INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, JUNE 7, 2011 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR MAY 17, 2011**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 SAYYAD HUSSAIN– CASE NO. 11-10Z
Consider the following request for property located at 5465 Babcock Trail:

A.) A **Rezoning** of a property from B-1, Limited Business to B-3, General Business for the property located at 5465 Babcock Trail.

Planning Commission Action _____

B.) A **Comprehensive Plan Amendment** to change the land use from NB, Neighborhood Business to CC, Community Commercial.

Planning Commission Action _____

3.02 MICHIAL MULARONI – CASE NO. 11-13V
Consider a **Variance** to construct an addition onto an existing building that is located within the side yard setback for the property located at 6042 Claude Way.

Planning Commission Action _____

3.03 STEPHEN WEBB – CASE NO. 11-11C
Consider the following requests for the property located at 10115 Cloman Path:

A.) A **Conditional Use Permit** to allow an amateur radio tower in excess of height allowed in a residential district.

Planning Commission Action _____

B.) A **Variance** to exceed structure height in the Critical Area Overlay District.

Planning Commission Action _____

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 17, 2011 – 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 Pat Simon Tony Scales Paul Hark Dennis Wippermann Christine Koch
Commissioners Absent:	Mike Schaeffer Harold Gooch Damon Roth (excused)
Others Present:	Allan Hunting, City Planner

DRAFT

APPROVAL OF MINUTES

The minutes from the May 3, 2011 meeting were approved as submitted.

IGH INVESTMENTS LLC (ARGENTA HILLS 3RD) – CASE NO. 11-07PUD

Reading of Notice

There was no public hearing notice.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant has submitted an application for Phase 3 of Argenta Hills consisting of a final plat and final PUD development approval for 10 single-family lots. He advised that he reviewed the plans against the preliminary plat conditions of approval for compliance. He pointed out that Condition 17 was omitted as it did not pertain to the residential portion. He also advised that the last sentence in Condition 34 should be omitted as there was no modification to right-of-way. He advised that the only outstanding issue is the timing of construction of the Highway 3 right turn lane. The applicant is working with the City and MNDOT and hopes to have the revised plans approved shortly. Staff recommends approval of the plans as presented with the understanding that the City Council cannot take action until all issues relating to the construction of the turn lane have been approved by both MNDOT and the City.

Commissioner Hark asked when MNDOT was expected to give its approval regarding the right turn lane on Highway 3, to which Mr. Hunting replied that the applicant could better answer that question.

Commissioner Simon asked who was responsible for finishing the grading and seeding of the open areas, to which Mr. Hunting replied the developer.

Commissioner Wippermann asked if the chart listed on the preliminary plat was still accurate, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked what the average lot width was, to which Mr. Hunting replied

60-66 feet.

Opening of Public Hearing
The applicant, Jacob Fick, IGH Investments, 16972 Brandtjen Farms Drive, Lakeville, MN, stated their builder, Capstone Homes, has been very successful in selling homes in the Argenta Hills 2nd Addition. Therefore they are requesting approval of the third phase, which consists of ten single-family lots. He advised they are hoping to receive comments and approval from MNDOT the week of May 23rd in regards to their revised plan for the right turn lane on Highway 3.

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

Mr. Fick advised they have already begun the process of establishing grass in the open areas.

Commissioner Simon stated her concern was that washouts might occur due to rain.

Mr. Fick advised it was designed as such that any spring washouts would go to designed areas and could be easily transferred back to the proper location.

Commissioner Simon asked if all the soil corrections had been done, to which Mr. Fick replied in the affirmative.

Planning Commission Discussion
Commissioner Wippermann stated that although the homes being built were very attractive, he was disappointed that the applicants did not salvage some of the pine forests on the property. He stated he had continuing concerns regarding the five foot side yard setback and therefore would be voting no.

Commissioner Simon asked if the Commission should include anything in the motion regarding the right turn lane on Highway 3.

Mr. Hunting replied that staff would not send the application to City Council until the turn lane issue had been addressed.

Planning Commission Recommendation
Motion by Commissioner Simon, second by Commissioner Koch, to approve the request for Final Plat and Final PUD Plan approval for Argenta Hills 3rd Addition, consisting of 10 single-family lots and one outlot.

Motion carried (5/1 - Wippermann). This item goes to the City Council on June 13, 2011.

OTHER BUSINESS
Commissioner Simon asked how the City was going to address the recent variance changes, to which Mr. Hunting replied that he was still working with the City Attorney on how to start the process.

Chair Bartholomew adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE:	June 1, 2011	**CASE NO.:** 11-10Z
APPLICANT:	Sayyad Hussain	
PROPERTY OWNER:	Loon of MN, LLC	
REQUEST:	Comprehensive Plan Amendment to change land use from NB, Neighborhood Business to CC, Community Commercial and Rezoning from B-1, Limited Business to B-3, General Business	
LOCATION:	5465 Babcock Trail	
HEARING DATE:	June 7, 2011	
COMPREHENSIVE PLAN:	NB, Neighborhood Commercial	
ZONING:	B-1, Limited Business Shoreland Overlay District	
REVIEWING DIVISIONS:	Planning	**PREPARED BY:** Allan Hunting City Planner

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BACKGROUND

The applicant has submitted an application for a rezoning and comprehensive plan land use change to allow for a future automobile sales lot. The property is currently zoned B-1, Limited Business and automobile sales is not a permitted use. The B-3, General Business district allows automobile sales as a conditional use. An application for a comprehensive plan amendment must also be processed as the B-3 zoning category is not consistent with the current NB, Neighborhood Commercial designation of the property. If the rezoning and comp plan amendment applications are successful, the applicant would then submit a CUP application for the auto sales lot. This request looks at the merits of the rezoning and comp plan amendment only and does not do any site plan review of the site for auto sales.

All applications for comprehensive plan amendments must be submitted to the Metropolitan Council for their review. As part of this process, the application must first be sent to the abutting governmental jurisdictions where they up to 60 days to make any comments on the application. After this review, the application would be sent to the Met Council, assuming City Council approval, where they have 60 days to review the application. The Met Council must approve the request before it could go into effect. Staff has begun the process by submitting the application to the abutting governmental agencies.

SURROUNDING USES

The subject property is surrounded by:

North	Multiple family residential; zoned R-3C, Multiple Family Residential; guided Medium and High Density Residential.
East	Office complex; zoned B-1, Limited Business; guided O, Office.
West	Multiple family residential; Zoned R-2, Two-Family Residential; guided Medium Density Residential.
South	Two-family residential; Zoned R-2; guided Low Density Residential

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The 2030 Comprehensive Plan identifies the NC, Neighborhood Commercial designation as:

> "Neighborhood commercial areas include lots or parcels containing retail sales and services located along collector roadways that serve the adjacent neighborhood area. The neighborhood commercial designation is the least intensive of the commercial classifications used in the comprehensive plan. Neighborhood commercial areas are intended to house businesses that provide convenience goods and services. Convenience goods and services include items that are regularly needed by nearby residents such as small grocery items, dry cleaning, video rentals, etc. Properties designated as neighborhood commercial on the land use plan are located along "A" minor arterials or community collector roadways."

The property contains a gas station/convenience store located along Babcock Trail which is identified as a Community Collector street. The existing business would fit the typical convenience goods and service store serving the adjacent neighborhood.

There are two polices indentified in the Comp Plan that appear to be relevant to this application.

> "1. Provide neighborhood commercial areas to supply convenience goods and services principally for residents of Inver Grove Heights."
>
> "3. Enforce land use controls that limit the scale of commercial development in neighborhood areas."

The 2030 Comprehensive Plan identifies the CC, Community Commercial designation as:

> "Community commercial areas include lots or parcels that contain retail sales and services located along community collector and arterial roadways that serve the community. Community commercial areas differ from neighborhood commercial areas in that they are more intensive and area designed to attract customers from a wider

trade area. As such, the goods and services that are available in community commercial areas are broader in scope such as restaurants, private recreational facilities, professional service offices, small-scale printing, etc."

Policies that appear relevant to this application include:

"1. Provide goods and services that are needed by Inver Grove Heights residents in environments that serve as identifiable community shopping nodes."

"7. Carefully regulate uses that have the potential to create adverse secondary land use impacts such as adult uses, pawn shops, etc."

The subject property is surrounded by residential uses of different densities on the north, west and south boundaries. A convenience gas station use fits within the intended uses described in the Comprehensive Plan.

Intensifying the land use designation to Community Commercial does not seem to fit the intent of the Comprehensive Plan considering the site location and that the uses envisioned in the Community Commercial designation are intended for a wider market area and not for the local neighborhood. Adding the possibility for automobile sales does not seem to fit the area. The convenience store is an individual store and there is no other commercially guided or zoned property in the immediate area and so it would not fit the purpose of creating identifiable community shopping nodes.

Rezoning

The Purpose statement for the B-1 District reads:

"The B-1 Limited business district is established for businesses that provide convenience goods and services to the local area. These districts are located along collector and A minor arterial roadways."

The existing store is located along a collector street (Babcock Trail) and does provide goods and services at a local area. The existing use of the property matches the intensity of use anticipated on B-1 zoned properties.

The purpose statement for the B-3 District reads:

The B-3 general business district is established for large scale retail and services serving the region.

While the property lies along a collector street, it is isolated from other commercial areas and is within established residential neighborhoods. The site is not appropriate to provided goods and services that could serve a larger area other than the local area.

The B-3 District allows for a greater range of uses which are typically more intense than those allowed in the B-1 District. Attached to the report is the list of uses in both the B-1 and B-3 District. If the rezoning is approved, the property could be utilized with any of the uses in the B-3 District.

History of car sales in the City

The City has a long history with car dealerships located in the city. The area along Hwy 110 and South Robert was given a nickname of "the iron triangle" because of all of the car dealerships. There have also been used car sales lots located along Concord Boulevard. Over the years, the City Council has had a consistent policy of not allowing expansion of any type of automobile sales beyond Concord and Hwy 110/South Robert. Allowing an automobile sales lot on Babcock Trail would be contrary to this long standing policy.

Summary: The 2030 Comprehensive Plan was updated and adopted by the City Council in 2010. The land use pattern in this portion of the city is well established and no changes were made as there were no incompatible land use designations that need to be changed. It is staff's opinion that the site functions well under the current land use designation and the use is consistent with the current zoning of the property and therefore does not recommend approval of the request as presented.

ALTERNATIVES

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

A. **Approval** If the Planning Commission finds the application acceptable, the Commission should recommend the following:

- Approval of the Comprehensive Plan Amendment from NC, Neighborhood Commercial to CC, Community Commercial 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 B-1, Limited Business District to B-3, General Business District.

B. **Denial** If the Planning Commission does not favor the comprehensive plan amendment and rezoning are not in the best interest of the physical development of the City, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

Staff recommends denial of the Comprehensive Plan Amendment and Rezoning based on the following:

1. The property is primarily surrounded by residential uses. The B-3 district, which is established for larger scale retail and services uses, may not be appropriate and compatible with the existing land use patterns.

2. The site is not appropriate to provide goods and services that could serve a larger area other than the local neighborhood.

3. The existing use of the property is consistent with the current land use designation and zoning and is compatible with the neighborhood based on the intensity of use as a gas station/convenience store which primarily serves the local area.

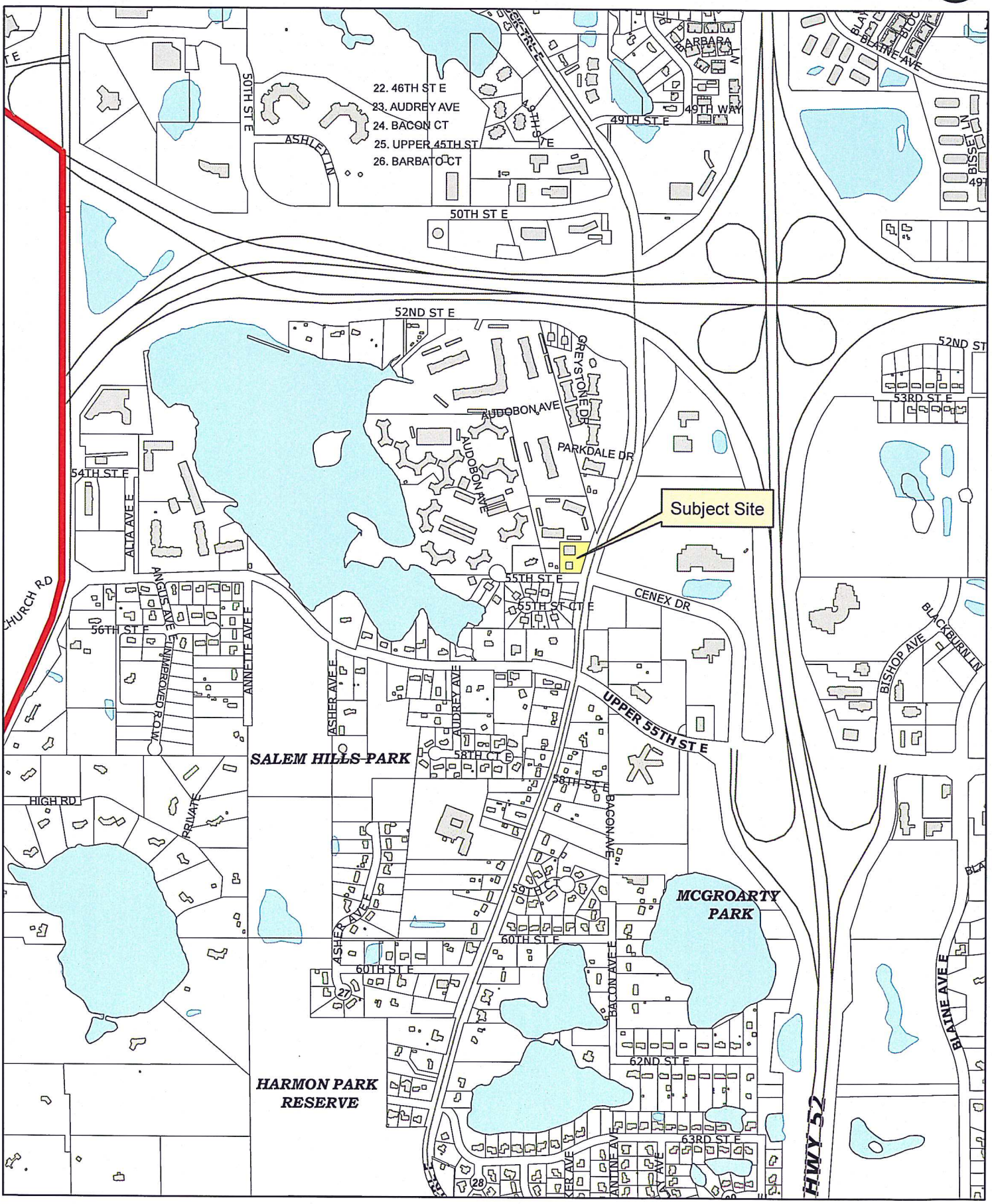
4. The City Council has had a long standing policy of not extending automobile sales operation beyond the Hwy 110/South Robert Corridor and along Concord Boulevard. Expansion of an automobile sales operation along Babcock Trail would be contrary to this policy.

5. The 2030 Comprehensive Plan was updated and adopted by the City Council in 2010. The land use pattern in this portion of the city is well established and no changes were made as no incompatible land use designations were apparent. The site functions well under the current land use designation and zoning.

Attachments: Location Map
Existing/Proposed Comp Plan Map
Existing/Proposed Zoning Map
List of uses in the B-1 and B-3 Districts
E-mails from Neighboring Residents (3)

Inver Grove Heights

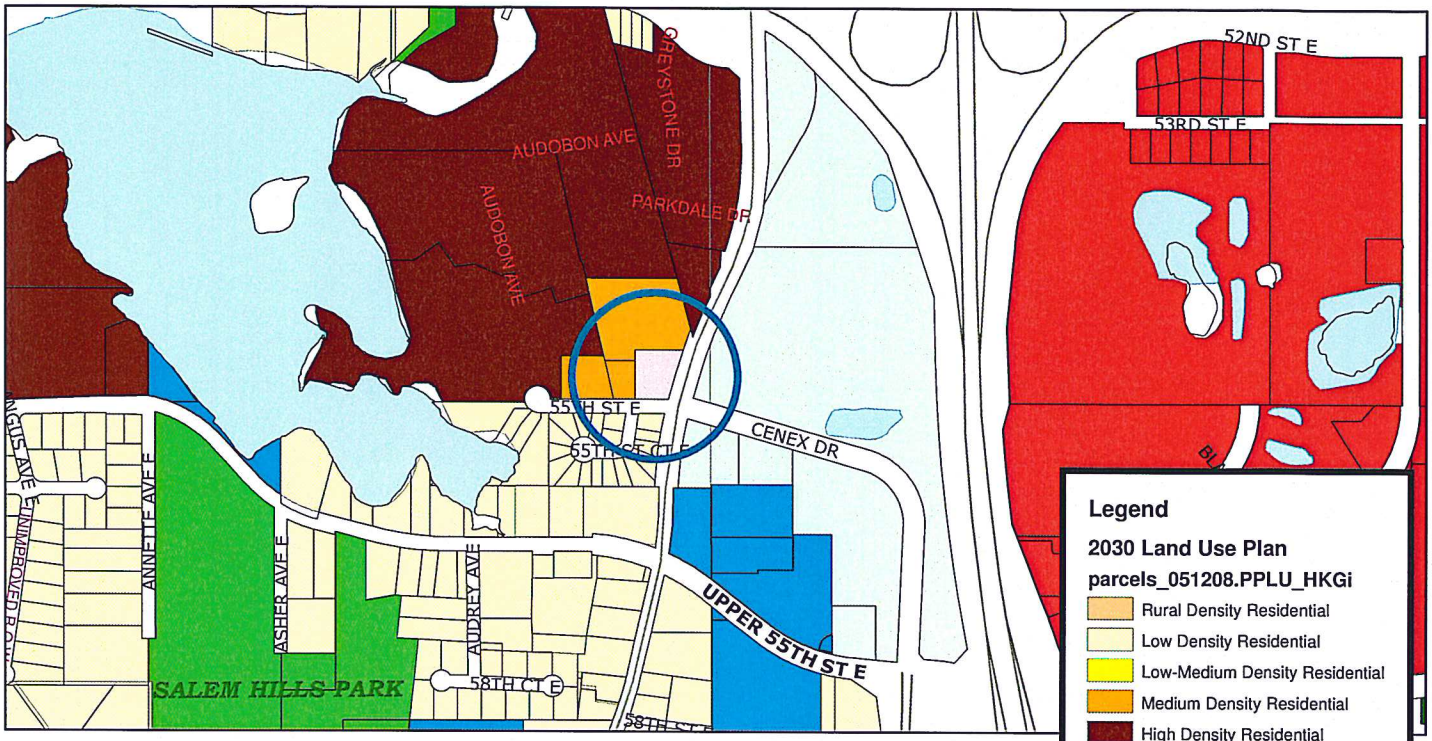
Location Map
Case No. 11-10Z



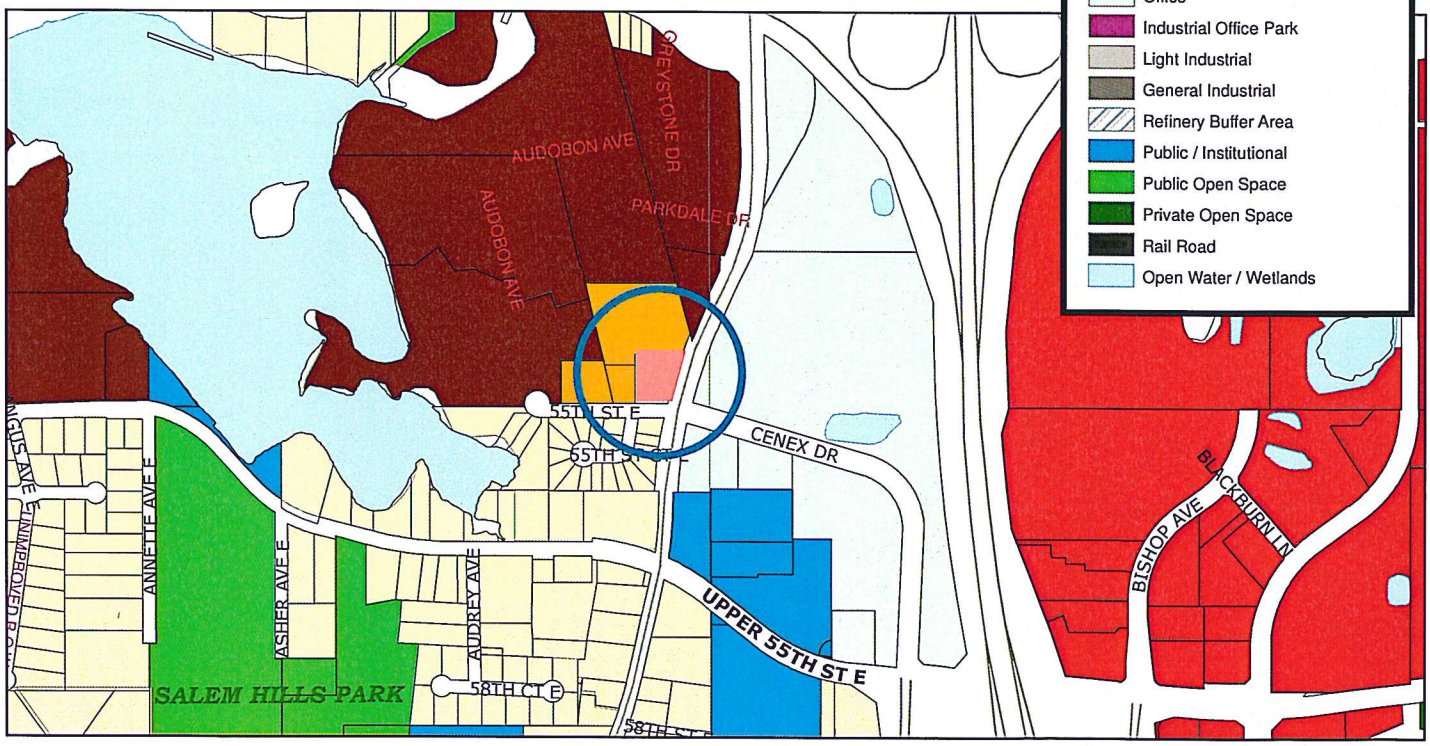
Comp Plan Amendment Case No. 11-10Z

Inver Grove Heights

Existing Comp Plan
NB, Neighborhood Commercial



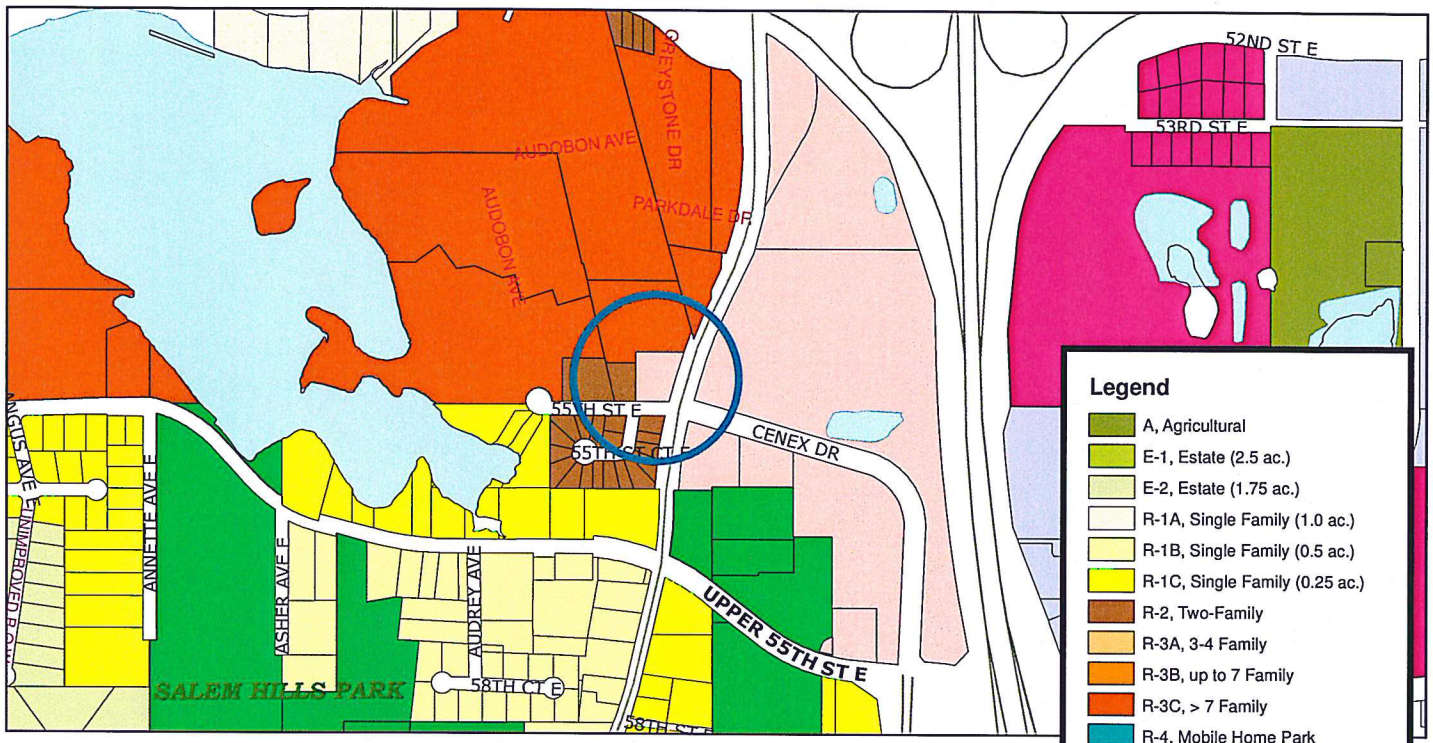
Proposed Comp Plan
CC, Community Commercial



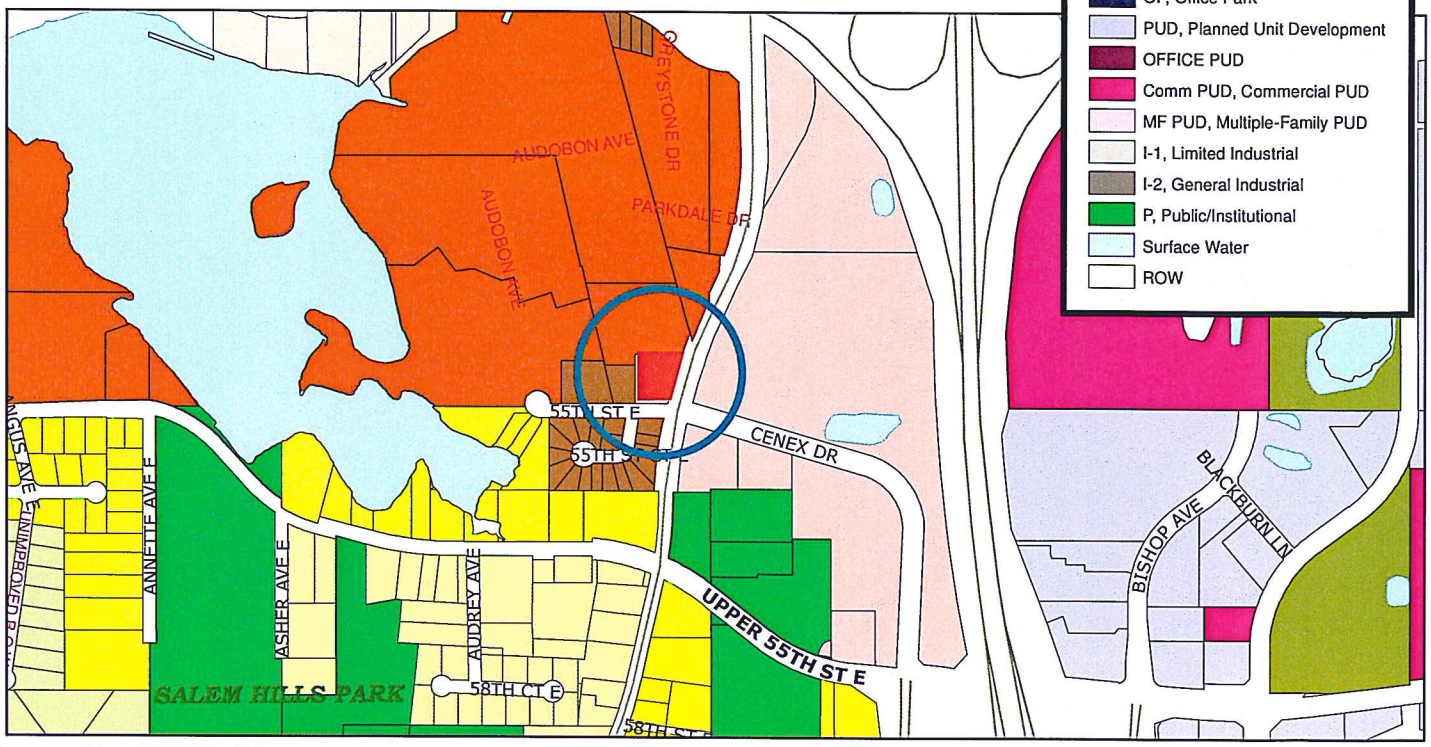
Comp Plan Amendment Case No. 11-10Z

Inver Grove Heights

Existing Zoning
B-2, Neighborhood Business



Proposed Zoning
B-3, General Business



10-6-2

10-6-2: LAND USES IN ALL NONRESIDENTIAL DISTRICTS:

P = Permitted use
C = Conditionally permitted use
A = Accessory use

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Additional building height (see section 10-5-8 of this title)	C	C	C	C	C	C	C	C	C	C	C	C
Adult uses (see chapter 15, article F of this title)			C			C						
Airport						C						
Antennas												
Commercial (see chapter 15, article G of this title)	A	A	A	A	A	A	A	A	A		A	A
Noncommercial (see exception in subsection 10-15G-2B of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Antique shop		P	P	P								
Appliance store		P	P	P								
Art studio (nonretail)	P									P	C	
Auto auction sales								C				

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Auto parts and accessories store, no on site shop or repairs		P	P	P								
Auto repair												
Major			A			P						
Minor			P	C		P						
Automobile and off highway vehicle sales			C									
Automobile body shop			A			P						
Automobile rental business		C										
Automobile service - as accessory to retail sales (see section 10-15-24 of this title)				C								
Automobile service center			C									
Automobile service station (see section 10-15-23 of this title)		C	C	C		P						
Bagel shop	P	P	P	P					A	P		
Bakeries - retail		P	P	P						P	C	
Bank (see section 10-15-25 of this title)	P	P	P	P						P		
Bar (tavern)		C	P	P								
Barber/beauty shop	C	P	P	P						P	C	

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Bicycle sales and repair		P	P	P						P	C	
Billboard (see section 10-15E-6 of this title)						C		C				
Boat and marine sales (enclosed building)			P	P								
Bookstore		P	P	P							C	
Bottling works						P						
Building materials yard			C	C		C						
Bus terminal			C	P								
Bus terminal and repair garage						P						
Business and trade school			C			C			C			
Car wash		P	A	A								
Cemetery, including mausoleum									P			
Church			C						P			
Clothing store		P	P	P								
Clubhouse and other golf course structures									A			
Coffee shop	P	P	P	P					A	P		
Commercial greenhouse			P									

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Commercial kennels, daycare (see definition of "kennel, commercial daycare" in section 10-2-2 of this title)			C									
Commercial television and radio transmitters								C				
Construction office/trailer, temporary	P	P	P	P	P	P	P	P	P	P	P	P
Contractor's shop - indoor						P		P				
Contractor's yard - outside but enclosed with fence						C		C				
Convenience store with gas sales (see section 10-15-23 of this title)	C	C	C	C						C		
Convention center			C									
Convents, seminaries, monasteries, and nunneries; rectories, parsonages and parish houses; religious retreats when accessory to a place of worship									A			
Copy center	C	P	P	P						P	C	C
Crematorium		P	P	P								
Daycare facility	C	C	C	C					C	C		
Dessert shop		P	P	P						P	C	

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Drinking establishment (see "bar [tavern]" in this section)												
Drugstore		P	P	P						P		
Dry cleaning; laundry pick up stations	C	P	P	P						P	C	
Electrical, heating, plumbing, and appliance repair			C			P		P				
Enclosed maintenance facility when architecturally compatible with the surroundings						C		C	C			
Essential services	P	P	P	P	P	P	P	P	P	P	P	P
Essential services buildings	C	C	C	C	C	C	C	C	C			
Fences (see section 10-15-12 of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Floor covering stores		P	P	P								
Florist - retail sales		P	P	P							C	
Fuel storage and dispensing with conditions: a) Exclusive use by owner; b) No retail sales except for propane	P					P		P				
Fuel storage tank such as crude oil, gasoline, natural gas, propane and other fuels								C				
Furniture store		P	P	P								

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Gallery	C	P	P	P								
Game arcade		C	P	P								
Garden supply store			P	P								
Outdoor sales and display area			A	A								
Gift shop		P	P	P							C	
Golf course									P			
Grocery store		P	P	P								
Hardware store		P	P	P								
Higher education facilities									P			
Hobby shop		P	P	P								
Home improvement center			C	P								
Outdoor sales and display				A								
Hospital									P			
Impound lot (see section 10-15-29 of this title)						C		C				
Interior decorating store	P	P	P	P								
Jewelry store		P	P	P							C	

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Laundromat		P	P	P						P		
Laundry						P						
Liquor store		C	P	P							C	
Locksmith		P	P	P								
Manufacturing and assembly						C	C	P				
Sales and service of semitanks, trucks and trailers, including equipment, parts and tires								A				
Marina			C			C						
Massage therapy, licensed	P	P	P	P								
Meat processing and packaging (no slaughtering permitted)								P				
Medical and dental clinics (see also "clinic (medical and dental)" in this section)	P	P	P	P						P	C	C
Medical complexes and facilities	C			C	C		P				C	C
Ministorage facilities (including caretaker quarters)			C			C						
Mortuary		P	P	P								

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Motel/hotel			P	C							C	
Multiple-family dwellings when attached to business										P		
Municipal community center and recreation facilities									P			
Municipal government administration buildings, fire stations, and police stations									P			
Museum	C								P			
Music store		P	P	P								
Music studio												
Nonretail	P	P	P	P						P	C	
With incidental sales	C	P	P	P						C		
Newspaper and publishing office			P	P								
Nightclub (providing structure is more than 100 feet from R zoned property)			C									
Nursing home									C			
Off street parking	A	A	A	A	A	A	A	A	A	A	A	A

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Office												
Showroom						P						
Trucking terminal						C		C				
Warehouse						C	P					
Office building	P	P			P		P	P		P	C	C
Office supply store		P	P	P								
Open sales lot (excludes automobile and off highway vehicle sales lots)		C	C			C		C				
Optical/eyeware sales												
<1,000 square feet floor area	C	P	P	P							C	
>1,000 square feet floor area		P	P	P								
Outdoor storage			C			C		C[1]				
Packaging, cleaning, repair or testing (enclosed building)						P	P	P				
Paint and wallpaper sales		P	P	P		C		C				
Pawnshop, licensed			P									
Pet shop (no boarding)		C	P	P								

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Photo processing with film sales	C	P	P	P						P		
Photography studio (nonretail)	P	P	P	P						P	C	
Photography supply and processing		P	P	P								
Picture framing	P	P	P	P							C	
Places of worship			C						P			
Playhouses	C	P	P	P					P			
Post office			P	P								
Printing and publishing						P	P	P				
<14,000 square feet floor area			P									
Private lodges and clubs		C	C						P			
Private motor fuel dispensing station (see section 10-15-23 of this title)	C					C		C				
Processing and treatment						C	C	C				
Professional offices, not within office building	P	P	P	P	P	A	P	A	A		C	
Public and private schools									P			
Public libraries and art galleries									P	P		
Public parks and playgrounds									P			

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Radio and television studios	C											
Recreation centers			C						P			
Research and development facilities (indoor only)	P			C	C	C	P	C			C	C
Restaurant	P	P	P	P	P						C	
Fast food (see section 10-15-25 of this title)		C	C	C	C							
Retail, general												
<1,000 square feet		P	P	P							C	
> or = 1,000 square feet			P	P								
Shelter for battered women when accessory to at least one of the following: place of worship, academy, higher education facility, or hospital									C			
Shoe repair		P	P	P								
Signs (see chapter 15, article E of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Single-family dwelling												
Attached										P		
Existing (see section 10-10F-4 of this title)											P	

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Small appliance repair		P	P	P								
Sporting goods store		P	P	P								
Stone and monument sales			C			C		C				
Studios: dance, exercise, marshal arts, etc.												
<2,000 square feet in floor area	C	P	P	P							P	
> or = 2,000 square feet in floor area		P	P	P								
Tanning salon	C	P	P	P							C	
Tattoo and body piercing establishment (see section 10-15-32 of this title)						C						
Tattoo parlor		P	P	P								
Theater (movie)		C	C	C							C	
Tower, telecommunications (see chapter 15, article G of this title)	C	C	C	C	C	C	C	C	C			
Truck and freight terminal						C		C				
Truck stop (see section 10-15-23 of this title)						C						
Upholstery shop		P	P	P								

10-6-2

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Veterinary clinic:												
Small animals	C	C	C								C	
Large animals						C						
Video store		P	P	P								
Warehousing						P						
Wholesale office and showroom			P			P						
Wholesaling						P						
Wind power converter						C		C	C			

Note:
1. Must comply with performance standards found in subsection 10-15-10B of this title.

