

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

TUESDAY, NOVEMBER 15, 2016 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR NOVEMBER 1, 2016

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 B52 RESTAURANT - CASE NO.16-48PDA

Consider an **Amendment** to the Southeast Quadrant PUD Ordinance to add 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes for the property located at 5639 Bishop Avenue.

Planning Commission Action _____

3.02 PULTE HOMES OF MN - CASE NO.16-49SZV

Consider the following requests for the property located at 3790/3800 Dodd Road:

a) A **Rezoning** of the parcel from I-1, Limited Industry to R-1C, Single family residential.

Planning Commission Action _____

b) A **Preliminary and Final Plat** for a 10 lot single family development to be known as Tipperary.

Planning Commission Action _____

c) **Variances** from the minimum lot size, width and right-of-way requirements.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 1, 2016 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Pat Simon
Tony Scales
Armando Lissarrague
Joan Robertson
Annette Maggi
Jonathan Weber
Luke Therrien
Dennis Wippermann
Elizabeth Niemioja

Commissioners Absent:

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The October 18, 2016 Planning Commission minutes were approved as submitted.

DAN LENCOWSKI – CASE NO. 16-45V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow an accessory building to be larger than 1,000 square feet and for the structure to be located 17 feet from the side lot line whereas 50 feet is required, for the property located at 9311 Rich Valley Boulevard. 7 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct an addition to an existing detached accessory structure. The current detached structure is 528 square feet in size, and the applicant is proposing to add 572 square feet for a total of 1,100 square feet. The existing setback is 17.7 feet from the side property line whereas the required setback is 25 feet for structures under 1,000 square feet in size and 50 feet for structures larger than 1,000 gross square feet. The house was built in 1950 and the garage was built in 1969. It is unclear what the required setback was at the time; most of the homes in the neighborhood were built prior to the zoning ordinance being in effect. Staff feels an expansion along the established setback line of 17.7 feet seems reasonable as long as the structure stays at 1,000 square feet or less. However, expanding the structure above 1,000 square feet does not appear to be consistent with the intent of Council's action to require greater setbacks for larger buildings because of the potential for greater impact to abutting properties. Staff recommends approval of the expansion along the established 17.7 foot setback provided the structure is no larger than 1,000 square feet.

Commissioner Simon asked if the 528 square foot structure size included the small shed on the property line.

Mr. Hunting replied it only includes the one structure they are proposing to add onto.

Commissioner Simon asked if the small shed on the property line would be considered a second structure.

Mr. Hunting stated both sheds would be grandfathered in because they were there prior to the ordinance going into effect. At this point staff is only dealing with the shed they are proposing to add onto.

Commissioner Niemioja noted that staff had not stated a practical difficulty.

Mr. Hunting stated since staff is supportive of one variance and not the other they are asking the Planning Commission to choose their own practical difficulty.

Commissioner Robertson noted that an 1,100 square foot building requires a significantly larger setback than a 1,000 square foot building.

Chair Maggi asked what the topography was like on the vacant lot to the west.

Mr. Hunting replied he was unsure.

Opening of Public Hearing

Dan Lencowski, 9311 Rich Valley Boulevard, advised he was available to answer any questions.

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

Mr. Lencowski replied in the affirmative. He appreciated staff's support of the setback variance and explained why he would like the size variance as well. He advised that the additional 100 feet would allow him to build width-wise as well and would give him the room necessary to accommodate his future needs in regard to vehicle storage, would make the garage more aesthetically appealing and uniform to the house, and would improve the appearance of his home as he could remove the vehicles from his driveway.

Chair Maggi asked for clarification of the additional accessory building on the property line.

Mr. Lencowski replied that he had never measured the shed in question, but believed it was about 200 square feet. He advised that the neighboring property owner on that side was in full support of his request. He added that there were thick trees and aggressive grade changes in the area.

Commissioner Lissarrague asked how close the smaller shed was to the property line.

Mr. Lencowski replied that it was on the property line.

Commissioner Therrien asked the applicant why he needed the proposed addition to be so deep.

Mr. Lencowski replied that the additional depth would allow him to pull vehicles in and work on them.

Commissioner Therrien advised the applicant that he would have an easier time getting his request approved if he could keep the total square footage under 1,000. He suggested he reduce it to 24' x 19.8' or 22' x 21.4' which would still provide the architectural look on the front.

Mr. Lencowski stated he would prefer the additional 100 square feet.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi suggested they vote on the two variances separately.

Commissioner Simon stated if they support one of the variances but not the other their recommendation could be conflicting.

Commissioner Wippermann suggested they eliminate the words 'greater than' and just recommend allowing a 17.7 foot setback for an accessory structure 1,000 square feet in size or less.

Planning Commission Recommendation

Motion by Commissioner Therrien, second by Commissioner Lissarrague, to approve the request for a variance to allow a 17.7 foot setback for an accessory structure 1,000 square feet or less, with the practical difficulty being that they were only allowed to have one accessory structure, for the property located at 9311 Rich Valley Boulevard.

Chair Maggi added an additional practical difficulty that the building was in existence prior to the zoning ordinance.

Motion carried (9/0).

Commissioner Simon asked if the Planning Commission were allowed to change the wording of the variance in their recommendation.

Mr. Hunting replied in the affirmative.

Motion by Commissioner Robertson, second by Commissioner Niemioja, to deny the variance to allow an accessory structure greater than 1,000 square feet in size, for the property located at 9311 Rich Valley Boulevard.

Motion carried (9/0). This item goes to the City Council on November 14, 2016.

JEFF BURNS – CASE NO. 16-46V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a detached accessory building 44 feet from the side lot line whereas 50 feet is the required setback, for the property located at 10405 Andrea Trail. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a variance from the side yard setback to construct a 631 square foot addition onto the existing detached garage. The building would be 1,557 gross square feet in size and would be 44 feet from the side property line whereas 50 feet is the required setback for structures larger than 1,000 square feet. The existing detached garage is a unique shape and in order to maintain the same roof line of the existing structure the addition is setback six feet from the front of the building. Moving the addition forward six feet would change the roof line visually and would result in unusable space in the back of the addition. If the addition was kept in line with the back portion of the existing garage a variance would still be necessary due to the angle of the garage in relation to the property line. Due to the topography of the property, the existing trees, and the location of the existing garage, the addition would be difficult to see from any of the

abutting property owners or from the street. Staff believes the request is unique in that the property most affected by the variance is the cemetery and there would be little to no impact to the abutting properties. Staff recommends approval of the request with the two conditions listed in the report. Included in the packet is an email from the property owner to the south that is in support of the request.

Opening of Public Hearing

Jeff Burns, 10405 Andrea Trail, advised he was available to answer any questions.

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

Mr. Burns replied in the affirmative.

Commissioner Robertson asked how far in either direction they would have to move the proposed addition in order to meet the 50 foot setback.

Mr. Burns replied they would have to take approximately six feet off the corner. He stated if he moved the building forward it would not look right architecturally.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated the practical difficulty was that moving the addition in order to meet the 50 foot setback would not work.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Robertson, to approve the request for a variance to allow a garage addition to be located 44 feet from the side lot line whereas 50 feet is required, for the property located at 10405 Andrea Trail, with the two conditions listed in the report with the practical difficulty being the owner is not able to add onto to the garage without a variance based on the current location of the existing structure.

Motion carried (9/0). This item goes to the City Council on November 14, 2016.

The meeting was adjourned by unanimous vote at 7:28 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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

REPORT DATE: November 9, 2016

CASE NO: 16-48PDA

HEARING DATE: November 15, 2016

APPLICANT: B52 Restaurant

PROPERTY OWNER: IGH Property, LLC

REQUEST: SE Quad Ordinance Amendment (Bishop Heights)

LOCATION: 5639 Bishop Avenue

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: PUD (Southeast Quadrant)

REVIEWING DIVISIONS: Planning
Fire

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicant is requesting a 2,299 square foot roof top restaurant addition to be located at B52's . The Bishop Heights PUD was approved for a 7,400 square foot restaurant on the site. Therefore, the restaurant expansion requires an amendment to the Bishop Heights PUD Ordinance to allow for more restaurant space along with amending the trip generation table. The expansion would entail an interior remodel that includes an elevator, structural reinforcement of the roof, and the addition of restaurant/bar space on the roof top that would have seating for 100 customers.

The Bishop Heights PUD was set up with its own ordinance and all projects and uses are approved individually and listed in the ordinance. The original approval was for 7,400 square foot restaurant. Uses and traffic counts are tracked in the Bishop Heights PUD because it is important that traffic generation at the Upper 55th Street and Hwy 52 intersection remain below capacity.

Approvals Required

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

- 1) Adoption of a Bishop Heights PUD Ordinance Amendment adding 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes to 153 PM peak vehicle trips.

EVALUATION OF THE REQUEST

Surrounding Uses. The subject site is surrounded by the following uses:
North – Movie theatre; zoned PUD; guided RC.

East - Old World; zoned PUD; guided RC

West – HWY 52

South – Hotel; zoned PUD; guided RC

ANALYSIS

The Bishop Heights district has been a main commercial corridor in the City the last 15+ years. There has been some ebb and flow to the different businesses in the Heights area. There is one vacant multi-use strip mall, but for the most part the other businesses have had a strong commercial presence. The requested PUD ordinance amendment is consistent with the existing businesses and the City's Comprehensive Plan.

The original SE Quadrant PUD was approved for:

2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant
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The requested roof top restaurant expansion would change the SE Quadrant Ordinance to read as follows:

2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant <u>and a 2,299 square foot roof top restaurant space</u>
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Traffic and parking have always been a concern in the Upper 55th/Highway 52 area. The existing restaurant includes 264 seats indoor and a 40 seat patio. The proposed addition is a 100 seat roof deck, which would include the removal of the 40 seat patio area, resulting in a net increase of 60 seats. The zoning code requires 20 additional parking spaces for the roof top seating. The site has a shared parking agreement with the abutting hotel and movie theatre. Based on the shared parking agreement staff is not concerned with the additional parking spaces required for the restaurant expansion. Additionally, the movie theatre recently underwent a renovation reducing the number of theater seats; therefore the site is now overparked. Staff is recommending a sign be posted at the entrance of B52 stating where the overflow parking is located.

The Bishop Heights Ordinance also needs to be amended to reflect traffic generation for the use. All uses in the PUD are approved with a peak traffic generation number. This is used to track total projected traffic volumes to compare when actual traffic counts are done in the area. In this case the traffic count would increase 25 trips during the afternoon peak time. The Traffic Table would be amended to reflect the new numbers.

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

Landscaping. The roof top expansion would not require any additional landscaping.

Engineering. The Engineering Department has reviewed the plans and takes no exception to the request. No additional impervious surface is being added to the site.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal at time of building permit.

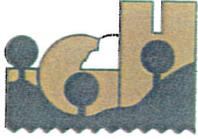
ALTERNATIVES

- A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:
- Approval of an **Amendment** to the Southeast Quadrant PUD Ordinance to add 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes to 153 PM peak trips subject to the following conditions:
 1. The site shall be developed in substantial conformance with the plans on file with the Planning Department.
 2. A directional sign stating where the overflow parking is located shall be placed at the entrance of the restaurant.
 3. All final development plans shall be subject to the review and approval of the City Fire Marshal and Building Official.
- B. **Denial:** If the Planning Commission does not support the request, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, the basis of the recommendation should be given.

