

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 2, 2021 - 7:00 p.m.
REMOTE MEETING

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

Commissioners Present: Elizabeth Niemioja
Annette Maggi
Brett Kramer
Dennis Wippermann
Pat Simon
Scott Clancy
Kate Challeen
Joan Robertson
Jonathan Weber

Commissioners Absent:

Others Present: Allan Hunting, City Planner
Heather Rand, Community Development Director

APPROVAL OF MINUTES

The minutes from the January 19, 2021 Planning Commission meeting were approved as submitted.

OTHER BUSINESS

City of Inver Grove Heights - Case No. 21-07X and 21-08X

Steve Dodge, Assistant City Engineer, explained the two projects as detailed in the reports. He advised that the Planning is being asked to review capital improvement projects for consistency with the comprehensive plan. The first project is for street rehabilitation, stormwater system improvements, and appurtenances for the Bryant Lane area (aka Majestic Woodlands). The feasibility report has been received by City Council and they will be holding a public hearing on February 22. This project was approved with the City's 2020 CIP as part of the pavement management plan.

Mr. Dodge explained the second project, which is the implementation of the comprehensive sanitary sewer plan Option 2B. This option conveys the north portion of the NWA Robert District to the B-Line trunk service district via a future lift station and force main. In 2017 the City approved a feasibility study that looked at things at a much greater depth than what is proposed with Option 2B. The shallower depth will result in a substantial cost savings.

Chair Maggi asked if the affected landowners had been notified of this project.

Mr. Dodge replied that the public hearing was held in 2017; however, staff will be notifying affected property owners and will hold a virtual open house to let them know the City is now implementing the plan and that they are making slight modifications as cost saving measures.

Chair Maggi asked for clarification that notification had not yet taken place.

Mr. Dodge replied that was correct.

Commissioner Simon asked if they were discussing the entire area shown on Mr. Dodge's diagram

or just the Canvas development area at 70th Street and South Robert Trail.

Mr. Dodge showed a diagram and explained they were discussing the south portion of the feasibility study only at this time, which was spurred by the proposed Canvas development.

Commissioner Robertson asked when the work would begin and if the intent was to do just the Canvas development site at this time.

Mr. Dodge replied that the only sanitary sewer that would be developed at this time would be the Canvas site; other developments would have to occur upstream for the sewer to continue.

Motion by Commissioner Simon, second by Commissioner Wippermann, to recommend that the capital expenditure associated with the Bryant Lane Street Rehabilitation and Stormwater System Improvements to be consistent with the comprehensive plan.

Chair Maggi advised that she lives in this neighborhood and would therefore be abstaining from voting.

Motion carried (8/0 with one abstention -Maggi).

Motion by Commissioner Weber, second by Commissioner Challeen, to recommend that the implementation of the comprehensive sanitary sewer plan for the north portion of the NWA Robert District, Option 2B, is consistent with the comprehensive plan.

Motion carried (9/0).

APPLICANT REQUESTS AND PUBLIC HEARINGS

DAKOTA COUNTY (SMART CENTER) - CASE NO. 20-56V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a monument sign to be located within the right-of-way, for the property located at 9260 Courthouse Boulevard. 3 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a setback variance to allow a monument sign to be 50 feet from the centerline of Courthouse Boulevard. The sign is for the Dakota County SMART building that is currently under construction. This segment of Courthouse Boulevard is part of the old alignment of Highway 55 and has a 160-foot-wide right-of-way which far exceeds typical non-highway right-of-way in the City. Placing the sign to meet the setbacks would put it so far back that the sign would be essentially useless. There is also a significant amount of tree growth in the right-of-way and the elevation at the setback line is lower than the road. Engineering reviewed the request regarding potential impacts of this sign location on any future road or trail improvements and determined that the proposed setback of 50 feet from road centerline would provide enough room for future improvements to the road. Engineering and Planning staff recommend approval of the request with the rationale being the excessive right-of-way and other physical constraints such as topography.

Commissioner Simon asked if staff heard from any neighboring property owners.

Mr. Hunting replied they had not.

Commissioner Kramer asked if the City would take on any liability by allowing the sign to be built within the public right-of-way.

Mr. Hunting replied they would not. If approved, an encroachment agreement would be required to address a private improvement within a public right-of-way and stating that if there were any improvements needed the City would not be liable for any potential damage to the sign.

Opening of Public Hearing

Joe Lexa, Dakota County, 1590 Highway 55, Hastings, advised he was available to answer any questions.

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

Mr. Lexa replied in the affirmative.

