

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**Tuesday, May 21, 2019 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR MAY 7, 2019**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 SOURCE LAND CAPITAL - CASE NO. 19-14ZPD**

Consider the following requests for the property located at 6477 South Robert Trail:

- a) **Rezoning** the property from A, Agricultural to R-1C/PUD

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

- b) A **Preliminary Plat** for a 66-lot subdivision to be known as Windsor Ridge

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

- c) A **Preliminary PUD** Development plan for 66 single-family homes on 30.25 acres of property

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

**3.02 CHS - CASE NO. 19-19IUP and 19-20IUP**

Consider an Interim Use Permit to allow a park-and-ride for the properties located at 5869/5899 Babcock Trail and 8055 Barbara Avenue.

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

**3.03 SCOTT AND KRISTINA GORDEN - CASE NO. 19-18C**

Consider a **Conditional Use Permit** to exceed the maximum impervious surface allowed on the property located at 11640 Aileron Circle.

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

**3.04    JOE PUCEL - CASE NO. 19-17V**

Consider a **Variance** to exceed the maximum size of an accessory structure on the property located at 10423 Amy Court.

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

**3.05    MARK ENGEN - CASE NO. 19-13ZA**

Consider a **Zoning Code Amendment** to allow indoor storage of a tree trimming and removal business in a residential district.

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](mailto:kfox@invergroveheights.org)



## **PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS**

Tuesday, May 7, 2019 – 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: Armando Lissarrague  
Elizabeth Niemioja  
Tony Scales  
Dennis Wippermann  
Pat Simon  
Annette Maggi  
Jonathan Weber  
Joan Robertson  
Brett Kramer

Commissioners Absent:

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

### **APPROVAL OF MINUTES**

The minutes from the April 16, 2019 Planning Commission meeting were approved as submitted.

### **TIM AND AMY JOHNSON – CASE NO. 19-12C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed on the property located at 3790 – 80<sup>th</sup> Street. 35 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to construct a garage/basketball court addition, as well as a driveway expansion. Adding the additional hard surface would put the homeowner over the maximum allowed. The applicant is therefore requesting a conditional use permit to add 543 square feet of impervious surface above what is allowed on his property. The applicant is working with the Engineering staff regarding meeting the stormwater requirements. Staff recommends approval of the request with the conditions listed in the report. Staff heard from two abutting property owners, both in support of the request.

Commissioner Wippermann asked if an actual structure was being proposed or just a sport court.

Ms. Botten replied that the applicant was proposing a multi-use garage addition.

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

Tim Johnson, 3790 – 80<sup>th</sup> Street, advised he was available to answer any questions.

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

Mr. Johnson replied in the affirmative.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a conditional use permit to exceed the maximum impervious surface allowed on the property located at 3790 – 80<sup>th</sup> Street.

Motion carried (9/0). This item goes to City Council on May 28, 2019.

**ANDY CALTON – CASE NO. 19-10CV**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum amount of impervious surface allowed on a property and a variance to allow a home addition within the front yard setback, for the property located at 7540 River Road. 8 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to construct a home addition that would include an eight-foot porch that would encroach into the front setback. The home on the property was built in 1900; because of that the current structure does not meet our setback requirements. The house is located about 19 feet from the easement line and about 48 feet from the edge of the road. Although the porch addition would be only eight feet from the property line, it would be about 37 feet from the edge of the road. Adding the additional hard surface would also put the homeowner over the maximum allowed impervious surface. Therefore, they are requesting a conditional use permit to exceed impervious surface above the allowed amount but within the additional 10% allowed with a CUP. The applicant is proposing the addition in the most reasonable area of the property that provides the least amount of land and building alteration, while meeting the needs of the applicant. They cannot build to the north as their septic system is located there. River Road has a mix of newer and older homes, many of which pre-date 1960. Most of the homes that pre-date 1960 are encroaching within the front yard setback. Staff believes a practical difficulty can be found based on the age and location of the existing home, the location of the septic system, and other setbacks that are currently established along River Road. Staff recommends approval of the request with the conditions listed in the report. Staff heard from one neighboring property owner who is in support of the request.

Commissioner Weber noted that the applicant also owned the property directly south of the subject property and asked if there was a reason staff did not look at both parcels in their total area.

Ms. Botten stated that staff considered consolidating the two properties but, after subtracting the road easement, combining the two parcels did not benefit the applicant.

Commissioner Robertson asked if the road easement along River Road was unusually large.

Ms. Botten replied that although it looked like a large easement, River Road was just very narrow.

Commissioner Robertson asked if the easement existed in case sometime in the future the road became so well-travelled that it needed to be expanded.

Ms. Botten replied in the affirmative but stated currently Public Works has no plan to widen the

road.

**Opening of Public Hearing**

Andy Calton, 7540 River Road, advised he was available to answer any questions.

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

Mr. Calton replied in the affirmative.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Commissioner Niemioja, second by Commissioner Wippermann, to approve the request for a conditional use permit to exceed the maximum amount of impervious surface allowed on a property and a variance to allow a home addition within the front yard setback, for the property located at 7540 River Road, with the practical difficulty as listed and the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

**WADE SCHOWALTER – CASE NO. 19-11C**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed on a property, for the property located at 6950 River Road. 15 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant recently purchased the property and has realized that the current configuration makes it difficult for him to turn into the garage with a vehicle; therefore, he would like to expand his driveway. The applicant is requesting a conditional use permit to add 2,400 square feet of impervious surface which is within the additional 10% allowed by CUP. Staff recommends approval of the request with the conditions listed in the report. Commissioners were provided with an email from a neighboring property owner who is in support of the request.

Commissioner Scales noted that there have been many requests for impervious surface CUP's and suggested that City Council and/or staff direct the Planning Commission to review the impervious surface maximums to see if they need to be adjusted.

**Opening of Public Hearing**

Wade Schowalter, 6950 River Road, advised he was available to answer any questions.

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

Mr. Schowalter replied in the affirmative and noted that the neighbors to the south and north of him were present tonight.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for

a conditional use permit to exceed the maximum impervious surface allowed on a property, for the property located at 6950 River Road, with the conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on May 28, 2019.

### **BWBR ARCHITECTS – CASE NO. 19-15PR**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for a major site plan review to construct a parking deck and other campus renovations, for the property located at 5500 Cemex Drive. 44 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that CHS is proposing to add a one level deck over a portion of the existing parking lot to address their parking shortage. This addition will add a total of 243 new spaces. Staff recommends approval of the site plan as presented.

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

Ian Ellis, CHS Facilities Director, 5500 Cenex Drive, advised he was available to answer any questions.

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

Mr. Ellis replied in the affirmative, adding that they are growing and need the additional parking.

Commissioner Wippermann asked how long construction would take and what the interim plan was for parking.

Mr. Ellis replied that the construction team would be brought in from a remote location in Sunfish Lake. For CHS employees they will be leasing space in front of the Inver Grove Heights Community Center and running a shuttle. In addition, CHS is considering paying for Uber rides for employees that live close, and they will likely increase the number of employees working remotely. The project is anticipated to start in June 2019, they will get some of the parking back in September, complete all aspects of the ramp in December, and put the second layer of asphalt underneath next Spring.

Commissioner Niemioja thanked CHS for partnering with Salem Hills School and allowing them to use some of their overflow parking on Cenex Drive and Babcock. She stated she understood the need for additional parking as the CHS lots were always full.

Mr. Ellis replied that the school district has offered to let CHS use a portion of their parking lot during construction.

Commissioner Weber asked how they planned to remove the snow from the proposed parking deck.

Mr. Ellis explained that the snow would be pushed off the east side of the reinforced deck into the existing snow storage area. There were additional plans in place if needed.

Chair Maggi closed the public hearing.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Wippermann, to approve the request for a major site plan review to construct a parking deck and other campus renovations, for the property located at 5500 Cemex Drive, with the condition listed in the report.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

**DAKOTA COUNTY – CASE NO. 19-09PA**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider a request for a comprehensive plan amendment to change the 2040 planned land use from RC, Regional Commercial to P/I, Public Institutional, for property located on the corner of Concord Boulevard and Courthouse Boulevard. 7 notices were mailed.

**Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the City acquired an 11.6-acre parcel to construct the City's third fire station. Through the administrative subdivision process the parcel was subdivided into two lots. The fire station is being constructed on the northwesterly portion and Dakota County is requesting that the remaining 6.18 acres be guided to P/I, Public/Institutional. If the comprehensive plan amendment is approved, the County would then make application for a rezoning and major site plan review for an office and training facility on the site. Staff recommends approval of the request with the two conditions listed in the report.

Commissioner Wippermann asked what type of training would be done at the proposed facility.

Ms. Botten replied that the applicant could better answer that question.

Commissioner Kramer asked if there had been any private interest in this property for a commercial use.

Mr. Hunting replied he was not aware of any inquiries for commercial use on this property.

**Opening of Public Hearing**

Julie Drolet, 5553 Fairmont Shores Trail, Prior Lake, representing Dakota County, advised she was available to answer any questions.

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

Ms. Drolet replied in the affirmative. She advised it was a SMART building (Safety and Mental Health Alternative Response Training Center) which would work with regional crisis intervention training, as well as CJEN, a Drug Task Force Center, and other offices.

Commissioner Niemioja asked if the proximity of the 917 school had any influence on the SMART building being constructed in this location.

Ms. Drolet replied she was not aware of any connection.

Commissioner Robertson asked if the proposed training facility would serve all of Dakota County.

Ms. Drolet replied in the affirmative, stating in some cases greater Minnesota as well.

Mark Engen, 9255 Courthouse Boulevard, asked what the hours of operation would be.

Ms. Drolet replied the building would have typical business/office hours for the most part, with the exception of boats being stored for the Parks and Rescue Recovery Unit to get equipment out to a site quicker.

Anthony Kadrlik, 9361 Buckley Court, stated he lived across the street from the subject parcel on Courthouse Boulevard. He asked about the proposed parking location and lighting, stating currently the property was a wooded area that acted as a buffer from the highway.

Ms. Botten replied that a concept plan was submitted, which shows the parking areas closer to the highway and Concord Boulevard rather than Courthouse Boulevard. The concept plan is subject to change once they make application. The applicants will have to submit a lighting plan, but there should not be any glare onto Mr. Kadrlik's property based on foot-candle limits and required downcast shoebox style lighting.

Mr. Kadrlik asked where the sewer and water would be accessed from.

Ms. Botten replied the sewer and water was coming from the same area as the fire station and should not have an impact on Courthouse Boulevard.

#### **Planning Commission Discussion**

Commissioner Weber asked if the City currently owned the land and would be selling it to the County.

Ms. Botten replied in the affirmative.

Commissioner Weber asked when the property was changed to Regional Commercial.

Mr. Hunting advised that it has been guided Regional Commercial for at least the last two comprehensive plans.

#### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a comprehensive plan amendment to change the 2040 planned land use from RC, Regional Commercial to P/I, Public Institutional, for property located on the corner of Concord Boulevard and Courthouse Boulevard. with the conditions as listed.

Motion carried (9/0). This item goes to the City Council on May 13, 2019.

#### **SOURCE LAND CAPITAL – CASE NO. 19-14ZPD**

##### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a rezoning of property from A, Agricultural to R-1C/PUD, a preliminary plat for a 66-lot subdivision to be known as Windsor Ridge, and a preliminary PUD for 66 single-family homes on 30.25 acres, for property located at 6477 Robert Trail South. 14 notices were mailed.

##### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing a 66-lot, two-outlot single-family development on a 30-acre parcel to be

named Windsor Ridge. They are requesting a rezoning to single-family residential, as well as approval of a preliminary plat and a preliminary PUD. The property is located at the corner of the future 65<sup>th</sup> Street and Highway 3. The lots range in size from 8,260-21,379 square feet, with the average lot size being approximately 10,000 square feet. Lot widths range from 65-70 feet, with street right-of-way being 50-60 feet wide. Street widths would be 28 feet wide with parking allowed on one side and sidewalks on one side. Park dedication would be by cash contribution. The applicants are requesting flexibility in four different categories, including building separation of 15 feet versus 20, setback reductions for two lots along Highway 3 and one along 65<sup>th</sup> Street. Staff raises some concerns with reduced setbacks along Highway 3 because of its proximity to the higher volume road. Staff would recommend the 50-foot setback be maintained for all lots. Staff does not have much concern for the setback request along 65<sup>th</sup> Street in which a small corner of the house would encroach into the setback. The applicant is also requesting a total impervious surface coverage up to 30% versus 25% per lot to allow for amenities such as patios and pools. The applicant is requesting the reforestation threshold be 50% as opposed to the current standard of 30%. The last flexibility request is to allow a 720-foot long cul-de-sac as opposed to the 500-foot maximum. Staff supports the request except for the setbacks from Highway 3. The reforestation shortage must still be addressed. Staff recommends approval of the request with the conditions listed in the report. Staff received a couple emails/letters late in the day and they have been presented to Commissioners tonight.

Commissioner Robertson asked for clarification of how percentages relating to tree removal/reforestation were determined.

Mr. Hunting stated that properties that must conform to the tree preservation ordinance must be a woodland, which means it is at least one acre in size and has a certain number of significant trees or a certain percentage of tree cover.

Commissioner Robertson asked if the reforestation was tied to the number of lots rather than the total number of trees.

Mr. Hunting replied that it is not tied to the number of proposed lots but rather the size and amount of tree canopy on the site. He added that it was an attempt to discourage clearcutting without penalty of having to replant. Staff recognizes that the topography and proposed construction will require tree removal.

Commissioner Robertson questioned how developers would replace the necessary trees in a heavily wooded area like this taking into account the new elements being added (i.e. sidewalks, streets, etc.).

Mr. Hunting stated there is nothing new in this particular development, they are just attempting to minimize disturbance.

Commissioner Niemioja asked if cash contributions typically went into the parks fund.

Mr. Hunting replied that the ordinance allows developers either to pay the equivalent rate, which goes into the park tree fund, or trees are planted on other city park property.

Commissioner Simon questioned how the developers would keep water from flowing from the disturbed land down to the undisturbed land with the gradients being so close.

Mr. Hunting stated the applicant could better address that question.

Commissioner Wippermann noted a discrepancy in the report regarding total developable area.

Mr. Hunting replied that the number on page 2 was a typo; the total developable area was 27.72 acres.

**Opening of the Public Hearing**

Pat Hiller, Source Land Capital, introduced his team Chase Peterson with Source Land Capital, Greg Franson with Barr Engineering, Ryan Bluhm with Westwood Engineering, Attorney David Lutz, and Paul Heuer with Pulte Homes. He advised that this parcel has challenging terrain and therefore the center cul-de-sac will be cut down about 30 feet and the street north of it will be 20-24 feet lower than that. Because of the significant amount of grading necessary there will be areas where it will be impossible to retain trees. They are spending a significant amount of money in potential cash penalties and reforestation and are asking for leniency regarding tree reforestation.

Commissioner Robertson asked the applicant if the proposed tree plantings along Highway 3 would benefit the two homes requesting flexibility from setback.

Mr. Hiller replied in the affirmative, stating the trees would act as both a sound and site buffer from Highway 3.

Commissioner Simon asked how they planned to prevent water from running down into the undisturbed area.

Mr. Hiller replied that would be addressed in the erosion control plan that would be part of the final plan set; it would be double silt fenced plus any other erosion control measure deemed necessary.

Chair Maggi was concerned about allowing additional impervious surface knowing the potential for future homeowners to come in wanting additional impervious surface for sport courts, pools, etc.

Mr. Hiller advised that the reason they requested 30% versus 25% was to allow for such future amenities and to avoid the need for homeowners to come back for approvals in the future.

Commissioner Simon stated she was involved in the drafting of the Northwest Area water implementation and was always told that water must be maintained on the property being developed; however, in this case it was not.

Mr. Hiller replied that the standards are very specific and technical, but they do not require that all of it must be maintained on the site.

Commissioner Simon stated in her mind it was not acceptable to affect someone else's property with runoff from an adjoining property.

Greg Franson stated the standards for the Northwest Area require that you do not increase the runoff from a five-year storm event. In this case that rainstorm is about 3 ½ inches. A certain amount of that water becomes runoff during existing conditions, and a certain amount of that water becomes runoff during the proposed conditions, and typically more because of the increased impervious area. This is achieved by adding infiltration areas and directing the water to those areas and letting it infiltrate.

Chair Maggi noted that a significant amount of dirt was going to be removed, which normally would have held water, and asked if those types of factors were taken into consideration.

Mr. Franson replied that those factors are considered in the standards. He advised that only the first several inches of dirt take up water, so they do not consider there to be a vast 20-foot reservoir



underneath. When the stormwater is modeled in a 3 ½ inch storm 1 ½ inches may soak into the ground and the other 2 inches runs off. They do their stormwater modeling according to the specific requirements laid out in the Northwest Area ordinance.

Commissioner Wippermann questioned why the area in the southeast portion of the plat was considered undisturbed open space when work is currently being done there.

Mr. Hiller advised that the area Commissioner Wippermann was referring to was sold to the City for the purpose of constructing a stormwater pond for the Highway 3/65<sup>th</sup> Street project. The area where the applicants are proposing to construct holding ponds is northwest of that. He showed where the pipe is located that goes under Highway 3 and where an outlet control structure would be built to limit the rate and volume of water exiting the site.

Commissioner Weber asked how Street 1 aligned with the current neighborhood to the south.

Mr. Hunting replied that it was directly across from the existing street to the south.

Commissioner Weber asked if that would be a controlled intersection.

Mr. Hunting was unsure but believed there would be stop signs, with 65<sup>th</sup> being a through street.

Commissioner Weber asked if the applicants had worked with the property owner to the west as he was concerned about the skewed angle of the north end of Street 1.

Ryan Bluhm, Westwood Engineering, replied in the affirmative and explained that the intention was to keep the road in an arc so lots could be constructed against the existing wetland.

Mr. Hunting presented a drawing from the Northwest Area Collector Streets Study, showing that the street in question would eventually meander northward rather than westward.

Commissioner Robertson asked for clarification of where water would be routed to after going through the culvert and under Highway 3.

Mr. Hiller advised that the culvert has been in place for years and goes under Highway 3 to the Nichols property. The outlet control structure they will be constructing is meant to manage the additional stormwater that will result in the pond from the hard cover they are adding. Their proposal meets the City's standards for the Northwest Area.

Chair Maggi asked for clarification of whether water was required to be maintained on the site or was allowed to leave the property being developed.

Mr. Hunting replied that the overall stormwater management plan shows the regional basins, as well as the outlets and overflows. Water naturally flows from regional basins to the next property if the water gets high enough; that pattern was created by the glaciers and must continue. The applicants will be adding rate control and management to ensure water does not leave the site faster than it previously did.

