

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

Tuesday, July 21, 2009 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

**1. CALL TO ORDER**

**2. APPROVAL OF PLANNING COMMISSION MINUTES FOR July 7, 2009**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 SUSSEL CORPORATION – CASE NO. 09-21CV**

Consider the following requests for property located at 5924 Bradbury Court:

A.) A **Conditional Use Permit** to allow for impervious coverage on a lot to exceed 25% in the R-1C zoning district.

Planning Commission Action \_\_\_\_\_

B.) A **Variance** to construct a home addition that would exceed the 30% allowed maximum impervious coverage on a lot.

Planning Commission Action \_\_\_\_\_

**3.02 VANSOUTH LIMITED PARTNERSHIP – CASE NO. 09-20V**

Consider the following request for property located at 1300-1450 Mendota Road:

A.) A **Variance** to allow more than one free-standing sign on a lot in the B-4, Shopping Center District.

Planning Commission Action \_\_\_\_\_

**3.03 CITY OF INVER GROVE HEIGHTS – CASE NO. 09-19ZA**

Consider various changes and amendments to the Zoning Ordinance resulting from the recodification of the City Code.

Planning Commission Action \_\_\_\_\_

**4. OTHER BUSINESS**

**4.01** Cancellation of the first meeting in August

**5. ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 7, 2009 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tom Bartholomew  
Paul Hark  
Christine Koch  
Damon Roth  
Pat Simon  
Dennis Wippermann  
Tony Scales  
Mike Schaeffer  
Harold Gooch

Commissioners Absent:

Others Present: Tom Link, Community Development Director  
Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the June 16, 2009 meeting were adopted as corrected.

### **HERDTLE – CASE NO. 09-18V**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance to encroach within the front yard setback on an R-1C, Single Family Residential lot, for the property located at 7710 Banks Court. 4 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting to construct an 8' x 12' covered porch addition to the front of their house which would protect the front door from the elements. Mr. Hunting advised that staff looked at the ten other homes on the applicant's cul-de-sac and with the exception of the home to the west of the subject property, all structures appeared to either meet or exceed the required setback. Mr. Hunting stated he was unsure as to why the home to the west was within the required setback as no variances had been granted. He added that many of the homes had a built-in covering over the front door area and staff felt it was reasonable to allow a porch be built onto the subject home. Mr. Hunting stated that staff felt the requested size was too large, however, and would be out of character with the neighborhood. He noted that the home had a 32 foot setback whereas 30 feet was required and therefore the applicants could construct a two foot deep porch without a variance. Mr. Hunting stated that if the Planning Commission wanted to support the variance, staff would rather see a smaller, four foot porch. Staff recommends denial of the request as presented.

Commissioner Wippermann asked if the applicants were proposing an open or enclosed porch, to which Mr. Hunting replied an open structure.

Chair Bartholomew asked for clarification regarding the measurement of setbacks.

Mr. Hunting advised that the setback is measured from the furthest vertical surface, which in this case would be the wall.

Chair Bartholomew asked if a self-supporting awning would be measured from the wall.

Mr. Hunting replied that a hanging awning would be measured from the wall, whereas a structure that needed a footing or a post would be measured from the furthest vertical surface (i.e. pillar).

**Opening of Public Hearing**

The applicants, Thomas Herdtle and Diane North, 7710 Banks Court, advised they have a concrete stoop that is 7.5 feet from the house and they would like to put a roof over it to protect it from the elements as well as have a seating area.

Chair Bartholomew advised it would be difficult for the Planning Commission to approve the request without a viable hardship.

Mr. Herdtle stated they would only be allowed a two foot roof section without a variance which he felt would be an unreasonable size.

Chair Bartholomew advised that staff has stated they would support a four foot variance, or the applicants could consider a structured awning.

Mr. Herdtle asked for clarification of a structured awning.

Chair Bartholomew stated it was a cantilevered awning that was self-supporting.

Ms. North advised they originally asked about a covered awning and were told they could not have it.

Mr. Hunting advised that a suspended awning would be acceptable as the setback would be measured from the wall.

Chair Bartholomew asked if an awning that was not supported to the ground but was constructed of timber and shingles would be acceptable.

Mr. Hunting stated any structure that required a building permit would have to meet setbacks. However, an awning which was not a structural part of the house (i.e. cantilevered or roll-up awning) would not be considered as an encroachment into the setbacks.

Mr. Herdtle stated the front portion of their house was deteriorating because it had no protection from the elements and they would like to have something more permanent than an awning.

Chair Bartholomew asked if the applicants had read the report.

Ms. North replied they had, and asked for clarification of a statement in the report regarding constructing a porch without a variance.

Mr. Hunting advised that the house is setback 32 feet whereas 30 feet is required. Therefore, the applicants could build a two foot wide porch without a variance. They also could consider getting a two foot variance and having a four foot deep porch.

Chair Bartholomew clarified that once the applicants moved into the setback a variance was needed no matter how large the encroachment was.

Commissioner Simon asked when the gutters were installed, to which Mr. Herdtle replied they were in place when they purchased the house.

Ms. North advised their home only had 4" eaves whereas most homes have 16" eaves.

Commissioner Wippermann asked if the proposed porch would cover just the top platform of the concrete area or the lower stoop as well.

Mr. Herdtle displayed a diagram of the home, stating the porch would extend out eight feet.

Commissioner Wippermann asked if the setback would be measured from the post shown in the drawing, to which Mr. Hunting replied in the affirmative.

Commissioner Gooch asked staff if they received any comments from neighbors.

Mr. Hunting stated they received only one inquiry from the neighbor behind the subject property.

Mr. Herdtle stated the neighbors he spoke with had no issue with the proposed project.

Ms. North stated that the house to the west appeared to be situated closer to the road than theirs; and asked when the ordinance that stipulated a 30 foot setback was put in place.

Mr. Hunting replied that it was in place since 1965. He added that staff used computer mapping and determined that the other homes on the cul-de-sac were at least 30 feet from the road with the exception of the house to the west which was approximately 26 feet from the road.

Ms. North pointed out two homes on 80<sup>th</sup> and Banks and asked if they complied with setback requirements.

Mr. Hunting replied they did comply with setbacks along Banks, but were granted variances from 80<sup>th</sup> Street.

### **Planning Commission Discussion**

Commissioner Wippermann stated he would likely oppose the request due to lack of hardship, although he felt the project might be an asset to the house and would not be detrimental to the neighborhood.

Commissioner Hark asked if the applicants had discussed the possibility of a four foot porch with their architect.

Ms. North replied they had not as they were not aware staff would support a four foot porch.

Chair Bartholomew advised that a hardship was needed no matter the size of the variance. He noted that if the applicants compromised by building a four foot porch they could perhaps extend the length to gain additional area.

Mr. Herdtle asked if there were issues with lengthening the porch.

Chair Bartholomew replied that lengthening the porch would cause no additional problems with the front setback regulations.

Commissioner Gooch stated that since the setback would be measured from the pillar, perhaps the

applicants could move the post closer to the house but still have the roof extend beyond that.

Mr. Hunting advised that the roof overhang could encroach no more than 24 inches into the required setback. Therefore, if the pillar became the established setback line the roof could extend 24 inches beyond that.

Commissioner Gooch asked if the applicants could have an eight foot porch if they used the two feet they were set back from the 30 foot line, the four feet staff had stated they would be agreeable to, plus a two foot overhang past the post.

Mr. Hunting clarified that staff was agreeable to a porch that was four feet in total depth consisting of the two feet they were set back from the 30 foot line plus a two foot variance.

Commissioner Gooch advised that with that in mind the applicants could then have a six foot porch; the two feet they were set back from the property line, a two foot variance, and an additional 24 inch overhang past the post.

Chair Bartholomew asked if the applicants were proposing footings or just a floating slab.

Mr. Herdtle stated there should be footings to prevent the slab from shifting.

Chair Bartholomew asked if staff would measure the porch from the edge of the slab if there were footings in the ground, to which Mr. Hunting replied they would - it would be measured from the furthest vertical surface.

Mr. Hunting stated that typically a post would be located on the perimeter of the slab to provide support.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Roth, to deny the request for a variance to encroach within the front yard setback for a porch addition, for the property located at 7710 Banks Court, due to lack of hardship.

Commissioner Hark clarified to the applicant that the Commission was in no way promising that City Council would approve any of the alternate options they had discussed tonight; they were merely suggestions.

The Commission then discussed how they should proceed as far as possibly making a recommendation for an alternate proposal.

Commissioner Hark questioned how they could come up with a hardship for a two foot variance but not for the six feet being requested.

Commissioner Schaeffer stated he would prefer to move the request on to City Council as is in the hopes they would approve the request as presented. He stated he did not want to recommend the porch be downsized to six feet in size when it was possible it could be approved as presented.

Motion carried (8/1 - Gooch). This matter goes to the City Council on July 27, 2009.

Commissioner Schaeffer suggested the applicants measure the setback of the home to the west of them since it appeared as if they had already set a precedent.

**OTHER BUSINESS**

Tom Link, Community Development Director, gave an update of the Comprehensive Plan Update, stating it was still being reviewed by the Metropolitan Council. He noted they have asked for some additional information, which the City is providing, and so far the only issue has been a minor difference in the population forecast.

Chair Bartholomew asked what ramifications there would be to the Comprehensive Plan if the Metropolitan Council population assumptions prevailed.

Mr. Link replied it was not a critical issue and would have no major impact on the Comprehensive Plan.

Commissioner Schaefer asked if anyone could take his place at the July 20 Housing Task Force meeting as he was unable to attend.

Commissioner Koch volunteered to attend the meeting in Commissioner Schaeffer's place.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:36 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary



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

Single Family Residential; zoned PUD – Planned Unit development;  
guided LDR, Low Density Residential

**EVALUATION OF REQUEST:**

**CONDITIONAL USE PERMIT** Per a recent code amendment, property owners may apply for a Conditional Use Permit for up to 30% of impervious coverage, provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
- f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.

The applicant and property owner have been made aware of the above conditions and the City's standard conditions for treating impervious surface. It is staff's understanding that the property owner is working with Engineering Department to meet the requirements.

**Grading and Drainage.** The Engineering Department has reviewed the request and is working with the applicant to compose an appropriate plan to mitigate the additional storm water runoff.

**VARIANCE** Because the request is to exceed 30% impervious coverage, the applicant is required to also obtain a variance. City Code Section 515.59, states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to

grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

- a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does not have any conditions that make it unique for the zoning district it is in. Furthermore, the applicant is not being denied reasonable use of the property as the lot currently features a single-family home and attached garage. However, the proposed addition is small and the excess impervious coverage is marginal. Lastly, the lot is large enough that the additional impervious coverage would not have a negative impact on the adjoining neighbors.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The application is not contrary to the Comprehensive Plan as the future land use is Low Density Residential.

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

There is no hardship relating to the request as the impervious coverage standard is not precluding the property owner from reasonable use of the property. The site already features a principal dwelling with an attached garage. However, the addition being requested is not unreasonably large and the resulting home would fit in with the character of the neighborhood.

- d. *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 Conditional Use Permit and Variance to exceed the impervious coverage standards 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 site plan dated June 22, 2009 on file with the Planning Department or as modified herein.
2. The applicant/homeowner shall provide a storm water management system to mitigate the increased storm water runoff from the additional impervious surface being added.

3. The amount of impervious surface area to be treated with a storm water management system will be based on the square footage of the increased impervious coverage.
4. The temporary erosion control and permanent storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
5. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
6. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
7. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
8. Prior to issuance of a building permit, a storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
9. Prior to issuance of a building permit, an escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. The City Engineer reserves the right to have both a cash escrow for expenses, fees, inspections and maintenance requirements and an additional construction escrow assuring the storm water facility is constructed properly.
10. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
11. Prior to the final inspection of the building permit, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.
12. All existing easements shall be shown on the building permit submittal to ensure that the proposed structures are not encroaching in an easement area dedicated to the City. If there is encroachment, it will be the sole discretion of the City Engineer to either accept or deny the proposed encroachment. If allowed, an encroachment agreement would need to be executed prior to issuance of building permit.

**B. Denial** If the Planning Commission does not favor the proposed Conditional Use Permit, the above request should be recommended for denial. With a recommendation

for denial, findings or the basis for the denial should be given.

## **RECOMMENDATION**

Staff believes there are not unique circumstances on the property and that the hardship criterion has not been met. Therefore, staff recommends denial of the Variance and Conditional Use Permit request as presented.

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





## Statement for Conditional Use Permit/Variance

The city ordinance states that the impervious surface coverage for any residential lot cannot surpass 25% of the lot. The applicant and owner are asking for a Conditional Use Permit/Variance to increase the current hard cover by 2% although the total lot coverage would be 34.6 %.

At the time the house was built, the city ordinances for lot coverage were higher and the city gave proper approval to build the house and driveway/walk/etc. Apparently, the city has now changed the ordinance to 25% thus forcing a Conditional Use Permit/Variance because the house, driveway, walk is over the 25% even without the addition.

The homeowner is asking to build an 18' x 14' 4-Season porch on stilts that will be 8' to 9' off the ground. The new room will not have a foundation covering up land surface. One could make the argument that we are not increasing the current impervious lot coverage that exists because the addition built on stilts is 8' to 9' off the ground and is not preventing the ground from absorbing water.

Inver Grove Heights currently interprets this as impervious surface coverage although most cities would only count the foundation size in this situation. The applicant/owner realizes that this is a matter of interpretation. One simple solution would be to simply turn the gutters back to the house underneath the new porch thus putting all the water exactly where it would go in the first place. This would completely negate any new added water run off.

The particular hardship for this property is that when the house was built, the city ordinances were higher for impervious lot coverage. The city gave the owners proper approval to build the house, driveway, walks etc. Now the city has change it's impervious lot coverage percentages forcing the need for a Conditional Use Permit/Variance. Most other cities have much higher percentages for impervious surface coverage. The Burke's are the 2<sup>nd</sup> owners of the property and have not added anything to the lot coverage since they purchased the house.

This Conditional Use Permit/Variance is not detrimental to the neighborhood it fits in. In fact, most of the homeowners on the Burke's side of the street would have to go through the same process if they wanted to add a porch.

EXHIBIT B



# Sussel Corporation Request Case No. 09-21CV

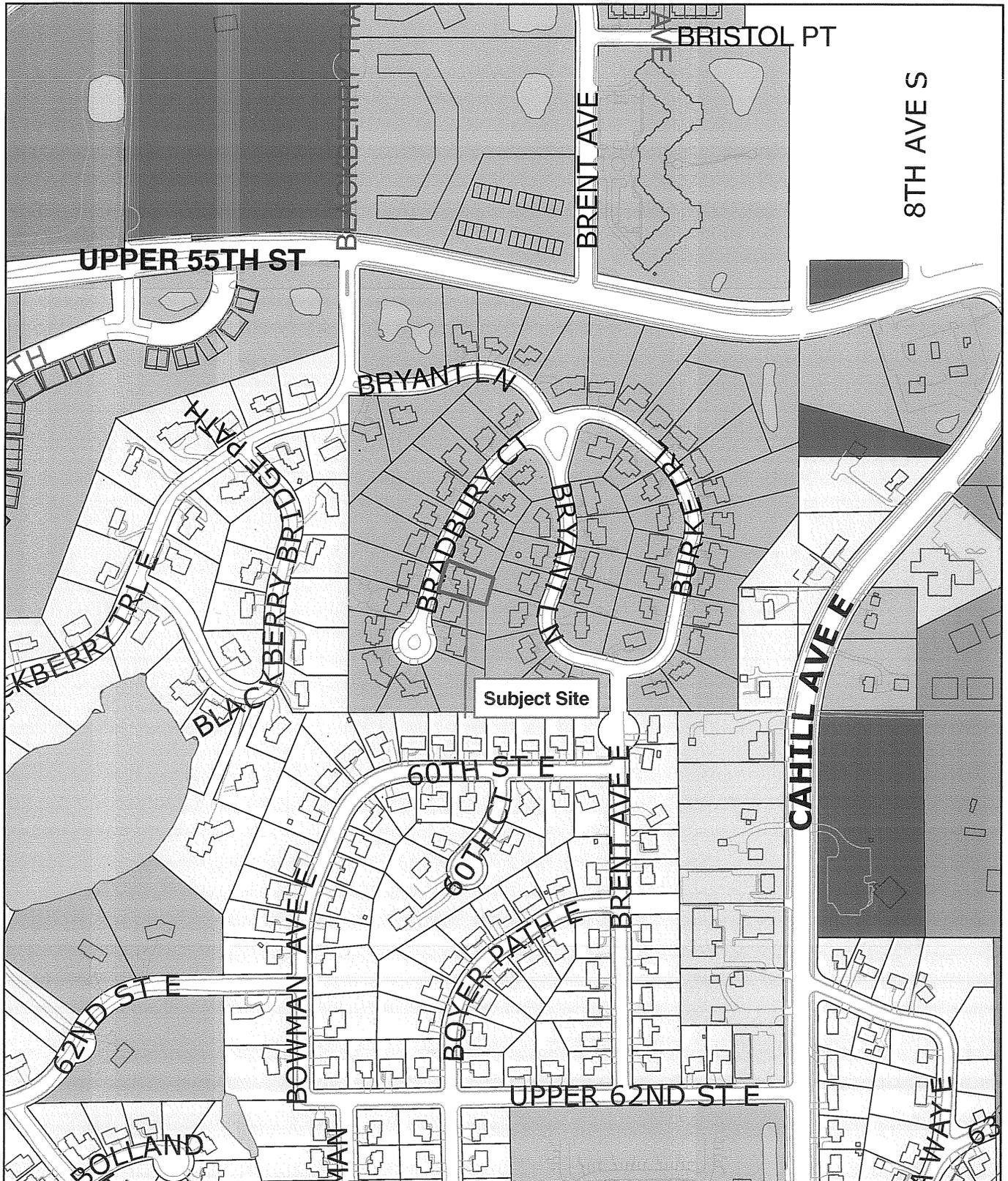


Exhibit A  
Zoning Map

The personal reason for the Burke's to build this room is for Mr. Burke. Mr. Burke has Parkinson's disease. As the disease progresses, it is getting harder and harder for Mr. Burke to get up and down the stairs to the family room in the lower level. The house is a rambler with a kitchen/living room on the 1<sup>st</sup> floor. This would allow Mr. Burke to have a room to relax in and get away from the kitchen area/living room and still have 1<sup>st</sup> floor living. In no way are the Burke's building this room for economic reasons. This new porch would not in anyway increase traffic or congestion.

Finally, we believe the Conditional Use Permit/Variance will be in keeping with the spirit and intent of the city code and comprehensive plans for 2 reasons. The first is that we believe we are not increasing the impervious lot coverage because the room will be on stilts 8" to 9" off the ground and does not prevent the ground from absorbing water. Even if you make the interpretation that the porch is covering the ground we can solve this by turning the gutters and putting the water directly where the water would be during a rainfall. Secondly, the property was approved for the original impervious lot coverage when it was built.

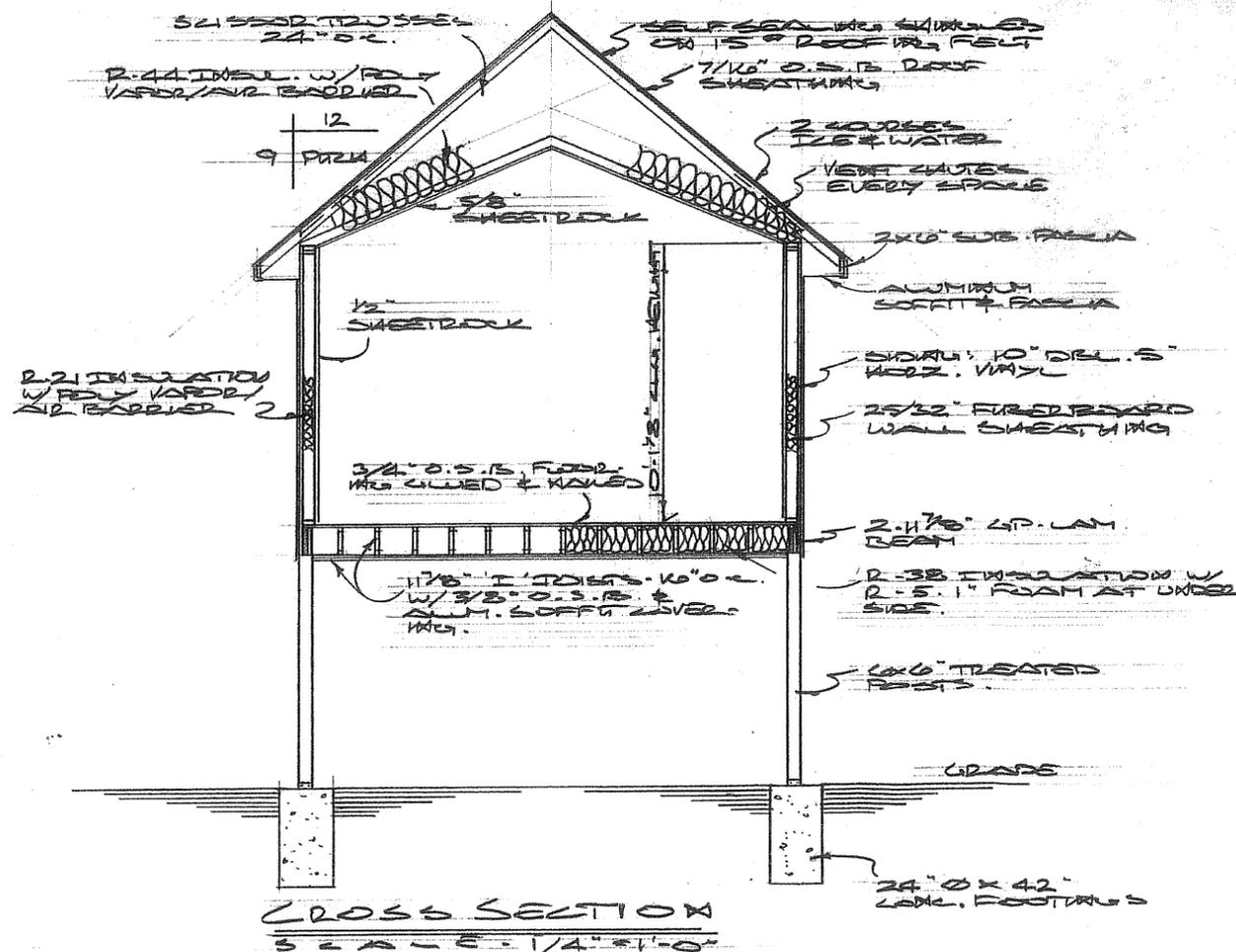
Thank you for help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Russell". The signature is fluid and cursive, with the first name "Michael" and last name "Russell" clearly distinguishable.

