

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, JANUARY 17, 2017 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR DECEMBER 20, 2016

3. OTHER BUSINESS

3.01 CITY OF INVER GROVE HEIGHTS - CASE NO. 17-03X

Recommendation on consistency with the Comprehensive Plan regarding Bancroft Way road construction project.

Planning Commission Action _____

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

4.01 JCN INVESTMENTS - CASE NO.16-60PR

Consider a Major Site Plan Review to add a building and parking lot expansion for the property located at 2940 65th Street.

Planning Commission Action _____

4.02 DARIN CRAPSER - CASE NO.17-01ZPA

Consider an Ordinance Amendment to allow single family residential as an accessory use in the B-1 zoning district.

Planning Commission Action _____

5. ADJOURN

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

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 20, 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
Joan Robertson
Annette Maggi
Jonathan Weber
Armando Lissarrague
Dennis Wippermann
Elizabeth Niemioja

Commissioners Absent: Luke Therrien (excused)

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

APPROVAL OF MINUTES

The November 15, 2016 Planning Commission minutes were approved as submitted.

OTHER BUSINESS

City Of Inver Grove Heights – Case No. 16-62X

Eric Carlson, Park and Recreation Director, explained the request as detailed in the report. He advised that in 2014 the City received a \$2,000,000 grant from the state bonding bill to be used at Swing Bridge Park, Heritage Village Park, or the Mississippi River Regional Trail (MRRT). The City must match grant dollars 1:1 with non-State sources. It can be used for land acquisition, public infrastructure, or park improvements. The City previously developed plans to utilize about \$1,300,000 of the \$2,000,000 for improvements in Heritage Village Park. To utilize the remaining \$700,000 of grant dollars the City is attempting to partner with Dakota County to develop a trailhead facility at the end of 111th Street, Swing Bridge Historic Interpretation, and a trail connection between the Swing Bridge and Heritage Village Park. The plan is for Dakota County to provide the 1:1 non-State match of dollars. Because the City is proposing to turn ownership of some land to Dakota County in regard to the Pine Bend Bluff Trailhead, the Planning Commission is being asked to consider whether the property transfer would be found consistent with the comprehensive plan. The trailhead itself will be constructed in the Pine Bend Bluff Scientific and Natural Area owned by the Minnesota Department of Natural Resources. The property transfer would include a joint powers agreement.

Commissioner Robertson stated she was hoping for a connection between the MRRT and Spring Lake Park and asked if the railroad was part of this work.

Mr. Carlson replied that it was unrelated to the Pine Bend Bluff Trailhead project.

Josh Kinney, Dakota County, advised that the connection from 111th Street to Pine Bend Bluff will be constructed in the summer of 2017 and the connection from Pine Bend Bluff to the archery range in Spring Lake Park will be constructed in 2018.

Commissioner Robertson asked what additional mileage would be added in 2017.

Mr. Kinney replied approximately three miles.

Motion by Commissioner Wippermann, second by Commissioner Scales, to recommend that the property transfer of 111th Street to Dakota County is consistent with the Comprehensive Plan.

Motion carried (8/0).

PUBLIC HEARINGS

GRACE CHRISTIAN REFORM CHURCH – CASE NO. 16-55V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to exceed the maximum height requirements for a sign, and to allow more than one freestanding sign on the property located at 3540 – 75th Street. 13 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the church property is about 4 acres in size and for better visibility and identification purposes the Church would like to install a cross 26' in height. The cross is considered a sign and must follow the sign requirements for the P district. They are requesting two variances; one to allow for more than one freestanding sign on the property and the other to exceed the height of the principal structure by more than ten feet. The existing building is a one level structure about 14 feet in height, which would then allow a sign to be 24 feet in height. Staff believes that a practical difficulty could be found as the building was constructed in the early 1960's prior to adoption of the City Code and because the shallow roof line of the existing structure limits what can be done on the property. Approving the variance would also assist in identifying the building from a public safety standpoint. Staff recommends approval of the request with the one condition listed. Staff did not hear from any of the surrounding property owners.

Commissioner Lissarrague asked if this would not have been an issue had the building been two feet higher.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Max Norton, 3649 – 73rd Court East, advised he was available to answer any questions.

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

Mr. Norton replied in the affirmative. He advised they have been told they are not very noticeable as a church and believe that the height of the proposed cross would provide the appropriate visibility.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Lissarrague supported the request.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve the request for a variance to exceed the maximum height requirements for a sign, and to allow more than one freestanding sign on the property located at 3540 – 75th Street, with the practical difficulty as stated in the staff report.

Motion carried (8/0). This item goes to the City Council on January 9, 2017.

5681 GLG PROPERTIES, LLC – CASE NO. 16-56PDA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a planned unit development amendment to the Bishop Heights PUD to add office space to the existing retail/restaurant space and amend the forecasted PM peak hour traffic count in the Bishop Heights Ordinance, for the property located at 5681 Blaine Avenue. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is an amendment to the Bishop Heights PUD Ordinance to allow for a mix of uses located within an existing strip center building. The applicant would like the flexibility to add an office use to the allowed uses in the building. Because the ordinance is set up to approve specific uses in each building, an amendment is required to add office use. The only limitation staff would recommend is that the restaurant area not be allowed to exceed the current 5,000 square foot to eliminate any parking concerns. Staff recommends approval of the request with the one condition listed in the report.

Commissioner Wippermann asked why office use was originally excluded for this area.

Mr. Hunting replied that they originally approved the specific uses being proposed for the building at the time.

Opening of Public Hearing

Patrick Fisher advised he was the broker and real estate agent for this property.

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

Mr. Fisher replied in the affirmative, stating he received clarification from Mr. Hunting that the space could be used for retail.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Wippermann, to approve the request for a planned unit development amendment to the Bishop Heights PUD to add office space to the existing retail/restaurant space and amend the forecasted PM peak hour traffic count in the Bishop Heights Ordinance, for the property located at 5681 Blaine Avenue.

Motion carried (8/0). This item goes to the City Council on January 9, 2017.

ROVINDRA OHNESWERE – CASE NO. 16-54V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to exceed the maximum driveway width on a residential property located at 3999 – 87th Street. 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 asking for an after-the-fact variance to allow a 39 foot driveway whereas 30 feet is the maximum width allowed in the right-of-way. The building permit for the new house, including an 18 foot driveway, was approved in May 2016. A complaint was received that a driveway was installed larger than what our code allows. The property owner stated he did not realize he was in violation and that the driveway did not extend beyond the garage width. In this development parking is only allowed on one side of the street. The applicant stated that the wider driveway provides a safe area for his family and guests to park and opens up additional parking on the street for his neighbors. Engineering supports the driveway width requirement as increasing the amount of hard surface in the right-of-way could have an adverse impact on the City's stormwater system and could adversely impact downstream stormwater facilities such as infiltration basins. The driveway width requirement pertains only to the driveway width in the right-of-way. Staff believes the conditions of the property are not unique and that approving the variance could set a precedent. Staff recommends denial of the request. Staff received one email from a neighbor who was opposed to the request.

Chair Maggi asked if the portion of the driveway not in compliance would have to be removed should the variance be denied.

Ms. Botten replied in the affirmative.

Commissioner Robertson asked if the permit that was approved included an 18 foot driveway.

Ms. Botten replied in the affirmative.

Commissioner Robertson asked for clarification that the existing driveway was more than twice the width of that shown on the permit.

Ms. Botten replied in the affirmative, stating the code; however, allows a 30 foot wide driveway in the right-of-way.

Commissioner Robertson asked what the accountability was of the property owner for installing a 39 foot driveway when only 30 feet is allowed and the permit was approved for 18 feet.

Ms. Botten replied that if the driveway had been installed at 30 feet they could have just made an amendment on the survey and made a notation in the file.

Commissioner Robertson asked what the accountability was of the contractor who installed the driveway.

Ms. Botten replied that in this case if the variance is denied that would be between the applicant and the contractor on who would remove the additional driveway width.

Chair Maggi asked if technically the permit was pulled by the homeowner.

Ms. Botten stated that typically the permits were pulled by the contractor in new developments. If this was a driveway expansion for an existing driveway the homeowner or a contractor would get a separate driveway permit from the engineering department. In this case; however, it was approved with the new home and the City would not go after the contractor for putting this in.

Commissioner Lissarrague asked if the City inspected driveways after they have been installed.

Ms. Botten replied they did not. If it would have been done by a separate driveway permit the Engineering Department would have done an inspection if a curb cut was being done.

Opening of Public Hearing

Rovindra Ohneswere, 3999 – 87th Street, advised he was available to answer any questions.

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

Mr. Ohneswere replied in the affirmative. He advised that he did not see the permit before they built and he believes the survey company just drew in what he believed a driveway should look like. He questioned why runoff would be an issue because of the way his driveway was configured and stated there were driveways with a 60 foot curb opening just a few blocks away and one house with two driveways. He asked for clarification that existing driveways were grandfathered in in December 2010.

Ms. Botten replied that in 2010 the driveway section of the code was amended resulting in driveways existing prior to that date being grandfathered in. Driveway expansions now require permits.

Mr. Ohneswere stated the hardship was that his home was not built before 2010. He questioned how his driveway made the community less appealing and stated the driveway sloped down to the grass so the runoff would likely not flow into the sewer system.

Commissioner Niemioja stated there was a homeowner two houses down with a four-car garage whose driveway was decidedly narrower than the applicant's. She advised that the applicant's driveway was so wide that it appeared more like that of a townhome development. She stated it would be difficult for her to approve a variance, especially after-the-fact, when there is a neighbor a few doors down with a similar size garage that has a compliant driveway.

Mr. Ohneswere stated he could not speak for the other property owner, but perhaps they used their four-car garage more for storage.

Commissioner Niemioja stated that both homes were built after 2010 but the other driveway complies with the aesthetic of the neighborhood.

Mr. Ohneswere stated that the other home was on the side where street parking was allowed.

