

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, JUNE 18, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 4, 2013.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **ROBERT THOMAS HOMES – CASE NO. 13-22C**
Consider a **Conditional Use Permit** to allow additional impervious surface on a residential lot. This request is for the property located at 7681 Addisen Court.

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 4, 2013 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Armando Lissarrague
Tony Scales
Dennis Wippermann
Harold Gooch
Paul Hark
Pat Simon
Victoria Elsmore
Bill Klein

Commissioners Absent: Annette Maggi (excused)

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

APPROVAL OF MINUTES

The minutes from the May 21, 2013 Planning Commission meeting were approved as submitted.

RENEE VON BERGE – CASE NO. 13-20V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a 25 foot front yard setback for a porch addition whereas 30 feet is required, for the property located at 8419 Calvin Court. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is surrounded by three roads: Cahill Avenue, College Trail, and Calvin Court. The north property line is also angled to accommodate a monument sign that is located on the corner of the property. The front of the house meets the 30 foot setback requirement, but because of the configuration and angle of the north property line the back of the home is only 25 feet from the property line. The proposed 13' x 16' porch addition would maintain this 25 foot setback. Staff believes the request meets the variance criteria and they recommend approval of the variance with the one condition listed in the report.

Chair Hark asked if the corner area where the monument sign was located was outside the applicant's property.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked if a variance was approved for the original home to be constructed within the setback.

Ms. Botten replied there was not a specific approval for this lot to meet setbacks. Staff is unsure how the house was originally approved; stating perhaps they just looked at the front setback and did not realize the lot was angled. Therefore, a variance is necessary for the proposed addition.

Commissioner Simon asked why a condition requiring right of access by the City Code Enforcement Officer was not included in this application.

Ms. Botten replied that was typically not a condition for residential properties unless it was a conditional use. A variance does not require that condition.

Opening of Public Hearing

Renee Von Berge, 8491 Calvin Court, advised she was available to answer any questions.

Chair Hark asked the applicant if she understood the staff recommendations and agreed with the condition listed in the report.

Ms. Von Berge replied in the affirmative.

Commissioner Klein advised he supported the request.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Lissarrague, to approve the request for a variance to allow a 25 foot front yard setback for a porch addition whereas 30 feet is required, for the property located at 8419 Calvin Court.

Motion carried (8/0). This item goes to the City Council on June 10, 2013.

DAKOTA COUNTY CDA – CASE NO. 13-16SZPC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to the Arbor Pointe PUD Ordinance 789 to change the master land use plan from R&D, Research and Development, to R-III; a comprehensive plan amendment to change the land use designation from O, Office to MDR, Medium Density Residential; a final plat and final PUD development plan for a 66 unit multiple-family senior housing development; a conditional use permit for a multiple-family, 66 unit senior housing development, and a variance from the minimum landscape standard, for the property located at the corner of Cheney Trail and Cahill Avenue. 40 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is no longer requesting any variances. The applicant has submitted an application to construct a 66 unit senior housing development on the vacant parcel on the east side of Cahill across from Wal-Mart. The project consists of a one building, three story senior housing complex on the far south end of the property. The project would provide for 66 underground parking spaces and 33 surface stalls. Access would be via Cahill Avenue. The existing knoll would be left in place and the balance of the property would remain undeveloped at this time. The applicant has indicated they will revise their landscape plan to comply with the Arbor Pointe Ordinance landscape standards. Staff supports the request with the conditions listed in the report.

Chair Hark asked if the trees shown on the south property line would be impacted.

Mr. Hunting replied that the applicants would not impact those existing trees.

Chair Hark asked if the knoll on the northern end of the property would be left alone as well.

Mr. Hunting replied in the affirmative.

Chair Hark asked if satellite dishes would need to be screened.

Mr. Hunting replied that the screening requirements did not apply to satellite dishes.

Commissioner Klein asked if the applicants planned to cut into the existing hill on the south lot line.

Mr. Hunting replied there would be some minor grading alterations but the applicants were purposely keeping away from the tree line.

Commissioner Klein asked for clarification regarding retaining walls, stormwater runoff, etc.

Mr. Hunting pointed out the location of the proposed infiltration basin, but stated the applicant could better answer the question.

Commissioner Simon asked if the criteria for the conditional use permit and the PUD were combined in the planning report.

Mr. Hunting replied in the affirmative.

Commissioner Simon asked if staff heard from any of the neighbors.

Mr. Hunting replied that staff heard from two or three neighbors; however, the applicant held a meeting with the Cheney Trail neighborhood where many of their questions were likely addressed.

Commissioner Gooch asked if the proposed building would have to comply with the Arbor Pointe design standards (i.e. 'Arbor Pointe Green').

Mr. Hunting replied that 'Arbor Pointe Green' and many of those elements applied only to commercial buildings. This building would have to meet the basic standards of the design manual, but the requirements for residential were much less restrictive.

Commissioner Wippermann asked for clarification of the location of the east lot line.

Mr. Hunting advised that the lot line was primarily on top of the slope.

Commissioner Wippermann stated there were trees near the top of the slope that were likely planted in connection with the single-family homes and he asked if those would remain even though they were on the applicant's property.

Mr. Hunting stated that decision would be up to the applicant.

Commissioner Simon noted there were rock retaining walls in that area as well.

Opening of Public Hearing

Kari Gill, Dakota County CDA, 1228 Town Centre Drive, Eagan, advised she was available to answer any questions.

Chair Hark asked if she understood and agreed with the staff recommendations.

Ms. Gill replied in the affirmative.

Commissioner Wippermann asked if the applicant had any color renderings of the proposed building.

