

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA  
TUESDAY, MAY 17, 2022 - 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

**1. CALL TO ORDER**

**2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR APRIL 5, 2022 AND APRIL 19, 2022.**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**A.** Consider the following requests for Inverpoint Business Park (United Properties Case No. 22-19PUD):

1. A preliminary and final plat for a two lot, one outlot subdivision to be known as Inverpoint Business Park Third Addition;
2. A final PUD development plan for buildings 4 and 5 at Inverpoint Business Park;
3. A conditional use permit to allow manufacturing in Buildings 4 and 5 in the Industrial Office Park District.

**B.** Consider a Comprehensive Plan Amendment and Rezoning for the properties located at 9395 Old Concord Blvd, 9431 Old Concord Blvd and 9475 Old Concord Blvd (Blue Ribbon Builders - Case No. 22-18PAZ).

**C.** Consider an Ordinance Amendment to City Code Title 10, Chapter 13, Article C - Critical Area Overlay District (City of IGH - Case No. 22-21ZA).

**4. OTHER BUSINESS**

**5. ADJOURN**

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

Tuesday, April 5, 2022 - 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

### **1. CALL TO ORDER**

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja  
Dennis Wippermann  
Pat Simon  
Anthony Scales  
Kate Challeen  
Jonathan Weber  
Robert Heidenreich  
Scott Clancy

Commissioners Absent: Joan Robertson (excused)

Staff Present: Allan Hunting, City Planner  
Heather Botten, Associate Planner  
Kim Fox, Community Development Specialist

### **2. APPROVAL OF THE PLANNING COMMISSION MINUTES**

#### **A. Approval of Minutes for March 15, 2022**

The minutes were not available this evening. They will not be approved until distributed at the next meeting.

### **3. APPLICANT 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)**

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

Commissioner Simon read the Public Hearing Notice to consider the request for Alliant Ventures - Case No. 22-16VAC. The request involves property located at 7735 Adler Trail and consists of a vacation of easement to reduce the front drainage and utility easement from 10 feet to 5 feet. Notices were mailed to 4 property owners on March 23, 2022.

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

City Planner Allan Hunting presented the request to vacate a portion of a drainage and utility easement along a private road. The easement is 10 feet, the Applicant proposes reducing it down to five feet total. This is located in the Scenic Hills Development with 80<sup>th</sup> Street to the south and Highway 3 to the west. The streets are in, units are being constructed. The lots are located at the northern end of the project on Adler. The original plans for the PUD had 5-foot setbacks between each unit, including up to the street. Typically, there is a 10-foot easement,

this should have been 5 feet. The Applicant provided information showing there are no public or private utilities within the easement. Engineering doesn't have any issues with vacating the easement. Planning does not have any issues with it because it is consistent with the PUD Development Plan which showed a 5-foot setback. Staff and Engineering recommend approval of the vacation as presented.

Commissioner Weber inquired if one request was addressed on Academy Lane before.

Mr. Hunting replied in the affirmative saying they were going to combine two lots and needed to vacate the internal easements.

Commissioner Simon questioned if Mr. Hunting was aware that the map included in the packet has Adler Trail with the end listed as Academy Lane.

Mr. Hunting replied the Surveyor probably did not have the latest street names when preparing their exhibits.

Commissioner Simon mentioned that the map has Adler Trail listed.

Mr. Hunting replied Adler Trail is the correct name.

**Opening of Public Hearing**

Chair Niemioja closed the Public Hearing.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the vacation of the drainage and utility easement as presented with the Condition noted by Staff for property located at 7735 Adler Trail for Alliant Ventures - Case No. 22-16VAC.

Motion carried (8/0) - This item will go before the City Council on April 25<sup>th</sup>, 2022.

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

**Reading of Public Notice**

Commissioner Simon read the Public Hearing Notice to consider the request for Robin O'Reilly - Case No. 22-13V for property located at 4067 87<sup>th</sup> Street East. The request consists of a variance to install a pool and concrete surround within the corner front setback requirement and any other related variances. Notices were mailed to 7 property owners on March 23<sup>rd</sup>, 2022.

**Presentation of Request**

Associate Planner Heather Botten presented a request for property located on the corner of 87<sup>th</sup> and Crismon Way. The lot is zoned R-1C Single Family Residential. The front portion of the property is about 102 feet in width, going north the property narrows and is about 61 feet in the back of the property. The property is located on a curve. The Applicant is requesting a variance to construct a pool and concrete walkway about 21 feet from the property line. Due to the curve in the road, the encroachment is not as great with about 27 feet from the corner of the walkway closer to the house. Code requires pools and perimeter walkways maintain the setback requirements. In this case, due to the corner lot, there are two front yard setback requirements.

They have a 30-foot front setback along 87<sup>th</sup> plus along Crismon Way. Internal side and rear setbacks for a pool would be 10 feet. Because of the corner lot the Applicant is requesting an encroachment variance of 21 feet instead of the required 30 feet. Right-of-way in the area is about 12 feet. The pool and walkway would be located over 30 feet from the curb. Staff believes the Applicant is proposing the pool in a reasonable area of the property. If moving the pool further to the east there are topography and berm challenges. This property is unique due to the curve in the road, there is no place on the property this pool could be constructed and comply with setback requirements. For neighborhood aesthetics, the view would be visible from the right of way and abutting property owners. Staff believes keeping the pool in line with the house would visually have a lesser impact to people driving along the street and from abutting property owners. Staff believes there is rationale to support the request with the practical difficulty discussed and stated in the report with the four conditions listed. To note: One of the conditions is that the pool and surrounding walkway be kept in line with the westerly plane of the house. If the Commission does not agree but still wanted to support the request, the condition can be removed. Staff heard from one neighboring property owner who came in with general inquiries about the request.

Commissioner Simon asked if the pool and walkway were fine in terms of impervious surface.

Ms. Botten replied they were within the impervious surface requirements. The pool is not counted, the walkway is.

Commissioner Simon mentioned it looked like fill was brought in for a hockey rink. She asked if that was built up and if it was fairly new.

Commissioner Challeen asked if fencing was planned around the pool and if it needed its own variance.

Ms. Botten replied a fence is not planned at this time. The Applicants are proposing a hard cover over the pool for which a fence would not be required.

Chair Niemioja commented code allows for automatic covers.

Ms. Botten agreed. She stated it would be in lieu of a fence. If the Applicant chooses to put in a fence at a later time, she was unsure if a variance was needed as it would depend on height and location. She felt they should be able to put in a fence and comply with Code requirements.

### **Opening of Public Hearing**

Robin O'Reilly, 4067 87<sup>th</sup> Street East, has read and understands the report.

Commissioner Simon asked if fill was brought in. She mentioned there wasn't any grass as they go down the hill to the neighbor to the north.

Ms. O'Reilly responded that initially there was a hill going up behind them, there wasn't a lot of space there and was unusable yard. The hill would go up and then into a steep drop off. That was leveled in anticipation for building this project. They temporarily put a hockey rink up.

Commissioner Wippermann asked if the pool would be going where the hockey rink is now.

Ms. O'Reilly responded it would be very close to that spot. The rink is a lot bigger with how it is situated.



Richard Schwab, 4067 87<sup>th</sup> Street East, said the rink is bigger than the pool. He was unsure how it compared with the apron around the pool.

Commissioner Wippermann mentioned that one of the conditions was to keep it in line with the house. He questioned if that was acceptable/workable for the Applicant.

Ms. O'Reilly responded they believed so. They came up with a plan based on recommendations from the pool, landscape, and how they were going to use it. Having received the report, they would still be working with a Landscaper to make sure it fits what their needs are.

Chair Niemioja closed the Public Hearing.

### **Planning Commission Discussion**

Commissioner Weber asked what the distance from the pool edge to the edging was if pushing the Applicant to lose that amount on the side in order to be in alignment with the house.

Ms. Botten thought it could be 4 feet, but did not have that information available.

Commissioner Weber's concern was with aesthetics and looking at this from an insurance standpoint. If too narrow on an end of the pool that seems to be the shallow end where there would be a lot of foot traffic, it would be difficult for them to decrease that edge because that would be where they would have a lot more people going in and out of the pool.

Chair Niemioja mentioned that was a point well made from a practical use of the pool.

Commissioner Weber said he did not want to narrow it up so much that it isn't useable.

Chair Niemioja asked Commissioner Weber if were to make the Motion, if he would strike that Condition.

Commissioner Weber responded in the affirmative.

### **Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Scales, to approve the Variance with 3 out of the 4 Conditions listed with the rationale and practical difficulty listed in the Staff Report. The 4<sup>th</sup> Condition was omitted because safety is a concern with too narrow of a pad on that side.

Commissioner Challeen questioned if removing the Condition completely, if they would be leaving it wide open for how much they can encroach into the easement.

Ms. Botten replied it would still need to be approved on the site plan that was submitted/dated 1/12/2022.

Commissioner Weber said he could strike Condition #4 and utilize the site plan that was submitted on 1/12/2022.

Ms. Botten mentioned it is covered in Condition #1.

Chair Niemioja stated the original Motion stands with the original second by Commissioner Scales.

Motion carried (8/0). This item goes before the City Council on April 11, 2022.

**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)**

**Reading of Public Notice**

Commissioner Simon read the Public Hearing Notice to consider the request for River Heights Marina - Case No. 22-15CA located at 4455 66<sup>th</sup> Street East. The request consists of a Conditional Use Permit Amendment to expand the uses on Marina property by adding a Pavilion and a movable structure, and a Variance from the exterior building material requirements for a structure and any other related variances. Notices were mailed to 7 property owners on March 23<sup>rd</sup>, 2022.

**Presentation of Request**

City Planner Allan Hunting pointed out the request deals with the Conditional Use Permit, not Variances. The property is the River Heights Marina located at 65<sup>th</sup> Street with Doffing to the west. The Application consists of an Amendment to the site plan to allow for 4,000 square feet of a concrete area that would be covered with an open sided pavilion rooftop to protect from the elements. The plan identifies an 8x20 structure that currently exists on the property. The plan notes that any approvals do not grant approvals for the use of that building currently. It is a shipping container the Applicant would like to use for an outdoor bar area. The container would require modifications and approvals from the Building Official to have occupancy.

The area being addressed is a flat area that has access via stairs from the restaurant. It is currently used for recreational purposes. The Applicant would like to have a hard surface and a roof over it so they can use it during all-weather elements over the summer. The location is outside of a floodway, in the flood fringe; of which an open sided building is allowed. It is far away from any setbacks and any wetlands on the west side. Engineering has reviewed the request and has no issues with the impervious surface because it will naturally drain to the west. There is vegetation to treat the water before it would go into the wetlands. Staff does not have any issues with it, it conforms with all requirements. It's an addition to the Marina and around the restaurant area for additional uses for Patrons. Staff recommends approval of the Conditional Use Permit Amendment with the Conditions listed in the report.

Commissioner Weber asked if they are planning to allow the Applicant to utilize the structure as additional seating for the restaurant.

Mr. Hunting replied that the Applicant wanted to use it as part of a serving facility that would be tied to the restaurant, they would be serving beer. He was unsure of the specific details. It would require some modifications. Any occupancy has to meet Building Code standards, which is currently does not.

**Opening of Public Hearing**

Joe Harms, 2185 67th Street, has read and understands the report.

Commissioner Weber asked if the prolonged use of this would be for additional seating for the restaurant.

Mr. Harms replied no, the area is currently used for a sport court area for Bags (Cornhole, Bean Bags). They are trying to eliminate the weather. The establishment has gone to a seasonal, 7 months out of the year business, they would like to take the weather out of it.

Chair Niemioja closed the Public Hearing.

**Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Weber, to approve the Conditional Use Permit with the 3 listed Conditions for property located at 4455 66th Street E (River Heights Marina - Case No. 22-15CA).

Motion carried (8/0). This item goes before the City Council on April 25<sup>th</sup>, 2022.

**4. OTHER BUSINESS**

**5. ADJOURN**

The meeting was unanimously adjourned at 7:26 p.m.

Respectfully submitted,  
Sheri Yourczek, Recording Secretary

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

Tuesday, April 19, 2022 – 7:00 p.m.  
City Council Chambers – 8150 Barbara Avenue

### **1. CALL TO ORDER**

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja  
Dennis Wippermann  
Pat Simon  
Anthony Scales  
Kate Challeen  
Jonathan Weber  
Robert Heidenreich  
Scott Clancy  
Joan Robertson

Staff Present: Allan Hunting, City Planner  
Heather Botten, Associate Planner  
Kim Fox, Community Development Specialist

### **2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR MARCH 15, 2022:**

The Planning Commission Meeting Minutes for March 15, 2022 were approved as submitted.

### **3. APPLICANT REQUESTS AND PUBLIC HEARINGS:**

**A. Consider a Variance to exceed the maximum gross square footage allowed for accessory buildings on the property located at 9177 Courthouse Blvd. Ct. (William & Robyn Lethert - Case No. 22-17V).**

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

Commissioner Simon read the Public Hearing Notice to consider the request for William and Robyn Lethert – Case No. 22-17V, for property located at 9177 Courthouse Boulevard Court. The request consists of a Variance to exceed the maximum accessory structure square footage allowed on the property and any other related variances. Notices were mailed to seven property owners on April 6<sup>th</sup>, 2022.

#### **Presentation of Request**

Associate Planner Heather Botten discussed the request for property located at the end of Courthouse Boulevard Court, a private road off the frontage road along Highway 55. The property is zoned E-1, Estate Residential District, with a lot size of 7.27 acres. There is a single-family residential house with an attached garage and a 7,000 square foot detached accessory structure that was a former agricultural building that in the 1970's was converted into an indoor ice-skating rink. Rural residential properties greater than 5 acres are allowed to have a maximum of two detached accessory buildings, but up to 2,400 gross square feet total. Zoning Code does not have exemptions for structures that are used for recreational uses for example: indoor pool or skating rink.

Ms. Botten stated the request is for an 1,800 square foot accessory structure, exceeding the maximum square footage allowed on the property. The applicant states the additional structure is needed to store his own personal items. The structure would be located in the middle of the property and would be in compliance with all other zoning requirements such as setbacks and impervious surface standards. Due to screening, visibility from neighboring properties would be minimal. The City Council has reviewed/modified the accessory structure standards changing the size allowed on lots 3.4 to 5 acres. Lots greater than 5 acres were not discussed, keeping with the 2,400 maximum gross square feet. Staff believes the request may be considered a convenience to the applicant and not a practical difficulty. Approval of the variance could set a precedent for other large accessory structure variances in rural neighborhoods.

She mentioned that staff heard from a neighboring property owner regarding concerns of a business that could be operated out of the property. If the variance is approved there is a condition/zoning code requirement stating home occupations are not allowed to be operated out of accessory buildings.

Commissioner Weber asked if the Commission could make a recommendation to the City Council to relook at the Zoning Ordinance and see if they can carry on the ratio through and above 5 acres. With the same rationale the applicant would be allowed 3,489.6 square feet, although the square footage is still over. He asked if this was an Agricultural Use building, which is allowed in E-1, that could have livestock in it.

Ms. Botten replied they could have livestock on the property, but they currently do not. She said the Commission could make a recommendation to Council to have them look at lots larger than 5 acres.

Commissioner Weber asked if the building was used in that manner, if the garage could still be put on.

Ms. Botten replied in the affirmative.

Commissioner Weber mentioned if allowed the same ratio through, any time someone comes before the Commission with something larger than 5 acres it's simple numbers.

Chair Niemioja clarified the second point made by Commissioner Weber asking if he could consider recommending that the recreational building fall under the agricultural definition.

Commissioner Weber responded in the affirmative.

Commissioner Weber said there were two different sized buildings on the property, he questioned the size of the front half of the building versus the back half.

Ms. Botten responded that would be a question for the Applicant.

### **Opening of Public Hearing**

Bill Lethert, 9177 Courthouse Boulevard Court, stated he had not reviewed the staff report.

Chair Niemioja replied that Staff's recommendation in the report is to deny based on the lack of a Practical Difficulty.

Commissioner Weber asked for the difference in size from the front building to the back building.

Mr. Lethert replied the front is roughly 1,800 square feet, the back is the majority of the building.

Commissioner Weber asked the Applicant when he purchased the property, if it was an operational ice rink or open space.

Mr. Lethert replied he has lived on the property for over 50 years. It was an indoor rink at one-point, various other things have been in the building. There was no ice rink in there when he purchased the property from his parents, once he had a child, he put the ice rink back in.

Commissioner Weber asked if the 30x60 structure was the exterior dimensions.

Mr. Lethert responded in the affirmative.

Commissioner Robertson asked how many square feet the current building was.

Mr. Lethert replied 7,000 square feet.

Commissioner Robertson asked if he was contemplating an ice rink in the building.

Mr. Lethert replied there is one currently inside.

Commissioner Robertson asked who the ice rink was used for.

Mr. Lethert replied it is used for family and friends. He said there isn't a business there, there never will be, the liability is not worth it for him. He has businesses elsewhere.

Commissioner Robertson said the total square footage could be about 9,000 square feet.

Mr. Lethert responded it was close to that number. The building there is a pre-existing non-conforming building. The garage he would like to build would be between his house and the pole barn and could not be seen or heard from any other property around him.

Commissioner Robertson asked Mr. Lethert if he has considered retrofitting some of the existing building to give him the garage space.

Mr. Lethert replied it was not feasible.

Chair Niemioja stated under current Code there would be people that would see the size and number of accessory buildings. The Commission would have to determine a practical difficulty under the current code to allow for the building.

Chair Niemioja closed the Public Hearing.

### **Planning Commission Discussion**

Commissioner Challeen referenced Commissioner Weber's line of questioning and had the impression that a building is a building is a building. It doesn't matter if it is agricultural or

storage when calculating total square footage or including/excluding a structure. She questioned if that was his thoughts.

Commissioner Weber replied partially. When he checked out the area, he noticed the front and back portions of the building; he was trying to separate the two. If changing the ratio and carrying it along to the 5+ acres, the Applicant would be allowed 3,489 square feet. If the front half of that building is 1,800 square feet and the remainder 30x60 interior square footage at 1,624, he would be allowed an additional 1,689. This would be an allowed use if looking at the back piece as a recreational piece that goes into the agricultural side of things instead of so many different breaks in the Code. Anything agricultural in that building would be a non-issue, it would be allowed by permit. Under the current use, it's not that he's using it for storage. He commented that down the road it may be used by another family for horses. He doesn't see it out of character to put this back into something allowed because based off his numbers, the garage would fit. He sees it as a reasonable use. The problem would be coming up with a practical difficulty. He said the property/structure is well maintained on a property like this. The applicant is looking for a spot to park vehicles and keep them off the driveway. The garage attached to the house is smaller.

Commissioner Robertson recalled a few years ago there was a property off of Old Concord that had an older nice historic type home and a separate large detached garage. The final review of that indicated due to the history of the property, it wasn't reasonable to try to build a new garage and attach it to the house so it counted. The end result was the history of the property as a whole and how long the non-conforming buildings had been there. The history of its prior use was taken into consideration when a decision was made about allowing a second building. She commented there is some history with this property, it's been a part of Inver Grove for a long time. It was a ranch at one time. She didn't know what a practical difficulty would be. She said whatever it is used for isn't something the Commission can make a decision on. If using the ratio mentioned, he is still well above what would be allowed. With the size and history of the property, she felt it may be relying too much on a formula.

Commissioner Simon asked if the Applicant could add the garage to the garage on the house.

Ms. Botten responded the applicant could add onto the house, but from what she understood there were topography challenges. If it would work with the lot, the applicant could add on to the existing attached garage.

Commissioner Scales did not believe he could come up with a practical difficulty for this. He was unlikely to support it due to the lack of practical difficulty. He said he would leave it up to the Council to decide.

Chair Niemioja suggested drawing it back into the code they are dealing with tonight and the limits versus a recommendation they might give to Council.

Commissioner Heidenreich said it was built and used as a horse barn. He questioned when it was ever converted legally to become a recreational use area. Its temporary use is as an ice rink, eventually it could be used as a horse barn again. He said it was a horse barn, still is a horse barn, an agricultural building.

Ms. Botten replied the property was converted in the early 70's. It lost its agricultural use at that time. The property is currently not used for agricultural uses.

Commissioner Heidenreich asked if they could ever have a horse in there.

Ms. Botten responded they could if someone else wanted to. They could also convert it into a big pole barn and storage for cars, boats, and RV's. With current use, there is no agricultural use on the property. The 1,800 square feet in the front was added on from the original horse barn.

Commissioner Weber asked what the city code says about recreational use of a space like that.

Ms. Botten replied it's not defined on residential properties. There are no exemptions for recreational use, they could use it as an accessory use; same as if they wanted an indoor swimming pool or tennis court. There are not separate requirements.

Commissioner Weber questioned if it was an indoor pool, it would be treated as accessory building square footage like they are discussing tonight, or if it would be treated as something else.

Ms. Botten replied if wanting to do an indoor pool detached from the home it would be counted as an accessory building and towards the gross square footage, not at 7,000 square feet.

Commissioner Weber said the only way this building couldn't be used as an accessory structure was if it was agricultural use.

**Planning Commission Recommendation**

Motion by Commissioner Scales, second by Commissioner Weber, to deny the variance to allow the accessory structure of 1,800 square feet due to lack of practical difficulty, with the recommendation to City Council to review the City Code in accordance on lots of 5 acres or more to continue the ratio use that was used for 3.4 acre to 5 acres at the 480 square feet per acre number.

Commissioner Robertson said she thought they were trying to mix two things. The second must reflect the thoughts of the proposal that Commissioner Scales had. She suggested it not be done as a part of this motion.

Commissioner Scales said they cannot direct the Council within a motion.

Commissioner Weber repealed the second on the Motion.

Motion by Commissioner Scales, second by Commissioner Wippermann, to deny the variance to allow the accessory structure of 1,800 square feet due to lack of a practical difficulty.

Commissioner Heidenreich questioned if they didn't have to take any action and pass it off on the City Council and have them send it back if the Commission needs to vote.

Motion carried (7/2) - Weber, Heidenreich. This item will go before the City Council on May 9<sup>th</sup>, 2022.

Commissioner Weber asked that City Council to review the City Code going with accessory structure sizes and continue the ratio that we use for the 3.4 acre to 5-acre sizes to continue above and beyond the 5-acre size buildings.



Chair Niemioja questioned if Commissioner Weber wanted to talk about reclassification.

Commissioner Weber replied he agreed with Commissioner Heidenreich in that the original intent of the building is still there. Because this individual uses it in a different way doesn't mean the intent of the building is gone. Code is Code. He said he is not going to make a recommendation.

**B. Consider a Variance to construct an accessory building within the shoreland setback of Rosenberg Lake on the property located at 8450 Alta Avenue (Justin Jongbloedt - Case No. 22-12V).**

**Reading of Public Notice**

Commissioner Simon read the Public Hearing Notice to consider the request for Justin Jongbloedt - Case No. 22-12V for property located at 8450 Alta Avenue. The request consists of a variance to construct an accessory building within the shoreland setback of Rosenberg Lake and any other related variances. Notices were mailed to 4 property owners on April 6, 2022.

**Presentation of Request**

Associate Planner Heather Botten discussed the request located at the end of Alta Avenue, the last lot on the dead-end road. The property is zoned R-1A, Single Family Zoning District. The Applicant is requesting a variance to build a 975 square foot accessory building within the shoreland setback requirements. The lot abuts Rosenberger Lake, DNR ID#19-41. Setbacks for lots that do not have city water and sewer is 100-foot setback from the Ordinary High-Water Mark (OHW).

She mentioned when the house was built the water on the southeast side was considered a wetland. There are no additional setbacks from wetlands. In 2006 previous owners added onto the house requiring a variance from setbacks, it was approved. The DNR went out and walked the property and determined all the water is part of the 1941 DNR Rosenberger Lake. The house is currently non-conforming. The land is about 200 feet wide, with 100-foot setbacks on both east and west sides, leaving no room to build an addition or an accessory building complying with setbacks. The location of the building would comply with all other Zoning Code requirements. The structure would not be any closer to the bodies of water than what the house is already located. She mentioned that shoreland districts require DNR Review. They reviewed and commented that they have no exceptions to the variance request or the location of the structure as long as it's not going any closer than the current established setback. Staff has not heard from any surrounding property owners. Based on the conditions and information listed in the report, staff recommends approval.

Commissioner Simon asked if the Applicant was meeting rear setback.

Ms. Botten replied in the affirmative.

Commissioner Weber asked if the Applicant or City received the DNR's response.

Ms. Botten replied she/City did. They are fine with the location of the structure.

**Opening of Public Hearing**

Justin Jongbloedt, 8450 Alta Avenue, has read and understands the report. He said the house was built 30 feet and 80 feet from the shoreline. They were trying to maintain the same integrity that was done with the last variance from the addition.

Chair Niemioja closed the Public Hearing.

**Planning Commission Discussion**

Commissioner Robertson mentioned this seemed straightforward. It was a unique situation; it's locked and they couldn't do anything with it. She did not believe they had the right to deny the Applicant an accessory building. She said that due diligence has been done, she would approve the request.

**Planning Commission Recommendation**

Motion by Commissioner Robertson, second by Commissioner Scales, to approve the Variance to construct an accessory building within the shoreland setback of Rosenberger Lake on property located at 8450 Alta Avenue (Justin Jongbloedt - Case No. 22-12V) as stated with the Conditions and Practical Difficulties listed.

Motion carried (9/0). This item goes before the City Council on April 25<sup>th</sup>, 2022.

**C. Consider a Final Plat and Final Planned Unit Development for a 50-lot, two outlet subdivision to be known as Highlands at Settlers Ridge (U.S. Home Corp - Case No. 22-14PUD).**

**Reading of Public Notice**

There was no Public Notice.

**Presentation of Request**

City Planner Allan Hunting discussed property on the west side of South Robert, north of the Argenta Hills Development.

- Plat contains 50 lots
  - 48 new building sites
  - 1 lot is the existing homestead
  - 1 lot will be City Park

There was some confusion with Lot numbers that was cleared up:

- Lot 30 on the Final Plat is the park area
  - The Parks Commission will discuss park improvements at a later date
- Outlots A and B would be dedicated to the city
  - Contain all required open space and most of the stormwater ponding area
- A Trail would be constructed connecting with Argenta Hills and the future trail in Peltier Reserve
- Design of 72<sup>nd</sup> and the cul de sac has been sorted out with Engineering
- MnDOT. There will be a required right turn lane southbound on Highway 3:
  - To enter a property
  - Sidewalk segment for connectivity to future trail

Sorting out from the Preliminary:

- There was an approximate 10-foot gap between this property and the Argenta Hills development

- Going through condemnation proceedings for city control for utility crossings and so trail connections can be made
- Determined in late April

There were a few other details that would be finalized before getting to the City Council in May for Final Plat Approval and the Development Contract and Agreements. Staff and Engineering recommend approval of the Plans.

Commissioner Simon referenced House 38 and 39, where the retaining walls were. The owner behind that has a house close and had spoken about what would keep the wall there and hold the land so it doesn't affect the home. She questioned if that has been discussed/dealt with between the landowner and the development.

Mr. Hunting replied the Developer could answer the question. He said there would be retaining walls there that would have to have Permits to make sure they are constructed properly and can handle the loads.

Commissioner Wippermann questioned the overall lot width of 65 feet.

Mr. Hunting replied that the typical lot size would be around that width.

Melissa Duce, Land Entitlement Manager with US Home, DBA Lennar, 16305 West 36<sup>th</sup> Street, Suite 600, Plymouth, Minnesota, introduced herself.

Commissioner Simon referenced Lots 38 and 39 and the homeowner to the north who had concerns regarding the sand/clay and if the walls would hold that back. It would affect his property since his home is close to that particular corner.

Ms. Duce replied they have been in contact with the Resident. "Test pits" were conducted a couple of weeks ago where it takes larger amounts of the material to understand the integrity. The Structural Engineers were happy with what they saw and are doing more soil borings along the area where the walls will be constructed. They have continued to work with the resident and may be relocating some trees and doing some grading work so there is minimal affect to his home and foundation.

#### **Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Challeen, to approve the Final Plat and Final Planned Unit Development for a 50-lot, two outlot subdivision to be known as Highlands at Settlers Ridge (U.S. Home Corp - Case No. 22-14PUD) with the Conditions listed.

Motion carried (9/0). This item goes before the City Council on May 23<sup>rd</sup>, 2022.

#### **4. OTHER BUSINESS**

City Planner Hunting mentioned as a part of the Comprehensive Plan in regards to the Mississippi River Critical Area Corridor, all the cities have to adopt the new DNR Regulations that were established by the State. The DNR created a Model Ordinance and adopted Regulations. Each city has to adopt that Model Ordinance. This will take place at the second meeting in May. The Consultant helping Draft the Ordinance will be Presenting to the Commission. More information will be sent to the Planning Commission via email.

There will not be a Planning Commission Meeting on Tuesday, May 3<sup>rd</sup>.

Chair Niemioja mentioned there would be Commissioner Appointments coming up. She inquired about when Elections would be done.

Community Development Specialist Kim Fox replied that will take place at the first meeting in June.

Chair Niemioja requested Commission Members email Community Development Specialist Kim Fox their summer schedules. There will be some conflicts. Herself and Commissioner Weber will both be gone the first week in July.

Commissioner Weber referenced the Mississippi Corridor and asked if the affected landowners were notified of the meeting.

Mr. Hunting replied he was unsure if they would directly notify landowners. The DNR sent a notice to every landowner in the Overlay District when they began this process. Open Houses and other public meetings were held. The city has to adopt the Ordinance that was established through the DNR process.

Commissioner Weber asked if City Planner Hunting would be able to illustrate what was/what is.

Mr. Hunting replied there would be a summary table to identify the differences.

Commissioner Simon asked which Overlay.

Mr. Hunting responded the Mississippi Critical Area Overlay.

## **5. ADJOURN**

The meeting was unanimously adjourned at 7:46 p.m.

Respectfully submitted,  
Sheri Yourczek, Recording Secretary



## PLANNING REPORT

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**CASE NO.:** 22-19PUD

**APPLICANT:** United Properties

**PROPERTY OWNER:** United Properties

**REQUEST:** Preliminary and Final Plat for 2- lot subdivision, Final PUD development plan for Buildings 4 and 5 and Conditional Use Permit for Manufacturing for Lot 1 and 2

**LOCATION:** Courthouse Boulevard west of Barnes Avenue

**HEARING DATE:** May 17, 2022

**COMPREHENSIVE PLAN:** IOP, Industrial Office Park

**ZONING:** IOP, Industrial Office Park

**REVIEWING DIVISIONS:** Planning  
Engineering  
Fire Marshal

**PREPARED BY:** Allan Hunting  
City Planner

---

### **BACKGROUND**

United Properties has submitted a preliminary and final plat and Final PUD development plan for buildings #4 and #5 of the original Inverpoint Business Park. The plat consists of replatting Outlot A, Inverpoint Business Park into two lots. Building 4 would be 129,600 square feet and Building 5 would be 48,000 square feet. Both would be used for a mix of office, warehousing and manufacturing.

In 2007, Council approved the PUD of Inverpoint Business Park which consisted of a three lot, five building project. A final PUD was approved for the center two buildings in 2008 (building #3). In 2019, an amendment was approved to the PUD changing the allowed hours of operation for some aspects of the overall functioning of the businesses. The developer is now ready to construct the last two building of the five building complex.

The users of the two existing buildings conduct light manufacturing and assembly as part of their business. United Properties plans on continuing to lease to this type of user in the buildings in this complex. United Properties has provided a narrative which provides some examples of the users they hope to lease space in the building.

### **EVALUATION OF THE REQUEST**

Preliminary and Final Plat. The applicant is proposing to replat Outlot A from the original plat into two lots which each will contain one of the approved buildings. The lots comply with size

standards. Cross access easements will be required with the replatting since all utilities, parking and access are shared. These will be addressed in the development agreements.

Final PUD Development Plan

The final plan review is limited to a review of the plans against the preliminary plat conditions of approval for compliance. The review will address each of the 37 conditions. A copy of the resolution approving the preliminary plans, including the conditions is attached.

Condition #1 relating to consistency with preliminary plans. The submitted final plans are consistent with the preliminary plans approved by Council. Building 4 is a little smaller than shown on the preliminary plans. Size has reduced from 144,000 sq ft to 129,600 square feet. Grading and utilities have already been installed on the site. The turn lane improvements in Courthouse Boulevard are in place.

Condition #2 relating to lots on the final plat. Outlot A is being replatted into two lots so each building is on its own lot.

