

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, June 4, 2019 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. PLANNING COMMISSION MINUTES FOR MAY 21, 2019 ARE NOT YET AVAILABLE; THEY WILL BE INCLUDED WITH THE NEXT PACKET

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 KENTON & ROSALYN MILLER - CASE NO. 19-21V

Consider a **variance** to allow a six foot fence to be located 25 feet from the front property line whereas 30 feet is required for the property located at 5824 Blackberry Trail.

Planning Commission Action _____

3.02 JEFF & CHRISTI SCHADEGG - CASE NO. 19-22C

Consider a **conditional use permit** to operate a Beauty Salon as a home occupation on the property located at 8375 Cooper Way.

Planning Commission Action _____

3.03 MARK ENGEN - CASE NO. 19-25CV

Consider the following requests for the property located at 9255 Courthouse Blvd:

- a) A **conditional use permit** to exceed the maximum impervious surface on the property.

Planning Commission Action _____

- b) A **variance** to allow two accessory buildings on the property whereas one is the maximum allowed.

Planning Commission Action _____

3.04 VANSOUTH LIMITED PARTNERSHIP - CASE NO. 19-24ZC

Consider the following requests for Southridge Shopping Center, located at the property identified as Lot 2, Block 1, Home Depot of Inver Grove Heights:

- a) A **rezoning** of Lot 2 from B-4, Shopping Center to B-3, General Business.

Planning Commission Action _____

- b) A **conditional use permit** to allow a Recreation Center in a portion of the existing building on Lot 2.

Planning Commission Action _____

4. OTHER BUSINESS

4.01 Election of officers

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

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

HEARING DATE: June 4, 2019

CASE NO: 19-21V

APPLICANT & PROPERTY OWNER: Kenton & Rosalyn Miller

REQUEST: Variance to allow a fence taller than 42 inches within the front setback

LOCATION: 5824 Blackberry Trail

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The property owner is requesting a variance to allow the construction of a six-foot high privacy fence, 25 feet from the front property lines whereas 30 feet is required. City code requires any fence within a front yard to be no higher than 42 inches. The reasons for the fence requirements 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 portions of the proposed fence within the front yard setback would be located within a wooded area, set back 25 feet from the front property line.

SPECIFIC REQUEST

The following specific application is being requested:

- A Variance to allow a six-foot fence within the front yard setback whereas 42 inches is the maximum height allowed.

EVALUATION OF THE REQUEST

SURROUNDING USES:

The following land uses, zoning districts, and comprehensive plan designations surround the subject property:

North, South, and West: Single-family homes; zoned R-1C, single-family; guided LDR, low density residential
West: Single-family homes; zoned PUD, Planned Unit Development; guided LDR, low density residential

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 variance, 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 area is developed with single-family homes. The intent of the rule appears to be mainly visibility for traffic and emergency vehicles along the street and driveways. The fence encroachment would be located 25 feet from the property line, not affecting any traffic visibility from the road or neighboring driveways. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as a residential lot which would contain improvements such as fences.

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

City code allows fences 42-inch high, with 75% clear visibility within the front yard setback. Fences along the side and rear property lines can be solid and up to seven feet in height. Staff believes installing a six-foot privacy fence within a small portion of the front yard to be a reasonable use of the property when it is located 25 feet from the property line and over 35 feet from the road.

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

The property is unique in the fact the proposed fence would be located up to a retaining wall on the west side, would be located within a wooded area and may not even be seen from the road. The fence would not affect the visibility along the right-of-way or neighboring driveway as there would be trees closer to the road than the proposed fence and when you include the right-of-way the fence locations would be over 35 feet from the edge of the road.

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

The proposed fence would not alter the essential character of the neighborhood. One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Aesthetically, the proposed fence locations would be located in a wooded area, setback 25 feet from the property line. There would be no impact to site lines or traffic visibility concerns.

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 actions available for the request:

Approval: If the Planning Commission finds the variance application to be acceptable, the following action should be taken:

A. Approval of the Variance to allow the construction of a six-foot high privacy fence within the front yard setback subject to the following condition:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Division except as modified herein.

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

RECOMMENDATION

Staff believes the proposed fence would not be out of character of the neighborhood and is consistent with the comprehensive plan. The request to install a six-foot fence within the front setback is a reasonable use of the property and does not appear to have an adverse impact on the neighboring properties. A practical difficulty can be found in the fact the proposed fence would be located up to a retaining wall on the west side, would be located within a wooded area with trees located closer to the property line than the fence and the fence would not affect the visibility along the right-of-way or neighboring driveway.

Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the fence height variance.

