

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

Tuesday, November 17, 2009 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR November 4, 2009**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 WADE SHORT – CASE NO. 09-37VAC

Consider a **Vacation and Dedication** of drainage and utility easements for the property located at 9332 Cahill Avenue.

Planning Commission Action _____

3.02 BRYAN BAUMAN – CASE NO. 09-36V

Consider a **Variance** for a driveway to be located within the five foot setback for the property located at 3920 – 76th Street.

Planning Commission Action _____

3.03 MJOJO INC. – CASE NO. 09-39C

Consider the following requests for property located 6240/6250 Carmen Avenue:

A.) A **Conditional Use Permit** to exceed the impervious surface in the Shoreland Overlay District.

Planning Commission Action _____

B.) A **Conditional Use Permit** for outdoor storage in the I-1 District.

Planning Commission Action _____

C.) A **Variance** for a driveway to be located within the five foot setback.

Planning Commission Action _____

D.) A **Variance** from the minimum driveway spacing along a collector road.

Planning Commission Action _____

3.04 GEORGE CAMERON (CAMERON LIQUOR) – CASE NO. 09-38SZP

Consider the following requests for property located along Concord Blvd at 65th Street:

- A.) A **Comprehensive Plan Amendment** to change the land use designation of the 2030 Comprehensive Plan from P, Park/Open Space to Mixed Use and to remove Cameron Park from the Parks, Trail, and Open Space Plan.

Planning Commission Action _____

- B.) A **Rezoning** from P, Public/Institutional to B-3, General Business.

Planning Commission Action _____

- C.) A **Preliminary Plat** for a one lot subdivision.

Planning Commission Action _____

- D.) A **Major Site Plan Review** for a 6,000 square foot liquor store site plan.

Planning Commission Action _____

- E.) A **Variance** to allow the building within the required 75 foot setback.

Planning Commission Action _____

- F.) A **Variance** to allow the parking lot to be within the required 20 foot buffer zone across the street from a residential property.

Planning Commission Action _____

- G.) Determination by the Planning Commission that sale of excess city owned property is consistent with the Comprehensive Plan.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, November 4, 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: Tom Bartholomew
Paul Hark
Christine Koch
Tony Scales
Mike Schaeffer
Dennis Wippermann
Pat Simon

Commissioners Absent: Damon Roth (excused)
Harold Gooch

Others Present: Allan Hunting, City Planner
Jennifer Emmerich, Assistant Planner

APPROVAL OF MINUTES

The minutes from the October 20, 2009 meeting were approved as submitted.

JOYCE JOHNSON – CASE NO. 09-35CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to increase the size of a nonconforming structure by 14% of the original size for the property located at 7432 Cloman Way. 53 notices were mailed.

Presentation of Request

Jennifer Emmerich, Assistant Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit to reconstruct and expand her legal nonconforming home that was destroyed in a house fire in August 2009. She advised that the original house was in compliance with the City's zoning ordinance with the exception that it was setback only 5 feet from the north property line whereas 10 feet is required. The applicant is requesting to locate the home seven feet from the property line. The request complies with the conditional use permit criteria. Ms. Emmerich advised that the applicant has already submitted a building permit, at which time it was discovered that the egress windows on the north side encroached into the five foot drainage and utility easement. Therefore the applicant has submitted a signed encroachment agreement. She advised that the third condition could be removed as the 'porch' in question was later determined to be an uncovered stoop and was therefore not an issue. Staff recommends approval of the request.

Chair Bartholomew asked how the structure became nonconforming.

Ms. Emmerich replied it was likely that either the original house was built prior to the code, or that they were unsure of where the property lines were when the house was constructed. She advised that several homes in the neighborhood were setback about five feet from the property line.

Commissioner Simon asked for clarification of how the house was increased by 14%, to which Ms.

Emmerich replied that a second story was added in the rear of the home which technically increased the total square footage.

Opening of Public Hearing

The applicant, Joyce Johnson, 4594 Blaylock Way, stated she was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Ms. Johnson replied in the affirmative.

Commissioner Wippermann stated he supported the request and asked for clarification as to how the fire started in the original home.

Ms. Johnson replied that during routine duct cleaning the service van caught fire and the fire then leached into her home.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Schaeffer, to approve the request for a conditional use permit to increase the size of a nonconforming structure by 14% of the original size, for the property located at 7432 Cloman Way, with the three conditions listed in the report.

Motion carried (7/0). This matter goes to the City Council on November 9, 2009.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 12, 2009

CASE NO: 09-37VAC

HEARING DATE: November 17, 2009

APPLICANT/PROPERTY OWNER: Wade Short

REQUEST: Vacation and dedication of drainage and utility easements

LOCATION: 9332 Cahill Avenue

COMPREHENSIVE PLAN: CC, Community Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The applicants are requesting two changes to the drainage and utility easements on their property. The first change is related to a problem caused by the encroachment of the building onto the dedicated drainage and utility easement. The drainage and utility easement was correctly shown on the Preliminary Plat and was intended to be recorded as such on the Final Plat but wasn't due to a surveying error. To avoid the building being located in the easement a portion of the easement will have to be vacated. This request does not affect the drainage plans for the property.

Additionally, due to a change in the field requested by the owner, the City water main was installed on the south side of the sanitary sewer instead of the north side. An additional five-foot drainage and utility easement will need to be granted to the City for the new location of the water main. The property owner is in agreement with this additional easement.

EVALUATION OF THE REQUEST

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

North, South and East – Single Family Residential, zoned A; guided CC, Community Commercial
West - Retail, zoned B-3; guided Community Commercial

ALTERNATIVES

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

A. Approval If the Planning Commission finds the Vacation and the Dedication of the drainage and utility easements, as shown on the attached exhibits, to be acceptable, the Commission should recommend approval of the request with at least the following condition:

1. The vacation and the dedication of easements shall be executed and recorded prior to issuance of the certificate of occupancy for the dance studio.

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

RECOMMENDATION

Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the vacation and the dedication of easement requests.

Attachments: Location Map
Easement to be vacated
Easement to be dedicated



Short Case No. 09-37VAC

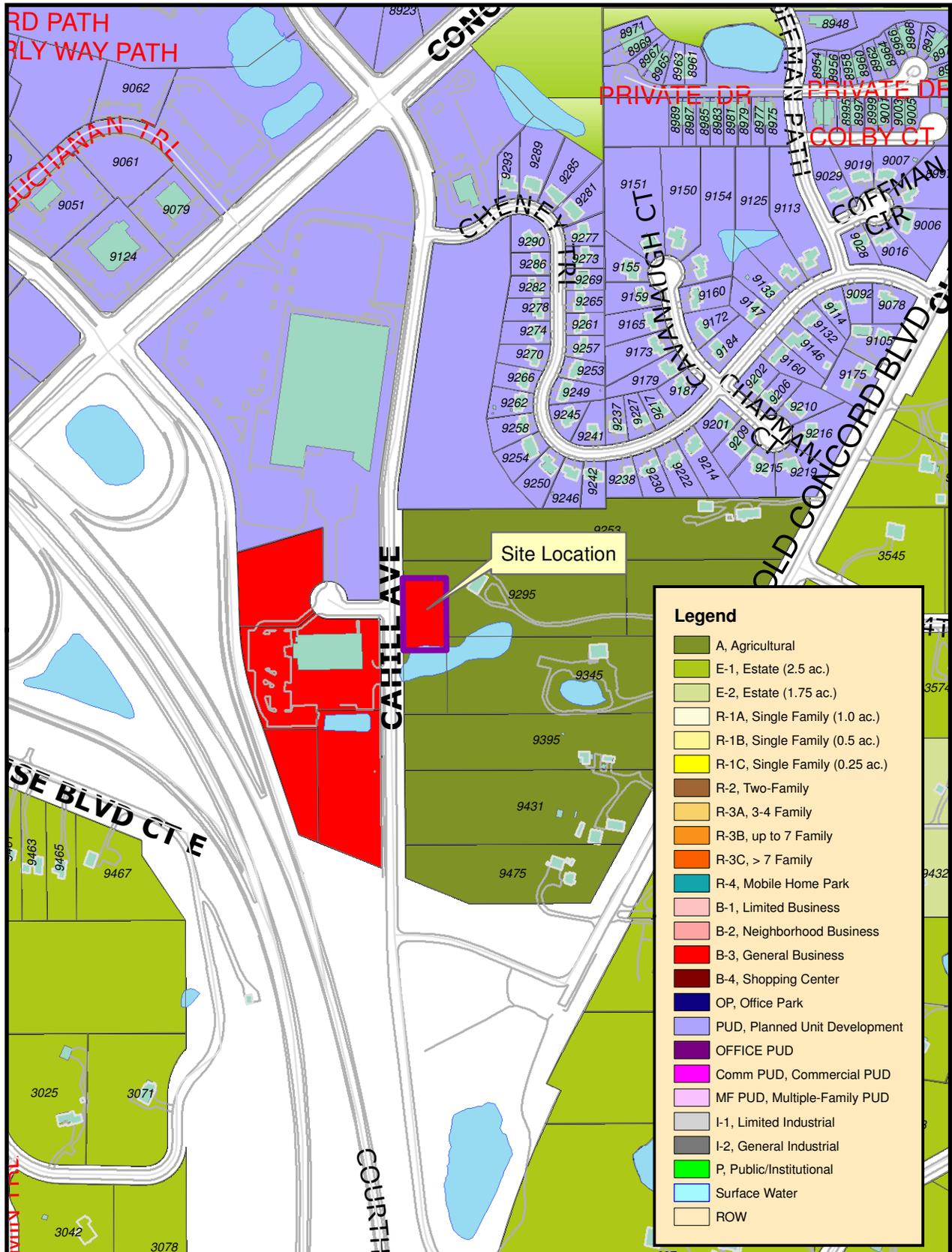
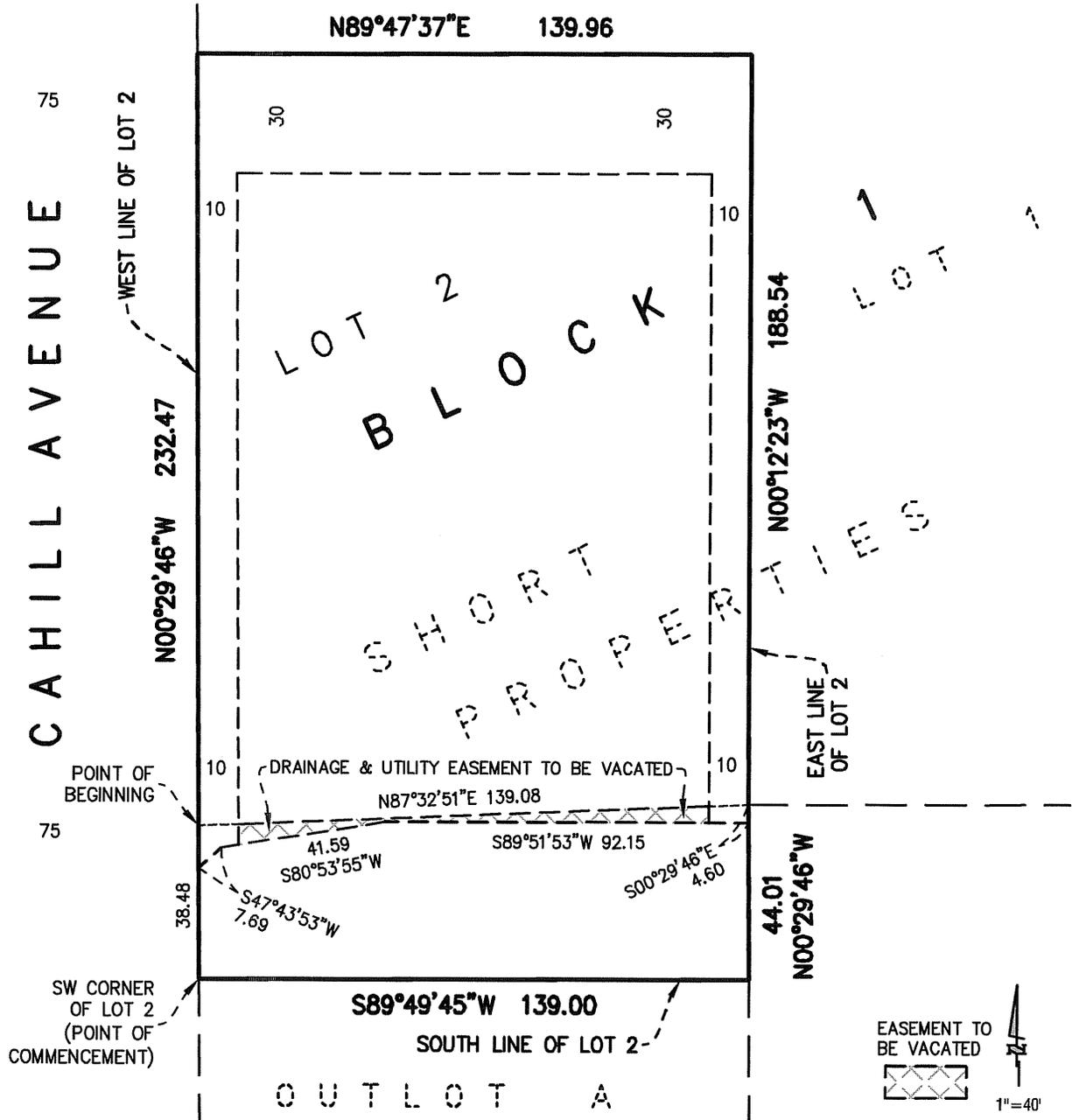


Exhibit A
Zoning Map



EASEMENT TO BE VACATED

That particular drainage and utility easement, originally dedicated in the recorded plat of SHORT PROPERTIES and now to be vacated, which lies within Lot 2, Block 1, said plat, and is described as follows:

Commencing at the Southwest corner of said Lot 2; thence on an assumed bearing of North 00 degrees 29 minutes 46 seconds West, along the west line of said Lot 2, a distance of 38.48 feet to the point of beginning of the line to be described; thence North 87 degrees 32 minutes 51 seconds East, a distance of 139.08 feet to the east line of said Lot 2; thence South 00 degrees 29 minutes 46 seconds East along said east line, a distance of 4.60 feet; thence South 89 degrees 51 minutes 53 seconds West, a distance of 92.15 feet; thence South 80 degrees 53 minutes 55 seconds West, a distance of 41.59 feet; thence South 47 degrees 43 minutes 53 seconds West, a distance of 7.69 feet and said line there terminating. EXCEPT the east and west 10.00 feet thereof.

Engineering • Planning • Surveying

MFRA

14800 28th Avenue North,
Suite 140
Plymouth • Minnesota • 55447
phone: 763/476-6010
fax: 763/476-8532
website: www.mfra.com

McCombs Frank Roos
Associates, Inc.

Krech, O'Brien, Mueller & Assoc.