Kirk Velett, Insite Architects, 1101 W. River Parkway, Minneapolis, replied they did not have any color renderings and have not yet determined color schemes.

Ms. Gill advised that the building exterior would have brick and hardy board siding.

Chair Hark asked if the PUD standards addressed residential exterior color schemes.

Mr. Hunting replied the design manual established higher standards for commercial areas but allowed variations of color in the residential areas.

Commissioner Wippermann asked if the trees planted into the slope on the east side would remain.

Ms. Gill replied in the affirmative.

Commissioner Simon asked if the existing rock retaining walls would remain as well.

Ms. Gill replied she believed those were on the property line and they would remain untouched.

Commissioner Klein asked the applicant to address the stormwater runoff.

Ms. Gill replied they were still working on the final engineering, but the general location of the holding pond was as Mr. Hunting had indicated.

Commissioner Klein asked if they would be incorporating retaining walls or slope.

Mr. Velett replied it would be more slope; the only retaining walls would be at the garage entry.

Commissioner Wippermann asked if the applicant foresaw any future use for the north portion of the property other than leaving it natural.

Ms. Gill replied that currently there were no plans for another building. She added it was her understanding that if they ever wanted to develop that property they would have to come back to the City with a rezoning request.

Commissioner Klein asked what the estimated value of the project was.

Ms. Gill replied that recent projects have been bid at approximately \$100,000 per unit for construction.

Commissioner Klein replied that would total approximately \$6.6 million for construction. He asked if it would be strictly senior development.

Ms. Gill replied in the affirmative, stating the housing units were for adults 55 and over.

Commissioner Klein asked if taxes would be paid to the school district.

Ms. Gill replied as they have done with other projects, they pay a onetime fee.

Commissioner Klein asked if the applicants would pay park dedication fees.

Ms. Gill replied that park dedication was previously paid on all the lots in Arbor Pointe.

Chair Hark asked if they planned to build the raised gardens shown on the plans.

Ms. Gill replied in the affirmative.

Chair Hark asked Ms. Gill to define affordable housing units.

Ms. Gill replied that currently the maximum annual income for a one person household was just over \$45,000 and just over \$51,000 for a two person household. Currently fixed rents for the income restricted units were \$573 for a one bedroom and \$711 for a two bedroom unit. Garages were optional at \$45 per month. They are also proposing six premium units which do not have an income limit associated with them; those units are currently \$900 a month.

Commissioner Klein asked if Inver Grove Heights residents would get preference over others for a unit.

Ms. Gill replied they would not; however, they do give preference to County residents or those with immediate family members in the County.

Commissioner Lissarrague asked if there were on-site caretakers or managers.

Ms. Gill replied there would be an on-site caretaker that is a resident of the building; a property manager and maintenance technician would be assigned to take care of the building as well.

Commissioner Klein stated the Dakota County CDA does an excellent job of maintaining their properties.

Ms. Gill stated they do their own property management but hire private contractors to do snow removal and lawn care.

Commissioner Lissarrague asked if the CDA had received any complaints for their other senior developments in Inver Grove Heights.

Ms. Gill replied not to her knowledge.

Chair Hark stated he has heard nothing but good things about CDA housing projects.

Christopher Riess, 9281 Cheney Trail, stated that although the CDA has said they have no plans at this point to build a second building it seems reasonable that at some point in the future they will come back with a request to build on the other half of the parcel. The neighborhood is asking the City to look at the plans for this development as a whole as well as address the neighborhood's biggest concern, which is the proposed third story. He advised that senior housing in itself was not an issue, and he suggested that if they modified the building using a bigger footprint but at two stories they would not get as much pushback from the neighborhood. He advised that when the CDA built their first senior project in Inver Grove Heights they came back eight years later and built a second building next to it; he believes that is what will happen in this instance as well.

Chair Hark asked for clarification of the elevation of the neighboring homes.

Mr. Riess replied he believed the top of the hill was 20 feet higher than the ground level of the proposed building.

Chair Hark asked if leaving the existing trees in place would help mitigate the building height concern.

Mr. Riess replied that the trees were not large enough to act as a screen. He added that if the CDA came back with a plan for the north half of the property they would likely remove the knoll, leaving the homes behind it exposed. Instead of two three-story buildings the neighborhood would prefer one larger two-story building.

Commissioner Lissarrague asked how close the proposed building would be from the homes.

Mr. Hunting replied that the proposed building was approximately 60 feet from the property line at its closest point, and the houses were approximately a hundred feet from the property line. Therefore the building would be approximately 160 feet from the homes.

Mr. Riess stated it comes down to the homeowners having a reasonable expectation that the property would be developed as it was zoned when they purchased their property on Cheney Trail. If it is not going to be developed as such, they would at least like the opportunity to work with the City to guide the development and instead of 66 three-story units on half of the property, perhaps build 88-100 units of two-story using the entire property.

Commissioner Klein asked if the City had the right to put a no build on the property to ensure there was no further expansion other than the building being requested.

Mr. Hunting replied he did not believe the City had the ability to place a no build on the property without some compensation to the County.

Commissioner Klein suggested they ask the County if they would agree to that condition.

Mr. Link replied that property owners have the right to volunteer restrictions on their property, but he did not think the City had the authority to require it in this case.

Mr. Riess stated he was told the County did not actually own the CDA.

Commissioner Klein replied then they could ask the CDA to agree to a no build.

Chair Hark asked if the CDA had done no builds in other developments.

Ms. Gill replied she was not aware of any case in which they had done that. She advised she was not in a position to agree to a no build but she could broach the subject with her director.

Commissioner Klein asked what the additional cost would be to build a larger two-story building versus a three-story. He added that such a configuration could result in a long walk from the underground parking to a resident's apartment.

