

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 17, 2021 - 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

### **1. CALL TO ORDER**

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja  
Jonathan Weber  
Robert Heidenreich  
Dennis Wippermann  
Pat Simon  
Joan Robertson  
Anthony Scales  
Kate Challeen

Commissioner's Absent: Scott Clancy (excused)

Staff Present: Heather Botten, Associate Planner  
Kim Fox, Community Development Specialist

### **2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JULY 6, 2021 AND JULY 20, 2021**

The Planning Commission Meeting Minutes for July 6, 2021 and July 20, 2021 were approved as submitted.

### **3. APPLICANT REQUESTS AND PUBLIC HEARINGS:**

#### **PRESTIGE POOLS - CASE NO. 21-49V**

##### **Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for Prestige Pools, Case No. 21-49V. The request involves property located at 8 High Road and consists of a variance to allow a pool within a side yard and any other variances related thereto. Notices were mailed to 5 property owners on August 4<sup>th</sup>.

##### **Presentation of Request**

Heather Botten, Associate Planner, presented the request for property located east of South Robert Street, off of High Road, which is a private road. It is zoned E-2, Estate Residential District. The Applicant is requesting a variance to allow a pool to be located within the front and side yard of the property, whereas code states pools are only allowed within the rear yard of a property. The property is located on Dickman Lake, which requires a 100-foot setback on unsewered lots. The 100-foot setback is taken from the ordinary high-water mark. On this lot the existing home is constructed on the easterly side of the property and almost up to the 100-foot setback. She said if the owners desired to put the pool in the rear yard, they would need a variance from the ordinary high water shoreland setback. The location of the pool would be at least 60 feet from the front lot line and over 75 feet from the side lot line, which meets setback requirements for a pool. The proposed location also meets impervious surface requirements. She stated there are two reasons Staff believes they have the Code requirement to not allow pools within the front and side yards:

1. Enhance the neighborhood aesthetics
2. Provide privacy for the swimmers

In this case, the Applicant lives on a private road. She said the homeowner provided photos to the

Commission via email showing the existing trees that provide screening from the neighbors and for swimmers using the pool area. Staff does not believe the location of the pool would have an adverse impact to neighboring properties or to the shoreland. The property is unique in that there is 1.66 acres of buildable area. Due to the location of the existing mound system and the shoreland setback, any place the Applicant would want to put a pool some sort of variance would be necessary. Installing the pool within the front and side yard would be protecting the shoreland area. Staff recommends approval with the 4 conditions listed in the report. Staff has not heard from any of the neighboring property owners.

Motion by Commissioner Weber, second by Commissioner Challeen, to admit the two emails from the Homeowner into the record.

Motion carried (8/0).

### **Opening of Public Hearing**

Sena Kihitir, 8 High Road, stated she has read and understands the report.

Chair Niemioja closed the public hearing

### **Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Heidenreich, to approve a variance to allow an in-ground swimming pool within the front and side yards of a residential property located on 8 High Road with the 4 conditions listed. Prestige Pools - Case No. 21-49V.

Motion carried (8/0). This item goes before the City Council on August 23, 2021.

## **NORTHERN STATE POWER COMPANY - CASE NO. 21-51SCV**

### **Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for Northern State Power Company - Case No. 21-51SCV. The request involves property located at the southwest corner of Rich Valley Boulevard and 105<sup>th</sup> Street. The request consists of a Preliminary and Final Plat for a one lot subdivision, a Conditional Use Permit for an Essential Service Building, a Variance from the minimum lot size in an Agriculture District, and a Variance from Exterior Building Material requirements and any other Variances related thereto. Notices were mailed to 18 property owners on August 4<sup>th</sup>.

### **Presentation of Request**

Heather Botten, Associate Planner, presented the request for property located on the southeast corner of 105<sup>th</sup> Street and Rich Valley Boulevard. The property is zoned Agricultural. The Applicant has submitted a request to plat .65 acres of a 36.41-acre parcel for an Essential Service Use. Out of that .65 acres, there would be .24 acres dedicated to the County for CSAH 73 and the remaining .41 acres would be used by Xcel Energy. The parcel abuts another .44-acre parcel owned by NSP. The property is zoned agricultural which requires a 5-acre minimum lot size for a newly created lot. A Variance is being requested from the lot size requirement. The Applicant is requesting to install a 360 square foot structure. The site would be used for a new regulator facility that would capture methane from the landfill and convert it into an energy resource that would be added to the natural gas system. The request is for:

- Preliminary and Final Plat for a one lot subdivision
- Variance from a minimum lot size in an agricultural district
- Conditional Use Permit for an essential service building

Park Dedication for the plat would be in cash contribution paid prior to the release of the final plat.