(Ord. 1098, 11-8-2004; amd. Ord. 1109, 3-28-2005; Ord. 1122, 12-12-2005; Ord. 1130, 5-22-2006; Ord. 1137, 10-23-2006; Ord. 1150, 5-29-2007; Ord. 1163, 9-24-2007; Ord. 1178, 9-8-2008; Ord. 1207, 4-12-2010)

Allan Hunting

From: Kathy DeLisi/ABC/Anchor [Kathy_DeLisi@anchorlink.com]
Sent: Thursday, June 02, 2011 1:19 PM
To: Allan Hunting
Subject: Sayyad Hussain - Rezoning Request-Case No 11-10Z

Dear Sirs,

I live in the Cedarwoods Condominiums, directly behind the convenience store/gas station that Sayyad Hussain owns.

I have always thought of them as good neighbors. They provide a great service in the neighborhood.

The space on the east side of the property is empty and would easily accommodate several vehicles.

I think it is a great idea ! I am in favor of the request.

Kathy
Creating financial success one relationship at a time.
Anchor Bank
Kathy DeLisi, Customer Service
66 E Thompson Ave | West St. Paul, MN 55118
Direct: 651.554.3472 | Fax: 651.457.6855
Email: Kathy_DeLisi@anchorlink.com | www.anchorlink.com

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Allan Hunting

From: PattiRai Rudolph [2prudolph@comcast.net]
Sent: Wednesday, June 01, 2011 12:34 PM
To: Allan Hunting
Subject: Testimony for 6-7-11 Planning Commission meeting

Dear Mr. Hunting:

I'd like to submit the following testimony for the Inver Grove Heights Planning Commission meeting on June 7, 2011:

My name is PattiRai Rudolph and I am owner of a condo in the Cedarwoods complex at 5447 Babcock Trail, Unit #206, Inver Grove Heights. I have owned this property since the spring of 1999. I am located behind and slightly to the west of the G & M Store at 5465 Babcock Trail which is named in the matter before the Planning Commission, case no. 11-10Z.

Since I moved here, I have always shopped and filled up my car at the G & M, usually on a weekly basis. While there have been other owners/operators of the premises, the current owner Mr. Sayyad Hussain has definitely worked hard to improve the building and its contents. He and his staff have always been courteous, fair and helpful to me. While the G & M has seen its share of robberies, break ins and gas pump drive offs - as do many convenience stores anywhere - Mr. Hussain has tried very hard to keep their impact to his business and our neighborhood to a minimum and I have greatly appreciated his efforts. And while the evening clientele of the store sometimes gets loud and bothersome, I tolerate it because the store is an important part of our neighborhood's daily function for me and many others.

It is for these reasons that I was shocked and disappointed to learn that Mr. Hussain has requested a zoning change to his business premises to allow the sale of used cars.

In our condo complex - indeed, our entire neighborhood - we have experienced a distinct drop in property values in recent years. Some properties have even been foreclosed on. While some of this is, of course, a result of the overall recession, we have all struggled with personal challenges to keep our properties as updated as possible for that day when the economy recovers and we can improve our residences even more. I believe the selling of used cars at the G & M would deal our neighborhood a substantial esthetic and environmental injury. I also believe it would result in increased auto/foot traffic on Babcock Trail/55th Street East, a rise in noise levels/disruptive behavior of the clientele (particularly at night) and may further increase the personal safety/security issues near our homes we've had in recent years. It may even make visitors and prospective buyers to our properties think we have given up our neighborhood pride in allowing such a business to operate in what is obviously designed to be a quiet, peaceful, mostly residential area.

The potential approval of Mr. Hussain's requests troubles me greatly. It will negatively impact the already-decreasing property values of our neighborhood and may further diminish what little safety, peace, beauty and quiet we have managed to retain in recent years. It appears the only benefit to be had in approving these requests is for Mr. Hussain's wallet alone and with no consideration of what this zoning change/use permit will do to our neighborhood now and in the future.

Therefore, I respectfully ask the Planning Commission to deny these requests in their entirety and/or make similar recommendation to the Inver Grove Heights City Council for such action..

Sincerely,

PattiRai Rudolph
5447 Babcock Trail
Suite 206
Inver Grove Heights, MN 55077
(612) 669-8851
mail to: 2prudolph@comcast.net

Allan Hunting

From: Naomi Lifejoy [neapolitancake@comcast.net]
Sent: Tuesday, May 31, 2011 12:56 PM
To: Allan Hunting
Subject: Fwd: Planning Commission meeting 6-7-11

Importance: High

from:

Naomi Lifejoy

5447 Babcock Trail
#204
Inver Grove Heights, MN 55077
651-552-0362
neapolitancake@comcast.net

to:

Allan Hunting

I received notice from the city about rezoning the property at 5465 Babcock Trail to allow for the selling of used cars. This email is to tell you I oppose having a used car lot in my neighborhood.

Thank you for your kind attention to my views.

Begin forwarded message:

From: "PattiRai Rudolph" <2prudolph@comcast.net>
Date: May 31, 2011 10:46:37 AM CDT
To: "'Naomi Lifejoy'" <neapolitancake@comcast.net>
Subject: FW: Planning Commission meeting 6-7-11

-----Original Message-----
From: Allan Hunting [mailto:ahunting@invergroveheights.org]
Sent: Tuesday, May 31, 2011 9:17 AM
To: PattiRai Rudolph
Subject: RE: Planning Commission meeting 6-7-11

Mrs. Rudolph,

Allan Hunting

From: Kathy DeLisi/ABC/Anchor [Kathy_DeLisi@anchorlink.com]
Sent: Thursday, June 02, 2011 1:19 PM
To: Allan Hunting
Subject: Sayyad Hussain - Rezoning Request-Case No 11-10Z

Dear Sirs,

I live in the Cedarwoods Condominiums, directly behind the convenience store/gas station that Sayyad Hussain owns.

I have always thought of them as good neighbors. They provide a great service in the neighborhood.

The space on the east side of the property is empty and would easily accommodate several vehicles.

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 2, 2011 **CASE NO:** 11-13V

HEARING DATE: June 7, 2011

APPLICANT: Heppners Auto Body – Michial Mularoni

PROPERTY OWNER: HAB, Inc.

REQUEST: A variance to encroach within the side yard setback

LOCATION: 6042 Claude Way

COMPREHENSIVE PLAN: IOP, Industrial Office Park

ZONING: I-1, Limited Industry / South St. Paul Airport Overlay District

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

The applicant has submitted a request for a variance from side yard setback requirements to construct a 2,880 square foot (48′ x 60′) addition onto their existing building. The original building was constructed in 1987. In 1996 a 4,000 square foot addition was added. The original building and addition were constructed with proper permits in compliance with the building and zoning codes. In 2002, the I-1, Limited Industry District side yard setback was amended from 30′ to 40′. The applicant is now requesting to place another addition onto his existing building. The addition would be at the same setback as the existing building, not encroaching any farther into the setback and would meet all other standards.

The applicant received a variance for the construction of a building addition in 2007; this addition was never constructed and has since expired.

In 2010, the Minnesota Supreme Court ruled that the criteria historically used by cities to determine hardships in variance requests were not consistent with the existing language in state statute. After this determination, cities were then obligated to follow the language of statute which essentially said that variances can only be granted when the property in question cannot be put to a reasonable use without varying from official controls. Since the Supreme Court Decision in early 2010, the legislature had been working on redrafting the variance statute language to give some reasonable flexibility back in the hands of cities. In May, 2011, the Governor signed in to law new variance language which now addresses practical difficulties when reviewing variances. A copy of the new state language is attached.

Planning Staff is in the process of preparing an ordinance amendment to address this new language to put into city code. In the mean time, since variance language is governed by state statute, the new state language supersedes any local control language and thus the city may utilize this new language to review variances.

SPECIFIC REQUEST

A variance to construct a 2,880 square foot (48′ x 60′) addition onto the existing building, which is setback only 30′ from the side yard setback whereas Section 10-11A-2 of Inver Grove Heights Zoning Code requires a 40′ setback.

EVALUATION OF REQUEST:

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

North – Travel Tags Industrial Use; zoned I-1, Limited Industry District; guided IOP, Industrial Office Park

South – Industrial Use; zoned I-1, Limited Industry District; guided IOP, Industrial Office Park

East – South St. Paul Airport

West – Safeway Bus Company; zoned I-1, Limited Industry District; guided IOP, Industrial Office Park

SITE PLAN REVIEW

Parking/Access. Parking and access on the site is not changing; there is one entrance off of Claude Way along the west property line.

Tree Preservation/Landscaping. Three trees would be required to meet the City's landscaping requirements. Staff is recommending these trees be located along the west property line.

Building. The new addition would match the existing building materials, meeting code requirements. As a consistent policy of non-residential development, any roof top equipment shall be screened from view from the street. If necessary, the form of screening will be reviewed at time of building permit. This condition would apply to any new roof top equipment.

Airport Overlay District. The proposed property is located in the South St. Paul Airport Overlay District. The Airport Manager has reviewed the request and commented that due to the close proximity to Fleming Field's runway the applicant shall file a FAA form 7460-1, Notice of Proposed Construction or Alteration prior to construction.

Engineering. Engineering has reviewed the plans and has been working with the applicant on stormwater and grading requirements. The applicant shall continue to work with the City to secure final approval of the construction drawings.

VARIANCE

Mn Statutes Section 462.357, subdivision 6. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the official control (city ordinance) and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the

requested variances, State Statue identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

   This setback was amended to preserve the residential character and property values of the properties around the Industrial Districts. This property is surrounded by industrial properties on the North, South and West and by the South St. Paul Airport on the East. By allowing for the proposed addition, the surrounding properties will not be negatively impacted, therefore the addition would not be contrary to the zoning code. The application is not contrary to the Comprehensive Plan as the future land use is Industrial Office Park.

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

   When the applicant originally constructed the building in 1987, the Code stated that the structures must meet a side yard setback of 30′. Since then the code has been amended to require a 40′ side yard setback for structures. The proposed addition would be kept in line with the existing building setback.

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

   This property is unique in that when the building was originally constructed, the side yard setbacks were 30′. The applicant is now looking to construct an addition that meets all other zoning and building requirements, but cannot meet the current setback requirements. Because of the nature of the business and the size of the lot, this addition cannot be placed anywhere else on the lot to meet the required setbacks.

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

   The building addition does not appear to have a negative impact on the character of the locality. The addition would be kept in line with the existing building and all other zoning code requirements would be met.

5. *Economic considerations alone do not constitute an undue hardship.*

   This request is not due to economic circumstances.

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 conditions:

   1. The site shall be developed in substantial conformance with the site plan dated May 27, 2011 on file with the Planning Department.

2. Prior to commencing construction, the applicant shall obtain all necessary FAA permits including, but not limited to form 7460-1.

3. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.

4. Any new rooftop equipment shall be substantially screened from view as seen from a reasonable viewing perspective.

5. Three (3) overstory trees shall be required along the western property line meeting the landscaping requirements of the City Code.

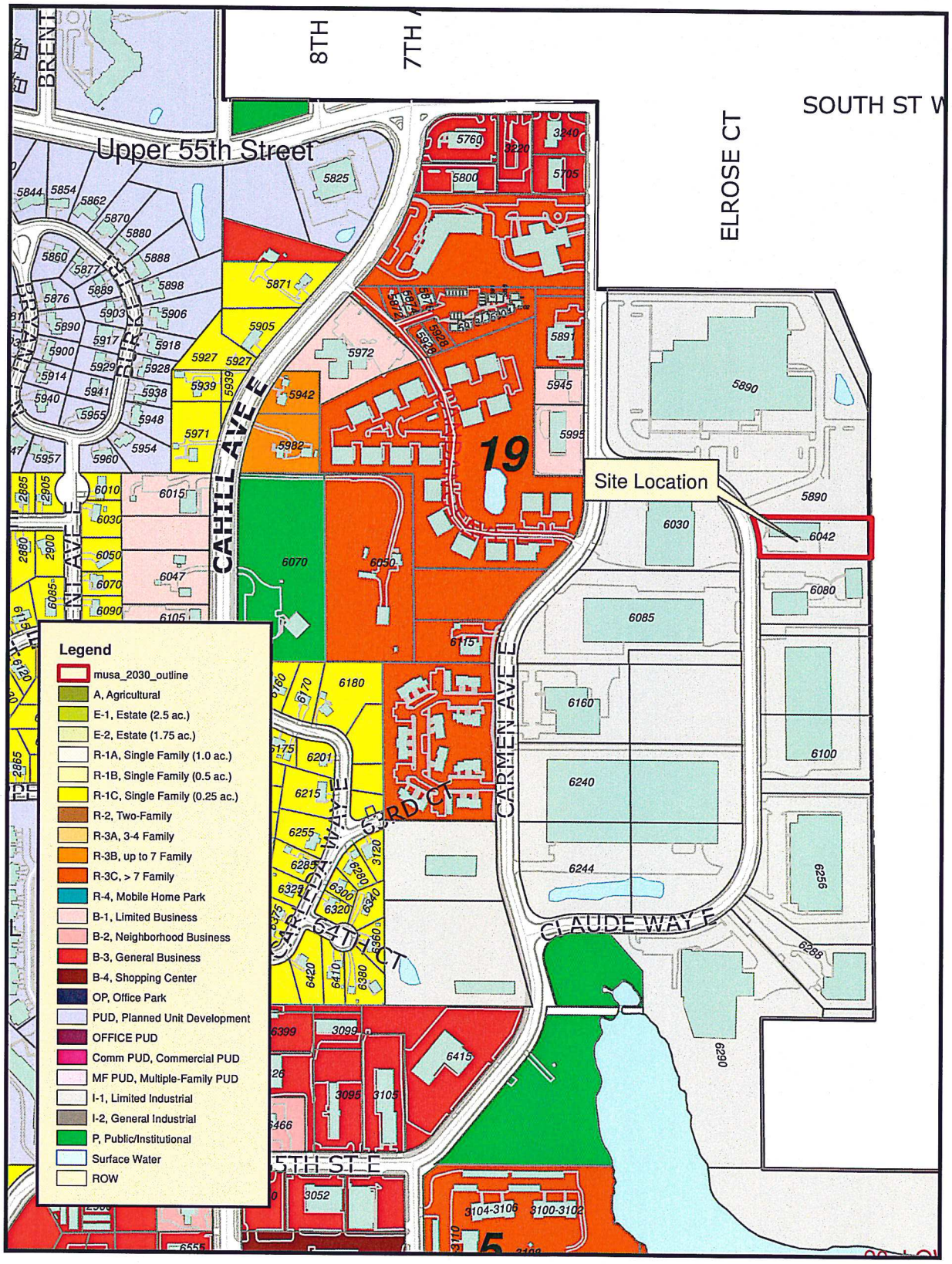
B. **Denial** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

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

Attachments:
Exhibit A – Location/Zoning Map
Exhibit B – Applicant narrative
Exhibit C – Site Plan
Exhibit D – Elevations

Heppners
6042 Claude Way



N

Exhibit A
Zoning and Location Map

MULARONI+CO Architecture, LLC

Michial G. Mularoni, A.I.A.

RECEIVED
MAY 18 2011

05-17-11

CITY OF INVER GROVE HEIGHTS
8150 Barbara Avenue
Inver Grove Heights, MN. 55077

Re: Planning Application for VARIANCE for Heppner's Auto Body; 6042 East Claude Way; Inver Grove Heights, MN. 55076

Dear City Council Members,

HAB, Inc. is requesting a 10' foot side yard variance off the north property line of the above referenced address. HAB, Inc requested and was granted this same Variance in 2007. Because of the two year time limitations on variances, it is necessary for us to apply again.

This I-1 zoned parcel of land had a change in side yard setback requirements from 30' to 40' sometime between the last building addition to the auto body shop in 1996 and the codification of the City Code in 2004. Thus, we are required to make this Application for Variance at this time. The proposed new addition will provide additional repair garage area. The 60 ' dimension is proposed as an extension that matches the existing building width on the site. The depth is non consequential. The parking area to the south precludes the option of jogging the addition to the south. The south setback is only 47' and would have needed to be 50' to work mathematically. Jogging the proposed new addition would disrupt the flow of the work area inside the building. The 60' dimension of the building is based on the area needed to maneuver automobiles just as the dimensions of a parking lot design are derived. Putting a 10' jog in the building or reducing the width to 57' would seriously restrict the intended use for the building as an auto body repair garage. This use is a permitted use and has been so since the building was constructed in 1976.

We feel this situation is unique to this parcel of land and not applicable to other property in I-1 zoned areas because the building is already built to dimensions characteristic to the permitted use it was originally purchased and built for. The City chose to change the side yard setback requirements after the fact.

This variance request is not detrimental to the public welfare or the neighborhood in which it is located. This variance does not increase traffic congestion, fire hazard, endanger the public safety, detrimentally affect property values, or negatively affect the supply of light and air to the adjacent properties. We are neighbor to the immediate north is an I-1 zoned parcel owned by Taylor Corporation at 5890 Carmen Avenue; to the south by an I-1 parcel owned by John Mathisrud; to the East is the City of South St. Paul's airport property; and to the west across the street is Safeway Bus Company. None of these properties are adversely affected by this small addition and subsequent variance requirement.

This variance request is in keeping with the spirit and intent of the City Code and Comprehensive Plan.

Sincerely,

MULARONI+CO Architecture, LLC.

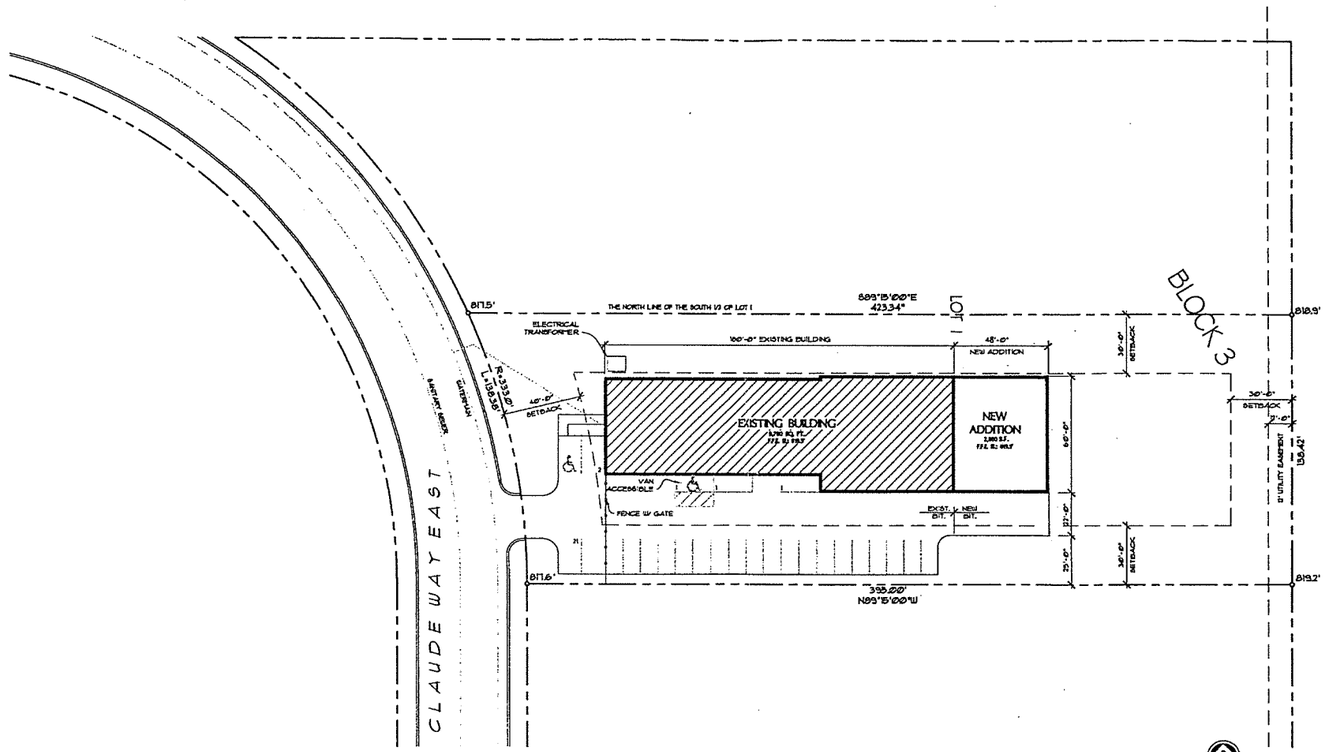
Michial Mularoni, AIA

6191 Crackleberry Trail Woodbury, MN. 55129 651-459-5171 fax 459-0074

'R'

HEPPNER'S AUTOBODY ADDITION

6042 EAST CLAUDE WAY
INVER GROVE HEIGHTS, MN



1 SITE PLAN
1" = 30'

PROJECT DATA

SITE DATA

		SQUARE FEET	ACRES
SITE AREA		54,655 S.F.	1.57 ACRES
		SQUARE FEET	% OF COVERAGE
BUILDING COVERAGE	EXISTING	9,700 S.F.	16.2%
	NEW BLDG.	2,860 S.F.	4.8%
	TOTAL	12,560 S.F.	21.0%
		SQUARE FEET	% OF COVERAGE
BITUMINOUS AREA	EXISTING	8,844 S.F.	14.5%
	NEW BITUM.	1,056 S.F.	1.8%
	TOTAL	9,900 S.F.	16.5%
		SQUARE FEET	% OF COVERAGE
OPEN SPACE AREA	TOTAL	37,375 S.F.	62.4%
		REQ'D	PROVIDED
PARKING		22 STALLS	26 STALLS

LEGAL DESCRIPTION:
SO 1/2 OF LOT 1, BLOCK 3 BE METRO ADDITION NO. 2

ZONING: I-1

BUILDING CLASS: TYPE 2N

mmp
MICHAEL - MULLANEY ASSOCIATES
ARCHITECTS & PLANNING CONSULTANTS
6191 Cecilia Way Trail • Woodbury, MN 55129 • (651) 439-5571 • (fax) 439-0074

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA

Project No. 0706-1

• Date: 04.12.07
• Revisions: 5-27-11
• Architect:
• Date:
• Reg. No. 13561

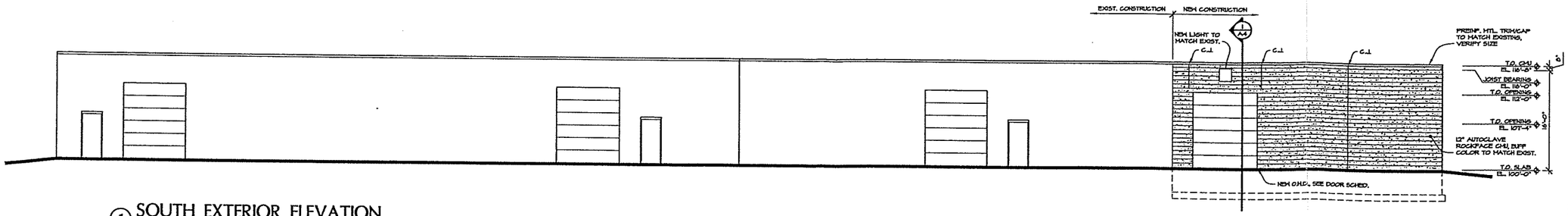
Sheet Title: TITLE SHEET WITH SITE PLAN

• Scale: 1:30
• Drawn By: BWP

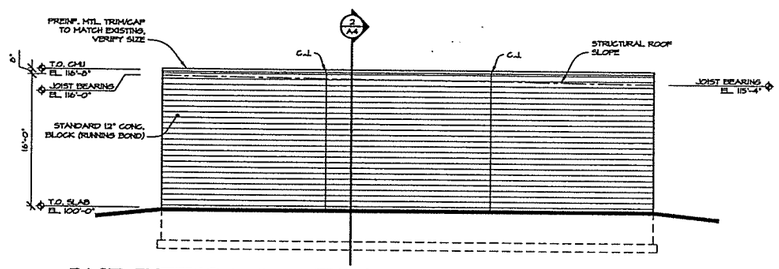
Project: **HEPPNER'S AUTO BODY**
INVER GROVE HEIGHTS, MINNESOTA

OWNER: HAL, INC.
William Kalt
6042 East Claude Way
Inver Grove Heights, MN 55076
Phone No. (651) 735-3055
Fax No.

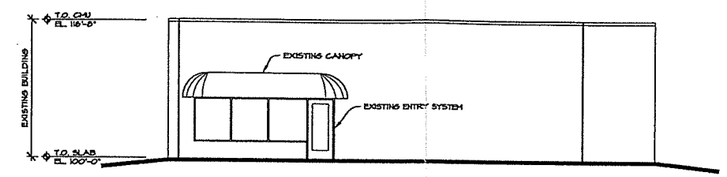
A 1



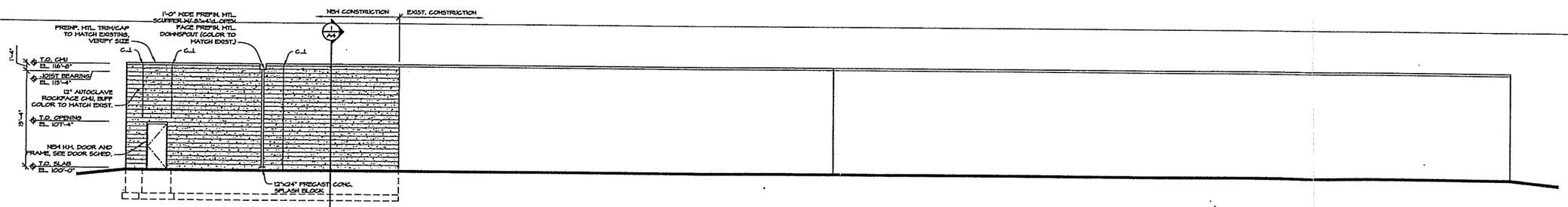
1 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"



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



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



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

Project: **HEPPNER'S AUTO BODY**
INVER GROVE HEIGHTS, MINNESOTA

OWNER: HAB, INC.
William Klatt
6042 East Claude Way
Inver Grove Heights, MN 55076

Sheet Title: EXTERIOR ELEVATIONS

Project No. 0706-1

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 Architect under the laws of the State of MINNESOTA

• Date: 04.12.07 • Scale: 1/8" = 1'-0"
• Revisions: • Drawn By: BWP
• Architect: • Date: • Reg. No. 15261
Phone No. (651) 736-5055
Fax No.

MICHAEL - WILKONI ASSOCIATES
ARCHITECTS & PLANNING CONSULTANTS
6991 Cockleberry Trail - Woodbury, MN - 55129 - (651) 459-5971 - (fax) 459-0074

A 3

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 2, 2011 **CASE NO:** 11-11C

HEARING DATE: June 7, 2011

APPLICANT/PROPERTY OWNER: Stephen Webb

REQUEST: Conditional Use Permit to exceed 35 foot maximum height and Variance to exceed 35 foot maximum height in Critical Area Overlay District.

LOCATION: 10115 Cloman Path

COMPREHENSIVE PLAN: Rural Density Residential

ZONING: E-1, Estate Residential
Critical Area Overlay District

REVIEWING DIVISIONS: Planning **PREPARED BY:** Allan Hunting
City Planner

BACKGROUND

The applicant has requested a CUP for a 65 foot tall amateur radio tower to be erected in the southwest corner of the property. The requested height includes the antenna. The property is 2.5 acres in size. The maximum height for structures in the ordinance is 35 feet. There is however, a clause in the ordinance that allows towers and antenna to exceed 35 feet with an approved conditional use permit (Title 10-5-8.B). The property also lies within the Critical Area Overlay District. All structures in this overlay are limited to a 35 foot height limit. Anything above 35 feet would require a variance. The applicant is requesting a variance to exceed 35 feet in the overlay district. The applicant is requesting additional height for reasonable radio reception and transmission of amateur radio signals due to the significant amount of mature trees in the area and the rolling topography.

In 2010, the Minnesota Supreme Court ruled that the criteria historically used by cities to determine hardships in variance requests were not consistent with the existing language in state statute. After this determination, cities were then obligated to follow the language of statute which essentially said that variances can only be granted when the property in question cannot be put to a reasonable use without varying from official controls. Since the Supreme Court Decision in early 2010, the legislature had been working on redrafting the variance statute language to give some reasonable flexibility back in the hands of cities. In May, 2011, the Governor signed in to law new variance language which now addresses practical difficulties when reviewing variances. A copy of the new state language is attached.

Planning Staff is in the process of preparing an ordinance amendment to address this new language to put into our city code. In the mean time, since variance language is governed by state statute, the new state language supersedes any local control language and thus the city may utilize this new language to review variances.

EVALUATION OF REQUEST:

Surrounding Uses: The subject site is located in rural section of the City and is surrounded large lot residential uses.

CONDITIONAL USE PERMIT REVIEW

The City Code does not provide specific criteria for tower or antenna height CUP's. The request is therefore reviewed against the general CUP criteria listed below.

The proposed radio tower would be a self supporting three sided lattice style tower for the personal use of the land owner. No guy wires are needed for stability. The maximum height of this tower design is 60 feet. The applicant is anticipating constructing a shorter tower at first, but is requesting the maximum height in case additional height is needed at a later date. The antenna array would be an additional five feet in height.

The applicant is proposing the tower to be setback 70 feet from west and south property lines. This would put the fall zone of the tower entirely on the subject property. Staff finds the location of the tower acceptable.

Staff has asked the applicant to provide some information on rationale for the requested height. The applicant has provided some information prepared by The American Radio Relay League (ARRL) on height. The ARRL has prepared a document entitled Antenna Height and Communications Effectiveness, *a Guide for City Planners and Amateur Radio Operators.* Based on physics of the earth's atmosphere and radio waves in the frequencies used for amateur radio, the taller the antenna, the better the performance. For example, an antenna at a height of 70 feet will provide greatly superior performance over the same antenna at 35 feet. The applicant's property is heavily wooded with mature trees that are probably 30-50+ feet tall. It would appear that to achieve a reasonable transmitting and receiving signal, a taller antenna is needed.

The report goes on to say that if the antenna height is restricted, in many cases, the operator must boost their transmitting power to compensate for the lower height. This increases the potential for interference to telephones, televisions, radios and other electronic equipment. The report also indicates that the higher the antenna, the less the possibility for significant RF exposure. Based on the information contained in the ARRL report, it would seem to be appropriate to allow for the proposed tower and antenna height.

There are federal regulations that prohibit state and local regulations from precluding amateur radio service communications. This comes from an opinion issued by the Federal

Communications Commission, known as PRB-1, which states that there may be local control over certain elements of amateur radio towers for public health and safety reasons, such as screening, placement and height restrictions. However, the regulations cannot prohibit amateur radio communications. Based on this ruling, our city code had been updated a number of years ago to allow additional height by CUP.

The topography of the area is rolling terrain. The ground elevation of the proposed tower appears to be at about 875 feet above sea level. The high point in the neighborhood is an elevation of 900 feet located south of this property. Elevations range from around 830 to 900 feet in the surrounding area.

General CUP Criteria

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

   The property is guided and zoned for residential use. An antenna or radio tower would be an accessory use to a residential use. There would be no impact to future land uses, utilities, streets or parks.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

   The zoning ordinance allows for additional height in all districts by a conditional use permit. A tower and antenna would be a typical accessory use to the principal use of the property for residential purposes.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

   The setbacks for the tower are great enough such that if the tower were to fail at the ground, the full length of the tower and antenna would fall on the applicant's property. The closest home would be over 150 feet from the base of the proposed tower. The majority of the tower would be screened from view from abutting properties at least during leaf-on conditions. The request does not appear to be materially injurious to the surrounding properties.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

   The additional height would not have any impact on city facilities and services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*
   i. *Aesthetics/exterior appearance*
      The majority of the tower would be screened from view from abutting properties at least during leaf-on conditions.
   ii. *Noise*
      There would be no impact to noise.
   iii. *Fencing, landscaping and buffering*
      No fencing or landscaping is required.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

   The property is large enough to provide adequate setbacks for the tower and the significant tree mass would be adequate screening.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

   This use does not appear to have any negative effects on the public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

   The additional tower height would not appear to have an undue adverse impact on the environment.

Variance

As indicated earlier, the applicant is requesting a variance to the maximum height requirement in the Critical Area Overlay District to exceed 35 feet in height. The application has been sent to the DNR for their records. The DNR may or may not have comment on the request.

The subject property is located approximately 2,500 feet from the Mississippi River. The water level at the river is approximately 690 feet. Due to the rolling terrain, distance from the river, and tree canopy, the tower would not be visible from the river

Mn Statutes Section 462.357, subdivision 6. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the official control (city ordinance) and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested

variances, State Statue identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

One of the primary purposes of height restrictions is to limit the visual impact of structures from the river. In this case, the tower would not be visible from the river. The ordinance allows for additional height for towers and antennas. The request appears to be in harmony with the code and would be consistent with the comprehensive plan.

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

Additional height for towers and antenna are provided for in the ordinance. The request for the additional height appears to be reasonable given the heavy tree canopy and rolling terrain of the location which would dictate the need for a taller tower and antenna.

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

The characteristics of the lay of the land are not created by the landowner and while the physical characteristic of the property may not be unique, the City must provide for a reasonable tower and antenna height.

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

The tower height does not appear to have an impact on the character of the locality. The majority of the tower will be screened from view and the large lots provide ample separation from adjacent houses.

5. *Economic considerations alone do not constitute an undue hardship.*

This request is not due to economic circumstances.

ALTERNATIVES

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

A. **Approval.** If the Planning Commission favors the request, the Commission should recommend approval of the following requests:

- Approval of the Conditional Use Permit to allow a radio tower and antenna to a maximum height of 65 feet subject to the following conditions:

1. The radio tower shall be constructed on the property in substantial conformance to the site plan submitted May 6, 2011 and on file with the Planning Department.

2. A building permit is required for the construction of the tower and shall be subject to the review and approval of the Chief Building Official.

3. The Conditional Use Permit shall expire if not used within two (2) years from the City Council approval date.

- Approval of the Variance to allow a radio tower and antenna taller than 35 feet in the Critical Area Overlay District subject to the following condition:

1. The Variance shall expire if not used within two (2) years from the City Council approval date.

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.

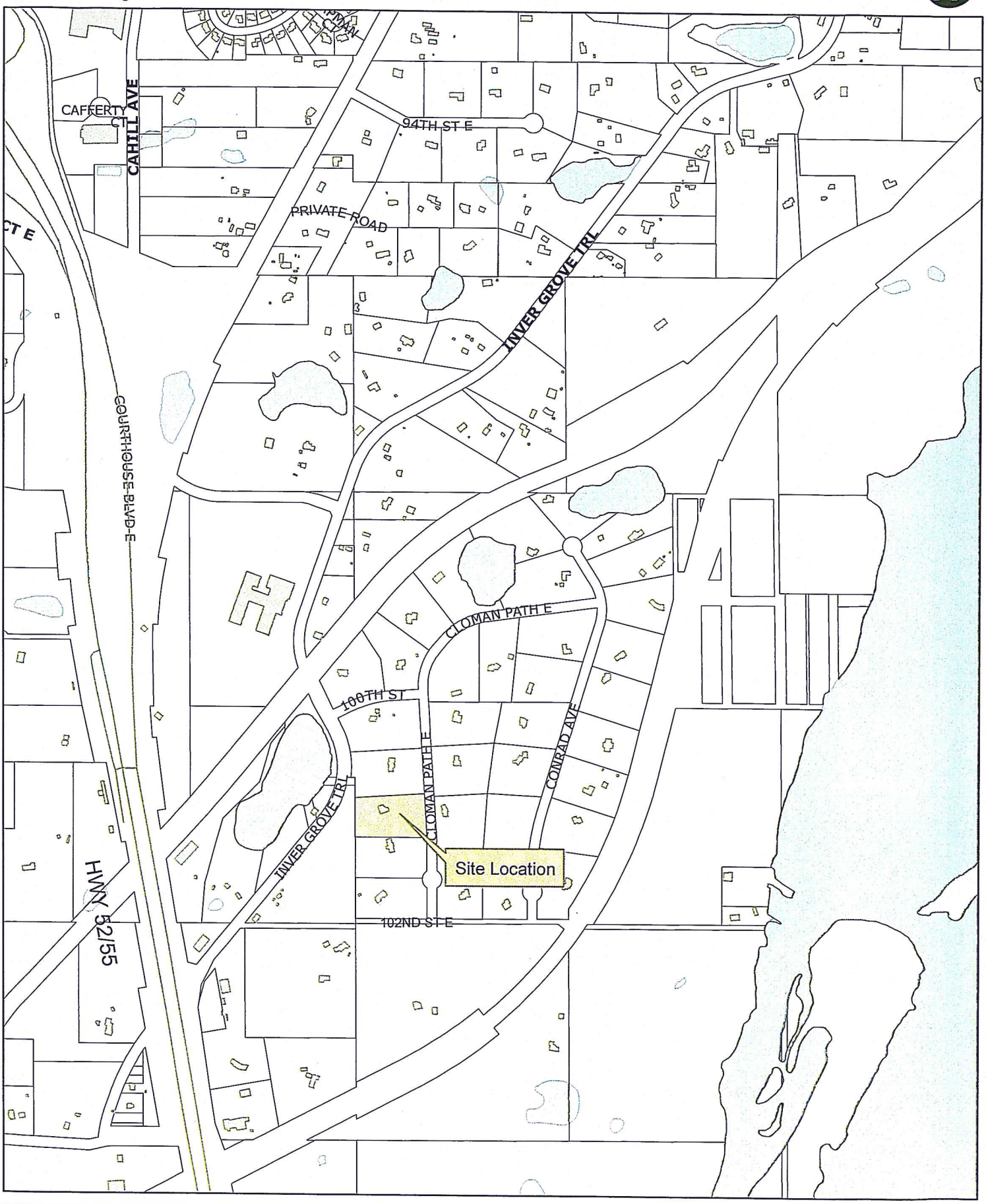
RECOMMENDATION

Staff recommends approval of the two requests as presented with the conditions listed in the report.

Attachments: Exhibit A – Location Map
Exhibit B – Applicant narrative
Exhibit C – Site Plan
Exhibit D – Drawing of Tower
Exhibit E – ARRL Antenna Height and Community Effectiveness Article executive summary

Inver Grove Heights

Location Map
Case No. 11-11C

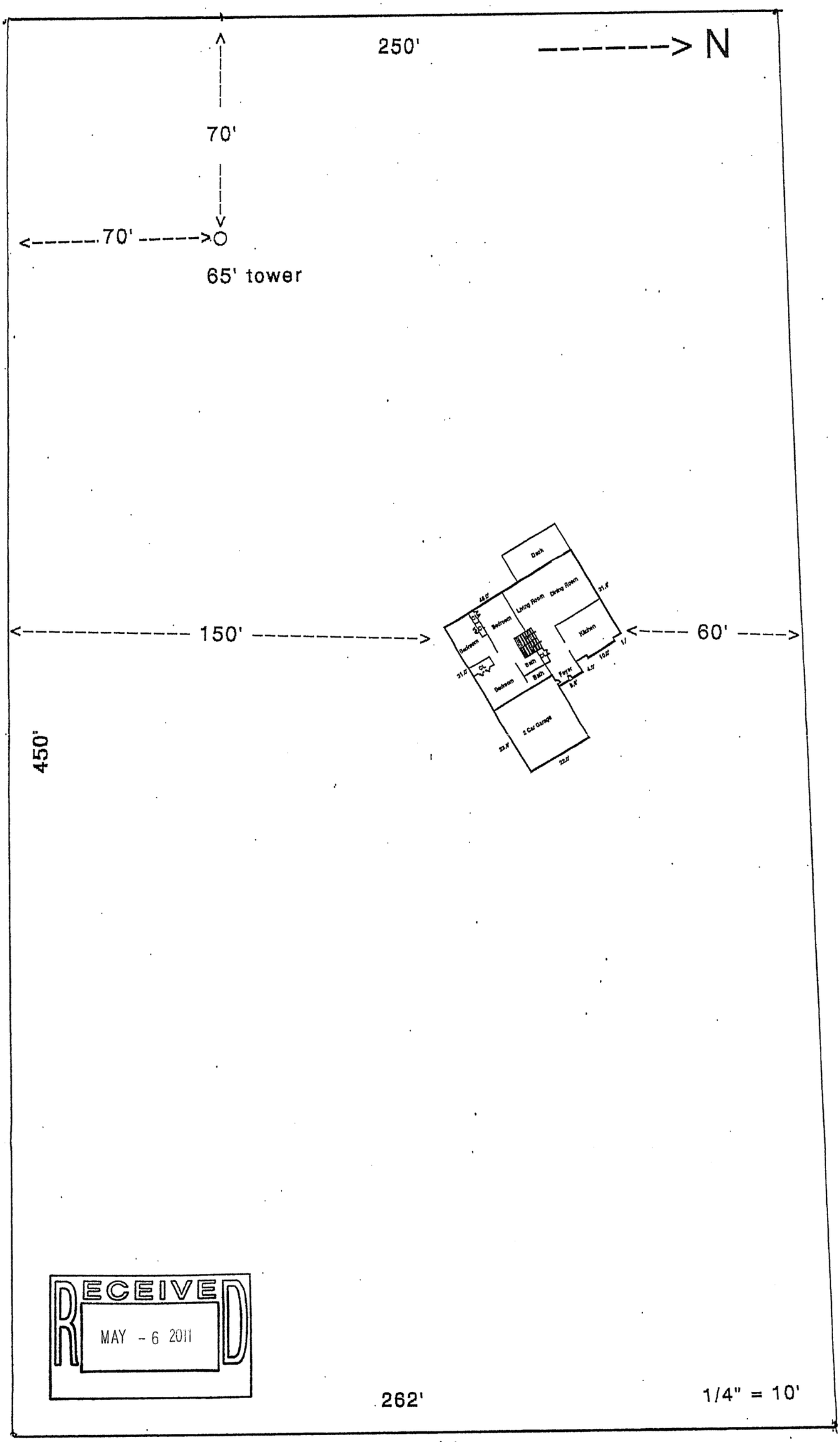


Request for Conditional Use Permit

Stephen L. Webb
10115 Cloman Path
Inver Grove Heights, MN 55076
Leitch Estates Block 1 Lot 3

The purpose of this request for Conditional Use Permit is to gain permission to erect an Amateur Radio antenna support tower above the height allowed by Inver Grove Heights code. The code currently restricts any structure of this type to 35 feet with another 50% to be allowed under conditional use for residential non commercial installations. In my case, the additional tower height is needed beyond this height so that I can get the antenna sufficiently above the surrounding terrain and structures for resonable reception and transmission of amateur radio signals. In order to comply and stay within my lot, I cannot put a shorter tower on the highest point of my lot. I am requesting a height of 65 feet which includes the tower and the antenna mounted at the top of the tower. This is the minimum height required for the lowest frequency I can use with this antenna. Antennas have the best effeciency at one wavelength above ground (lowest frequency for this antenna has a wavelength of 66 feet). Documentation supporting my request has been provided with this application in hard copy and on a CD. I understand that this application may raise many questions. Please contact me for clarification of any questions.

Steve Webb
651-451-0034
webbsl@comcast.net



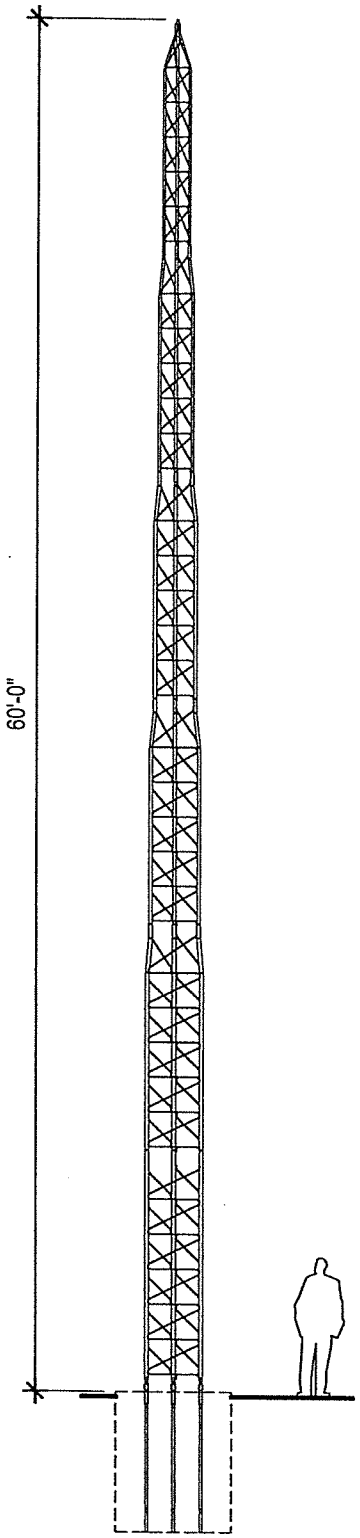
RECEIVED
MAY - 6 2011

10115 Cloman Path

Leitch Estates Block 1 Lot 3

FREESTANDING ALUMINUM TOWER

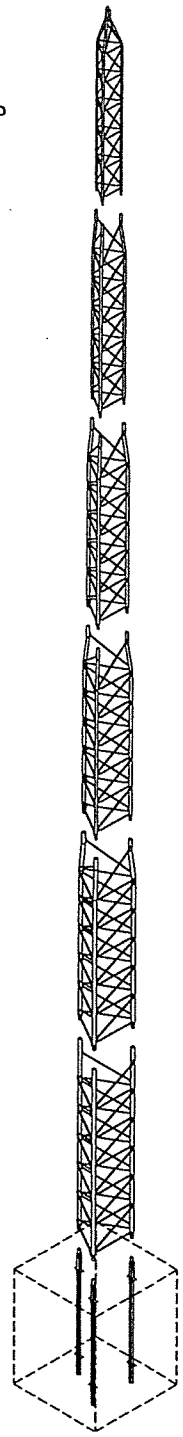
MODEL #HD 21-60



TOTAL WEIGHT: 256 LBS.

WIND LOADING:
21.08 Sq. Ft.

Contact Universal Towers to confirm geographical location of your tower and all wind load implications



WARRANTY

UNIVERSAL TOWERS ARE WARRANTED AGAINST DEFECTIVE MATERIAL OR WORKMANSHIP AND ARE SUBJECT TO REPAIR OR TO MATERIAL REPLACEMENT ONLY IF FAILURE RESULTS FROM THESE FACTORS WITHIN ONE YEAR FROM PURCHASE BY USER. THIS WARRANTY DOES NOT EXTEND TO ANY OF OUR PRODUCTS WHICH HAVE BEEN SUBJECTED TO MISUSE, NEGLECT, ACCIDENT, IMPROPER INSTALLATION OR APPLICATION, NOR SHALL IT EXTEND TO UNITS WHICH HAVE BEEN REPAIRED OR SUBSTANTIALLY ALTERED OUTSIDE OF OUR FACTORY. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED.

ELEVATION 2
SCALE: 3/16"=1'=0"

ISOMETRIC 1
SCALE: N.T.S.

ALUMINUM TOWER

UNIVERSAL TOWERS
A DIVISION OF
UNIVERSAL MANUFACTURING CORP.
43900 GROESBECK HWY.
CLINTON TOWNSHIP, MI 48036
PH: (586) 463-2560
FAX: (586) 463-2964

JOB NO.:

COMPONENT:
HD 21-60

STEPHEN WEBB
10115 CLOMAN PATH
Case # 11-11 C

Antenna Height and Communications Effectiveness

Second Edition

A Guide for City Planners and Amateur Radio Operators

By R. Dean Straw, N6BV, and Gerald L. Hall, K1TD
Senior Assistant Technical Editor and Retired Associate Technical Editor

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The American Radio Relay League, Inc.
225 Main Street
Newington, CT 06111

Executive Summary

Amateur radio operators, or "hams" as they are called, communicate with stations located all over the world. Some contacts may be local in nature, while others may be literally halfway around the world. Hams use a variety of internationally allocated frequencies to accomplish their communications.

Except for local contacts, which are primarily made on Very High and Ultra High Frequencies (VHF and UHF), communicating between any two points on the earth rely primarily on high-frequency (HF) signals propagating through the ionosphere. The earth's ionosphere acts much like a mirror at heights of about 150 miles. The vertical angle of radiation of a signal launched from an antenna is one of the key factors determining effective communication distances. The ability to communicate over long distances generally requires a low radiation angle, meaning that an antenna must be placed high above the ground in terms of the wavelength of the radio wave being transmitted.

A beam type of antenna at a height of 70 feet or more will provide greatly superior performance over the same antenna at 35 feet, all other factors being equal. A height of 120 feet or even higher will provide even more advantages for long-distance communications. To a distant receiving station, a transmitting antenna at 120 feet will provide the effect of approximately 8 to 10 times more transmitting power than the same antenna at 35 feet. Depending on the level of noise and interference, this performance disparity is often enough to mean the difference between making distant radio contact with fairly reliable signals, and being unable to make distant contact at all.

Radio Amateurs have a well-deserved reputation for providing vital communications in emergency situations, such as in the aftermath of a severe icestorm, a hurricane or an earthquake. Short-range communications at VHF or UHF frequencies also require sufficient antenna heights above the local terrain to ensure that the antenna has a clear horizon.

In terms of safety and aesthetic considerations, it might seem intuitively reasonable for a planning board to want to restrict antenna installations to low heights. However, such height restrictions often prove very counterproductive and frustrating to all parties involved. If an amateur is restricted to low antenna heights, say 35 feet, he will suffer from poor transmission of his own signals as well as poor reception of distant signals. In an attempt to compensate on the transmitting side (he can't do anything about the poor reception problem), he might boost his transmitted power, say from 150 watts to 1,500 watts, the maximum legal limit. This ten-fold increase in power will very significantly increase the *potential* for interference to telephones, televisions, VCRs and audio equipment in his neighborhood.

Instead, if the antenna can be moved farther away from neighboring electronic devices—putting it higher, in other words—this will greatly reduce the likelihood of interference, which decreases at the inverse square of the distance. For example, doubling the distance reduces the potential for interference by 75%. As a further benefit, a large antenna doesn't look anywhere near as large at 120 feet as it does close-up at 35 feet.

As a not-so-inconsequential side benefit, moving an antenna higher will also greatly reduce the potential of exposure to electromagnetic fields for neighboring human and animals. Interference and RF exposure standards have been thoroughly covered in recently enacted Federal Regulations.

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 2, 2011 **CASE NO:** 11-12CA

HEARING DATE: June 7, 2011

APPLICANT: Luther Nissan Kia

PROPERTY OWNER: The Luther Company, LLLP

REQUEST: A conditional use permit amendment to add an addition to the existing auto sales building, expand the parking area, and allow two temporary sales trailers on the northern storage lot.

LOCATION: 1470 – 50th Street

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a conditional use permit amendment to add a 20,200 square foot building addition, a 43,100 square foot parking lot expansion, and a temporary location for two sales trailers to be located on the northern storage lot. The sales trailers would only be allowed during construction of the main building.

The specific request consists of the following:

A.) A **Conditional Use Permit Amendment** for automobile and off-highway vehicle sales in the B-3, General Business Zoning District

EVALUATION OF THE REQUEST

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

North	Saturn dealer; zoned B-3; guided RC, Regional Commercial
East	Apartments; zoned PUD; guided High Density Residential
South	MnDot right-of-way
West	Whitaker and Best Buy; zoned B-3; guided RC, Regional Commercial

SITE PLAN REVIEW

Building Setbacks. The proposed building addition is located 45+ feet from the closest property line, exceeding setback requirements.

The two temporary sales trailers on the northern lot meet and exceed building setbacks.

Parking Lot. The proposed 43,000 square foot parking lot expansion meets setback and surfacing requirements. Overall, when considering the amount of parking spaces lost because of the building addition, the applicant is adding about 36 additional stalls.

Lot Coverage. Allowable impervious surface coverage in the B-3 district is 100%. The site currently contains approximately 33.6% impervious surface, the proposed impervious surface would be about 44.3%, which falls under the allowed maximum.

Access. Access to the site is not changing; there is one entrance off of 50th Street along the east side of the property.

Tree Preservation/Landscaping. Based on the tree protection and preservation ordinance, tree removal falls under the allowed removal threshold and therefore no reforestation would be required.

Landscaping requirements require a total of 36 overstory trees or the equivalent to be planted as part of the property improvments. The applicant has provided a landscape plan which shows 37 trees; a mix of overstory, ornamental, and shrubs. The proposed plan meets and exceeds the landscaping requirements.

Engineering. Engineering is reviewing the plans and has been working with the applicant on stormwater and grading requirements. The proposed site plan protects the existing pond and treats the stormwater runoff on site. Engineering has made some recommendations on conditions that should be added to the approval. These conditions are included in the list of conditions at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction drawings.

Lighting. The applicant has submitted a lighting plan which illustrates the location of lighting in the parking lot. The proposed illumination pattern of the lights complies with the maximum foot candles at the center line of the street. All parking lot lighting shall be designed so as to deflect light away from any adjoining residential zones or from the public streets. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Roof top Screening. As a consistent policy of commercial development, any roof top equipment shall be screened from view from the street. If necessary, the form of screening will be reviewed at time of building permit. This condition would apply to all new roof top equipment.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal for fire lane designation and the signage or marking of the fire lanes at time of building

GENERAL CONDITIONAL USE PERMIT REVIEW

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

   The use is consistent with the goals, policies, and plans of the Comprehensive Plan. The future land use of this parcel is Regional Commercial, automobile sales is consistent with the uses envisioned in this district.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

   The applicant's property is zoned commercial. The land use of auto sales is consistent with the intent of the B-3 zoning district.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

   The proposed site improvements would not have a detrimental effect on public improvements in the vicinity of the property.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

   The property improvements do not appear to have any negative effects on City facilities or services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

   i. Aesthetics/exterior appearance

   The proposed building addition would be constructed with similar materials as the existing building.

   ii. Noise

The proposed addition would not generate noises that are inconsistent with B-3 zoning

iii. Fencing, landscaping and buffering

No fencing is proposed and landscaping meets the City's requirements.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

   Access to the site is not changing. The amount of traffic would not be out of the ordinary for a commercial area. Building and parking setbacks meet or exceed code requirements.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

   This use does not appear to have any negative effects on the public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

   This use would not have an undue adverse impact on the environment. The applicant is working with the City Engineering Department creating a stromwater treatment plan, reducing the amount of runoff on the property.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

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

- Approval of a **Conditional Use Permit Amendment** for automobile and off highway vehicles sales to allow an addition to the existing building 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.

Civil Plan Set	dated 05/27/11
Temporary Sales Trailers	dated 05/27/11

2. All parking lot lighting on site shall be a down cast "shoe-box" style and the bulb shall not be visible from property lines.

3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

4. Any expansion of the use as shown on the site plan requires additional city approvals and is not part of this conditional use permit.

5. A storm water facility maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities. An operation and maintenance plan shall be prepared annually and sent to the City.

6. An access agreement to the large pond/wetland was provided in 2010 from 50th Street. The owner shall provide a drainage and utility easement over the large pond, an access easement from the HWL (953.7) to 20 feet upland to allow City Access during flood events.

7. Prior to the issuance of a building permit, an Engineering cash escrow and letter of credit shall be submitted to the City to ensure the proper construction of the improvements and to review the drainage modeling.

8. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the City Engineer.

9. All final development plans shall be subject to the review and approval of the City Fire Marshal.

10. The storm water pollution prevention plan (SWPPP) shall be followed.

11. No car display or employee parking shall be allowed on public streets, street boulevards, or landscaped areas on the dealership property.

12. No outside paging system shall be utilized.

13. All display pennants, flags, searchlights, balloons and other similar devices shall be limited to no more than 10-days per calendar year. Use of such devices require a sign permit.

14. Any new rooftop equipment shall be substantially screened from view as seen from a reasonable viewing perspective.

15. Temporary sales trailers are allowed on the northern parcel owned by the Luther Company. These trailers shall be removed no later than June 1, 2012 or when a Certificate of Occupancy is issued, whichever happens first.

16. Prior to commencing construction, the applicant shall obtain all necessary federal, state, and local permits including, but not limited to a MnDot drainage permit.

17. The owner shall secure a building permit for the retaining wall and meet all conditions required by the Chief Building Official.

18. The developer shall provide a hydraulic analysis of the proposed storm sewer facilities for the review and approval by the City.

19. The developer shall secure authorization from previous easement holders (ie MnDot, Xcel) for all work proposed in existing easements. Plans shall be sent to MnDot, Xcel, and DNR to seek comments and conditions. Proper separation between the overhead power lines and parking shall be maintained.

20. Resolution No. 04-90 shall become null and void and shall be replaced by the terms of this conditional use permit.

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

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

Attachments: Zoning/Location Map
Narrative
Site, Grading, Landscaping Plans
Elevations
Temporary Sales Trailer locations

Luther Nissan Kia
CUP Amendment

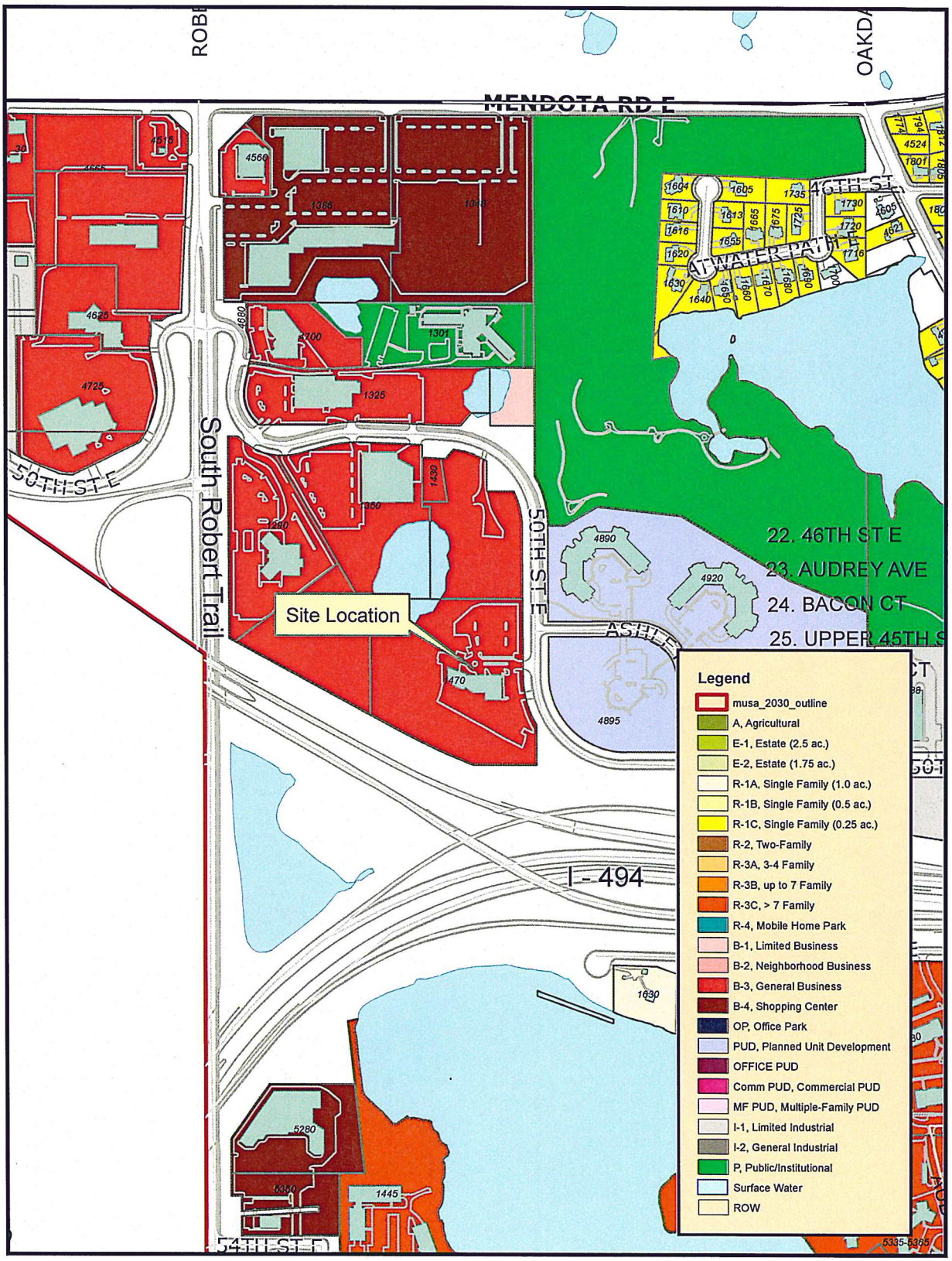

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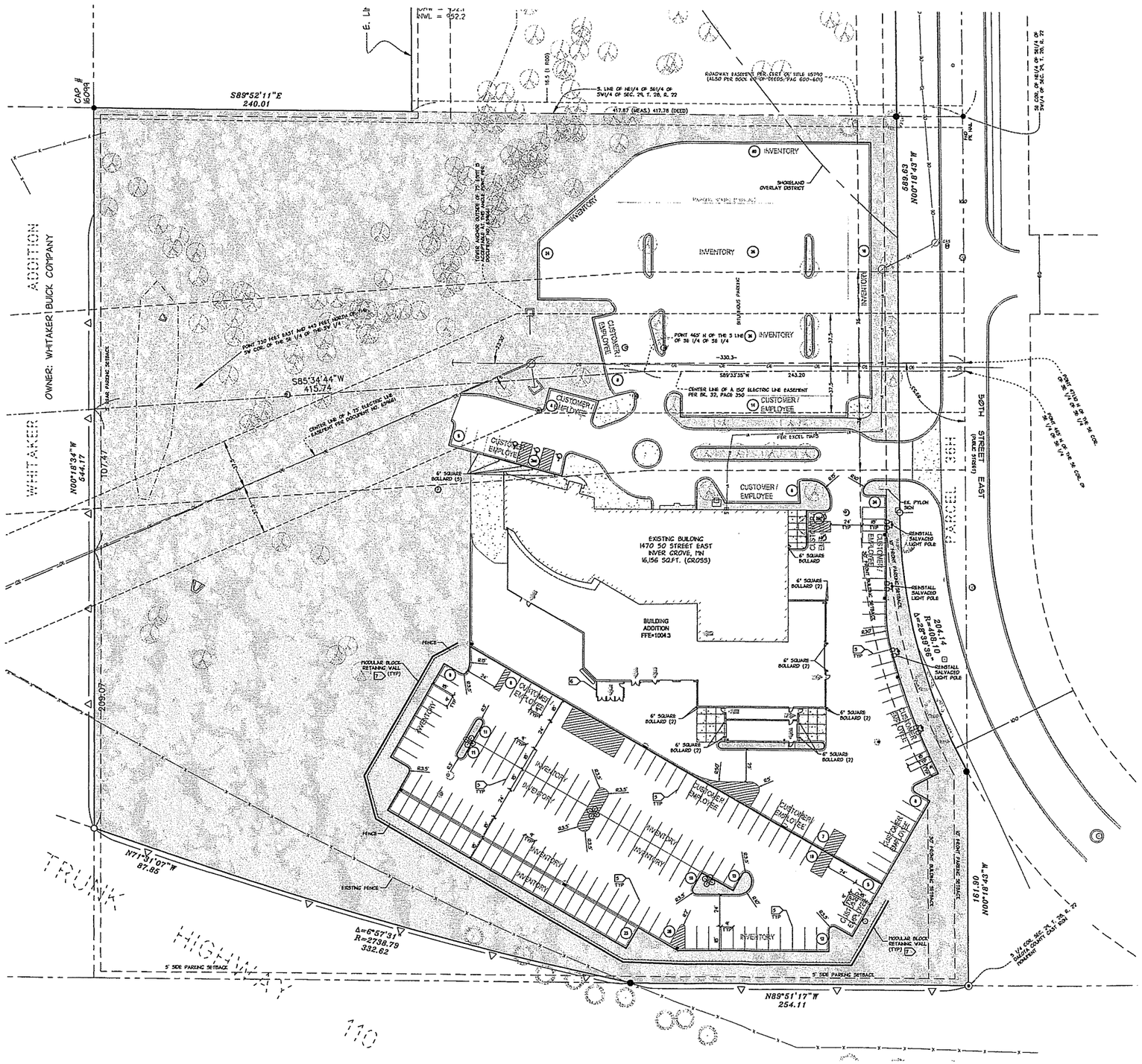
Exhibit A
Zoning and Location Map

Narrative
CUP Amendment
1470 50th Street East & 1430 50th St.

The Luther Company LLLP is planning to expand and update its Luther Nissan Kia operation located at 1470 50th Street East. The building expansion will add 15,400 square feet to the footprint plus an additional 4800 square feet to the second level. The parking lot expansion results in an approximate additional 43,100 square feet and 36 additional parking stalls.

The building expansion will affect most operations that occur on the main level. The showroom, offices, parts department, customer lounge, restrooms, service department and drive aisle will all increase in size. The existing car wash will be replaced with a drive-thru car wash attached to the south of the building. The car wash is for exclusive use of the dealership.

In order to maintain dealership operations during construction we are requesting permission to place up to 2 commercial trailers on our recently expanded parking lot located directly to the north (1430 50th St.). This is an interim use. The trailers will be removed when the remodel and expansion of the dealership is complete.



SITE PLAN NOTES

1. OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION within, or use of, public RIGHT-OF-WAY.
2. THE DIGITAL FILE, WHICH CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING. DISCREPANCIES BETWEEN THE DRAWINGS AND THE DIGITAL FILE SHALL BE REPORTED TO THE ENGINEER. THE BUILDING FOOTPRINT, AS SHOWN ON THESE DRAWINGS, AND THE DIGITAL FILE, SHALL BE COMPARED TO THE STRUCTURAL DRAWINGS PRIOR TO STAKING.
3. BUILDING LAYOUT ANGLES ARE PARALLEL WITH OR PERPENDICULAR TO THE PROPERTY LINE AT THE LOCATION INDICATED.
4. DIMENSIONS SHOWN ARE TO FACE OF CURB AND EXTERIOR FACE OF BUILDING UNLESS NOTED OTHERWISE.
5. DELINEATE PARKING STALLS WITH A 4-INCH WIDE WHITE PAINTED STRIPE. DELINEATE ACCESS AISLES WITH 4-INCH WIDE WHITE PAINTED STRIPES 18 INCHES ON CENTER AND AT 45 DEGREE ANGLE TO DIRECTION OF TRAVEL.
6. TRASH/RECYCLING AREAS: SEE ARCHITECTURAL DRAWINGS.
7. RETAINING WALL TYPE, SIZE, AND COLOR TO BE DETERMINED UPON RECEIPT OF GEOTECHNICAL INVESTIGATION AND DURING STRUCTURAL DESIGN PROCESS FOR BUILDING PERMIT SUBMITTAL.

GREEN SPACE (LANDSCAPE AREA)

PARKING SUMMARY

REQUIRED PARKING:

MOTOR SERVICE STATION	3 SPACES, PLUS 2 SPACES FOR EACH SERVICE BAY	10 SERVICE BAYS	34 STALLS
OFFICE	1 SPACE FOR EACH 200 S.F.	9,294 S.F. OFFICE	46 STALLS
AUTO SALES	1 SPACE FOR EACH 500 S.F.	3,951 S.F. SHOWROOM	8 STALLS
WAREHOUSE (UNDER 15,000 S.F.)	1 SPACE FOR EACH 500 S.F.	7,233 S.F. PARTS WAREHOUSE	14 STALLS
TOTAL PARKING STALLS REQUIRED			*107 STALLS

* THESE REQUIRED STALLS USED AS BASIS FOR REQUIRED NUMBER OF ACCESSIBLE PARKING STALLS

PROVIDED PARKING:

STANDARD STALLS	(9'x18')	103 EA.
INVENTORY STALLS	(9'x18')	265 EA.
ACCESSIBLE STALLS	(9'x18')	5 EA.
TOTAL PARKING STALLS PROVIDED		373 EA.

AREA SUMMARY

EXISTING OVERALL

PERVIOUS	258,941 S.F.	66.4%
IMPERVIOUS	130,460 S.F.	33.6%
TOTAL (8.95 AC.)	389,401 S.F.	100.0%

PROPOSED OVERALL

PERVIOUS	217,054 S.F.	55.7%
IMPERVIOUS	172,347 S.F.	44.3%
TOTAL (8.95 AC.)	389,401 S.F.	100.0%

ZONING AND SETBACKS SUMMARY

CURRENT ZONING: B3 – GENERAL BUSINESS

BUILDING SETBACKS:		PARKING SETBACKS:	
FRONT=	30 FEET	FRONT=	10 FEET
SIDE=	10 FEET	REAR=	5 FEET
REAR=	30 FEET	SIDE=	5 FEET

SHORELAND OVERLAY DISTRICT

* PER HEATHER BOTTEN AT THE PLANNING DEPT. OF INVER GROVE HEIGHTS A PORTION OF THE NORTHEAST CORNER OF THIS PROPERTY LIES WITHIN A SHORELAND OVERLAY DISTRICT.

ALLOWABLE IMPERVIOUS AREA
PER CITY OF INVER GROVE HEIGHTS PARTLY ALLOWABLE IMPERVIOUS AREA WITHIN SHORELAND OVERLAY DISTRICT IS 75%.

BA
BAKER ASSOCIATES, INC.
ARCHITECTS

120 SOUTH FIFTH STREET
SUITE 2485
MINNEAPOLIS, MN 55402-1200
TELEPHONE: 612.338.9001
FAX: 612.338.3008

Luther
Inver Grove Heights Dealership
Inver grove Heights, MN

Inver Grove Nissan Kia

Issued:	
CITY SUBMITTAL	9 MAY 2011
CITY SUBMITTAL	27 MAY 2011

CITY SUBMITTAL
MAY 27, 2011

LANDFORM
From Site to Finish
105 South Fifth Avenue Suite 513 Minneapolis, MN 55401
Tel: 612-252-9070
Fax: 612-252-9077
Web: landform.net

IF THIS MEASURE DIRECTLY ABOVE DOES NOT CONTAIN FOUR INCHES, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL REPRESENTS.

PROJECT MANAGER REVIEW

BY: GES DATE: 25/27/2011

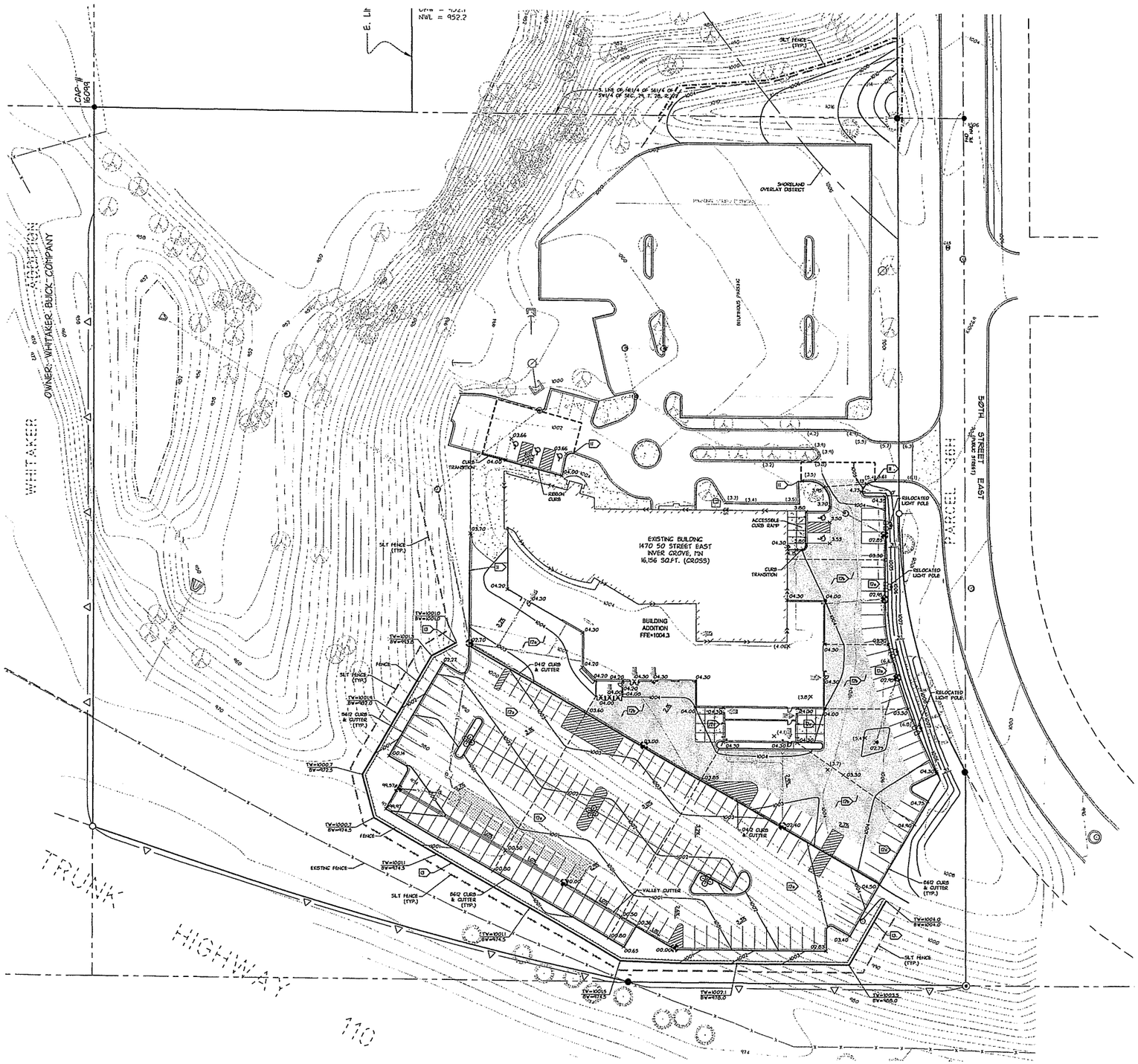
PRELIMINARY NOT FOR CONSTRUCTION

Sheet Title
SITE PLAN

Scale	1" = 30'	Sheet Number
Date	05-27-11	C-201
Comm No.	BA40033	

Know what's Below. Call before you dig.

NORTH
0 30 60



GRADING NOTES

1. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
2. REFER TO THE GEOTECHNICAL REPORT FOR ADDITIONAL INFORMATION ON BACKFILL MATERIAL AND GROUNDWATER CONDITIONS.
3. REMOVE TOPSOIL FROM GRADING AREAS AND STOCKPILE SUFFICIENT QUANTITY FOR REUSE.
4. REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE INITIAL LIFTS OF STABLE FOUNDATION MATERIAL IF EXPOSED SOILS ARE WET AND UNSTABLE.
5. COORDINATE WITH ARCHITECTURAL DRAWINGS FOR HOLD DOWN INFORMATION FOR ROUGH GRADE BELOW BUILDING PAD.
6. REFER TO STRUCTURAL SPECIFICATIONS FOR EARTHWORK REQUIREMENTS FOR BUILDING PADS.
7. AN INDEPENDENT TESTING FIRM SHALL VERIFY THE REMOVAL OF ORGANIC AND UNSUITABLE SOILS, SOIL CORRECTION, AND COMPACTION AND PROVIDE PERIODIC REPORTS TO THE OWNER.
8. PLACE AND COMPACT FILL USING LIFT THICKNESSES MATCHED TO SOIL TYPE AND COMPACTION EQUIPMENT TO OBTAIN SPECIFIED COMPACTION THROUGHOUT THE LIFT.
9. COMPACT MATERIAL IN PAVED AREAS TO 95% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 98% DENSITY WHERE FILL DEPTH EXCEEDS 10 FEET.

PAVING NOTES

10. SPOT ELEVATIONS AT CURBLINES INDICATE FLOWLINES UNLESS NOTED OTHERWISE. SEE SHEET C-401 FOR RIM ELEVATIONS OF CATCH BASINS.

(B) MEET AND MATCH EXISTING CURB. PROVIDE 10 FOOT TRANSITION IF NECESSARY.

(D) PAVING SECTIONS
(REFER TO GEOTECHNICAL REPORT)

a. BITUMINOUS PAVING (LIGHT DUTY)
   - 1.5-INCH WEAR (MNDOT 2360)
   - TACK COAT
   - 1.5-INCH BASE (MNDOT 2360)
   - 6-INCH AGGREGATE BASE (MNDOT 3138, CLASS 5)
   - COMPACTED SUBSOIL

b. BITUMINOUS PAVING (HEAVY DUTY)
   - 1.5-INCH WEAR (MNDOT 2360)
   - TACK COAT
   - 2.0-INCH BASE (MNDOT 2360)
   - 8-INCH AGGREGATE BASE (MNDOT 3138, CLASS 5)
   - COMPACTED SUBSOIL

c. CONCRETE DRIVES, APRONS, AND EXTERIOR SLABS
   - 6-INCH CONCRETE W/#4 REBAR AT 18 INCHES OC
   - 6-INCH AGGREGATE BASE (MNDOT 3138, CLASS 5)
   - COMPACTED SUBSOIL

RETAINING WALL NOTES

(R) PROVIDE STRUCTURAL DESIGN OF RETAINING WALLS, FOLLOWING LANDFORM RETAINING WALL SPECIFICATION FOR TRIMLIN DESIGN AND PERFORMANCE. PROVIDE CONSTRUCTION OF WALLS IN ACCORDANCE WITH APPROVED DESIGN.

14. CONFIRM ARCHITECTURAL REQUIREMENTS FOR WALL UNITS WITH OWNER.
15. SUBMIT DESIGN TO CITY FOR APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE.
16. PROVIDE COORDINATION AND ASSURANCE THAT RELATED WORK CONSTRUCTED WITHIN THE REINFORCED EARTH ZONE; INCLUDING FENCES, UNDERGROUND UTILITIES, GUARD RAILS, ETC.; IS IN ACCORDANCE WITH APPROVED DESIGN AND DOES NO DAMAGE TO REINFORCING ELEMENTS OF THE RETAINING WALL.

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

17. INSTALL PERIMETER SEDIMENT CONTROLS PRIOR TO BEGINNING WORK AND MAINTAIN FOR DURATION OF CONSTRUCTION. REMOVE CONTROLS AND DISPOSE OF OFF SITE AFTER AREAS CONTRIBUTING RUN OFF ARE PERMANENTLY STABILIZED.
18. LIMIT SOIL DISTURBANCE TO THE GRADING LIMITS SHOWN. SCHEDULE OPERATIONS TO MINIMIZE LENGTH OF EXPOSURE OF DISTURBED AREAS.
19. MANAGEMENT PRACTICES SHOWN ARE THE MINIMUM REQUIREMENT. INSTALL AND MAINTAIN ADDITIONAL CONTROLS AS WORK PROCEEDS TO PREVENT EROSION AND CONTROL SEDIMENT CARRIED BY WIND OR WATER.
20. RESTORE DISTURBED OPEN AREAS WITH TEMPORARY SEED OR SOD WITHIN 72 HOURS OF COMPLETING GRADING IN EACH AREA.
21. TEMPORARY SEED, SOD, MULCH AND FERTILIZER SHALL MEET THE FOLLOWING SPECIFICATIONS, AS MODIFIED.

	SPECIFICATION NUMBER
SEED	MNDOT 3876
SOD	MNDOT 3878
TYPE 50 @ 40 LB/AC	
TYPE 100A @ 60 LB/AC	
MULCH (TYPE 1 DISC ANCHORED)	MNDOT 3882
FERTILIZER	MNDOT 3881
GENERAL PLACEMENT	MNDOT 2575

22. SEE LANDSCAPING SHEETS FOR PERMANENT TURF ESTABLISHMENT.
23. SWEEP STREETS CLEAN DAILY.
24. EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES, INCLUDING CONCRETE WASHOUT, MUST BE LIMITED TO A DEFINED AREA OF THE SITE. RUNOFF MUST BE CONTAINED AND WASTE PROPERLY DISPOSED OF. NO ENGINE DEGREASING IS ALLOWED ON SITE.
25. DEWATERING OR DRAINING ACTIVITIES OF TURBID OR SEDIMENT LADEN WATER SHALL BE DISCHARGED TO A SEDIMENTATION BASIN OR TREATED WITH THE APPROPRIATE BMP PRIOR TO ENTERING THE SURFACE WATER. ENERGY DISSIPATION SHALL BE PROVIDED AT ALL DISCHARGE POINTS. DEWATERING OR BASIN DRAINING ACTIVITIES SHALL NOT CAUSE ADVERSE CONDITIONS, EROSION IN RECEIVING CHANNELS OR ON DOWNSLOPE PROPERTIES, OR ADVERSELY IMPACT WETLANDS.

EARTHWORK QUANTITIES

NOTE: EARTHWORK QUANTITIES ARE BASED ON A 1' HOLD DOWN IN PAVEMENT AREAS

TOTAL CUT: 2,300 C.Y.

TOTAL FILL: 27,300 C.Y.

NET: 24,900 C.Y. FILL

LEGEND

- SILT FENCE
- PAVEMENT SAWCUT LINE
- LIMITS OF CONSTRUCTION
- INLET PROTECTION

NPDES AREA SUMMARY NORTH LOT

	EXISTING	PROPOSED	ULTIMATE
PERVIOUS	5.14 ACRES	4.98 ACRES	4.98 ACRES
IMPERVIOUS	3.01 ACRES	3.17 ACRES	3.17 ACRES
TOTAL	8.15 ACRES	8.15 ACRES	8.15 ACRES

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NORTH

0 30 60

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ARCHITECTS

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CITY SUBMITTAL	9 MAY 2011
CITY SUBMITTAL	27 MAY 2011

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MAY 27, 2011

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IF THE BORDER DIRECTLY ABOVE DOES NOT CONTAIN FOUR LINES, THE SHEET HAS BEEN ENLARGED BEYOND INTENDED READABILITY. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

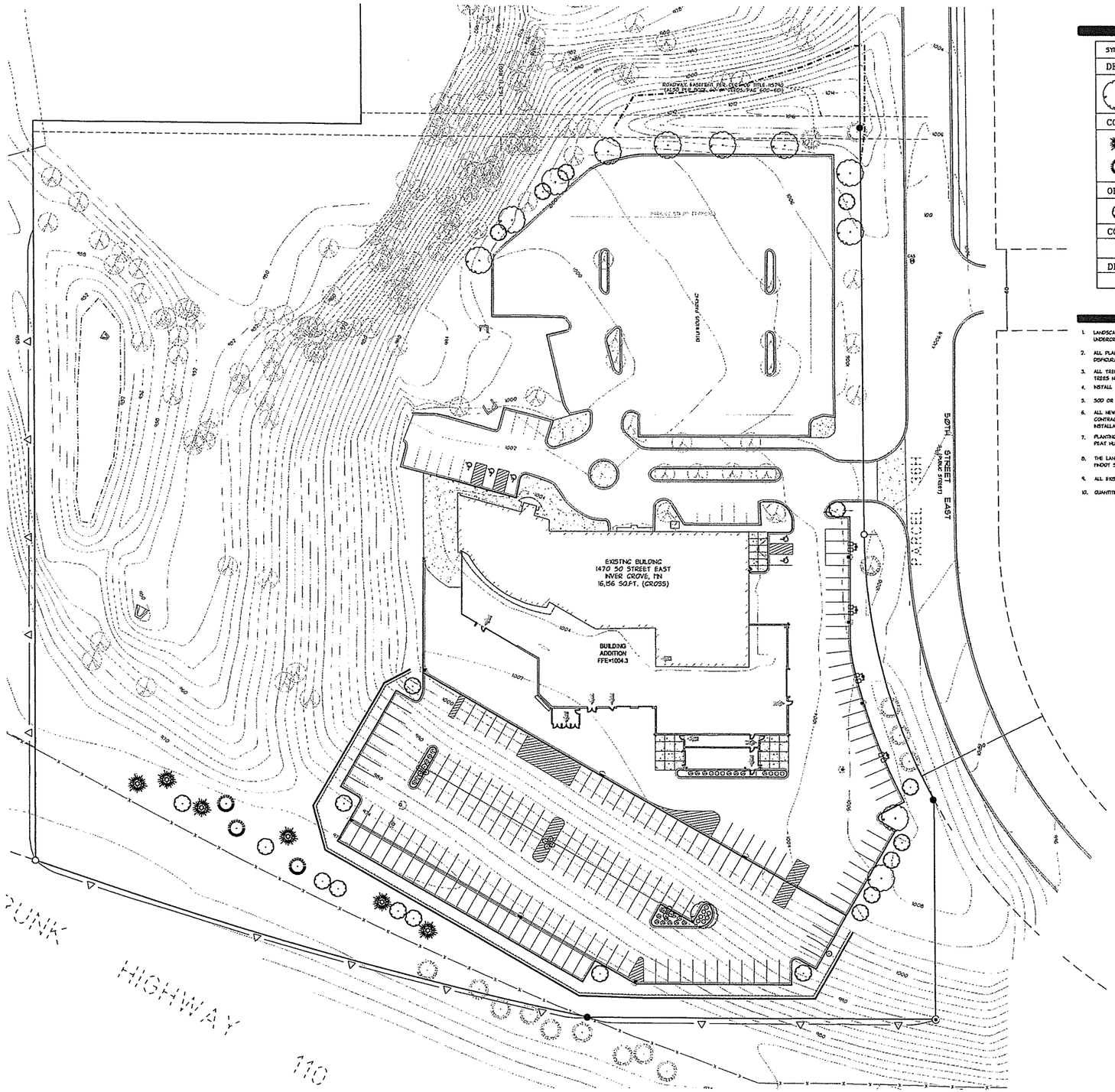
PROJECT MANAGER REVIEW

BY: SEB DATE: 05/27/2011

PRELIMINARY NOT FOR CONSTRUCTION

Sheet Title
GRADING, DRAINAGE, PAVING, & EROSION CONTROL

Scale	1" = 30'	Sheet Number
Date	09-27-11	C-301
Comm No	09.A.R.0033	



PRELIMINARY PLANT SCHEDULE

SYMBOL		COMMON NAME	SCIENTIFIC NAME	PLANTING SIZE	ROOT COND.	MATURE SIZE	SPECIAL FEATURES
DECIDUOUS TREES							
		REDMOND LINDEN	TILIA AMERICANA 'REDMOND'	2.5" CAL.	B&B	50H x 30W	PYRAMIDAL FORM
CONIFEROUS TREES							
		AUSTRIAN PINE	PINUS NIGRA	6' HT.	B&B	50H x 10W	DENSE GROWTH
		COLORADO SPRUCE	PICEA PUNGENS	6' HT.	B&B	50H x 10W	PYRAMID FORM
ORNAMENTAL TREES							
		SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	1.5" CAL.	B&B	20H x 15W	NO FRUIT
CONIFEROUS SHRUBS							
		BLUE CHIP JUNIPER	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	18" SP.	POT	10'H x 5'W	EVERGREEN
DECIDUOUS TREES							
		ANTHONY WATERER SPIREA	SPIREA X BUMALDA 'ANTHONY WATERER'	24" HT.	POT	3'H x 4'W	FLOWERING

LANDSCAPE NOTES

1. LANDSCAPE CONTRACTOR SHALL VISIT THE SITE PRIOR TO SUBMITTING A BID TO BECOME FAMILIAR WITH SITE CONDITIONS. THE LANDSCAPE CONTRACTOR SHALL HAVE ALL UNDERGROUND UTILITIES LOCATED PRIOR TO ANY DIGGING. THE LANDSCAPE CONTRACTOR SHALL COORDINATE INSTALLATION WITH GENERAL CONTRACTOR.
2. ALL PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION.
3. ALL TREES NOT PLACED WITHIN A SHRUB PLANTING BED SHALL HAVE A FOUR (4') FOOT DIAMETER MULCH RING INSTALLED AROUND THE TREE. VINYL EDGING IS REQUIRED WITH TREES NOT LOCATED IN SHRUB BED AREAS.
4. INSTALL 3-4 INCH DEPTH SHREDDED HARDWOOD BARK MULCH IN LANDSCAPE AREAS.
5. SOD OR SEED ALL TURF AREAS DISTURBED BY CONSTRUCTION AS INDICATED ON PLAN.
6. ALL NEWLY PLANTED TURF SEEDED AREAS SHALL BE IRRIGATED WITH AN UNDERGROUND IRRIGATION SYSTEM. THE SYSTEM SHALL BE DESIGNED BY THE IRRIGATION CONTRACTOR. THE IRRIGATION CONTRACTOR IS TO SUBMIT SHOP DRAWINGS OF IRRIGATION DESIGN AND CALCULATIONS FOR REVIEW BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. IRRIGATION CONTRACTOR IS TO MEET ALL CITY PLUMBING CODES AND REQUIREMENTS. PARKING ISLANDS WITHOUT SHRUBS NEED NOT BE IRRIGATED.
7. PLANTING SOIL FOR BACK FILLING PLANTING PITS SHALL CONSIST OF TOPSOIL TO WHICH HAS BEEN ADDED THREE (3 LBS.) POUNDS OF COMMERCIAL FERTILIZER AND 1/3 YARD OF PEAT HUMUS PER CUBIC YARD.
8. THE LANDSCAPE CONTRACTOR IS TO FOLLOW ALL PLANTING INSTRUCTIONS AND EROSION CONTROL MEASURES FOR THE ESTABLISHMENT OF NATIVE SEED MIXTURE AS SPECIFIED IN MNDOT SEEDING MANUAL 2003.
9. ALL EXISTING DECIDUOUS/CONIFEROUS TREES ARE TO BE TRIMMED OF DEAD WOOD AND PRUNED TO A NATURAL UNIFORM SHAPE.
10. QUANTITIES LISTED IN SCHEDULE ARE FOR REFERENCE ONLY. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING QUANTITIES ON PLAN PRIOR TO BID AND INSTALLATION.

OVERSTORY TREE REQUIREMENTS NORTH LOT

SITE REQUIREMENTS CREATED BY:
1 TREE PER 1,000 S.F. GROSS BUILDING FLOOR AREA
PARKING REQUIREMENTS:
1 TREE PER 10 PARKING STALLS
6-7' HT. SHRUB = 1 OVERSTORY TREE
2-1.5" DIAMETER ORNAMENTAL TREES = 1 OVERSTORY TREE
MINIMUM 25% DECIDUOUS OVERSTORY TREES
MINIMUM 25% CONIFEROUS OVERSTORY TREES
1 EXISTING TREE = 1 PROPOSED TREE
(EXISTING DECIDUOUS TREE = MIN. 8" DIAMETER D.B.H.
EXISTING CONIFEROUS TREE = MIN. 10' HEIGHT)
REQUIRED

20,200 NEW GFA ADDITION =	20 TREES
160 NEW PARKING STALLS =	16 TREES
TOTAL REQUIRED =	36 TREES

PROPOSED

PARKING LOT LANDSCAPING =	12 DECIDUOUS OVERSTORY TREES 14 ORNAMENTAL TREES (7 EQUIVALENT OVERSTORY TREES) 26 SHRUBS (6 EQUIVALENT OVERSTORY TREES)
TOTAL PARKING LOT TREES =	25 EQUIVALENT OVERSTORY TREES
SITE LANDSCAPING =	4 CONIFEROUS OVERSTORY TREES 6 ORNAMENTAL TREES (3 EQUIVALENT OVERSTORY TREES)
TOTAL SITE TREES =	12 EQUIVALENT OVERSTORY TREES
TOTAL PROPOSED TREES =	37 EQUIVALENT OVERSTORY TREES

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PROJECT MANAGER REVIEW

BY: GEB DATE: 05/27/2011

PRELIMINARY
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CONSTRUCTION

Sheet Title
LANDSCAPE PLAN

Scale	1" = 30'	Sheet Number
Date	05-27-11	L-201
Comm No	BA.A1.0033	

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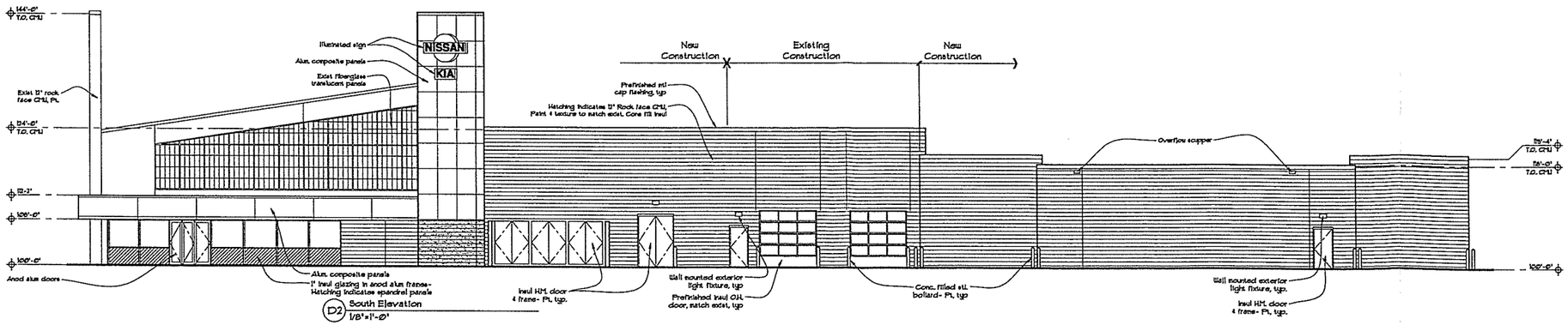
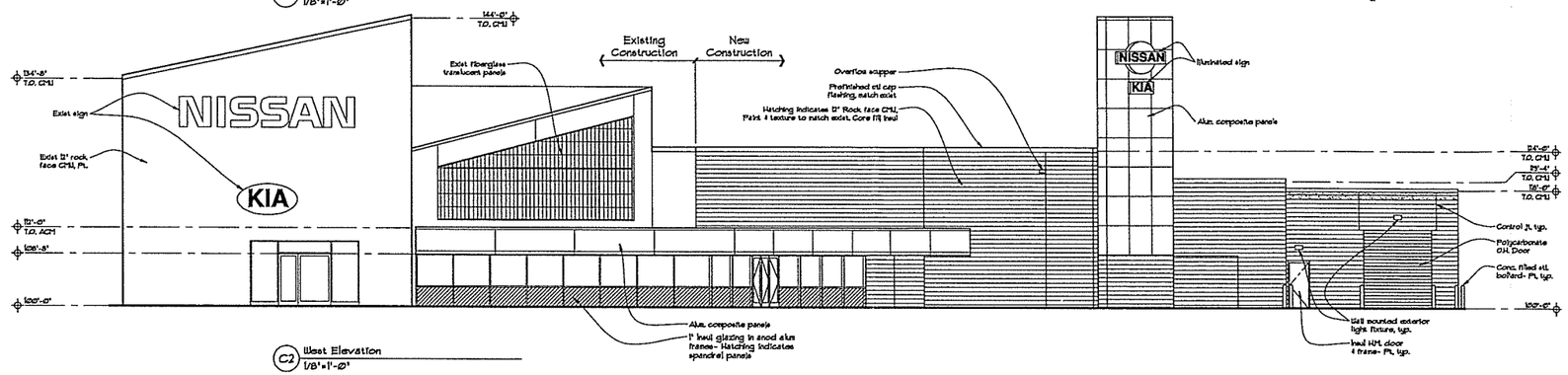
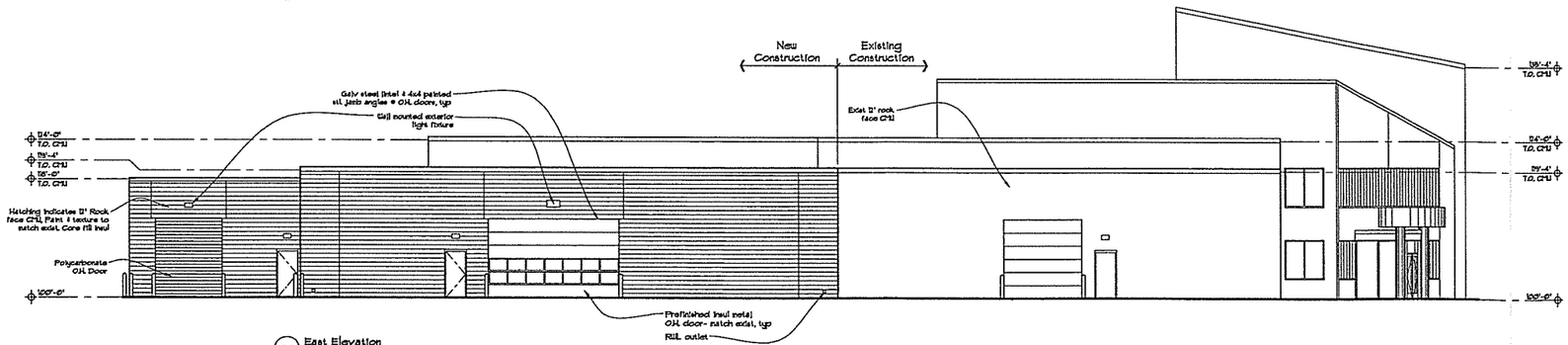


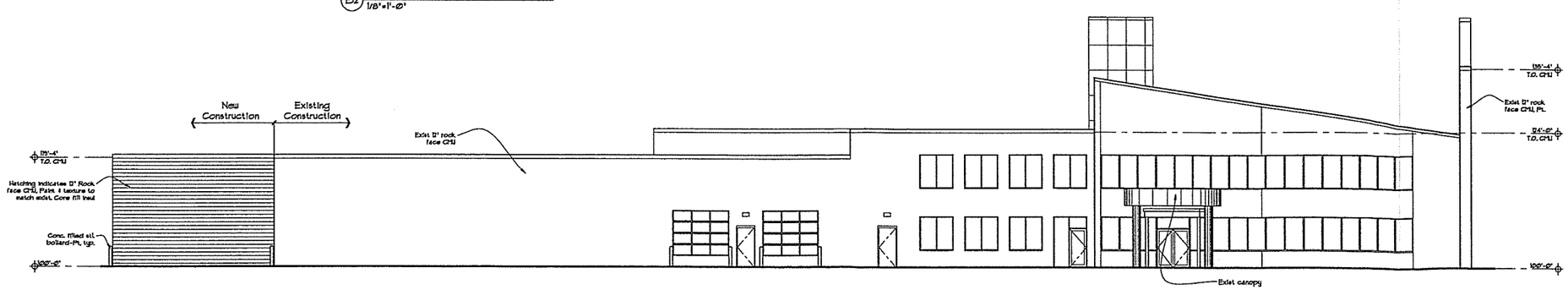
D2 South Elevation
1/8"=1'-0"



C2 West Elevation
1/8"=1'-0"



B2 East Elevation
1/8"=1'-0"



A2 North Elevation
1/8"=1'-0"

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Building Additions

Issue:
City Submittal 9 May 2011

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed ARCHITECT under the laws of the state of MINNESOTA.
Jonathan D. Baker

Date: 05/09/2011 Reg No: 19329

Sheet Title
Exterior Elevations

Scale: 1/8"=1'-0"
Date: 05/09/2011
Comm No: 3466
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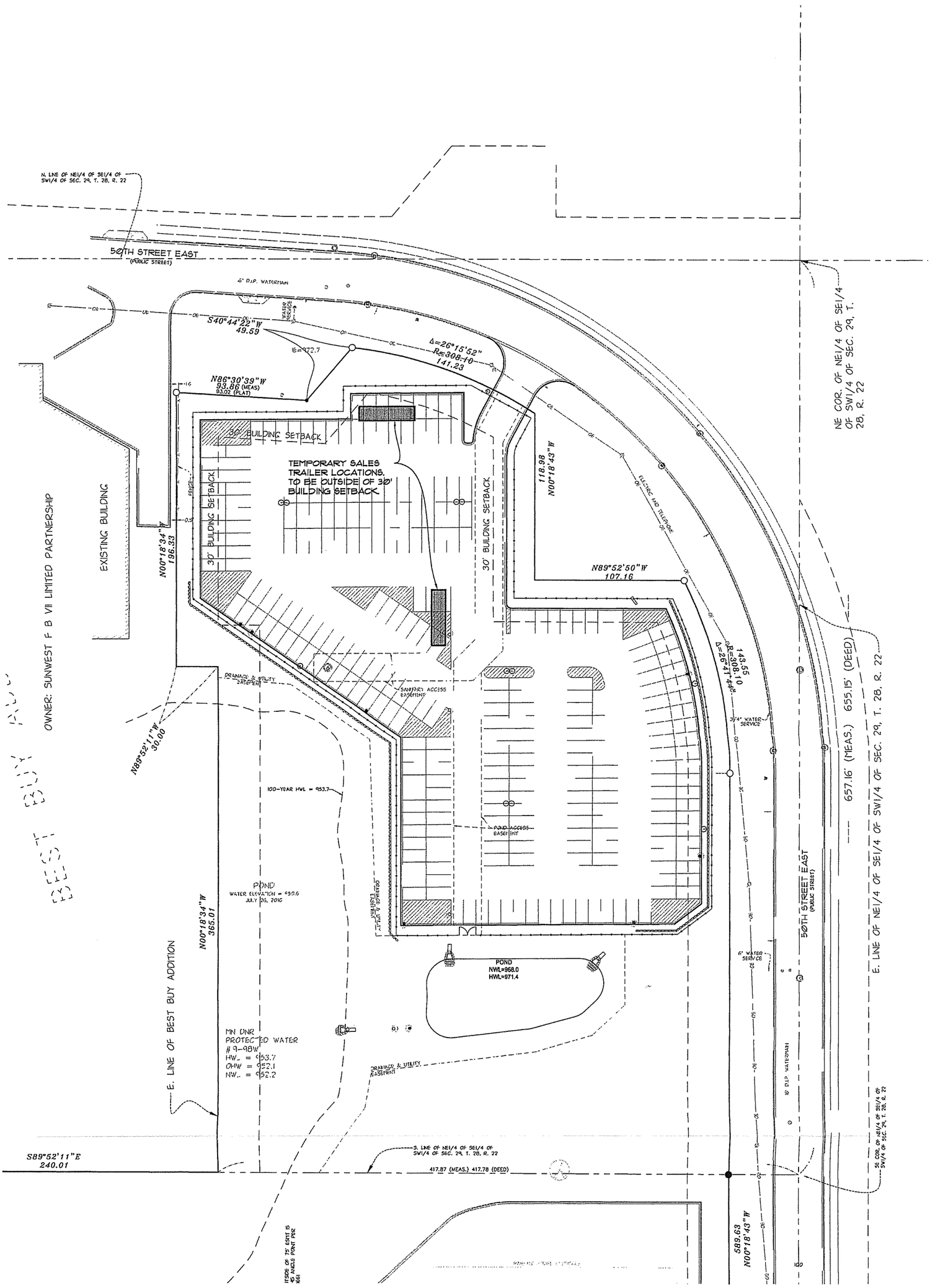
Sheet Number
A-201



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TEMPORARY SALES TRAILER LOCATIONS

05.27.2011