

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**WEDNESDAY, AUGUST 7, 2019 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JULY 16, 2019**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 KYLE HANNAH - CASE NO. 19-29V

Consider a **variance** to allow a detached accessory building within the front yard setback for the property located at 1808 63rd Street.

Planning Commission Action _____

3.02 UNITED PROPERTIES – CASE NO. 19-28PDA

Consider a preliminary and final plat planned unit development amendment for Inverpointe Business Park. This request is for property located between Hwy 55 and Courthouse Blvd Ct., west of Barnes Ave.

Planning Commission Action _____

- 4. OTHER BUSINESS**
- 5. ADJOURN**

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 16, 2019 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

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

Commissioners Absent: Brett Kramer (excused)
Annette Maggi (excused)

Others Present: Heather Rand, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the July 2, 2019 Planning Commission meeting were approved as submitted.

OTHER BUSINESS

Discussion of Chapter 10-15-26: Home Occupations

Ms. Botten advised that City Council directed staff to review the Home Occupation ordinance relating to possibly allowing the storage of business-related materials and equipment within accessory structures. This discussion stems from an ordinance amendment that was submitted by a resident to allow the 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 Industrial zoning districts and is prohibited in residential districts. The City does allow home businesses that comply with Chapter 10-15-26 of the City Code. This includes requirements such as the business being engaged in only by persons living in the dwelling and only when the business is conducted entirely within the principle structure, not in an attached or detached accessory structure. This has included all aspects of a business, including the storage of commercial or industrial related equipment or materials in accessory buildings. Another part of the City Code allows for a resident to have one commercially licensed vehicle not over a one-ton capacity to be parked at a residence of the owner/operator of said vehicle. The staff report lists several things to consider when looking at an ordinance change. Staff does not support a change to the home occupation ordinance to allow the use of accessory buildings for business purposes based on the fact that businesses located out of accessory buildings in residential areas are deemed incompatible, compromising the quality of life in a residential neighborhood. This could result in adverse impacts to neighborhoods such as higher traffic volumes, noise, change in aesthetics, etc. It would also conflict with the City's comprehensive plan policy to maintain the rural character of established neighborhoods in the Agricultural and Estate residential districts. The Code Enforcement Coordinator provided information relating to home occupation complaints received over the past year and a half, demonstrating that there are residents that have concerns with home occupations. The City is currently a reactive community, rather than proactive, when it comes to code violations. Staff checked with surrounding communities and found that home occupation activity within attached or detached accessory buildings are prohibited in the cities of Eagan, West St. Paul, South St. Paul,

Lakeville, Cottage Grove, and Woodbury. Any recommended changes by the Planning Commission would be brought back to a City Council work session and then a public hearing with the Planning Commission.

Commissioner Scales stated he was aware of several violations that continued to exist and asked what the result was of the complaints listed in the report. He also asked for clarification of the City's enforcement ability.

Ms. Botten replied that she did not request an update on the resolution of the listed complaints. She explained that typically a property owner with a violation would be given a notice and a certain amount of time to comply with the ordinance. She was not sure how many notices were given, but if the property is not brought into compliance within the time limit it then goes to court.

Commissioner Scales asked if the City ever took anyone to court.

Ms. Botten replied in the affirmative.

Commissioner Scales struggled with prohibiting someone from storing their business equipment in their garage where it would not be seen by anyone if the doors were closed. From his point of view if they add any more code restrictions, they should first make sure they are enforcing the current codes on the books.

Commissioner Niemioja stated she would like to have seen the surrounding city ordinances included in the packet, as well as some benefits of allowing storage of business equipment in accessory structures. It is important to maintain the characteristics of single-family neighborhoods; however, she was not comfortable trying to force people to put home businesses in brick and mortar buildings. Home occupations are a growing industry and more people have the technology to allow them to work from home. Although maintaining the characteristics of residential neighborhoods is part of the comprehensive plan, so is creating and promoting economic development. Her research has shown that Bloomington allows for the accessory building to be used for storage on a case-by-case basis. Plymouth allows for 50% of the accessory building to be used for storage. They do not allow employees to be in there, but they have public policy supporting home occupations. Some of the ordinances from other cities include regulations that make things manageable for the neighborhood while also supporting people's home businesses (i.e. hours of operation, number of clients coming to the house). We want quiet neighborhoods but there are ways to do that.

Commissioner Robertson did not think all home occupations should be lumped together as some had greater impacts on neighborhoods than others. She gave two examples of home occupations in her neighborhood. One example is a house with an attached garage full of equipment. They do not use the equipment in the garage; however, because the garage is full there are two cars, three trucks and a boat that cannot go into that garage. At 5:30 AM the garage door opens, equipment gets shifted back and forth, loaded into the back of a pickup truck, and the cars get moved around to allow those trucks to load up equipment from the garage. In a typical residential neighborhood she does not think this is acceptable. Another example is a homeowner who monograms sweatshirts. Trucks deliver boxes of sweatshirts 2-3 times a week, the sewing is done in the garage, several women work for her doing the monogramming, and clients come and go ordering and picking up sweatshirts, etc. She would be very concerned if there was an ordinance in place that allowed these two uses in her neighborhood. Perhaps they could modify the regulations to allow certain types of occupations to function from the house.

Commissioner Lissarrague asked what Commissioners felt constituted a nuisance besides increased traffic.

Commissioner Simon stated noise.

Commissioner Robertson replied hours of operation, the impact of the parking and noise created by the necessary maneuvering to allow that business to operate in the accessory structure.

Commissioner Lissarrague understood the desire to be flexible for someone wanting to run a business out of their garage, but the person living next to a home occupation is entitled to peace and quiet.

Commissioner Scales struggled with the fact that it was difficult to judge what constitutes a nuisance as it differs from person to person. Therefore, instead of discussing which type of businesses would be allowed he would prefer to talk about hours of operation, etc.

Commissioner Niemioja stated samples of other ordinances would be helpful as they list limitations on hours of operation, storage, vehicles, etc.

Commissioner Simon stated the City has existing restrictions relating to noise in residential districts.

Commissioner Scales believed they should have separate rules for businesses.

Commissioner Robertson noted that ordinances were often tied to decibels rather than time.

Commissioner Weber asked if someone in the E-1 district would be in violation if they attached their house to their garage and stored their business equipment in the attached structure.

Ms. Botten replied in the affirmative, stating business equipment storage was allowed only in the principle dwelling.

Commissioner Weber asked if it was a violation to bring a truck home with the company name on the side.

Commissioner Robertson replied that homeowners are allowed to have a one-ton truck.

Commissioner Weber asked what if it was over a ton. He does not understand why the City is not allowing people to have more affordable businesses by storing their equipment in their accessory structures rather than having the overhead of a brick and mortar.

Commissioner Robertson stated one of staff's suggestions was that the use of accessory buildings for a home occupation have a minimum lot size of 2.5 acres.

Commissioner Weber agreed that setting minor guidelines would make having a home occupation more sustainable for everyone.

Commissioner Lissarrague asked Commissioner Weber if he purchased his property before or after his neighbor parked a semi-truck on his property.

Commissioner Weber replied that he knew it was there when he moved in but was told it needed to be parked inside. His problem was it ended up being parked outside and causing a traffic issue.

Commissioner Lissarrague asked Commissioner Weber if he reported the violation and, if so, what was done about it.

Commissioner Weber replied that he reported it a couple times and each time a warning was given. He was not sure of the final resolution as the property owner passed away.

Commissioner Lissarrague had a problem with just giving warnings and questioned whether the City could enforce their current ordinances.

Commissioner Robertson suggested the Planning Commission make recommendations for regulations for home occupations (i.e. lot size, number of employees) rather than saying we are not going to make any changes because the current ones are not being enforced.

Commissioner Lissarrague asked if the Commission could recommend enforcement.

Commissioner Robertson replied in the affirmative.

Commissioner Weber stated the only thing they can change today is recognize that the home occupation rules were written awhile back, and many people now work from home rather than travel to brick and mortar buildings. Many types of home businesses would not have people coming out to their house and he supports allowing people to work out of their accessory structures as long as they are mindful of their neighbors.

Commissioner Robertson stated they need to go beyond asking people to be mindful of their neighbors.

Commissioner Weber agreed, stating they should add business restrictions.

Commissioner Niemioja said other cities do this by using conditional use permits to give them more control. Home businesses should have a procedure in place to move forward with the City.

Commissioner Weber stated there would be a lot of after-the-facts.

Commissioner Niemioja agreed that some businesses may have to be grandfathered in. Some of the language needs to be updated, such as the one-ton towing capacity. Almost all vehicles now have a one-ton towing capacity; other cities use poundage or storage rather than towing capacity.

Commissioner Weber did not think there was much difference between someone storing equipment in an accessory structure and someone having farm animals and equipment all over their property.

Commissioner Robertson stated they could address a lot of neighborhood concerns by establishing a minimum lot size. They should not lump all home occupations together; however, as working on a computer in your home is much different from backing up to equipment.

Commissioner Weber stated in his opinion backing up a trailer to a piece of equipment is no different than someone backing up to their boat.

Commissioner Lissarrague stated the difference is the person would likely not go fishing every day like the person backing up to a bobcat. He asked if there was a limit on employees.

Ms. Botten replied that currently outside employees were not allowed.

Commissioner Robertson asked for clarification of who would be allowed.

Ms. Botten replied whoever was residing in that dwelling.

Commissioner Niemioja stated that other cities consider home occupations to be successful if they are indistinguishable from dwellings with no business use. She knows of several indistinguishable home occupations in the City that are in violation of the code in one aspect or another but are mindful of their neighbors and receive no complaints.

Commissioner Robertson asked what kind of businesses they were.

Commissioner Niemioja replied they were merchandising businesses with large trucks that can haul more than a ton.

Commissioner Weber commented that some people receive deliveries from Amazon daily. Some people would consider that a nuisance while others would not.

Commissioner Lissarrague stated he would have a problem with a cabinet maker making noise from 7 AM-5 PM every day.

Commissioner Weber suggested they set some general guidelines rather than talk about the code on a business by business basis.

Commissioner Scales questioned how we would treat small home businesses if there was a minimum lot size.

Commissioner Weber asked how the current code would apply to someone embroidering shirts out of their house.

Ms. Botten replied if work was being done in the home it would be okay; if it was being done in the garage or there were other employees it would be a violation.

Commissioner Lissarrague asked about clients and deliveries coming to the home.

Commissioner Weber did not understand why it was a problem in an attached garage.

Commissioner Robertson referred to one of the examples she gave previously where construction equipment was stored in the attached garage. It was never used there but was loaded and unloaded several times a day. As a result, there were always several vehicles stored outside and they were constantly being moved around.

Commissioner Scales asked if Commissioner Robertson would still consider that a problem if it occurred after 7 AM.

Commissioner Robertson replied that for her it would not be a problem. In this case they had to be on site by 7 AM so the vehicle maneuvering occurred around 5:30 AM.

Commissioner Scales stated they could suggest adding limitations that would prevent that. He stated that the trades are a hot market right now and he had a problem with disallowing welders, handymen, etc. from storing equipment and vehicles in their garages.

Commissioner Niemioja advised that other communities differentiate between certain permitted home occupations and others that need more control. She questioned whether they should address minimum lot sizes and nuisance items and then talk about perhaps allowing certain types of home occupations regardless of lot size.

Commissioner Weber replied that City Code already addresses many smaller home businesses.

Commissioner Robertson agreed, but stated they need to address the newer home occupations that do not fit that definition and probably do not need to be in an industrial warehouse setting.

Commissioner Weber asked if they could say the current home occupation code works well for smaller residential areas, but then add a subsection for the estate or larger zoning districts.

Commissioner Scales asked if Commissioners agreed that they should find a way to allow home occupations.

Commissioner Robertson said we have an existing definition for home occupations, and she sees no need to change that.

Commissioner Weber said we need to amend the existing code so it either broadens or restricts what is going on in the City. Currently it is limiting what people are wanting to do in their homes.

Ms. Botten stated she was hearing Commissioners say that if there is a change that goes forward it would probably be a subsection of our existing ordinance. She is also hearing that Commissioners may not have enough information in front of them to see what other cities do and what a good avenue would be to go down. If Commissioners would like to table the request, staff could bring it back in August with examples from the cities she and Commissioner Niemioja listed. Commissioners should contact staff with any other cities they know of that allow businesses in accessory dwellings.

Commissioner Niemioja supported tabling the request. She would like to look at the entire code as there may be some changes needed even in the smaller lot residential districts. She believes there are likely many business owners storing equipment or product in their garage and the City needs to determine if they are going to allow storage.

Commissioner Weber stated the important issue is whether we are going to allow storage in accessory structures.

Commissioner Robertson stated that is too narrow. Personally, she does not care what people put in their accessory structure as long as the building is compliant in every other way. She has an issue; however, with the parking problem created when things that would normally be stored in the garage are now stored outside to make room for the business storage.

Commissioner Lissarrague stated that he lives on a five-acre parcel. After he purchased his home his neighbor started a woodworking business which resulted in noise from early morning until late in the evening five days a week. Even though he lives on a larger lot it became a big problem for him. People buy into certain areas because of what they anticipate the quality of life to be and just because someone owns a 2.5 acre parcel it does not give them the right to become a nuisance to their neighbors.

Commissioner Scales stated that issue could be solved by creating nuisance regulations.

Commissioner Lissarrague stated the City must have enforcement.

Commissioner Weber stated the community needs to know that we are reactive rather than proactive and that they must call the City and complain if there is a problem.

Commissioner Niemioja asked if staff could provide Commissioners with the current code regarding how nuisances are handled by code enforcement and/or police.

Commissioner Weber suggested that the code enforcement coordinator attend the Planning Commission meeting.

Ms. Botten replied that if the code enforcement coordinator could not attend the meeting, she would have her write a memo explaining her process.

Commissioner Wippermann stated that historically in the case of commercial versus residential in the same area, residential has had the priority. Accessory structures even have a condition requiring it be for personal use only. The activities associated with businesses impact people's quality of life and he did not support having commercial uses in residential areas. Current guidelines already allow a significant number of commercial uses in residential areas and he was not sure more should be added.

Commissioner Scales suggested that Commissioners think about if running a business out of the garage and just storing equipment there were the same thing or should be handled separately.

Commissioner Lissarrague stated there were two other home businesses on his street that are not a nuisance and are respectful of the neighborhood.

Commissioner Simon asked for a general outline of the consequences of violating the ordinance and he would also like to know the outcome of the complaints listed in the report.

Ms. Botten replied she would ask the code compliance coordinator to supply that information.

Commissioner Robertson stated that even simple storage can be a nuisance because of the other variables that go along with it.

Commissioner Niemioja stated that looking at other cities' ordinances would be helpful as they have regulations such as allowing only a certain percentage of the accessory structure to be used for commercial, or allowing residents to have stock in trade as long they are not selling, repairing, or manufacturing on the property.

Mr. Hunting advised that staff will bring this back at a future meeting once they gather all the information.

Commissioner Robertson asked if this would eventually require a public hearing.

Commissioner Scales replied in the affirmative.

Commissioner Niemioja would like to know what kind of teeth the City has as far as enforcement.

Commissioner Niemioja stated that perhaps having a permitting process that is handled on the front end will help later with the enforcement.

The meeting was unanimously adjourned at 7:57 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

HEARING DATE: August 7, 2019

CASE NO.: 19-29V

APPLICANT & PROPERTY OWNER: Kyle Hannah

REQUEST: Variance from the setback along Babcock Trail

LOCATION: 1808 63rd Street

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single-family residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is proposing to construct a 576 square foot detached garage 16'6" from the property line along Babcock Trail whereas 40 feet is required. Currently there is not an attached or detached garage on the property. The property is .58 acres in size and located in a developed residential neighborhood. The property abuts 63rd Street along the front property line and Babcock Trail along the back property line. All property lines that abut a road shall comply with the front yard setback requirements; additionally, roads classified as Collector Roadways such as Babcock Trail, shall have a 40-foot structure setback. The existing house, built in 1880, is setback 21 feet from the property line along Babcock Trail and is considered a legal non-conforming use.

The following specific application is being requested:

- a.) A **Variance** from the setback requirements along Babcock Trail to construct a detached accessory building 16'6" from the property line whereas 40 feet is required.

SURROUNDING USES

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

- North - Residential; zoned R-1C, Single Family Residential; guided LDR, Low density residential
- East - Residential; zoned R-1C, Single Family Residential; guided LDR, Low density residential
- West - Harmon Park; zoned P, Public/Institutional; guided Public Open Space
- South - Residential; zoned R-1C, Single Family Residential; guided LDR, Low density residential

ENGINEERING

Engineering has reviewed the request and noted that a storm water management plan would be required for land disturbances over 1,000 square feet. The applicant shall work with the City to secure final approval of the construction plans.

EVALUATION OF THE REQUEST

VARIANCE

City Code Title 11, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variance, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

With the exception of the park to the west, the surrounding properties are zoned and developed residential. Allowing an accessory building on the property would be in harmony with the general purpose and intent of the comprehensive plan which is a single-family housing neighborhood. The proposed structure would meet all other zoning code requirements including number and size of accessory buildings, impervious surface and exterior building material requirements.

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

The applicant is proposing the building within the most reasonable area of the property that provides the least amount of land alteration while meeting the needs of the applicant. The accessory building does not appear to conflict with any other performance standards of the zoning ordinance such as size, impervious surface or building materials.

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

The property is abutting two streets, 63rd Street and Babcock Trail. The proposed structure exceeds the setback requirements from 63rd Street and the side property lines. Babcock Trail runs along the back side of the applicants property; the right-of-way from Babcock Trail to the property line is about 30 feet. The property is unique in that due to the location of the home built in 1880, the topography of the property, existing trees, the parcel abutting two streets and the large right-of-way along Babcock Trail the site has some design challenges.

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

The proposed accessory building does not appear to alter the essential character of the area. The property does not have an existing attached or detached garage. The proposed garage would be located along the side of the existing home; overall the essential character of the locality would not change as most single family homes have an attached or detached garage on the property.

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

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

ALTERNATIVES

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

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

- Approval of a **Variance** to allow a detached accessory building to be located within the required setback from Babcock Trail subject to the following conditions:
 1. The accessory building shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.
 2. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

B. Denial If the Planning Commission does not favor the proposed variance, 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 existing setback established by the legal non-conforming home, staff is recommending denial of the proposed request to locate the accessory building 16'6" from the property line along Babcock Trail. The facts presented do not satisfy the criteria needed to show a practical difficulty to support granting a variance at the proposed location which may be considered a convenience to the applicant, not a practical difficulty.

Staff believes adding a 576 square foot accessory building to be a reasonable use of the residential property. Staff would be in support of a 21-foot setback based on the current established setback of the home. Additionally, the site does not have an attached or detached

accessory building and the property has topographical challenges that limit the area an accessory building could be constructed without moving a lot of earth.

Staff recommends approval of the 21-foot setback with the two conditions listed in Alternative A.

Attachments: Location/Zoning Map
Applicant Narrative
Site Plan
Building Elevations



1808 63rd Street Case No. 19-29V



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

Re: New Garage construction at 1808
63rd St. E Inner Grove Heights 55077.

The lot size at 1808 is approximately .63
acres and the proposed site plan puts the
garage adjacent to the front of the SFH,
~~REMOVED~~

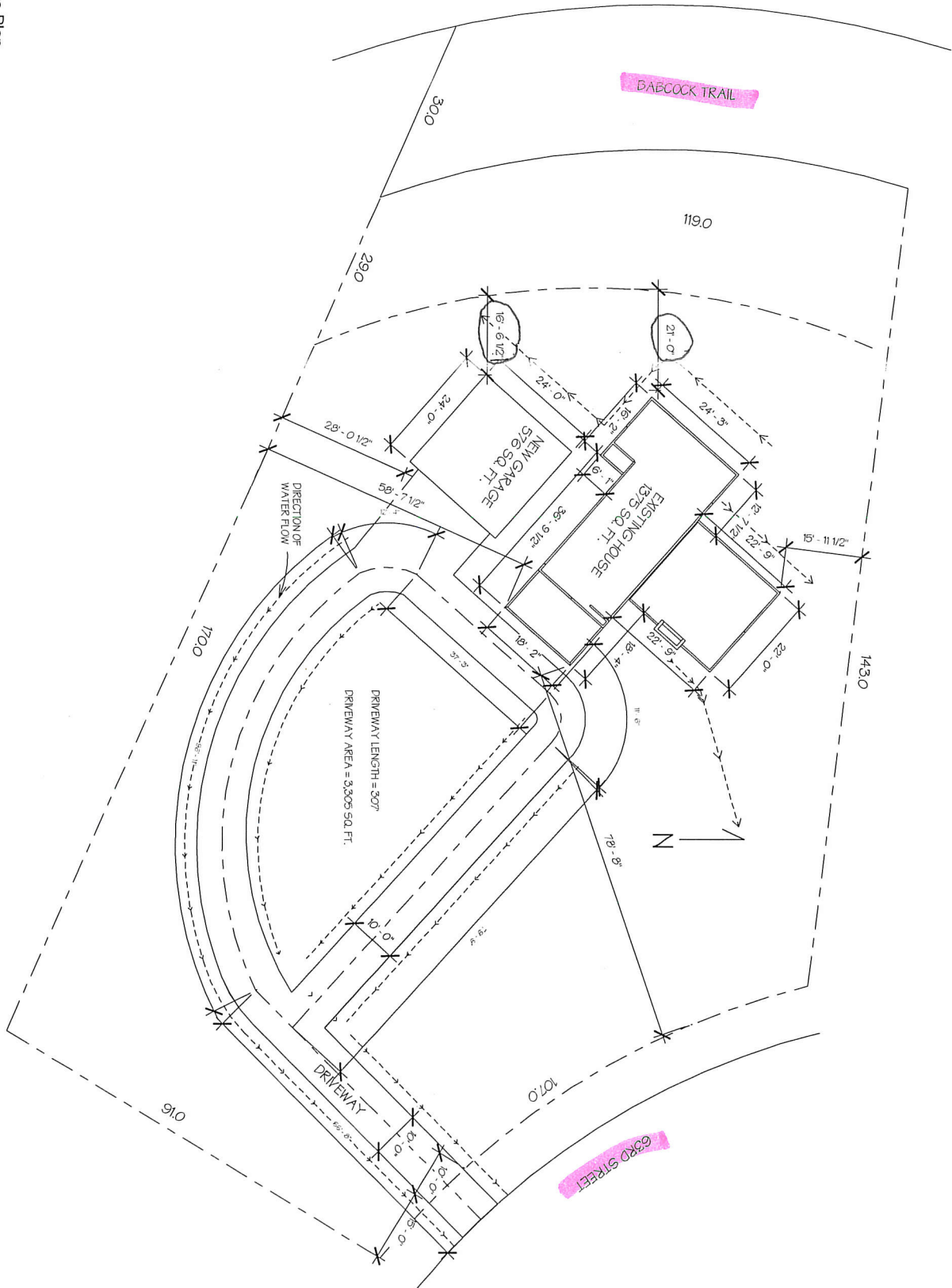
Relocation of the garage from the proposed
site would be a significant investment,
including: major landscaping, gravel and moving
earth near 63rd St E that would greatly
increase the budget and timeline of the
project.

I am submitting this variance asking
kindly for an approval of the proposed
site plan.

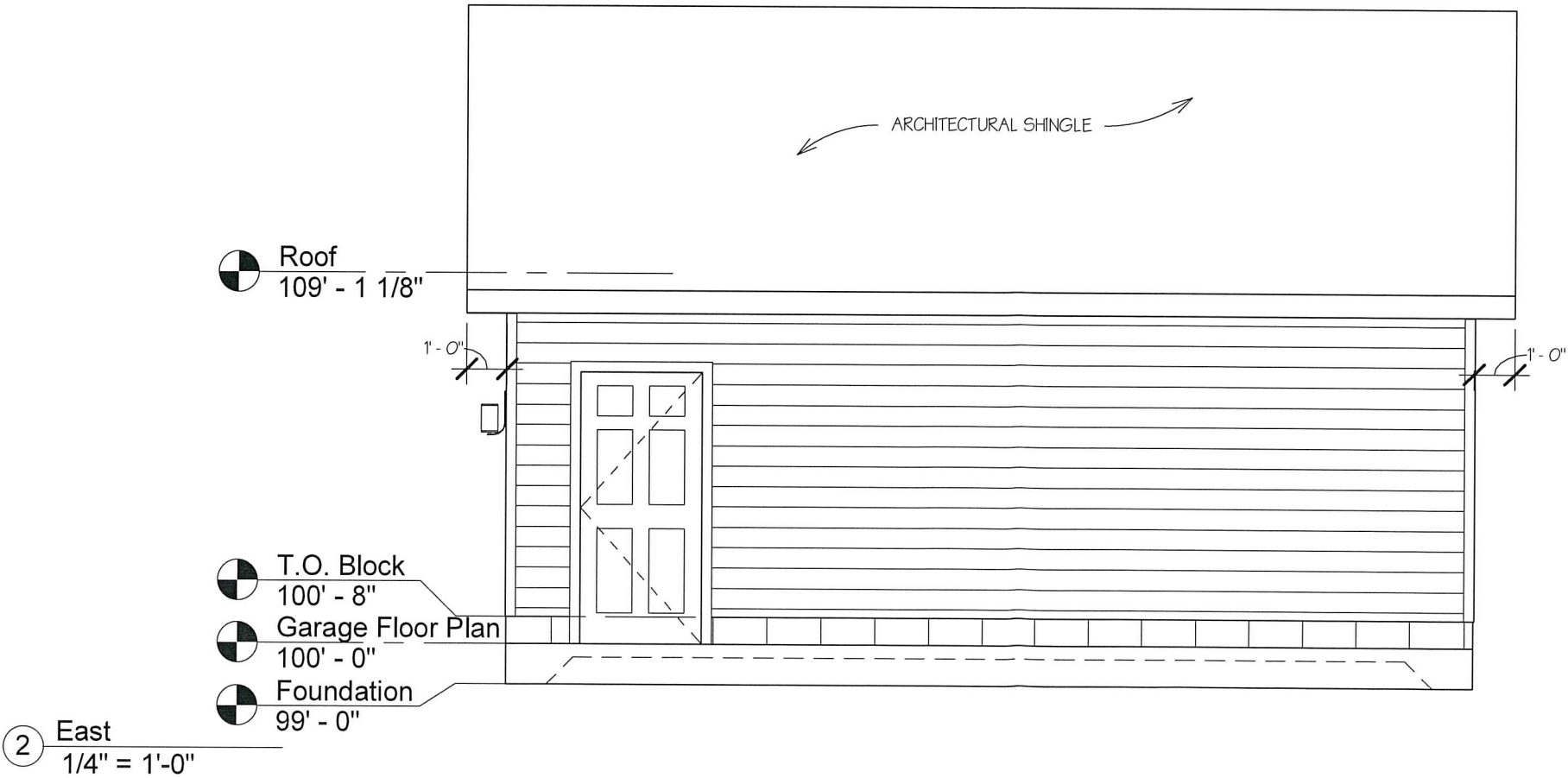
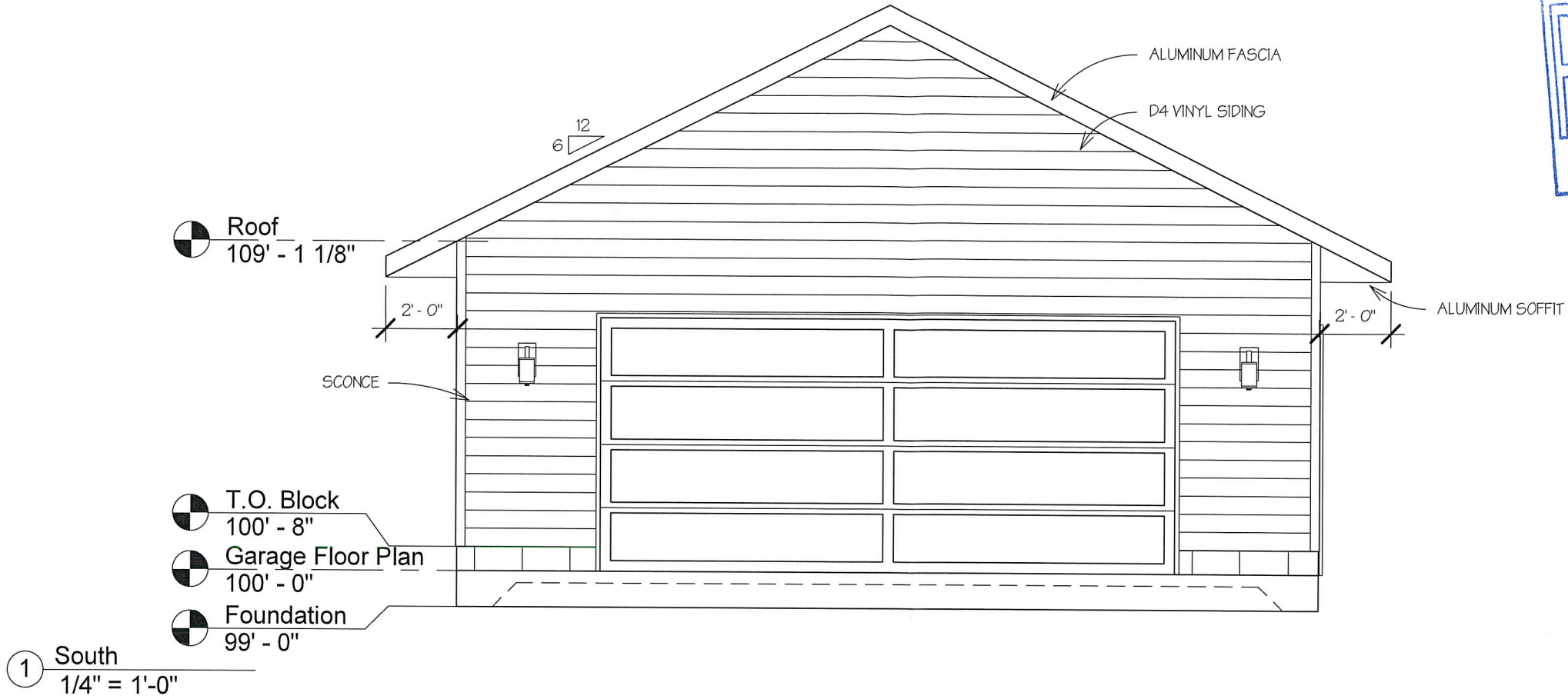
Thank You,

Kyle Hannah

1 Site Plan
1" = 20'-0"



K.D.S. 612-483-4593	HANNAH 1808 63RD STREET EAST	Site Plan Project number Project Number Date 07/24/2019 Drawn by SWK Checked by Checker	C1 Scale 1" = 20'-0"
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Elevations

HANNAH
1808 63RD STREET E.

K.D.S.

612-483-4593

Project number Project Number

Date 12/13/2018

Drawn by SWK

Checked by Checker

A1

Scale 1/4" = 1'-0"

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

CASE NO: 19-28PDA

APPLICANT: United Properties

REQUEST: Preliminary and Final PUD Development Plan Amendment

HEARING DATE: August 7, 2019

LOCATION: Between Hwy 55 and Courthouse Boulevard Court, west of Barnes Avenue

COMPREHENSIVE PLAN: Industrial Office Park

ZONING: IOP, Industrial Office Park

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant has submitted an application which consists of an amended preliminary and final PUD development plan for the Inverpointe Business Park. The amendment addresses a request to; 1) alter the conditions relating to allowed hours of operation, 2) Modifying the landscape plant to add additional plantings along Courthouse Boulevard, including allowing plantings within the road right-of-way, 3) constructing a public trail along the south side of Courthouse Boulevard Court with phase 1 of the project.

EVALUATION OF THE REQUEST

PRELIMINARY AND FINAL PUD DEVELOPMENT PLAN AMENDMENT

In 2007, The City approved a preliminary PUD for a 3 lot, 5 building 470,620 square foot office/warehouse development.

In 2008, the City approved a final PUD for phase 1 consisting of one lot, 2 building 200,000 square feet office/warehouse.

The landowner has graded the site, installed utilities, constructed retaining walls and storm water improvements. At the same time, the recession hit slowing the economy and as a result no building permits have been ever issued. The applicant is now proposing to continue with development of the parcel and develop phase 1. The applicant is requesting some modifications to the approved

conditions relating to the hours of operation restrictions and one use condition that were approved. In order to make the site more palatable to tenants, some of the hour restrictions need modification.

1. Hours of Operation/Use. The City Council approved the preliminary plat and PUD with conditions that limited hours of operation. These were conditions #29, 30, 31.

Condition No. 29. The applicant is requesting the hours restricting idling of engines be changed from 8:00 p.m. and 7:00 a.m. to 10:00 p.m. and 6:00 a.m.

Condition No. 30. The applicant is requesting the hours of deliveries be changed from 8:00 p.m. and 7:00 a.m. to 10:00 p.m. and 6:00 a.m.

Condition No. 31. The applicant is requesting the condition limiting use of the building overnight be removed.

Staff has no concerns with the requested time changes. Staff does not typically recommend limited hours of operation and did not recommend such with the original approval. City Council added the conditions during their review of the application.

Condition No. 34. The applicant is requesting a re-wording of the condition to be more specific that truck terminals are not allowed.

Staff has no concerns with this language change.

These same conditions were carried over to the Final PUD approval for phase 1. These would be conditions #4, 5, 6, 7. The applicant is requesting the proposed changes be made to the Final PUD as well.

Staff has no concerns with the changes to the final PUD approval.

2. Landscape Plan Enhancements. The applicant is proposing to add additional trees along the front of the property to enhance and screen the project. The trees, however, would be planted within the right-of-way of Courthouse Boulevard. The Engineering department has reviewed the plan and makes comment because the trees would be within the public right-of-way. City policy is "No trees in ROW" for primarily safety and maintenance. If an exception is made, the following conditions would apply:

- 1) No trees near sight triangles of Public streets AND COMMERCIAL OR PRIVATE DRIVEWAYS
- 2) A maintenance agreement holding the Property Owner responsible for maintenance and or future removals.
- 3) Minimum distance from centerline of 35'.

- a. This is about 5' inside ROW adjacent to InverPoint site, or about 23' from the edge of pavement (7/3/19 Landscape plan submittal shows some trees located within 10' of the edge of pavement.)

A modification to the planting location policy could be handled through the PUD process. The Arbor Pointe PUD was approved with boulevard trees, so this has been allowed in the past.

The applicant has provided a revised landscape plan that provides for additional boulevard plantings meeting the requirements set forth by Engineering. These would become the approved landscape plan for this phase and future phases. A maintenance agreement would be prepared and approved by Council.

3. Pedestrian Trail. Condition #6 of the preliminary PUD approval discusses a trail along the south side of Courthouse Boulevard Court. The condition stated the City may install the trail after the first 200,000 square feet of project was occupied. United Properties is now proposing to pay for and construct the trail as originally intended with the project. The applicant has held two neighborhood meetings in 2019 as they were ramping up the project again. The neighborhood appears to be in support of the trail but there were many opinions. If the Planning Commission and City Council approve the changes to the conditions, the applicant would then begin some detailed design and meet with the neighbors to address any concerns they may have regarding location in the boulevard.

The Parks and Recreation Director and Planning Staff are in favor of the applicant constructing the trail on the south side with the development of the first phase of the project.

ALTERNATIVES

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

- A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be taken:

Approval of the following:

1. Amendments to the Preliminary PUD and Final PUD conditions of approval; specifically, conditions #29, 30, 31 and 34 from Resolution #08-39, and conditions #4, 5, 6, and 7 from Resolution #08-189 relating to hours of operation.
2. Amendment to the overall landscape plan adding plantings along the front of the property and in the right-of-way with the following conditions:
 - a) No trees near sight triangles of Public streets AND COMMERCIAL OR PRIVATE DRIVEWAYS.
 - b) A maintenance agreement holding the Property Owner responsible for maintenance and or future removals.
 - c) Minimum distance from centerline of 35'.

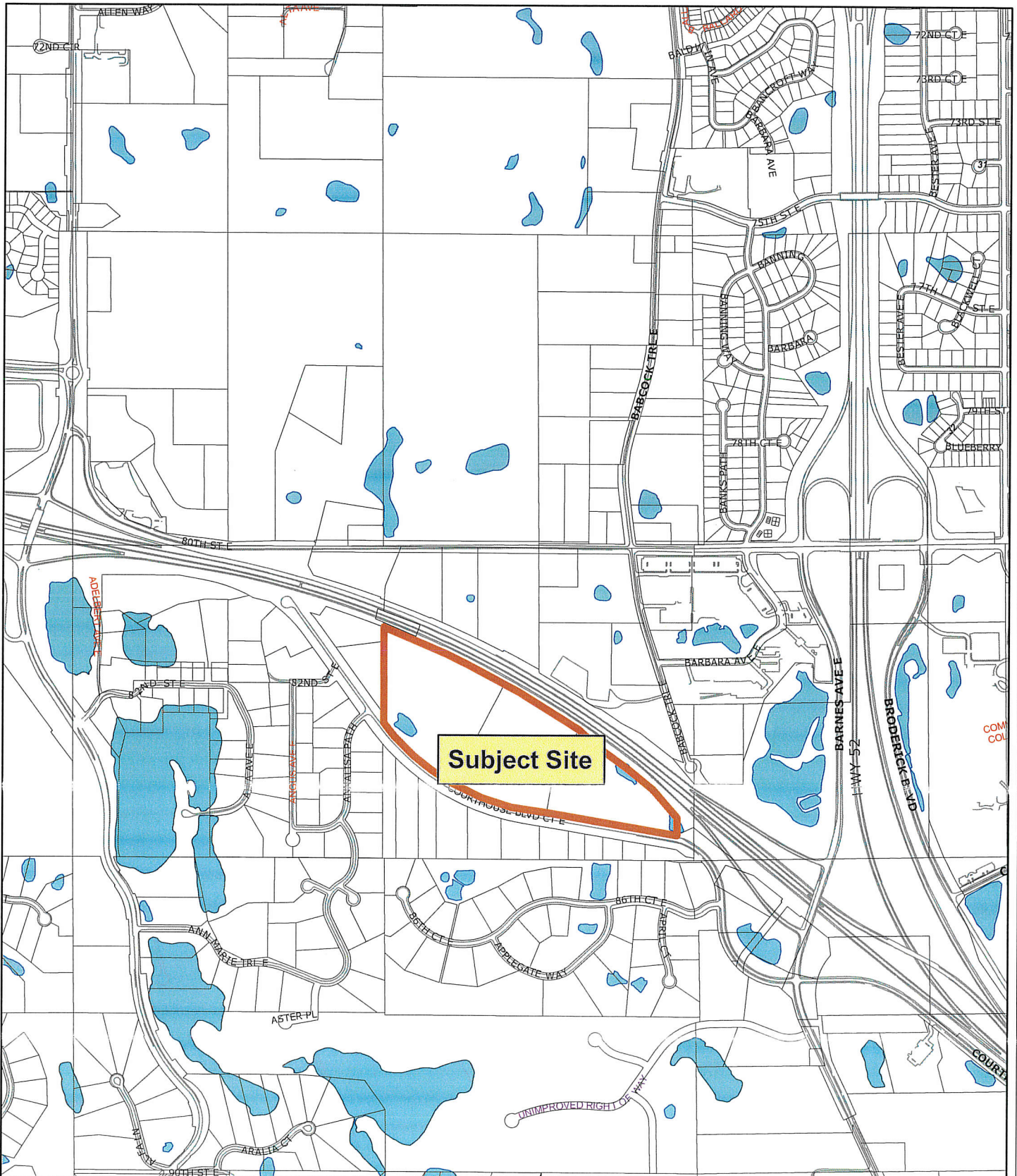
- d) This is about 5' inside ROW adjacent to InverPoint site, or about 23' from the edge of pavement (7/3/19 Landscape plan submittal shows some trees located within 10' of the edge of pavement.)
- 3. Amendment to condition #6 of Resolution 08-39 that United Properties will install the trail with this phase of the development. If Council approves the concept of a trail on the south side of Courthouse Boulevard, the applicant will be required to work with the landowners while preparing detailed plans of the trail alignment and construction. Final trail designs to be approved by the City Council.
- B. **Denial.** If the Planning Commission does not find the application to be acceptable, a recommendation of denial should be made. Specific findings supporting a basis for denial must be stated by the Commission if such a recommendation is made.

RECOMMENDATION

Staff supports the changes to the conditions of approval, landscape plan and proposed trail. At time of City Council review, the conditions in the development agreement would be changed and a boulevard landscape maintenance agreement would be prepared and approved. The direction of the trail alignment will be finalized by City Council.

ATTACHMENTS:

- Location Map
- Applicant Narrative
- Approved Phase 1 Site Plan
- Preliminary Conditions of Approval
- Final Phase 1 Conditions of Approval
- Revised Landscape Plan (3 sheets) dated 7/27/19
- Illustrative Plan of Proposed Enhancements



PUD AMENDMENT
UPDATED SUBMITTAL NARRATIVE

INVERPOINT BUSINESS PARK
INVER GROVE HEIGHTS, MINNESOTA
July 25, 2019

In 2008, United Properties purchased approximately 48 acres of land to develop an office/warehouse business park and had their development plans approved through the City Council. The Development Contract between United Properties and the City of Inver Grove Heights included certain language that restricted business operations within the approved business park. Over the past 10+ years of marketing efforts, it has been proven that the intensity of these operating restrictions has caused the site to be unmarketable for business operations. In 2018, United Properties approached city staff about relaxing these operating restrictions. As a first step, city staff guided United Properties to engage the surrounding neighborhood of the proposed development. A set of neighborhood meetings were held in which the community shared their comments about the development plans and proposed Development Contract language changes; the recurring theme of neighbor comments involved safety (Courthouse Boulevard driving speeds), noise, and light pollution. After hearing their feedback, United Properties revised their development plans to add a sidewalk/biking trail and additional landscaping/screening – these revised plans are what is being submitted as part of this PUD Amendment. Although many of the neighbors said they would rather the site remain vacant, we believe our willingness to work with them and come together for a collaborative positive outcome was appreciated. We also believe they view United Properties' office/warehouse plans as the preferred land use over multi-family, self-storage, or other similar uses because of its limited traffic use in the evenings and on weekends. The following revised plans were presented and discussed:

DEVELOPMENT PLAN CHANGES:

- Install a sidewalk/**trail** (8.5' wide, asphalt) on the south side of Courthouse Boulevard Court at the time of phase I building development
 - Install lighting alongside the walking/biking path (pole lighting, 1 pole every 200 linear feet)
- Work with neighbors to formulate a plan-of-action about a speed limit change on Courthouse Boulevard Court, help weigh risks of triggering a MnDOT traffic study
- Provide additional landscaping/screening from the business park
 - 89 additional trees have been added to the landscape plan
 - Mix of evergreen, overstory (oak, elm, hickory, sugar maple, etc.), and ornamental (dogwood, Japanese maple, lilac) trees
 - Targeted fencing for additional screening at driveway entrance locations
 - **Per review with the City the following guidelines are contemplated in the updated plans:**

- No trees near sight triangles of Public streets AND COMMERCIAL OR PRIVATE DRIVEWAYS
- A maintenance agreement holding the Property Owner responsible for maintenance and or future removals.
- Minimum distance from centerline of 35'.
 - This is about 5' inside ROW adjacent to InverPoint site, or about 23' from the edge of pavement (7/3/19 Landscape plan submittal shows some trees located within 10' of the edge of pavement.)

Final construction design plans and details will be submitted after Council approval of the Amended PUD.

DEVELOPMENT CONTRACT LANGUAGE PROPOSED CHANGES:

- **Restrictions Regarding Idling [5(d)]:** Between the hours of ~~8:00 p.m. and 7:00 a.m.~~ 10:00 p.m. and 6:00 a.m., trucks and trailers shall not be allowed to idle their engines on the property and trucks and trailers shall not be allowed to stop or park on the property with engines, air-conditioning units or refrigeration units running except for a fifteen (15) minute interval when initially arriving and parking at the parking lots or docks. The word “truck” shall have the same meaning as defined in Minnesota Stat. 169.03, subd. 49; *i.e.* a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage that states such restrictions. The Owner of the property is responsible to enforce such restrictions.
- **Restrictions Regarding Deliveries [5(e)]:** Between the hours of ~~8:00 p.m. and 7:00 a.m.~~ 10:00 p.m. and 6:00 a.m., there shall be no deliveries by trucks and trailers and there shall be no loading or unloading of trucks and trailers. The word “truck” shall have the same meaning as defined in Minnesota Stat. 169.03, subd. 49; *i.e.* a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage stating that no deliveries by truck will be accepted or will occur and that no loading or unloading will occur between the hours of ~~8:00 p.m. and 7:00 a.m.~~ 10:00 p.m. and 6:00 a.m. The Owner of the property is responsible to enforce such restrictions.
- ~~**Restrictions Regarding Hours of Operation [5(f)]:** Between the hours of 11:00 p.m. and 7:00 a.m., the businesses on the property shall not be in operation, except for building interior maintenance, security monitoring, and employee office use; in no event shall product and material distribution, warehousing, loading and unloading, deliveries or operation of warehouse equipment and machinery take place between 8:00 p.m. and 7:00 a.m. The Owner of the property is responsible to enforce such restrictions.~~
- **Restrictions Regarding Trucks [5(g)]:** No ~~over the road trucking or shipping operations and no~~ truck terminals, as defined as a specialized distribution building for

redistributing goods from one truck to another, serving an intermediate transfer point, and used primarily for staging loads (rather than long-term storage), shall be allowed to operate from the property.

CONCLUSION/REQUEST

We are seeking city approval of the revised development contract language in exchange for the proposed development plan changes. In addition to these proposed development plan changes, United Properties' approved office/warehouse building plans already include landscaping and building image considerations that are "above market standard." United Properties' proposed development plans reflect a carefully proportioned project that is marketable to the business community. The 470,000 square foot business park is made up of five (5) buildings that are right-sized for multi-tenant flexibility and will serve tenants in the 25% finish range. United Properties estimates 870 jobs and \$25,000,000 in taxable value (\$900,000 in annual real estate taxes) will be created with this development. The southeast Twin Cities, and Inver Grove Heights in particular, is primed for new, Class-A, office/warehouse development. Tenant and investor demand are at an all time high for developable land sites near communities with good labor, proximity to Minneapolis and Saint Paul's downtown districts, and connectivity to highway systems. This development will catch the interest of businesses located in cities such as Burnsville, Eagan, and Mendota Heights, and will bring additional daytime population to Inver Grove Heights to eat, shop, and bring activity to local business. United Properties believes the proposed development plans are a fair exchange to bring the site back to a marketable development project. Inverpoint Business Park will bring investment, tax revenue, and employment to the city of Inver Grove Heights and will likely become one of the premier Class-A, high-image business parks of the southeast metropolitan area.

© 2007 Westwood Professional Services, Inc.
Call 48 Hours before digging:
GOPHER STATE ONE CALL
Twin City Area 651-484-0002
Min. Toll Free 1-800-252-1166

BUILDING PARKING STALL SUMMARY				
	MAX. REQUIRED	MIN. REQUIRED	PROVIDED	PROF.
FUTURE BUILDING 1	149	112	129	14
BUILDING 2	159	119	124	32
BUILDING 3	179	134	134	27
FUTURE BUILDING 4	216	162	165	28
FUTURE BUILDING 5	80	60	72	20
TOTAL	783	587	624	121

Parking Summary

REQUIRED: 587 MIN, 783 MAX
PROVIDED: 741 (624 + 121 PROF)
NET BUILDING AREA: 423,605 (470,672 S.F. * 90%)
OFFICE: 423,605 X 30% = 127,082 S.F.*
WAREHOUSE: 423,605 X 70% = 296,523 S.F.*
REQUIRED PARKING
OFFICE: 127,082/200 = 635 STALLS**
WAREHOUSE: 296,523/2000 = 148 STALLS**
TOTAL = 783 STALLS (MAX)
MIN REQUIRED: 783*75% = 587 STALLS (MIN)***
PERVIOUS PARKING REQUIRED
TOTAL STALLS PROVIDED = 624
MIN. STALLS REQUIRED = 587
= 37 STALLS****
PERVIOUS PARKING PROVIDED 36

* BASED ON 30% OFFICE, 70% WAREHOUSE
** 1 STALL PER 200 S.F. OFFICE
1 STALL PER 2000 S.F. WAREHOUSE
*** 75% OF TOTAL MAX. STALLS REQUIRED FOR MIN.
**** ALL PROOF OF PARKING STALLS TO BE PERVIOUS PAVEMENT

General Site Notes

- SITE CONDITIONS AND UTILITY LOCATIONS ARE TO BE FIELD VERIFIED PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE NOTED, THE ENGINEER SHOULD BE IMMEDIATELY NOTIFIED.
- REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
- THE CONTRACTOR IS TO CONTACT GOPHER STATE "ONE CALL" FOR UTILITY LOCATIONS AT 1-800-252-1166 AT LEAST 48 HOURS BEFORE ANY EXCAVATION ON SITE.
- ALL DIMENSIONS ARE TO FACE OF CURB OR EXTERIOR FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND LOCATIONS OF EXITS, RAMPS, AND TRUCK DOCKS.
- ALL CURB RADI ARE TO BE A MINIMUM OF 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
- BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CONTRACTOR TO MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION.
- SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS.
- CONTRACTOR TO COORDINATE THE LOCATION OF "NO PARKING, FIRE LANE" SIGNS WITH THE FIRE MARSHAL.
- PARKING LOT STRIPING TO BE 4" WIDE COLOR WHITE, TWO COATS OF PAINT.

Site Legend

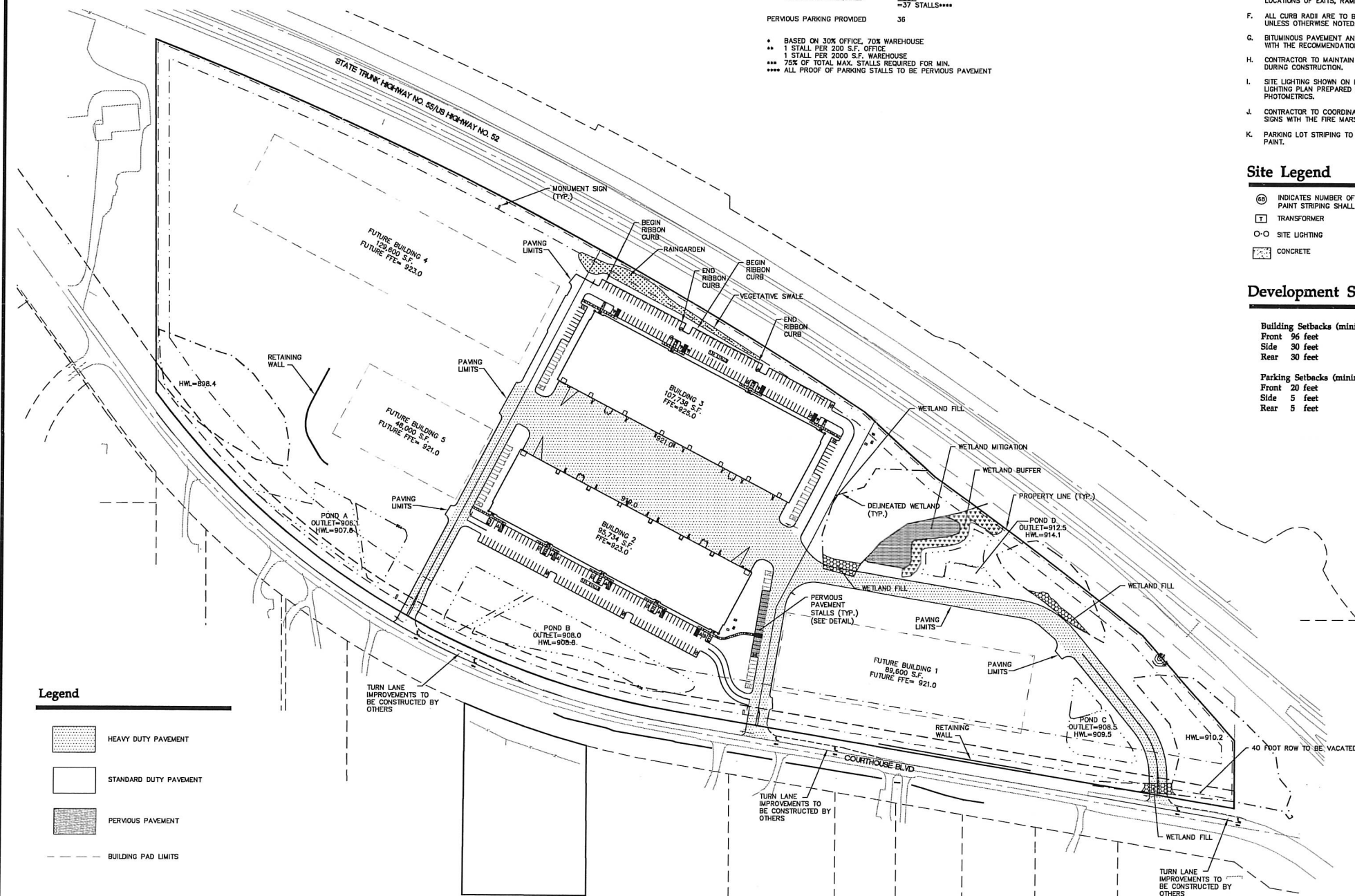
- (C) INDICATES NUMBER OF PARKING STALLS
PAINT STRIPING SHALL CONFORM TO MNDOT STANDARDS
T TRANSFORMER
O-O SITE LIGHTING
CONCRETE

Development Setbacks

Building Setbacks (minimum)
Front 96 feet
Side 30 feet
Rear 30 feet
Parking Setbacks (minimum)
Front 20 feet
Side 5 feet
Rear 5 feet

Legend

- HEAVY DUTY PAVEMENT
STANDARD DUTY PAVEMENT
PERVIOUS PAVEMENT
BUILDING PAD LIMITS



POPE
ARCHITECTS

1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-2118
PH: (651) 642-9200
FAX: (651) 642-1101

UNITED PROPERTIES

RJRyan
Commercial Design and Construction
R.J. Ryan Construction, Inc.
11200 Marquette Heights Road
Marquette Heights, IL 60153
PH: (815) 881-6200 FAX: (815) 881-0238

Westwood
Westwood Professional Services, Inc.
2000 Annapolis Drive
Ann Arbor, MI 48104
PH: (734) 963-5100
FAX: (734) 963-5822
TOLL FREE: 1-800-877-9150
www.westwoodps.com

InverPoint
Business
Park
INVER GROVE HEIGHTS, MINN.

Issues and Revisions:

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.

Michael Jackson, Owner
Date: 04/21/08 License No.: 262354

Designed: CRY
Checked: TWP
Drawn: KLL
Revised Drawing by/Date:

Overall Civil Site Plan

Date: 04/21/08 Sheet: 3 OF 31

20051172.01SP01.DWG

PHASE I FINAL PUD PLAN

2/23/08

PRELIMINARY
CONDITIONS

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 08-39

A RESOLUTION APPROVING A PRELIMINARY PLAT AND PRELIMINARY PUD
DEVELOPMENT PLAN FOR A THREE (3) LOT SUBDIVISION AND A FIVE (5)
BUILDING 470,620 SQUARE FOOT OFFICE/WAREHOUSE DEVELOPMENT

CASE NO. 07-33PUD
(United Properties)

WHEREAS, a preliminary plat and preliminary PUD development plan application has been submitted to the City for property by Inverwood Business Park, LLC (hereinafter the Developer and/or Owner) legally described as;

SEE EXHIBIT A
(hereinafter the Property)

WHEREAS, the City Council adopted Ordinance #1150 on May 29, 2007 that enacted regulations for a new zoning district entitled Industrial Office Park District;

WHEREAS, the Developer/Owner has made application as the developer of the proposed project and the owner of the Property;

WHEREAS, the subject property shall be governed by and the uses allowed shall be consistent with the Industrial Office Park District zoning regulations;

WHEREAS, a public hearing concerning the preliminary plat and preliminary PUD development plan was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on August 21 and September 18, 2007;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS THAT, the Preliminary Plat and Preliminary PUD development plan for a three (3) lot and a five (5) building 470,620 square foot office/warehouse development is hereby approved subject to the following conditions:

1. The final plat and accompanying site plans shall substantially conform with the Preliminary Site Plan attached to this Resolution (hereafter Site Plan), subject to the approval of the Plans set forth below, modifications thereto and plans listed below to be filed(**), by the City's Engineering and Planning Departments to assure compliance and consistency with the Site Plan and applicable City and other regulations and ordinances, and all subject to modifications as set forth by the conditions in this Resolution.

Preliminary Plat	dated 9/6/07
Preliminary Overall Civil Site Plan	dated **
Preliminary Civil Site Plan (West)	dated **
Preliminary Civil Site Plan (East)	dated **
Preliminary Grading and Drainage Plan	dated 9/6/07
Preliminary Grading and Drainage Plan (West)	dated 9/6/07
Preliminary Grading and Drainage Plan (East)	dated 9/6/07
Preliminary Overall Utility Plan	dated 9/6/07
Preliminary Utility Plan (West)	dated 9/6/07
Preliminary Utility Plan (East)	dated 9/6/07
Preliminary Landscape Plan	dated 9/6/07
Preliminary Landscape Plan (West)	dated 9/6/07
Preliminary Landscape Plan (East)	dated 9/6/07
Preliminary Tree Inventory and Preservation Plan	dated 9/6/07
Stormwater Pollution Prevention Plan	dated 9/6/07
Survey of Right-of-way Vacation	dated 4/23/07
Building Elevations	dated 6/18/07

2. Lots 1 and 3 shown on the preliminary plat shall be outlots on the final plat.
3. 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.
4. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
5. The ownership of all of the natural area/open space shall be privately owned by the property owner.
6. The City may install a pedestrian/biking trail along the south-side of Courthouse Boulevard Court (hereinafter Trail Improvement) within one year of the issuance of certificates of occupancy for the first 200,000 square feet of the Project. The location, size and design of the Trail Improvement shall be within the discretion of the City. In the event such Trail Improvement is installed, the Developer agrees that the cost of the Trail Improvement shall be specially assessed against the Property in equal installments over 10 years. The interest shall be the rate then being charged by the City for similar assessment projects at the time of assessment against the Property. The Developer shall sign, or cause to be signed, all necessary documents presented by the City to waive its rights to a hearing and appeal or any other challenge to the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. For purposes of waiver of its rights to appeal and pursuant to Minn. Stat. § 462.3531, the estimated cost of the Trail Improvements shall be no greater than \$ 175,000.

7. All rooftop equipment shall be completely screened from view from the public streets. Screening materials shall be compatible with the building's overall design. If the mechanical equipment is found to be visible after construction, the applicant shall provide screening subject to City approval.
8. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved.
9. All parking lot and building lighting on site shall be a down cast "shoe-box" style and the bulb shall not be visible from property lines. The design of the fixtures shall be subject to further staff review prior to final plan approval.
10. All plans shall be subject to the review and approval of the Fire Marshal.
11. The approval of the preliminary Plat is subject to the review and comment from MnDOT.
12. The utility plans shall be modified to reflect; 1) the location of the western trunk water main crossing under Hwy 55 being shifted to the east, 2) the trunk water main traversing the development being brought out to Courthouse Boulevard Court (most likely at the west driveway), 3) the trunk sanitary sewer traversing the development being brought out to Courthouse Boulevard Court (most likely at the west driveway).
13. The preliminary plans shall be modified to address all four (4) issues listed in the Emmons and Olivier report dated September 13, 2007.
14. 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 Owner of Lots 1-3, Block 1 shall be responsible for the maintenance of storm water improvements on such lots and other lots on the south-side of Courthouse Boulevard Court used for wetland mitigation, storm water or water retention purpose.

The Agreement shall provide that the following storm water improvements shall be maintained by the following entities; in instances where the City is not responsible for maintenance of the storm water improvements, the City shall nonetheless have the right to repair, maintain and replace the improvements if the responsible party does not fulfill its responsibility and the City shall have the right to charge the costs to the responsible party and impose the charges on the property if the responsible party fails to pay the costs.

Type of Storm Water Improvement	Location of Storm Water Improvement	Responsible Party
Regional Basins	East and West ends	City of IGH

Infiltration/ Bio-retention Basins	Throughout Project	Landowner/Developer
Wetland Mitigation	Throughout Project	Landowner/Developer
Rain Gardens	Throughout Project	Landowner/Developer

15. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Boulevard Maintenance Agreement with the City whereby the owner of Lots 1-3, Block 1 shall be responsible for the maintenance of boulevard improvements on such lots; the City shall nonetheless have the right to repair, maintain and replace the improvements if the responsible party does not fulfill its responsibility and the City shall have the right to charge the costs to the responsible party and impose the charges on the property if the responsible party fails to pay the costs.
16. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Conservation and Open Space Easement over portions of Lots 1-3, Block 1. The easement shall provide that the area must be retained in a natural and scenic state with no removal of vegetation and no mowing of the vegetation except to the extent identified in the easement. The vegetation management practices, such as vegetation removal and vegetation mowing, shall be subject to approval of the City's Planning Department before the final plat. The easement shall be in favor of the City and enforceable by the City. Implementation of the vegetation management plan shall be the responsibility of landowner. In instances where the City is not responsible for maintenance, the City shall nonetheless have the right to maintain the Conservation and Open Space Easement if the responsible party does not fulfill its responsibility and the City shall have the right to charge the costs to the responsible party and impose the charges on identified property in the plat if the responsible party fails to pay the costs.
17. 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 the following plat connection fees:

IGH Code Provision	Type of Fee	Amount of Fee
1010.03, Subd. 5	Plat Connection Fee Water Utility System	\$ 48,292.40
1010.03, Subd. 6	Plat Connection Fee Sanitary Sewer Utility System	\$ 73,743.80
1010.03, Subd. 7	Plat Connection Fee Storm Water Sewer Utility System	\$ 357,036.45

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.

18. 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	City Council
Landscaping	Planning Department
Location of Utilities	Engineering Department
Location of Conservation Easement and Open Space	City Council
Parking Areas	City Council

19. 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.
20. 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.
21. The Development Contract shall provide that parking lots associated with specific buildings are completed before a Certificate of Occupancy is issued.
22. The following documents shall be recorded when the plat is recorded:
- Development Contract;
 - Storm Water Facilities Maintenance Agreement;
 - Conservation Open Space Easement; and
 - Acknowledgement of PUD Zoning.
 - Waivers of Assessment Appeals
23. The City is in the process of planning or constructing sanitary sewer and water trunk lines to provide trunk service for the platted area. The Developer is responsible for constructing the lateral lines and the service lines. The Development Contract shall provide that the Developer and Owner release and hold the City harmless from any claim resulting from the delay in completing construction of the City trunk utility lines.

24. At least 33 parking stalls shall be required to be constructed of pervious pavement based on 620 parking stalls being constructed. The balance of the 121 proof of parking stalls are required to be constructed of pervious pavement.
25. The landscape plan shall be modified to relocate the boulevard row of trees to meet the required five foot setback from the front property line.
26. Right turn lanes shall be constructed for all three entries into the site from Courthouse Boulevard Court. The City shall construct the right turn lanes as a special assessment project and shall use its best efforts to complete the work in 2008 and shall assess 100% of the cost to the Property and the Owner. The Developer and Owner shall waive its rights to appeal from the assessment by signing, or causing to be signed, all necessary documents as presented by the City to waive its rights to hearing and appeal or in any manner challenge the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. Four purposes of the waiver of the rights to appeal pursuant to the requirements of Minn. Stat. 462.3531, the estimated cost of the project shall be the cost of the Feasibility Report prepared by the a consulting engineer, chosen by the City, plus the costs of the project as estimated by the Feasibility Report, plus typical contingencies for such a project, plus the legal, administrative, engineering, financial contingencies and fiscal costs estimated by the City for the project; if the project is delayed until 2009 then the estimated amount of the total project costs for purposes of the waiver shall be increased to reflect increased additional costs. The design of the turn lanes shall be subject to the recommendation of the Director of Public Works.
27. The Developer and Owner shall be responsible for the financial obligation to complete a right turn lane for southbound traffic on Barnes Avenue at Courthouse Boulevard Court. The right turn lane shall be constructed by the City which shall use its best efforts to complete the same in 2008 as a special assessment project with 100% of the cost assessed against the Owner and the Property. The Developer and Owner shall waive its rights to appeal from the assessment by signing, or causing to be signed, all necessary documents as presented by the City to waive its rights to hearing and appeal or in any manner challenge the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. Four purposes of the waiver of the rights to appeal pursuant to the requirements of Minn. Stat. 462.3531, the estimated cost of the project shall be the cost of the Feasibility Report prepared by the a consulting engineer, chosen by the City, plus the costs of the project as estimated by the Feasibility Report, plus typical contingencies for such a project, plus the legal, administrative, engineering, financial contingencies and fiscal costs estimated by the City for the project; if the project is delayed until 2009 then the estimated amount of the total project costs for purposes of the waiver shall be increased to reflect increased additional costs. The design of the right turn lane will be subject to the recommendation of the of the Director of Public Works.

28. The Developer shall post the three entrance/exit points with signage that directs vehicles to make left turns only as they exist the site. In addition, signage shall be posted by the Developer designating the east entrance as the exclusive entrance for all semi-truck traffic. Signs prohibiting semi-truck use of the other two entrances shall also be posted by the Developer, with the signs being subject to review and approval by the City Public Works department. The City shall post a "local traffic only" sign in the vicinity of the Courthouse Boulevard Court/Annalisa Path intersection and at the Ann Marie Trail/Hwy 3 intersection. The Developer shall be responsible for the cost of the two City posted signs.
29. Between the hours of 8:00 p.m. and 7:00 a.m., trucks and trailers shall not be allowed to idle their engines on the property and trucks and trailers shall not be allowed to stop or park on the property with engines, air-conditioning units or refrigeration units running except for a fifteen (15) minute interval when initially arriving and parking at the parking lots or docks. The word "truck" shall have the same meaning as defined in Minn. Stat. § 169.01, subd. 49; i.e. a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage that states such restrictions. The Owner of the property is responsible to enforce such restrictions.
30. Between the hours of 8:00 p.m. and 7:00 a.m., there shall be no deliveries by trucks and trailers and there shall be no loading or unloading of trucks and trailers. The word "truck" shall have the same meaning as defined in Minn. Stat. § 169.01, subd. 49; i.e. a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage stating that no deliveries by truck will be accepted or will occur and that no loading or unloading will occur between the hours of 8:00 p.m. and 7:00 a.m. The Owner of the property is responsible to enforce such restrictions.
31. Between the hours of 11:00 p.m. and 7:00 a.m., the businesses on the property shall not be in operation, except for building interior maintenance, security monitoring and employee office use; in no event shall product and material distribution, warehousing, loading and unloading, deliveries or operation of warehouse equipment and machinery take place between 8:00 p.m. and 7:00 a.m. The Owner of the property is responsible to enforce such restrictions.
32. The City complete the street restoration to a 9-ton spring loaded rating (consisting of a two inch bituminous overlay with necessary subgrade repairs) of Courthouse Boulevard Court from the general area West of Barnes Avenue where restoration ended, to the cul-de-sac as a special assessment project with 100% of the cost being assessed to the Property and the Owner. The Developer and Owner shall waive its rights to appeal from the assessment by signing, or

causing to be signed, all necessary documents as presented by the City to waive its rights to hearing and appeal or in any manner challenge the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. Four purposes of the waiver of the rights to appeal pursuant to the requirements of Minn. Stat. 462.3531, the estimated cost of the project shall be the cost of the Feasibility Report prepared by the a consulting engineer, chosen by the City, plus the costs of the project as estimated by the Feasibility Report, plus typical contingencies for such a project, plus the legal, administrative, engineering, financial contingencies and fiscal costs estimated by the City for the project; if the project is delayed until 2009 then the estimated amount of the total project costs for purposes of the waiver shall be increased to reflect increased additional costs. The design of the street restoration shall be subject to the recommendation of the Director of Public Works and the work will be done in conjunction with the right turn lanes described in paragraph 26.

33. At the time the City signs the plat, the Owner must fully pay the City of Inver Grove Heights for all planning, engineering review and legal fees (excluding any legal fees and cost incurred by the City in connection with the litigation and settlement of the action brought by the Developer in connection with the Project) that have been incurred up to the date the City signs the final plat, and the Owner must further escrow with the City an amount determined by the City of Inver Grove Heights for future planning and engineering review fees and for legal fees, except for such fees as may already otherwise be taken into account in the calculations or engineering inspection escrow made a part of the Development Agreement. Further, at the time of final plat application, the owner must pay the City the fees prescribed by the ordinance (to be enacted prior to final plat) to defray the costs incurred by the City in preparation of the planning studies, engineering analysis, storm water analysis, environmental review, alternative urban areawide review and natural resource inventory as such studies, analysis, reviews, inventories and modeling relate to the review, investigation and administration of the Owner's applications.
34. No over the road trucking or shipping operations and no truck terminals shall be allowed to operate from the property.
35. Approval of the Preliminary Plat and PUD Development Plans shall be subject to the conditions and recommendations listed in the Traffic Report prepared by SRF dated November 6, 2007. In addition, traffic control and geometric improvements may be made to the site in accordance with the following:
 - (a) Geometric Intersection Improvements. The City shall commission a traffic study as soon as possible, by SRF or another qualified traffic engineer, which study shall be limited to a determination of what, if any, additional roadway or

geometric improvements are needed to the intersection of Barnes Avenue and Courthouse Boulevard Court (hereinafter the "Intersection") to accommodate semi and other truck turning movements projected to be generated by the Project as approved under the Amended Application (Initial Traffic Study). The Developer shall pay the cost of the Initial Traffic Study, within 30 days of billing by the City.

In the event the Initial Traffic Study finds that additional road or geometric improvements are necessary (Physical Intersection Improvements), the City shall cause the Physical Intersection Improvements to be made with all of the costs related to the Physical Intersection Improvements assessed against the Property as a special assessment under Minn. Stat. Chpt. 429, payable over 10 years with interest at the rate then being charged by the City for similar assessment projects at the time of the assessment against the Property. The Developer shall sign, or cause to be signed, all necessary documents as presented by the City to waive its rights to hearing and appeal or in any manner challenge the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. For purposes of waiver of its rights to appeal and pursuant to the requirements of Minn. Stat. § 462.3531, the estimated cost of the Physical Intersection Improvements shall be no greater than \$100,000. The Physical Intersection Improvements shall be installed within a reasonable time after the City's approval of the Project and the completion of the Initial Traffic Study.

(b) Traffic Control Improvements. When 200,000 square feet of the Project's floor space has been built and issued certificates of occupancy, the City may conduct a traffic count in the area along Courthouse Boulevard Court between the Intersection and the access points to the Project. If the traffic count shows at least 10% more traffic in either the a.m. or p.m. trips than had been projected by SRF in its November 6, 2007 traffic study for the Project, then the City may commission a traffic study by a qualified traffic engineer to determine if additional traffic control devices are warranted at the Intersection as the result of the traffic generated by the Project and as projected to be generated by the Project. (Second Traffic Study) The City shall pay the cost of the Second Traffic Study, subject to the Developer paying the cost through an assessment as set forth, below.

In the event that the Second Traffic Study recommends that additional traffic controls are needed at the Intersection (Traffic Control Improvements) and the Second Traffic Study finds that without the Traffic Control Improvements the Intersection's Level of Service (hereinafter LOS) will decline by at least one grade, the Traffic Control Improvements meet the applicable Warrants under the Minnesota Manual on Uniform Traffic Control Devices and Dakota County approves the installation of the Traffic Control Improvements, the City shall install the same. The cost of the Traffic Control Improvements shall be specially assessed against the Property in equal installments over 10 years with interest at

the rate then being charged by the City for similar assessment projects at the time of assessment against the Property. The Developer shall sign, or cause to be signed, all necessary documents as presented by the City to waive its rights to hearing and appeal or in any manner challenge the assessments, either as to amount or the assessment process, in substantially the form attached hereto as Exhibit B. For purposes of waiver of its rights to appeal and pursuant to Minn. Stat. § 462.3531, the estimated cost of the Traffic Control Improvements shall be no greater than \$ 400,000. The Traffic Control Improvements shall be installed within a reasonable time following completion of the Second Traffic Study. In the event Traffic Control Improvements are installed, the cost of the Second Traffic Study shall be included in the assessment against the Property.

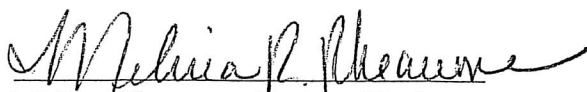
36. The design of the three entrance/exit driveways on the site shall be modified to be consistent with the design prepared by SRF entitled DRIVEWAY CONCEPT TO RESTRICT RIGHT-TURNING TRUCK TRAFFIC, dated 11-06-07. Final design of the driveways shall be approved by the Director of Public Works and reflected on the final plans.
37. The Developer shall make all applications for such other permits and approvals as are necessary for the Project including, without limitation, application for final plat approval, applications for approval of a wetland replacement plan under the Minnesota Wetland Conservation Act (hereinafter WCA Wetland Replacement Plan) county approvals for Physical Intersection or Traffic Control Improvements, building and other necessary permit applications. The City shall process all applications in good faith and in accordance with its ordinary procedures. The City agrees that it will review the WCA Wetland Replacement Application under applicable regulations and ordinances and shall approve the same if it is compliant with all applicable criteria in the WCA and City Ordinances.

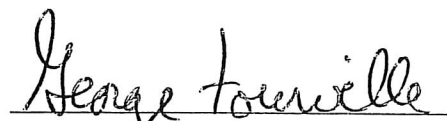
Passed this 25th day of February, 2008.

AYES: 5

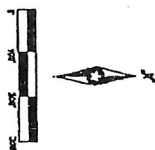
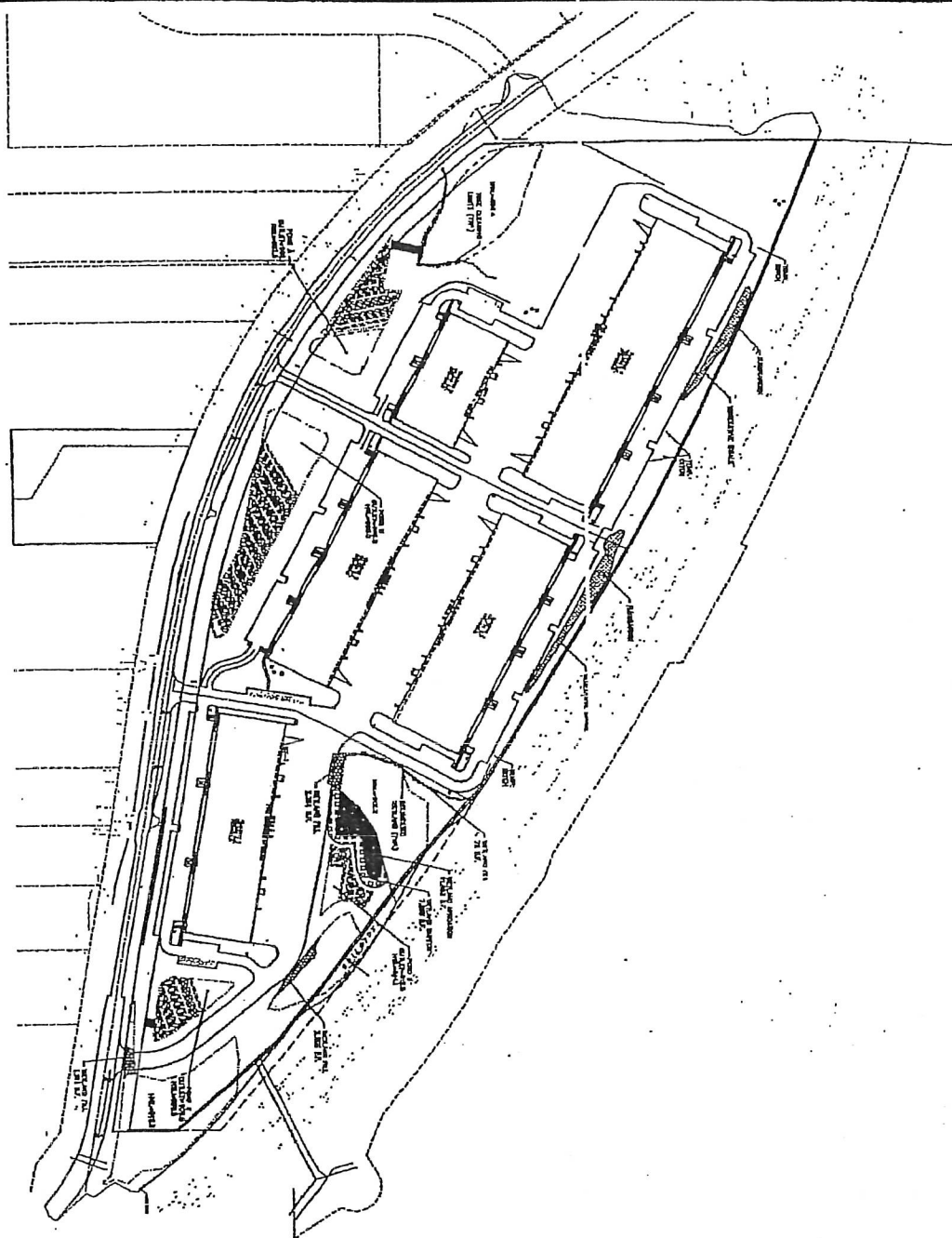
NAYS: 0

ATTEST:


Melissa Rheume, Deputy Clerk


George Tourville, Mayor

1-800-4-A-ARTIST
Fax: 202-786-1-800-4-A-ARTIST



POPPE
APERTURE

7. *Explain the importance of the following:*


 NATIONAL BUREAU OF STANDARDS
 100 BUREAU DRIVE
 GAITHERSBURG, MARYLAND 20899

**INVERPARK
BUSINESS
CENTER**
8400 GRIFFIN LANE, SUITE 100
DALLAS, TEXAS 75243

**Orrall
Sons & Company**

**Y
ESEN
1960**

EXHIBIT A

That part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 27N, Range 22W, Beginning 609.68 feet West of Southeast Corner East 283.68 feet North Parallel with East line 343.13 feet to Southerly R/W Co Rd 28-A, Northwesterly on Southerly line to intersection with Line Bearing North from point of beginning, South 438.00 feet to Beginning and Part of West $\frac{1}{2}$ of Northeast $\frac{1}{4}$ lying South of new State Trunk Highway #55 and North of old State Trunk Highway #55 and the Center of new State Trunk Highway #52/55 AND that part of of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 27N, Range 22W, lying South of new State Trunk Highway #55 and North of old State Trunk Highway #55 except Parcel 203A of State Trunk Highway Right-of-Way Plat 19-111.

FINAL
CONDITIONS

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 08-189

A RESOLUTION APPROVING A FINAL PLAT WITH A DEVELOPMENT CONTRACT
FOR THE PLAT OF INVERPOINT BUSINESS PARK AND FINAL PUD DEVELOPMENT
PLAN FOR PHASE 1

CASE NO. 08-24PUD
(United Properties)

WHEREAS, a final plat and final PUD development plan application has been
submitted to the City for property legally described as;

Real property in Dakota County, State of Minnesota, described as:

That part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 27,
Range 22, Dakota County, Minnesota, lying between the centerline of old
State Highway No. 52-55 (presently C.S.A.H. 28A) and the centerline of new
State Highway No. 52-55; and

That part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 27, Range
22, Dakota County, Minnesota, lying between the centerline of Old State
Highway No. 52-55 (presently C.S.A.H. 28A) and the centerline of New State
Highway No. 52-55;

Except that part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17,
Township 27, Range 22, shown as Parcel 203A on Minnesota Department of
Transportation Right of Way Plat No. 19-111 as the same is on file and of
record in the office of the County Recorder in and for Dakota County,
Minnesota.

pt. NWNE, NENE, SENE, SWNE, 17-27-22 (A) ^{bv}
(30-01700-010-06, 010-04)

WHEREAS, a public hearing concerning the preliminary and preliminary PUD development plan was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on August 21 and September 18, 2007;

WHEREAS, the final plat application satisfies the 37 conditions of preliminary plat and preliminary PUD approval and conforms to all applicable zoning and subdivision regulations (City Code Sections 510 and 515) and other standards applied by the City in the platting of property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, a Final Plat with a development contract for the plat of InverPoint Business Park and Final PUD Development Plan for phase 1 is hereby approved subject to the following conditions:

1. The project shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below:

Emmons & Olivier Memo on final plans	dated 5/29/08
Letter from MnDOT on final plat	dated 5/15/08
Natural area/open space and undisturbed area plan	dated 4/21/08
Final Plat	dated 4/21/08
Overall Civil Site Plan	dated 7/30/08
Overall Grading Drainage and Erosion Control Plan	dated 7/30/08
Overall Utility Plan	dated 7/30/08
Mass Grading Landscape Plan	dated 7/08/08
Phase 1 Landscape Plan	dated 7/08/08
Tree Inventory and Preservation Plan	dated 6/26/08
Wetland Plan	dated 4/21/08
Architectural Plans (2 sheets)	dated 4/21/08
Rooftop Screening Perspective Drawing	dated 4/21/08
Civil Site Plan (West)	dated 7/30/08
Civil Site Plan (East)	dated 7/30/08
Grading and Drainage Plan (West)	dated 7/30/08
Grading and Drainage Plan (East)	dated 7/30/08
Utility Plan	dated 7/30/08
Utility Plan (West)	dated 7/30/08
Utility Plan (East)	dated 7/30/08
Landscape Plan	dated 7/08/08
Landscape Plan (West)	dated 7/08/08
Landscape Plan (East)	dated 7/08/08
Storm water Pollution Prevention Plan	dated 7/08/08
Survey of Right-of-Way Vacation	dated 4/23/07

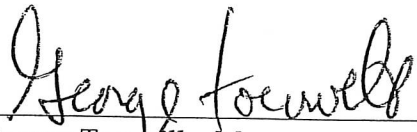
2. Prior to any work commencing on the site, the developer shall enter into a development contract with the City. The development contract will address all other preliminary conditions of approval relating to other agreements required, park dedication, and other pertinent specific performance standards for this PUD.
3. The Developer shall post the three entrance/exit points with signage that directs vehicles to make left turns only as they exist the site. In addition, signage shall be posted by the Developer designating the east entrance as the exclusive entrance for all semi-truck traffic. Signs prohibiting semi-truck use of the other two entrances shall also be posted by the Developer, with the signs being subject to review and approval by the City Public Works department.
4. Between the hours of 8:00 p.m. and 7:00 a.m., trucks and trailers shall not be allowed to idle their engines on the property and trucks and trailers shall not be allowed to stop or park on the property with engines, air-conditioning units or refrigeration units running except for a fifteen (15) minute interval when initially arriving and parking at the parking lots or docks. The word "truck" shall have the same meaning as defined in Minn. Stat. § 169.01, subd. 49; i.e. a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage that states such restrictions. The Owner of the property is responsible to enforce such restrictions.
5. Between the hours of 8:00 p.m. and 7:00 a.m., there shall be no deliveries by trucks and trailers and there shall be no loading or unloading of trucks and trailers. The word "truck" shall have the same meaning as defined in Minn. Stat. § 169.01, subd. 49; i.e. a truck means every motor vehicle designed, used or maintained primarily for the transportation of property. The Owner or tenant on the property shall post signage stating that no deliveries by truck will be accepted or will occur and that no loading or unloading will occur between the hours of 8:00 p.m. and 7:00 a.m. The Owner of the property is responsible to enforce such restrictions.
6. Between the hours of 11:00 p.m. and 7:00 a.m., the businesses on the property shall not be in operation, except for building interior maintenance, security monitoring and employee office use; in no event shall product and material distribution, warehousing, loading and unloading, deliveries or operation of warehouse equipment and machinery take place between 8:00 p.m. and 7:00 a.m. The Owner of the property is responsible to enforce such restrictions.
7. No over the road trucking or shipping operations and no truck terminals shall be allowed to operate from the property.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL, that the Mayor and Deputy Clerk are hereby authorized to execute the Final Plat and Development Contract.

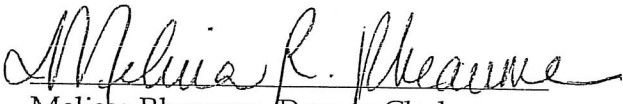
Passed this 11th day of August, 2008.

AYES: 5

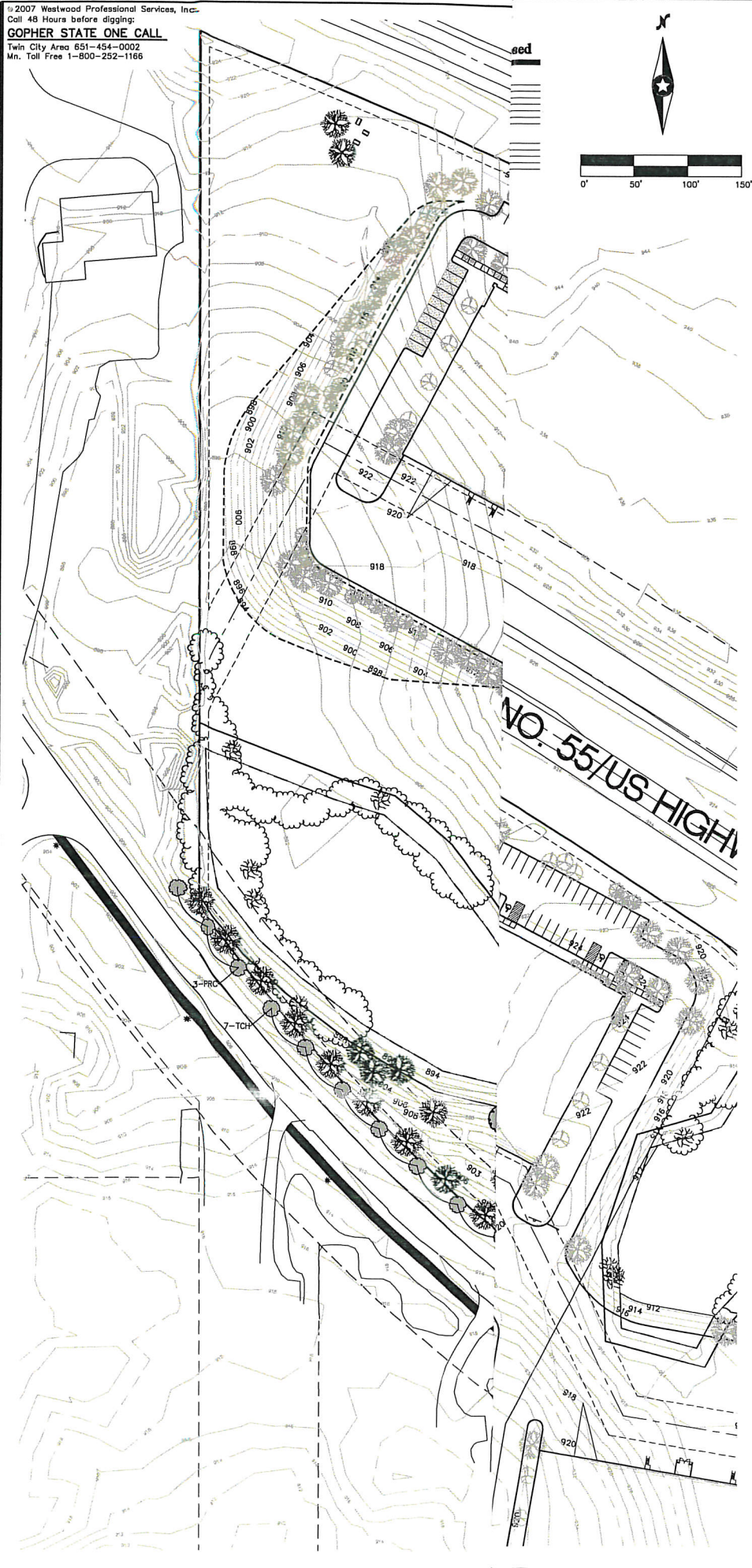
NAYS: 0


George Tourville, Mayor

ATTEST:


Melissa Rheaume, Deputy Clerk

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Mn. Toll Free 1-800-252-1166



POPE
ARCHITECTS

1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-9200
FAX (651) 642-1101



UNITED PROPERTIES



Commercial Design and Construction
R.J. Ryan Construction, Inc.
1100 Mendota Heights Road
Mendota Heights, MN 55120
Ph. (651) 681-0200 Fax (651) 681-0235

Westwood

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

**INVERPARK
BUSINESS
CENTER**

INVER GROVE HEIGHTS, MINN.

Issues and Findings

W/22/19 City Communities (COP)

SP/04/17 City Comments (CJ07)

99/08/99 Ed. Documenta 1000

07/08/19 FUD Submittal - Landscape

07/23/19 FUD Submittal - Marshfield Landscapes

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

Jeffery E. Westendorf
Date 07/03/19 License No. 44018

Designed _____ CTR/JCL

Checked _____ KL

Drawn _____
Record Drawing by/done _____

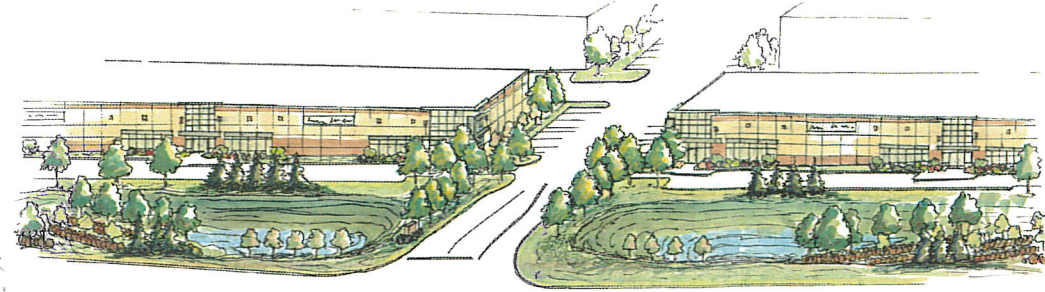
**Landscape Plan
(West)**

Date: 07/27/07 Sheet: 14 OF 22

20051172PLP02.dwg

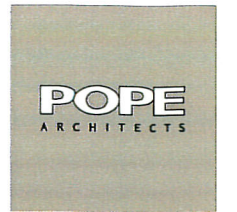
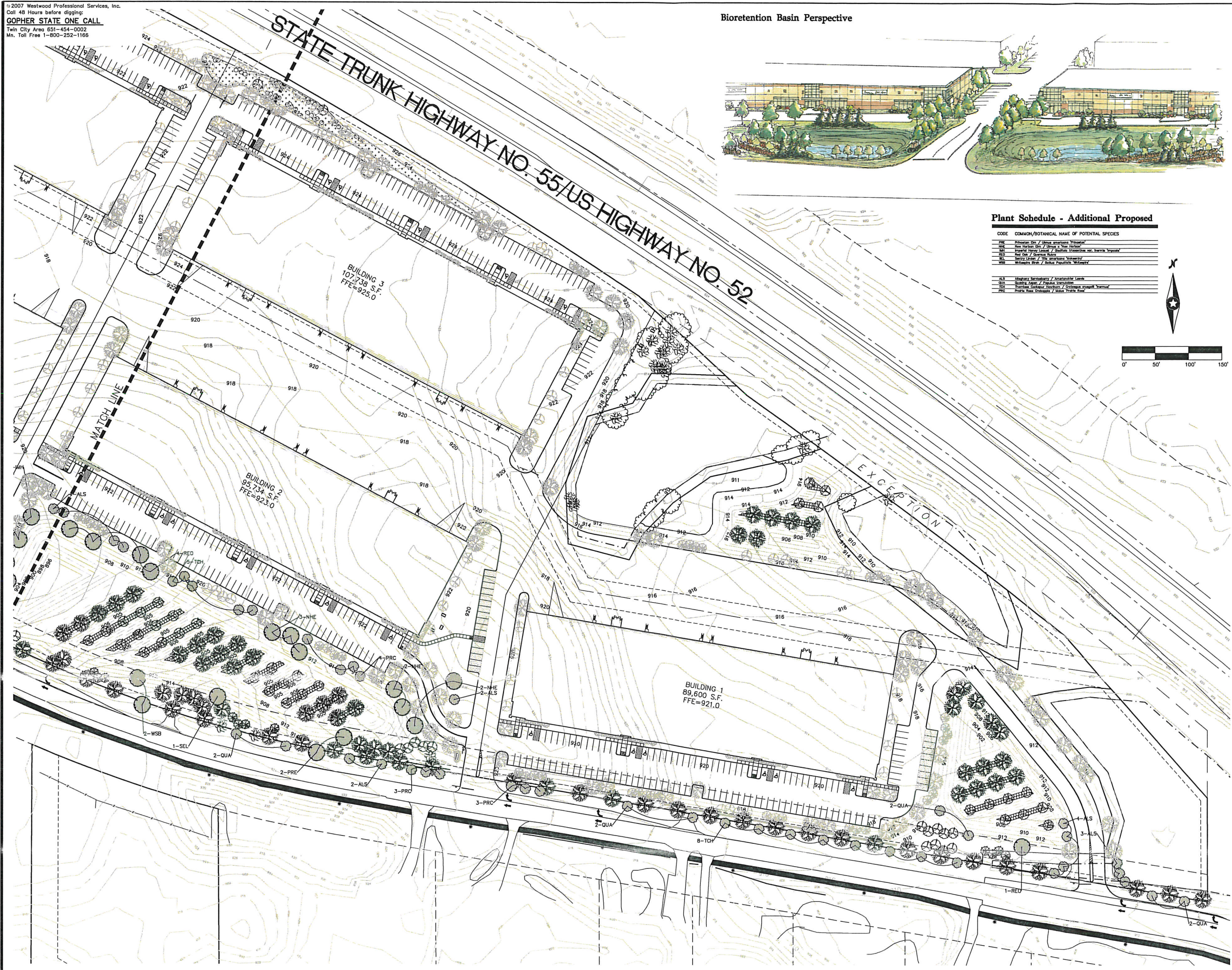
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Bioretention Basin Perspective



Plant Schedule - Additional Proposed

CODE	COMMON/BOTANICAL NAME OF POTENTIAL SPECIES
PRG	Privetum Olea / Olea europaea 'Prunifolia'
PRG	Red Maple / Acer rubrum
PRG	Imperial Honey Locust / Gleditsia inornata var. 'Imperial'
PRG	Red Oak / Quercus rubra
PRG	Savory Linden / Tilia americana 'Monsieur de la Motte'
PRG	White Birch / Betula papyrifera
ALS	Alnus / Alnus incana
ALS	Quaking Aspen / Populus tremuloides
ALS	European Common Hornbeam / Cornus alternifolia 'Variegata'
PRG	Prunella Rose / Prunella rosea



1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
Ph: (651) 642-9200
Fax: (651) 642-1101



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Mendota Heights, MN 55120
Ph: (651) 681-0200 Fax: (651) 681-0235

Westwood

Phone: (952) 937-6560 12701 Whitecloud Drive
Fax: (952) 937-6822 Suite #200
Toll Free: (888) 937-6100 Minneapolis, MN 55443
westwoodps.com

Westwood Professional Services, Inc.

INVERPARK BUSINESS CENTER

INVER GROVE HEIGHTS, MINN.

1/23/19 City Comments (C27)
2/14/19 City Comments (C27)
3/14/19 City Comments (C27)
4/15/19 PUD Submittal - Landscaping
5/15/19 PUD Submittal - Landscaping

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

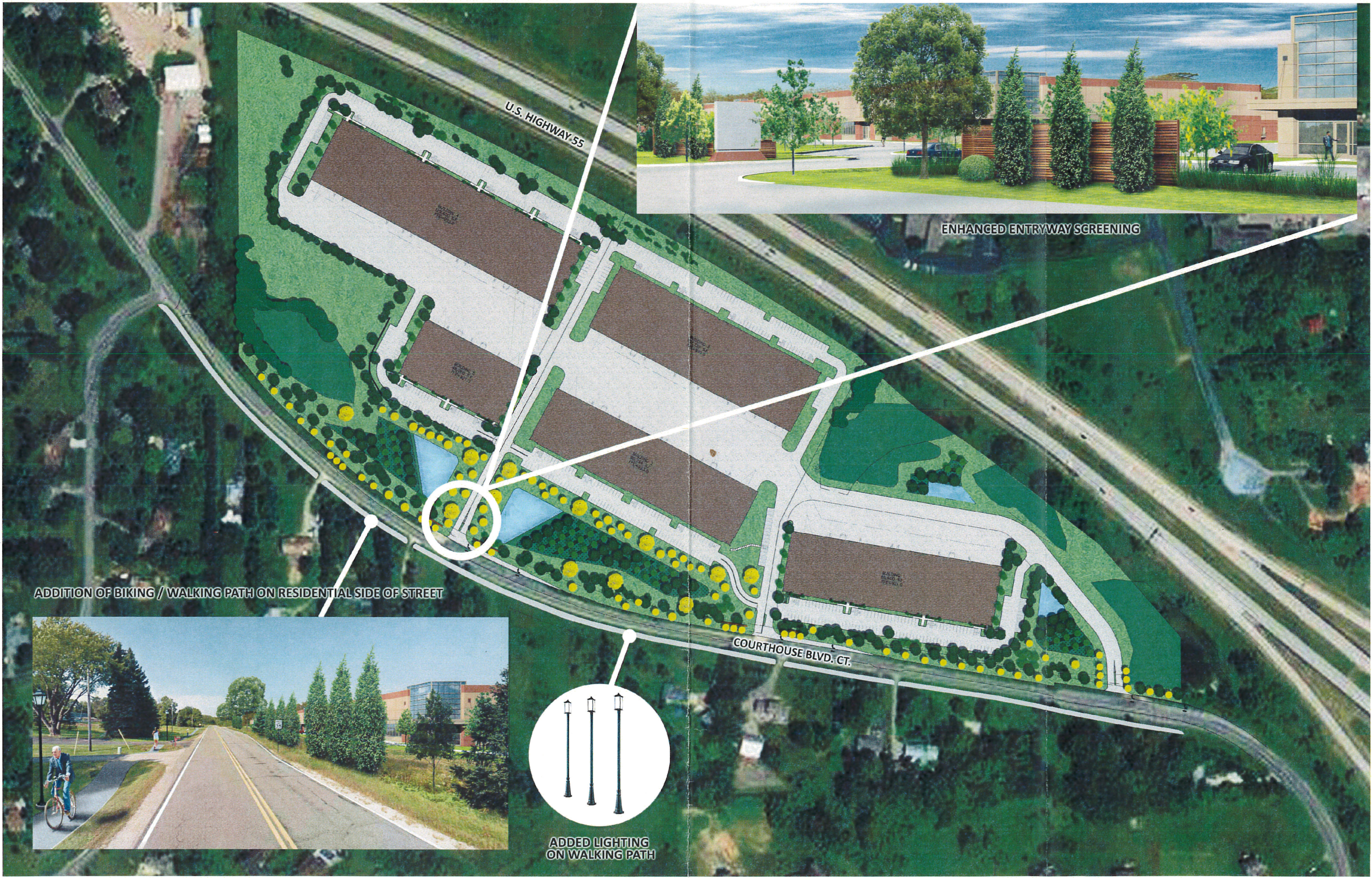
Jeffrey E. Westendorf
Date: 07/03/19 License No. 44018

Designed: CWF/KCL
Checked: KCL
Drawn: CWF
Revised: Drawing by Date

Landscape Plan (East)

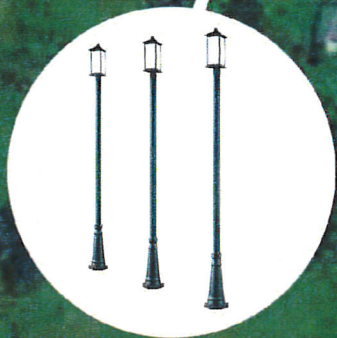
Date: 07/27/07 Sheet: 15 OF 22

20051172PLP03.dwg



ENHANCED ENTRYWAY SCREENING

ADDITION OF BIKING / WALKING PATH ON RESIDENTIAL SIDE OF STREET



ADDED LIGHTING ON WALKING PATH