

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, APRIL 19, 2016 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

**1. CALL TO ORDER**

**2. APPROVAL OF PLANNING COMMISSION MINUTES – (The April 5, 2016 minutes are not yet available and will be approved at the next Planning Commission meeting).**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 WAKOTA STORAGE - CASE NO.16-04C (tabled from March 15)**

Consider a request for a **Conditional Use Permit** to allow a mini-storage facility on the B-3 zoned property located at the SW corner of 50<sup>th</sup> Street and Blaine Avenue.

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

**3.02 GLG PROPERTIES (GERTENS) – CASE NO. 16-05PDP (tabled from April 5)**

Consider the following requests for property located at 2910 54<sup>th</sup> Street:

a) A **Comprehensive Plan Amendment** to change the future land use designation from LDR, Low Density Residential to RC, Regional Commercial.

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

b) A **Planned Unit Development Amendment** to allow for the growing field expansion.

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

c) An **Amendment to Ordinance #1230** by rezoning Parcel G to Commercial Planned Unit Development District and to change the site plan and allowed uses for the addition of the added growing field.

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

**3.03 RIVER HEIGHTS LAWN & LANDSCAPE – CASE NO. 16-10C**

Consider a **Conditional Use Permit** to allow a contractor's yard with outdoor storage and for the outdoor storage of boats, trailers, and RV's for the property located at 9601 Jefferson Trail.

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

**3.04 CASTAWAYS MARINA AND CITY OF INVER GROVE HEIGHTS – CASE NO’S. 16-11CV & 16-12V**

Consider the following requests for the property located at 6140 Doffing Avenue :

- a) A **Conditional Use Permit** to add a new storage structure on the east end of the parking lot.

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

- b) A **Variance** to allow a new structure to be setback five feet from the property line whereas 40 feet is required.

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

- c) A **Variance** to create a lot less than the minimum lot size and width requirements.

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

**3.05 MIHM CUSTOM HOMES – CASE NO. 16-06PUD**

Consider the following requests for the property located on the west side of Hwy 3 between future 65<sup>th</sup> and 67<sup>th</sup> Streets:

- a) **Rezoning** of the property from A, Agriculture to R-1C/PUD Single Family Residential District.

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

- b) **Preliminary Plat** approval of Windwood consisting of 44 single family lots and two outlots.

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

- c) **Preliminary PUD** approval of the Windwood PUD as required by the Northwest Overlay District.

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

**4. OTHER BUSINESS**

**5. ADJOURN**

**PLANNING REPORT  
CITY OF INVER GROVE HEIGHTS**

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**REPORT DATE:** April 14, 2016 **CASE NO.:** 16-04C

**APPLICANT:** Wakota Storage

**PROPERTY OWNER:** Rosemount Storage, Inc.

**REQUEST:** Conditional Use Permit for a ministorage facility

**LOCATION:** 2XXX 50<sup>th</sup> Street (SW corner of Blaine Ave and 50<sup>th</sup> Street)

**HEARING DATE:** April 19, 2016

**COMPREHENSIVE PLAN:** CC, Community Commercial

**ZONING:** B-3, General Business

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten  
Associate Planner



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**BACKGROUND**

The applicant has submitted a request for a Conditional Use Permit (CUP) to allow a ministorage facility on the vacant property located on the southwest corner of Blaine Avenue and 50<sup>th</sup> Street. The applicant is proposing four storage buildings; one would be heated and the other three would be considered cold storage. The buildings would range from about 10,000 square feet to 16,000 square feet in size. No outdoor storage would be allowed on the property.

The property is 3.67 acres in size and is currently three separate tax parcels. As a condition of approval the applicant would be required to combine the three tax parcels into one parcel.

**EVALUATION OF REQUEST**

Surrounding Uses. The subject property is surrounded by:

North	Townhomes; Zoned PUD; Guided HDR, High Density Residential
East	MnDot ROW
West	Vacant; Zoned B-3; Guided CC, Community Commercial
South	I-494, MnDot ROW

**SITE PLAN REVIEW**

Lot Size. As mentioned, the property is three separate tax parcels. The applicant shall combine the three parcels into one buildable lot for a total lot size of 3.67 acres. The lot consolidation would be done administratively.

Setbacks. The proposed buildings meet or exceed the required perimeter setbacks for the site.

Parking Lot. Parking for the proposed site consists of four customer/employee parking stalls located on the northeast side of the property. The zoning code does not have any specific parking requirements for ministorage facilities. Staff reviewed the parking based on the applicants need; the applicant stated there would typically be one employee on site with 3 stalls for customers. Staff is comfortable with the parking provided.

Screening/Landscaping. The submitted landscape plan shows a mixture of trees and shrubs with the majority of the plantings along 50<sup>th</sup> Street. The zoning code requires the equivalent of 52 trees to be planted based on one tree per 1,000 square feet of building floor area. The submitted landscape plan shows the equivalent 65 trees that are a combination of over-story, ornamental, and shrub plantings.

The code requires all roof top and ground mounted mechanical equipment to be screened from view. The plans do not demonstrate where mechanical equipment would be located. Screening will be reviewed at time of building permit.

Access and Surfacing. There would be one access point along 50<sup>th</sup> Street. The parking and drive areas would be bituminous complying with code requirements.

Building Materials. All four building are proposed to be built with rock face block, complying with code requirements.

Lighting. All parking lot lighting and building lighting shall be designed so as to deflect light away from the public street. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Signage. Signs are not approved with the CUP request. All signage requires a separate sign permit and shall conform to the sign requirements of the B-3 zoning district.

Engineering. The Engineering Department has conducted a review of the plans and has been working with the applicant in regards to stormwater, grading and erosion control. The final details on the plans would be reviewed and approved by the City Engineer prior to any work commencing on the site.

An improvement agreement, storm water agreement, and related agreements are required to be executed between the City and the developer. The contracts will address the necessary site improvements, sewer and water connections, the parties responsible for the improvements, and will require financial surety for the landscaping and any other improvements that may be necessary.

#### **GENERAL CONDITIONAL USE PERMIT REVIEW**

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

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

This criterion is met. The Comprehensive Plan recognizes the proposed area as commercial. A ministorage facility is consistent with the long range plan for the area.

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

The use of a mini-storage facility is a conditional use in the B-3 and I-1 zoning districts. The property is located in the B-3 district, with approval of the CUP, the request would be consistent with the zoning requirements.

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

This criterion is satisfied, the closest neighboring home is to the north about 200 feet away in a multi-family district. The proposed use would not create high noise or traffic levels or other adverse impacts to the neighborhood.

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

This criterion is met; the proposed property improvements do not appear to have any negative effects on City facilities or services. Overall a mini-storage facility is a low intensity commercial use.

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

- i. Aesthetics/exterior appearance*

The buildings would be constructed with rock face block, complying with code requirements.

- ii. Noise*

The noise from a ministorage facility would be pretty minimal for a commercial district.

- iii. Fencing, landscaping and buffering*

The property would have a chain link fence surrounding the site for security purposes. Landscaping is provided around the perimeter of the property and shall comply with code requirements.

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

The lot is about 3.5 acres in size. Ministorage facilities are a conditional use in the B-3 zoning district; the proposed use is appropriate for the zoning, location, and the size of the lot.

Fire and building code requirements would be addressed with the issuance of building permits.

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

The use does not appear to have any negative effects on the public health, safety or welfare of the community.

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

This criterion is satisfied. The applicant is working with the City Engineering department to comply with the City's surface water and groundwater regulations.

## **ALTERNATIVES**

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

**A. Approval** If the Planning Commission finds the application acceptable, the Commission should recommend approval of the Conditional Use Permit with the following conditions:

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

Site Plan	dated 4/11/16
Site Grading Plan	dated 4/11/16
Site Utility Plan	dated 4/11/16
Exterior Elevations	dated 4/11/16
Landscape Plan	dated 4/12/16
2. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
3. All signage requires a separate sign permit and shall conform to the sign requirements of the B-3 zoning district.
4. The applicant shall combine the three tax parcels into one parcel by Administrative Subdivision prior to the issuance of a building permit.

5. All parking lot and building lighting on site shall be a down cast, “shoe-box” style and the bulb shall not be visible from property lines. Details of building lighting shall be submitted with the building permit.
6. Any roof top and/or ground utility equipment shall be completely screened on all sides from public view. Screening materials shall be compatible with the building’s overall design.
7. All plans shall be subject to the review and approval of the City Fire Marshal.
8. An improvement agreement, stormwater agreements, and other agreements related thereto, shall required to be executed between the City and the developer. The contract will address specific site improvements and parties responsible for improvements and will require financial surety for the landscaping and any other public improvements that may be necessary.
9. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.
10. The developer shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

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

## **RECOMMENDATION**

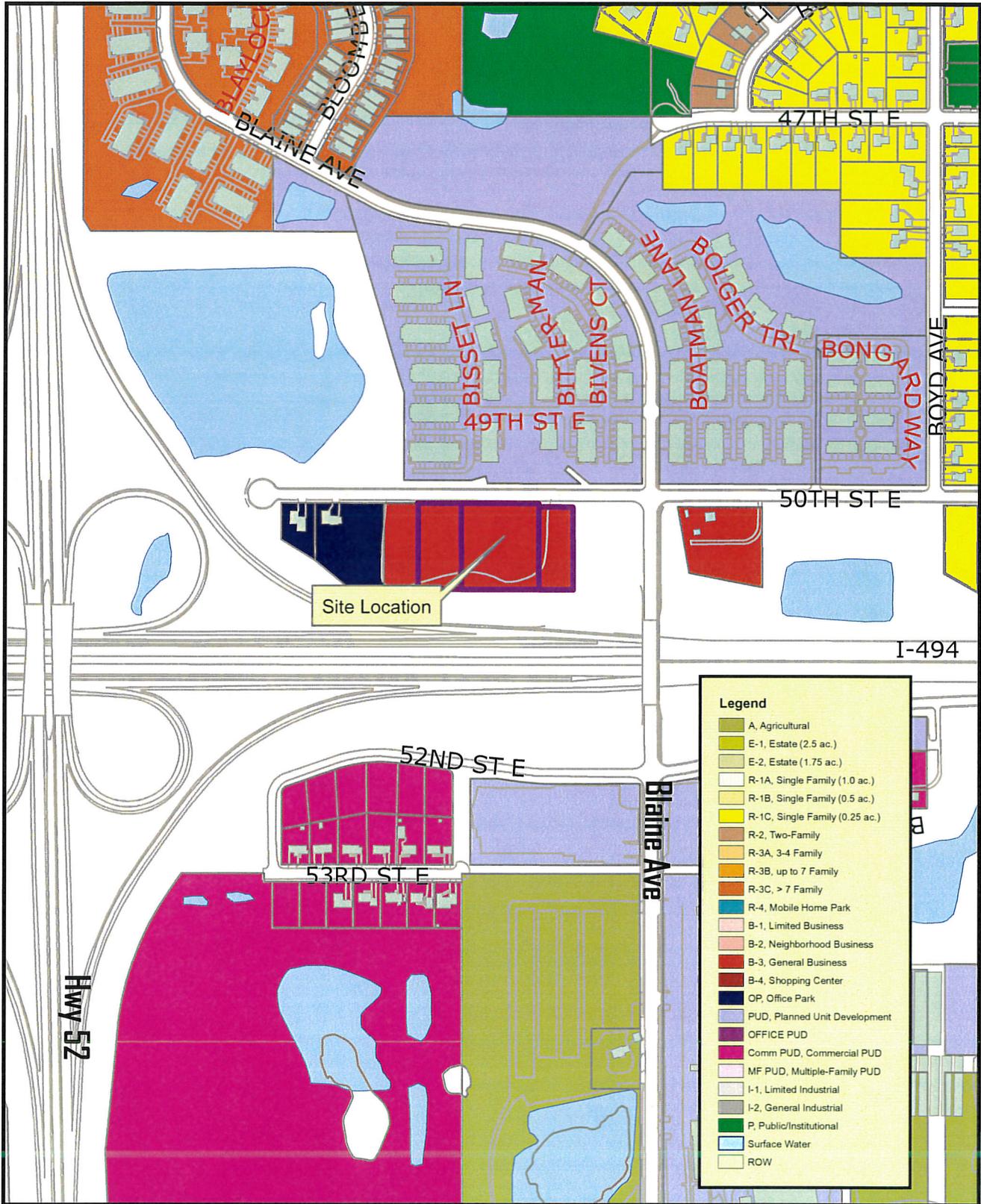
Based on the preceding report, Staff recommends **approval** of the conditional use permit to allow a ministorage facility with the conditions listed in Alternative A.

Attachments: Exhibit A – Location and Zoning Map  
Exhibit B – Narrative  
Exhibit C – Site Plan  
Exhibit D - Landscape Plan  
Exhibit E- Elevations

Map not to scale



# Wakota Storage Case No. 16-04C



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

**Exhibit A**  
**Zoning and Location Map**



**WAKOTA STORAGE - CONDITIONAL USE PERMIT NARRATIVE:**

CNH NO: 15007  
DATE: February 16, 2016  
TO: City of Inver Grove Heights

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The Wakota Storage project is a ministorage facility proposed for this 3.67 acre site 50<sup>th</sup> Street East. The development is a \$ building ministorage business providing storage services, both heated and cold storage, to serve the residents of Inver Grove Heights and adjacent communities. This submittal is requesting a Conditional Use Permit for this use as required by city ordinance for this zoning district.

This site is shown as Community Commercial in the Comprehensive Plan and zoned B-3 General Business as appropriate for a site fronting Interstate 494. The property is a 3.67 acre site just east of Highway 52 and north of 50<sup>th</sup> Street East. The five buildings combined have a total building area of 57,564 square feet or a site coverage of 36%.

The proposed ministorage facility is designed with an entrance of the east side of the frontage along 50<sup>th</sup> Street East with the offices at the main entry. The building exteriors consist of decorative rockface concrete masonry units, prefinished metal trim, aluminum storefront windows and prefinished metal overhead doors. All materials meet the architectural material standards in the city ordinance. The storage units are positioned such that all overhead doors face internally towards the inside of the site or south facing the berm along Interstate 494.

The north side of the site facing 50<sup>th</sup> Street East holds the stormwater infiltration basin and the sediment basin designed to meet the stringent stormwater controls required by city ordinance. This portion of the site has significant landscaping to soften and breakup the ministorage buildings behind the basins and providing a highly landscaped front to 50<sup>th</sup> Street East.

All general ordinance site development standards have been addressed in the design of the ministorage facility. The site design includes guest parking outside of the enclosed site with four stalls at the office prior to entering the gated facility for new clients entering the 664 square foot offices. Inside the gate, clients will park at their storage facility doors as is typical for this type of operation. Site lighting will be downcast shielded building mounted lights, again mostly on the interior between buildings. There are no lights along the 50<sup>th</sup> Street East property side except for a light at the parking stalls.



In summary, this is a nicely landscaped site with buildings that provide a permanent low-maintenance exterior finish appropriate for this zoning. The ministorage use is a low traffic, quiet property use and, in our opinion, a good fit for this site. On behalf of the property owner, thank you for your consideration of this proposal.

Respectfully Submitted,

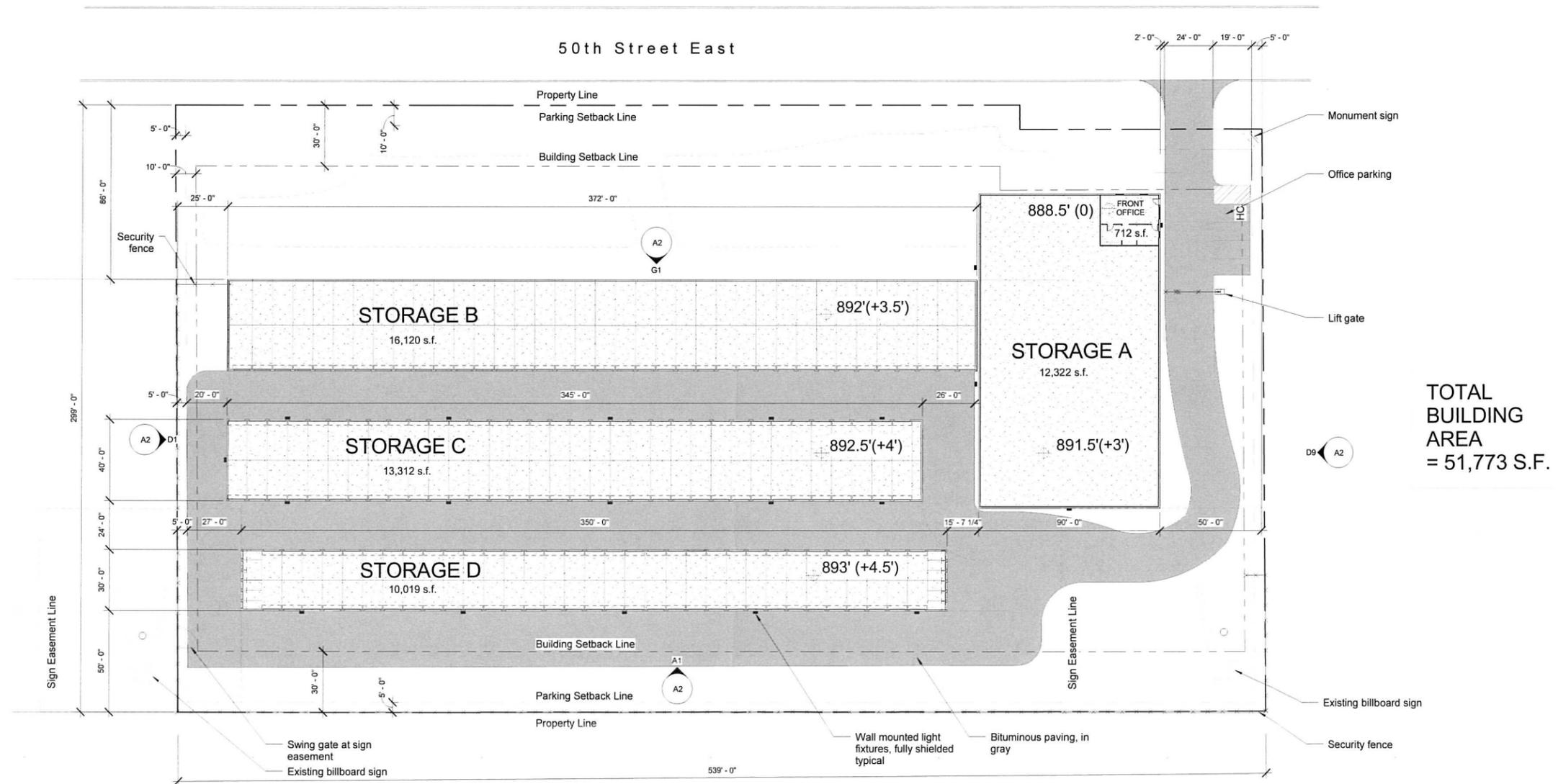
A handwritten signature in black ink, appearing to read "Quinn S. Hutson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Quinn S. Hutson, AIA, LEED AP  
Principal  
CNH Architects, Inc.

