

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, OCTOBER 15, 2019 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR OCTOBER 1, 2019**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 ANDREW HOROWITZ - CASE NO. 19-42C**

Consider a conditional use permit for a medical complex in the B-1, Limited Business zoning district. This request is for the property located at 6775 Cahill Avenue.

Planning Commission Action _____
- 4. OTHER BUSINESS**
- 5. ADJOURN**

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 1, 2019 – 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: Elizabeth Niemioja
Pat Simon
Tony Scales
Joan Robertson
Armando Lissarrague
Brett Kramer
Annette Maggi
Dennis Wippermann

Commissioners Absent: Jonathan Weber (excused)

Others Present: Heather Botten, Associate Planner
Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the September 17, 2019 Planning Commission meeting were approved with one correction.

CLARK ROAD PROPERTIES – CASE NO. 19-39PR

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review for Phase II of an outdoor storage facility, for the property located at 11305 Clark Road. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant's property is 24 acres in size and is zoned I-2, General Industrial. The applicant is asking for a major site plan approval of Phase II to allow outdoor storage on the southern portion of the property. No structure is being proposed. The screening and landscaping requirements have already been met. Staff recommends approval of the request with the nine conditions listed in the report. Staff did not hear from any of the surrounding property owners.

At Commissioner Simon's request, Ms. Botten showed where Phase II was located.

Opening of Public Hearing

Max Steininger, 3070 Lexington Avenue S, Eagan, advised he was available to answer any questions.

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

Mr. Steininger replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann had no issue with the request but questioned whether this process should have taken place prior to the project being built.

Ms. Botten replied in the affirmative, stating in this case Phase II was shown on the Phase I plan but they did not approve it at that time because the exact boundaries had not yet been determined.

Planning Commission Recommendation

Motion by Commissioner Niemijoa, second by Commissioner Wippermann, to approve the request for a major site plan review for Phase II of an outdoor storage facility, for the property located at 11305 Clark Road with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on October 14, 2019.

DAKOTA COUNTY (SMART BUILDING) – CASE NO. 19-41ZPV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from B-3, General Business to P, Institutional, a major site plan review for the construction of the SMART Center building and other property improvements related thereto, and a variance to allow a 34-foot setback along TH 52/55 whereas 75 feet is required, for the property located at the northern corner of Concord Boulevard and Courthouse Boulevard. 35 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property is located just south of the new fire station. The County plans to purchase this 6.18-acre site from the City to construct a specialized training facility (SMART). The applicant is requesting the property be rezoned from B-3, General Business to P, Public/Institutional and a major site plan approval for a 35,000 square foot government training facility. The project will be a two-level training center with associated parking lot on each side of the building, and access via Courthouse Boulevard Court. The public hearing notice mentioned a variance; however, a variance is not included with this request as the proposed building and parking lot meet setbacks. The purchase agreement between the County and the City has a stipulation that the City agrees to consider a variance similar to the one granted for the Fire Station if the County needs a future building addition that requires a setback variance from Highway 52/55. Staff recommends approval of the rezoning and site plan approval as presented.

Chair Maggi asked if this was close to the location where Gateway Church wanted to change the zoning from commercial to public/institutional.

Mr. Hunting replied that it was across the highway a short distance.

Chair Maggi asked why staff supported this change but was opposed to the church request.

Mr. Hunting replied that staff felt it was important to maintain the commercial site in the Arbor Pointe area, but this property was guided for Public Institutional.

Commissioner Simon asked if Commissioners would be voting on a variance today, noting that the County's narrative refers to a variance from setback.

Mr. Hunting replied there is no action on the variance tonight.

Commissioner Simon asked if the variance not being voted on tonight affected the public notice.

Mr. Hunting replied it did not.

Opening of Hearing

Joe Lexa, owner representative for Dakota County, 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 Lissarrague asked how many people would be employed at this location.

Mr. Lexa replied he was unsure of the exact number at this time.

Commissioner Robertson asked if the staff conducting the training would be contract or County employees.

Mr. Lexa replied that the Minnesota Crisis Intervention team would be leasing space but all other employees in the building would be County employees.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated she supported the request but hoped that any future variance would be dealt with based on a practical difficulty the same as every other site and not based on a statement in a purchase agreement.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for a rezoning of the property from B-3, General Business to P, Public/Institutional and a major site plan review for the construction of the SMART Center building and other property improvements related thereto, for the property located at the northern corner of Concord Boulevard and Courthouse Boulevard with the five conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on October 28, 2019.

The meeting was unanimously adjourned at 7:18 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

HEARING DATE: October 15, 2019

CASE NO: 19-42C

APPLICANT: Andrew Horowitz

PROPERTY OWNER: LDZ Properties, LLC

REQUEST: A conditional use permit to allow a medical complex/treatment facility

LOCATION: 6775 Cahill Avenue

COMPREHENSIVE PLAN: CC, Community Commercial

ZONING: B-1, Limited Business

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is proposing to repurpose an existing building into a medical complex/treatment facility. Gateway Recovery Center would provide services for up to 16 adults at any given time who are in need of residential substance use disorder treatment. The services provided would be licensed by Minnesota Department of Health. The applicant stated admission to their facility is voluntary and the average time a patient would stay is between 1-3 days. The building would be staffed 24-hours a day.

There would be a 400 square foot patio addition added to the west side of the building along with minor interior work. The exterior of the building would remain the same.

The specific request consists of the following:

- A.) A **Conditional Use Permit** to allow for a medical complex in the B-1, Limited Business Zoning District

EVALUATION OF THE REQUEST

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

- North - Single-family; zoned B-1, Limited Business; guided CC, Community Commercial
- South - Single-family and Park; zoned B-1 and P; guided CC and Public Open Space
- West- Park; zoned P, Institutional; guided Public Open Space
- East - Bank; zoned B-2, Neighborhood Business; guided CC, Community Commercial

SITE PLAN REVIEW

Building Setbacks. There are no building additions proposed at this time.

Access. Access to the site is not changing; there is one access point along Cahill Avenue.

Parking Lot. The existing parking lot footprint would not be changing.

Impervious Coverage. The applicants are proposing a 400 square foot patio to be added to the west side of the existing building. The site would be at about 32% impervious coverage; the B-1 district allows up to 75% impervious coverage.

Landscaping. Landscaping was installed when the site was developed, no additional landscaping is required. If there would be any removal of existing landscaping, it would require replacement or relocation of said plantings.

Lighting. Existing lighting will remain. If improvements are made in the future, the source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Signage. Signage is not approved as part of the CUP request. Signage on the property shall follow section 10-15E of the city code. A building permit is required for any new signs or changes to the existing signs.

Engineering. The City Engineer has reviewed the plans and takes no exception to the request.

Any future impervious surface changes, site improvements, or disturbance may require the addition of a storm water treatment facility complying with the City's Water Resources Management Plan requirements.

Other Departments. All building plans shall be subject to the review and approval of the City Fire Marshal and the City Building Official. The existing building on site will have to be brought into compliance with building and fire codes for the proposed use.

GENERAL CONDITIONAL USE PERMIT REVIEW

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. The future land use of this parcel is Community Commercial, a medical complex is consistent with the uses envisioned in this district.

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 applicant's property is zoned B-1, limited business district. The land use of a medical complex is consistent with the intent of this zoning district.

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

The proposed request would not have a detrimental effect on public improvements in the vicinity of the property.

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 request does not appear to have any negative effects on City facilities or services. Engineering, Fire, and Inspection Departments would review and approve plans for code compliance prior to any improvements being done on the property.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

- i. Aesthetics/exterior appearance*

The existing building materials and proposed patio addition comply with code requirements.

- ii. Noise*

The proposed use would not generate noises that are inconsistent with B-1 zoning.

- iii. Fencing, landscaping and buffering*

Fencing and additional landscaping are not required with this request.

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.*

Access to the site is not changing. The amount of traffic would not be out of the ordinary for a commercial area.

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. The building is secure with staff on site 24 hours a day and the use on the property is a state licensed facility.

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

The proposed use would not have any direct impacts on the environment.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of a **Conditional Use Permit** to allow a medical complex in the B-1, Limited Business district subject to the following conditions:
 1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Site Plan

dated 09/18/19
 2. All parking lot lighting on site shall be a down cast “shoe-box” style and the bulb shall not be visible from property lines.
 3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
 4. Any expansion of the use not shown on the site plan requires additional city approvals and is not part of this conditional use permit.
 5. All final development plans shall be subject to the review and approval of the City Fire Marshal.
- 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.

