INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
TUESDAY, JANUARY 19, 2021 – 7:00 p.m.

NOTICE TO RESIDENTS: The Planning Commission is taking proactive steps to prevent the spread of Covid 19 by meeting remote. People wishing to testify at the public hearing should call into the meeting using the following information:

Phone number: 651-450-2471

Individuals may submit written public comments in advance of the meeting by emailing comments to Kim Fox (kfox@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, January 18, 2021, will be provided to the Planning Commission before the January 19, 2021 meeting.

1. CALL TO ORDER

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JANUARY 5, 2021

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 SKIGH DEVELOPMENT - CASE NO. 21-02PA

The applicant has withdrawn the request for a comprehensive plan amendment to change the designated land use of the property located at 5871 Cahill Avenue.

3.02 GARETT STAINBROOK (CHS) - CASE NO. 21-01V

Consider the following variances for the property located at 5300 Babcock Trail:

a) Variance to allow a 192 square foot monument sign whereas 50 square feet is the maximum allowed in the B-1 district.

Planning Commission Action _____

b) Variance to allow a 54 square foot wall sign whereas 50 square feet is the maximum allowed in the B-1 district.

Planning Commission Action _____

3.03 SANDRA PEREZ - CASE NO. 20-55C

Consider a conditional use permit to allow a 24-hour child care center at the property located at 2855 47th Street.

Planning Commission Action _____

3.04 SANDRA PEREZ - CASE NO. 20-54C

Consider a conditional use permit to allow a 24-hour child care center at the property located at 5300 South Robert Trail.

Planning Commission Action _____

4. OTHER BUSINESS

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@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, January 5, 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 Jonathan Weber Joan Robertson
Commissioners Absent:	Kate Challeen (excused)
Others Present:	Allan Hunting, City Planner Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the November 17, 2020 and December 1, 2020 Planning Commission meetings were approved as submitted.

OTHER BUSINESS

City of Inver Grove Heights – Case No. 21-04X

Allan Hunting, City Planner, asked the Planning Commission to review the proposed capital improvement project for consistency with the 2040 comprehensive plan. The project consists of partial street reconstruction for Delaney Circle and Delaney Court. Costs associated with maintaining city streets would be consistent with the comprehensive plan.

Commissioner Robertson asked if homeowners would be subject to assessments for the reconstruction projects.

Steve Dodge, Assistant City Engineer, replied that property owners would be assessed per the city's assessment policy. He noted that the feasibility report was scheduled to go to City Council on January 25, 2021.

Motion by Commissioner Weber, second by Commissioner Wippermann, to find the capital expenditure for City Project 2020-09D consistent with the comprehensive plan.

Motion carried (8/0).

Commissioner Simon noted that Mr. Dodge stated this would go to the City Council on January 25, 2021.

City of Inver Grove Heights – Case NO. 21-05X

Allan Hunting, City Planner, asked the Planning Commission to review the proposed capital improvement project for consistency with the 2040 comprehensive plan. The project consists of emergency pumping systems and force main improvements for Regional Basins EP-027A and EP-034 which are associated with the Canvas development. Costs associated with stormwater

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management for regional basins in the Northwest Area are consistent with the comprehensive plan.

Steve Dodge, Assistant City Engineer, provided an overview of the project and displayed a map of the Canvas of IGH development. He advised that the project would include construction of storm water emergency overflow system improvements in regional basins EP-0-27A and EP-034 within the Canvas development. The emergency pumping systems will allow them to maintain the high-water line in the two basins so that development can occur.

Commissioner Weber asked what the cost difference was between Option A and B.

Mr. Dodge replied that the cost was $600,000 versus $610,000. The cost for basin EP-027A is the same for both options. For basin EP-034 one option is to keep the force main in the road and connect to the gravity storm sewer system. The other option is to put the force main behind the back yards on city-owned property and then connect to an existing storm manhole that crosses 70th Street.

Commissioner Weber asked how deep the pipes would be.

Mr. Dodge replied that the force mains would be the standard 6-8-foot depth. The concrete pipe would be a little deeper because it connects to a pipe that goes across 70th Street.

Commissioner Simon asked if this would be done before or during the development of Canvas of IGH.

Mr. Dodge explained that this unique system will go to the City Council for a hearing on January 11, 2021. If Council orders the project, they will finish the final design by February, bring it back to Council for them to receive the plans, and then it would be incorporated into the development plans and built with the development.

Motion by Commissioner Weber, second by Commissioner Simon, to find the capital expenditure for City Project 2021-03 to be consistent with the 2040 comprehensive plan.

Motion carried (8/0).

APPLICANT REQUESTS AND PUBLIC HEARINGS

BRIAN FRIEMANN – CASE NO. 20-49V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance from the minimum lot size and width standards to convert the commercial building into a residential duplex, for the property located at 7535 Cloman Way. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant received approval in 2016 for a rezoning of the property to R-2 and a variance from the minimum lot size and width requirements to convert the existing structure on the property into a duplex. The applicant recently submitted a building permit to move forward with that conversion; however, variances become void two years after being granted unless made use of within two years. The applicant is now asking for approval of the same variance that was approved in 2016. The property is 7,986 square feet in size whereas 15,000 square feet is the minimum lot

size required in the R-2 district. The lot width is 72.5 feet whereas 100 feet is required. The applicant is requesting to renovate the existing vacant building on the property and add two garages to convert it into a duplex. The existing building is a legal non-conforming structure and. was built in 1961. The site currently has about 100% impervious surface; the applicant would be removing some of the existing hard surface to provide green space for his tenants. The buildings would be constructed with lap siding on all four sides. The property is not large enough to comply with the minimum lot size or width standards for a residential district so any redevelopment of the site would require a variance. The variances would not impact the character of the neighborhood and the proposed duplex use would be consistent with other multi-family homes in the neighborhood. Staff recommends approval of the request with the practical difficulty and conditions listed. Staff did not hear from any of the neighboring property owners.

Chair Maggi asked when the property was rezoned to R-2.

Ms. Botten replied that in 2016 the property was rezoned from R-3A, Multi-Family Residential to R-2, Two-Family Residential.

Chair Maggi asked if a variance for exceeding the impervious surface coverage was needed.

Ms. Botten replied if they were building new, they would be allowed up to 30% of hard surface. Because the hard surface is existing it is considered legal non-conforming. The applicants are actually proposing to reduce the hard surface from what is currently on site.

Chair Maggi asked what the practical difficulty was for the variance in 2016.

Ms. Botten replied it was the same one listed in the report for this request.

Commissioner Wippermann asked if the applicant was planning to renovate the existing building or replace it.

Ms. Botten replied they planned to renovate it and add two garages.

Commissioner Robertson stated it was difficult for her to envision the existing structure being renovated into a duplex and asked if it was subject to building code requirements.

Ms. Botten replied in the affirmative, stating it must comply with all building and fire code requirements.

Opening of Public Hearing

Brian Friemann, 7535 Cloman Way, advised he was available to answer any questions.

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

Mr. Friemann replied in the affirmative. He advised that the project did not get started earlier because there was a lot of discussion relating to meeting engineering and building requirements. By the time those discussions were completed he had another large project he had to focus on. He was not aware of the two-year expiration on unused variances, and his intention would be to pull the permit and start working on this duplex yet this winter.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated in her opinion the practical difficulty used in 2016 regarding the property

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originally being developed prior to the adoption of the city code, and that any redevelopment would require a variance, was a valid practical difficulty.

Commissioner Niemioja advised that she supported the practical difficulty of the lot originally being developed in 1961 prior to the adoption of the city code. She did not recommend using the other two listed practical difficulties regarding it being used in a reasonable manner and being in harmony with the intent of the zoning and comprehensive plan because too many variances could go that way.

Commissioner Wippermann agreed, stating he supported only using the practical difficulty regarding it being developed prior to the city code and that any type of redevelopment would require a variance. The other two practical difficulties listed were accurate statements, but he did not feel they were valid practical difficulties.

Planning Commission Recommendation
Motion by Commissioner Simon, second by Commissioner Weber, to approve the request for a variance from the minimum lot size and width standards to convert the commercial building into a residential duplex, for the property located at 7535 Cloman Way, with the practical difficulty being that the property was originally developed in 1961, prior to the adoption of a city code and that any type of redevelopment would require some sort of a variance.

Motion carried (8/0). This item goes to the City Council on January 11, 2021.

