

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

Tuesday, December 1, 2009 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR November 17, 2009**
  
3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 **LIGHTHOUSE CUSTOM HOMES – CASE NO. 09-40C**

Consider the following requests for property located 11687 Azure Court:

- A.) A **Conditional Use Permit** to construct an addition that would increase the total impervious coverage to 28.4%.

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

- B.) A **Variance** to allow an existing driveway to encroach within the five foot side yard setback.

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

3.02 **SKB ENVIRONMENTAL, INC. – CASE NO. 09-41A**

Consider an **Amendment** to the existing Nonconforming Use Certificate for a demolition debris landfill to change the location of the storm water ponding on the property.

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

4. **OTHER BUSINESS**
  
5. **ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 17, 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  
Tony Scales  
Mike Schaeffer  
Pat Simon  
Damon Roth

Commissioners Absent: Dennis Wippermann (excused)  
Christine Koch (excused)  
Harold Gooch

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

### **APPROVAL OF MINUTES**

The minutes from the November 4, 2009 meeting were approved as submitted.

### **WADE SHORT - CASE NO. 09-37VAC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation and dedication of drainage and utility easements for the property located at 9332 Cahill Avenue. 5 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting 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 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. The second change is due to a change in the field that was requested by the owner in which the City water main was installed on the south side of the sanitary sewer instead of the north side. Because of this an additional five foot drainage and utility easement will need to be granted to the City for the new location of the water main. Staff recommends approval of the request.

#### **Opening of Public Hearing**

There was no public testimony.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Schaeffer, to approve the request for a vacation and dedication of drainage and utility easements with the condition listed in the report, for the property located at 9332 Cahill Avenue.

Motion carried (6/0). This matter goes to the City Council on December 14, 2009.

**BRYAN BAUMAN - CASE NO. 09-36V**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance for a driveway that encroaches within the side yard setback and the five foot drainage and utility easement for the property located at 3290 – 76<sup>th</sup> Street East. 5 notices were mailed.

**Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that this item was brought to staff's attention during the reconstruction project on 76<sup>th</sup> Street. He advised that the applicants had a gravel section on the west side of the existing driveway which was approximately one foot from the property line. They subsequently poured concrete over that area when the street was being reconstructed and City staff noticed it during their driveway apron inspections. Mr. Hunting advised that the driveway is within the five foot setback and is also within the drainage and utility easement. To bring the illegal driveway into compliance the applicants would either have to remove that portion of the driveway that is within the five foot setback or be granted a variance with a hardship and the conditions listed in the report. Staff believes the variance criterion have not been met and therefore recommend denial of the request.

Commissioner Simon asked if the additional concrete changed their impervious surface coverage beyond what was allowed, to which Mr. Hunting stated the impervious surface total did not change as the gravel was considered impervious as well.

**Opening of Public Hearing**

Bryan Bauman, 3290 76<sup>th</sup> Street, advised that they originally put the additional driveway portion in to help with parking issues, and then recently changed it to concrete as the gravel was continually being washed and plowed out into the street. He stated he was currently a foot from the property line and he questioned what would be gained from removing a four foot portion.

Janet Bauman, 3290 76<sup>th</sup> Street, stated they had the approval of their neighbors and they agreed to the encroachment agreement.

Chair Bartholomew asked the applicants if they were aware that they were not only within the setback but also encroaching into a drainage and utility easement.

Ms. Bauman stated that apparently that had always been the case but they were not notified of the issue until the concrete was being poured.

Chair Bartholomew asked if the applicants were notified at the time of building permit that there was an encroachment issue.

Ms. Bauman stated the contractor advised that a building permit was not needed for the driveway.

Mr. Hunting agreed that a permit was not required for a driveway.

Commissioner Simon stated the engineering memorandum indicated that the applicants knew they were in violation but decided to continue anyway.

Ms. Bauman advised they were notified after two-thirds of the driveway had already been poured.

Chair Bartholomew advised that the Commission was bound by statute to cite a hardship in order to approve a variance.

Ms. Bauman asked if there was a list of acceptable hardships.

Chair Bartholomew advised that a hardship would be something that prevented the applicants from having full use of their property.

Mr. Bauman questioned how the removal of four feet of the driveway would make a difference.

Chair Bartholomew replied it would get them into compliance.

Mr. Bauman stated it did not make sense to remove the concrete and replace it with gravel, he needed the parking space as they were prevented from parking in the street in the winter, and he could not expand to the east because of existing gas and water lines.

Commissioner Simon stated it was her understanding that the applicants would not be allowed to put gravel back in as it was still an impervious surface.

Mr. Hunting agreed, stating the only way to rectify the situation would be to change it to a grassed area rather than a hard surface.

Mr. Bauman stated his children would continue to drive onto the grassed area and he would end up with dead grass and erosion issues.

Sandra Kummet, 3303 76<sup>th</sup> Street, stated she lived across the street from the applicants and was in support of the variance. She stated the parking area did not bother anyone in the neighborhood and she questioned why the issue was not noticed before.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Roth, to deny the request for a variance for a driveway to be located within the five foot setback, based on lack of hardship, for the property located at 3920 – 76<sup>th</sup> Street.

Commissioner Roth advised the applicants that their contractor should have warned them of the issue before doing the work.

Motion carried (6/0). This item goes to the City Council on December 14, 2009.

#### **MJOJO INC. – CASE NO. 09-39C**

#### **Reading of Public Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the impervious surface in the Shoreland Overlay District, a conditional use permit for outdoor storage in the I-1 District, a variance for a driveway to be located within the five foot setback, and a variance from the minimum driveway spacing along a collector road, for the property located at 6240/6250 Carmen Avenue. 9 notices were mailed.

#### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the request is for property located along Carmen Avenue and Claude Way. 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 tenant move would require a new turn-around area and an impervious "bump out" for the storage of landscaping materials. The applicant is requesting a conditional use permit to add 1% new impervious surface that would increase the total impervious from 43.6% to 44.6% whereas 25% is allowed in the development, located in a shoreland overlay district. The request meets the conditional use permit criterion and was sent to the DNR for review. The DNR responded that they had no concerns with the proposed development with its proximity to Bohrer Pond. Ms. Botten advised that the applicant is requesting a second conditional use permit to allow outdoor storage of landscaping materials in a designated area which would have its own "bump out" to maneuver the trucks while loading and unloading materials. As a condition of approval the fire marshal is requesting that both sides of the existing fire lane be open at the curb. Because of this, the applicant is requesting a driveway setback variance and a spacing variance to bring the property into compliance with the Zoning Code. Staff recommends approval of the request as listed in Alternative A of the staff report.

Chair Bartholomew asked what type of curb was on Claude Way, to which Ms. Botten replied a rollup.

Char Bartholomew questioned why a curb cut was needed as fire vehicles could easily drive over the curb.

Ms. Botten stated the issue regarding separation requirements was on Carmen Avenue.

Chair Bartholomew asked what type of material would be stored in the proposed outdoor storage area, to which Ms. Botten replied landscaping materials such as mulch.

Commissioner Simon asked for clarification of the location of Bohrer Pond.

Ms. Botten pointed out Bohrer Pond, advising that the subject property did not directly abut the lake.

Commissioner Simon asked if staff heard from any neighbors, to which Ms. Botten replied they had not.

Commissioner Simon asked for details of the proposed outdoor storage area.

Ms. Botten pointed out the proposed location, stating there would also be a 10-15 foot area surrounding the storage area which will be shown on a revised plan.

Commissioner Simon asked if the 10-15 foot area would be paved, to which Ms. Botten replied it would likely remain as is.

