INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

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

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 16, 2015.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 CHURCH OF ST. PATRICK / CEMETERY – CASE NO. 15-22ZA
Consider a **Zoning Code Amendment** to modify the zoning ordinance to allow columbarium's as a permitted use associated with a cemetery.

Planning Commission Action _____

3.02 CARIBOU COFFEE COMPANY – CASE NO. 15-24PDV
Consider the following requests for the property located at 5743 Blaine Avenue:

a) A **Bishop Heights PUD Ordinance Amendment** adding 3,160 square feet of restaurant with drive-through for Lot 3, Block 1, Bishop Heights 4th Addition and allocating traffic volumes and amending traffic volumes to 183 vehicle trips.

Planning Commission Action _____

b) A **Variance** to allow the drive-through lane with a setback of six feet from the right-of-way line whereas 10 feet is required.

Planning Commission Action _____

3.03 JON SKOGH – CASE NO. 15-13ZA - Tabled from June 16, 2015 meeting
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 _____

3.04 CITY OF INVER GROVE HEIGHTS – CASE NO. 15-25ZA

Consider a **Zoning Code Amendment** to allow restaurants within a clubhouse on a publically owned golf course as an accessory use to a golf course.

Planning Commission Action _____

3.05 ATHLOS ACADEMIES – CASE NO.15-23PAZ

Consider TABLING the following requests for the property located at 9725 S. Robert Trail until July 21, 2015:

a) A **Comprehensive Plan Amendment** to change the land use from LI, Light Industrial to P/I, Public/Institutional.

Planning Commission Action _____

b) A **Rezoning** of the property from I-1, Limited Industry to P, Institutional.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 16, 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 Pat Simon Harold Gooch Elizabeth Niemioja
Commissioners Absent:	Bill Klein
Others Present:	Tom Link, Community Development Director Allan Hunting, City Planner Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the June 2, 2015 Planning Commission meeting were approved as submitted.

STEVEN WATRUD – CASE NO. 15-19RCV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to construct a 22,400 square foot office/warehouse building, a conditional use permit to allow for a contractor's yard and outdoor storage in the I-2 zoning district, a variance to allow outdoor storage less than 100 feet from an A, Agricultural zoned property, a variance from screening requirements along residential properties, and any other variances related thereto, for the property located at 10982 Clark Road. 8 notices were mailed.

Presentation of Request

Ms. Botten explained the request as detailed in the report. She advised that the applicant received approvals in 2014 to construct one office/warehouse building on the southern part of the property along with an approved outdoor storage area. The applicant is now proposing to construct an additional 22,400 square foot building on the property and to expand the outdoor storage area. City Code requires a major site plan review for any buildings to be constructed on the property. The applicant is also requesting a conditional use permit to expand the contractor's yard and the outdoor storage area, a variance to allow storage less than 100 feet from agricultural property, and a variance from screening requirements. City Code requires outdoor storage to be setback a minimum of 100 feet from the lot boundary abutting residential districts. The property east of the subject property is currently zoned A, Agricultural; however, since the long range for those properties is industrial, it would seem requiring a 100 foot buffer in this case to be a practical difficulty by not allowing a greater use of the property. The applicant is requesting a 10 foot setback. Staff is suggesting a 20 foot setback which would be consistent with the parking setback required abutting residential properties in the I-2 district. In regard to the screening variance, City Code requires a solid fence along the entire eastern property line. The homes located to the east are at a higher elevation than the proposed development; therefore solid screening along the entire boundary would not be beneficial to the abutting property owners. The applicant is proposing to

plant 13 trees on the northeast part of the property to provide screening between the residential property and the outdoor storage at the closest point. It has been the City's interpretation over the years that landscaping requirements cannot be used to satisfy both screening and landscaping requirements; therefore staff is recommending that an additional 13 trees be planted elsewhere on the property. Staff recommends approval of the major site plan review and the conditional use permit, with the conditions listed in Exhibit A. Staff does not support the variances as proposed, but would support an outdoor storage setback of 20 feet instead of the proposed 10, and would support the screening variance provided an additional 13 trees are planted elsewhere on the property.

Commissioner Simon asked if the first building was approved with a 40 foot outdoor storage setback on the southern portion of the property.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Steve Watrud, 9070 – 90th Court, advised he was available to answer any questions.

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

Mr. Watrud replied in the affirmative.

Commissioner Niemioja asked the applicant what the practical difference was between a 10 foot and 20 foot setback.

Mr. Watrud replied it would provide him more storage area.

Commissioner Niemioja noted that the first building was approved with a 40 foot storage setback.

Mr. Watrud explained that a 40 foot setback was not a hindrance on the south side of the property because the grade was such that a retaining wall would have been necessary against the abutting property. The grade levels off; however, as it goes north.

Commissioner Gooch asked if the building would have multiple tenants.

Mr. Watrud replied in the affirmative.

Commissioner Robertson asked the applicant what types of tenants he planned to lease to.

Mr. Watrud replied he was not sure of the exact tenants; however, it would be similar to the type of businesses renting space in his first building (i.e. contractors, landscapers, etc.). He advised that the property was industrially zoned so he would not have retail uses there.

Commissioner Wippermann asked if staff heard comments from any neighbors.

Ms. Botten replied that she received one inquiry from the Pikes, the property owners to the east of the proposed building.

Shirley Pike, 11025 Courthouse Boulevard, questioned whether the setback proposed by the applicant would be 10 feet from her west property line.

Mr. Watrud replied in the affirmative.

Ms. Pike asked if the proposed trees would be planted within that 10 foot setback.

Mr. Watrud replied in the affirmative.

Ms. Pike asked if the proposed parking lot lights would be downcast.

Mr. Watrud replied they would be shoebox downcast lights similar to what is there now.

Chair Maggi closed the public hearing.

Planning Commission Discussion
Chair Maggi asked if the Commissioners wanted to approve the four requests separately or all at once on a white ballot.

Commissioner Simon recommended they consider the four requests separately.

Commissioner Robertson advised that she supported staff's recommendation of a 20 foot setback, stating a 10 foot setback seemed too narrow.

Planning Commission Recommendation
Motion by Commissioner Scales, second Commissioner Gooch, to approve the request for a major site plan review to construct a 22,400 square foot office/warehouse building, for the property located at 10982 Clark Road.

Motion carried (8/0).

Motion by Commissioner Gooch, second by Commissioner Lissarrague, to approve 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, with the conditions listed in the report, for the property located at 10982 Clark Road.

Motion carried (8/0).

Commissioner Simon questioned why a 40 foot setback would not work on the north portion of the site since it worked on the southern portion of the site.

Mr. Watrud explained that on the south part of the property the grade was such that if he wanted to get within a 20 foot setback a retaining wall would have to be constructed whereas the grade levels off on the north end of the property. He noted that he plans to remove the existing cement building on the east property line.

Commissioner Simon asked the applicant what he intended to do with that area.

Mr. Watrud replied that it would be graded and sloped from east to west.

Commissioner Niemioja recommended a 20 foot setback, stating the trees could be removed at a later date to make more room for storage should the property to the east become industrial.

Commissioner Lissarrague asked if the Pikes were the neighbors most affected.

Mr. Watrud replied in the affirmative.

Commissioner Lissarrague noted that the Pikes were agreeable to a 10 foot setback.

Mr. Watrud asked when he could speak to the application.

Chair Maggi reopened the public hearing.

Mr. Watrud advised that he had an issue with the screening requirements and did not believe he should have to plant 13 trees in addition to the 13 he would be planting on the northeast portion of the site. He stated it would be a waste of money to put them in if they might be removed at a later date as was suggested by Commissioner Niemioja. He noted that his Counsel, Vance Grannis, has written a letter outlining the items being objected to.

Commissioner Lissarrague advised that Commissioners received a copy of the referenced letter.

Chair Maggi closed the public hearing.

Commissioner Scales advised that he would support a 10 foot setback, especially since the abutting residents did not raise any concerns.

Motion by Commissioner Scales, second by Commissioner Gooch, to approve a variance to allow a 10 foot setback from agricultural property, for the property located at 10982 Clark Road.

Commissioner Wippermann advised that he would be voting no as he believed the setback should be at least 20 feet.

Chair Maggi and Commissioner Niemioja also supported a 20 foot setback.

Motion failed (3/5 – Niemioja, Maggi, Simon, Robertson, Wippermann).

Motion by Commissioner Wippermann, second by Commissioner Niemioja, to approve a variance to allow a 20' setback from agricultural property, for the property located at 10982 Clark Road.

Motion carried (8/0).

Commissioner Gooch did not feel it necessary to require the applicant to plant 13 additional trees on the property, stating numerous trees were not always appropriate on industrial property, did not necessarily lend any beauty to the area, and could end up being unsightly as they age.

Chair Maggi asked Commissioner Gooch if he was saying that the trees would provide the screening and no fence would be necessary.

Commissioner Gooch replied in the affirmative.

Commissioner Wippermann asked Commissioner Gooch if he was suggesting that the trees used for screening would count towards the landscaping requirements.

Commissioner Gooch replied in the affirmative.

Commissioner Niemioja agreed that neither the fence nor additional trees were necessary, and that the 20 foot setback was the more important buffer.

Motion by Commissioner Robertson, second by Commissioner Scales, to approve a variance from the outdoor storage screening requirements, for the property located at 10982 Clark Road.

Motion carried (8/0). This item goes to the City Council on June 22, 2015.

GREGORY LEE AND DL SCOFIELD – CASE NO. 15-18V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a six foot solid fence on the corner front property line whereas 42 inches is the maximum height allowed along the front property line, and any other variances related thereto, for the property located at 3593 – 72nd Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a variance from setbacks to allow the construction of a six foot high solid wood fence on the corner front property line whereas 30 feet is required. The proposed fence would replace an existing chain link fence. The property is located at the corner of Cloman Avenue and 72nd Street. Code requires any fence within the front yard to be no higher than 42 inches and to be at least 75% open. The reasons for the rule appear to be mainly for traffic visibility at intersections and driveway access points, visibility of property addresses for emergency vehicles, and aesthetics. The code considers both frontages on a corner lot as "front yards" by definition. In this case the fence is proposed in the applicant's side yard but by the City's definition it is considered a front yard. The applicant could comply with the zoning code by constructing a six foot privacy fence at a 30 foot setback and utilizing the western portion of the property as a fenced in area. The location of the proposed fence is out of any sightlines of intersections and would not interfere with traffic visibility. The property owners to the north, who would be most directly affected, have submitted a letter in support of the request. Staff does not believe the request meets the variance criteria and recommends denial of the request.

Commissioner Wippermann asked if the existing chain link fence was 42 inches in height.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked for clarification of its current location and where the fence would be located if it complied with code requirements.

Ms. Botten replied the existing chain link fence was on the property line whereas the required 30 foot setback would place the fence near the house.

Commissioner Wippermann asked if a variance had been received for the existing fence location.

Ms. Botten replied that no variance was needed as the existing chain link fence is 42 inches or shorter and meets code requirements.

Commissioner Robertson asked for clarification as to whether the challenge becomes if the chain link fence is replaced with a solid fence that is significantly higher.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Greg and Debbie Scofield, 3593 – 72nd Street East, advised they were available to answer any questions.

Chair Maggi asked the applicants if they read and understood the report.

Mr. Scofield replied in the affirmative and advised they received no objections from neighboring property owners.

Chair Maggi asked the applicants why they wanted to replace their existing fence with a six foot high wood fence.

Ms. Scofield replied it was a safety issue as they own two dogs and have experienced other dogs lunging at or jumping over their existing 42 inch fence.

Commissioner Niemioja asked if the applicants had experienced multiple incidents of dogs jumping over their fence.

Mr. Scofield replied in the affirmative, stating it has occurred numerous times over the years. He noted that a solid fence would help in that it would eliminate any eye-to-eye contact with other dogs.

Commissioner Lissarrague asked what the Scofields what breed of dogs they owned.

Mr. Scofield replied Portuguese water dogs.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked if the applicants would need a variance if they chose to install a 42 inch wood fence.

Ms. Botten replied in the affirmative.

Commissioner Simon asked if having a 42 inch wood fence would improve the situation since dogs walking by would not see their dogs.

Ms. Scofield replied it might improve the situation but would not resolve it as dogs walking by would still be aware of their dogs.

Commissioner Simon asked the applicants if they would be willing to compromise with a 42 inch wood fence.

Commissioner Niemioja stated it appeared as if the existing fence was 42 inches in height.

Mr. Scofield replied that it was actually 48 inches in height.

Commissioner Lissarrague asked the applicants how they used their dogs.

Ms. Scofield replied they were very active with their dogs, including senior citizen therapy, nose work, etc.

Commissioner Lissarrague asked if the training was done on the premises.

Ms. Scofield replied that much of it was done at home, but also at various training facilities.

Commissioner Robertson asked the applicants if they were proposing to replace both the existing wood fence and chain link fence with a six foot wood fence.

Mr. Scofield replied in the affirmative.

Ms. Scofield stated aesthetically it would look better to have the same type of fence throughout.

Commissioner Lissarrague supported the request, stating this was a unique situation in which the applicants lived on a corner lot and were requesting a six foot fence because they train dogs.

Commissioner Scales stated he was opposed to the request as he was concerned about setting a precedent and felt there were likely many residents in the City who owned dogs and lived on a corner lot. He stated he would have less concern with a six foot chain link fence.

Commissioner Robertson was concerned about setting a precedent as well, stating the next situation could be children rather than dogs.

Commissioner Lissarrague asked if there were other six foot fences on corner lots in the City.

Ms. Botten replied in the affirmative.

Commissioner Lissarrague stated it seemed as if the precedent had already been set.

Ms. Botten advised that some of the fences were approved by variance, some may have been installed without City approval, and some may have been situations in which the corner lots were back to back which would not impact the neighboring property owner.

Commissioner Lissarrague asked what the basis was for granting the other variances.

Ms. Botten replied she could not recall the exact situations, with the exception of a recently approved variance for a fence in the front yard of a property across the street from the community center which had lights shining into their windows.

Commissioner Robertson asked if the fences noted by Ms. Botten were solid wood or chain link.

Ms. Botten replied they were solid wood fences.

Commissioner Niemioja stated she was concerned about setting a precedent and potentially blocking traffic sightlines.

Chair Maggi asked if any of the commissioners could define a practical difficulty.

Motion by Commissioner Wippermann, second by Commissioner Scales, to deny the variance request for 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 – 72nd Street, based on the three reasons listed in Alternative B of the staff report.

Motion carried (7/1 – Lissarrague). This item goes to the City Council on June 22, 2015.

RYLAND HOMES – CASE NO. 15-12PUD

Reading of Notice

There was no public notice and no notices were mailed to neighboring property owners.

