INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, SEPTEMBER 1, 2015 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR August 5, 2015.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 DAVID VOLKERT – CASE NO.15-33V

Consider the request for a **Variance** to allow a handicap ramp 20 feet from the front property line whereas 24 feet is the required setback for the property located at 3252 72nd Street.

Planning Commission Action _____

3.02 BEREA LUTHERAN CHURCH – CASE NO.15-34V

Consider the request for a **Variance** to allow a monument sign with a zero foot setback whereas 10 feet is the required setback for the property located at 9308 Rich Valley Blvd.

Planning Commission Action _____

3.03 HEMANT BHAKTA – CASE NO.15-32PAZ

Consider the following requests for the property located at the SW corner of 54th Street and Alta Avenue:

a) A **Rezoning** of the property from B-2, Neighborhood Business to B-3, General Business.

Planning Commission Action _____

b) A **Comprehensive Plan Amendment** from NC, Neighborhood Commercial to CC, Community Commercial.

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@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, August 5, 2015 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Armando Lissarrague Joan Robertson Annette Maggi Tony Scales Dennis Wippermann Pat Simon Bill Klein
Commissioners Absent:	Elizabeth Niemioja (excused) Harold Gooch (excused)
Others Present:	Allan Hunting, City Planner Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the July 21, 2015 Planning Commission meeting were approved as submitted.

LORI BARR - CASE NO. 15-30SV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard. 31 notices were mailed.

Presentation of Request

Ms. Botten explained the request as detailed in the report. She advised that the applicant is requesting to plat a five acre property into two buildable single family lots, each 2.5 acres in size. The proposed plat is consistent with the E-1 zoning and Rural Density Residential guiding. Access to the property would be off of Courthouse Boulevard. Staff is recommending the driveways be combined into one access point to provide a safe stopping distance off of Courthouse Boulevard. The applicant is in agreement to this condition. Engineering is requesting two drainage easements on the property across the 100-year emergency overflow routes. A custom grading agreement and stormwater facilities maintenance agreement would be required prior to any issuance of building permits. The applicant is requesting a variance from the minimum lot width requirement for Lot 1 to allow a lot width of 155 feet whereas 200 feet is required. Although the property meets the minimum lot size requirements for a lot split, the property is not physically large enough to comply with the minimum lot width requirements without granting some type of variance. The proposed lot sizes would be about the same or larger than the other lots in the area and having a reduced lot width on one of the lots would not have a direct impact to the neighborhood. Staff recommends approval of the request with the six conditions listed in Alternative A. Staff received a few general inquiries from neighbors but no one expressed any concerns.

Commissioner Simon asked staff to define the practical difficulty.

Ms. Botten replied that the property is not wide enough for a lot split to comply with the minimum lot

width requirements, there would be no impact to the surrounding neighborhood, it was not the applicant's fault that the lot was not large enough, and the lot split is in compliance with all other code requirements.

Commissioner Robertson questioned the practical difficulty being the lot not being the right size since the applicant was aware of the lot size prior to purchasing it.

Chair Maggi asked for clarification of whether only a portion of the lot did not meet the width requirements.

Ms. Botten replied the applicants needed a variance for the entire width of Lot 1.

Commissioner Lissarrague asked if the other lots in that area were 2.5 acres in size.

Ms. Botten replied that the lots in the neighborhood were about 2.5 acres in size, with the exception of a few to the north being smaller.

Opening of Public Hearing
Lori Barr, 10133 Barnes Trail, advised she was available to answer any questions.

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

Ms. Barr replied in the affirmative.

Commissioner Robertson stated that the applicants were not listed as the current owners of the property, and asked if this application was based upon their desire to purchase the property.

Ms. Barr replied in the affirmative, stating they had a contingency agreement with the owners.

Commissioner Lissarrague asked if the lot purchase was contingent on the ability to split the lots.

Ms. Barr replied in the affirmative, stating she could choose not to buy the property if their request was denied.

Commissioner Lissarrague asked the applicant if she planned on living on one of the lots.

Ms. Barr replied in the affirmative.

Carol Gilberg, 9465 Courthouse Boulevard, stated she lived north of the subject property and that everyone should have to abide by the rules.

Commissioner Lissarrague asked Ms. Gilberg how large her lot was.

Ms. Gilberg replied just over an acre.

Commissioner Klein stated her lot was much smaller than the 2.5 acre lots in the neighborhood.

Ms. Gilberg replied that she had lived there for 25 years and was grandfathered in. She stated it was not fair to grant a variance to one property owner and not another.

Commissioner Lissarrague asked Ms. Gilberg what her main concern was.

Ms. Gilberg replied that she was concerned about the potential impact to a wetland that was on

both her property and the subject property.

Chair Maggi advised that the drainage had already been reviewed by the Engineering staff.

Ms. Botten advised there would be an easement over that wetland area to ensure that the neighboring properties would not be impacted.

Chair Maggi closed the public hearing.

Planning Commission Discussion
Commissioner Wippermann stated he did not support the variance request due to lack of a practical difficulty.

Commissioner Robertson asked whether the two lots would have one shared access on Courthouse Boulevard that would split into two private driveways with two separate addresses.

Ms. Botten replied in the affirmative.

Commissioner Lissarrague stated he did not see a practical difficulty. He advised that he lived on a five acre lot and would be disappointed if his neighbors asked for variances to subdivide their lots.

Chair Maggi stated that would be a different scenario since the applicants in this case were meeting the 2.5 acre minimum lot size.

Planning Commission Recommendation
Motion by Commissioner Scales, second by Commissioner Klein, to approve with the request for a preliminary and final plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard, with the practical difficulty being the lot width.

Motion failed (3/4 – Lissarrague, Simon, Robertson, Wippermann).

Motion by Wippermann, second by Commissioner Simon, to deny the request for a preliminary plat for a two lot single family subdivision to be known as Hayden Heights, and a variance from the minimum lot width requirements, for the property located south of 9467 Courthouse Boulevard, due to lack of a practical difficulty.

Motion carried (4/3 – Maggi, Klein, Scales). This item goes to the City Council on August 24, 2015.

THE CHARTER SCHOOL FUND (ATHLOS ACADEMIES) – CASE NO. 15-31PR

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a major site plan review to allow for the construction of a 90,000 gross square foot building, along with other property improvements, for the property located at 9725 S. Robert Trail. 58 notices were mailed.

Presentation of Request
Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a major site plan approval to construct a two level school building approximately 90,000 gross square feet in size, and other property improvements, subject to the City Council approving a rezoning and comprehensive plan amendment. The Council tabled the

comprehensive plan and rezoning request at their July 27th meeting for more review of financial and traffic impacts. It is scheduled to be brought back to City Council on September 14. It is the applicant's desire to move forward with the site plan review process and bring it to the Council at the same time as the rezoning and the comprehensive plan amendment, with the understanding that if the comprehensive plan and rezoning are denied the site plan approval would also be denied. If approved, the existing building on the site would be demolished and a 90,000 gross square foot building, new parking area, athletic field, and play area would be constructed, in addition to stormwater features, driveway, and other property improvements. Originally, the applicants were proposing a 30 foot setback from the drive area to the northern property line. After meeting with neighbors and hearing their concerns, the applicants reduced the amount of green space around the building and moved the drive area 49 feet from the northern property line. In doing so, they were able to eliminate a proposed retaining wall. To accommodate the neighbors request for privacy the applicants are proposing a six foot solid fence along the north and west property lines where improvements are being made near residential homes. The site would be served off one access point onto Robert Street, which is a State highway. The applicant would have to meet all MnDOT requirements, including a traffic study to determine the impacts of the project to Robert Street. Staff recommends approval of the 90,000 square foot building, subject to the rezoning and comprehensive plan amendment being approved, with the 12 conditions listed in Alternative A. She advised that staff heard from one neighbor, whose email is included in the report.

Commissioner Klein asked if they intended to remove most of the existing trees on the north portion of the site, stating he could understand why the neighbors would want screening during the winter once the leaves fell.

Ms. Botten replied that would be a better question for the applicant as she had not seen the revised grading plan.

Commissioner Wippermann asked how far the existing pavement was from the northern drive to the property line.

Ms. Botten replied approximately 30 feet.

Commissioner Robertson asked for clarification that the focus of tonight's discussion should be on the site plan review.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Ken Tucker, 855 Broad Street, Boise, Idaho, advised he was available to answer any questions.

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

Mr. Tucker replied in the affirmative. He advised that they met with the neighborhood in late July and then modified their site plan to accommodate some of their concerns. In regard to the previous question regarding landscaping, he advised that they intend to the leave the existing trees, as well as supplement with evergreens and other trees, to offset the impact of leaves falling, and would work with staff and the neighbors on how much gets added.

Commissioner Klein asked if they planned to install barriers on certain areas of the steep and winding driveway.

Mr. Tucker stated they planned to resurface and widen the driveway, and could add barriers if

there was a safety issue.

Commissioner Wippermann asked how they planned to accommodate parking for special events, such as concerts or teacher conferences.

Mr. Tucker replied that for special events they would allow cars to park back-to-front around the perimeter drive aisle, and would have a stacking lane for parents dropping off and picking up.

Commissioner Wippermann asked if they were in a position to accommodate potential MnDOT requirements, such as a bypass lane for northbound traffic or a special turn lane for southbound traffic.

Mr. Tucker replied in the affirmative, stating they were meeting with MnDOT in two weeks to discuss the traffic study.

Commissioner Klein hoped they would reconfigure that entire area because of the existing businesses and lack of good sight lines.

Commissioner Wippermann stated he appreciated the accommodations the applicants had made to the neighbors.

David Samuelson, 9468 Tyne Lane, whose property borders the northern portion of the subject property, stated he was opposed to the request. He advised that they purchased their property 17 years ago with the understanding that it was a very private lot, and he was concerned about the fact that they were proposing to erect a two-story 90,000 square foot building behind him which could not be completely screened by evergreens. He advised that the second level of his home would be ground level with the proposed parking lot which would likely allow anyone on the second floor to look down into his home.

Commissioner Klein asked how far away Mr. Samuelson's home was from the proposed building.

Ms. Botten replied that his house was approximately 80 feet from the property line.

Chair Maggi asked if that would be a total of 130 feet to the building.

Ms. Botten replied it would be more than 130 feet as it was 50 feet from the property line just to the drive.

Mr. Samuelson stated the proposed building would dramatically change the look of their neighborhood.

Chair Maggi asked Mr. Samuelson if the subject property was zoned industrial when he purchased his home.

Mr. Samuelson replied that it was; however, the proposed building was much different from what is there now.

Commissioner Lissarrague asked if his concern was the school or the size of the building.

Mr. Samuelson replied his concern was the size of the proposed building and the change in privacy they would be experiencing.

Commissioner Lissarrague asked if he would prefer a one story building.

Mr. Samuelson stated that would help with privacy; however, car lines going around the perimeter of the school and activities at night could completely change his property.

Commissioner Scales asked staff what type of uses would be allowed on this industrial property without the need for a variance.

Ms. Botten stated the maximum height allowed in I-1 was 60 feet (at least three stories), and there could be more truck traffic, more storage, etc.

Commissioner Scales wanted everyone to understand what could potentially go on that site.

Mr. Samuelson stated if such a business was proposed neighbors would likely oppose that request as well.

Chair Maggi stated if no exceptions were needed it may not come before the City.

Commissioner Robertson advised Mr. Samuelson that City Council may end up choosing to retain this property for industrial use, which would significantly change the potential of how that property could be used.

Jim Thorn, 509 Severn Way, and Jerry Hersman, 505 Severn Way, Eagan, advised they were available to answer any questions.

Mr. Thorn advised that their lots back up to the west side of the subject property. He stated that unlike the neighbors to the north; however, they had not seen a depiction of their sight lines. He advised that the main level of their homes were eye level with the parking lot.

Commissioner Robertson reiterated that if the property remained industrial there was the potential for something very different to occur on that property.

Mr. Thorn advised that he was not opposed to having a school on the property, but was concerned about the impact of the perimeter drive, the sight line from the house to the property, and tree removal. He stated that the first proposal showed a lot of tree removal on the western side of the property bordering his neighborhood.

Commissioner Simon asked if the developers met with their neighborhood as they did with the neighbors to the north.

Mr. Thorn replied in the affirmative, stating they seemed to have accommodated the neighbors on the north but had not yet addressed the issues on the Eagan side.

Mr. Hersman was concerned about the potential for parents to drop their kids off in his cul-de-sac so they could walk through his yard to get to the school rather than using the Robert Trail access. He asked for clarification on the length of the western fence and whether there would be team activities on the playground at night.

Mr. Tucker replied that the fence was proposed to go the entire length of the western side of the building and that activity on the playground would only occur during the day.

Mr. Hersman stated the school would be a good addition to the neighborhood.

Paul Brown, 9446 Tyne Lane, stated that based on the previous plan his property was the one

most impacted by the proposal. He questioned why the City would willingly lose the tax base that has been being paid on this industrial property.

Chair Maggi stated that financial matters were the City Council's purview.

Mr. Brown stated he was pleased that the applicants have accommodated the neighbors by changing their plan; however, he was concerned about the impact to his back yard and would like to see a detailed drawing of exactly which trees would be retained, where the fence would be located, etc. He was also concerned about the traffic, stating it was a narrow roadway under the railroad bridge and there were heavy traffic backups starting at 3:30 when the employees of Thomson Reuters let out. He stated if development had to happen behind his home, a school was likely the best option.

Mike Fallon, 9452 Tyne Lane, requested that the developer communicate with the neighbors on the work being done and that there be some marking done in regard to tree removal, edge of construction, etc.

Heather Caldentey, 9472 Tyne Lane, asked the school to continue to work with the neighbors on the tree line as it was important for both noise and visual screening, and stated that a school was a good option as compared to the unknown.

Chair Maggi stated she supported the request.

Commissioner Wippermann noted that District 196 is contemplating building a new elementary school, and stated perhaps this school would eliminate the need for that.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Scales, second by Commissioner Wippermann, to approve the request for a major site plan review to allow for the construction of a 90,000 gross square foot building, along with other property improvements, for the property located at 9725 S. Robert Trail, with the twelve conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on September 14, 2015.

Commissioner Simon asked the applicant to provide additional maps and information to Mr. Thorn and Mr. Hersman.

OTHER BUSINESS
Ms. Botten stated that the August 18 Planning Commission meeting has been cancelled.

The meeting was adjourned by unanimous vote at 7:54 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 27, 2015 **CASE NO.:** 15-33V

HEARING DATE: September 1, 2015

APPLICANT: David Volkert

PROPERTY OWNER: Reuben and Vernice Alitz

REQUEST: A variance from the front yard setback requirements

LOCATION: 3252 72nd Street

COMP PLAN: LDR, Low Density Residential

ZONING: R-1C, Single-family Residential

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

BACKGROUND

The applicant has submitted a request for a variance from the front yard setback requirement to construct a wheelchair ramp to access the house. The principal structure setback for front yards is 30 feet. The zoning ordinance allows certain encroachments within the front yard setback; eaves, bay windows, uncovered decks, uncovered entry landings and uncovered handicapped access ramps shall be no closer than 24 feet from the front lot line (six foot encroachment). The applicant's home was built in 1957, prior to the adoption of the first zoning ordinance. The house is setback 28' from the front lot line; this house, along with others in the neighborhood, does not meet the minimum 30 foot front yard setback.

The house has two entrance points; one on the front of the house and the other on the side facing the driveway. By placing the structure in the proposed location, it would allow for a turn-around area from the front door and immediate access to the driveway. There is not enough room on the side of the house to construct the ramp because of the topography and the impact to the driveway.

Staff did approve a building permit to allow for the installation of the ramp with the condition that if the variance would be denied the ramp would have to be altered to meet setbacks.

SPECIFIC REQUEST

A.) A **Variance** to allow an uncovered handicap ramp to be located 20 feet from the front property line whereas 24 feet is the required setback.

SURROUNDING USES: The subject site is surrounded by single-family homes, all zoned R-1C, Single Family Residential and guided LDR, Low Density Residential.

EVALUATION OF REQUEST:

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 surrounding properties are zoned and developed residential. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as a residential lot.

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

   The Americans with Disabilities Act (ADA) requires City governments to make reasonable modifications to policies or procedures to prevent discrimination on the basis of disability. A reasonable modification would be to allow for a variance for the additional encroachment into the front yard setback to provide minimal ramp access into the home.

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

   The code does allow uncovered ramps to encroach six feet into the front yard setback. However, that does not allow adequate room for the proposed landing and ramp. The home was built in 1957; the code does not give additional encroachments or flexibility when a home was constructed prior to the city code being adopted and does not meet current setbacks.

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

   One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Staff does not believe the proposed ramp would alter the essential character of the locality.

