to modify the landscape plan by moving trees that are in areas not needed for screening to locations that will help screen the development from neighboring residents. Phase II and Phase III buildings do not have any plans in the photometrics for pole lights which is important to the neighborhood because they are impossible to screen because of their height. The neighbors would like to see the building lighting as it is shown in the current photometric plans. In the neighbor's opinion, the Phase III climate-controlled storage building in the northeast portion of the site is the best option of the three proposed. Regarding building height, the neighbors are requesting that there be a limit established of 40 feet high for the proposed climate-controlled storage building. 60 feet is the maximum allowed, and the developer is proposing 30 feet with the option to go to 40 feet. The residents are also requesting that the north side of that building be colored, textured, and moderately attractive since it will be a fairly large building. He stated that he appreciated the developers and City's help in modifying the plan to address some of their concerns and he encouraged the Planning Commission to approve the request.

Commissioner Lissarrague asked Mr. Robbins if the neighbors had a good working relationship with the developer.

Mr. Robbins replied that they were surprised by some things that happened in the summer of 2019, so they alerted the City to the things that happened that did not seem consistent with the approved plans. They then started to meet regularly with the developers and had constructive dialogue that resulted in several changes.

Commissioner Weber asked if the whole neighborhood was in support of Phases II and III and if denial of the request would have any negative impact to the neighborhood.

Mr. Robbins noted that there are roughly 13 houses on Tyne Lane that are not here tonight, but the ones that are here support the feedback he provided tonight. They would like to see the Planning Commission approve the Phase I adjustments which resolve the issues associated with the December 2018 CUP. They also support Phase II and Phase III with the changes discussed.

Paul Brown, 9446 Tyne Lane, stated that he and his wife have lived in this neighborhood for 21 years. He displayed a photo of his backyard taken last night which showed light cast across his yard by a pole light from the STOR facility. He requested that the perimeter lighting be addressed in addition to the lighting modifications that have been agreed to.

Jack Esser, 9305 Albano Trail, stated he has lived in the Ves Valley development, east of 149, for 18 years. From his two-story home he looks directly at this storage facility and would not have known about the request had it not been for the Tyne Lane residents. He requested that this project be put on hold in order to get more opinions before proceeding with a 40-foot building that no tree or fence can disguise from his vantage point.

Chair Maggi asked Mr. Esser if he knew this property was zoned I-1 when he built his home. She stated one of the challenges the planning commission faces is that the developer is within their rights to develop the property; however, she understands that the neighbors are used to this property being the way it was when they moved in.

Mr. Esser questioned what value this storage facility brought to the city, questioned whether it would negatively affect his property values, and felt there was not a need for more storage facilities in the city.

Chair Maggi advised that the planning commission's purview is whether this is an appropriate land use. She agreed that there were a number of storage facilities in the city but stated they would likely not be building more if people were not using them.

Mr. Esser asked commissioners to recognize that his neighbors are also Inver Grove Heights taxpayers, and he would prefer to see a different use there, such as an event center.

Commissioner Simon advised that based on the zoning regulations the applicants have the right to build a 60-foot tall building.

Commissioner Niemioja noted that other factors are considered as well.

Commissioner Robertson stated this highlights the fact that property uses effect more than the immediate area around it. She stated it was unfortunate that Mr. Esser and his neighbors were not noticed on this request, but she knows there is a specific distance required when determining who receives public hearing notices.

Commissioner Lissarrague stated that he does not believe our city needs more mini-storages and asked how large this would be compared to the other ones in the area.

Ms. Rand replied that she did not have that information readily available.

Dave Klee, 504 Severn Way, Eagan, stated he has lived in his home directly west of the STOR property for 26 years. He is concerned about the tree removal planned for Phase II and is requesting that more trees be installed on the west side of the property to provide a buffer to Eagan residents rather than on the south, where there are no homes.

Chair Maggi asked Mr. Klee if he had been involved in the neighbor discussions with the developer.

Mr. Klee replied that he was not.

Chair Maggi acknowledged Mr. Klee's request of the developer to provide coverage that offers the greatest level of screening to the neighbors. She also noted that the residents to the north have stated they did not want RV parking next to them and therefore she questioned why the residents to the west would want it next to them, which is what is being proposed.

Mr. Johnston explained that the reason there are no trees in that area is because they are proposing a fence instead; however, they would be agreeable with working with the neighbors to plant trees instead of a fence if that is what they desire. The lot directly to the west is heavily wooded and therefore they thought a fence would be a better option. He pointed out that there is a possibility there will never be RV parking on the west side.

Commissioner Weber asked to see a rendering of the proposed climate-controlled building.

