INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

TUESDAY, DECEMBER 1, 2015 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR NOVEMBER 17, 2015.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 MIHM CUSTOM HOMES– CASE NO.15-43PA

Consider the request for a **Comprehensive Plan Amendment** to change the land use designation from MDR, Medium Density Residential to LDR, Low Density Residential for property located on the west side of Hwy 3, between future 65th and 67th Streets.

Planning Commission Action _____

3.02 CITY OF INVER GROVE HEIGHTS– CASE NO.15-46ZA

Consider the request for a **Zoning Code Amendment** to remove the temporary seven day exception from the Front Yard Parking Regulations.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 17, 2015 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Commissioner Gooch called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Dennis Wippermann Elizabeth Niemioja Bill Klein Tony Scales Armando Lissarrague Pat Simon Joan Robertson Harold Gooch
Commissioners Absent:	Annette Maggi (excused)
Others Present:	Allan Hunting, City Planner Tom Link, Community Development Director

APPROVAL OF MINUTES

The minutes from the October 20, 2015 Planning Commission meeting were approved as submitted.

JIM DEANOVIC (BLACKSTONE RIDGE) – CASE NO. 15-28PUD

Reading of Notice

No public notice.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is requesting approval of the Blackstone Ridge final plat and final PUD development plan. The final plat was reviewed against the conditions of approval for the preliminary plat and development plans which were approved by Council last November. He advised that Blackstone Ridge was subject to the final determination of the Argenta Trail alignment, and as a result went from a 118 lot plat to a 79 lot plat. The lots range in size from 8,000 to 15,000 square feet, with 65–75 foot lot widths. Mr. Hunting advised that due to an error in his report, Condition 3 could be removed as the plans reflect the appropriate 80 foot wide right-of-way. He discussed the street network and advised that pedestrian trail connections and landscaping requirements are being met. Staff recommends approval of the request with the removal of Condition 3.

Commissioner Gooch asked what the width was of the temporary connector road.

Mr. Hunting replied it would be 28 feet wide and would be removed when two permanent street connections were established.

Commissioner Gooch asked if the original 44 conditions had been addressed, leaving only the three conditions listed in the report.

Mr. Hunting replied in the affirmative, clarifying there were four conditions listed in the report after the removal of Condition 3.

Commissioner Simon asked for clarification regarding the sidewalk connections once the road changed to a cul-de-sac.

Mr. Hunting replied that the connection point would remain as is as the trail segment would not follow the street.

Commissioner Niemioja asked staff to elaborate on the required Storm Water Facilities Maintenance Agreement.

Mr. Hunting advised it is an agreement which stipulates who is responsible for maintaining the stormwater facilities.

Commissioner Niemioja asked how long the developer would be required to maintain those facilities.

Mr. Hunting replied that the developer was responsible for maintaining the facilities until a homeowners association was established.

Commissioner Niemioja asked how it would be handled if a homeowners association was never established.

Mr. Hunting replied the City would then have to maintain them and the cost would be assessed back to the property owners.

Public Discussion
There was no public comment.

Planning Commission Recommendation
Motion by Commissioner Klein, second by Commissioner Lissarrague, to approve the request for a final plat and final PUD development plan for Blackstone Ridge, the property located on the north side of 70th Street, just east of Argenta Trail, with the conditions listed in the report minus Condition 3.

Motion carried (8/0).

Commissioner Klein asked when they planned to begin construction.

Jim Deanovic, 5116 Mirror Lakes Drive, Edina, advised that they were dependent on trunk utility extension but hoped to begin next spring.

OTHER BUSINESS
Commissioner Simon asked if there would be a December 1 meeting.

Mr. Hunting replied in the affirmative, stating there were two items on the agenda.

The meeting was adjourned by unanimous vote at 7:15 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 25, 2015 **CASE NO.:** 15-43PA

APPLICANT: Mihm Custom Homes

PROPERTY OWNER: Tom Mihm

REQUEST: Comprehensive Plan Amendment to change land use from MDR, Medium Density Residential (6-12 units per acre) to LDR, Low Density Residential (1-3 units per acre)

LOCATION: West of Hwy 3 between future 65th and 67th Streets

HEARING DATE: December 1, 2015

COMPREHENSIVE PLAN: Medium Density Residential

ZONING: A, Agricultural

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

BACKGROUND

The applicant has submitted an application for a comprehensive plan land use change for a future proposed single family development located in the Northwest Area on land located on the west side of Hwy 3 between future 65th and 67th Streets. The applicant is proposing an overall project density less than the minimum density allowed under the current designation. The current designation of MDR would allow for 6-12 units per acre. The applicant is proposing a project with an anticipated density of approximately 2.6 units per acre. The applicant is requesting a change to LDR which has a density range of 1-3 units per acre. The project site consists of two platted lots containing approximately 18.0 net developable acres.

The applicant has chosen to request the land use change portion of the application first before a detailed PUD application is submitted. A concept plan of the development is included with this report. Some elements of the concept plan may need some changes to meet the Northwest Area's requirements and that would be addressed with the PUD plan review. It is expected the layout will change in order to accommodate the collector roadway network. The concept is more for a visual representation of what could occur taking into account some of the topographic limitations on the site. The task at hand with the comprehensive plan review is to determine if Low Density Residential is an appropriate land use.

SURROUNDING USES

The subject property is surrounded by:

North	Large lot residential; zoned A, Agricultural; guided Low Density Residential.
East	Large Lot Residential; zoned A, Agricultural; guided Medium Density Residential.
West	Future Blackstone Ridge; zoned R-1C/PUD; guided Low Density Residential.
South	Residential, Vacant; zoned A, Agriculture; guided High Density Residential and Mixed Use.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

When the City began its work on the 2020 Comprehensive Plan back in 1996, detailed land use and utility studies had not yet been done for the Northwest Area. The land use designation for this property and the surrounding properties to the north and west were guided for Low Density Residential.

When the Alternative Urban Areawide Review (AUAR) was conducted for the Northwest Area in 2005, many land use designations were changed in order to address overall unit counts and density projections. The guiding for the property in the AUAR was for Medium Density Residential.