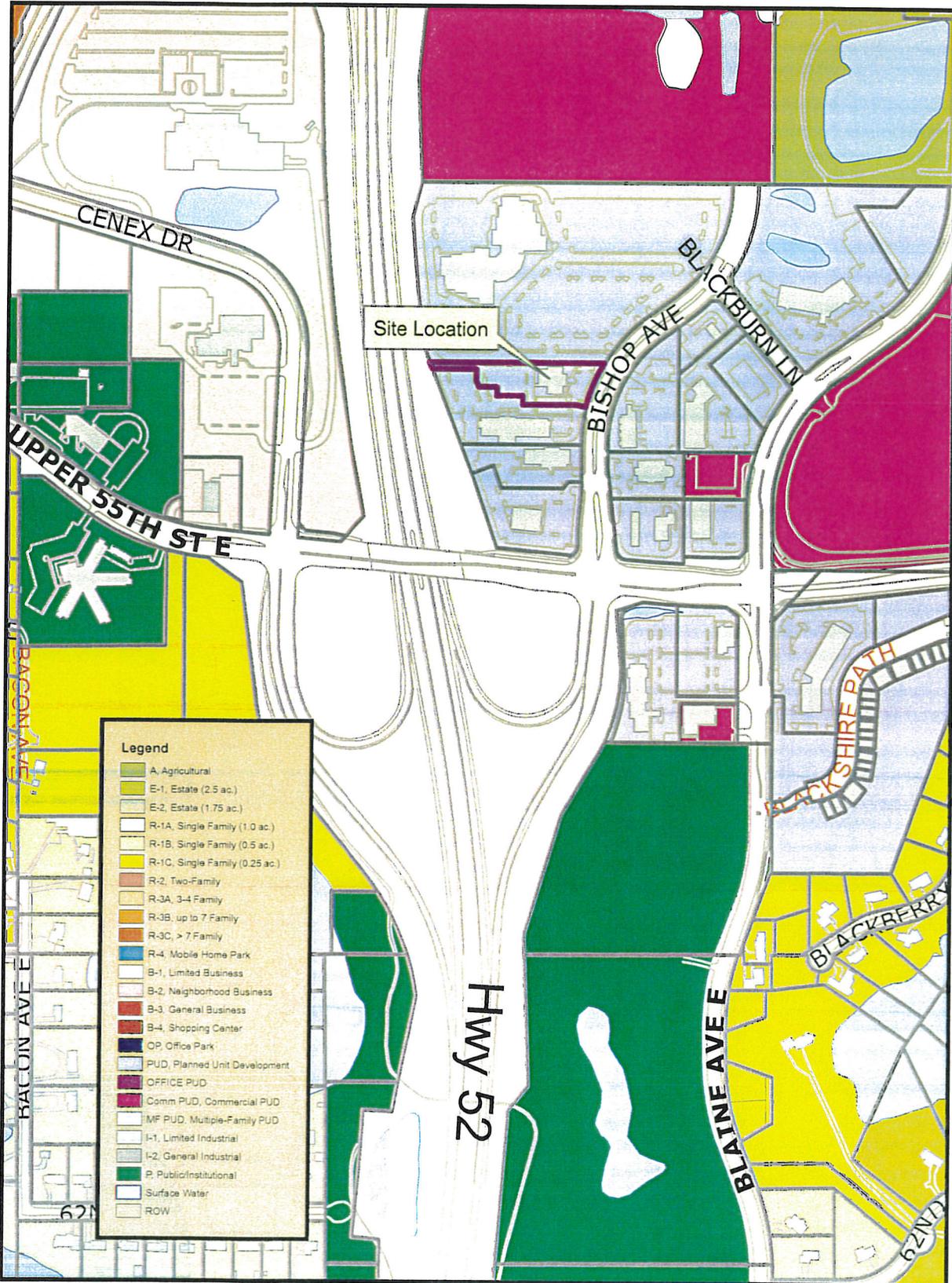
RECOMMENDATION

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

Attachments: Exhibit A –Zoning Map
Exhibit B – Letter from applicant
Exhibit C – Trip generation calculation
Exhibit D – Elevations

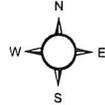


B-52 Restaurant Case No. 16-48PDA



Legend	
[Green]	A, Agricultural
[Light Green]	E-1, Estate (2.5 ac.)
[Yellow-Green]	E-2, Estate (1.75 ac.)
[Light Yellow]	R-1A, Single Family (1.0 ac.)
[Yellow]	R-1B, Single Family (0.5 ac.)
[Light Orange]	R-1C, Single Family (0.25 ac.)
[Orange]	R-2, Two-Family
[Dark Orange]	R-3A, 3-4 Family
[Red-Orange]	R-3B, up to 7 Family
[Red]	R-3C, > 7 Family
[Blue]	R-4, Mobile Home Park
[Light Blue]	B-1, Limited Business
[Medium Blue]	B-2, Neighborhood Business
[Dark Blue]	B-3, General Business
[Purple]	B-4, Shopping Center
[Dark Blue]	OP, Office Park
[Light Blue]	PUD, Planned Unit Development
[Dark Blue]	OFFICE PUD
[Purple]	Comm PUD, Commercial PUD
[Light Blue]	MF PUD, Multiple-Family PUD
[Light Green]	I-1, Limited Industrial
[Dark Green]	I-2, General Industrial
[Light Blue]	P, Public/Institutional
[Blue]	Surface Water
[White]	ROW

THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.
Map produced by the City of Inver Grove Heights GIS Dept.
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Map not to scale

Exhibit A
Zoning and Location Map

B52 BURGERS AND BREW
5639 Bishop Avenue
Inver Grove Heights

The B52 restaurant is currently part of the Bishop Heights Commercial PUD development, in the city of Inver Grove Heights. The restaurant also has a reciprocal easement that is shared with the Theater to the north and the adjacent Hotel to the South. This easement includes, ingress, egress, parking, pedestrian traffic, and storm water.

The existing restaurant was originally built as a Damon's in 1989, and sold to the Premier Restaurant Group - Major's Restaurant, and was sold to the B52 Restaurant group in 2016. The restaurant presently has a bar and dining area with a total of 256 seats inside, and has a small patio area with approximately 24 seats outside.

The application is for an amendment to the Bishop Heights PUD, that would allow a roof top deck use. The amendment would allow the restaurant to construct a roof top deck with a total size of 2299 square feet. The dining and bar area is about 1450 square feet of this total. The deck will have 15 person bar area, a lounge area seating 10 people and dining area for 75 people. The total new rooftop seating will be 100 people. The proposal also includes removing the existing patio area on the main floor.

The total parking spaces for the existing main restaurant seating and the new rooftop will be 119 stalls. The existing site has 66 standard stalls, 6 accessible stalls and 2 proof of parking spaces, giving a total of 74 spaces. The remaining 45 spaces will be shared as part of the easement with the neighbors to the north and the south by the reciprocal easement.

The existing restaurant has an old school look with brick, stucco, and a black metal and glass entry. The new deck and the related penthouse structures, will complement the "old school" feeling with the penthouses, elevator shaft and two trellised areas that will be built with similar materials; stucco, and black metal roofing, and complimentary materials, such as; black metal railings, and smart siding.

The massing of the Bar, Restroom and storage has been placed to act as a sound barrier between the dining area and the hotel rooms to the south. An additional tall feature wall has been placed to further reflect sound away from the hotel. The main view of the deck will be focused on the distant, metropolitan skyline to the north.

The existing roof structure will be modified to accommodate the new loading resulting from the new structures and the patrons. The new interior penthouse structures, and the underside of the deck will be sprinklered as required by the Fire code.

The owner is asking that the final parking requirements, and traffic generation calculations to be worked out with city staff as a condition of approval.



MEMORANDUM

To: Martina Foss Ashworth, AIA, NCARB, LEED GA
Progressive Architecture

From: Douglas Arnold, P.E.
Kimley-Horn and Associates, Inc.

Date: October 25, 2016

Re: B-52 Burgers and Brew Expansion – Trip Generation Calculation

Kimley-Horn was hired by Progressive Architecture to review the potential trip generation increase associated with the planned expansion of B-52 Burgers and Brew. B-52 Burgers and Brew is planning to expand their restaurant to include a roof deck. The existing restaurant includes 264 seats indoor and a 40 seat patio. The proposed addition is a 100 seat roof deck, which would include the removal of the 40 seat patio area, resulting in a net increase of 60 seats.

The restaurant is located on Bishop Avenue, north of Upper 55th Street E, in Inver Grove Heights, Minnesota. There is one driveway on Bishop Avenue that provides direct access to the establishment. The intersection of Bishop Avenue and Upper 55th Street E is currently signalized. The existing Average Daily Traffic (ADT) on Upper 55th Street is 14,200, based on a 2014 MnDOT traffic count. Bishop Avenue is a four-lane roadway north of Upper 55th Street, and Upper 55th Street E is a four-lane arterial on both sides of Bishop Avenue. There is a planned improvement to widen Upper 55th Street west of the site from Robert Trail to Babcock Trail according to the 2030 Comprehensive Plan.

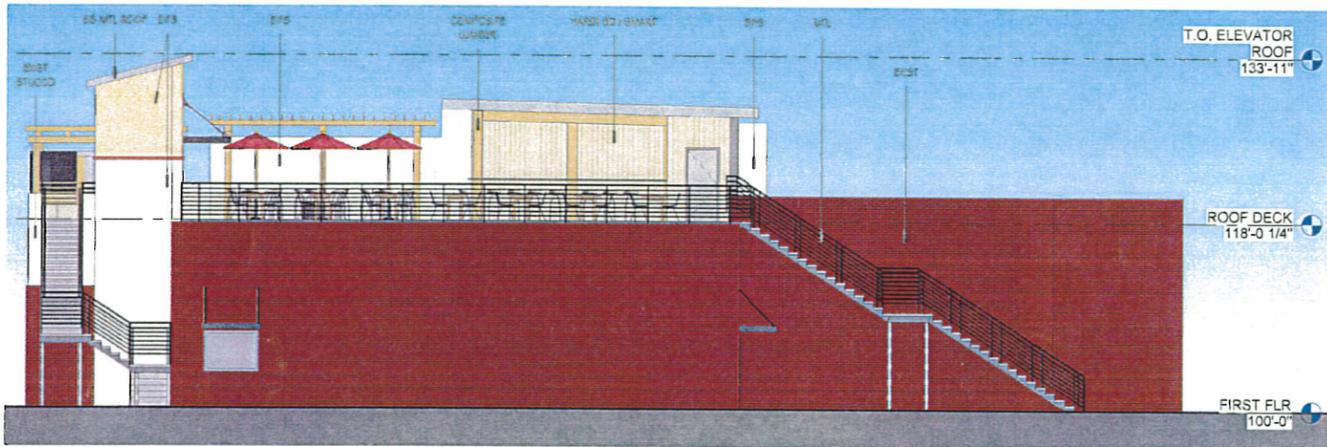
Trip generation for the development was calculated based on the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition. ITE Land Use Code 932, High-Turnover (Sit-Down) Restaurant, was used for the development. **Table 1** provides the average rate and the estimated number of trips during the weekday PM peak hour.