### **Opening of Public Hearing**

The applicant, Kevin Reckinger, 7317 Boyd Avenue, advised he was available to answer any questions.

Drew Johnson of RJM Construction, 7003 West Lake Street, St. Louis Park, stated he represented the land owner.

Chair Bartholomew asked if the applicant was in agreement with Conditions 3 and 4, to which Mr. Reckinger replied in the affirmative.

Commissioner Simon asked if the applicant was in agreement with Condition 6, to which Mr. Reckinger replied in the affirmative.

Commissioner Simon asked what would be stored in the outside storage area.

Mr. Reckinger replied mulch, gravel, rock, etc. He questioned the need for a curb cut on Carmen Avenue as perhaps it would be more of a hindrance than a help due to the traffic volume of the road.

Mr. Johnson advised that the building owner would pay for the curb cut if it was City-mandated.

Chair Bartholomew advised that it was a condition from the Fire Marshal.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request.

Commissioner Simon stated it did not appear as if there was any stormwater runoff mitigation in place for the existing runoff, noting that recently the rules and regulations had changed to include rain gardens and other mitigation measures.

Ms. Botten stated it was possible that the pond to the south was being used for existing stormwater runoff, and she agreed that the current regulations were more stringent than when the original approvals were done. She advised that the proposed rain garden would treat the new impervious surface, not the existing.

#### **Planning Commission Recommendation**

Motion by Commissioner Roth, second by Commissioner Schaeffer, to approve on a white ballot the request for a conditional use permit to exceed the impervious surface in the Shoreland Overlay District, a conditional use permit for outdoor storage in the I-1 district, a variance for a driveway to be located within the five foot setback, and a variance from the minimum driveway spacing along a collector road, with the conditions and hardship as listed in the report, for the property located at 6240/6250 Carmen Avenue.

Motion carried (6/0). This item goes to the City Council on November 23, 2009.

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

#### **Reading of Public notice**

Commissioner Simon read the public hearing notice to consider the request for a Comprehensive Plan Amendment to change the land use designation of the 2030 Comprehensive Plan from P, Public Institutional to Commercial designation, a rezoning from P, Institutional to B-3, General Business, a preliminary plat for a one lot subdivision, a major site plan review for liquor store site plan, a variance to allow the building within the required 75 foot setback, a variance to allow the parking lot to be within the required 20 foot buffer zone across the street from a residential property, and determination by the Planning Commission that the sale of excess city owned property is consistent with the Comprehensive Plan. 22 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the proposal is to reconstruct Cameron's Liquor Store on the Cameron Park location which is directly across the street from the old store. The City approvals listed in the public hearing notice are required for this project. Mr. Hunting explained that a vacation of excess alley right-of-way would also be required. Since signatures from the majority of abutting property owners could not be obtained, the applicant is requesting the Council to initiate the vacation request to vacate the

unused alleys. The Planning Commission must also make a determination of whether the sale of excess city owned property is consistent with the Comprehensive Plan. Mr. Hunting advised that the proposed building would meet the required setback from Concord, access to the site would be from both 65<sup>th</sup> and Upper 65<sup>th</sup> Streets, all curb openings and locations have been worked out and are part of the reconstruction project for Concord, the minimum parking standards have been met, because the property abuts residential the applicant is being asked to provide both landscaping and 5-6 foot high screen fencing, the mechanical equipment will be screened, and the lighting plan meets City requirements. The variances being requested are to allow the building to be located closer than 75 feet from an abutting residential property and to allow less than the required 20 foot buffer for parking or driveways across the street from a residential use. Because the lot has unique dimension characteristics and also was reduced in width further with the Concord Boulevard reconstruction, staff feels it would be difficult to construct a commercial business on the site without the need for some type of setback variance. Mr. Hunting advised that the Park and Recreation Commission recommended on a 4-3 vote that the property be sold. He stated staff received one written comment from the neighbor to the northwest that was opposed to the request. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew asked what the distance was between the corner of the building and the nearest homeowner's property line, to which Mr. Hunting replied 45 feet.

Commissioner Simon suggested the applicant plant trees on the northwest side of the property in lieu of a fence as the trees would grow higher than five feet and therefore provide more coverage to the abutting property owner who was located uphill from the subject site.

Mr. Hunting stated he preferred the fence as it would provide a more solid screen from car lights and mature trees would eventually overhang the property line.

Commissioner Simon recommended at least a six foot fence to provide better screening from headlights, street lights, and the site in general. She asked if the comments listed in the November 13, 2009 memorandum from the Engineering Department were included in the conditions of approval.

Mr. Hunting advised the comments were addressed in Condition 2 for the Major Site Plan Review.

Chair Bartholomew asked if the four subject lots could be combined without first vacating the alleyway.

Mr. Hunting stated a condition of approval of the preliminary plat was that the alleyway be vacated. Therefore if the preliminary plat was approved, it would have to come back to the Planning Commission for a vacation prior to the final plat.

### **Opening of Public Hearing**

The applicant, George Cameron, 2477 – 79<sup>th</sup> Street East, stated he was available to answer any questions.

Keith Peters, 1004 East 51<sup>st</sup> Street, Minneapolis, advised he was the project architect.

Chair Bartholomew asked if the applicants were in agreement with the conditions listed in the report, to which Mr. Cameron and Mr. Peters replied in the affirmative.

Commissioner Hark asked what time liquor stores closed in Inver Grove Heights, to which Mr. Cameron replied that by law they could not be open past 10:00 PM.

Commissioner Hark asked if the applicant would be amenable to posting 'no parking' signs as a means of controlling parking after business hours, stating the homeowner to the northwest had concerns that the parking lot would serve as overflow parking for the bar.

Mr. Cameron responded that his legal aid was not present and he was unprepared for the question. He added that he did not control what happens at the bar.

Commissioner Roth recommended that the fencing be eight feet in height and the parking lot be gated off to help protect the residential from the commercial.

Regarding 'no parking' signage, Mr. Peters asked if the police would have the authority to deal with those that parked illegally or if it would be up to Mr. Cameron to police the lot himself.

Mr. Hunting advised that since it was on private property the police would not have the authority to enforce any parking issues.

Commissioner Simon suggested they gate the accesses.

Commissioner Roth stated there would likely be towing companies interested in making an arrangement with Mr. Cameron to tow vehicles after 10:30.

Commissioner Scales stated there were similar issues in other cities where the police were not able to enforce parking violations as it was on private property.

Mr. Peters suggested that perhaps it could be policed by the towing company rather than Mr. Cameron if there was signage stating to call the towing companies number if your car is towed.

Steve Soderstrom, 4150 Upper 65<sup>th</sup> Street, stated that because the abutting homes were elevated he felt an eight foot fence would not protect them from parking lot lighting; he was concerned about the potential parking issue with Celts Pub as well.

Mr. Peters stated that during site development the parking lot elevation would change and any headlights would be lower than if a person parked on the current surface; therefore the fence should catch most of the lights. The drive aisle to Mr. Soderstrom's side of the property has also been relocated so the headlights are a little further from the property line.

Jeff Salisbury (spelling?), 6522 Delaney Avenue, stated he was concerned about potential light, noise, and increased traffic. He stated it would be unlikely that Mr. Cameron would enforce any 'no parking' signs as it would give him a bad reputation. He was concerned that the parking lot would become overflow parking for Celts Pub and Jerseys.

Chair Bartholomew asked how long the lights would be on.

Mr. Peters stated that only the security lights would be on all night.

Mr. Cameron stated the parking lot lights would be turned off once the business was closed.