# Wakota Storage

## Inver Grove Heights, MN

Sheet Index	
A1	Site Plan
A2	Exterior Elevations
C-1	Certificat of Survey
C-2	Site Layout Plan
C-3	Grading and Drainage Plan
C-4	Utility Plan
C-5	Miscellaneous Site Details
L1	Landscape Plan



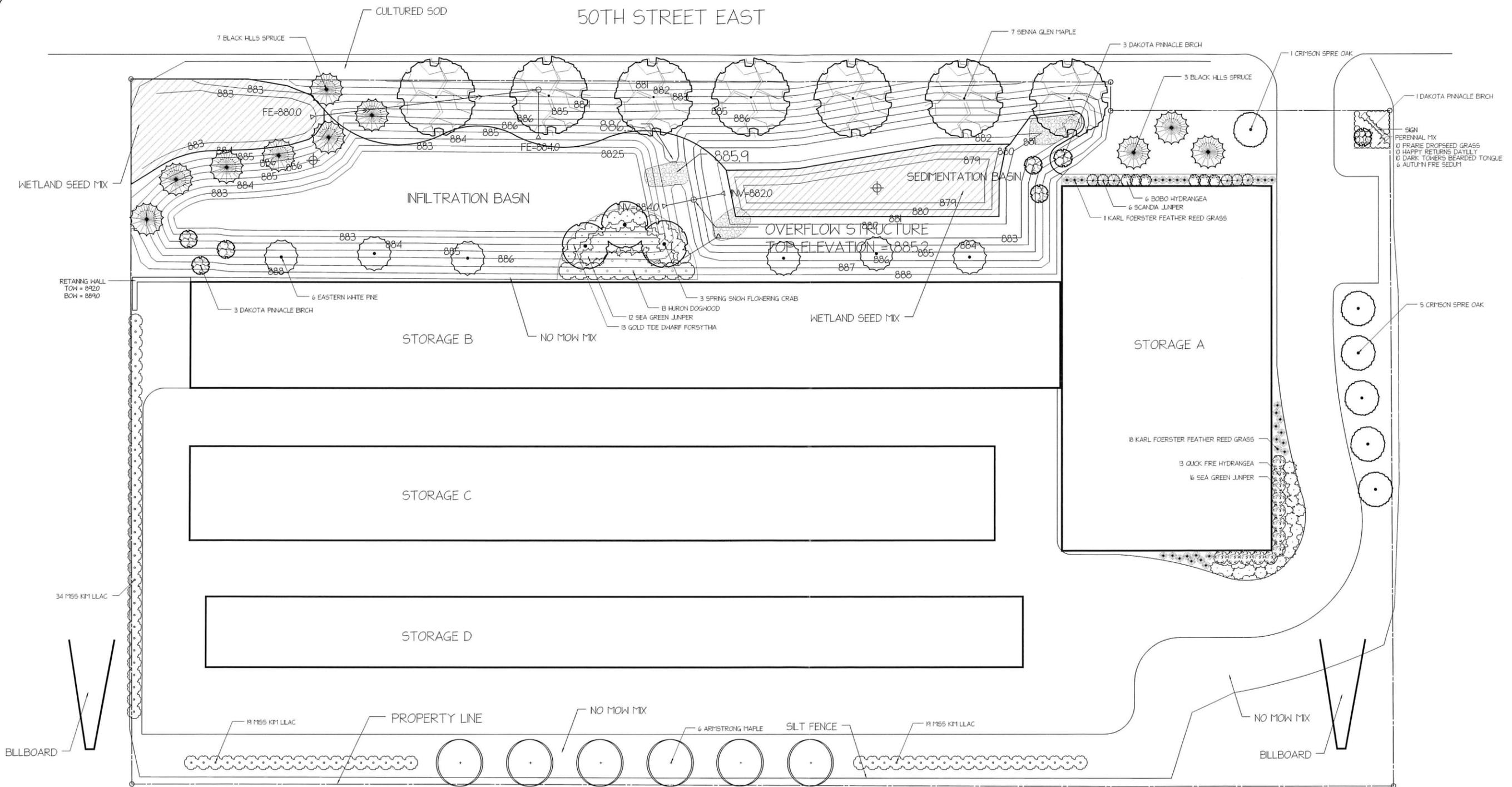
CNH NO.: 15007  
DATE: APR 11, 2016  
REVISIONS:  
1 - 4/11/16 Revision 1

Wakota Storage  
50th Street East  
Inver Grove Heights  
Site Plan

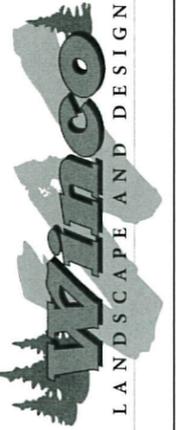
A1

**A1 Overall Site Plan**  
1" = 30'-0"

50TH STREET EAST



Qty	Botanical Name	Common Name
<b>Trees</b>		
6	<i>Acer x freemarii 'Armstrong'</i>	ARMSTRONG MAPLE
7	<i>Acer x freemarii 'Sienna'</i>	SENNA GLEN MAPLE
7	<i>Betula platyphylla 'Dakota Pinnacle'</i>	DAKOTA PINNACLE BIRCH
3	<i>Malus x 'Spring Snow'</i>	SPRING SNOW FLOWERING CRAB
6	<i>Quercus alba x Quercus robur</i>	CRIMSON SPRE OAK
<b>Conifers</b>		
10	<i>Picea glauca 'Densata'</i>	BLACK HILLS SPRUCE
6	<i>Pinus strobus</i>	EASTERN WHITE PINE
<b>Shrubs</b>		
18	<i>Cornus racemosa 'Hurzam'</i>	HURON DOGWOOD
18	<i>Forsythia x 'Courtasol'</i>	GOLD TIDE DWARF FORSYTHA
18	<i>Hydrangea paniculata 'Bolt'</i>	QUICK FIRE HYDRANGEA
6	<i>Hydrangea paniculata 'LVOBO'</i>	BOBO HYDRANGEA
28	<i>Juniperus chinensis 'Sea Green'</i>	SEA GREEN JUNPER
6	<i>Juniperus horizontalis 'Scandia'</i>	SCANDA JUNPER
72	<i>Syringa patula 'Miss Kim'</i>	MISS KIM LLAC
<b>Ornamental Grasses</b>		
24	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	KARL FOERSTER FEATHER REED GRASS
10	<i>Sporobolus heterolepis</i>	PRAIRIE DROPSSEED GRASS
<b>Perennials and Annuals</b>		
10	<i>Hemerocallis 'Happy Returns'</i>	HAPPY RETURNS DAYLILY
10	<i>Penstemon digitalis 'Dark Towers'</i>	DARK TOWERS BEARDED TONGUE
6	<i>Sedum spectabile 'Autumn Fire'</i>	AUTUMN FIRE SEDUM



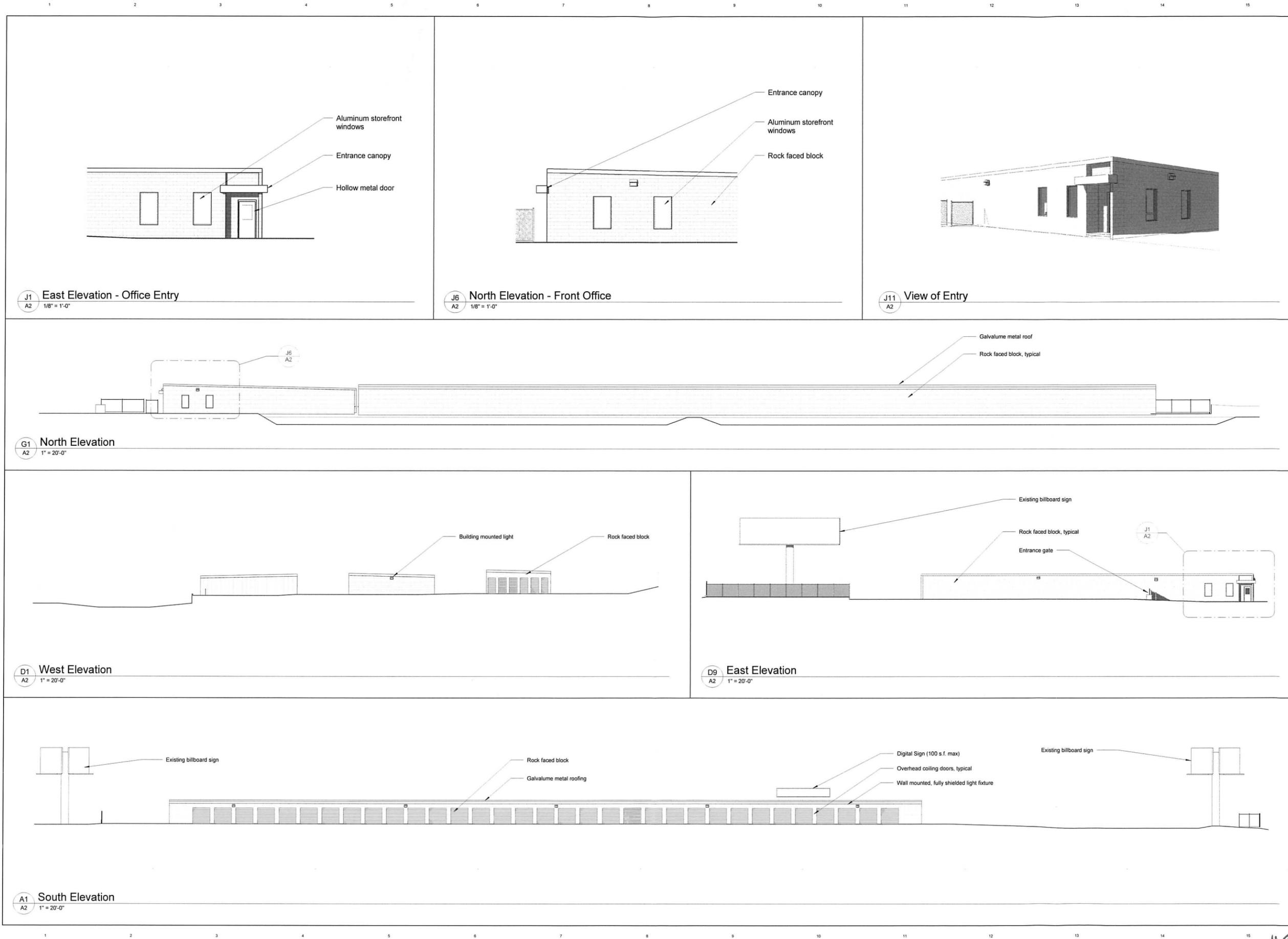
WAKOTA MINI STORAGE  
 INVER GROVE HEIGHTS, MN

DATE: 04/12/16  
 SCALE: 1"=20'  
 DRAWING #: 1 OF 1

THIS PLAN IS THE PROPERTY OF WINCO LANDSCAPE AND DESIGN. NO PART OF THIS PLAN MAY BE REPRODUCED OR INSTALLED WITHOUT WRITTEN PERMISSION FROM WINCO LANDSCAPE AND DESIGN.



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

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**REPORT DATE:** April 12, 2016

**CASE NO:** 16-05PDP

**APPLICANT:** Gerten Greenhouses

**PROPERTY OWNER:** GLC Properties, LLC

**REQUEST:** Comprehensive Plan Amendment, Rezoning Ordinance Amendment and PUD Plan Amendment

**HEARING DATE:** April 19, 2016

**LOCATION:** 5500 Blaine Avenue

**COMPREHENSIVE PLAN:** LDR, Low Density Residential

**ZONING:** MF PUD, Multiple Family PUD

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

The applicant is proposing to amend their existing PUD approval to allow the addition of a 5.7 acre parcel on the east side of the site. The property has been owned by Gertens for a few years and the property would be used for growing landscape materials in growing beds. No other physical improvements are proposed at this time and no buildings are proposed. There is an existing home on the property which would be used has housing for employees. Additional storm water improvements are proposed to enhance storm water drainage. The remainder of the operation and site plan would be unchanged. No other changes to the operation are being requested at this time.

The property is currently zoned MF PUD in the Bishop Heights PUD and is guided for low density residential. All uses within the Bishop Heights PUD are approved individually and therefore a rezoning/ordinance amendment to commercial PUD and comp plan amendment to Regional Commercial would also be required.

The specific requests consist of the following:

- a) Comprehensive plan amendment to change the land use designation from LDR to RC.
- b) Amending Ordinance #1230 by rezoning Parcel G to Commercial Planned Unit Development District and to change the site plan and allowed uses for the addition of the added growing field.

- c) A Planned Unit Development Amendment to change Resolution No. 11-28 to allow for the growing field expansion.

### **EVALUATION OF THE REQUEST**

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

North Vacant land; zoned PUD and R-3A; guided LDR

East Residential in South St. Paul

West Commercial, growing fields; zoned PUD, A; guided RC

South growing fields; zoned A; guided O

### **COMPREHENSIVE PLAN CONSISTENCY**

The property is currently guided LDR, Low Density Residential (1-3 units per acre). LDR development is traditional “urban” density on lots ranging from 1 to 3 units per acre. Housing types include single family detached homes, twin homes and lower density townhome style developments.

All of the property subject to the Bishop Heights ordinance and PUD for the east side of Blaine Avenue is guided RC, Regional Commercial. Regional commercial areas are lots or parcels containing large-scale retail sales and services along arterial roadways that serve the region. The City Council has approved all of the previous expansions and considered the Regional Commercial designation as consistent with the use of the property, whether it is the commercial retail building or the greenhouses and growing fields surrounding it.

Gertens Greenhouses is a regional draw and brings customers from the metro area. Having a regional retailer in the area brings in trade for some of the other retail users in the quadrant. Gertens has had a long standing relation and commitment with the City as they have expanded and improved their property over the years. Gertens is one of the largest employers in the City.

The parcel is somewhat isolated and is surrounded by commercial operation on almost three sides. If it were to develop with a residential use, access to the site would be via 54<sup>th</sup> Street from South St. Paul which is built to the city line. Because the majority of the property in this vicinity is used as part of the Gertens operation, staff would support the amendment as it would be consistent with the surrounding uses.

### **REZONING**

Part of the change to Ordinance#1230 would be rezoning the land that will be known as Tract G from MF PUD to Commercial Planned Unit Development District #216-01. The MF PUD District was set up as the base zoning for properties in the Bishop Heights PUD where no approved PUD development plans exist. This designation provided a number of allowed uses, but all properties

would be required to rezone to be included in the Bishop Heights PUD. As currently zoned, agricultural growing fields are not a permitted use. With the proposed rezoning, all properties added to the overall PUD are approved with specific uses. In this case, Tract G would be rezoned and approved to allow for growing fields and a house for employees.

#### PROJECT REVIEW OF CONDITIONS OF ORDINANCE #1230 AND PUD RESOLUTION #11-28

Ordinance #1230. In 1998, the City adopted Ordinance #946 which governs the Gertens operation east of Blaine Avenue. The ordinance rezoned the property to a commercial PUD zoning district and created a set of performance standards for the district. The ordinance replaced all of the previous CUP's that were approved over the years. The ordinance actually governs all of the Bishop Heights PUD which extends roughly from Hwy 52 as the west boundary, Hwy 494 as the north boundary, both sides of Upper 55<sup>th</sup> Street to the south and extends to Cahill Avenue to the east. All development within the Bishop Heights PUD is governed under this ordinance. The ordinance has been amended as each new development is approved. A specific use, size of building and unique characteristics is approved for each lot in the PUD. In Ordinance #1230, Gertens is listed under Tracts A-F. A separate PUD Development Plan Resolution is also approved for each project and contains specific conditions that pertain to that use.

No site plan review is necessary since there are no changes being proposed to the property. Growing fields themselves have no specific performance standards. No change in vehicle trip generation is proposed.

Engineering. The plans are being reviewed by Engineering and Barr Engineering to review the whole storm water system proposed. Storm water treatment for the site would be through construction of a new pond in the southeast corner of the lot. This pond would ultimately drain into a wetland basin on the parcel to the south. Engineering is working with the applicant to finalize the plans.

An improvement agreement and storm water maintenance agreement will be necessary with this project.

Resolution 11-28. The Council adopted a resolution approving a PUD Development Plan relating to the Gertens property located on the east side of Blaine. This resolution addresses specific conditions of approval and also carried over all the conditions that were previously part of the old conditional use permits. This resolution would need to be amended to reflect the revised parcel map showing the new parcel. The resolution contains 21 conditions of approval. Some of the conditions have been satisfied and therefore would be removed from a revised resolution.

Impacts on Future City Road Connections. In 2003, the City approved the Brentwood Village townhouses south of the subject parcel (see map). Brent Avenue was constructed to the north boundary of that project with the intent of it continuing northward as land developed. Brent would have continued up to 54<sup>th</sup> Street and connected to 9<sup>th</sup> Avenue in South St. Paul. Gertens now owns all of the land through which Brent Avenue would have been constructed and the land is now all growing fields. If the Council approves the land use change, then it would seem that growing fields will be the end use and there may be no need for Brent Avenue to continue north.

The Public Works Department has commented on this issue and suggests the dead end or temporary turn around that exists today, be converted into a permanent cul-d-sac. The location of this cul-de-sac would occur on Gerten owned parcels. As part of the land use change consideration, an agreement should be reached on how to provide for the necessary road way area for a cul-de-sac and payment for construction of such. Staff hopes to have additional information at Planning Commission Meeting.

### **ALTERNATIVES**

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

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Comprehensive Plan Amendment** to change the land use designation from LDR to RC subject to the following conditions:
    1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
    2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
  - Approval of an Ordinance Amendment to PUD Ordinance #1230 adding Tract G to the PUD area and Rezoning to Commercial Planned Unit Development District No. 2016-01 allowing Tract G to be used as growing fields with the existing house being used for housing of Gertens employees.
  - Approval of a PUD Amendment to Resolution #11-28 adding Tract G to the PUD boundaries and allowing Tract G for growing fields and the existing house for Gertens employees subject to the following conditions:
    1. The site shall be developed in substantial conformance with the plans approved under Resolution #11-28 and all previously approved plans.
    2. The Planned Unit Development for which these Final Development Plans are being approved is subject to Ordinance No. \_\_\_ together with any other applicable codes.
    3. Any building additions, new buildings or changes to the use of the property beyond growing fields will require an amendment to the PUD and approval by the City Council.

4. The City's Code Enforcement Officer shall be granted right of access to the property at all reasonable times to ensure compliance with the terms and conditions of approval.
5. Site lighting shall be installed and maintained in such a manner as to prevent any direct source of light from being visible from the public right-of-way or adjacent property.
6. All signage must be consistent with standards found in the City Code.
7. Accessory buildings identified as P and Q on the attached exhibits are not to be used for retail purposes nor are they to be accessible to the public.
8. Unless specifically stated herein, development plan approval does not imply approval of any variances, nor does it grant exceptions from any Building Code or Fire Code requirements that may apply to the construction of use of improvements on the site.
9. Outdoor sales of only plan and landscaping materials shall be permitted on the site. Outdoor display of agricultural implements and machinery for sale on or from the site is prohibited. Screening requirements for the property shall be waived.
10. Open storage, other than specifically permitted herein shall be prohibited on the site.
11. A minimum 20 foot wide, unobstructed, all-weather surfaced access roadway must be provided, in accordance with the Fire Code, to within 150 feet of the exteriors of all buildings on the site. Approval by the Fire Marshal of all fire access roads and on-site water supply shall be required prior to issuance of any building permits.
12. Turn-arounds or curb cuts shall be provided at the north and south ends of the parking lots. The design and construction of the turn-arounds or curb cuts shall be subject to the review and approval of the Fire Marshal and the Director of Public Works.
13. Should construction of any future public streets be done in the future, and the construction requires removal of any or all of these buildings identified as J, K, L, M, N, O, P, Q on the attached exhibit, the applicant agrees to remove them at no cost to the City.
14. When the land upon which the 10'x10' business sign is located ceases to be leased as a contiguous parcel with the remainder of the Gerten Greenhouse parcels, the sign shall be removed within 90 days.

15. Prior to City Council approval, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer. The plans shall address comments in memo from Assistant City Engineer dated 4/6/16.
16. An improvement agreement shall be required for the storm water improvements and shall be approved by the City Council prior to any work commencing on the site.
17. Easements for drainage and utility may be required by the City Engineer.
18. The temporary turn around or dead end of Brent Avenue must be addressed to determine if a permanent cul-de-sac should be built since a northerly extension may no longer be necessary.
19. Resolution #11-28 shall become null and void and replaced with the conditions contained in this resolution.

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

### **RECOMMENDATION**

Staff recommends approval of the 3 part request adding Parcel G as growing fields and utilizing the existing house for employee housing with the conditions listed.

Attachments: Comprehensive Plan Map  
Zoning Map  
Applicant Narrative  
Tract Identification Map  
Grading Plan  
Site Plan  
Bishop Heights Ordinance  
Map of Brentwood Village Townhouse area and Brent Avenue

