



**Inver Grove Heights
Planning Commission Agenda
Tuesday, April 5, 2022 at 7:00 PM
City Council Chambers - 8150 Barbara Avenue**

AGENDA

- 1. Call to Order**
- 2. Approval Of The Planning Commission Minutes**
 - A.** Approval of Minutes for March 15, 2022 Meeting
Minutes are not available until approved and will be distributed and the next meeting.
- 3. Application Requests and Public Hearings**
 - A.** Consider a Vacation of Easements to reduce the corner front easement from ten feet to five feet on the properties located at 7735 and 7736 Adler Trail (Alliant Ventures - Case No. 22-16VAC)
 - B.** Consider a Variance to install a pool and concrete surround within the corner setback on the property located at 4067 87th Street E. (Robin O'Reilly - Case No. 22-13V)
 - C.** Consider a Conditional Use Permit Amendment to expand the uses at the marina by adding a pavilion and a structure on the property located at 4455 66th Street E (River Heights Marina - Case No. 22-15CA)
- 4. Other Business**
- 5. Adjourn**

This document is available upon a three (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@ighmn.gov.



Request for Council Action

SUBJECT: **Approval of Minutes for March 15, 2022 Meeting**
Minutes are not available until approved and will be
distributed and the next meeting.

MEETING DATE: April 5, 2022

ITEM TYPE: Approval Of The Planning Commission Minutes

CONTACT:

ACTION REQUESTED

BACKGROUND

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

None

Request for Council Action

SUBJECT: **Consider a Vacation of Easements to reduce the corner front easement from ten feet to five feet on the properties located at 7735 and 7736 Adler Trail (Alliant Ventures - Case No. 22-16VAC)**

MEETING DATE: April 5, 2022

ITEM TYPE: Application Requests and Public Hearings

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

Consider approval of recommendation of vacation

BACKGROUND

The applicant is proposing to vacate five feet of a 10 foot drainage and utility easement abutting Academy Lane for Lot 10, Block 6 and Lot 1, Block 8.

The standard drainage and utility easement along roads (public or private) is 10 feet. The Scenic Hills project is a planned unit development and the approved site plan illustrating building pad widths showed a five foot setback from property line abutting the road. The subdivision plat that was recorded showed the typical ten foot wide easement instead of a five foot wide easement that should have coincided with the approved site plan.

EVALUATION OF THE REQUEST

The applicant has provided a drawing of the area and legal descriptions for the area to be vacated. The applicant has also provided a drawing which shows there are no utilities (public or private) within the five foot area requested to be vacated. Engineering has no issues since there are no utilities in the vacated area. Planning has no issues as the site plan was approved with a five foot setback from property line and therefore the easements shown on the plat should reflect the same.

ALTERNATIVES

A. Approval. If the Planning Commission finds the proposed drainage and utility easement vacation acceptable, a recommendation of approval should be made subject to the following condition:

1. The easements to be vacated shall be those shown on the Description Sketch prepared by Pioneer Engineering dated 2/25/22.

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.

FISCAL IMPACT

None

RECOMMENDATION

Based on this review, the Planning Division and Engineering recommends approval of the vacation as proposed subject to the condition stated above.

ATTACHMENTS

1. Location Map
2. Description Sketch
3. Sketch of Easements to be Vacated
4. Drawing of Location of Utilities on Subject Lots