Condition #3 relating to approval of the final grading, drainage and erosion control plans. Engineering has reviewed the plans and has required just a few minor changes and corrections to the plans. Plans are consistent with the original plans.

Condition #4 relating to drainage and utility easements provided on the plat. This condition was satisfied with the 2008 approval. All easements shown on the original plat are carried over to this plat.

Condition #5 relating to ownership of natural area/open space. All of the natural area/open space shown on the 2008 plan are in private ownership. The conservation easements were established with the original plat.

Condition #6 relating to future pedestrian/biking trail. The Council approved the plans such that the City may install a trail on the south side of Courthouse Boulevard within one year after the first 200,000 square feet of the project has been occupied. The Parks and Recreation Director is looking into how a trail might be constructed. Any plans would be presented to the City Council by the Parks Director.

Condition #7 relating to rooftop and ground mounted equipment being screened. This condition will be reviewed at building permit. The exterior of the buildings has been updated with current color schemes and details. They are consistent with the original elements approved in 2008.

Condition #8 relating to park dedication. Park dedication will consist of a cash payment for the new lots. The tabulation of fees based on lot area will be stated in the development contract. The park dedication fees are collected at time of final plat release.

Condition # 9 relating to parking lot and building lighting being downcast. Lighting will consist of only building lighting. No new light poles are proposed.

Condition #10 relating to plans reviewed by the Fire Marshall. The Fire Marshall has reviewed the plans and has no issues with the layout and access. The three access points provide very good emergency vehicle access.

Condition #11 relating to MnDOT Review. Comments were addressed with the 2008 plans.

Condition #12 relating to utility plan modification. The required changes were addressed with the 2008 plans. The main trunk utilities have already been installed.

Condition #13 relating to issues listed in Emmons and Olivier memo of 9/13/07. Comments were addressed with 2008 plans.

Condition #14 relating to storm water facilities maintenance agreement and responsibilities. All of these agreements were approved with the 2008 plans. There will be some modifications with this plan set. The City Council will be approving a revised development agreement and any other documents with the final plat and PUD plans.

Condition #15 relating to entering into a boulevard maintenance agreement. Satisfied with the 2008 plans.

Condition #16 relating to executing a conservation easement over plat. Satisfied with the 2008 plans. Required Conservation easements over the entire plat were recorded in 2008.

Condition #17 relating to payment of plat utility fees. Plat utility fees will be calculated and listed in the development agreement. Fees are collected at time of final plat release.

Condition #18 relating to acknowledgment of future city approvals. This condition was drafted by the City Attorney to clarify in all developments in the Northwest Area what changes require administrative or Council review. This language will be carried over into the development contract.

Condition # 19 relating to acknowledgement of PUD zoning. This condition was drafted by the City Attorney to indicate an acknowledgement will be recorded with the County for each development indicating the zoning and regulations placed on the property. It puts on record for any future landowners that there are special regulations on the property. This same type of notification was used in Arbor Pointe.

Condition #20 relating to entering into a development contract. This process has begun. A development contract will be drafted and reviewed by the City Council during their review of the final plan set.

Condition #21 relating to conditions of building occupancy. Since the project will be done in phases, this condition was added to clarify that all parking lot and entrance road improvements needed for each building will be constructed before occupancy is allowed.

Condition #22 relating to recording of documents. A standard condition notifying all parties of what documents must be recorded with the final plat. The City Attorney's office will work with the developer and city staff to ensure all documents are recorded.

Condition #23 relating to construction of sewer and water lines. All of these improvements have already been constructed.

Condition #24 relating to pervious pavement for parking stalls. The preliminary condition of approval stated at least 33 parking spaces had to be constructed with pervious pavement and the balance of the 121 proof of parking spaces shall all be constructed with pervious pavement. This phase does not require any pervious pavement.

Condition #25 relating to a modification of the landscape plan. The proposed plan provides for more plantings along the back side of Building 4 to help screen the loading dock areas that are visible from a few of the existing houses.

Condition #26 relating to City construction of the three right turn lanes from Courthouse Boulevard Court. All of the turn lanes have already been constructed.

Condition #27 relating to construction of the right turn lane for southbound Barnes at Courthouse Boulevard. All of the required improvements at the Barnes Avenue/Courthouse Blvd intersection have been installed.

Condition #28 relating to signage for trucks at the three exit points. The developer has installed some signage and will be installing additional signage directing trucks to use the eastern most entrance as the sole entrance and exit for the site for trucks.

Conditions #29, 30, 31 relating to truck/trailer idling, truck deliveries and business hours. In August 2019, the Council changed the allowed hours of operation and allowed times for truck deliveries and idling. These conditions are carried over in the development contract. Signage will be placed on the property to note the idling restrictions.

Condition #32 relating to restoration of Courthouse Boulevard Court. This condition related to the assessment to the property for the resurfacing of Courthouse Boulevard that occurred in 2007 or 2008.

Condition #33 relating to payment of all fees and escrows incurred by the city during the review process. The intent of this condition is to let the developer know of their financial responsibility of payment of fees. The development contract will also address this issue and state all outstanding fees must be paid prior to release of the final plat.

Condition #34 relating to prohibited uses. The conditions of approval restrict the use of the property to prohibit shipping operations or truck terminals. The language of the original condition was modified with the 2019 amendment. This condition will be carried over into the final PUD approval and also in the development contract.



Condition #35 relating to conditions and recommendations of SRF memo. The improvements suggested by SRF were addressed on the final plans in 2008 and have been completed.

Condition #36 relating to design of the entrance/exits to the site. The final site plan shows the entrance geometrics, so the entrances are designed for a right-in turn and not designed for a left turn out of the site.

Condition #37 relating to wetland mitigation. Council approved a wetland mitigation plan in 2008 and wetland mitigation was constructed.

### **Conditional Use Permit Review**

The applicant would be constructing the buildings as spec buildings, meaning there is not a current tenant proposed. The applicant has indicated they intend to lease space to uses similar to the user in the current buildings which has a manufacturing component. The applicant is requesting a conditional use permit for manufacturing for the entire two buildings so they will have more flexibility to lease to users. It is estimated that approximately 15 percent of the building would be used for manufacturing. The IOP, Industrial Office Park District identifies manufacturing as a conditional use. Therefore, the applicant has applied for a conditional use permit and a review is provided below.

The Fire Marshal has raised some concerns with allowing a CUP approval before users are known. He suggested adding a condition that the allowed CUP uses be the same as allowed in the I-1 district and any use containing hazardous materials be consistent with fire and building codes. This same condition was approved with the CUP for buildings 1,2 and 3.

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. All utilities and streets are in place.

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.*

Manufacturing is a conditional use in the IOP district and would be consistent with the zoning. Adding the Fire Marshal's condition would make the use more consistent with intent of the IOP district and not an I-2 district.

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

Manufacturing located within these type of office parks are typically smaller scale and low impact. These are not the sole use of the property.

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 improvements do not appear to have any negative effects on City facilities or services. Fire, and Inspection Departments would review and approve any interior remodel building permits for code compliance.

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

- i. Aesthetics/exterior appearance*

Would be all contained within the building. No outdoor storage is allowed in the IOP district.

- ii. Noise*

The proposed use at its small scale would not be expected to generate noise beyond that of the site as a whole with office/warehousing truck operations.

- iii. Fencing, landscaping and buffering*

No exterior changes proposed.

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 and building are designed with ample parking and the use 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. All operations would be contained in the new building.

## **ALTERNATIVES**

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

- Approving the Preliminary/Final plat for Inverpoint Business Park Third Addition and Final PUD Development Plan approval for Buildings 4 and 5 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:

|                                             |               |
|---------------------------------------------|---------------|
| Preliminary Plat                            | dated 5/6/22  |
| Final Plat                                  |               |
| Site Plan                                   | dated 5/6/22  |
| Grading and Erosion Control Plan (3 sheets) | dated 5/6/22  |
| Utility Plan                                | dated 5/6/22  |
| Landscape Plan (2 sheets)                   | dated 5/6/22  |
| Lighting Plan (2 sheets)                    | dated 5/6/22  |
| Exterior Elevation Plan (4 sheets)          | dated 4/18/22 |

**\*The final list of approved plans and date of plans shall be identified in the development contract.**

2. Development of the site shall also be regulated by the preliminary plat/PUD conditions of approval in Resolution #08-39 and as amended in Resolution #19-147.
- Approving the Conditional Use Permit to allow manufacturing on both lots for Inverpoint Business Park Third Addition, subject to the following conditions:
    1. Development of the site shall also be regulated by the preliminary plat/PUD conditions of approval in Resolution #08-39 and as amended in Resolution #19-147.
    2. Allowed CUP uses to be the same as allowed in the I-1 district and any use containing hazardous materials be consistent with fire and building codes.

**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**

Based on this review, the Planning Division recommends approval of the preliminary and final plat, final PUD development plan and conditional use permit for Inverpoint Business Park Third Addition subject to the conditions stated above.

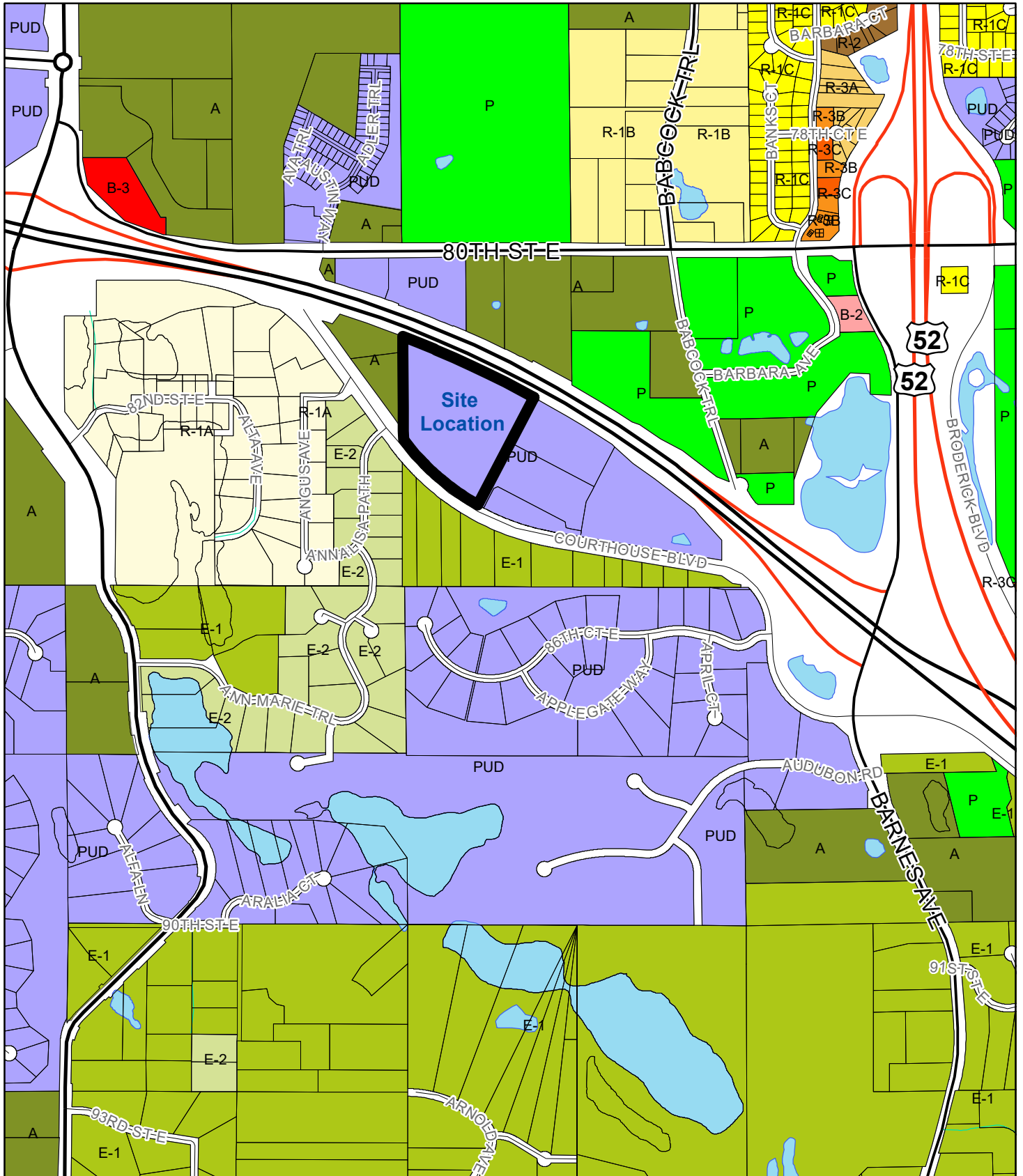
#### **ATTACHMENTS:**

Location Map  
Project Narrative  
Preliminary Plat  
Final Plat  
Site Plan  
Landscape Plan  
Building Elevation Plan



# Location Map

## Case No. 22-19PUD

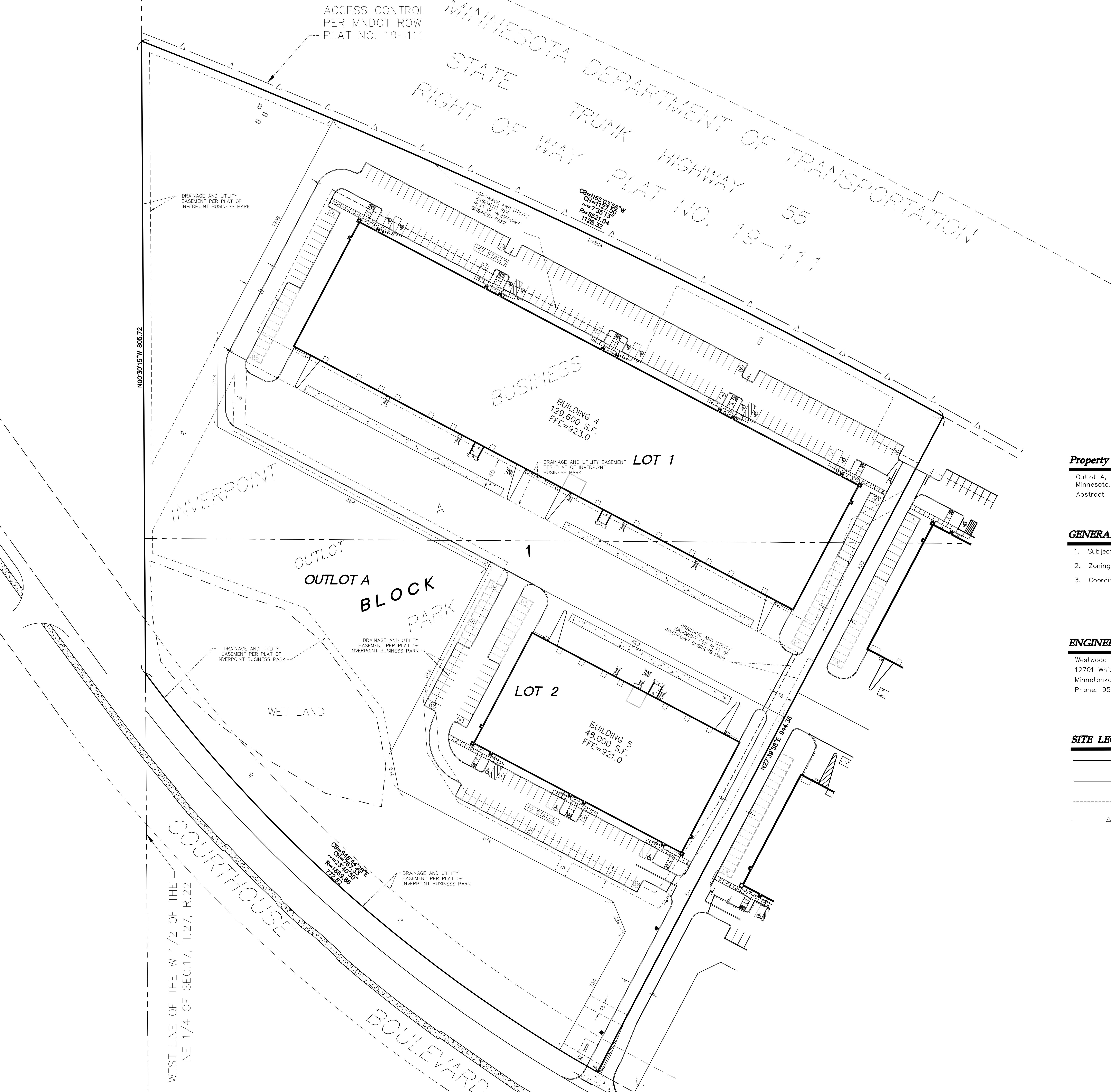


## **CONDITIONAL USE PERMIT – MANUFACTURING USE**

### **INVERPOINT BUSINESS PARK INVER GROVE HEIGHTS, MINNESOTA May 12, 2022**

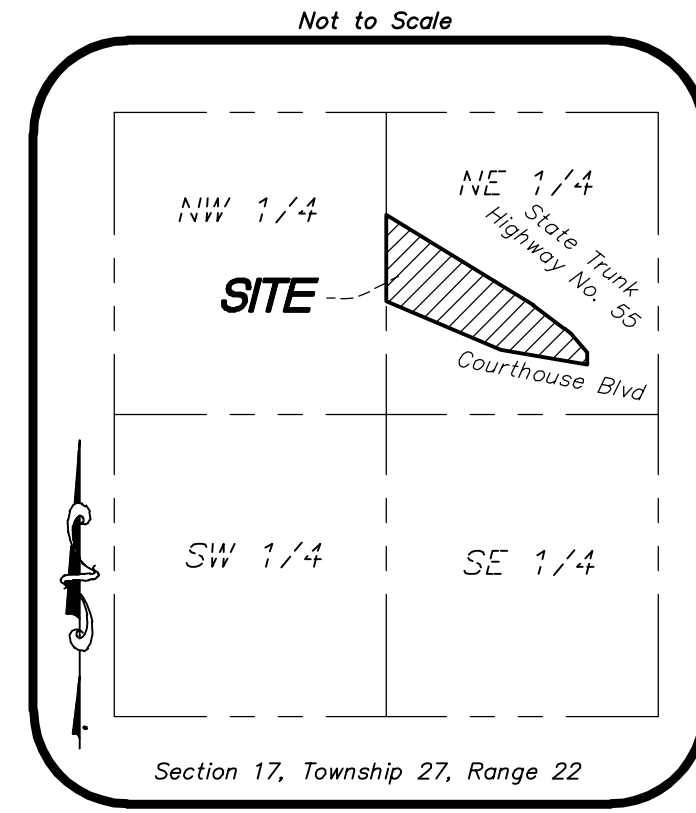
United Properties seeks to develop phase four and five of the 45-acre, five building InverPoint Business Park. United Properties plans to develop its next phase as a +/- 129,600 & 48,000 SF, 24'-28' clear building on a speculative basis, currently without tenants. In our marketing efforts to secure tenant(s) for the building, we are requesting flexibility for manufacturing use within the building. A vast majority of office/warehouse tenants, which is our target tenant profile for this space, utilizes a portion of their space for manufacturing, assembly, or production. The purpose for this request of the conditional use permit is to allow flexibility in the search and negotiation with prospective tenants for this building, and efficiency to avoid recurring conversation with the city on prospective deals. United Properties' first two developments obtained this same conditional use permit. Our current two tenants at the business park serve as good examples for our request for a CUP – Simpson Strong Tie, a manufacturer of structural components such as metal plates and construction connectors, and Skyline Displays, a manufacturer of display & exhibit systems who assembles displays for conventions and retail settings. Both businesses, like many other high-quality businesses who lease office/warehouse space, operate some variation of assembly, manufacturing, production, or other active task within their space. It is understood that these operations should not cause a nuisance (smell, noise, etc.) to adjacent properties and that the building and interior drawings will be reviewed for permitting and all life safety matters. Simpson Strong Tie and Skyline Displays are solid examples of businesses that we market to for our proposed development project.





SITE DATA CHART

| LEGAL DESCRIPTION | LOT AREA (ACRES) |
|-------------------|------------------|
| LOT 1, BLOCK 1    | 8.497 AC.        |
| LOT 2, BLOCK 1    | 3.253 AC.        |
| OUTLOT A          | 6.541 AC.        |
| TOTAL             | 18.291 AC.       |



Property Description

Outlot A, INVERPOINT BUSINESS PARK, according to the recorded plat thereof, Dakota County, Minnesota.  
Abstract

GENERAL NOTES

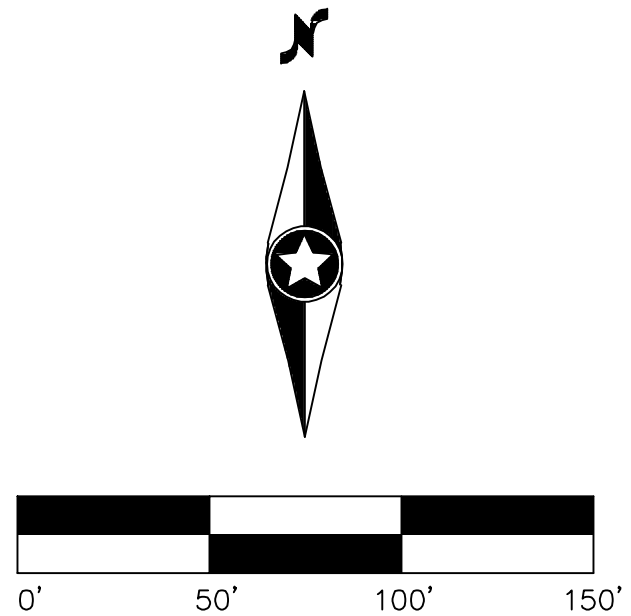
- Subject property contains 796,787 Sq. Ft. or 18.291 acres.
- Zoning information not provided by Client
- Coordinates system is Dakota County, NAD 83 1986 Adj.

ENGINEER AND SURVEYOR

Westwood Professional Services, Inc.  
12701 Whitewater Drive, Suite 300,  
Minnetonka, Minnesota 55343  
Phone: 952-937-5150

SITE LEGEND

|       |                        |
|-------|------------------------|
| —     | BOUNDARY LINE          |
| —     | LOT LINE               |
| - - - | EASEMENT LINE          |
| —△—△— | CONTROLLED ACCESS LINE |



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



INVERPOINT  
BUSINESS  
CENTER

INVER GROVE HEIGHTS, MINN.

Revisions:

|     |            |                       |
|-----|------------|-----------------------|
| 01: | 2022-05-06 | City Site Plan Review |
| 02: |            |                       |
| 03: |            |                       |
| 04: |            |                       |
| 05: |            |                       |
| 06: |            |                       |

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.

|                         |            |             |  |
|-------------------------|------------|-------------|--|
| Date:                   | 05/06/2022 | License No. |  |
| Design:                 |            |             |  |
| Checked:                |            |             |  |
| Drawn:                  |            |             |  |
| Record Drawing by/date: |            |             |  |

PRELIMINARY PLAT

Date: 04/18/2022 Sheet: C101



# INVERPOINT BUSINESS PARK THIRD ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Inverwood Business Park LLC, a Delaware limited liability company, fee owner of the following described property situated in the County of Dakota, State of Minnesota, to wit:

Outlot A INVERPOINT BUSINESS PARK, according to the recorded plat thereof, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as INVERPOINT BUSINESS PARK THIRD ADDITION and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Inverwood Business Park LLC, a Delaware limited liability company, has caused these presents to be signed by its manager, United Land LLC, a Minnesota limited liability company, on behalf of the limited liability company by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

UNITED LAND LLC, manager

By: \_\_\_\_\_, its

By: \_\_\_\_\_, its

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ the  
\_\_\_\_\_ of United Land LLC, a Minnesota limited liability company, manager of Inverwood Business Park LLC, a Delaware limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Name Printed)

Notary Public, \_\_\_\_\_ County \_\_\_\_\_

My Commission Expires \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ the  
\_\_\_\_\_ of United Land LLC, a Minnesota limited liability company, manager of Inverwood Business Park LLC, a Delaware limited liability company, on behalf of the limited liability company.

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Name Printed)

Notary Public, \_\_\_\_\_ County \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chris Ambourn, Licensed Land Surveyor  
Minnesota License No. 43055

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_ by Chris Ambourn, Land Surveyor, Minnesota License No. 43055.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

Notary Public, \_\_\_\_\_ County \_\_\_\_\_

My Commission Expires \_\_\_\_\_

CITY PLANNING COMMISSION, CITY OF INVER GROVE HEIGHTS, COUNTY OF DAKOTA, STATE OF MINNESOTA  
Approved by the Planning Commission of the City of Inver Grove Heights, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chair Secretary

CITY COUNCIL, CITY OF INVER GROVE HEIGHTS, COUNTY OF DAKOTA, STATE OF MINNESOTA  
This plat was approved by the City Council of Inver Grove Heights, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

\_\_\_\_\_  
Mayor Clerk

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

\_\_\_\_\_  
Todd B. Tollefson  
Dakota County Surveyor

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

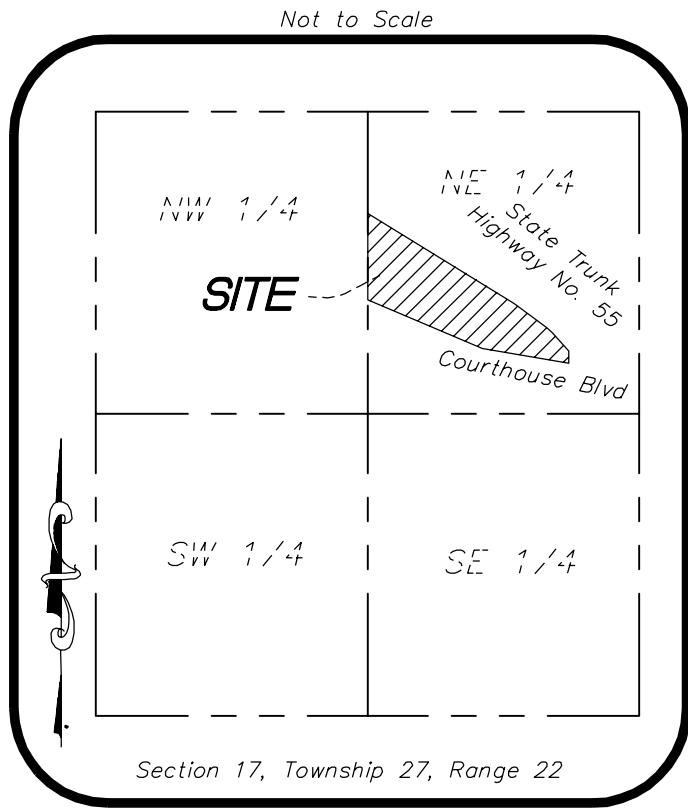
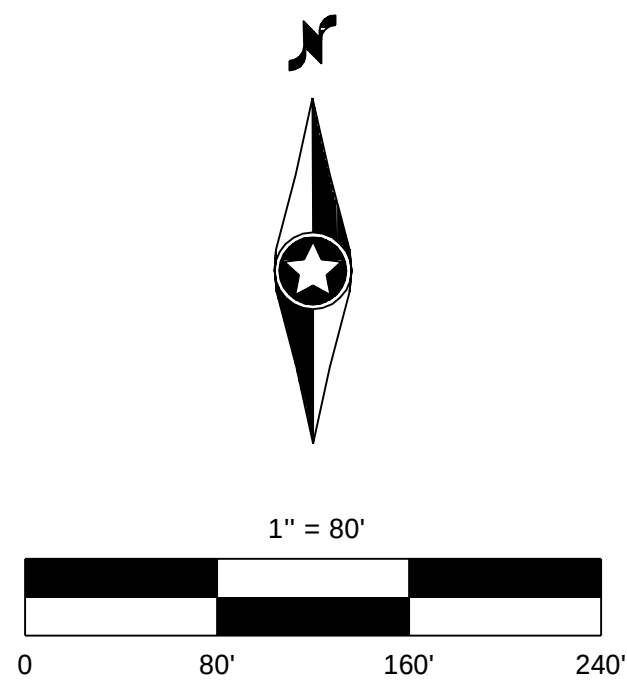
\_\_\_\_\_  
Amy A. Koethe  
Director, Department of Property Taxation and Records

COUNTY RECORDER, COUNTY OF DAKOTA, STATE OF MINNESOTA  
I hereby certify that this plat of INVERPOINT BUSINESS PARK THRID ADDITION was filed in the office of the County Recorder for public record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly filed in Book \_\_\_\_\_ of Plats, Page \_\_\_\_\_, as Document Number \_\_\_\_\_.

\_\_\_\_\_  
Amy A. Koethe  
Dakota County Recorder



# INVERPOINT BUSINESS PARK THIRD ADDITION

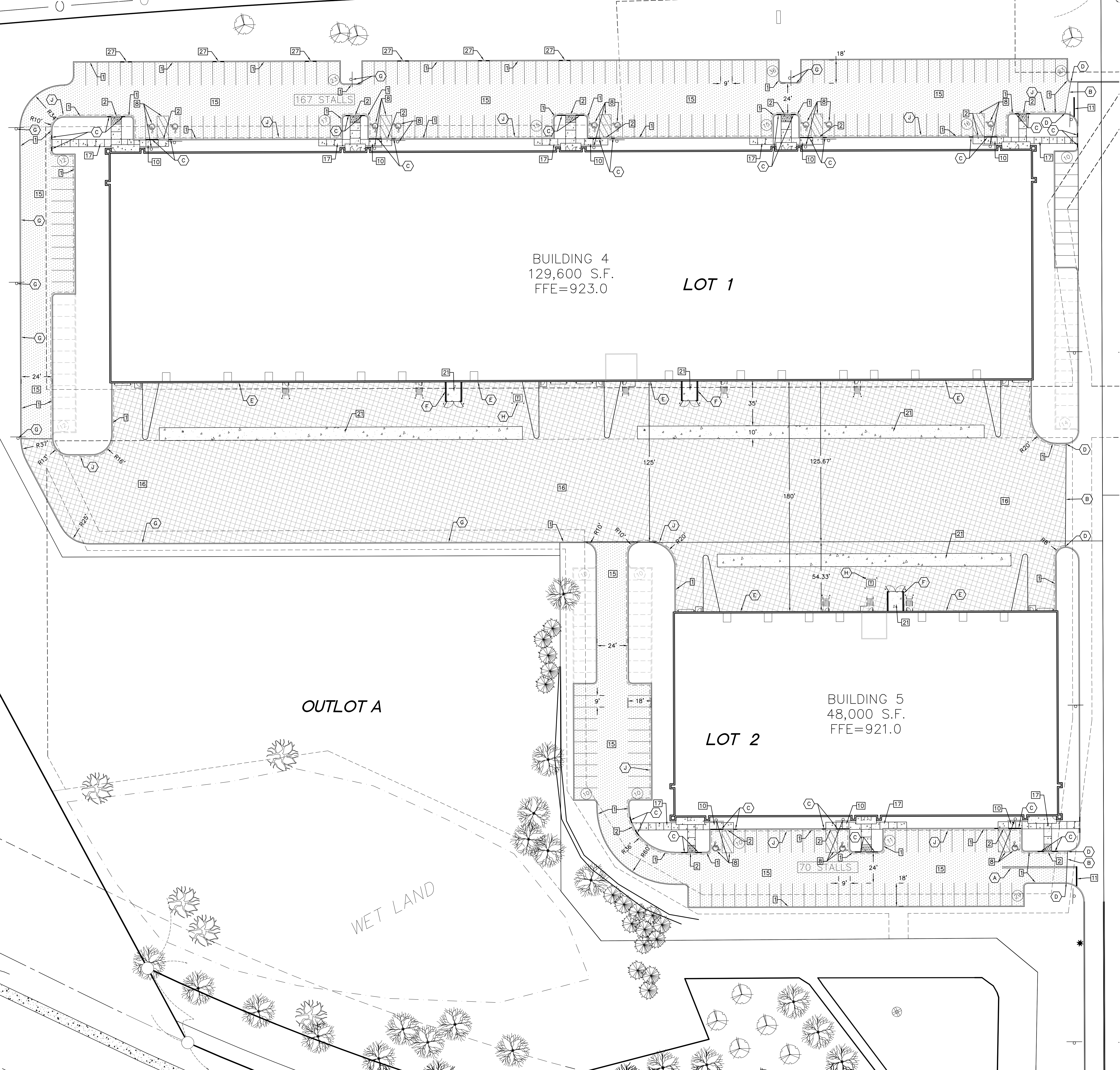


The West line of Outlot A, INVERPOINT BUSINESS PARK is assumed to bear N00°30'15"W.

- Denotes 1/2 inch by 14 inch iron rebar set and marked by License No. 43005
- Denotes Iron Monument Found as noted.

△ LIMITED ACCESS PER MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 19-111 & PER THE PLAT OF INVERPOINT BUSINESS PARK





Site Legend

| EXISTING | PROPOSED |                                   |
|----------|----------|-----------------------------------|
|          |          | PROPERTY LINE                     |
|          |          | LOT LINE                          |
|          |          | SETBACK LINE                      |
|          |          | EASEMENT LINE                     |
|          |          | CURB AND GUTTER                   |
|          |          | RETAINING WALL                    |
|          |          | FENCE                             |
|          |          | CONCRETE PAVEMENT                 |
|          |          | CONCRETE SIDEWALK                 |
|          |          | HEAVY DUTY BITUMINOUS PAVEMENT    |
|          |          | STANDARD DUTY BITUMINOUS PAVEMENT |
|          |          | NUMBER OF PARKING STALLS          |
|          |          | TRANSFORMER                       |
|          |          | SITE LIGHTING                     |
|          |          | TRAFFIC SIGN                      |
|          |          | POWER POLE                        |
|          |          | BOLLARD / POST                    |

Site Development Summary

- EXISTING ZONING: PUD – PLANNED UNIT DEVELOPMENT
- EXISTING PARCEL DESCRIPTION: OUTLOT A, INVERPOINT BUSINESS PARK, DAKOTA COUNTY, MINNESOTA.
- TOTAL PROPERTY AREA: 796,756 SF (18.29 AC)
- LOT 1
  - PERVIOUS SURFACE: 74,503 SF (20.1%)
  - IMPERVIOUS SURFACE(RATIO): 295,628 SF (79.9%)
  - TOTAL LOT 1 AREA: 370,129 SF (100.0%)
- LOT 2
  - PERVIOUS SURFACE: 47,922 SF (31.2%)
  - IMPERVIOUS SURFACE(RATIO): 105,540 SF (88.8%)
  - TOTAL LOT 2 AREA: 153,462 SF (100.0%)
- BUILDING 4 GROSS SIZE: 129,600 SF
- BUILDING 5 GROSS SIZE: 48,000 SF
- LOT 1 FLOOR-AREA-RATIO(FAR): 0.35
- LOT 2 FLOOR-AREA-RATIO(FAR): 0.31
- BUILDING SETBACK PER CODE: 96'=FRONT 30'=SIDE / 30'=SIDE TO ROW 30'=REAR
- PARKING SETBACK: 20'=FRONT AND ROW 5'=SIDE AND REAR
- PARKING SPACE/DRIVE AISLE: 9' WIDE X 18' LONG, 24' AISLE
- PARKING REQUIREMENTS FOR BUILDING 4 PER APPROVED INVERPOINT BUSINESS PARK SITE IMPROVEMENT PLANS (2008)
  - MAX. REQUIRED: 216 STALLS
  - MIN. REQUIRED: 162 STALLS
- PARKING PROVIDED: 167 STALLS
- PROOF PARKING PROVIDED: 26 STALLS
- TOTAL PARKING PROVIDED: 193 STALLS
- PARKING REQUIREMENTS FOR BUILDING 5 PER APPROVED INVERPOINT BUSINESS PARK SITE IMPROVEMENT PLANS (2008)
  - MAX. REQUIRED: 80 STALLS
  - MIN. REQUIRED: 60 STALLS
- PARKING PROVIDED: 70 STALLS
- PROOF PARKING PROVIDED: 20 STALLS
- TOTAL PARKING PROVIDED: 90 STALLS

General Site Notes

- BACKGROUND INFORMATION FOR THIS PROJECT PROVIDED BY WESTWOOD PROFESSIONAL SERVICES, MINNETONKA, MINNESOTA, 2008.
- LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. IF ANY DISCREPANCIES ARE FOUND, THE ENGINEER SHOULD BE NOTIFIED IMMEDIATELY.
- REFER TO BOUNDARY SURVEY FOR LOT BEARINGS, DIMENSIONS AND AREAS.
- 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 RADII SHALL BE 3.0 FEET (TO FACE OF CURB) UNLESS OTHERWISE NOTED.
- ALL CURB AND GUTTER SHALL BE B612 UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY AND ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
- BITUMINOUS PAVEMENT AND CONCRETE SECTIONS TO BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL MAINTAIN FULL ACCESS TO ADJACENT PROPERTIES DURING CONSTRUCTION AND TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES.
- SITE LIGHTING SHOWN ON PLAN IS FOR REFERENCE ONLY. REFER TO LIGHTING PLAN PREPARED BY OTHERS FOR SITE LIGHTING DETAILS AND PHOTOMETRICS.

Sign Legend

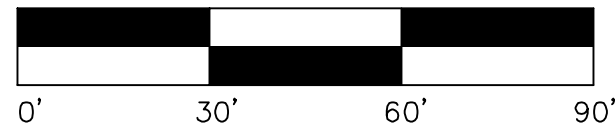
| REFERENCE               | SIZE      | MnDOT DESIGNATION |
|-------------------------|-----------|-------------------|
| S.1 STOP SIGN           | 30" X 30" | R1-1              |
| S.2 HANDICAP ACCESSIBLE | 12" X 18" | R7-8M             |

Site Details

- B612 CURB & GUTTER
- FLUSH CONCRETE CURB & GUTTER
- ACCESSIBLE PARKING LOGO, STRIPING, & SIGNAGE
- PARALLEL PEDESTRIAN CURB RAMP
- PAINTED STOP BAR & STOP SIGN POST BASE
- STANDARD DUTY BITUMINOUS PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE HEAVY DUTY PAVEMENT
- CURB CUT WITH SOD SWALE

Site Notes

- 4" DOUBLE YELLOW LANE STRIPE (TYP.)
- MATCH EXISTING PAVEMENT
- CURB TRANSITION TO FLUSH
- MATCH EXISTING CURB AND GUTTER
- LOADING DOCKS
- TRASH ENCLOSURE
- YELLOW-PAINTED FIRE LANE AND SIGNAGE AS REQUIRED BY FIRE MARSHAL
- TRANSFORMER PAD – COORDINATE FINAL LOCATION WITH CONTRACTOR/DESIGN-BUILDER
- TIP-OUT CURB (TYP.)



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



INVERPOINT BUSINESS CENTER

INVER GROVE HEIGHTS, MINN.

Revisions:

|     |            |                       |
|-----|------------|-----------------------|
| 01: | 2022-05-06 | City Site Plan Review |
| 02: |            |                       |
| 03: |            |                       |
| 04: |            |                       |
| 05: |            |                       |
| 06: |            |                       |

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.

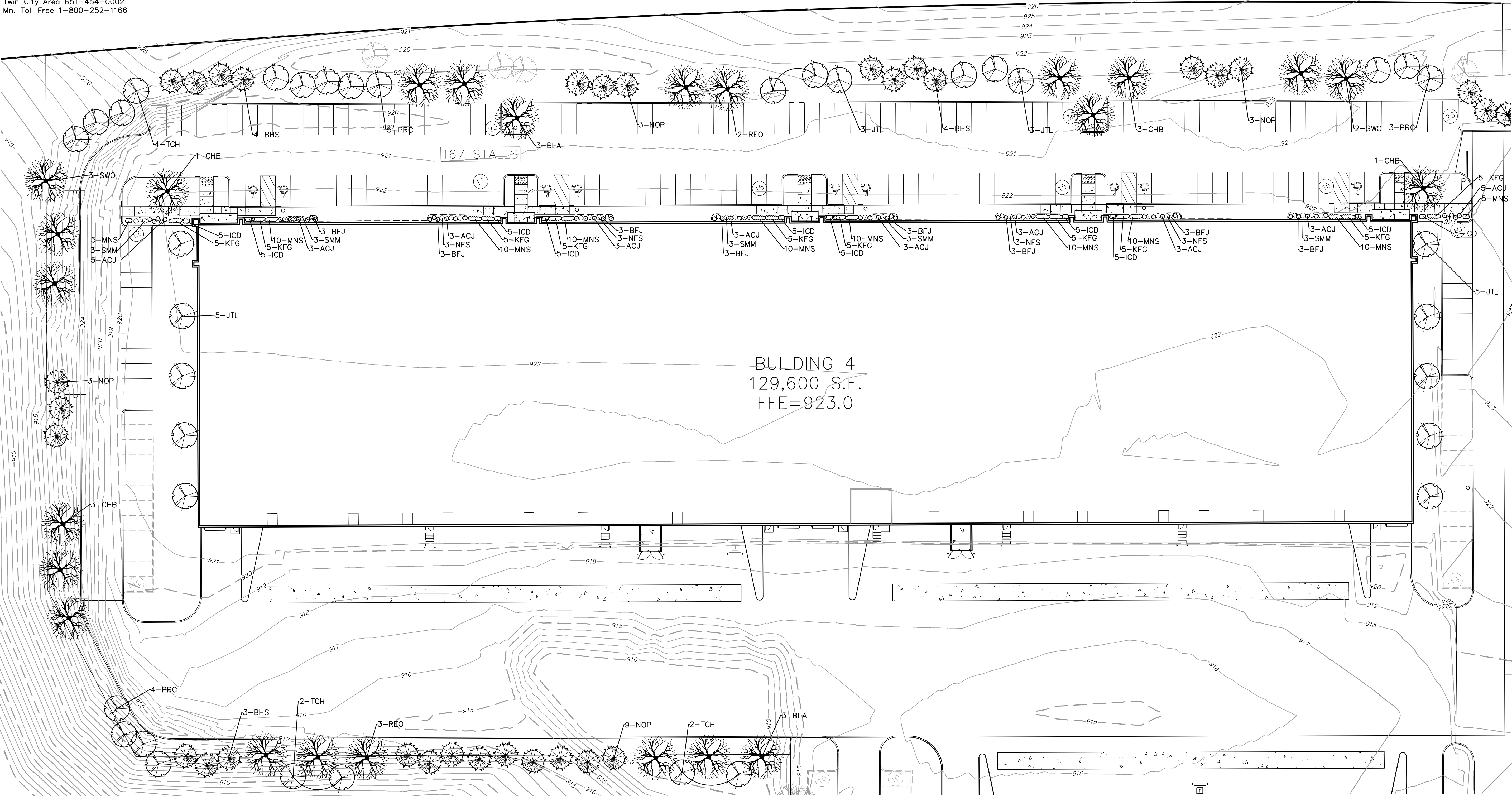
Date: 05/06/2022 License No.

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

SITE PLAN

Date: 04/18/2022 Sheet: C200

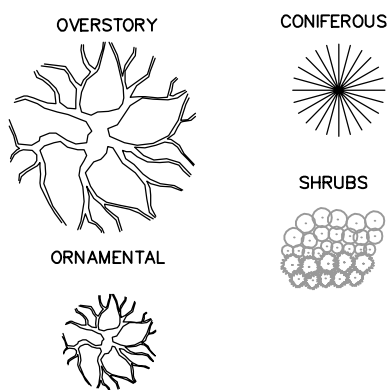




**Landscape Keynotes**

- A SHREDDED HARDWOOD MULCH  
B LANDSCAPE EDGER  
C SOD (TYP.)  
D 1" WIDE MAINTENANCE STRIP (EDGING, SHREDDED HARDWOOD MULCH AND FABRIC)

**EXISTING PLANTS TO REMAIN**



**Plant Schedule (Building 4 Only)**

| SYMBOL | QTY. | CODE | COMMON/BOTANICAL NAME OF POTENTIAL SPECIES                                    | SIZE         | SPACING O.C. |
|--------|------|------|-------------------------------------------------------------------------------|--------------|--------------|
|        | 24   | BLA  | Fallopia Ash / Fraxinus nigra 'Yellow'                                        | 2.5' BB      | AS SHOWN     |
|        | 5    | SWO  | Swamp White Oak / Quercus bicolor                                             | 2.5' BB      | AS SHOWN     |
|        | 5    | CHB  | Common Highberry / Calluna occidentalis                                       | 2.5' BB      | AS SHOWN     |
|        | 5    | REO  | Red Oak / Quercus rubra                                                       | 2.5' BB      | AS SHOWN     |
|        | 5    | REO  | Red Oak / Quercus rubra                                                       | 2.5' BB      | AS SHOWN     |
|        | 36   | JTL  | Japanese Tree Lilac / Syringa reticulata                                      | 1.5' BB      | AS SHOWN     |
|        | 6    | TCH  | Thornless Cockspur Hawthorn / Crataegus crusgalli 'Inermis'                   | 1.5' BB      | AS SHOWN     |
|        | 12   | PRC  | Prairie Rose Crataegus / Mous Prairie Rose                                    | 1.5' BB      | AS SHOWN     |
|        | 12   | PRC  | Prairie Rose Crataegus / Mous Prairie Rose                                    | 1.5' BB      | AS SHOWN     |
|        | 26   | BHS  | Black Hills Spruce / Picea glauca densata                                     | 6' HT., BB   | AS SHOWN     |
|        | 10   | NOP  | Norway Pine / Pinus resinosa                                                  | 6' HT., BB   | AS SHOWN     |
|        | 10   | NOP  | Norway Pine / Pinus resinosa                                                  | 6' HT., BB   | AS SHOWN     |
|        | 85   | SMM  | Sunjoy Mini Maroon Barberry / Berberis thunbergii 'NORT'                      | 24" HT., POT | 2'-0" O.C.   |
|        | 10   | NFS  | New Flash Spruce / Spirea japonica 'New Flash'                                | 24" HT., POT | 2'-0" O.C.   |
|        | 24   | BFJ  | Blue Forest Juniper / Juniperus horizontalis 'Blue Forest'                    | 24" HT., POT | 2'-0" O.C.   |
|        | 34   | ACJ  | Andora Compact Juniper / Juniperus horizontalis 'Pumilus'                     | 24" HT., POT | 2'-0" O.C.   |
|        | 190  | ICD  | Ice Central Dogwood / Hemerocallis 'Ice Central'                              | 18" O.C.     | #1 CONT.     |
|        | 50   | MNS  | May Night Series / Salvia x nemerosa 'May Night'                              | 18" O.C.     | #1 CONT.     |
|        | 50   | KFG  | Karl Foerster Feather Reed Grass / Calamagrostis X Acutiflora 'Karl Foerster' | 24" O.C.     | #1 CONT.     |

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.



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



**INVERPOINT  
BUSINESS  
CENTER**

INVER GROVE HEIGHTS, MINN.

**Revisions:**

- 01: 2022-05-06 -- City Site Plan Review  
02: .  
03: .  
04: .  
05: .  
06: .

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

Date: 05/06/2022 License No. .

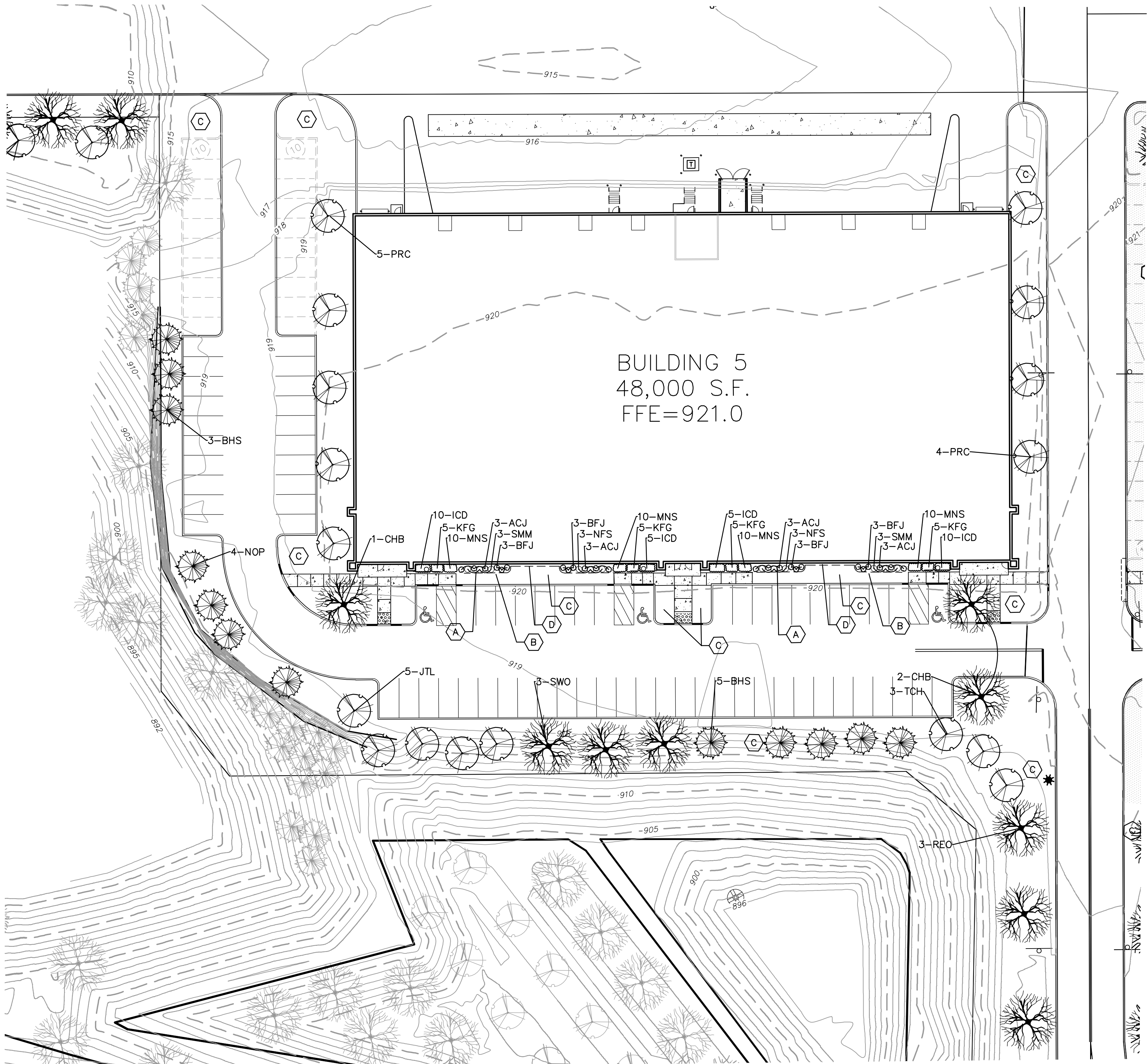
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**NORTH LANDSCAPE PLAN**

Date: 04/18/2022 Sheet: L100

0023568.40PL.dwg

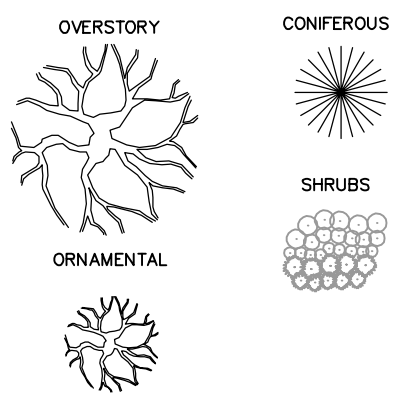




#### Landscape Keynotes

- A SHREDDED HARDWOOD MULCH  
B LANDSCAPE EDGER  
C SOD (TYP.)  
D 1' WIDE MAINTENANCE STRIP (EDGING, SHREDDED HARDWOOD MULCH AND FABRIC)

#### EXISTING PLANTS TO REMAIN



#### Plant Schedule (Building 5 Only)

| SYMBOL     | QTY. CODE COMMON/BOTANICAL NAME OF POTENTIAL SPECIES                                                | SIZE        | SPACING O.C. |
|------------|-----------------------------------------------------------------------------------------------------|-------------|--------------|
| OVERSTORY  | 0 B/A. Fallgold Ash / <i>Fraxinus nigra</i> 'Fallgold'                                              | 2.5' BB     | AS SHOWN     |
|            | 3 S/W. Swamp White Oak / <i>Quercus bicolor</i>                                                     | 2.5' BB     | AS SHOWN     |
|            | 3 CHB. Common Highberry / <i>Cornus occidentalis</i>                                                | 2.5' BB     | AS SHOWN     |
|            | 3 RED. Red Oak / <i>Quercus rubra</i>                                                               | 2.5' BB     | AS SHOWN     |
| ORNAMENTAL | 17 J/L. Japanese Tree Lilac / <i>Syringa reticulata</i>                                             | 1.5' BB     | AS SHOWN     |
|            | 3 TCH. Thornless Cockspur Hawthorn / <i>Crataegus crusgalli</i> 'thornless'                         | 1.5' BB     | AS SHOWN     |
|            | 9 PRC. Prairie Rose Crataegula / <i>Maia</i> 'Prairie Rose'                                         | 1.5' BB     | AS SHOWN     |
|            |                                                                                                     |             |              |
| CONIFEROUS | 12 BHS. Black Hills Spruce / <i>Picea glauca</i> densata                                            | 6' HT. BB   | AS SHOWN     |
|            | 4 NOP. Norway Pine / <i>Pinus resinosa</i>                                                          | 6' HT. BB   | AS SHOWN     |
| SHRUBS     | 36 SMM. Sunjoy Mini Maroon Barberry / <i>Berberis thunbergii</i> 'NORTY'                            | 24" HT. POT | 3'-0" O.C.   |
|            | 6 NFS. Neon Flash Spirea / <i>Spiraea japonica</i> 'Neon Flash'                                     | 24" HT. POT | 3'-0" O.C.   |
|            | 12 BFJ. Blue Forest Juniper / <i>Juniperus horizontalis</i> 'Blue Forest'                           | 24" HT. POT | 3'-0" O.C.   |
|            | 12 ACJ. Andromeda Compact Juniper / <i>Juniperus horizontalis</i> 'Thymus'                          | 24" HT. POT | 3'-0" O.C.   |
| PERENNIALS | 30 ICD. Ice Cornish Daylily / <i>Hemerocallis</i> 'Ice Cornish'                                     | 18" O.C.    | #1 CONT.     |
|            | 40 MNS. May Night Salvia / <i>Salvia x nemerosa</i> 'May Night'                                     | 18" O.C.    | #1 CONT.     |
|            | 20 KFG. Karl Foerster Feather Reed Grass / <i>Calamagrostis</i> X <i>Acutiflora</i> 'Karl Foerster' | 24" O.C.    | #1 CONT.     |

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

#### Planting Notes

Contractor shall contact Gopher State "One Call" (651-454-0002 or 800-252-1166) to verify locations of all underground utilities.

Contractor shall provide one year guarantee of all plant materials. The guarantee begins on the date of the Landscape Architect's or Owner's written acceptance of the initial planting. Replacement plant materials shall also have a one year guarantee commencing upon planting.

All plants to be specimen grade, Minnesota-grown and/or hardy. Specimen grade shall adhere to, but is not limited by, the following standards:  
All plants shall be free from disease, pests, wounds, scars, etc.  
All plants shall be free from noticeable gaps, holes, or deformities.  
All plants shall be free from broken or dead branches.  
All plants shall have heavy, healthy branching and leafing.  
Coniferous trees shall have an established main leader and a height to width ratio of no less than 5:3.

Plants to meet American Standard for Nursery Stock (ANSI Z60.1-2004) requirements for size and type specified.

Plants to be installed as per standard ANSI planting practices.

For plantings areas use minimum 12" planting soil mix on trees and 6" on shrubs (sides and bottom of hole).

Backfill soil to be existing top soil from site free of roots, rocks larger than one inch, subsoil debris, and large weeds.

Contractor shall verify locations with all utilities prior to installation of plants.

Staking of trees optional; reposition, plumb and stake if not plumb after one year.

Wrap all Maples - fasten top and bottom. Remove by April 1.

Open top of burlap on BB materials; remove pot on potted plants; split and break apart peat pots.

Prune plants as necessary - per standard nursery practice and to correct poor branching.

Plants shall be immediately planted upon arrival at site. Properly heel-in materials if necessary; temporary only.

All shrub and tree planting beds, found outside of Bioretention Basins, shall have 4" of shredded hardwood bark mulch and Valley-View Black Diamond (or equal) poly edging. The edging shall be placed with smooth curves and at least 3' from the centers of evergreen trees.

Four inches of shredded hardwood bark mulch shall be used around all trees within seeded areas. All trees and shrubs found within the Bioretention Basins shall be mulched around with 4" of shredded hardwood bark mulch. No edger shall be placed around trees and shrubs found within Bioretention Basins.

All shrub planting beds shall have 4" of shredded hardwood bark mulch.

Actual location of plant material is subject to field and site conditions.

No planting will be installed until all grading and construction has been completed in the immediate area.

Contractor shall provide necessary watering of plant materials until the plants are fully established or irrigation system is operational. Owner will not provide water for Contractor for this phase.

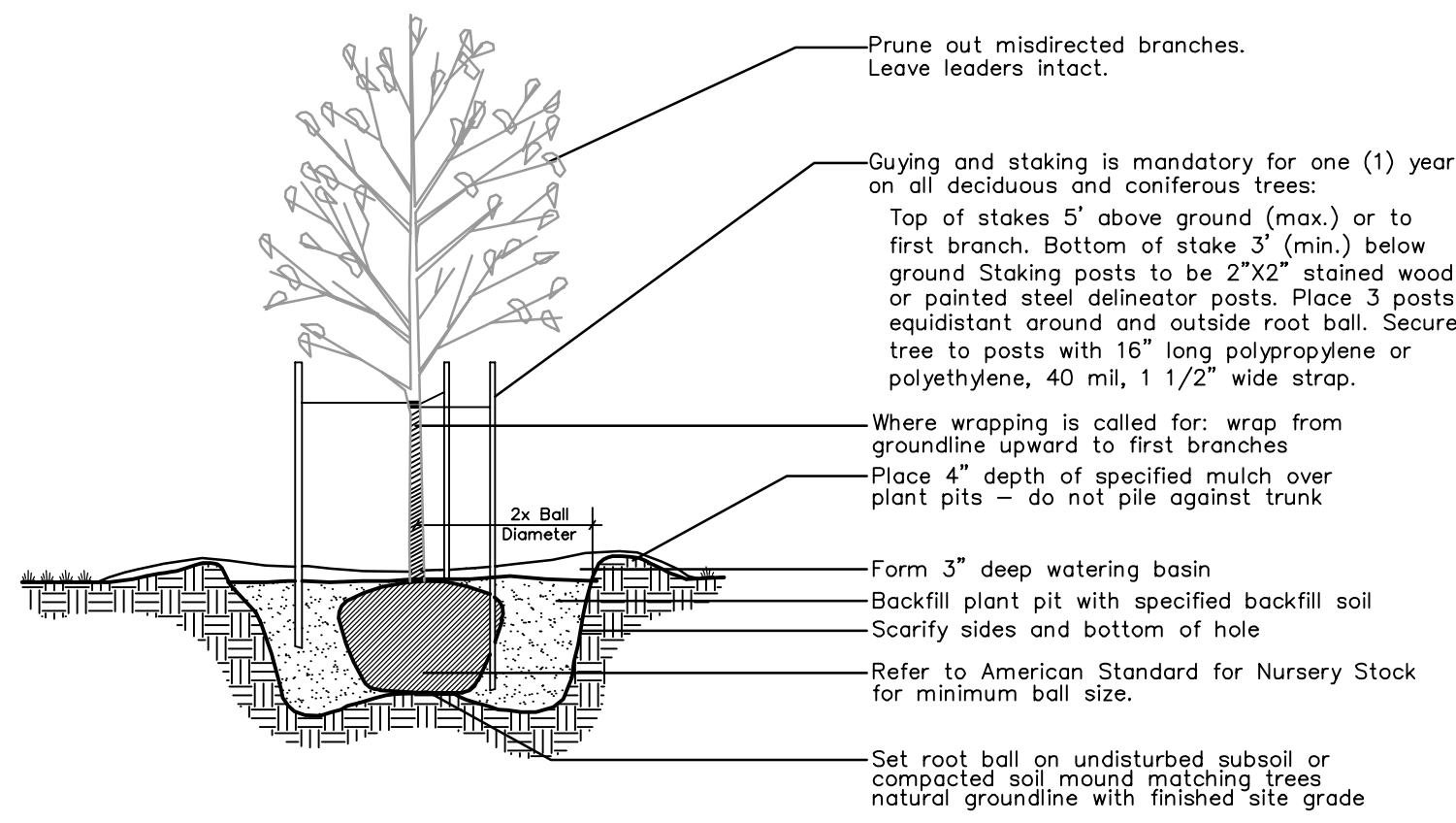
Irrigation to be installed in future phases of construction.

Repair, replace, or provide sod as required for any roadway boulevard areas adjacent to the site disturbed during construction.

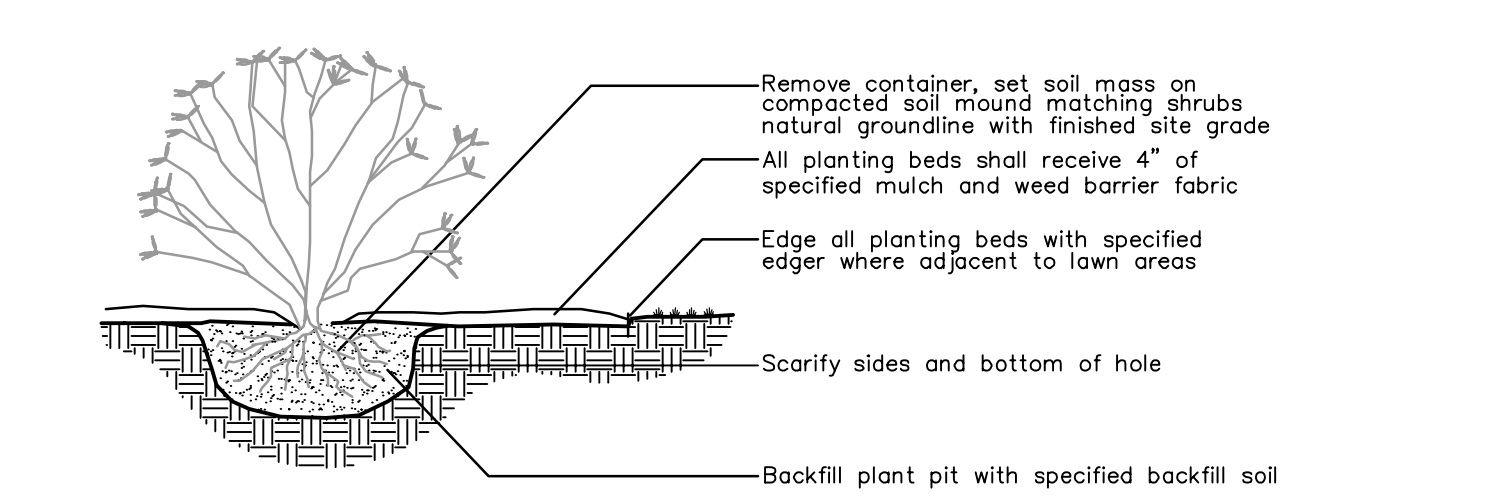
Repair all damage to property from planting operations at no cost to owner.

All substitutions must be approved by the Landscape Architect prior to submission of any bid and/or quote by the Landscape Contractor.

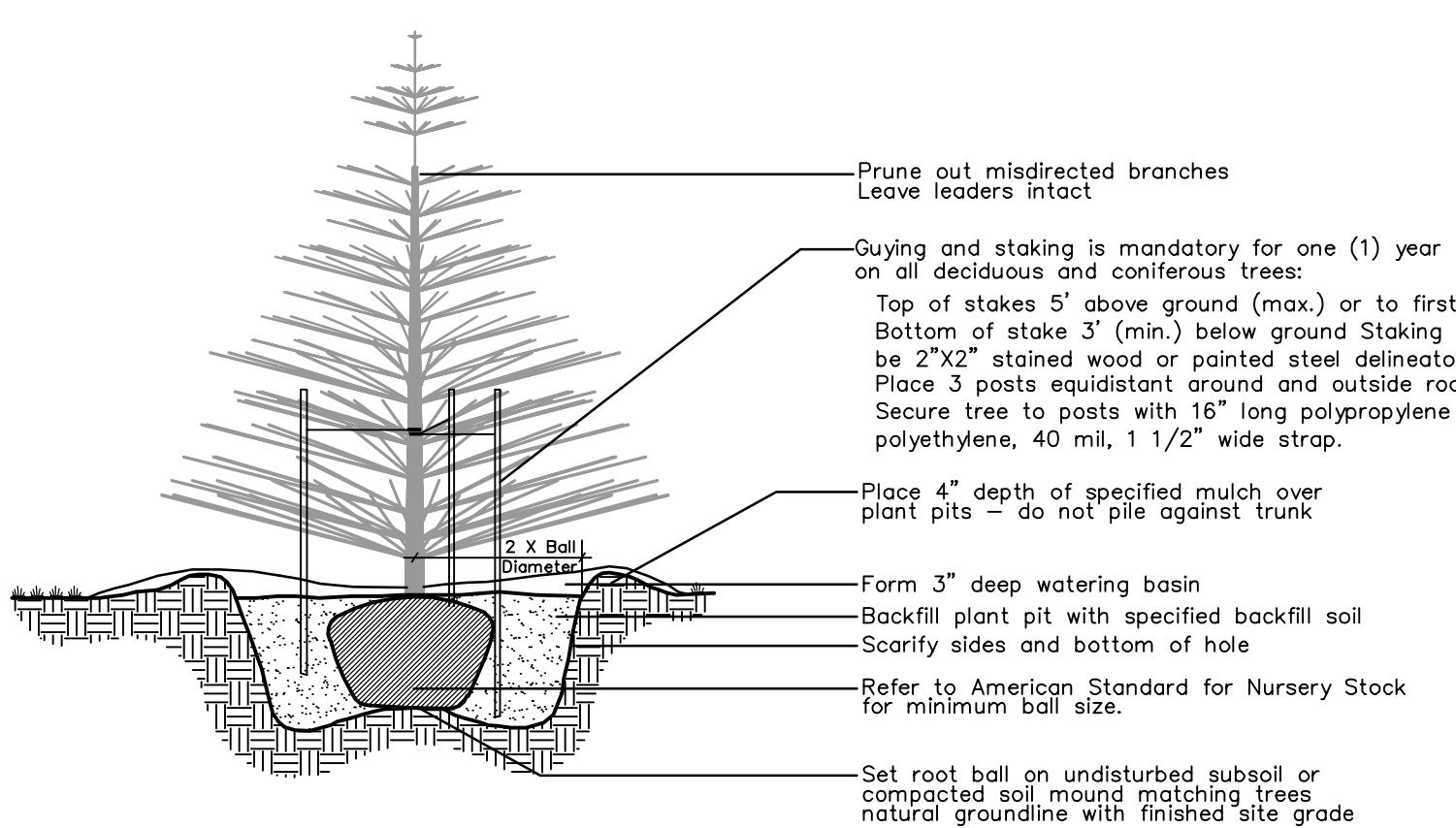
#### Tree Detail



#### Shrub Detail



#### Evergreen Tree Detail



#### Revisions

01: 2022-05-06 - City Site Plan Review

02: .

03: .

04: .

05: .

06: .

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

Date: 05/06/2022 License No. .

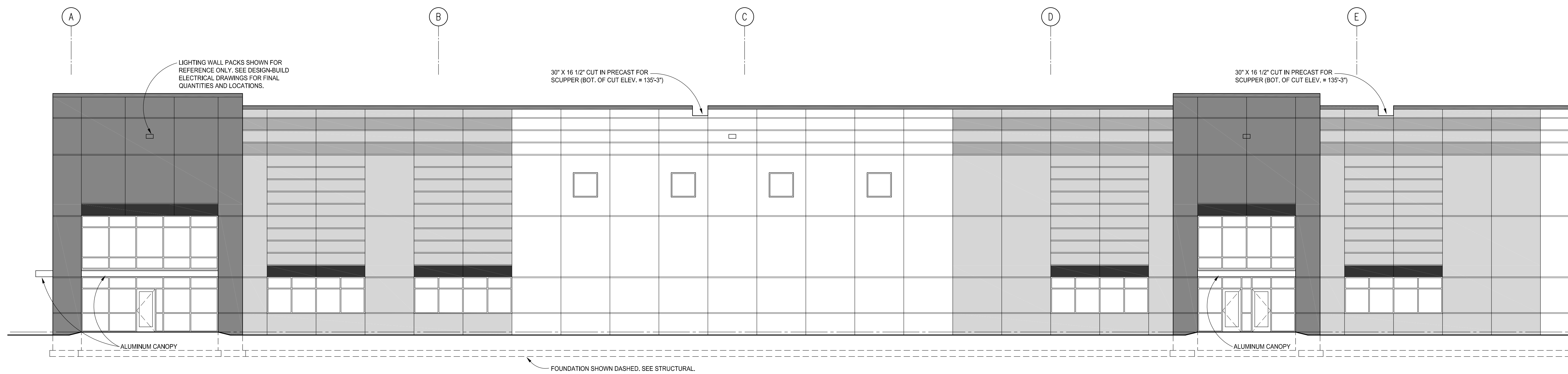
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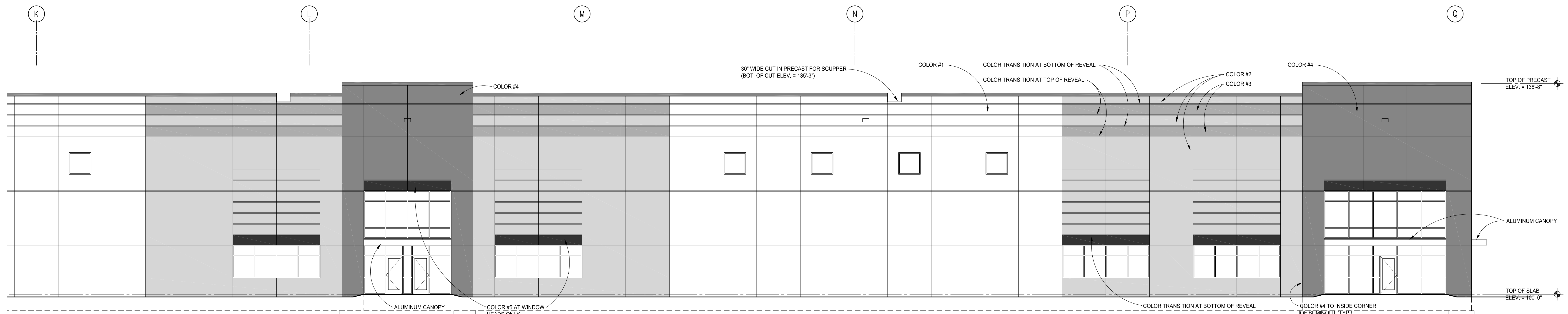


| CONCRETE STAIN KEY |                                 |
|--------------------|---------------------------------|
|                    | COLOR #1 - SW 6203 SPARE WHITE  |
|                    | COLOR #2 - SW 7071 GRAY SCREEN  |
|                    | COLOR #3 - SW 9162 AFRICAN GRAY |
|                    | COLOR #4 - SW 7075 WEB GRAY     |
|                    | COLOR #5 - SW 7076 CYBERSPACE   |

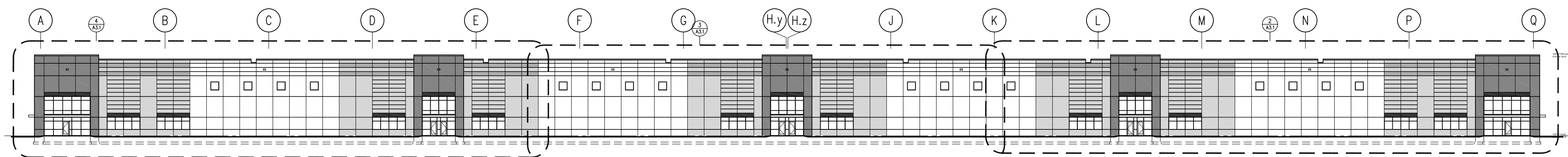
4 PARTIAL NORTH COLORED ELEVATION  
1/8"=1'-0"



3 PARTIAL NORTH COLORED ELEVATION  
1/8"=1'-0"



2 PARTIAL NORTH COLORED ELEVATION  
1/8"=1'-0"



1 NORTH COLORED ELEVATION  
1"=30'-0"



POPE ARCHITECTS  
1295 BANDANA BLVD N, SUITE 200  
ST. PAUL, MN 55108-2735  
(651) 642-9200 | FAX (651) 642-1101  
www.popearch.com



INVERPOINTE  
BUILDING 4  
INVER GROVE  
HEIGHTS, MN 55077

## EXTERIOR ELEVATIONS

Issues and Revisions:  
CITY SUBMITTAL 4-18-2022

Commission No. 75372-22037  
Drawn by J.L.  
Checked by B.M.

SHEET

A3.1  
TRUE SHEET SCALE  
0" 1/2" 1"

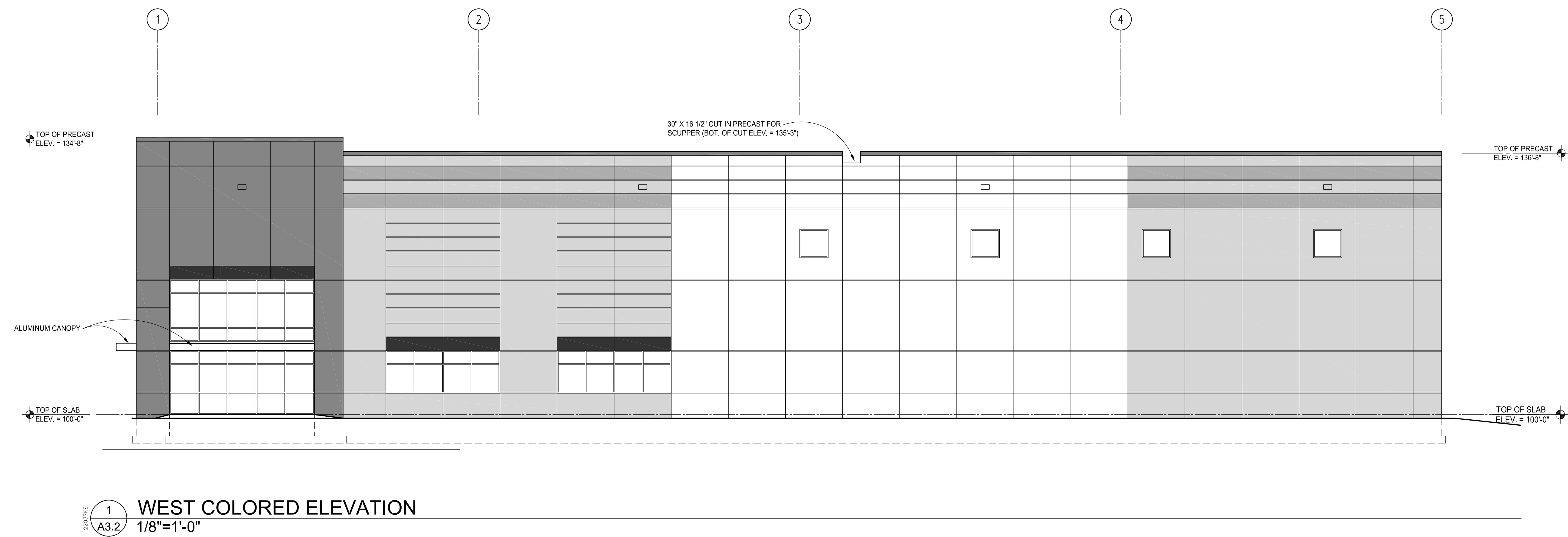
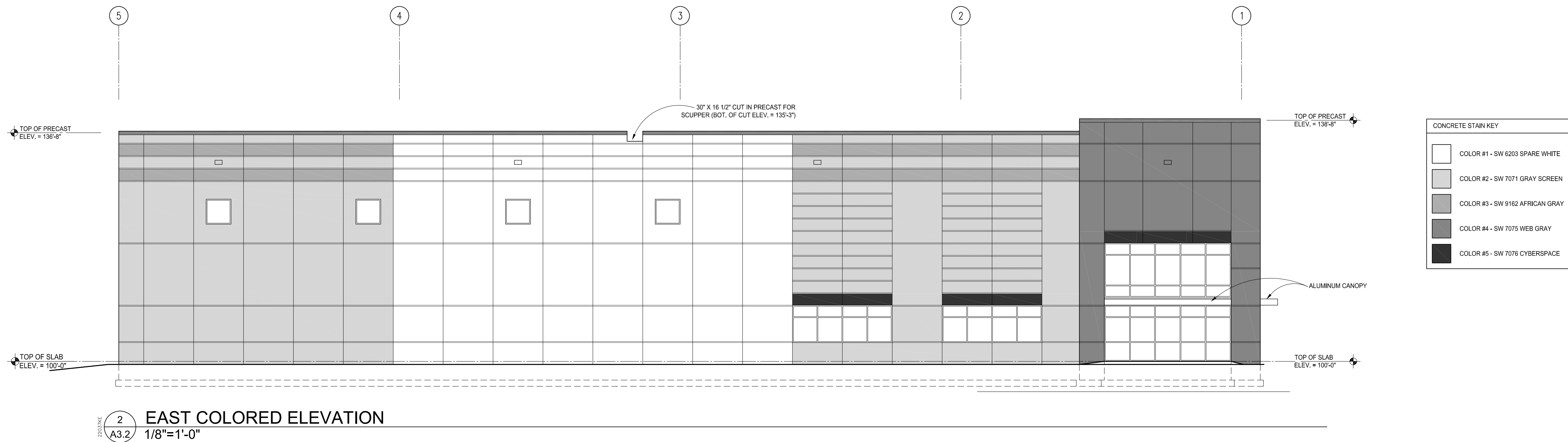




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INVERPOINTE  
BUILDING 4  
INVER GROVE  
HEIGHTS, MN 55077



EXTERIOR  
ELEVATIONS

Issues and Revisions:  
CITY SUBMITTAL 4-18-2022

Commission No. 75372-22037  
Drawn by JL  
Checked by BM

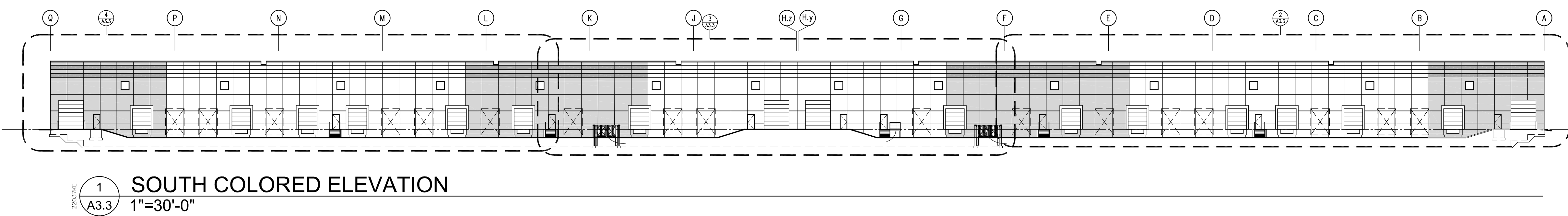
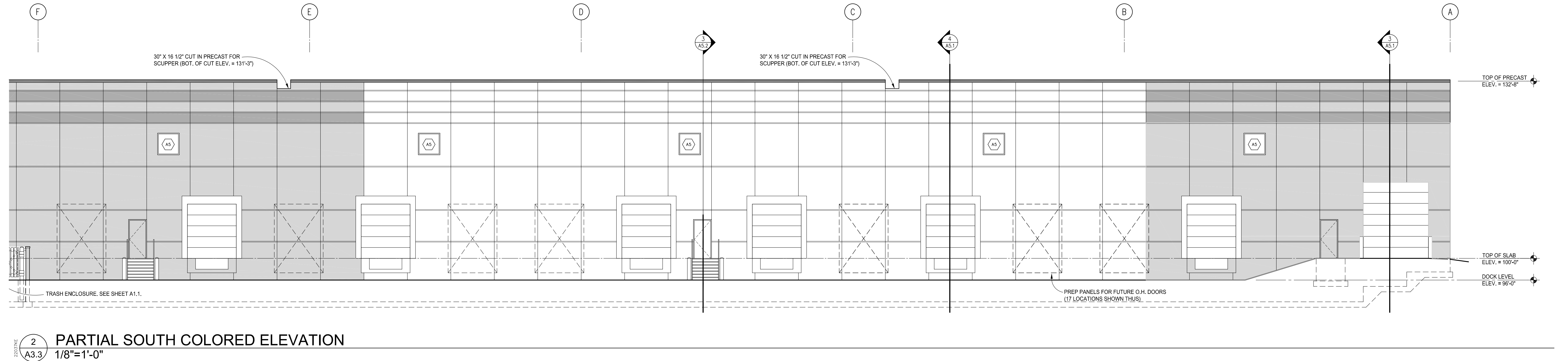
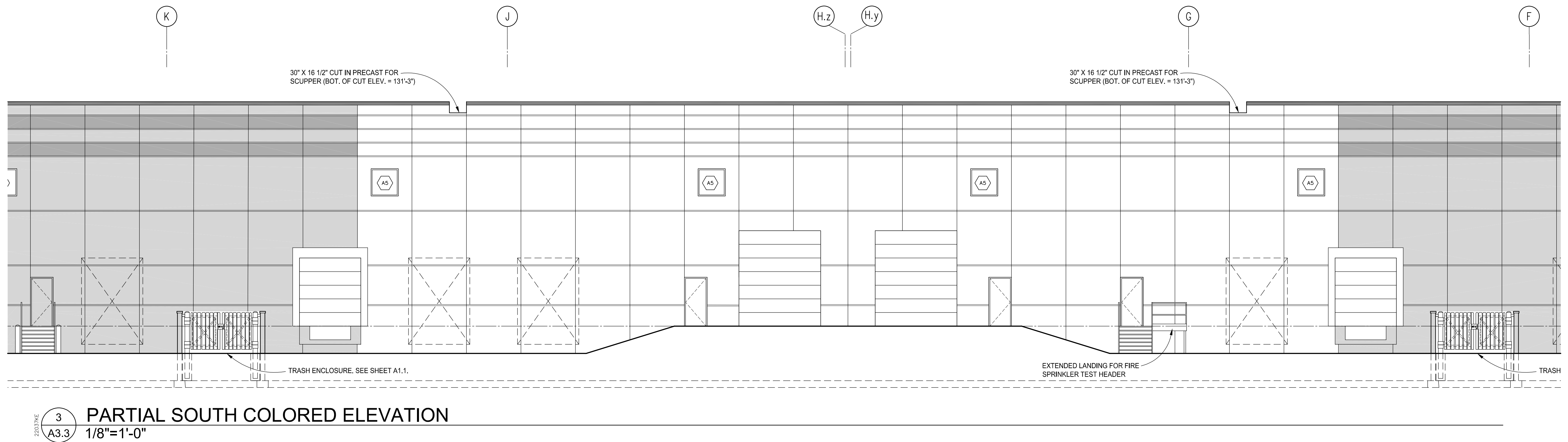
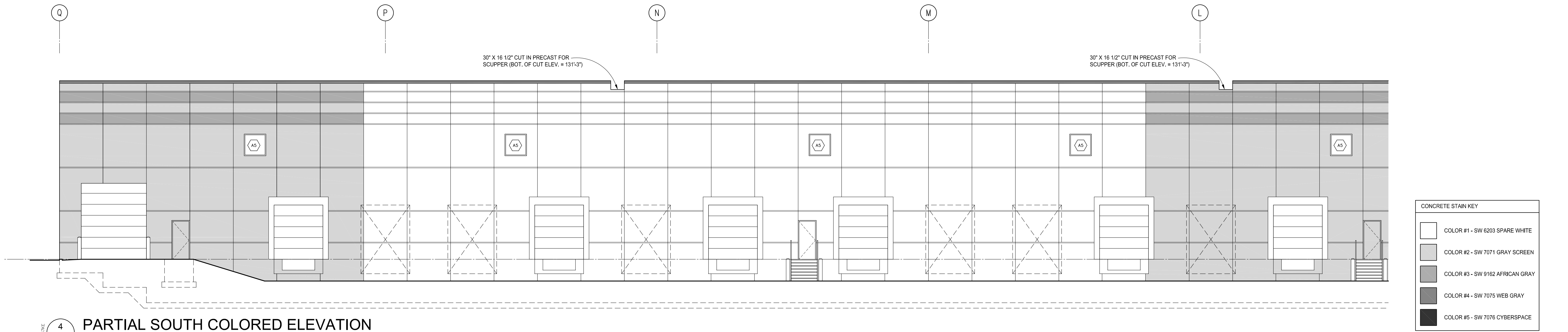




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INVERPOINTE  
BUILDING 4  
INVER GROVE  
HEIGHTS, MN 55077



## EXTERIOR ELEVATIONS

Issues and Revisions:  
CITY SUBMITTAL 4-18-2022

Commission No. 75372-22037  
Drawn by J.L.  
Checked by B.M.

SHEET

# A3.3

TRUE SHEET SCALE

0" 1/2" 1"





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ST. PAUL, MN 55108-2735  
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INVERPOINTE  
BUILDING 5  
INVER GROVE  
HEIGHTS, MN 55077

## EXTERIOR ELEVATIONS

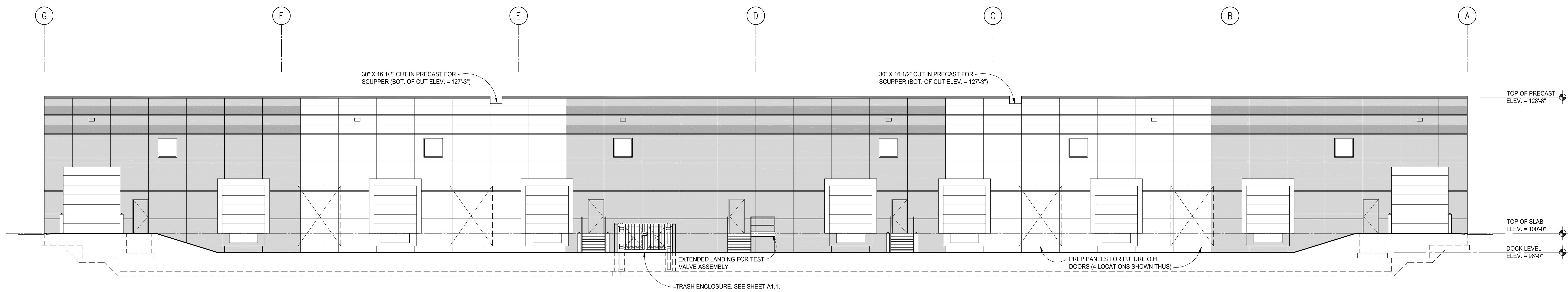
Issues and Revisions:  
CITY SUBMITTAL 4-18-2022

Commission No. 75372-22038  
Drawn by JL  
Checked by BM

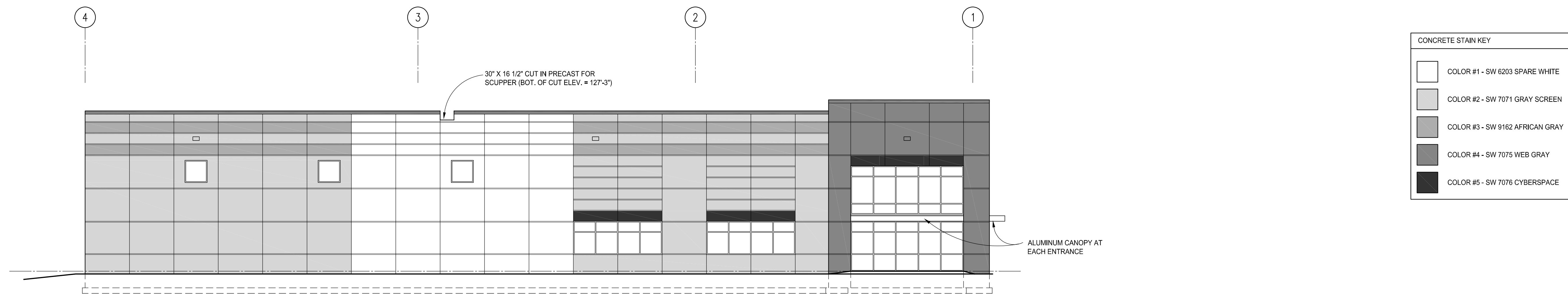
SHEET

# A3.1

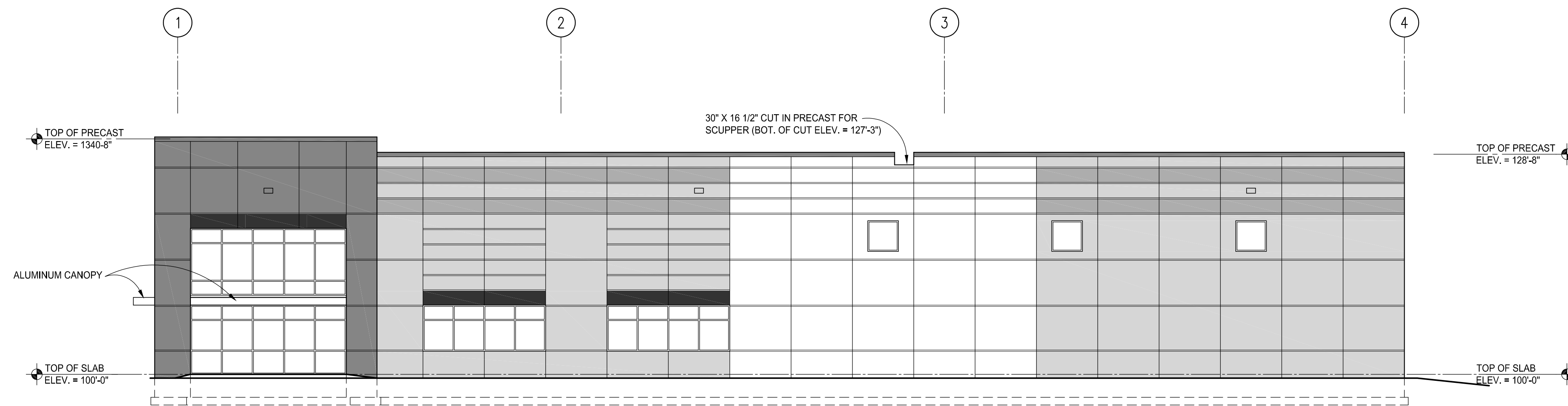
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0" 1/2" 1"



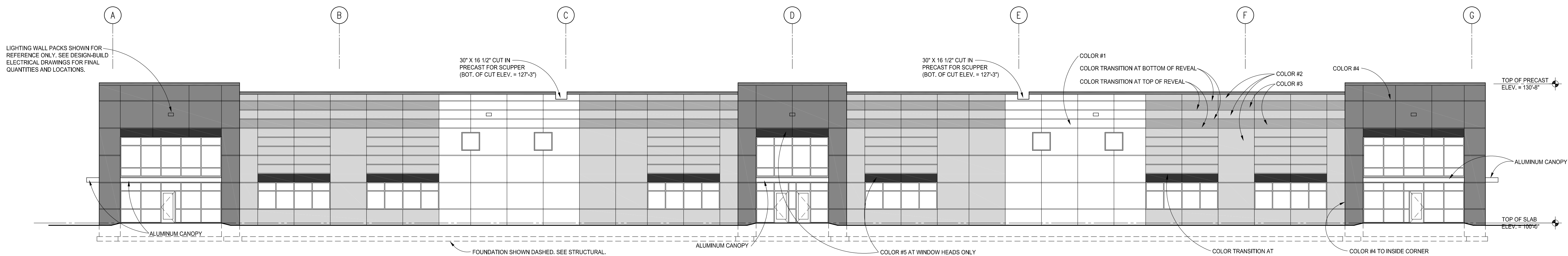
4 NORTH COLORED ELEVATION  
A3.1 1"=10'-0"



3 WEST COLORED ELEVATION  
A3.1 1"=10'-0"



2 EAST COLORED ELEVATION  
A3.1 1"=10'-0"



1 SOUTH COLORED ELEVATION  
A3.1 1"=10'-0"





## PLANNING REPORT

---

**CASE NO:** 22-18PAZ

**APPLICANT:** Blue Ribbon Builders

**PROPERTY OWNER:** Michael Cassidy

**REQUEST:** Comprehensive Plan Amendment and Rezoning

**HEARING DATE:** May 17, 2022

**LOCATION:** 9395 Old Concord Blvd, 9431 Old Concord Blvd, 9475 Old Concord Blvd

**COMPREHENSIVE PLAN:** High Density and Medium Density Residential

**ZONING:** A, Agriculture

**PREPARED BY:** Heather Botten  
Associate Planner

---

### **SPECIFIC REQUEST**

The applicant is requesting the following:

- A Comprehensive Plan Amendment to change the land use of the three parcels from High and Medium Density Residential to Light Industrial
- A Rezoning of the parcels from A, Agriculture to I-1, Limited Industry

### **BACKGROUND**

The applicant is proposing to change the land use designation and rezone a little over 10 acres of property for a garage condo development. The request is for three contiguous parcels that are zoned Agriculture and are guided High and Medium Density Residential. A comprehensive plan amendment and rezoning are needed to change the land use and zoning designation to industrial to allow for the garage condo development. The applicant recently made application and was successful in amending the zoning code to allow for the conditional use of garage condos in the I-1 and I-2 industrial districts, as the use was not allowed before. Now the applicant is working on finding industrial property within the City for a garage condo development.



This phase of the application process will address only the land use issues. If the comprehensive plan amendment and rezoning are successful, an application for a plat and conditional use permit would be required before development can occur. This subsequent process provides for public review and comment on the actual site plan and design.

Currently there are residential homes and accessory buildings on the lots, all owned by the same person. All of the existing structures would be demolished with a garage condo development.

### **EVALUATION OF REQUEST**

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

North: Single family home; zoned Ag and PUD; guided MDR, Medium Density Residential and HDR, High Density Residential

East: Single family homes; zoned E-1 and E-2, Estate Residential; guided RDR, Rural Density Residential

South: Right-of-Way

West: Commercial development; zoned B-3, General Business, guided CC, Community Commercial

### **Comprehensive Plan Amendment**

The subject parcels are currently all guided High Density and Medium Density Residential. The 2040 Comprehensive Plan defines these areas as:

Medium Density Residential (MDR) accommodates somewhat higher residential densities ranging from 8 to 12 dwelling units per net acre. Uses in this classification include higher density townhome developments and apartments, all with full public utility service.

High Density Residential (HDR)). Areas designated as high density residential are intended to accommodate multi-family housing at densities exceeding 12 units per net acre. Uses in this category will be principally limited to higher density apartment or condominium buildings for either general occupancy or for specific segments of the population such as senior housing.

The applicant is requesting the lots be designated as LI, Light Industrial. As stated in the Comprehensive Plan:

Light industrial areas include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city.

Light Industrial areas provide opportunities for new industrial development, expansion of existing uses and the redevelopment of existing industrial uses to expand employment opportunities and to serve existing businesses in the community.

Examples of Light Industrial uses include manufacturing, contractor's yards, and truck and freight terminals.

The area of the city this parcel is located within is referred to in the 2040 Comp Plan as an Established Development Areas. Established areas represent portions of the community which are mostly built out. Policy directions focus on preservation and maintenance of existing neighborhoods. Some of the Established Development Area Policies include:

- Allow infill development in a manner that protects the character of existing residential neighborhoods.
- Provide a broad range of housing opportunities.
- Ensure that new development areas are compatible in size and scale with existing, adjacent neighborhoods.
- Provide appropriate buffers to allow density transitions and to accommodate a range of housing types.
- Conduct long term planning to ensure existing neighborhood infrastructure is well maintained and reliable.
- Continually monitor the vitality and viability of existing commercial nodes and encourage the integration of supporting residential uses where necessary.

The proposed properties are located at the end of the MUSA boundary, directly east of the proposed development the lots are designated as Rural Development.

The rural density residential category is used to recognize a land use pattern that has become firmly established in the southern portion of Inver Grove Heights. At the present time, this area contains over 1,600 residences, none of which are served by municipal utilities. Because of the extensive nature of the rural density residential areas and the City's desire to accommodate a wide range of housing types, this development pattern is being considered permanent and is anticipated that future infill development will match the existing pattern. Policy directions focuses on maintaining the rural character of established neighborhoods, create a quality living environment that is adapted to the natural environment, and prohibit commercial or industrial uses in residential areas including home occupations that involve exterior storage such as contracting businesses.

The comprehensive plan designations are the most appropriate future land uses for a property which is based on several factors such as location, infrastructure, topography, and surrounding land uses. The following are reasons for and against the land use change:

### **RATIONAL FOR THE LAND USE CHANGE**

- The proposed use would be low intensity for an industrial use and could compliment the commercial uses to the west.
- The applicant has stated garage condo operations are typically low traffic generators. The properties are located along Cahill Avenue and Old Concord Blvd. Both are local City streets.
- A change of land use to industrial has the potential to generate employment, tax base, variety of goods and services.
- The applicants are considering phased construction for the buildings, the city would gain building permit fees.
- The garage condo use is unique and could bring in customers from surrounding communities who may then frequent other businesses in the city.

### **RATIONALE AGAINST THE LAND USE CHANGE**

- There are no other industrial type uses in the immediate area. Expanding industrial uses along Cahill would be a major change in land use direction.
- The property is not part of an industrial complex nor is it in an area with high industry demand.
- The properties abut residential to the north and east. The proposed 2040 Comprehensive Plan continues to recognize the rural land use pattern and has guided the property to the east as RDR, Rural Density Residential.
- Garage condo operations typically are not large employers. There may be only the need for a small office support.
- Amending the land use on the three parcels to industrial opens the property to all types of industrial development which could adversely impact the local streets and abutting residential properties.

### **Rezoning**

The City Code, Title 10-3-5 states that a rezoning request must be "in the best interest of the physical development of the City" in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

The applicant is proposing a rezoning to I-1, Limited Industry. The I-1 limited industry district is intended for the continued operation of light manufacturing, warehousing, and wholesaling businesses.

Based on the current land use designation, the current zoning of agriculture is more of a holding zone. It is anticipated that a rezoning would take place for development of the parcels.

Infrastructure is in place to accommodate a garage condo development.

The surrounding uses are commercial to the west, and single family residential to the north and east. The proposed industrial zoning would not be compatible with the existing, established uses in the neighborhood.

The complete list of uses allowed in the I-1 district are attached to this report. Once the property is zoned to I-1, it could be used for any those uses.

## **ALTERNATIVES**

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

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

- Approval of the **Comprehensive Plan Amendment** from MDR, Medium Density Residential and HDR, High Density Residential to LI, Light Industrial subject to the following conditions:
  1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
  2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
  3. The comprehensive plan land use change shall not become effective until a land use development plan has been approved by the City Council.
- Approval of the **Rezoning** of the property from A, Agricultural to I-1, Limited Industry District subject to the following:



1. The rezoning shall not become effective until a conditional use permit has been approved by the City Council.

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

### **RECOMMENDATION**

The proposed land use change is a significant departure from a well-established land use pattern and the current designation of medium and high density residential. While the proposed use would typically be a low intensity use, more intense uses could be a possibility in the future. The proposed use would not provide significant employment.

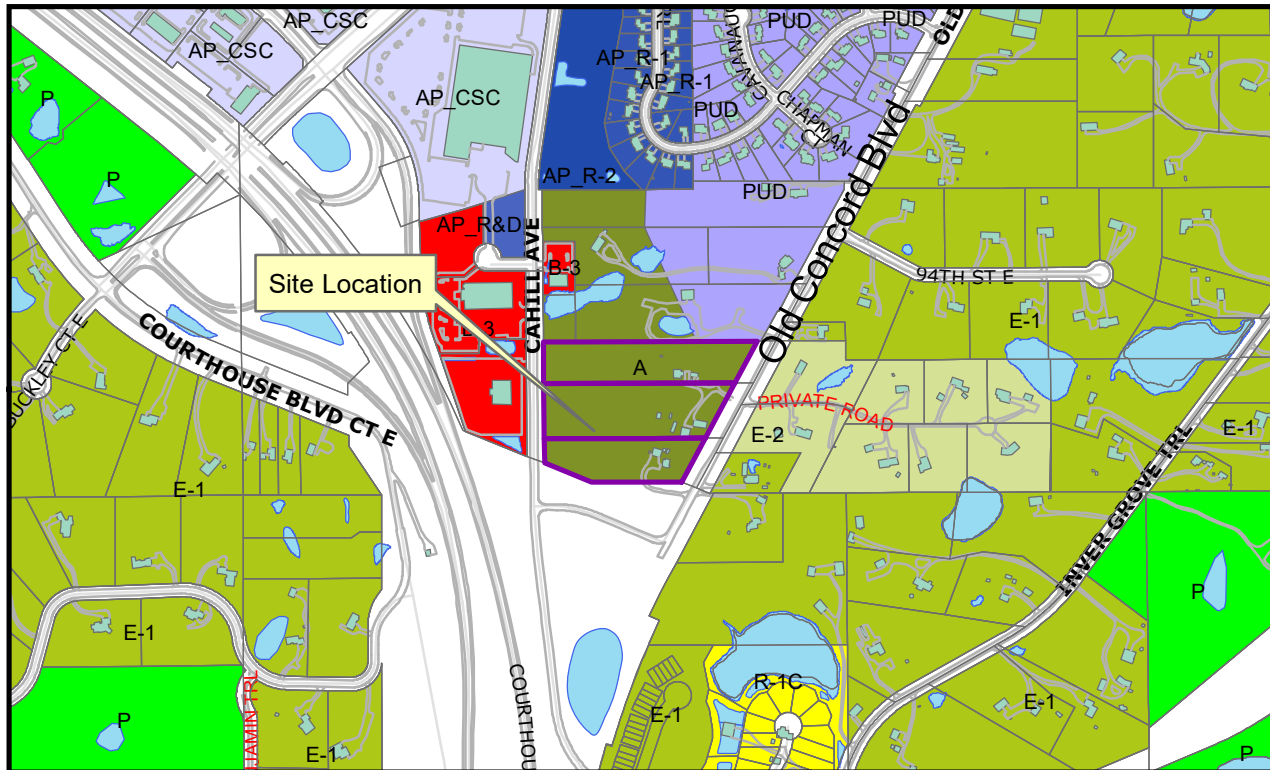
Based on the above summary, staff does not believe a comprehensive plan amendment to LI, Light Industrial and a rezoning to I-1, Limited Industry would be in the best interest to the surrounding neighborhood and the City.

Attachments: Location and zoning map  
Comprehensive Plan map  
Aerial photo  
Applicant narrative  
Concept plan of development  
Industrial property map  
Use table - Section 10-6-2 of the City Code

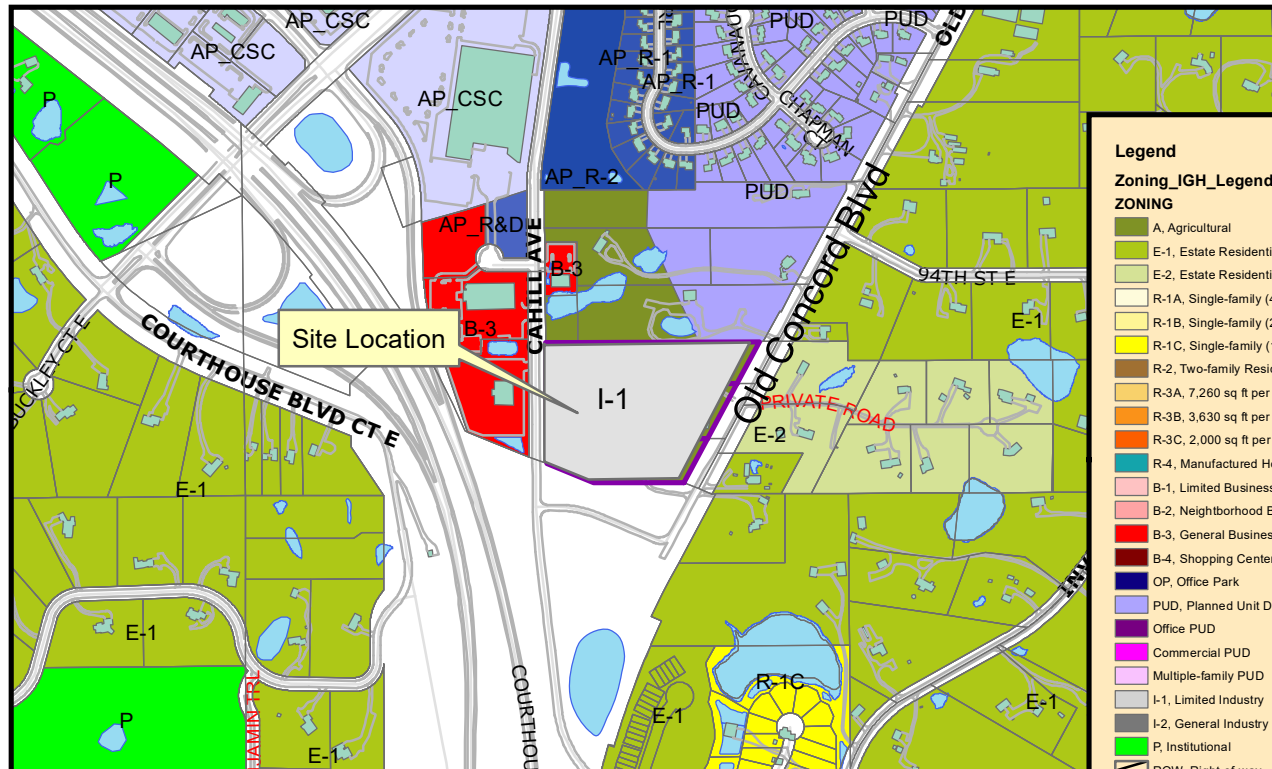


# Blue Ribbon Builders Case No. 22-18PAZ

## EXISTING



## PROPOSED



| Legend            |                                    |
|-------------------|------------------------------------|
| Zoning_IGH_Legend |                                    |
| ZONING            |                                    |
|                   | A, Agricultural                    |
|                   | E-1, Estate Residential            |
|                   | E-2, Estate Residential            |
|                   | R-1A, Single-family (40,000 sq ft) |
|                   | R-1B, Single-family (20,000 sq ft) |
|                   | R-1C, Single-family (12,000 sq ft) |
|                   | R-2, Two-family Residential        |
|                   | R-3A, 7,260 sq ft per unit         |
|                   | R-3B, 3,630 sq ft per unit         |
|                   | R-3C, 2,000 sq ft per unit         |
|                   | R-4, Manufactured Home Park        |
|                   | B-1, Limited Business              |
|                   | B-2, Neighborhood Business         |
|                   | B-3, General Business              |
|                   | B-4, Shopping Center               |
|                   | OP, Office Park                    |
|                   | PUD, Planned Unit Development      |
|                   | Office PUD                         |
|                   | Commercial PUD                     |
|                   | Multiple-family PUD                |
|                   | I-1, Limited Industry              |
|                   | I-2, General Industry              |
|                   | P, Institutional                   |
|                   | ROW, Right-of-way                  |

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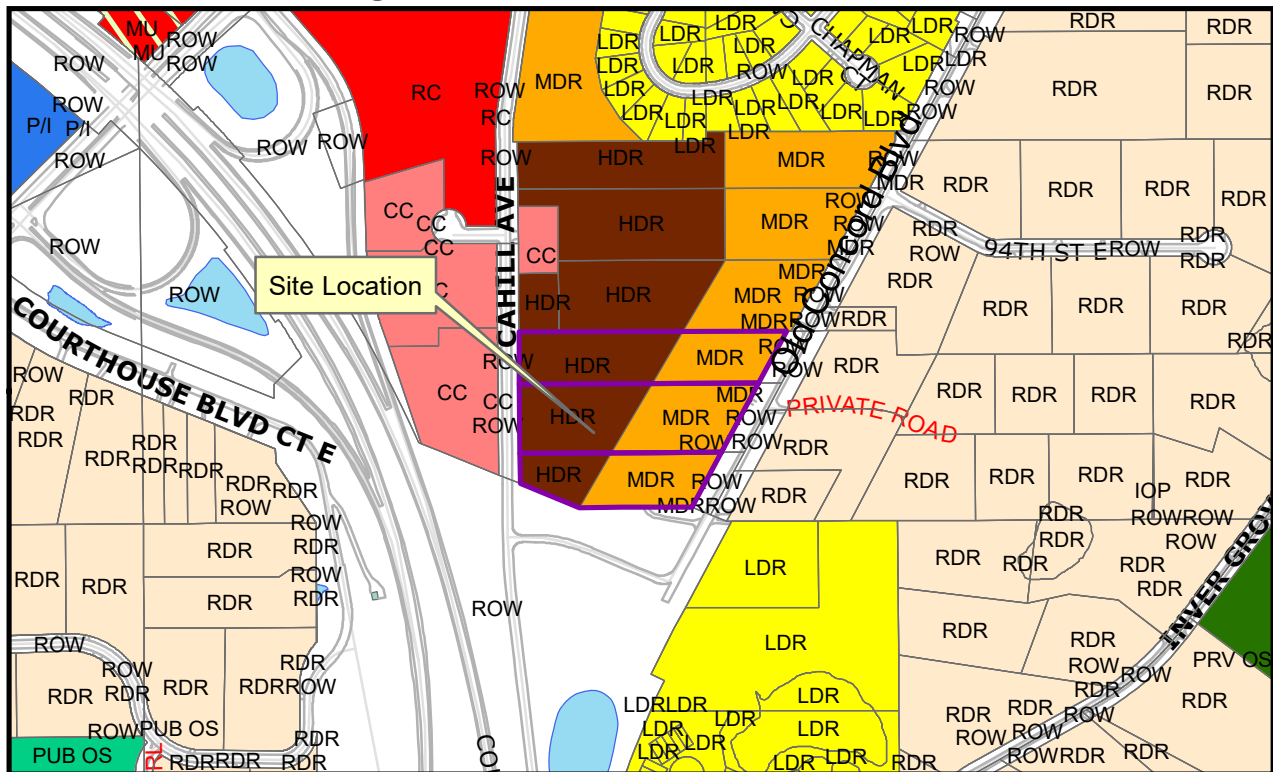
## Exhibit A Zoning and Location Map

Map not to scale

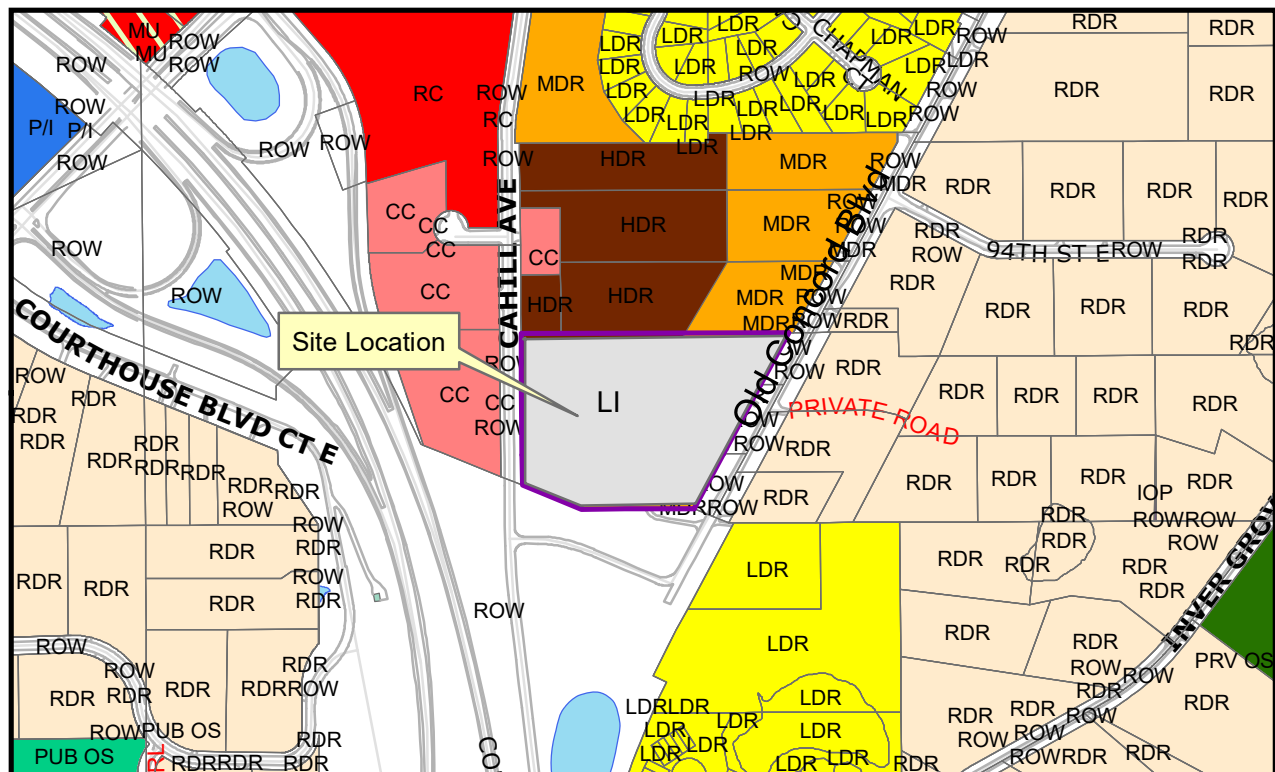


# Blue Ribbon Builders Case No. 22-18PAZ

## EXISTING



## PROPOSED



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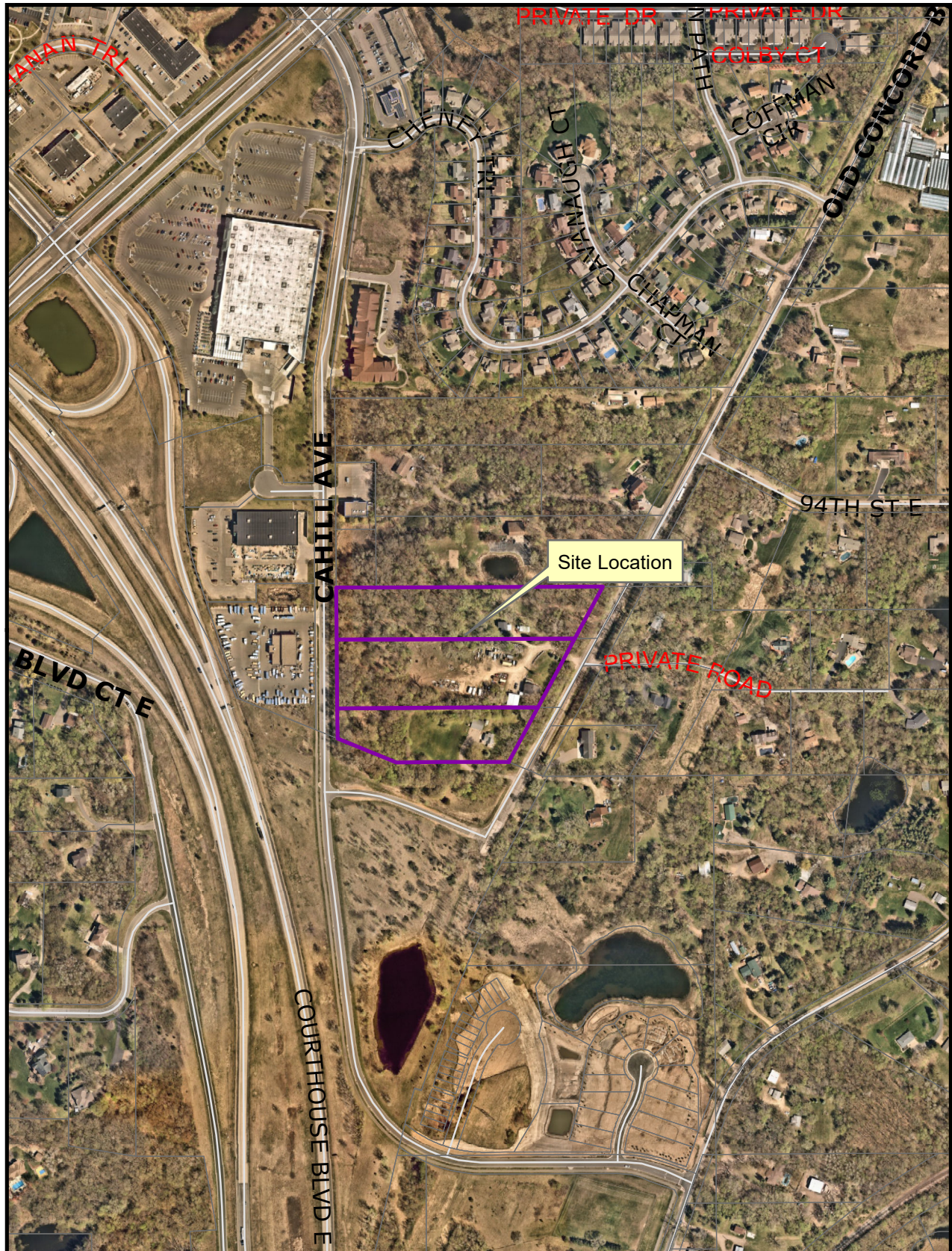
## Exhibit B 2040 Land Use Plan

Map not to scale





# Blue Ribbon Builders Case No. 22-18PAZ



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Aerial Photo

Map not to scale





***9395, 9431, 9475 Old Concord Road, Inver Grove Heights, MN 55076  
Rezoning request for garage condo development.***

---

**Request:**

Blue Ribbon Builders, LLC is requesting to rezone the identified properties to allow the development containing a "Garage Condominium Community" of approximate land coverage of 30% or up to LI and I1 density or up to a one hundred fifty-unit project within the newly approved I1 or I2 ordinance.

**1. Subject property legal descriptions:**

- a. 9475 Old Concord Road – IGH, MN 55076
  - i. PID: 20-02200-27-070
  - ii. Legal: S 14 1/2 R OF S 1/2 OF SE 1/4 OF NW 1/4 LYING W OF HGWAY 56
- b. 9431 Old Concord Road – IGH, MN 55076
  - i. PID: 20-02200-27-040
  - ii. Legal: THAT PT OF S 240 FT OF N 420.75 FT OF S 1/2 OF SE 1/4 OF NW 1/4 LYING W OF HGWAY #56
- c. 9395 Old Concord Road – IGH, MN 55076
  - i. PID: 20-02200-27-030
  - ii. Legal: THAT PT OF N 180.75 FT OF S 1/2 OF SE 1/4 OF NW 1/4 LYING W OF HGWAY #56

## 2. Current Zoning

### a. Agricultural

- i. The Agricultural District is established for agricultural uses and related activities. It also functions as a large lot rural residential district and a holding district for future urban development of land that does not yet have immediate access to municipal utilities. Scattered small-scale truck type farming operations occur throughout the City's non-urbanized areas, and these and other agricultural activities occur as an interim or permanent land use on individual properties. The Agricultural District is intended to enable the continuation of these agricultural activities.

## 3. Current Proposed Zoning

### a. HDR – High Density residential

- i. Areas designated as high density residential are intended to accommodate multi-family housing at densities exceeding 12 units per net acre. Uses in this category will be principally limited to higher density apartment or condominium buildings for either general occupancy or for specific segments of the population such as senior housing.

### b. MDR - Medium Density Residential

- i. Medium density residential accommodates somewhat higher residential densities ranging from 6 to 12 dwelling units per net acre. Uses in this classification include higher density townhome developments and apartments, all with full public utility service.



Blue Ribbon Builders, LLC is requesting the Comprehensive Plan be amended from the current zoning - Agriculture to the recently approved LI and I1 deemed appropriate for the Garage Condominium Ordinance and not the proposed HDR and MDR proposed zoning.

1. LI – Light Industrial

- a. The “I-1” Limited Industrial District is intended for the continued operation of light manufacturing, warehousing, and wholesaling businesses

2. I1-

- a. Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city

We are currently in contract between Blue Ribbon Builders, LLC and the current land owner and it is our goal is to purchase , develop and construct these garage condominiums focusing on quality design and curb appeal. Contingencies are met upon approval by the City of Inver Grove Heights Planning Commission and City Council. A conditional Use Permit and or Mixed Use Permit may be necessary to complete the process.

The subject properties are the three parcels located on Cahill Ave and Old Concord Road. Combined parcels are approximately 11.5 acres in size and will accommodate a varied number of units keeping land use with allowed improvement coverage restrictions, ponding requirements, drainage, erosion control, utility needs, easement and agreements for water/sewer/utility needs and acceptable miscellaneous conditions.

***Justification request:***

- 1. The city of Inver Grove Heights Comprehensive Plan states that its objectives are to encourage and promote quality development and desired benefits for the community. “Garage Condos” is a unique and productive addition to the community and will promote a neighborhood of like-minded individuals creating an atmosphere of unity and pride.



2. The increased taxed based on private ownership will provide the city another tax base in which to gain assets for improvements throughout the city.
3. With the "Garage Condos" being a destination community the need and interest for additional businesses including new restaurants, shops and services, the increase will continue to grow the tax base and promote more people to want to be part of the City of Inver Grove Heights Community.
4. The HOA (Homeowners Association) will encourage and enforce owners to comply with the Rules and Requirements stated in the Require HOA Docs taking pride and ownership in this new style community.
5. The Condo community will support safety and security.
6. The development to provide a safe and logical layout that people can navigate through without confusion. To enhance the public realm with attractive buildings and landscaping treatment along to coincide with the City's curb appeal.
7. To encourage energy efficient design with existing natural features such as trees, topography, creeks, and riparian vegetation into the site plan. Every effort should be made to preserve dominant elements, such as mature trees and natural vegetation.

### ***COMMON / OPEN SPACE***

The open spaces will include ponding for proper drainage to city code compliance and are placed on the site to look in harmony to the overall development. The common open / space should contain landscaped areas that encourage social interaction and possible events. Space will be factored in for overflow/guest parking that are visible by as many of the dwellings it serves as possible. Residents are more likely to respect and protect a common space when their perception is that it "belongs" to them. Use landscaping, building placement and fencing to create gateways to a common open space. This creates a distinction between the public realm and the semi-private nature of the open space.

A security fence around the development with gated or secure entrance and exit to deter unwanted visitors. Accommodations will be in place for emergency vehicles and personnel to enter the development without complications.

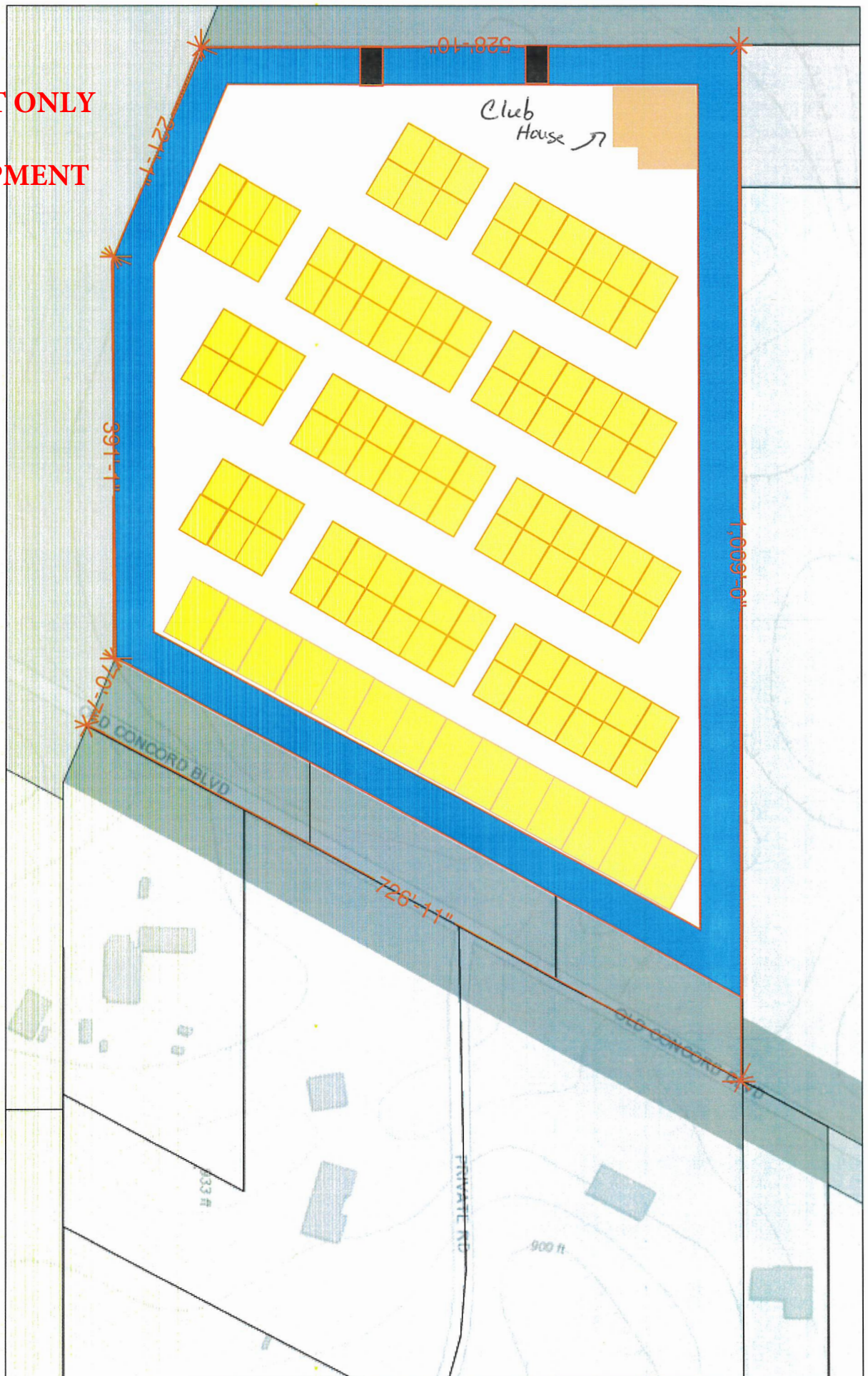


It is the intention of this project is to develop the project in phases as to keep costs and miscellaneous obstacles in check for a smooth process and conveniences.

With the newly approved ordinance amendment to include Garage Condos as an acceptable feature within the city limits Blue Ribbon Builders and many surrounding residents have stated they are in support for this project. Based on our research we respectfully request approval for rezoning the proposed properties.

Doug Johnson  
Blue Ribbon Builders, LLC  
It's: President

CONCEPT ONLY  
NOT FOR  
DEVELOPMENT



Property Map



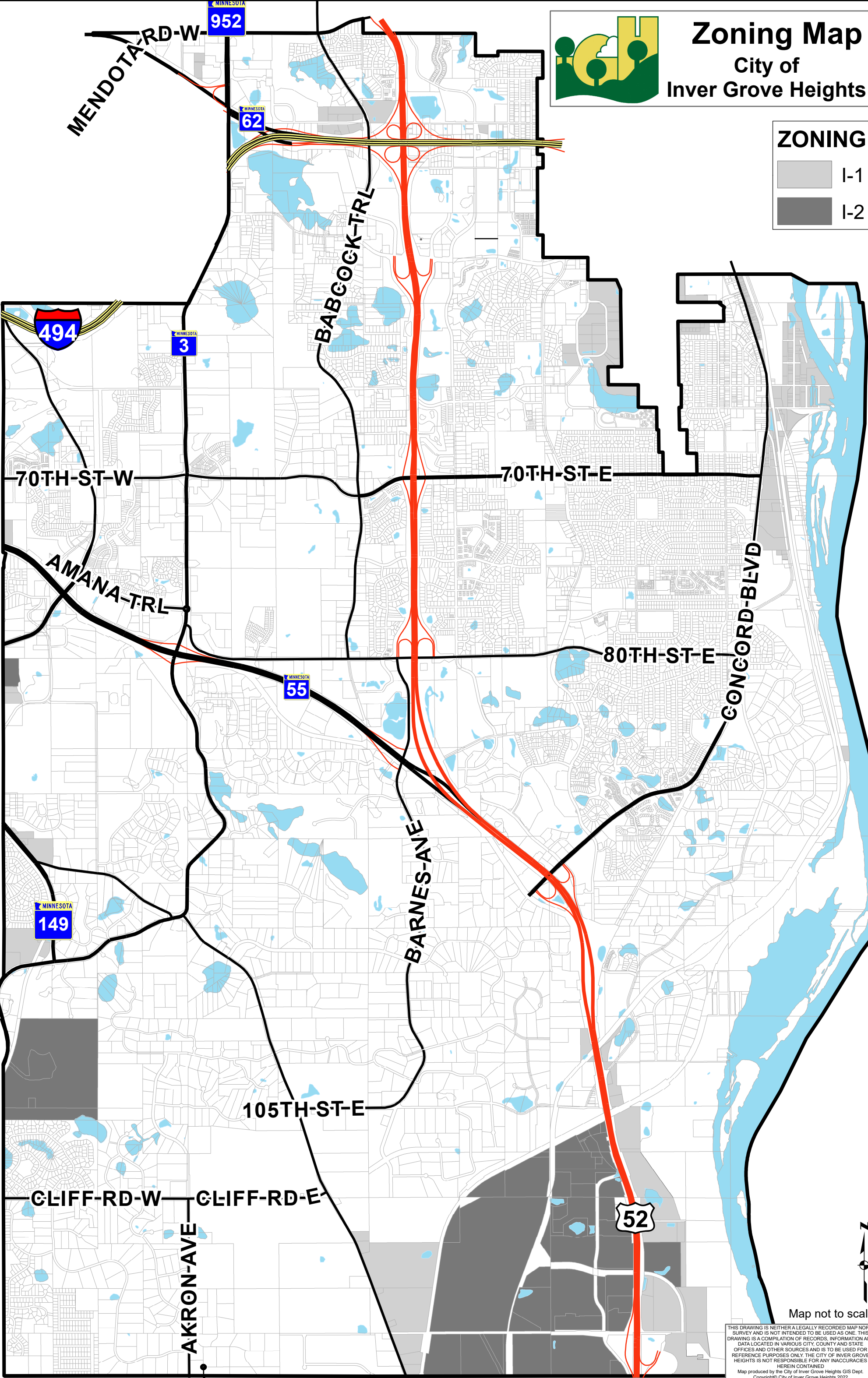


# Zoning Map

City of  
Inver Grove Heights

## ZONING

|  |     |
|--|-----|
|  | I-1 |
|  | I-2 |



Map not to scale

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Updated March 2022



## 10-6-2: LAND USES IN ALL NONRESIDENTIAL DISTRICTS:

P = Permitted use

C = Conditionally permitted use

A = Accessory use

| Use                                                                                    | Zoning District |     |     |     |    |     |     |     |   |        |          |            |
|----------------------------------------------------------------------------------------|-----------------|-----|-----|-----|----|-----|-----|-----|---|--------|----------|------------|
|                                                                                        | B-1             | B-2 | B-3 | B-4 | OP | I-1 | IOP | I-2 | P | MU-PUD | COMM-PUD | OFFICE-PUD |
| Use                                                                                    | Zoning District |     |     |     |    |     |     |     |   |        |          |            |
|                                                                                        | B-1             | B-2 | B-3 | B-4 | OP | I-1 | IOP | I-2 | P | MU-PUD | COMM-PUD | OFFICE-PUD |
| Additional building height (see section 10-5-8 of this title)                          | C               | C   | C   | C   | C  | C   | C   | C   | C | C      | C        | C          |
| Adult uses (see Chapter 15, article F of this title)                                   |                 |     | C   |     |    | C   |     |     |   |        |          |            |
| Airport                                                                                |                 |     |     |     |    | C   |     |     |   |        |          |            |
| Antennas                                                                               |                 |     |     |     |    |     |     |     |   |        |          |            |
| Commercial (see Chapter 15, article G of this title)                                   | A               | A   | A   | A   | A  | A   | A   | A   | A |        | A        | A          |
| Noncommercial (see exception in subsection 10-15G-2B of this title)                    | A               | A   | A   | A   | A  | A   | A   | A   | A | A      | A        | A          |
| Antique shop                                                                           |                 | P   | P   | P   |    |     |     |     |   |        |          |            |
| Appliance store                                                                        |                 | P   | P   | P   |    |     |     |     |   |        |          |            |
| Art studio (nonretail)                                                                 | P               |     |     |     |    |     |     |     |   | P      | C        |            |
| Auto parts and accessories store, no on site shop or repairs                           |                 | P   | P   | P   |    |     |     |     |   |        |          |            |
| Auto repair:                                                                           |                 |     |     |     |    |     |     |     |   |        |          |            |
| Major                                                                                  |                 |     | A   |     |    | P   |     |     |   |        |          |            |
| Minor                                                                                  |                 |     | P   | C   |    | P   |     |     |   |        |          |            |
| Automobile and off highway vehicle sales                                               |                 |     | C   |     |    |     |     |     |   |        |          |            |
| Automobile body shop                                                                   |                 |     | A   |     |    | P   |     |     |   |        |          |            |
| Automobile rental business                                                             |                 | C   |     |     |    |     |     |     |   |        |          |            |
| Automobile service - as accessory to retail sales (see section 10-15-24 of this title) |                 |     |     | C   |    |     |     |     |   |        |          |            |
| Automobile service center                                                              |                 |     | C   |     |    |     |     |     |   |        |          |            |
| Automobile service station (see section 10-15-23 of this title)                        |                 | C   | C   | C   |    | P   |     |     |   |        |          |            |
| Bagel shop                                                                             | P               | P   | P   | P   |    |     |     |     | A | P      |          |            |
| Bakeries - retail                                                                      |                 | P   | P   | P   |    |     |     |     |   | P      | C        |            |
| Bank (see section 10-15-25 of this title)                                              | P               | P   | P   | P   |    |     |     |     |   | P      |          |            |
| Bar (tavern)                                                                           |                 | C   | P   | P   |    |     |     |     |   |        |          |            |
| Barber/beauty shop                                                                     | C               | P   | P   | P   |    |     |     |     |   | P      | C        |            |
| Bicycle sales and repair                                                               |                 | P   | P   | P   |    |     |     |     |   | P      | C        |            |
| Billboard (see section 10-15E-6 of this title)                                         |                 |     | P   | P   |    | P   |     | P   |   |        |          |            |

|                                                                                                                                                    |   |   |   |   |   |   |   |                |   |   |   |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|----------------|---|---|---|---|
| Boat and marine sales (enclosed building)                                                                                                          |   |   | P | P |   |   |   |                |   |   |   |   |
| Body art establishment (see section 10-15-32 of this title)                                                                                        |   | P | P | P |   | C |   |                |   |   |   |   |
| Bookstore                                                                                                                                          |   | P | P | P |   |   |   |                |   |   | C |   |
| Bottling works                                                                                                                                     |   |   |   |   |   | P |   |                |   |   |   |   |
| Building materials yard                                                                                                                            |   |   | C | C |   | C |   |                |   |   |   |   |
| Bus terminal                                                                                                                                       |   |   | C | P |   |   |   |                |   |   |   |   |
| Bus terminal and repair garage                                                                                                                     |   |   |   |   |   | P |   |                |   |   |   |   |
| Business and trade school                                                                                                                          |   |   | C |   |   | C |   |                | C |   |   |   |
| Car wash                                                                                                                                           |   | P | A | A |   |   |   |                |   |   |   |   |
| Cemetery, including mausoleum and columbarium                                                                                                      |   |   |   |   |   |   |   |                | P |   |   |   |
| Church                                                                                                                                             |   |   | C |   |   |   |   |                | P |   |   |   |
| Clothing store                                                                                                                                     |   | P | P | P |   |   |   |                |   |   |   |   |
| Clubhouse and other golf course structures                                                                                                         |   |   |   |   |   |   |   |                | A |   |   |   |
| Coffee shop                                                                                                                                        | P | P | P | P |   |   |   |                | A | P |   |   |
| Commercial greenhouse                                                                                                                              |   |   | P |   |   |   |   |                |   |   |   | C |
| Commercial kennels, daycare (see definition of "kennel, commercial daycare" in section 10-2-2 of this title)                                       |   |   |   |   |   |   |   |                |   |   |   |   |
| Community gardens                                                                                                                                  | P | P | P | P | P | P | P | P              | P | P | P | P |
| Construction office/trailer, temporary                                                                                                             | P | P | P | P | P | P | P | P              | P | P | P | P |
| Contractor's shop - indoor                                                                                                                         |   |   |   |   |   | P |   | P              |   |   |   |   |
| Contractor's yard - outside but enclosed with fence                                                                                                |   |   |   |   |   | C |   | P <sup>2</sup> |   |   |   |   |
| Convenience store with gas sales (see section 10-15-23 of this title)                                                                              | C | C | C | C |   |   |   |                |   | C |   |   |
| Convention center                                                                                                                                  |   |   | C |   |   |   |   |                |   |   |   |   |
| Convents, seminaries, monasteries, and nunneries; rectories, parsonages and parish houses; religious retreats when accessory to a place of worship |   |   |   |   |   |   |   |                | A |   |   |   |
| Copy center                                                                                                                                        | C | P | P | P |   |   |   |                |   | P | C | C |
| Crematorium                                                                                                                                        |   | P | P | P |   |   |   |                |   |   |   |   |
| Data center                                                                                                                                        | P |   | P |   |   | P | P | P              |   |   |   |   |
| Daycare facility                                                                                                                                   | C | C | C | C |   |   |   |                | C | C |   |   |
| Dessert shop                                                                                                                                       |   | P | P | P |   |   |   |                |   | P | C |   |
| Drinking establishment (see "bar (tavern)" in this section)                                                                                        |   |   |   |   |   |   |   |                |   |   |   |   |
| Drugstore                                                                                                                                          |   | P | P | P |   |   |   |                |   | P |   |   |
| Dry cleaning; laundry pick up stations                                                                                                             | C | P | P | P |   |   |   |                |   | P | C |   |
| Electrical, heating, plumbing, and appliance repair                                                                                                |   |   | C |   |   | P |   | P              |   |   |   |   |

|                                                                                             |   |   |   |   |   |   |   |   |   |   |   |   |
|---------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Enclosed maintenance facility when architecturally compatible with the surroundings         |   |   |   |   |   | C |   | P | C |   |   |   |
| Essential services                                                                          | P | P | P | P | P | P | P | P | P | P | P | P |
| Essential services buildings                                                                | C | C | C | C | C | C | C | P | C |   |   |   |
| Fences (see section 10-15-12 of this title)                                                 | A | A | A | A | A | A | A | A | A | A | A | A |
| Floor covering stores                                                                       |   | P | P | P |   |   |   |   |   |   |   |   |
| Florist - retail sales                                                                      |   | P | P | P |   |   |   |   |   |   | C |   |
| Fuel storage and dispensing with conditions:                                                | P |   |   |   |   |   |   |   |   |   |   |   |
| A. Exclusive use by owner;                                                                  |   |   |   |   |   |   |   |   |   |   |   |   |
| B. No retail sales except for propane                                                       |   |   |   |   |   |   |   |   |   |   |   |   |
| Fuel storage tank such as crude oil, gasoline, natural gas, propane and other fuels         |   |   |   |   |   |   |   | C |   |   |   |   |
| Furniture store                                                                             |   | P | P | P |   |   |   |   |   |   |   |   |
| Gallery                                                                                     | C | P | P | P |   |   |   |   |   |   |   |   |
| Game arcade                                                                                 |   | C | P | P |   |   |   |   |   |   |   |   |
| Garden supply store:                                                                        |   |   | P | P |   |   |   |   |   |   |   |   |
| Outdoor sales and display area                                                              |   |   | A | A |   |   |   |   |   |   |   |   |
| Gift shop                                                                                   |   | P | P | P |   |   |   |   |   |   | C |   |
| Golf course                                                                                 |   |   |   |   |   |   |   |   | P |   |   |   |
| Grocery store                                                                               |   | P | P | P |   |   |   |   |   |   |   |   |
| Hardware store                                                                              |   | P | P | P |   |   |   |   |   |   |   |   |
| Higher education facilities                                                                 |   |   |   |   |   |   |   |   | P |   |   |   |
| Hobby shop                                                                                  |   | P | P | P |   |   |   |   |   |   |   |   |
| Home improvement center:                                                                    |   |   | C | P |   |   |   |   |   |   |   |   |
| Outdoor sales and display                                                                   |   |   |   | A |   |   |   |   |   |   |   |   |
| Hospital                                                                                    |   |   |   |   |   |   |   |   | P |   |   |   |
| Impound lot (see section 10-15-29 of this title) and auto auction sales                     |   |   |   |   |   | C |   | C |   |   |   |   |
| Interior decorating store                                                                   | P | P | P | P |   |   |   |   |   |   |   |   |
| Jewelry store                                                                               |   | P | P | P |   |   |   |   |   |   | C |   |
| Laundromat                                                                                  |   | P | P | P |   |   |   |   |   | P |   |   |
| Laundry                                                                                     |   |   |   |   |   | P |   |   |   |   |   |   |
| Liquor store                                                                                |   | C | P | P |   |   |   |   |   |   | C |   |
| Locksmith                                                                                   |   | P | P | P |   |   |   |   |   |   |   |   |
| Manufacturing and assembly:                                                                 |   |   |   |   |   | C | C | P |   |   |   |   |
| Sales and service of semi-trucks, trucks and trailers, including equipment, parts and tires |   |   |   |   |   |   |   | A |   |   |   |   |
| Marina                                                                                      |   |   | C |   |   | C |   |   |   |   |   |   |
| Massage therapy, licensed                                                                   | P | P | P | P |   |   |   |   |   |   |   |   |



|                                                                                   |   |   |   |   |   |   |   |                  |   |   |   |   |
|-----------------------------------------------------------------------------------|---|---|---|---|---|---|---|------------------|---|---|---|---|
| Medical and dental clinics                                                        | P | P | P | P |   |   |   |                  |   | P | C | C |
| Medical complexes and facilities                                                  | C |   |   | C | C |   | P |                  |   |   | C | C |
| Ministorage facilities (including caretaker quarters) and outdoor vehicle storage |   |   |   |   |   | C |   | P                |   |   |   |   |
| Mortuary                                                                          |   | P | P | P |   |   |   |                  |   |   |   |   |
| Motel/hotel                                                                       |   |   | P | C |   |   |   |                  |   |   | C |   |
| Multiple-family dwellings when attached to business                               |   |   |   |   |   |   |   |                  |   | P |   |   |
| Municipal community center and recreation facilities                              |   |   |   |   |   |   |   |                  | P |   |   |   |
| Municipal government administration buildings, fire stations, and police stations |   |   |   |   |   |   |   |                  | P |   |   |   |
| Museum                                                                            | C |   |   |   |   |   |   |                  | P |   |   |   |
| Music store                                                                       |   | P | P | P |   |   |   |                  |   |   |   |   |
| Music studio:                                                                     |   |   |   |   |   |   |   |                  |   |   |   |   |
| Nonretail                                                                         | P | P | P | P |   |   |   |                  |   | P | C |   |
| With incidental sales                                                             | C | P | P | P |   |   |   |                  |   | C |   |   |
| Newspaper and publishing office                                                   |   |   | P | P |   |   |   |                  |   |   |   |   |
| Nightclub (providing structure is more than 100 feet from R zoned property)       |   |   | C |   |   |   |   |                  |   |   |   |   |
| Nursing home                                                                      |   |   |   |   |   |   |   |                  | C |   |   |   |
| Off street parking                                                                | A | A | A | A | A | A | A | A                | A | A | A | A |
| Office:                                                                           |   |   |   |   |   |   |   |                  |   |   |   |   |
| Showroom                                                                          |   |   |   |   |   | P |   | P                |   |   |   |   |
| Trucking terminal                                                                 |   |   |   |   |   | C |   | P                |   |   |   |   |
| Warehouse                                                                         |   |   |   |   |   | C | P | P                |   |   |   |   |
| Office building                                                                   | P | P |   |   | P |   | P | P                |   | P | C | C |
| Office supply store                                                               |   | P | P | P |   |   |   |                  |   |   |   |   |
| Open sales lot (excludes automobile and off highway vehicle sales lots)           |   | C | C |   |   | C |   | P                |   |   |   |   |
| Optical/eyeware sales:                                                            |   |   |   |   |   |   |   |                  |   |   |   |   |
| <1,000 square feet floor area                                                     | C | P | P | P |   |   |   |                  |   |   | C |   |
| >1,000 square feet floor area                                                     |   | P | P | P |   |   |   |                  |   |   |   |   |
| Outdoor storage                                                                   |   |   | C |   |   | C |   | P <sup>1,2</sup> |   |   |   |   |
| Outdoor storage associated with municipal government use only                     |   |   |   |   |   |   |   |                  | P |   |   |   |
| Packaging, cleaning, repair or testing (enclosed building)                        |   |   |   |   |   | P | P | P                |   |   |   |   |
| Paint and wallpaper sales                                                         |   | P | P | P |   | C |   |                  |   |   |   |   |
| Pawnshop, licensed                                                                |   |   | P |   |   |   |   |                  |   |   |   |   |
| Personal gardens                                                                  | P | P | P | P | P | P | P | P                | P | P | P | P |
| Pet shop (no boarding)                                                            |   | C | P | P |   |   |   |                  |   |   |   |   |

[illegible]

|                                                                                                                      |   |   |   |   |   |   |   |                                    |   |  |   |  |
|----------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|---|---|------------------------------------|---|--|---|--|
| Small appliance repair                                                                                               |   | P | P | P |   |   |   |                                    |   |  |   |  |
| Sporting goods store                                                                                                 |   | P | P | P |   |   |   |                                    |   |  |   |  |
| Stone and monument sales                                                                                             |   |   | C |   |   | C |   |                                    |   |  |   |  |
| Studios: dance, exercise, marshal arts, etc.:                                                                        |   |   |   |   |   |   |   |                                    |   |  |   |  |
| <2,000 square feet in floor area                                                                                     | C | P | P | P |   |   |   |                                    |   |  | P |  |
| > or = 2,000 square feet in floor area                                                                               |   | P | P | P |   |   |   |                                    |   |  |   |  |
| Tanning salon                                                                                                        | C | P | P | P |   |   |   |                                    |   |  | C |  |
| Theater (movie)                                                                                                      |   | C | C | C |   |   |   |                                    |   |  | C |  |
| Tower, telecommunications (see Chapter 15, article G of this title) and commercial television and radio transmitters | C | C | C | C | C | C | C | C                                  | C |  |   |  |
| Truck and freight terminal                                                                                           |   |   |   |   |   | C |   | P                                  |   |  |   |  |
| Truck stop (see section 10-15-23 of this title)                                                                      |   |   |   |   |   | C |   |                                    |   |  |   |  |
| Upholstery shop                                                                                                      |   | P | P | P |   |   |   |                                    |   |  |   |  |
| Veterinary clinic:                                                                                                   |   |   |   |   |   |   |   |                                    |   |  |   |  |
| Small animals                                                                                                        | C | C | C | C |   |   |   |                                    |   |  | C |  |
| Large animals                                                                                                        |   |   |   |   |   | C |   |                                    |   |  |   |  |
| Video store                                                                                                          |   | P | P | P |   |   |   |                                    |   |  |   |  |
| Warehousing and distribution                                                                                         |   |   |   |   |   | P |   | P                                  |   |  |   |  |
| Wholesale office and showroom                                                                                        |   |   | P |   |   | P |   | P                                  |   |  |   |  |
| Wholesaling and distribution                                                                                         |   |   |   |   |   | P |   | P                                  |   |  |   |  |
| Wind power converter                                                                                                 |   |   |   |   |   | C |   | P <sup>3</sup> ,<br>C <sup>4</sup> | C |  |   |  |

Notes:

1. Must comply with performance standards found in subsection 10-15-10B of this title.
2. Must comply with performance standards found in subsection 10-15-10B of this title when abutting Highway 52/55.
3. Maximum height of 45 feet.
4. Maximum height of 60 feet.

(Ord. 1323, 10-10-2016; amd. Ord. 1334, 3-27-2017; Ord. 1335, 4-10-2017; Ord. 1403, 3-22-2021)

**\*\*Garage condos allowed as a conditional use in the I-1 and I-2 districts**





## PLANNING REPORT

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**CASE NO.:** 22-21ZA

**APPLICANT:** City of Inver Grove Heights

**PROPERTY OWNER:** City of Inver Grove Heights

**REQUEST:** Ordinance Amendment

**LOCATION:** N/A

**HEARING DATE:** May 17, 2022

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Allan Hunting  
City Planner  
Brad Scheib, HKGi

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### **BACKGROUND**

The City of Inver Grove Heights must update its Mississippi River Corridor Critical Area (MRCCA) ordinance for consistency with the City's MRCCA plan (see Chapter 9 of the Comprehensive Plan adopted in October 2019) and state rules **by June 29, 2022** (see Minn. Rules 6106.0070 Subp. 3. A.) To help with this process, the DNR developed a model ordinance and property owner handout in consultation with a local government advisory group during 2019. The DNR also developed a variety of guidance documents and web-based mapping tools to help with ordinance administration after adoption. You can find these resources along with an explanation of the review and approval process on the DNR's MRCCA local government administration webpages.

The MRCCA is a corridor of land along each side of the Mississippi River in the metro area covering 54,000 acres along a 72-mile stretch of the river. Land development in the MRCCA has been regulated by city adopted MRCCA plans and zoning regulations since around 1990. The Rules regulate structure height, setbacks from the river and bluffs as well as vegetation management and removal, land alterations and subdivisions to preserve the corridor.

As part of the creation of the new rules, State Legislature directed DNR to begin public comment period on the new rulemaking

- During 2013-2014 DNR met with local governments and interest groups to gather input on draft rules

- DNR held three public information meetings to gather public input. Included a four-month comment period and sending notice to all property owners within the MRCCA
- In 2017 rules are adopted and DNR creates a model ordinance for local governments to adopt.

Also attached to this staff report is a 4 page guide to the MRCCA zoning ordinance updates prepared by the DNR. This guide walks through at a high level what the MRCCA is, why it is important, and some of the specific considerations that are found throughout the revised zoning code for Inver Grove Heights.

### **EVALUATION OF THE REQUEST**

The City's Critical Area Ordinance is contained in [Title 10 Zoning Regulations of the City Code, Chapter 13 Special Use Districts, Article C. Critical Area Overlay](#). The ordinance was adopted around 1990 and has been modified from time to time. Upon reviewing the DNR model ordinance, consulting with DNR staff, and evaluating the changes needed to bring the city ordinance into compliance, it was determined the most efficient process would be to begin with MRCCA model ordinance and adapt unique elements from Inver Grove Heights into the model ordinance. The city hired the consultant group, HKGi to draft the ordinance following the DNR model ordinance.

The following represents the key changes that adopting the model ordinance will have in relation to the existing Inver Grove Heights Critical Area Ordinance.

1. The 'Findings' statement from the existing Inver Grove Heights code was inserted into the model ordinance.
2. Definitions: The model ordinance included a long list of definitions, many of which are already included in the Inver Grove Heights code of ordinances. Definitions that already exist in the Inver Grove Heights code of ordinances were removed from the model ordinance *unless* the definition in the model ordinance significantly differed in meaning that was unique to the MRCCA guidance. A list of some of the key terms/definitions to be aware of can be found on page 2 of the attached guide document.
  - a. Note particularly definitions related to bluffs, PCAs (Primary Conservation Areas) and PRCVs (Public River Corridor Views).
3. Administrative procedures were mostly retained from the existing code. Thus this section somewhat deviates from the model ordinance.
4. The MRCCA plan and guidance changed the "district" designations and terminology. The new model ordinance applies the districts that are specific to Inver Grove Heights. The

attached Map (2022 MRCCA Districts map) identifies how those districts apply to the Critical Area through Inver Grove Heights.

5. A provision was retained from the existing Inver Grove Heights ordinance related to structure heights, placement, and lot size that allows platted residential lots of record in existence on January 1, 1989, to have more lenient setbacks from the bluffline for residential structures (primary or accessory). This would result in no new non-conformities based on setback from the river.

As part of the review and approval process for the zoning updates, the City is required to submit the draft ordinance to the DNR for review. This has been completed and the DNR provided its conditional approval on May 3, 2022. The attached ordinance draft includes modifications per the DNR's conditional approval.

### **ALTERNATIVES**

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

- o Recommend Approving an Ordinance Amendment to Title 10, Chapter 13 of the City Code (Zoning Regulations) to repeal in its entirety and replace Article C, Critical Area Overlay District with new regulations per Minnesota Adopted Rules.

**B. Denial.** If the Planning Commission finds issues with the ordinance, a recommendation of denial should be made or specify recommended changes to the ordinance.

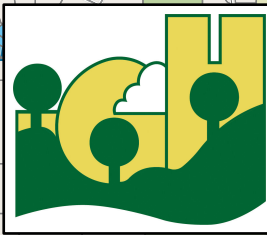
### **RECOMMENDATION**

Planning staff recommends approval of the ordinance amendment to the MRCCA rules per the conditional approval of MnDNR.

#### **ATTACHMENTS:**

- MRCCA Overlay District Map
- Draft Ordinance
- Guide to City and Township MRCCA Updates (prepared by DNR)
- MRCCA Bluff Impact Map





City of Inver Grove Heights

2022 MRCCA Districts

MRCCA Districts

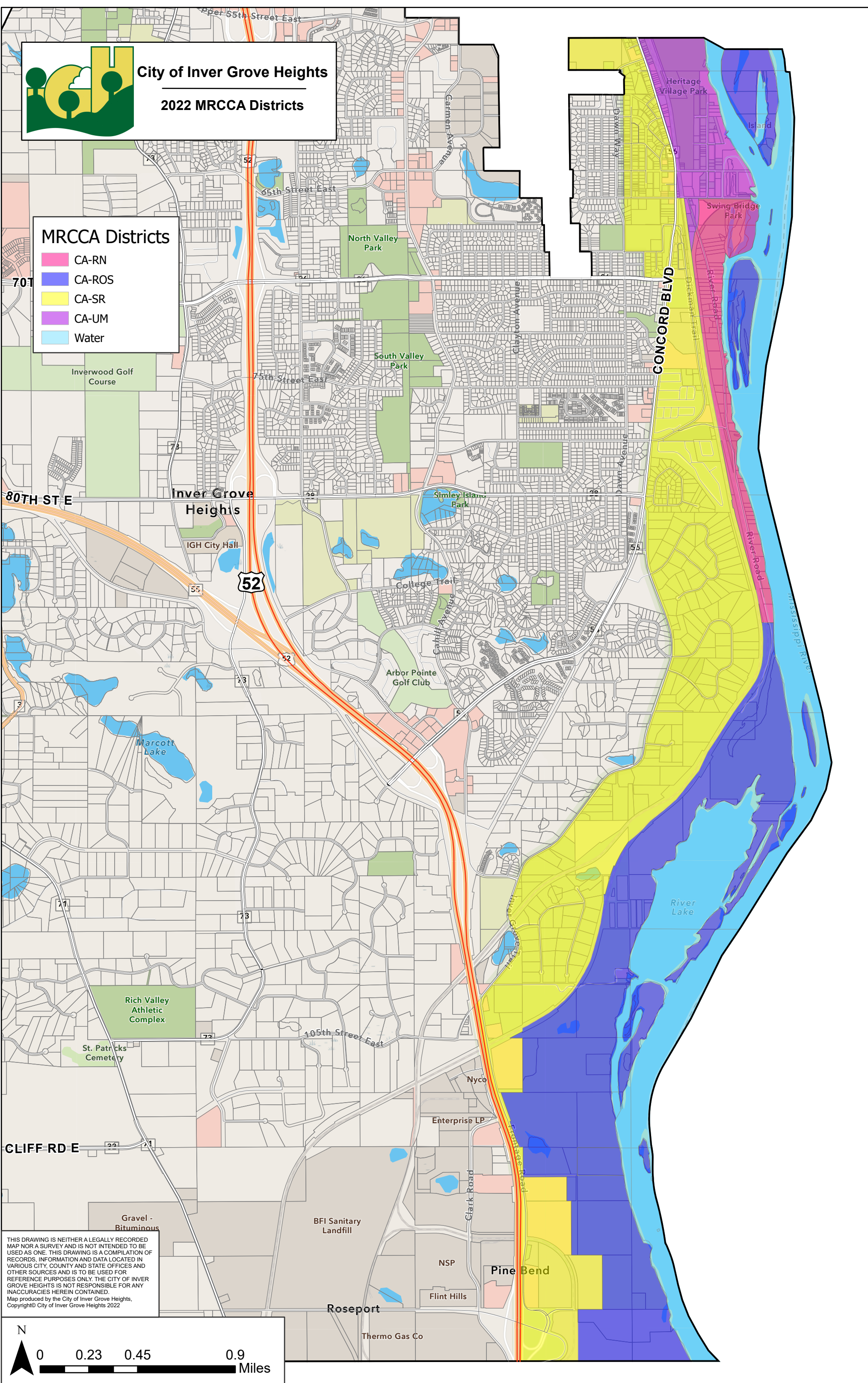
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**CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO. \_\_\_\_  
AN ORDINANCE REPEALING AND REPLACING INVER GROVE HEIGHTS MISSISSIPPI  
RIVER CORRIDOR CRITICAL AREA (MRCCA) ORDINANCE; CITY CODE TITLE 10,  
CHAPTER 13, ARTICLE C**

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THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS FOLLOWS:

**Section One. Repeal and Replace.** The City adopted an updated comprehensive plan in October of 2019 that established updated policy and guidelines for the Mississippi River Corridor Critical Area consistent with [Minnesota Rule 6106](#) adopted in 2017. In order to maintain consistency with state rules and the adopted comprehensive plan, Title 10, Chapter 13, Article C of the Inver Grove Heights City Code adopted on 11-08-2004 by ordinance 1098 is hereby repealed in its entirety and replaced to read as follows:

**10-13C-1 Authority, Intent and Purpose**

**10-13C-2 General Provisions and Definitions**

**10-13C-3 Administration**

**10-13C-4 MRCCA Districts**

**10-13C-5 Special Land Use Provisions**

**10-13C-6 Structure Height and Placement and Lot Size**

**10-13C-7 Performance Standards for Private Facilities**

**10-13C-8 Performance Standards for Public Facilities**

**10-13C-9 Vegetation Management**

**10-13C-10 Land Alteration Standards and Stormwater Management**

**10-13C-11 Subdivision and Land Development Standards**

**10-13C-12 Exemptions**

**10-13C-1: FINDINGS, AUTHORITY, INTENT, AND PURPOSE:**

- A. **Findings:** The city finds that the Mississippi River corridor is a unique and valuable local, state, regional and national resource. The river is an essential element in the local, regional, state and national transportation, sewer and water and recreational system and serves important biological and ecological functions. The prevention and mitigation of irreversible damage to this resource and the preservation and enhancement of its natural, aesthetic, cultural, and historic values is in furtherance of the health, safety and general welfare of the City.
- B. **Statutory Authorization:** This Mississippi River Corridor Critical Area (MRCCA) article is adopted pursuant to the authorization and policies contained in Minnesota Statutes,

Chapter [116G](#), Minnesota Rules, Parts [6106.0010 - 6106.0180](#), and the planning and zoning enabling legislation in Minnesota Statutes, Chapter [462](#) and [473](#).

- C. Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

## **10-13C-2: GENERAL PROVISIONS AND DEFINITIONS**

- A. Jurisdiction: The provisions of this article apply to land within the river corridor boundary as described in the [State Register, volume 43](#), pages 508 to 519 and shown on the [zoning map](#).
- B. Severability: If any section, clause, provision, or portion of this article is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.
- C. Enforcement: The city community development director or their duly authorized representative (except where otherwise more specifically stated in this article) is responsible for the administration and enforcement of this article. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with the granting of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this article can occur regardless of whether or not a permit is required for a regulated activity listed in section 10-13C-3C.
- D. Abrogation and Greater Restrictions: It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other articles inconsistent with this article are hereby repealed to the extent of the inconsistency only.
- E. Underlying Zoning. Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.
- F. Definitions. Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the same meaning they have in common usage and to give this article its most reasonable application. For the purpose of this article, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally. Definitions in this section are unique to Article 10-13C. All other definitions refer to section [10-2-2](#) of this title.

ACCESS PATH: An area designated to provide ingress and egress to public waters.

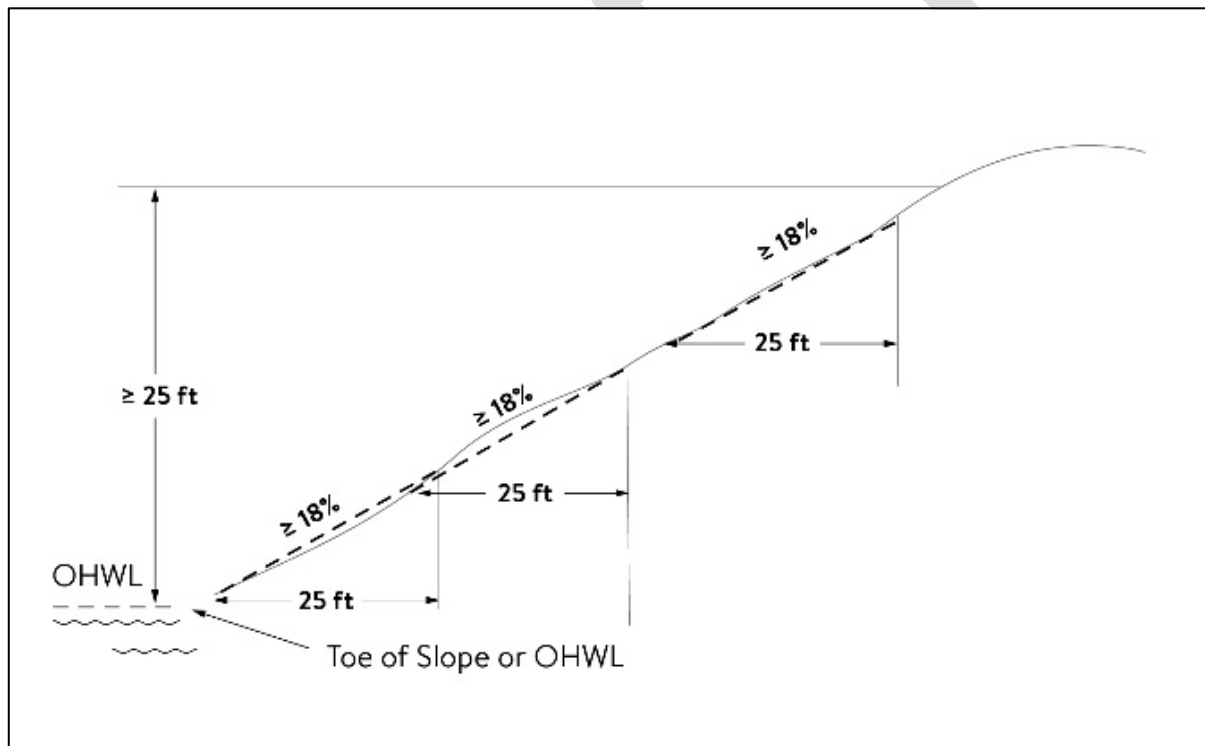
ALTERNATIVE DESIGN: Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

BIOLOGICAL AND ECOLOGICAL FUNCTIONS: The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

BLUFF: A natural topographic feature having:

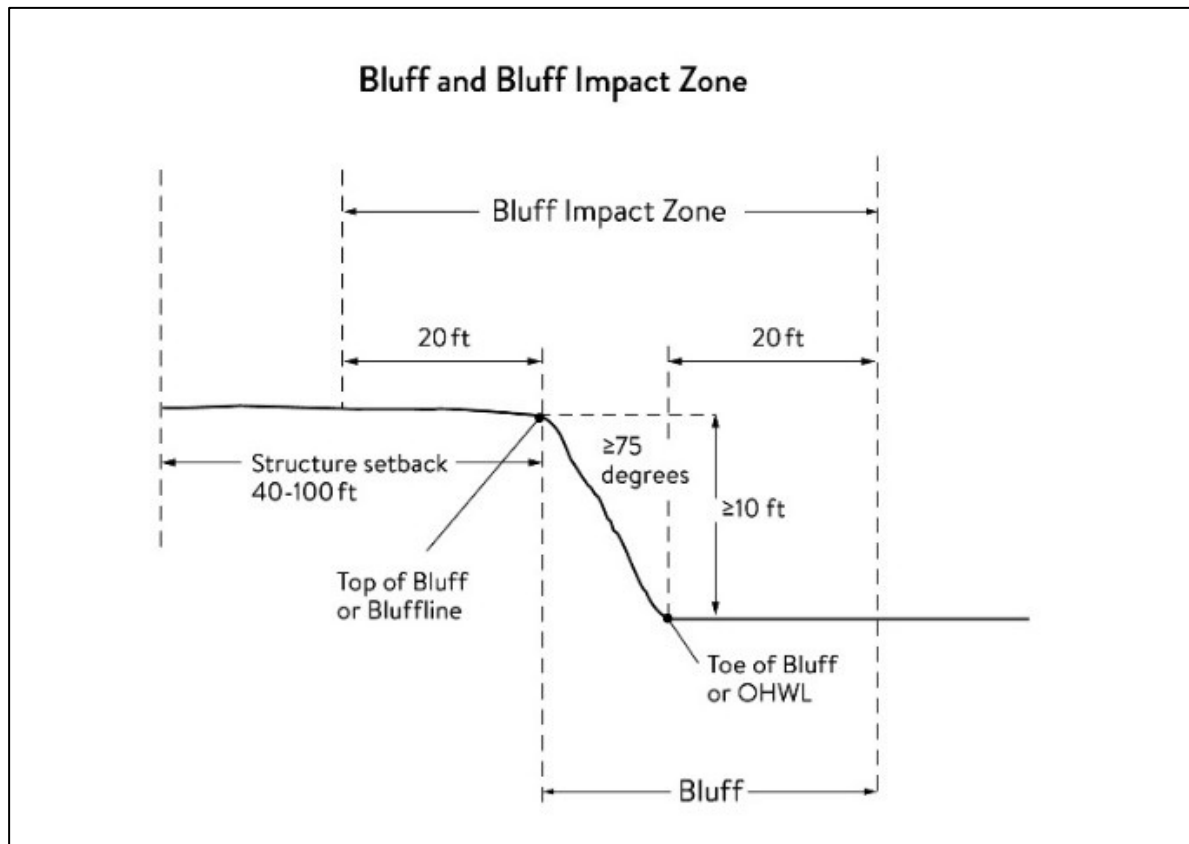
1. A slope that rises at least 25 feet where the grade of the slope averages 18 percent or greater, measured over any horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

Figure 1. Bluff



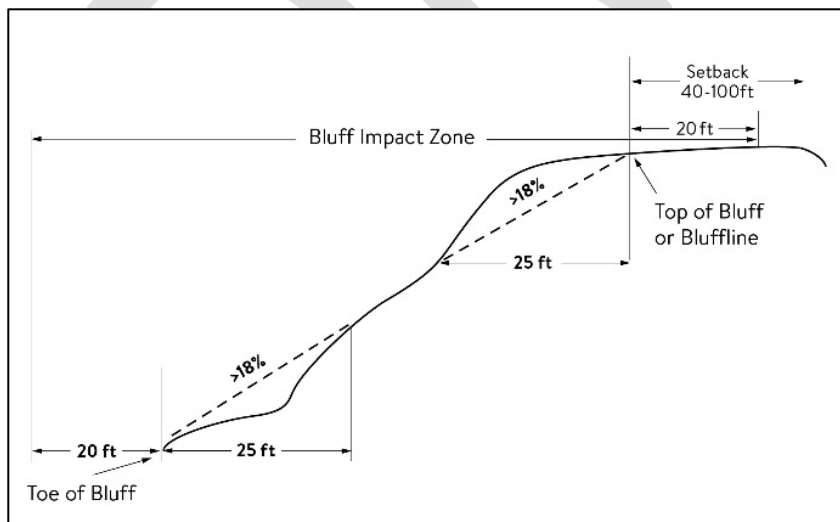
2. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



BLUFF IMPACT ZONE (BIZ): A bluff and land located within 20 feet of the bluff. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

Figure 3. Bluff Impact Zone, Bluffline, Toe of bluff, and Top of Bluff



BLUFFLINE: A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figure 2 for natural escarpment or cliff



example and Figure 3 for more common bluff example.

**BLUFF, TOE OF:** A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

**BLUFF, TOP OF:** A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figure 2 for natural escarpment or cliff example and Figure 3 for more common bluff example.

**BUILDABLE AREA:** The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

**CERTIFICATE OF COMPLIANCE:** A document written after a compliance inspection, certifying that the development complies with applicable requirements at the time of the inspection.

**COMMISSIONER:** The [commissioner](#) of the Minnesota Department of Natural Resources.

**CONSERVATION DESIGN:** A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

**CONSERVATION SUBDIVISION:** A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

**DEVELOPER:** Any person, including a governmental agency, undertaking any development.

**DEVELOPMENT:** The making of any material change in the use or appearance of any structure or land including but not limited to:

1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on the land;
2. A change in the intensity of use of the land;
3. Alteration of a shore or bank of a river, stream, lake or pond;
4. Commencement of drilling (except to obtain soil samples), mining or excavation;
5. Demolition of a structure;
6. Clearing of land as an adjunct to construction;
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land;

8. The dividing of land into three or more parcels.

**DISCRETIONARY ACTION:** An action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

**DOCK:** A narrow platform or structure extending waterward from the shoreline intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

**ELECTRIC POWER FACILITIES:** Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, section [216E](#).

**FEEDLOT:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For this chapter, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this chapter.

**FULLY RECONSTRUCTS:** The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

**HARD-SURFACE TRAIL:** A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

**HISTORIC PROPERTY:** An archaeological site, standing structure, site, district, or other property that is:

1. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, chapter [471](#);
2. Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or

An unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter [307](#), in consultation with the Office of the State Archaeologist.

**LOCAL GOVERNMENT:** Counties, cities, and townships.

**MARINA:** An inland or offshore commercial mooring facility for the concentrated mooring of

seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA): The area within the River Corridor Boundary (See River Corridor Boundary definition).

MISSISSIPPI RIVER CORRIDOR CRITICAL AREA (MRCCA) PLAN: A chapter or other element in the Inver Grove Heights comprehensive plan. MOORING FACILITY: A concentrated area intended solely for the mooring or containment of seven or more watercraft or seaplanes by docks, mooring buoys, or other means.

NATIVE PLANT COMMUNITY: A plant community identified by the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

NATURAL-SURFACE TRAIL: A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

NATURAL VEGETATION: Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

NONMETALLIC MINING: Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

OFF-PREMISE ADVERTISING SIGNS: Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

OVERLAY DISTRICT: A zoning district applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

PARCEL: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PATIO: A constructed hard surface located at ground level with no railings and open to the

sky.

**PICNIC SHELTER:** A roofed structure open on all sides, accessory to a recreational use.

**PORT:** A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter [458](#).

**PRIMARY CONSERVATION AREAS (PCAs):** Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

**PRIVATE FACILITIES:** Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

**PROFESSIONAL ENGINEER:** An engineer licensed to practice in Minnesota.

**PUBLIC RECREATION FACILITIES:** Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

**PUBLIC RIVER CORRIDOR VIEW (PRCVs):** Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.

**PUBLIC TRANSPORTATION FACILITIES:** All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

**PUBLIC UTILITIES:** Electric power facilities, essential services, and transmission services.

**READILY VISIBLE:** Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

**RESOURCE AGENCY:** A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

**RETAINING WALL:** A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable



materials.

RIVER CORRIDOR BOUNDARY: The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section [116G.06](#), as approved and adopted by the legislature in Minnesota Statutes, section [116G.15](#), and as legally described in the [State Register, volume 43](#), pages 508 to 518.

RIVER-DEPENDENT USE: The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

ROCK RIPRAP: Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

SHORELINE FACILITIES: Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

STEEP SLOPE: A natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

WATER ACCESS RAMP: A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

WATER QUALITY IMPACT ZONE: Land within the shore impact zone or within 50 feet of the OHWL of the river, whichever is greater, AND land within 50 feet boundary of a public water, wetland, or natural drainage route, whichever is greater.

WHARF: A permanent structure constructed into navigable waters as a part of a port facility for berthing or mooring commercial watercraft, or for transferring cargo to and from watercraft in an industrial or commercial enterprise, or for loading or unloading passengers from commercial watercraft, or for the operation of a port facility.

### **10-13C-3: ADMINISTRATION**

A. Purpose: The purpose of this Section is to identify administrative provisions to ensure this article is administered consistent with its purpose.

B. Procedure:

1. The procedures and enforcement required by this title, the subdivision regulations or other applicable ordinances for rezoning, conditional use permit, variance, platting, street or utility vacations, excavation permit or similar action in the critical area overlay district shall be followed for any similar action related to this article except for the following:
  - a. Where additional requirements such as site plan approval are required in the critical area overlay district, these requirements shall also be met before final action by the city.
  - b. Where a conflict may arise between this subsection and other applicable regulations of the city, the more restrictive provision shall be met.
2. Criteria set forth in this article for any individual action by the city shall be met before approval is granted.

C. Permits: A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with section 10-13C-9: and land alterations consistent with section 10-13C-10:.

D. Fees: Fees shall be as set forth by City Ordinance.

E. Variances: Variances to the requirements under this article may only be granted in accordance with Minnesota Statutes, Section [462.357](#) and [Section 10-3-4 of the Zoning Code](#) and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the City shall:

1. Evaluate the impacts to these resources. If negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with section 10-13C-3G and
2. Make written findings that the variance is consistent with the purpose of this article, as follows.
  - a. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;
  - b. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;
  - c. The variance will not be detrimental to Primary Conservation Areas (PCAs) and Public River Corridor Views (PRCVs) nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and

reasonable future actions; and

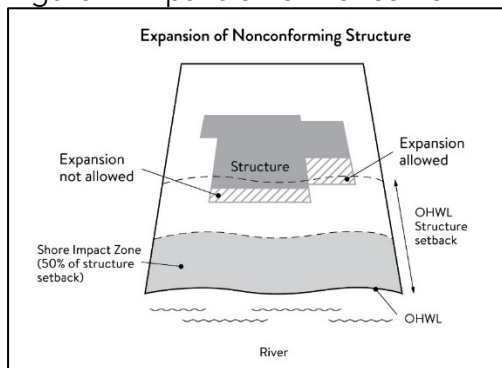
- F. Conditional and interim use permits. All conditional and interim uses, required under this article must comply with Minnesota Statutes, section [462.3595](#) and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the City shall:
1. Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with section 10-13C-3G; and
  2. Make written findings that the conditional use is consistent with the purpose of this article as follows.
    - a. The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan;
    - b. The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located;
    - c. The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and
- G. Conditions of Approval. The City shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include among other conditions:
1. Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan.
  2. Preservation of existing vegetation;
  3. Stormwater runoff management;
  4. Reducing impervious surface;
  5. Increasing structure setbacks;
  6. Wetland and drainage route restoration and/or preservation;
  7. Limiting the height of structures
  8. Modifying structure design to limit visual impacts on PRCVs; and
  9. Other conservation measures.

- H. Application materials. Applications for permits and discretionary actions required under this article must submit the following information in addition to information required by Chapter 3 of the Zoning Code unless the city community development director or their duly authorized representative determines that the information is not needed.
1. A detailed project description; and
  2. Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:
    - a. Primary conservation areas;
    - b. Public river corridor views;
    - c. Buildable area;
    - d. Existing and proposed topography and drainage patterns;
    - e. Proposed storm water and erosion and sediment control practices;
    - f. Existing and proposed vegetation to be removed and established;
    - g. Ordinary high water level, blufflines, and all required setbacks;
    - h. Existing and proposed structures;
    - i. Existing and proposed impervious surfaces; and
    - j. Existing and proposed subsurface sewage treatment systems.
- I.  Site Plan Approval:
1. The approval of the site plan(s) shall be made as required by Chapter 3, of the Zoning Code.
  2. New development and expansion shall be permitted only after the approval of the site plans that adequately assess and minimize adverse effect and maximize the beneficial effects.
  3. In making said approval or denial, the city staff shall prepare a written report which shall be filed with the application and maintained as a part of the permanent records of the city.
- J. Nonconformities.
1. All legally established nonconformities as of the date of this ordinance may continue consistent with Minnesota Statutes, section [462.357, Subd. 1e](#) .



2. New structures erected in conformance with the setback averaging provisions of section 10-13C-6C4 are conforming structures.
3. Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.
4. Legally nonconforming principal structures that do not meet the setback requirements of section 10-13C-6C may be expanded laterally provided that:
  - a. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 4); and
  - b. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 4. Expansion of Nonconforming Structure



#### K. Notifications.

1. Amendments to this article and to the MRCCA plan must be submitted to the Commissioner as provided in [Minnesota Rules, part 6106.0070, Subp. 3, Items B - I](#).
2. Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least ten (10) days prior to the hearing:
  - a. The Commissioner in a format prescribed by the DNR;
  - b. National Park Service; and
  - c. Where building heights exceed the height limits specified in section 10-13C-6B as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across

the river.

3. Notice of final decisions for actions in section 10-13C-3K2, including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.
  4. Requests to amend district boundaries must follow the provisions in [Minnesota Rules, part 6106.0100, Subp. 9, Item C.](#)
- L. Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by [Minnesota Rules, chapter 1341](#), must:
1. Comply with sections 10-13C-6: to 10-13C-12:; or
  2. If sections 10-13C-6: to 10-13C-12: cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:
    - a. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and
    - b. Upon expiration of the permit, the ramp or other facilities must be removed.

#### **10-13C-4: MRCCA Districts**

- A. Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.
- B. District description and management purpose. The MRCCA within the City is divided into the following MRCCA Districts:
1. Rural and Open Space (ROS).
    - a. Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.
    - b. Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.
  2. River Neighborhood (RN).

- a. Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.
  - b. Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.
- 3. Separated from River (SR).
  - a. Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.
  - b. Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.
- 4. Urban Mixed (UM).
  - a. Description. The UM District includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space.
  - b. Management purpose. The UM District must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.
- C. MRCCA district map. The locations and boundaries of the MRCCA districts established by this article are shown on the Shoreland and Critical Area Overlay Map which is incorporated herein by reference. The district boundary lines are intended to follow the centerlines of rivers and streams, highways, streets, lot lines, and municipal boundaries,

unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

#### **10-13C-5: SPECIAL LAND USE PROVISIONS**

- A. Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.
- B. Underlying zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:
  - 1. Agricultural use. Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.
  - 2. Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter [7020](#).
  - 3. Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in [Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota](#).
  - 4. Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:
    - a. New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL;
    - b. Processing machinery must be located consistent with setback standards for structures as provided in section 10-13C-6C.
    - c. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;
    - d. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;
    - e. A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:
      - (1) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;



- (2) Explain where staged reclamation may occur at certain points during the life of the site;
  - (3) Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and
  - (4) Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and;
- f. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance.
- 5. River-dependent uses. River-dependent uses must comply with the following design standards:
  - a. Structures and parking areas, except shoreline facilities and private road and conveyances serving river-dependent uses as provided in section 10-13C-12; must meet the dimensional and performance standards in this article must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;
  - b. Shoreline facilities must comply with [Minnesota Rules, chapter 6115](#) and must:
    - (1) Be designed in a compact fashion so as to minimize the shoreline area affected; and
    - (2) Minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and
  - c. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.
- 6. Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:
  - a. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
  - b. The tower must not be located in a bluff or shore impact zone; and
  - c. Placement of the tower must minimize impacts on public river corridor views.
  - d. Comply with the general performance standards in section 10-13C-8B.

#### **10-13C-6: STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE**

- A. Purpose. To establish standards that protect primary conservation areas and public river

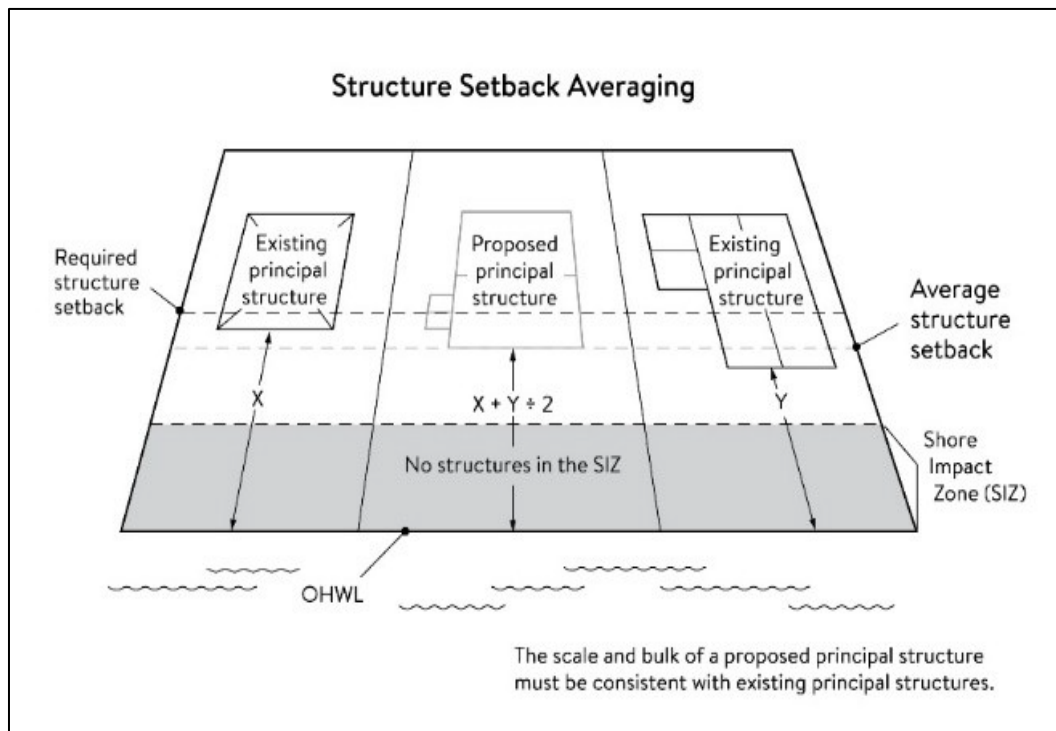
corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

B. Structure height.

1. Structures and facilities must comply with the following standards unless identified as exempt in section 10-13C-12:.
  - a. ROS District: (maximum) 35 feet
  - b. RN District: (maximum) 35 feet
  - c. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.
  - d. UM District: 48 feet. Structures over 48 feet and up to 65 feet are allowed as a conditional use according to section 10-13C-6B3, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views.
2. Height is measured on the side of the structure facing the Mississippi River or as per the definition provided in section [10-2-2](#) of this title whichever is more restrictive.
3. In addition to the conditional use permit requirements of section 10-13C-3F, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:
  - a. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
  - b. Determination that the proposed structure meets the required bluff and OHWL setbacks;
  - c. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
    - (1) Placing the long axis of the building perpendicular to the river;
    - (2) Stepping back of portions of the facade;
    - (3) Lowering the roof pitch or use of a flat roof;
    - (4) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;

- (5) Narrowing the profile of upper floors of the building; or
  - (6) Increasing the setbacks of the building from the Mississippi River or blufflines;
  - d. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and
  - e. Opportunities for creation or enhancement of public river corridor views.
- C. Structure and impervious surface placement.
1. Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in section 10-13C-12:.
  2. Platted lots of record in existence on January 1, 1989, the setback for a residential structure (primary or accessory) shall be at least forty feet (40') from the normal high water mark of the river and at least forty feet (40') from the bluffline.
  3. Except as established in 10-13C-6C2, structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in section 10-13C-12:.
    - a. ROS District: 200 feet from the Mississippi River.
    - b. RN District: 100 feet from the Mississippi River.
    - c. SR District: 75 feet from the Mississippi River.
    - d. UM District: 50 feet from the Mississippi River.
  4. Except as established in 10-13C-6C2, structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in section 10-13C-12:.
    - a. ROS District: 100 feet.
    - b. RN District: 40 feet.
    - c. SR District: 40 feet.
    - d. UM District: 40 feet.
  5. Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, if the new structure's scale and bulk riverward or bluffward of the setbacks required under sections 10-13C-6C2 and 10-13C-6C3 are consistent with adjoining development. See Figure 5.

Figure 5. Structure Setback Averaging



6. Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

D. Lot size and buildable area.

1. The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.
2. All new lots must have adequate buildable area to comply with the setback requirements of sections 10-13C-6C2 and 10-13C-6C3 so as to not require variances to use the lots for their intended purpose.

**10-13C-7: PERFORMANCE STANDARDS FOR PRIVATE FACILITIES**

- A. Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.
- B. General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in sections 10-13C-9: and 10-13C-10:.
- C. Private roads, driveways, and parking areas. Except as provided in section 10-13C-12:;



private roads, driveways and parking areas must:

1. Be designed to take advantage of natural vegetation and topography so that they are not readily visible;
2. Comply with structure setback requirements according to section 10-13C-6C; and
3. Not be placed within the bluff impact zone or shore impact zone, unless exempt under section 10-13C-12: and designed consistent with section 10-13C-8B.

D. Private water access and viewing facilities.

1. Private access paths must be no more than:
  - a. Eight feet wide, if placed within the shore impact zone; and
  - b. Four feet wide, if placed within the bluff impact zone.
2. Private water access ramps must:
  - a. Comply with Minnesota Rules, parts [6115.0210](#) and [6280.0250](#); and
  - b. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.
3. Design and construction of private stairways, lifts, and landings are subject to the following standards:
  - a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by the City;
  - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by the City;
  - c. Canopies or roofs are prohibited on stairways, lifts, or landings;
  - d. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and
  - e. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to section 10-13C-7D3 a-d, and as provided under section 10-13C-3L.
4. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff

impact zone and must:

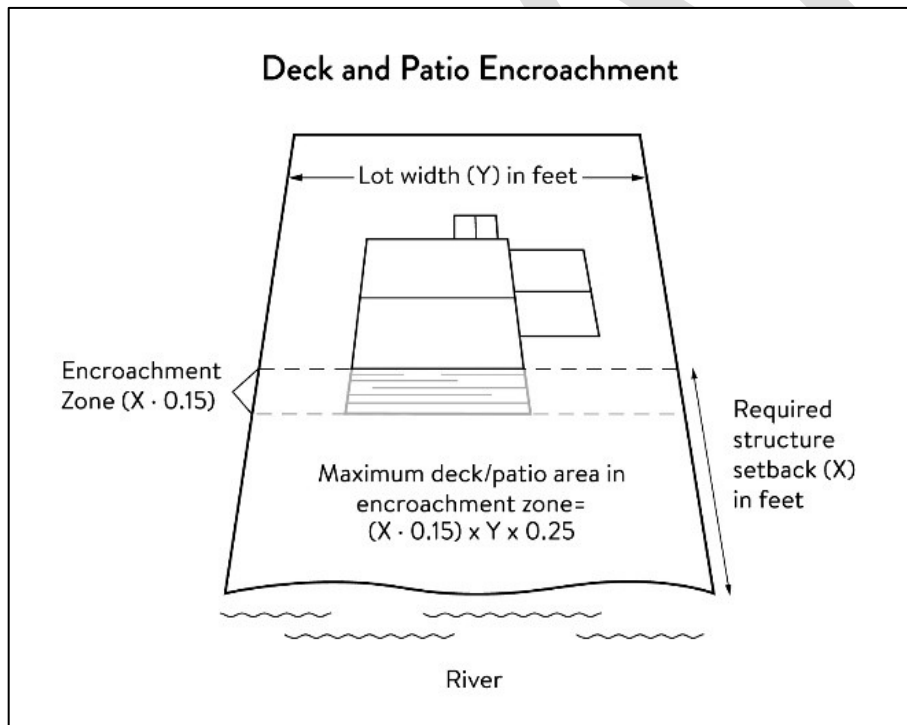
- a. Not exceed 12 feet in height;
- b. Not exceed 120 square feet in area; and
- c. Be placed a minimum of 10 feet from the ordinary high water level.

E. Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with sections 10-13C-9: and 10-13C-10:, provided that:

1. The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;
2. The area of the deck or patio may extend into the required setback area no more than the product of the following formula:

[Required setback depth (feet)  $\times$  0.15  $\times$  lot width at building setback (feet)  $\times$  0.25 = maximum total area]

Figure 6. Deck and Patio Encroachment



3. The deck or patio does not extend into the bluff impact zone. See Figure 6.

F. Off-premise and directional signs.

1. Off-premise advertising signs must:

- a. Meet required structure placement and height standards in sections 10-13C-6 B and C.
- b. Not be readily visible

2. Directional signs for patrons arriving at a business by watercraft must comply with the following standards

- a. They must be consistent with Minnesota Statutes, section [86B.115](#).
- b. Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.
- c. Be no greater than ten feet in height and 32 square feet in surface area; and
- d. If illuminated, the lighting must be fully shielded and directed downward to prevent illumination out across the river or to the sky.

G. Fences. Fences between principal structures and the river are allowed if fences are:

- 1. Not higher than six feet.
- 2. Not located within the Shore Impact Zone (SIZ) and Bluff Impact Zone (BIZ)
- 3. Not located in the regulatory floodplain.

H. Lighting. Within the OHWL setback:

- 1. Lighting shall be fully shielded and directed away from the river.
- 2. Uplighting is prohibited.
- 3. Lighting shall follow Dark Sky compliant standards.

**10-13C-8: PERFORMANCE STANDARDS FOR PUBLIC FACILITIES**

A. Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

B. General design standards. All public facilities must be designed and constructed to:

1. Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;
  2. Comply with the structure placement and height standards in section 10-13C-6;, except as provided in section 10-13C-12;;
  3. Be consistent with the vegetation management standards in section 10-13C-9: and the land alteration and storm water management standards in section 10-13C-10; including use of practices identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#), where applicable;
  4. Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and
  5. Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.
  6. Minimize disturbance during bird migration and nesting times by scheduling construction at times when birds are not migrating or nesting.
- C. Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:
1. Vegetation currently in a natural state must be maintained to the extent feasible;
  2. Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and
  3. Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.
  4. All propagules must be appropriate for site conditions and that all species native ranges must originate from within 175 miles of the project site
- D. Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections [84.415](#) and [103G.245](#).
- E. Public utilities. Public utilities must comply with the following standards:
1. High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter [216E](#), [216F](#), and [216G](#) respectively; and
  2. If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing right of ways as much as



practicable.

3. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.
  4. Wireless communication facilities, according to section 10-13C-5B6.
- F. Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in section 10-13C-6:. Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:
1. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
  2. Providing safe pedestrian crossings and facilities along the river corridor;
  3. Providing access to the riverfront in public ownership; and
  4. Allowing for use of the land between the river and the transportation facility.
- G. Public recreational facilities. Public recreational facilities must comply with the following standards:
1. Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in section 10-13C-6:, except as provided in section 10-13C-12:;
  2. Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.
  3. Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in [Trail Planning, Design, and Development Guidelines](#).
    - a. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.
    - b. Trails, paths, and viewing areas must be designed and constructed to minimize:
      - (1) Visibility from the river;
      - (2) Visual impacts on public river corridor views; and

- (3) Disturbance to and fragmentation of primary conservation areas.
- 4. Public water access facilities must comply with the following requirements:
  - a. Watercraft access ramps must comply with Minnesota Rules chapters [6115.0210](#) and [6280.0250](#); and
  - b. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.
- 5. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views. If illuminated, the lighting must be fully shielded and be directed downward.
- 6. Public stairways, lifts, and landings must be designed as provided in section 10-13C-7D3.

#### **10-13C-9: VEGETATION MANAGEMENT**

- A. Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.
- B. Applicability. This section applies to:
  - 1. Shore impact zones;
  - 2. Areas within 50 feet of a wetland or natural drainage route;
  - 3. Bluff impact zones;
  - 4. Areas of native plant communities; and
  - 5. Significant existing vegetative stands identified in the MRCCA plan.
- C. Activities allowed without a vegetation permit.
  - 1. Maintenance of existing lawns, landscaping and gardens;
  - 2. Removal of vegetation in emergency situations as determined by the City;
  - 3. Right-of-way maintenance for public facilities meeting the standards section 10-13C-8C;
  - 4. Agricultural and forestry activities meeting the standards of sections 10-13C-5B1 and 10-13C-5B3;

5. Selective cutting, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including removal of:

- a. Vegetation that is dead, diseased, dying, or hazardous;
- b. Vegetation to prevent the spread of diseases or insect pests;
- c. Individual trees and shrubs; and
- d. Invasive non-native species.

D. Activities allowed with a vegetation permit.

1. Only the following intensive vegetation clearing activities are allowed with a vegetation permit:

- a. Clearing of vegetation that is dead, diseased, dying, or hazardous;
- b. Clearing to prevent the spread of diseases or insect pests;
- c. Clearing to remove invasive non-native species.
- d. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by the City.
- e. The minimum necessary for development that is allowed with a building permit or as an exemption under section 10-13C-12:.

2. General Performance Standards. The following standards must be met, in addition to a restoration plan under section 10-13C-9F, in order to approve a vegetation permit:

- a. Development is sited to minimize removal of or disturbance to natural vegetation;
- b. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer and approved by the City;
- c. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views and other scenic views;
- d. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time, and to avoid bird migration and nesting seasons; and
- e. Any other condition determined necessary to achieve the purpose of this section.

E. Prohibited activities. All other intensive vegetation clearing is prohibited.

F. Vegetation restoration plan.

1. Development of a vegetation restoration plan and reestablishment of natural vegetation is required:
  - a. For any vegetation removed with a permit under Section 10-13C-9D1;
  - b. Upon failure to comply with any provisions in this section; or
  - c. As part of the planning process for subdivisions as provided in section 10-13C-11:.
2. Restoration Plan Performance Standards. The vegetation restoration plan must satisfy the application submittal requirements in 10-13C-3G, and:
  - a. Vegetation must be restored in one or more of the following restoration priority areas:
    - (1) Areas with soils showing signs of erosion, especially on or near the top and bottom of steep slopes and bluffs;
    - (2) Shoreline areas within 25 feet of the water with no natural vegetation, degraded vegetation, or planted with turf grass;
    - (3) Areas on steep slopes and bluffs that are visible from the river with no natural vegetation, degraded vegetation, or planted with turf grass; or
    - (4) Other approved priority opportunity area, including priorities identified in the MRCCA plan, if none of the above exist.
  - b. Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by [Native Vegetation Establishment and Enhancement Guidelines](#);
  - c. Any highly erodible soils disturbed during removal and/or restoration must be stabilized with deep- rooted vegetation with a high stem density;
  - d. Vegetation removed must be restored with native vegetation to the greatest extent practicable. The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable.
  - e. For restoration of removed native plant communities, restored vegetation must also provide biological and ecological function equivalent to the removed native plant communities. The area (square feet) of the restored vegetation should be equivalent to that removed. Restoration plans should be prepared by a qualified individual and include a maintenance plan with management provisions for controlling invasive species and replacement of plant loss for three years.
3. A certificate of compliance will be issued after the vegetation restoration plan

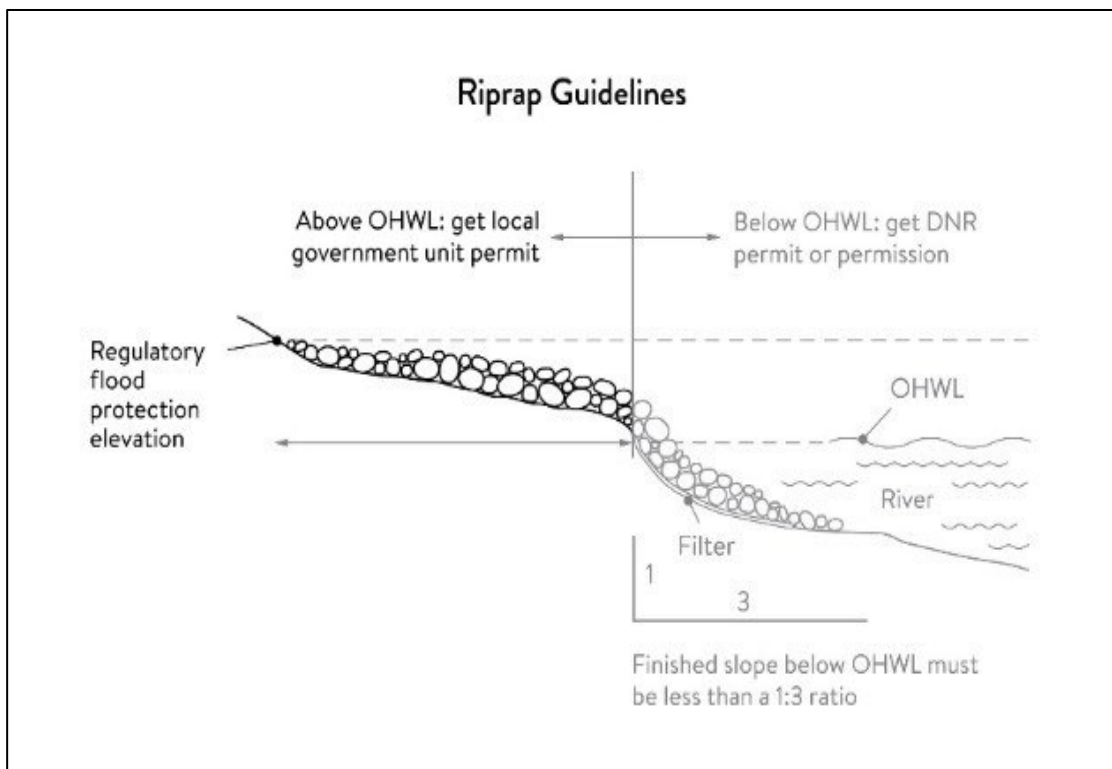


requirements have been satisfied.

### **10-13C-10: LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT**

- A. Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.
- B. Land alteration.
  - 1. Within the bluff impact zone, land alteration is prohibited, except for the following, which are allowed by permit.
    - a. Erosion control consistent with a plan approved by City Engineer and consistent with section 10-13C-10F;
    - b. The minimum necessary for development that is allowed as an exception under section 10-13C-12;; and
    - c. Repair and maintenance of existing buildings and facilities.
  - 2. Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.
- C. Rock riprap, retaining walls, and other erosion control structures.
  - 1. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, part [6115.0215, Subp. 4, item E](#), and [6115.0216, Subp. 2](#). Work must not proceed until approved by the commissioner, permitted by the US Army Corps of Engineers, and any other permits are obtained. See Figure 7.

Figure 7. Riprap Guidelines



2. Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of section 10-13C-10F provided that:
  - a. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
  - b. The structures are used only to correct an established erosion problem as determined by the City.
  - c. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:
    - (1) Retaining walls must not exceed five feet in height, must be placed a minimum horizontal distance of ten feet apart, and must obtain all applicable building permits; and
    - (2) Riprap must not exceed the height of the regulatory flood protection elevation.
3. Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration.

D. Stormwater management.

1. In the bluff impact zone, storm water management facilities are prohibited, except by permit if:
  - a. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;
  - b. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;
  - c. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and
  - d. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.
2. In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in section 10-13C-12:, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a storm water permit. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.
3. In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

E. Development on steep slopes: Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

1. The development can be accomplished without increasing erosion or storm water runoff;
2. The soil types and geology are suitable for the proposed development; and
3. Vegetation is managed according to the requirements of section 10-13C-9:.

F. Conditions of land alteration permit approval.

1. Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the [Minnesota Stormwater Manual](#);
2. Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;
3. Construction activity is phased when possible;
4. All erosion and sediment controls are installed before starting any land disturbance

activity;

5. Erosion and sediment controls are maintained to ensure effective operation;
6. The proposed work is consistent with the vegetation standards in section 10-13C-9;; and
7. Best management practices for protecting and enhancing ecological and water resources identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#).

G. Compliance with other plans and programs. All development must:

1. Be consistent with Minnesota Statutes, chapter [103B](#), and local water management plans completed under Minnesota Statutes, chapter [8410](#);
2. Meet or exceed the wetland protection standards under Minnesota Rules, chapter [8420](#); and
3. Meet or exceed the floodplain management standards under Minnesota Rules, sections [6120.5000 - 6120.6200](#).

#### **10-13C-11: SUBDIVISION AND LAND DEVELOPMENT STANDARDS**

A. Purpose.

1. To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites
2. To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and
3. To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

B. Applicability.

1. The design standards in this section apply to subdivisions, planned unit developments and master- planned development and redevelopment of land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:
  - a. Subdivisions;
  - b. Planned unit developments; and
  - c. Master-planned development and redevelopment of land.



2. The following activities are exempt from the requirements of this section:
    - a. Minor subdivisions consisting of three or fewer lots;
    - b. Minor boundary line corrections;
    - c. Resolutions of encroachments;
    - d. Additions to existing lots of record;
    - e. Placement of essential services; and
    - f. Activities involving river-dependent commercial and industrial uses.
  3. Where provisions of section 10-13C-11 are conflicting with Title 11 Subdivision Regulations, the more restrictive provision shall apply.
- C. Application materials. Project information listed in Section 10-13C-3H must be submitted for all proposed developments.
- D. Design standards.
1. Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:
    - a. CA-ROS District: 50%;
    - b. CA-RN District: 20%;
    - c. CA-UM District: 10%; and
    - d. CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.
  2. If the primary conservation areas exceed the amounts specified in Section 10-13C-11 D1, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.
  3. If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to section 10-13C-9F.
  4. If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to section 10-13C-9F and the area must be set aside and designated as protected open space.

5. Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.
  6. Land dedicated for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.
  7. Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.
- E. Permanent protection of designated open space.
1. Designated open space areas must be protected through one or more of the following methods:
    - a. Public acquisition by a government entity for conservation purposes;
    - b. A permanent conservation easement, as provided in [Minnesota Statutes, chapter 84C](#);
    - c. A deed restriction; and
    - d. Other arrangements that achieve an equivalent degree of protection.
  2. Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.
- F. Alternative design standards. The City will consider alternative design standards through a Planned Unit Development (PUD) processed consistent with Chapter 13 Article A of the zoning code. With using a PUD the city will consider deviation from minimum lot sizes and lot dimension standards. Use of a PUD within the MRCCA boundary shall include the following:
1. A demonstrated protection and restoration of continuous vegetation - preventing the fragmentation of vegetation and habitat by individual lots, especially along the river and natural drainage areas and protecting it as common open space.
  2. Protection of open space, particularly PCAs, beyond the minimum identified in 10-13C-11 D 1.

## **10-13C-12: EXEMPTIONS**

- A. Purpose. To provide exemptions to structure placement, height and other standards for

specific river or water access dependent facilities as provided in Minnesota Statutes, section [116G.15 Subd. 4](#).

B. Applicability.

1. Uses and activities not specifically exempted must comply with this article. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in sections 10-13C-9: and 10-13C-10:.
2. Uses and activities in Section 10-13C-12C are categorized as:
  - a. **Exempt - E.** This means that the use or activity is allowed;
  - b. **Exempt if no alternative - (E).** This means that the use or activity is allowed only if no alternatives exist; and
  - c. **Not exempt - N.** This means that a use or activity is not exempt and must meet the standards of this ordinance.

C. Use and activity exemptions classification.

| Use or Activity                                                                                                                                  | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|-----|-----|---------------------------------------------------------------------------------------------|
| Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers) | N         | E             | N   | N   | Structure design and placement must minimize interference with public river corridor views. |
| Barns, silos, and farm structures                                                                                                                | N         | E             | N   | N   |                                                                                             |
| Bridges and bridge approach roadways                                                                                                             | E         | E             | E   | (E) | Section 10-13C-8:                                                                           |
| Wireless communication towers                                                                                                                    | E         | E             | N   | N   | Section 10-13C-5B6                                                                          |
| Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment                                                       | N         | E             | N   | N   |                                                                                             |
| Historic properties and contributing properties in historic districts                                                                            | E         | E             | E   | E   | Exemptions do not apply to additions or site alterations                                    |
| <b>Public Utilities</b>                                                                                                                          |           |               |     |     |                                                                                             |
| Electrical power facilities                                                                                                                      | E         | E             | E   | (E) | Section 10-13C-8:                                                                           |

| Use or Activity                                                                                | Set backs | Height Limits  | SIZ | BIZ | Applicable standards with which the use or activity must comply                                                                      |
|------------------------------------------------------------------------------------------------|-----------|----------------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------|
| Essential services (other than storm water facilities)                                         | E         | E              | E   | (E) | Section 10-13C-8:                                                                                                                    |
| Storm water facilities                                                                         | E         | N              | E   | (E) | Section 10-13C-10:                                                                                                                   |
| Wastewater treatment                                                                           | E         | N              | E   | N   | Section 10-13C-8:                                                                                                                    |
| Public transportation facilities                                                               | E         | N              | (E) | (E) | Section 10-13C-8:                                                                                                                    |
| <b>Public Recreational Facilities</b>                                                          |           |                |     |     |                                                                                                                                      |
| Accessory structures, such as monuments, flagpoles, light standards, and similar park features | E         | E              | (E) | (E) | Section 10-13C-8: within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.               |
| Picnic shelters and other open-sided structures                                                | E         | N              | (E) | N   | Section 10-13C-8:                                                                                                                    |
| Parking lots                                                                                   | (E)       | N              | (E) | (E) | Section 10-13C-8: within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff      |
| Roads and driveways                                                                            | (E)       | N              | (E) | (E) | Section 10-13C-8:                                                                                                                    |
| Natural-surfaced trails, access paths, and viewing areas                                       | E         | N              | E   | E   | Section 10-13C-8:                                                                                                                    |
| Hard-surfaced trails and viewing platforms                                                     | E         | N              | E   | (E) | Section 10-13C-8: within BIZ, only on slopes averaging less than 30%                                                                 |
| Water access ramps                                                                             | E         | N              | E   | (E) | Section 10-13C-8:                                                                                                                    |
| Public signs and kiosks for interpretive or directional purposes                               | E         | N              | E   | (E) | Section 10-13C-8:                                                                                                                    |
| <b>River-dependent uses</b>                                                                    |           |                |     |     |                                                                                                                                      |
| Shoreline facilities                                                                           | E         | N <sup>1</sup> | E   | (E) | Section 10-13C-5B5<br>Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility. |

| Use or Activity                                                                 | Set backs | Height Limits  | SIZ | BIZ | Applicable standards with which the use or activity must comply                                                                                                           |
|---------------------------------------------------------------------------------|-----------|----------------|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private roads and conveyance structures serving river-dependent uses            | E         | N <sup>1</sup> | E   | (E) | Section 10-13C-5B5                                                                                                                                                        |
| <b>Private Residential and Commercial Water Access and Use Facilities</b>       |           |                |     |     |                                                                                                                                                                           |
| Private roads serving 3 or more lots                                            | (E)       | N              | N   | (E) | Section 7; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer than 3 lots or to private driveways and parking areas. |
| Access paths                                                                    | E         | N              | E   | E   | Section 7                                                                                                                                                                 |
| Water access ramps                                                              | E         | N              | E   | N   | Section 7                                                                                                                                                                 |
| Stairways, lifts, and landings                                                  | E         | N              | E   | E   | Section 10-13C-7                                                                                                                                                          |
| Water-oriented accessory structures                                             | E         | N              | E   | N   | Section 10-13C-7                                                                                                                                                          |
| Patios and decks                                                                | E         | N              | N   | N   | Section 10-13C-7 E                                                                                                                                                        |
| Directional signs for watercraft (private)                                      | E         | N              | E   | N   | Section 10-13C-7 F; exemption does not apply to off-premise advertising signs                                                                                             |
| Temporary storage of docks, boats, and other equipment during the winter months | E         | N              | E   | N   |                                                                                                                                                                           |
| Erosion control structures, such as rock riprap and retaining walls             | E         | N              | E   | (E) | Section 10-13C-10                                                                                                                                                         |
| Flood control structures                                                        | E         | N              | E   | (E) | Section 10-13C-10                                                                                                                                                         |

<sup>1</sup> River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

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



Passed in regular session of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF INVER GROVE HEIGHTS

\_\_\_\_\_  
Thomas Bartholomew, Mayor

Attest:

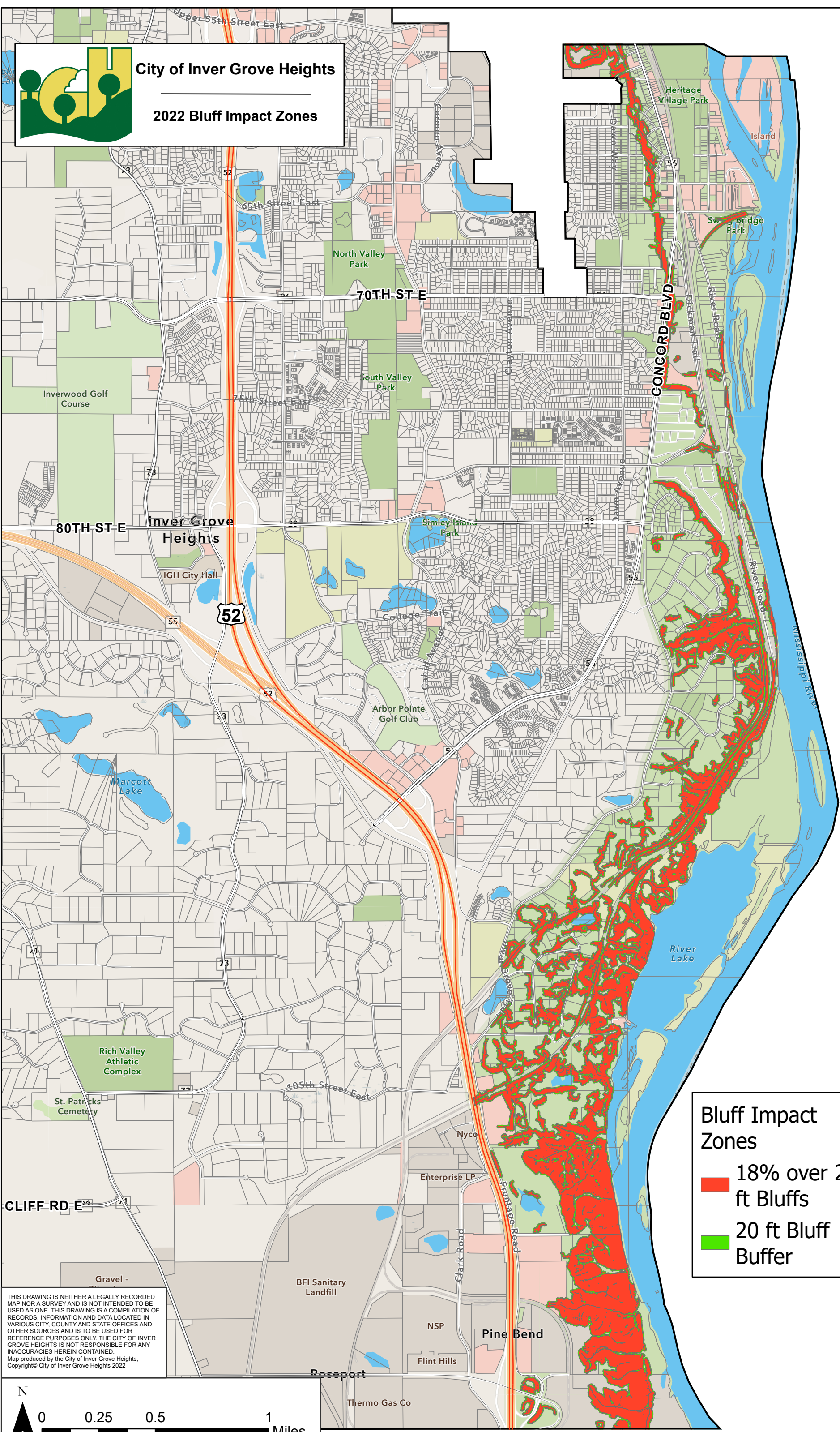
\_\_\_\_\_  
Rebecca Kiernan, City Clerk

DRAFT



City of Inver Grove Heights

2022 Bluff Impact Zones



Bluff Impact Zones

- 18% over 25 ft Bluffs
- 20 ft Bluff Buffer

THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.  
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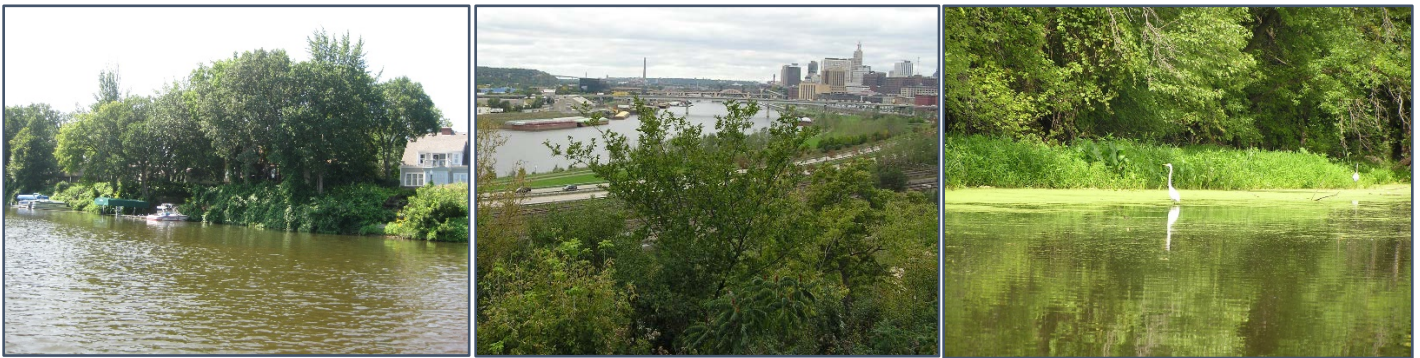




# Guide to City and Township MRCCA Zoning Updates

## What is the Mississippi River Corridor Critical Area MRCCA?

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along each side the Mississippi River in the Twin Cities Metropolitan Area with coordinated state, regional and local land use planning and zoning. It includes 54,000 acres in 30 local governments along a 72-mile stretch of the river. Land development in the MRCCA has been regulated by city and township-adopted MRCCA plans and zoning regulations since 1976 in compliance with state provisions. These local zoning standards have regulated structure height and setbacks from the river and bluffs as well as vegetation management and removal, land alteration, and subdivision of land to preserve the corridor's unique natural, recreational, and cultural features.



The MRCCA was designated a critical area in 1976 by Executive Order following passage of the Minnesota Critical Areas Act of 1973. The Executive Order was the governing regulation until it was superseded by MRCCA rules in 2017 ([Minnesota Rules Chapter 6106](#)). The rules more consistently protect habitat, scenic views and water quality, and allow redevelopment to address contemporary needs such as higher density and mixed uses. In 1988, the National Park Service designated the Mississippi National River & Recreation Area (MNRRA), which shares the same border as the MRCCA. There are no federal land planning or zoning regulations associated with the MNRRA.

## Why is the MRCCA important?

The Mississippi River is one of the most famous rivers in the world. It is the defining feature for the many communities along its banks. Through the Twin Cities metro area, the MRCCA supports a diverse mix of residential, commercial, industrial and recreational uses, as well as river-related industry and transportation. Though the river corridor has been extensively developed, many intact and remnant cultural, natural and scenic areas remain, including bluffs, islands, floodplains, wetlands, historic resources, and native plants and animals. The state rules and local MRCCA plans and zoning regulations are designed to protect these resources while accommodating continued growth and redevelopment.

## Why is my community updating its MRCCA zoning regulations?

Starting in January 2020 and going through approximately December 2022, all communities in the MRCCA will be adopting new MRCCA zoning standards consistent with 2017 MRCCA rules and local MRCCA plans that were recently updated as part of the comprehensive plan 10-year updates. **Until a community adopts the new standards, its existing MRCCA zoning standards apply.**

Contact your local city or township zoning staff with questions about relevant standards and permit requirements that apply to your property. The DNR's role is to ensure that local government MRCCA zoning regulations comply with the state rules and to provide technical assistance and oversight to local zoning staff.

## Overview of New Local Government MRCCA Zoning Regulations

Local MRCCA zoning regulations are administered as an overlay district. Within this overlay district, MRCCA zoning regulations guide building and construction, vegetation management and removal, and land alteration. These regulations also affect local decisions on variances and conditional use permits. Following is an explanation of how the new zoning regulations in the 2017 MRCCA rules will affect some of the most common development activities.

### New Terms

Familiarity with the following terms are helpful for understanding MRCCA zoning regulations. These terms are described and mapped in city and township MRCCA plans (a chapter of the comprehensive plan) and summarized below:

**Bluff.** A natural feature with an average slope exceeding 18%.

**Bluff impact zone.** The bluff and land within 20 feet of the bluff.

**Native plant communities.** Plant communities of five acres or greater that meet the quality criteria established by the Minnesota Biological Survey to qualify as a native plant community - identified in local government MRCCA plans.

**Natural drainage way.** Rivers and streams and any other drainage ways identified by local governments.

**Shore impact zone.** 50% of the required structure setback from the river.

**Significant existing vegetation stands.** Largely intact and connected plant communities that contain a sufficient representation of the original native plant community - identified in local government MRCCA plans.

**Wetland.** Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or land covered by shallow water.

### Building and Construction

Structure height and structure setbacks from the river and top of bluffs (the top of an 18% slope) vary for each of the six MRCCA districts (See Table 1). These provisions protect scenic views and keep buildings and other development activity away from sensitive shorelines and slopes that provide habitat and are prone to soil erosion and slope failure. Structure height and setback standards will not change for most property owners. See the [MRCCA Boundary and Districts web page](#) to find the district in which your parcel is located.

**Table 1. Building and constructions standards for each of the six MRCCA districts.**

| Build & Construction Standards      | Rural Open Space (CA-ROS) | River Neighborhood (CA-RN) | River Towns and Crossings (CA-RTC) | Separated from River (CA-SR) | Urban Mixed (CA-UM) | Urban Core (CA-UM) |
|-------------------------------------|---------------------------|----------------------------|------------------------------------|------------------------------|---------------------|--------------------|
| Maximum Structure Height            | 35'                       | 35'                        | 48'*                               | Underlying Zoning            | 65'*                | Underlying Zoning  |
| Mississippi River Structure Setback | 200'                      | 100'                       | 75'                                | n/a                          | 50'                 | Underlying Zoning  |
| Bluff Structure Setback             | 100'                      | 40'                        | 40'                                | 40'                          | 40'                 | 40'                |

\*Greater height may be allowed with a Conditional Use Permit.

### Expansion of Nonconforming Structures

Legal nonconforming structures were lawfully permitted when they were built. However, when zoning standards change and these structures no longer conform to the new standards, they become legally nonconforming or “grandfathered.” Nonconforming structures are common in the MRCCA. Minnesota Statute (MS §462.357, Subd. 1e) protects the rights of

the owners of nonconforming structures, and allows for their continued use, including repair, replacement, restoration, maintenance, or improvement. Under the MRCCA rules, local governments may allow the lateral expansion of legally nonconforming principal structures such as homes, as long as they do not expand further into required setbacks from the river and bluff.

### Land Alteration Standards (Grading & Filling)

Land alteration in areas near water and on steep slopes increases the risk of soil erosion and the movement of sediment into water. A new local government permit is required for the following land alteration activities:

- Any activity that disturbs more than 10 cubic yards or 1,000 square feet of soil within the shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.
- Erosion control projects and repair & maintenance of existing structures in the bluff impact zone. All other activities are prohibited in the bluff impact zone.
- Riprap, retaining walls or other erosion control structures to correct an established erosion problem as determined by the local government. There are specific design standards and conditions for constructing these structures. The construction of structures below the ordinary high water level would continue to require a DNR permit or approval.

### Vegetation Removal & Management Standards

Retaining vegetation along the river and on slopes is important to stabilize soil and to slow, absorb, and filter stormwater before it runs into the river. Vegetation is also important for retaining the scenic qualities of the river. Local MRCCA regulations include a new vegetation permit and standards for protecting and managing vegetation.

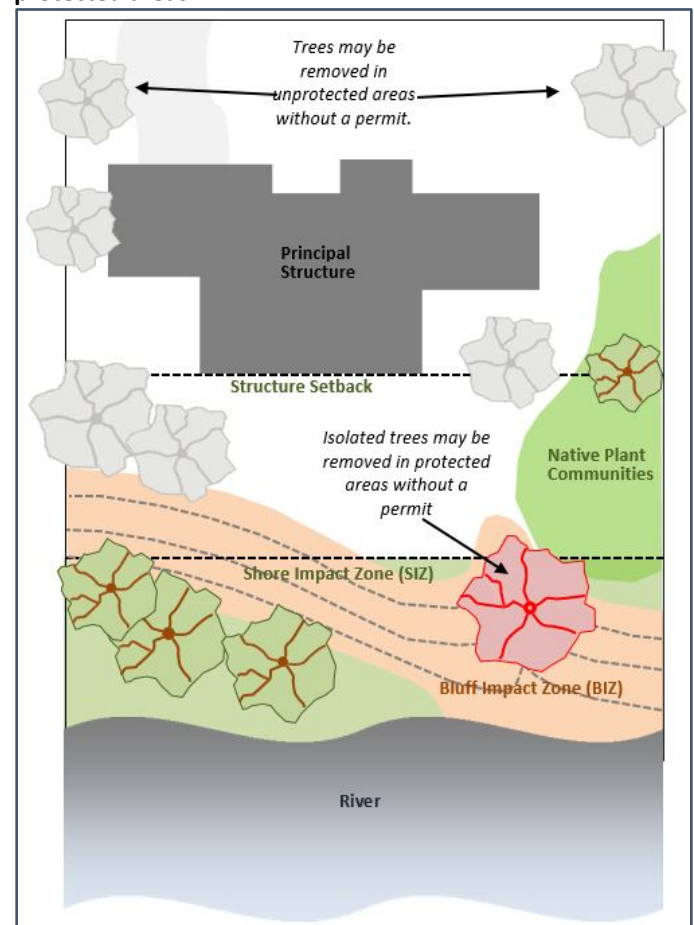
#### Landscaping & Maintenance Activities that DO NOT Require a Permit:

- Maintenance of existing lawns, landscaping and gardens;
- Removal of vegetation in emergency situations as determined by the local government;
- The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

#### Prohibited Vegetation Removal Activities

The intensive removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block in protected areas - the shore impact zone, bluff impact zone, within 50 feet of a wetland or natural drainage way or of native plant communities and significant existing vegetative stands - is prohibited. Figure 1 shows some of these protected areas – protected areas are shown in color. Note that isolated trees and shrubs may be removed in protected areas without a permit.

**Figure 1. Intensive removal of vegetation is prohibited in protected areas.**





### Allowed Vegetation Removal Activities with a Permit:

Some vegetation removal activities in protected areas are allowed with a **vegetation permit**, including removal:

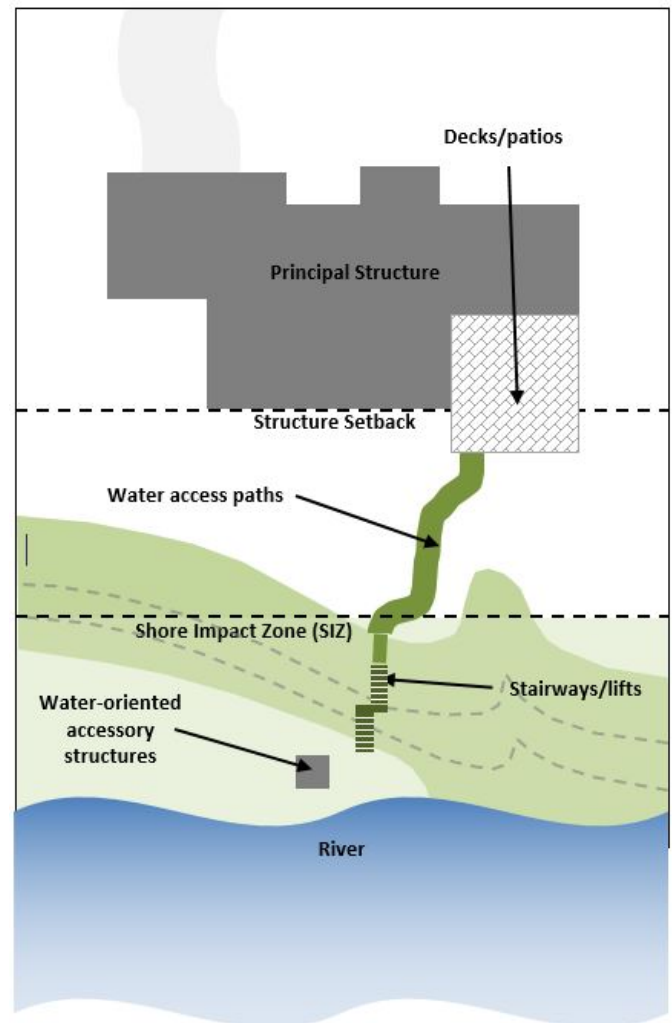
- of vegetation that is dead, diseased, dying, or hazardous;
- to prevent the spread of diseases or insect pests;
- of invasive non-native species;
- to prepare for restoration and erosion control management activities consistent with a plan approved by the local government;
- of the minimum necessary for construction allowed with a building permit.

### River Access on Riparian Lots

Local MRCCA regulations include new design standards for river access including access paths and stairways, water-oriented structures and patios and decks (see Figure 2):

- Private driveways, parking areas and other impervious surfaces must not be placed in the shore impact zone or the bluff impact zone, except for:
  - **Access Paths:** Access paths can be no wider than 8 feet wide in the shore impact zone or 4 feet wide in a bluff impact zone.
  - **Stairways, lifts, and landings:** Stairways, lifts, and landings are allowed in the shore impact zone and the bluff impact zone as long as stairways and lifts are no wider than 4 feet and landings no more than 32 square feet.
- Decks and patios may encroach into bluff and river setbacks up to 15% of the required structure setback, provided they don't extend into the bluff impact zone.
- One water-oriented accessory structure is allowed for every 300 feet of river frontage. Lots less than 300 feet may have one structure. The water-oriented accessory structure is limited to a 12-foot height, 120 square foot area, and must be at least 10 feet from the water's edge. These structures are not allowed in the bluff impact zone.
- Temporary storage of docks, boats, and other equipment during the winter months are prohibited in the bluff impact zone but allowed in the shore impact zone.

Figure 2. River Access Design Standards.



MRCCA web address: [https://www.dnr.state.mn.us/waters/watermgmt\\_section/critical\\_area/index.html](https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html)