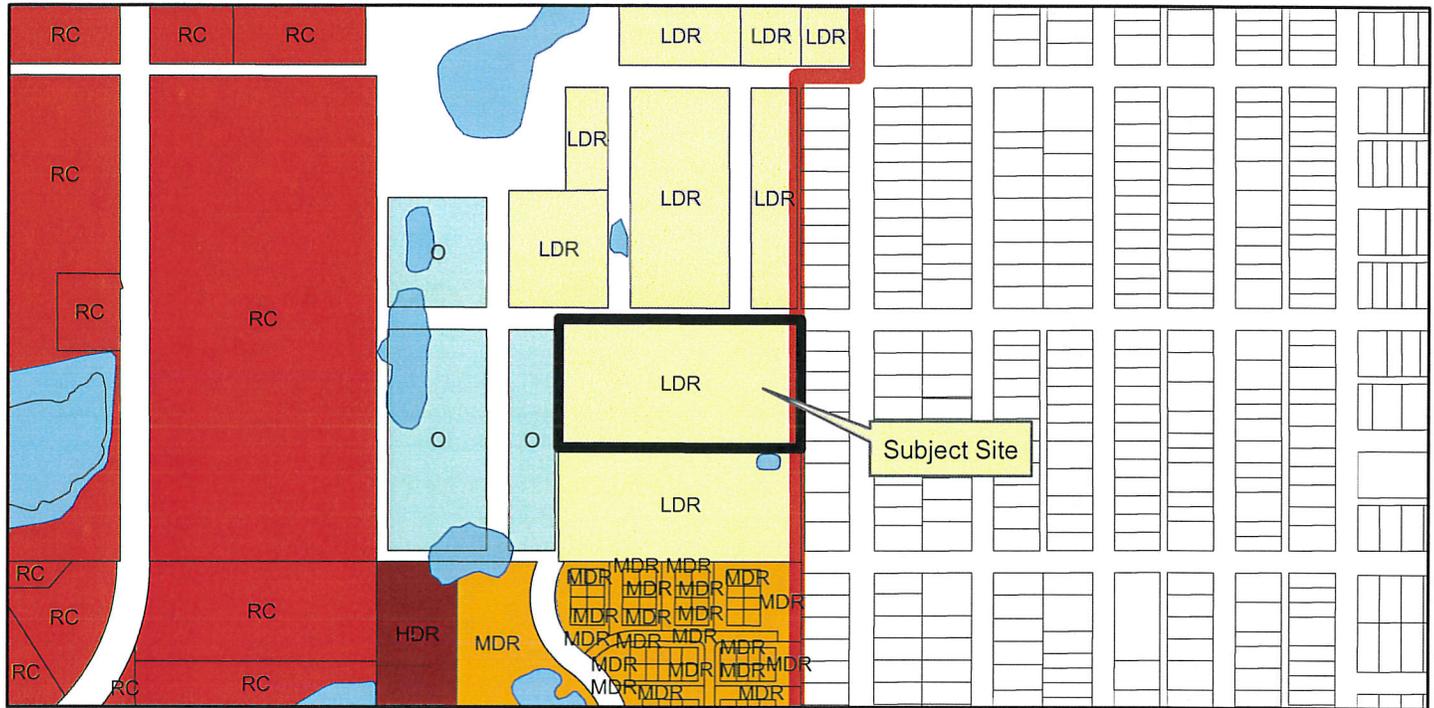


# Comp Plan Map

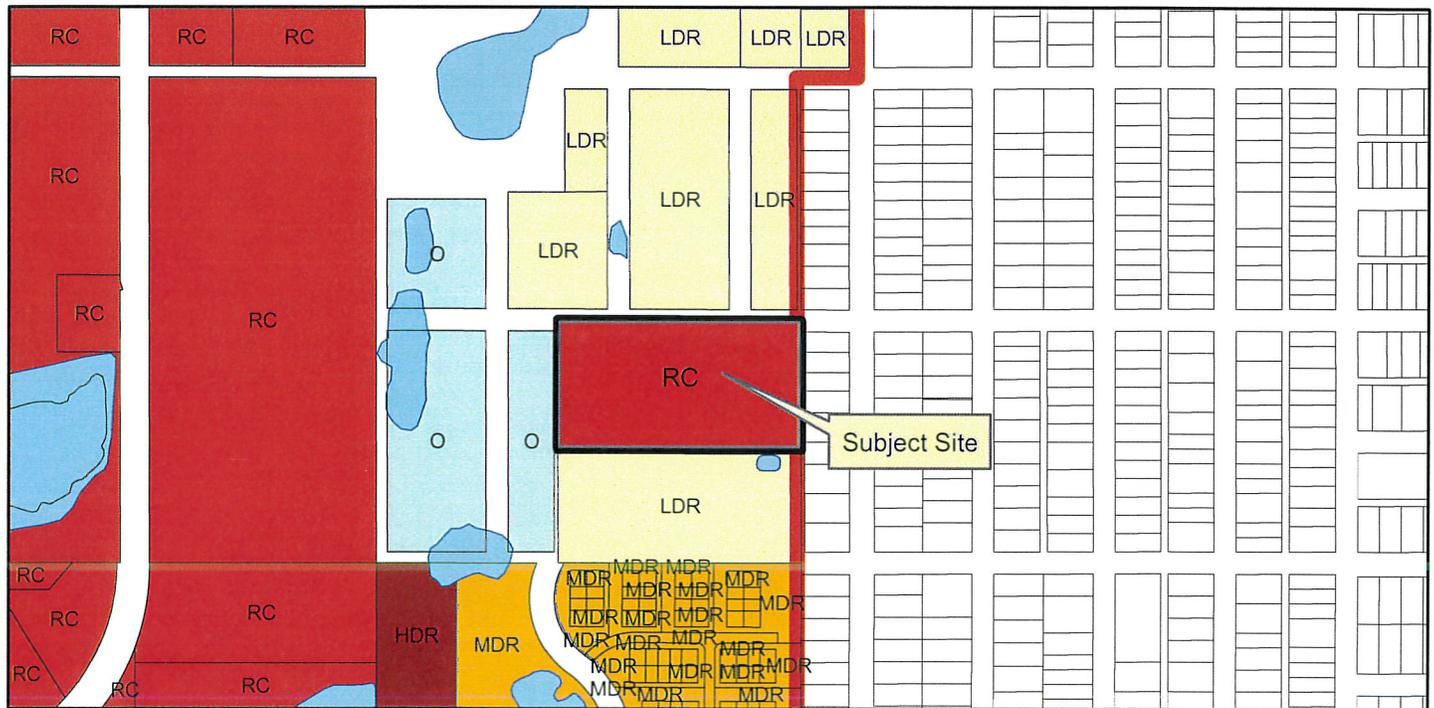
## Case No. 16-05PDP



Existing Comp Plan



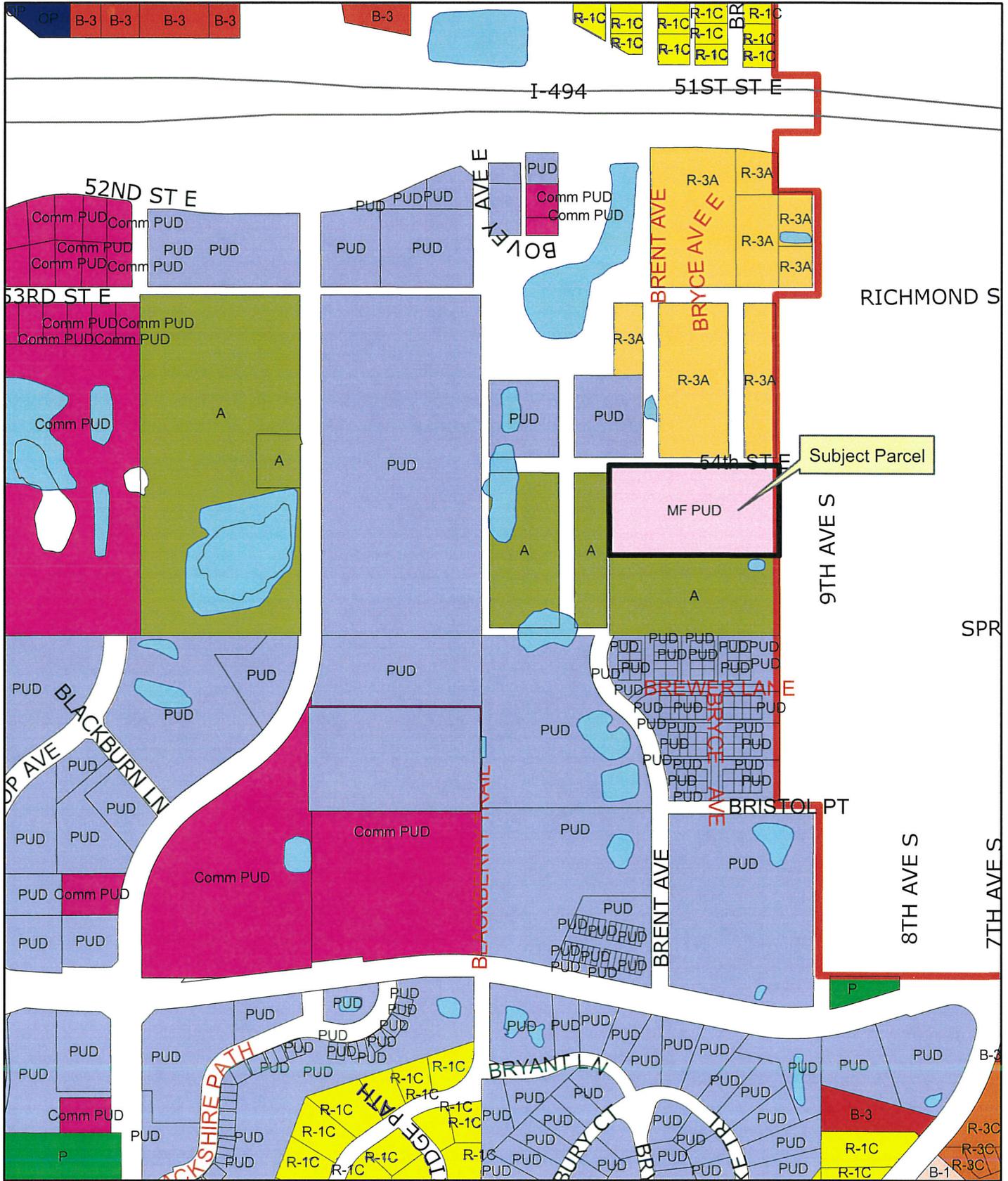
Proposed Comp Plan





# Zoning Map

## Case No. 16-05PDP





**Larkin Hoffman**

8300 Norman Center Drive  
Suite 1000  
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800  
FAX: 952-896-3333  
WEB: [www.larkinhoffman.com](http://www.larkinhoffman.com)

February 26, 2015

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

Re: Gertens Greenhouse – Bishop Heights PUD

Dear Mr. Hunting:

This firm represents GLG Properties, a Minnesota Partnership and its related Gertens Greenhouse (“Gertens”) operations. Gertens is seeking to expand its existing nursery facilities located generally at 5500 Blaine Avenue (the “Gertens Property”) to include the 5.27 acre parcel located at 2910--54th Street East, PID # 20-03310-01-010 (the “Property”), in the City of Inver Grove Heights, Minnesota (the “City”).

Gertens has been in business in the City for approximately 50 years. It has always been a family-owned business. While Gertens has a substantial wholesale business directed to the residential and commercial construction and landscaping industries, its identification throughout the greater Twin Cities metro area is based largely on its renowned retailing operations. Thousands of Minnesota residents make the trip to the City and to Gertens for their landscaping and home-improvement supplies.

The Gerten family is continuously working to improve on its business operations in order to successfully compete with national retailing organizations. Adding the Property to the Gertens Property will enable Gertens to continue building on its operational successes in the face of increased competition. The proposal affecting the Property will not alter the commercial land use designation previously established under the Bishops Heights PUD for that portion of the Gertens Property situated along Upper 55 Street, east of Blaine Avenue.

Gertens has enjoyed a very positive relationship with the City. Over the years, Gertens and the City have collaborated on a number of significant projects designed to address important stormwater drainage issues in the Bishop Heights planning area, both relating to and in the vicinity of the Gertens Property. Gertens has appreciated the City’s cooperation given the complex drainage issues that have required the assent of not only the City, but also MnDOT and the city of South St. Paul, Minnesota. The pending proposal will continue this relationship based on the expanded stormwater facilities to be constructed in relation to the Property.

## Overview of Request

The Property will be integrated with the Gertens Property for use in conjunction with its seasonal growing operations; it will be used primarily for growing landscaping materials in growing beds created for that purpose. New stormwater facilities will manage run-off from the Property. The existing single-family dwelling will remain on the Property. The Gertens Property is subject to the City's Bishop Heights Planned Unit Development (PUD) Ordinance which has been amended from time-to-time to accommodate the orderly business expansion of Gertens, most recently in 2011. Gertens is requesting a Comprehensive Plan ("Comp Plan") amendment reclassifying the Property to Regional Commercial and incorporation of it into the Bishop Heights PUD.

### 1. Comprehensive Plan Amendment

Gertens is requesting that the City reclassify the Future Land Use Map designation of the Property from Low Density Residential to Regional Commercial, which is consistent with the Future Land Use designation of the Gertens Property.

This reclassification will allow the City to rezone the Property from the existing Multiple-Family Planned Unit Development (MF-PUD) to the proposed zoning of Bishop Heights PUD as summarized below.

### 2. PUD: Preliminary and Final Development Plan

In conjunction with the Comp Plan amendment, Gertens is requesting that the City rezone the Property to Bishop Height PUD based on the provided grading and drainage plans. The Bishop Heights PUD governs Gertens operations, including strictly regulating future land use and drainage issues. No changes are requested to that governing PUD beyond extending it to the Property.

The requested amendment of the Bishop Heights PUD to include the Property conforms to the stated objectives of the PUD Article of the City Zoning Code. Allowing Gertens to grow its operations "in place" will enable Gertens to successfully compete for wholesale and retail customers, employ hundreds of permanent and seasonal workers, many of whom live in the City, and continue improvements to the stormwater drainage system serving the Bishop Heights PUD. As such, we believe approval of the requested land use changes are in the public interest.

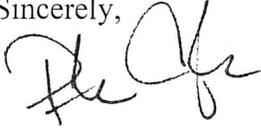
The proposed use of the Property will have minimal impacts on the adjacent land uses or municipal utilities while assisting Gertens to grow its business as a regional draw and a strong economic contributor for the community. The environmental conditions of the Property and the adjacent Gertens Property will be enhanced through stormwater drainage improvements.

Allan Hunting  
February 26, 2015  
Page 3

---

Please contact me with any questions about this application on behalf of Gertens Greenhouse or the enclosed documents supporting this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Coyle". The signature is fluid and cursive, with the first name "Peter" and last name "Coyle" clearly distinguishable.

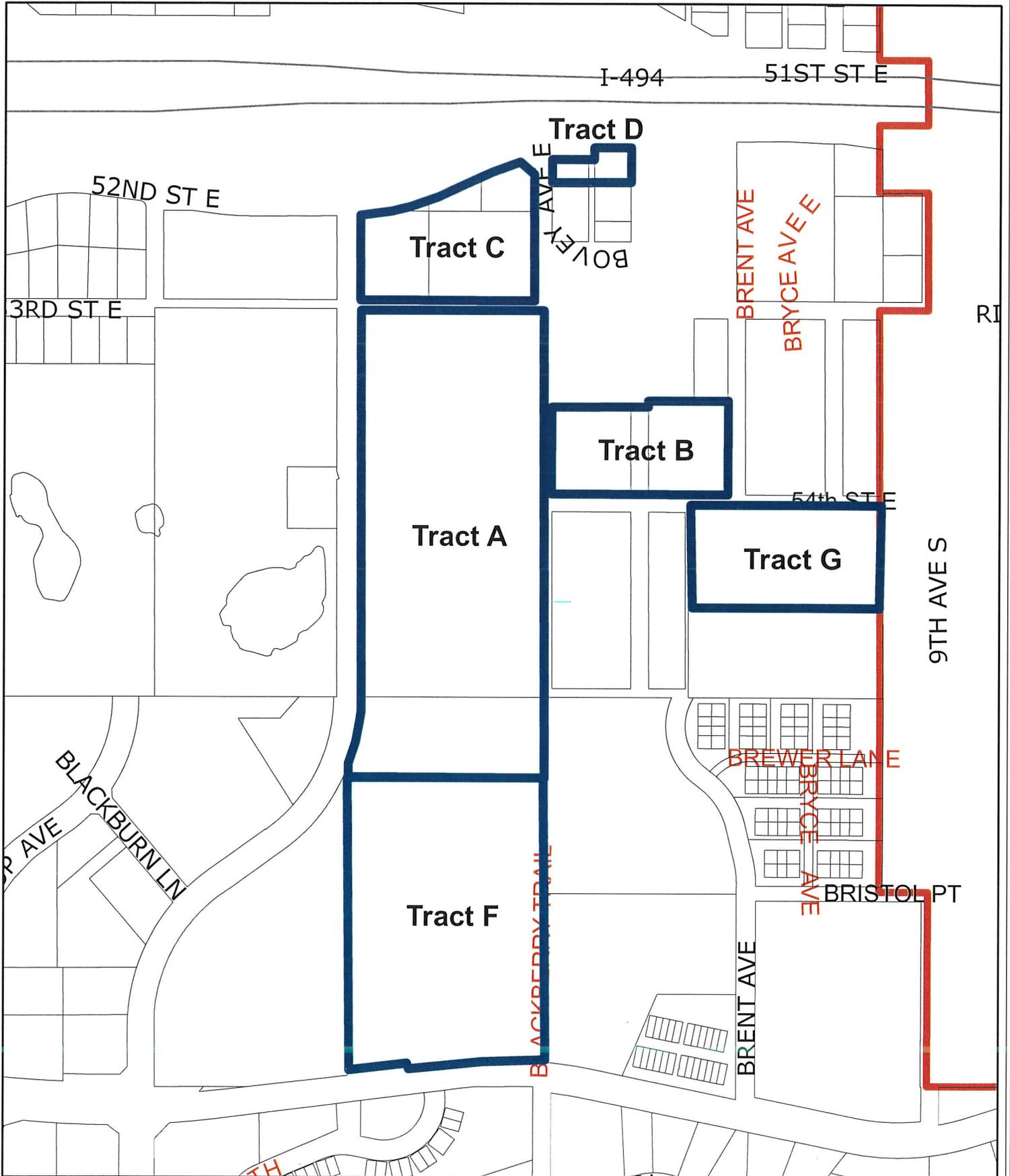
Peter J. Coyle, for  
LARKIN HOFFMAN

Cc: Lew Gerten, Gertens Greenhouse

Enclosures



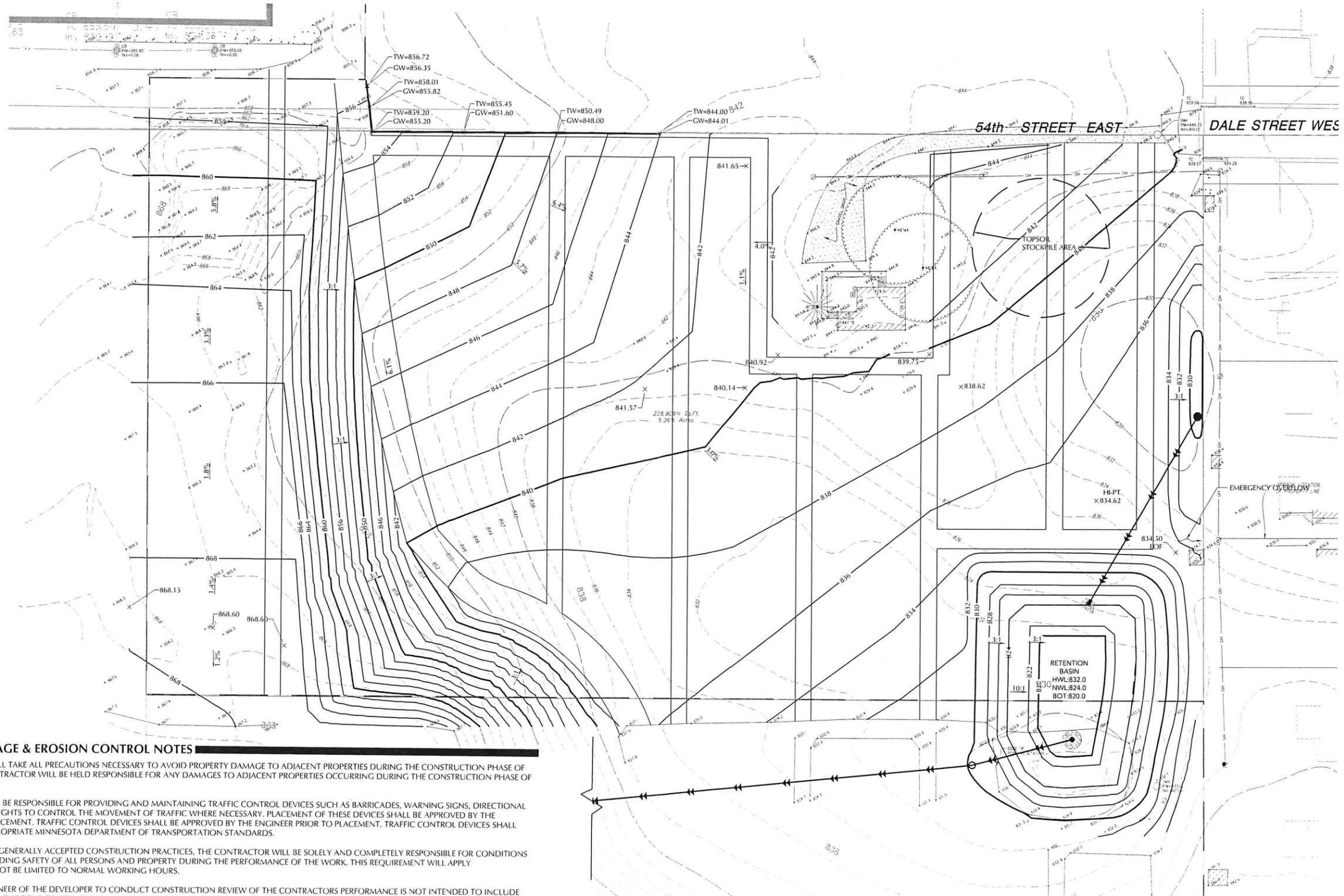
# Gerten Greenhouse Tract Identification Map Properties East of Blaine Avenue





# Gerten Greenhouse Tract Identification Map Properties East of Blaine Avenue





**GRADING, DRAINAGE & EROSION CONTROL NOTES**

1. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASE OF THIS PROJECT. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASE OF THIS PROJECT.
2. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
3. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
4. THE DUTY OF THE ENGINEER OF THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTORS PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTORS SAFETY MEASURES IN, OR NEAR THE CONSTRUCTION SITE.
5. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE ESTABLISHED AROUND THE ENTIRE SITE PERIMETER AND IN ACCORDANCE WITH NPDES PERMIT REQUIREMENTS, BEST MANAGEMENT PRACTICES, CITY REQUIREMENTS AND THE DETAILS SHOWN ON SHEET C3-3 OF THE PROJECT PLANS.
6. ALL ENTRANCES AND CONNECTIONS TO CITY STREET SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND NOTIFICATIONS AS REQUIRED BY THE CITY.
7. ADJACENT STREETS AND ALLEYS MUST BE SWEEPED TO KEEP THEM FREE OF SEDIMENT. CONTRACTOR MUST MONITOR CONDITIONS AND SWEEP AS NEEDED OR WITHIN 24 HOURS OF NOTICE BY THE CITY.
8. STREETS MUST BE CLEANED AND SWEEPED WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDLE FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED.
9. ADJUST ALL EXISTING STRUCTURES, BOTH PUBLIC AND PRIVATE TO THE PROPOSED GRADES WHERE DISTURBED AND COMPLY WITH ALL REQUIREMENTS OF THE UTILITY OWNERS. STRUCTURES BEING RESET TO PAVED AREAS MUST MEET OWNERS REQUIREMENTS FOR TRAFFIC.
10. DUST MUST BE ADEQUATELY CONTROLLED.
11. SEE UTILITY PLAN FOR STORM SEWER INFORMATION.
12. THE BOTTOM AND SIDE SLOPES OF THE BASIN MUST BE STABILIZED WITHIN SEVEN DAYS FOLLOWING CONSTRUCTION.
13. STOCKPILE TOPSOIL, PROVIDE SEEDING TO ESTABLISH EROSION CONTROL.

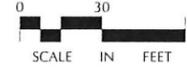


**CALL BEFORE YOU DIG!**  
**Gopher State One Call**  
 TWIN CITY AREA: 651-454-0002  
 TOLL FREE: 1-800-252-1196

**WARNING:**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MAN-HOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



**Gertens**  
 2016 Expansion  
 INVER GROVE HEIGHTS

**Gertens**  
 5300 Blaine Avenue  
 Inver Grove Heights, MN 55126

**LOUCKS**  
 PLANNING  
 CIVIL ENGINEERING  
 LAND SURVEYING  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL  
 7200 Hemlock Lane, Suite 300  
 Maple Grove, MN 55369  
 763.424.5505  
 www.loucksinc.com

**CADD QUALIFICATION**  
 CADD files prepared by the Consultant for this project are instruments of the Consultant professional services for use only with respect to this project. These CADD files shall not be used on other projects, or additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, users may be permitted to obtain copies of the CADD drawing files for information and reference only. All reproduction or use of drawings, additions, or deletions to these CADD files shall be made at the full risk of that party making such repro, additions or deletions and not party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

**SUBMITTAL/REVISIONS**

09/30/15	DESIGN REVIEW
2/18/16	PERMIT SET

**PROFESSIONAL SIGNATURE**  
 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.

*Michael J. St. Martin*  
 Michael J. St. Martin PE  
 License No. 24440  
 Date N/A

**QUALITY CONTROL**

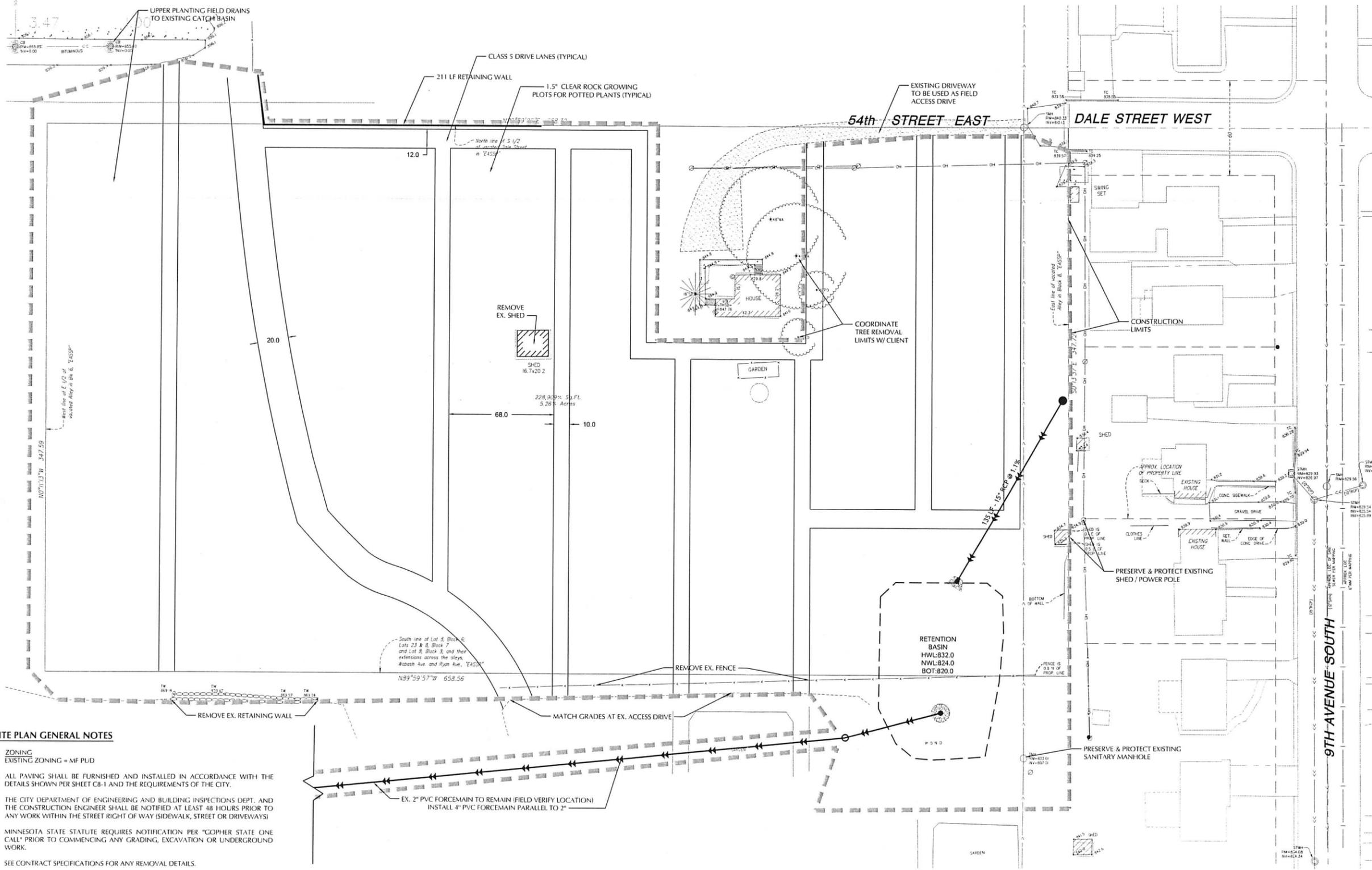
Locks Project No.	98864.0H
Project Lead	MJS
Drawn By	CDL
Checked By	MJS
Review Date	02/18/16

**SHEET INDEX**

C0-1	Cover Sheet
C2-1	Overall Site Plan
C2-2	Site Plan
C3-1	Grading Plan
C3-2	SWPPP
C3-3	SWPPP Notes
C3-4	SWPPP Details
C4-1	Utility Plan
C4-2	T-22 Utility Plan
1 of 1	Topo & Boundary Survey

**GRADING PLAN**  
**C3-1**

Plotted: 02/18/2016 12:10:01 PM W:\1998\98864\H\CADD\DATA\CADD\Job Sheet Files\03-11 Grading Plan



**SITE PLAN GENERAL NOTES**

1. ZONING  
EXISTING ZONING = MF PUD
2. ALL PAVING SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER SHEET C8-1 AND THE REQUIREMENTS OF THE CITY.
3. 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)
4. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
5. SEE CONTRACT SPECIFICATIONS FOR ANY REMOVAL DETAILS.
6. ANY SIGN OR FIXTURES REMOVED WITHIN 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.
7. CLEAR AND GRUB AND REMOVE ALL TREES, VEGETATION AND SITE DEBRIS PRIOR TO GRADING. ALL REMOVED MATERIAL SHALL BE HAULED FROM THE SITE DAILY. ALL CLEARING AND GRUBBING AND REMOVALS SHALL BE PERFORMED PER THE CONTRACT SPECIFICATIONS. EROSION CONTROL MEASURES SHALL BE IMMEDIATELY ESTABLISHED UPON REMOVAL. (SEE SHEET C3-1)
8. 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.
9. SEE SHEETS C3-1 AND C4-1 FOR GRADING AND UTILITIES.
10. THE INTENT OF THE PROPOSED CONSTRUCTION IS TO PRESERVE AS MUCH OF THE EXISTING STREET PAVEMENT AS POSSIBLE, AND TO MILL AND OVERLAY. REMOVED PAVEMENT AREAS AND PATCHING SHALL BE INSTALLED PER PAVEMENT SECTION PROVIDED PER DETAIL SHEET.



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**SUBMITTAL/REVISIONS**  
 09/30/15 DESIGN REVIEW  
 2/18/16 PERMIT SET

**PROFESSIONAL SIGNATURE**  
 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.  
  
 Michael J. St. Martin - PE  
 License No. 24440  
 Date N/A

**QUALITY CONTROL**  
 Loucks Project No. 98864.0H  
 Project Lead MJS  
 Drawn By CDL  
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C4-1	Utility Plan
C4-2	T-22 Utility Plan
1 of 1	Topo & Boundary Survey

**SITE PLAN**  
**C2-2**

Plotter: 02/18/2016 12:14 PM W:\198198\BischHC\CADD DATA\CWIL\dwg\Sheet Files\Option E - 4 Inch Plot To T-22\C2-2 Site Plan

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

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

**AN ORDINANCE AMENDING TITLE 10 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, 1187, 1190 and 1230 ARE HEREBY RESTATED AND AMENDED TO READ AS FOLLOWS:**

**SECTION I. Rezoning Land to Planned Unit Development (PUD).** Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone from MF PUD to Planned Unit Development Zoning District No. 2016-01 the following described property:

**Parts of Southeast Quarter of Northeast Quarter of Section 33, Township 28, Range 22, which was formerly platted as Lots 1 through 8 inclusive, Block 6, Lots 1 through 8 inclusive, Block 7, Lots 23 through 30 inclusive, Block 7, Lots 1 through 8 inclusive, Block 8 of Edgewood Addition to South St. Paul, and as the streets and alleys abutting on said Lots before the Vacation of Edgewood Addition to South St. Paul, Dakota County, Minnesota**

**SECTION II.** The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1230 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred to as the "zoning map", 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. 2016-01, 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. 2016-01, the City Council has found the following:

- A. That the proposed Commercial Planned Unit Development is consistent with the City's 2030 Comprehensive Plan.
- 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, which was rescinded on 2/28/11 and replaced by Resolution No. 11-28. This PUD Ordinance now replaces Resolution No. 11-28.

**SECTION V. Land Use Regulations.** For the above referenced property contained within the Commercial Planned Unit Development District No. 2011-01, 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:

<b>Parcel No.</b>	<b>Legal Description*</b>	<b>Specific Use</b>
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, F and G	42,000 square foot lawn, garden, floral & nursery retail center (two buildings: 29,400 sf in one, 12,400 sf in other); 605,000 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, 5.7 acres of growing fields and one house for use by employees**
10	Lot 1, Block 1, Bishop Heights 2 <sup>nd</sup> Addition	1,710 sf quick service oil change store
11	Lot 1, Block 1, Bishop Heights 3 <sup>rd</sup> 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 4 <sup>th</sup> Addition	9,100 square feet of general retail

22***	Lot 1, Block 1, Bishop Heights 4 <sup>th</sup> Addition	10,400 square feet of general retail and 5,000 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, F shall be governed not only by this ordinance, but also by the conditions found in Resolution No 98-210, Resolution 11-28 and Resolution \_\_\_\_\_.

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

1. A Joint Parking Agreement affecting the restaurant in Lot 1, Block 1 Bishop Heights 4<sup>th</sup> Addition between Outlot B, Bishop Heights and Lot 3, Block 1, Bishop Heights 4<sup>th</sup> 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 55 <sup>th</sup> 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 55<sup>th</sup> 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, F and G as described in Exhibit A	9	208
Lot 1, Block 1, Bishop Heights 2 <sup>nd</sup> Addition	10	18
Lot 1, Block 1, Bishop Heights 3 <sup>rd</sup> 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 4 <sup>th</sup> Addition	21	34
Lot 1, Block 1, Bishop Heights 4 <sup>th</sup> 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. 2010-01 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. 2011-01” upon approval of the rezoning by the City Council.

THIS ORDINANCE NO. 1230 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 28th day of February, 2011.

Ayes: 5

Nays: 0

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

ATTEST:

\_\_\_\_\_  
Melissa Rheaume, Deputy 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 4<sup>th</sup> 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 4<sup>th</sup> 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.

Tract F, described as:

The East Half of the Northwest Quarter of the Southeast Quarter of Section 33, Township 28, range 22, except the North 270 feet thereof lying Northerly of the Southerly right-of-way of Dakota County Road No. 18.

	<p>Except that part described as follows: Commencing at the Southwest corner of the Northwest Quarter of the Southeast Quarter of Section 33, Township 28, Range 22 West; thence on an assumed bearing of North 89 degrees 50 minutes 28 seconds East along the South line of said Northwest Quarter of the Southeast Quarter a distance of 657.07 feet to the Southwest corner of the East Half of the Northwest Quarter of the Southeast Quarter and said point being the point of beginning; thence North 0 degrees 07 minutes 49 seconds West along the West line of said East Half of the Northwest Quarter of the Southeast Quarter a distance of 58.51 feet; thence North 83 degrees 29 minutes 34 seconds East 197.77 feet; thence South 6 degrees 30 minutes 26 seconds East a distance of 80.88 feet to the South line of said East Half of the Northwest Quarter of the Southeast Quarter; thence South 89 degrees 50 minutes 28 seconds West along said South line a distance of 205.52 feet to the point of beginning, except that part previously acquired for County Road No. 18 (a/k/a Upper 55<sup>th</sup> Street).</p> <p>Tract G, described as: Parts of Southeast Quarter of Northeast Quarter of Section 33, Township 28, Range 22, which was formerly platted as Lots 1 through 8 inclusive, Block 6, Lots 1 through 8 inclusive, Block 7, Lots 23 through 30 inclusive, Block 7, Lots 1 through 8 inclusive, Block 8 of Edgewood Addition to South St. Paul, and as the streets and alleys abutting on said Lots before the Vacation of Edgewood Addition to South St. Paul, Dakota County, Minnesota</p>
10	Lot 1, Block 1, Bishop Heights 2 <sup>nd</sup> Addition
11	Lot 1, Block 1, Bishop Heights 3 <sup>rd</sup> 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 4 <sup>th</sup> Addition
22	Lot 1, Block 1, Bishop Heights 4 <sup>th</sup> Addition
23	Lot 1, Block 1, Scenic Heights Addition
24	Outlot A, Brentwood Hills Apartments
25	Lot 2, Block 1, Inver Grove Professional Addition



# Map Dipicting Possible cul-de-sac at end of Brent Avneue



**PLANNING REPORT  
CITY OF INVER GROVE HEIGHTS**

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**REPORT DATE:** April 12, 2016 **CASE NO.:** 16-10C

**HEARING DATE:** April 19, 2016

**APPLICANT:** River Heights Lawn and Landscape

**PROPERTY OWNER:** Mike Hallblade

**REQUEST:** Conditional use permit for a contractor's yard with outdoor storage and for the outdoor storage of boats, trailers, and RV's.

**LOCATION:** 9601 Jefferson Trail

**COMPREHENSIVE PLAN:** LI, Light Industrial

**ZONING:** I-1, Limited Industry

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Heather Botten  
Associate Planner



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**BACKGROUND**

The applicant has submitted a request for a Conditional Use Permit (CUP) to operate a contractor's yard with outdoor storage and to allow the storage of boats, trailers, and RV's on the property located at 9601 Jefferson Trail. The property consists of two separate tax parcels about 3.24 acres in size total. The applicant is proposing to use the existing building as an office and utilize the existing impervious surface on the property for the parking and storage area.

**EVALUATION OF REQUEST**

Surrounding Uses. The subject property is surrounded by:

North	Rail road and road right-of-way
East	Single family residential; Zoned PUD; Guided RDR, Rural Density Res.
West	Industrial; Zoned I-1, Limited Industry; Guided LI, Light Industrial
South	Commercial; Zoned B-3, General Business; Guided CC, Community Commercial

**SITE PLAN REVIEW**

Setbacks. No changes or additions are planned to the existing building at this time.

Parking Lot. Parking for the proposed use consists of twelve customer/employee parking stalls located on the property. The zoning code does not have any specific parking requirements for

contractor's yards or storage facilities. The landscape business is not open to the public and some of the employees drive company vehicles. The 12 spaces provided exceed the need of the applicant and if the demand for parking increases they can use the storage area for a parking expansion. Staff is comfortable with the parking provided.

Screening/Landscaping. Landscaping was installed with the 1999 CUP approval for trailers sales and storage. The applicant is replacing and adding landscaping around the building to improve the aesthetics of the property.

The applicants are proposing to install a six foot privacy along the easterly property line to screen the storage area, complying with code requirements.

Access. There is currently one access point onto Jefferson Trail, this is not changing.

Signage. No signs are proposed at this time. All signs for the site require a separate sign permit and shall conform to the sign requirements of the I-1 zoning district.

Engineering. The Engineering Department has conducted a review of the plans and has been working with the applicant in regards to stormwater, grading and erosion control. The final details on the plans would be reviewed and approved by the City Engineer prior to any work commencing on the site.

An easement and encroachment agreements are required to be executed between the City and the developer. The contracts will address the necessary site improvements and will require financial surety any other improvements that may be necessary.

#### GENERAL CONDITIONAL USE PERMIT REVIEW

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

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

This criterion is met. The Comprehensive Plan recognizes the proposed area as Industrial. A contractor's yard and outdoor storage is consistent with uses already in place and with the long range plan for the area.

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

The I-1 district is intended for the continued operation of light manufacturing, warehousing, and wholesaling businesses. The proposed use of a contractor's yard along with outdoor storage is a conditional use in the I-1 district. With approval of the CUP, the request would be consistent with the zoning requirements.

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

This criterion is satisfied, the closest neighboring home is over 400 feet away to the east; the proposed use would not affect any improvements to the vicinity.

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

This criterion is met; the proposed request does not appear to have any negative effects on City facilities or services. Overall a contractors yard and outdoor storage is a low intensity industrial use.

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

- i. Aesthetics/exterior appearance*

No changes are being proposed to the existing building.

- ii. Noise*

The noise from a contractors' yard is not out of the ordinary for the I-1 zoning district.

- iii. Fencing, landscaping and buffering*

The applicant is meeting the City's landscaping and screening requirements.

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

The lot is about 3.24 acres in size. Contractor's yards and outdoor storage are typically found in industrial areas; the proposed use is appropriate for the zoning, location, and the size of the lot.

Fire and building code requirements would be addressed with building permits to occupy the building.

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

The use does not appear to have any negative effects on the public health, safety or welfare of the community.

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

This criterion is satisfied. The applicant is working with the City Engineering department to comply with the City's surface water and groundwater regulations.

## **ALTERNATIVES**

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

**A. Approval** If the Planning Commission finds the application acceptable, the Commission should recommend approval of the Conditional Use Permit with the following conditions:

1. The site shall be developed in substantial conformance with the site and landscaping plans on file with the Planning Department except as may be modified herein.
2. The outside storage area shall be kept in a neat and orderly manner. All licensable equipment and vehicles must have a current license and be in operable condition.
3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
4. All parking lot and building lighting shall be of a shoe-box style with all lighting being diffused or direct away from all property lines and public right-of-ways. The direct source of the light shall not be visible from any abutting property lines and public right-of-ways.
5. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.
6. The developer shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.
7. An easement and encroachment agreement and other agreements related thereto, shall required to be executed between the City and the developer. The contract will address specific site improvements and parties responsible for improvements and will require financial surety for the landscaping and any other public improvements that may be necessary.

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

## **RECOMMENDATION**

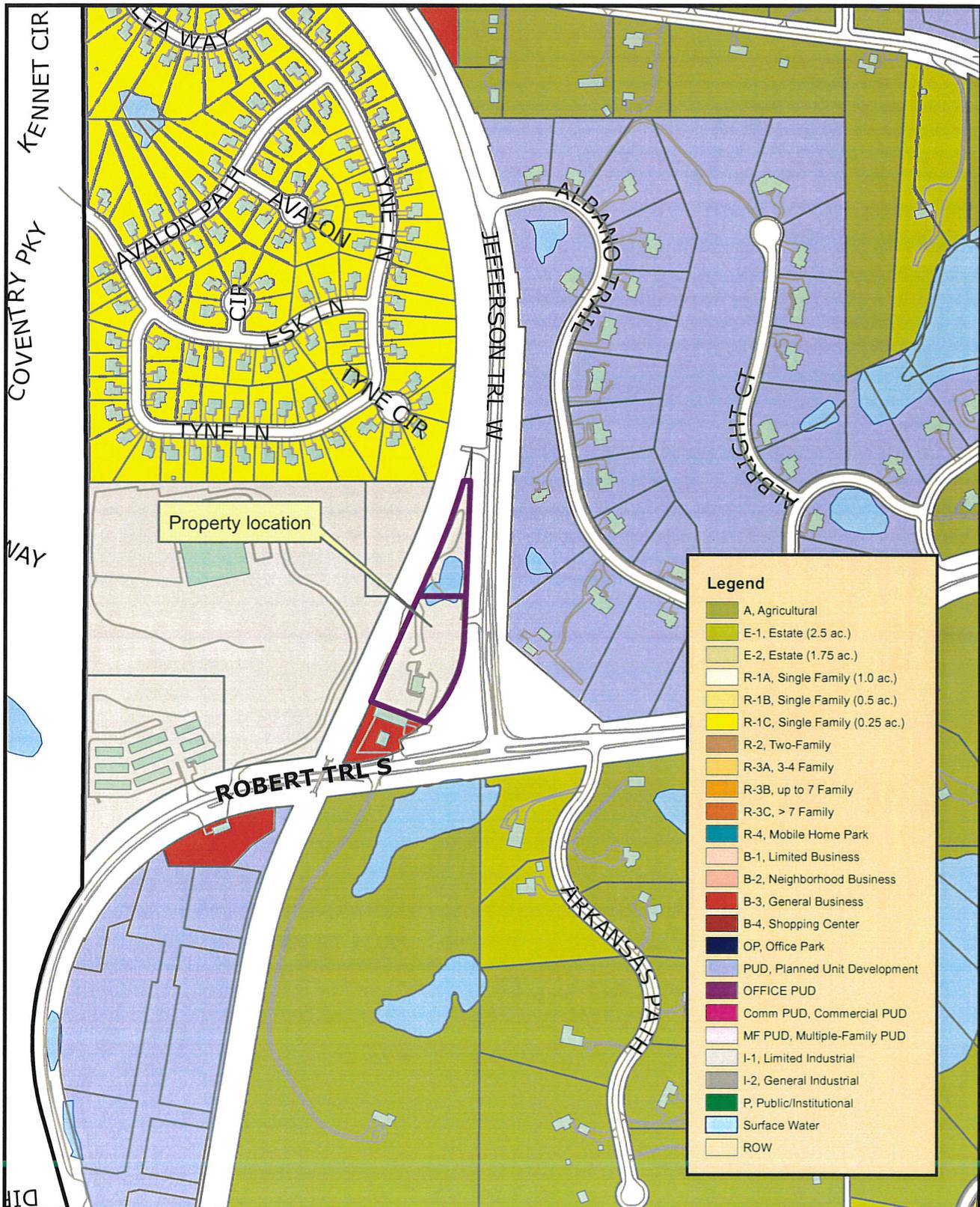
Based on the preceding report, Staff recommends **approval** of the request with the conditions listed in Alternative A.

Attachments:   Exhibit A - Location and Zoning Map  
                      Exhibit B - Narrative  
                      Exhibit C - Site Plan  
                      Exhibit D - Landscaping

Map not to scale



# River Heights Lawn & Landscape Case No. 16-10C



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

**Exhibit A**  
**Zoning and Location Map**



**RIVER HEIGHTS  
LAWN & LANDSCAPE**

10267 102<sup>nd</sup> Ct. West  
Inver Grove Heights, Mn. 55077  
612.701.0648  
[www.riverheightslandscape.com](http://www.riverheightslandscape.com)

City of Inver Grove Heights,

Hello, my name is Nick Marsden and I own River Heights Lawn & Landscape. We specialize in custom landscape installation, commercial/residential landscape maintenance and snow removal. We are starting our 10th year in business and have 15 employees. We have grown out of our existing location and have been looking for land to purchase or rent over the last few months. We recently signed a purchase agreement with Mike Hallblade to purchase his property on 9601 Jefferson Trail West. We plan to use this land to operate our business from and for other business opportunities. This is more land than our business needs, so our long term goal is to use part of the land for outdoor storage of boats, rv's and trailers. We plan to use the existing building as is and are proposing no changes to the land. The only changes that we plan to make are installing new landscaping and trees throughout the property and potentially adding a security fence on the property line that borders Hwy 149. We are very excited for the opportunity that this land brings us. We look forward to operating our business in IGH for many years to come. Thank you for your time.