Commissioner Niemioja asked Mr. Ohneswere if he knew about the parking regulations when he purchased the lot.

Mr. Ohneswere replied he did not.

Commissioner Robertson was having difficulty understanding how this occurred as most homeowners would have an awareness when they vary drastically from what was approved on the original permit, or would investigate what the code requirements were for the area, and how would a contractor install a driveway that is obviously much wider than anything else in the community.

She stated that although a homeowner wants a wider driveway that does not give them permission to install it if it is not in compliance with code.

Mr. Ohneswere questioned why his driveway was aesthetically unpleasing.

Chair Maggi stated the code looks at what the impact would be if all homes were to exceed the maximum driveway width rather than looking at just this one incident.

Eric Haseltine, Elevate Builders, advised they did not intentionally violate code when installing the driveway. He stated they had discussions with a City building inspector and engineering technician and were never told they needed a variance. He stated the driveway was never inspected and they were never told they needed to correct it until a complaint was received. He noted there were multiple wide driveways in the area.

Chair Maggi asked for clarification that Mr. Haseltine was aware of the 18 foot driveway width that was approved with the building permit.

Mr. Haseltine replied that Inver Grove Heights does not require a separate driveway permit so the surveyor just draws a driveway in but does not detail it.

Ms. Botten showed the drawing of what was approved with the permit.

Mr. Haseltine stated the drawing did not completely detail the driveway, stating there was no radius shown.

Ms. Botten replied a radius would not be shown for this type of curb cut.

Chair Maggi noted there were numerical measurements shown on the drawing.

Ms. Botten agreed, stating the drawing on the permit was to scale.

Mr. Haseltine stated that was what initiated his discussions with the inspectors.

Commissioner Lissarrague asked Mr. Haseltine if he had built other homes in this area.

Mr. Haseltine replied in the affirmative.

Commissioner Lissarrague questioned why he was not aware of the driveway regulations.

Mr. Haseltine replied that it had never come up as an issue.

Commissioner Lissarrague asked Mr. Haseltine if this was the only house in the neighborhood that had been built with a wider driveway.

Mr. Haseltine replied they were the only ones who had requested a full width driveway.

Commissioner Scales stated builders should know the code for where they are constructing homes and ignorance of the code was not an excuse.

Mr. Haseltine advised that codes are constantly changing, and therefore they regularly have discussions with the inspectors and would never deliberately violate codes.

Commissioner Niemioja asked if someone from the City agreed that a 39 foot driveway was

acceptable.

Mr. Haseltine replied that they orally advised they had a customer requesting a full width driveway and as far as they knew it should be acceptable.

Chair Maggi asked Mr. Haseltine if he was saying the inspector did not know the code since 30 feet is the maximum allowed width in the right-of-way.

Mr. Haseltine stated he has since found out that in addition to building codes, Inver Grove Heights has separate zoning regulations. He works only with building and engineering inspectors, not zoning inspectors.

Commissioner Simon questioned why the error was made since the drawing on the permit clearly shows the driveway narrowing at the right-of-way.

Mr. Haseltine reiterated they did not deliberately go against code and put the driveway in the way it was at the owner's request after having discussions with the inspectors.

Commissioner Niemioja stated it sounds as if Mr. Haseltine is indicating that he received permission at some point to go against staff.

Mr. Haseltine replied he did not receive permission to go against staff, but rather that their understanding was there was no code limiting the driveway.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated it appears as if there was clear direction that the driveway needed to be narrower and she did not see a practical difficulty.

Commissioner Robertson stated approving this variance would seem to disregard the good intent of everyone else that built in the neighborhood and complied with code, and she was also concerned about setting a precedent.

Commissioner Niemioja stated she was opposed to the request as ignorance of the code was not an excuse, aesthetically this property seemed markedly different from the rest of the neighborhood, a neighbor with a four-car garage complied with the driveway width requirements, and she did not like the request coming in after-the-fact.

Commissioner Wippermann did not support the variance request, stating had this request come in before it was built it would have likely been denied.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Scales, to deny the request for a variance to exceed the maximum driveway width on a residential property located at 3999 – 87th Street.

Motion carried (8/0). This item goes to the City Council on January 9, 2017.

SCOTT PATNODE – CASE NO. 16-52C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the allowed impervious surface requirements on a residential property, for the property located at 11440 Avery Drive. 25 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 an after-the-fact conditional use permit to exceed the allowed impervious surface on the property. City Code allows additional impervious surface on a property up to 10% of the lot area, with a conditional use permit. Due to a misunderstanding of how impervious surface is calculated the applicant completed a patio and pool addition in 2015. When the City inspector went out to the property to inspect the pool project he noticed that additional impervious surface was installed. The existing improvements on the lot exceed what is allowed with a conditional use permit by 141 square feet. To avoid needing a variance, the applicant has agreed to remove 141 square feet of hard surface. The applicant is requesting 6,092 square feet of hard surface to be allowed on the property with a conditional use permit. The applicant has been working with the Engineering staff and is proposing to install three rain gardens to treat the additional hard surface. One of the conditions of approval requires that a stormwater facilities maintenance agreement shall be entered into between the applicant and the City. Once that agreement is finalized this item will go to City Council for their consideration. Staff recommends approval of the request with the conditions listed in the report. Since the Council date is unknown at this time, anyone interested can either check the City's website or provide staff with their contact information. Staff heard from three residents; one was a general inquiry, one was opposed to the request, and the other had no objections to the request.

Chair Maggi asked for clarification of where the impervious surface was proposed to be removed.

Ms. Botten showed where the wider portion of the front sidewalk would be removed, resulting in a normal width sidewalk.

Commissioner Wippermann asked what the nature of the misunderstanding was.

Ms. Botten replied her understanding was that the contractor used the building footprint whereas City staff looks at the roof which adds a foot or two of impervious surface around the entire perimeter of the home. Additionally, the contractor and applicant looked at Dakota County's property information website and used the square footage listed there but were unaware that the garage was listed separately and should have been added to the total.

Commissioner Wippermann asked what the consequences were if the rain gardens were not maintained.

Ms. Botten stated the stormwater facilities maintenance agreement gives the City permission to maintain the rain gardens and then bill the homeowner.

Commissioner Lissarrague asked if his understanding was correct that the homeowner has taken responsibility for the mistake and is cooperating with the City.

Ms. Botten replied in the affirmative.

Commissioner Simon asked whether inspections or reporting were required regarding the rain gardens.

Ms. Botten replied that the applicant would need to submit something to the City showing that the work had been done.

Commissioner Simon asked if proof of maintenance would continue to be required in the future to ensure the rain gardens were still working.

Ms. Botten advised there were numerous stormwater facilities maintenance agreements throughout the City that the engineering department continually monitors and inspects.

Commissioner Niemioja asked if the maintenance agreement would stay with the property should it be sold.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Scott Patnode, 11440 Avery Drive, advised he was available to answer any questions.

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

Mr. Patnode replied in the affirmative.

Jim Bates, 11494 Armstrong Court, stated he and his wife live across the drainage way from the applicants and own about half of the water retention pond that the drainage flows into. He advised that they first learned of the pool project in September 2014 when Mrs. Patnode told him about it. At the time she advised that they were uncertain if they would be putting in a pool because they needed City approval due to limited space in their backyard. Because of that Mr. Bates assumed they would receive further notice about an approval process through the City; however, construction started a couple weeks later and they received no notice from the City until this hearing. He advised that they reviewed the building permit file for the pool and requested that the building permit be included in the Council meeting packet. He stated the permit clearly states 'No new impervious surface allowed on the property without City approval – auto cover indicated.' The pool permit file includes a design plan that clearly indicates that the existing impervious surface coverage was over the approved limit. Because of this they are not comfortable by the representation by the Patnodes that they had a misunderstanding regarding impervious surface. He stated it seemed like they were asking forgiveness rather than permission and they did not feel confident that they would follow the required maintenance plan. They asked that the Planning Commission recommend denial of the request.

Chair Maggi asked staff to address Mr. Bates' statement regarding a stipulation on the permit that no additional impervious could be added.

Ms. Botten advised that the notation regarding no additional impervious surface was written on the pool permit. The applicants were originally working with a contractor but then ended up hiring a different contractor. A permit is not required for patios and the new contractor thought he had calculated the impervious surface correctly and advised the applicants they could go ahead with their project.

Chair Maggi asked if permits were pulled by the homeowner or contractor.

Ms. Botten replied that typically pool permits were pulled by the contractor.

Commissioner Niemioja asked what would happen if City Council were to deny the request.

Ms. Botten clarified that this was a request for a conditional use permit, not a variance, and that Council would have to have a very good reason to deny it so long as the applicants were able to comply with the conditional use permit criteria.

Commissioner Lissarrague asked what triggered this request.

Ms. Botten explained that in 2015 a City inspector was at the house and noticed the applicants were possibly over the allowed impervious surface maximum.

Commissioner Lissarrague asked for clarification that 141 square feet of impervious surface needed to be removed.

Ms. Botten replied they needed to remove 141 square feet in order to avoid the variance process; everything else would be under what is allowed with the conditional use permit.

Commissioner Wippermann asked if staff was comfortable that the impervious surface calculations were now correct.

Ms. Botten replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Simon asked if it would be acceptable to add a condition requiring that the building permit be included in the City Council packet.

Ms. Botten replied in the affirmative, stating it was public information that could be added to the regular staff memo.

Commissioner Wippermann asked if the end result would be the same had the impervious surface overage come up before the project started.

Ms. Botten replied that the requirements were the same; the only difference would be that the applicants likely would not have installed the extra 141 square feet of impervious surface, and therefore not had to subsequently remove it, had they applied for the conditional use permit ahead of time.

Commissioner Niemioja thanked Ms. Botten for reminding her that this was not a variance request and stated since the request meets the criteria she had no issue with approving the conditional use permit.

Commissioner Robertson asked if the applicant had agreed to remove the excess impervious surface to then bring it to a place where they can approve it.

Ms. Botten replied in the affirmative, stating removing the 141 square feet would bring it into compliance with the conditional use permit criteria.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Simon, to approve the request for a conditional use permit to exceed the allowed impervious surface requirements on a residential property, for the property located at 11440 Avery Drive, with an added condition requiring that the building permit file be included in the staff report to City Council.

Motion carried (8/0). The City Council date is underdetermined.

NORTH AMERICAN TRAILER – CASE NO. 16-51NCUC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a non-conforming use certificate to establish existing conditions and status of use for the existing truck repair and storage facility, for the property located at 7649 Concord Boulevard. 71 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that North American Trailer has operated a truck repair and sales operation at this location for the past number of years, similar to what the property had been used by previous operators. They recently moved their operation to a new facility on Clark Road and are looking to sell or lease this property. The owners approached the city to determine if the current use could be continued on the subject property. The use as a truck repair operation does not fit the current uses allowed in the B-3 zoning district. A detailed history of the property could not be found, which left the question about status of use unanswered. The applicant has therefore applied for a non-conforming use certificate to establish a record of the use of the property and allowing it to continue in its present state. Records show that Council approved a conditional use permit for a truck sales agency and school bus terminal on the subject property in 1968. Outside sales and storage was also allowed by that CUP. Over the years staff has interpreted the original CUP to permit the repair of trucks, trailers, tractors, and tankers as accessory to the truck sales use on the property. The ordinance has changed many times over the years; however, and as a result the repair of trucks, trailers, tractors, and tankers as an accessory use in the B-3 district is now nonconforming. City staff, City Attorney, and the applicant met to discuss the current status of uses on the property and created the proposed non-conforming use certificate. The NCUC would continue to allow a bus terminal and ancillary bus repair, truck sales and leasing, and the repair of trucks, trailers, tractors, and tankers provided it is incidental to the primary use of sales, provided the repair occurs within the existing buildings, and providing there is no expansion of the existing buildings. The overall use of the property would be in accordance with the site plan dated June 2013. Repair, parking, or storage of tankers used for hazardous or flammable materials would be prohibited. Included in the packet are two emails from residents with concerns about the use. Staff also received two phone inquiries and three additional emails, that were distributed to Commissioners tonight, identifying further concerns from residents. One of the concerns is hours of operation. Mr. Hunting advised that the zoning ordinance does not address hours of operation and therefore staff does not normally make recommendations on this issue. Another issue raised was regarding tankers with flammable materials which would be prohibited by the proposed NCUC.

Commissioner Wippermann asked if the certificate would be terminated if the property was not being used for the stated purpose for a period of time.

Mr. Hunting believed this would stand as the record for the property as it would go forward but he would have to verify that with the City Attorney.

Commissioner Robertson asked if sales were the primary function of the property.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked if the NCUC would allow repair to occur outside the building and whether sales would still be the principle function.

Mr. Hunting replied that repairs would have to occur within the building and sales would still be allowed as the principle use.

Commissioner Lissarrague asked if the Commission could make a recommendation on proposed hours of operation.

Mr. Hunting replied in the affirmative.

Commissioner Robertson stated keeping the repair inside the building might address some of the neighbor concerns regarding noise late at night.

Commissioner Scales asked for clarification that the applicant was asking to be able to use the property the same way it had been used for 50 years.

Mr. Hunting replied in the affirmative.

Opening of Public Hearing

Dean Dally, 7649 Concord Boulevard, advised he was available to answer any questions.

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

Mr. Dally replied in the affirmative, and asked how many neighbors contacted the City with concerns.

Chair Maggi replied there were five emails.

Commissioner Simon noted there were two phone calls as well.

Mr. Dally asked what the main concerns were in the seven communications.

Chair Maggi stated noise was listed as a concern.

Commissioner Simon added there was concern about a potential gas leak last fall.

Commissioner Wippermann stated one email mentioned a propane plume in their backyard.

Mr. Dally stated it could have been associated with a tank trailer that goes through a process called de-gas.

Commissioner Simon was concerned about a potential explosion and the lack of anything separating the stored trailers from the nearby residential homes.

Commissioner Niemioja noted there would no longer be flammable materials being stored there.

Mr. Dally noted that the proposed NCUC prohibits the storage of flammable materials. He advised that their main purpose was to document what has been done on this site for the last 50 years so they can sell it. He stated that prohibiting heavy equipment would greatly devalue the property. He noted that when he purchased the property in 2008 he was assured they could continue this use for years to come.

Commissioner Robertson asked what their typical hours of operation were.

Mr. Dally advised that they purchased the facility in 2008 and that it has been operating as a 24 hour facility for the last 2-3 years.

Chair Maggi asked if it was operating 24 hours a day before that.

Mr. Dally replied it was not.

Commissioner Robertson asked if it was Mr. Dally's hope to sell it as a 24 hour facility.

Mr. Dally replied that there could be some truck movement at night with the interested party right now; however, he was certain the traffic would be less than what they cause.

Commissioner Niemioja asked if they ever worked outside on vehicles that they repair, stating one of the neighbors had a concern regarding working outside or in the building with the doors open.

Mr. Dally replied that they did work outside.

Commissioner Simon asked if they had the capacity to move all the work inside.

Mr. Dally replied they were not able to do all the work inside at the Concord facility as the building was only 9,000 square feet. Their new site; however, is over 80,000 square feet in size.

Commissioner Lissarrague asked the applicant if they received any direct complaints from neighbors regarding a noise issue.

Spencer Dally, 7649 Concord Boulevard, advised that when he took over the Concord facility approximately three years ago he spoke with or left his business card with all the neighbors. The only person he heard from was the homeowner in the northwest corner who got back to him regarding loud backup alarms. He advised that he would do his best; however, the company in question was petroleum related and required backup alarms as a safety feature. His employees were then told to work indoors from 6:00 – 7:00 with the doors closed.

Mathew Fox, 7690 Dawn Avenue, stated he moved to the southwest corner of the property after Mr. Dally would have passed out his contact information to the neighbors. He advised that he and his wife have a small child, and one on the way, and sleep is very important to them. He regularly hears pneumatic wrenches, backup alarms, metal works, etc. and requested that normal business hours be established to help with the noise situation since the subject property is in a predominantly residential area.

Commissioner Niemioja asked if it was less noisy when the doors were closed.

Mr. Fox replied he was not sure.

Commissioner Niemioja asked if it was quieter in the winter.

Mr. Fox replied that the noise was louder in the summer and was very loud for a residential area.

Spencer Dally advised they have hearing testing done for their employees and have found the maximum level to be just over 100 decibels. He advised they have 13 total employees at this facility. The main part of the group comes in between 5 AM and 8 AM, and then starts leaving again around 4 PM. The overnight crew consists of two employees.

Commissioner Lissarrague asked for clarification that there were only two employees from 8 PM to

5 AM.

Spencer Dally replied in the affirmative. He noted that occasionally outside work will occur if a hot trailer comes which has to be worked on outside because of flammability issues. He noted that they do not work normal hours because of the nature of their business. Truckers work round the clock and therefore they have to be available at all hours of the day/night to do repair work. He reiterated that tankers containing hazardous materials would no longer be allowed at this site.

Commissioner Robertson asked what the majority of the work to be done under the proposed NCUC could be described as.

Spencer Dally replied a typical repair shop that does not push the trucking community away. He stated there would be sales/leasing on the site, repair of trucks, trailers, and non-hazardous tankers, and storage.

Commissioner Lissarrague asked if the applicant would have concerns about being able to sell the property to his potential buyers if the Planning Commission recommended different evening work hours.

Spencer Dally replied that regardless of the potential buyer, he would be opposed to an hour change. He questioned whether the automobile repair shop north of them, that also abuts residential properties, had evening work restrictions.

Commissioner Robertson noted that shop worked on automobiles rather than trucks.

Spencer Dally questioned what the difference was.

Commissioner Lissarrague stated there would likely be less noise with automobiles.

Spencer Dally responded that they both use air tools.

Commissioner Scales stated that trucks run 24/7 and when they break down they need to be repaired immediately. If this facility was closed they would simply go someplace else and he would prefer they come to Inver Grove Heights with their business.

Commissioner Robertson appreciated that the applicants had been good neighbors in a residential area, but stated unless some parameters were established in the NCUC there would be no controls once the facility was sold.

Spencer Dally noted there was a restriction on building size.

Commissioner Scales was not concerned about a lot of employees working late at night because moving forward all the work must be done indoors so they would be restricted by the size of the building. He asked how many trucks fit in the building.

Spencer Dally replied four trucks.

Commissioner Scales supported the request and was hesitant to limit the hours of operation.

Commissioner Niemioja asked if it would be possible to add a condition that the building doors be closed.

Mr. Hunting replied in the affirmative.

Commissioner Niemioja asked if requiring that the building doors be closed after 8 PM would be an issue.

Dean Dally replied that they did that anyway as a courtesy; however, he could not control what the next owner would do and they may not want the doors closed during very warm nights.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi summarized that the applicants are requesting to allow the business to continue as it has been for 50 years, staff has added some new restrictions, and it has been suggested by the Commission that they require the doors be closed and hours of operation have also been discussed.

Commissioner Lissarrague stated they should keep in mind that the facility has been in operation for 50 years but has only been open 24 hours a day for 2-3 years.

Commissioner Niemioja stated she would like to require that the doors be closed after a certain time at night as it would help alleviate noise to the residential area.

Commissioner Lissarrague asked if it was feasible to keep the doors closed at night.

Commissioner Weber noted that many of the residents moved in knowing they were moving next to a 24 hour repair facility.

Dean Dally clarified although they had not acquired the facility until 2008, the business had been running as a 24 hour facility for 50 years.

Chair Maggi asked the Commission if they wanted to impose restrictions on hours of operation.

The majority of the Commissioners were not in favor of imposing such restrictions.

Chair Maggi asked if they wanted to require that the building doors be closed.

Commissioner Robertson replied in the affirmative, stating it was important since the business was in the middle of a residential area.

Commissioner Lissarrague questioned whether OSHA would allow closed doors to the garage.

Chair Maggi replied there must be enough ventilation within the building as the doors were closed during the winter.

Commissioner Weber stated that repair shops typically leave their doors open in the summertime.

Chair Maggi clarified that they were recommending they only be closed after a certain time. She suggested they be closed from 10 PM to 5 AM.

Commissioner Simon suggested 8 PM to 5 AM.

Chair Maggi noted that it was still light out at 9 PM in the summer.

Commissioner Niemioja stated 10 PM seemed like a reasonable time.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Scales, to approve the request for a non-conforming use certificate to establish existing conditions and status of use for the existing truck repair and storage facility, for the property located at 7649 Concord Boulevard, with the conditions listed in the report and an added condition requiring that the garage doors be closed between the hours of 10 PM and 5 AM.

Motion carried (8/0). This item goes to the City Council on January 9, 2017.

OTHER BUSINESS (continued)

Mr. Hunting advised that the January 3, 2017 Planning Commission meeting has been cancelled.

Commissioner Wippermann asked if staff knew what would be moving into the former Troje site.

Mr. Link replied that Republic acquired Troje's and incorporated the activity into their facility on 65th Street and Concord Boulevard. He was unsure of any long term plans for the building in question.

Commissioner Niemioja asked if the work session to discuss variances had been scheduled yet.

Mr. Hunting replied that it has not been finalized yet they believe it will be in February.

Commissioner Robertson asked if that would be a joint meeting with the City Council.

Mr. Link replied that the tentative plan is for the Planning Commission to be invited to a City Council work session on the first Monday of February. They are still trying to confirm that a representative from the League of Minnesota Cities would be available to attend that meeting.

The meeting was adjourned by unanimous vote at 8:51 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: January 9, 2017

CASE NO: 17-03X

HEARING DATE: January 17, 2017

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: N/A

REQUEST: Review of Capital Expenditure associated with the Bancroft Way Area road reconstruction project

LOCATION: N/A

COMPREHENSIVE PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner
Steve Dodge
Assistant City Engineer

BACKGROUND

On December 12, 2016, the City Council received the feasibility report and set a public hearing for City project No. 2016-09E – Bancroft Way Area Reconstruction. This includes street reconstruction and utility improvements for Baldwin Avenue, Bancroft Way and Barbara Avenue, located to the east of Babcock Trail and south of 70th Street.

Per State Statutes, the Planning Commission must review capital improvement projects for consistency with the Comprehensive Plan (Minnesota Statute 462.356 subd. 2).

EVALUATION OF THE REQUEST

Compliance with the Comprehensive Plan. Minnesota Statutes requires the Planning Commission to review capital improvement projects to verify they are in compliance with the City's Comprehensive Plan.

The capital improvement project would fall under the Transportation chapter of the comprehensive plan since it references streets in the city. While the comp plan does not get into details of street maintenance and reconstruction, the capital improvement costs to maintain streets would not be inconsistent with the plan.

ALTERNATIVES

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

- An Approval recommendation that City project No. 2016-09E – Bancroft Way Area Reconstruction is consistent with the Comprehensive Plan.

B. **Denial.** If the Planning Commission does not find the proposed project consistent with the Comprehensive Plan, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

The Engineering Department and Planning Staff both recommend the capital expenditure be found consistent with the Comprehensive Plan.

Attachment: Memo from Steve Dodge, Assistant City Engineer

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner
FROM: Steve W. Dodge, P.E., Assistant City Engineer *SWD*
DATE: January 17, 2017
SUBJECT: Comprehensive Plan Review
City Project No. 2016-09E – Bancroft Way Area Reconstruction

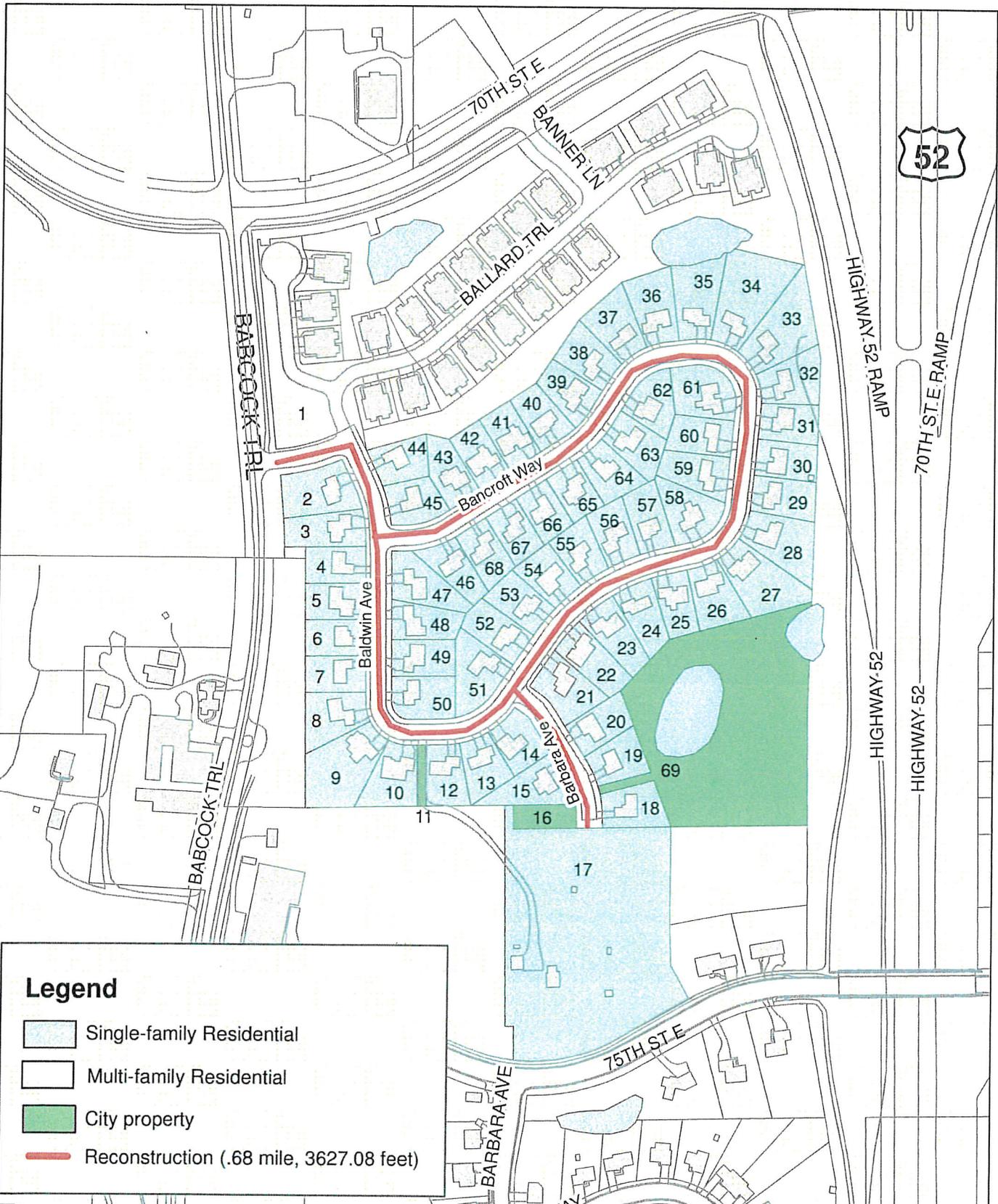
At the December 12, 2016 City Council meeting, the Council received the feasibility report and set a public hearing for City Project No. 2016-09E – Bancroft Way Area Reconstruction. This project will include street reconstruction and utility improvements.

The Planning Commission should review the project to ensure it is consistent with the City's Comprehensive Plan.

SWD/kf

Attachments: Project Map

cc: Scott D. Thureen, Public Works Director
Thomas J. Kaldunski, City Engineer
Tim Kuntz, City Attorney



Legend

-  Single-family Residential
-  Multi-family Residential
-  City property
-  Reconstruction (.68 mile, 3627.08 feet)



10/20/16

City Project No. 2016-09E
Bancroft Way Area Reconstruction
 Assessment Map



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.

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

HEARING DATE: January 17, 2017

CASE NO.: 16-60PR

APPLICANT & PROPERTY OWNER: JCN Investments, LLC

REQUEST: Major Site Plan Review to allow for a building and parking lot expansion

LOCATION: 2940 65th Street

COMPREHENSIVE PLAN: CC, Community Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicants' property is 30,000 square feet (.69 acres) in size. Currently, there is a 1,700 square foot medical office clinic on the property, with an adjacent parking lot. The site was originally developed in 1999; the building was purposely constructed in the northwest corner of the property to accommodate a future building addition. The applicants are proposing a one-story, 3,000 square foot building addition along with 2,800 square feet of parking and sidewalk improvements.

A medical office/clinic is a permitted use in B-3 zoning district. The specific request consist of the following:

- a) Major site plan review to construct a 3,000 square foot building addition along with other property improvements.

EVALUATION OF REQUEST

Surrounding Uses. The subject property is surrounded by:

North	Multiple family; zoned PUD; guided MDR, Medium-density residential.
East	Commercial building; zoned B-2; guided Community Commercial.
West	Commercial/nursery; zoned B-3; guided Community Commercial.
South	Commercial building; zoned B-3; guided Community Commercial.

SITE PLAN REVIEW

Lot Size. The property is 30,000 square feet in size. The B-3 district does not have a minimum lot size requirement.

Building Setbacks. The addition would be added to the southern part of the existing building. The proposed location meets or exceeds the required perimeter setbacks for the site.

Parking Lot. Parking for the proposed site consists of 23 customer/employee parking stalls. Zoning code requires 1 ½ parking spaces per examining room plus one space per employee on the largest shift. There are four exam rooms plus two office “option” rooms that could be used as patient exam/meeting rooms, requiring a total of nine parking space. The applicant has stated the maximum number of employees on one shift would be six. The proposed number of parking spaces exceeds the minimum requirements.

Landscaping. The submitted landscape plan shows the equivalent of 15 trees to be planted on the property. This includes maple, spruce, basswood and a variety of shrubs. The zoning code requires the equivalent of four trees to be planted based on one tree per 1,000 square feet of building addition plus one tree per 10 new parking spaces. The submitted landscape plan meets these requirements.

Tree preservation requirements do not apply to this property as the site is less than one acre in size. The applicant is required to replace landscape trees that currently exist that will be removed during construction. The submitted landscape plan factors in the landscape trees that will be removed.

Screening. 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 is one access point to the property off of 65th Street. The parking and drive areas would be bituminous complying with code requirements.

Building Materials. The addition would be constructed with vinyl siding with a stucco band along the top, complying with code requirements and matching the existing building.

Lighting. A lighting plan has not been submitted at this time. 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 this 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 Storm Water Management plan for the site incorporates a bioretention basin in the front of the building and an underground infiltration pipe under the parking lot, meeting the City’s one-inch infiltration water quality standard and predevelopment storm water run-off rates for the 2, 10 and 100-year Atlas 14 events. A stormwater facilities maintenance agreement and encroachment agreement shall be executed by the owner prior to issuance of a building permit.

The contractor will be responsible for obtaining a right-of-way permit via the ROWAY program on the City's website prior to disturbance in the right-of-way.

The final details on the plans would be reviewed and approved by the City Engineer prior to any work commencing on the site.

ALTERNATIVES

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

- A. Approval** If the Planning Commission finds the application to be acceptable, the following actions should be taken:
- Approval of a **Major Site Plan Review** to construct a building addition along with other property improvements is hereby approved subject to the following conditions:
 1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified herein:

Site Plan	dated 12/28/16
Site Grading Plan	dated 12/28/16
Site Utility Plan	dated 12/28/16
Exterior Elevations	dated 11/17/16
Landscape Plan	dated 12/02/16
 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. 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.
 5. 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.
 6. All plans shall be subject to the review and approval of the City Fire Marshal.
 7. A stormwater agreement and other agreements related thereto, shall be 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.

8. Final site, grading, storm water management, and erosion control plans shall be approved by the City Engineer.
9. 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.

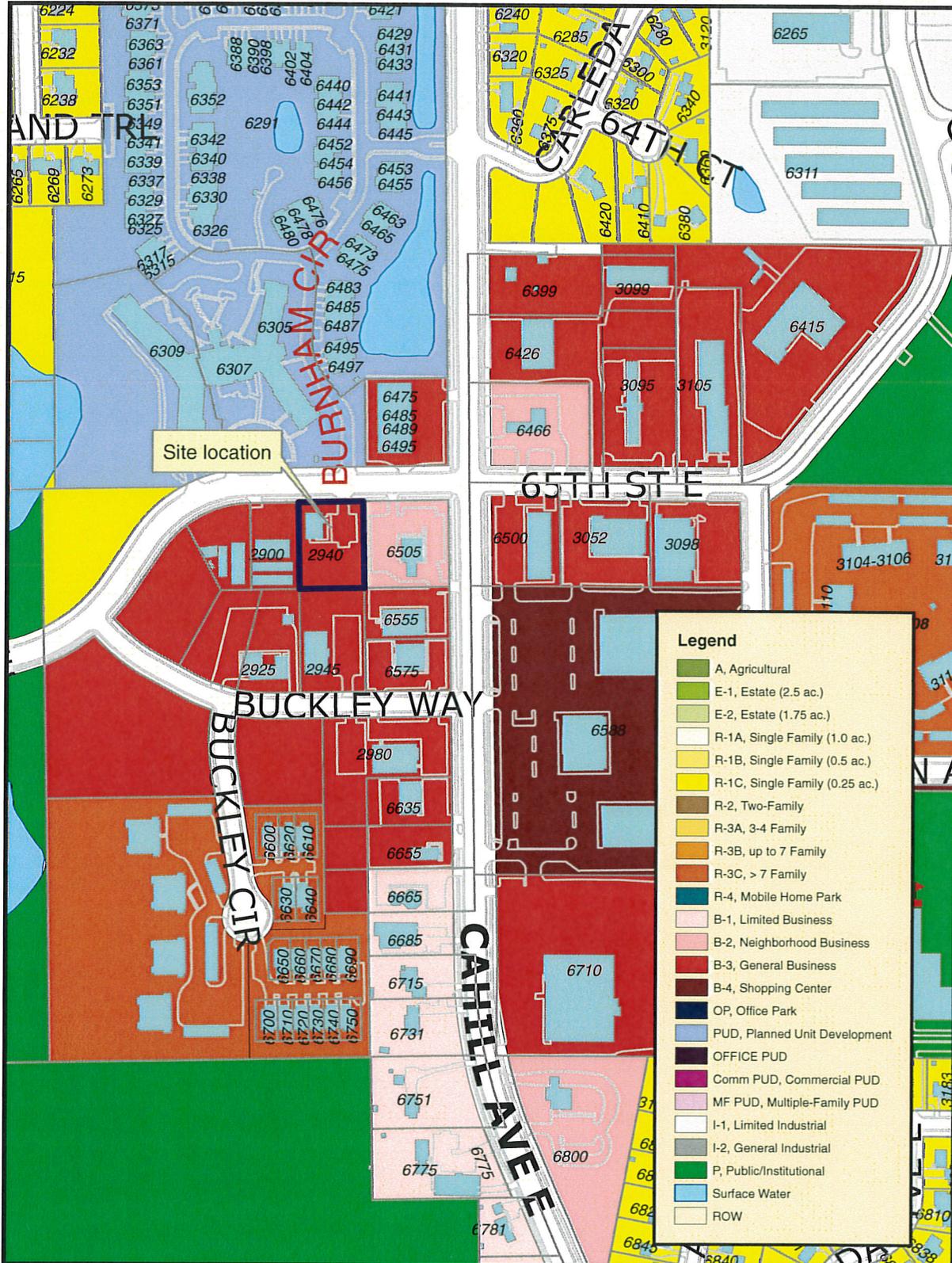
RECOMMENDATION

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

Attachments: Exhibit A - Location and Zoning Map
Exhibit B - Narrative
Exhibit C - Certificate of Survey
Exhibit D- Site Plan
Exhibit E - Landscape Plan
Exhibit F- Exterior Elevations



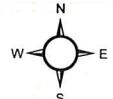
JCN Investments 2940 65th Street



Legend

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

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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

**Inver Grove Chiropractic
Planning Narrative**

December 2, 2016

Revised January 11, 2017

Background:

The Inver Grove Chiropractic clinic was built in 1999. The clinic is now operated by Drs. Ross Crain, Amy Crain and Justin Nye. Their holistic approach to health and the growth of their practice now require an increase in space to accommodate opportunities for the extensive range of services provided.

Architecture:

The proposed building addition will be a single-story structure designed to match the existing building. The original building is approximately 1,730 square feet and was designed to accommodate an addition of 4,450 square feet. At this time we're proposing a 3,000 square foot addition, including a new entry/lobby area, physical fitness space and related service spaces. The exterior finishes will continue the existing prairie style look, with narrow lap siding, stucco banding and wood trim. The building front will include a glass wall that can be opened in warm weather to allow classes and training to extend onto an outdoor patio.

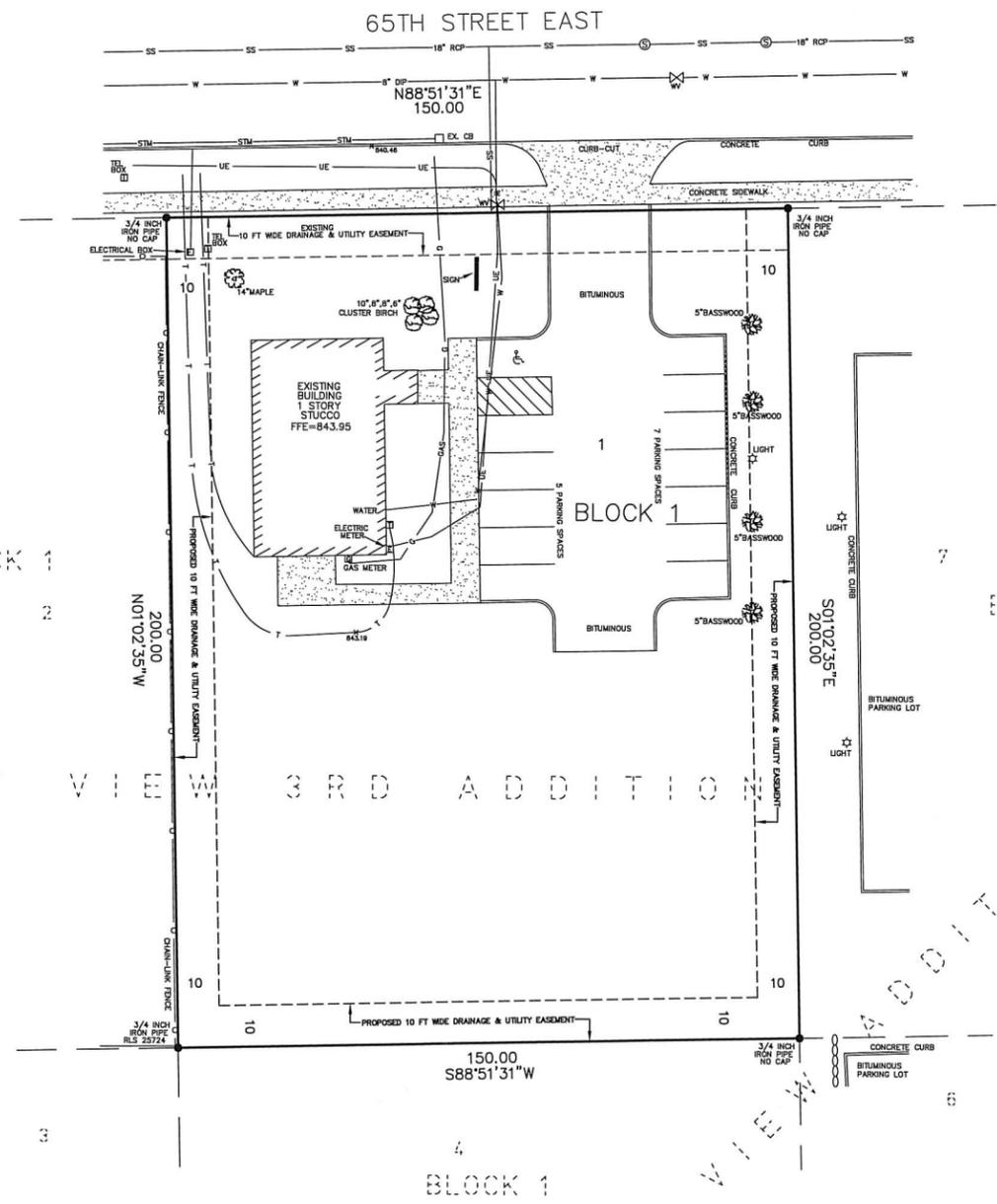
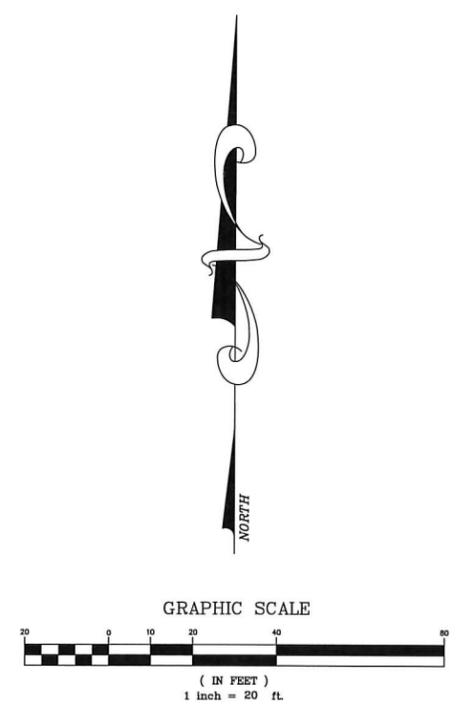
Landscaping:

Currently the southern third of the site is an untouched area of mature trees. The proposed site design replaces plantings that will be lost to construction and adds trees where space is available and based on requirements as defined by Planning.

We are excited to continue working with the City of Inver Grove Heights to provide a project that makes this exciting local business even better.

B

CERTIFICATE OF SURVEY PROPOSED DRAINAGE & UTILITY EASEMENTS



Legal Description:
Lot 1, Block 1, VALLEY VIEW 3RD ADDITION, Dakota County, Minnesota.

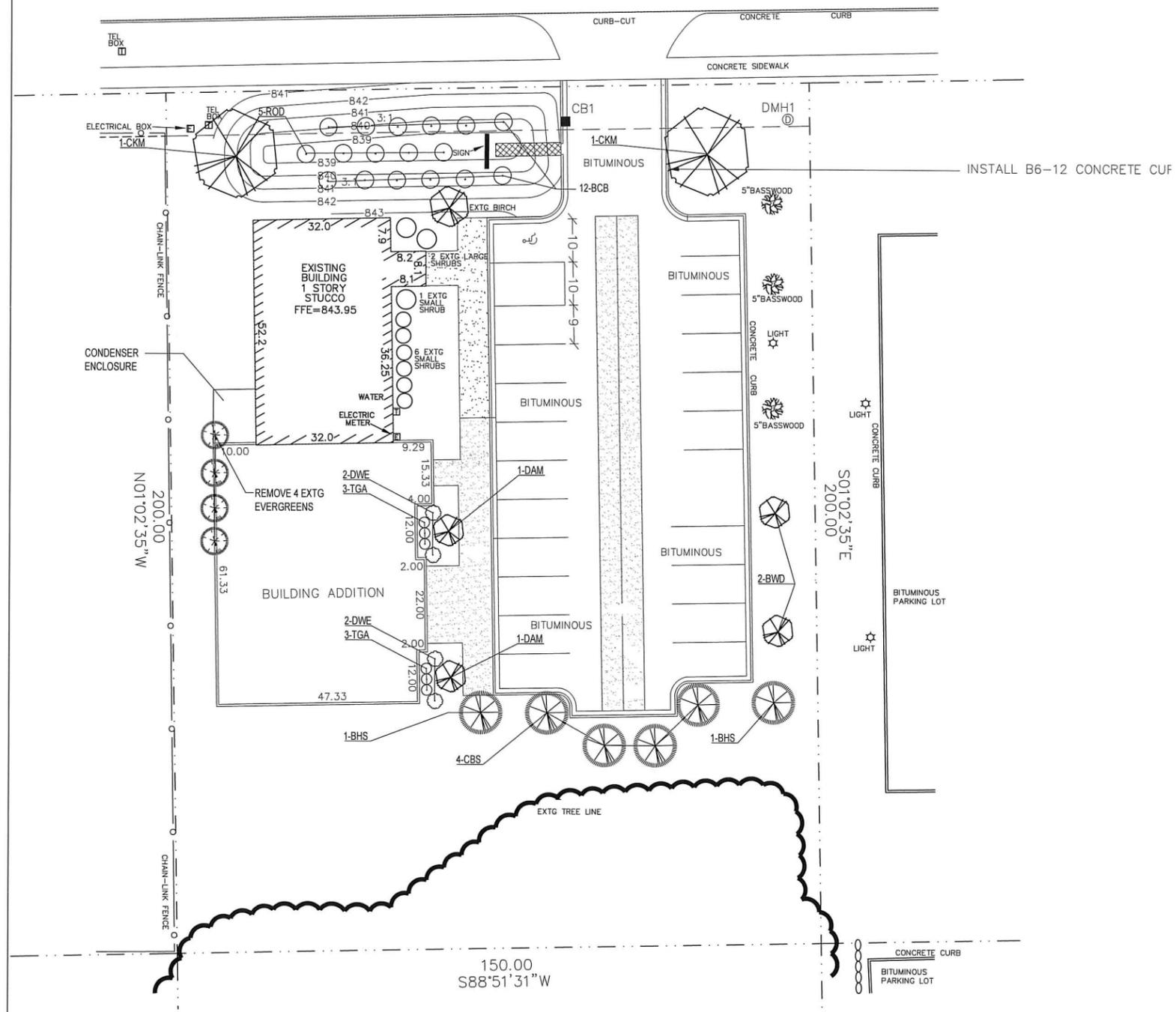
- LEGEND**
- DENOTES 12 INCH COMMON SPIKE SET WITH WASHER STAMPED RLS 16464 OR AS NOTED.
 - DENOTES IRON MONUMENT FOUND SIZE, TYPE, & R.L.S. AS NOTED.
 - DENOTES UNDERGROUND GAS LINE
 - W— DENOTES WATER MAIN OR SERVICE
 - SS— DENOTES SANITARY SEWER OR SERVICE
 - DENOTES CHAIN-LINK FENCE
 - T— DENOTES UNDERGROUND TELECOMMUNICATIONS LINE
 - E— DENOTES UNDERGROUND ELECTRIC LINE
 - ⊗ DENOTES WATER VALVE
 - ⊙ DENOTES SANITARY SEWER MANHOLE
 - ⊠ DENOTES GAS METER
 - ⊞ DENOTES ELECTRIC METER
 - ⊠ DENOTES TELECOM BOX
 - DENOTES BLOCK RETAINING WALL
 - ☆ DENOTES LIGHT POLE

SITE ADDRESS: 2940 65TH STREET EAST, INVER GROVE HEIGHTS, MN 55076
TOTAL SITE AREA: 30,000 sq. ft. or 0.69 acres
BASIS OF BEARINGS: DAKOTA COUNTY MINNESOTA, NAD-83 (1986 ADJUSTMENT).

PROPOSED DRAINAGE AND UTILITY EASEMENTS:
A permanent easement for drainage and utility purposes over, under, and across the east 10 feet, the south 10 feet, and the west 10 feet of the following described property:
Lot 1, Block 1, VALLEY VIEW 3RD ADDITION, Dakota County, Minnesota.

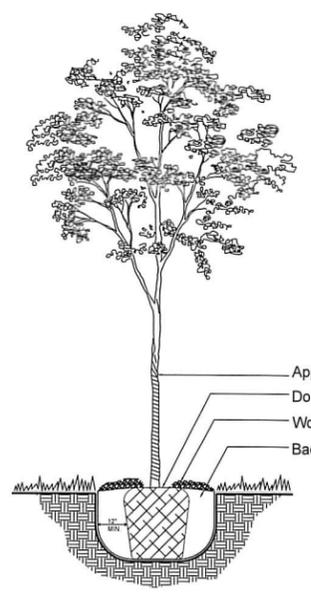
INVER GROVE CHIROPRACTIC			
Client: DR. JUSTIN NYE JCN INVESTMENTS, LLC 2940 65TH STREET EAST IGH, MN 55076	Design by JF	Original date 12-28-16	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota. _____ Jonathan L. Forcisi Date 12-28-16 Minnesota Reg. No. 16464
LAKE AND LAND SURVEYING, INC. LAND SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINTE CURVE, STE 275 MENDOTA HEIGHTS, MN 55120 PHONE (651) 776-8211 E-MAIL: JONFARACI@GOTMAIL.COM	Drawn by JF/KK	Revisions	Page Title SURVEY
	Survey book No.	S.A.P. number 2016.192	Sheet number of

EX. CB
RIM=839.92
INV=836.32



1 LANDSCAPE PLAN
L-1 1/16" = 1'-0"
NORTH

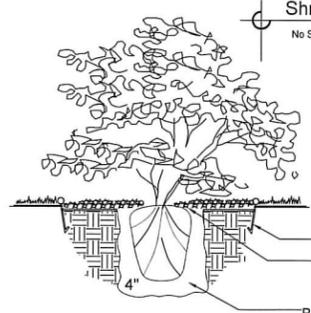
KEY	QTY	COMMON/BOTANICAL NAME	SIZE	ROOT	REMARKS
OVERSTORY TREES					
CKM	2	CRIMSON KING MAPLE <i>Acer platanoides 'Crimson King'</i>	2.5"	BB	
BWD	2	BASSWOOD <i>Tilia americana</i>	2.5"	BB	
CONIFEROUS TREES					
CBS	4	COLORADO BLUE SPRUCE <i>Picea pungens</i>	6' HL	BB	
BHS	2	BLACK HILLS SPRUCE <i>Picea glauca var. densata</i>	6' HL	BB	
SMALL TREES					
DAM	2	DWARF AMUR MAPLE <i>Acer ginnala 'Amur'</i>	2.5"	BB	
ORNAMENTAL SHRUBS					
DWE	4	DWARF WINGED EUONYMUS <i>Euonymus alatus 'Compactus'</i>	#7	CONT.	
TGA	6	TECHNY GLOBE ARBORVITAE <i>Thuja occidentalis 'Techny Globe'</i>	#5	CONT.	
ROD	5	RED OSIER DOGWOOD <i>Comus sericea</i>	#5	CONT.	
BCB	12	BLACK CHOKEBERRY <i>Aronia melanocarpa</i>	#5	CONT.	



Approved tree wrap to be applied prior to winter season.
Do not allow backfill or mulch material to come into contact with root collar.
Wood mulch or other specified material. (3" Depth)
Backfill with loosened soil indigenous to site.

*NOTE: Tree to be staked & guyed only on an as needed basis.

Shade Tree Planting Detail
Level Location - No Scale



Commercial grade black poly edger.
Wood mulch or other specified material to be placed at 3" depth.
Backfill with loosened soil indigenous to site.

Shrub Planting Detail
No Scale

GENERAL PLANTING REQUIREMENTS

All plantings shall be true to name and size in accordance with American Nurseryman's Standards.

Planting soil shall be a 1-1-1 mixture with 1 part peat, 1 part soil, and 1 part sand.

All plantings shall be guaranteed for two years (730 days) from date of acceptance. Landscape Contractor shall replace any dead or damaged plants at no additional cost to Owner during the guarantee period.

All trees shall be staked and wrapped as shown in details on an as needed basis.

Sod shall be cultured Kentucky bluegrass, free of weeds and clumps. Landscape Contractor will water at time of installation and roll all sod as needed to assure a smooth turf. All slopes greater than 3 to 1 shall be staked. Any sliding of sod shall be replaced by Landscape Contractor.

All shrub beds and areas indicated as receiving rock mulch shall receive a 3" deep layer of 3/4"-1-1/2" size Buff Limestone Rock Mulch over 4 mil. black poly. All ground cover areas shall receive a 1" layer of rock mulch with no poly.

All areas where sod and mulch touch shall have commercial grade black poly edger as shown in details.

All Overstory Trees shall receive Hardwood Mulch (3" depth) 3ft. in diameter around base of trunk. All Coniferous Trees shall receive Hardwood Mulch (3" depth) 4ft. in diameter around base of trunk. To prevent rotting, mulch should not contact base of tree trunk.

Plant quantities on plan shall take precedence over quantities listed in plant schedule.

Irrigation system shall be designed and installed by Landscape Contractor insuring 100% coverage of all turf areas and plantings, as well as meeting all local codes and regulations regarding irrigation. Irrigation system design shall be submitted prior to installation for approval by Landscape Architect.

Landscape Contractor shall be responsible for locating all utilities by actual location in the field prior to any planting operation.

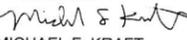


MIKE KRAFT ARCHITECTS
612.308.6002
1442 98TH LANE NW • COOK COUNTY, MN 55433
MIKE@MIKEKRAFTARCHITECTS.COM • WWW.MIKEKRAFTARCHITECTS.COM

INVER GROVE CHIROPRACTIC
2940 65TH STREET EAST
INVER GROVE HEIGHTS, MN. 55076

LANDSCAPE PLAN

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.


MICHAEL F. KRAFT
 #23538 12/02/2016
 REG. NO. DATE

CHECKED BY: MFK

DRAWN BY: JDZ

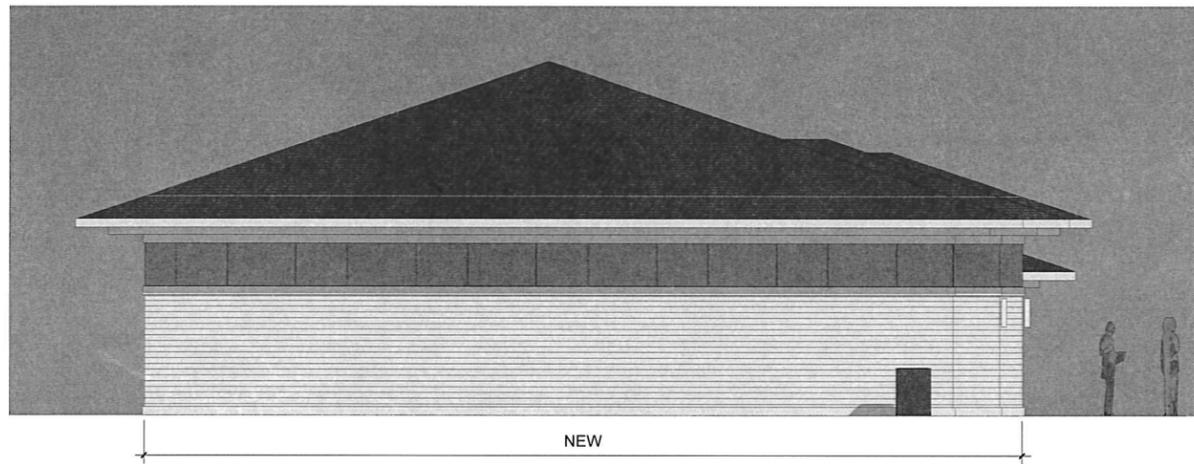
DATE: 12/02/2016

PROJECT NO: 162801

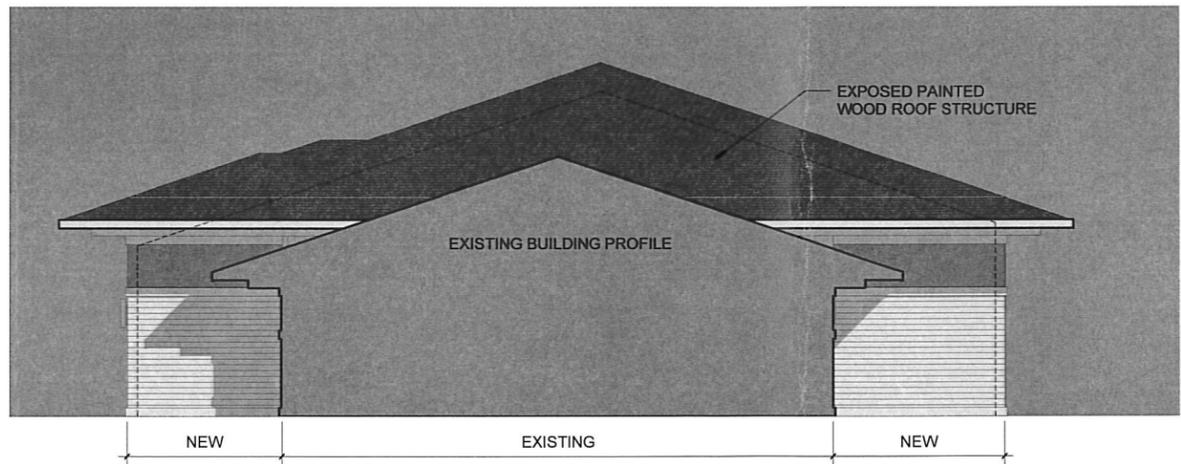
SHEET NO: L-1



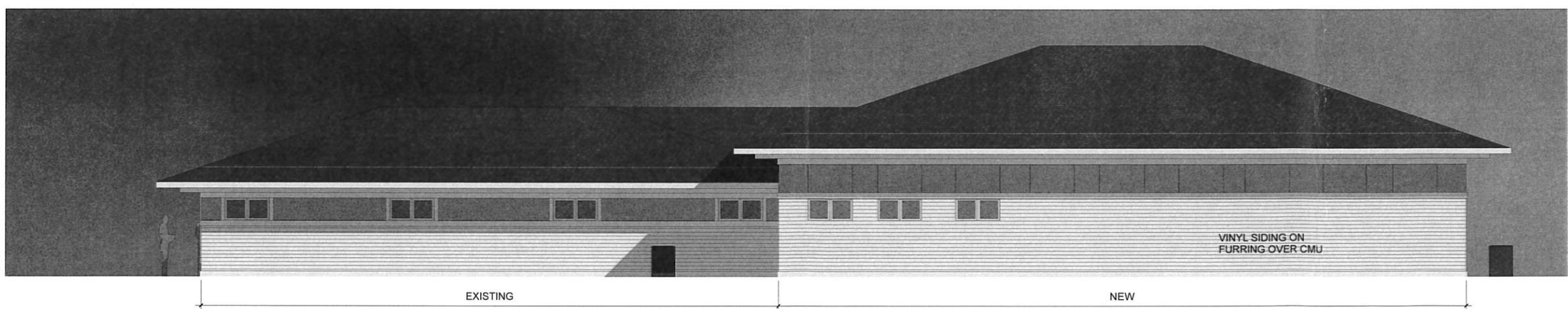
1 EAST ELEVATION
A5.0 3/16" = 1'-0"



4 SOUTH ELEVATION
A5.0 3/16" = 1'-0"



2 NORTH ELEVATION
A5.0 3/16" = 1'-0"



3 WEST ELEVATION
A5.0 3/16" = 1'-0"

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

MICHAEL F. KRAFT
#23538 11/17/2016
REG. NO. DATE

CHECKED BY MKA

DRAWN BY LSF

DATE 11/17/2016

PROJECT NO. 160401

SHEET NO. **A5.0**

171

The zoning ordinance contains a mixed use zoning district that allows a mix of multiple land uses, however, it is designed and intended for large scale planned developments on land over 10 acres in size.

There are currently 29 parcels zoned B-1. Of that total, 13 contain business, 5 contain single family homes and 2 are vacant. Two parcels currently contain a business and residence. The majority of the properties are along Cahill Avenue which has a mix of commercial and residential zoning abutting the roadway.

Uses allowed in the B-1 district are primarily office and service type uses. B-1 is not a retail commercial district. Many office and service type uses are allowed as home occupations in residential districts where the business is run solely by the occupant of the home. Allowing a mix of residential and commercial in the B-1 district may provide an expanded opportunity for residents to run small businesses with employees and live on the same property. The overall impact and potential use conflicts would be limited with only 29 parcels currently designated B-1 district.

If the Planning Commission and City Council are agreeable to allowing residential in the B-1 district, then staff suggests the following for an amendment:

1. **Allow as an accessory use.** A use listed in the B-1 district must be established on the property in order to allow a home to be built, or re-occupied in this instance. The residential use would be accessory to an operating B-1 use. If a commercial use on the property ceases, then the residence would become a legal non-conformity during that time.
2. **Require that the residence shall be used for residential purposes only.** There five properties with homes on them at the moment. The current residential use is legal non-conforming and there are regulations that limit the amount of expansion of non-conforming uses. This would also avoid any issues with multiple uses of a building, building code issues, and how to try and define what part(s) of an existing home are commercial and residential.
3. **An existing or new residence would be required to comply with the same standards found in the R-1C district.** This would include building setbacks, accessory structure size and number. Overall impervious surface is regulated through the B-1 standards of 75%. The entire site would still have to comply with any pertinent B-1 standards.

ALTERNATIVES

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

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

- Approval of an Ordinance Amendment allowing single family residential as an accessory use in the B-1 district and establishing a list of performance criteria to be inserted into the Zoning Code.

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

RECOMMENDATION

Staff supports the idea of adding residential to the B-1 district, creating a small scale mixed use type zoning. There would be a limited impact since there are a small number of B-1 zoned parcels. Most of the B-1 zoned properties are along Cahill which has both commercial and residential zoning categories and there are already two lots that have both uses. Staff would support a code amendment with at least those performance standards listed in the attached draft ordinance.

Attachments Applicant Narrative
Draft Ordinance
Map of B-1 Zoned Properties
Small Area Maps (2)

6047 Cahill Ave, Inver Grove Heights, MN 55076-1523, Dakota County

Legal Description: KRECHS KNOLLWOOD ESTATES 4TH ADDITION 3 1

PID:	% Improved:	32%
	<u>20-43103-01-030</u>	

Dear Council,

We would like you to consider a mixed use of residential and Business similar to the underlying zoning. The reason is because the property was a grandfathered single family use until recently (October 2016). Our primary interest has always been and consistently will be a single family first use with possibly other type small business uses. The attached letter is the perfect example of those we have communicated with that have showed interest in the property. Because of dealing with several interested parties that did not come through typically for financing reasons over the last year, we missed a deadline for the grandfathered use by a very small margin. We at the least would please like you to consider our grandfathered use extended.

Thank You,

Nexxt Level Homes., LLC

Darin Crapser & Bill Boum

To whom it may concern:

My wife Sarah and I are both small local business owners and currently live in Inver Grove Heights. I own and operate Callahan Construction L.L.C. of Inver Grove Heights. My wife Sarah is co-owner of Sublime Haircare currently located in West St. Paul. We are currently in the process of negotiating the purchase of a property located at 6047 Cahill Ave. The property is currently zoned B-1 for light commercial use but has an old house as well as a large barn. As we understand, the property at one time could be used for mixed use (residential/commercial) but longer can be used as a residence.

We have taken notice of the property for many years because of the potential it holds. The house needs plenty of work to be ready for a family but has many partial updates that just need to be finished. As a licensed contractor, I certainly have no problem taking on the project and bringing the 1923 home back to its original design and finish. We have 4 kids and would love to move our family into the home after it is finished.

The large barn on property offers both of us business opportunities as well. Being zoned for light commercial, it is my understanding that there is chance with city approval that it can be used for a small hair salon. My wife would love the opportunity to move her business to Inver Grove in the future. The barn also offers the opportunity to have my construction company offices there in the future.

Before we can make any agreements to purchase the property, we need to know that we can live in the home and have the opportunity to restore the property back to what it once was. For this reason, we ask that the city considers allowing the property to be used as a residence once again. To date we have come to work out many of the details needed to purchase the property. We have the pre-approval for financing in order as well as many of the details worked out with the current owner.

Thank you for considering this request.

Ryan and Sarah Callahan

Section Two. Amendment. Title 10, Chapter 10, Article A. B-1, LIMITED BUSINESS DISTRICT, of the Inver Grove Heights City Code is hereby amended to add the following:

10-10C-4: Accessory single family residential conditions:

- A. Single family residence shall be regulated by standards for the R-1C District as found in Chapter 9, article A of this title, and other pertinent regulations in Title 10 of the City Code.
- B. The single family residence shall be used for residential purposes only.

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

Passed in regular session of the City Council on the ____ day of _____, 2017.

CITY OF INVER GROVE HEIGHTS

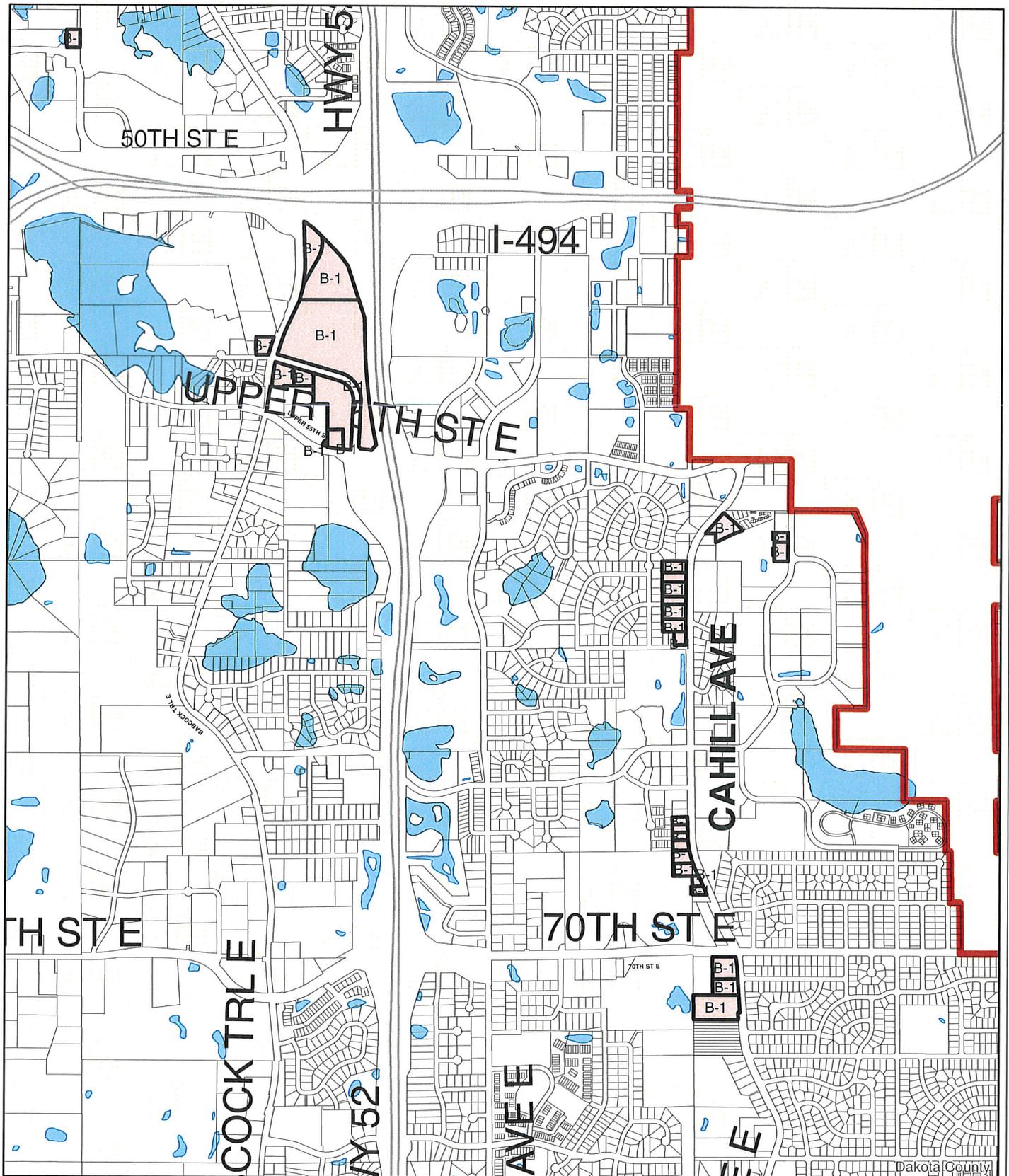
By: _____
George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



Properties Zoned B-1, Limited Business





USE OF PROPERTIES

- B = Business
- V = Vacant
- R = Residence
- B/V = Business and Residence





USE OF PROPERTIES

- B = Business
- V = Vacant
- R = Residence
- B/V = Business and Residence

