

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA
WEDNESDAY, FEBRUARY 2, 2022 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR JANUARY 18, 2022.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 TERRY TRKLA - CASE NO. 22-03V

Consider the following requests for the property located at 6050 Concord Blvd:

- a) A variance from the exterior building material requirements to allow a hoop structure.

Planning Commission Action _____

- b) A variance from the side and rear setbacks.

Planning Commission Action _____

3.02 HAUNT ARMADA - CASE NO. 22-04C

Consider the following requests:

- a) A zoning code amendment to change the definition and land use table for the use of Recreation center.

Planning Commission Action _____

- b) A conditional use permit to allow a Recreation center, commercial use to be operated out of the existing building located at 5280 S. Robert Trail.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, January 18, 2022 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

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

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

Staff Present: Kris Wilson, City Administrator
Allan Hunting, City Planner
Steve Dodge, Assistant City Engineer
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR DECEMBER 21, 2021

The Planning Commission Meeting Minutes for December 21, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

M/I HOMES - CASE NO. 22-02S

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for M/I Homes - Case No. 22-02S. The request is for property located at Outlot E, South Grove Townhomes and consists of a Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition. This is for Phase 2 of the South Grove Subdivision and includes a 34-unit townhome development. Notices were mailed to 137 property owners on January 5th, 2022

Presentation of Request

Allan Hunting, City Planner, described the location of the project with 75th on the north, Clayton Avenue, and public streets going through, Cloman and 76th. This is for Phase 2 of the South Grove Townhome project, the second and final phase. The 1st Phase consisted of 36 units and 10 single family homes, currently under construction. Grading was done for Phase 2. The final 34 units would get started in the spring. The Commission would be confirming consistency with the preliminary plans and preliminary conditions of approval. Staff reviewed and determined the site plan and layout are exactly the same as the preliminary. Engineering has reviewed this and determined everything that is out there now is consistent with current grading plans. Phase 2 was mass graded with Phase 1. Staff has found everything to be consistent with the Preliminary Plans and recommend approval of the final Plat and PUD. The Assistant City

Engineer Steve Dodge was also in attendance to answer any questions.

Commissioner Weber questioned when Fire reviewed this, if they were fine with all of the roads.

Mr. Hunting responded in the affirmative.

Commissioner Clancy asked if Staff received any comments about grading or drainage from neighbors in the area, especially in the southeast corner of the lot. It was a concern the first time around.

Mr. Hunting replied Staff did not receive anything with this application and notice. It was his understanding that portion was working.

Commissioner Challeen asked about Condition #8, where there was an area along what she thought was the eastern boundary, where the plan was abutting really close to a fence or some property lines. She asked if that has been accommodated.

Mr. Hunting replied that was the required open space along the east boundary that would have an easement area over it. He said there was a question about access to the backsides of the lots. It was Staff's understanding the Developer has worked out a private agreement so residents could get access to the backside. It would be a private issue; the city cannot correct it.

Steve Dodge, Assistant City Engineer, mentioned there was a phone call Engineering received from the resident on the south side of the property whose backyard is up against the ponds on 77th Street. He said he explained to the resident that the ponds were rough graded in and the function of the three staged pond system. There would be finished grading, turf, and vegetation as development continues. There are escrows in place to make sure that happens. Staff would be meeting with the resident in the spring/summer once things progress.

Opening of Public Hearing

Emily Becker, M/I Homes, 5354 Parkdale Drive, Suite 100, St. Louis Park, Minnesota, 55416, stated she has read and understands the report. She addressed the access easement that is currently being worked out with the Oaks HOA. There is some discrepancy and feeling that additional access easement should be given on the east side of the property where the open space easement is. She confirmed it is a private agreement.

William Scott, 3732 Conroy Trail, lives at the east end of this site and is the Representative for the Oaks Board. He referred to the access easement and said there has not been an agreement between them and M/I at this point. He was unsure it would work out or not, they have not heard anything back. He pointed out the area on the site plan and said that there was a discrepancy on their property line. It stands out to him if looking at the property line on the north end, it appears to shift a little bit north. He said he has been assured by the City Planner that those lines are correct. They are not debating where the property line is, but asking to get a little bit more movement on the north end of the property. Originally the easement he received gave two feet on the other side of the fence, he did not believe that would be enough. They need to be able to get mowers in there so people can get to the back of their properties for maintenance or fire escape. He asked if a Fire Study was done on this project.

Chair Niemioja responded the Fire Marshall analyzed the plan.

Mr. Scott said he did not see those results.

Chair Niemioja said the Commission has not received those results.

Mr. Hunting replied that he did not recall what the results were. It would have been at the Preliminary stage.

Mr. Scott said safety was one of the reasons why they were asking for the easement. Some of the townhomes are trapped between other townhomes, there is no way for them to get out, especially if they do not have access through the gates currently located in the fence. He requested the Commission consider denying this until the easement can be worked out. He was unsure if that could even be done or not.

Chair Niemioja said the Commission is trying to see if there are consistencies between the first and second plan. She has not noticed a major inconsistency. She mentioned this was a great opportunity to voice some of those concerns, discuss them with the City Planner, and forward them on to the City Council.

Mr. Scott said that some of the homeowners have voiced concerns about the elevation on the north end of the property. He referred to the grading diagram and the north end of the property which has a retaining wall. It could be 5-6 feet on the elevation. Some of the homeowners behind that elevation have concerns about intrusion of their privacy. He assumed some of the homes would have deck lights coming off the back of the properties, he was unsure if they could take action to alleviate the light intrusion or view. The homes would sit quite a bit taller than the current elevation of the Oaks. Some of those consist of people's bedrooms.

Chair Niemioja asked if there were plans for a fence on the retaining wall.

Mr. Dodge replied if there was a fence on a wall, it was typically a protective fence for pedestrians. It could be a 3.5-4-foot black cyclone fence. It would not be anything of significance.

Commissioner Weber mentioned the floor values of the townhomes in the northeast corner are at 862.1. The townhomes are in between 858 and 860 grade lines. Their basement would sit maybe 2-3 feet above the townhome basement. If putting a single-family residence there it would be a two story above ground and bigger than what is being put in with this project. He felt the wall was more protective than increasing the height of homes.

Mr. Scott said looking at the project the way it is now, it looks quite a bit taller. He was sure that wasn't the current grade of where the houses would sit. He is voicing the concerns of the homeowners who were not in attendance. He was unsure if there was any privacy that could be added to that or not.

Chair Niemioja said it was great to voice those concerns now. She mentioned that the pile of dirt would likely not remain there like it is.

Mr. Scott said the wall looks like it's 2 feet from their fence. If the wall stands there, he asked if it could be moved back so they have more than 2 feet from the bottom of the wall to the fence.

Chair Niemioja asked the City Planner what the rules were where there is an abutting property

line and wall/fence.

Mr. Hunting replied there were not any. A retaining wall could be right up to a property line. There could be a comment put in the minutes. If the Developer wanted to look at modifying something it may be possible if it works with grading. It cannot be added as a condition.

Commissioner Weber referenced the diagram shown of the property and the true northern boundary that shows as a straight line, and an off-kilter line 5-10 feet away from that. He knew they had taken the 30-foot setbacks off of the very northern line. He asked what the solid black line was that the wall was located right next to.

Mr. Hunting thought it was matching the property line. He displayed a diagram of the plat and said it was working off of the legal descriptions.

Mr. Scott referenced a diagram and said the developer was saying the property line is the line located in the back. The fence is the dotted line in between. That was why he brought up the discrepancy about the property because they are saying the actual property line is behind their fence. The fence has been sitting there since 1978. He guessed the dotted line was also where the retaining wall would start. Putting a wall there would not allow room for anyone to open their gate, walk, push their mower to the back, or bring equipment in if someone needed to have the back of their house sided. He referred to the east end and said the property line shows they have 4 feet from their fence to the property line. They are requesting a couple more feet, to 6 feet on that side.

Ms. Becker replied she would have to have their Engineer look to see if it would be feasible to move the retaining wall back. They are more than willing to take a look and see if it is feasible and if it would work with grading. She addressed the east side and the request for more room stating that is between the Attorney and the Oaks Representative. It is a private agreement. She said they would work through it.

Mr. Scott discussed additional information that was shared with him during their HOA meeting. One item was about a light on the southeast end where the city has easement access into the Oaks. There is a light there they believe they no longer need. The Board was wondering if they could alleviate that light or transfer it over to M/I. The HOA pays the electricity bill on it.

Commissioner Weber asked if the light was located along the sidewalk going south down to 77th Street.

Mr. Scott agreed that was the location, it sits on the border. The Oaks doesn't use that access, if M/I would be using the access for their residents, their Board suggests/requests they transfer the light to them or get rid of it.

Commissioner Weber said it looked like it was going to be going into the ponds in the southwest corner.

Chair Niemioja said ownership of the light would need to be determined. She suggested calling Utilities at City Hall for a start. It was likely not a condition the Commission would add. She encouraged Mr. Scott to call and said she would like to know the answer to that herself.

Mr. Scott said the city had several windstorms over the summer that tore several trees out on the

east end of the property, the south end of the northern retaining pond. There are a lot of trees located there. Before the project began, there were oaks. Some of those trees were removed with the grading, but when the winds came through it took a couple trees out. There are only a few trees standing, the rest are not good shelter trees and just hanging there. He asked if some of those trees could be replanted. There are also dead ones that could be a threat to residents if they come down.

Chair Niemioja asked the City Planner if there was a landscape plan.

Mr. Hunting displayed a diagram of the landscape plan and pointed out the location he believed Mr. Scott was referring to.

Mr. Scott agreed that was the location. The storm took two trees down, one of which landed on a garage and crushed the fence. The trees that remain are just tall limbs leaning toward the Oaks. He was hoping the Commission could help residents have M/I remove and replant trees.

Chair Niemioja asked if Ms. Becker was aware of any further details in the area. If it was disturbed and what would be replaced in the area.

Ms. Becker replied as far as she knew the cleanup planned in the area has been done. She would have to discuss this with her on-site Construction Manager to verify if he was aware that any of them are dead and need to be removed. If there are dead trees, they do not want to pose a safety hazard. It was something they could look at.

Carmen Campbell, 3690 Conroy Court, said her home is located on the north end. She just recently moved there and didn't know the area. She mentioned with the way the mountain of dirt sits against her fence, last year a pool of water had come into their home. Now they have to try to level it out. Her concern was now that they moved the area, they don't have access, before they did. She said someone did come and worked on it prior and had to take the fence down. There is no way now that they can enter their yard. They took the back fence down and dug a hole so the property could be trenched. They were told it would have to be leveled further to prevent further water toward the home. Her concern is now they are not going to have that access. Her other concern was about the privacy of her home. If the homes sit close to where the mound is, they wouldn't have any type of privacy. When the mound of dirt was done, it went into her yard. With the second plan, she would have to keep her windows closed because the dirt blew into her home. She stated she was not happy this was going on but her biggest concern was that she won't be able to have access to that fence for them to level off the area to prevent water from coming in. Being that it is higher up, could be a problem too.

Chair Neimioja asked the Applicant to speak regarding mitigation of the items the resident just spoke about such as the dust and getting the mound of dirt away from her backyard.

Ms. Becker suggested getting Ms. Campbell in touch with their Construction Manager. He pays close attention to residents' concerns.

Ms. Becker asked Ms. Campbell if she has had conversations with him.

Ms. Campbell responded she has spoken to him, and they have exchanged emails back and forth. She addressed her concerns about what had occurred and did not receive a response back.

Ms. Becker mentioned she would get Ms. Campbell in touch with both herself and the Construction Manager and make sure concerns are addressed and she receives a response.

Commissioner Robertson was concerned that Ms. Becker put the responsibility for the conversation with the Construction Manager onto the resident. It seemed like mitigation and the situation should never have occurred that created the scenario Ms. Campbell has. From her perspective, the ownership of addressing and mitigating the issue rests with Ms. Becker.

Ms. Becker agreed and said she offered to give Ms. Campbell her contact information. She will follow up with Ms. Campbell and make sure her concerns are being addressed.

Ms. Campbell mentioned there would be no way she could try to reconstruct the backyard area now with what happened. There was some reconstruction done in the front yard area, and with that, it narrowed their way. The only way they could have construction done in the back was to come through the back way. With the space in between there is no way anybody can get there because it's just two feet or so that they are able to get in.

Chair Niemioja mentioned that it limits the use of the property.

Ms. Campbell agreed it limits the use of the back area for them to do anything. If they get a heavy rain, she gets a flow of water coming. It needs to be fixed or she would have continuous flooding in her home. She was unsure how fixing it would happen now. She is concerned for the next phase and the cloud of dust and construction, she just moved there.

Chair Niemioja said the Commission is trying to see if there is consistency between the preliminary and final plat. It's important they have those in the town working to be good neighbors. She appreciates attention being brought before Staff, this Commission, and the City Council to make sure everyone is being a good neighbor whether building temporarily or moving here and living here a long time.

Mr. Scott, 3732 Conroy Trail, asked if there was money allotted for clean up after a construction project is done. A lot of the homes have dust, it can't be avoided. He inquired about how to take advantage of those funds and who to contact to get clean up done.

Assistant City Engineer Dodge responded the escrows and funds they have are development funds related to getting the project completed. He felt what Mr. Scott was talking about is if they feel there is an act that has harmed them, it's a private issue between them and the Developer. If the Developer would be able to do additional work that Mr. Scott was referring to, such as washing or cleaning the outside of the houses. That is not something the city takes on. It's a private issue between the two. The city wouldn't use those funds for that purpose. The city agreement is with the Developer, the Developer would have to deal with the residents around their property.

Commissioner Weber asked the City Planner if Outlot D was created for the fact of the dispute over the northern boundary line.

Mr. Hunting replied Outlot D was on the preliminary, but because there was a discrepancy at that point there is no Outlot D on the final plat. They have determined where their lot line is. Outlot D was the discrepancy area, the lower line.

Commissioner Weber asked if Outlot D became a part of the Oaks. He referenced the east side of the property, while looking at Dakota County GIS, there were so many lines it was confusing to decipher which is which. He questioned if the surveys have been verified, matched, recorded, and this is the final.

Mr. Hunting replied a registered Surveyor does this. The County does a check but looks to more legal descriptions. If there is a discrepancy with a lot line, it's between property owners.

Commissioner Weber referenced the Oaks neighborhood to the north and east and said there were several general areas he believed was owned by the HOA. Each individual property owner owns their own subsection. He asked what the typical rear yard setback was for a fence.

Mr. Hunting replied a fence can be built up to or on a property line.

Commissioner Weber shared an example saying he owns a house and wants to build a fence regardless of if his neighbor has a fence up or not. If he wanted access behind that fence, it would be something he would have to create himself because he can go to his property line.

Mr. Hunting responded in the affirmative.

Commissioner Weber said it was unfortunate because in this neighborhood they are side by sides on top of each other. It was difficult for him to push the line back on this developer because of access issues. He has had to tear fences down to get things in the backyard before. If the Developer is meeting the criteria for this development, that's where he sits.

Kathryn Lawler, 3710 Conroy Trail, lives on the east side and is concerned about the access issue. She lives in a middle unit, the only access to her backyard is through her home or through her back gate. She currently has a dying tree in her backyard and needs it removed. The only way they can remove that tree is to go through her neighbor's backyard and drop a fence between their properties to try to get to the tree. She was hoping when the development went in, she would have access to her backyard. She thought there would be streets and she could have a delivery to her back gate when it was too large to come in the front. Now it is going to be very close, the only access she would have would be even less than she has now. The access issue is a problem. In her situation, she was unsure how close it was going to be, the retaining wall and pond. Privacy is a concern. She has a picture of the pile of dirt currently located above the fence line, if building on top of it, or the retaining wall goes above it, it would be a different site line that would be hard to get used to. She was hoping the drainage issue had been addressed sufficiently, that the retaining pond is going to keep from flooding their backyards as it has in the past. She hoped it would be diverted. Their homes were below the ground level as it was before, and what it appears to be now. She was hoping it has been addressed. Access and privacy are still a concern and hopes it could be improved.

Chair Niemioja asked the City Planner to address the holding pond area. It was discussed a great deal at the first meeting.

Mr. Hunting replied the city Engineering Department has worked with the Developer's Engineers to make sure this conforms with standards.

Mr. Dodge responded a pond located on the east side is a bio-retention basin. It's been worked very closely with Mr. Scott because his property is located east of this in his backyard. The

properties around also have flat and low-lying areas. They made sure where that bio retention basin is, the water will flow south to bigger ponds. The overflow elevation where water would leave the pond has been set so it's lower than the properties. There are no buildings or structures in danger. There is an existing low area that can't be resolved 100% in a large event. There are no structures that would be in jeopardy. Staff made sure elevations were set to function the same or better than it was before.

Commissioner Weber asked if the city would maintain the access to the easement to the ponds on the south side, off of 77th Street. It looked like an extension. He was unsure what that was.

Mr. Dodge replied he was unsure what the line referred to represented. There is an existing sidewalk coming off of 77th Street. The sidewalk ends when it hits the Oaks parcel. The "L" is gone and the sidewalk just ends. They spoke with Maintenance Staff as the project moved forward, there is water main, storm sewer, and manholes within the Oaks open space area. The city has easement over the Oaks open space for the purpose of maintenance crews being able to maintain the hydrant, water main, and stormwater there, they felt keeping the sidewalk in was important. There is no connection way from the sidewalk to what used to be the old school. The decision was that they were not going to require a pedestrian connection to the development. Clayton Avenue would provide a direct connection to the park. This may be because the ponds would be vegetated and won't always have water in them, people may decide to walk across the area. They worked with the Oaks to make sure when putting the fence back, people won't be walking through their open space. People would be walking along the fence if they needed to walk back there and use the sidewalk to walk to 77th Street. They anticipate some may walk that way across the grass, Staff worked with neighboring properties to make sure it accommodates in a safe manner. The sidewalk was mainly kept for maintenance purposes to drive equipment back there.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja said focusing on the purview of the Commission, they know what they need to be doing. This was a special circumstance where a piece of land was switched from Public Institutional with people that had access to their backyards for decades. She appreciated the Applicants willingness to being good neighbors while they are building. She said as a city, there is more responsibility to try to have these conversations referenced to make this go a little more smoothly for residents. This was a big change.

Commissioner Robertson understands the purview is to put a final stamp on something they had discussed earlier as preliminary. She was unsure if she missed something, but she didn't feel she was as concerned then as she is now about this "private discussion" regarding the easement and the size and impact on neighbors. Legally, it probably needs to be a private discussion, she was concerned that the neighbors to the north could fall short in this private discussion. She is nervous about saying yes when she thinks the neighbors do not have confidence in these discussions nor haven't heard anything for a while. That remains a concern for her.

Commissioner Heidenreich said he thought he heard that both are being represented by their Attorneys. The Association has an Attorney, and the Builder has an Attorney and they were doing the communicating, not directly with the homeowners. He asked if that was incorrect.

Chair Niemioja asked if there was an Attorney for the HOA.

Off camera the response was that there is an Attorney for the HOA. Those discussions had stopped at this point.

Commissioner Weber mentioned it was a touchy subject that he feels for everyone. He had a fence that was put in his backyard that he never thought would go there and he didn't like it. From the Planning Commission's standpoint, this is a case of somebody meeting the requirements of what they are doing for land use. They were following rules and have done everything they possibly can. He knew the northern boundary was an argument for two of the Commission's meetings. It was nice to see they had come to an agreement on where the actual property line is.

Commissioner Challeen mentioned that she scoured for more information about the north side but didn't see anything. If it was just a property line dispute, it's been resolved. She questioned if it was reasonable to have a fence 2 feet from a retaining wall, she didn't believe so. Something is going to have to move, which is what is unfortunate about this. She felt it's probably not going to be the retaining wall; it's going to be the fence.

Commissioner Robertson said another concern she has is she wants to say she has full faith in the Developer. There have been other mitigation issues with other challenges with water that happened during the course of development that caused substantial damage. She questioned if there was a way the city or Council could enforce those mitigations. She wants to trust the Developer when it's said they would get right on it, but she has a sour feeling about that because they dealt with that for a long time in another development. She would like to see something more firmly put in place with a deadline and actions taken because she doesn't think it's fair to the neighbors to the north to have to deal with water running into their homes.

Chair Niemioja did not believe the Commission could add a condition like that.

Mr. Hunting agreed they could not.

Chair Niemioja said it was something the City Council could do. The concern is noted on the record.

Commissioner Robertson replied as long as nothing too adverse happens to the neighbors between now and the Council taking significant action on it.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for M/I Homes - Case No. 22-02S, for property located at Outlot E, for the Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition and the three conditions listed.

Motion carried (9/0). This item goes before the City Council on February 14, 2022.

Chair Niemioja addressed the residents in attendance and said they were happy between the Applicant and residents making connections and putting their concerns on the record.

4. OTHER BUSINESS

CITY OF INVER GROVE HEIGHTS - CASE NO. 22-05X

Allan Hunting, City Planner, mentioned that Assistant City Engineer Steve Dodge may also be able to add some information regarding this. Mr. Hunting stated the items discussed are not a part of the Capital Improvement Plan. There are eight street rehabilitation construction projects. The request is for the Planning Commission to make a recommendation on consistency with the Comprehensive Plan. The new City Attorney wants the Planning Commission to adopt a Resolution. The Commission's action would be finding these to be consistent with the Comprehensive Plan and adopting the Resolution.

Steve Dodge, Assistant City Engineer, said they have been updating their Pavement Management Program in the last year and refocusing on extending the life of the pavement they have at the most effective cost. In order to do that, they developed a Pavement Initiative Program, which is provided on the city website. This focuses on rehabilitation projects. The eight projects were identified at the October 11th City Council meeting in which Council ordered the preparation of feasibility reports for these projects. Staff would like the Planning Commission to review the projects to confirm that they are consistent with the Comprehensive Plan. The projects moving forward would only be those that will get a complete feasibility report, that goes to the Council, has an Improvement Hearing, and then ordered by Council. These projects are in the works, with a couple of them going to Council later this month. Most likely not all eight would make it this year, but in future years. These are existing streets that fit within the Comprehensive Plan and are rehabilitation projects consisting of mill and overlays or pavement replacement projects (FDR's). Staff is trying to use less obtrusive projects that keep some of the assets like curb, utilities, and infrastructure in place.

Chair Niemioja asked for further explanation on Full Depth Reclamation.

Mr. Dodge responded that a geotechnical investigation is done in order to get professional guidance. Cores of the pavement and borings that go below the pavement are done to check the gravel and sometimes the subgrade. Recommendations are based off a Geotechnical Engineer's expertise and review of the road, both pavement and what's below the pavement to understand if the pavement is bad, and if they would remove or replace the pavement. They determine if the gravel doesn't meet specifications or is too thin. Then they recommend a full depth reclamation. This method goes below the pavement and gravel and grinds it all up and makes brand new gravel out of the road base and the gravel that's there. They then skim off the top of it approximately four inches to put four more inches of pavement in. This rebuilds a new gravel base by a reclamation project and puts new pavement on top of that. In this process they are able to save the curb, which is an asset.

Commissioner Simon asked who chooses what roads. She questioned if there was a recommendation or a committee. It says the streets were chosen by the Council, she asked how the Council knows.

Mr. Dodge replied the process is being looked at by the Pavement Management Citizen's Task Force. The group has been meeting for 3-4 months and would meet for another 3-4 months. Recommendations would go to the Council from the Citizen's Task Force and what initiatives they recommend Staff and the Council look at. These were selected by Staff who had a Work Session with Council because it was a revamp of the 5-year Capital Improvement Program. In order to have projects for 2022 they had to have a Staff recommendation through Council. In the future, the 5-year CIP will be developed with the new initiative. Staff and the Council will be able to have a more solidified 5-year CIP with 2-3 years out for sure, so communication can

happen more effectively and further out with residents so they can be more aware of what is going on. The selection process will be a part of that. That would be worked through with Staff and Council on what the selection process would be in the next year while they revamp the CIP. Prioritization is yet to come and has to do to the age of the pavement and the development area. They want to be able to rehabilitate the pavement before it deteriorates to the point of being a more expensive project. Other factors will also be taken into account such as type of road; or example: Collector Road versus neighborhood road.

Commissioner Simon was happy to see Upper 55th Street was being rehabbed until she noticed it was Blackberry Trail to Cahill. From Robert Street to the freeway, it is horrible. She asked why they chose further on rather than doing that area. She questioned if it was because the houses were so close and they can't do it. It's in terrible shape.

Commissioner Robertson referenced the CIP and asked if there were areas of the city targeted under the other 5-year Pavement Improvement Plan. She asked if there were areas that were expecting improvement because of where they were in the 5-year plan and if they would still be getting improved or if the new initiative was bumping some of those people back.

Mr. Dodge replied they would stay in the mix of the discussion. Staff, with Council guidance, will develop a prioritization system that is yet to be seen how that pans out. It comes down to an annual budget. With the rehabilitation method, it would be to extend the life of the pavement to the most cost-effective method within the geotechnical guidance they receive with professionals.

Commissioner Weber mentioned this was the first time the Planning Commission has noticed, approved, and adopted a Resolution and having the Chair sign a document like this. The Commission makes recommendations to approve. He said an Elected Official has items to protect them if things go bad. If the Chair is signing this document on behalf of this Commission, he wanted clarification on where they would be approving actions for the city when they are not seeing the entire financial view of the discussion.

Mr. Hunting replied the Commission isn't actually approving any project, they are finding if the money that is being spent is consistent with the Comprehensive Plan. They are not approving anything other than just the recommendation that the projects in the city plan are consistent with the Comprehensive Plan. The new City Attorney recommends the Planning Commission do this by Resolution rather than just through the minutes the way they used to.

Mr. Dodge clarified why it is being done by Resolution stating in the Statute there is specific language that says the decision needs to be made in writing. Because that specific language is in the Statute, the City Attorney said they would be more comfortable if it was a Resolution, they would be able to sign.

Chair Niemioja said the language states potential approval.

Commissioner Scales said this was similar to what they have done for other expenditures in the city. It's just new for the asphalt plan.

Mr. Hunting replied this was just a new method. If the Commission ever receives any other Capital Improvement expenditure, purchase of land, or anything, they will have a Resolution with it. It's not just tied to street projects.

Mr. Dodge said there is a website location for further information.

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the review of the Capital Expenditures associated with the 8 Street Projects for consistency with the Inver Grove Heights Comprehensive Plan.

Motion carried (9/0).

Commissioner Simon said she didn't believe they needed to know when this goes to the City Council.

Mr. Hunting replied this action itself doesn't go, it just becomes internal or when those projects come forward as Council discusses them. This is a written record exercise.

Commissioner Simon questioned a copy of the mylar in the Commission packet without signatures on it. In all the years she has been here, she has never had a physical copy of what the mylar would be if they were in the backroom signing it. She asked if this was something new.

Mr. Hunting replied it was not new. Most of the time they do not include the signature page. It's not relevant, it's mostly descriptions. This time they were looking at the layouts.

Chair Niemioja mentioned due to the Caucus that takes place on Tuesday, February 1st, the Planning Commission would be meeting on Wednesday, February 2nd.

Mr. Hunting replied in the affirmative.

5. ADJOURN

The meeting was unanimously adjourned at 8:13 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Clerk



CASE NO: 22-03V

APPLICANT: Terry Trkla

PROPERTY OWNER: JAK Properties

REQUEST: Variance from exterior siding requirements and from building setbacks.

HEARING DATE: February 2, 2022

LOCATION: 6050 Concord Boulevard

COMPREHENSIVE PLAN: Mixed Use

ZONING: I-1, Limited Industrial District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting variances from siding requirements and setbacks to allow the accessory structure with hoop type construction covered with a canvas/poly exterior material. The structure also does not meet the required side and rear yard setbacks for the I-1 district.

The applicant operates a tree/landscaping business on the site and constructed the accessory structure some time in past as a temporary structure to house the equipment in the winter months. The structure was constructed without permits and also does not meet required side and rear yard setbacks. The building is approximately 1,997 square feet in size and is located approximately 15 feet from the north property line, 27 feet from the rear property line and 19 feet from the south property line. All structures are to maintain at least a 40 foot setback from side and rear property lines in the I-1 District.

The zoning ordinance does not differentiate between temporary and permanent structures, all must comply with all zoning regulations.

EVALUATION OF THE REQUEST

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

North: Industrial type uses; zoned I-1; guided Mixed Use

East: Railroad tracks, Heritage Village Park

West: Single family homes; zoned R-1C; guided Mixed Use

South: Industrial type uses; zoned I-1; guided Mixed Use

The hoop structure with canvas/poly exterior is in violation of Section 10-15-17. Exterior Materials. Below is the language from the zoning code.

A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third ($\frac{1}{3}$) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.

The existing material is not consistent with this section as canvas type material is not allowed.

The building setbacks for the structure are in violation of Section 10-11A-2 which require side and rear yard setbacks to be no less than 40 feet from property lines.

VARIANCE

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 intent of the code is to require all commercial and industrial buildings to have a high grade of materials for aesthetic and valuation purposes. Concord Boulevard has a mix of building types and exterior materials due to the age of the buildings along the street. There are two other quonset hut or hoop type buildings on adjacent properties, but these have been in place for some time and so would be grandfathered regarding their exterior material. In order to help redevelop the area, all structures should be required to be constructed meeting current exterior material standards.

Setback standards are designed to maintain consistency and conformity to all structures in an area. The reduced setbacks are not consistent with intent of the code.

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

The property is being used in a similar fashion as other along Concord with a mix of industrial type uses. Allowing an accessory structure for storage is consistent with the I-1 District.

The property size is 16,505 square feet and approximately 100 feet wide. Current lot size standards for the I-1 district is 40 feet and lot width of 100 feet. The small size of the lot limits placing of structures and always meeting setbacks. There is an existing building housing the offices of the business and the storage building. Maximum building coverage in the I-1 District is 30% which in this case would have a maximum coverage of 4,951 square feet. The two structures combined equal 3,733 square feet. While the storage structure does not meet setbacks, combined building coverage is in compliance.

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

There do not appear to be any unique circumstances to the property to allow a structure not meeting the exterior standards.

The discussion listed in #2 provides some rationale to determine unique circumstances. However, there are many properties along Concord that are substandard in size, so this is not the only case of a lot under one acre in size.

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

The buildings in the area are a mix of building materials with some that may not be fully in compliance with current exterior standards. Due to the age of many buildings, they were most likely built prior to the current standards. Allowing a new building not meeting the exterior standards could begin to alter the character and affecting aesthetics and valuations.

Again, due to the historical age of the Concord area, there are many buildings that do not comply with current setback standards. These would be considered non-conforming. Should a new structure, even temporary, be allowed to encroach into setbacks?

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

The applicant has indicated the temporary structure was built this way as they don't currently own the property but will in the near future. The applicant has indicated their long range plan is to redevelop the site and that is one of the reasons they constructed this temporary structure as new buildings may be in place in the future.

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 the **Variance** to allow a structure not meeting the exterior materials standard for industrial buildings subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. There are noted stormwater issues in the area. Engineering recommends if and when a permanent structure is constructed, that will require a storm water management plan.
 3. Regardless of temporary or permanent, the structure is required to comply with all building and fire codes.

Practical Difficulty: To be stated by Planning Commission if supported.

- Approval of the **Variance** to allow the structure with reduced sideyard and rear yard setback.

Practical Difficulty: To be stated by Planning Commission if supported.

B. Denial. If the Planning Commission does not favor the proposed application, or portions thereof, 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 does not support the exterior material variance as there does not appear to be any practical difficulty rationale.

Staff notes in the report there may be some rationale to approve the setback variances since the lot is smaller in size.

Attachments: Location Map
Applicant Narrative with general site plan
Letter from Adjacent Business Owner



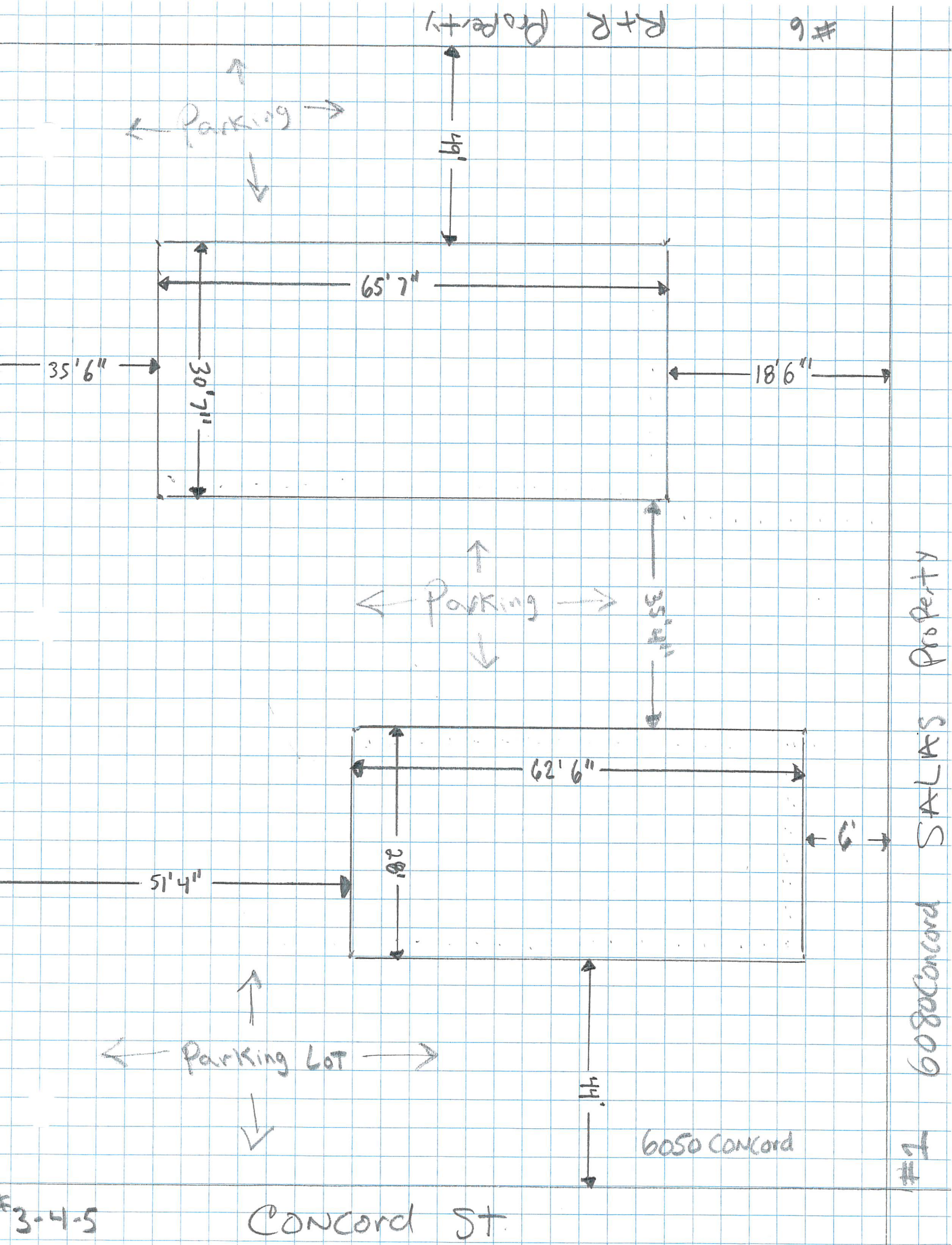
Location Map

Case No. 22-03V



Kaposia Tree Service LLC
6050 Concord Blvd
55076

Kaposia Tree Service LLC (Terry TrkIA) IS
ASKing for a Variance to put up a
Temporary Shelter to protect our Equipment
from the Elements



January 24, 2022

Ms. Kim Fox
Planning Department
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, Minnesota 55076

**RE: Public Hearing Comment
Terry TRKLA – Case No. 22-03V**

Ms. Fox:

Please accept this letter in response to the Public Hearing Notice we received as it pertains to Terry TRKLA – Case No. 22-03V that will come before the Planning Commission on February 2, 2022.

We own the properties (collectively one property at 6010 Concord Boulevard) directly to the north of Kaposia Tree Service. We have no objection and take no exceptions to their use of the property as it relates to variances being requested.

If you have any questions or request anything further from us, please feel free to contact me.

Thank you in advance for your considerations.

Sincerely,



Taylor Luke
Managing Partner



PLANNING REPORT

CASE NO.: 22-04C

APPLICANT: Haunt Armada

PROPERTY OWNER: D & T Property Inc.

REQUEST: Zoning Code Amendment and Conditional Use Permit

HEARING DATE: February 2, 2022

LOCATION: 5280 S. Robert Trail

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting to operate a haunted attraction within Salem Square mall with the intent to expand into a year-round entertainment venue that could include uses such as escape rooms, laser tag, mini-golf, etc. Staff believes this type of use fits most closely with the land use Recreation Center which is a conditional use in the B-3, General Business district. Staff also believes the current definition of Recreation Center is outdated and should be amended to reflect more current types of recreation uses.

The property is approximately 3.76 acres in size and is connected to city utilities. The current tenants include a day care, dance studio and church. The proposed use of a "recreation center" would have peak operation times that would not conflict with the everyday uses of the existing tenants. The applicant has stated their peak hours would be in the evening and mainly weekend use.

SPECIFIC REQUEST

The applicant is requesting the following:

- A **Zoning Code Amendment** to change the definition and land use table regarding a Recreation Center.
- A **Conditional Use Permit** to allow a Recreation Center, commercial use 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	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

SITE PLAN REVIEW

Setbacks. There are no building additions or changes to the exterior proposed at this time.

Parking Lot. Parking requirements for the proposed use is not specified in the zoning code. Based on the applicant's data and using the movie theater parking guidelines staff figured one parking space per four people based on design capacity. The applicant is estimating a maximum of 300 people per hour during their busiest times, which would equal a parking demand of 75 spaces. Currently there are 167 spaces, not including the bank parking or parking that may be striped on the east side of the property. The applicant is considering bringing in a food truck or two along with porta-pots during the high-demand weekends in October. The applicant discusses parking mitigation options in their narrative if parking and public safety become a problem.

Access. Access to the site is not changing; there is one access point off 54th Street. There is roughly 260 feet between Robert Street and the entrance to the facility, providing plenty of stacking room for traffic to move safely on and off Robert. If traffic is backed up it could also be routed down Alta to Upper 55th Street.

Lighting. There are no changes proposed to the existing site lighting.

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.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal for fire lane designation and the signage or marking of the fire lanes at time of building.

Engineering. Engineering has reviewed the plans. There is no additional impervious surface being added and no changes being made to the existing parking lot. Engineering takes no exception to the request.

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 use is consistent with the goals, policies, and plans of the 2040 Comprehensive Plan. The future land use of this parcel is Regional Commercial and recreational uses are 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.*
This standard would be met. The General Business district is intended for large scale services and retail sales serving the region. Entertainment types of uses 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 use would not generate noises that are inconsistent with B-3 zoning.
 - c) *Traffic*
The peak hours for the entertainment venue would be during the evening hours, mainly on weekends. 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.*

The applicants would be renovating an existing building. No additions are proposed at this time. 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

PROPOSED ORDINANCE LANGUAGE

The current definition of Recreation Center is outdated and should be amended to reflect more current types of recreation uses.

To be consistent with the current definitions of Recreation, commercial and Recreation, public a new definition is being added *Recreation center, commercial* and then the existing *Recreation Center* definition is being amended.

10-2-2 Definitions

RECREATION CENTER, COMMERCIAL: A facility open to the public for leisure, amusement, and recreation activities, including but not limited to bowling alleys, skating rinks, gymnasiums, fitness centers, and entertainment facilities that are owned and operated by a private enterprise for the purpose of providing recreation and entertainment.

RECREATION CENTER, PUBLIC: A facility open to the public for leisure, amusement, and recreation activities, including but not limited to 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 owned and operated by a unit of government for the purpose of providing recreation.

10-6-2 Land Uses in all nonresidential districts

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
<u>Recreation center, commercial</u>			<u>C</u>									
<u>Recreation center, public</u>			<u>G</u>						P			

ALTERNATIVES

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

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

- Approval of the **Zoning Code Amendment** to amend the definitions and land use table regarding Recreation center, commercial and Recreation center, public.
- Approval of the **Conditional Use Permit** to allow a *Recreation center, commercial* subject to the following conditions:
 1. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
 2. The applicant must apply for and obtain a building permit for any signage or building improvements.
 3. Operation of a new business may not commence until an Occupancy permit is obtained from the City Inspections Department.
 4. 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.
 5. All display pennants, searchlights, balloons, and other similar devices shall be limited to no more than 10-days per calendar year. Use of such devices require a sign permit.

B. Denial. If the Planning Commission does not find it necessary to modify the existing code language or does not support the conditional use permit application, the Commission could recommend denial of the proposed requests. 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 zoning code amendment and conditional use permit as presented.

Attachments: Section 10-2-2 & 10-6-2
Zoning and location map
Narrative
Site Plan

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10,
CHAPTER 2, SECTION 2 AMENDING THE DEFINITION OF RECREATION CENTER
AND TO TITLE 10, CHAPTER 6, SECTION 2 AMENDING THE LAND USE TABLE TO
INCLUDE THE PROPOSED CHANGES**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS
FOLLOWS:

Section One. Amendment. Inver Grove Heights City Code Title 10, Chapter 2, Section 2 is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

RECREATION CENTER, COMMERCIAL: A facility open to the public for leisure, amusement, and recreation activities, including but not limited to bowling alleys, skating rinks, gymnasiums, fitness centers, and entertainment facilities that are owned and operated by a private enterprise for the purpose of providing recreation and entertainment.

RECREATION CENTER, PUBLIC: A facility open to the public for leisure, amusement, and recreation activities, including but not limited to ~~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 owned and operated by a unit of government for the purpose of providing recreation.

Section Two. Amendment. Inver Grove Heights City Code Title 10, Chapter 6, Section 2 is hereby amended as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

10-6-2 Land Uses in all nonresidential districts

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
<u>Recreation center, commercial</u>			<u>C</u>									
<u>Recreation center, public</u>			<u>C</u>						P			

Section Three. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed in regular session of the City Council on the _____ day of _____,
2022.

CITY OF INVER GROVE HEIGHTS

Thomas Bartholomew, Mayor

Attest:

Rebecca Kiernan, City Clerk

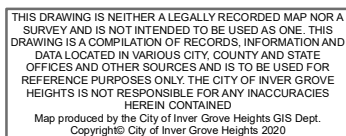
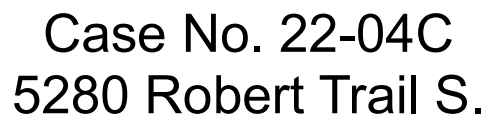


Exhibit A

Zoning and Location Map

Map not to scale

Nowhere Haunted House

Haunt Armada LLC

Operations Summary

Nowhere Haunted House is a proposed venture by Haunt Armada LLC. The purpose of this endeavor is to open a haunted attraction at Salem Square Mall located at 5300 S Robert Trail in Inver Grove Heights that in the future will diversify offerings to include year-round entertainment such as escape rooms, themed laser tag, mini golf, immersive theater experiences, and an eventual banquet facility with themed catering options. Initially, we will lease suites #200 (6,306sqft), and #300 (13,262sqft), but our hope is to lease additional units in the building as they become available and as the business grows.

As a company, we wish to emphasize charitable giving. Our focus will be to give back to the community in which we operate by collecting food donations for Neighbors Inc. food shelves and organizing Halloween costume and winter clothing drives for lower income families. We hope to partner with local schools to offer a mentorship program for future haunters, in which students will be able to work in groups to create their own haunted house set. From conceptualization to the build, to writing actor dialogue, they'll learn about producing a professional haunted attraction and develop skills like partnership, creative design, and operations management. We also plan to offer safe, free, indoor trick-or-treating for local youth every Halloween night.

Nowhere Haunted House will be an indoor attraction. The only outdoor requirements will be the usage of 4-6 parking spaces for the placement of porta potties and parking for food vendors. A diagram of our proposed parking lot layout for our busy month of October is included below. A full-scale haunted house attraction will operate each year beginning in late September/early October and run through Halloween. Based on industry polling and recorded attendance numbers of our previous projects and other like businesses, we estimate seasonal attendance reaching up to 30,000 patrons per season within 3 years. The production will draw on a customer base from the entire metro area and beyond, with a significant part of the overall budget being applied to a varied marketing strategy to achieve the projected attendance numbers. Our initial 6 months after signing a lease will focus on producing the seasonal haunted house, including 5 distinct indoor walkthroughs, concessions, and merchandising. All year entertainment additions will be developed for opening in subsequent years. For example, in year two we plan to add three escape rooms, a themed mini-golf attraction. and a makers' space for creating our own in-house merchandising, props, masks, and costumes to be made commercially available both at the physical location and online. We plan to open our haunted house during several other times of year for holiday themed walkthroughs on a much smaller scale.

We will offer onsite parking to customers, but plan to use no more than 120 out of 241 parking spaces for our busiest nights in October. We are requesting the usage of adjacent Alta Ave for employee parking. We estimate the need for about 30 vehicles to park along a roughly 700' stretch of road. Currently, this street

does not have any 'No Parking' signage, although there is a Metro Transit bus stop that we can temporarily mark off and monitor to keep clear. Our parking attendants will monitor the entirety of the nearby area to ensure our employees and patrons are only parking in designated spaces and not in the lots of neighboring businesses, or at Salem Green apartments. We plan to designate a specific portion of the parking lot for our customers, while leaving the rest of the parking lot accessible for our neighbors in the building.

To mitigate crowds, we will utilize timed online ticketing blocked in 15-minute entry intervals and cap available tickets to keep our numbers manageable and safe, and within occupancy limits. We will limit our available tickets for our October event to 300 people per hour, thus only needing 75 parking spaces to conform to the city code requirements of one space per four people attending an event. The parking lot itself has 241 parking spaces, and we would only require the use of approximately 120 of those spaces for our busiest nights of operation to allow for overflow, or for customers who linger after walking through the haunted house to purchase concessions, merchandise, etc. Our plan is for a 35/45-minute walkthrough experience.

Our plan for 2022 is to operate the nights of 10/1, 10/6-10/8, 10/13-10/16, 10/19-10/23, and 10/26-10/31. We plan to open at 6pm, with the last group admitted at 10:45pm on weeknights, and 11:45pm on Friday and Saturday nights. We also plan to open during the day on weekends for low scare experiences geared towards kids and families. We believe we will be far enough in proximity from residential areas for noise mitigation to not be an issue with the noise created from running the haunted house being contained indoors. We will hire our own onsite security and parking attendants to direct our customers to the proper parking location, and to make sure our neighbors' customers can park without hassle. We will make the parking information a featured part of our marketing and on our website.

Queue line space will be indoors and be large enough to allow for social distancing. This, coupled with timed ticketing and virtual queue options will alleviate excessively large crowds. Our determination is that with these crowd control options, we can keep our business to fewer than 225 patrons at any given time.

Footprint of food truck area will not exceed area pictured. We plan to invite 1-2 food vendors to operate nightly during our Halloween attraction. We hope to sell prepackaged concessions items ourselves such as soda, chips, and candy, but have not yet ruled out applying for a permit to serve some hot items like hotdogs and brats as well. Potable water will be made available.

We plan to allot a designated space for 3-4 porta-potties to service our patrons through the Halloween season. We will place them have them regularly serviced throughout to alleviate any health concerns. Our staff will clean the parking lot and surrounding area on a nightly basis.

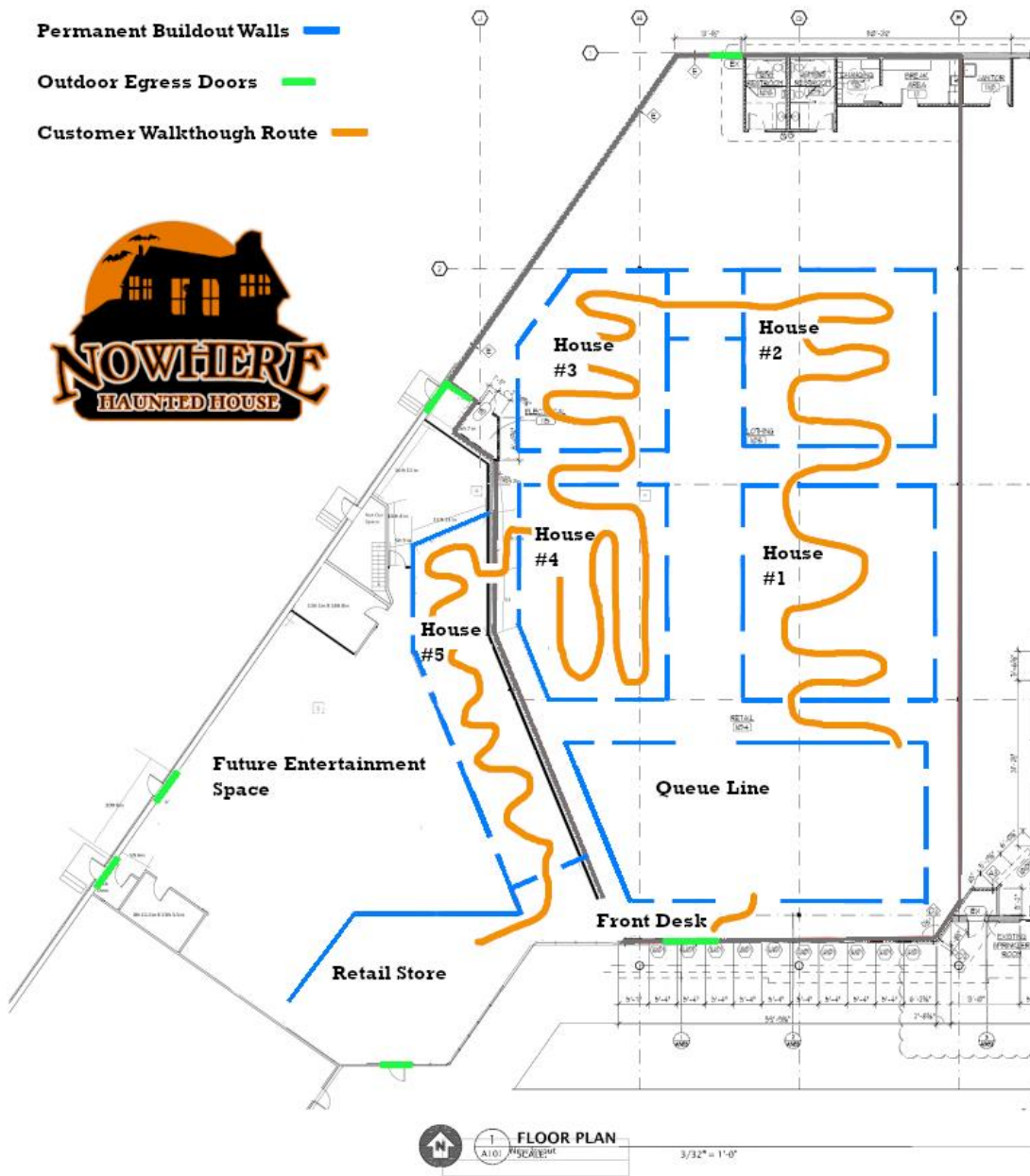
There will be **no alcohol** served at our establishment and any patrons or employees who are noticeably intoxicated will be refused entry to the attraction. No backpacks will be allowed in, and each patron will pass metal detection by security on their way into the queue. The safety of our customers and staff is our number one priority, and we want to foster an environment that can be fun for people of all ages.

As a business, we will comply with all city, state, and federal employment and business laws, as well as ensuring our build-out is properly permitted, inspected, and meets or exceeds all requirements

for a haunted attraction or special amusement classification A-3 and other applicable classifications as outlined in the Minnesota Fire Code, and 2020 Minnesota Building Code. Our interior finish materials will comply with requirements stated in table 803.3 of Minnesota Fire Code, and all interior modular walls will be painted with interior latex paint impregnated with an NFPA 703 rated fire retardant. We will not construct any ceiling between walkways and sprinkled ceiling without utilizing a sprinkler fitter to permit and bring sprinkled water into the ceilinged space. We will include in our building permit submittal a proposal to frame an opening between suites #200 and #300 where the dividing wall meets the front exterior wall, and another along the same adjoining interior wall in a position yet to be determined. We will build to include numerous means of egress in compliance with MBC and MFC, as well as draft and submit an updated emergency evacuation plan each year. Our evacuation plan will be included in our employee handbook, and we will hold evacuation drills with our staff prior to opening each season. We plan to make our entire attraction ADA accessible. The building does have both sprinkler and fire alarm systems currently installed.

As previously stated, the safety of our customers and employees is the most important part of operating our business. We want to work closely with city officials to make sure we are maintaining the highest standards for safety.

- Permanent Buildout Walls
- Outdoor Egress Doors
- Customer Walkthrough Route



Permanent Buildout Walls



Outdoor Egress Doors



Interior Means of Egress
from Attraction



FLOOR PLAN

1/8" = 1'-0"

3/32" = 1'-0"