Presentation of Request
Mr. Hunting explained the request as detailed in the report. He advised that the applicant has submitted the final plat and final development plan for Blackstone Ponds 1st Addition. The plan consists of 46 townhome units plus ten outlots. Improvements include a public street, a storm ponding system, and the Mendota-Lebanon Hills Regional Trail. Staff recommends approval of the request subject to the conditions listed in the report.

Planning Commission Discussion
Commissioner Wippermann asked if all townhouse units had two-car garages.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked for clarification regarding comments in the report pertaining to Condition 4 which states "outlots that will be owned by the homeowners association and the city."

Mr. Hunting advised that the outlots would not be jointly owned, but rather some would be owned by the City and others would be owned by the Homeowners Association.

Commissioner Wippermann asked if the setbacks referred to in Condition 26 were from the lot line or the proposed building.

Mr. Hunting replied that setbacks would be measured from the building.

Commissioner Wippermann referred to the planned expansion of 70th Street, and asked if additional space was being required above and beyond the required 50 foot setback from 70th Street.

Mr. Hunting replied that an additional 75 foot half right-of-way was being dedicated with the plat to provide for the expansion.

Commissioner Simon noted an error in the staff report in which a reference to a 106 unit project should be changed to 104.

Planning Commission Recommendation
Motion by Commissioner Gooch, second by Commissioner Scales, to approve the Final Plat and Final PUD Development Plan for Blackstone Ponds 1st Addition.

Motion carried (8/0). This item goes to the City Council on June 22, 2015.

JON SKOGH – CASE NO. 15-13ZA

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code Zoning Regulations to allow for Accessory Dwelling Units (ADUs) on single-family properties. No notices were mailed.

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a zoning code amendment to allow an accessory dwelling unit within an existing detached accessory structure. The zoning code currently allows only one single-family dwelling unit per lot. A dwelling unit includes the living, bath, sleeping spaces, and kitchen. A resident can create a separate area for living, bath and sleep spaces, but a full kitchen is not

allowed and is the point at which the code differentiates between the two. Staff has received a few requests regarding the creation of a second unit within a single-family home in the past and has seen this on building permit plans for new houses or remodels. These individuals have had to modify their plans so there was no complete permanent kitchen in the space. The City's Housing Committee has put ADU's on their list of topics the Council should consider to allow for an additional housing option for its residents. Staff is looking at the issue of whether we should allow accessory dwelling units, whether they are in homes or in detached accessory structures. Since this request came in 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. Staff is requesting input and discussion from the Planning Commission tonight on the issue of ADU's.

Mr. Hunting advised that he drafted a matrix summarizing the research done by the Housing Committee regarding cities in the metro area that allow accessory dwelling units. He went through each of the categories on the matrix, stating they relate to both the Skogh application as well as overall accessory dwelling units in a home or detached structure. He advised that typically these would be restricted to single-family zoning districts (A, E, and R-1) since they are already allowed in multi-family districts. Some cities allow ADUs as a permitted accessory use and others by conditional use. Requiring a conditional use permit results in a more lengthy process which can be financially burdensome, and includes neighbor notification and a public hearing process. Allowing ADUs in detached accessory structures would appear to have more potential impacts to neighboring property owners. Because of this, perhaps there should be a minimum lot size required. The Housing Committee felt that 12,000 square feet would be a good starting point as it is the minimum lot size in the R-1C district. To illustrate how many lots in the City were 12,000-20,000 square feet and 20,000-1 acre in size in a single-family zoning district, Mr. Hunting created a map showing how many lots this could potentially affect. He found that a lot minimum of 12,000 square feet would eliminate most of the homes in the South Grove and Northwest Area because they were on smaller lots. Some communities allow detached structures only on their larger lot size zoning districts. An existing detached structure could be converted to an ADU but would have to meet the building code requirements. The Fire Marshal requires that there be some type of surface leading up to the detached unit so emergency vehicles could gain access if necessary. Another item to discuss is setbacks and whether ADU's should have to meet the same setbacks as primary structures. Staff believes that impervious surface and maximum structure size should remain the same. All the cities on the matrix allowed one additional dwelling unit per lot. Staff would recommend some type of tracking system that would alert police and fire in the case of an emergency. All cities also required that the property owner must occupy one of the dwelling units. The Housing Committee is recommending that the minimum dwelling size be 250 square feet with a maximum of 1,000 square feet. Most communities have either limited the number of bedrooms or the number of occupants that could live in a unit. The Housing Committee felt that the number of bedrooms could be monitored through building permits and they are recommending ADU's be limited to no more than three occupants. Some cities either prohibit or restrict separate entrances to ADU's and ask that any additions or detached units have a similar exterior to the principle structure. Staff believes it is especially important to have addresses on detached accessory dwellings for emergency access purposes; this could be done using the same address as the principle structure plus an 'A', '1/2', etc. Currently only one off-street parking space is required in the single-family zoning; this can be within a garage or out in the open. The Housing Committee is recommending there be at least three off-street parking spaces within a lot with an ADU.

Since this request came in 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. Because this is such a complex issue it could be broken into two parts. If the Planning Commission is agreeable with the general idea of allowing ADU's, and supportive of the specific request, 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.

The City is required by law to act on the Skogh's application. If the Planning Commission is comfortable with the concept of ADU's they could break this out into two pieces; address the requirements necessary for the applicant's application and then deal with the City-wide ADU ordinance. The Commission is being asked to consider whether they are supportive of allowing ADUs, whether they are supportive of allowing them in a detached accessory structure, what the minimum lot size should be (the Skogh property is in a 2.5 acre minimum zoning district so the minimum should be at least that), should these be a permitted accessory use or a conditional use, how much parking should be required, and should there be a tracking mechanism. A draft city-wide ordinance is included in the packet to be used as a guide. Staff requests input on this issue.

Chair Maggi asked what percentage of the lots in the City were 12,000 to 20,000 square feet in size.

Mr. Hunting replied that he did not have that number available.

Chair Maggi stated there seemed to be a fair difference between the 12,000-20,000 square foot lots and the 20,000-1 acre lots. She asked if the current impervious surface rules would apply to properties with a second dwelling.

Mr. Hunting replied that staff would recommend the impervious surface maximums remain the same.

Commissioner Simon stated a 1,000 square foot mother-in-law apartment could be as large as some homes.

Mr. Hunting replied that theoretically an entire 1,000 square foot structure could be converted into a living area.

Commissioner Robertson asked if there were any communities that had studied this issue and decided not to permit accessory dwelling units.

Mr. Hunting replied that he called the adjacent communities of West St. Paul, South St. Paul, and Mendota Heights and was told they did not allow ADU's; however, he did not have any background on why they were not allowed or whether there were any other cities who discussed this issue and decided not to allow them.

Commissioner Robertson stated that in order to be objective she felt they needed to learn from the communities that have studied this issue and decided not to allow ADU's, not just the criteria established by communities that do allow them. She asked if a homeowner wanting to put a second story on a garage would still have to meet the City's maximum height requirement.

Mr. Hunting replied in the affirmative.

Commissioner Robertson stated she was reluctant to move forward with the Skogh application until there was a more unified plan for ADU's throughout the City. She stated she lived in an area of 12,000-15,000 square foot lots and was concerned about the potential for all of those lots to have an accessory dwelling unit.

Commissioner Scales asked if property owners would be required to comply with current building size requirements.

Mr. Hunting replied in the affirmative.

Commissioner Niemioja stated that the public policy behind supporting people and their families at any age was an important policy, whether it is to care for an elderly adult or perhaps to support an adult son or daughter with a young child.

Commissioner Lissarrague stated he supported the Skogh request in which a daughter, who grew up in Inver Grove Heights, wanted to come back with her husband and live with her parents.

Commissioner Scales asked how ADU's were handled in the past, stating many homes were built with full kitchens in the basement in the 1950's and 1960's and many were rented out as well.

Mr. Hunting stated that in the 23 years he has worked for the City they have not been permitted. He was unsure of the background on whether they were ever permitted, but stated likely they were never officially sanctioned by the City.

Commissioner Scales asked if Mr. Hunting was saying it was never a permitted use.

Mr. Hunting replied he was unsure of how ADU's were interpreted at that point in time but they have never been permitted in the zoning ordinance.

Commissioner Lissarrague stated in the Skogh situation it was not really a rental situation but rather a family living with their parents and helping take care of the acreage in the years to come.

Commissioner Scales pointed out that although this situation was family, the next may be a rental situation.

Commissioner Lissarrague suggested the Commission look specifically at the Skogh request tonight.

Chair Maggi asked what the rationale would be for requiring a rental agreement.

Mr. Hunting stated that even if an ADU was built for a family member at some point in time they would have an empty unit and would have the ability to rent it. The idea is to allow people another opportunity for a housing alternative that may be less expensive than a standard apartment building. If a property owner created an ADU they would have the option of living in either the principle structure or the ADU.

Chair Maggi asked if an ADU would require a rental license.

Mr. Hunting stated one of the recommendations in the draft ordinance is that these types of units not fall under the scrutiny of the rental regulation requirements. Because of this staff feels there should be a tracking mechanism. Anyone wanting to convert their space properly, or build a new unit, would need a building permit and perhaps they could establish a list via those building permits. This type of tracking mechanism would be especially important for emergency services, but also would be a good idea in general.

Commissioner Lissarrague asked the difference between allowing these as a permitted accessory use versus a conditional use, stating that allowing them by conditional use and requiring that it be a family member could solve the problem.

Mr. Hunting replied that a permitted accessory use would allow an ADU as long as it met the specific criteria of the ordinance. If this was done by conditional use it would entail an eight week process, including an application, monetary fee, notice to the paper, notice to residents, public hearing, and approval by City Council.

Commissioner Robertson stated if one of her neighbors were to build a 1,000 square foot detached ADU it would affect her view, backyard aesthetics, etc. She asked which of the two processes would require notice to the neighbors.

Mr. Hunting replied the conditional use permit.

Chair Maggi asked for clarification on what the likelihood would be of being able to build a 1,000 square foot detached dwelling on a 12,000 square foot lot with an existing principle structure.

Mr. Hunting stated likely only a small amount of the properties shown on the map would be able to build a 1,000 square foot detached dwelling unit on their property because of the restrictions that would be in place, especially maximum impervious surface, setbacks, and required access to the structure.

Commissioner Lissarrague asked if staff wanted feedback from the Planning Commission on minimum lot size, stating that changing the required minimum lot size to an amount larger than 12,000 square feet might resolve Commissioner Robertson's concern.

Mr. Hunting replied the draft ordinance was based on recommendations from the Housing Committee, but staff would also like to have recommendations from the Planning Commission.

Commissioner Scales stated he was not overly concerned about minimum lot size, stating the restrictions would likely prohibit most smaller lots from having a detached accessory dwelling.

Mr. Hunting stated an additional level of restriction would be setbacks, especially if the City determined that ADU's should meet principle structure setbacks. If this were the case most accessory structures would require variances to convert to living space.

Commissioner Simon asked if there were many residences in the City that used ½ in their address.

Mr. Hunting replied he was unsure as all the addressing was done by the County until a few years ago. He advised they would have to use ½ or a letter to distinguish the additional address as it would have to fall within the existing address numbers and meet the even/odd spacing guidelines.

Commissioner Simon advised that in addition to allowing the residents of an ADU to receive mail, the address would also alert the City that it was an ADU.

Commissioner Wippermann asked if currently owners of single-family homes were allowed to rent out rooms.

Mr. Hunting stated there was nothing in the zoning ordinance that prohibited room rental at this point as long as they shared cooking facilities.

Commissioner Wippermann asked if they could require that any ADU occupants be related to the property owner.

Mr. Hunting replied it was a possibility; however, it would be difficult to monitor and to determine whether residents were related.

Commissioner Gooch asked if this ordinance would pertain only to detached structures rather than allowing homeowners to add a second kitchen to their principle structure and essentially creating a duplex.

Mr. Hunting replied that the draft ordinance addressed both topics.

Commissioner Gooch stated it seemed as if this would change the definition of single-family zoning as they would be creating duplexes in single-family zoned areas. He was concerned about parking, how this would affect property values, and stated it was not fair to residents who invested in a single-family home to now have the potential for a duplex next door.

Chair Maggi asked for clarification of whether a separate entrance would be required if the second living area was within the primary dwelling.

Mr. Hunting replied that the draft ordinance did not require it; however, the Commission could add such language. He stated he did not see that as being necessary, especially since in the case of a fire emergency personnel would go through the entire house regardless of where the fire was located.

Commissioner Scales stated there was likely a larger percentage than people realized of homes in Inver Grove Heights with separate kitchens and two families living in them, especially in the outlying areas of the City. He was in favor of adopting an ordinance that would provide structure and help with code enforcement.

Commissioner Gooch stated the fact that there were currently rental units operating illegally did not make it right.

Commissioner Scales stated this has been occurring in the outlying areas for years and likely the neighbors were not even aware there were multiple families living in these homes. He stated that the numerous existing requirements in place would make a good starting point for this process. He advised that converting a garage to living space would be expensive, which would be another reason why he does not anticipate a lot of homes adding an extra unit to their home.

Commissioner Niemioja stated that baby boomers are coming back to live with their children, whether or not the City gives them the legal right to have a second kitchen in their home. She supported creating an ordinance that would allow the City to have more control over this process and keep better track of such units. She stated it is a burden to create a new living structure and it would be unfortunate for a property owner to be prohibited from ever using such a space once their family member no longer was living there.

Commissioner Robertson stated she was concerned about the fact that allowing ADU's would in essence be creating two living structures on a lot that was zoned for single-family. She asked for clarification in regard to allowed parking.

Mr. Hunting advised that the draft ordinance recommended a minimum of three parking spaces; no maximum was stipulated. Staff is also suggesting a limit of three occupants to each second living unit which limits the impact.

Chair Maggi stated that the other regulations in place, such as impervious surface maximums, would likely keep situations from getting out of hand.

Opening of Public Hearing

Jon Skogh and Kayla Harren, 1355 – 96th Street East, advised they were available to answer any questions.

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

Mr. Skogh replied in the affirmative. He advised that he has lived on his 2.7 acre property for 20 years and plans to remain there. He stated his daughter and her husband moved back and have been living in his basement. They are all looking for more privacy; however, and are requesting they be allowed to build an apartment over their existing detached garage. This would also be an opportunity for the children to help care for the property and the Skoghs as they grow older.

Ms. Harren stated from a neighbor's perspective nothing would change as they were already living on the property and the building already exists; they would simply be separating the living spaces.

Chair Maggi asked where the closest neighboring home was located.

Mr. Skogh showed an aerial of the neighborhood, stating the area was heavily treed and the nearest homes were built quite a ways away. He stated they planned to add a dormer onto the existing detached accessory structure and the living space would be in the upstairs.

Commissioner Niemioja asked how a fire truck would access the garage.

Mr. Skogh stated they would install an asphalt driveway coming off their existing driveway.

Commissioner Gooch asked why the applicants would not subdivide the property and build a house on the new property.

Mr. Skogh stated they were not interested in subdividing and felt the proposed request would be their best overall value.

Commissioner Robertson asked the applicants if they used the detached garage as their primary garage.

Mr. Skogh replied they did not as they had an attached garage. He advised that originally the detached structure was built to store yard equipment and a classic car.

Commissioner Robertson asked the applicant what his thoughts were on the use of his investment should his daughter choose to no longer live in the detached accessory dwelling.

Mr. Skogh advised that if they left he could perhaps use it as a guest house, or if his daughter started a family perhaps his daughter could move into the primary residence and he and his wife could move into the accessory structure.

Jim Zentner, 8004 Delano Way, a member of the Housing Committee, stated they hope to make a presentation to the Planning Commission in the month of July regarding a housing audit that was done by the Urban Land Institute. He advised that the demographics are changing very rapidly and how we look at usages of land and housing needs to adjust to that change. He stated that while he understood the sentiment that a single-family area is created for single families, there is not much difference between two families of three living on a property versus a single family of ten people. He stated the Housing Committee supports the applicant's application, stating this area of the City can easily accommodate a detached accessory dwelling and it begins to move towards where the Committee would like to with the accessory dwelling unit issue.

Chair Maggi asked Mr. Zentner for the Housing Committee's rationale behind the 12,000 square foot minimum lot size recommendation.

Mr. Zentner stated they based that number on what other communities were using and they also

felt it was a size that could likely accommodate an additional detached dwelling without infringing on setback rules, views, and environment. He advised that 12,000 square feet was a starting point so it could be opened up for debate. He stated it was unlikely that a 1,000 square foot building would be built on a 12,000 square foot lot.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi asked for clarification of the options regarding this request.

Mr. Hunting stated if the Planning Commission wanted to minimize the impact to the City as a whole they could focus specifically on the Skogh request and perhaps set a minimum of 2.5 acres or limit it to the E-1 zoning district. In regard to setbacks, Mr. Hunting advised that the existing accessory building on the Skogh property is 1,000 square feet in size and 17 feet from the property line which complies with the zoning code. They are allowed to expand the building to 1,600 gross square feet; however, anything over 1,000 square feet requires a 50 foot setback from property lines. The applicant may therefore have to come back with a variance request to allow for an ADU not meeting the 50 foot setback. The Planning Commission is asked to look at whether or not they want to allow reduced setbacks for existing dwellings.

Chair Maggi asked if the Planning Commission approved an ordinance tonight that would allow the Skoghs to move forward, would any change made by City Council then replace what the Commission approves tonight.

Mr. Hunting stated Commissioners should be careful not to establish regulations that would allow the Skoghs to move forward but that would tie their hands citywide.

Chair Maggi asked if the Planning Commission had the option to move it forward to City Council without a recommendation.

Mr. Hunting replied in the affirmative, stating they could also discuss this again in two weeks if they needed more time.

Chair Maggi stated another option would be to deny the request in order to allow staff and the Housing Committee more time to pull together additional information.

Mr. Hunting replied in the affirmative, stating they could deny the request until they had time to look at the bigger picture. This, however, would delay the process for the applicant.

Commissioner Robertson stated because this was the first time they had discussed this issue, she would prefer to table the request until she could do more research. If they could not table the request tonight, she would have to recommend denial.

Chair Maggi asked staff if it was feasible to gather additional information before the next meeting.

Mr. Hunting stated he could not guarantee he would be successful in finding additional information as he was unaware of any city that had discussed the issue and decided not to allow ADU's.

Chair Maggi asked the Commission if they were generally in favor of allowing accessory dwellings. The response resulted in about half the Commissioners being either undecided or not in favor of the general concept.

Commissioner Scales stated he was in favor of allowing ADU's, it is already being done throughout

the City and this would allow it to be regulated. He would be more comfortable sending it to Council without a recommendation rather than denying the request.

Commissioner Gooch asked if the Skogh property was subdividable.

Mr. Hunting replied it could not be subdivided without a variance.

Commissioner Gooch advised that the Commission had reviewed similar situations in the past in which the applicants had subdivided their property so their children could build a home.

Chair Maggi asked the undecided Commissioners what additional information they would need in order to make a decision.

Commissioner Robertson stated she would prefer not to send this to Council without a recommendation as the Planning Commission has been asked for their input regarding the creation of this ordinance. She advised that she remained undecided because she did not know anything about why cities may have decided not to allow ADU's. She advised she would be willing to do an internet search on this topic if they were able to table the request.

Commissioner Niemioja noted that Council would have an opportunity to review the minutes of this meeting so they would be aware of the Commission's analysis of the issue.

Commissioner Simon stated she would like to know why the cities of West St. Paul, South St. Paul, and Mendota chose not to allow ADU's.

Chair Maggi stated it was her understanding that ADU's were not necessarily denied in the aforementioned cities, but rather the issue had not necessarily been raised.

Mr. Hunting advised that Chair Maggi was correct.

Commissioner Simon stated she was comfortable with having granny flats, but was concerned about what would be done with such living spaces once grandma was gone. She stated this was similar to a recent request from a couple who wanted to house college students from another country.

Chair Maggi asked Commissioner Simon what additional information would help her make a decision.

Commissioner Simon stated she was unsure because it was difficult to control who would live in these structures.

Chair Maggi stated Mr. Zentner's point was that from a density perspective it does not matter since a property could have a family of ten that is related versus two families that are not related with the same amount of people.

Commissioner Lissarrague recommended that the Commission work through the process since Council had asked them for input. If there were concerns about allowing ADUs on a 12,000 square foot lot perhaps they should forward it on with a 2.5 acre minimum. He advised that the subject residence was an expensive property and likely the owners would be careful when choosing a tenant should their children leave. He noted that no one is able to control their neighbor, with or without an ADU.

Chair Maggi stated the concern is that if they approve this request then anyone with a 2.5 acre

parcel who meets the other criteria would be allowed to have an ADU. There is no way to approve just the one request.

Commissioner Lissarrague stated they could if they approved it as a conditional use permit.

Chair Maggi advised that was not the request brought before the Commission.

Commissioner Lissarrague stated the request could be changed.

Commissioner Gooch advised it could not be changed by the Commission.

Mr. Hunting stated this must be done by ordinance, even if allowed by a conditional use permit versus a permitted use.

Chair Maggi questioned whether there was a benefit to tabling the request for two weeks.

Commissioner Scales asked how much time the City had to act on the request.

Mr. Hunting stated if they extended the 60 days action would need to be taken by August 18, 2015. This would allow for three readings at City Council and an additional Planning Commission meeting if necessary.

Commissioner Scales asked if two weeks would give the undecided commissioners time to do additional research.

Commissioners Simon and Robertson replied in the affirmative.

Planning Commission Recommendation
Motion by Commissioner Robertson, second by Commissioner Scales, to table the request for an ordinance amendment to Title 10 of the City Code Zoning Regulations to allow for Accessory Dwelling Units (ADUs) on single-family properties to July 7, 2015.

Motion carried (8/0).

Chair Maggi reminded Commissioners that their role was to focus on land use.

Commissioner Wippermann asked staff to re-contact the cities that indicated they did not have an ordinance to find out if the topic had ever been considered and, if so, why they made their decision.

Commissioner Simon asked if they could receive the responses as soon as possible via email.

Chair Maggi thanked the Commissioners for their thoughtful discussion.

The meeting was adjourned by unanimous vote at 9:27 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 30, 2015 **CASE NO.:** 15-22ZA

HEARING DATE: July 7, 2015

APPLICANT & PROPERTY OWNER: St. Patrick's Church

REQUEST: An Ordinance Amendment to modify the zoning code to allow a columbarium as a permitted use associated with a cemetery.

COMPREHENSIVE PLAN: N/A

ZONING: N/A

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

BACKGROUND

The applicant has submitted a request to amend the zoning code to allow a columbarium as a permitted use associated with a cemetery. A columbarium is a room or structure with niches for funeral urns to be stored. Cemeteries are a permitted use in the P, Public/Institutional district. There are currently four cemeteries in Inver Grove Heights.

EVALUATION OF THE REQUEST

City Code currently allows mausoleums on cemetery property. A columbarium is similar to a mausoleum, housing urns instead of bodies. Staff believes the request is more of a clarification to specifically allow columbarium's on cemetery property.

The proposed ordinance amendment would be to Title 10, Chapter 6-2.

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

Use	Zoning District P
Cemetery, including mausoleum and columbarium	P

A columbarium would be considered a structure and would have to meet all structure requirements, including setbacks and obtaining a building permit. Adding a columbarium as a permitted use within a cemetery is consistent with the purpose and intent of the City Code. Staff does not foresee any impacts to surrounding properties, environmental concerns, or negative impacts to public health and safety.

ALTERNATIVES

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

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

- Approval of the Ordinance Amendment to add columbarium within the cemetery land use category.

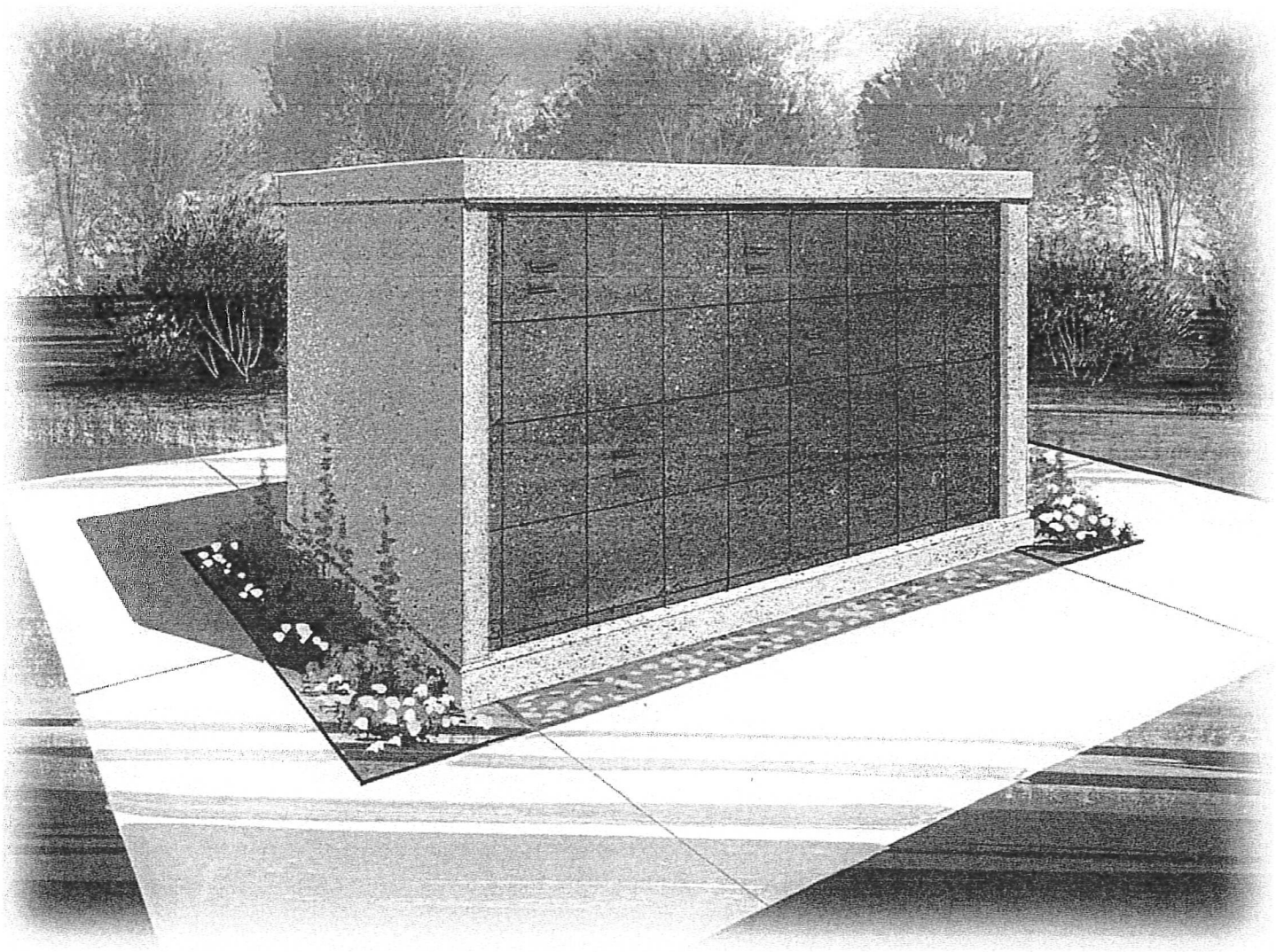
B. **Denial.** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

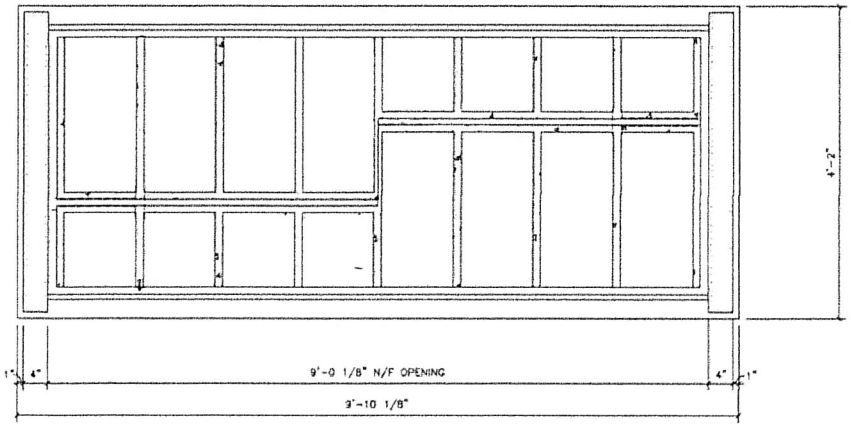
Staff supports the request as presented.

Attachments: Exhibit A – Picture of a columbarium

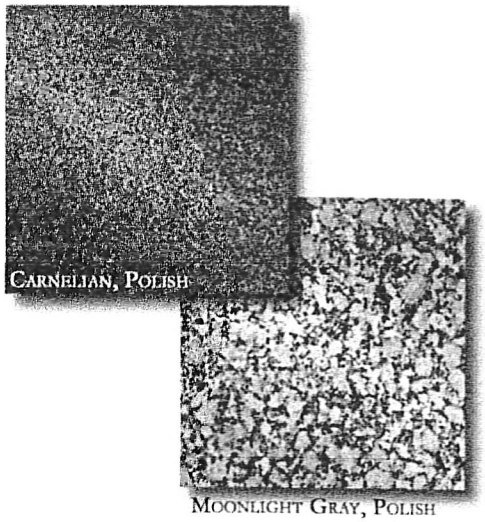
624281



96 Niche Pre-Assembled Columbarium



Columbarium Height = 5'-6"



GRANIT-BRONZ Mausoleum Division	GRANIT BRONZ	Dwg 5252-X	Scale	1-800-328-5040

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 25, 2015 **CASE NO:** 15-24PDV

APPLICANT: Caribou Coffee Company

PROPERTY OWNER: Inver Grove Market Place, LLC

REQUEST: Bishop Heights Ordinance Amendment

LOCATION: 5743 Blaine Avenue (Upper 55th Street and Blaine Avenue)

HEARING DATE: July 7, 2015

COMPREHENSIVE PLAN: Regional Comm

ZONING: Bishop Heights PUD

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

BACKGROUND

The applicant is proposing to add a drive-through to the existing Caribou Coffee location on the south side of the building. Caribou also plans to expand their area in the building from approximately 1,760 square feet to 3,160 square feet. The applicant is also requesting a variance to allow a portion of the drive-through pavement to encroach into the 10 foot yard setback along Upper 55th Street.

The Bishop Heights PUD was set up with its own ordinance and all projects and uses are approved individually and listed in the ordinance. In this case, the drive-through lane is an adjustment to the site plan for Lot 3, Block 1, Bishop Heights 4th Addition. The original approval was for 9,100 square feet of general retail. Because a restaurant space has a different parking and traffic demand, the ordinance needs to be amended to reflect the building use to be 3,160 square feet of restaurant and 5,940 square feet of general retail.

Uses and traffic counts are important in the Bishop Heights PUD because it is important that traffic generation at the Upper 55th Street and Hwy 52 intersection remain below capacity.

Approvals Required

In order to develop the property as proposed, the applicant has requested the following specific actions:

1) Adoption of a Bishop Heights PUD Ordinance Amendment adding 3,160 square feet of restaurant with drive-through for Lot 3, Block 1, Bishop Heights 4th Addition and allocating traffic volumes and amending traffic volumes to 183 vehicle trips.

2) A Variance to allow the drive-through lane with a setback of six feet from the right-of-way line whereas 10 feet is required.

EVALUATION OF THE REQUEST

Surrounding Uses. The subject site is surrounded by the following uses:

North – Retail buildings; zoned PUD; guided RC, Regional Commercial.
East - Greenhouse/retail; zoned A; guided RC.
West – Retail buildings; zoned PUD; guided RC.
South – Restaurant, hotel; zoned PUD; guided RC.

SITE PLAN REVIEW

The drive-through lane would be constructed on the south side of the building where there is parking now. The design and configuration would be similar to the Caribou Coffee in Arbor Pointe at Concord and Cahill. There is enough stacking space provided and the traffic circulation for queuing and entering does not interfere with any other parking spots.

The site has 51 parking spaces located in the front and side of the building. The nine spaces on the side of the building would be eliminated with the drive-through. Based on code parking requirements for retail and restaurant, a total of 51 spaces would be needed for the entire building. The drive-through provides at least nine stacking spaces. With the addition of the drive-through, the demand will shift from site down to faster drive-through. The restaurant area will have 44 seats which require 15 stalls. There is not a high demand for parking at the location currently. Staff believes adequate parking is still being provided for with regular parking spaces and drive-through stacking.

No additional landscaping is required with the proposed construction. One existing tree would be removed and would be replaced in the same general area.

The drive-through area would extend into an existing 10 foot drainage and utility easement along Upper 55th Street. Engineering is requiring an easement encroachment agreement to allow private improvements in a public easement. This easement will be drafted by the City Attorney and would require to be signed by the applicant prior to any permits being issued.

All signage proposed would comply with zoning ordinance standards.

The Bishop Heights Ordinance also needs to be amended to reflect traffic generation for the use. All uses in the PUD are approved with a peak traffic generation number. This is used to track total projected traffic volumes to compare when actual traffic counts are done in the area.

In this case the traffic count would increase to 183. The Traffic Table would be amended to reflect the new numbers.

Variance

The applicant is requesting a six foot setback along Upper 55th Street as a portion of the drive-through circulation extends into the setback. Standard setback for parking areas along a street is ten feet.

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

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

   The comprehensive plan guides the property for community commercial which would allows for this use and expansion. General purpose is to allow for retail and service type uses. This request appears consistent with the intent and with the comprehensive plan.

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

   The right-of-way dedicated for Upper 55th Street varies. The property to the west has a right-of-way width about 25 feet less than the subject property. The existing parking lot drive isles on the property to the west extend further south than the property line of the subject property and is within its setbacks. This situation puts a greater burden on this parcel than the parcel to the west.

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

   The varying right-of-way width is unique to this property and the impacts are that it is required to have a wider boulevard than the adjacent property. The small amount of encroachment would extend no further toward the street than the drive isles on the property to the west. The boulevard will not be impacted by the request.

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

   The subject site is at a lower elevation than the street, thus further minimizing any impacts. The extension would be no closer to Upper 55th Street than any other property.

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

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

AMENDMENT OF PUD ORDINANCE

The Bishop Heights PUD Ordinance would be amended to include:

1. Amend section on uses by adding a 1,360 square foot restaurant with drive-through and for Lot 3, Block 1, Bishop Heights 4th Addition.

2. Amend the traffic section to include the 183 peak trips which will be allowed to be generated by the building.

ALTERNATIVES

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

- Approval of the **Amendment** to the Bishop Heights PUD Ordinance to allow a 1,360 square foot restaurant with drive-through on Lot 3, Block 1, Bishop Heights 4th Addition subject to the following conditions:

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

  2. The maximum peak PM hour traffic generation permitted for the building shall be 183 trips.

  3. An encroachment agreement shall be entered into between the applicant and City for the improvements in the public drainage and utility easement along Upper 55th Street. Said agreement shall be signed prior to issuance of any permits.

- Approval of a Variance to allow a portion of the drive-through to be six feet from the property line whereas 10 feet is required based on the following practical difficulty;

  - The right-of-way dedicated for Upper 55th Street varies. The property to the west has a right-of-way width about 25 feet less than the subject property.

  - The small amount of encroachment would extend no further toward the street than the drive isles on the property to the west. The boulevard will not be impacted by the request.

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

RECOMMENDATION

Staff recommends approval of the request as presented.

Attachments: Site/Zoning Map
Applicant Narrative
Site Plan
Revised Bishop Heights PUD Ordinance (changes highlighted in yellow)

Location Map
Case No. 15-24PDV

Paul Meyer
ARCHITECTS, INC

June 23, 2015

Project Narrative
Caribou Coffee, Proposed Drive-Through
PUD Amendment & Drive Setback Variance
Inver Grove Heights Marketplace
5763 Blaine Ave E
Inver Grove Heights, MN

GENERAL

The proposed project is the addition of a drive-through lane and pick-up window on the south side of the existing Caribou Coffee at 5763 Blaine Ave, Inver Grove Heights, MN. With the addition of the drive-through lane Caribou plans to expand their lease area to include their new co-brand partner, Einstein Bagels. The expansion would increase the store from approximately 1,760 sq. ft. to approximately 3,160 sq. ft.

In addition to accommodating Caribou's co-branded format, this project will improve the experience of Caribou's customers by making it easier to come and go from the store. The drive-through will provide an orderly system and a predictable traffic flow to make the customer experience safer and less stressful.

The project requires a PUD Amendment. The PUD Amendment includes the site plan modification to include the drive-through lane, as well as a text amendment to include a restaurant with drive through as a specific use for Parcel 21 of the Bishop Heights PUD.

To accommodate the drive-through lane a drive setback variance is required. There will be an approximately 30-foot long portion of the turning radius for the drive-through lane that will be closer than 10 feet to the south property line. At the widest point the drive lane will be approximately 6 feet from the property line, requiring a 4-foot variance. Due to a unique 25-foot property line offset, the existing drive lane for the adjacent property to the west is about 10 feet closer to Upper 55th than the proposed drive-through lane will be, even with the variance.

The unique topography of the site diminishes the impact the drive-through will have to the motorists on Upper 55th St. Grade at the location of the menu board and speaker will be about 9 feet below the elevation of Upper 55th.

To accomplish the drive-through some parking stalls will be removed. All of the removed stalls will be replaced by the queuing spaces in the drive-through lane. Also, 222 SF of the hard surface will be exchanged for landscaped pervious area. In addition to reducing storm water run-off, the additional landscaping will create a more attractive presence for pedestrians and motorists passing by the site and give the customers a better experience.

Overall, the proposed drive-thru will provide benefit to Caribou Coffee, the landlord and the City.

15650 36TH AVENUE NORTH, SUITE 170
PLYMOUTH, MINNESOTA 55446

TEL 763-557-9081 / FAX 763-557-9233
PAUL MEYER ARCHITECTS.COM

Potential project impacts have been reviewed and are summarized as follows:

- Site Access
  - There is no change to the entrance to the shopping center. All modifications are contained to the south section of the parking lot which only serves Caribou.
  - The drive-through will provide a safer traffic pattern for customers arriving in vehicles by reducing the amount of pulling in and out of parking spaces.
  - Emergency vehicle access and access to the existing trash enclosure will be maintained.

- Drive-Thru Stacking
  - This site is set up with five (5) vehicle spaces between the order space and the pick-up window. Caribou's metrics indicate this is the most important element to maintaining smooth flow through their drive-through lanes.
  - The drive lane will be able to accommodate at least 8 cars without impacting the adjacent remaining parking stalls and circulation. If the drive-thru lane is full, then customers will be able to park and walk into the store and order.
  - Due to its location, the drive-thru lane will have no impact on the parking and vehicle circulation for the balance of the shopping center.

- Landscaping:
  - The proposed drive-through lane will reduce the impervious surface by 222 sq. ft.
  - There will be added foundation plantings at the building, new plantings in the turnaround circle and at the menu board and speaker post.
  - One existing 6" maple tree along Upper 55th St. E will be removed. It will be replaced with a 2 ½" Sierra Glen Maple.

- Parking Reduction:
  - As indicated on the drawings, the Inver Grove Heights Marketplace site currently has 51 parking spaces. Addition of the drive-thru lane will eliminate 9 spaces for a net total of 42 spaces.
  - The drive-thru lane provides an exchange for all of the removed parking stalls.
  - The eliminated spaces are not used by other shopping center tenants/customers due to their remote location on the south end of the site.
  - The expanded co-brand store will have 44 seats. As a café it is required to have one parking stall per three seats. This would require 15 stalls. The remaining 6,000 sq. ft. of building area at 90% efficiency would be 5,400 SF. With parking for retail at one stall per 150 sq. ft. this requires 36 stalls. Total stalls required 51, total stalls provided 42.

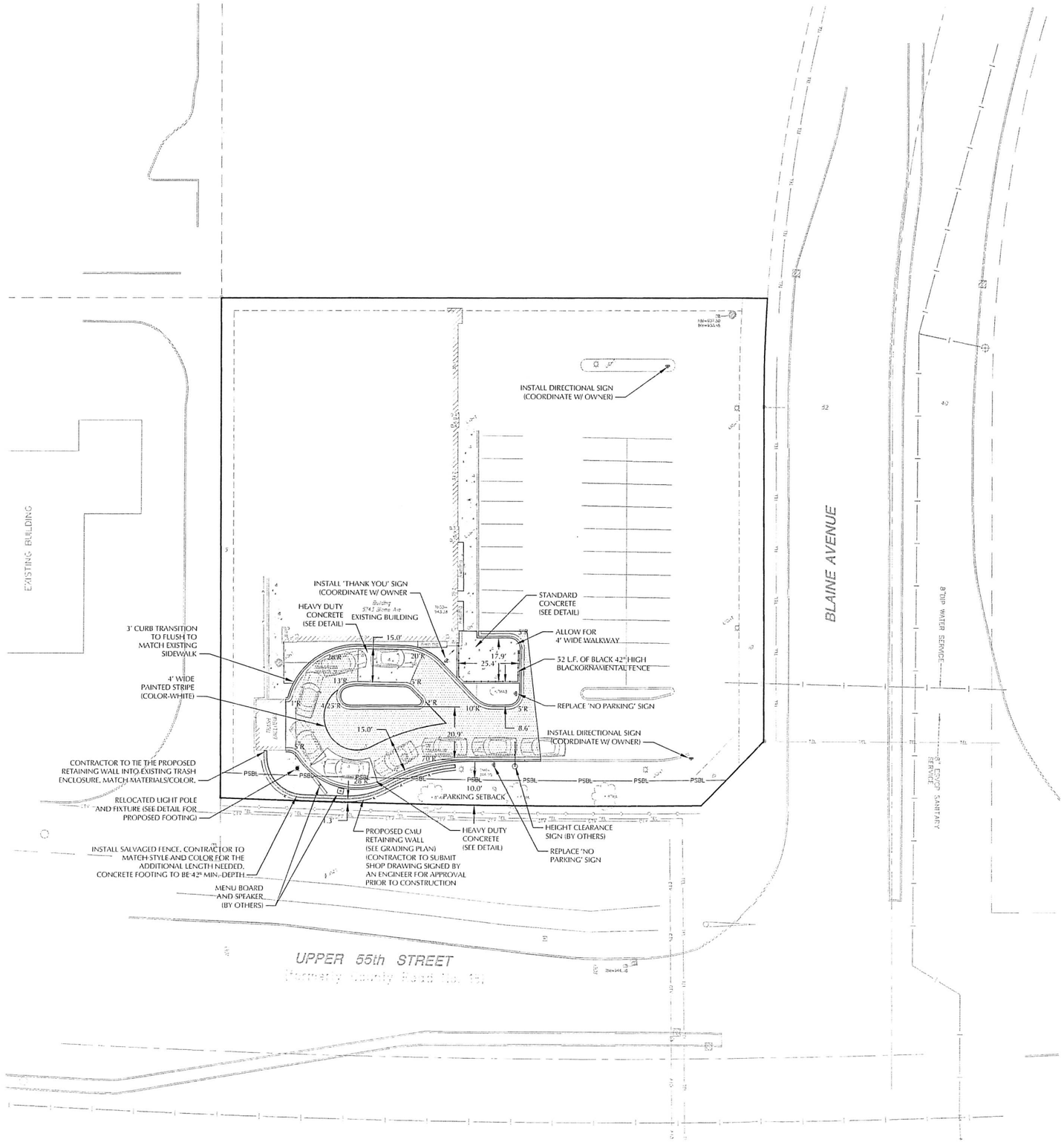
- Peak Hour Traffic Generation Rate: Adequate.
  - The Bishop Heights PUD has restrictions related to the PM Peak Hour Traffic Generation. The PM traffic for Caribou should be no different than the standard retail store.
  - The peak traffic generation for Caribou is the early morning before other retail stores are open.

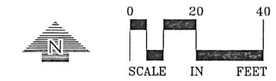
- Caribou does not maintain hourly traffic information. For reference, attached is a graph of trip generation for Fast-Food Restaurant with Drive-Through Window provided by the Institute of Transportation Engineers.

- Snow Removal: No change.
  - Snow will be plowed to the perimeter of the parking area as is currently done.
  - Excess snow will be removed from the site if necessary.

- Building Façade: no change
  - The small drive-thru window will be built of materials to complement the existing store front windows.
  - Foundation plantings will be added to the south side of the building on both sides of the drive-thru window.

- Signage:
  - To accommodate the expanded floor area and the co-branded format, Caribou proposes to replace the one existing south elevation wall sign with two wall signs and the one existing east elevation wall sign with two wall signs.
  - Three small directional "drive-thru" signs will be located on the site.
  - A small "height" sign will be added at the entrance to the drive-thru lane.
  - The "menu board" and order pedestal are located in a low portion of the site, about 9 feet below Upper 55th St. E.





EXISTING	CIVIL LEGEND	PROPOSED
	SANITARY MANHOLE	
	STORM MANHOLE	
	CATCH BASIN	
	CULVERT	
	HYDRANT	
	GATEVALVE	
	POST INDICATOR VALVE	
	LIGHT POLE	
	POWER POLE	
	SIGN	
	BENCHMARK	
	SOIL BORINGS	
	WATER MANHOLE	
	TELEPHONE MANHOLE	
	UTILITY MANHOLE	
	ELECTRIC MANHOLE	
	WATER SERVICE	
	SANITARY SERVICE	
	HANDICAP PARKING	
	DIRECTION OF FLOW	
	SPOT ELEVATION	
	CONTOURS	
	SANITARY SEWER	
	STORM SEWER	
	WATERMAIN	
	FORCEMAIN	
	DRAINTILE	
	SILT FENCE	
	CURB & GUTTER	
	RETAINING WALL	
	TREELINE	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TELE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	

SITE PLAN GENERAL NOTES

1. SETBACKS:
   FROM UPPER 55TH STREET: 10'
2. ZONING
   EXISTING ZONING = PUD PROPOSED ZONING = NA
3. PARKING SUMMARY
   REDUCTION OF 9 STALLS
4. AREA
   TOTAL AREA OF SITE DISTURBANCE = 6,330 SF

   EXISTING IMPERVIOUS SURFACE AREA = 4,887 SF. = 77.2%
   EXISTING PERVIOUS SURFACE AREA = 1,443 SF. = 22.8%

   PROPOSED IMPERVIOUS SURFACE AREA = 4,655 SF. = 73.5%
   PROPOSED PERVIOUS SURFACE AREA = 1,675 SF. = 26.5%
5. ALL PAVING, CONCRETE CURB, GUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER SHEET C8-1 AND THE REQUIREMENTS OF THE CITY. SEE LANDSCAPE AND ARCHITECTURAL PLANS FOR ANY ADDITIONAL HARDSCAPE APPLICATIONS.
6. THE CITY DEPARTMENT OF ENGINEERING AND BUILDING INSPECTIONS DEPT. AND THE CONSTRUCTION ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY WORK WITHIN THE STREET RIGHT OF WAY (SIDEWALK, STREET OR DRIVEWAYS)
7. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
8. ANY SIGN OR FIXTURES REMOVED WITH IN THE RIGHT OF WAY OR AS PART OF THE SITE WORK SHALL BE REPLACED BY THE CONTRACTOR IN ACCORDANCE WITH THE CITY REQUIREMENTS. THE CONTRACTOR SHALL PRESERVE AND MAINTAIN ANY EXISTING STREET LIGHTS AND TRAFFIC SIGNS PER THE REQUIREMENTS OF THE CITY.
9. THE CONTRACTOR SHALL BE REQUIRED TO OBTAIN ALL PERMITS FROM THE CITY AS REQUIRED FOR ALL WORK WITH THE STREET AND PUBLIC RIGHT OF WAY.
10. SEE SHEETS C3-1 FOR GRADING AND UTILITIES.
11. ALL CONCRETE CURB AND GUTTER SHALL BE B612.
12. THE INTENT OF THE PROPOSED CONSTRUCTION IS TO PRESERVE AS MUCH OF THE EXISTING STREET PAVEMENT AS POSSIBLE. REMOVED PAVEMENT AREAS SHALL BE INSTALLED PER PAVEMENT SECTION PROVIDED PER DETAIL SHEET.

CALL BEFORE YOU DIG!

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

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Proposed Remodeling For:
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5763 Blaine Ave E
Inver Grove Heights, MN

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LOUCKS ASSOCIATES
Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental
Services • Water Resources
7700 France Ave. S., Suite 425
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(952) 832-2600
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Paul Meyer ARCHITECTS, INC
15650 36TH AVENUE NORTH, SUITE 170
PLYMOUTH, MINNESOTA 55446
TEL 763-557-9081 / FAX 763-557-9233

PROJECT # 15221

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 Professional Engineer under the laws of the State of Minnesota.

Jonathan J. Donovan - PE

License No. Date

ISSUE/REVISIONS

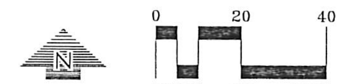
06/26/2015	PUD AMENDMENT
08/28/2015	PUD SUBMITTAL

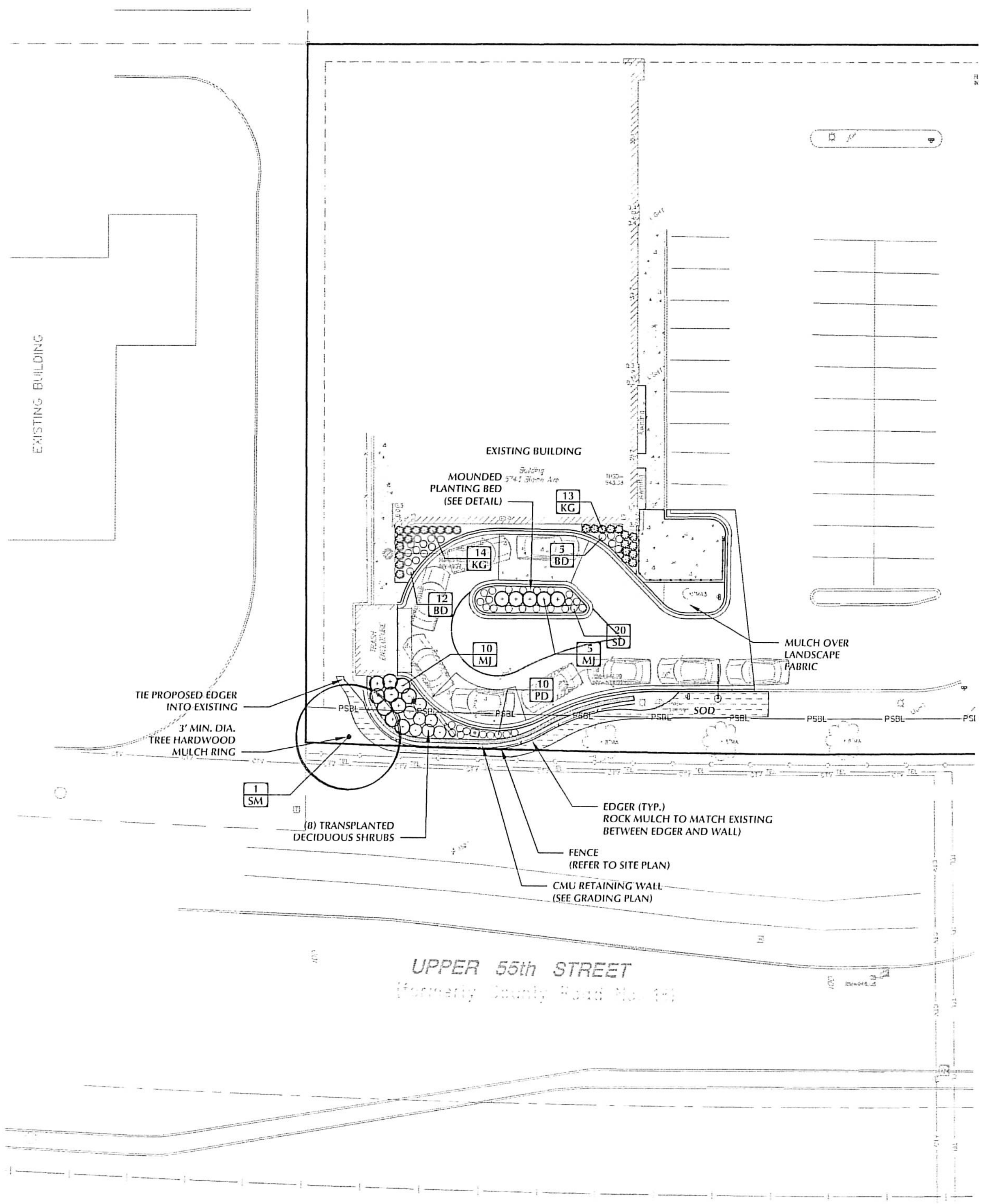
SITE PLAN

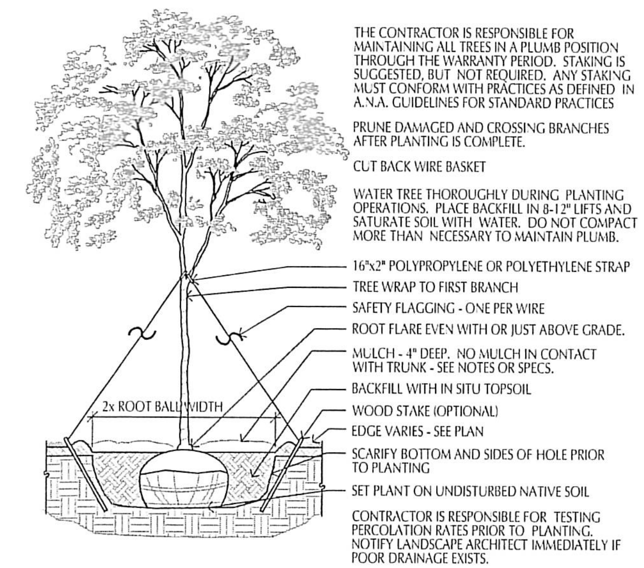
C2-1

PLANTING SCHEDULE

SYM	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	CONT	COMMENTS
DECIDUOUS TREES						
SM	1	SIERRA GLEN MAPLE	Acer x freemanii 'Sierra'	2.5" CAL	B&B	SINGLE STEM
CONIFEROUS SHRUBS						
MJ	15	MINT JULEP JUNIPER	Juniperus chinensis 'Monlep'	18" SPRD	POT	PLANT 5' O.C.
PERENNIALS						
KG	27	KARL FOERSTER GRASS	Calamagrostis acutiflora 'Karl Foerster'	1 GAL	POT	PLANT 2' O.C.
BD	17	BAJA DAYLILY	Hemerocallis x 'Baja'	1 GAL	POT	AS SHOWN
SD	20	STELLA D' ORO DAYLILY	Hemerocallis x 'Stella D' Oro'	1 GAL	POT	AS SHOWN
PD	10	PRAIRIE DROPSEED	Sporobolus heterolepsis	1 GAL	POT	PLANT 2' O.C.

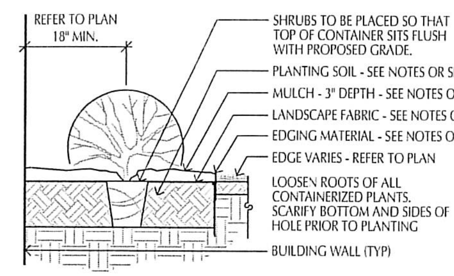






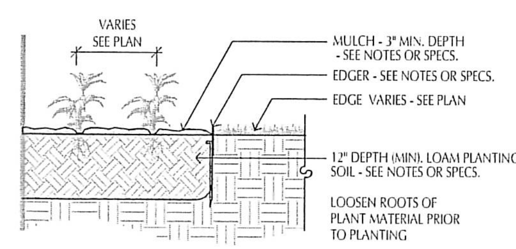
1 / L1-1 DECIDUOUS TREE PLANTING DETAIL

SCALE: 1/2" = 1'-0"



2 / L1-1 SHRUB PLANTING DETAIL

SCALE: 3/4" = 1'-0"



3 / L1-1 PERENNIAL PLANTING

SCALE: 3/4" = 1'-0"

GENERAL NOTES

CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID. HE SHALL INSPECT SITE AND BECOME FAMILIAR WITH EXISTING CONDITIONS RELATING TO THE NATURE AND SCOPE OF WORK.

VERIFY LAYOUT AND ANY DIMENSIONS SHOWN AND BRING TO THE ATTENTION OF THE LANDSCAPE ARCHITECT ANY DISCREPANCIES WHICH MAY COMPROMISE THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.

ASSURE COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK OR MATERIALS SUPPLIED.

CONTRACTOR SHALL PROTECT ALL EXISTING ROADS, CURBS/GUTTERS, TRAILS, TREES, LAWNS AND SITE ELEMENTS DURING PLANTING OPERATIONS. ANY DAMAGE TO SAME SHALL BE REPAIRED AT NO COST TO THE OWNER.

CONTRACTOR SHALL VERIFY ALIGNMENT AND LOCATION OF ALL UNDERGROUND AND ABOVE GRADE UTILITIES AND PROVIDE THE NECESSARY PROTECTION FOR SAME BEFORE CONSTRUCTION / MATERIAL INSTALLATION BEGINS (MINIMUM 10' - 0" CLEARANCE).

ALL UNDERGROUND UTILITIES SHALL BE LAID SO THAT TRENCHES DO NOT CUT THROUGH ROOT SYSTEMS OF ANY EXISTING TREES TO REMAIN.

EXISTING CONTOURS, TRAILS, VEGETATION, CURB/GUTTER AND OTHER EXISTING ELEMENTS BASED UPON INFORMATION SUPPLIED TO LANDSCAPE ARCHITECT BY OTHERS. CONTRACTOR SHALL VERIFY ANY AND ALL DISCREPANCIES PRIOR TO CONSTRUCTION AND NOTIFY LANDSCAPE ARCHITECT OF SAME.

THE ALIGNMENT AND GRADES OF THE PROPOSED WALKS, TRAILS AND/OR ROADWAYS ARE SUBJECT TO FIELD ADJUSTMENT REQUIRED TO CONFORM TO LOCALIZED TOPOGRAPHIC CONDITIONS AND TO MINIMIZE TREE REMOVAL AND GRADING. ANY CHANGE IN ALIGNMENT MUST BE APPROVED BY LANDSCAPE ARCHITECT.

LANDSCAPE INSTALLATION:

COORDINATE THE PHASES OF CONSTRUCTION AND PLANTING INSTALLATION WITH OTHER CONTRACTORS WORKING ON SITE.

NO PLANTING WILL BE INSTALLED UNTIL COMPLETE GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.

WHERE SOD/SEED ABUTS PAVED SURFACES, FINISHED GRADE OF SOD/SEED SHALL BE HELD 1" BELOW SURFACE ELEVATION OF TRAIL, SLAB, CURB, ETC.

SEED ALL AREAS DISTURBED DUE TO GRADING OTHER THAN THOSE AREAS NOTED TO RECEIVE SOD. SEED SHALL BE INSTALLED AND MULCHED AS PER MNDOT SPECS.

SOD ALL DESIGNATED AREAS DISTURBED DUE TO GRADING. SOD SHALL BE LAID PARALLEL TO THE CONTOURS AND SHALL HAVE STAGGERED JOINTS. ON SLOPES STEEPER THAN 3:1 OR IN DRAINAGE SWALES, THE SOD SHALL BE STAKED TO THE GROUND.

ALL PLANT MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN. UNLESS NOTED OTHERWISE, ALL SHRUBS SHALL HAVE AT LEAST 5 CANES AT THE SPECIFIED MINIMUM SHRUB HEIGHT OR WIDTH. ORNAMENTAL TREES SHALL HAVE NO V CROTCHES AND SHALL BEGIN BRANCHING NO LOWER THAN 3' ABOVE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGIN BRANCHING NO LOWER THAN 5' ABOVE FINISHED GRADE.

ANY CONIFEROUS TREE PREVIOUSLY PRUNED FOR CHRISTMAS TREE SALES SHALL NOT BE USED. ALL CONIFEROUS TREES SHALL BE FULL FORM, NATURAL TO THE SPECIES, WITHOUT PRUNING.

PLAN TAKES PRECEDENCE OVER PLANT SCHEDULE IF DISCREPANCIES IN QUANTITIES EXIST. SPECIFICATIONS TAKE PRECEDENCE OVER NOTES.

NO PLANT MATERIAL SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL IS REQUESTED OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO THE SUBMISSION OF A BID AND/OR QUOTATION.

ALL PROPOSED PLANTS SHALL BE LOCATED AND STAKED AS SHOWN ON PLAN.
ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. SHOULD AN ADJUSTMENT BE ADVISED, THE LANDSCAPE ARCHITECT MUST BE NOTIFIED.

ALL PLANT MATERIALS SHALL BE FERTILIZED UPON INSTALLATION WITH A 27-3-3 SLOW RELEASE FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS. PLANTS MAY BE TREATED FOR SUMMER AND FALL INSTALLATION WITH AN APPLICATION OF GRANULAR 27-3-3 AT 6 OZ PER 2.5" CALIPER PER TREE AND 3 OZ PER SHRUB WITH AN ADDITIONAL APPLICATION OF 27-3-3 THE FOLLOWING SPRING IN THE TREE SAUCER.

ALL PLANTING AREAS RECEIVING GROUND COVER, PERENNIALS, ANNUALS, AND/OR VINES SHALL RECEIVE A MINIMUM OF 12" DEPTH OF PLANTING SOIL CONSISTING OF AT LEAST 45 PARTS TOPSOIL, 45 PARTS PEAT OR MANURE AND 10 PARTS SAND.

ALL PLANTS TO BE INSTALLED AS PER PLANTING DETAILS. REMOVE ALL FLAGGING AND LABELS FROM PLANTS.

WRAPPING MATERIAL SHALL BE CORRUGATED PVC PIPING 1" GREATER IN CALIPER THAN THE TREE BEING PROTECTED OR QUALITY, HEAVY, WATERPROOF CREPE PAPER MANUFACTURED FOR THIS PURPOSE. WRAP ALL DECIDUOUS TREES PLANTED IN THE FALL PRIOR TO 12-1 AND REMOVE ALL WRAPPING AFTER 5-1.

BLACK POLY EDGER TO BE USED TO CONTAIN SHRUBS, PERENNIALS, AND ANNUALS WHERE BED MEETS SOD/SEED UNLESS NOTED OTHERWISE.

ALL ANNUAL AND PERENNIAL PLANTING BEDS TO RECEIVE 3" ROCK MULCH (MATCH EXISTING) WITH NO WEED BARRIER.

ALL SHRUB BED MASSINGS TO RECEIVE 3" DEEP ROCK MULCH (MATCH EXISTING) AND FIBER MAT WEED BARRIER.

ALL TREES NOT IN PLANTING BEDS TO RECEIVE A MULCH RING: 4" DEEP SHREDDED HARDWOOD MULCH WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.

SPREAD GRANULAR PRE EMERGENT HERBICIDE (PREEN OR EQUAL) PER MANUFACTURER'S RECOMMENDATIONS UNDER ALL MULCHED AREAS.

MAINTENANCE STRIPS TO HAVE EDGER AND MULCH AS SPECIFIED/INDICATED ON DRAWING OR IN SPECIFICATION.

IF THE LANDSCAPE CONTRACTOR IS CONCERNED OR PERCEIVES ANY DEFICIENCIES IN THE PLANT SELECTIONS, SOIL CONDITIONS OR ANY OTHER SITE CONDITION WHICH MIGHT NEGATIVELY AFFECT PLANT ESTABLISHMENT, SURVIVAL OR GUARANTEE, HE MUST BRING THESE DEFICIENCIES TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO PROCUREMENT AND/OR INSTALLATION.

CONTRACTOR SHALL SUBMIT A WRITTEN REQUEST FOR THE OWNER ACCEPTANCE INSPECTION OF ALL LANDSCAPE AND SITE IMPROVEMENTS.

CONTRACTOR IS RESPONSIBLE FOR ON-GOING MAINTENANCE OF ALL NEWLY INSTALLED MATERIALS UNTIL TIME OF OWNER ACCEPTANCE. ANY ACTS OF VANDALISM OR DAMAGE WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL PROVIDE THE OWNER WITH A MAINTENANCE PROGRAM INCLUDING, BUT NOT NECESSARILY LIMITED TO, PRUNING, FERTILIZATION AND DISEASE/PEST CONTROL.

CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF OWNER ACCEPTANCE.

WARRANTY (ONE FULL GROWING SEASON) FOR LANDSCAPE MATERIALS SHALL BEGIN ON THE DATE OF ACCEPTANCE BY THE LANDSCAPE ARCHITECT AFTER THE COMPLETION OF PLANTING OF ALL LANDSCAPE MATERIALS. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.

UNLESS NOTED OTHERWISE THE APPROPRIATE DATES FOR SPRING PLANT MATERIAL INSTALLATION AND SEED/SOD PLACEMENT IS FROM THE TIME GROUND HAS THAWED TO JUNE 15.

FALL SODDING IS GENERALLY ACCEPTABLE FROM AUGUST 15 - NOVEMBER 1. FALL SEEDING FROM AUGUST 15 - SEPTEMBER 15; DORMANT SEEDING IN THE FALL SHALL NOT OCCUR PRIOR TO NOVEMBER 1. FALL CONIFEROUS PLANTING MAY OCCUR FROM AUGUST 15 - OCTOBER 1 AND DECIDUOUS PLANTING FROM THE FIRST FROST UNTIL NOVEMBER 15. PLANTING OUTSIDE THESE DATES IS NOT RECOMMENDED. ANY ADJUSTMENT MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.

LANDSCAPE CONTRACTOR SHALL ESTABLISH TO HIS SATISFACTION THAT SOIL AND COMPACTION CONDITIONS ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AT AND AROUND THE BUILDING SITE.

IRRIGATION NOTES:

VERIFY EXISTING/PROPOSED IRRIGATION SYSTEM LAYOUT AND CONFIRM COMPLETE LIMITS OF IRRIGATION PRIOR TO SUPPLYING SHOP DRAWINGS.

LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AN IRRIGATION LAYOUT PLAN AND SPECIFICATION AS A PART OF THE SCOPE OF WORK WHEN BIDDING. THESE SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO ORDER AND/OR INSTALLATION. IT SHALL BE THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO INSURE THAT ALL SODDED/SEEDED AND PLANTED AREAS ARE IRRIGATED PROPERLY, INCLUDING THOSE AREAS DIRECTLY AROUND AND ABUTTING BUILDING FOUNDATION.

THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH AN IRRIGATION SCHEDULE APPROPRIATE TO THE PROJECT SITE CONDITIONS AND TO PLANT MATERIAL GROWTH REQUIREMENTS.

IRRIGATION SYSTEM IS NOT TO SPRINKLE ACROSS PAVEMENT. THE SYSTEM SHALL INCORPORATE A RAIN SENSOR INTO IRRIGATION SYSTEM.

PLANTINGS OUTSIDE THE LIMITS OF IRRIGATION ARE TO BE WATERED REGULARLY UNTIL PLANTING/SOD/SEED HAS BEEN ESTABLISHED.

CALL BEFORE YOU DIG!

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

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PLYMOUTH, MINNESOTA 55446
TEL 763-557-9081 / FAX 763-557-9233

PROJECT # 15221

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 Landscape Architect under the laws of the State of Minnesota.

Douglas D. Loken - LA

License No. —/—/— Date

ISSUE/REVISIONS

05/04/2015	PUD AMENDMENT
03/23/2015	PUD SUBMITTAL

LANDSCAPE PLAN

L1-1

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 515 OF THE CITY CODE RELATED TO THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT IN THE SOUTHEAST QUADRANT OF HIGHWAYS 52 AND 494

THE CITY OF INVER GROVE HEIGHTS ORDAINS THAT ORDINANCE NUMBERS 891, 912, 915, 928, 946, 968, 976, 977, 985, 1022, 1056, 1058, 1062, 1064, 1074, 1101, 1106, 1112, 1133, 1135, 1136 and 1187 ARE HEREBY RESTATED AND AMENDED TO READ AS FOLLOWS:

SECTION I. Rezoning Land to Planned Unit Development (PUD). Ordinance No. 1037 adopted July 8, 2002, entitled, "AN ORDINANCE AMENDING, RESTATING, AND RECODIFYING SECTIONS 405, 425, 515, 505, 516, 517, 518, 519, 520, 525, 535, 540, 545, 546, AND 550 OF THE INVER GROVE HEIGHTS CITY CODE" being also known as the City Zoning Ordinance, is hereby amended to rezone from Comm/PUD to Planned Unit Development Zoning District No. 2001-8 the following described property:

(No property to be Rezoned)

SECTION II. Amendment. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1037 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002," shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION III. Purpose and Intent. The above referenced property is hereby rezoned to Commercial Planned Unit Development Zoning District No. 2001-8, for the purposes of:

A. Providing the means for greater creativity and flexibility in environmental design than is provided for under the strict application of the existing zoning code while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the City and its inhabitants.
B. Recognizing the economic and cultural advantages that will accrue to the residents of a planned community.
C. Encouraging the preservation and enhancement of desirable site characteristics and open space.
D. Encouraging a development pattern in harmony with land use density, transportation facilities and community objectives of the comprehensive plan.
E. Limiting development of tax exempt uses.
F. Providing incentives and encouraging development that will create a desirable tax base.

G. Prohibiting uses and developments that could be detrimental to the overall development of the area.

SECTION IV. Findings. In rezoning the above referenced property to Commercial Planned Unit Development No. 2001-8, the City Council has found the following:

A. That the proposed Commercial Planned Unit Development is consistent with the City's 1991 Comprehensive Guide Plan for the "Lafayette Area", adopted on September 23, 1991 and reviewed by the Metropolitan Council on May 14, 1992, and as amended on February 13, 1995.
B. That the proposed development has been designed as a complete and unified development within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, interrelationship of utilities and drainage infrastructure, and overall architectural theme.
C. That the proposed layout of land use within the development will result in compatible land uses with present and planned uses in the surrounding area.
D. That the development is sufficient unto itself on the basis of size, composition, arrangement and the provision of municipal utilities.
E. That the impacts of the proposed development on municipal services and facilities have been reviewed and that mitigative measures have been identified where needed.
F. That the impacts of the proposed development on environmental quality and the reasonable enjoyment of surrounding property have been identified, analyzed and mitigative measures identified where needed.
G. That the existing and proposed layout and land use for Tracts A-D have been heretofore regulated in part by a succession of Conditional Use Permit Resolutions. Resolution No. 4573 was adopted by the City Council on 9/25/89. It was rescinded and replaced on 11/20/89 by Resolution No. 4615, which was rescinded on 8/27/90 and replaced with Resolution No. 4847, which was rescinded on 6/13/94 and replaced by Resolution No. 6055, which was rescinded on 4/10/95 and replaced by Resolution No. 6276, which was rescinded on 2/24/97 and replaced by Resolution No. 6789, which was rescinded on 2/23/98 and replaced by Resolution No. 98-30. This PUD Ordinance now replaces Resolution No. 98-30.

SECTION V. Land Use Regulations. For the above referenced property contained within the Commercial Planned Unit Development District No. 2001-8, the following land use regulations shall apply:

A. SITE PLAN
Prior to commencement of any development or issuance of grading or building permits, the City Council shall approve final development plans, including but not limited to: final plat, site plan, grading plan, utility plan, landscape plan, elevation plan, signage plan, lighting plan.