Attachments: Location map
 Applicant narratives
 Site plan
 Photos of the property

Date April 26, 2019

Topic Privacy Fence Variance - Residential

Meeting Objectives

West fence
encroachment

Notes Telephone 651-755-5862 or kenton.miller@delta.com

I Kenton Miller am requesting a 5 foot extension to a privacy fence requiring a variance on my southern property line to meet with a 3 foot high existing retaining wall. The 5 foot privacy fence extension would also terminate at the end of the tree line thus enhancing the look of the rest of the fence that only requires a permit to establish. The 5 foot privacy fence extension would not be detrimental to the public welfare or the neighborhood in which the property is located. The 5 foot privacy fence extension does not affect the supply of light and air to adjacent properties. The 5 foot privacy fence extension is in keeping with the spirit and intent of the City Code and Comprehensive Plan by not visually impairing any motorists.

I would very much appreciate the permission of this 5 foot privacy fence extension to enhance the entire fence line.

Thank you,

Kenton Miller

Action Items

east fence
encroachment

Date May 17, 2019

Topic Privacy Fence Variance - Residential

I Kenton Miller am requesting a 5 foot extension to a privacy fence requiring a variance on my northern property line to meet up with an existing stand of mature trees. The 5 foot variance of privacy fence extension would still contain the end of the fence line in heavy woods cover to be hardly noticeable from the street as well as neighbor. The 5 foot privacy fence extension would not be detrimental to the public welfare or the neighborhood in which the property is located. The 5 foot privacy fence extension does not affect the supply of light and air to adjacent properties. The 5 foot privacy fence extension is in keeping with the spirit and intent of the City Code and Comprehensive Plan by not visually impairing any motorists.

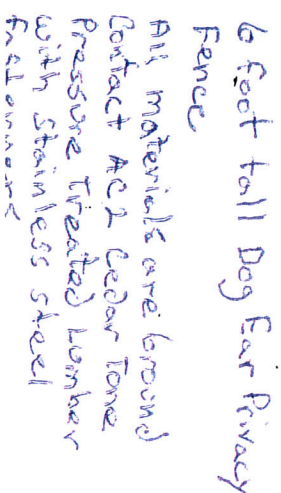
I would very much appreciate the permission of this 5 foot privacy fence extension to enhance the entire fence line.

Thank you,

Kenton Miller
Kenton Miller

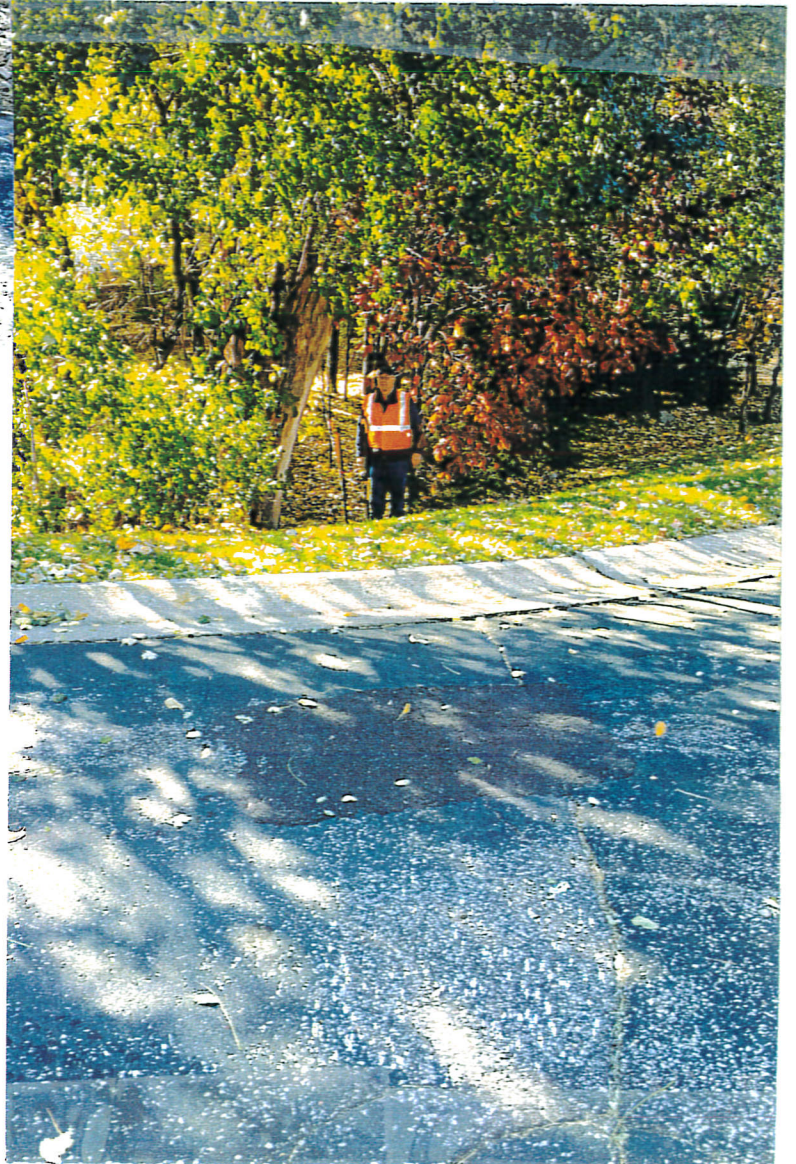
Forsthauer

M, 61, 26, 68N





end of the
west fence line
←



end of the
north-easterly
fence line. →

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

CASE NO: 19-22C

APPLICANT: Jeff & Christi Schadeegg

PROPERTY OWNER: Jeff & Christi Schadeegg

REQUEST: Conditional Use Permit for Beauty/Barber Shop

LOCATION: 8375 Cooper Way

HEARING DATE: June 4, 2019

COMPREHENSIVE PLAN: LDR

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to operate a one chair beauty/barber shop in an existing portion of the house. The salon will occupy an approximate 12' by 13' room in the front of the house. Entrance would be from the front door into the salon area without entering through the home. Customer parking will be provided on the driveway. Service is by appointment only.

EVALUATION OF THE REQUEST

Conditional Use Permit

Within the R-1C district, a beauty shop is a permitted conditional use as a home occupation provided:

- It is operated solely by a principle occupant of the premises;
- The business conforms to the requirements of a Home Occupation; and
- The conditional use criteria of Section 10-3A are satisfied.

Jeff Schadeegg has stated Christi will be the sole beautician and the only employee. Regardless, a condition of the CUP should be that the business is operated solely by the principle occupant of the premises.

Home Occupations are required to meet the following: be conducted within the home itself and not within a garage or accessory building; gain entrance through a separate entrance to the principle structure; evidence of the occupation shall not be visible from the street including signs, over-the-counter retail sales shall not be involved; and demand for parking shall not exceed three parking spaces for the occupant and customers.

The floor plan shows the layout of the proposed salon. The applicant has stated that the salon is designed for only one customer at a time, and she will be the only operator.

Any sales of hair care products to the hair cutting customers is considered accessory and incidental to the beauty shop. Sales of these products are limited to the hair cutting customers only and not to be sold as general retail to off the street customers.

The entrance to the salon is at the front of the house which allows clients to entry directly from the front door without going through the home.

Section 10-3A of the Zoning Code lists criteria to be considered in all CUP requests. These criteria generally relate to Comprehensive Plan and Zoning consistency, land use impacts such as traffic, noise and aesthetics, infrastructure and City service adequacy and general public health and environmental impacts.

The proposed CUP meets the referenced criteria. The surrounding properties are all zoned R-1C and the neighborhood is built out. Traffic will not be an issue due to the limited nature of the business.

ALTERNATIVES

The following alternatives are available for action on the proposed CUP:

- A. **Approval:** If the Planning Commission finds the request acceptable, the following actions must be taken:
- Approve the **Conditional Use Permit** for a Beauty/barber shop as a home occupation in the R-1C, Single Family Residential district subject to the following conditions:
 1. The beauty/barber shop shall be developed in substantial conformance to the plans dated 5/3/19 on file with the Planning Department except as may be modified by the conditions of this permit.
 2. The beauty/barber shop shall operate with only one chair being used for a customer at a time. Other seating facilities may be provided for the washing and drying of hair, for the waiting of customers and for other related needs.
 3. The home occupation shall be conducted solely by a principal occupant of the premises.

4. The beauty/barber shop shall conform to City Code Section 10-15-26 regarding the regulation of home occupations.
5. No over-the-counter retail sales will be allowed. Hair care products are only to be sold incidentally to customers who are on the site for hair care appointments.
6. The applicant is required to apply for any necessary building permits for the construction of the beauty/barber shop.
7. No sign shall be allowed on the property which advertises or identifies in any way the beauty/shop.
8. The City's Code Enforcement Officer shall be granted the right of access at all reasonable times to determine compliance with the terms of this conditional use permit.

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

RECOMMENDATION

Based on the preceding report, the Planning Division Staff recommends Alternative A, approval of the CUP with the attached conditions.

Attachments: Site Location
Narrative
Floor Plan

May 2, 2019

To Whom it May Concern:

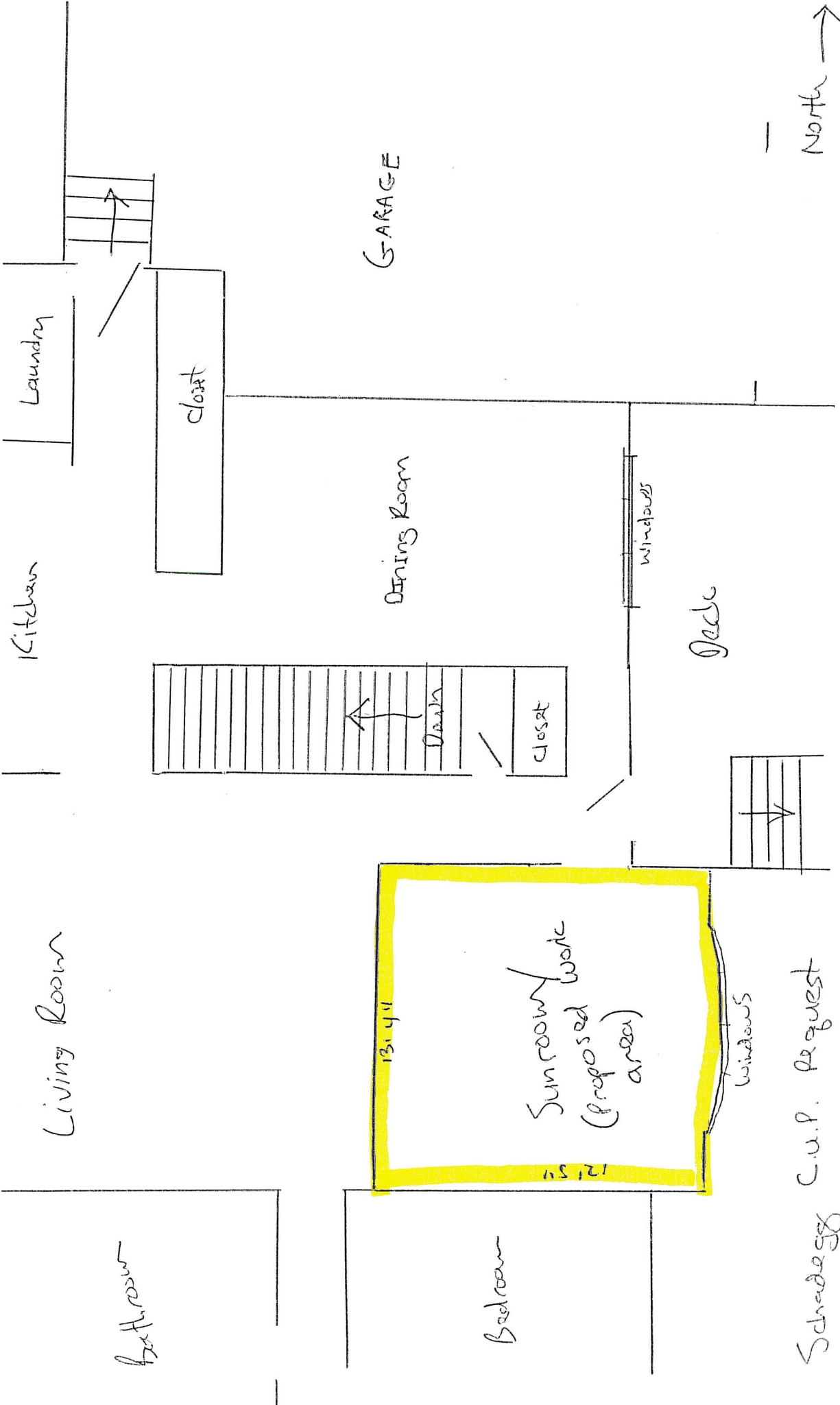
Subject: Request for Conditional Use Permit for a Home Beauty Salon

We are requesting a conditional use permit to operate a beauty salon in our home at 8375 Cooper Way. Christi has been a licensed cosmetologist for (43) forty-three years. She has owned and operated a salon for (38) years. The owners of the building her shop is in have decided to repurpose the building for their own company and have notified the tenants that they will not be renewing their leases. Christi's lease expires September 30, 2019. At this point in her career it is not desirable to relocate the shop, so she plans to retire, but would like to continue to provide services for her clients by working part time from home.

Our plan is to use what we call the sunroom (formal living room) at the front of the house which will allow clients to enter directly from the front door without going through the home. Clients will park in the driveway so there should be no on-street parking unless they choose not to park in the driveway. There will be no evidence that the business exists from the exterior of the residence and traffic should be minimal as services will be by appointment only.

Thank you for your consideration.

Jeff & Christi Schadeegg



Schoderg C.U.P. Request

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

HEARING DATE: June 4, 2019

CASE NO: 19-25CV

APPLICANT/PROPERTY OWNER: Mark Engen

REQUEST: Conditional use permit to exceed the maximum impervious surface and a variance to allow more than one detached accessory structure on the property

LOCATION: 9255 Courthouse Blvd

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: E-1, Estate Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is requesting a Conditional Use Permit (CUP) to exceed the allowed impervious surface amount on the property. The applicant purchased the property a couple years ago and added about 8,000 square feet of impervious surface unaware of the impervious surface requirements. The additional hard surface put him over the allowed amount on his property. City code allows additional impervious surface on a property, up to 10% of the lot area, with a conditional use permit. The applicant is over the allowed amount by 4,862 square feet of impervious surface which is within the additional 10% allowance.

The applicant is also requesting an after the fact variance to allow more than one accessory building on the property. A neighbor of the applicant was moving and offered the 400 square foot structure to the applicant. The property also has a two-car attached garage and a 1,400 square foot detached structure.

The property is 2.67 acres in size. Only one detached accessory structure is allowed on parcels less than 5.0 acres and the maximum size for an accessory structure on a lot of this size is 1,600 gross square feet.

SPECIFIC REQUESTS

1. Conditional use permit to exceed the maximum impervious surface amount on the property but within the additional 10% of lot area allowed with a conditional use permit.
2. Variance to allow more than one detached accessory structure.