Location Map Case No. 22-16VAC



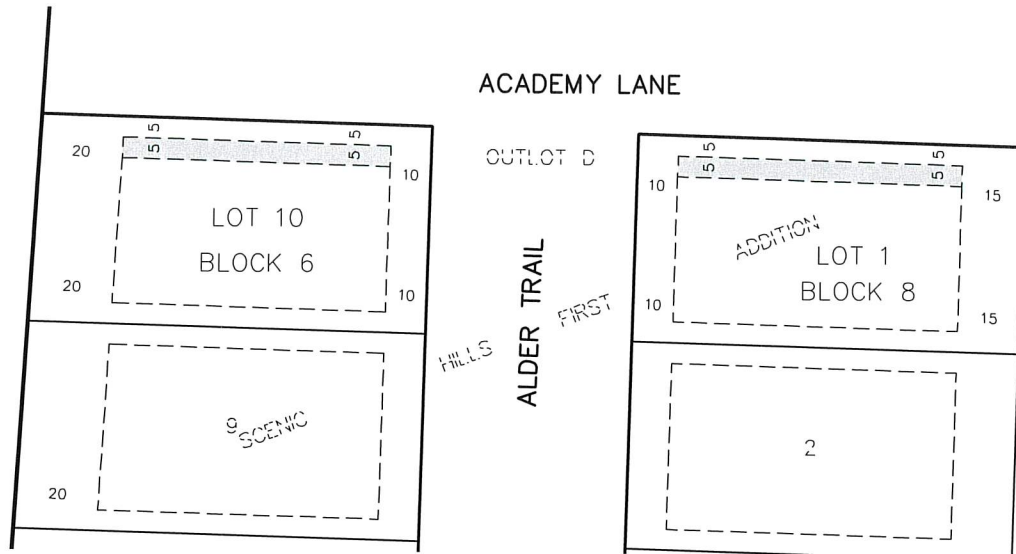
**PROPOSED DESCRIPTION TO VACATE A PORTION OF A DRAINAGE AND
UTILITY EASEMENT:**

All that part of the drainage and utility easement delineated and dedicated on SCENIC HILLS FIRST ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

The south 5.00 feet of the north 10.00 feet, Lot 10, Block 6, said SCENIC HILLS FIRST ADDITION, lying east of the west 20.00 feet and west of the east 10.00 feet thereof.

And

The south 5.00 feet of the north 10.00 feet, Lot 1, Block 8, said SCENIC HILLS FIRST ADDITION, lying west of the east 15.00 feet and east of the west 10.00 feet thereof.

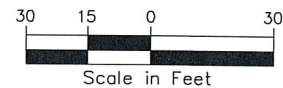


PROPOSED DESCRIPTION TO VACATE A PORTION OF A DRAINAGE AND UTILITY EASEMENT:
All that part of the drainage and utility easement delineated and dedicated on SCENIC HILLS FIRST ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

The south 5.00 feet of the north 10.00 feet, Lot 10, Block 6, said SCENIC HILLS FIRST ADDITION, lying east of the west 20.00 feet and west of the east 10.00 feet thereof.