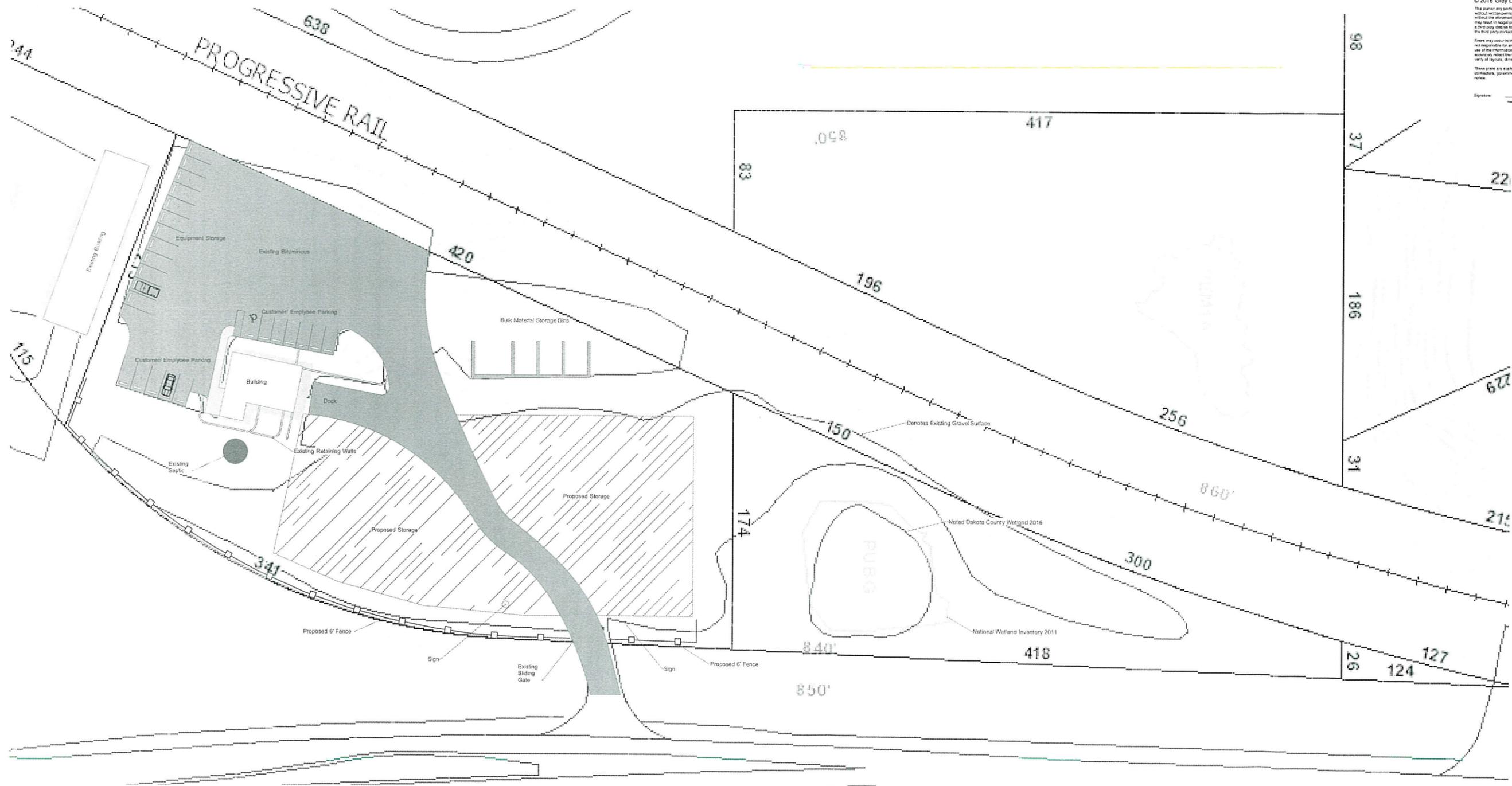
Regards,

A handwritten signature in blue ink, appearing to read 'Nick Marsden', is written over the typed name.

Nick Marsden

# PROPOSED USAGE FOR 9601 JEFFERSON TR.

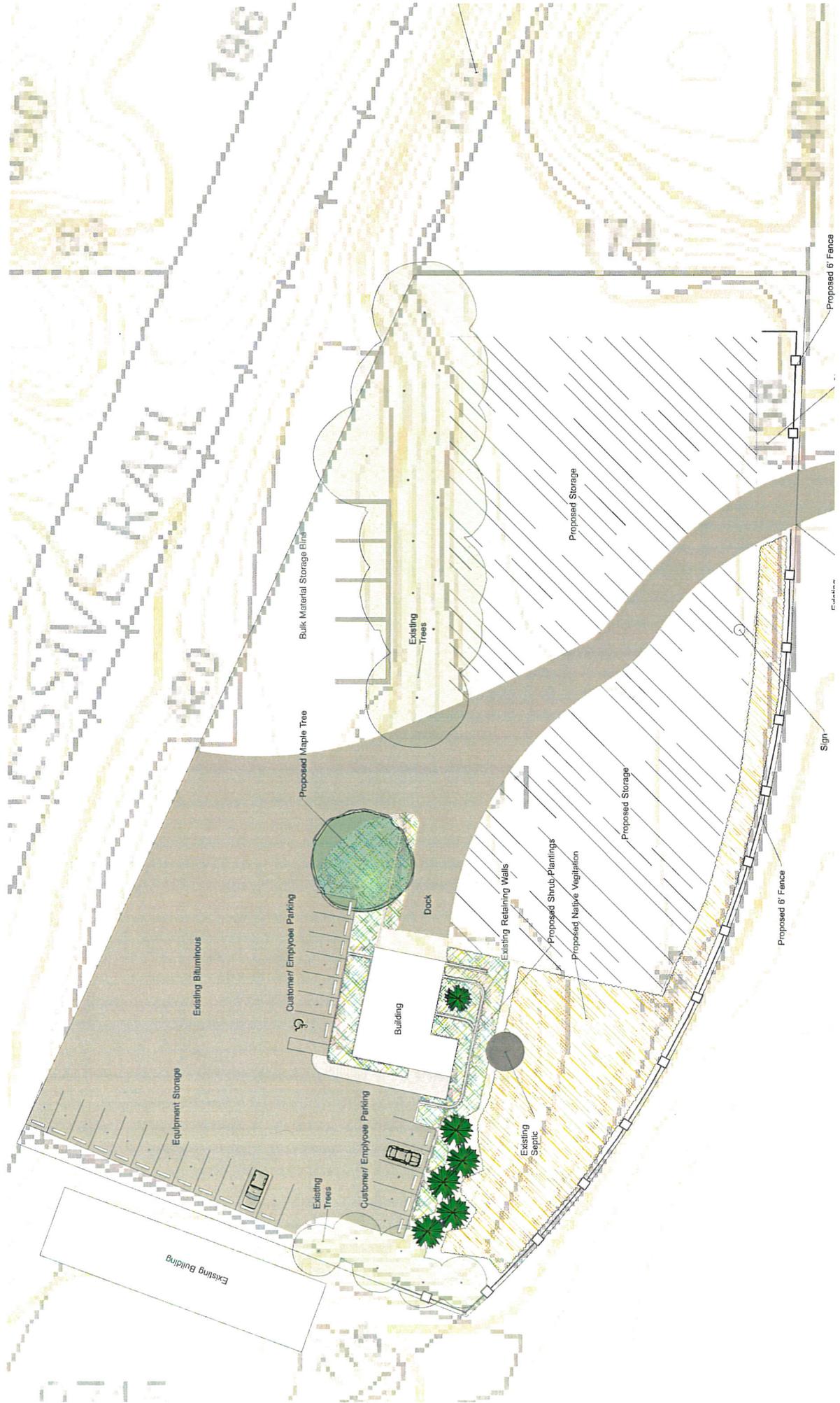
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 These plans are a vehicle for final review and approval by client, contractor, consultants, government agencies and vendors only in accordance with the notice.



River Heights Landscaping



0 10 35 60 FT



400'

796'

840'

WISSING CREEK

180'

108'

Existing Bituminous

Customer/Employee Parking

Proposed Maple Tree

Bulk Material Storage Bin

Building

Dock

Existing Retaining Walls

Proposed Shrub Plantings

Proposed Native Vegetation

Proposed Storage

Proposed Storage

Existing Trees

Customer/Employee Parking

Existing Septic

Existing Building

Proposed 6' Fence

Sign

Proposed 6' Fence

E. Johnson

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

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**REPORT DATE:** April 14, 2016

**CASE NO:** 16-11CV  
16-12V

**HEARING DATE:** April 19, 2016

**APPLICANT/PROPERTY OWNER:** Castaway Marina and City of Inver Grove Heights

**REQUEST:** A Conditional Use Permit Amendment to allow for the addition of a new storage building and variance from property line setback. City variance to create lot with less than required lot size and width

**LOCATION:** 6140 Doffing Avenue

**COMPREHENSIVE PLAN:** Mixed Use

**ZONING:** I-1, Limited Industrial  
Critical Area Overlay District

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

Castaway's Marina is requesting an amendment to their existing CUP to allow for the construction of a new storage building on the east side of the property in the existing parking lot. The structure would be a two story 120 x 34 foot building that would be used for common and individual storage for the members of the marina. The marina currently uses a garage by the existing house for storage. The City is purchasing a portion of land from Castaways surrounding the existing house to remove the residential structure from the floodplain. The proposed storage building would replace and expand storage capacity for the marina. The lower level of the building would be used for storage only and would be designed to flood in the event of a flood. The upper level might possibly contain a couple of bathrooms, showers and washer and dryer for the members. The upper level would have access to the top of the levy leading out to the docks. A variance from setbacks is also being requested as the building would be set 5 feet from the new property line.

The City has entered into a purchase agreement with Castaways Marina to purchase the existing house and land surrounding the house to continue the City's efforts to remove residential structures out of the floodplain to help protect the health, safety and welfare of the residents. The buildings would be removed from the site and it would remain as vacant open space. The parcel of land to be purchased is 10,000 square feet in size. The property is zoned I-1, Limited Industry and minimum lot size and width in that district is one acre and 100 feet. The City is requesting a variance to allow the creation of a parcel smaller in size than minimum standards.

Because the two actions are interrelated, Staff is putting both requests into one staff report for ease of review.

### **EVALUATION OF THE REQUEST**

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

North – City owned open space; zoned P; guided Park

East – Mississippi River

West – City owned open space; zoned I-1/P; guided Park

South – Marinas; zoned I-1; guided Mixed Use

### **SITE PLAN REVIEW**

Setbacks. The proposed storage building would comply with setbacks from the river and front setbacks. The building would be located approximately 5 feet from the proposed new property line of the land being purchased by the City. The setback variance is discussed later in this report.

Parking. The building would be constructed primarily over existing parking lot hard surface. Some of the excess hard surface would be removed to accommodate the building. The lot contains sufficient parking for the marina use and so there are no issues with some parking spaces being removed.

Consolidation of lots. The marina property consists of four separate lots. The proposed building would be constructed over three lots. Buildings cannot straddle property lines and therefore three of the lots must be combined into a single tax parcel. This process is allowed by administrative review and so a condition of approval is that the marina must combine the tax parcels and show proof of recording with Dakota County before a building permit can be issued.

Exterior Materials. The building would have horizontal lap siding on all four sides. The lower level, facing west, would contain a row of garage doors for the storage area. The upper level, facing east, would have windows and doors facing the river. The building complies with exterior materials standards.

Engineering. The Engineering Department has reviewed the plans and has noted their comments in a separate memo that is part of the conditions of approval. No additional storm water treatment facilities are required. The proposed building would be constructed up against the levy, and some digging into the levee is proposed. Engineering is requiring applicant to verify the integrity of the levy is maintained.

### **GENERAL CONDITIONAL USE PERMIT REVIEW**

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

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

The use of a marina is consistent with the goals, policies, and plans of the Comprehensive Plan; the proposed storage building does not have an impact to the overall land use.

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

The property is zoned I-1, Limited Industrial; the use of a marina is consistent with the intent of the I-1 zoning district. The property also lies within the Critical Area Overlay District. Marinas are allowed in the district. A structure is allowed in the flood fringe of the river with proper flood proofing.

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

The proposed storage building would not have a detrimental effect on public improvements in the vicinity of the project. The building is setback to the far east side of the lot maximizing its setback from the road and distance from the Heritage Village park land which is located directly west of the site.

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

This use does not appear to have any negative effects on City facilities or services.

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

- i. Aesthetics/exterior appearance*

The building complies with exterior materials standards

- ii. Noise*

The storage building would not generate noises that are inconsistent with uses in the I-1 zoning.

- iii. Fencing, landscaping and buffering*

No additional screening or landscaping is required.

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

The use of the property as a marina is appropriate considering its location to the river. The property is of sufficient size for the improvements proposed.

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

This use does not appear to have any negative effects on the public health, safety or welfare. The building would be constructed to meet all flood proofing requirements.

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

Impervious surface would be slightly reduced on the lot. The building would not create any adverse impacts to storm water or to the river.

#### VARIANCE REVIEW

There are two separate variances associated with the two applications. Castaway Marina is requesting a variance from setbacks to allow the storage structure to be located 5 feet from the newly created property line resulting from city purchase. The required setback is 40 feet.

The second variance is a request from the City to allow the creation of a parcel in the I-1 zoning district to be less than one acre in size and less than 100 feet wide. The lot proposed to be purchased from the marina would be 10,000 square feet in area and 80 feet wide.

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.*

Castaways:

The proposed building would comply with setbacks as the property exists today. The purchase of the property by the City creates an internal setback conflict. The structure is situated to be most efficient and practical for its use and topography on the site.

City:

The intent of a minimum lot area is that parcels of land are created large enough to accommodate a use and meet all other code performance standards. In this case, the property would remain vacant and used as open space. No conflict is being created since the land would not be used for development purposes.

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

Castaways:

The proposed building would be consistent with uses associated with a marina. The setback issue is created by the purchase of the newly created lot by the City.

City:

The use of the property would be for permanent open space once the house is removed.

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

Castaways:

The setback variance is being created by the request of the City to purchase land in order to remove residential structures within the floodplain. City has been using DNR funds for this purpose over the last 10-15 years. Moving the proposed storage structure to the south impacts access to the top of the levee and parking. The building location optimizes the open space from the street and keeping an open space corridor between the lot and the city park on the west side of Doffing Avenue.

City:

The City is purchasing just enough land for the purpose intended, leaving balance of property to be utilized for the marina's purposes. The land will remain in open space and not developed by the City or private party.

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

Castaway:

There are other marinas in the area with structures on the lots. The variance would not have an impact on the areas as the lot abutting would be owned by the City as open space, thus there would be no impact to another property by letting a structure be closer to the property line.

City:

The lot size variance would not impact the character of the neighborhood. It is part of a public improvement which is to remove residential structures from the flood plain.

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

Economic considerations do not appear to be a basis or a sole basis for either of these requests.

## **ALTERNATIVES**

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

- Approval of a **Conditional Use Permit** Amendment for Castaways Marina to allow for the addition of a 120 ft x 34 ft storage building subject to the following conditions:
  1. Resolution No. 15-169 shall become null and void and shall be replaced by the terms of this conditional use permit.
  2. The site shall be developed in substantial conformance with the following plans on file with the Planning Division except as modified herein:

Outdoor storage area on southern lot	09/08/15
Site Plan dated	05/27/08
Grading Plan dated	06/18/08
Grading Plan for Storage Building	3/29/16
  3. The marina must combine the tax parcels and show proof of recording with Dakota County before a building permit can be issued.
  4. The storage building shall be required to comply with all flood proofing and building code standards.
  5. Prior to issuance of any permits, all comments from the City Engineer memo dated 4/14/16 shall be addressed to the satisfaction of the City Engineer.
  6. The seasonal storage of trailers and small boats is allowed on the south parking lot as shown on the plan dated 09/08/15 from October 1 – April 30 of each year.
  7. Open storage of boat trailers only shall be allowed only in the area designated in the northwest corner of the site as shown on the site plan dated December 3, 2001, subject to the following conditions:
    - a. Boat trailers shall be allowed to be stored on the site from April 1 through October 31 of each year. All boat trailers shall be removed during the winter season from November 1 through March 31.
    - b. No more than 15 boat trailers shall be stored in the storage area at any one time.
    - c. Boat trailers to be stored on site shall be limited to 22 feet in length.
    - d. Only boat trailers belonging to boaters at Castaways Marina, Inc. shall be allowed to be stored on site.
    - e. No storage of boats shall be allowed at any time.
  8. No fuel facilities or boat launch shall be provided without approval of the City Council.

9. The parking areas shall be striped and a containment device shall be added to protect the vehicles from the proposed steep slopes (i.e. curb, bumper stops, guardrail, etc.)
  10. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
- Approval of a **Variance** for Castaways Marina to allow a five foot setback for the new storage building subject to the following conditions:
    1. The site shall be developed in substantial conformance with the following plans on file with the Planning Division except as modified herein:

Grading Plan for Storage Building 3/29/16

2. The storage building shall be required to comply with all flood proofing and building code standards.
3. Prior to issuance of any permits, all comments from the City Engineer memo dated 4/14/16 shall be addressed to the satisfaction of the City Engineer.

Practical difficulty: The City purchase of the land impacts possible locations of the building to comply with setback requirements and physical constraints on the property including the levy.

- Approval of a **Variance** for City of Inver Grove Heights to allow the creation of a new lot less than the minimum lot width and area standards in the I-1 District subject to the following conditions:
  1. The lot size shall be consistent with the Lot Split Survey prepared by Sunde Land Surveying dated 2/12/16.

Practical difficulty: The City purchasing just enough land for the purpose needed. The land would not be utilized for development purpose and would remain in open space. Purpose of land acquisition is to remove a residential structure from the flood plain.

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

**RECOMMENDATION**

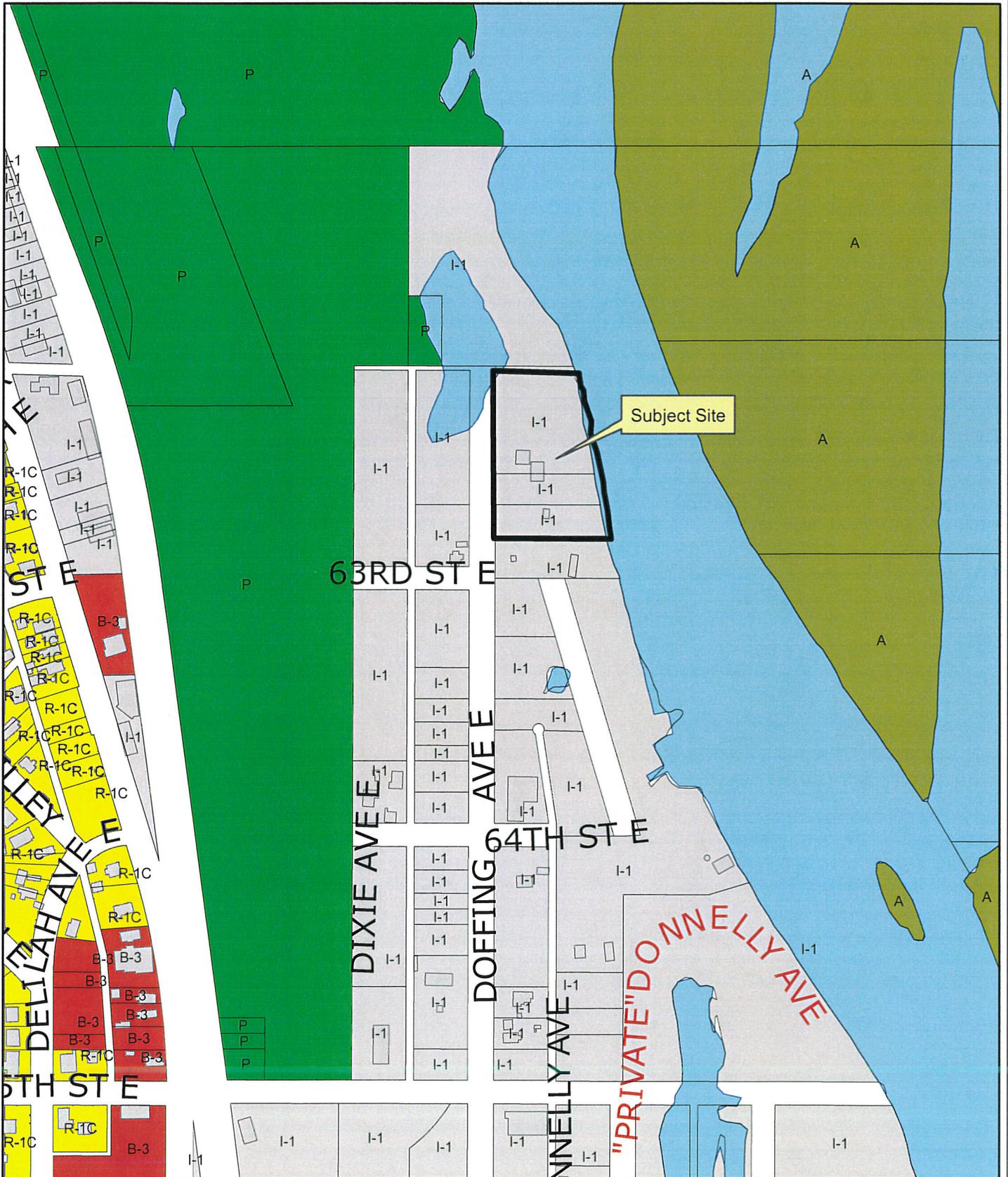
Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit amendment and variance for Castaways Marina and the variance for the City.

