

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, August 21, 2018 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 7, 2018

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 CHRISTOPHER CHAVEZ - CASE NO. 18-43V

Consider a **variance** to allow a solid fence higher than 42 inches in the front yard of the property located at 3462 70th Street.

Planning Commission Action _____

3.02 J.L. JAMES INVESTMENT GROUP - CASE NO. 18-27CV

Consider the following requests for the property located at 5912 Concord Blvd:

- a) A **conditional use permit** to expand a non-conforming structure up to 30%.

Planning Commission Action _____

- b) A **variance** to expand a non-conforming structure by more than 30%.

Planning Commission Action _____

3.03 CONTINUUM CONSTRUCTION - CASE NO. 18-44PR

Consider a **major site plan review** to add an addition to the existing structure for the property located at 2925 Buckley Way.

Planning Commission Action _____

3.04 NORTHERN STATES POWER COMPANY - CASE NO. 18-45SV

Consider the following requests for the property located at 10325/10326 Robert Trail:

- a) A **preliminary and final plat** for a one lot subdivision to be known as Wescott Tank Farm.

Planning Commission Action _____

- b) A **variance** from the side yard setback requirements for existing accessory structures.

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, August 7, 2018 – 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
Dennis Wippermann
Pat Simon
Brett Kramer
Armando Lissarrague
Joan Robertson

Commissioners Absent: Annette Maggi (excused)
Elizabeth Niemioja (excused)
Jonathan Weber (excused)

Others Present: Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the July 17, 2018 Planning Commission meeting were approved as submitted.

WILLIAM W KRECH – CASE NO. 18-40VAC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a vacation and rededication of a drainage and utility easement, for the property located at 10118 Adam Avenue. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting to vacate and rededicate a portion of the drainage and utility easement on his property. He is planning to install a pool and patio area and part of the improvements would encroach into the existing easement. Structures, including patios and pools, are not allowed in easements and therefore a partial vacation is being requested. The Engineering Department would be agreeable to the request provided the applicant complies with the conditions listed. Staff recommends approval of the request with the conditions listed in the report. Ms. Botten advised that staff heard from one neighbor who was in support of the request.

Opening of Public Hearing

William Krech, 10118 Adam Avenue, advised he was available to answer any questions.

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

Mr. Krech replied in the affirmative.

Commissioner Scales closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Lissarrague, second by Commissioner Kramer, to approve the request for a vacation and rededication of a drainage and utility easement, for the property located at 10118

Adam Avenue.

Motion carried (6/0). This item goes to the City Council on August 13, 2018.

GRIES ARCHITECTURAL GROUP – CASE NO. 18-41CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to add an 8,400 square foot addition to the existing building, for the property located at 4625 South Robert Trail. 9 notices were mailed.

Heather Botten, Associate Planner, advised that the applicant requested that this item to be tabled until further notice.

Motion by Commissioner Wippermann, second by Commissioner Robertson, to table the request for a conditional use permit amendment to add an 8,400 square foot addition to the existing building, for the property located at 4625 South Robert Trail, until further notice.

Motion carried (6/0).

The meeting was adjourned by unanimous vote at 7:07 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

REPORT DATE: August 17, 2018

CASE NO: 18-43V

HEARING DATE: August 21, 2018

APPLICANT/PROPERTY OWNER: Christopher Chavez

REQUEST: Variance from maximum fence height in front yard and to allow a solid fence within the front yard

LOCATION: 3462 70th Court

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting a variance to allow a fence 5' 7" high within the front yard setback. The fence is located along the side of the lot and is within 20' 6" from the street. The entire length of the fence (24' 3") is within the 30 foot front yard setback. The ordinance requires all fences within a front yard are to be no taller than 42" and shall be at least 75% open visibility. The reasons for the rule appear to be mainly visibility for traffic and emergency vehicles along the street and driveways. A second reason would be aesthetics, both in uniformity along front views and visual appeal.

The fence was installed sometime in 2017 without a permit. The applicant originally applied for the fence permit in 2016 but was flagged by Planning since it did not meet code requirements. The applicant was informed of the issue, but nothing was resolved, and the applicant did not follow up with a revised plan for the fence. An inspection was done recently which discovered the fence had been constructed not meeting the code.

The property is located on a cul-de-sac off of 70th Street. The applicant has noted in their narrative that the fence provides much needed privacy from 70th Street.

SPECIFIC REQUESTS

The variance request consists of the following:

1. Variance to allow a fence 5' 7" tall within the front yard setback whereas 42" is maximum allowed and allowing a solid fence within the front yard whereas at least 75% open is required.

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 – IGH fire station; zoned P; guided Public/Institutional.

West – Single family residential; zoned R-1C; guided LDR.

South – Single family residential; zoned R-1C; guided LDR.

Engineering Comments. Engineering has reviewed the application recommends that the property line should be staked by a professional land surveyor to ensure the fence is contained all within the applicant's property.

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.*

The intent of the rule appears to be mainly visibility for traffic and emergency vehicles along the street and driveways. A second reason would be aesthetics, both in uniformity along front views and visual appeal. While the fence is only along a portion of the side yard, it does not block visibility of the property from the street but does affect uniformity of structure setbacks along the street. A solid fence could have an impact on a neighboring property and their visibility from their front yard. The request does not seem to be in harmony with the intent of the code.

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

The code does allow fences within the front yard but the intent is to maintain open front yards along the street.

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

The property does not appear to contain any unique characteristics that make it unique for the variance requested.

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

Allowing taller, solid fences in the front yard could have an impact on the character of the area.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for either of these requests.

ALTERNATIVES

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

1. The property line shall be staked by a professional land surveyor no later than October 31, 2018 to ensure the fence is contained all within the applicant's property.

Practical difficulty: (to be stated)

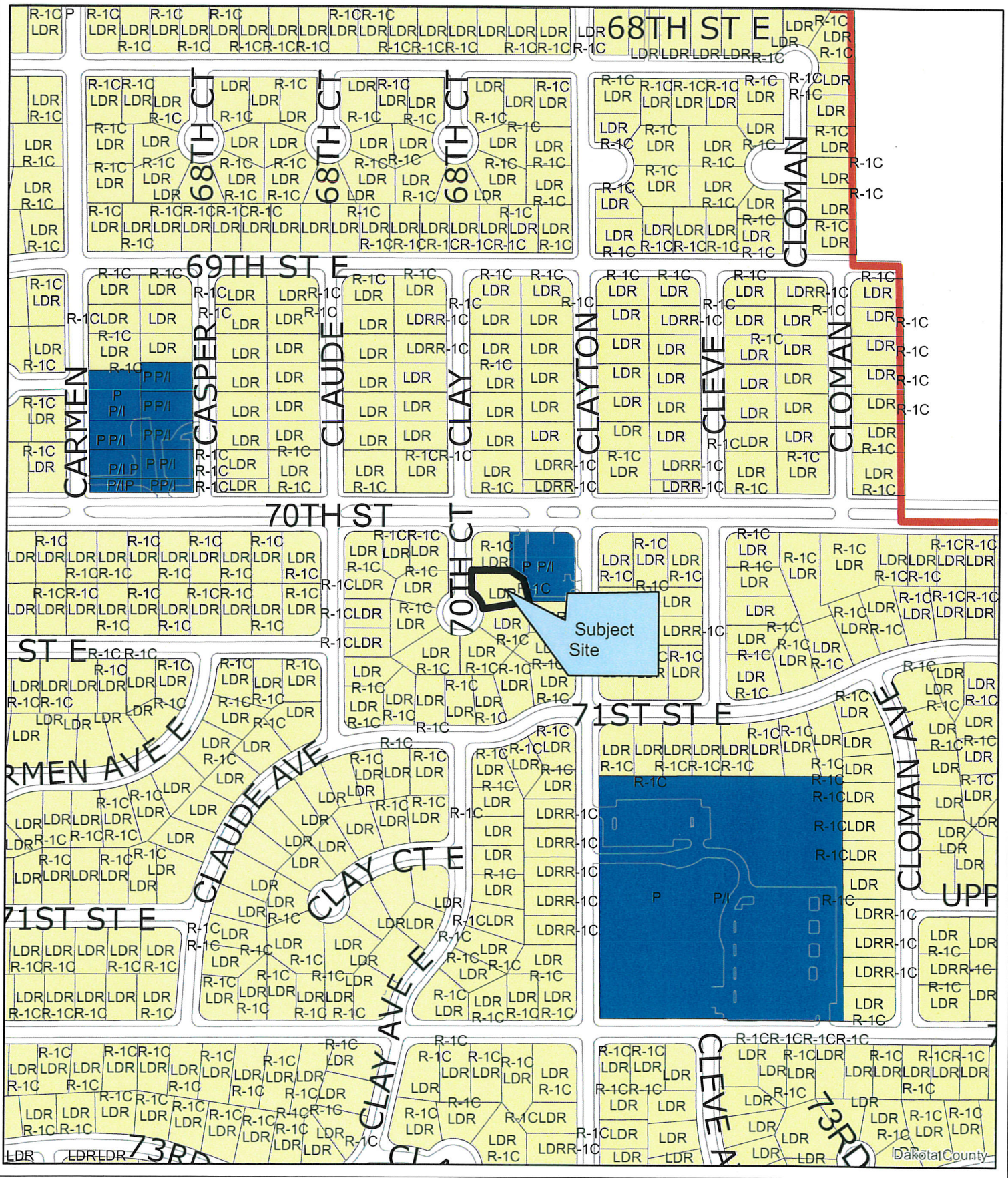
- B. **Denial:** If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Approval of the variance could set a precedent for other fences taller than 42 inches located within the front yard.
2. Staff does not believe the practical difficulties criteria have been met.

RECOMMENDATION

Staff does not believe the criteria for a variance has been shown and therefore recommends denial of the request.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Site Plan
Exhibit D – Pictures
Exhibit E – Letter from Neighbor



Chavez

I am requesting a variance for height and transparency requirements for my fence/partition. It stands 4' 7" tall with an additional see through lattice at the top bringing the total height to 5'7". It is three fence panels, 8' each, for a total length with posts of 24' 3" It still remains 20' 6" from the street. This offers much needed privacy from 70th street (even neighbors inside the cul-de-sac have indicated they appreciate the additional privacy as well as how beautiful and well maintained it is), as well as privacy and an aesthetic upgrade from my neighbor directly butting up with the fence border. This neighbor also indicated they liked how it looks and that it keeps their children from putting their toys into our yard, and creates a boundary for them. We take a lot of pride in our yard, and wanted something beautiful to be a barrier between the busy traffic and noise from 70th street, and our neighbor. The fence/partition does not interfere with anything that would require the city getting access to the house, and with it sitting so far from the street, it does not interfere with plows in the winter.





To Whom It May Concern,

6/30/2018

I am neighbors with Chris and Cathy Chavez. I am writing to let you know that I absolutely love the partition they put up two years ago in their yard. The partition has created a needed amount of privacy from 70th St. noise and traffic. The partition is also visually appealing and creates a more aesthetically pleasing look for our cul-de-sac. Chris and Cathy take great pride in their yard and how it looks. This is greatly appreciated as a fellow neighbor. My family always looks forward to all the different decorations and arrangements they seasonally put out in their yard. I have also used their partition as a border for my own children. They are instructed to not go past Chris and Cathy's partition when they ride their bikes in our cul-de-sac. Please allow this partition to stay. It would be disappointing to see it go.

Thanks,

A handwritten signature in cursive script that reads "Jennifer Corrow". The ink is dark and the signature is fluid, with a large loop for the 'J' and a long, sweeping tail for the 'w'.

Jennifer Corrow

3448 70th Ct. E.