Elliot Stendel, Architectural Consortium, 901 North Street, Minneapolis, showed renderings of the proposed building and explained their design.

Commissioner Weber asked how tall the east elevation was.

Mr. Stendel replied that 32 feet is the current scenario.

Commissioner Weber asked if that was technically the highest building elevation because of the drop in topography.

Mr. Stendel replied in the affirmative.

Mary Kerr, 9374 Albano Trail, stated she lived east of the subject site and would now have to look at a lit STOR sign on the side of the proposed building; however, she lives in a neighborhood that does not even have streetlights.

Mr. Stendel advised that there was a placeholder for a sign on the east side; however, that may not even be allowed.

Commissioner Weber asked if a second sign on the property was part of the variance request.

Chair Maggi replied that it was not.

Ms. Botten advised that a variance was not needed for a wall sign if it complied with the City's sign requirements; it would just be a permitted use.

Ms. Kerr stated that had STOR not taken the trees down without permission they would not be seeing the building.

Victor Salimone, 9436 Tyne Lane, asked if the applicants would need a variance if they wanted to build higher than the 32-foot building shown in the plans. He also wanted to know if there were any windows on the north side, stating if so, that would be a point of contention.

Chair Maggi replied that current code allows for up to 60 feet of building height so anything below that would not require a variance. She was not sure if there were codes or ordinances relating to windows on buildings.

Ms. Rand asked the developer to speak to the window concern by the neighbors.

Shawn Briggs, 9725 South Robert Trail, stated that they have no plans to put windows on the north side. It is more expensive to build and would result in less rentable storage space, in addition to making the neighbors unhappy. He advised that the rendering shown was the basic idea of what they were thinking of in terms of size, shape, finishes, etc. The reason they are bringing the long-term plan to the City is so everyone can move forward for years into the future with as much clarity as possible. We have worked through a lot of the lighting issues, and he thinks they can address

the light shown in the photo earlier with some additional custom shielding. He will discuss this with their lighting designer. He advised that as soon as the lights were installed, they realized they were too bright. In the interim they figured out how to deal with them. The first step was to have a shield manufactured and installed. The second step was to spend \$25,000 on a NASA grade dimming system for the lights. The third step was to put custom shielding on the backs of all those lights which subsequently invalidated their warranties. He will be having a conversation with the engineer to make sure there will be no unintended consequences of putting on those custom shields. In terms of why RV's would be parked in the south but not in the northeast portion of the site, Mr. Briggs stated the elevations are totally different. The neighbors in the northeast would be looking straight at the parking from their backyards whereas on the south side of the parcel the site sits much higher than the adjacent neighbors.

Mr. Robbins thanked Mr. Briggs for agreeing to address the last lighting issue on the north side which would be a substantial improvement. He noted that if ever the applicant decides to build a 60-foot climate-controlled building versus the 30-foot proposed with the option to go up to 40, he would consider that to be substantially more than 40 and would expect that there would be renotification to give the neighborhood an opportunity to have some dialogue.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi thanked everyone for all their work in partnering to try to find resolution on this issue. She believes that the developer is doing their part to find reasonable solutions regarding neighborhood concerns and noted that she has never seen a developer give money to neighboring property owners to landscape their own properties. She stated this is difficult in that the developer has the right to use his property as it is zoned; however, the Commission always wants to consider what matters to the neighbors as well. The challenge is that people want the right to use their own property as they see fit but in cases like this, they also want the right to tell others how to use their property. She supports the request knowing that additional work needs to be done on the trees.

Commissioner Niemioja commended the joint efforts of the neighbors, staff, and developer to try to find a way to utilize property but not harm the neighbors' right to enjoy their own property. She is concerned that somewhere along the line the major problem lies with the City in that the development that occurred was not what the Planning Commission approved. This makes her question what triggers a substantial change and notice being given again to neighbors. In her opinion this was a major change and staff should not have had the ability to approve it without first bringing it back to City Council. If it had gone to City Council this would never have happened as the details would have been worked out ahead of time. She advised all citizens to look at the agendas on the City's website to see what is being discussed. The Planning Commission would likely have had a lot to say on this change had it come back for approval as they work extremely hard to look at aesthetics, land use, and how proposals affect the neighborhood. She will likely approve this since the outstanding lighting and landscaping issues are on record and the hardship for the variance seems to comply. However, in her opinion the plan was substantially changed and should have been acknowledged by the City.

Commissioner Lissarrague stated he was disappointed about the tree removal as this project affects neighbors' quality of life. He commended the developers on working courteously with the residents but did not think this was an ideal location for a storage facility. He would like to see the project slow down and questioned whether something could be negotiated regarding access for the landlocked parcel.