Mr. Salisbury stated that if the parking lot lights were turned off it would create a dark area where patrons would gravitate to after bar closing and it would create a situation that was even worse than if they were left on. He supported having gates on the parking lot exits.

#### **Planning Commission Recommendation**

Chair Bartholomew stated that Cameron's Liquor has proved in the past to be a good neighbor and

he felt confident they could come to an agreement regarding the parking lot issue. He stated he supported the sale of excess property as it did not make sense to retain the property as park; especially since Heritage Village Park would be developed across the street.

Motion by Commissioner Simon, second by Commissioner Scales, to recommend that the sale of excess city property is consistent with the Comprehensive Plan.

Motion carried (6/0).

Motion by Commissioner Schaeffer, second by Commissioner Simon, to approve the request for 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 with the two conditions listed in the report.

Motion carried (6/0).

Motion by Commissioner Schaeffer, second by Commissioner Simon, to approve the request for a rezoning from P, Public/Institutional to B-3, General Business.

Motion carried (6/0).

Chair Bartholomew asked if there was a condition related to the preliminary plat that addressed the alleyway vacation, to which Mr. Hunting replied Condition 4.

Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the request for a preliminary plat for a one lot subdivision, with the four conditions listed in the report.

Motion carried (6/0).

**Commissioner Roth proposed an additional sixth condition to require an eight foot screening fence rather than the 5-6 foot fence shown in the plan.**

Mr. Hunting advised that the maximum fence height allowed is seven feet and therefore a variance and a hardship would be required for an eight foot fence.

Commissioner Simon stated the hardship could be the elevation of the nearby homes.

Commissioner Roth stated the hardship was the topography of the property.

Mr. Hunting asked what section of fence Commissioner Roth was proposing to be eight feet in height.

Commissioner Roth replied both the section along the south side as well as the section to the northwest. He added that perhaps they should require that all fencing on the site be eight feet in height.

Chair Bartholomew stated he preferred to have just the fencing proposed with the current request be eight feet in height rather than putting that stipulation on any future fencing.

Commissioner Schaeffer asked if staff was aware of any previous situation where the City had required gates.

Mr. Link replied he only recalled gates being required for fire access.

Mr. Hunting advised he was not aware of any precedent. He stated that if the Commission wanted to add a condition requiring gates he would need to verify that the Fire Marshal had no issues regarding fire access. He stated they would likely have to require gates on both accesses in order for it to be effective.

Commissioner Simon stated if they had an arm rather than a gate the fire department could still gain access.

Commissioner Roth stated the fire department likely had the tools that would enable them to gain access to any gate.

Chair Bartholomew stated his concern was that a gate would put a burden on the landowner for fire safety as well as snow removal, and he would prefer that the landowner post a sign stating no parking allowed after 10:30 PM.

Commissioner Hark stated the neighbors would be experiencing a fairly radical change going from living next to a park to living next to a liquor store, and it would be a nice concession to the neighborhood if Mr. Cameron could figure out a way to control the parking, perhaps with an unlocked gate and appropriate signage. .

Commissioner Scales stated he did not support requiring a gate as it would be an undue burden on the property owner and they would basically be forcing Mr. Cameron to control another business.

Commissioner Roth stated a gate would not be much of a hindrance and sometimes business owners need to take on extra burden to protect the neighborhood.

Mr. Peters stated that a gate needs continual maintenance (paint, repair, etc.) and he would prefer to start with signage and see how effective it is.

Chair Bartholomew stated he would support required signage that prohibited parking after hours.

**Commissioner Roth proposed an additional seventh condition to require signage that prohibited parking after hours.**

Commissioner Hark stated he would like to require an unlocked gate as well.

Commissioner Schaeffer said he was opposed to requiring a gate, stating it would be an undue burden on the property owner and the employees. He added that he was concerned about the potential situation where a patron parked in Cameron's lot before 10:00 and then went into Celts Pub. When the Cameron's employee left would he then have to notify the patron in Celts Pub or would they be locked in.

**Commissioner Hark proposed an additional eighth condition requiring an unlocked gate.**

Chair Bartholomew suggested there be a vote on the gate requirement as there seemed to be some disagreement among the Commissioners.

Motion by Commissioner Hark, second by Commissioner Simon, to require an unlocked gate on all entrances into the proposed Cameron's parking lot.

Motion failed (3 – Hark, Simon, Roth/3 – Scales, Schaeffer, Bartholomew).

**Chair Bartholomew proposed an additional ninth condition requiring there be no lighting after hours with the exception of security lighting.**

Motion by Commissioner Schaeffer, second by Commissioner Scales, to approve the Major Site Plan Review for a 6,000 square foot liquor store site plan, with the five conditions listed in the report, as well as additional conditions 6, 7, and 9.

Motion carried (4/2 – Simon, Hark).

Motion by Commissioner Schaeffer, second by Commissioner Roth, to approve a variance to allow the building within the required 75 foot setback, a variance to allow the parking lot to be within the required 20 foot buffer zone across the street from a residential property, and a variance to allow an eight foot fence for the property located along Concord Boulevard at 65<sup>th</sup> Street.

Motion carried (6/0). This item goes to the City Council on December 14, 2009.

**OTHER BUSINESS**

Mr. Link advised that the Metropolitan Council found the Comprehensive Plan Update to be incomplete and there were a number of issues that needed to be dealt with. Those issues, most of them minor clarifications, have been resolved and the City will soon be resubmitting it to the Metropolitan Council. A copy of that resubmittal will be in the Commissioners' next packet.

Commissioner Simon asked if staff addressed Metropolitan Council's comment that the number of houses being put in the Northwest Area was more than what was expected, to which Mr. Link replied in the affirmative, stating it was simply a matter of the methodology that was used.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

# PLANNING REPORT

## CITY OF INVER GROVE HEIGHTS

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**REPORT DATE:** November 25, 2009      **CASE NO.:** 09-40C

**HEARING DATE:** December 1, 2009

**APPLICANT:** Lighthouse Custom Homes

**PROPERTY OWNER:** Prasanta & Everett Wells

**REQUEST:** A **Conditional Use Permit** to construct a home addition that would increase the total impervious coverage to 28.4% and a **Variance** to allow an existing driveway to encroach within the five foot side yard setback.

**LOCATION:** 11687 Azure Court, Inver Grove Heights, MN

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

**ZONING:** R-1C, Single family residential

**REVIEWING DIVISIONS:** Planning      **PREPARED BY:** Jennifer Emmerich  
Engineering      Associate Planner

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### **BACKGROUND**

The applicant is requesting a Conditional Use Permit to construct a 144 square foot (10' x 14.7') porch addition that would increase the impervious coverage to 28.4%. Currently the total impervious coverage is 27.1%, which is comprised of the house, driveway and attached garage. Details of the impervious coverage are listed in the subsequent chart.

	<b>Square Feet</b>	<b>Percentage</b>
Lot Size	15,618	-
Existing Impervious Coverage (House, garage, driveway, etc.)	4,236	27.1%
Proposed additional impervious coverage (porch addition)	144	1.3%
Total impervious coverage requested	4,380	28.4%

The applicant is also requesting to allow an existing driveway to encroach within the side yard setback. The applicant submitted a site plan that defines the location of all features, however, when staff conducted a site inspection, it was determined that the driveway is similar to the configuration shown on the site plan.

### **SPECIFIC REQUEST**

A **Conditional Use Permit** to construct a home addition that would increase the impervious coverage to 28.4% and a **Variance** to allow for an existing driveway that encroaches within the side yard setback.

