

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, DECEMBER 6, 2011 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR November 15, 2011**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 WILLIAM KRECH – CASE NO. 11-36V

Consider a **Variance** to allow an existing structure to be located approximately 20 feet from the newly created lot boundary. This request is for the property located at 10195 Inver Grove Trail.

Planning Commission Action _____

3.02 D&T PROPERTY INC – CASE NO. 11-35Z

Consider a **Rezoning** of the property from B-4, Shopping Center District to B-3, General Business District. This request is for the property located at 5280 & 5350 South Robert Trail,

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 15, 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
Armando Lissarrague
Tony Scales
Paul Hark
Dennis Wippermann
Pat Simon
Victoria Elsmore
Harold Gooch

Commissioners Absent: Mike Schaeffer

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

APPROVAL OF MINUTES

The minutes from the November 1, 2011 meeting were approved as submitted.

ADAM CANEFF – CASE NO. 11-33V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to construct an accessory building eight feet from the front property line whereas 30 feet is required, for the property located at 3988 – 78th Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to construct an accessory building eight feet from the front property line whereas 30 feet is required. The applicant's property is a corner lot which by definition has two front yards. The proposed accessory building is 960 square feet in size and would be used for the applicant's personal use. Ms. Botten advised that the applicant has not identified 'practical difficulties' as the accessory building could be constructed on the property meeting setback requirements. Staff is also concerned that allowing a reduced setback on a corner lot could set a precedent for other corner lots in the city. For the reasons listed in Alternative B, staff is recommending denial of the request. Ms. Botten advised that staff received an email from one neighbor who was in support of the request.

Commissioner Simon asked if staff visited the property or just relied on the site plan to determine the impervious surface calculations.

Ms. Botten replied that she did go to the site, as well as using aerial photography and the information submitted by the applicant.

Commissioner Simon asked if the large brick patio was taken into consideration with the total impervious surface calculations as that was added since the last variance request.

Ms. Botten replied in the affirmative.

Commissioner Elsmore asked for clarification of the impervious surface total.

Ms. Botten advised that the applicant is proposing to place most of the proposed garage over existing impervious surface, thus minimally increasing the impervious coverage. If the structure were to be moved to meet setbacks it would add additional impervious surface, thus exceeding the 30% allowed, but would still fall within the additional 10% allowed by CUP.

Commissioner Lissarrague asked what would be done with the existing garage.

Ms. Botten replied there were two existing detached accessory structures on the property which would both be removed if the proposed structure was constructed.

Commissioner Simon asked if the berm and plantings would have to be removed from the right-of-way prior to receiving a building permit.

Ms. Botten advised that staff is looking at this as two separate issues, thus the structure would not be tied to the right-of-way issue. She stated the applicant has been working with the City's Engineering Department and her understanding is that the applicant has an agreement with the City to have the encroachments removed by summer 2012.

Opening of Public Hearing

Adam Caneff, 3988 – 78th Street, stated he was available to answer any questions.

Chair Bartholomew asked if the applicant understood the conditions listed in the report, to which Mr. Caneff replied in the affirmative.

Chair Bartholomew asked if the applicant understood that staff was recommending denial of the request.

Mr. Caneff stated he understood the concerns of staff but felt that his particular situation was unique in that the existing house and garage were already at the eight foot setback. He stated he would like the proposed accessory structure to keep in line with his existing house, he felt it did not make sense to have a 30 foot setback as his existing house had an eight foot setback, moving the proposed garage to the far corner of his property would be costly as it would require retaining walls due to the existing slopes, it would also require tree removal and likely a new driveway. If he moved the structure anywhere else it would require the removal of a large tree in the center of his back yard which provides shade for his lot. He stated it did not make sense to place the building in the middle of his yard just to meet setbacks and he did not see an issue with allowing other residents to do the same if they had a similar unique situation. He stated he understood, however, why a variance would not be allowed in a situation where the existing home was not already at the requested setback. Mr. Caneff presented statements from four neighbors stating they had no objections to the request. He stated the proposed structure would have the same siding as his home and would clean up his lot. He added that 78th Street was recently reconstructed and only 5-10 feet of his lot was disturbed, therefore he did not feel there would be an issue with the proposed location of the garage should future work be done along Dawn Avenue.

Chair Bartholomew asked if the home and existing garage were built prior to the two-sided frontage code.

Ms. Botten replied in the affirmative, stating in the 1980's the lot's frontage along Dawn Avenue was considered a side lot rather than a front.

Chair Bartholomew stated the request did not satisfy the variance review criteria.

Commissioner Hark asked if the applicant had considered moving the garage to the west as it appeared there were several reasonable alternative locations available.

Mr. Caneff replied that he had, but to get the most use out of the yard he would have to put the garage in the far back corner. This would be too costly as it would require retaining walls and tree removal. He advised he would like a driveway in which he could back a boat into so it would have to be fairly straight.

Commissioner Lissarragué asked if the proposed garage was angled for the purpose of getting a boat in and out, to which Mr. Caneff replied in the affirmative.

Commissioner Lissarrague suggested the applicant move the front of the garage 15 feet from the property line versus the proposed eight.

Mr. Caneff replied that it would take up too much of the yard and result in wasted space.

Commissioner Wippermann stated one of the conditions of approval was that the structure could not be used for commercial uses, storage related to a commercial use, or home occupation. He noted that a bulldozer and industrial type trailer was on the property and that seemed contrary to the stipulations of the condition.

Mr. Caneff stated he had a snowplow for his truck, a car trailer, and the equipment was there for different landscaping he was doing in the yard and personal use. He stated the trailer was at his house intermittently and the various items would be stored in the garage should the variance be approved.

Commissioner Elsmore asked for clarification if all the equipment was for personal use and not used in or for a business.

Mr. Caneff replied they were all his personally.

Commissioner Wippermann asked if the applicant wanted the letters from his neighbors to be added to the City's file for this request, to which Mr. Caneff replied in the affirmative.

Commissioner Gooch asked if the applicant could add onto his existing garage at the eight foot setback without a variance.

Ms. Botten replied he could not, stating if he were to expand he would have to meet the setback requirements for today's code.

Commissioner Gooch suggested constructing the garage on the other side of the patio and meeting the 30 foot setback, stating the applicant could then back straight into the garage.

Mr. Caneff replied it would form a courtyard-type patio and would likely create drainage issues because of the flat lot.

Commissioner Gooch stated since the applicant was in the landscaping business he could likely figure out a way to run the water away from the garage.

Mr. Caneff stated his children would then have to play behind the garage and when looking out the

windows of his house he would see the garage rather than trees.

Commissioner Gooch stated it might be the only way the applicant could construct a garage of this size on his lot and still meet code requirements.

Planning Commission Discussion

Commissioner Hark stated he felt the requested location for the garage was a convenience rather than a practical difficulty and that eight feet was too close, especially since there were alternative locations available.

Chair Bartholomew stated he did not support the request as it did not comply with the variance criteria. He stated he would almost consider it as a sideyard if it were not for the fact that it would entail making the same condition for every corner lot in the City.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales, to deny the request for a variance to allow an accessory building eight feet from the front property line whereas 30 feet is required, for the property located at 3988 – 78th Street, based on the fact that denial of the variance would not preclude the applicant from having reasonable use of the property, approval of the variance could set a precedent for setbacks on corner lots, and the lack of practical difficulties.

Motion carried (8/0). This item goes to the City Council on November 28, 2011.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 30, 2011 **CASE NO.:** 11-36V

HEARING DATE: December 6, 2011

APPLICANT AND PROPERTY OWNER: William Krech

REQUEST: A variance from the front yard setback requirements

LOCATION: 10195 Inver Grove Trail

COMP PLAN: LI, Light Industrial

ZONING: I-1, Limited Industry

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

BACKGROUND

Mr. Krech is conveying a portion of his land to the County to be used for the Mississippi River Regional Trail (MRRT). The northerly building on the property is currently setback 45 feet from the right-of-way of the railroad tracks on the north side of the property. Mr. Krech is conveying land along the railroad tracks and that will change the property line in relation to the building. The required front yard setback in the I-1 district is 40 feet. After land conveyance, the building would be setback 20 feet from the property line. Rather than having the building become a non-conforming structure, Mr. Krech is requesting a building setback variance so the structure could be added onto in the future.

The City and County have previously approved the alignment of the trail and the setback encroachment was known. Mr. Krech originally did not object to the setback non-conformity, but has now reconsidered and is requesting the variance. The County is in the process of constructing this particular portion of the MRRT Trail.

The City Council has just recently approved a code amendment to the Subdivision Code to allow the creation of the separate parcels so Mr. Krech can deed the property to the County.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Variance** to allow a building 20 feet from the front property line whereas 40 feet is required.

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

North - Railroad Tracks

East - Residential, zoned A; guided Rural Density Residential

West - Hwy 52/55

South - Industrial building, zoned I-1; guided LI

EVALUATION OF REQUEST:

City Code Title 10, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The requested variance does not affect the harmony of the neighborhood. The setback variance would be along railroad right-of-way and not adjacent to another developable property and would not create any separation conflicts.

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

The property owner wishes to utilize the property in the same fashion as it currently is used. The action by the County to acquire land for the regional trail has resulted in reduced land between the building and property line. Allowing the setback variance puts the building in a conforming statutes, rather than non-conforming, which provides more opportunity for any future expansion of the building.

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

The setback variance request is a result of the county needing to acquire additional property for the regional trail. The circumstances that have created the need for the variance request were not created by the applicant.

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

Allowing the variance would not alter the character of the locality. The existing building would be considered conforming; allowing it greater flexibility for future expansions, yet any future expansion would still be required to meet current

setbacks. The reduction in physical land area has created the setback issue, not a request to place a new building within setbacks. There would be no outward impact to the neighborhood or any surrounding properties.

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

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

A. Approval If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request.

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial. A basis for the denial must be provided with a denial recommendation.

RECOMMENDATION

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. In this instance, the use of the property would not change, only the location of one structure to boundaries of the property. Due to actions by other governmental agencies and not by the landowner, the building would become non-conforming. Allowing the variance puts the building in a conforming status and future expansions would be allowed provided they meet the bulk standards of the current zoning of the property.

Staff recommends approval of the variance as presented.

Attachments: Exhibit A - Location Map
Exhibit B - Applicant Narrative
Exhibit C - Aerial Map
Exhibit D - Property Line Map

Variance Request

Applicant is conveying to the County of Dakota property for the MRRT regional transportation trail.

The MRRT trail will eventually connect South St. Paul to Spring Lake Park Reserve and Hastings.

Currently the Northerly building on the property is set back 40 feet from the property line and meets the required set back.

Conveyance of the trail to the County will cause the Northerly building on the property to encroach into the setback area and become a non-conforming structure. No changes are being made to the building at this time. The encroachment occurs because the conveyance to the County moves the property line closer to the building. After the conveyance, the building will be 20 feet from the property.

Applicant is requesting a variance on the setback requirement to allow the 20 feet set back, so that the building will not be non-conforming.

Hardship

The hardship in connection with the request was created by government action of Dakota County in locating the regional trail within the building setback area on Lot 1, Block 1, Total Construction Second Addition. Although the property owners ended up giving the property to the County, the County could have condemned the property for the trail, just as it condemned the property to the North of Total Construction, Second Addition.

Thus, the hardship was created by government action not the property owners who did not determine the trail location.

Sometimes it is said "no good deed goes unpunished."

However, in this case the property owners should not be punished for their "good deed" conveying title to the County thereby making the Northerly building a non-conforming structure. The variance should be approved because the landowners did not create the hardship.

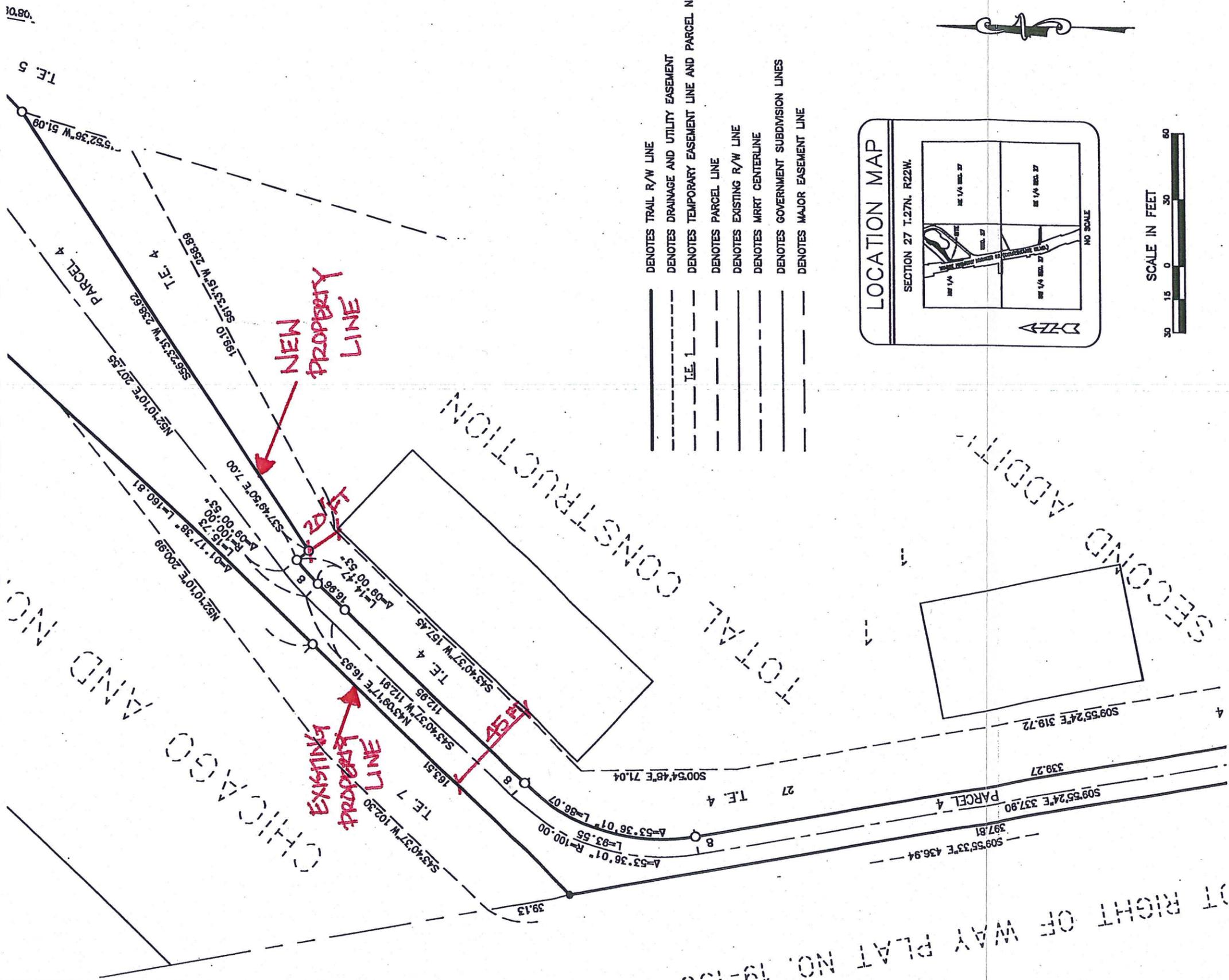


Aerial Map

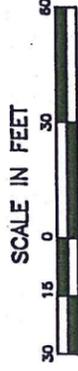
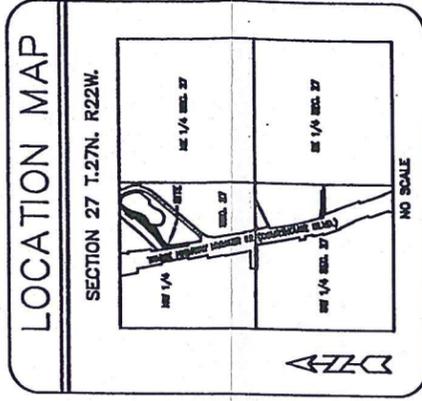
Case No. 11-36V



DAKOTA COUNTY RIGHT OF WAY MAP NO. 362
MISSISSIPPI RIVER REGIONAL TRAIL - CENTRAL SEGMENT
EXHIBIT FOR KRECH PROPERTY



- DENOTES TRAIL R/W LINE
- DENOTES DRAINAGE AND UTILITY EASEMENT
- - - - - DENOTES TEMPORARY EASEMENT LINE AND PARCEL NUMBER
- DENOTES PARCEL LINE
- DENOTES EXISTING R/W LINE
- DENOTES MRRT CENTERLINE
- DENOTES GOVERNMENT SUBDIVISION LINES
- DENOTES MAJOR EASEMENT LINE



CHICAGO AND NO. 100

TOTAL CONSTRUCTION

SECOND AND ADDITIONAL

RIGHT OF WAY PLAT NO. 19-100

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: December 1, 2011

CASE NO.: 11-35Z

HEARING DATE: December 6, 2011

APPLICANT & PROPERTY OWNER: D&T Property Inc.

REQUEST: Rezoning of Property from B-4, Shopping Center District to B-3, General Business District

LOCATION: 5280/5300 South Robert Trail (Salem Square Shopping Center)

COMP PLAN: Regional Commercial

ZONING: B-4, Shopping Center District

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The owners of the Salem Square Shopping Center are proposing to rezone the property from its current B-4, Shopping Center District to B-3, General Business District. The owner has found it difficult to lease space in the building because of the shorter list of allowed uses the B-4 district. Staff has discussed this issue with the owner on several occasions over the years and has suggested a rezoning to B-3 may be a better zoning district for the center. The B-3 district provides for a broader list of goods and service uses than the B-4 district. The owner has been working with Pawn America on leasing the old Home Value space in the building. Pawnshops are a permitted use in the B-3 district, but are not allowed in the B-4 district.

The center consists of two buildings on two parcels, the main building is approximately 47,000 square feet in size and the other is south of the main building approximately 4,000 square feet in size and its tenant is Park Dental. Both parcels are part of the rezoning request.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Rezoning** of the two parcels from B-4, Shopping Center District to B-3, General Business District.

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

North - Hwy 494

East - Salem Green Apartments, zoned R-3C; guided High Density Residential

West - Hwy 3 and Sunfish Lake

South - Retail strip center, zoned B-2; guided Neighborhood Commercial

EVALUATION OF REQUEST:

Comprehensive Plan

The site is currently guided Regional Commercial. The 2030 Comprehensive Plan identifies the Regional Commercial designation as follows:

“Regional commercial areas are lots or parcels containing large-scale retail sales and services along arterial roadways that serve the region. As the name implies, goods and services offered in such areas appeal to a wide range of consumers, many whom are willing to travel a significant distance to patronize various business establishments. Regional Commercial districts are intended for large “big box” users. These types of uses serve as anchors for other small to mid-sized commercial uses that benefit by the traffic generated by the anchors.”

The Comprehensive Plan also identifies 11 Regional Commercial Area Policies. Not all are pertinent to this particular application. The following listed policies are relevant to this particular application:

- “1. Provide regional commercial areas to supply goods and services that appeal to a broad base of customers.”
- “3. Encourage public and private improvements that create attractive environments for regional commercial developments.”
- “8. Carefully regulate uses that have the potential to create adverse secondary land use impacts such as adult uses, pawn shops, etc.”

The existing shopping center was approved in 1987 and constructed in 1988. The uses in the building have and do provide goods and services at a regional scale. Home Value was the main tenant and that space has been vacant since that company went out of business a few years ago.

The City currently has ordinances that address regulations for both adult uses and pawn shops. Both the B-3 and B-4 zoning districts would be considered consistent with the intent of the Regional Commercial land use designation. Policy # 8 is addressed whether the property is zoned B-4 or B-3.

REZONING

The purpose statement from the ordinance for the B-4 district states:

“The B-4 shopping center district is established for large scale retail sales and services that are integrated in a single facility or multiple buildings arrangement with integrated design and a coordinated physical plan.”

The purpose statement from the ordinance for the B-3 district states:

“The B-3 general business district is established for large scale retail sales and services serving the region.”

Bulk Standards: The following is a summary of the bulk standards for both districts.

BULK STANDARDS	B-4	B-3	Salem Square
Lot area	10 acres	None	6.07 acres
Lot width	None	100 feet	Over 100 feet
Front yard setback	60 feet	30 feet	30 feet
Side yard setback	60 feet	10 feet	30 feet
Rear yard setback	60 feet	30 feet	30 feet
Setbacks abutting E or R districts	100 feet	75 feet	140 feet
Height (maximum)	50 feet	35 feet	20 feet
Impervious surface (maximum)	85 percent	100 percent	Approximately 80%

When the shopping center was approved in 1987, there were variances granted for lot size and setbacks. The property was also rezoned at that time from B-3 to B-4 at that time.

Many of the bulk standards established for the B-4 district assume large scale massing of a building or buildings that would have been constructed at the same time with the same architecture. The standards set up for the B-4 district appear to contemplate an enclosed multi-story shopping mall such as Southdale, Rosedale, and Ridgedale. The additional height allowed in the B-4 would allow multiple stories, where the B-3 anticipates single story. The greater setbacks required also seem to indicate the need to be further away from property lines based on the mass of an enclosed mall. The minimum lot size requirement of 10 acres also seems to assume a large scale building.

Signage standards in the B-4 district also assume larger scale buildings by allowing up to a 240 square foot sign. Signs in the B-3 district are allowed up to 100 square feet. The aggregate total square footage allowed for each property is less in the B-4 than the B-3 with the assumption that the primary signage is for the shopping center name and not individual tenants because their

signage would be internal in the building and not on the exterior walls. The B-3 district allows more total signage than the B-4 in order to provide for more exterior signage for multi-tenant buildings.

Parking: The Parking Standards established in the B-4 district assume shopping centers from 400,000 square feet and up. The B-3 district assumes much smaller buildings (10,000 square feet and up). Staff has conducted a review of the existing parking to the requirements of the B-3 district and finds that a total of 243 parking spaces would be required for the entire property. The applicant has indicated that there would be some rearrangement of parking at the front of the building to make it more pedestrian friendly and that with some restriping, a total of 217 spaces can be provided. The applicant has submitted a plan which shows the location for an additional 29 spaces through proof of parking. These spaces could be added should the need ever arise. The owner has indicated that there is ample parking on site, even when Home Value was open and that parking has never been an issue. The mix of users in the space now are not high parking generators. Staff does not believe parking would be an issue with a change of zoning.

Uses: The owner has had difficulty over the years trying to lease space in the building because the number of permitted and conditional uses in the B-4 are more restrictive in terms of number than the B-3. The applicant has provided a table of the uses comparing the B-3 to the B-4 and the number of allowed uses permitted in one but not the other. The list also indicates the inquiries made over the last three years by potential users looking to lease space in the building. All but one of the inquiries provided would be allowed in the B-3 district but not the B-4 district. The type of uses that are allowed in the B-3, but not B-4 also look like most would not be compatible in an enclosed mall. They certainly function well in a standard multi-tenant building typically found in the B-3 district. The building is designed so that all the spaces would have their own entrance. It is not designed to have a shared common enclosed space with all store fronts facing the common space.

The Salem Square center, dental building and the total property do not fit the design of the B-4 district. That seems clear when the original approval required variances because the lot was less than 10 acres and it was designed with lesser setbacks. There are multiple other multi-tenant buildings in the city on B-3 zoned property. This is a modest sized single story building that fits the same mold as other multi-tenant or strip center commercial buildings.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

A. **Approval** If the Planning Commission finds the rezoning request to be acceptable, the Commission should recommend approval of the request.

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial. A basis for the denial must be provided with a denial recommendation.

RECOMMENDATION

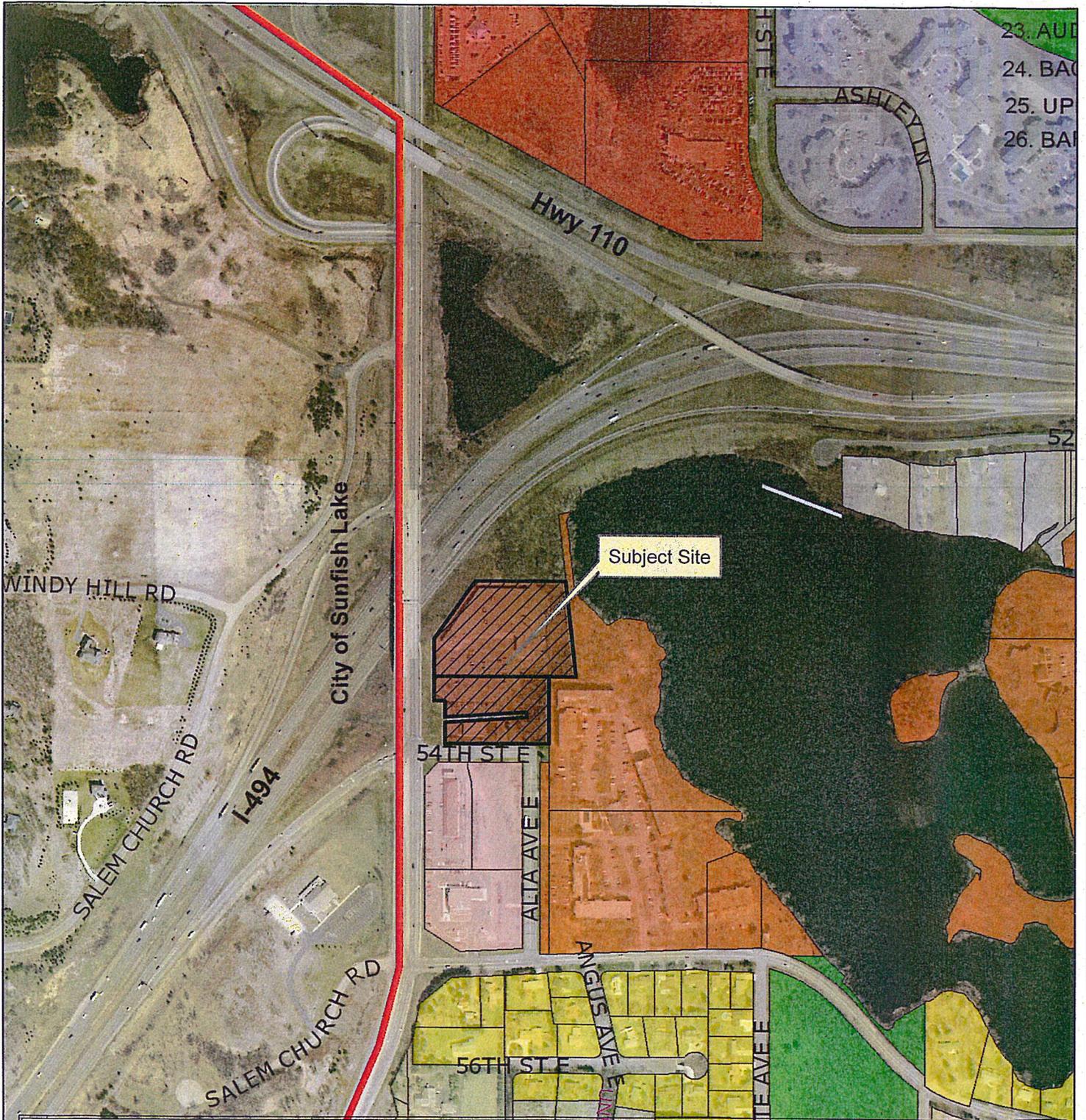
Staff has had numerous conversations with the owner of the property over the years and has suggested the property be rezoned to B-3 to allow for a wider range of uses and also because staff believes the site is designed and functions as a B-3 type commercial property and not an enclosed mall or very large multi-building commercial development. Based on the definition of the two zoning districts and the intent of the Regional Commercial District, the rezoning to B-3 would still be consistent with the Regional Commercial land use designation. Staff recommends approval of the rezoning request.

Attachments: Exhibit A - Location Map
Exhibit B - Applicant Narrative (2 parts)
Exhibit C - Land Use Table for the B-3 and B-4 districts
Exhibit D - Comparison of B-3 and B-4 Uses
Exhibit E - Letter of Support from Progress Plus



Location Map

Case No. 11-35Z



23. AU
24. BA
25. UP
26. BA

52

Subject Site

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

D&T Property, Inc.
2227 Platwood Road
Minnetonka, MN 55305-2301

October 14, 2011

City of Inver Grove Heights
Attn: Allan Hunting, City Planner
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: 5300 South Robert Trail, Inver Grove Heights, MN—Planning Application

Dear Mr. Hunting:

On behalf of D&T Property, Inc. (the "Owner/Applicant"), I am respectfully requesting that the City of Inver Grove Heights (the "City") rezone the property located at 5300 South Robert Trail, Inver Grove Heights (the "Property"), from B-4 "Shopping Center District" to B-3 "General Business District" to more accurately reflect the current use of the Property and to increase the potential uses of the Property in the future. Towards that end, enclosed please find the following items:

- A completed Planning Application to rezone the Property, including a legal description of the Property.
- Thirteen (13) folded full size copies plus one set of 11x17 reductions of a site plan of the Property.
- An Abstractor's Certificate with a list of the names and addresses of the property owners within 350 feet of the Property.
- A check in the amount of \$550, payable to the City.

The Property is commonly known as "Salem Square" and consists of a primary retail center of approximately 51,684 square feet and a separate outlot building of approximately 5,350 square feet occupied by Park Dental. The existing tenants of the Property including the Building Trades Federal Credit Union, D&A Talent Agency, Fred Astaire Dance Studio, Salem Spirits, River Heights Clinic of Chiropractic and Comcast.

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

North. North of the Property are the U.S. Interstate Highway 494 and the Minnesota Highway 110 rights-of-way. Across these rights-of-way are auto dealerships and a Best Buy retail store location. The majority of these parcels appear to be located within the B-3, General Business zoning classification, and guided RC "Regional Commercial" under the City's Comprehensive Plan.

South. South of the Property is the 54th Street right-of-way. South of the 54th Street right-of-way is a gas station and retail strip-mall, that appear to be zoned B-2, Neighborhood Business, and guided NC "Neighborhood Commercial under the City's Comprehensive Plan.

Southeast. Southeast of the Property is a multifamily rental complex, commonly known as the Salem Green Apartments. This parcel appears to be zoned R-3C, multi-family residential, and guided HDR "High Density Residential" under the City's Comprehensive Plan.

East. Immediately East of the Property Schmitt Lake.

West. Immediately West of the Property are the U.S. Interstate Highway 494, the South Robert Trail and the Salem Church Road rights-of-way. West of these rights-of-way is the City of Sunfish Lake.

Comprehensive Plan and Zoning Code Consistency. According to Figure 2.2 of the 2030 Comprehensive Plan, the Property is guided RC, Regional Commercial. The 2030 Comprehensive Plan identifies the Regional Commercial designation as the following:

Regional commercial areas are lots or parcels containing large-scale retail sales and services along arterial roadways that serve the region. As the name implies, goods and services offered in such areas appeal to a wide range of consumers, many whom are willing to travel a significant distance to patronize various business establishments. Regional Commercial districts are intended for large "big box" users. These types of uses serve as anchors for other small to mid-sized commercial uses that benefit by the traffic generated by the anchors.

The subject Property caters to such consumers. The existing tenant mix supports regional retail sales and services that are contemplated for the B-3 general business district zoning district as set forth in Section 10-10C-1 of the Zoning Code. In contrast, the Property is not a full scale "shopping center" as contemplated in Section 10-10D-1 of the Zoning Code, akin to Southdale, Ridgedale or another such shopping center. The present use of the Property, along with the current tenant mix, are more appropriate for in the B-3 "General Business District" than the B-4 "Shopping Center District".

Moreover, as set forth in Table 10-6-2 of the Zoning Code, there are more allowable uses within the B-3 "General Business District" that could support the future tenant mix of the Property. For example, uses such as business and trade schools, churches, greenhouses, pawnshops, recreation centers and veterinary clinics, would be allowable in the B-3 "General Business District" that are not currently permitted in the B-4 "Shopping Center District".

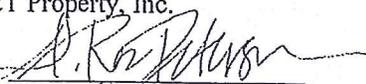
The Comprehensive Plan supports these types of additional uses Regional Commercial Areas Policy No. 1, which provides that "regional commercial areas [are] to supply goods and services that appeal to a broad base of customers." By rezoning the Property from B-4 "Shopping Center District" to B-3 "General Business District" the City will be support Policy No. 1 by appealing to wider range of goods and services to a broader base of potential customers.

Finally, by supporting a rezoning of the subject Property from B-4 "Shopping Center District" to B-3 "General Business District", the City will help facilitate increased occupancy at the Property, which in turn, will lead to an expanded tax base, increased employment opportunities and will provide a greater diversity of goods and services for the residents.

For the foregoing reasons, the Owner/Applicant respectfully requests that the City rezone the Property from B-4 "Shopping Center District" to B-3 "General Business District".

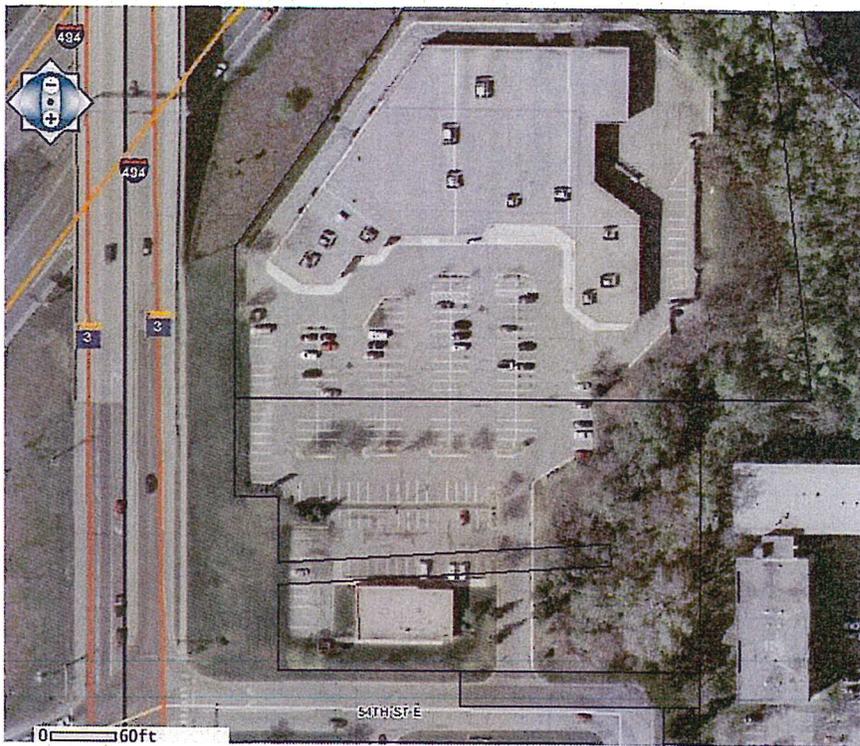
Sincerely,

D&T Property, Inc.

By: 

Name: D. Roe Peterson

Its: Executive Vice President



Large natural buffer, a heavily wooded ravine on shopping center land between apartments and shopping center

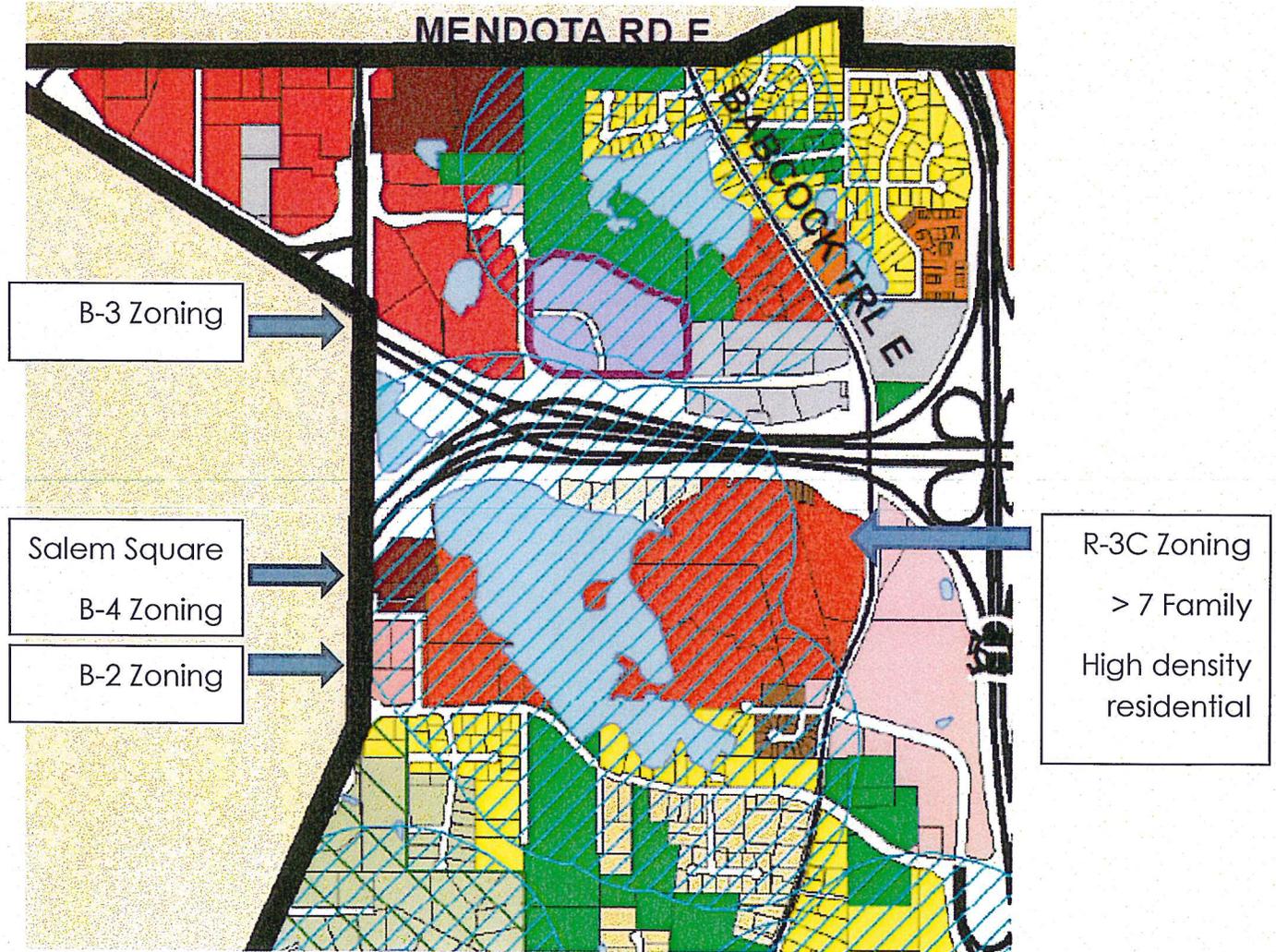
History of Salem Square

Salem Square Shopping Center's 47,685 square foot main building was built for Home Valu in 1987. The out lot parcel was developed in 1990 with a 4,000 square foot building where Park Dental is located for a total of 51,685 square feet situated on 6.07 acres. D & T Property, Inc. acquired the property as an investor in 1997. Home Valu remained a tenant they declared bankruptcy in January 2008. They occupied 30,000 square feet and the space has remained vacant since that time. The property has been marketed to several retail entities locally and nationally. The majority of interested uses have not been allowed in B-4 zoning, but allowed in B-3 zoning. Home improvement is a permitted use in B-4 zoning and a conditional use in B-3 zoning. The other businesses, Comcast, River Heights Chiropractic, Laser Liquor, Fred Astaire Dance, D & A Talent agency, Building Trades Federal Credit Union and Park Dental are all allowed uses in either B-4 or B-3 zoning.

Salem Square Shopping Center

5280 - 5350 South Robert Street

Dakota County PID's: 02-03210-32-010 & 02-03210-020-33



Salem Square has two tax parcels and is currently zoned B-4, Shopping Center District and Regional Shopping Center in the 2030 Comprehensive Plan. Salem Square is adjacent to Interstate 494, Robert Trail (Hwy 3), Schmitt Lake, apartments in R-3C, greater than 7 Family zoning and small strip center in B-2, neighborhood business zoning. Between the apartments and the shopping center is a large ravine and heavily wooded area creating a natural barrier between the two properties. The property on the west side of Robert Trail is Sunfish Lake. Salem Square is visible to I-494 and Robert Trail but is rather isolated to the properties surrounding it due to roadways and natural buffers.

Permitted Use Zoning Differences

C = conditional A = accessory use

B-3 allowed, but not in B-4

B-4 allowed, but not in B-3

Adult uses - C

Automobile Service - A

Automobile Body Shop - A

*Medical facilities - C

Auto Repair-major - A

Outdoor Sales - A

Automobile Service Center - C

Research and development - C

Automobile and off-Hwy vehicle sales - C

*Business Trade School - C

*Church - C

Commercial Greenhouse

*Commercial Kennels - C

*Convention Center - C

Electrical, heating, plumbing and
appliance repair - C

Mini-Storage - C

*Night Club - C 100' from residential

*Open Sales Lot - C

*Pawnshop, licensed

Printing & publishing < 14K SF

Private lodges and clubs - C

*Recreation Centers - C

Stone and Monument sales - C

Veterinary clinic-small animal - C

Wholesale office and showroom

* indicates inquiries from business users over the past three years

PROGRESS PLUS

An Economic Development Partnership Since 1989

October 28, 2011

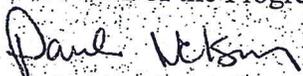
Dear Inver Grove Heights City Councilmembers,

Cerron Properties controls and manages the property, better known as Salem Square Shopping Center, located at 5300 S. Robert Trail. This has struggled significantly since the departure of its anchor tenant, Home Value, several years ago including the long term vacancy of the anchor location and the frequent turnover of smaller tenants largely due to being negatively impacted by the lack of an anchor and the visitor and customer traffic usually generated by a shopping center of this size. Cerron Properties now has an opportunity to both enter a long-term lease with a successful and proven retail tenant, Pawn America, as well as create an opportunity to have significant reinvestment made into the center and its infrastructure.

Therefore, Progress Plus respectfully requests the support of the Inver Grove Heights City Council for the following:

- 1) Rezoning of the site from B4 to B3. As explained by City staff, this site should have been zoned B3 rather than B4 since B4 is more intended to cover enclosed malls. Salem Square is not an enclosed mall and all of its store fronts face the parking area. Cerron Properties has submitted an application to the City of Inver Grove Heights for this zoning change.
- 2) Change and updating the city's ordinance pertaining to pawn and second hand goods retailers. The existing ordinance was largely implemented in 1974 and a number of provisions in it need to be brought up to current times and to make it feasible for Pawn America to operate a successful store at this location. These changes would not be unique to Inver Grove Heights and represent what is in ordinances in other communities. These changes include:
 - a. Removal of the prohibition of operating on Sundays.
 - b. Removal of the requirement to pay customers only by check.
 - c. Removal of the distance requirement from residential property.
 - d. Updating the reporting requirements to allow for electronic reporting to law enforcement rather.
- 3) Support of Pawn America's upcoming application for a pawn license in the City of Inver Grove Heights.
- 4) Support of the infrastructure improvements that would result from Cerron Properties being able to engage in a long-term lease with Pawn America that would include significant reinvestment by the two parties in the building, the façade, signage and sight lines and parking.

On behalf of the Progress Plus Board of Directors,



Paul Nelson

Shaw Lundquist

Progress Plus Chairman, 2011

CC: Tom Link, Joe Lynch, Brad Rixmann