EVALUATION OF THE REQUEST

The following land uses, zoning districts, and comprehensive plan designations surround the property:

North, west and south – Single family residential; zoned E-1, Estate Residential; guided RDR.
East - New fire station; zoned P, Institutional; guided P/I, Public/Institutional

GENERAL CUP CRITERIA

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts. The applicant has stated the new impervious surface complies with the five-foot side yard setback.

Details of the impervious coverage are listed in the following chart:

IMPERVIOUS SURFACE CUP CRITERIA

	Square Feet	Allowed Impervious Coverage (sq. ft)
Lot Size	2.67 acres	16,335
Additional impervious allowed w/ CUP	10% of lot area	<u>11,632</u>
Total impervious allowed on property (w/CUP)		27,967
2016 impervious surface	12,935	
Existing impervious surface (the increase added by applicant)	21,197	
Total sq ft requested by CUP	4,862	
Total impervious remaining for future CUP request		6,770

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10% of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.

- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.
- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.
- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

ENGINEERING REVIEW

The Engineering Department has reviewed the request and is working with the applicant on the stormwater and grading requirements listed above. Engineering staff is requesting a storm water management plant that holds a drainage and utility easement over the natural basin at a 981' elevation. The applicant supports this request in lieu of installing a raingarden. The applicant shall continue to work with the City to secure final approval of the easement documentation.

VARIANCE REVIEW

City Code Title 10, 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 City recognizes that within the large lot rural residential portions of the City, larger accessory structures can be appropriate. However, the Council also recognized that there should be a limit to the number of structures. Staff does not believe the variance request is consistent with, or in harmony with the zoning ordinance and comprehensive plan.

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

The number of accessory buildings allowed on the property is not precluding the homeowner from reasonable use of the land as the property has an attached garage and a detached structure about 1,400 square feet in size.

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

The property is 2.67 acres in size and zoned E-1, Estate Residential. The residential lots surrounding the applicants are similar in size and are also allowed one detached accessory building. The zoning code allows for lots larger than 5 acres to have more than one accessory building. The property has an attached garage and is allowed one detached structure up to 1,600 square feet.

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

The applicants' property is located in a developed neighborhood with trees mainly behind the applicants garage and home. The location of both accessory structures would be along the westerly property line, with about a 20-foot setback.

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

Economic considerations do not appear to be a basis or a sole basis for the request.

ALTERNATIVES

- A. **Approval:** If the Planning Commission finds the application acceptable, the following requests should be recommended for approval:

- Approval of the **Conditional Use Permit** to allow 4,862 square feet of impervious surface above the maximum amount allowed but within the additional 10% of lot area allowed with CUP subject to the following conditions:
 1. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.
 2. A ten-foot wide drainage and utility easement from the northwest corner south to five feet behind the concrete pad then along the 981 elevation shall be provided by the applicant and recorded against the property.
- Approval of a Variance to allow two accessory structures whereas only one is allowed subject to the conditions listed below:
 - a. The site shall be developed in substantial conformance with the Site Plan on file with the Planning Division except as modified herein.

Practical difficulty:

B. Denial If the Planning Commission does not favor the proposed variance 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.
2. Approval of the variance could set a precedent for the number of accessory buildings allowed on E-1 property.
3. Staff does not believe there are practical difficulties in complying with the official control as the applicants have an attached garage and a detached structure about 1,400 square feet in size.

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit to exceed the maximum impervious surface on the property.

Since Council has reviewed the ordinance to address the issue of size and number of accessory structures a few years ago, staff considers this to be the direction for the City to limit size and number of accessory structures. Staff believes 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 variance request.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Site Plan



9255 Courthouse Blvd Case No. 19-25C



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

Map not to scale

2nd Shed 20x20 hoop style
20 ft Property

Willing to work with Engineer
in interest to storm water
To sign off land



165

Prop. acc.
10/1/01



9255

9256

9275

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

CASE NO.: 19-24ZC

HEARING DATE: June 4, 2019

APPLICANT & PROPERTY OWNER: Vansouth Limited Partnership

REQUEST: Rezoning of Property from B-4, Shopping Center District to B-3, General Business District and Conditional Use Permit for a Recreation Center

LOCATION: 1320-1450 Mendota Road (Southridge Shopping Center)

COMP PLAN: Regional Commercial

ZONING: B-4, Shopping Center District

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The owners of the Southridge Shopping Center are proposing to rezone the property from its current B-4, Shopping Center District to B-3, General Business District. The B-3 district provides for a broader list of goods and service uses than the B-4 district. The owner has been working with the YMCA of the Greater Twin Cities on leasing space in the building. A YMCA falls under the category of "Recreation Center" which is a conditional use in the B-3 district, but not allowed in the B-4 district. The definition in the zoning code is as follows:

RECREATION CENTER: Includes any one or a combination of the following: bowling alleys, billiard or pool rooms, skating rinks, dance halls, gymnasiums, YMCA, YWCA, swimming pools and fitness centers.