The Land Use Chapter of the comprehensive plan has a description of the Northwest Area which includes the following:

> "This comprehensive plan update modifies some of the land uses previously guided for the Northwest Area. These modifications are based on what we have learned over the last eight years of planning work completed in the Northwest Area as well as reflections of recent development proposals and comprehensive plan amendments. Two key guidelines were adhered to in modifying the land uses in the Northwest Area. 1) the development projections assumed within the Northwest AUAR remain higher than those projected for the 2030 Comprehensive Plan update, thus rendering the AUAR still effective and not impacting the design capacity of future infrastructure. 2) the assumptions used to determine how infrastructure improvements are financed remain on the low side, thus making sure that we project to exceed the amount of development needed to ensure the delivery of infrastructure to the Northwest Area is financially feasible."

Based on the current land use designation (MDR 6-12 units/acre) and net developable acreage of 18.0, the number of units allowed would range from 108 to 216. Based on the proposed

single family detached product type, an R-1C zoning would be the required zoning approved with a PUD. The R-1C zoning in the Northwest Area has a minimum density requirement of 2 units/acre. Therefore, the project would be required to contain at least 36 units. The applicant is proposing 48 units.

The Housing chapter of the 2030 Comprehensive Plan should also be utilized when analyzing a request for a comprehensive plan change relating to residential land uses. Two factors should be analyzed and they relate to housing policy and diversity.

The following applicable excerpts are stated from the Housing chapter as they relate to this request:

> "Housing is an integrals part of Inver Grove Heights' vision. Developing and maintaining a diversity of housing opportunities is a key guiding principle of the Comprehensive Plan. Ensuring opportunities for diversity in housing also helps achieve community "sustainability". To be sustainable, Inver Grove Heights' approach to housing is to provide opportunities for housing at all stages of the life-cycle and a full range of price levels and design patterns."

There are a few housing policies that directly relate to this type of amendment application:

- "Establish a housing pattern that respects the natural environment while striving to meet local housing needs and the community's share of metropolitan area housing growth."

- "Maintain a balanced housing supply with housing available for people at all income levels and unit types that meet the varying life-cycle needs for Inver Grove Heights residents."

- "Continue to utilize City ordinances that allow planned developments that provide a mixture of housing types."

The Comprehensive Plan definition of Medium Density Residential (MDR) is:

> "Medium density residential accommodates somewhat higher residential densities ranging from 6-12 units per net acre. Uses in this classification include higher density townhome developments and apartments, all with full public utility services."

The Comprehensive Plan definition of Low Density Residential (LDR) is:

> "The low-density residential category encompasses traditional "urban" density development t in Inver Grove Heights. LDR includes lots or parcels ranging from 1 to 3 units per net acre. Substantial portions of the low-density residential area are anticipated to develop at a density of one to three units per net acre. Housing types in

the low-density residential category include single-family detached homes, twin home units and lower density townhome style developments. In all cases, low-density residential development will be served by public water and sanitary sewer systems."

The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- Through numerous discussions with developers and identified by other land use and real estate professionals, it has been stated that there is a high demand for detached single family development in the suburban communities right now. The demand for higher density apartments or mid density townhome projects is very low outside of the central city areas. Due to the changes in market demand, the City may need to be flexible in density demands and housing mixes until the demand for higher densities increases, which is expected to occur in the next few years.

- The land use designation to the west and north is Low Density (1-3 units/acre). A change to LDR could be considered a continuation of a lower density neighborhood and densities would be similar.

RATIONALE AGAINST THE LAND USE CHANGE

- The properties to the east and south are guided for MDR and HDR and Mixed Use. The quadrant around the intersection of Hwy 3 and 70th Street was anticipated to be the highest density area in the Northwest Area. The approval of the IMH application with apartments and townhomes at the NE quadrant of this intersection is consistent with this goal. The land directly to the south of this property is also expected to develop with some of the highest densities of all. A lower density residential may not be the most appropriate and may create overall density conflicts.

- The 18-acre area requested to be changed from MDR (MDR) to Low Density Residential (LDR) is bound by areas to the south designated for Mixed Use and High Density Residential. Changing this 18-acre area to LDR also has the potential to significantly impact future development of neighboring properties as well. If single-family lots are developed first, it could result in future opposition to higher density residential on adjacent sites. The applicant's current proposal does not serve the City's best interest long-term, especially given the challenges that are frequently faced by City leaders when higher density and a wider range of housing is requested in an area following a low density development. Furthermore, if planned higher density residential areas are changed to lower density residential, there will be less households in the area to support the current commercial in the Northwest Area.

- One of the City's strengths in its housing stock is the diversity and general 50/50 mix of single family to multiple family. The recent trend of predominantly single family housing being approved could have an impact on the overall product mix and type which could negatively impact the City's goals of maintaining a balanced housing supply with housing available for all people at all income levels and unit types that meet the varying life-cycle needs for the residents.

- The Housing Chapter of the Comprehensive Plan states the need for diversity of housing to help the City achieve community "sustainability". The minimum density of the MDR category requires some type of multiple family housing to achieve densities. Single family detached housing alone will not meet the density requirements.

FINANCIAL IMPLICATIONS

During the initial steps for studying development in the Northwest Area, the City conducted land use and financial studies to determine the densities and costs per unit in order to fund the installation of city utilities. Since no assessments were levied, fees are collected when a parcel of land is developed. Minimum densities have been established for each parcel to achieve these goals. Based on those assumptions, the subject parcel calculation assumed 99 units would be developed to cover city utility costs. The concept plan submitted shows a total of 48 units. The project would be 51 units short and therefore would come up short in providing its fair share of the overall utility costs. This same scenario occurred with the Argenta Hills and Groveland Heights projects and the developer did agree to pay the difference in the units they were short. For the Blackstone development, the Council agreed to a reduction in fees based on credits achieved by the development. A preliminary number based on plat and building permit fee collections for 48 lots would be approximately $654,700. A preliminary number based on plat and building permit fee collections for the assumed 99 lots would be approximately $1,053,000.

Since we are addressing a land use change before the site plan approval review, the City needs greater controls in place in order to make sure that any fee shortages will be paid since the City would be approving a comp plan change that reduces the amount of units allowed.

The City Council has already addressed this issue by creating a new subcategory for the Northwest Area during the Groveland Heights and Blackstone approvals. The new subcategory required any change to the comprehensive land use plan that reduces density obligates the developer to pay the difference. This new category has been created for the LDR, LMDR and MDR categories.