B. USES

All development shall be restricted to the following uses:

Parcel No.	Legal Description*	Specific Use
1	Lot 1, Block 1, Bishop Heights	65,000 square foot, 16-screen theater
2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant
3	Lot 2/3, Block 1, Bishop Heights	36,371 square foot, 89 room motel
4	Lot 4, Block 1, Bishop Heights	25,292 square foot, 63 room motel
5	Lot 5 and part of Lot 4, Bishop Heights	6,163 square foot sit down restaurant
6	Lot 2, Block 2, Bishop Heights	6,500 square foot bank and office building
7	Lot 3, Block 2, Bishop Heights	4,271 square foot gas station convenience store
8	Lot 1, Block 1, Krech's Addition	15,120 square foot drug store
9	Tracts A-D	42,000 square foot lawn, garden, floral & nursery retail center (two buildings: 29,400 sf in one, 12,400 sf in other); 307,600 square feet of greenhouses and nursery buildings; 2,150 sf accessory structures (2 barns) for storage of materials and equipment; nursery fields and nursery field caretaker's residence; outside storage/display of nursery and landscaping stock and materials; nursery and landscaping services**
10	Lot 1, Block 1, Bishop Heights 2nd Addition	1,710 sf quick service oil change store
11	Lot 1, Block 1, Bishop Heights 3rd Addition	6,832 sf auto service center store
12	Lots 1-31, Block 1, Blackberry Town Office Park	65,415 net sf townoffice space, 31 units
13	Lot 1, Block 1, Blackberry Town Office Park Second Addition	4,950 gross sf veterinary clinic
14	Lot 1, Block 1, Inver Grove Market	14,009 square feet of general retail, 5,680 square feet of sit-down restaurant, and 1,516 square feet of fast food restaurant (without a drive through window)
15	Lots 6-10, Block 7, Warren and McDowell's Acre Lots No. 2	Rock and Block Yard for Gerten's Greenhouses
16	Lots 1-88, Brentwood Village	80 townhome units
17	Lot 1, Bk 2, Bishop Heights	7,200 sf sit down restaurant
18	Lots 1 & 2, Block 1, Outlot A Brentwood Village Apts.	219 apartment units
19	Outlot B, Bishop Heights	43,400 square foot medical/office building
20	Lot 2, Block 1, Inver Grove Market	5,200 square foot bank building
21	Lot 3, Block 1, Bishop Heights 4th Addition	~~9,100 square feet of general retail~~ **3,160 square feet of restaurant and 5,940 square feet of general retail**
22***	Lot 1, Block 1, Bishop Heights	10,400 square feet of general retail and 5,000

	4th Addition	square foot sit-down restaurant
23	Lot 1, Block 1, Scenic Heights Addition	16,000 square foot office condominium
24	Outlot A, Brentwood Hills Apartments	24 multiple family townhome units
25	Lot 2, Block 1, Inver Grove Professional Addition	13,318 square foot office building

* More detailed legal descriptions available in Exhibit A

** Uses on Tracts A-D shall be governed not only by this ordinance, but also by the conditions found in Resolution No 98-210.

***Parcel 22 shall be subject to the following conditions:

1. A Joint Parking Agreement affecting the restaurant in Lot 1, Block 1 Bishop Heights 4th Addition between Outlot B, Bishop Heights and Lot 3, Block 1, Bishop Heights 4th Addition. This document must be drafted by the City attorney's office, signed by the land owners, and recorded with the County.
2. If restaurant parking becomes a problem restaurant employees shall park off site at any of the locations listed in the Joint Parking Agreement.

C. PERFORMANCE STANDARDS

All development shall meet the following performance standards. Where a specific standard is not addressed herein, the appropriate land use regulations of the City Code shall apply.

1. Minimum lot width - 100'

2. Setbacks:

	Structures	Parking Lots	Driveways
Upper 55th St., Blaine Ave. & Cahill Ave	50'	20'	10'
Other Public Streets	30'	20'	10'
Side Yard (adjacent to properties within PUD)	0'	0'	0'
Side Yard (adjacent to properties outside PUD)	30'	10'	10'

Internal private driveways (setbacks to be approved with final development plan).

3. Maximum Building Height:

a. Principal Structures - 35'

b. Accessory Structures - 30'

c. Greater building height shall be allowed by conditional use permit subject to City Code Section 515.59, Subd 10.

4. Minimum Open Space shall be 25% of lot area, with the lot area to be determined by the City. Ponding or steep slopes (in excess of 18%) shall not exceed 10% of the total lot area for purposes of this computation.

5. Parking/Circulation Requirements:

(a) All open off-street parking and loading areas shall have a perimeter continuous concrete curb barrier around the entire lot.

6. Landscaping, Signage and Architecture:

Development of all lots in Bishop Heights shall be in conformance with the design manual on file in the City Offices entitled Design Guidelines, Bishop Heights and Kerasotes Theaters, Inc., Planned Unit Development, Inver Grove Heights, dated June 23, 1997 and prepared by Damon Farber Associates and Abend Singleton Associates.

Development of all lots in Krech's Addition shall be in conformance with the Cahill Corridor Master Plan and those portions of the Design Guidelines, Bishop Heights and Kerasotes Theaters, Inc., Planned Unit Development, Inver Grove Heights which the City finds appropriate.

Development of Tracts A-D, as described in Exhibit A, shall be in conformance with those portions of the design manual on file in the City Offices entitled Design Guidelines, Bishop Heights and Kerasotes Theaters, Inc., Planned Unit Development, Inver Grove Heights which the City finds appropriate.

Development of all lots shall also be in conformance with the City landscape policy.

D. GENERAL PROVISIONS

All development, except Tracts A-D, shall meet the following general provisions. All development which occurs on Tracts A-D in accordance with Resolution No. 98-210, and which has occurred prior to the effective date of this Ordinance, shall not be required to meet General Provisions 1, 2, 3, 4, 5, 6 and 9. Where a specific provision is not addressed herein, the appropriate land use regulation of the City Code shall apply.

1. Loading Areas:

Loading and unloading areas shall be in compliance with the following:

a. Any use which the City believes requires the provision of designated spaces for the loading, unloading or parking of trucks or semi-trailers shall provide such spaces and maneuvering area in the number and configuration which shall be deemed necessary by the City to prevent interference with the use of the public right-of-way and with vehicles entering onto or exiting from the public right-of-way.

b. Screening shall be provided in accordance with provisions of Paragraph 2, below, of this Section.

2. Screens and Buffers:

a. Definition and Purpose: Screens and buffers are designated yards or open areas where distance, planting, berming and fencing help minimize adverse impacts of public nuisances, such as: noise, glare, activity or dust; which are sometimes associated with parking, storage, signs or buildings.

b. Screens and Buffer Requirements:

(i) All parking, loading, service, utility and outdoor storage areas shall be screened from all public streets and adjacent differing land use by a combination of any of the following: earth mounds, walls, fences, shrubs, deciduous overstory or coniferous trees or hedge materials. The height and depth of the screening shall be consistent with the height and size of the area to be screened. When natural materials, such as trees or hedges, are used to meet the screening requirements of this Paragraph, density and species of planting shall be such as to achieve seventy-five percent (75%) opacity year round at maturity.

c. All plant materials required within a specified buffer yard shall be planted to completion within six (6) months from the date of issuance of a building permit unless otherwise approved by the City due to the time of the year or construction for a large

project. In no case shall the period exceed six (6) months from issuance of the certificate of occupancy.

3. Building Design Requirements:

a. Design Supervision by Architect: An architect shall be required for the construction of all buildings. The building plan, including site plan for such a building, shall be certified by an architect, registered by the State of Minnesota, stating that the individual personally viewed the site and has designed the building to fit the site as planned and to be harmonious with the adjacent buildings, topography and natural surroundings and in accordance with the purposes and objectives of this Chapter. This requirement shall not prohibit the preparation of the site by a professional site designer, or the landscape plan by a professional landscape architect or certified nurseryman.

b. Exterior Vertical Surface Design for Commercial Structures: All exterior vertical surfaces of any principal or accessory structure shall have an equally attractive or the same fascia as the front. At least 50% of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass.

4. Site Design and Development Requirements:

a. Landscaping shall be in accordance with the provisions of the "Performance Standards" Section of this Planned Unit Development.

b. Interior curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this Section shall be Portland cement concrete construction.

c. Surfaced walkways shall be provided from parking, loading and recreational areas to the entrances of buildings.

d. All interior driveways, parking areas, and loading areas, etc. shall be of blacktop or concrete construction.

e. No exterior trash or garbage disposal or incineration shall be permitted. Any exterior storage shall be enclosed within a container and such container shall be completely screened by a wall or equivalent visual screen and shall be attached to the principal structure and be constructed of the same building material.

f. On-site lighting shall be provided as is necessary for security, safety and traffic circulation. Lighting shall not be directed upon public rights-of-way or adjacent properties. Such illumination shall be indirect and diffused.

g. Prior to the issuance of building permits, fire lanes shall be provided and identified as required by the City Fire Marshal.

5. Mechanical Equipment Screening:

All mechanical equipment possessing one or more of the following characteristics shall be physically screened, to the extent feasible, from all public streets and adjacent land

uses with either natural or artificial materials in a manner architecturally compatible to the building(s) on the site. Said screening shall pertain to, but not be limited to, exposed and/or protruding fans, grills, tubes, wires, vents, unfinished metal covering, exposed rivets and exposed seams.

6. Sidewalks, Trails and Pedestrian Walkways:

a. Sidewalks, trails and pedestrian walkways shall be provided and maintained in accordance with the Comprehensive Plan.

b. As a minimum, a pedestrian sidewalk and/or minimum eight (8) foot wide bituminous trail shall be provided by the developer or land owner along the north side of Upper 55th Street and an eight (8) foot wide bituminous trail along the west side of Blaine Avenue.

c. The developer shall install six (6) foot wide concrete sidewalks along both sides of Bishop Avenue and along both sides of the public roadway connecting Bishop Avenue and Blaine Avenue.

d. An interior pedestrian circulation; plan shall be submitted with each development for approval by the City.

7. Site Plan and Building Permit Review:

To ensure uniform development throughout the planned unit development area and development that is consistent with the provisions herein, all site and building plans required for building permits, grading permits, excavation permits or other similar permits issued by the City must be found by the Director of Community Development or assigns to be consistent with the approved PUD Plans, the provisions of this Ordinance, the Development Contract and all other applicable sections of the City Code.

8. Traffic:

The forecasted p.m. peak hour traffic generated by the developments shall not exceed:

Lot	Parcel #	Trips
Lot 1, Block 1, Bishop Heights	1	177
Parcel A, Bishop Heights (Described in Exhibit A)	2	72
Parcel B, Bishop Heights (Described in Exhibit A)	3	83
That part of Lot 4, Block 1, Bishop Heights described in Exhibit A.	4	38
Lot 5, Block 1, Bishop Heights and that portion of Lot 4 described in Exhibit A.	5	78
Lot 2, Block 2, Bishop Heights	6	120
Lot 3, Block 2, Bishop Heights	7	180
Lot 1, Block 1, Krech's Addition	8	116
Tracts A-D, as described in Exhibit A	9	208
Lot 1, Block 1, Bishop Heights 2nd Addition	10	18
Lot 1, Block 1, Bishop Heights 3rd Addition	11	28
Lots 1-31, Block 1, Blackberry Town Office Park	12	141
Lot 1, Block 1, Blackberry Town Office Park Second Addition	13	20
Lot 1, Inver Grove Market	14	148
Lots 6-10, Block 7, Warren and McDowell's Acre Lots No. 2	15	40
Lots 1-88, Brentwood Village	16	43
Lot 1, Bk 1, Bishop Heights	17	78
Lots 1 & 2, Bk 1, Brentwood Village Apartments	18	136
Outlot B, Bishop Heights	19	146
Lot 2, Inver Grove Market	20	205
Lot 3, Block 1, Bishop Heights 4th Addition	21	~~34~~ **186**
Lot 1, Block 1, Bishop Heights 4th Addition	22	126
Lot 1, Block 1, Scenic Heights Addition	23	23
Outlot A, Brentwood Hills Apartments	24	19
Lot 2, Block 1, Inver Grove Professional Addition	25	20

The trips have been determined by the City using national or state traffic generation studies or reports prepared by engineering professionals, including the Trip Generation Report, prepared by the Institute of Transportation Engineers. This determination is being made by the City at the time of final development plan approval. Any change which effects the site plan or uses, as approved in Section V, A and B, including an increase in building size, shall require a redetermination by the City of forecasted p.m. peak hour trips, and shall not exceed the number of trips, as hereby approved.

9. Maintenance Agreements:

Contemporaneous with recording the plat of Bishop Heights, the owners of Lots 1,2,3, Block 1; Lots 1,2,3, Block 2, Bishop Heights, shall execute a stormwater maintenance agreement, a landscape maintenance agreement, and a street light maintenance agreement, in a form to be approved by the Director of Public Works, the Director of Community Development, and the City Attorney.

SECTION VI. The effective date of the Planned Unit Development Zoning District No. 2001-08 as amended shall be from and after publication of this Ordinance pursuant to City Code Section 110.03 Subd. 5. The Planned Unit Development shall be designated on the official City Zoning Map as "Planned Unit Development No. 2001-08" upon approval of the rezoning by the City Council.

THIS ORDINANCE NO. _____ RESTATES AND AMENDS ORDINANCE NOS. 891, 912, 915, 928, 946, 968, 976, 977, 985, 1022, 1056 , 1058, 1062, 1064, 1074, 1101, 1106 ,1112, 1133, 1135, 1136 and 1187.

THE CITY DEPUTY CLERK IS HEREBY AUTHORIZED AND DIRECTED TO RECORD A CERTIFIED COPY OF THIS ORDINANCE AT THE DAKOTA COUNTY RECORDER'S OFFICE.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PUBLICATION ACCORDING TO LAW.

Enacted and ordained into an Ordinance this _____ day of ____, 2015.

Ayes:
Nays:

_____
George Tourville, Mayor

ATTEST:

_____
Joe Lynch, City Clerk

EXHIBIT A

Parcel No.	Legal Description
1	Lot 1, Block 1, Bishop Heights, Dakota County, Minnesota
2	That part of Block 1, Lots 2 and 3, Bishop Heights, Dakota County, Minnesota which lies northerly and northeasterly of the following described line: Commencing at the northwest corner of said Lot 2; thence South 21 degrees 15 minutes 20 seconds East, bearing assumed, along the southwesterly line of said Lot 2 a distance of 24.16 feet to the point of beginning of the line to be described; thence South 89 degrees 25 minutes 07 seconds East 155.57 feet; thence South 0 degrees 34 minutes 53 seconds West 39.02 feet; thence South 20 degrees 40 minutes 09 seconds East 22.52 feet; thence South 89 degrees 25 minutes 07 seconds East 62.64 feet; thence South 0 degrees 34 minutes 53 seconds West 30.00 feet; thence South 89 degrees 25 minutes 07 seconds East 90.00 feet; thence South 0 degrees 34 minutes 53 seconds West 30.00 feet; thence South 89 degrees 25 minutes 07 seconds East 191.65 feet; thence South 76 degrees 45 minutes 56 seconds East 29.75 feet more or less to the westerly right of way line of Bishop Avenue, and there terminating.
3	That part of Block 1, Lots 2 and 3, Bishop Heights, Dakota County, Minnesota which lies southerly and southwesterly of the following described line: Commencing at the northwest corner of said Lot 2; thence South 21 degrees 15 minutes 20 seconds East, bearing assumed, along the southwesterly line of said Lot 2 a distance of 24.16 feet to the point of beginning of the line to be described; thence South 89 degrees 25 minutes 07 seconds East 155.57 feet; thence South 0 degrees 34 minutes 53 seconds West 39.02 feet; thence South 20 degrees 40 minutes 09 seconds East 22.52 feet; thence South 89 degrees 25 minutes 07 seconds East 62.64 feet; thence South 0 degrees 34 minutes 53 seconds West 30.00 feet; thence South 89 degrees 25 minutes 07 seconds East 90.00 feet; thence South 0 degrees 34 minutes 53 seconds West 30.00 feet; thence South 89 degrees 25 minutes 07 seconds East 191.65 feet; thence South 76 degrees 45 minutes 56 seconds East 29.75 feet more or less to the westerly right of way line of Bishop Avenue, and there terminating
4	Lot 4, Block 1, Bishop Heights, except that part lying south of the following described line: Commencing at the northwest corner of said Lot 4, thence southeasterly along the westerly line of said Lot 4 on an assumed bearing of South 21 degrees 15 minutes 20 seconds East 107.57 feet to the point of beginning of the line to be described; thence North 68 degrees 44 minutes 40 seconds East, a distance of 80.50 feet; thence South 21 degrees 15 minutes 20 seconds East, a distance of 17.04 feet; thence South 18 degrees 58 minutes 24 seconds East a distance of 65.59 feet; thence North 89 degrees 59 minutes 25 seconds East a distance of 216.22 feet; thence North 37 degrees 12 minutes 54 seconds East 28.52 feet; thence North 89 degrees 25 minutes 20 seconds East, a distance of 47.10 feet more or less to the Easterly line of Lot 4 and there terminating.
5	Lot 5, Block 1, Bishop Heights and that part of Lot 4, Lot 1, Bishop Heights lying south of the following described line: Commencing at the northwest corner of said Lot 4, thence southeasterly along the westerly line of said Lot 4 on an assumed bearing of South 21 degrees 15 minutes 20 seconds East 107.57 feet to the point of beginning of the line to be described; thence North 68 degrees 44 minutes 40 seconds East, a distance of 80.50 feet; thence South 21 degrees 15 minutes 20 seconds East, a distance of 17.04 feet; thence South 18 degrees 58 minutes 24 seconds East a distance of 65.59 feet; thence North 89 degrees 59 minutes 25 seconds East a distance of 216.22 feet; thence North 37 degrees 12 minutes 54 seconds East 28.52 feet; thence North 89 degrees 25 minutes 20 seconds East, a distance of 47.10 feet more or less to the Easterly line of Lot 4 and there terminating.
6	Lot 2, Block 2, Bishop Heights
7	Lot 3, Block 2, Bishop Heights
8	Lot 1, Block 1, Krech's Addition
9	Tract A, described as: The East Half of the Southwest Quarter of the Northeast Quarter; and the North 270 feet of the East Half of the Northwest Quarter of the Southeast Quarter, Section 33, Township 28, Range 22, according to the U.S. Government Survey thereof, Dakota County, Minnesota.

	Tract B, described as: Parcel 1: Lots 8 through 23, Block 3, Edgewood Addition to South St. Paul, Dakota County, Minnesota, the vacated alley in said Block 3, and that part of Boyd Avenue (formerly Hamilton Avenue) accruing thereto by reason of the vacation thereof, which lies South of the tract shown as parcel 240B on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and for Dakota County, Minnesota, and as said plat has been corrected by Certificate of Correction filed for record with said County Recorder on the 4th day of November 1982, at 9:00 a.m., as Document No. 610751; Parcel 2: Block 4, Edgewood Addition to South St. Paul, Dakota County, Minnesota including the alley in said Block 4 and that part of Boyd Avenue (formerly Hamilton Avenue) accruing thereto by reason of the vacation thereof, Except that part of Lots 1 through 8 inclusive and Lots 23 through 30 inclusive, in said Block 4, and that part of the alley in said Block 4 and that part of vacated Boyd Avenue (formerly Hamilton Avenue) accruing thereto by reason of the vacation thereof, shown as Parcel 240A on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and or Dakota County, Minnesota, and as said plat has been corrected by Certificate of Correction filed for record with said County Recorder on the 4th day of November 1982, at 9:00 a.m., as Document No. 610751. Tract C, described as: Parcel 1: Lots 3, 6, 7 and the westerly 60 feet of Lot 2, Block 8, Warren and McDowell's Acre Lots No. 2, according to the plat thereof on file and of record in the office of the office of the Register of Deeds in and for Dakota County, Minnesota, except that part shown as Parcel 233B on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and for Dakota County, Minnesota, except the existing Right of Way of Trunk Highway 110. Torrens Property, Torrens Certificate No. 32372 Parcel 2: Lot 1 and Lot 2 less the westerly 60 feet thereof, Block 8, Warren and McDowell's Acre Lots No. 2, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota, except that part shown as Parcel 233C on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and for Dakota County, Minnesota, and except the existing Right of Way of Trunk Highway 110. Torrens Property, Torrens Certificate No. 101901. Parcel 3: Lots 4, 5, 8, 9 and 10, Block 8, Warren and McDowell's Acre Lots No. 2, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota, except that part shown as Parcel 233A on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and for Dakota County, Minnesota, and except the existing Right of Way of Trunk Highway 110. Torrens Property, Torrens Certificate No. 101902. Tract D, described as: Lots 3, 4, 5, 26 and 27, Block 3, Glenwood, Dakota County, Minnesota, according to the recorded plat hereof, in Dakota County, Minnesota.
10	Lot 1, Block 1, Bishop Heights 2nd Addition
11	Lot 1, Block 1, Bishop Heights 3rd Addition
12	Lots 1-31, Block 1, Blackberry Townoffice Park
13	Lot 1, Block 1, Blackberry Town Office Park Second Addition

14	Lot 1, Inver Grove Market
15	Lots 6, 7, 8, 9 and 10, Block 7, Warren and McDowell's Acre Lots No. 2, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota, except that part shown as Parcel 333 on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 19-46 on file and of record in the office of the County Recorder in and for Dakota County, Minnesota.
16	Lots 1-88, Brentwood Village
17	Lot 1, Block 2, Bishop Heights
18	Lots 1 & 2, Bk 1, Outlot A, Brentwood Village Apartments
19	Outlot B, Bishop Heights
20	Lot 2, Block 1, Inver Grove Market
21	Lot 3, Block 1, Bishop Heights 4th Addition
22	Lot 1, Block 1, Bishop Heights 4th Addition
23	Lot 1, Block 1, Scenic Heights Addition
24	Outlot A, Brentwood Hills Apartments
25	Lot 2, Block 1, Inver Grove Professional Addition

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 25, 2015 **CASE NO:** 15-25ZA

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: N/A

REQUEST: Zoning Ordinance Amendment

LOCATION: Inver Wood Golf Course

HEARING DATE: July 7, 2015

COMPREHENSIVE PLAN: N/A

ZONING: N/A

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

BACKGROUND

In December, 2014, The City Council discussed pursuing special legislation to obtain an on-sale intoxicating liquor license for the Inver Wood Golf Course. Some background information is included with this report. The Governor signed into law on May, 2015 the provision to allow intoxicating liquor licenses to be issued to golf courses

During review of this topic, it was discovered that during a zoning code codification, a restaurant use was inadvertently left out of the uses allowed at golf courses. When the golf courses was originally proposed, the land was zoned A, Agricultural. The Code was amended at that time to allow a restaurant when associated with a public park. In or around 2002, the zoning ordinance was updated and the golf course was rezoned to P, Institutional. The "P" district allows golf courses but is silent on restaurants. The use of restaurant was not carried forward to include golf courses.

The liquor license inquiry brought to light that the code should be changed to add restaurant to be consistent with the original intent of golf course approvals. Correcting this oversight will allow any possible expansion of the clubhouse or restaurant at Inver Wood as a permitted use.

Staff is presenting this ordinance amendment as a house keeping item to make clear a restaurant is allowed as part of a golf course. In order to define the amendment as narrowly as possible and since it its purpose is to correct the non-conforming status of the restaurant in the Inver Wood clubhouse, the ordinance amendment is for publicly owned golf courses only.

The proposed ordinance amendment would be to Title 10, Chapter 10 (zoning ordinance) 6-1.

LAND USES IN ALL NONRESIDENTIAL DISTRICTS;

"Restaurant within a clubhouse on a publically owned golf course" as an accessory use in the P, Institutional Zoning District.

ALTERNATIVES

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

- Approval of the **Amendment** to the Zoning Ordinance to allow restaurants within a clubhouse on a publically owned golf course as an accessory use to a golf course.

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

RECOMMENDATION

Staff recommends approval of the request as presented.

Attachments: Background Council work session memo

CITY OF INVER GROVE HEIGHTS

A G E N D A

CITY COUNCIL WORK SESSION

December 1, 2014 7:00 PM

INVER GROVE HEIGHTS CITY HALL
COUNCIL CHAMBERS

1. CALL TO ORDER – Mayor Tourville
2. 2015 BUDGET
   - A. Recreation
   - B. Community Center
   - C. ADA
   - D. Golf Course
3. CITY PROJECT NO. 2015-09E 47th/50th STREETS
4. GOLF COURSE LIQUOR LICENSE
5. VMCC SPLASH POOL DISCUSSION
6. ADJOURN

a 3.88% increase.

Councilmember Piekarski Krech stated there was an article in the paper that claimed the increase was 10%.

Ms. Smith stated the projected tax rate increase was 3.88%. She explained the dollar levy increase percentage is just under 10%. She reviewed the levy impacts on the mean and median properties.

Mr. Lynch noted the Council also had to factor in the increase in taxable market values and the decrease in market value homestead credit for properties.

3. INVER WOOD LIQUOR LICENSE

Matt Moynihan, Golf Course Superintendent, explained Inver Wood currently held a 3.2 non-intoxicating liquor license. Following discussion with the City Attorney's office staff requested authorization to pursue special legislation to obtain an on-sale intoxicating liquor license.

Councilmember Piekarski Krech questioned why special legislation was required.

Mr. Kuntz explained when the golf course first opened it had what qualified as a restaurant. In subsequent years the legislature passed a law that allowed 3.2 licenses to be issued to golf courses without having a restaurant. He stated the golf course in its current state was not recognized as an entity eligible to hold an on-sale intoxicating license. He explained Cottage Grove, Duluth, and Golden Valley all obtained special legislation to sell hard liquor at their municipal courses. After discussion with staff it seemed to be the best route to pursue since other cities were able to obtain special legislation for similar operations. He recommended adding the item to the City's legislative agenda to seek sponsorship.

Councilmember Piekarski Krech expressed concern about allowing alcohol anywhere on the course.

Mr. Kuntz stated 3.2 liquor was currently allowed anywhere on the course except the parking lot.

Mayor Tourville opined if the City was going to hire an architect anyway to help with capital projects it may be beneficial to also consider renovating the club house to allow for expanded food & beverage service.

Mr. Kuntz recommended that the City continue to pursue special legislation even if it may consider renovating the clubhouse in the future to become a restaurant.

4. VMCC SPLASH POOL DISCUSSION

Mr. Carlson explained in 2016 the City would have to replace many components of the splash pool. He stated the splash pool represented 6% of the operating budget. Staff proposed speaking with members and guests to determine if the City should continue to offer the splash pool or if some other type of programming would be amenable.

Councilmember Piekarski Krech questioned how much revenue was generated by the splash pool.

Mr. Carlson stated it was hard to tie revenue into a specific item or amenity because members check in and can use different parts of the facility at any time. He explained staff would investigate how changes in programming might affect the revenues and expenses of the facility.

Councilmember Madden opined it would be a mistake to change the splash pool to an indoor park. He stated the water feature was important and drew a lot of users to the facility.

Councilmember Piekarski Krech stated the splash pool was the only zero depth water feature available for little kids. She added a lot of visitors were not members and visited the facility just for that feature in the winter.

Mayor Tourville agreed it was a highly used feature at the community center and opined it was very popular with members. He stated the facility needed amenities for kids. He suggested that staff communicate with members and discuss the issue with PRAC.

5. ADJOURN

The meeting was adjourned by a unanimous vote at 8:17 p.m.

AGENDA ITEM _____

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Discuss Inver Wood Alcohol License

Meeting Date:	December 1, 2014		**Fiscal/FTE Impact:**
Item Type:	Work Study Session	[ ]	None
Contact:	Matt Moynihan – 651.450.4324	[ ]	Amount included in current budget
Prepared by:	Matt Moynihan	[ ]	Budget amendment requested
Reviewed by:	Eric Carlson – Parks & Recreation	[ ]	FTE included in current complement
		[ ]	New FTE requested – N/A
		[X]	Other

PURPOSE/ACTION REQUESTED

Staff is asking the City Council for permission to pursue the change from an On Sale 3.2% liquor License to an On Sale Strong Liquor License.

SUMMARY

Inver Wood has had an On Sale 3.2% Non-Intoxicating License since its beginning and would now like to pursue an On Sale Strong Liquor License. Inver Wood currently has sales from alcohol in the amount of $68,000 for 2014. Inver Wood Staff and the Park and Recreation Director recently met with the city's attorney on this topic. At this meeting the liquor license was discussed and it was decided that the easiest path to pursue would be to seek special legislation to acquire an Intoxicating On Sale Liquor License. The City's Attorney said that a precedent has been set on this matter and that other golf courses have successfully acquired the legal means to acquire an Intoxicating Liquor License.

A number of the surrounding golf courses that Inver Wood competes with have either gone to strong licenses or had them since their inception. Inver Wood would like to use this license as another source of revenue growth. We have had groups, both big and small, inquire about having their events at Inver Wood. At time the strong alcohol topic has been a determining factor for some of the groups as to whether or not they play our course or a competitor. We have received several customer comments regarding the inability to purchase strong alcoholic drinks.

Allowing Inver Wood to change its Liquor license status would provide more revenue to the bottom line while fulfilling the customer's needs and desires.

MEMO
CITY OF INVER GROVE HEIGHTS

TO: Planning Commission

FROM: Heather Botten, Associate Planner

DATE: July 2, 2015 for July 7 Planning Commission Meeting

SUBJECT: Athlos Academies – Case No. 15-23PAZ

Due to an error in mailing neighbor notices, the public hearing for Athlos Academies should be tabled to the July 21 Planning Commission meeting. The public hearing notice was published in the *Southwest Review*; therefore, the notice should be read at the meeting and the public hearing could then be tabled. Staff will do a quick turnaround on this request which will allow the applicant to retain their scheduled City Council date of July 27, 2015.