The applicant is also applying for a conditional use permit for a recreation center. The YMCA would occupy approximately 15,000 square feet of the main building on Lot 2.

The City approved a similar request for the Salem Square Shopping Center in 2011 when the center was looking to lease space to Pawn America. The center was zoned B-4 and the use category "pawn shops" were not an allowed use in the B-4 District. The owner had also talked to the City at different times about possible uses for the building, but the uses were not allowed in the B-4 district. It was determined at that time that the B-3 district worked best for that site based on its physical design and that more uses are allowed in the B-3 district.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Rezoning** of Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District.
- B.) A Conditional Use Permit to allow a Recreation Center in the Southridge Shopping Center on Lot 2, Block 1, Home Depot of Inver Grove Heights.

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

North – City of West St. Paul

East – Commercial, zoned B-4; guided Regional Commercial

West – Commercial, zoned B-3; guided Regional Commercial

South – Commercial, multiple family residential, zoned B-3, P; guided Regional Commercial,
Public/Institutional

EVALUATION OF REQUEST:

Comprehensive Plan

The site is currently guided Regional Commercial. The 2030 Comprehensive Plan identifies the Regional Commercial designation as follows:

“Regional commercial areas are lots or parcels containing large-scale retail sales and services along arterial roadways that serve the region. As the name implies, goods and services offered in such areas appeal to a wide range of consumers, many whom are willing to travel a significant distance to patronize various business establishments. Regional Commercial districts are intended for large “big box” users. These types of uses serve as anchors for other small to mid-sized commercial uses that benefit by the traffic generated by the anchors.”

The existing shopping center was constructed in 1986. The uses in the building have and do provide goods and services at a regional scale.

REZONING

The purpose statement from the ordinance for the B-4 district states:

“The B-4 shopping center district is established for large scale retail sales and services that are integrated in a single facility or multiple buildings arrangement with integrated design and a coordinated physical plan.”

The purpose statement from the ordinance for the B-3 district states:

"The B-3 general business district is established for large scale retail sales and services serving the region."

Bulk Standards: The following is a summary of the bulk standards for both districts.

BULK STANDARDS	B-4	B-3	Southridge Center
Lot area	10 acres	None	10.2 acres
Lot width	None	100 feet	Over 100 feet
Front yard setback	60 feet	30 feet	90 feet
Side yard setback	60 feet	10 feet	30 feet
Rear yard setback	60 feet	30 feet	30 feet
Setbacks abutting E or R districts	100 feet	75 feet	N/A
Height (maximum)	50 feet	35 feet	20 feet
Impervious surface (maximum)	85 percent	100 percent	Approximately 85%

Many of the bulk standards established for the B-4 district assume large scale massing of a building or buildings that would have been constructed at the same time with the same architecture. The standards set up for the B-4 district appear to contemplate an enclosed multi-story shopping mall such as Southdale, Rosedale, and Ridgedale. The additional height allowed in the B-4 would allow multiple stories, where the B-3 anticipates single story. The greater setbacks required also seem to indicate the need to be further away from property lines based on the mass of an enclosed mall. The minimum lot size requirement of 10 acres also seems to assume a large scale building.

Signage standards in the B-4 district also assume larger scale buildings by allowing up to a 240 square foot sign. Signs in the B-3 district are allowed up to 100 square feet. The aggregate total square footage allowed for each property is less in the B-4 than the B-3 with the assumption that the primary signage is for the shopping center name and not individual tenants because their signage would be internal in the building and not on the exterior walls. The B-3 district allows more total signage than the B-4 in order to provide for more exterior signage for multi-tenant buildings.

Parking: The Parking Standards established in the B-4 district assume shopping centers from 400,000 square feet and up. The B-3 district assumes much smaller buildings (10,000 square feet and up). Staff has conducted a review of the existing parking to the requirements of the B-3 district and finds that a total of 388 parking spaces would be required for Lot 2. Lot 2 contains 586 existing parking spaces.

Uses: The type of uses that are allowed in the B-3, but not B-4 also look like most would not be compatible in an enclosed mall. They certainly function well in a standard multi-tenant building typically found in the B-3 district. The building is designed so that all the spaces would have their own entrance. It is not designed to have a shared common enclosed space with all store fronts facing the common space.

The design of the Southridge Shopping Center does not really fit well with the intent of the B-4 district. There are multiple other multi-tenant buildings in the city on B-3 zoned property. This is a modest sized single story building that fits the same mold as other multi-tenant or strip center commercial buildings.