Chair Maggi stated the concern is that the applicants will be compounding the water coming off the property. She asked Mr. Franson to address how this was looked at.

Mr. Franson stated when they ran through the stormwater modeling for existing conditions, they took into account the existing depression in the southeast corner of the Windsor Ridge property and quantified what the rate was for different storms and how much volume went out to the Nichols

property. Then they looked at how much additional volume would be leaving the site as opposed to existing conditions and determined that a riser should be added at the west end of the culvert to prevent the volume from increasing.

Commissioner Robertson asked if the intent was to allow the water to pond there versus just the culvert with no controls.

Mr. Franson replied in the affirmative, stating the culvert could still be in place but the water will now pond and once it gets high enough it would spill over, enter the culvert, and proceed over to the regional basin on the Nichols property as it currently does.

Commissioner Weber asked for clarification of the grade change at the north end of Street 1.

Mr. Bluhm stated there is a significant high point at the property line, so they are trying to keep the road as high as possible in order to match grade.

Commissioner Weber asked what the grade change was from the house pad to the back of the lot for Lot 1, Block 1.

Mr. Bluhm replied from the swale in the back to the top of the slope is approximately a 12-foot height difference.

Commissioner Weber asked if they were going to have a 12-foot wall in their back yard.

Mr. Bluhm replied it would be a slope, not a retaining wall.

Commissioner Weber asked what the estimated height was of the retaining wall on the north side of the plat.

Mr. Bluhm replied there were a couple of retaining walls ranging from 8-14 feet in height.

Commissioner Weber questioned how they would mitigate the water coming from the ten-acre parcel to the north draining into the five parcels with a 14-foot retaining wall in their backyard.

Mr. Bluhm replied that a significant amount of water currently drains onto these properties and the proposed stormwater plan will actually reduce that. Their final plan will include sedimentation ponds, double silt fences, blanketing, and regular inspections.

Commissioner Simon noted that it is the homeowner's responsibility to manage their stormwater, and if they have no control over what comes down into their property, they are stuck trying to fix it.

Mr. Bluhm stated all the lots will be landscaped with sod and the only water homeowners would be managing would be from their own roofs.

Commissioner Niemioja asked what the reasoning was behind the requested 15-foot building separation.

Mr. Hiller replied that 15 feet is the industry standard for this density.

Commissioner Weber asked at what point of drop do single site retaining walls require permits or fencing.

Mr. Hunting replied that permits and engineered drawings were required for retaining walls four

feet or higher.

Bill Nichols, 6302 South Robert Trail, stated he has owned the 30-acre parcel to the east since 1995. He is disappointed that the City has not been better at addressing his concerns. He stated he welcomes Pulte to the neighboring property, but they have been given bad information which is compounding the problem. He stated for 25 years he did not see water coming out of the existing culvert except for in a frozen state after a snow melt and normally any water would naturally infiltrate in within 24 hours. However, once the Highway 3 project started last fall all the grading that has washed away came down the hill onto his property. They underestimated the water that was going to come to his property and acquired a temporary easement; however, they are now beyond the temporary easement and still trying to stop the flow of water coming onto his site. He could have taken the water if it was sent clean and slow, but the way it has pummeled the land he cannot take any more. He referred to an area in the southeast corner of the subject property, stating it is labeled as undisturbed yet part of it has been graded by the City for the 65<sup>th</sup> Street project. Also, the area Source Land Capital is claiming will give him potential relief for the holding pond will be deeply disturbed before they are done, and all that water will flood his property. He showed photos of his land and the dirt that has washed into his ponding area. He showed a diagram of how the Windsor Ridge property currently functions and where the water naturally flows. He compared that to what is now proposed to flow towards his property, stating much of the water used to go in another direction but will now come towards his land. They should manage the water on their own site rather than pushing it to his property. The basin they are proposing is not large enough to contain this amount of stormwater and the developer should decrease the amount of building pads.

Commissioner Robertson asked Mr. Nichols if the runoff and dirt shown in the photos primarily entered his property as a result of the Highway 3 project.

Mr. Nichols replied in the affirmative.

Commissioner Robertson asked for clarification that what Mr. Nichols is experiencing at this point is not an impact from the Windsor Ridge project as it has not started yet.

Mr. Nichols replied in the affirmative but stated the Windsor Ridge project would compound the problem until they fix it. He advised there is an existing sand vein on the corner of 65<sup>th</sup> Street and therefore water historically infiltrates into the ground the way it's supposed to rather than going through the culvert. When they widened the road, however, they buried the sand vein and now the basin is full of sand, silt and clay and water runs through the culvert like a fire hose.

Brad Lojovich, 6385 South Robert Trail, stated he has lived there since 1980, during which time he has seen water sitting for more than two days only one time; it normally just drains into the soil. However, since Highway 3 has been worked on every time it rains there is a large pond down there and the proposed development will likely exacerbate the problem. He is concerned that the proposed pond in the southeast corner will leach into his property as well. The other concern he has is that the Dakota County website shows his north property line going through the middle of his garage; however, it is supposed to be 25 feet north of his garage. Windsor Ridge's attorney, David Lutz, advised that the County has stated they will revise the property line once the Windsor Ridge plat is recorded. He wants this on record since the property line was in its correct location prior to this application. He questioned how big the trees would be that were planted, noting that this area currently has mature oak, maple, ash, and birch trees.

Commissioner Weber questioned whether moving Mr. Lojovich's property line would affect the proposed plat.

Mr. Lojovich stated that the County is saying the property line should be 40 feet north of his garage; however, he told them to put the line 25 feet north of his garage as that is the required setback.

Attorney David Lutz stated that he contacted Dakota County to advise them of the property line discrepancy. They stated they were aware of the error and would correct it when the plat was finished. The diagram Windsor Ridge is using for their plat is correct.

Commissioner Weber asked what the setback was from Mr. Lojovich's property line to his garage.

Mr. Lutz replied 25 feet.

Mr. Lojovich stated the City did a poor job of policing contractors during the Highway 3 construction project and there were several issues (i.e. dust and mud). He hoped the City would be better at overseeing the Windsor Ridge project. He was also disappointed as he had an agreement with the City for a temporary easement; however, they never told him it would be a 1:4 grade.

Bob Dalsin, 6637 Robert Trail South, stated the City took part of his 20-acre property along Highway 3, part of his property along 65<sup>th</sup> Street, the property west of him is being developed, and now Source Land Capital is proposing to develop the property north of him. He has lost his seclusion, is getting frustrated, and does not see any benefit to the proposed plat.

Josh Miller, 50 Woodridge Lane, Sunfish Lake, stated his property is not directly impacted by this development but he has the foresight to see what is coming his way. First the Viking facility was built, then a warehouse was built, and then trees started being removed for new housing developments. He enjoys the rural feel he currently has and is concerned about how this will impact natural resources, such as water. He was concerned about how these additional houses would affect the aquifer, stating his well sits higher than the aquifer Inver Grove Heights pulls from which negatively affects his water supply. He also had safety concerns with the additional traffic this development would generate, as well as its potential impact on Horseshoe Lake. Regarding stormwater management for a five-year storm, he questioned if the proposed plan would handle it if things continue to change and next year there is an even worse five-year storm.

Mr. Lojovich asked they could get some better signage for the 65<sup>th</sup> Street/Highway 3 project, stating the current signs do not notify drivers that the road is closed at Lone Oak Road.

Mr. Hunting stated he would ask the City's engineering department to relay the request to the proper person.

Bonnie Troye, 50 Woodridge Lane, asked if it was correct that the developer would be 500 trees short.

Chair Maggi replied in the affirmative.

Ms. Troye asked if the penalty for not replacing those 50-year old trees was to pay into the City's park fund.

Chair Maggi replied in the affirmative.

Ms. Troye stated it seems like every day there is another area getting torn down in order for houses to be built on top of each and she would likely never in her lifetime see trees that big again.

Chair Maggi closed the public hearing.

**Planning Commission Discussion**

Chair Maggi stated they want development in the city, but she wants to make sure this would not negatively affect the Nichols property.

Commissioner Weber questioned why they were not looking at 100-year events versus 5-years, as that is what they have used in the past. There is a lot of grade change, tree removal, and retaining walls being proposed and he would prefer to see more data than what has been presented.

Commissioner Simon agreed, stating she would like to see a 100-year study as well. She advised that she lives west of the Blackstone developments, yet it has affected her neighborhood. Their roads were constantly wet this spring which she had not seen in 22 years. She does not want Mr. Nichols or any other landowner to have to be responsible for handling something that is a consequence of allowing this development to go through unless there is either more discussion or studies done. They need to slow down.

Chair Maggi asked Commissioners what changes they would like to see in the proposal as the City does need development.

Commissioner Robertson stated she wants to honor the concerns that were expressed about this project, but at the same time she believes we have expertise in our own engineering group, and she would feel uncomfortable denying the request because development is needed on both sides of Highway 3. Instead, she would prefer to table the request and ask the different engineering perspectives to come together to address a much larger rainfall, the concerns of the Nichols property, and the desire of Inver Grove Heights to develop this property.

Commissioner Scales questioned whether the issue was truly from this future development or was it from the Highway 3 construction. He would like to have people involved in this explain how things changed with the Highway 3 construction and will any such problems go away once it is completed.

Commissioner Lissarrague asked Mr. Nichols if he felt his concerns had been validated by the City.

Mr. Nichols stated he did not.

Chair Maggi stated perhaps they should look at this more broadly and consider what is happening on the Nichols property.

Commissioner Scales clarified that he likes the development being proposed and wants the project to move forward; he just needs more information.

Commissioner Lissarrague agreed, stating he was not trying to discourage the applicants.

Commissioner Weber stated he liked the idea of developing in this area, he just needed the 100-year rain event numbers before he could approve it.

Commissioner Niemioja stated her concern is the precedent this would set with impervious surface. In the past they have allowed setbacks to be reduced to 15 feet and now that seems to be the standard. She is concerned the same thing could happen with allowing 30% impervious surface. If that happens the water impacts would be concerning as water is different from aesthetics and can be devastating to adjoining properties. The forestation issue is also close to her heart and she agrees that they are missing some information.

Commissioner Wippermann asked if there were time limit issues regarding tabling the request.

Mr. Hunting stated Commissioners could table the request as the City has the authority to extend the 60-day review.

Chair Maggi summarized where she believed the group was at, stating Commissioners would like to table the request to request more information primarily around water flow and impact within this plat of land, as well as neighboring plats of land, but Commissioners are generally supportive of the development with the stated issue addressed.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Robertson, to table the request for a rezoning of property from A, Agricultural to R-1C/PUD, a preliminary plat for a 66-lot subdivision to be known as Windsor Ridge, and a preliminary PUD for 66 single-family homes on 30.25 acres, for property located at 6477 Robert Trail South, until further information is provided to the Planning Commission on stormwater, road continuity between the neighboring properties, and what the effects of grading are for that stormwater in a 100-year plan and its impact on this and neighboring properties.

Motion carried (9/0).

The meeting was unanimously adjourned at 9:25 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

## MEMO

### CITY OF INVER GROVE HEIGHTS

**TO:** Planning Commission  
**FROM:** Allan Hunting, City Planner  
**DATE:** May 16, 2019  
**SUBJECT:** SOURCE LAND CAPITAL - CASE NO. 19-14ZPD

The City Engineer will attend the May 21 meeting to help answer questions regarding the storm water design for the above project and address the concerns raised by the adjacent landowners on the 65<sup>th</sup>/South Robert road project from last year. A memo from the City Engineer is attached to provide some background on the topics.

The applicant has also made some minor modifications to their proposed plans which include:

1. Eliminating the setback variance request for the two lots along Hwy 3. All lots would now meet the required 50 foot setback. The planning report has been revised to remove any reference to the setback request.
2. Modifying the grading plan to provide some berming along Mr. Lojovich's property to protect from inundation during the design storm events.
3. Design modifications to retain the 100 yr rain event on site within the basin in the southeast corner of the property.

Attachments: Memo from Tom Kaldunski, City Engineer  
Revised Planning Report  
Revised Narrative  
Revised Preliminary Plat  
Revised Preliminary Grading Plan

## MEMO

### CITY OF INVER GROVE HEIGHTS

**DATE:** May 15, 2019  
**TO:** Allan Hunting, City Planner  
**FROM:** Thomas J. Kaldunski, City Engineer   
**SUBJECT:** Windsor Ridge Development  
Stormwater Management Plan for Preliminary Plat Approval

This summary has been prepared to address issues discussed by the Planning Commission regarding the preliminary plat approval considered by the Planning Commission at their May 7, 2019 meeting. The Engineering Division supports the preliminary plat approval of Windsor Ridge and the stormwater management plan, dated May 15, 2019.

#### **Background**

The City of Inver Grove Heights has been utilizing the landlocked regional basins in the Northwest Area (NWA) for about 20 years. A grassroots review in the early 2000s resulted in a plan to utilize the regional basins to establish the NWA Stormwater Manual (1<sup>st</sup> draft 2004 by EOR). This plan promotes the use of existing regional basins as opposed to a multi-million-dollar storm sewer outfall system to the Mississippi River. The City has updated the NWA Stormwater Model many times over the years. The most recent model of the basins is the August 2018 (Exhibit 1 – Robert Watershed Corridor Regional Basin Map) 4<sup>th</sup> Generation Water Resources Plan which has been incorporated into the City's 2040 Comprehensive Plan.

The City has a 20-year successful implementation of the NWA Stormwater Model. It has resulted in successful development such as:

- Argenta Hills 1<sup>st</sup> through 9<sup>th</sup> Additions
- Blackstone Vistas 1<sup>st</sup> through 3<sup>rd</sup> Additions
- Blackstone Ponds
- Blackstone Ridge
- Windwood 2<sup>nd</sup> Addition
- Industrial Equities Commercial Building

The NWA Water Resources Plan has also been successfully incorporated into many road improvement projects such as:

- 80<sup>th</sup> Street Reconstruction
- Roundabout at TH 3 and Amana Trail
- Turn Lanes at TH 3 and Auburn Path
- Reconstruction of Argenta Trail and Intersection with TH 55
- Construction of the Intersection at TH 3/65<sup>th</sup> Street
- Construction of the Roundabout at TH 3/70<sup>th</sup> Street

The NWA Stormwater Plan has been successfully implemented to manage stormwater runoff in extreme events, such as the current wet cycle from June 2014 (13" rain) to spring 2019 (record snowfall and subsequent melt). This track record provides the City with a history that supports the 4<sup>th</sup> Generation Water Resources Plan and the City should continue following this comprehensive plan.



#### Discussion at the May 7, 2019 Planning Commission Meeting

The Planning Commission considered the approval of the Windsor Ridge plat at this meeting. Action on approval was delayed/tabled to the May 21, 2019 meeting because of questions asked by the Planning Commission members seeking clarification of the development's stormwater management plan proposal by Barr Engineering (one of the City's preferred three stormwater consultants in our pool of consultants).

There were also some comments received from area residents related to the development of Windsor Ridge. It should be noted that these comments were related to the NWA Water Resource Plan covering the development and some erosion impacts which were related to City Project No. 2017-24 – Intersection of TH 3 and 65<sup>th</sup> Street (currently under construction since 2018). Note that the City has a plan of action to address the resident's concern on erosion from City Project No. 2017-24. This written plan of action was agreed to between the City and the landowner. The action on the preliminary plat should be separated from City Project No. 2017-24.

#### MnDOT History of Culverts Drainage Windsor Ridge

The City has contacted MnDOT to gather information related to the 24" CMP that drains from Windsor Ridge (west of T.H. 3) to the east side at Regional Basin EP-013 (Nichol's site). MnDOT has indicated that this culvert was existing since 1936 when TH 3 was graded. It has functioned well throughout the years. They confirmed the culvert's existence in a 2013 plan which added some curb and stormwater on parts of TH 3. MnDOT did this work to address erosion issues on the steep slopes by the guard rails. Several inlets/CBs were installed with pipe to drain to the west side.

In 2018, the City started working on City Project No. 2017-24 (intersection of TH 3 and 65<sup>th</sup> Street). The ends of the original MnDOT culvert were lengthened to address the retaining wall built in the east and the three to one slope constructed on the west. This work was done in 2018 to meet MnDOT requirements on the project. City Project No. 2017-24 will be completed in 2019.

#### Positive Drainage Effects from City Project No. 2017-24

The Windsor Ridge site and watershed that flows through the MnDOT culvert to Regional Basin EP-013 (east of T.H. 3) have received positive drainage affects related to the City's intersection project at TH 3/65<sup>th</sup> Street (2017-24). This is best illustrated by the attached (Exhibit 2 – Storm Sewer Drainage Area Map) from the stormwater management plan prepared by WSB.

This plan (Exhibit 2 – Storm Sewer Drainage Area Map) illustrates the drainage area to the MnDOT culvert and the watershed for the Windsor Ridge Regional Basin. Note that the City's projects on 65<sup>th</sup> Street (2017-24 and 2015-03) have developed a water resources plan (Exhibit 3 – TH 3 Improvements) that follows the NWA standards and directs flow into the triangular basin in the Northwest Quadrant of the 65<sup>th</sup> Street/TH 3 intersection. These plans are intercepting the drainage area on 65<sup>th</sup> Street and the area south of 65<sup>th</sup> Street (labeled 5200). The net effect of this is a significant reduction in the watershed area draining to the Windsor Ridge Drainage Basin (labeled 5300). Ultimately these areas receive stormwater treatment and infiltration in the triangle basin and convey the improved stormwater south along TH 3 to an existing Regional Basin located on the Dalsin property. This reduces the watershed to Windsor Ridge and ultimately the Regional Basin EP-013 on the east side of TH 3. This reduction in area provides capacity for Windsor Ridge's Regional Basin to serve the development's impervious surfaces.

#### Review of Original Stormwater Plan – Windsor Ridge

The City received an application for the preliminary plat review on this development on April 10, 2019. The Engineering Division initiated its review of the preliminary plat and related plans. The staff and consultant comments from Bolton & Menk were prepared and shared with the Planning Division. These comments are typically referenced in the Planning approval. The

City Engineer did not receive the original stormwater plan from Barr Engineering until 2:30 p.m. on May 7, 2019. The Engineer did not have the opportunity to review the Water Resources Plan until after May 8, 2019.

The following summarizes the City Engineer's review of the Windsor Ridge Water Resources Plan.

**Minimum required for compliance with the NWA standards includes the following:**

- a) A stormwater volume reduction is required for the five-year event (3.6" rain) which will reduce the runoff from new impervious surfaces. This requirement is typically met using infiltration practices. Some time filtration practices are considered with poor draining soils. This helps ensure that the post-development runoff is equal or less than the pre-development runoff for the five-year event.
- b) Stormwater flow rates for the two-year, ten-year and 100-year events are to be managed to ensure post-development runoff rates are less than or equal to pre-development runoff rates to meet the NWA standards.
- c) Fifty percent of the pre-treatment (infiltration or filtration) for improved water quality of stormwater is to occur in the upland areas of the development.

The original stormwater report addresses the NWA standards listed above as it relates to drainage under TH 3 to the east. This is illustrated in (Exhibit 4 – Proposed Conditions Windsor Ridge Stormwater) and in the Barr report in Table 3-1 that compares the volume control and rate control to Regional Basin EP-013 on the site east of TH 3. All proposed conditions in Table 3-1 (below) are less than the pre-existing condition.

**Table 3-1 Runoff Volume and Peak Rate Comparison (Original)**

| Flow Direction          | 5-year Runoff Volume Leaving Site (ac-ft) |          | 2-year Peak Discharge Rate (cfs) |          | 10-year Peak Discharge Rate (cfs) |          | 100-year Peak Discharge Rate (cfs) |          |
|-------------------------|-------------------------------------------|----------|----------------------------------|----------|-----------------------------------|----------|------------------------------------|----------|
|                         | Existing                                  | Proposed | Existing                         | Proposed | Existing                          | Proposed | Existing                           | Proposed |
| EP-013 (east under TH3) | 0.36                                      | 0.05     | 0.26                             | 0.15     | 2.52                              | 2.14     | 12.31                              | 12.13    |

This excerpt from the Table indicates the NWA standards are being met for this culvert. The City Engineer's review indicated other areas of the development needed further review for full compliance with the NWA standards. Barr Engineering worked with the developer to consider other stormwater options to bring the entire development into compliance. An updated technical memo dated May 15, 2019 has been prepared and is subsequently being incorporated into the Windsor Ridge Stormwater Management Plan (tech memo Table 3-1 on page 4).

The tech memo, dated May 15, 2019, outlines the modifications to the plan that the City supports. It includes modifications to an overflow structure with weir and valves to allow the basin serving Windsor Ridge to contain the 100-year runoff from the development. The emergency overflow for the basin will allow drainage through the MnDOT culvert under TH 3 to convey stormwater in excess of the 100-year event into Regional Basin EP-013. Table 3-1 has been updated to reflect the developer's proposed stormwater management plan for Windsor Ridge as shown in the following table. Exhibit 5 illustrates the ponding area in orange that results in the updated May 15, 2019 Table 3-1 (top of page 4).

**Table 3-1 Runoff Volume and Peak Rate Comparison (updated May 15, 2019)**

| Flow Direction             | 5-year Runoff Volume Leaving Site (ac-ft) |          | 2-year Peak Discharge Rate (cfs) |          | 10-year Peak Discharge Rate (cfs) |          | 100-year Peak Discharge Rate (cfs) |          |
|----------------------------|-------------------------------------------|----------|----------------------------------|----------|-----------------------------------|----------|------------------------------------|----------|
|                            | Existing                                  | Proposed | Existing                         | Proposed | Existing                          | Proposed | Existing                           | Proposed |
| EP-013<br>(east under TH3) | 0.36                                      | 0.00     | 1.73                             | 0.00     | 3.11                              | 0.00     | 13.12                              | 0.00     |

The results of the developer's updated stormwater management plan meet or exceeds the City's NWA standards.

The Engineering Division recommends approval of the Windsor Ridge preliminary plat based upon the updated stormwater plan.

The City should continue following its 2040 Comprehensive Plan based upon the NWA Stormwater Plan (4<sup>th</sup> Generation).

TJK/kf

Attachments: Exhibit 1 – Robert Watershed Corridor Regional Basin Map  
Exhibit 2 – Storm Sewer Drainage Area Map (TH 3)  
Exhibit 3 – Trunk Highway 3 Improvements Drainage Overview Map  
Exhibit 4 – Proposed Conditions Windsor Ridge Stormwater  
Exhibit 5 – Basin EP-012a Ponding Scenarios (Windsor Ridge Stormwater)



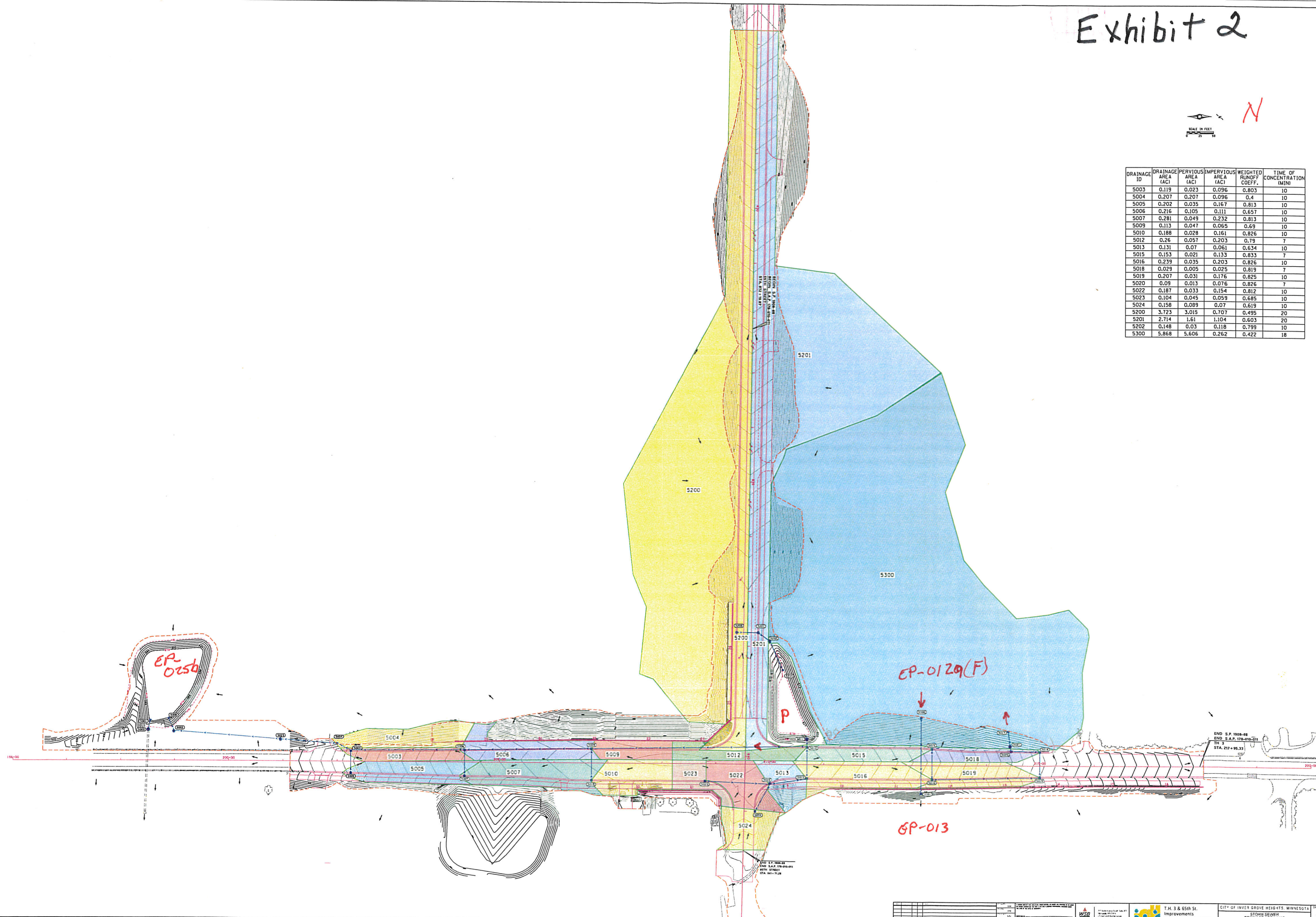




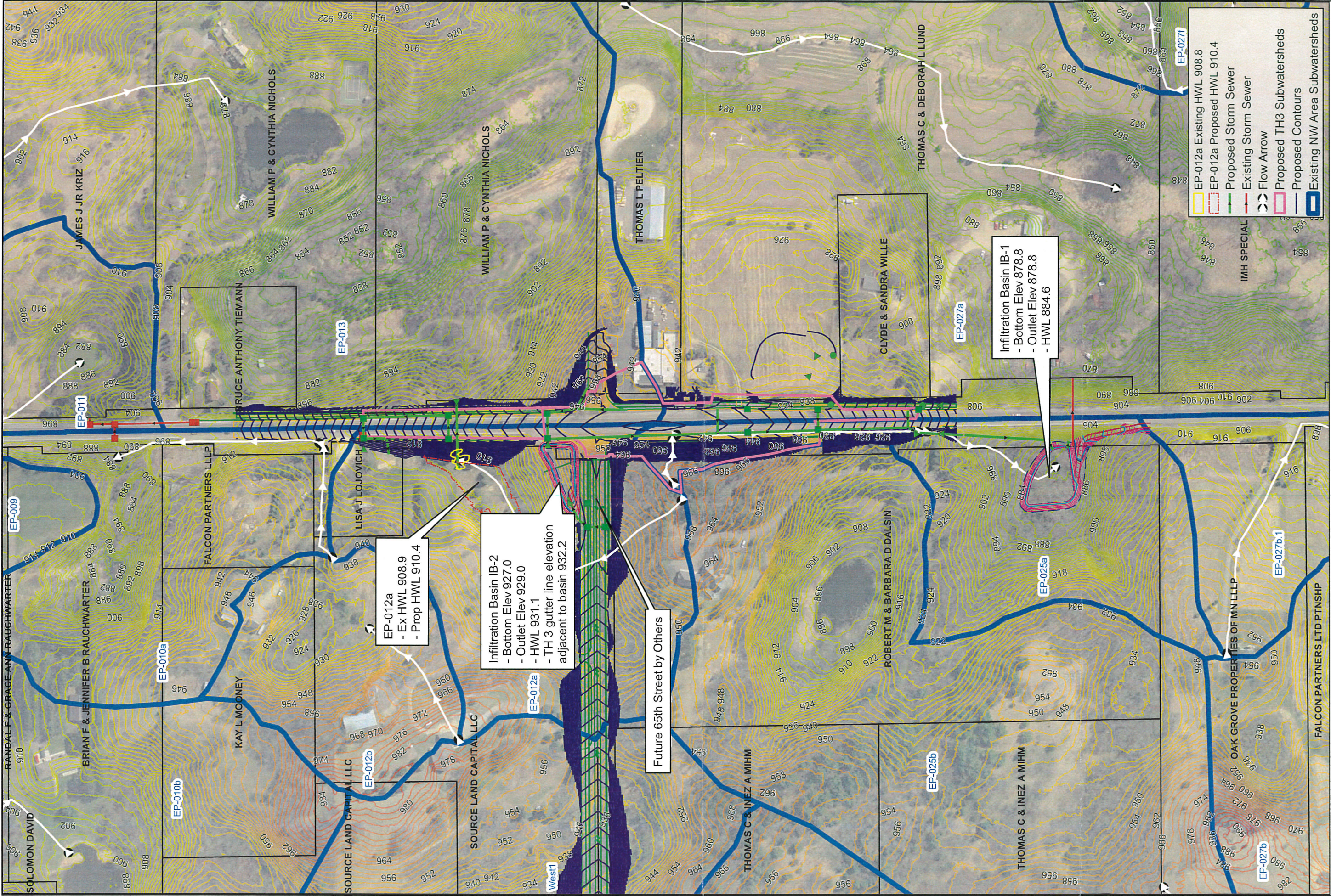
# Exhibit 2



| DRAINAGE ID | DRAINAGE AREA (AC) | PERVIOUS AREA (AC) | IMPERVIOUS AREA (AC) | WEIGHTED RUNOFF COEFF. | TIME OF CONCENTRATION (MIN) |
|-------------|--------------------|--------------------|----------------------|------------------------|-----------------------------|
| 5003        | 0.119              | 0.023              | 0.096                | 0.803                  | 10                          |
| 5004        | 0.207              | 0.207              | 0.096                | 0.4                    | 10                          |
| 5005        | 0.202              | 0.035              | 0.167                | 0.813                  | 10                          |
| 5006        | 0.216              | 0.105              | 0.111                | 0.657                  | 10                          |
| 5007        | 0.281              | 0.049              | 0.232                | 0.813                  | 10                          |
| 5009        | 0.113              | 0.047              | 0.065                | 0.69                   | 10                          |
| 5010        | 0.188              | 0.028              | 0.161                | 0.826                  | 10                          |
| 5012        | 0.26               | 0.057              | 0.203                | 0.79                   | 7                           |
| 5013        | 0.131              | 0.07               | 0.061                | 0.634                  | 10                          |
| 5015        | 0.153              | 0.021              | 0.133                | 0.833                  | 7                           |
| 5016        | 0.239              | 0.035              | 0.203                | 0.826                  | 10                          |
| 5018        | 0.029              | 0.005              | 0.025                | 0.819                  | 7                           |
| 5019        | 0.207              | 0.031              | 0.176                | 0.825                  | 10                          |
| 5020        | 0.09               | 0.013              | 0.076                | 0.826                  | 7                           |
| 5022        | 0.187              | 0.033              | 0.154                | 0.812                  | 10                          |
| 5023        | 0.104              | 0.045              | 0.059                | 0.685                  | 10                          |
| 5024        | 0.158              | 0.009              | 0.07                 | 0.619                  | 10                          |
| 5200        | 3.723              | 3.015              | 0.707                | 0.495                  | 20                          |
| 5201        | 2.714              | 1.61               | 1.104                | 0.603                  | 20                          |
| 5202        | 0.148              | 0.03               | 0.118                | 0.799                  | 10                          |
| 5300        | 5.868              | 5.606              | 0.262                | 0.422                  | 18                          |



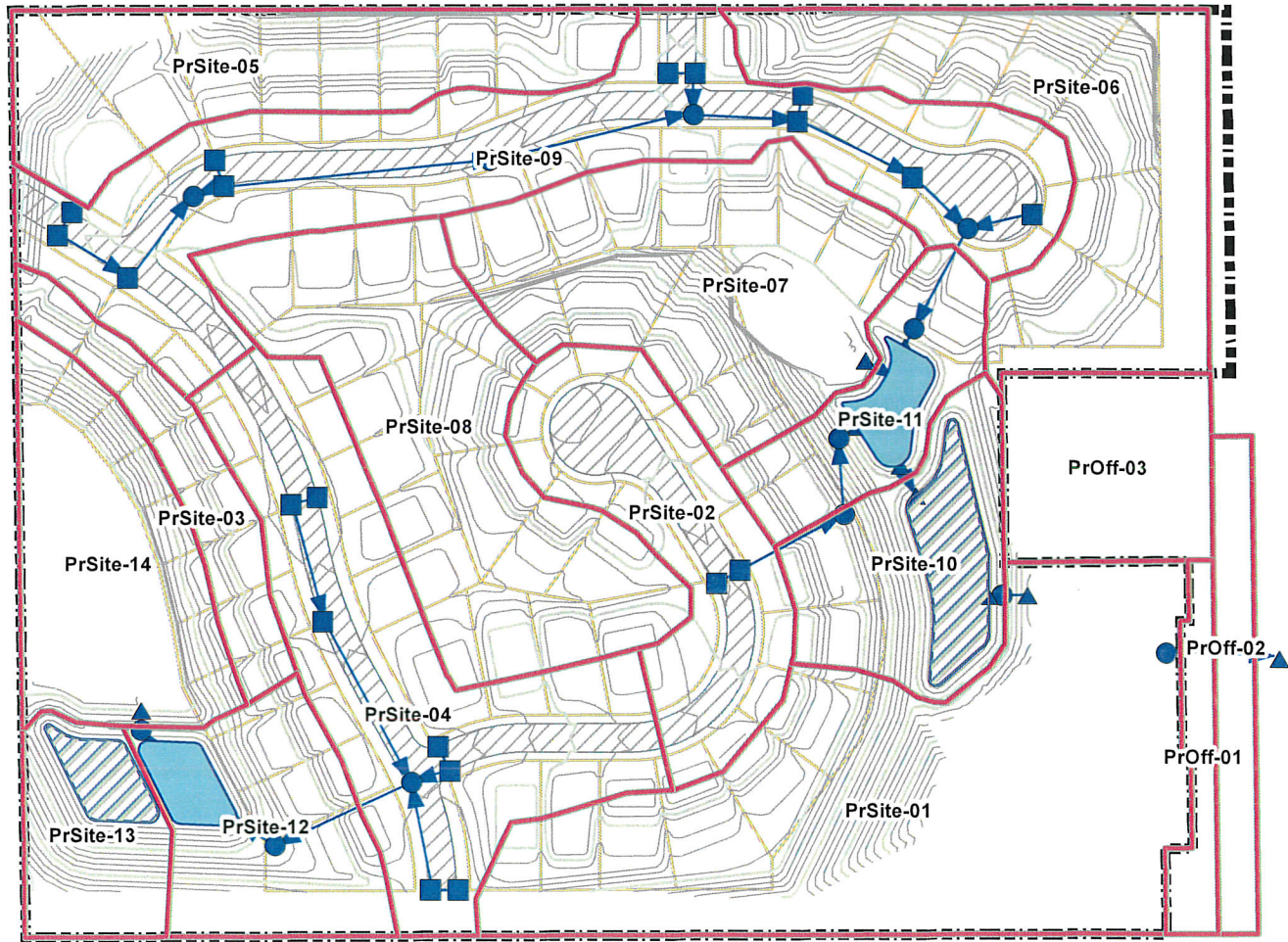




**Trunk Highway 3 Improvements**  
S.P. 1908-88  
City of Inver Grove Heights, MN  
Drainage Overview Map





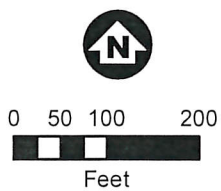


## Proposed Storm Sewer

- Catch Basin
- Flared End
- Manhole
- Pipes
- Infiltration
- Wet Pond

## Proposed Subwatersheds

- Proposed Lots
- Proposed Streets
- Proposed Contours
- 10-foot
- 2-foot
- Site Boundaries



PROPOSED CONDITIONS  
Windsor Ridge Stormwater  
Management Report  
Source Land Capital

FIGURE 3-1



DRAFT

TIEMANN  
BRUCE  
ANTHONY

NICHOLS  
WILLIAM P &  
CYNTHIA

NICHOLS  
WILLIAM P &  
CYNTHIA

PELTIER  
THOMAS L

MOONEY KAY L

SOURCE LAND  
CAPITAL LLC

LOJOVICH  
LISA J

Potential Future  
Berm Location

SOURCE LAND  
CAPITAL LLC

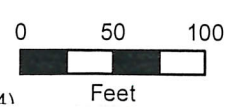
EP-012a

DALSIN ROBERT  
M & BARBARA D

## Proposed Storm Sewer Proposed Contours

- Catch Basin
- ▲ Flared End
- Manhole
- Pipes
- ☁ Infiltration
- Wet Road

- 10-foot
- 2-foot
- Existing 100-yr Inundation
- Elevation 911.7 Inundation
- Elevation 913.0 Inundation
- Basin EP-012a (2014)



BASIN EP-012a  
PONDING SCENARIOS  
Windsor Ridge Stormwater  
Source Land Capital

FIGURE 4





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

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|                             |                                                                     |                                                   |
|-----------------------------|---------------------------------------------------------------------|---------------------------------------------------|
| <b>CASE NO.:</b>            | 19-14ZPD                                                            | <i>Report Modified 5/16/19</i>                    |
| <b>APPLICANT:</b>           | Source Land Capital                                                 |                                                   |
| <b>PROPERTY OWNER:</b>      | Source Land Capital                                                 |                                                   |
| <b>REQUEST:</b>             | Preliminary Plat and PUD, Rezoning                                  |                                                   |
| <b>LOCATION:</b>            | West side of Hwy 3 and north side of future 65 <sup>th</sup> Street |                                                   |
| <b>HEARING DATE:</b>        | May 7, 2019                                                         |                                                   |
| <b>COMPREHENSIVE PLAN:</b>  | LDR, Low Density Residential                                        |                                                   |
| <b>ZONING:</b>              | A, Agricultural                                                     |                                                   |
| <b>REVIEWING DIVISIONS:</b> | Planning<br>Engineering                                             | <b>PREPARED BY:</b> Allan Hunting<br>City Planner |

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**BACKGROUND**

The applicant is proposing a 66 lot, two outlot single family development on an approximate 30.25 acre parcel to be named Windsor Ridge. The project is located just north of Windwood 2<sup>nd</sup> Addition (east of Blackstone Ridge) and would receive sewer, water and street extensions from the south. Access would be via future 65<sup>th</sup> Street which is a City Major Collector that will be constructed this construction season. The project is located in the Northwest Area and the standard series of applications are being requested.