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

HEARING DATE: August 21, 2018

CASE NO: 18-27CV

APPLICANT & PROPERTY OWNER: J. L. James Investment Group

REQUEST: A conditional use permit and variance to expand a legal nonconforming use

LOCATION: 5912 Concord Boulevard

COMPREHENSIVE PLAN: MU, Mixed Use

ZONING: I-1, Limited Industry

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

The applicant is requesting a conditional use permit and variance to expand the existing home and add an attached garage. The property is .28 acres in size and zoned I-1, Limited Industry. The existing house was built in 1936, prior to the City adopting a zoning code which makes the home a legal nonconforming lot. The applicant would like to expand the foundation of the home from the existing 673 square feet to 924 square feet which is a 38% increase in size. The addition would be constructed at the same front setback as the existing home. Additionally, a detached accessory structure currently located on the property that is located in the flood fringe would be demolished and replaced with an attached single stall garage located out of the flood fringe. The zoning code allows a lawfully existing nonconforming structure to conditionally expand its gross floor area by up to 30% and a variance to exceed that amount. The applicant is asking for a 38% expansion.

The specific request consists of the following:

- A.) A **Conditional Use Permit** to expand a legal nonconforming structure by 30% of its gross floor area.
- B.) A **Variance** to exceed the 30% expansion of a nonconforming structure.

EVALUATION OF THE REQUEST

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

- North - Residential; zoned I-1, Limited Industry; guided MU, Mixed Use
- East - R/R and Heritage Village Park
- West - Residential; zoned R-1C, Single-family Residential; guided MU, Mixed Use
- South - Residential; zoned I-1, Limited Industry; guided MU, Mixed Use

CONDITIONAL USE PERMIT REVIEW

City Code, Title 10-3A-1 states that a conditional use permit may be approved if the City determines the following:

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

The future land use of this parcel is mixed use. The 2030 Comprehensive Plan states: The idea for mixed use along the Concord Boulevard Corridor is to encourage or facilitate redevelopment and reinvestment along the corridor in a way that helps traffic flow by controlling access, encourages an attractive street frontage as a gateway corridor to the City and allows flexibility in the use of lands along the corridor as business or residential uses.

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

The applicant's property is a legal non-conforming use; the zoning code allows for expansions of legal nonconformities. The lot size and width would meet the minimum requirements for a single-family zoned lot.

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

The proposed use would not have a detrimental effect on public improvements in the vicinity of the project.

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

This use does not appear to have any negative effects on City facilities or services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including: Aesthetics/exterior appearance, noise, traffic, drainage, fencing, landscaping and buffering.*

A single-family home is compatible with the neighborhood. There is a city park to the east and residential to the north, south and west. The proposed property improvements would make the property more aesthetically appealing.

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

The topography of the property is a little challenging and a portion of the property is located in the flood fringe of the Mississippi River. The applicant has done soil testing on the property to verify soils can handle footing for the proposed additions. Access to the property would not be changing.

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

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

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

The proposed home would not have an undue adverse impact on the environment. In fact, a portion of the property is located in the flood fringe of the Mississippi River. The proposed request would remove an existing structure and part of the home currently located within the flood fringe; the proposed building additions would be out of the flood fringe elevation. The applicant is working with the City Engineering Department on grading and drainage requirements.

NONCONFORMING CUP CRITERIA

Section 10-16-5 of the Zoning Regulations states that a lawfully existing nonconforming structure or structure containing a legally existing nonconforming use may conditionally expand its gross floor area by up to thirty percent (30%) if the following criteria are satisfied:

1. *A complete conditional use permit application shall be applied for and approved by the city council. [Chapter 3, article A](#) of this title shall regulate the city review and approval or denial of the conditional use permit.*

The applicant has submitted a Conditional Use Permit Application.

2. *A complete building permit application shall be submitted to the building inspections division, found satisfactory and issued prior to the commencement of any work on the expansion.*

If approved, the applicant would then apply for the proper building permits.

3. *The structure expansion shall meet all of the bulk standards for the zoning district within which the structure is located. A variance may be applied for if the structure expansion does not meet*

the respective bulk standards. The variance application and its review by the city shall be regulated according to the section 10-3-4 of this title.

The applicant has applied for a variance, as detailed in this report.

4. *If an expansion is requested under this subsection, the city may impose standards and/or conditions upon the underlying nonconforming use or structure for purposes of health, safety or welfare.*

This criterion has been met.

VARIANCE

The applicant is asking for a variance to allow for a nonconforming use expansion to be greater than 30%. 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 neighborhood is developed residential. The future land use designation of this parcel is mixed use. The idea for mixed use along the Concord Boulevard Corridor is to encourage or facilitate redevelopment and reinvestment along the corridor in a way that helps traffic flow by controlling access, encourages an attractive street frontage as a gateway corridor to the City and allows flexibility in the use of lands along the corridor as business or residential uses.

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

The use of the property has historically been residential and is proposed to be single-family residential. The property is zoned industrial which makes the property a legal nonconforming lot; the nonconforming section of the zoning code states a variance may be applied for if the structure expansion does not meet the respective bulk standards. The size of the existing home, built in 1930, limits how large an addition can be constructed without a variance. Staff believes a 251 square foot living space addition along with a single-car garage, to be a reasonable addition to the property.

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

The property is a legal nonconforming lot. The lot size and width would meet or exceed the minimum requirements for a residential lot and there is ample room on the property for the proposed garage and living space expansion.

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

The residential use of the property would remain the same. The improvements would take a building that is currently run down and make it livable. The building addition would not be any closer to Concord than the existing structure and would be in compliance with impervious surface, setback, and critical area requirements.

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 actions available on the following requests:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following actions or portions thereof should be taken:

- Approval of a Conditional Use Permit to expand a lawfully existing nonconforming structure subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department or as modified herein.
 2. Any expansion or future additions on the property may require additional city approvals or permits and is not part of this conditional use permit.
 3. A certificate of survey is required prior to the approval of a building permit.
 4. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.
 5. The siding shall comply with the exterior building material requirements for a single-family residential home.

- Approval of the **Variance** to exceed the 30% expansion of a nonconforming structure subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department or as modified herein.
 2. Any expansion or future additions on the property may require additional city approvals or permits and is not part of this conditional use permit.
 3. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.

Practical difficulty: The size of the existing home, built in 1930, limits how large an addition can be constructed without a variance. Staff believes a 251 square foot living space addition along with a single-car garage, to be a reasonable addition to the property.

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

RECOMMENDATION

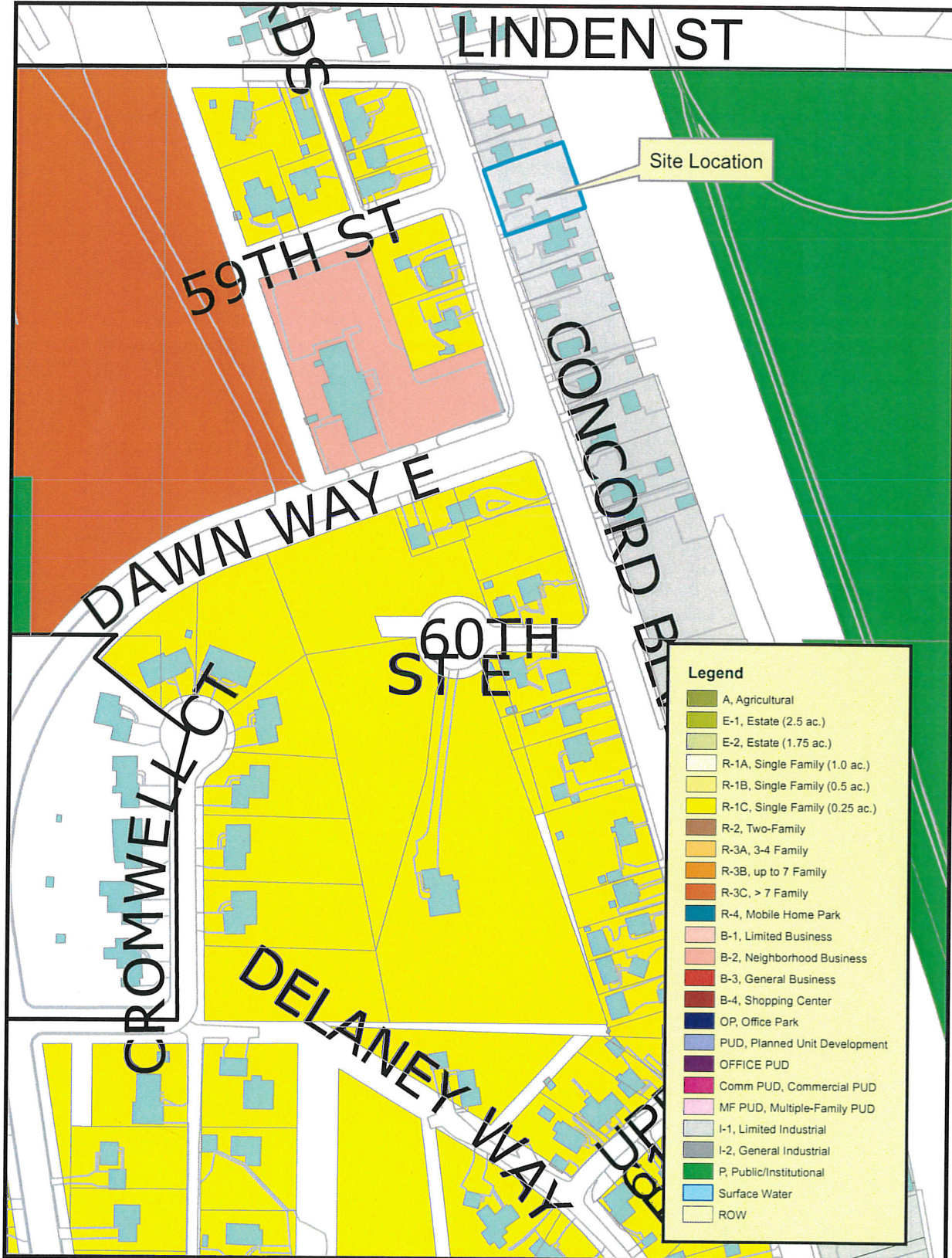
Staff believes the proposed property improvements would not be out of character of the neighborhood as there are single family homes to the north, south and west. The request does not appear to have any adverse impacts on the neighboring properties. A practical difficulty can be found in the fact that the size of the existing 1930's home limits how large an addition can be to the nonconforming lot.

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

Attachments: A. Location Map
B. Applicant Narrative
C. Site Plan
D. Elevations



J.L. James Investment Case No. 18-27CV



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.
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Exhibit A
Zoning and Location Map
Map not to scale



J.L. James

INVESTMENT GROUP, LLC

July 1, 2018

Inver Grove Heights City Council
8150 Barbara Ave.
Inver Grove Heights, MN 55077

Dear City Council Members:

J. L. James Investment Group, LLC is committed to impacting and strengthening communities with integrity and craftsmanship through the building and remodeling of new and existing homes. Our desire is by remodeling this vacant home we will create an affordable property that will be desired and bring value to the immediate neighborhood and to the city of Inver Grove Heights.

Our immediate plan for the project at 5912 Concord Blvd. (KRECHS W F 2ND ADDITION 6 4 ALL OF LOT 4 BLK 4 & 5 BLK 4 & N ½ OF) is to bring this vacant property up to code and make it livable. For this to happen, we would like to increase the building foundation by 30% making the foundation size 924 square feet. We've already done soil testing as well as had structural engineering on the existing foundation. We will correct any foundation issues and make the basement more useable. We would also be taking part of the structure down that would be impeding into the flood infringement. By doing this, it will give us roughly a 7' buffer as discussed. This extensive remodel will include, but not be limited to new floor framing, new exterior walls on 50% of the structure, 2x6 wall allowing us to increase insulation, new attic insulation, new roof trusses, new roofing, new siding, new windows, updated electrical, updated HVAC and duct work, and a new attached garage structure replacing the damaged existing garage.

Thank you for your time and we look forward to partnering with the city of Inver Grove Heights on this project.

Sincerely,

Jordan L. James
J. L. James Investment Group, LLC
Owner/President

J. L. James Investment Group, LLC
1703 Cope Ave., Suite G, Maplewood, MN 55109
jljamesgroup@outlook.com
651-329-4478

Search by Section

♂

5801

Concord Blvd



5901

Flood fringe

✓

✓ Demo

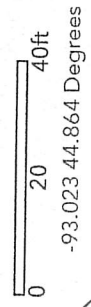
15'4" ← 15'5"7"

191

15

 $\rightarrow 10^4$

5912
Concord Blvd
590

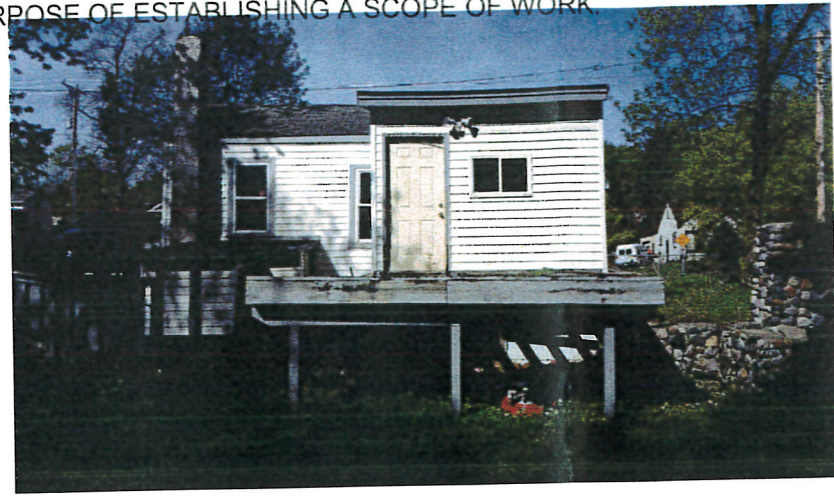


Site Plan C

THIS PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION BUT THE SOLE PURPOSE OF ESTABLISHING A SCOPE OF WORK



EXISTING



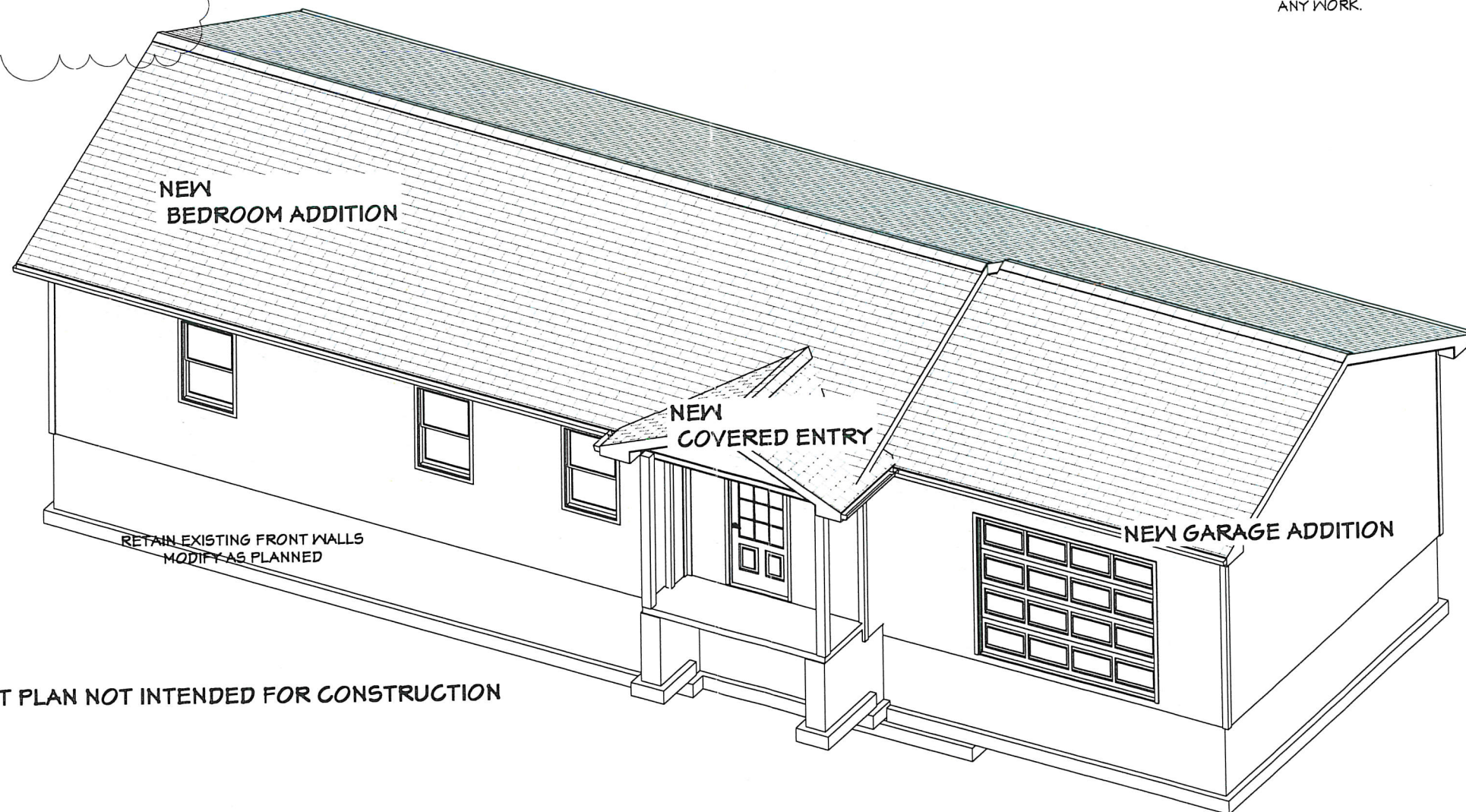
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JORDAN JAMES
ANY DUPLICATION OR USE IS STRICTLY
PROHIBITED WITHOUT EXPRESSION WRITTEN
CONSENT. NO REPRESENTATION OR
WARRANTY IS MADE AS TO THE DESIGN OR
DRAFTING. ALL DIMENSIONS AND
STRUCTURAL DETAILS MUST BE VERIFIED
PRIOR TO CONSTRUCTION.

NAME:	ADDRESS:
	5412 CONCORD AVE INVERGROVE HEIGHTS MN

GENERAL SCOPE OF WORK
ADD 30% SQUARE FOOTAGE TO REAR OF EXISTING HOUSE
REPAIR AND INSTALL NEW FOOTINGS AND CONC. BLOCK TO CODE
NEW FRAMING ON REAR OF EXISTING HOUSE
NEW ROOF- TO INCLUDE TRUSSES, SHEATHING AND ROOFING
NEW ELECTRICAL
NEW PLUMBING
NEW HVAC
NEW VINYL WINDOWS
NEW VINYL SIDING

NOTE:
FINAL GRADE AND LANDSCAPING NOT SHOWN FOR
CLARITY.
FIELD VERIFY ALL DETAILS PRIOR TO CONSTRUCTION.

CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT THE
JOB SITE AND NOTIFY THE DESIGNER
OF ANY DIMENSIONAL ERRORS,
OMISSIONS OR DISCREPANCIES
BEFORE BEGINNING OR FABRICATING
ANY WORK.



CONCEPT PLAN NOT INTENDED FOR CONSTRUCTION

VERIFY ALL UNDERGROUND UTILITIES PRIOR TO START OF WORK

PROPOSED REMODEL
NOT TO SCALE

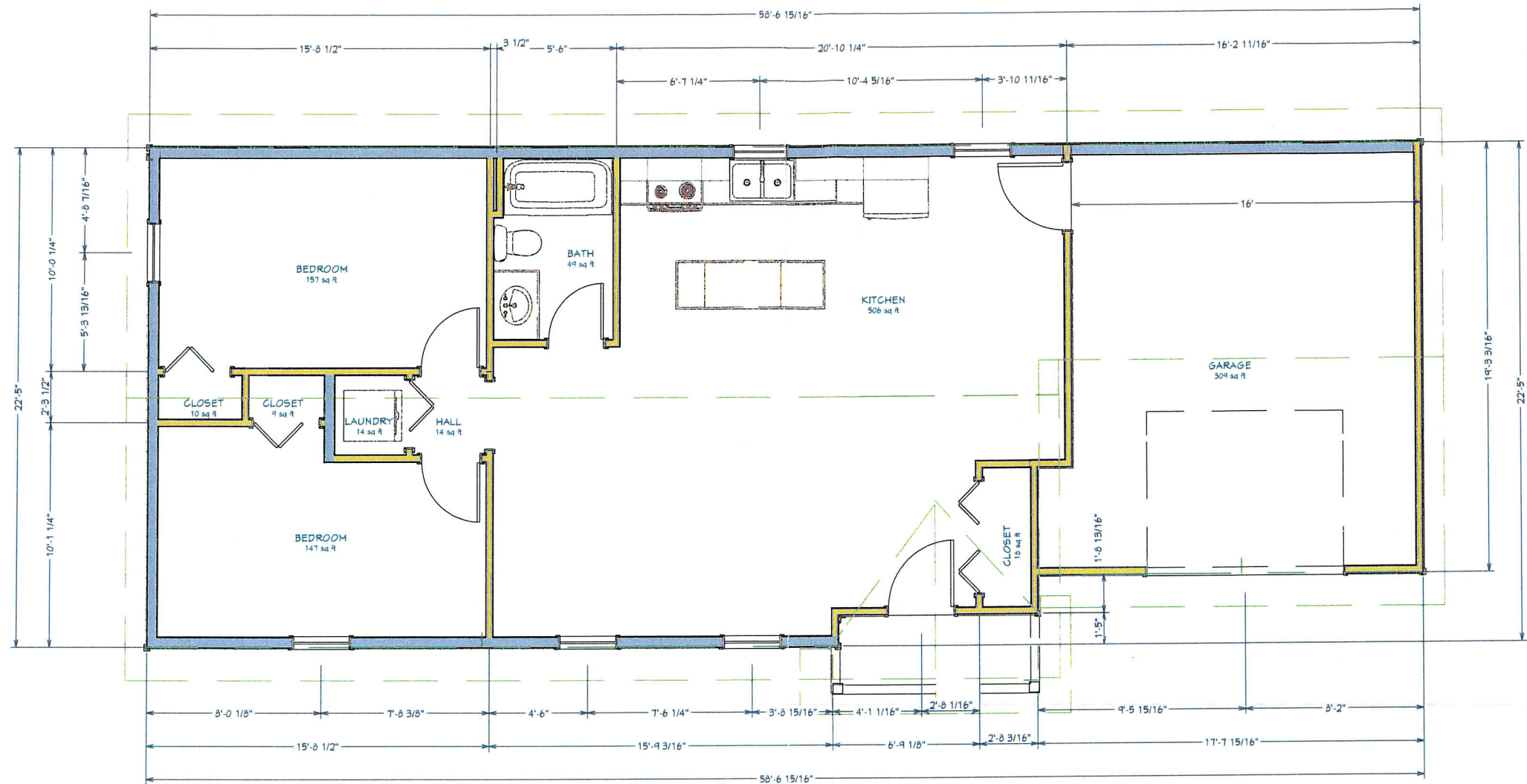
J.L. JAMES — HOMES —
1703 COPE AVE SUITE G
MAPLEWOOD, MN 55109
BC#T00064

PROJECT SCOPE:
WHOLE HOUSE REMODEL

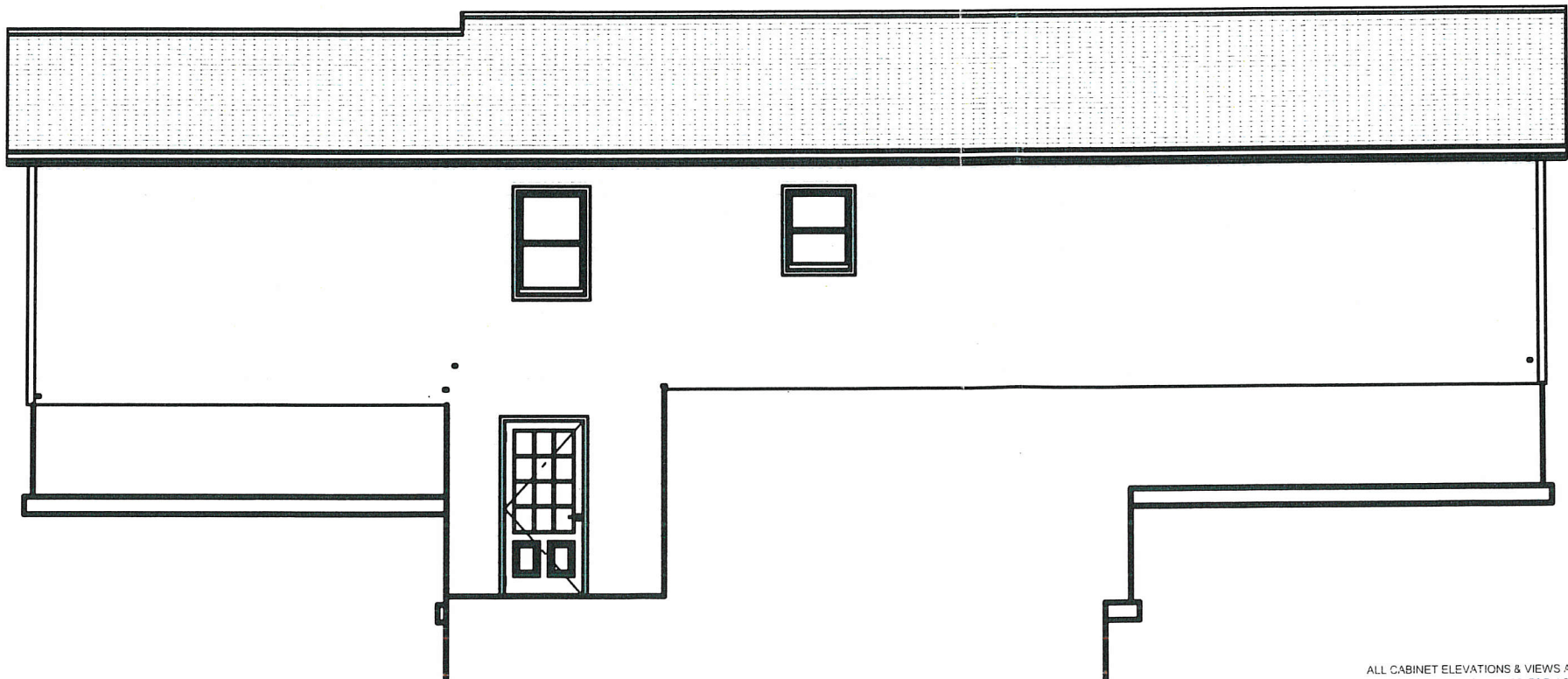
DRAWN BY:	BOB P.
FILE NAME:	CONCEPT PLAN
DATE:	6/14/2018
JOB NO.	
SHEET	OF

D

THIS PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION BUT THE SOLE PURPOSE OF ESTABLISHING A SCOPE OF WORK.



PROPOSED MAIN FLOOR
SCALE: 1/4" = 1'



CABINETRY NOTE
ALL CABINET ELEVATIONS & VIEWS ARE CONCEPTUAL ONLY. PLEASE REFER TO CABINET MFG. OR

THIS DOCUMENT IS THE PROPERTY OF
JORDAN JAMES
ANY DUPLICATION OR USE IS STRICTLY
PROHIBITED WITHOUT EXPRESS WRITTEN
CONSENT. NO REPRESENTATION OR
WARRANTY IS MADE AS TO THE DESIGN OR
DRAFTING. ALL DIMENSIONS AND
STRUCTURAL DETAILS MUST BE VERIFIED
PRIOR TO CONSTRUCTION.

NAME:
ADDRESS:
**5412 CONCORD AVE
INVERGROVE HEIGHTS MN**

J.L. JAMES — HOMES —
1703 COPE AVE SUITE G
MAPLEWOOD, MN 55109
BC#T00064

PROJECT SCOPE:
WHOLE HOUSE REMODEL
DRAWN BY:
BOB P.
FILE NAME:
CONCEPT PLAN
DATE: **6/14/2018**
JOB NO.
SHEET OF

7

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE:	August 17, 2018	CASE NO.: 18-44PR
APPLICANT:	Continuum Construction	
PROPERTY OWNER:	RC Property, LLC	
REQUEST:	Major Site Plan Review	
LOCATION:	2925 Buckley Way	
HEARING DATE:	August 21, 2018	
COMPREHENSIVE PLAN:	CC, Community Commercial	
ZONING:	B-3, General Business	
REVIEWING DIVISIONS:	Planning Engineering	PREPARED BY: Allan Hunting City Planner

BACKGROUND

The applicant is proposing to expand the existing building on the site to accommodate the future growth of the tenant. The building is occupied by Therapy OPS which is a therapy medical clinic focusing on child physical therapy. The applicant indicates that parents typically drop off their child for the average one-hour appointment and pick up when the appointment is over. Therapy OPS currently has 7 therapists. The business would like to expand to approximately 16 therapists. The building is currently approximately 5,000 square feet and the addition would increase side to approximately 8,000 square feet. The addition would be to the back side of the building and would be constructed over existing parking lot surface. There are currently 37 parking spaces. The revised plan shows a total of 27 spaces would be provided.

The application request consists of A Major Site Plan Review for a therapy medical clinic.

SURROUNDING USES

The subject property is surrounded by:

North	Commercial development; zoned B-3; guided CC
East	Commercial development; zoned B-3; guided CC
West	Vacant; zoned B-3; guided CC
South	Vacant; zoned B-3; guided CC

EVALUATION OF REQUEST

Major Site Plan Review

Bulk Standards. The charts below indicate that the proposed development is in compliance with all the required setback and bulk standards for the B-3 zoning district.

Setback/Bulk Standards For the B-3 District			
Standard	Required Standard	Proposed	Status
Front Yard Setback – Building	30 ft	32 ft (existing)	Compliant
Side Yard Setback – Building	10 ft	30 ft	Compliant
Rear Yard Setback – Building	30 ft	120 ft	Compliant
Building Coverage (max)	N/A	N/A	
Building Height	35 ft.	21 ft	Compliant
Impervious Surface (max)	100%	08%	Compliant

Exterior Building Materials. The exterior materials consist of brick and horizontal lap siding to match the existing building. All materials comply with exterior standards.

Access. Access would utilize the existing curb opening on Buckley Way. No changes proposed.

Lighting. The plan does not identify any new lighting proposed.

Parking. With the addition, the existing parking lot would be modified. The applicant is proposing a total of 27 spaces. The existing parking lot contains 37 spaces. The use of the building does not fit any of the categories listed in the zoning ordinance to determine a parking requirement. The use does not fit a general “office” or “medical clinic” definition. The ordinance allows a determination of uses not covered in the ordinance to follow the most similar use or as determined by Council. Since the business operates with primarily drop-off users, there would be ample parking provided.

The standards for off-street parking setbacks are listed below.

Parking Setbacks in B-3 Zoning District			
Setback	Required Standard	Proposed	Status
Front	10 ft	Existing	Compliant
Side	5 ft	Existing	Compliant
Rear	5 ft, 10 ft abutting residential	Existing	Compliant

Signage. No new signage has been identified. Any new signage would require a sign permit.

Mechanical Units. The proposed elevations show mechanical equipment substantially screened with a parapet on top of the roof line. This would comply with code standards.

Grading, Drainage, & Utilities. Engineering has noted that since total land disturbance is under 5,000 square feet, no additional storm water management is required.

Engineering did note that since the site is near the rubbish ranch, environmental testing should be done to determine if any corrective measures might be needed. The applicant has indicated they have ordered a Phase 1 environmental study done to determine any additional steps necessary.

Landscape Standards. Based on the existing landscaping on the lot, no additional landscaping is required with this development.

Combination of lots. The property consists of two lots. When the building was built in the mid 1990's, there was a condition that the two lots must be combined since the building was to be constructed over the property line. There is a letter to the County from staff approving a lot consolidation and that the County should combine into one tax parcel. For what ever reason, this never occurred. A condition of approval should be that the lot consolidation must be completed before a building permit is issued. Staff can write a new letter to the County, but the applicant must submit the letter to the County and pay any required fees or property taxes that are due.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- o Approving the Major Site Plan Review for a therapy medical clinic subject to the following conditions:
 - 1. The development shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Site Plan	dated 7/20/18
Grading Plan	dated 7/20/18
Exterior Elevations (3 sheets)	dated 7/18/18

2. Prior to issuance of permits, the final grading and erosion control plans shall be approved by the City Engineer.
3. Prior to issuance of building permits, the two lots shall be combined with applicant submitting the information to the County for recording.
4. Any new parking lot and building lighting on site shall be a down cast “shoe-box” style and the bulb shall not be visible from property lines.
5. All plans shall be subject to the review and approval of the Fire Marshal.
6. The applicant shall investigate and conduct any necessary studies to determine if any soil corrective measures may be needed for the building addition. Any work needed would be coordinated during the building permit process.

B. Denial If the Planning Commission does not favor the request, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

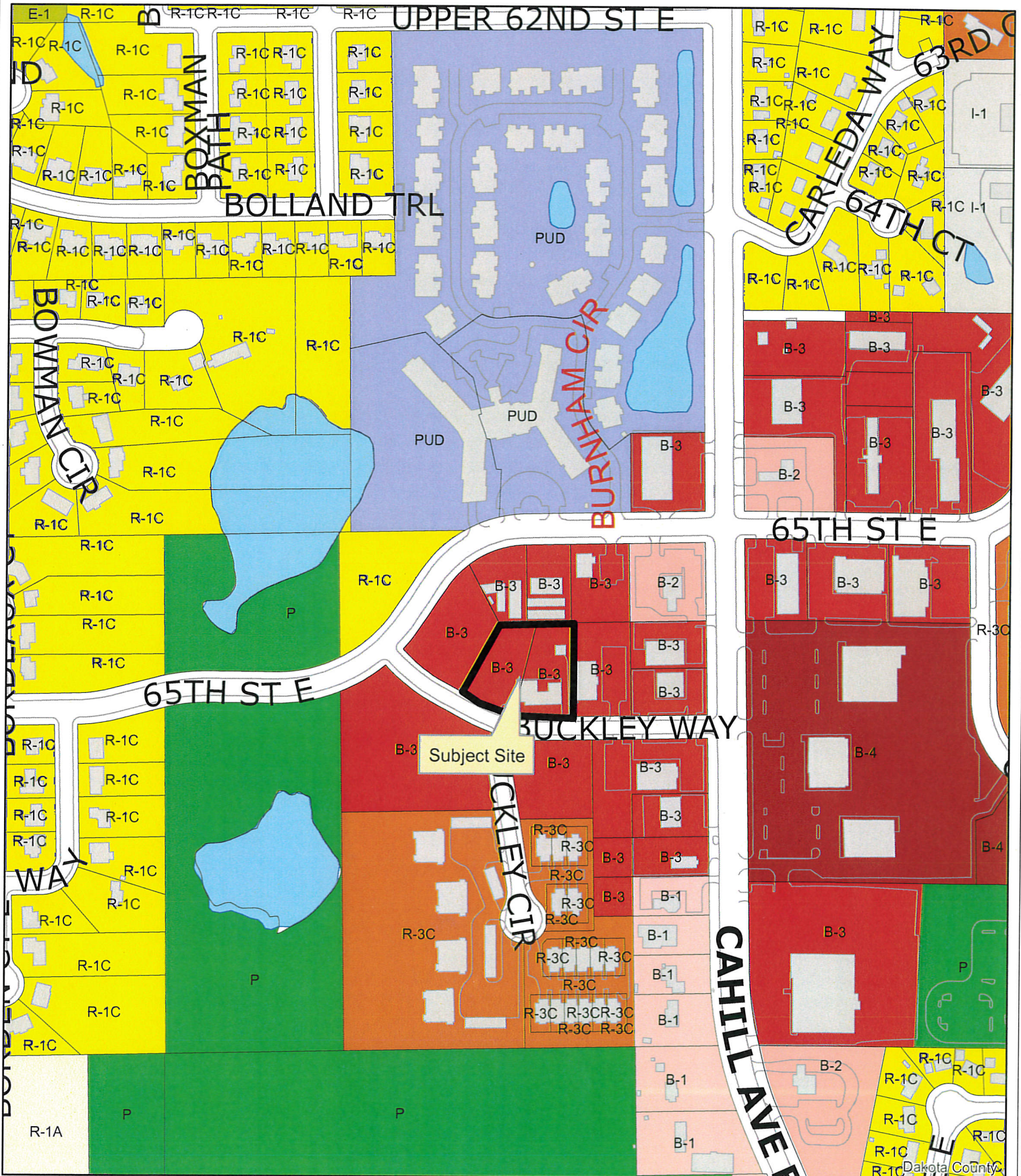
Staff recommends approval of the Major Site Plan Review subject to the listed conditions.

Attachments: Location Map
Applicant Narrative
Site Plan
Grading Plan
Exterior Elevations (3 sheets)



Location Map

Case No. 18-44PR



To: City of Inver Grove Heights

From: Ben Johnson, P.E.
Kimley-Horn

Date: July 20, 2018

Subject: **Therapy Ops Building Addition**
1525 Central Parkway, Eagan, MN

Therapy OPS is mainly a drop-off and pick-up service meaning that most families choose to drop of their child and come back when the session has ended. The average amount of therapy a child will receive in a given visit is an hour so generally the busy times are on the hour, when pick-up and drop-off is happening simultaneously.

Therapy OPS currently has 7 therapists and on average 2 out of 7 families seeing those therapists will stay in the waiting room which means there are generally two client cars in the parking lot at any given time. There are currently 9 full-time employees at Therapy OPS and those employees all park at the rear of the building. So, in total there are generally 11 cars in the parking lot throughout the day.

Therapy OPS expects to eventually employ 16 therapists and 2 contractors. That would work out to 18 total employees and 5 waiting families in a given hour for a total of 23 cars throughout the day.

Should you have any questions or comments, please do not hesitate to contact me at 612-326-9506, or by email at Benjamin.johnson@kimley-horn.com.

Sincerely,



Benjamin R. Johnson, P.E.



July 20, 2018

City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Major Site Plan review

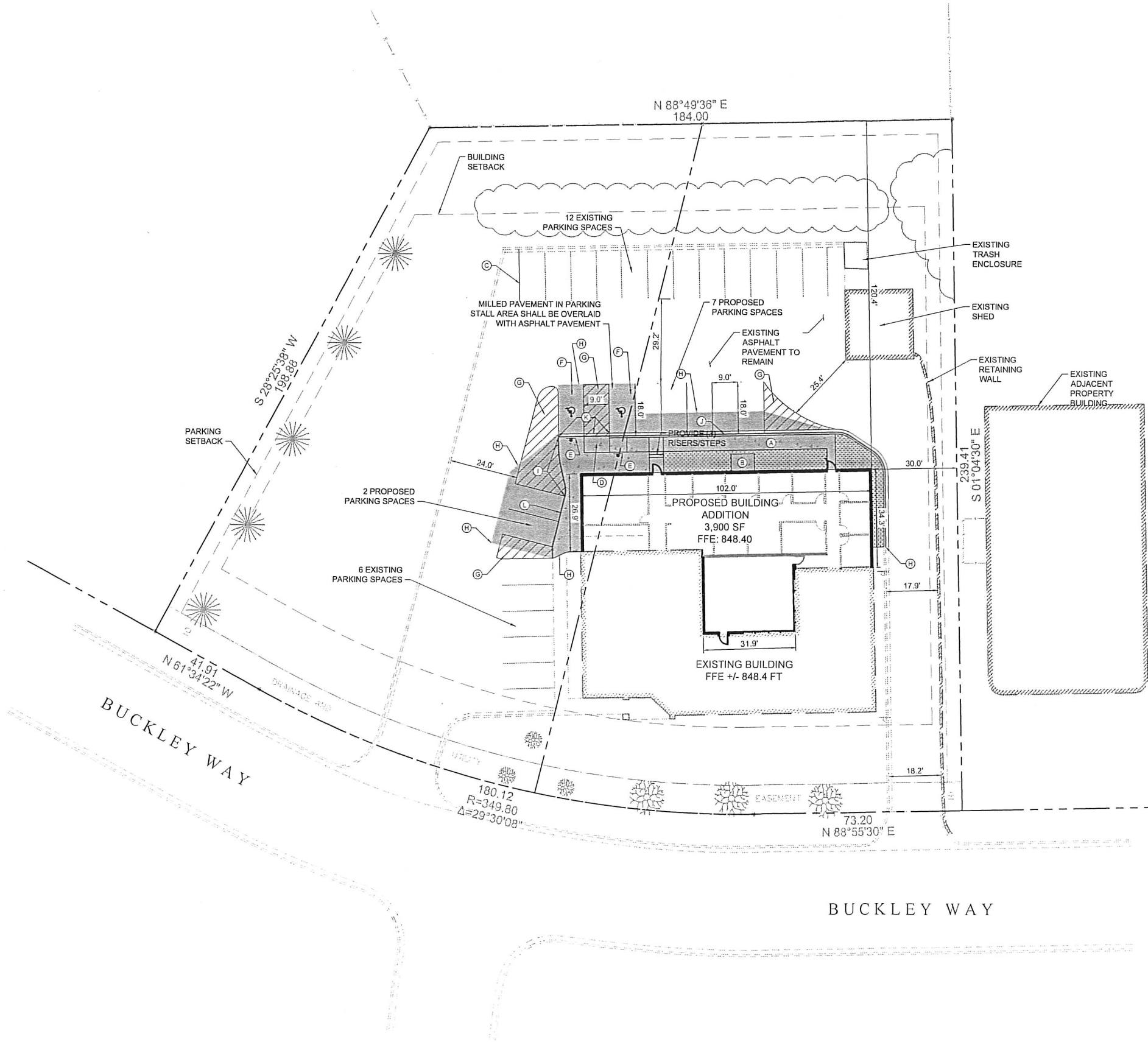
To Whom It May Concern::

This is a request to expand the building that Therapy OPS occupies at 2925 Buckley Way. The expansion would take the existing building from 5,000 square feet to 8,000 square feet (staying a single story). Features of the expansion would include a second gym for play therapy, 8 additional therapy rooms, a number of specialty therapy rooms and expanded amenities. The expansion would also allow TOPS management to redeploy resources within the building as it's current layout is not ideal for therapy and the continued growth of the clinic will only compound some of the existing layout problems.

Regards,

A handwritten signature in black ink, appearing to read 'J. Wendel'.

Jerry Wendel
President



LEGEND

---	PROPERTY LINE
---	SETBACK LINE
---	PAVING/FILL LIMITS**
---	PROPOSED CONCRETE SIDEWALK

PROPERTY SUMMARY

THERAPY OPS BUILDING ADDITION

TOTAL PROPERTY AREA	54,450 SF (1.25 AC)
TOTAL DISTURBED AREA	4,700 SF (0.11 AC)

ZONING SUMMARY

EXISTING ZONING	B-3
BUILDING SETBACKS	FRONT = 30' SIDE = 10' REAR = 30'
PAVEMENT SETBACKS	FRONT = 10' SIDE = 5' REAR = 5'

BUILDING DATA SUMMARY

AREAS

EXISTING BUILDING AREA	4,600 SF
PROPOSED BUILDING ADDITION AREA	3,900 SF
TOTAL BUILDING AREA	8,500 SF

PARKING

REQUIRED PARKING	BY USE	27 STALLS
	BY CODE	41 STALLS
PROPOSED PARKING	27 STALLS (17 EMPLOYEES, 10 DROP OFF)	
ADA STALLS REQ'D / PROVIDED	2 STALLS / 2 STALLS	

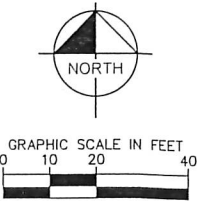
SITE PLAN NOTES

- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
- ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
- SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY MZ SURVEYING, DATED 07/12/2018.
KIMLEY-HORN ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES, OR OMISSIONS CONTAINED THEREIN.
- REFER TO ALTA SURVEY FOR EXACT LOT AND PROPERTY BOUNDARY DIMENSIONS.
- ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
- ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
- ALL EXISTING UTILITIES ARE ASSUMED TO BE AT SUFFICIENT DEPTH, CAPACITY AND SHALL REMAIN.

KEYNOTE LEGEND

(A)	CONCRETE SIDEWALK
(B)	TRANSFORMER PAD
(C)	4" SOLID YELLOW STRIPE (TYP.)
(D)	ACCESSIBLE CURB LANDING
(E)	ACCESSIBLE PARKING SIGN
(F)	ACCESSIBLE PARKING
(G)	AREA STRIPED WITH 4" SYSL @ 45° 2' O.C.
(H)	MATCH EXISTING EDGE OF PAVEMENT/ CURB & GUTTER
(I)	TRANSITION CURB
(J)	8612 CURB & GUTTER (TYP.)
(K)	FLAT CURB
(L)	INTEGRAL BARRIER CURB

**DISTURBED AREA: 4,700 SF
PROPOSED CONCRETE AND ASPHALT PAVING IMPROVEMENTS. CONTRACTOR SHALL PLACE ADDITIONAL CONCRETE/ASPHALT PAVEMENT ON TOP OF EXISTING PAVEMENTS TO OBTAIN PROPOSED GRADES, AGGREGATE BASE BELOW EXISTING ASPHALT PAVEMENT SHALL NOT BE EXPOSED. THE CONTRACTOR SHALL PLACE PROPOSED ASPHALT PAVEMENT IN MINIMUM 2 INCH LIFTS. THE CONTRACTOR SHALL MILL UP TO 2 INCH TO ACCOMMODATE ADDITIONAL PAVING.



PRELIMINARY - NOT FOR CONSTRUCTION

THERAPY OPS

BUILDING ADDITION

PREPARED FOR

CONTINUUM

CONSTRUCTION

INVER GROVE HEIGHTS

SITE PLAN

KHA PROJECT

DATE 07/20/2018

SCALE AS SHOWN

DESIGNED BY BRJ

DRAWN BY BRJ

CHECKED BY BRJ

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN R. JOHNSON

DATE 07/20/2018

U.C. NO. 53084

Kimley»Horn

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2550 UNIVERSITY AVENUE WEST, SUITE 230N, ST. PAUL, MN 55114

PHONE 651-454-1187

WWW.KIMLEY-HORN.COM

SHEET NUMBER

C400

NO.

1

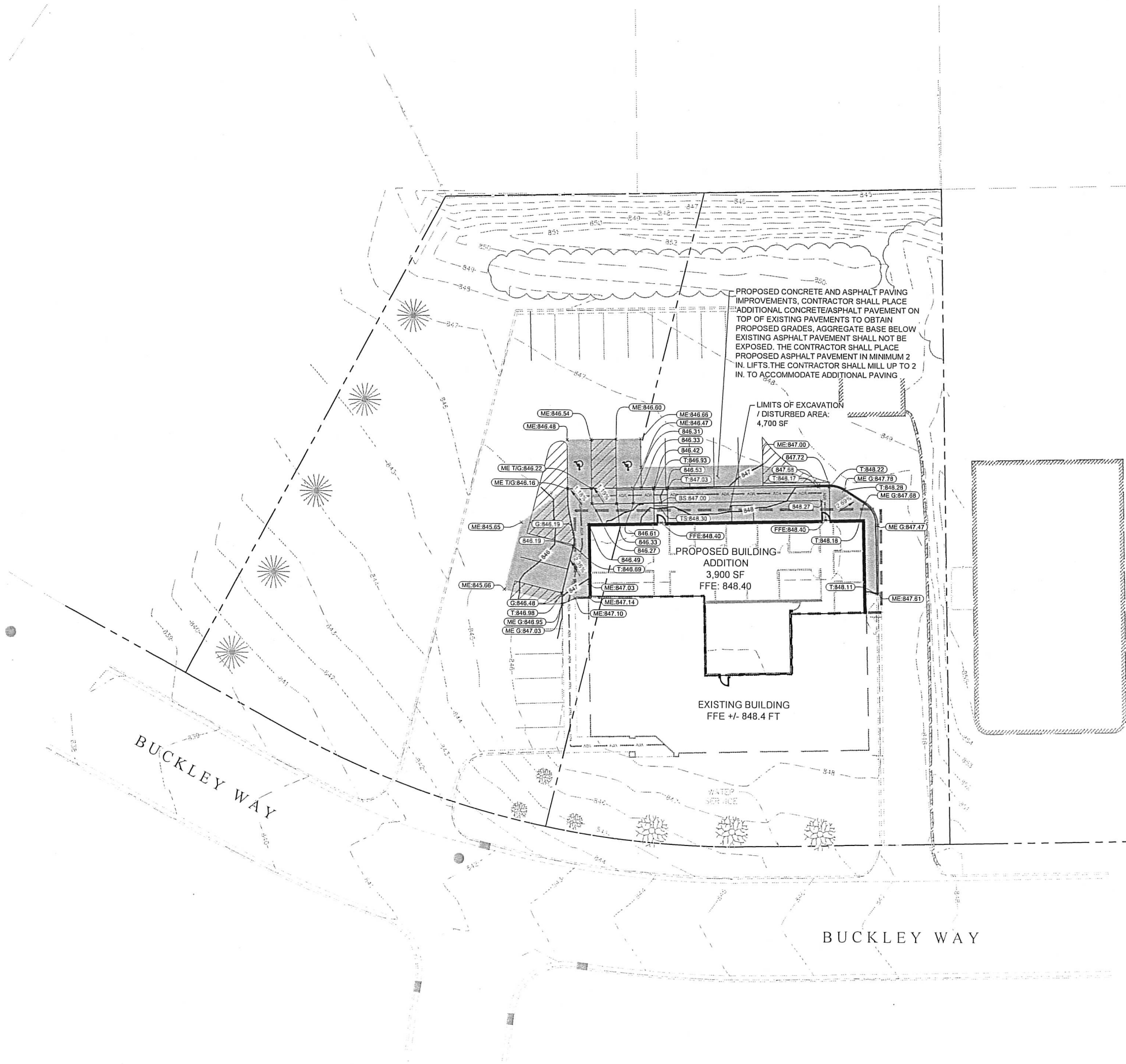
REVISIONS

DATE

07/20/18

BY

BRJ



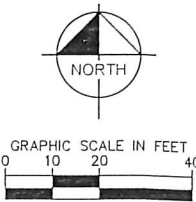
LEGEND

- PROPERTY LINE
EXISTING CONTOUR
PROPOSED CONTOUR
- PAVING/FILL LIMITS**
- LIMITS OF DISTURBANCE**
- PROPOSED SPOT ELEVATION
PROPOSED HIGH POINT ELEVATION
PROPOSED LOW POINT ELEVATION
PROPOSED GUTTER ELEVATION
PROPOSED TOP OF CURB ELEVATION
PROPOSED FLUSH PAVEMENT ELEVATION
MATCH EXISTING ELEVATION
PROPOSED EMERGENCY OVERFLOW
- PROPOSED DRAINAGE DIRECTION
EXISTING DRAINAGE DIRECTION
- ADA PATH
IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2%. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PARKING STALLS OR AISLES EXCEED 2% (1.5% TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERNAL BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT.

GRADING PLAN NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF INVER GROVE HEIGHTS, SPECIFICATIONS AND BUILDING PERMIT REQUIREMENTS.
- CONTRACTOR TO CALL GOPHER STATE CALL ONE @ <1-800-252-1166> AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION/CONSTRUCTION FOR UTILITY LOCATIONS.
- CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OR EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
- SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF EXISTING PAVEMENT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
- GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION AND LEAVE STREET READY FOR SUBBASE.
- ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF OFF THE CONSTRUCTION SITE.
- CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES TO PROVIDE POSITIVE DRAINAGE.
- ALL SPOT ELEVATIONS/CONTOURS ARE TO GUTTER / FLOW LINE UNLESS OTHERWISE NOTED.
- GRADING FOR ALL SIDEWALKS AND ACCESSIBLE ROUTES INCLUDING CROSSING DRIVEWAYS SHALL CONFORM TO CURRENT ADA STATE/NATIONAL STANDARDS. IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2% . IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PARKING STALLS OR AISLES EXCEED 2% (1.5% TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERNAL BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ADA CRITERIA CANNOT BE MET IN ANY LOCATION PRIOR TO PAVING. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR A.D.A COMPLIANCE ISSUES.
- MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
- MAINTAIN A MINIMUM OF 1.25% SLOPE IN BITUMINOUS PAVEMENT AREAS, 0.5% SLOPE IN CONCRETE PAVEMENT AREAS.
- CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "INFALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.

**DISTURBED AREA: 4,700 SF
PROPOSED CONCRETE AND ASPHALT PAVING IMPROVEMENTS. CONTRACTOR SHALL PLACE ADDITIONAL CONCRETE/ASPHALT PAVEMENT ON TOP OF EXISTING PAVEMENTS TO OBTAIN PROPOSED GRADES. AGGREGATE BASE BELOW EXISTING ASPHALT PAVEMENT SHALL NOT BE EXPOSED. THE CONTRACTOR SHALL PLACE PROPOSED ASPHALT PAVEMENT IN MINIMUM 2 INCH LIFTS. THE CONTRACTOR SHALL MILL UP TO 2 INCH TO ACCOMMODATE ADDITIONAL PAVING.



PRELIMINARY - NOT FOR CONSTRUCTION

THERAPY OPS
BUILDING ADDITION
PREPARED FOR
CONTINUUM
CONSTRUCTION, INC.
INVER GROVE HEIGHTS, MN

SHEET NUMBER
C500

KHA PROJECT		DATE		SCALE		DESIGNED BY		DRAWN BY		CHECKED BY	
KHA PROJECT		07/20/2018		AS SHOWN		BRJ		BRJ		BRJ	

GRADING PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

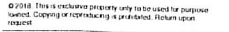
BENJAMIN R. JOHNSON
MINN.
DATE: 07/20/2018 LIC. NO. 53084

Kimley»Horn

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2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
PHONE 651-646-4197
WWW.KIMLEY-HORN.COM

REVISIONS		DATE	
No.	1	07/20/18	BRJ

1
4 OF 4

Therapy OPS
Addition

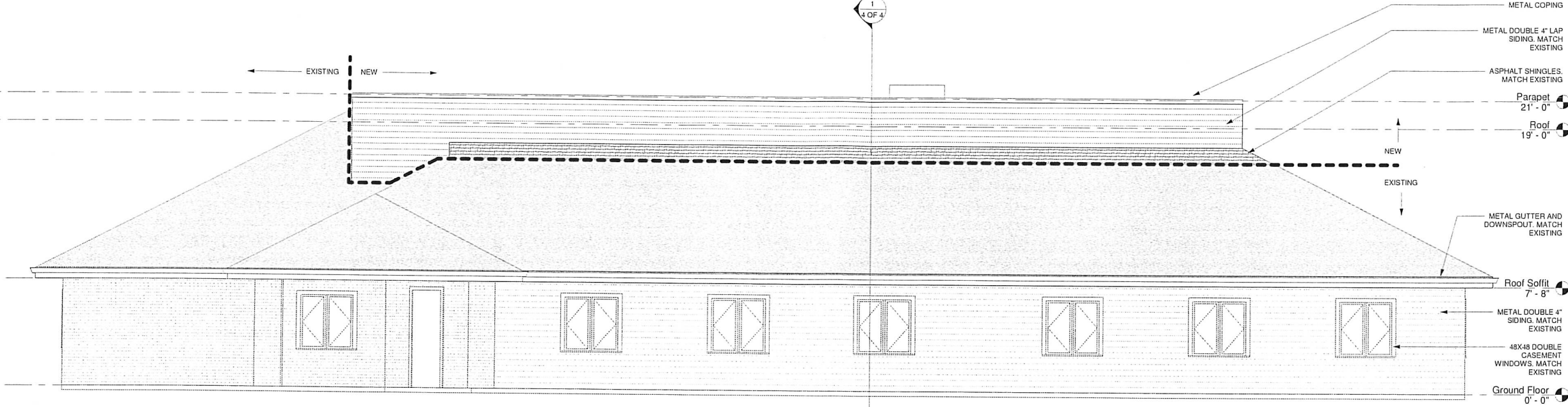
2925 Buckley Way,
Inver Grove
Heights, MN 55076

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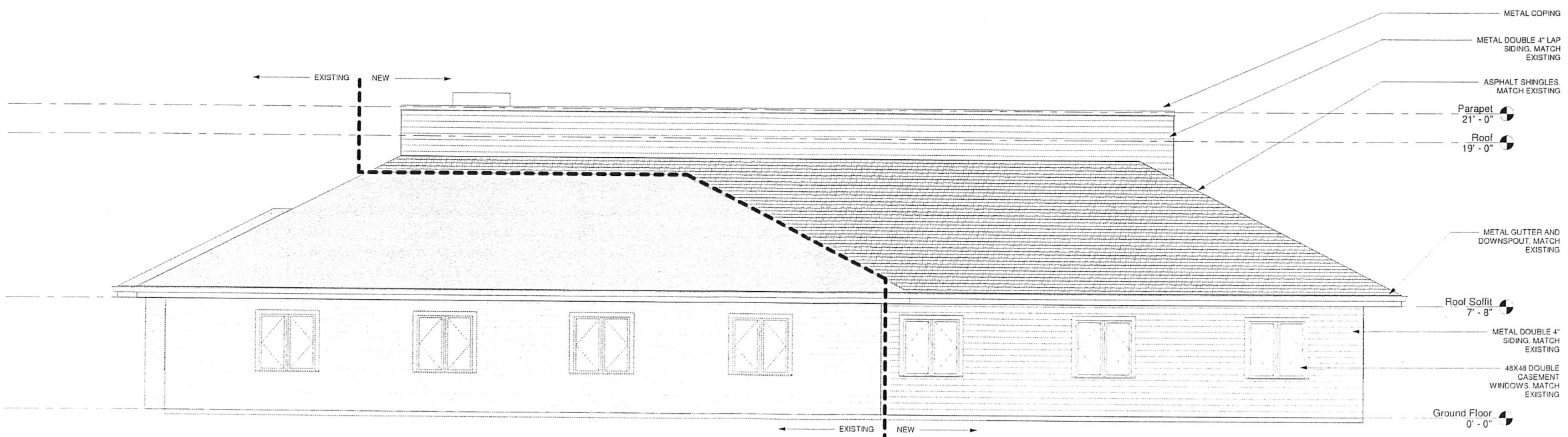
Exterior Elevations

2 OF 4

PRELIMINARY NOT FOR CONSTRUCTION



① South Exterior Elevation
1/4" = 1'-0"



2 East Exterior Elevation
1/4" = 1'-0"

METAL COPING

METAL DOUBLE 4" LAP SIDING MATCH EXISTING

ASPHALT SHINGLES MATCH EXISTING

METAL GUTTER AND DOWNSPOUT MATCH EXISTING

METAL DOUBLE 4" SIDING MATCH EXISTING

48X48 DOUBLE CASEMENT WINDOWS MATCH EXISTING

NEW EXISTING

Parapet
21' - 0"

Roof
19' - 0"

Roof Soffit
7' - 8"

Ground Floor
0' - 0"

2 West Exterior Elevation
1/4" = 1'-0"

**little
box**

Address: 348 East 44th Street
Minneapolis, MN 55409
Phone: 612-804-6314
Email: jnelson@littleboxinc.com

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PRELIMINARY
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Therapy OPS
Addition

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Inver Grove
Heights, MN 55076

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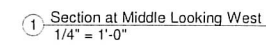
Exterior Elevations

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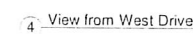
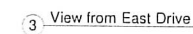
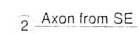
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2925 Buckley Way,
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[illegible]

PRELIMINARY NOT FOR CONSTRUCTION

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

HEARING DATE: August 21, 2018

CASE NO.: 18-45SV

APPLICANT AND PROPERTY OWNER: Northern States Power Company

REQUEST: A preliminary and final plat for a one lot subdivision and side yard setback variances for existing structures

LOCATION: 10325/10326 Robert Trail (Hwy 3)

COMP PLAN: GI, General Industrial

ZONING: I-2, General Industrial

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

NSP (dba Xcel Energy) currently owns a 153-acre parcel in the southwest part of the City along Robert Trail. The applicant is requesting a preliminary and final plat for a one lot subdivision to be 14.53 acres in size. The proposed parcel would include two of the existing large fuel tanks and numerous buildings accessory to these tanks. Due to the location of the proposed lot line, variances are being requested from the side yard setback requirements for the existing structures. No new structures are being requested and no changes are being proposed to the existing access point along Robert Trail.

The specific request consists of the following:

- a) A Preliminary and Final Plat for a one lot subdivision to be known as Wescott Tank Farm
- b) A Variance from the side yard setbacks for the location of the existing structures.

EVALUATION OF THE REQUEST

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

North: Residential; zoned A, Agricultural; guided RDR, Rural Density Residential
East: Residential/NSP; zoned A; guided RDR
West: Eagan/ Hwy 3
South: NSP; zoned I-2; guided Private Open Space

PRELIMINARY/ FINAL PLAT

Zoning and Comprehensive Plan Consistency. The property is zoned I-2, General Industry and guided GI, General Industrial. The uses on the property are not changing. The zoning and comprehensive plan designations are consistent with the proposed plat.

Lots & Blocks.

The plat consists of one lot, 14.53 acres in size; exceeding the minimum lot size requirement of one acre in the I-2 zoning district. The proposed lot is 107 feet in width complying with the minimum width requirement of 100 feet.

Park Dedication. There are no plans for park land in this area of the City; therefore, park dedication would be in the form of a cash contribution. Current cash contribution for the I-2 District is \$5,000 per acre. In this case, the total platted lot area is 14.53 acres in size for a total park dedication fee of \$72,650. This fee is paid at time of plat release for recording.

Access. Access to the property is not changing. The existing access from Robert Trail will be maintained with a private access agreement between the two parcels.

Engineering. Engineering has reviewed the plans and has made some recommendations on conditions that should be added to the approval; these conditions are included in the list of conditions at the end of this report. The final details on the plans would be reviewed and approved by the City Engineer prior to the release of the final plat.

VARIANCE REVIEW

The applicant is requesting a variance to allow existing structures to be located within the 30 foot side yard setback of the newly created lot line.

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 14.53 acre plat will be surrounded by the remaining 138 acre lot owned by NSP. The request is in harmony with the intent of the city code and comprehensive plan as the lot is being utilized as an industrial lot. The use of the property is not changing and no physical changes to the existing buildings are being proposed.

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

The setback variances would allow the applicant to use the property in a reasonable manner. The structures encroaching within the side yard setback are existing structures and due to the function of the buildings it is not realistic to have them moved. The variances would exist until the buildings are removed from the property. Any new structure would have to comply with setback requirements or apply for a variance.

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

The property is unique in that the existing physical condition of the property in conjunction with the lack of changes or impacts to the property is unlike other variance and plat requests. To relocate the existing structures is not realistic as there could be an impact to the utility infrastructure going beyond this particular property.

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

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Visually, there are no changes to the proposed property. In this case, the structures encroaching within the setback are from an internal side lot line. The property most directly affected will continue to be NSP.

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 actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Preliminary and Final Plat** for a one lot subdivision **and Variance** from the side yard setback requirements for existing structures subject to the following conditions:
 1. The site shall be developed in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.

2. Park Dedication in the form of a cash contribution shall be required for the plat as approved by the City Council. Payment of fee shall be submitted prior to release of the plat for recording.
3. All plans shall be subject to the review and approval of the City Fire Marshal.
4. Any new structures or additions would have to comply with setback requirements or apply for a variance.
5. The developer 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

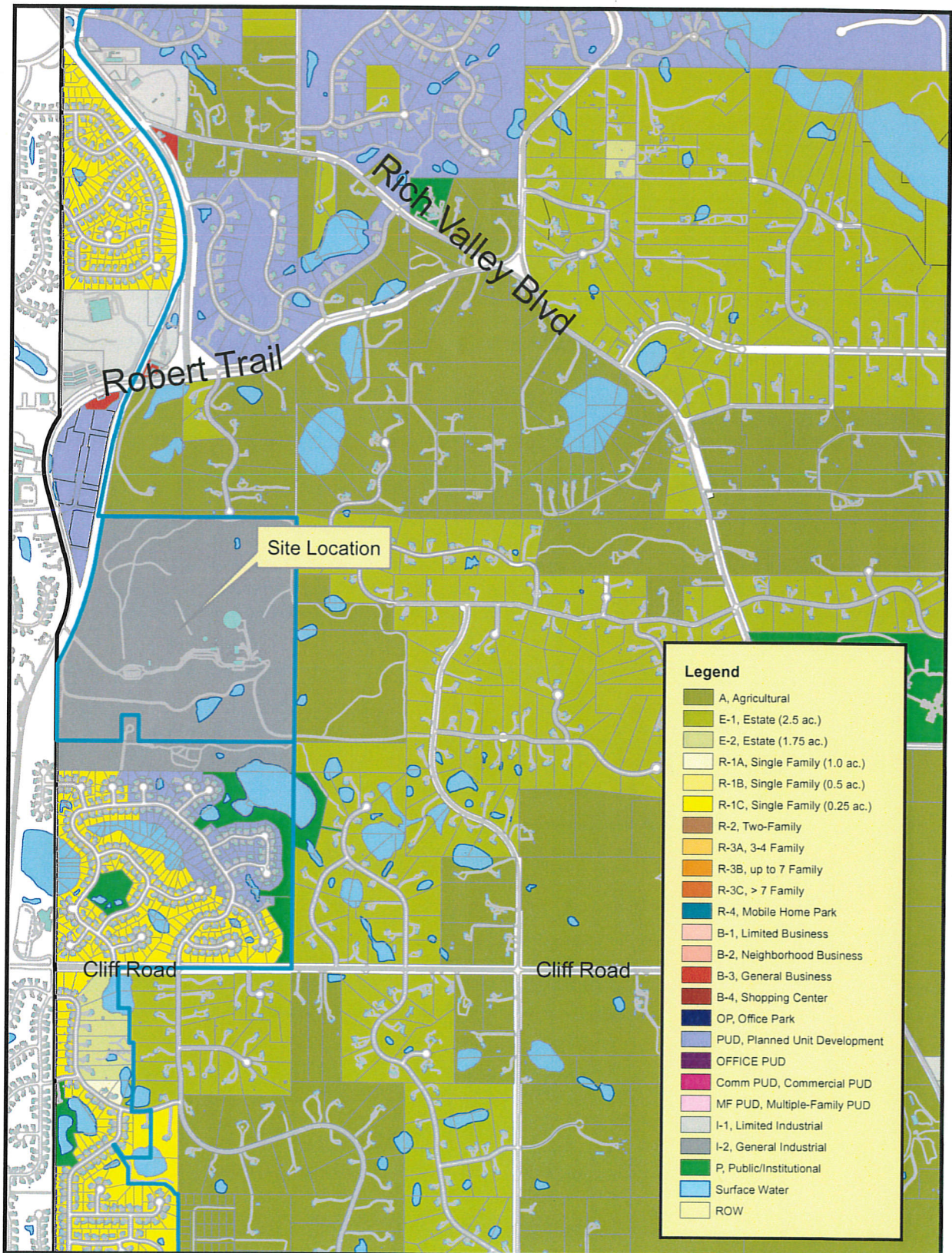
The request to subdivide the property is not out of character for the neighborhood and it is consistent with the comprehensive plan. The reduced side yard setbacks for existing buildings allows the property to be used in a reasonable manner and does not appear to have an adverse impact on the neighboring properties. Staff believes a practical difficulty can be found for the setback variance due to the existing physical conditions of the property and relocating the structures could have an impact to the utility infrastructure beyond this particular property.

Based on the information in the preceding report and the conditions listed in Alternative A, staff recommends approval of the preliminary and final plat and variances from the side yard setbacks for existing structures.

Attachments: Exhibit A: Location Map
Exhibit B: Preliminary Plat
Exhibit C: Final Plat
Exhibit D: Aerial view of new lot within the NSP parcel



Northern States Power Case No. 18-45SV



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.
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Exhibit A
Zoning and Location Map
Map not to scale

PRELIMINARY PLAT OF WESCOTT TANK FARM

OWNER'S NAME AND ADDRESS:

Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401

SURVEYOR:

Michael E. Cannon, PLS #40035
Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401

ZONING:

I-2, General Industrial

AREAS:

Proposed Lot 1, Block 1: 14.53 Acres, more or less

SURVEYOR'S CERTIFICATION

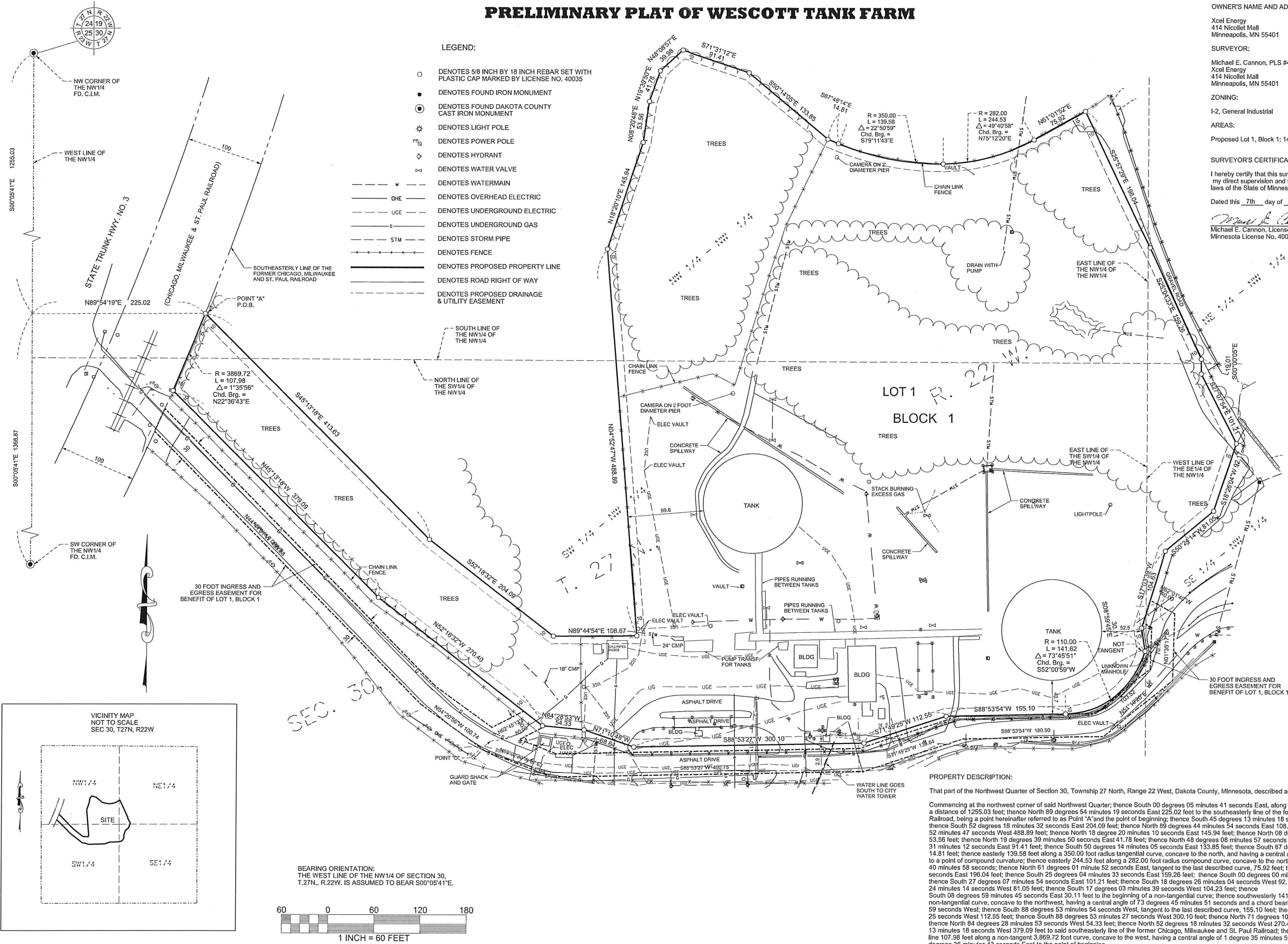
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 7th day of August, 2018.

Michael E. Cannon
Michael E. Cannon, Licensed Land Surveyor
Minnesota License No. 40035

LEGEND:

- DENOTES 5/8 INCH BY 18 INCH REBAR SET WITH PLASTIC CAP MARKED BY LICENSE NO. 40035
- DENOTES FOUND IRON MONUMENT
- ⊙ DENOTES FOUND DAKOTA COUNTY CAST IRON MONUMENT
- ✱ DENOTES LIGHT POLE
- ⊕ DENOTES POWER POLE
- ⊖ DENOTES HYDRANT
- ⊗ DENOTES WATER VALVE
- DENOTES WATERMAIN
- DHE — DENOTES OVERHEAD ELECTRIC
- UGE — DENOTES UNDERGROUND ELECTRIC
- G — DENOTES UNDERGROUND GAS
- STM — DENOTES STORM PIPE
- DENOTES FENCE
- DENOTES PROPOSED PROPERTY LINE
- DENOTES ROAD RIGHT OF WAY
- DENOTES PROPOSED DRAINAGE & UTILITY EASEMENT

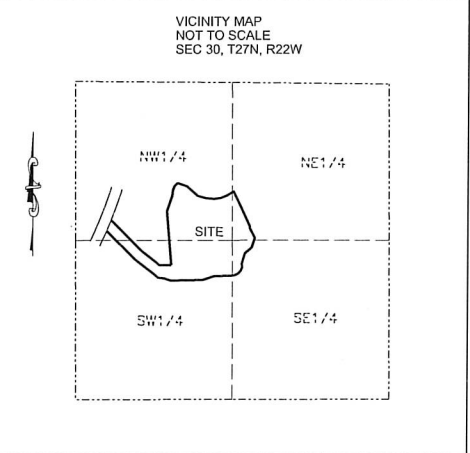
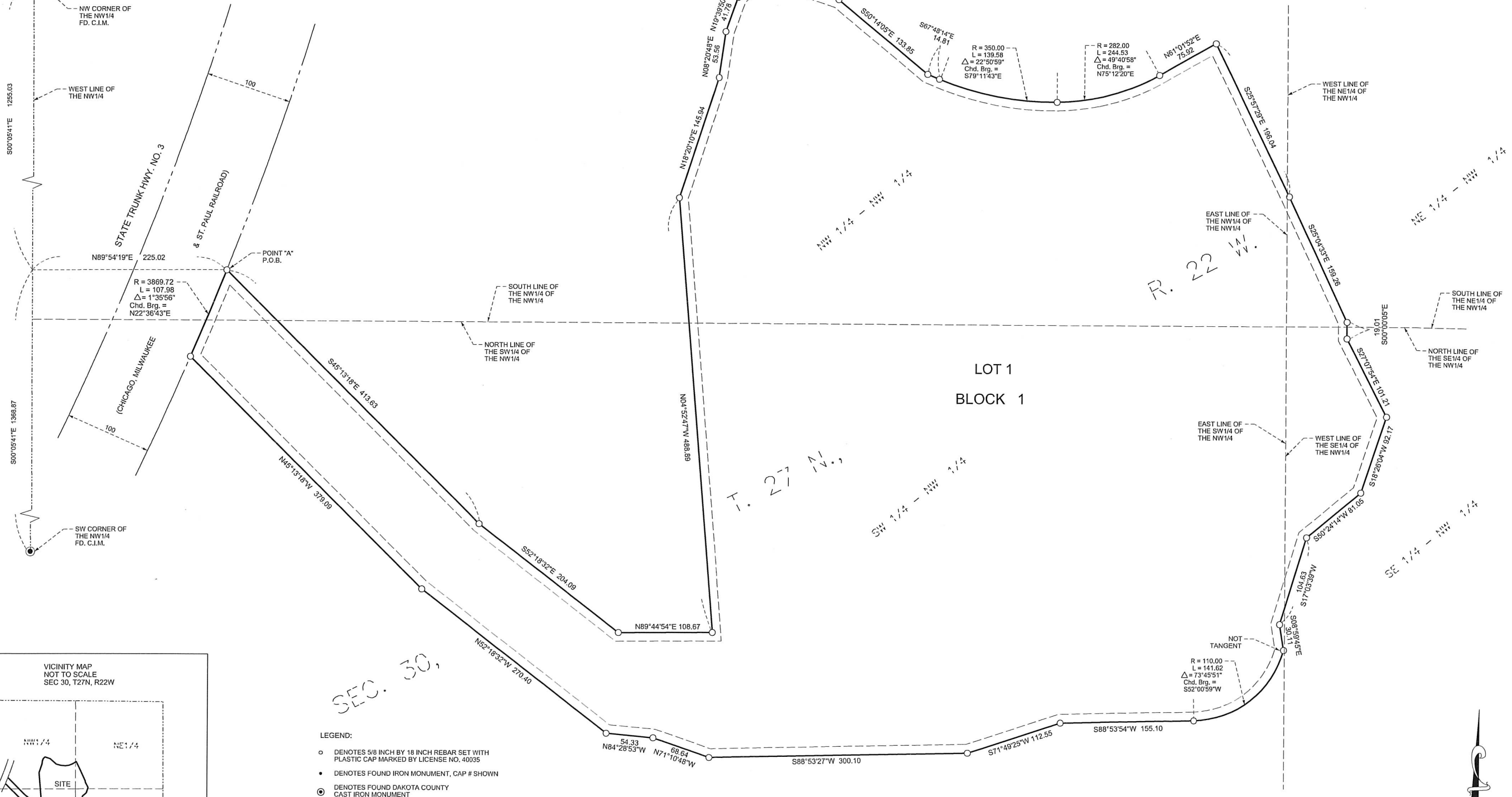
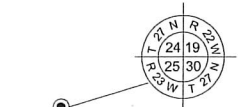


PROPERTY DESCRIPTION:

That part of the Northwest Quarter of Section 30, Township 27 North, Range 22 West, Dakota County, Minnesota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 00 degrees 05 minutes 41 seconds East, along the west line of said Northwest Quarter, a distance of 1255.03 feet; thence North 89 degrees 54 minutes 19 seconds East 225.02 feet to the southeasterly line of the former Chicago, Milwaukee and St. Paul Railroad, being a point hereinafter referred to as Point "A" and the point of beginning; thence South 45 degrees 13 minutes 18 seconds East 413.63 feet; thence South 52 degrees 18 minutes 32 seconds East 204.09 feet; thence North 89 degrees 54 minutes 19 seconds East 108.67 feet; thence North 04 degrees 52 minutes 47 seconds West 488.89 feet; thence North 18 degrees 20 minutes 10 seconds East 145.94 feet; thence North 08 degrees 20 minutes 48 seconds East 53.56 feet; thence North 19 degrees 39 minutes 50 seconds East 41.78 feet; thence North 48 degrees 08 minutes 57 seconds East 39.98 feet; thence South 71 degrees 31 minutes 12 seconds East 91.41 feet; thence South 50 degrees 14 minutes 05 seconds East 133.85 feet; thence South 67 degrees 48 minutes 14 seconds East 14.81 feet; thence easterly 139.58 feet along a 350.00 foot radius tangential curve, concave to the north, and having a central angle of 22 degrees 50 minutes 59 seconds to a point of compound curvature; thence easterly 244.53 feet along a 282.00 foot radius compound curve, concave to the north, and having a central angle of 49 degrees 40 minutes 58 seconds; thence North 61 degrees 01 minute 52 seconds East, tangent to the last described curve, 75.92 feet; thence South 25 degrees 57 minutes 29 seconds East 196.04 feet; thence South 25 degrees 04 minutes 33 seconds East 159.26 feet; thence South 00 degrees 00 minutes 05 seconds East 18.01 feet; thence South 27 degrees 07 minutes 54 seconds East 101.21 feet; thence South 18 degrees 26 minutes 04 seconds West 92.17 feet; thence South 50 degrees 24 minutes 14 seconds West 81.05 feet; thence South 17 degrees 03 minutes 39 seconds West 104.23 feet; thence South 08 degrees 59 minutes 45 seconds East 30.11 feet to the beginning of a non-tangential curve; thence southwesterly 141.62 feet along a 110.00 foot radius non-tangential curve, concave to the northwest, having a central angle of 73 degrees 45 minutes 51 seconds and a chord bearing of South 52 degrees 00 minutes 59 seconds West; thence South 88 degrees 53 minutes 54 seconds West, tangent to the last described curve, 155.10 feet; thence South 71 degrees 49 minutes 25 seconds West 112.55 feet; thence South 88 degrees 53 minutes 27 seconds West 300.10 feet; thence North 71 degrees 10 minutes 48 seconds East 68.64 feet; thence North 84 degrees 28 minutes 53 seconds West 54.33 feet; thence North 52 degrees 18 minutes 32 seconds West 270.40 feet; thence North 45 degrees 13 minutes 18 seconds West 379.09 feet to said southeasterly line of the former Chicago, Milwaukee and St. Paul Railroad; thence northeasterly along said southeasterly line 107.98 feet along a non-tangent 3,869.72 foot curve, concave to the west, having a central angle of 1 degree 35 minutes 56 seconds and a chord bearing of North 22 degrees 36 minutes 43 seconds East to the point of beginning.

WESCOTT TANK FARM



SEC. 30

- LEGEND:
- DENOTES 5/8 INCH BY 18 INCH REBAR SET WITH PLASTIC CAP MARKED BY LICENSE NO. 40035
 - DENOTES FOUND IRON MONUMENT, CAP # SHOWN
 - ⊙ DENOTES FOUND DAKOTA COUNTY CAST IRON MONUMENT

Drainage and utility easements are shown thus:

Being 10 feet in width and adjoining lot lines as shown on plat.