CONDITIONAL USE PERMIT

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. A recreation center use would provide services to a wide range of customers willing to travel to patronize.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The request to rezone the property would make the zoning consistent with the proposed use.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed addition would not have a detrimental effect on public improvements in the vicinity of the property. The use would be located within an existing building. No other improvements are necessary for the use.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

The proposed improvements do not appear to have any negative effects on City facilities or services. Fire, and Inspection Departments would review and approve any interior remodel building permits for code compliance.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*
 - i. *Aesthetics/exterior appearance*
No exterior change to the building.
 - ii. *Noise*
The proposed addition would not generate noises that are inconsistent with B-3 zoning.
 - iii. *Fencing, landscaping and buffering*
No exterior changes proposed.
6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The site and building are designed with ample parking and the use would not create any traffic or access issues.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

This use would not have an undue adverse impact on the environment. No changes to the property are proposed.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- Approval of a **Rezoning** of Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District.
- Approval of a **Conditional Use Permit Amendment** to allow a recreation center on Lot 2 subject to the following conditions:
 1. The recreation center shall occupy the space labeled “YMCA” on the site plan dated May 6, 2019.

B. Denial If the Planning Commission does not favor the proposed requests, it should be recommended for denial. A basis for the denial must be provided with a denial recommendation.

RECOMMENDATION

Staff believes this request is similar to the Salem Square request and that the site design is the same. The site is designed and functions as a B-3 type commercial property and not an enclosed mall or very large multi-building commercial development. Based on the definition of the two zoning districts and the intent of the Regional Commercial District, the rezoning to B-3 would still be consistent with the Regional Commercial land use designation. The use of the YMCA under the recreation center category does not create any conflicts with the existing shopping center. Staff recommends approval of the requests.

Attachments: Location Map
Applicant Narrative
Site Plan
Land Use Table for the B-3 and B-4 districts



Location Map

Case No. 19-24ZC



**Application by Vansouth Limited Partnership
for Rezoning and Conditional Use Permit
To Support a YMCA Fitness Facility**

May 6, 2019

The Applicant, Vansouth Limited Partnership, owns Southridge Shopping Center (the “Center”), at 1300-1450 Mendota Road East. The Center includes two separate parcels: anchor tenant Home Depot occupies the first parcel (“Lot 1”; PID 20-33400-01-010), and the balance of the shopping center, including junior anchors OfficeMax and ALDI, occupies the second parcel (“Lot 2”; PID 20-33400-01-020). Both Lot 1 and Lot 2 are currently zoned B-4 (Shopping Center District).

Applicant and YMCA of the Greater Twin Cities (“YMCA”) wish to enter into a lease for approximately 15,000 square feet of space within Lot 2 of at the Center, to be used by YMCA for a temporary (3-5 years) health and wellness facility. YMCA is closing its existing full-service facility on South Robert Street, and will construct a new facility on land it has purchased elsewhere. The YMCA will need to continue to provide an exercise and fitness facility to its members in the area during the approximately three years it will take to construct the new full-service facility, and wishes to do so at the Center.

Recent conversations with City officials indicated that YMCA might not be able to use the space at the Center because the zoning of the Center (B-4) does not allow the presence of a “Recreation Center,” which the City defines to include any YMCA and YWCA facilities, and fitness centers. City officials suggested to ask the City to change the zoning of Lot 2 of the Center from B-4 to B-3, a zoning that would allow a “Recreation Center”, and a YMCA facility, as a conditionally permitted use.

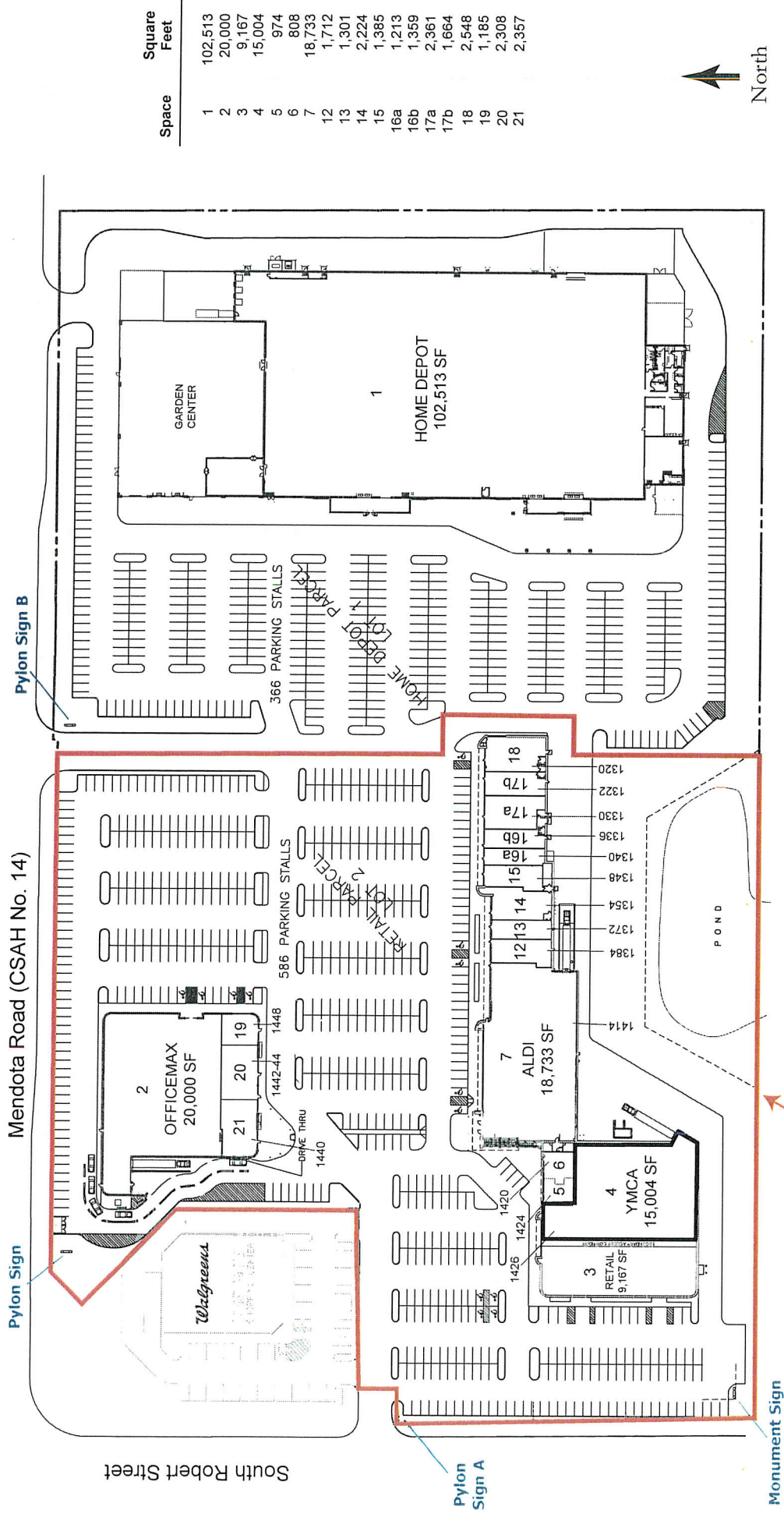
The proposed YMCA facility will not be a full-service YMCA branch, because it will offer only cardio equipment, weights and two studios for specialized training. This will allow YMCA members to be able to continue their exercise routine while the new YMCA full-service branch is being built. The YMCA considers this facility akin a “boutique” fitness center.

Therefore, Applicant respectfully requests:

- To rezone Lot 2 to the B-3 (General Business District) zoning district.
- A Conditional Use Permit to allow a YMCA “Recreation Center” use in Lot 2.

The proposed rezoning would be compatible with the surrounding land uses and zoning designations. With the exception of Lot 2, the surrounding parcels along both sides of Robert Street north of Highway 110 are all zoned B-3, including the parcel immediately adjacent to Lot 2 occupied by Walgreens. The proposed YMCA use, although of relatively short duration, would be beneficial to the community, given the YMCA’s longstanding contributions to the community health and fitness, and community-supporting activities.

Site Plan Attachment to Application for Rezoning and Conditional Use Permit



Fine Associates
4916 IDS Center
Minneapolis, MN 55402
612-332-2561

Southridge Center
Inver Grove Heights, MN

May 6, 2019

10-6-2: LAND USES IN ALL NONRESIDENTIAL DISTRICTS:

P = Permitted use	
C = Conditionally permitted use	
A = Accessory use	

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Additional building height (see section 10-5-8 of this title)	C	C	C	C	C	C	C	C	C	C	C	C
Adult uses (see chapter 15 , article F of this title)			C			C						
Airport						C						
Antennas												
Commercial (see chapter 15 , article G of this title)	A	A	A	A	A	A	A	A	A		A	A
Noncommercial (see exception in subsection 10-15G-2B of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Antique shop		P	P	P								
Appliance store		P	P	P								

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Laundry								P									
Liquor store		C		P	P											C	
Locksmith		P		P	P												
Manufacturing and assembly								C	C	P							
Sales and service of semitrailers, trucks and trailers, including equipment, parts and tires										A							
Marina				C				C									
Massage therapy, licensed	P	P		P	P												
Meat processing and packaging (no slaughtering permitted)										P							
Medical and dental clinics (see also "clinic (medical and dental)" in this section)	P	P		P	P								P			C	C
Medical complexes and facilities	C						C	C	P							C	C
Ministorage facilities (including caretaker quarters)				C				C									
Mortuary		P		P	P												
Motel/hotel				P	C											C	
Multiple-family dwellings when attached to business														P			
Municipal community center and recreation facilities													P				

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Photography supply and processing		P	P	P													
Picture framing	P	P	P	P											C		
Places of worship			C										P				
Playhouses	C	P	P	P									P				
Post office			P	P													
Printing and publishing:						P	P	P									
<14,000 square feet floor area			P														
Private lodges and clubs		C	C										P				
Private motor fuel dispensing station (see section 10-15-23 of this title)	C					C			C								
Processing and treatment						C	C	C									
Professional offices, not within office building	P	P	P	P	P	A	P	A	A						C		
Public and private schools													P				
Public libraries and art galleries													P				
Public parks and playgrounds													P				

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