Short Dance Studio

Inver Grove Heights

DRAINAGE & UTILITY EASEMENT

Designed:
Drawn: KMM
Approved: MFH
Initial Issue: 10/16/2009
Rev.:
Date:

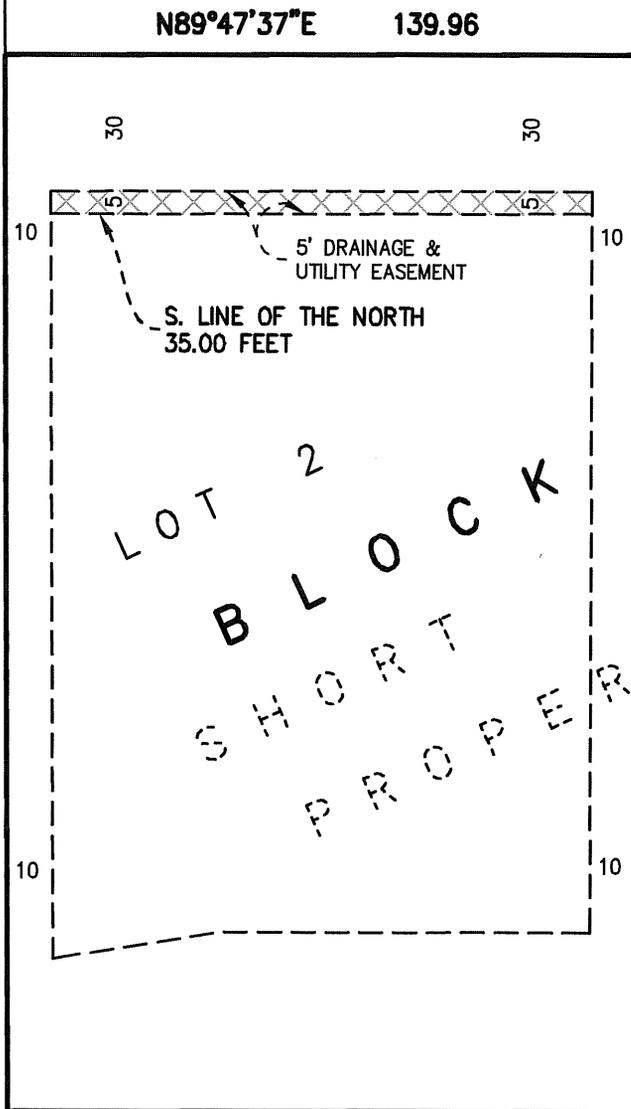
Exhibit Number

B

Project No. KOM16846

75
CAHILL AVENUE
 75

N00°29'46"W 232.47



N89°47'37"E 139.96

OUTLOT A

S89°49'45"W 139.00

188.54
N00°12'23"W
44.01
N00°29'46"W

LOT 1
SHORT PROPERTIES



DRAINAGE & UTILITY EASEMENT

An easement for Drainage and Utility purposes, over, under and across the North 5.00 feet of the South 35.00 feet of Lot 2, Block 1, SHORT PROPERTIES, according to the recorded plat thereof, Dakota County, Minnesota; EXCEPT the east and west 10.00 feet thereof.

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Krech, O'Brien, Mueller & Assoc.
 Short Dance Studio
 Inver Grove Heights
DRAINAGE & UTILITY EASEMENT

Designed:
Drawn: KMM
Approved: MFH
Initial Issue: 10/22/2009
Rev.:
Date:

Exhibit Number
C
 Project No. KOM16846

EVALUATION OF REQUEST:

As indicated earlier, the applicant is requesting an after-the-fact variance to encroach within the side yard setback and the drainage and utility easement. Title 10, Chapter 3, Section 10-3-4D of the City Code, 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 special conditions that make it unique. The applicant is not being denied reasonable use of his property as he has a single-family dwelling, attached garage and a driveway to access the garage. The driveway extension is not essential as the applicant could store his personal vehicles on the existing driveway.

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

The application is not contrary to the Comprehensive Plan as the future land use is Low Density Residential.

- 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 requests as the property owner is not being prevented from reasonable residential use of their property. The applicant's property currently features an attached garage with an ample driveway to access it. The applicant stated that the driveway extension is for the parking of additional vehicles, but the vehicles could be parked on the existing driveway.

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

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

ENGINEERING REVIEW

The Engineer staff has reviewed this request and has recommended denial. Their recommendation is attached.

ALTERNATIVES

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

- A. Approval.** If the Planning Commission favors the requested Variance, the Commission should recommend approval of the request with at least the following condition:
1. The site shall be developed in substantial conformance with the site plan dated October 13, 2009 on file with the Planning Department.
 2. Prior to issuance of the building permit, the applicant shall submit to the Engineering Department, the completed encroachment agreement.
- 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.

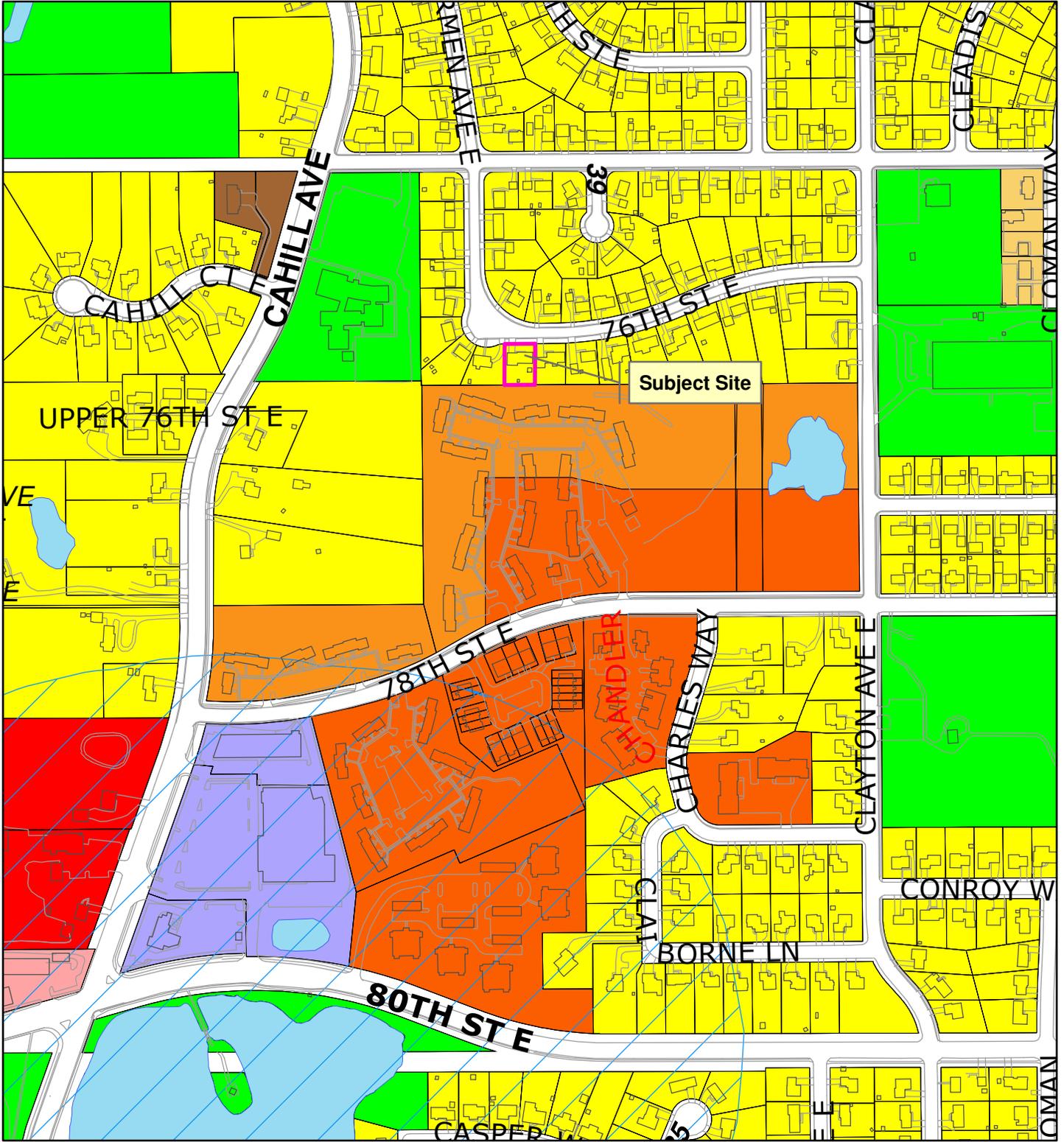
RECOMMENDATION

Staff believes that the variance criterion has not been met and, therefore, recommends denial of the variance as presented.

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



Bauman Variance Request Case No. 09-36V



MUSA Limits	surfacewater	R-1C, Single Family (0.25 ac.)	B-1, Limited Business	OFFICE PUD
Shoreland District: Transitional River Zone	A, Agricultural	R-2, Two-Family	B-2, Neighborhood Business	Comm PUD, Commercial PUD
Shoreland District: Urban River Zone	E-1, Estate (2.5 ac.)	R-3A, 3-4 Family	B-3, General Business	MF PUD, Multiple-Family PUD
Shoreland & Critical Area Overland Districts	E-2, Estate (1.75 ac.)	R-3B, up to 7 Family	B-4, Shopping Center	I-1, Limited Industrial
Sand & Gravel Overlay District	R-1A, Single Family (1.0 ac.)	R-3C, > 7 Family	OP, Office Park	I-2, General Industrial
Agricultural Overlay (10 ac. min. lot till sewer avail.)	R-1B, Single Family (0.5 ac.)	R-4, Mobile Home Park	PUD, Planned Unit Development	P, Public/Institutional
				Surface Water Number Labels (e.g. 19-44) See Exhibit C Shoreland Ordinance
				ROW

Exhibit A - Zoning Map

October 28, 2009

To Whom It May Concern:

We have had the width of our concrete driveway extended for approximately the last 20 years. The extension was confined by railroad ties and filled with gravel at the time we built our garage, which was supported by a Building Permit issued by the City of Inver Grove Heights.

Over the years, this graveled area has continued to erode into the street. We do not have the ability to widen our driveway to the east because of the placement of gas and water lines. We have children who need to park their cars in our driveway as they are prevented from parking in the street during the winter. Moving the cars to jockey positions as people leave for work is difficult, at best, because Bryan leaves for work at 4:00 a.m. each day.

When the City of Inver Grove Heights began the construction on our street, earlier this summer, we took that as the perfect opportunity to upgrade the gravel to concrete. The gravel was removed and replaced with concrete in the exact same area, a tremendous improvement. There was no additional space covered that had not previously been occupied by gravel for the last 20 years.

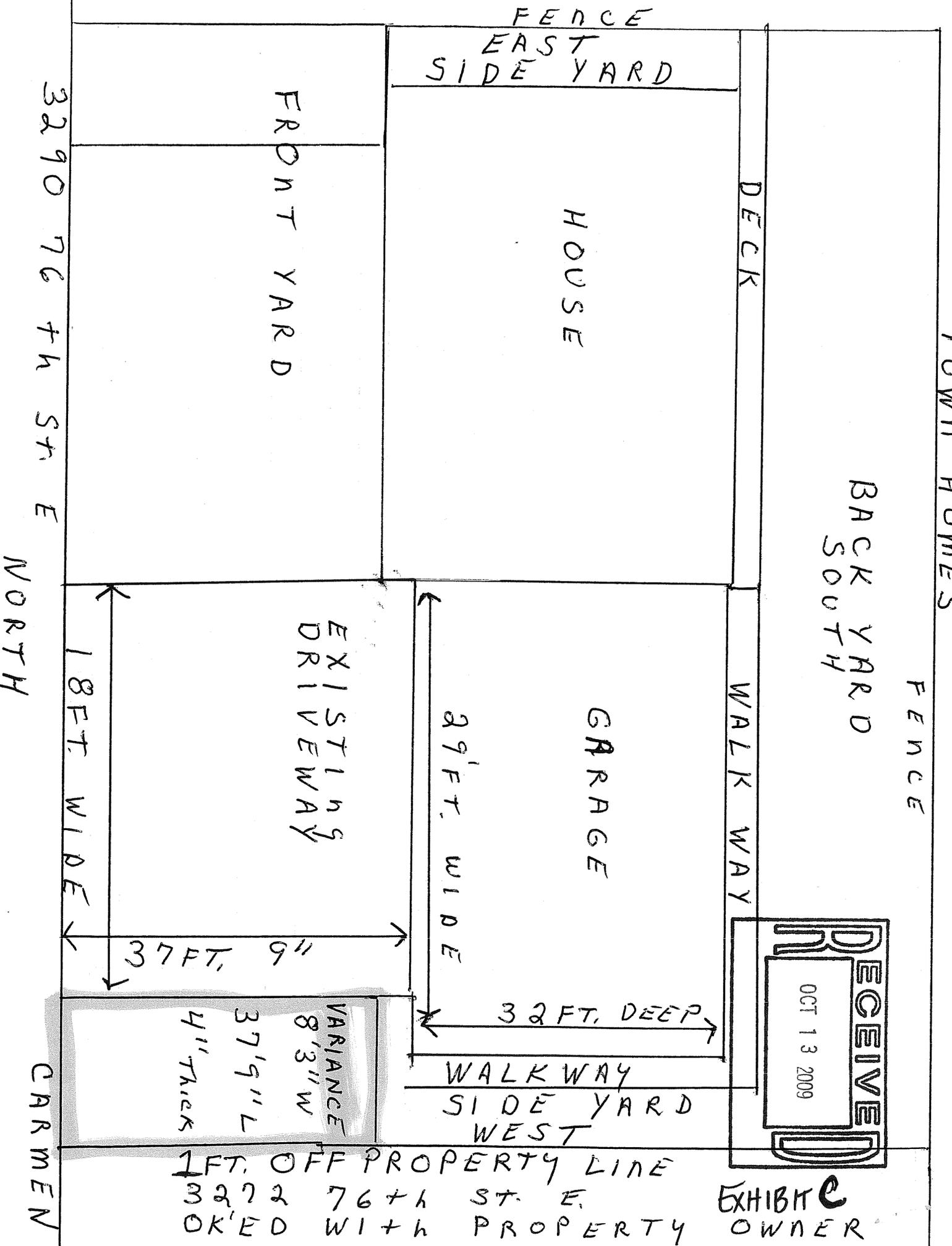
This improvement was, and continues to be, supported by our neighbors. The gravel was always overcome by weeds in the summer and thrown into our neighbor's yard, drug into the street and into other neighbor's front yards in the winter as the snow was removed. This not only was an eyesore but an irritation to the neighbors.

We agree to execute an Encroachment Agreement to resolve the issues surrounding the placement of the extension on our driveway and appreciate your consideration.