Table 1: Trip Generation Comparison - PM Peak Hour						
Scenario	Average Trip Generation Rate	Total Seats	Total Trips	Trips In	Trips Out	Total Increase of Trips
Existing	0.42	304	128	74	54	25
Proposed		364	153	89	64	

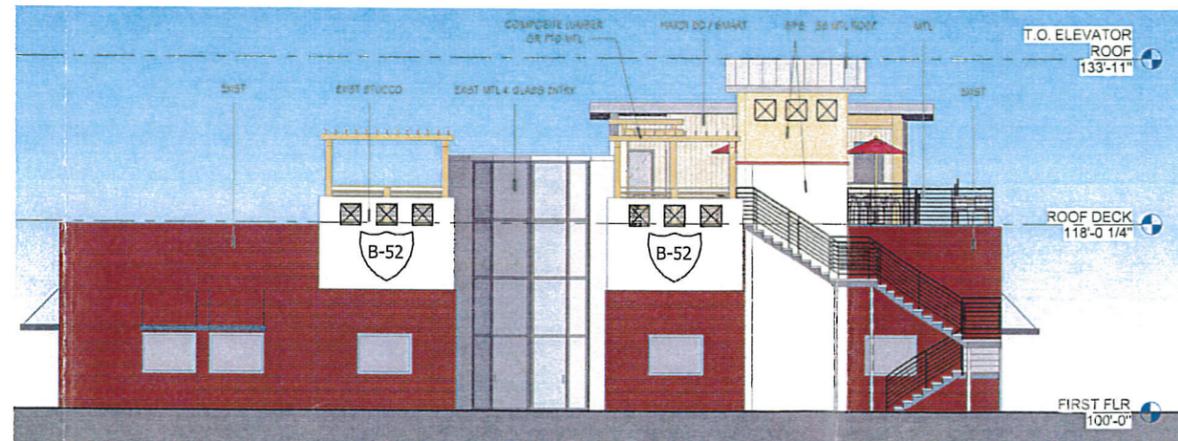
The total increase of trips to the site with the planned expansion is 25 trips in the PM peak hour (15 in and 10 out). The increase in trips will have less than a 1% impact on the adjacent roadways (Bishop Avenue and Upper 55th Street E) considering that both roadways are currently four-lanes.



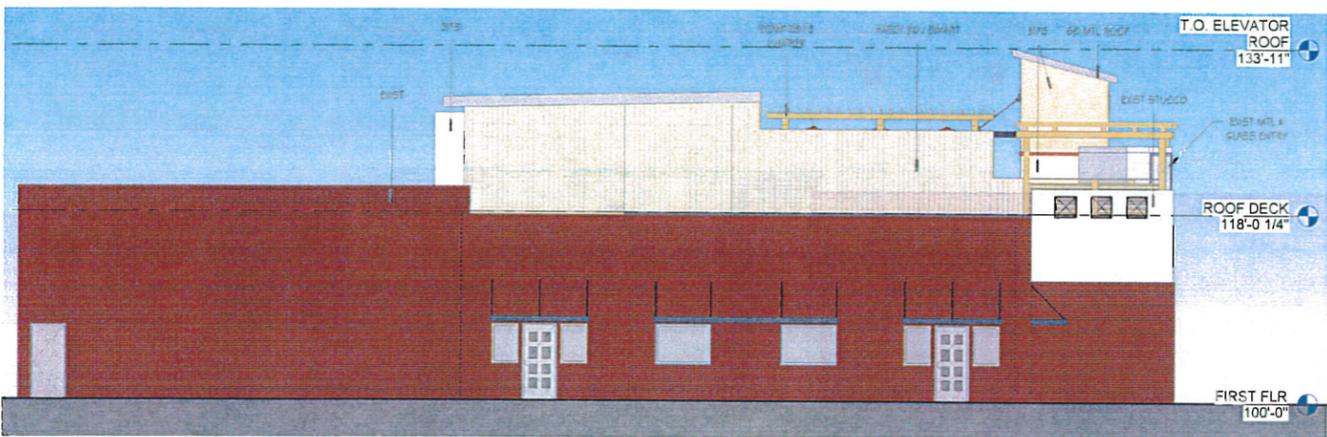
PROGRESSIVE Architecture
 4920 OTTER LAKE ROAD, WHITE BEAR LAKE, MN 55110
 WWW.PROGRESSIVEARCH.COM 951.282.1081



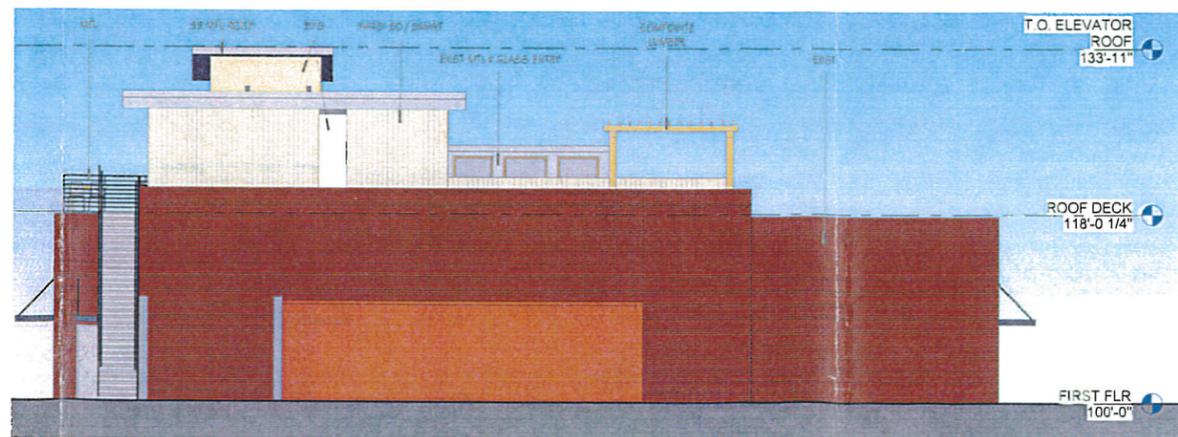
① NORTH ELEVATION
 1/8" = 1'-0"



② EAST ELEVATION
 1/8" = 1'-0"



③ SOUTH ELEVATION
 1/8" = 1'-0"



④ WEST ELEVATION
 1/8" = 1'-0"

REVISIONS		
No.	Description	Date

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT ISSUED
 SCOTT C. MOWER DATE LICENSE #
 Project Number B62B
 Date NOT ISSUED
 Drawn By MFA

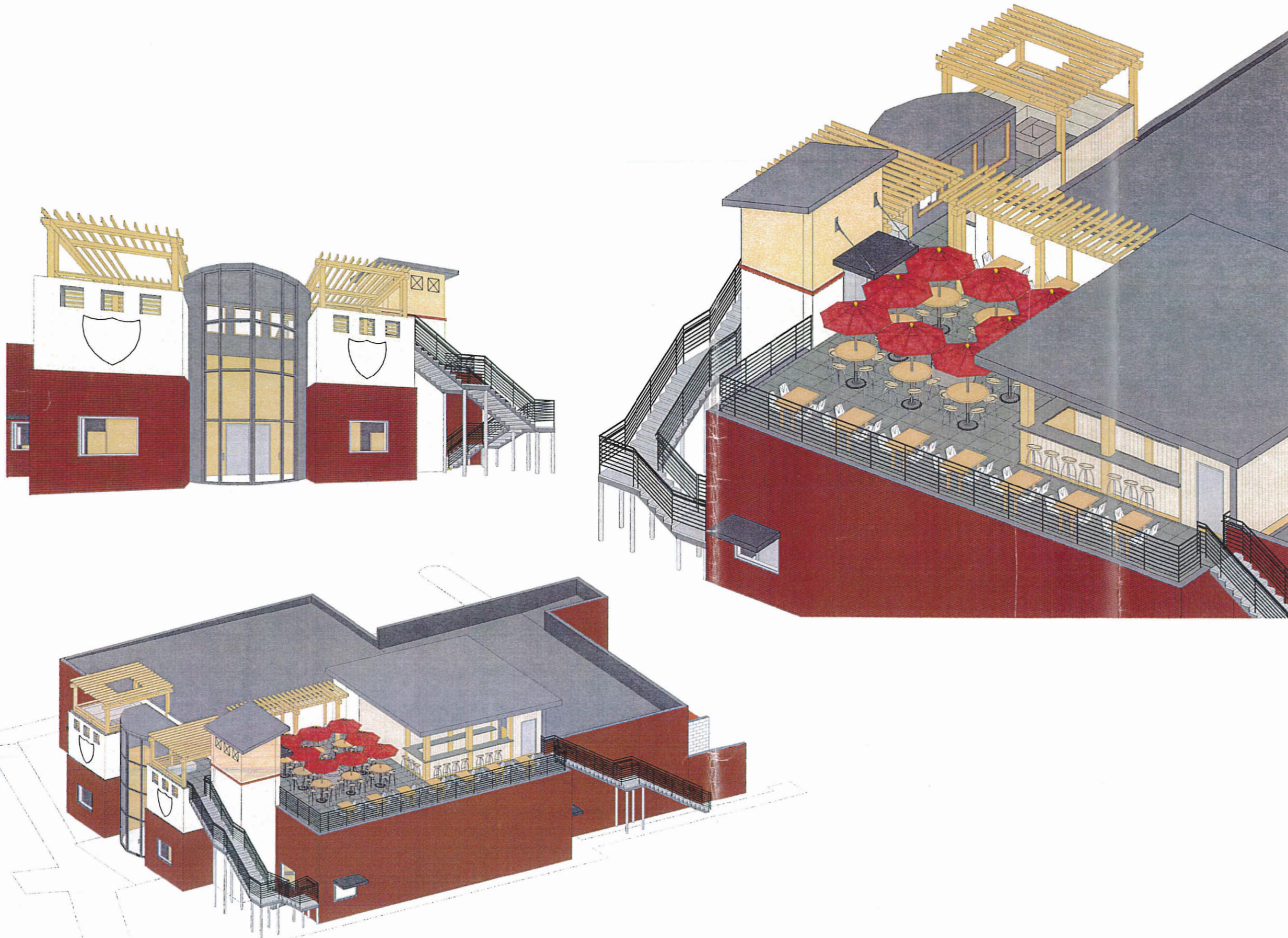
B52
BURGERS
& BREW

INVER GROVE
 HEIGHTS, MN

A3.0

EXT ELE

DESIGN
 DEVELOPMENT



PROGRESSIVE
Architecture

4628 OTTIER LAKE ROAD, WHITE BEAR LAKE, MN 55119
WWW.PROGRESSIVEARCH.COM 951.232.1067

REVISIONS

No.	Description	Date

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT ISSUED
SCOTT C. MOWER DATE _____ LICENSE # _____
Project Number B62B
Date NOT ISSUED
Drawn By MFA

**B52
BURGERS
& BREW**

INVER GROVE
HEIGHTS, MN

A0.2
3D VIEWS
DESIGN
DEVELOPMENT

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

REPORT DATE: November 8, 2016

CASE NO: 16-49SZV

APPLICANT: Pulte Homes of Minnesota

PROPERTY OWNER: Star Fire Property, LLC

REQUEST: Rezoning, Preliminary and Final Plat and Variances

LOCATION: Dodd Road and Hwy 149

HEARING DATE: November 15, 2016

COMPREHENSIVE PLAN: LDR, Low Density Res **ZONING:** I-1, Limited Industry

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Pulte Homes is proposing to develop a residential project on adjoining properties in both Eagan and Inver Grove Heights. The total property is approximately six acres and the project would consist of a single family development containing 21 total units in both cities. The parcel in Inver Grove Heights is approximately 3.0 acres in size with 10 units proposed. The application consists of the following:

1. A Rezoning of the Parcel from I-1, Limited Industry to R-1C, Single Family Residential
2. A Preliminary and Final Plat for a 10 lot single family development to be known as Tipperary.
3. Variances from minimum lot size, width and right-of-way width.

City Council just recently approved a comprehensive plan amendment to change the land use to LDR, Low Density Residential. The rezoning request would be consistent with the land use designation.

The applicant is simultaneously seeking approvals from both cities. The City of Eagan just recently approved the preliminary plat for the Eagan portion.

EVALUATION OF THE REQUEST

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

North – Hwy 149

East - Light industrial uses; zoned I-1,; guided LI

West - City of Eagan, single family residential

South – single family; zoned R-1C; guided LDR

REZONING

The City Council just recently approved a comprehensive plan land use change for the property to LDR, Low Density Residential. This category allows 1-3 units per acre and would be consistent with the proposed R-1C, Single Family Zoning District.

The property is currently zoned I-1, Limited Industry which was consistent with the old industrial land use designation. The proposal is consistent with density and consistent with single family development that is allowed in the R-1C district. A rezoning to R-1C would be consistent with the land use plan designation.

PRELIMINARY PLAT

Density. The site acreage is approximately 3.0 acres. There are 10 units proposed which yields a density of 3.0 units per acre which is consistent with the LDR land use designation of the property. The LDR designation allows for densities up to 3 units per acre.

Lots & Blocks. The applicant has provided a lot area and lot width table for all the lots shown in the narrative. The lot areas range from 9,439 square feet to 20,634 square feet. Lot widths range from 65 feet to 92 feet. The applicant is requesting variances from lot size and width. Required minimum lot size is 12,000 square feet and 85 feet lot width. The variances are discussed later in this report.

Park Dedication. The Comprehensive Plan does not identify a need for a park in this general area; therefore, staff is not recommending the developer provide any park land dedication for this development. Staff is recommending that the developer be required to provide cash in the amount of the rates in effect at the time the final plat is approved. Current cash park dedication would consist of 10 lots X \$2,850 per lot = \$28,500.

The Mendota Lebanon Regional Trail is proposed to cross Hwy 149 at Wescott Road with a potential future grade separated crossing. In order to accommodate this possible future crossing, the developer should provide a 30 foot trial easement on the northern tip of the proposed development in Inver Grove Heights (see exhibit).

Setbacks. The project would comply with all required setbacks. The project is proposed with a 20 foot separation between units which exceeds side yard requirements.

Access/Streets. The entire property is surrounded by Hwy149, Westcott Road and Dodd Road. The project would utilize the existing access onto Dodd Road. No access would be allowed onto Wescott as it would not comply with spacing standards. There is railroad right-of-way running parallel to Hwy 149, so the site does not have any access to 149.

The applicant is proposing 50 foot wide rights-of-way throughout the project and 28 feet wide streets. Streets will be parking on one side only. Eagan allows 50 foot right-of-way by ordinance. To achieve continuity throughout the project, the applicant is request a variance to allow the same 50 foot right-of-way in Inver Grove Heights. Standard right-of-way is 60 feet. The variance is discussed later in this report.

The length of the cul-de-sac is technically measured from the city boundary line to the center of the cul-de-sac bubble. This distance for both cul-de-sacs is less than 500 feet and therefore complies with maximum length requirements.

Street lights at intersections and end of cul-de-sacs will be required. Details to be addressed in the development contract.

Joint Powers Agreement. The site is located within the area governed by the joint powers agreement between Eagan and Inver Grove Heights for the extension of Eagan utilities into Inver Grove Heights, including water, sanitary and storm sewer. The approved plans shall be subject to the conditions of the joint powers agreement.

Grading and Utilities. The engineering departments from Inver Grove Heights and Eagan have been working together to review the grading, storm water and utility plans. There are a couple of infiltration basins shown on the northern portions of the site to address storm water needs. The plans are acceptable to both cities and final details will be worked out in our development contract process and on construction plans.

Landscaping. The Subdivision Ordinance requires one tree per lot. The applicant has provided a landscape plan which shows at least one over story tree in the front yard on each lot and additional plantings for the lots abutting the RR right-of-way along Hwy 149. The additional plantings consist of deciduous plantings in a row for screening. Landscape requirements have been satisfied.

Development Contract. A development contract will be required to address the improvements for the development such as streets, grading and storm ponds. The developer is required to enter into a contract with the City addressing the improvements and construction on site. A letter of credit equal to 125% of the cost of these improvements is required before release of the plat. This requirement assures the City that these particular improvements will be constructed to the satisfaction of the City.

Environmental Issues. The property did have some environmental contamination resulting from actions from a previous landowner. In 2006, the current owner prepared a Voluntary Response Action Plan that was approved by the MPCA. The site was cleaned up and in 2008, the MPCA issued a "No Further Action" letter which indicates the site has been cleaned up and approved by the MPCA.

VARIANCES

The applicant is requesting variances from lot size, width and R-O-W width to be consistent with the design in Eagan. The whole project would be uniform in lot size/width dimensions and in R-O-W width for the entire road system.

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

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

The requests relate to design of single family development and this type of development is consistent with the land use designation of LDR, Low Density Residential. The requested variance standards are similar to those standards found in the Northwest Area Overlay District. While this property is not in the Northwest Area Overlay, smaller lot sizes, widths and right-of-way widths are given flexibility and encouraged to be smaller where needed. The requests can be found to be in harmony with city codes.

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

The City of Eagan allows for smaller lot sizes and right-of-way widths than in Inver Grove Heights. A uniform design for the property in both cities will create a more unified neighborhood since this is isolated by access with no connection to other neighborhoods. The property would be utilized in a reasonable manner providing for a single family development abutting other single family developments.

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

The property does not have any usable direct frontage or access to an existing road. Access is dependent upon development in Eagan to access Dodd Road. A property with no usable direct frontage is a unique circumstance that is not a situation created by the property owner. The property therefore relies on land in Eagan to gain access. The developer is working toward a uniform design of the project in both cities.

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

The property to the south is developed with single family homes. While these homes are on standard urban lot sizes, the proposed development is not such a radical departure from standards that it would be out of character. A uniform design in both cities would create a consistent, unified neighborhood.

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. The applicant is attempting to maximize the development potential of the site, but a continuity or uniformity of the development in both cities is the primary reason for the requested variances.

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 actions should be recommended for approval:
- o Approval of the **Rezoning** of the property from L-1, Limited Industry to R-1C, Single Family Residential.
 - o Approval of the **Preliminary and Final Plat** for the plat of Tipperary subject to the following conditions:
 1. The development shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Preliminary Plat	dated 10/17/16
Site Plan	dated 10/17/16
Grading and Drainage Plan	dated 10/17/16
Utility Plan	dated 10/17/16
Erosion Control Plan	dated 10/17/16
Landscape Plan	dated 10/17/16
 2. Park dedication shall be subject to the recommendation of the Park and Recreation Commission and the joint powers agreement.
 3. A 30 foot trial easement shall be dedicated on the northern tip of the proposed development to accommodate the future Mendota Lebanon Hills Greenway trail corridor and grade separated crossing.
 4. Prior to final plat approval, the final grading, drainage and erosion control, utility plans and storm water calculations shall be approved by the Director of Public Works.
 5. Drainage and Utility easements shall be provided on the final plat as required by the Director of Public Works.

6. A development contract will be required for the improvements on site and shall be approved as part of the final plat.
7. The approved plans shall be subject to the conditions of the joint powers agreement.
8. Parking is allowed on only one side of the planned 28 foot wide streets.
9. Street Lighting shall be required as identified by the City Engineer.
- o Approval of the Variances from lot size, width and right-of-way width subject to the conditions listed for the preliminary/final plat approval.

Practical Difficulty:

- The property would be utilized in a reasonable manner providing for a single family development abutting other single family developments.
- While this property is not in the Northwest Area Overlay, smaller lot sizes, widths and right-of-way widths are given flexibility and encouraged to be smaller where needed. The requests can be found to be in harmony with city codes.
- The City of Eagan allows for smaller lot sizes and right-of-way widths than in Inver Grove Heights. A uniform design for the property in both cities will create a more unified neighborhood since this is isolated by access with no connection to other neighborhoods.

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

RECOMMENDATION

Staff recommends approval of the Rezoning, Preliminary and Final Plat and Variances with the conditions listed in the report.

Attachments: Exhibit A – Location Map
 Exhibit B – Applicant Narrative
 Exhibit C – Preliminary Plat
 Exhibit D – Final Plat
 Exhibit E – Site Plan
 Exhibit F – Grading Plan
 Exhibit G – Landscape Plan
 Exhibit H – Mendota Lebanon Trail Greenway Map



**"TIPPERARY"
APPLICATIONS FOR:
REZONING, PRELIMINARY PLAT, FINAL PLAT, VARIANCES**

**INVER GROVE HEIGHTS, MINNESOTA
October 17, 2016**

Introduction

Pulte Homes of Minnesota ("Pulte") as applicant is pleased to be submitting this application for rezoning, preliminary plat, final plat, and variances.

Pulte's company vision is **"Building Consumer Inspired Homes and Communities to Make Lives Better"**. We are one of the largest homebuilders in the United States with corporate offices in Atlanta, Georgia. We currently operate under three distinct brands of homebuilding throughout the United States: Pulte Homes, Centex Homes, and Del Webb. Pulte's Minnesota Division has an office in Eden Prairie and will sell approximately 400 homes in the Twin Cities in 2016.

Pulte will act as both developer of the property and builder of the homes within Tipperary. The primary contact for Pulte is:

Paul Heuer, Director of Land Planning & Entitlement
7500 Office Ridge Circle, Suite 325
Eden Prairie, MN 55344
952-229-0722
Paul.Heuer@PulteGroup.com

The owner of the property is:

Starfire Property, LLC and Wescott Road, LLC
Maier Kutoff
685 Yankee Doodle Road
Eagan, MN 55121

Property Legal Description

PID 10-01300-78-010
SECTION 13 TWN 27 RANGE 23 PT OF S 1/2 OF SE 1/4 S & E OF SAR #7

PID 10-02400-01-010
SECTION 24 TWN 27 RANGE 23 PT OF N 1/2 OF NE 1/4 BEG NE COR S 132 FT W PARR WITH N
LINE 351.91 FT TO C/L CR #63 NE ON C/L 161.98 FT TO N LINE E ON N LINE 257.38 FT TO BEG

PID 10-02400-02-012
SECTION 24 TWN 27 RANGE 23 PT OF NE 1/4 COM NE COR S ON E LINE 132 FT TO PT OF BEG
CONT S 256.50 FT W PARR N LINE 515.13 FT TO C/L CR #63 NE ON C/L 303.11 FT E PARR N LINE
351.91 FT TO PT OF BEG

PID 20-01800-57-010

SECTION 18 TWN 27 RANGE 22 SW 1/4 OF SW 1/4 S & W OF HGWY & SW 50 FT OF ADJ 200 FT RR R/W

PID 20-01900-30-010

SECTION 19 TWN 27 RANGE 22 N 3 ACS W OF RR OF NW 1/4 OF NW 1/4 & SW 50 FT OF ADJ 200 FT RR R/W

Key Facts

- Addresses of property: 3800 and 3790 Dodd Road, Eagan, MN 55123; 3790 Dodd Road, Inver Grove Heights, MN 55077
- Development has 3.41 acres in Inver Grove Heights and 4.23 acres in Eagan
- Existing zoning is I-1 Limited Industrial
- Proposed zoning is R-1C
- 10 residential housing units in Inver Grove Heights (21 total)
- Gross density is 2.93 units/acre in Inver Grove Heights
- 50 feet right-of-way and 28 feet streets (face to face of curb)

Single Family Dimension Standards (minimums)

Lot Width	65 feet
Minimum area	9,439 square feet
Front yard setback	30 feet
Side yard setback to home	10 feet
Side yard setback to garage	10 feet
Rear yard setback	30 feet

Neighborhood Vision

Use of this property is shaped and controlled by a number of constraints and attributes:

1. Constraints – There are a number of constraints for this property: A functioning railroad to the east, an existing power line within the railroad right-of-way, TH 149 to the east, small and unusually shaped property, limited access options, and two cities with different zoning and ordinances.
2. Attributes – The primary positive attribute of this property is that it is located within the highly acclaimed Rosemount-Apple Valley-Eagan School District.

The above listed property characteristics are inherent to the property. Given these traits, we determined that the highest and best use for the property is value-oriented single family housing. Our vision is to create a small, stand-alone neighborhood with high quality and highly energy efficient homes within a very strong school district. We are confident that this will be a highly desirable neighborhood in the eyes of the home buying public and the City.

Property Background

Past Uses

Historical data obtained and reviewed in conjunction with the Phase I Environmental Site Assessment that we had completed indicates the following past uses of the entire Eagan/Inver Grove Height property.

“1937 through 1951

Several structures are visible on the north portion of the Site that appear to be farmstead buildings and the western Site building according to topographic maps is a school building. A road is visible along the northwest Site boundary and a linear feature consistent with the existing railroad tracks is visible along the northeast Site boundary. A road consistent with the alignment of Jefferson Trail is visible beyond the railroad tracks. Farmsteads and cultivated cropland are visible beyond.

1957 through 1970

A second residential farmstead is visible in the location in the former school on the northwest portion of the Site. No significant changes are visible in the surrounding area.

1979

The east half of the Site has been redeveloped with three commercial buildings. Outdoor storage is visible surrounding the buildings. A stormwater pond and grading activities are visible to the northwest of the Site.

1984 through 2003

The outdoor storage associated with the commercial buildings on the east half of the Site appears to have expanded onto the southwest portion of the Site. Commercial properties are located along Jefferson Trail and residential development is visible to the south and west of the Site.

2008 through 2015

All of the buildings and structures previously visible on the Site appear to have been demolished or removed from the Site. The Site appears to be vacant land. No significant changes are visible in the surrounding area."

In conjunction with commercial uses of the property from 1979 to 2003, an environmental issue arose. Pulte Homes obtained a number of environmental documents, including a lengthy and detailed "Voluntary Response Action Plan and Response Action Design" dated October 2006 and prepared by Landmark Environmental LLC. Crushed battery casings had been spread over a portion of the property. Batteries contain lead, a hazardous substance. The report mentioned above documents findings and outlined a plan to clean up (remediate) the property. This report was approved by the Minnesota Pollution Control Agency (MPCA). In 2007, the property owner completed remediation of the property to residential standards. In 2008 the MPCA issued a "No Further Action" letter which essentially closes the file on the environmental issue.

We hired our own reputable environmental consultant (Braun Intertec) to review all past records and reports and to offer their guidance on potential redevelopment to residential use. Braun Intertec indicated that the remediation work and associated record keeping have been thorough. Their positive opinion gave us a high level of comfort in putting this property under contract for purchase and redevelopment. The above referenced Voluntary Response Action Plan outlines what steps we would need to take if we encounter contaminated material during construction activities.

It should be noted that the previous owner of this property had accidentally pushed contaminated materials onto a property to the south, resulting in a separate, later remediation project.

Based on the facts and information obtained and thoroughly reviewed, our firm is comfortable with the remediation steps taken to date. All steps appear to have been completed thoroughly, recorded in detail, and met the requirements of the MPCA and Dakota County.

Previous Approvals

In 2003, the City of Inver Grove Heights approved a development consisting of 16 twin homes on the Inver Grove Heights portion of the property. Also in 2003, the City of Eagan concurrently approved a development consisting of 64 foot wide single family lots.

On September 26, 2016, the Inver Grove Heights City Council approved a Comprehensive Plan Amendment which changed the land use designation from LI, Light Industrial to LDR, Low Density Residential.

On September 27, 2016, the Eagan Planning Commission recommended approval of a preliminary plat by a vote of 8-0 for a minimum of 65 foot wide single family lots. This item is on the agenda for the Eagan City Council on October 18, 2016, shortly after submittal of the currently application to the City of Inver Grove Heights.

Impact on Adjacent Properties

Property to the north of the site consists of the Thomson Reuters (formerly West Publishing Company) office complex. Property to the east of the site consists of a combined 200 foot wide buffer of railroad right-of-way and State Highway 149 right-of-way. Beyond the State Highway lies various industrial properties. Properties to the south and west are single family residential homes.

The proposed land use for Tipperary is single family residential homes, which is of equal or lower intensity use than all of the surrounding land uses. Low density residential housing is also a lower intensity use than the current zoning of light industrial. Therefore, impact on the surrounding properties is anticipated to be minimal and reasonable, particularly compared with past industrial uses and current zoning of the property.

Our Homes

Floor Plans

Pulte Homes is known for the extraordinary steps that we take to ensure that we are designing and building homes that meet the needs and desires of home buyers. We continually reach out to the public and Pulte homeowners to get feedback to improve our home designs. It is what we call Life Tested® (<http://www.pulte.com/why-pulte/life-tested/life-tested-home-designs.aspx>). We actually build prototypical rooms and homes in warehouses across the country and pay members of the public to walk through and provide written feedback on the homes. Through this intensive process, we have conceived of and incorporated many innovative features such as the Pulte Planning Center, the Everyday Entry, Super Laundry, Oversized Pantry, and the Owner's Retreat. This exhaustive process has played a major part in Pulte's success in "Building Consumer Inspired Homes and Communities to Make Lives Better".

We are excited to announce that we are introducing a new residential housing product to the Twin Cities market which has recently completed our intensive 12-step Consumer-Inspired Life Tested® process. We have just begun constructing these homes in our new Sanctuary Preserve community in Blaine (<http://www.pulte.com/communities/MN.blaine/SanctuaryPreserve/209526/index1.aspx#.V6H4p03ru0E>).

Our Life Tested® single family home product is designed to appeal to families. Each floor plan will have multiple optional elevations with distinct architectural styles. A wide range of siding colors and textures (shake, board and batten, etc.) will be available with premium designer colors in accents as well as options such as stone and brick. This collection of homes offers both two-story and main level living options, typically 3 to 4 bedrooms, bonus/flex rooms, 2.5 bathrooms, optional sunrooms, and optional finished basements. Home sizes range from 1,869 square feet for the main level living plans to 2,873 square feet for the two-story plans (excluding basements and options).

One of the plans includes a tandem third garage stall. All lots in Tipperary will also accommodate an optional additional garage stall added to the side of the home, providing the ability to have 3 or 4 garage stalls.

We anticipate home prices to range from the mid-\$300k's to mid-\$400k's.

Lot Widths & Side Setbacks

Over the past decades, the nation’s suburbs have experienced a trend of narrower lot widths and decreased side setbacks. This is a complex and important issue. Since the housing stock in the City of Inver Grove Heights has been built over a number of decades, we believe that a brief summary of this trend would be helpful.

The primary cause of reduced lot widths and side setbacks is a dramatic increase in development and building costs which has made it increasingly difficult to provide homes that are affordable, particularly to first time homebuyers. Many negative ramifications accompany this trend, such as less wealth-building, increased inequity, and other social issues that lie outside the scope of this narrative.

The substantial majority of the causes of increased development and building costs are from additional regulations at the local, watershed, state, and even federal level. Some of these regulations are seen as very valuable by the general public. The 1991 Minnesota Wetland Conservation Act, though costly from a housing standpoint, has resulted in the protection of a valuable natural resource. Since the 1980’s, we have also learned a great deal about how to minimize flooding and protect the water quality of our lakes and rivers. A large number of cumulative regulations have arisen to better deal with storm water flooding, treatment, and sediment control. These regulations continue to evolve and expand.

There are also many regulations that do not deliver value to the home buyer, such as requiring termite inspections for FHA financed homes in Minnesota. And there are many regulations for which it would be productive to have an open discussion about whether they could be altered in an attempt to make homes affordable to more people. Every regulation has a cost. We should discuss whether each regulation is worth the cost. Pulte Homes would like to be part of this discussion in the coming years as housing affordability becomes recognized as a crisis.

In response to these additional home costs, our customers have told us that they would prefer to sacrifice some yard space instead of home space. Pulte Homes and other builders across the country have responded to the wishes of the public by creating narrower lots and oftentimes lesser side setbacks. Many cities have also responded to the wishes of the public by adapting their zoning codes to deal with the effects of accumulated regulations over the past few decades and the financial realities of developing and building in today’s regulatory environment.

It is within this broader context that we submit this application for a minimum of 65 foot wide lots. We recognize that the City has in recent years approved developments that have homes as close as ten feet from each other. The single family product line that we are proposing for Tipperary has a standard width of 39 feet. If homebuyers choose an option for a third car garage stall, then the home width will be 49 feet. Our narrowest lot is 65 feet wide. Therefore, the closest our homes will be to each other is anticipated to be 20 feet. In most cases, we expect the distance between homes to be 25 to 40 feet apart, depending on how many buyers choose the third garage stall and the width of the lot. This spacing between homes is very similar to what exists in the neighborhood to the south. Please also note that most of the lots are much greater in width than 65 feet. Below is a table of lot areas and widths.

Block and Lot Number	Lot Area (square feet)	Lot Width (feet)
B1-L6	9,443	75.6
B1-L7	9,441	75.6
B1-L8	9,439	75.6
B1-L9	10,839	72.3
B1-L10	20,634	89.3
B1-L11	10,899	84.9
B1-L12	9,609	92.2
B1-L13	9,489	84
B1-L14	11,483	65
B1-L15	20,437	65.4

Parks & Trails

The Comprehensive Plan does not identify this property as a desired location for a future park. Therefore, we will be paying park dedication fees to satisfy park requirements.

Infrastructure

As an infill development, public infrastructure is available at the perimeter of the property. We are not aware of any capacity issues related to infrastructure. Since the Eagan portion of the property has been guided as low density residential and the Inver Grove Heights portion of the property has been guided as light industrial, the total impact on infrastructure capacity should be equal to or less than planned for each city.

Sanitary sewer is available east of Dodd Road, just south of Wescott Road. Water is available along Dodd Road and at the southeast corner of the Inver Grove Heights portion of the property. Existing storm sewer is located at the northeast and northwest corners of the property. Access to the property is available along Dodd Road.

It should be noted that the City of Inver Grove Heights entered into a Joint Powers Agreement with the City of Eagan in 1997. This agreement outlines how various border properties would be serviced with infrastructure, who would maintain the infrastructure, and how billing would be handled.

Variances

This development has a number of very unique circumstances. As a result, we are requesting variances for cul-de-sac length, lot width, lot area, and right-of-way width.

Cul-de-sac Length

This application includes a variance request for exceeding the City's maximum allowed length of cul-de-sac. Due to the unusual circumstances of having this development located in both the City of Eagan and the City of Inver Grove Heights, there is some ambiguity in terms of measuring the proposed cul-de-sac length. Depending on interpretation, a variance may not be required.