WATERMARK EQUITY GROUP, LLC – CASE NO. 20-45PUD

Presentation of Request
Allan Hunting, City Planner, advised that the applicant is requesting approval of the final plat and final PUD development plan for Phase 1 of Canvas at IGH. This phase consists of all 69 of the 30-foot-wide lots and 39 of the 50-foot lots. This includes the construction of Allen Way and a public street that will serve future development to the east. The proposed plans are consistent with the preliminary plans. Engineering is working with the developer on the location and design of the trail culvert that will go under 70th Street, the emergency pumping systems for the regional basins, and the design for what is being called a land bridge for Allen Way. Review must also be completed of their wetland mitigation plan. Staff recommends approval of the request with the conditions listed.

Commissioner Weber appreciated the added condition regarding fencing and asked if this development would be similar to the Donegal subdivision in Maple Grove which, in his opinion, was very well built.

Chair Maggi stated that the developer had previously stated it was similar to that subdivision.

Commissioner Kramer asked if there was a typo in Condition 6 which referenced 108 units rather than 120.

Mr. Hunting replied that he would review that for accuracy.

Commissioner Simon asked if there would be lighting on the internal private streets.

Mr. Hunting replied that the applicant could best answer that question.

Opening of Public Hearing
Ian Peterson, Watermark Equity Group, 4000 Shoreline Drive, Spring Park, advised that he read

and agreed with the report. He answered previously asked questions, stating that the product would be very similar to the Donegal South project in Maple Grove, the number in Condition 6 is correct as an additional 12 lots will come in with Phase II, and there will be lighting on the private streets.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Weber, second by Commissioner Clancy, to approve the request for a final plat and final development plan for Phase 1 of Canvas at Inver Grove Heights, with the 19 conditions listed in the report.

Commissioner Weber amended his motion, stating there were actually only three conditions rather than 19.

Commissioner Clancy agreed to the amended motion.

Motion carried (8/0).

TIM SALSCHEIDER – CASE NO. 20-51V

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a variance from the maximum size, setbacks, and to allow more than one detached accessory accessory structure on the property located at 2306 – 99th Street. 10 notices were mailed.

Presentation of Request
Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned E-1, Estate Residential and is 4.52 acres in size. There is one single-family home with an attached garage on the property and a pool located behind the house. The property has a large drainage and utility easement that covers the entire western half of the property. The applicant's drainfield is located behind his garage. The applicant is requesting a variance to allow two detached accessory buildings on the property whereas one is allowed on property less than 5 acres in size. The first proposed structure would be 625 square feet in size and would comply with setback and size requirements. The second proposed structure would be 1,750 square feet in size whereas 1,600 square feet is the maximum allowed. That structure would also be placed within the 50-foot required setback. The applicant is proposing to locate the building 10 feet from the east property line and 25 feet from the north property line. The applicant has stated that the additional size and structure is needed for his own personal space and storage of his own personal items. Staff believes that the proposed size and number of accessory buildings is contrary to the intent of the zoning ordinance. The lots to the north, east and south of the applicant's property are between 2.5 and 3 acres and would have to comply with the same requirements as the applicant. Therefore, the variance may have an impact on the character of the neighborhood. Staff believes that the request for the additional building and for the larger structure would be considered a convenience to the applicant and not a practical difficulty. Staff does not believe there is rational to support all criteria of a variance and therefore recommends denial of the request as proposed. Staff does believe there may be rational to support a setback variance for a structure that would be 1,600 gross square feet or smaller with the practical difficulty being the large drainage and utility easement and the topography and location of the drainfield, house and pool. Staff heard from three of the neighbors who had general concerns about the request; two of the neighbors mentioned that they had concerns about a possible home business on the site. Staff is not aware of any home business.

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Chair Maggi asked if the amount of impervious surface would need to be addressed.

Ms. Botten advised that the impervious surface ordinance was amended in 2020 and a public process to exceed impervious surface was no longer needed. It would be handled by staff with a stormwater facilities maintenance agreement.

Commissioner Robertson stated that while it may not be an impervious surface issue, she was concerned about how packed the property would be with buildings if this request were approved. She noted that there was some rationale for the neighbor's comments about operating a home business as she saw a significant number of landscaping-type equipment on the property.

Opening of Public Hearing
Tim Salscheider, 2306 – 99th Street East, advised he was available to answer any questions.

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

Mr. Salscheider replied in the affirmative. Mr. Salscheider advised that he was not aware of the 1,600 square foot maximum and would not have an issue with reducing it to that size. As far as packing the property, he noted that the property is 4.5 acres in size and would still have plenty of green space. Because of the topography there is only one viable location for the proposed building. He advised that the neighbor to the east can likely only see his roof and would not build anything near the proposed building as that is where the neighbors septic system is located. The neighbor to the north would have the same view of his houses as it currently stands, and the neighbor to the northeast could likely only see his house in the winter when the leaves were off the trees. He advised that the proposed structure would be built to match his house.

Chair Maggi asked the applicant how he would access the larger accessory building.

Mr. Salscheider replied that he would use his existing driveway and go down the right side of his house to the accessory building.

Chair Maggi asked if he would be adding driveway.

Mr. Salscheider replied he was unsure but would likely put in some kind of hard surface since he was told that gravel is considered impervious surface. He advised that he has a snow removal business and parks his two pickup trucks and two small dump trucks in the driveway. He advised he is not running his business out of his house nor does he plan to; he just wants his equipment where he can oversee it. His plan would be to park these inside the proposed accessory structure.

Chair Maggi closed the public hearing.

Planning Commission Discussion
Chair Maggi stated the challenge will be identifying a practical difficulty.

Commissioner Niemioja supported the applicant's statement that he would be willing to reduce his building to 1,600 square feet and she believed that the topography, large easement, septic field, and existing building was a viable practical difficulty for the setback variance.

Chair Maggi asked if the applicant would still need a variance to allow a second structure even if he reduced the size to 1,600 square feet.

Ms. Botten replied in the affirmative, stating that the applicant is requesting to build a pool house

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and a larger accessory structure.

Commissioner Simon clarified that the first variance is for more than one accessory structure, the second variances is for setbacks, and the third is to allow a structure larger than 1,600 square feet.

Commissioner Robertson stated her concern was the request for a second structure and the precedent it would set if approved. She did not see a practical difficulty and felt it was more of a personal convenience. She could not approve a reduced setback for that building either because from her perspective the building should not be there.

Mr. Salscheider asked if he could make some comments.

Chair Maggi advised that the public hearing had been closed but after additional discussion she would re-open the public hearing.

Commissioner Weber asked if there were actual drawings for this structure, stating that the applicant referred to the smaller structure as a pool house/gazebo. He asked if the city would consider an open-sided gazebo/pavilion a structure.

Ms. Botten advised that a structure over 120 gross square feet would be considered towards the number allowed on a property.

Commissioner Weber asked if it would still be considered a structure if it was open-sided.

Ms. Botten replied she would not count it towards the number of accessory buildings if it was open on all sides. Her understanding was that the applicant was looking for a structure to house pool equipment along with other uses near his pool. She recommended the variances be acted on separately and that there be some discussion about how they would treat the other variances if the pool house were removed.

Chair Maggi asked how close the larger proposed structure was to the closest neighboring homes.

Ms. Botten stated the proposed structure would be approximately 170 feet from the house to the east and 130 feet from the house to the north.

Chair Maggi asked if either of those neighbors provided comment.

Ms. Botten replied that she spoke with three neighboring property owners but was not sure of their addresses.

Commissioner Weber stated he would like to get clarification from the applicant as to whether the pool house would be an enclosed structure.

Commissioner Wippermann asked what the small structure was on the west side of the house.

Mr. Salscheider replied that it was a portable chicken coop.

Chair Maggi re-opened the public hearing and asked the applicant to discuss the design of the proposed pool house.

Mr. Salscheider advised that he had no drawings but was not opposed to building the pool house with open walls. His vision would be having a wall on the northwest side to hide the pool

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equipment and have the other three sides be clear garage doors that he could open up and close as needed.

Chair Maggi asked when the pool was installed.

Mr. Salscheider replied summer 2020.

Chair Maggi asked the applicant if he gave any consideration at that time to locating the pool equipment where the larger accessory structure was being proposed so he would need only one structure rather than two.

Mr. Salscheider replied that the pool installer recommended the current pool equipment location because of topography and the fact that water struggles to go uphill. Also, when he built his pool, he never imagined that he would have to go through these variances to do what he had envisioned for his land. Regarding the multiple structures, he looked at the Dakota County website and found 12 properties around his house under 5 acres that have 2-3 detached structures. He is assuming they were all given variances for the multiple structures, so allowing this would not be out of the ordinary for his neighborhood. He noted that even though the proposed structure would be 10 feet from the property line, it would be 170 feet from his neighbor's house. He stated if he reduced the building size to 1,600 square feet that would negate the need for one variance. The second variance for setbacks would be based on the topography of his property. Since he cannot build the structure on the 2-1/2-acre drainage and utility easement this is the only viable location. He does not see any issues with the third variance for having more than one structure since many properties around him have apparently received variances and have multiple structures.

