

ITEM #:	28
DATE:	09-09-25
DEPT:	P&H

### **COUNCIL ACTION FORM**

**SUBJECT:**            **REQUEST FROM DANFOSS TO WAIVE SIDEWALK INSTALLATION  
REQUIREMENT AT 2800 E. 13TH STREET**

**BACKGROUND:**

Danfoss, at 2800 E. 13th Street, is in the process of seeking permits to construct a new, freestanding daycare building on the same property as the existing manufacturing facility. An earlier iteration of the daycare project on the neighboring 3M property (to the west) has not materialized. Danfoss is now intending to build the free-standing daycare building without 3M. In order to receive state funding, the project must be completed by the end of March 2026.

**The new construction triggers the requirement for a sidewalk/shared use path along E. 13th Street** (Sec. 5.118 - INFRASTRUCTURE TO BE INSTALLED). Chapter 22, Streets and Sidewalks, in Sec. 22.31(1), also requires necessary infrastructure prior to issuance of a building permit.

**Danfoss has requested a waiver of the requirement to install a sidewalk or shared use path along the south side of E. 13th Street in front of the Danfoss property. The waiver request specifically pertains to the requirement to install the sidewalk/shared use path in conjunction with the construction of the daycare. The request is not to waive the requirement in perpetuity.**

The frontage along E. 13th does not have a sidewalk, nor does property to the west. To the east of the Danfoss property is the ramp for entering the southbound lanes of Interstate 35. The nearest sidewalk/shared use path is on the east side of Dayton Avenue, approximately 1,270 feet to the west of the Danfoss parcel. See Attachment A for maps and aerials.

If the sidewalk requirement were imposed, Danfoss would need to install approximately 1,000 feet of sidewalk along E. 13th Street, excluding the vehicular entrance to the property. Approximately 65 feet is to the west of the driveway entrance. The remainder is to the east and ends in the highway entrance ramp.

Chapter 22 of *Municipal Code* also grants Council the ability to grant a waiver to sidewalk requirements for "previously developed properties abutting atypical right-of-way widths and improvements". Sec. 22.31(6)(c) gives City Council the authority to approve additional infrastructure waivers or deferral agreements, with or without financial security, for properties within the Intensive Industrial Zoning District and for previously developed properties abutting atypical right-of-way widths and improvements, such as high voltage transmission lines and on-street parking, that may preclude the construction of a sidewalk or shared use path as required by ordinance.

**Installing a sidewalk or shared use path at this time would not connect to a larger sidewalk network. It is unknown when the City would extend the sidewalk or shared use path from the intersection of E. 13th Street and Dayton Avenue. To the east of I-35 is**

mostly undeveloped land, though several warehouse/industrial projects are planned.

This request is only for a waiver of the requirement with the daycare project - not a permanent waiver for the property. Any subsequent development would be required to install the infrastructure as mandated in the *Municipal Code*. Constructing the sidewalk, particularly in winter, could also create difficulties as Danfoss moves quickly to build the daycare before the deadline at the end of March 2026.

**ALTERNATIVES:**

1. Approve the request to waive the requirement to install a sidewalk or shared use path in conjunction with a new daycare building along the south side of E. 13th Street in front of the Danfoss property.
2. Deny the request for a waiver of the sidewalk or shared use path requirement.
3. Defer the decision to a future meeting and request additional information from staff.

**CITY MANAGER'S RECOMMENDED ACTION:**

The applicant's request is to waive the requirement to install a sidewalk or shared use path along E. 13th Street in conjunction with the new daycare project on the Danfoss property.

The Code allows for waivers for "previously developed properties abutting atypical right-of-way widths and improvements." **Staff believes that the abutting interstate entrance ramp and the undeveloped land to the east is an atypical condition that will mean installing a sidewalk or shared use path will lead to a location not intended for pedestrians or bicyclists.**

**Public Works staff has noted that the right-of-way in this area is in need of modifications to comprehensively address connectivity, traffic control, utilities, and drainage, and installing a sidewalk or shared-use path at this time is likely to result in the need to remove and relocate it in the next few years.**

Therefore, it is the City Manager's recommendation that the Council adopt Alternative #1, as described above.

**ATTACHMENT(S):**

[Attachment A.pdf](#)