**REQUESTS**

The specific requests for the Windsor Ridge development project include the following:

1. Rezoning of the property from A, Agriculture to R-1C/PUD Single Family Residential District.
2. Preliminary Plat approval of Windsor Ridge consisting of 66 single family lots and two outlots.
3. Preliminary PUD approval of the Windsor Ridge PUD as required by the Northwest Overlay District.

## ***EVALUATION OF THE REQUEST***

### **SURROUNDING USES**

The subject property is surrounded by:

|        |                                                                                                                           |
|--------|---------------------------------------------------------------------------------------------------------------------------|
| North: | Large lot residential; zoned A, Agricultural; guided LDR, Low Density Residential.                                        |
| East:  | Large lot residential; zoned A; guided LDR                                                                                |
| West:  | Large lot residential; zoned A; guided LMDR, Low Medium Density Residential.                                              |
| South: | Single family residential (Windwood 2 <sup>nd</sup> Addition), Large lot residential; zoned R-1C/PUD, A; guided LDR, MDR. |

### **IDENTIFICATION OF NATURAL RESOURCES**

In 2003, a Natural Resource Inventory and Management Plan were completed for the Northwest Area. The NRI inventoried and qualified natural resources systems within the area and established a management classification system to guide the preferred treatment of these features.

The site contains low quality woodlands and wetland marshes. Both are in the Manage 3 category. The wetland areas would be preserved for stormwater ponding and the woodland area is considered poor quality which could be developed. No specific preservation is required with this project.

### **NET DEVELOPABLE AREA**

*Note: the numbers that are referenced within this staff report are approximate based on preliminary plan submittals. They will likely change slightly between preliminary and final plat. The numbers provided are sufficient for preliminary plat review.*

Net developable area is defined as the area of a property remaining after excluding those portions that are either: a) encumbered by right-of-way for arterials roads as defined in the IGH Comprehensive Plan; or b) lying below the ordinary high water level of public waters; or c) lying within the boundaries of delineated wetlands; or d) bluffs in shoreland areas; or e) land to be dedicated for public park needs. Based on this definition, the proposed project area contains approximately 27.72 net developable acres.

| <b>General Project Data</b> | <b>Acres</b> |
|-----------------------------|--------------|
| Gross Project Area          | 30.25        |
| Delineated Wetlands         | 0.92         |
| Public Water Bodies (PWI)   | 0.00         |
| Bluffs in Shoreland Area    | 0.00         |

|                                      |              |
|--------------------------------------|--------------|
| Planned “Arterial” Road Right of Way | 1.61         |
| <b>Total Net Developable Area</b>    | <b>27.72</b> |

### **NATURAL AREA/OPEN SPACE**

Section 10-13J-5. D. establishes requirements for open space preservation within the Northwest Area Overlay. Based on the net developable area the project contains the following:

|                                                                                              | <b>Required Acres</b> | <b>Proposed Acres</b> |
|----------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| <i>Total Net Developable Area</i>                                                            | <i>27.72</i>          | <i>NA</i>             |
| Minimum Open Space Required = 20% of net area                                                | 5.54                  | 6.61 (25%)            |
| Required contiguous area = 75% of required open space with a minimum 100 foot corridor width | 1.39                  | 4.16                  |
| Area to be undisturbed = 50% of required open space                                          | 2.77                  | 3.19 (58%)            |

The site design has prioritized the open space areas around the two storm water ponds in Outlots A and B. The largest corridor is at least 100 feet wide. Outlots A and B are for storm water treatment and contain regional basins. These outlots will be owned by the City. The site design exceeds all open space requirements.

The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.

### **DEVELOPMENT CAPACITY PLAN**

Section 10-13J-5. E. of the Northwest Area Overlay Ordinance outlines a process by which a site’s development capacity is determined as a means to allocate development across a site. This exercise only determines the number of units that would be permissible on the site and not the actual proposed development.

The development capacity plan was established for Windsor Ridge utilizing the base zoning district of R-1C. When applying the base district and factoring in the open space as part of the R-1C district, the development capacity plan yields a range of 55 to 100 possible units. This equates to a density range of 1.99 to 3.6 units per net acre.

| <b>Base Zoning District</b> | <b>Net Acres</b> | <b>Min Density (units per acre)</b> | <b>Max Density (based on lot size per zoning code)</b> | <b>Min Units</b> | <b>Max Units</b> |
|-----------------------------|------------------|-------------------------------------|--------------------------------------------------------|------------------|------------------|
|-----------------------------|------------------|-------------------------------------|--------------------------------------------------------|------------------|------------------|



|      |       |   |        |    |     |
|------|-------|---|--------|----|-----|
| R-1C | 27.72 | 2 | 12,000 | 55 | 100 |
|------|-------|---|--------|----|-----|

The proposed net density for Windsor Ridge would be 2.38 units/acre which is consistent with the comp plan designation and development capacity plan.

### **PROPOSED DEVELOPMENT MAGNITUDE, DENSITY AND BULK STANDARDS**

#### **Building setbacks and separation.**

The Northwest Area Zoning Overlay establishes suggested guidelines for building separation and setbacks. The objectives for establishing such regulations are to ensure adequate area for certain uses on a site such as storm water management, parking, buffering of mechanical equipment and landscaping. The Northwest Area setbacks and structure separation standards consider compact development and reduced setbacks in order to minimize hard surface coverage and enable greater ability to leave larger areas of intact open space. This objective has to be carefully balanced with aesthetics also.

Units within the proposed development comply with the required setbacks, except for the following situations listed below:

- Building setbacks within the development are proposed with a separation of 15 feet.
- Setback from 65<sup>th</sup> Street for Lot 11, Block 3 to be 36 feet, where 40 feet is required.

#### **Impervious surface coverage.**

Impervious surface coverage standards are applied to give the city the authority to ensure sufficient areas for infiltration. Impervious surface areas include roads, sidewalks, parking areas, buildings, and other hard surface areas that do not allow infiltration.

The applicant has provided impervious surface calculations for the entire project. By ordinance, the maximum impervious surface coverage allowed is 25% for R-1C, single family. The applicant provided hardcover calculations for the entire project. After counting street and sidewalk hardcover, there is approximately 3,630 square feet of impervious surface for each lot which equals 29.0% total impervious.

a) The applicant is requesting a total impervious surface coverage to 30.0% to allow for flexibility in home styles and amenities such as patios and pools. These numbers are still preliminary and may change somewhat with the final PUD submittal.

b) The applicant is requesting flexibility from the maximum driveway width requirement to allow driveways greater than 20 feet without utilizing porous pavement.

### **PRELIMINARY PLAT**

The applicant is proposing a preliminary plat which consists of 66 single family lots and 2 outlots. The outlots are for storm water purposes. All of the outlots would be owned and maintained by the City. The single family lot sizes range from approximately 8,260 square feet to 21,379 square

feet. Average lot size is approximately 10,000 square feet. The majority of lot widths are approximately 65-70 feet wide, with 80 foot+ corner lots. Each lot is shown with a typical 50'x65' building pad.

The plat provides for the required 50 foot half right-of-way dedication for 65<sup>th</sup> Street and a 75 foot half right-of-way for Hwy 3. Streets 1 and 2 provide for 60 foot wide right-of-way and Street 4 and 5 provide for a 50 foot wide right-of-way.

### **PARKS/TRAILS**

No additional trail segments are proposed in the project. The site plan identifies sidewalks along all the public streets as required by the Northwest Ordinance. The construction of 65<sup>th</sup> Street will contain a trail on the north side of the street.

The site lies at the periphery of two park search areas. At this point, no park land dedication is being required. The recommendation would be for a cash contribution per lot. The developer is also proposing and supportive of a cash contribution for park dedication.

The amount of cash contribution would be in the rates in affect at the time the final plat is approved. The current 2019 rate is as follows:

Single Family Rate \$2,850 x 66 units = \$188,100.

### **STREETS & CONNECTIVITY**

The proposed street system consists of the extension of Agate Trail that would extend north and west for future connection to neighboring properties. There are two cul-de-sacs that would branch off from Agate. The northerly cul-de-sac has a street stub to the north to provide future access to the properties to the north. There is a 24 foot elevation change between streets 2 and 4 which makes it too difficult to have a through street connection. The City will be constructing 65<sup>th</sup> Street this year which provides the main access to the site. Street 1 on the plans would be a 60 foot wide right-of-way and Streets 2, 4 and 5 would be 50 foot wide right-of-way. All streets would have a sidewalk on one side. Street widths would be 28 feet wide with parking allowed on one side.

### **LANDSCAPING/TREE PRESERVATION**

The developer has provided a tree inventory of the site. The Code allows a tree removal of 30% for single family. The code allows removal beyond the threshold but requires replacement for those trees over the limit. The applicant is requesting flexibility to allow a removal threshold of 50% before replacement is required. Based on a 30% allowed removal, a total of 4534 caliper inches would be required to be replaced. Based on a 50% allowed removal, a total of 2222 caliper inches would be required to be replaced. Based on the proposed plan, a total of 889 trees are required.

The proposed landscape plan provides for a total of 483 trees, consisting of one tree per lot to meet standard requirements and 417 trees for reforestation. The plan is short a total of 406 trees. If all

required tree replacement does not fit on site, the code allows the trees to be planted on park property or a cash in lieu be paid. Method to be determined with preliminary plans.

Based on the landscape plan, the applicant would still request some flexibility from the reforestation requirements as the number of plantings required may be difficult to achieve on site. The rate for a planted tree is estimated at \$300 per tree. Staff is open to any options but would recommend compliance with the reforestation requirements.

### **WETLANDS**

The plans indicate a total of approximately 0.92 acres of wetlands that are located within the outlot open space areas. The wetland will not be disturbed with this project.

### **GRADING, DRAINAGE, STORMWATER AND UTILITIES**

The grading and storm water plan have been reviewed by the engineering staff and their consultants Barr Engineering. As proposed, preliminary engineering review finds the project will work as generally designed. Storm water is being treated through a series of basins and regional ponds.

Engineering staff and the consultants have drafted comment memos discussing the items that will need to be addressed as part of the final plans. These memos will be incorporated into the conditions of approval in the general engineering comment condition.

### **FLEXIBILITY REQUESTS**

Previous sections of the report have covered some of the flexibility requests. This section provides a summary of all flexibility requested:

#### **1. SETBACKS**

1. Building setbacks within the development are proposed with a separation of 15 feet.
2. Setback from 65<sup>th</sup> Street for Lot 11, Block 3 to be 36 feet, where 40 feet is required.

The code requires a minimum 20 foot separation. The intent of the code requirement was to provide space between houses for infiltration basins or rain gardens. In order for this to work, houses would have to be built at the same time so an infiltration system could be installed between the houses on both lots. This typically will not occur because houses are not always built at the same time and the infiltration feature must be constructed all at the same time in order for it to function correctly. The applicant is not proposing any storm water features between houses, but in larger basin areas. The setback separation proposed is typical of the standard required in all other parts of the City. All residential developments approved so far have been with either a 10 foot or 15 foot separation. Staff supports this separation and flexibility request.

Only one lot would have potential corner of a house closer than required along 65<sup>th</sup> Street. The landscape plan provides for additional buffer from the road. Staff would support this request.



## 2. IMPERVIOUS SURFACE

- a) The applicant is requesting a total impervious surface coverage to 30.0% to allow for flexibility in home styles and amenities such as patios and pools. These numbers are still preliminary and may change somewhat with the final PUD submittal.

The amount of roadway and sidewalk in the plat consumes a large amount of the allowed 25% impervious surface. The applicant is requesting the impervious surface be allowed up to 30.0% in order to provide building coverage on each lot to approximately 3,700 square feet per lot. This is comparable to lot coverage approved in other developments. A definite number would be established with the final plat and the storm water plans would be modified to address the additional impervious surface.

Engineering have indicated that they have no issues with the request because the storm water system shown on the plans assumed 30% impervious surface coverage. Any additional storm water needs can be addressed in the final PUD plans.

- b) The applicant is requesting flexibility from the maximum driveway width requirement.

They are requesting that the driveways be allowed to be full length and width with non porous pavement The Northwest Area District requires any portion of a driveway greater than 20 feet in width shall be constructed of a porous pavement material. Function of the regulation is to minimize the amount of impervious surface. The applicant has designed the project to accommodate the additional runoff from the hard surface driveways in the storm water design. The amount of impervious surface maximum per lot would address the coverage issue. All previous developments in the Northwest Area were granted this same flexibility and no known issues exist with this flexibility.

## 3. TREE REFORESTATION

The applicant is requesting the reforestation threshold be 50% before reforestation is required. Based on that request, the landscape plan is still 406 trees short. The balance must comply with reforestation standards set forth in the code which requires planting on park property or pay a cash payment.

## 4. CUL-DE-SAC LENGTH

The code has a 500 foot maximum length for cul-de-sacs in urban areas. Street 2 is approximately 720 feet in length. As stated earlier, there is an approximate 24 foot elevation change between Street 2 and Street 4 which makes a connection very difficult.

## **DEVELOPMENT CONTRACT**

The Developer and Owner shall enter into a Development Contract and other associated agreements with the City. The list of agreements and details of the contract will be discussed with the applicant, city attorney and staff as part of the final PUD review. All of the agreements will be approved by the City Council as part of the final PUD review.

## **ALTERNATIVES**

The Planning Commission has the following actions available on the proposed project:

A. **Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:

o Approval of a **Rezoning** of the property from A, Agricultural to R-1C/PUD, Single Family Residential subject to the following conditions:

1. The rezoning shall not become effective until the final plat is approved by the City and recorded with the County. In the event a final plat is not approved, the rezoning shall become null and void and the zoning of the property shall remain in its current classification.

o Approval of the **Preliminary Plat and Preliminary PUD** for Windsor Ridge subject to the following conditions:

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

|                                                    |         |
|----------------------------------------------------|---------|
| Preliminary Plat                                   | 5/15/19 |
| Preliminary Open Space Plan                        | 4/25/19 |
| Preliminary Grading Plan                           | 4/26/19 |
| Preliminary Utility Plan                           | 4/26/19 |
| Preliminary Sanitary/Watermain Plan (4 sheets)     | 4/26/19 |
| Preliminary Street and Storm Sewer Plan (4/sheets) | 4/26/19 |
| Preliminary Storm Sewer Plan                       | 4/26/19 |
| Preliminary Overall Tree Preservation Plan         | 4/26/19 |
| Preliminary Landscape Plan                         | 4/26/19 |

2. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.

3. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.

4. The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.

5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved.

6. All plans shall be subject to the review and approval of the Fire Marshal.
7. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.
8. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Developer must pay the City utility plat connection fees consisting of a Water Utility Fee, Sanitary Sewer Utility fee and Storm Water Sewer Utility fee according to the formulas adopted by city ordinance.
9. In the Development Contract, the Developer and Owner shall acknowledge that at the time the building permits are obtained additional connection fees for the water utility system and sanitary sewer utility system are due and owing. Final details of the amounts to be paid shall be part of the final PUD plan review.
10. In the Development Contract, the Developer and Owner shall agree that the following elements of the Planned Unit Development shall not be altered, changed or removed without first obtaining the following consents:

| Site Plan Element                                | Consent Required By    |
|--------------------------------------------------|------------------------|
| Building Location                                | City Council           |
| Driveways and Private Roads                      | Planning Department    |
| Landscaping                                      | Planning Department    |
| Location of Utilities                            | Engineering Department |
| Location of Conservation Easement and Open Space | City Council           |

11. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
12. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the particular requirements of the Planned Unit Development plans.
13. The following documents shall be recorded when the plat is recorded:
  - Development Contract;
  - Storm Water Facilities Maintenance Agreement;



- Acknowledgement of PUD Zoning.
14. Prior to City Council review of the final PUD development plans, the Developer must respond to all the comments of the City Engineer memo dated 4/17/19, and comments from Barr Engineering.
  15. Street lighting shall be required along all public streets. The street lighting plans shall be approved by the City prior to installation.
  16. The reforestation shortage of 406 trees shall be addressed as required by the City Council.
- B. Denial:** Should the proposed request or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

#### **RECOMMENDATION**

The project complies with nearly all performance standards of the Northwest Area. Flexibility requests have been made for building separation, driveway width, setback requirements, impervious surface and tree reforestation. Staff supports these requests except for the setbacks from Hwy 3. The reforestation shortage must still be addressed. Engineering is comfortable with the overall preliminary grading and storm water plans.

Staff recommends approval of the preliminary plat, preliminary PUD and rezoning requests with the conditions listed.

#### **Attachments:**

Location Map  
Applicant Narrative  
Preliminary Plat  
Preliminary Open Space Plan  
Preliminary Grading Plan  
Preliminary Utility Plan  
Preliminary Sanitary/Watermain Plan (4 sheets)  
Preliminary Street and Storm Sewer Plan (4/sheets)  
Preliminary Storm Sewer Plan  
Preliminary Overall Tree Preservation Plan  
Preliminary Landscape Plan



May 15<sup>th</sup>, 2019

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

Attached please find our updated Preliminary Plat application for the proposed residential development located at 6477 Robert Trail South (15.89 acres). There are three additional PID's that are included in this application. Additional parcels included; 20-00600-03-051 (5.22 acres), 20-00600-03-020 (6.14 acres), and 20-00600-03-034 (3.01 acres). Total gross acres in this plat application is 30.26.

Source Land Capital would like to submit this preliminary plat application for review.

Our Preliminary Plat plan focuses on the following priorities. In this revised narrative the changes from the previous version have been highlighted in yellow.

- This proposed development is located within the Northwest Area Overlay District, which is unique to its topography and stormwater management standards. We intend to maintain and enhance the natural beauty of the site as much as possible.
- Maintain and strive to meet the open space requirement for the NW Area. The varied elevations and current soil conditions have required us to get creative with the stormwater design. BARR Engineering has developed a plan that will enhance the storm water management plans. Our collective efforts will only enhance the quality of vegetation and natural elements in this area.
- BARR & Westwood Engineering have redesigned the outlet control structure that feeds the culvert located under HWY 3. This culvert has been a concern by the neighboring parcel owners, and the new structure is designed to completely hold a 100 year rain event on the Windsor Ridge site. The design also features a weir and a gate valve that will be used in extreme situations if the pond level ever needed to be reduced. Please see the attached exhibit for further design details.

- Create a beautiful, new neighborhood about which the new residents, the surrounding neighbors and the city can be proud. We have partnered with Pulte Homes to build out the site.
- Meeting the Comprehensive 2040 Land Use plan requirements for the NW Area. The parcels included in this application are all guided for Low-Medium Density Residential (LMDR), correlating to R-1C (min. 2 units/acre).
- Submitting a plan that is consistent with its surrounding neighbors, and also matches development patterns and sizing.
- Application will require a zoning change. We have included the zoning change application to R-1C/PUD.
- Early grading permit, granted once Preliminary Plat approval is attained. The early grading permit is critical for Pulte Homes to complete the site development prior to winter. Required financial securities will be in place prior to grading, along with a mutually agreed Developers Agreement.
- Optimize site grading and excess dirt. The grading plan generates an excess of roughly 40,000+/- cyds of soil. The Park and Recreation department has indicated a need for excess fill for the Heritage Valley Park. Source Land Capital/Pulte Homes would make the dirt available for the city to haul, all in coordination with the 65<sup>th</sup> improvement project. The developer/builder will require a written agreement with the city to proceed.

The new homes planned for the site will be single family two stories. Pulte intends to supply a diverse range of housing styles. Home sizes will range from 1,712 – 2,873 SqFt (excluding basements). The anticipated range of selling prices is low \$400k's to mid \$500k's. Some of their model examples include the Newton, Dalton, Newberry, and Continental designs. More information on these examples can be found on their website.

#### **NW Area – Flexibility Request**

We are submitting a PUD application, which is required for all applications located within the NW Area Overlay. We have a few requests that we would like to include in our PUD Application:

- Tree Forestation:
  - 30% removal allowance, asking for 50% removal. The additional tree removal is necessary due to the significant vertical relief of the site and the ponding areas needed to meet the Northwest Area stormwater management requirements.



- **Setbacks from Major Streets:**
  - Code building setback is 40' from 65<sup>th</sup> Street. We request to allow a reduced setback listed below.
    - Lot 11, Block 3, 36' side setback from 65<sup>th</sup> Street R/W
    - Previous 50' setback variance request for Lot 5 & 6 Block 2 has been removed.
- **Building Separation:**
  - Code states buildings should be 20' apart. We request to allow separation of 15'. This will be accomplished with 7.5' side setbacks for non-corner lots.
- **Driveway Widths:**
  - Code states driveway widths should be limited to 20'. We request the flexibility to exceed 20' at the front of the home to allow for 3-car garages. Driveway widths at the street will be restricted to 20' in width.
- **Cul-De-Sac Length:**
  - Code states cul-de-sacs should be limited to 500' long. We request to allow longer cul-de-sac streets for flexibility in street design to better respond to the site characteristics and topography.
- **Site Impervious:**
  - Code states total impervious area should be a maximum of 25% of the net area. We request to allow up to 30% impervious to allow flexibility in home styles and amenities such as patios and pools.

## Roads & Utility

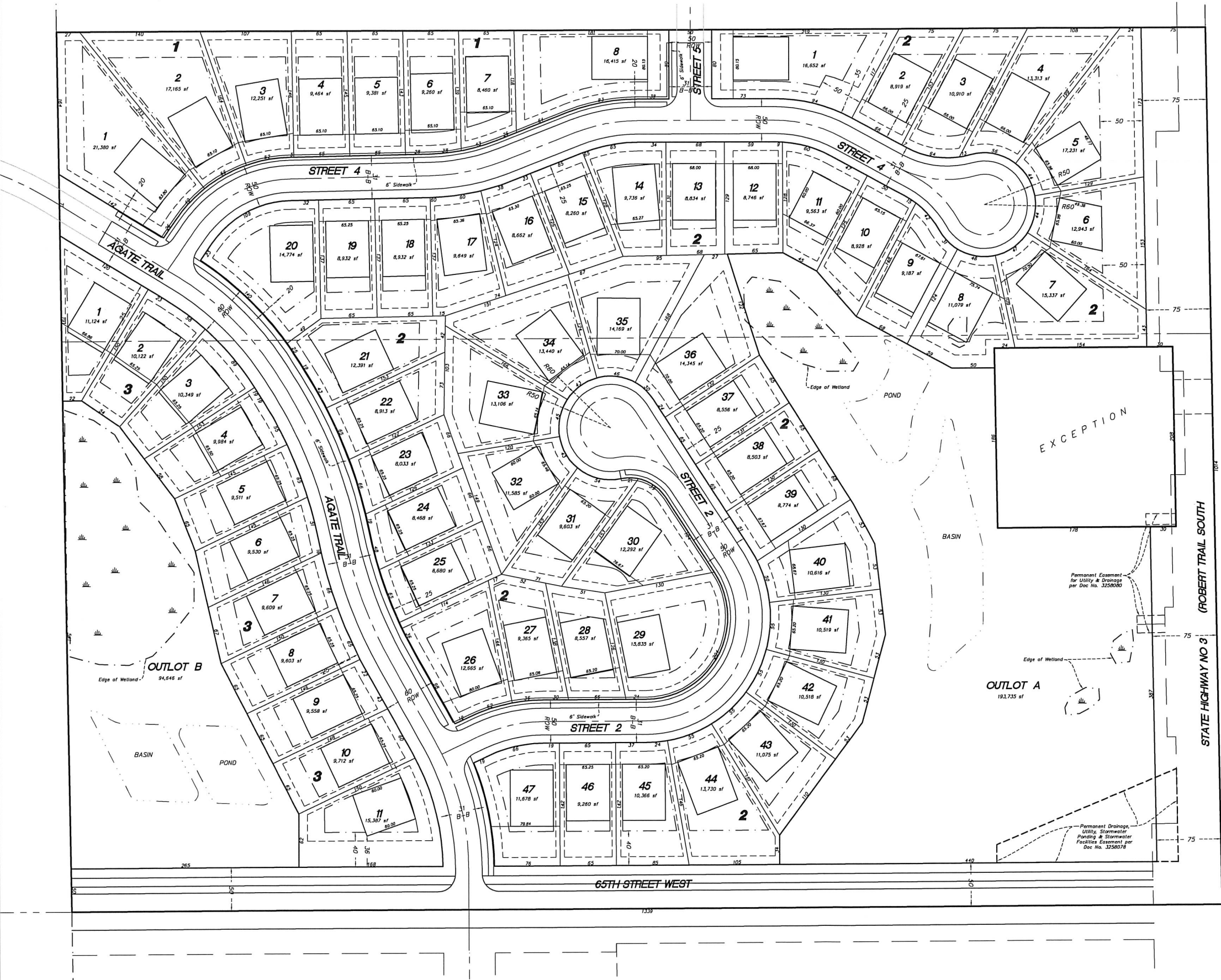
Our plans show an entrance connection to be made at the future 65<sup>th</sup> and Agate Trail. Discussions with city staff and WSB have occurred and utility connections (water and sewer) will be stubbed to service the site at this connection. Source Land Capital will be required to amend the settlement agreement (Article 2c), but agree that the installation of utility connections will be at the expense of the developer. Agate Trail will serve as the community collector road, stubbing to the west property line. We have also included a neighborhood collector road, stubbing to north property line. The proposed plans meet the 2030 comprehensive North West Area Street Plans.

Thank you in advance for your consideration.

Best regards,



Patrick Hiller  
Source Land Capital



**Property Description:**

See Existing Conditions sheet for property description.  
REGISTRATION OF THE PROPERTY IS IN PROCESS

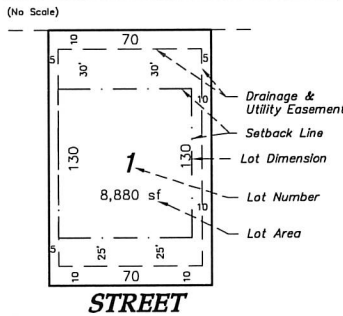
**Development Data**

|                 |             |
|-----------------|-------------|
| EXISTING ZONING | AGRICULTURE |
| PROPOSED ZONING | R-1C (PUD)  |
| SITE AREA       | 30.25 ac    |
| PROPOSED HOMES  | 66          |
| GROSS DENSITY   | 2.18 un/ac  |

|                              |                                     |
|------------------------------|-------------------------------------|
| PROPOSED SETBACKS (minimums) |                                     |
| FRONT                        | 20 ft min; 30 ft max; 25 ft typical |
| SIDE                         | 7.5/7.5 ft (15 ft total)            |
| SIDE CORNER                  | 20 ft                               |
| REAR                         | 30 ft                               |
| HWY 3                        | 50 ft                               |
| 65TH STREET                  | 40 ft (except as noted, L11B3)      |

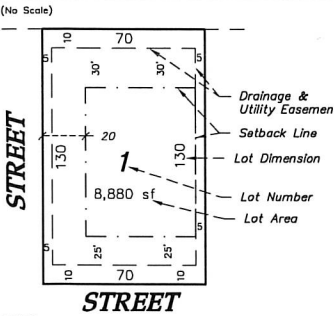
|                                                                                             |          |
|---------------------------------------------------------------------------------------------|----------|
| NET DEVELOPABLE AREA:                                                                       |          |
| GROSS AREA                                                                                  | 31.25 AC |
| LESS EXCEPTION AREA                                                                         | 1.0 AC   |
| LESS MAJOR R/W (HWY 3)                                                                      | 1.61 AC  |
| LESS WETLANDS                                                                               | 0.92 AC  |
| NET DEVELOPABLE                                                                             | 27.72 AC |
| REQUIRED OPEN SPACE: (20% of net developable)                                               | 5.54 AC  |
| -CONTIGUOUS OPEN SPACE: (75% of required open space)                                        | 4.16 AC  |
| -UNDISTURBED OPEN SPACE: (50% of required open space)                                       | 2.77 AC  |
| PROVIDED OPEN SPACE: (25% of net developable)                                               | 6.61 AC  |
| -CONTIGUOUS OPEN SPACE: (Outlet A)                                                          | 4.45 AC  |
| -UNDISTURBED OPEN SPACE: (Outlet A undisturbed; 2.20 ac)<br>(Outlet B undisturbed; 0.99 ac) | 3.19 AC  |

**Typical SF Lot Detail**



NOTE:  
65' Lot width

**Typical Corner Lot Detail**



NOTE:  
65' Lot width

**Development Notes**

- 1.) ALL LOT DIMENSIONS ARE ROUNDED TO THE NEAREST FOOT.
- 2.) ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
- 3.) STREET NAMES ARE SUBJECT TO APPROVAL BY THE CITY.
- 4.) DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED.
- 5.) STREET WIDTHS SHOWN ARE FROM BACK OF CURB TO BACK OF CURB.



NOT FOR CONSTRUCTION

Latest Revision Date: 05/15/19

0008121PP01.dwg

Date: 04/08/19 Sheet: 3 OF 25

**Westwood**

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300  
Fax (952) 937-5822 Minnetonka, MN 55343  
Toll Free (888) 937-5150 westwoodps.com  
Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL SURVEYOR under the laws of the State of Minnesota.

Craig W. Morse  
Date: 05/15/19 License No. 230221

**Revisions:**

04/28/19 City Comments  
05/15/19 City Comments

Designed: SRS  
Checked: CWM  
Drawn: SRS  
Record Drawing by/date:

Prepared for:

**Source Land Capital**

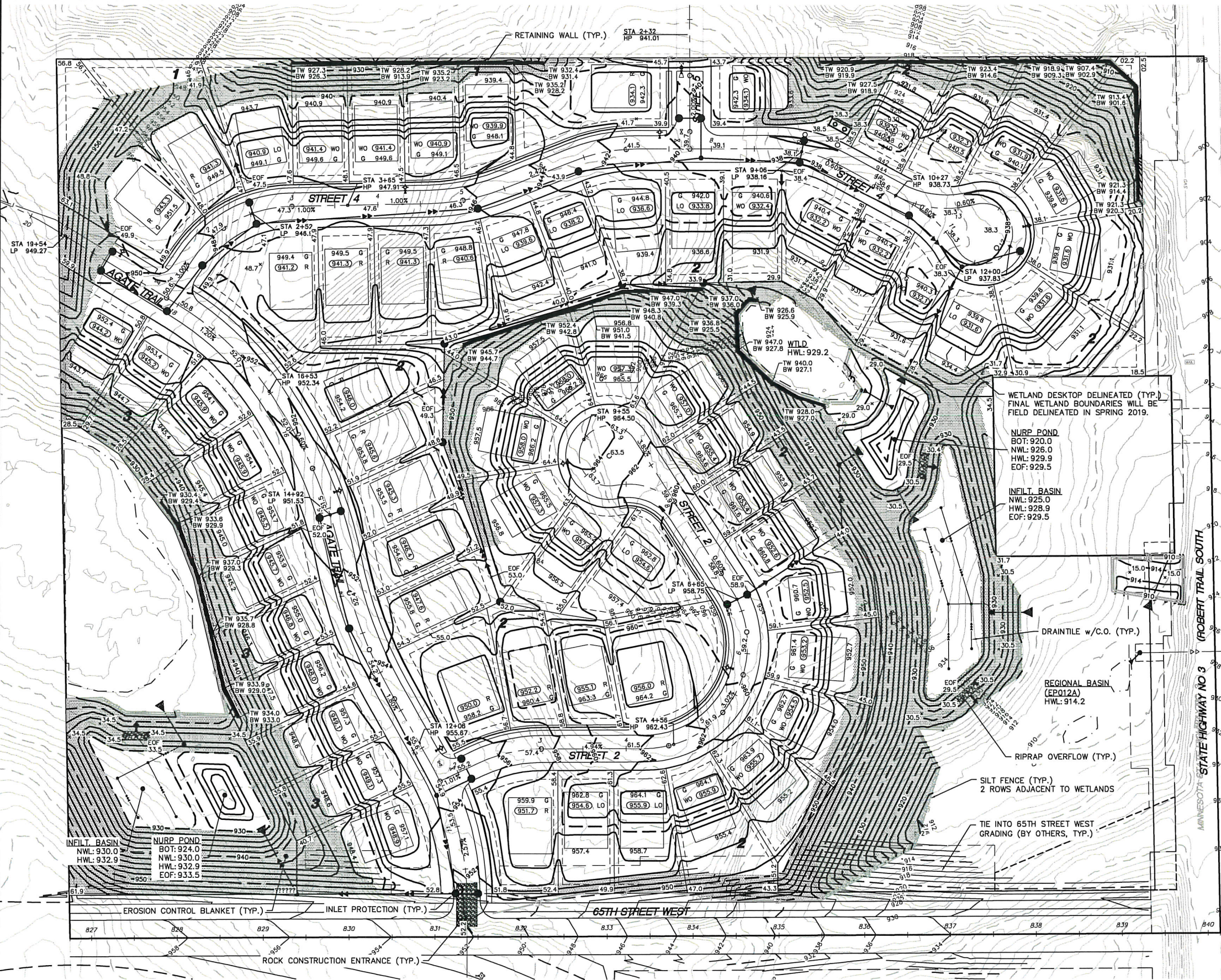
18215 45th Avenue North, Suite D  
Plymouth, Minnesota 55446

**Windsor Ridge**

Inver Grove Heights, Minnesota

Preliminary Plat





**EROSION CONTROL NOTES:**

- ALL SILT FENCE AND OTHER EROSION CONTROL FEATURES SHALL BE IN-PLACE PRIOR TO ANY EXCAVATION/CONSTRUCTION AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER HAS BEEN ESTABLISHED. EXISTING SILT FENCE ON-SITE SHALL BE MAINTAINED AND OR REMOVED AND SHALL BE CONSIDERED INCIDENTAL TO THE GRADING CONTRACT. IT IS OF EXTREME IMPORTANCE TO BE AWARE OF CURRENT FIELD CONDITIONS WITH RESPECT TO EROSION CONTROL. TEMPORARY PONDING, DIKES, HAY BALES, ETC., REQUIRED BY THE CITY SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
- ALL STREETS DISTURBED DURING WORKING HOURS MUST BE CLEANED AT THE END OF EACH WORKING DAY. A ROCK ENTRANCE TO THE SITE MUST BE PROVIDED ACCORDING TO DETAILS TO REDUCE TRACKING OF DIRT ONTO PUBLIC STREETS.

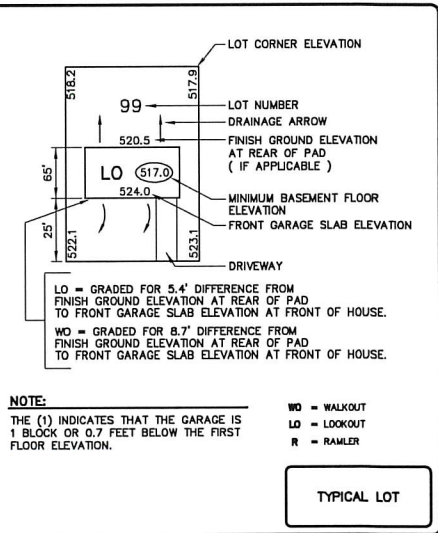
**GENERAL GRADING & DRAINAGE NOTES:**

- ALL CONTOURS AND SPOT ELEVATIONS ARE SHOWN TO FINISHED SURFACE/GUTTER GRADES UNLESS OTHERWISE NOTED.
- REFER TO THE SITE PLAN/RECORD PLAT FOR MOST CURRENT HORIZONTAL SITE DIMENSIONS AND LAYOUT.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHICAL FEATURES WITH THE OWNERS AND FIELD-VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL RULES.
- POSITIVE DRAINAGE FROM THE SITE MUST BE PROVIDED AT ALL TIMES.
- RETAINING WALLS 4' HIGH OR TALL REQUIRE A SEPARATE BUILDING PERMIT.

**LEGEND:**

- DENOTES SOIL BORING
- DENOTES SILT FENCE
- DENOTES POST CONSTRUCTION SILT FENCE
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES EXISTING STORM SEWER
- DENOTES PROPOSED STORM SEWER
- DENOTES PROPOSED DRAIN TILE
- DENOTES EXISTING TREE LINE
- DENOTES APPROXIMATE TREE REMOVAL LIMITS
- DENOTES EXISTING SPOT ELEVATION
- DENOTES PROPOSED SPOT ELEVATION
- DENOTES BIO-ROLL EROSION CHECKS
- DENOTES EMERGENCY OVERFLOW ELEVATION
- DENOTES EROSION CONTROL BLANKET

TOTAL APPROXIMATED EXCAVATION: 226,985 CY  
TOTAL APPROXIMATED FILL (CV): 223,592 CY



NOT FOR CONSTRUCTION  
Latest Revision Date: 05/15/19  
0008121GDP01.dwg

Date 04/08/19 Sheet 4 OF 25

**Westwood**

Phone (952) 937-5150 12701 Whitewater Drive, Suite 300  
Fax (952) 937-5922 Minneapolis, MN 55443  
Toll Free (888) 937-5150 westwoodps.com  
Westwood Professional Services, Inc.

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.

John Bender  
Date 05/15/19 License No. 43358

**Revisions:**

|                                           |  |
|-------------------------------------------|--|
| 04/26/19 City Comments                    |  |
| 05/15/19 Revised EP012A OCS & Storm Sewer |  |

|                         |     |
|-------------------------|-----|
| Design:                 | JTB |
| Check:                  | JTB |
| Draw:                   | CTY |
| Record Drawing by/date: |     |

Prepared for:

**Source Land Capital**

18215 45th Avenue North, Suite D  
Plymouth, Minnesota 55446

**Windsor Ridge**

Inver Grove Heights, Minnesota

**Preliminary Grading Plan**



**P L A N N I N G   R E P O R T**  
**C I T Y   O F   I N V E R   G R O V E   H E I G H T S**

---

**HEARING DATE:** May 21, 2019                      **CASE NO:** 19-19IUP and 19-20IUP

**APPLICANT:** CHS

**PROPERTY OWNER:** ISD 197 and City of Inver Grove Heights

**REQUEST:** Interim Use Permit to allow a park-and-ride facility

**LOCATION:** 5869 Babcock Trail and 8055 Barbara Avenue

**COMPREHENSIVE PLAN:** P/I, Public Institutional

**ZONING:** P, Public

**REVIEWING DIVISIONS:** Planning                      **PREPARED BY:** Heather Botten   
Associate Planner

---

**BACKGROUND**

CHS received approval to construct a new parking deck this summer at its headquarters in Inver Grove Heights. The applicant is requesting an interim use permit to allow a park-and-ride facility to be located at two properties in Inver Grove Heights from June – September 2019. City Council approved an ordinance in March 2018 allowing park-and-ride facilities as an interim use on properties that are zoned commercial or public/institutional. The two proposed properties are zoned institutional, complying with code requirements.

A park-and-ride facility is defined as: A designated parking area where individuals can park their private vehicles and access public or private transportation or carpool for the remainder of the journey. There are many different types of parking services and facilities available, including but not limited to: Metropolitan Council transit park-and-ride facilities, park-and-ride services set up by private companies, and remote airport parking (park-and-fly).

CHS will be temporarily displacing 495 existing parking stalls. The applicant has been working with ISD 199 to allow the use of 75 parking spaces at Salem Hills Elementary School until the start of the school year; they have also been working with the City Staff to allow the use of 100 parking stalls at the VMCC during the four month construction period. CHS is proposing to run a shuttle service from the parking facilities to the CHS campus during the hours of 7 am and 6 pm. The short term use of a park-and-ride facility on both properties does not appear to have an impact to the existing uses on site. The applicant has working with staff to use the part of the community center parking lot that has the lowest volume of traffic and the school will be on summer break. Both properties will have the park-and-ride facility located on existing impervious surface; no site improvements have been proposed to accommodate the interim use.

### **EVALUATION OF THE REQUEST**

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

School property:

North, south, and west: Single family; zoned R-1B; guided LDR, Low Density Residential

East: Single family; zoned R-1C; guided LDR, Low Density Residential

VMCC:

North: Single family; zoned R-1B & R-1C; guided LDR, Low Density Residential

South: City Hall; zoned P; guided P/I, Public/Institutional

East: Funeral home; zoned B-2, Neighborhood Business; guided CC, Community Commercial

West: Single family; zoned A; guided IOP, Industrial Office Park

Engineering. Engineering has reviewed the request and takes no exception to the proposed plans as there are no site improvements proposed on the property.

### **INTERIM USE PERMIT**

An interim use is defined as a temporary use of a property until a specific date, occurrence of a particular event, or until zoning regulations no longer permits. Interim uses are typically uses that are not appropriate based upon strict application of Zoning Code restrictions, existing development and proposed future land-use plans, however, they may have merit as uses for some intermediary period of time.

The interim use of a park-and-ride on the mentioned properties would not have an impact on public health or existing or planned City facilities. The two park-and-rides would not impose additional costs on the public and will not change the under-lying zoning of the properties.

### **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 should be recommended for approval:

- Approval of an **Interim Use Permit** to allow a park-and-ride facility at Salem Hills Elementary School, located at 5869 Babcock Trail as proposed subject to the following conditions:

1. The park-and-ride shall be limited to 75 parking spaces as identified on the aerial site plan dated 4/29/19 on file with the planning department.

2. The interim use permit shall be valid from June – September 2019.
  3. The park-and-ride facility shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.
- Approval of an **Interim Use Permit** to allow a park-and-ride facility at the VMCC, located at 8055 Barbara Avenue as proposed subject to the following conditions:
    1. The park-and-ride shall be limited to 100 parking spaces as identified on the aerial site plan 4/30/19 on file with the planning department.
    2. The interim use permit shall be valid from June – September 2019.
    3. The park-and-ride facility shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.
- B. Denial.** If the Planning Commission does not favor the proposed application or portions thereof, 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 recommends approval of the interim use permits on the proposed properties with the conditions listed above.

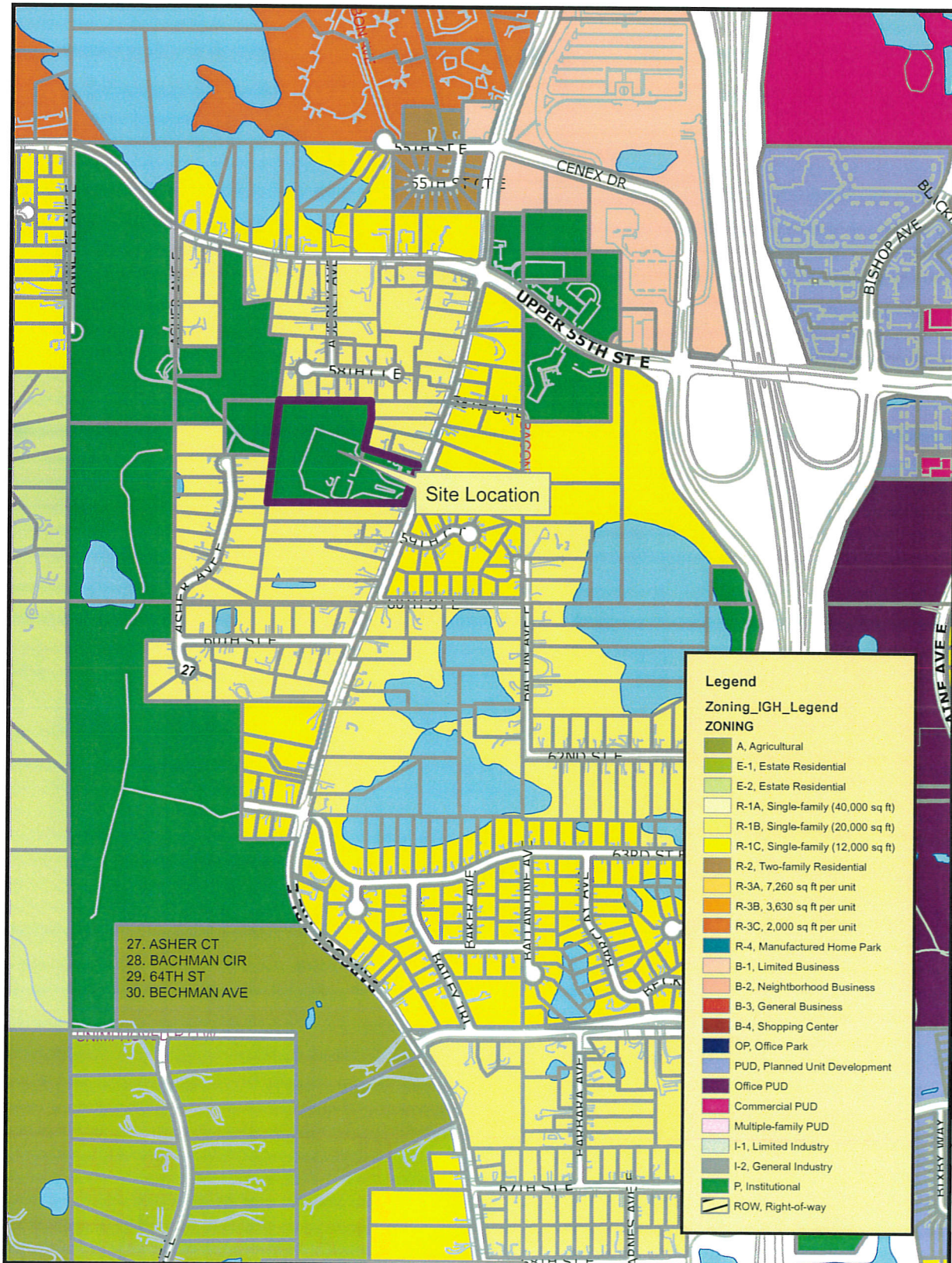
Attachments:

- Exhibit A – Location and Zoning Map - school
- Exhibit B - Applicant Narrative - school
- Exhibit C – Aerial Site Plan - school
- Exhibit D – Location and Zoning Map - VMCC
- Exhibit E- Applicant Narrative - VMCC
- Exhibit F – Aerial Site Plan - VMCC





# 5869 Babcock Trail Salem Hills Elementary School



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





5500 Cenex Drive  
Inver Grove Heights, MN  
55077-1721

651-355-6000  
chsinc.com

April 26, 2019

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

RE: Interim Use Permit; Temporary Parking

Dear Planning Staff,

CHS will begin construction on a new parking structure at its headquarters starting in early June 2019. As part of the construction CHS will temporarily displace 495 existing parking stalls. In order to accommodate parking for employees, CHS is seeking approval for an interim use permit.

With this permit, CHS is seeking approval to temporarily use up to 75 spaces of the paved and striped parking lot at Salem Hills Elementary School 5899 Babcock Trail. Working with Dave Bernhardson and Tina Willette at the school district and elementary school, we've identified 75 spaces. CHS proposes to use the stalls starting in early June 2019 and lasting through September of 2019, between the weekday hours of 7am and 6pm. CHS proposes to run a shuttle service between this lot and the CHS campus on a frequent basis. Finally, CHS and the school district will be exchanging agreement documents to capture all terms and conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian H Ellis".

Ian Ellis, CFM  
Corporate Facilities Director  
CHS, Inc.





Imagery ©2019 Google, Map data ©2019 Google 100 ft







# 8055 Barbara Avenue Inver Grove Heights Community Center



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.

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Exhibit D  
Zoning and Location Map

Map not to scale





5500 Cenex Drive  
Inver Grove Heights, MN  
55077-1721

651-355-6000  
chsinc.com

April 26, 2019

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

RE: Interim Use Permit; Temporary Parking

Dear Planning Staff,

CHS will begin construction on a new parking structure at its headquarters starting in early June 2019. As part of the construction CHS will temporarily displace 459 existing parking stalls. In order to accommodate parking for employees, CHS is seeking approval for an interim use permit.

With this permit, CHS is seeking approval to temporarily use up to 100 spaces of the paved and striped parking lot at the City of Inver Grove Heights Community Center at 8055 Barbara Avenue. Working with the staff at the center, we've identified 100 spaces between the Armory and Ice Arena entrances. CHS proposes to use the stalls starting in early June 2019 and lasting through September of 2019, between the weekday hours of 7am and 6pm. CHS proposes to run a shuttle service between this lot and the CHS campus on a frequent basis. Finally, CHS and the Community Center staff are exchanging agreement documents to capture all terms and conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ian Ellis".

Ian Ellis, CFM  
Corporate Facilities Director  
CHS, Inc.



52

2

APR 30 2019

TO HWY 3

80TH ST E

TO HWY 52

TO HWY 55

BARBARA AVE E

BARNES AVE E

BARBARA AVE E

BABCOCK TRL E

ARMORY GYM ENTRANCE

100 LINK ENTRANCE

ICE ARENA ENTRANCE

ARMORY

GYM

COMMUNITY ROOMS

PARK & REG OFFICES

WEST RINK

EAST RINK

FITNESS CENTER

AQUATICS/FITNESS CENTER ENTRANCE

POOL

SKATE PARK

N



# PLANNING REPORT

## CITY OF INVER GROVE HEIGHTS

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**HEARING DATE:** May 21, 2019

**CASE NO.:** 19-18C

**APPLICANT & PROPERTY OWNER:** Scott & Kristina Gorden

**REQUEST:** Conditional Use Permit to exceed the allowed impervious surface on a property

**LOCATION:** 11640 Aileron Circle

**COMPREHENSIVE PLAN:** LDR, Low Density Residential

**ZONING:** R-1C, Single-family Residential

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

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### **BACKGROUND**

The applicant is requesting a Conditional Use Permit (CUP) to exceed the allowed impervious surface amount on the property. The applicant is proposing to construct a new pool and patio space around the pool. The applicant would be removing 702 square feet of existing patio as part of the project. City code allows additional impervious surface on a property, up to 10% of the lot area, with a conditional use permit. The applicant would like to add 2,167 square feet of impervious surface which is within the additional 10% allowance.

Details of the impervious coverage are listed in the following chart:

|                                                            | Square Feet                     | Allowed<br>Impervious<br>Coverage (sq. ft) |
|------------------------------------------------------------|---------------------------------|--------------------------------------------|
| Lot Size                                                   | 19,771                          | 5100                                       |
| Additional impervious allowed w/ CUP                       | 10% of lot area                 | <u>1977</u>                                |
| Total impervious allowed on property                       |                                 | <u>7077</u>                                |
| Existing impervious surface                                | 4298                            |                                            |
| Impervious surface requested                               | 2167 (removing<br>702 existing) |                                            |
| Total sq ft requested by CUP and required to be<br>treated | <b>663</b>                      |                                            |
|                                                            |                                 |                                            |

### **SPECIFIC REQUEST**

A **Conditional Use Permit** to exceed impervious surface above the allowed amount but within the additional 10% of lot area allowed with a conditional use permit.

### **SURROUNDING USES:**

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

|       |                                                                     |
|-------|---------------------------------------------------------------------|
| North | Single-family home; zoned R-1C; guided LDR, Low Density Residential |
| East  | Single-family home; zoned R-1C; guided LDR, Low Density Residential |
| West  | Single-family home; zoned R-1C; guided LDR, Low Density Residential |
| South | Single-family home; zoned R-1C; guided LDR, Low Density Residential |

### **EVALUATION OF REQUEST:**

#### **GENERAL CUP CRITERIA**

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed impervious surface meets the above criteria. The pool and patio expansion would comply with setback requirements. The applicant is proposing two rain gardens in the northeast and southeast corners of the property, complying with the storm water treatment conditions. The proposed raingarden would be designed to treat 663 square feet of additional impervious surface.

#### **IMPERVIOUS SURFACE CUP CRITERIA**

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10% of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.
- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.



- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.
- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

#### ENGINEERING REVIEW

The Engineering Department has reviewed the request and is working with the applicant on the stormwater and grading requirements listed above. The applicant is proposing rain gardens in the northeast and southeast corners of the property, complying with the storm water treatment conditions which help maintain the drainage and storm water runoff on the applicant's property. The applicant shall continue to work with the City to secure final approval of the construction plans.

#### ALTERNATIVES

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

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

- Approval of the **Conditional Use Permit** to allow 5,763 square feet of impervious surface subject to the following conditions:
  - 1. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.
  - 2. A storm water facilities maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities.

**B. Denial** If the Planning Commission does not favor the proposed Conditional Use Permit, 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 conditional use permit.

Attachments: Exhibit A - Zoning and location map  
Exhibit B - Narrative  
Exhibit C - Site plan







## Conditional Use Permit Request

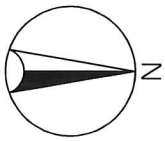
We are looking at creating not only an in-ground pool for our backyard, but also creating usable outdoor living space for the surrounding pool area. We are planning for this paver patio to be a ICPI certified installation. Around the pool deck and patio space is a mixture of plant beds with mulch, and lawn space. Some regrading will be needed, as well as some retaining walls to get from the elevation of the front yard to the backyard patio area. Some infiltration sites will also be created onsite to help manage storm water runoff created by the additional impervious square footage. The lot area is 19,771 sqft, and the current impervious surface is 4,298 on the property. *(the house area is 2,420 sqft, the driveway is 1,028 sqft, the front sidewalk is 148 sqft, and the back patio area totals 702 sqft)* Our goal would be removing the back patio area and having 2,078 sqft of surface area around the pool and including a fire pit area. Adding this total and removing the 702 sqft of the current back patio area would result in 5,674 sqft of total impervious surface on the property.

Regards,

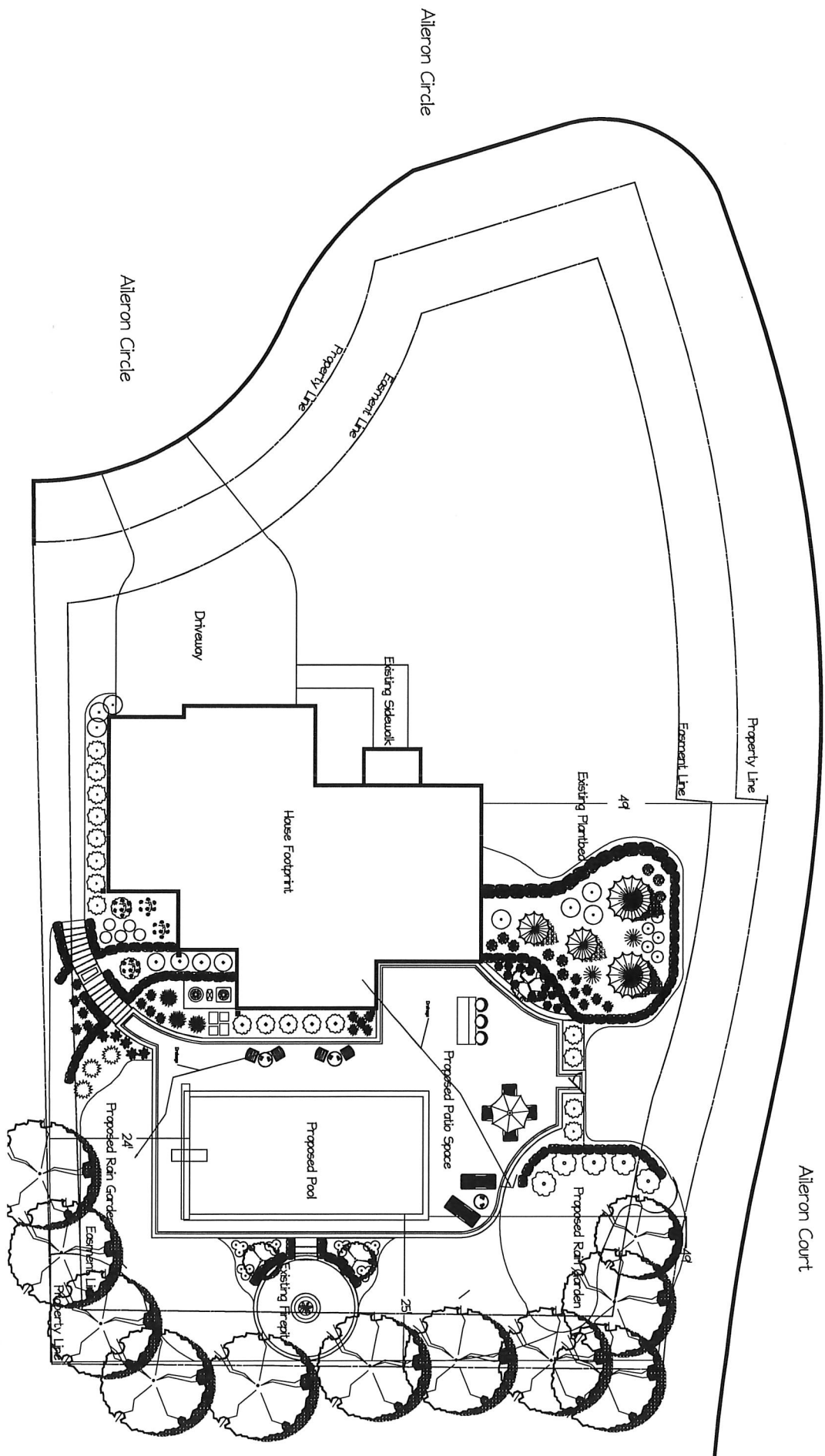
A handwritten signature in cursive script that reads "Tina Gorden".

Tina Gorden

|                                                             |          |              |                |
|-------------------------------------------------------------|----------|--------------|----------------|
| <b>Gorden</b><br>1840 Aileron Circle<br>Inver Grove Heights |          |              |                |
| client:                                                     |          | date:        |                |
| scale:                                                      | 1"=25'   | 4/22/19      | revision:      |
| drawn by:                                                   | Bryce L. | designed by: | Survey Overlay |
|                                                             |          | drawing #:   |                |



Aileron Court



Aileron Court

Aileron Circle

Aileron Circle



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

---

**CASE NO:** 19-17V

**HEARING DATE:** May 21, 2019

**APPLICANT/PROPERTY OWNER:** Joe Pucel

**REQUEST:** Variance from accessory structure maximum size

**LOCATION:** 10423 Amy Court

**COMPREHENSIVE PLAN:** RDR, Rural Density Residential

**ZONING:** E-1, Estate Residential

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

---

**BACKGROUND**

The applicant is proposing to construct a new two-story accessory structure. One level would be at grade, the other below grade but partially exposed. The footprint of the structure would be 1,500 square feet. Within the roof peak there will be attic space with two dormers. The attic space does not count towards total square footage, but the dormers would count. The total gross square foot of the proposed structure would be 3,126 square feet.

The property is 4.12 acres in size and zoned E-1, Estate Residential. Maximum size of an accessory structure in the E-1 zone with a lot less than 5.0 acres is 1,600 gross square feet. If the structure is larger than 1,000 square feet, it must maintain a 50 foot setback from all property lines. The proposed structure would comply with setback requirements.

**EVALUATION OF THE REQUEST**

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

North - Single family residential; zoned E-1; guided RDR

East - Single family residential; zoned E-1; guided RDR.

West - Single family residential; zoned E-1; guided RDR.

South - Single family residential; zoned E-1; guided RDR.

**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 code requirement is to limit the size of structures, so they retain residential accessory uses and are not used for commercial uses. The size limit was based on gross floor area to limit multi-level accessory structures. The request for a larger building does not appear to be in harmony with the intent of the code regulation.

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

While the total gross square footage of the proposed structure exceeds 1,600 square feet, the footprint is only 1,500 square feet. The lower level would be mostly under ground so that the front of the structure would look like a regular garage, but the back side would expose the lower level. There are no other detached structures on the property.

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

The property does have steep topography that drops off significantly around the house. The applicant chose to propose a two-story building to limit the amount of disturbance and tree removal rather than propose a larger footprint. While this does not create any unique circumstances for the larger square footage, the design limits the physical impact.

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

This neighborhood is all zoned E-1. The proposed structure footprint would not be out of character of the neighborhood because it is under the maximum allowed. The intent of maintaining reasonable sized accessory structures would be impacted since the two-story structure is about double the gross square footage allowed.

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.

Engineering has reviewed the application and noted that if the variance is approved a grading plan and erosion control plan must be submitted to the city and approved by the City Engineer before a building permit can be issued. Engineering also notes that a storm water management plan may be necessary if land disturbance is more than 1,000 square feet.

## **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 site shall be developed in substantial conformance with the Site Plan dated 4/22/19 on file with the Planning Division except as modified herein.
2. A drainage plan and erosion control plan shall be submitted to the City and approved by the City Engineer prior to issuance of a building permit and shall also be subject to comments made in memo from City Engineer dated 4/26/19
3. The accessory building shall not be used for a commercial use, home occupation or for storage related to a commercial use.

Practical difficulty:

- 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 staff does not believe there is sufficient rationale to support all criteria of a variance review and therefore recommends denial of the request as proposed. While the applicant designed the project to minimize grading and tree removal by building two stories and keeping the footprint below 1,600 square feet, Staff does not believe a practical difficulty has been shown to exceed the maximum size and does not preclude the homeowner from reasonable use of the property. A 1,600 total square foot structure could be constructed on the property. For these reasons staff is recommending **denial of the variance request.**

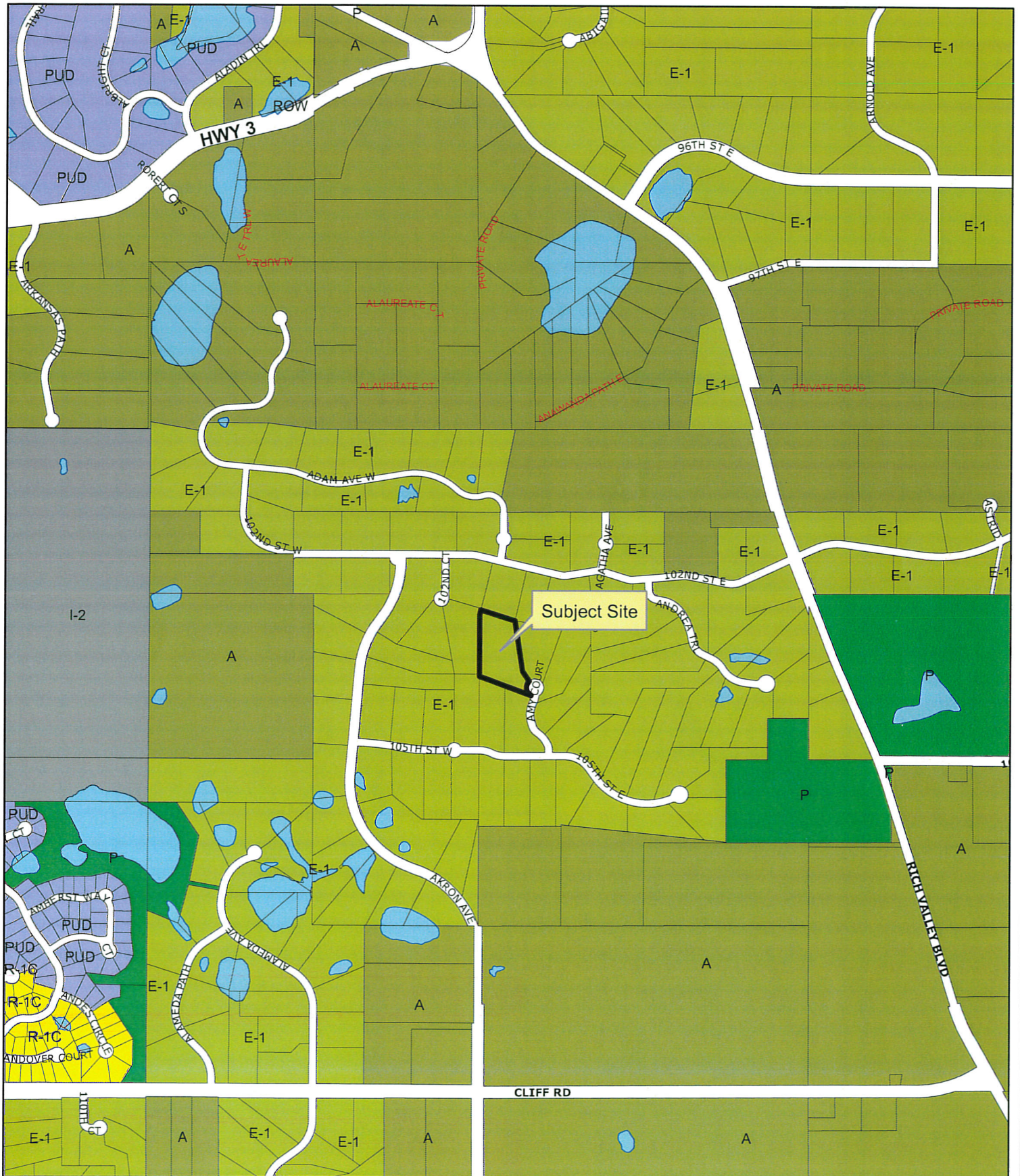
Attachments: Exhibit A –Location Map  
Exhibit B –Narrative  
Exhibit C – Site Plan  
Exhibit D – Topography Map  
Exhibit E – Building Elevations





# Location Map

## Case No. 19-17V





### **Written narrative clearly describing the request**

I am requesting a variance from the Title 10 Zoning Regulation restricting the size of a detached garage. My property is zoned E-1 Estate and I own 4.12 acres. As such, current zoning limits the size of a detached garage to 1,600 square feet. The detached garage I am requesting a variance to build would be three levels. Levels one (below grade) and two (grade) would each have 1,500 square feet and level three would have 126 square feet for the dormers, for a total of 3,126 square feet. The height of the building will vary based on which side of the building you are looking at. From the front, the building will be 21', measuring from roof to midpoint (drawing attached).

A primary objective in designing this garage was to match the architecture of the existing garage/home. The existing garage includes dormer windows and a "bonus room" above it. The new garage has been designed the same way and the third level above the garage will be unfinished storage space.

I considered attaching the new garage to the existing building and avoiding the need for the variance requests. However, attaching the garage creates several practical difficulties outlined below.

- Due to the topography of the property (ground slopes severely on both sides of the house), I have limited access for service equipment to the back yard. Currently there is a gravel driveway on the side of the existing garage where septic service, pool service, hot tub service, etc. access the back yard. If I were to attach the new garage to the existing garage it would block the current service access to my backyard. Due to the severe slope of the property, creating a new access around the new garage would be impractical.
- My well stem is located 11' to the left/front of the existing garage. If I attach the new garage to the existing garage, the well stem would be located directly in front of one of the doors and restrict access to the new building. Detaching the new garage allows me to move the building away from the well stem and avoid the well stem obstruction. I am the second owner of this property and did not create the well stem problem.
- The design of the new building includes a tuck under level below grade that adds 1,500 sq. ft. We chose this construction option over building a slab on grade for a couple of reasons. Due to the topography of the property, building the garage on a slab would require a tremendous amount of fill and significant retaining walls approximately 8' high. The walls would need to be placed far enough away from the building to support the fill. The footprint of the combined retaining walls and a new garage slab on grade would be much larger than the garage we have designed. It would also require the removal of many more mature trees. My property is mostly wooded. We believe our goal to retain as much mature woods as possible is consistent with the Comprehensive Plan. This design feature (tuck under) is the primary reason the building exceeds the square footage restrictions, but it reduces the overall footprint and impact on the environment.



486.6

Lot 3, Block 2, INNER HILLS EIGHTH ADDITION





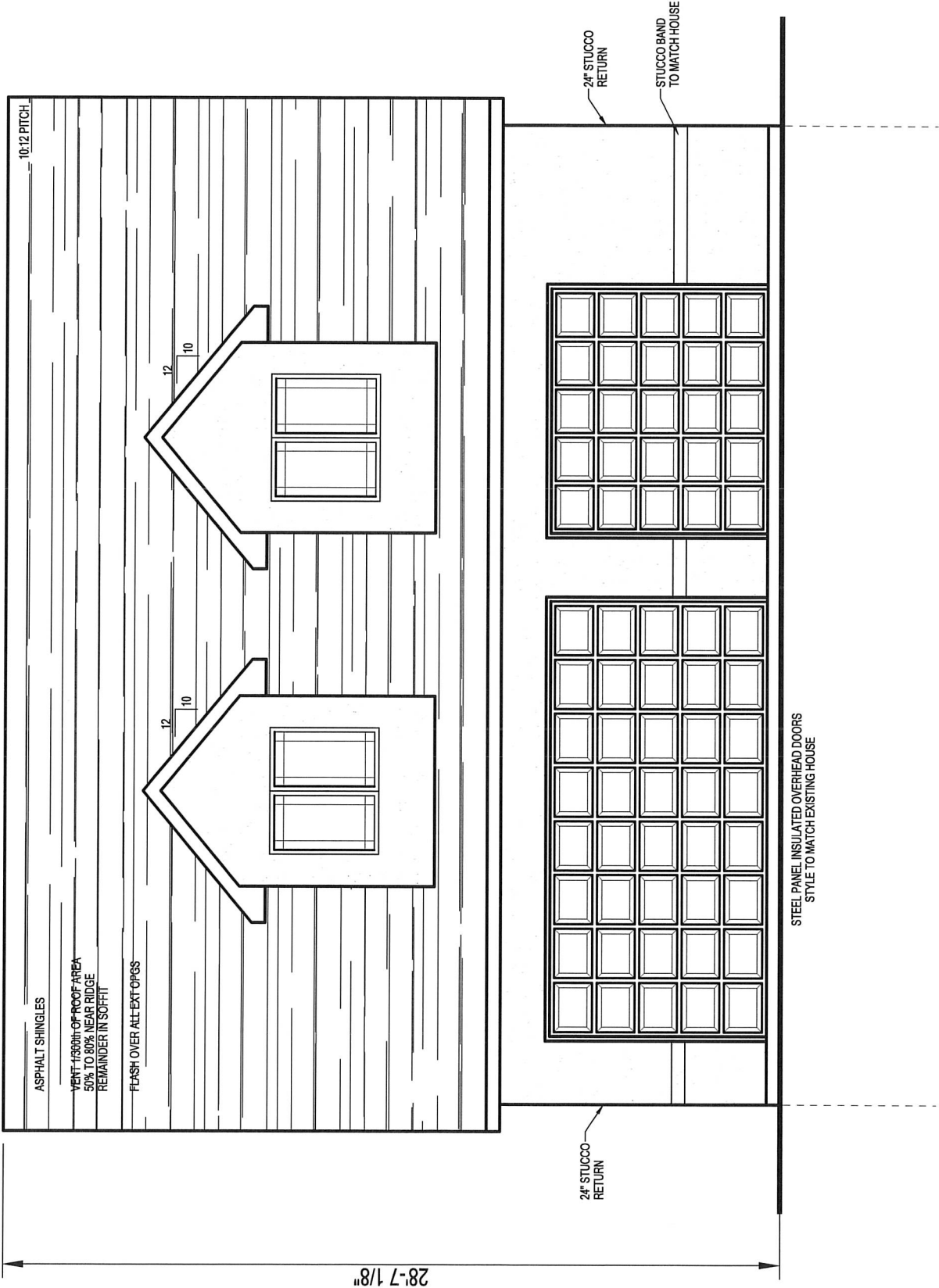


# Topography Map

## Case No. 19-17V







Dimensions, notes, details and conformance to all local codes are to be verified by owner and contractor prior to the start of construction. Phillips Planning, Inc. will assume no responsibility for same after commencement of construction.

| REVISIONS |
|-----------|
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PUCCEL GARAGE



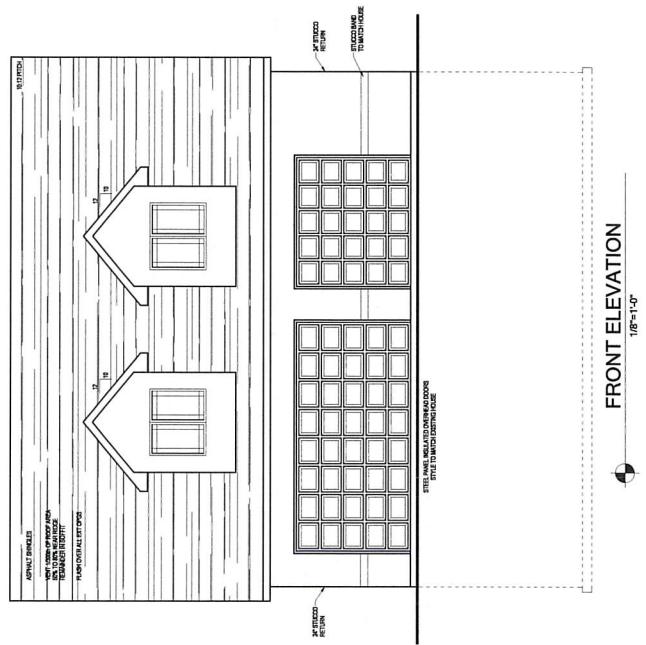
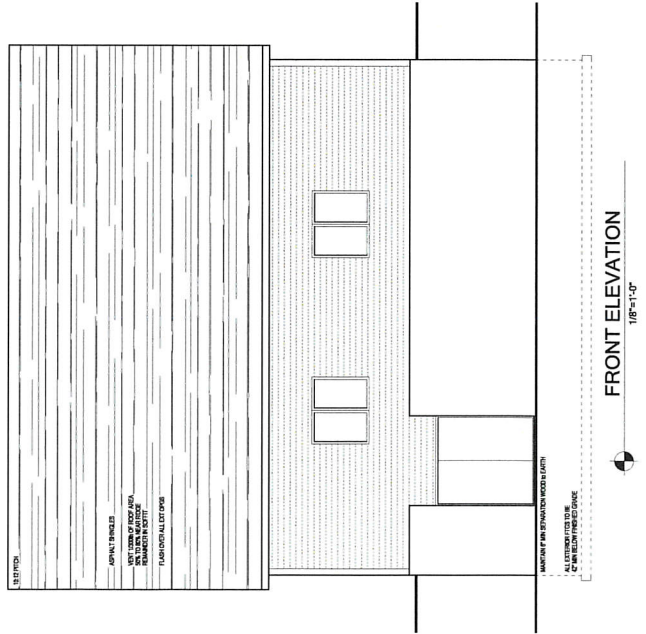
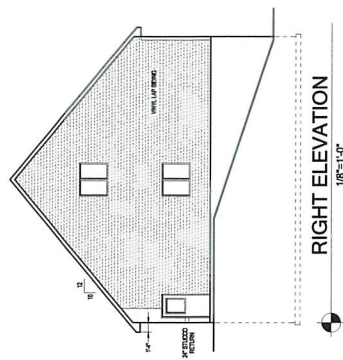
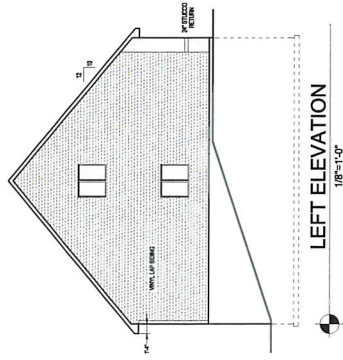
PHILLIPS PLANNING, INC.  
1245 W. 10TH AVE. SUITE 200  
DENVER, CO 80202  
TEL: 303.733.1234  
WWW.PHILLIPSPLANNING.COM



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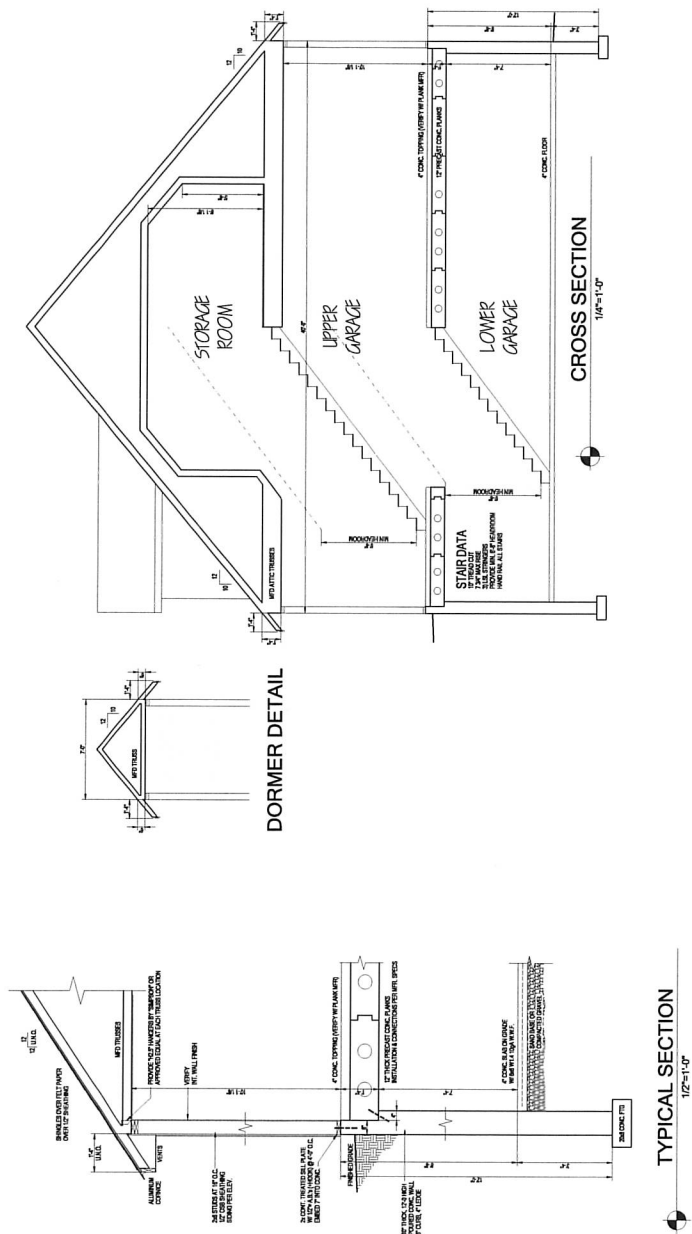
© COPYRIGHT 2018  
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18-1203A  
PLAN



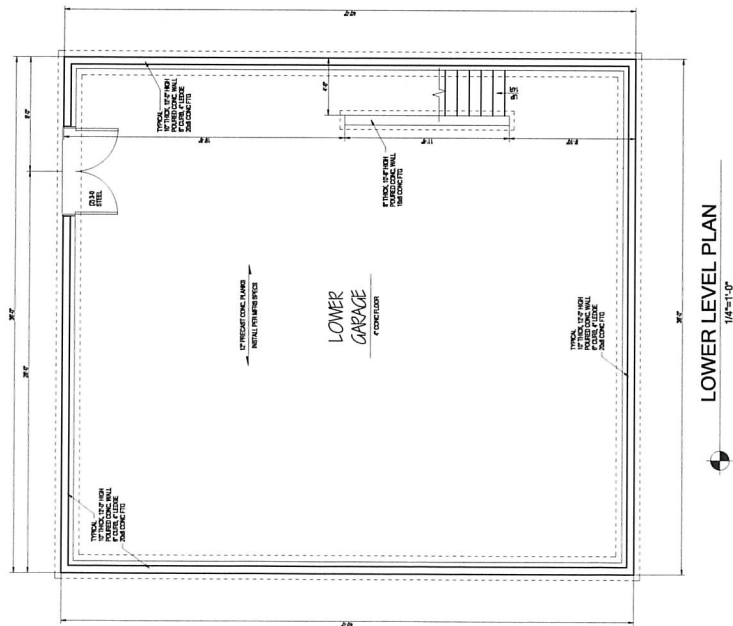


Dimensions, notes, details and conformance to all local codes are to be verified by owner and contractor prior to the start of construction. Phillips Planning, Inc. will assume no responsibility for same after commencement of construction.

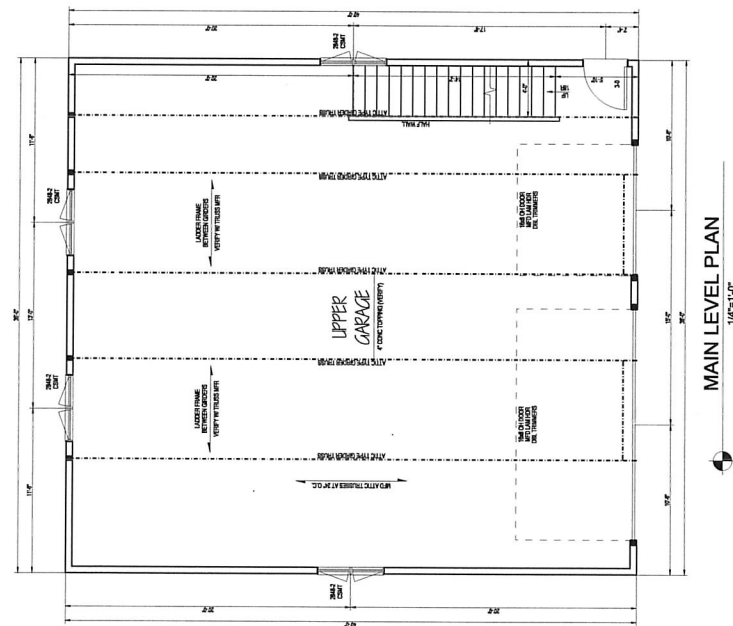


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|-----------------|---|
| PUCCEL GARAGE   | 3 |
| PLANS 18-1200A  | 3 |
| DATE: 12-3-2018 |   |

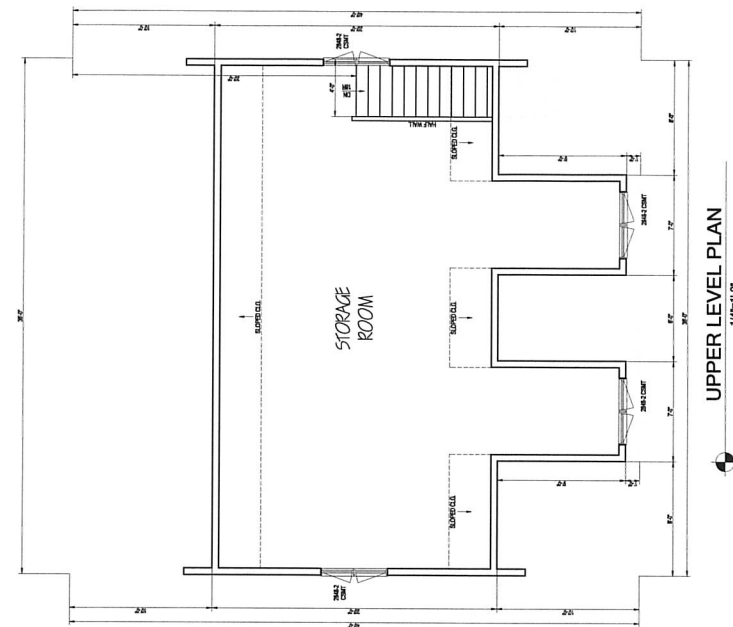
Dimensions, notes, details and conformance to all local codes are to be verified by owner and contractor prior to the start of construction. Phillips Planning, Inc. will assume no responsibility for same after commencement of construction.



## LOWER LEVEL PLAN



## MAIN LEVEL PLAN



UPPER LEVEL PLAN

|                 |                                                                                                                                                                                   |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PUCEL GARAGE    | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <div style="display: flex; justify-content: space-between;"> <span>2</span> <span>3</span> </div> </div> |
| PLUMB 18-1200A  |                                                                                                                                                                                   |
| DATE: 12-3-2018 |                                                                                                                                                                                   |



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

**HEARING DATE:** May 21, 2019

**CASE NO:** 19-13ZA

**APPLICANT:** Mark Engen

**REQUEST:** Zoning Ordinance Amendment

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten  
Associate Planner



**BACKGROUND**

The applicant has made a request to amend the zoning ordinance to allow Indoor Storage of Tree Trimming and Removal Equipment on residential property. Currently the zoning code would consider this type of use a "*Contractor's shop - indoor*" which would be a permitted use in the I-1 and I-2 zoning districts. A contractor's shop is currently prohibited on residential property.

**EVALUATION OF THE REQUEST**

The specific code language being requested is:

An Ordinance Amendment to allow the indoor storage of tree trimming and removal equipment as an accessory use in the E-1, Estate Residential district provided that the indoor storage of tree trimming and removal equipment may only occur on lots: 1) 2.5 acres or greater, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

**ANALYSIS**

The concerns and benefits of allowing the proposed use on residential property would be:

Concerns

- Not paying fair business tax; unfair to similar businesses who operate out of an industrial district.
- There may be higher traffic volumes than a typical residential lot including possible commercial vehicles in addition to tree trimming equipment coming and going on a daily basis.
- Historically the City has not wanted businesses to be located out of garages/accessory buildings in residential areas.
- Adverse impact to the abutting neighbors - noises and traffic that are inconsistent with residential uses.

Benefits

- May provide a more affordable service to local businesses and residents since there wouldn't be the overhead of renting an industrial space.

- Provides a benefit for residents who want to operate a tree trimming business out of an accessory building.

## **ZONING CODE REVIEW**

Type of use. Currently the proposed use would be considered a contractor's shop – indoor and permitted in the industrial districts. The proposed amendment is specific to the indoor storage of tree trimming and removal equipment. This would NOT allow for landscape businesses or similar uses to fall under tree trimming and removal. No outdoor storage related to the business would be allowed on the property.

Accessory or conditional. If approved, should a tree trimming business be allowed as an accessory use? Since there may be impacts to surrounding neighbors, staff believes the adjacent lots should be notified and a hearing held to determine impacts which would then be a conditional use.

Lot size. Should there be a minimum lot size requirement? Converting or even constructing a new accessory structure for the storage of tree trimming equipment would seem to have a greater impact on surrounding properties in neighborhoods with small lot sizes. The more compact the neighborhoods, the more potential negative impacts could result. The minimum lot size in the E-1 district is 2.5 acres, if this use is approved, staff would suggest this as the minimum lot size.

Setbacks. An accessory structure in urban residential areas has setbacks of five feet side yard and eight feet rear yard. In the E-1 district (2.5 acre minimum lot size) setbacks are 10 feet for side yard and 50 feet for rear yard. Accessory structures greater than 1,000 gross square feet require 50 foot setbacks. If a building is constructed in an Industrial district that is abutting a residential district a **100-foot** setback would be required.

What about existing structures? If a large setback was required for a residential accessory building to be utilized as an indoor tree trimming business, it would more than likely need a variance as many residential accessory structures do not meet a 100 foot setback.

Impervious surface and maximum structure size. It would seem reasonable to impose the same maximum impervious surface standards and maximum number and size of accessory structures in all residential areas of the city.

Parking/ storage. Impact on garage parking spaces and storage area. Converting an accessory building into storage for a business eliminates enclosed parking spaces and storage space for the residential use. This could result in more vehicles, toys and yard equipment being parked or stored outside, on the driveway or yard. Adding more paving for parking pads next to the driveway increases impervious surface which adds a burden to the storm water system as well as aesthetic impacts for the neighborhood.

Building code. What about building code issues with the conversion of an existing or new detached accessory structure? The Chief Building official stated that if the building is open to



the public then it would require a change of occupancy. This change could include different electric, plumbing, windows/egress, and energy/insulation code requirements.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan includes the following to define the RDR, Rural Density Residential district:

“The rural density residential category features lots or parcels of 2.5 acres or more containing detached single-family housing without public water or sanitary sewer facilities. In addition to housing units, lots in this area are likely to have accessory uses such as small storage buildings associated with hobby farms and other related uses.”

The Comprehensive Plan also identifies 16 policies that are to guide the rural districts. Below are the ones that appear to be most relevant to this request:

- “1. Maintain the rural character of established neighborhoods.”
- “3. Allow development with private, on-site utility systems. The city does not plan to extend water or sanitary sewer in to rural development areas except in cases of environmental problems with existing on-site systems.”
- “4. Create a quality living environment that is adapted to the natural environment.”
- “7. Where possible and appropriate, encourage design patterns that integrate quality environmental resources such as wetlands or mature woods.”
- “8. Discourage non-residential and/or non-local traffic on local streets.”
- “9. Limit housing to single-family, detached house capable of being supported by on-site utility systems.”
- “11. Prohibit commercial or industrial uses in residential area including home occupations that involve exterior storage such as contracting businesses.”

### **ALTERNATIVES**

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

- A. **Approval.** If the Planning Commission finds the zoning code amendment to be acceptable, the following action should be taken:

Option 1: (presented by applicant)

- Approval of an Ordinance Amendment to allow the indoor storage of tree trimming and removal equipment as an accessory use in the E-1, Estate residential district provided: 1) the lot is 2.5 acres or greater in size, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

Option 2: (staff conditions)

- Approval of an Ordinance Amendment to allow the indoor storage of a tree trimming and removal equipment in a detached accessory building as a conditional use in the E-1 zoning district subject to the following conditions:
  - 1) The lot shall be a minimum 2.5 acres in size.
  - 2) All equipment, including trailers, shall be stored inside the building. No evidence of the business shall be visible from the street or abutting residential properties.
  - 3) No outdoor storage related to the business shall be allowed on the property.
  - 4) Engaged in only by person residing in the subject dwelling.
  - 5) On site retail sales are not permitted.
  - 6) The E-1 standards shall apply for the maximum amount and size of accessory buildings and maximum impervious surface requirements.
  - 7) Hours of operation shall be limited to 7:00 am – 7:00 pm.
  - 8) Landscape or similar businesses are not allowed in residential accessory buildings.

**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 Planning Commission is to make a recommendation to City Council regarding the proposed ordinance amendment which would allow the indoor storage of tree trimming and removal equipment on E-1, Estate residential property.

Staff is recommending denial of the request based on the inconsistency with the policies in the Comprehensive Plan for the rural residential district, historically home businesses have not been allowed in accessory buildings, the belief that commercial/industrial uses shall be located in a commercial or industrial zoning district, and the concern with the amendment being misconstrued to allow landscape or other type of contractors yard businesses in accessory buildings.

Attachments: Proposed Ordinance from applicant

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO. \_\_\_\_\_

*Applicant  
Submitting*

AN ORDINANCE AMENDING Inver Grove Heights CITY CODE SECTION 515.80, SUBD. 16 BY  
ADDING A **PERMITTED ACCESSORY USE FOR INDOOR STORAGE OF TREE TRIMMING AND  
REMOVAL EQUIPMENT.**

The City Council of the City of Inver Grove Heights does hereby ordain:

**Section 1. Amendment.** Inver Grove Heights City Code Section 515.80, Subd. 16 is hereby amended by adding the following as a permitted accessory use on certain lots listed below:

| Use                                                   | A | E-1 | E-2 | R-IA | R-IB | R-IC | R-2 | R-3A | R-3B | R-3C | MF-MUD | MU |
|-------------------------------------------------------|---|-----|-----|------|------|------|-----|------|------|------|--------|----|
| Indoor Storage of Tree Trimming and Removal Equipment |   | PA  |     |      |      |      |     |      |      |      |        |    |

Provided that the Indoor Storage of Tree Trimming and Removal Equipment may only occur on lots 1) 2.5 acres or greater, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

**Section 2. Effective Date.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
George Tourville, Mayor

Attest:

\_\_\_\_\_  
Melissa Rheame, Deputy Clerk

*\* Draft  
Submitted by  
applicant. \**