Attachments: Exhibit A – Zoning and Location Map  
Exhibit B – Narrative  
Exhibit C- Proposed Grading Plan for Storage Building  
Exhibit D – Lot Survey for City Lot Split



# Location Map

## Case No. 16-11CV and 16-12V





*Castaways Marina, Inc.*  
*6140 Doffing Avenue*  
*Inver Grove Heights, Minnesota 55076*

John Remington, President  
(612)723-0961

Scott Hand, Secretary  
(612)554-4336

David Perry, Treasurer  
(651)287-3338

Mathew Berscheid, Property Manager  
(612)998-7416

Tom Lind, Vice President  
(612)669-9494

Mike Anderson, Dockmaster  
(651)324-0663

Chet Gould, Dockmaster  
(612)763-535-1132

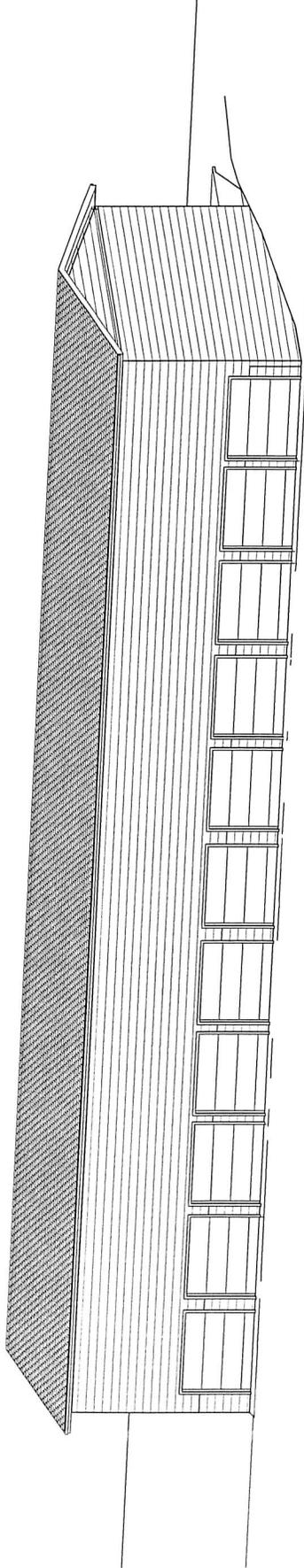
March 15, 2016

Variance Request (Revised)

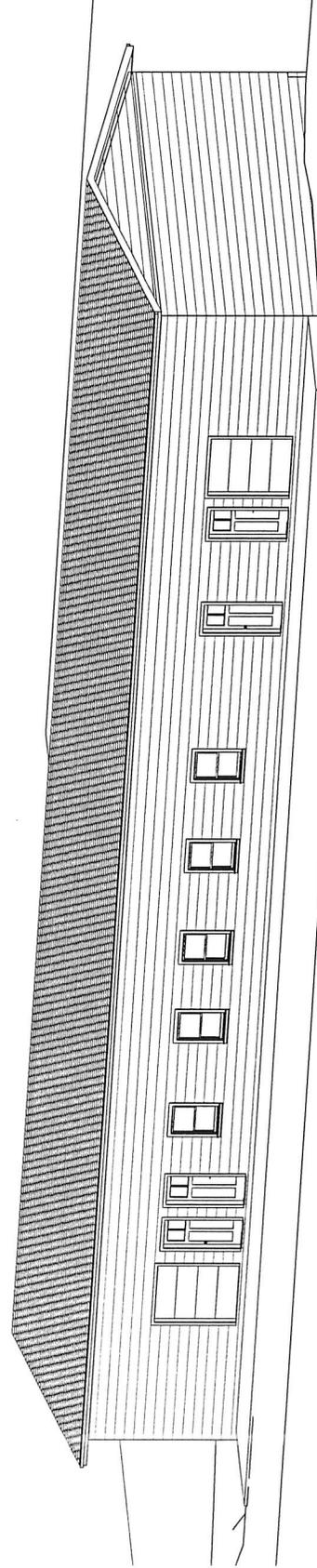
Castaways Marina Inc. is requesting a variance from the commercial setback requirement of forty (40) feet from the property line to five (5) feet from the property line in order to construct a replacement storage building at 6140 Doffing Avenue. A variance will be necessary since Castaways has agreed to sell a portion of our property, including a house and garage, to the City of Inver Grove Heights. It is the City's declared intent to raze the existing house and garage once the sale is closed. Razing the house garage (which shares a common load bearing wall with our current storage building) will also necessitate removal of this storage building.

Castaways' property is bordered on the north and west by City of Inver Grove Heights' Heritage Park property, on the south by River Mist Marina located at 6220 Doffing Avenue, and on the east by the Mississippi River.

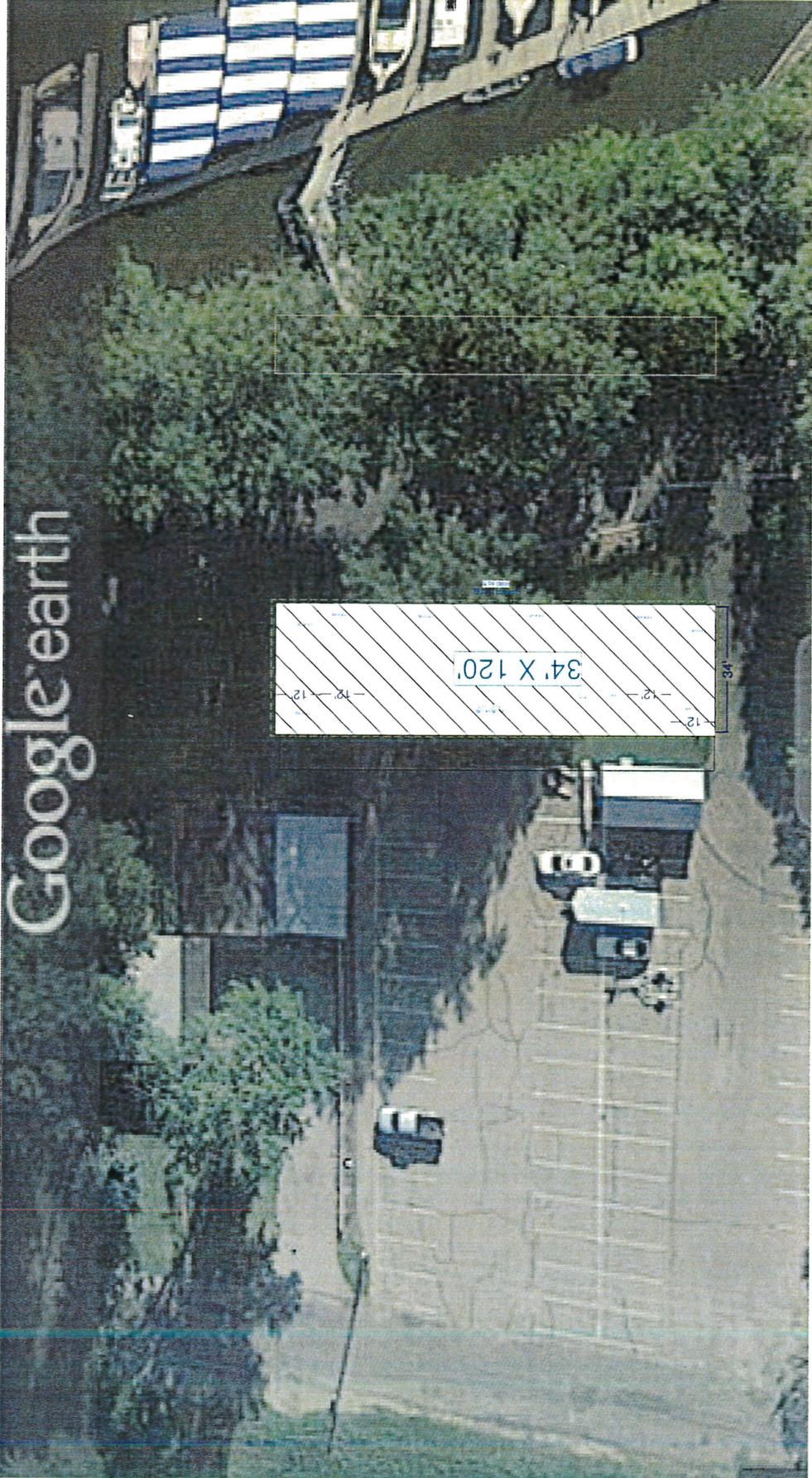
We propose to build a new storage structure on the east end of our existing parking lot. This proposed two story 120 foot by 34 foot building including both common and individual storage spaces will be less than forty (40) feet from the property that the City is purchasing from Castaways Marina. (See attached site plan). The forty foot setback requirement for commercial buildings would create a severe hardship for Castaways because it would force us to move the new storage building to the center of the parking lot with a resulting loss of both parking and boat storage space. Accordingly, the sale of our property to the City is contingent upon a variance being granted.



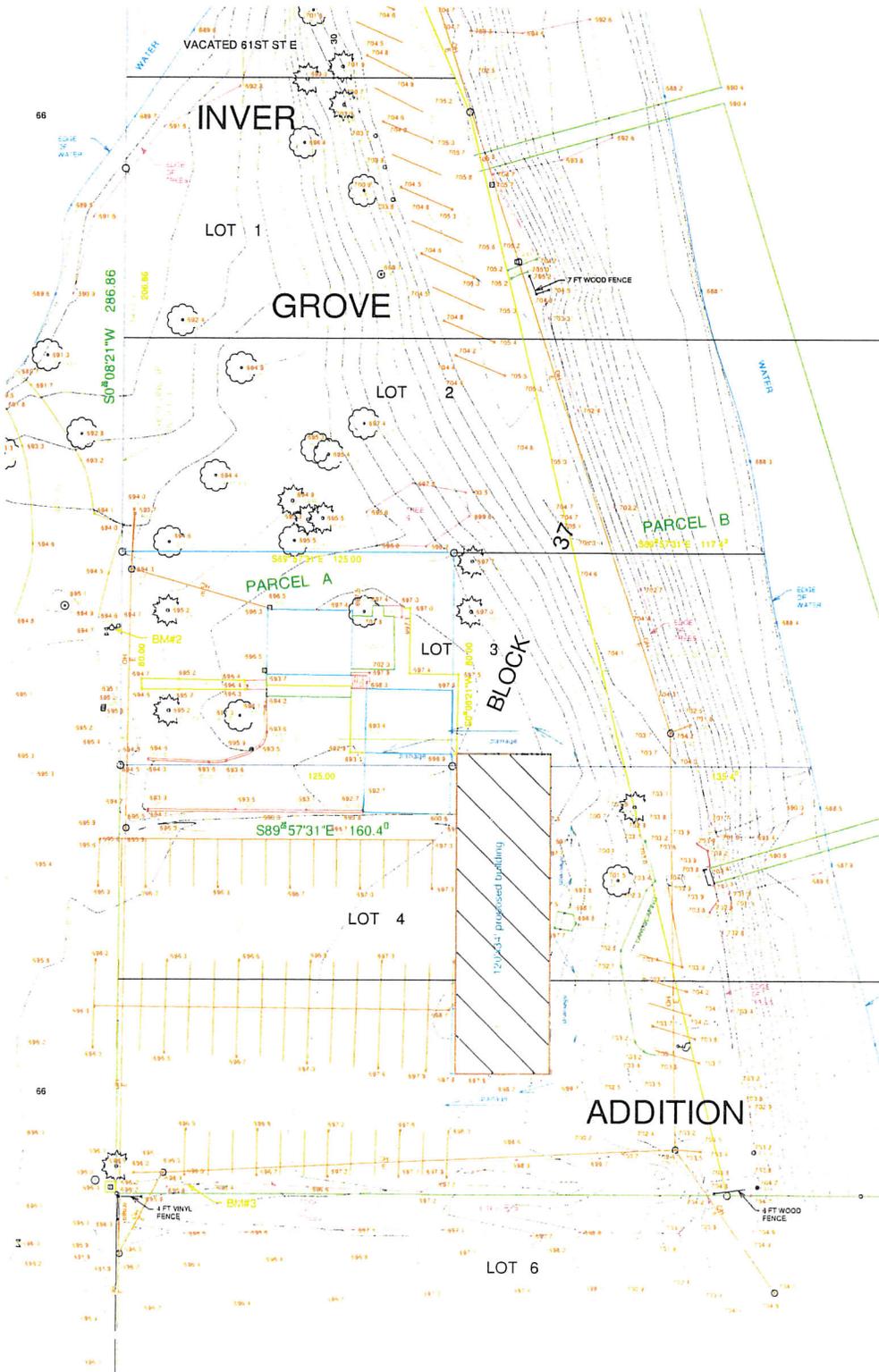
FRONT ELEVATION



REAR ELEVATION



SITE PLAN



**Volume of fill that you will be adding between the building and the existing bituminous drive to the East**  
**Excavation 1.0000 Fill 1.0000**  
**Fill Volume (Cu. Yd.) 238.7**



**DESCRIPTION OF PROPERTY SURVEYED**  
 (Per Warranty Deed Doc. No. 875345) (Said document includes additional land)  
 Lots 1, 2 and 3, Block 37, INVER GROVE FACTORY ADDITION, according to the recorded plat thereof, Dakota County, Minnesota.  
 AND  
 (Described in Doc. No. 878385)  
 All that part of 61st Street East [now vacated] lying easterly of the North extension of the west line of Block 37 of the Inver Grove Factory Addition, in Section 2, T27, R22W.

**PLAT RECORDING INFORMATION**

The plat of INVER GROVE FACTORY ADDITION was filed of record on March 11, 1887, in Book D of Plats, page 26.

**TITLE COMMITMENT**

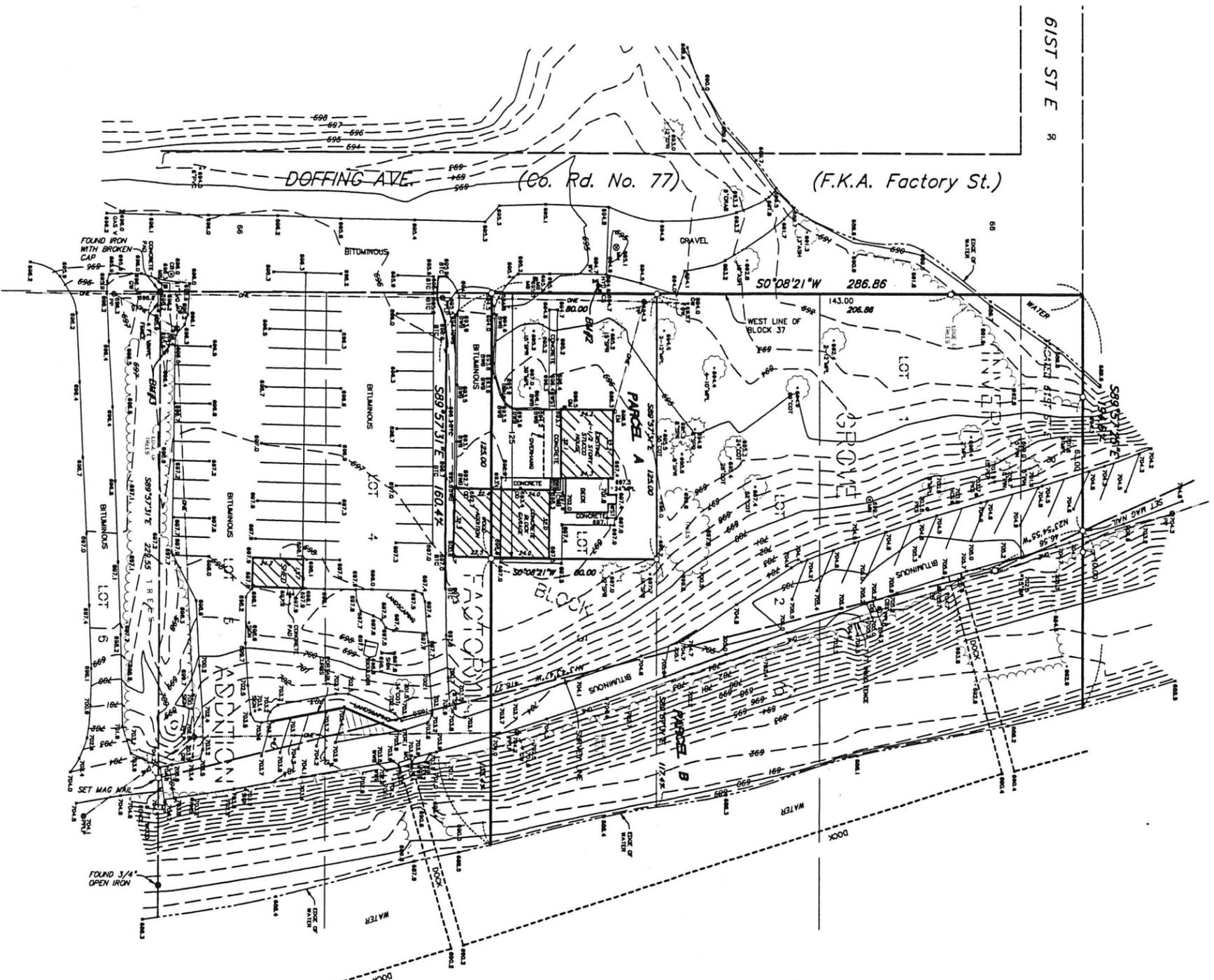
This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

**PROPOSED PROPERTY DESCRIPTIONS**

**PARCEL A:**  
 The west 125.00 feet of Lot 3, Block 37, INVER GROVE FACTORY ADDITION, according to the recorded plat thereof, Dakota County, Minnesota.

**PARCEL B:**  
 Lots 1, 2 and 3, Block 37, INVER GROVE FACTORY ADDITION, according to the recorded plat thereof, Dakota County, Minnesota, EXCEPT the west 125.00 feet of said Lot 3.

AND  
 All that part of vacated 61st Street East lying easterly of the North extension of the west line of Block 37 of the Inver Grove Factory Addition, in Section 2, T27, R22W.



**GENERAL NOTES**

- 1.) The boundary is subject to change due to natural causes and it may or may not represent the actual location of the limit of title.
- 2.) Survey coordinates and bearing basis: Dakota County Coordinates

**UTILITY NOTES**

- 1.) Visible above ground evidence of utilities is shown hereon per field location. This survey does not purport to show any underground utilities.
- 2.) Contact Gopher State ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

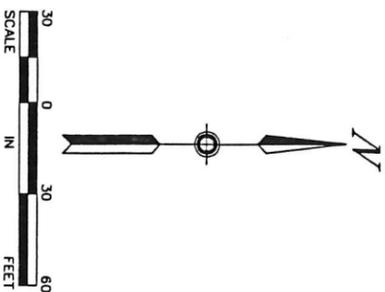
**LEGEND**

- Denotes iron monument set marked with P.L.S. No. 15480, unless otherwise noted
- Denotes found iron monument
- BBH Denotes basketball hoop
- BTC Denotes top of bituminous curb
- BWB Denotes brick wall base
- CB Denotes catch basin
- CBX Denotes communication box
- CST Denotes curb stop
- CWB Denotes concrete wall base
- DB Denotes decorative brick
- DIP Denotes ductile iron pipe
- EB Denotes electric box
- EM Denotes electric meter
- GM Denotes gas meter
- GP Denotes guard post
- GW Denotes guy wire
- HCS Denotes handcap sign
- HYD Denotes fire hydrant
- MB Denotes mail box
- MC Denotes metal cover
- MH Denotes manhole
- OD Denotes overhead door
- OHE Denotes overhead electric line
- PEP Denotes polyethylene pipe
- PKS Denotes parking sign
- PIP Denotes power pole light pole
- PVC Denotes polyvinylchloride pipe
- WST Denotes wood steps
- WV Denotes water valve
- WWB Denotes wood wall base
- COT Denotes Cottonwood tree
- CRAB Denotes Crabapple tree
- EVG Denotes evergreen tree
- MPL Denotes Maple tree
- PNL Denotes Pine tree
- POP Denotes Poplar tree
- SPR Denotes Spruce tree

**BENCH MARKS (BM)**

(NAVD88 datum)

- 1.) Concrete monument with disk in Inver Grove Heights, 171 feet north of Gladstone Street and east of Inver Grove Street and west rail of Railroad, 16 feet west of steel rail of Railroad, 7 feet southeast of southeast corner of concrete block building (Common Liquor Store) 38 feet north-northeast of telephone pole, 4.0 feet southwest of southwest corner of concrete slab, 1.0 foot south of witness post. Elevation = 719.303 feet
- 2.) Top of top nut of fire hydrant on east side of Doffing Avenue in front of house addressed 6140 Doffing Avenue. Elevation = 697.44 feet
- 3.) Railroad spike in the north face of the combination power pole/light pole near the southwest corner of the parking lot. Elevation = 697.24 feet



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Dated this 12th day of February, 2016  
 SUNDE LAND SURVEYING, LLC.  
 By: *M. A. Hanson*  
 Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Revision	SMIT	02/12/2016
Survey originally dated	02/12/2015	

Drawing Title:  
**LOT SPLIT SURVEY FOR:**  
**CITY OF INVER GROVE HEIGHTS**  
 6140 Doffing Avenue  
 Inver Grove Heights, MN

**SUNDE LAND SURVEYING**  
 Main Office: (763) 238-1118  
 3001 East Broadway, Bloomington, Minnesota 55120-3435  
 (612) 801-2405 (Fax: 612-808-3520)  
 Mendota, North Dakota 58550-5042  
 www.sunde.com

Project: 87-199-A    By: P.E. 889/88  
 Township: 27 North    Section: 2  
 Date: 02/12/2016  
 Sheet: 1 of 1

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

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**REPORT DATE:** April 11, 2016 **CASE NO.:** 16-06PUD

**APPLICANT:** Mihm Custom Homes

**PROPERTY OWNER:** Mihm Custom Homes

**REQUEST:** Preliminary Plat and PUD, Rezoning

**LOCATION:** West side of Hwy 3 between future 65<sup>th</sup> and 67<sup>th</sup> Streets

**HEARING DATE:** April 19, 2016

**COMPREHENSIVE PLAN:** LDR, Low Density Residential

**ZONING:** A, Agricultural

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

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**BACKGROUND**

The applicant is proposing a 44 lot, two outlot single family development on an approximate 18.2 acre parcel to be named Windwood. The project is located just east of Blackstone Ridge and would receive sewer, water and street extensions from Blackstone Ridge. The project is located in the Northwest Area and the standard series of applications are being requested.

**REQUESTS**

The specific requests for the Windwood development project include the following:

1. Rezoning of the property from A, Agriculture to R-1C/PUD Single Family Residential District.
2. Preliminary Plat approval of Windwood consisting of 44 single family lots and two outlots.
3. Preliminary PUD approval of the Windwood PUD as required by the Northwest Overlay District.

## ***EVALUATION OF THE REQUEST***

### **SURROUNDING USES**

The subject property is surrounded by:

North:	Existing single family residential; zoned A, Agricultural; guided Low Density Residential.
East:	Large lot residential; zoned A; guided MDR.
West:	Blackstone Ridge, single family residential; zoned R-1C/PUD; guided LDR.
South:	Vacant; zoned A; guided HDR and Mixed Use.

### **IDENTIFICATION OF NATURAL RESOURCES**

In 2003, a Natural Resource Inventory and Management Plan were completed for the Northwest Area. The NRI inventoried and qualified natural resources systems within the area and established a management classification system to guide the preferred treatment of these features. The plan identifies 3 categories of natural features; conifer plantations, old fields and oak woodland-brushland. All features are in the Manage 3 and 4 categories which do not automatically require they be preserved. No specific preservation is required with this project.

