

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, SEPTEMBER 6, 2011 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**
  
2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 16, 2011**
  
3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
  - 3.01 **DALE NELSON – CASE NO. 11-23V**  
Consider a **Variance** to allow an accessory building 12 feet from the rear property line whereas 50 feet is required. This request is for the property located at 9860 Rich Valley Blvd.  
  
Planning Commission Action \_\_\_\_\_
  
  - 3.02 **INVERHILLS CHURCH– CASE NO. 11-24V**  
Consider a **Variance** to allow more than one free standing sign on the property located at 8265 Babcock Trail.  
  
Planning Commission Action \_\_\_\_\_
  
  - 3.03 **DAKOTA COUNTY PARKS DEPARTMENT– CASE NO. 11-25ZA**  
Consider a **Subdivision Code Amendment** to allow subdivisions for the creation of public land subject to administrative approval.  
  
Planning Commission Action \_\_\_\_\_
  
4. **OTHER BUSINESS**
  
5. **ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 16, 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  
Armando Lissarrague  
Mike Schaeffer  
Harold Gooch  
Tony Scales  
Paul Hark

Commissioners Absent: Victoria Elsmore (excused)  
Dennis Wippermann (excused)  
Pat Simon (excused)

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

### **APPROVAL OF MINUTES**

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

### **CITY OF INVER GROVE HEIGHTS – CASE NO. 11-22ZA**

#### **Reading of Notice**

Commissioner Hark read the public hearing notice to consider an ordinance amendment to Chapter 10 of the City Code (Zoning Ordinance) relating to updates to the Floodplain Management District and adoption of the new FEMA Floodplain Maps. No notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Federal Emergency Management Agency (FEMA) has been working on their five-year program of updating the floodplain maps. FEMA and DNR held an open house in September 2008 and then published public hearing notices in the paper in November 2008, followed by a 90 day comment review period. Staff did not receive any comments from residents during this review period. The City must adopt the new maps and floodplain ordinance changes before December 2, 2011 in order to continue uninterrupted coverage in the flood insurance program. He advised that the overall floodplain boundary for the most part stayed the same so it has no impact on uses in the Zoning Code. Staff has no concerns as there are only minimal changes and in many cases the changes are advantageous to the residents. The second part of the process is adoption of the updated floodplain ordinance. None of the proposed changes have any impact on use. Staff recommends approval of the new floodplain maps and the revisions to the floodplain ordinance.

Chair Bartholomew asked if property owners were notified of the revisions.

Mr. Hunting stated that notification was done through FEMA and DNR. Staff did not receive any comments from property owners.

Chair Bartholomew stated he wanted to ensure that property owners that were now in a floodplain whereas previously they were not were notified of the change.

Mr. Hunting advised there were no properties that were previously outside the floodplain that were now inside, stating the floodplain boundary actually shrunk in many areas. He added that the properties in the area most impacted were owned mainly by either the marinas or the City.

**Opening of Public Hearing**

There was no public testimony.

**Planning Commission Recommendation**

Motion by Commissioner Gooch, second by Commissioner Scales, to approve the request for an ordinance amendment to Chapter 10 of the City Code (Zoning Ordinance) relating to updates to the Floodplain Management District and adoption of the new FEMA Floodplain Maps.

Motion carried (6/0). This item goes to the City Council on September 12, 2011.

**OTHER BUSINESS**

Chair Bartholomew adjourned the meeting at 7:13 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

---

**REPORT DATE:** September 1, 2011      **CASE NO.:** 11-23V

**HEARING DATE:** September 6, 2011

**APPLICANT AND PROPERTY OWNER:** Dale Nelson

**REQUEST:** A variance from the rear yard setback requirements

**LOCATION:** 9860 Rich Valley Boulevard

**COMP PLAN:** RDR, Rural Density Residential

**ZONING:** A, Agricultural

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:**  Heather Botten  
Associate Planner

---

## **BACKGROUND**

The applicant would like to construct an accessory building on the 2.4 acre property 12 feet from the rear yard property line whereas 50 feet is the required setback. The proposed building would be 26'x26' (676 square feet) in size. The accessory building would be in compliance with other setback and size requirements. The property is screened with trees and has low land close to Rich Valley Boulevard.

In 1998, the property owners at the time requested two variances for two accessory buildings to be located on this property. At that time, staff recommended approval of one variance for an accessory building to be located 40 feet from the property line and denial of the other variance for a second accessory building to be located 13 feet from the property line. City Council approved both variance requests. The accessory buildings (greenhouses) have been removed for a number of years and have lost any grandfathering rights.

## **SPECIFIC REQUEST**

The following specific application is being requested:

- 1) A variance from the rear yard setback to construct a 676 square foot structure 12 feet from the property line whereas 50 feet is required.

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

North - Single Family Residential; zoned A; guided Rural Density Residential  
South - Single Family Residential; zoned A; guided Rural Density Residential

West – Single Family Residential; zoned E-1, Estate Residential; guided Rural Density Residential  
East - Single Family Residential; zoned A; guided Rural Density Residential

### **EVALUATION OF REQUEST:**

City Code Title 10, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning 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, City Code 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.*

The City Code has greater setbacks in the rural areas to provide a buffer between structures, promoting rural and agricultural uses of property and minimizing any potential impacts on neighboring properties. Allowing a 38 foot variance could set a precedent for other rural lots in the City. In respect to the land use, size of the proposed structure and number of accessory buildings on the property the request is in harmony with the intent of the city code and comprehensive plan.

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

The request for an accessory building and the size of the building are allowed by the zoning ordinance. The Council's aim for larger setbacks and separation of structures would not be met with the approval of this variance. With this in mind, granting the variance may establish a precedence that is contrary to the Zoning Code. There are alternative locations on the property that could meet the setback requirements.

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

The property is 2.4 acres in size. There is a depression in the front of the property (along the west side) that does provide some physical constraints. However, the land near the home is relatively flat and an accessory building could be constructed on the property meeting setback requirements or the structure could be constructed closer to the home minimizing the size of the variance request.

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

The setback standards are not precluding the homeowner from reasonable use of the property. This variance may be considered a convenience to the applicant, not a practical difficulty. The closest structure to the proposed building would be over 275 feet away. Other structures in the area appear to meet setback requirements.

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

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

## **ALTERNATIVES**

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

**A. Approval** If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. The accessory structures shall not be used for commercial uses or storage related to a commercial use.
3. A grading/erosion control plan will be required at the time of the building permit application.

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

1. Denying the variance requests does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for setbacks in the agricultural and rural areas.
3. Staff does not believe there are practical difficulties in complying with the official control as the lot is 2.4 acres in size and there is room on the property to construct the accessory building meeting setback requirements.

## **RECOMMENDATION**

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

While some of this criteria has been met, staff believes the 38' variance request is a significant request and the applicant did not identify practical difficulties to comply with the ordinance as the accessory building could be constructed on the property meeting setback requirements. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments: Exhibit A – Location/Zoning Map  
Exhibit B – Applicant Narrative  
Exhibit C – Site & Building Plans



# Location Map

## 9860 Rich Valley Blvd



Exhibit A  
Zoning Map

Variance Request  
9860 Rich Valley Blvd  
Inver Grove Heights, MN 55077

Variance Description:

A variance is being requested to construct a wood framed garage with concrete slab with the dimensions of 26Ft X 26Ft. with a 2ft concrete apron setback 12Ft from the east (rear) property boundary. The local code for rear setback is 50Ft. All other setbacks meet the code requirements.

Discussion of Site Selection:

The site selected for a garage is based on the following considerations:

- Use of existing driveway with minimal additional impervious surfaces.
- Minimal excavation.
- Site selected was previously a greenhouse operation and is level with existing compacted class 5 gravel.
- No removal of mature trees.
- Use of existing fence gate with no modifications.
- Proximity to electrical power.
- Proximity to house.
- Snow removal and snow storage to insure continued access to property.
- Site selected is currently unusable land and will not disrupt access to the back yard.
- The site selected does not restrict light or air from adjacent properties.
- The existing house and garage are setback to the rear of the property, which does not allow room for a rear setback of 50Ft.
- A 12ft rear setback allows 3 red pine trees to remain on the fence line to the rear of the garage.

Practical difficulty's of building sites with required 50Ft setback:

Front of house (west):

The front of the house has a yard extending approximately 75Ft and has several mature trees as well as a septic system and drain field. Beyond the yard to the west is a grass field and vegetable gardens, this area has a low (~883Ft) elevation and is prone to flooding. This area was rejected for these reasons.

Attachment to existing garage:

Attachment to the existing attached 3 car garage was considered and rejected due to technical difficulty's of attaching to the existing garage. Attaching to the existing garage would also require excavation and removal of an in ground watering spigot which was installed by a previous owner. Attaching to the existing garage would adversely affect the aesthetics of the property.

Conclusion:

The building site selected is optimal due to physical surroundings such as the existing location of the house, driveway, fence gate and mature trees. The selected site is in keeping with the spirit and intent of the City Code and will not adversely effect the aesthetics of the owners or neighbors property.

Dale Nelson  
9860 Rich Valley Blvd  
Inver Grove Heights, MN 55077

SCALE 1" = 100'  
 VARIANCE CASE # 11-23V REVISION 02-08/23/2011

LEGAL DESCRIPTION: Provided by Client

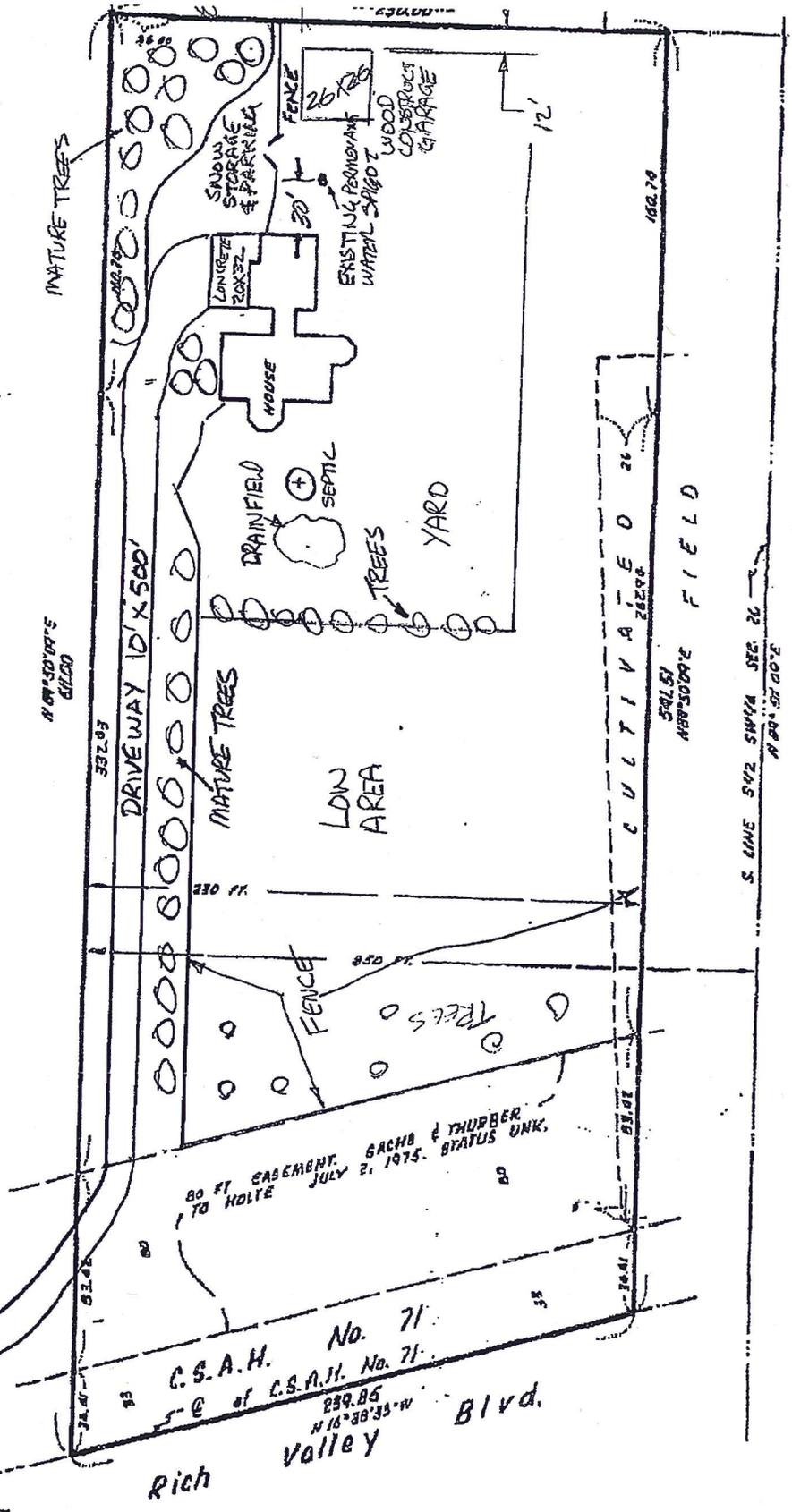
County of Dakota, State of Minnesota

That part of the North 230 feet of the South 850 feet of the S $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 20, Township 27, Range 22, lying West of the East 60 feet of the Sald S $\frac{1}{4}$  of the SW $\frac{1}{4}$  and lying Easterly of the center line of SAR No. 71, also known as Rich Valley Boulevard, subject to the rights of the public in SAR No. 71 and subject to easement of record.

Note: There have been various roadway easements across this property paralleling and abutting the county road. A title search would be needed to determine what easements exist.

- Indicates iron set, marked with Registration No. 16099.
- Indicates iron found.

DALE NELSON  
 9860 RICH VALLEY BLVD  
 IGH, MN 55077



Rich Valley Blvd.  
 C.S.A.H. No. 71  
 of C.S.A.H. No. 71  
 1678.85  
 M-CE-88-91N

S. LINE SV2 SW $\frac{1}{4}$  SEC 20  
 168.78'

# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

---

REPORT DATE: September 1, 2011                      CASE NO: 11-24V

HEARING DATE: September 6, 2011

APPLICANT/PROPERTY OWNER: Inverhills Church

REQUEST: Variance to allow more than one freestanding sign

LOCATION: 8265 Babcock Trail

COMPREHENSIVE PLAN: Public/Institutional

ZONING: P, Institutional

REVIEWING DIVISIONS: Planning

PREPARED BY:  Heather Botten  
Associate Planner

---

## BACKGROUND

The applicant is requesting a variance to allow more than one freestanding sign on their property located in a P, Institutional zoning district. The property is about 13.4 acres in size. There is one access to the site located off of Babcock Trail. The lot has about 1,500 feet of frontage along Hwy 55. There is currently one freestanding sign near the entrance off of Babcock Trail, one wall sign on the Church, and one temporary sign on the west side of the Church. For better visibility purposes the property owner would like to add one additional freestanding sign along Highway 55.

The proposed sign is 70 square feet in size and would be setback 13 feet from the property line, meeting size and setback requirements. The Zoning Code would allow up to 680 gross square feet of signage on the property. There is currently less than 200 square feet of existing signage on the property.

## EVALUATION OF REQUEST:

Surrounding Uses: The subject property is surrounded by:

|       |   |
|-------|---|
| North | Single family residential; zoned A; guided Industrial Office Park                   |
| East  | Single family and Public Works building; zoned A and P; guided Public/Institutional |
| West  | Single family; zoned A; guided Industrial Office Park                               |
| South | Vacant; zoned PUD; guided Industrial Office Park                                    |

Variance

As indicated earlier, the applicant is requesting a variance to allow more than one freestanding sign on the property.

City Code Title 10, Chapter 3. **Variations**, states that the City Council may grant variations when they are in harmony with the general purposes and intent of the zoning 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 variations, City Code 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.*

The purpose of the sign code is to regulate the placement, erection, and maintenance of signs in the city so as to promote the health, safety and general welfare of its residents. The variance request itself does not appear to be in conflict with this general purpose. The application is not contrary to the Comprehensive Plan as the future land use is public/institutional and a Church is an approved land use in this district.

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

Other zoning districts, such as the Bishop Heights area allow additional signage for property located along the highway. Additionally, the majority of businesses along a highway are typically commercial or industrial uses which would allow more than one freestanding sign on the property if the size of the property would allow it. The size of the sign meets code requirements and is not out of character for a highway sign. Therefore, the request to construct an additional sign would be a use that is reasonable for this parcel.

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

The property is unique in that it has 1,500 feet of frontage along a Highway. In the mid-80's, when the Church was constructed Babcock trail was a through-street with access to Highway 55. In 1991, MnDot closed the Babcock access, the main connection to the Church property. Adding an additional sign along the highway would increase the visibility of the name and location of the Church.

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

Other commercial and industrial businesses located along Hwy 55, Hwy 52, and I-494 would be allowed to have more than one sign on their property if they have more than 200 lineal feet of frontage. When looking at the size of the lot, the amount of highway frontage, and total signage allowed on the property, allowing the applicant to have one freestanding sign at the entrance and one along the highway is not out of the character for properties along a highway.

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

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

## **ALTERNATIVES**

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

A. **Approval** If the Planning Commission finds the setback variances to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

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.