Access off the property would be using the existing driveway. Structure setbacks would be met. Landscaping is not required for the size of the plat and use proposed. The property would be secure with a fence similar to what is out there with the existing property. The Zoning Code does not address minimum lot sizes for essential service buildings or uses. The proposed building is a conditionally permitted use. Staff believes the request is consistent with the Zoning Code and the Comprehensive Plan. The proposed lot size, Staff believes, has the least amount of impact to neighboring property owners. The proposed use, Staff believes is unique as the building would be an unmanned facility and not require well, septic, or drain field location typically seen on a single-family home site on an acreage property. The general Conditional Use Permit criteria has been met. The improvements do not have a negative effect on city facilities or services. She stated Staff recommends approval of the plat and the CUP as presented with the conditions listed in the report and also with the variance with the practical difficulty listed and with the one condition listed in the report. Staff has heard from three residents that have either called or stopped by City Hall. Those had general questions about what the request was. Staff explained the size of the plat and that it was not the entire parcel and is for an essential service use. They did not appear to have any other concerns.

Commissioner Weber stated the proposed structure going on the property is a shipping container. He questioned what the normal requirement was for what a structure should look like, for example, a standard pole building.

Associate Planner, Heather Botten, responded in the affirmative about the shipping container. She responded about the exterior building materials stating pole construction is allowed in the Agricultural District.

#### **Opening of Public Hearing**

Heather Risely, Project Manager, 9449 83<sup>rd</sup> Street South, Cottage Grove  
Brian Sullivan, Senior Siting & Land Rights Agent, Xcel Energy, 414 Nicollet Mall, Minneapolis  
Both read and understood the report.

Chair Niemioja referenced Page 2 of their letter where it speaks to reforestation and landscape plan and states “they are proposing not to seed the areas surrounding the facility with a pollinator mix of native plants”. She asked if it actually meant they are going to seed pollinator.

Mr. Sullivan responded it was a typo.

Commissioner Weber stated on the plan he noticed the odorant injection skid. He questioned if there would be a gas or smell coming off of this because it is above ground.

Ms. Risely responded they have odorizers around the system. It would be a very small odorizer because of the amount of gas that would be going through it. Unless there is a leak, which there should not be, there will not be any odor.

John Larson, 1938 105<sup>th</sup> Street East, asked if they were purchasing the entire 36-acre parcel or just the small acre corner.

Ms. Botten responded they would just be purchasing the smaller parcel.

Mr. Larson asked if the 36 acres would still belong to Flint Hills and if it would still remain under agricultural.

Ms. Botten responded in the affirmative to both questions.

James French, 10457 Rich Valley, asked if there would be a pipeline from the landfill to this location. He asked what the source of methane would be that they receive.

Ms. Risely responded there is a pipeline being run to the proposed station. There will be a Contractor constructing it. Fortistar is the company that would be creating the renewable gas system at the landfill. Fortistar would be having their Contractor run the pipeline.

Chair Niemioja closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Weber asked if the remainder of this would be fenced in like the other parcel. He noticed they would be removing a section of the fence and questioned if they would fence in the remainder with standard chain link.

Ms. Botten responded in the affirmative to all questions.

Commissioner Challeen asked if there were any safety concerns related to explosion with this facility.

Ms. Risely responded there would be some electrical components and natural gas mechanical components. There would be an insulated fire wall between the electrical components and gas components. They have no thought of any ignition happening in that building.

#### **Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Wippermann, to approve the Variance, Preliminary and Final Plat, and the Conditional Use Permit with the 12 conditions as listed, and the practical difficulty as stated for property located on the southeast corner of 105<sup>th</sup> Street and Rich Valley Boulevard for Northern State Power Company - Case No. 21-51SCV.

Motion carried (8/0). This item goes before the City Council on September 13, 2021.

#### **4. OTHER BUSINESS**

Chair Niemioja stated there was a City Council Work Session she recommends everyone look at and believed it would be helpful to all. It included a presentation given by Community Development Director Heather Rand and Ehlers regarding the northwest area. Ms. Botten mentioned it was the August 2<sup>nd</sup> Work Session.

#### **5. ADJOURN**

The meeting was unanimously adjourned at 7:20 p.m.

Respectfully submitted, Sheri Yourczek, Recording Clerk