Sincerely,

Bryan and Janet Bauman
3290 76th Street E.
Inver Grove Heights, MN 55076
651-455-1096

EXHIBIT B



FENCE
EAST
SIDE YARD

DECK

HOUSE

BACK YARD
SOUTH

FENCE

3290 76th St E

FRONT YARD

WALKWAY

GARAGE

EXISTING
DRIVEWAY

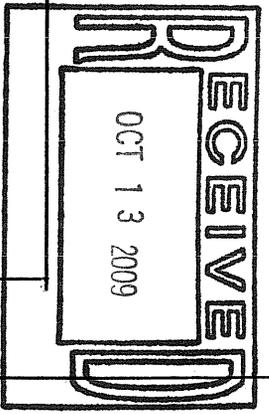
18 FT WIDE

29 FT. WIDE

37 FT, 9"

32 FT. DEEP

WALKWAY
SIDE YARD
WEST



VARIANCE
8'3"W
37'9"L
4" THICK

1 FT. OFF PROPERTY LINE

3222 76th St. E.
OK'ED WITH PROPERTY OWNER

EXHIBIT C
OWNER

CARMEN

MEMORANDUM

CITY OF INVER GROVE HEIGHTS

TO: Jennifer Emmerich, Assistant Planner

FROM: Steve W. Dodge, Assistant City Engineer

DATE: November 12, 2009

RE: Planning Committee - Engineering Division Comments
Bauman – Variance for side yard setback driveway encroachment
3290 76th Street East
City Project No. 09-36V

We have received the above referenced application and met with the applicant on October 28, 2009 and have the following recommendations:

1. Background: The area next to the driveway was landscaped with gravel and driven on prior to the South Grove Street Reconstruction project. This rock area encroached into the 5-foot side yard setback and the drainage and utility easement. There is no known prior variance provided for the homeowners to make this encroachment. When it was noticed that the homeowner had encroached in the area by widening the driveway, Engineering staff informed Code Enforcement. The resident then worked with Code Enforcement and Planning. They came to an understanding they had violated City Code; however, decided to continue completing the driveway and request a variance.
2. Recommendation: The Engineering Division recommends denial of the variance request based on the homeowner made an improvement to the area which did not meet current City Code. The resident should remove the concrete installed that encroaches on the 5-foot sideyard set back and re-establish the area with turf in order to provide a filter strip for storm water run-off.
3. If the Planning Commission recommends approval of the variance, then the Engineering Division recommends that the resident be required to execute an Encroachment Agreement which is to be drafted and recorded by the City Attorney's office.

CC: Tom Kaldunski, City Engineer
Allan Hunting, City Planner

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 12, 2009

CASE NO.: 09-39C

HEARING DATE: November 17, 2009

APPLICANT AND PROPERTY OWNER: MJOJO Inc.

REQUEST: Conditional Use Permit to exceed impervious surface in the shoreland district, Conditional Use Permit for outdoor storage, and Variances from the driveway setback and spacing guidelines.

LOCATION: 6240 Carmen Avenue

COMPREHENSIVE PLAN: Industrial Office Park

ZONING: I-1 Limited Industrial
Shoreland Overlay District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

In 1988 the proposed property received a variance to allow 39% impervious surface, exceeding the maximum allowed to develop the industrial warehouse site. Since that time the shoreland regulations have changed; a conditional use permit is now required instead of a variance to go above the maximum impervious coverage. Also, sometime after the 1988 approval, a fire lane was installed as required from the City Fire Marshal along the northern part of the property; this impervious surface is in addition to the 39%.

The applicant currently has an existing tenant located in the industrial building that would like to relocate to the northeast corner of the building. The landscaping business would require a new turn around area, an impervious "bump out", and new dock door. The footprint of the building would not be changing. The property is located in the Shoreland Overlay district which allows a maximum 25% impervious surface in a development. The property currently has 43.6% impervious surface. The applicant is requesting a Conditional Use Permit to add impervious surface that would increase the total to 44.6% impervious surface. Additionally, the applicant is asking for a second Conditional Use Permit to allow outdoor storage of landscaping materials. As a condition of approval, the Fire Marshal is requesting both sides of the fire lanes, one onto Carmen Avenue and the other onto Claude Way, to be open at the curb, therefore, the applicant is also asking for a driveway spacing and setback variance. When the fire lane was installed it was not intended to be used for driveway purposes; the variances would bring the property into compliance with the Zoning Ordinance.

SPECIFIC REQUEST

To develop the property as proposed the following specific applications are being requested:

- a.) A **Conditional Use Permit** to exceed the impervious surface in the Shoreland Overlay District.
- b.) A **Conditional Use Permit** for outdoor storage in the I-1 District.
- c.) A **Variance** for a driveway to be located within the five foot setback.
- d.) A **Variance** from the minimum driveway spacing along a collector road.

EVALUATION OF THE REQUEST

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

North	Industrial; zoned I-1; guided Industrial Office Park
East	Industrial; zoned I-1; guided Industrial Office Park
South	Industrial; zoned I-1; guided Industrial Office Park
West	Multi-family and Industrial; zoned R-3C/I-1; guided IOP and Medium Density Residential

SITE PLAN REVIEW

Access. A new access point would be created along Claude Way. Additionally an existing fire lane would be used as a driveway, opening up an access point along Carmen Avenue and along Claude Way.

Impervious surface. The existing lot of record currently has about 43.6% impervious surface, including the building, parking lot, and fire lane. The applicant is proposing to add about 5,684 square feet of impervious surface, increasing the total to 44.6% impervious cover.

CONDITIONAL USE PERMIT TO EXCEED 25% IMPERVIOUS SURFACE

The site is located in the shoreland overlay district for Bohrer Pond (DNR Lake #19-34). Impervious surface coverage is limited to 25% of the development in the shoreland overlay district; this may be increased with a conditional use permit. Existing impervious surface on the lot is about 43.6%. The new impervious surface would increase this percentage to 44.6%. The underlying zoning district of I-1, Limited Industry, does not have an impervious surface maximum.

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts. The proposed conditional use permit meets the above criteria. The applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

DNR REVIEW

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.

CONDITIONAL USE PERMIT TO ALLOW OUTDOOR STORAGE

The request is to allow storage of landscaping materials on site in a designated area. The specific request for a CUP is reviewed below against the standards found in the Zoning Ordinance, Section 10-3A-5. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed storage of landscaping materials for the site would be consistent with the Comprehensive Plan and Zoning Code as the proposed use would not have a detrimental effect on the surrounding properties and would be consistent with the type of uses allowed in the I-1 district.

The outdoor storage would have its own “bump” out to maneuver the trucks while loading and unloading materials. No parking would be allowed on the driveway, leaving the fire lane open for emergency purposes. The Fire Marshal is requesting curb cuts on both ends of the drive (Carmen Ave and Claude Way). A permit is required and final design documents must be submitted for approval by the Fire Marshal prior to any alteration of the fire lane system.

The applicant is working with the City Engineering Department to address any potential drainage issues. The proposed use itself would not have any direct impacts on the environment. The location of the outdoor storage would be limited to the approved area. No storage of material, leaves, etc. would be allowed outside of the approved area. If the property owner would like to expand beyond this area a Conditional Use Permit Amendment would have to be applied for.

VARIANCES

As indicated earlier, the applicant is requesting a variance from the spacing guidelines for a driveway and to encroach within the five foot driveway setback. The driveway setback is five feet from property lines. The majority of the driveway meets the five foot setback; there is one area along the northeast property line where the setback is not met. Additionally, the zoning code requires a 50 foot driveway spacing along collector roads. Carmen Avenue is a collector road. There were about a 39 foot separation between the new curb opening and the closest access to the north. Variances from the driveway spacing guidelines and driveway setbacks shall be reviewed to bring the property into compliance with the zoning code.

City Code Title 10-3.4, 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 Fire Marshal is requesting curb cuts at both ends of the driveway. The driveway is existing; it was constructed for a fire lane. The applicant owns the property to the north along Claude Way. This land is not intended to be developed, therefore the slight encroachment into the setback would not impact another property owner or development. The northern property along Carmen Avenue is already developed; there is an access 39 feet away. The intent of the driveway separation is for public safety and traffic control. The proposed driveway would not be a high traffic area. The separation between the access points is almost 40 feet and the visibility of on-coming traffic along Carmen Avenue is not an issue.

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

The request is not contrary to the zoning code or comprehensive plan. The driveway is existing. There would be some minor improvements to bring the drive area up to engineering and fire code but the intent of the zoning code and comprehensive plan have been met.

- 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 existing location of the driveway does not have any negative impact on the surrounding properties for future or existing development. The opening of both curbs is a request from the City Fire Marshal. Keeping the driveway in the existing location results in less land disturbance overall.

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

Economic considerations do appear to be a basis for this request. There is room on the property to remove the existing fire lane and install it further south, meeting setback and spacing guidelines.

ALTERNATIVES

The Planning Commission has the following actions available for the proposed requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the Commission should recommend approval of the requests with at least the following conditions:

- Approval of the **Conditional Use Permit** to exceed the maximum impervious surface allowed in the shoreland overlay district subject to the following conditions:

1. The site shall be developed in substantial conformance with the plans on file with the Planning Division except as modified herein.
 2. A storm water facilities maintenance agreement shall be drafted by the City Attorney and executed by the owner prior to issuance of the building permit.
 3. Prior to the issuance of a building permit, an Engineering cash escrow of \$7500 and letter of credit to ensure the proper construction of the improvements by June 15, 2010.
 4. Prior to the issuance of a building permit, additional escrow of \$1500 will be required for maintenance of the rain garden until full establishment and approval by the City Engineer.
 5. The concrete commercial entrances shall be built according to City standard detail.
 6. The Owner shall depict on the plans the storage area designated around the landscape drop-off zone. Perimeter control (landscape border, short fence, retaining block, etc.) shall shown on the plans in order delineate the area to be used and to retain landscape materials from spilling out of the drop-off zone.
 7. Prior to issuance of building permits, all conditions addressed in the Preliminary Plan Review Comments memo dated 11/10/09 from the Engineering Department shall be addressed to the satisfaction of the City Engineer.
 8. All final development plans shall be subject to the review and approval of the City Fire Marshal.
- Approval of the **Conditional Use Permit** to allow outdoor storage of landscaping material subject to the following conditions:
 1. The site shall be developed in substantial conformance with the plans on file with the Planning Division except as modified herein.
 2. No outdoor storage is allowed on the property outside of the designated area.
 3. The Owner shall depict on the plans the storage area designated around the landscape drop-off zone. Perimeter control (landscape border, short fence, retaining block, etc.) shall shown on the plans in order delineate the area to be used and to retain landscape materials from spilling out of the drop-off zone.

- Approval of a **Variance** from the spacing guidelines for a driveway and to encroach within the five foot driveway setback subject to the following conditions:
 1. Prior to issuance of building permits, all conditions addressed in the Preliminary Plan Review Comments memo dated 11/10/09 from the Engineering Department shall be addressed to the satisfaction of the City Engineer.
 2. All final development plans shall be subject to the review and approval of the City Fire Marshal.

Hardship: The existing location of the driveway does not have a negative impact on the surrounding properties for future or existing development. The opening of both curbs is requested from the City Fire Marshal. Keeping the driveway in the existing location results in less land disturbance overall.

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

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the Conditional Use Permit to exceed impervious surface in the shoreland district, Conditional Use Permit for outdoor storage, and Variances from the driveway setback and spacing guidelines.

Attachments: Exhibit A –Zoning Map
Exhibit B- Site Plan
Exhibit C- Impervious Area
Exhibit D – Grading Plan



MJOJO Case No. 09-39C

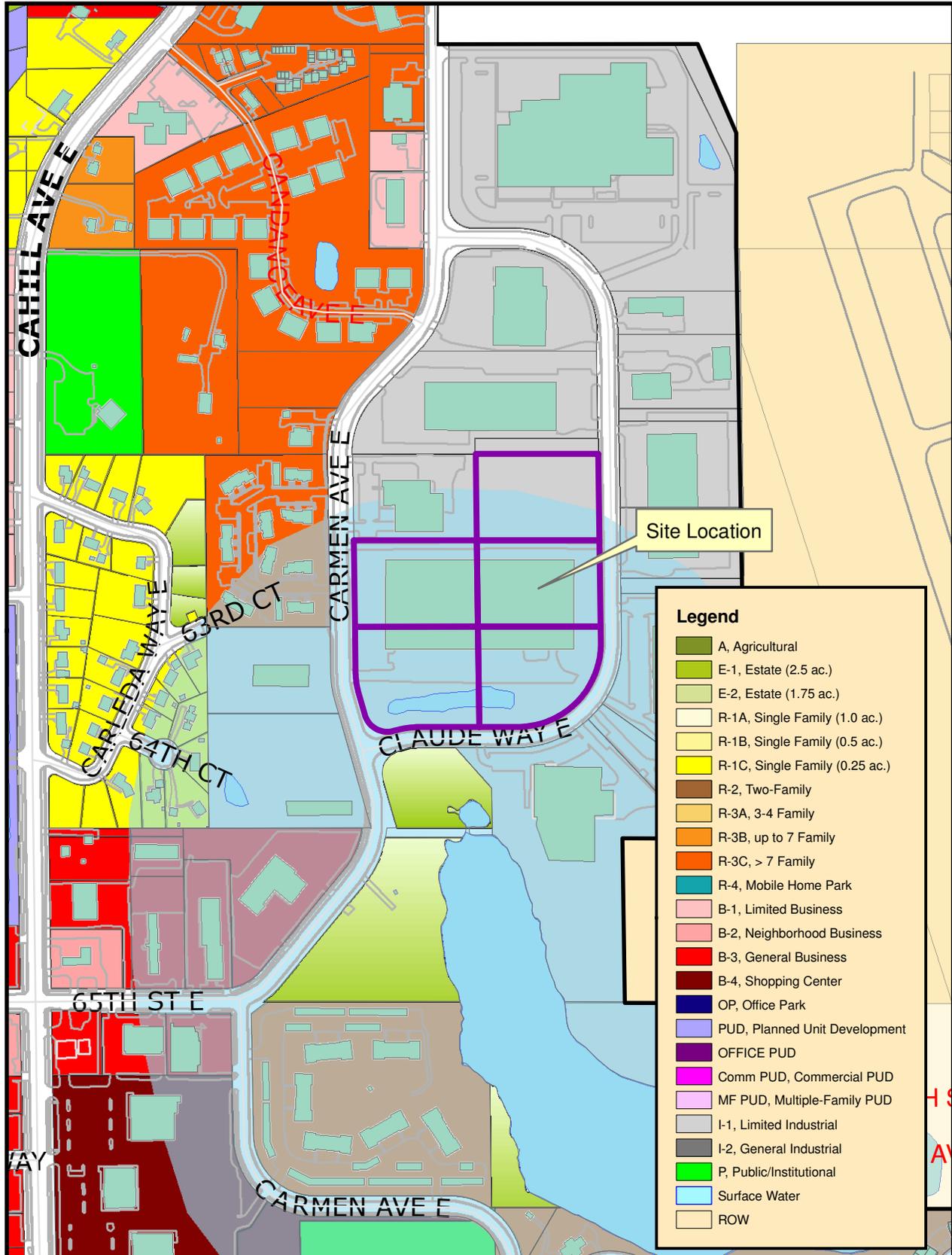
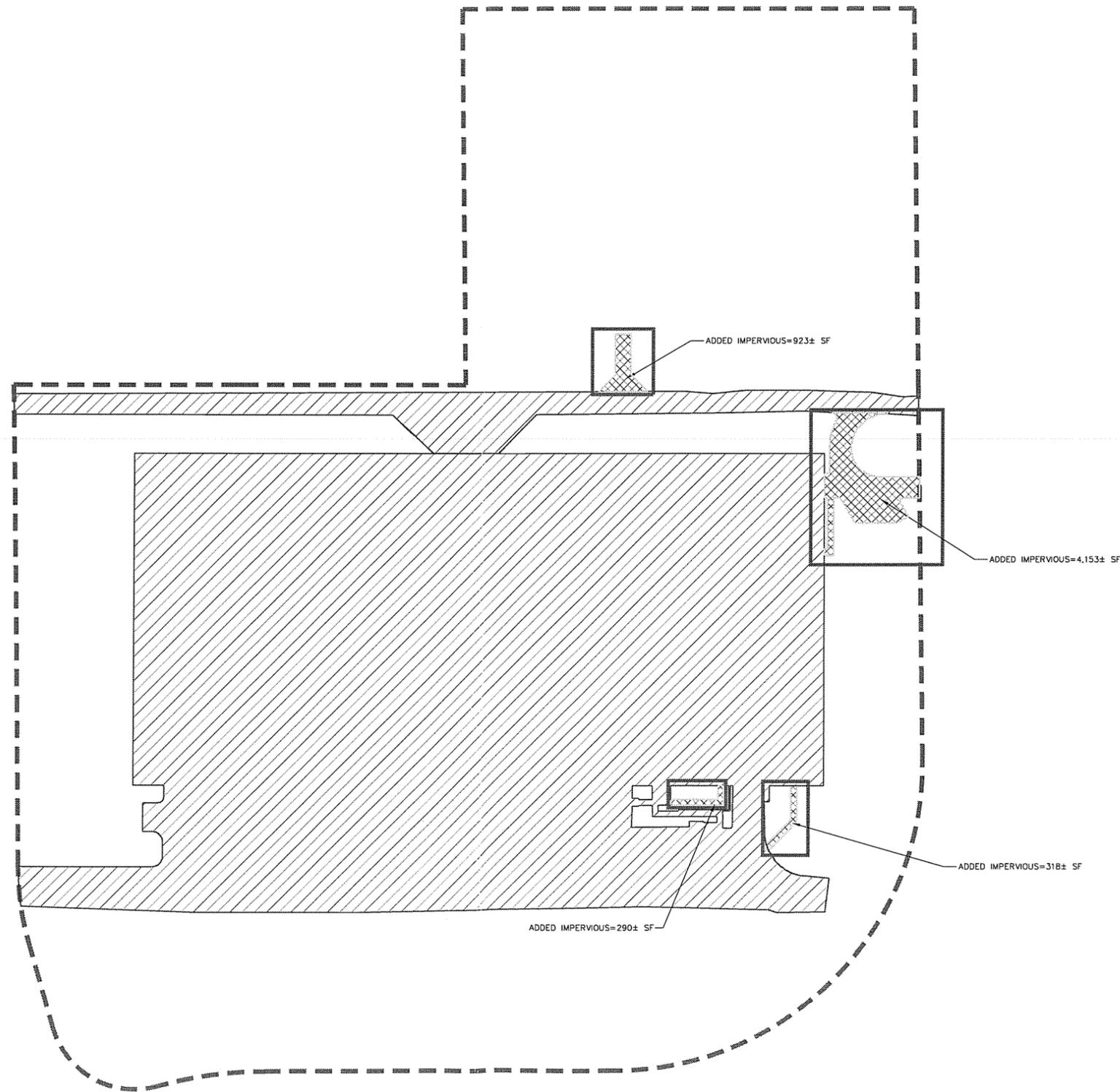