The category called LDR-NWAPUD establishes parameters whereby projects with unit counts that fall below projections are obligated to pay the projected unit count fee collections that were part of the original assumptions and where the land use change is based on an overall reduced density category. These categories state the same uses and goals but add that any development is subject to PUD approvals and agreements with the city must be in place which

obligates the developer to pay any difference in utility fees collected between financial assumptions and those approved.

ALTERNATIVES

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

A. Recommend Denial of the request to change the land use to LDR, Low Density Residential **and** Recommend approval of a land use change to LDR/NWAPUD.

B. Recommend City Council take action to authorize submittal of the application to the Metropolitan Council for their review/action and not take final action until final development plans, all agreements and rezoning has been approved by the City Council.

With either option A or B, the following two conditions should be added to any recommendation:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

C. Recommend Denial of the request to change the land use to LDR, Low Density Residential. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

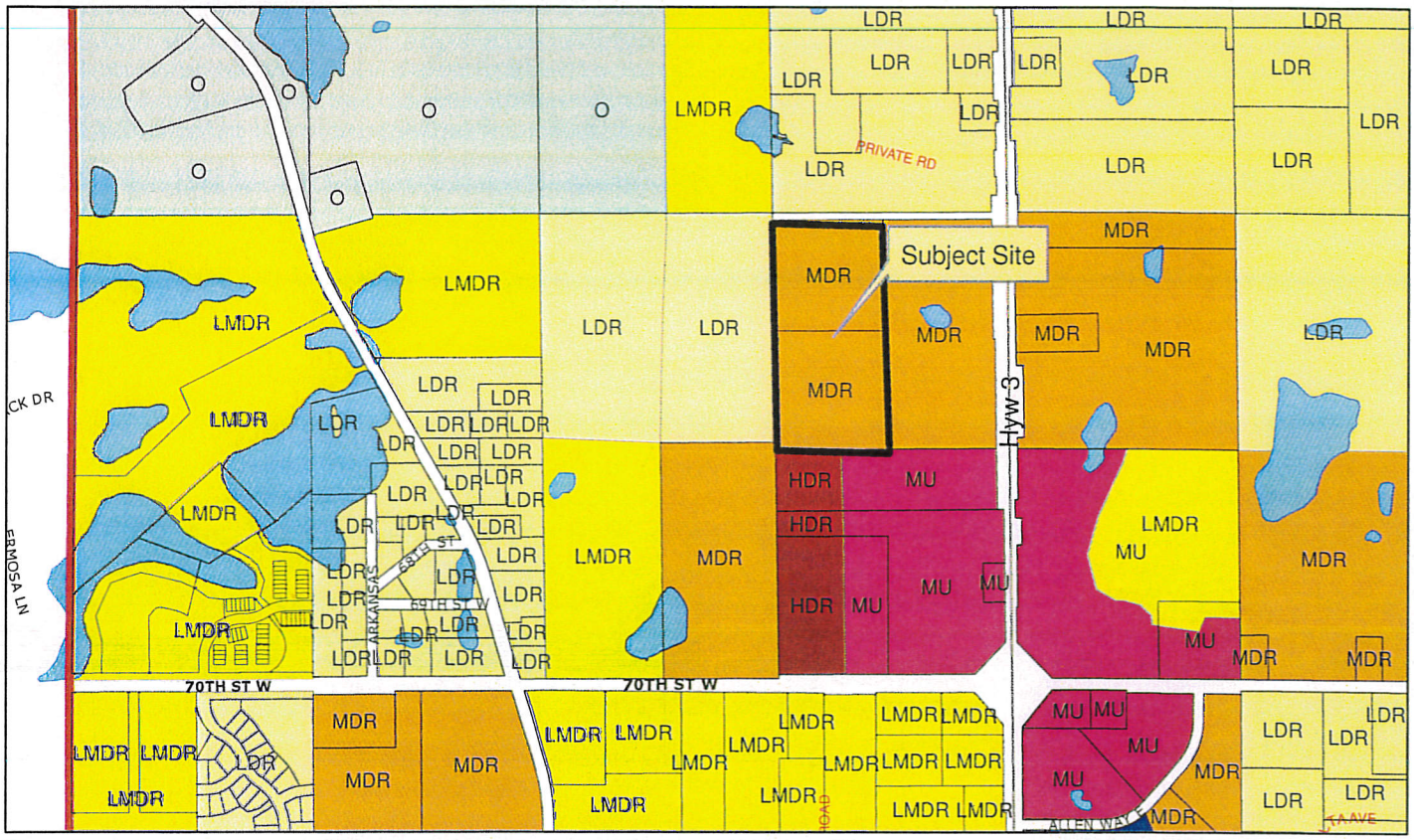
There appear to be three main issues to be addressed when reviewing this application; 1) Density and financial implications, 2) housing policy, and 3) housing diversity. The Planning Commission is to address only density, housing policy and housing diversity. The City Council must address the financial implications.

The City Council is currently studying the issue of financing utilities in the NW area. A clearer direction for comp plan amendments should come out these discussions resulting in a policy that can be used for this application and future applications.