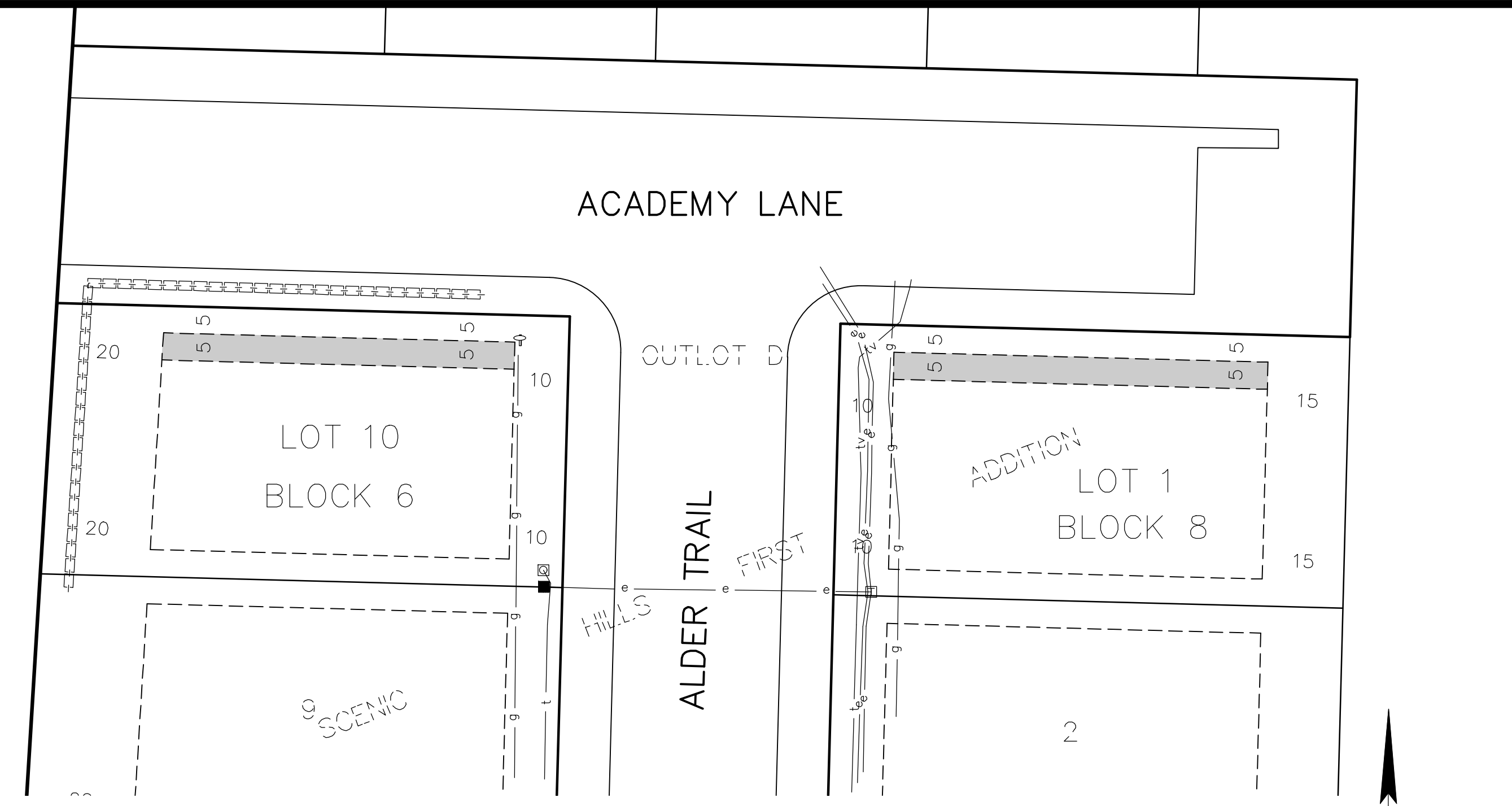
And

The south 5.00 feet of the north 10.00 feet, Lot 1, Block 8, said SCENIC HILLS FIRST ADDITION, lying west of the east 15.00 feet and east of the west 10.00 feet thereof.



* This sketch does not purport to show the existence or nonexistence of any encroachments from or onto the hereon described land, easements of record or unrecorded easements which affect said land or any improvements to said land.

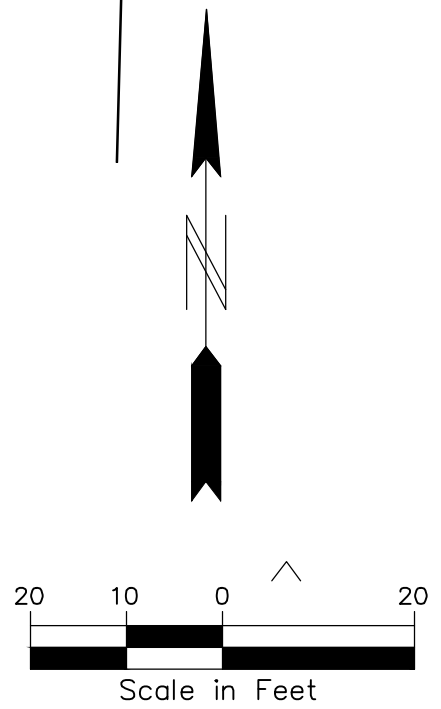
 Denotes proposed easement vacation



LEGEND

- Denotes transformer box
- Denotes fiber optic box
- Denotes electric box
- Denotes telephone box
- Denotes sign
- Denotes block retaining wall

Property description
Lot 10, Block 6 and Lot 1, Block 8, SCENIC HILLS FIRST
ADDITION, according to the recorded plat thereof, Dakota
County, Minnesota,



Existing Conditions for:
ROBERT MACHACEK

Cad File: 120132- EASEMENT
VACATION (2).dwg
Date: 2-25-22
Folder #: 8580
Drawn by: KSO

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

Sheet
1 of 1

Request for Council Action

SUBJECT: **Consider a Variance to install a pool and concrete surround within the corner setback on the property located at 4067 87th Street E. (Robin O'Reilly - Case No. 22-13V)**

MEETING DATE: April 5, 2022

ITEM TYPE: Application Requests and Public Hearings

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

Consider a variance to install a pool and concrete surround

BACKGROUND

The applicant is requesting a variance to construct a 20 x 40 foot pool about 28 feet from the corner front property line with the concrete walkway around the pool about 21 feet from the property line at the closest points. Pools, including the perimeter walkways, require a 30-foot front setback. The lot, being a corner lot, has two property lines that require compliance with the front yard requirements.