The maximum cul-de-sac length allowed by the City of Inver Grove Heights is 500 feet. Our application includes the following cul-de-sac measurements:

- 420 feet within the City of Eagan and 260 feet within the City of Inver Grove Heights measured to the center of the eastern cul-de-sac.
- 420 feet within the City of Eagan and 150 feet to the center of the northern cul-de-sac, which is half within the City of Eagan and half within the City of Inver Grove Heights.

Additional access points for this development are not practical. Access to State Highway 149 would not meet MnDOT's standard half mile spacing requirement and therefore would not be granted by the State. In addition, this access would require an additional railroad crossing. From a safety standpoint, minimizing railroad crossings is critical.

Wescott Road is considered a "B Minor Arterial" road in the City of Eagan's Comprehensive Plan, which provides the following guideline for spacing: *"The City follows Dakota County guidelines for access to the minor arterial system. These guidelines generally call for one quarter mile spacing of all access points (cross streets and driveways). Eagan will work with Dakota County to minimize the number of driveways directly accessing minor arterials in the City."* Adding an access on Wescott Road would not be in compliance with the City of Eagan's Comprehensive Plan.

Dodd Road is considered a "Minor Collector" in the City's Comprehensive Plan. This is the lowest traveled street category shown in the "Proposed Functional Classification" Map. As a result, this is by far the most appropriate access point for this development and is the only access which would comply with the goals and guidelines outlined in the City of Eagan's Comprehensive Plan.

Therefore, we are faced with the dilemma of either not complying with the City's maximum length of cul-de-sac or not complying with Comprehensive Plan access goals and guidelines. Given that the access guidelines are a critical component in maintaining traffic flow and maximizing traffic safety for the region, the proposed access is the most logical, safe, and compliant of the available options for this particular property.

Lot Size, Lot Width, and Right-of-Way Width

The zoning code for R-1C provides a minimum lot size of 12,000 square feet and minimum lot width of 85 feet. We are requesting a minimum lot size of 9,439 square feet and a minimum lot width of 65 feet. Please see a lot tabulation shown in a previous section of this narrative.

City ordinances allow a minimum 50 foot wide right-of-way width in the Northwest Area and a 60 foot wide right-of-way width in other areas. We are requesting a minimum 50 foot wide right-of-way width.

Below is a discussion of the criteria for which the City Council may approved variances, per City Code Section 10-3-4.D.

"The variance must be in harmony with the general purposes and intent of City Ordinances, and be consistent with the Comprehensive Plan."

This variance request is in harmony with the general purposes and intent of City Ordinances. Different zoning districts and design standards are created for a variety of purposes, including compatibility with surrounding uses. The proposed homes will be of equal or greater value than the existing residential housing to the south. Due to the homes being narrower than the existing homes to the south, the distance between homes will also be very similar to what exists to the south.

A key goal in the housing component of the City's 2010 Comprehensive Plan is to provide affordable and workforce housing. A number of statements in this document are supportive of this variance request: "Maintain a balanced housing supply with housing available for people at all income levels and unit types that meet the varying life-cycle needs of Inver Grove Heights residents." "Maintain zoning and subdivision regulations allowing for the construction of workforce housing." "Evaluate financial impacts of various regulatory provisions to ensure affordability can be maintained or preserved."

"Variances may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance."

There are three practical difficulties with this particular property. First, this small property lies half in the City of Eagan and half in the City of Inver Grove Heights. The two cities have different zoning design standards. In such a small development, it is highly desirable to have consistent zoning design standards in order for the new neighborhood to have continuity. Approving the lot size and width variances will resolve this unique problem.

The second practical difficulty is also caused by the property lying within two cities. At the request of both cities, we have designed the neighborhood so that the boundary line between the cities falls directly on side lot lines in both the south and north part of the community. This manipulation took a significant amount of effort and worked best with the lot configuration shown in our application.

A third practical difficulty is that the City of Eagan allows a 50 foot right-of-way width. We are requesting approval of a 50 foot right-of-way width in Inver Grove Heights in order to maintain consistency throughout this small neighborhood.

“The plight of the landowner is due to circumstances unique to the property not created by the landowner.”

The above three practical difficulties are caused by the fact that the boundary between two cities happens to run through the property. This circumstance appears to be unique to this property and was not created by the landowner.

“The variance will not alter the essential character of the neighborhood.”

The proposed homes will be of equal or greater value than the existing residential housing to the south. Due to the homes being narrower than the existing homes to the south, the distance between homes will also be very similar to what exists to the south. The variance will not alter the essential character of the neighborhood.

“Economic considerations alone do not constitute practical difficulties.”

Although in a previous section of this narrative we outlined a clear economic consideration with respect to this variance request, the above referenced practical difficulties are significant.

It should also be pointed out that there is a City economic consideration as well. The property is extremely limited by access constraints, property shape, the railroad, the powerline, and heavy traffic on the surrounding roads. In addition, the property has an environmental history and has been vacant for some years. Clearly, there are risks and difficulties in finding a way to economically redevelop this property. The City has an opportunity to put this brownfield property into productive use and become a source of tax revenue.

“The Council may impose conditions in the granting of a variance that are directly related to and must bear a rough proportionality to the impact created by the variance.”

Noted.

“Variances may not be granted to allow a use that is not allowed under the zoning ordinance in the zoning district where the affected person’s land is located.”

The City Council recently approved a Comprehensive Plan Amendment to change the land use designation from LI, Light Industrial to LDR, Low Density Residential. The proposed use is consistent with this designation.

Example Schedule

The following preliminary schedule for development is envisioned based on current information:

December 12, 2016	City Council potentially approves rezoning, pre plat, final plat, variance
February 2, 2016	City Council potentially approves final plat
Summer 2017	Grading
Summer 2017	Utilities and streets
Fall/Winter 2017/2018	Begin selling homes
2018/2019	Full development buildout

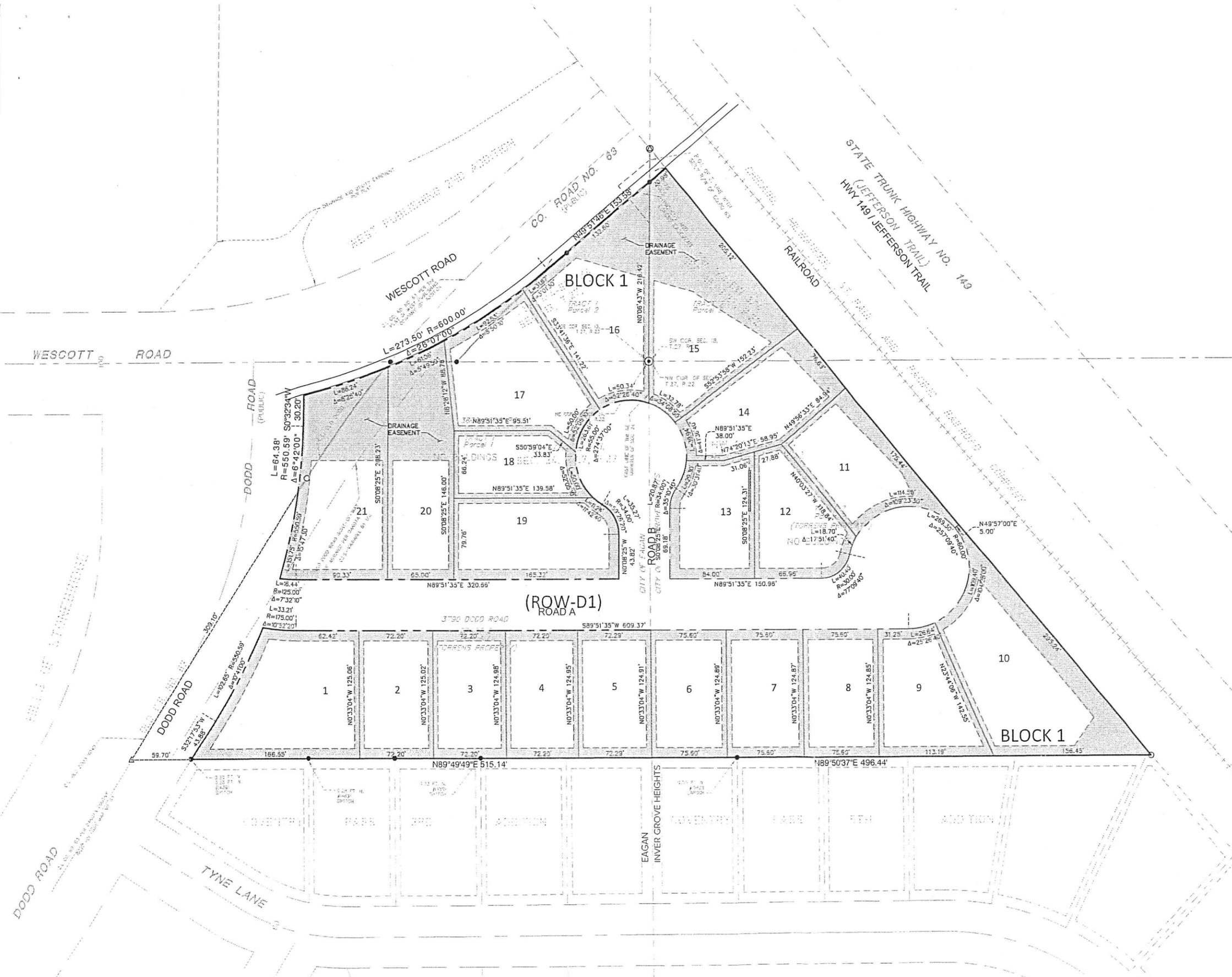
Due to the small size of the development, construction will occur in one phase.

This submittal includes:

- *This narrative with legal descriptions of existing properties*
- *Rezoning, preliminary plat, final plat, and variance application*

- *Application fees totaling \$8,242*
- *Site survey, preliminary plat, preliminary grading/erosion control plans, preliminary utility plan, preliminary tree preservation plan, preliminary landscape plan*

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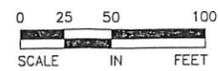
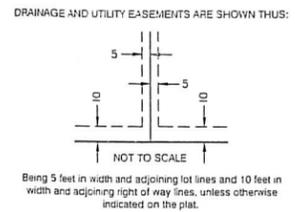


PARCEL AREA TABLE			
PARCEL	AREA SF	AREA AC	LOT WIDTH AT SETBACK
B1-L1	16,157	0.37	110'
B1-L2	9,028	0.21	72.2'
B1-L3	9,025	0.21	72.2'
B1-L4	9,022	0.21	72.2'
B1-L5	9,031	0.21	72.3'
B1-L6	9,443	0.22	75.6'
B1-L7	9,441	0.22	75.6'
B1-L8	9,439	0.22	75.6'
B1-L9	10,839	0.25	72.3'
B1-L10	20,634	0.47	89.3'
B1-L11	10,899	0.25	84.9'
B1-L12	9,609	0.22	92.2'
B1-L13	9,489	0.22	84.0'
B1-L14	11,483	0.26	AT 40' SETBACK 65.0'
B1-L15	20,437	0.47	65.4'
B1-L16	16,502	0.38	69.7'
B1-L17	14,560	0.33	65.0'
B1-L18	8,002	0.18	66.3'
B1-L19	12,900	0.30	79.8'
B1-L20	14,044	0.32	65.0'
B1-L21	17,447	0.40	99.0'
ROW-D1	65,022	1.49	

INVER GROVE HEIGHTS LOTS
 AVE LOT AREA
 A=0.28 AC
 AVE LOT WIDTH
 W=75'

LEGEND:

- PROPERTY LINE (EXISTING)
- PROPERTY LINE
- R.O.W
- LOT LINE
- EASEMENT LINE
- FOUND IRON MONUMENT
- DRAINAGE AND UTILITY EASEMENT



FOR REVIEW ONLY
PRELIMINARY
 NOT FOR CONSTRUCTION



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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA
 CLARK WICKLUND, PE
 DATE _____ LICENSE NO. _____

PROJECT TEAM
 DESIGNED: CW
 DRAWN: ELL
 PROJECT NO: 216-0050
QA/QC REVIEW
 BY _____ DATE _____

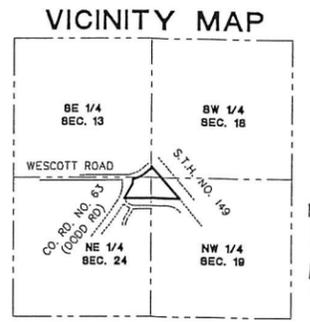
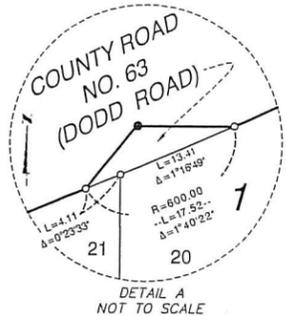
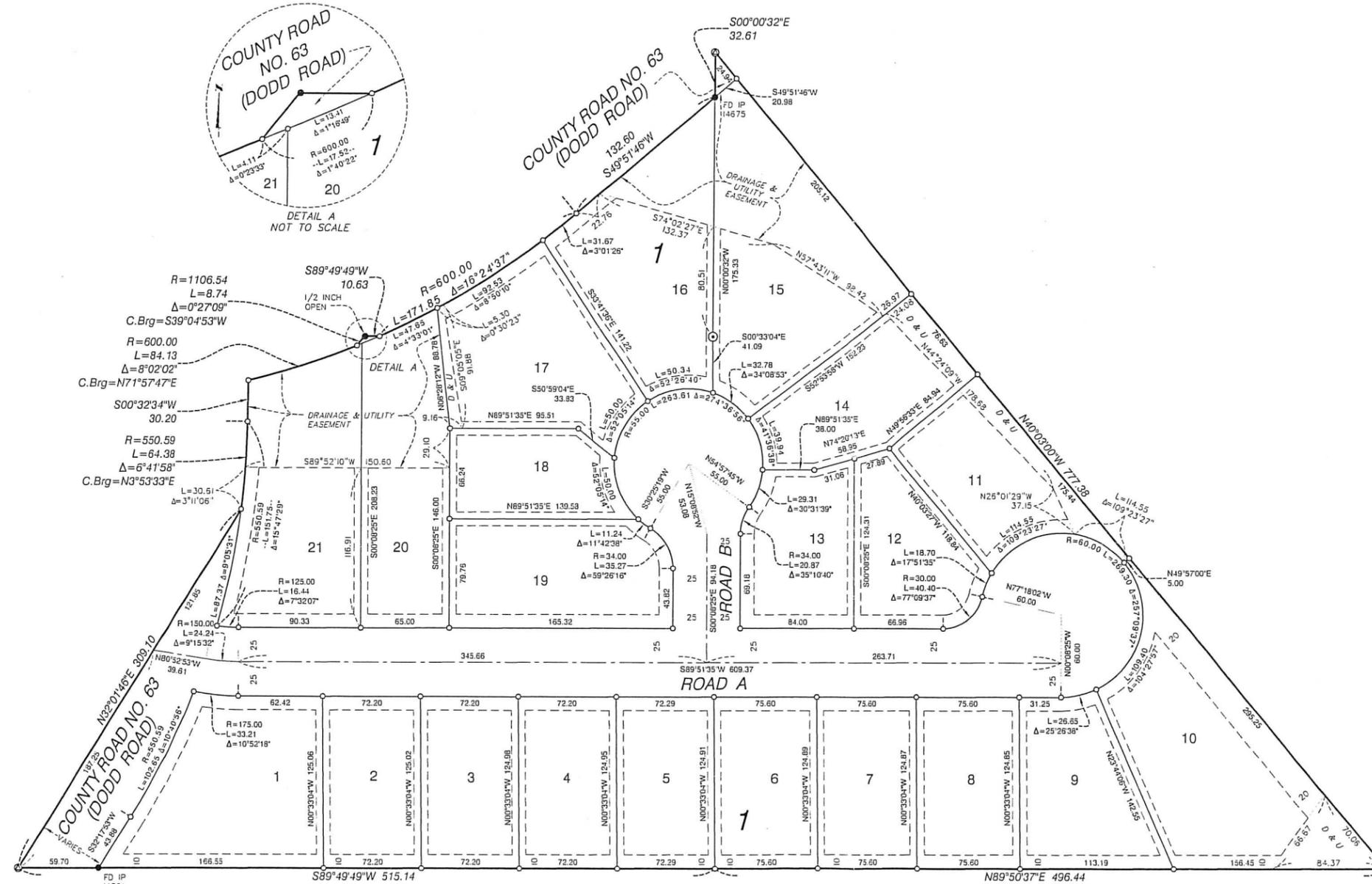
DATE	ISSUE
10-17-16	CITY SUBMITTAL

TIPPERARY

REZONING & PRELIMINARY & FINAL PLAT SUBMITTAL

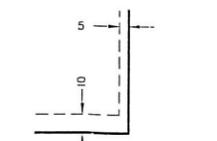
PRELIMINARY PLAT

TIPPERARY



SECTIONS 13 AND 24, T 27, R 23
SECTIONS 18 AND 19, T 27, R 22
NOT TO SCALE

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

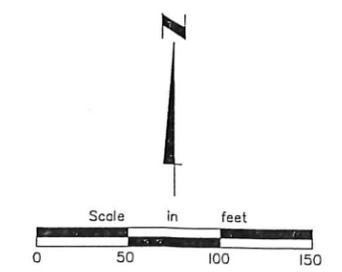


Being 5 feet in width and adjoining lot lines and 10 feet in width and adjoining public ways, unless otherwise indicated on this plat.

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE DAKOTA COUNTY COORDINATE SYSTEM NAD83 (1986 ADJUSTMENT).

- Denotes Cast Iron Monument found
- Denotes 1/2 inch iron pipe monument found marked as shown
- Denotes 1/2 inch x 18 inch iron monument set marked by license no. 18425 unless otherwise shown
- ⊗ Denotes Mag Nail Set
- [] Bearings and/or distances listed within brackets are per record documents

INSET



INFILTRATION BASIN PLANTING NOTES

- EXCAVATE AREA FOR PROPOSED INFILTRATION BASIN AND PROPERLY DISPOSE OF SOILS. REPLACE SOILS PER THE INFILTRATION BASIN SECTION. MATCH GRADES AT BASIN LIMITS AND GRADE SIDE SLOPES PER SECTION DRAWING. EXCAVATION AND SOIL PLACEMENT TO BE DONE FROM OUTSIDE THE INFILTRATION BASIN WITH BACK HOE. INFILTRATION BASIN SHALL BE EXCAVATED WITH A TOOTHED BUCKET WITH A MINIMUM OF 6" TEETH ON END OF BUCKET (NOT A SMOOTH EDGE). A WALK BEHIND ROTO-TILLER IS THE ONLY MECHANICAL EQUIPMENT ALLOWED WITHIN BASINS TO AVOID SOIL COMPACTION. ALL MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
- EXCAVATION EQUIPMENT IS PROHIBITED WITHIN THE INFILTRATION BASIN AS ROUGH EXCAVATION BECOMES WITHIN 2" OF FINISHED GRADE.
- INFILTRATION TEST SHALL BE PERFORMED IN THE INFILTRATION BASIN LOCATION. AFTER OVER-EXCAVATION, BUT BEFORE BACKFILLING OF PLANTING SOIL, CONDUCT AN INFILTRATION TEST DIRECTLY ON SUB-SOILS. CONDUCT A MODIFIED PHILIP-DUNNE INFILTRATION TEST OR A DOUBLE-RING INFILTRATION TEST TO ENSURE THAT 1 INCH/HR OR GREATER INFILTRATION RATES INTO THE SUB-SOIL WILL BE PROVIDED. PROVIDE FOR SUB-SOIL DEEP-LOOSENING, IF NEEDED, TO REACH MINIMUM 1 INCH/HR INFILTRATION RATE. TEST RESULTS MUST BE PROVIDED TO THE CITY PRIOR TO CONSTRUCTION.
- INFILTRATION BASIN SEEDING/PLANTING SHALL BE IN THE FOLLOWING SEQUENCE: 1. BASE SEEDING 2. EROSION CONTROL BLANKET 3. PLANT NATIVE PLUGS INTO BLANKET (SEE LEGEND AND SCHEDULE FOR SEED AND PLUG TYPES). EROSION CONTROL BLANKET TO BE 100% BIODEGRADABLE, AND DEVOID OF PLASTIC NETTING. USE CURLEX NETFREE OR APPROVED EQUAL.

SEEDING NOTES

NATIVE GRASS SEED MIX: MN STATE SEED MIX 35-221 (DRY PRAIRIE GENERAL). SEEDING RATE TO BE 36.5 LBS/ACRE (PURE LIVE SEED).

INFILTRATION BASIN SEED MIX: MN STATE SEED MIX 33-261 (STORMWATER NORTHEAST & WEST). SEEDING RATE TO BE 35 LBS/ACRE (PURE LIVE SEED).

APPLY SEED PER THE FOLLOWING (REFER TO MN STATE SEED MIX MANUAL):

- MULCH SEEDED AREAS WITH MNDOT TYPE 3 (MCA CERTIFIED WEED FREE) MULCH AT A RATE OF 1 TON PER ACRE WITHIN 48 HOURS OF SEEDING. MULCH SHOULD THEN BE DISC ANCHORED TO KEEP IT FROM BLOWING AWAY.
- FOR INFILTRATION AREA SEED MIX PREPARE SITE WITH 4 INCHES OF MN DOT 3890.2B (GRADE 2) COMPOST AND DEEP SOIL CULTIVATION WITH SPADING MACHINE TO A MINIMUM DEPTH OF 12 INCHES.
- FOR NATIVE GRASS SEED MIX, PREPARE SITE BY LOOSENING SALVAGED TOPSOIL TO A MINIMUM DEPTH OF 3 INCHES.
- THE SITE TO BE HARROWED OR RAKED FOLLOWING SEEDING, AND THEN PACKED USING A CULTI-PACKER OR EQUIVALENT. SEE MNDOT SEEDING MANUAL FOR REFERENCE.
- SEEDING SHALL BE APPLIED FROM APRIL 1 - JUNE 30 OR NOV. 1 - FREEZE UP. IF HYDROSEEDING UTILIZE APPROXIMATELY 500 GALLONS OF WATER PER ACRE. REFER TO MN/DOT SPEC 3884 FOR PROPER INSTALLATION OF HYDRO-SEED. ALL NATIVE SEEDS USED ON THIS PROJECT SHALL BE CERTIFIED TO BE OF MINNESOTA ORIGIN BY THE MINNESOTA CROP IMPROVEMENT ASSOCIATION (MCA).
- MAINTAIN SEEDED AREAS BY WATERING, REMULCHING AND REPLANTING AS NECESSARY TO ESTABLISH A UNIFORMLY DENSE STAND OF THE SPECIFIED GRASSES UNTIL ACCEPTED. ANY AREAS FAILING TO ESTABLISH A STAND SHALL BE RESEED, REFERTILIZED AND REMULCHED (UNLESS OTHERWISE SPECIFIED) WHENEVER 70% VEGETATIVE COVER IS NOT ACHIEVED. RESEEDING SHALL CONFORM IN ALL RESPECTS TO THESE SPECIFICATIONS. THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO THE WORK AREAS RESULTING FROM EROSION AND/OR EQUIPMENT. THE CONTRACTOR SHALL REPAIR DAMAGE, INCLUDING REGRADING, RESEEDING, ETC. AS NECESSARY, BEFORE SIGNIFICANT DAMAGE OCCURS.
- REFER TO MINNESOTA STATE SEED MIX MANUAL.

LANDSCAPE SCHEDULE

KEY	QTY	Scientific Name / Common Name	Size	Remarks
BL	9	Boulevard Linden / <i>Tilia americana</i> 'Boulevard'	2.5" Cal. B&B	Straight Trunk, No V-Crotch.
HL	3	Skyline Honeylocust / <i>Gleditsia tricanthos</i> var. <i>inermis</i> 'Skyline'	2.5" Cal. B&B	Straight Trunk, No V-Crotch.
RM	14	Autumn Blaze Red Maple / <i>Acer x freemanii</i> 'Jeffersred'	2.5" Cal. B&B	Straight Trunk, No V-Crotch.
BS	25	Blackhills Spruce / <i>Picea glauca densata</i>	6' ht. B&B	Full Form
BF*	12	Balsam Fir / <i>Abies balsamea</i>	6' ht. B&B	Full Form. *Category B trees provided for tree mitigation.

%	QTY	PLUG MIX SPECIES	SIZE	REMARKS
5%	140	Prairie Cord Grass / <i>Spartina pectinata</i>	Plug	Plant 2' o.c.
5%	140	Virginia Wild Rye / <i>Elymus virginicus</i>	Plug	Plant 2' o.c.
10%	281	Switchgrass / <i>Panicum virgatum</i>	Plug	Plant 2' o.c.
10%	281	Indiangrass / <i>Sorghastrum nutans</i>	Plug	Plant 2' o.c.
10%	281	Fox Sedge / <i>Carex stipata</i>	Plug	Plant 2' o.c.
5%	140	Bottlebrush Sedge / <i>Carex comosa</i>	Plug	Plant 2' o.c.
8%	225	Big Bluestem / <i>Andropogon gerardii</i>	Plug	Plant 2' o.c.
10%	281	Swamp Milkweed / <i>Anemone canadensis</i>	Plug	Plant 2' o.c.
5%	140	Joe Pye Weed / <i>Eupatorium maculatum</i>	Plug	Plant 2' o.c.
5%	140	Blue Flag Iris / <i>Iris virginica shrevei</i>	Plug	Plant 2' o.c.
5%	140	Purple Meadow Rue / <i>Thalictrum dasycarpum</i>	Plug	Plant 2' o.c.
5%	140	Golden Alexanders / <i>Zizia aurea</i>	Plug	Plant 2' o.c.
5%	140	Meadow Blazingstar / <i>Liatris ligulistylis</i>	Plug	Plant 2' o.c.
7%	197	Black Eyed Susan / <i>Rudbeckia hirta</i>	Plug	Plant 2' o.c.
5%	140	Great Blue Lobelia / <i>Lobelia siphilitica</i>	Plug	Plant 2' o.c.
100%	2809			

LANDSCAPE NOTES:

- CALL GOPHER STATE ONE CALL AT 811 OR 651-454-0002 FOR LOCATING ALL UNDERGROUND UTILITIES AND TO AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK.
- INSTALL 4" MIN. RESALVAGED TOP SOIL TO ALL SOD AREAS. FINE GRADE ALL SOD AREAS.
- SOD TO BE PROVIDED IN BOULEVARDS.
- STAKE OR MARK ALL PLANT MATERIAL LOCATIONS PRIOR TO INSTALLATION. HAVE OWNERS REPRESENTATIVE APPROVE ALL STAKING PRIOR TO INSTALLATION.
- INSTALL 4-6" DEPTH SHREDDED HARDWOOD MULCH, NATURAL COLOR AROUND ROOT SAUCER OF ALL TREES ISOLATED FROM PLANT BEDS.
- COMPLETELY GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE. MAKE ALL REPLACEMENTS PROMPTLY (AS PER DIRECTION OF OWNER).
- ALL MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL TREE TRUNKS SHALL BE WRAPPED WITH BROWN CREPE TREE WRAP. APPLY WRAP IN NOVEMBER AND REMOVE IN APRIL.
- MAINTAIN ALL PLANT MATERIALS, INCLUDING WATERING, UNTIL THE TIME OF ACCEPTANCE.
- COORDINATE LANDSCAPE INSTALLATION WITH GENERAL CONTRACTOR.
- STAKING AND GUYING OF TREES OPTIONAL: MAINTAIN PLUMBNESS OF TREES FOR DURATION OF WARRANTY PERIOD.
- SWEEP AND WASH ALL PAVED SURFACES AND REMOVE ALL DEBRIS RESULTING FROM LANDSCAPE OPERATIONS DAILY.
- SUPPLY DESIGN AND INSTALLATION FOR NEW IRRIGATION SYSTEM (IF REQUIRED) WITH COVERAGE OF SOD AND PLANTING AREAS. USE RAINBIRD OR APPROVED EQUAL. COORDINATE INSTALLATION WITH G.C. SOD AREAS TO BE ON SEPARATE ZONES. PROVIDE RAIN SENSOR.
- PROTECT ALL EXISTING TREES TO REMAIN. SEE TREE PRESERVATION PLAN AND NOTES. NO EQUIPMENT OR SOIL MAY BE STORED WITHIN THE DRIP LINE (OR OUTSIDE TREE PROTECTION FENCE) OF EXISTING TREES TO REMAIN.

LANDSCAPE REQUIREMENTS:

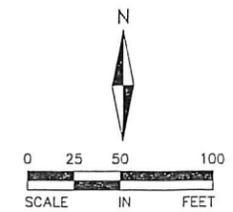
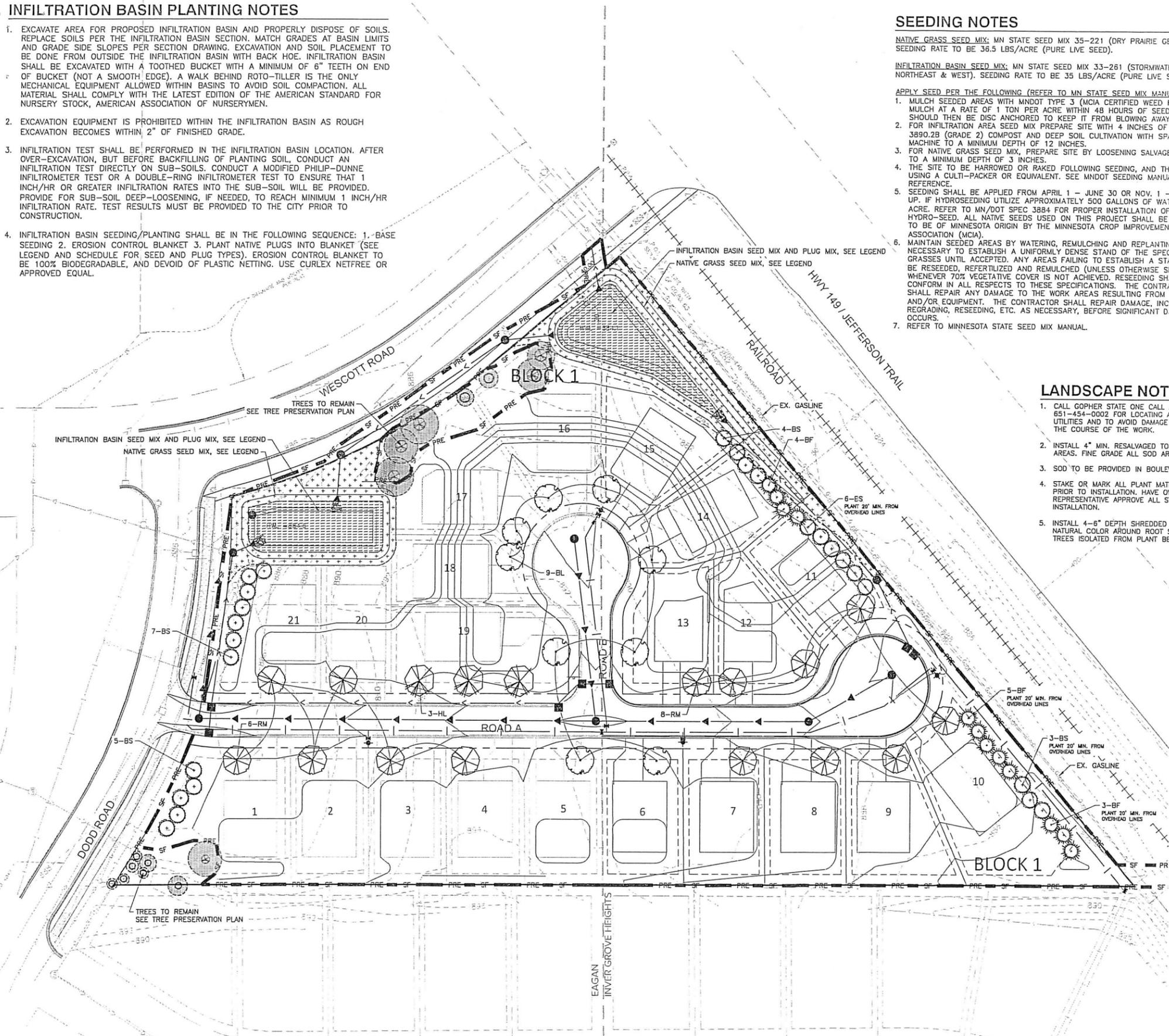
REQUIRED = 1 TREE PER LOT = 21 TREES
 PROVIDED = 63 TREES

TREE MITIGATION REQUIREMENTS:

12 CATEGORY B TREES REQUIRED.
 12 CATEGORY B TREE PROVIDED (6' HT. CONIFERS, SEE SCHEDULE)

LEGEND

- DECIDUOUS OVERSTORY TREES
- EVERGREEN TREES
- EXISTING VEGETATION SEE TREE PRESERVATION PLAN
- NATIVE GRASS SEED MIX MN STATE 35-221
- INFILTRATION BASIN SEED MIX MN STATE 33-261 WITH PLUG MIX - SEE SCHEDULE
- SILT FENCE (TREE PROTECTION FENCE)
- EXISTING TREES TO REMAIN PROTECT DURING CONSTRUCTION



FOR REVIEW ONLY
PRELIMINARY
 NOT FOR CONSTRUCTION



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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

MARK KRONBECK, PLA, ASLA
 DATE _____ LICENSE NO. _____

PROJECT TEAM

DESIGNED: EMK
 DRAWN: EMK
 PROJECT NO: 216-0050

QA/QC REVIEW

BY _____ DATE _____

DATE ISSUE

10-17-16 CITY SUBMITTAL

TIPPERARY

REZONING & PRELIMINARY & FINAL PLAT SUBMITTAL

LANDSCAPE PLAN

Figure 39. Mendota-Lebanon Hills Greenway segment 2 concept plan