Mr. Velett replied he could not give an exact dollar amount, but it would be considerably more costly. He added that if they built only two stories it was unlikely there would be a garage under all of the building.

Commissioner Lissarrague asked if there was a plan for a Phase II.

Chair Hark stated right now the Commission was dealing with what was in front of them, which was a plan for one building.

Mr. Riess stated the fact that they pushed the building all the way to the south lot line indicates to him they are planning to build a second building. He advised that the developer has stated they have four upcoming projects throughout the County and a waiting list of over 300 people for Inver Grove Heights alone. In his opinion it stands to reason that after building those four other projects they would build a second building on this property rather than going out and purchasing more property, especially since they have such a long waiting list.

Joe Sunday, 9285 Cheney Trail, showed photos of the view from his deck and stated his concern was the third story. He was not opposed to senior housing, but would prefer two stories so he could look at rooftops rather than in people's windows. He stated on a previous application Mr. Klein had brought up potentially splitting the property in half, and Mayor Tourville had stated that would be unfair to the half of the residents who had to deal with the development while the other half got open space behind their house. In this case the neighbors on the south end were disadvantaged; however, he believed the neighbors on the north end would eventually see a building behind them as well. He stated an office use would likely generate more taxes than subsidized housing.

Commissioner Klein asked if the CDA owned the property in question and stated, if so, it was unlikely the CDA would be building offices.

Mr. Sunday replied that the fact that the CDA purchased the property prior to the rezoning process raised questions in his mind. He suggested that the CDA go back to the drawing board and come back with a plan for the entire property with no more than two stories.

Aric Elsner, 9250 Cheney Trail, stated he purchased his home with the expectation that this property would be developed as office. He does not want to look at a three story building and he feels the proposed project will lower his property value. He advised that the trees in front of his property were all scrub trees and would not provide any cover from the proposed building. He requested that overstory trees be planted if this application was approved. He believed the CDA would eventually build another three-story building on the north end of the property and he asked that the neighborhood be allowed to look at the final plan for the entire lot.

Dan Hagen, 9262 Cheney Trail, stated he had a lot of money invested in large boulder retaining walls and he was concerned about them potentially being impacted by the construction.

Commissioner Klein stated the applicants would be liable if those boulders moved.

Mr. Hagen stated he was opposed to the third story and believed the applicants would eventually flip flop the plan and put the same building on the north end of the property.

Commissioner Klein asked if they would meet the parking space requirements if they built a comparable building on the north end.

Mr. Hunting replied additional parking would be necessary.

Commissioner Klein asked how many additional units the property could sustain.

Mr. Hunting stated no such analysis was done. If the CDA were to propose another building it would have to be rezoned and reguiled. The next category of density was essentially unlimited

and the maximum number of units would be dependent on meeting all the performance standards.

Kathleen Coates, 9257 Cheney Trail, stated she agreed with the other neighbors that the height of the building was too tall. She felt that a second building was likely which would result in her current view of trees and Wal-Mart in the distance being that of a building. She requested that the applicant maintain the north end of the property and keep it free of trash. She is concerned that the proposed development will decrease her property value further.

Jeremy Coates, 9257 Cheney Trail, stated he would like to see the property maintained as well, and he would prefer two stories rather than three.

Darion Kuefler, 9254 Cheney Trail, stated when he agreed to build in the area it was with the assumption that the subject property would develop as it was zoned. He feels that changing the use at this point is like changing an agreement they had with the City. With that in mind, he would be willing to compromise by agreeing to two stories and developing the lot all at once rather than coming back later with a second building. If the application goes through he requested that substantial evergreens be planted to provide year round screening.

Mr. Riess stated he was not requesting that two buildings be built at one time; just that the applicant brings back a proposal for the entire property so the neighbors could see the ultimate plan. He stated that parking would likely not be an issue.

Mr. Sondag stated the site lines shown on the plan were inaccurate.

Chair Hark asked if the variance was no longer being requested.

Mr. Hunting replied in the affirmative.

Commissioners Gooch and Simon asked if the applicant would like to respond to the points brought up by neighbors.

Ms. Gill stated at this point they would probably not want to propose a two story building. She advised the CDA has built 26 such developments and three stories works better for senior housing. She added that she could talk to her director regarding a no build on the northern portion. She stated the corner of the building was approximately 165 feet from the homes. She said it was common for single-family homes to be at the same height and to be much closer together than 165 feet, and she did not see this situation as being significantly different than having another single-family home in your backyard. In regard to why they purchased the property prior to asking for a land use change, she explained that this situation was unusual in that Rottlund went into bankruptcy and their properties were being sold by a receiver. This piece was the only property remaining in their inventory and they reduced the price once more. If it was not sold by the end of March it was going back to three bankruptcy banks, one of which was in Canada. Because of this the CDA went ahead with the purchase but were aware that a rezoning would be necessary.

Commissioner Gooch asked if the CDA had any reasonable assurance from the City that it would be rezoned prior to purchasing the property.

Ms. Gill replied they had no such assurances from the City.

Commissioner Lissarrague stated planting evergreen trees would help screen the building from the neighbors.

Ms. Gill advised they have to submit a revised landscape plan showing additional trees before final

approval. She stated they would be open to exchanging conifer trees for some of the ornamental or overstory trees.

Chair Hark stated the location of the trees was very important to the neighbors, and planting larger, more mature trees could help mitigate the visual aspect of the three story building.

Ms. Gill stated they would be open to working with the City regarding trees.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Klein asked how the Commission would go about adding a recommendation for a no build on the northern part of the property.

Mr. Hunting replied it could be added as a condition or incorporated into the overall recommendation.

Chair Hark stated he saw no harm in making that recommendation.

Commissioner Elsmore disagreed, stating it seemed unreasonable to limit the use of the property, especially since at this point the CDA has not made a request for anything other than one building.

Chair Hark stated he was suggesting that the City just ask the CDA to consider a no build.

Commissioner Klein agreed, stating the CDA would have to agree to it.

Commissioner Elsmore stated by putting that language in the recommendation; however, they would be saying the Planning Commission was agreeable with a three-story building on the southern section and would like a no build to be added for the northern portion.

Commissioner Lissarrague stated he understood the neighbors' concerns; however, the Planning Commission had to look at what was before them, which was a plan for one building and no plans at this point for a Phase II. He asked that the applicant would be sensitive to the neighbors' concerns, particularly their request for evergreen trees.

Commissioner Gooch stated at this point the City has leverage because the CDA has a piece of property they cannot build on unless the City agrees to it. The request by the neighbors is that either this be set up as a completed project or it be limited to two story buildings. He suggested they add a condition to the motion that this be limited either to the existing design or two story buildings.

Commissioner Scales stated he supported staff's recommendation to approve the request as proposed and was opposed to putting restrictions on the property. He stated the CDA has a reputation for doing an excellent job of building and maintaining its facilities, and he pointed out that most residents look out their windows at their neighbors.

Chair Hark asked Commissioner Scales what his opinion was of requesting that the City ask the CDA if they would be agreeable to a no build on the northern portion of the property.

Commissioner Scales stated he would not have an issue with a request to request, but if he were the land owner he would never agree to a no build.

Commissioner Gooch said the point is that the CDA purchased the land to do something that the

property is not zoned to do. The neighborhood is not opposed to a senior development, they just want some limitations. He stated the CDA can maintain a two-story building as well as a three-story.

Commissioner Scales stated he did not see the difference between looking at a roof or at the side of a building.

Commissioner Klein asked if the comprehensive plan amendment would have to go to Met Council.

Mr. Hunting replied in the affirmative, stating if this received City Council approval it would still be contingent on Met Council approval.

Planning Commission Recommendation

Motion by Commissioner Elsmore to approve a comprehensive plan amendment to change the land use designation from O, Office to MDR, Medium Density Residential with the three conditions listed in the report, an ordinance amendment to the Arbor Pointe PUD Ordinance 789 to change the master land use plan from R&D, Research and Development to R-III, a final plat for a one lot subdivision, a preliminary and final PUD development plan and a conditional use permit for a 66 unit senior housing development with the nine conditions listed in the report, for the property located at the corner of Cheney Trail and Cahill Avenue.

Commissioner Simon asked to add a friendly amendment to the conditional use permit requiring that the City Code Enforcement Officer be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

Commissioner Elsmore agreed to the amendment.

Chair Hark asked how Commissioner Gooch would like to handle the previous discussion regarding the neighbor concerns.

Commissioner Gooch asked if Commissioner Elsmore would be willing to add a condition to the motion that either the building be limited to two stories or only one three story building as drawn for this lot.

Commissioner Simon asked if that should be done as a separate vote from the motion on the table.

Commissioner Scales stated in his opinion they should call for a second to Commissioner Elsmore's motion and then put it to a vote.

Commissioner Elsmore advised that she agreed to Commissioner Simon's amendment but not Commissioner Gooch's as it essentially changed her motion.

Chair Hark asked if Commissioner Elsmore would consider retracting her motion and voting on the requests individually.

Commissioner Elsmore replied she would prefer to keep her motion on the table.

Second by Commissioner Simon.

Commissioner Lissarrague asked for clarification that the motion was to approve all four requests plus an amendment regarding right of access for code enforcement.

Commissioner Elsmore replied in the affirmative, stating it was her understanding they would vote on Commissioner Gooch's amendment afterwards.

Mr. Link clarified that if the maker of the motion and the seconder were agreeable to the same conditions then that is the motion on the floor. The motion at this point is to approve all four requests with a condition regarding right of access for code enforcement. If Commissioner Gooch moves to amend that motion and there is a second, then the Commission would vote on the amendment and then on the original motion.

Motion by Commissioner Gooch, second by Commissioner Klein, to require that the final plat consist of one three-story building and no more, or that any building constructed on the property be limited to two stories.

Motion failed (4/4 – Elsmore, Simon, Lissarrague, Scales)

Motion by Commissioner Elsmore to approve a comprehensive plan amendment to change the land use designation from O, Office to MDR, Medium Density Residential with the three conditions listed in the report, an ordinance amendment to the Arbor Pointe PUD Ordinance 789 to change the master land use plan from R&D, Research and Development to R-III, a final plat for a one lot subdivision, a preliminary and final PUD development plan and a conditional use permit for a 66 unit senior housing development with the nine conditions listed in the report, for the property located at the corner of Cheney Trail and Cahill Avenue.

Motion carried (6/2 – Hark, Gooch). This item goes to the City Council on June 24, 2013.

DON AND SUE SCHLOMKA – CASE NO. 13-19SC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a final plat for a one lot subdivision, a conditional use permit for a contractor's yard with outdoor storage, and a major site plan review to construct a 12,500 square foot building, for the property located north of the Travel Plaza, east of Highway 52. 11 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is zoned I-1 and the applicants are requesting to construct a 12,500 square foot building that would be for the maintenance and repair of fleet vehicles for a family-owned business. Additionally the site would be used for outdoor storage of portable restroom rentals. There would be no retail sales on site, one main access point onto the frontage road as well as a secondary access to the Travel Plaza, and a seven foot high perimeter chain link fence surrounding the property. The site plan also identifies an 800 square foot future storage building located north of the proposed building. If the future outdoor storage area is ever put in place it must be screened with a solid fence. The request was sent to MNDOT for review. The City is anticipating a response from them this week. Staff recommends approval of the plat with the condition listed, and approval of the conditional use permit and major site plan review with the nine conditions listed, as well as an additional condition requiring that prior to commencing construction the applicant shall obtain all necessary federal, state, and local permits including, but not limited to, a MNDOT right-of-way permit. Staff has not heard from any of the neighbors.

Chair Hark asked how high the screening would have to be around the proposed future storage area.

Ms. Botten replied seven foot would be the maximum height.

Commissioner Wippermann asked if screening of the future storage area should be added as a condition of approval.

Ms. Botten replied it was a code requirement so it would not have to be listed as a condition; however, a condition could be added requiring that any storage beyond the building shall be screened in.

Opening of Public Hearing

Dan Tilsen, G-Cubed Engineering, Hastings, advised that he and the owners understood the recommendations and were in agreement with the conditions listed in the report. He advised that MNDOT has given them a preliminary indication that they have no issues with the request; however, they do not yet have a formal response. They have already applied for MNDOT permits for right-of-way, right of access, and a drainage permit. He advised that the applicant's three generation business is currently renting property in Inver Grove Heights and has 15 employees.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a final plat for a one lot subdivision, a conditional use permit for a contractor's yard with outdoor storage, and a major site plan review to construct a 12,500 square foot building, for the property located north of the Travel Plaza, east of Highway 52.

Commissioner Simon asked if the motion included the extra condition added by Ms. Botten requiring that prior to commencing construction the applicant shall obtain all necessary federal, state, and local permits as well as an additional condition requiring that any storage beyond the building shall be screened in.

Commissioner Klein replied in the affirmative.

Motion carried (8/0). This item goes to the City Council on June 24, 2013.

HALLBLADE PROEPRTIES LLC – CASE NO. 13-18SC

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one lot subdivision, a conditional use permit for outdoor storage, and a major site plan review for a retail trailer sales operation, for the property located south of Tractor Supply and west of Cahill Avenue. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct a 9,000 square foot sales/repair building and an outdoor display area on the balance of the property. The applicant indicates there would be approximately 250 trailers on site. The site would have one access point and the site plan identifies an approximate 9,000 square foot future addition to the south of the proposed first phase building. The applicant is proposing to combine two existing lots into one. Park dedication is due only for the east half of the lot. The revised landscape plan will be reviewed prior to going to City Council. The building exterior complies with the standards of the Arbor Pointe Design Manual, including the use of Arbor Pointe Green and awnings. Staff recommends approval of the request with the conditions listed in

the report.

Chair Hark asked if all business must take place within the perimeter fence.

Mr. Hunting replied in the affirmative, stating all storage and trailers must be contained within the perimeter fence.

Opening of Public Hearing

Mike Hallblade, 19432 Stone Gate Drive, Prior Lake, stated he was available to answer any questions.

Chair Hark asked if the applicant understood and agreed with the conditions listed in the report.

Mr. Hallblade replied in the affirmative.

Chair Hark stated occasionally he has noticed boxes of free used wood on the applicant's current property and he does not want to see that at this location.

Mr. Hallblade replied that would not be a problem.

Chair Hark closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Klein to approve the request for a preliminary and final plat for a one lot subdivision, a conditional use permit for outdoor storage, and a major site plan review for a retail trailer sales operation, for the property located south of Tractor Supply and west of Cahill Avenue.

Commissioner Simon asked to add a condition requiring that the City Code Enforcement Officer be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

Commissioner Klein agreed to add the condition.

Second by Commissioner Lissarrague.

Motion carried (8/0). This item goes to the City Council on June 24, 2013.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 8:59 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

REPORT DATE: June 13, 2013 **CASE NO.:** 13-22C

HEARING DATE: June 18, 2013

APPLICANT & PROPERTY OWNER: Robert Thomas Homes

REQUEST: A Conditional Use Permit to allow additional impervious surface on a residential lot

LOCATION: 7681 Addisen Ct

COMPREHENSIVE PLAN: LMDR, Low-Medium Density Residential

ZONING: PUD, Planned Unit Development

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit to exceed the allowed impervious surface amount to construct a new home along with 136 square feet extra for future impervious surface. The applicant is currently building a new home on the property. The total impervious coverage requested would include the house, attached garage, driveway, sidewalk, and porch. The proposal would allow for an additional 136 square feet of hard cover giving the home owner some flexibility if they decide to install a small shed or patio area. Details of the impervious coverage are listed in the following chart.

	Square Feet	Allowed Impervious Coverage (sq. ft)
Lot Size	6,910	2,764 (40% of lot)
Allowed additional impervious coverage by CUP	10% of lot area	691
Proposed additional impervious surface	250	-
Total impervious coverage requested		3,014

SPECIFIC REQUEST

A Conditional Use Permit to allow additional impervious surface above the allowed maximum but within the additional 10% of lot area.

SURROUNDING USES:

The subject site is surrounded by the following uses:

North –Vacant; zoned PUD; guided LDR, Low Density Residential

West, East and South - Residential; zoned PUD, single-family; guided LMDR, Low-Medium Density Residential

EVALUATION OF REQUEST:

GENERAL CUP CRITERIA

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed conditional use permit meets the above criteria. The new home meets the minimum setback requirements. The surrounding properties are all single-family residential homes. The proposed single-family home will aesthetically fit in with the neighborhood. Additionally, the applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff.

IMPERVIOUS SURFACE CUP CRITERIA

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10% of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.
- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.

- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

ENGINEERING REVIEW

The Engineering Department has reviewed the plans and is working with the applicant on stormwater and grading requirements. The Developer has approached the City requesting to expand an infiltration basin directly behind the respective lot that addresses the additional storm water run-off volume created by the added impervious space. This basin is on an outlot owned by the City. The City is working with the builder and applicant on terms for this request.

Prior to issuance of a building permit or constructing the additional impervious surface features, an updated grading plan and hydrology report for the Argenta Hills 5th Addition shall be submitted reflecting the changes and be approved by the City Engineer. The current Certificate of Survey for this lot shall be modified and resubmitted reflecting the proposed grading changes in the backyard area. The approved plans must direct a sufficient amount of impervious surface and backyard storm water directly to the infiltration basin, protect the slope below the infiltration basin, protect the retaining wall on the adjacent lot from additional storm water runoff, and may not adversely impact the adjoining or downstream properties.

Engineering has made recommendations on conditions that are included at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction plans.

ALTERNATIVES

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

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

- Approval of the Conditional Use Permit to allow additional impervious surface subject to the following conditions:
 1. A storm water facilities 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.
 2. Prior to any work being done on the site, an Engineering cash escrow and/or letter of credit shall be submitted to the City to ensure the proper construction of the improvements and to review the drainage modeling.

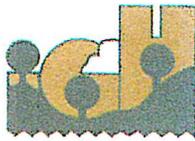
3. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.
4. Any additional impervious surface, in excess of 3,014 square feet, would require additional City approvals and not included with this request.
5. Prior to issuance of a building permit or construction of the additional impervious surface, a \$1500 construction escrow shall be submitted to ensure the additional infiltration basin portion is built in accordance with approved plans. The construction escrow will be released upon verification the storm water facility was completed per the revised plan.

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

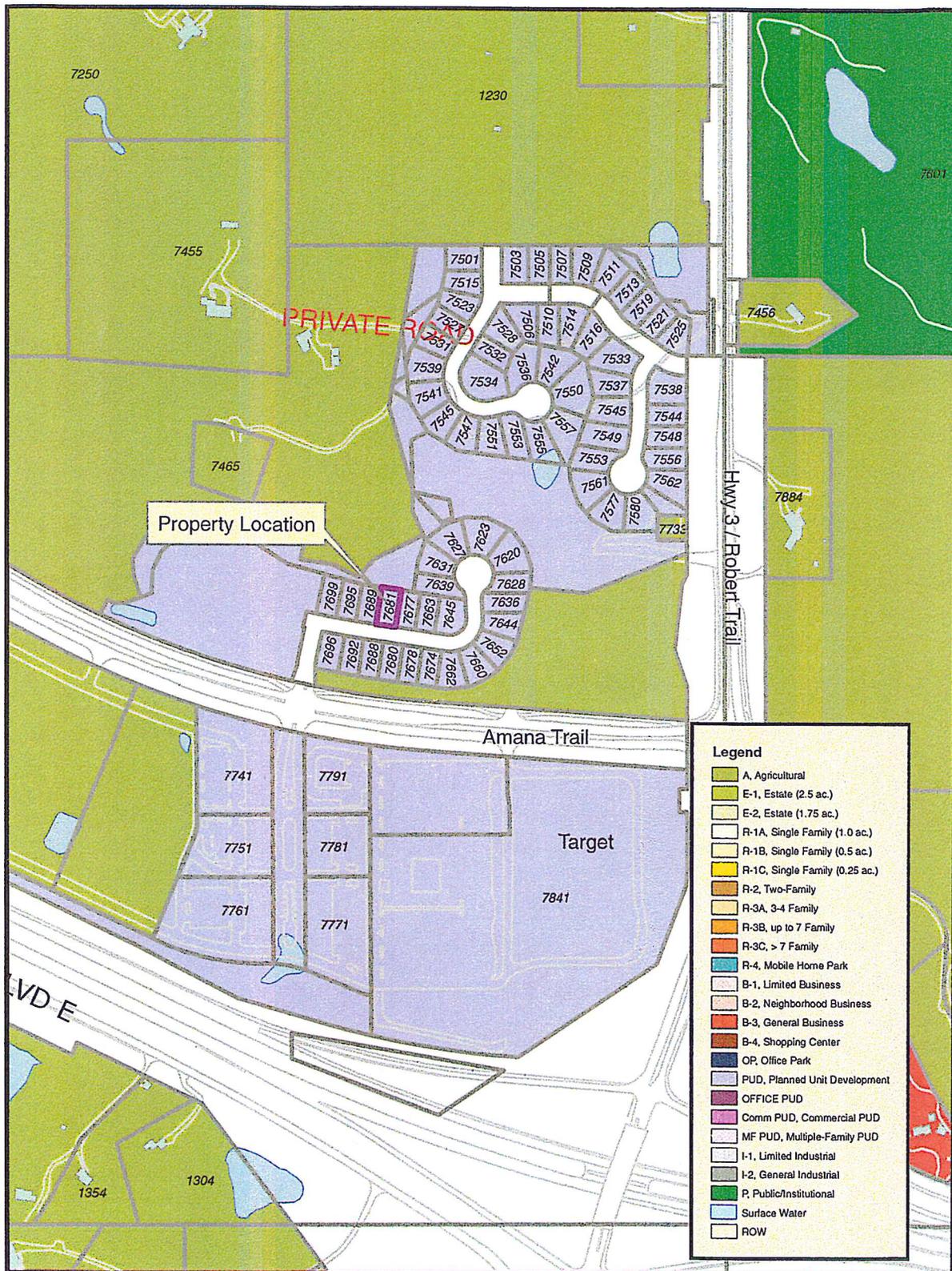
RECOMMENDATION

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

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Survey
Exhibit C - Engineering Exhibit



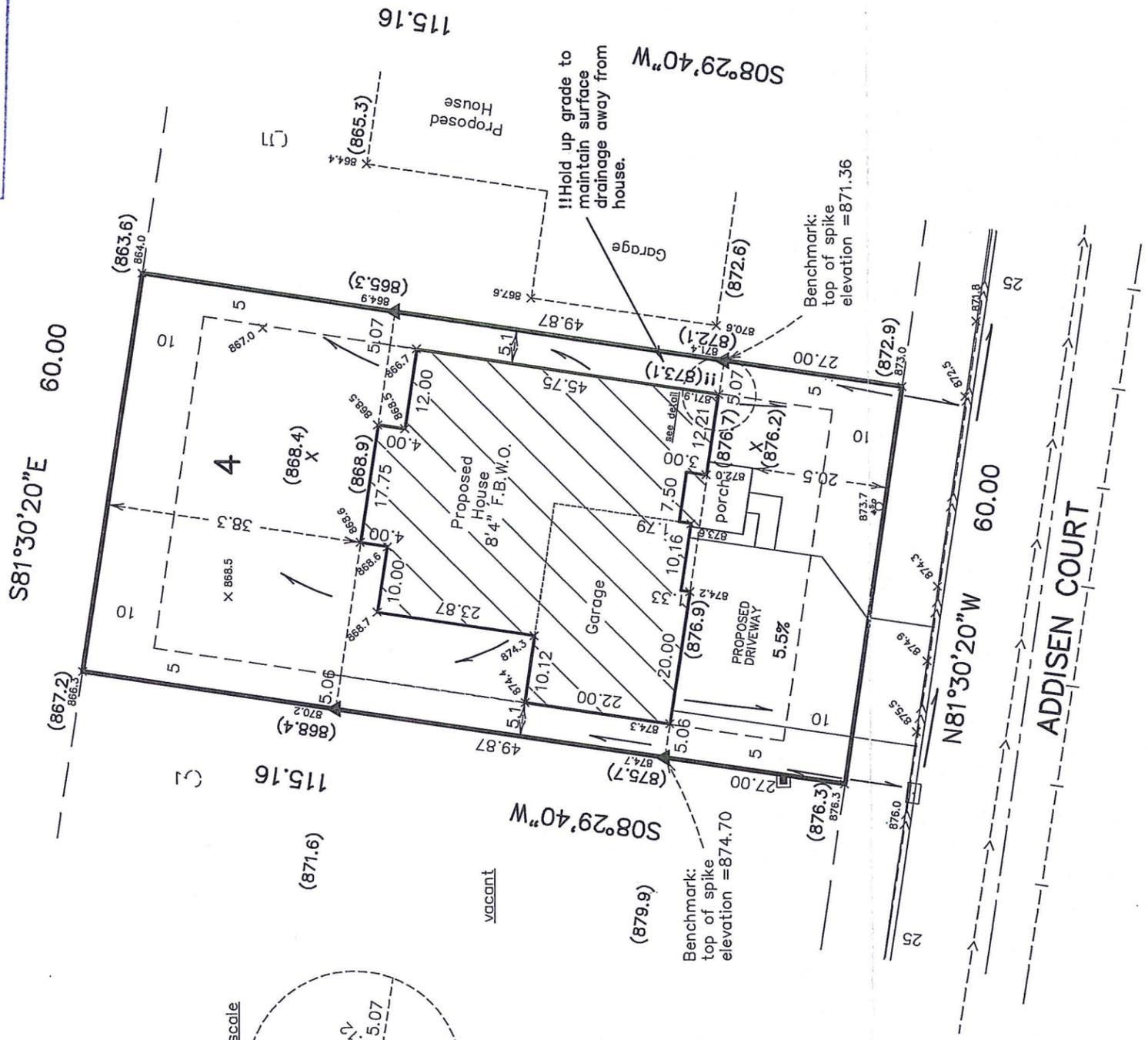
7681 Addisen Ct. Case # 13-22C



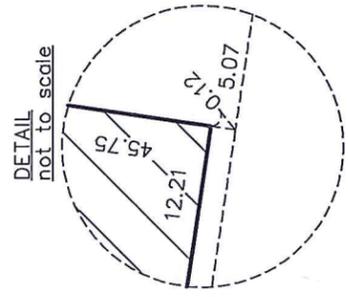
N
Map not to scale

Exhibit A
Zoning and Location Map

Lot 4, Block 1, ARGENTA HILLS 5TH ADDITION
 according to the recorded plat thereof Dakota County, Minnesota
 Address: 7681 Addisen Court, Inver Grove Heights, Minnesota
 House Model: St Croix Elevation: A
 Buyer: Brutinel/Danieli



Scale: 1" = 20'



Lot area = 6910 SF
 House area = 2079 SF
 Porch area = 91 SF
 Sidewalk area = 30 SF
 Driveway area = 678 SF
 Impervious Coverage = 41.7 %

Construction Notes:

1. Install rock construction entrance.
2. Install silt fence as needed for erosion control.
3. Sidewalks shall drain away from house a minimum of 1.0%.
4. Contractor must verify driveway design.
5. Contractor must verify service elevation prior to construction.
6. Add or remove foundation ledge as required.

General Notes:

1. Grading plan by Pioneer Engineering last dated 10/8/12 was used to determine proposed elevations shown herein.
2. This survey does not purport to show improvements or encroachments, except as shown, as surveyed by me or under my direct supervision.
3. Proposed building dimensions shown are for horizontal location of structures on the lot only. Contact builder prior to construction for approved construction plans.
4. No specific soils investigation has been performed on this lot by the surveyor. The suitability of soils to support the specific house proposed is not the responsibility of the surveyor.
5. This certificate does not purport to show easements other than those shown on the recorded plat.
6. Bearings shown are based on an assumed datum.

X 000.00 Denotes existing elevation
 (000.00) Denotes proposed elevation
 Denotes drainage flow direction
 Denotes spike

Lowest allowable floor elevation : 868.9

House elevations	(Proposed) / As-built
Lowest Floor Elevation	: (869.4) /
Top Of Foundation Elev.	: (877.4) /
Garage Slab Elev. @ Door	: (876.9) /

We hereby certify to Robert Thomas Homes Inc that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota, dated 04/25/13.

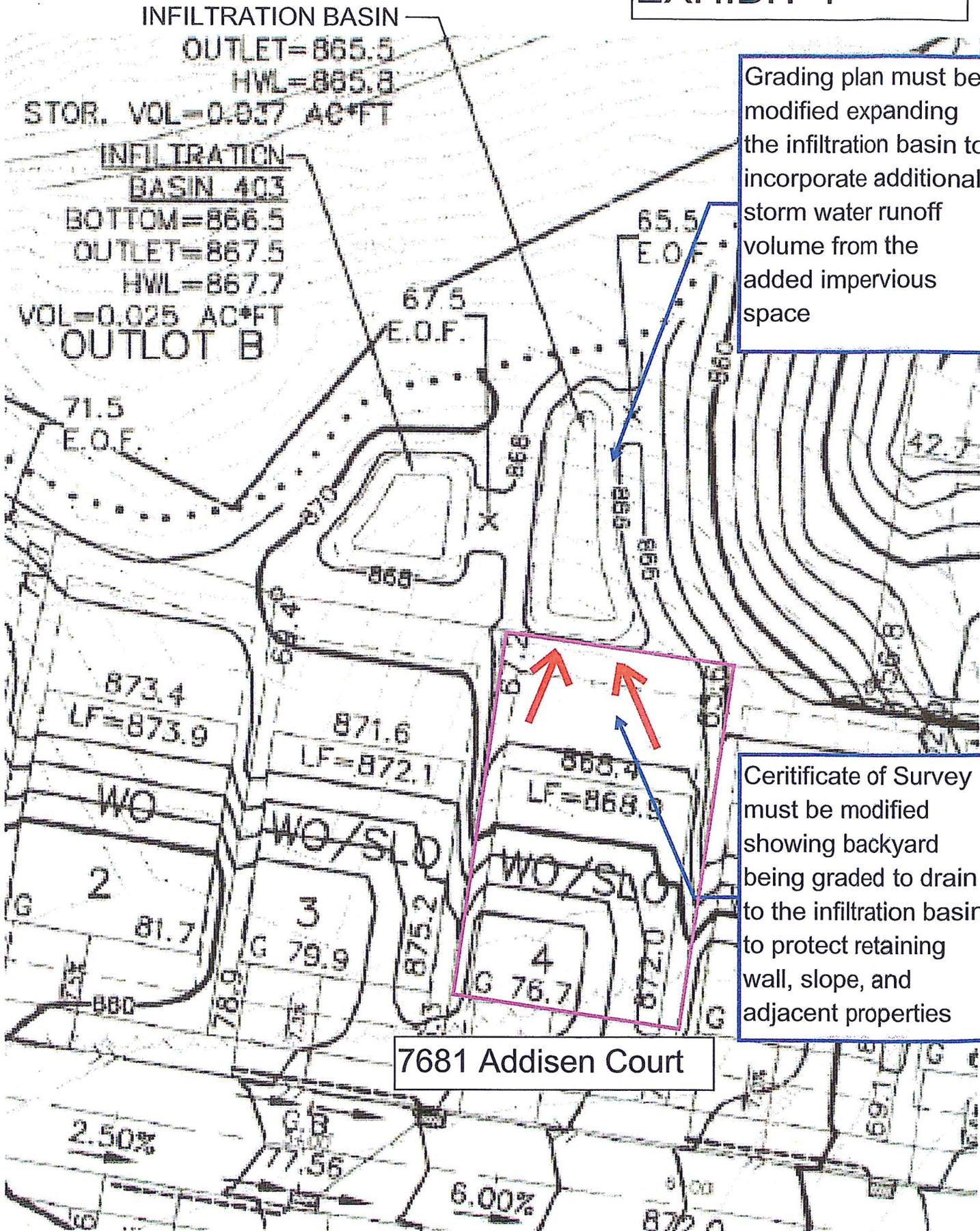
Signed: Pioneer Engineering, P.A.
 BY: Peter J. Hawkinson, Professional Land Surveyor
 Minnesota License No. 42299
 email-phawkinson@pioneereng.com

PIONEER engineering
 CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS
 2422 Enterprise Drive
 Mendota Heights, MN 55120
 Ph.: (651) 681-1914
 Fax: (651) 681-9488
 www.pioneereng.com

Revisions:
 1) 4-26-13 STAKE HOUSE
 Project #: 112253013
 Folder #: 7441
 Drawn by: KKS

Certificate of Survey for:
Robert Thomas Homes Inc
 16972 Brandtjen Farm Dr
 Lakeville, MN 55044
 Phone: (952) 322-8700

EXHIBIT 1



Grading plan must be modified expanding the infiltration basin to incorporate additional storm water runoff volume from the added impervious space

Certificate of Survey must be modified showing backyard being graded to drain to the infiltration basin to protect retaining wall, slope, and adjacent properties