The property contains a single-family home located on a half-acre lot. The lot is a corner lot located along a curve. The front lot line is about 102 feet wide and the rear lot line being about 61 feet in width. Due to the curve in the road and the property dimensions only a portion of the pool itself would be encroaching into the setback. The perimeter walkway would be encroaching nine feet at the closest point.

SPECIFIC REQUESTS

The following specific application is being requested:

1) A variance from the front yard setback requirements to allow a pool and perimeter walkway to encroach within the required 30-foot setback.

EVALUATION OF THE REQUEST

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

Planning Report – Case No. 22-13V

North, East, South, and West: Single family; zoned R-1C, Single-family Residential; guided LDR, Low Density Residential.

ENGINEERING

Engineering has reviewed the request and takes no exception to the variance. Engineering has made some recommendations on conditions that should be added to the approval, these conditions are included in the list of conditions at the end of the report.

VARIANCE

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 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.

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The property is a corner lot located along a curve. The lot narrows from the front to the rear property line. Staff believes the intent of the zoning code would be met if the pool improvements would be kept in-line with the existing home. The installation of a pool is consistent with the comprehensive plan designation of a single-family residential lot.

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

The applicant is proposing the pool within the most reasonable area of the property. Moving the pool improvements further to the east would require additional grading into a berm that could have an adverse impact on the drainage to the abutting property. The lot narrows towards the rear yard, the pool would be placed in the wider portion of the property.

In respect to the land use, impervious surface, other setbacks and code requirements the request is in harmony with the provisions in the zoning ordinance.

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

The applicant's property is a corner lot which requires front setbacks to be met on both sides of the property abutting right-of-way. The property is unique in that due to the Planning Report – Case No. 22-13V curve in the road and the 40-foot reduction in width of the property dimensions, the pool is not able to comply with setbacks. The property also has some topography challenges that would impact drainage if the pool is moved further to the east.

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

The pool would be visible from the right-of-way and from abutting properties as the property owners are planning to install a pool cover and not a fence around the pool. Aesthetically the pool and walkway would be located over 30 feet from the curb. Due to the curve in the road and reduction in width of the property dimensions, the pool is not able to comply with setbacks. The proposed improvements would be constructed closer to the property line than the existing home. Staff believes keeping the pool improvements at the same line as the home would visually have a lesser impact from street view.

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

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

ALTERNATIVES

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

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

1) A variance to allow a pool and walkway to encroach within the front yard setback requirements with the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

2. The developer shall meet the conditions outlined in the City Engineers review memo and any subsequent correspondence.
3. A grading/erosion control plan shall be required at the time of the building permit application.
4. The pool and surrounding walkway shall be kept in line with the westerly side of the home as shown on the plan dated 4/1/22.

Rationale: The location of the pool improvements do not appear to have an adverse impact on the neighboring properties. The property is unique in that Planning Report – Case No. 22-13V

due to the curve in the road and the 40-foot reduction in width from the front of the property to the rear, the proposed pool is not able to meet setbacks. Also, moving the pool to the east would require additional grading that may adversely affect the abutting property.

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.

FISCAL IMPACT

None

RECOMMENDATION

Staff believes there is a practical difficulty to support a setback variance based on the rationale listed above. Staff recommends approval of the setback variance with the conditions listed in Alternative A, which includes a condition that would keep the pool improvements in-line with the westerly line of the home.

ATTACHMENTS

1. Zoning and Location Map
2. Applicant Narrative
3. Revised Site Plan
4. Zoomed in Site Plan with Staff Conditions



4067 87th Street E. Case No. 22-13V

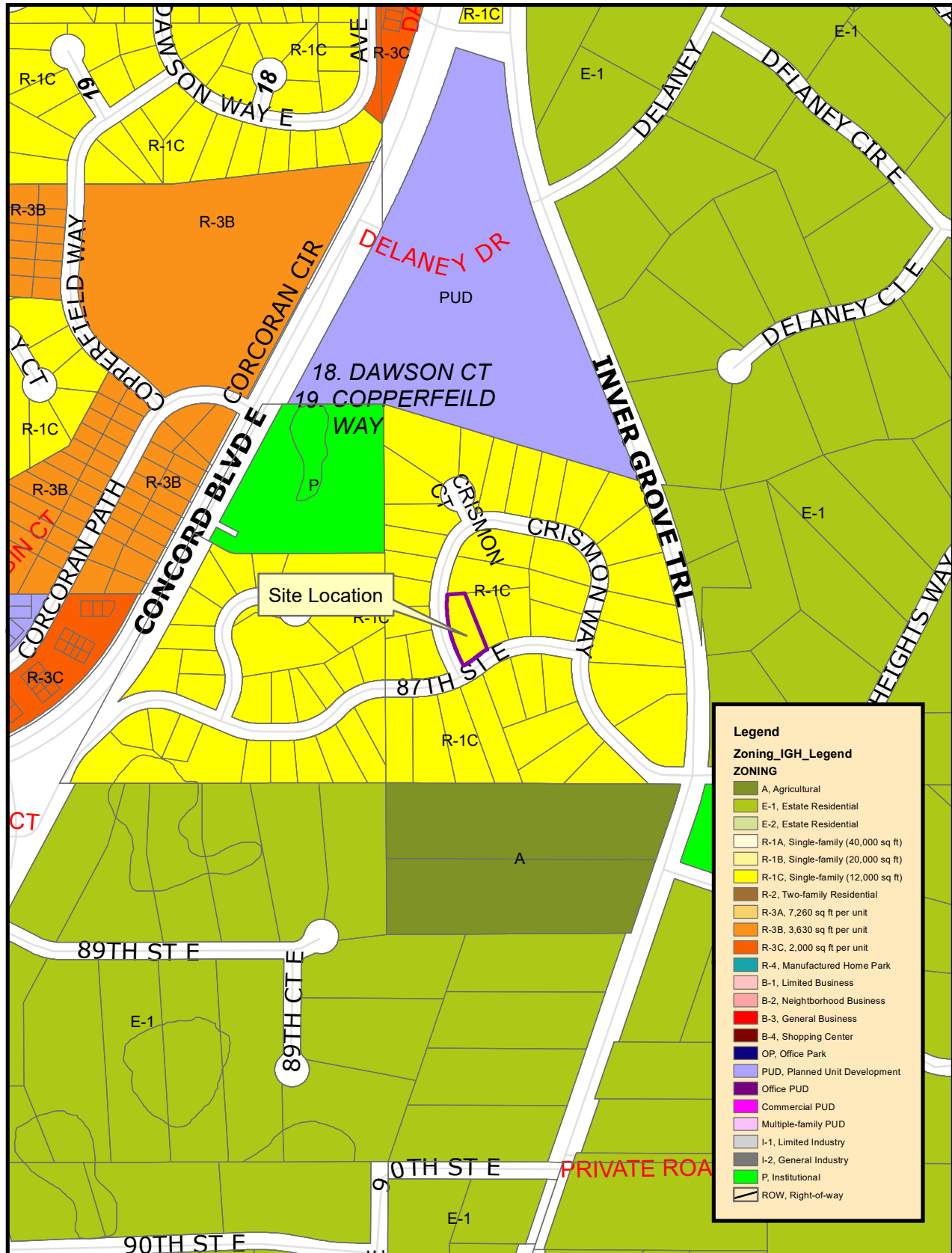


Exhibit A
Zoning and Location Map

March 1st, 2022

Robin O'Reilly
4067 87th St. E
Inver Grove Heights, MN 55076

To Whom It May Concern:

I am writing to request a variance on our property. We are installing a pool in our backyard and went into the project with the information about the 30' setback requirement. When applying for the permits the pool company informed us that the request was denied due to not adhering to the setback requirement in addition to the 12' right of way on the side of our property. With this added to the 30' setback, this has us approximately six feet out of compliance.

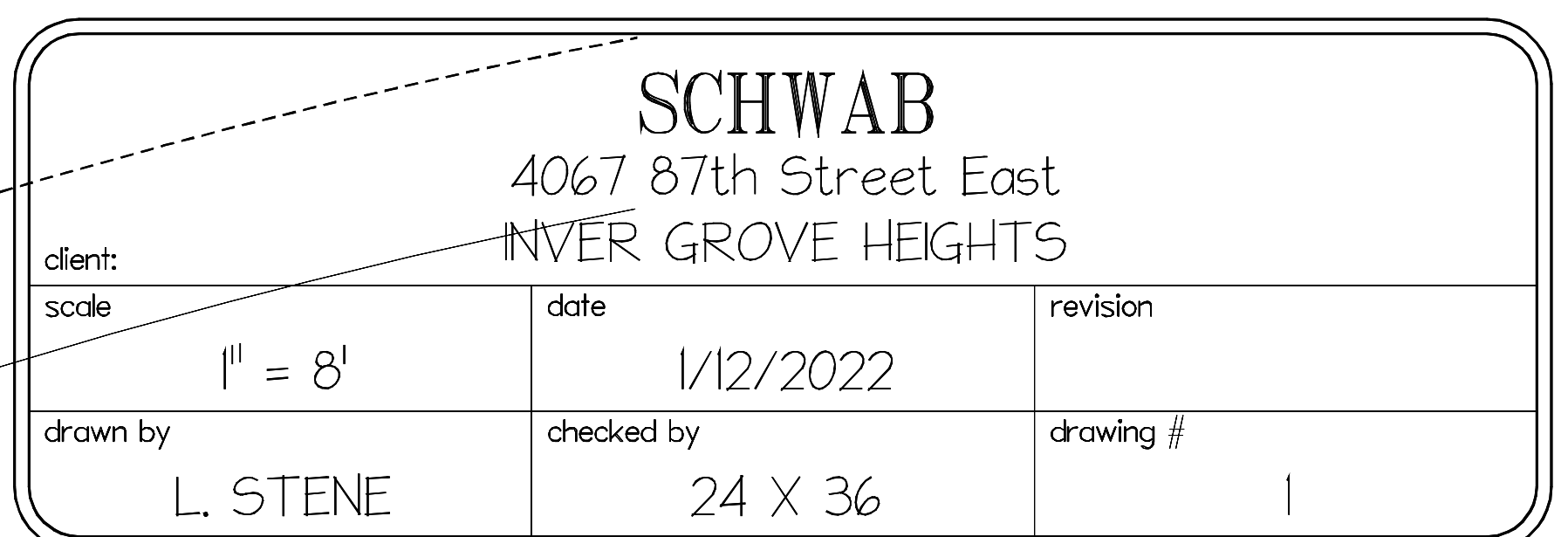
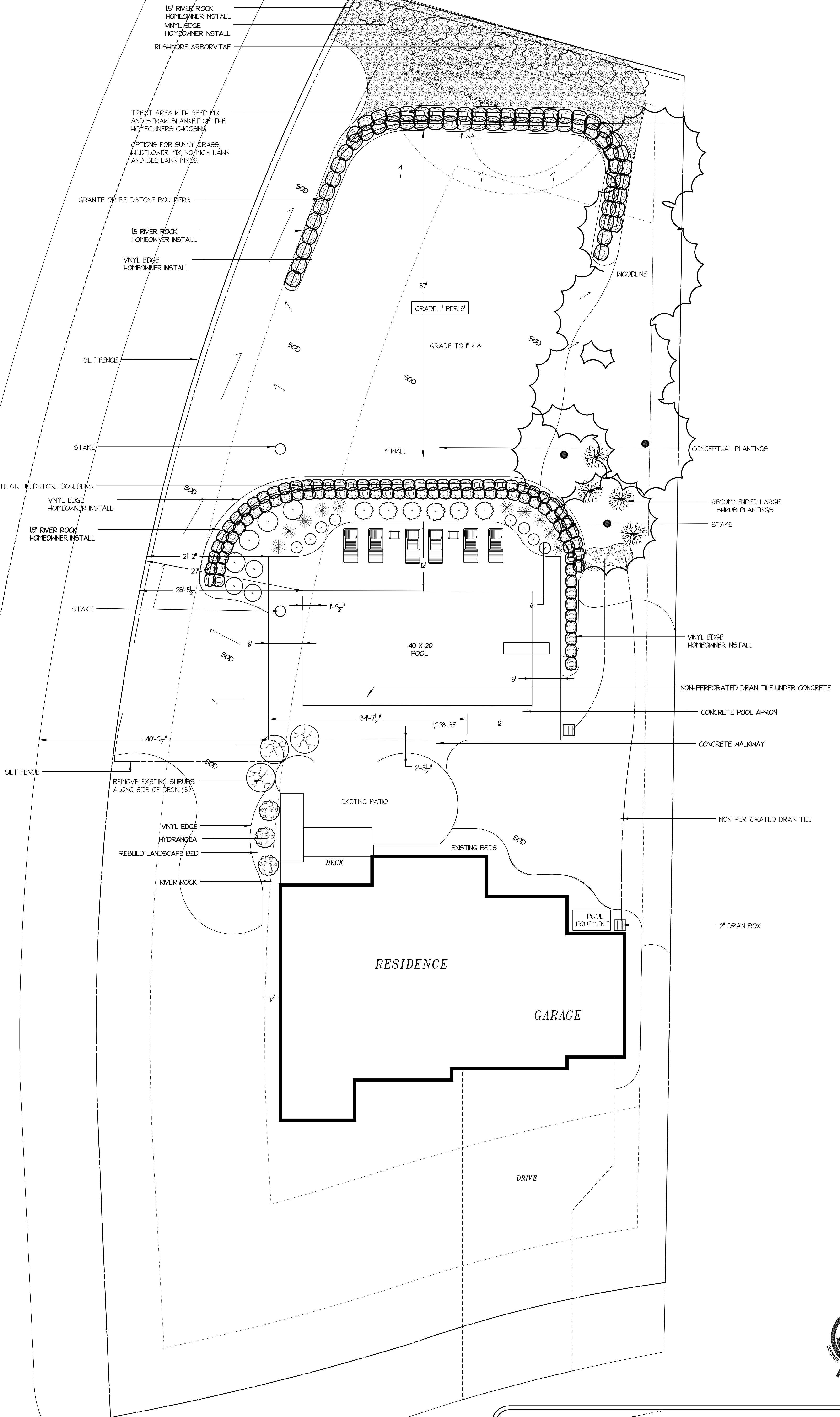
We have discussed different possibilities to try to keep in compliance and have altered the design within two feet of the requirement, by reducing the size of the pool deck. We plan to reduce the size of the pool deck, and then looked at the following:

- Move the project over 2 feet to the east and south to connect with existing patio
 - This would require an additional retaining wall as we would have to cut into the current hill on the east side
 - The further we push into the hillside the more concerns there are around being able to move water away from the house between the pool and the house. This would mean installing a drainage system that runs under the concrete pool decking. This could pose a risk to the integrity of the liner. If any work needs to be done on the drain tile in the future the pool deck will have to be removed to access the drainage system.
 - The pool would be in the shadow of the house and would have impact on how much sun would be accessible
- Move the project north and move east
 - This would be closer to the neighbors behind us
 - This would impact tree line

We went into this trying to get as much information as we could on the front end and planned with excavation, landscape, concrete, and the pool company with the information that we had. I look forward to discussing this with you.

Thank you,

Robin O'Reilly



15' RIVER ROCK
HOMEOWNER INSTALL

12' ROW

2'-2"

27'

28'-5 1/2"

STAKE

6'

1'-4 1/2"

pool
encroachment

40 X 20
POOL

5'

* area to be
removed to
be kept in
line w/ house.

34'-7 1/2"

12'9 5/8"

40'-0 1/2"

500

500

REMOVE EXISTING SHRUBS
ALONG SIDE OF DECK (5)

VINYL EDGE

HYDRANGEA

REBUILD LANDSCAPE BED

RIVER ROCK

EXISTING PATIO

EXISTING BEDS

DECK

4-1-22

Request for Council Action

SUBJECT: Consider a Conditional Use Permit Amendment to expand the uses at the marina by adding a pavilion and a structure on the property located at 4455 66th Street E (River Heights Marina - Case No. 22-15CA)

MEETING DATE: April 5, 2022

ITEM TYPE: Application Requests and Public Hearings

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

Consider a Conditional Use Permit Amendment

BACKGROUND

The applicant is proposing to add a 4000 square foot concrete pad with an open sided pavilion covering the pad. There would also be a 20' x 8' building for a possible future use associated with the bar. The location is north and west of the existing restaurant building. The area is currently flat and is currently used for outdoor activities. The applicant would like a more durable surface and roof so the area is protected from the elements.

The site operates under conditional use permit #05-113. An amendment to the conditional use permit is required to modify the site plan to show these proposed changes.

EVALUATION OF THE REQUEST

The improvements require very little grading to make the area flat for the concrete pad. There is no vegetation removal and the pad and small building exceed any setbacks from the river and are in the flood fringe and not floodplain.

The proposed 20'x8' foot structure identified as an outdoor bar on the site plan is a shipping container. The applicant would like to modify the structure and use as a station for serving drinks. The Building Official has reviewed the structure and noted that the type and design of the structure is not intended for occupation. Therefore, the structure cannot be used for an outdoor bar or any other use that requires someone working inside the structure. Certifications would be required from the manufacture to meet building codes for the structure to be used for some use where an employee or general public would enter.

Any approvals associated with this conditional use permit amendment does not grant any approvals to use the structure for an outdoor bar.

Conditional Use Permit Review

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

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

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. Land is guided mixed use and zoning allows for marinas. The proposed building would be consistent

with the use.

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

The site has expanded its amenities for the original marina use over time with conditional use permit amendments. The patio pavilion would be consistent with the use and consistent with the zoning for marinas.

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

The patio pavilion would be located on a flat spot on the property that has been used for recreation purposes already. The location would not impact any other improvement in the vicinity.

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

The proposed use would not have any adverse impacts on planned city facilities or services.

5. The use is generally compatible with existing and future uses of surrounding properties, including:

i. Aesthetics/exterior appearance

Structure would consist of an open sided pavilion with a roof. No exterior appearance issues.

ii. Noise

The proposed use would not create any new noise that hasn't already occurred on the site.

iii. Fencing, landscaping and buffering

No fencing or screening required.

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

The site contains ample parking for any additional parking needs and would not create any traffic or access issues.

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

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

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

This use would not have an undue adverse impact on the environment. The improvements would not impact the river or the wetland located on the west side of the site.

ALTERNATIVES

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

o Approving the Conditional Use Permit amendment to allow the patio pavilion and 20' x 8' building subject to the following conditions:

1. The conditions contained in Resolution #05-113 shall remain in effect.

2. The amendment shall consist of the addition of a 4,000 square foot patio and pavilion and 1,600 square foot building to the west of patio as drawn on the site plan dated 3-7-22.

3. Any approvals associated with this conditional use permit amendment does not grant any approvals to use the 20' x 8' structure for an outdoor bar or any other use that requires someone working inside the structure.

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.

FISCAL IMPACT

None

RECOMMENDATION

Based on this review, the Planning Division recommends approval of the conditional use permit amendment with the conditions listed.

ATTACHMENTS

1. Location Map
2. Applicant Narrative
3. Site Plan 3-7-22
4. Pavilion Drawing



Location Map Case No. 22-15CA



River Heights Marina is making a request to amend our CUP to include a 40' x 100' Concrete pad to include an open air Pavilion on top of the concrete pad. Included in this request is a 8' x 20' outdoor movable structure for serving beverages to this area. This new structure is located to the west of our current structure which is leased by Mississippi Pub, a restaurant and bar establishment as noted on our current site plan. This addition will allow Mississippi Pub to expand its current operations without expanding the current building. The open air pavilion will be used to assist with events and help eliminate the aspect of mother nature. The current location is currently used for special events and for running bean bag leagues and outdoor events.

Elevation Views