Michael Russell  
Sussel Corporation





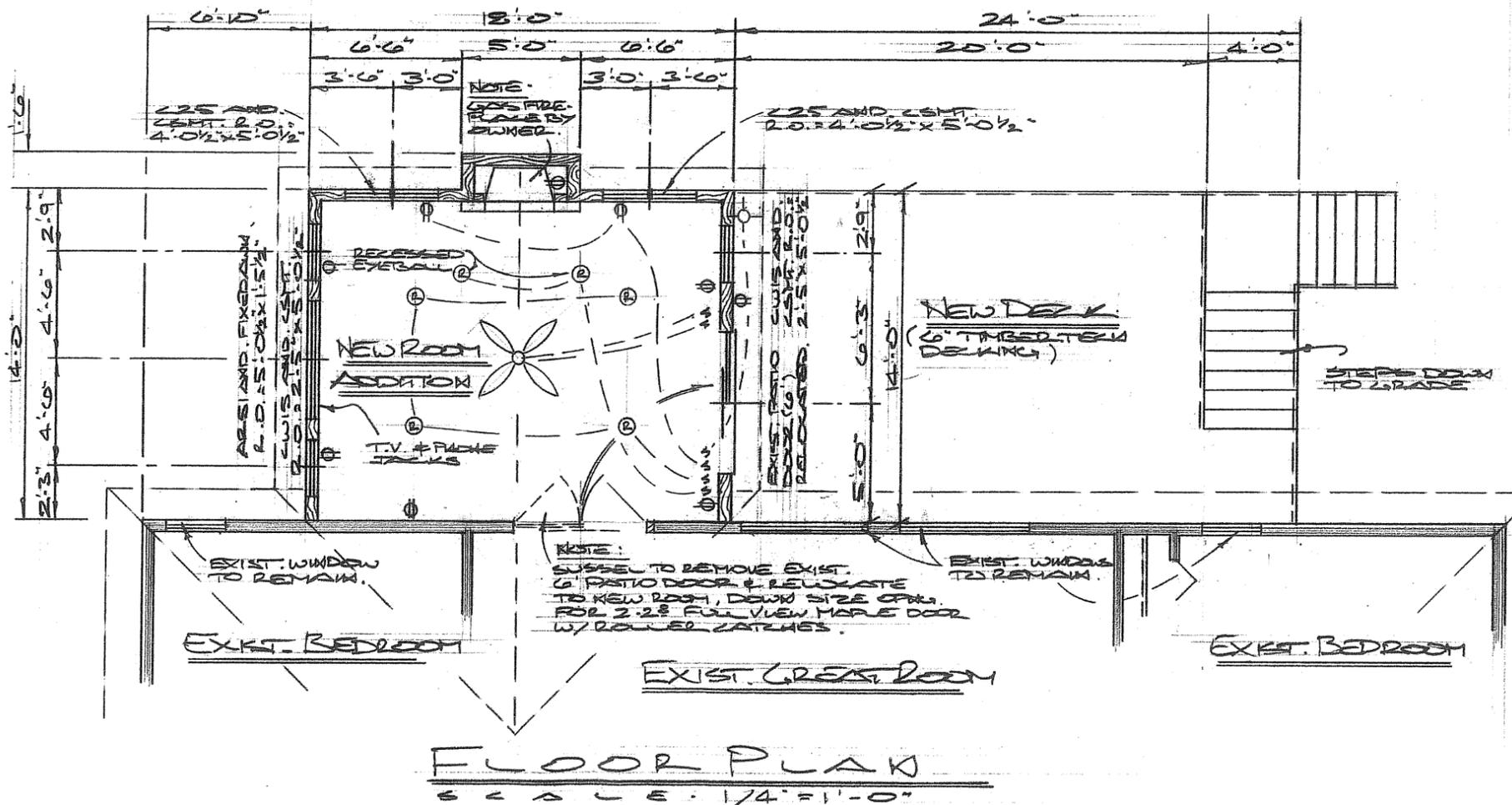
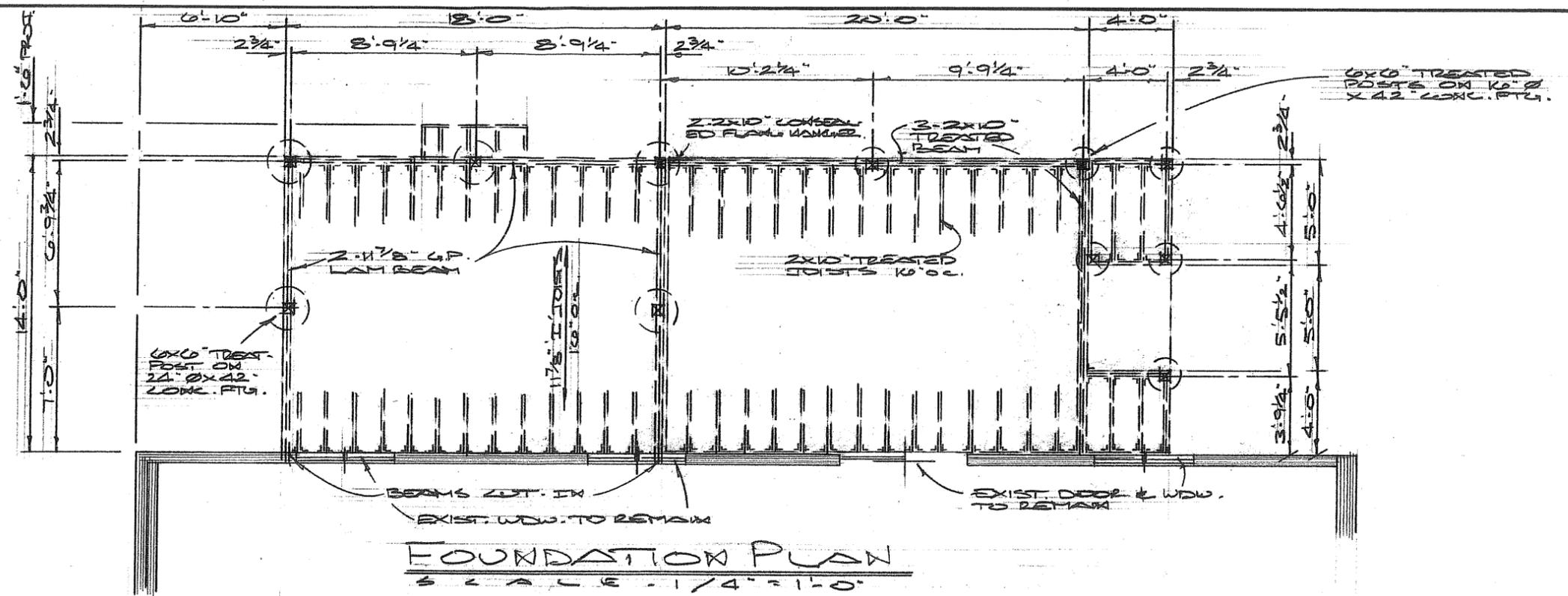
- GENERAL NOTES:**
- \* ALL FINAL GRADE, YARD REPAIR, LAND SCAPING & BLACK DIRT BY OWNER.
  - \* EXISTING DECK REMOVAL BY SUSSEL CORP.
  - \* LEAD-UP OF CONSTRUCTION DETAILS BY SUSSEL CORP.
  - \* PAINTING & STAINING MATL. & LABOR BY OWNER.
  - \* FINISH FLOORING MATL. & LABOR BY OWNER.
  - \* DECORATIVE LIGHT FIXTURES & CEILING FAN BY OWNER, LABOR BY SUSSEL CORP.
  - \* INSULATION MATL. & LABOR BY SUSSEL CORP.
  - \* DRYWALL MATL. & LABOR BY SUSSEL CORP.
  - \* INTERIOR TRIM MATL. & LABOR BY SUSSEL CORP.
  - \* FIREPLACE MATL. & LABOR & GAS PIPING BY OWNER.

NOTE: WRITTEN DIMENSIONS ON THESE PLANS SHALL HAVE PRECEDENCE OVER ALL SCALED DIMENSIONS, SUSSEL CORPORATION MUST BE NOTIFIED OF ANY VARIATIONS FROM THESE DIMENSIONS AND CONDITIONS OF THE ABOVE DRAWING

# SUSSEL CORPORATION

654 TRANSFER ROAD, SUITE 16B • ST. PAUL, MN 55114 • (651) 645-0331

NEW RESIDENCE FOR: SKIP & SUSAN BOONE 5924 BRADLEY ST. DRIVER GROVE HEIGHTS, MN	JOB NO.	PRE-LIM	DRN. BY:	CKD. BY:	DATE
PLAN H. 651-552-7786 SKIP'S CELL 2651-094-3544	NUMBER	FINAL	DRN. BY:	CKD. BY:	DATE
					SHEET 1 OF 2



NOTE:  
ALST ALWAYS DRN TO BE AT EXISTING TRANSOM HEIGHT (SEE ELEVATION)

NOTE:  
SUSSEL TO REMOVE EXIST. 6' PATIO DOOR & RELOCATE TO NEW ROOM, DOWN SIZE OPEN FOR 2-28 FULL VIEW MARLE DOOR W/ ROLLER ZATLAGE.

NOTE: WRITTEN DIMENSIONS ON THESE PLANS SHALL HAVE PRECEDENCE OVER ALL SCALED DIMENSIONS, SUSSEL CORPORATION MUST BE NOTIFIED OF ANY VARIATIONS FROM THESE DIMENSIONS AND CONDITIONS OF THE ABOVE DRAWING.

# SUSSEL CORPORATION

654 TRANSFER ROAD, SUITE 16B • ST. PAUL, MN 55114 • (651) 645-0331

NEW RESIDENCE FOR: SKIP & SUSAN BUCKE 5924 BRADLEY CT. INVER GROVE HEIGHTS, MN	JOB NO.	PRE/LIM	DRN. BY:	CKD. BY:	DATE
PLAN H. 051-552-7780	NUMBER	FINAL	DRN. BY:	CKD. BY:	DATE
4/15/05	184-2544		BCE	BCE	6/15/09
SHEET 2					OF 2

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

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**REPORT DATE:** July 9, 2009

**CASE NO:** 09-20V

**APPLICANT:** Vansouth Limited Partnership

**REQUEST:** Variance to construct an additional free-standing sign at the Southridge Center

**HEARING DATE:** July 21, 2009

**LOCATION:** 1300-1450 Mendota Road

**COMPREHENSIVE PLAN:** RC, Regional Commercial

**ZONING:** B-4, Shopping Center District

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

Vansouth Limited Partnership has submitted a variance application to allow an additional free standing sign at the southwest corner of the site along South Robert Trail. The center currently contains three other free standing signs, two along Mendota Road and the other along South Robert Trail. A new tenant has been signed to occupy space next to Pep Boys. To accommodate the new tenant, minor modifications and additions will be made to the center. These changes only require approval of building permits. The new tenant is looking for more presence along South Robert Trail and the proposed free standing sign would be utilized by the new tenant to obtain this visibility.

A sign variance is necessary because the zoning ordinance allows only one free standing sign per lot in the B-4 District. Within the B-3, I-1 and I-2 Districts, more than one free standing sign is permitted provided specific spacing requirements are met. No such provisions are listed for sign criteria in the B-4 district.

**EVALUATION OF THE REQUEST**

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

North: West St. Paul (commercial, golf course)

East: Southview Country Club; zoned P; guided Park

West Auto dealerships; zoned B-3; guided RC

South Auto dealership, Nursing home; zoned B-3, P; guided RC and Public

History. The shopping center was constructed in 1986. In 1990, the City Council approved a sign variance request for a total of 2279 square feet of signage including free standing and wall signage. The signage plan approved included three (3) free standing signs. The existing free standing signs include two at 240 square feet each and one at 179 square feet.

In 1999, the City Council approved an additional variance to increase the total overall aggregate allowed signage to 3,500 square feet. This included the whole center as it existed then including the old Sam's club wing.

Proposed Sign. The proposed free standing sign would be located at the southwest corner of the property along South Robert Trail. The sign would be a total of 124 square feet in size and 20 feet high. Maximum sign size in the B-4 District is 240 square feet. The proposed sign would comply with size and height restrictions. The sign is also proposed to be located approximately 30 feet from the south property line and 20 feet from the right-of-way line along South Robert Trail. Signs over 100 square feet in size are required to be at least 20 feet from property lines. The proposed sign would comply with this standard.

The applicant has provided signage figures for the shopping center and for Home Depot. Since both of these properties were part of the overall signage variance approved in 1999, total signage for the two must not exceed 3,500 square feet. Total signage for the shopping center buildings, including the existing free standing signs is 1,697 square feet. Total signage on the Home Depot lot is 801 square feet. With the proposed additional free standing sign and new wall signage for the new tenant, the grand total signage would be 2,750 square feet.

#### Variance Analysis

City Code Section 515.59, states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

- a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

The design of the B-4, Shopping Center District assumes an enclosed style of mall where the anchor stores were the only visible portions of the mall and pylon signage informed

consumers of the mall stores. Consequently, the aggregate signage limitations of the B-4 district are strict relative to the other business zoning districts. The Southridge Center functions as a community shopping center; it is not designed as a typical mall found in a B-4 zoning district. Unlike the expected enclosed mall, the center has its entire store front exposed. In addition, the topography of the land places the shopping center away from the road and generally below the road elevation along Mendota Road. The exposed storefronts and extra distance from roads has prompted the need for additional free standing signs to give the tenants exposure and visibility along South Robert Trail and Mendota Road.

The main building has its frontage and primary visibility facing Mendota Road. The majority of the store fronts are not visible from South Robert Trail. Free-standing signs play a larger role at this location to provide visibility from both streets. In this case, the proposed sign would provide visibility to South Robert Trail that is missing due to the property and buildings longest frontage and primary visibility along Mendota Road.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The request would not be contrary to the comprehensive plan or the intent of the zoning code. The center still functions as a regional center and the addition of the free standing sign would not compromise this. While the B-4 district is designed to accommodate enclosed malls, additional signage would not be out of character for the neighborhood. The balance of the commercial development along South Robert Trail is zoned B-3, General Business which allows more than one free standing sign per property with certain restrictions.

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

When the zoning ordinance was adopted, the B-4 District anticipated enclosed shopping center designs. The Southridge Center demonstrates that other shopping center designs have evolved, however the zoning ordinance does not address these designs in a practical fashion. The proposed signage with this variance attempts to address some of these practical issues by analyzing the signage goals of all of the business zoning districts and applying them to this shopping center design. Consequently, a demonstrated hardship exists since the number of free standing signs allowed in the B-4 District would be unduly restrictive for the alternative shopping center design displayed here.

- d. *Economic considerations alone do not constitute an undue hardship.*

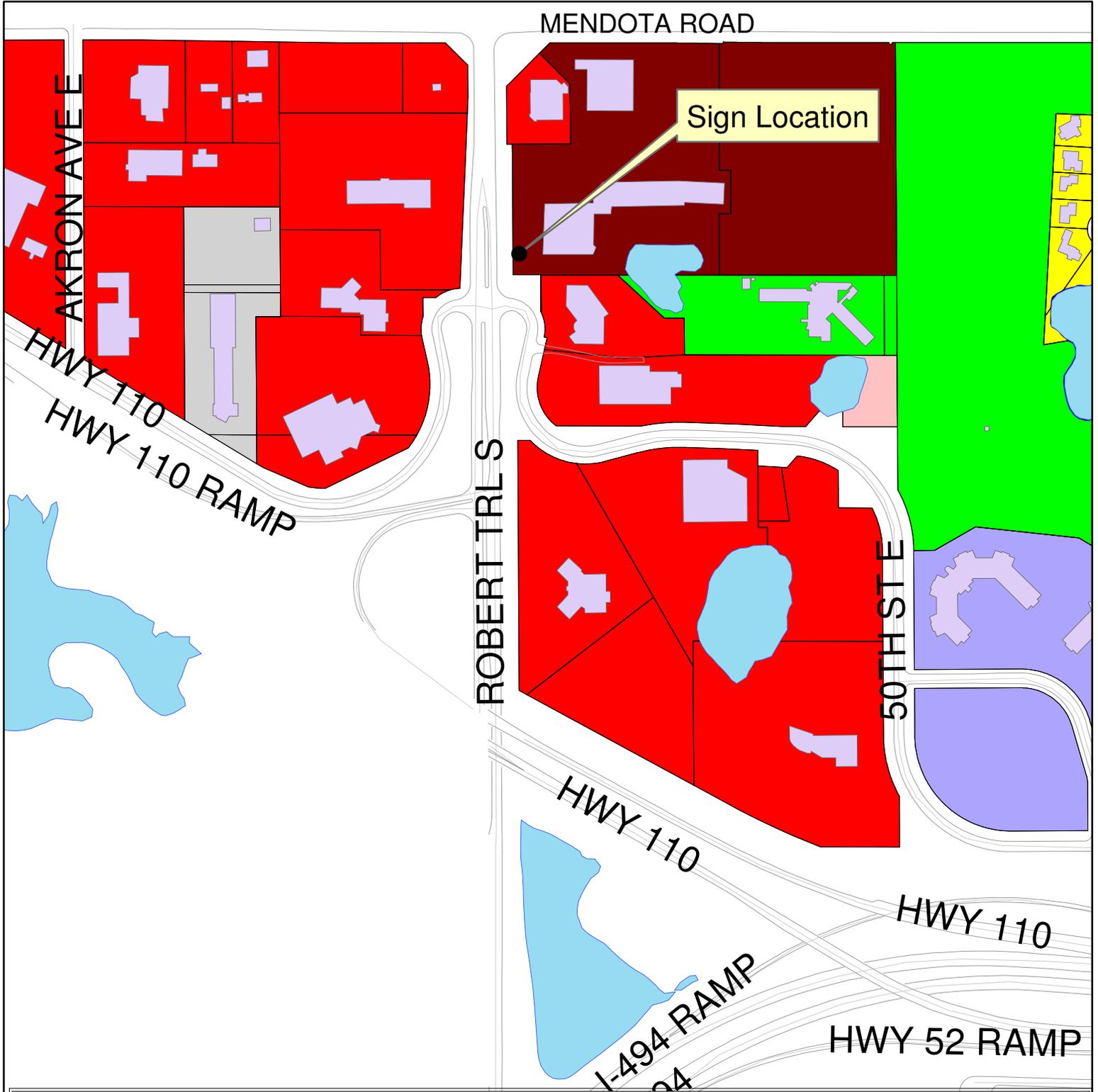
From a strict interpretation, economic considerations did not prompt this free standing sign number variance, since the signage limitations seem to reduce the retail potential.





# Location Map

## Case No. 09-20V



### Legend

A, Agricultural	R-1C, Single Family (0.25 ac.)	R-4, Mobile Home Park	OP, Office Park	I-1, Limited Industrial
E-1, Estate (2.5 ac.)	R-2, Two-Family	B-1, Limited Business	PUD, Planned Unit Development	I-2, General Industrial
E-2, Estate (1.75 ac.)	R-3A, 3-4 Family	B-2, Neighborhood Business	OFFICE PUD	P, Public/Institutional
R-1A, Single Family (1.0 ac.)	R-3B, up to 7 Family	B-3, General Business	Comm PUD, Commercial PUD	Surface Water
R-1B, Single Family (0.5 ac.)	R-3C, > 7 Family	B-4, Shopping Center	MF PUD, Multiple-Family PUD	ROW

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FINE ASSOCIATES

June 22, 2009

Mr. Allan Hunting  
City Planner  
City of Inver Grove Heights  
8150 Barbara Avenue  
Inver Grove Heights, MN 55077

**Re: Southridge Shopping Center – Request for a Variance**

Dear Mr. Hunting:

Fine Associates represents Vansouth Limited Partnership, which owns Southridge Shopping Center. We respectfully request a variance to the Zoning Code, to permit the construction of a freestanding sign at the southwest corner of the Center. I attach the application for this variance, and a site plan of the Center that identifies the location of the proposed sign.

Here, I wish to summarize the circumstances and conditions that caused us to ask for this variance, and explain why they satisfy the four criteria listed by the City of Inver Grove Heights, to demonstrate that a hardship would be imposed on the property owner if the code were strictly enforced, and that therefore it is appropriate to grant a variance.

Southridge Shopping Center has evolved and changed a lot during the last five years to keep and attract desirable retailers, and therefore maintain a quality shopping environment. We—and the property owner—have spared no efforts and resources towards that goal. Concrete evidence of this continuing, sustained investment in Southridge Shopping Center include:

- the demolition of a Sam's Club that "went dark" (even though its lease would have continued for several years) to build a new Home Depot store, in 2005;
- the restructuring and renovation of the OfficeMax store, which now is one of the top performers in this part of the country; and
- the renovation and upgrade of the portion of the Center that houses small tenants.

Southridge Shopping Center has lost tenants recently, like just about every retail center in Minnesota and elsewhere, because of the challenging economic times. Yet, because of our continuing investment into the Center, we have been able to fill several of the spaces left vacant. In spite of this, the vacancies at Southridge Shopping Center have crept up in the last nine months, mostly because of the loss of tenants carrying out financial and real estate-related services.

The most recent fruit of our efforts to keep Southridge Shopping Center a viable resource for the community is a commitment from ALDI Food Market to locate one of their grocery stores in the Center. ALDI has about 1,000 grocery stores in

the U.S. and continues expanding, even in these difficult economic times. ALDI is one of the most successful grocery retailers in the world. Their operating principle is that by optimizing their purchases and streamlining their operations, they can provide the customers with grocery products of stringent quality standards (every product they sell must match or exceed the leading national brands in taste, appearance and/or performance) at outstandingly low prices. Over the years, ALDI has steadily increased the quality of their products and has continued to skew their product repertoire to more upscale and innovative selections. ALDI also owns Trader Joe's, another retail concept that provides customers with excellent products at very competitive prices. In 2009, ALDI won the Retailer of the Year Award from Private Label Buyer, an organization that specializes in the analysis of private label retailers, from the perspective of the consumer.

The addition of this new and desirable anchor will nearly eliminate the vacant spaces in the Center: this is because we will relocate some small tenants into vacant spaces, and consolidate the vacancies to make room for the new grocery store. Also, the addition of ALDI Food Market will increase to nearly 275 the number of people who will be employed at the Center.

Currently Southridge Shopping Center has a tax base in Inver Grove Heights of approximately \$15,000,000 and generates more than \$450,000 in property taxes annually. The addition of the new ALDI grocery store, by eliminating the vacancies that now exist in the Center, will allow Southridge Shopping Center to maintain its value, and we will not need to request an abatement in the corresponding property taxes, which would cause a decrease of income for the City of Inver Grove Heights and the community.

Southridge Shopping Center is within a B-4 Shopping Center District. Because its purpose is to consolidate retail businesses into large scale retail centers, the B-4 zoning requires large minimum lot sizes (10 acres versus one acre) and building setbacks (60 feet versus 30 feet) as compared to the other business districts. The goal of B-4 zoning is to create consolidated commercial facilities, which, by being more attractive and efficient than a collection of small facilities, represent a betterment to the community.

Neighborhood and General Business zonings (B-2 and B-3, respectively) allow many individual access points from public streets, and many corresponding freestanding signs. In contrast, the large B-4 shopping centers, with their integrated design and coordinated physical plans, have a few access points from local streets, and have interior roadways and parking systems integrated together, to serve a large building and/or several buildings.

Because of their nature and design, B-4 shopping centers require signage at key points along the public streets on their perimeter and also at individual storefronts within the development, to help the customers once they have entered the site. However, the B-4 zoning allows only one freestanding sign per lot, regardless of the lot size. This is itself a somewhat unrealistically meager allowance. For example, the B-3 district allows one freestanding sign for each 200 feet of lot frontage: should the B-3 district standard be applied to Southridge Shopping Center, it would permit no less than eight freestanding signs.

The four criteria that need to be satisfied to demonstrate that a hardship would be imposed on the property owner if the code were strictly enforced, and therefore it is appropriate to grant a variance, are, and they are satisfied, as follows:

**1. The conditions applying to the application must be unique to the property.**

The condition that this Application for Variance seeks to correct is indeed unique to the Southridge Shopping Center. The hardship that now exists for Southridge Shopping Center originates in the changes and modifications to the Center that were necessary to adapt to the market needs: they have created signage problems unique to this property for the retailer we wish to attract.

Specifically, the configuration of the Center, and the location of the ALDI Food Market in retrofitted and “recycled” space rather than in a new freestanding building with large street frontage as ALDI usually does, does not provide adequate visibility of the new grocery store to traffic along Robert Street. One of the key criteria of the ALDI grocery stores is to have clear visibility from well-traveled streets. This is not the case at this location.

This problem would be solved by the presence of clear signage along Robert Street. However, the existing pylon sign on Robert Street, at the entrance to the Center, does not allow to solve this problem, because the sign was constructed and attributed to anchor tenants when the Shopping Center was constructed or renovated in 2005: we are now not allowed—nor would there be any space—to add an additional prominent signage on that freestanding sign.

Thus, the present situation is unique to the parcel of land upon which Southridge Shopping Center is built, and is not generally applicable to the other properties in the same zoning classification.

**2. The variance must not be contrary to the intent of the City Ordinances, or the Comprehensive Plan.** The variance we seek here is consistent with the spirit, intent and goals of the City Ordinances and the Comprehensive Plan.

Southridge Shopping Center is within a B-4 Shopping Center District. To approve a new freestanding sign, thereby permitting both to establish an ALDI grocery store and to eliminate a block of vacant, dark space, is critical for the success and long-term viability of the Center, which is one of the main large retail centers in Inver Grove Heights. It would reinforce its stability for years to come, also because it would make this location more attractive to small retailers. Thus, it will allow Southridge Shopping Center to continue to fulfill the purpose of the B-4 zoning district by remaining a large retail sales facility with a variety of retail sales types and services, “integrated in a single facility or multiple building arrangement with integrated design and a coordinated physical plan”, as described in the B-4 zoning code.

Moreover, this request for a variance will permit to bring a desirable retailer to the northern half of the developed part of the Inver Grove Heights area, while filling up a substantial amount of space in Southridge Shopping Center.

The variance we seek would not be detrimental to the public welfare or to the neighborhood in which Southridge Shopping Center is located. South Robert Street is one of the most important and vital commercial corridors in the southeast quadrant of the metropolitan area. Accordingly, Southridge Shopping Center is adjacent to areas of intense commercial uses. The proposed freestanding sign would match the aesthetic of other signs in the renovated Center, and anchor the southwest corner of the site.

Naturally, the presence of an additional well-designed freestanding sign at the southwestern corner of Southridge Shopping Center, along Robert Street, will not increase traffic congestion, increase fire hazards, endanger the public safety, detrimentally affect property values, or negatively affect the supply of light and air to adjacent properties. Rather, by clearly indicating to the drivers where to turn to reach the ALDI store, it will alleviate any increase in traffic due to customers who have problems identifying the access to this new grocery store; and the presence of a full and vital shopping center indirectly increases of the value of the surrounding land in this B-4 district.

For all the reasons listed above, the variance is not contrary to the intent of the City Ordinances or Comprehensive Plan.

**3. The variance is necessary as a result of a demonstrated hardship or difficulty, rather than a mere inconvenience.** ALDI's commitment to locate a store at this location is contingent upon locating a freestanding sign along Robert Street at the southwest corner of the Center. In other words, the lease will not be binding for ALDI, and the store will not be constructed, if ALDI will not have this necessary signage.

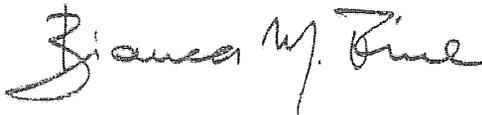
ALDI's demand for this feature is well justified by the fact that Southridge Shopping Center is in a major commercial corridor, where other retailers, big and small, are abundant: the new grocery store must be able to compete effectively by identifying its presence along South Robert Street.

**4. Economic considerations alone do not constitute an undue hardship.** To approve the variance we seek, thereby permitting that an ALDI grocery store will be constructed within Southridge Shopping Center, will serve community goals well beyond the economic considerations of the owner of the Center. Specifically, this will serve at least three City goals:

- to have convenient access to a variety of retailers;
- to avoid empty retail space that may breed undesirable activities in the City's B-4 district; and
- to keep and improve the tax base for the City.

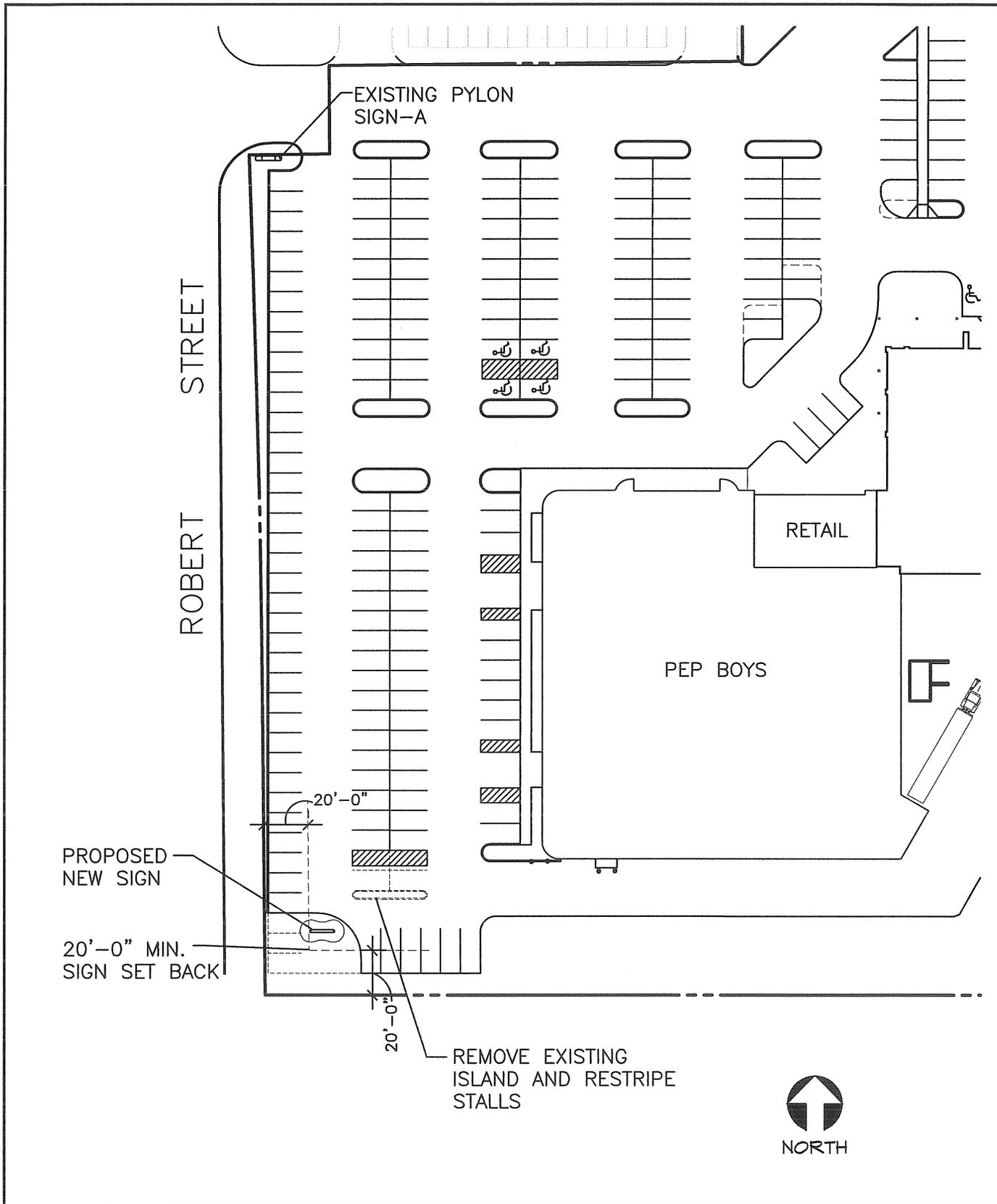
For all the above reasons, we respectfully request the City's approval of the proposed variance to accommodate the additional freestanding sign.

Sincerely,



Bianca M. Fine

BMF/pk



**ARCHITECTURAL CONSORTIUM L.L.C.**

901 North Third Street, Suite 220 612-436-4030  
 Minneapolis, MN 55401 Fax 612-692-9960

**SOUTHRIDGE CENTER**

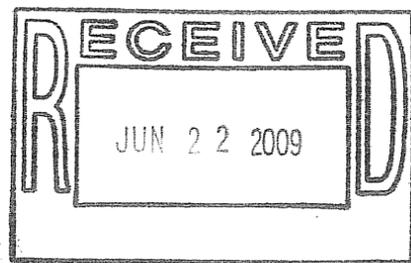
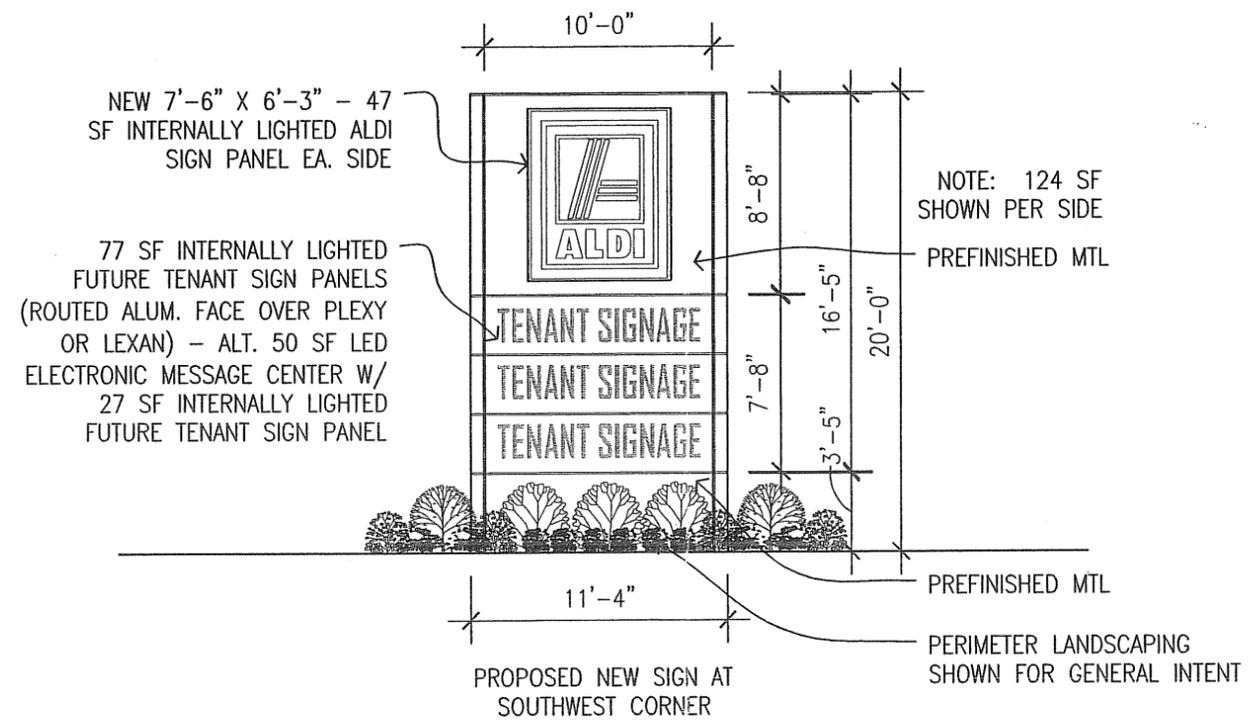
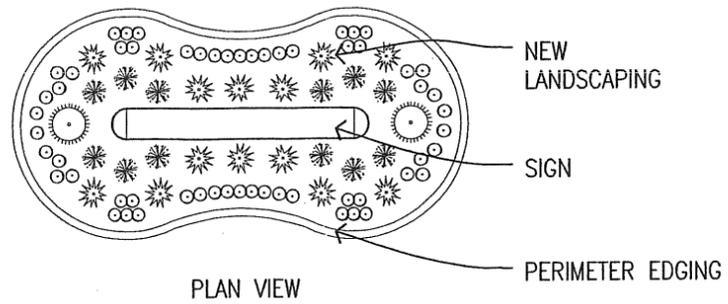
INVER GROVE HEIGHTS, MN 55077

**PROPOSED SITE AT NEW SIGN**

SCALE: 1" = 60'-0"

PROJECT NUMBER:	04-1085-05
ISSUED DATE:	07/14/04
DRAWN BY:	ES
CHECKED BY:	KA

**A1.4**



1 PROPOSED NEW SIGN

1/8" = 1'-0"

**ARCHITECTURAL CONSORTIUM L.L.C.**  
 901 North 3rd Street  
 Minneapolis, MN 55401  
 612-436-4030  
 Fax 612-692-9960

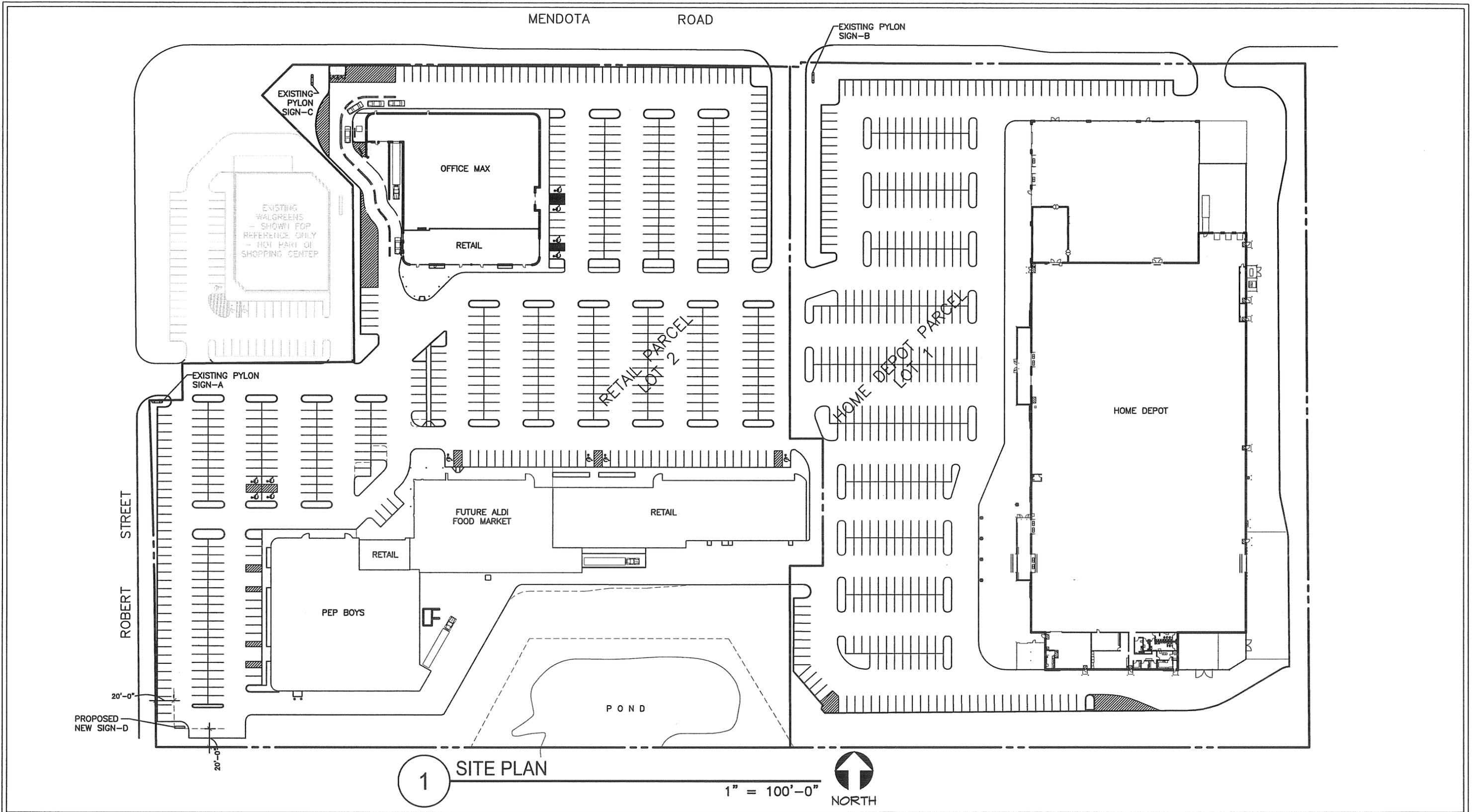
PREPARED FOR:  
 FINE ASSOCIATES  
 1916 IDS CENTER  
 MINNEAPOLIS, MN 55404

**SOUTHRIDGE CENTER**  
 INVER GROVE HEIGHTS, MN 55077

**PROPOSED NEW SITE SIGNAGE**  
 SCALE: AS NOTED @ 11X17

PROJECT NUMBER: 04-1085-05  
 ISSUED DATE: 06/22/09  
 DRAWN BY: ES  
 CHECKED BY: KA

**A1.2**



**ARCHITECTURAL CONSORTIUM L.L.C.**

901 North 3rd Street  
 Minneapolis, MN 55401

612-436-4030  
 Fax 612-692-9960

PREPARED FOR:

FINE ASSOCIATES  
 1916 IDS CENTER  
 MINNEAPOLIS, MN 55404

**SOUTHRIDGE CENTER**

INVER GROVE HEIGHTS, MN 55077

**PROPOSED SITE PLAN**

SCALE: AS NOTED @ 11X17

PROJECT NUMBER:	04-1085-05
ISSUED DATE:	06/22/09
DRAWN BY:	ES
CHECKED BY:	KA

**A1.1**

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

---

**REPORT DATE:** July 17, 2009

**CASE NO:** 09-19ZA

**APPLICANT:** City Of Inver Grove Heights

**REQUEST:** Ordinance Amendment - City Code Recodification

**HEARING DATE:** July 21, 2009

**LOCATION:** N/A

**COMPREHENSIVE PLAN:** N/A

**ZONING:** N/A

**REVIEWING DIVISIONS:** Planning  
City Attorney

**PREPARED BY:** Allan Hunting  
City Planner

---

**BACKGROUND**

The Inver Grove Heights City Code was originally codified in 1974 and since that time hundreds of ordinances have been adopted amending the Code. In the intervening years, there has not been a recodification of the Code incorporating those amendments into the Code in any formal way. Parts of the code have been recodified over the years. In 2002, a major overall and recodification of the zoning and subdivision ordinances was approved. In 2004, further updates were recodified.

In September of 2006, the City Council authorized a contract with Sterling to undertake this recodification. In addition to incorporating those various amendments which had already been made to existing City Code provisions into the Code, Sterling, with the advice and authorization from City Staff and the City Attorney, re-formatted the code sections into a uniform numbering system, changed various terms to be gender neutral, updated references to Minnesota statutes and rules, removed fee references and listed all fees in the fee schedule, eliminated assignment of duties to specific staff positions, updated title terminology and references, and corrected grammatical and punctuation errors.

The City Council has begun their review process of the ordinance and has had two readings of the ordinance already. The third and final reading of the ordinance is scheduled for July 27. Since there are changes to the zoning and subdivision sections of the code, a public hearing with the Planning Commission is required. No changes to any other sections of the city code besides the zoning and subdivision titles require a public hearing.

The changes that Sterling made to the text of the 1974 Code which were incorporated into the Recodified Code were not tracked in a redline or other format, and at the end of the recodification process, Sterling merely provided the City with a clean copy of the Recodified Code for adoption. In light of the fact that changes were made to the code as part of the recodification process, and such changes were unascertainable without further review, two paralegals from the City Attorney's office were assigned the task of creating a document that would list all of the changes that were made to the Code during the recodification process.

In order to determine what changes were made to the code, the paralegals went through both the 1974 Code and Recodified Code line by line. Where the language in the 1974 Code and Recodified Code differed, such changes were noted in a master list. Some changes were uniform throughout the code, and such overall changes are called out in the Ordinance adopting the Recodified Code, although each instance of the individual change was not noted. Where large sections of the 1974 Code were either missing from the Recodified Code, or where substantial additions were found in the Recodified Code, the paralegals determined whether the changes were made by a validly enacted City Ordinance or whether such change was made to the Code without any ordinance enacting the changes. A list of ordinances which were adopted and incorporated into the Recodified Code was prepared, as was a list of the changes to the Recodified Code that were made as part of the recodification process.

Following the third reading of the ordinance adopting the code and summary publication, the Code will be available in its entirety on the City's web site with a link to Sterling Codifiers. Going forward, every time the Council adopts a new ordinance staff will forward it to Sterling Codifiers who will update the online Code. Twice a year, the City Clerk will print the Code so that there is a complete, updated copy available at City Hall.

## **ALTERNATIVES**

- A. **Approval.** If the Planning Commission finds the proposed changes acceptable, a recommendation to approve the recodification of titles 10 and 11 (zoning and subdivision) of the city code should be made.
- B. **Denial.** If the Planning Commission does not find the application to be acceptable, a recommendation of denial should be made. Specific findings supporting a basis for denial must be stated by the Commission if such a recommendation is made.

## **RECOMMENDATION**

The Planning Division recommends approval of the changes to the zoning and subdivision titles of the city code as part of the overall recodification process.

ATTACHMENTS: Summary of the changes to zoning and subdivision titles as prepared by the City Attorney's office

**Specific Changes to the Zoning Ordinance  
Resulting from the Recodification of the City Code**

515.30 Subd. 2, 37 to 10-2-2; Definition

Board – ~~The Board of Zoning Adjustments and Appeals~~

515.30 Subd.2, 68 to 10-2-2; Definition

Day Care Facility – ~~Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services as defined by~~ means a nonresidential program under Minnesota Statutes section 245A.02, subdivision 10.

515.30 Subd. 2, 82(e)(iv) to 10-2-2; Definition

Townhouse – ~~means a single family dwelling unit horizontally attached to linear or cluster fashion to one or more single family dwelling units,~~ Three (3) or more horizontally attached townhouse dwelling units, separated by party walls, and shall not exceed eight (8) such townhouse dwelling units per structure.

515.30 Subd. 2, 126 to 10-15-26B; Definition

Home Occupation – Any gainful occupation meeting all of the following requirements ~~when~~ 1. Engaged in only by persons residing in their the subject structure when that occupation is 2. Conducted entirely within the structure dwelling, not in attached or detached accessory structures. ~~when~~ 3. Evidence of the occupation is shall not be visible from the street, 4. No signs other than those permitted in “R” Districts are present permitted., 5. No stock in trade is stored on the premises., 6. Over the counter On site retail sales are not involved, ~~and~~ 7. Entrance to the home occupation is gained exclusively from within the structure dwelling. 8. When the home occupation is a beauty/barber shop, entrance to the home occupation shall be a separate, direct entrance and shall not be from within the dwelling. See also Performance Standards, Section 55.90, Subd. 35.

515.30 Subd. 2, 139; no reference (deleted); Definition

~~Junk Yards/Salvage Yards – An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.~~

515.30 Subd. 2, 174; no reference deleted); Definition

~~MOEA – means the Minnesota Office of Environmental Assistance~~

515.30 Subd. 2, 179; no reference (deleted); Definition

~~MPCA – means the Minnesota Pollution Control Agency~~

515.30 Subd. 2, 190 to 10-2-2; Definition

Nursing Home – A building with facilities for the care of children, the aged, and infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board commissioner of Health.

10-2-2; no reference (new language); Definition

Static Sign: A sign where the face remains unchanged and all components of the sign are unmoving. All illumination is maintained stationary and constant in intensity, color and brightness.

515.40 Subd. 2 to 10-3-2; Administration site plan required

A site plan shall accompany all requests for rezoning, conditional use permit, or variance regardless of whether or not any structures are proposed to be located on the property. Such site plan shall include the following information at the minimum in addition to those requirements set out in subsection 10-15J-8A of this title (other information may be required in other portions of this Ordinance title): (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.40 Subd. 6B and 6B1 to 10-3-5B; Amendments, Initiation

Proceedings for amendment of the Ordinance this title shall be initiated by: 1. A petition of seventy five percent (75%) or more of the ~~owner or owners~~ in the area and number of the property, the zoning of which is subject to the proposed amendment to be changed;

515.40 Subd. 6C to 10-3-5C; Amendments, Application

All applications for amendment which are initiated by the petition of seventy five percent (75%) or more of the ~~owner or owners~~ in the area and number of property subject to the proposed amendment shall be filed with the ~~Clerk~~ and if the application involves the changing of zoning districts and boundary thereof, the application shall be accompanied by an abstractor's certified property certificate showing the property owners within three hundred fifty feet (350) feet of the outer boundaries of the property in question, ~~and the property in question.~~

515.40 Subd. 7C to 10-3-7A2; Board of Appeals Duties

The board shall act upon all questions as they may arise in the administration of this Ordinance title, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an ~~administrative official~~ the zoning administrator ~~charged with enforcing this ordinance.~~

515.40 Subd. 7C to 10-3-7B1; Board of Appeals, Appeals

Such An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a ~~town, municipality, county or state~~ the city.

515.60 Subd 3; no reference (deleted); Effectuation

~~This Ordinance shall be in full force and effect from its passage and publication according to law.~~

515.80 Subd. 16 to 10-6-2; Zoning Matrices

Studios: dance, exercise, martial arts, etc. < 2,000 square feet in floor area has changed from a ~~Conditional Use (C)~~ to a Permitted Use (P) in the COMM-PUD zoning district.

515.80 Subd. 20C3 to 10-10D-3C; Curb Cuts in the B-4 Zoning District

The driveway curb cuts to the development shall ~~not exceed 26 feet in width, six foot return curb radii,~~ and be located not less than sixty feet (60) feet from all intersecting streets. (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.80 Subd. 30F; no reference (deleted); Severability, Shoreland District

~~If any subdivisions, clause, provision, or portion of Section 515.80, Subd. 30 is adjudged unconstitutional or invalid in a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.~~

515.80 Subd. 30N3 to 10-13B-11C; Shoreland Management, Wetland Protection

Development, grading and filling shall comply with the provisions for the Minnesota wetland conservation act of 1991, Minnesota statutes ~~Chapter 354~~ section 103G.221 et seq. (Ord 1098, 11-8-2004; amd. 2008 Code)

515.80 Subd. 30S2e(ii) to 10-13B-16B5b; Shoreland Management, Water and Sewage

Minnesota statutes section ~~105.458~~ 103F.221

515.80 Subd. 31J4a to 10-13C-7A; Rural Open Space District

In the rural open space district, no new business or industrial development which would otherwise be permitted in business and industrial districts under ~~the Zoning Ordinance~~ this title shall be permitted and existing business and industrial developments shall not be permitted to expand, provided, however, such development may occur in those areas topographically consistent therewith as shown exclusively on the Inver Grove Heights Zoning that certain map dated April 24, 1989, on file with the city clerk, and that certain map dated October 11, 2004, as approved by DNR, on file with the city clerk, which maps is are hereby incorporated by reference.

515.80 Subd. 31Z; no reference (deleted); Effective Date for Critical Area Overlay District

~~Section 515.80, Subd. 31 was duly passed by the City Council of the City of Inver Grove Heights on this 13<sup>th</sup> day of August, 1979 and became effective after publication.~~

515.80 Subd. 32E7; no reference (deleted); Flood Plain Management, Severability

~~If any sub-section, clause, provision or portion of this Section 515.80, Subd. 32 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section 515.80, Subd. 32 shall not be affected thereby.~~

515.80 Subd. 32G4g to 10-13D-6-1B2g; Floodway District, Standards

Structural works for flood control that will change the course, current or cross section of a protected wetlands or public waters shall be subject to the provisions of Minnesota statutes chapters ~~105~~ 103A, 103B, 103C, 103D, 103E, 103F, and 103G.

515.80 Subd. 33C to 10-13E-4; Integrated Resource Management Overlay

District Boundaries

For purposes of determining the application of this ~~Section 515.80, Subd. 33~~ of the Ordinance, article, the boundaries of the integrated resource management (IRM) overlay zoning district shall be as shown on the official zoning map of the city, on file in the office of the city clerk and the zoning administrator. (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.80 Subd. 36K2 to 10-13H-10B; South St. Paul Airport Overlay District

In addition, any person aggrieved, or any taxpayer affected by any decisions of the zoning administrator made in his administration of this ~~Section~~ article, who desires to appeal such decision shall submit ~~an application for a variance~~ a notice of appeal, by certified mail to the members of the board in the manner set forth in Minnesota statute section 360.068, subdivision 2. (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.80 Subd. 37A to 10-13I-1; Airport Overlay District Boundaries

The boundaries of the airport overlay zoning district shall be as shown on the official zoning map of the city, on file in the office of the city clerk and zoning administrator. (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.90 Subd. 21D9 to 10-15A-3J; Off Street Parking for Manufacturing

Manufacturing, fabrication or processing of a product or material required number of parking spaces: At least four ~~off-street parking~~ spaces, plus one additional space for each 800 square feet; 1 additional ~~off-street parking~~ space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage.

515.90 Subd. 27B3 to 10-15C-2B; Apartment Application Permits

Conditional use permit applications shall have ~~three~~ thirteen (13) copies or more as required by the ~~administration of the site filed with the application~~ the planning department with the following features outlined and provided for in the site plan: (Ord. 1098, 11-8-2004; amd. 2008 Code)

515.90 Subd. 29F to 10-15E-9A3; Removal of Signs

All costs incurred in removing such signs or other advertising structure or billboard shall be paid ~~for~~ by the permittee, or in case no permit has been issued, by the owner of said sign or structure or the owner of the premises upon which said sign or structure is located.

510.03 Subd. 2 to 11-1-2; Definition

Alley: ~~A minor~~ Any dedicated public right-of way which affordsing a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

510.03 Subd. 7 to 11-1-2; Definition

Building: Any structure, ~~having a roof which may shelter or enclose persons, animals or chattel. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.~~ temporary or permanent, used or intended for supporting or sheltering any use or occupancy.

510.03 Subd. 8 to 11-1-2; Definition

Building Setback: The minimum horizontal distance from a lot boundary to the nearest ~~part~~ vertical surface of the foundation wall a building or structure, except that ~~no~~ a roof, eave or overhang shall ~~may~~ project more than 30 up to twenty four inches (24") into the required setback ~~zone~~ area.

510.03 Subd. 9 to 11-1-2; Definition

Easement: ~~Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. A grant by an owner of land for a specific use by persons or agencies other than the owner.~~

510.03 Subd. 14 to 11-1-2; Definition

Lot: ~~A parcel, piece or portion~~ A unit of land designated by plat, metes and bounds, registered land survey, auditor's ~~plat~~ subdivision, or other accepted means and separated from other parcels ~~and~~ or portions by said description for the purpose of separation sale or lease or separate use thereof. For purposes of measuring the size of the lot, if the lot is not platted, all areas encumbered by public or private road or driveway easements shall be excluded.

510.03 Subd. 16 to 11-1-2; Definition

Lot, corner: A lot situated at the junction of, and abutting on two (2) or more intersecting streets, ~~or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135°.~~

510.03 Subd. 19 to 11-1-2; Definition

Lot Area: The area of a lot ~~on~~ in a horizontal plane bounded by the lot lines. For purposes of measuring the size of the lot, if the lot is not platted, all areas encumbered by public or private road or driveway easements shall be excluded.

510.03 Subd. 20 to 11-1-2; Definition

~~Lot Line: A lot line is the property line bounding bordering a lot except that where any portion of a lot extends into the public right of way, proposed right of way or permanent easement the line of such right of way or easement shall be the lot line.~~

510.03 Subd. 22 to 11-1-2; Definition

~~Lot Line, Front: That boundary of a lot which that abuts on existing or dedicated public a street, and in the case of a corner lot, it shall be the shortest dimension boundary on a public street, except that a corner lot in a non-residential area shall be deemed to have a frontage on both streets.~~

510.03 Subd. 23 to 11-1-2; Definition

~~Lot Line, Rear: That boundary of a lot which that is opposite the front lot line. If the rear lot line is less than 40 feet ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line 40 feet ten feet (10') in length within the lot, and parallel to, and at the maximum distance from, the front lot line.~~

510.03 Subd. 25 to 11-1-2; Definition

~~Lot of Record: A platted Any lot or metes and bounds parcel which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's subdivision or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been duly recorded in the office of the register of deeds or registrar of titles for Dakota County, Minnesota, and which was duly approved by the City Council of the City of Inver Grove Heights, when and where the City has jurisdiction over said platting according to Minnesota State Statutes. prior to the effective date hereof.~~

11-1-2; no reference (new language); Definition

Lot, Reversed Frontage: The first lot to the rear of a corner lot (itself being an interior lot, not a corner lot), the front line of which is a continuation of the side lot line of the corner lot.

510.03 Subd. 29 to 11-1-2; Definition

Pedestrianway: A pedestrian walkway shall be provided between lots where required by the planning commission and/or city council to allow for pedestrian accessibility to streets or public service areas. A pedestrianway is distinguished from a sidewalk principally by its location in areas other than where sidewalks are typically found, which is to say, in boulevards parallel to streets. Unlike typical sidewalks, pedestrianways may also be constructed with bituminous surfaces rather than concrete.

510.03 Subd. 32 to 11-1-2; Definition

Protective Covenant: A contract entered into between private parties ~~which that~~ constitutes a restriction on of the use of a particular parcel of property ~~for the benefit of the owners.~~

510.03 Subd. 39 to 11-1-2; Definition

Street: A Any public or private right of way, street, avenue, boulevard, road, parkway, drive, or other roadway that ~~which~~ affords a primary means of access to abutting property.

11-1-2; no reference (new language); Definition

Street, Public: A street which is dedicated to the city for public use.

510.03 Subd. 45 to 11-1-2; Definition

Street, Service: A marginal access street or frontage road that ~~which~~ is generally parallel and adjacent to a major street.

510.16 Subd 2e to 11-1-6C1e; Subdivision Regulations, Waiver Procedure

~~Six (6)~~ Fifteen (15) copies and reductions at eleven inches by seventeen inches (11" x 17") of a topographic map for the subject property shall be provided.

510.05 to 11-2-1; Plat and Procedures Sketch Plan

Subdividers may prepare ~~for review with the City Planning Commission,~~ a subdivision sketch plan for review with the city staff. For large acreage in particular, subdividers are urged to avail themselves of this informal review. Such ~~S~~sketch ~~P~~plan will be considered as submitted for informal discussion, ~~between the subdivider and the City Planning Commission~~ and no fee shall be required of the subdivider for the submission of the ~~S~~sketch ~~P~~plan. Submission of the subdivision ~~S~~sketch ~~P~~plan shall not constitute formal filing of the plan with the ~~C~~city. As far as may be practical on the basis of the ~~S~~sketch ~~P~~plan, the ~~C~~city ~~Planning Commission~~ staff will informally advise the subdivider, as promptly as possible, of the extent to which the proposed subdivision conforms to the design standards of this ~~section~~ title and the ~~C~~omprehensive ~~P~~plan of the ~~C~~city, and will discuss possible modifications necessary to secure approval of the plan. The informal advice of the city staff is not legally binding, and the sketch plan shall not be deemed a formal application for purposes of Minnesota statutes section 15.99. (Ord. 1038, 7-8-2002)

510.07 Subd. 2, 4 to 11-2-5B4; Plats and Procedures Preliminary Grading and Drainage

A preliminary grading and drainage plan including earthwork quantities, final grades ~~(4:1~~ 3:1 maximum slopes, 4:1 preferred maximum), building pad elevations, existing and proposed topography at two foot (2') intervals, drainage calculations, 10-year storm pipe design, 100-year storm level of protection, direction of drainage around each building pad location, appropriate easements as required.

510.07 Subd. 2, 8 to 11-2-5B8; Plats and Procedures Preliminary Wetland Plan  
 Plan showing fill or draining of any wetland including sequencing justification and proposed mitigation consistent with the wetland conservation act. All wetlands must be delineated in accordance with ~~1989 Federal Manual for Identifying and Delineating Wetlands~~ the wetland conservation act.

510.07 Subd. 3, 2 to 11-2-5C2b; Plats and Procedures Final Wetland Plan  
 Plan showing fill or draining of any wetland including sequencing justification and proposed mitigation consistent with the wetland conservation act. All wetlands must be delineated in accordance with ~~1989 Federal Manual for Identifying and Delineating Wetlands~~ the wetland conservation act.

510.09 Subd. 2, 12 to 11-3-2; Design Standards for Right of Way Widths  
 1. Street right of way widths shall be as shown in the ~~Master Plan~~ transportation element of the city comprehensive plan and, where not shown therein, shall not be less than as follows:

Street Type	Minimum Right Of Way (Feet)
<u>Principal and "A" minor Arterial &amp; Major</u>	100-150 feet
<u>"B" minor, community Collector,</u>	<u>80 feet to 100</u>
	<u>neighborhood collector</u>
Local	<u>50 to 60 feet</u>
Half Street	30 feet

2. When special conditions such as steep slopes, vegetation, or other physical or environmental conditions are present, the plan shall meet certain conditions that may be imposed at the discretion of the city, county, and/or state.

510.09 Subd. 2, 14 to 11-3-2N; Design Standards, Cul-de-sacs  
 Cul-de-sac dead end streets, designed to be so permanently, shall not be longer than five hundred feet (500') in area where municipal sewer is available and one thousand feet (1,000') in areas where municipal sewer is not available, and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ~~one hundred (100) feet~~ ninety feet (90') and a street property line diameter of at least ~~one hundred twenty (120) feet~~ one hundred ten feet (110').

510.11 Subd. 3, 1a to 11-5-3A1; Required Improvements for Sanitary Sewer Systems  
 Where available, municipal sewer facilities shall be provided by the subdivider in the development of the subdivision.

- 510.11 Subd. 3, 2a to 11-5-3B1; Required Improvements for Water Systems  
Where available, municipal water facilities shall be provided by the developer in the development of the subdivision.
- 510.11 Subd. 3, 2c; no reference (deleted); Design Standards for Subdivisions  
~~Within each subdivision, the subdivider shall provide for streets, alleys and sidewalks as required by Section 5, "Design Standards".~~
- 510.11 Subd. 3, 2e to 11-5-3C; Required Improvements, Streets  
Construction of ~~public utilities and~~ streets, including sanitary sewer systems, water systems, ~~streets,~~ and storm sewers, located ~~on property or easements dedicated or to be dedicated to the City in the plat~~ within street rights of way shall be completed by the ~~City~~ subdivider under the supervision of the ~~City~~ Engineer, unless some other arrangement is specifically approved by the ~~City~~ Council.
- 510.11 Subd. 3, 2d to 11-5-3H1; Required Improvements for Storm Water Facilities  
Storm sewer, open drainage or other facilities and easements shall be installed by the subdivider as will adequately provide for the drainage of surface waters.
- 510.11 Subd. 4 to 11-5-4; Guarantee of Improvements  
Before final plat is approved by the ~~City~~ Council, the subdivider shall submit a development agreement/contract in form and content satisfactory to the city, and a financial surety found satisfactory to the city and performance bond or cash escrow agreement in such reasonable amount as determined by the ~~City~~ Council to assure the following:
- 510.13 Subd. 2 to 11-1-5A2; Large Scale Development Variances  
The standards and requirements of ~~these regulations~~ this title may be modified by the ~~City~~ Council in the case of a plan and program for a ~~new town, a complete community or~~ a neighborhood unit which in the judgment of the ~~City~~ Council, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which will also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord 1038, 7-8-2002)
- 515.90 to 10; Manufactured Homes and Parks  
The term "mobile home" was replaced with "manufactured home" throughout the Zoning Ordinance provisions of the Code.
- Section 515.90 Subd. 32E1, 2, and 2a, along with E3, E4, and E5 of the Zoning Code relating to manufactured homes and parks permit application, contents, investigation, fees, and bond have been deleted and repealed in their entirety.
- Sections 510.21, 510.23, and 510.25 relating to violations, repealer of ordinances

prior to 1974, and the effective date of Subdivision Regulations have been deleted and repealed in their entirety.

Section 515.80, subd. 29 relating to the Rural Residential Overlay Zoning District has been deleted and repealed in its entirety.

Section 415, relating to Signs and Billboards, was deleted and repealed in its entirety in 1993 pursuant to Ordinance 794.

**M E M O**

**CITY OF INVER GROVE HEIGHTS**

**TO:** Planning Commission  
**FROM:** Allan Hunting, City Planner  
**DATE:** July 16, 2009  
**SUBJECT:** AUGUST 5 MEETING

The first meeting in August has been cancelled. The first Tuesday in August has been the date for what used to be called "National Night Out". The same type of event occurs under a new name now called "Minnesota Night to Unite", run under a different organization. Some of the Planning Commission members wanted to attend their local events that evening. To accommodate this, staff had shifted the meeting date to Wednesday, August 5<sup>th</sup> on all the official city meeting calendars.

We normally make an announcement of a meeting date change one month ahead at the Planning Commission meeting. Since we did not do this and since there was only one item of city business for that meeting, it was decided to cancel the meeting.