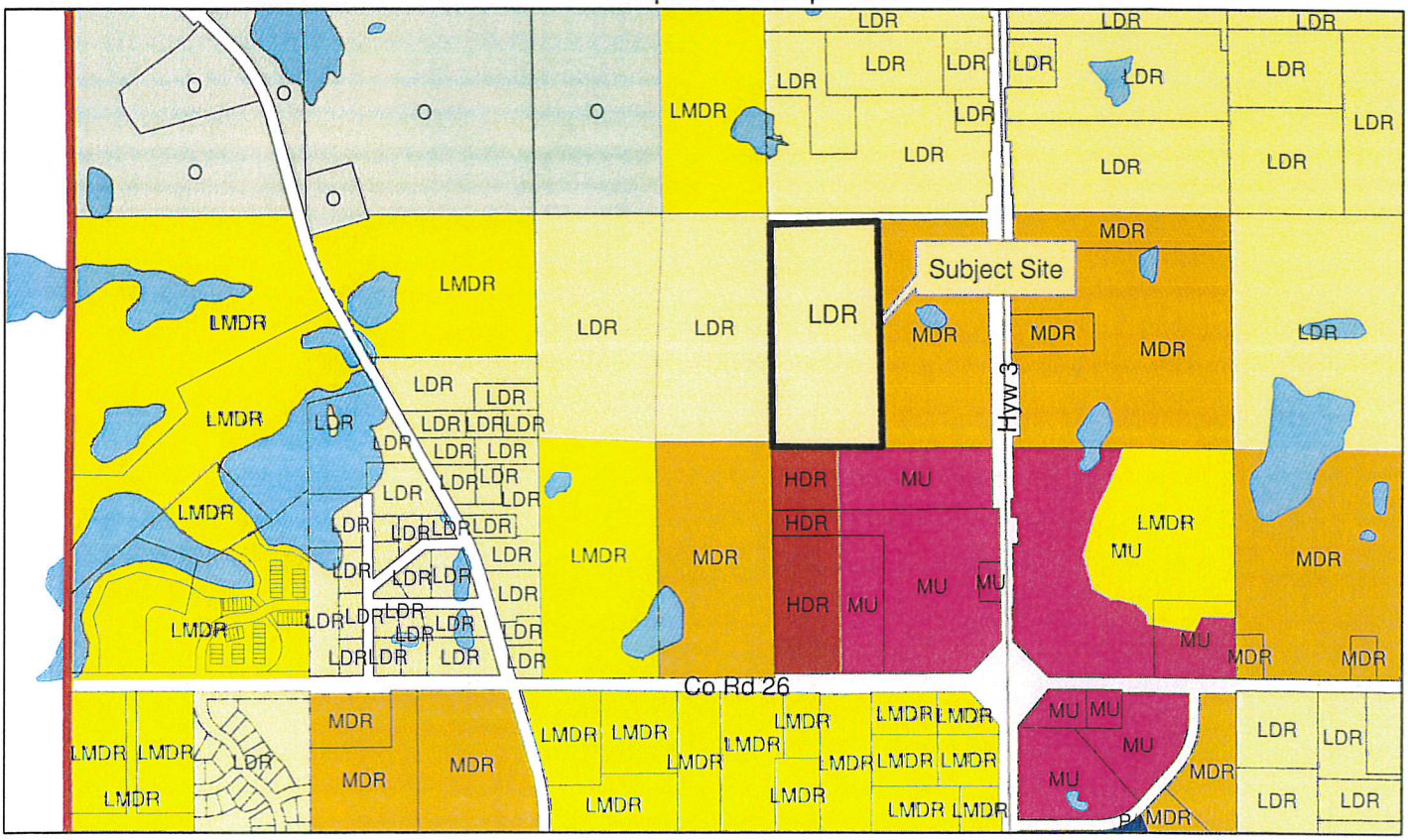
Attachments: Existing/Proposed Comp Plan Map
Concept Plan
Applicant Narrative

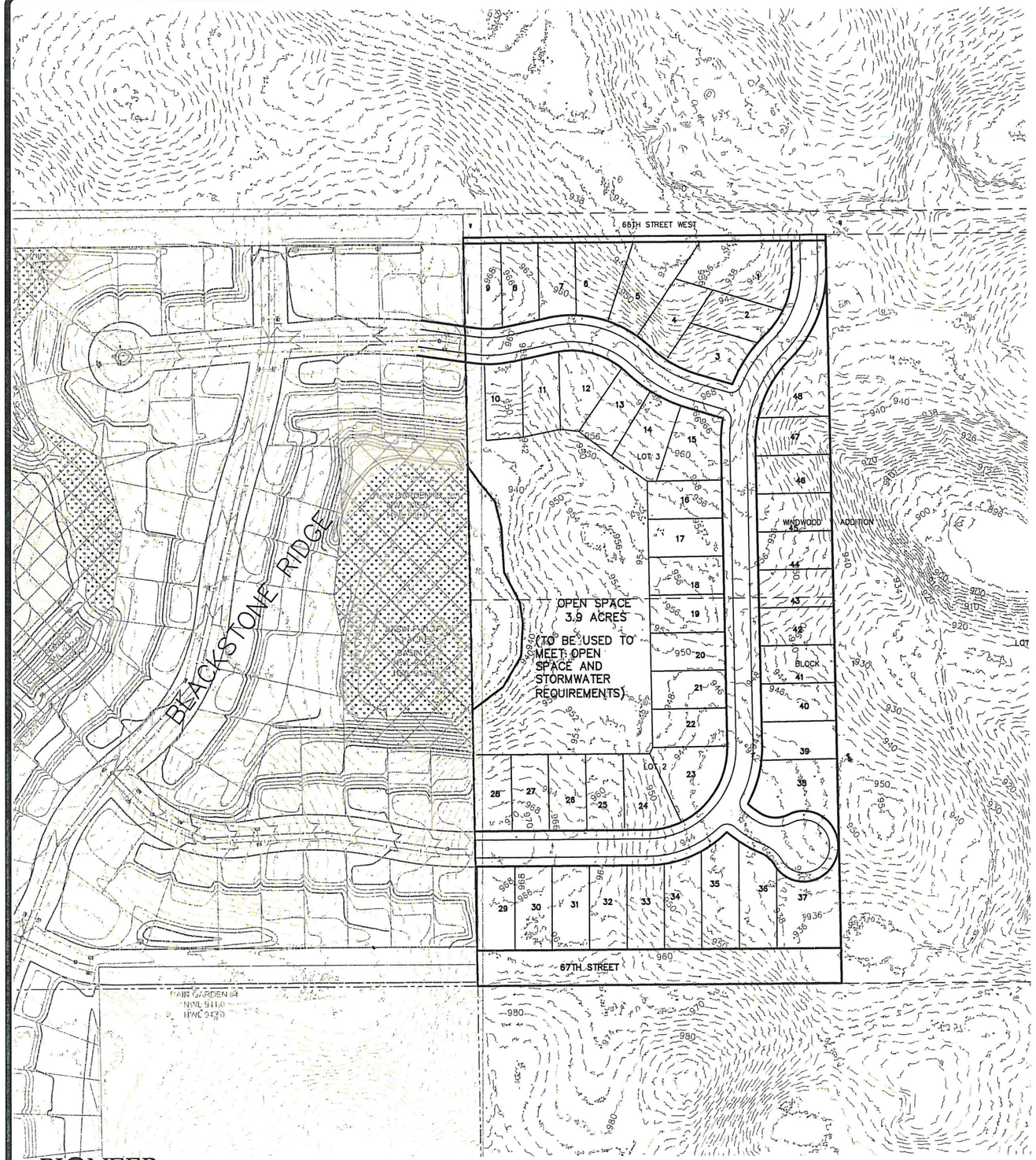
Mihm Custom Homes CPA

Existing Comp Plan



Proposed Comp Plan





SITE DATA

GROSS AREA: ±18.5 ACRES
PROPOSED LOTS: 48
GROSS DENSITY: 2.6 UNITS/ACRE

PROPOSED LOT STANDARDS:
- WIDTH: 65'
- DEPTH: 125'
- FRONT SETBACK: 25'
- SIDE SETBACK CORNER LOT: 15'
- SIDE SETBACK INTERIOR: 10', 5'
- REAR SETBACK: 30'

