

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, APRIL 1, 2014 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR MARCH 18, 2014.**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 JEFF LEYDE – CASE NO. 14-09ZPA

Consider a Comprehensive Plan Amendment to change the land use designation from LDR to HDR and a Rezoning of the property from R-1A & C to R-3C to allow for a senior living facility on the property generally located at Brent Ave between 49th and 50th Street.

Planning Commission Action _____

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

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 18, 2014 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Paul Hark
Harold Gooch
Tony Scales
Armando Lissarrague
Dennis Wippermann
Bill Klein

Commissioners Absent: Annette Maggi (excused)
Victoria Elsmore (excused)
Pat Simon (excused)

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

APPROVAL OF MINUTES

The minutes from the February 5, 2014 Planning Commission meeting were approved as submitted.

ANDERSON – JOHNSON ASSOCIATES, INC. (Simley High School) CASE NO. 14-06CA

Reading of Notice

Commissioner Scales read the public hearing notice to consider a Conditional Use Permit Amendment to exceed the maximum impervious surface allowed in the Shoreland Overlay District on the property located at 2920 80th Street.

Presentation of Request

Allan Hunting, City Planner, explained that the School District is proposing to remove the existing grass field in the athletic field complex and replace it with an artificial turf system. They will also be installing an in ground infiltration system below the turf to capture storm water. Since the artificial surface would be considered impervious by code definition, and amendment to the existing CUP must be processed. Impervious surface coverage is limited to 25 percent of the lot; however, this may be increased by conditional use. Existing impervious surface on the lot is at 32 percent. The proposal artificial turf and minor changes around the athletic field would increase the impervious surface to 36 percent. This is an additional 4 percent increase of impervious surface. Allan indicated that the Engineering Department has been working with the applicant on the design of a stormwater infiltration system under the turf. There would be a storm water facilities agreement, easement agreements and an improvement agreement to address the specific improvements to the site and address the storm water.

Opening of Public Hearing

Mr. Dave Rey, Anderson-Johnson Associates, Inc., Project Civil Engineer for the school district, was available for questions.

Commissioner Klein asked how they were going to capture the storm water. Mr. Rey explained that the turf system is fully porous and they are planning to have a drain tile system and below the drain tile there is additional 4 feet of sand that will allow the water to infiltrate and it will hold the water. If the water rises to the drain tile, it will then run into the storm water system. It will be able to handle a 2 to 4 inch rainfall event; however the runoff never leaves the surface of the field.

Commissioner Klein opined that the Ordinance regarding impervious surface should probably be reviewed. He thought the Ordinance was creating a lot of problems for homeowners.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Wippermann, to approve the request for a conditional use permit Amendment to exceed the maximum impervious surface allowed in the Shoreland Overlay District on the property located at 2920 80th Street with the four conditions: (1) The site shall be developed in substantial conformance with the following plans on file with the Planning Department; (2) An improvement agreement, stormwater facilities maintenance agreement and easement agreements shall be required to be entered into between the City and the developer addressing the improvements on the site. The agreements shall be approved by the City Council prior to release of the final plat; (3) All grading, erosion control and utility plans, or modifications thereof, shall be approved by the City Engineer prior to construction; (4) Any easements required for any utility or roadway needs shall be granted by the school district as part of this project.

Motion carried (6/0). This item goes to the City Council on March 24, 2014.

School District Presentation

Superintendent Dr. Deirdre Wells and Paul Youngquist, Architect for the school district gave a brief overview of some of the improvements the school district is planning.

There are eight bid packages and they include: replacing the athletic field, reroofing work for some of the schools, Salem Hills school will undergo remodeling, card access work in all of the schools, indoor air quality work, technology updates and the Simley High School will undergo remodeling and will include additional parking. Dr. Wells indicated that the School District website has the most up-to-date information on the district's improvements.

MERIDIAN LAND COMPANY – CASE NO. 14-07PA

Commissioner Scales read the public hearing notice to consider a Comprehensive Plan Amendment to change the land use designation from HDR, High Density Residential to LMDR, Low-Medium Density Residential for the property identified as PID No. 20-00800-51-013.

Allan Hunting, City Planner, explained that the applicant has submitted an application for a comprehensive plan land use change for a future proposed single family development located in the Northwest Area on land located on the north side of 80th Street, east of Hwy 3. The application is proposing an overall project density less than the minimum density allowed under the current designation. The current designation would allow for 12+ units per acre. The applicant is requesting a change to LMDR which has a density range of 3-6 units per acre.

The task at hand with the comprehensive plan review is to determine if Low-Medium Density Residential is an appropriate land use.

Allan Hunting explained that in 2010, the landowners applied for and received a comprehensive plan amendment to High Density Residential. The project at that time was to be a multiple family project with approximately 480 units. The application also included the parcels immediately to the north and south, but those two parcels are not part of this request.

Due to the changes in market demand, the City may need to be flexible in density demands and housing mixes.

Allan Hunting indicated that whenever the City is considering development in the Northwest Area, it must consider the financial implications in order to fund the installation of City utilities. The applicant has stated they are willing to pay the difference in fees to cover costs for their share of the overall utility extensions. A preliminary number based on permit fee collections for 47 lots would be \$370,000.

Allan Hunting explained that the City needs greater controls in place in order to make sure that any fee shortages will be paid since the City would be approving a comp plan change that reduces the amount of units allowed. The City Attorney has helped staff with this issue and we offer three options by which this request, as well as any other similar future requests could be approved.

Allan Hunting indicated that staff recommends approval of the applicant's request with the inclusion of Option A which is to: *Create a new land use category in the Comprehensive Plan that establishes parameters whereby projects with unit counts that fall below projections are obligated to pay the projected unit count fee collections that were part of the original assumptions and where the land use change is based on an overall reduced density category. The new designation would be called LMDR-NWAPUD.*

Opening of Public Hearing

Mr. Rick Murray, 3600 American Boulevard W. (United Properties) was present on behalf of Meridian Land Company to answer any questions.

Mr. Murray said that he agreed with staff's recommendation and Option A.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Klein said he supported the project and thought it honorable that the applicant was willing to pay the \$370,000 costs to cover fees.

Commissioner Scales asked staff if this situation were to go the other way (from low density to high density), would their costs be lower?

Tom Link, Community Development Director, answered that that type of situation does not happen often and he remembers it only to have happened on one occasion. Tom indicated that this language does give the City more flexibility because it will have more leeway with the financials.

Commissioner Scales commented that if the City were doing it this way to benefit the City, he opined that it should be able to work the other way where it doesn't always only benefit the City. Commissioner Scales said he realizes this issue is not being dealt with at this time, but that part of going forward the reverse situation needs to be considered.

Chair Hark commented that he favored the high density, but he supported the proposal since the developer is more aware of the market needs.

Commissioner Gooch commented that he was on the Planning Commission when the land use was first approved, but he thought this is the way it should have been all along and he supports the lower density since this type of density is the same as what is presently across the street from this development.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Klein, to consider a Comprehensive Plan Amendment to change the land use designation from HDR, High Density Residential to LMDR, Low-Medium Density Residential for the property identified as PID No. 20-00800-51-013 with the incorporation of Option A with two conditions as listed: *Create a new land use category in the Comprehensive Plan that establishes parameters whereby projects with unit counts that fall below projections are obligated to pay the projected unit count fee collections that were part of the original assumptions and where the land use change is based on an overall reduced density category. The new designation would be called LMDR-NWAPUD.*

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.*

Motion carried (6/0). This item goes to the City Council on February 24, 2014.

OTHER BUSINESS

Tom Link, Community Development Director, mentioned that the Commissioner Appreciation Dinner is Thursday, April 17, 2014 at 6:00 p.m. Tom Link encouraged commissioners to attend.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 7:43 p.m.

Respectfully submitted,

Kathleen J. Fischer
Public Works Support Specialist

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE: March 28, 2014 **CASE NO.:** 14-09ZPA

APPLICANT: Jeff Leyde

PROPERTY OWNER: Todd Kelm, Jill Leyde, Jeff Leyde, Eleanor Schmandt

REQUEST: Comprehensive Plan Amendment to change land use from LDR, Low Density Residential to HDR, High Density Residential and Rezoning from R-1A, Single Family Residential to R-3C, Multiple Family Residential

LOCATION: Between 49th and 50th Streets and between Boyd and Bryce Avenues

HEARING DATE: April 1, 2014

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1A, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering **PREPARED BY:** Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to change the land use designation of approximately 3.4 acres from Low Density Residential to High Density Residential. The applicant is anticipating a senior housing development consisting of a one building 52 unit complex. The project would be an in-fill development on vacant parcels in a subdivision that was platted in the 1880's with very steep topography. There are unimproved rights-of-way in the plat along corridors that are too steep to construct streets that would meet minimum grades today. The applicant is looking for the best possible use of the property. If the comp plan and rezoning is successful, the applicant would also develop some single family homes on other vacant land abutting the senior housing proposal.

The applicant has submitted a concept plan and elevations of the proposed senior housing project. If this phase of the applicant is successful, the applicant would be required to come back for a CUP for multiple family housing and a rezoning to administratively plat the remaining single family lots.

SURROUNDING USES

The subject property is surrounded by:

North	Single family residential, vacant land; zoned R-1C; guided Low Density Residential.
East	Single family residential, vacant land; zoned R-1C; guided Low Density Residential.
West	Single family residential; zoned R-1C; guided Low Density Residential.
South	Single family residential, vacant land; zoned R-1C; guided Low Density Residential.

EVALUATION OF REQUEST

Comprehensive Plan Amendment and Rezoning

The subject area, along with the surrounding area is guided for LDR, Low Density Residential which is defined in the 2030 Comprehensive Plan as:

“The low-density residential category encompasses traditional “urban” density development in the Inver Grove Heights. LDR includes lots or parcels ranging from 1 unit per acre to 3 units per net acre. Substantial portions of the low-density residential area are anticipated to develop at a density of one to three units per net acre. Housing types in the low-density residential category include single-family detached homes, twin home units and lower density, townhome style developments. In all cases, low-density residential development will be served by public water and sanitary sewer systems.”

High Density Residential is defined in the 2030 Comprehensive Plan as:

“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 proposed 52 unit senior housing project over 3.4 acres would result in a net density of 15 units per acre. The existing single family development in the area is approximately 3-4 units per acre.

The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The site has development limitations consisting of steep topography and storm ponding requirements. The developer has looked at the site for single family but found that a higher and better use of the land could be achieved with multiple family. There can be more density put into a smaller foot print that reduces the amount of grading and tree removal that would occur if the land were developed with single family homes in the same pattern as the surrounding properties.
- There continues to be a need for senior housing as the baby boomer generation ages.
- The location is near a large multiple family development to the west that developed around 2005-2006. This project is on the west side of Brent Avenue which is only ½ block to the west. While the immediate surrounding property is developed with single family, there is other multiple family land use in the area.
- Senior housing typically generates less traffic and noise concerns than standard multiple family. The project main entrance would be from 50th Street which provides close access to either Blaine Avenue to the west or access to I-494 to the east.
- This project would be an infill development. Due to the natural constraints of the land, a different approach to development and land use may be appropriate in order for the land to develop.

RATIONALE AGAINST THE LAND USE CHANGE

- The change in density is a large departure from the surrounding area and could create some land use incompatibilities.
- The proposed building would be a three story building which would be generally taller than the surrounding houses and the massing would be much greater than any abutting buildings.
- This would also require a rezoning to multiple family which would be a spot zoning surrounded by single family zoning. This type of zoning mix is usually not the most desirable and normally is discouraged.
- The proposed density of 15 units per acre is considerably greater than the surrounding land which is developed at approximately 3-4 units per acre.

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 a recommendation approving the Comprehensive Plan Amendment from LDR, Low Density Residential to HDR, High Density Residential and the rezoning from R-1A, Single Family Residential to R-3C, Multiple Family Residential 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.

B. Denial If the Planning Commission does not favor the comprehensive plan amendment, 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

Historically, staff has not supported land use changes where it would result in a spot zoning or spot land use change. Staff is concerned about the conflict in building mass and density to the surrounding properties. A senior housing project would have less negative impacts on traffic and noise as compared to a standard apartment building. The site area has many challenges with topography and meeting stormwater requirements. Sometimes, nontraditional land use patterns are needed for infill development.

Based on precedence concerns, staff does not support the comprehensive plan amendment and rezoning.

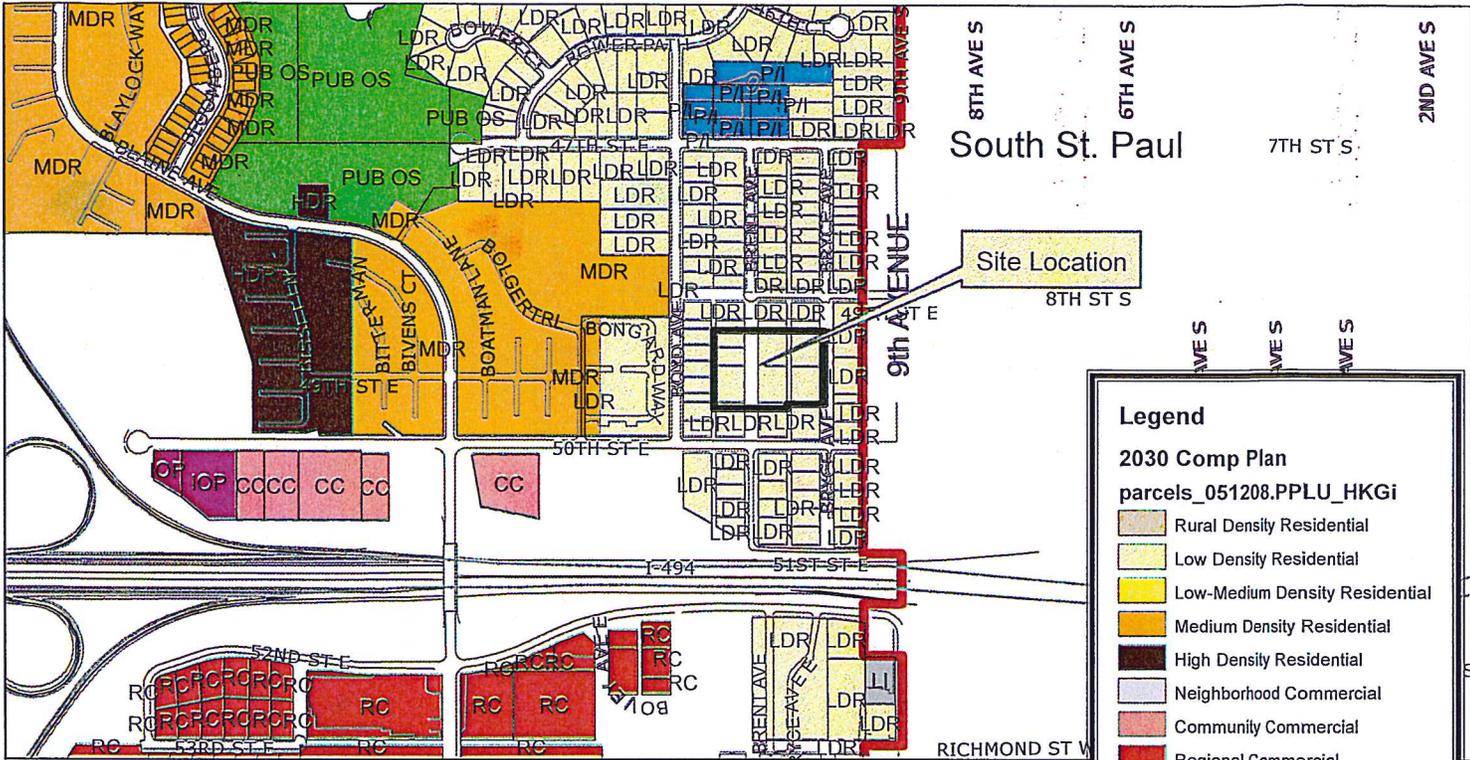
Attachments: Existing/Proposed Comp Plan Map
Applicant Narrative
Background Info Supplied by Applicant
Colored Concept Plan
Concept Building Elevation
Full Development Concept Plan



Proposed Comp Plan Change Case No. 14-09ZPA Leyde Comp Plan Amendment

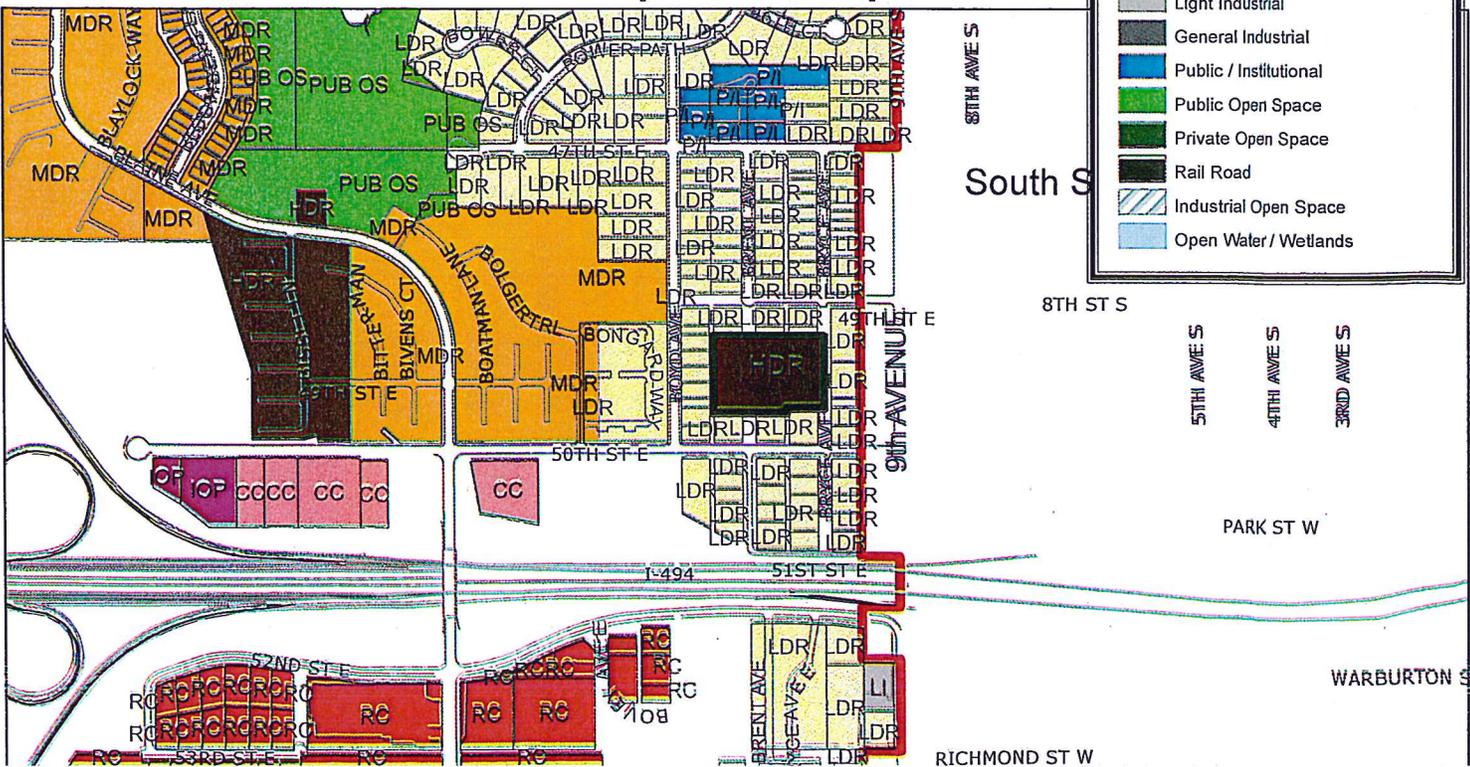


Existing Comp Plan



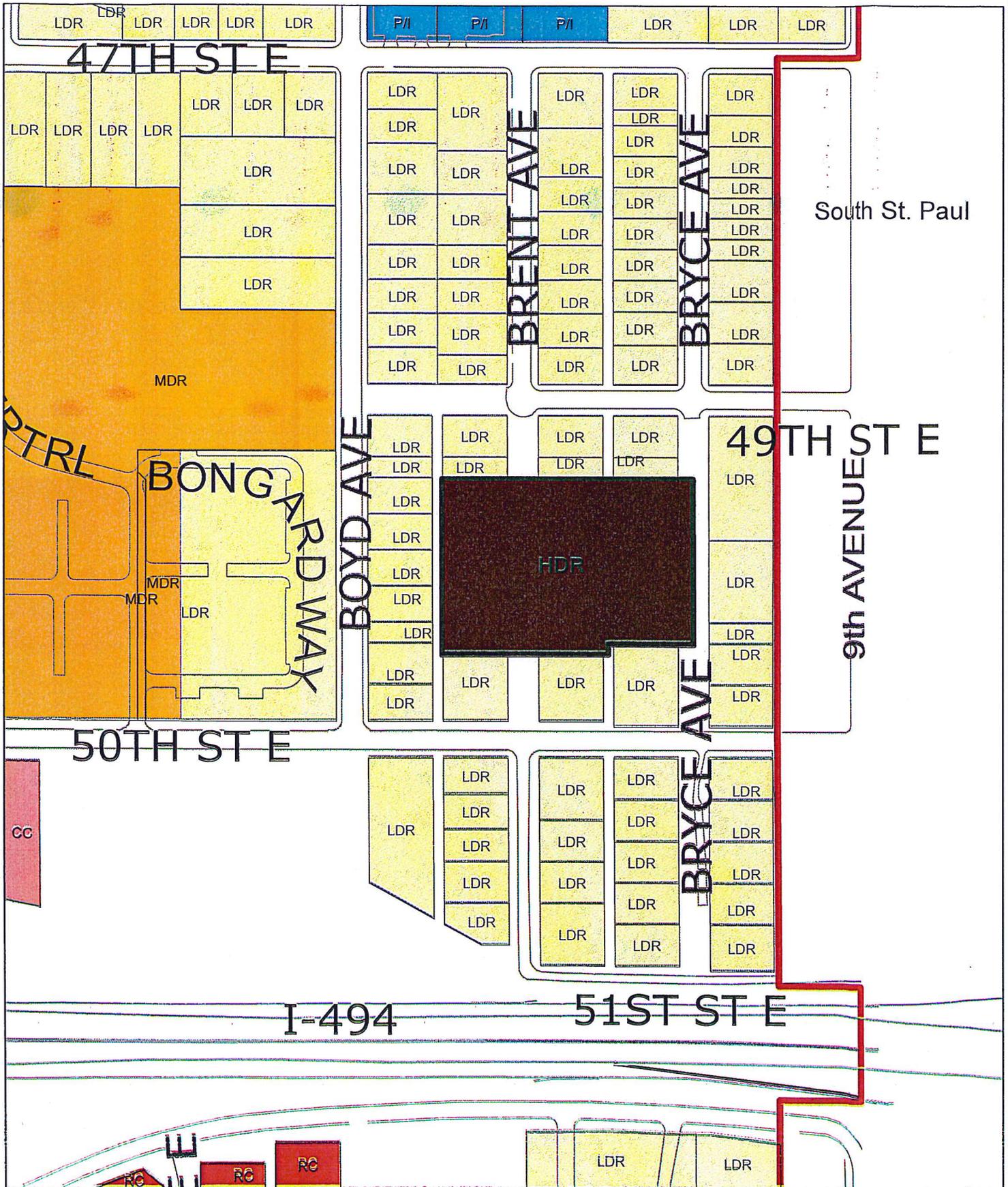
Legend	
2030 Comp Plan	
parcels_051208.PPLU_HKGI	
	Rural Density Residential
	Low Density Residential
	Low-Medium Density Residential
	Medium Density Residential
	High Density Residential
	Neighborhood Commercial
	Community Commercial
	Regional Commercial
	Mixed Use
	Office
	Industrial Office Park
	Light Industrial
	General Industrial
	Public / Institutional
	Public Open Space
	Private Open Space
	Rail Road
	Industrial Open Space
	Open Water / Wetlands

Proposed Comp Plan





Proposed Comp Plan Change Case No. 14-09ZPA Leyde Comp Plan Amendment



Narrative for concept plan
Inver Grove Heights Plan Review
3/12/14

We are requesting that an R-1C zoned area of land be rezoned to an R-3C for the purpose of creating senior housing. The land is located between 50th Bryce Ave-Brent Ave. The area of land was platted in the late 1890's to include two through streets. The plat map also shows sixty 40' parcels for single family Homes. The area poses a few challenging issues for such a development to occur. One being new water runoff issues and/or retention ponding, two being topography of the land on Brent Ave and three being 40' lots not meeting current city buildable size. Our proposal that works well in dealing with these issues is to construct and build a 52 unit senior housing building designed to fit the topography of the land, utilizing the natural topography of the land for access to underground parking. Furthermore it will allow the use of a low area at the bottom of Brent Ave east to naturally infiltrate and hold record rainfalls if needed. All of which could not be accomplished if both roads were constructed and all single family construction were to be built. The area of land is currently zoned R-1C, and our request is to be zoned R-3C as we feel Senior Housing has a high demand and would be a great fit for the area. Additionally, the site is close to freeway access and will address the issues as described above.,

The proposal shown will include: Construction of Bryce Avenue ending in a cul-da-sac turnaround

- a. to serve the 52 unit senior housing,
- b. and six single family sites located off Bryce Ave.
- c. Five single family sites located off 50th
- d. Two single family sites located off 49th

EFA 2013: Demand for affordable senior housing soars. No end in sight.

April 8, 2013 by Charlene Marietti, Executive Director, Editorial Initiatives

It's no secret that the senior population – in this country and around the world – is growing and changing. Here some interesting demographic statistics about the senior population, courtesy of the U.S. Census Bureau:

SENIOR POPULATION GROWS EVERY YEAR

36.3 million - The number of seniors who were age 65 and older in the United States on July 1, 2004.

- Seniors 65+ comprised 12 percent of the total population in 2004.
- Between 2003 and 2004, 351,000 people joined the 65+ age group.

86.7 million - Projected number of people who will be 65 or older in the year 2050.

- In 2050, seniors age 65 and older will make up 21 percent of the total population.

147 percent - The projected percentage that the 65+ senior population will *increase* between 2000 and 2050.

In 2000, approximately 605 million people were 60 years or older. By 2050, that number is expected to be close to 2 billion. At that time, seniors will outnumber children 14 and under for the first time in history.



There are currently more than 41,400,000 people in the U.S. age 65 and over, but that number is dwarfed by the 82,800,000 in the 45 to 65 age bracket. In 2010, 40 percent of the U.S. population were age 45 and over.

Affordable senior housing plan leads to friction in Inver Grove Heights

- Article by: LIALA HELAL, Star Tribune
- Updated: July 16, 2013 - 2:24 PM

Neighbors expressed unhappiness with the way the new complex would look from their homes.

A welcome relief for the growing population of Dakota County seniors has sparked concern from some Inver Grove Heights residents.

The city last week approved plans for a 66-unit affordable senior housing development by the Dakota County Community Development Agency (CDA), which the organization revised to address neighbors' concerns.

But neighbors still were unhappy with the way a three-story development would look from their properties.

The council approved the plan in a 5-0 vote. City leaders cited hundreds of Inver Grove Heights residents on senior housing waiting lists and more than a thousand in Dakota County.

"There's a need in Inver Grove Heights for this type of housing, so this will help," said Mayor George Tourville. "It's a huge need. People are living longer, so there are more seniors."

This is the first new affordable housing for seniors in the city since 2002; there are two other CDA options in Inver Grove Heights. ***More than 300 households in the city are on the waiting lists, and in Dakota County, there are more than 1,200.*** This number is expected to grow by the hundreds by 2015, according to Sarah Kidwell, CDA assistant director of administration.

Four owners of single-family homes surrounding the site at the corner of Cheney Trail and Cahill Avenue expressed concern about the housing at a recent City Council meeting. Neighbors at the meeting asked the CDA to reduce the height to two stories and increase the surface area.

But that would cost 20 percent more — a \$1.5 million increase, which the CDA says it cannot afford. The total cost of the development is between \$7 million and \$8 million, according to architects for the project.

Neighbor Aric Elsner told the council recently that although senior housing would be a good use of the property, a three-story building close to the residential neighborhood was "unacceptable."

Joseph Sunday, the closest neighbor to the property, agreed that a three-story building would be a problem without screening between his property and the development, and he "did not want the view from his home to be residential windows," according to city documents.

The lot, which has been vacant for 15 years, was supposed to be developed into single-story office space, Elsner said. The property was liquidated when the previous property owner, Rottlund, went into bankruptcy.

The final plan includes revisions to address neighbors' concerns — moving the building to the west, and moving the parking lot to the east side. The footprint was adjusted so the building ranges from 102 to 120 feet from neighboring property lines. "This allows for a much greater setback to the neighboring parcels and homes," Kidwell said.

Although representatives from the CDA said there are no plans to expand the development in the future, Inver Grove Heights resident Christopher Riess said the proposed layout, which does not center the building on the property, suggested intent to expand in the future. Neighbors did not want the size of the development to increase.

Inver Grove Heights City Manager Joe Lynch said that this type of housing usually does not cause many problems to neighborhoods; the CDA manages the property well, and senior housing typically does not produce many police calls.

He said the project coincides well with the demographics of the city, and its location near retail and commercial properties is helpful to seniors.

Visitors to the housing complex also will help the city's economy, Tourville said. A Wal-Mart, a strip mall, a bank and other businesses are east of the property.

"It's going to add some purchasing power into the neighborhood because they're active seniors in this housing, so they'll be going to the store. ... Also, their families will be coming so they'll be going out to eat and so forth," Tourville said. "It's a good thing. I think it's a worthwhile project."

A 2010 CDA report analyzing demand for affordable senior housing projected that those age 65 and older will grow in numbers by almost 30 percent in Dakota County between 2010 and 2015.

Tourville was hopeful from the start that a compromise between neighbors and the CDA could be reached. The complex will be open to applicants from around Dakota County, but Inver Grove Heights was especially in need of this housing option, he said.

"It's huge, because we've come to the top of the list for cities in Dakota County that need this," Tourville said.

The CDA has plans to build up to three more senior developments in other cities in Dakota County in the near future, Kidwell said.

non assisted

Inver Grove Heights currently has four senior housing developments:

Cahill Commons (60 units), Carmen Court (51 units), Inver Glen Senior Living (39 units), and Timber Hills of Inver Grove Heights (157 units).

Inver Grove Heights has three tax credit senior housing developments:

Blackberry Pointe Apartments (88 units), Lafayette Townhomes (30 units) and Spruce Pointe Townhomes (24 units). See "Tax Credit Housing Units" section for details.

Inver Grove Heights has four congregate/assisted living housing developments:

Inver Glen Senior Living (64 units), Timber Hills of Inver Grove Heights (84 units), Sterling House (19 units) and White Pine Senior Living (63 units). See "Congregate and Assisted Living" section for details.

Growth in the senior population after 2020 will impact the housing products needed through 2030.

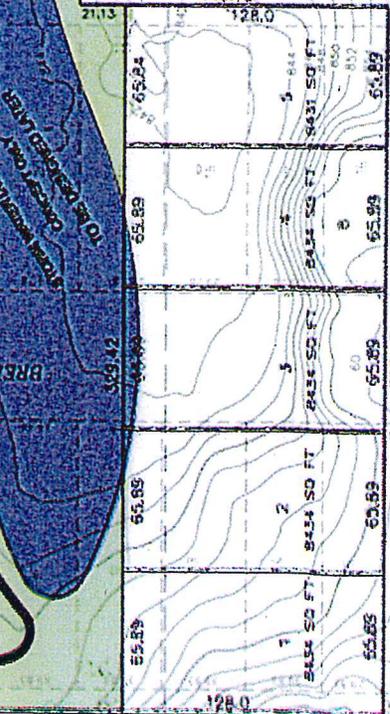
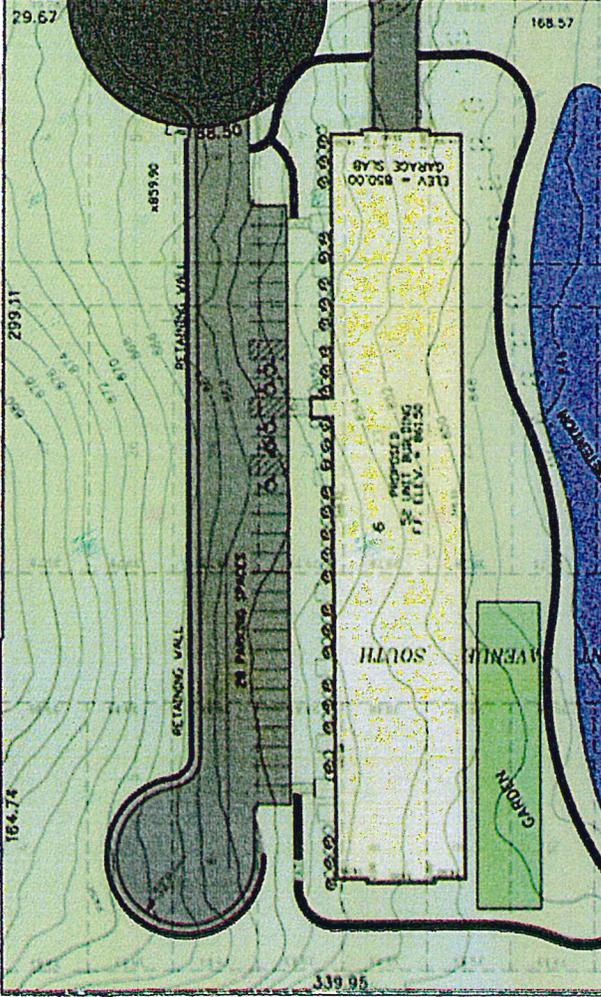
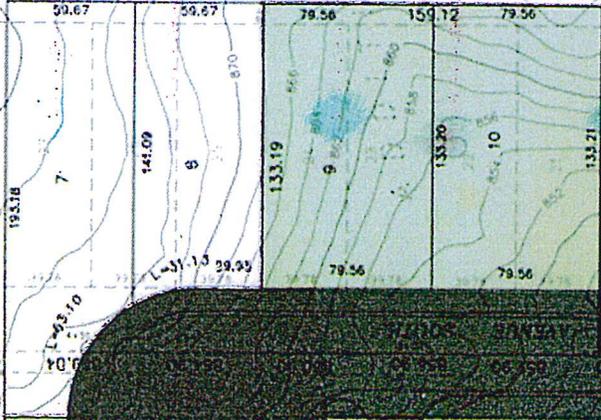
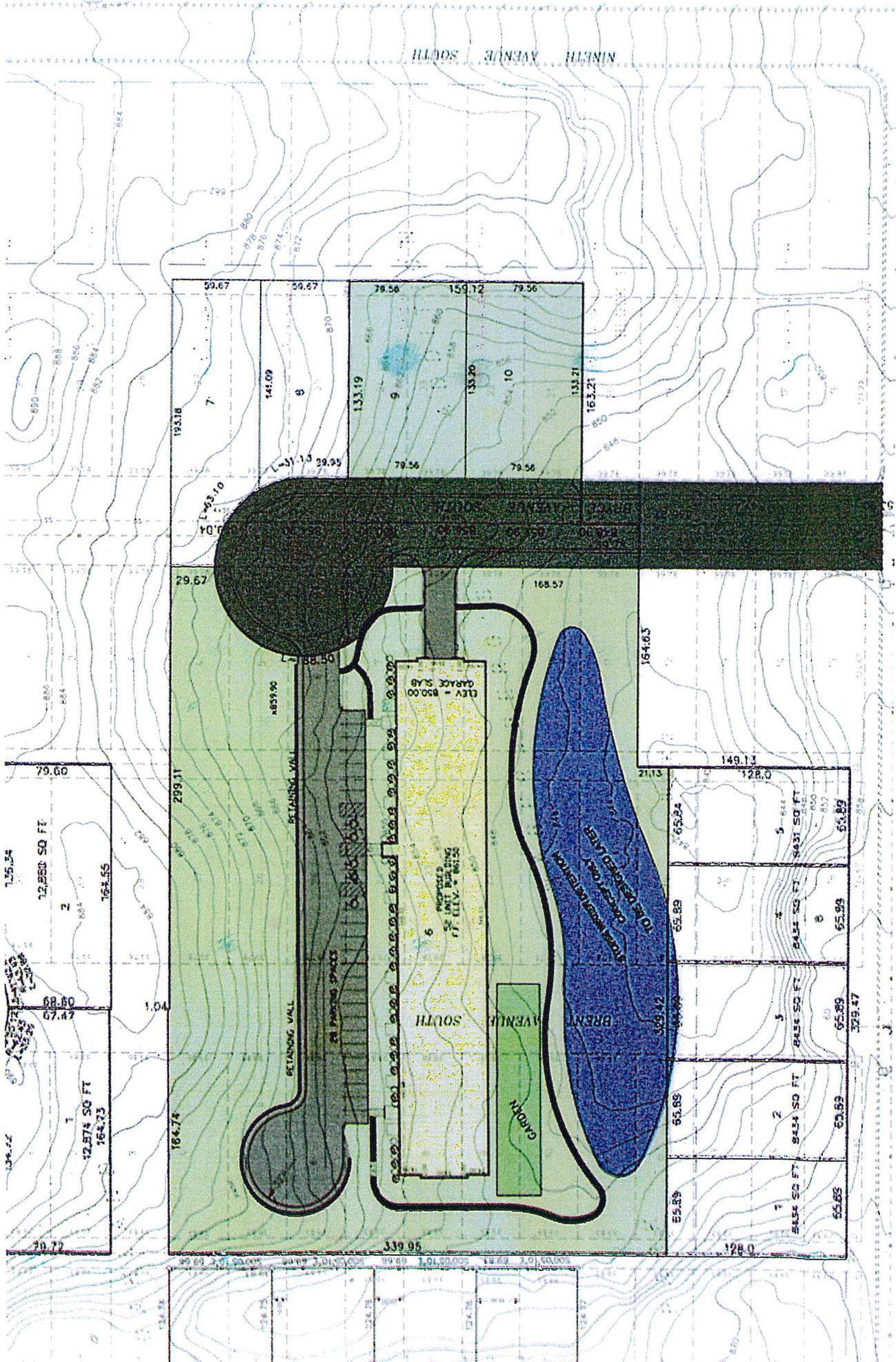
Major shifts in housing preferences are expected to occur in Dakota County by 2030 as a larger proportion of the population moves into their senior years (65+). In 2000, 7% of Dakota County's population was over the age of 65. This percentage increased to 10% in 2010 and is projected to increase to 13% in 2020 and 17% in 2030.

IGH Census results for 55 to 59 years is 6.8% of IGH population 2,288 of 33,880

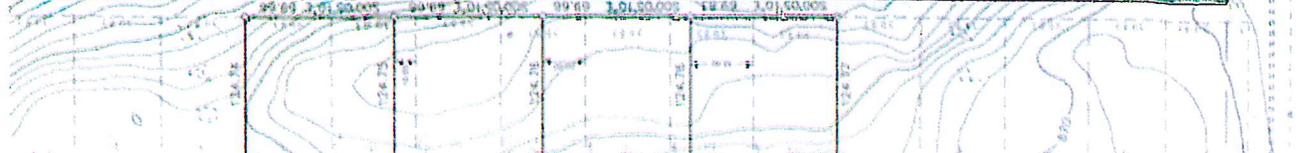
This trend mirrors growth trends in the 7-County Metro Area, where seniors are projected to increase from 11% of the total population in 2010 to 19% by 2030.

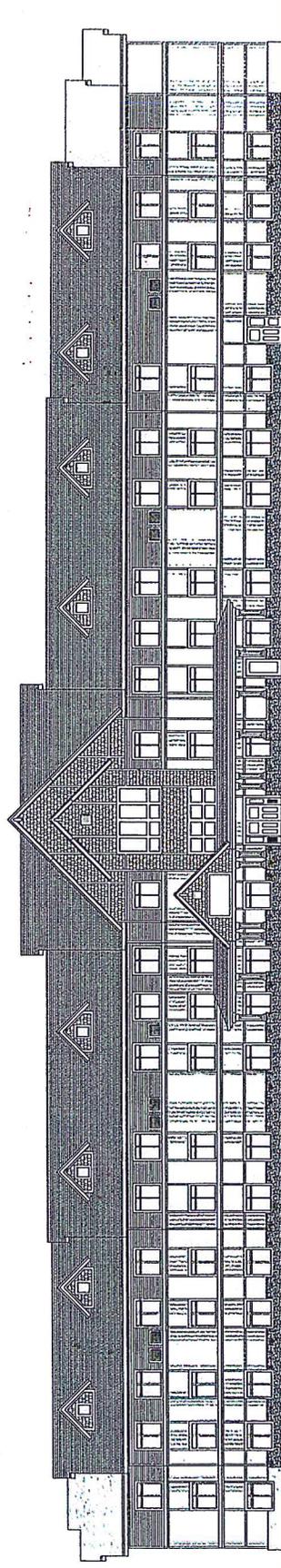
CDA's recommending expanding the supply of affordable senior rental housing for active seniors (no services) in Dakota County over the next 10 years. The Dakota County CDA currently has 26 affordable senior rental buildings that contain 1,543 units. Additional senior shallow-subsidy projects are proposed for development in Inver Grove Heights and Rosemount between 2014 and 2015. These developments have been very successful; they are fully-occupied with a waiting list of about 1,500 households according to Dakota County CDA. With the growing senior population, demand was calculated for another 920 units of shallow subsidy senior housing from 2010 to 2020. We recommend that the CDA (or another agency/firm) continue to pursue development of affordable senior housing in the County.

NINTH AVENUE SOUTH



RETAINING WALL
 20 PARKING SPACES
 SOUTH
 GARDEN
 BENT (REMOVED) 10'
 CONCRETE 120' x 120'
 GARAGE 2x8
 CLEV. 850.00
 6' HIGH
 5' WIDE
 17' ELEV. 841.50






FRONT CONCEPT ELEVATION


 SCALE: 3/32" = 1'-0"

SHEET

DATE: 3/10/2014

INFORMATION PERTAINING TO EXISTING CONDITIONS IS BASED ON AVAILABLE RECORDS AND/OR VISUAL INSPECTION OF THE EXISTING CONDITIONS. WHILE THE ARCHITECT HAS MADE A REASONABLE EFFORT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED, SHE DOES NOT WARRANT THAT CONDITIONS SO INDICATED ARE CORRECTLY REPRESENTATIVE OF THOSE ACTUALLY EXISTING. ALL DISTURBANCES SHALL BE FIELD VERIFIED.

CONCEPTUAL FRONT ELEVATION

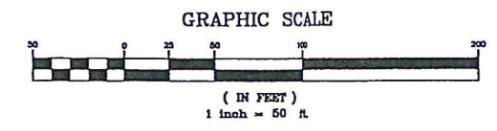
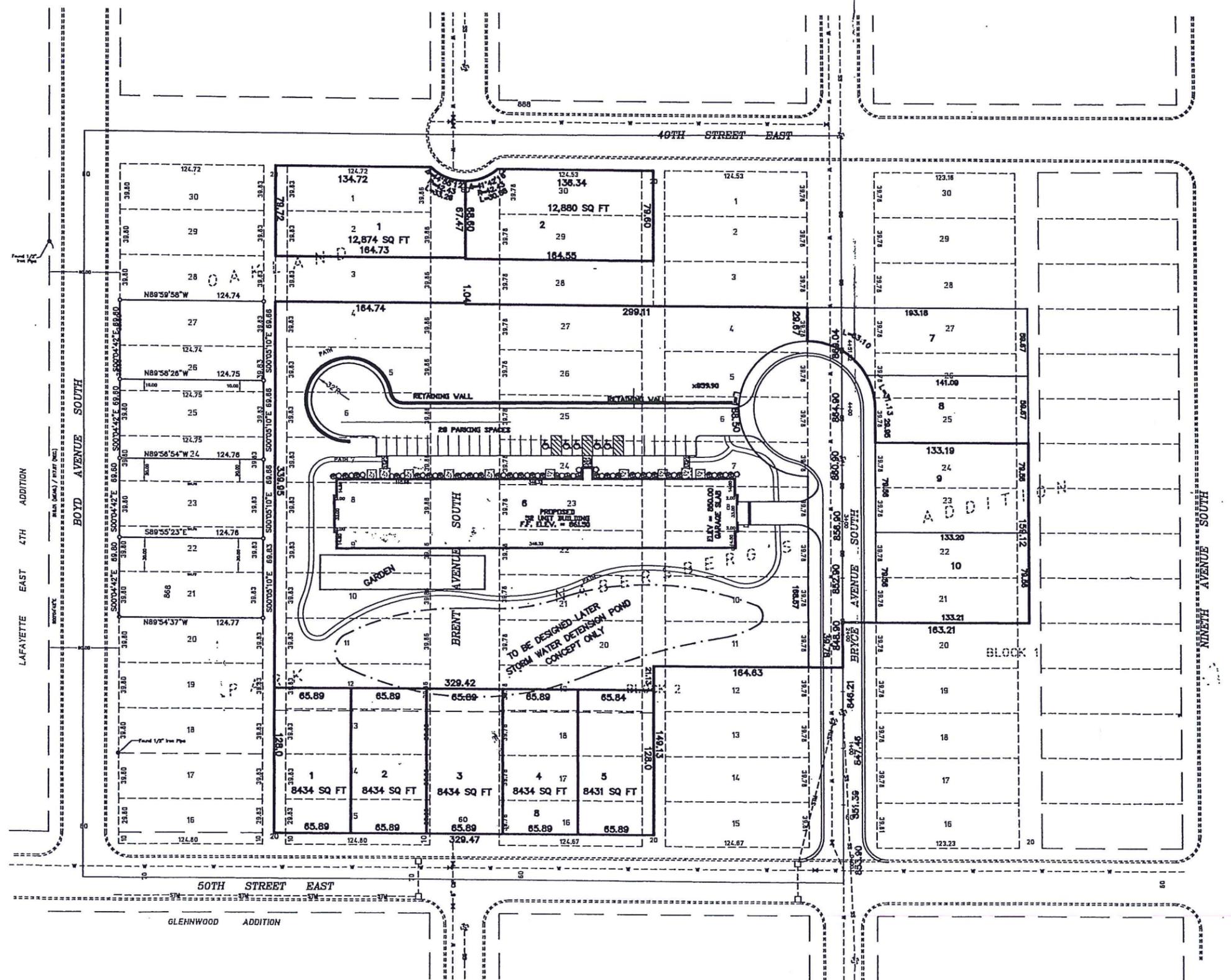
THESE PLANS MAY NOT BE REPRODUCED OR DEVELOPED INTO WORKS DERIVATIVE FOR ANY PURPOSES WITHOUT THE EXPRESS WRITTEN PERMISSION OF RIVER VALLEY ARCHITECTS, INC. 503310245

RIVER VALLEY ARCHITECTS, INC.
 503310245
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RIVER VALLEY ARCHITECTS, INC.

CONCEPT PLAN



CONCEPT PLAN

Client MR JEFF LEYDE 14931 108TH ST S HASTINGS, MN 55033 651-329-0145	Design by JF	Original date 8-26-13	I hereby certify that this plan, specification and contract were prepared by me or under my direct supervision and I am a duly Licensed Engineer in the State of Minnesota. Jonathan L. Forst Date: 8-26-13 Minnesota Reg. No.
	Drawn by JF	Revisions 9-16-13 12-10-13 12-23-13 1-22-14 1-28-14	
LAKE AND LAND SURVEYING, INC. SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINT, SUITE 275 ST PAUL, MN 55120	Survey book No.	S.A.P. number	Sheet number 1 of

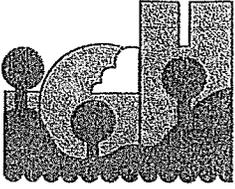
M E M O

CITY OF INVER GROVE HEIGHTS

TO: Inver Grove Heights Planning Commission
FROM: Allan Hunting, City Planner
DATE: March 27, 2014
SUBJECT: AUTHORIZATION FOR PHOTO RELEASE

Administration has brought to our attention that the City needs an individual's consent to use a photograph of that individual on any publications or other media the City might use for promotional purposes. This applies to photographs only. This issue stems from an issue that occurred in another city, specifically its police department. Some background on that event is included.

Anyway, all city staff, including commissions and committees are asked to fill out the authorization form that is attached and sign and date. I will provide paper copies at the next meeting if you do not want to print the sheet at home.



City of Inver Grove Heights

www.ci.inver-grove-heights.mn.us

Authorization for Release

The City of Inver Grove Heights is seeking your permission to use your photograph/image in any/all City of Inver Grove Heights publications and/or promotional material.

I release and discharge the City of Inver Grove Heights, its agents and all persons acting under its authority, from any liability for any violation of any personal or property rights which I might have in connection with the use of my image/photograph.

I waive the right to inspect or approve the finished product, or any other application in which my image/photograph may be used.

I represent that I have read and understand the contents of this release and authorization.

_____ I do not give my permission for my photograph to be used by the City of Inver Grove Heights.

_____ I hearby give my permission for my photograph to be used by the City of Inver Grove Heights.

Signed: _____ Date: _____

Printed Name: _____

Minnesota Department of Administration Advisory Opinion 98-027

This is an opinion of the Commissioner of Administration issued pursuant to section 13.072 of Minnesota Statutes, Chapter 13 - the Minnesota Government Data Practices Act. It is based on the facts and information available to the Commissioner as described below.

Facts and Procedural History:

For purposes of simplification, the information presented by the person who requested this opinion and the response from the government entity with which the person disagrees are presented in summary form. Copies of the complete submissions are on file at the offices of PIPA and, except for any data classified as not public, are available for public access.

On April 3, 1998, PIPA received a letter from David M. Johnson, Chief of Police for the City of Blaine. In his letter, Mr. Johnson asked the Commissioner to issue an opinion regarding the classification of certain data maintained by the City's Police Department ("BPD"). A summary of the detailed facts of this matter follows.

Since the mid 1980s, BPD has displayed photographs of current and former employees on an interior wall of the police facility. The photo gallery is located in an area that is always accessible to police staff, and occasionally accessible to the public. Photographs of undercover officers are not displayed. According to Mr. Johnson, "[i]t is unclear at this time whether the officers and staff ever consented to the taking and displaying of their pictures."

Issues:

In his request for an opinion, Mr. Johnson asked the Commissioner to address the following issues:

1. Are photographs of current and past employees of the Blaine Police Department "government data" and/or "personnel data" pursuant to Minnesota Statutes Section 13.43?
2. If photographs of current and past employees are government data and/or personnel data, what is their classification pursuant to Chapter 13?
3. Is a "Tennessee Warning" required prior to the taking of employee photographs, regardless of purpose or use for such photographs?
4. Is "informed consent" of the individual subject (the person photographed) required to display her/his picture, and does it make a difference where in the government facility the picture is displayed before informed consent is required?
5. If photographs of current employees are taken with their voluntary consent and paid for with other than government funds, are they (the photographs) government data and subject to the provisions of Chapter 13?

Discussion:

Issues 1. and 2. Pursuant to Section 13.02, subdivision 7, "government data" are "all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use." Further clarification is provided by Minnesota Rules, Part 1205.0200, subpart 4, which states that "[d]ata can be maintained in any form, including, but not limited to, paper records and files, microfilm, computer medium, or other processes." The Rule further provides that "[a]ll data, in whatever form it is maintained, is data on individuals' if it can in any way identify any particular individual." Accordingly, photographs of government employees are government data on individuals.

Pursuant to Section 13.43, "personnel data" are data on individuals collected because the individual is or was an employee of a government entity. Pursuant to Section 13.43, subdivisions 2 and 4, certain specific personnel data are classified as public, and all other personnel data are private. Photographs are not included in the list of public data. Therefore, photographs of current or former government employees are private personnel data. In further support of that conclusion, pursuant to Section 13.43, subdivision 2 (c), a government entity "may display a photograph of a current or former employee to a prospective witness as part of . . . [an] investigation of any complaint or charge against the employee." If employee photographs were public data, there would have been no reason for that statutory provision.

Issue 3. Pursuant to Section 13.04, subdivision 2, when an individual is asked by a government entity to supply private or confidential data about her/himself, the entity must inform the individual of the following: (a) the purpose and intended use of the requested data within the collecting entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This notice requirement is often referred to as a "Tennessee Warning." Thus, BPD was and is required to provide its employees with Tennessee Warnings upon collection of their photographs.

Issue 4. Pursuant to Section 13.05, subdivisions 3 and 4, a government entity may disseminate private data without the individual data subject's consent only if 1) there is authority in law to do so and 2) the data subject received a proper Tennessee Warning. In addition, according to Section 13.05, subdivision 3, and Minnesota Rules Part 1205.0400, subpart 2, employees of a government entity may gain access to private data about other individuals only if "necessary for the