Chair Maggi closed the public hearing. She asked if anyone could find a practical difficulty for allowing two accessory structures.

Commissioner Niemioja commented that she supports the setback variance based on the practical difficulty being the land but could not find a practical difficulty for allowing more than one structure. Regarding the homeowner finding non-conforming lots elsewhere, she stated it is unlikely those people were given a variance for the additional structures. If they were, it was because there was a valid practical difficulty and if they were not, they are in non-compliance. She was concerned about the impact having two structures would be on the surrounding lots that were of similar size.

Commissioner Weber did not think they had to worry about allowing two structures if the homeowner was willing to build a pool house that does not have four walls. It would only become an issue if the applicant wanted to wall it in. In his opinion a pavilion would be similar to putting up a tent. He believed they were looking at only one variance at this point, the setback variance, because the applicant was willing to drop the size to 1,600 square feet and he did not think the pavilion would be considered an accessory structure.

Chair Maggi stated the challenge is that the application that was presented to staff includes two accessory structures.

Commissioner Weber asked if they could approve the setback variance with a condition that it be 1,600 square feet or less in size.

Commissioner Simon replied that voting on the variances separately should take care of that issue.

Ms. Botten replied that the planning commission could add a condition to the second variance. She agreed that they should act on each variance separately because she believes the applicant

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would still prefer to have the enclosed pool house. She advised that if the doors go up and down on a gazebo with glass walls, it would still be considered a structure.

Commissioner Robertson stated she could not support this package until she understood what the pool house would be and suggested perhaps they deny this as presented and have the applicant come back with a revised request for one accessory building.

Chair Maggi stated her understanding of Commissioner Weber's comments was that they could vote on the setback variance if they were comfortable with the stated practical difficulty, add a condition that the building must be 1,600 square feet or less, and then the applicant could choose not to build a pool house, which would allow the applicant to move forward.

Commissioner Robertson asked for clarification that they would potentially be denying two of the three variances.

Chair Maggi replied in the affirmative, should the vote go that way.

Planning Commission Recommendation
Motion by Commissioner Simon, second by Commissioner Weber, to approve the request for a structure larger than 1,000 gross square feet to be located 10 feet from the east property line and about 25 feet from the north property line whereas 50 feet is required, for the property located at 2306 – 99th Street, with the practical difficulty being the topography and adding a condition that the structure must be less than 1,600 square feet.

Motion carried (8/0).

Motion by Commissioner Simon, second by Commissioner Weber, to deny the request for a variance to allow two accessory structures whereas one is the maximum allowed on a lot less than five acres in size, for the property located at 2306 – 99th Street due to lack of a practical difficulty.

Motion carried (8/0).

Motion by Commissioner Simon, second by Commissioner Weber, to deny the request for a variance to allow an accessory structure1,750 square feet in size whereas 1,600 gross square feet is the maximum allowed, for the property located at 2306 – 99th Street, due to lack of a practical difficulty.

Motion carried (8/0). This item goes to the City Council on January 25, 2021.

Chair Maggi summarized to the applicant that the planning commission in essence approved his ability to build one accessory structure up to 1,600 square feet in size 10 feet from the east property line.

Chair Maggi asked if commissioners could get a copy of the amended ordinance regarding impervious surface coverage.

Ms. Botten agreed to provide the requested documentation.

SWIFT TRANSPORTATION – CASE NO. 20-50Z

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a rezoning of the

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property from I-1, Limited Industry to I-2, General Industry and a comprehensive plan amendment from LI, Light Industrial to GI, General Industrial, for the property located at 11380 Courthouse Boulevard. 7 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Swift Transportation is proposing to rezone their 26-acre parcel from I-1, Limited Industry to I-2, General Industry. Swift has operated a truck and freight terminal at that site for a number of years but have now moved from that location. They are requesting a rezoning because they would like to expand the truck-type operation uses to include service and repair of third-party trucks and trailers, which is only allowed in I-2 zoning. A comprehensive plan amendment must also be reviewed so there is consistency with zoning and land use designations. Along this stretch of highway there are existing truck service establishments on both sides of the highway. Staff feels that expanding the allowed uses for this property to allow for truck and trailer repair would be consistent with the existing uses both north and south of the property and therefore they recommend approval of the request.

Opening of Public Hearing
Peter Coyle, Larkin Hoffman, 8300 Norman Center Drive, Bloomington, advised that their understanding was that a land use amendment was not going to be needed. Staff subsequently made a judgment that a comprehensive plan amendment would allow for more consistency between the zoning and land use plan. Swift Transportation has no issues with the proposed amendment.

Glenn Thomas, Swift Transportation, 11380 Courthouse Boulevard, advised that they are not planning any exterior changes to the site, just expanding the allowed uses.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Wippermann, second by Commissioner Niemioja, to approve the request for a rezoning of the property from I-1, Limited Industry to I-2, General Industry and a comprehensive plan amendment from LI, Light Industrial to GI, General Industrial, for the property located at 11380 Courthouse Boulevard.

Commissioner Niemioja commented that she appreciated staff's decision to change the land use to make it consistent with the zoning designation.

Motion carried (8/0). This item goes to the City Council on January 11, 2020.

UNITED PROPERTIES – CASE NO. 20-53SC

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a two-lot, one outlot subdivision, and a conditional use permit to allow manufacturing and assembly in an industrial open space district, for the property located at Lot 1, Block 1 Inverpoint Business Park. 9 notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that United Properties has submitted a preliminary and final plat for building #3 of the original Inverpoint Business Park. The plat consists of replatting Lot 1 into two lots so each building will be on its own

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lot. They are also requesting a conditional use permit to allow for manufacturing because they expect to have some light manufacturing uses in all these buildings. At this point they do not have any specific tenants in place. The fire marshal is requiring that the uses allowed be the same as allowed in the I-1 district and that any use containing hazardous materials comply with the fire and building codes. Staff recommends approval of the request.

Chair Maggi asked what the reasoning was for splitting the lot.

Mr. Hunting replied that they did not have to split the lots and could have kept the two buildings on one lot. Typically, lots are split so they can sell a building and lot to another operator at some point in the future.

Commissioner Weber asked at what point they could implement the agreement that was put in place with Building #1 regarding hours of operation, etc.

Mr. Hunting replied that would be put in place with this approval. All conditions from the original preliminary plat would apply to this as well.

Opening of Public Hearing

Connor McCarthy, United Properties, 651 Nicollet Mall, Minneapolis, advised he was available to answer any questions.

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

Mr. McCarthy replied in the affirmative. He replied that they are asking for the lot split partially to provide flexibility for a potential future sale and partially because it makes it less complicated for operating expenses. If there are shared expenses for snow removal, landscaping, etc. splitting the lots makes it easier for the tenants of the respective buildings to understand what they are paying for.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a preliminary and final plat for a two-lot, one outlot subdivision, and a conditional use permit to allow manufacturing and assembly in an industrial open space district, for the property located at Lot 1, Block 1 Inverpoint Business Park.

Motion carried (8/0). This item goes to the City Council on January 25, 2021.

The meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: January 19, 2021 **CASE NO.:** 21-01V

APPLICANT: Garett Stainbrook

PROPERTY OWNER: Farmers Union Central Exchange (CHS)

REQUEST: A variance to exceed the maximum size of a monument sign and a wall sign in the B-1, Limited Business district

LOCATION: 5300 Babcock Trail

COMP PLAN: O, Office

ZONING: B-1, Limited Business

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

The request is for the 30+ acre property owned by CHS, located in the southwest quadrant of Hwy 52 and I-494. The applicant is requesting two variances, one for a wall sign to be 54 square feet in size and the other to allow a 192 square foot monument sign whereas 50 square feet is the maximum size allowed for signs in the B-1 zoning district. The proposed signs would be in compliance with all other zoning code requirements such as setbacks and height requirements. The sign variances are for the largest B-1 zoned property in the City and the only B-1 property located on the corner of two major highways.

SPECIFIC REQUEST

The following specific applications are being requested:

1) A variance to allow a 192 square foot monument sign where 50 square feet is the maximum size allowed in a B-1 district.
2) A variance to allow a 54 square foot wall sign where 50 square feet is the maximum size allowed for a wall sign in the B-1 district.

SURROUNDING USES

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

North – MnDOT right-of-way
East - MnDOT right-of-way

West – Multi-family; zoned R-3C, Multiple-family guided HDR, High-Density Residential
South – Health Partners; zoned B-1, Limited Business; guided O, office

EVALUATION OF REQUEST

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 purpose of the sign code is to regulate the placement, erection, and maintenance of signs in the city so as to promote the health, safety and general welfare of its residents. The variance request does not appear to be in conflict with the general purpose of the zoning code or comprehensive plan.

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

The total signage on the site is well within the total aggregate allowed on the property. The proposed signs do not appear to conflict with any other performance standards of the zoning ordinance such as setbacks and height requirements.

There is substantial distance between the monument sign and Highway 52 and I-494 where readable visibility is needed for the safe identity of the business related to the traveling public.

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

The intent of the larger signs are to serve a public purpose by identifying the site and to inform customers of the location of the building while driving on the highway. CHS is the largest property in the B-1 district, and the only one located along two major roadways. The property is unique in that the B-1 district does not allow for larger signs on property based on highway frontage or building size. The commercial businesses located on the east side of Hwy 52 are allowed freestanding signs up to 240 square feet in size along the highway and wall signs up to 100 square feet in size.

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

When looking at the size of the property, location and size of the building, and the proximity to Hwy 52 and I-494, the larger signs to help identify the complex do not appear

to affect the character of the locality. Additionally, the monument sign would be located over 500 feet away from the residential properties to the west of the site and due to the topography and vegetation will not be visible from the residential properties.

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 alternatives available for the request:

A. Approval If the Planning Commission finds the variance request to be acceptable, the Commission should recommend approval of the request with at least the following condition(s):

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial and state findings for a denial.

RECOMMENDATION

The request is not out of character for the neighborhood and is consistent with the comprehensive plan. The additional sign sizes do not appear to have an adverse impact on the neighboring properties and will not be visible from the residential property to the west. Staff believes a practical difficulty can be found in that the larger signs are to serve a public purpose by safely identifying the site along a highway. Additionally, the B-1 district does not allow for larger signs on a property based on highway frontage or building size.

Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the requested variances.

Attachments: Location/Zoning Map
Applicant Narrative
Site plan

5300 Babcock Trail
Case No. 21-01V

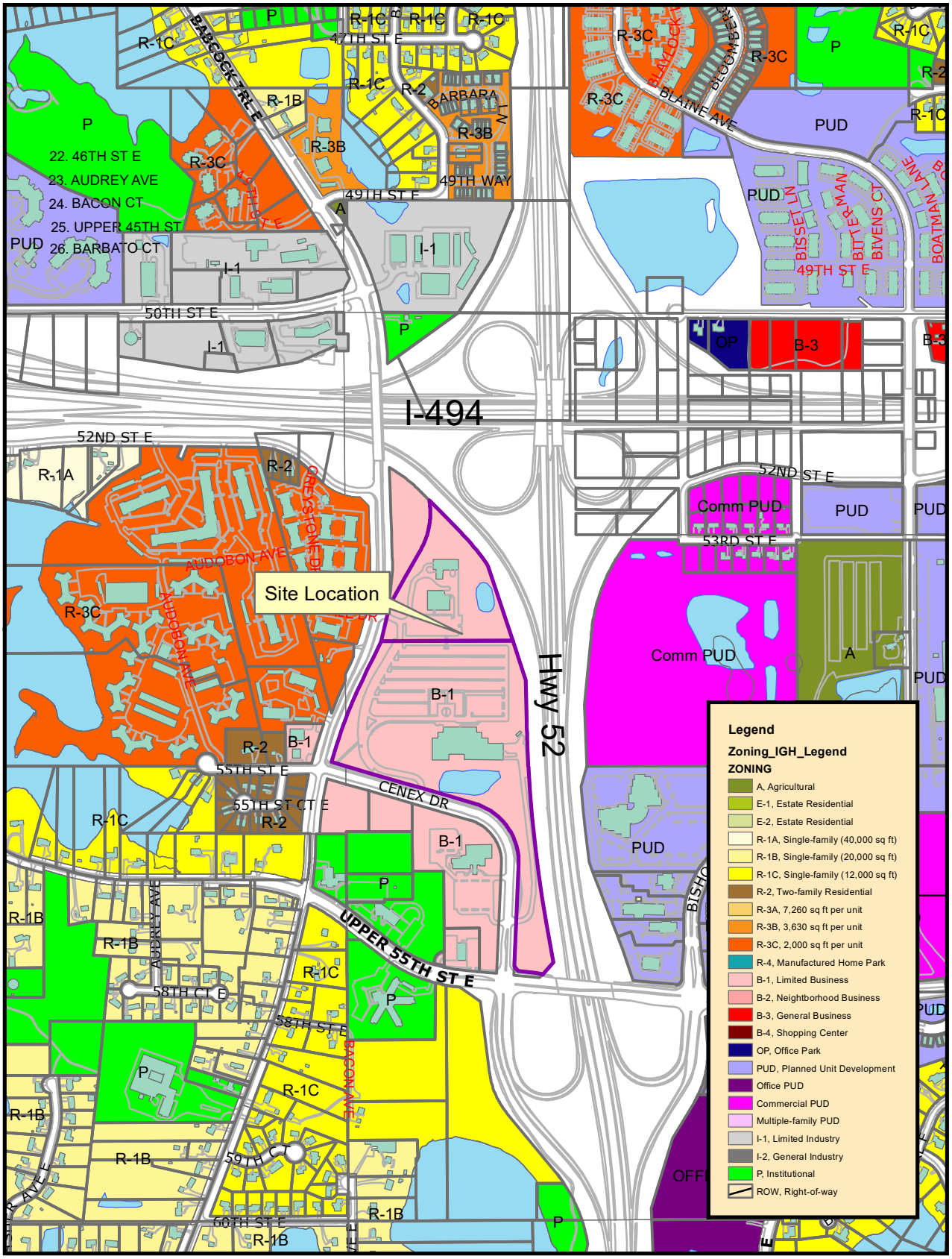

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Exhibit A

Zoning and Location Map

Map not to scale

B|W|B|R

380 St. Peter Street, Ste. 600
Saint Paul, MN 55102

651.222.3701
bwbr.com

11 January 2021

Ms. Heather Botten – Associate Planner
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Narrative for Monument Sign Variance
BWBR Commission No. 2020180.00

Dear Heather:

CHS Inc. is proposing to add a monument sign to the property 5300 Babcock Trail, Inver Grove Heights, MN 55077. The sign is to be located at the intersection of Interstate 494 and U.S. Route 52 – on CHS Inc.'s own property. The intended sign is to be clad with dark bronze colored composite metal panels and installed on a cast stone/ concrete base. Lettering and logo will be internally lit LED elements provided by a signage company. The sign surface will be approximately 12'-0" x 16'-0" (192 SF).

The property is zoned as a B-1, Limited Business designation. Per zoning section 10-15E-8 Signs in B, I and P Districts:

"No individual sign surface shall exceed fifty (50) square feet in a B-1 district."

The proposed sign exceeds this limit by approximately 142 SF. We feel, a monument sign for CHS Inc. that adheres to 50 SF limit would not be adequate at this location.
Due to vegetation, trees and topography, the proposed location of the Monument Sign will not be visible to the adjacent neighbors, as noted on attachment 2_Owners Across Street (8_5x11).pdf.
The intent is for the Monument Sign to address traffic on I-494 and Route 52. Monument signs erected by comparable organizations, such as Land o' Lakes and General Mills, along these types of thoroughfares are comparable in size and location to roads.

In addition, CHS Inc. is proposing to add a building mounted sign to the east elevation of the parking deck. This sign would be created by a signage vendor and surface mounted to the deck facing U.S. Route 52. The sign would be internally lit and is currently planned to be +/- 6'-0" x 9'-0" (54 SF).

Sincerely,

BWBR

Matt Sletten, Assoc. AIA
Senior Job Captain

mns

For professional licensure, visit bwbr.com/licenses-registrations

FREE STANDING MONUMENT SIGN

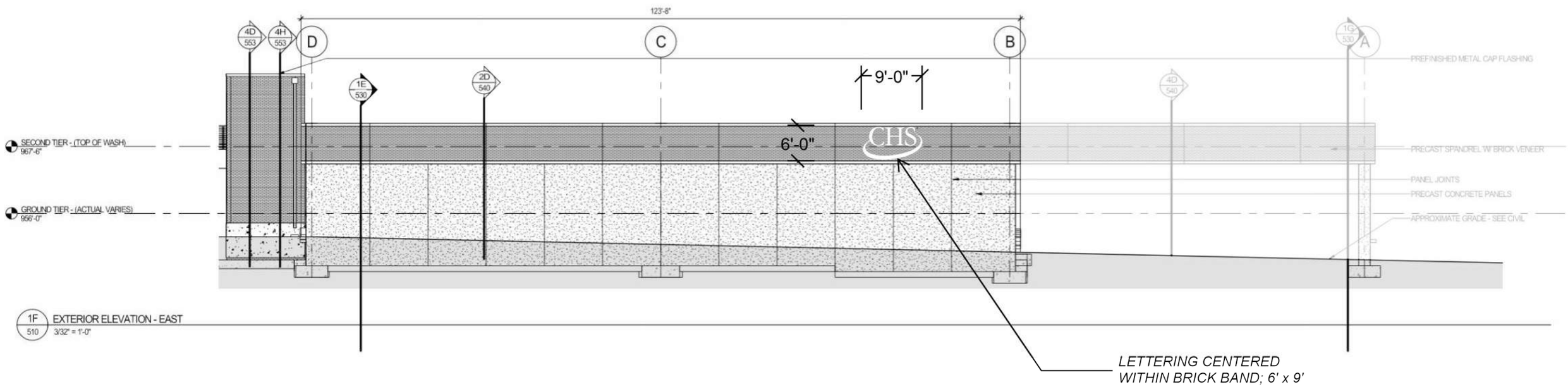
SIGN MOUNTED TO PARKING DECK

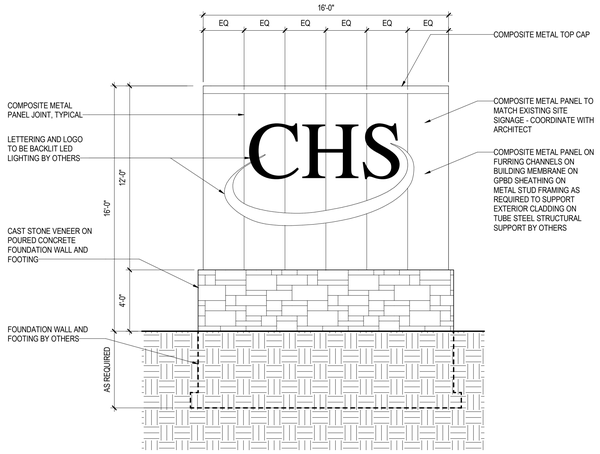
5500

Monument Sign Towards Highway 52

PHOTO FROM NORTH BOUND HWY. 52

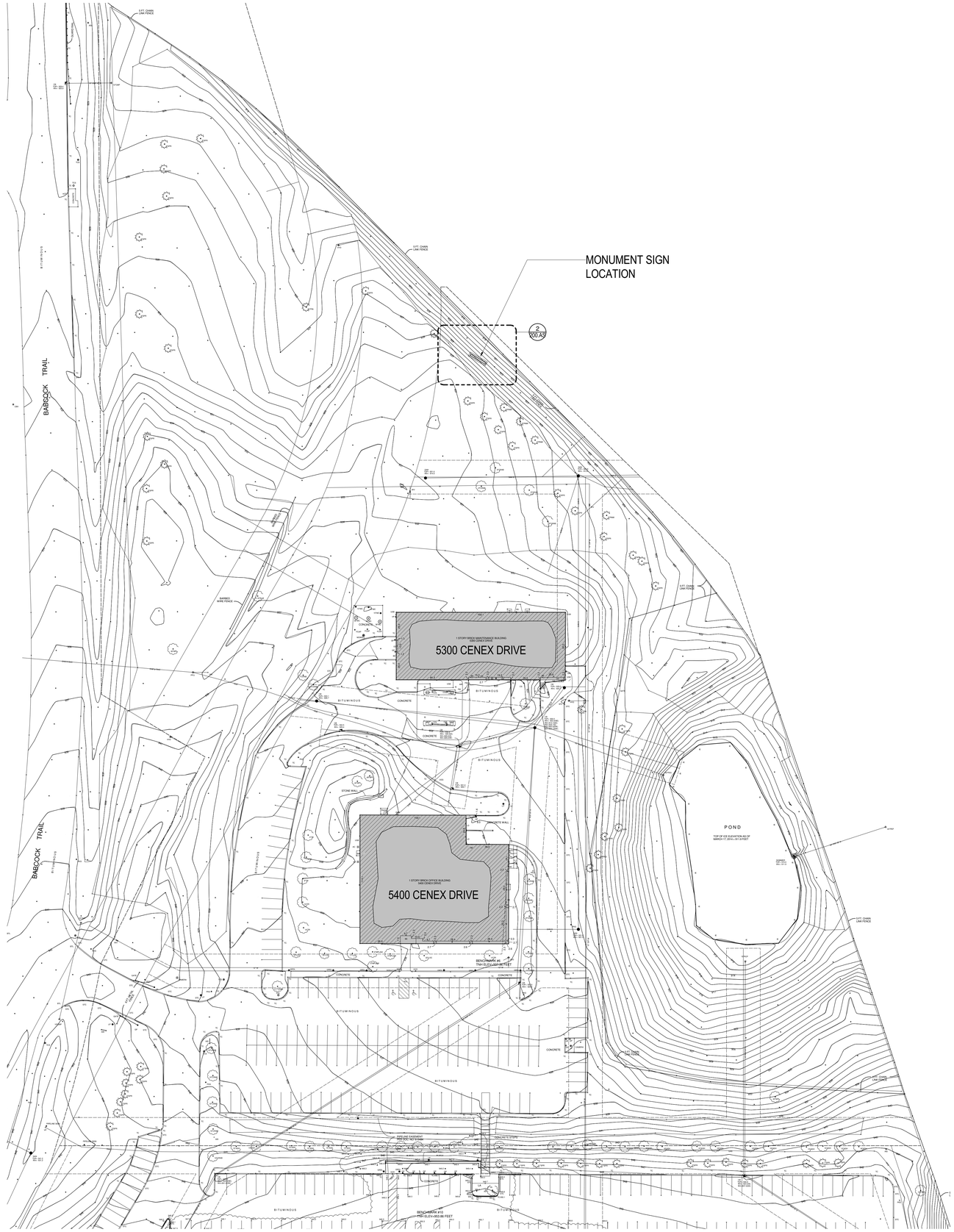
STILL FROM MOCK UP VIDEO





1C / 200.AS — EXTERIOR ELEVATION - MONUMENT SIGN
1/4" = 1'-0"

2 / 200.AS — DETAIL PLAN - MONUMENT SIGN
1/8" = 1'-0"



1 / 200.AS — SITE PLAN - MONUMENT SIGN
1" = 40'-0"

EXSTING STRUCTURES SHOWN SHADED

CHS

MONUMENT SIGN

BWBR
380 St. Peter Street, Ste. 600
Saint Paul, MN 55102
651.222.3701
bwbr.com

Consultants

Issued For

Item	Date

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Keyplan

TRUE NORTH — PLAN NORTH

Comm. No. 3.2020###.00
Drawn

Sheet Title
ARCHITECTURAL SITE PLAN

Sheet No.
200.AS

12/8/2020 2:50:59 PM

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: January 19, 2021 **CASE NO.:** 20-55C

APPLICANT: Sandra Perez

REQUEST: A Conditional Use Permit to operate a 24-hour childcare facility

LOCATION: 2855 47th Street

COMPREHENSIVE PLAN: P, Public/Institutional

ZONING: P, Institutional

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

Sandra Perez has submitted a request for a conditional use permit to operate a 24-hour childcare facility in the classrooms at Bethesda Church. Daycare facilities are a conditionally permitted use in the Institutional zoning district; a license from the state and occupancy permits from the City are also required. The applicant currently operates Mi Familia Child Care Center in the Church and is looking to expand the operating hours to allow for extended-overnight care.

The daycare currently provides childcare for newborns – school age children. The extended hours (after 6:00pm) would be limited to preschool and school age children. The applicant is anticipating the center would close by 1:00 am but would like the flexibility of being open 24 hours in case there is demand for longer hours. The center would be open Monday – Saturday as the Church uses the space on Sunday's. There are no changes or additions proposed to the building or property.

SPECIFIC REQUEST

Approval of a Conditional Use Permit to allow a 24-hour daycare facility to be operated out of the existing building.

EVALUATION OF THE REQUEST

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

North	Single-family; zoned R-1C, Single-family, guided LDR, low density residential
West	Single-family; zoned R-1C, Single-family, guided LDR, low density residential
South	Single-family; zoned R-1C, Single-family, guided LDR, low density residential
East	Single-family; zoned R-1C, Single-family, guided LDR, low density residential

Conditional Use Permit (CUP)

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 proposed use is consistent with the Comprehensive Plan as it is guided for Public/Institutional uses.

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.*

   This standard would be met. The P, Institutional zoning district is intended to provide areas for public and institutional uses. Daycare facilities are a type of public use intended to be located in the P zoning districts and are allowed with a conditional use permit.

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

   This standard would be met. The proposed use will not create any adverse physical impacts upon the neighborhood. There will not be any changes to the existing or surrounding properties.

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. The City Fire Marshal and Building Official would review and approve plans for code compliance prior to any improvements being done to the building.

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

   a) *Aesthetics/exterior appearance*

      There are no exterior changes proposed to the site.

   b) *Noise*

      The proposed daycare use would not generate noises that are inconsistent with P zoning.

   c) *Traffic*

      The peak hours for the daycare will be during the morning drop-off and the afternoon pick-up of children. The proposed use will not likely create a traffic problem.

   d) *Drainage*

      No additional impervious surface is proposed; this condition is met.

   e) *Fencing, landscaping and buffering*

      Not applicable.

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.*

   Parking requirements for a daycare operation is based on the number of employees (one space per employee) and children (one loading/parking area for every 6 students). Considering the lot currently features enough parking spaces for the church congregation and the daycare is not open on Sunday's there is adequate parking for the parents and the employees to park.

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

   Staff is not aware of any public health, safety or welfare issues associated with the proposal. This standard has been met.

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

   N/A

Other Site Design Elements

1. *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.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. **Approval** If the Planning Commission finds the application acceptable, the Commission should recommend approval of the Conditional Use Permit with the following conditions:

1. All parking/drive aisles, and landscaped areas shall be properly maintained.

2. The hours of operation are limited to Monday through Saturday.

3. The applicant must apply for and obtain a building permit for any signage or building improvements.

4. Daycare operation may not commence until proper approval from the State is received and maintained.

5. Daycare operation may not commence until an Occupancy permit is obtain from the City Building Inspections Department.

6. 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.

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 Exhibit A – Zoning and Location Map
Exhibit B – Narrative
Exhibit C – Aerial photo of property

2855 47th Street
Case No. 20-55C

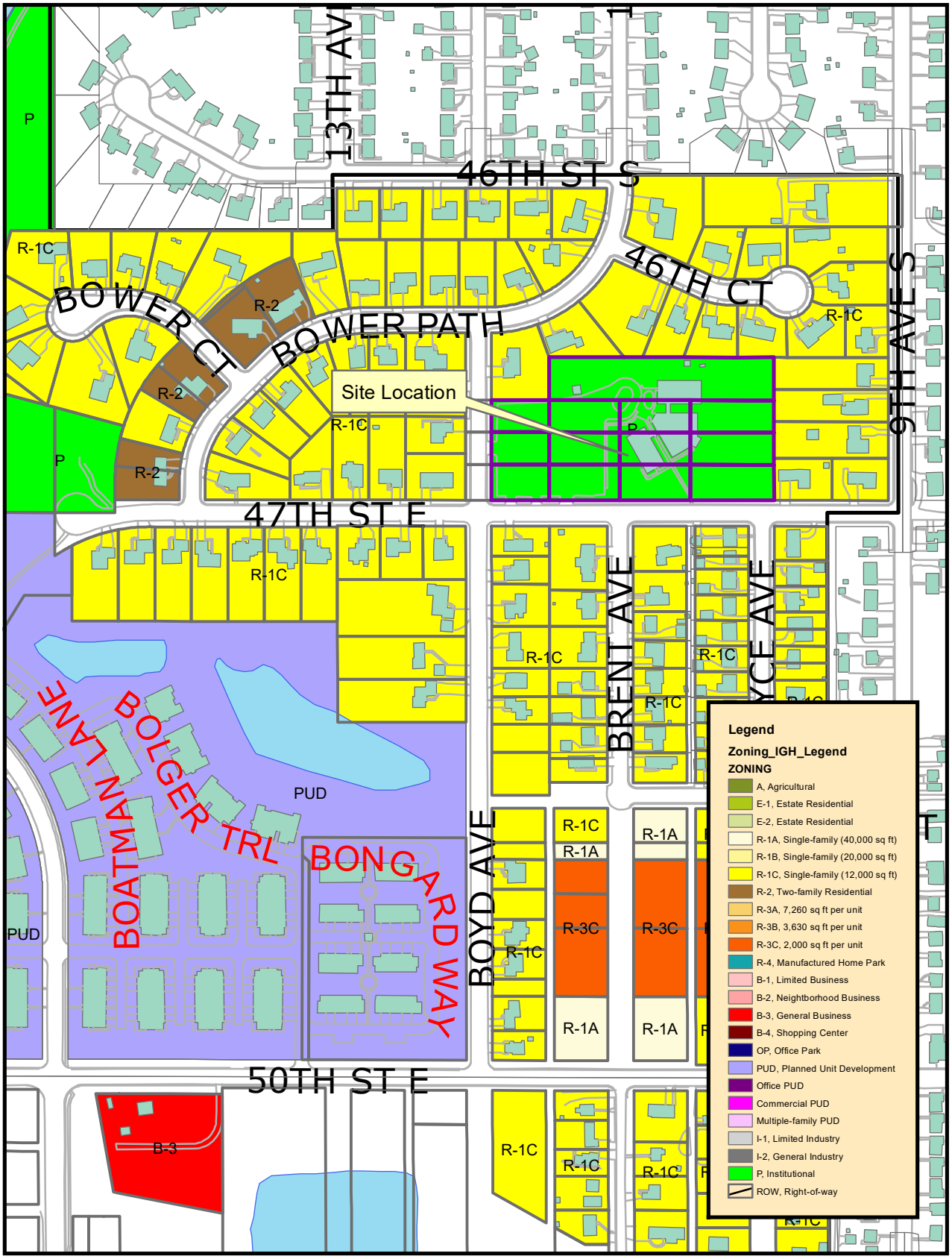

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Exhibit A
Zoning and Location Map

Map not to scale

City of Inver Grove Heights

My name is Sandra Perez, I own Mi Familia Child Care Center at, 2855 47th St E. Inver Grove Heights, MN 55076. My intention is to continue to offer quality care at this location and expand my services by opening a 24/7 childcare center.

During this pandemic we have seen the demand for 24-hour care for those in the healthcare field and all essential workers. We are 100% dedicated to the education and well-being of the children in our community and surrounding areas. We are also asking to increase the number of children we can provide care for.

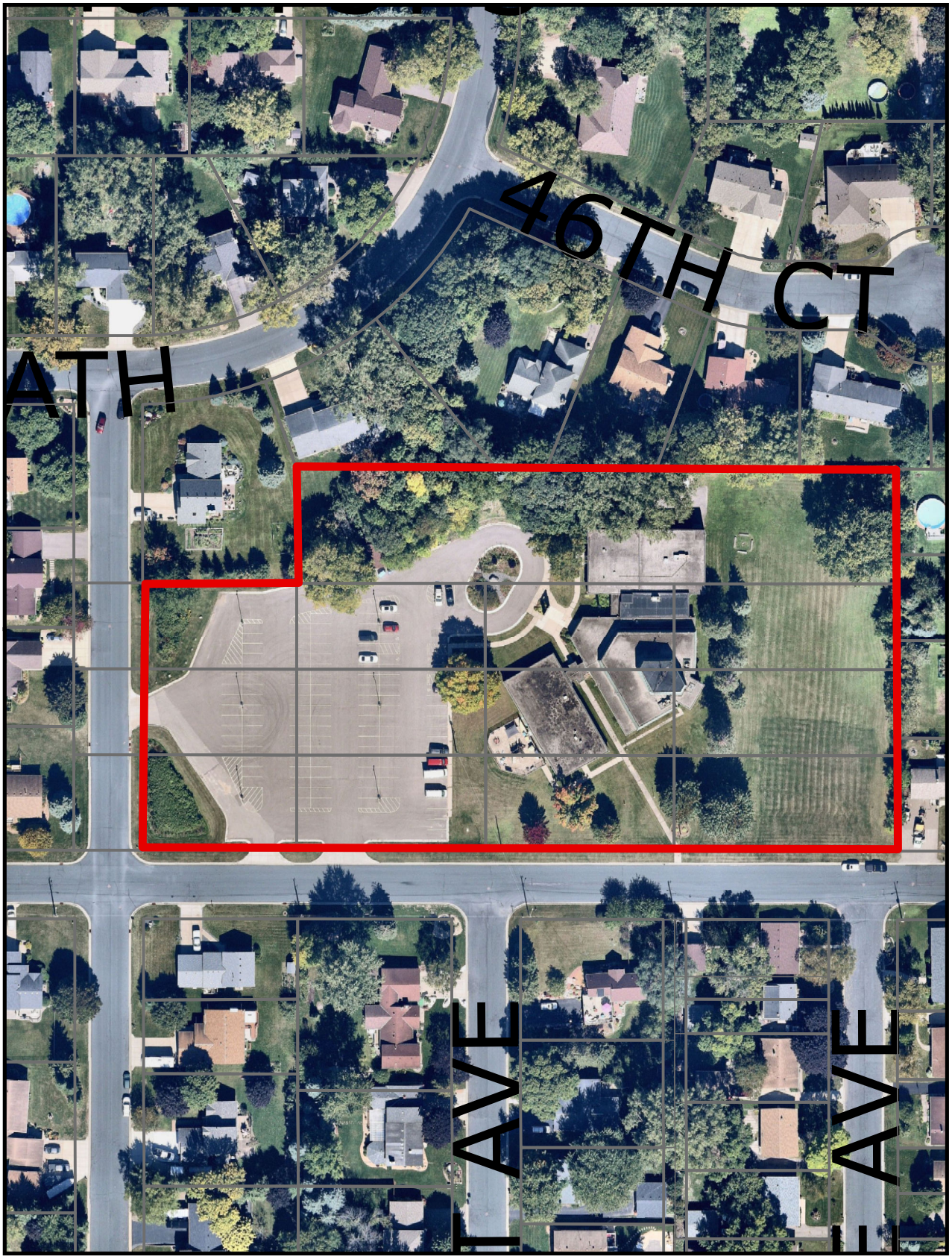
The services we will provide are preschool, school age care before, night care and after school hours. We will also accommodate distance learning given the current pandemic situation.

Best,

Sandra Perez

12/7/2020

2855 47th Street
Case No. 20-55C



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N

Exhibit C

Aerial of property

Map not to scale

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: January 19, 2021 **CASE NO.:** 20-54C

APPLICANT: Sandra Perez

REQUEST: A Conditional Use Permit to operate a 24-hour childcare facility

LOCATION: 5300 S. Robert Trail

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

Sandra Perez has submitted a request for a conditional use permit to operate a childcare facility in a vacant tenant space in the Salem Square shopping center. The childcare facility would operate 24 hours a day – 7 days a week. A daycare facility is a conditionally permitted use in the B-3, General Business district; a license from the state and occupancy permits from the City are also required. The applicant currently operates Mi Familia Child Care Center at 2855 47th Street and is looking to add another location in the City.

The childcare center would provide childcare for newborns – school age children. There are no changes or additions proposed to the exterior of the building or property. There is not a playground area proposed at this time.

SPECIFIC REQUEST

Approval of a Conditional Use Permit to allow a 24-hour daycare facility to be operated out of a portion of the commercial building.

EVALUATION OF THE REQUEST

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

North	Right-of-way
West	Right-of-way
South	Park Dental; zoned B-3, General Business; guided RC, Regional Commercial
East	Multi-family; zoned R-3C, multi-family; guided HRD, High Density Res

Conditional Use Permit (CUP)

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 proposed use is consistent with the Comprehensive Plan as it is guided for B-3, General Business.

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.*

   This standard would be met. The General Business district is intended for large scale retail sales and services serving the region. Daycare facilities are a type of use intended to be located in the B-3 zoning district and are allowed with a conditional use permit.

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

   This standard would be met. The proposed use will not create any adverse physical impacts upon the neighborhood. There will not be any changes to the existing or surrounding properties.

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. The City Fire Marshal and Building Official would review and approve plans for code compliance prior to any occupancy permits for the use.

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

   a) *Aesthetics/exterior appearance*

      There are no exterior changes proposed to the site.

   b) *Noise*

      The proposed daycare use would not generate noises that are inconsistent with B-3 zoning.

   c) *Traffic*

      The peak hours for the daycare would be during the morning drop-off and the afternoon pick-up of children. The proposed use will not likely create a traffic problem. There will not be a loading/drop-off area. The parents are required to park their cars in a parking space and come inside to pick up the kids. The child care center is located at the end of the building with ample parking to the south of the proposed location.

   d) *Drainage*

      No additional impervious surface is proposed; this condition is met.

   e) *Fencing, landscaping and buffering*

      Not applicable.

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.*

   Parking requirements for a daycare operation is based on the number of employees (one space per employee) and children (one loading/parking area for every 6 students). Considering the lot currently features enough parking spaces for the retail strip center and the daycare is an end unit staff does not anticipate any parking problems. No vehicles would be allowed to be parked in a fire lane. The Fire Marshall and Building Official would be reviewing the site to be in compliance with fire and building codes.

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

   Staff is not aware of any public health, safety or welfare issues associated with the proposal. This standard has been met.

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

   N/A

Other Site Design Elements

1. *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.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

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

1. All parking/drive aisles, and landscaped areas shall be properly maintained.

2. The applicant must apply for and obtain a building permit for any signage or building improvements.

3. Daycare operation may not commence until proper approval from the State is received and maintained.

4. Daycare operation may not commence until an Occupancy permit is obtain from the City Inspections Department.

5. 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.

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 Exhibit A – Zoning and Location Map
Exhibit B – Narrative
Exhibit C –Building Plan
Exhibit D – Aerial photo of the site

5300 South Robert Trail
Case No. 20-54C

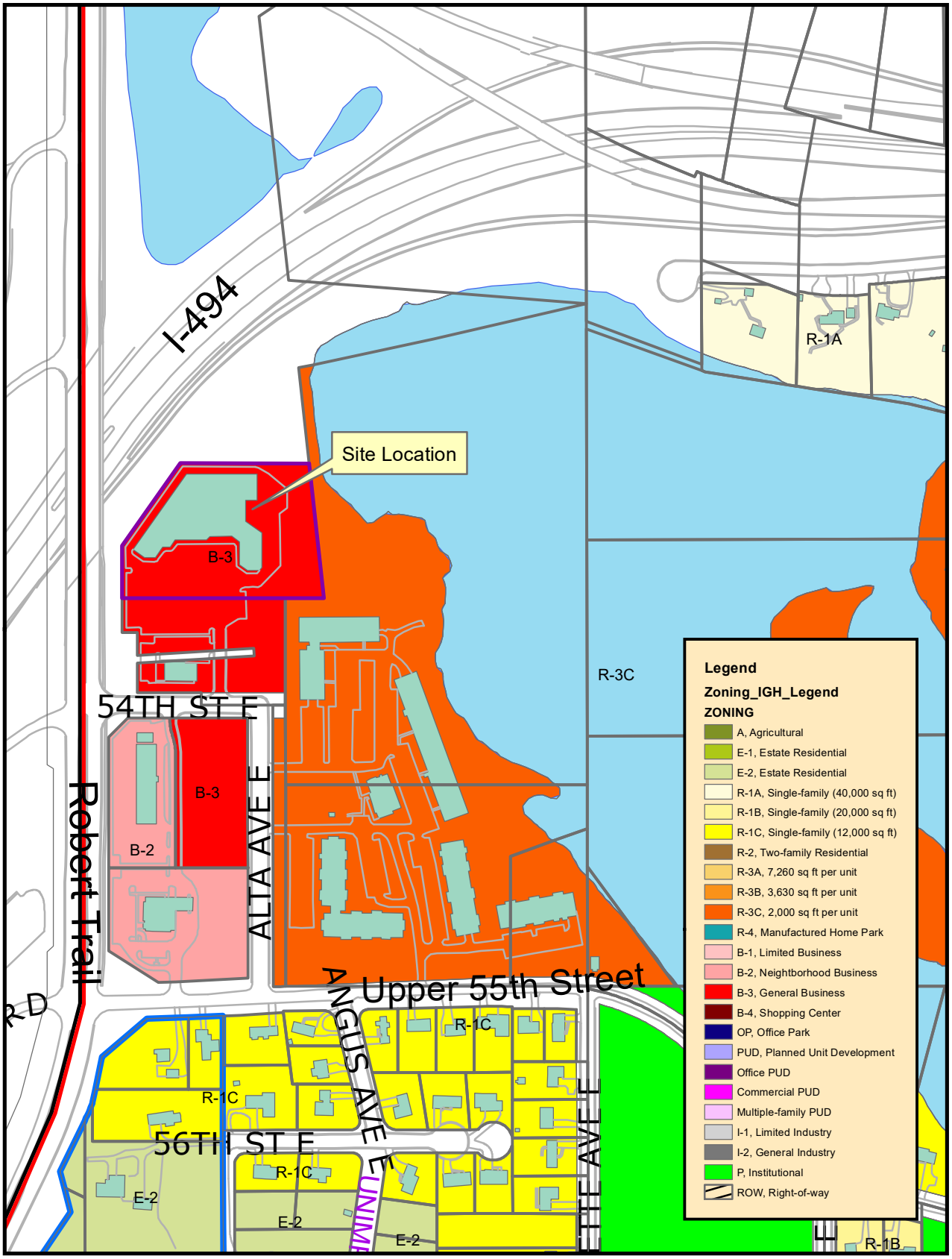

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Exhibit A

Zoning and Location Map

Map not to scale

City of Inver Grove Heights

December 7/2020

We are Jasmine Perez, Sandra Perez, Farah Akrawei, we own Mi Familia Education and Care Center. We would like to lease the property at 5300 So. Robert Trail #100, Inver Grove Heights, MN 55076.

Our intention is to offer quality care at this location and open a 24/7 childcare center.

During this pandemic we have seen the demand for childcare services for those in the healthcare field and all essential workers. We are 100% dedicated to the education and well-being of the children in our community and surrounding areas.

The services we will provide are preschool, school age care and night care.

Thank You,

12/7/2020

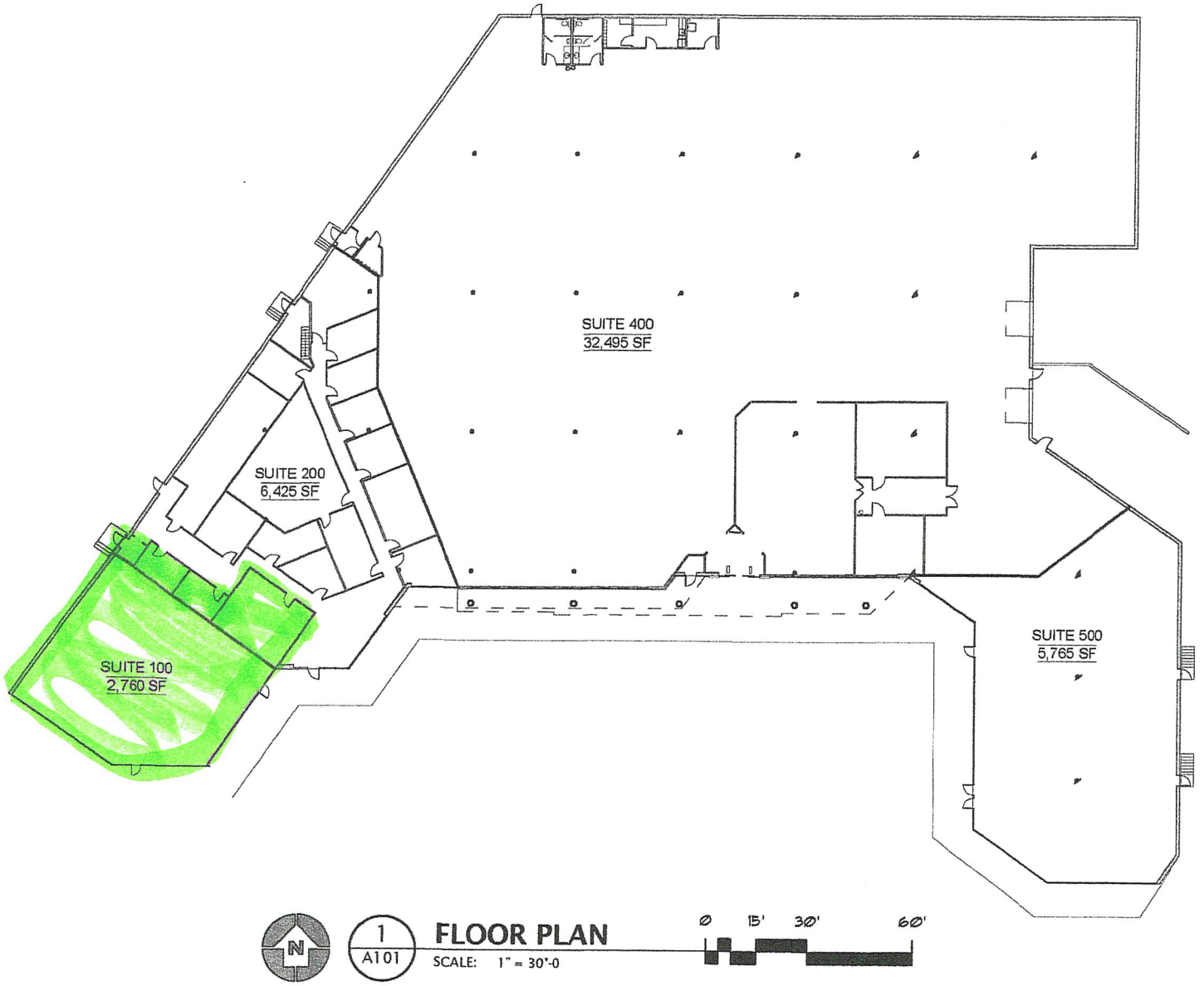
Jasmine Perez

12/7/2020

Sandra Perez

12/07/2020

Farah Akrawei



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1959 Sloan Place, Suite 100
Maplewood, MN 55117
Phone: (651) 487-3201
Fax: (651) 487-3203
NAI-Architects.com

SALEM SQUARE SHOPPING CENTER

5300 S Robert Trail, Ste
Inver Grove Heights, MN

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Comm No 20180

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A1

5300 South Robert Trail
Case No. 20-54C

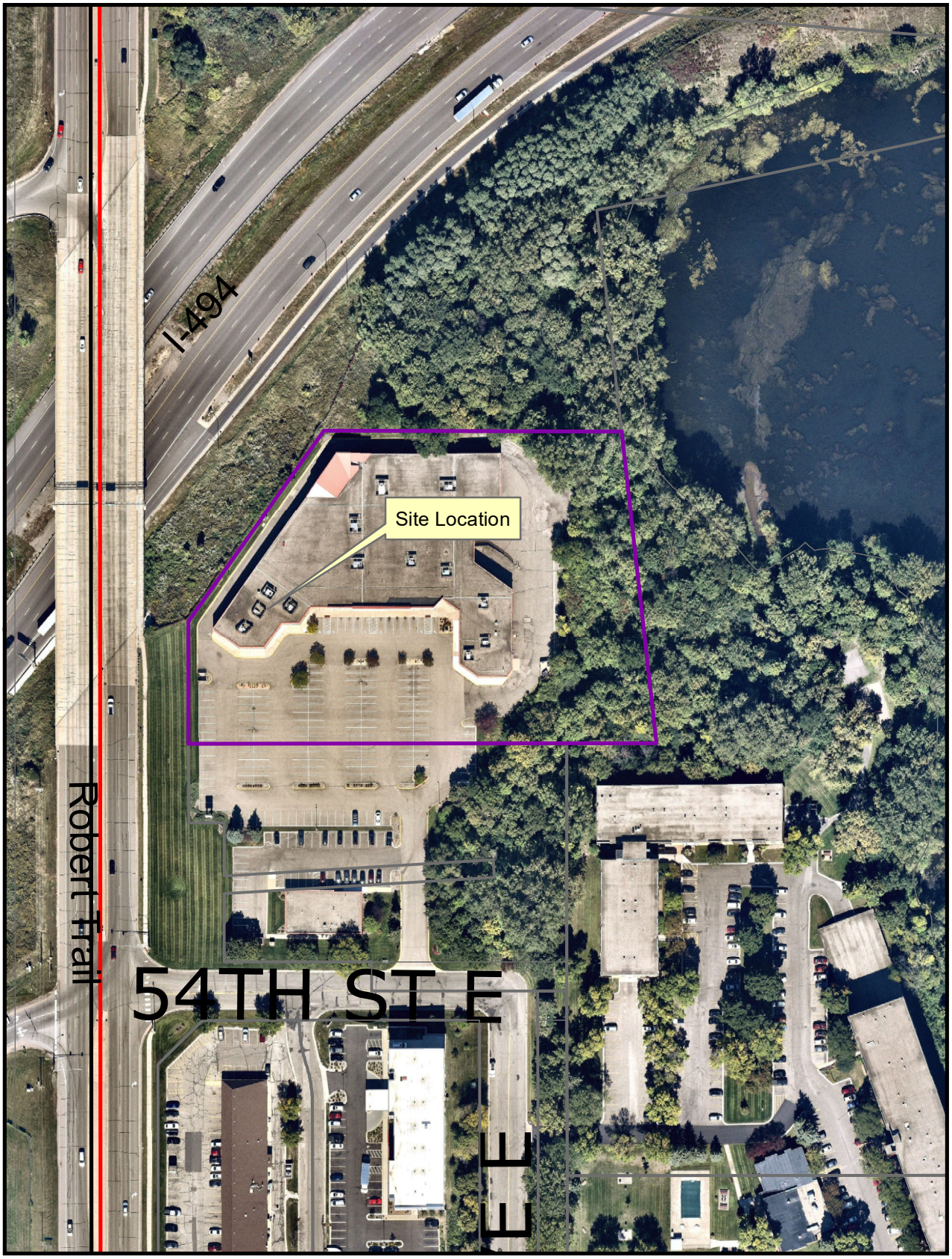

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Exhibit D

Aerial of the property

Map not to scale