### **NET DEVELOPABLE AREA**

*Note: the numbers that are referenced within this staff report are approximate based on preliminary plan submittals. They will likely change slightly between preliminary and final plat. The numbers provided are sufficient for preliminary plat review.*

Net developable area is defined as the area of a property remaining after excluding those portions that are either: a) encumbered by right-of-way for arterials roads as defined in the IGH Comprehensive Plan; or b) lying below the ordinary high water level of public waters; or c) lying within the boundaries of delineated wetlands; or d) bluffs in shoreland areas; or e) land to be dedicated for public park needs. Based on this definition, the proposed project area contains approximately 18.20 net developable acres. This excludes the proposed right-of-way for 70<sup>th</sup> Street (Co Rd 26). There are no wetlands on the property.

<b>General Project Data</b>	<b>Acres</b>
Gross Project Area	18.3
Delineated Wetlands	0.10
Public Water Bodies (PWI)	0.00
Bluffs in Shoreland Area	0.00
Planned "Arterial" Road Right of Way	0.00
<b>Total Net Developable Area</b>	<b>18.20</b>

**NATURAL AREA/OPEN SPACE**

Section 10-13J-5. D. establishes requirements for open space preservation within the Northwest Area Overlay. Based on the net developable area the project contains the following:

	<b>Required Acres</b>	<b>Proposed Acres</b>
<i>Total Net Developable Area</i>	<i>18.2</i>	<i>NA</i>
Minimum Open Space Required = 20% of net area	3.70	5.20 (28.6%)
Required contiguous area = 75% of required open space with a minimum 100 foot corridor width	2.80	3.60 (69.0%)
Area to be undisturbed = 50% of required open space	1.85	2.80 (54%)

The site design has prioritized the open space areas around the two storm water ponds in Outlots A and B. The largest corridor is at least 100 feet wide. Outlots A and B are for storm water treatment and contain regional basins. These outlots will be owned by the City. The site design exceeds all open space requirements.

The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.

**DEVELOPMENT CAPACITY PLAN**

Section 10-13J-5. E. of the Northwest Area Overlay Ordinance outlines a process by which a site’s development capacity is determined as a means to allocate development across a site. This exercise only determines the number of units that would be permissible on the site and not the actual proposed development.

The development capacity plan was established for Windwood utilizing the base zoning district of R-1C. When applying the base district and factoring in the open space as part of the R-1C district, the development capacity plan yields a range of 36 to 66 possible units. This equates to a density range of 1.97 to 3.6 units per net acre.

<b>Base Zoning District</b>	<b>Net Acres*</b>	<b>Min Density (units per acre)</b>	<b>Max Density (based on lot size per zoning code)</b>	<b>Min Units</b>	<b>Max Units</b>
R-1C	18.2	2	12,000	36	66

The proposed net density for Blackstone Highlands would be 2.42 units/acre which is consistent with the comp plan designation and development capacity plan.

## **PROPOSED DEVELOPMENT MAGNITUDE, DENSITY AND BULK STANDARDS**

### Building setbacks and separation.

The Northwest Area Zoning Overlay establishes suggested guidelines for building separation and setbacks. The objectives for establishing such regulations are to ensure adequate area for certain uses on a site such as storm water management, parking, buffering of mechanical equipment and landscaping. The Northwest Area setbacks and structure separation standards consider compact development and reduced setbacks in order to minimize hard surface coverage and enable greater ability to leave larger areas of intact open space. This objective has to be carefully balanced with aesthetics also.

Units within the proposed development comply with the required setbacks, except for the following situations listed below:

- Building setbacks within the development are proposed with a separation of 15 feet.
- Side yard corner lot setback from Street A to be 20 feet, where 30 feet is required.
- Front yard setback from Street A to be 25 feet, where 30 feet is required.

### Impervious surface coverage.

Impervious surface coverage standards are applied to give the city the authority to ensure sufficient areas for infiltration. Impervious surface areas include roads, sidewalks, parking areas, buildings, and other hard surface areas that do not allow infiltration.

The applicant has provided impervious surface calculations for the entire project. By ordinance, the maximum impervious surface coverage allowed is 25% for R-1C, single family. The applicant provided hardcover calculations for the entire project. After counting street and sidewalk hardcover, there is approximately 3,700 square feet of impervious surface left for each lot at 30.18% total impervious.

a) The applicant is requesting a total impervious surface coverage to 30.18% to allow for more coverage on the individual lots. These numbers are still preliminary and may change somewhat with the final PUD submittal.

b) The applicant is requesting flexibility from the maximum driveway width requirement.

## **PRELIMINARY PLAT**

The applicant is proposing a preliminary plat which consists of 44 single family lots and 2 outlots. The outlots are for storm water purposes. All of the outlots would be owned and maintained by the City. The single family lot sizes range from approximately 8,125 square feet to 15,108 square feet. Average lot size is approximately 9,925 square feet. The majority of lot widths are approximately 60-65 feet wide, with 80-90 foot corner lots. Each lot is shown with a typical 50'x50' building pad.

The plat provides for the required 50 foot half right-of-way dedication for 65<sup>th</sup> Street and a 40 foot half right-of-way for 67<sup>th</sup> Street. Street A would be a collector street identified on the Collector Street Study. All other streets would be local streets and all provide 60 foot wide right-of-ways.

### **PARKS/TRAILS**

No additional trail only segments are proposed in the project. The site plan identifies sidewalks along all the public streets as required by the Northwest Ordinance.

The Parks Director has reviewed the plat and notes the following. The adopted Comprehensive Park Plan and Development Guide does not identify a need for a park in this general area or any other open space trails; therefore, staff is not recommending the developer provide any park land dedication for this development.

It is recommended that the developer be required to provide cash in the amount of the rates in affect at the time the final plat is approved. The current 2016 rate is as follows:

Single Family Rate \$2,850 x 44 units = \$125,400

### **STREETS & CONNECTIVITY**

The street system through the project contains a segment of a north-south collector, two local street stubs leading west into Blackstone Ridge. The collector street will eventually connect into future 67<sup>th</sup> and 65<sup>th</sup> Streets. 65<sup>th</sup> Street is being studied by the City currently and could be constructed in the next couple of years. No street stubs leading to the property to the east were recommended by staff as the topography between the properties is not conducive to street construction. The property to the east will have access to either 65<sup>th</sup> or 67<sup>th</sup> Streets when it is developed.

Street right-of-way widths meet standards as identified in the Northwest Area Overlay. ROW widths are adequate to accommodate travel lanes, storm water management systems, landscaping and sidewalks on major streets. The project is designed with sidewalks on one side of all streets in the development.

### **LANDSCAPING/TREE PRESERVATION**

The developer has provided a tree inventory of the site. The Code allows a tree removal of 30% for single family. The code allows removal beyond the threshold and requires replacement for those trees over the limit. The reforestation plan identifies a removal rate of approximately 70%. In this case, a total of 1,747 caliper inches are required to be replanted. The reforestation takes into account the conifer plantations that exist on site and were noted in the Natural Resource Inventory. Since these are planted for commercial purposes and not naturally occurring, they have been taken out of the tree inventory and don not count towards removal. The applicant has also done research using historical aerial photography to confirm the trees were planted.

The proposed landscape plan provides for a total of 1,752 caliper inches consisting of trees ranging from 4 caliper inches for deciduous trees and 12 feet tall coniferous trees. The trees are

spread out over the site so that each lot will have at least two replacement trees. The reforestation and landscape plans comply with city standards.

The applicant has indicated they would still request some flexibility from the reforestation requirements as the amount of plantings required may be difficult to achieve on site. The Reforestation ordinance does have a provision to allow for a cash payment in lieu of planting or partial payment if replanting is difficult. The rate for a planted tree is estimated at \$300 per tree. Staff is open to any options but would recommend compliance with the reforestation requirements.

### **WETLANDS**

There is a small portion of a wetland on the north side of the lot that is on this lot. A wetland delineation was performed indicating about 0.1 acres of wetland exist. The wetland will not be disturbed with this project.

### **GRADING, DRAINAGE, STORMWATER AND UTILITIES**

The grading and storm water plan have been reviewed by the engineering staff and their consultants Barr Engineering. As proposed, preliminary engineering review finds the project will work as generally designed. Storm water is being treated through a series of basins and regional ponds.

Engineering staff and the consultants have drafted comment memos discussing the items that will need to be addressed as part of the final plans. These memos will be incorporated into the conditions of approval in the general engineering comment condition.

### **FLEXIBILITY REQUESTS**

The applicant is requesting the following flexibility requests from Northwest Area Standards:

1. SETBACKS

- a) Building setbacks within the development are proposed with a separation of 15 feet.

The code requires a minimum 20 foot separation. The intent of the code requirement was to provide space between houses for infiltration basins or rain gardens. In order for this to work, houses would have to be built at the same time so an infiltration system could be installed between the houses on both lots. This typically will not occur because houses are not always built at the same time and the infiltration feature must be constructed all at the same time in order for it to function correctly. The applicant is not proposing any storm water features between houses, but in larger basin areas. The setback separation proposed is typical of the standard required in all other parts of the City. All residential developments approved so far have been with either a 10 foot or 15 foot separation. Staff supports this separation and flexibility request.

- b) Setback along collector street, including corner lots.

Standard setbacks for homes along collector streets is 30 feet. A collector street is designed and anticipated to carry a larger volume of traffic than a local street, thus the increased setback over the 20 foot standard in the Northwest Area. The developer is confined by narrow width of the property as well as two basins on the east and west boundaries which limit the buildable area of the parcel. The applicant is proposing a 25 foot front setbacks and a 20 foot corner lot setback for the four corner lots in the development. Council has approved corner lot setbacks in previous developments. Staff recognizes the physical constraints of the property and that this segment of the overall collector street system will be more important for a continuous north/south road as opposed to a large traffic volume street.

## 2. IMPERVIOUS SURFACE

- a) The applicant is requesting a total impervious surface coverage to 30.18% to allow for more coverage on the individual lots. These numbers are still preliminary and may change somewhat with the final PUD submittal.
- b) The applicant is requesting flexibility from the maximum driveway width requirement.

They are requesting that the driveways be allowed to be full length and width with non porous pavement The Northwest Area District requires any portion of a driveway greater than 20 feet in width shall be constructed of a porous pavement material. Function of the regulation is to minimize the amount of impervious surface. The applicant has designed the project to accommodate the additional runoff from the hard surface driveways in the storm water design. The amount of impervious surface maximum per lot would address the coverage issue. The Argenta Hills and Blackstone developments were granted this same flexibility and no known issues exist with this flexibility.

The amount of roadway and sidewalk in the plat consumes a large amount of the allowed 25% impervious surface. The applicant is requesting the impervious surface be allowed up to 30.18% in order to provide building coverage on each lot to approximately 3,700 square feet per lot. This is comparable to lot coverage approved in Blackstone Vista and Blackstone Ridge. A definite number would be established with the final plat and the storm water plans would be modified to address the additional impervious surface.

Engineering have indicated that they have no issues with the request because the storm water system shown on the plans assumed 30+% impervious surface coverage. Any additional storm water needs can be addressed in the final PUD plans.

### **DEVELOPMENT CONTRACT**

The Developer and Owner shall enter into a Development Contract and other associated agreements with the City. The list of agreements and details of the contract will be discussed with the applicant, city attorney and staff as part of the final PUD review. All of the agreements will be approved by the City Council as part of the final PUD review.

## **FINANCIAL IMPLICATIONS**

During the initial steps for studying development in the Northwest Area, the City conducted land use and financial studies to determine the densities and costs per unit in order to fund the installation of city utilities. Since no assessments were levied, fees are collected when a parcel of land is developed. Minimum densities have been established for each parcel to achieve these goals. Based on those assumptions, the subject parcel calculation assumed 99 units would be developed to cover city utility costs. The preliminary plans submitted show a total of 44 units. The project would be 45 units short and therefore would come up short in providing its fair share of the overall utility costs. A preliminary number based on plat and building permit fee collections for 44 lots would be approximately \$1,095,300. A preliminary number based on plat and building permit fee collection for the assumed 99 lots would be \$665,750.

The Council just recently approved a comp plan amendment reduction for the Mihm Custom Homes application with the obligation to pay any difference in proposed vs. assumed connection fees.

## **ALTERNATIVES**

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

- A. **Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:
  - o Approval of a **Rezoning** of the property from A, Agricultural to R-1C/PUD, Single Family Residential subject to the following conditions:
    1. The rezoning shall not become effective until the final plat is approved by the City and recorded with the County. In the event a final plat is not approved, the rezoning shall become null and void and the zoning of the property shall remain in its current classification.
  - o Approval of the **Preliminary Plat and Preliminary PUD** subject to the following conditions:
    1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat	2/29/16
Preliminary Open Space Plan	3/29/16
Preliminary Impervious Surface Exhibit	2/25/16
Preliminary Grading Plan	2/29/16
Preliminary Sanitary/Water/Site Plan	4/1/16
Preliminary Storm Sewer Plan	2/29/16

Preliminary Tree Preservation Plan 2/25/16  
 Preliminary Landscape Plan 2/25/16

2. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.
3. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
4. The developer shall be responsible for installing marker posts at reasonable locations to define the boundary of the open space. This provides identification for future land owners to know boundaries of the open space areas. The final PUD plans must show the location of the marker posts.
5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved.
6. All plans shall be subject to the review and approval of the Fire Marshal.
7. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.
8. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Developer must pay the City utility plat connection fees consisting of a Water Utility Fee, Sanitary Sewer Utility fee and Storm Water Sewer Utility fee according to the formulas adopted by city ordinance.
9. In the Development Contract, the Developer and Owner shall acknowledge that at the time the building permits are obtained additional connection fees for the water utility system and sanitary sewer utility system are due and owing. Final details of the amounts to be paid shall be part of the final PUD plan review.
10. In the Development Contract, the Developer and Owner shall agree that the following elements of the Planned Unit Development shall not be altered, changed or removed without first obtaining the following consents:

Site Plan Element	Consent Required By
Building Location	City Council
Driveways and Private Roads	Planning Department
Landscaping	Planning Department
Location of Utilities	Engineering Department

Location of Conservation Easement and Open Space	City Council
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11. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
  12. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the particular requirements of the Planned Unit Development plans.
  13. The following documents shall be recorded when the plat is recorded:
    - Development Contract;
    - Storm Water Facilities Maintenance Agreement;
    - Acknowledgement of PUD Zoning.
  14. Prior to City Council review of the final PUD development plans, the Developer must respond to all of the comments of the City Engineer memo dated 3/16/16, and comments from Barr Engineering.
  15. Street lighting shall be required along all public streets. The street lighting plans shall be approved by the City prior to installation.
- B. Denial:** Should the proposed request or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

**RECOMMENDATION**

The project complies with nearly all performance standards of the Northwest Area. Flexibility requests have been made for building separation, driveway width and setback requirements. Staff supports these requests based on discussion in the planning report. Engineering is comfortable with the overall preliminary grading and storm water plans.

Staff recommends approval of the preliminary plat, preliminary PUD and rezoning requests with the conditions listed.

**Attachments:**

Location Map  
Applicant Narrative  
Preliminary Plat

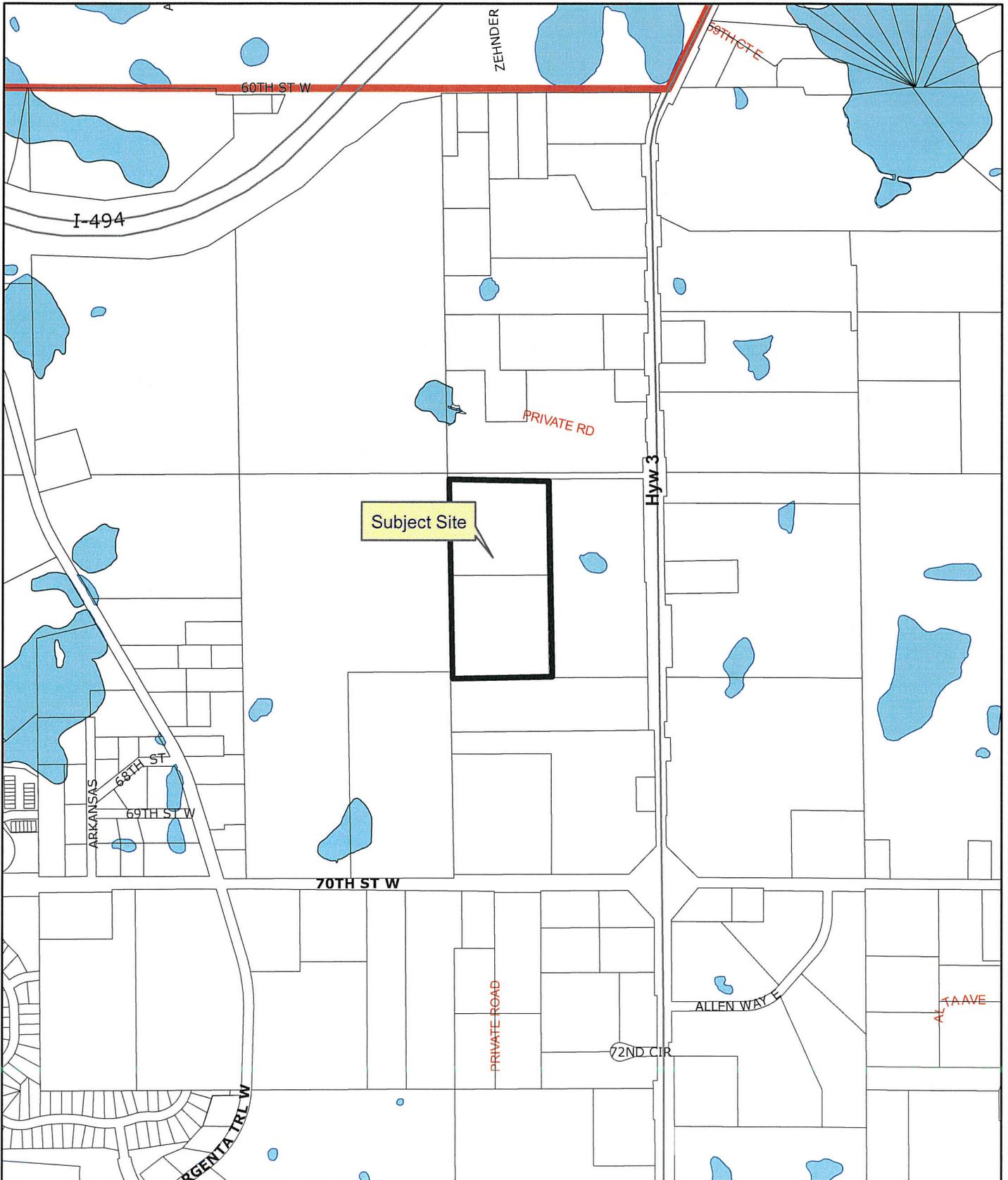
Planning Report – Case 16-06 PUD  
April 19, 2016  
Page 11

Preliminary Site Plan/Open Space Plan  
Preliminary Grading Plan  
Preliminary Impervious Surface Exhibit  
Preliminary Sanitary/Water/Site Plan  
Preliminary Tree Preservation Plan  
Preliminary Landscape Plan



# Location Map

## Case No. 16-06PUD



Date: February 29, 2016

Revised: March 30, 2016

To: City of Inver Grove Heights

From: Tom Mihm for Mihm Custom Homes, applicant; Pioneer Engineering, consultant

Re: Application for Windwood PUD in the Northwest Area

Thank you for taking the time to review this application. We are confident that we will create an attractive new neighborhood for Inver Grove Heights in keeping with the Northwest Area Plan.

### The Property

The property consists of 18.5 acres of rolling terrain with existing woodland. The land to the west is Blackstone Ridge, a single family development. To the east is an existing acreage lot abutting Highway 3. There will be collector streets to the north and south of the property.

### Comprehensive Plan

Windwood was recently amended to Low Density Residential (LDR).

### Zoning

The zoning requested is PUD within the Northwest Area. We are proposing lots that are 65' in width which corresponds with the approved development to the west and fits within the comprehensive plan designation of LDR. This lot size is small enough to provide a cluster type development in order to meet the open space and storm water requirements within the Northwest Area as well as provide a housing choice that is in demand in today's market.

We are requesting some flexibility on setbacks. Below is a summary of what would be required under standard zoning and what we are asking for as part of the PUD:

	Standard Zoning	PUD Request
Front Setback	20'	25'
Rear Setback	30'	30'
Side Setback Corner along Street A	30'	20'
Front Setback along Street A	30'	25'
Setback Between Buildings	20'	15'
Setback along 67th	30'	30'
Setback along 65th	40'	40' rear, 30' corner

We are being required to provide a neighborhood collector (Street A) through the property as well as dedicating ROW for future 67<sup>th</sup> Street at the south and have another collector along the north property line. We are asking for a reduced side yard setback along Street A to 20'. This

affects a total of four lots. Since this is a neighborhood collector and the entire length of the street will have lots fronting directly onto it, the 15' side yard setback will not be something that will change the integrity of the neighborhood collector status or the placement of all the other homes along Street A so we are asking the City to consider our request for some setback flexibility.

### **Open Space**

We are required to provide a minimum of 20%, or 3.7 acres, of the site for open space. Of this 3.7 acres, 2.8 acres must be contiguous and 1.85 acres must be left in an undisturbed state. We have exceeded all of these numbers. We are proposing 5.2 acres of gross open space, 3.6 acres of contiguous open space, and 2.8 acres of undisturbed open space.

### **Infrastructure**

The property can be served by sewer and water extension from the west. Development of the property concurrently with Blackstone Ridge to the west will allow construction of a trunk storm sewer segment necessary to conform to the Northwest Area Plan.

The City has designated 65<sup>th</sup> Street, a collector, to run along the north boundary of the property. On the south end of the property, land will be dedicated for the 67<sup>th</sup> Street collector. The City has also required us to provide a north-south neighborhood collector running through Windwood. Our application proposes continuing the roads stubbed on the east property line of Blackstone Ridge.

We are requesting flexibility with the driveway requirement that they be a maximum of 20' wide. We'd like to use impervious surface for the entire width of the garage. The stormwater plan will account for all impervious surface including these proposed driveways.