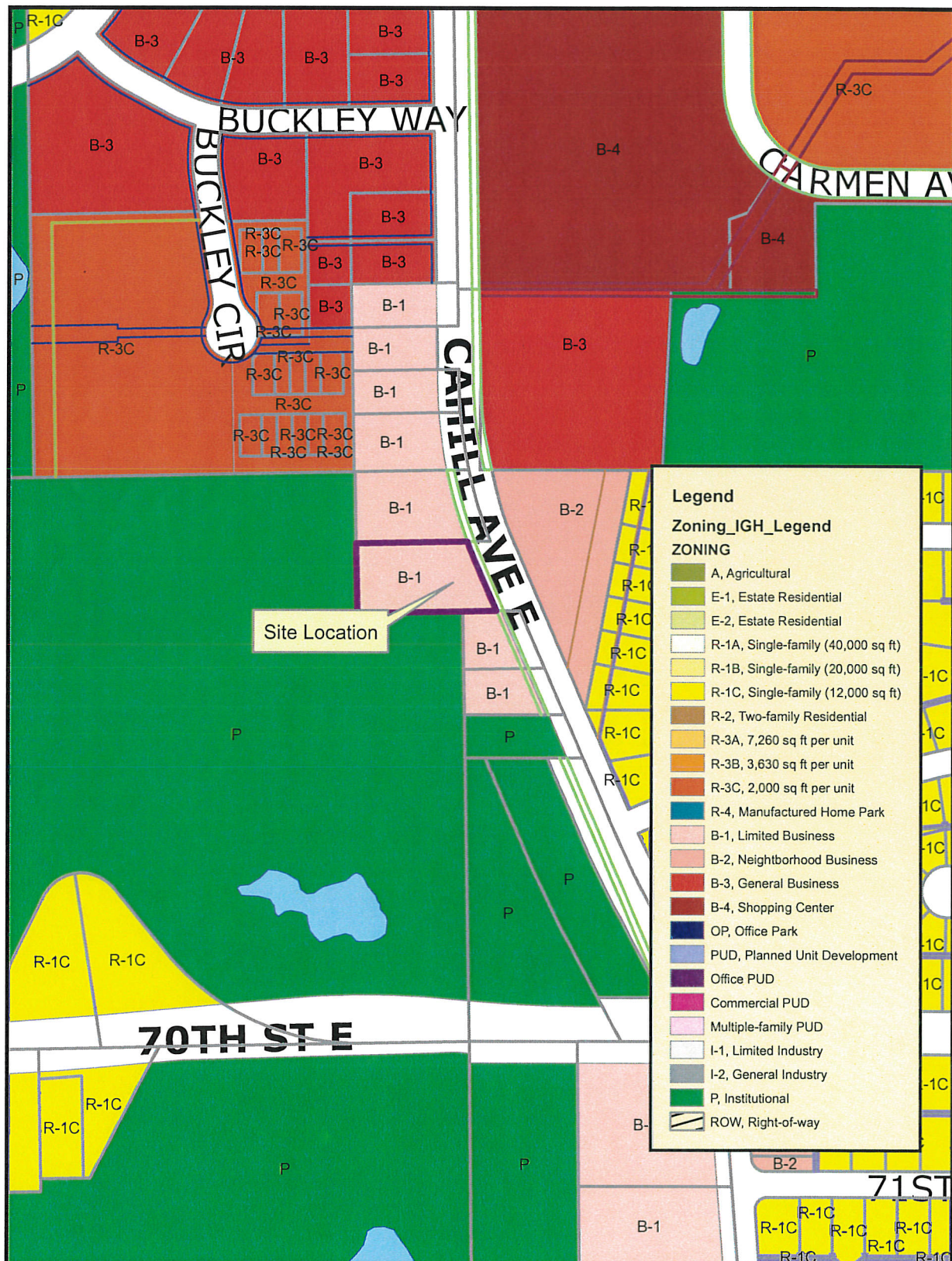
RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request as presented.

Attachments: Zoning/location map
Narrative
Site plans



6775 Cahill Avenue Case No. 19-42C



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Exhibit A
Zoning and Location Map

Map not to scale

CITY OF INVER GROVE HEIGHTS

CONDITIONAL USE PERMIT AND/OR MAJOR SITE PLAN REVIEW

- ☐ A written narrative clearly describing the request.

Gateway Recovery Center, LLC is applying for a Conditional Use Permit in order to site a health care facility at 6775 Cahill Avenue East, Inver Grove Heights, MN 55077. The facility will serve up to sixteen adult men and women at a given time who are in need of residential substance use disorder detoxification services. Gateway Recovery Center will be catering to individuals that desire a more private and higher end setting for recovery services. Thus, the demographic of individuals will be arriving and departing via private vehicles or through family transportation services. The Minnesota Department of Human Services (DHS) will license the facility for the services provided. Services will be funded by self-pay and health insurance. The Minnesota Department of Health (MDH) will license the building, fixtures, and facilities under Supervised Living Facility (SLF) regulations.

The 6775 Cahill Avenue East, Inver Grove Heights, MN 55077 location is zoned as B-1, where Medical complexes and facilities are an allowable use with a Conditional Use Permit (CUP). Allan Hunting, Inver Grove Heights City Planner, conferred with other planning staff to concur that the proposed health facility would fall under the code as a medical complex or facility that would be an allowed conditional use for the property.

Gateway Recovery Center, LLC attended a meeting with Sarah Montgomery, Dakota County Contract Specialist, and other Dakota County Community Services staff members, on Tuesday, June 18, 2019 at the Dakota County Northern Service Center to discuss the proposed program. Substance use disorder service providers must submit a formal request for a recommendation to the local County Board of Commissioners detailing their new program plan as a requirement of the Minnesota DHS licensure application process. The Dakota County Board requires the County Contract Specialist and other Community Services staff members to review the request and make a recommendation to the County Board regarding their support, or lack of support, for the proposed services. Dakota County staff indicated support for the services as described, further addressing an area of needed services in Dakota County, and as a potential component in their quest for improving the local recovery-oriented system of care in public and private services working together to improve client outcomes,



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