REQUIRED OPEN SPACE AREA: 3.7 ACRES (20%)
PROPOSED OPEN SPACE AREA: ±3.9 ACRES

EXISTING GUIDE PLAN: MDR (6–12 UNITS/ACRE)
PROPOSED GUIDE PLAN: LDR (1–3 UNITS/ACRE)

PROPERTY FALLS WITHIN THE NORTHWEST AREA PLAN

SITE PLAN BASED ON AVAILABLE DATA
NO ENGINEERING
NO FIELD WORK
WETLANDS HAVE NOT BEEN DELINEATED
LiDAR TOPOGRAPHY USED

N

0 50 100 200
GRAPHIC SCALE IN FEET

115260

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

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the State of Minnesota
Name JENNIFER L. THOMPSON
Reg. No. 44763 Date

Revisions

Date 10-5-15
Designed JLT
Drawn JLT

CONCEPT PLAN

MIHM CUSTOM HOMES
842 IVY LANE
EAGAN, MN 55123

MIHM PROPERTY
INVER GROVE HEIGHTS, MINNESOTA

1 OF 1

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MENDOTA HEIGHTS
CORPORATE OFFICE
2422 Enterprise Drive
Mendota Heights, MN 55120
phone (651) 681-1914
fax (651) 681-9488

www.pioneereng.com

Date: October 5, 2015
To: City of Inver Grove Heights
From: Tom Mihm for Mihm Custom Homes, applicant; Pioneer Engineering, consultant
Re: Mihm Property comprehensive guide plan amendment application

The 18.5 acre Mihm Property ("the property") is currently guided Medium Density Residential (MDR) and platted into two 9+ acre lots. This designation requires a density of 6-12 units per acre. The applicant is seeking to amend the guide plan to Low Density Residential (LDR) allowing for a density of 1-3 units per acre.

The density requirement is a net requirement but the only elements that are taken out of the net computations are major arterial right-of-ways and wetlands. This property is located in the Northwest Area and under this plan, it is required to keep a minimum of 20% open space with various requirements within the open space designation. This minimum 20% open space requirement is not subtracted from the density calculations making the density requirement more difficult. In addition, there exists an unloaded collector ROW to the north and the City is requiring an unloaded collector ROW be dedicated on the south edge of the property. This ROW is also not removed from density calculations. In order to meet the 6-12 units/acre required of the MDR area, the product would more than likely have to be a medium-high density townhome, condo, or apartment product. The property is comprised of 18.5 acres of rolling, wooded terrain. In order to meet the density that is currently designated, the entire property would require extensive clearing and grading to prepare the site for buildings with large footprints. A single family product would be more conducive to working with some of the natural terrain that exists on the property.

The property to the west was recently amended to an LDR district. The way that Blackstone Ridge to the west is planned, the two access roads leading directly into the Mihm property are lined with 65' single family residential lots. This makes transitioning those roads into something other than single family residential awkward as there would be a medium or high density product directly abutting the single family homes. The Mihm Property would make a natural single family extension of the single family homes to the west.

The property can be served by sewer and water extension from the west. Development of the property concurrently with Blackstone Ridge to the west will allow construction of a trunk storm sewer segment necessary to conform to the Northwest Area Plan.

The applicant is not confident that the property could be marketed to builders as a medium density site at this time nor is he confident of the feasibility of a medium-high density product on this property.

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 20, 2015 **CASE NO.:** 15-46ZA

HEARING DATE: December 1, 2015

APPLICANT AND PROPERTY OWNER: City of Inver Grove Heights

REQUEST: Zoning Code Amendment relating to Front Yard Parking Ordinance

LOCATION: N/A

COMP PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning
Code Enforcement

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

In August, Code Enforcement discussed an issue with Council on the recently approved front yard parking restrictions. The restrictions do not allow parking on grass in the front yard except for two exceptions; 1) allowed during the winter street parking ban from November through March, and 2) allowed on a temporary basis not to exceed seven days. The second exception has become an issue and Code Enforcement has noted it is too difficult to enforce.

The City Council directed Staff to proceed with an amendment to the zoning code relating to front yard parking regulations and hold a public hearing with Planning Commission to receive their recommendation. The specific issue relates to the parking exception in the ordinance which allows vehicles to be parked on grass in the front yard on a temporary basis not to exceed any seven day duration.

ANALYSIS

The front yard parking ordinance was approved by City Council November 2014 and implemented earlier this year with enforcement that began in April, 2015. As of August, Code Enforcement has received approximately 30 complaints on front yard parking violations. Code Enforcement has followed up on all these complaints and sent notices where violations occurred. Throughout the enforcement process, the reporting parties expressed concerns that many cars continued to park in the front yard. The vehicles would be gone during the day but parked overnight and weekends on grass. Code Enforcement explained that so long as those vehicles were being consistently moved, they were not in violation due to the 7 day exception to the code. The code exception states:

"Parking of vehicles and or recreation vehicles may be allowed on grass in the front yard on a temporary basis not to exceed any seven day duration."

When the ordinance was first passed, Code Enforcement spoke to the City Attorney about the exception and asked what would happen in case where vehicle were moved during the day and then parked back on grass in the front yard overnight. It was determined the vehicles would have to be parked continuously and not moved over seven days to be in violation.

ALTERNATIVES

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

A. Recommend amending the Ordinance section 10-15A-3 by removing B.2.c.2) which reads:

"Parking of vehicles and/or recreational vehicles may be allowed on grass in the front yard on a temporary basis not to exceed any seven day duration."

