INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, SEPTEMBER 2, 2014 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 19, 2014.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 WOODDALE BUILDERS, INC – CASE NO. 14-30C

Consider a **Conditional Use Permit** to exceed the maximum impervious surface on a residential property located at 9063 Altman Court.

Planning Commission Action _____

3.02 THOMAS LEACH – CASE NO. 14-31V

Consider a **Variance** to allow parking with a zero setback on the property located at 6426 Cahill Ave, 6399 Cahill Ave, and 3095 65th Street.

Planning Commission Action _____

3.03 CHS, INC – CASE NO. 14-32PRV

Consider the following requests for the property located at 5500 Cenex Drive:

A) A **Major Site Plan Review** to expand the parking lot facilities.

Planning Commission Action _____

B) A **Variance** to allow a 10 foot front yard setback whereas 30 feet is required.

Planning Commission Action _____

4. OTHER BUSINESS

A) Review and discussion of the Northwest Area Overlay District:
Presentation by Brad Scheib, Hoisington Koegler Group, Inc (HKGI)

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday; August 19, 2014 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Vice-Chair Gooch called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Armando Lissarrague Bill Klein Dennis Wippermann Joan Robertson Annette Maggi Harold Gooch
Commissioners Absent:	Paul Hark (excused) Pat Simon (excused) Tony Scales (excused)
Others Present:	Tom Link, Community Development Director

APPROVAL OF MINUTES

The minutes from the August 6, 2014 Planning Commission meeting were approved as submitted.

OTHER BUSINESS

Presentation of Request

Tom Link, Community Development Director, advised that the City Council and City staff have been working on developing values, mission statements, and a vision statement. City Council adopted city values in 2013 and a mission statement in 2014. After the City Council adopted the city mission statement, they asked each of the departments to review their individual mission statements and also asked for commission input. The Planning Commission is being asked to review and comment on the Community Development Department's mission statement, which reads 'The mission of the Community Development Department is to foster a high quality physical environment for the current and future community, through the delivery of effective, professional, and customer-oriented services'. Mr. Link explained that the Community Development Department serves a number of functions, including planning and zoning, building inspections, code compliance, housing, and economic development. Community Development also staff's the Housing Committee meetings, Planning Commission meetings, Environmental Commission meetings, Airport Relations Commission meetings, Economic Development Authority meetings, as well as City Council meetings. He advised that any comments will be reflected in the minutes, which will be forwarded to the City Council.

Planning Commission Discussion

Vice-Chair Gooch asked for clarification of the meaning of the statement 'to foster a high quality physical environment'.

Mr. Link replied that most of what the Community Development Department creates is physical features that can be seen and touched (i.e. buildings, parking lots, roads, housing, etc.).

Commissioner Maggi suggested that verbiage be added to reflect that the Community Development Department also considers the City's long-term vision.

Mr. Link agreed that when reviewing an application for a private property owner, the City must also

consider the larger impact it would have on the entire neighborhood or community.

Commissioner Klein suggested rephrasing the mission statement to read 'high quality physical environment ***as visioned in the Comprehensive Plan***'. He asked when the next Comprehensive Plan update was due.

Mr. Link replied that the Comprehensive Plan must be updated by 2018; therefore, the process would likely begin in 2016.

Commissioner Wippermann questioned why the mission statement used the term 'community' rather than 'residents'.

Mr. Link replied that the same comment came up during staff discussions; however, it was recognized that it was broader than just residents and they wanted to include businesses, visitors, people passing through, etc.

Commissioner Robertson stated she was in favor of retaining the word 'community' as it conveyed a more welcoming approach to residents, business owners, and visitors.

Commissioner Klein noted there were also many people coming in and out of the college as well.

Commissioner Lissarrague asked staff for an example of delivery of an effective, professional, and customer-oriented service.

Mr. Link provided a few examples, stating that staff strives to provide accurate information in a timely and courteous manner.

Commissioner Klein stated that some customers would need more assistance than others, such as an amateur homeowner versus an experienced contractor.

Mr. Link agreed that the type of customer could be varied and therefore all would require a slightly different approach. He advised that in many cases it is staff's job not only to do the inspection or process the planning application, but to educate as well.

Commissioner Robertson suggested changing the word 'service' to 'information and service' or 'guidance and service' because the City employees interacting with customers were not only serving but educating and providing information as well.

Mr. Link advised that he would bring that suggestion back to the department.

Vice-Chair Gooch suggested contracting a professional marketing agency to write the City's position statements or perhaps asking creative City staff to volunteer their services. He advised that a typical mission statement for a company would have a few sentences about their basic purpose, followed by bullet points addressing each of the various divisions (i.e. planning, inspections, code compliance, economic development, and housing). He referred to the statement that 'the mission of the City of Inver Grove Heights is to provide services' and questioned whether that was truly the mission of the city as a community, or more what the departments of the City were intending to do.

Mr. Link stated he could bring that comment back to City Council, and he also noted that the City used an outside facilitator for the staff portion of the process.

Commissioner Klein agreed with Commissioner Gooch's recommendation to use an outside

marketing agency to create position statements.

Vice-Chair Gooch suggested that the mission, values, and/or vision statements be displayed at City Hall on a plaque.

Mr. Link thanked everyone for their helpful comments and advised he would take them back to the department.

The meeting was adjourned by unanimous vote at 7:23 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 26, 2014 **CASE NO.:** 14-30C

HEARING DATE: September 2, 2014

APPLICANT: Wooddale Builders, Inc.

PROPERTY OWNER: Sam and Tiffany Anderson

REQUEST: A **Conditional Use Permit** to allow additional impervious surface on a residential lot

LOCATION: 9063 Altman Court (20-01900-08-010)

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: PUD, Planned Unit Development

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit to exceed the allowed impervious surface amount on the property. The applicant is currently building a new home and an infiltration system on the property to meet stormwater requirements. The applicants decided to size the infiltration system to their maximum impervious surface need now as it is more cost effective then altering the system later. The total impervious coverage proposed would be the maximum allowed on the property that could be used for the house, garage, driveway, sidewalk, patios, sport courts, walkways around pool, etc...

	Square Feet	Allowed Impervious Coverage (sq. ft)
Lot Size	2.52 acres	16,335
Allowed additional impervious coverage by CUP	10% of lot area	10,992
Additional impervious surface requested	9,665	-
Total impervious coverage requested	26,000	

The applicant is requesting a maximum of 26,000 square feet of hard surface to be allowed on the property. The applicants have calculated what their maximum future needs would be for the property and is requesting that amount as it is easier to install stormwater features during the construction process rather than building the house and adding them later on. The applicant is proposing two infiltration basins on the property, one located behind the house to the northeast and the other on the southern part of the property.

SPECIFIC REQUEST

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

SURROUNDING USES:

The subject site is surrounded by the following uses:

North –Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
West - Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
South - Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
East - Residential; zoned PUD, single-family; guided RDR, Rural Density Residential

EVALUATION OF REQUEST:

GENERAL CUP CRITERIA

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

The proposed conditional use permit meets the above criteria. As shown in Exhibit A, the surrounding properties are all single-family residential homes. The proposed home and driveway aesthetically fit in with the neighborhood. Additionally, the applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

IMPERVIOUS SURFACE CUP CRITERIA

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

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

to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.

g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

ENGINEERING REVIEW

The Engineering Department has reviewed and approved the stormwater and grading plans. The applicant's lot is an unplatted piece of property therefore a custom grade agreement was required between the City and property owner before construction could begin. Engineering has made recommendations on conditions that are included at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction plans.

ALTERNATIVES

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

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

- Approval of the **Conditional Use Permit** to allow an additional 9,665 square feet of impervious surface subject to the following conditions:

    1. A storm water facilities maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities.

    2. Prior to any work being done on the site, an Engineering cash escrow and letter of credit shall be submitted to the City to ensure the proper construction of the improvements and to review the drainage modeling.

    3. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.

B. Denial If the Planning Commission does not favor the proposed Conditional Use Permit, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit.

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Applicant Narrative
Exhibit C - Site Plan

Map not to scale

Wooddale Builders
Case No. 14-30C

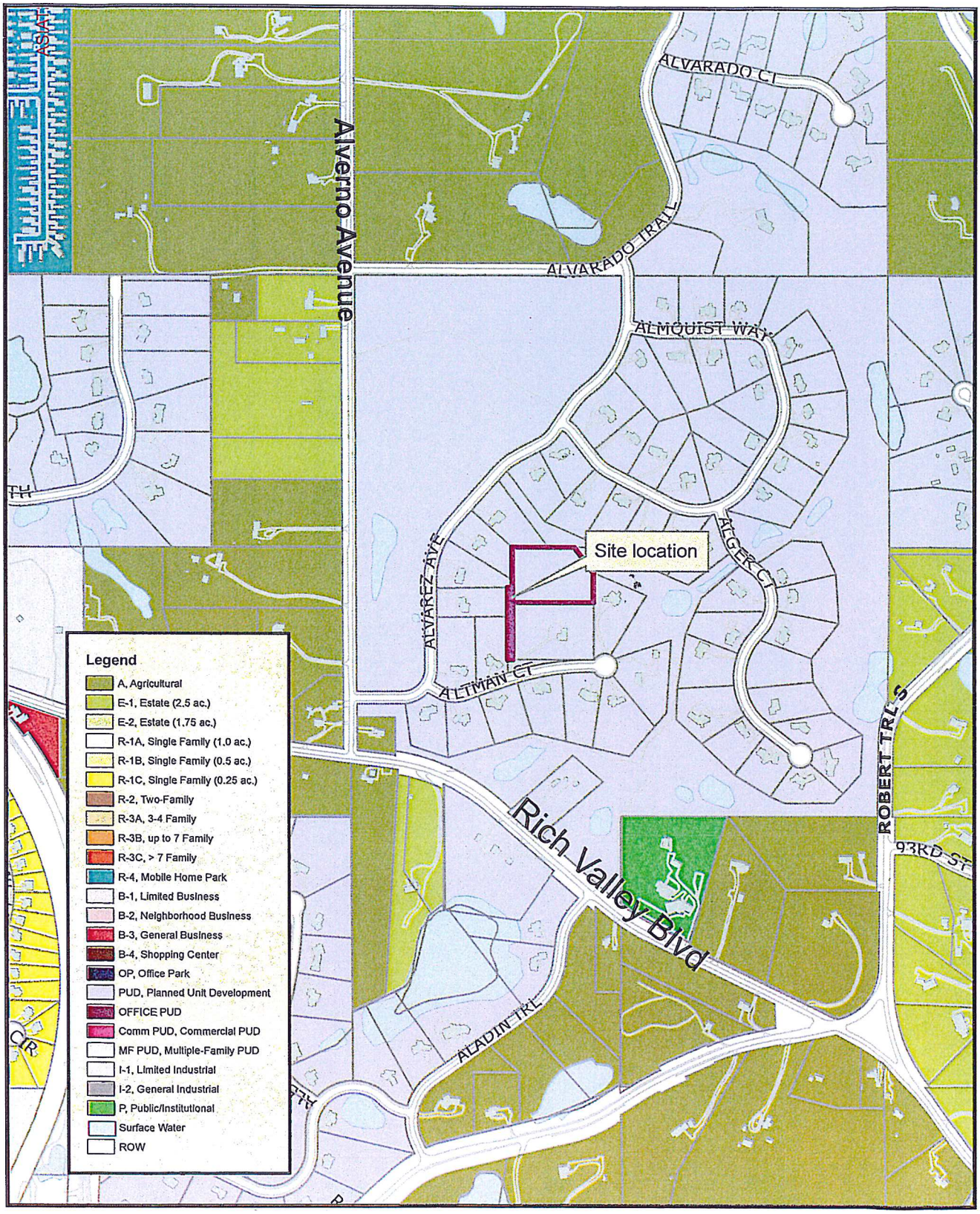

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Exhibit A
Zoning and Location Map

WOODDALE
BUILDERS

July 28, 2014

To: City of Inver Grove Heights
8150 Barbara Ave.
Inver Grove Heights, MN 55077

From: Wooddale Builders, Inc
6117 Blue Circle Drive, Suite 101
Minnetonka, MN 55343

Subject: Conditional Use Permit Request for 9063 Altman Court

Standard for this lot is 16,335 sqft
We are requesting 26,000 sqft
Sqft over standard is 9,665

Reason for our request is that the access to the property is off Altman Court and the actual building pad sets back 330 ft , that alone is 3,960 sqft of an overage and clients would like a sport court. The sport court sqft is 1,092 and the driveway and sport court total 5,052 sqft.

Thank you for your time and consideration for this request.

Sincerely,

Steve Schwieters, President
Wooddale Builders, Inc.

CERTIFICATE OF SURVEY

~for~ Wooddale Builders

~of~ Sam and Tiffany Anderson Residence

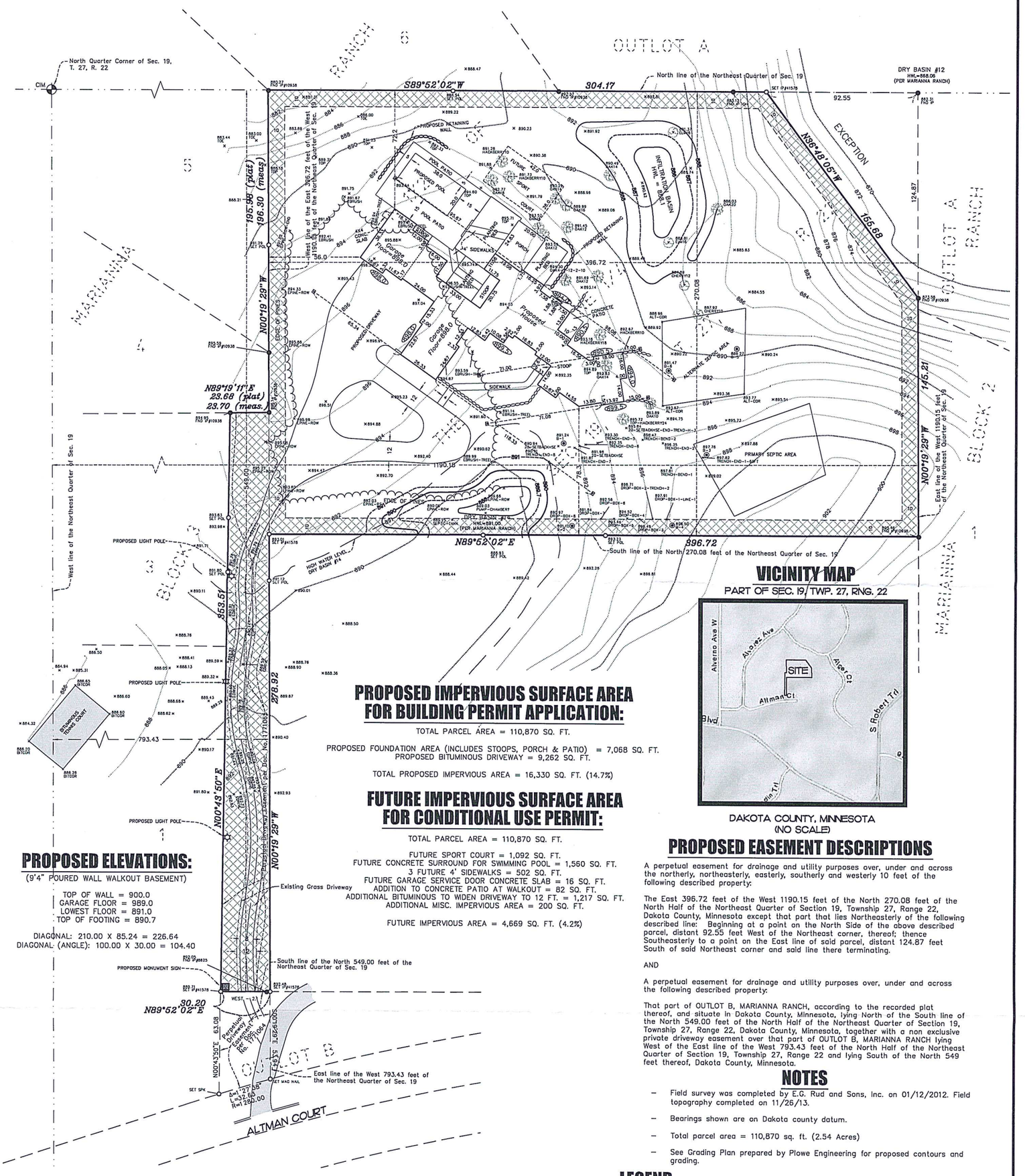
PROPERTY DESCRIPTION

The East 396.72 feet of the West 1190.15 feet of the North 270.08 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22, Dakota County, Minnesota except that part that lies Northeasterly of the following described line: Beginning at a point on the North Side of the above described parcel, distant 92.55 feet West of the Northeast corner, thereof; thence Southeasterly to a point on the East line of said parcel, distant 124.87 feet South of said Northeast corner and said line there terminating.

AND

That part of OUTLOT B, MARIANNA RANCH, according to the recorded plat thereof, and situate in Dakota County, Minnesota, lying North of the South line of the North 549.00 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22, Dakota County, Minnesota, together with a non exclusive private driveway easement over that part of OUTLOT B, MARIANNA RANCH lying West of the East line of the West 793.43 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22 and lying South of the North 549 feet thereof, Dakota County, Minnesota.

NORTH



VICINITY MAP

PART OF SEC. 19, TWP. 27, RNG. 22

DAKOTA COUNTY, MINNESOTA
(NO SCALE)

PROPOSED IMPERVIOUS SURFACE AREA FOR BUILDING PERMIT APPLICATION:

TOTAL PARCEL AREA = 110,870 SQ. FT.

PROPOSED FOUNDATION AREA (INCLUDES STOOPS, PORCH & PATIO) = 7,068 SQ. FT.
PROPOSED BITUMINOUS DRIVEWAY = 9,262 SQ. FT.

TOTAL PROPOSED IMPERVIOUS AREA = 16,330 SQ. FT. (14.7%)

FUTURE IMPERVIOUS SURFACE AREA FOR CONDITIONAL USE PERMIT:

TOTAL PARCEL AREA = 110,870 SQ. FT.

FUTURE SPORT COURT = 1,092 SQ. FT.
FUTURE CONCRETE SURROUND FOR SWIMMING POOL = 1,560 SQ. FT.
3 FUTURE 4' SIDEWALKS = 502 SQ. FT.
FUTURE GARAGE SERVICE DOOR CONCRETE SLAB = 16 SQ. FT.
ADDITION TO CONCRETE PATIO AT WALKOUT = 82 SQ. FT.
ADDITIONAL BITUMINOUS TO WIDEN DRIVEWAY TO 12 FT. = 1,217 SQ. FT.
ADDITIONAL MISC. IMPERVIOUS AREA = 200 SQ. FT.

FUTURE IMPERVIOUS AREA = 4,669 SQ. FT. (4.2%)

PROPOSED ELEVATIONS:

(9'4" POURED WALL WALKOUT BASEMENT)

TOP OF WALL = 900.0
GARAGE FLOOR = 889.0
LOWEST FLOOR = 891.0
TOP OF FOOTING = 890.7

DIAGONAL: 210.00 X 85.24 = 226.64
DIAGONAL (ANGLE): 100.00 X 30.00 = 104.40

PROPOSED EASEMENT DESCRIPTIONS

A perpetual easement for drainage and utility purposes over, under and across the northerly, northeasterly, easterly, southerly and westerly 10 feet of the following described property:

The East 396.72 feet of the West 1190.15 feet of the North 270.08 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22, Dakota County, Minnesota except that part that lies Northeasterly of the following described line: Beginning at a point on the North Side of the above described parcel, distant 92.55 feet West of the Northeast corner, thereof; thence Southeasterly to a point on the East line of said parcel, distant 124.87 feet South of said Northeast corner and said line there terminating.

AND

A perpetual easement for drainage and utility purposes over, under and across the following described property:

That part of OUTLOT B, MARIANNA RANCH, according to the recorded plat thereof, and situate in Dakota County, Minnesota, lying North of the South line of the North 549.00 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22, Dakota County, Minnesota, together with a non exclusive private driveway easement over that part of OUTLOT B, MARIANNA RANCH lying West of the East line of the West 793.43 feet of the North Half of the Northeast Quarter of Section 19, Township 27, Range 22 and lying South of the North 549 feet thereof, Dakota County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/12/2012. Field topography completed on 11/26/13.
- Bearings shown are on Dakota county datum.
- Total parcel area = 110,870 sq. ft. (2.54 Acres)
- See Grading Plan prepared by Plowe Engineering for proposed contours and grading.

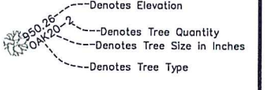
BENCHMARK

Flared end section invert at common corner of Lots 1 and 2, Block 3, MARIANNA RANCH. Elevation =877.95 per record plan dated 2/24/00.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES DAKOTA COUNTY CAST IRON MONUMENT
- DENOTES BITUMINOUS SURFACE
- x 932.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING 2 FOOT CONTOUR INTERVALS
- DENOTES TREE LINE
- DENOTES PROPOSED DRAINAGE AND UTILITY EASEMENT

TREE DETAIL



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

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CHECK BY: JER	SCANNED ☐	

NO.	DATE	DESCRIPTION	BY
4	6/11/14	REVISE CERT	BAB
5	6/16/14	REVISE DRIVEWAY	BAB
6	7/11/14	ADD PROP. BASINS, LIGHTS AND SIGN	BAB
7	7/21/14	ADD PROP. D&U EASEMENTS	BAB
8	7/22/14	REVISE IMPERVIOUS CALCS.	BAB
9	7/24/14	ADDITIONAL FUTURE IMPROVEMENTS	BAB

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: 7/22/2014 License No. 41578

E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 26, 2014 **CASE NO.:** 14-31V

HEARING DATE: September 2, 2014

APPLICANT: Thomas Leach

PROPERTY OWNERS: Thomas Leach

REQUEST: A variance from the side yard setback requirements for parking

LOCATION: 6426 & 6399 Cahill Avenue and 3095 65th Street

COMP PLAN: CC, Community Commercial

ZONING: B-3, General Business

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

BACKGROUND

The applicant installed five parking spaces in two separate locations (10 spaces total) on his property without verifying setbacks or property lines or contacting the City. The parking spaces are partially located on neighboring properties. The City became aware of the violation of the parking spaces when a complaint was received. The applicant is requesting to keep the 10 parking spaces where they are located which requires variances on three parcels since both parking areas encroach onto the abutting properties. The applicant has received written and verbal permission from the abutting property owners to encroach onto their property. Parking spaces in the B-3 district are required to have a minimum 5' setback from property lines.

If the variance request is approved the abutting property owners can decide at any time to not allow the parking on their property. The variance would stay with the land but does not give the applicant permanent access to the abutting parcels. The agreements between the applicant and the abutting property owners are a civil issue.

SPECIFIC REQUEST

The following specific application is being requested:

A.) A **Variance** to allow a zero setback for a parking area whereas five feet is the required setback.

SURROUNDING USES:

The subject site is surrounded by the following uses:

North –Residential; zoned B-3, General Business; guided CC, Community Commercial

West - Multi-family; zoned PUD; guided MDR, Medium Density Residential

South - Commercial; zoned B-2, Limited Business; guided CC, Community Commercial

East - Commercial; zoned B-3, General Business; guided CC, Community Commercial

EVALUATION OF REQUEST:

City Code Title 10, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

The Zoning Code requires a five foot side yard setback for parking in the B-3 district. Installing parking over property lines with a zero setback is not in harmony with the intent of the zoning code. The intent of the setback requirement is to provide room for utilities and have a green space separation between properties. The request is consistent with the comprehensive plan as the lot is being utilized as commercial.

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

Setback standards are not precluding the property owner from reasonable use of the property as there is space to the east to install overflow parking that would meet setback requirements.

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

The situation is solely the plight of the landowner as they did not contact the City to find out the rules and regulations and they did not verify the location of the stalls before they were installed. The property is not unique in that staff does not support property encroachments for parking that is not required by code and that has additional space on the property for overflow parking that could comply with code requirements.

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

One of the functions of a setback is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The parking areas are located behind the building and cannot be seen from Cahill Avenue; you have to be driving through the parking lot to see the parking areas in violation.

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

Economic considerations do appear to be a basis for this request. The property owner would have to remove the 10 parking spaces to comply with code requirements.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the application to be acceptable, the following actions should be recommended for approval:

- Approval of the **Variance** to allow a zero setback for five parking spaces in two separate locations impacting three parcels subject to the following conditions:

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

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other setback encroachments.
3. Staff does not believe there are practical difficulties in complying with the official control as the parking spaces could be installed on the eastern part of the property complying with setback requirements.

RECOMMENDATION

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

Staff believes the variance request for a zero setback is a significant request further complicated by the fact the applicant installed the parking spaces over property lines onto neighboring properties and that the applicant did not identify practical difficulties to comply with the ordinance. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Narrative
Exhibit C - Site Plan
Exhibit D – Aerial Photo
Exhibit C – Letters from abutting property owners

Map not to scale

Thomas Leach
Case No. 14-31V

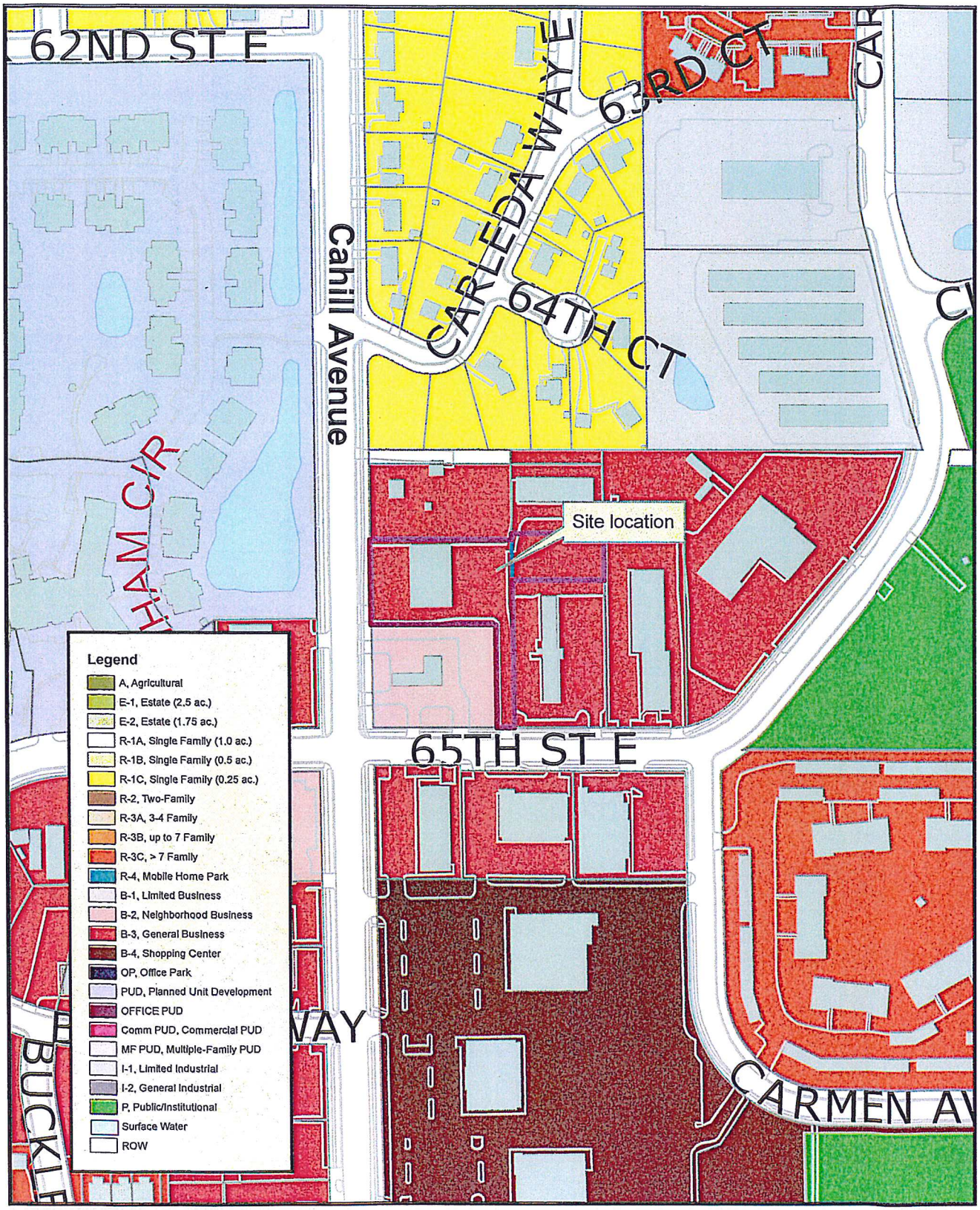

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Exhibit A
Zoning and Location Map

To The City Council Of Inver Grove Heights, MN

The two owners of the property where the variance are.

Nevin Raghuveer
Buggy Bath Car Wash
3095 65th St.
Inver Grove Heights. MN 55077 Owners # 952-484-8231

Owner to the property North of 6434 Cahill Ave. Inver Grove Heights.MN is:

Mrs. Diaine Knuckey
6399 E Cahill Ave.
Inver Grove Heights, MN. 55o77

I Thomas Leach owner of the small shopping center at 6410 to 6434 Cahill Ave.,Inver Grove Heights MN.55077. Iam asking the city of Inver Grove Heights for variance "5 car parking Area" on the North and East part of my property. The owners to the North and the East have given me written permission to use their property. Both letters are enclosed. The size of the area for the parking variance is approximently 70 ft. by 20 ft.

Thank You

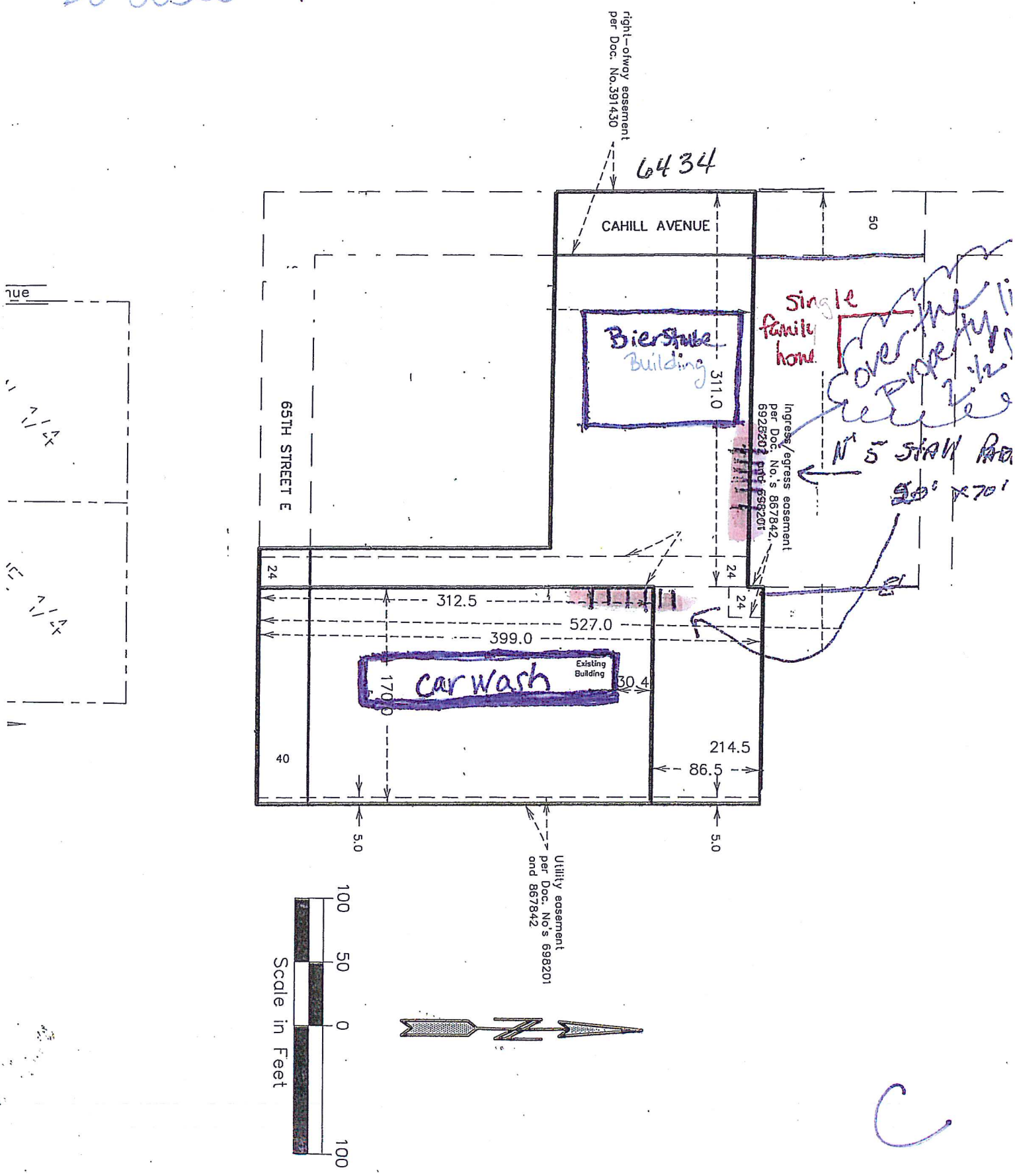
Thomas Leach

Thomas Leach

B

6426 Cahill Ave

20-00300-27-040



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Map not to scale

Thomas Leach
Case No. 14-31V

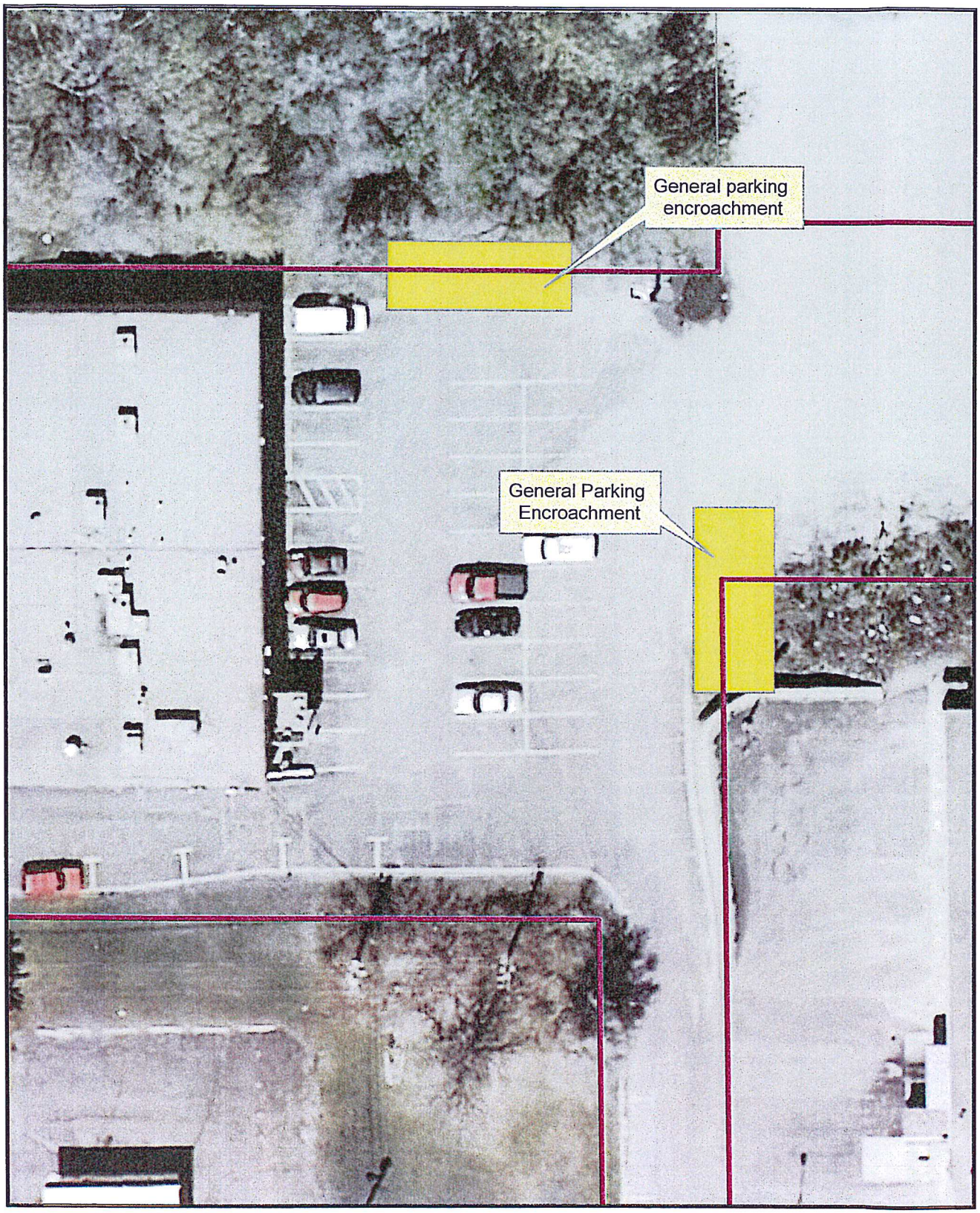

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Exhibit D
General Parking Areas in Violation

Dear Tom Leach,

I am writing this letter to let you know that I am providing you temporary permission to park in the spaces at the bottom of the hill that are located on my property. While you may continue to park there right now, I will notify you should I need you to stop parking there. I also ask that that you request permission every calendar quarter to continue to park there. Please be advised this is no way grants you any permission beyond a temporary permission which must be requested quarterly.

Sincerely yours,

Nevin Raghuveer
Buggy Bath Car Wash
Owner 952-454-8281

E

Mrs. Diane Knuckey owner of property at 6399 E Cahill Ave. Inver Grove Heights, MN. Has given me permission to park 5 cars partially on her property. Her property and my property abut one another. My property address is 6434 Cahill Ave. Inver Grove Heights, MN. If at any time Diane Knuckey wants me off her property I agree to vacate her property and restore it as it was. My Cell # is 612-269-7562

Diane Knuckey

Diane L Knuckey

Thomas Leach

Thomas Leach

July 1st. 2014

E

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 26, 2014 **CASE NO:** 14-32PR

HEARING DATE: September 2, 2014

APPLICANT/PROPERTY OWNER: CHS Inc.

REQUEST: Major Site Plan Review and Variance for a parking lot addition

LOCATION: 5500 Cenex Drive

COMPREHENSIVE PLAN: O, Office

ZONING: B-1, Limited Business

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant has approached the City looking to add additional parking on property they own across the street from the main campus. The property is zoned B-1 and is at the corner of Babcock Trail and Cenex Drive. CHS is looking to create a new parking lot for an approximately 105 additional cars that are needed due to rapid business growth.

The process includes a Major Site Plan Review to allow for the new parking lot. A variance is being requested to allow the parking lot to be 10 feet from the property line whereas 30 feet is required in the B-1 District.

EVALUATION OF THE REQUEST

Major Site Plan Review

Setbacks and Parking. The new parking lot would be located on a lot across the street from the main campus and is designed for 105 cars. There would be one entrance onto Cenex Drive which is a local city street. Babcock Trail is a County Road and no access is allowed by the County. The parking lot would have islands for tree plantings. Section 10-15A.3.F allows for offsite parking facilities where they can be located elsewhere than on the lot on which the principal is located. These parking spaces must not be more than 100 feet from the property nor more than 400 feet from the building served. Cenex Drive right-of-way is 100 feet wide so the location meets this standard and the lot would be almost exactly 400 feet from the current building.

The front yard parking lot setback for B-1 zoned properties is 30 feet. The B-1 District is the only district that has a large front yard parking lot setback. All other commercial and industrial zones have a 10 foot setback. I believe the intent of the increased setback was to provide for more open front yards creating small business like campus settings for office buildings in the B-1 District. The applicant is requesting a 10 foot setback from both Babcock Trail and Cenex Drive. This variance is discussed later in the report.

Parking stall size and isle widths have all been met. The location of the entrance meets city spacing standards.

Pedestrian Crossing. Since there would be a significant amount of employees crossing Cenex Drive, CHS is proposing a pedestrian crossing with a small raised median for crossing safety. The design of the pedestrian crossing would be similar to the one installed on Blaine Avenue in front of Gertens. The Engineering Department supports the idea of this pedestrian crossing and has provided the applicant with the design of the improvements. The improvements would be built to city standards but would then be maintained by the city since it is in the public right-of-way.

The location of the pedestrian crossing on Cenex Drive is still being work out between the applicant and the city. The Public Works Director prefers the crossing to be either at the Babcock/Cenex intersection, or approximately mid block between the road intersection and the entrance to CHS on Cenex Drive. The final location of the pedestrian crossing will be determined and approved by the Public Works Director.

Storm Water Ponding. Storm water ponding for the parking lot would be constructed adjacent to the lot. Engineering has indicated the pond may need to be increased in size to accommodate post development levels. Final review and approval of the plans would occur prior to construction.

Landscaping. The applicant has provided a landscaping plan which indicates additional plantings proposed along both Cenex Drive and Babcock Trail. Staff had recommended some shrub plantings along the roadways to help break up views of the parking lot since the applicant is proposing reduced setbacks. The plan provides for these shrubs. The applicant will be transplanting some of the existing trees planted in the middle of the site and relocated as part of this project. The plan complies with landscape standards.

Lighting. The applicant is proposing some parking lot lighting in the islands and by the entrance. All parking lot fixtures are to be a shoe-box style with flat lens.

Improvement Agreement. An improvement agreement will be required to be executed between the City and the developer. The agreement will address the necessary site improvements including the pedestrian island improvements and storm water ponding. Maintenance, parties responsible for the improvements, financial surety is addressed in the agreement. A developer is required to enter into a contract with the City addressing the improvements and construction on

site. A letter of credit equal to 125% of the cost of these improvements is required before construction can begin. This requirement assures the City that these particular improvements will be constructed to the satisfaction of the City.

Variance Review

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

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

The use of the property for a parking lot would be consistent with the comprehensive plan for Office type uses and is consistent with zoning. The parking lot takes up only a portion of the two lots along Cenex Drive. There is still a significant amount of open space along Cenex Drive not being used for parking. The location of the parking lot is designed around the already graded area by the intersection. Very little grading occurs into the upward slopes in back side of the lot and very few trees from the tree stand will be removed as part of the storm ponding grading. The site being improved for parking was already graded out a number of years back for some type of anticipated development. The balance of the natural terrain and trees will not be impacted with this project. The applicant has provided some shrub plantings along Babcock Trail per staff's recommendations to help break up the view of the parking lot from the street.

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

The site is designed so there will be minimal impact to the existing grades and tree stand on site. Requiring the parking lot to meet the 30 foot setback from both Babcock and Cenex Drive would have an impact on the lot and more grading and tree removal would be necessary.

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

The applicant is working towards minimal impacts to the existing grades and tree stand on site. The parking lot improvements would occur on an area of the lot that had been graded and disturbed a number of years ago for some type of development at that time. Requiring compliance with the setbacks would impact existing grades and there would be more tree removal.

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

The site design utilizes the already graded flat area for the parking lot. The balance of the site would not be altered and therefore would not change the character of the area. The lot is zoned for commercial or office type uses, so a parking lot improvement would not change the character of the area.

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

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

ALTERNATIVES

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

- Approval of the **Major Site Plan Review** for a 105 stall parking lot addition to the CHS campus subject to the following conditions:

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

Site Layout Plan	dated 8/25/14
Grading and Drainage Plan	dated 8/25/14
Paving Plan	dated 8/25/14
Landscape Plan	dated 8/4/14

  2. The pedestrian crossing design and location shall be approved by the Director of Public Works prior to construction.

  3. An improvement agreement will be required to be entered into between the applicant and the city to address the crossing design and storm water improvements along with maintenance agreements.

- Approval of the **Variance** to allow the parking lot with a 10 foot setback from Babcock Trail and Cenex Drive whereas 30 feet is required in the front yard subject to the following conditions:

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

Site Layout Plan	dated 8/25/14
Grading and Drainage Plan	dated 8/25/14
Paving Plan	dated 8/25/14
Landscape Plan	dated 8/4/14

B. **Denial** If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Staff recommends approval of the Major Site Plan Review and Variance for the parking lot addition with the conditions listed.

Attachments: Site Location
Applicant Narrative
Overall CHS Site Plan
Parking Lot Site Plan
Grading Plan
Paving Plan
Landscape Plan
e-mails from residents

Location Map
Case No. 14-32PR

Planning Application Written Description

CHS Inc. Additional Parking Lot Revised 08/25/2014

Due to rapid business growth, CHS has been adding workers to our IGH campus. While we appreciate the ability to use Cenex Dr. for overflow parking we prefer offering our employees off-street parking. In order to a) eliminate the chance of vehicle damage from sliding cars in the winter and b) offer higher levels of safety to our workforce, we are building a new 100+ car parking lot on land we own at the SE corner of Cenex Dr. and Babcock Tr.

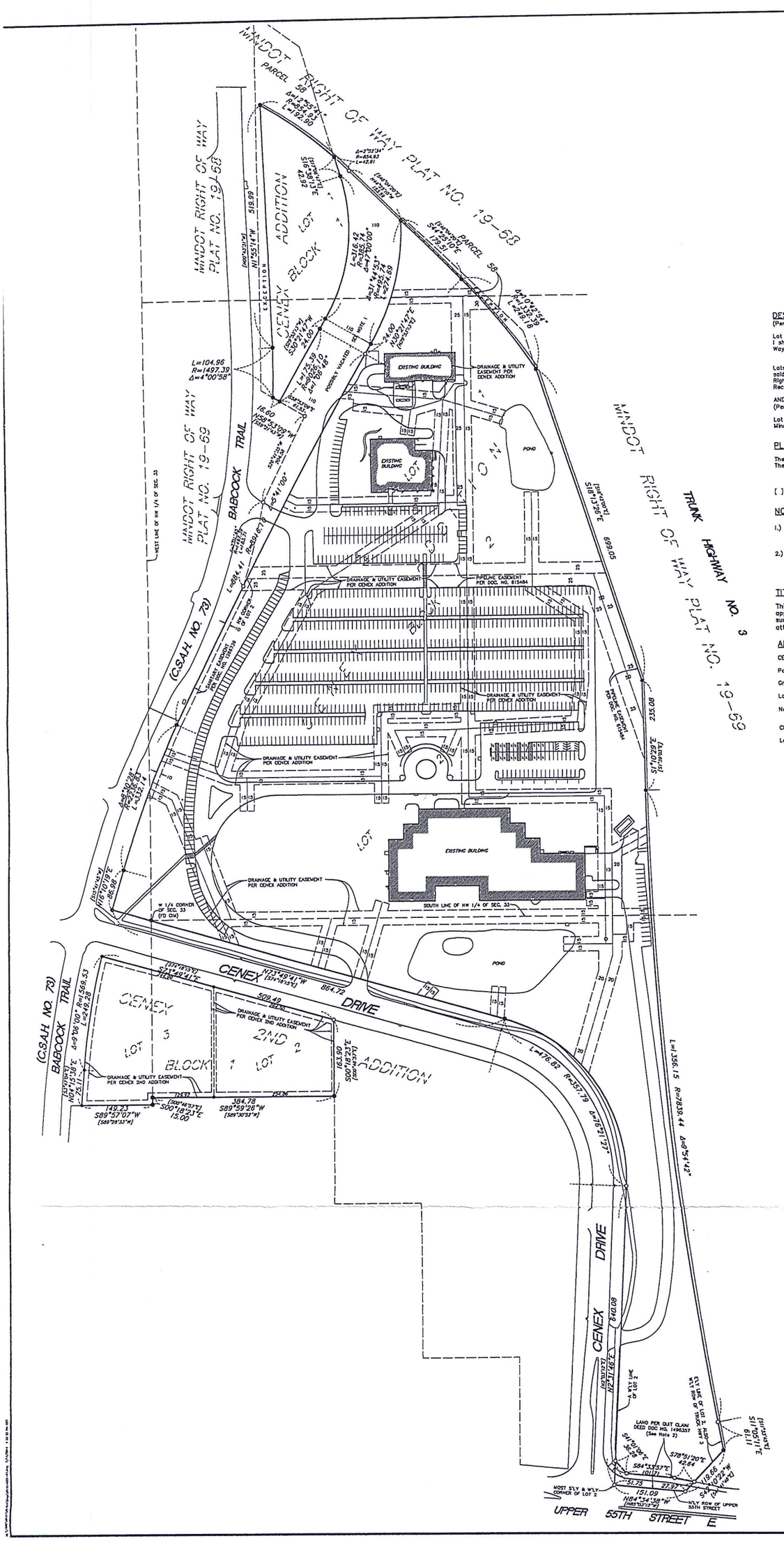
This property is zoned B-1 (Limited Business) which allows this use. However, due to the terrain and existing wooded areas within the property, we request a front yard setback reduction along Cenex Drive to minimize impacts to grading, existing vegetation, and to appropriately address stormwater runoff within the property. For that matter, we are requesting the setback from Cenex Drive be reduced to 10 feet from the property line. Since the distance from center line of the road to the property is at approximately 50 feet, the placement of the proposed parking along Cenex Drive would be at a minimum 37 feet from the back of the curb.

We have not yet decided on whether the lighting circuit will be a fed from our main building across the street or a separate feed. Either way, the lighting will be on a control timer.

We are asking for the City's help in expediting this review process so that we can grade and lay the base coat *before the snow starts*. This may require that we install the wear coat and final landscaping in the spring. CHS is willing to post any performance bonds required by the City to ensure that the project is completed to the permit plans in the spring. CHS has already place a $4,000 escrow check with the City in order to allow preliminary engineering reviews (see included email copy).

Abstractor's certificate has been requested but will not be available until 8/13/14.

With your help, we hope to have this permit reviewed by the City Council at their September 8, 2014 meeting.



DESCRIPTION OF PROPERTY SURVEYED

(Per Certificate of Title No. 89353)

Lot 1, Block 1, CENEX ADDITION, according to the recorded plat thereof, except that part of said Lot 1 shown as Parcel 58 on the plats designated as Minnesota Department of Transportation Right of Way Plats Numbered 19-68 and 19-69 recorded in the office of the Dakota County Recorder.

Lots 1 and 2, Block 2, CENEX ADDITION, according to the recorded plat thereof, except that part of said Lot 1 shown as Parcel 58 on the plats designated as Minnesota Department of Transportation Right of Way Plats Numbered 19-68 and 19-69 recorded in the office of the Dakota County Recorder.

AND

(Per Dakota County Tax Records)

Lot 2 & 3, Block 1, CENEX 2ND ADDITION, according to the recorded plats thereof, Dakota County, Minnesota

PLAT RECORDING INFORMATION

The plat of CENEX ADDITION was filed of record on December 27, 1982, as Document No. 613909. The plat of CENEX 2ND ADDITION was filed of record on February 28, 1991, as Document No. 239299.

[ ] Bearings and/or dimensions listed within brackets are per plat or record documents.

NOTES

1.) The Northerly portion of Babcock Trail lying between Blocks 1 and 2 is shown as vacated on some maps. We were unable to find any recorded documents for a vacation and there is no vacation memorialized on the certificate of title.

2.) Land for Upper 55th Street East taken per Quit Claim Deed Doc. No. 1496357 is not memorialized on the certificate of title and may require an examiners directive or a proceeding subsequent to include in the description on the certificate of title.

TITLE COMMITMENT

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

AREAS

CENEX ADDITION

Part of Block 1 = 75,677 square feet or 1.737 acres

Gross of Block 2 = 1,349,806 square feet or 30.987 acres

Land per Doc. No. 1496357 = 4,529 square feet or 0.104 acres

Net of Block 2 = 1,345,277 square feet or 30.883 acres (excludes area per Doc. No. 1496357)

CENEX ADDITION 2ND ADDITION

Lots 2 & 3 = 125,174 square feet or 2.874 acres

LEGEND

- o Denotes iron monument set marked with P.L.S. No. 44890
- • Denotes found iron monument
- • Denotes found judicial land monument unless otherwise noted
- Denotes access restriction

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 21st day of July, 2014

SUNDE LAND SURVEYING, LLC.

By: Leonard F. Carlson

Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890

BOUNDARY SHEET

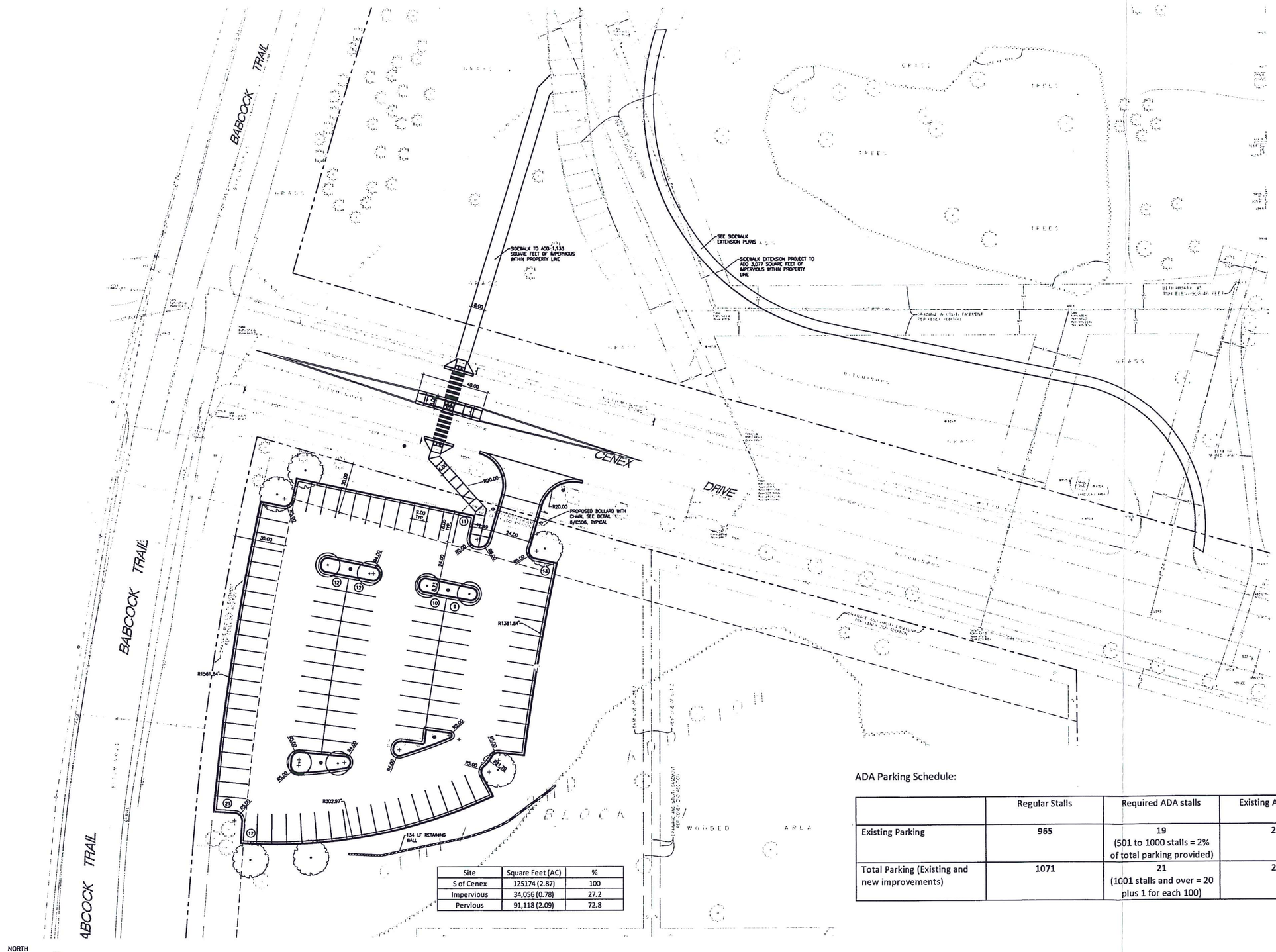
Revision	By	Date
	MAP	

Drawing Title:
BOUNDARY, LOCATION, TOPOGRAPHIC and UTILITY SURVEY FOR:
PERKINS & WILL ARCHITECTS
5500 CENEX DR., INVER GROVE HEIGHTS, MN

SUNDE LAND SURVEYING
www.sunde.com

Main Office:
9001 East Bloomington Freeway (Hwy) • Suite 118
Bloomington, Minnesota 55420-3433
952-881-2453 (Fax 952-888-9536)
West Office:
Mandan, North Dakota 701-663-6063

Project: 99-191-A	Bk/Pg: 598/55
Township: 28 Range: 22 Section: 33	Date: 7/21/2014
File: 99191A001-R1.dwg	Sheet: 2 of 13



Site	Square Feet (AC)	%
S of Cenex	125174 (2.87)	100
Impervious	34,056 (0.78)	27.2
Pervious	91,118 (2.09)	72.8

ADA Parking Schedule:

	Regular Stalls	Required ADA stalls	Existing ADA stalls
Existing Parking	965	19 (501 to 1000 stalls = 2% of total parking provided)	22
Total Parking (Existing and new improvements)	1071	21 (1001 stalls and over = 20 plus 1 for each 100)	22

NORTH

1 / C200 SITE LAYOUT
Scale: 1"=30'

0 30' 60' 90'

PERKINS + WILL

84 10th St. South
Suite 200
Minneapolis, MN 55403
t 612.851.5000
f 612.851.5001
www.perkinswill.com

Parking Lot Improvements

CENEX HARVEST STATES

5500 Cenex Drive
Inver Grove Heights, MN 55077

CIVIL ENGINEER
PIERCE PINI & ASSOCIATES
9298 CENTRAL AVENUE NE
BLAINE, MN 55434
t 763.537.1311
f 763.537.1354

ELECTRICAL ENGINEER
DUNHAM ASSOCIATES, INC.
50 SOUTH SIXTH STREET, SUITE 100
MINNEAPOLIS, MN 55402
t 612.465.7550
f 612.465.7551

Revisions

NO	ISSUE	DATE

Sheet Information

Date	08.25.2014
Job Number	051506.001
Drawn	JAR/TPS/RSP
Checked	RSP
Approved	

Title

SITE LAYOUT

Sheet

C200

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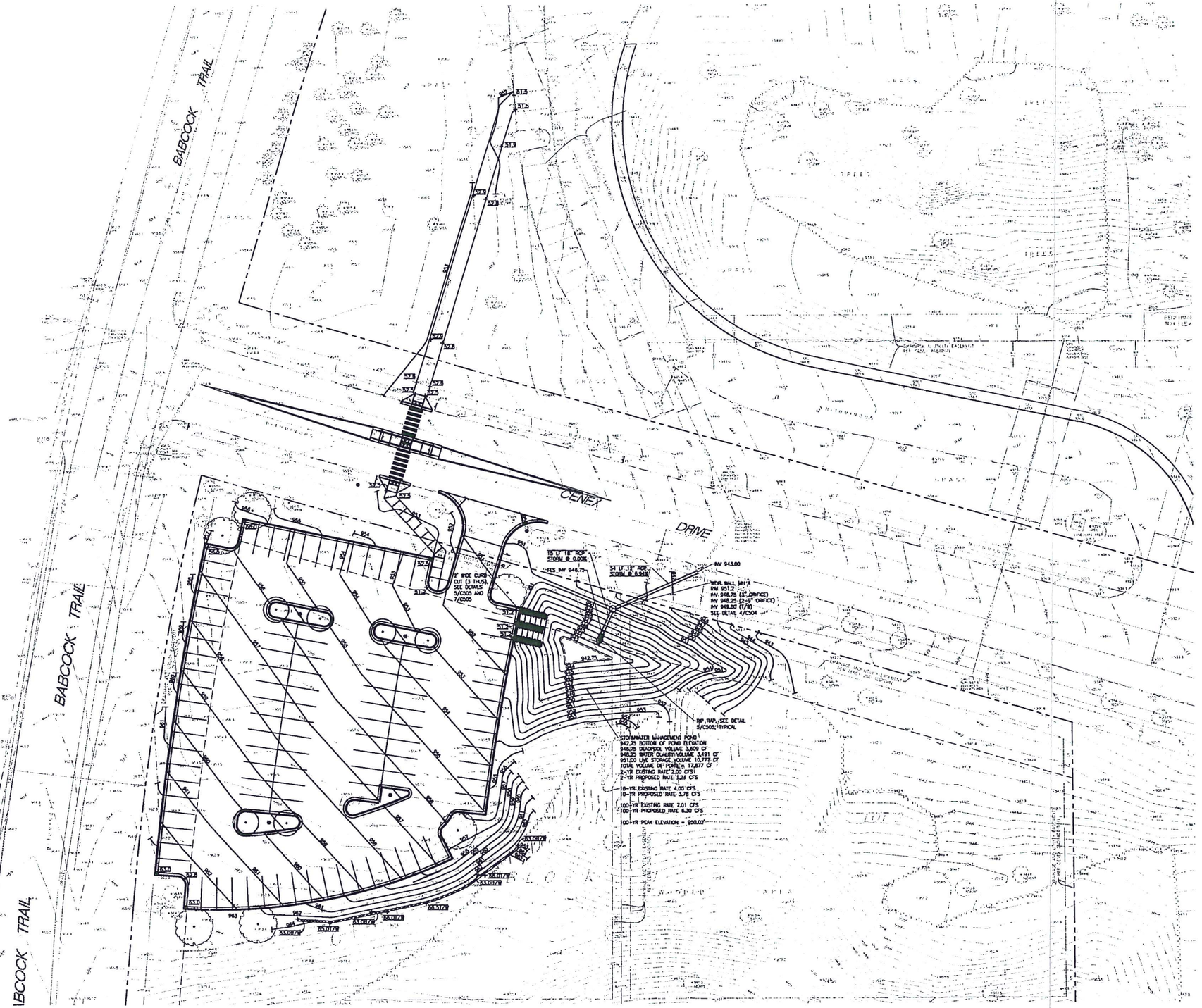

NORTH

1 / C300 SITE GRADING, DRAINAGE AND UTILITY PLAN

Scale: 1"=30'

0 30' 60' 90'

PERKINS + WILL

84 10th St. South
Suite 200
Minneapolis, MN 55403
t 612.851.5000
f 612.851.5001
www.perkinswill.com

Parking Lot Improvements

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5500 Cenex Drive
Inver Grove Heights, MN 55077

CIVIL ENGINEER

PIERCE PINI & ASSOCIATES
9298 CENTRAL AVENUE NE
BLAINE, MN 55434
t 763.537.1311
f 763.537.1354

ELECTRICAL ENGINEER

DUNHAM ASSOCIATES, INC.
50 SOUTH SIXTH STREET, SUITE 100
MINNEAPOLIS, MN 55402
t 612.465.7550
f 612.465.7551

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Date	08.25.2014
Job Number	051506.001
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Title

GRADING AND DRAINAGE PLAN

Sheet

C300

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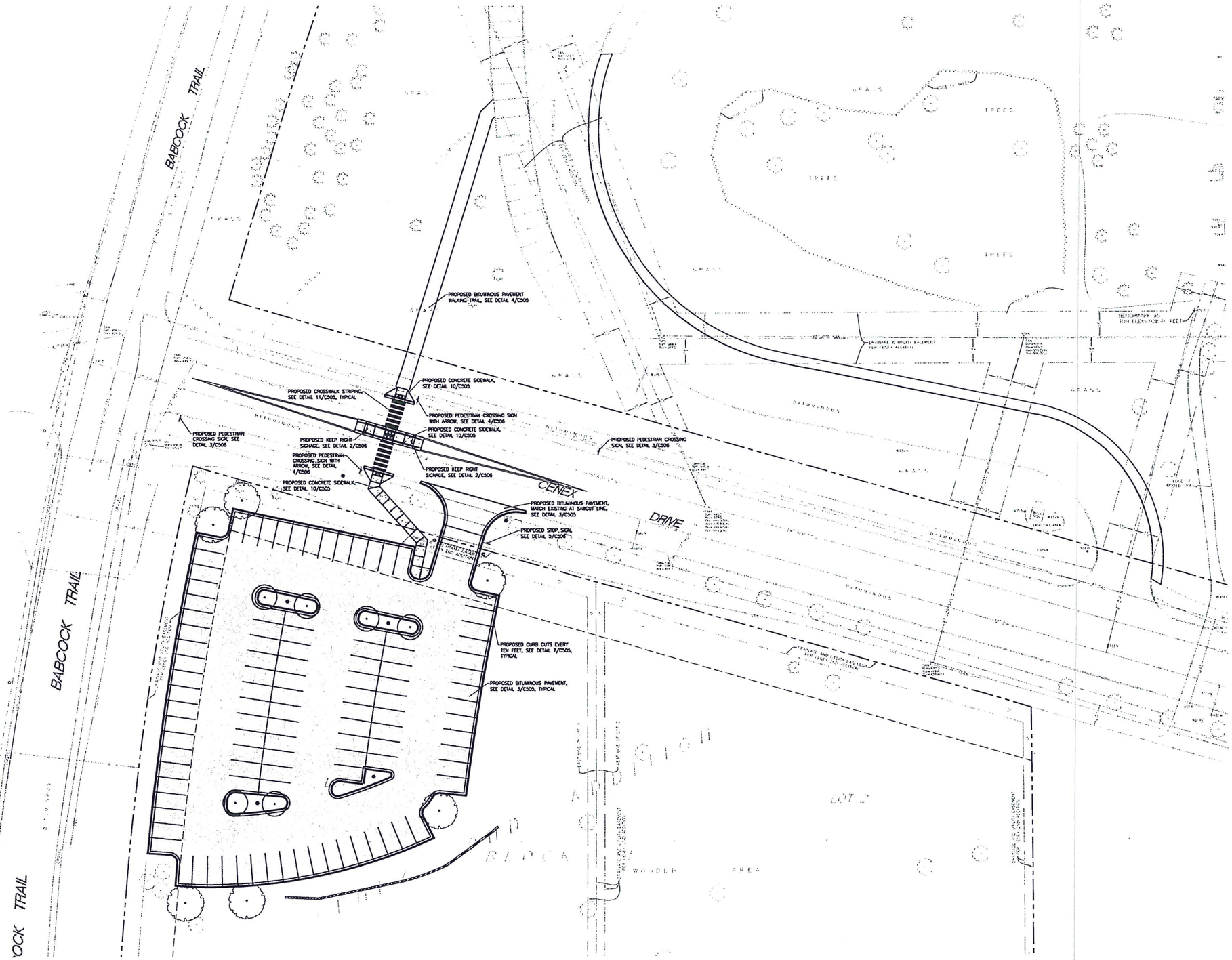

NORTH

1 / C400 PAVING PLAN
Scale: 1"=30'

0 30' 60' 90'

PERKINS + WILL

84 10th St. South
Suite 200
Minneapolis, MN 55403
t 612.851.5000
f 612.851.5001
www.perkinswill.com

Parking Lot Improvements

CENEX HARVEST STATES

5500 Cenex Drive
Inver Grove Heights, MN 55077

CIVIL ENGINEER

PIERCE PINI & ASSOCIATES
9298 CENTRAL AVENUE NE
BLAINE, MN 55434
t 763.537.1311
f 763.537.1354

ELECTRICAL ENGINEER

DUNHAM ASSOCIATES, INC.
50 SOUTH SIXTH STREET, SUITE 100
MINNEAPOLIS, MN 55402
t 612.465.7550
f 612.465.7551

Revisions

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Date	08.25.2014
Job Number	051506.001
Drawn	JAR/TPS/RSP
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PAVING PLAN

Sheet

C400

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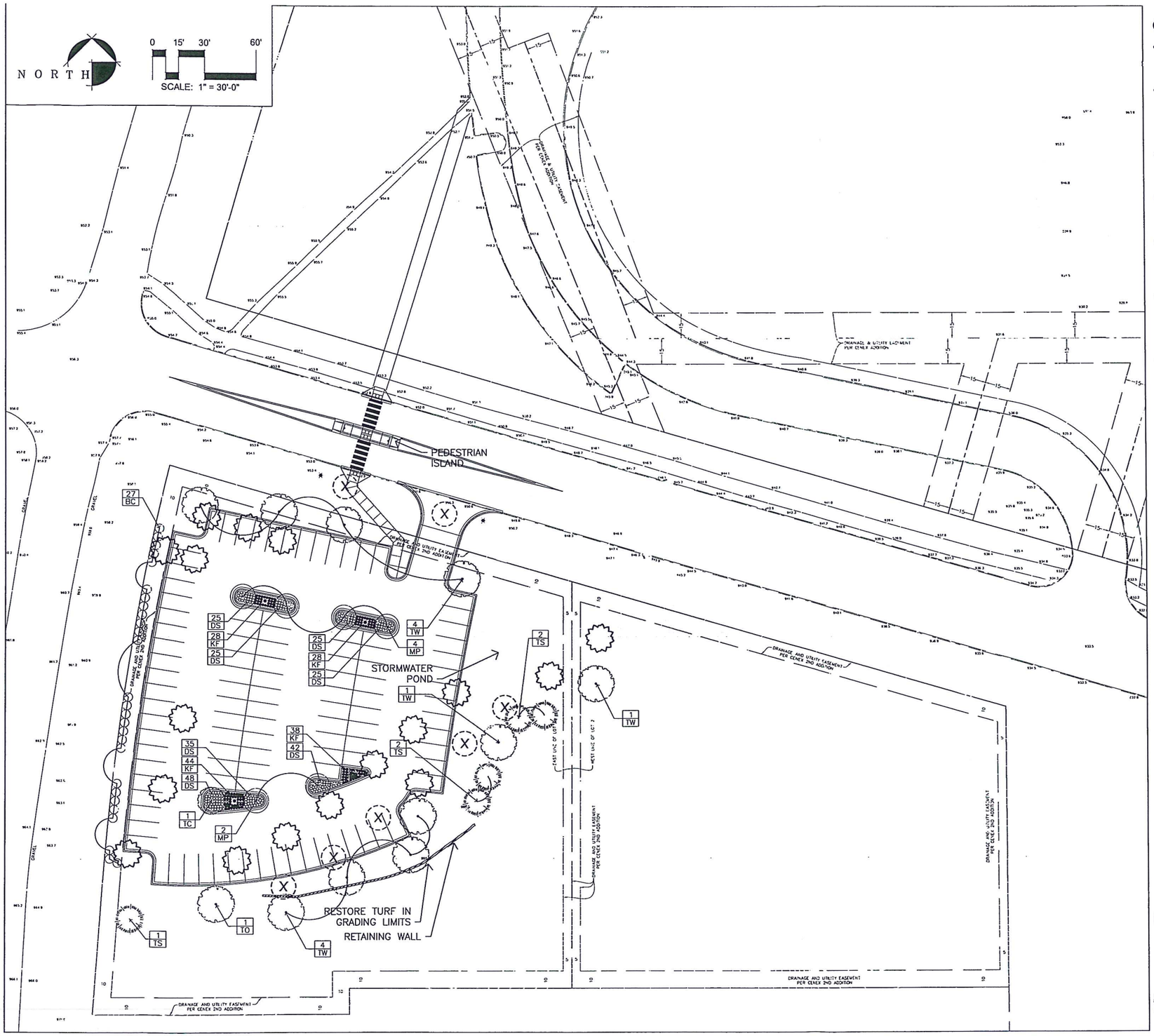

GENERAL NOTES:

- CONTRACTOR SHALL INSPECT THE SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.
- CONTRACTOR SHALL CONTACT GOPHER STATE ONE FOR LOCATION OF UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE IF DAMAGED DURING CONSTRUCTION AT NO ADDITIONAL COST.
- CONTRACTOR SHALL ASSURE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK AND/OR MATERIALS SUPPLIED.
- CONTRACTOR SHALL COORDINATE ALL PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON SITE.
- EXISTING TREES FOUND ON SITE SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED. QUESTIONS REGARDING EXISTING PLANT MATERIAL SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER PRIOR TO REMOVAL.
- LIMITS OF WORK SHOWN ON PLAN ARE ONLY APPROXIMATE AND MAY BE ADJUSTED IN FIELD BY THE PROJECT MANAGER. WORK OUTSIDE OF THESE LIMITS WILL BE DONE AT CONTRACTORS EXPENSE UNLESS DIRECTED BY THE PROJECT MANAGER IN WRITING.
- SALVAGE TOPSOIL FROM THE EARTHWORK AREAS AS APPROPRIATE AND/OR AS DIRECTED BY THE PROJECT MANAGER AND STOCKPILE FOR REUSE IN LOCATION APPROVED BY THE PROJECT MANAGER.
- CONTRACTOR SHALL ENSURE THAT SOIL CONDITIONS AND COMPACTION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER PRIOR TO BEGINNING OF WORK.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN ALL AREAS.
- CONCRETE MIX SHALL COMPLY WITH MIX DESIGN 3A42 PER CITY OF MINNEAPOLIS STANDARD SUPPLEMENTAL SPECIFICATIONS FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE, 2014 EDITION.
- NO PLANTS WILL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- PLAN TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS AND DETAILS TAKE PRECEDENCE OVER NOTES.
- PLANT MATERIALS TO BE INSTALLED PER PLANTING DETAILS.
- MATERIAL SHALL BE LOCATED AND STAKED AS SHOWN ON PLAN. THE PROJECT MANAGER MUST APPROVE STAKING OF PLANT MATERIAL PRIOR TO DIGGING.
- NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE PROJECT MANAGER BY THE CONTRACTOR PRIOR TO THE SUBMISSION OF BID AND/OR QUOTATION.
- CONTRACTOR SHALL PREPARE AND SUBMIT A WRITTEN REQUEST FOR THE PROJECT MANAGER ACCEPTANCE INSPECTION OF LANDSCAPE AND SITE IMPROVEMENTS PRIOR TO SUBMITTING FINAL PAY REQUEST.
- CONTRACTOR IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY INSTALLED MATERIALS UNTIL TIME OF THE PROJECT MANAGER'S ACCEPTANCE. REFER TO SPECIFICATIONS FOR WARRANTY DETAILED INFORMATION.

LANDSCAPE LEGEND:

- X — REMOVE TREE & STUMP
- TRANSPLANT TREE
- NEW LOCATION OF TRANSPLANTED DECIDIOUS TREE
- NEW LOCATION OF TRANSPLANTED EVERGREEN TREE
- NEW DECIDUOUS TREE
- DECIDUOUS SHRUB
- PERENNIAL
- SEEDED AREA

PERKINS WILL

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Minneapolis, MN 55403
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f 612.851.5001
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Inver Grove Heights, MN 55077

CIVIL ENGINEER
PIERCE PINI & ASSOCIATES
10020 UNIVERSITY AVENUE NW
COON RAPIDS, MN 55448
t 763.537.1311
f 612.455.2204

ELECTRICAL ENGINEER
DUNHAM ASSOCIATES, INC.
50 SOUTH SIXTH STREET, SUITE 100
MINNEAPOLIS, MN 55402
t 612.465.7550
f 612.465.7551

Revisions

FOR REVIEW PURPOSES - NOT FOR CONSTRUCTION

NO	ISSUE	DATE

Sheet Information

Date	08.04.2014
Job Number	051506.001
Drawn	ALN
Checked	ALN
Approved	

Title

LANDSCAPE PLAN

Sheet

L100

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Heather Botten

From: PattiRai Rudolph [2prudolph@comcast.net]
Sent: Monday, August 25, 2014 4:40 AM
To: Heather Botten
Subject: Planning Com. meeting statement 9/2/14

Importance: High

Dear Heather:

This is my statement to the Inver Grove Heights Planning Commission Public Hearing set for September 2, 2014 regarding CHS,INC. – Case No. 14-32PRV and the request for a Major Site Plan Review and Variance.

I have observed the corner of Cenex Drive and Babcock Trail on a daily basis from my deck for the last 15 years, as well as driven it myself nearly every day. Besides steadily increasing vehicle traffic over the years, it is a critical junction for MTC buses, school buses and commercial vehicles delivering to the G & M Store. There being no current traffic regulation except for stop signs on ONLY the Cenex Drive/55th St. East sides and NOT on Babcock Trail itself, I believe the addition of parking lots will further clog the intersection and endanger the safety of pedestrians and children as well as that of motorists who already use the road.

I have no problem with parking being added to the portion of Cenex Drive that borders Highway 52 at Upper 55th Street. It does not infringe on residential life in the neighborhood to a substantial degree. However, I ask the Planning Commission reject development of the two small parcels at the junction of Babcock Trail and Cenex Drive until such time the City conducts a full study of the traffic pattern at that corner and the possible addition of traffic lights before any additional parking lots are considered.

I thank you for your consideration of my statement and request.

Sincerely,

PattiRai Rudolph
5447 Babcock Trail
Suite 206
Inver Grove Heights, MN 55077
(612) 669-8851
mail to: 2prudolph@comcast.net

Heather Botten

From: Jennifer Connolly [jt2184@msn.com]
Sent: Saturday, August 23, 2014 8:08 AM
To: Heather Botten
Subject: CHS. INC- Case NO. 14-32PRV

Hello Heather,
My name is Jennifer Connolly and I live at 5445 Babcock Trail in the Cedar Woods Condos that are right across the street from CHS. I am writing to say I am against the expansion of the parking lot to across the street where there is a field of green grass, bushes and trees. I enjoy looking out and seeing that instead of a building or parking lot. It adds character and value to the area and I would hate to see that destroyed. During the spring there are flowers that bloom and it looks pretty and again gives the area character. Not to mention that you would be taking away from any animal life that happen to live there. I know their are trees where birds can build nests and I know geese go there to look for food as well. I also think with adding a parking lot it would take away any value of me wanting to sell my condo unit. Who is going to want to buy a place where across the street is this huge parking lot that you can see. I know it would definitely weigh on my decision if I was buying the place. Also with the parking lot lights would have to be added. My unit faces that side and I do not want bright lights shining in my windows at night I already get enough with the gas station. I have been in that parking lot and there are some spaces they have reserved that they could open up for employee parking. I propose they take a look at their own parking lot and figure it out instead of expanding and destroying nature.

Thank You for you time
Jennifer Connolly