Ms. Botten stated it was not a new lot, it has always been landlocked, and staff does not think it is the developer's responsibility to provide access to that property.

Commissioner Weber understood that it was not the developer's responsibility to give access, but he would like to have that conversation as it is zoned I-1 of which there is very little in the City.

Chair Maggi agreed, but stated it did not play into the approval of this request.

Commissioner Robertson commended the professional feedback and the way it was presented from the neighbors. She stated she would not vote for approval tonight because of the outstanding light and tree concerns not being listed as requirements, and the fact that they have not heard from the City Engineer as to whether he believes that what is being recommended for the south side will in fact resolve the problem.

Chair Maggi stated conditions around trees and lighting could be added; however, she is concerned about requiring that as the things the developer is agreeing to do to accommodate the neighbors may not comply with City Code.

Commissioner Weber stated the shoebox lighting required in City Code does not typically span 360 degrees like is seen on this property. He is guessing that the LED lights were put on tall poles and the light is washing back.

Commissioner Robertson would be open to tabling the request in order to get more information from the City Engineer on the lighting and where exactly the trees would be taken from and moved to.

Commissioner Niemioja questioned how they could move this forward without the changes made to the plan regarding trees and lighting.

At Chair Maggi's suggestion Commissioners reviewed the conditions of approval one at a time.

Commissioner Weber wanted it to put on record that Condition 1 refers to the Phase II and Phase III Erosion Control Plan dated 2-14-2020, however, there are several discrepancies listed in the Barr report that still need to be resolved.

Ms. Botten stated that the comment at the bottom of the plan list addresses that concern. It states that the final list of approved plans and date of plans will be identified in the development contract and stamped by the City Engineer as approved.

Commissioner Kramer added that Condition 9 covers that as well by requiring that final plans, site grading, stormwater management, and erosion control plans shall be approved by the City Engineer.

Commissioner Weber suggested adding Barr Engineering to Condition 9.

Ms. Botten advised that Barr was hired by the City so having the City Engineer approve the plans is in essence approving the Barr report as well, but the Commission could add verbiage to require that the plans be approved by both the City Engineer and Barr Engineering.

Commissioner Weber would prefer to have that verbiage added in order to make sure it is clear that the Planning Commission's approval includes the recommendations from Barr Engineering.

Chair Maggi asked if there were any recommended changes to Condition 2.

Commissioner Weber asked if this was where they would address the tree revisions to address the

issues brought up by the neighborhood.

Chair Maggi replied in the affirmative, and suggested they add language stating that improvements such as landscaping, screening, and grading shall be installed to provide the greatest amount of screening for the neighborhoods.

Commissioner Weber asked for clarification on wall signs regulations.

Ms. Botten advised there are size requirements and a total square footage that is allowed on the entire property. If they comply with those requirements, they do not need any variances, just a building permit. Also, they are allowed to have a lit sign on the side of their building.

Chair Maggi stated so far the two recommended changes were to Conditions 2 and 9.

Commissioner Niemioja asked if there needed to be additional language to Condition 5 regarding lighting since existing lighting was part of the problem.

Commissioner Weber read the condition which requires that all parking lot and building lighting be downcast shoebox style and that the bulb shall not be visible from property lines.

Commissioner Robertson stated that you could see the light without seeing the bulb.

Commissioner Niemioja acknowledged that some downcast lighting was necessary for security purposes.

Commissioner Weber stated there was a similar issue at Target and simple modifications to the shoebox style downcast lighting resolved the issues.

Commissioner Simon asked if the height of the light was part of the problem.

Commissioner Niemioja advised that if it was too high you would see the bulb.

Commissioner Weber pointed out that the condition requires that the bulb not be visible.

Chair Maggi reminded commissioners that their purview was reasonable land use.

Commissioner Niemioja stated they could look at aesthetics as well.

Ms. Botten stated that to alleviate some concerns about a 60-foot building, based on the elevation plan that was submitted and shown tonight by the developer, the Planning Commission could add a condition stating that the proposed climate-controlled storage building cannot exceed 40-feet in height.

Ms. Rand stated the developer has requested the flexibility to go up to 45 feet.

Commissioner Weber stated he was uncomfortable with 45-feet versus 40 because at 45 feet you could have three stories above ground.

Chair Maggi stated the current code allows up to 60 feet and she wants to know what the concern is to restrict it to 40.

Commissioner Niemioja replied because of aesthetics and the general neighborhood concern. Also, the overall guiding principles of the comprehensive plan allow us to have a building in an

area that somewhat conforms to the surrounding area.

Commissioner Weber stated his documents refer to a 21-foot tall building, the architect indicated needing 32-feet; therefore, 40 feet seems generous.

Chair Maggi asked if the developer would have to come back for an amendment if they determined that they needed 45 feet, but 40 feet was approved.

Ms. Botten replied in the affirmative.

Commissioner Wippermann stated the developer has done a good job of trying to accommodate the neighbors and he would not be opposed to allowing up to 45 feet.

The remainder of the commissioners advised they were agreeable with 45 feet as well.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request for a conditional use permit amendment to expand the existing mini-storage facility with outdoor vehicle storage, with the conditions listed in the report and **1) a change to Condition 2 to add language stating that improvements such as landscaping, screening, and grading shall be installed to provide the greatest amount of screening for the neighborhoods, 2) a change to Condition 9 to add 'and Barr Engineering', and 3) adding Condition 13 to allow a maximum height of 45 feet to the Phase III climate-controlled storage building**, and a variance to allow a fence height of eight feet whereas seven feet is the maximum height allowed, with the practical difficulty as listed in the report, for the property located at 9725 South Robert Trail.

Commissioner Wippermann commended the residents on focusing on the things that were most important to them and working with the developer to agree on a solution acceptable to both parties.

Motion carried (8/0).

Ms. Rand heard stated she was unsure when this item would go to City Council.

Chair Maggi advised residents to check the City's website for the Council date.

CITY OF INVER GROVE HEIGHTS – CASE NO. 20-04ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 Chapter 15 of the City Code (Zoning Regulations) to allow the exceedance of impervious surface on a single-family residential lot by a Storm Water Facilities Maintenance Agreement and not a conditional use permit. No notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that staff is suggesting a review of the residential impervious surface ordinance in an effort to streamline the public process. Staff brought this item to a Council work session where they authorized staff to move forward with a possible ordinance amendment. Currently impervious surface is limited on single-family residential lots in the City. The code also has provisions to allow a lot owner to exceed the maximum impervious surface amount by up to 10% with a conditional use permit (CUP). One of the requirements of the CUP to exceed the impervious surface is to obtain a Storm Water Facilities Maintenance Agreement (SWFMA), which is an agreement

between the applicant and the City that addresses responsibilities and maintenance of the SWFMA system on the property. Staff believes that the objective of the impervious surface ordinance can still be obtained by removing the CUP portion and just requiring the SWFMA. If the CUP portion is removed from the City Code the homeowner would no longer need to pay a \$296 application fee and would not need to go through the public process, which includes neighbor notification and is typically a 6-8-week process. The SWFMA requires a separate escrow and City Council approval. Those are requirements that exist today and would not be changing. Since all CUP requests to exceed the impervious surface by up to 10% of lot size have been approved over the last 10 years, and a SWFMA would still be required, staff recommends approval of the ordinance amendment as presented, with one change to the table as noted regarding crossing out CUP and replacing with SWFMA.

Chair Maggi asked staff to explain the details of a SWFMA.

Ms. Botten advised that it is a recorded document drafted by the City Attorney and includes general language about who is responsible for maintenance, what is required, a site plan, etc.

Commissioner Simon asked if stormwater ponds needed to be professionally designed and installed.

Ms. Botten stated that was not required, however, most homeowners do not know how to do that, so they are typically done by a professional. It must be approved by the City Engineer.

Commissioner Simon asked who does the testing to ensure the infiltration capacity will work.

Ms. Botten replied that the City's Engineering Department tests the systems and ensures they are installed properly.

Commissioner Kramer asked how many of these requests require some action by the homeowner.

Ms. Botten replied all of them. Anyone exceeding the impervious surface maximum would need a SWFMA, which requires the homeowner to do something. Even if the City were to acquire an easement over a regional basin the homeowner would still be involved in the process.

Commissioner Kramer asked if there was always a rain garden required at minimum.

Mr. Botten replied that anything exceeding what your lot was set up to handle would have to be treated on site with an approved stormwater system.

Commissioner Wippermann asked what the process would be if someone wanted to exceed more than 10% of the allowed impervious surface.

Ms. Botten replied that the process would remain the same. They would need a variance to be in excess of the 10% of lot size which would require neighbor notification and a public hearing.

Commissioner Wippermann supported the ordinance amendment as the applicant could save time and money and the City still gets what it wants.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for an ordinance amendment to Title 10 Chapter 15 of the City Code (Zoning Regulations) to allow the exceedance of impervious surface on a single-family residential lot by a Storm Water Facilities Maintenance Agreement and not a conditional use permit.

Motion carried (8/0).

The meeting was unanimously adjourned at 9:36 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary