INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

Tuesday, November 7, 2017 – 8:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR OCTOBER 3 & 17, 2017

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 DAWN WAY LANDFILL - CASE NO. 17-35NCUC

Consider **TABLING** a Non-Conforming Uses Certificate Amendment to allow for a 15-year time extension for the demolition landfill located at 5965 Dawn Way.

Planning Commission Action _____

3.02 ALAN & LLONI BEBEL – CASE NO. 17-54S

Consider a **Preliminary and Final Plat** for a two-lot subdivision for the property located at 8843 Alverno Avenue (PID No. 20-44980-01-010).

Planning Commission Action _____

3.03 DIANE KNUCKEY – CASE NO. 17-55V

Consider a **Variance** from the front yard parking regulations for the property located at 6399 Cahill Avenue.

Planning Commission Action _____

3.04 KEVIN KNEISL – CASE NO. 17-52V

Consider a **Variance** to all a second detached accessory building whereas one is allowed on the property located at 1847 Upper 55th Street.

Planning Commission Action _____

3.05 LENNAR CORPORATION – CASE NO. 17-50VAC

Consider a **Vacation** of the existing drainage and utility easements on the property located at Lots 2 & 3, Block 1 Windwood Addition.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 3, 2017 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tony Scales
Armando Lissarrague
Dennis Wippermann
Jonathan Weber
Joan Robertson
Elizabeth Niemioja
Pat Simon
Annette Maggi

Commissioners Absent:

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

DRAFT

HAMPTON COMPANIES – CASE NO. 17-42PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning from R-1CPUD, a preliminary plat and preliminary PUD development plan for a 68-unit single-family villa development and a 32-unit assisted living facility, and a conditional use permit for a multiple-family development, for the property located along 80th Street, east of South Robert, and west of Babcock Trail. 5 notices were mailed.

Chair Maggi advised that staff recommends this item be tabled.

Opening of Public Hearing

There was no public testimony.

Motion by Commissioner Scales, second by Commissioner Wippermann, to table the request until further notice for a rezoning from R-1CPUD, a preliminary plat and preliminary PUD development plan for a 68-unit single-family villa development and a 32-unit assisted living facility, and a conditional use permit for a multiple-family development, for the property located along 80th Street, east of South Robert, and west of Babcock Trail.

Motion carried (7/0).

WIDSETH SMITH NOLTING (RIVER HEIGHTS VINEYARD CHURCH) - CASE NO. 17-41PR (tabled from September 19, 2017)

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that River Heights Vineyard Church is requesting a major site plan review to allow construction of a 10,263 square foot addition to the existing church at 6070 Cahill Avenue. The proposed addition would contain the new sanctuary and the existing building would be converted to a cafeteria and dining hall. The applicant is in the process of expanding their parking lot in anticipation of the new addition. Any new lighting must comply with the City's lighting standards. All rooftop and ground-

mounted mechanical equipment must be screened from view of the public. 21 new overstory trees, or their equivalent, are to be planted on site. Engineering has determined that the submitted plans will comply with stormwater standards and will not impact stormwater downstream in the Carleda Way neighborhood. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Robertson questioned whether there would be sufficient lighting in front of the new structure.

Mr. Hunting stated that the applicant could best address that question. He noted that there were no performance standards requiring lighting, just standards that must be met should lighting be proposed.

Commissioner Wippermann asked if the recently expanded parking area would eventually be blacktopped.

Mr. Hunting replied in the affirmative, stating they were in the process of getting that completed.

Opening of Public Hearing
Peter Benedict, Pastor of River Heights Vineyard Church, 9019 Coffman Circle, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Benedict replied in the affirmative.

Commissioner Simon asked the applicant to identify a specific area shown on the site plan.

Mr. Benedict replied it indicated new paving.

Commissioner Wippermann asked if the exterior materials would be similar to those of the existing building.

Mr. Benedict replied in the affirmative.

Commissioner Robertson asked the applicant to address the proposed lighting.

Mr. Benedict replied that they planned on maintaining the same level of lighting as currently exists for safety reasons.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request for a major site plan review to construct a building addition on the property located at 6070 Cahill Avenue, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on October 23, 2017.

DRAFT

WASATCH STORAGE – CASE NO. 17-46C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow a mini-storage facility with outdoor storage, and any variances related thereto, for the property located along 50th Street, east of Highway 52, and north of I-494. 160 notices were mailed.

Chair Maggi noted that a variance from the minimum landscaping requirements was also being requested.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit (CUP) to allow a ministorage facility with outdoor storage and a variance from the minimum landscaping requirements. The property is zoned B-3, General Business. The applicant is proposing two storage buildings; the northerly would be 11,600 square feet in size and the southerly would be a two-story 88,000 gross square foot building. The property is 4.48 acres in size and is currently four separate tax parcels. A condition of approval is that they combine the four tax parcels into one, which can be done at an administrative level. The property also has two billboard easements. Proposed parking for the site consists of five customer/employee parking stalls. The zoning code does not have any requirements for a minimum number of parking spaces. Staff is comfortable with the proposed parking. The zoning code requires the equivalent of 100 trees to be planted. The submitted landscape plan shows the equivalent of 70 trees. The applicant is asking for a variance from the minimum landscaping requirements. They are not able to install landscaping in the sign easement areas, there is challenging topography along the westerly border, and there are two infiltration basins on the site which limit the location of plantings. They are proposing shrubs along the southern property line. Staff recommends replacing the proposed shrubs with 20 ornamental trees to soften the view of the 400-foot long building from I-494. This would result in the equivalent of 80 trees rather than the 70 proposed by the applicant. Staff supports the conditional use permit to allow a mini-storage facility with outdoor storage. Staff recommends denial of the variance with the landscaping plan as submitted, but would be in support of the variance with the replacement of the shrubs along the south property line with 20 ornamental trees. Commissioners were given a copy of an email from a neighbor opposed to the request. A neighbor is also here tonight who is not in support of the request.

Chair Maggi asked how wide the southerly planting area was.

Ms. Botten replied 10 feet.

Commissioner Simon asked if there were any restrictions on the outdoor storage, such as no for sale signs, recreational vehicles only, etc.

Ms. Botten replied there were not, but the Planning Commission could add some if desired.

Opening of Public Hearing

Scott Wykoff, Wasatch Storage Partners, 3041 East Tolcate Lane, Salt Lake City, Utah, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Wykoff replied in the affirmative. He advised that they have met with some of the neighbors and would try to address their concerns. He advised that because of the topography, the two-story

DRAFT

building would essentially be one-story high with drive-in access on the southern elevation and one-story with daylight windows along the northern elevation. He advised that their lease agreement included conditions for stored RV's (i.e. must be operable, maintained, etc.). Their facilities are operated by professional management companies, they have security systems in place (keypad access, closed circuit cameras, alarms, etc.), and keep their facilities clean. They plan to have the site well-lit for security; however, the light would not spill over the property line. The RV parking area will be located between the buildings where it cannot be seen from the road. The self-storage facility would have minimal traffic generation. From a branding standpoint it is important for them to have visibility along I-494; therefore, they would prefer to plant shrubs and bushes along that side rather than ornamental trees, as proposed by staff, which would cover up their signage and the billboards.

Commissioner Niemioja asked for clarification of the billboard easement restrictions.

Mr. Wykoff explained that they are not allowed to obstruct the view of the billboards.

Commissioner Niemioja asked if they were required to apply for a separate sign permit.

Mr. Wykoff replied in the affirmative.

Commissioner Wippermann asked what the operating hours would be.

Mr. Wykoff replied the office hours would be approximately 9 AM–6 PM, with gate hours being approximately 6 AM –10 PM.

David Mrozinski, 2390 - 50th Street, stated he was not opposed to the request, but noted that his home was also for sale so that whole area along the highway would be available for whatever the City felt would be best.

Shannon Bagan, 4936 Bisset Lane, stated she lived directly across the street from the subject property. She requested that the current proposed landscaping along 50th Street be replaced with evergreen trees to buffer her view of the future buildings.

Ms. Botten stated the applicant's proposal complies with code requirements to have at least 50% of the trees be deciduous or coniferous overstory trees. To require coniferous trees to be planted along the northerly property would be a condition of approval that the Planning Commission could add.

Ms. Bagan stated she built where she did because of the privacy; however, the trees that were previously on the subject property were since removed. Planting coniferous trees on the northerly property line would help maintain her privacy, and the applicant has indicated he would be amenable to her suggestion.

Commissioner Simon suggested they require that all trees along 50th Street be coniferous and that the applicant switch out coniferous trees proposed for other locations on the property with what was currently proposed along the north property line.

Commissioner Lissarrague asked if certain trees were required to be on the site in general; not necessarily in a specific location.

Ms. Botten replied in the affirmative.

Timothy Galarnyk, 2498 – 49th Street East, stated he had an end unit and would have a clear view

DRAFT

of the proposed buildings, he questioned how many storage units were proposed, and noted that last year someone removed all the trees from the subject property.

Commissioner Niemioja advised Mr. Galarynk that the trees were removed by the property owner at the time.

Commissioner Simon stated the tree removal was done in relation to a previous approval for a similar type of storage facility.

Mr. Galarnyk stated that in his opinion the proposed storage facility would generate a lot of traffic and therefore he would like a traffic study done, the project would likely exacerbate an existing neighborhood problem with vandalism, and he does not believe the proposed facility belongs in this residential area. When he bought his home in 2005 he was told that this area was going to be rezoned to residential.

Commissioner Niemioja asked who told him the subject property would be rezoned to residential.

Mr. Galarnyk replied the builder and the City Engineer, and in his opinion it should be rezoned to residential.

Commissioner Lissarrague advised that the proposed facility was an allowed use in its zoning district if they complied with the guidelines.

Chair Maggi asked if the zoning district could be changed by the City.

Ms. Botten replied that would have to be initiated by the applicant/owner.

Chair Maggi advised it is difficult when commercially zoned property has been vacant for many years and people get used to the open green space; however, it is the property owners right to develop it within the rules of the zoning.

Ms. Botten advised that the property has been zoned commercial since at least 1995.

Commissioner Weber asked what the property to the west was zoned.

Ms. Botten replied Office Park.

Mr. Galarnyk stated they should not allow the variance for the trees as there were many places they could be planted on the property.

Ms. Botten clarified that it was the previous owner who clear-cut the property; not the applicant.

Mr. Galarnyk noted that the IGH Fire Department routinely used 50th Street for practice.

Commissioner Robertson stated that likely the Fire Department staff was aware of the request.

Mr. Galarnyk stated the storage facility would negatively affect his property value.

Chair Maggi asked Mr. Galarnyk what commercial use he would be comfortable with in that space.

Mr. Galarnyk replied office.

Chair Maggi stated that likely the traffic generation and building height of an office use would be

DRAFT

greater than with the proposed use.

Mr. Galarnyk disagreed, stating the traffic volumes were very low in the Blackberry Town Offices where he worked.

Mr. Mrozinski advised that he has been dealing with the commercial realtor who stated there is interest in putting high rise apartments in this area. He also advised that the Fire Department is aware they no longer will be able to practice on 50th Street.

Commissioner Lissarrague asked Mr. Mrozinski if he was for or against the request.

Mr. Mrozinski replied he was not against the request as long as he got a good price for his property.

Mr. Wykoff advised there would be approximately 750-880 storage units.

Commissioner Niemioja asked what type of shrubs were being proposed along the southern property line.

Vickie VanDell, Loucks Associates, replied spirea, dogwoods, and sumac.

Commissioner Niemioja asked the applicant if they would be willing to install 8' x 10' shrubs on the south side versus 3' shrubs or ornamental trees.

Mr. Wykoff replied that anything that would maintain visibility along I-494 would be helpful. He noted there were also existing trees on the site that would remain.

Commissioner Niemioja asked the applicant if they would be willing to plant more coniferous trees along 50th Street.

Mr. Wykoff replied if they could plant lower growing vegetation on the south side they would be willing to plant additional coniferous trees along 50th Street as a buffer.

Commissioner Robertson stated she was comfortable with allowing shrubbery along the freeway side, for visibility and security reasons, and then adding coniferous trees to the northern property line.

Commissioner Niemioja asked Commissioner Robertson if she would be in favor of adding 10 additional trees, as proposed by staff.

Commissioner Robertson stated if the applicant was willing to add good-sized coniferous trees to the northern property line to meet the needs of the neighbors she did not believe additional trees were necessary.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Scales advised that approximately 20 years ago the City re-landscaped Cahill by planting ornamental trees. Those trees have since been removed because they eventually covered up the business signage. Because of that, he would prefer to leave shrubs on the southern property line and not require additional trees in that area.

Commissioner Weber suggested that Condition 2 be modified to require that shrubbery be

DRAFT

provided on the south property line and additional coniferous trees be planted on the northern property line.

Chair Maggi was uncomfortable with the idea of the Planning Commission dictating the type of trees a developer can plant.

Commissioner Weber responded that he felt it was within the Planning Commission's purview as they were addressing a request by staff to modify one of the conditions by adding ornamental trees on the south property line.

Commissioner Robertson agreed, stating both the applicant and the abutting neighbor were amenable to adding coniferous trees along 50th Street.

Commissioner Niemioja stated in her opinion it was fair for the Planning Commission to have a say over the aesthetics of the proposed landscaping.

Planning Commission Recommendation
Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for a conditional use permit to allow a mini-storage facility with outdoor storage, with the conditions listed, and a variance from the minimum landscaping requirements, with a change to Condition 2 to 1) strike the requirement for 20 ornamental trees to be planted along the south property line and 2) to require more coniferous trees along the north property line, for the property located along 50th Street, east of Highway 52, and north of I-494.

Commissioner Niemioja asked if the motioners would consider amending the motion to be more specific on the number of coniferous trees to be added.

After some discussion, the motioner and seconder agreed to amend the motion to require that 60% of the trees on the north property line be coniferous.

Commissioner Wippermann stated there was a clear practical difficulty for this variance request.

Motion carried (7/0 with one abstention - Maggi). This item goes to the City Council on October 23, 2017.

OTHER BUSINESS

REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN – PURCHASE OF PROPERTY FOR FIRE STATION

Mr. Hunting advised that the City is in negotiations with the Carlson family for the purchase of their property near the intersection of Courthouse Boulevard and Concord Boulevard for a future fire station. A portion of the site will eventually be sold for commercial development. By Statute the Planning Commission must review capital improvement projects for consistency with the comprehensive plan. The property is currently guided Regional Commercial and zoned General Business; however, fire stations are only allowed on property zoned and guided for Public/Institutional. Once the property is purchased City Council would then go through the process of changing the land use designation for the fire station to Public Institutional and bringing it into the MUSA boundary. The Planning Commission is to make a recommendation on consistency with comprehensive plan as it relates to the purchase of property for the future fire station.

Commissioner Niemioja did not have an issue with deviating from the current comprehensive plan

DRAFT

as there was a public safety need.

Commissioner Scales asked if there was a way he could find out what process the City used to determine the valuation of the property.

Mr. Hunting suggested he attend the October 9 City Council meeting where the purchase agreement would be discussed.

Commissioner Wippermann asked if there were two residences on the subject property.

Mr. Hunting replied there was only one residence but additional accessory buildings.

Commissioner Weber asked if City Council had already chosen the firm to draw up the fire station plans.

Mr. Hunting replied that Council approved a contract for a firm to design a fire station; one that could be located on this or any other parcel.

Motion by Commissioner Weber, second by Commissioner Niemioja, to recommend that the capital expenditure for the purchase of land for a future fire station was consistent with the comprehensive plan for the betterment of the City.

Motion carried (8/0). This item geos to the City Council on October 9, 2017.

Mr. Hunting reminded Commissioners that a joint meeting with the Housing Committee was scheduled for October 24 at 5:00 p.m. to discuss the comprehensive plan update.

The meeting was adjourned by unanimous vote at 8:09 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 17, 2017 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Commissioner Scales called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Tony Scales Armando Lissarrague Dennis Wippermann Jonathan Weber Joan Robertson Pat Simon
Commissioners Absent:	Annette Maggi (excused) Elizabeth Niemioja (excused)
Others Present:	Allan Hunting, City Planner Heather Botten, Associate Planner

APPROVAL OF MINUTES
The minutes from the September 19, 2017 Planning Commission meeting were approved as submitted.

FRANK RAUSCHNOT – CASE NO. 17-47CV

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a conditional use permit (CUP) to expand a non-conforming structure up to 30% of its gross floor area, and a variance to exceed a 30% expansion of a non-conforming structure, for the property located at 6751 Cahill Avenue. 67 notices were mailed.

Presentation of Request
Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a CUP and variance to add an attached garage/mudroom to the existing home. The property is .89 acres in size and zoned B-1, Limited Business. The house was built in 1957, prior to the City adopting the zoning code, which makes this property a legal non-conforming use in a commercial district. There is currently a detached garage on the property. The applicant is requesting a 952-square foot attached garage/mudroom addition. The zoning code allows for the expansion of a non-conforming use up to 30% with a CUP and then a variance to exceed that amount. City Council supported the Planning Commission's approval recommendation of a recent similar request on a neighboring property. They also stated that the zoning of this corridor should be reviewed during the comprehensive plan update process. The use of the property has historically been residential and it is proposed to continue to be a single-family residence. Staff recommends approval of the CUP and variance with the conditions and practical difficulty as listed in the report. Staff heard from 3 or 4 of the neighboring property owners, all with general questions. One stated concern was the outdoor storage currently on the property.

Commissioner Simon asked if the small building to the back of the lot had any bearing on this application.

Ms. Botten replied that it did not as structures less than 120 square feet in size would not be

DRAFT

counted as an accessory structure if it was zoned residential.

At Commissioner Robertson's request, Ms. Botten pointed out where the B-1 lots being used exclusively for residential were located versus those having a multi-use.

Opening of Public Hearing
Jim Rauschnot, 8602 Birch Court, advised he was available to answer any questions.

Commissioner Scales asked the applicant if he read and understood the report.

Mr. Rauschnot replied in the affirmative. He advised that most of the outdoor storage had already been eliminated, and the items being stored outdoors were one of the reasons they were requesting the attached garage.

Commissioner Scales closed the public hearing.

Planning Commission Discussion
Commissioner Wippermann stated the request was very similar to another application the Planning Commission recommended approval of a month ago and he saw no reason for them to vote differently on this one.

Planning Commission Recommendation
Motion by Commissioner Wippermann, second by Commissioner Weber, to approve the request for a conditional use permit (CUP) to expand a non-conforming structure up to 30% of its gross floor area, and a variance to exceed a 30% expansion of a non-conforming structure, for the property located at 6751 Cahill Avenue, with the conditions and practical difficulty as listed in the staff report.

Motion carried (6/0). This item goes to the City Council on October 23, 2017.

CALATLANTIC GROUP INC – CASE NO. 17-48PUD

No public hearing or neighbor notices were required.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request is for the final plat and final PUD for the preliminary plat that was known as Blackstone Highlands. The project will be called Blackstone Vista 3rd Addition and consists of 40 single-family homes and three outlots. The final plat was reviewed against the preliminary plat conditions of approval, and it was found to be consistent. The only change was related to the relocation of a portion of the trail alignment. Staff recommends approval of the request.

Commissioner Wippermann asked for clarification regarding the minimum separation between houses.

Mr. Hunting advised there would be a 15-foot minimum separation between houses.

Tracey Rust, CalAtlantic Group, 7599 Anagram Drive, advised she was available to answer any questions.

Motion by Commissioner Robertson, second by Commissioner Lissarrague, to approve the request for a final plat and final PUD development plan for Blackstone Vista 3rd Addition, for the property

DRAFT

located at 71st Street, south of 70th Street and east of Blackstone Vista, with the conditions listed in the report.

Motion carried (6/0). This item goes to the City Council on November 13, 2017.

OTHER BUSINESS

Mr. Hunting reminded Commissioners that a joint meeting with the Housing Committee was scheduled for October 24 at 5:00 p.m. to discuss the comprehensive plan update.

The meeting was adjourned by unanimous vote at 7:16 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

M E M O

CITY OF INVER GROVE HEIGHTS

TO: Inver Grove Heights Planning Commission

FROM: Allan Hunting, City Planner

DATE: November 3, 2017

SUBJECT: DAWNWAY LANDFILL CASE NO. 17-35NCUC

The above item will not be presented at the November 7 meeting. A notice was published in the paper and mailing was sent to residents. Staff also sent out an additional mailing indicating the item will not be on the November 7 meeting.

The Planning Commission should read the notice, open the public hearing and then table the item until November 21.

More information is being gathered on the application and so staff has not completed its review.

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: November 7, 2017 **CASE NO.:** 17-54S

APPLICANT & PROPERTY OWNER: Alan & Lloni Bebel

REQUEST: Preliminary and Final Plat request for a two-lot subdivision

LOCATION: 8843 Alverno Avenue (north of 8915 Alverno Ave)

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: E-1, Estate residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicants' property is 5.8 acres in size and zoned E-1, Estate Residential. It is the property owners desire to subdivide their property into two lots. Lot 1 would be 3.30 acres in size and Lot 2 would be 2.5 acres in size, meeting the minimum lot size requirements. The City approved a variance from the minimum lot width requirements for both lots this past August; Lot 1 would be 190 feet wide and Lot 2 would be 172 feet whereas 200 feet is the minimum lot width requirement.

The property currently has an existing accessory building with no principal structure. The owners are in the process of building a new home on Lot 1 for their primary residence and Lot 2 would be developed at a later date. The following specific application is being requested:

a.) A **Preliminary and Final Plat** for a two-lot subdivision to be known as Llonis 2nd Addition in the E-1 Zoning District;

EVALUATION OF THE REQUEST

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

North – Residential; zoned E-1, Estate Residential; guided RDR, Rural density residential
East - Open space; zoned PUD, Planned Unit Development; guided PO, Public open space
West - Residential; zoned PUD, Planned Unit Development; guided RDR, Rural density residential
South - Residential; zoned E-1, Estate Residential; guided RDR, Rural density residential

PLAT REVIEW

Zoning and Comprehensive Plan Consistency. The property is zoned E-1, estate residential which has a 2.5 acre minimum lot size requirement and it is guided RDR, Rural Density Residential. The proposed plat is consistent with the zoning and comprehensive plan designations.

Lots & Blocks.
The proposed plat consists of two lots, Lot 1 would be 3.30 acres in size and Lot 2 would be 2.5 acres in size, meeting the minimum lot size requirements. A variance was approved for the minimum lot widths of 190 feet for Lot 1 and 172 feet for Lot 2.

Park Dedication. Park dedication on this plat will be cash in lieu of land. If approved, prior to release of the final plat for filing with Dakota County, a cash fee of $2,850 per lot would be required ($5,700 total).

Infrastructure. This property is located outside of the MUSA boundary. The proposed lots would be on well and septic. Soil borings have been submitted and reviewed by the Inspections Department and have been found to be acceptable for a septic system.

Access. Access to the property would be off of Alverno Avenue. There is an existing access point on the property that is currently used to access the accessory buildings on the lot to the north, this access would also be used for the new home on Lot 1. Lot 2 is shown having its own access off Alverno Avenue.

Engineering. Engineering has reviewed the plans and has been working with the applicant on storm water and grading requirements. A custom grading agreement and storm water facilities maintenance agreement would be required to be executed between the City and the property owner prior to any issuance of building permits. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer. 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.

ALTERNATIVES

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

A. **Approval.** If the Planning Commission finds the application to be acceptable the following actions should be recommended for approval:

- Approval of the **Preliminary and Final Plat** for a two lot subdivision to be known as Llonis 2nd Addition subject to the following conditions:

  1. The final plat and development plans shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.

2. A park dedication fee equal to $2,850 per lot for Lot 1 and Lot 2 shall be paid to the City prior to release of the final plat ($5,700 total).

3. Drainage and utility easements shall be provided on the final plat as required by the City Engineering Department.

4. A Custom Grading Agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to issuance of a building permit for Lot 1 and Lot 2.

5. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

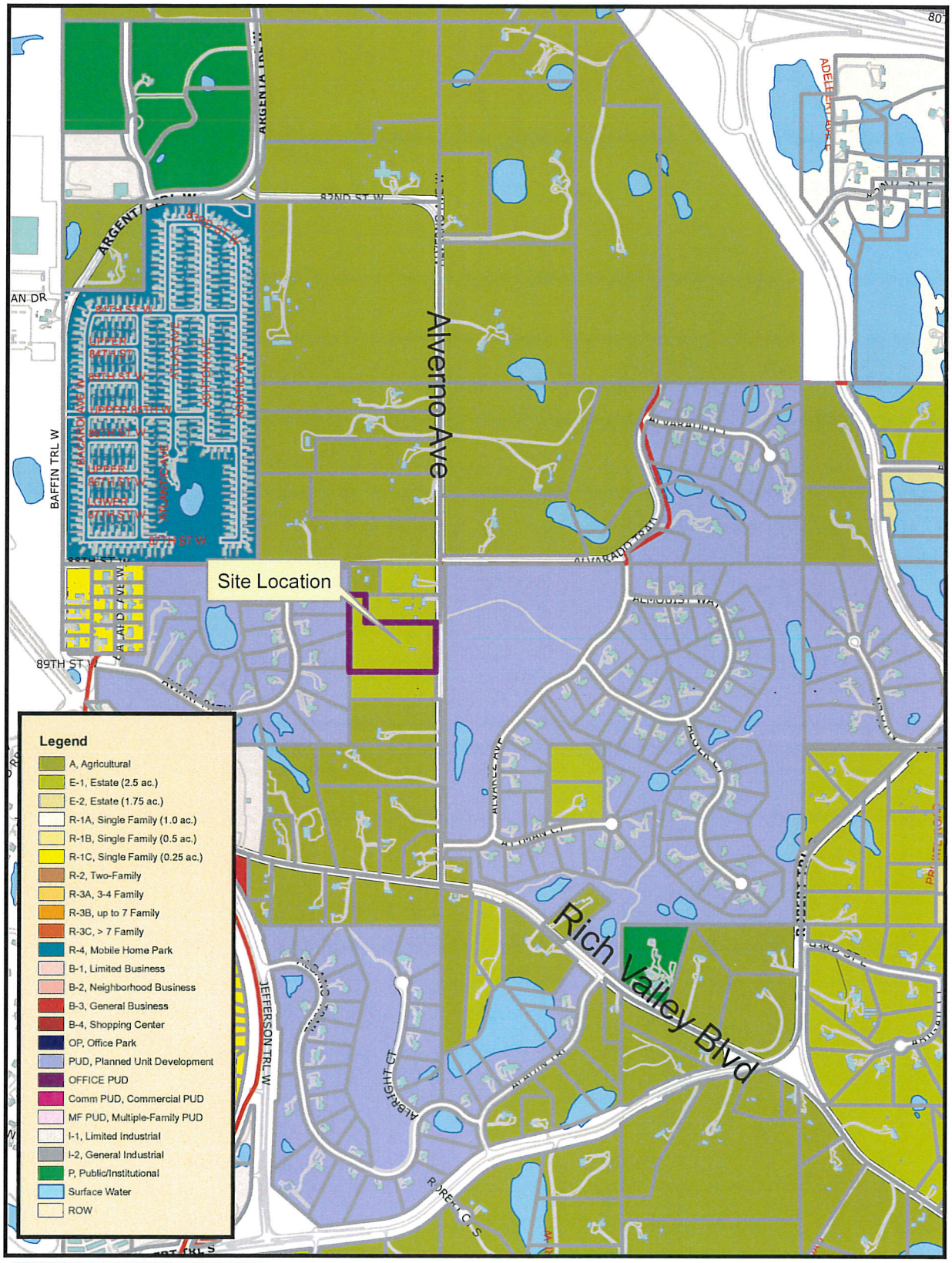
B. Denial If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the preliminary and final plat request for a two-lot subdivision.

Attachments: Exhibit A –Location/Zoning Map
Exhibit B- Plat
Exhibit C- Grading Plan

8843 Alverno Avenue
Case No. 17-54S



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED
Map produced by the City of Inver Grove Heights GIS Dept.
Copyright© City of Inver Grove Heights 2016

N
W E
S

Exhibit A
Zoning and Location Map
Map not to scale

LLONIS 2ND ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Alan and Llonis Bebel, husband and wife, owners, of the following described property:

Lot 1, Block 1, LLONIS ADDITION, according to the recorded plat thereof, Dakota County, Minnesota.

Have caused the same to be surveyed and platted as LLONIS 2ND ADDITION and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

IN WITNESS WHEREOF said Alan and Llonis Bebel, husband and wife, have hereunto set their hands this _____ day of _____, 20____.

By: _____ Alan Bebel

By: _____ Llonis Bebel

STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me on _____, 20____, by Alan and Llonis Bebel.

_____
_____
Notary Public, _____
My Commission Expires _____

SURVEYORS CERTIFICATE
I Peter J. Hawkinson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this _____ day of _____, 20____.

_____
Peter J. Hawkinson, Licensed Land Surveyor
Minnesota License Number 42299

STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me on _____, by Peter J. Hawkinson.

_____
_____
Notary Public, _____
My Commission Expires _____

CITY PLANNING COMMISSION
Approved by the Planning Commission of the City of Inver Grove Heights, Minnesota this _____ day of_____, 20____.

By: _____ Secretary

By: _____ Chair

CITY COUNCIL
This plat was approved by the City Council of Inver Grove Heights, Minnesota, this _____ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By: _____ Mayor

By: _____ Clerk

DAKOTA COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

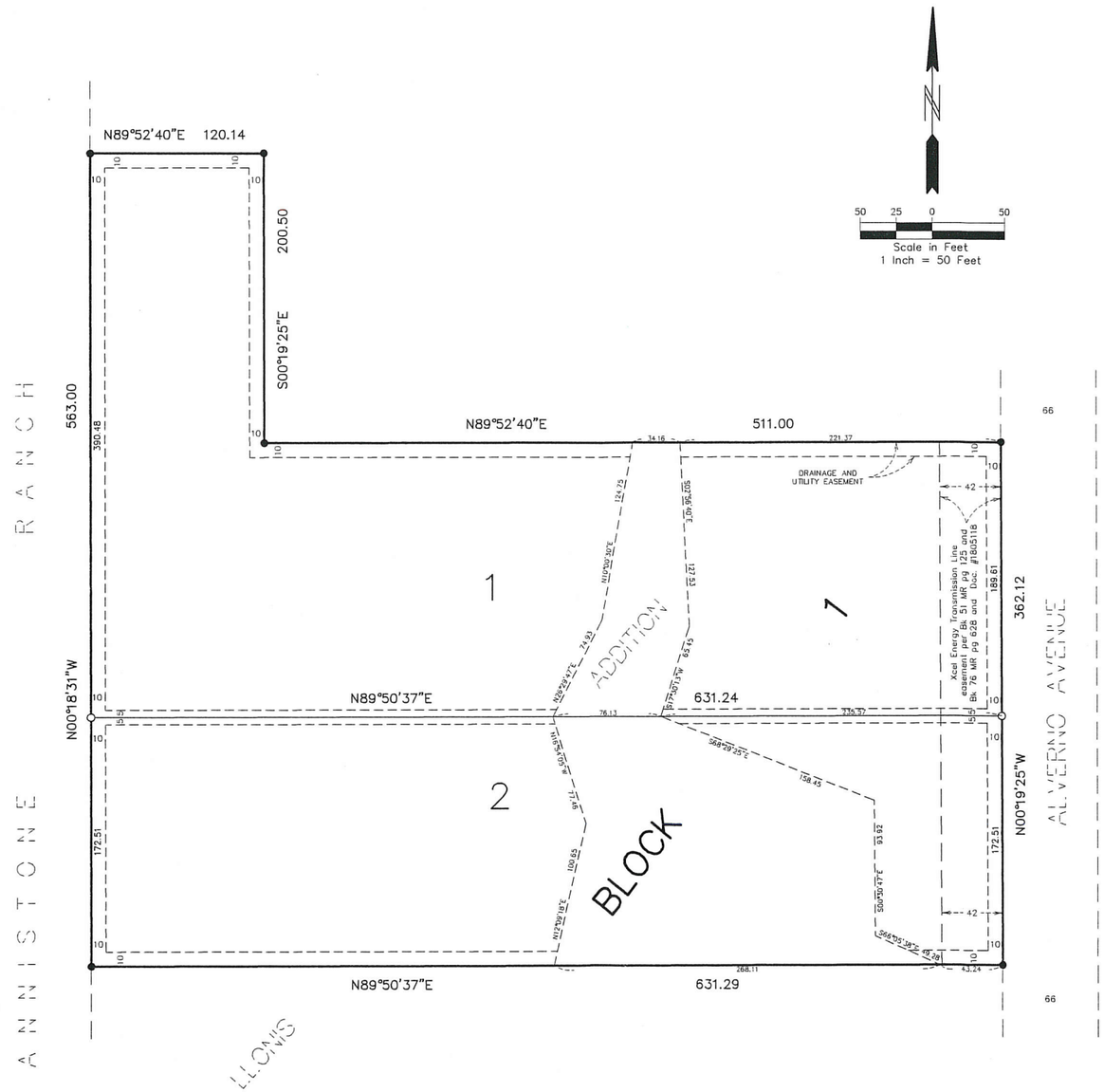
_____
Todd B. Tollefson
Dakota County Surveyor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

_____, Director
Department of Property Taxation and Records

COUNTY RECORDER, COUNTY OF DAKOTA, STATE OF MINNESOTA
I hereby certify that this plat of LLONIS 2ND ADDITION, was was filed in the office of the County Recorder for public record on this _____ day of _____, 20____, at _____ o'clock .M. and was duly filed in Book _____ of Plats, Page _____, as Document Number _____.

_____
County Recorder



SECTION 18, TWP. 27, RGE. 22
LOCATION MAP
NO SCALE

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF OUTLOT J, ARGENTA HILLS 8TH ADDITION, WHICH IS ASSUMED TO HAVE A BEARING OF NORTH 85°54'24" WEST.

- ◉ DENOTES FOUND CAST IRON MONUMENT
- ○ DENOTES SET 1/2 INCH BY 14 INCH IRON PIPE MONUMENT MARKED BY LICENSE NUMBER 42299, OR WILL BE SET IN ACCORDANCE WITH MS 505.021, SUBD. 10.
- ● DENOTES FOUND 1/2 INCH IRON MONUMENT.

'B'

PIONEER engineering, P.A.
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

TEMPORARY SEED SHALL BE DONE IN ACCORDANCE TO MNDOT 2575 & 3876; CONSISTING OF:

- MAY 1 – AUGUST 1: MINNESOTA STATE SEED MIXTURE 22–111 (OATS COVER CROP) @ 100.0 LBS. PER ACRE OR APPROVED EQUAL.
- AUGUST 1 – OCTOBER 1: MINNESOTA STATE SEED MIXTURE 22–111 (WINTER WHEAT COVER CROP) @ 100.0 LBS. PER ACRE OR APPROVED EQUAL.
- MULCH SHALL BE MNDOT 3882, TYPE 1 @ 2 TONS PER ACRE OR APPROVED EQUAL AND DISK ANCHORED IN PLACE OR APPROVED EQUAL, INSTALLED TO MINIMUM 90% COVERAGE OF THE SURFACE AREA DISTURBED.
- MNDOT 3881, TYPE 1 COMMERCIAL FERTILIZER, 10–10–20 @ 200 LBS. PER ACRE

PERMANENT TURF RESTORATION SHALL BE DONE IN ACCORDANCE WITH MNDOT 2575 & 3876 CONSISTING OF:

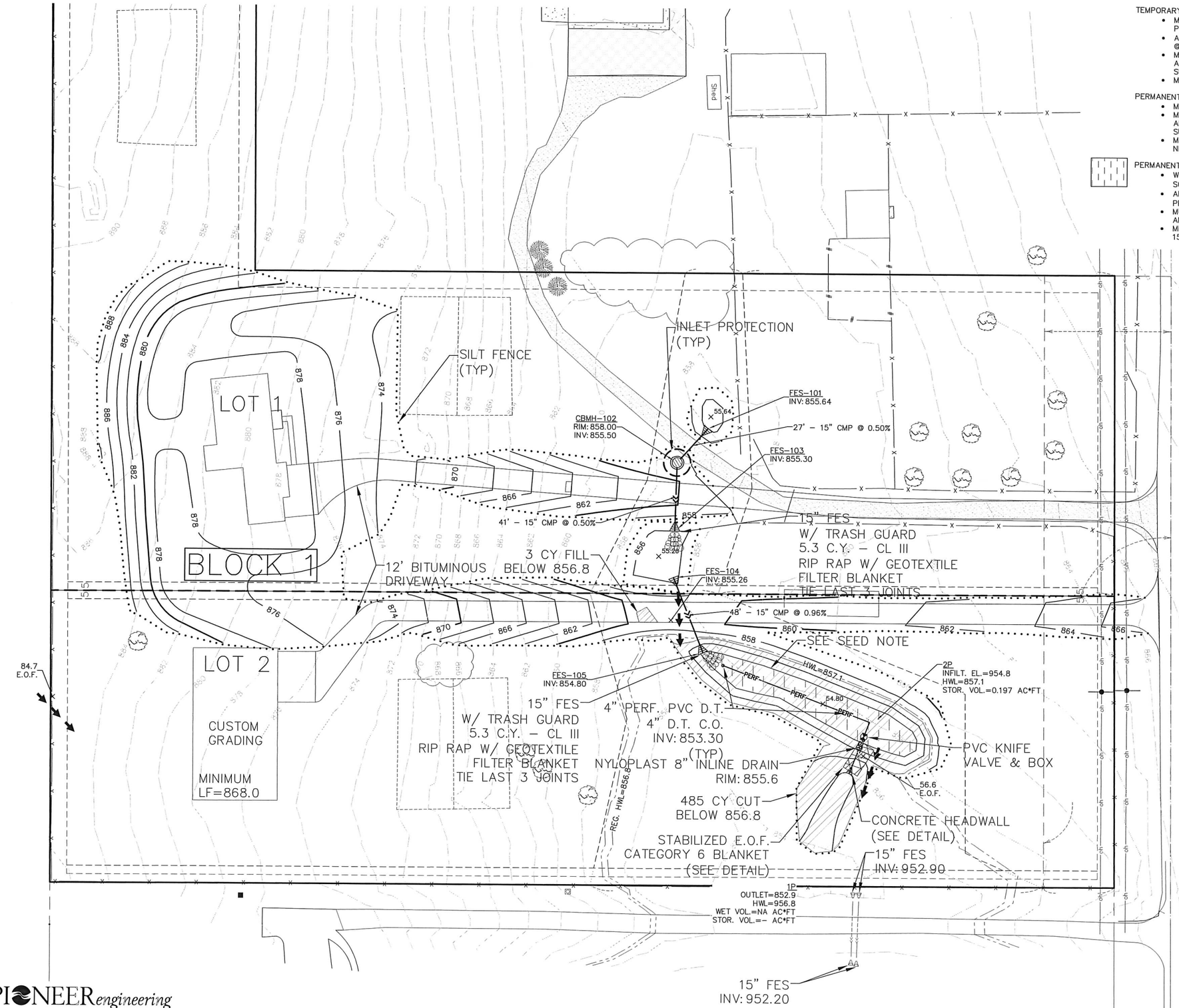
- MINNESOTA STATE SEED MIXTURE 25–141 (MESIC GENERAL ROADSIDE) AT 59 POUNDS PER ACRE.
- MULCH SHALL BE MNDOT 3882, TYPE 1 @ 2 TONS PER ACRE OR APPROVED EQUAL AND DISK ANCHORED IN PLACE OR APPROVED EQUAL, INSTALLED TO MINIMUM 90% COVERAGE OF THE SURFACE AREA DISTURBED.
- MNDOT 3881, TYPE 3 SLOW–RELEASE FERTILIZER, 22–5–10, MINIMUM 70% WATER–INSOLUBLE NITROGEN @ 350 LBS PER ACRE.

PERMANENT BASIN SEEDING SHALL BE DONE IN ACCORDANCE WITH MNDOT 2575 & 3876 CONSISTING OF:

- WET BASIN BENCH/(IN)FILTRATION BASIN: MINNESOTA STATE SEED MIXTURE 33–261 (STORMWATER SOUTH AND WEST) AT 35 POUNDS PER ACRE.
- ABOVE BASIN BENCH TO HIGH WATER LEVEL: MINNESOTA STATE SEED MIXTURE 35–241 (MESIC PRAIRIE GENERAL) AT 36.5 POUNDS PER ACRE.
- MULCH SHALL BE MNDOT 3882, TYPE 3 @ 2 TONS PER ACRE OR APPROVED EQUAL AND DISK ANCHORED IN PLACE OR APPROVED EQUAL,
- MNDOT 3881, TYPE 4 NATURAL–BASED FERTILIZER, 18–1–8 @ 120 LBS PER ACRE OR 17–10–7 @ 150 LBS PER ACRE

EARTHWORK:
CUT = 4,234 CY
FILL = 1,195 CY

Know what's below. Call before you dig.



'C'

01-ENG-117166-SHEET-GRAD

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Name Brian N. Molinaro
Brian N. Molinaro
Reg. No. 47504 Date 09-15-2017

Revisions

Date	09-15-2017
Designed	BNM
Drawn	BNM

GRADING & UTILITY PLAN

Alan & Lloni Bebel
3852 NORTH RIDGE DRIVE
EAGAN, MINNESOTA 55123

LLONI PARCEL
INVER GROVE HEIGHTS, MINNESOTA

© 2016 Pioneer Engineering, P.A.

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 2, 2017 **CASE NO:** 17-55V

HEARING DATE: November 7, 2017

APPLICANT/PROPERTY OWNER: Diane Knuckey

REQUEST: Variance from front yard parking regulations

LOCATION: 6399 Cahill Avenue

COMPREHENSIVE PLAN: CC, Community Commercial

ZONING: B-3, General Business District

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

BACKGROUND

The applicant is requesting a variance from the front yard parking requirements to allow parking of up to two vehicles in the front yard not on an approved hard surface. The property has a detached garage which is located on the back side of the property. The house is a walk out design and access to the house from the garage is via the lower level door. The home owners have had some recent health issues that make access from the lower level difficult to get to the main level. They have been parking in the front yard near the front door as that is more accessible for them.

In 2014, Council addressed a growing concern of automobiles parking on grass in the front yard in residential neighborhoods. In November of 2014, Council adopted an ordinance restricting parking of vehicles in the front yard. In summary, the language addressed:

- Allowing parking of automobiles in the front yard but they must be on a hard surface such as concrete, bituminous or brick pavers.
- Parking may be on a driveway or on a parking pad that must be adjacent to and contiguous to the driveway.
- Rules only apply to the front yard. No changes to side or rear yard regulations.
- Apply only to urban areas, R districts. Does not apply to E or A districts.
- Contains one exception for winter street parking ban period allowing parking in front yard for automobiles only during this period.

What makes this request unique is that the property is zoned B-3, General Business. The property has been zoned B-3 since the late 1990's. The house was built around 1951. The recent regulations passed regarding front yard parking is restricted to residential zoned properties. The zoning ordinance however, also requires parking areas on commercially zoned properties to be paved.

SPECIFIC REQUESTS

The variance request consists of the following:

1. Variance from Section 10-15A-3.G.4 which requires all areas intended to be utilized for a parking space and driveways shall be hard surfaced with bitumen or concrete.

For reference, the language addressing residential areas prohibits parking of automobiles in the front yard on grass or unpaved areas. Parking is allowed only on paved parking pads that are contiguous to the driveway in the front yard.

EVALUATION OF THE REQUEST

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

North – Single family residential; zoned R-1C; guided LDR,
East - Landscaping business; zoned B-3; guided CC, Community Commercial
West – Senior family housing; zoned R-3C, PUD; guided MDR
South – Commercial strip center; zoned B-3; guided CC

VARIANCE REVIEW

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.*

One of the goals of the zoning ordinance is to require improvements that enhance the property and enhance the aesthetic characteristics of properties. Requiring paved driveways and parking pads is consistent with the intent.

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

Parking of automobiles is allowed in the front yard and in front of a building in both residential and commercial zoning districts. So, the property is being used in a reasonable manner. Location and use of parking is not the issue, parking on unpaved surfaces is the issue.

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

The property has some unique characteristics in that the garage is located in the back of the property and the back side of the lot is lower than the front, so the most immediate access is via the lower level of the house where typically access would be set up to enter

at the main level. To comply with paving regulations, a considerable amount of pavement would be needed to construct a driveway and parking pads for the parking in front of the house. A practical difficulty should not be tied to a unique circumstance or plight of the landowner or occupant.

4. *The variance will not alter the essential character of the locality.*
City Council was concerned that parking in front yards on grass would have an impact on the character of neighborhoods. While the property is commercially zoned, its primary use is a single family home and therefore should be treated the same as other single family homes. Parking on grass in the front yard does have an impact and variances from a paving requirement can alter the essential character of the neighborhood or locality.

5. *Economic considerations alone do not constitute an undue hardship.*
The applicants have voiced they can't afford to pave a driveway and parking areas to the front of the house. Economics should not be used as a sole rationale for a practical difficulty.

ALTERNATIVES

A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

1. Approval of a Variance to allow parking of automobiles on unpaved areas in the B-3 district.

Practical difficulty: To be stated by Planning Commission

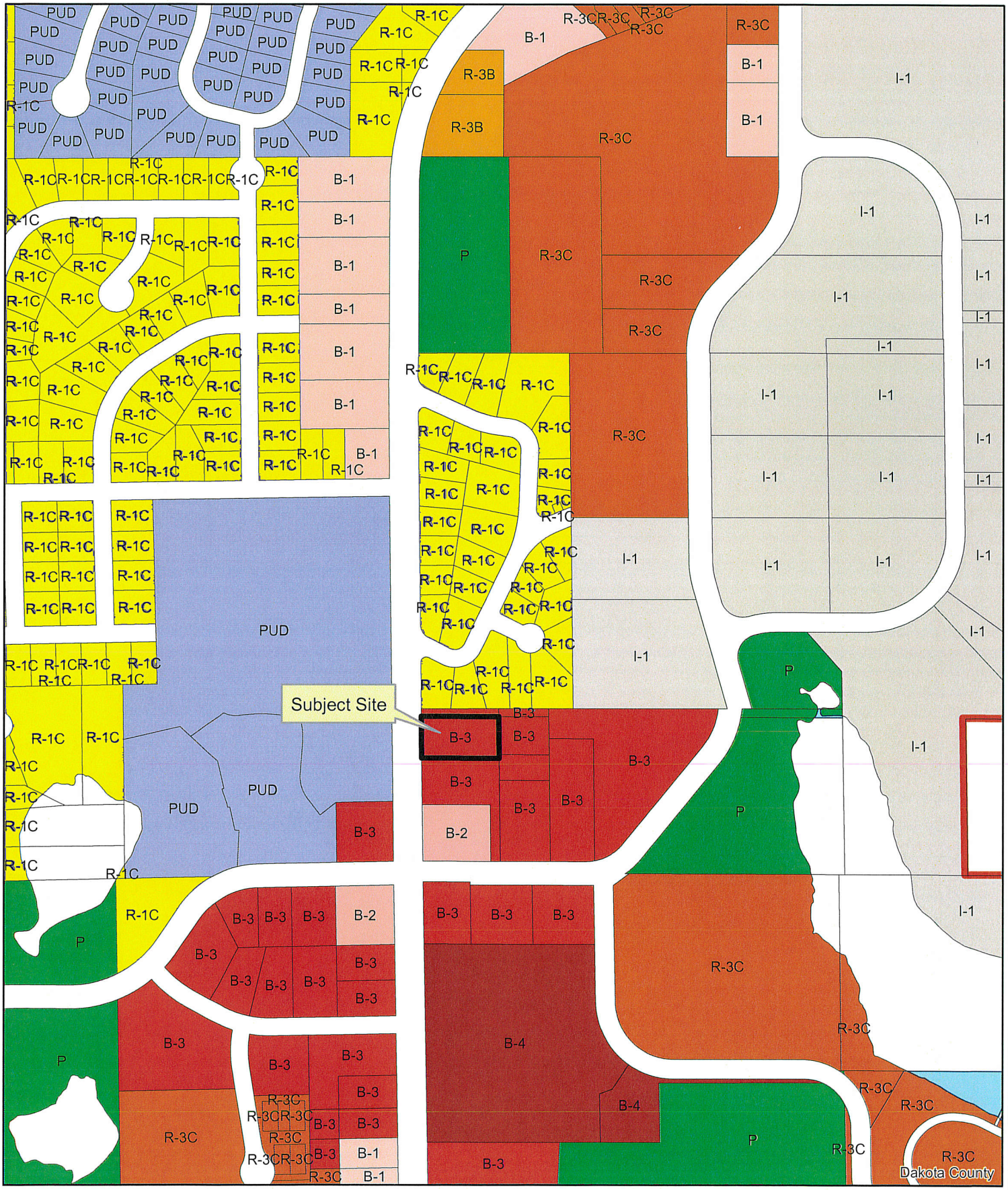
B. **Denial**. If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Since Council has recently amended the ordinance to address the issue of parking on grass in front of houses, Staff does not believe there is sufficient rationale to support the variance. Both commercial and residential parking regulations require parking to be on a paved surface. Staff does not recommend approval of the request as proposed.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Aerial Photo
Exhibit D – Street View Photo

Location Map
Case No. 17-55V



We would like to request a variance to park in our front yard on an unpaved surface because we are elderly and have physical disabilities. Our property is a walk-out basement so to get to the first level we have to walk up twelve steps. Cedric broke his back and has two rods with sixteen bolts in his back, has ankylosing spondylitis and some spinal stenosis. He is also a diabetic and has neuropathy in his feet. He says he has little feeling in his feet and it is like walking on stumps. I have broken both my femurs and have a rod in each leg, chronic asthma, and a bad knee. I have already fallen on the steps and broke my foot.

Timber Hills is on the west side – 3099 65th Street East – (651-450-6228).

Property on the north side is two lots owned by Diane Knuckey, Gregory Mitcheltree, Richard Mitcheltree, and Kyla Mitcheltree.

Total Lawn Care is on the east side -6309 Burnham Avenue – (651-552-2800).

Tom Leach owns the strip mall on the south side – (612-269-7562).

Cedric's Doctor is Dr. Wessell – (651-439-1234)

Diane's Doctor is Dr. Toninato – (651-455-2940)

Site Plan
Case No. 17-55V

Untitled Map
Write a description for your map.
Legend
6399 Cahill Ave
6399
6399
Google Earth
© 2017 Google
8.18 ft

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: November 7, 2017 **CASE NO:** 17-52V

APPLICANT/PROPERTY OWNER: Kevin Kneisl

REQUEST: Variance to allow two detached accessory buildings on a property whereas one is the maximum allowed.

LOCATION: 1847 Upper 55th Street

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten HB
Associate Planner

BACKGROUND

The applicant is requesting a variance to allow a second accessory building on the property whereas the total number of detached accessory buildings shall be limited to one. The property is 1.3 acres in size, located in the R-1C zoning district. The house was built in 1950 with no attached garage. The property has one detached accessory building about 365 square feet and a carport attached to the home. The applicants are proposing to construct an additional 576 square foot detached accessory building located on the north side of the home. The zoning code permits a maximum of one detached accessory structure in the R-1 zoning.

The applicant has stated the additional building is needed to store a camper and boat, it would not be used as a main garage. The proposed structure would be in compliance with setbacks, exterior building materials and impervious surface standards.

SPECIFIC REQUEST

The following specific application is being requested:

1) A variance to allow two detached accessory buildings on a property whereas one is the maximum allowed in the R-1C zoning district.

EVALUATION OF THE REQUEST

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

North, West and East: Single Family Residential; zoned R-1C; guided Low Density Residential

South: Single Family Residential; zoned R-1B; guided Low Density Residential

ENGINEERING

Engineering has reviewed the request and found no easements, no utility issues, and the site is under the allowed impervious surface percentage and would remain so if the proposed garage were constructed. Engineering takes no exception to the variance request.

VARIANCE REVIEW

City Code Title 11, 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 variance, 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 surrounding properties are zoned and developed residential. Allowing an accessory building on the property would be in harmony with the general purpose and intent of the comprehensive plan which is a single family housing neighborhood. The zoning code allows one structure up to 1,000 gross square feet in the R-1 zoning district. The proposed structure would meet all other code requirements including setbacks, impervious surface and exterior building material requirements.

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

   In all single-family residential districts the Zoning Ordinance considers detached accessory buildings to be a reasonable use. The property is 1.3 acres in size. The size of the two accessory buildings combined on the applicant's property would be less than 1,000 square feet, complying with the maximum square footage typically allowed on R-1C lots. The Council has recognized that there should be a limit to the number of structures allowed on a property. The existing home, built in 1950, does not have an attached garage; there is room on the property to add an attached garage and be in compliance with code requirements.

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

   The property is 1.3 acres in size with the home located in the middle of the property. Although not economical for the property owners, there is room on the property to remove the carport and add an attached garage to the home without needing any variances.

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

   Aesthetically the proposed location of the structure would meet setbacks and would be located behind the existing home and carport. Architecturally the structure would comply with exterior building material requirements. The closest neighboring home would be to the east, about 100 feet away from the structure with trees located between the proposed

structure and home. The additional structure would clean up the property by putting existing belongings indoors that are currently stored outside.

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

Economic considerations do appear to be a basis for this request; adding an attached garage to the home is not cost prohibitive for the applicant.

ALTERNATIVES

The Planning Commission has the following actions available for the request:

A. **Approval** If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. A grading/erosion control plan shall be required at the time of the building permit application.

B. **Denial** If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

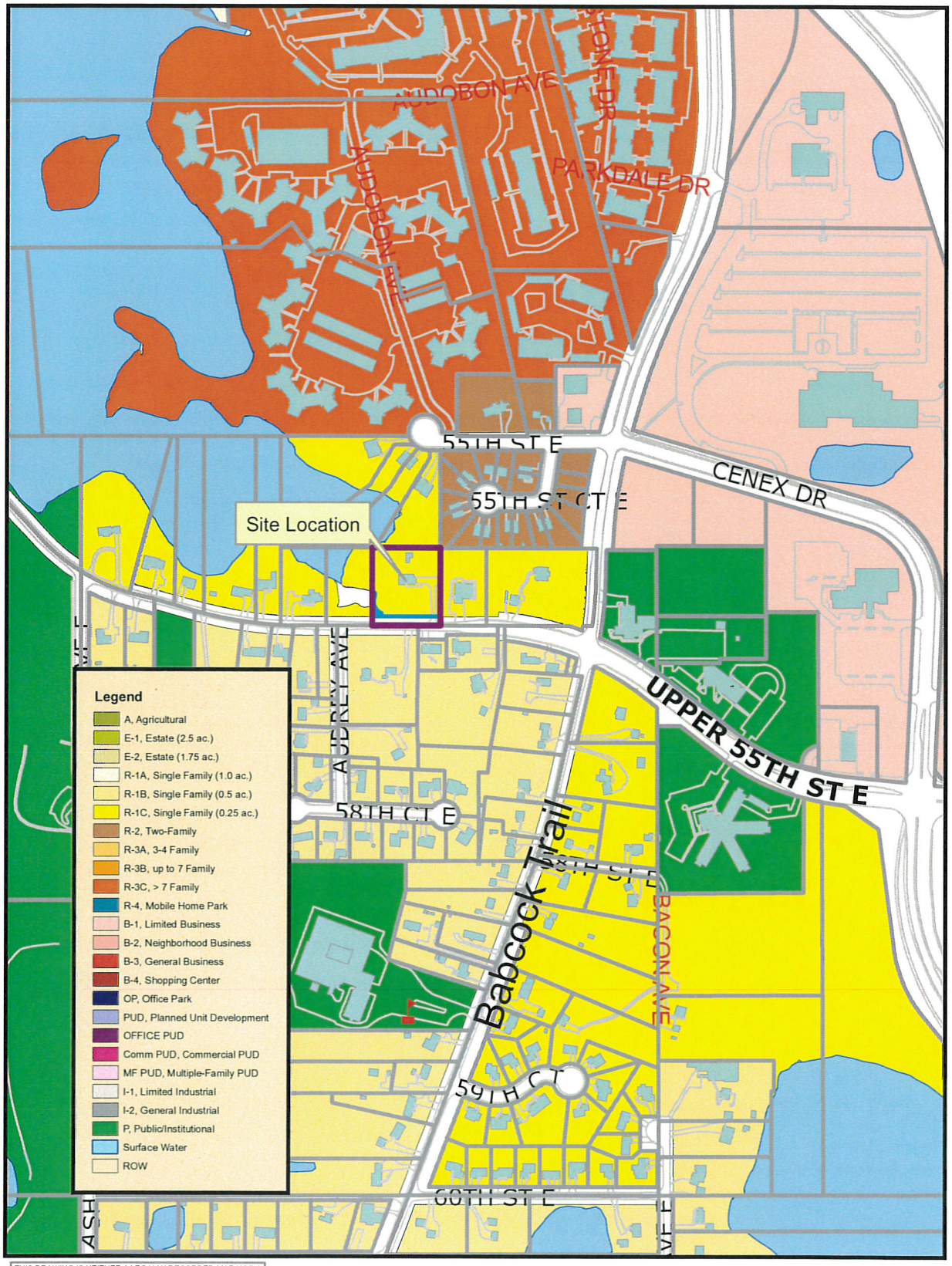
1. The conditions of the property are not so limiting or unique that the property could not be used in a reasonable manner without the variance approval; the property would still function as a residential lot.
2. Approval of the variance could set a precedent for other requests to exceed the number of accessory buildings on a property when there are options available to add an attached garage to the home that complies with zoning criteria.
3. The facts presented did not satisfy the criteria needed to show a practical difficulty on the lot to support granting a variance; the additional structure may be considered a convenience to the applicant, not a practical difficulty.

RECOMMENDATION

Based on the information in the preceding report and the rational listed in Alternative B, staff is recommending denial of the variance request as staff believes the request does not meet the variance criteria.

Attachments: Location Map
Applicant Narrative
Site Plan
Photos of the property

1847 Upper 55th St.



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED
Map produced by the City of Inver Grove Heights GIS Dept.
Copyright© City of Inver Grove Heights 2016

N
W E
S

Exhibit A

Zoning and Location Map

Map not to scale

Heather Botten

From: kneisl@aol.com
Sent: Tuesday, October 31, 2017 2:49 PM
To: Heather Botten
Subject: narrative

Heather,

We are asking for a variance for a second detached building for several reasons.

1) We tore down an existing dilapidated structure that was next to the larger existing detached structure (approximately 14 x 20).

2) Building another structure in that same area would not be advised as it is an area that get run-off water and would be subject to flooding as the prior building was full of moisture and mold.

3) An attached structure is cost prohibitive for us. It adds another $10-15,000 depending on how deep the footings need to be. (per several concrete contractors' bids)

4) When the satellite photo was taken...the area near the proposed building was NOT grass. However, as shown by photos, this area is now green space. We mainly use this area as storage for our pop up camper, boat and another seasonal vehicle.

5) Also, the building will mainly be used to store these items from the elements. We do NOT plan on putting in a driveway to the structure, as it will not be needed as this will not be used daily anyway. (plus it would also be too costly)

6) We have a a carport we regularly park our daily vehicles and will continue to utilize this.

7) Since the satellite photo was taken several large gardens have been added to the landscape and will continue to be maintained.

Thank you for your consideration.

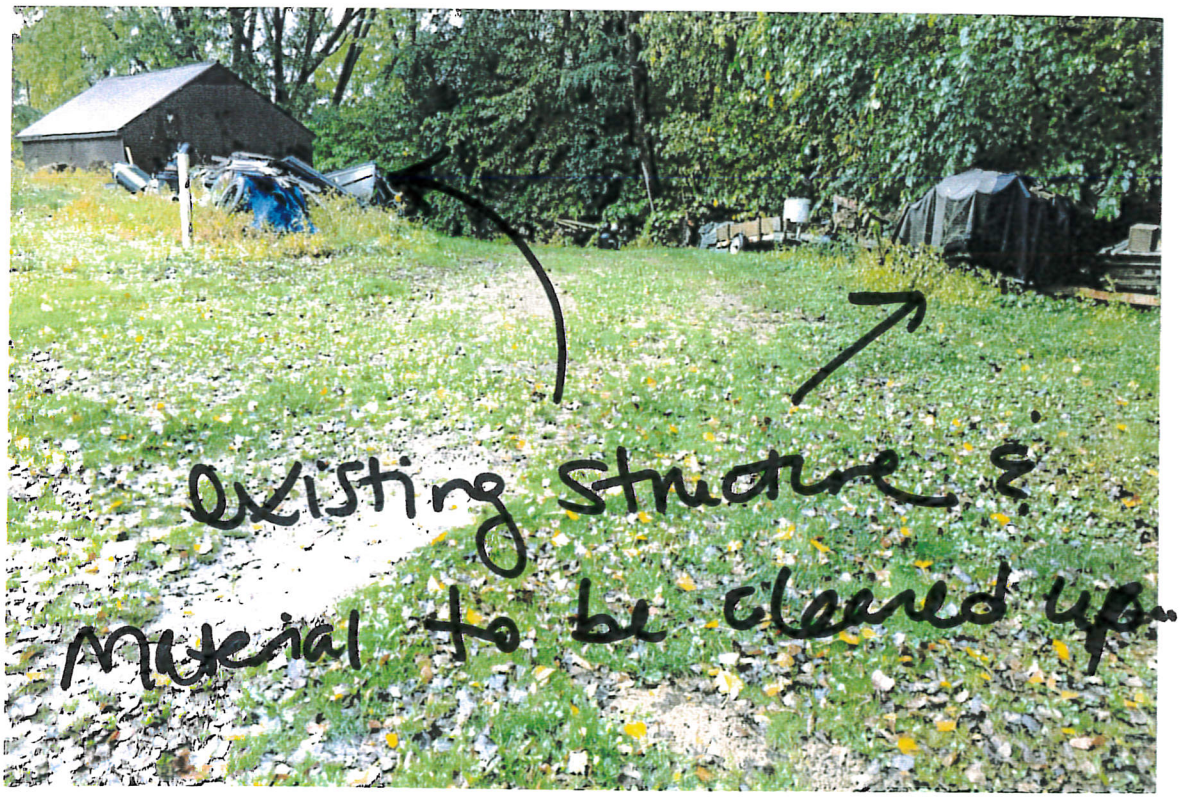
* if there is something not addressed here please let me know and I will address it immediately.

Melissa

B

1817 upper street E
C
Existing house
proposed garage
24
24
30'
38'
65'
Existing shed
40'
50'
15'
woods
woods

Location of
Proposed structure


existing structure &
material to be cleared up.

D

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: October 31, 2017 **CASE NO:** 17-50VAC

HEARING DATE: November 7, 2017

APPLICANT/PROPERTY OWNER: Lennar Homes (US Home Corporation)

REQUEST: A Vacation of public drainage and utility easements

LOCATION: West of Hwy 3 at future 65th Street (plat of Windwood Addition)

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C/PUD, Single Family Planned Unit Development

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

---

BACKGROUND

Earlier this year, Mr. Mihm and Lennar Homes replatted the existing plat of Windwood Addition into Windwood 2nd Addition. The old plat consisted of two 10 acre parcels. The plat contained standard five foot perimeter drainage and utility easements. Windwood 2nd Addition contains 40 lot with perimeter easements dedicated for each lot.

When Windwood 2nd Addition was created, the old lot lines in Windwood were erased. Public easements on a plat are not automatically erased when land is resubdivided. The old perimeter easements in Windwood need to be vacated by the City as they run through lots in the new plat.

The applicant has provided a map and legal descriptions of the easements that need to be vacated. Engineering and Planning agree that the easements need to be vacated as they no longer serve a purpose.

ALTERNATIVES

A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of a **Vacation** of all existing perimeter drainage and utility easements with the old plat of Windwood Addition.

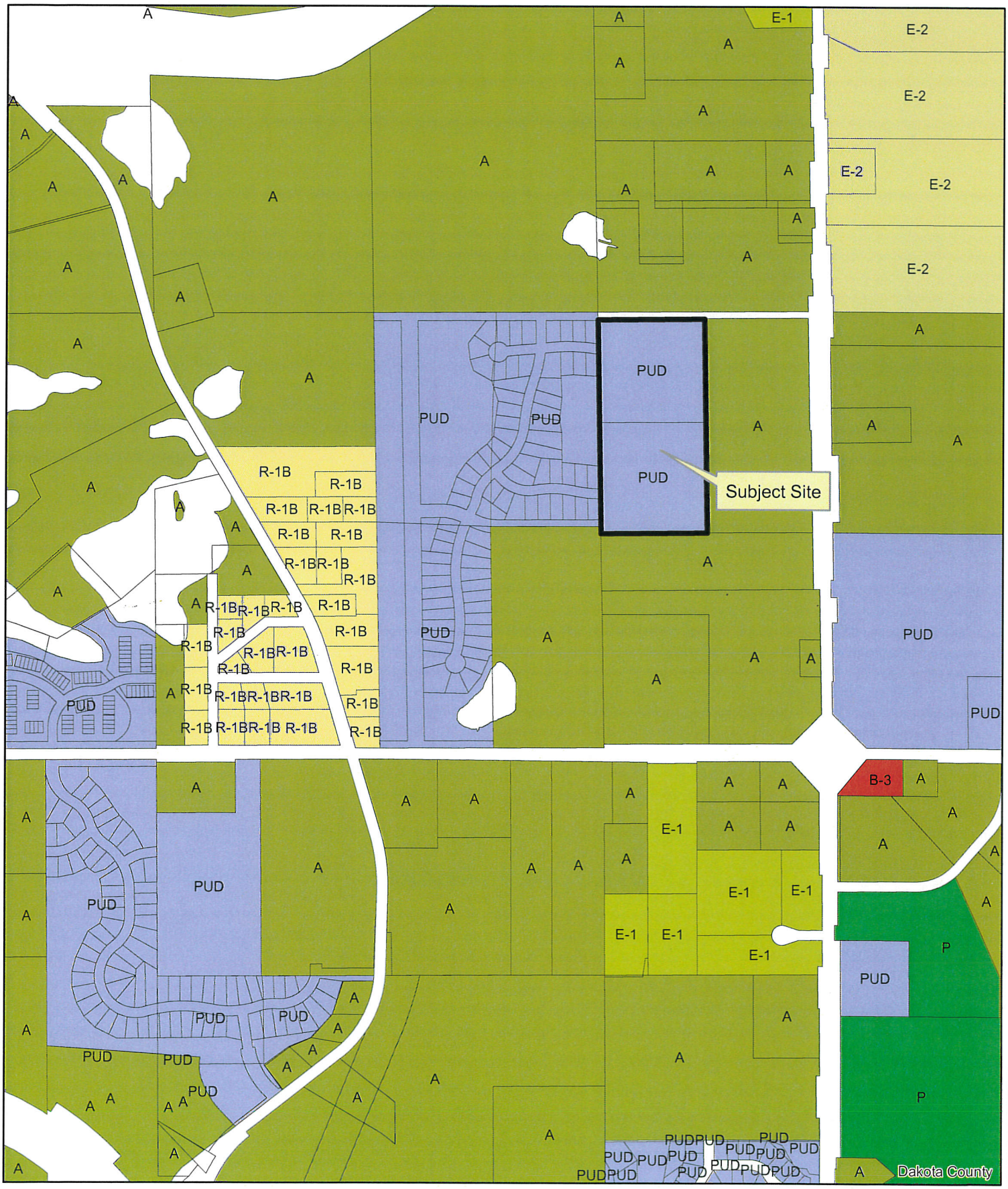
B. **Denial**. If the Planning Commission does not favor the proposed application, the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

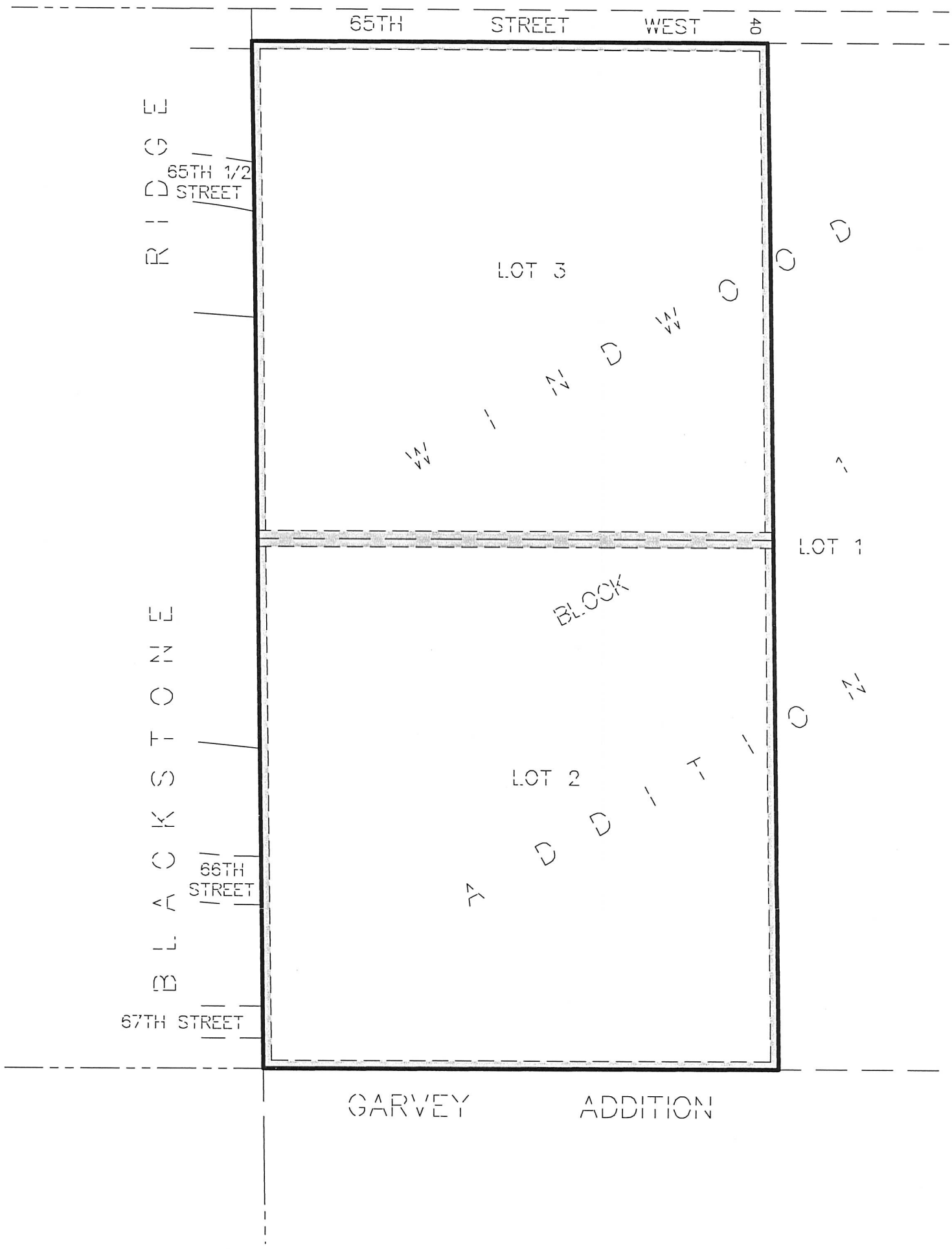
RECOMMENDATION

Planning and Engineering recommend approval of the vacation of the drainage and utility easements.

Attachments: Location map
Map of Windwood Addition and old easements
Map of Windwood 2nd Addition

Location Map
Case No. 17-50VAC





Not to Scale

Denotes easements to be vacated

PROPOSED DESCRIPTION TO VACATE DRAINAGE AND UTILITY EASEMENTS

All drainage and utility easements lying over, under and across Lots 2 and 3, Block 1, WINDWOOD ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, as delineated and dedicated on said WINDWOOD ADDITION.

Lennar Corp

Sheet 1 of 1

PIONEER engineering
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

Cad File: 115260-VACATE EASEMENT.dwg
Folder #: 7869
Drawn by: TSS

Description Sketch for:
MIHM CUSTOM HOMES

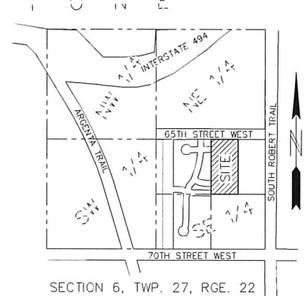
© 2015 Pioneer Engineering, P.A.

WINDWOOD 2ND ADDITION

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WEST LINE OF LOT 1, BLOCK 1, WINDWOOD ADDITION, WHICH IS ASSUMED TO HAVE A BEARING OF NORTH 00°58'41" WEST.

NO MONUMENT SYMBOL SHOWN AT ANY STATUTE REQUIRED LOCATION, INDICATES A PLAT MONUMENT THAT WILL BE SET AND WHICH SHALL BE IN PLACE WITHIN ONE YEAR OF THE FILING OF THE PLAT. SAID MONUMENTS SHALL BE 1/2 INCH X 14 INCH IRON MONUMENTS MARKED BY LICENSE NUMBER 42299.

- ◉ DENOTES FOUND CAST IRON MONUMENT
- ○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NUMBER 42299, OR WILL BE SET IN ACCORDANCE WITH MS SECTION 505.021, SUBD. 10.
- ● DENOTES FOUND 1/2 INCH IRON MONUMENT MARKED BY LICENSE NUMBER 42299 UNLESS OTHERWISE NOTED.

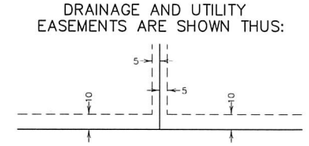


SECTION 6, TWP. 27, RGE. 22

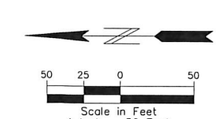
LOCATION MAP

NO SCALE

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



being 5 feet in width, and adjoining lot lines unless otherwise indicated, and 10 feet in width and adjoining street lines and rear lot lines unless otherwise indicated on the plat.



PIONEER engineering

CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS