

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, June 16, 2009 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR June 2, 2009

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 JODY & DAN LISSON – CASE NO. 09-12V

Consider the following requests for property located at 7140 Bovey Avenue:

A.) A **Variance** to construct a gazebo that would encroach within the front yard setback;

Planning Commission Action _____

B.) A **Variance** to construct a home addition that would exceed the 30% allowed maximum impervious coverage on a lot;

Planning Commission Action _____

C.) A **Conditional Use Permit** to allow for impervious coverage on a lot to exceed 25% in the R-1C zoning district.

Planning Commission Action _____

3.02 TOTAL HOMES PLUS– CASE NO. 09-15C

Consider the following request for property located at 3820 74th Street:

A.) A **Conditional Use Permit** to exceed the allowed maximum impervious coverage on a lot that does not meet the minimum lot size requirement in the R-1C, Single Family Residential District.

Planning Commission Action _____

3.03 DAHN – CASE NO. 09-14VS

Consider the following requests for property located at 5645 Annette Annette Avenue (PID No. 20-03210-033-52):

A.) A **Preliminary and Final Plat** for a three-lot subdivision in the R-1C Zoning District;

Planning Commission Action _____

B.) A **Variance** to allow an accessory building on a lot without a principle structure for Lot 1;

Planning Commission Action _____

C.) A **Variance** to allow an accessory buildings on a lot without a principle structure for Lot 3;

Planning Commission Action _____

D.) A **Variance** to allow impervious surface coverage to exceed the 30% maximum allowed for Lot 3;

Planning Commission Action _____

E.) A **Conditional Use Permit** to exceed 25% impervious surface coverage in the R-1C district and in the Shoreland Overlay District for Lot 3.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 2, 2009 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Harold Gooch
Tom Bartholomew
Paul Hark
Christine Koch
Damon Roth
Pat Simon
Dennis Wippermann
Mike Schaeffer

Commissioners Absent: Tony Scales (excused)

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

APPROVAL OF MINUTES

The minutes from the May 19, 2009 meeting were approved as submitted.

JODY & DAN LISSON – CASE NO. 09-12V

Chair Bartholomew advised that this item is being tabled until June 16, 2009.

CITY OF INVER GROVE HEIGHTS – CASE NO. 09-13ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a Zoning Code Amendment to modify Section 515.80 Subd. 8 of City Code relating to increasing the maximum impervious surface coverage in the R-1A, B, and C zoning districts. No notices were mailed.

Presentation of Request

Ms. Emmerich presented the request as detailed in the report. She advised that the request is for a **temporary** ordinance amendment changing the allowed maximum impervious surface standard in the R-1A, B and C districts from 20% to 25%, as directed by City Council. She noted that in August 2008 the City modified the impervious coverage maximum to allow 20% in the R zoning districts whereas the lesser of 4,000 square feet or 30% was previously allowed. She advised that prior to the last reading of the modified ordinance, engineering staff provided a study of five neighborhoods which determined that a maximum of 20% impervious coverage was recommended for those neighborhoods. They also recommended that a more comprehensive study be completed; this larger scale analysis is currently being conducted and will be available later in the year. Ms. Emmerich noted that the proposed performance standards are the same as were previously approved with the exception of the addition of 4.d which requires a stormwater facilities maintenance agreement.

Chair Bartholomew asked if there was a cap of impervious surface that would be allowed by conditional use permit for lots that do not meet the minimum lot size requirements, to which Ms. Emmerich replied there was not.

Commissioner Simon asked what a homeowner who had a conditional use permit for 28% would have to do to increase their impervious coverage to 30% if the ordinance would change to allow 30%.

Ms. Emmerich replied that no additional approvals would be necessary to add impervious up to 30%.

Commissioner Koch asked what the rationale was for using a conditional use permit versus a variance, to which Ms. Emmerich replied that a conditional use permit does not require a hardship.

Chair Bartholomew asked how the City would handle a situation where a homeowner was requesting more than 30% impervious coverage.

Ms. Emmerich replied that anything over 30% would require a variance.

Commissioner Hark asked what a stormwater facilities agreement entailed, to which Ms. Emmerich replied it requires that the present and future homeowners do not disturb the site and keep it the area maintained.

Commissioner Hark asked who would manage such an agreement, to which Ms. Emmerich replied the City's engineering staff.

Commissioner Hark asked how staff would determine whether or not a rain garden was functioning properly, to which Ms. Emmerich replied they would verify that it was not filled in, mowed down, etc.

Commissioner Simon asked if inspections of rain gardens would be complaint driven.

Allan Hunting, City Planner, replied that the long-term goal was to have engineering staff who's primary role is monitoring the City's stormwater systems to ensure they were working properly.

Commissioner Roth asked if the City was still looking into considering permeable paver systems as pervious, to which Ms. Emmerich replied they were still considered impervious.

Commissioner Roth questioned why the City would monitor rain gardens but not pervious paver systems, and stated there were alternate methods of stormwater management other than just rain gardens.

Ms. Emmerich responded that it was her understanding that permeable paver systems required more maintenance than rain gardens.

Mr. Link advised that rain gardens were the most commonly used, but that the Northwest Area Stormwater Manual listed two to three dozen techniques that could be used. Mr. Link added that the City would be using pervious pavers on the City Hall remodel which would enable them to determine how effectively they functioned.

Commissioner Wippermann asked what the neighboring communities allowed for impervious surface, to which Ms. Emmerich replied between 35% and 50%.

Commissioner Wippermann stated that 20% impervious surface being utilized for public improvements seemed rather high, and asked if that was typical for most residential areas.

Ms. Emmerich replied that would be determined by the new engineering study.

Opening of Public Hearing

William Hanson, 11458 Avery Drive, noted that the City allowed the lesser of 4,000 square feet or 30% for many years, and that he assumed that number was determined based on research. He questioned why staff was now recommending 20%, especially since the neighboring communities allowed 35-50%.

Mr. Link replied that impervious surface maximums were originally put in place for aesthetic reasons. However, in recent years there has been emphasis on impervious coverage requirements as a means of controlling stormwater. Therefore, it was likely that the 35-50% found in most city ordinances probably was a standard going back many years to when there was not a lot of emphasis on stormwater management. Mr. Link noted there have been an increasing number of federal, state and regional requirements that have come into effect in the last few years.

Mr. Hanson noted that the Planning Commission's recommendation to change it to 30% was just last summer.

Mr. Link stated the 30% proposed last year was based on large part on what was found in other cities. However, just prior to adoption engineering staff performed a quick study of five neighborhoods and determined that the stormwater systems in those neighborhoods were designed to handle only 40%. Those neighborhoods had an average of 20% public coverage and therefore City Council approved a maximum of 20% for private coverage as to not exceed 40% total.

Mr. Hanson asked if it would be evident if there were existing problems in the surrounding cities that allowed 35-50%.

Mr. Link stated that stormwater problems were typically discovered during heavy torrential rains, such as when the city of Eagan experienced extensive damage five to seven years ago.

Mr. Hanson asked if any other community in the twin cities had a 20% impervious coverage limit, to which Mr. Link replied he was unsure.

Mr. Hanson stated that 20% was quite restrictive, and questioned why pervious pavers would be considered impervious.

Ms. Emmerich replied that without proper maintenance pervious pavers become impervious.

Mr. Hanson questioned the City acting as big brother by determining whether or not property owners had the ability or wherewithal to maintain a pervious environment.

Chair Bartholomew noted there were several accepted alternatives other than a rain garden.

Commissioner Simon advised that according to a previous staff report the standard of the lesser of 30% or 4,000 square feet was adopted in 2002. She asked what the standard was previous to that.

Mr. Hunting replied there were no regulations for impervious surface prior to that.

Chair Bartholomew asked how the City would proceed when the study results came back with the various percentages for the different neighborhoods in regards to how much stormwater they could handle.

Mr. Link replied that the simplest solution would be to have one standard for the entire city, but there could be different standards for the various zoning districts or the Northwest Area. He was unsure as to how the City would work the results of engineering's larger study into the permanent regulations.

Mr. Hanson asked if the study would identify the degree of impervious surface that individual areas were capable of.

Mr. Link stated he could check with engineering staff as to whether or not they would get individual numbers by neighborhood. He advised that engineering staff is doing a detailed analysis of stormwater design for every development that the City has approved in the last 20 years.

Planning Commission Discussion

Commissioner Wippermann stated he would support the request because it was an improvement over the current ordinance, however, he would prefer that on an interim basis they used the previous standards of the lesser or 30% or 4,000 square feet until the issue was resolved. He added that it seemed inconsistent that the City was allowing only 20% whereas the DNR allowed 25%.

Mr. Hunting advised that the DNR was currently reviewing the shoreland regulations and would likely drastically drop the allowed impervious surface.

Commissioner Roth asked if the City would install larger pipe, etc. to increase stormwater management capabilities when doing street upgrades in the older neighborhoods.

Mr. Link stated the engineering staff would be better able to handle detailed questions and that he will ask to have someone from engineering available for the Planning Commission meeting when the stormwater study is done.

Commissioner Hark stated that although he saw the need for a change, he was concerned they were creating a moving target and that perhaps it would be better to leave the ordinance as is until completion of the study.

Chair Bartholomew stated he understood Commissioner Hark's concerns but supported the interim change.

Commissioner Simon asked if the ordinance would require three readings, to which Ms. Emmerich replied it would be the Council's decision as to how many readings were necessary.

Commissioner Wippermann stated that in some regards the interim ordinance was more liberal than the previous ordinance as it allowed up to 30% by conditional use permit rather than the lesser of 4,000 square feet or 30%.

Ms. Emmerich stated the 4,000 square feet requirement would be too restrictive to owners of larger lots.

Commissioner Roth stated he supported the proposed 25% as it provided the City with some control.

Commissioner Hark asked when the study was expected to be completed, to which Ms. Emmerich replied in August.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Roth, to approve the Zoning Code Amendment to modify Section 515.80 Subd. 8 of City Code relating to increasing the maximum impervious surface coverage in the R-1A, B and C zoning districts.

Motion carried (8/0). This matter goes to the City Council on June 8, 2009.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 10, 2009

CASE NO.: 09-12V

HEARING DATE: June 16, 2009

APPLICANT AND PROPERTY OWNERS: Judy and Dan Lisson

REQUEST: Conditional Use Permit to exceed 25% impervious surface in an R-1 zoned lot, a Variance to increase the maximum impervious coverage on a lot and a Variance to construct a gazebo within the front yard setback.

LOCATION: 7140 Bovey Avenue

COMP PLAN: LDR, Low Density Residential

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a variance to construct a home and porch addition to the front of their house, exceeding the allowed impervious surface standards in the R-1C zoning district. Additionally, the applicants would like to construct a gazebo 4.5 feet from their "front" property line whereas 30 feet is the required setback. Currently the lot features the applicant's home, attached garage, and deck and patio features.

The request is also for Conditional Use Permit to allow for impervious coverage on a lot to exceed 25% in the R-1C zoning district. At the June 8, 2009 City Council the Council approved a temporary ordinance amendment allowing an increase to the maximum impervious surface standards in the "R" Districts. This amendment would temporarily increase the impervious surface standard until the impervious surface study is completed and the permanent code change is adopted. The code was changed to allow for a maximum of 25% impervious coverage and require a Conditional Use Permit for up to 30% of impervious coverage in the "R-1", Residential Zoning Districts.

The lot calculations are as follows:

	Square Feet	Percentage
Lot Size	13,079	-
Existing Impervious Coverage (House, garage, driveway, patios)	4,546	35%
Proposed additional impervious coverage (house and porch addition)	250	2%
Total impervious coverage requested	4,796	37%

EVALUATION OF THE REQUEST

The following specific applications are being requested:

- A.) A **Variance** to construct a gazebo 4.5 feet from the front property line;
- B.) A **Variance** to construct a home addition that would increase the maximum impervious coverage to 37%;
- C.) A **Conditional Use Permit** to allow for impervious coverage on a lot to exceed 25% in the R-1C zoning district.

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

North	Single Family; zoned R-1C; guided Low Density Residential
West	Single Family; zoned R-1C; guided Low Density Residential
South	Multiple Family; zoned R-3C; guided Medium Density Residential
East	Single Family; zoned R-1C; guided Low Density Residential

VARIANCES

As indicated earlier, the applicant is requesting two variances; 1) to exceed the maximum allowed impervious surface on an R-1C lot and 2) a setback variance for a gazebo to be located within the front yard setback.

City Code Section 515.59, states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant’s request is reviewed below against those criteria.

- a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does not have any conditions that make it unique for the zoning district it is in. Furthermore, the applicant is not being denied reasonable use of the property as the lot currently features a single-family home, attached garage, and a large deck and patio area.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The lot currently has more impervious surface than what our code has ever allowed since the inception of the impervious surface standards in 2002. Since the impervious surface ordinance has recently been changed, it would be contrary to the intent of the zoning code to allow additional impervious surface on the lot.

The property is a corner lot. Corner lots have more restrictive setbacks than an interior lot because, by definition, they have two front yards. In this case the location of the gazebo would be in a City drainage and utility easement and there is room on the property to construct the gazebo that would meet setbacks.

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

There is no hardship relating to the request as the impervious coverage standard is not precluding the homeowners from reasonable use of the property. The property is currently exceeding the maximum allowed amount of impervious surface, and though the increase is marginal, overall the property would be exceeding the impervious surface requirements by 872 +/- square feet.

There is no hardship relating to the location of the gazebo. No permit or inspections were done for the existing location of the large impervious pad where the applicant's would like the gazebo and there is room on the lot for the gazebo to meet setbacks. The location of the gazebo would be for the convenience of the property owner.

- d. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do appear to be a basis for this request.

CONDITIONAL USE PERMIT

On June 8, 2009 the City Council approved a temporary ordinance amendment allowing an increase to the maximum impervious surface standards in the "R" Districts. This increase allows 25% impervious surface on a property; with a conditional use permit the impervious surface could be increased to 30%. The existing impervious surface on the lot is about 35%. This existing impervious surface is considered to be legal non-conforming.

Staff is in support of a Conditional Use Permit provided no additional impervious surface is added to the property (retaining the current 35% coverage) and the following criteria are met:

1. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.

2. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
3. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
4. A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
5. An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
6. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters

Engineering Division. The Engineering Department has reviewed the request. If the impervious surface variance and conditional use permit is approved they recommend that at a minimum, the applicant shall provide a storm water management system to mitigate the impervious surface over 30%. However, it is recommended that the applicant provide a storm water management system to address the additional impervious surface over the 25% allowed by current ordinance for allowable maximum impervious coverage.

ALTERNATIVES

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

- A. **Approval.** If the Planning Commission finds the applications to be acceptable, as proposed, the following actions should be recommended for approval:
 - A **Variance** to construct a gazebo 4.5 feet from the front property line subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The permanent structures that encroach on the City drainage and utility easements require an encroachment agreement between the applicant and the City.

Hardship: A hardship must be stated if approval of the variances is recommended

- A **Variance** to construct a home addition that would allow up to 37%+/- impervious coverage on a lot subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The permanent structures that encroach on the City drainage and utility easements require an encroachment agreement between the applicant and the City.
 3. The amount of impervious surface area to be treated with a stormwater management system will be based on the square footage of impervious space coverage requirement as approved by Council (25% or 30%).
 4. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
 5. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
 6. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
 7. Prior to issuance of a building permit, a storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
 8. An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. The Engineering Department reserves the right to have both a cash escrow for expenses, fees, and maintenance requirements and additional escrow for assurance the storm water facility is constructed properly.
 9. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters

Hardship: A hardship must be stated if approval of the variances is recommended

- A **Conditional Use Permit** to allow for impervious coverage on a lot to exceed 25% in the R-1C zoning district subject to the following conditions:

1. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
2. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
3. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
4. A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
5. An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
6. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
7. The impervious surface shall remain at the current percentage that has been grandfathered in on the property. Any new impervious surface would require the removal of a equal or greater amount of impervious surface on the property.

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance requests do not preclude the applicant from reasonable use of the property as the lot already features a single-family home, attached garage, and deck and patio areas.
2. The request lacks any hardship unique to the property.
3. Approval of the variance could set a future precedent for lots to exceed the allowed impervious coverage in the R-1C, Single Family Residential Zoning District.
4. Approval of the variance could set a precedent for structures located with the front yard setbacks and the City drainage and utility easements.
5. The variance requests are out of a convenience to the applicant.

RECOMMENDATION

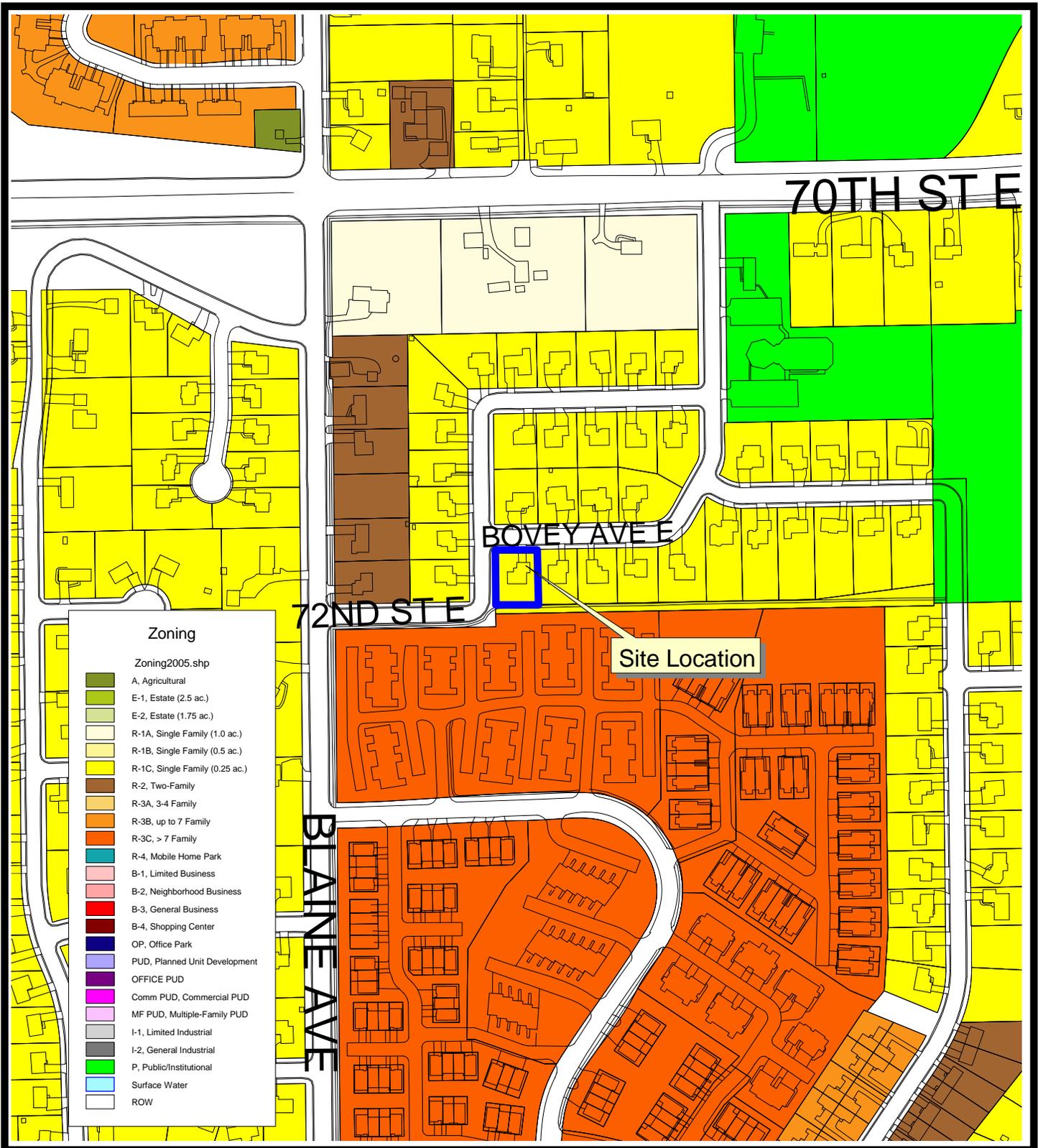
Staff finds the hardship criteria for both variances have not been met and therefore, staff recommends denial of the variance requests as presented.

Staff would be in support of the Conditional Use Permit, if the property maintains the existing impervious surface percentage of 35%, meaning 250 square feet of existing impervious surface should be removed to accommodate the porch addition.

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Aerial picture of the property
Exhibit C - Site Plan
Exhibit D - Letter from the applicant
Exhibit E - Letters from the neighbors



Lisson Variance Case No. 09-12V

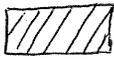


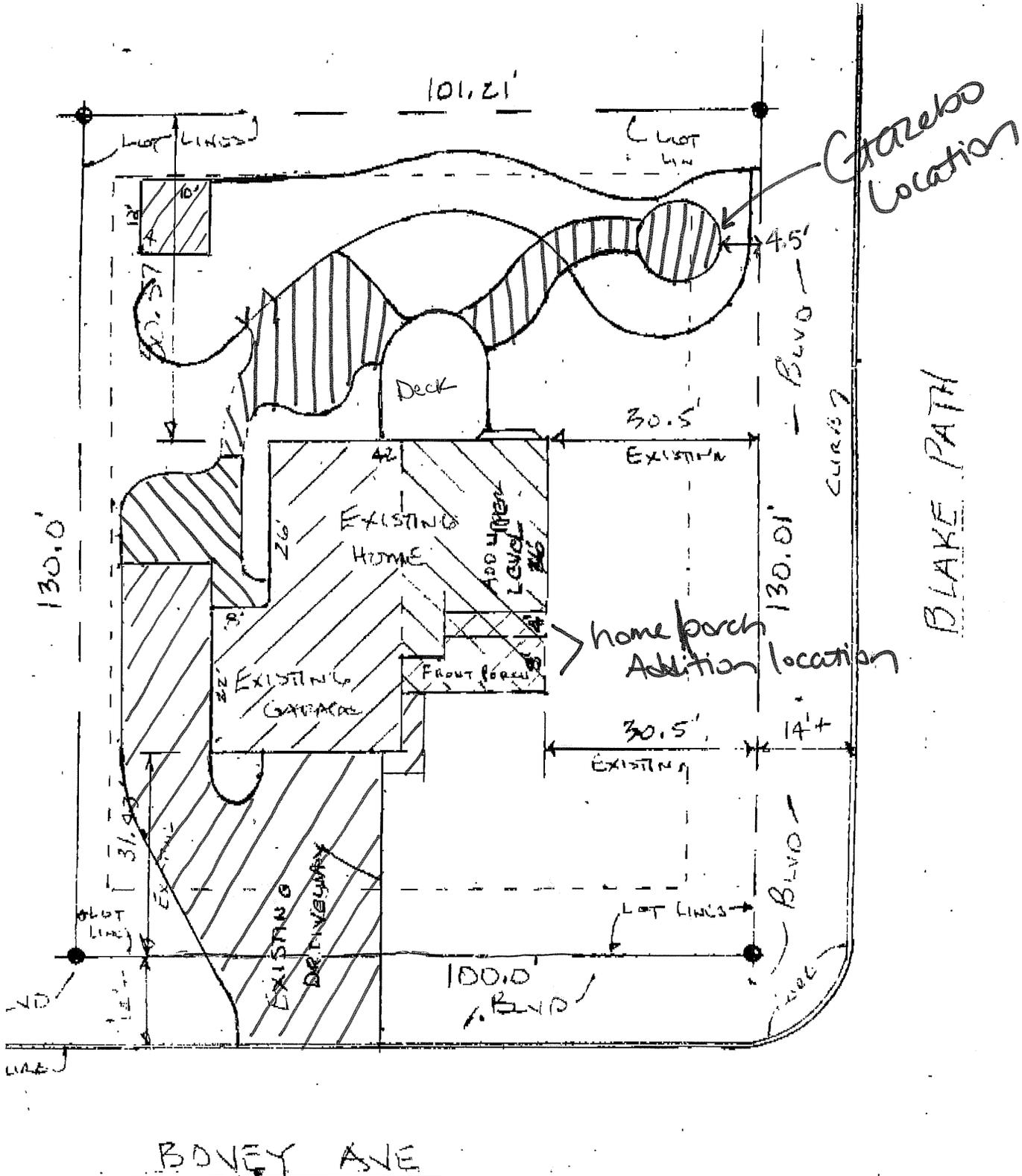
Map is not to scale

Exhibit A
Zoning and Location Map



Scale 1" = 20'

 = Impervious Surface



April 29, 2009

Ms. Jennifer Emmerich
Assistant Planner
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Dan and Jody Lisson/Home Expansion Project

Dear Ms. Emmerich:

Per our telephone conversation, this letter will explain some of our reasons for the home expansion projects we would like to do this Spring.

We would like to add 88 square feet to the existing north foundation of our house, add a 162 square foot covered porch to the front of the house, add a second level to our home's main level and complete our gazebo we started ten years ago in the back yard.

In the process of obtaining a permit for the projects, we learned that we needed to apply for a variance from the city code before we could proceed. We were told that our property exceeds the 20 percent limit for impervious coverage and that our gazebo's foundation did not meet the 30 foot setback for a corner lot.

When my wife and I purchased our home 17 years ago in 1992, it was the perfect size. However, two years ago we had our third child and decided that we needed to expand to make room for our growing family. We explored many options and we decided, instead of moving, we will add to our existing home. We both come from very large families and we have many family functions. Our existing home was getting crowded, so we thought we would expand the home and add outdoor living as well.

We decided with the new addition, to add a front porch to give the home some "curb appeal" and we've always wanted a front porch. The reason a front porch was necessary is because we wanted extra seating for our family and we wanted protection from the hot sun in the summer. The front porch is the only area surrounding our home that is in the shade at all times, since it faces the north side of the house.

Seventeen years ago, we started to build a two tier retaining wall and quickly realized a major problem to the property was traffic lights that would shine into our back yard and our home as the vehicles turned the corner from 72nd Street to Blake path. A simple fix was to extend that side of the backyard retaining wall far enough to block the lights from the cars as they turned. A discussion with the city at that time left me to understand that the retaining wall I was planning did not require a permit and that I needed to keep the wall at least 12 feet from the street. The retaining wall took me about ten seasons to complete because the project kept taking on new ideas and money. Eventually, the wall did block most of the traffic lights, but because the wall had to extend along the street to keep the lights from shining into the house, a large pad was created on the first tier to create an area for a gazebo. We poured footings and the foundation and purchased all the windows and the door for the gazebo seven years ago and would like to complete the project this Spring.

We believe that adding the addition, gazebo and front porch will add to the value of our home and the community of Inver Grove Heights. I assure you that the City will be pleased with the outcome of the project.

We are asking that you approve the plan so that we can proceed with the project as planned. We are willing to make concessions to our existing plan to accommodate the City. Please take a look at the photos and feel free to visit our home prior to making your decision.

We are excited to get started on the project and look forward to hearing from you soon.

We appreciate your consideration!

Sincerely,

Dan Lisson
7140 Bovey Avenue
Inver Grove Heights, MN 55076
(651) 451-1657 (home)
(651) 228-9050 (work)
(651) 492-7633 (cell)

Heather Botten

From: Allan Hunting
Sent: Tuesday, May 26, 2009 4:35 PM
To: Heather Botten
Subject: FW: Public Hearing Notice - Jody & Dan Lesson

From: Todd & Megan [mailto:toddandmegan@gmail.com]
Sent: Tuesday, May 26, 2009 4:26 PM
To: Allan Hunting
Subject: Public Hearing Notice - Jody & Dan Lisson

Greetings Allan -

Received the notice in the mail today regarding the home addition variances for Jody & Dan Lisson. Megan and I will not be able to attend the Commission Meeting on June 2nd but would like it know that we do not oppose the additions that Dan & Jody are trying to complete. We have known them for a while and have spoken to them about their projects and we know they will do a good job and make it look nice.

We like having them as neighbors and would like them to be able to make these changes to their house, so let it be known that we are ok with this.

If there is anything else we need to do regarding this, please let us know.

Thanks

Todd and Megan Parsons
7175 Blake Path

Heather Botten

From: Allan Hunting
Sent: Monday, June 08, 2009 9:40 AM
To: Heather Botten
Subject: FW: Public Hearing, 7140 Bovey Ave.

From: taurus55076@comcast.net [mailto:taurus55076@comcast.net]
Sent: Friday, June 05, 2009 7:40 PM
To: Allan Hunting
Subject: Public Hearing, 7140 Bovey Ave.

Dear Mr. Hunting,

I am neighbors with Jody and Dan Lisson at 7140 Bovey Ave. I am okay with whatever they choose to do -- as long as they follow proper construction and safety codes. The house's stability and the family's safety are my concerns.

I think you should increase their property taxes to the new fair market value of the house. That way, they benefit with more living space for their family and the city benefits with more profit for its expenditures!

Thank you for your time.

Respectfully,

Gail Marek
7109 Bovey Ave.
Inver Grove Heights, MN 55076-2406
612-237-4696

SPECIFIC REQUEST

To construct the 22'x22' detached garage the applicant is requesting a **Conditional Use Permit** to exceed the allowed maximum impervious coverage on a lot that does not meet the minimum lot size requirement in the R-1C, Single Family Residential District.

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

Single Family Residential; zoned R-1C, Single family; guided LDR,
Low Density Residential

EVALUATION OF REQUEST:

CONDITIONAL USE PERMIT. For lots that do not meet the minimum lot size requirement a Conditional Use Permit may be obtained to exceed the allowed maximum impervious surface, if the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
- f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.

The applicant and property owner have been made aware of the above conditions and the City's standard conditions for treating impervious surface. It is the City's understanding the property owner is working with their contractor to meet the CUP requirements.

Grading and Drainage. The Engineering Department has reviewed the request. The applicant/homeowner would have to mitigate the increased storm water runoff from the additional impervious surface being added which is above the allowed 25%. If the

Conditional Use Permit is approved they recommend the conditions listed below be included.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the Conditional Use Permit to exceed the impervious coverage standards to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan dated April 22, 2009 on file with the Planning Department or as modified herein.
2. The applicant/homeowner shall provide a storm water management system to mitigate the increased storm water runoff from the additional impervious surface being added which is above impervious space requirement of 25% by current ordinance for allowable maximum impervious coverage in "R" districts.
3. Prior to issuance of the building permit, the impervious surface calculations for existing and proposed conditions shall be submitted by the applicant and verified by Planning.
4. The amount of impervious surface area to be treated with a storm water management system will be based on the square footage of impervious space coverage above 25%.
5. The temporary erosion control and permanent storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
6. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
7. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
8. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
9. Prior to issuance of a building permit, a storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.

10. Prior to issuance of a building permit, an escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. The City Engineer reserves the right to have both a cash escrow for expenses, fees, inspections and maintenance requirements and an additional construction escrow assuring the storm water facility is constructed properly.
11. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
12. Prior to the final inspection of the building permit, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.
13. All existing easements shall be shown on the building permit submittal to ensure that the proposed structures are not encroaching in an easement area dedicated to the City. If there is encroachment, it will be the sole discretion of the City Engineer to either accept or deny the proposed encroachment. If allowed, an encroachment agreement would need to be executed prior to issuance of building permit.

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

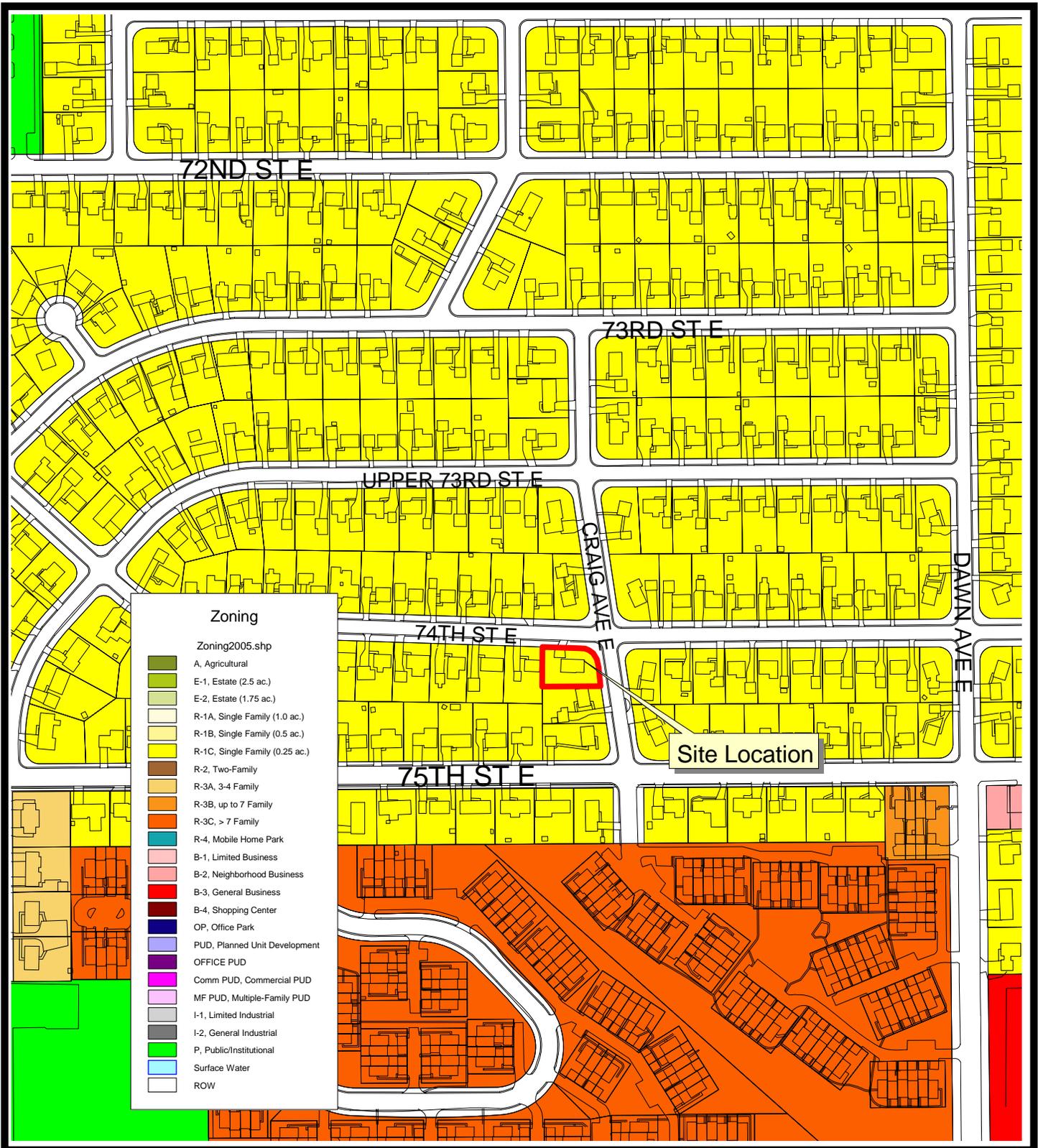
RECOMMENDATION

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

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Applicant Narrative
Exhibit C - Site Plan
Exhibit D- Elevations



Total Homes Plus Case No. 09-15C



Map is not to scale

Exhibit A
Zoning and Location Map

Total Home Plus Inc.

**15183 Freeland Avenue North, Suite 103
Hugo, MN 55038**

Contractor License No. 20581353
Phone: 651-429-3330
Fax: 651-429-3369
E-Mail: totalhomeplusinc@yahoo.com

To Whom It May Concern:

We are requesting a conditional use permit to build a detached two-car garage at 3820 74th Ave. East in Inver Grove Heights. The existing house used to have a tuck-under garage, due to drainage issues from water run off the structural integrity of the foundation was at risk. To solve this we replaced part of the foundation and raised the driveway up blocking off the tuck-under garage. We are proposing to install a garage in the south west corner of the lot for off-street parking. With the footprint of the proposed garage and extension of the driveway to reach the garage we are over the allowed 20% impervious coverage. If needed we can eliminate the concrete patio in the rear of the house for more impervious area. Thank you for your time.

Sincerely,



Scott Funke
President
Total Home Plus Inc.



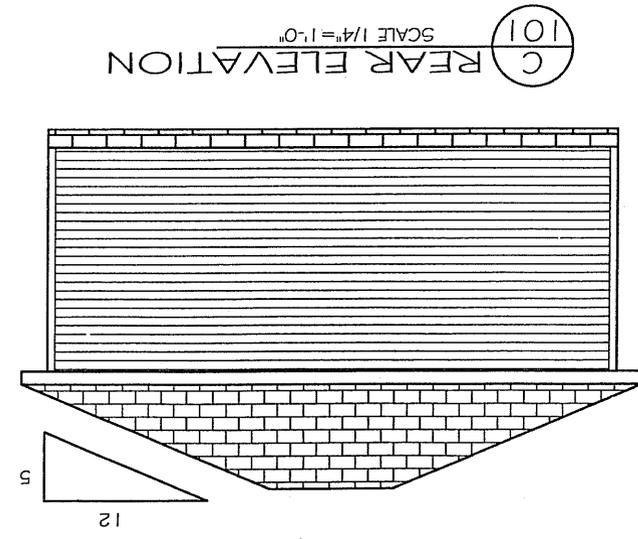
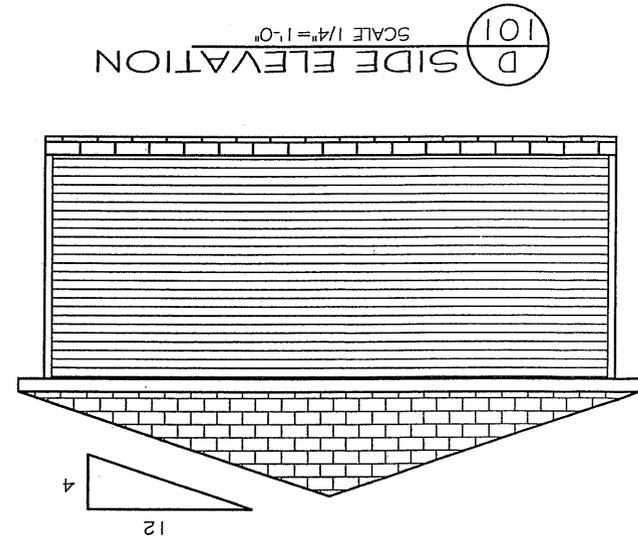
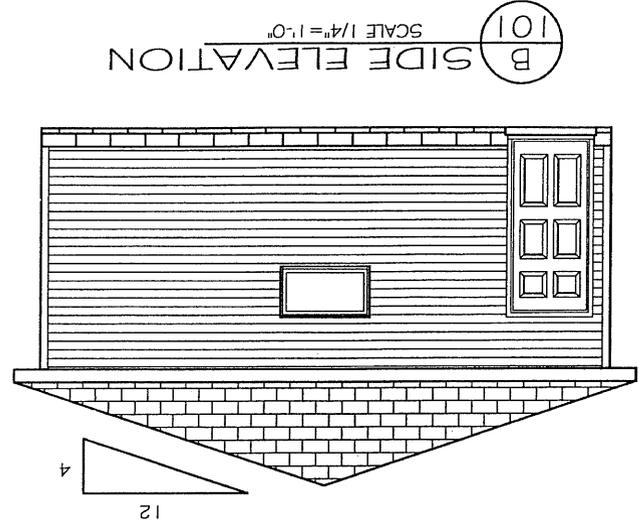
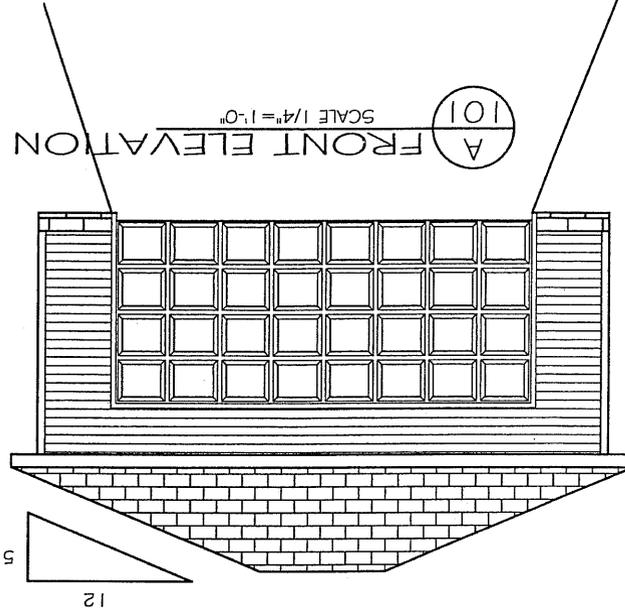
A-101
 SHEET
 AS NOTED
 SCALE
 DATE 4/3/09
 ELEVATIONS



TOTAL HOMES PLUS INC.

KAM DESIGN SERVICE
 5120 93rd AVE. NE, BLAIN, MN 55449
 PHONE (763) 717-2542
 COPYRIGHT 2009-GREG HUSTON DESIGN

OPTIONAL ELEVATION # 1



PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 8, 2009

CASE NO.: 09-14VS

HEARING DATE: June 16, 2009

APPLICANT AND PROPERTY OWNER: Jeffery Dahn

REQUEST: Preliminary and Final Plat, Conditional Use Permit, and Variances for a three lot subdivision

LOCATION: 5645 Annette Avenue

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single family residential
Shoreland Overlay District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

The applicant has submitted a request to subdivide the property located at 5645 Annette Avenue. The request is to plat 2.5 acres into three buildable single family lots. The existing home would remain on the proposed Lot 2. Additionally there are three detached accessory buildings on the property; 160 square foot storage shed (Lot 1), 970 square foot building in the southwest corner of the property (Lot 3), and a 1,230 square foot concrete building (Lot 3). The following specific applications are being requested:

- a.) A **Preliminary and Final Plat** for a three-lot subdivision in the R-1C Zoning District;
- b.) A **Variance** to allow an accessory building on a lot without a principle structure for Lot 1;
- c.) A **Variance** to allow an accessory buildings on a lot without a principle structure for Lot 3;
- d.) A **Variance** to allow impervious surface coverage to exceed the 30% maximum allowed for Lot 3;
- e.) A **Conditional Use Permit** to exceed 25% impervious surface coverage in the R-1C Zoning District and Shoreland Overlay District for Lot 3.

EVALUATION OF THE REQUEST

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

North	Single family; zoned R-1C; guided LDR, Low Density Residential
East	Salem Hills Park; zoned P, Public/Institutional; guided P, Public
West	Vacant; E-2, Estate single family; guided LDR, Low Density Residential
South	Single family; zoned R-1C; guided LDR, Low Density Residential

PRELIMINARY PLAT

Zoning and Comprehensive Plan Consistency. The property is zoned R-1C, single-family residential and guided LDR, Low Density Residential. The zoning and comprehensive plan designations are consistent with the proposed plat.

Lots & Blocks.

The proposed plat consists of 3 lots on 2.5 acres of land. Lot 1 is proposed at 90 feet wide and 32,940 square feet (.76 acres). Lots 2 and 3 are proposed at 105 feet wide at 38,430 square feet (.88 acres) each. All three lots meet the minimum lot width of 85 feet and lot size of 12,500 square feet for the R-1C zoning district.

Park Dedication. Park dedication on this project will be cash in lieu of land. If approved, prior to release of the final plat for filing with Dakota County, a cash fee of \$4,011 per lot, for Lots 1 and 3, would be due to the City. No dedication would be required for Lot 2 that would contain the existing Dahn home.

Infrastructure. Annette Avenue utilities include City water and sewer. There are three sets of sewer & water services stubbed to the parcel. These service lines have been marked and they would have to be connected to any new structures.

There is an existing well on Lot 2 that currently provides water supply to hose bibs on the existing house and water supply to the existing shop building on the proposed lot 1. The well should be abandoned or it must have an annual permit from the Minnesota Dept of Health. The owner should provide a copy of the MHD permit if he plans to continue using the well for Lot 2 irrigation. The use of the well on Lot 2 should only be allowed if the proper Backflow Prevention is provided in the existing house. This should be verified by the Building dept or the Water dept. Use of the existing well for Lot 3 should be discontinued as part of the plat. A service line should be connected if water is to be used in the existing shop building.

SITE PLAN REVIEW

Access. All driveways are proposed off of Annette Avenue. Each lot would have their own access point. All driveways must maintain a minimum of a 5 foot setback to the side property lines and be constructed of bituminous, concrete, or paving blocks.

Grading and Drainage. Staff recommends that a condition be included stating prior to the release of the final plat for recording at the County, the grading, drainage and erosion control plans and stormwater management shall be subject to the review and approval of the City Engineering Department. The required drainage and utility easements, as approved by the City Engineering Department, will have to be shown on the final plat. Please refer to the attached conditions for further details.

Improvement Agreement. An improvement agreement will be executed between the City and the developer. The agreement will address the necessary site improvements including a storm water maintenance agreement, the parties responsible for the improvements, and require financial surety for erosion control and any other improvements that may be necessary. A 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. The contract would be negotiated prior to release of the plat for recording at the County and approved by the City Council.

Accessory Buildings. There are currently three detached accessory buildings on the property. A 160 square foot storage shed proposed on Lot 1. A 970 square foot building in the southwest corner of the property and a 1,230 square foot concrete square building both located on proposed Lot 3. The buildings on Lot 3 were previously used for a contractor's yard and have a gravel drive leading up to and surrounding the buildings.

City Code Section 515.70 Subd. 4 states no accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. Variances for the accessory buildings are discussed below.

Impervious surface. The existing lot of record currently has about 17% impervious surface, including the existing home, all accessory buildings, and drive areas. The proposed plat would create 3 parcels, separating the large accessory buildings from the parcel with the home. Lot 2, which would have the existing home on it, would have about 10% impervious surface. Lot 3 would have about 39% impervious surface, which includes the two large accessory buildings and driveway surfaces. Lot 3 would require a variance to exceed impervious surface standards with the approval of the plat. The variance request is discussed below in the report.

VARIANCES

As indicated earlier, the applicant is requesting three variances; one for Lot 1 and two for Lot 3. The variance review process will look at each lot independently.

City Code Section 515.59, states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies

several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

Lot 1 – City Code Section 515.70 Subd. 4 states no accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. The applicant is asking for a **Variance** to allow an accessory building on a lot without a principle structure for the proposed Lot 1, Dahn Addition.

a. Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.

The existing shed is about 160 square feet in size; it was an accessory shed to the existing home. It meets all setbacks and does not have an impact on a future home construction.

b. The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.

One of the intents this section is to prohibit businesses on residential lots; this is more likely to occur allowing accessory buildings on a property prior to a home being constructed. In this case, the existing accessory building on Lot 1 is about 10' x 16' in size. It would be difficult to store trailers or other business use type equipment in the building.

c. The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.

The accessory building does not have a negative impact on the lot for future development. It meets setbacks and does not have an impact on impervious surface requirements on the lot.

d. Economic considerations alone do not constitute an undue hardship.

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

Lot 3 – The following Variances are being requested for Lot 3:

- A **Variance** to allow two accessory buildings on a lot without a principle structure (Section 515.70 Subd 4);
- A **Variance** to allow impervious surface coverage to exceed the 30% maximum allowed (Section 515.80 Subd 8).

a. Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The accessory buildings were once used as a contractor's yard. Approving a lot without a principle structure opens the doors for a business to be located

on this site and creates potential land use conflicts in a residential neighborhood. Specifically outdoor storage, additional traffic, employee parking and noise.

At the June 8, 2009 City Council meeting, Council approved a temporary ordinance amendment allowing an increase to the maximum impervious surface standards in the “R” Districts. This increase allows 25% impervious surface on a property; with a conditional use permit the impervious surface could be increased to 30%. The City would be setting a precedent by creating a lot that has impervious coverage greater than 30%.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The request could be found contrary to the intent of the Zoning Code as the variance requests create a non-conforming lot. Currently the impervious surface requirements are met; splitting the parcels creates the need for an impervious surface variance on Lot 3.

One of the intents of the Zoning Code is to prohibit businesses on residential lots; this is more likely to occur allowing accessory buildings on a property prior to a home being constructed. Lot 3 would consist of two accessory buildings about 970 square feet and 1,230 square feet in size. These structures have previously been used as part of a contractor’s yard and could easily turn into another business left alone on a property which would create potential land use conflicts.

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

There is not a physical or property-related hardship for this request. Subdividing the property for residential use should require the property owner to bring the property into conformance.

There are alternatives for the property. Leaving parcels 2 and 3 in one large parcel eliminates all three variance requests. If parcel 3 is created, the owner could remove the existing structures and plant grass over the existing gravel drive to make the lot marketable for a single family home and eliminate the need for the variances. The property owner could also reduce the number of variances by removing the building in the southwest corner and the gravel located behind and next to the square, easterly most accessory building. This would remove a substantial amount of impervious surface and allow for a new home (as shown on the plan) to be constructed without an impervious surface variance.

- d. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do appear to be a basis for this request.

CONDITIONAL USE PERMIT TO EXCEED 25% IMPERVIOUS SURFACE

The site is located in the shoreland overlay district for Schmidt Lake or DNR Lake #19-52. Impervious surface coverage is limited to 25% of the lot. This may be increased by conditional use provided the City has approved and implemented a stormwater management plan affecting the subject site. The City Zoning Code also requires a Conditional Use Permit for impervious surfaces on a lot between 25 – 30%.

Existing impervious surface on the lot is in conformance with the Zoning Code at about 17% impervious surface. Lot 3, as proposed, would need a Conditional Use Permit for impervious surface and a variance as previously discussed. Existing conditions on Lot 3 would be about 39% impervious surface, not including a home.

Staff is in support of impervious surface on R-1C lots up to 30% with a Conditional Use Permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
- f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters

The request was sent to the DNR for review. A response was submitted back to the City from the DNR stating they have no concerns with the proposed development with its proximity to the lake.

8. An access easement must be provided to allow the city access to the rain garden from Annette Ave.

9. There is an existing well on Lot 2 that currently provides water supply to hose bibs on the existing house and water supply to the existing shop building on the proposed lot 1. The well should be abandoned or it must have a annual permit from the Minnesota Dept of Health. The owner should provide a copy of the MHD permit if he plans to continue using the well for Lot 2 irrigation. Use of the existing well for Lot 3 should be discontinued. A service line should be connected if water is to be used in the existing shop building.

10. After grading, the project will be sodded, or seeded and mulched appropriately in accordance with the NPDES permit and the requirements for the Northwest Area.

11. Once the project is complete a certification letter and as-built survey, from a registered Engineer or Land surveyor shall be provided to the City certifying that the site grades are as shown.

- Approval of a **Variance** to allow an accessory building on a lot without a principle structure for Lot 1 subject to the following conditions:

1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.
2. No outdoor storage is allowed on the property prior to a house being constructed.

Hardship: A hardship must be stated if approval of the variance is recommended.

- Approval of a **Variance** to allow accessory buildings on a lot without a principle structure, and a **Variance** to allow impervious surface coverage to exceed the 30% maximum allowed for Lot 3, Dahn Addition subject to the following conditions:

1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.
2. The erosion control and storm water management plan shall capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.

3. No outdoor storage is allowed on the property prior to a house being constructed.

Hardship: A hardship must be stated if approval of the variances are recommended.

- Approval of a **Conditional Use Permit** to exceed 25% impervious surface coverage in the R-1C Zoning district and Shoreland Overlay District for Lot 3, Dahn Addition subject to the following conditions:
 1. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
 2. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
 3. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
 4. A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
 5. An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
 6. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters

B. **Approval in part, reducing the number of variances.** If the Planning Commission finds the Plat acceptable but would like to reduce the number of Variances being requested, the following actions should be recommended for approval:

- Approval of the **Preliminary Plat and Final Plat** of Dahn Addition subdivision subject to the conditions listed in Alternative A.

- Approval of a **Variance** to allow an accessory building on a lot without a principle structure for Lot 1 subject to the conditions listed in Alternative A.

Hardship: A hardship must be stated if approval of the variance is recommended.

- Approval of a **Variance** to allow **one** accessory buildings on a lot without a principle structure for Lot 3 subject to the following conditions:
 1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.
 2. No outdoor storage is allowed on the property prior to a house being constructed.
 3. Prior to the release of the final plat for recording with Dakota County, Lot 3 must be brought into conformance with impervious surface standards, allowing for the construction of a new home. This would include removing the accessory building in the southwest corner of the lot and impervious surface next to and behind the easterly most accessory building.

Hardship: A hardship must be stated if approval of the variances is recommended .

- Denial of a **Variance** to allow impervious surface coverage to exceed maximum 30% allowed for Lot 3, Dahn Addition.
- Approval of a **Conditional Use Permit** to exceed 25% impervious surface coverage in the R-1C Zoning district and Shoreland Overlay District for Lot 3 subject to the conditions listed in Alternative A.

C. **Approval of a two lot subdivision.** If the Planning Commission finds a two lot Plat to be acceptable, leaving parcels 2 and 3 together, eliminating the need for all variances on Lot 3 the following actions should be recommended for approval:

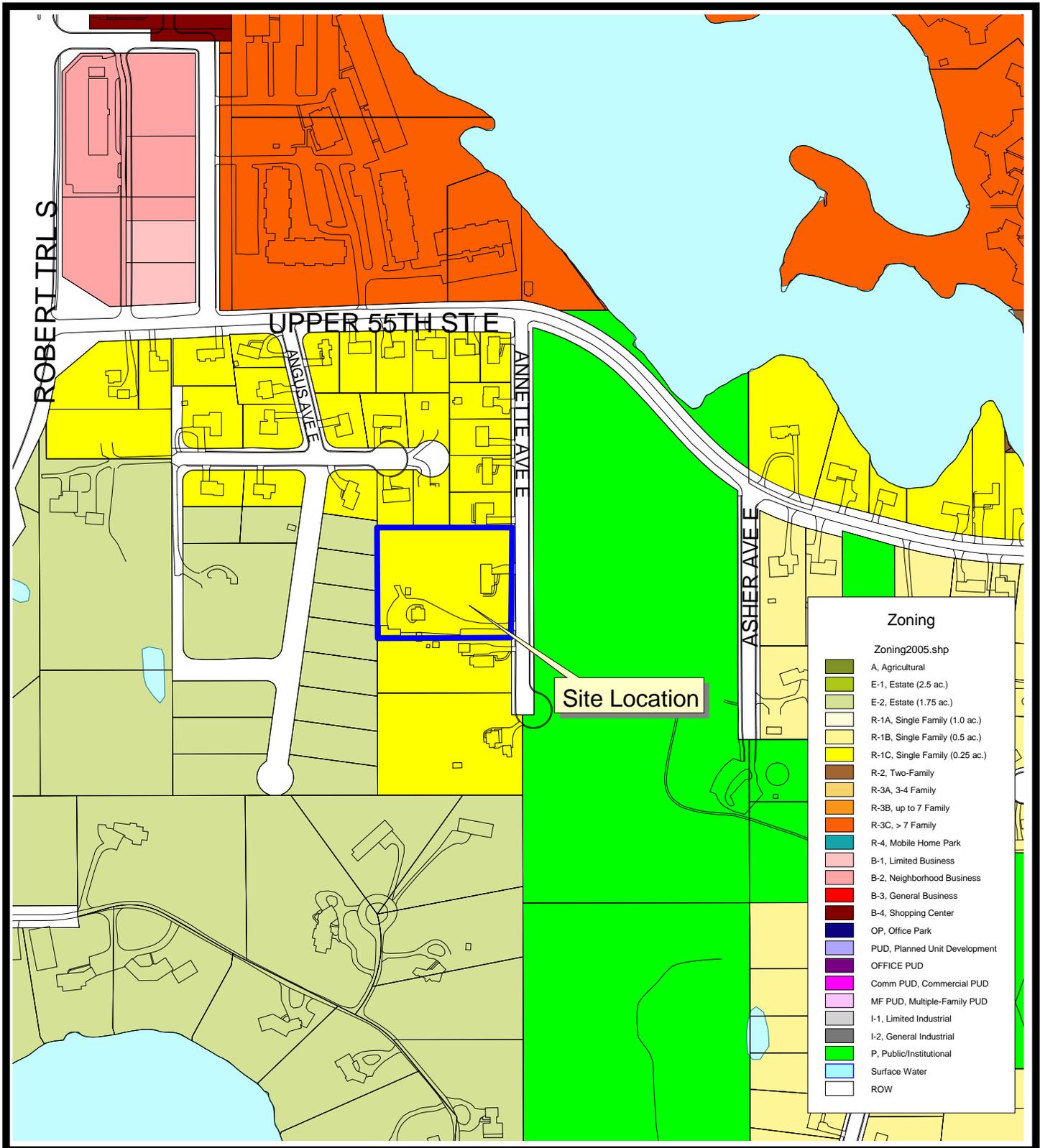
- Approval of the **Preliminary Plat** of Dahn Addition subdivision subject to conditions **3-11 in Alternative A** and the two conditions listed below:
 1. The final plat and development plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions herein.

Staff would be in support of a modified proposal. It is premature to plat Lot 3 at this time. Subdividing the property for residential use should require the property owner to bring the property into conformance with current Zoning Codes. Staff would be in support of Alternative C, subdividing the property into two lots. Leaving parcels 2 and 3 in one large parcel eliminates the two variance requests. The property owner can bring Lot 3 into zoning conformance and then come back to the City for a subdivision.

Attachments: Exhibit A – Site/Zoning Map
Exhibit B– Plat
Exhibit C- Preliminary Plat
Exhibit D – Grading Plan



Dahn Case No. 09-14SVC



Map is not to scale

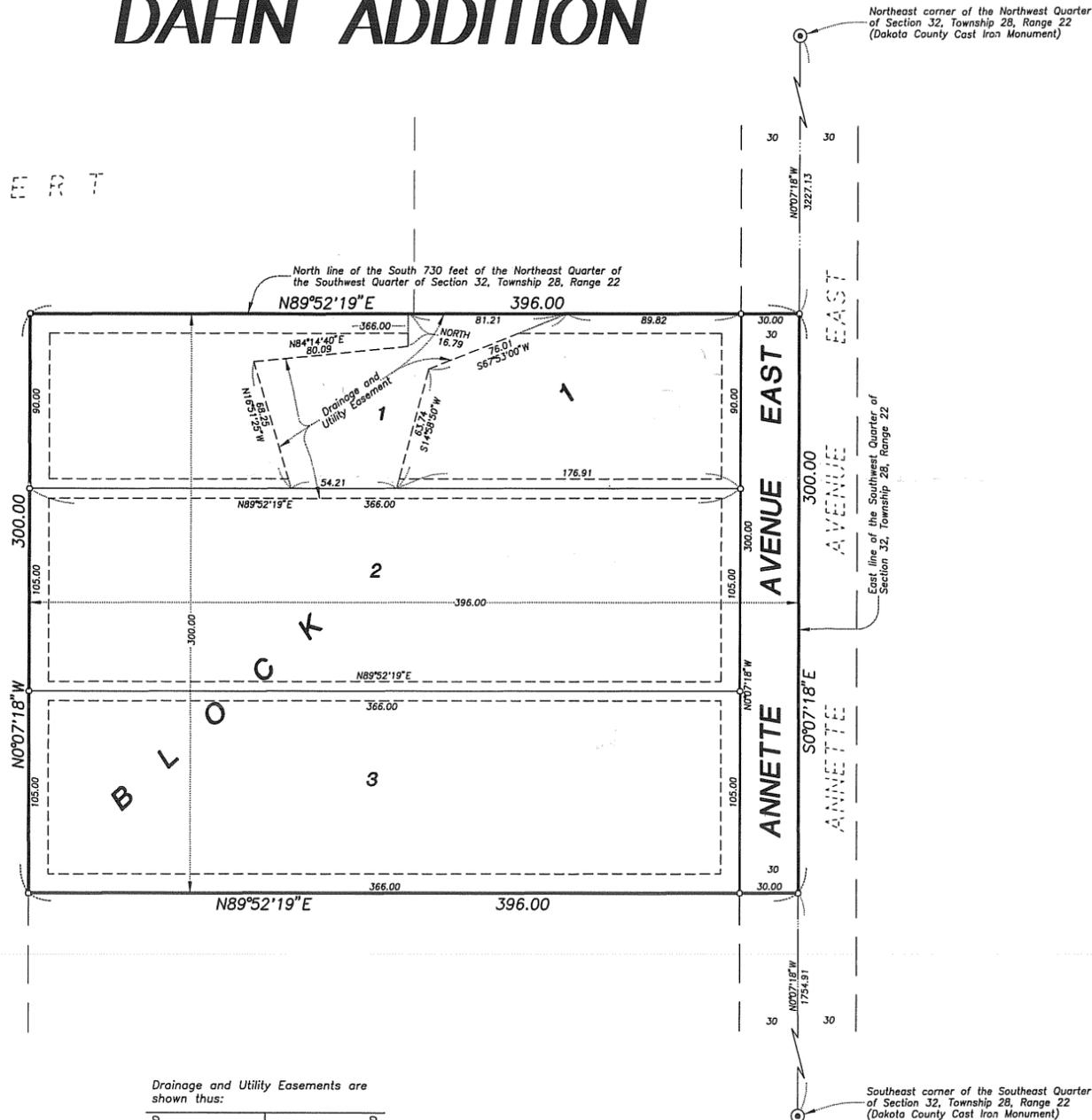
Exhibit A
Zoning and Location Map

DAH N ADDITION

ROBERT

SALEM

VISTA

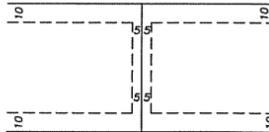


Northeast corner of the Northwest Quarter of Section 32, Township 28, Range 22 (Dakota County Cast Iron Monument)

East line of the Southwest Quarter of Section 32, Township 28, Range 22

Southeast corner of the Southeast Quarter of Section 32, Township 28, Range 22 (Dakota County Cast Iron Monument)

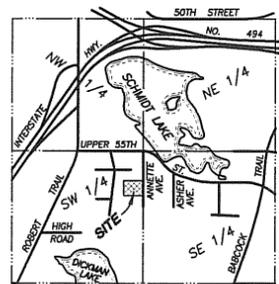
Drainage and Utility Easements are shown thus:



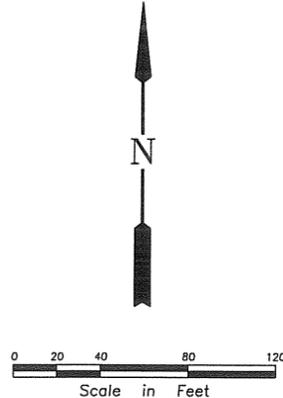
Being 5 feet in width and adjoining side lot lines, and being 10 feet in width and adjoining block lines unless otherwise shown.

The East line of the Southwest Quarter of Section 32, Township 28, Range 22 is assumed to have a bearing of S0°07'18\"/>

- Denotes 1/2 inch by 14 inch iron monument set and marked by Minnesota License No. 43414
- Denotes Iron Monument Found



Vicinity Map
Section 32, Township 28, Range 22
No Scale



KNOW ALL PERSONS BY THESE PRESENTS: That Jeffrey P. Dahn and Patricia A. Dahn, fee owners of the following described property situated in the County of Dakota, State of Minnesota, to wit:

The North 300 feet of the East 396 feet of the South 730 feet of the Northeast Quarter of the Southwest Quarter of Section 32, Township 28, Range 22, Dakota County, Minnesota.

Have caused the same to be surveyed and platted as DAHN ADDITION and do hereby donate and dedicate to the public for public use forever the thoroughfare, and also dedicate the easements as shown on this plat for drainage and utility purposes only as shown on this plat.

In witness whereof Jeffrey P. Dahn and Patricia A. Dahn, husband and wife, have hereunto set their hands this ____ day of _____, 2009.

Jeffrey P. Dahn

Patricia A. Dahn

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by Jeffrey P. Dahn and Patricia A. Dahn, husband and wife.

Notary Public, _____ County, _____
My Commission Expires _____

I hereby certify that I have surveyed and platted the property described on this plat as DAHN ADDITION; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands as defined in MS 505.01, Subd. 3 existing as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Thomas J. Adam, Land Surveyor
Minnesota License No. 43414

State of Minnesota
County of Dakota

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2009, by Thomas J. Adam, Minnesota License No. 43414.

Notary Public, _____ County, Minnesota
My Commission Expires January 31, 2010

We do hereby certify that on the ____ day of _____, 2009 the City Council of Inver Grove Heights, Minnesota approved this plat.

_____, Mayor
_____, Clerk

Pursuant to Section 383D.65, Minnesota Statutes, this plat has been approved this ____ day of _____, 2009.

Todd B. Tollefson, Dakota County Surveyor

I hereby certify that the taxes for the year 2009 for the land described on this plat as DAHN ADDITION have been paid and no delinquent taxes are due and transfer entered this ____ day of _____, 2009.

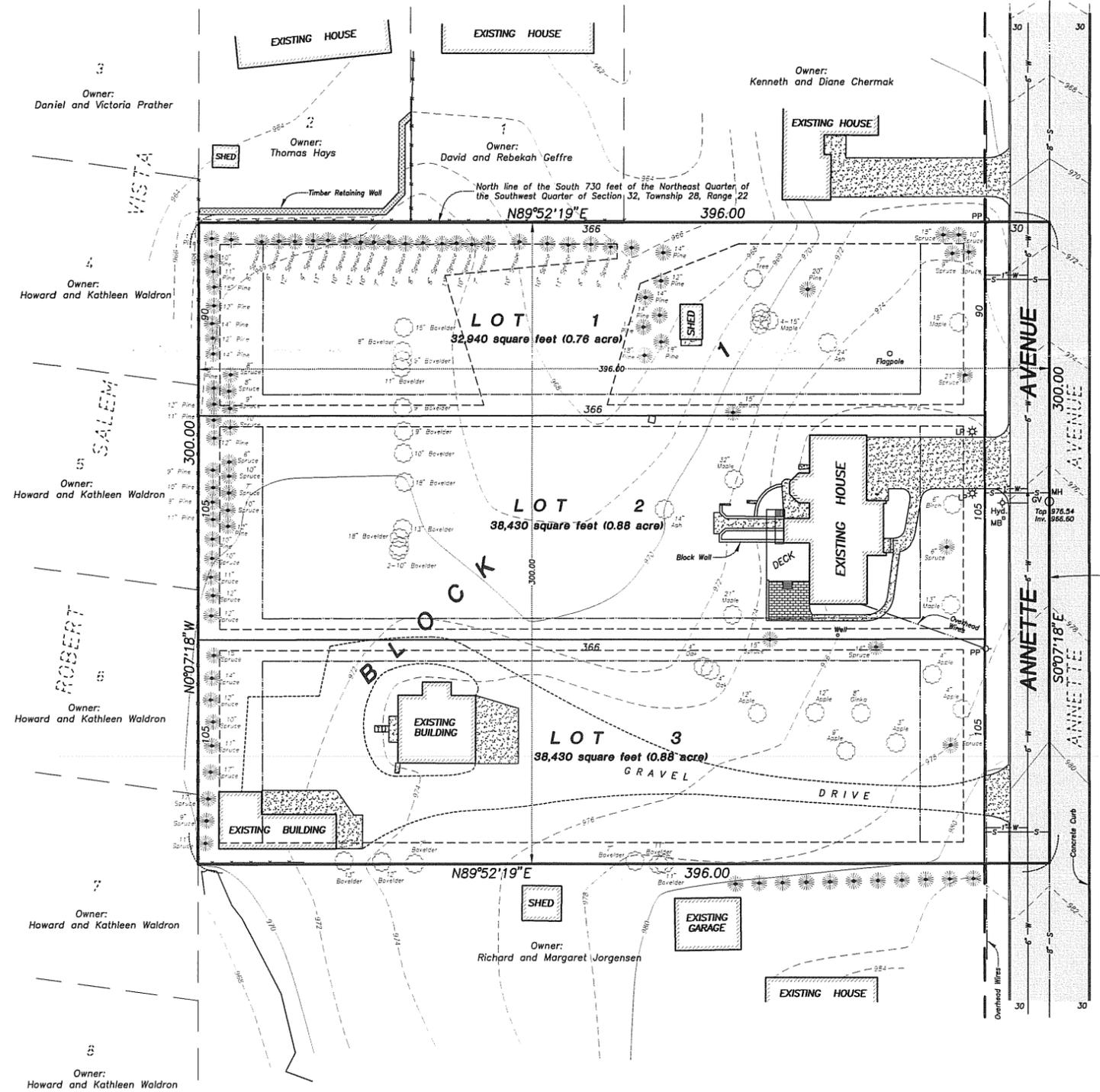
County Treasurer-Auditor, Dakota County, Minnesota

Document Number _____

I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 2009 at ____ o'clock ____ .M., and was duly recorded in Book _____ of _____ on Page _____.

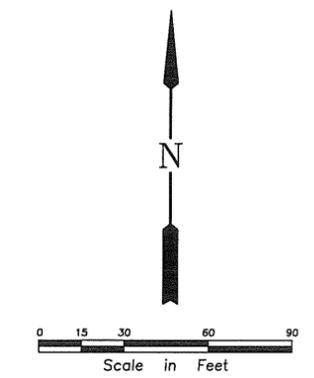
County Recorder, Dakota County, Minnesota

Preliminary Plat of: DAHN ADDITION



OWNER/DEVELOPER
 Jeffrey and Patricia Dahn
 8341 Delaney Circle
 Inver Grove Heights, Minnesota 55076
 Phone: 612-366-4494

SURVEYOR/ENGINEER
 Rehder & Associates, Inc.
 Suite 240
 3440 Federal Drive
 Eagan, Minnesota 55122
 Phone: 651-452-5051

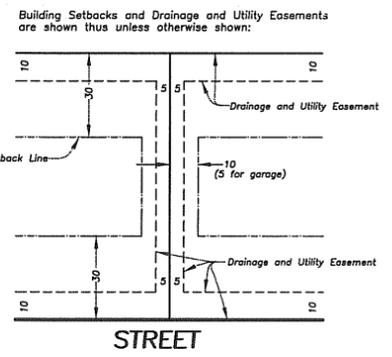


PROPERTY DESCRIPTION

The North 300 feet of the East 396 feet of the South 730 feet of the Northeast Quarter of the Southwest Quarter of Section 32, Township 28, Range 22, Dakota County, Minnesota.

NOTES

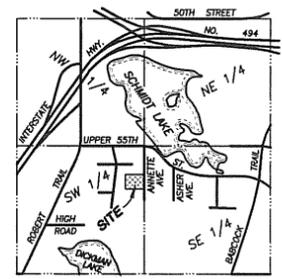
- Bearings shown are based on the Dakota County Coordinate System.
- Utilities shown are from information furnished by the City of Inver Grove Heights, Xcel Energy and Qwest in response to Gopher State One Call Ticket No. 90133848 and are verified where possible.
- Contact Gopher State One for utility locations before any construction shall begin. Phone 651-454-0002.
- Bench Mark: Top of hydrant 715 feet south of Upper 55th Street on the west side of Annette Avenue. Elevation = 979.34 feet.
- Area = 118,800 square feet (2.73 acres).
- Zoning: R-1C.
- This property is located in Flood Zone C (area of minimal flooding) per Flood Zone Panel No. 270106 0005 B dated August 1, 1980.
- Building setback, zoning and flood zone information obtained from the City of Inver Grove Heights.



UTILITY STATEMENT
 The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

LEGEND

- Iron Monument Found
- Iron Monument Set
- S— Sanitary Sewer
- ST— Storm Sewer
- W— Watermain
- Hyd. ⚡ Hydrant
- GV • Gate Valve
- MH ○ Manhole
- Inv. Invert Elevation
- S • Sign
- PP ○ Power Pole
- LP ⚡ Light Pole
- ⊠ Electrical Transformer
- MB □ Mailbox
- Concrete Surface
- Bituminous Surface
- G— Buried Gas
- T— Buried Telephone
- E— Buried Electric
- TV— Buried Television



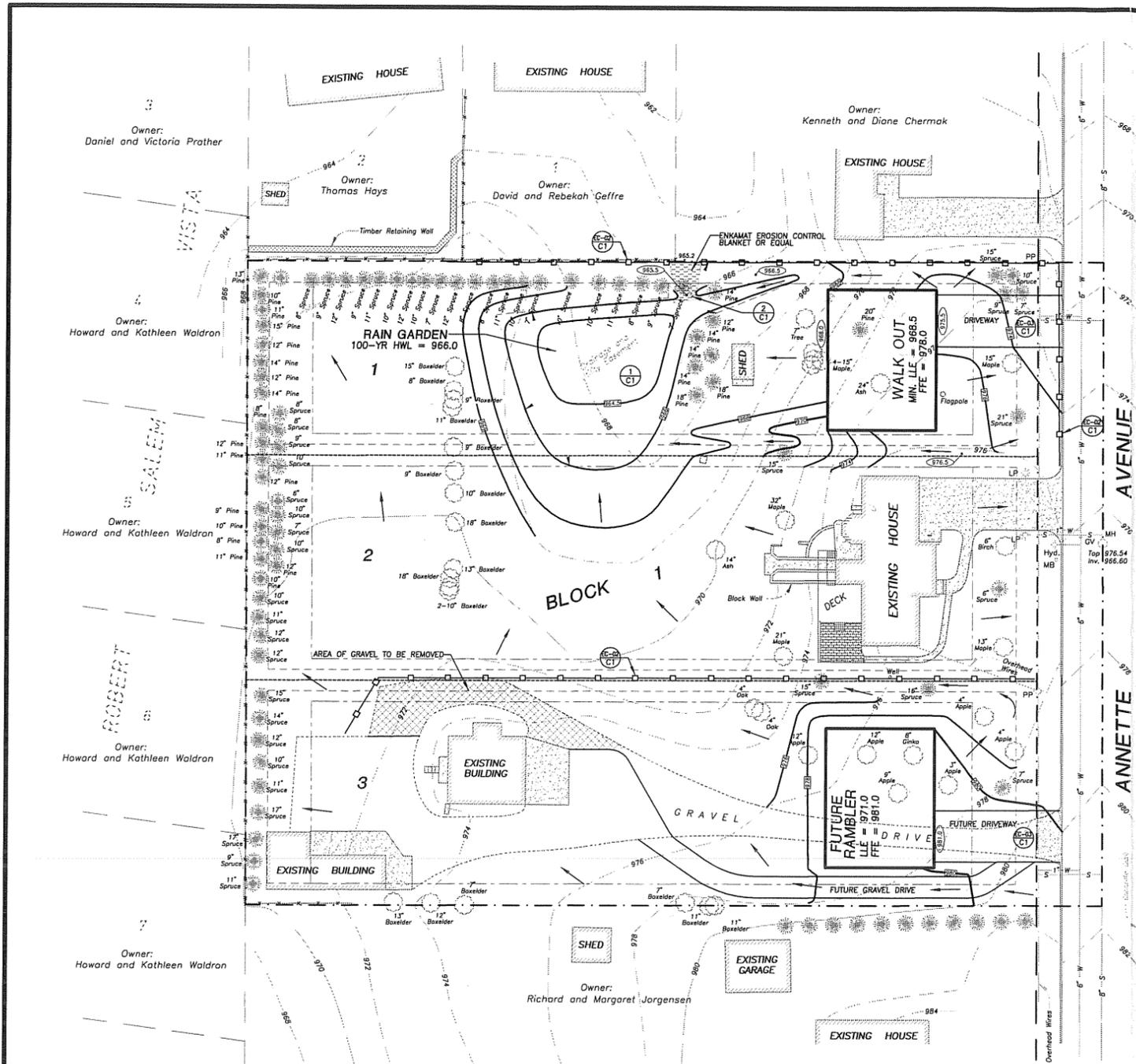
Vicinity Map
 Section 32, Township 28, Range 22
 No Scale

I hereby certify that this preliminary plat was prepared by me or under my direction and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this day of 5th day of May, 2009.
 REHDER & ASSOCIATES, INC.

Thomas J. Adam, Land Surveyor
 Minnesota License No. 43414

Rehder and Associates, Inc.

CIVIL ENGINEERS AND LAND SURVEYORS
 3440 Federal Drive • Suite 110 • Eagan, Minnesota • Phone (651) 452-5051



GENERAL NOTES

- CONTRACTOR TO ADHERE TO ALL REQUIREMENTS OF THE MINNESOTA POLLUTION CONTROL AGENCY N.P.D.E.S. PERMIT IF REQUIRED.
- A COPY OF THESE PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
- BMP'S REFER TO EROSION AND SEDIMENT CONTROL PRACTICES DEFINED IN THE MPCA PROTECTING WATER QUALITY IN URBAN AREAS AND THE MINNESOTA CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL PLANNING HANDBOOK.
- ALL EROSION AND SEDIMENT CONTROL FACILITIES (BMP'S) SHALL BE INSTALLED AND IN OPERATION PRIOR TO LAND DISTURBANCE ACTIVITIES.
- THE BMP'S SHOWN ON THE PLANS ARE THE MINIMUM REQUIREMENTS FOR THE ANTICIPATED SITE CONDITIONS. AS CONSTRUCTION PROGRESSES AND UNEXPECTED OR SEASONAL CONDITIONS DICTATE, THE CONTRACTOR SHALL ANTICIPATE THAT MORE BMP'S WILL BE NECESSARY TO ENSURE EROSION AND SEDIMENT CONTROL ON THE SITE. DURING THE COURSE OF CONSTRUCTION, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY CONSTRUCTION ACTIVITIES AND/OR CLIMATIC EVENTS AND TO PROVIDE ADDITIONAL BMP'S OVER AND ABOVE THE MINIMUM REQUIREMENTS SHOWN ON THE PLANS THAT MAY BE NEEDED TO PROVIDE EFFECTIVE PROTECTION OF WATER AND SOIL RESOURCES. BIOROLLS AND HYDROSEED TACKIFIER ARE EXAMPLES OF BMP'S THAT MAY BE USED IN LIEU OF SILT FENCE AND STANDARD SEEDING METHODS DURING THE WINTER WHEN CONDITIONS DO NOT ALLOW FOR STANDARD BMP INSTALLATION.
- WHEREVER POSSIBLE, PRESERVE THE EXISTING TREES, GRASS AND OTHER VEGETATIVE COVER TO HELP FILTER RUNOFF.
- OPERATE TRACK EQUIPMENT (DOZER) UP AND DOWN EXPOSED SOIL SLOPES ON FINAL PASS, LEAVING TRACK GROOVES PERPENDICULAR TO THE SLOPE, DO NOT BACK-BLADE. LEAVE A SURFACE ROUGH TO MINIMIZE EROSION.
- THE CONTRACTOR SHALL REMOVE ALL SOILS AND SEDIMENT TRACKED ONTO EXISTING STREETS AND PAVED AREAS.
- IF BLOWING DUST BECOMES A NUISANCE, THE CONTRACTOR SHALL APPLY WATER FROM A TANK TRUCK TO ALL CONSTRUCTION AREAS.
- IMMEDIATELY FOLLOWING SITE GRADING OPERATIONS AND PRIOR TO THE INSTALLATION OF UTILITIES, THE ENTIRE SITE (EXCEPT ROADWAYS) SHALL BE SEEDED AND MULCHED AND SILT FENCE SHALL BE INSTALLED AROUND ALL PONDS.
- ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED.

GRADING NOTES

- All elevations shown are to final surfaces.
- If necessary, the Owner is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for Construction Activity before construction begins.
- Upon completion of the site grading, a certification letter and as-built survey, from a Registered Engineer or Land Surveyor, shall be provided to the City certifying that the site's grades are as shown.
- All slopes, swales, and emergency overflows shall be seeded and blanketed or sodded within 7 days of disturbance.
- Proposed gutter downspouts shall be directed to the rear of the proposed houses.

EROSION CONTROL NOTES

- Contractor is responsible for all notifications and inspections required by General Storm Water Permit.
- All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- Sweep paved public streets as necessary where construction sediment has been deposited.
- Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.

CONTROL DEVICE OPERATION SCHEDULE

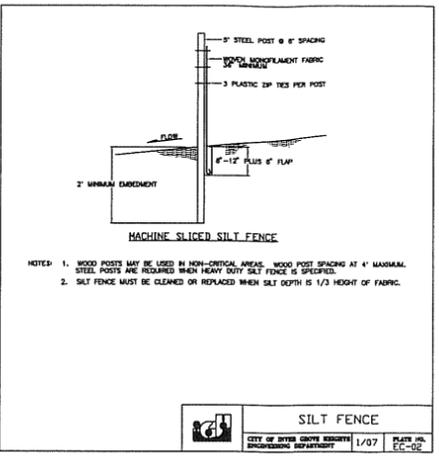
ITEM	INSTALLATION	REMOVAL
SILT FENCE	PRIOR TO ANY CONSTRUCTION	AFTER SITE HAS BEEN STABILIZED
ROCK ENTRANCE	PART OF INITIAL GRADING	AFTER SITE HAS BEEN STABILIZED

RAIN GARDEN NOTES

- Grading shall be done using low-impact earthmoving equipment to prevent compaction of underlying soils. Small tracked dozers and bobcats are recommended.
- Excavate the rain garden to the specified depth. All sub-material below the specified of elevation shall be left undisturbed.
- In the event that sediment is introduced into the rain garden following excavation, this material will need to be removed prior to finishing the construction process.
- Seeding/planting shall be completed within 48 hours of grading.
- The site shall be free from all weeds and invasive plant species.

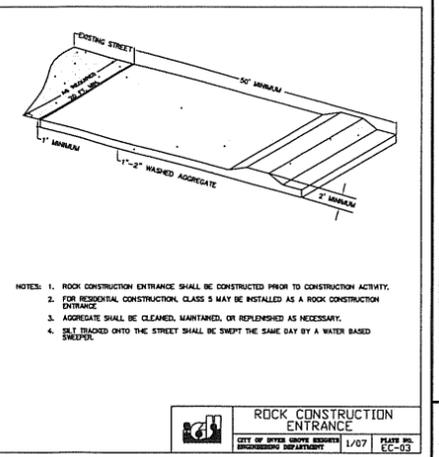
GRADING SEQUENCE SCHEDULE

- INSTALL TEMPORARY ROCK CONSTRUCTION ENTRANCES AND CONTINUOUSLY INSPECT.
- INSTALL SILT FENCE AS SHOWN ON THE PLANS.
- CONSTRUCT RAIN GARDEN AND PROTECT WITH SILT FENCE.
- STOCKPILE TOPSOIL FOR RE-USE.
- STABILIZE DISTURBED AREAS AND STOCKPILES.
- CONSTRUCT HOMES
- COMPLETE SITE GRADING.
- WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE STABILIZED, REMOVE ACCUMULATED SEDIMENT, REMOVE SEDIMENT CONTROL BMP'S, AND RESEED OR SOD ALL DISTURBED AREAS.



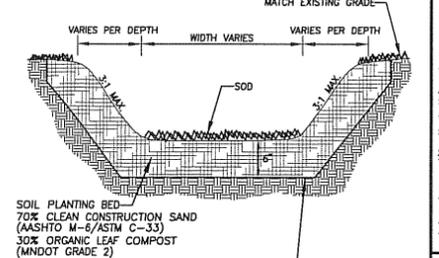
- NOTES:
- WOOD POSTS MAY BE USED IN NON-CRITICAL AREAS. WOOD POST SPACING AT 4' MAXIMUM. STEEL POSTS ARE REQUIRED WHEN HEAVY DUTY SILT FENCE IS SPECIFIED.
 - SILT FENCE MUST BE CLEANED OR REPLACED WHEN SILT DEPTH IS 1/3 HEIGHT OF FABRIC.

SILT FENCE
CITY OF INVER GROVE HEIGHTS 1/07

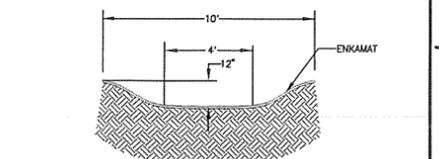


- NOTES:
- ROCK CONSTRUCTION ENTRANCE SHALL BE CONSTRUCTED PRIOR TO CONSTRUCTION ACTIVITY.
 - FOR RESIDENTIAL CONSTRUCTION, CLASS 5 MAY BE INSTALLED AS A ROCK CONSTRUCTION ENTRANCE.
 - AGGREGATE SHALL BE CLEANED, MAINTAINED, OR REPLISHED AS NECESSARY.
 - SILT TRACKED ONTO THE STREET SHALL BE SWEEP THE SAME DAY BY A WATER BASED SWEEPER.

ROCK CONSTRUCTION ENTRANCE
CITY OF INVER GROVE HEIGHTS 1/07



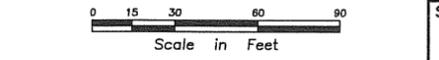
1 TYPICAL RAIN GARDEN X-SECTION
NO SCALE



2 RAIN GARDEN OVERFLOW
NO SCALE

LEGEND

- PROPOSED CONTOUR
- PROPOSED ELEVATION
- SILT FENCE
- CONSTRUCTION LIMITS
- BOUNDARY/ROW/BLOCK LINE
- LOT LINE
- EASEMENT
- BUILDING/PARKING SETBACK LINE
- DRAINAGE ARROW
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING CONTOUR
- EXISTING ELEVATION



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 612-432-6011 Fax 612-432-9797 email: info@rehder.com

PROJECT NO.: 091-2359.011 DRAWING FILE: 2359011.DWG

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

PRELIMINARY

Name _____ Date _____ Reg. No. _____

5-18-09
 CITY SUBMITTAL
 Issued

GRADING & EROSION CONTROL PLAN
DAHN ADDITION
CITY OF INVER GROVE HEIGHTS

SHEET NUMBER
C1