### **SURROUNDING USES:**

The subject site is surrounded by the following uses:

To the North, East and West:

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

To the South:

Single Family Residential; zoned A, Agricultural; guided LDR, Low Density Residential

### **EVALUATION OF REQUEST:**

#### **GENERAL CUP CRITERIA**

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. As shown in Exhibit A, the surrounding properties are all single-family residential homes. The proposed single-family home addition will aesthetically fit in with the neighborhood. Additionally, all setbacks will be met and 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.

#### **IMPERVIOUS SURFACE CUP CRITERIA**

The City approved a temporary ordinance amendment allowing 25% impervious surface on a property; with a conditional use permit the impervious surface could be increased up to 30% 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 proposed impervious surface on the lot is 28.1%. The applicant and property owners have been made aware of the above criteria and the City's standard conditions for treating impervious surface.

#### VARIANCE CRITERIA

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 is unique in that the configuration of the garage and house require a driveway that is wider near the garage. Furthermore, it is a very small area that encroaches within the setback.

- 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.*

The hardship relating to the request is the configuration of the garage on the lot. The builder constructed the home and then installed the driveway. The applicant would not be able to access the garage if the driveway were narrower and subsequently outside of the side yard setback.

- 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 Engineering staff has reviewed this request and their recommendation is attached (Exhibit D). They recommend that the portion of the driveway that encroaches within the side yard setback be removed or that the applicant enter into an encroachment agreement with the City. Furthermore, the applicant/homeowner is aware that they would have to

mitigate the storm water runoff above the allowed 25%. If the Conditional Use Permit is approved the Engineering Department 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 and Variance to construct a porch addition to be acceptable, the Commission should recommend approval of the requests with at least the following conditions:

1. The site is a developed single family lot and currently has 27.1% impervious surface. The owner is requesting to add an addition and bring the total impervious surface to 28.4% which requires a Conditional Use Permit (CUP) through the Planning Division to exceed the 25% allowed maximum impervious surface coverage.
2. The Engineering Division would prefer that the owner attempt to mitigate the existing hard surfaces to the maximum extent possible in order to stay at the existing 27.1% coverage.
3. If the impervious surface conditional use permit is approved, it is recommended that the applicant shall provide a storm water management system with a storage volume of 87 cubic feet to mitigate the increased storm water runoff from the 194 square feet of additional impervious surface being added. Any future impervious surface additions for the respective lot will need to meet the requirements of the impervious surface requirement at that time.
4. The temporary erosion control and permanent storm water management plan shall capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
5. 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.
6. 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.
7. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
8. 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.
9. Prior to issuance of a building permit, an Inspection Escrow in the amount of \$750 and a Construction Escrow of \$1500 shall be submitted to the City along with the storm water management system of choice. The inspection escrow shall be utilized

by the City for expenses, inspections, construction, maintenance requirements and sediment or erosion control. Prior to release of the remainder of the Inspection Escrow and the Construction Escrow, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.

10. At the discretion of the City Engineer, the Construction Escrow may be replaced by a condition that: the storm water maintenance facility is to be constructed, and approved by the City Engineer, prior to the Building and Inspections Division performing the final inspection and allowing use of the newly built structure.
11. The soils infiltration capacity shall be tested to ensure the storm water maintenance facility performs and functions within the assumed design parameters.
12. The existing driveway encroaches in the side yard drainage and utility easement. The Engineering Division would prefer that the owner remove the portion of the driveway that encroaches the easement. If the driveway is allowed to remain in the drainage and utility easement, an encroachment agreement shall be drafted by the City Attorney and executed by the Owner prior to issuance of a 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**

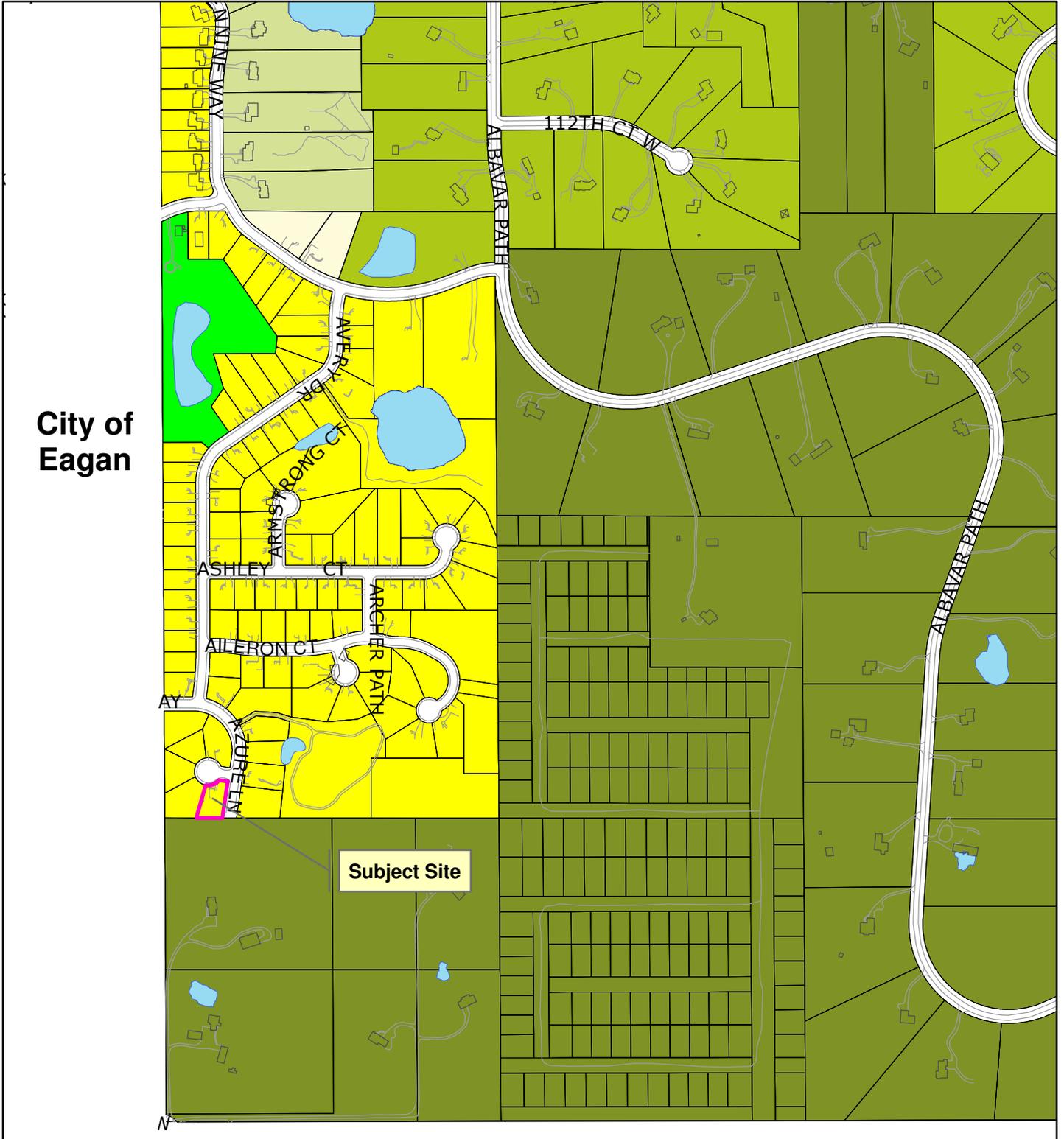
Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit request.

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



# Lighthouse Custom Homes Request

## Case No. 09-40C



City of Eagan

Subject Site

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 D Shoreland Ordinance
				ROW

Exhibit A - Zoning Map

## Wells Remodel Variance Statement

The installation of the driveway was accomplished by the original builder. The incursion into the side setback was recently discovered. The amount of overage in the setback is approximately 1.875' by 45' according to survey plot.

The unique angle of the garage position on the house, with reference to the lot, created the necessity for the installation of the driveway. Any alteration of the current driveway would create a hardship for safe vehicle movement in and out of the garage. The driveway installation had been previously approved and has no ill effect on the property value. The watershed of the driveway egresses toward the drainage area along the west edge of the property.

The request for this variance is not detrimental to the public welfare or neighborhood. This variance request is based on an installation oversight and is in keeping with the spirit and intent of the city code and comprehensive plan.



Melvin Kuhens



# MEMORANDUM

## CITY OF INVER GROVE HEIGHTS

TO: Jennifer Emmerich, Assistant Planner

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

DATE: November 25, 2009

RE: Planning Committee - Engineering Division Comments  
Lighthouse Custom Homes - Impervious Coverage Conditional Use Permit  
11687 Azure Court  
Case No. 09-40C

We have received the above referenced application and met with the applicant on November 12, 2009 and have the following recommendations:

1. The site is a developed single family lot and currently has 27.1% impervious surface. The owner is requesting to add an addition and bring the total impervious surface to 28.4% which requires a Conditional Use Permit (CUP) through the Planning Division to exceed the 25% allowed maximum impervious surface coverage.
2. The Engineering Division would prefer that the owner attempt to mitigate the existing hard surfaces to the maximum extent possible in order to stay at the existing 27.1% coverage.
3. If the impervious surface conditional use permit is approved, it is recommended that the applicant shall provide a storm water management system with a storage volume of 87 cubic feet to mitigate the increased storm water runoff from the 194 square feet of additional impervious surface being added. Any future impervious surface additions for the respective lot will need to meet the requirements of the impervious surface requirement at that time.
4. The temporary erosion control and permanent storm water management plan shall capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
5. 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.
6. 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.
7. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.

Emmerich

8. 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.
9. Prior to issuance of a building permit, an Inspection Escrow in the amount of \$750 and a Construction Escrow of \$1500 shall be submitted to the City along with the storm water management system of choice. The inspection escrow shall be utilized by the City for expenses, inspections, construction, maintenance requirements and sediment or erosion control. Prior to release of the remainder of the Inspection Escrow and the Construction Escrow, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.
10. At the discretion of the City Engineer, the Construction Escrow may be replaced by a condition that: the storm water maintenance facility is to be constructed, and approved by the City Engineer, prior to the Building and Inspections Division performing the final inspection and allowing use of the newly built structure.
11. The soils infiltration capacity shall be tested to ensure the storm water maintenance facility performs and functions within the assumed design parameters.
12. The existing driveway encroaches in the side yard drainage and utility easement. The Engineering Division would prefer that the owner remove the portion of the driveway that encroaches the easement. If the driveway is allowed to remain in the drainage and utility easement, an encroachment agreement shall be drafted by the City Attorney and executed by the Owner prior to issuance of a building permit.

CC: Tom Kaldunski, City Engineer  
Scott Thureen, Public Works Director  
Allan Hunting, City Planner  
Frank Martin, Chief Building Official  
John Schmeling, Engineering Technician



all specific conditions of approval. Section 5.4 of the certificate addresses amendments and the process to change the Non-Conforming Use Certificate. In this case, under Section 5.6 a change or an amendment to the construction of storm water management facilities requires public hearing before and a recommendation by the Planning Commission and action of the City Council by majority vote.

### **EVALUATION OF THE REQUEST**

Section 5.7 of the Non-Conforming Use Certificate contains review criteria that each amendment is to be reviewed against. The following provides a review of the proposed amendment against the 10 criteria.

*5.7.1 The consistency of the site plan amendment with the goals, policies, and plans of the Inver Grove Heights Comprehensive Guide Plan;*

The amended site plan would continue to be consistent with the goals and policies of the Comprehensive Plan. The change to the storm water system would still meet all storm water standards of the City.

*5.7.2 The consistency of the site plan amendment with the City Code, especially the Zoning Code, and the intent of the specific zoning districts in which the property is located;*

The amended site plan would continue to be consistent with the Zoning Ordinance. The change to the storm water system would still meet all storm water standards of the City.

*5.7.3 The consistency of the site plan amendment with this Certificate;*

The amendment would not have any impact on other portions of the certificate. Amending the site plan to reflect changes in the storm water plan is consistent with the review and amendment portions of the Certificate.

*5.7.4 The consistency of the site plan amendment with the rules of the MPCA;*

The applicant has submitted the proposed changes to the MPCA for their review and approval. MPCA is waiting for local government approval before the amendment would be approved at state level. It is our understanding that the amendment would be consistent with the current MPCA approval.

*5.7.5 The potential for the site plan amendment to materially injure existing or planned properties or improvements in the area;*

The proposed site plan amendment would not materially injure another property. The storm water system is just be relocated. The parcel that contains the storm pond would be regraded, as a site for future industrial development.

*5.7.6 The impact of the site plan amendment on existing and planned City facilities or services, including parks, police and fire, streets and utilities, and the reasonable ability of the City to provide such services in an orderly, timely manner;*

Moving the existing storm water pond would not have a negative impact on existing or planned city services. Any development potential of the parcel after the existing pond is removed would require review by the City to assess its impact on city services.

5.7.7 *The compatibility of the site plan amendment with existing and future uses of surrounding properties;*

Moving the existing storm pond opens up the parcel for future development. Any development would be required to be consistent with zoning and land use guiding and would have to meet all performance standards of the zoning ordinance. Moving the pond would not have any negative impacts on surrounding uses.

5.7.8 *The potential for the site plan amendment to have an undue adverse impact on the public health, safety, or welfare;*

Moving the existing storm pond opens up the parcel for future development. Any development would be required to be consistent with zoning and land use guiding and would have to meet all performance standards of the zoning ordinance. Moving the pond would not have any negative impacts on surrounding uses.

5.7.9 *The impact of the site plan amendment on the environment including, but not limited to, air quality, groundwater, noise, surface water, and objectionable odors;*

The amendment would not have any negative effects on air quality, noise or create odors. The storm system would continue to be required to meet city standards and therefore would not have any negative effects on groundwater or surface water.

5.7.10 *The potential for the site plan amendment to create nuisances;*

The relocated storm water ponds would not create potential for nuisances. The existing pond did not create any nuisances.

Engineering and Storm Water Review. The existing landfill stormwater system channels the water around the perimeter of the site and into the infiltration pond located just west of the site. The changes to the storm water plan include eliminating the pond on the west side of the railroad tracks, adding three new ponds and utilizing two existing ponds on the north and west sides of the sites for the storm water system. Engineering has reviewed the proposed changes and finds the plan to be acceptable. They have also provided a memo with some general comments and conditions which is attached to this memo.

## **ALTERNATIVES**

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

- Approval of an **Amendment** to the existing **Non-Conforming Use Certificate** for a site plan change to move the storm water pond from the adjacent property to the main landfill property subject to the following conditions:
  1. The revised storm water construction shall be in substantial conformance with the Proposed Storm Water Plan dated 7/2/09, on file with the Planning Department.

2. Prior to site disturbance, the Owner shall notify the City Engineer of the selected improvements since there were three viable engineered options presented for conveying storm water from pond outlets.
3. Prior to site disturbance an Engineering Escrow of \$15,000 shall be submitted to the City. The City shall utilize the escrow for the consultants, expenses, inspections, erosion control non-compliance, and maintenance requirements. Record as-built grading plans and final turf establishment shall be approved by the Engineering Division prior to the release of the remaining escrow amount.
4. A storm water facilities maintenance agreement shall be executed by the Owner prior to site disturbance.
5. The excess material from the site shall be disposed at an approved site. Disposing of the material at another property within the City limits of Inver Grove Heights may require a land alteration permit.

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

### **RECOMMENDATION**

Staff recommends approval of the application as presented.

Attachments: Exhibit A -Location Map  
Exhibit B - Applicant Application to MPCA for Minor Permit Modification  
Exhibit C - Memo from Engineering  
Exhibit D - Grading Plans (Existing and Proposed)

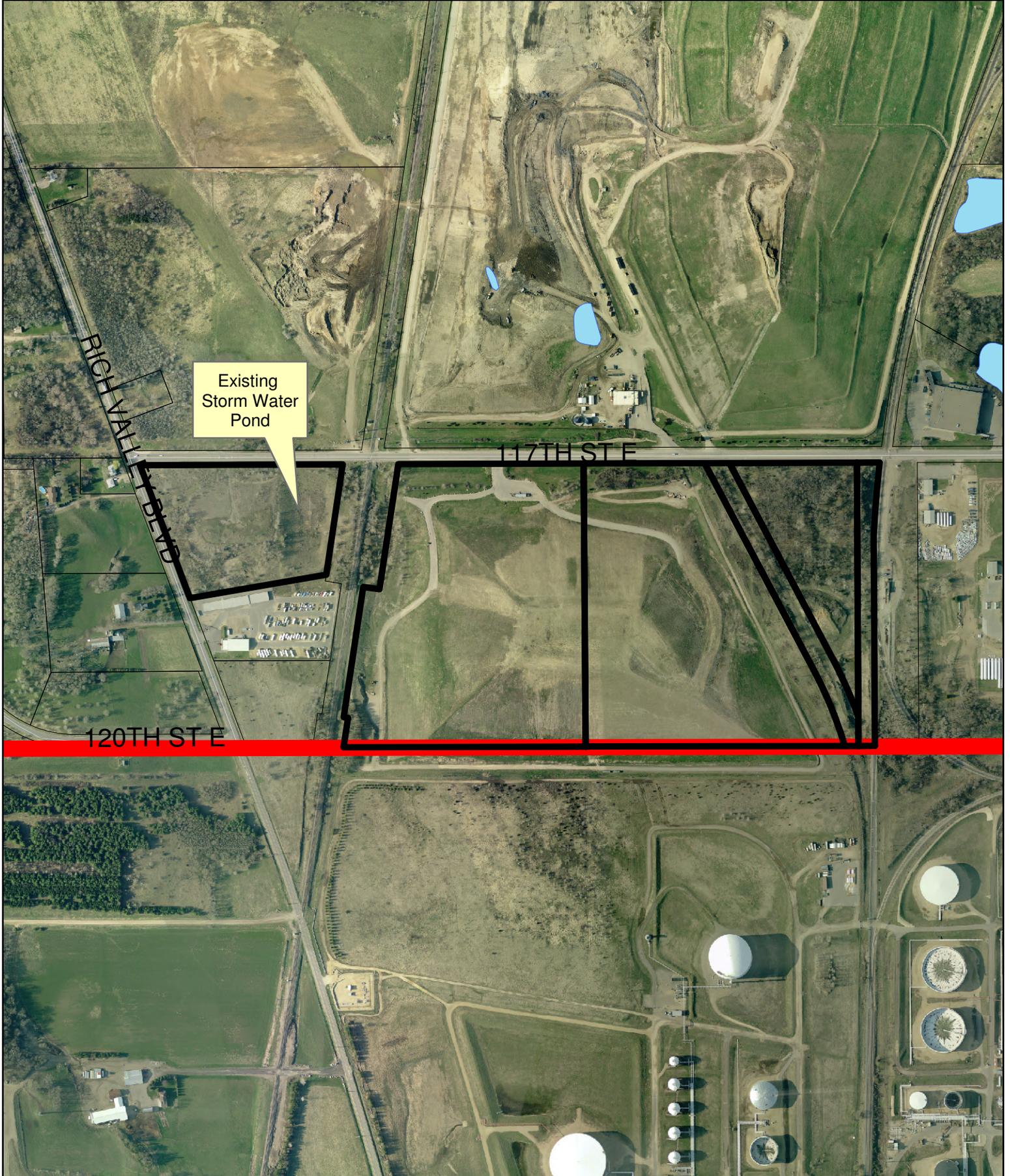


# Location Map

## Case No. 09-41A



NOT TO SCALE



# *Application for Minor Permit Modification*

*SKB Rich Valley Demolition Waste Management Facility, SW-343  
Inver Grove Heights, Minnesota*

*Prepared for*



*September 18, 2009*

*Prepared by*

**McCain**  
and Associates, Inc. ♻️

© McCain and Associates, Inc.  
PO Box 429, Maple Plain, MN 55359  
tel 952-346-3900 fax 952-346-3901

# 1 Introduction

SKB Environmental, Inc. hereby requests a minor modification to MPCA Permit No. SW-343 (Rich Valley Demolition Waste Management Facility) pursuant to Minnesota Rule 7001.0190, subpart 3.C. The proposed modification consists of alterations to currently-permitted storm water management systems, specifically the elimination of the storm water pond located west of the railroad tracks along the west side of the site and replacing it with four new ponds located within the Facility property boundary.

# 2 Existing Conditions

Existing storm water management at the Facility consists of routing runoff from the site through perimeter ditches toward the west side of the site, then through a culvert under the railroad tracks to an infiltration pond located west of the railroad. This existing system is shown on Sheet 10 of the current permit drawings (East Horizontal Expansion, SKB Rich Valley Demolition Waste Management Facility SW-343, Foth & Van Dyke, August 2006), included as Appendix A.

# 3 Proposed Modification

The proposed modification consists of bulkheading the existing culvert beneath the railroad tracks, thus eliminating the existing infiltration pond located west of the railroad from the Facility storm water management system, and replacing that pond with four new infiltration ponds located on the north, west, and southeast perimeter of the Facility, within the property boundary. The proposed modifications are shown on the Permit Modification Drawings.

The hydraulic performance of the proposed new infiltration ponds has been evaluated using HydroCAD. The analysis indicates that the four proposed infiltration ponds (HydroCAD nodes 1P, 2P, 3P, and 5P) completely contain runoff from the 25-year, 24-hour rainfall event (i.e. no surface discharge from the ponds). For the 100-year, 24 hour rainfall event, the Northwest Pond receives some discharge from the North Pond and discharges 0.12 acre-feet to the Railroad Pond (HydroCAD node 4P); and the West Pond receives some discharge from the Southeast Pond, and discharges 1.59 acre-feet to the Railroad Pond

The Railroad Pond (pre-existing ponding area located within the railroad right-of-way on the west side of the site, east of the railroad) will remain in place. This ponding area receives direct runoff from its own tributary drainage area, receives no additional site runoff from the 25-year, 24-hour rainfall event, and receives 1.71 acre-feet of site runoff (discharge from Northwest and West ponds) from the 100-year, 24-hour rainfall event.

Summaries of watershed hydrologic data, culvert hydraulic performance, and pond hydraulic performance are included in Tables 1 through 3, respectively, for the 25-year, 24-hour rainfall event, and in Tables 4 through 6, respectively, for the 100-year, 24-hour rainfall event. HydroCAD analysis of the 25-year and 100-year rainfall events are included as Appendices B and C, respectively.

The only significant hydraulic structure required for the proposed modification is a drop structure to carry discharge from culverts at the west end of the South Ditch through a drop of 24

feet to the bottom of the West Pond. This drop will be accomplished with a revetment mattress-lined channel constructed on the slope of the pond. The layout of the channel is shown on the Permit Modification Drawings and the design calculations are included as Appendix D.

## **4 Summary**

The proposed alterations to the stormwater management system exceed the requirements for managing runoff from the 25-year, 24-hour rainfall event. The proposed permit modification will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, nor will it result in a reduction of the MPCA's ability to monitor SKB's compliance with applicable statutes and rules.

## MEMO

### CITY OF INVER GROVE HEIGHTS

TO: Alan Hunting, City Planner

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

DATE: November 25, 2009

RE: Planning Review – Engineering Division Comments  
City Case No. 09-41A SKB Environmental  
Location: 2490 117<sup>th</sup> Street

The following is a list of the Engineering Division comments and concerns regarding the above referenced submittal. The Application submittals have been reviewed and a meeting was held with the applicant on November 12, 2009. The following comments and recommendations apply to this project:

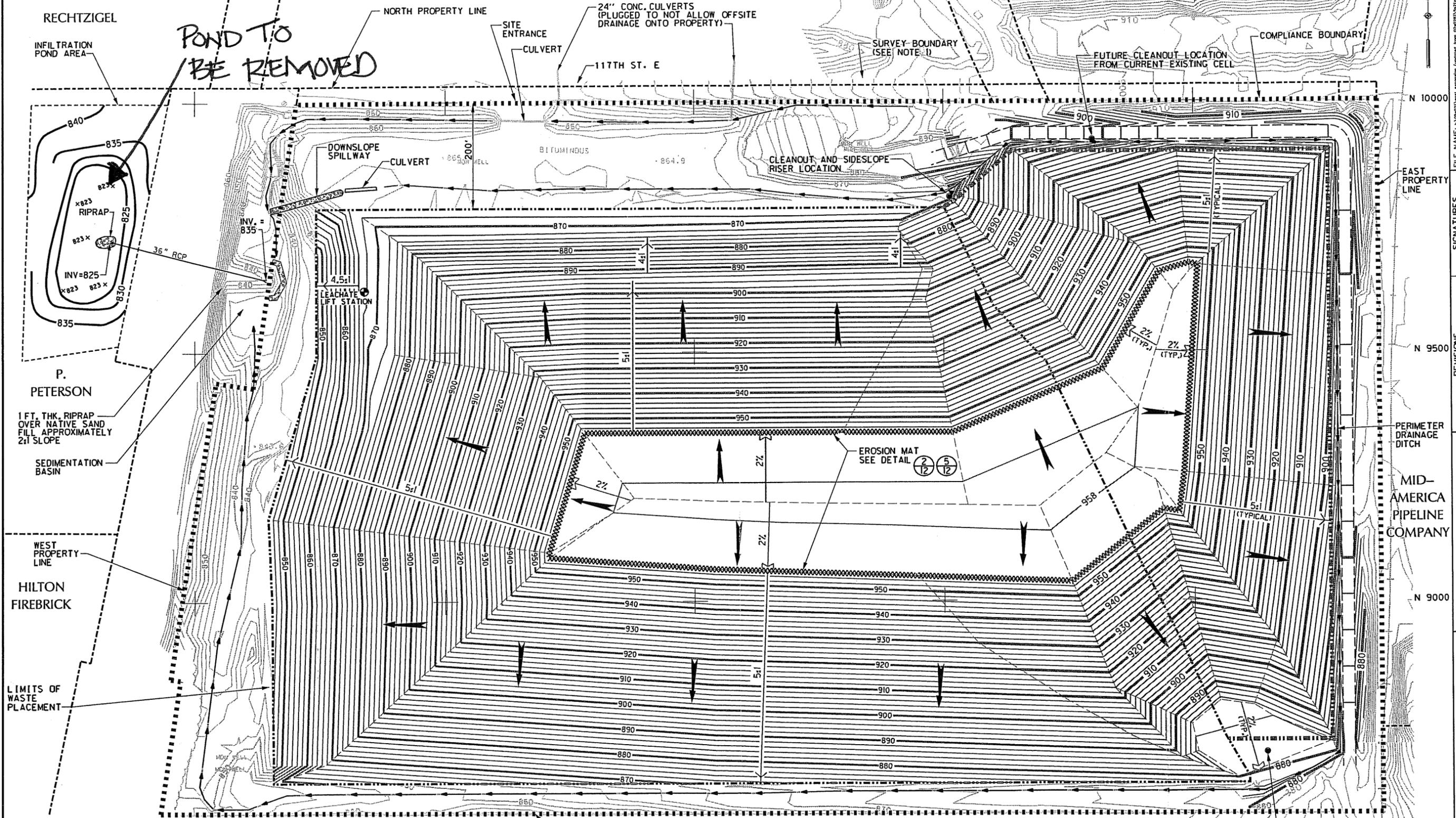
- 1) Prior to site disturbance, a SWPPP (storm water pollution prevention plan) related to the construction activity shall be submitted and approved by the City Engineer.
  - 2) Prior to site disturbance, the Owner shall notify the City Engineer of the selected improvements since there were three viable engineered options presented for conveying storm water from pond outlets. The Owner has requested that these options remain available so they may select the most cost effective option at the time of construction. The Engineering Division has reviewed and found the recommended storm water improvements to be acceptable.
  - 3) Prior to site disturbance, a pre-construction meeting shall be held with the Engineering Division. A certificate of insurance shall be submitted with the City of Inver Grove Heights shown as additional insured and noted as a certificate holder.
  - 4) Prior to site disturbance an Engineering Escrow of \$15,000 shall be submitted to the City. The City shall utilize the escrow for the consultants, expenses, inspections, erosion control non-compliance, and maintenance requirements. Record as-built grading plans and final turf establishment shall be approved by the Engineering Division prior to the release of the remaining escrow amount.
  - 5) A storm water facilities maintenance agreement shall be executed by the Owner prior to site disturbance.
  - 6) The excess material from the site shall be disposed at an approved site. Disposing of the material at another property within the City limits of Inver Grove Heights may require a land alteration permit.
  - 7) The Owner shall comply with the railroad requirements for abandoning the storm sewer within the railroad easement.
  - 8) The City shall receive a copy of the NPDES construction activity permit.
  - 9) Once the project is complete, a certification letter and as-built survey from a registered Civil Engineer or Land surveyor shall be provided to the City certifying that the site grades are as shown.
- cc: Tom Kaldunski, City Engineer  
Scott Thureen, Public Works Director  
Allan Hunting, City Planner

E 7500 E 8000 E 8500 E 9000 E 9500

PINE BEND LANDFILL, INC.

PINE BEND LANDFILL, INC.

**POND TO BE REMOVED**



**LEGEND**

- |         |                                     |       |   |
|---------|-------------------------------------|-------|---|
| — 890 — | EXISTING GROUND CONTOUR             | ----- | APPROXIMATE PROPERTY BOUNDARY                     |
| ⊙ 835.4 | EXISTING SPOT ELEVATION             | ----- | APPROVED LIMITS OF WASTE PLACEMENT                |
| ⊕       | FIRE HYDRANT                        | ----- | PROPOSED EAST EXPANSION LIMITS OF WASTE PLACEMENT |
| PP      | POWER POLE                          | ----- | APPROVED/PROPOSED FINAL GRADES                    |
| —       | CULVERT                             | ----- | PROPOSED SLOPE RATIO                              |
| ⊕ MW-5  | MONITORING WELL NUMBER AND LOCATION | ----- | PROPOSED SLOPE PERCENTAGE                         |
| —       | RAILROAD                            | ----- | PROPOSED SURFACE WATER FLOW DIRECTION             |
| -----   | EXISTING PIPELINE                   | ----- | PROPOSED DOWNSLOPE SPILLWAY                       |
| -----   | COMPLIANCE BOUNDARY                 |       |   |
| -----   | SURVEY BOUNDARY LINE (SEE NOTE 1)   |       |   |

**NOTES:**

1. TOPOGRAPHY TO THE WEST OF EASTERN EXPANSION AREA (EXCLUDING DESIGN GRADES INSIDE WASTE LIMITS) WAS SURVEYED BY GORMAN SURVEYING, INC., JANUARY 2, 2004. TOPOGRAPHY IN THE EAST EXPANSION AREA (EXCLUDING DESIGN GRADES) WAS PROVIDED BY DAKOTA COUNTY GIS DEPARTMENT AND REPRESENT CONDITIONS FOR 1992. SEE DRAWING 3 FOR SURVEY BOUNDARY LINES.
2. GRADES REPRESENT FINAL COVER ELEVATIONS.

FILE NAME: V:\projects\expansion\expansion.dwg  
 DRAWN BY: CKV  
 DATE: AUGUST 1, 2006

**Foth**  
 Foth Infrastructure & Environment, LLC

THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF FOTH & VAN DYKE AND ASSOCIATES. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAPPROVED USER.

SIGNATURES		REVISIONS	
NO.	BY	DATE	DESCRIPTION
1	CKV	AUGUST 2006	GENERAL EDITS
2			APPROVED
3			REVIEWED
4			DESIGNED
5			RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTORS AND/OR OWNERS RECORDS. BY DATE

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

Curtis L. Horvath  
 Date \_\_\_\_\_ Registration# 44024

PERMIT MODIFICATION FOR THE EAST EXPANSION  
 SKB RICH VALLEY DEMOLITION WASTE  
 MANAGEMENT FACILITY SW-343  
 DAKOTA COUNTY, MINNESOTA

**SURFACE WATER PLAN**

SCALE 0 100' 200'

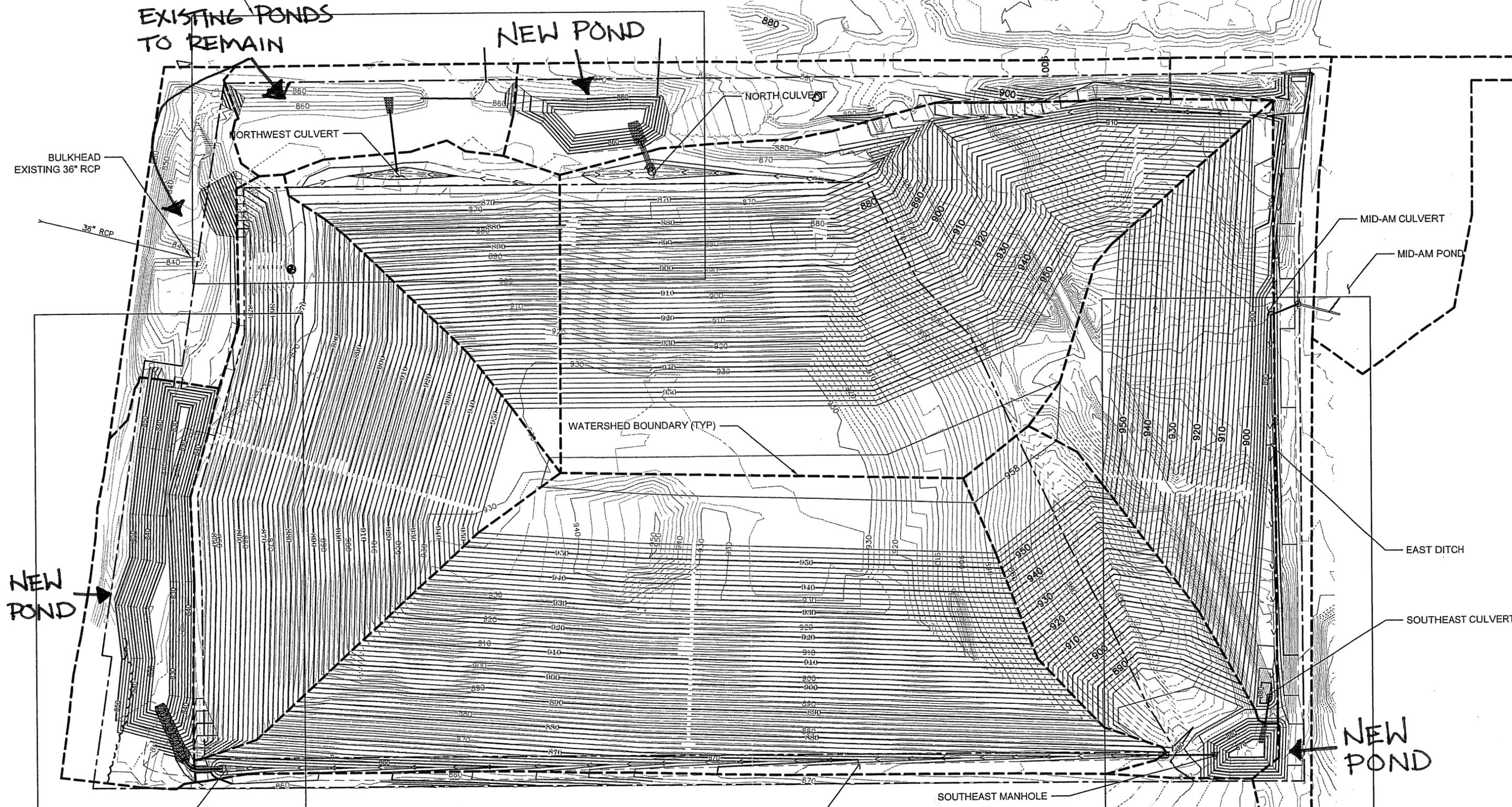
SCOPE ID 055021

DRAWING NO. 10

**EXISTING STORM WATER PLAN**

NORTHWEST AND NORTH PONDS, SEE <sup>2</sup>/<sub>2</sub> FOR GRADING AND DRAINAGE DETAILS

REV	DATE	BY	DESCRIPTION
0	07/02/09	JRM	REVIEW DRAWING

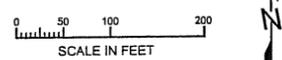


NEW POND

NEW POND

WEST POND, SEE <sup>1</sup>/<sub>2</sub> FOR GRADING AND DRAINAGE DETAILS

SOUTHEAST POND, SEE <sup>3</sup>/<sub>2</sub> FOR GRADING AND DRAINAGE DETAILS



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.  
 JOHN R. MCCAIN  
 REG. NO. 21833

**McCain**  
 and Associates, Inc.  
 5300 Highway 12  
 Maple Plain, MN 55359  
 ph 952-346-3900  
 fx 952-346-3901

DWN	JRM	DATE	07/02/09
CHK'D	JRM		
PROJECT NO.	SKB0902		
DRAWING NO.	SW-SHT1.DWG		

**PROPOSED STORM WATER PLAN**  
**SKB RICH VALLEY DEMOLITION WASTE DISPOSAL FACILITY, SW-343**  
 INVER GROVE HEIGHTS, MINNESOTA