

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

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

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR JULY 5, 2011**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

- 3.01 **GRACE CHURCH OF NAZARENE – CASE NO. 11-18C**

- Consider a **Conditional Use Permit** to allow a daycare facility in an existing church. This request is for property located at 7950 Blaine Avenue.

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

- 3.02 **BM REAL ESTATE HOLDING, LLC (MAUER CHEV) – CASE NO. 11-19CA**

- Consider a **Conditional Use Permit Amendment** to add an addition to the existing building for the property located at 1055 Highway 110.

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

4. **OTHER BUSINESS**
  
5. **ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 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  
Dennis Wippermann  
Victoria Elsmore  
Armando Lissarrague  
Paul Hark

Commissioners Absent: Mike Schaeffer  
Harold Gooch

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

### **APPROVAL OF MINUTES**

The minutes from the June 21, 2011 meeting were adopted as corrected.

### **XPAND INC – CASE NO. 11-16IUP**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider an interim use permit to construct an agricultural building on a residential lot in the Northwest Area for the property located at 1400 – 70<sup>th</sup> Street. 6 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 to construct a 1,728 square foot agricultural building on his property which is in the Northwest Area (NWA). The NWA allows agricultural buildings via an Interim Use Permit (IUP). The intent of the IUP is to allow agricultural buildings but also to establish a time frame by which they must be removed as the NWA is expected to develop at urban density over the next 20 or more years. This is the first application for an IUP in the NWA and no policies or guidelines have been established so far to address the termination and removal of the building. She advised that the proposed structure has been purposely designed to be easily removed when development occurs. Staff recommends approval of the request with the conditions listed in the report, and they are asking for guidance from the Planning Commission regarding a time limit for removal of the structure for Condition 4.

Commissioner Simon asked if staff heard from any of the neighbors, to which Ms. Botten replied they did not.

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

Jesse Moody, Shakopee, Minnesota, advised he was the contractor for the project and was available to answer any questions.

Chair Bartholomew asked what the property owner's thoughts were regarding when the building

should be removed.

Mr. Moody stated he understood the property was located in the Northwest Area and was okay with the conditions with the understanding that he could come in for a one time extension if they so chose.

Commissioner Simon asked if the applicant would be charged fees if they applied for the one-time extension, to which Ms. Botten replied in the affirmative.

Commissioner Lissarrague asked how the IUP would be documented in the event of a transfer of ownership.

Ms. Botten replied that a new owner would be made aware of the IUP as it would be recorded with the property.

Chair Bartholomew asked if the property owner was in agreement with the conditions listed in the report, to which Mr. Moody replied he believed he was.

#### **Planning Commission Discussion**

In regards to Condition 4, Chair Bartholomew recommended granting the applicant 15 years use total.

Commissioner Elsmore stated she would be inclined to make it a shorter period of time if there was a triggering event.

Chair Bartholomew recommended not filling in the blanks for Condition 4a, 4b, and 4c and instead allowing the property owner full use of his property for 15 years total.

Commissioner Hark asked what staff's recommendation of a 1-3 year timeframe for removal was based on.

Ms. Botten replied that staff felt 1-3 years would be an adequate amount of time for the property owner to prepare their site should one of the three events occur. She stated the City's ultimate goal is for this site to be low density urban development.

Commissioner Hark asked if the City had done any similar approvals in the past.

Ms. Botten advised that Sure Lock Storage on Highway 52 was given an IUP with similar criteria.

Commissioner Hark asked what those timeframes were.

Ms. Botten replied that she believed the timelines were similar to this request, with the total years before removal being 10 years.

Tom Link, Community Development Director, stated the intent of having a timeframe was to prevent conflicting land uses and to avoid hindering development.

Commissioner Hark stated the landowner was fully aware of the conditions and potential for development and would prefer a 3-4 year removal time after a triggering event.

#### **Planning Commission Recommendation**

Motion by Commissioner Hark, second by Commissioner Simon, to approve the request for an Interim Use Permit to construct an agricultural building on a residential lot in the Northwest Area

**with the addition of a 3 year time limit on Conditions 4a, 4b, and 4c**, for the property located at 1400 – 70<sup>th</sup> Street.

Motion carried (7/0). This item goes to the City Council on July 11, 2011.

**LEONARD LOUIS HEALTHCARE (WOODLYN HEIGHTS) – CASE NO. 11-17CA**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to add an addition to the main entrance and to expand the parking lot for the property located at 2060 Upper 55<sup>th</sup> Street East. 16 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the original structure was built on the property in 1974 and is being used as a senior living facility, which is a conditional use in the Public/Institutional District. Staff was unable to locate an existing CUP for the property, therefore to bring the property into conformance a CUP is being requested to add a 532 square foot lobby addition with a canopy and a parking lot expansion. The applicant is also adding a canopy expansion to the rear entry. The applicant has been working with the City Engineering Department on stormwater and grading requirements. She noted that staff received a few general inquiries from the public and no concerns were raised. Staff recommends approval of the request with the eight conditions listed in the report.

Commissioner Simon asked for clarification of 1) whether the proposed canopy should have been included in the public notice and 2) what was required for the replacement of the existing monument sign.

Ms. Botten replied that the request for a canopy did not need to be included in the public notice, and the sign replacement required a building permit.

Commissioner Simon stated it was difficult to determine the location of the proposed additions from the site plan in the packet.

Ms. Botten apologized, stating she forgot to highlight the specific locations on the site plan.

**Opening of Public Hearing**

Jill Krance, Elness Swenson Graham Architects, stated she was available to answer any questions.

Chair Bartholomew asked if the applicant was agreeable with the eight conditions listed in the report.

Ms. Krance requested to review the conditions.

Commissioner Simon asked if the applicant was still in the process of working on the stormwater treatment plan, to which Ms. Botten replied in the affirmative.

Commissioner Simon asked if the applicants planned to include rain gardens as part of the stormwater plan.

Pat Koehnen, Van Sickle Allen & Associates, replied they were proposing a rain garden between the parking lot expansion and the existing parking lot and will meet all City requirements.

Ms. Krance advised that she read the eight conditions of approval and was agreeable with them.

Commissioner Elsmore asked if the parking lots were primarily for staff or visiting families, to which Ms. Krance replied both.

Commissioner Elsmore asked how many parking stalls were currently on site.

Mr. Koehnen advised there were 77 existing parking stalls, 27 being proposed, for a total of 104.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request.

#### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Scales, to approve the request for a conditional use permit for a senior living facility to add an addition to the main entrance of the existing building and a parking lot expansion, for the property located at 2060 Upper 55<sup>th</sup> Street, with the eight conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on July 25, 2011.

### **CITY OF INVER GROVE HEIGHTS – CASE NO. 11-14Z**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to place over 1,000 cubic yards of fill on the property located within the Flood Fringe District of the Floodplain for environmental remediation for the property located at 4301 – 63<sup>rd</sup> Street. 5 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the City recently purchased this specific property, known as the McPhillips property, and as part of that purchase process the City hired a consultant to conduct soil sample studies. It was determined there was some contamination and therefore the City is proposing to follow MPCA guidelines by placing four feet of fill over the site and also on some adjacent City-owned parcels in order to match grades in the area. The subject property is located within the Flood Fringe of the Floodplain and therefore a conditional use permit is required. Staff recommends approval of the request with the condition listed in the report.

Steve Dodge, Assistant City Engineer, advised this is a continuation of the capping of contaminated soils in the future Heritage Village Park area. The clean fill material would come from the South Grove Reconstruction Project Area #6.

Chair Bartholomew asked where the fill came from for the capping project which occurred about a year ago for the property further to the north.

Mr. Dodge replied that it came from Bolander and Sons when they were working on the Eagan Post Office site. He stated that process was similar to this in that Braun Intertec would be required to observe the fill going in and probably test it as well to ensure it was clean fill.

Chair Bartholomew asked if there was a barrier installed between the existing soils and the capping material, to which Mr. Dodge replied there was not.

Commissioner Wippermann asked what the nature of the contamination was and if there were ever structures on the property.

Mr. Link replied that the soil borings showed that the actual soil contamination was minimal. The larger concern was the existing debris. He advised that the property used to be a salvage yard and the MPCA required four feet of fill primarily because of the considerable amount of debris (concrete, tires, etc.). As far as the previous use, there was a small house on the southern end of the property which burned down 5-10 years ago and was buried on site. Prior to that the property was used for a variety of commercial activities, including a garbage hauling business and salvage yard. Since the house burned down it has been basically a vacant lot.

Commissioner Lissarrague asked if applying the four feet of topsoil would remediate the problem or if the contamination would have to be dealt with again at a later date.

Mr. Link replied that according to MPCA guidelines the addition of soil was all that was necessary. Once that was complete, as well as a couple other items on the site, the City would request a No Further Action letter from the MPCA declaring it a clean site. He noted that the City also needs to look for a possible abandoned well on the property and properly seal it if found, and also install a stormwater pipe in the ground connecting the two lowland areas.

Chair Bartholomew asked if the Environmental Commission had any specific concerns regarding the application.

Ms. Botten replied that they asked questions similar to those from the Planning Commission and did not add any additional conditions or modify the existing one.

Chair Bartholomew asked if there was any discussion regarding monitoring the site by installing test wells around the perimeter.

Mr. Dodge stated that monitoring wells were not an MPCA requirement. The MPCA requires that the property be capped or that the debris and contaminated material be removed. He advised that the capping could occur at little or no cost to the City whereas removal would be very costly and risky.

Chair Bartholomew asked if the proposed stormwater pipe would allow the current drainage to continue, to which Mr. Dodge replied in the affirmative.

Commissioner Hark stated he was concerned about the possibility of flooding the properties south of the subject site because of the additional four feet of soil.

Mr. Dodge replied that the area to be filled would not impact the overall flooding of the Mississippi River because the volume of fill was miniscule compared to the entire volume of the river in that cross section. He stated that to his knowledge the area had not flooded since 1965. The berm that was put in place after that would contain the 1965 flood.

Chair Bartholomew asked for clarification that if four feet of soil was placed on the subject site it would not increase flooding to the property south of it were the river rose to rise to the 1965 high water mark, to which Mr. Dodge replied in the affirmative.

Commissioner Simon pointed out an error in the Analysis section of the report which referred to 'cubic **feet**' rather than 'cubic **yards**' and questioned whether that error was carried over to the plans on file, to which Mr. Dodge replied that the plans correctly referred to 'cubic **yards**'.

**Opening of Public Hearing**

Tom Lind, Castaways Marina, 6140 Doffing Avenue, stated he adamantly opposed the hauling of any fill to this area. He advised that the dirt and dust from a previous project in the Heritage Village Park area covered the marina's canopies in dirt. He displayed photographs of the canopies, stating that they spoke with the City's insurance company, the League of MN Cities, and were told the City was not negligent so they would not cover the damage. He stated that although the City may not have been negligent, they would like them to take care of the problem that they caused. He advised that they received a bid of \$8,100 to clean the canopies and they would like the City to bear that expense.

John Remington, Castaways Marina, 6140 Doffing Avenue, stated that although there may be debris in the southern end of the subject parcel, the northern portion adjacent to Castaways Marina was a nice area with grass and trees. Any filling would result in the loss of the existing trees and shrubs. He was also concerned that the additional fill would create a drainage problem, causing the stormwater to run into their parking lot rather than the pond. He stated there does not seem to be significant contamination on the subject property and he would prefer that it be removed rather than covered.

Chair Bartholomew asked what caused the damage to the marina slip covers, to which Mr. Lind replied the dust collecting on the canvas.

Mr. Remington advised that the analysis they had done determined that the material was soil and dirt; not residue from the refinery.

Chair Bartholomew asked who did the analysis, to which Mr. Remington replied that he did not recall the name of the firm.

Chair Bartholomew asked if they had shared the analysis results with the City.

Mr. Remington replied they had not, stating they filed a claim with the City, who then referred it to their insurer, the League of MN Cities. The insurer determined they were not negligent; however, Mr. Remington felt the dirt on the canopies was the issue rather than negligence.

Commissioner Lissarrague asked if this was an ongoing problem.

Mr. Lind replied that the canopies began gathering dirt as they were hauling the fill into the park site which caused clouds of dust to blow onto their property. He advised that the 17 year old canopies were recently replaced because they were wearing out; not because they were dirty. In 2-3 years the new canopies are now covered in dirt.

Commissioner Elsmore asked for clarification of whether the canopies were damaged or just dirty, to which Mr. Remington replied they were just dirty.

Commissioner Elsmore asked if the \$8,100 quote was for someone to clean the canopies covering all the marina slips, to which Mr. Lind replied in the affirmative.

Chair Bartholomew asked if they raised this issue at the Environmental Commission meeting, to which Mr. Remington replied they had not as they were not notified of that meeting and were not aware of the additional fill being proposed.

Commissioner Hark asked if the site would be designed in such a way as to continue the natural drainage to the pond rather than the marina parking lot.

Mr. Dodge stated he would have to research it further as he could not answer the question without looking at the grading beyond the boundary shown on the plan in the report.

Commissioner Hark stated it should be designed as such to continue the existing drainage pattern.

Commissioner Elsmore noted that Note 2 on the grading plan stated that 'grading shall progress so as to maintain drainage patterns at all times'.

Mr. Dodge stated he would have to review further where the drainage would go once it got to the edge of the site.

Commissioner Lissarrague asked if there was an alternative to capping the parcel.

Mr. Link replied that the City was required to do remediation because it was a contaminated site. The two options were to put four feet of fill on the site or to dig out the debris. Staff chose the first option as it was less expensive and would not disturb the contamination in existing soils. He noted that either option would generate dust.

Mr. Lind stated much of the property had no contamination and would not have to be filled in.

Commissioner Lissarrague asked if the marina would prefer that the City remove the debris rather than putting in additional fill.

Mr. Remington stated if the debris was only on the southern portion of the site the City could cap just that area and not the property directly west of the marina.

Mr. Link stated there were two properties being discussed tonight. One is the Henderson property which was determined to be a clean site with no environmental contamination. The investigation of the McPhillips property to the west, however, indicated contamination throughout the property therefore the entire parcel would need to be capped.

Chair Bartholomew asked if the Henderson property was required to be capped.

Mr. Link replied it was not, however, they would like to match the grades rather than having a four foot drop off.

Chair Bartholomew asked if the property could be graded so as to direct any drainage to the lake versus the marina parking lot.

Mr. Link replied in the affirmative. He added that the Brown Caulking property (south of the Henderson property) already had four feet of fill added to it because of soil contamination; the fill being proposed tonight would result in all three properties being at the same grade.

Commissioner Lissarrague asked if filling in the minimal amount necessary and helping the marina with some of the clean-up costs would cost less than removing the debris.

Mr. Link stated that the issue of the filling of the park site's impact on the marina canopies would be an appropriate issue for the City Council to consider.

Commissioner Elsmore asked if there would be dust and debris whether the City put fill in or took debris out, to which Mr. Link replied in the affirmative.

Commissioner Elsmore asked how quickly the vegetation would be replanted once the filling was complete.

Mr. Dodge replied that the current plan was to plant grass. No trees or shrubs would be planted until such time as the Heritage Village Park Master Plan got underway. He stated that neither he nor Tom Link were aware of the marina's claim to the League of MN Cities, but he cautioned against adding further conditions as apparently the situation had already been addressed with the insurer.

Ms. Botten advised that Castaways Marina removed several trees along the northeast side of the pond and expanded their parking area a few years back using Class 5-type dirt material.

Mr. Remington agreed that they had removed a number of trees; however, they replanted a number of trees as well. He stated they continue to have a problem with runoff and erosion on the north end of their property due to the City raising the level 3-4 feet and ending the fill at the marina property line.

Chair Bartholomew asked if the marina's claim with the League of MN Cities was still open, to which Mr. Lind replied that it was denied due to the absence of negligence. He then read the letter from the League explaining their findings.

Chair Bartholomew asked if the marina had any contact with the contractor, to which Mr. Lind and Mr. Remington replied they did not.

Mr. Remington stated they brought the claim informally to the City who then advised them to pursue the claim with the League.

Commissioner Elsmore asked when the letter from the League of MN Cities was dated, to which Mr. Lind replied October 13, 2010.

#### **Planning Commission Discussion**

Chair Bartholomew suggested adding a recommendation that the grading be designed as such to prevent runoff from being directed to the marina property.

Mr. Dodge suggested wording it to state that 'the grading activities will not adversely impact the Castaways Marina property'.

Chair Bartholomew stated the Planning Commission did not have the purview to address the marina's existing claim with the League.

Mr. Remington stated they were just concerned that it not happen again.

Chair Bartholomew stated he supported the request with a recommendation that the drainage be addressed and with an acknowledgment of the marina's concern regarding the dust and dirt.

Commissioner Scales questioned whether they could add conditions because the MPCA was requiring the City to either remove the debris or cap it.

Chair Bartholomew urged the marina representatives to attend the City Council meeting and address their concerns.

Commissioner Elsmore stated the letter from the League said one of their concerns was that the first time they heard of the dust issue it was too late. She advised Mr. Lind and Mr. Remington that

in this case they will have the minutes from the Planning Commission and City Council meetings so they could show that they had come forward and stated there was an issue if there were to be further action.

**Planning Commission Recommendation**

Motion by Commissioner Simon to approve the request for a conditional use permit to allow filling within the Flood Fringe District of the Floodplain for environmental remediation, with the condition listed in the report and **an additional condition that grading does not adversely affect drainage to the Castaways Marina property**, for the property located at 4301 – 63<sup>rd</sup> Street.

Second by Commissioner Scales.

Motion carried (7/0). This item goes to the City Council on July 11, 2011.

**OTHER BUSINESS**

Chair Bartholomew adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary



## EVALUATION OF REQUEST

Surrounding Uses: The subject site is surrounded by the following uses:

North	Single family housing; zoned R-1/PUD; guided LDR, Low Density Residential
East	Single family housing; zoned R-1C; guided LDR
South	Inverwood Community College; zoned P, Institutional; guided Public/Institutional

### Conditional Use Permit (CUP)

The specific request for a CUP for a daycare facility is reviewed below against the standards found in the Zoning Ordinance, Section 10-3A-5.A.

- The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*  
The proposed use is consistent with Comprehensive Plan. The designation of Public/Institutional is consistent with the zoning of the property.
- The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*  
This standard is met. The P, Institutional District allows for churches, schools and daycare. A daycare facility would be consistent with the types of uses allowed in the P District.
- The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*  
This standard is met. The proposed use would not create any adverse physical impacts upon the neighborhood. The neighborhood is developed with residential and school uses. The addition of a daycare would not negatively impact the neighborhood
- 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 standard is met. The addition of a daycare would not have a negative impact on city facilities and services.
- The use is generally compatible with existing and future uses of surrounding properties, including:*

  - Aesthetics/exterior appearance*

There are no changes proposed to the exterior other than a possible fence around the play area.

b) *Noise*

Noise generated by the proposed day care is not anticipated to be a problem for surrounding land owners. Children may be playing outside during the daytime hours but other than that noise will not be an issue.

c) *Traffic*

The peak hours for the daycare will be during the morning drop-off and the afternoon pick-up of children. The proposed use will not likely create a traffic problem. The parking lot has sufficient parking for both employees and for parents picking up the children. The site would also accommodate a pick up/drop off area in front of the church.

d) *Drainage*

No additional impervious surface is planned at this time. This condition is met.

e) *Fencing, landscaping and buffering*

A future chain link fence may be installed around the play ground area for the safety of the children. Fencing is not required by the Zoning Ordinance.

f) *Other operational characteristics - N/A*

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

Parking requirements for a daycare is based on the number of employees (one space per employee) and children (one loading/parking area for every 6 students). The possible maximum capacity for the daycare would be 60-100 students. Based on a maximum of 100, a total of 30 spaces would be required for student and employee parking. The existing church parking lot has ample room to accommodate the daycare parking demands. The daycare would run during the week and would not conflict with the Sunday parking demands.

The Fire Marshall and Building Official would review the building to confirm compliance with fire and building codes before the operation could begin.

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

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

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

N/A

## **ALTERNATIVES**

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

- A. **Approval**      If the Commission finds the request acceptable, the Conditional Use Permit shall be recommended for approved with the following conditions:
1.      The site shall be in substantial compliance with the site plan dated 6/20/11 on file with the Planning Department indicating the parking lot/drop off and pick up traffic pattern and play ground area.
  2.      The daycare operation may not commence until proper approval from other government agencies is received.
  3.      The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
- B. **Denial**      If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

## **RECOMMENDATION**

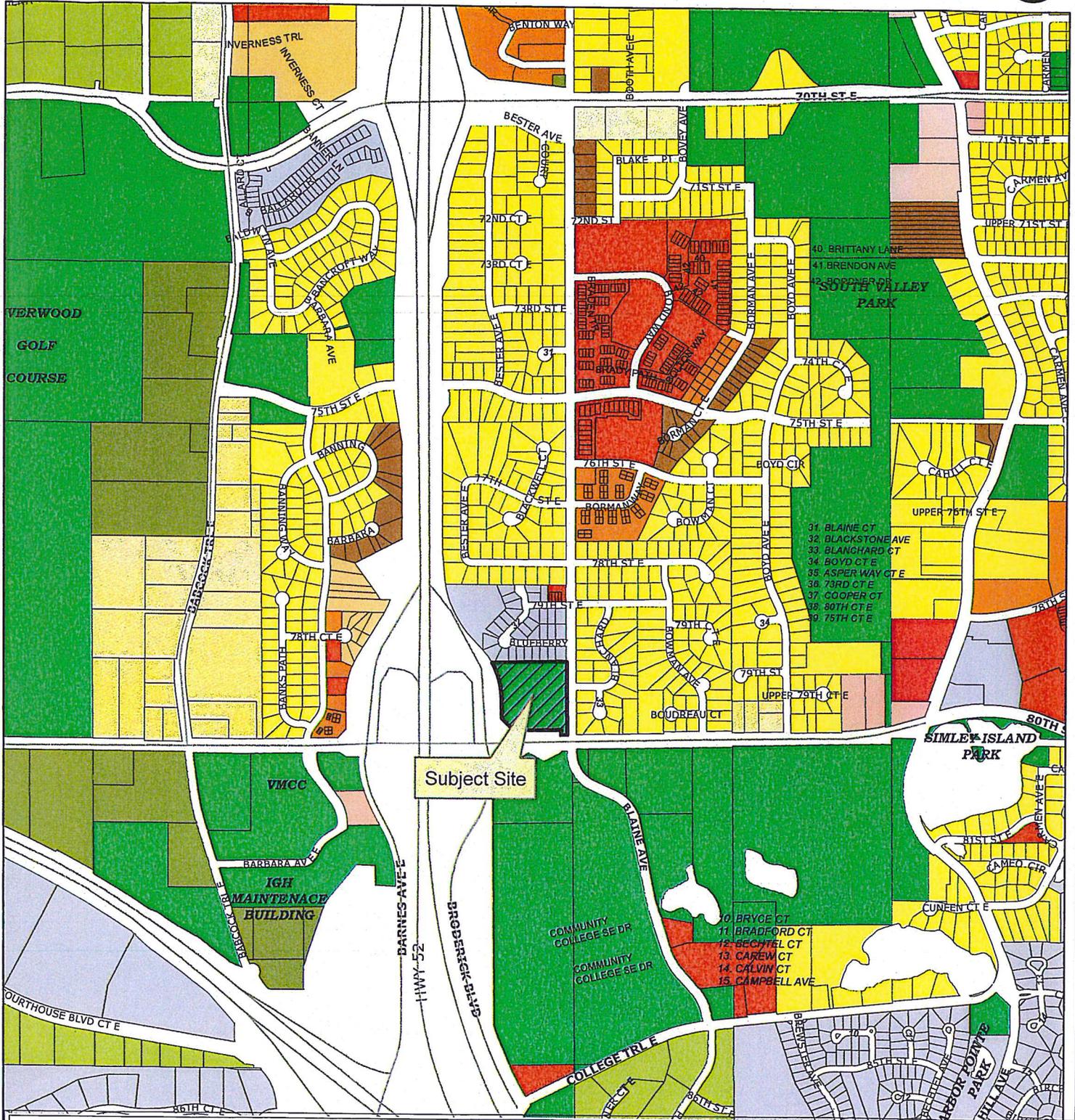
Based on the preceding report, Staff recommends approval of the conditional use permit with the 3 conditions listed above.

Attachments    Exhibit A - Zoning and Location Map  
                      Exhibit B - Applicant Narrative  
                      Exhibit C - Site Plan  
                      Exhibit D - Proposed Day Care layout/Floor Plans of the Church



# Location Map

## Case No. 11-18C



### 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, 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

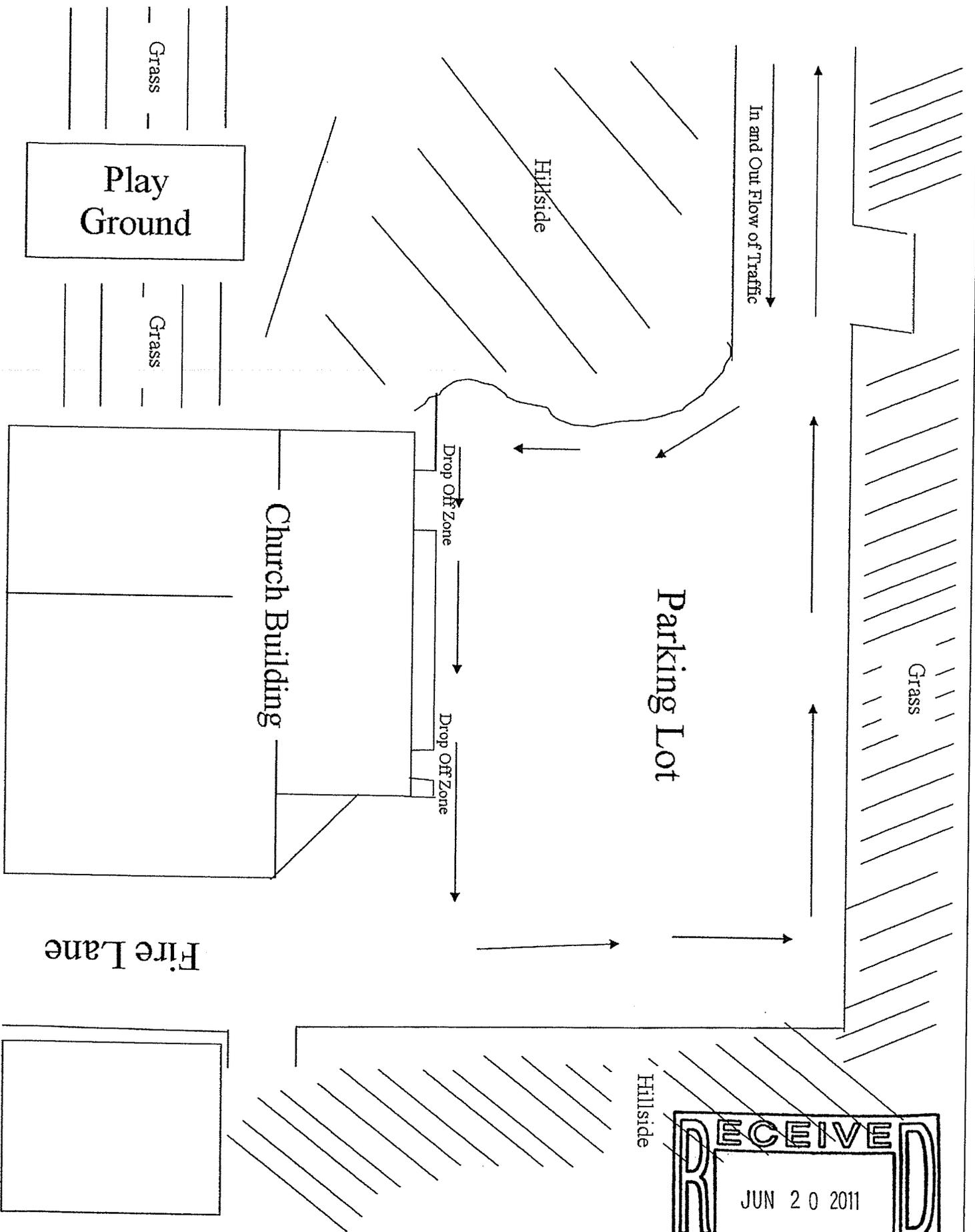
We would like to change the usage of our facility and real property to include the operation of a child care center.

This would not, at this time include any changes to our facility and real property, other than anything that may be needed for meeting the City and State child care codes.

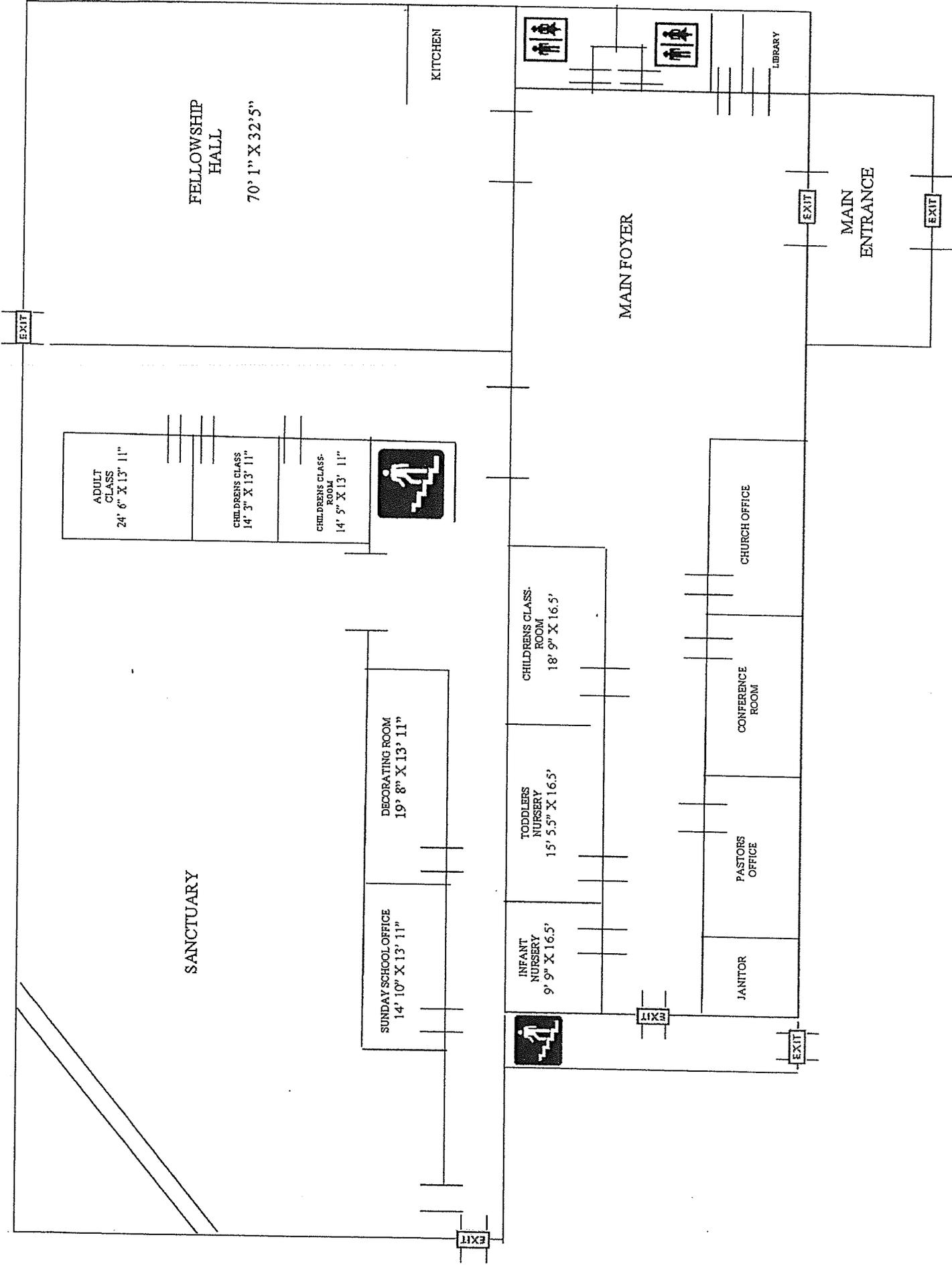
The existing and only driveway would be used for the entrance and exit. The current parking lot would have ample parking for this need.

Our drop off would be the main entrance. We may need to add some directional arrows and or lines so that the “flow of traffic” is more clearly evident.

We understand that our current facility meets all city and state codes for the usage that it is now rated for.



**RECEIVED**  
JUN 20 2011



# Sanctuary

## Second Floor Floor Plan

Teen Room

Game Room

Empty Class Room

Empty Class Room

Kingdom Quest Kids

Middler's Room

Women's Rest Room

Men's Rest Room



**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:** July 14, 2011

**CASE NO:** 11-19CA

**HEARING DATE:** July 19, 2011

**APPLICANT AND PROPERTY OWNER:** BM Real Estate Holdings LLC (Mauer Chevrolet)

**REQUEST:** A conditional use permit amendment to add an addition to the existing auto sales building.

**LOCATION:** 1055 Highway 110

**COMPREHENSIVE PLAN:** RC, Regional Commercial

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

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:**  Heather Botten  
Associate Planner

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**BACKGROUND**

The applicant is requesting a conditional use permit amendment to construct a 26,000 +/- square foot building addition and removal of a portion of the existing building; overall the footprint of the building would be expanding about 5,000 square feet. The original CUP for the property dates back to 1969 with one amendment in 1996 for a building addition.

The specific request consists of the following:

- A.) A **Conditional Use Permit Amendment** for automobile and off-highway vehicle sales in the B-3, General Business Zoning District

**EVALUATION OF THE REQUEST**

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

North	Dakota County Northern Service Center – West St. Paul
East	Car Dealerships; zoned B-3; guided RC, Regional Commercial
South	MnDot right-of-way and Sunfish Lake
West	Car Dealership; zoned B-3; guided RC, Regional Commercial

### SITE PLAN REVIEW

Building Setbacks. The proposed building addition is located 40+ feet from the closest property line, exceeding setback requirements.

Parking Lot. New bituminous overlay would be added to the entire parking area. The southeast portion of the property will be re-graded and paved. The new parking area meets setback requirements. All storage of vehicles must be on bituminous or similar hard surface, no parking of vehicles is allowed on grass or in the right-of-way.

Lot Coverage. Allowable impervious surface coverage in the B-3 district is 100%. No additional impervious surface is being added; the site is decreasing the amount of impervious surface to about 93%.

Access. Access to the site is not changing; there is one access off of Akron Avenue and another off of 50<sup>th</sup> Street (Hwy 110 frontage road).

Landscaping. Landscaping requirements require a total of 26 overstory trees or the equivalent to be planted on the property. The applicant has provided a landscape plan which demonstrates shrubs and no overstory trees. The landscaping requirements have not been met. A revised landscaping plan shall be submitted and approved by the Planning Department prior to the issuance of a building permit.

Engineering. Engineering is reviewing the plans and has been working with the applicant on stormwater and grading requirements. The proposed site plan decreases the amount of runoff on the property. Water from the site eventually drains to Sunfish Lake and a MnDot pond, therefore approval from both entities is required prior to grading on the property. Engineering has made some recommendations on conditions that should be added to the approval. These conditions are included in the list of conditions at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction drawings.

Lighting. The applicant has submitted a lighting plan which illustrates the location of lighting in the parking lot. The proposed illumination pattern of the lights complies with the maximum foot candles at the center line of the street. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Roof top Screening. As a consistent policy of commercial development, any roof top equipment shall be screened from view from the street. If necessary, the form of screening will be reviewed at time of building permit. This condition would apply to all new roof top equipment.

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

Signage. The site improvements include new signage. Signage is not approved as part of the CUP request. A preliminary drawing was submitted demonstrating a sign on a retaining wall; this sign shall be 100 square feet or less or a variance would have to be applied for. Signage on the property shall follow section 10-15E of the city code. A building permit is required for any new signs or changes to the existing signs.

#### GENERAL CONDITIONAL USE PERMIT REVIEW

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

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

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. The future land use of this parcel is Regional Commercial, automobile sales is consistent with the uses envisioned in this district.

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

The applicant's property is zoned commercial. The land use of auto sales 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 building addition would not have a negative impact on the surrounding area as it lies within an area of the City that is currently developed. The use of the building would not be changing.

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/business neighborhood is all developed and the land use patterns set. The proposed addition would not have an adverse impact on fire protection or on any city service.

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

- i. Aesthetics/exterior appearance*

All four sides of the building shall have an equally attractive or the same fascia as the front of the building. The entire building will be rewrapped in blue and silver composite panels.

- ii. Noise*

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

*iii. Fencing, landscaping and buffering*

No fencing is proposed and landscaping meets the City's requirements.

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.*

Access to the site is not changing. The amount of traffic would not be out of the ordinary for a commercial area. Building setbacks exceed code requirements. The applicant is adding a sprinkler system to the building, increasing fire protection.

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. The applicant is working with the City Engineering Department creating a stormwater treatment plan, reducing the amount of runoff on the property.

## **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 a **Conditional Use Permit Amendment** for automobile and off highway vehicles sales to allow an addition to the existing building 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.

Site Plan	dated 06/20/11
Building Elevations	dated 06/20/11
Lighting Plan	dated 06/16/11

Civil Plan Set  
Landscaping

dated 06/20/11  
dated

2. All parking lot lighting on site shall be a down cast “shoe-box” style and the bulb shall not be visible from property lines.
3. 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.
4. Any expansion of the use as shown on the site plan requires additional city approvals and is not part of this conditional use permit.
5. A storm water facility maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities. An operation and maintenance plan shall be prepared annually and sent to the City.
6. An improvement agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to the issuance of a building permit.
7. Prior to the issuance of a building permit, an Engineering cash escrow and letter of credit shall be submitted to the City to ensure the proper construction of the improvements and to review the drainage modeling.
8. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.
9. All final development plans shall be subject to the review and approval of the City Fire Marshal.
10. The storm water pollution prevention plan (SWPPP) shall be followed.
11. No car display or employee parking shall be allowed on public streets, street boulevards, or landscaped areas on the dealership property.
12. No outside paging system shall be utilized.
13. All display pennants, flags, searchlights, balloons and other similar devices shall be limited to no more than 10-days per calendar year. Use of such devices require a sign permit.

14. All signage shall be in conformance with the sign regulations of the City.
15. Any new rooftop equipment shall be substantially screened from view as seen from a reasonable viewing perspective.
16. Prior to commencing construction, the applicant shall obtain all necessary federal, state, and local permits including, but not limited to a MnDot drainage permit.
17. The developer shall provide a hydraulic analysis of the proposed storm sewer facilities for the review and approval by the City.
18. Customer and employee parking shall be clearly signed and no display vehicles shall be allowed in this area.
19. Landscaping shall meet the requirements of Section 10-15-11 of the City Code.
20. Resolution No. 6653 shall become null and void and shall be replaced by the terms of this conditional use permit.

**B. Denial.** If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

**RECOMMENDATION**

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request.

Attachments: Zoning/Location Map  
Narrative  
Site, Grading, Landscaping Plans  
Elevations



# Mauer Chevrolet Case No. 11-19CA

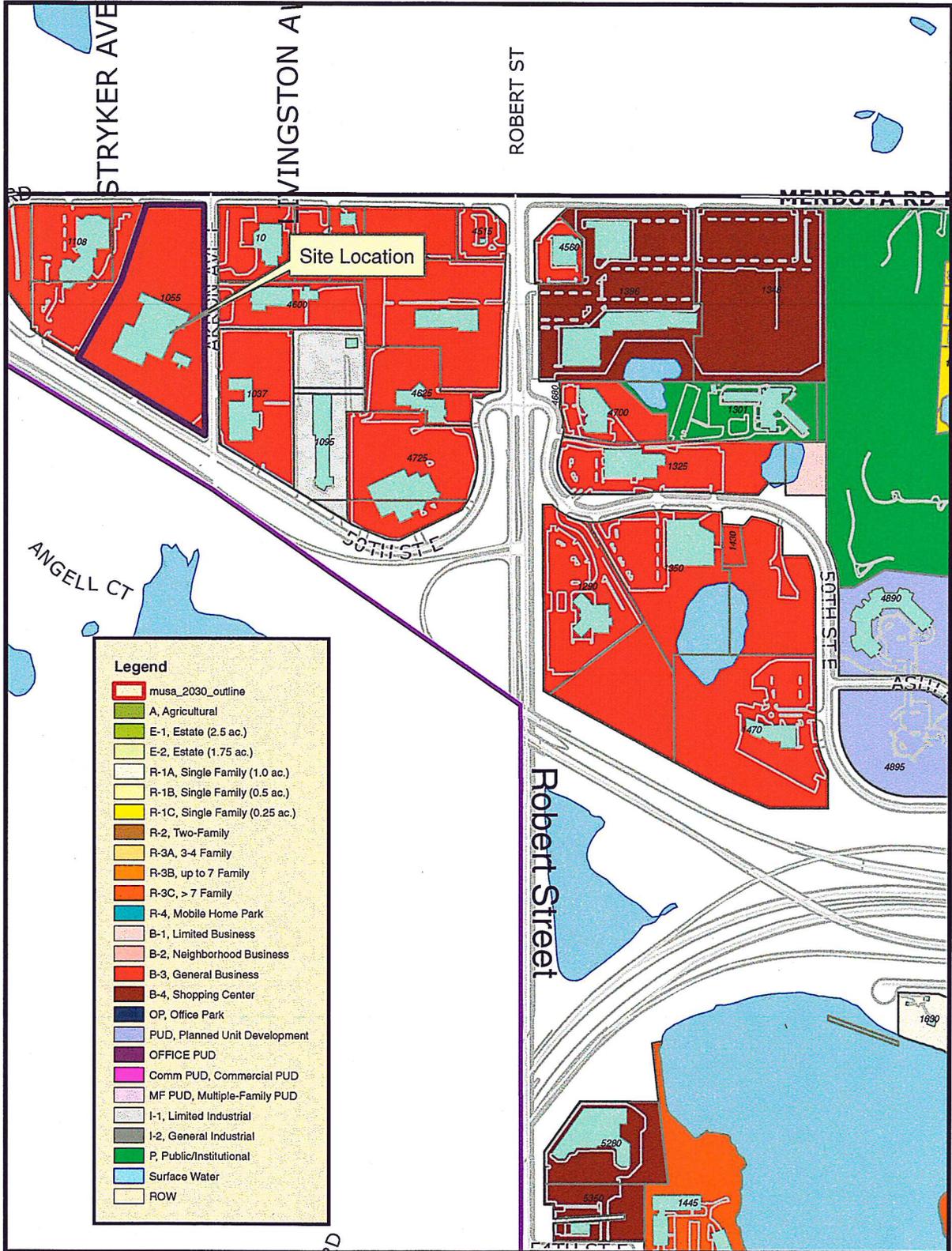


Exhibit A  
Zoning Map

Re: Architectural Description of Building and Site Improvements for Mauer Chevrolet

Bill Mauer and John Vecere, owners of Mauer Chevrolet are proposing significant improvements to the existing building and sitework to provide a new vision in compliance with the General Motors Chevrolet dealership standards and their staff, and their personal vision for their customers!

The improvements to the site will be:

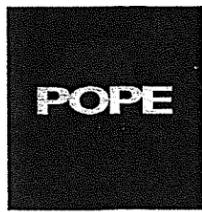
1. New signage both pylon and building Chevrolet logo horizontal on the building fascia
2. New site lighting with poles, bases and high intensity fixtures controlled lumens inside the property
3. Grading with new bituminous overlay for parking lot, stripped and increased load limits for semitrailer deliveries.
4. Stormwater subterranean collection system for all building and surface runoff in compliance with watershed and state standards.
5. Collection pond onsite in the southeast corner of the site with landscaping and lite fountains at night
6. Increased municipal water service and fire department siamese connections for automated sprinkler system in the existing and new additions
7. The new showroom will have a projected portico overhang from the structure for vehicle display for inclement weather.
8. The showroom and the new addition will be elevated above the existing frontage road and will have concrete retaining wall adjacent to the pond.

This enhanced new building will offer every customer expanded services and all lines of automobile and trucks and expanded accessories for their vehicles. These quality products with Mauer's quality services will make Mauer Chevrolet the leader in the twin cities and the state of Minnesota.

Billy and John look forward to September 1 start date and completion March 1, 2012. The commitment to the schedule has brought many of the building trades and the general contractor to work night and weekend shifts so that the services can still be offered to their customers.

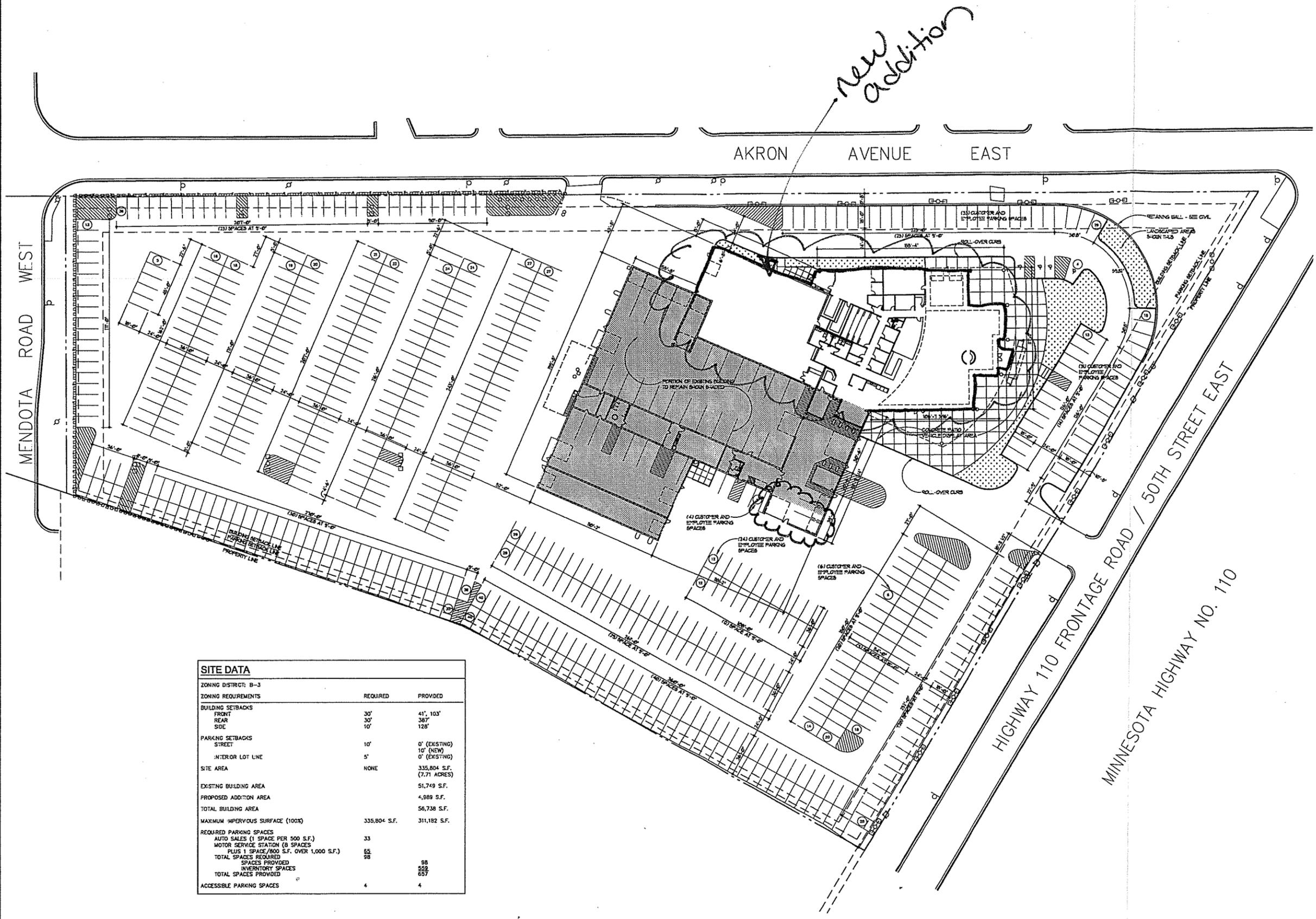
1. Demolition of the existing showroom with increased capacity to show over 12 vehicles, SUV's and trucks
2. New offices for sales agents, owners and increased customer lounge areas with childrens playroom.
3. Training center for staff and customer use
4. All new construction will feature reinforced concrete masonry walls insulated with insulated curtain wall glazing around the three walls of the showroom with polished aluminum fascia.
5. A new quicklube addition will be constructed on the west side of the building offering lube, tire rotation and filter replacements
6. The service managers will have central glass location office which oversees each vehicle to determine the pace of work and review of each invoice. The invoices will be distributed along with the customer to the cashier counter.
7. The large service bay will be completely refurbished with new lightning; new epoxy floor finish; new auto and truck tandem poles lifts; new ceiling and wall finishes along with fire protection system and new energy efficient lighting.
8. The business cafe will feature various beverages and vending machines for customer and staff selection. The entire building will be wired with a wireless router for all Ipads, phones, and the business center. All sales agents can communicate with inventory manager, sales and service manager and both owners. Each technician can communicate with parts dept and service manager or other service technicians.
9. Sattelite communications will be installed to communicate with General Motors for vehicles; parts and delivery.
10. A 24hr. camera and security system will monitor the inventory lot and all access points to and from the building.
11. The entire service and supply parts will be refurbished with new lighting; fire protection system, new epoxy floors and all walls and ceilings and walls repainted.
12. LG large video tv's will be installed throughout the dealership for customer viewing
13. The owners will replace the entire roof insulation and membrane with increased resistant factor and long life cycle.
14. All new heating and cooling air handling units will have multizone capability and high SEER ratings bringing green architecture along with the new insulated walls; and insulated roof system.
15. The new curtain wall glass system will have low e argon blue tinted glass for energy conservation.
16. Mauer Chevrolet will expand additional services with this new and refurbished services with equipment in the car wash and added detailing bays for paint and interior fabric and carpet.





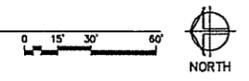
POPE ASSOCIATES INC.  
133 ENERGY PARK DRIVE  
ST. PAUL, MN 55108-8118  
PH: (651) 642-9200  
FAX: (651) 642-1101

**MAUER  
CHEVROLET**  
Inver Grove Heights, MN



SITE DATA		
ZONING DISTRICT:	B-3	
ZONING REQUIREMENTS	REQUIRED	PROVIDED
BUILDING SETBACKS		
FRONT	30'	41', 103'
REAR	30'	387'
SIDE	10'	128'
PARKING SETBACKS		
STREET	10'	0' (EXISTING) 10' (NEW)
INTERIOR LOT LINE	5'	0' (EXISTING)
SITE AREA	NONE	335,804 S.F. (7.71 ACRES)
EXISTING BUILDING AREA		51,749 S.F.
PROPOSED ADDITION AREA		4,989 S.F.
TOTAL BUILDING AREA		56,738 S.F.
MAXIMUM IMPERVIOUS SURFACE (100%)	335,804 S.F.	311,182 S.F.
REQUIRED PARKING SPACES		
AUTO SALES (1 SPACE PER 500 S.F.)	33	
MOTOR SERVICE STATION (8 SPACES PLUS 1 SPACE/500 S.F. OVER 1,000 S.F.)	65	
TOTAL SPACES REQUIRED	98	
SPACES PROVIDED		98
INVENTORY SPACES		559
TOTAL SPACES PROVIDED		657
ACCESSIBLE PARKING SPACES	4	4

1 SITE PLAN  
A1.2 1"=30'-0"



**SITE PLAN**

City of Inver Grove Heights	
CITY SUBMITTAL	6-20-11

Commission No. 51727-10149  
Drawn by JLL  
Checked by

SHEET

A1.2

**NOTES:**

Should a plant be unavailable at the time of installation, all substitutions are subject to the approval of the Owner and the City.

Mulch all shrubbery beds with shredded hardwood mulch, 4" depth OR 3" depth with landscape cloth.

It is the responsibility of the Landscape Contractor to identify all underground utilities, cables, conduits, etc. on the property.

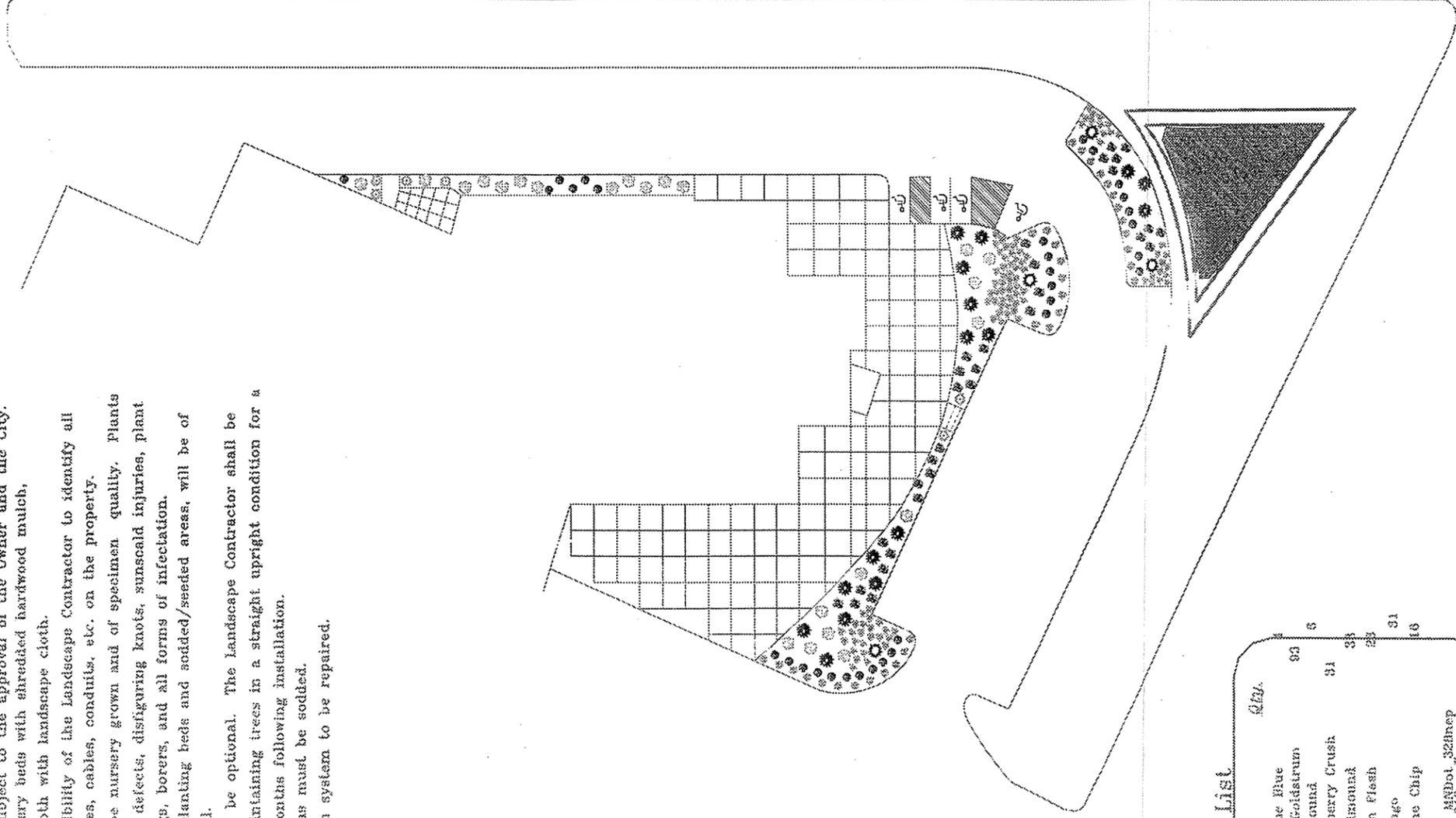
All plants shall be nursery grown and of specimen quality. Plants shall be free from defects, disfiguring knots, sunscald injuries, plant diseases, insect eggs, borers, and all forms of infestation.

Edging between planting beds and sodded/seeded areas, will be of a high quality vinyl.

Tree staking shall be optional. The landscape Contractor shall be responsible for maintaining trees in a straight upright condition for a period of twelve months following installation.

All disturbed areas must be sodded.

Existing irrigation system to be repaired.



**Plant List**

NAME	Qty.
☉ Spruce, Globe Blue	03
* Rodbeckia, Goldstrum	06
☉ Pine, Slowground	31
* Rose, Starberry Crush	33
* Spiraea, Goldground	28
☉ Spiraea, Neon Flash	31
☉ Weigela, Tango	16
* Juniper, Blue Chip	
■ Seeded w/ NADol. 32sqmp 1,910 sqft.	

LANDSCAPE  
Plan  
Mozler Chew

Designs by **Everette  
Landscape & Irrigation**

Zenon Construction Company  
4996 10th Avenue North  
Golden Valley, MN 55427  
763-936-8923

PLAN #: Dbye-11-09

Revised

0 10 20







# MAUER CHEVROLET

VIEW OF RETAINING WALL  
070811