We are requesting 45% per lot impervious coverage for an overall site impervious of 31%. We are requesting flexibility from the 25% overall site impervious requirement. We are exceeding all of the open space requirements and are at about 2.4 units/acre density, well within the 1-3 units/acre required. Even with our lower density and greater than minimum open space requirement, we still need an overall site impervious of 31% to make this product work. The stormwater management plan has been designed for the 31% overall site impervious we are requesting.

### **Trees**

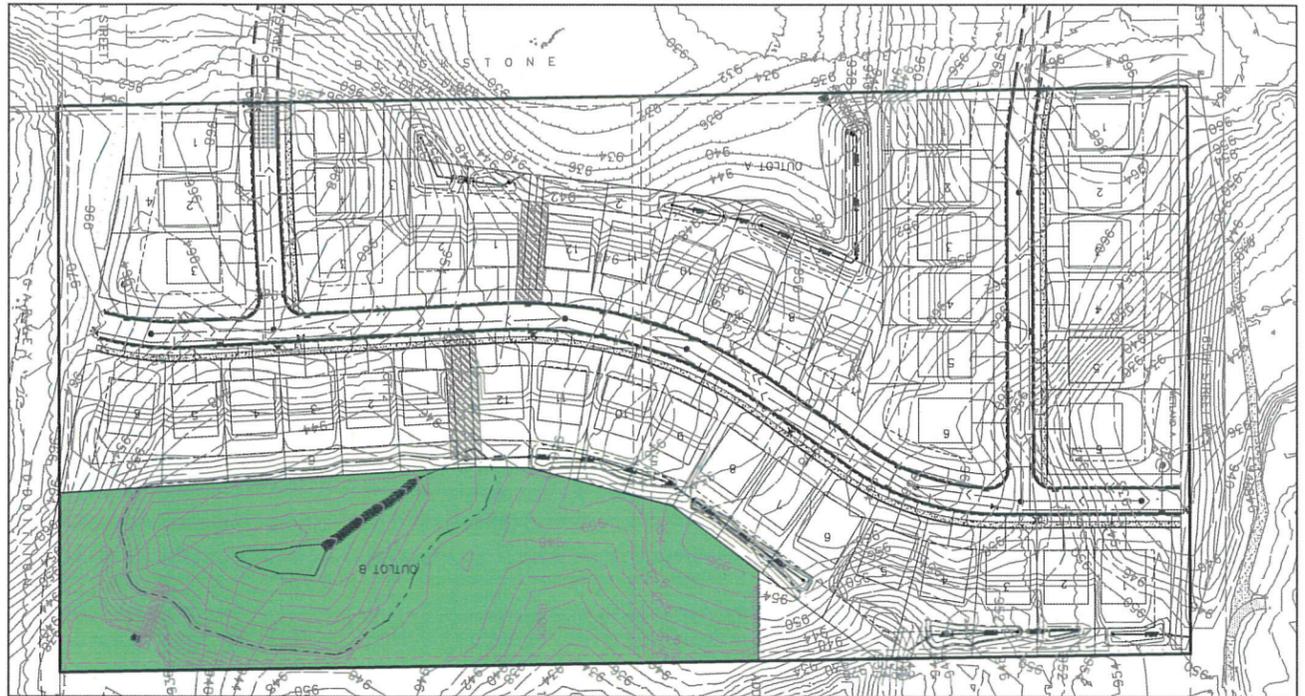
This single family development is allowed 30% tree removal threshold which we are exceeding. The City uses caliper inch measurements which means that for one 30" tree being removed over the threshold, ten 3" trees would have to replace that one tree. Because of this, going over the threshold on a wooded site like this becomes a significant burden on development and, in our case, we cannot physically fit the number of new trees required for mitigation on site. Many sites in the northwest area have a mix of open space and woodlands so the inch for inch mitigation requirement will encourage clustering in open space and leaving the woodland in its current state. Our site is primarily wooded. Because of this, the mitigation requirement becomes almost crippling because of the inch for inch requirement above the threshold. According to historical aerial photography, sometime in the 1970's the site did have open pastureland. The trees on site,

even those not exempted as conifer plantation, were actively planted and did not occur as natural woodland. We are asking flexibility in the tree mitigation requirements for these reasons.

We are proposing to mitigate with a mix of 4" deciduous and 12' evergreen trees providing for an attractive boulevard experience and ample screening from the north and south collector roads and the adjacent properties.

We look forward to working with the City as we move forward in the application process to create this newest neighborhood in Inver Grove Heights.

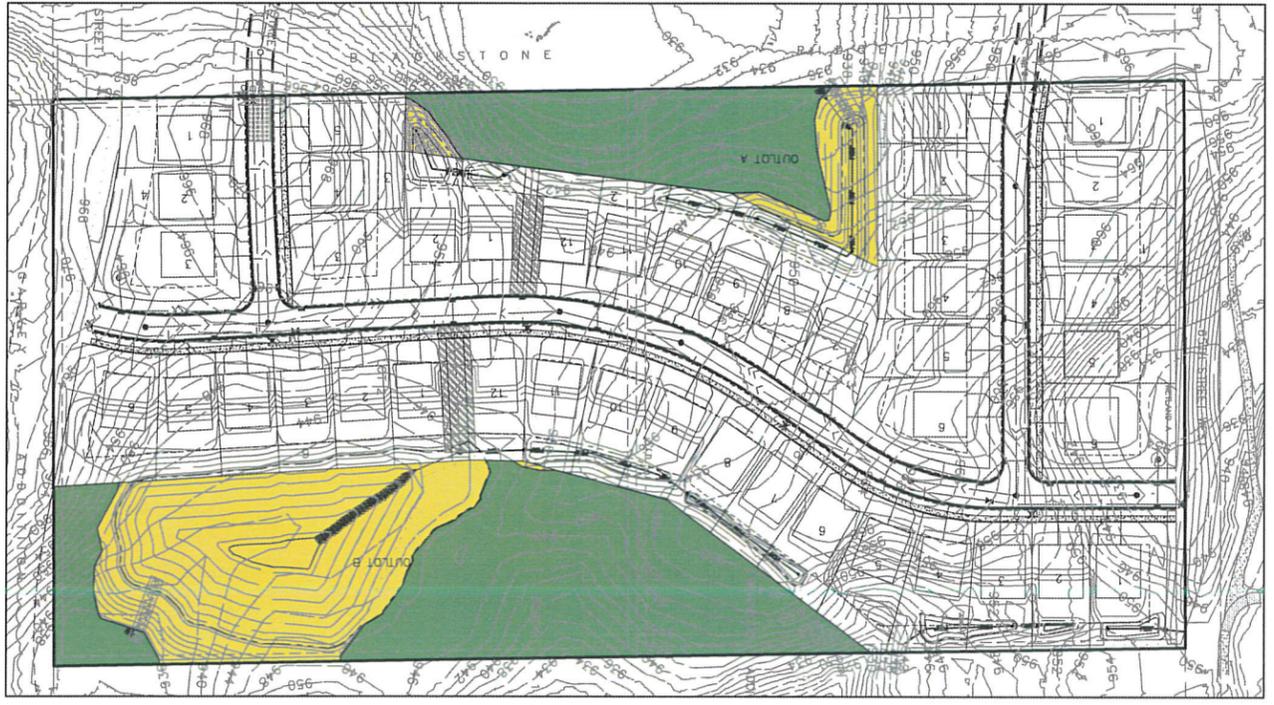




CONTIGUOUS OPEN SPACE

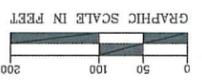


GROSS OPEN SPACE



UNDISTURBED OPEN SPACE

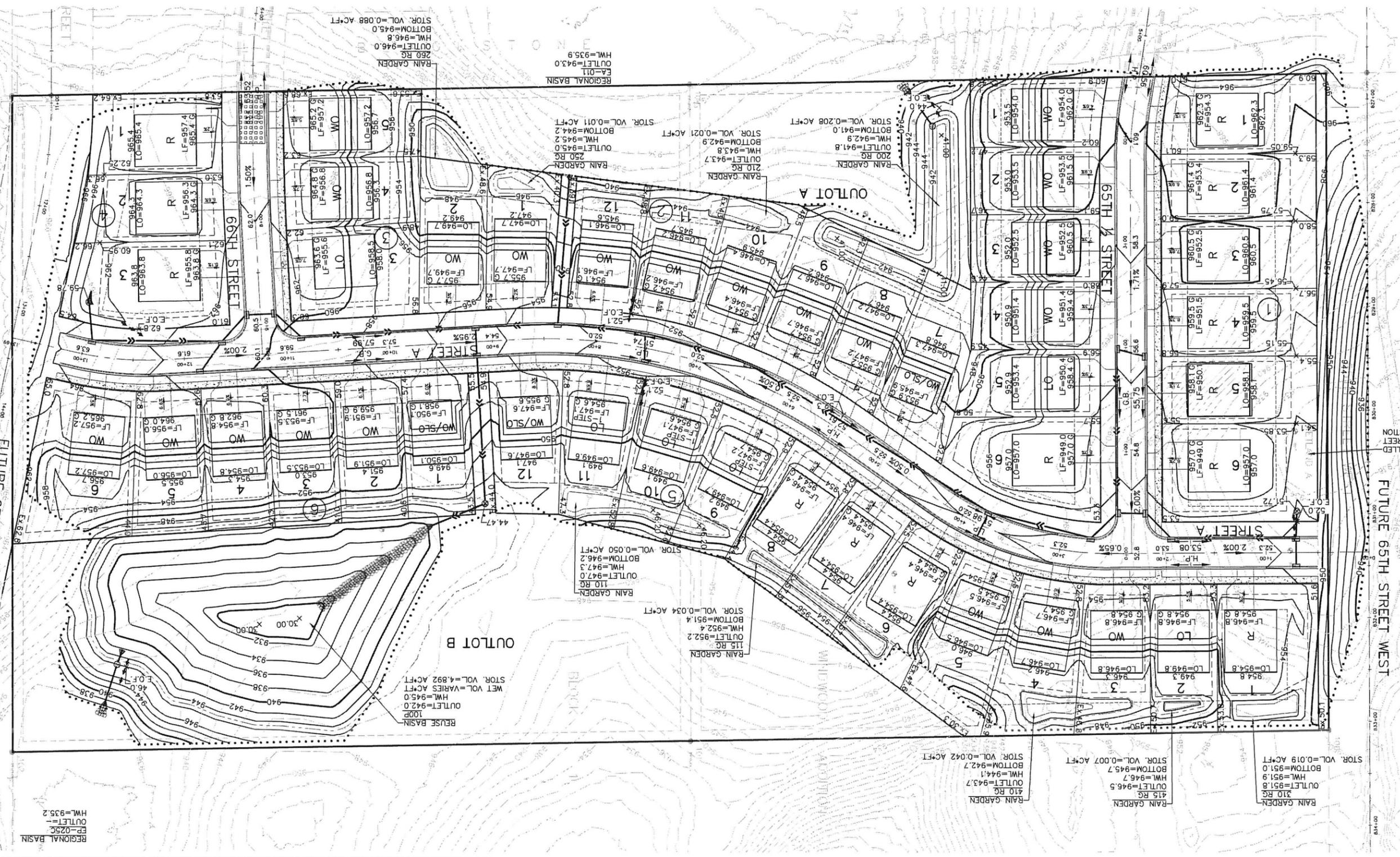
- OPEN SPACE DATA:
- GROSS DEVELOPMENT AREA: 18.3 ACRES
  - OPEN SPACE REQUIREMENT:
    - GROSS OPEN SPACE: 20% X 18.3 = 3.7 ACRES
    - CONTIGUOUS OPEN SPACE (MIN. 100' WIDE): 75% X 3.7 = 2.8 ACRES
    - UNDISTURBED OPEN SPACE: 50% X 3.7 = 1.85 ACRES
  - PROPOSED OPEN SPACE:
    - GROSS OPEN SPACE: 5.2 ACRES
    - CONTIGUOUS OPEN SPACE: 3.6 ACRES
    - UNDISTURBED OPEN SPACE: 2.8 ACRES
  - DISTURBED OPEN SPACE



**BENCH MARK**  
 MDOT BENCH 1908 E  
 NORTHEAST QUADRANT OF TRUNK HWY 3 &  
 COUNTY ROAD 26. (NAVD88) ELEV.=897.626

GRAPHIC SCALE IN FEET  
 0 25 50 100

MIN AREA=8125 SF  
 LOT AREA=8125 SF  
 HOUSE FOUNDATION TO R-O-W=25'  
 SIDE: GARAGE=7.5'  
 REAR: HOUSE=7.5'  
 IMPERVIOUS COVERAGE  
 PER LOT=40% MAX  
 CORNER TOTAL SITE=25% MAX  
 PROPOSED 30' COLLECTOR STREET  
 PER LOT=45% MAX  
 LOW FLOOR=HWL-2'  
 LOWEST OPENING=BOF+1'



REGIONAL BASIN  
 EP-025C  
 OUTLET=-  
 HWL=935.2

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

Name: James L. Thompson  
 Reg. No.: 44761  
 Date: 2-25-16

Drawn: TML  
 Checked: TML  
 Date: 2-25-16

IMPERVIOUS EXHIBIT

MIHM CUSTOM HOMES  
 842 IVY LANE  
 EAGAN, MN 55123

WINDWOOD  
 INVER GROVE HEIGHTS, MINNESOTA

[Stippled Pattern] = 80,759 SF OR 1.85 AC

ROW IMPERVIOUS AREA

3,700 SF PER LOT (INCLUDES PORCH)

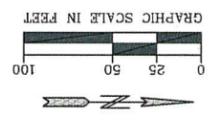
44 LOTS

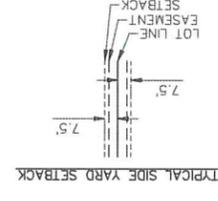
(INCLUDES DRIVEWAY)

LOT IMPERVIOUS AREA ASSUMPTIONS

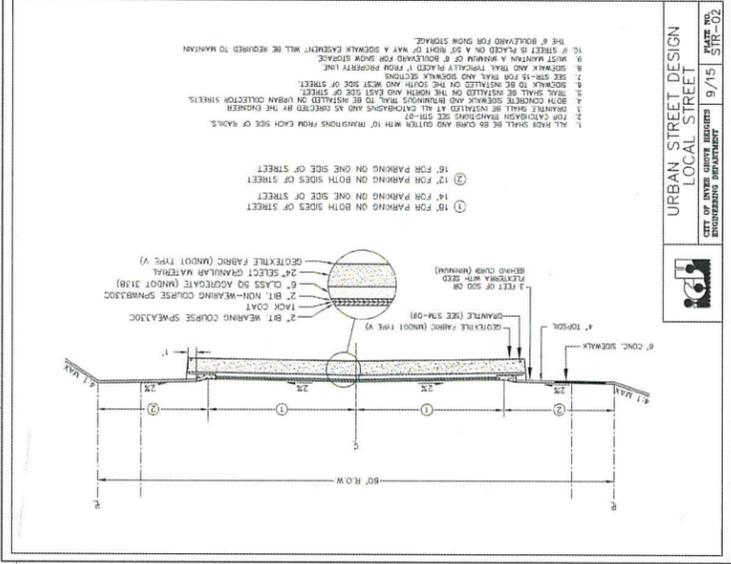
TOTAL AREA: 18.52 AC  
 IMPERVIOUS AREA: 5.59 AC  
 PERVIOUS AREA: 12.93 AC  
 % IMPERVIOUS: 30.18%

IMPERVIOUS AREA SUMMARY

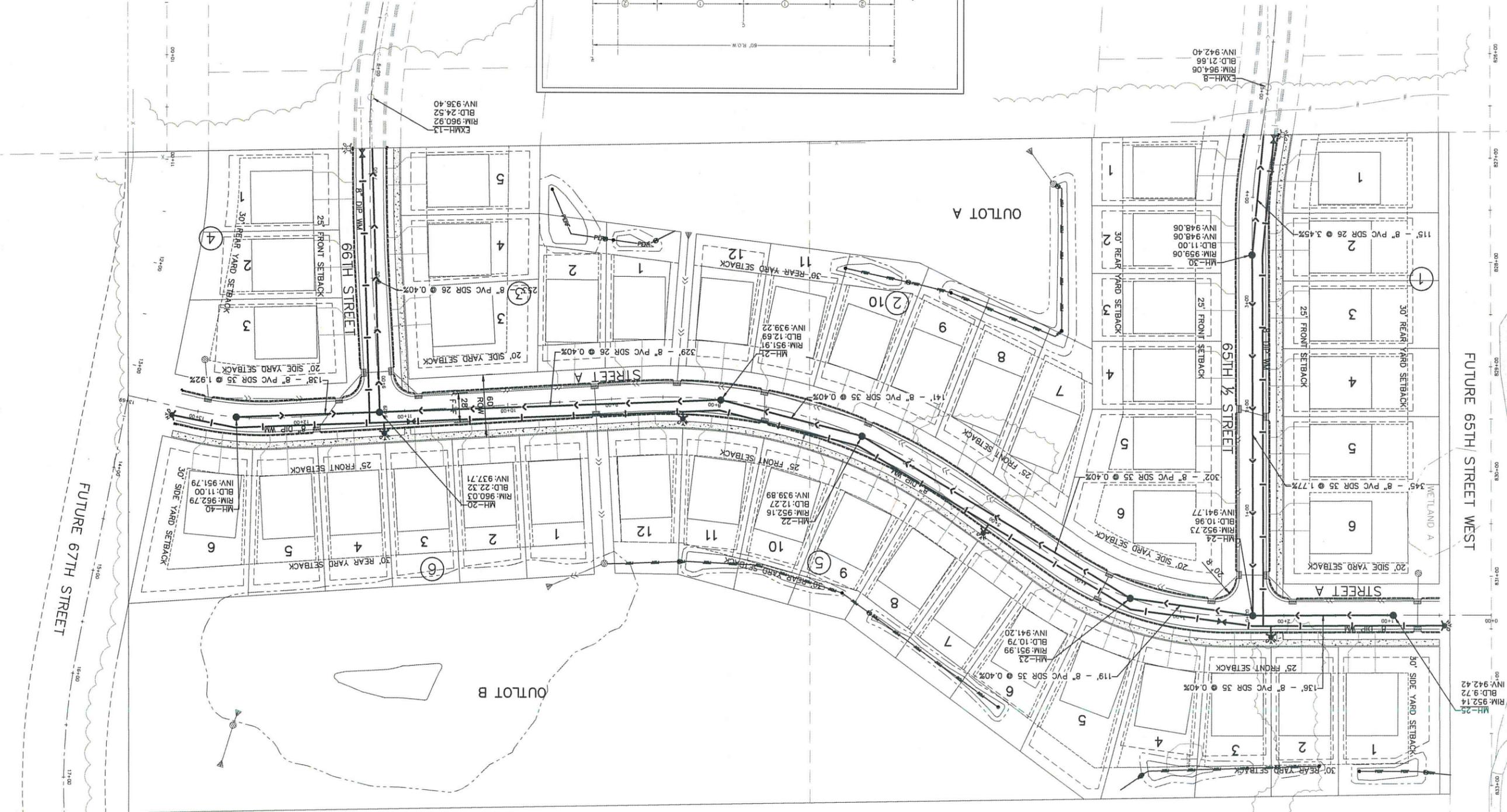
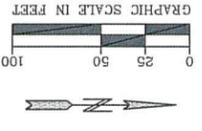




FRONT: GARAGE FOUNDATION TO R.O.-W = 25'  
 SIDE: HOUSE = 7.5'  
 REAR: LOT WIDTH = 65'  
 CORNER: 30' LOCAL STREET  
 30' COLLECTOR STREET  
 PROPOSED: PER LOT = 40% MAX  
 TOTAL SITE = 25% MAX  
 LOWEST OPENING = EOP+1'  
 IMPERVIOUS COVERAGE: PER LOT = 45% MAX  
 MIN AREA = 8125 SF  
 MIN LOT WIDTH = 65'



BENCH MARK  
 MDOT BENCH 1908 E  
 NORTHEAST QUADRANT OF TRUNK HWY 3 &  
 COUNTY ROAD 26. (NAVDB8) ELEV=897.626

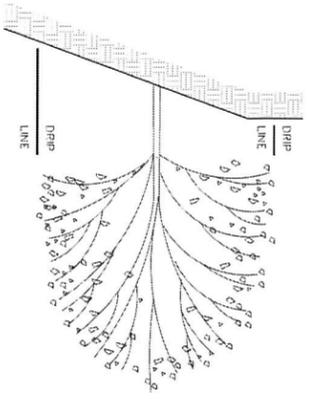




**Tree Preservation Data**  
 Total Inches: 7,295"  
 Removed Total: 5,119"  
 "Class A" Tree Removal: 1,178"  
 "Class B" Tree Removal: 3,856"  
 "Class C" Tree Removal: 85"  
 Allowed to Remove 30%: 2,188"  
 Removal Over Threshold: 2,931"  
**Mitigation Required**  
 Class B Mitigation: 2,846"  
 Replace at a rate of 1/1: 2,846"  
 Class C Removal: 85"  
 Replace at a rate of 1/1: 85"  
 Credit for 1 (27") heritage tree to be saved: 54"  
 Total inches left to be mitigated: 1,747"

"CLASS A" TREES  
 FAST GROWING DECIDUOUS SPECIES  
 "CLASS B" TREES  
 CONIFER/MIXED HARDWOODS  
 "CLASS C" TREES  
 HERITAGE TREE (27" OR GREATER DECIDUOUS OR 24" OR GREATER CONIFEROUS)  
 X 3156 = TREE TO BE SAVED  
 X 3156 = TREE TO BE REMOVED  
 SEE DOCUMENT ENTITLED "WINDWOOD TREE INVENTORY" FOR DETAIL TREE LIST

NOTE: TREES TO BE SAVED SHALL BE FENCED OFF WITH BRIGHT ORANGE POLYETHYLENE SAFETY NETTING AND STEEL STAKES AT THE DUMP LINE OR AS DIRECTED BY THE OWNER'S REP. TO INSURE AGAINST DAMAGE BY VEHICLES OR COMPARISON OF SOILS AND/OR THE CHEMICAL ALTERATION OF SOILS DUE TO CONCRETE WASHOUT, PAINTS AND LEAKAGE OR SPILLAGE OF ANY TOXIC MATERIALS.



TREE PROTECTION DETAIL

