

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, April 15, 2014 – 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: Paul Hark
Pat Simon
Tony Scales
Armando Lissarrague
Annette Maggi
Victoria Elsmore
Bill Klein

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

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

APPROVAL OF MINUTES

The minutes from the April 1, 2014 Planning Commission meeting were approved as corrected.

CITY OF INVER GROVE HEIGHTS – CASE NO. 14-10ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amending City Code Title 10 (Zoning Ordinance) Chapter 15 regarding parking standards for vehicles and recreational vehicles in the front yard in single-family zoning districts. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that over a number of years Council has received complaints regarding vehicles being parked on the grass in the front yard. They discussed whether it was worthy of having an ordinance prohibiting it and asked staff to do some research. Staff contacted neighboring cities regarding their regulations pertaining to automobile and recreational vehicle parking. Council then discussed the issue further, looked at some general draft regulations and determined it was worth moving forward with an ordinance amendment. Council directed staff to prepare a city code amendment addressing parking restrictions for vehicles and recreational vehicles in the front yards of residential properties. Mr. Hunting advised that the ordinance 1) pertains only to the R-1A, R-1B, R-1C, and R-2 zoning districts, 2) pertains to both automobiles and recreational vehicles, 3) pertains only to parking in the front yard and proposes no changes to the parking in side or rear yards, 4) prohibits vehicles from being parked on grass in the front yard but allows it on a driveway or hard surface area directly contiguous and parallel to a driveway and constructed of concrete, bitumen, or paving blocks (use of crushed rock or landscape rock is prohibited), 6) does not limit the number of vehicles parked on a property, and 7) allows temporary parking over the winter months during the winter parking ban. One issue that was raised at the last Council work session was that of the parking of recreational vehicles across the front of houses. This ordinance does not specifically address that but Council would like the Planning Commission to discuss the issue. He advised that information on this topic was published in the *Insights* and was also available on the City's website. In response, the City has received several emails, which are included in the packets. The Planning Commission is

being asked to take public comment, provide a recommendation to City Council, and it will then be reviewed by City Council over three different meetings. Staff is not making a recommendation.

Chair Hark asked if the intent was to allow short term parking.

Mr. Hunting replied in the affirmative; stating it would be difficult to regulate short-term parking for a family event, party, etc. because code enforcement was not active during the evenings or weekends.

Chair Hark asked if there was a definition for long-term or continual parking.

Mr. Hunting replied it was not addressed in the ordinance but perhaps should be discussed.

Chair Hark questioned not being able to use crushed or landscape rock for a parking pad.

Mr. Hunting stated they were staying consistent with the driveway ordinance which requires it to be constructed of concrete, asphalt or surface pavers.

Commissioner Maggi asked for clarification of whether landscape rock would be treated the same as concrete.

Mr. Hunting replied that crushed rock is considered impervious. Landscape rock is somewhat of a gray area because if it has plastic or fabric underneath it is considered impervious; however, if it is only dirt underneath it has not been counted towards total impervious.

Chair Hark asked if the issue was imperviousness or aesthetics.

Mr. Hunting replied primarily aesthetics.

Commissioner Klein stated that if parking pads were required to be paved the maximum impervious surface allowed would likely become an issue, especially in the South Grove area.

Chair Hark asked if Class 5 was considered impervious.

Mr. Hunting replied in the affirmative.

Commissioner Maggi asked how the front yard would be defined in a situation in which the garage sat closer to the street than the house.

Mr. Hunting replied the front yard would be the area located between the edge of the street and the principal structure, not the garage.

Commissioner Scales asked how they would address a corner lot with a garage facing the side.

Mr. Hunting replied that on a corner lot the front yard would be the area located between the edge of the street and the principal structure (house) along both street frontages.

Commissioner Maggi asked if there was a reason a limit was not put on the size of the vehicles.

Mr. Hunting replied that Council did not indicate they wanted to address vehicle size. He advised that some cities require larger size recreational vehicles to be kept in the back yard.

Commissioner Klein asked if anyone had done a formal study to determine how much of a problem

this was, and stated the restrictions could be difficult for some people, especially during the winter months.

Mr. Hunting replied staff had not been asked to do a detailed analysis, which would be quite time intensive. He noted that the front yard parking restrictions would not apply during the winter parking ban.

Chair Hark asked if the issue was more directed to automobiles or recreational vehicles.

Mr. Hunting replied he was not sure which was the bigger issue; likely it was a combination of both.

Commissioner Simon asked if the City still had a code enforcement officer.

Mr. Hunting replied in the affirmative.

Commissioner Simon asked if the emails in the packet could be forwarded to the code enforcement officer for her to look into.

Mr. Hunting replied the intent of the emails was more to get feedback from the residents. If that was the direction of Council, however, the emails could be forwarded on.