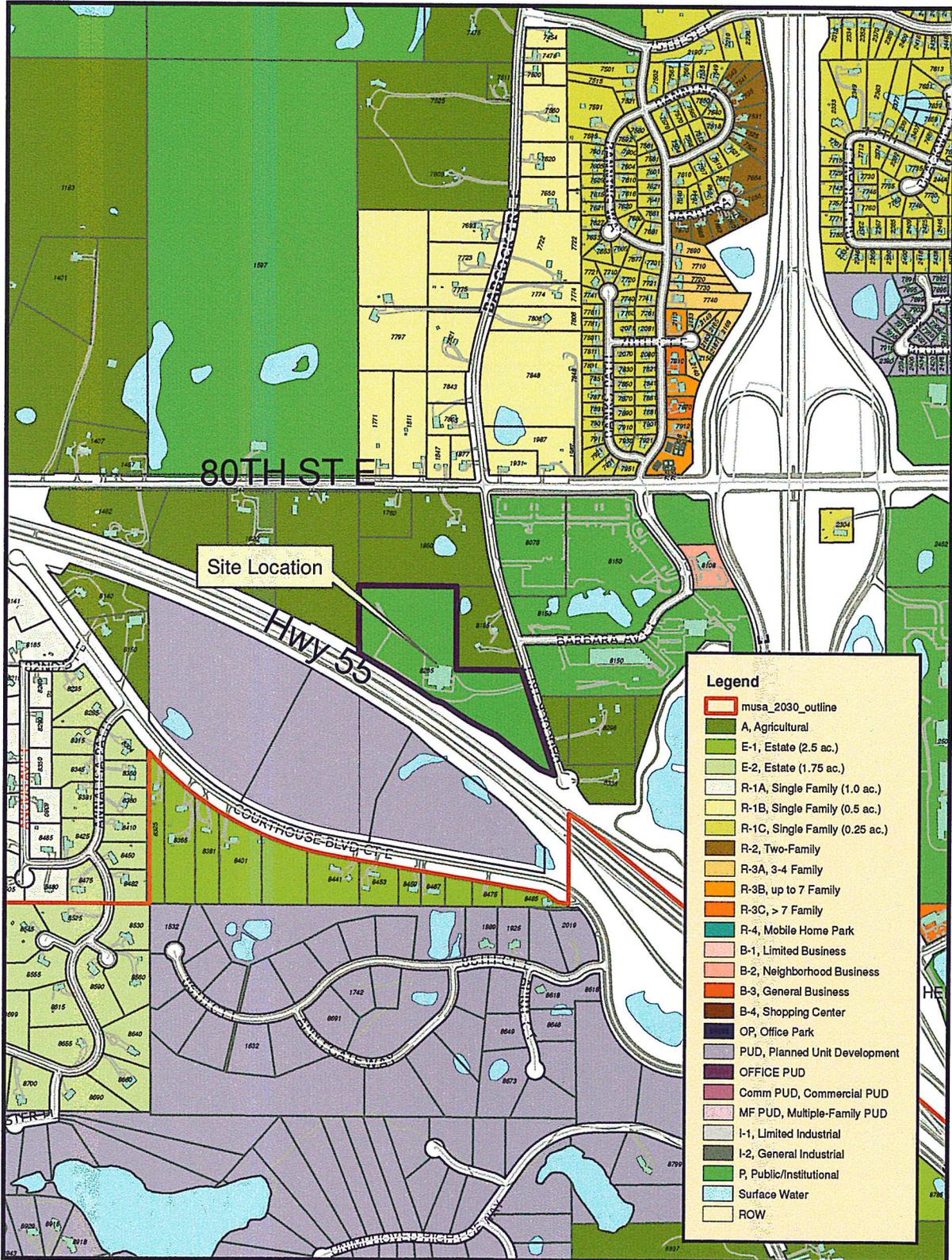
## **RECOMMENDATION**

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

Attachments: Exhibit A – Location Map  
Exhibit B – Applicant Narrative  
Exhibit C – Proposed Sign  
Exhibit D – Site Plan



# Location Map



| Legend           |                                |
|------------------|--------------------------------|
| [Red Outline]    | musa_2030_outline              |
| [Green]          | A, Agricultural                |
| [Light Green]    | E-1, Estate (2.5 ac.)          |
| [Lighter Green]  | E-2, Estate (1.75 ac.)         |
| [White]          | R-1A, Single Family (1.0 ac.)  |
| [Light Yellow]   | R-1B, Single Family (0.5 ac.)  |
| [Yellow]         | R-1C, Single Family (0.25 ac.) |
| [Orange]         | R-2, Two-Family                |
| [Light Orange]   | R-3A, 3-4 Family               |
| [Dark Orange]    | R-3B, up to 7 Family           |
| [Red-Orange]     | R-3C, > 7 Family               |
| [Teal]           | R-4, Mobile Home Park          |
| [Light Pink]     | B-1, Limited Business          |
| [Pink]           | B-2, Neighborhood Business     |
| [Red-Pink]       | B-3, General Business          |
| [Dark Pink]      | B-4, Shopping Center           |
| [Dark Blue-Gray] | OP, Office Park                |
| [Purple-Gray]    | PUD, Planned Unit Development  |
| [Dark Purple]    | OFFICE PUD                     |
| [Red-Purple]     | Comm PUD, Commercial PUD       |
| [Light Purple]   | MF PUD, Multiple-Family PUD    |
| [Light Gray]     | I-1, Limited Industrial        |
| [Dark Gray]      | I-2, General Industrial        |
| [Dark Green]     | P, Public/Institutional        |
| [Light Blue]     | Surface Water                  |
| [White]          | ROW                            |



Exhibit A  
Zoning Map



August 9, 2011

Re: Variance Application

To Whom It May Concern,

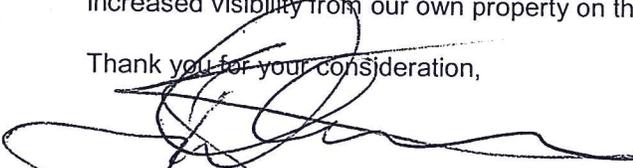
In 1985 South Saint Paul Assembly of God Church began construction on 8265 Babcock Trail East in Inver Grove Heights. At the time, Babcock Trail accessed Highway 55. Upon completion, the congregation changed the name to Inver Hills Assembly of God, and later in 1998 to Inverhills Church.

In 1991 the Department of Transportation began an enlargement project that would permanently affect the ability to access our church. Before the access from the west bound closed, we had 27 families from the southeast, many from Hastings and as far south as Cannon Falls, regularly attending. Most of these families started attending elsewhere over the next few years. It is sad that something as insignificant as easy access would encourage families to attend another church fellowship, but it is a harsh reality. Over the years since the construction, even the former Mayor has referred to us as Inver Grove Height's best kept secret. Our only entry to the property is now halfway down a dead end road, which definitely needs signage, but has no visibility from the highway.

We are seeking a variance for a two-sided sign on the Highway 55 side of the church building visible from both directions of traffic on the highway in addition to the sign at the end of our driveway. The reason we didn't seek to put a sign up in the past is because our information told us that the Highway 55 corridor was under the control of the Met Council, and they would not allow a sign on the highway side of our property. This information had come from the legal counsel that the church had retained during the Highway 55 project when 1.3 acres of the church's property was assumed by the state for said expansion. At that time, using the assistance of legal counsel, the church had even pursued being placed on blue informational signs at the 80<sup>th</sup> Street overpass and the Barnes Street overpass to help assist people in the newly restricted access to the church. This proposal was also rejected by the Met Council. In an inquiry into this matter to the city last year, we discovered this decision was now in the hands of the city.

