

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

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

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR SEPTEMBER 16, 2014.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **CITY OF IGH – BODY ART ESTABLISHMENTS - CASE NO. 14-40ZA**
Consider a **Code Amendment** relating to Body Art Establishments.

Planning Commission Action _____

 - 3.02 **JAMES FROME– CASE NO. 14-39C**
Consider a **Conditional Use Permit** to exceed the maximum impervious surface allowed on a property located at 8956 Almquist Way.

Planning Commission Action _____

 - 3.03 **LORI BARR – CASE NO. 14-38Z**
Consider a **Rezoning** from A, Agricultural to E-1, Estate Residential for the property located at 10133 Barnes Trail.

Planning Commission Action _____

 - 3.04 **WAL-MART (FREDRIKSON & BYRON) – CASE NO. 14-41PUD**
Consider an **Amendment to the PUD Development Plan Conditions of Approval** relating to store hours for the property located at 9165 Cahill Ave.

Planning Commission Action _____

 - 3.05 **DEANOVIC – CASE NO. 14-22PUD (TABLED FROM THE SEPT. 16 MTG)**
Consider the following requests for a variety of properties located in the northwest area:

A) A **Comprehensive Plan Amendment** to change the land use categories on portions of the parcels from;
 - 1) Blackstone Vista: 40 acres from IOP, Industrial Office Park, CC, Community Commercial, MDR, Medium Density Residential to LDR, Low Density Residential.
 - 2) Blackstone Ridge: 40 acres from LMDR, Low-Medium Density Residential, MDR, to LDR.

3) Change in the Sanitary Sewer map to show the proposed change in routing of the sanitary sewer through the Argenta Sewer District.

4) Change to the MUSA Expansion Exceptions through the Leitch Estates Neighborhood with routing of public street and utility improvements through the neighborhood.

5) Creating new districts for the MDR and LDR categories to address financial implications in the Northwest Area.

Planning Commission Action _____

B) **Rezoning** of the property from A, Agricultural to R-1C/PUD, Single Family Residential PUD and R-3B/PUD, Multiple Family Residential PUD.

Planning Commission Action _____

C) A **Preliminary Plat and Preliminary PUD Development Plan** Approval for a three parcel plan to be known as Blackstone Vista – 78 unit single family, Blackstone Ponds – 104 unit townhome and Blackstone Ridge – 121 single family.

Planning Commission Action _____

3.06 JEFF LEYDE – CASE NO. 14-37SC

Consider the following requests for a variety of properties located Between Boyd and Brent Avenues, between 49th and 50th Streets:

A) **Preliminary Plat** for a 3 lot, one outlot multiple and single family subdivision.

Planning Commission Action _____

B) A **Conditional Use Permit** for a 52 unit senior housing multiple family development.

Planning Commission Action _____

C) A **Conditional Use Permit** to allow a structure greater than 35 feet in height.

Planning Commission Action _____

D) A **Vacation** of certain public rights-of-way within the existing plats of Oakland Park and Nabersberg Addition between 49th and 50th Streets

Planning Commission Action _____

4. OTHER BUSINESS

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, September 16, 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: Bill Klein
Dennis Wippermann
Joan Robertson
Harold Gooch
Paul Hark
Pat Simon
Tony Scales
Armando Lissarrague
Annette Maggi

Commissioners Absent:

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

APPROVAL OF MINUTES

The minutes from the September 2, 2014 Planning Commission meeting were approved as corrected.

PAUL AND STACY MARION – CASE NO. 14-36V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a deck addition to be located about 61 feet from the Ordinary High Water (OHW) whereas 75 feet is the required setback, for the property located at 1905 – 63rd Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned R-1C, Single-Family Residential. The applicant would like to replace their existing deck and add an additional two feet onto the back of the deck. The deck is currently located about 63 feet from the Ordinary High Water mark (OHW). Adding the two feet being requested would move the deck about 61 feet from the OHW whereas 75 feet is required. The two foot expansion would not require any additional footings. Shoreland requirements are in place to minimize the impact to the shoreland and protect water bodies. The deck already encroaches into the setback, so approving the variance would intensify the existing impact. The request was sent to the DNR and has been reviewed by the City's Engineering Department; neither had any concerns or comments. Staff recommends denial of the request due to the lack of a practical difficulty. Staff has not heard from any neighboring property owners.

Opening of Public Hearing

Paul Marion, 1905 – 63d Street East, advised he was available to answer any questions.

Chair Hark asked if the applicant read and understood the report.

Mr. Marion replied in the affirmative. He advised that there are decks in his neighborhood that are

closer to the water than what he is proposing, and that updating the deck would bring the deck and railings into compliance with current building codes and would allow him to move his grill two feet further from the house. He advised that many of the codes refer to a 'recreational lake' and 'public waters'; however, the water body behind his home was actually more of a drainage ditch.

Commissioner Simon asked the applicant when his house was built.

Mr. Marion replied 1991.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann asked if the shoreline setback requirements were based on DNR recommendations.

Mr. Hunting replied in the affirmative, stating that local jurisdictions adopt their regulations based on the setbacks established by the DNR and are not allowed to adopt something less than the DNR established minimums.

Commissioner Wippermann stated that apparently the DNR was not concerned about what was being proposed as they made no comment.

Ms. Botten replied in the affirmative.

Commissioner Gooch stated in his mind they were not encroaching any further into the setback since they would be using the existing footings.

Commissioner Klein stated that the two feet being requested was so minimal that he had no issue with the request.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Lissarrague, to approve the request for a variance to allow a deck addition to be located about 61 feet from the Ordinary High Water (OHW) whereas 75 feet is the required setback, for the property located at 1905 – 63rd Street.

Motion carried (9/0). This item goes to the City Council on September 22, 2014.

BENNETT BENSON – CASE NO. 14-33V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow two detached accessory buildings on the property whereas one detached accessory building is allowed, for the property located at 5906 Asher Avenue. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned R-1B, Single-Family Residential. The applicant is requesting to allow two detached accessory buildings on the property whereas one is allowed. The property currently has an attached garage and a 12' x 12' detached shed. The applicants are in the process of constructing a new, larger accessory building on the property and they would like to keep the existing shed. The applicant's property is located in a developed neighborhood with trees surrounding the property; both sheds are located along the northern property line. If the existing

shed was 120 square feet or less it would be exempt from building codes and the maximum number of accessory buildings allowed on a property. In this case the structure is 144 square feet in size. Staff recommends denial of the request due to lack of a practical difficulty. Staff received two letters of support from residents living across the street from the subject property.

Commissioner Simon asked staff to discuss impervious surface.

Ms. Botten advised that the applicant would not be exceeding the maximum impervious surface allowed, even with the second accessory structure.

Commissioner Robertson asked if staff received any feedback from the neighbor to the north.

Ms. Botten replied they had not.

Commissioner Scales asked if a variance to allow a second accessory structure would not have been necessary had the applicant's existing shed been 10' x 12' rather than 12' x 12'.

Ms. Botten replied in the affirmative.

Commissioner Robertson asked when this home was built, stating the Planning Commission recently heard a similar request regarding a home in an older residential area.

Ms. Botten replied that she was unsure of when the house was built; however, she believed the request being referred to was different as it did not have an attached garage.

Opening of Public Hearing

Bennett Benson, 5906 Asher Avenue, advised he was available to answer any questions.

Chair Hark asked if the applicant if he read and understood the report.

Mr. Benson replied in the affirmative. He presented a letter of support from his neighbor to the north who would be most impacted by the request.

Chair Hark received the letter.

Mr. Benson stated that the existing shed tied in with his fence and was an integral part of enclosing his dogs in his back yard. Also, the existing shed was built on a cement pad and the structures would be mostly hidden by trees on the north, east, and south and only minimally visible from the east.

Commissioner Gooch asked where the driveway to the new garage would be located.

Mr. Benson replied that he did not plan on installing a driveway as he would not be driving vehicles into the building, with the exception of lawn mowers and motorcycles.

Commissioner Robertson asked the applicant if he planned on having an entry to the new garage.

Mr. Benson replied in the affirmative, stating he planned to have a 4' x 15' slab in front of the new shed.

Commissioner Robertson asked if the additional impervious surface for the entry would affect the maximum impervious surface.

Ms. Botten replied that the entry slab would factor into the total amount of impervious surface on the property; however, they would still be under the 5,100 square feet of hard surface allowed.

Commissioner Maggi asked the applicant how long he had lived in his home.

Mr. Benson replied that the house was built in 1961 and he has lived there since 1997.

Commissioner Simon asked the applicant how he got to his shed, stating she saw vehicle tracks.

Mr. Benson replied that there was a gate between the house and the existing shed, and the tracks were from the construction vehicles.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark stated this was a difficult request because had the shed been only two feet smaller a variance would not be necessary; however, the zoning code required a practical difficulty.

Commissioner Robertson was concerned about the precedent this would set; especially when she was aware that this type of request may arise again and the fact that the City had codes in place to address them.

Commissioner Scales stated that he supported the request and did not think the intent of the code was to force a homeowner to remove a shed because of two extra feet. He advised that the Planning Commission recently recommended approval of a similar request for two detached structures on a smaller lot.

Commissioner Lissarrague stated it was a bigger nuisance to have the homeowner remove the existing shed, leaving only a slab, than to leave the shed in place.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Klein, to approve the request for a variance to allow two detached accessory buildings on the property whereas one detached accessory building is allowed, for the property located at 5906 Asher Avenue.

Commissioner Wippermann was concerned about the precedent this would set and the potential for the variance requests to get larger.

Motion failed (4/5 – Maggi, Wippermann, Robertson, Simon, Hark). This item goes to the City Council on September 22, 2014.

KEH & H (MORRIE'S MAZDA) – CASE NO. 14-35CA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to expand the parking lot facilities and add a car wash for the property located at 16 Mendota Road. 7 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit amendment to expand the outdoor storage area and to add a future car wash to the existing building. Morrie's currently operates out of the

building west of this property. The current tenant of 16 Mendota Road will continue to operate on the property until their lease is up or they find a new location. An internal access point would be added to connect the two Morrie's parcels. Staff recommends approval of the request with the nine conditions listed in the report. Staff received a call from one property owner who had general questions.

Opening of Public Hearing

Karl Schmidt, 2749 Dean Parkway, Minneapolis, advised he was available to answer any questions.

Chair Hark asked the applicant if he read and understood the report.

Mr. Schmidt replied in the affirmative.

Commissioner Simon asked how long Carhop had a lease for 16 Mendota Road.

Mr. Schmidt replied ten years. He advised that Carhop was willing to relocate as soon as they found an agreeable location.

Commissioner Simon asked if the front parking area would be used for sales once Carhop left.

Mr. Schmidt replied it would be used for overflow storage, not sales.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a conditional use permit amendment to expand the parking lot facilities and add a car wash, for the property located at 16 Mendota Road, with the nine conditions listed in the report.

Motion carried (9/0). This item goes to the City Council on October 10, 2014.

JIM DEANOVIC (BLACKSTONE) – CASE NO. 14-22PUD

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a Preliminary Plat and Preliminary PUD Development Plan for a three part residential PUD on three separate parcels consisting of 305 residential units on single-family and townhouse lots, a rezoning of the parcels to R-1C/PUD and R-3B/PUD in the Northwest Area Planned Unit Development, a Comprehensive Plan Amendment consisting of the following changes: 1) land use map change for Blackstone Ridge from LMDR, Low-Medium Density Residential and MDR, Medium Density Residential to LDR, Low Density Residential, 2) land use map change for Blackstone Vista from LMDR to LDR and from IOP, Industrial Office Park, MDR, CC, Community Commercial to LDR; and in the alternative, the additional Comprehensive Plan Amendments are being proposed: 3) amending the land use plan to add the following land use categories: 1} LDR-NWPUD, Low Density Residential Northwest Area PUD and 2} MDR-NWPUD, Medium Density Residential Northwest Area PUD including new text for these categories, 4) amending Chapter 7 of the Comprehensive Plan relating to the future sewer and water map for the Northwest Area, and 5) amending Chapter 2 relating to changes to the exception neighborhood Leitch Estates noted in MUSA Expansion Exceptions, for the property located along the north side of County Road 26 near the Eagan border, east of the intersection of Argenta Trail, and County Road 26 and on the west side of Argenta Trail, south of County Road 26. 209 notices were mailed.

Presentation of Request

Tom Link, Community Development Director, advised that the applicant has submitted an application for a three part residential subdivision in the Northwest Area (NWA). The first phase, Blackstone Vista, is southwest of 70th and Argenta. The second phase, Blackstone Ponds, is northwest of 70th and Argenta and lies to the west of the Leitch Estates neighborhood. The last phase, Blackstone Ridges, is northeast of 70th and Argenta. He discussed some of the work that the City has completed in regard to this development, including a land use projection, financial update for the NWA utilities, a regional basin update, feasibility report on the extension of utilities, preliminary design of utility extension, review of Deanovic concept plans, update of the Northwest Area Park Plan, Dakota County approval of two of the plats, and the recent City Council selection of a contractor for a final design of the utilities. There continues to be work that needs to be done, most pertaining to either the utilities or the transportation. To some extent it is a 'leap frog' development in that the development is not adjacent to where the sewer ends now and so the City would have to extend the sewer across intervening properties to get to the Deanovic property. That involves preparing a final design of utilities, identifying and acquiring the necessary easements, identifying funding for easement acquisition and construction of utilities, approving that funding, and awarding a contract for the construction of the utilities.

There are two transportation issues; Argenta Trail and collector streets. The City has been studying transportation in this area for some time. The City plans for a future interchange at Hwy 55 and Argenta Trail, a future interchange on I-494, and a realignment of Argenta Trail from its current terminus at 70th Street and Argenta Trail. Argenta is an extension of Yankee Doodle Road in Eagan and will eventually be a major arterial. Traffic studies indicate that in 20-30 years this could be a six-lane road, for which the County will require a 200 foot right-of-way. The alignment of Argenta Trail has not yet been determined; there are three possible options: 1) put all right-of-way on the Blackstone Ridge plat, which would significantly reduce the development potential of the property, 2) move it west to the eastern edge of Leitch Estates, which would require acquisition of a portion or all of 10-15 residential properties, or 3) put the right-of-way on the property line – half on the Deanovic property, half on Leitch Estates. There is a power line in this corridor; however, which is estimated to cost a million dollars to move.

The second transportation issue is collector streets. The City's Collector Street Study identifies two collector streets through the Ridges plat. The City currently does not have a policy on dedication of right-of-way for these roads or the funding of construction. These policies should be in place before the City makes any recommendation on subdivision plats that are impacted by these issues. More time is needed for the Council to adopt a policy on right-of-way dedication and funding.

The sewer that was extended to 80th Street and Robert Trail has not generated the development that the City anticipated. Extending the utilities to the Deanovic properties would open up additional properties to utility connections and hopefully generate that development. The proposed development would provide for the current residential market, which is primarily single-family residential.

Commissioner Simon asked for clarification of the Argenta Trail realignment shown on the Northwest Area Collector Street System Study map.

Mr. Link showed the alignment on the map, stating the plans have been to extend Argenta Trail north from the 70th and Argenta Trail intersection up to an interchange on I-494.

Commissioner Simon stated that the Comprehensive Plan had always shown the interchange at that location; however, at the open house the County had talked about moving the I-494 interchange to the east of the location shown on the map. She advised that at those meetings the

County had asked citizens and representatives from Sunfish Lake, Mendota Heights, and Inver Grove Heights for their input on its location.

Commissioner Klein agreed with Commissioner Simon's comment, stating one of the reasons they chose that location was because it was in Inver Grove Heights rather than Sunfish Lake.

Mr. Link stated his recollection was that there was an issue of maintaining a minimum spacing between the Robert Street and Dodd Road interchanges, and therefore the intent was to put the interchange at the location shown on the map, but it would be on the south side of I-494 so it would not extend into Sunfish Lake.

Commissioner Simon stated the map they had shown at the open house was different from the one Mr. Link was referring to. She advised that at the meeting the County had brought forward three different alignment options. One option showed the alignment where the No. 7 collector street was currently being shown on the map and that was the preferred alignment by the citizens because that way the developers could deal with it rather than existing homeowners having to sell or give up their land in order to put in the interchange.

Mr. Link stated his recollection what that the plan had always been for Argenta Trail to extend north from its current location at 70th and Argenta; however, whether that goes east onto the Deanovic property or west onto the Leitch Estates property has not yet been decided.

Commissioner Simon asked for clarification of whether Argenta Trail could potentially be six lanes wide at 70th Street.

Mr. Link replied that in the next 20-30 years Argenta Trail could eventually be six lanes wide as this would be a major road connecting two future interchanges and tying into Yankee Doodle Road.

Commissioner Simon stated previously the plans were to cul-de-sac the end of Argenta Trail.

Mr. Link replied that the concept plan still shows the south end of the existing Argenta Trail being changed to a cul-de-sac just north of 70th Street.

Commissioner Robertson asked if the intent was to make decisions now based on Argenta Trail potentially being six lanes wide.

Mr. Link replied in the affirmative, stating the County would like to get a 200 foot right-of-way now rather than having to acquire it after development occurs. He advised that the actual construction may start off as a two-lane or four-lane and be expanded as the need arises.

Commissioner Robertson asked if the same number of existing residences would be impacted whether all 200 feet of right-of-way was on Leitch Estates or if it was split with 100 feet on the Deanovic property and 100 feet on Leitch Estates.

Mr. Link replied that he was unsure as that part of the analysis had not yet been done. He advised that before a final alignment would be selected additional investigation and a public participation process would have to take place.

Commissioner Simon asked if a noise study would be necessary.

Mr. Link replied that he was unsure to what extent the County takes noise into consideration.

Commissioner Simon advised that a noise study was done with 70th Street, and if it were widened it

would impact everyone along 70th Street.

Mr. Link advised there would be a dozen or so criteria that the County and City would look at, and noise may be one of them. He advised that the County and City share the costs of County roads, including the cost of acquisition; the County pays 55% and the City pays 45%.

Commissioner Maggi asked if it was correct to assume that these issues would be present anytime development was initiated in this quadrant of the City, and were not necessarily tied to this specific development.

Mr. Link replied that most of the issues being discussed tonight were typical of all development proposals (collector streets, utilities, etc.). The Argenta Trail alignment was somewhat unique; however, and would affect properties along that alignment.

Allan Hunting, City Planner, displayed a map of the three proposed development areas and discussed the specific items being request tonight. He advised that the applicants are requesting a Comprehensive Plan Amendment to change the land use on 40 acres of property in Blackstone Vista from IOP-Industrial Office Park, CC-Community Commercial, and MDR-Medium Density Residential to LDR-Low Density Residential, and 40 acres in Blackstone Ridge from LMDR-MDR to LDR. Since the number of units would be decreased, language would be added requiring that the developer pay back the trunk fees to the assumed number. The Sanitary Sewer map would be changed to reflect the proposed change in routing of the sanitary sewer. Leitch Estates, which lies between two of the proposed plats, was identified in the Comprehensive Plan as a neighborhood in which sewer was not planned to run through. If the main trunk line would be extended along 69th Street, which is part of this exception neighborhood, language should be added allowing the City Council to do this.

Mr. Hunting advised that all PUD developments in the NWA must be rezoned to a PUD. The applicant is requesting that this property be rezoned from A, Agricultural to R-1C/PUD and R-3B/PUD. The developers have done a fairly good job of providing the necessary open space and contiguous open space. In the Vista and Ponds developments they have some pinch points on the 100 foot corridor but are hitting the other numbers. In the Ridges the open space is more broken up and the design does not provide for a contiguous open space as intended by the code. Staff prepared a concept greenway/open space plan and recommends that the design of Ridges be modified to provide more contiguous open space. In regard to impervious surface, overall the total project falls within the impervious surface maximums. Staff is recommending that a specific impervious surface calculation be done for each lot at time of final plat review. There are currently no plans for city parks in any of these areas so the developer will be required to pay park dedication fees. Each development will have some trails and also sidewalks on one side of the street to provide connectivity. Tree reforestation would be met when combining the three plats together.

The applicants are not planning to install infiltration basins between buildings and are therefore requesting flexibility from the 20 foot separation between buildings. They are proposing a 5 foot setback on the garage side and a 10 foot setback for principal structures. They are also looking for flexibility to allow a 15 foot corner lot setback rather than a 20 foot setback, some flexibility from the 100 foot open space corridor width as there are pinch points, and flexibility from the need for porous pavement beyond a 20 foot driveway width.

In regard to financing, Council directed that the cost of the trunk utilities be borne by the developers. An analysis was done for each parcel to determine its development capacity. An analysis has been done to compare the development assumptions versus the proposed, and there is a million dollar shortage. City Council will have to address this as financial issues are not the

Planning Commission's purview.

Commissioner Robertson asked for clarification that there were no parks planned within any of the three subject areas.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked for clarification of whether parks were required when areas reached a certain density.

Mr. Hunting replied nothing was automatically required by density. The Parks Department recently did an analysis of future park needs and none were identified on any of these three specific parcels. He advised that future parks in the area would be under the purview of the Park and Recreation Commission.

Commissioner Klein asked if any possible park areas were identified in the Northwest Area.

Mr. Hunting replied in the affirmative, stating he did not have a map with him tonight showing specific locations.

Commissioner Simon stated it was her understanding that one was planned for the northeast corner of Robert and 70th and possibly another on the southeast side of Argenta and 70th. She pointed out a typo on page 18 in which the word 'no' was missing in regard to the need for specific tree location. She asked if they were following the Shoreland Overlay District regulations for the Ponds development.

Mr. Hunting replied in the affirmative.

Commissioner Simon noted an inconsistency in the various documents in the proposed number of homes in the Ponds development.

Mr. Hunting replied that the number was reduced throughout the application process as the developer became aware of the setback requirements from Franke Lake.

Commissioner Simon asked if the DNR provided any comments regarding this application.

Mr. Hunting advised that staff only notifies the DNR if the proposal does not comply with their requirements. Since this application followed the standards no notification was sent.

Commissioner Simon asked if the DNR needed to be notified if the area was considered sensitive.

Mr. Hunting replied he was not aware of such a designation.

Commissioner Simon replied there is a map showing sensitive areas throughout Dakota County.

Mr. Hunting replied that would not tie into the shoreland regulations.

Commissioner Simon asked if staff received comments from the Fire Marshal.

Mr. Hunting replied they had not yet received comment.

Commissioner Simon stated she was concerned about the potential lack of turnaround ability in some of the roads that did not end in a cul-de-sac.

Tom Kaldunski, City Engineer, discussed the utilities study. He advised that a number of sanitary sewer options were considered for the Argenta District. The existing sanitary sewer ends in Argenta Hills 8th and 9th. Option 1B shows a gravity sewer being extended through the Peltier property and across Argenta Trail to the top of the hill in the Vista development. At this point a force main would follow the roads to the northwest corner of Vista at 70th Street, where the developer would provide land to the City for a lift station. Sanitary sewer would then continue into the Ponds area and move east. Two parcels in that area would be adversely affected by the sanitary sewer alignment. The sanitary sewer would then follow 69th Street to the existing Argenta Trail location, go slightly to the north, and come through a wooded area to what we have assumed to be an alignment along the west side of the Ridges development, at which point it would eventually go to the north.

Chair Hark asked why they would not run the sewer east on 70th Street.

Mr. Kaldunski replied that the alignment reflected in Option 1B would be more cost effective. Also, the grade on 70th Street is too steep for a County road and therefore when the County ultimately improves the road it would require a major excavation. They do not want to install utilities where there are unknown future grades. He showed a previous alignment from the 2030 Comprehensive Plan, stating that moving it to the current proposed alignment would result in a significant cost savings.

Commissioner Klein stated there was a property owner who has been requesting sewer and water who would have been serviced with the previous alternative and could have helped pay for it.

Mr. Kaldunski stated the steep topography in that location would make utility extension difficult. He advised that they also looked at Option 2B, which was almost identical to 1B with the exception of bringing the sanitary sewer south of 70th Street instead of along 69th Street; Option 1B would result in a much lower cost.

Commissioner Robertson asked why 2B would be more costly.

Mr. Kaldunski replied because the sewer depth on 69th Street would be 15-25 feet deep whereas Option 2B would be 40-50 feet deep. He advised that a trunk watermain system would also be constructed, which would be a grid and looping system. The trunk watermain would roughly follow the same alignment as the sanitary sewer and would be done in phases.

Commissioner Klein asked if it would be awhile before they had a complete looping system.

Mr. Kaldunski replied they were looking to achieve that as soon as possible. The first phase would have the majority of the loop in it, but there would be a gap from Argenta to the lift station until a road right-of-way was available through the Ridges property.

Commissioner Klein asked if there would be a dead end in the interim.

Mr. Kaldunski replied in the affirmative.

Commissioner Robertson asked if Option 1B was the option that would go through an existing residential area.

Mr. Kaldunski replied in the affirmative.

Commissioner Robertson asked if Option 2B would disrupt an existing residential area.

Mr. Kaldunski replied that Option 2B would go through undeveloped property south of 70th Street.

Commissioner Robertson asked if the cost difference between Option 1B and 2B was approximately \$350,000.

Mr. Kaldunski replied in the affirmative. He discussed estimated construction costs.

Chair Hark asked if Mr. Kaldunski's PowerPoint presentation was available on the City's website.

Mr. Kaldunski replied in the affirmative. He advised that the City has gone through a federal review and gotten its first step of approval on the I-494 interchange location.

Chair Hark asked if the federal government had any say on the south end of Argenta Trail at Highway 55.

Mr. Kaldunski replied they did not. He gave an overview of stormwater management, and advised that they identified the regional basins and have hydrologic models for the amount to be stored in them and predicted high water elevations. He advised that staff is fairly comfortable with what they are seeing from a stormwater perspective in the Vista and Pond developments. The Ridges is more problematic from our Northwest Area standards.

Chair Hark asked if there were setbacks from the power lines.

Mr. Hunting replied there could be no structures within the power line easement but there were no required setbacks from the easement.

Commissioner Simon asked how wide the power line easement was.

Unknown person in audience replied that the easement was 75 feet wide.

Mr. Kaldunski stated there were still some outstanding issues to work through in this development and they have been outlined in the report.

Commissioner Klein asked if staff felt comfortable enough to proceed at this point with all the outstanding questions.

Mr. Link replied that by statute the City must act before the end of October. Staff's recommendation is to table to request until the next commission meeting because of the application's size and complexity.

Chair Hark stated the realignment of Argenta Trail was a significant issue and he asked if there would be more clarity around the road issue at the next meeting.

Mr. Link replied there would not as the analysis of the Argenta Trail alignment would take more time. He advised that the Planning Commission had two options; the first would be to deny the request, based on it being premature, until a more detailed analysis of the Argenta Trail alignment could be accomplished. Another option would be to approve the request subject to that analysis being done. One of the conditions that staff would like to explore further is whether the plat could be approved conditional upon a subsequent comprehensive plan amendment to determine that alignment. If that alternative were to work the plat could be approved but it would be subject to another comprehensive plan amendment that would take another 120 days to analyze, hold another public hearing, etc.

Chair Hark stated a third option would be to send it on to City Council with no recommendation. He asked for clarification if Council action had to be taken within 120 days.

Mr. Link replied in the affirmative, stating the Planning Commission would have to take some form of action at their next meeting in order for Council to meet the 120 days.

Commissioner Simon asked if tabling it would give them enough time to cover a neighborhood meeting and address questions regarding the exception neighborhood and the Ridges road issues. She stated that if the Commission acts on the preliminary PUD, and City Council approves it, Conditions 38 and 39 give them power to start easement acquisition. She was concerned about whether this included 69th Street and stated she had many issues and questions.

Mr. Hunting stated those were issues that Council would have to determine and the Planning Commission would have to take some action before Council discussion would take place.

Commissioner Klein stated it would be helpful if staff could have another neighborhood meeting before this went to Council to try to iron out some of the issues.

Mr. Link stated that staff was considering tonight's meeting as a replacement for a neighborhood meeting. He advised that staff is recommending tabling this for two weeks; however, they likely would not have a lot more information at that time. He noted that there were many conditions attached to the option to approve, including approval of the water and sewer alignment, Argenta Trail alignment, etc.

Opening of Public Hearing

Ian Peterson, Vice President of Ryland Homes, advised he was available to answer any questions. He advised that Jim Deanovic, the property owner, and Dan Schmidt, Sathre-Bergquist, were also present.

Chair Hark asked the applicant if he read and understood the report.

Mr. Peterson replied in the affirmative.

Jim Abbott, 6720 Argenta Trail, stated he had lived in his home for 32 years and had concerns about the wetlands and the potential for wildlife loss.

Martha Zachary, 6921 Arkansas Avenue West, stated she has lived in her home since 1961 and was opposed to Option 1B. She stated the extension down 69th Street would go through her property, she was concerned about the potential for additional variances, did not want to lose the tranquility of her neighborhood, and asked the City to look at the big picture for the little buck people rather than the little picture for the big buck people.

Kyle Van, 6660 Argenta Trail, stated that as a resident of the Leitch Estates neighborhood he was concerned with the proposed realignment of Argenta Trail through the east side of Leitch Estates, the possibility of losing his home, how this would impact property values, how the alignment could be changed after such a significant investment of time, money and public input was made in doing the County's Regional Roadway System Visioning Study and the Northwest Area Expansion Collector Street System Plan, the contradiction to the City's policy to focus on preservation and maintenance of existing neighborhoods, to require that future street alignments fit the contour of the natural landscape, the lack of a funding source and official plan for an interchange to be installed on either I-494 or Highway 55, the impact of the proposed extension of 69th Street with utilities underneath on the existing wetlands and safety concerns regarding its proximity to 70th

Street, and the fact that private property would have to be seized to enable its construction. The Comprehensive Plan also includes a policy to insure that new development areas are compatible in size with existing adjacent neighborhoods; however, he did not feel the proposed townhome development was compatible with the large lots in Leitch Estates.

Ed Joseph, 1735 – 70th Street West, stated that he received two letters a few years ago; one advising that his neighborhood was exempt from sewer and water, and the other indicating that a portion of his property had been designated as a wildlife corridor and green space and therefore should never be built on. He questioned how this plan would impact that corridor and the wildlife living there and advised that the proposed sewer alignment would go through his garage, he was concerned about the amount of grading that would be associated with the 69th Street extension, and the impact this would have on his neighbors' property and the existing ponds on 69th Street. He was also concerned about the proposed density on the property adjacent to his, stating it was incongruent to the larger lots of the surrounding area.

Dick Roberts, 1655 – 68th Street West, advised that he served on the Planning Commission during the development of the Northwest Area and had some concerns. He stated it was determined at that time that separated parcels, such as those being proposed, could not be combined to hit the impervious surface percentages. Each individual parcel had to stand on its own otherwise they would not meet the stormwater management goals. He was also concerned about the proposed reduction in separation. He advised that a lot of work and expense went into the planning of the Northwest Area and it could all be destroyed by making some bad decisions.

John Todd, 6689 Argenta Trail, stated he had concerns regarding the impact this would have on Franke Lake and whether the catch basins would be adequate. In regard to parkland, he questioned whether they would ultimately take land from existing homeowners rather than having the developer provide it.

Mr. Hunting stated that it would likely be a combination of land acquisition and dedication.

Mr. Todd stated that if parkland was needed because of the proposed development density then the developer should bear that rather than the existing homeowners.

Diane Larson, on behalf of her father who has owned 6818 Argenta Trail since 1961, stated that the proposed road would go through the middle of her father's shed. She was concerned about the potential impact to the integrity of her father's recently installed well, and the fact that Argenta Trail may now go on her father's land when historically it has always been planned to go east of the power lines. She stated that her father has recently moved out because he is in need of round the clock nursing care and he therefore needed the equity from his home to pay for that care; she stated that tabling this and waiting would not help her father who needed access to his equity.

Joe Vogel, 6963 Arkansas Avenue, stated that if 70th Street widened to a four-lane road his lot would be sandwiched between that and the 69th Street extension. He stated the proposal would divide a neighborhood of residents who have been there 20-50 years and who did not need sidewalks or parks. He suggested they do a loop road off of 70th Street to achieve the two access points for the Ponds development rather than going down 69th. He stated the long-term residents should have a say over the future development, and perhaps the City or County should have bought the right-of-way rather than the developer.

Nicola Abbott, 6720 Argenta Trail, stated she owned two properties; one for their home and one was a pasture for their horse. She questioned what she would do with her horse if they lost part of the property for Argenta Trail. She stated it was wrong to take the properties of citizens who have lived in the City for years rather than using the undeveloped space east of the power lines simply

because it was more convenient and the developer could make more money.

Maria Gillespie, 6712 Argenta Trail, was opposed to the request and stated that 12 years ago the City allowed them to install a well and septic and build a house that they would hopefully live in the rest of their life. She was concerned that that could all be taken away with this development.

Ted Kasel, 6854 Argenta Trail, stated that the proposed realignment of Argenta Trail would be approximately 10 feet behind his home, he preferred the previously proposed alignment, and questioned why the road would be moved westerly where there were numerous homes rather than to the east which was undeveloped.

Dennis Wolfe, 6742 Argenta Trail, stated that spending a million dollars to move the power line to accommodate the new Argenta Trail would likely be less than it would cost to acquire the existing homes. He asked the City to consider the expense and hardship they would create for the existing property owners that have been supporting the City for years.

Chad Hagman, 6710 Argenta Trail, stated the proposal would be detrimental to the wildlife, force out homeowners, and do what the City had previously stated it would not do to these residents.

Debra Van, 6660 Argenta Trail, asked the City to look out for them as a community by not bowing to the developer and changing this area forever.

Joe Vogel, 6963 Arkansas Avenue, stated he was concerned about the impact this development would have on existing water bodies and infiltration and hoped the developer would work with the neighbors.

Nicola Abbott, 6720 Argenta Trail, asked the developers to consider building large homes on three acre properties rather than the proposed dense development, stating the profit would likely be the same, the damage would be minimized, and it would be more congruous with the existing neighborhood.

Mark Van, 6660 Argenta Trail, stated that he contacted the Minnesota Department of Transportation and they stated that although Inver Grove Heights had shown an interest in putting in an interchange on I-494, it would be done only when they had determined there was a need for it.

Commissioner Lissarrague asked what the lots sizes were in the impacted neighborhood.

Mr. Vogel replied he was not sure, but guessed they ranged in size from 1-3 acres.

Commissioner Simon advised that many of the lots were ½ acres.

Ms. Larson requested that the Planning Commission deny the request tonight. She stated there were too many uncertainties and she questioned whether the density of the prospective development would eventually necessitate a new school being built.

Ted Kasel, 6854 Argenta Trail, asked what the plan would be for moving the power line and whether it would be moved closer to the existing neighborhood.

Mr. Link stated that would have to be studied and was unknown at this time.

Commissioner Wippermann asked if the public hearing should be held open until the next meeting if the Planning Commission were to table the request.

Mr. Link replied in the affirmative, stating that the Chair had the option to shut down the public discussion to give Commissioners time to discuss the proposal without closing the public hearing.

Chair Hark asked if there was any more public testimony.

There was no response from the audience.

Chair Hark stated that Commissioners had the option to approve the request with the conditions listed, deny the request, table the request until the next meeting, or move it forward to City Council without a recommendation.

Commissioner Maggi recommended tabling the request to the next meeting, and asked if their questions to staff and the developer should be addressed now or at the next meeting.

Commissioner Klein stated it was a long process that would likely take months to get worked out. He recommended forwarding the request on to City Council without a recommendation, stating many issues needed to be addressed before this was finalized.

Commissioner Maggi believed that they had the responsibility as a commission to do their due diligence, ask the necessary questions, and then move it forward with a recommendation.

Commissioner Klein questioned what more information they could obtain, stating they were not engineers or accountants.

Commissioner Scales stated he would like the opportunity to ask more questions and would be more comfortable sending this to Council with the future road right-of-way on the Deanovic property rather than Leitch Estates.

Commissioner Lissarrague stated he would like to keep the public hearing open to allow the public to give more input if they had more to add.

Chair Hark advised it remained open. He stated he continued to recommend that this be moved forward without a recommendation, stating it was unlikely they would have the answers to their questions by October 7 and most of the issues were out of the Planning Commission's purview.

Commissioner Robertson favored a continuation of the discussion, stating that getting more input and understanding would help the City Council with their decision making.

Commissioner Simon suggested that a neighborhood meeting be held prior to the next Planning Commission meeting to give neighbors in this area a chance to address the outstanding issues. She stated many questions needed to be answered before she could make a recommendation, including answers regarding hydrologic issues, how this would impact the landlocked pond south of 69th Street, would the exception neighborhood be forced to hook up to utilities, etc. She stated this impacts this neighborhood as much as it does the developer and people need to know the details so they can comment.

Commissioner Klein stated that City Council would have to answer most of those questions.

Commissioner Lissarrague advised the neighbors that the Commission realized this was a beautiful area and understood that it was an emotional issue.

Chair Hark reiterated that the Planning Commission was not charged with addressing financial

issues.

Commissioner Gooch stated he did not feel the Commission could make a recommendation without knowing the details of the final road alignment.

Chair Hark asked staff what the likelihood was that there would be a definitive answer regarding the road alignment by October 7.

Commissioner Maggi stated one of her concerns was that it was almost 10:00 at night and the Commissioners had not even started to ask their questions of staff or the developer.

Chair Hark replied that Commissioners could ask those questions tonight.

Commissioner Wippermann stated that Commissioners received these materials 2-4 days ago, it was the first they had ever heard of this development, there was a lot of testimony from the public, and he would recommend tabling it as he wanted time to review it.

Motion by Commissioner Wippermann, second by Commissioner Maggi, to table the requests until October 7 and keep the public hearing open.

Commissioner Klein suggested that Commissioners get their questions to staff before the next meeting.

Ian Peterson stated some of the issues brought up tonight were out of their control, such as density. He stated they would like to build large homes on large lots but they are already paying a density penalty of about a million dollars. He stated he would appreciate hearing any comments anyone had from a planning perspective, stating it would help them be better prepared.

Motion carried (9/0). This item is tabled until October 7, 2014.

Commissioner Klein stated that residents should forward their questions to staff as well.

Commissioner Robertson asked if notices would be sent for the next meeting.

Mr. Link replied that no additional notices would be mailed as it had been announced at this meeting that it will be considered at the October 7th Planning Commission meeting. He advised that since the public hearing was not closed he would anticipate the Commission again taking comments at the next meeting.

Commissioner Wippermann stated it was a good idea to get questions to staff prior to the meeting so they could be prepared to answer them; however, he would like the questions to be asked at the meeting as well as it would be beneficial for all to hear.

Mr. Link stated that he would bring two maps to the next meeting, one showing the proposed interchange and the other being the City's Park Plan.

Nicola Abbott, 6720 Argenta Trail, stated there seemed to be two separate issues; the road alignment and approval of the development. In her opinion the development should not be approved before there were answers for the road; they should be dealt with simultaneously.

The meeting was adjourned by unanimous vote at 10:05 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
◊*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◊ALSO ADMITTED IN MASSACHUSETTS
◊ALSO ADMITTED IN OKLAHOMA

MEMO

TO: Chair and Members of the Planning Commission
FROM: Timothy J. Kuntz and Bridget McCauley Nason
DATE: September 2, 2014
RE: Body Art Establishment Ordinance-Zoning Clarifications

Section 1. Background. The City Council is in the process of reviewing a comprehensive Body Art ordinance which would replace the City's current tattoo ordinance, found in Title 4, Chapter 9, of the City Code. I have attached a copy of the ordinance which will be reviewed by the City Council for a second reading on September 8, 2014 for your information. One of the major changes found in the new Body Art ordinance is a change in the terminology used to describe tattoo and body piercing establishments. Such establishments will now be referred to as "body art establishments," which is the term used in State Statutes to describe locations where "body art," which is further defined to include both tattooing and body piercing, is practiced. In order to ensure consistency within the City Code, the attached ordinance amending certain provisions of Title 10 of the City Code (the Zoning Ordinance) is attached for your review and consideration. No substantive changes to the content of the provisions of Title 10 are proposed, but the proposed changes will ensure that the terminology used throughout the City Code to refer to body art establishments and procedures is used consistently.

Section 2. Planning Commission Action. The Planning Commission is asked to consider and discuss the attached ordinance, and provide a recommendation to the City Council regarding its adoption.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 10,
CHAPTER 2, SECTION 2, ADDING A DEFINITION OF A BODY ART
ESTABLISHMENT, TITLE 10, CHAPTER 15, SECTION 32, REGARDING TATTOO
AND BODY PIERCING ESTABLISHMENTS, AND THOSE PORTIONS OF TITLE 10,
CHAPTER 6, SECTION 2 REGARDING TATTOO AND PIERCING
ESTABLISHMENTS AND TATTOO PARLORS

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

Section One. Amendment. Title 10, Chapter 2, Section 2 of the Inver Grove Heights City Code is hereby amended to include the following definition:

BODY ART ESTABLISHMENT: Any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without dissembling and where body art procedures are regularly performed in more than one geographic location.

Section Two. Amendment. Title 10, Chapter 15, Section 32 of the Inver Grove Heights City Code is hereby amended to read as follows:

10-15-32: ~~TATTOO AND BODY PIERCING~~ BODY ART ESTABLISHMENTS:

Where permitted, ~~tattoo and body piercing~~ body art establishments shall be subject to the following conditions:

- A. Such use shall be licensed under title 4, chapter 9 of this code.
- B. Such use shall be located at least one thousand (1,000) radial feet, as measured in a straight line from the closest point of the property line upon which the ~~tattoo and body piercing~~ body art establishment is located to the property line of:
 1. Schools.
 2. Churches.
 3. Parks.
 4. Public libraries.

5. Establishments selling and/or serving alcoholic beverages.

C. Such use shall be located not less than one thousand feet (1,000') from other ~~tattoo and body piercing~~ body art establishments. (Ord. 1098, 11-8-2004)

Section Three. Amendment. Certain provisions of Title 10, Chapter 6, Section 2 of the Inver Grove Heights City Code are hereby amended to read as follows:

Use	Zoning District										
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	COMM-PUD	OFFICE-PUD
Tattoo and body piercing <u>Body art</u> establishment (see section <u>10-15-32</u> of this title)		P	P	P		C					
Tattoo parlor		P	P	P							

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

Passed this _____ day of _____, 2014.

Ayes:

Nays:

Attest:

George Tourville, Mayor

Melissa Kennedy, Deputy City Clerk

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 30, 2014 **CASE NO.:** 14-39C

HEARING DATE: October 7, 2014

APPLICANT & PROPERTY OWNER: James Frome

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

LOCATION: 8956 Almquist Way

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: PUD, Planned Unit Development

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

BACKGROUND

The applicant is requesting a Conditional Use Permit to exceed the allowed impervious surface amount on the property. The applicant would like to add a pool and patio area to the property.

The existing improvements on the lot exceed the allowed maximum impervious surface by 172 square feet. Details of the impervious coverage are listed in the following chart.

	Square Feet	Allowed Impervious Coverage (sq. ft)
Lot Size	1.31 acres	8,700
Existing Impervious Surface	8,872	(over by 172)
Allowed additional impervious coverage by CUP	10% of lot area	5,692
Additional impervious surface requested	3,335	-
Total impervious coverage requested	12,035	14,392

The applicant is requesting 12,035 square feet of hard surface to be allowed on the property. The applicant has calculated what his need would be for the property and is proposing a raingarden in the northern part of the property to accommodate the required stormwater treatment.

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 impervious surface conditional use permit meets the above criteria. As shown in Exhibit A, the surrounding properties are all single-family residential homes. The proposed property improvements 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 the plans and is working with the applicant on stormwater and grading requirements. The applicant is proposing to construct a rain garden behind the pool area that is designed to treat 3,335 square feet of impervious surface. 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 3,335 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.

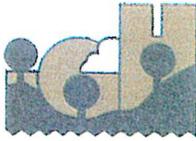
B. Denial If the Planning Commission does not favor the proposed Conditional Use Permit, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

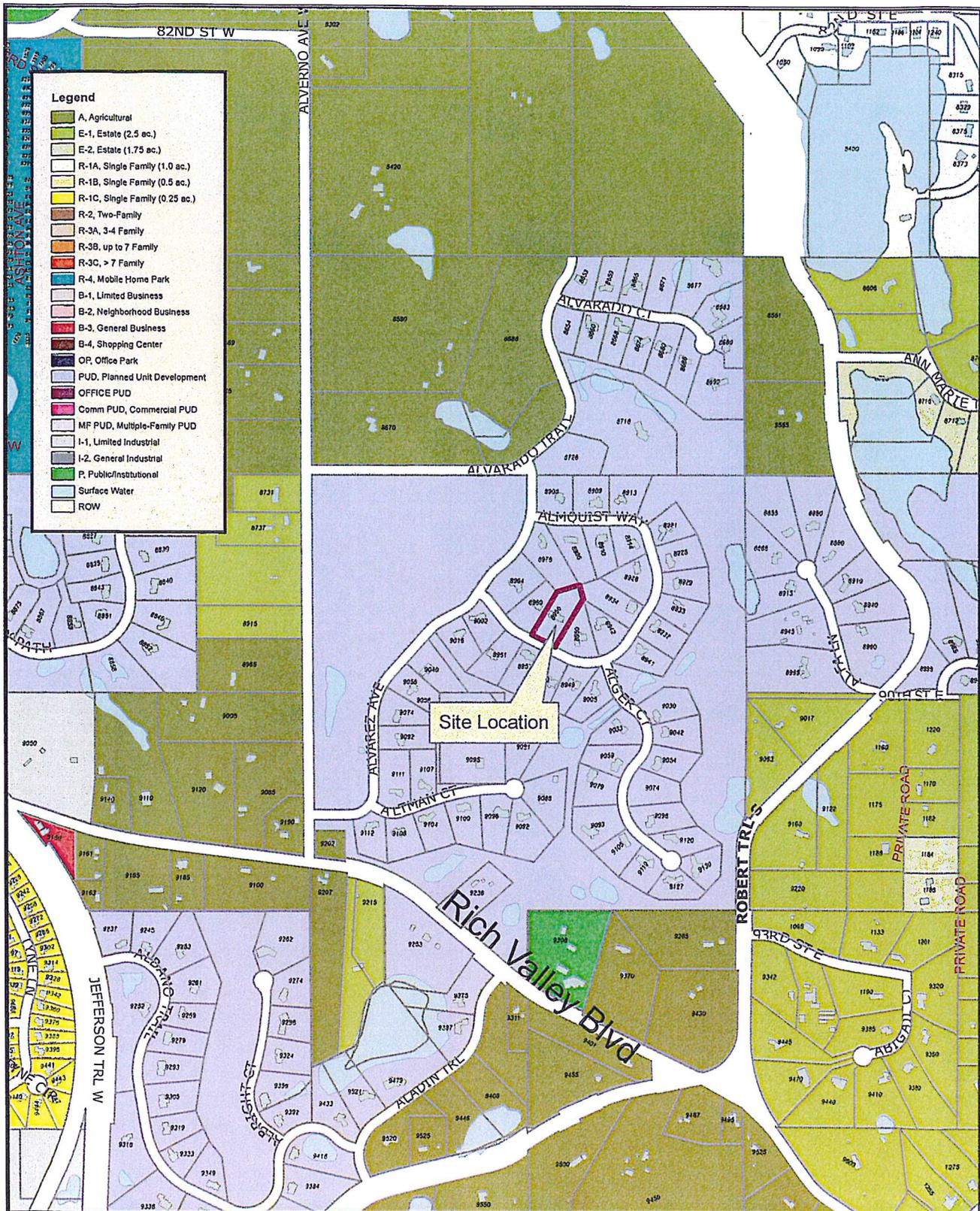
Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit.

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

Map not to scale



James Frome 8956 Almquist Way

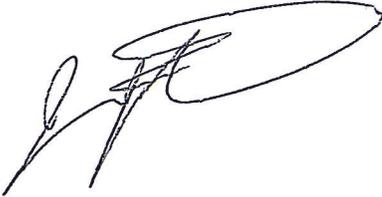


This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

Exhibit A Zoning and Location Map

Attached is my application for a conditional use permit. We would like to add a swimming pool to our property, and accompanying accessory building and landscaping. It is my understanding this project will result in exceeding the standard amount of impervious surface allowed for our property. Thus, we are applying for a conditional use permit to necessary to get approval to proceed on this project. We also understand that some type of mitigation (ie rain garden) will be required.

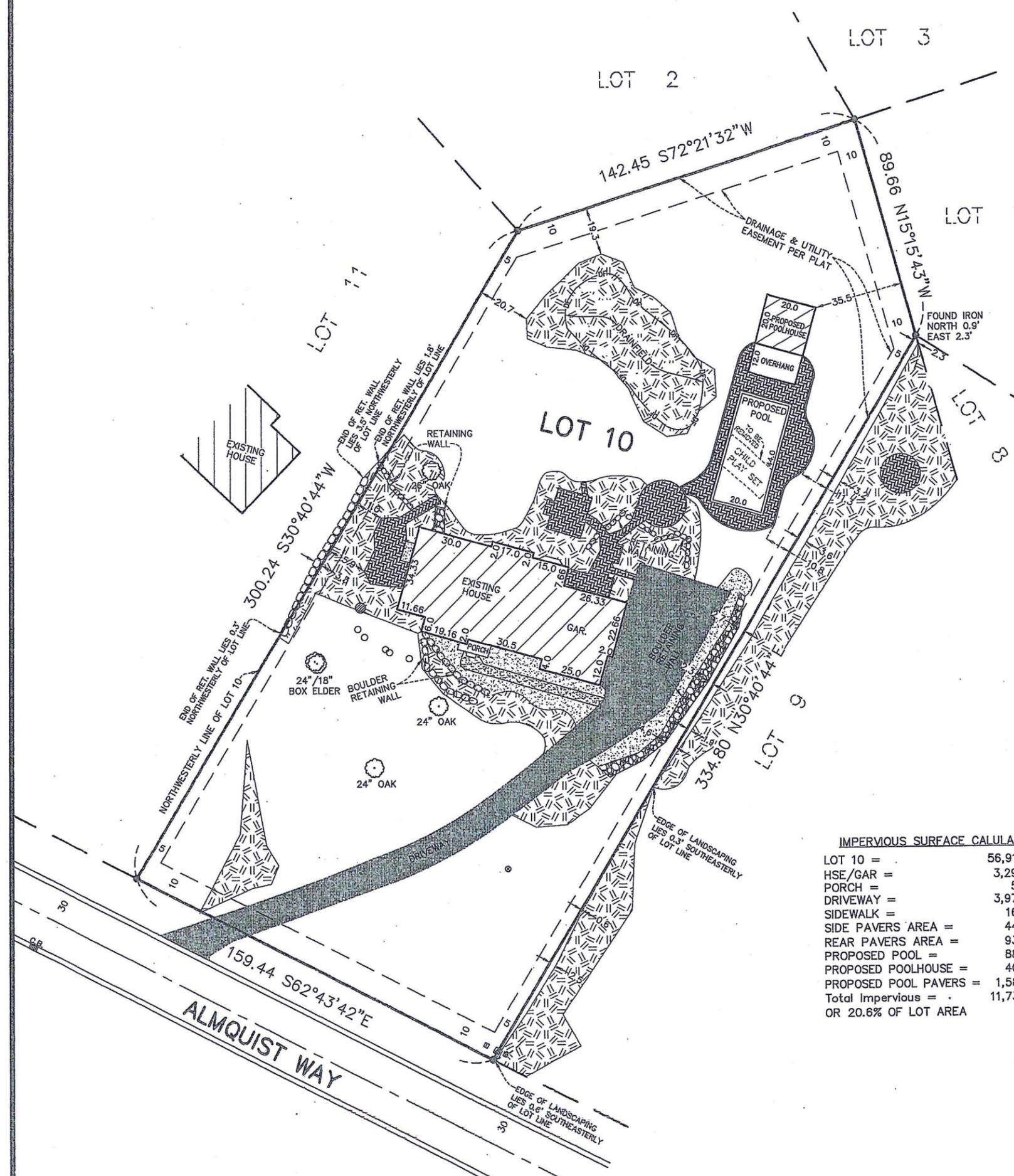
Jim & Michele Frome

A handwritten signature in black ink, appearing to be 'Jim & Michele Frome', written in a cursive style. The signature is located below the typed name.

Lot 10, Block 8, MARIANNA RANCH, according to the recorded plat thereof, Dakota County, Minnesota.

I hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land. This Survey was performed by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Signed this 30th day of July, 2014 For: James R. Hill, Inc.
 By: *[Signature]*
 Harold C. Peterson, Land Surveyor, MN License No. 12294



NOTES

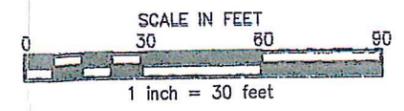
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTHWESTERLY LINE OF LOT 10, BLOCK 8, MARIANNA RANCH TO HAVE AN ASSUMED BEARING OF S 30°40'44" W.
- THE LOCATION AND INFORMATION SHOWN REGARDING UTILITIES, SERVING THIS PROPERTY OR EXISTING ON THIS PROPERTY AS SHOWN AS A PART OF THIS SURVEY, HAVE BEEN LOCATED BY ON-SITE OBSERVATION OR TAKEN FROM PLANS PROVIDED BY OTHERS. FOR FURTHER INFORMATION CONCERNING THESE UTILITIES PLEASE CONTACT THE CITY OF INVER GROVE HEIGHTS ENGINEERING DEPARTMENT AND/OR GOPHER STATE ONE CALL.
- CURRENT ZONING FOR LOT 10, BLOCK 8, MARIANNA RANCH IS LARGE-LOT RESIDENTIAL.
- OVERALL GROSS AREA = 56,917 SQUARE FEET OR 1.31 ACRES
- ADDRESS OF THIS PROPERTY IS 8956 ALMQUIST WAY, INVER GROVE HEIGHTS, MINNESOTA 55077
- PID NUMBER = 20-47575-08-100

LEGEND

- IRON SET
- IRON FOUND
- ELECTRIC BOX
- ⊗ WELL
- ⊕ TELEPHONE PEDESTAL
- CLEANOUT
- ⊗ SEPTIC MANHOLE
- DECIDUOUS TREE
- ▨ LANDSCAPE MATERIAL
- ASPHALT SURFACE
- ▤ LANDSCAPE GRAVEL/ROCK SURFACE
- ▥ CONCRETE SURFACE
- ▧ PAVERS SURFACE

IMPERVIOUS SURFACE CALCULATIONS

LOT 10 =	56,917 SQ. FT.
HSE/GAR =	3,292 SQ. FT.
PORCH =	57 SQ. FT.
DRIVEWAY =	3,975 SQ. FT.
SIDEWALK =	166 SQ. FT.
SIDE PAVERS AREA =	448 SQ. FT.
REAR PAVERS AREA =	934 SQ. FT.
PROPOSED POOL =	880 SQ. FT.
PROPOSED POOLHOUSE =	400 SQ. FT.
PROPOSED POOL PAVERS =	1,583 SQ. FT.
Total Impervious =	11,735 SQ. FT.
OR 20.6% OF LOT AREA	



James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 W. CRY. RD. #2, SUITE 120, BURNSVILLE, MN 55337
 PHONE: 651-471-0044 FAX: 651-471-0044

LOT 10, BLOCK 8, MARIANNA RANCH
 INVER GROVE HEIGHTS, MINNESOTA
ASBUILT SURVEY
 FOR
JAMES FROME

DRAWN BY	JDJ
DATE	7/30/14
REVISIONS	9/5/14 Pool & poolhouse
CAD FILE	23091.dwg
PROJECT #	23091
FILE NO.	1-14-081
SHEET # OF	1 OF 1

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

REPORT DATE: September 30, 2014

CASE NO: 14-38Z

HEARING DATE: October 7, 2014

APPLICANT & PROPERTY OWNER: Lori Barr

REQUEST: Rezoning

LOCATION: 10133 Barnes Trail

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant's property is a 5.37 acre parcel located along Barnes Trail. There is currently a single family home on the site. The property owner would like to subdivide the land to create a new 2.5 acre building site for her daughter. However, the property is zoned A, Agricultural with a 5.0 acre minimum lot size requirement, which would not permit the creation of the second lot. The property would have to be zoned E-1, Estate (2.5 acres) in order to allow the second lot to be created. Therefore, the applicant is requesting a rezoning of the property from A, Agricultural to E-1, Estate Residential.

If the City approves the rezoning, then an application will be filed to subdivide the property along with a variance from the minimum lot width requirements.

SPECIFIC REQUEST

A **Rezoning** of the property from A, Agricultural (5 acre minimum) to E-1, Estate Residential (2.5 acres).

EVALUATION OF THE REQUEST

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

North	Residential; zoned E-1, Estate Residential; guided RDR, Rural Density Residential
-------	---

East, West, and South

Residential; Zoned A, Agricultural; guided RDR, Rural
Density Residential

REZONING

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

Infrastructure

The requested rezoning to E-1 would not impact infrastructure that is already in place. Sewer and water would be on-site septic system and private well. This area is not located in the Northwest Area and city utilities are not planned for this area.

Comp Plan Consistency

The property is currently zoned A, Agricultural. The property is guided RDR, Rural Density Residential which allows for minimum lot sized of 2.5 – 5.0 acres. The applicant is requesting the lot to be rezoned to E-1, Estate Zoning, 2.5 acre minimum lot size. Therefore, the proposed rezoning would be consistent with the Comprehensive Plan.

Neighborhood Compatibility

This criterion is meant to focus on the issue of whether the 2.5 acre lots would be compatible within the existing neighborhood. Would it allow for the development of a land use type or density that is unlike what surrounds it? Would it constitute a spot zoning?

Staff believes the requested rezoning would be a spot zoning. Even though there are E-1 lots to the north, the proposed lot fronts and functions with the Blair Estates neighborhood to the south, west and east. The lots to the south, west, and east are all 5 acres or greater, approving the rezoning would set a precedent for other lots in the area. If too many lots are allowed to subdivide it would effectively double the density that is currently in the neighborhood.

Additionally, the lot layout is not designed to subdivide further; the zoning code requires 200 feet of lot width per lot. Allowing the rezoning with the intent to subdivide would result in a need for a lot width variance.

Engineering. Engineering would review the plans more thoroughly with the plat application. If approved, general conditions would require a certificate of survey, custom grading agreement, letter of credit, cash escrow, and stormwater maintenance agreement prior to the issuance of a building permit for the new home. Additionally, an ingress/egress easement may be necessary for access to Barnes Trail.

ALTERNATIVES

A. **Approval.** If the Planning Commission finds the request acceptable, the following action should take place:

- Approval of a **Rezoning** of the property from A, Agricultural to E-1, Estate Residential subject to the following condition:

1. The rezoning shall not become effective until the final plat is approved by the City and recorded with Dakota County. In the event a final plat is not approved, the rezoning shall become null and void and the zoning of the property shall revert to its current designation.

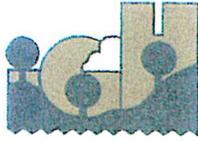
B. **Denial.** If the Planning Commission finds that the rezoning is not in the best interest of the physical development of the City, a recommendation of denial should be forwarded to the City Council. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

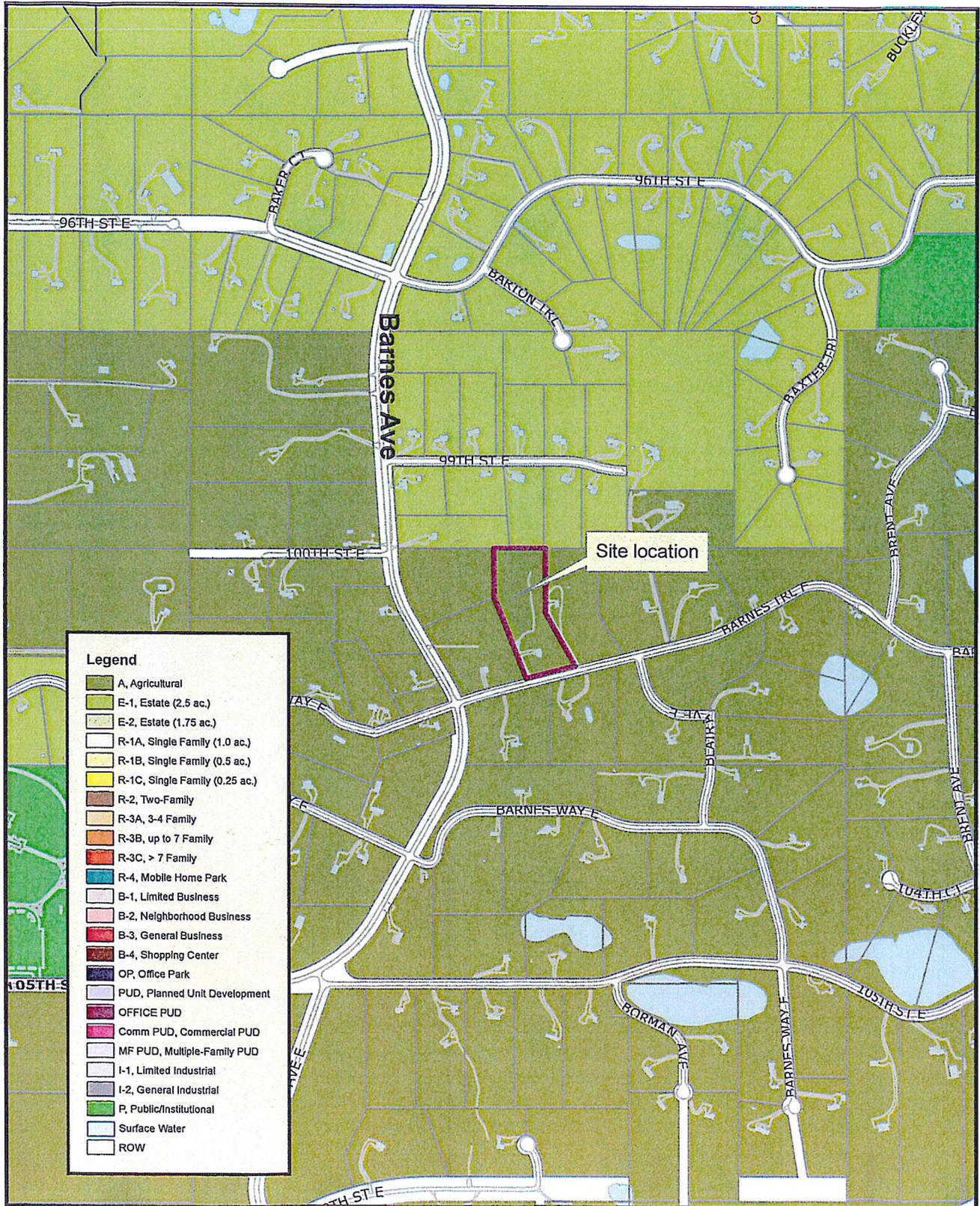
Staff believes the requested rezoning would be a spot zoning and represents a higher density rural residential zoning into the Blair Estates neighborhood. Therefore, staff recommends denial of the rezoning.

Attachments: Exhibit A - Zoning and Location Map
 Exhibit B - Site Plan
 Exhibit C - Letter from the Applicant
 Exhibit D - Map showing neighboring lot sizes

Map not to scale



Lori Barr Case No. 14-38Z



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained

Exhibit A
Zoning and Location Map

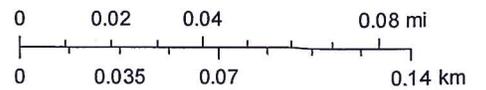
My Map



September 2, 2014

1:2,623

- | | | | |
|--|------------------------|--|-----------------------|
| | Tax Parcels | | Water in Tax Parcel |
| | Tax Parcel | | Right of Way Easement |
| | Dedicated Right of Way | | Pending New |
| | Water | | |
| | Multi-owner Parcel | | |



*Site Plan
Exhibit B*

September 4, 2014

City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights

Dear Inver Grove Heights Zoning Commission:

I would like to request rezoning of the property at 10133 Barnes Trail (PID # 20-14300-04-030, Lot 3, Block 4, Blair Estates) from *A- Agricultural* to *E1- Estates* (2 ½ acre lots). Attached is a map of the property depicting the locations of the surrounding homes. Please note the properties located to the North of the prospective lot are currently zoned E1.

The reason for this request is to allow my daughter and her family to build a home on the divided property. I am not interested in selling this as a lot and would agree to a no sale clause if requested. This land would be gifted to my daughter.

Our intent is not to disturb the surrounding homes and have located a placement that we feel would not hinder their privacy. The ideal build location is a treed area with a shared driveway extending from the current home. The structure would be a rambler to keep a lower profile. If the decision is considered we can provide a builders site plan.

I believe re-zoning this lot will still maintain the neighborhoods harmony and character as well as keep consistent within the zoning codes comprehensive plan.

Thank you in advance for your consideration.

Regards,

Lori Barr
Property Owner
10133 Barnes Trail
Inver Grove Heights



**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE: September 26, 2014

CASE NO: 14-41PUD

APPLICANT: Walmart Stores

REQUEST: Amendment to PUD Conditions of Approval and Development Contract

HEARING DATE: October 7, 2014

LOCATION: 9165 Cahill Avenue

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: PUD

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting to change the hours of operation to remain open after 11:00 p.m. on Thanksgiving into Friday after Thanksgiving. The current hours of operation allowed are 7:00 am to 11:00 pm except that the store is allowed to open at 5:00 am on the Friday after Thanksgiving. The request is for a 6 hour extension from 11:00 p.m. on Thanksgiving to 5:00 a.m. the Friday after Thanksgiving. The parking lot lighting would remain on during this period also.

In 2009 and 2011, Walmart made one time requests to the City Council for these same hour extensions. The City Council denied both requests based on that allowing hour extensions would be inconsistent with the original agreements approved as part of the conditions of approval and development contract which intentionally limited hours of operation to minimize impacts on the residential neighborhood to the east.

In 2012 and 2013, Walmart made the same request to City Council. These two requests were approved. Walmart is now requesting to permanently change the hours of operation.

EVALUATION OF THE REQUEST

Resolution 05-229 contains the conditions governing the Walmart store operation. Condition #20 states the approved hours of operation. This condition would be amended to allow the additional hours on a permanent basis.

The development contract approved for the project also stipulated hours of operation and contained regulations on parking lot lighting. The paragraphs in the development contract would also need to be changed to reflect any new hours of operation.

In all commercial districts, businesses are allowed to operate 24 hours unless specific conditions regulating hours are approved by the Council. In this case, Walmart is one of the few, if not the only business in the city that restricted hours of operation. Staff has supported the request each time it was requested.

The residential neighborhood to the east on Cheney Trail has been notified each time Walmart made their one time requests. The minutes from 2013 indicate that there were no complaints received when the store was open these hours in 2012. Staff is not aware of any complaints received in 2013.

ALTERNATIVES

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

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

- Approval of the **Amendment to the PUD Development Plan Conditions of Approval** modifying condition #20 of Resolution 05-229 and the development contract to allow the store to remain open after 11:00 p.m. on Thanksgiving through 5:00 a.m. on the Friday after Thanksgiving. Parking lot lighting shall also be allowed to remain on during this period.

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

RECOMMENDATION

The City Council has approved one time hour extensions in 2012 and 2013 with the understanding that Walmart was to apply for a permanent change to the hours. It is our understanding that there have been no complaints from residents along Cheney Trail. Staff has supported the hour change since this is one of the only stores in the city that has limitations on hours of operation.

Staff recommends approval of the request.

Attachments: Location Map
Applicant Letter
Resolution No. 05-299
Minutes from Council meetings in 2009, 2011, 2012 and 2013

September 8, 2014

Via U.S. Mail and Email (ahunting@invergroveheights.org.)

Mr. Allan Hunting, City Planner
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, Minnesota 55077

Re: Wal-Mart Store at 9165 Cahill Avenue, Inver Grove Heights, MN

Dear Mr. Hunting:

On behalf of our client, Wal-Mart Stores, Inc., we respectfully request that the City Council approve a permanent change in the Inver Grove Heights Store's permitted operating hours to allow extended shopping hours during Thanksgiving holiday weekends.

Currently, the store is permitted to be open on Thanksgiving from 7:00 a.m. until 11:00 p.m., and on the Friday after Thanksgiving from 5:00 a.m. until 11:00 p.m. Wal-Mart seeks the following additional hours of operation: Thanksgiving from 11:00 p.m. to midnight and the Friday after Thanksgiving from 12:00 a.m. to 5:00 a.m. The request is for a total of six additional hours over the two days. During the last several years, the Inver Grove Heights City Council has approved Wal-Mart's request for a temporary change to the store's permitted operating hours during Thanksgiving weekend. Our client now asks that the Council approve the change permanently.

Wal-Mart makes this request to accommodate shoppers who increasingly have been starting their holiday shopping earlier and want more flexibility. Many stores – including Wal-Mart's competition in the community – are not restricted from extended holiday shopping hours. Many stores, including other Wal-Mart stores in the metro area, will be open on Thanksgiving Day and continuing through Friday.

We appreciate the City's consideration of this request as well as the Council's approval of our client's similar requests earlier. I would be very happy to answer any questions that you may have. We look forward to hearing from you soon.

Very truly yours,



Susan D. Steinwall
Direct Dial: 612.492.7171
Email: ssteinwall@fredlaw.com

cc: Luke Nordquist
51238973_1.DOC

Attorneys & Advisors	Fredrikson & Byron, P.A.
main 612.492.7000	200 South Sixth Street, Suite 4000
fax 612.492.7077	Minneapolis, Minnesota
www.fredlaw.com	55402-1425

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 05-229

**A RESOLUTION AMENDING RESOLUTION NO. 02-151, MODIFYING CONDITION #20 OF THE
CONDITIONS OF APPROVAL FOR THE PUD DEVELOPMENT PLAN AND AMENDING THE
DEVELOPMENT CONTRACT, FOR A WAL-MART STORE ON LOT 1, BLOCK 1, ARBOR POINTE
COMMONS**

CASE NO. 02-13PUD

WHEREAS, on September 23, 2002, the Inver Grove Heights City Council approved the preliminary plat and preliminary PUD development plan subject to 24 conditions (Resolution No. 02-151);

WHEREAS, on November 25, 2002, the Inver Grove Heights City Council approved the final plat/final PUD development plans and development contract (Resolution No. 02-189);

WHEREAS, the conditions of approval stipulated hours of operation and the development contract stipulated parking lot light timing;

WHEREAS, Wal-Mart has requested a change to the hours of operation and timing of the parking lot lighting (condition #20 and development contract Exhibit E #4, #10);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, an amendment to Resolution No. 02-151 for the PUD development plans is hereby approved and amended as follows:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat	dated 8-5-02
Preliminary Site Plan (extended dock plan)	dated 9-11-02
Preliminary Grading and Erosion Control Plan	dated 8-5-02
Preliminary Utility Plan	dated 8-5-02
Tree Preservation Plan	dated 8-5-02
Preliminary Landscape Plan	dated 8-5-02
Preliminary Elevation Plans (3 sheets)	dated 9-16-02

2. The Arbor Pointe Community Association Architectural Review Committee shall submit a letter approving the architectural elements of the proposed project prior to Final Plat and Final Development Plan approval. If the committee does not approve of the architectural

elements, revisions must be incorporated into the plans and the Planning Commission shall reconsider the proposal.

3. All future development lots shown on the preliminary plat shall be final platted as outlots except for the lot containing Wal-Mart.
4. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works. The City Engineer shall require the implementation of the comments from DCSWCD where feasible and practical based on the City Engineer's determination.
5. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
6. Easements for the trail along Cahill and the future trail along Concord shall be dedicated with the recording of the plat.
7. A development contract shall be required to be entered into between the City and the developer addressing the improvements on the site. The development contract shall be approved by the City Council prior to release of the final plat.
8. All rooftop equipment shall be completely screened from view from the public streets and those lots along Cheney Trail. Screening materials shall be compatible with the building's overall design.
9. Traffic lights at the intersections of Concord/Broderick and Concord/Cahill shall be installed in conjunction with the construction of the Wal-Mart store. The City shall use its best efforts and shall work with Wal-Mart's engineers to insure that the installation of the traffic lights at Concord/Cahill are functional as of Wal-Mart's store opening date which is projected to be July, 2003. Wal-Mart shall be solely responsible for the cost and installation of the signal at the Concord/Cahill intersection. The signal at Concord/Broderick will be paid for by means to be determined by the City Council and installed when deemed necessary by the City Council. Wal-Mart shall be partially responsible for the cost and installation of this signal.
10. All parking lot and building lighting shall be a down cast "shoe-box" style and the bulb shall not be visible from property lines. The design of the fixtures shall be subject to further staff review prior to final plan approval.
11. Proposed Lots 2 and 3, Bk 1 may require additional utility work to properly serve the lots with sewer and water. Development on these future lots shall be subject to the review and approval of the Director of Public Works regarding sewer and water service.
12. All plans shall be subject to the review and approval of the Fire Marshal.
13. All parking lot lighting shall be reduced in intensity after hours. Prior to City Council review of the preliminary plans, the applicant shall provide to city staff the details or plans on after hours illumination reduction.
14. Permanent and overnight storage of shopping carts shall be located within a fully screened cart storage area.

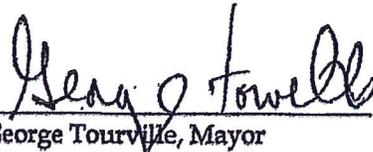
15. Outside storage or display of goods shall be prohibited at all times around the building or parking lot, or outside of the fenced garden center area, except for the seasonal garden sales area shown on the site plan or as special permission is granted by the City Council.
16. In the event the building becomes vacant, the owner shall continue to be responsible for maintaining the exterior of the building, landscaping, grass cutting, keeping the parking lot and grounds free of litter and parking lot free of weeds. The owner shall continue to replace broken windows or signs, remove junk vehicles from the premises and continue to snow plow the main roadways for emergency vehicle access. Any materials placed on the building to protect the building from vandalism, shall receive prior approval from the Chief Building Official and Community Development Director. Adequate financial security for redevelopment shall be negotiated in the Development Agreement to address the condition of the property in the event the property is vacated. Staff is authorized to negotiate such terms, timing, and provisions, subject to City Council approval.
17. No deliveries shall be allowed and there shall be no stopping/parking of delivery trucks with engines or air-conditioning units running between the hours of 10:00 p.m. and 7:00 a.m. Wal-Mart agrees to post signage stating the City's requirements that no deliveries shall occur between the hours of 10:00 p.m. and 7:00 a.m. and that there shall be no stopping/parking of delivery trucks during the restricted hours with engines or air-conditioning units running.
18. No sales of motor vehicles, including the storage of vehicles which are inoperable, for lease or for rent, shall be permitted anywhere on the Wal-Mart premises, except, in the case of a special charity fundraising event, in which case Wal-Mart shall follow the permit requirements of the City.
19. No public address or speaker system shall be used outside between the hours of 10:00 p.m. and 7:00 a.m. except for alarm or security emergencies or as special permission is granted by the City Council. The only exterior speaker shall face south, southwest or west and be located only within the garden center and serve only the garden center.
20. Hours of operation for the store shall be limited to 7:00 a.m. to 11:00 p.m. except that the store may open at 5:00 a.m. the Friday after Thanksgiving.
21. Wal-Mart agrees to post signage stating the City's requirements that no overnight parking or camping of campers, or RV's for camping purposes shall be allowed.
22. No through traffic shall be allowed from the Wal-Mart site directly to Cheney Trail, except for traffic for the commercial properties fronting Cheney Trail. Traffic exiting the site at the Cheney Trail/Cahill Avenue intersection, must either turn left or right.
23. Wal-Mart's representations with respect to acceptance of a construction bid only from a Minnesota based general contractor and from Minnesota based subcontractors, shall be addressed and negotiated in the development agreement. Staff is authorized to negotiate such terms and provisions, subject to City Council approval.
24. Plans shall be modified to retain the knoll at the southwest corner of the main Wal-Mart access at Cahill subject to analysis of sight distance.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, an amendment to Development Contract Exhibit E, #4, #10 is hereby approved and amended as follows:

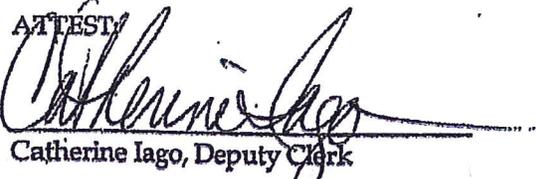
- 4.) REQUIRMENT RELATING TO LIGHTING REDUCTION IN PARKING LOT WHEN STORE IS CLOSED. During the time frame from 11:10 p.m. to 7:00 a.m., the parking lot lighting shall be reduced in intensity pursuant to the specifications shown on the Light Illumination Plan.
- 10.) RESTRICTIONS RELATING TO HOURS OF OPERATION. With respect to Lot 1, Block 1, Arbor Pointe Commons, the hours of operation for the store shall be limited to 7:00 a.m. to 11:00 p.m. except that the store may open at 5:00 a.m. the Friday after Thanksgiving.

Passed this 14th day of November, 2005.

AYES: 5
NAYS: 0


George Tourville, Mayor

ATTEST


Catherine Iago, Deputy Clerk

reduction by ½ to the proposed assessment for the Holzemer (6948 Cahill Ave.) and Smith (6928 Cahill Ave.) parcels and to consider the identified parcels which have an additional half-lot as one lot for City Project No. 2008-09D, Urban Street Reconstruction – South Grove Area 3

Ayes: 5

Nays: 0 Motion carried.

The City Council took a five-minute recess.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. WALMART STORES: Consider Resolution Approving a One-Time Hour Extension to Allow the Store to Remain Open for 24 Hours on Thanksgiving Day

Mr. Link explained Walmart Stores submitted a request to allow extended hours of operation on the evening of November 26, 2009 and remain open for 24 hours into the morning of Friday, November 27th. He stated the manager of the store cited avoidance of long lines and possibility of injuries as reasons for the extended hours request. He noted the parking lot lights would remain on at full intensity for the same period. He explained Walmart currently has restrictions on its hours of operation and the hours the parking lot lighting remains on. He stated the only exception to the hours of operation has been to allow the store to open at 5:00 a.m. on the Friday after Thanksgiving. He explained Planning staff would support the request for the one-time extension provided there were no neighborhood concerns that were unable to be addressed.

Dave Gall, 9270 Cheney Trail, expressed concerns regarding noise and light during the extended hours of operation. He opined that Walmart has not followed the guidelines and restrictions that were put in place as conditions of approval and commented that the police have not enforced violations he has personally reported. He commented that the original agreement was that the store would be open daily from 7:00 a.m. to 11:00 p.m. and that agreement was already amended to allow the store to open at 5:00 a.m. on the Friday after Thanksgiving. He asked that the Council not approve further amendments to the original agreement.

Jim Elsenpeter, Walmart Store Manager, stated he would check on measures that could be taken to address the lighting concerns. He stated that the request stems from an attempt to avoid safety issues that were demonstrated last year both from a consumer and employee standpoint.

Ed Gunter, 6671 Concord Boulevard, commented that the store should not be open for 24 hours on a holiday and felt it was unfair to ask employees to work the extended hours.

Mayor Tourville responded that the City has no control over employee schedules or on which holidays the store is or is not open. He stated the City can only control the hours of operation.

Councilmember Madden stated that he would not support the one-time extension because the conditions of approval that were agreed upon as part of the original request should be upheld. He commented that the restrictions were put in place for a reason. He stated that the amendment to the original agreement to allow the store to open at 5:00 a.m. the Friday after Thanksgiving was sufficient.

Frank Rauschnot, 6840 Dixie Avenue, stated that businesses need to have as many opportunities to succeed as possible and do not need further restraints given the state of the economy.

Councilmember Grannis stated he agrees that the terms of the original agreement should be upheld.

Councilmember Klein stated the one-time extension should be granted because it would alleviate the safety issues and would attract more consumers to the both the store and the City on the biggest shopping day of the year.

Motion by Grannis, second by Piekarski Krech, to adopt Resolution No. 09-205 denying the request for a one-time hour extension on Thanksgiving Day

Ayes: 3 (Grannis, Madden, Piekarski Krech)

Nays: 2 (Klein, Tourville)

Motion carried.

B. MIKE PONE; Consider Resolution regarding a Variance to Construct a Fence within the Bluffline Setback along the Mississippi River Critical Area for property located at 8336 River Road

Mr. Link explained the request is to construct a fence that would encroach within the bluffline setback. He stated the property is located in the Critical Area Overlay District of the Mississippi River and the bluffline setback for all structures is 100 feet. He noted the fence is proposed to be constructed 10 feet from the bluffline. He stated the hardship is the configuration of the lot. He explained it would not be possible to construct a fence that would meet the setback requirements because the distance from the bluffline to the western property line is only 75 feet. He added the applicant proposed installation of the fence to protect his family from the hazardous steep slope from the bluffline to the river. He explained the applicant would not be removing any additional trees and the fence would be visually inconspicuous from the river. He stated both Planning staff and the Planning Commission recommended approval of the request. He noted the Minnesota Department of Natural Resources was contacted and did not oppose the request.

Councilmember Piekarski Krech confirmed that there would be no damage to the bluff.

Motion by Klein, second by Madden, to adopt Resolution No. 09-206 approving a Variance to construct a fence within the bluffline setback along the Mississippi River Critical Area for property located at 8336 River Road

Ayes: 5

Nays: 0

Motion carried.

C. DEBRA WYLIE; Consider Resolution regarding a Conditional Use Permit to exceed the maximum impervious coverage for property located at 7036 Dawn Way

Mr. Link stated the applicant proposed construction of a pool in the rear yard that would add 610 square feet of impervious surface to the lot, for a total of 39.6%. He noted the lot is approximately 10,777 square feet in size, 10% smaller than the minimum lot size requirements for properties in the R-1C zoning district. He explained that a conditional use permit may be obtained to exceed the 25% impervious coverage requirements for lots that do not meet the minimum size requirements in the R-1 district. He stated the pool would not have a negative impact on the neighbors and the proposal meets all setback requirements. He stated Planning staff and the Planning Commission recommended approval of the request with fourteen conditions. He noted the applicant has been made aware of the impervious surface conditional use criteria and has agreed to comply with the storm water treatment conditions.

Councilmember Madden questioned if the storm water plan was approved by the engineering department.

Mr. Link responded that the details of the plan have yet to be worked out, but are required to be approved by the City Engineering department prior to ground disturbance or installation of the pool.

Councilmember Madden verified that the applicant agreed with the conditions of approval.

Motion by Madden, second by Klein, to adopt Resolution No. 09-207 approving a Conditional Use Permit to exceed the maximum impervious coverage for property located at 7036 Dawn Way with the conditions recommended by Planning staff

Ayes: 5

Nays: 0

Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of a Zoning Code Amendment relating to the Maintenance and Repair of Non-Conforming Uses and Structures

Mr. Link stated the City Code should be amended to be consistent with state statutes. He explained the amended language addresses improvements and changes to existing nonconforming uses and structures. He noted the amendment would allow property owners of nonconforming uses and structures more rights and flexibility than what is currently allowed by code.

M. Resolution No. 11-180 Approving Use of Eminent Domain to Acquire Real Property from Private Property Owner as required for Heritage Village Park Trail Improvements included in City Project No. 2011-08

Councilmember Grannis stated he removed the item from the consent agenda because it involved the use of eminent domain. He explained that eminent domain is a very powerful tool that governments have at their disposal and opined that it should not be used for this purpose.

Mayor Tourville explained that the City tried to purchase the property and could not reach an agreement with the property owner. He noted that the City has deadlines that need to be met with respect to the use of a grant funding received from the Minnesota DNR for construction of trail improvements.

Councilmember Madden stated the City made an honest effort to acquire the property through other means. He opined that he would have liked to avoid using eminent domain, but the City was left with no other solution to the problem.

Councilmember Piekarski Krech stated she would only support the acquisition because the property was not a homestead and was vacant land.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 11-180 Approving the Use of Eminent Domain to Acquire Real Property from Private Property Owner as required for Heritage Village Park Trail Improvements included in City Project No. 2011-08

Ayes: 3

Nays: 1 (Grannis) Motion carried.

5. PUBLIC COMMENT:

Ed Gunter, 6671 Concord Boulevard, questioned when the assessments for the Concord Boulevard project would be mailed to affected residents.

Mr. Kaldunski explained the City did not receive the final invoice from the County in time to complete the assessment roll this fall. He stated the time frame was too compressed given the date by which assessments must be certified to the County. He noted the assessment hearing would likely be delayed until the spring of 2012 in order to avoid the accrual of excess interest charges.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. WALMART STORES, INC.; Consider a Resolution amending the PUD approval to allow the store to remain open 24 hours on Thanksgiving Day

Mr. Link explained the applicant submitted a onetime request to allow for extended hours on the evening of November 24, 2011. The request is to allow the store to remain open 24 hours into the morning of Friday, November 25th. The parking lot lights would also remain on at full intensity for the same period. The approvals for Walmart have restrictions on hours of operation and hours the parking lot lighting remains on. Store hours are restricted to 7:00 a.m. to 11:00 p.m. daily, except for the Friday after Thanksgiving when the store is allowed to open at 5:00 a.m. The parking lot lighting is to be reduced after 11:10 p.m. each evening.

Mr. Link noted that Walmart submitted a similar proposal in October of 2009 and the City Council denied the request. In all commercial districts businesses are allowed to operate 24 hours unless specific conditions regulating hours are approved by the City Council. Walmart is unique in that it is located across the street from a residential neighborhood and as such the City Council imposed regulations on the hours of operation as well as the timing and intensity of the parking lot lights. If Walmart sought a permanent change to their hours of operation for the same timeframe in subsequent years, an application for an amendment to the PUD and Development Contract would need to be submitted and approved by Council.

Mr. Link noted that staff mailed notice of the meeting to 27 property owners, closest to the store, along Cheney Trail. Planning staff supported the onetime request for extended hours of operation provided there were no neighborhood concerns that could not be addressed.

Councilmember Madden stated the restricted hours of operation for Walmart were agreed upon after a long, arduous process at both the Planning Commission and City Council levels. He opposed the request to amend the hours because of his belief that the original conditions of approval should be honored.

Councilmember Piekarski Krech clarified that the Council previously approved an amendment to allow the store to open at 5:00 a.m. on the Friday after Thanksgiving.

Mr. Link confirmed that Council did previously approve the request to allow the store to open at 5 a.m. on the Friday after Thanksgiving.

Tim Peterson, Walmart Store Manager, stated the request is not to permanently allow the store to be open for 24 hours. He explained the request is based on a desire to address safety concerns for customers and employees during the annual "Black Friday" event. He stated many retailers open at 12:01 a.m. on the Friday after Thanksgiving. He explained that if the store was allowed to stay open for 24 hours on Thanksgiving, customers would be able to wait inside the store rather than line up in the parking lot before the store opening at 5:00 a.m. He reiterated that the main concern is to promote the safety of the customers and the employees during the annual sale event. He added that the extended hours of operation would also result in a 15% increase in sales.

Councilmember Piekarski Krech confirmed that the store would be open on Thanksgiving and would remain open through the Friday after Thanksgiving.

Ed Gunter, 6671 Concord Boulevard, noted when the same request was presented to the Council in 2009 the neighbors expressed concerns about noise and the parking lot lights. He opined that the request is not beneficial for employees because it limits the amount of time they can spend with their families on the holiday.

Councilmember Madden commented that a number of employees thanked him for not supporting the request in 2009 so they could have time off to spend with their families.

Mayor Tourville stated he agreed that the original conditions of approval should be honored. He noted that if the same request came back to the Council next year he may consider it because another major retailer would be open in the City and it would not be fair if the approved hours of operation were different.

Councilmember Piekarski Krech questioned if the Council needed to grant approval for Walmart to open at 5:00 a.m. on the day after Thanksgiving.

Mr. Link indicated that the previous change to the hours of operation to allow the store to open at 5:00 a.m. was a permanent approval.

Motion by Madden, second by Grannis, to adopt Resolution No. 11-183 denying an Amendment to the PUD Approval to Allow the Walmart Store to Remain Open 24 Hours on Thanksgiving Day

Ayes: 4

Nays: 0 Motion carried.

B. SPIRE FEDERAL CREDIT UNION; Consider a Resolution relating to a Preliminary & Final Plat, Preliminary & Final PUD Development Plan and Development Contract for Brentwood Hills Second Addition Property Located on North Side of Upper 55th Street, West of Blaine Avenue

Mr. Link explained the applicant is seeking reapproval of the Brentwood Hills townhome project, originally approved in 2006 as a 24 unit townhome project. The original owner constructed the first seven (7) units, installed utilities, landscaping, a stormwater pond, and the first lift of asphalt on the private drive. In 2007 the owner received approval for an amendment to the plat/plans for a reduced setback and property line adjustment. The owner never recorded the amended plat documents, the previous approvals expired, and the property went into foreclosure. Spire Federal Credit Union now owns the property and would like the plans that were originally presented to be reapproved. The applicant also submitted a Phase I site

INVER GROVE HEIGHTS CITY COUNCIL MEETING – September 24, 2012

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A. WALMART STORES, INC.; Consider Resolution Amending the PUD Approval to Allow Store to Remain Open 24 Hours on Thanksgiving Day

Mr. Link stated Walmart submitted a request for extended hours on November 22, 2012 to allow the store to remain open for 24 hours into the morning of Friday, November 23rd. In recent years it has become a more common practice for retailers to remain open overnight into the Friday after Thanksgiving and Walmart is one of the few, if not the only business in the City that has restricted hours of operation. He explained the store hours are currently restricted to 7:00 a.m. to 11:00 p.m. daily, with the exception of the Friday after Thanksgiving when the store is allowed to open at 5:00 a.m. He noted the parking lot lights would remain on at full intensity during the temporary extension. He clarified that the request was a one-time extension and if Walmart sought to make a permanent change an application for a PUD and Development Contract amendment would be required. Planning staff supported the request provided there were no neighborhood concerns.

Richard Snyder, Legal Counsel for Walmart, clarified the request was for a 6-hour extension from 11:00 p.m. on Thanksgiving to 5:00 a.m. on the day after Thanksgiving. He stated retail markets have changed and there is a demand for this in the community because people want to be able to shop during those hours and there is an expectation that the stores are going to be open. He added it would be a convenience for those members of the community who do want to shop during those hours and it would avoid confusion with advertisements of other stores being open. The extended hours would also help avoid the inconvenience of shoppers having to stand outside in the cold waiting for the store to open. He explained Walmart is restricted to the hours it can be open whereas its competitors in the City are not and allowing the extension of hours would put all the retail stores on a level playing field. He noted in the future Walmart may pursue a CUP amendment to avoid having to make the same request annually. He opined that

approval of the request would provide a baseline by which a future CUP amendment could be judged.

Councilmember Klein questioned if the lights on the side of the building could be shut off during that six (6) hour timeframe if the lights on the front of the store were turned on.

Tim Peterson, former store manager, explained the side lights could be overrode to be shut off at 11:00 and turned back on at 5:00 a.m.

Councilmember Klein asked if parking could also be restricted to the front of the building during the extended hours to reduce any impact to the neighborhood.

Mr. Peterson explained the difficulty with that is the large number of customers who shop at the store during that time frame. He stated a safety issue may be created if parking is restricted because typically the whole lot is filled.

Councilmember Madden explained in past years he was opposed to the store being open 24 hours. He stated circumstances have changed in the City this year and he does agree that it is an issue of equity in that competing retailers in the City do not have restricted hours of operation.

Councilmember Piekarski Krech stated times may have changed but the original agreement made with Walmart should continue to be honored. She explained people in the neighborhood still have the same concerns.

Councilmember Klein stated the request is for six (6) hours on one day of the year.

Councilmember Madden stated he would not support changing the hours for any other days of the year.

Councilmember Grannis stated the restriction on hours of operation was part of the original agreement that was made with Walmart to appease the neighborhood. He opined that he did not see where anything has changed in that area to justify changing the condition related to hours of operation.

Mayor Tourville stated he would support the request as a one-time extension to see how it goes.

Motion by Klein, second by Madden, to adopt Resolution No. 12-158 amending the PUD Approval

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to Allow the Store to Remain Open 24 Hours on Thanksgiving Day

Ayes: 3 (Klein, Madden, Tourville)

Nays: 2 (Piekarski Krech, Grannis) Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:10 p.m.

Councilmember Madden reiterated that he did not want to set a precedent for the whole City that the Council would allow solid fencing in front yards. He added he could not find a practical difficulty to justify the variance.

Councilmember Bartholomew stated the difficulty was that the neighboring properties would also want to do the same thing if given the opportunity.

Mayor Tourville reiterated the best solution for the front yard may be landscaping or a berm.

Motion by Madden, second by Bartholomew, to adopt Resolution No. 13-166 denying a Variance to allow a Seven Foot High Fence along the Front Property Line whereas 42 Inches is the Maximum Height within the Front Yard for property located at 1987 80th Street

Ayes: 5

Nays: 0 Motion carried.

B. WALMART STORES, INC.; Consider Resolution Amending PUD Approval to allow the Store to Remain Open 24 Hours on Thanksgiving Day

Mr. Link stated an identical request was approved by Council in 2012. Walmart currently has restrictions on the hours the store can be open. The restrictions are 7 am to 11 pm with the exception that they can open at 5 am on the day after Thanksgiving. The applicant requested a one-day extension of the store hours to allow the store to remain open an additional six (6) hours. Rather than closing at 11 pm on Thanksgiving the store would remain open all the way through Thanksgiving Day. He noted if the store remained open the parking lot and store lights were remain on through the night. Planning staff was not aware of any other retail business in the City that had similar restrictions on the hours of operation. Staff recommended approval of the request.

Councilmember Madden stated similar requests were denied in the past and the only reason he supported the request now was in the interest of fairness because Walmart's competitors did not have the same restrictions imposed upon them. He stated he did not agree with the store being open on Thanksgiving.

Councilmember Piekarski Krech clarified that Walmart would not be closed at all on Thanksgiving.

Luke Nordquist, Walmart Store Manager, stated the store would be open on Thanksgiving no matter what. If the request was not approved the store would still be open on Thanksgiving until 11 pm.

Councilmember Piekarski Krech stated her major issue with the request was that when the terms with Walmart were negotiated it was agreed that it would not be a 24 hour store. She explained if the other stores were going to be open all day on Thanksgiving she would support the request in the interest of fairness.

Mayor Tourville stated things have changed since the Walmart terms were originally negotiated and the request was to change the hours on one specific day. He opined he would not make the value judgment of where people should or should not be on Thanksgiving because that was an individual decision. He noted in past years people complained because the Inver Grove Heights location was not open the same hours as other Walmart stores. He stated he did not hear any complaints from the neighborhood when it was allowed last year.

Councilmember Piekarski Krech stated if the PUD was going to be similarly amended in the future Walmart should go through the formal process to make a permanent change.

Councilmember Madden suggested Walmart look into a permanent change for subsequent years. He stated he only supported the request because things have changed in the market and denying the request would create an unfair advantage for Walmart's competitors.

Mr. Link stated it was Walmart's choice as to whether they wanted to make annual requests or if they wanted to pursue a permanent change to the restrictions set forth in the PUD. He noted staff did notify the neighbors of the request and no comments were received.

Motion by Mueller, second by Madden, to adopt Resolution No. 13-167 Amending PUD Approval to allow the Store to Remain Open 24 Hours on Thanksgiving Day

Ayes: 4 (Bartholomew, Mueller, Madden, Tourville)

Nays: 1 (Piekarski Krech) Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amendment to Allow Vertical Axis Wind Turbines as a Permitted Use in the A, E-1, an E-2 Districts

Mr. Link explained current City Code regulations allowed wind turbines as a conditional use in four (4) zoning districts. The proposed ordinance would allow vertical axis wind turbines as a permitted use in three (3) zoning districts, A, E-1, and E-2. He stated there were four (4) small neighborhoods within the City that were zoned E-2. The minimum lot size in the E-2 district is 1.75 acres. The proposed ordinance provides for a maximum height of 52.5 feet, the same as what is currently allowed for church spires, towers, poles, monuments, smoke stacks, and other similar structures. The maximum height is typically 35 feet and, by zoning code, those types of structures are allowed to increase the height by 50 percent. Planning staff recommended approval of the ordinance. The Planning Commission previously recommended denial of the ordinance amendment as proposed.

Councilmember Madden questioned if current City Code regulations would permit the interested party to have vertical axis wind turbines on his property.

Mr. Link stated current regulations would allow any kind of wind turbine, including vertical axis wind turbines, as a conditional use.

Councilmember Madden opined the Planning Commission had a good point in that it didn't seem necessary to adopt an ordinance for one specific person or one specific piece of property. He stated it did not make sense to him why this was being done when only one (1) request had been submitted. He noted he may be willing to consider it in the future if there was more interest or demonstrated need for the proposed changes.

Mayor Tourville stated he received several emails from individuals who were concerned with the maximum height.

Councilmember Mueller stated the turbines could generate electricity for the interested party.

Councilmember Madden noted the property owner could still put up the turbines if he obtained a conditional use permit. He expressed concern with the height of the vertical axis turbines and opined he did not want to see them all over the City.

Mr. Link explained Mr. Grannis requested an ordinance amendment for vertical axis wind turbines to be allowed as a permitted use with certain restrictions and performance standards. He noted the changes would apply equally to all properties within each of the three (3) zoning districts proposed.

Vance Grannis, Jr., stated he felt it was a hardship to allow the vertical axis turbines only as a conditional use. He explained he knows of others in the City who expressed interest in using the turbines at such time that the ordinance is amended to allow them as a permitted use. He noted the City had no means to regulate the wind turbines via the conditional use process under the current ordinance. The proposed amendments would at least provide the City with conditions to regulate the use. He stated it was more expensive to go through the conditional use permit application process.

Mr. Link stated the conditional use permit application fee ranged from \$250 to \$1200 depending on the type of application.

Councilmember Bartholomew stated he supported the proposed ordinance amendment and felt there were plenty of safeguards in place to ensure the structures would not be littered throughout the City. He noted similar structures of the same height were currently allowed in areas that met the setback requirements. He stated the ordinance was drafted with rules that would provide for a number of individuals to install vertical axis wind turbines, not just one specific property owner. He suggested the permitted use be limited to the A and E-1 zoning districts only and the E-2 district should continue to be

M E M O

CITY OF INVER GROVE HEIGHTS

TO: City of Inver Grove Heights Planning Commission
FROM: Allan Hunting, City Planner
DATE: September 29, 2014
SUBJECT: Jim Deanovic (Blackstone) Case No. 14-22PUD
Additional Information and Recommendation

This memo will summarize additional information that has been received and expanded upon since the previous staff memo went out for the September 16 Planning Commission meeting.

1. Comp Plan Amendment to the Transportation Chapter relating to the alignment of Argenta Trail.

There had been some previous discussion about how to address the future alignment of Argenta Trail as it relates to this development action without having the alignment study done. The joint city/county study of Argenta Trail south of 70th is now under way and is expected to be completed by February, 2015. City/County staffs are working on preparing an addendum to the contract work to have the segment north of 70th Street added to the study. This would take an additional 3+ months to complete.

To address the developers time frame, it was suggested that a separate comp plan amendment be processed that would provide a public process to get input on the alignment. It is not known at this time, how much preliminary background information would be available to review alignment impacts. If the Council chooses to address the future alignment through a comp plan amendment, a decision would be made on the placement of Argenta Trail and the Council could approve a plat for Blackstone Ridge. A condition relating to this issue was included with the September 16 packet as condition #30.

2. Alternate Sewer Alignment at 69th Street.

There was discussion at the last meeting that there were a couple of options for the trunk sewer alignment. One route was to follow 69th Street through the Leitch Estates development. This had issues with impacting an exception neighborhood. Another possible route was an alignment on the south side of 70th Street. This option is more costly than the 69th Street option, but could work. It appears that there is more discussion about utilizing the southerly route option. This would eliminate a trunk sewer impact along 69th Street.

There is still the issue of access to the Blackstone Ponds development. As it is currently designed, there is one access from 70th Street and a second heading east, making road connections off the plat utilizing 69th Street. Regardless if the trunk sewer does not go down

69th Street, the issue of two access points to a development must still be addressed. Staff has recommended utilizing 69th Street as the second access onto Argenta Trail. As staff have also stated in the previous report, this involves acquisition of property, or portions of property off the plat. The City Engineer has noted a total 11 properties would be impacted by either the sewer connection or road connection. The Fire Marshal has reviewed this issue and has provided a memo with his recommendations. At the very least, a fire emergency access must be provided. This could connect to Arkansas Avenue and would not extend all the way to Argenta Trail. There are two properties that would still be involved. Whichever sewer routing option might ultimately be approved, there must be means for a second access as part of the plat approval.

3. Parks Plan.

In August this year, the City Council approved a revised parks plan for the Northwest Area. Based on traditional parks radius needs, the plan calls for two larger area parks of 20-25 acres in size and two parks of 5-10 acres. These parks would contain open fields, playground equipment, and athletic fields. A larger scale park is anticipated on property to the northwest of the development. There are no parks anticipated on any of the three parcels. The Parks department is working to purchase park land for a future park on two parcels to the southeast of this site.

4. Revised Blackstone Ridge Plan.

The applicant has submitted a revised plan for Blackstone Ridge. I have done a short review of the plan and make the following comments:

Greenways/Trails

Should have sidewalk at south end cul-de-sac extend to edge of plat for future connection to county trail.

Still recommending a trail connection from north end (65th) through open space and connecting to south end of plat. Can portion go in power line easement? Is there room to get around Basin F-011A?

Sidewalks needed on one side of all local streets.

Open Space

Would like to see updated numbers of open space. Looks like this neighborhood may meet the 75% with 100 foot wide corridors.

Connectivity has improved.

The City Engineer has also reviewed the plans and his comments are contained in the attached memo dated 9/30/14. These comments have been added to condition #2.

5. Location of I-494/Argenta Trail Interchange

The 2010 Regional Roadway Visioning Study (RRVS) developed a long-term roadway vision that was supported by all the participating jurisdictions (the cities of Inver Grove Heights, Eagan, Mendota Heights, Sunfish Lake, Dakota County, MnDOT, Metropolitan Council and the Federal Highway Administration). The City Council adopted the study recommendations via Resolution No. 10-102 on July 12, 2010.

The RRVS considered five alternatives. The recommended alternative resulted in fewer water resources issues and fewer issues concerning social and environmental impact to existing neighborhoods along Delaware Avenue (the western-most location considered in the study). Shifting the location further to the east resulted in spacing concerns with the T.H. 3 interchange. The result was a relatively narrow segment of I-494 that would be considered for a new interchange.

A more detailed analysis will need to be done to fully assess environmental, design and operational issues in accordance with the federal and state environmental regulations that are in place at the time an individual project is developed. All of the study alternatives from the RRVS will be carried forward into these future environmental studies.

In addition to the RRVS, an interstate warrant analysis was completed and submitted to the FHWA. The interchange review committee also determined that the selected alternative satisfies the evaluation criteria and review procedures for a highway interchange request per Appendix E of the Metropolitan Council's 2030 Transportation Policy Plan.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

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

- Approval of the Comprehensive Plan Amendment for land use changes and text amendments as listed in the staff report 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.
- o Approval of a **Rezoning** of the property from A, Agricultural to R-1C/PUD, Single Family Residential and R-3B, Multiple Family Residential subject to the following conditions:
 1. The rezoning shall not become effective until the final plat is approved by the City and recorded with the County. In the event a final plat is not

approved, the rezoning shall become null and void and the zoning of the property shall remain in its current classification.

o Approval of the Preliminary Plat and Preliminary PUD Development Plan for a Blackstone Vista, Blackstone Ponds and Blackstone Ridge subject to the following conditions:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat of Blackstone Vista, Ponds, Ridge	8/14/14
Preliminary Overall Site Plan of Blackstone	8/14/14
Preliminary Open Space Plan of Blackstone	8/14/14
Preliminary Grading and Drainage Plan	8/14/14
Preliminary Overall Utility Plan	8/14/14
Preliminary Landscape Plan	8/14/14
Preliminary Tree Inventory and Preservation Plan	8/14/14
Trail Plan	8/14/14

2. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works. Said plans shall address the comments from the City Engineer Memo dated 9-12-14.
3. Drainage and utility easements shall be provided on the final plats as required by the Director of Public Works.
4. When not in city owned outlots, the ownership of all of the natural area/open space shall be owned in private ownership by the property owner. A conservation easement shall be required by the City restricting the use of the open space.
5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved.
6. All plans shall be subject to the review and approval of the Fire Marshal.
7. The approval of the preliminary Plat and PUD development plans are subject to approval by Dakota County.
8. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the Owner shall be responsible for the maintenance of storm water improvements on such lots.
9. The Agreement shall provide that the following storm water improvements shall be maintained by the following entities; in instances where the City is not responsible for maintenance of the storm water improvements, the City shall nonetheless have the right to repair, maintain and replace the improvements if the responsible party does not fulfill its responsibility and the City shall have the right to charge the costs to the responsible

party and impose the charges on the property if the responsible party fails to pay the costs.

Type of Storm Water Improvement	Location of Storm Water Improvement	Responsible Party
Regional ponds		City of IGH
Infiltration basins	Throughout Site	Developer
Rain Gardens	Throughout Site	Developer

10. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Conservation and Open Space Easement over those portions of the development that are to be retained for required open space. The easement shall provide that the area must be retained in a natural and scenic state with no removal of vegetation and no mowing of the vegetation except to the extent identified in the easement. The vegetation management practices, such as vegetation removal and vegetation mowing, shall be subject to approval of the City's Planning Department before the final plat. The easement shall be in favor of the City and enforceable by the City. Implementation of the vegetation management plan shall be the responsibility of the developer. In instances where the City is not responsible for maintenance, the City shall nonetheless have the right to maintain the Conservation and Open Space Easement if the responsible party does not fulfill its responsibility and the City shall have the right to charge the costs to the responsible party and impose the charges on identified property in the plat if the responsible party fails to pay the costs. The locations and descriptions of the conservation areas shall be determined with the final plat and final PUD review and approval.
11. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Developer must pay the City utility plat connection fees consisting of a Water Utility Fee, Sanitary Sewer Utility fee and Storm Water Sewer Utility fee according to the formulas adopted by city ordinance.
12. At the time the plat is recorded, the landowner/developer by written agreement with the city must pay the city the difference between (a) the Northwest Area utility connections fees (including those usually payable at time of plat as well as building permit issuance) and the hook-up fees (including the water connection and sewer connection fee) that would have been payable for the densities shown for the subject property in the city's financial and connection fee analysis (prepared by Ehlers & Associates and amended from time to time) for the Northwest Area and (b) the Northwest Area utility connection fees and hookup fees that will be collected for the subject property per the actual density at which the subject property develops, or an alternate agreed to by the City Council. The fees as currently estimated are \$1,032,972.
13. In the Development Contract, the Developer and Owner shall acknowledge that at the time the building permits are obtained additional connection fees for the water utility system and sanitary sewer utility system are due and owing.

14. In the Development Contract, the Developer and Owner shall agree that the following elements of the Planned Unit Development shall not be altered, changed or removed without first obtaining the following consents:

Site Plan Element	Consent Required By
Building Location	City Council
Driveways and Private Roads	Planning Department
Landscaping	Planning Department
Location of Utilities	Engineering Department
Location of Conservation Easement and Open Space	City Council
Parking Areas	City Council
Signage Location Plan	City Council

15. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
16. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the particular requirements of the Planned Unit Development plans.
17. The following documents shall be recorded when the plat is recorded:
- Development Contract;
 - Storm Water Facilities Maintenance Agreement;
 - Conservation Open Space Easement; and
 - Acknowledgement of PUD Zoning.
18. The City is in the process of planning, designing and constructing sanitary sewer and water trunk lines to provide trunk service for the platted area. The Developer is responsible for constructing the lateral lines and the service lines. The Development Contract shall provide that the Developer and Owner release and hold the City harmless from any claim resulting from the delay in completing construction of the City trunk utility lines.
19. All private streets shall be maintained by the Home Owners Association.
20. Prior to City Council review of the final PUD development plans, wetland buffers shall be provided around the perimeter of all wetlands. The developer shall describe the proposed seed mix, installation and erosion control measures for the buffer areas on the landscape plan.

21. All residential construction shall conform to the noise mitigation measures as defined in the Airport Noise Abatement Overlay District, Title 10-13F of the City Code.
22. Prior to City Council review of the final PUD development plans, the Developer must respond to all of the comments of the Emmons and Oliver memorandum.
23. Street lighting shall be required within the single family neighborhoods and along all public streets. The street lights shall be paid for and installed by the developer. The street lighting plans shall be approved by the City prior to installation.
24. Separate trail easements shall be granted to the City for the trail system through the development. The City reserves the right to assign the trail easement to Dakota County for the Regional Mendota/Lebanon Greenway. The City/County shall be responsible for the maintenance of the trail and trail easement area.
25. The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.
26. All setbacks standards identified on any of the plans shall reflect a 30 foot rear yard setback and shall be listed in the summary table on those plans.
27. The design of Blackstone Ridge shall be modified to provide more contiguous open space similar in design to the plan prepared by staff and included with this report.
28. The final plat of Blackstone Ridge shall reflect the future alignment of Argenta Trail, as adopted by the City Council and Dakota County.
29. Final plat approval is subject to approval by the City of a comprehensive plan amendment to the transportation plan to the effect that realigned Argenta Trail will not be placed on the plat of Blackstone Ridge.
30. The final design of Blackstone Ridge shall require a street connection to 65th Street and a connection to future Argenta Trail on the west side of the plat roughly just north of the existing wetland. The road connection point shall be subject to approval by Dakota County.
31. The connection point from 69th Street to Argenta Trail would be considered a temporary access by Dakota County. This access point may be required to be modified or abandoned. The final design and decision shall be subject to Dakota County.
32. The final plat of Blackstone Ridge shall be consistent with the City policy of collector streets, as subsequently adopted by the City Council, including right-of-way dedication, construction, and funding.
33. The final plat of Blackstone Ponds is subject to the City approving the design, acquiring rights of way and easements, approving the construction, and identifying funding of the

extension of utilities and a public street, easterly from Blackstone Ponds along 69th Street and onto Blackstone Ridge.

34. The Blackstone project shall be modified to address comments #1-11 from the memo prepared by the Director of Parks and Recreation dated September 10, 2014.
35. Prior to final plat and final PUD approval, the developer shall identify a specific impervious surfaced maximum for each lot. This lot maximum must be listed in table on the approved plans.
36. Prior to final plat and final PUD approval, a parking plan shall be prepared that shows the possible parking areas to determine approximately how many cars could be parked in the Ponds Development.
37. Final plat approval is subject to the City Council ordering a public improvement project to extend trunk water main and trunk sanitary sewer to serve the parcels included in the plat; approving the project plans and specifications for that project; authorizing the acquisition of necessary easements over parcels not included in the plat, for construction of that project and awarding a construction contract for that project; approval of a financing plan for extension of public utilities, including trunk lines, or an alternate agreed to by the City Council.
38. Plat approval is subject to the City ordering public improvement projects and ordering acquisition or condemnation processes to construct and acquire easements for extension of utilities from their current location in the City to the Blackstone Vista Plat and from Blackstone Ponds Plat to the Blackstone Ridge Plat.
39. Plat approval is subject to the City approving a financing plan to construct public improvement projects and acquire easements from the current location of utilities in the City to the Blackstone Vista Plat, and from the Blackstone Ponds Plat to the Blackstone Ridge Plat.
40. Plat approval is subject to the City approving bond financing or other means of financing to pay for the extension of trunk utilities to serve the plats.
41. Plat is subject to the City ordering a public improvement project and ordering acquisitions or condemnation processes to acquire and construct a street connection segment or multiple street connection segments from the Blackstone Ridge Plat to existing Argenta Trail.
 - o **Denial:** Should the proposed request or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

Recommendation

There are benefits to the City in approving the project.

- Opens up other areas of the city to develop with sewer and water. This creates opportunities for land on the west side of 70th Street where none exist at the moment.
- Provides a catalyst for future expansion and development. Can jump start development with a trunk line extension.

There are also a number of unresolved issues.

There are a number of decisions relating to trunk sewer and road expansions that Council has yet to address. Some of them include:

- Proceed with final design on the utility extension. Project already approved, waiting for preliminary plat approval including authorizing acquisition/condemnation for utility easements (including Peltier and lot in Leitch Estates, or in the alternative, Peltier and properties on the south side of 70th Street).
- Approve bonds for utility construction.
- Identify funding for connection fee shortages.
- Authorize acquisition/condemnation of connecting road easements for the plats (includes two streets that extend east from existing Argenta Trail to the Ridges plat and one street extending east from the Ponds to the Leitsch Estates streets).
- Approve collector street policy (addressing street design, ROW dedication/acquisition/condemnation, construction, responsibilities and funding).
- Approve amendment to the Transportation Element of the Comprehensive Plan (designed to identify future alignment of Argenta Trail, north of 70th Street).
- Identify funding for Argenta Trail Construction.

The proposed project presents a number of challenges for the City to resolve such as Utility extension, collector and regional roadway plans and impacts to the exception neighborhood.

Staff offers the following recommendation options for the Planning Commission:

1. Approve the entire request with conditions as listed.
2. Deny the request, or portions thereof, since the development could be considered premature and should await;
 - a. The City/County adoption of the Argenta Trail alignment study for that segment of Argenta Trail lying north of 70th Street.
 - b. The City adoption of:
 - i. Final utility design of the extension of utilities from its current terminus to the Blackstone plats
 - ii. Identification of easements
 - iii. Acquisition/condemnation of the easements
 - iv. Approval of financing plan
 - v. Awarding of contract
 - c. The City adoption of a Collector Street Policy that addresses feasibility studies, right of way acquisition and dedication, construction, and funding.

- d. The City adoption of:
 - i. Final design of utilities and roads from the Blackstone Ponds to Blackstone Ridges
 - ii. Identification of easements
 - iii. Acquisition/condemnation of easements
 - iv. Approval of financing plan
 - v. Awarding of contract
3. Recommending approval of all three plats or approving, tabling or denying portions.

STAFF RECOMMENDATION

Staff recommends approval of the three phases of the development with the conditions listed and subject to subsequent decisions being made by the City Council of those unresolved issues.

I have copied the original Alternatives section of the staff report from September 16 that outlines all of the requested actions. I have made two changes to the list of conditions for preliminary plat and PUD plan. Old condition #20 was a repeat of #37 which addresses parking in the Ponds development. I have added the revised Blackstone Ridge to the list of approved plans.

ATTACHMENTS

Revised Blackstone Ridge Plan
Memo from Fire Marshal
Northwest Area Parks Plan
City Engineer Memo dated 9/30/14 with attachments

ACE IN THE HOLE
NO ADDRESS
INVER GROVE HEIGHTS, MN
200060005010

ACE IN THE HOLE
XXXX ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060025013

ACE IN THE HOLE
XXXX ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060052011

GLEN L SACHS
1400 70TH ST W

LAWRENCE J & LINDA FLANNERY

CONCEPT SKETCH DATA

LOT STANDARDS

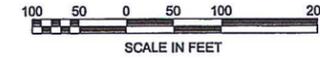
65' SOUTH HALF/75' NORTH HALF WIDE SINGLE FAMILY (FLEXIBLE W/PUD)
MIN. FRONT YARD SETBACK = 25'
MIN. SIDE YARD SETBACK = 10', 5'
MIN. CORNER YARD SIDE SETBACK = 15'
MIN. REAR YARD SETBACK = 30'

WETLANDS:
WETLAND BUFFER = DEPENDENT ON CLASS
BUFFER SETBACK = DEPENDENT ON CLASS

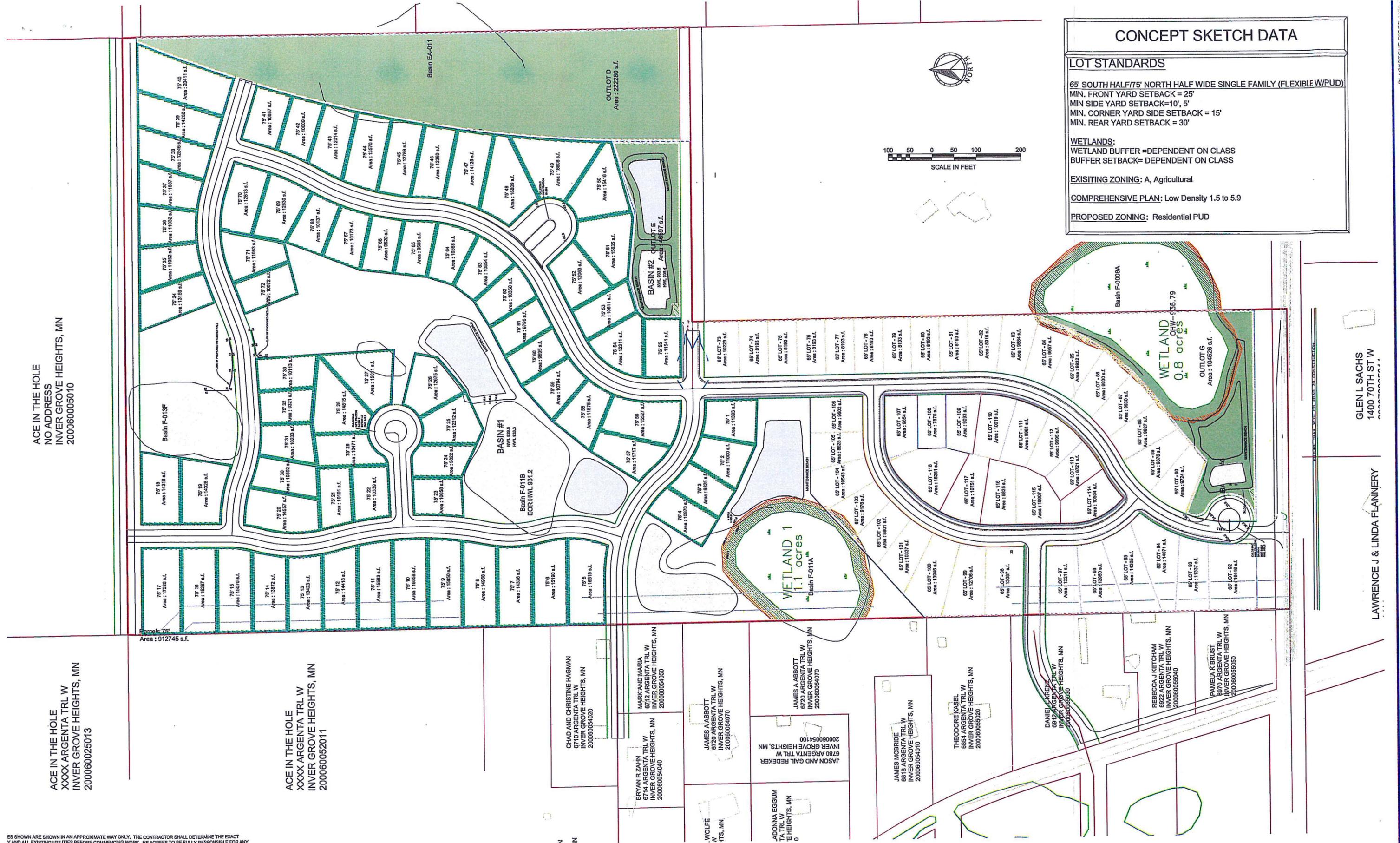
EXISTING ZONING: A, Agricultural

COMPREHENSIVE PLAN: Low Density 1.5 to 5.9

PROPOSED ZONING: Residential PUD



BLACKSTONE RIDGE



AS SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

NO.	DATE	REVISIONS
01	07/07/2014	REVISE PLANS
02	09/05/2014	REVISE SITE PLAN

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Donald J. Schmidt
Name, P.E.

ENGINEERS
SURVEYORS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.
INVER GROVE HEIGHTS, MINNESOTA

CONCEPT SKETCH
BLACKSTONE RIDGE
JIM DEANOVIC

FILE NO.
1920-006
SP1
SD1

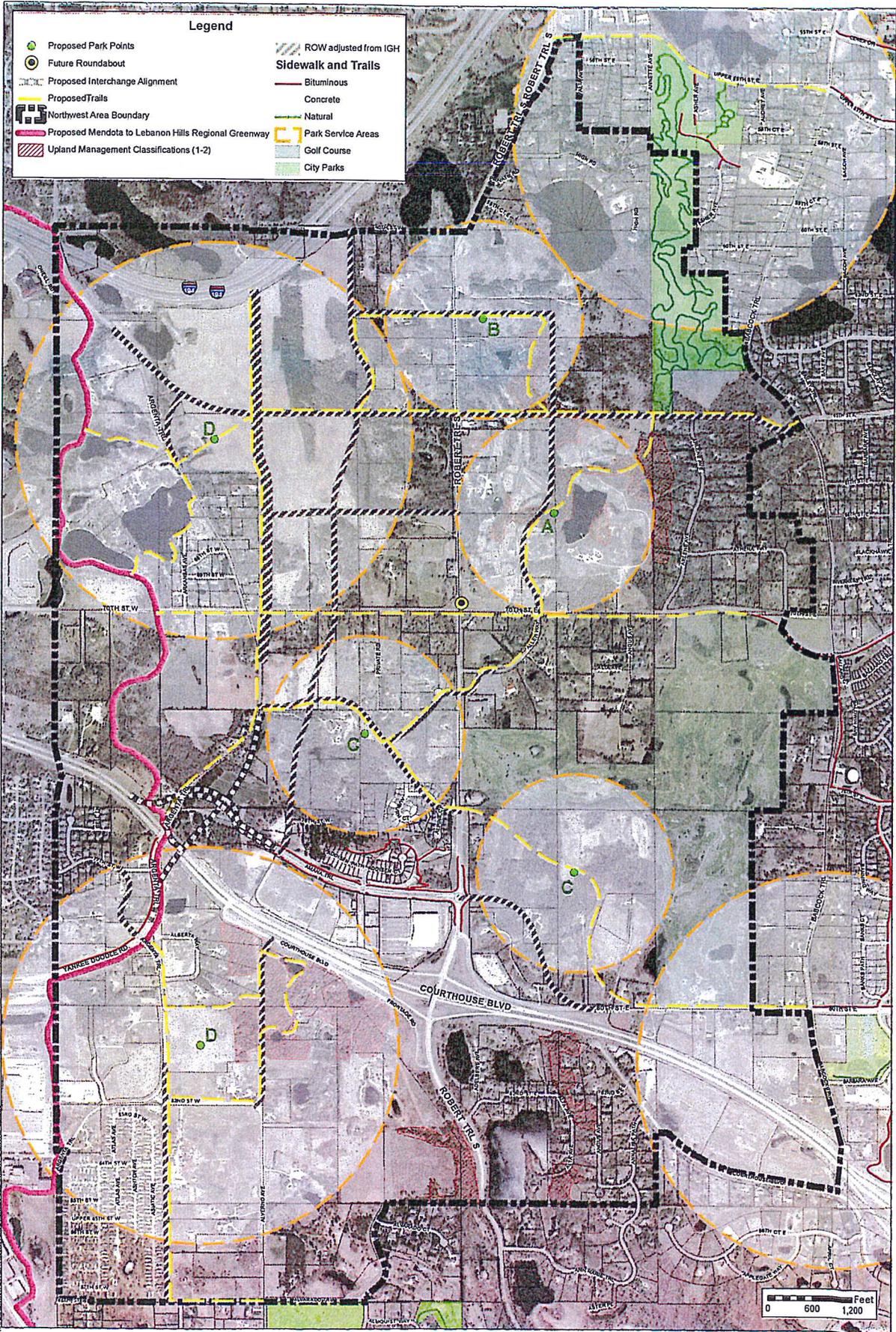
Allan Hunting

From: Jeff Schadegg
Sent: Friday, September 19, 2014 4:36 PM
To: Allan Hunting
Cc: Tom Link; Judy Thill
Subject: RE: Deanovic - Blackstone PUD Development Proposal

Allan,

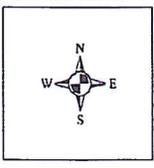
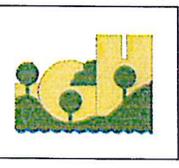
Thanks for the note regarding this issue and for meeting with me late today. As discussed, yes we need to have another emergency access point for the Blackstone Ponds Addition. It appears the best option would be to connect on the east to Arkansas Avenue. If there is a concern from the existing neighborhood a gate could be provided at the edge of the development.

Regarding Blackstone Ridge, the development plan as submitted only has one access point from Argenta Trail and another from 70th Street that I understand will not be allowed by the County. The proposal should be reworked to show multiple connections to existing rights of way in the area for future connection and at least two access points at the time of development.



Legend

- Proposed Park Points
- Future Roundabout
- Proposed Interchange Alignment
- Proposed Trails
- Northwest Area Boundary
- Proposed Mendota to Lebanon Hills Regional Greenway
- Upland Management Classifications (1-2)
- ROW adjusted from IGH
- Bituminous
- Concrete
- Natural
- Park Service Areas
- Golf Course
- City Parks



Northwest Area Park Plan Proposed Parks & Trails

City of Inver Grove Heights, MN

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MEMO

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner

FROM: Thomas J. Kaldunski, P.E. *TK*
City Engineer

DATE: October 1, 2014

SUBJECT: Review of Blackstone Development

The City has been reviewing the PUD application for the Blackstone Development project proposed by Mr. Deanovic. This development consists of three areas as following:

1. Blackstone Vista
2. Blackstone Ponds
3. Blackstone Ridges

The City Engineering review was previously submitted with the Planning Commission's agenda packet for their meeting on September 16, 2014. This memo will address some questions received by the Planning Commission as well as a new concept submittal for Blackstone Ridge.

A) Blackstone Ridge Concept

Dated June 9, 2014 with revision date of September 5, 2014 was received by the Engineering Division on September 23, 2014 following engineering comments prepared for the September 16, 2014 Planning Commission meeting. A copy of this concept plan is attached.

The concept plan was provided to respond to comments related to stormwater regional basin impact, lack of access to planned Northwest Area collector roads such as Argenta Trail, 65th Street and 67th Street. It also modified curves to meet the City's 30 mph design criteria.

1. Regional Basin Impacts

- This September 23, 2014 submittal has improved the developer's efforts to minimize impacts to the regional basins. It still does not meet the requirements of the NWA guidelines that protect the basins. The City's water resources consultant, EOR, has prepared an overlay map of the new concept onto the regional basin map. A copy is included with this memo. There are some minor impacts on three street right-of-ways which could be minimized by using retaining walls on the project grading plan at the following locations: (a) Pond F-013, (b) Pond F-0116 and (c) F-011a. Note there are minor basin impacts on up to five lots on Pond F-008a that can also be minimized with retaining walls.
- A review of the cul-de-sac lots near Basin F-011b indicates that modifying two lots northwest of this basin by shifting a common lot line may significantly reduce impacts in that basin with a retaining wall and a radial lot line.
- At basin F-011a there are up to four lots that affect this regional basin to the southeast and two lots that are impacting the basin to the northeast. As a minimum, a 20 foot setback with a 20 foot backyard with a retaining wall would have to be considered to minimize regional basin impacts. If these lots are

approved, the developer shall provide information to the City, defining the basin impacts and provide sufficient engineering data to illustrate the developer's plans to create new basins to offset the regional basin impact. This includes, but is not limited to, geotechnical investigation on soils and infiltration rates, grading plans indicating soils are suitable for home construction on the lots and hydrologic studies providing adequate storm water facilities.

- The installation of developer BMPs (tan areas on the concept plan) is useful for providing a treatment train; however the BMPs should be outside the regional basins footprint.

2. Collector Streets

- The new concept has addressed the 30 mph design criteria.
- It proposes a connection to 65th Street; however, it is unknown whether this point will meet access spacing guidelines.
- A proposed connection to Argenta Trail at 67th Street appears close to the location discussed with Dakota County; however, the County will need to complete their review of the Argenta Trail alignment.
- A 69th Street connection to Argenta Trail is illustrated; however Dakota County will need to complete their Argenta Trail study.
- Note that this developer's concept, as submitted, assumes that the City and County will consider the future Argenta Trail alignment west of the existing power lines. This will require completion of Dakota County's study on the Argenta Trail alignment and County and Council concurrence.
- Any access to 70th Street (CSAH 26) needs approval by Dakota County.
- Overall, the concept has made some progress in providing access for the development, but it is not in full compliance with the City's NWA Collector Street Plan.

B) Blackstone Ponds

The City's water resources consultant (EOR) has reviewed the regional basin F-002 on Outlot C of this development. They have set the flood levels on this regional basin accordingly. Attached is a copy of an exhibit prepared to illustrate the regional basin impact. It appears feasible to allow the construction of the six-plex labeled "3" on 69th Street if the developer provides engineering data to mitigate the area of the regional basin impact. This mitigation would be provided by excavating additional capacity within the Outlot C area.

C) Planning Commission Comments

The Planning Commission has provided several comments that need clarification. The Planning Department is addressing the majority of the comments. The following outline the engineering related items:

- Can the sewer and water trunk lines be on the Xcel power line easement?

The City has contacted Xcel seeking an answer. It is assumed that sewer depths in the range of 35 to 50 feet deep are not compatible with the power lines due to the trench excavation. It is assumed these trunk utilities will follow proposed road alignments.

- The City's NWA Trunk Utility study outlined an alignment on 69th Street. It also identified an option of following an alignment south of 70th Street (referred to as 71st). What challenges exist on the alignments?
 - (a) 69th Street has three parcels that would be affected by the utility easements on this alignment. The City has right of way in 69th Street from Arkansas to Argenta Trail which would be used. This alignment has the lowest construction cost. An estimated 18,000 SF of new right-of-way would be needed.
 - (b) 71st Street alignment is longer than the other option. The City would need to secure easements for the entire length which includes at least three larger parcels. More ROW costs are anticipated based on info provided by Bolton and Menk. An estimated 126,000 SF of additional right-of-way would be needed. The construction cost is higher due to deeper sewers on a longer alignment.

- Can Argenta Trail be something other than the future 6 lane road?

Phasing of Argenta Trail may be an outcome of Dakota County's Study; however, the City and County need to preserve a 200 foot corridor for the future.

- Question concerning the proposed interchange at I-494

The 2010 Regional Roadway Visioning Study (RRVS) developed a long-term roadway vision that was supported by all the participating jurisdictions (the cities of Inver Grove Heights, Eagan, Mendota Heights, Sunfish Lake, Dakota County, MnDOT, Metropolitan Council and the Federal Highway Administration). The City Council adopted the study recommendations via Resolution No. 10-102 on July 12, 2010.

The RRVS considered five alternatives. The recommended alternative resulted in fewer water resources issues and fewer issues concerning social and environmental impact to existing neighborhoods along Delaware Avenue (the western-most location considered in the study). Shifting the location further to the east resulted in spacing concerns with the T.H. 3 interchange. The result was a relatively narrow segment of I-494 that would be considered for a new interchange.

A more detailed analysis will need to be done to fully assess environmental, design and operational issues in accordance with the federal and state environmental regulations that are in place at the time an individual project is developed. All of the study alternatives from the RRVS will be carried forward into these future environmental studies.

In addition to the RRVS, an interstate warrant analysis was completed and submitted to the FHWA. The interchange review committee also determined that the selected alternative satisfies the evaluation criteria and review procedures for a highway interchange request per Appendix E of the Metropolitan Council's 2030 Transportation Policy Plan.

- Would each of the three area of Blackstone Development stand on its own regarding the stormwater manual?
 - (a) Blackstone Vistas has the ability to meet the stormwater manual requirements on its own
 - (b) Blackstone Ponds has the ability to meet the stormwater manual requirements with minor mitigation of regional basin impacts
 - (c) Blackstone Ridge as currently proposed (9-23-14) has made progress in meeting the manual; however it has significant issues as outlined in this memo

- The question related to regional basin impacts is summarized earlier in this request. While the developer has made progress with the new concept. There is a need for the Planning Commission to consider approval items as part of the preliminary PUD. These include:
 - (a) Will the PUD allow impacts as illustrated with appropriate mitigation design approved by the City Engineer?
 - (b) Will the PUD allow 20 feet setbacks for homes in regional basin impact lots?
 - (c) Will the PUD require modification of the two cul-de-sac lots?
 - (d) Will the PUD allow construction of developer BMPs in the regional basins?

This review memo should be incorporated into any PUD approval by reference

TJK/kf

Attachments: Concept Plan
NWA Regional Basin Map (9-25-14)
NWA Regional Basin Map (9-15-14)

cc: Scott D. Thureen, Public Works Director
J. Deanovic, Developer
Dan Schmidt, Sather/Bergquist

Reginal
E. S. V.
Typical
@ Reg. Basin Impact

ACE IN THE HOLE
NO ADDRESS
INVER GROVE HEIGHTS, MN
200060005010

ACE IN THE HOLE
XXXX ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060025013

ACE IN THE HOLE
XXXX ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060052011

CHAD AND CHRISTINE HAGMAN
6710 ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060054020

MARK AND MARIA
6712 ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060054050

JAMES A ABBOTT
6720 ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060054070

JAMES A ABBOTT
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6720 ARGENTA TRL W
INVER GROVE HEIGHTS, MN
200060054070

GLEN L SACHS
1400 70TH ST W
MINNESOTA

LAWRENCE J & LINDA FLANNERY



- Need water Basins
To hold wetlands



RATIONAL BASINS
APPROX.

CONCEPT SKETCH DATA	
LOT STANDARDS	
65' SOUTH HALF/75' NORTH HALF WIDE SINGLE FAMILY (FLEXIBLE W/PUD)	
MIN. FRONT YARD SETBACK = 25'	
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BUFFER SETBACK = DEPENDENT ON CLASS	
EXISTING ZONING: A, Agricultural	
COMPREHENSIVE PLAN: Low Density 1.5 to 5.9	
PROPOSED ZONING: Residential PUD	

TJK 9/23/14

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE JEFFERS	01	DLS	07/07/2014	REVISE PLANS
DRAWN BY	02	DLS	09/05/2014	REVISE SITE PLAN
CAD				
CHECKED BY				
DLS				
DATE				
06/06/14				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Donald J. Schmitt
 Name, P.E.
 Date: 06-09-2014 Lic. No. 26147



SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 478-6000

CITY PROJECT NO.
INVER GROVE HEIGHTS, MINNESOTA

CONCEPT SKETCH
 BLACKSTONE RIDGE
 JIM DEANOVIC

FILE NO.
 1920-006
 SP1
 SP1



EP-068 Basin/Catchment Name
 (F) Basin with Flexible Management
 859 / 867.0 Normal Water Elevation / High Water Elevation [NWL / HWL]
 863.0 / 862.0 Low Floor Elevation / Natural Overflow [LFE / NOF]
 2.8 Maximum Storage Volume (Ac-Ft)

Basin data SUBJECT TO CHANGE - Results listed for Regional Basins without (F) designation have not been updated and should be further analyzed before being used for planning or design purposes. (F)-designated Regional Basins that are downstream of a Regional Basin without F designation also should be further analyzed before being used for planning or design purposes.



Legend

- Watershed
- Catchment Area
- Wetland
- Catchment Flow Direction
- Existing Water Bodies
- Parcel
- Development Area

Overflow

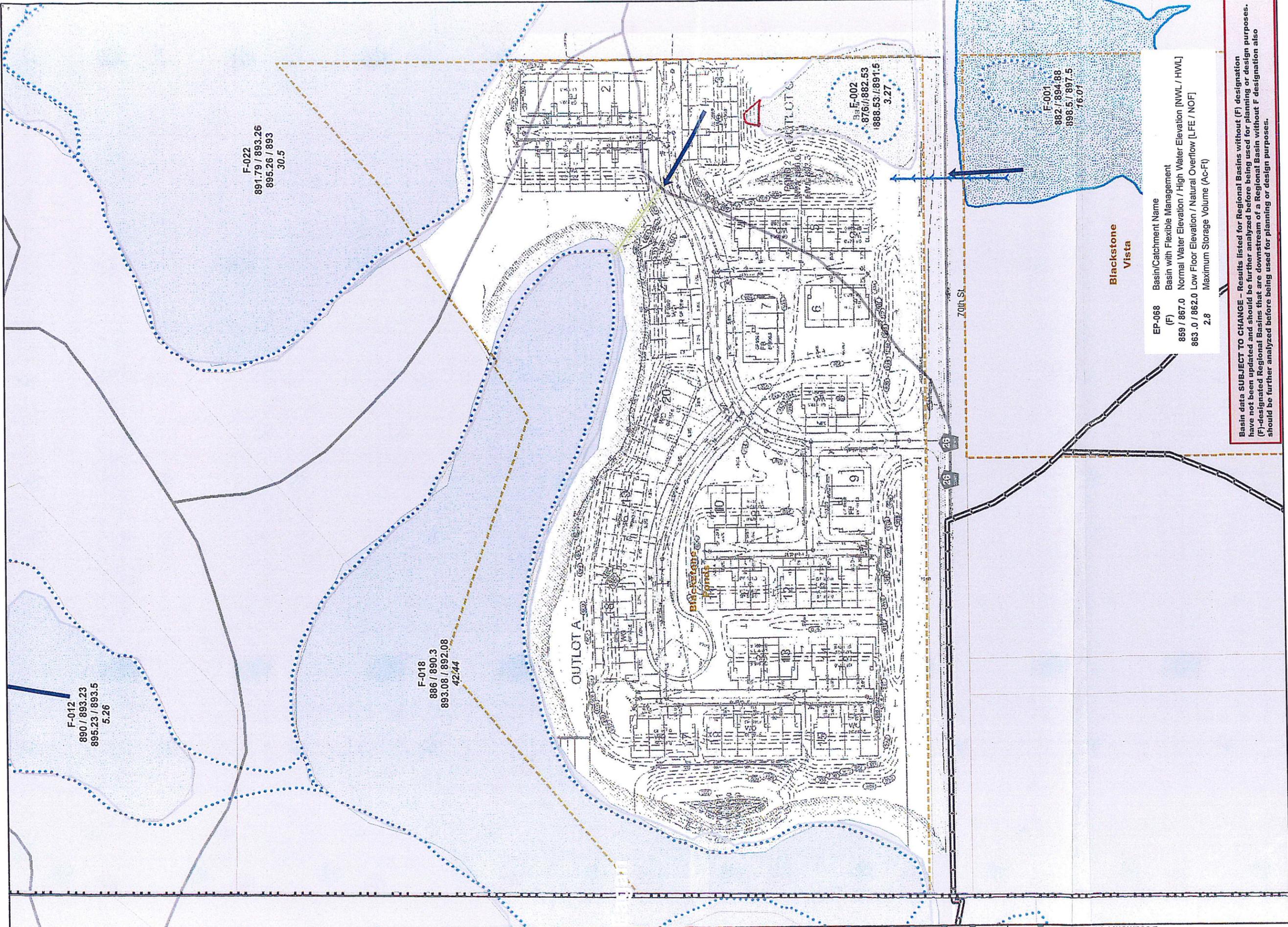
- Overland Flow (low)
- Overland Flow (high)
- Existing Culvert
- Undocumented Existing Culvert
- Future Pipe Outlet
- Potential Pipe and/or Lift Station

Proposed Basin by Overflow Category

- Category 1
- Category 2
- Category 3

City of Inver Grove Heights
 Emmore & O'Brien Resources, Inc.
 Minnesota Department of Transportation
 Minnesota Department of Natural Resources





Basin data SUBJECT TO CHANGE – Results listed for Regional Basins without (F) designation have not been updated and should be further analyzed before being used for planning or design purposes. (F)-designated Regional Basins that are downstream of a Regional Basin without F designation also should be further analyzed before being used for planning or design purposes.

EP-068	Basin/Catchment Name
(F)	Basin with Flexible Management
859 / 867.0	Normal Water Elevation / High Water Elevation (NWL / HWL)
863.0 / 862.0	Low Floor Elevation / Natural Overflow [LFE / NOF]
2.8	Maximum Storage Volume (Ac-Ft)



- Legend**
- Catchment Area
 - Wetland
 - Catchment Flow Direction
 - Existing Water Bodies
 - Parcel
 - Watershed
 - Development Area
- Overflow**
- Overland Flow (low)
 - Overland Flow (high)
 - Existing Culvert
 - Undocumented Existing Culvert
 - Future Pipe Outlet
 - Potential Pipe and/or Lift Station
- Proposed Basin by Overflow Category**
- Category 1
 - Category 2
 - Category 3

Data Source:
 City of Inver Grove Heights, Inc.
 Eramos & O'Brien Resources, Inc.
 Minnesota Department of Natural Resources
 Minnesota Department of Transportation

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE: September 22, 2014

CASE NO: 14-37SC

APPLICANT: Jeff Leyde

REQUEST: Preliminary Plat, Conditional Use Permit, Vacation of Right-of-Way

HEARING DATE: October 7, 2014

LOCATION: Between Boyd and Brent Avenues, between 49th and 50th Streets

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1A, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering
Fire Marshall

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant has submitted an application to construct a 52 unit senior housing development along with two single family lots on some vacant parcels located within a developed residential neighborhood on the north side of Hwy 494, near the South St. Paul border.

The specific applications being requested are:

1. Preliminary Plat for a 3 lot, one outlot multiple and single family subdivision.
2. A Conditional Use Permit for a 52 unit senior housing multiple family development.
3. A Conditional Use Permit to allow a structure greater than 35 feet in height.
4. A Vacation of certain public rights-of-way within the existing plats of Oakland Park and Nabersberg Addition between 49th and 50th Streets

EVALUATION OF THE REQUEST

Background. In April of this year, the applicant applied for a comprehensive plan amendment and rezoning of this property in order to allow for a senior housing development. The property is currently zoned for single family residential. Both Staff and the Planning Commission recommended denial of the request as it was felt this was a "spot zoning" request and was not consistent with the character of the existing single family neighborhood. The City Council reviewed the case and was concerned about the open ended question that if the comp plan and rezoning was approved to multiple family, there was no way of tying the approval to a specific type of project. Council was also uneasy not knowing if the project proposed would comply with

the zoning standards since no site plan review had been done. The Council decided to table the request and direct the applicant to apply for a conditional use permit for a senior housing development. This way, if the Council ends up supporting the comp plan and rezoning change, they can also approve a specific site plan for a senior housing development. If this project did not come to fruition, then any other developer would have to reapply if they were seeking a different type of development.

Surrounding Land Uses.

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

- 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.

PRELIMINARY PLAT

The plat consists of 3 buildable lots and one outlot. There would be one lot approximately 2.5 acres in size that would contain the multiple family project. There are two other single family lots proposed on the east side of Bryce Avenue that would be for two single family homes. These lots are each 9,802 square feet in size and approximately 80 feet wide. Since these lots would be replatted from existing substandard subdivided lots, the Zoning Ordinance allows these existing lots to be reconfigured to be at least 70% of the minimum lot size and width. The two proposed lots exceed the 70% standard. The outlot would be utilized for stormwater as part of the senior housing project. The lot would be owned and maintained by the senior housing landowner.

Access to the development would be through an improvement of Bryce Avenue with a cul-de-sac at the north end. This would be a public street and constructed by the developer.

CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DEVELOPMENT

Setback Standards. The building is proposed with a front yard setback of 30 feet from the new cul-de-sac and 103 feet from the front entry of the building to the north property line. Side yard setbacks would be 50 feet from the west property line abutting the single family residential. The rear of the building would be setback 42 feet from the south property line. All proposed setbacks meet or exceed standards.

Building Coverage/Impervious Surface. Maximum building coverage is 20% of the lot area. The lot area would include Lot 1 and the outlot. Total area is approximately 4.5 acres. Maximum footprint coverage would be 38,950 square feet. The proposed building would have a footprint of 26,640 square feet or 13.6%.

Maximum impervious surface allowed is 40%. The project as designed would contain 55,500 square feet of impervious surface, or 28% overall.

Parking. The Zoning Ordinance has a parking provision for housing developments for the elderly which requires 1.5 spaces per unit. The applicant is proposing 46 underground units and 32 surface spaces for a total of 78 spaces. Parking spaces required is 78. The project as proposed meets parking standards. The parking lot would be setback 30 feet from the new cul-de-sac and 45 feet from the west property line.

Street, Traffic and Circulation. The project is proposed with one access onto the Bryce Avenue cul-de-sac that will be constructed by the developer. There will be a fire emergency access only running from the parking lot north to 49th Street. This will not be open to daily traffic and would be chained or gated and used only for emergency access. All traffic would then exit onto 50th Street which has connection to I-494 via South St. Paul and westward to Blaine Avenue. Traffic generation from a senior apartment complex would be similar to traffic counts if the site were developed all single family. A rough estimate from staff assumed approximately 18 single family homes could have been developed if the site were all single family zoned.

Both Planning and Engineering have noted that the applicant is proposing a retaining wall around the outside northeast curve of the cul-de-sac. This retaining wall would be in the existing right-of-way. Staff does not support a retaining wall in the right-of-way. This would cut off access to vacant lots on the east side of unimproved Bryce Avenue. These lots would be able to access the cul-de-sac for their public access. Therefore, the plans must be modified to remove the retaining wall and provide for grading that would allow access to these lots.

Landscaping/Tree Preservation. The applicant has provided a tree inventory of the site. Based on the information provided, they would be removing 66% of the significant trees on site. A multiple family project is allowed to remove up to 40% before reforestation is required. A reforestation plan has been submitted showing the required amount of trees. The plan must be modified however, as the minimum caliper inch for new plantings is 2.5 inches. The proposed plan shows 2.0 caliper inch trees. The plan must be modified prior to City Council review.

General landscaping requires one over story tree for each multiple family residential unit. A landscape plan has been submitted for review, but it shows only ornamental trees. The plan must be modified to show at least 26 over story trees at 2.5 caliper inch minimum. This requirement is additional to the reforestation requirement. The plan must be modified prior to City Council review.

CONDITIONAL USE PERMIT FOR ADDITIONAL BUILDING HEIGHT

The proposed building would consist of a 2-story 52 unit building. The exterior would consist of vertical and horizontal siding with stone accent and stone entry ways. The roofline is broken up with multiple roof levels but the building lowest level would be more than 50% exposed. As a result, the overall building height is measured from the lowest elevation, which would be the back side or south side of the building. The building is designed with a very steep roof pitch which adds considerable height to the building. Building height is measured at the midpoint of the roof. The total overall building height at the front side of the building would be 37 feet and 47 feet on the rear side. Maximum building height in the R-3C district is 35 feet unless a conditional use permit is granted. In this case, the applicant is requesting a conditional use permit for height.

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. Both the conditional use permits for multiple family and for height are reviewed below:

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

Assuming the comprehensive plan is approved for multiple family, this project would be consistent. A senior housing project would not put an undue burden on existing utilities or streets or parks.

Building height alone does not have a negative impact on future land uses, utilities, streets or parks.

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

Provided the rezoning is approved by the Council, the use would be consistent with the Zoning Ordinance and would be consistent with the larger type multi tenant buildings the code anticipated.

The ordinance allows for additional height by CUP. The building would be two feet over the 35 foot max on the front side facing 49th Street and 12 feet over on the back side facing 50th Street. The building is oriented to have the least impact on the existing housing to the west. The building is designed with a very steep roof line which in part creates the need for the CUP.

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

The use or the height would not appear to be materially injurious to existing properties. The area is developed with single family residential. A senior

multiple family development would not necessarily be considered an incompatible use.

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

This location of the City is served by municipal sewer and water. The developer would be constructing the new public street to serve the development. The proposed use would not have an adverse impact on fire protection or on any city service.

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

- i. Aesthetics/exterior appearance*

The design of the proposed development has been reduced to two-stories to be overall more compatible with the neighborhood with respect to building size and mass.

- ii. Noise*

A senior housing development is not expected to generate a significant amount of noise that would be incompatible with the neighborhood. The building height would not generate noise.

- iii. Fencing, landscaping and buffering*

The applicant is proposing to minimize grading and retain as many existing trees as possible along the west boundary to screen the building from the neighborhood. Additional plantings are proposed.

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

The applicant has proposed a development that is designed around the steep topography of the site. There will be grading and tree removal in order to develop anything on this site. The site plan as proposed complies with zoning performance standards.

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

This type of multiple family use does not appear to have any unique features that would create an adverse impact.

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

The project is required to meet all city storm water requirements. The area is served by city sewer and water.

Rooftop Equipment. The buildings will not have roof top equipment since they are designed with pitched roofs. Large scale ground mechanical equipment must still be screened with adequate landscape material.

Parking Lot and Building Lighting. The site plan identifies 2 light poles along the outside boundary of the parking lot and building lighting. A light illumination plan has been provided and all proposed lighting meets maximum illumination at property lines. All parking lot and building lighting must be a shoe-box style with flat lens and shielded light bulb.

Grading and Drainage. The City Engineer and Assistant City Engineererr have reviewed the plans and have made comments contained in the memo dated 10-1-14 attached. There a number of improvements related to existing city sewer and water lines that would need to be upgraded along Bryce Avenue. The preliminary plans would be subject to the conditions found in the memo.

Development Contract. A development contract would be required with this development to address specific improvements to the site, and storm water. Details of the development contract would be worked out prior to City Council review.

VACATION OF EXISTING UNIMPROVED RIGHT-OF-WAY

The applicant is proposing to vacate the existing unimproved right-of-way for two alleys and what would be Brent Avenue within the proposed plat boundaries. None of these rights-of-way have any public improvements in them or are used for existing access. There is a significant amount of grade change between 49th Street and 50th Street that make improving Brent Avenue a difficult challenge. The grades are so steep that a street could not meet the maximum allowed grades for a public street. Therefore, staff supports the vacation as a street improvement would not be viable. The alleys also would not be improved to serve as typical alley access to the house as originally platted. All of the developed lots have attached garages that access the surrounding city streets.

ALTERNATIVES

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

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

- o Approval of the **Preliminary Plat** for a 3 lot, one outlot single family and multiple family subdivision to be known as Ullrich Addition subject to the following conditions:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat	dated 8/28/14
Preliminary Plat/Grading Plan	dated 8/24/14
Grading and Erosion Control Plan	dated 8/28/14
Reforestation Plan	dated 8/28/14
Landscape Plan	dated 8/28/14
Elevation Plan	dated 8/28/14

2. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
3. A development contract shall be required to be entered into between the City and the developer addressing the improvements on the site. The development contract shall be approved by the City Council prior to release of the final plat.
4. Any large scale ground mounted mechanical equipment shall be screened from view with adequate landscape material.

- o Approval of a **Conditional Use Permit** to allow a 52 unit senior housing development subject to the following conditions:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat	dated 8/28/14
Preliminary Plat/Grading Plan	dated 8/24/14
Grading and Erosion Control Plan	dated 8/28/14
Reforestation Plan	dated 8/28/14
Landscape Plan	dated 8/28/14
Elevation Plan	dated 8/28/14

2. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.

3. Prior to City Council review, the Reforestation plan must be modified to show minimum planting of 2.5 caliper inch.
 4. Prior to City Council review, the Landscape Plan must be modified to show at least 26 over story trees at 2.5 caliper inch minimum. This requirement is additional to the reforestation requirement.
 5. A development contract shall be required to be entered into between the City and the developer addressing the improvements on the site. The development contract shall be approved by the City Council prior to release of the final plat.
 6. Any large scale ground mounted mechanical equipment shall be screened from view with adequate landscape material.
 7. All parking lot and building lighting on site shall be a down cast “shoe-box” style or cut-off style and the bulb shall not visible from property lines.
 8. All plans shall be subject to the review and approval of the Fire Marshal.
 9. All grading and utility plans, or modifications thereof, must be approved by the City Engineer. All comments found on memo from City Engineer dated 10-1-14 must be incorporated into the plans prior to any work commencing on the site.
- Approval of a **Conditional Use Permit** to allow a building 42 feet in height subject to the following condition:
 1. The building design shall be substantially similar to the Elevation Plans on file with the Planning Department. The maximum building height measured from the south elevation shall not exceed 42 feet.
 - Approval of the **Vacation** of two alley ways and unimproved Brent Avenue within the boundaries of the proposed plat of Ullrich Addition.

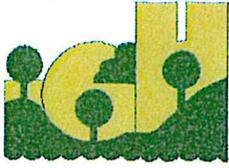
B. Denial. If the Planning Commission does not favor the proposed applications or portions thereof, the above request or requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

When Mr. Leyde’s request for the comp plan amendment was reviewed by Council, there were concerns that without a site plan or project proposed, a comprehensive plan amendment could not be tied to a senior housing development. Council directed Mr. Leyde to apply for a conditional use permit to review a site plan to see if a project could work on the site.

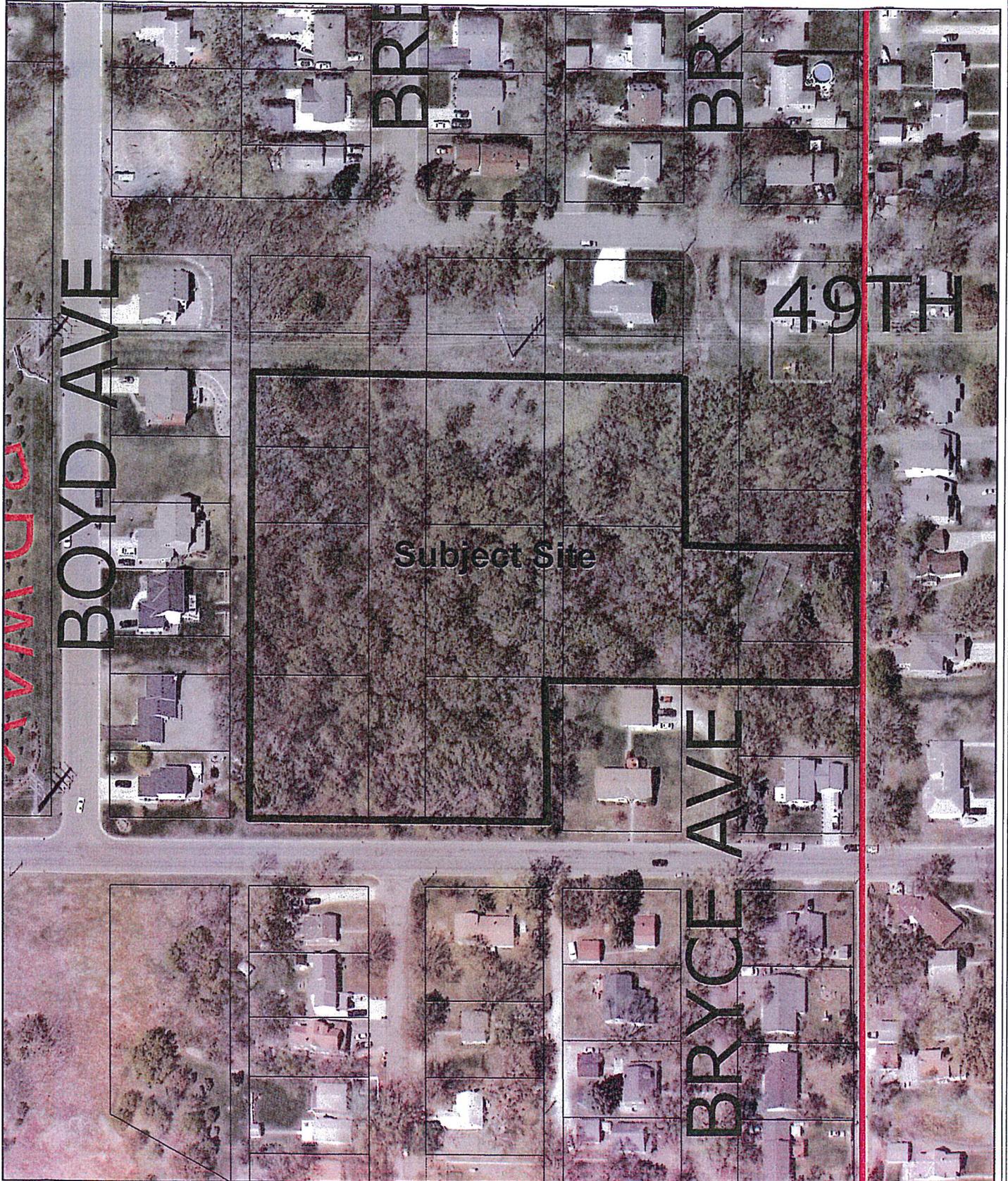
Both Staff and Planning Commission recommended denial of the comprehensive plan amendment. Therefore, staff makes no recommendation on the conditional use permit. The project was reviewed against the zoning ordinance and Engineering reviewed the plans against storm water requirements. The plans as proposed meet these standards with a couple of changes that are reflected in the conditions of approval.

Attachments: Location Map
Applicant Narrative
Summary of Neighborhood Meeting
Preliminary Plat
Drawing of Rights-of-Way to be Vacated
Grading Plan
Landscape Plan
Reforestation Plan
Building Elevation Plan
City Engineer Memo dated 10-1-14



Location Map

Case No. 14-37SC



Conditional Use Permit Written Narrative

In general the proposed project involves the development of a new two-story, fifty-two unit senior living complex with an underground parking garage. The new facility is proposed to be located north of 50th Street East (Edgewood Avenue formerly Warren Avenue). The proposed construction for the two-story assisted living complex is conventional wood framing with a sloping truss roof system; the underground parking level will utilize a combination of poured concrete and precast structural concrete elements.

A Conditional Use Permit (CUP) is requested from the City of Inver Grove Heights to allow for the construction of a fiftytwo unit "Residential" project. A Conditional Use Permit is applied for based on recommendations from both the City Planning Department and the City Council. Further, the CUP ensures the City of Inver Grove Heights that a specific building with a specific use will be constructed, whereas rezoning the property provides no security that the property could be resold and used for any type of multiple-family residential dwelling.

Along with this narrative, Site Development Plans, Grading and Drainage Plans, Landscaping Plans and Architectural Plans are provided. These Plans include specific information including, but not limited to, dimensional information of both building and site elements, location and number of parking spaces proposed, proposed vehicular circulation, grading and drainage information, Proposed Landscaping, and exterior views/images of the proposed facility. Moreover, careful consideration has been given to the placement and type of structure proposed to enhance the surrounding residential neighborhood and to minimize its impact on the adjacent properties.

7/22/14

Summary of Neighborhood Community Meeting

Re: Inver Grove Heights, MN Comp Plan Amendment & Conditional Use Permit
for Property Located Between 49th & 50th Streets, and Between Boyd & Bryce Avenues
Case No. 14-09ZPA

Commenced meeting at 7:05 p.m., Tuesday, July 22nd, at Veterans Memorial Community Center, 8055 Barbara Ave., Inver Grove Heights, in Community Room 2.

Eight people attended the meeting including Jeff Leyde, representing the Applicant for the project, Mitchell King, attorney at Johnson King, PLLC, representing the Applicant, Dereck Leyde, the brother of Jeff Leyde, and five (5) neighbors to the project listed on the Sign-Up Sheet attached as Ex. A.

Mr. Leyde provided an introduction of the project, the status of the Comp Plan Amendment for rezoning from low to high residential use, and the Conditional Use Permit to build a 52-unit senior housing building. Copies of the current plans that will be submitted with the CUP were handed out to the crowd. He then opened up the discussion to questions. Because of the nature of the small crowd and the set-up of the room being small round tables, each table had a copy of the plans to review and Mr. Leyde moved around the room answering questions individually for an hour.

The questions that arose and were answered appropriately included the following:

- What trees are remaining, which ones will be removed and where will new trees get planted?

As many as we can possibly save, landscape plan shows removal and placement of new trees

- Is there still a plan for a walking path? (one neighbor wanted it removed, which has already been done)

Path has been removed at this time

- Is the fire lane heading north out of the parking lot and connecting to 49th street a through street? How will it be gated and locked? Will it be paved? How wide will it be?

Fire access lane only, gated and locked. Emergency response only would have access. 20 feet wide

- Why was the building moved 10' to the west and 10' to the north?

Due to the size of the detention area needed

- How do the abandoned previously platted roads and alleys get added back to current lots?

Upon vacation neighboring properties would gain half of the vacated alley/street

- What are the plans to deal with the water drainage on 49th and Bryce where water collects from at least two different directions and is causing erosion? How is this water going to flow into the planned retention area?

Water will be collected on the upper part of the parking lot and diverted to the detention area

- Why is there a cul de sac on the proposed road?

required on dead end streets to have turn around access

- How much clearance must there be between the west side of the building and the property line?

30 feet, building is 50'

- What are the dates of the next Planning Commission and City Council meetings addressing this plan?

Tentative 9/2 planning 9/22 council

- Are there any additional plans that need to be submitted?

Landscape plan/Site Plan/Grading plan at CUP submittal

- If this project gets approved when do you anticipate breaking ground? And how long for construction?

Spring 2015 10-12 months construction time

Please sign In Thank You!

Brent/Bryce Ave Neighborhood Senior Housing Meeting

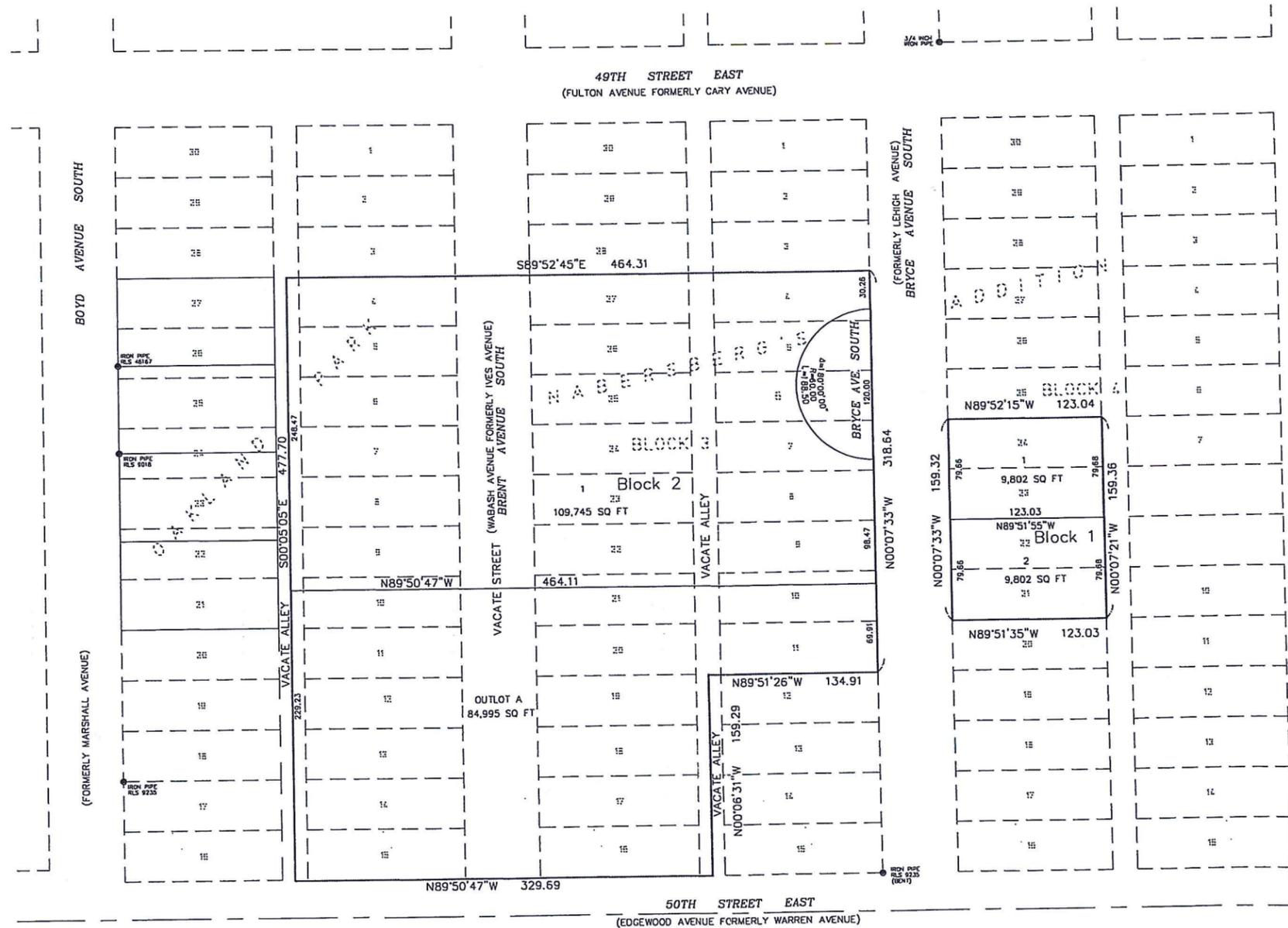
Date: 7/22/2014

Print Name	Address	Phone #	Email Address
1. Lisa Garrity	2891 49th St E.	(651) 353-5435	
2. Dan Seligon	4904 Boyd Ave	612-327-9940	
3. Mahtly Leveson	2896 49th St E	651-355-1548	
4. Travis Johnson	4930 Boyd		
5. Jason Price	4916 Boyd		
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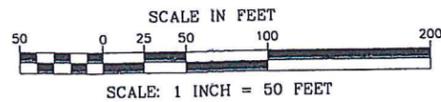
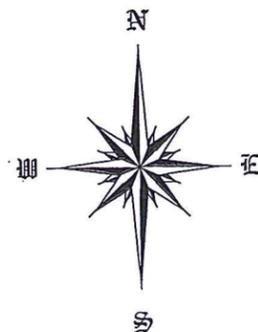
PRELIMINARY PLAT: ULLRICH ADDITION

LEGEND

- Denotes Iron found, size, type, and R.L.S. as noted.
- ⊕ Denotes Dakota County Cast Iron Monument.



CARY AVENUE
BLOCK 3
FORMERLY WARREN AVENUE
FORMERLY MARSHALL AVENUE



Site Area:
 Total Area with Proposed Street and Alley Vacations:
 220,050 sq. ft. or 5.05 acres
 Area (Less Right-of-Way)= 214,395 sq. ft. or 4.92 acres

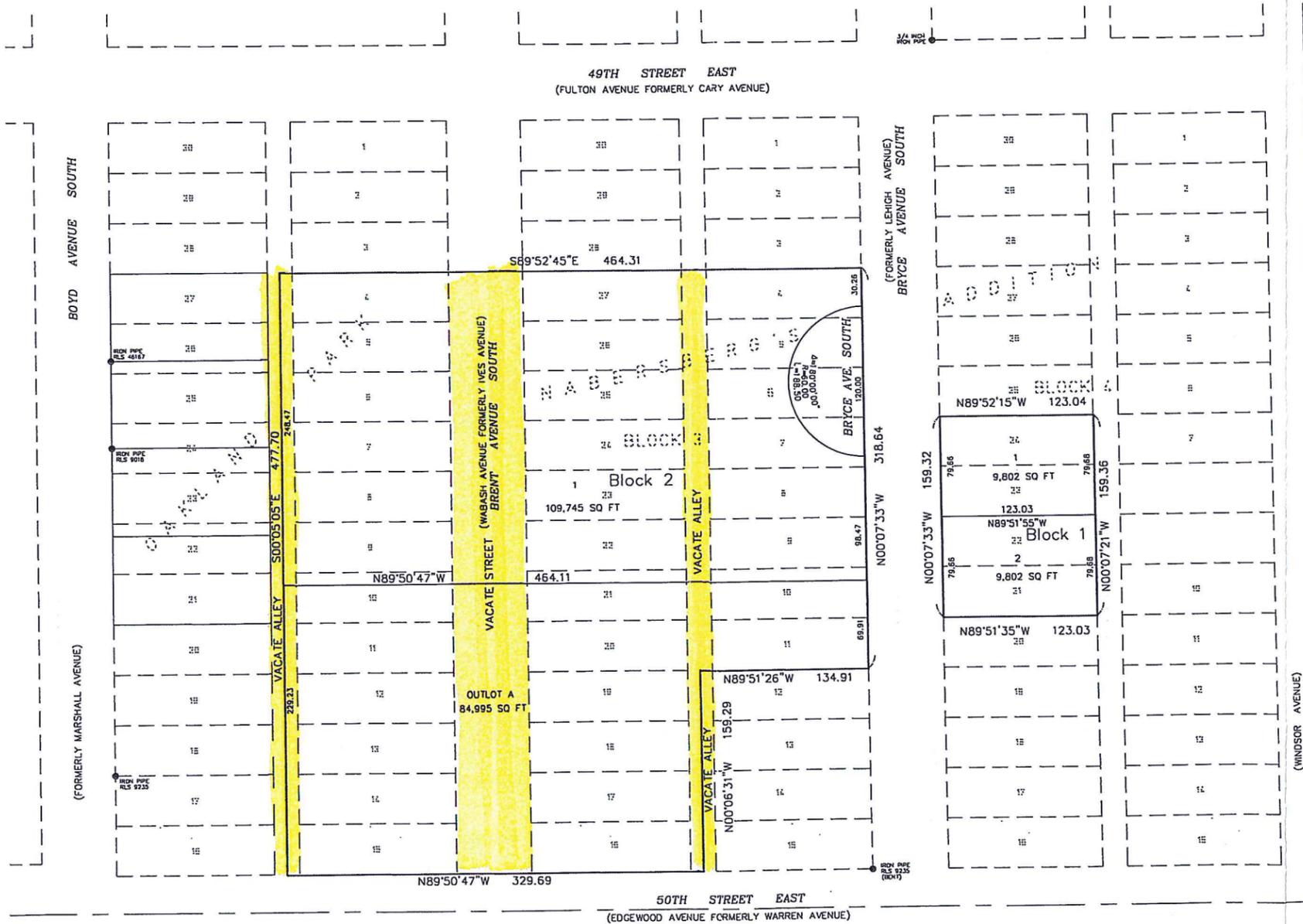
Client JEFF LEYDE 14931 ULLRICH ST. S. HASTINGS, MN 55033 651-329-0145	Design by JL	Original date 7-9-14	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Engineer under the laws of the State of Minnesota. Jonathan L. Fernald Date: 7-9-14 Minnesota Reg. No. 16464
	Drawn by JK	Revisions 8-14-14 8-28-14	
LAKE AND LAND SURVEYING, INC. SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINT, SUITE 275 ST. PAUL, MN. 55120 PHONE: (651) 775-8281	Survey book No.	S.A.P. number 2013.025	Sheet number of

PRELIMINARY PLAT: ULLRICH ADDITION

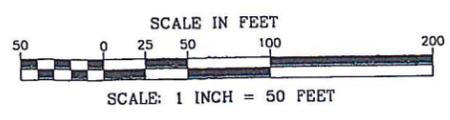
RIGHTS-OF-WAY TO BE VACATED

LEGEND

- Denotes Iron found, size, type, and R.L.S. as noted.
- ⊙ Denotes Dakota County Cast Iron Monument.



CARY LOTS WARREN'S
BLOCK 3
WABASH LOTS WOT



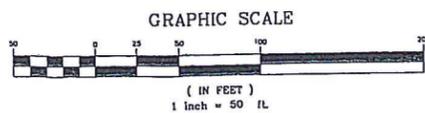
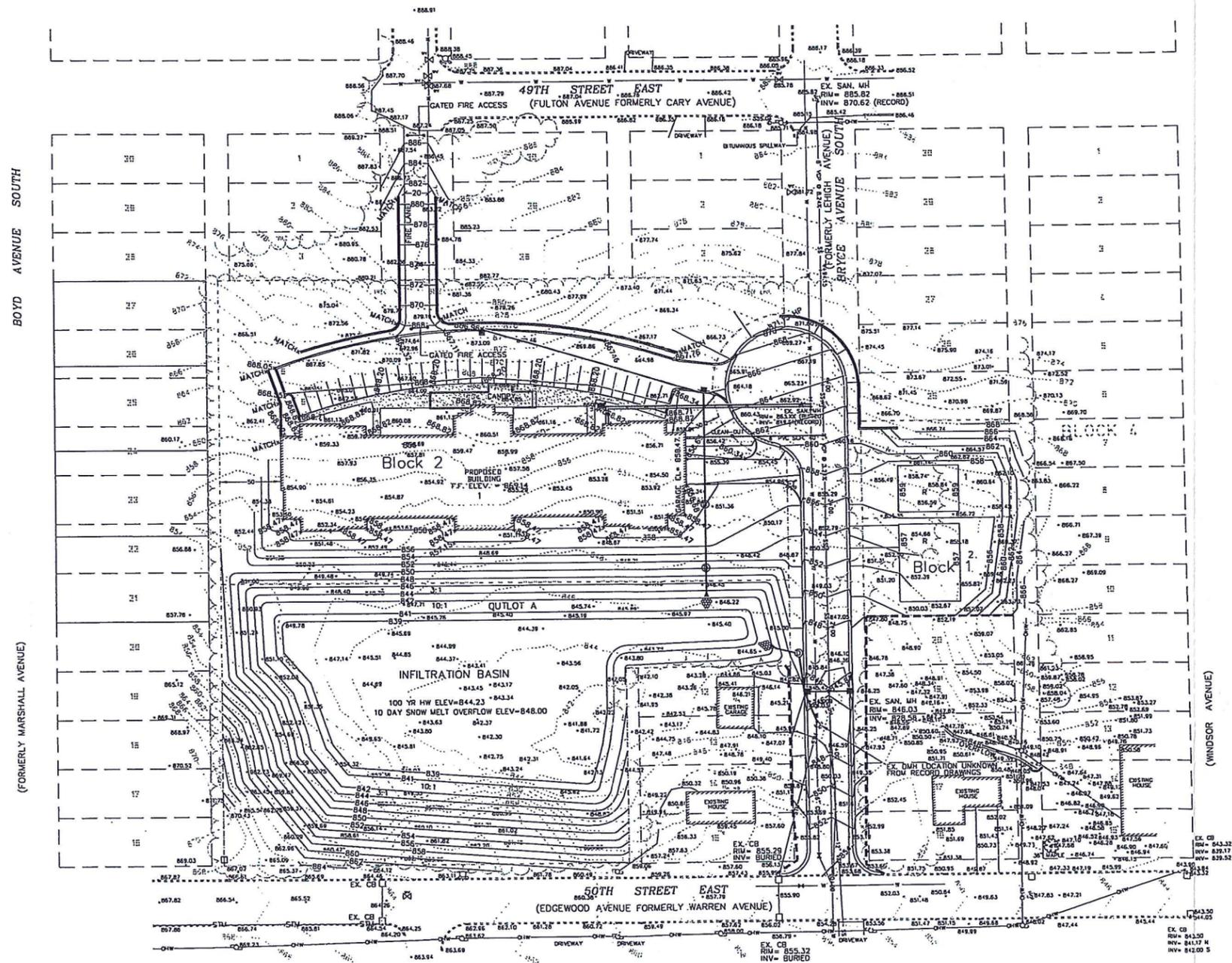
Site Area:
 Total Area with Proposed Street and Alley Vacations:
 220,050 sq. ft. or 5.05 acres
 Area (Less Right-of-Way) = 214,395 sq. ft. or 4.92 acres

Client JEFF LEVDE 14931 108TH ST. S. HASTINGS, MN 55033 651-329-0145	Design by JL	Original date 7-9-14	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Engineer under the laws of the State of Minnesota. Jonathan L. Frost Date: 7-9-14 Minnesota Reg. No. 16464
	Drawn by JK	Revisions B-14-14 B-28-14	
LAKE AND LAND SURVEYING, INC. SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINT, SUITE 275 ST. PAUL, MN 55109 PHONE (651) 776-0211	Survey book No.	S.A.P. number 2013.085	Sheet number of

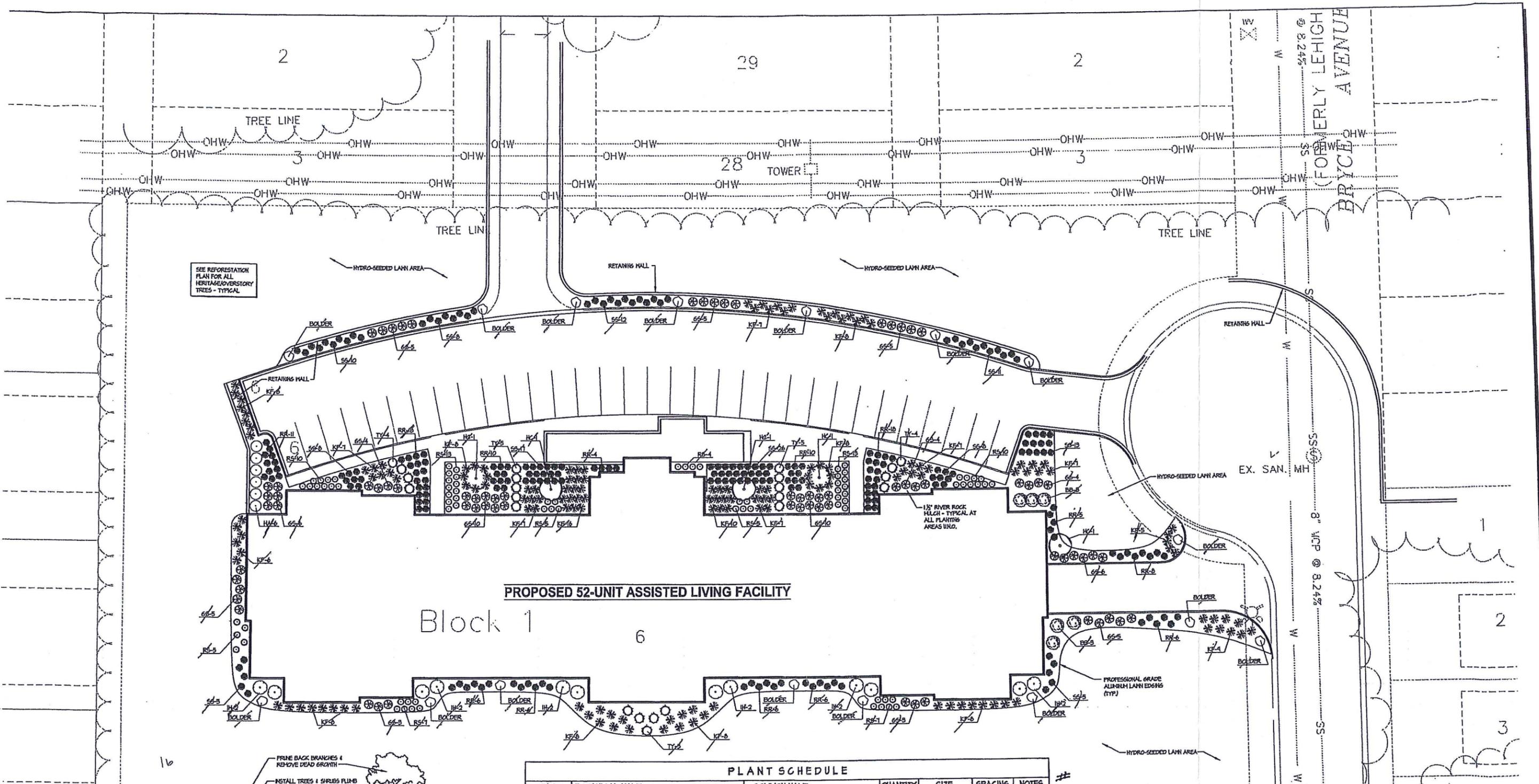
PRELIMINARY PLAT: ULLRICH ADDITION

LEGEND

- ⊠ DENOTES EXISTING HYDRANT.
- DENOTES EXISTING CATCH BASIN.
- ⊕ DENOTES EXISTING WATER MAIN VALVE.
- ⊞ DENOTES EXISTING TELEPHONE UTILITY BOX.
- ⊞ DENOTES EXISTING GAS METER.
- ⊞ DENOTES EXISTING UTILITY POLE.
- SW — DENOTES EXISTING STORM SEWER LINE.
- SS — DENOTES EXISTING SANITARY SEWER LINE.
- W — DENOTES EXISTING WATER MAIN.
- T — DENOTES EXISTING UNDERGROUND TELECOMMUNICATIONS LINE.
- OW — DENOTES EXISTING OVERHEAD UTILITY WIRES.
- 52.5 — DENOTES EXISTING CONTOUR.
- 880.54 — DENOTES EXISTING SPOT ELEVATION.
- 920 — DENOTES PROPOSED CONTOUR.
- 880.54 — DENOTES PROPOSED SPOT ELEVATION.
- ⊞ DENOTES EXISTING SANITARY MANHOLE.
- ⊞ DENOTES EXISTING STORM DRAINAGE MANHOLE.
- ⊞ DENOTES PROPOSED SANITARY MANHOLE.
- ⊞ DENOTES PROPOSED STORM DRAINAGE MANHOLE.
- ⊞ DENOTES PROPOSED CATCH BASIN.
- ⊞ DENOTES PROPOSED WATER MAIN VALVE.
- ⊞ DENOTES PROPOSED FLARED-END SECTION.
- DENOTES EXISTING TREE LINE.
- - - - DENOTES PROPOSED SILT FENCE.



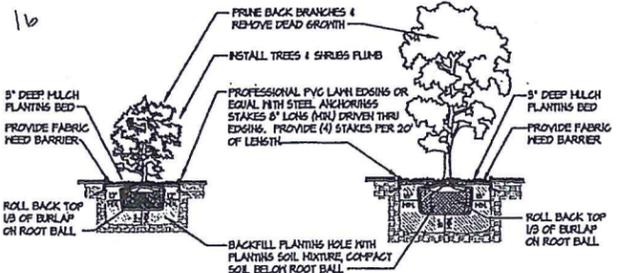
Client JEFF LEYDE 1431 108th. ST. S. HASTINGS, MN 55033 651-329-0145	Design by JF	Original date 7-9-14	I hereby certify that this plat, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Engineer under the laws of the State of Minnesota. Jonathan L. Ford Date 7-9-14 Minnesota Reg. No. 16454
	Drawn by JK	Revisions 8-14-14 8-28-14	
LAKE AND LAND SURVEYING, INC. SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINTS, SUITE 275 ST PAUL, MN. 55120 PHONE (651) 776-6211	Survey book No.		Sheet number of
	S.A.P. number 2013.025		



SEE REFORESTATION PLAN FOR ALL HERITAGE/OVERSTORY TREES - TYPICAL

PROPOSED 52-UNIT ASSISTED LIVING FACILITY

Block 1



2 PLANTING DETAIL
L3 NO SCALE

TAG	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	SPACING	NOTES	#
* KF	GALAMAGROSIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	SEE PLAN	#3 CONTAINER	3' O.C.	L, 2.	152
● RR	HEMEROCALLIS 'ROSY RETURNS'	ROSY RETURNS DAYLILY	SEE PLAN	#1 CONTAINER	3' O.C.	L, 2.	114
● SS	HEMEROCALLIS 'STELLA SUPREME'	STELLA SUPREME DAYLILY	SEE PLAN	#1 CONTAINER	3' O.C.	L, 2.	123
○ RS	PEROVSKIA FILAGRAN'	FILAGRAN RUSSIAN SAGE	SEE PLAN	#3 CONTAINER	4' O.C.	L, 2.	79
○ TY	TAXUS X MEDIA 'TAUNTON'	TAUNTON YEW	SEE PLAN	#10 CONTAINER	4' O.C.	L, 2.	23
○ HA	THUJA OCCIDENTALIS 'HOLMSTRUP'	'HOLMSTRUP' ARBORVITAE	SEE PLAN	#20 CONTAINER	5' O.C.	L, 2.	6
● SS	SPIREA X BUMALDA 'GOLDFLAME'	GOLDFLAME SPIREA	SEE PLAN	#5 CONTAINER	4' O.C.	L, 2.	75
● BB	BUONNYAS ALATUS 'COMPACTUS'	DWARF WINGED BURNING BUSH	SEE PLAN	#10 CONTAINER	5' O.C.	L, 2.	6
○ IH	CORNUS ALBA 'HALOHALO'	IVORY HALO DOGWOOD	SEE PLAN	#10 CONTAINER	6' O.C.	L, 2.	12
○ HC	MALUS 'HOPA'	HOPA CRAB	SEE PLAN	1 1/2" CALIPAR	-	L, 2.	5

NOTES:
1. FURNISH AND INSTALL PER DETAIL 2A.3 ON THIS SHEET.
2. VERIFY SPECIES WITH OWNER AND LANDSCAPE CONTRACTOR; SPECIES SUBJECT TO CHANGE BASED ON AVAILABILITY.



1 PROPOSED LANDSCAPE PLAN
L3

(14) Boulders

TREE QUANTITY SCHEDULE

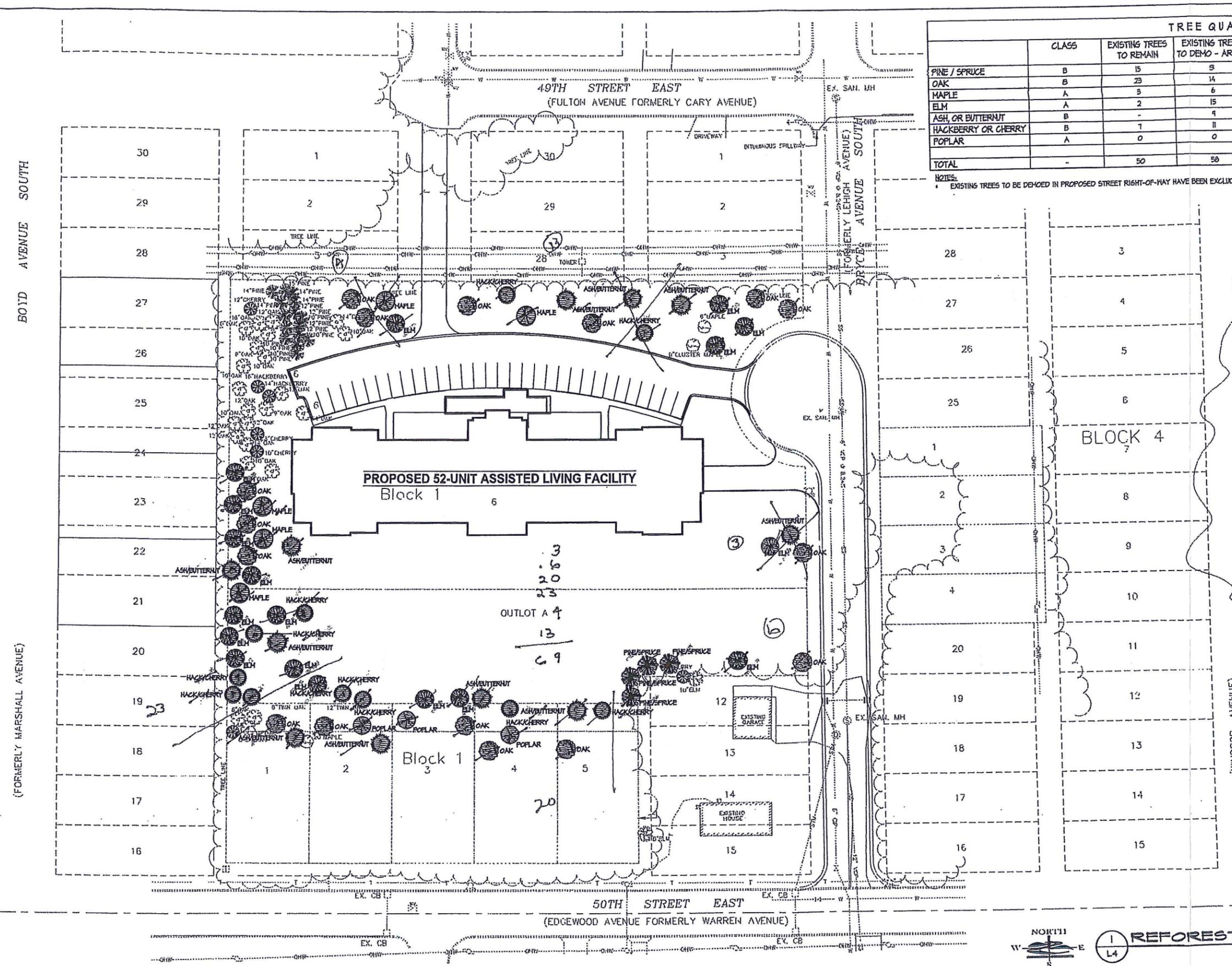
	CLASS	EXISTING TREES TO REMAIN	EXISTING TREES TO DEMO - AREA 1	EXISTING TREES TO DEMO - AREA 2	TOTAL TREES TO DEMO	QUANTITY OF REPLACEMENT TREES (PERCENTAGE)
PINE / SPRUCE	B	15	9	1	4	4 (100%)
OAK	B	23	14	2	16	16 (100%)
MAPLE	A	3	6	4	10	5 (50%)
ELM	A	2	15	20	35	16 (50%)
ASH, OR BUTTERNUT	B	-	9	-	9	9 (100%)
HACKBERRY OR CHERRY	B	1	11	0	11	11 (100%)
POPLAR	A	0	0	5	5	5 (60%)
TOTAL		50	50	32	40	66

NOTES:
 * EXISTING TREES TO BE DEMOED IN PROPOSED STREET RIGHT-OF-WAY HAVE BEEN EXCLUDED IN QUANTITIES ABOVE.

TREE LEGEND (COUNT)

PLANT SYMBOL	PLANT DESCRIPTION	PLANT SIZE	NOTES
	OAK (16)	1 1/2" - 2" CALIPR	L
	PINE/SPRUCE (4)	6'-8" TALL TB	L
	ELM (17)	1 1/2" - 2" CALIPR	L
	MAPLE (5)	1 1/2" - 2" CALIPR	L
	ASH OR BUTTERNUT (11)	1 1/2" - 2" CALIPR	L
	HACKBERRY OR CHERRY (13)	1 1/2" - 2" CALIPR	L
	POPLAR (3)	1 1/2" - 2" CALIPR	L

NOTES:
 L FURNISH AND INSTALL PER DETAIL 24.5



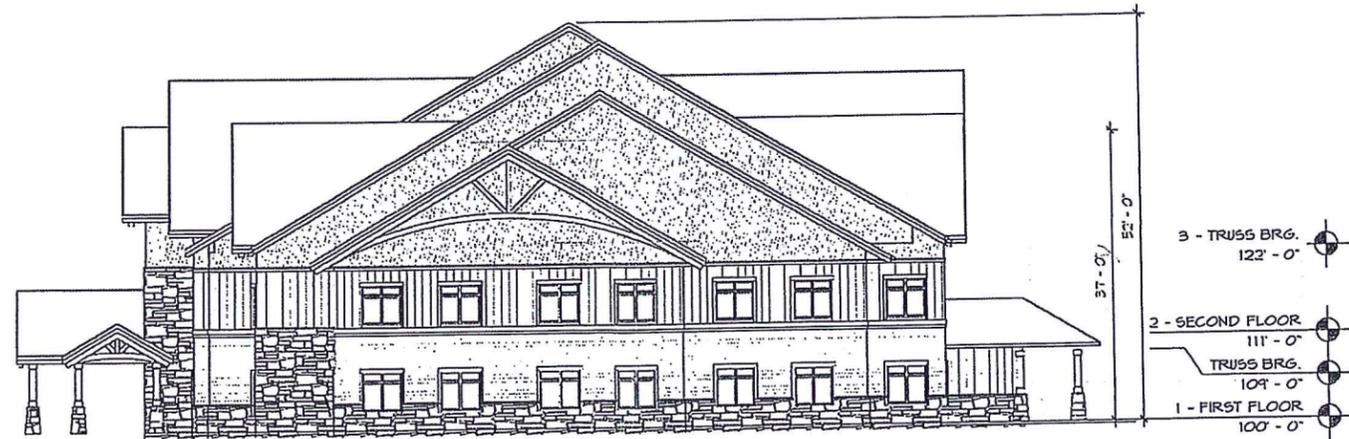
REFORESTATION PLAN

NORTH

0 20' 40' 80'



1 FRONT ELEVATION
A5



2 SIDE ELEVATION
A5

*Notes side elevation
Stone masonry, etc.
See drawings for details*

*Approved for Heights
Aug. 28, 2014
Crown Construction
CIV.*

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner
FROM: Steve W. Dodge, Assistant City Engineer *SWD*
DATE: October 1, 2014
SUBJECT: Preliminary Plat submittal by Jeff Leyde (Ullrich Addition)

I have reviewed the application received by the City on August 28th, 2014. This submittal was prepared by Lake and Land Surveying, Inc. on behalf of the Developer, Jeff Leyde. It is comprised of developing the area between 49th Street East and 50th Street East along the unimproved ROW of Bryce Avenue and Brent Avenue with a 52 unit senior housing development and two single family lots along Bryce Avenue.

Information that needs to be resolved for approval of the Preliminary Plat submittal:

1. The hydrologic analysis is incomplete it does not include the ponds ultimate service area or build-out conditions and needs to be resubmitted in accordance with the BARR Engineering report dated September 30, 2014 (attached). Low Impact Design practices shall apply.
2. Pretreatment basins shall be added upstream of the regional infiltration basin in order to infiltrate or treat the one-inch storm from the added impervious space per BARR's recommendations.
3. Soil borings are needed for the project review and design parameters to verify infiltration capacity of proposed storm water facilities, proposed street improvements, and utility improvements. Sieve analysis and hydrometer testing are required for any proposed infiltration practices to quantify the soils infiltration capacity and identify the soils fines, clays and silt content.
4. The development plan does not show storm water facilities to safely convey or route storm water from the 49th Street East drainage area to the regional basin on the proposed development. The BARR Engineering report has reviewed and identified pretreatment basin locations and storm sewer facility improvements along 49th Street East. City staff will recommend that the City cost-share for updating the development storm sewer facilities to route storm water from 49th Street drainage area to the regional basin.
5. The preliminary plat will need to show proper drainage and utility easements.
6. The roadway low point elevation shall be one-foot above the 100-year rainfall event HWL of the pond. Barr Engineering modeling has set the HWL elevation at 846.3, the roadway low point can be no lower than 847.3 per City Code 8-7-2D (current plan shows 845.9).

7. A portion of the property and the garage at 2921 50th Street is below the proposed regional basin HWL. This condition is not acceptable and a resolution needs to be considered with the property owner. City Staff recommends that the Developer be responsible for the cost of a solution. The City would approach the homeowner to initiate negotiations.
8. A two-percent grade along Bryce Avenue shall be extended to the maximum length possible from the 50th Street Intersection. City policy is a maximum two-percent grade for the first one hundred feet.
9. Easement agreements are necessary for the designated emergency overflow route of the pond, across existing developed properties in IGH and SSP, and to 50th Street near the 9th Street intersection. Acquiring these agreements is a condition for approval of this project.
10. The 1969 watermain system shall be replaced with ductile iron pipe, valves, and new copper services (or rehabilitation with trenchless technologies as approved by the City). As a condition of approval, the Developer shall agree to cost share in watermain impacts related to over-depth and shallow watermain due to roadway vertical alignment. The City's consultant will verify the watermain flow model and comment on the proposed high-density development improvements.
11. The 1969 vitrified clay (VCP) sanitary sewer shall be slip-lined (trenchless technology) at the Developer's expense for pipe lying under the roadway improvements. Staff recommends that the City cost share in lining sewer outside of the road improvements. Existing unused sanitary services shall be abandoned properly. Any reconstruction of the sewer due to the roadway improvements shall be at the Developer's expense. As a condition of approval, the Developer will agree to fund their portion of sanitary sewer improvements.
12. The property at 2954 49th Street extends south to the proposed Bryce Avenue cul-de-sac. The proposed cul-de-sac and retaining wall is unacceptable to the City and does not provide future sewer service or street access for the lot to develop. As a condition of approval, the final plans shall ensure the subdividable property has access to the cul-de-sac and sewer and water service availability for up to two single-family residential lots. The City will approach the property owner of 2954 49th Street to aid in working out a solution. The Developer will need to participate in the solution.
13. City of South St. Paul (SSP) approvals may be needed for the project. The proposed development borders SSP, generates traffic, and routes storm water overflows towards the SSP storm system. SSP has raised concern with the traffic generation from the proposed development and the Developer has supplied traffic generation information.

Additional Comments:

14. Storm water facility maintenance agreements (SWFMA) will be required on all facilities. The Developer is responsible for ownership, operation and maintenance of all private storm water facilities (piping, manholes, inlets, basins, etc.). The City will be responsible for the ownership, operation and maintenance of the regional pond and public storm water facilities (once accepted by the City) as outlined in the SWFMA.
15. Submit storm water operation and maintenance plans on all storm facilities
16. Developers Contract is necessary. Letter of credit amounts, engineering escrow amounts (consultant, review, attorney, inspection, erosion control and staff time), seal coat escrow amount, vegetation maintenance escrow amount (a plant maintenance escrow for bio-retention and water quality basin plant maintenance until maturation and acceptance), and necessary sureties will be determined upon final design approval and cost estimate submittals from the Developer.
17. Lowest floor elevations and lowest openings of adjacent parcels within the pond HWL and overflow (EOF) route shall be verified and shown for protection of property and public safety. Structures and lowest openings shall be one-foot above the EOF and two feet above the HWL.
18. The existing drainage conveyed from the backyards of Boyd Avenue shall be maintained. The runoff shall be collected, treated and safely routed to the regional pond.
19. All storm pipe flowing into the pond shall be designed at 4 feet-per-second or less.
20. The proposed Outlot A for the regional basin shall be a minimum of twenty feet horizontally from the critical HWL of 847.8 on the north side of the regional basin to allow pond access.
21. The maintenance bench shall be a 15-foot wide 10:1 bench which spirals along the slope down to the bottom of the infiltration basin for maintenance and equipment access.
22. Temporary sediment basins and phasing of project shall be part of the erosion and sediment control plan.
23. The City has hired a consultant to review improvements to the 49th Street neighborhood and the neighborhood south of 50th Street.
24. No street grades shall exceed eight percent.
25. All streets shall be designed per City Standards (10.135-7). Identify all ROW widths and easements on the project.
26. A licensed professional engineer needs to sign all plans being submitted with revisions dates.

27. The 2013 LIDAR contours should be used outside of the surveyed area for depicting grades and accuracy.
28. A lighting plan should be submitted
29. A sign plan submittal is required.
30. Plan and profile sheets shall be submitted for all streets, sewer and watermain utilities for final plat approval. Cross section sheets shall be provided for every 50-feet and at each driveway and low point.
31. Submit plans with legends that reflect all of the symbols being used.
32. City Code requires 4:1 slopes on grading plans unless approved by City Engineer. Slopes steeper than 4:1 shall receive erosion control and permanent/temporary seeding within 7-days of no disturbance to protect the proposed infiltration practices. Disturbance areas directly upstream or adjacent to the regional basin shall receive double erosion control protection.
33. All retaining walls shall be private, and built on private property, unless otherwise approved by City Engineer. Private retaining walls four feet or over require a building permit, special inspections report, soils report and design by MN licensed engineer.
34. The Developer shall procure necessary agreements with overhead power electric company to cross and construct proposed improvements in utility easement.
35. Earth work balance needs to be provided and haul routes shall be approved by the City Engineer.
36. Submit all permits and approvals necessary for the project from agencies such as: MPCA, MnDOT, MDH, MCES, City of IGH and SSP, other agencies as require.
37. The City Planning Division will process vacation of the existing right-of-ways and alleys in conjunction with the replating process.

Attachments: BARR Stormwater Review of the Ullrich Addition

CC: Scott Thureen, Director of Public Works
Tom Kaldunski, City Engineer
Timothy Kuntz, City Attorney
Jeff Leyde, Developer
Jon Farachi, Developers Engineer (Lake and Land Surveying, Inc.)



September 30, 2014

Mr. Tom Kaldunski, P.E.
City Engineer
City of Inver Grove Heights
8150 Barbara Ave.
Inver Grove Heights, MN 55077

Re: Stormwater Review of the Ullrich Addition

Dear Mr. Kaldunski:

At the direction of city staff, we reviewed the plans for the Ullrich Addition, located east of Boyd Avenue between 49th Street and 50th Street, to determine the stormwater impacts of the project. This letter summarizes our evaluation and presents our recommendations to the city. This letter also includes a concept plan for a storm drain system that would serve the entire watershed contributing to the regional basin that lies within the proposed development area.

The proposed development would include construction of one new multi-unit housing building with a parking lot, two new single-family homes, and a cul-de-sac along Bryce Avenue connecting to 50th Street. The site contains an existing regional stormwater pond that would be re-graded as part of the development. The proposed project would create approximately 1.73 acres of new impervious surface. Runoff from the proposed development would be conveyed to the re-graded basin through a proposed storm drain system.

The regional stormwater pond that would be modified as part of the development lies within subwatershed H-2 in the city's Highway 110-494 Drainage Basin. Subwatershed H-2 and the pond were not included in the Barr Watershed Model (BWM) that was used to establish peak water elevations for the 2nd Generation Water Resources Management Plan (WRMP), because the pond was known to be dry the majority of the time due to high infiltration rates of the underlying soils. The pond has a surface overflow at approximately 849.2 ft NAVD88, based on Dakota County LiDAR and survey data shown on the developer's plans.

For this review, we created a hydrologic model in HydroCAD to evaluate the runoff volume for subwatershed H-2, and the peak water elevations and peak discharge for the pond for the Atlas 14 100-year, 24-hour event of 7.43 inches and the 100-year, 10-day snowmelt event of 7.2 inches. We evaluated three modeling conditions:

1. Existing Conditions Model – We reviewed recent aerial photography, topography, and storm drain as-builts provided by the city and modified the WRMP subwatershed divides to determine the existing drainage area for the pond. The H-2 watershed area decreased slightly compared to the WRMP, from 19.5 acres to 18.75 acres, due to storm drain systems constructed on 50th Street and on Boyd Avenue. However, the overall drainage area decreased significantly compared to the WRMP because the pond in subwatershed H-1 now overflows to the pond in subwatershed T-14

rather than to the pond in subwatershed H-2. Figure 1 shows the subwatershed divides, impervious surfaces, and flow directions for the Existing Conditions model.

2. Proposed Conditions Model – This model incorporates new impervious areas based on the proposed Ullrich Addition site plan, and a new stage-storage curve for the pond, based on the proposed grading plan. Figure 2 shows the existing and proposed impervious surfaces and the pond surface area for the Proposed Conditions model.
3. Fully Built-out Conditions Model – This model incorporates the impervious areas from the Proposed Conditions model and additional impervious area, based on the future development of all the developable parcels within the watershed. We assumed that the future impervious percentage would be the maximum impervious surface allowed for each lot according to the city's impervious surface standards, which ranged from 25% to 35% of the developable parcel area. Figure 3 shows the parcels that were assumed to be developed for the Fully Built-out Conditions model.

Table 1 summarizes the watershed area, impervious area, pond overflow elevation, and pond volume at the overflow elevation for each of the modeling conditions.

Table 1. Modeling parameters

Model	Total Area (acres)	Impervious Area (acres)	Overflow Elevation (msl)	Pond Volume at Overflow (ac-ft)
Existing Conditions	18.75	4.11 (22%)	849.2	7.49
Proposed Conditions	18.75	5.84 (31%)	848.0	11.30
Fully Built-out Conditions	18.75	6.26 (33%)	848.0	11.30

Modeling Results

Under existing conditions, the pond discharges during the 100-year, 24-hour event and the 100-year, 10-day snowmelt event. Under the proposed conditions, the pond would not discharge due to the increased storage capacity provided by re-grading the pond.

Table 2 summarizes the results for the pond in subwatershed H-2 for the simulated events.

Table 2. Modeling results

Model	100-year, 24-hour Event (7.43 inches)			100-year, 10-day Snowmelt Event (7.20 inches)		
	Runoff Volume (ac-ft)	Peak Elevation (cfs)	Peak Discharge (cfs)	Runoff Volume (ac-ft)	Peak Elevation (cfs)	Peak Discharge (cfs)
Existing Conditions	7.77	849.24	0.60	10.88	849.24	0.56
Proposed Conditions	8.30	846.29	0	10.88	847.77	0

Model	100-year, 24-hour Event (7.43 inches)			100-year, 10-day Snowmelt Event (7.20 inches)		
	Runoff Volume (ac-ft)	Peak Elevation (cfs)	Peak Discharge (cfs)	Runoff Volume (ac-ft)	Peak Elevation (cfs)	Peak Discharge (cfs)
Fully Built-out Conditions	8.31	846.30	0	10.88	847.77	0

Plan Review Comments

In addition to the results of our hydrologic and hydraulic analysis, we offer the following comments on the plans and design:

1. The additional volume provided by the proposed pond re-grading would be sufficient to contain one inch of runoff from the new impervious surfaces.
2. The re-graded pond and outlet would maintain or reduce peak flows from the pond for the 2-year, 10-year, and 100-year events compared to existing conditions.
3. The proposed development would not increase the watershed area contributing to the pond.
4. Subwatershed divides should be shown on the grading or utility plan.
5. The HydroCAD model provided by the developer should be updated to include the entire area tributary to the pond, including contributing area outside the proposed development.
6. The HydroCAD model provided by the developer simulated a 100-year, 10-day snowmelt event of 9.96 inches. Runoff from the snowmelt event exceeded the volume of the modeled storage curve for the proposed pond. This error should be corrected. The city requires a 100-year, 10-day snowmelt depth of 7.2 inches, but MnDOT approvals are necessary, MnDOT may require a 10-inch snowmelt event
7. The existing garage east of the pond has a first floor elevation of 845.4. This is more than 2 feet below the pond outlet (overflow) elevation of 848.0, and below the peak pond elevation for the 100-year, 24-hour event and the 100-year, 10-day snowmelt event. The garage would be flooded and Bryce Avenue would be flooded at the low point during either of these events. A berm could be constructed along the east side of the proposed pond to prevent flooding to the existing garage and the proposed street.
8. The low point of the proposed road profile for Bryce Avenue is 845.87, which is below the peak pond elevation 846.29 for the 100-year, 24-hour event and 847.77 for the 100-year, 10-day snowmelt event. City ordinance requires the low point of the road to be at least 1-foot above the 100-year event.
9. Runoff would enter the pond as surface flow at the west side of the proposed multi-unit building. The city recommends that storm sewer with the capacity to convey the 10-year, 24-hour Atlas 14 event to the pond is recommended. Riprap, Scour-Stop fabric, or similar material should be considered to reduce the potential for erosion from surface runoff in excess of the storm sewer capacity in this area.

10. The developer should provide options for stormwater pre-treatment to avoid excessive sedimentation and trash accumulation in the pond. For example, a "treatment-train" approach including infiltration basins in other areas of the development and/or a two-cell pond could be considered. The city has identified several potential locations where infiltration basins or rain-water gardens could be constructed (Figure 4).
11. The developer should collect soil borings down to 10 feet below the proposed bottom of the pond for soil sieve and hydrometer analysis identifying 200 sieve passing and silt/clay content to ensure that the pond would drain within 48 hours. Inundation times in excess of 48 hours would damage plantings in the infiltration basin. For infiltration rate calculations, the maximum allowable infiltration rate is 1.67 inches per hour. If the soil is capable of infiltrating runoff at or above the maximum rate, the 100-year, 24-hour event would take 52 hours to infiltrate. If the soil infiltration rate is much less than the maximum rate, then the soil should be amended or vegetation that would survive longer inundation periods should be planted at the bottom of the basin.
12. The developer should consider options for constructing infrastructure to support a pumped emergency overflow outlet. A pumped outlet could be connected to an existing catch basin on 50th Street, which discharges to the MnDOT pond south of 50th Street. Alternatively a pumped outlet could be connected to an existing South Saint Paul storm sewer system on 50th Street. MnDOT approval to discharge water to the 494 right of way storm sewer system or City of South Saint Paul approvals would be required, respectively, for these options.
13. A vegetation/planting palette for the pond should be provided. If soils underlying the pond are inadequate for supporting vegetation, an approved soil amendment would be required.
14. Detail plans should be provided with the design plans, including details for the storm drain utilities and the outlet channel.
15. An operations and maintenance (O & M) plan for the stormwater utilities and pond should be provided.

Storm Drain Concept Plan

At the city's direction we developed a concept plan for a storm drain system that would serve the watershed area lying north of 49th Street as well as the proposed development. We sized pipes to convey the 10-year, 24-hour Atlas 14 event. We did not investigate inlet capacity for the system. Rim elevations were estimated based on Dakota County LiDAR or on the developer's proposed plans.

The storm drain system would drain to the regional pond within the proposed development, and would include a series of drop manholes to control the velocity along steeply-sloped Bryce Avenue. Figure 4 shows the system layout. Table 3 includes the pipe, catch basin, and manhole details.

Table 3. Storm Drain Pipe Table

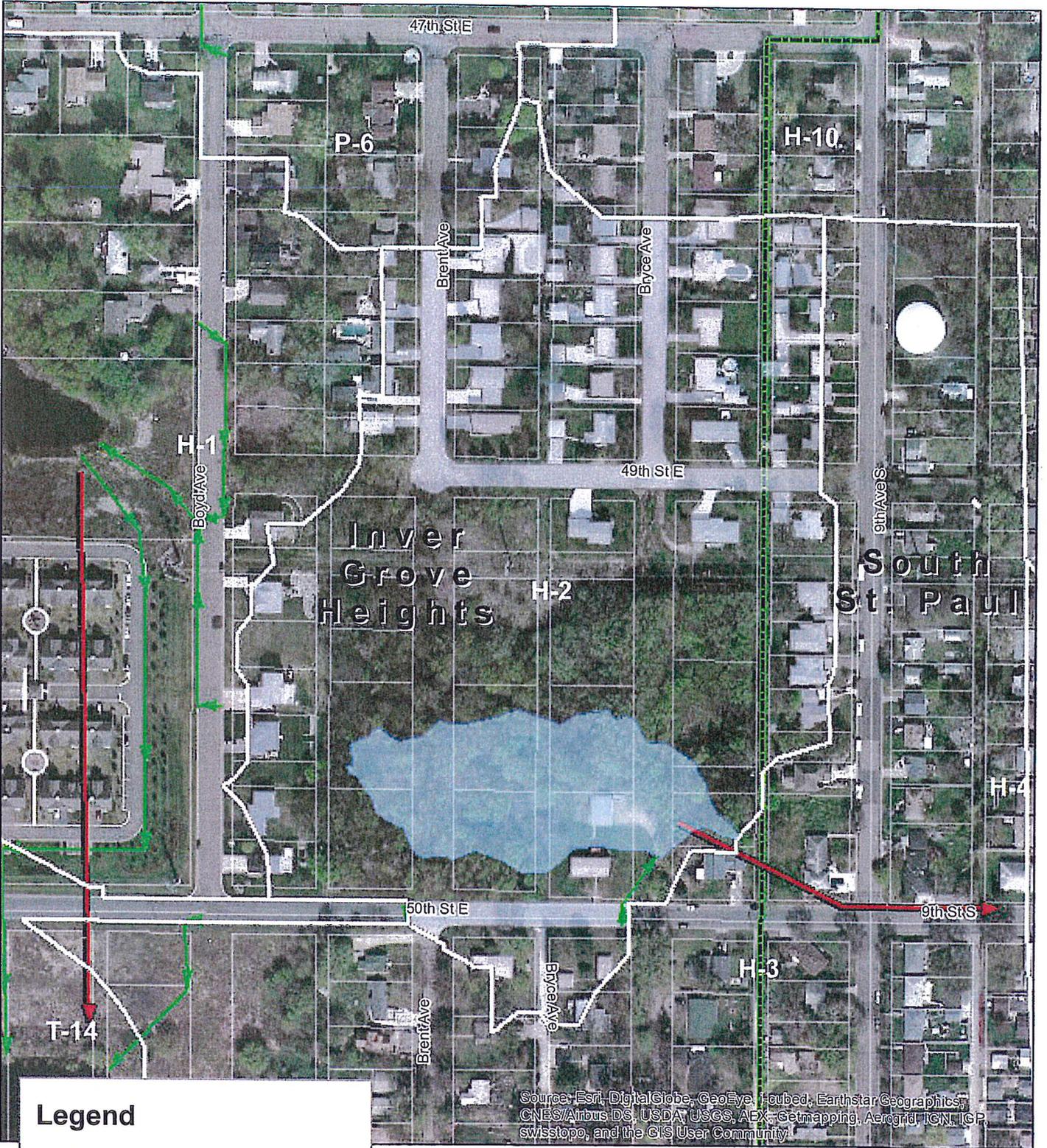
U/S Structure	D/S Structure	U/S Invert	D/S Invert	Length (ft)	Diameter (in)	Slope (ft/ft)	U/S Rim Elevation	D/S Rim Elevation
CB100	CB101	881.00	880.81	37	12	0.005	886.80	886.81
CB101	CB102	880.81	878.79	289	15	0.007	886.81	884.79
CB102	MH1000	872.79	871.41	93	24	0.015	884.79	876.40
CB103	CB102	879.90	878.79	36	12	0.031	884.90	884.79
CB104	MH1001	856.03	854.65	151	24	0.009	868.00	859.60
CB105	CB107	843.20	840.37	128	24	0.022	854.00	845.87
CB106	CB105	848.00	847.50	36	12	0.014	854.00	854.00
CB107	MH1002	840.37	839.50	58	36	0.015	845.87	845.10
CB108	CB107	840.57	840.37	36	12	0.006	845.87	845.87
CB109	CB104	878.96	878.20	81	12	0.009	866.00	868.00
CB110	CB109	880.96	878.96	197	12	0.010	866.96	866.00
EX101	CB107	845.99	840.37	153	18	0.037	Unknown	845.87
FE1000	EX100	842.00	<Null>	71	12	N/A	N/A	Unknown
MH1000	CB104	864.40	863.03	94	24	0.015	876.40	868.00
MH1001	CB105	849.93	849.00	56	24	0.017	859.60	854.00
MH1002	FE1001	839.50	839.00	24	36	0.021	845.10	N/A

If you have any questions, please feel free to contact me at 952-832-2626 (or gfransen@barr.com) or Karen Chandler at 952-832-2813 (or kchandler@barr.com).

Sincerely,



Greg Fransen
 Water Resources Scientist
 Barr Engineering Company



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community

Legend

-  Flow Direction
-  Existing Storm Sewer
-  Pond Area
-  Existing Impervious Area
-  Updated Subwatersheds
-  Parcels
-  City of Inver Grove Heights

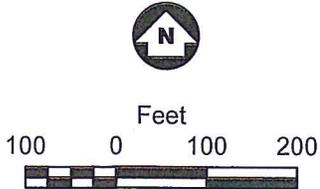
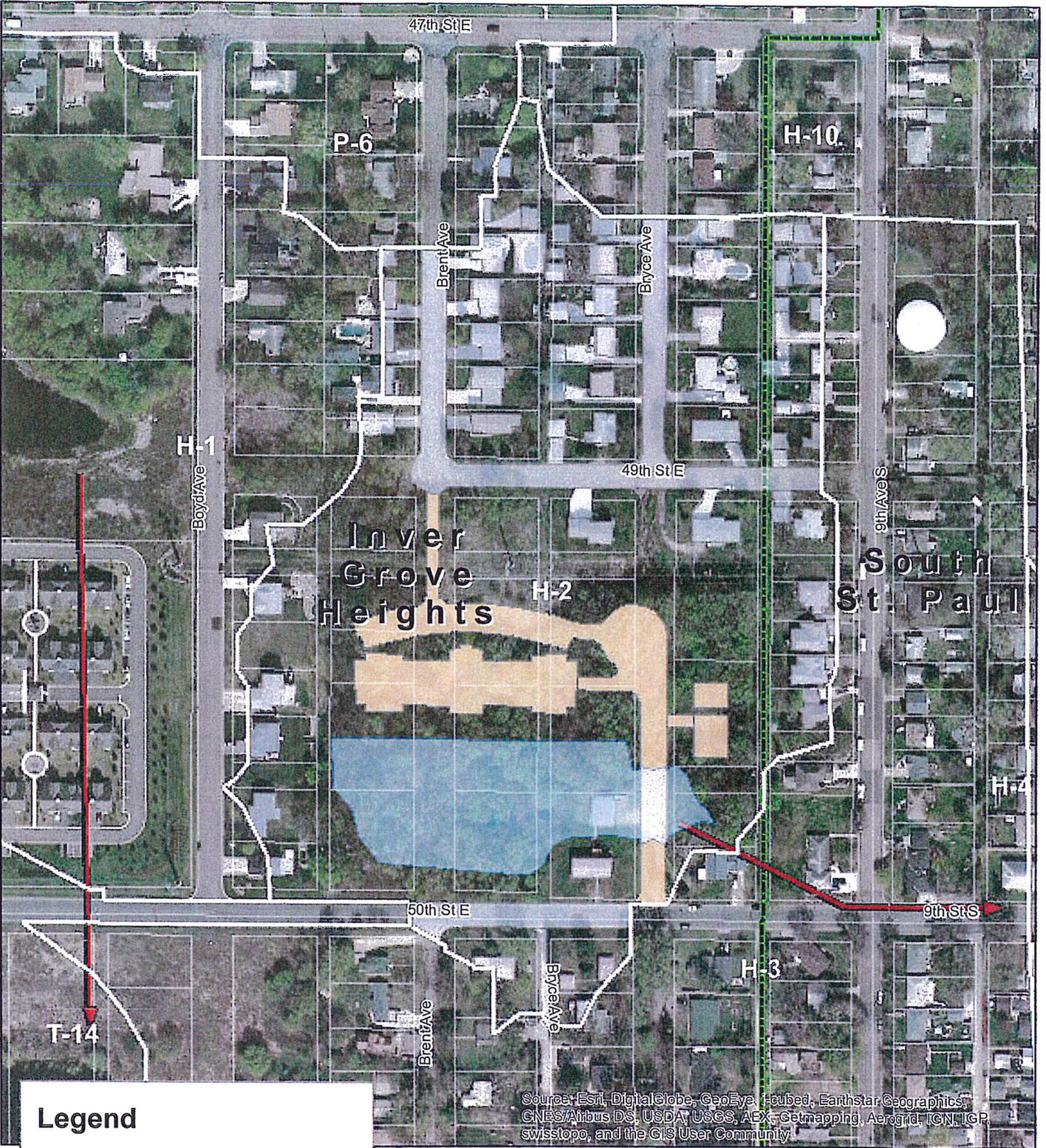


FIGURE 1
EXISTING CONDITIONS
Watersheds Impervious Areas,
and Flow Directions

Ullrich Addition
Inver Grove Heights



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Legend

-  Flow Direction
-  Existing Impervious Area
-  Proposed Impervious Area
-  Pond Area
-  Updated Subwatersheds
-  City of Inver Grove Heights
Parcels

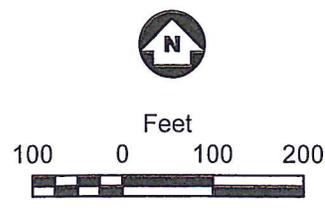
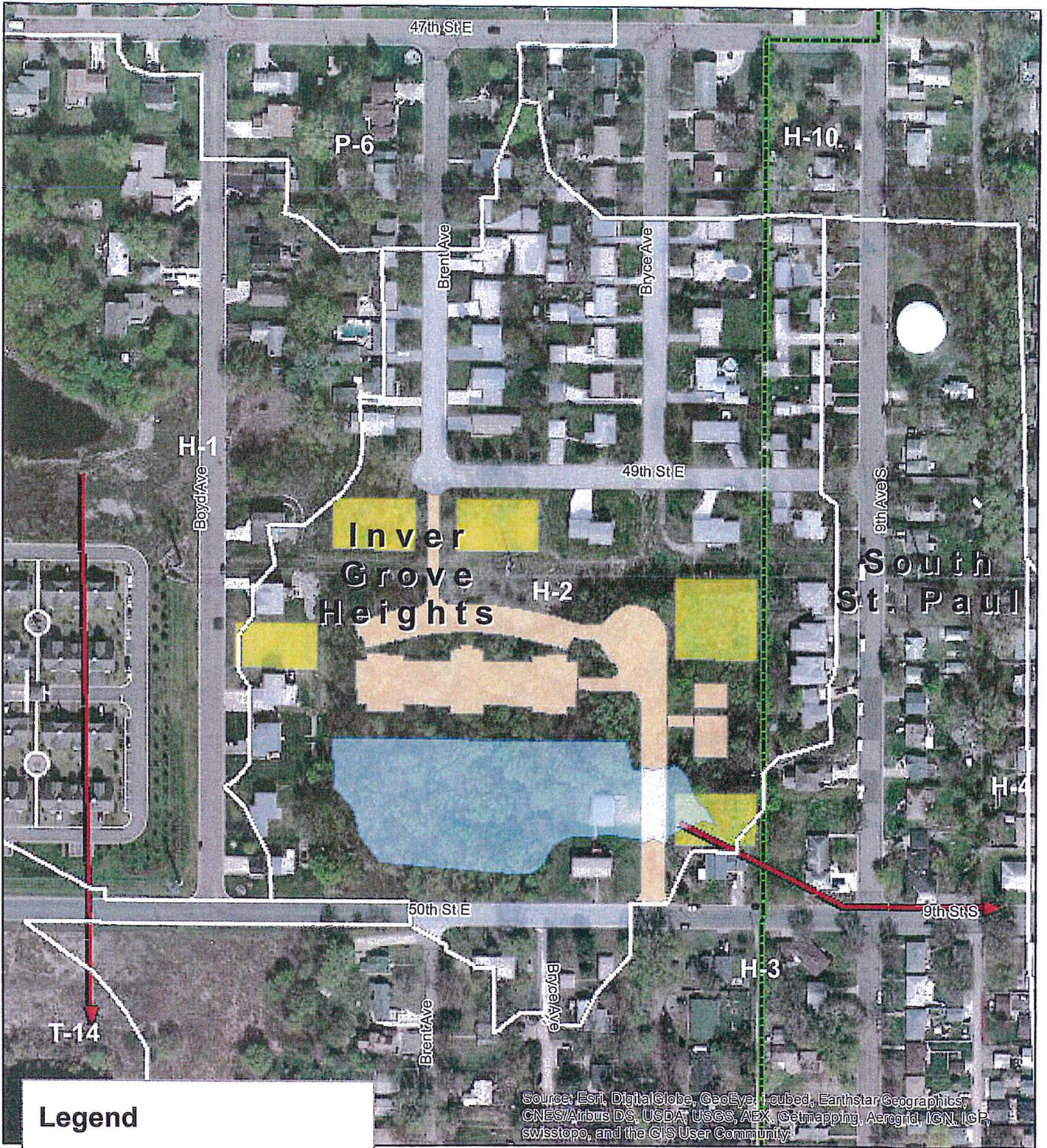


FIGURE 2
PROPOSED CONDITIONS
Watersheds, Impervious Areas,
and Flow Directions

Ullrich Addition
Inver Grove Heights



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

- Flow Direction
- Existing Impervious Area
- Proposed Impervious Area
- Developable Parcels
- Pond Area
- Updated Subwatersheds
- City of Inver Grove Heights

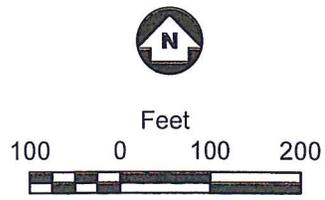


FIGURE 3
FULL BUILT-OUT CONDITIONS
Watersheds, Impervious Areas,
and Flow Directions

Ullrich Addition
Inver Grove Heights



Legend

-  Potential Pretreatment Location
-  Pond Area
-  Existing Storm Sewer
-  Future Manholes/Catch basins
-  Future Storm Pipes
-  Proposed Impervious Area
-  Updated Subwatersheds
-  City of Inver Grove Heights Parcels

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, ICP, swisstopo, and the GIS User Community

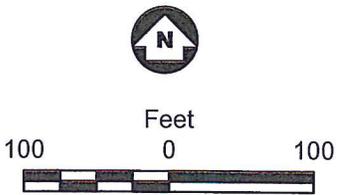



FIGURE 4
STORM SEWER
CONCEPT PLAN

Ullrich Addition
Inver Grove Heights