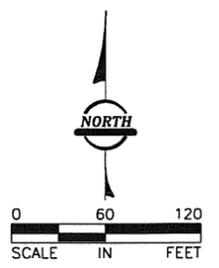
Exhibit A
Zoning Map



SITE AREA

TOTAL SITE AREA=582,980 SF (13.38 AC)
 PROPOSED IMPERVIOUS AREA=260,133 SF (5.97 AC)
 PROPOSED IMPERVIOUS PERCENTAGE=44.6%
 ADDED IMPERVIOUS AREA=5,684 SF (0.13 AC)

- PROPERTY AREA
- EXISTING IMPERVIOUS
- PROPOSED IMPERVIOUS



Superior Swatch and Storage, Inver Grove Heights, MN

Proposed Impervious Area



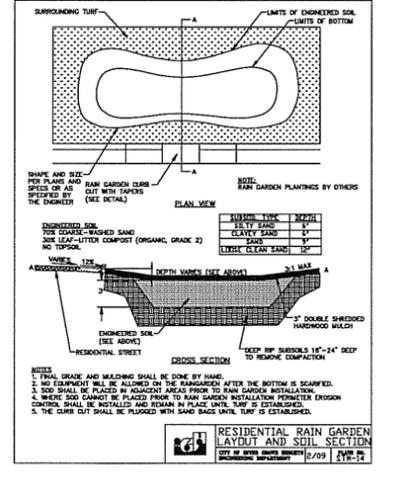
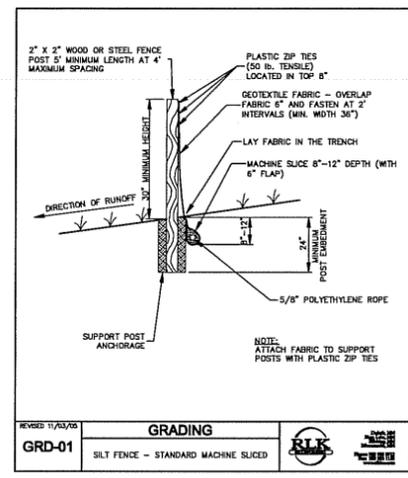
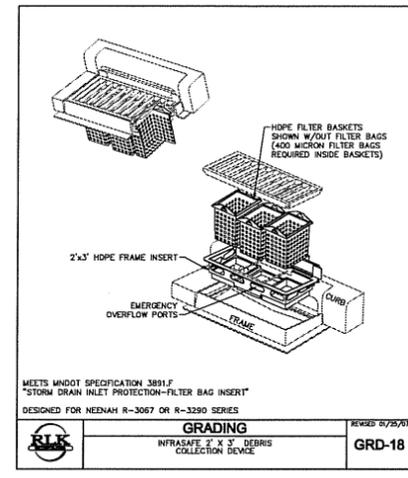
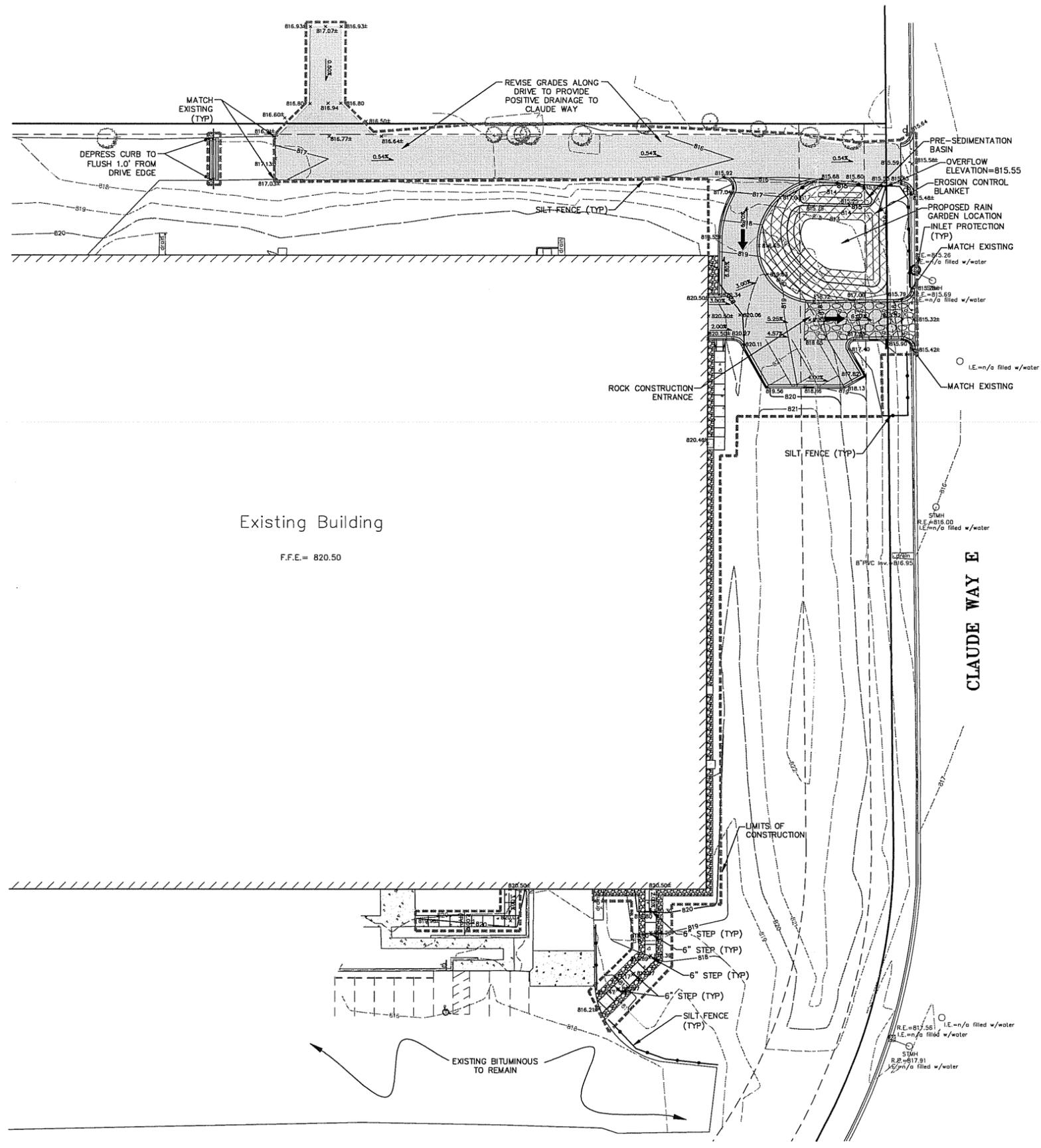
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Aaron L. Hammquist
 DATE 11/16/09 U.C. NO. 41819

DESIGNED BY	KLJ
DRAWN BY	KLJ
CHECKED BY	
REVISIONS	
11/17/09 09-CITY COMMENTS	

RJM CONSTRUCTION
 7003 WEST LAKE STREET
 SUITE 400
 ST. LOUIS PARK, MN 55426

SUPERIOR SWATCH AND STORAGE
 INNER GROVE HEIGHTS, MN
 GRADING AND EROSION CONTROL PLAN

SHEET 3/3
 PROJECT # 2009176M
 DATE 10/16/09



EROSION CONTROL NOTES

ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING OPERATIONS AND BE MAINTAINED UNTIL ALL DISTURBED AREAS ON THE SITE HAVE BEEN RESTORED.

ALL CONSTRUCTION ENTRANCES SHALL BE SURFACED WITH CRUSHED ROCK ACROSS FULL WIDTH, FROM ENTRANCE POINT TO 75 FEET INTO CONSTRUCTION ZONE (REFER TO DETAIL).

ALL SLOPES 3:1 OR STEEPER, NOT TO BE SODDED AND GREATER THAN 8 FEET IN HEIGHT, SHALL HAVE EROSION CONTROL FABRIC INSTALLED ON SLOPE PER MNDOT SPEC. 388.5. VERIFY RESTORATION METHOD AND SEED MIXTURE. CONTRACTOR TO SUBMIT SHOP DRAWING TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

TEMPORARY EROSION CONTROL TO BE PLACED AROUND STORM SEWER STRUCTURES DURING CONSTRUCTION (REFER TO DETAIL).

SEDIMENT SHALL BE REMOVED FROM ALL SEDIMENT CONTROL DEVICES AS NECESSARY AND MUST BE REMOVED IF DESIGN CAPACITY HAS BEEN REDUCED BY 50%.

SEDIMENT TRACKED OFF-SITE, AS A RESULT OF CONSTRUCTION TRAFFIC, SHALL BE MINIMIZED AND SWEEP ON A DAILY BASIS.

ALL DISTURBED AREAS SHALL BE RESTORED WITH SOD, SEED, WOOD FIBER BLANKET OR PAVED SURFACE WITH 14 DAYS.

GRADING NOTES

CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE COMMENCEMENT OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.

ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO EXCAVATION.

CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM 4 INCH DEPTH (COMPACTED) TO ALL DISTURBED AREAS TO BE SODDED OR SEEDDED.

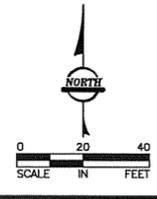
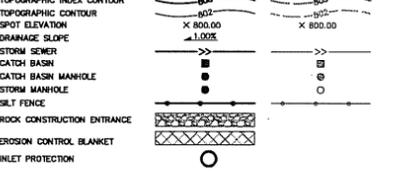
THE SITE GRADING OPERATIONS, WHEN COMPLETED, SHALL RESULT IN ALL AREAS BEING GRADED TO "PLAN SUBGRADE ELEVATION". THIS "PLAN SUBGRADE ELEVATION" SHALL BE CONSISTENT WITH THE GEOTECHNICAL REPORT FOR BUILDING AND PAVEMENT AREAS. THE "PLAN SUBGRADE ELEVATION" IN THE PARKING LOT AND DRIVEWAY AREAS SHALL BE DETERMINED BY CHECKING THE PAVEMENT SECTION DETAILS AND REFERRING TO PAVING PLAN FOR LOCATIONS AND LIMITS OF VARIOUS PAVEMENT SECTIONS.

ALL SPOT ELEVATIONS REPRESENT FINISHED SURFACE OR GUTTER LINE GRADES UNLESS OTHERWISE NOTED.

REFER TO SITE PLAN FOR CURRENT HORIZONTAL SITE DIMENSIONS AND LAYOUT.

EXISTING TOPOGRAPHY PROVIDED BY RLK INCORPORATED

LEGEND



- a. Determination by Planning Commission that sale of excess city owned property is consistent with the Comprehensive Plan;

The subject property is currently Cameron Park. Site improvements include a hockey rink and an old fire station that is used by the Parks Department for storage. The Parks Department no longer floods the rink. The only maintenance done is cutting the grass. The Cameron Family and others donated the land to the City in 1944. The City Attorney reviewed the deeds for the parcels and he did not locate any language restricting or dedicating the use of the property for park or public purposes. As a result, the City Council has the discretion to sell the park land if they so choose.

The old liquor store was demolished by the County in August, 2009 to make way for the Concord Boulevard improvements. To help the Cameron's relocate their business in the City, the Council adopted a city code amendment that allowed a liquor store, under very unique circumstances, to be located closer than 500 feet to a school. This paved the way for a liquor license to be issued for the proposed site because it is less than 500 feet from the TIZA Academy. In September, 2009, the Council entered into a purchase agreement with the Cameron's to buy the old Cameron Park site, provided certain conditions were complied with. One of those conditions was that Cameron's received city council approval for a new liquor store at this location.

EVALUATION OF THE REQUEST

The site is surrounded by the following uses:

North – Residential; zoned R-1C, B-3; guided Mixed Use

East - Mix of commercial and industrial uses and future Heritage Village Park; zoned P and I-1; guided Public Park,

West – Residential; zoned R-1C; guided LDR

South – Residential, commercial; zoned R-1C, B-3; guided Mixed Use

ANALYSIS

COMPREHENSIVE PLAN CHANGE

The site is currently guided Public Park/Open Space in the 2030 Comprehensive Plan because of the current use as a park. To accommodate a commercial business, the land use designation would need to be changed.

The 2030 Land Use Plan identifies all properties along the west side of Concord from 68th Street to nearly the northern city boundary as Mixed Use, except for Cameron Park, which is guided Public Park/Open Space. The majority of the properties along the east side of Concord, except the Heritage Village Park area, are also designated for Mixed Use. The 2030 Plan identifies Mixed Use as;

“Mixed use areas consist of lots or parcels that contain a mix of retail and service commercial, office, institutional, higher density residential, public uses and/or park and recreation uses, organized in a pedestrian friendly environment”.

The 2030 Plan identifies Concord Boulevard as a primary area for future mixed use. “The idea for mixed use along the Concord Boulevard Corridor is to encourage or facilitate redevelopment and reinvest along the corridor in a way that helps traffic flow by controlling access, encourages an attractive street frontage as a gateway corridor to the City and allows flexibility in the use of lands along the corridor as business or residential uses.” A redevelopment plan was prepared for the Concord Boulevard area, which was adopted by the City in 1998. Because that plan is now over 10 years old, one of the action steps of the 2030 Plan is to update the study and evaluate using the County’s redevelopment of Concord Boulevard.

Some of the applicable guiding principles for the Mixed Use Area include:

1. Provide a unique mix of commercial, residential, public and related uses in a pedestrian friendly environment.
2. Provide walkways and trail linkages to other public recreational facilities in the area.
3. Limit commercial uses to those that provide neighborhood and convenience goods and services.

Some of the applicable guiding principles of the Concord Boulevard Corridor include:

1. Direct access to the corridor should be reduced and limited overtime. Access should be via side streets, alleyways and in limited cases directly via shared drives.
2. Commercial or office uses located along the corridor between key intersections should be designed to blend in with residential building characteristics and not require significant off street parking.

The Concord Boulevard Neighborhood Plan identifies a land use and revitalization plan which breaks the corridor into six major features. One of the features addresses the promotion of businesses along Concord. It states to “Promote the growth of businesses along both frontages of Concord Boulevard. Allow and promote the conversion to business of the housing the fronts on Concord Boulevard for a depth of one block.”

Based on the proposed 2030 Land Use Plan and the Concord Boulevard Corridor Plan, a rededication to a commercial use would be the most appropriate considering the reconstruction of Concord Boulevard, plans to redevelop the area with commercial uses and ultimately redeveloping with mixed use planned developments that combine commercial, residential and park uses. Details of the plan are discussed later in this report, however, the plan provides for pedestrian access to Concord which in turn provides access to other trails and to Heritage Village Park. The proposed use would be consistent with the policy to provide neighborhood level goods and services. It also provides an opportunity for a long established business name to remain in the community and in the original neighborhood. The development would also utilize a cross street and one shared driveway onto Concord, so the development would be consistent with the goal to reduce entrances onto Concord. Staff believes the change of land use to Mixed

Use with a commercial business is consistent with the goals identified in the 2030 Comprehensive Plan and the Concord Boulevard Corridor Plan.

REZONING

The property is zoned Public/Institutional because of its use as park land. A change to a commercial zoning would be required to develop the site with a commercial operation. A B-3, General Business designation would be consistent with the goals of the Mixed Use designation. In instances where a larger scale development with multiple uses would be proposed along Concord, a planned unit development zoning might be more appropriate to deal with the mix of uses and development design. In this instance, standard B-3 zoning would be most appropriate and a liquor store is a permitted use within this district. Staff believes a rezoning to B-3, General Business would be the most appropriate category.

PRELIMINARY PLAT

Lots and Block. The preliminary plat consists of combining four lots and vacating two sections of alley to create a new one lot plat. There are two sections of unimproved public alley right-of-way that is proposed to be vacated. With the proposed alley included in the plat, the total area would be 1.33 acres. The proposed B-3 district does not have a minimum lot size requirement, but does have a minimum 100 foot width requirement along a street. The property has frontage along three public rights-of-way. Frontage along Concord would be 266 feet and along 65th Street would be 150 feet. The plat also incorporates the easement area granted to the County for the Concord Boulevard reconstruction. As proposed, the plat meets all lot size and width standards.

Park Dedication. Park dedication may be required based on the current fee schedule of \$7,000 per acre in the “B” district. The site is 1.33 acres which would have park dedication fee of \$9,310. A Recommendation from the Park and Recreation Department is not available for this report. A recommendation will be forwarded for the public hearing.

MAJOR SITE PLAN REVIEW

Setbacks and Bulk Standards. The building and parking lot comply with all setbacks from Concord Boulevard and 65th and Upper 65th Streets. The ordinance requires a 75 foot setback between a commercial and residential zoned property when abutting each other. There is a residential property located on the northwest side of the subject site. The proposed building would be 45 feet from this property. The applicant is requesting a variance from this setback requirement. A discussion of the variance is addressed later in this report.

There are no other building coverage or impervious surface coverage requirements in the B-3 District. Except for the setback variance mentioned above, all setbacks have been addressed.

Parking. Based on the proposed size of the building, a minimum of 38 parking stalls would be required. The applicant is proposing 59 stalls that are located on the front side of the building (north side) and at the west end of the property. Minimum parking standards have been met.

Access. Access to the site would be from both 65th and Upper 65th Streets. No direct access to Concord is allowed by the County, nor would have been supported by staff. The access points create two ways in and out of the parking lot and also provide for the delivery area that is on the west side of the building. All curb openings and locations have been worked out and are part of the reconstruction project for Concord. Access meets all city and county standards.

Landscaping. Based on site and parking lot landscaping requirements, a total of 28 overstory trees are required. The proposed landscape plan provides for a mix of overstory, ornamental and shrub plantings. Plantings are provided along Concord, in the parking lot islands and around the building. The plan has an emphasis on plantings and hedge buffers along Concord for aesthetics along the newly constructed Concord. All landscaping requirements have been met.

Screening/Buffers. There are two different buffer and screening requirements for this property because it both abuts a residential property and is across the street from two residential properties.

Title 10-15-9.C requires solid fencing along property lines that abut residential uses. A fence must be minimum 5 feet and maximum 6 feet in height. In this case, a residential use abuts the property in the northwest corner. The applicant is proposing a five foot high solid cedar board screen fence along the entire length of the abutting boundary of the residence to the northwest. The fencing would block from view both sections of the parking lot as required. Based on the plan submitted, the proposed fencing satisfies the screening requirement.

Title 10-15-11.A.2 requires landscape screening of a parking lot facing a residential property across the street. A 20 foot open space or landscape buffer is also required. The applicant is proposing to provide a 20 foot buffer on the north end of the site along 65th Street and provide a row of deciduous shrubs to screen the majority of cars in the north parking lot. Upper 65th Street is a right-of-way that is developed with a private driveway. While there is not a public street in this area, there is a public right-of-way that abuts a residence to the southwest of the site. The applicant is proposing to construct 100 feet of solid cedar fencing to meet the screening requirement. There must also be a 20 foot open space or buffer in this same area. The applicant is requesting a variance from this requirement as the proposed parking lot would be 13 feet from the property line at this location. The fence would be constructed approximately nine feet from the property line. The variance request is discussed later in this report. Provided a variance is acceptable, the buffering section of the ordinance has been addressed.

Building Exterior/Roof Top Screening. The applicant has submitted building elevation plans which show a mixture of stucco type material for the main sections of the walls and a decorative limestone base on portions of each wall of the building. All four sides of the building utilize the

same materials and the trash enclosure is also of the same materials and has solid screen doors. The building as proposed, meets exterior materials standards.

The plans provide for a mechanical screen that will screen all of the roof top equipment. As proposed, this meets the City's mechanical equipment screening requirement.

Lighting. A lighting plan has been submitted identifying both parking lot and building lighting. All lighting is proposed to be a standard shoe-box style with flat lenses. An illumination plan has also been submitted to verify maximum illumination at property lines is in compliance with code standards. City Code requires lighting at property line not to exceed 0.4 foot-candles. The plan complies with this lighting standard along all of the property lines abutting residential. The lighting plan meets all city requirements.

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 will require financial surety for the landscaping, 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 with the final plat and approved by the City Council.

Engineering. Engineering has done a preliminary review of the plans and finds the design of the plan to be acceptable. The applicant is proposing a subsurface infiltration system to handle the stormwater for the site. Engineering has provided a memo with their comments which is attached to this report. Their conditions of approval are incorporated by reference in the general conditions of approval for the project.

VACATION

The application has proposed includes the vacation of unimproved alley right-of-way situated in the northwest corner of the site. The alley way abuts the Cameron Park property and the residential property to the northwest. The majority of the property owners must sign the vacation petition before council can take action. The applicant has been unable to obtain a signature from the residence and therefore no action by the Planning Commission can take place at this time. The applicant must submit a letter to the Council requesting the council initiate the hearing to vacate the right-of-way and direct the Planning Commission to hold a public hearing. If that occurs, the vacation would follow behind this process. An approval of the requests, including the preliminary plat could occur with a condition that the alleys must be vacated and approved by the City Council.

VARIANCES

There are two variances being requested. The first is to allow the building to be located closer than 75 feet from an abutting residential property. As proposed, the building would be located 45 feet from the proposed property line. The setback is measured from the corner of the roof overhang covering the front door. The actual door would be further away. The second variance request is to allow less than the required 20 foot buffer for parking or driveways from across the street from a residential use. This is being requested from the property to the southwest that is across the street from the Upper 65th Street right-o-way.

City Code Title 10-3.4, 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.*

Building setback: The proposed lot configuration is long and narrow. With the loss of an additional nine feet to the County for Concord right-o-way, the property is only 150 feet deep at its narrowest point. Having the property surround a residential property also make this site unique as it puts large constraints on the building pad envelope. The 75 foot setback in this case is very restrictive and leaves a very small building pad on the lot that is not well suited for commercial development.

Buffer: Upper 65th Street exists as an undeveloped public right-of-way. There is a private driveway that serves the abutting commercial uses. The intent of the requirement is to provide some green space separation from the parking lot to a residence across the street since no other screening could be required. The buffer requirement in this case is not that critical since the residence to the south is located a distance from the right-of-way line.

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

Building Setback: The intent of the requirement is to provide additional separation between residential and commercial as opposed to other commercial or industrial. The existing lot depth is not wide enough to accommodate this requirement and a building pad. The Comprehensive Plan identifies areas along Concord for commercial development with mix of uses in planned developments. With many Mixed Use developments, commercial and residential are combined into the same areas, even in

the same buildings. In this case this request is not contrary to the intent of the Comprehensive Plan.

Buffer: Providing a reduced buffer for this location would not be contrary to the ordinance or Comprehensive Plan as this whole area is guided for mixed use and it is planned that the residential properties on the same block abutting Concord will someday be redeveloped into commercial businesses. The applicant is also proposing to construct a solid fence to provide more screening than required. The only difference is that the fence would be located approximately nine feet from the right-of-way line and the edge of parking surface would be 13 feet.

- 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.*

Building Setback: The property is long and narrow and with the additional setback distance from a residence, it would be difficult to construct a commercial business on the site without the need for some type of setback variance. The lot does have unique dimension characteristics and also was reduced in width further with the Concord Boulevard reconstruction that are results of an undue hardship.

Buffer: The internal circulation pattern and the parking lot on the west side of the property are impacted by the design to push the building as far to the southeast as possible to increase the setback from the residence to the northwest. Moving the parking lot further south provides a better circulation pattern along the main entrance lane to the site. The physical characteristics of the site do create a hardship for the location of the parking lot which thus reduces the amount of buffer area.

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

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

REVIEW CAPITAL IMPROVEMENT

In accordance with Minnesota Statute, the Planning Commission must review municipal acquisitions and sale of property for consistency with the Comprehensive Plan. Specifically, State Statute Chapter 462.356, Subd. 2, states “no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality ... until after the planning agency (Planning Commission) has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body (City Council)... its findings as to compliance of the proposed acquisition, disposal or improvement with the Comprehensive Municipal Plan.”

The Planning Commission is to make a recommendation regarding:

- a. Determination by Planning Commission that sale of excess city owned property is consistent with the Comprehensive Plan;

With the requested changes to the Comprehensive Plan and zoning of the property, the sale of the city owned property for commercial purposes would be consistent with the Comprehensive Plan. The Parks and Recreation Commission had earlier recommended approval of the sale of the park property as it is not a park area the City utilizes anymore. The City Council also entered into a purchase agreement to sell the property to the Cameron's in September, 2009.

With Past actions by the City Council and Park and Recreation Commission, the sale of excess city owned property would be consistent with the Comprehensive Plan provided the pending applications are approved.

ALTERNATIVES

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

- A. **Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:
 - Approval of the **Comprehensive Plan Amendment** to change the land use from Public Park/Open Space to Mixed Use and to remove Cameron Park from the Parks, Trails and Open Space Plan subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
 2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
 - Approval of the **Rezoning** from P, Public to B-3, General Business.
 - Approval of the **Preliminary Plat** for a one lot subdivision subject to the following conditions:
 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 below.

Preliminary Plat

dated 10/14/09

2. A park dedication fee equal to \$9,310 shall be paid to the City prior to release of the final plat.
 3. Drainage and utility easements shall be provided on the final plat as required by the City Engineering Department.
 4. The plat shall be subject to the City Council initiating and approving the vacation of the unimproved alley rights-of-way as shown on the preliminary plat.
- Approval of the **Major Site Plan Approval** for an approximate 6,000 square foot liquor store 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 by the conditions below.

Site Plan	dated 11/6/09
Landscaping Plan	dated 11/6/09
Grading Plan	dated 11/6/09
Light Illumination Plan	dated 11/4/09
Building Elevations	dated 11/6/09
 2. Prior to issuance of building permits, all conditions addressed in the Preliminary Plan Review Comments memo dated 11/13/09 from the Engineering Department shall addressed to the satisfaction of the City Engineer.
 3. All final development plans shall be subject to the review and approval of the City Fire Marshal.
 4. Prior to the issuance of any building permits, an improvement agreement will be executed between the City and the developer. The agreement will address the necessary site improvements and will require financial surety for the landscaping, erosion control and any other improvements that may be necessary.
 5. All proposed signage requires issuance of sign permits through the Building Inspections Department.
 - Approval of the **Variances** to allow for a 45 foot building setback from a residential use whereas 75 feet is required and to allow a 13 foot buffer area whereas 20 feet is required 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 by the conditions below.

Site Plan	dated 11/6/09
Landscaping Plan	dated 11/6/09
Grading Plan	dated 11/6/09
Light Illumination Plan	dated 11/4/09
Building Elevations	dated 11/6/09

- Recommendation on consistency of sale of property with Comprehensive Plan:

If the Planning Commission finds the request acceptable, the Commission should recommend that the sale of excess city property is consistent with the Comprehensive Plan.

- B. Denial:** Should the proposed request, or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

Based on the above report, Staff recommends approval of all requests subject to the conditions contained above.

Attachments: Location Map
Zoning Map
Comprehensive Plan Map
Applicant Narrative
Memo from Engineering Department
Site Plan
Landscaping Plan
Grading Plan
Light Illumination Plan
Building Elevations



Location Map

Case No. 09-38SZP



NOT TO SCALE



Subject Site

CONCORD BOULEVARD

Legend

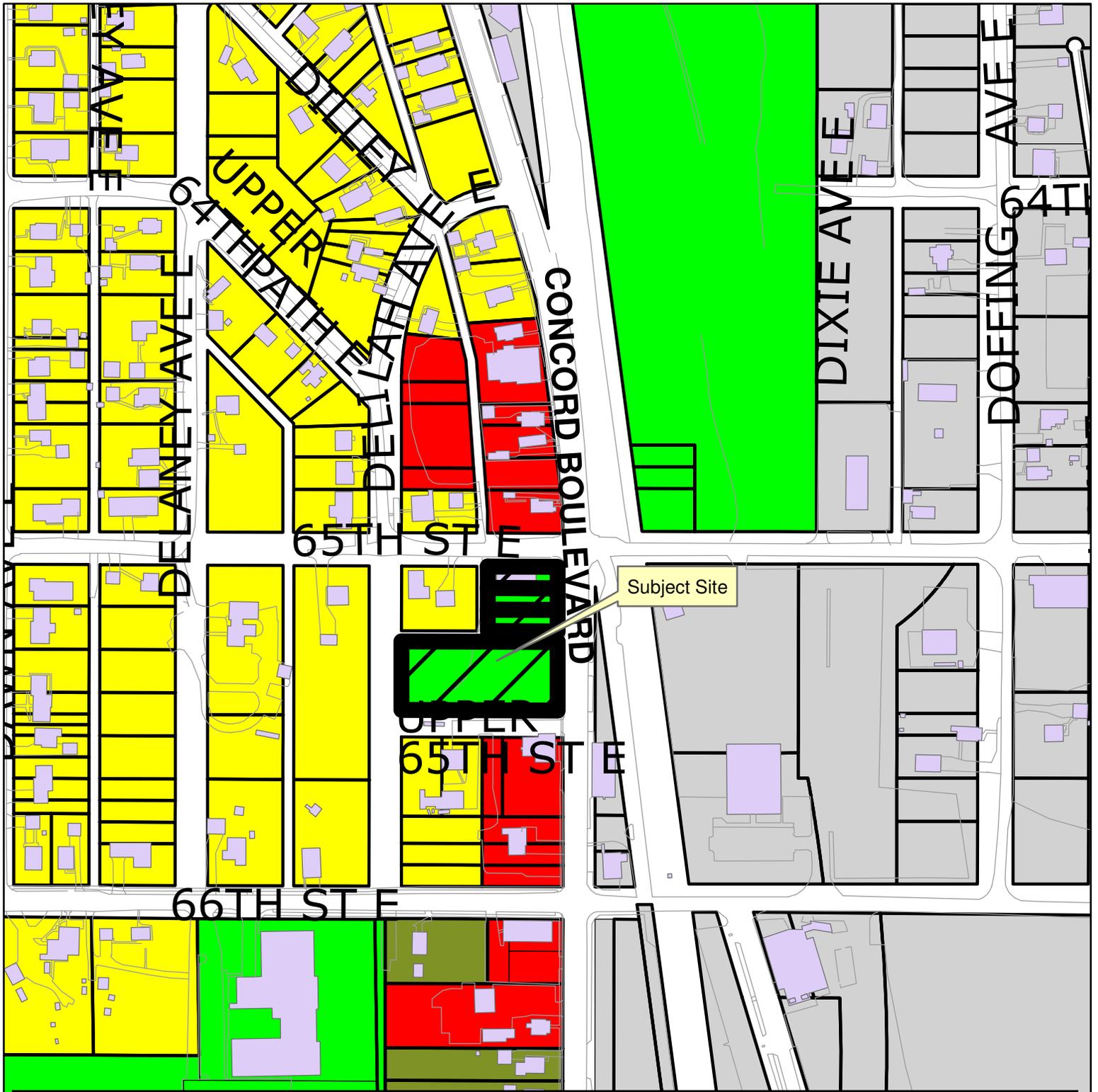


Zoning Map

Case No. 09-38SZP



NOT TO SCALE



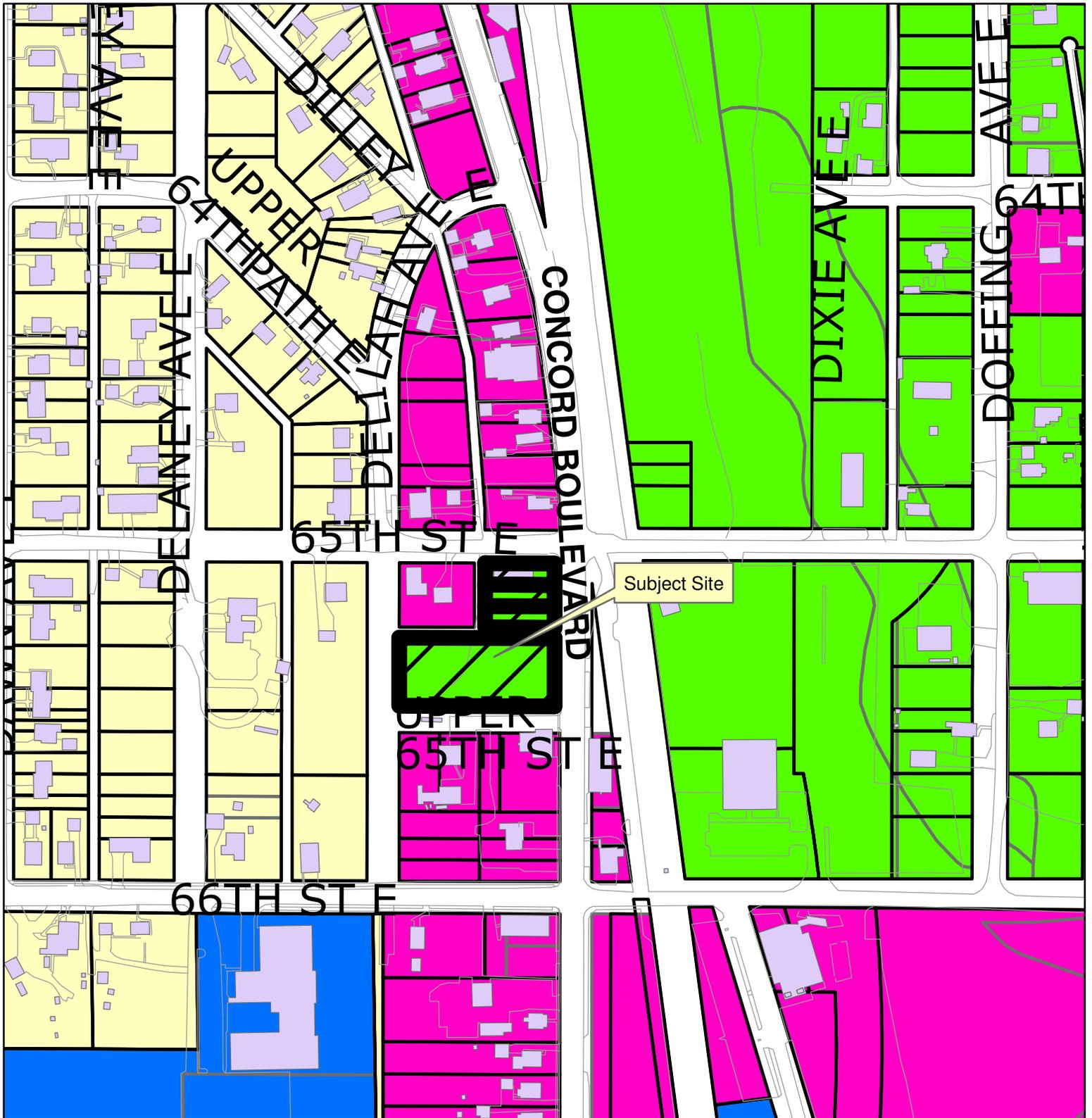
Legend

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



Comprehensive Plan Map

Case No. 09-38SZP



Legend

Proposed 2030 Land Use	Low-Medium Density Residential	Community Commercial	Industrial Office Park	Public / Institutional	Open Water / Wetlands
parcels_051208.PPLU_HKGI	Medium Density Residential	Regional Commercial	Light Industrial	Public Park / Open Space	
Rural Density Residential	High Density Residential	Mixed Use	General Industrial	Private Open Space	
Low Density Residential	Neighborhood Commercial	Office	Industrial Open Space	Rail Road	

Nokomis

Architectural Consulting, P.A.

October 19, 2009

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

Dear Distinguished Planning Commission and City Council Members;

Re: Building Setback Variance Request for Cameron's Warehouse Liquors, Inc., Concord Street, Inver Grove Heights

The purpose of this letter is to request a variance allowing a portion of the new Cameron's to cross over the setback required from the residence at the northwest corner of the parcel.

This request is based on the following:

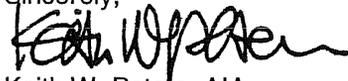
1. After investigation of multiple building location options, the new building is planned for the part of the site that would cross the setback the least, and is farthest from the residence.
2. The residence's parcel will be changed to business use B-3 as part of the 2030 Comprehensive Plan.
3. While the historic Cameron's location was seized and demolished by Dakota County, it is the owner's intention to create a vibrant business and continue the Cameron's legacy in the same neighborhood. Many parties are working to facilitate successful development on this new site within Inver Grove Heights.
4. There is a garage between the residence and the newly planned building, decreasing the visual impact of Cameron's on the residence.
5. The location of the delivery area and trash/recycling collection and pickup services are past the required setback, far from the residence.
6. There is currently natural vegetation separating the residence and future building site. Additional vegetation and fencing are being planned to meet City requirements.

Plans developed for Cameron's Warehouse Liquors, Inc. intrude into the 75' setback required between B-3 and R-1 uses from the property lines. This intrusion is about 16' maximum, an irregular shape and covers approximately 482 square feet of a 6,127 square feet (footprint) building.

Site development options were constrained because of the hill and topography, a north/south site entrance aisle with no direct access to Concord, and the L-shaped site. To separate all of this new building more than 75' from the property line would create a hardship because it would necessitate a functionally awkward narrow wing of a building which would most likely protrude into and decrease usable parking space. Or it may necessitate a smaller building and business

Thank you, ahead of time, for your consideration. Jon LeNoble (651-789-4133) and I (612/532-1112) will be happy to respond to questions and issues about this site planning and variance request.

Sincerely,



Keith W. Peters, AIA
Nokomis Architectural Consulting, P.A.

Nokomis

Architectural Consulting, P.A.

October 19, 2009

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

Dear Distinguished Planning Commission and City Council Members;

Re: Comprehensive Plan Amendment Request for Cameron's Warehouse Liquors, Inc.

Parcel Numbers: 20.36550.010.01 (Lot 1); 20-36550.030.01 (Lot 3); 20.36550.050.01 (Lot 5); 20.36550.140.01 (Lot 7-14)

This narrative is submitted to request that the land use designation for the above properties be changed from the existing "P, Public/Institutional" to "B-3, General Business".

The proposed use is for a 6,000+ square feet (footprint) retail business, Cameron's Warehouse Liquors, Inc., which was formerly located across Concord Street, slightly to the south.

Reasons for this requested change include:

1. Cameron's businesses have been part of Inver Grove Heights for over 100 years, including retailing liquors for over 37 years. It is George Cameron's intention to continue a retail liquor store and the Cameron business legacy, close to the historic location, on Concord Street, in the same neighborhood.
2. The former location was taken and demolished by Dakota County in order to improve Concord Street, forcing Cameron's to relocate.
3. As part of the 2030 plan, the properties around the site are planned and zoned for general business use. This site, as a business site, would not be an island mixed in with other uses.
4. A recent decision by the City Council of Inver Grove Heights approved allowing this store within 500' of an existing grade school. Making this Comprehensive Plan Amendment will help further facilitate Cameron's staying in Inver Grove Heights.

Thank you ahead of time for your consideration. Jon LeNoble (651-789-4133) or I (612/532-1112) will be happy to respond to questions and issues.

Sincerely,



Keith W. Peters, AIA
Nokomis Architectural Consulting, P.A.

Nokomis

Architectural Consulting, P.A.

November 6, 2009

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

Dear Distinguished Planning Commission and City Council Members;

Re: Landscape Yard Variance Request for Cameron's Warehouse Liquors, Inc., Concord Street, Inver Grove Heights

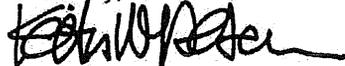
The purpose of this letter is to request a variance allowing a smaller landscape yard at the southwest corner of the new Cameron's property, dropping the yard distance from the 20' required to 10'. We expect an average width of the landscaped yard to be about 13'.

This request is based on the following:

1. Upper 65th Street East is a partially developed street. Thus a natural vegetated condition the full width of the right of way remains between parts of the residence and Cameron's paved areas.
2. The drive aisle, not parking stalls, is located along the south edge of the parking area. Consequently, the parked headlight distance from the residence exceeds 50 feet.
3. The 2030 Comprehensive Plan projects the residence's parcel as a Community Commercial land use. A business zone across the street would not require a landscaped yard on Cameron's property.
4. Cameron's plan calls for a 5' to 6' high fence along this section of the property exceeding the 3' high required fencing of a typical yard.

Thank you, ahead of time, for your consideration. Jon LeNoble (651-789-4133) and I (612/532-1112) will be happy to respond to questions and issues about this site planning and variance request.

Sincerely,



Keith W. Peters, AIA
Nokomis Architectural Consulting, P.A.

MEMORANDUM

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner

FROM: Tom Kaldunski, P.E., City Engineer
Steve W. Dodge, P.E., Assistant City Engineer

DATE: November 13th, 2009

RE: Preliminary Plan Review Comments – Nov 7, 2009 Submittal
Cameron Liquors, Proposed location at 6533 Concord Blvd
City Project No. 09-38SZP

The following is a list of comments and concerns regarding the above referenced submittal.

1. A letter/memorandum shall be included with the next submittal responding to the items addressed in this memorandum and identifying **all** other changes that were made to the plan.
2. A registered Engineer or Land Surveyor shall **sign the grading plan** guaranteeing that the survey has been surveyed by him/her or under his/her supervision.
3. No disturbance can occur on site until a set of preliminary plat, site, grading, utility, storm water facilities, SWPPP, and erosion/sediment control plans are stamped with City Engineers approval with signature.
4. Add note to plans: "All retaining walls 2 feet and higher require a separate building permit." Plans to be signed by a state licensed Structural PE.
5. Add note to plans: "All retaining walls shown on the grading plan shall be constructed during the grading phase."
6. Prior to issuance of a building permit, a Storm Facility Maintenance Agreement shall be drafted by the City Attorney and executed by the owner prior to receiving a grading or building permit.
7. A preconstruction conference shall be held at City Hall, to be scheduled through the Engineering Division, prior to disturbance occurring on the site.

8. Prior to the issuance of a building permit, an Engineering cash escrow of \$8,500 and letter of credit to ensure the proper construction of the improvements, additional attorney's expenses, staff review time, engineering staff inspections, assurance for sediment/erosion control compliance and maintenance requirements. The remaining escrow will be released when the project is completed, turf is established, punch list items have been addressed, and record as-built plans have been approved by the City Engineer. An additional cash assurance of \$1500 shall be provided to ensure the proposed rain garden plants or seed are maintained and established for a 3-year period
9. Prior to issuance of a building permit, a Irrevocable Letter of Credit (LOC) shall be submitted by the owner. The amount of the LOC shall be determined by the City Engineer based on the site grading, retaining walls, erosion/sediment control, storm water facilities, turf establishment, landscaping requirements, and as-built record plans. The developer shall provide the preliminary construction estimate.
10. Provide Copy of the NPDES permit when applied for with the MPCA. May need a longer approval time for the underground storage and infiltration features shown.
11. If needed, obtain construction easements from adjacent property owner, 4190 65TH Street East, for grading, retaining wall construction, grading, and erosion control measures which may impact their property.
12. The Storm Water Facility proposed has the capacity to retain 1-inch of run-off from the impervious surface. This meets the non-degradation requirements per the City's MS4 permit and will accommodate the recommended total suspended solids and phosphorus removal. However, see note below on pre-treatment needs.
13. The storm water facilities need further best management practices(BMP) and pre-treatment in order to remove the heavier sediments, debris, floatables, sediment or salt laden runoff, and heavy metals prior to being conveyed to the underground storage device. The island at CB 4 should accommodate a minimum of 305 cubic feet of dead storage with vegetation. Add a rain garden or infiltration BMP at CB 3 (curb cut can be on west side) to accommodate a minimum of 175 cubic feet of dead storage. The BMP at CB 5 (NE corner of parking lot) should accommodate a minimum of 260 cubic feet of dead storage. In addition, the owner shall utilize the 3-foot engineered soils per City details (exception is CB 5 BMP). CB 5 BMP should be altered to have 1-foot of engineering soils between the bottom of the BMP and the top of the underground rock infiltration device. This can be accommodated by adjusting the elevations for EOF, rain garden bottom, and storm inlet.

14. Provide a SWPPP that shows a phased grading plan that accommodates construction phases and utilization of temporary sediment basins (usually where the surface BMP's will go) and timing of the construction of the permanent storm water facilities and BMP's. Specific attention to protection of the infiltration capacity (compaction and sediments) of the subgrade soils for the underground infiltration device.
15. Add cross-sections to the plans for the surface BMP's (rain gardens) at CB 3, CB 4, and CB 5.
16. Provide pipe specifications for the HDPE pipe capacity to convey water to the underground infiltration feature. Specifically, will there be additional oversized holes added to the pipe to ensure HDPE pipe with sock will not clog over time?
17. Recommend, for maintenance purposes, upgrading the 6-inch perforated pipe to a minimum of 8-inch size and adding a 48-inch accessible manhole at the far end. If 6-inch pipe remains a cleanout needs to be added at the end and another in the middle of the pipe.
18. Provide a perforated monitoring device that goes 3-feet below the bottom of the underground infiltration feature for monitoring the performance of the BMP and conveyance of water.
19. Provide two three-ring infiltrometer or percolation test of the subgrade soils prior to placing rock (during construction) to determine the actual capacity of the soils meet or exceed the design standards.
20. Make sure all applicable County Permits and processes have been followed.
21. Show the downstream pipe size and grade on the plans where storm runoff is being routed to existing storm sewer systems. Verify capacity.
22. Impervious Barrier between the underground infiltration pond and building foundation must be installed to the existing natural materials that will prevent water migration of water to the south. Verify existing soils and confining layers with soils borings report. The barrier shall extend from the east property line to the west side of the north parking lot.
23. Upper 65th Street East has been shifted approximately 2-3 feet to the north as part of the Concord Boulevard County project. This was done to provide a 3-foot buffer along the building to the south. A 32-foot back-to-back curbed street has been constructed on Upper 65th Street East.
24. Provide a rock construction entrance for traffic routing on and off the site.

25. Modify the as-built sewer service elevation provided along Concord Boulevard to 707.2.
26. Provide earth work balance and note on the grading plan. Material shall be hauled to an approved site with permits, as needed.
27. Removal of all existing bituminous and impervious surfaces in alley to be vacated is required.



THE DESIGNS AND PLANS INDICATED ON THIS DRAWING ARE THE PROPERTY OF NOKOMIS ARCHITECTURAL CONSULTING, P.A. ALL RIGHTS ARE RESERVED. NO DESIGN OR PLANS SHALL BE USED OR REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF NOKOMIS ARCHITECTURAL CONSULTING, P.A.

DATE: _____ REG. NO.: _____

ARCHITECTURAL SITE PLAN

CAMERON'S LIQUOR WAREHOUSE, INC.
 Concord Blvd East

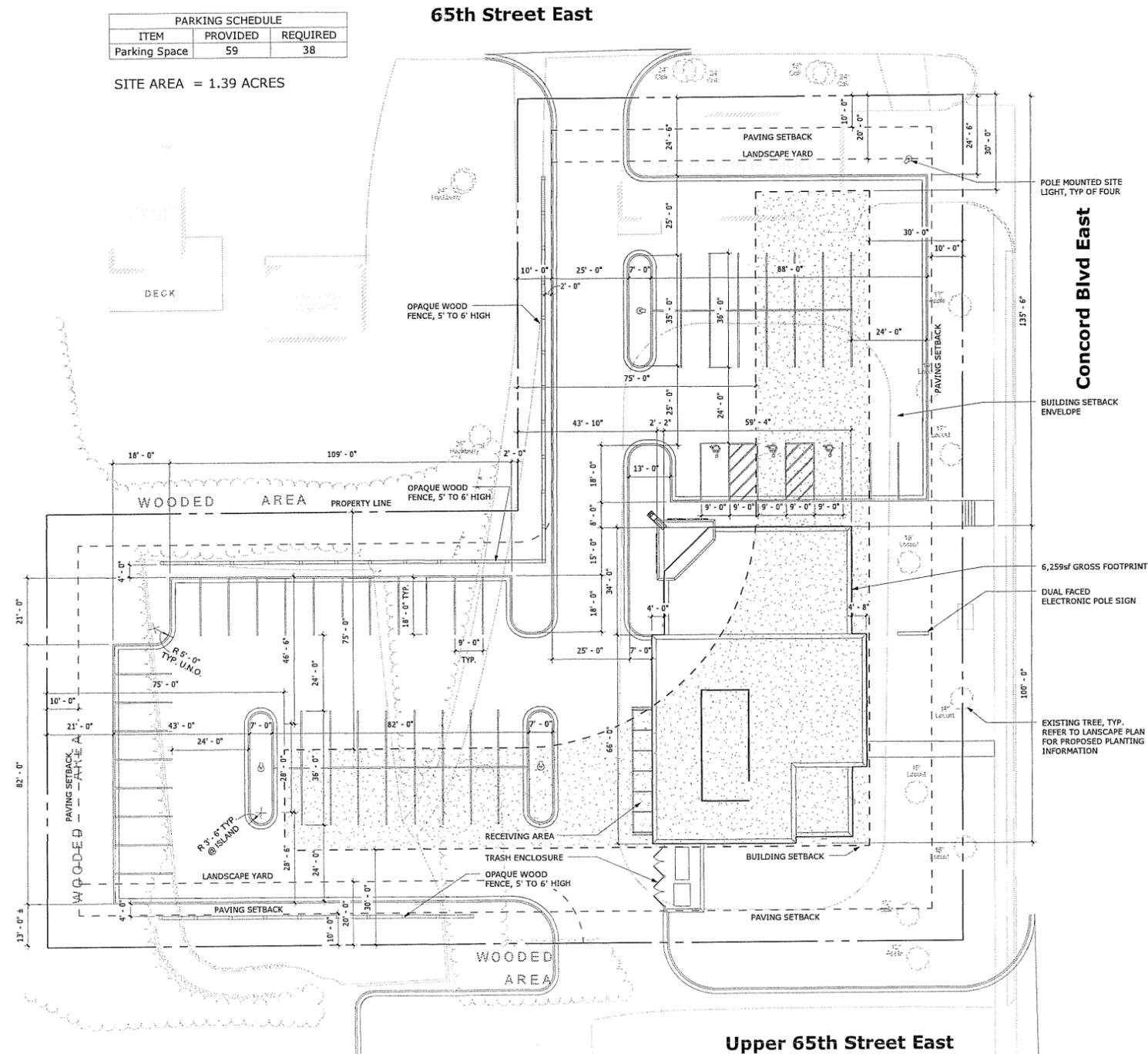
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 DRAWN BY: JML
 CHECKED BY: KWP
 DATE: 11/06/09
 REVISIONS:

**PRELIMINARY:
 NOT FOR
 CONSTRUCTION**

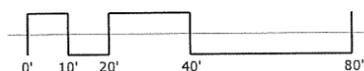
A01

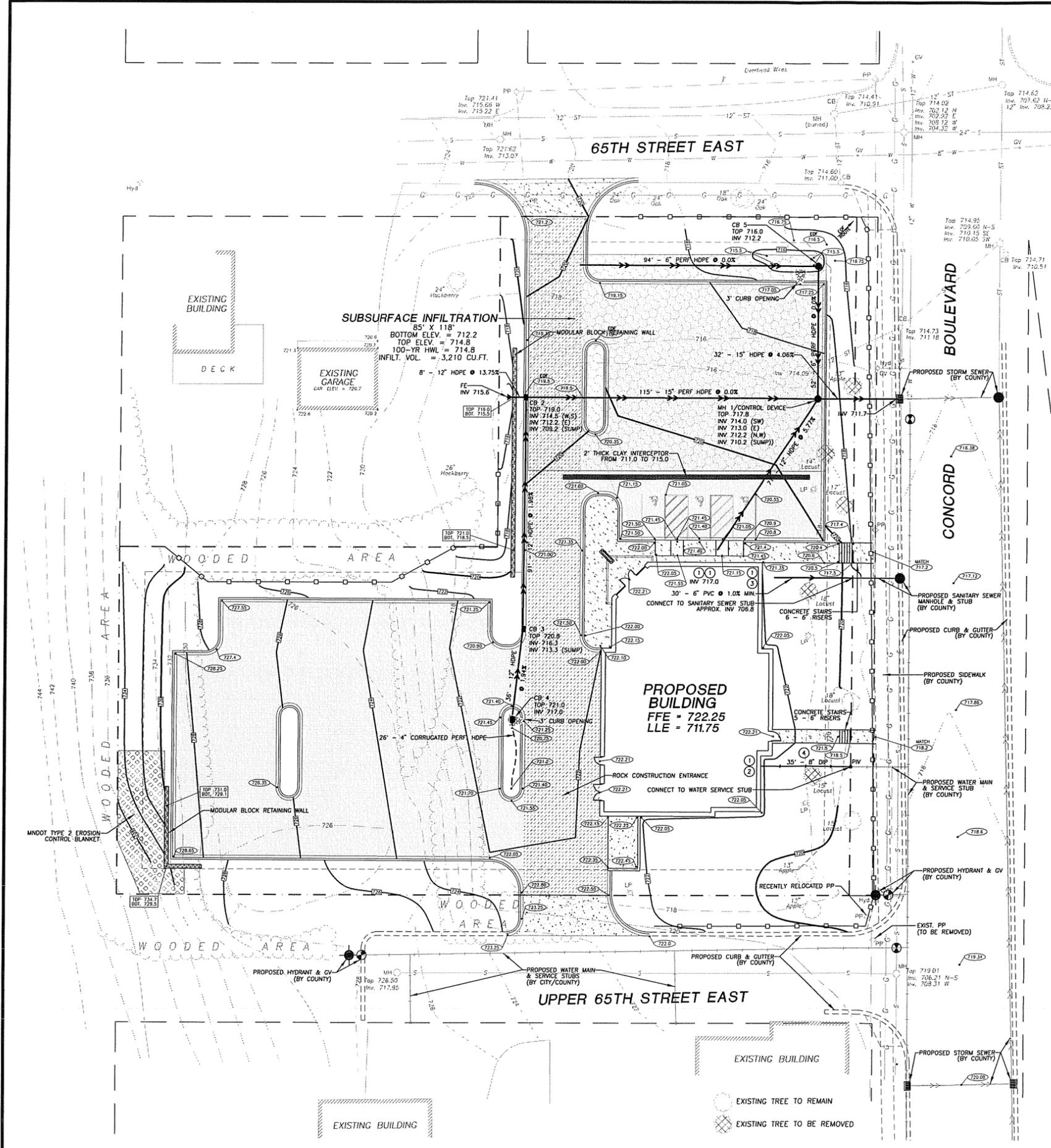
PARKING SCHEDULE		
ITEM	PROVIDED	REQUIRED
Parking Space	59	38

SITE AREA = 1.39 ACRES



1 ARCHITECTURAL SITE PLAN
 1" = 20'-0"





- ### GRADING NOTES
- All elevations shown are to final surfaces.
 - Contractor is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for Construction Activity before construction begins.

- ### 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 7 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.
 - The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water.
 - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.

CONTROL DEVICE OPERATION SCHEDULE

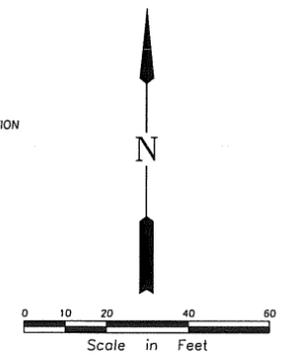
ITEM	INSTALLATION	REMOVAL
SILT FENCE	PRIOR TO ANY CONSTRUCTION	AFTER SITE HAS BEEN RESTORED
ROCK ENTRANCE	PART OF INITIAL GRADING	WHEN PAVING OPERATIONS BEGIN
INLET PROTECTION	SAME DAY STRUCTURE IS CONSTRUCTED	AFTER SITE HAS BEEN RESTORED

- ### INSPECTION AND MAINTENANCE
- The site must be inspected once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
 - All inspections and maintenance conducted must be recorded in writing and records retained with the SWPPP.
 - Areas of the site that have undergone final stabilization, may have the inspection of these areas reduced to once per month.
 - All silt fence must be repaired, replaced, or supplemented within 24 hours when they become nonfunctional or the sediment reaches 1/3 of the height of the fence.
 - Surface waters and conveyance systems must be inspected for evidence of sediment being deposited. Removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints.
 - Construction site vehicle exit locations must have sediment removed from off-site paved surfaces within 24 hours of discovery.

- ### UTILITY NOTES
- All sewer services to extend to a point 5' from proposed building.
 - Bring water main into proposed building and cap at the floor.
 - Verify all service locations and inverts with mechanical engineer before construction.
 - All watermain to have a minimum of 7.5' of cover.

LEGEND

- PROPOSED MANHOLE/CATCH BASIN
- PROPOSED CATCH BASIN
- ◆ PROPOSED HYDRANT
- ◆ PROPOSED GATE VALVE
- ▲ PROPOSED FLARED END
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- ▭ PROPOSED SUBSURFACE POND
- ▭ PROPOSED CONCRETE
- ▭ PROPOSED STD. DUTY BITUMINOUS
- ▭ PROPOSED HEAVY DUTY BITUMINOUS
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- PROPOSED EMERGENCY OVERFLOW ELEVATION
- SILT FENCE
- BOUNDARY/ROW/BLOCK LINE
- EASEMENT
- W EXISTING WATERMAIN
- S EXISTING SANITARY SEWER
- ST EXISTING STORM SEWER
- G EXISTING BURIED GAS LINE
- 980 EXISTING CONTOUR
- × 995.50 EXISTING ELEVATION



Rehder & Associates, Inc.
 Civil Engineers, Planners and Land Surveyors
 8440 Piedmont Drive, Suite 110 • Eden Prairie, Minnesota 55325
 651-432-5031 • Fax: 651-432-9737 • Email: info@reholder.com
 PROJECT NO: 091-2379.011 DRAWING FILE: 2379011.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 in the State of Minnesota.
PRELIMINARY
 Name: _____ Date: _____ Reg. No.: _____

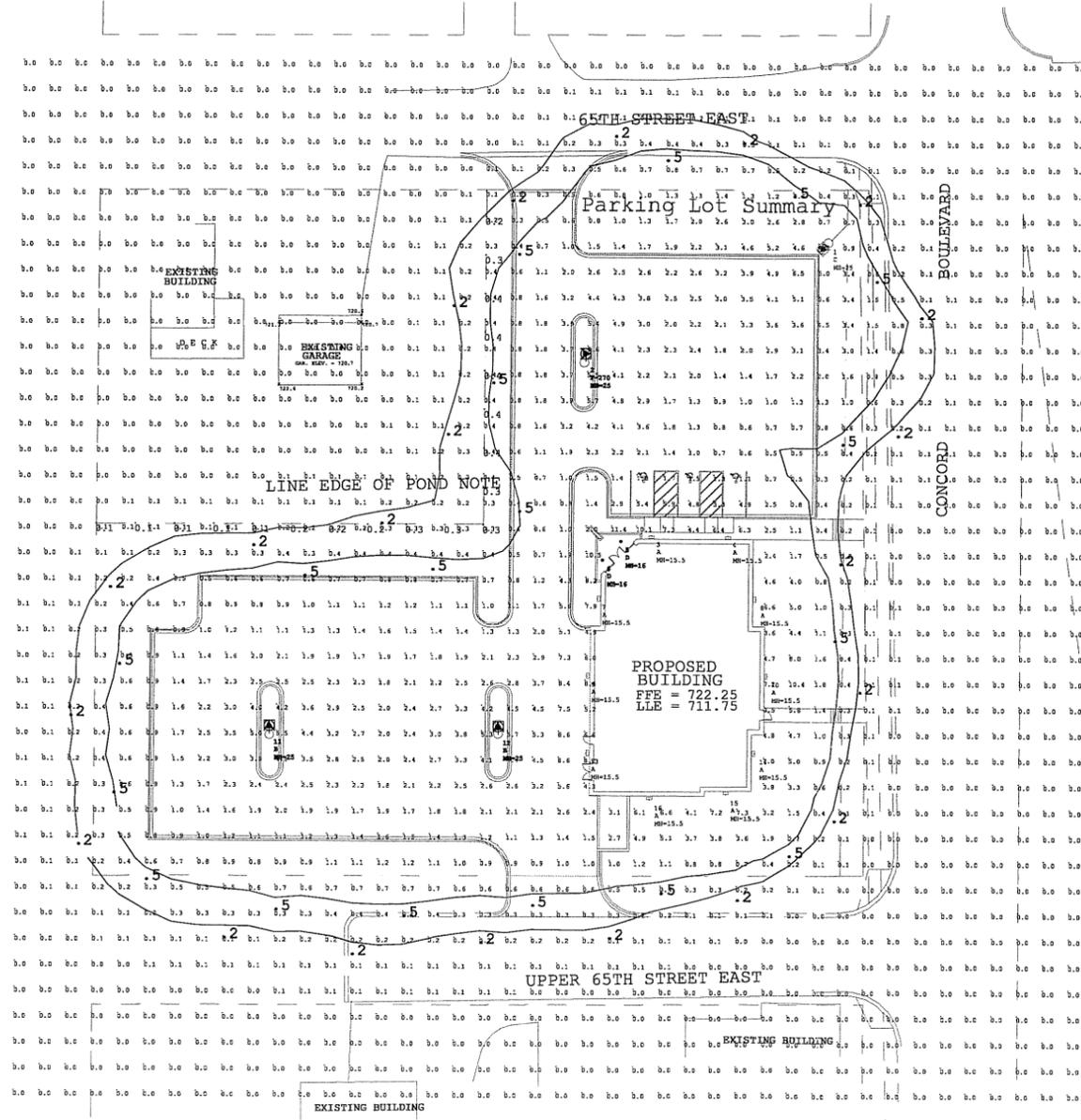
ISSUED	CITY SUBMITTAL	CITY COMMENTS	ADDRESS CITY COMMENTS
10-19-09			
11-6-09			

GRADING, DRAINAGE, EROSION CONTROL AND UTILITY PLAN
CAMERON WAREHOUSE LIQUORS
CITY OF INVER GROVE HEIGHTS
 SHEET NUMBER **C1**

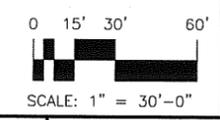
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◻	2	B	SINGLE	40000	0.800	TLM-400-MP-XX-5S-FG
◻	1	C	SINGLE	40000	0.800	TLM-400-MP-XX-SL-FG
○	2	D	SINGLE	4850	0.800	PD6-V701E-GVC
◻	1	F-270	SINGLE 270	40000	0.800	TLM-400-MP-XX-3S-FG

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description
CalcPts	ILLUMINANCE	Fc	0.74	11.4	0.0	N.A.	N.A.	AT GRADE
West Property Line	ILLUMINANCE	Fc	0.25	0.4	0.1	2.50	4.00	AT GRADE
Parking Lot Summary	ILLUMINANCE	Fc	2.53	8.6	0.5	5.06	17.20	AT GRADE

LumNo	Label	X	Y	Z	Orient	Tilt
1	C	371.75	363.25	25	225	0
2	F-270	277	316.75	25	90	0
3	A	303.5	249	15.5	90	0
4	A	333.5	249	15.5	90	0
5	D	291.5	246.75	16	0	0
6	D	284.25	239.5	16	0	0
7	A	282.5	224.5	15.5	180	0
8	A	344.25	224.5	15.5	0	0
9	A	278.5	194.5	15.5	180	0
10	A	349	194.5	15.5	0	0
11	B	155	171.5	25	90	0
12	B	244.25	171.5	25	90	0
13	A	278.5	164.5	15.5	180	0
14	A	344.25	164.5	15.5	0	0
15	A	333.5	148.5	15.5	270	0
16	A	303.5	146.5	15.5	270	0



Parking Lot Design Code	Area (sq ft)	Area (sq ft)	Area (sq ft)	Area (sq ft)
1001	1001	1001	1001	1001
1002	1002	1002	1002	1002
1003	1003	1003	1003	1003
1004	1004	1004	1004	1004



No.	Date	By	Revision

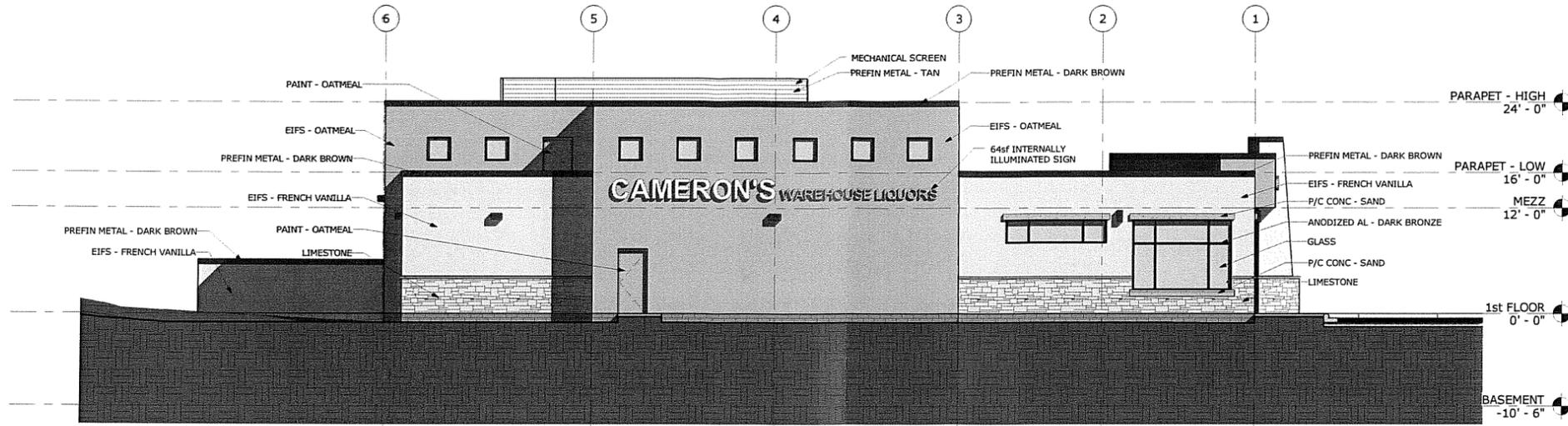
PAULSON & CLARK ENGINEERING, INC.
 2352 E. County Road J
 White Bear Lake, MN 55110
 Office: (651) 407-6056
 Fax: (651) 407-6476
 Email: psc@paulsonclark.com

Cameron's Liquor

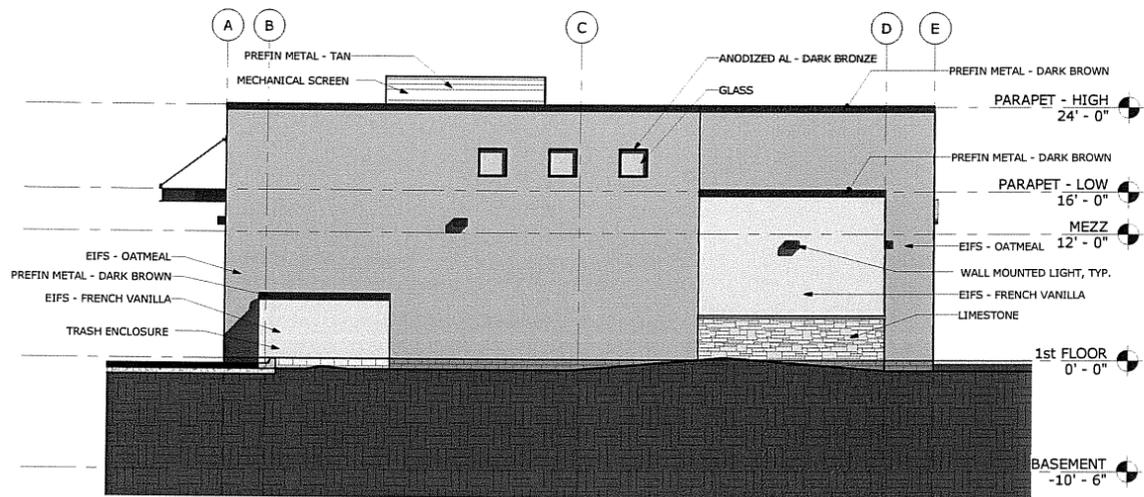
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PHOTOMETRIC PLAN

Date: 11/04/09
 Drawn By: KDB
 Checked By: DSP
 CAD Scale: AS NOTED
 Project No: _____

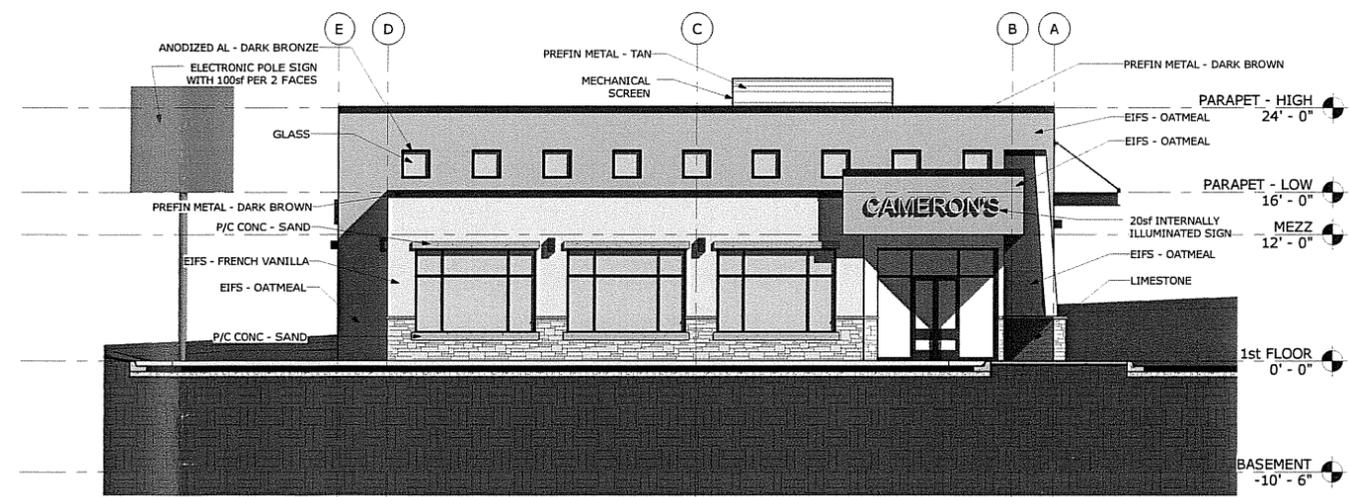
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PM-1



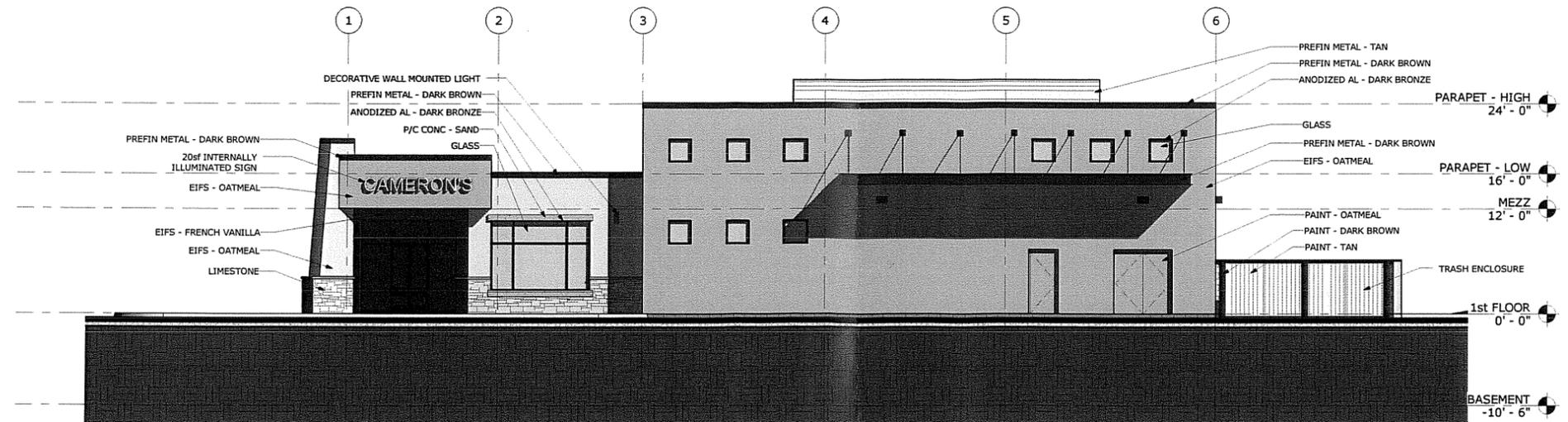
4 EAST EXTERIOR ELEVATION
 1/8" = 1'-0"



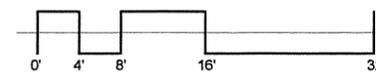
3 SOUTH EXTERIOR ELEVATION
 1/8" = 1'-0"



2 NORTH EXTERIOR ELEVATION
 1/8" = 1'-0"



1 WEST EXTERIOR ELEVATION
 1/8" = 1'-0"



ELEVATIONS

CAMERON'S LIQUOR WAREHOUSE, INC.
 Concord Blvd East

PROJECT:	08158
DRAWN BY:	JML
CHECKED BY:	KWP
DATE:	11/06/09
REVISIONS:	

**PRELIMINARY:
 NOT FOR
 CONSTRUCTION**

A04