

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, April 19, 2011 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
  
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR APRIL 5, 2011**
  
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**
  - 3.01 COMMON SENSE SERVICES – CASE NO. 11-06C**  
Consider a **Conditional Use Permit** to operate an adult day care service program located at 6415 Carmen Avenue.  
  
Planning Commission Action \_\_\_\_\_
  
- 4. OTHER BUSINESS**
  - 4.01** Update on the trail gap study
  
- 5. ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 5, 2011 – 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  
Pat Simon  
Tony Scales  
Paul Hark  
Dennis Wippermann  
Harold Gooch  
Christine Koch  
Mike Schaeffer

Commissioners Absent: Damon Roth (excused)

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

### **APPROVAL OF MINUTES**

The minutes from the March 15, 2011 meeting were adopted as corrected.

### **BITUMINOUS ROADWAYS – CASE NO. 11-04CA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for a conditional use permit amendment to add a 1,600 square foot building to the existing mining facility for the property located at 11201 Rich Valley Boulevard. 18 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 conditional use permit amendment to construct a 1,600 square foot building with sheet metal siding located on the existing mining site. The building will be located in the pit 40-50 feet below street elevation. The request complies with the conditional use permit criteria. Staff recommends approval of the request with the conditions listed in Alternative A. Ms. Botten advised that with the exception of Condition 3, all conditions were carried over from the existing CUP. Staff has not heard from any of the neighbors that were mailed notices.

#### **Opening of Public Hearing**

The applicant, Kent Peterson, Bituminous Roadways, 11201 Rich Valley Boulevard, stated he was available to answer questions.

Chair Bartholomew asked if the applicant was agreeable with the conditions listed in the report, to which Mr. Peterson replied in the affirmative.

Commissioner Wippermann asked if a restrictive covenant was placed on the wooded area as required by Condition 11, to which Mr. Peterson replied in the affirmative.

Commissioner Simon asked if the applicant sold sand to individuals, to which Mr. Peterson replied

it was primarily for their own use.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Koch, to approve the conditional use permit amendment to add a 1,600 square foot building to the existing asphalt plant operation located at 11201 Rich Valley Boulevard, with the conditions listed in Alternative A of the report.

Motion carried (8/0). This item goes to the City Council on April 25, 2011.

**CITY OF INVER GROVE HEIGHTS – CASE NO. 11-05ZA**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Chapter 10 of the City Code (Zoning Ordinance) allowing outdoor storage in a P, Public Institutional Zoning District when associated with local government use. No notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Parks Department is addressing the Emerald Ash Borer (EAB) issue and will be starting to remove infested ash trees on City-owned property and within street right-of-ways. The question was raised as to where the City should stockpile the trees before they are chipped. There are no specific regulations in the Zoning Ordinance addressing storage or emergency storage for this type of material. It was determined that the most logical place for storage of the diseased ash trees would be on City-owned property. After discussing this issue, it was determined that verbiage should be put in the ordinance that would allow for outdoor storage when it involves work by the local government on City property. Therefore staff is recommending an ordinance amendment that would allow outdoor storage as a permitted use in the P, Institutional District when it is associated with municipal government use only. Staff recommends approval of the request.

Commissioner Hark asked how long the City would be allowed to keep material on site, stating his only concern would be if items were left on public property for an extended amount of time.

Mr. Hunting replied that staff's intent was not to have a specific timeline for removal of material.

Commissioner Wippermann asked how the City managed the Dutch Elm disease infestation during the 80's and 90's.

Mr. Link stated he was not employed by the City at that time; however, typically most cities stockpiled the trees and then burned them periodically. In the case of EAB, however, the City is intending to grind up the trees to be used as mulch in City parks.

Commissioner Wippermann stated he would like the amendment to pertain only to storage connected with emergency situations; he did not feel comfortable opening it up to any kind of outdoor storage. He suggested they add the word 'emergency' outdoor storage and asked if the EAB issue would qualify under such a definition.

Mr. Link stated there would likely be non-emergency situations when the City would want to store material in a specific area for a specific purpose.

Chair Bartholomew asked if there were regulations for private property owners in regards to cleanup of diseased or storm damaged trees.

Mr. Link advised in the past the City has given private property owners a reasonable amount of time to clean up after an emergency event. He stated this request is unique in that there will be a central location for all public property and as such the quantity would be larger.

Chair Bartholomew questioned whether transporting and using affected trees as mulch complied with DNR regulations.

Commissioner Koch stated she was concerned about the storage being open-ended, and questioned why the trees would not be cut down, transported, and chipped immediately rather than being stockpiled.

Mr. Link stated his understanding is that once the EAB hits the community it will take a number of years for that work to be completed.

Commissioner Koch asked if the ordinance would give the City the authority to store anything as long as it was for municipal use.

Mr. Link replied in the affirmative. He stated the City has had various operations for Public Works throughout the community for many years. Since the current ordinance does not address municipal outdoor storage, the City is trying to clarify what is allowed through the proposed ordinance amendment.

Commissioner Simon recommended that the diseased trees be chipped as soon as possible after being felled to prevent the EAB from entering the stockpiled trees.

Mr. Hunting advised that City Council adopted an EAB management policy in 2010; this policy can be found on the City's website. At this time staff is addressing only the storage area.

Commissioner Hark asked why an ordinance amendment was needed since the current ordinance does not prohibit outdoor municipal storage.

Mr. Link replied that one could argue that if the zoning ordinance does not specifically allow a use then it is prohibited. The City is trying to clarify what is allowed and what is not.

Chair Bartholomew asked if the City had an education program in place, in conjunction with State agencies, for the residents of the City in regards to EAB management.

Mr. Link replied there had been discussion in regards to private property, but he did not recall the outcome.

#### **Opening of Public Hearing**

There was no public testimony.

#### **Planning Commission Discussion**

Commissioner Koch asked how the EAB infestation would have been handled were this ordinance amendment not requested to be put in place.

Mr. Hunting replied the City would likely have stockpiled the affected trees in a central location and no one would have questioned it.

#### **Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Hark, to approve the zoning code

amendment to allow outdoor storage in a P, Public Institutional Zoning District when associated with local government use.

Commissioner Wippermann stated he would be voting no since the amendment permitted any type of outdoor storage on any City property. He stated he would support the ordinance if it pertained only to ash tree removal and emergency storage as a result of storm damage, etc.

Commissioner Simon and Commissioner Koch stated they would be voting no for the same reasons as Commissioner Wippermann.

Motion carried (5/3 – Koch, Simon, Wippermann). This item goes to the City Council on April 25, 2011.

Mr. Hunting stated he would work with the Park and Recreation Director and Public Works Director to see if they could address some of the Commission's concerns.

Chair Bartholomew adjourned the meeting at 7:29 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

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

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**REPORT DATE:** April 11, 2011

**CASE NO:** 11-06C

**APPLICANT:** Common Sense Services

**PROPERTY OWNER:** Climb Theater Inc.

**REQUEST:** Conditional Use Permit for an adult daycare facility

**HEARING DATE:** April 19, 2011

**LOCATION:** 6415 Carmen Avenue

**COMPREHENSIVE PLAN:** IOP, Industrial Office Park

**ZONING:** B-3, General Business

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

The applicant is proposing to operate an adult day care type operation within an existing building just east of Cahill on 65<sup>th</sup> Street that used to be a bingo hall. The applicant has provided a brief description of the operation. The operation provides professional care during normal work day hours for those who need assistance during the day. The service is typically used by those who have working caregivers at home and need to drop off the family member during the day while the caregiver goes to work.

The property is zoned B-3 and "daycare" is a conditional use in that district. The use as described best fits the definition of " daycare" in the ordinance. Therefore, a conditional use permit is required for the proposed use. The zoning ordinance does not have any specific performance criteria for daycare uses.

**EVALUATION OF THE REQUEST**

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

North: Outdoor storage, residential; zoned I-1, R-1C; guided IOP, LDR

East and South: City owned land with cell tower; zoned P; guided Public Park Open Space

West: Commercial buildings; zoned B-3; guided Community Commercial

## CONDITIONAL USE PERMIT REVIEW

Setbacks. The operation would be located within a portion of the existing building. No building additions are proposed. The proposed use will not have any impact on setbacks.

Parking. The location contains a large parking lot around the existing building. The day care would be located in the old bingo hall which is on the left side of the building. Climb Theatre occupies the other half of the building. There are 47 parking spaces that are accessible to the left side of the building. The applicant has indicated that the typical number of patients is typically between 25-30. The vast majority are driven to the site by others and dropped off. Staffing ratios to patients must be between 1:5 and 1:8 (staff person to patient ratio) depending upon the physical abilities of the patients. Based upon these ratios and typical patient numbers, parking demand would be from about 5 to 10 spaces. There is ample parking on site to accommodate the proposed use.

Patient drop off and pick up would follow the general routing as provided by the applicant. Patients are dropped off and picked up at different times of day, so there is not the issue of stacking problems at peak times. The site provides ample space for drop off and does not conflict with other parking traffic flow.

### General CUP Criteria

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The Industrial Office Park (IOP) is a new designation in the 2030 Comp Plan. It was created more specifically for the Northwest Area, but other existing light industrial parks were also included in this category. The surrounding properties guided IOP are developed as mini storage, light warehousing and manufacturing. The subject parcel has been developed as a general office type use. Medical complexes, facilities, and offices are allowed in this designation. This type of daycare seems to fall within the medical type office use and certainly would not be out of character for the neighborhood. There is an existing child daycare facility in the building abutting this property to the west. There would be no negative impacts on existing land uses, street systems or the park system.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The applicant's property is zoned B-3, General Commercial. The land use of a daycare is consistent with the intent of the B-3 zoning district.

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

The surrounding property is developed with a mix of uses. The operation would not have a negative impact on the surrounding area.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

This commercial/residential neighborhood is all developed and the land use patterns set. The proposed use would not have an adverse impact on fire protection or on any city service as there are no expansions to the site.

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

- i. Aesthetics/exterior appearance*

The operation would be located in an existing building. No impact to this criterion.

- ii. Noise*

No changes to the physical characteristics of the property. No impact to this criterion.

- iii. Fencing, landscaping and buffering*

No changes proposed or required.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The property contains ample parking for the proposed use. The proposed use would not have a negative impact on city services or emergency services.

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

This use does not appear to have any negative effects on the public health, safety or welfare.

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

This use would not have an undue adverse impact on the environment. There are no improvements to the property proposed.

## **ALTERNATIVES**

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

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Conditional Use Permit** for an adult daycare facility subject to the following conditions:
    1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Vehicular Circulation Plan  
General Parking Plan
    2. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
- B. Denial.** If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

## **RECOMMENDATION**

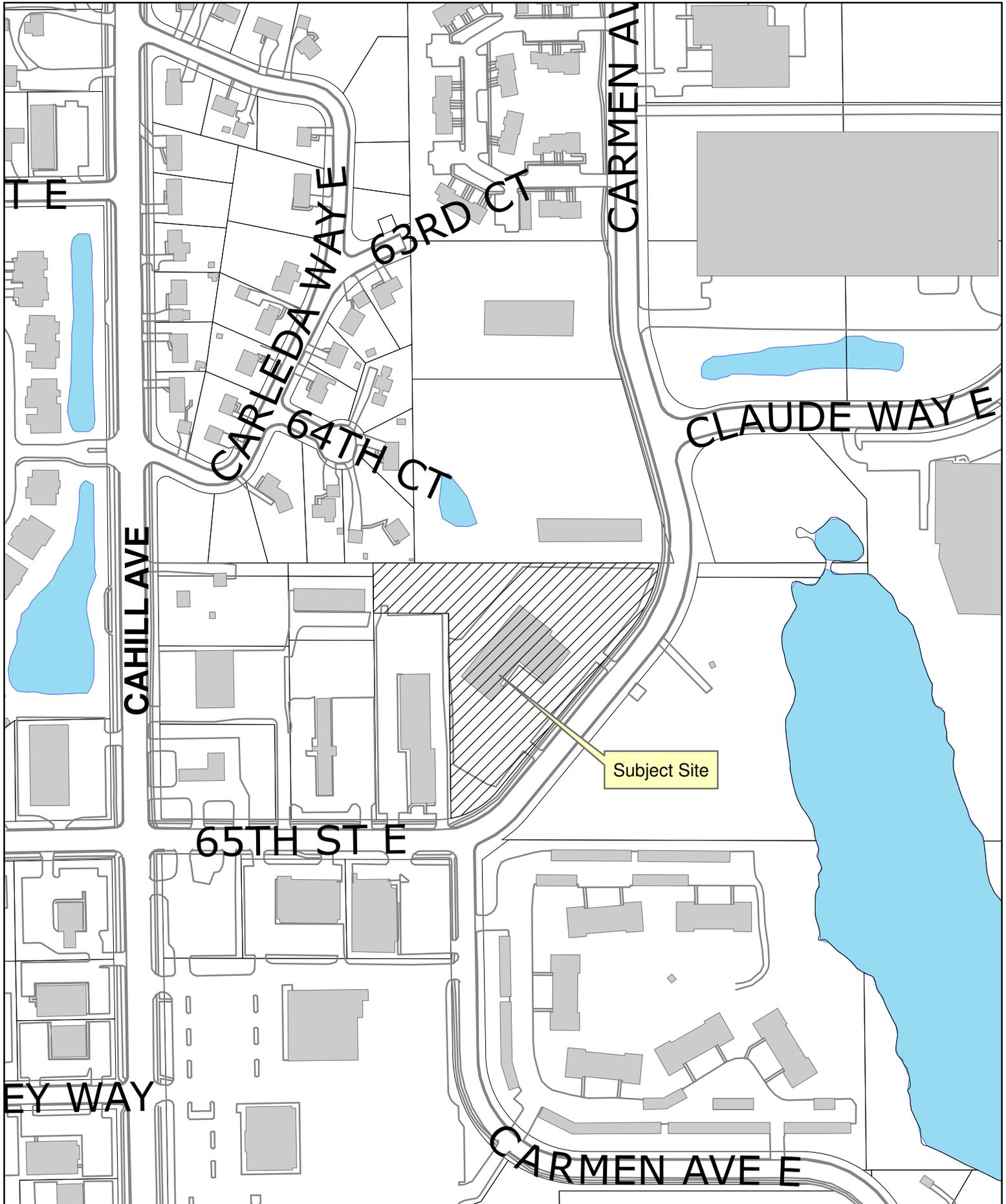
Staff recommends approval of the conditional use permit for a daycare facility at the proposed location as presented. Staff is not proposing any specific performance standard conditions since the use would occupy an existing space and no improvements to the property are proposed.

Attachments: Location Map  
Applicant Narrative  
Vehicular Circulation Plan  
General Parking Plan



# Location Map

## Case No. 11-06C



DATE: March 24, 2011

TO: Allen Hunting, AICP  
`City Planner  
`City of Inver Grove Heights

FR: Lynne Zimmerman  
President  
Common Sense Services

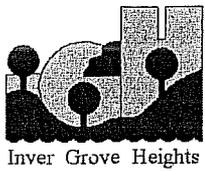
RE: SERVICES PROVIDED BY COMMON SENSE:

Our program is designed to meet the specific needs of each individual participant and provide them with the best care possible.

Participants engage in a wide variety of activities that include therapeutic services provided in incremental units throughout the day by licensed professional staff:

1. Each participant is provided with an individualized and coordinated set of services that are directed at maintaining or improving their capabilities for self-care. These services include:
  - A daily Structured Exercise Program
  - Assistance throughout the day with Activities of Daily Living
  - Nursing Care and Evaluation
  - Physical Therapy & Assistive Device Evaluations
  - Falls Prevention Training
  - Grooming/Nail Care
  - Recreational Activities with peers
  - A nutritionally balanced hot noon meal and snacks, including special diets as required
  - Music and Entertainment
  - Therapeutic Outings
2. We do not require a minimum number of hours or days of attendance
3. Care Giver support and respite services:
  - Provides professional care to participants during the hours of a normal working day/week so caregivers who need to be employed outside the home and need daily support for loved ones who are unable to adequately manage self-care and remain safe while alone.
  - Provides access to respite from 24 hour care based on customer choice of hours
  - Regularly scheduled evening support group for caregivers

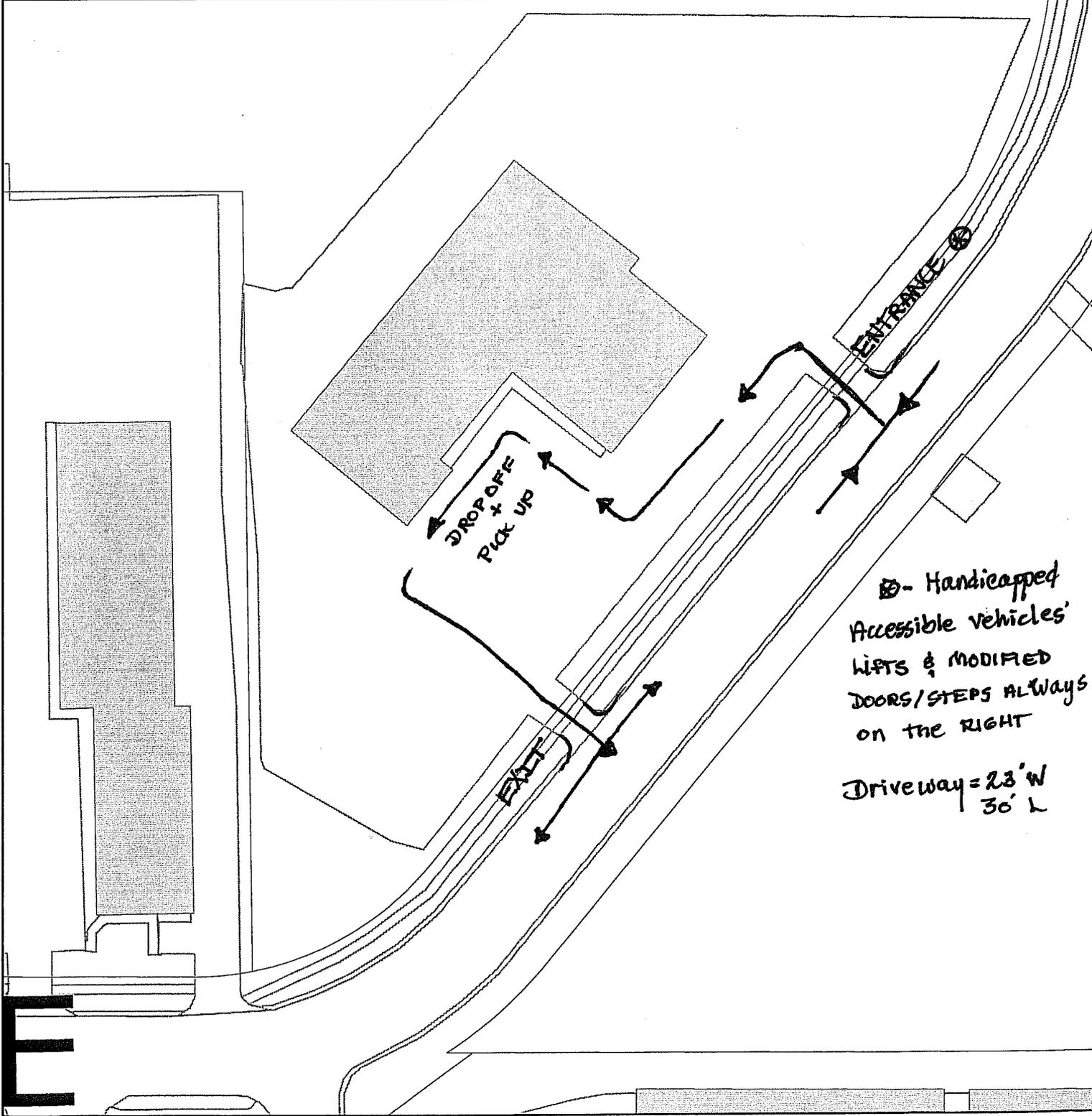
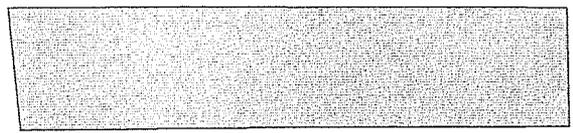
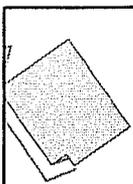
Common Sense is licensed by the State of MN as an Adult Day Services Program (DHS Rule 223)



# Location Map

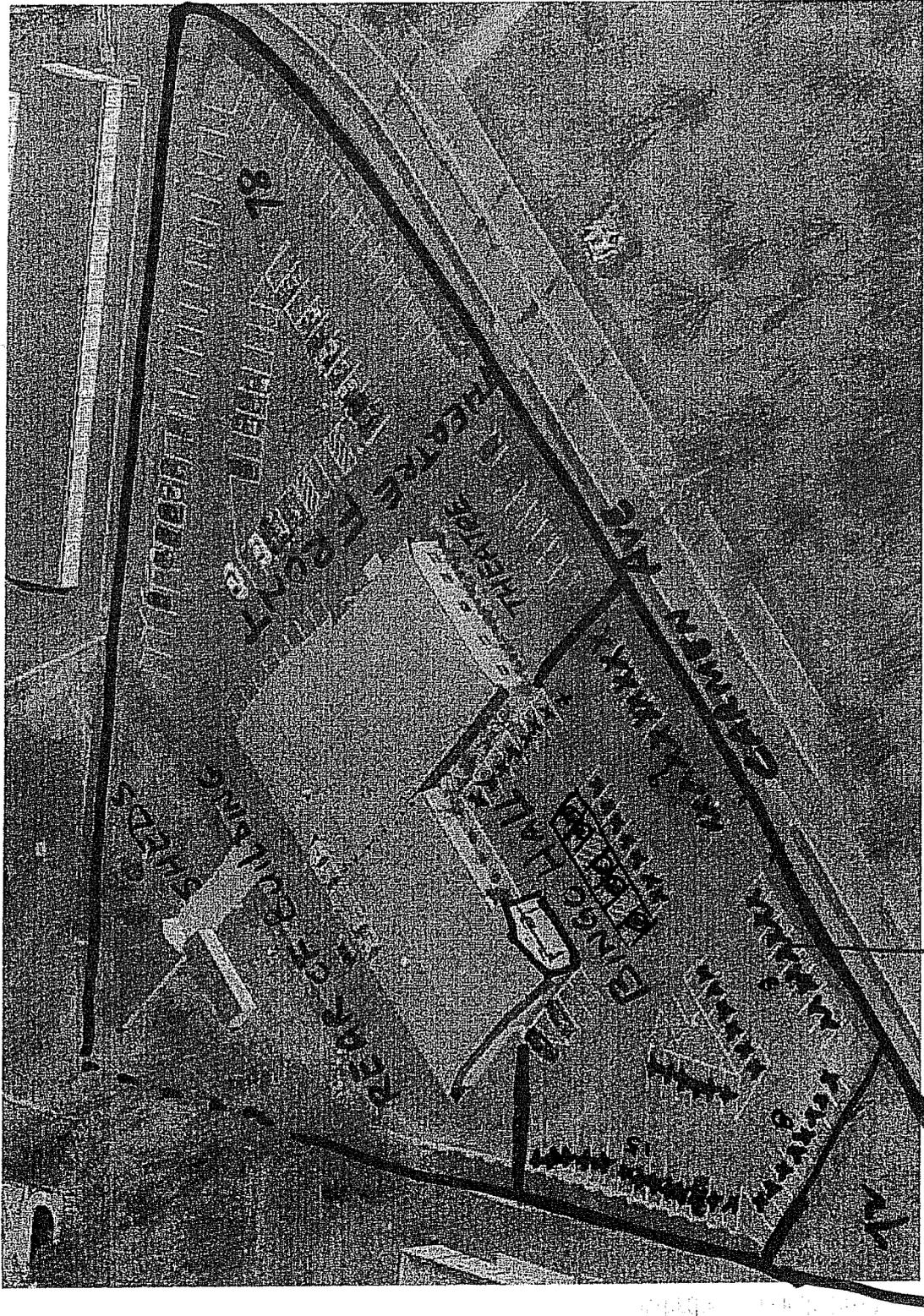
## 6415 Carmen Avenue

Vehicular Circulation



**E**

6415 Carmen Avenue



— X = 1 Stnd. space — Total # 47  
— O = Handicapped — Total # 5  
SPACE