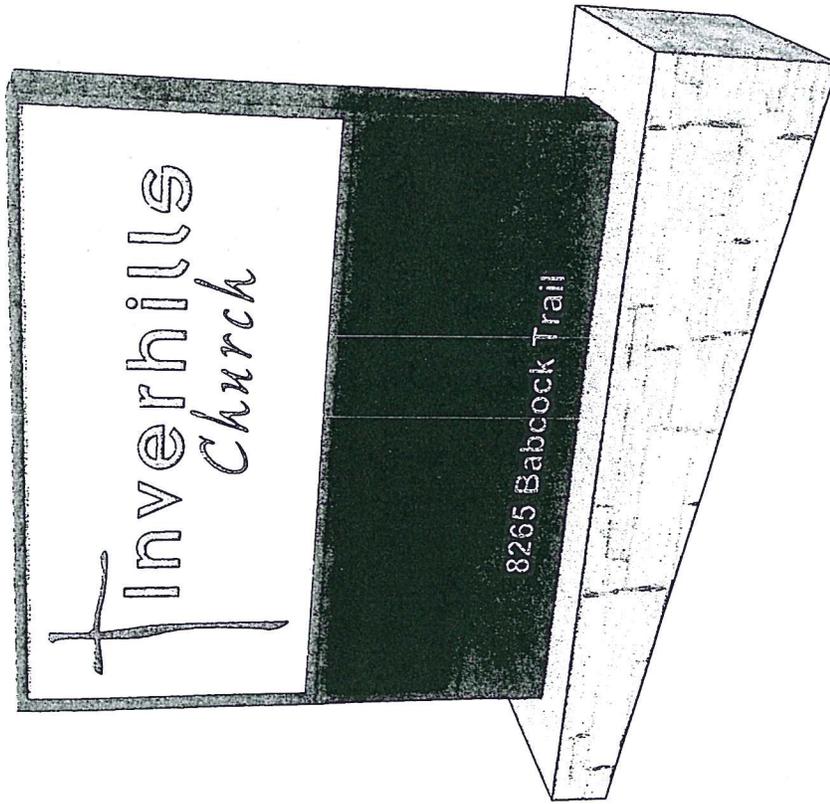
It would help us greatly to better serve the people of this and the surrounding communities if we had increased visibility from our own property on the highway.

Thank you for your consideration,



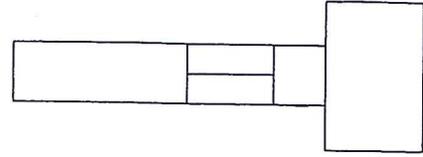
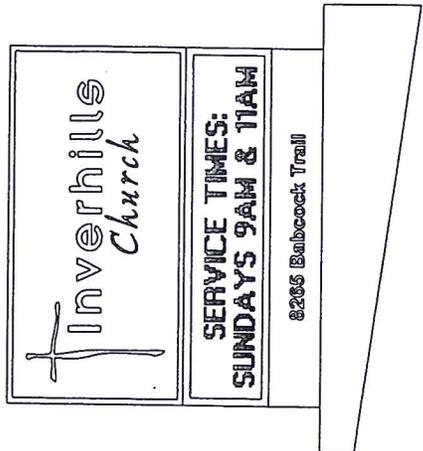
Rev. Bart Thompson

Senior Pastor of Inverhills Church for the past 15 years and preceded by Lawrence Mather who pastored this congregation in South Saint Paul and Inver Grove Heights over the previous 42 years.



sign 70 1/4 in size

two sided



CLIENT  
Inverhills Church

HWY 55 Monument Sign  
A.01

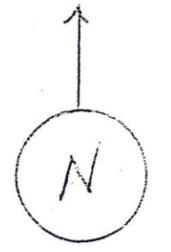
Dakota County, MN

Map Scale  
1 inch = 120 feet

INVER HILLS  
ASSEMBLY OF GOD  
CHURCH  
8265 BABCOCK TRAIL E



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.





|       |   |
|-------|---|
| East  | City owned land for stormwater pond, DNR open space; zoned A, Agricultural; guided RDR. |
| West  | Highway 52/55.  |
| South | DNR open space; Zoned A; guided LI, Public Open Space                                   |

Ordinance Amendment: Late last year the City amended the Zoning Ordinance to address a similar situation where the DNR was purchasing land for the purpose of adding it to the Scenic Natural Area Program. The Critical Area Overlay ordinance was amended because lot divisions resulting in land with residential uses needed to be 10.0 acres in size. To avoid the variance procedure, the code was amended to address the specific issue of land acquisition by a governmental entity.

Now this same type of issue has come up again where land is to be purchased by a governmental agency for a public use and bulk standards for lot size and width are an issue again. To avoid a variance from minimum lot width, staff had been working with County staff on the idea of amending the Subdivision Code to address the general topic of making any land acquisition by a governmental agency for public use allowable by an administrative subdivision process. This would be processed at the staff level and does not require Planning Commission or City Council approval. The City Attorney has worked with staff and prepared ordinance language that would allow the creation of parcels that becomes public land and is conveyed to a governmental unit. This would allow for parcel creation for trails, streets, open space or conservation areas and storm water ponds and facilities. Such a requirement is being proposed as an administrative approval in order to help with the expedition of these types of lot divisions as many times the opportunity to purchase land comes up quickly and the window to get all the paper work done can be very short. Since the acquired land would not be used for buildable lots, the amount of review is less since the land would become part of a public project or program which has already been studied or reviewed.

In most cases, the land acquisition would not need to meet the minimum lot size or width standards of the underlying zoning district based on what the land would be used for. Staff is also recommending an additional amendment that would exclude land parcel creation from the bulk lot size and width standards if the land is used for; trails, streets, open space or conservation land, and storm water ponds and facilities.

Proposed Amendment #1. Two paragraphs would be added to the administrative subdivision section (items #6 and #7):

#6 - Allow property division where one parcel would be government owned, the balance remains in private ownership. Both lots must meet dimensional standards of the underlying zoning district.

#7 - Allows property division where the new parcel is contiguous to existing government owned property. In this case, the newly created lot would not need to meet dimensional standards. This would be used for the current situation occurring with this application. This would also be used for example if the city wanted to purchase a small piece of land to expand a

park, or add a trail. This could be used in the situation where the City is looking to acquire a narrow strip of land down near the swing bridge for trail purposes.

It would seem reasonable to expand the administrative subdivision section to allow for these minor land acquisitions where the property would not be used for a new building site and so the review of bulk standards would not be necessary.

Proposed Amendment #2. A new section would be added to the Performance Standards section that clarifies that parcels created for those specific uses listed and owned by a government entity do not have to meet the dimensional standards of the underlying zoning district. In most cases, these land acquisitions for trails, streets or storm ponds are irregular in shape and typically dictated by the use needed. It has been more common lately for land owners to require purchase of their land rather than agree to an easement when it is used for public purpose. This amendment would allow any shape and size of land acquisition regardless of the underlying zoning dimensional standards.

## **ALTERNATIVES**

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

A. **Approval.**

- Approval of the **Ordinance Amendments** to the Subdivision Code and Zoning Code relating to allowing property divisions for governmental entities by administrative approval.

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 ordinance amendments as proposed.

Attachment: Proposed Ordinances  
Applicant information  
Location Map  
Survey of Subject Parcel

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,  
TITLE 11, CHAPTER 1, SECTION 11-1-7-2 (B)  
REGARDING PROPERTY DIVISIONS SUBJECT TO ADMINISTRATIVE  
APPROVAL

---

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS  
FOLLOWS:

**Section One. Amendment.** Title 11, Chapter 1, Section 11-1-7-2 (B), of the  
Inver Grove Heights City Code is hereby amended to read as follows:

**11-1-7-2: PROPERTY DIVISIONS SUBJECT TO ADMINISTRATIVE  
APPROVAL:**

B. Types Of Property Divisions: The following types of property division requests shall  
require only administrative approval:

1. The creation of parcels of twenty (20) acres in area, or greater, that are at least five  
hundred feet (500') in width and area in an A, E or R zoning district.
2. The creation of parcels of five (5) acres in area with a minimum lot width of three  
hundred feet (300') in all P, B and I zoning districts.
3. The creation of cemetery lots.
4. Property line adjustments resulting from court orders.
5. Property line adjustments that do not result in the creation of an additional parcel  
of land. All parcels involved must continue to meet all dimensional, area and  
setback requirements of the zoning district in which the properties are located, in  
accordance with title 10 of this code.
6. A property division whereby one of the resulting parcels becomes Public Land and  
is conveyed to a governmental unit provided all of the resulting parcels meet the  
required size and bulk standards of the applicable zoning district.
7. A property division whereby one of the resulting parcels becomes Public Land and  
is conveyed to a governmental unit and the parcel becoming Public Land is  
contiguous to another parcel of Public Land.

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

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
George Tourville, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Rheame, Deputy City Clerk

CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE INVER GROVE HEIGHTS CITY CODE BY  
ADDING TITLE 10, CHAPTER 13, ARTICLE K REGARDING LOT SIZE AND  
BULK STANDARDS FOR CERTAIN TYPES OF PUBLIC LAND

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS  
FOLLOWS:

**Section One. Amendment.** The Inver Grove Heights City Code is amended by  
adding Title 10, Chapter 13, Article K to read as follows:

TITLE 10, CHAPTER 13, ARTICLE K

ARTICLE K. LOT SIZE AND BULK STANDARDS FOR CERTAIN TYPES OF  
PUBLIC LAND

10-13-K-1: FINDINGS:

The city finds that the minimum lot sizes and bulk standards for the zoning districts may not rationally relate to the nature and function of certain types of Public Land. Unless an exception is created for certain Public Lands, the minimum lot sizes and bulk standards for the zoning districts would apply in instances where the Public Lands were owned in fee title by a governmental unit, as opposed to the governmental unit having an easement only.

10-13-K-2: PURPOSE AND INTENT:

The purpose and intent of 10-13-K is to create an exception for certain Public Lands from the minimum lot size and bulk standards for the underlying zoning districts.

10-13-K-3:

Notwithstanding anything to the contrary in Title 10, in instances where the Public Land is owned in fee by a governmental unit, the following types of Public Land are exempt from the lot size requirements and bulk standards for the underlying zoning districts.

- A. Trails.
- B. Streets.
- C. Areas restricted to open space or conservation land.
- D. Storm water ponds and storm water facilities.

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

Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
George Tourville, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Rheaume, Deputy City Clerk

**Narrative pertaining to Request to the City of IGH  
By Dakota County and  
The Wilfred and Mary Krech Family for**

- **Zoning Code Amendment, and**
- **Administrative Subdivision Split**

Background

The Mississippi River Regional Trail (MRRT) Central Segment is an initiative of Dakota County (County) to construct 1.2 miles of a bicycle/pedestrian trail designed to extensive federal and state standards in the City of Inver Grove Heights (City), to provide a safe and efficient transportation system for the City and County. See a trail map attached as Exhibit A. The County will be responsible for the construction, operation and maintenance of the trail as agreed to by the County and City in a separate Joint Powers Agreement. MRRT is planned eventually to connect South St. Paul to Spring Lake Park Reserve and Hastings, traversing through six local units of government. On September 21, 1999, (Resolution 99-526) the County Board adopted the Draft Development Plan for the MRRT. On August 10, 2010, (Resolution 10-392) the County Board approved the MRRT Central Segment alignment along Park Lake and other areas within the City of Inver Grove Heights. Construction is scheduled for the second half of 2011 and opening to the public in 2012.

Donation of Land in Fee Simple

The Wilfred and Mary Krech family (landowners) agreed to donate land needed for the MRRT trail to the County, but for liability and tax reasons, they wished to donate their land in fee simple rather than by a trail easement (one small sliver of land was conveyed to the County as a trail easement to preserve necessary building setback distances required by city code). The landowners requested only that the County reimburse them for the pro-rata portion of special assessment attributable to the land donated for the trail.

In order to accommodate the wishes of the landowners and to stay within a very tight acquisition schedule (it was necessary for the County to complete acquisition of the trail route before June 30, 2011, to preserve a substantial federal grant for construction of the trail), the County has moved forward with the fee simple conveyance of this land as requested by the landowners.

Reimbursement of pro-rata  
Special assessments

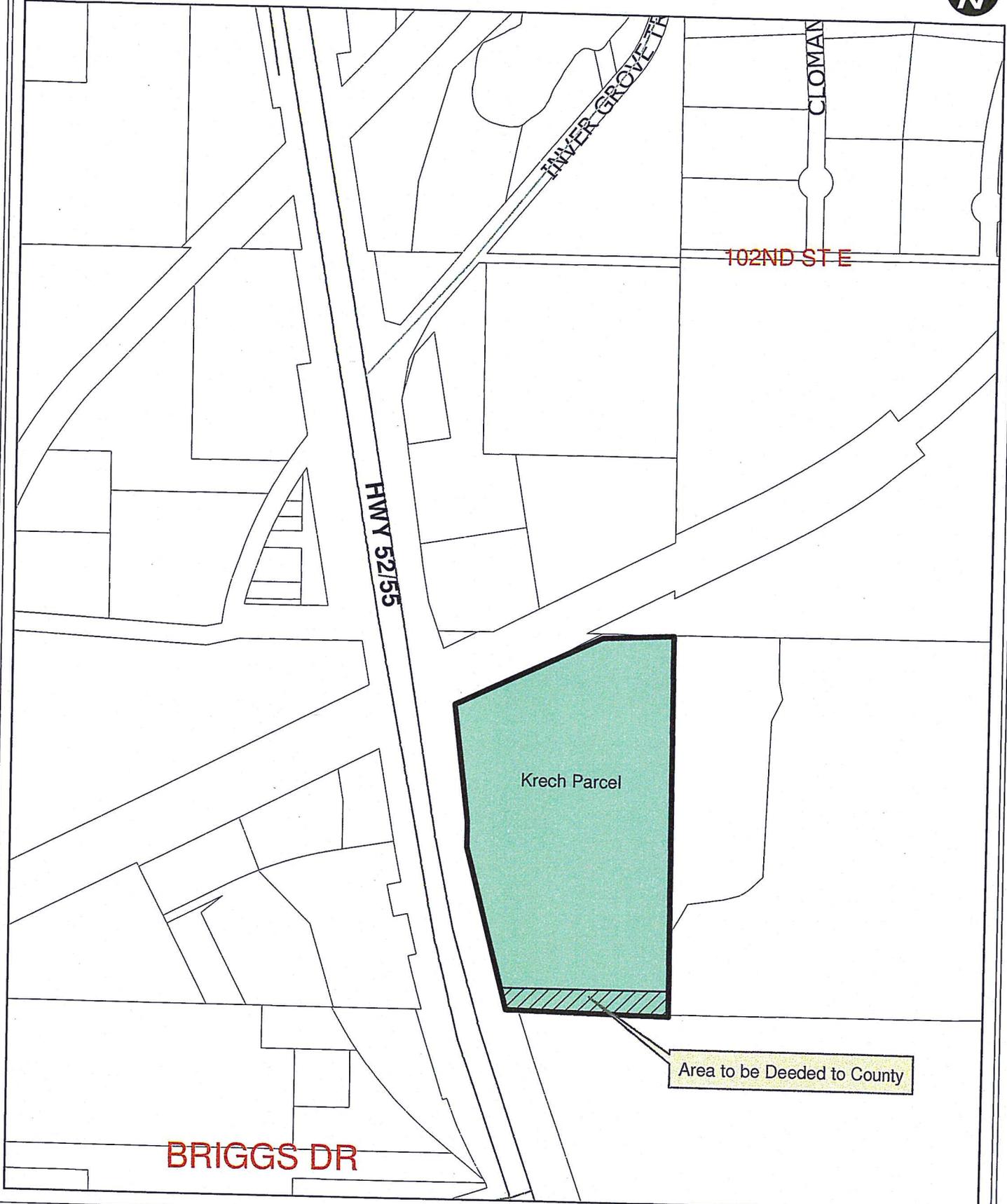
The parties chose to have the County reimburse the landowners for the pro-rata special assessments attributable to the new parcels that will be owned by the County and to join in a request to the City that it levy all of the special assessments to the parcels that will remain owned by the Krech family. The reimbursement amounts were as follows:

| <u>Landowner</u>   | <u>Assessment Share<br/>Paid by County</u> |
|--|--|
| William/Adriana Krech, Kevin/Alison Krech,<br>dba Total Construction | \$10,244.00                                |
| WWKM LLC   | <u>\$ 6,047.00</u>                         |



# Location Map

## Case No. 11-25ZA



Krech Parcel

Area to be Deeded to County

BRIGGS DR

102ND ST E

HWY 52/55

INVER GROVE TR

CLOMAN

# DAKOTA COUNTY RIGHT OF WAY MAP NO. 362

## MISSISSIPPI RIVER REGIONAL TRAIL-CENTRAL SEGMENT

SECTION 27, TOWNSHIP 27 NORTH, RANGE 22 WEST

| PARCEL | OWNER                             | SHEET NUMBER OF PARCEL | LOCATION                        | DEED RECORD DOC. NO. & PG. OR RESIDUE | COUNTY OF DAKOTA EASEMENTS | NEW TRAIL R/W SO. FT. | DRAINAGE & UTILITY EASEMENT SO. FT. | TEMP. EASEMENT SO. FT. | EXISTING EASEMENT SO. FT. |
|--------|-----------------------------------|------------------------|---------------------------------|---------------------------------------|----------------------------|-----------------------|-------------------------------------|------------------------|---------------------------|
| 1      | STATE OF MINNESOTA                | SHEET 1                | SE 1/4 OF THE SW 1/4            | DEED NO. 2003068                      | STATE OF MINNESOTA         | 10,533                | —                                   | 2,412                  | —                         |
| 2      | WNU LLC                           | SHEET 1                | NE 1/4 OF THE SW 1/4            | W. DEED NO. 2403060                   | STATE OF MINNESOTA         | 11,890                | —                                   | —                      | —                         |
| 4      | MELBA W. PEDON & KEVIN J. PEDON   | SHEET 2 & 3            | SW 1/4, BLACK L. TRAIL ADDITION | G.L. DEED NO. 1101133                 | —                          | 7,128                 | —                                   | 10,514                 | —                         |
| 4A     | WILLIAM W. PEDON & KEVIN J. PEDON | SHEET 2                | CONDOMINIUM BLOCK               | G.L. DEED NO. 1172984                 | —                          | —                     | —                                   | —                      | —                         |
| 5      | WALTER E. PEDON                   | SHEET 2 & 3            | ALL THAT PART OF LAKE           | G.L. DEED NO. 1172913                 | —                          | 1,504                 | —                                   | 1,385                  | —                         |
| 6      | DORE B. & SHERRA A. LINDENBAUM    | SHEET 3                | NE 1/4 OF THE NW 1/4            | W. DEED NO. 1170687                   | —                          | 2,104                 | —                                   | 2,883                  | —                         |
|        |                                   |                        |                                 | G.L. DEED NO. 2300522                 | —                          | 8,884                 | 843                                 | 504                    | —                         |

SECTION 22, TOWNSHIP 27 NORTH, RANGE 22 WEST

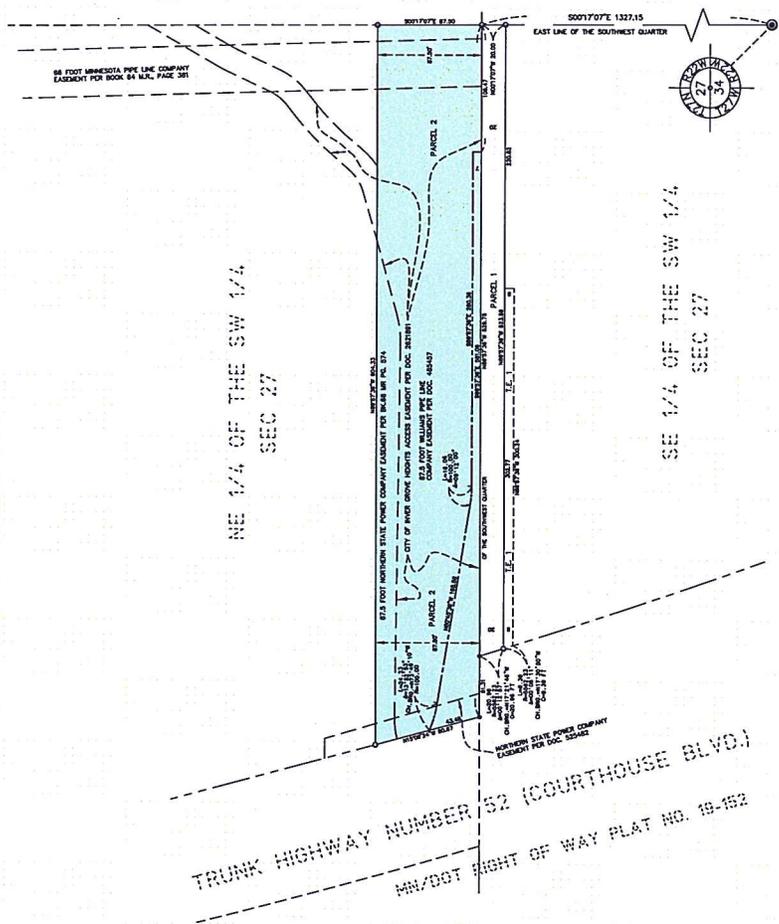
| PARCEL | OWNER                              | SHEET NUMBER OF PARCEL | LOCATION             | DEED RECORD DOC. NO. & PG. OR RESIDUE | COUNTY OF DAKOTA RECORD EASEMENTS | NEW TRAIL R/W SO. FT. | DRAINAGE & UTILITY EASEMENT SO. FT. | TEMP. EASEMENT SO. FT. | EXISTING EASEMENT SO. FT. |
|--------|------------------------------------|------------------------|----------------------|---------------------------------------|-----------------------------------|-----------------------|-------------------------------------|------------------------|---------------------------|
| 7      | CHICAGO AND NORTHWESTERN           | SHEET 2 & 3            | NE 1/4 OF THE NW 1/4 | —                                     | —                                 | —                     | —                                   | 20,405                 | —                         |
| 8      | CHAS. L. CUL AND COMPANY           | SHEET 3                | SE 1/4 OF THE SW 1/4 | DEED NO. 113791                       | —                                 | —                     | —                                   | 1,748                  | —                         |
| 9      | INDEPENDENT SCHOOL DISTRICT NO. 19 | SHEET 3 & 4            | SE 1/4 OF THE SW 1/4 | DEED NO. 200222, PG. 248              | —                                 | —                     | —                                   | 2,542                  | 16,100                    |

KNOW ALL PERSONS BY THESE PRESENTS, that the County of Dakota, a body politic and corporate under the laws of the State of Minnesota, has caused this plat to be made and recorded, and that the same is a true and correct representation of the boundaries of the Mississippi River Regional Trail as shown on the attached plat, and that the same is a true and correct representation of the boundaries of the Mississippi River Regional Trail as shown on the attached plat.

That part of said right of way included in the record plats at:  
 TOTAL CONSTRUCTION SECOND ADDITION  
 LAKE PARK ADDITION  
 According to the recorded plats hereat:  
 and that part of said right of way included in the following described tracts of land:  
 In Section 27 Townships 27 North, Range 22 West:  
 Southeast Quarter of the Northwest Quarter  
 Northwest Quarter of the Northwest Quarter  
 Southeast Quarter of the Southwest Quarter  
 In Section 22 Townships 27 North, Range 22 West:  
 Southeast Quarter of the Southwest Quarter  
 Northwest Quarter of the Southwest Quarter  
 I hereby certify that this map is a true and correct representation of the boundaries of the Mississippi River Regional Trail.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
 Todd B. Tolstean  
 Dakota County Surveyor  
 Minnesota License No. 42325  
 The Board of County Commissioners for Dakota County, Minnesota, pursuant to County Board Resolution No. 85-21, dated November 5, 1985, in hereby designating the easement of the Mississippi River Regional Trail as indicated on DAKOTA COUNTY RIGHT OF WAY MAP NO. 362.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Chuck Board of County Commissioners  
 Dakota County, Minnesota



NE 1/4 OF THE SW 1/4  
SEC 27

SE 1/4 OF THE SW 1/4  
SEC 22

SCALE IN FEET  
0 25 50 100

LEGEND

- DENOTES FOUND MONUMENT
- DENOTES DAKOTA COUNTY MONUMENT
- DENOTES R/W BOUNDARY CORNER FOLLOWING CONSTRUCTION THOSE CORNERS, IF SO DESIGNATED, WILL BE MONUMENTED WITH A DAKOTA COUNTY R/W MONUMENT
- DENOTES TRAIL R/W LINE
- - - - DENOTES TEMPORARY EASEMENT LINE AND PARCEL NUMBER
- DENOTES EXISTING R/W LINE
- - - - DENOTES PROPOSED WRIGHT CENTERLINE
- - - - DENOTES GOVERNMENT SUBDIVISION LINES
- - - - DENOTES MAJOR EASEMENT LINE

NOTES:

- FOR DETAILS OF THE CONTENTS OF THIS MAP CONTACT THE DAKOTA COUNTY SURVEYOR'S OFFICE.
- TEMPORARY EASEMENTS TO BE ACQUIRED BY SEPARATE DOCUMENT ON FILE IN THE OFFICE OF THE DAKOTA COUNTY ENGINEER.
- COORDINATES AND BEARINGS ARE REFERENCED TO THE DAKOTA COUNTY COORDINATE SYSTEM N.A.D. 1983 (1986 ADA).
- THE EAST LINE OF THE SOUTHWEST QUARTER SECTION 27, TOWNSHIP 27 NORTH, RANGE 22 IS ASSUMED TO BE AN 8007707'E.
- ALL DISTANCES ON THE MAP ARE SHOWN IN FEET AND HUNDRETHS OF FEET.
- THE INTENT OF THIS MAP IS TO SHOW THE RIGHT OF WAY BOUNDARIES OF THE MISSISSIPPI RIVER REGIONAL TRAIL PROJECT. THE LOCATION OF THE PARCELS IS A COMPILED OF FOUND MONUMENTS AND CURRENT DEED RECORDS.
- VARIED WIDTHS IN PERMANENT AND TEMPORARY EASEMENTS ARE EITHER PERPENDICULAR OR RADIAL TO CENTERLINE UNLESS OTHERWISE SHOWN.
- THE PARCEL AREAS LABELED AS "NEW" ON THIS MAP ARE INTENDED TO BE TAKEN AS EASEMENTS, HOWEVER, THROUGH CONDOMINIUM OR OTHER MEANS, THE AREAS MAY HAVE BEEN TAKEN IN FEE. (SEE RECORDED DOCUMENTS FOR VERIFICATION)

CS 535  
 PROJECT NO. 97-82  
 SHEET 1 OF 4 SHEETS