Commissioner Niemioja stated that she strongly supported the rationale and practical difficulty listed in the report.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi agreed that the rationale for the practical difficulty listed in the report was logical.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Clancy, to approve the request for a variance to allow a monument sign to be located within the right-of-way, for the property located at 9260 Courthouse Boulevard, with the two conditions listed in the report and the practical difficulty being the expansive public right-of-way and topographical limitations.

Motion carried (9/0). This item goes to the City Council on February 8, 2021.

WENCK ASSOCIATES, INC (FORTISTAR) - CASE NO. 21-03ZAC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to the IRM, Integrated Resource Management Overlay District to allow for an energy recovery facility for the generation of renewable natural gas as a conditional use, and a conditional use permit to operate an energy recovery facility, at the subject property located on the east side of Rich Valley Boulevard. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct a renewable natural gas processing plant on the west 100 acres next to the Pine Bend Landfill. Fortistar would be constructing the facility and leasing a five-acre area from Pine Bend Landfill. The plant will convert raw methane gas that comes from the decomposition of the material in the landfill into renewable natural gas that can be used for an alternate energy source. In 1995 the City approved a CUP for an electric power facility that was located in the northwest corner of the landfill. That facility converted methane gas to electricity, which was then sold onto the grid. That facility is no longer in operation. The proposed facility will be a one-story building and will gain access from a driveway constructed to Rich Valley Boulevard. This driveway will be used by employees coming to service the building, but the gas that will be generated will be transferred through underground pipelines, not by trucks. A future pipeline will take the gas to an existing facility in the Xcel system near Rich Valley Boulevard and 105th Street.

There will be approximately three employees at this facility, and it will be served by a private septic system, city water, and its stormwater management will be on site. This property is located within the Integrated Resource Management (IRM) district which was established in the early 1990's specifically for landfills and waste related industries. The ordinance will now need to be amended to allow for an energy recovery facility for the generation of renewable natural gas. All uses in the IRM district are done by conditional use, so a conditional use permit is being requested. Staff recommends approval of both the ordinance amendment and the conditional use permit.

Chair Maggi asked if the proposed pipeline would be constructed through private properties.

Mr. Hunting replied that the applicant could best answer that question, but his understanding was that it would run along Rich Valley Boulevard to the existing pipeline system near the old schoolhouse/city parks building at 105th Street. Zoning approvals are not required since the City's zoning ordinance considers pipelines an essential service which is a permitted use.

Chair Maggi asked if the City would have any liability if there was a pipeline leak.

Mr. Hunting replied that would be Fortistar's responsibility.

Commissioner Robertson asked for confirmation that the pipeline was not yet built.

Mr. Hunting replied in the affirmative, stating this new mile long segment would need to be constructed.

Commissioner Robertson asked if the proposed mile-long pipeline would then connect to an existing system that would allow the natural gas to go to Xcel.

Opening of Public Hearing

Allen Hunt, Fortistar, advised that they currently have a third-party acquiring right-of-way from Flint Hills Resources and expect approval from the Minnesota Public Utilities Commission (PUC) by the end of February.

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

Mr. Hunting replied they had not.

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

Mr. Hunt replied in the affirmative. He advised that he was the project manager that built the former power plant on the northwest side of the landfill. The new facility will take landfill gas, that is currently being flared, remove the contaminants, and transport it by pipeline so it can be utilized by some of their affiliated companies to become compressed natural gas fuel. This will result in a significant emissions reduction as well as off-site reductions by displacing diesel-powered trucks with compressed natural gas trucks.

Commissioner Kramer asked if there were any potential impacts or byproducts resulting from the processing of the methane gas.

Mr. Hunt explained the proposed process, stating that predominantly any contaminants, such as carbon dioxide, residual oxygen and nitrogen, would be removed and combusted in a thermal oxidizer that is part of this facility.

Commissioner Robertson asked why the electricity producing plant was no longer in operation.

Mr. Hunt replied that it became uneconomical to operate about two years ago. The proposed removal of natural gas option is a much better alternative and produces considerably lower emissions.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Challeen stated she supported pursuing renewable energy but wanted confirmation that this would require approval and oversight by the appropriate agencies and regulators.

Mr. Hunt replied in the affirmative, stating the facility would be subject to normal State environmental safety regulations and the pipeline contractor would have to get approval from the utilities commission. The pipeline, from an operational perspective, would be governed by federal rules.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the request for an ordinance amendment to the IRM, Integrated Resource Management Overlay District to allow for an energy recovery facility for the generation of renewable natural gas as a conditional use, and a conditional use permit to operate an energy recovery facility, for the subject property located on the east side of Rich Valley Boulevard, with the eight conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on February 22, 2021.

The meeting was unanimously adjourned at 7:43 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary