

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, JUNE 16, 2015 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 2, 2015.**
  
3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 STEVEN WATRUD – CASE NO. 15-19PR**

Consider the following requests for the property located at 10982 Clark Rd:

- a) A **Major Site Plan Review** to construct a 22,400 square foot office/warehouse building;

Planning Commission Action \_\_\_\_\_

- b) A **Conditional Use Permit** to allow for a contractor's yard and outdoor storage for items such as: landscaping materials, vehicles and equipment relating to a business and saleable product.

Planning Commission Action \_\_\_\_\_

- c) A **Variance** to allow outdoor storage less than 100 feet from an A, Agricultural zoned property.

Planning Commission Action \_\_\_\_\_

- d) A **Variance** from the outdoor storage screening requirements.

Planning Commission Action \_\_\_\_\_

**3.02 GREGORY LEE & DL SCOFIELD – CASE NO. 15-18V**

Consider a **Variance** to allow a six foot fence along a corner front property line whereas 30 feet is the required setback for the property located at 3593 72<sup>nd</sup> St.

Planning Commission Action \_\_\_\_\_

**3.03 RYLAND HOMES – CASE NO. 15-12PUD**

Consider a **Final Plat and Final PUD Development Approval** for Blackstone Ponds 1<sup>st</sup> Addition.

Planning Commission Action \_\_\_\_\_

**3.04 JON SKOGH – CASE NO. 15-13ZA**

Consider an **Ordinance Amendment** allowing Accessory Dwelling Units (ADU) within all single family residential districts and establishing a list of performance criteria to be inserted into the Zoning Code.

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](mailto:kfox@invergroveheights.org)

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 2, 2015 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Armando Lissarrague  
Joan Robertson  
Annette Maggi  
Tony Scales  
Dennis Wippermann  
Bill Klein  
Pat Simon  
Harold Gooch  
Elizabeth Niemioja

Commissioners Absent:

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

### **APPROVAL OF MINUTES**

The minutes from the May 5, 2015 Planning Commission meeting were approved as submitted.

### **SPERIDES REINERS ARCHITECTS – CASE NO. 15-17PRV**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a major site plan review for a 5,000 square foot building addition, and a variance from the building setback required from residential property, for the property located at 7365 Concord Boulevard. 36 notices were mailed.

#### **Presentation of Request**

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is proposing a 5,000 square foot expansion to the existing building, a six-stall parking lot with a new curb opening on the west side of the building, and an underground stormwater retention area on the northeast corner of the lot. He advised that the existing building was built in 1996 and received a variance to allow a 30 foot setback from the north property line whereas 75 feet is required when abutting residential property. The proposed landscaping plan meets the minimum requirements, including replacing the trees that must be removed for the construction of the infiltration system. The proposed expansion is proposed to follow the same setback from the north property line that was approved in 1996. A variance is required because the footprint of the building is expanding along the same setback line. Staff sees a practical difficulty in the narrow width of the lot. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Simon asked for clarification regarding the location of the proposed fence.

Mr. Hunting showed where the five foot solid fence was proposed to be located to act as screening from the proposed parking lot.

Commissioner Simon asked if the applicants planned to remove the large existing trees in that area.

Mr. Hunting replied in the affirmative, stating they were scrub trees and as such were allowed to be removed per code with no replacement required.

Commissioner Simon noted that trees would be removed west of the northeast parking lot and asked if screening was proposed for that area.

Mr. Hunting replied that no screening was proposed as no tree removal was proposed north of the existing lot. He advised that apparently there have been no issues since the parking lot has been there since 1996.

Commissioner Wippermann asked if trees could be planted over or near the proposed underground stormwater infiltration system.

Mr. Hunting stated he believed it was allowable as the Engineering staff did not note any issues with the proposed landscaping plan.

Commissioner Wippermann asked if staff received comments from any of the neighboring property owners.

Mr. Hunting replied he was aware of only one inquiry. He responded to that individual, sent them the site plan, and received no further communication from them.

#### **Opening of Public Hearing**

Eric Reiners, Sprerides Reiners Architects, 4200 West Old Shakopee Road, Bloomington, advised he was available to answer any questions.

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

Mr. Reiners replied in the affirmative.

Commissioner Wippermann asked if there were any security lights on the north side of the existing or proposed building that could shine into neighboring yards.

Mr. Reiners replied there would be a downcast shoebox style light over the proposed doorway as code requires illumination over an exit door.

Commissioner Gooch asked if this would be a multi-tenant building.

Mr. Reiners replied that Power Dynamics was the sole occupant of this building.

Chair Maggi closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Wippermann questioned the variance criteria regarding the plight of the landowner being due to circumstances unique to the property not created by the landowner. He advised that typically such circumstances relate to topography whereas in this instance it was created by a previous owner or developer because of the lot size.

Commissioner Klein stated the situation was actually created by City Council when they approved a 30 foot setback from residential property.

Chair Maggi stated the lot size now could not be changed because it was an established bank of

lots and buildings.

Commissioner Wippermann stated he had a concern because in essence someone did not follow the codes and it resulted in an issue for the City. He also had a concern regarding the approval statement, which stated the practical difficulty was that the narrow width of the lot limited the buildable area. He stated using this as a basis for a variance could set a precedent and he suggested the approval statement be changed to read 'Approval of the variance to allow a 33 foot setback from the north property line for the building expansion as proposed setback is no less than what was previously approved therefore creating a precedent for this property for the original building.'

Chair Maggi stated in regard to Commissioner Wippermann's point of choosing not to set a precedent, perhaps this would fall in line with the variance criteria that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance as the building is already there and they are not changing the existing setback, just extending it.

#### **Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to approve the request for major site plan review for a 5,000 square foot building addition, and a variance to allow a 33 foot setback from the north property line for the building expansion as the proposed setback is no less than what was previously approved for the original building, therefore creating a precedent for this property, for the property located at 7365 Concord Boulevard.

Motion carried (9/0). This item goes to the City Council on June 22, 2015.

### **CITY OF INVER GROVE HEIGHTS – CASE NO. 15-20X**

#### **Presentation of Request**

Mr. Link advised that the property is located just west of Concord Boulevard on 68<sup>th</sup> Street. The property owners, Christopher and Luci Shipton, approached the City and expressed an interest in selling their property to the Inver Grove Heights Economic Development Authority (EDA). The EDA will be considering the acquisition at a special meeting scheduled for June 8. The Planning Commission is being asked to consider making a recommendation on the consistency of the acquisition with the Comprehensive Plan. Mr. Link advised that the City's redevelopment efforts for this area began in the late 1990's. The Comprehensive Plan was then refined in 2012 when the City adopted the Concord Boulevard Neighborhood Plan. The plan identifies four 'catalyst' sites for redevelopment, with this property being in one of them. The EDA would like to acquire properties, combine them into one, and sell the property for redevelopment as multiple family residential or mixed use. The EDA currently owns four properties on this block which were acquired through voluntary acquisition. Staff recommends that the acquisition be found to be consistent with the Comprehensive Plan.

#### **Planning Commission Discussion**

Commissioner Klein asked for clarification regarding the other properties on the block not owned by the City.

Mr. Link advised there were three residential properties and two commercial properties in this block remaining in private ownership. The EDA has informed the property owners that they are welcome to stay, but at such time that they might be interested in selling the EDA would be an interested buyer.

**Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Gooch, to find the acquisition of 4195 – 68<sup>th</sup> Street East to be consistent with the Inver Grove Heights Comprehensive Plan.

Motion carried (9/0). This item goes to the Economic Development Authority on June 8, 2015.

The meeting was adjourned by unanimous vote at 7:21 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

DRAFT

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

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**REPORT DATE:** June 11, 2015

**CASE NO:** 15-19RCV

**APPLICANT & PROPERTY OWNER:** Steven R. Watrud

**REQUEST:** Major Site Plan Review, Conditional Use Permit and Variances

**HEARING DATE:** June 16, 2015

**LOCATION:** 10982 Clark Rd.

**COMPREHENSIVE PLAN:** General Industrial

**ZONING:** I-2, General Industry and IRM, Integrated Resource Management Overlay District

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Heather Botten  
Associate Planner

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**BACKGROUND**

The applicant received approval in 2014 to construct a 26,400 square foot office/warehouse building along with outdoor storage. The applicant is now proposing to construct an additional building on the property 22,400 square feet in size and expand the outdoor storage area.

Chapter 15, Article J in the City Code includes the process for Site Plan Review. Site plan review is required of "construction on an existing parcel of new structures that may or may not be in conjunction with site improvements on redevelopment site or vacant undeveloped land". The proposed building falls under the requirements of the major site plan review process.

A conditional use permit is also being requested for a contractor's yard and outdoor storage that would include, landscaping materials, vehicles and equipment relating to a business and saleable product. This would not include vehicles for sale, storage of vehicles, propane tanks or a mini-storage facility as staff believes these uses are more intense and would require additional review.

Variances are also being requested from the outdoor storage setback requirement and screening requirements from residentially zoned property.

**EVALUATION OF THE REQUEST**

The specific applications are required to allow the proposed property improvements:

- a) A **Major Site Plan Review** to construct a 22,400 square foot office warehouse building;

- b) A **Conditional Use Permit** to allow for a contractor’s yard and outdoor storage for items such as: landscaping materials, vehicles and equipment relating to a business and saleable product.
- c) A **Variance** to allow outdoor storage less than 100 feet from an A, Agricultural zoned property; and
- d) A **Variance** from the outdoor storage screening requirements.

Similar variances and conditional use permit were approved with phase one on the property but the applicant is proposing to expand the outdoor storage area requiring the need for additional approvals.

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

- North - Surelock Storage; zoned I-2; guided GI, General Industrial
- East - Residential; zoned A; guided GI
- West - Recently approved for development; zoned I-2; guided GI
- South - Trucking operation; zoned I-2; guided GI

**SITE PLAN REVIEW**

Lot Size/Width. The subject site is located within the I-2, General Industry zoning district which has a minimum lot size of 1 acre and a minimum lot width of 100 feet. The subject lot is about 7.31 acres in size and about 668 feet wide. The subject lot exceeds the minimum lot size and width requirements.

Setbacks. The proposed parking lot and building meets and/or exceeds the required perimeter setbacks for the site.

The Ordinance does have a requirement that “outdoor storage area shall be setback a minimum of 100 feet from the lot boundary of any “A”, “E” or “R” use.” The houses to the east are zoned A, Agricultural. The applicant is requesting a variance from this requirement in order to allow them to utilize the rear property for outdoor storage.

Parking Lot. Parking for the proposed development consists of 50 parking stalls located along the west and south side of the building. The number of stalls comply with parking requirements for an office/warehouse building. The parking areas and main traffic routes would be bituminous. The balance of the lot is a storage/truck circulation area that would be gravel. The project meets parking and surfacing requirements.

Impervious Surface/Building Coverage. There is no maximum impervious surface requirement for the property. The I-2 zoning districts allow a maximum of 30% of the lot to be covered by buildings. With the lot size of 7.31 acres, maximum building coverage would be 95,520 square

feet. The two buildings combined would be 48,800 square feet in size (15.3% of lot coverage) which complies with code standards.

Landscaping. The landscaping requirements are based on one (1) tree required per 50 lineal feet of site perimeter plus one tree per 10 parking stalls. A total of 54 overstory or equivalent trees are required total. (Lot perimeter approx.  $2312' / 50 = 46$  trees and the number of parking spaces for both buildings would be  $77 / 10 = 8$  trees.) The plantings shall be a mix of coniferous and deciduous trees.

The landscape plan has been modified since phase one. The landscape plan identifies the equivalent of 54 trees; 53 overstory trees and 10 shrubs (equivalent to 1 overstory trees). 13 of the proposed trees are located along the northeast property line, acting as screening from the abutting residential property. Staff is in support of the requested screening variance because these trees are serving the purpose of the fence screening requirement. Staff believes these trees shall not be counted towards both the landscaping total and the screening requirements. Staff is recommending 13 additional trees be planted on the applicant's property to make up for the discrepancy. The screening variance is discussed later in the planning report.

Screening. The Code requires any roof top or ground mounted equipment to be screened from view from the public. This means that any roof top units must be screened from view from Clark Road. This can be accomplished through either screen material around the units or through the use of parapets.

Outdoor storage is proposed to be located 10 feet from the residential properties to the east. City code requires outdoor storage to be screened from residential uses using at minimum a six foot high solid wood fence. The properties to the east are residential; the applicant is requesting a variance from this requirement. The variance request is discussed later in this report. The applicant is proposing a chain link fence around the east side of the parking lot with gates across both access points to the storage area with no solid screening proposed around the outdoor storage area.

Access. Access to the site would be via two additional entrance points onto Clark Road, for a total of four access points onto the property. There does not appear to be any conflicts with the entrance points. There is no limit to the number of access points a property can have; the access points are acceptable as proposed.

Building Materials. The applicant has provided exterior elevations of the building. The proposed building consists of rock face block on all four sides of the building. The materials proposed comply with ordinance standards.

Engineering. Engineering has reviewed the plans against the overall storm drainage plan that was prepared for Phase 1 and the Gainey Addition Plat. The City Engineer has made comments on the plans and is working with the applicant to address the technical aspects of the development. A condition is included requiring approval of the plans by the City Engineer prior to work commencing on site.

Lighting. All building lighting shall be designed so as to deflect light away from any adjoining public streets. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets. A photometric plan shall be reviewed and approved by the Planning Department prior to the installation of lighting. Lighting is not approved with this plan review and shall be reviewed by staff prior to installation.

Signage. All signage must comply with the signage allotment for the “I-2” zoning district. Signage is not approved with this plan review and would be reviewed with the submittal of a sign permit.

### **CONDITIONAL USE PERMIT**

This request is similar to the Conditional Use Permit that was approved for the property in 2014; yet the request is unique in that the applicant is proposing to construct a multi-tenant building without having all the users in place. The applicant expects a mix of tenants similar to those that are currently leasing the building to the south.

The Zoning Code is set up to review specific uses for a parcel. The City review process is set up the same way, approving a specific use for each parcel or tenant in a building individually. The request for an essentially spec building with a general office/warehouse use is unique and requires some flexibility in review to allow the use while maintaining consistency with performance standards for what could be a multi-use building. A multi-use conditional use permit is being requested. The uses are generally a contractor’s yard with a range of open storage allowed. By addressing the most important performance standards upfront, staff feels that the majority of uses that would fit on the site would be contained in the conditional use permit. The conditional use permit for a contractor’s yard and outdoor storage would include, landscaping materials, vehicles and equipment relating to a business and saleable product. This would not include vehicles for sale, storage of vehicles, propane tanks or a mini-storage facility as staff believes these uses are more intense and would require additional review.

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests.

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

One of the policies of the industrial districts is to: “Provide opportunities for new industrial development, expansion of existing uses and the redevelopment of existing industrial uses to expand employment opportunities and to serve existing businesses in the community.” The proposed use would not have a negative impact for the industrial areas as set forth in the Comprehensive Plan.

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

The applicant's property is zoned I-2, General Industry. An office/warehouse use is a permitted use in the I-2 district; a contractor's yard and outdoor storage is consistent with the intent of the industrial zoning district.

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

The proposed uses do not appear to have a detrimental effect on the neighborhood or public improvements in the vicinity of the project.

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 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 would be compatible with the surrounding uses and with the intent of the industrial zoning.

- ii. Noise*

Any vehicle noise would not be out of the ordinary for the I-2 zoning district. The operation is a day time operation and larger trucks would utilize the site.

- iii. Fencing, landscaping and buffering*

The applicant is requesting variances from fencing and buffering requirements. The land use plan for all the surrounding properties are to be developed with industrial uses along both Clark Road and Hwy 52/55.

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 size of the building and location would be appropriate for industrial uses. The entire area is guided for industrial development.

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

This use is similar to other industrial uses in the area and does not 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 and there would be no emissions that would create air quality issues.

### **VARIANCE REVIEW**

The applicant is requesting two variances: 1) from the 100' outdoor storage setback requirement from agricultural property and 2) screening requirements for outdoor storage from residential zoned property.

Title 10-15-10: EXTERIOR STORAGE, B. of the ordinance requires outdoor storage to be setback a minimum of 100 feet from the lot boundary of any "A", "E" or "R" District and also requires storage from residential properties to be screened by a fence enclosure consisting of a minimum six foot high solid wood fence.

The property to the east of the development is zoned A, Agricultural and thus the 100 foot buffer and solid fence screening would apply. The applicant is proposing outdoor storage up to 10 feet from the east property line whereas 100 feet is the required setback. The applicant is not proposing any solid fencing but does show 13 spruce trees along the northeast property line to act as partial screening.

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

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

All of the land surrounding the subject site is guided GI, General Industrial in the 2030 Land Use Plan. Allowing storage within the 100 foot buffer would not be contrary to the intent of the Comprehensive Plan.

The property does has some unique characteristics in that the request for outdoor storage is addressed differently than other types of industrial uses abutting agricultural zoned property. Outdoor storage is required to maintain a 100 foot buffer from certain zoned properties, while other industrial uses, such as trucking operations or mini-storage do not have this requirement. The applicant is requesting outdoor storage to be located 10 feet from the eastern property line

at the closest point. The parking setback abutting residential properties in the I-2 district is 20 feet, staff feels this setback would also be appropriate for outdoor storage.

All outdoor storage shall be screened by a fenced enclosure from residential uses. At a minimum, the fence shall consist of a six foot high solid wood fence. The applicant is not proposing any solid fencing; there are 13 pine trees located on the northeast corner of the site to provide some screening from the residential property to the east. The homes located east of the property are at a higher elevation than the proposed development; solid screening around the entire outdoor storage area would not provide a huge benefit to the abutting residential properties.

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

There are three houses to the east of the property that are zoned A, Agricultural. The “A” zoning in this case is designed as more of a holding zone in that since the long range plan is industrial, the existing residences may be utilized until such time the property is rezoned and developed for industrial uses.

The intent of the ordinance requirement is to protect permanent agricultural or residential uses from being adversely affected by neighboring industrial development. The properties to the south and north of the subject site have developed with industrial uses; a trucking operation and mini-storage. Both have storage components including trucks in a large open parking lot for the trucking operation to the south, to storage of boats, trailers, campers associated with the mini-storage.

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

The narrow wording of the ordinance to only require a 100 foot buffer on outdoor storage and not other industrial uses that would have an outdoor component creates a practical difficulty for this particular use on this site. Since the long range plan for the properties to the east is industrial, it would seem requiring a 100 foot buffer in this case to be a difficulty by not allowing the use of the property to its fullest extent. The applicant is requesting a 10 foot setback for outdoor storage. The parking setback abutting residential properties in the I-2 district is 20 feet; staff feels this setback would also be appropriate for outdoor storage.

In regards to the screening variance the applicant is proposing 13 trees on the northeast part of the property to provide some screening between residential property and outdoor storage. Additionally, the homes located east of the property are at a higher elevation than the proposed development therefore, solid screening may not provide a huge benefit to the abutting residential properties.

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

Allowing an encroachment into the required buffer area will not alter the character of the area. There is already a trucking operation on the property immediately to the south that contains a large parking lot for parking of trucks and trailers which also directly abuts the agricultural zoned property. The area is planned long term for industrial so eventually the buffer area will no longer be a requirement and the back of the lot can be used the same as with other industrial zoned properties. The residential properties also sit higher in elevation so a solid fence around the entire outdoor storage area would not provide any screening relief.

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

Economic considerations do not appear to be the sole basis for this request. The need for storage space for trucks and trailers is typical for this type of operation.

## **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 **Major Site Plan Review** to allow a 22,400 square foot office/warehouse building subject to the following conditions:
    1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Site Plan	dated TBD
Grading Plan	dated TBD
Landscape Plan	dated TBD
Exterior Elevations	dated 04-30-15
    2. Any roof top mechanical equipment shall be substantially screen from view from roads. Large scale ground mounted mechanical equipment shall be screened from view with adequate landscape material.
    3. All areas of the lot shall be mowed and maintained and be free from trash and debris.
    4. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
    5. 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. A photometric

plan shall be reviewed and approved by the Planning Department prior to the installation of lighting.

6. All plans shall be subject to the review and approval of the Fire Marshal.

7. 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.

8. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.

9. A revised landscaping plan shall be approved by the Planning Department prior to issuance of a building permit demonstrating an additional 13 trees to comply with screening and landscaping requirements.

10. A revised site plan shall be submitted demonstrating a 20 foot setback for the outdoor storage area.

- Approval of the **Conditional Use Permit** to allow a contractor's yard and outdoor storage for items such as: landscaping materials, vehicles and equipment relating to a business and saleable product subject to the following conditions:

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

Site Plan	dated TBD
Grading Plan	dated TBD
Landscape Plan	dated TBD
Exterior Elevations	dated 04-30-15

2. All areas of the lot shall be mowed and maintained and be free from trash and debris.

3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

4. 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. A photometric plan shall be reviewed and approved by the Planning Department prior to the installation of lighting.

5. All plans shall be subject to the review and approval of the Fire Marshal.
  6. 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.
  7. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.
  8. A revised landscaping plan shall be approved by the Planning Department prior to issuance of a building permit demonstrating an additional 13 trees to comply with screening and landscaping requirements.
  9. A revised site plan shall be submitted demonstrating a 20 foot setback for the outdoor storage area.
- Approval of a **Variance** to allow outdoor storage within 100 feet from the boundary and no screening of the outdoor storage abutting an A, Agricultural zoned property.

Practical Difficulty: The narrow wording of the Ordinance to only require a 100 foot buffer on outdoor storage and not other industrial uses that would have an outdoor component creates a hardship for this particular use on this site. Since the long range plan for the properties to the east is industrial, it would seem requiring a 100 foot buffer in this case to be a difficulty by not allowing the use of the property to its fullest extent. Additionally, the agriculturally zoned properties are at a higher elevation than the proposed storage, solid screening may not provide relief to the abutting properties.

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

### **RECOMMENDATION**

The proposed major site plan review and conditional use permit requests comply with performance standards of the I-2 zoning district, except the 100 foot buffer and screening variance requests. The use is consistent with the Comprehensive Plan and meets the Conditional Use and Site Plan Review Criteria. Engineering finds the plans acceptable and is working with the applicant on the final details.

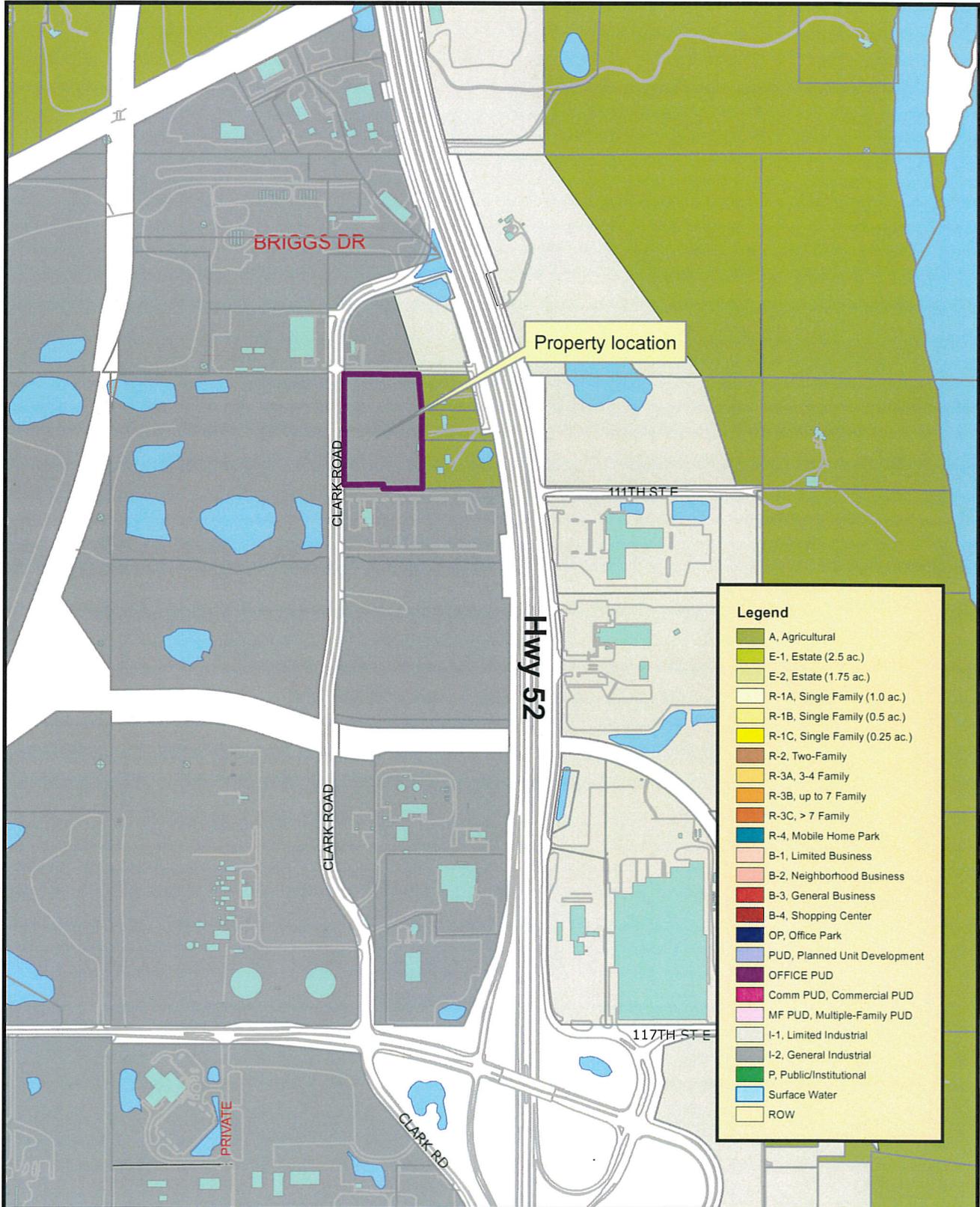
Planning Staff recommends approval of the major site plan review and conditional use permit requests as presented with the conditions listed in Exhibit A. Staff is not in support of the variances as proposed but would support an outdoor storage setback of 20 feet instead of 100 feet and would support the screening variance as long as the 13 trees are installed along the northeast part of the property.

Attachments: Location Map  
Applicant Narrative  
Grading Plan  
Landscape Plan  
Exterior Elevations

Map not to scale



# Watrud Case No. 15-19RCV



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.

### Zoning & Location Map

May 12, 2015

To: City of Inver Grove Heights

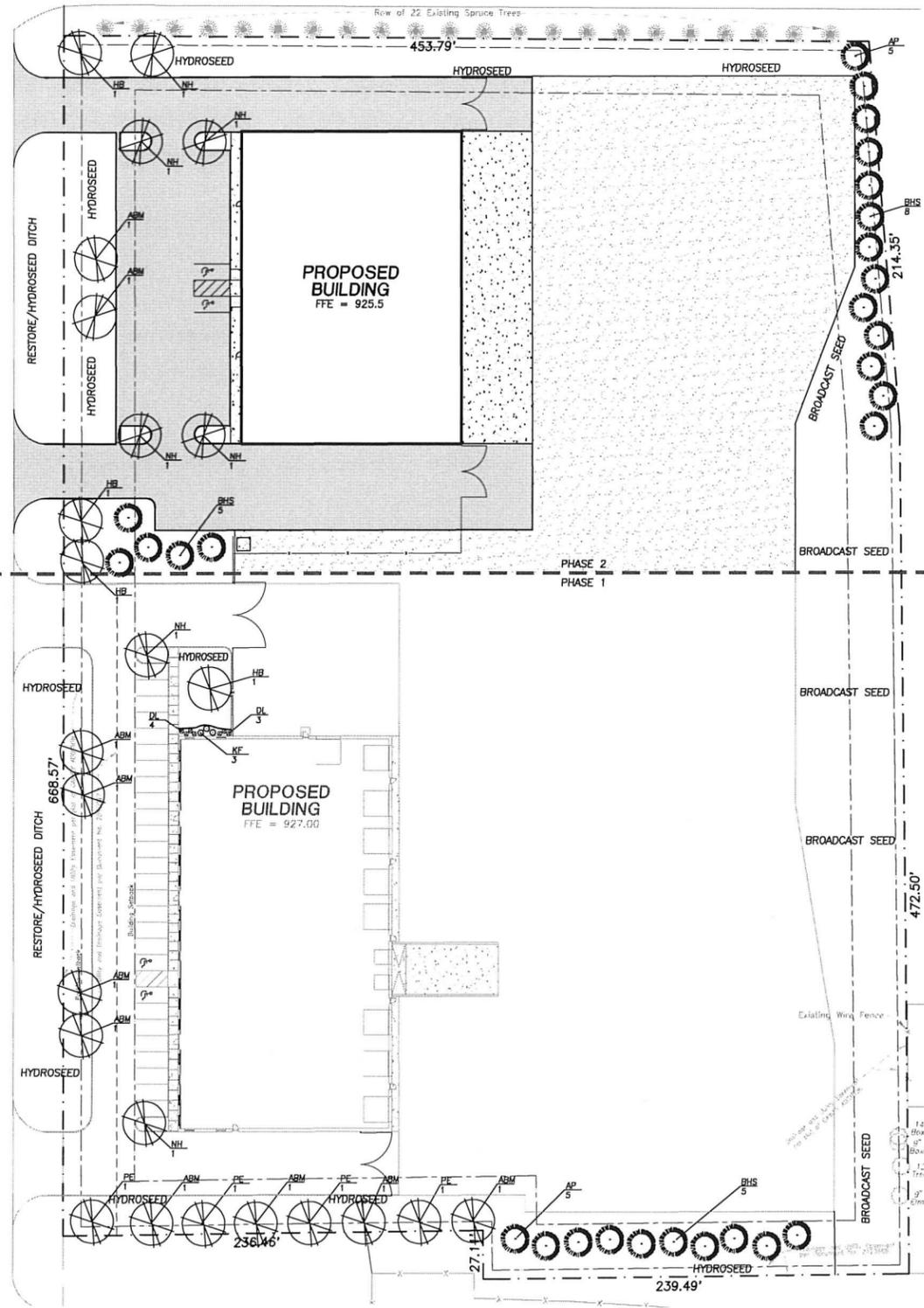
This is a request to build a 22,400 square foot Office Warehouse on existing 7.31 acre site, north of existing 26,400 square foot facility.



Steven R. Watrud



CLARK ROAD



**REQUIRED LANDSCAPE MATERIALS**

Required Landscape Trees  
 1 tree per 50 L.F. of lot perimeter  
 1 tree per 10 parking stalls

Lot perimeter = approx. 2,312 linear feet  
 2,312/50 = 46 trees

Total Stalls Provided = 27 (Phase 1) + 50 (Phase 2) = 77  
 77/10 = (7.7) 8 trees

Total Required = 54  
 Total Provided = 54 (Not including existing trees)

**PLANT LIST: Site Plantings**

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE/ROOT
<b>TREES</b>				
10	ABM	Acer fraxinifolium 'Jefferson'	Autumn Blaze Maple	2-1/2" B&B
4	PE	Ulmus x 'Patriot'	Patriot Elm	2-1/2" B&B
4	HB	Celtis occidentalis	Hockberry	2-1/2" B&B
7	NH	Gleditsia triacanthos var. inermis 'Harve'	Northern Acacia Honeylocust	1-1/2" B&B
18	BHS	Picea glauca densata	Black Hills Spruce	8"-0" B&B
10	AP	Pinus nigra	Austrian Pine	8"-0" B&B
53	<b>Total Trees</b>			
<b>SHRUBS</b>				
3	KF	Colamagrostis acutiflora	Karl Forester	5 Gal. Pot
7	DL	Hemerocallis 'Stello de Oro'	Stello de Oro Daylily	5 Gal. Pot
10	<b>Total Shrubs (6 Shrubs = 1 Tree for a Credit of 1 Tree)</b>			

**LANDSCAPE SPECIFICATIONS**

**GENERAL**  
 Furnish all work required to complete as indicated by the contract documents and furnish all supplementary items necessary for completion of work specified.

**REFERENCES - QUALITY ASSURANCE**  
 Comply with all applicable federal, state, county and local regulations governing landscape materials and work.

Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to the owner.

All materials will be judged by the AAN American Standards for Nursery Stock, Latest Edition, American Joint Committee on Horticultural Nomenclature, Last Edition, State Highway Department Standard Specifications for Construction Seed/Sodding/Hydrumulching, Last Publication and Hortus, Cornell University, Last Edition.

Coordinate planting with irrigation system installation and review continuously to insure complete coverage of plant materials.

Coordinate backfill and grading issues with general contractor so as unproductive work duplications or delays do not occur.

**GUARANTEE - LIABILITY**  
 Contractor assumes all liability and replacement requirements of materials which are damaged, stolen, or misplaced on the job site prior to acceptance of work.

Owner may request contractor to submit delivery tickets of bulk soil deliveries to confirm source and quantity of material.

All plants will be guaranteed for a period of one (1) year from the date of final acceptance. Owner will be responsible for proper maintenance of plants after final acceptance.

Contractor will replace plants which have partially died, thereby damaging shape, size, or symmetry. During guarantee period, dead and unsightly plant materials will be removed and replaced immediately. Guarantee excludes damages caused by vandalism, freeze, drought, insect infestation, or other acts of God. Special equipment required for replacement plants due to access problems are not to be included in the basic project costs. This is a negotiated item at time of replacement only.

Shrub plantings will be done in beds properly prepared using mulch and organic compost. Verify planting areas have been provided as indicated on the plan. Remove all surface rock or debris deposited by previous work operation or excavation performed to create specified bed. Excavate as necessary to provide for thorough blending of 50 percent existing soil and 50 percent compost filled 4 inches into existing soil to create a fine, loose condition, suitable for good plant growth. Notify owner if existing soil is undesirable. Contractor will insure positive drainage exists in all areas. Specified bed preparation will only be done in shrub group areas, not over general areas where rock is indicated.

**MAINTENANCE - ACCEPTANCE**  
 Contractor will maintain all plant materials including turf mowing until final acceptance. It is the owner's intention to accept the project as soon as the contractor has demonstrated a complete project is ready for final acceptance.

**SOIL PREPARATION MATERIALS**  
 Topsoil will be local in origin, clean friable, dark in color, free from lumps of clay, rocks, weeds, or other noxious materials.

Mulch will be aged, finely shredded bark mulch, brown in color run through a hammer mill and screened of undesirable material.

Compost will be a recognized brand of peat moss common to the locale, typically used in the landscape trade as a soil amendment to provide a natural acidic, biologically active additive to the soil.

Fertilizer recommendations will be provided to the owner appropriate to the site conditions and time of year for all plant materials including the lawn turf.

**MISCELLANEOUS MATERIALS**  
 Edging will be 6 inch, commercial grade, black poly such as Black Diamond or approved equal.

**HERBICIDES - PESTICIDES - FUNGICIDES - FUMIGANTS**  
 Contractor may use all means necessary to prepare the site and maintain the materials if properly labeled and applied in order to prevent injury to humans, domestic animals, desirable plants, fish and other wildlife. Contractor will follow all manufacturer directions for applications and heed all labeled warnings. Failure to do so will result in termination from the project.

All trees will be planted in pockets twenty-four (24) inches greater in diameter than root ball and no deeper than depth of root ball. Prior to planting, fill pit one-half full of water to determine drainage at the end of twenty-four (24) hour period. If no poor drainage exists, backfill pit with existing soil. Form a 4 inch watering ring of base of tree and add a 2 inch layer of shredded mulch. Notify owner of any poor drainage issues.

**FINAL GRADING**  
 Loosen and fine rake areas to break up lumps and produce a smooth, even gradient free of unsightly variations, ridges or depressions. Ponding of water in finished areas will not be permitted. Remove from site all stones, rock, and debris one (1) inch or larger. Final grading is subject to critical owner review only after repeated watering or rains to insure settlement has not adversely affected drainage patterns.

**LAWN TURF (SEEDED AREAS)**  
 Commercial turf establishment (hydroseed): seed shall be MNDOT Mixture 250 @ 100 lbs/acre, fertilizer shall be 10-10-10 (NPK) commercial grade, and mulch shall be MNDOT Type 1.  
 Commercial low-maintenance turf establishment (broadcast seed): seed shall be MNDOT Mixture 250 @ 70 lbs/acre, fertilizer shall be 10-10-10 (NPK) commercial grade, and mulch shall be MNDOT Type 1.  
 Contractor will maintain turf by fertilizing and weeding until final acceptance.  
 Contractor will establish a dense lawn turf of permanent grass prior to final acceptance.

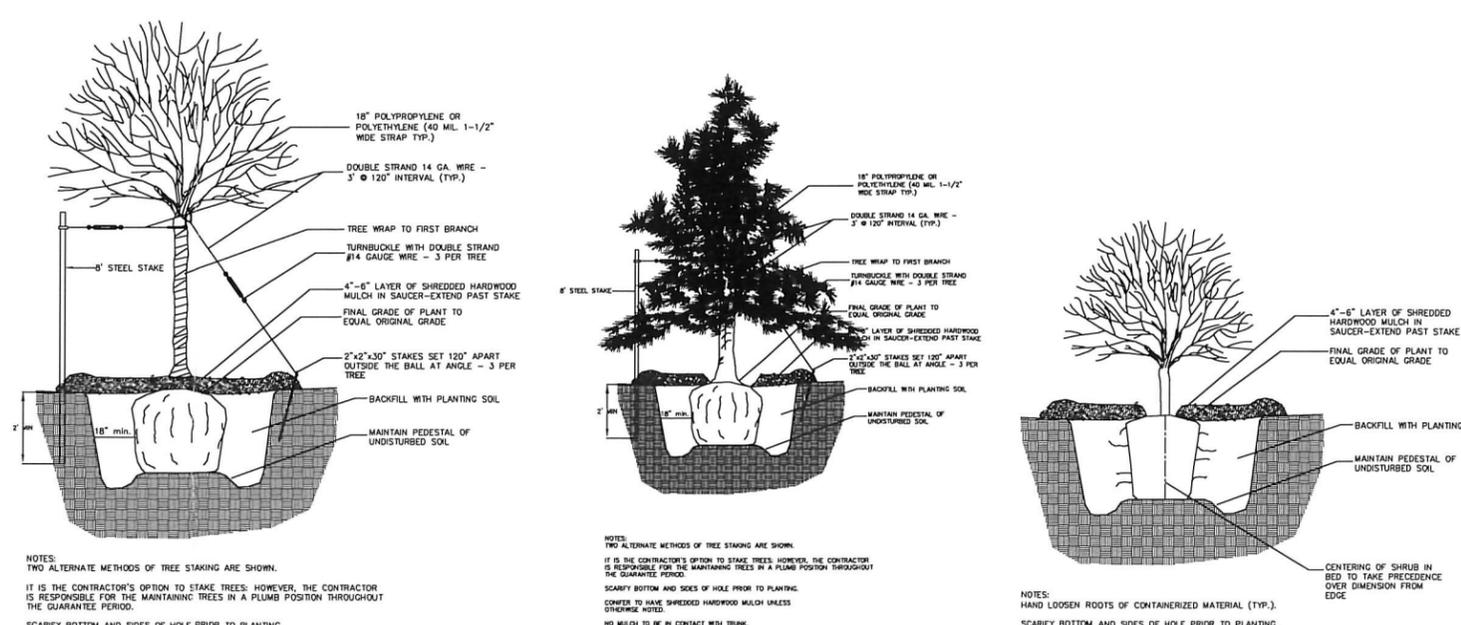
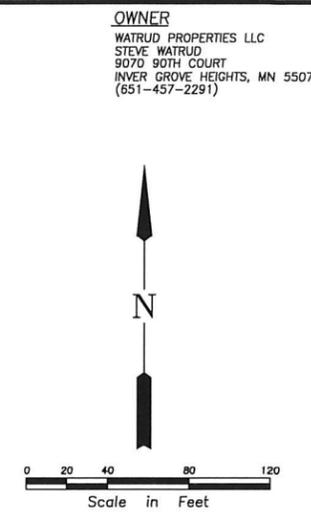
**PRUNING**  
 Pruning will be limited to the minimum necessary to remove dead wood, suckers, broken twigs or branches and to compensate for loss of roots during transplanting. In no case will pruning exceed one fourth the branching structure of the plant. Pruning will preserve the natural character and structure of the plant. All pruning operations will be performed in accordance with standard arboricultural practices.

**FERTILIZATION**  
 All trees, shrubs, ground cover and lawn turf will be fertilized in a one time application of an approved fertilizer based on the contractors observations of site conditions and experience in the area.

**LANDSCAPE ROCK**  
 After work of planting has been completed, topdress all planting areas with landscape river rock to a depth of 4".

**EDGING INSTALLATION**  
 All edging specified will be set flush with finish grade in alignments designated on the plans.

**CLEAN UP**  
 Remove all debris generated by work operations from the site daily.  
 All paved areas will be cleaned daily by washing and sweeping. Remove tire markings from all concrete surfaces.  
 Leave entire planting areas in a raked condition free of debris and paved surfaces in a broom clean condition ready for final acceptance by owner.



DECIDUOUS TREE PLANTING DETAIL      CONIFEROUS TREE PLANTING DETAIL      SHRUB PLANTING DETAIL

**Rehder & Associates, Inc.**  
 Civil Engineers, Planners and Land Surveyors  
 8440 Federal Drive, Suite 110 • Eagan, Minnesota 55122  
 651-693-5051 • Fax: 651-692-9797 • email: info@rehder.com

PROJECT NO: 141-1347.024 DRAWING FILE: 1347024.DWG

**PRELIMINARY**

4-8-13  
 CITY REVIEW/APPROVAL

ISSUED

LANDSCAPE PLAN  
 CLARK RD OFFICE WAREHOUSE BUILDING  
 CITY OF INVER GROVE HEIGHTS

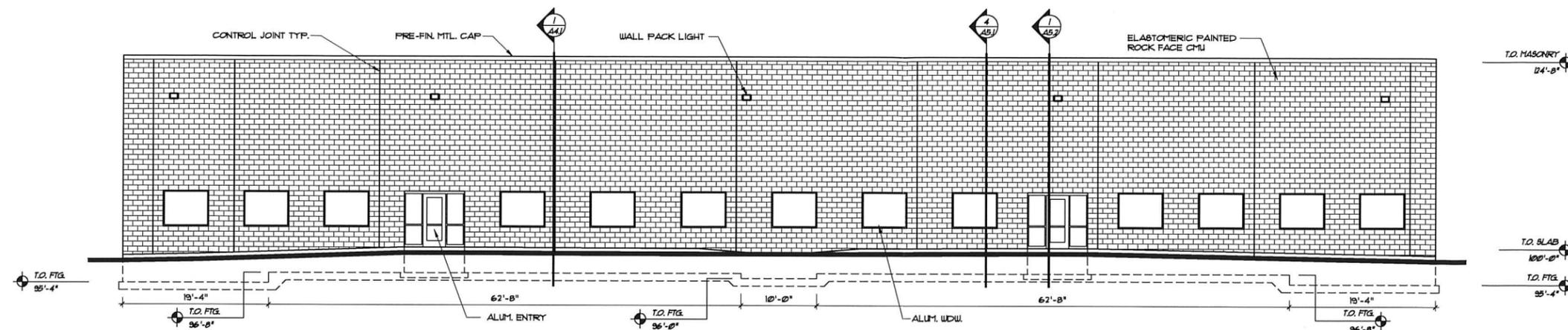
SHEET NUMBER  
**L1**

Rosa  
Architectural  
Group  
Inc.

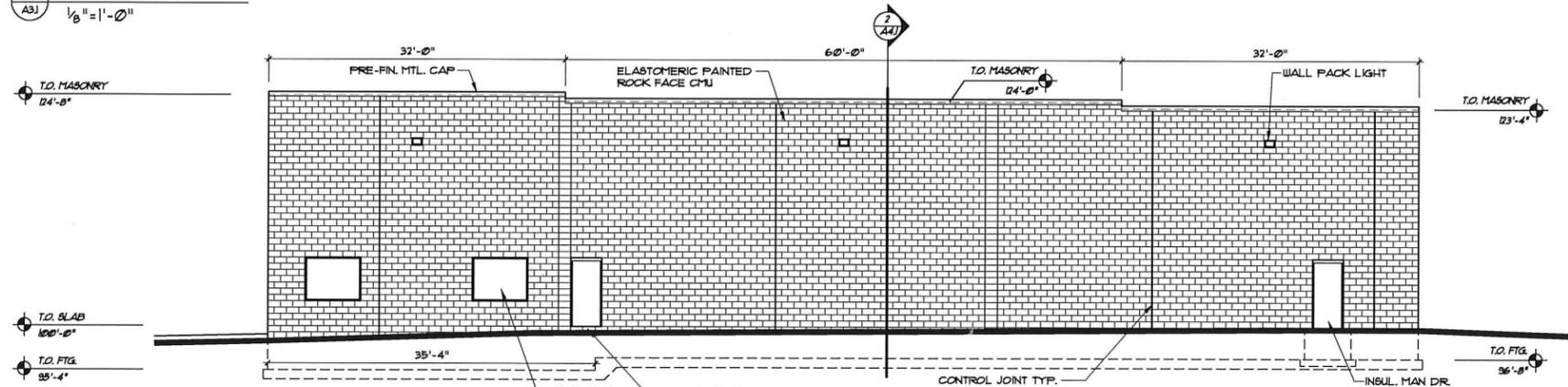
1084 Sterling Street  
St. Paul, Minnesota 55119  
tel: 651-739-7988  
fax: 651-739-3165

CLARK ROAD  
OFFICE WAREHOUSE  
BUILDING II

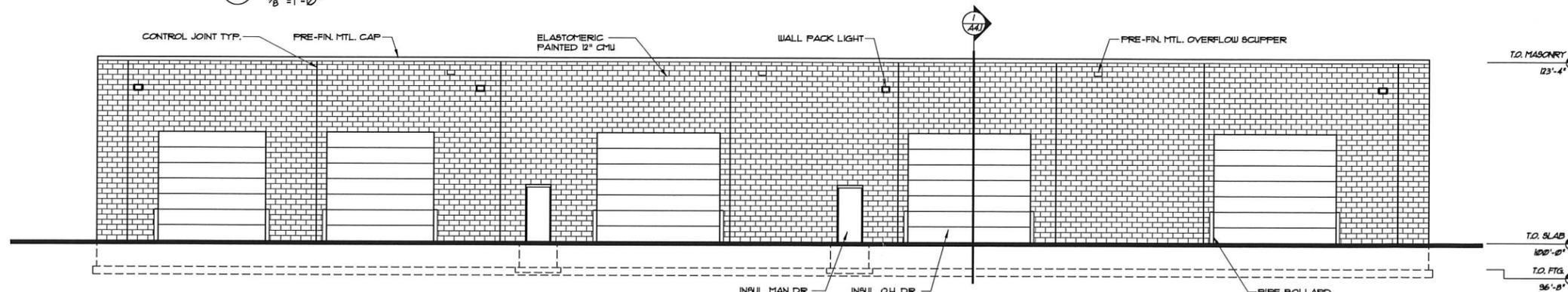
10982 CLARK ROAD  
INVER GROVE HEIGHTS,  
MINNESOTA 55077



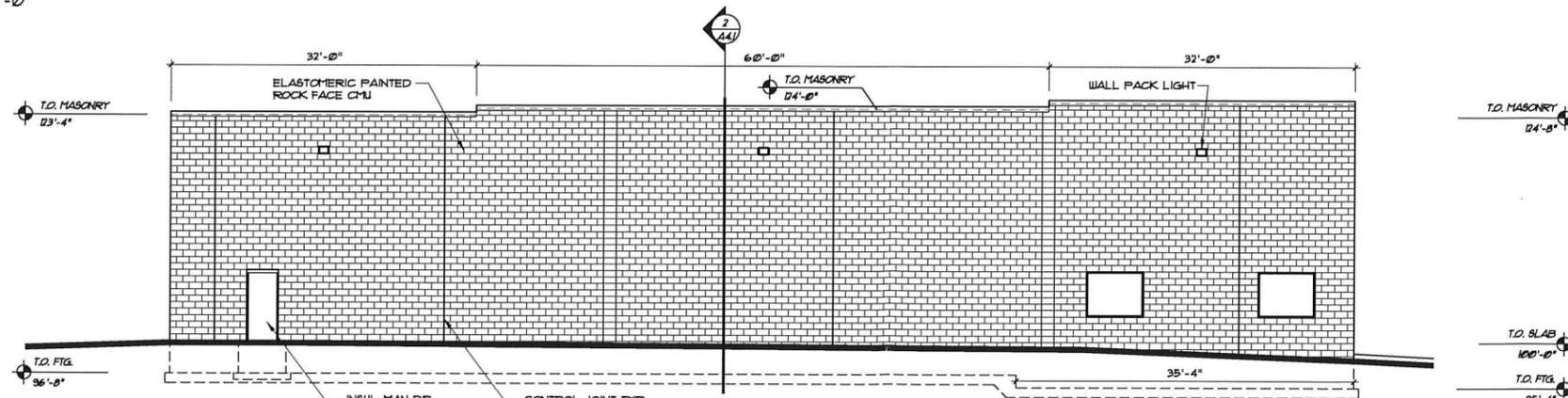
1 WEST ELEVATION  
1/8" = 1'-0"



2 SOUTH ELEVATION  
1/8" = 1'-0"



3 EAST ELEVATION  
1/8" = 1'-0"



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

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 ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: \_\_\_\_\_

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_ REG. NO. \_\_\_\_\_

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 ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: RUSSELL R. ROSA

SIGNED: *Russ Rosa*

DATE: 4/30/15 REG. NO. 18033

PROJECT NUMBER: 21510

DATE: APRIL 30, 2015

DRAWN BY: KF

CHECKED BY: RR

REVISIONS: \_\_\_\_\_

ELEVATIONS

A3.1

**P L A N N I N G   R E P O R T**  
**C I T Y   O F   I N V E R   G R O V E   H E I G H T S**

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**REPORT DATE:**     June 11, 2015

**CASE NO:** 15-18V

**HEARING DATE:**    June 16, 2015

**APPLICANT & PROPERTY OWNER:** Gregory Lee and DL Scofield

**REQUEST:**     Variance for a fence encroachment

**LOCATION:**     3593 72<sup>nd</sup> St. East

**COMPREHENSIVE PLAN:** Low Density Residential

**ZONING:** R-1C, Single-family Residential

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten   
Associate Planner

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**BACKGROUND**

The applicant is requesting a variance from setbacks to allow the construction of a six foot high solid wood fence right on the corner front property line whereas 30 feet is required. The fence would be replacing an existing chain link fence. The property is a corner lot located at the northwest corner of Cloman Avenue and 72<sup>nd</sup> Street.

A solid fence is required to be 30 feet back from the front property lines. The code requires any fence within a front yard to be no higher than 42 inches and be at least 75% open. The reasons for the rule appear to be mainly visibility for traffic at corners and along street/driveways, and emergency vehicles to front of houses. A second reason would be aesthetics, both in uniformity along front views and visual appeal. The code does not differentiate how the fronts are used in a corner lot. Both frontages are considered "front yards" by definition, not by how they are used. In this case, the area the fence is proposed acts as a side yard. However, the yard on the lot to the north acts as their front yard and they would not be allowed to place a solid fence in the front yard.

Staff has interpreted the code such that if all lots on the same block are all sides or rears and face a street, they have been allowed solid fences to the property line since they act as side or rear yards. The problem arises when the property next door is an actual front yard. Then the conflict occurs. If those lots are not allowed a solid fence, then corner lots should not be allowed one either.

**EVALUATION OF THE REQUEST**

SURROUNDING USES: The subject site is surrounded by the following uses:

- North - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
- East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
- West - Church; zoned P, Institutional; guided P, Public/Institutional
- South - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential

### VARIANCE REVIEW

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

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

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The area is developed with single family homes, some with fences along the corner front property line.

The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential which would contain typical accessory structures or improvements such as fences.

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

The applicant's request is to encroach into the required front yard setback. The location of the fence would be out of any traffic sight lines. Again, the conflict in this instance is that the property to the north fronts along Cloman Avenue and they would not be able to construct a solid fence closer than 30 feet from the front property line. For the applicant's corner lot, this line functions as a side yard.

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

While the conflict with how the code addresses fences in yards may seem unique, there are many instances throughout the city with this same lot configuration and therefore would have the same issues with fence placement.

The zoning code allows fences 42 inches or shorter within the front yard setback. The height of the proposed fence may be considered a convenience to the applicant, not a practical difficulty. Although not convenient, the applicant could construct a six foot

fence 30 feet from the front property lines, complying with code requirements, and utilizing the western portion of their lot to let their dogs out.

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

Staff does not believe this limited fence proposal would alter the essential character of the locality. There are fences in all residential neighborhoods, and depending upon lot configuration, there could be solid fences along streets. There are fences that exist in yards on lots with this same configuration, some built without permits and others allowed based on different interpretations of the code over the years. The fence does not encroach into any traffic safety sight lines. The fence may have an impact on visibility from a “street view” from the neighboring property; the neighbor that the fence most directly affects is in support of the request.

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

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

## **ALTERNATIVES**

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

**Approval:** If the Planning Commission finds the Variance to be acceptable, the Commission has the following options:

A. Approval of the Variance to allow the construction of a six foot high solid wood fence along the corner front property line whereas 30 feet is required setback subject to the following condition:

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

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

1. Denying the variance request does not preclude the applicant from reasonable use of the property as the property would still function as a single family residence.
2. Approval of the variance could set a precedent for other solid fences located within the front yard.

3. Staff does not believe there are practical difficulties in complying with the official control and the six foot fence may be considered a convenience to the applicant, not a practical difficulty.

### **RECOMMENDATION**

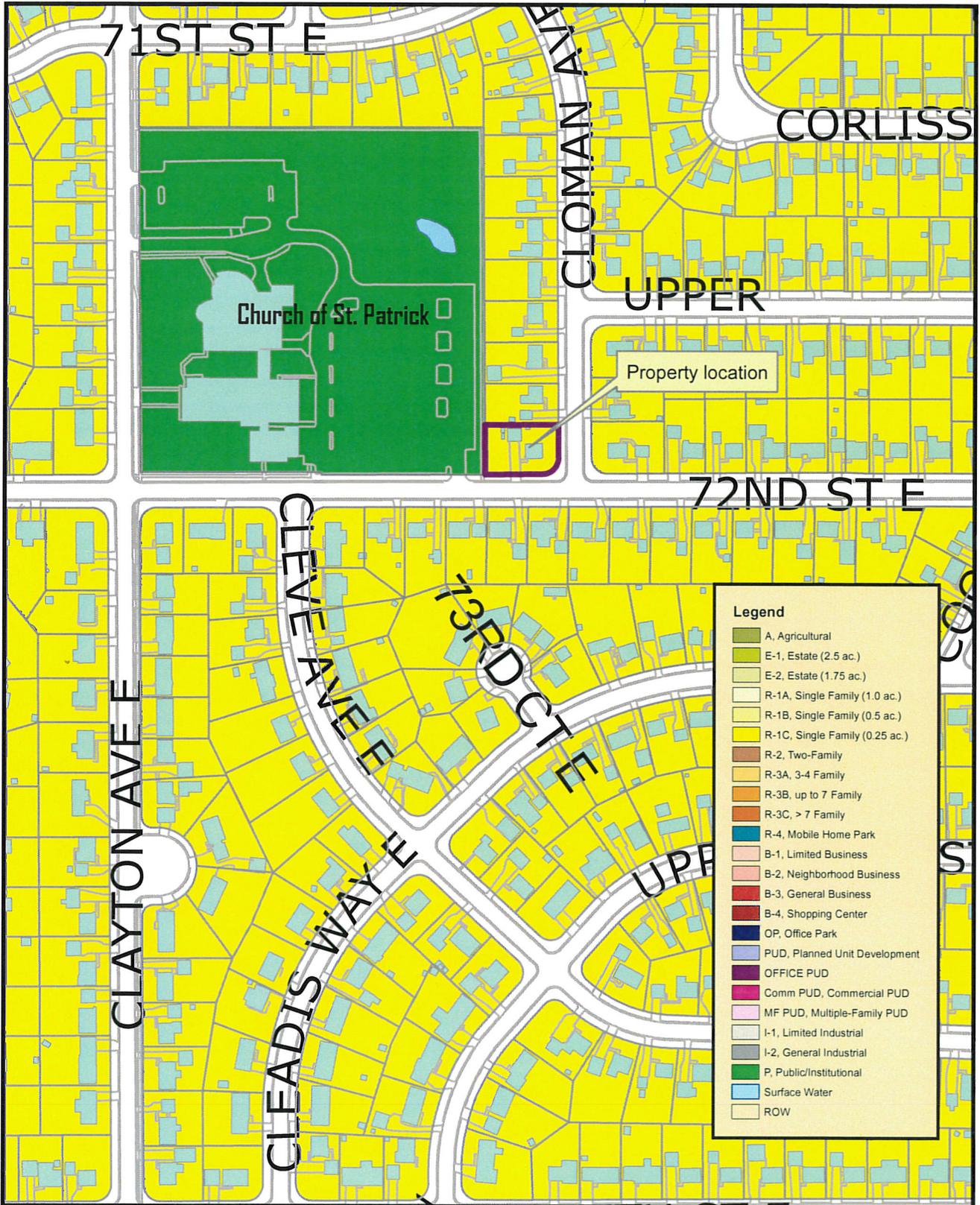
The request is not out of character of the neighborhood and it is consistent with the comprehensive plan. The problem is that the site and situation is not unique. Additionally, staff believes the facts presented do not satisfy the criteria needed to show a practical difficulty to support the variance. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments:            Location Map  
                                 Site Plan  
                                 Applicant Narrative  
                                 Photo of Property  
                                 Neighbor Letter

Map not to scale



# Scofield Case No. 15-18V



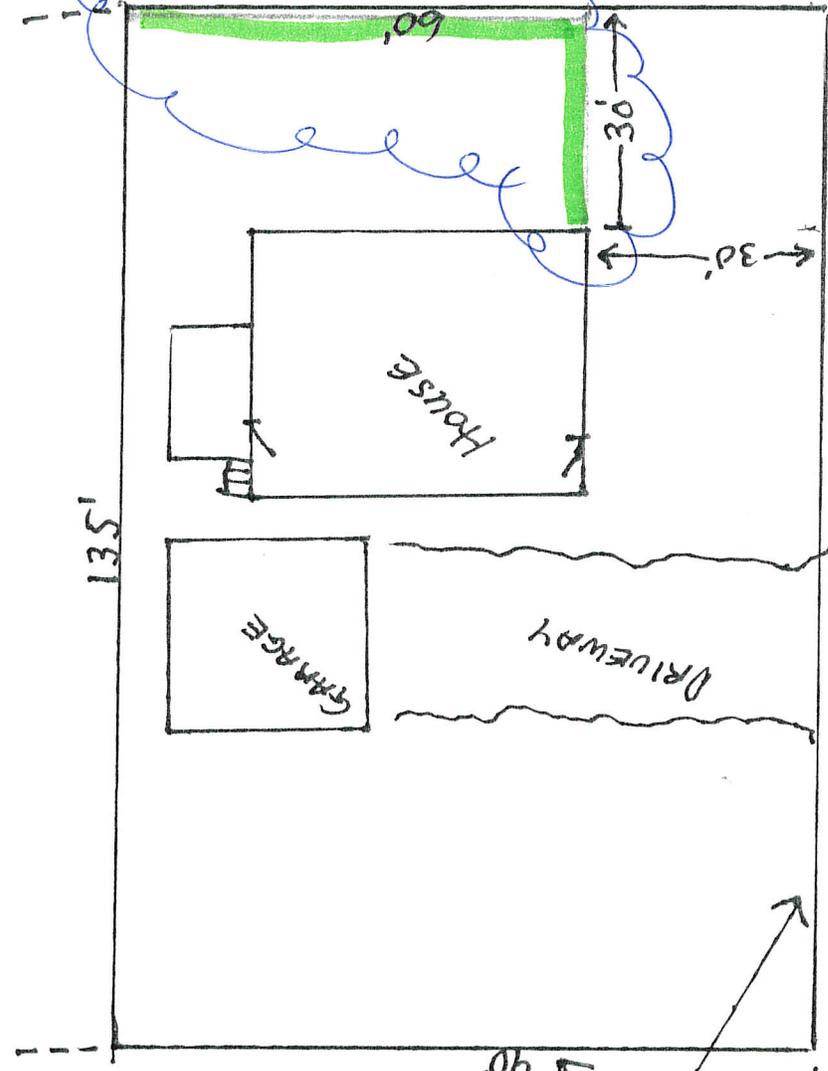
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

## Zoning & Location Map

Cloman Ave



fence location



RIGHT OF WAY

PROPERTY LINES

72nd St. East

May 17, 2015

City of Inver Grove Heights  
8150 Barbara Avenue  
Inver Grove Heights, MN 55077

RE: Request to replace our existing fence @ 3593 72<sup>nd</sup> St. East Inver Grove Hts, MN

Dear Sirs:

We are requesting a building permit to replace our existing fence consisting of 42" chain link and 48" cedar. The variance request is to replace the existing fence with a 6' Cedar fence. This variance will not be detrimental to public welfare, does not interfere with visibility for the intersection of Cloman Avenue and 72<sup>nd</sup> Street East, and we believe this variance is in keeping with the spirit and intent of the city code and comprehensive plan. This variance will not alter the essential character of the neighborhood. We have spoken with our neighbors, they understand why we are requesting the variance and are in support of our request.

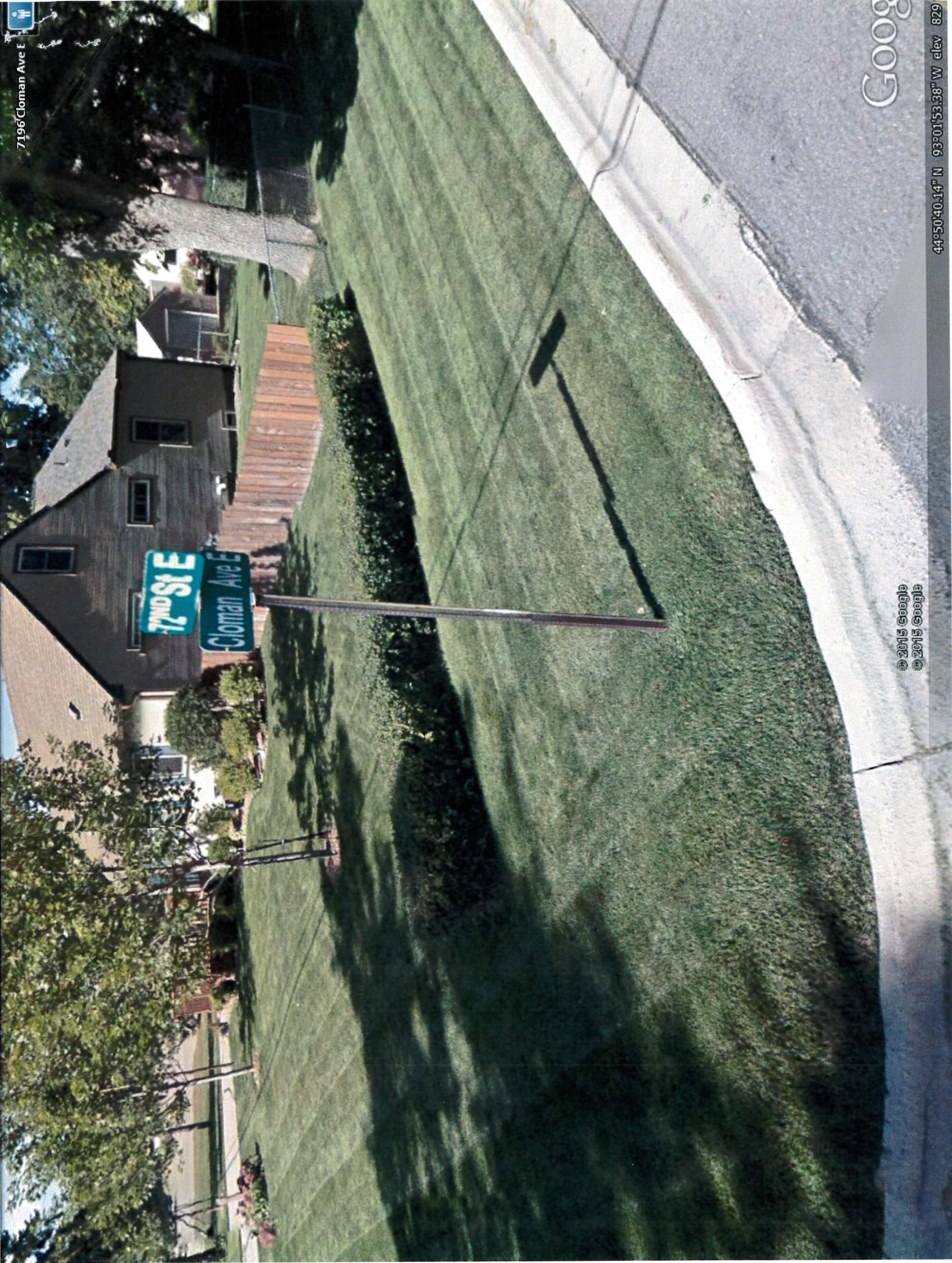
Despite our address being on 72<sup>nd</sup> Street which is the front of our home, and Cloman Avenue on the side of our home, the city considers our side/back yard a front yard because we are on a corner lot. Our decision to purchase this house in 1977 was largely due to the size of the yard knowing that our family would grow to include both children and dogs. We do utilize our yard multiple times daily to exercise, play and train our dogs. Installing the solid fence under the current code, rather than replacing the existing fence, would restrict our usable back yard to a small 6' wide L-shaped area around our deck.

Our request to replace the current fence with a 6' Cedar solid fence is for the safety and well-being of our dogs. While there are many responsible dog owners, we have observed some people (both adult and children) walking untrained out of control and occasional unleashed dogs which lunge, bark, growl while charging our fence. We have called the police to our home to pick up a dog who jumped our fence and charged our back patio door. Our fear is some day, a dog will again jump the fence and injure or kill one or both of our dogs. While we are always outside with our dogs we may not be able to prevent an aggressive dog from coming over a 42" fence. The solid fence will limit the visual contact between dogs, thus limiting the chance of a potential aggressive action.

As a dog trainer, therapy dog handler & evaluator, and AKC Canine Good Citizen Evaluator I advocate and model Responsible Dog Ownership. We do not allow our dogs to run our fence line, bark and charge at people walking with or without dogs. The proposed fence would limit other peoples' dogs from doing so.

The side/back yard of our property will not have a practical or beneficial use unless the variance is granted. We appreciate your consideration and approval of our variance request.

Sincerely,  
Deb & Greg Scofield



7196 Cloman Ave E



Google

© 2015 Google  
© 2015 Google

44°50'40.14" N 93°01'53.98" W elev 829

TO Planning Dept.

This letter is in regards to the  
Planned fence at 3593 72<sup>nd</sup> St.

The Scofield's have always been  
good neighbors and are very responsible  
dog owners. We have no objections  
to the planned fence.

The Lawrence family at 7181  
Cloman Ave

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

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**REPORT DATE:** June 12, 2015

**CASE NO:** 15-12PUD

**APPLICANT:** Ryland Homes

**REQUEST:** Final Plat and Final PUD Development Approval for Blackstone Ponds 1<sup>st</sup> Addition

**MEETING DATE:** June 16, 2015

**LOCATION:** North side of 70<sup>th</sup> Street, along Eagan boundary

**COMPREHENSIVE PLAN:** LMDR-NWAPUD

**ZONING:** R-3B/PUD

**REVIEWING DIVISIONS:** Planning  
Engineering  
Park and Recreation  
Fire Marshall

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

Ryland Homes has submitted the final plat and final development plan for Blackstone Ponds 1<sup>st</sup> Addition. The plat consists of 46 townhome lots plus 10 outlots. The balance of the site, Outlots E and F will be replatted into Blackstone Ponds 2<sup>nd</sup> Addition in the future. The second phase is expected to complete the 106 unit project.

The City Council approved the preliminary plat and development plans for all three Blackstone neighborhoods on November 10, 2014.

**EVALUATION OF THE REQUEST**

The final plan review is limited to a review of the plans against the preliminary plat conditions of approval for compliance. The review will address each of the 44 conditions. A copy of the resolution approving the preliminary plans, including the conditions is attached.

Condition #1 relating to consistency with preliminary plans. The submitted final plans are consistent with the preliminary plans approved by Council. The following provides some additional detail on some of the individual approved plans:

Final Plat. The lot layout is the same as the preliminary plat. Outlots are being created around the storm ponds, the lake and wetland. The remaining 58 units and balance of public right-of-way will be platted with phase II.

Site Plan. The site plan is consistent with the preliminary plans. The lot configuration and design are the same as the preliminary site plan.

Open Space Plan. The open space plan is consistent with the preliminary plan. A summary table is shown on the site plan. The open space still exceeds the minimum required and meets the undisturbed requirements.

Landscape Plan and Tree Inventory. The submitted final plans are consistent with the preliminary plans. The number of plantings provided exceeds the standard amount required, however, the additional plantings are part of the overall planting/reforestation for the entire Blackstone project. The final count and balance will occur with Blackstone Ridge.

Trail Plan. The City is working with Dakota County and the developer for the construction of the Mendota-Lebanon Hills Regional Trail through the development. The alignment and connections are consistent with the preliminary plans. The trail will eventually go under 70<sup>th</sup> Street connecting Vista to Ponds and the trail will go around the back side of the units along the wetland, ultimately connecting back to 70<sup>th</sup> Street on the west side of the development. Construction of the trail in phase I is to occur with the plat grading and construction. Details of the costs and construction responsibilities will be addressed in the development contract.

Condition #2 relating to approval of the final grading, drainage and erosion control plans. The City Engineer has indicated the plans have addressed comments from engineering and the city's consultants. Overall, there are some minor issues yet to be resolved, but the review is down to final comment.

Condition #3 relating to drainage and utility easements provided on the plat. The plat provides for easements over the main drainage areas. The City Engineer has reviewed the plat and finds the necessary easements are in place. There will be more review and refinement as we discuss the development contract and if any other easements are required, they will be shown on the final plat prior to City Council review.

Condition #4 relating to ownership of natural area/open space. There will be portions of the open space that are on outlots that will be owned by the home owners association and the city. Those open space areas on private property will have conservation easements over them protecting the use. Conservation easements are being drafted for these areas and will be part of the overall package the City Council will approve.

Condition #5 relating to park dedication. Park dedication will consist of a cash payment of \$4,000 per lot. With 46 lots, cash park dedication will equal \$184,000. The park dedication fees are collected at time of final plat release.

Condition #6 relating to plans reviewed by the Fire Marshall. The Fire Marshall has reviewed the plans and is working with the applicant to verify compliance with emergency vehicle access

at the end of the public street. These final details will be worked out prior to any permits issued for the site.

Condition #7 relating to County Review. The final plat has been reviewed by Dakota County and the plat is consistent with their right-of-way needs.

Condition #8 and #9 relating to storm water facilities maintenance agreement and responsibilities. The developer will be required to enter into a maintenance agreement with the City for all of the storm water features. The details of the agreement will be addressed during the development contract meeting which is currently in progress. The City Engineer is involved in the drafting of the agreements to insure all of the design elements of the Northwest Storm Water Manual are incorporated into the maintenance agreement. The City Council will review and take action on the maintenance agreement with the development contract.

Condition #10 relating to executing a conservation easement over those areas required for open space. Since some of the required open space will be in private ownership, the documents for approval will include conservation easements over the disturbed and undisturbed open space.

Condition #11 relating to payment of plat utility fees. The development contract will address the specific fees that the developer must pay before plat release as part of the funding for the infrastructure of the sewer and water for the Northwest Area. The Council adopted an ordinance which specifies fees to be paid at time of final plat release. There will also be additional fees collected at time of building permit for all residential structures. This condition was intended to state the developer's responsibility for paying these fees.

Condition #12 relating to credits given towards Northwest Area utility connection fees. The City Council approved the preliminary plans with some credits given to the developer. The credits were spelled out in a separate resolution. Staff is in the process of verifying compliance with the conditions in that resolution. This will be addressed with city council review.

Condition #13 relating to payment of building permit fees. This condition was intended to state the developers are responsible for payment of building permit fees as noted in the condition. These fees are collected at time of building permit.

Condition #14 relating to acknowledgment of future city approvals. This condition was drafted by the City Attorney to clarify in all developments in the Northwest Area what changes require administrative or Council review. This language will be carried over into the development contract.

Condition # 15 relating to acknowledgement of PUD zoning. This condition was drafted by the City Attorney to indicate an acknowledgement will be recorded with the County for each development indicating the zoning and regulations placed on the property. It puts on record for any future land owners that there are special regulations on the property. This same type of notification was used in Arbor Pointe.

Condition #16 relating to entering into a development contract. This process has begun. A development contract will be drafted and reviewed by the City Council during their review of the final plan set.

Condition #17 relating to recording of documents. A standard condition notifying all parties of what documents must be recorded with the final plat. The City Attorney's office will work with the developer and city staff to insure all documents are recorded.

Condition #18 relating to construction of sanitary sewer and water trunk lines for the plats. The City Engineer is working with the developer and city attorney to address construction and any credits given. This will be finalized in the development contract.

Condition #19 relating to maintenance of the private streets in Blackstone Ponds. The private roads are to be maintained by the homeowners association and this will be reflected in the development agreements.

Condition #20 relating to wetland buffers. A wetland buffer is shown on the plans around the DNR wetland on the north end of the site. The County regional trail will be constructed to the edge of the wetland buffer along most of this area.

Condition #21 relating to noise mitigation measures in home construction per overlay district. The building permit plans will be required to address the airplane noise mitigation measures that are listed in the ordinance. Plans will be reviewed by the Inspections Department.

Condition #22 relating to plans meeting the comments from the engineering consultants. The City Engineer has indicated the plans have addressed the comments from the city's consultants. There are a few minor changes yet to be addressed, but these will be addressed prior to council review. The City Engineer is comfortable with the plans and recommends approval.

Condition #23 relating to street lighting. The applicant has provided a street lighting plan which shows lights at street intersections. Lights are installed by the developer and lighting costs are eventually charged to the individual lots. This condition has been satisfied.

Condition #24 relating to trail easements for the Mendota-Lebanon Regional Trail. The final plat shows the regional trail will be in city owned outlots and therefore, the developer should not have to provide any easements to the city. Final alignments of the trail dictating easement widths may result in some areas needing dedication to the City. The City will grant easement to the County over the outlots for the trail as the trail will ultimately be owned and maintained by the County. The Parks and Recreation Director is working with Dakota County Parks staff to address all of the requirements and agreements for the regional trail. This will be approved by the Council either with the PUD plans or at a later meeting.

Condition #25 relating to boundaries of open space with marker posts. Engineering has created a post and sign template for developers to use to mark the open space boundary. The final location of the posts will be approved by Engineering and will be field inspected.

Condition #26 relating to setbacks. The plans reflect the required internal setback for the lots, the required 75 foot setback from Frankie Lake in the northeast corner of the site and the 50 foot setback from 70<sup>th</sup> Street.

Condition #27 relating to Blackstone Ridge open space. This condition not applicable to this phase.

Condition #28 relating to Blackstone Ridge and future alignment of Argenta Trail. This condition not applicable to this phase.

Condition #29 relating to overall project approval subject to comp plan amendment for Argenta Trail alignment. Both the City and County have approved the alignment of Argenta Trail. The Metropolitan Council approved the comp plan amendment relating to the road alignment change on May 19, 2015. This condition has been satisfied.

Condition #30 relating to 65<sup>th</sup> Street connection in Blackstone Ridge. This condition not applicable to this phase.

Condition #31 relating to collector street connections in Blackstone Ridge. This condition not applicable to this phase.

Condition #32 relating to collector streets 65<sup>th</sup> and 67<sup>th</sup> in Blackstone Ridge. This condition not applicable to this phase.

Condition #33 relating to storm water management in Blackstone Ridge. This condition not applicable to this phase.

Condition #34 relating to construction of utilities for Blackstone Ridge. This condition not applicable to this phase.

Condition #35 relating to maintenance of the emergency access to Blackstone Ponds. This condition not applicable to this phase. The emergency access is not needed for phase I. It will be a requirement and constructed as part of phase II.

Condition #36 relating to comments from the Director of Parks and Recreation. The comments relating to Blackstone Ponds are for the County regional trail. City staff, County staff and the developer have met to discuss the details of the construction of the trail. The entire trail will not be constructed with phase I. In phase I, the trail will be constructed westerly to a point equal to the western most private drive shown in phase II. The balance including the connection back to 70<sup>th</sup> Street will be constructed with phase II. A joint powers agreement will

be set up between the city and county to address maintenance. The city will grant a trail easement to the county over the outlots for the trail. Further details of the trail construction obligations will be addressed in the development contract.

Condition #37 relating to impervious surface calculations per lot for the development. The applicant's engineer is working on preparing impervious surface calculations for the lots. With a townhouse plat, the building and any future additions are limited to the individual lot area that is not much larger than the original townhome. This final detail will be reviewed prior to city council review.

Condition #38 relating to parking in Blackstone Ponds. A parking plan has been prepared for phase I. The plan identifies parking potential for 27 cars along the public street and in two guest parking areas. Some additional parking can be accommodated on the individual unit driveways. While standard parking requirements are met with the two-car garage and driveway, Council wants to make sure there are additional parking spaces provided for guest parking. IN this situation, additional parking is provided.

Condition #39 relating to city ordering public improvement projects for the trunk water main and sewer. The City Council has approved the improvement projects for the trunk sewer, water and lift station. These are currently under construction. The trunk sewer and water will be constructed under 70<sup>th</sup> Street and to the property line for the Ponds development to connect. This condition has been satisfied.

Conditions #40 and #41 relating to funding the extension of trunk utilities. The City Council has approved the funding for the project. This condition has been satisfied.

Condition #42 relating to acquisition of easements for the trunk utility lines. All easements for the trunk sewer and water have been acquired. This condition has been satisfied.

Condition #43 relating to payment of all escrow account balances with plat release. Details of this condition are covered in the development contract.

Condition #44 relating to park dedication, utility connection and hook-up fees. This condition spells out how the fees will be calculated for the first three years after the project was originally approved. This is an ongoing condition that will be looked at with all three development neighborhoods.

## **ALTERNATIVES**

A. **Approval.** If the Planning Commission finds the proposed Final plat and Final PUD development plans for Blackstone Ponds 1<sup>st</sup> Addition, a recommendation of approval should be made subject to the following conditions:

1. The project shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below:

Preliminary PUD conditions of approval and site plan	
Final Plat (2 sheets)	
Site Plan/Open Space Plan	dated 5/15/15
Lighting, Signage and Guest Parking Plan	dated 5/15/15
Street Plan (3 sheets)	dated 5/15/15
Intersection Plan	dated 5/15/15
Trail Plan (2 sheets)	dated 5/15/15
Sanitary and Watermain Plan (3 sheets)	dated 5/15/15
Storm Sewer Plan (4 sheets)	dated 5/15/15
Infiltration Basins	dated 5/15/15
Grading Plan (2 sheets)	dated 5/15/15
Erosion Control Plan	dated 5/15/15
Temp Sedimentation Basin Details	dated 5/15/15
Planting Plan (2 sheets)	dated 3/11/15

2. Prior to any work commencing on the site, the developer shall enter into a development contract with the City. The development contract will address all other preliminary conditions of approval relating to other agreements required, park dedication, and other pertinent specific performance standards for this phase of the PUD.

B. **Denial.** If the Planning Commission does not find the application to be acceptable, a recommendation of denial should be made. Specific findings supporting a basis for denial must be stated by the Commission if such a recommendation is made.

## **RECOMMENDATION**

Based on this review, the Planning Division and Engineering recommends approval of the final plat and PUD development plans for Blackstone Ponds 1<sup>st</sup> Addition subject to the conditions stated above.

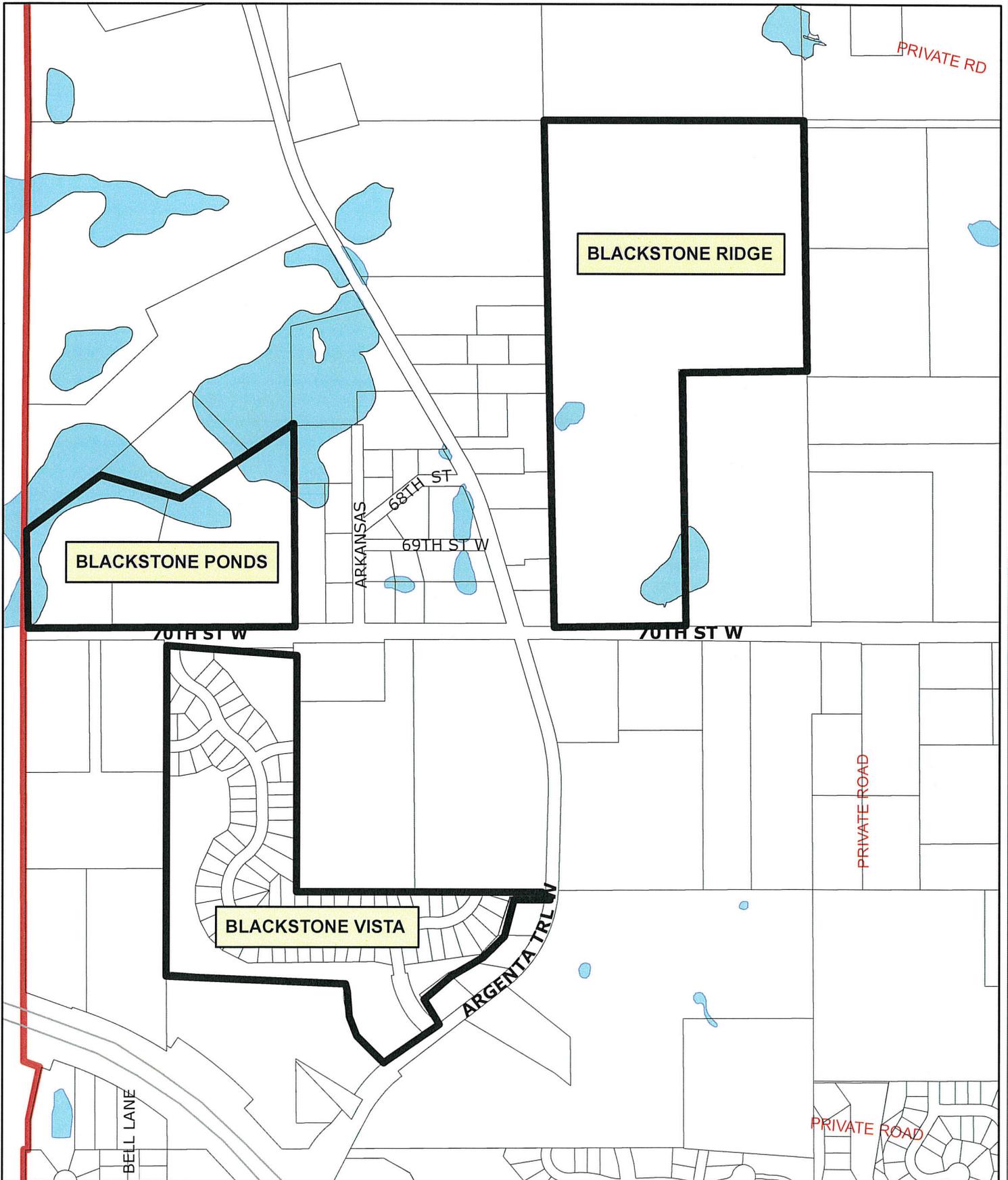
ATTACHMENTS:

- Site Location Map
- Applicant Narrative
- Preliminary PUD conditions of approval and site plan
- Final Plat
- Site Plan/Open Space Plan
- Parking/Street Lighting Plan
- Final Street Plan
- Trail Plan
- Grading Plan
- Planting Plan
- Outlot Ownership Map



# Location Map

## Case No. 15-12PUD



# Blackstone Ponds

## Introduction

The following narrative is provided to the City for review and consideration of Blackstone Ponds. Blackstone Ponds, also known as the Shanahan Parcel is located within the City's designated Northwest Area Overlay District and is subject to the Planned Unit Development (PUD) process. We understand that the process establishes additional regulations and standards to ensure that projects are planned in a way that is consistent with the goals and objectives of the City for this anticipated high growth area. For several months, the development team has been working through the site planning and market analysis process to ensure that the proposed Blackstone neighborhoods meet the goals of the city. The Blackstone Preliminary Plat –PUD was approved in November 2014.

One of the most influential design elements proposed within Blackstone Ponds is the attempt to integrate the open spaces and natural resources thoughtfully through each of the proposed neighborhoods. The City recognizes the value of these important resources as demonstrated within the City's various plans for the Northwest Area, and our team worked diligently to ensure that open spaces, trail connections and natural resource areas were protected and available to not only the proposed neighborhoods but to the greater community.

## The Details (Site design, unit types, open space, character)

Neighborhood	Proposed Product Type and # s	Site Characteristics
Blackstone Ponds Shanahan Parcel 24.82 Acres (12 acres in Phase 1)	Townhomes 4, 6 and 8-plex 104 Units (42 in Phase 1)	The Ponds neighborhood is situated north of the proposed Vista neighborhood, and will be accessed from 70th Street North. The project will include row style attached townhomes in 4-plex, 6-plex, and 8-plex configurations. The entire northern perimeter of the site is bordered by open water (Franke Lake). As configured, this area would be located within an Outlot allowing for the protection of the shoreland and respecting the buffer and setback areas necessary to protect this natural resource area.

## How it's Consistent (Comprehensive Plan & Adopted Ordinances)

Blackstone Ponds was designed with the goals and objectives of the Northwest Overlay District in mind. As a baseline, before any plans were established, each parcel was reviewed against the Comprehensive Plan, Northwest Overlay District's established intent and purpose, and Greenway Plan to determine the appropriate locations for open spaces, trail connections and other neighborhood amenities on each parcel.

The next step was to integrate these elements into the site plan while trying to develop a neighborhood that would be marketable and a long-term asset to the City of Inver Grove Heights.

As previously indicated, the proposed Project does require an amendment to the City's official Land Use Plan adopted within the 2030 Comprehensive Plan. The CPA application will be made concurrently to the PUD application to ensure that an informed decision can be made with respect to the Blackstone Project and how the proposed neighborhoods vary, or are consistent, from the Comprehensive Plan.

### **The Infrastructure Program (Roads, Utilities, Stormwater & Phasing)**

The Blackstone Ponds project is located directly north of the Blackstone Vista neighborhood, and services will be readily available to the site once the Vista neighborhood site work is underway. As a result of the adjacency, no additional utility easements are necessary in order to serve this neighborhood since the Vista project is under control of the same developer.

Likewise, the turn lane improvements required for the Vista project will subsequently improve the access to the Ponds site, which is 70th Street. The proposed access into the Ponds neighborhood is from 70th Street, and the access location will be lined up accordingly with the access point for the Vista neighborhood, ensuring safe turning movements for both neighborhoods.

The surface water management on the site is proposed to be handled with ponds that are integrated into the Outlots and open space areas. Surface/storm water will be collected from the roadways via curb and gutter which will be connected through a series of pipes which will discharge into the ponds. The water from the ponds will be used for irrigation of the site. The use of storm water for irrigation will provide the following benefits:

1. Reduction in demand for City of Inver Grove Heights Water
2. Decrease in Irrigation Costs for future residents
3. Helps meet Storm Water Requirements

### **Conclusion and Summary**

The proposed Blackstone Ponds project is consistent with the approved preliminary plat and PUD and will create opportunities for new residents and will further the City's goals for open space within the Northwest area of the community. We believe that we have demonstrated a commitment to achieve the goals and objectives the City has identified for development within the Northwest Overlay District and are excited to begin working towards development of Blackstone Ponds.

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 14-194

A RESOLUTION APPROVING A PRELIMINARY PLAT AND PRELIMINARY PUD DEVELOPMENT PLAN FOR A THREE PARCEL PLAN TO BE KNOWN AS BLACKSTONE VISTA - 78 UNIT SINGLE FAMILY, BLACKSTONE PONDS - 104 UNIT MULTIPLE FAMILY, BLACKSTONE RIDGE - 118 UNIT SINGLE FAMILY

CASE NO. 14-22PUD)  
(Jim Deanovic)

WHEREAS, a preliminary plat and preliminary PUD development plan application has been submitted to the City to be known as Blackstone Vista, Blackstone Ponds and Blackstone Ridge for property legally described as;

SEE EXHIBIT A

WHEREAS, a public hearing concerning the preliminary plat and preliminary PUD development plan was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on September 16 and October 7, 2014;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Preliminary Plat and Preliminary PUD development plan for Blackstone Vista, Blackstone Ponds and Blackstone Ridge is hereby approved 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  
Preliminary Revised Blackstone Ridge

8/14/14  
9/6/14

Blackstone Ponds Alternative Access Plan	10/9/14
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 Memos dated 9-12-14 and 9-30-14, 11-4-14 (CSSP memo), 11-4-14 (Trunk Sewer Options memo) and 11-6-14.
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	As identified by City	City of IGH
Infiltration basins	Throughout Site	Developer

Rain Gardens	Throughout Site	Developer
BMP's	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 final 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 upon by the City Council. The fees as currently estimated are \$601,559. The fee shall be subject to the agreement outlined by Resolution No. 14-193 Authorizing the Application of Credits for the Plats of Blackstone Vista, Blackstone Ponds and Blackstone Ridge with Respect to the Obligation of the Developer and Owner for Payment of Connection and Hook-up Fees Stemming from the Shortage of Density in Such Plats.
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;
  - Acknowledgement of PUD Zoning;
  - Deeds for Outlots to City;
  - Deed for Lift Station Site
18. The City is in the process of planning, designing and constructing sanitary sewer and water trunk lines to provide trunk services for the platted area. The Developer is responsible for constructing the lateral lines and the service lines. The City shall identify which lines constitute lateral and which lines constitute 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. The Developer shall construct the trunk utility lines within the boundaries of the platted area and the City shall reimburse the Developer (by a credit against the payable utility connection fees or otherwise) for the oversizing of such trunk

lines subject to and pursuant to an agreement between the City and the Developer to be arrived at as to what elements of oversizing are eligible for reimbursement and as to the rates of reimbursement; the agreement shall be a part of the development contract documents and shall be executed before construction begins.

19. All private streets in Blackstone Ponds 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 memorandums and Kimley-Horn memorandums.
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. The plats shall be subject to a street lighting utility fee determined by the City.
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. The developer shall be responsible for connecting the trail.
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 including any 50 foot set backs from county roads and 75 feet from OHW of Lake 19-36P.
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. The City shall use its best efforts to schedule studies, review and hearings so that the council can vote on the comprehensive plan amendment to the transportation plan on or about April 27, 2015.
30. The final design of Blackstone Ridge shall require a street connection to 65<sup>th</sup> 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 for Blackstone Ridge from 69<sup>th</sup> 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. The developer is responsible for all costs associated with acquisition and construction of the connection and all relocated infrastructure improvements on this segment.
32. With regard to the future city collector streets of 65<sup>th</sup> Street and 67<sup>th</sup> Street affecting the plat of Blackstone Ridge, the Developer shall provide the following:
  - a. One-half of the required right of way dedication for 65<sup>th</sup> Street along the north boundary of the plat;
  - b. Full right of way dedication and construction of 67<sup>th</sup> Street from the western property line of the plat to a point 660 feet west of the east property line; and
  - c. One-half of the required right of way dedication of 67<sup>th</sup> Street from the east property line of the plat to a point 660 feet west of the east property line.
  - d. At the time of final plat the Developer shall pay to the City an amount equal to one-half of the cost of construction (as estimated by the Director of Public Works) for a full-width local street improvement for the east/west distances of proposed 65<sup>th</sup> Street and 67<sup>th</sup> Street where Developer is dedicating only one-half of the right of way for those segments; the construction costs shall be estimated based on a local street standard having a full width and Developer shall pay one-half of that amount in order to cover the one-half of right of way being dedicated but not being constructed with the plat.

In light of the dedications, required construction of a portion of 67<sup>th</sup> Street and required payment for road segments on 67<sup>th</sup> Street and 65<sup>th</sup> Street that will not be constructed at the time of plat as stated above, the City will agree that when the unbuilt segments of 67<sup>th</sup> Street and 65<sup>th</sup> Street are initially built, the plat of Blackstone Ridge will not be specially assessed for a local street improvement relating to those particular portions of 65<sup>th</sup> Street and 67<sup>th</sup> Street. The City reserves the right to specially assess Blackstone Ridge for the following:

- a. The difference in cost between the cost of a collector street and the cost of a local street improvement if 65<sup>th</sup> Street and 67<sup>th</sup> Street (or segments thereof) are initially built as collector streets; and
  - b. The cost to upgrade 65<sup>th</sup> Street and 67<sup>th</sup> Street to a collector street if such streets (or segments thereof) are initially constructed as local streets; and
  - c. Any improvements to 65<sup>th</sup> Street and 67<sup>th</sup> Street after the initial construction.
33. The Blackstone Ridge plan for stormwater management shall be modified to minimize the impact on existing regional basins as outlined by the City Engineer. Any impacts to existing regional basins shall be mitigated to the City's satisfaction.
  34. The final plat of Blackstone Ridge 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, easterly from Blackstone Ponds or Blackstone Vista onto Blackstone Ridge along a route to be approved by the City Council.
  35. The emergency access to CSAH 26 in Blackstone Ponds shall be plowed and maintained at all times by the landowner or association.
  36. 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.
  37. 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.
  38. 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.
  39. 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 upon by the City Council.
  40. Final 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.
  41. Final 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.

42. Final 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.
43. Developer must fully pay the CITY for all planning, engineering review and legal fees that have been incurred for review of the project including and including preparation of the DEVELOPMENT CONTRACT; and DEVELOPER must further escrow with the CITY an amount determined by the CITY for future planning and engineering review fees and for legal fees, except for such fees as may already otherwise be taken into account in the calculations or engineering inspection escrow made a part of Exhibit F of the future DEVELOPMENT CONTRACT.
44. The park dedication, utility connection and hook-up fees shall be paid at the times required by City ordinance. If the following fees become payable and are paid by the Developer within three years after preliminary plat approval (the time period from November 10, 2014 through November 10, 2017) then the Developer shall pay the following fees based and computed on the City's fee schedule in effect on November 10, 2014, without reference to subsequent adjustments upward or downward made by the City in the fee schedule:
  - a. Park Dedication Fees;
  - b. Water Plat Connection Fees;
  - c. Water Treatment Plant Fees;
  - d. Water Core Connection Fees;
  - e. Sanitary Sewer Plat Connection Fees;
  - f. Sewer Core Connection Fee;
  - g. Storm Water Plat Connection Fee.

After November 10, 2017, the above-identified fees shall be based and computed on the fee schedule then in effect when the Developer pays the fees taking into account whatever adjustments were made by the Council after November 10, 2014.

If the following fees become payable and are paid by the Developer within three years after preliminary plat approval (the time period from November 10, 2014 through November 10, 2017) then the Developer shall pay the following fees based and computed on the City's fee schedule in effect at the time the fees are paid subject to the limitation and cap that the computed fee amount shall not be higher than 3.5% above the fee in effect during the previous calendar year:

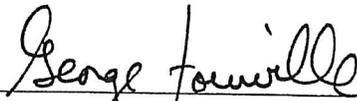
- a. Water Building Permit Connection Fees;
- b. Sanitary Sewer Building Permit Connection Fees.

After November 10, 2017, the Water Building Permit Connection Fees and the Sanitary Sewer Building Permit Connection Fees shall be based and computed on the fee schedule then in effect when the Developer pays the fees without any reference to the above stated limitation and cap.

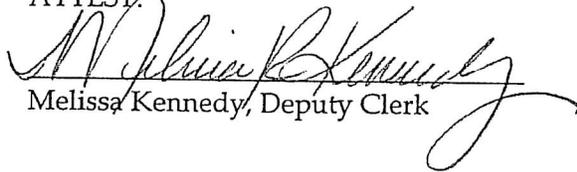
Passed this 10th day of November, 2014.

AYES: 5

NAYS: 0

  
\_\_\_\_\_  
George Tourville, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Kennedy, Deputy Clerk

CONCEPT SKETCH DATA

LOT STANDARDS

MULTIFAMILY UNITS - DANCING WATERS UNITS  
25' WIDE BY 52' DEEP

SETBACKS:  
PRIVATE DRIVE - 22' FROM BACK OF CURB  
PUBLIC STREET - 15' FROM ROW, 26' FROM BACK OF CURB

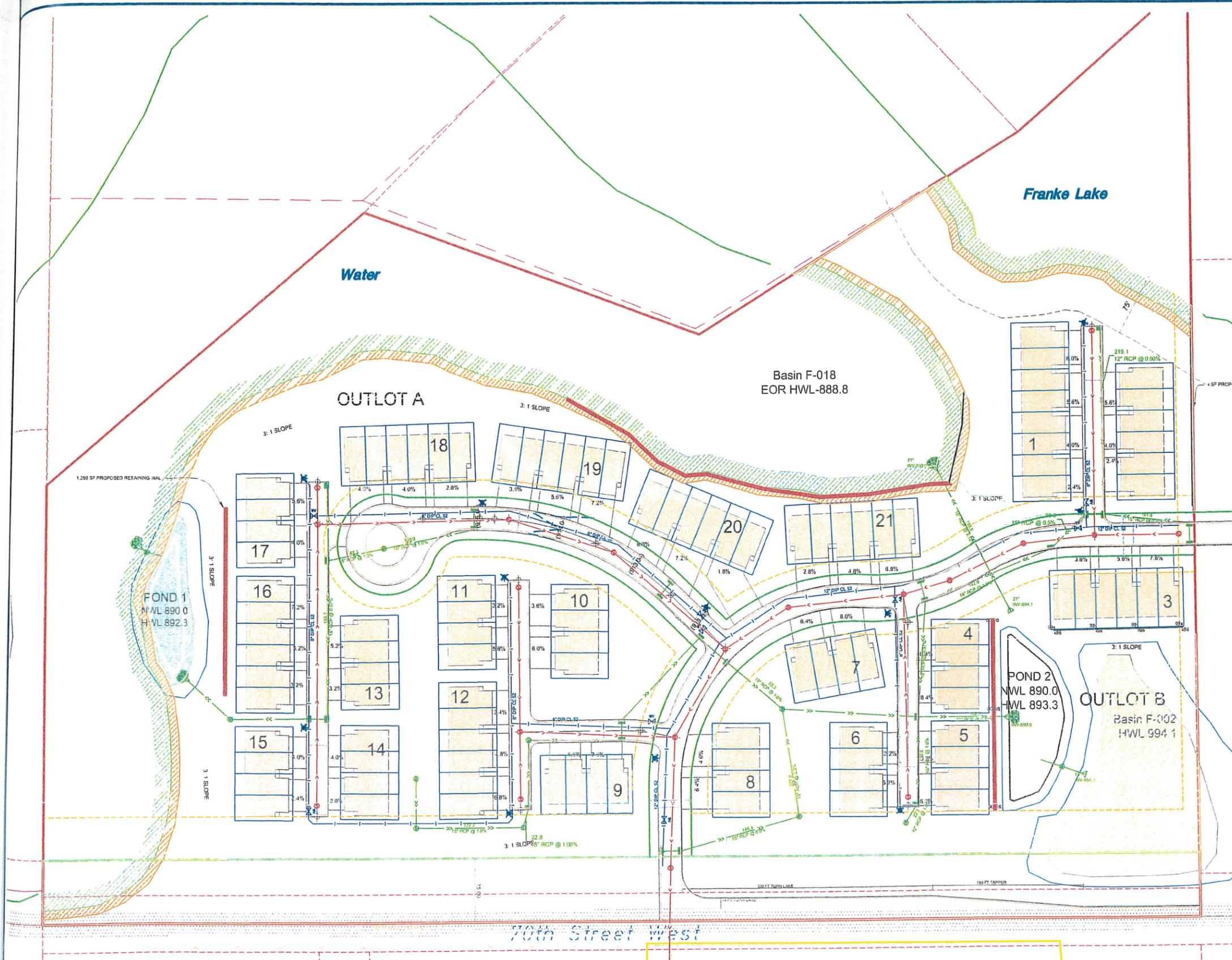
FRANKE LAKE - 75'

WETLANDS:  
WETLAND BUFFER=DEPENDENT ON CLASS  
BUFFER SETBACK 15'

PROPOSED ZONING: NORTHWEST AREA CORRIDOR - PUD

NOTES:

1. A WETLAND DELINEATION HAS NOT BEEN PREPARED FOR THIS PROPERTY. AN ACCURATE WETLAND DELINEATION COULD DRASTICALLY REDUCE THE NUMBER OF LOTS.



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

DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE SHANAHAN	01	DSG	06/09/14	PRELIMINARY REVISIONS
DRAWN BY	02	DSG	07/07/14	PRELIMINARY REVISIONS
CAW	03	DLS	08/13/14	CITY REVISIONS
CHECKED BY				
DLS				
DATE				
05/16/14				

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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.

*Daniel L. Schmidt*  
Name, P.E.  
Date: 05/12/14 Lic. No. 26147

ENGINEERS SURVEYORS DESIGNERS PLANNERS

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

CITY PROJECT NO.  
INVER GROVE HEIGHTS, MINNESOTA

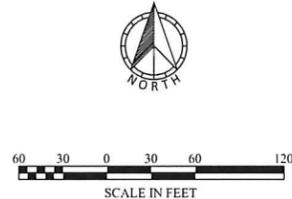
**PRELIMINARY PUD PLAN**

CONCEPT SKETCH  
BLACKSTONE PONDS  
JIM DEANOVIC

FILE NO.  
1920-012  
CS1  
CS1

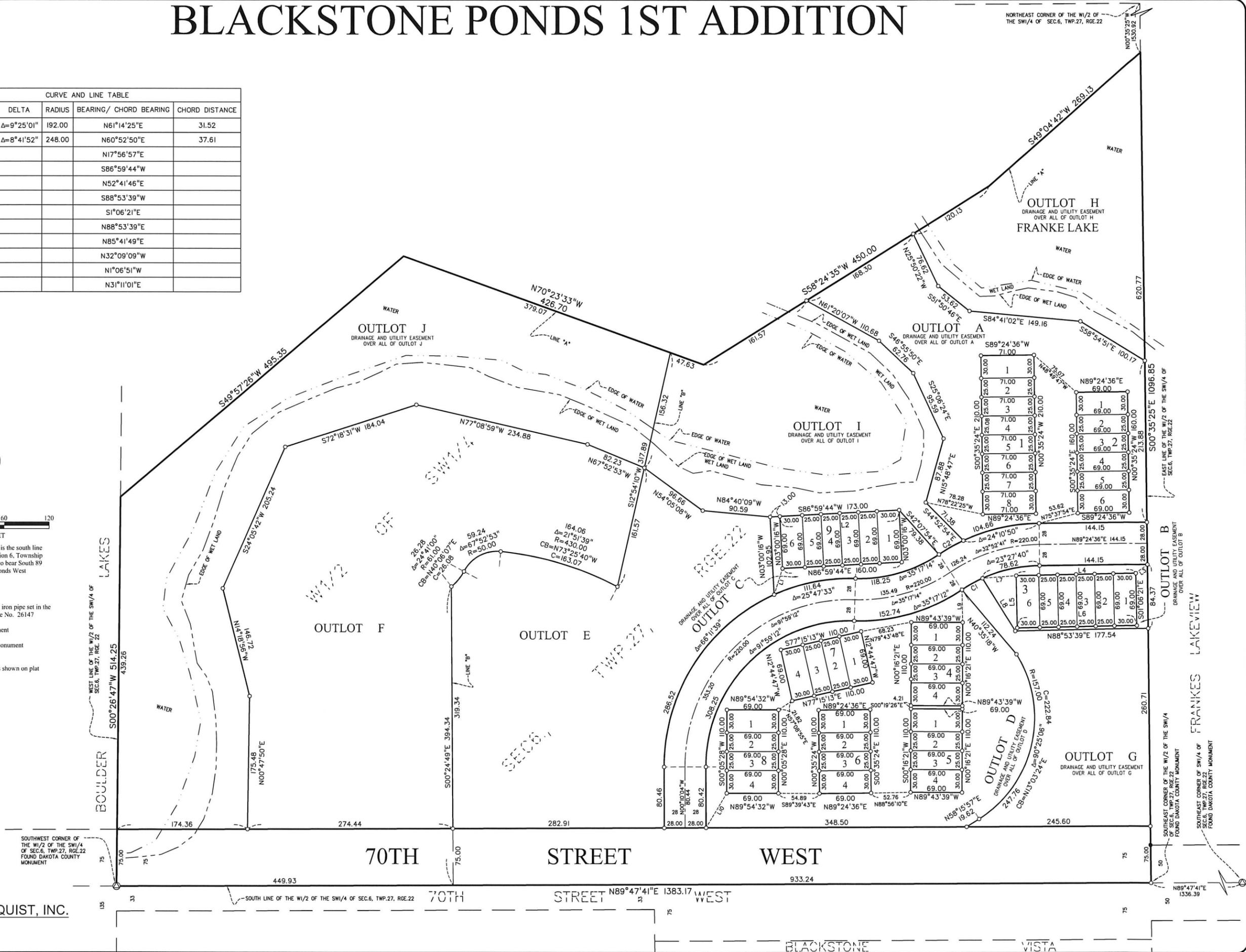
# BLACKSTONE PONDS 1ST ADDITION

CURVE AND LINE TABLE					
TAG #	LENGTH	DELTA	RADIUS	BEARING/ CHORD BEARING	CHORD DISTANCE
C1	31.56	$\Delta=9^{\circ}25'01''$	192.00	N61°14'25"E	31.52
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L10	53.36			N31°11'01"E	

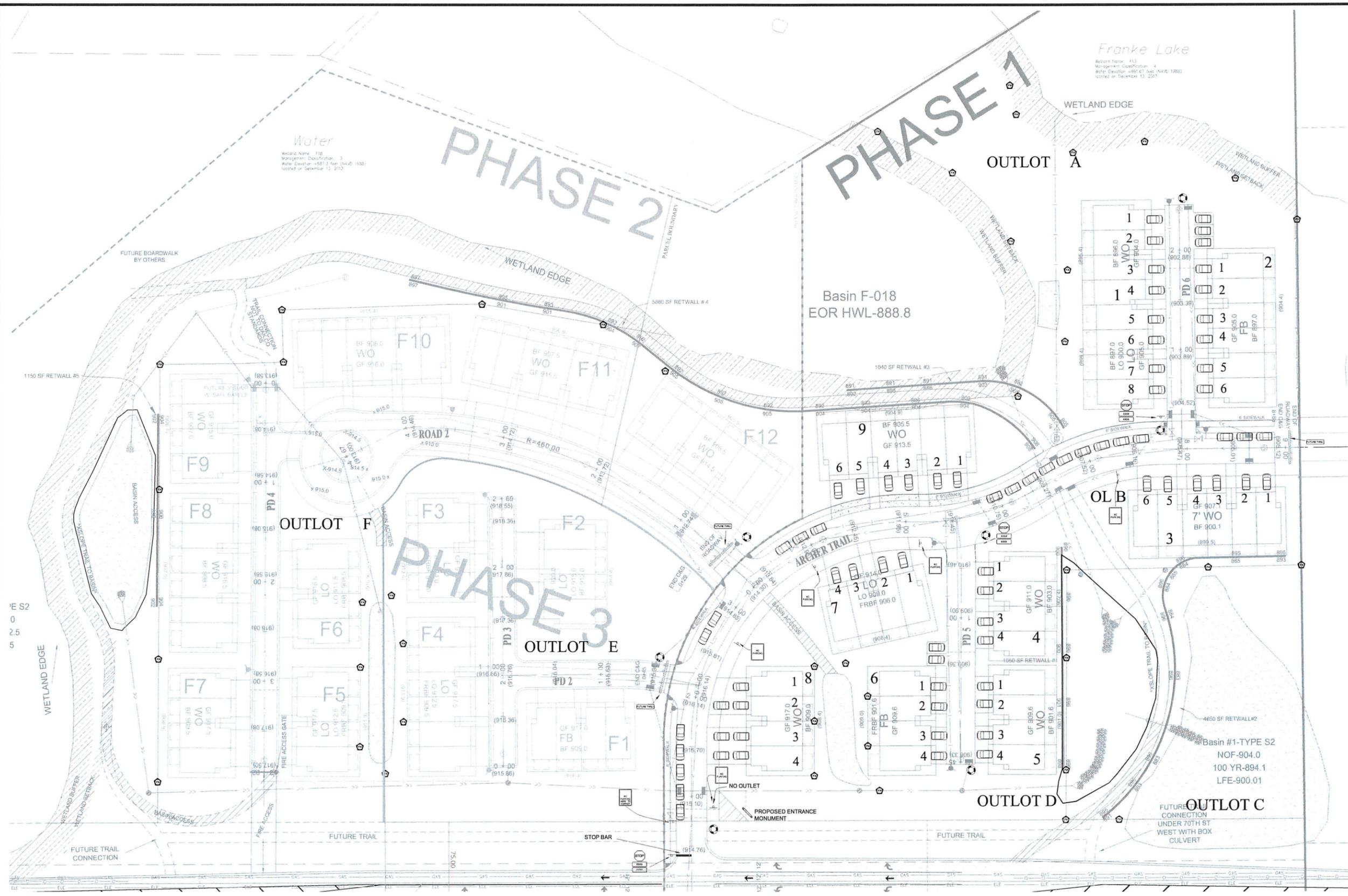


The basis for the bearing system is the south line of the Southwest Quarter of Section 6, Township 27, Range 22 which is assumed to bear South 89 degrees 47 minutes 41 seconds West

- Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 26147
  - Denotes a Found Iron Monument
  - ⊙ Denotes a Found Cast-Iron Monument
- Drainage and Utility Easement as shown on plat



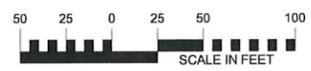




**LEGEND**

-  SIGN
-  STREET LIGHT
-  20' GUEST PARKING (x76)

'E S2  
0  
2.5  
5



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DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE PONDS	01	DSG	05/15/15	CITY COMMENTS
DRAWN BY		IJW		
CHECKED BY		DLS		
DATE				
			03/27/15	

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*Daniel L. Schmidt*  
Daniel L. Schmidt, P.E.  
Date: 05/12/14 Lic. No. 26147



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

CITY PROJECT NO.  
**INVER GROVE HEIGHTS, MINNESOTA**

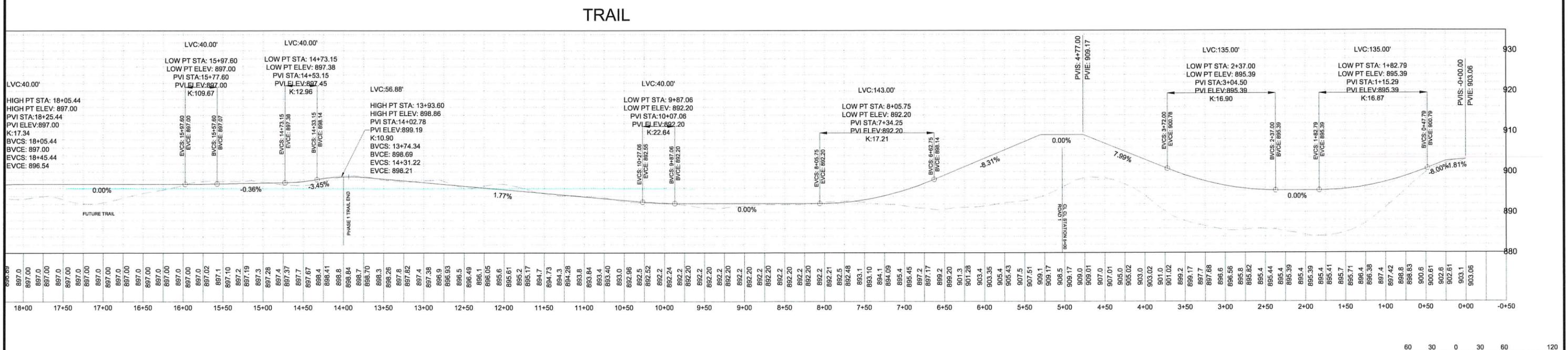
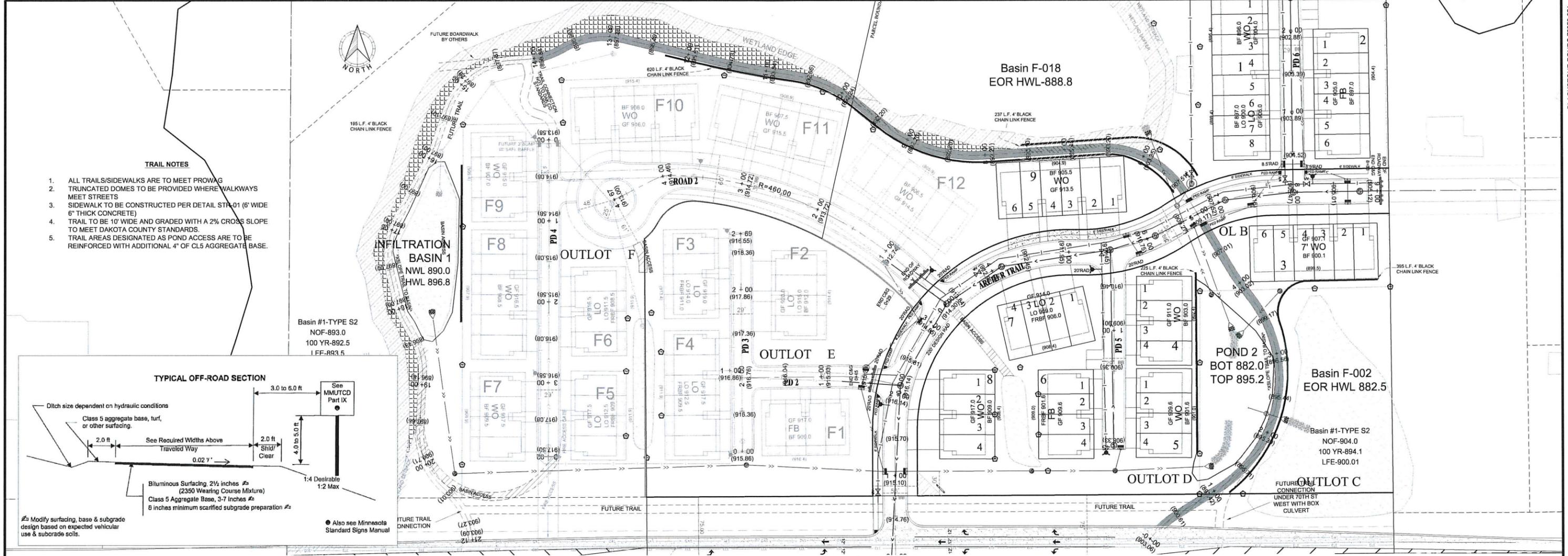
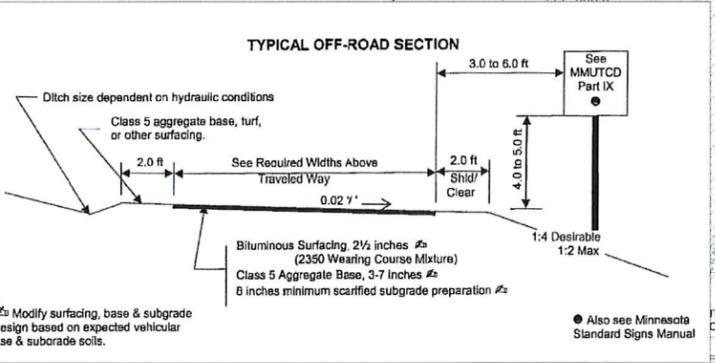
**LIGHTING, GUEST PARKING, AND SIGNAGE PLAN**  
**BLACKSTONE PONDS**  
**RYLAND HOMES**

FILE NO.  
78058-021  
**2**  
**27**





- TRAIL NOTES**
1. ALL TRAILS/SIDEWALKS ARE TO MEET PROWAG TRUNCATED DOMES TO BE PROVIDED WHERE WALKWAYS MEET STREETS
  2. SIDEWALK TO BE CONSTRUCTED PER DETAIL STR-01 (6" WIDE 6" THICK CONCRETE)
  3. TRAIL TO BE 10' WIDE AND GRADED WITH A 2% CROSS SLOPE TO MEET DAKOTA COUNTY STANDARDS.
  4. TRAIL AREAS DESIGNATED AS POND ACCESS ARE TO BE REINFORCED WITH ADDITIONAL 4" OF CL5 AGGREGATE BASE.



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BASE PONDS	01	DSG	05/15/15	CITY COMMENTS
DRAWN BY		IJW		
CHECKED BY		DLS		
DATE				
			03/27/15	

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*Donal L. Schmidt*

Donal L. Schmidt, P.E.  
Date: 05/12/14 Lic. No. 26147

**ENGINEERS SURVEYORS**  
**DESIGNERS PLANNERS**

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

CITY PROJECT NO. \_\_\_\_\_

**TRAIL PLAN**  
**BLACKSTONE PONDS**  
**RYLAND HOMES**

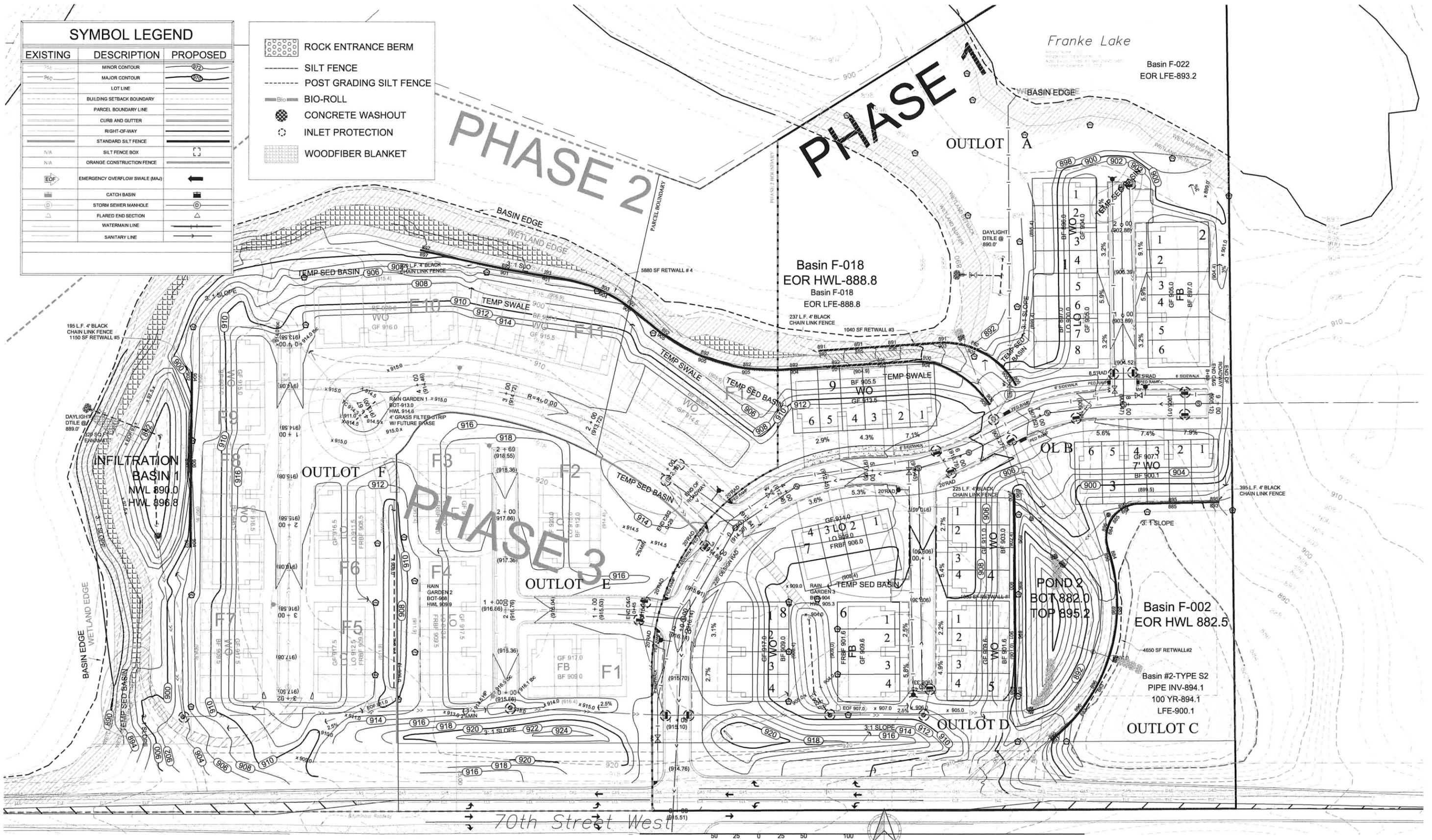
FILE NO.  
78058-021

**7**

**27**

EXISTING	DESCRIPTION	PROPOSED
	MINOR CONTOUR	
	MAJOR CONTOUR	
	LOT LINE	
	BUILDING SETBACK BOUNDARY	
	PARCEL BOUNDARY LINE	
	CURB AND GUTTER	
	RIGHT-OF-WAY	
	STANDARD SILT FENCE	
	SILT FENCE BOX	
	ORANGE CONSTRUCTION FENCE	
	EMERGENCY OVERFLOW SWALE (MAJ)	
	CATCH BASIN	
	STORM SEWER MANHOLE	
	FLARED END SECTION	
	WATERMAIN LINE	
	SANITARY LINE	

	ROCK ENTRANCE BERM
	SILT FENCE
	POST GRADING SILT FENCE
	BIO-ROLL
	CONCRETE WASHOUT
	INLET PROTECTION
	WOODFIBER BLANKET



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*Daniel L. Schmidt*  
 Daniel L. Schmidt, P.E.  
 Date: 05/12/14 Lic. No. 26147

**ENGINEERS SURVEYORS DESIGNERS PLANNERS**

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

CITY PROJECT NO.	GRADING PLAN	FILE NO.
INVER GROVE HEIGHTS, MINNESOTA	BLACKSTONE PONDS RYLAND HOMES	78058-021
		18
		27

**BLACKSTONE PONDS PLANTING LEGEND**

KEY	COMMON NAME	BOTANICAL NAME	QUANTITY	CAL. INCHES	TOTAL INCHES	SIZE	NOTES
<b>TREES</b>							
AL	Linden 'Redmond'	<i>Tilia americana</i> 'Redmond'	18	3	54	3" BB	straight single leader
AL2	Linden 'Redmond'	<i>Tilia americana</i> 'Redmond'	4	2.5	10	2.5" BB	straight single leader
AS2	Quaking Aspen	<i>Populus tremuloides</i>	0	2.5	0	2.5" BB	straight single leader
HA	Hackberry	<i>Celtis occidentalis</i>	6	3	18	3" BB	straight single leader
HA2	Hackberry	<i>Celtis occidentalis</i>	2	2.5	5	2.5" BB	straight single leader
HL	Honey Locust 'Skyline'	<i>Gleditsia tricanthos</i> var <i>inermis</i> 'Skyline'	10	3	30	3" BB	straight single leader
HL2	Honey Locust 'Skyline'	<i>Gleditsia tricanthos</i> var <i>inermis</i> 'Skyline'	9	2.5	22.5	2.5" BB	straight single leader
PE	Princeton Elm	<i>Ulmus americana</i> 'Princeton'	17	3	51	3" BB	straight single leader
PE2	Princeton Elm	<i>Ulmus americana</i> 'Princeton'	6	2.5	15	2.5" BB	straight single leader
RB2	River Birch	<i>Betula nigra</i>	2	2.5	5	3" BB	multi-stem
RM	Red Maple	<i>Acer rubrum</i>	11	3	33	3" BB	straight single leader
RM2	Red Maple	<i>Acer rubrum</i>	1	2.5	2.5	2.5" BB	straight single leader
RO	Red Oak	<i>Quercus rubra</i>	20	3	60	3" BB	straight single leader
RO2	Red Oak	<i>Quercus rubra</i>	1	2.5	2.5	2.5" BB	straight single leader
SM	Sugar Maple	<i>Acer saccharum</i>	14	3	42	3" BB	straight single leader
SM2	Sugar Maple	<i>Acer saccharum</i>	0	2.5	0	2.5" BB	straight single leader
SO2	Swamp White Oak	<i>Quercus bicolor</i>	0	2.5	0	2.5" BB	straight single leader
WO	White Oak	<i>Quercus alba</i>	7	3	21	3" BB	straight single leader
WO2	White Oak	<i>Quercus alba</i>	1	2.5	2.5	2.5" BB	straight single leader
<b>EVERGREENS</b>							
BF	Balsam Fir	<i>Abies balsamea</i>	0	4.5	0	10' BB	
BF6	Balsam Fir	<i>Abies balsamea</i>	0	2.5	0	6' BB	
BF8	Balsam Fir	<i>Abies balsamea</i>	0	3.5	0	8' BB	
BH	Black Hills Spruce	<i>Picea glauca</i> <i>desnata</i>	7	4.5	31.5	10' BB	
BH6	Black Hills Spruce	<i>Picea glauca</i> <i>desnata</i>	0	2.5	0	6' BB	
BH8	Black Hills Spruce	<i>Picea glauca</i> <i>desnata</i>	5	3.5	17.5	8' BB	
NP	Norway Pine	<i>Pinus resinosa</i>	2	4.5	9	10' BB	
NP6	Norway Pine	<i>Pinus resinosa</i>	0	2.5	0	6' BB	
NP8	Norway Pine	<i>Pinus resinosa</i>	1	3.5	3.5	8' BB	
NS	Norway Spruce	<i>Picea abies</i>	8	4.5	36	10' BB	
NS6	Norway Spruce	<i>Picea abies</i>	0	2.5	0	6' BB	
NS8	Norway Spruce	<i>Picea abies</i>	0	3.5	0	8' BB	
WP	White Pine	<i>Pinus strobus</i>	6	4.5	27	10' BB	
WP6	White Pine	<i>Pinus strobus</i>	0	2.5	0	6' BB	
WP8	White Pine	<i>Pinus strobus</i>	5	3.5	17.5	8' BB	
			Total	163	516	Total Inches	

**Tree Replacement Calculations**

Site	Cal. Inches Req.	Cal. Inches Shown
Blackstone Ridge	-805	677
Blackstone Ponds	93	516
Blackstone Vista	2718.4	813.5
Project Total	2006.4	2006.5

Calliper Inches Remaining -0.1

**Planting Requirement:**

1 Tree per Unit  
104 Units x 1 = 104 Trees @ 2.5" Min

**Infiltration Pond Planting Requirements:**

- Prairie Cord Grass Plugs and Mixed Height Mesic Prairie
- Mixed Height Mesic Prairie Mix Seed

**Native Plugs**

Common Name	Scientific Name
PLUG	
Prairie Cord Grass	<i>Spartina pectinata</i>

Planting Rate: 1000 plugs per 1/2 acre  
Area: 15, 458 sq. ft = 710 plugs

Common Name	Scientific Name	% of Mix
<b>GRASS</b>		
Big Bluestem	<i>Andropogon gerardii</i>	33.0
Switchgrass	<i>Panicum virgatum</i>	1.0
Little Bluestem	<i>Schizachyrium scapoarium</i>	23.0
Indian Grass	<i>Sorghastrum nutans</i>	22.0
Side Oats Grama	<i>Bouteloua curtipendula</i>	10.0
Canada Wild Rye	<i>Elymus condensis</i>	5.0
June Grass	<i>Koeleria macrantha</i>	3.0
Sand Dropseed	<i>Sporobolus cryptandrus</i>	2.0
Prairie Dropseed	<i>Sporobolus heterolepis</i>	1.0
		<b>100.0</b>

Seeding Rate: Broadcast - 3 lbs./10,000 sq. ft.  
Area: 19,748 sq. ft. = 5.92 lbs. seed

Source: Prairie Restoration Inc.

**EXECUTION**

**Ground Preparation**  
Prior to seeding, the Contractor shall spray the proposed seeding area with a non-selective glyphosate herbicide such as Round-Up. Approximately three to four weeks later the site should be cultivated using a deep-tine plow and then disked to produce a smooth firm seed bed. Allow weeds to germinate and grow. When weed seeds and roots have reached a height of 2-4 inches, the site should again be sprayed with a second herbicide application. Wait 10 days and then shallow till the soil to a depth of 1 inch. Tilling deeper will bring additional weed seeds to the surface.

Once the area to be planted has been properly prepared, the Contractor shall commence with seeding.

**NATIVE SEEDING**

- Native plant community seeding can take place during two periods of the year. The first window of opportunity is from the time the site preparation work is concluded in the spring, until approximately July 15. The second period is in the fall between October 1st and freeze-up. The latter is considered a dormant seeding and the seedlings do not germinate until late spring of the following growing season. It is recommended that the native seeding be conducted in June and early July.
- All native grass seed should be applied with a Truax native seed drill, at a rate as specified according to individual specifications. PLS (pure live seed) per acre. In areas too narrow or steep for equipment, grass seed may be hand broadcast. Cover crop shall be applied after Native Mix has been seeded.
- Raking or dragging and rolling shall follow all seeding to insure good soil contact.
- The Contractor shall mulch all seeded areas with clean straw or marsh hay at a rate of 2 tons/acre and shall be disc anchored into place.

**MAINTENANCE**

**Year 1**  
During the first season, the seeded area shall be cut back approximately once each month to prevent the production of weed seeds and to reduce shade on the maturing native plantings. When the seeded area has reached a height of 8-10 inches, a flail-type mower shall be used to cut weeds and native plantings to a height of 4-6 inches. Rotary mowers and sickle bar mowers are not acceptable. In no case shall the seeded area be allowed to exceed 10 inches in height during the first season.

Pulling weeds is not recommended as this can uproot small, undeveloped native seedlings. Spot spray thistle, reed canary grass and any other problematic weeds.

**Year 2**  
In the spring of the second season, the plantings should be mowed again. Mowing should occur approximately 3-4 times during the second season. If weeds continue to persist during the second year additional mowings may be required. Do not let weeds go to seed. Seeded areas shall not be burned during the second year.

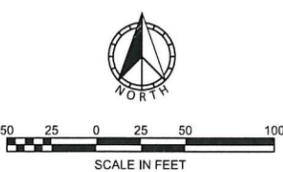
**Year 3**  
Spot spray perennial weeds if necessary.

**Years 4-5**  
Continue spot treatment spray of weeds and conduct burning (3-5 year rotation) alternate spring and fall.

**Invasive Species Control**

Certain species of perennial weeds may need to be controlled by spot treating with a herbicide for sufficient control. Perennial weeds may be canary grass, smooth brome, quack grass, purple loosestrife and Canada thistle. Canada thistle should be spot treated as soon as clumps appear to avoid the need to spray large areas.

Grass-specific herbicides shall be used to control reed canary grass; however they are not to be used near open water.



DESIGNER	NO.	BY	DATE	REVISIONS
	1	NM	6-20-14	Reduction in Trees
	2	TW	8-13-14	Adjust trees per new base
	3	TW	1-15-15	Adjust trees per new base, add Rain Garden plantings
	4	TW	2-18-15	Update Tree Replacement Calculations
	5	NM	2-24-15	Added Median Plantings
	6	NM	3-11-15	Added Infiltration Basin Plantings

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I hereby certify that this plan, specification or contract was prepared by me or under my direct supervision and that I am a duly registered Landscape Architect of the State of Minnesota.

Signature: *[Handwritten Signature]*  
Date: 11-15-15 Registration #: 000000

Norby & Associates  
Landscape Architects, Inc.  
100 East Second Street Chaska, MN 55318 (952) 361-0644

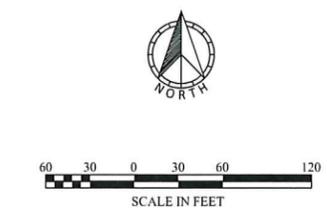
CITY PROJECT NO.	PLANTING PLAN	FILE NO.
INNER GROVE HEIGHTS, MINNESOTA	BLACKSTONE PONDS	LP 1
		LP 2

PROJECT NAME AND NUMBER

# BLACKSTONE PONDS 1ST ADDITION

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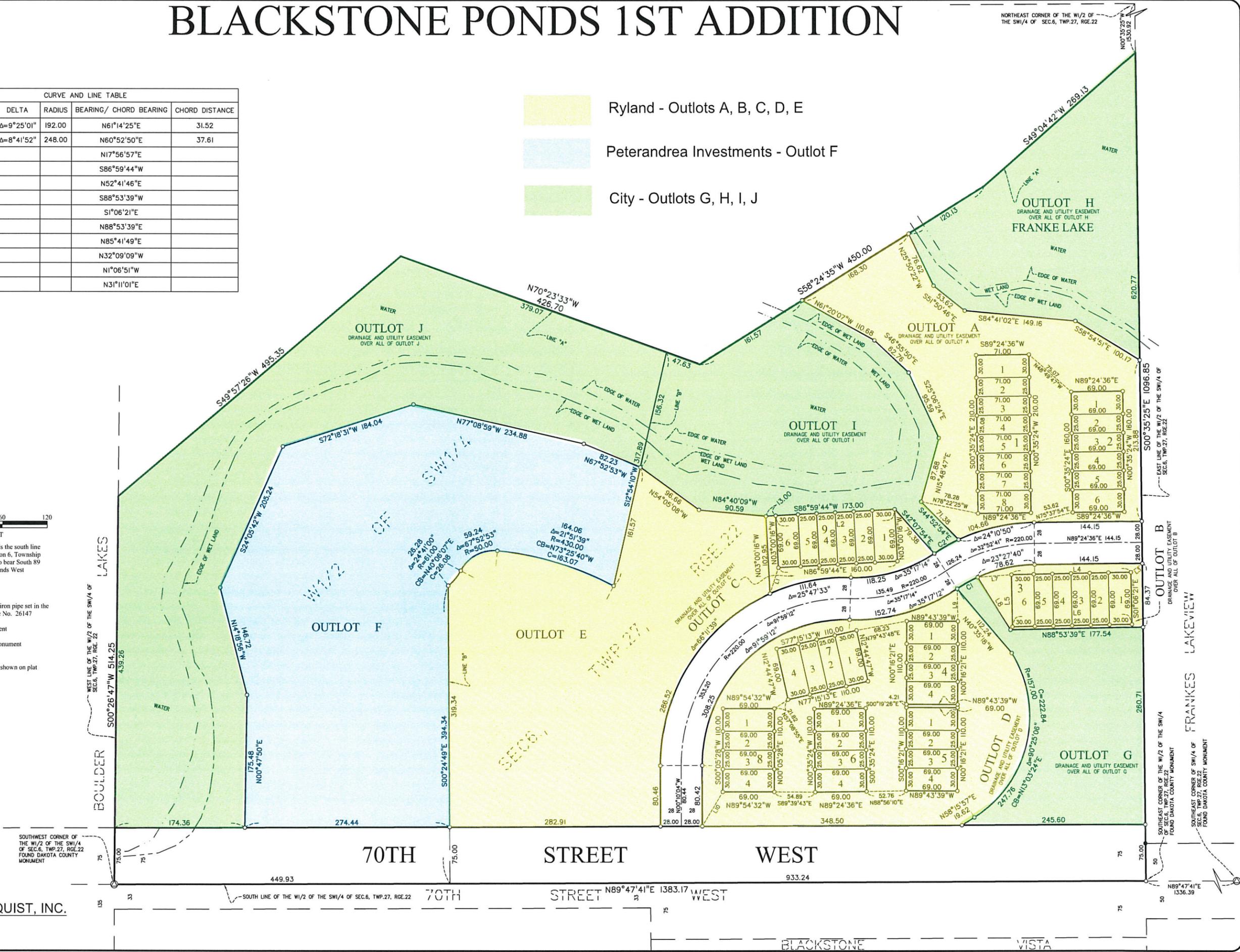
- Ryland - Outlots A, B, C, D, E
- Peterandrea Investments - Outlet F
- City - Outlots G, H, I, J



SCALE IN FEET  
The basis for the bearing system is the south line of the Southwest Quarter of Section 6, Township 27, Range 22 which is assumed to bear South 89 degrees 47 minutes 41 seconds West

- Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 26147
- Denotes a Found Iron Monument
- ⊙ Denotes a Found Cast-Iron Monument

Drainage and Utility Easement as shown on plat



ENGINEERS SURVEYORS  
DESIGNERS PLANNERS  
**SATHRE-BERGQUIST, INC.**



began working on this topic last year, did some initial research on other city ordinances and put together a background information memo on the benefits of ADU's. The memo is attached to this report.

## **EVALUATION OF REQUEST**

### Issues:

The applicant has provided a number of ordinances from other cities and staff has done further research. A summary matrix has been prepared listing the cities and the main topics/issues for an ordinance in Inver Grove Heights.

Zoning Districts Allowed: The intent is to allow an accessory dwelling unit in single family neighborhoods. This would include zoning from Agricultural, to the estate districts to the R-1A, R-1B and R-1C districts.

Allowed by permitted use or conditional use: Most cities in the matrix allow a unit as an accessory permitted use. A couple allow by conditional use. Requiring a conditional use requires notification of the surrounding area, public hearing and chance for the city to address any specifics of the request to the location. This process takes more time for the applicant, is costly and may result in some residents either not going through with their plan or constructing a unit without proper permits. Allowing as an accessory use would still have planning and building inspections review a permit against a set of criteria that would be established by ordinance. This provides for a faster and less expensive approval process. The Housing Committee would prefer to allow all ADU's by permitted use.

Allow units in detached accessory structures or only within principal dwelling: Allowing in the principal dwelling appear to have the least amount of impact on any properties in a neighborhood. In most cases, a unit could be created by remodeling space in the dwelling.

Allowing an ADU in a detached accessory structure has a few interesting challenges to address in an ordinance. During the discussions with the Housing Committee, the following issues arose:

- Should there be a minimum lot size requirement? Converting or even constructing a new accessory structure for an ADU would seem to have a greater impact on surrounding properties in neighborhoods with small lot sizes. The more compact the neighborhoods, the more potential negative impacts could result. Some discussion suggested at least a minimum lot size of 12,000 sq ft so the lot areas were large enough, houses would be spread out more and impacts decreased. There may be some arguments that a detached ADU should not be allowed on lots less than say one acre because the house separation is not far enough apart.
- Should ADU's in accessory structures be allowed only by a conditional use? Since there may be greater impacts to surrounding neighbors, should the adjacent lots be notified and a hearing held to determine impacts? If one of the goals allowing ADU's is to provide an easy and accessible way to prove for alternative living arrangements, then

the CUP process would be a deterrent because of the cost, time involved and potential for added conditions placed on the approval.

- What about building code issues with the conversion of an existing or new detached accessory structure? The Chief Building official stated that a conversion could be done in an existing structure provided it met all building code standards. This would include electric, plumbing, windows/egress, energy/insulation and structural loads. Converting a garage to meet building code for a residential use would be a costly endeavor. It would most likely be cheaper to convert existing space in a house. The Fire Marshal noted that a permanent hard surfaced driveway would have to be installed to the structure for emergency access.
- What about setbacks? An accessory structure in urban residential areas has setbacks of five feet side yard and 8 feet rear yard. Principal structures on the other hand, have a setback of 10 feet side and 30 feet rear. In the rural areas, setbacks are 25 feet for side yard and 50 feet for rear yard. Accessory structures greater than 1000 square feet require 50 foot setbacks. If a conversion increased the size of an existing structure over 1000 square feet, the unit would require a variance if the existing setback is less than 50 feet. What should be done with an existing structure? It would seem that principal structure setbacks should apply since that's what is required for living space. In that instance, most accessory structures would require variances to convert to living space.
- Impervious surface and maximum structure size. It would seem reasonable to impose the same maximum impervious surface standards and maximum accessory structure gross floor area requirements in all areas of the city with ADU conversions.
- Impact on garage parking spaces and storage area. Converting an existing garage into an ADU eliminates enclosed parking spaces and some storage space. This would result in more cars being parked outside, on the street, driveway or front yard. Adding more paving for parking pads next to the driveway increases impervious surface which adds a burden to the storm water system as well as aesthetic impacts for the neighborhood.

Number of ADU's per lot. All cities studied allow only one ADU per lot. This follows the intent to provide an accessory, subordinate extra dwelling unit for family members or potential renters. Allowing more than one unit would put this into the multiple family category.

Licensing or permit. Most cities require some type of permit or license either as a tracking measure or to comply with their rental licensing regulations. The Fire Marshal indicated it would be beneficial to have record of these units for their information with emergency situations. The City is in the process of requiring rental licensing for all rental units in the city (including single family homes and ADU's would be included). The tentative arrangement is to require licensing for units that contain non-relatives of the family and not require for units for family members or relatives.

Ownership. All cities require that the owner of the property live in one of the units on the property and that only one unit can be rented at a time. This avoids turning a property into a two unit rental property.

Maximum/minimum size of unit. Cities have established minimum and maximum sizes for ADU's to keep the units subordinate and accessory to the principle house and to provide at least a reasonable unit size. Maximum sizes range from approximately 600-800 square feet to 40% of the primary residence footprint. Establishing minimums and maximums should apply to both detached and internal ADU's. The Housing Committee recommended allowing up to 1000 sq feet maximum and 250 sq ft minimum.

Density/Bedrooms. The intent of an ADU is to provide a modest living space for a family member or rental income opportunity for a homeowner. Limitations on number of bedrooms and occupants are included in ordinances to maintain the subordinate and accessory use of the ADU's. These units are not intended to house larger groups of people. That is the role of apartment buildings. Most cities limited bedrooms to two and occupancy to two or three. The Housing Committee felt it more important to restrict the occupancy rather than limit bedrooms. The Housing Committee suggested limiting to three occupants.

Separate entrance/exterior modifications and addresses. In order to retain the single family character and maintain the ADU's as a subordinate use, some cities have limited modification to the exterior so the house does not look like a duplex. Some have not allowed a separate entrance that faces the street. Any exterior additions or changes should have the same look as the existing principal structure.

Allowing separate addresses for the ADU's has been required in some cities and not in others. Our Fire Marshal believes it is important to have a separate address for emergency response. Depending upon the specific need for the ADU, a separate address would not always be necessary if the unit is inside the house and is intended for a family member. Since the potential exists for any ADU to be rented as some point, it may be a good idea to require separate addresses, or at least if the unit is to be rented, it should have a separate address.

Parking spaces. With the addition of ADU's comes the potential need for additional parking spaces. The cities surveyed had many different requirements for this standard. Inver Grove Heights currently requires at least one off-street parking space for each single family home. The space could be either an open spaces or one in a garage. The vast majority of homes in the city have at least a two car garage with a driveway in front. This allows the potential for parking for at least 4 cars. Street parking is allowed except for the winter month parking ban November-March. Some cities require additional parking spaces for the ADU as with another family, comes the need for additional parking. If more parking spaces are needed, a paved surface is required in Inver Grove Heights if the parking area is in the front yard. This has the potential to increase impervious surface on lots with ADU's

If ADU's are allowed in accessory structures, including attached garages, there is the potential for loss of enclosed parking which would move more cars onto the driveway or street. This could have a negative aesthetic impact to the surrounding area. The Housing Committee recommends that there be at least three off-street parking spaces on lots with an ADU.

## **ALTERNATIVES**

Staff recognizes that the issue of ADU's in the city has not been brought forward to the City Council before to get their reaction and direction on the issue. The Housing Committee has put the issue on their list of short term goals and the City Council has been made aware of their desires. Since this request came as a zoning code application, the City must take action on the request within 60 days, or within an additional 60 day extension granted by the City. Due to the time taken to review and research the issue, the full 120 day time period will be used when this goes to council. This is a complex issue and many questions and concerns may remain after the public hearing.

Because of this, staff notes that the issue could be broken into two parts. If the Planning Commission is acceptable to the general idea of allowing ADU's and supportive of the specific request, then an ordinance could be created addressing this narrow application. This would allow more time to discuss the issues with allowing ADU's in a larger context since it would include all single family residential zoning districts.

Items to address for this application:

1. Ok with allowing ADU's
2. Allowance of an ADU in a detached accessory structure.
3. Establishing a minimum lot size for and ADU. Lot size should be at least 2.5 acres
4. Establishing allowing by permitted use or conditional use.
5. Establishing parking requirements.
6. Establishing a tracking mechanism by requiring a rental license or some type of registration.

If the Planning Commission is comfortable with allowing ADU's, then staff, with input from the Housing Committee has prepared a draft ordinance that addresses the following issues:

- Rental license required for the non-owner occupied unit.
- Registration required for the ADU.
- Maximum size 1000 square feet and minimum size 250 square feet.
- Allow detached accessory structures on lots of 12,000 square feet or greater.
- Maximum gross floor area of detached accessory structure must still comply with overall accessory structure size maximums. Size of detached accessory dwelling unit same as those in the principal dwelling unit.
- No more than one ADU per lot.
- Property owner must reside in one of the two units.
- An ADU may not be subdivided or put in separate ownership from the primary residence structure.
- Exterior design of the ADU shall be similar to that of the primary residential structure.
- Total occupancy shall be limited to three persons.

- Lots with an ADU must provide at least two off-street parking spaces in addition to the required one off-street parking required for the primary residence.
- Lots with ADU's must still comply with all code requirements for setbacks, impervious surface, height, and accessory structure standards.
- All ADU's must comply with all state building and fire codes and must provide fire access to detached accessory structures.
- A detached ADU shall have a separate address.

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

- A. Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of an Ordinance Amendment allowing Accessory Dwelling Units (ADU) within all single family residential districts (A, E-1, E-2, R-1A, R-1B, R-1C and R/PUD) and establishing a list of performance criteria to be inserted into the Zoning Code.
  - Approval of an Ordinance Amendment allowing Accessory Dwelling Units (ADU) within detached accessory structures in the E-1, Estate Residential District and establishing a list of performance criteria to be inserted into the Zoning Ordinance.
- B. Denial** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

### **RECOMMENDATION**

Staff is supportive of allowing accessory dwelling units. Since this topic has not been discussed with either the City Council or Planning Commission as a general concept, staff is requesting more direction from the Planning Commission on how to allow accessory dwelling units. The draft ordinance is based on the recommendations of the Housing Committee. Staff prepared the ordinance amendment as a place to start some discussions.

Attachments Housing Committee Report  
Applicant Narrative  
Summary Ordinance Matrix  
Draft Ordinance  
Background information Articles  
Map of Lot Sizes  
Letter from Housing Committee

# Economic and Community Benefits of Accessory Dwelling Units (ADUs) in Inver Grove Heights

Prepared by the Inver Grove Heights Housing Committee  
May, 2015

## **Background on ADUs**

In the past, an accessory apartment was a complete, self-contained living unit created within an existing single-family home. It had its own kitchen, bath, living and sleeping spaces, usually with a separate entrance, in a single-family building in a single-family zoned area. So-called “accessory dwelling units” (ADUs) are an old idea. In the 1890s they were called carriage houses and appeared along the alleys in back of wealthier homes, where they were often used as servants’ quarters.

Today, accessory apartments are often known as “granny flats” or in-law suites because of the common practice of providing for an elderly parent or other elderly relative to live in close proximity to family members, yet still be in a largely independent living situation. An accessory apartment may be inconspicuously built over an attached or detached garage or as an autonomous apartment attached to a house. Basement conversions to legal accessory dwelling units are also common.

Whether attached or detached, accessory housing can serve an important role as part of a broader strategy to increase residential densities and bring value to local communities such as Inver Grove Heights (IGH). However, many older zoning ordinances do not allow for the creation of accessory dwelling units (ADUs) or put major limits and obstacles in place such that ADUs are not a viable housing option in a community. These obstacles include larger than typical setbacks, excessive off-street parking space requirements and/or other zoning requirements.

Across Minnesota and across the country, accessory housing is one response to major changes in demographics and the real estate market. The number of single person households is growing, especially among young adults who are marrying later and don’t need or want large homes. Also, as more older residents choose to stay in their homes, additional single person households are growing. Many people are living longer and want to age in place with family members nearby, rather than join their fellow senior citizens in more expensive senior-focused housing or assisted living complexes.

“Eagan, so recently teeming with kids, has now suddenly reached the point, census estimates say, where it has more single-person households than married couples with children.” January 5, 2014  
Minneapolis Star Tribune

Conversely, families with young children and/or grandchildren are interested in having family nearby who can help with child care and stay connected to their children’s and grandchildren’s lives.

Over the past decade, many empty nesters have downsized their lives and an apartment makes good sense versus a large, single family home on a larger suburban lot. An ADU allows people in this situation the flexibility to come and go easily without the extra work to secure their home while they are away or worry about details associated with being out of their house for weeks or months at a time.

Another group of people that benefit from homes with ADUs are people who work in lower wage jobs in a higherend community. Retail and clerical workers, teachers, and others often cannot afford to live in the communities where they work. Communities with good ADU ordinances can free up rental spaces in good quality homes where an elderly owner can live on-site in an ADU while providing affordable workforce housing for local workers.

### **Benefits**

The benefits of ADUs as housing options, extend beyond the core cities. For homeowners in a suburban community the benefits are numerous and similar. Both young and old benefit from ADUs. And the community itself benefits.

### **For young people and first time homebuyers**

ADUs offer young adults a means to stay in the community they grew up in as they start off in new jobs. Communities can also use ADUs as a means to free up housing that is attractive to young, moderate income families looking for a new place to call home and to raise a family, but who aren't in need of a large house in that community just yet.

1. ADUs give the owners more flexibility with their space as their family changes.
2. ADUs provide rental income, thereby making home ownership more affordable, especially for seniors, first-time homeowners and homeowners whose children have moved out.
3. ADU's are desired by prospective tenants as well. Not only do they provide an affordable rental option, in suburban areas these rental units typically come with a yard, more privacy; a quieter environment, less traffic, and easier access to local schools if tenants have children.
4. Workforce and student housing becomes available, but not in concentrations that oftentimes concern area neighbors worried about noise, additional traffic and other issues.

### **For seniors and older families**

ADUs allow for multigenerational housing options and facilitate the ability of family members to

Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable.

Sage Computing, 2008

stay in their community. ADUs are a way to provide housing for the elderly, especially for an older family member living with other family members. This allows and encourages senior citizens to "age in place" in homes that are the center of a family's life, yet have on-site assistance with maintenance items (e.g. lawn-mowing, snow shoveling, window washing) and

daily living chores (e.g. cooking, house cleaning).

1. ADUs facilitate seniors being able to downsize and stay in their communities to socialize, worship, volunteer, stay physically active and participate in civic activities.
2. Accessory apartments allow seniors to travel with fewer concerns about the safety and security of their home as they will have someone living in the building to manage any issues that may come up while they are away.
3. ADUs are popular as a means for families with limited finances to stay together in one spot even as they go through job changes and other transitions.
4. An accessory apartment can provide an older person with increased security and companionship. In addition, some older homeowners are willing to accept services (cooking, cleaning, etc.) in lieu of a portion of the rent.
5. Allowing an aging person to stay in his or her neighborhood can be much less disruptive, and at the same time reduces the cost to families and/or society of caring for them.
6. Additional benefits include sharing living spaces, yet maintaining personal independence, include providing a safety net, a feeling of well-being, and longer life spans for people who live in their own home.

**For the community –move this up to the top – change pull quote to be Eagan one.**

The benefits of ADUs to the broader community include the ability to increase the housing supply without creating pockets of density that add to traffic and noise concerns. As property owners invest in their properties, values rise and this increases the tax base of a community without requiring additional infrastructure investments and maintenance costs. Sewer, water and roads do not need to be built even though a city is increasing its available housing.

Even with a big move by immigrants, however, suburbs are rapidly aging. January 5, 2014  
 Minneapolis Star Tribune

1. A community can create mixed income neighborhoods without reducing property values (a traditional reason for zoning laws.)
2. ADUs help increase density in suburban areas such that fewer large, multi-unit developments that result in higher traffic counts and more pressure on city services are needed.
3. As younger families move to the core metropolitan cities of Saint Paul and Minneapolis, older communities such as Inver Grove Heights need to find ways to help their aging population keep their homes in good order. ADUs can provide the income needed by retired residents so that they can afford the property taxes, upkeep and insurance that home-ownership requires.
4. For people with a debilitating chronic illness or a disability, an accessory apartment can be occupied by a caregiver.
5. People across their lifespan want to live independently. Seniors and people with disabilities are most in need of support to accomplish this.
6. Accessory dwelling units make good affordable housing. Just one accessory apartment per 20 homes has a modest effect on a neighborhood, but across the community, this can provide a significant amount of affordable housing for locally employed teachers, firefighters, health care professionals, police and other public employees.
7. Affordable apartments dispersed within single family neighborhoods, rather than clustered together in a new complex, helps maintain a family neighborhood culture.

**Financial benefits to the community      move this up, too**

Rather than only build larger multi-family developments to increase density in a community, ADUs are a less conspicuous way to provide more rental units in single-family residential districts. Local planning review can ensure that new units will fit with the character of the neighborhood.

1. The construction of an ADU (attached or detached) typically will result in higher property values due to the improvements made to a property. This, in turn, increases the tax capacity for a community with minimal impact on community services. Conversely, these improvements to a community’s housing stock can make specific properties less affordable, but overall the community is still able to provide high quality affordable housing.
2. On the financial side, a town can add new units (and new tax revenue) without having to provide utility infrastructure for a whole new development. Generally, there is minimal incremental burden on community services, especially in newer suburbs and developing communities compared to the property taxes generated. No additional roads, sewer and water lines, other utilities, street lights, plowing services, etc. are needed. And being smaller units, the occupants typically do not have children who need schools and other services.
3. Several studies have shown that accessory apartments rent for below market rates, in part because the accessory apartments are less expensive to build when part of an existing house or garage.
4. Typically, ADUs are rented to people who are related to the property owner and/or the property owner lives on-site, helping to ensure the quality of the unit’s initial construction and the on-going maintenance is sufficient to maintain the overall value of the property. Individual homeowners are making investments in their property and thus have incentive to keep up their properties as they do their own homes.

At the southern end of the suburbs, meanwhile, births in Dakota County have dropped by roughly 1,000 a year since 2006. A leading demographer has warned Lakeville that with kindergarten classes shrinking, the city is stepping into a “future very different from the recent past.” Star Tribune, January 5, 2014

**Planning for the Future today**

The large lot, large house concept was popular beginning in the mid-1980s and through the 1990s and 2000’s until the housing bubble burst and it became apparent that people had paid too much for their houses and homebuilders created an oversupply of these large houses.

Pedestrian access to commercial areas and transit are important, especially for older people who may no longer care to drive or can’t drive and for young adults who cannot afford to drive a car on a daily basis or may not want to own a car. In Inver Grove Heights, where public transit is minimal, creating greater density in and near commercial areas can help local businesses thrive and more broadly, can help build ridership numbers that encourages greater transit options.

In recently developed communities such as IGH, where major redevelopment is less likely to occur, accessory housing can provide affordable housing opportunities in the near term that is

close to jobs in the retail, commercial and industrial centers that currently exist or may come in the future. ADUs can help promote family oriented, connected neighborhoods without sacrificing the low-density appearance of a neighborhood or relying on large developers' ability and/or desire to develop a project that includes affordable housing units in a specific area that may not be near retail, commercial areas or job centers.

### **Summary**

Many people want to grow old in their own home: the concept of “aging in place” or “livable for a lifetime.” Staying in one’s home is often unrealistic when the home is no longer affordable or when one or more family members experience a debilitating chronic illness or a disability. When affordability is an issue, homeowners and especially senior home owners living on a fixed income, benefit from the income derived from an accessory apartment. The occupant of the accessory apartment benefits from the ability to rent an apartment in a tight market or to live free or at a reduced rent in exchange for assistance to the residents of the single family home. The community benefits by providing current and potential residents with a variety of housing options.

The potential supply of accessory apartments in Inver Grove Heights is great because the necessary housing exists, and many units are occupied by older people. As mentioned previously, the older homeowner who constructs accessory apartments also has the advantages of increased security and companionship, making staying in and contributing to the city a viable option. Without options, many residents will need to move to a community that offers lower maintenance housing with easier access to shops, medical offices, places of worship and other social amenities.

The City of Inver Grove Heights should actively encourage the addition of accessory units as a means to provide more housing choices for young families, seniors and those with health issues who can benefit from shared living spaces. The City should undertake a public process to help residents and local businesses understand the issues and opportunities associated with ADUs. This may help the City’s middle-aged residents think more about their options as their families grow up and out and they prepare for their own retirement and that of their aging parents.

Partnering with community organizations can help educate the public and facilitate the process of finding people who will benefit from adding an accessory unit to their home. A community network can provide information and referrals for trustworthy contractors, and help provide matching services between homeowners and renters. Neighborhood associations, places of worship, County and regional agencies on aging and housing, and transportation providers would all make good partners in this process.

Accessory apartments can provide a reasonable, workable, and thoughtful approach to creating affordable housing options – good for homeowners and good for our community.

Sources:

Virginia Division for the Aging

Minneapolis Star Tribune

U.S. Department of Housing and Urban Development  
Office of Policy Development and Research, Accessory Dwelling Units: Case Study  
<http://www.huduser.org/portal/publications/adu.pdf>

In Twin Cities metro, more young people are moving to the urban core, while suburbs age,  
January 5, 2014 Minneapolis Star Tribune article. The full article should be attached to this  
report. <http://www.startribune.com/local/minneapolis/238734151.html>

U.S. Department of Housing and Urban Development  
Office of Policy Development and Research, Accessory Dwelling Units: Case Study  
<http://www.huduser.org/portal/publications/adu.pdf> The full article should be attached to this  
report.

Heather Botten | Associate Planner | City of Inver Grove Heights  
8150 Barbara Ave | Inver Grove Heights | MN | 55077  
651.450.2569

April 20<sup>th</sup>, 2015

*Heather Botten, City of Inver Grove Heights*

My husband, Peter, and I live at 1355 96<sup>th</sup> Street East, Inver Grove Heights, where there is currently a main house and a detached garage on 2.7 acres. We live in the house with my parents, Jon and Kevie Skogh. The detached, two-story garage was originally built for storage and is currently uninhabited. We would like to convert the upstairs of the garage into a second housing unit on the property. Peter and I would be the residents of this accessory dwelling unit. It would not be rented out or used as a business. We want to do this so we can keep our family together to care for each other while maintaining independence in our separate living spaces. As our parents age, we want to be close and do everything we can to help them stay in their home in the community and not move to assisted living.

Upon your suggestion, we have researched cities in the surrounding area and found that many progressive cities are changing their ordinances to allow for ADUs. Cities that allow accessory dwelling units include: Richfield (see attachment A), Roseville (see attachment B), Bloomington (see attachment B) Shoreview (see attachment B), Apple Valley (see attachment C), Eagan (see attachment D), Hastings (see attachment E), Farmington (see attachment F), and Lakeville (see attachment G).

In anticipation for this project, we had an architect create a design drawing of our vision for the building to give a clear idea of what we plan to do. The architectural drawing (see attachment H) shows how we plan to alter the existing garage (see attachment I), however, we are more than willing to adapt the design to the parameters of the City of Inver Grove Heights. We would simply like to finish off the upstairs of the garage and convert it into a living space for my husband and me.

Sincerely,  
Kayla Harren



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**1355 96th Street East**  
**Inver Grove Heights, MN 55077**  
main house and detached garage building



# SUN CURRENT

RICHFIELD

\$1

Thursday, April 2, 2015

Current.mnsun.com



Vol. 45, No. 14

## State budget surplus

An editorial states it's time to rein in state leaders and add practical solutions regarding the surplus. Page 4

## Football honor

Richfield native Greg Clough was named Minnesota's assistant football coach of the year March 28. Page 10



A public notice outlines the intent of the Richfield-Bloomington Watershed Management Organization. Page 13

## Public notices

# New ordinance anticipates multigenerational homes

## Two-story garages and accessory dwelling units allowed

BY ANDREW WIG  
SUN CURRENT  
NEWSPAPERS

Richfield families have more freedom to make room for Grandma and Grandpa after an ordinance change was

approved last week. The Richfield City Council unanimously voted Tuesday, March 24, to increase the maximum allowable height of detached garages, allowing for garages up to two stories tall. Meanwhile, the council also approved rules for accessory dwelling units, making way for second-floor living quarters to be built above garages or as individual structures.

The approvals were made with demographic shifts in mind, particularly regarding the anticipated trend of baby boomers opting to move in with their grown children. "I think it's the way of the future given the aging population," Council member Pat Elliott surmised.

The option of parents moving in with their children offers an alternative to dedicated senior facilities. "It's going to give us an opportunity to provide comfort and sustenance to some of our older relatives who we want to keep an eye on, but still want to maintain that independence on their own," Elliott said.

With neighbors in mind, there are still several restrictions on what exactly those accommodations can look like. "We do think that there are a lot of protections in here to make sure that they're not overwhelming," Community Development Director John Stark said.

Detached garages may not exceed the height of the property's primary dwelling unit, with 25 feet as the absolute limit. Design standards such as consistency in exterior materials and the inclusion of windows, false windows, doors or similar openings are also part of the requirements. Accessory dwelling units must be at least 300 square feet and no larger than 800 square feet, but cannot exceed the size of the principal building. The owner of the property must occupy at least one dwelling on the lot as well. The new ordinance is limited to single-family homes; a special license is still

**HOMES - TO PAGE 3**

# Homes

FROM PAGE 1

required for those renting out space.

## Comments and concerns

In crafting the new policy, the city solicited residents' comments on the website Richfield Connect (richfieldconnect.mindmixer.com), which is used to gauge public opinion on a variety of issues. Eighteen commenters responded to the question, "What do you think about the idea of two-story detached garages?" None were outright opposed to the concept.

There were some concerns, however. Those

included architectural compatibility with the surrounding area and potential nuisances resulting from intensified activity of businesses operating out of homes, states a summary of the survey.

Four commenters, according to that summary, specifically expressed interest in allowing "mother-in-law" apartments or suites – self-contained dwelling units meant for relatives.

The construction industry has acknowledged a growing desire for such accommodations. Wendy Danks, a spokesperson for the Builders Association of the Twin Cities, pointed to the Lennar Corporation as the home builder in the metro area placing the

most notable emphasis on the presumed market shift.

The Miami-based builder has a line of homes branded as NextGen. Explained in marketing materials as "the home within a home," the line is aimed at multi-generational families living under one roof.

Such considerations have generally been limited to higher-end homes, according to Danks.

In addition to the anticipation of parents moving in with their grown children, commentators on Richfield Connect noted that allowing two-story garages may also help keep Richfield residents in the city by helping them accommodate growing families.

"We love the Richfield

community, but we also will have to look for a bigger home in the future," one commenter wrote.

"However, if we could build on our existing property and have the option for a two-story garage, that would be wonderful." City council members were satisfied the new option will not come as a nuisance to neighbors.

"It's a change that I think will benefit some folks," Councilmember Michael Howard said, "but I don't think it's going to come at anyone's expense because of this thought that went into it."

Contact Andrew Wig at [andrew.wig@ecm-inc.com](mailto:andrew.wig@ecm-inc.com) or follow him on Twitter @RISunCurrent.

# Shop

FROM PAGE 1

planning commission.

The Zerorez facility has also exhibited numerous code violations, according to the staff report. Those infractions include a roadway that was painted with parking stripes, outdoor storage violations and landscaping issues, Richfield City Planner Melissa Pochlman said. No matter what happens to

– the Minneapolis shop repaints mailboxes for the United States Postal Service in their trademark blue, he said.

Kaufman told the planning commission that he employs 12 people at his shop, with an average salary of \$40,000. He expects his payroll to grow to 20 employees in the coming years.

Aside from some exterior branding and brick work, there aren't many changes planned for the Zerorez building. "The building's actually in pretty

despite some uncertainty regarding the vision for the land. The 10-year-old Cedar Corridor Master Plan designates the space – along with a parcel to the north occupied by CenterPoint Energy – as parkland,

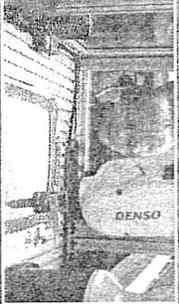
the staff report notes. But the master plan doesn't specifically mention the parcel, "and therefore the intent of the Plan is unclear," the staff report states.

Richfield's recreation department is satisfied by plans to buffer the auto body shop from Taft Park, Pochlman said.

# ROBOT DAY

at The Works Museum

**SATURDAY, APRIL 11, 9 A.M. - 4 P.M.**




It's a family fun event, celebrating National Robotics Week!

- Meet and interact with robots of all kinds.
- See demos from robotics experts and student teams.
- Experiment with kid-friendly robotics.

Located off 35W at 98th Street in Bloomington

[www.theworks.org](http://www.theworks.org)

## the WORKS

PROSALINA

**ACE BLACKTOP RETIREMENT INTERNET AUCTION**

TUES., APRIL 14 11:00 a.m. CDT

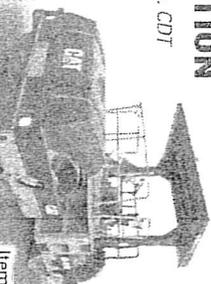
**Bid now on 200+ items selling without reserve!**

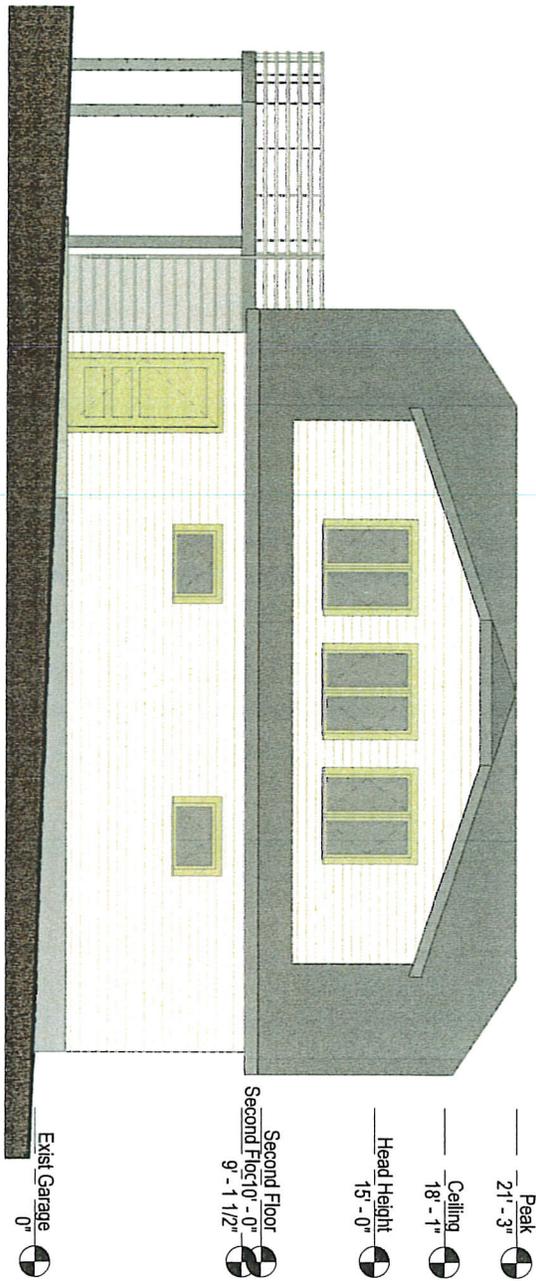
asphalt equipment, dump trucks, semi trucks, pavers, rollers, trailers, water trucks and more.

**purple wave** auction

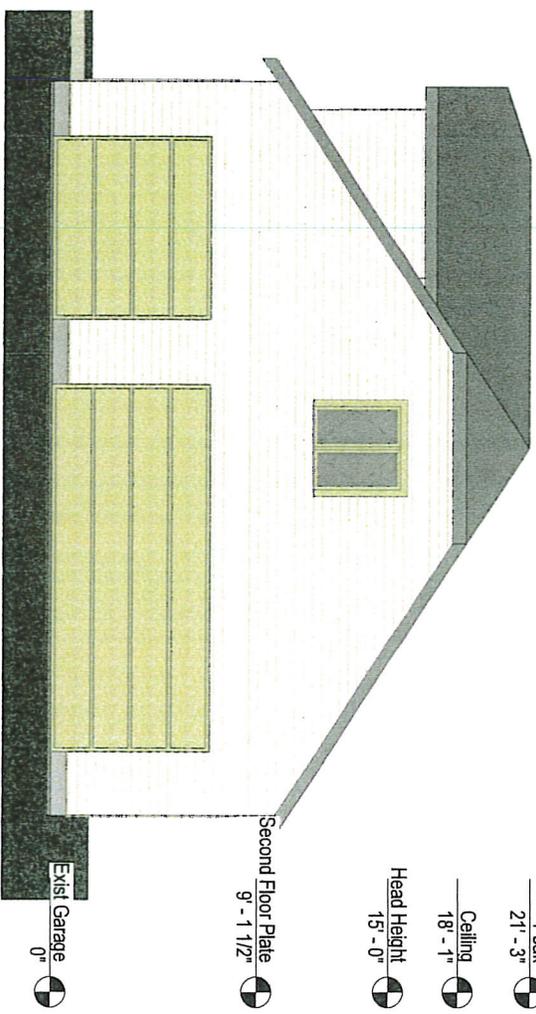
10% buyer's premium. 866.608.9293

Item #J1978





2 Dormer Elevation  
3/16" = 1'-0"



1 Front Elevation  
3/16" = 1'-0"

Brian K Nelson  
architect

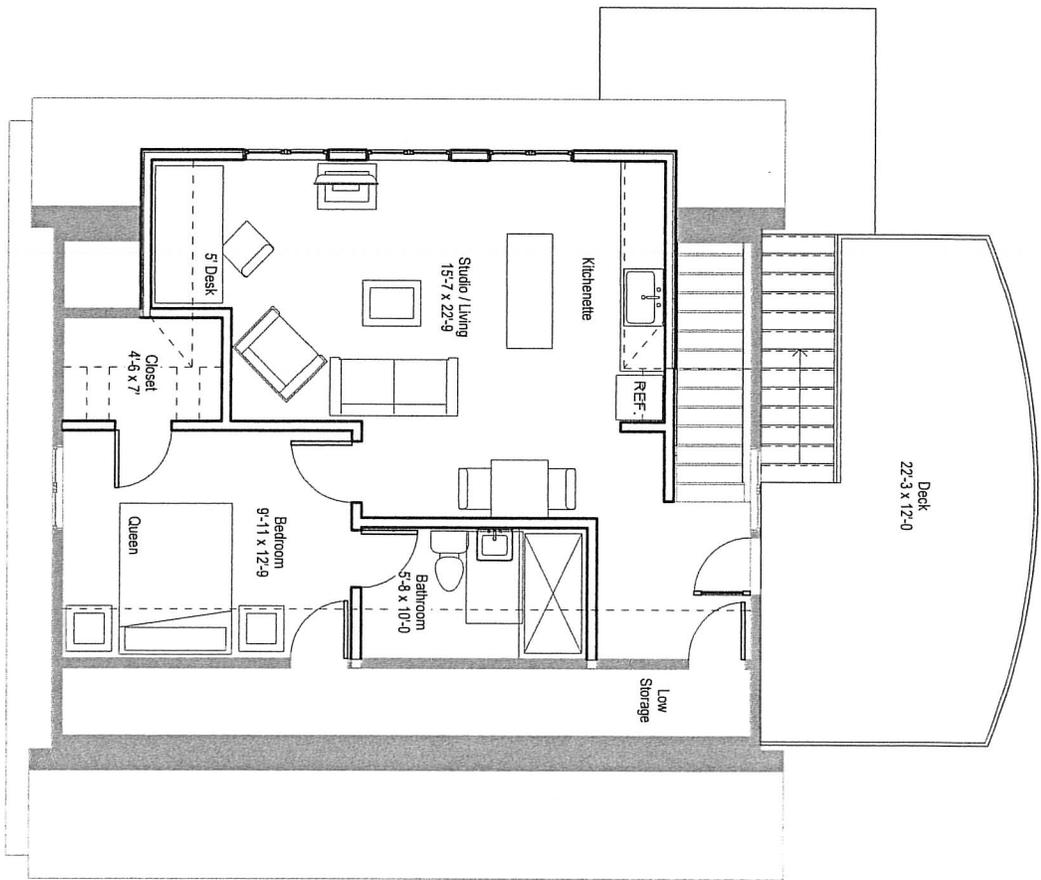
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Skogh Garage Apartment  
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DATE: 03-24-15  
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SCALE: 3/16" = 1'-0"

A200



**1** Second Floor  
3/16" = 1'-0"



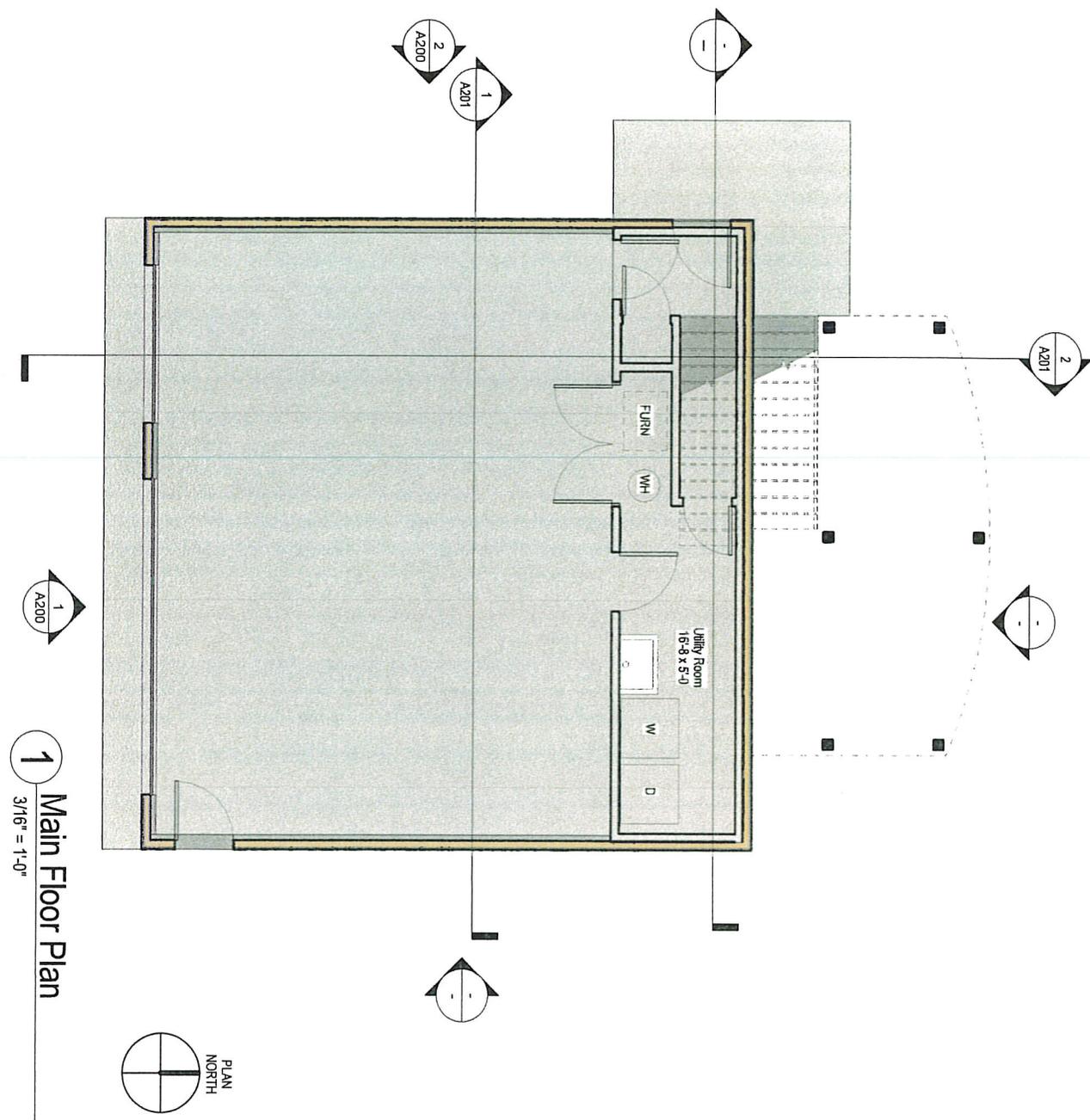
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Architect

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612.437.8816  
brian@bknatch.com  
www.bknatch.com

Skogh Garage Apartment  
1355 96th St. E.  
Inver Grove Heights, MN 55077

HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATIONS, CONTRACT DOCUMENTS,  
AND ALL INFORMATION CONTAINED  
HEREIN WERE PREPARED BY ME OR  
UNDER MY CLOSE PERSONAL SUPERVISION  
AND THAT I AM A LICENSED ARCHITECT  
OF THE STATE OF MINNESOTA.  
PRINT NAME: Brian K Nelson  
SIGNATURE:  
LICENSE # 45579  
EXPIRES: 01-31-19

A101



1 Main Floor Plan  
 3/16" = 1'-0"



A100

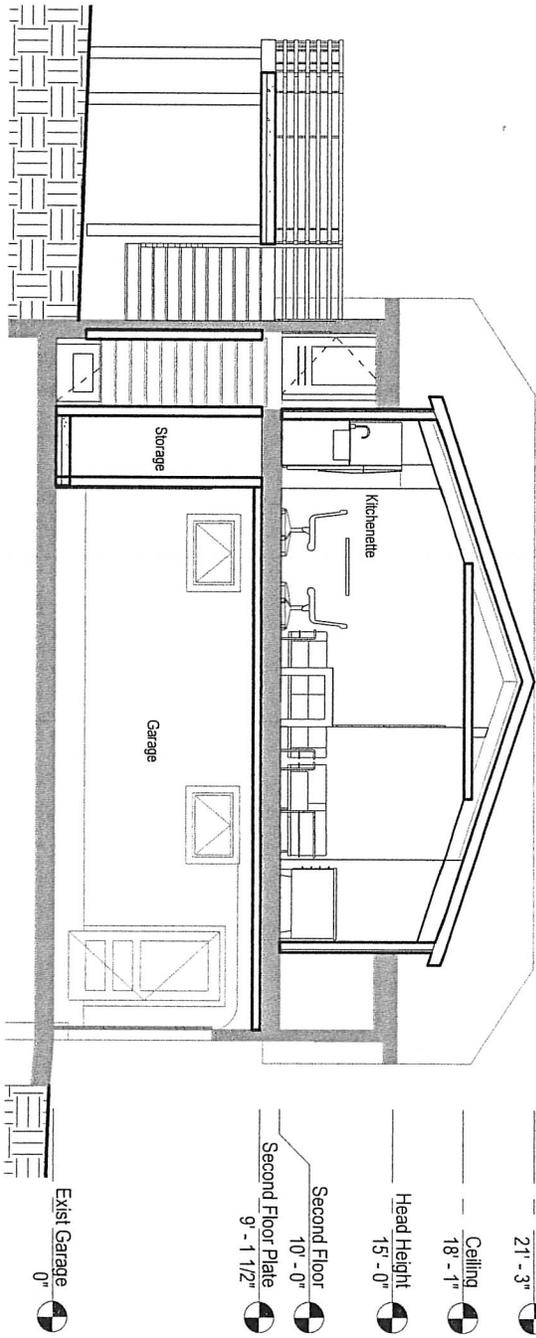
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PROJECT NAME: Skogh Garage  
 DRAWN BY: Brian K. Nelson  
 CHECKED BY: [Blank]  
 DATE: 01-24-15  
 SCALE: 3/16" = 1'-0"

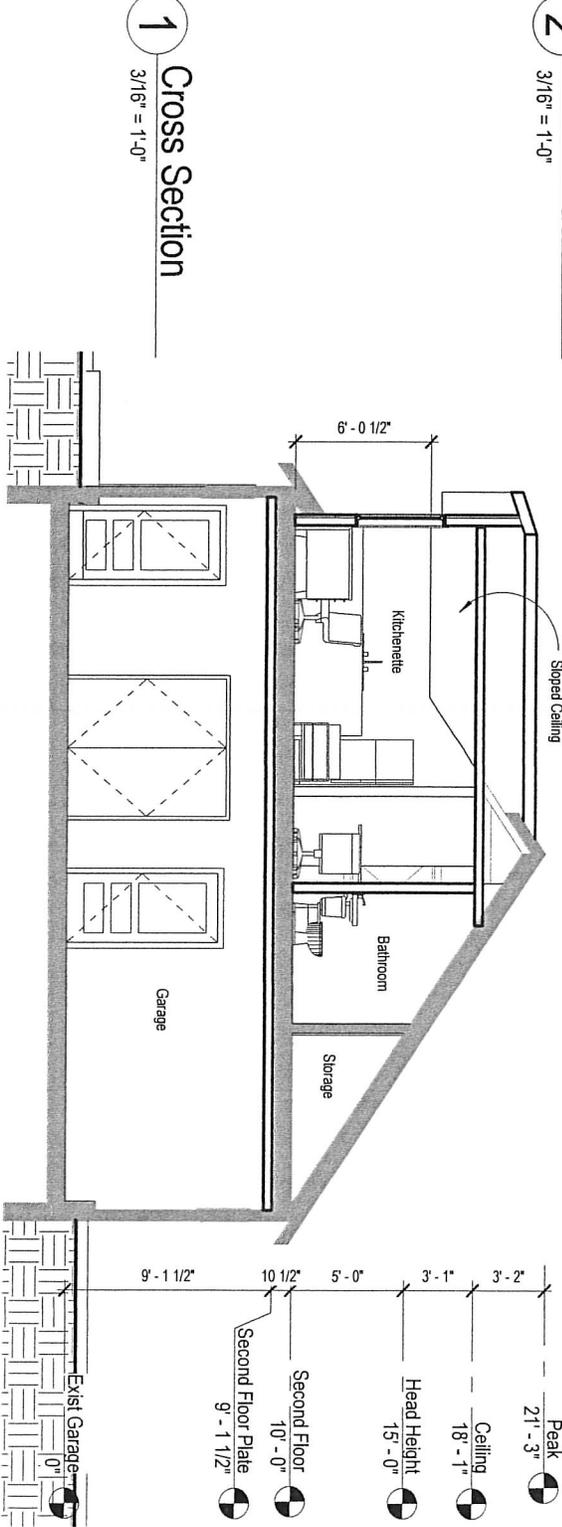
**Skogh Garage Apartment**  
 1355 96th St. E.  
 Inver Grove Heights, MN 55077

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Brian K. Nelson  
 NCARB, LEED AP  
 4932 Knox Ave S  
 Minneapolis, MN 55419



**2** Dormer Section  
3/16" = 1'-0"



**1** Cross Section  
3/16" = 1'-0"

- Peak 21'-3"
- Ceiling 18'-1"
- Head Height 15'-0"
- Second Floor 10'-0"
- Second Floor Plate 9'-1 1/2"

- Peak 21'-3"
- Ceiling 18'-1"
- Head Height 15'-0"
- Second Floor 10'-0"
- Second Floor Plate 9'-1 1/2"

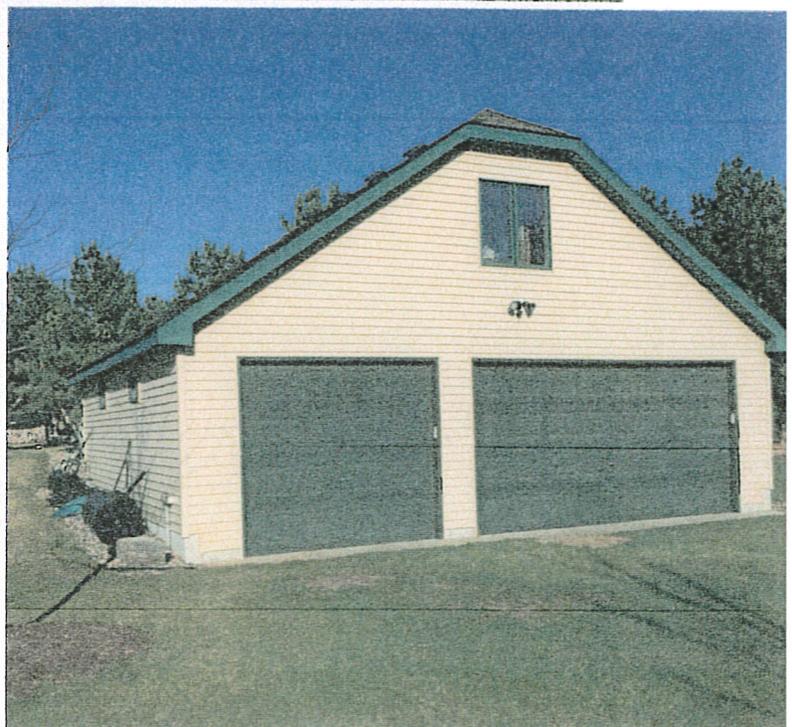
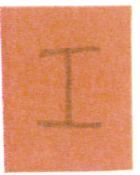
Brian K Nelson  
rchitect

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Skogh Garage Apartment  
1355 96th St. E.  
Inver Grove Heights, MN 55077

DATE: 03-24-15  
REVISION: 45572  
LAYOUT #:  
A201

**1355 96th Street East**  
**Inver Grove Heights, MN 55077**  
current detached two-story garage building



**ACCESSORY DWELLING UNIT  
SUMMARY OF OTHER CITY ORDINANCES**

	Zoning Districts Allowed	Allow by Permitted, CUP or Accessory	Allow in Accessory Structure	Number of ADU/lot	Licensing or Permit	Max/Min size of ADU	Limit number of bedrooms	Ownership	Occupancy limit	Separate entrance or modify main entrance	Number of parking spaces required	Other
<b>Bloomington</b>	single family districts only. Lot must meet minimum size requirement	accessory use	no	1	annual rental license	960 sq ft 300 sq ft	2 bedrooms max	only one unit may be rented	limited to 2 persons	appearance to remain looking like single family residence	site must conform to current standards. No extra spaces required.	allowed only on lots with city sewer and water
<b>Shoreview</b>		accessory use	no	1	permit	800 sq ft	2 bedrooms max	house must be owner occupied only one unit may be rented.	none	no separate front entrance allowed	min 3 off-street required with min 2 enclosed	remain in single ownership and have only one address
<b>Richfield</b>	single family districts	accessory use	yes	1	rental license	800 sq ft 300 sq ft	none	house must be owner occupied	none	no separate front entrance allowed	3 off-street parking spaces on lot	conversion of garage space must be replaced
<b>Roseville</b>	single family districts.	accessory use	yes	1	administrative license	600 sq ft 300sq ft	2 bedrooms max	house must be owner occupied	limited to 2 persons	appearance or character not significantly altered	no additional required. Site must meet parking standards	entryway from detached must have sidewalk to street
<b>Apple Valley</b>	R-1 District - 40,000 sq ft min lot size	conditional use	no	1	none	not more than 40% of primary residence footprint. 300 sq ft	2 bedrooms max	only one unit may be rented.	limited to 3 persons	appearance to remain looking like single family residence	2 additional required for ADU plus required for primary	not permitted if 3 ADU's exist within a radius of 2,640 ft of proposed
<b>Eagan</b>	R-1 and Estate districts	accessory use	no	1	registration required	960 sq ft or 33% of primary footprint. 300 sq ft	2 bedrooms max	only one unit may be rented.	limited to 2 persons	appearance to remain looking like single family residence. Does not allow separate front entrance	2 additional required for ADU plus required for primary	not allowed if building coverage existing or with addition exceeds 20% of lot
<b>Farmington</b>	single family districts	conditional use	yes	1	none additional	1800 sq ft	-	-	-	accessory must be behind principle in side or rear yard no separate front or exterior entrance	-	-
<b>Lakeville</b>	single family districts	accessory use	no	1	administrative permit	no max/min	no limit	-	-	separate for accessory	3 enclosed spaces required	must have interior connection between units
<b>Plymouth</b>	single family districts	accessory use	yes - only	1	administrative permit. Permit to rent	1000 sq ft max	-	only one unit may be rented	no limit	separate for accessory	2 additional spaces required	only allowed with new construction and in subdivisions approved after 2001

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,  
TITLE 10, (ZONING ORDINANCE) CHAPTER 15 REGARDING ALLOWING  
ACCESSORY DWELLING UNITS (ADU) IN SINGLE FAMILY RESIDENTIAL  
ZONING DISTRICTS**

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

**Section One. Amendment.** Title 10, Chapter XX, of the Inver Grove Heights City Code is hereby amended to read as follows:

**10-XX: ACCESSORY DWELLING UNIT:**

Accessory dwelling units (ADU) may be permitted as an accessory use to a single family dwelling in the A, E-1, E-2, R-1A, R-1B and R-1C zoning districts subject to the following:

1. A rental license for the non-owner-occupied unit shall be required pursuant to Chapter    of City Code.
2. Each accessory dwelling unit shall require a city registration pursuant to requirements of City Code.
3. An accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. In no case shall the ADU be more than 1000 square feet, nor less than 250 square feet.
4. An accessory dwelling unit may be permitted within a detached accessory structure provided the lot size on which the unit would be located is 12,000 square feet or greater.
5. A detached accessory dwelling unit may be allowed in a detached accessory structure provided the detached structure's gross floor area is 1000 square feet or less on lots less than or equal to 2.5 acres and 1,600 gross square feet or less on lots greater than 2.5 acres in size. In no case shall the ADU be more than 1000 square feet, nor less than 250 square feet.
6. No more than one accessory dwelling unit shall be allowed on a lot.

7. The property owner must reside in either the primary residence or the ADU as their permanent residence.

8. An ADU may not be subdivided or otherwise segregated in ownership from the primary residence structure.

9. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal building on the lot, and shall be compatible with the character of the surrounding residential buildings.

10. The total number of occupants in the accessory dwelling unit shall not exceed three (3) persons.

11. Lots with accessory dwelling units shall provide at least two (2) off-street parking spaces in addition to the one (1) off-street parking space required for the primary residence.

12. Accessory dwelling units in combination with their associated single family dwelling unit must conform to all city code requirements for single family dwellings, including but not limited to setback, height, impervious surface and accessory structure standards.

13. The accessory dwelling unit and the associated single family dwelling unit must meet current state building, plumbing, electrical, mechanical and Fire Code provisions including fire emergency vehicle access to any accessory dwelling unit.

14. A accessory dwelling unit in a detached accessory structure shall have a separate address from the principal dwelling unit on the lot and shall be identified with address numbers assigned by the City and pursuant to size and location regulations of the city code.

**Section Two. Amendment.** Title 10, Chapter 2-2, DEFINITIONS, of the Inver Grove Heights City Code is hereby amended to add the following:

ACCESSORY DWELLING UNIT (ADU): A subordinate habitable dwelling unit, which has its own basic requirements of shelter, heating, cooking and sanitation, added to or created within a single-family dwelling or detached accessory structure.

**Section Three. Effective Date.** This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
George Tourville, Mayor

ATTEST:

\_\_\_\_\_  
, City Clerk

# ZONING PRACTICE

JULY 2012



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 7

## PRACTICE ACCESSORY HOUSING



# Zoning for Accessory Housing

By Tom Daniels

Compact, walkable, and well-designed development is a primary goal of smart growth, and accessory housing can provide affordable housing opportunities that promote smart growth without sacrificing appearance.

Accessory housing may either be a detached dwelling unit with full services—bath, sleeping quarters, and kitchen—or an autonomous apartment attached to a house.

Accessory apartments are often known as “granny flats” or “in-law suites” because of the common practice of keeping an elderly parent as part of the household but in a largely independent living situation. An apartment may be inconspicuously built over an attached or detached garage or added on to the back of a house.

Whether attached or detached, accessory housing can increase residential densities and encourage walkability. However, many older zoning ordinances present major obstacles to the creation of accessory dwelling units (ADUs).

Accessory housing is one response to major changes in demographics and the real estate market. First, the number of single-person households is growing, especially among young adults who are marrying later and don’t need large homes. Second, many people are living longer and want to age in place with family members nearby, rather than join their fellow senior citizens in an assisted-living complex. Third, many empty nesters are downsizing, and an apartment makes good sense. Fourth, the popularity of off-campus living among college students means a steady demand for apartments, especially within walking distance of school. Finally, people who work in a high-end community often cannot afford to live there as well. ADUs can provide affordable workforce housing for local workers.

Efforts to retrofit suburbs and encourage infill in cities have often focused on large projects such as redeveloping dead

malls and multistory mixed use commercial and residential buildings. But financing for these projects is less available since the 2007 downturn in the real estate market. While these large projects are certainly needed to promote mixed uses and walkability, the residential market has lately favored renters over buyers. Still, proposals for multifamily rentals often spark a backlash, especially in newer suburbs. One less conspicuous way to provide more rental units is through an accessory housing ordinance in single-family residential districts.

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## ADVANTAGES OF ACCESSORY HOUSING

1. A way to create mixed income neighborhoods without reducing property values (a traditional use of zoning).
  2. A way to increase density in urban and suburban areas without multifamily development. Little burden on community services compared to property taxes generated.
  3. A way to provide housing for the elderly, especially for an older family member. This enables senior citizens to “age in place.”
  4. Workforce and student housing.
- 

Interest in accessory housing has existed for decades. In 1985 author Martin Gellen estimated that there were 10 to 18 million houses with sufficient space to add an accessory dwelling unit, and if just 15 percent of these units were actually built, at least 150,000 units could be added to the nation’s housing stock. In much of the 1980s and 1990s cities and inner suburbs

grew more slowly or lost population compared to most suburbs and exurban areas, where builders could offer large houses on large lots. In the 2000s, this big-house strategy contributed to the housing meltdown in two ways. First, many people paid more than they could afford for these large houses, and second, home builders created an oversupply of houses, which exacerbated the downturn in home prices and left many recent buyers “underwater”—owing more on their mortgage than their house was worth. Although housing prices seem to be stabilizing after five years of declines, rental opportunities remain attractive.

Several studies have shown that accessory apartment units rent for below-market rates, in part because the accessory apartments are less expensive to build onto existing houses or garages. Pedestrian access to commercial uses and transit are important, especially for older people who may no longer drive and for young adults who cannot afford a car or may not want to own a car. Thus, accessory units tend to be more pedestrian- and transit-friendly within cities and inner suburbs, rather than in newer suburbs where residential and commercial areas are typically separated and a car is needed for transportation.

Two potential longer term threats to accessory housing are gentrification and rising property taxes. Gentrification can lead to reductions in accessory housing supply when wealthier residents moving into a neighborhood “mothball” or remove accessory units. Also, as property values rise, the rents on the ADUs can rise beyond the affordability of low- to moderate-income residents. It is also important to keep in mind that the construc-

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### About the Author

Tom Daniels is a professor in the Department of City and Regional Planning at the University of Pennsylvania. He teaches Land-Use Planning, Environmental Planning, and Growth Management. Daniels is the coauthor of the *Small Town Planning Handbook* (APA Planners Press, 2007) and the *Planners Guide to CommunityViz* (APA Planners Press, 2011).

tion of an ADU, whether detached or an attached apartment, will result in higher property taxes for the property owner.

### CREATING AN ACCESSORY HOUSING ORDINANCE

Zoning is not known as a tool that local governments use to respond quickly to demographic trends or changes in the real estate market. The main purpose of zoning remains the separation of conflicting uses, which is closely tied to the protection of property values. But there is a sequence of steps that a local government can take to create a legally and politically sound accessory housing ordinance.

First, planners and elected officials should make sure that the community generally supports ADUs. Then they can add an affordable housing goal to the comprehensive plan (if such a goal does not already exist). Next, planners and elected officials can include a policy objective to promote ADUs in the housing section of the comprehensive plan and amend the future land-use map to indicate where ADUs are allowed. Planners should have a sense of the maximum build-out potential for accessory dwelling units, and accessory units should only be allowed in areas with adequate central sewer and water service. This first step shows that the elected officials and planners support accessory housing.

Second, make sure than the accessory housing provisions of the zoning ordinance are consistent with the local comprehensive plan. The affordable housing goal and accessory dwelling objective give direction to the zoning ordinance and establish a legal basis for the accessory dwelling provisions

within the zoning ordinance. The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map. The overall consistency of the zoning ordinance and zoning map with the affordable housing goal, the accessory housing objective, and the future land-use map of the comprehensive plan will make the accessory housing ordinance more likely to withstand legal challenges.

Third, the addition of the accessory housing provisions in the zoning ordinance helps to avoid rezoning and variance battles, which can be expensive and engender bad feelings with neighbors. In drafting the ADU ordinance, planners should meet with residential property owners and neighborhood associations and negotiate design standards, parking, and rules for ADUs, such as "no more than two people may reside in an accessory unit." This community outreach serves to head off political opposition to the accessory housing ordinance and to incorporate as much as possible the comments of the people who will live near and next to the ADUs. The ADU ordinance emphasizes revising single-family zoning districts to allow accessory dwellings. ADUs, both detached units and attached apartments, must be defined in the ordinance.

An important decision is whether to allow accessory dwellings by right or through a special exception. A conditional use permit makes little sense because accessory housing generally does not affect the entire community but rather certain neighborhoods. The advantage of the special exception approach is that the zoning ordinance can impose certain limits on the number of occupants of the accessory housing. The special exception process involves

The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map.

a review of the ADU that the home owner is proposing, a fee, and approval from the Zoning Board of Adjustment.

On the other hand, allowing an ADU by-right can speed the review process while maintaining certain performance standards, such as a required tie-in to central sewer and water, limits on size, and number of residents. A site plan review is commonly required whether the zoning to allow accessory dwellings is by-right or by special exception.

Fourth, land development and building design standards are key issues, especially for detached units. Setbacks from property lines are usually stated in the zoning ordinance rather than left up to the variance process. For the sake of good neighbor relations and appearance, a specific setback of

10 or 15 feet is recommended. Maximum lot coverage can be the same standard as for single-family dwellings. Height limits may be no more than 20 feet. The idea is that a single floor with some storage space above is adequate, or that an apartment above a garage should not loom over a neighbor's property. The maximum size is a common issue. A maximum square footage should be spelled out, such as 800 square feet. Design and landscaping requirements for a detached accessory unit should not be dissimilar from the rest of the neighborhood. Graphic illustrations of design and landscaping standards in the ordinance can be particularly helpful. Parking, however, can be a problem. An accessory dwelling unit will most likely rely upon on-street parking. Adding a parking space on the property could be difficult. In addition, the property owner must demonstrate that there is adequate central sewer and water service for the accessory dwelling unit. Typically, no more than one accessory dwelling is allowed with a primary residence, and often, the owner of the primary residence must live on the property, either in the primary residence or in the accessory unit. Also, an ADU must meet the local building code before the local government will issue an occupancy permit.

Finally, it is important to demonstrate that builders are interested in constructing detached ADUs and attached accessory apartments. Local lenders should be made aware that accessory dwellings are permitted and that a construction loan should be forthcoming pending zoning approval.

**WHERE HAS ACCESSORY HOUSING WORKED?**

Cities appear to have had more success in constructing ADUs than suburbs. And West Coast cities, in particular, have made innovative efforts to encourage accessory units in part to provide affordable housing and to promote compact development.

**Portland, Oregon**

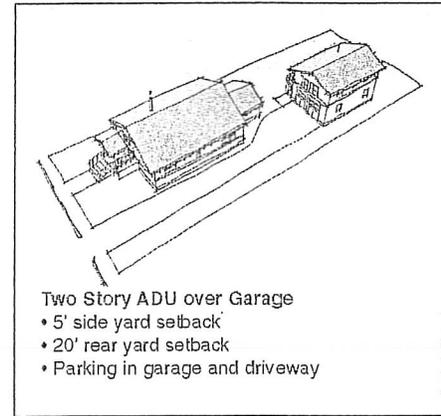
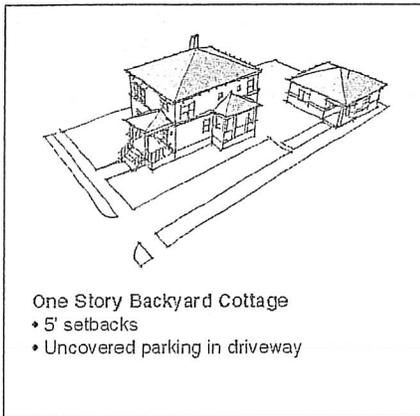
Portland is often cited as a paragon of smart growth. Portland's zoning code provides standards for ADUs in all of its residential zones and was last updated in 2010. ADUs can be created by right in a detached single-family house, an attached row house, or a manufactured home. The ADU can result from converting existing living area, finishing an existing basement or attic, building a new structure, or making an addition to an existing structure.

The purposes of the accessory dwelling provisions in the Portland zoning ordinance include:

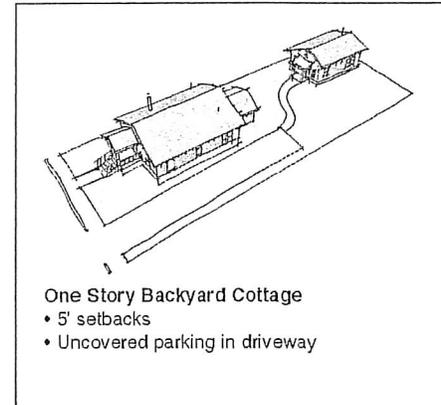
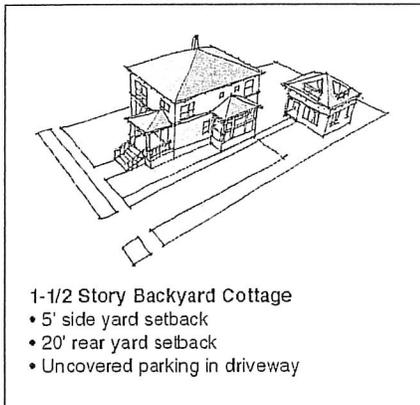
- increasing the housing stock while respecting the appearance and scale of single-dwelling neighborhoods;
- providing a mix of housing that responds to changing family needs and smaller households;
- providing a means for residents—particularly seniors, single parents, and families with grown children—to remain in their homes

defines a household rather broadly: "One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit."

The emphasis in Portland's accessory dwelling approval process is on mitigating off-site impacts, for example requiring an erosion-control plan and a stormwater plan if the ADU will add more than 500 square feet of impervious surface. In addition, there is a system development charge (think impact fee) of about \$6,000 to \$10,000 for



City of Santa Cruz, California



⊕ These illustrations show a range of detached ADU types. Owners looking to create an ADU rental for supplemental income may elect to construct a detached unit to maximize privacy.

and neighborhoods and obtain extra income, security, companionship, and services; and

- providing a broader range of accessible and more affordable housing.

The ordinance defines an ADU as a second dwelling unit created on a lot with an existing house, row house, or manufactured home, where the second unit is auxiliary to and smaller than the existing unit.

Portland's ordinance allows a household to inhabit an ADU. The ordinance

sewer and water service, recreation, and streets.

The density requirements are quite favorable for adding accessory dwellings. In the single-dwelling zones, ADUs are not included in the minimum or maximum density calculations for a site. In other words, density is not an issue. In all other residential zones ADUs are included in the minimum density calculations but are not included in the maximum density calculations. This is an incentive not to create large lots. Keep

in mind that the general standard for new development inside the greater Portland metropolitan service boundary is 10 to 12 dwelling units per acre. The ADU ordinance is designed to help achieve that density.

For an existing house the ADU can be no more than 75 percent of the total living area of the house or a maximum of 800 square feet, whichever is less. To keep detached accessory dwellings inconspicuous, a unit must be at least 60 feet from the front property line, or the unit must be at least six feet behind the house, row house, or manufactured

cannot cover more than 15 percent of the entire lot. As for design, the exterior of the accessory dwelling unit must be the same as or visually match the primary dwelling. For instance, the roof pitch of the accessory dwelling must be same as the pitch for the primary dwelling, and the trim and the windows should match. Unfortunately, though, the ordinance does not contain any graphics for the reader to follow in trying to understand the design standards.

Finally, Portland requires that an applicant for an ADU submit a site plan,

Most of the new ADUs have been built on the east side of the city fairly close to downtown. About 40 percent of the ADUs built have been detached cottage units and 60 percent attached apartments, typically above a garage.

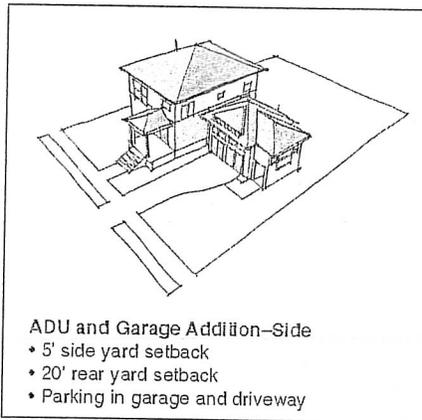
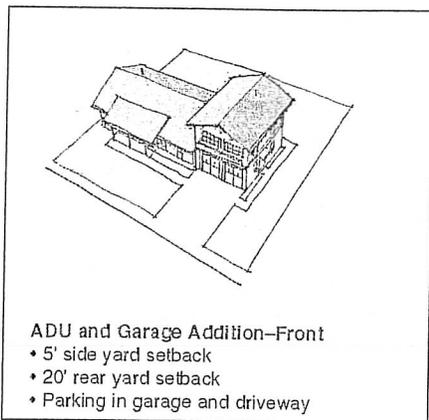
#### Spokane, Washington

Spokane has taken a unique approach to accessory dwellings by adopting a cottage housing ordinance in 2006. Although this ordinance may not be applied as widely as a typical accessory housing ordinance, it offers a way to increase density and affordability through the construction of small houses. The purpose of the Spokane ordinance is to “support the diversity of housing, increase the variety of housing types for smaller households and provide the opportunity for small, detached single-family dwelling units within existing neighborhoods.”

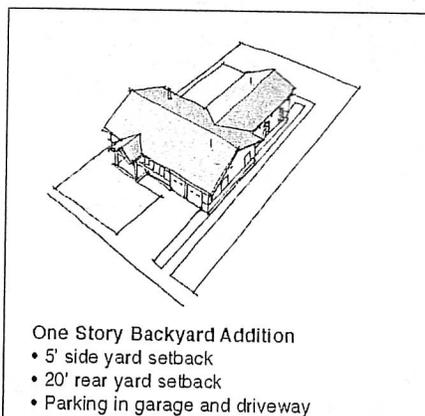
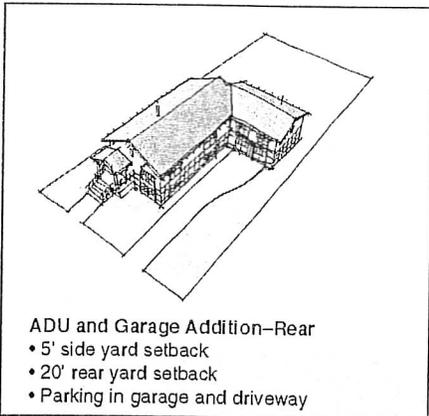
The cottage ordinance applies in the city’s single-family residential district and the residential agricultural district. The ordinance requires a minimum of half an acre and a minimum of six units, with a maximum of 12 units, and offers the property owner a 20 percent density bonus. Properties that meet the minimum acreage standard are most often on the edge of a city, and hence the cottage ordinance could be especially helpful as a city with annexation powers adds land within the city limits.

The maximum square footage is 1,000 square feet, excluding any floor area where the floor-to-ceiling height is less than six feet. But half of the cottages can have no more than 650 square feet on the main floor and half can have no more than 1,000 square feet on the main floor. Once a cottage is built, it cannot be expanded.

Maximum lot coverage is 40 percent. The height limit is 18 feet, except if the dwelling has a pitched roof. Then the maximum height is 25 feet. All cottages are required to have covered porches, which are oriented toward common open space or to the street. For each cottage there must be at least 250 square feet of common open space and 250 square feet of private open space. The common open space must be landscaped and maintained by a home owners association. Setbacks for all structures from the property lines must average 10 feet but cannot be less than five feet, and not less than 15 feet from a public street. This last standard is similar to the front yard setback required of any detached single-family residence.



City of Santa Cruz, California



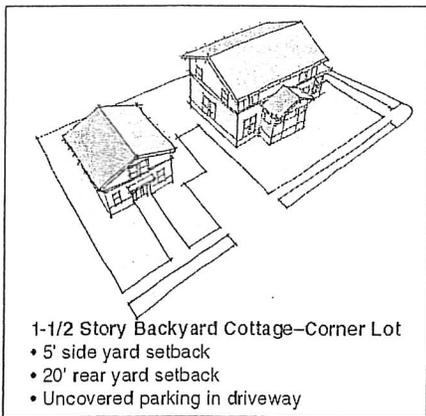
⊕ These illustrations show a range of attached ADU types. Attached ADUs may be preferable for housing extended family members.

home. For fire safety, the detached ADU must be at least six feet from the primary dwelling. Portland does not require additional on-site parking for an accessory dwelling. Thus, on-street parking can be used. Design review is required if changes are proposed to the exterior of an existing house.

The height limit for a detached accessory dwelling unit is 18 feet. The lot coverage of the detached accessory dwelling unit cannot exceed the lot coverage of the primary dwelling. Together, the two dwellings

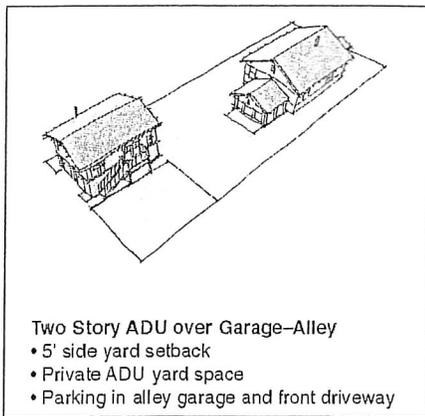
architectural plans, and structural plans.

From 2002 through 2011 Portland issued a total of 316 accessory dwelling permits. The downturn in the national economy was also reflected in ADU activity. In 2007, 31 permits were issued; only 19 were issued in 2008 and 22 in 2009. The Portland City Council then enacted a waiver of the system development charges for three years for new accessory dwelling units. The new policy seems to be working. In 2010, the city issued 61 permits; in 2011, 64.



**1-1/2 Story Backyard Cottage—Corner Lot**

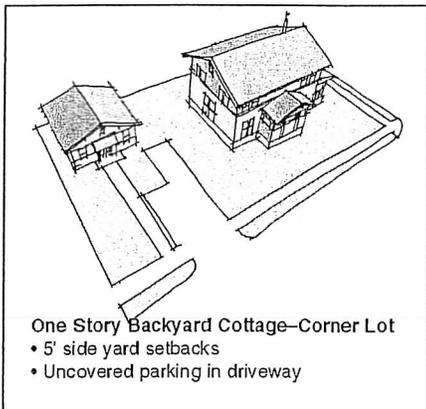
- 5' side yard setback
- 20' rear yard setback
- Uncovered parking in driveway



**Two Story ADU over Garage—Alley**

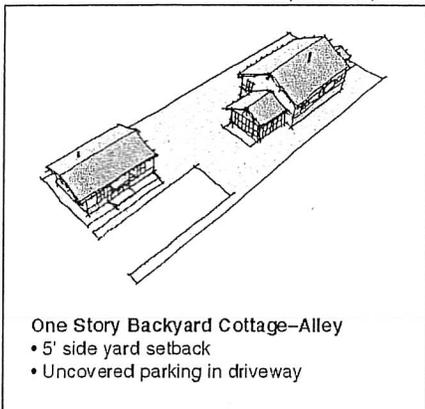
- 5' side yard setback
- Private ADU yard space
- Parking in alley garage and front driveway

City of Santa Cruz, California



**One Story Backyard Cottage—Corner Lot**

- 5' side yard setbacks
- Uncovered parking in driveway



**One Story Backyard Cottage—Alley**

- 5' side yard setback
- Uncovered parking in driveway

⊕ These illustrations show how detached ADUs can be sited on corner lots and lots with access to an alley.

RSF-C district would have a minimum lot size of 3,000 square feet, a minimum lot width of 36 feet, and a minimum front lot line of 30 feet.

**Santa Cruz, California**

Santa Cruz is located about 70 miles south of San Francisco on the Pacific Ocean. It is a college town that has experienced considerable growth from its proximity to Silicon Valley to the northeast. Santa Cruz created its accessory dwelling ordinance in 2003 in response to California law AB 1866 of 2002, which not only sought to promote the creation of accessory dwelling units but made it so that local governments could not prohibit the development of an ADU if it meets development standards. The purpose of the Santa Cruz ADU program is to provide more rental housing, encourage infill development and thus protect green space on the edge of the city, and to promote the use of public transportation. Santa Cruz has one of the least affordable housing markets in the United States. The city estimates that less than seven percent of the city's residents can afford to buy a local median-priced house. On the other hand, Santa Cruz has more than 18,000 single-family lots, which suggests a good opportunity to create affordable rental housing.

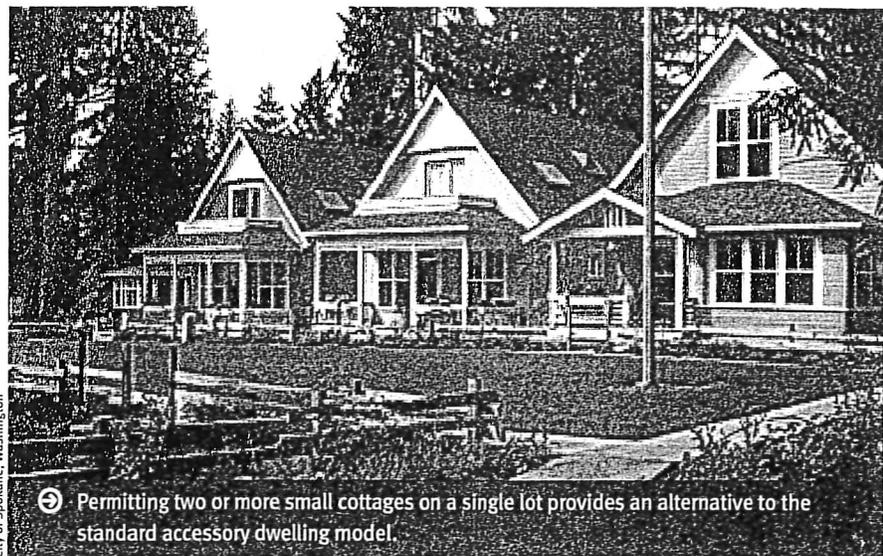
Santa Cruz formed the Accessory Dwelling Unit Development Program, which featured changes to the zoning ordinance, a strong public education effort, and financial assistance. The city removed a requirement that a single-family home had to have a covered parking structure (garage or carport), which made space available for

Parking must be clustered in groups of five spaces and set back at least 20 feet from the street. Each cottage must have access to a sidewalk.

The cottage ordinance calls for variety in design. Only one-fifth of the cottages can have the same design, and no two similar designed cottages can be placed next to each other. Each cottage must have at least four elements from a list of 14. These include, for example, varying roof shapes, dormers, bay windows, and variation in building materials and colors.

Spokane has had difficulty in implementing the cottage ordinance. So far only three projects have been proposed. Objections from neighbors have been a major problem. But in 2009, the Washington Court of Appeals issued a ruling upholding the city's approval of a 24-unit cottage development on two acres. The court found that the cottages would have no significant adverse effect on the neighborhood. Another obstacle has been minimum lot size of 4,350 square feet with a minimum lot width of 40 feet and a minimum front

lot line of 40 feet. In 2011, an Infill Housing Task Force recommended creating a new compact residential single-family zoning district (RSF-C) in addition to the existing residential single-family district (RSF) in order to promote the cottage ordinance. The



City of Spokane, Washington

⊕ Permitting two or more small cottages on a single lot provides an alternative to the standard accessory dwelling model.

an ADU. ADUs are allowed on single-family lots of 5,000 or more feet, and must meet setback, height, and parking requirements. Two-story ADUs that are located within a rear yard setback or any ADU that does not meet applicable zoning standards require a public hearing and an administrative use permit.

Next, the city had architects draft designs of accessory units that met both size (500 square feet) and style requirements that home owners could follow to speed the review and approval process. Then the city drafted an ADU manual describing how home owners could work their way through design, review, and city approval to construction. The city also held five public workshops to explain the ADU process.

In 2003 a total of 35 accessory dwelling units were built in Santa Cruz, up from just eight in 2001. In 2004, the city added a progressive Fee Reduction/Waiver Program for property owners who build an ADU for a household whose income level is at or below 60 or 50 percent of the Area Median Income (AMI). Fees may vary by unit size and other design components. Typical city development fees for a new one-bedroom, 500-square-foot ADU might be about \$9,000. For providing rental housing to low-income households at 60 percent of the AMI, a home owner would save about \$6,000 in city development fees. For very low-income housing at 50 percent of the AMI, the full \$9,000 would be saved.

The Santa Cruz Community Credit Union offered loans of up to \$100,000 at 4.5 % interest for Santa Cruz home owners looking to build an affordable ADU. To qualify, home owners had to sign a covenant stating that the ADU would be rented at a price affordable to low- to moderate-income residents.

In 2004 the city received the Policies and Regulations Smart Growth Achievement Award from the U.S. Environmental Protection Agency. Since 2003, Santa Cruz has added more than 170 accessory dwelling units.

## CONCLUSION

The accessory housing concept is an old idea, but has seen renewed interest over the past 30 years and especially since the rise in real estate prices in the late 1990s. Local governments have adopted accessory dwelling ordinances to encourage housing for elderly relatives and rental opportunities for young adults, including students. A local government can identify accessory housing as an objective in the comprehensive plan and provide for it in the local zoning ordinance.

Portland and Santa Cruz have created successful accessory dwelling unit programs that seek to streamline the development process yet maintain good design that fits in with the neighborhood. Both cities have offered financial incentives. Portland has temporarily waived the system development charges on new accessory dwelling units, and Santa Cruz has offered low-cost financing.

Eleven cities in Washington, including Spokane, have adopted cottage ordinances. Spokane's experience shows that site design is also important, not just zoning. In effect, a unified development code that combines zoning and land develop-

ment regulations would help landowners understand what they have to do to create an ADU as well as streamline the approval process. Opposition from neighbors is to be expected, especially if the city does not undertake an educational effort. Even then, accessory units can make neighbors feel encroached upon as well as raise concerns about impacts on property values.

With the U.S. population expected to add more than 100 million people over the next 40 years, accessory housing can play a small, but significant role in offering affordable housing and walkable, compact development that helps to revitalize cities.

---

## RESOURCES BOX

Resources on Accessory Housing

Georgia Department of Community Affairs

"Accessory Housing Units." [www.dca.state.ga.us/intra\\_nonpub/Toolkit/Guides/AcsryHsngUnts.pdf](http://www.dca.state.ga.us/intra_nonpub/Toolkit/Guides/AcsryHsngUnts.pdf)

Portland (Oregon) Bureau of Development Services, City of  
"Accessory Dwelling Units (ADUs)."

[www.portlandonline.com/bds/index.cfm?c=36676](http://www.portlandonline.com/bds/index.cfm?c=36676)

[www.portlandonline.com/bds/index.cfm?&a=53301](http://www.portlandonline.com/bds/index.cfm?&a=53301)

Spokane (Washington), City of

2012. Municipal Code. Section 17C.110.350: Cottage Housing.

[www.spokanecity.org/services/documents/smc/?Section=17C.110.350](http://www.spokanecity.org/services/documents/smc/?Section=17C.110.350)

Santa Cruz (California), City of

"Accessory Dwelling Unit Development Program"

[www.cityofsantacruz.com/index.aspx?page=1150](http://www.cityofsantacruz.com/index.aspx?page=1150)

[www.huduser.org/rbc/newsletter/vol6iss2more.html](http://www.huduser.org/rbc/newsletter/vol6iss2more.html)

Washington Appeals Court, State of

2009. *William Davis et al. v. City of Spokane and Konstantin Vasilenko*, No. 29204-5-III.

<http://statecasefiles.justia.com/documents/washington/court-of-appeals-division-iii/292045.unp.doc.pdf?ts=1323968271>

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## VOL. 29, NO. 7

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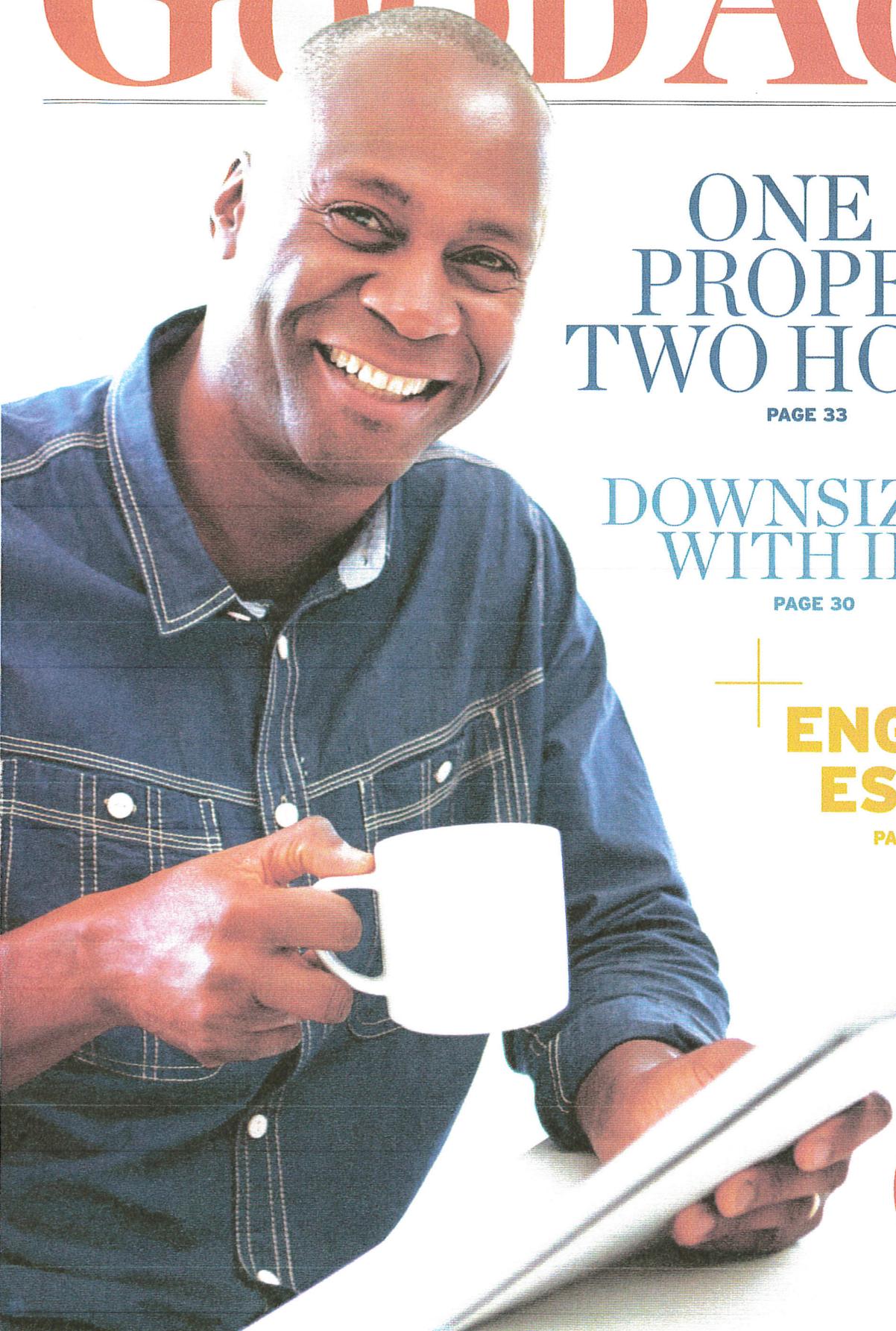
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MAY 2015

# MINNESOTA GOOD AGE



## ONE PROPERTY, TWO HOMES

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## DOWNSIZING WITH IKEA

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## + ENGLAND ESCAPE!

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+  
HOUSING  
RESOURCES  
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One of the Next Gen homes is known as the Genesis. Photo by Lennar



## 2 HOMES

*'Granny flats' in the Twin Cities are offering more flexible housing options for families*

BY SHEILA REGAN

Karen Hokanson moved into a retirement community in Eagan in 2008, and, at first, she really enjoyed it.

She had a comfortable 1,700-square-foot apartment and was surrounded by many people her age. Her friends there helped her grieve the loss of her husband.

But, as time went on, she became frustrated with the management and started to wonder about other options.

Then her son, Troy Hokanson, made her an interesting offer: Would she like to move in with him and his family — and three of her grandchildren — in a new house in Lakeville?

Karen Hokanson, age 73, said yes.

But she didn't have to share the family's main living quarters or impose on their every moment.

Troy Hokanson bought a new home with separate apartment for his mother, complete with its own door to the outside, plus a door on the inside

to the main house.

"It's nice that I don't have to drive home after babysitting," Karen Hokanson said. "I just have to go down the hall."

### ACCESSORY DWELLING UNITS

Stories like the Hokansons' are becoming increasingly common.

In fact, an increase in the creation of so-called Accessory Dwelling Units (ADUs) — also known as mother-in-laws, granny flats or carriage houses — is resulting in more diverse housing options for aging adults and their families.

An Accessory Dwelling Unit is a self-contained living unit.

It can be located within the walls of an existing or newly constructed home or a smaller, freestanding structure on the same lot as the main house.

Accessory dwellings offer a number of attractive benefits, including inter-

generational living without a loss of privacy or independence.

In some cases, accessory dwellings can mean extra rental income, depending on the ordinances of the city in question.

### MINNEAPOLIS' NEW LAW

In December, Minneapolis city councilors passed an ordinance allowing ADUs citywide, in response to an increasing number of inquiries from residents, neighborhood organizations, community leaders and senior housing advocates.

Under the law, owners are required to live on the property, but they can rent out their main home or the accessory dwelling — just not both — because of a homesteading requirement.

Michael Vanderford of Minneapolis first learned about urban ADUs when he was visiting Portland, Ore.

"I was amazed by the attractive spaces they have created. →

Troy and Melissa Hokanson and their three children live in a Next Gen home in Lakeville with Troy's mother, Karen Hokanson.

Photo by Sheila Regan

## 1 PROPERTY

They have come up with very attractive houses in what would be the backyard,” he said.

Vanderford and his wife, Mary, know firsthand the value of intergenerational living.

About 10 years ago, they expanded their south Minneapolis home so Mary’s mother could live with them. They built a large room — about 12 feet square — on the east side of the house with a bathroom on the same level. She lived in the addition for about six months before she moved to Florida.

Now, Vanderford is thinking about expanding their home again.

Vanderford’s son, Paul Vanderford, has a new baby and he and his wife are thinking about the future.

Though Mary Vanderford wants to stay in the main house for the rest of her days, she and her husband are discussing the possibility of their son and his family eventually occupying the main house.

They would then move into a single-level addition or a freestanding abode out back, thanks to the new ordinance.

Though moving out of their traditional home isn’t necessarily appealing right now, it might be necessary if they eventually face mobility issues, Michael Vanderford said, adding that their original home’s stairs could become quite challenging in their later years.

## HOMESTEADING

In Minnetonka, ADUs are allowed, but they can’t be turned into rental properties.

“That was fine with us,” said Heidi Bye, who has an apartment above her garage that both her father-in-law and grown daughter have used. “We only wanted people who were related to us or had close ties.”

Bye and her husband, Jim, renovated the old living quarters above their garage about 10 years ago when Jim’s mother died. His father, former Gopher legend Billy Bye, was grieving and living alone in a townhome.

When the Byes acquired their house, built in 1910, the space above the garage — originally a chauffeur’s flat — needed work.

But they worked with the builders to partition the one room to include a kitchen, a sitting area with a fireplace and another area for the bed. They incorporated a lot of built-in cabinetry to save on space.

Billy Bye, who was in his mid-70s at the time, lived in the space for about a year and a half before he met another woman, got married and moved into her town home.

Though her father-in-law has since died, Bye still has the memories of his time in the apartment, including morning coffee talks and occasional visits for dinner.

“He was still really active and really social,” Bye said. “It was nice to have him around, and he had his independence.”

## WHAT IS AN ADU?

An accessory dwelling unit (ADU) — also known as a granny flat or mother-in-law apartment — can be located within the walls of an existing or a smaller, freestanding structure on the same lot as the main house.

Learn more about ADUs in Minneapolis at [tinyurl.com/mpls-adu](http://tinyurl.com/mpls-adu).

## NEXT GEN HOMES

Miami-based homebuilder Lennar started offering its own version of home-within-a-home units in the Twin Cities in August 2011.

The Hokansons bought their multigenerational home in one of Lennar’s Lakeville developments.

Lennar’s Next Gen homes, specifically designed with multigenerational living in mind, are available in new-construction developments in Lakeville, Victoria, Stillwater, Dayton, Rosemount, Corcoran, Medina and Woodbury, including a model home in Woodbury.

Lennar’s Next Gen floor plans typically include a private entrance, a bedroom, bathroom, washer/dryer, an eat-in kitchenette and a living room. Some floor plans include private one-car garages as well.

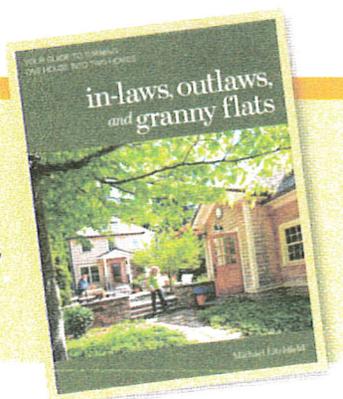
For Karen Hokanson, multigenerational living has meant a return to a family tradition.

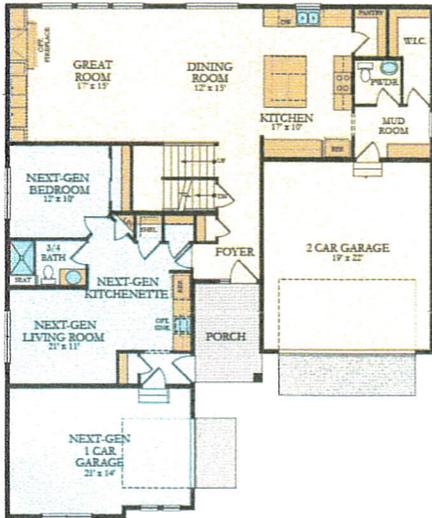
Her grandmother lived with her family when she was younger. And, in the early 1980s, when she had a family of her own, her dad moved into her house, where he had his own suite.

During the summer months, he would spend a lot of time outside. Eventually the neighborhood kids started calling him Grandpa.

## INSPIRING PAGES

Michael Litchfield’s book, *In-Laws, Outlaws and Granny Flats: Your Guide to Turning One House into Two Homes*, explores the many forms of granny flats, including additions, suites, attics, basements and backyard cottages.





Lennar's Next Gen floor plans typically include a private entrance, a bedroom, bathroom, washer/dryer, an eat-in kitchenette and a living room as part of a secondary built-in residence. Some plans include private one-car garages as well, such as this plan known as the Independence. To see the rest of the home's floor plan, including the upper and lower levels, go to [nextgen.lennar.com](http://nextgen.lennar.com).

He lived in the house for 10 years before he passed away at age 90.

Though Karen Hokanson misses her friends from her retirement community, the tradeoff is that she's able to see her family more often. And they're close by if she needs help with anything.

She's also come to know the neighbors well and has enjoyed meeting the young families and children in the neighborhood.

Having an accessory dwelling continues to be a blessing for the Byes as well.

Bye's 21-year-old daughter had a hard time finding housing that would also accommodate her dog, so the space above the garage has become a perfect fit for her while she commutes to classes at the University of Minnesota.

"She has her independence, but she checks in with us pretty much daily and comes and goes as she pleases," Bye said. "She's an only child, and we just love having her around."

*Sheila Regan is a Minneapolis-based freelance writer and theater teacher.*

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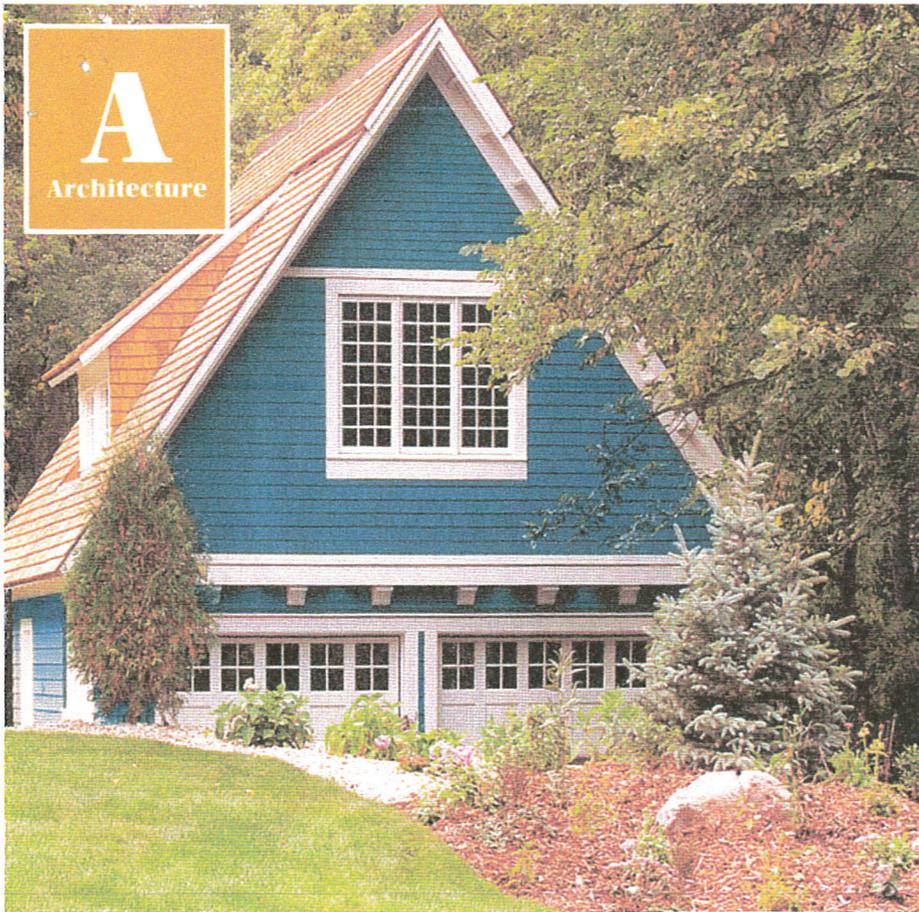
# HOME GUIDE



## A KITCHEN TRANSFORMED

A renovation turns a small space into a stylish gathering place **PAGE 27**

- + The power of a porch **PAGE 8**
- + A rundown on granny flats **PAGE 10**
- + A tour of a dramatic remodel **PAGE 12**
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# Architect develops niche practice focused on accessory dwelling units

By Sarah McKenzie

Southwest Minneapolis-based Christopher Strom Architects has a new offering called Second Suites for people interested in building an accessory dwelling unit (ADU) on their property.

The Minneapolis City Council approved zoning changes to allow for the smaller dwellings (aka granny flats or carriage houses) in December 2014. Strom worked as an advisor to city zoning staff on the Accessory Dwelling Unit Ordinance.

Strom has defined a Second Suite as a smaller secondary residence on a city lot with a dedicated kitchen and bathroom. They can be good for family members who would like to live close to one another but still maintain independence.

People have also used them as rental properties, a home office or studio space.

Other cities across the country, including Washington, D.C., Seattle, Portland



Strom

## MORE ONLINE

To learn more about Christopher Strom Architects' Second Suites, go to [secondsuite.org](http://secondsuite.org).

and Toronto, have also adopted zoning regulations to allow for the smaller dwellings.

"We're seeing new, progressive zoning across the country in response to the increasing demand for a cost-effective alternative to an apartment or even an assisted living facility," he said. "The Second Suite represents a lifestyle that I want to be able to deliver to my clients. This lifestyle is about families pooling resources and enjoying more quality time together through care-giving that enables grandparents to help with childcare and adult children to help with aging parents."

In Minneapolis, homeowners can build an ADU up to 1,000 square feet. Since most residents have detached garages, an ADU would likely be built on the top floor of the garage.

The property owner has to live in the larger home or the ADU, Strom said — a measure designed to prevent absentee landlords.

While the dwellings are small, they don't come with small price tags. Most cost around \$100,000, Strom said.

"You're basically building a small house," he said, which needs heating, plumbing and small appliances among other things.

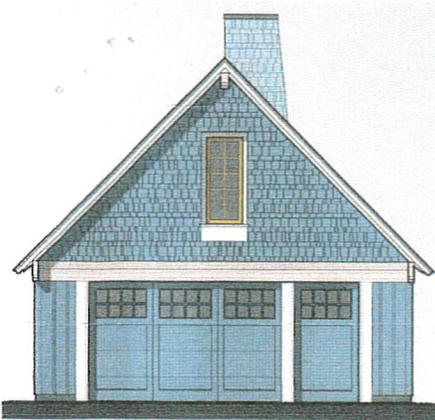
## Christopher Strom answers FAQs about Second Suites

### What is a Second Suite?

A Second Suite is a permanent secondary residence on a city lot with a dedicated kitchen and bathroom.

### Who are they for?

Grandparents, adult children, rental income ... or just more space for your home office or studio.



An accessory dwelling unit on the top floor of a garage.

PHOTO COURTESY SECONDSUITE.ORG

### Why are they important?

A Second Suite allows city residents to expand without increasing the mass of the primary residence. It can also allow for multi-generational living while maintaining independence and privacy from the primary home. Families can share resources, provide care-giving, and enjoy spending time together. It is a cost-effective alternative to an apartment or even an assisted living facility.

### Are Second Suites legal in Minneapolis?

Yes, as of Dec. 5, 2014, when the Minneapolis City Council approved an amended zoning code to allow for "Accessory Dwelling Units." Other cities may have different regulations, but nation-wide trends in zoning are becoming more flexible in this regard.

### What are the design options?

Second Suites are custom-designed for your location by Christopher Strom Architects. Homeowners may decide to "build-to-blend" with the character of their existing home — or — add a pleasing modern counterpoint to your yard.

### How do I get one?

An architect-led code review can determine if a Second Suite is possible for your property.

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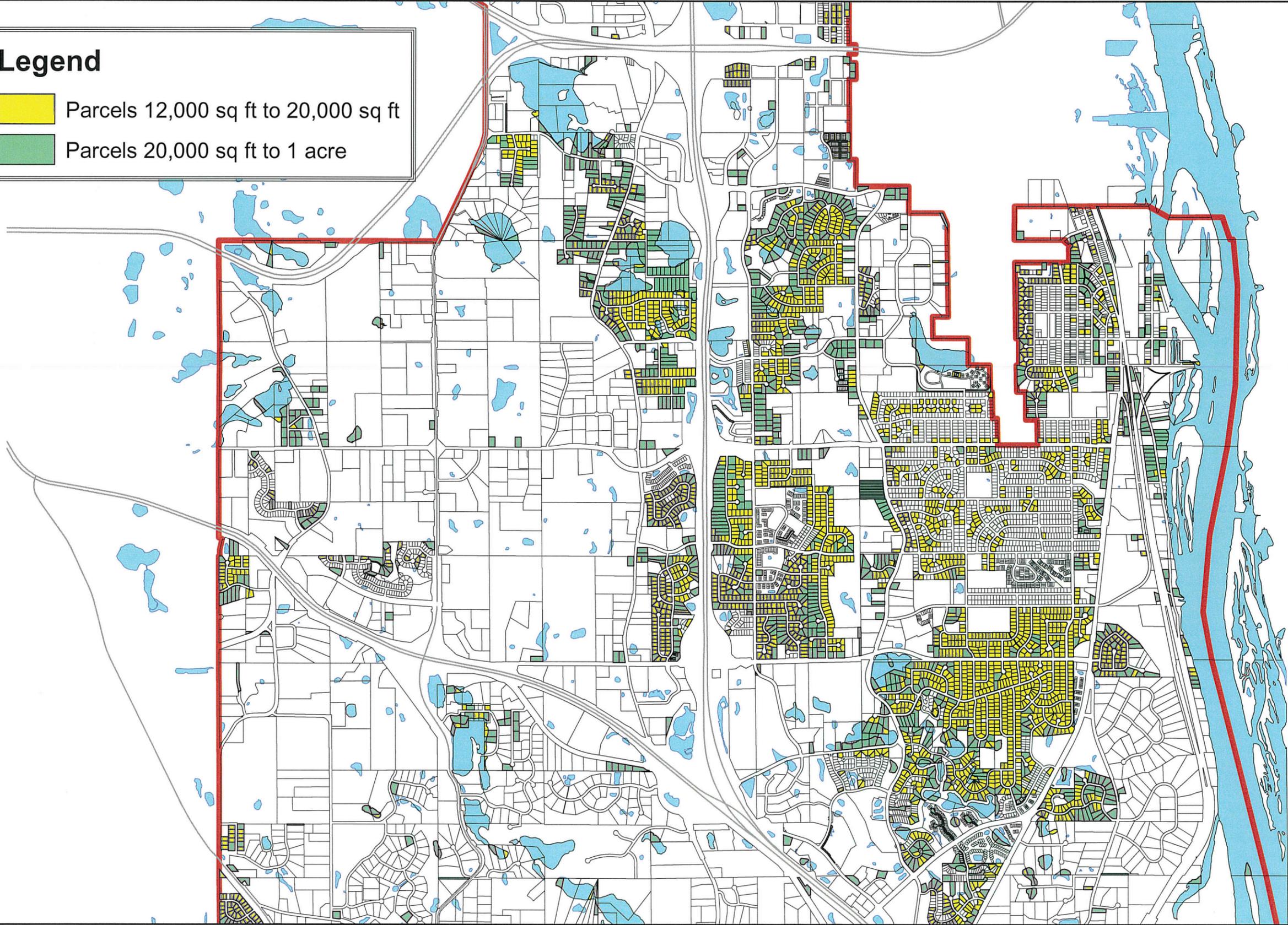
# Location Map

## Case No. XX-XXX



**Legend**

-  Parcels 12,000 sq ft to 20,000 sq ft
-  Parcels 20,000 sq ft to 1 acre



TO: Inver Grove Heights City Council and Planning Commission  
FROM: Inver Grove Heights Housing Committee  
RE: Accessory Dwelling Unit Application and Ordinance Amendment

The Inver Grove Heights Housing Committee has been reviewing the current application submitted by owners and residents Jon and Kevie Skogh and Peter and Kayla Harren, 1355 96<sup>th</sup> Street East to build an accessory dwelling unit (“ADU”) on said property. We concur with staff that the application should be granted along with the amending of the zoning ordinance in district E1 and agriculture districts to allow for accessory dwelling units.

We also recommend to the Planning Commission and the City Council that following the amending of the ordinance, a new ordinance allowing for accessory dwelling units city wide should be drafted and passed by year’s end. This is consistent with the Housing Committee’s 2015 work plan agreed to by the City Council, that includes working with staff to bring an ADU ordinance forward for discussion and adoption this year. The Housing Committee has drafted a background information piece on ADUs that speaks to the nature of and importance of allowing for this type of housing and includes references to useful documents that further explain the role of ADUs in developing communities.

Accessory Dwelling Units are an effective means to provide for additional affordable housing within the city. Because of the increasing aging demographic of Inver Grove Heights, it is our belief the time is right to support and promote this type of housing development.