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 requested action:

A. **Approval.** If the Planning Commission favors the requested Variance, the Commission should recommend approval of the request with at least the following condition:

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 application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

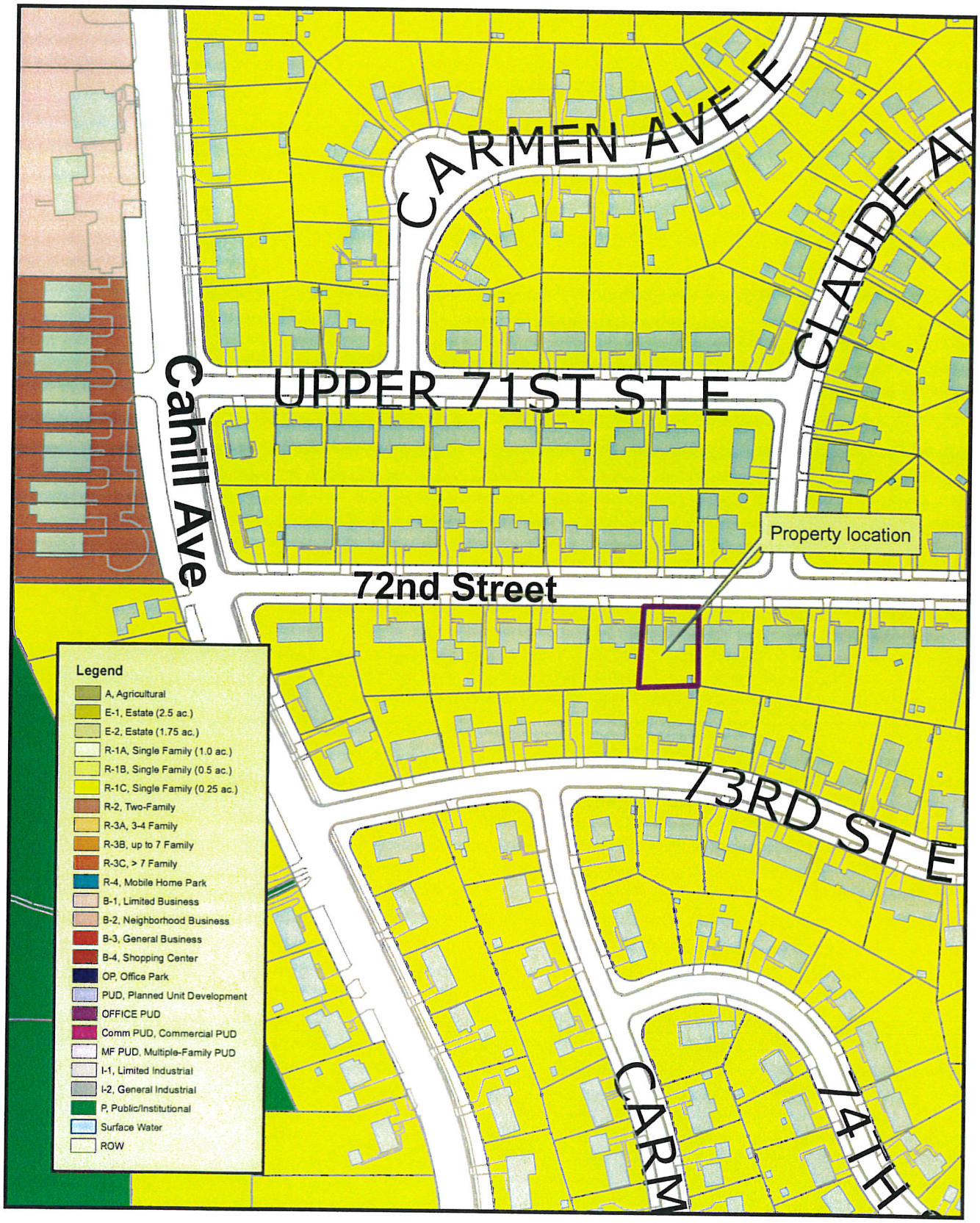
RECOMMENDATION

The request is not out of character for the neighborhood and it is consistent with the comprehensive plan. The home was built prior to the adoption of the city code and does not meet front yard setback requirements making it difficult to add a ramp without a variance. The proposed 20 foot setback is a reasonable modification to the required setback for the installation of an uncovered ramp. Staff believes that the variance criterion has been met and therefore Staff recommends approval of the variance as presented.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site Plan.

Map not to scale

Volkert
Case No. 15-33V



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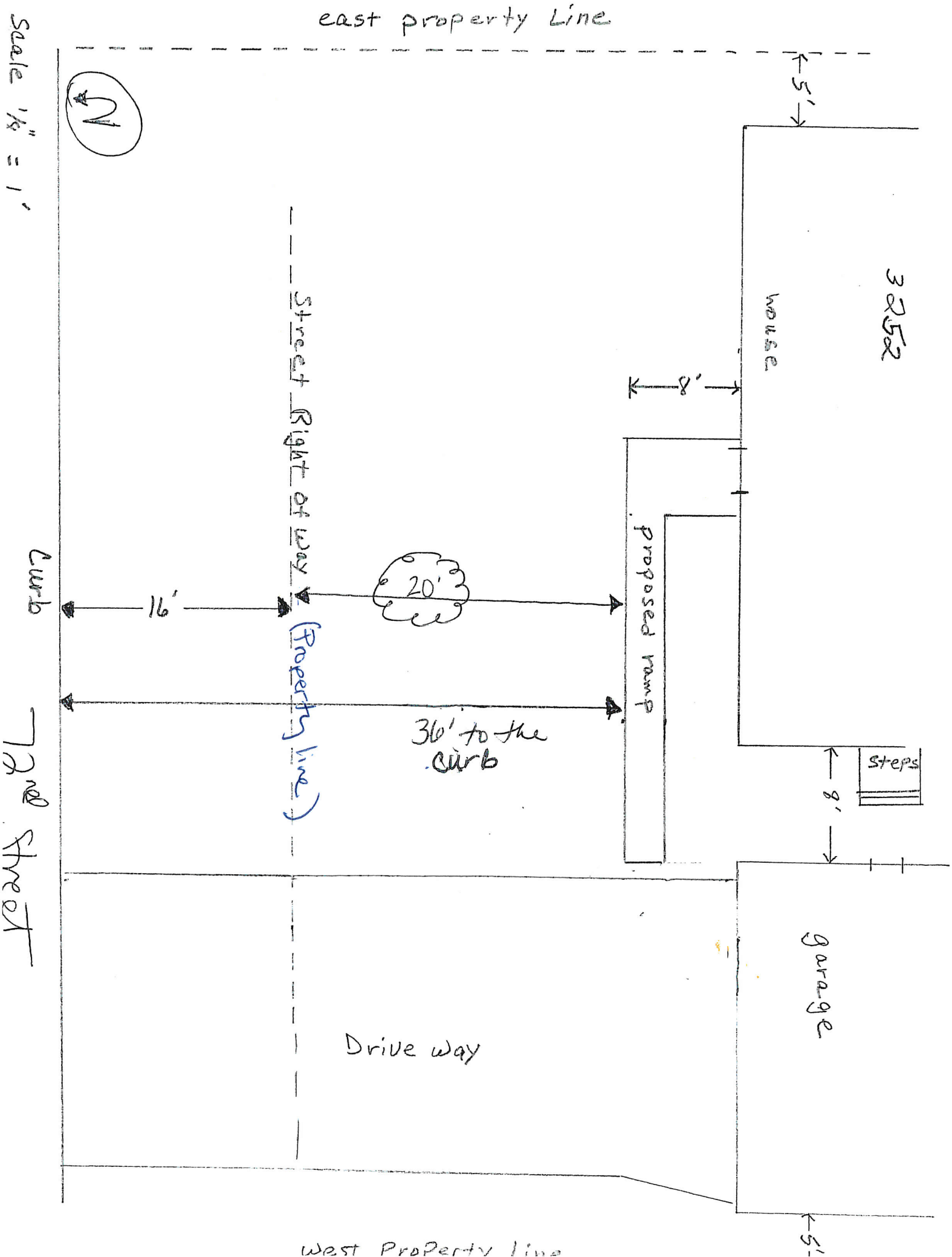
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

Exhibit A
Zoning & Location Map

July 30, 2015

To: City of Inver Grove Heights Planning Commission,

We are submitting this request for a variance of the City code as it applies to the distance a structure may be allowed from the front property line. Sec 10-5-2: Required yards and open space. Mr. Alitz has a physical condition that at this time confines him to a wheelchair. It is no longer possible for him to leave the house with assistance from his wife. It is necessary to build a wheelchair ramp at the front of the residence. This ramp would be constructed over the existing sidewalk and would extend to the driveway. Due to the unique characteristics of the property, the ramp would be less than 24 feet from the street right of way. This property is located at 3252 72nd St E, Inver Grove Heights MN 55077. Thank you for your consideration of this request.


east property Line
Scale 1/8" = 1'
N
5'
3252
house
8'
Street Right of way
(Property line)
proposed ramp
20'
16'
Curb
36' to the curb
steps
8'
72nd Street
garage
Drive way
West Property Line
5'

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 30, 2015 **CASE NO.:** 15-34V

HEARING DATE: September 1, 2015

APPLICANT AND PROPERTY OWNER: Berea Lutheran Church

REQUEST: A Variance from setbacks for a free-standing sign

LOCATION: 9308 Rich Valley Boulevard

COMP PLAN: RDR, Rural Density Residential

ZONING: P, Institutional

REVIEWING DIVISIONS: Planning **PREPARED BY:** Allan Hunting
City Planner

BACKGROUND

The applicant is requesting a variance to allow a free standing sign to be located on the front property line along Rich Valley Boulevard. In 2001, the church submitted a subdivision plat application that was required as part of an expansion. Rich Valley Boulevard is a county road and the County required additional right-of-way be dedicated to a total of 55 feet half right-of-way. It wasn't detected until just recently; that the existing free standing sign for the church is now contained in the county right-of-way after the additional right-of-way was dedicated. This came to light when the church requested a building permit to change the face of the sign. Since the sign is in the right-of-way, a permit cannot be issued until the location is resolved. The church has contacted Dakota County but they also have ordinances that signs are not allowed in the right-of-way.

The church is therefore proposing to construct a new free standing sign, but do to other site improvements and limitations, the sign is being proposed adjacent to the right-of-way. The zoning ordinance requires signs to be at least 10 feet from the property line.

SPECIFIC REQUEST

The following specific application is being requested:

1) A variance from sign setbacks to allow a free standing sign at the front property line whereas 10 feet is required.

SURROUNDING USES

The subject site is surrounded by the following uses:

North – open space in the Marianna Ranch subdivision
East – large lot residential
West – open space in the Marianna Ranch subdivision
South – large lot residential

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 proposed sign height and size would be in conformance with the code. Only the location would vary. The zoning for the property is P, Institutional which allows for churches and churches are allowed one free standing sign.

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

   The location of the sign and the impact on the right-of-way expansion was overlooked at the time of the platting in 2001. Once the error was discovered, sign permits could not be issued for a sign in the right-of-way. The applicant has very limited options to relocate the sign in the front of the lot and not impact the parking lot. The right-of-way dedication also reduced the boulevard area would have provided room for a sign that could meet setbacks.

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

   The dedication of right-of-way created the problem of the sign in the right-of-way. This also limited the options for a sign to be placed in the front yard and meet setbacks. In order to get a permit and upgrade their sign, the church has no alternative but to request a variance to relocate the sign outside of the county right-of-way. The total sign width is about 10 feet. The boulevard area along the entire stretch of the road is about 19 feet or less. Any location of the sign along the road would require a variance.

4. *The variance will not alter the essential character of the locality.*
The paved road width has not changed and therefore the sign would still be a significant distance from the traveled road and would not cause a traffic visibility issue being too close to the road.

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 requested action:

A. Approval If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the general site/aerial plan dated 8/3/15

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

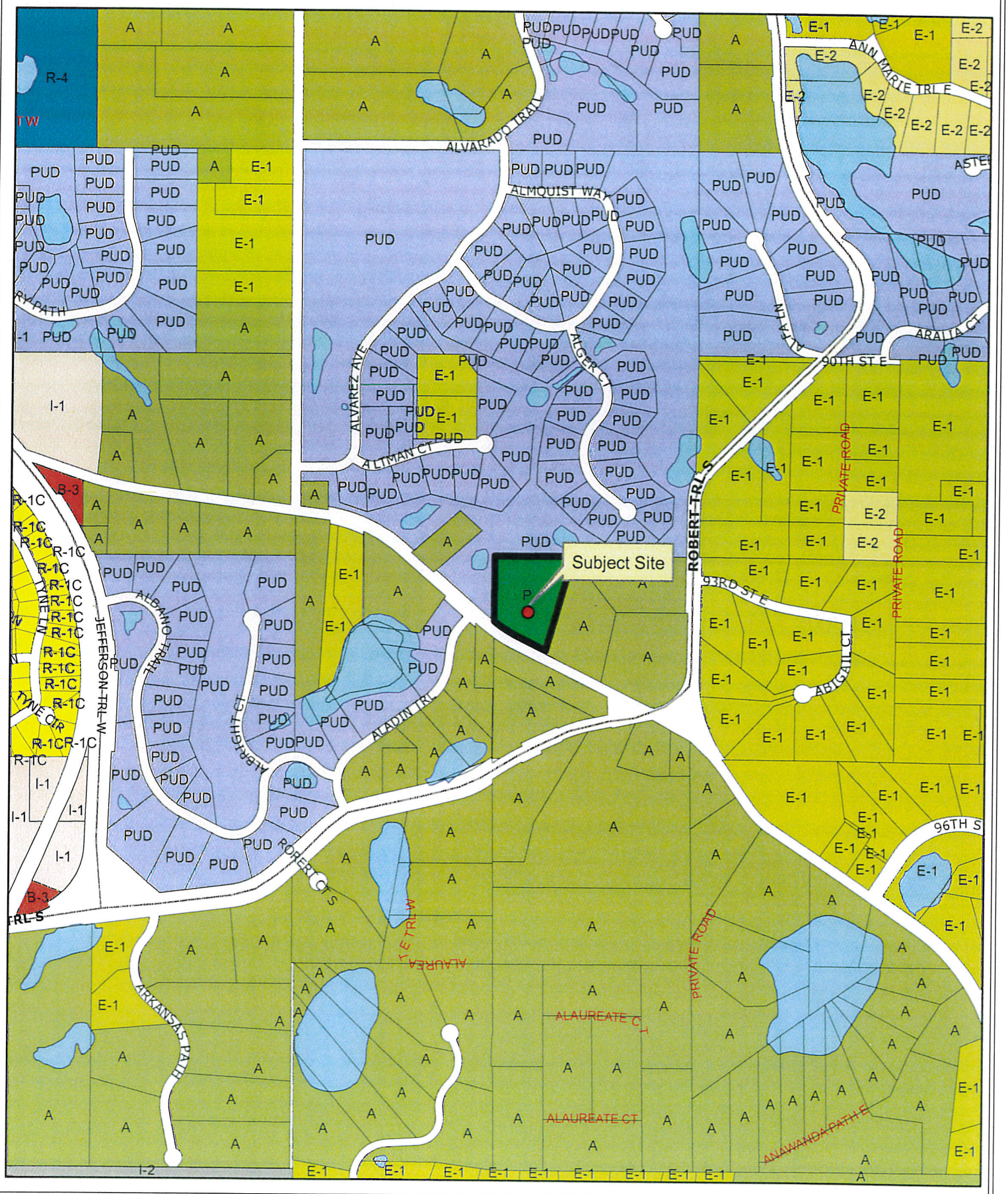
RECOMMENDATION

Staff finds that a practical difficulty can be found for this request and recommends approval of the setback variance based on the following:

- The location of the sign and the impact on the right-of-way expansion was overlooked at the time of the platting in 2001.
- The applicant has very limited options to relocate the sign in the front of the lot and not impact the parking lot. The right-of-way dedication also reduced the boulevard area would have provided room for a sign that could meet setbacks.
- The dedication of right-of-way created the problem of the sign in the right-of-way. This also limited the options for a sign to be placed in the front yard and meet setbacks.
- The total sign width is about 10 feet. The boulevard area along the entire stretch of the road is about 19 feet or less. Any location of the sign along the road would require a variance.

Attachments: Location/Zoning Map
Site Plan
Applicant Narrative
Sign Illustration

Location Map
Case No. 15-34V



Butch McConnell
DACO ROW Manager

My Map

952-891-7115

August 3, 2015

1:758

0 0.005 0.01 0.02 mi

0 0.01 0.02 0.04 km

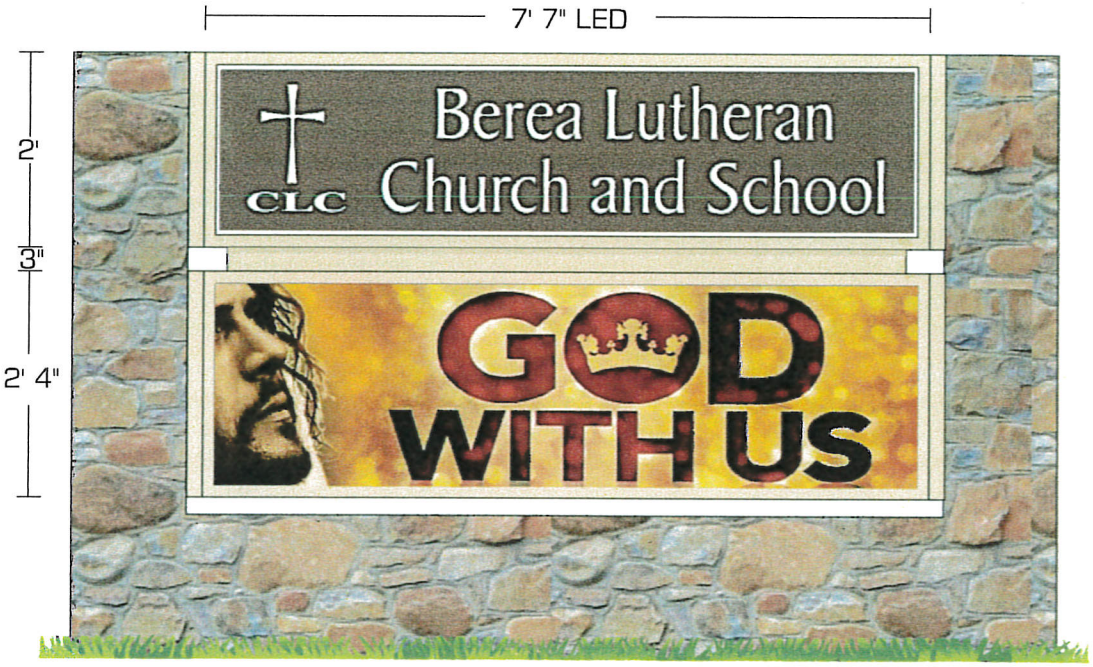
- Lot Dimensions
- Tax Parcels
- Tax Parcel
- Dedicated Right of Way
- Water
- Multi-owner Parcel
- Water in Tax Parcel
- Right of Way Easement
- Pending New

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey or for zoning verification.

August 4, 2015

To Whom It May Concern

My name is Joseph Gullerud. I am submitting a variance on behalf of Berea Lutheran Church, located at 9308 Rich Valley Blvd. Our church is preparing to replace our current monument sign with a new electronic LED sign. We had intended to place the new sign in the same location as the old sign. Unfortunately, as part of the permit process, we discovered that a building project in 2001 triggered a replatting of the church's property by Dakota County. The County assumed an additional 22 feet of the churches property adjacent to Rich Valley Blvd. This action left the sign within the County's right of way easement. We have been informed by the County that if we go ahead with replacing the sign we will have to become code compliant and place the sign outside of the easement. This, along with the City's requirement to place signage 10 feet from the property line, would put the sign in the parking lot. We are asking for a variance to allow for placement of the sign 0 feet from the property line. As you can see this would put the sign immediately outside the County's right of way easement but still 55 feet from the center of the existing roadway. The Right of Way Manager for Dakota County, Butch McConnell (952-891-7115) has stated that is acceptable to the County. Thank you for considering this request. I can be reached at 651-775-3637 with additional questions.



DAYSTAR EXP COLOR
20mm 32x112
CUSTOM ID CABINET: 2' x 7'7"
LED CABINET: 2' 4" x 7' 7"

Header Vinyl: Photorealistic
Paint Color: Almond
Draft Color: White

1/2"=1' SK. #791656-9D-S CUST. #1686482 7.28.15 F/ADIX SOLD

stewartsigns
America's Premier Sign Company
PH. 1-800-237-3928 FAX 1-800-485-4280

ORIGINAL DESIGN DO NOT DUPLICATE

GRAPHICS DISCLAIMER

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDITION OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL. ANY MEASUREMENTS SHOWN ARE APPROXIMATIONS; DIMENSIONS OF FINAL PRODUCT MAY VARY. LED IMAGES SHOWN ARE SIMULATED TO REPLICATE RESOLUTION FROM OPTIMUM VIEWING DISTANCE. A STEWART SIGN IS DESIGNED TO BE ILLUMINATED AT ALL TIMES AS IT INCREASES THE LIFE OF THE SIGN'S LIGHTING COMPONENTS. SKETCHES ARE BASED OFF OF THIS PREMISE.

APPROVED AS SHOWN.

X _____ DATE _____ 1. _____

APPROVED WITH LISTED CHANGES 2. _____

X _____ DATE _____ 3. _____

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE:	August 28, 2015	**CASE NO.:**	15-32PAZ
APPLICANT:	Hemant Bhakta		
PROPERTY OWNER:	Heartland Credit Union		
REQUEST:	Comprehensive Plan Amendment to change land use from NC, Neighborhood Commercial to CC, Community Commercial and Rezoning from B-2, Neighborhood Business District to B-3, General Business District		
LOCATION:	54th Street and Alta Avenue		
HEARING DATE:	September 1, 2015		
COMPREHENSIVE PLAN:	Neighborhood Commercial		
ZONING:	B-2, Neighborhood Business District		
REVIEWING DIVISIONS:	Planning Engineering	**PREPARED BY:**	Allan Hunting City Planner

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BACKGROUND

The applicant is proposing to change the land use designation of an approximate 1.7 acre parcel from Neighborhood Commercial to Community Commercial. The applicant would like to construct a hotel with about 75-85 rooms on the vacant parcel north of the Heartland Credit Union and east of an existing strip commercial center. Access would be from the internal private drive or alley that has access onto 54th Street.

The applicant has submitted a concept plan and elevations of the proposed hotel. If this phase of the applicant is successful, the applicant would be required to come back for additional city approvals of the site plan.

SURROUNDING USES

The subject property is surrounded by:

North	Commercial buildings; zoned B-3; guided Regional Commercial.
East	Multiple family residential; zoned R-3C; guided High Density Residential.
West	Commercial buildings; zoned B-2; guided Neighborhood Commercial.
South	Commercial buildings; zoned B-2; guided Neighborhood Commercial.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject area is currently guided for RC, Regional Commercial which is defined in the 2030 Comprehensive Plan as:

> "Neighborhood commercial areas include lots or parcels containing retail sales and services located along collector roadways that serve the adjacent neighborhood area. The neighborhood commercial designation is the least intensive of the commercial classifications use in the comprehensive plan. Neighborhood commercial areas are intended to house businesses that provide convenience goods and services. Convenience goods and services include items that are regularly needed by nearby residents such as small grocery items, dry cleaning, video rentals, etc. Properties designated as neighborhood commercial on the land use plan are located along "A" minor arterials or community collector roadways."

Community Commercial is defined in the 2030 Comprehensive Plan as:

> "Community commercial areas include lots or parcels that contain retail sales and services located along community collector and arterial roadways that serve the community. Community commercial areas differ from neighborhood commercial areas in that they are more intensive and are deigned to b attract customers from a wider trade area. As such, the goods and services that are available in community commercial areas are broader in scope such as restaurants, private recreational facilities, professional service offices, small-scale printing, etc."

The service that would be provided would be at a community wide level and would also extend beyond residents of Inver Grove Heights. The use could provide a service to companies located in Inver Grove Heights as well as visitors to the area.

The use is located along an arterial street within an established commercial area. Being an infill development in an established area, there is limited opportunity to provide pedestrian connectivity as described in the Community Commercial policies in the comprehensive plan.

The use would appear to be compatible with the multiple family development to the east in that it is a residential type use without generating retail type traffic counts. Multiple family adjacent to commercial is a typical land use pattern. Access to the site would be from existing streets used for the neighboring commercial uses and does not create an access connecting into residential areas, thus not creating a traffic volume impact.

Rezoning

The City Code, Title 10-3-5 states that a rezoning request must be "in the best interest of the physical development of the City" in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

Infrastructure City sewer and water are available at the site. When the credit union was constructed, the storm water pond was sized to accommodate development on the subject site. There may need to be some additional storm water measures provided to address the new storm water standards. All road networks are in place. No additional roadways or other public improvements appear to be necessary with this proposal.

Neighborhood Compatibility The lots to the north, west and south are developed with commercial uses. The site is located just east off of Hwy 3 and I-494 is just to the north. There is multiple family development to the west, but this site sits higher, providing some physical separation between the two uses. Multiple family residential is a typical transition use between commercial and residential. There would be no direct conflicts with traffic on Alta as this site cannot access Alta and the main traffic flow would appear to be from 54th Street to stop light intersection at Hwy. 3.

Rezoning All rezoning requests must be reviewed against the City's Comprehensive Plan. Review against the various components of the Comprehensive Plan follows.

- *Wastewater Treatment* Wastewater from the building would be handled through the existing city sewer system.
- *Transportation* The site is located along Robert Street. No additional roads would be required. Most traffic would utilize 54th Street to Hwy 3.
- *Employment* The applicant expects the project would employ 6-10 individuals.
- *Natural Resources* The site has been graded long ago and altered when the property was platted and the strip center was constructed. There are no wetlands or other natural resources on the site that would need to be preserved.
- *Land Use* The proposed use seems to be consistent with the intent of the comprehensive plan by providing a use that serves the community and it is along an arterial road.

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 make a recommendation approving the Comprehensive Plan Amendment from NC, Neighborhood Commercial to CC, Community Commercial and the rezoning from B-

2, Neighborhood Business District to B-3, General Business District subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

B. Denial If the Planning Commission does not favor the comprehensive plan amendment, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

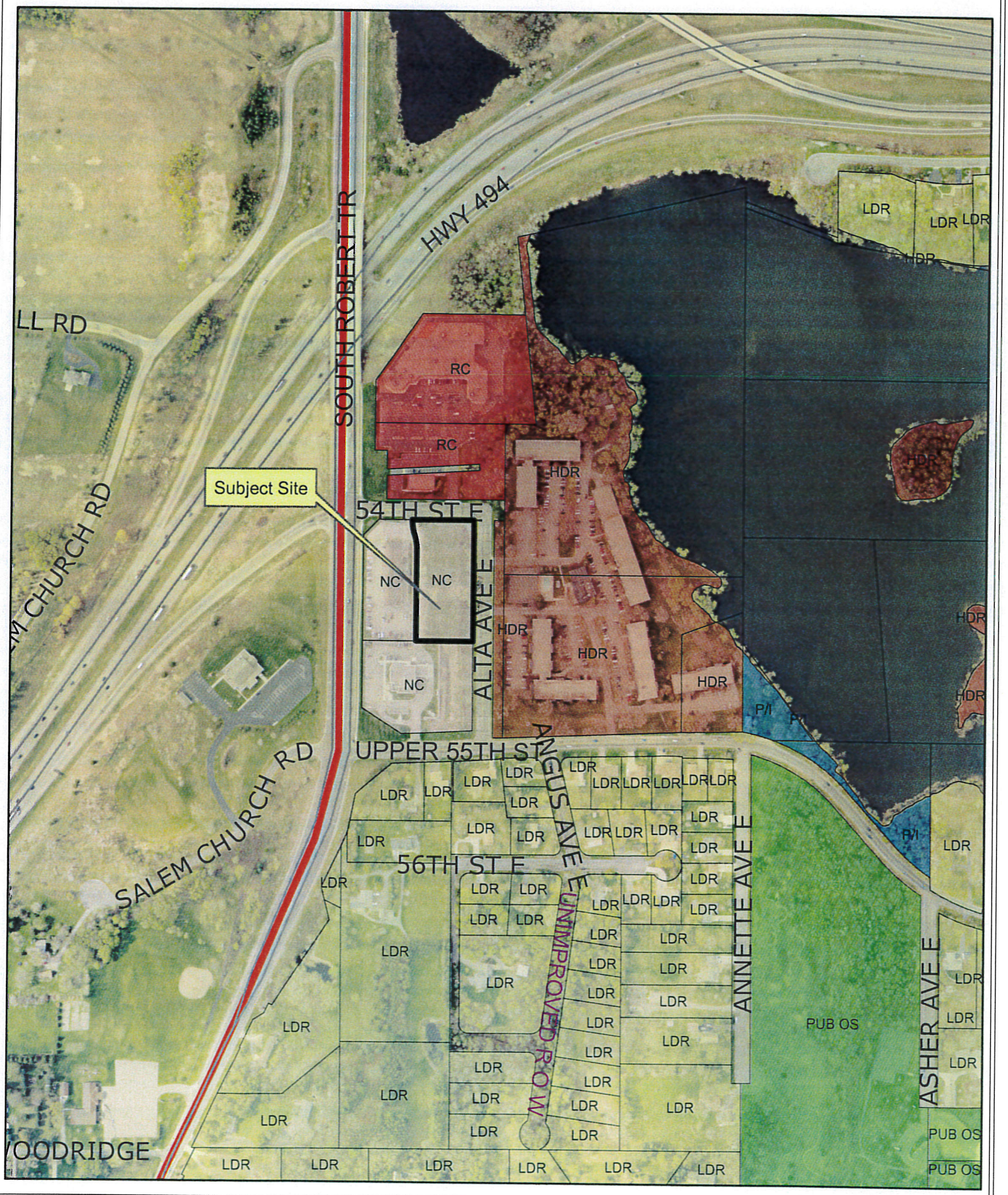
The proposed site has been vacant since the subdivision was created and the retail strip center and credit union developed around it. Visibility is limited, thus it is not a desirable retail location. An infill project to improve the site would be a benefit to the City. A hotel is a permitted use in the B-3 district. Additional site plan approvals would be necessary if the comp plan and rezoning are approved.

The City Council changed the zoning for the Salem Square Shopping Center in order to allow more uses and opportunities to fill the center. Pawn America now leases a significant space in the center as a result of the rezoning that occurred a few years ago. The City Council has made other similar changes to the area in order to allow for commercial development opportunity.

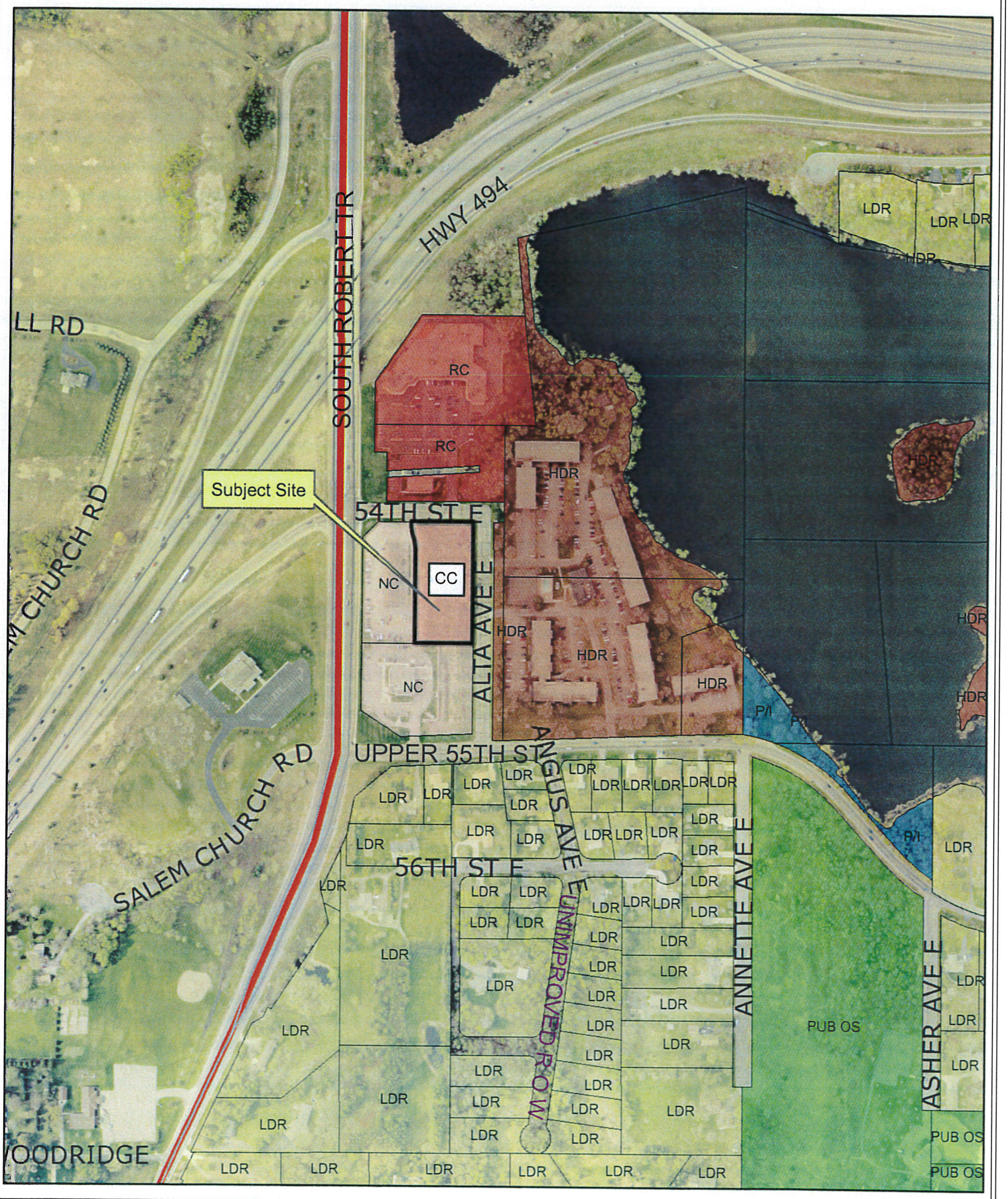
Staff recommends approval of the comprehensive plan amendment and rezoning of the parcel as proposed.

Attachments: Existing/Proposed Comp Plan Map
Existing/Proposed Zoning Map
Applicant Narrative
Concept Site Plan
Concept Building Elevation

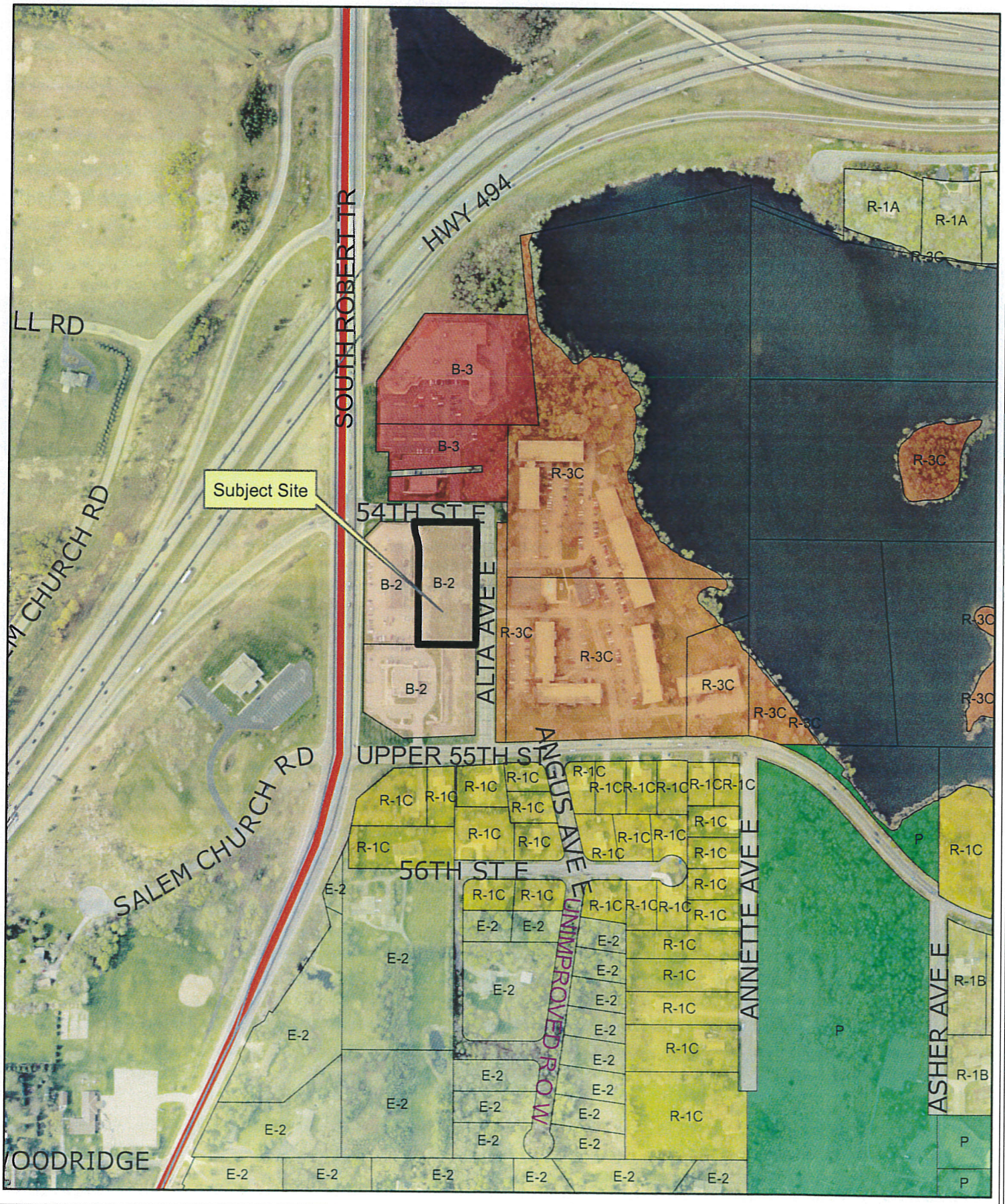
Existing Comp Plan Map
Case No. 15-32PAZ



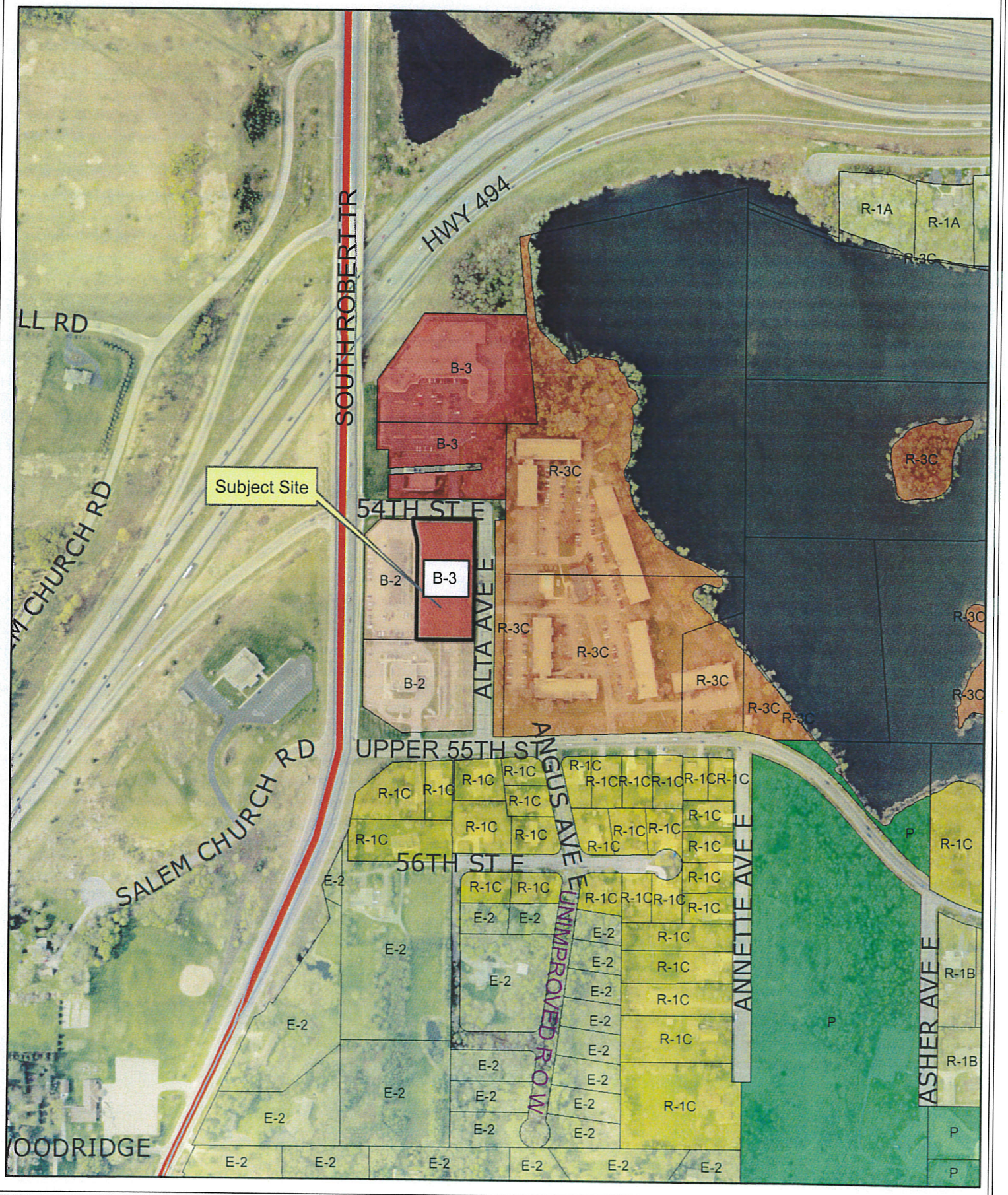
Proposed Comp Plan Map
Case No. 15-32PAZ



Existing Zoning Map
Case No. 15-32PAZ



Proposed Zoning Map
Case No. 15-32PAZ



REZOING REQUEST

DATE: 07/29/2015

TO WHOM IT MAY CONCERN:

CITY OF INVER GROVE HEIGHTS,

HEMANT BHAKTA IS REQUESTING REZOING PID# 20-32350-01-020 LOT-2/BLOCK 1 HCU MEMBER ADDITION TO CONDITIONAL USE FOR LIMITED SERVICE HOTEL/MOTEL USE. HOTEL WILL BE ABOUT BETWEEN 75 TO 85 UNITS.

HOTEL WILL EMPLOY 6 T0 10 NEW EMPLOYEE AND WILL BRING MORE VISITORS AND REVENUE TO OUR AREA.

PLEASE LET ME KNOW IF YOU NEED MORE INFORMATION REGARDING REZOING.

SINCERELY,

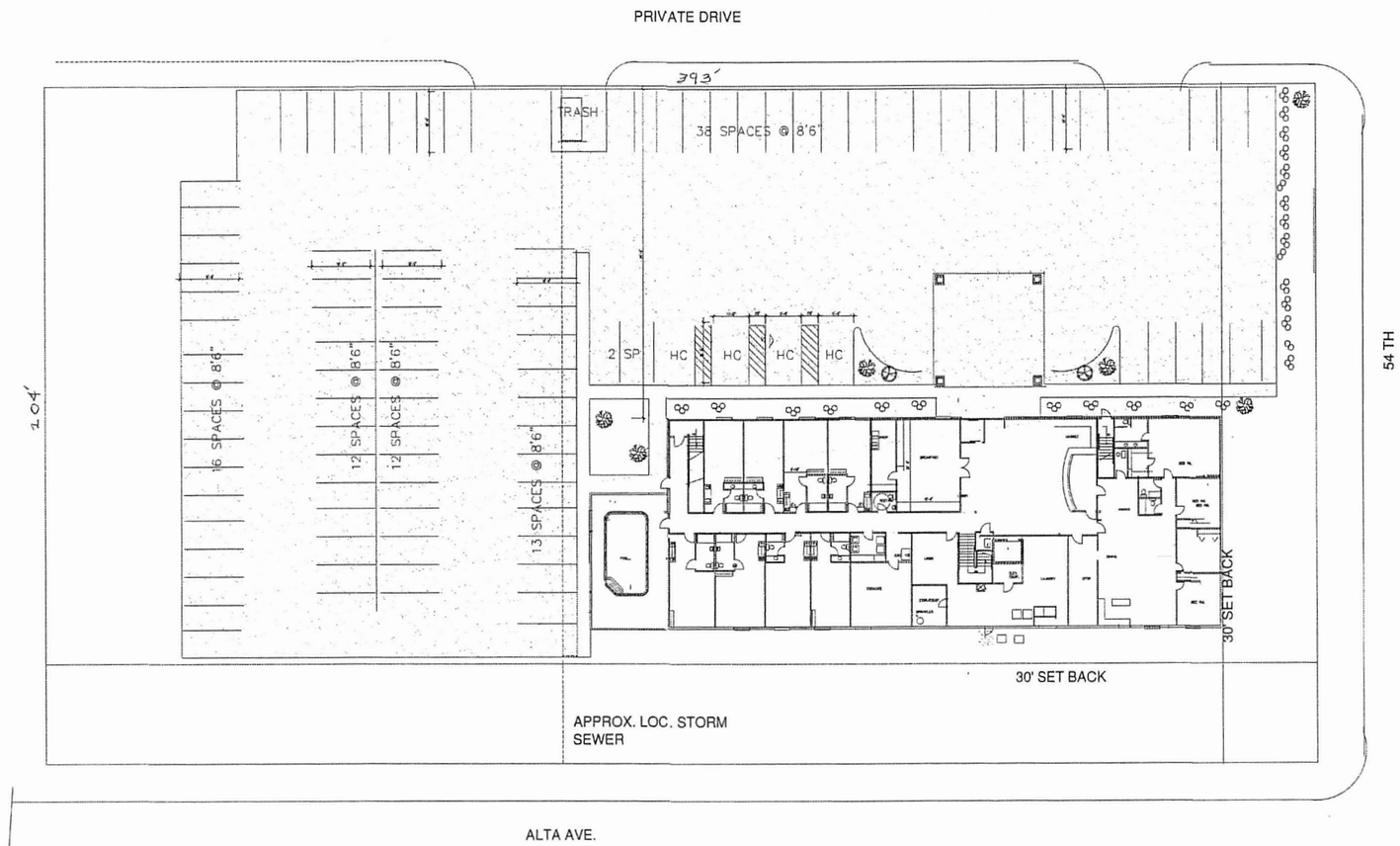
HEMANT BHAKTA

2020 WILSON AVE

SO. ST. PAUL MN, 55075

651-398-3694

EXTENDED STAY HOTEL
INVERE GROVE, MINNESOTA



SITE PLAN
A
1"=20'

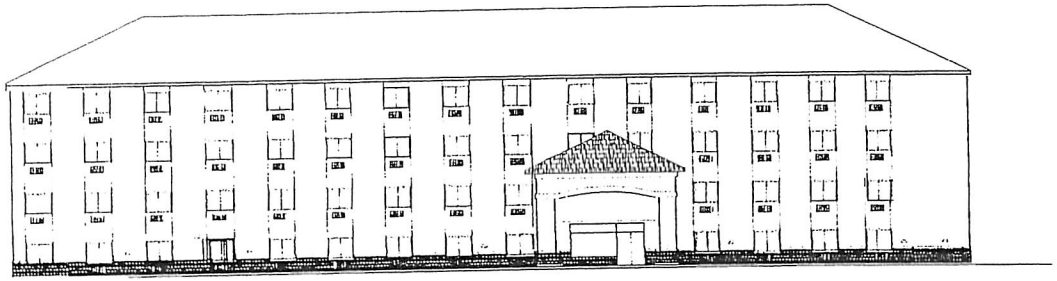
N

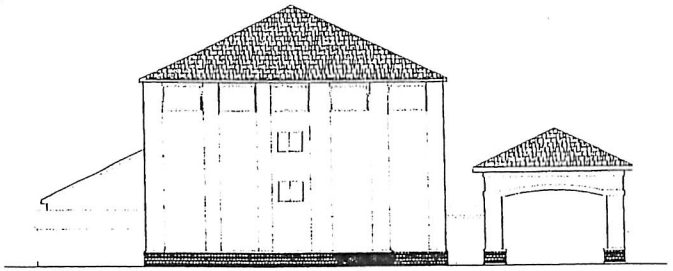
95 PARKING SPACE
9 PARKG.
EMP;OYEE
4 HC. SPACES

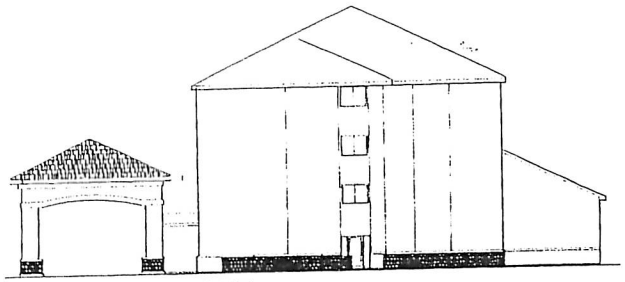
82 UNITS

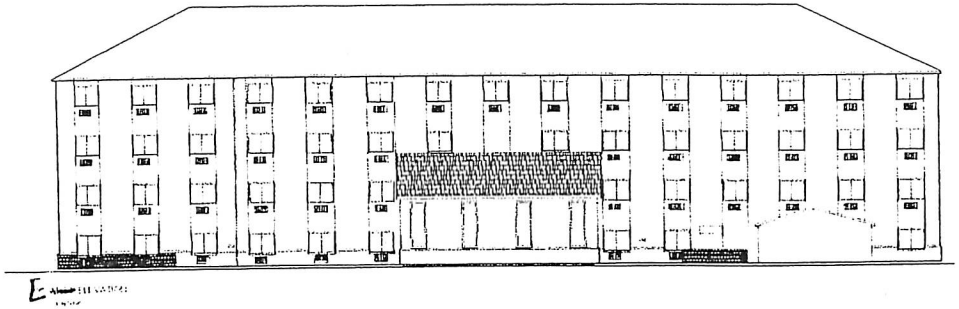
DATE: 7/29/15
REVISED:

SHEET
C1
OF
1









DATE:

REVISED:

SHEET

A4

OF

11