B. Recommend no change to the ordinance.

RECOMMENDATION

An exception of any number of days would make enforcement difficult as there would be no way for staff to know how often vehicles are being moved. Staff recommends the seven day exception be removed from the ordinance.

Attachments: Ordinance on Off Street Parking Regulations which includes parking in the front yard regulations (exception section highlighted)
Planning Commission Minutes
City Council Minutes from 1st, 2nd and 3rd readings

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO._____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 10, (ZONING ORDINANCE) CHAPTER 15 REGARDING PARKING STANDARDS FOR VEHICLES AND RECREATIONAL VEHICLES IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

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

Section One. Amendment. Title 10, Chapter 15, PERFORMANCE STANDARDS of the Inver Grove Heights City Code is hereby amended to read as follows:

10-15A-3: **OFF STREET PARKING REGULATIONS:**

B. Location: Required off street parking in the E and R districts shall be on the same lot as the principal building. Required off street parking in all districts shall meet the following setback requirements:

1. Within all E and R districts, all vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Open parking spaces accessory to one- and two-family structures may be located anywhere on the lot containing the principal structure except that such parking may be located in a rear yard to within five feet (5') of an interior side lot line and to within eight feet (8') of rear lot line.

2. Within all R-1A, R-1B, R-1C and R-2 districts, parking of a vehicle and/or recreational vehicle on grass or unpaved areas in the front yard is prohibited.

a. For the purposes of this section only, front yard means the area located between the curb or edge of street pavement and the front line of the principal structure along any street frontage.

b. Parking of vehicles and/or recreational vehicles in the front yard is allowed only on a driveway or parking pad that is directly contiguous to the driveway. Said areas shall be constructed of bitumen, concrete or paving blocks and shall conform to maximum impervious surface standards. All parking spaces shall maintain a minimum five (5) foot side yard setback.

c. The following exceptions apply:

1) Parking of automobiles may be allowed on grass in the front yard only during the winter parking ban period from November 1 through March 30.

2) Parking of vehicles and/or recreational vehicles may be allowed on grass in the front yard on a temporary basis not to exceed any seven day duration.

Section Two. Amendment. Title 10, Chapter 2-2, DEFINITIONS, of the Inver Grove Heights City Code is hereby amended to add the following:

DRIVEWAY: A private road that connects a house, garage, or other building with the street.

PARKING PAD: A surface area or "pad" directly contiguous to a driveway made of bitumen, concrete or paving blocks.

RECREATIONAL VEHICLE: Any vehicle which meets the criteria for "recreation" class registration and license plate, DNR registration, or trailer registration used for conveyance of recreation vehicles as established by the Minnesota Department of Public Safety, Minnesota Department of Natural Resources, or this chapter, including, but not limited to: travel trailers, stock car trailers, livestock or horse trailers, campers, motor homes, tent trailers, vehicles converted to motor homes, snowmobiles, snowmobile trailers, boats, boat trailers, personal watercraft, all-terrain vehicles, and all-terrain vehicle trailers.

Section Three. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law and from and after November 1, 2014.

Passed in regular session of the City Council on the 9th day of June, 2014.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

_____
Melissa Kennedy, Deputy City Clerk

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: April 14, 2014

SUBJECT: 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.

E. KURT RECHTZIGEL: Consider Resolution relating to a Comprehensive Plan Amendment to Change the Land Use Designation from HDR, High Density Residential to MDR, Medium Density Residential for property located on the North Side of 80th Street, West of the Golf Course

Mr. Link reviewed the location of the property. He explained the Comprehensive Plan currently designated the subject property for a high density residential use and the applicant proposed changing the land use designation to medium density residential. The property is 2.75 acres in size and the applicant was contemplating a townhome development on the property. He reviewed the concept plan submitted by the applicant. The overall density would be approximately seven (7) to eight (8) units per acre, consistent with the medium density designation. He noted the City had originally designated the property as medium density residential on the Comprehensive Plan and the property owners at that time submitted a request to change the designation to high density residential. He stated the market for high density residential never materialized and the property owner would like to revert to the original designation. Both Planning staff and the Planning Commission recommended approval of the request.

Kurt Rechtzigel, 1407 80th St. E., stated he had been working with City staff and Meridian Land Company through several processes to make the plans fit together and complement one another. He explained he had worked with the Fire Marshal to increase the size of the turnaround. He was also in the process of determining when and how the dwelling unit and accessory building would be removed from the property. He reviewed the ponding and storm water overflow areas on the property. He stated he would be swapping a portion of his land with the City to allow for an infiltration area that would help the watershed from surrounding properties. He noted he was also attempting to coordinate the alignment of roads with Meridian and the City.

Mayor Tourville questioned if all of the streets in the proposed development would be public.

Mr. Rechtzigel stated there would be city streets and a private drive.

Councilmember Piekarski Krech clarified the applicant was eliminating one (1) access point to 80th Street.

Mr. Link explained the existing access for the single family residence on 80th Street would be removed. Access to the proposed development would come from an interior street. He noted the access plan complied with the County's plans for the area.

Councilmember Piekarski Krech questioned if the land swap had already been negotiated.

Mr. Lynch replied in the negative.

Mr. Rechtzigel stated he had a survey of his property and the former Schroeder property and the details were still being worked out.

Councilmember Bartholomew questioned how long it would take to receive approval from the Met Council.

Mr. Hunting explained the Met Council's administrative review generally took approximately 15 days.

Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 14-91 approving a Comprehensive Plan Amendment to Change the Land Use Designation from HDR, High Density Residential to MDR, Medium Density Residential for property located on the North Side of 80th Street, West of the Golf Course

Ayes: 5
Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS: Consider the Third Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Mr. Hunting stated the objective of the ordinance require vehicles parked in the front yard to be on a hard surface. He explained the ordinance did not prohibit parking in the front yard it simply limited parking to a hard surface. He stated during the second reading of the ordinance Council removed the language related to the orientation of vehicles. The ordinance still contained language that required a parking pad

to be directly contiguous and parallel to the driveway. He recommended that the words "and parallel" be removed from that section of the ordinance to eliminate confusion. He explained if those words were removed the intent would be to allow vehicles to be parked in any orientation on a parking pad provided the pad was contiguous to the driveway.

Motion by Mueller, second by Madden, to adopt Ordinance No. 1279 relating to Parking of Vehicles in the Front Yard with the changes as proposed

Ayes: 5
Nays: 0 Motion carried.

PUBLIC WORKS:

G. CITY OF INVER GROVE HEIGHTS: Consider Resolution Accepting Proposal from Bolton & Menk, Inc. for Final Design Services for City Project No. 2014-13, Northwest Area Utility Extension, Argenta Trail Alignment

Mr. Thureen explained Council previously received the feasibility study for the project and directed staff to work with the consultant to bring back a proposal for final design services which would include preparation of the necessary easement descriptions for that design. The proposal presented for consideration met the objectives with several qualifiers for the estimates provided. The consultant used the preliminary plat provided by a developer interested in developing four (4) acreage parcels. The street alignment shown on the preliminary plat was also the alignment used for the trunk sewer when the consultant put the pricing together. He explained it made sense for the trunk sewer to follow the street alignment because it would allow the road rights-of-way to be utilized so some of the necessary easements would be dedicated. He noted the City expected to receive a revised preliminary plat application from the developer in the near future. He stated the consultant needed to have an approved plat to know the exact alignment of the trunk sewer before starting the details of the design work. In terms of scheduling the consultant would need to wait to start the design work until after the City approved the plats. He recommended tabling consideration of the proposal because there were still a number of issues that had not been finalized. One of the issues outstanding related to obtaining plat approval from the County and coming up with an interim or temporary access plan to the existing Argenta Trail. Additionally the future alignment of Argenta Trail needed to be addressed for a segment of the proposed development. He suggested asking the consultant to break up the proposal into three (3) project phases. The first phase would be at the southern end of the project area and would start where the existing sewer line ends. The utility would be extended through the two (2) parcels that were previously identified by the developer as a starting point for the project. He noted staff recognized there were potentially several property owners that would have to be approached for potential easement acquisitions depending on the alignment of the trunk sewer. He stated by breaking up the project into three (3) phases the City may be able to speed up the process and get a project started to serve the portion of the project area targeted to be developed first.

Mayor Tourville questioned who would communicate with the developers to make them aware of what the City planned to do.

Mr. Lynch stated he would communicate with the developers.

Mr. Thureen noted the project had not yet been ordered and the financing plan still needed to be finalized to determine if special assessments would be levied.

Councilmember Piekarski Krech questioned if segment #2 was a part of the original feasibility study.

Mr. Thureen responded in the affirmative.

Councilmember Piekarski Krech stated she was concerned about the topography of the area and the difficulty of looping the water main without development happening concurrently.

Mr. Thureen explained in the City's collector street study a proposed vertical alignment was laid out. He noted the alignment for that section would generally follow the alignment for the future 65th Street.

Motion by Mueller, second by Madden, to table consideration of the item to June 23, 2014

would support rezoning the property.

Mr. Dumond questioned what the definition of "reasonable" was in terms of the City's ability to deny an application for a conditional use permit. He questioned what would happen if the property was sold to another developer. He encouraged the Council to not move forward with any approvals until the developer comes forward with the necessary plans and specifications. He opined the neighborhood feared what would happen on the property if no conditions were placed on the development.

Mr. Johnson stated the applicant owned other properties in the City and intended to develop the property in accordance with what had been discussed. He reiterated the R-3 zoning district performance standards included a 35 foot height limit. If the developer presented a building in excess of that height the City could deny the request.

Councilmember Piekarski Krech stated the developer had done a decent job of moving through the process, but there was no guarantee that at some point the property would not be sold to another developer. She noted the City's hands would be tied if another developer came forward with plans for a development deemed to be a reasonable use of the property in terms of the R-3 zoning requirements. She reiterated that she would fully support the requests if there was a guarantee that the development would occur as proposed.

Mr. Johnson stated the developer was willing to make the investment required to submit an application for a conditional use permit provided the process kept moving forward.

Mr. Kuntz stated the Council has expressed a desire for a plan set to accompany the applications. He explained the developer would need to apply for a conditional use permit as a companion application to those already submitted for the comprehensive plan amendment and rezoning. He noted the applicant needed to understand that the conditional use permit needed to be tied to a set of plans. The current application deadline expires on June 21, 2014. The applicant could further extend the deadline via written notice to the City requesting extension of the time limit. He suggested that the applicant should determine a realistic timeframe to prepare the plans and present a written request to the City Council for extension of the deadline at the regular meeting scheduled for June 9, 2014.

Mr. Link stated if an application was submitted for a conditional use permit with a site plan the item would need to go back through the Planning Commission process.

Mr. Johnson estimated it would take the developer 1 to 2 months to finish the plans.

Mayor Tourville noted there was no guarantee that an application for a conditional use permit would be approved by the Council, but at least everyone involved would have a better understanding of the details of the proposed development.

Motion by Bartholomew, second by Piekarski Krech, to table item to June 9, 2014

Ayes: 5
Nays: 0 Motion carried.

B. **CITY OF INVER GROVE HEIGHTS:** Consider the Second Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Mr. Hunting stated per Council direction at the first reading of the ordinance staff removed language regarding the orientation of vehicles and added language to clarify that parking had to be a minimum of five (5) feet from any side property line. An effective date of November 1, 2014 was inserted to provide residents with an opportunity to comply with the new requirements.

Councilmember Piekarski Krech questioned how the regulations would apply to a corner lot.

Mr. Hunting the regulations would still apply to a corner lot because they were tied to a driveway. He explained a corner lot could theoretically have a driveway on each side and both would be considered a front yard. He stated the language included in the ordinance tied the regulations to a driveway. Even on a corner lot people would still have to park on a driveway or a hard surface next to a driveway.

Motion by Bartholomew, second by Mueller, to approve the Second Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Ayes: 5
Nays: 0 Motion carried.

C. **BIAGINI PROPERTIES:** Consider Resolution Memorializing Findings of Fact and Reasons for Denial Relating to the Land Use Requests of Biagini Properties (on behalf of Prairie Oaks Memorial Eco Gardens) for Property Located at 8225 Argenta Trail (City Planning Case No. 14-11PUD)

Mr. Link explained at the last regular meeting the City Council considered a request that had four (4) different parts to it, pertaining to a mortuary and a crematorium. At that meeting the City Council denied the requests and directed staff to prepare a resolution detailing the findings supporting the denial as identified by the Council. Since that time the applicant requested that the City Council reconsider the denial to allow for consideration of a revised proposal that did not include a mortuary or a crematorium but did include a chapel and columbarium. The Council had two options for consideration. The first was to approve the resolution memorializing the reasons for the denial action that was taken at the last meeting. The second option was to reconsider the denial to allow for consideration of the revised proposal. He noted that if Council took action to reconsider the denial, Planning staff recommended that Council table consideration of the revised proposal to allow staff to review the revised proposal and re-notify the neighborhood.

Councilmember Madden stated he would not support a motion to reconsider the request.

Councilmember Piekarski Krech opined that reconsideration of the request would not change her reasons for denial. She stated there was no way she would reconsider making it a permitted use in the institutional zoning district.

Mr. Kuntz stated the resolution memorialized the reasons for denial as identified by each member of the Council at the last regular meeting.

Kevin, 6275 South Robert Trail, stated he could not believe that the Council had outright denied the applicant's requests. He opined that the applicant paid for the land and should be allowed to move forward with his plans because he was offering an affordable option for burials. He added that the operation may also provide job opportunities for the community.

Councilmember Piekarski Krech clarified that the Council was not denying the applicant's right to have a cemetery. She stated the building belonged in a B-3 zoning district where it would be a permitted use.

Mayor Tourville stated the Council did not feel that the applicant's requests fit within the zoning district and many of the neighbors expressed concerns regarding the crematorium.

Dick Biagini, Biagini Properties, stated the revised proposal, including a church and a columbarium, would be permitted in the current zoning district. He noted the plan that was submitted for reconsideration was the original plan. Mr. Weber's drive for a green and controlled cemetery led him to expand the original plan. After listening to the neighbors and the Council, the decision was made to reduce the scope of the request.

Councilmember Piekarski Krech stated if the revised proposal fit within the standards for the P-1, Institutional zoning district the applicant should not need any further approvals from the Council.

Mr. Biagini stated because the property was located in the Northwest Area they were required to go through the PUD approval process. He explained their original mistake was the result of an overzealous attempt to make every aspect of the operation "green".

Matt Slaven, Briggs and Morgan, took issue with the assertion that the applicant could place what would effectively be a commercial enterprise within the Public/Institutional zoning district and call it a church. He stated the City's zoning code included a definition of a church. He argued that the applicant's proposal did not meet the definition of a church because it would not be a place where "persons regularly assemble for religious worship" and because the building would not be "maintained and controlled by a religious body

Motion by Madden, second by Piekarski Krech, to receive the emails and correspondence included with the agenda item and presented at the meeting

Ayes: 5
Nays: 0 Motion carried.

Mayor Tourville noted that staff would need to prepare a resolution detailing the reasons for denial of the request and bring it back for Council action at the next regular meeting.

Mr. Kuntz stated if the item dealing with the amendment to the code (item iv) failed the remaining items would fail because they were all tied with a PUD plan to the other specific uses. On May 16th the first 60 days would expire and the City could unilaterally extend that period for another 60 days. The Council could also direct staff to prepare a resolution setting forth the reasons for denial as articulated by the individual council members.

Mayor Tourville stated to be fair to the applicant and the residents in the neighborhood action should be taken at this meeting.

Mr. Kuntz stated the Council could proceed with the motion to deny the requests and direct staff to prepare a resolution memorializing the findings of fact and reasons for denial of the land use requests.

Motion by Piekarski Krech, second by Mueller, to deny requests i – iv for property located at 8225 Argenta Trail for the reasons articulated by the Council and to direct staff to extend the 60 days beyond the May 16, 2014 deadline

Ayes: 5
Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS: Consider the First Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Mr. Hunting stated the issue had been discussed a number of times over several years at multiple work session. After reviewing several draft ordinances, Council directed staff to hold a public hearing with the Planning Commission. He summarized the proposed ordinance. He stated the ordinance was set up to allow parking of vehicles in the front yard on a hard surface such as bituminous, concrete, or pavers. Parking would be allowed on a driveway or a parking pad adjacent or contiguous to the driveway. No changes were proposed to side or rear yard regulations. He noted the ordinance would only apply to urban areas of the City, specifically the residential districts. Exceptions were included to coincide with the winter street parking bans. The ordinance would not prohibit parking anything in front yard it would only require that the vehicle be parked on a hard surface. The ordinance did not address issues with on-street parking. Several testimonies at the Planning Commission hearing suggested the inclusion of temporary parking provisions. The Planning Commission recommended that a temporary parking provision with a seven (7) day maximum be included in the ordinance. He asked for feedback from the Council regarding the language contained in section 2(b) related to the orientation of vehicles parked in the front yard. Planning staff recommended striking the specific language related to the orientation of vehicles.

Councilmember Madden opined if the language was removed the ordinance would not be addressing the problem.

Councilmember Bartholomew questioned if the language would prohibit someone with a three (3) bay garage from parking a vehicle on the driveway in an orientation that was parallel to the street.

Councilmember Piekarski Krech stated the language would apply to vehicles on parking pads that were separate from the driveway.

Mayor Tourville opined that the language in 2(b) was too restrictive. He stated if the language regarding orientation of the vehicles was removed the City would still accomplish the main goal of the ordinance.

Mr. Hunting stated it was a question of how restrictive Council wanted to be on orientation of vehicles. He stated allowing parallel and perpendicular orientations may provide residents with more maneuverability.

Councilmember Madden questioned how staff was going to enforce the seven (7) day temporary parking maximum.

Mr. Hunting stated staff would have to rely on the public to contact the City for enforcement.

Mr. Kuntz suggested that the Council think about the effective date of the ordinance for discussion during the second or third reading of the ordinance.

Councilmember Mueller stated the City needed to give people time to install pavers or parking pads before staff started enforcing the ordinance.

Mayor Tourville suggested an effective date of November 1st to coincide with the start of winter parking regulations.

Motion by Madden, second by Mueller, to approve the First Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Ayes: 5
Nays: 0 Motion carried.

8. **MAYOR & COUNCIL COMMENTS:**

9. **ADJOURN:** Motion by Piekarski Krech, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 11:20 pm