Opening of Public Hearing

Stanley Braun, 3790 – 75th Street East, asked if someone could read aloud the comments that were emailed in.

Chair Hark advised there were too many to read; however, they were available to the public.

Mr. Hunting advised they were included in the public copy of the packet located in the lobby.

Rob Burns, 8518 College Trail, advised that if a person were to take their camper out of storage to get it ready for a trip they would need to have it parked for a couple days to do maintenance, packing, etc., and then they would need a couple more days after returning to wash it, unpack, etc. He questioned whether he would be subject to a citation in such an instance since there was no specific time limit defined in the ordinance.

Chair Hark noted that the proposed ordinance was intended to prevent long-term continual parking rather than short-term parking.

Mr. Burns replied the ordinance should then specify that.

Commissioner Lissarrague asked Mr. Burns if he felt 48 hours would be a reasonable amount of time to allow for parking.

Mr. Burns replied in the affirmative. He did not believe that parking was an issue, but rather the storage of vehicles. He noted parking/storage was not an issue in his neighborhood because it was governed by neighborhood covenants.

Doug Cooper, 6750 Babcock Trail, questioned what this ordinance would accomplish and stated in terms of aesthetics he did not see the difference between asphalt and turf and he felt grass was more aesthetically appealing than hard surface. He suggested perhaps limiting the total number of vehicles allowed in a front yard.

Craig Husnik, 2108 – 68th Street East, stated this ordinance would be very difficult to enforce. He

advised he has called the City regarding a truck that has been parked near his home for 5-6 years and it continues to sit there. He questioned how this ordinance could be enforced when existing ordinances were not being enforced.

Chair Hark asked Mr. Husnik if he supported or opposed the proposed ordinance, disregarding the enforcement issue.

Mr. Husnik stated he felt that having junk parked in the front yard decreased neighboring property values and made resale difficult.

Commissioner Lissarrague asked Mr. Husnik if he felt 48 hours would be an adequate amount of time to allow for parking if the ordinance was enforceable.

Mr. Husnik suggested that a week be allowed because repair or maintenance of vehicles could take longer than 48 hours.

Bob Krammer, 6850 Blackhawk Trail, felt that grass was more aesthetically appealing than concrete or asphalt, especially when the vehicle was not there.

Chair Hark asked how they would address a situation in which an individual drives their car to work every day but then parks it in the same spot when they get home.

Mr. Hunting stated that was a difficult issue to address because code enforcement could not be looking at the vehicle 24 hours a day.

Mr. Braun did not feel the size of vehicles should be regulated, and he felt that tax-paying property owners should not be limited on the use of their own property. He stated the City is already having difficulty enforcing its current ordinances and should not create another.

Chair Hark agreed that a person is entitled to the enjoyment of their own property, but asked where you draw the line if vehicles parked in the front yard infringe on your neighbors enjoyment of their property. He asked Mr. Braun if it was his boat that prompted this ordinance.

Mr. Braun replied that he believed it did.

Commissioner Lissarrague asked Mr. Braun if his neighbors have complained to him directly about his boat.

Mr. Braun replied they had not.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Scales stated it appeared as if there were two separate issues; automobiles and recreational vehicles. He felt it would be almost impossible to enforce the parking of automobiles which could be coming and going without the code enforcement officer's knowledge since they were not available evenings and weekends. He believed it would be easier; however, to enforce the parking of recreational vehicles. He asked if the current ordinances required vehicles to be drivable or licensed.

Chair Hark asked for clarification of the current ordinances regarding junk vehicles, and how they applied to Mr. Husnik's situation in which a truck has been parked for 5-6 years.

Mr. Link replied that he was unfamiliar with Mr. Husnik's particular situation. He advised that the storage of junk vehicles outside is prohibited by current City ordinances. A junk vehicle is defined as unlicensed or inoperable. Storing a junk vehicle inside a building is allowed.

Commissioner Maggi asked for clarification on whether the ordinance prohibited any parking on the grass, regardless of the time period.

Chair Hark stated it was his understanding that the intent was just to prohibit long-term parking on the grass; however, 'long-term' was not specifically defined.

Commissioner Maggi stated in her opinion parking every day on the grass was long-term storage.

Chair Hark asked does a person store their car on the street or park it on the street.

Commissioner Elsmore stated the term long-term storage should be defined and included in the ordinance so it could be clearly understood. She questioned whether the issue was how long vehicles were parked or how many vehicles were being parked.

Commissioner Maggi stated she would not want five vehicles parked in her neighbor's front yard.

Commissioner Klein stated often times parking was only a temporary problem for families with teenage drivers. Once they move out of the house the issue is resolved. He stated he had that situation at his house for a few years and if they were all forced to park in the driveway they would constantly have been moving vehicles back and forth.

Chair Hark asked if he parked any of the vehicles in the grass.

Commissioner Klein replied that he constructed a paved parking surface; however, impervious surface regulations would prevent many people from being able to do that.

Commissioner Lissarrague suggested they define what the problem is; is it cars being parked on grass surfaces or larger recreational vehicles remaining in the same parking spot for months.

Commissioner Klein stated he supported private property rights; however, he did not want to see junk in someone's front yard either. He stated parking did not seem to be a prevalent problem in the City.

Commissioner Maggi asked what the largest property size was that this would affect.

Mr. Hunting replied it was not tied to property size but rather to zoning districts. This would apply only to the R-1A, R-1B, R-1C and R-2 districts, which could range in size.

Commissioner Maggi stated that was an important point because what a neighbor does on a city lot would affect property values more than it would on a five acre lot.

Commissioner Elsmore stated the parking issue would depend largely on self-policing as the program would be complaint-based and the code enforcement officer would not spend their days driving around looking for violations. An ordinance was needed or the neighbors of a problem property would have no recourse.

Commissioner Klein felt there were very few problem properties in the City.

Commissioner Maggi stated the City likely would not create an ordinance based on one person's

boat and she assumed the City Council and staff had done their due diligence and determined it was a much broader issue.

Mr. Link stated Commissioner Maggi was correct. He advised that Council has discussed this topic over the last couple years and the issue seems to be more about people parking cars in the front yard.

Commissioner Klein stated it was unlikely there were many homes with 4-5 cars parked on the lawn.

Commissioner Scales stated it seemed like a big solution for a small problem.

Commissioner Elsmore noted that apparently many residents are concerned about this issue as the City received many emails, as well as a good attendance at tonight's public hearing.

Commissioner Scales suggested determining what the actual problem is (i.e. long-term storage of automobiles, recreational vehicle parking, etc.) and addressing it specifically rather than making the ordinance too broad.

Commissioner Lissarrague suggested looking at the recreational vehicle issue tonight and addressing automobiles at a later date.

Commissioner Maggi stated the solution for recreational vehicles may be different than the solution for automobiles.

Chair Hark questioned how continual parking would be defined.

Commissioner Scales stated for years people have gotten around parking ordinances by parking a vehicle, their tires get chalked, they move it four feet, they get another chalk line, etc. The problem is not solved.

Commissioner Elsmore stated the situation would be policed by the neighborhood. If a neighbor complains about an RV being parked in the front yard, it then drives away but comes back in three days, it is up to the neighborhood to call again and complain.

Commissioner Scales questioned what exactly long-term storage was.

Commissioner Elsmore agreed that the Commission should define that.

Commissioner Maggi felt it was different between automobiles and recreational vehicles.

Commissioner Scales agreed with Commissioner Maggi, stating he had cars that he did not drive for weeks between uses and he questioned if that would be considered long term storage.

Commissioner Maggi stated maybe it would be easier to define short-term versus long-term.

Commissioner Scales stated on city lots people with extra cars likely get tired of continually moving them around and eventually park vehicles on the grass to avoid the constant rotation.

Commissioner Maggi noted that issues could arise from cars being parked on the grass, such as leaking oil, etc.

Commissioner Lissarrague stated this may similar to the previous OWB issue in which they were

aware of only two in the City but once the issue was brought to the forefront there turned out to be quite a few more. He suggested addressing only the recreational vehicle issue and forwarding it on to City Council for action, then considering the automobile issue at a different time if it comes back to the Planning Commission.

Commissioner Maggi questioned why the Commission would not discuss parking vehicles on the grass at this time.

Commissioner Lissarrague replied he felt that recreational vehicles would be a big enough issue on its own.

Commissioner Scales stated he did not have an issue with a family having 4-5 vehicles, but did not like unused automobiles and trucks being stored long-term in the same spot.

Commissioner Maggi disagreed, stating she would not want five cars in the yard next door as it would affect her aesthetics and property value.

Commissioner Elsmore suggested separating the two issues and making a motion regarding recreational vehicles first, putting it to a vote, and then putting forth a recommendation for automobiles. In regard to a recommendation for recreational vehicles, she suggested adopting the ordinance as presented but striking the references to vehicles and automobiles from the second bullet point of the staff report.

Commissioner Maggi stated that referring to the bullet points was confusing and she suggested the changes be made to the ordinance itself.

Planning Commission Recommendation

Motion by Commissioner Elsmore to approve an ordinance amendment to the Inver Grove Heights City Code, Title 10 Chapter 15 regarding parking standards for recreational vehicles in single family residential zoning districts, **by striking references to vehicles and automobiles and replacing any reference to vehicles with recreational vehicles**, with the anticipation that the Planning Commission will provide separate recommendations regarding non-recreational vehicles.

Commissioner Simon asked if time limits should be included in the ordinance.

Commissioner Elsmore replied she would be happy to accept a friendly amendment to add a subsection (d) defining duration.

Chair Hark stated it would clarify what long-term parking is.

Commissioner Elsmore noted that based on citizen comments tonight that 48 hours to a week would be reasonable, she would recommend seven days.

Mr. Braun asked if derelict recreational vehicles would be allowed to park on the grass.

Commissioner Elsmore responded that the vehicles are assumed to be operable as there is already an ordinance in place prohibiting junk vehicles.

Mr. Braun asked if the proposed ordinance required that the parking area be contiguous to the driveway.

Chair Hark replied in the affirmative.

Commissioner Maggi asked if Section B.2.c. would be eliminated from the draft ordinance.

Commissioner Elsmore restated her motion.

Motion by Commissioner Elsmore to approve an ordinance amendment to the Inver Grove Heights City Code, Title 10 Chapter 15 regarding parking standards for recreational vehicles in single family residential zoning districts, **by striking references to vehicles and automobiles, removing paragraph B.2.c. and replacing it with language stating that parking of recreational vehicles may be allowed on the grass for a duration to exceed no more than seven days.**

Commissioner Simon asked if recreational vehicles would be allowed to park in the grass in the winter.

Commissioner Elsmore replied she did not have an issue with winter parking in the grass.

Second by Commissioner Simon.

Motion carried (6/1 - Klein). This item goes to the City Council on May 12, 2014.

Commissioner Simon suggested the Commission now discuss an ordinance for automobiles.

Commissioner Elsmore stated in regard to a parking ordinance for automobiles, Section 2.B.c. allowing parking on the grass during the winter parking ban should be added back in.

Commissioner Maggi questioned why automobiles would be allowed to park in the grass during the summer months since they were allowed to park in the street.

Commissioner Elsmore replied that some people would question where their guests could park if the neighbors were using the limited street parking spots.

Commissioner Scales noted cul-de-sac parking could have issues.

Commissioner Simon asked if there would be a maximum parking duration for vehicles.

Commissioner Lissarrague suggested 48 hours.

Commissioner Scales questioned why recreational vehicles could be parked for seven days but only 48 hours for automobiles.

Commissioner Elsmore stated an argument made by someone in the audience was that sometimes a vehicle might need repairs, maintenance, etc. that would take longer than 48 hours. She did not have an issue with allowing an automobile to be parked for up to seven days as well.

Mr. Hunting clarified that even though two motions were being made, staff would structure it into a single ordinance but would break out the two categories.

Commissioner Lissarrague asked what the consequences would be of violating the ordinance.

Mr. Link advised that violation of any City ordinance is a misdemeanor which could result in a maximum fine of \$1,000. However, he advised it is a reactive program in which the City only responds to complaints. It is focused on educating the public on what the regulations are and giving them opportunities to correct it rather than penalties. He advised that only a very small

number of complaints result in citations being issued.

Commissioner Maggi stated it was important to her that the vehicle ordinance be linked to the household rather than a single car. She suggested the ordinance be written in a way that would prevent people from rotating the cars being parked on the grass. She suggested stating that at any household there cannot be any cars parked on the grass for more than seven days, rather than stating any single car cannot be parked for more than seven days.

Commissioner Elsmore stated for the vehicle language she would envision leaving paragraph B.2.c. as is and adding paragraph B.2.d. stating that parking of vehicles on the grass in the front yard shall not exceed any seven day duration.

Commissioner Simon suggested that it start with the verbiage 'at this household' to specify that the vehicles cannot be rotated.

Commissioner Elsmore questioned whether that language accomplished that goal.

Commissioner Maggi suggested referring to 'any' vehicles.

Commissioner Elsmore did not feel that language would accomplish the goal either. She stated that any ordinance is only going to be as enforceable as the neighbors' complaints. If someone starts rotating vehicles around the neighbors would likely call stating that a vehicle is always parked there. The City would likely be more concerned that there was always a vehicle parked there rather than which vehicle was parked there.

Motion by Commissioner Elsmore, second by Commissioner Simon, to approve an ordinance amending City Code Title 10 (Zoning Ordinance) Chapter 15 regarding parking standards for vehicles in the front yard in single-family zoning districts, **including paragraph B.2.c. and adding paragraph B.2.d. stating that parking of vehicles on the grass in the front yard shall not exceed any seven day duration.**

Motion carried (7/0). This item goes to the City Council on May 12, 2014.

The meeting was adjourned by unanimous vote at 8:23 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary